

TONTITOWN PLANNING COMMISSION MEETING MINUTES 12-28-2010

Public Hearing to be held immediately preceding Planning Commission meeting:

A. Lamb Rezoning R-3 to C-2 – Richie Lamb, with Parkway Bank, stated that the property is on Klenc Road and consists of five acres. It will either be sold or leased. It is currently R-3. The concern is not being able to get a business license to operate. Either conditional use or rezoning is required for this.

Shannon Harrop, at 1030 Klenc Road, stated that this would be the only commercial property in the residential area. Harrop opposes the rezoning. When it was an air condition company there was a lot of traffic with the service trucks. There was also bad language that could be heard from other properties.

Janet Stockton-Taylor, at 992 Klenc Road, stated that she is directly south of the property. Her bedroom window is close to the property. With the business there before, there was noise, vehicles coming and going at night, inappropriate language and trash everywhere.

Wayne Turnbull, at 888 Klenc, stated that he has the same feelings. There has been noise at night and trash scattered. He stated that he doesn't feel it is good to have commercial so close to homes.

1. **ROLL CALL 7:00 PM** – Members present were Bill Brandt, Tommy Granata, Jerome Fantinel, Norbert Ranalli, Mick Wagner and Lou Sharp.
2. **APPROVAL OF AGENDA** – A motion by Fantinel to approve the agenda as presented and 2nd by Ranalli, motion passed unanimously.
3. **APPROVAL OF MINUTES FOR 11-23-2010** – Brandt stated that the address mentioned should be changed from 1704 to 1724. A motion made by Wagner to approve the minutes as amended and 2nd by Fantinel, motion passed unanimously.

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Lamb Rezoning from R-3 to C-2 – A motion made by Wagner to approve the Lamb Rezoning from R-3 to C-2 and 2nd by Ranalli.

Wagner stated that the property is completely surrounded by residential. The business license issued in the past did not follow the code. Wagner feels that it is out of character with the surrounding property.

Fantinel stated that he supports the citizen's objections. The property definitely should be R-3.

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Lamb stated that eight notices were sent out and only three have spoken at the meeting. The others did not come to the meeting. There was also a sign posted on the property, and the other citizens of Tontitown are not here. The building was built in 1992 and was existing commercial when it was annexed into the city.

The vote was taken and the motion did not pass by a unanimous vote.

- B. Carney Property Line Adjustment** – Randall Carney stated that this is a two acre piece of property that had an easement for a driveway. 7/10 of an acre is being taken off the larger parcel, changing it from 12.7 acres to 12.3 acres. Sixty feet is being deeded to replace the easement. Carpenter stated that it is in full compliance with the ordinances. His opinion is that this is a good move on the owner's part. Carney stated that they are giving sixty feet wide by three hundred feet long piece of land. This is being done before the property is sold.

Carpenter questioned if the property should be considered a corner lot. If so, the structural setback should be moved back more than seven feet. Wagner stated that it is on the corner of a private road not a public road so the seven foot setback is correct.

A motion made by Wagner to accept the Carney Property Line Adjustment and 2nd by Granata.

Carroll stated that they are doing what normally people are forced to do. The city wants people to own road frontage.

Motion passed unanimously.

- C. Northwest Arkansas Tractor Co LSD** – Melvin Milholland, representing Michel Efird, stated that the property is on the north side of 412. There were a couple of issues that were discussed at TAC Review: the sewer connection, gravel area, and grass area. Efird wants grass in the front for a display area and gravel in back in the service area. Curb and gutter has been added to the plan to contain the gravel and also will go around the sides of the parking lot and building walkway.

A motion made by Wagner to approve the gravel variance and 2nd by Granata, motion passed unanimously.

Milholland stated that the sewer must be connected if within three hundred feet. They have asked the Arkansas Department of Health to waive the sewer.

Wagner stated that this was not a variance that AHD can grant as it lies solely within city authority.

