



**Planning Commission**

Rocky Clinton - Chairman  
Kevin Boortz – Vice Chairman  
Tom Joseph - Secretary  
Josh Craine - Member  
Michael Lunsford - Member  
James Dean – Member

**City Staff and Consultants**

Planning Manager – Luann Jenison  
Planning Tech- Madelyn P.  
Public Works Director- James Clark  
Building Inspector- Roger Duncan  
City Engineer/Planning Consultant- Garver  
City Attorney- Harrington -Miller

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***Public Hearing/ Board of Zoning Adjustments (BOZA)/ Planning Commission Agendas***

Date: Tuesday, June 28<sup>th</sup>, 2022

Time: 6:00 p.m. – In Person at **Tontitown City Hall**, 201 E. Henri de Tonti Blvd, Tontitown, AR 72770, and **Online Via Zoom and YouTube** (see last page of agenda for information on how to join)

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**1. Planning Commission Meeting Call to Order**

**2. Pledge of Allegiance**

**3. Roll Call**

All in attendance

**4. Approval of Agenda**

Josh Craine motioned to approve

Second by Michael Lunsford

Motion Passes Unanimously

**5. Approval of the May 26<sup>th</sup> Meeting Minutes**

Michael Lunsford motioned to approve

Second by Josh Craine

Motion Passes Unanimously

**6. Comments from Citizens**

Kenneth Lovett read aloud the definition of the word “Leadership”. Mr. Lovett appreciates Rocky Clinton’s knowledge but still wants a change in leadership.

Rhonda Doudna wanted to follow up with what Mr. Lovett said and is publicly asking Rocky Clinton to resign and if he doesn’t, she knows she can get him removed.

**7. Old Business- None**

**8. New Business-**

**PUBLIC HEARING**

- 2384 Liberty Rezoning Request:** The applicant is requesting to rezone 23.63 acres of property from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size). The project is located on parcel #830-37976-400.

The owner/applicant for this project is the Robert E. Pianalto Revocable Trust. The property is located north on Liberty Ave, and east on Foster Lane. There appear to be several existing residences on this site. The applicant is requesting to rezone 23.63 acres of property from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size)

2. **2021 S. Pianalto Rezoning Request:** The applicant is requesting to rezone 0.84 acres of property from A-1 (Agriculture) to C-T (Commercial Trades and Services). The project is located on a portion of parcel #830-38352-003.

The owners/applicants for this project are Larry and Sarah Bratti. The property is located at 2120 S. Pianalto Road. There is an existing residence that is 5,164 SF in size (permit 11499R, issued 8/10/2021) and an existing shop building that is 9,600 SF in size (permit 11527R-MIS, issued 8/13/2021). In the A-1, Agricultural zoning category, there is no restriction on the size of an accessory structure according to Section 153.141, and therefore, the city was in compliance to issue the building permit for the shop structure. At the time of issuance, the applicant indicated on the application that this was not a commercial building.

There is information provided in this report about the specific use requested, however, the Planning Commission will need to evaluate the requested zoning category for compatibility with the surrounding area, and compliance with city plans.

The applicant is requesting to change the zoning from A1 to CT in order to allow the existing shop building located on this site to be used to operate their plumbing business. The applicant has been operating their business out of this location (Without a business license and neighbors have submitted numerous letters to the city requesting the Planning Commission vote "NO"). Please reference the city website for more details.

Eric Hernandez Trujillo needed clarification on what could be asked regarding to this rezoning request because he said the building and building code, permits issued and the fact the landowner is operating a business without a license is all tie together. Rocky Clinton explained that the building was not built out of code in an agriculture zoning any person's allowed to build any size barn they want. The second part is yes there is a business being ran without a permit which is illegal and that is why the owner is trying to fix this by asking for a rezoning so he can get a business permit.

