

**Tontitown Planning Commission  
Meeting Minutes  
2006-12-19**

**Meeting Called to Order at 7:03 p.m.**

**Roll Call:**

Tommy Granata –present  
David Bolinger -present  
Karen Inlow -present  
Jerome Fantinel -present  
Norbert Ranalli -present  
Ron Young –present

**Minutes of Last Meeting 2006-11-28:**

Motion to approve by Karen Inlow  
Seconded by Jerome Fantinel

**Vote:**

Bolinger –yes, Inlow –yes, Ranalli –yes, Young –yes, Fantinel -yes

Motion passed unanimously

**Old Business:**

**New Business:**

**Callahan Tower Joint Venture:**

Tommy Granata: stated that this is a proposal for three towers. They are only seeking approval of one tower but have listed three possible locations. Mr. Jason Steele will speak about the three locations and then the public will be allowed to speak.

Jason Steele: Currently owns half of the Callahan Joint Venture and is only trying to get one tower built and not three. They brought three locations to the Commission so that out of those three maybe one will be chosen instead of having to come back after being denied with only having brought one possible location. The first site is site “B” located 800 ft east of the post office on Barrington Road. It would be right on the corner of Bill Zulpo’s property bordered on two sides by the St. Joseph Church property. The type of tower they are proposing is what is called a manacle which is basically a big gray pole. This is the least obtrusive tower that they could build. Alltel tell wants to be on the tower as soon as it is built and Verizon is also interested. It is located 600 ft off of Highway 412.

Tommy Granata: asked if there was any public comment on this location for the cell tower and there was none. He also asked if there were any comments from the Commission.

Karen Inlow: asked if this would fall into what they were going to use as the overlay district. She said that she didn't think that it would.

Tommy Granata: stated that at this time they didn't know what an overlay district would be or where it would go.

Karen Inlow: stated that they had some ideas at one time.

Tommy Granata: stated to Mr. Steele that their tower would be basically like a big flag pole.

Jason Steele: confirmed that statement. They have designed the tower that they will build to have 5 carriers. They are going to donate a few spots on top of the tower for the City. The Water & Sewers lift station will need some type of radio signal to monitor the water & sewer system in Tontitown. One will also be there for the Tontitown Fire Department's use. Tontitown currently has some dead areas or an area that do not have very good reception and that is why they want to build one here. He was asked if the "B" site would provide service to the southern most side of town where there is no Cingular service. Mr. Steele confirmed that any of the three sites would provide that coverage.

Karen Inlow: stated that the person that was here in November with his cell tower proposal had a map that showed what type of coverage they had in Tontitown and it looked like all of Highway 412 had good coverage.

Jason Steele: replied that this map just showed Alltel's network coverage.

Tommy Granata: stated that he personally has lost calls between the post office and 412. He asked Mr. Steele to explain to everyone about the 911 use of the cell tower.

David Smith: He is one of the partners in Callahan Towers and owns Smith Two-Way Radio. If you dial 911 on your cell phone, almost anywhere in Northwest Arkansas, you can get signal in at least two towers. Then they can tell you where the cell phone is within 10 ft. The benefit of having the third tower to complete the triangulation of the other two towers in the area is that it gives a signal strength, location and time. This equipment would be installed on Cingular and Alltel towers which are a mandatory requirement for Washington County.

Tommy Granata: asked if there were anymore questions from the Commission.

David Smith: states that they are building the tower to accommodate 5 carriers so that there won't need to be a bunch of towers built in Tontitown.

Tommy Granata: asked if there was any possibility of an antenna for the Police Department. It was replied that there was.

They were asked what the construction time frame was is this tower was approved.

Jason Steele: states that they have their FAA approval and then they would have to get all of the historical letters from the State. They could probably start construction on the site in about 60-90 days.

Tommy Granata: asked if they had in their contract that within a certain amount of time if satellites came in whether they would remove their tower. They replied that they would take it one foot below ground level.

Jason Steele: was asked if there was a contract time and replied that when he leases he usually gets a 30-40 year lease.

