

ORDINANCE NO. 2015-10- 549

**REZONING CERTAIN PROPERTY NORTH OF E. HENRI DE TONTI BOULEVARD FROM C-2, COMMERCIAL, TO PRD, PLANNED RESIDENTIAL DEVELOPMENT.**

**WHEREAS**, after due notice as required by law, the city of Tontitown, Arkansas, Planning Board has heard all those who wish to be heard regarding a rezoning application, including a detailed overall development plan, for certain property north of E. Henri de Tonti Boulevard, from C-2, Commercial, to PRD, Planned Residential Development; and

**WHEREAS**, the City Council of the city of Tontitown, Arkansas, has determined that said rezoning complies with the adopted plans of the city of Tontitown, and that they are designed to protect the health, safety, or welfare of the citizens; and

**WHEREAS**, it is the desire of the City Council that the application be approved as submitted and said property be rezoned to PRD, Planned Residential Development.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the city of Tontitown, Arkansas:


Section 1: That based on and subject to the overall development plan which is attached hereto for the following described property, it shall be and the same is hereby rezoned from its current classification of C-2, Commercial, to a classification of PRD, Planned Residential Development, and it shall be known as "Towne Park@ Har-Ber":

Commencing at the SW corner of the SE ¼ NE ¼ of S6, T17N, R30W; thence north 20 feet, more or less, to a point on the north R-O-W line of E. Henri de Tonti Boulevard, same point being the SE corner of Washington County (WC) parcel #830-37579-000; thence westerly along the said R-O-W line 54.23 feet, more or less, to the point of beginning; thence north 02°19'20" E. 197.5 feet to a point; thence south 87°29'27" E. 260 feet, more or less, to a point, same being on the east boundary line of WC parcel #830-37570-000; thence northerly along the east line of said parcel 1083.76 feet, more or less, to a point, same being the NE corner of said parcel; thence westerly along the north boundary line of said parcel 214.18 feet, more or less, to a point, same point being on the NE corner of WC parcel #830-37579-000; thence continuing westerly along the north line of said parcel 162.74 feet, more or less, to a point, same being on the NW corner of said parcel; thence southerly along the west line of said parcel 1282.38 feet, more or less, to a point, same being the SW corner of said parcel and the north R-O-W line of E. Henri de Tonti Boulevard; thence easterly along the said R-O-W line 112.12 feet, more or less, to the P.O.B.

Section 2: That the official Zoning Map of the city of Tontitown, Arkansas, shall be amended to reflect this change within thirty (30) days of the date of this ordinance.

Section 3: That the Recorder-Treasurer shall cause this document, and any other documents needed to accomplish the intent of this ordinance, to be properly filed as required by law.

