

RESOLUTION NO. 128

A RESOLUTION CALLING FOR A THOROUGH, OBJECTIVE INVESTIGATION OF THE PROPRIETY OF THE PREVIOUS ASSIGNMENT OF R-0 ZONING TO PROPERTY ALONG BOTH SIDES OF S. H. 112, GENERALLY LOCATED IN THE NORTHWEST QUARTER OF S6, T17N, R30W; AND CALLING FOR POSSIBLE RE-ZONING CONSIDERATION OF THE PROPERTY, FROM R-3 RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL

WHEREAS, the City of Tontitown has adopted new zoning regulations, and a new comprehensive zoning map with assignments of zoning districts established by said regulations; and

WHEREAS, in the process of formulating a new zoning map for city council consideration, the planning commission recommended that the "down-zoning" of property that had previously been properly zoned commercial in nature be avoided—essentially suggesting that, with regard to commercial type classifications, the new map be inclusive of the old map; and

WHEREAS, legitimate questions have arisen as to the propriety of the R-0, Residential-Office zoning along both sides of S. H. 112 in the NW ¼ of S6, T17N, R30W on what was purported to be the existing zoning map; and

WHEREAS, due in part to questions as to whether said property was previously zoned R-0 in compliance with all legal requirements then in existence, as well as traffic concerns associated with the new Springdale school being built in the vicinity, the city council has elected to zone the subject property R-3, Residential; and

WHEREAS, provided an affirmative finding is reached that compliance was, in fact, achieved in originally zoning said property R-0, the city council will subsequently consider a planning commission initiated recommendation that the property be re-zoned to C-1, Neighborhood Commercial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

SECTION 1. That the City Attorney, with the assistance of the Tontitown Planning Commission and regional planning consultants currently under contract, is hereby authorized and directed to thoroughly investigate whether the above referenced property (along and parallel to both sides of S. H. 112 in the NW ¼ of S6, T17N, R30W) was zoned R-0 in compliance with all legal requirements then in existence.

SECTION 2. That a report of the City Attorney's findings and determinations shall be made to the mayor and city council by February of 2006.

SECTION 3. That, subject to an affirmative finding that compliance was achieved, the city council may subsequently consider a planning commission initiated recommendation that the subject property be rezoned from R-3, Residential to C-1, Neighborhood Commercial.

PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF December, 2005.

*Paul W. ...*  
Mayor

Attest: *[Signature]*  
Recorder-Treasurer



# ROLL CALL:

Shall the Resolution pass:

	YEA	NAY	
Alderman Andrew Penzo	<u>X</u>	_____	<i>(Ward 2, Position 2)</i>
Alderman Arthur Penzo	<u>X</u>	_____	<i>(Ward 2, Position 1)</i>
Alderman Henry Piazza	<u>X</u>	_____	<i>(Ward 1, Position 2)</i>
Alderman Bradley Marveggio	<u>X</u>	_____	<i>(Ward 1, Position 1)</i>
Alderman Ken Robertson	_____	_____	<i>(Ward 3, Position 2)</i>
Alderman Steve Smith	<u>X</u>	_____	<i>(Ward 3, Position 1)</i>
Mayor Paul Maestri	_____	_____	

Yeas: 5 Nays: 0 (total)