Tommy Granata: asked if there were any more questions and there were none. He then asked if there was going to be a motion to accept the Callahan Tower plan site "B".

There was a request by one of the Commissioners that they discuss the other two sites proposed and then allowed public comment. Mr. Granata stated that they could do that.

Jason Steele: Site "C" would be their second choice. It is located by the Red Door Bar and Grill. It is 600 ft south of Highway 412 right behind the Z-Mart. It would be an 890 ft tower and the same construction. It is on a 1 acre lot close to the road baring all of the set backs that the City requires.

Tommy Granata: asks if there are three residences behind the Red Door. It was confirmed that there was a few down on Pozza Lane.

Jason Steele: stated that was one of the reasons that the "B" site was first choice for them. It was further away from existing homes.

Tommy Granata: asked again for public comment.

Sunny Hinshaw: she stated that she is a little concerned about the houses and asked if this was zoned commercial. It was answered as being commercial lots (C2). She asked if they had talked to the City about building a new road by the site near the post office. In reply it was said that there would be a gravel drive because that is all that they ever had to do.

Karen Inlow: asked about Pozza Lane not being a City street.

Doug Harmon: owner of the Red Door Bar & Grill states that it wasn't a City Street that is was just an easement all the way down the property line. The property owners on

Pozza Lane are the ones that own that Lane and the City has nothing to do with it. It is not a dedicated street. It is maintained by the owners themselves. It also doesn't show on the Master Street Plan that the City has.

Tommy Granata: asked if there was any more comment and there were none. He asked to move on to the next site for discussion which is site "A".

Jason Steele: Site "A" is located on Larry Goddard's property behind his shop building. This was their third choice due to the surrounding homes. This area is zoned residential.

Tommy Granata: asks for public comment.

Clint Penzo: opposes this site because it is a residential area and it will decrease the property values. He stated that he isn't opposed to having a tower in Tontitown, that he thinks that they need one just not in a residential area.

Beverly Cortiana: opposes this site because she lives next to the Goddard's and she hopes that they choose somewhere else for their site.

Dell Bender: states that he is opposed to the tower being in a residential area. He states that there is scientific evidence that the microwaves that towers produce can cause cellular damage and that he doesn't want it in a residential area.

Beverly Cortiana: asked why they didn't want to put it in an Industrial zoned area.

Jason Steele: states that there is a residential development going up near the Industrial area. It would also interfere with the signals that are coming from Springdale. It wouldn't be a suitable size area in the Industrial area that would accommodate a cell phone tower.

Tommy Granata: asked if there were anymore comments.

Motion to approve the cell tower site "C" by Norbert Ranalli  
Seconded by Jerome Fantinel

**Vote:**

Bolinger –no, Inlow –yes, Ranalli –yes, Young -no, Fantinel -yes

Motion failed

Motion to approve cell tower site "B" by David Bolinger  
Seconded by Ron Young

**Vote:**

Bolinger –yes, Inlow –no, Ranalli –no, Young –yes, Fantinel -no

Motion failed

Motion to approve cell tower site “A” by David Bolinger  
Seconded by Karen Inlow

**Vote:**

Bolinger –no, Inlow -no, Ranalli –no, Young –no, Fantinel -no

Motion failed

David Smith: asked that pursuant to the cell phone act that they receive an explanation in writing as to the reason for their actions regarding the three sites and any evidence that they considered in making their decisions.

Tommy Granata: stated that he appreciated Mr. Steele coming before the Commission and that he had the right to appeal the decision that they made to the City Council.

J.R. Carroll: stated that he was under the assumption that what Mr. Steele was asking for acclimation for was whether the radiation factor played a part in any of the Commissioners decisions to deny. Mr. Steele confirmed that it was. He asked what issues the Commission was concerned with exactly. It was replied that the radiation was a key concern for the Commissioners. Mr. Carroll continued to state that he would get a sworn affidavit from each of the Commissioners asking if the radiation played a part in their denial of the cell phone towers.

