



# Appeal-Planning Commission Decision

## Application & Checklist

Application can be found at <http://www.tontitown.com/>

Office Use Only:

Fee: \$ 400.00

Date Paid: 8-7-24

Receipt #: 12505

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the City Council agenda until the application is completed and required information provided.

Application hereby appeals to the City Council from the action of the Planning Commission affecting the property described below.

|                      |                 |                             |                 |                                |
|----------------------|-----------------|-----------------------------|-----------------|--------------------------------|
| Property Description | Site Address(s) | 1853 W. Henri de Tonti Blvd | Parcel #        | 830-37879-200                  |
|                      |                 | Tontitown, AR               | Acreage         |                                |
|                      | Current Zoning  | C-2                         | Proposed Zoning | CUP and LSD - no zoning change |

|                            |                 |                             |   |  |
|----------------------------|-----------------|-----------------------------|---|--|
| Property Owner Information | Property Owner  | Upward Investment, LLC      | Office Phone  |  |
|                            | Business Name   |                             | Cell Phone  |  |
|                            | Mailing Address | 1849 W. Henri de Tonti Blvd | E-mail  |  |
|                            |                 | Springdale, AR 72762        | <input type="checkbox"/> Check here if this is the primary contact. |  |

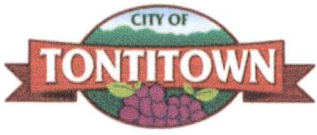
|                            |                 |  |  |                                 |
|----------------------------|-----------------|--|--|---------------------------------|
| Representative Information | Property Owner  | Vertical Bridge REIT, LLC (Lessee/Assignee) c/o Baker Donelson | Office Phone   | 205-250-8304                    |
|                            | Business Name   | Andy Rotenstreich - Baker Donelson                             | Cell Phone   |                                 |
|                            | Mailing Address | 1901 6th Avenue N, Suite 2600                                  | E-mail   | arotenstreich@bakerdonelson.com |
|                            |                 | Birmingham, AL 35205   | <input checked="" type="checkbox"/> Check here if this is the primary contact. |                                 |

|           |  |  |  |  |
|-----------|--|--|--|--|
| Checklist | <input checked="" type="checkbox"/> Attach a narrative with the following information:   |  |  |  |
|           | 1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.  |  |  |  |
|           | 2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.  |  |  |  |
|           | 3. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's action were reversed.  |  |  |  |
|           | 4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision. |  |  |  |

|                          |   |                    |   |                     |
|--------------------------|---|--------------------|---|---------------------|
| Representative Signature | I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval. |                    |   |                     |
|                          | Representative Signature  | Rotenstreich, Andy | <small>Digitally signed by Rotenstreich, Andy<br/>Date: 2024.08.05 14:24:24 -06'00'</small> | Date August 6, 2024 |

|                 |  |                    |   |                     |
|-----------------|--|--------------------|---|---------------------|
| Owner Signature | I certify under penalty of perjury that I am the owner of the property that is subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.) |                    |   |                     |
|                 | Owner Signature  | Rotenstreich, Andy | <small>Digitally signed by Rotenstreich, Andy<br/>Date: 2024.08.05 14:24:49 -06'00'</small> | Date August 6, 2024 |

|                 |                      |  |                     |  |
|-----------------|----------------------|--|---------------------|--|
| Office Use Only | Date Submitted:      |  | Date of CC Meeting: |  |
|                 | Date of PC Decision: |  | CC Decision:        |  |