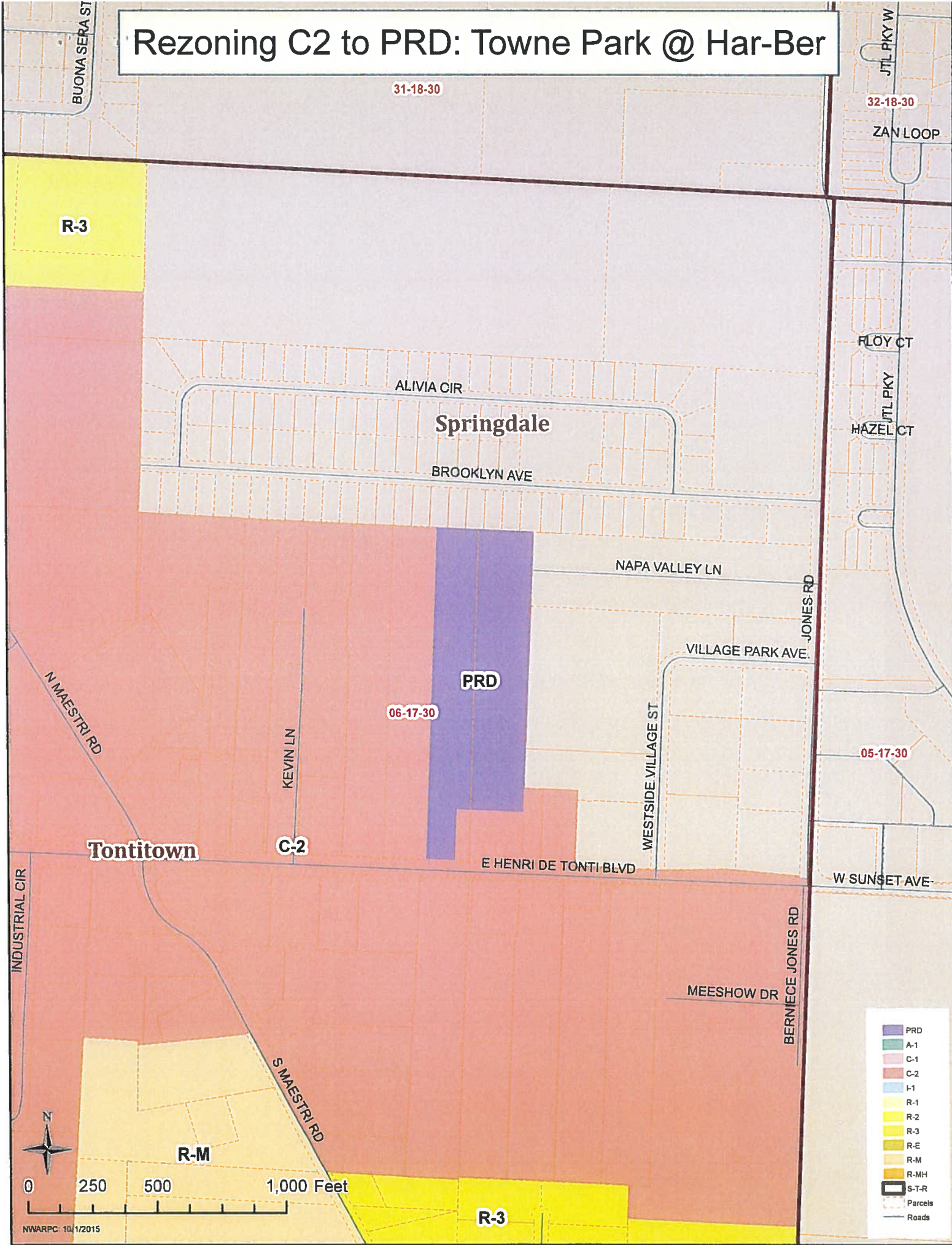
**PASSED AND APPROVED** this 6<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
PAUL COLVIN, JR., Mayor

ATTEST:

  
\_\_\_\_\_, Recorder-Treasurer

# Rezoning C2 to PRD: Towne Park @ Har-Ber



31-18-30

32-18-30

R-3

Springdale

ALIVIA CIR

BROOKLYN AVE

NAPA VALLEY LN

PRD

06-17-30

05-17-30

Tontitown

C-2

E HENRI DE TONTI BLVD

W SUNSET AVE

MEESHOW DR

R-M

R-3

- PRD
- A-1
- C-1
- C-2
- I-1
- R-1
- R-2
- R-3
- R-E
- R-M
- R-MH
- S-T-R
- Parcels
- Roads

## PUBLIC HEARING NOTICE

The Tontitown Planning Commission will meet on Friday, October 2nd at 6:00 PM at City Hall to hear all those who wish to be heard regarding a change in zoning for properties located at 1192 and 1236 E. Henri de Tonti Blvd. The public is invited to attend and participate. Tontitown codes are available online at [www.tontitown.com](http://www.tontitown.com).

To be published one (1) time on Wednesday, September 16, 2015.

Please direct any questions regarding this request to: James Clark (Public Works Director) 479-361-2700

Please send bill and proof-of-publication to: Recorder-Treasurer  
P.O. Box 305  
Tontitown, AR 72770

File# 2015-00025952

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

That Sprout Holdings, LLC, an Arkansas limited liability company, Grantor, for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---(\$10.00)---and other good and valuable consideration in hand paid by Orchard Properties, LLC, Grantee, the receipt of which is hereby acknowledged, does grant, sell and quitclaim unto the said Grantee, and unto its successors and assigns forever, the following lands lying in the County of Washington and the State of Arkansas to-wit:

**SEE ATTACHED EXHIBIT "A"**

To have and to hold the same unto the said Grantee, and unto its successors and assigns forever, with all appurtenances thereunto belonging.

