

August 22, 2006 – Tontitown Planning Commission – Minutes

7:00 PM – Called to order by Ralph Pendergraft.

Roll was called.

Ralph Pendergraft asked if everyone had read the minutes. He noted that there were three sets: from 7/11/06, 7/25/06, and 8/8/06.

***Motion made by Chuck Savage to accept the minutes from 7/11/05, 7/25/06, and 8/8/06 as written. Seconded by Karen Inlow.***

**Motion carried with all ayes.**

Ralph Pendergraft stated that under new business we have Tobin's property. He asked David Gilbert to start.

David Gilbert – EGIS – covered the items in his last letter of comments dated 7/28/06. He noted that the issue of easements had been resolved and that the remaining items were being requested as variances.

Ralph Pendergraft asked how much greenspace was there now.

David Gilbert responded that he was not sure. He commented that the parking lot had been there fifteen to twenty years. He estimated that there is probably a five foot strip of grass only.

Mandy Bunch – EB Landworks – showed a display of the proposal and explained the property. She explained the variance request for the trees in the front citing that the parking area also serves as a display area. She noted that they have proposed some trees to the side and shrubs in the front. Ms. Bunch explained the variance request for sidewalks noting their space constraints as well as the lack of sidewalks in the area.

There was some discussion regarding the greenspace requirements. It was also discussed as to whether or not the trees proposed in the southwest corner would be a hindrance to the existing sign. Sidewalks were another topic of discussion.

Mandy Bunch asked when the street requirements were adopted.

David Gilbert answered that they were adopted either late September or early October of 2005. He noted that the sidewalk ordinance had been in place since October of 2000.

Karen Inlow commented that the sidewalk ordinance has not been enforced in the past, but that it's got to start somewhere.

Hanna McNeal – Key Architecture – stated that they would be willing to do the sidewalk when it is met on each side. She added that that would set precedence.

Ralph Pendergraft asked if there were any more comments. He asked if Mr. Williams had any comments.

Rick Williams commented that he is supportive of existing front and feels the west side and in between should be dedicated to greenspace.

Ralph Pendergraft asked for clarification whether Mr. Williams was in favor of the variance for greenspace as well as the variance for sidewalk.

Rick Williams responded that he was in favor of the variance for greenspace, but in the front only. He continued that he is not in favor of the sidewalk variance. He noted that the Catholic Church has sidewalks as well as our neighbors to the east.

Karen Inlow inquired about the trees in the southwest corner.

Rick Williams replied that there is plenty of room to the west for trees.

Tommy Granata stated that the trees up front will cover the sign and maybe interfere with the power lines.

***Motion made by David Bolinger to grant the variance for the sidewalk in front of the existing building. Seconded by Chuck Savage.***

Norbert Ranalli asked if sidewalks are mentioned in the Overlay District.

Rick Williams replied that they are required.

David Bolinger asked what the requirements were for sidewalks.

David Gilbert responded that they are to be six feet wide and six feet from the back of the curb.

David Bolinger commented that he thinks they should keep it as required.

Pat Tobin – owner/developer – commented that the Commission keeps saying that it needs to start somewhere; he feels that just having sidewalks from Arvest to Harps will never happen.

Ralph Pendergraft retorted that someday it will, that maybe he and Mr. Tobin won't see it, but it will.

Pat Tobin suggested that he just pay the City the equivalent of what the sidewalk would cost, then they could put it in later.

Chuck Savage remarked that if the building on the east sells, then they'll have to put in sidewalks. He continued that it may be fifteen years for the building on the west.

**Motion failed 5-1 with Jerome Fantinel voting for the motion.**

Ralph Pendergraft stated that now they'd look at the variance for greenspace.

David Gilbert noted that ordinance 150.02 (F) states that the greenspace must contain one tree per 30 feet of frontage, one-third of which must be hardwoods. He explained that all the trees would go away if the greenspace goes away.

***Motion made by Chuck Savage to grant the variance for greenspace with trees and shrubs as shown on plans.***

**Motion carried unanimously.**

Ralph Pendergraft commented that the variances had been covered. He asked David Gilbert for any comments regarding the large scale development.

David Gilbert stated that now that the variances have cleared, the sidewalk needs to be shown. He continued that the trees in front of the sign could be a stipulation to be removed if desired. He clarified that how the plat is approved is how it needs to be. Mr. Gilbert commented that they have met the ordinances.

Rick Williams stated that he is in agreement with Mr. Gilbert.