David Smith: asked for a reason for the denial and received none.

It was asked of the Chairman if the Commission could discuss this more and he stated that they had but if they wanted to have more discussion they could.

The Commissioners discussed the sites and their reasons for their individual actions for each site.

Tommy Granata: asked if the Commissioners have reconsidered any of their votes or if they would like to vote on this again.

Mick Wagner: spoke for the water & sewer department. He stated that this would help the water & sewer department and that this would help the water & sewer and not just those that talk on a cell phone.

Mike Zulpo: spoke as the Fire Chief of Tontitown. He stated that this would greatly help the Fire department also.

Motion to approve the conditional use for cell tower site “C” by David Bolinger  
Seconded by Karen Inlow

**Vote:**

Bolinger –yes, Inlow –yes, Ranalli –yes, Young –no, Fantinel –yes

Motion passed

**Hugg & Hall:**

Heather Robinson with Morris & Shipley Engineering and John Hugg were present representing Hugg & Hall.

Heather Robinson: stated that there were three things that they needed to discuss before going before the City Council. The first being any issues with the project, second, clarification on Piazza and third, feed back on the variances. They are planning to develop back 8 acres and split the front 4 acres for further development.

John Hugg: stated what his company does and that they have about 50 employees.

Heather Robinson: requested that the Master Street Plan be put on the computer. They are requesting direction on how to bring a resolution to the Piazza Street extension.

David Gilbert: commented on Piazza Street extension stating this had been an on going problem that Ralph Pendergraft had been trying to deal with.

Ron Young: stated that Piazza could not go through because it goes through the back of some lots.

Maestri Enterprises also requested that the Piazza Road extension be abandoned because it would consume over 2 acres.

Heather Robinson: spoke about a variance of building design on elevations and metal overhead doors.

John Hugg: provided the Commission copies of the building designs.

Tommy Granata: explained that the building designs was due to the older metal buildings in Tontitown and to make efforts to have the front and sides of the building dressed up.

Karen Inlow: explained her view point and stated that there had to be an over riding need to have a variance accepted. If we let them get by with it what will the Commission say to the next person who wants to develop the front 4 acres?

Tommy Granata: stated that the Commission would work on it and have a TAC Review.

### **Countryside Farm & Lawn Equipment:**

Richard McKeenan: is with ArMAC Engineering. He discussed questions that were presented by David Gilbert and how they would connect to sewer and water. They discussed the type of trees, parking and the building use.

Tommy Granata: asked if there were any questions from the Commissioners.

Karen Inlow: asked what type of metal they would be using.

Tommy Granata: stated that it is a sign.

David Gilbert: stated he felt the metal sign would be a problem with the way the ordinance is written. He went on to cover issues with chain link fencing, lighting and other issues.

Karen Inlow: discussed the sidewalks.

Jerry Martins: stated that Sonic did not place sidewalks and that a box culvert would create a problem in placing culverts.

Chris Herral: commented on chain link and insurance requirements.

David Gilbert: referred to the City ordinance where it discusses chain link fencing.

Tommy Granata: suggested that they do a lot split to R-1 and variance in the referenced to curbing.

David Gilbert: discussed the curbing issues.

Norbert Ranalli: gave comment on building design and side walk benching.

David Gilbert: also discussed sidewalk standards.

This item does not have to be tabled since it is a review.

Tommy Granata: stated that Chapter 153 needs to be added to Chapter 150 and they will have a public hearing.

### **Other Business:**

Shawki: asked questions in reference to guidance for a proposed commercial and residential development.

David Gilbert: commented on zoning use and street design.

Karen Inlow: stated that Tontitown does not wasn't multi-family housing except in the areas where it is designated on the zoning map.

Tommy Granata: asked for suggestions for appointments to the Planning Commission to fill their vacancy. He did provide three names for consideration: Kara Hooker, Paul Maestri and Julie Zulpo-Bowling.

**Announcements:**

Motion to adjourn by Jerome Fantinel  
Seconded by Karen Inlow

**Adjournment**