

TONTITOWN PLANNING COMMISSION MEETING MINUTES
01/22/2008

ROLL CALL:

David Bolinger	Present
Bill Brandt	Present
Norbert Ranalli	Present
Jerome Fantinel	Present
Julie Bowling	Present
Tommy Granata	Absent
Joey Pianalto	Present

APPROVAL OF AGENDA:

Change the agenda to add approval of September minutes as well as add discussion regarding changing ordinances to make them uniform throughout. Motion was made by Bill Brandt, seconded by Ranalli and approved unanimously through acclamation.

APPROVAL OF MINUTES FOR 09/25/07 meeting:

Motion made by Bill Brandt to accept the minutes, seconded by Norbert Ranalli and approved unanimously by acclamation.

APPROVAL OF MINUTES FOR 12/26/07 meeting:

Motion made by Jerome Fantinel, seconded by Norbert Ranalli and approved unanimously by acclamation.

OLD BUSINESS:

None.

NEW BUSINESS:

A. Final Plat of Venezia Piazza Addition:

Cory Roberts with Morrison-Shipley discussed the January 14, 2008 letter from USI Consulting Engineers that was drafted by Jerry Holloway. They agreed to comply with all of the recommendations by Holloway, as well as an understanding that all restrictive covenants will have to be filed. Motion was made by Bill Brandt subject to all of the discussions made in Holloway's letter and during the meeting, seconded by Norbert Ranalli and approved unanimously by acclamation.

B. Public hearing on rezoning property on South Maestri Road.

Discussion began with counsel for the City of Tontitown, J.R. Carroll, informing the applicants that the City of Tontitown is required to give citizens of Tontitown 15 days notice published in a local newspaper. It appears that Tontitown only gave its citizens 12 to 13 days. It was also discussed that there is a provision in the City of Tontitown's ordinances that allows for a modification of its

deadlines and procedures if there are exceptional circumstances. It appeared in this case that exceptional circumstances did exist for the Planning Commission to request that the City Council find that exceptional circumstances existed and to move forward with the rezoning requested by the applicants. The applicants were notified by Carroll that someone could raise an objection due to the fact that they were not provided their due process of the 15 day notice, pursuant to the current ordinance. Counsel also notified the applicants that in all likelihood the applicants and the City would win with regard to this objection, but an objection could be raised. Carroll also notified the applicant that the easiest solution to this problem, if time was not of the essence, was to table this matter, allow the City to provide 15 days notice and take this matter up in its February Planning Commission meeting. The applicants chose this route and a motion to table this matter was made by Jerome Fantinel, seconded by Norbert Ranalli, and passed unanimously by acclamation.

C. **Potential zoning changes to meet future needs (Item from joint City Council and Planning Commission meeting):**

An in depth discussion was held regarding the depth of the commercial zoning of 412 and the fact that it was only 330 feet in some places. There was also discussion regarding rezoning sections of 112 and Steele Road. There was also a lengthy discussion regarding the rezoning of the property in the area where the proposed bypass interchange is going to exist. It was decided by the Planning Commission that the Commission would wait until the Arkansas Highway Department began purchasing right-of-ways and has made a final ruling as to the specific path of the bypass before considering rezoning the property around the future bypass.

D. **Discussion of ordinance conflicts:**

David Sbanatto addressed the Planning Commission regarding numerous conflicts between ordinances. Mick Wagner also addressed the Planning Commission regarding conflicts in the ordinances that were known to him. The Planning Commission decided that they will review the conflicts to determine whether the ordinances can be amended or whether a complete overhaul of the ordinances would be required and the ordinances would have to be vacated and new ordinances adopted.

ADJOURN:

Motion to adjourn was made by Jerome Fantinel, seconded by Norbert Ranalli and approved unanimously by acclamation.