WITNESS our hands and seals as such Grantor this 11<sup>th</sup> day of September, 2015.

I hereby certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument. Exempt or no consideration paid if none shown.  
GRANTEE OR AGENT  
GRANTEE'S ADDRESS: PO BOX 10620  
Fayetteville, AR 72703

Sprout Holdings, LLC

By:   
Tamara Martin, Managing Member

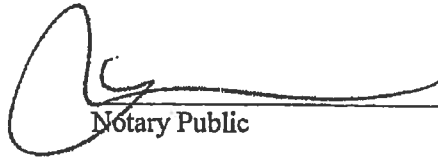
ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF Washington )

SS.

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Tamara Martin**, to me personally known (or satisfactorily proven), who stated that she is the authorized **Managing Member of Sprout Holdings, LLC**, an Arkansas limited liability company, and is duly authorized in her capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that she has so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 11<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Notary Public

My commission expires: 3-26-2022

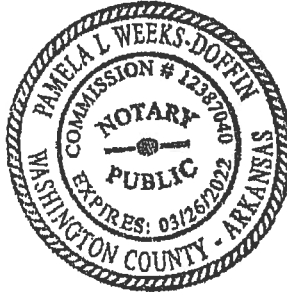


EXHIBIT "A"

A part of the E 1/2 of the E 1/2 of the E 1/2 of the SW 1/4 of the NE 1/4 of Section 6, T-17-N, R-30-W, Washington County, Arkansas, and being more particularly described as follows: Beginning at the NE corner of said 5 acre tract and said point being an existing iron; thence S00°07'32"W, along the East line of said 5 acre tract 1281.25 feet, to the North right-of-way of Highway 412; thence along said right-of-way, the following bearings and distances: N89°50'29"W, 6.88 feet to an existing AHTD monument; N78°34'22"W 76.61 feet to an existing AHTD monument; S78°53'01"W, 76.57 feet to an existing AHTD monument; N89°50'29"W, 8.81 feet to a set iron in the West line of said 5 acre tract; thence leaving said right-of-way N00°07'32"E, 1281.12 feet to a set iron on the Northwest corner of said 5 acre tract; thence S89°53'17"E, 165.73 feet to the point of beginning.

AND ALSO

Six (6) acres of equal and uniform width off of the West side of the Southeast Quarter of the Northeast Quarter of Section 6 in Township 17 North of Range 30, West, Washington County, Arkansas, LESS AND EXCEPT Part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 17 North, Range 30 west, Washington County, Arkansas, more particularly described as follows: Starting at the Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 6; thence S02°30'00"W along the West line thereof a distance of 1277.8 feet for the point of beginning, said point being on the Northerly proposed right of way line of State Highway 68; thence S87°30'11"E along said proposed right of way line a distance of 198.0 feet to a point; thence S02°30'00"W a distance of 5.0 feet to a point on the Northerly existing right of way line of State Highway 68; thence N87°30'11"W along said existing right of way line a distance of 198.0 feet to a point on the West line of the Southeast Quarter of the Northeast Quarter of Section 6; thence N02°30'00"E along said West line a distance of 5.0 feet to the point of beginning and containing 0.02 acre, more or less.