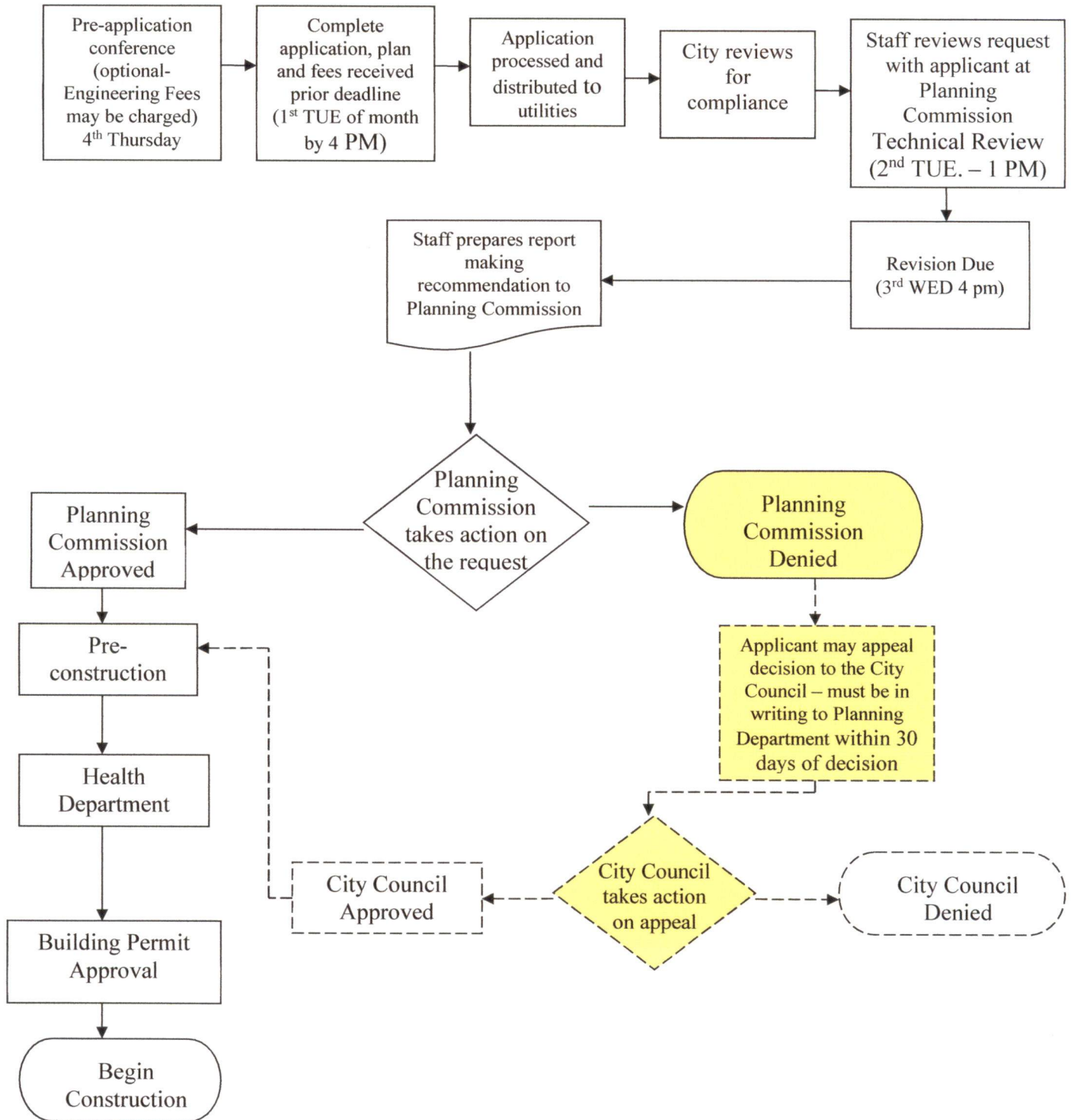


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### Planning Commission Process Flow – Rezoning Appeal





**Narrative for Appeal of Planning Commission Decision to City Council of  
Verizon/Vertical Bridge CUP Application and LSD Application**

1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.

Response: The Planning Commission voted neither to approve or deny the applications before it, and no reason was provided for such inaction.

2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.

Response: Both applications meet all of the ordinance requirements for such installation, and the Planning Commission's inaction or denial is in direct violation of the Telecommunications Act of 1996.

3. Reasons why the applicant of the appeal believes the public health, safety, welfare, and morals would be better served if the Planning Commission's action(s) were reversed.

Response: The proposed use at the proposed location follows the regulations adopted by the City Council for the placement of wireless telecommunications facilities, and this use seeks to serve the residents, businesses, travelers and other entities with sufficient wireless services for wireless broadband connection, cell service, emergency connectivity, and first responder connectivity. Such a proposed use defines the very nature of a promoting public health, safety, welfare, and morals.

4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

Response: All relevant information illustrating that the application met the requirements of the local ordinance with respect to the proposed installation was included in the multiple submittals to the City, including the original application, supporting materials to the application, and supplemental documents supplied prior to the Planning Commission hearing. The applicant reserves the right to present additional evidence in support of its appeal of the applications.