

TONTITOWN PLANNING COMMISSION MEETING

AGENDA 01-26-2010

1. **ROLL CALL** – Members present were Bill Brandt, Tommy Granata, Mick Wagner, Norbert Ranalli, and Jerome Fantinel. Also present were JR Carroll, PC attorney, who arrived during approval of minutes, Britt Vance, USI Engineering, Jeff Hawkins, City Planner, Todd Witzigman, Building Official, and Rebecca Bennett.
2. **APPROVAL OF AGENDA** – A motion made by Granata to move 5a before 4a and approve the agenda as amended and 2nd by Ranalli, motion passed unanimously. Wagner stated that Robert's Rule of Order doesn't allow for this.
3. **APPROVAL OF MINUTES FOR 12-22-09** – A motion made by Ranalli to approve the minutes as written and 2nd by Granata, motion passed unanimously.

5. NEW BUSINESS

A. Maestri/Baker Lot Line Adjustment – Donna J. Stuart with Realty Titled Company represented the Maestri family. Mrs. Stuart stated that they have requested the lot line adjustment to include the barn on the Baker property. There is no road frontage on either of the back lots. In 2004 a 50 foot easement was agreed upon when the first lot split was approved. Vance stated that no new lots are being created, therefore there will be nothing stranded that isn't already. A motion made by Granata to approve the lot line adjustment and 2nd by Fantinel, motion passed 4 to 1 yeas - Brandt, Granata, Ranalli, Fantinel. Neas- Wagner

4. OLD BUSINESS

A. Review Chapter 153 – Granata inquired whether it is really necessary to replace the existing code. Wagner stated that it is the charge of the Planning Commission to review the code. Carroll stated that from a legal standpoint, it is best to review the code before a problem arises. Hawkins stated that some of the code dates back several years. Vance stated that he has already started to edit Chapter 153.

Vance stated that there is no clear definition for manufactured home. Hawkins stated that state law defines manufacture home as a home with a HUD sticker on it. Vance stated that references to XNA should be taken out. Wagner stated that code official needs to be changed to building official.

Vance stated that the Board of Adjustment references have been revised to say "if applicable." Hawkins stated that the Board of Adjustments is separate from the Board of Zoning Adjustments. The Tontitown Board of Zoning Adjustments is the same as the Planning Commission. Vance

TONTITOWN PLANNING COMMISSION MEETING

AGENDA 01-26-2010

stated that if the Board of Adjustments is the same as the Planning Commission, the residents would be appealing to the same body that made the ruling. If there will be no appeal process, then a Board of Adjustments isn't needed. The Planning Commission agreed to revise Board of Adjustment references to Board of Zoning Adjustment.

Carroll stated that even though Tontitown doesn't have certain zoning, it can be left in the code for future options.

The Commission will take up more review of Chapter 153 during the next meeting.

5. NEW BUSINESS

B. Review of CTIA law – Carroll stated that due to several cities not moving forward with cell tower applications, the SCC ruled that Planning Commissions have ninety days for co-locations and one hundred fifty days for new sites. Applicants can't be denied strictly based on there being other carriers in the area.

Vance stated that street classifications need to be standardized. The old Article 90 is still on the website and can be taken off. The new Chapters 152 and 90 do not match the designations in the Master Street Plan. Hawkins stated that they will also need to correspond with the Regional Plan.

A motion was made by Wagner that Vance correspond with Hawkins to put Chapters 152 and 90 in lock step with the nomenclature of the Regional Transportation Plan and 2nd by Granata, motion passed unanimously. Witzigman directed the city engineer to act accordingly.

6. RECURRING ITEMS

A. Discussion of conflicts or Ordinances and or code changes needed – none as chapter 153 is currently under review.

7. REVIEW ITEMS FOR PLACEMENT ON CITY COUNCIL AGENDA – none

8. COMMENTS FROM COMMISSIONERS – Wagner suggested that since lot splits call for zoning designation, a photograph of the existing lot should be attached to their application.

Hawkins stated that all existing plans should be reviewed for consistency.

TONTITOWN PLANNING COMMISSION MEETING AGENDA 01-26-2010

Wagner stated that Fletcher, on the existing Master Street Plan, extends from Barrington to intercept Klenc and then over to Pianalto. There is an existing house that sits in the middle of this corridor. To fix this, Morsani could be extended to Barrington instead, which will also tie in Pozza.

Brandt stated that if a building permit is denied because of the existing Master Street Plan, the city would have to buy the property.

Hawkins stated that if in violation of the plans, injunctive action can be taken. The land owner can then put the city on notice to either buy or condemn the property. If neither is done, the Master Street Plan will be changed and can no longer take that course.

Carroll stated that Dog Party is not expanding their facilities in any way. They have found a way on their dog limit, since ADEQ considers any dogs dropped off and picked up the same day are not considered as boarded. Only boarded dogs waste goes into the septic system, while. Also, Dog Party USA was never a registered name. The actual name is Dog Party, Inc.

- 9. ADJOURN** – A motion made to adjourn by Ranalli and 2nd by Granata, motion passed unanimously.