Nina Brown needed clarification about this meeting process so the citizens' concerns and questions could be answered. Rocky Clinton explained that this portion of the meeting is for the citizens only to voice their concerns and to ask questions they want answered, the Planning Commissions can't answer any questions during this time however the members can address those concerns and questions when they get to the Planning Commission Meeting that is when discussions take place. Mrs. Brown votes "NO" on the rezoning she wants the to keep it a neighborhood. The streets are narrow with sharp corners, and this is a heavy equipment business, and it does not fit. Mrs. Brown's wants to know how this miscellaneous residential and a business was allowed to run from and continue to run? Also, why was the owner allowed extended time even though he does not have the correct permits, and no business license.

Rebecca Timmons summarized her opinions from a letter she submitted to the city. Mr. Bratti's property is zoned agriculture, and he knew his property was not zoned commercial use when he applied for his permit. This business is not compatible with the uses and character of the surrounding neighborhood. This residential street has elderly residents and families with lots of young children. Mr. Bratti admits he has twelve employees and she asked if he would be comfortable with these twelve men that you don't know pulling in right next to your house with your kids out playing, are you okay with that? It's not okay. And with customers coming to this location all of this is a huge safety issue. The approval of this property will

detrimentally affect nearby property values and while increasing his property value, it will affect traffic and noise level. He has numerous pieces of heavy equipment, and the hours of operation are not what he stated in his introductory letter that was sent to the neighbors. Mrs. Timmons presented pictures of the appearance of Mr. Bratti's property; she is very disappointed.

Tracy Taylor purchased their property last August because it is rural, quiet, and agricultural/residential. She has observed lots of work trucks going by. There's building going on several new homes and when the building is done that truck traffic should stop but she has recently found out that there is business being run out of that property and seems wildly inappropriate to have a commercial zoning in that peaceful area.

Celeste said her sister has been harassed by Mr. Bratti's employees, there are twelve strange men and cannot go outside without feeling eyed up and down. Celeste's mother has been verbally harassed as well as her neighbors, she feels this is a safety issue and she feels threatened constantly and wants something done by those in power.

Debra Newman wanted to re-emphasize that 600 yards from her front door is an industrial park setting operated by Mr. Bratti and an illegal business is being conducted there and it's the city's obligation to solve this illegal activity. There is a safety concern associated with this illegal activity and this affects her mental health and well being and that is the harassment that is being recognized. This discrimination that has been recognized and now even though it is indirectly to her it is still in the planning stage in her own neighborhood. This issue of sexual harassment is initiated by the owners of the subject commercial plumbing business. Mrs. Newman said we all learn from an early age about respect and proper behavior of boys and girls and what is acceptable. Mrs. Newman presented an ad/notice that Mr. Bratti wrote, and it is also included in this planning packet. Mrs. Newman is very upset with the contents in the ad, and she will not allow herself or her family to be openly violated.

Larry Bratti admitted that what he wrote was wrong and it was meant as a joke for the people he is friends with on Facebook, it is a Facebook post and ultimately did not mean to do any detriment to the city of Tontitown. Mr. Bratti bought the property to move his family there and he tried to follow the code or permitting by asking questions to the city of Tontitown, in hindsight he would have started this process and went through the proper channels of zoning and got things in place before running his business. Mr. Bratti publicly apologized to the citizens and does not mean any detriment to the neighborhood and is still looking to move his family to the neighborhood regardless if his business is approved to be out there.

Carla Espinoza who is sixteen years old and is speaking for herself and on the behalf of her father who could not attend tonight's meeting. Carla's dad is a boss, and he is responsible for the action of his workers and in no way is the actions of these full-grown men acceptable, it is disgusting, and she is guessing that Mr. Bratti didn't know what his employees are doing. Miss Espinoza is extremely frustrated with the harassment and is asking the Planning Commission to Vote "No" to the rezoning. Miss Espinoza said she doesn't think he realized his intentions or what his actions or consequences were going to bring him until he was called. Mr. Bratti didn't start fixing any issues until he was called out. She thinks it's disgusting that Mr. Bratti would try to talk to her dad after there was so many issues and there is more to say but not enough time, please take what she has said into consideration and vote "NO".