Carroll stated that the Water and Sewer Commission makes the decision regarding sewer.

Wagner stated that a city may have more stringent rules than the state. A business has to connect if within three hundred feet of the sewer, if it is new, or if it has a failing septic system.

Milholland stated that he submitted a lighting plan. The lights are on the east side of the building in front. Efird feels that since it is a daytime business, these will be adequate to cover the building at night. The

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property will be fenced in as well. The display area will be the only thing exposed. There will be enough visibility for safety if the police had to come in.

A motion made by Wagner to approve the lights variance and 2nd by Ranalli.

Carpenter stated that manufacturers will do a lumen count on the property to get a better idea of what will be in the lighted area. At the TAC Review, there was a discussion about the light bleeding over onto other properties, but still having it safe.

Milholland stated that they will put together a lighting plan to present to the Commission. The lighting will be on the building instead of on poles.

Motion passed unanimously.

A motion made by Granata to approve the Northwest Arkansas Tractor Co Large Scale Development and 2nd by Ranalli.

Milholland stated that the developer feels the plan is adequate. Efirid stated that he plans to have two lines of new 0 turn tractors, several mower lines, landscaping and golf course equipment, power line equipment and used tractor inventory. There will be parts on the inside and a service area in the rear with four bays, two of which will be operational. There will be a separate spot for the 0 turn mowers.

Carroll stated that the motion would have to be contingent upon W&S approval.

Granata modified his motion with the contingency and Ranalli modified his 2nd.

Hawkins stated that the driveways will require Arkansas Highway Department approval.

Milholland stated that the curbing stops at the highway right of way. The detail shown is from the Highway Department.

Motion passed unanimously.

D. Election of Officers – Brandt stated that Granata is going to be the new Mayor. Mike Franco will be presented to the City Council to fill his unexpired term. A motion made by Wagner to reappoint Brandt as Chairman and 2nd by Ranalli, motion passed unanimously.

A motion made by Ranalli to make Mick Wagner Vice Chairman and 2nd by Fantinel, motion passed unanimously.

A motion made by Wagner to reappoint Sharp as Secretary and 2nd by Ranalli, motion passed unanimously.

6. REVIEW ITEMS FOR PLACEMENT ON CITY COUNCIL AGENDA – Brandt stated that Mike Franco will be placed on the agenda for the open Planning Commission position.

7. COMMENTS FROM COMMISSIONERS – Granata stated that he has enjoyed serving on the Planning Commission.

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Wagner stated that in the past years there has been a lax adherence to the issuance of business licenses. The ordinances are clear. Zoning is important. In the past city officials acted out of scope of authority when business licenses were issued out of zoning. Larger cities have two steps for businesses. They go to the Planning Department for proof of zoning. Wagner proposed an application to mirror Little Rock's. Businesses would come to the Planning Department to get zoning approval and if passed would then go to the City to pay.

Chapter 153 provides for a home occupation, which is separate from a business. There is a Type A and Type B. This allows for staff interpretation. Home Occupation license has to come before the Planning Commission. A motion made by Wagner to approve the new business license form and the new home occupation form and 2nd by Ranalli.

Granata stated that coming before the Planning Commission for a home occupation license seems a little much. Wagner stated that Type A allows for staff interpretation, but Type B has to come before the Planning Commission. Current chapter 153 already requires this process, but there just needs an application.

Hawkins stated that there needs to be a document to record that this has been looked at.

Wagner stated that the Planning Department gives the proof of zoning. Hawkins stated that it is up to the city to review and make sure everything is right.

Motion passed unanimously.

Ranalli asked about the status of building official. Granata stated that the current mayor has Mitch Iles on retainer until the end of the year.

Carpenter stated that it is good to have a different eye on things to cover all the bases.

Hawkins stated that a business license is the best way to enforce illegal businesses.

Brandt thanked Granata for his years of service and wished him well as Mayor.

8. ADJOURN – Bill declared the meeting adjourned.