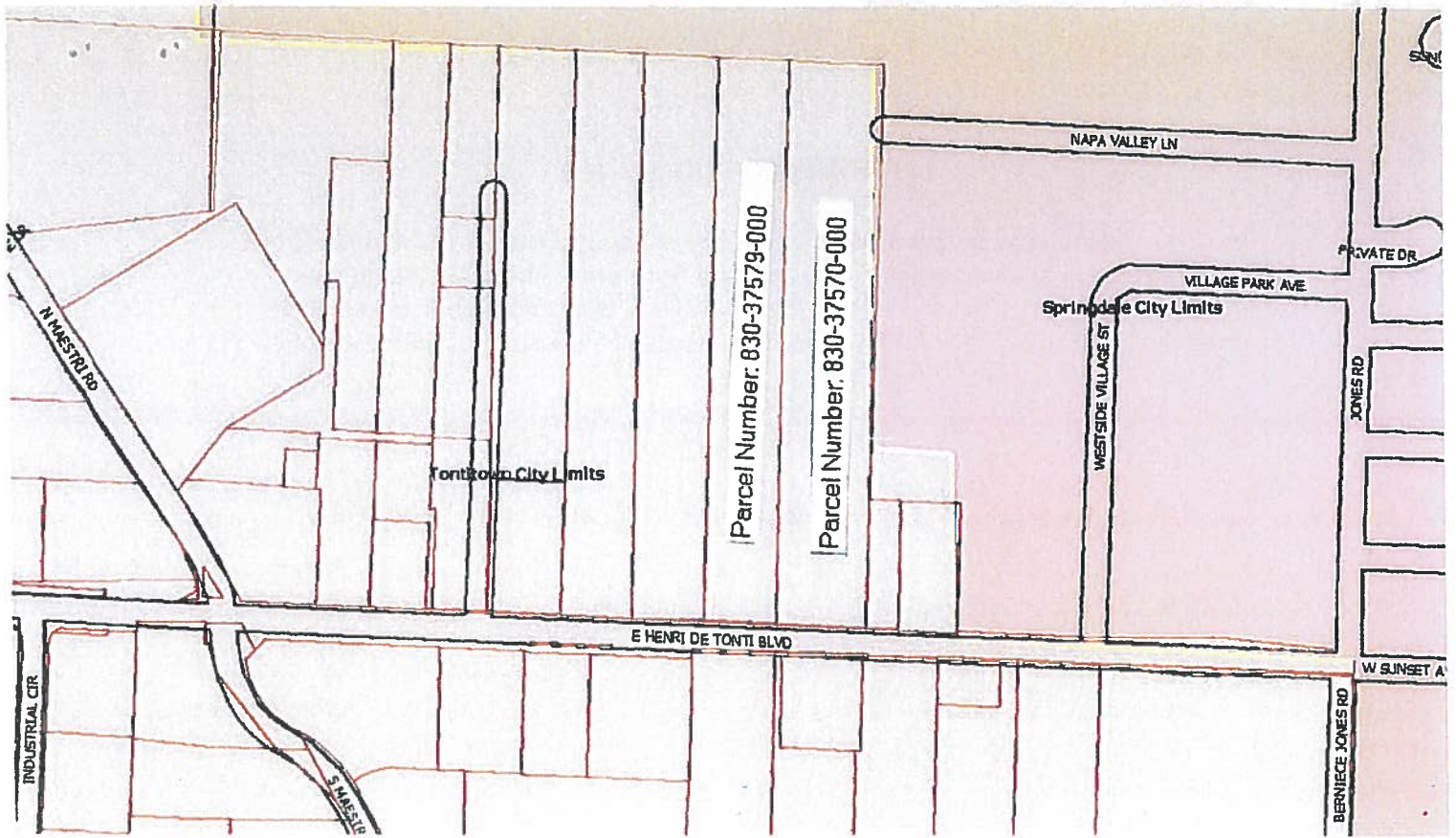
Subject to easements, right-of-ways, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases, if any.

Washington County, AR  
I certify this instrument was filed on  
9/11/2015 4:09:21 PM  
and recorded in REAL ESTATE

File# 2015-00025952  
Kyle Sylvester - Circuit Clerk







Parcel Number: 830-37579-000

Parcel Number: 830-37570-000

Fontitown City Limits

Springdale City Limits

NAPA VALLEY LN

PRIVATE DR

VILLAGE PARK AVE

WESTSIDE VILLAGE ST

JONES RD

W SUNSET A

BERNICE JONES RD

E HENRI DE TONTI BLVD

INDUSTRIAL CIR

N MAESTRI RD

S MAESTRI



## **OVERALL DEVELOPMENT PLAN**

### **10.67 ACRES ALONG HWY 412**

This document outlines plans for mixed-use development of an approximately 10.67 acre tract along the north side of Highway 412 approximately 8,000 feet west of Interstate 49 in Tontitown, Arkansas. The properties are identified as Parcels 830-37579-000 and 830-37570-000 according to the Washington County Assessor, and is currently zoned C-2, General Commercial. The development will include multi-family townhouses and multi-family flats on 9.57 acres of the property. The remaining 1.10 acres will remain C-2. Directly northeast of the proposed development is the Vineyards multi-family residential subdivision.