Tammy Graham said we didn't know each other that well before this but we do now, and the neighbors are tight. The approval of this rezoning of the family oriented and peaceful residential neighborhood would be a betrayal of your citizens an adject failure to uphold your code of ordinances. There is a track of property to the south owned by Alliance Concrete which is owned by Victor Matar and his intention for that track is

possibly dependent upon the outcome of tonight's vote. Then the city could have commercial rezoning requests that it cannot stop if this is allowed, Mrs. Graham doesn't know how a 9600 square foot building be constructed and open for business in their neighborhood and no one in Tontitown took notice, it happened once it can happen again. Mrs. Graham went over information regarding the issuing of miscellaneous construction permit, signed permit and fees paid and forms and codes. Respect our neighborhood and vote "NO".

One letter of approval and numerous letters disapproving of the rezoning, were submitted to the City of Tontitown and was included in the agenda packet which can also be read on the city website.

**Adjournment.**

**BOARD OF ZONING ADJUSTMENTS**

**1. No agenda items.**

**Adjournment**

**PLANNING COMMISSION**

1. **2384 Liberty Rezoning Request:** The applicant is requesting to rezone 23.63 acres of property from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size). The project is located on parcel #830-37976-400.

Josh Craine motioned to approve the rezoning request at 2384 Liberty Ave from RE to R1.

Second by Kevin Boortz

Motion Failed Unanimously

2. **2021 S. Pianalto Rezoning Request:** The applicant is requesting to rezone 0.84 acres of property from A-1 (Agriculture) to C-T (Commercial Trades and Services). The project is located on a portion of parcel #830-38352-003.

Kevin Boortz motioned to approve the rezoning request from A1 to CT

Second by Josh Craine

Motion Failed Unanimously

3. **Dairy Queen Trail Amendment:** The applicant is requesting to amend the approved Dairy Queen Large-Scale Development located at the southeast corner of the intersection of Hwy. 412 and Agnes Dr., on parcel #830-39942-000. They are proposing to relocate the trail along Hwy. 412 / E. Henri de Tonti Blvd.

Josh Craine motioned to accept

Second by Tom Joseph

Motion Passes Unanimously

4. **Max Alley Car Wash Preliminary Large-Scale Development:** The applicant is requesting Preliminary Large Scale Development approval to construct a car wash facility with a drive thru car wash and vacuums on

approximately 1.4 acres. The project is located at 1256 & 1272 E. Henri de Tonti Blvd., north of Hwy. 412 / E. Henri de Tonti Blvd., adjacent to the city limits of Springdale, on parcel #s 830-37572-000 & 830-37573-000.

Tom Joseph motioned to approve the Max Alley Car Wash with conditions and process codes

Second by Kevin Boortz

Motion Passes Unanimously

5. **Deer Valley Preliminary Subdivision Plat:** The applicant is requesting Preliminary Subdivision Plat approval for 31 lots: 30 single-family, 1 detention, on 76.93 acres. The project is located within the City of Tontitown's Planning Area on Fiori Street, to the north and west of the intersection at Fiori Street and Lynch Ave., on parcel #001-16877-000.

Michael Lunsford motioned to approve the waiver request for additional block link and with conditions

Second by Kevin Boortz

Josh Craine voted- NO

Kevin Boortz voted- YES

James Dean voted- ABSTAINED

Rocky Clinton voted- YES

Tom Joseph voted- YES

Michael Lunsford voted- YES

Motion Passes

Kevin Boortz motioned to approve the Deer Valley Preliminary Subdivision Plat with conditions and process notes

Second by Michael Lunsford

Josh Craine voted- NO

Kevin Boortz voted- YES

James Dean voted- YES

Rocky Clinton voted- YES

Tom Joseph voted- YES

Michael Lunsford voted- YES

Motion Passes

6. **Jean Mary Commercial Large-Scale Development:** The applicant is requesting Preliminary Large-Scale Development approval to construct a commercial building and associated parking on approximately 0.64 acres. The project is located on the southeast corner of the intersection of Via de Tonti Lane and Jean Mary Dr., on parcel #830-37834-000. **-Tabled to July 2022 PC Meeting**