***Motion made by Tommy Granata to approve the large scale development, removing the two trees in the southwest corner and having the sidewalk added to the plat.***

Tommy Granata commented that the trees will be a problem, speaking from experience.

Mandy Bunch stated that she did not know what kind of trees they are, but the intention is to be understory.

Karen Inlow asked the height of the sign.

There was some discussion and estimates put the sign at eight to fifteen feet high.

JR Carroll commented that most utility companies have a tree easement. He explained the utility companies' classifications for trees: danger and hazard. He went on to say that there is no guarantee that the utility companies wouldn't cut the trees down anyway.

Ralph Pendergraft noted that there was a motion on the floor and asked for any more comments.

Chuck Savage asked about the septic tank.

There was some discussion regarding the tank's current and future location.

**Motion carried unanimously.**

Ralph Pendergraft asked for any old business. He commented that the Master Street Plan public hearing is set for August 29 at 6:00 PM.

David Bolinger asked if the latest version of the Master Street Plan was available on the website.

Ralph Pendergraft replied that he did not know.

There was a response that it was not.

Ralph Pendergraft asked if we could get it on there.

Mick Wagner responded that if it was provided to him, he could.

David Bolinger asked who has the latest version of it.

Ralph Pendergraft offered that he has one at his house.

Tommy Granata asked if John McClarty has it.

Ralph Pendergraft commented that he did.

Mick Wagner addressed the Chairman, for the record, that they were tracking right along until the last when changes were made at some meeting at which he was not present. He continued that, in agreement with his map guy, they'd post whatever when the Commission gets ready to decide what they want.

Ralph Pendergraft commented that they were ready that night.

Mick Wagner replied that it is hard to post things if you don't know changes are made. He continued that he cannot look into a crystal ball. He stated that that was the issue – that they were not in the loop. Mr. Wagner stated that he's being asked if there's a map there, but he needs one to be provided.

Ralph Pendergraft clarified that Mr. Wagner was in the loop.

Mick Wagner argued that he has the floor. He continued that if he's provided with a SHP file or a digital file of what you all changed, he'll be glad to post it. He stated that up to that point he'd been at every meeting, he provided copies of whatever changes you all made. He added that whenever you all provide the SHP file to him, he'll be glad to post it.

Ralph Pendergraft replied that he now has the floor. He stated that if Mr. Wagner had remained at the meeting, changes would have been made just like always. He continued that they were going through it, things were up for suggestion, and they were making changes as they went along.

Mick Wagner stated that changes can be made so that they can be followed on the map. He continued that that was the procedure up until that point. He commented that he thinks the record is clear on that.

Ralph Pendergraft stated through attempted interruptions that he didn't know about that digital stuff, but he could get Mr. Wagner a map.

Mick Wagner commented that they could go back and listen to the tapes.

Ralph Pendergraft replied that he didn't want to listen to any tapes. He continued that he can bring Mr. Wagner a map or get John McClarty to give him a map.

Mick Wagner insisted that he did not need a map; in order to get it on the web, if he was provided a SHP or digital file, he would be glad to do it.

Ralph Pendergraft commented that he thought Mr. Wagner was being difficult, but whatever.

Mick Wagner stated that it is pretty hard to put a piece of paper in cyberspace.

Ralph Pendergraft responded that Mr. Wagner had sat there at all the other meetings and done it.

Mick Wagner rebutted that he was made aware of changes as they were going along. He re-iterated that if he is given a digital file, he'll post it.

Ralph Pendergraft agreed and asked for any other comments. He asked Mr. Savage if he had something.

Chuck Savage stated that the Commission will propose bylaws at the next meeting and wanted to put everyone on notice. He added that Mr. Carroll will put them together.

J.R. Carroll commented that he would provide a draft option by email.

Ralph Pendergraft asked if the requirement for trees being different was because of disease.

David Gilbert replied that he didn't know the particulars on Tontitown's ordinance, but that that is traditionally why.

Rick Williams commented that the Overlay District will address understory and canopy, but not species.

Ralph Pendergraft suggested that the Commission move to just one meeting per month since they've been so light. He commented that they can always go back to two when things pick up.

*Motion made by Chuck Savage for the Planning Commission to only meet on the fourth Tuesday of the month. Seconded by Karen Inlow.*

**Motion passed with all ayes.**

*Motion made by Norbert Ranalli to adjourn. Seconded by Karen Inlow.*

**Motion carried with all ayes. Meeting adjourned at 7:55 PM.**