The purpose of this development is to provide multiple housing options along Highway 412. The townhouse/flat combination will be comparable to the Vineyard Subdivision. The layout also allows for portion of the property to the south to remain commercial for future development.

The development includes one zoning district: PRD

#### **A) PRD, Planned Residential Development**

The 9.57 acres of proposed development includes townhouses and Flats within a Planned Residential District (PRD). A total of 22 buildings are proposed using a combination of five different types. Building Types A and B will be six units each, Building Type C and D will have eight units each, and Building Type E will have sixteen units. All of the buildings will include varied rooflines, colors, and architectural elements, but all will have a consistent unifying overall theme and appearance. The streets within the PRD will be private, and no on-street parking will be allowed. The PRD includes a large common open space just south of the Club House.

The multi-family residential portion of the development is proposed to be developed as a PRD for the following reasons:

- The development plan and zoning change will be reviewed in one process. This will prevent concerns regarding a "bait and switch" whereby the city and adjacent owners are potentially misled regarding the type of development to be undertaken and provide clarity and transparency for all parties regarding the characteristics of the development.
- The approved PRD plan will remain intact even if transfer of ownership were to occur, ensuring that the multi-family development can only be constructed as originally proposed.
- The approved PRD will represent a commitment by both the developer and the City.
- The approved PRD allows enhanced design through flexibility and variance from the established site requirements and development standards of the Zoning and Subdivision Codes, providing for variation in design and arrangement of structures, and coordination of project characteristics with features of a particular site.
- The PRD process allows the Planning Commission and the City Council to make more informed decisions and thereby guide development more effectively in the best interest of the City.

The PRD infrastructure, including water, sewer, streets, sidewalks, open spaces, and lighting will all be constructed in one phase. Once the infrastructure is in place, the residential unit construction will begin. The PRD infrastructure, including water, sewer, streets, sidewalks, open spaces, and lighting will all be constructed in one phase. Once the infrastructure is in place, the residential unit construction will begin.

The PRD will permit the following uses:

- Dwelling – Townhouse or Rowhouse
- Park – Neighborhood

Development of a PRD allows for modification of certain development standards. The following section details which of the allowable modifications are requested in the proposed PRD. Due to the multi-family nature of the development and proposed density, the applicable portion of the Zoning Code serving as the basis for modifications is the R-4, High Density Residential District.

- Density: Residential density exceeds to Zoning Code (R-4 districts) - modification required to allow 16.3 density
- Building Setbacks: Proposed building setbacks for the PRD are as follows:

Front setback: 20'

Side setback: 20'

Rear Setback (along north line of PRD): 25'

- Height of buildings or structures: Building height will not exceed 40 feet which conforms to Zoning Code (all residential districts) - no modification required
- Lot size, depth, or width: Lot conforms to minimum area, depth and width requirements per Zoning Code (R-4 Districts) - no modification required
- Required off-street parking spaces – each unit has a 2-car attached garage and a driveway capable of parking two additional vehicles which conforms to off-street loading requirements – no modification required
- Street widths – Design standards for local streets require a minimum street section of 30 feet. The proposed private streets within the PRD will be 25' wide (measured from Back of Curb to Back of Curb). This is a modification reducing the street width by 5' compared to the requirement for a public street. This requested modification is in line with the Zoning Code §153.050 Planned Residential Development (PRD), (A) General Description, (4) Smart Growth and Traditional Neighborhood Design, (f) "Provide an interconnected network of narrow streets that are safe and pleasant for pedestrians and which provide a variety of routes for local traffic"

The zoning code requires a PRD to provide common open space of at least 15% of the net acreage of the PRD. With a net acreage of 9.57 acres, the minimum required common open space for the proposed