7. **Designer Barber / Salerno Parking Lot Preliminary Large-Scale Development:** The applicant is requesting Preliminary Large Scale Development approval to construct a parking lot with 30 parking spaces on approximately 0.25 acres. The project is located at 175 Kevin Lane, north of Hwy. 412 / E. Henri de Tonti Blvd., on parcel #830-37582-000. **-Tabled to July 2022 PC Meeting**

8. **Bariloche Preliminary Subdivision Plat:** The applicant is requesting Preliminary Subdivision Plat approval for 139 lots: 136 single-family, 2 detention, and 1 common area, on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of Hwy. 412 / W. Henri de Tonti Blvd., on parcel #s 830-37758-000 & 830-37758-001. **-Tabled to July 2022 PC Meeting**
9. **Victory Church Large Scale Development:** Victory Church is requesting Preliminary Large Scale Development approval to construct a 13,303 SF building with associated parking and drives located at 250 Industrial Circle East. **-Tabled to July 2022 PC Meeting**
10. **Bike & Pedestrian Master Plan Updates:** Reminder of Public Input Meeting scheduled from 6:00 p.m. – 8:00 p.m. on Thursday, June 30, 2022, at Tontitown City Hall.
11. **Revisions to the 2022 Planning submittal schedule.** Changes to allow staff more time to review and prepare documents. No change to Planning Commission Meeting dates.

James Dean motioned to accept the calendar  
 Second by Josh Craine

Motion Passes Unanimously

**PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL City Council July 5<sup>th</sup>, 2022**

1. **2384 Liberty Rezoning Request:** The applicant is requesting to rezone 23.63 acres of property from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size). The project is located on parcel #830-37976-400.

FAILED

2. **2021 S. Pinalto Rezoning Request:** The applicant is requesting to rezone 0.84 acres of property from A-1 (Agriculture) to C-T (Commercial Trades and Services). The project is located on a portion of parcel #830-38352-003.

FAILED

**Comments from Staff**

1. **May 2022 Building Activity Report**
2. **Current Planning Projects Report**

**3. Comments from Commission**

**James Dean has been working with VC3 on his government email, he can receive everything but cannot reply or generate emails so if you send something and he doesn't answer he's not ignoring your emails.**

Josh Craine quote- The farmer is the only man in our economy who buys everything at retail sells everything at wholesale and pays the freight both ways.... John F. Kennedy

Rocky Clinton said this meeting was emotional and thought several times during the process of stopping some of the comments, but he also understood where they were coming from, as we stated several times our authority ends with the code.

Some of the public comments was directed toward him and he usually doesn't address them but would like to clarify a couple of things

1. He did not ramble at the Committee of the Whole Meeting, some people forgot why he was there, and it was stated at the beginning of his talk and that was Tim Burress requested that he give that dissertation that is the only reason he did it and Tim Burress seemed to forget that he asked him as well.
2. There is a misunderstanding of what this position is, he said he is not a leader of this board. When Rocky was elected chair, it was not to lead them, it was to run the meetings and keep order, that's it. And the closest he comes to leading them is when he knows that we are going outside of law and try to guide them but to lead them to a decision is not his job. Somebody rightly stated in their posts that all of these men are pretty smart and they don't require him to lead them, they don't require him to tell them how to vote and he doesn't do that, they are independent thinkers and we often disagree and that is as far as it goes. I do not lead this board and he will never lead this board to make certain decisions, that's not his job, his job is to call out the items on the agenda that's it, So, if body or the council decide to remove him that's fine, he is here to serve.

Michael Lunsford wanted to say thank you too Rocky

#### 4. Members

Adjournment.





**Public Hearing and Planning Commission  
Meeting June 28th, 2022, 6:00 PM  
Virtual Meeting Participation Opportunities**

**Zoom Meeting:**

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- **By PC, Mac, iOS (iPhone), or Android:**

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When prompted for Meeting ID: 839 7049 6992#

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Use “Raise hand” function when comment for an item is requested

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Phone numbers used to dial in to meeting will be masked for privacy

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**YouTube Live:**

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