

§ 153.026 APPEALS TO CITY COUNCIL.

(A) *Notice of appeal.* Any decision by the Planning Commission regarding a rezoning or conditional use permit, may be appealed to the City Council. In order to make an appeal, the aggrieved party must file a notice of appeal with the City Clerk within 30 days of the Planning Commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the Planning Commission. As a minimum however, the applicant shall provide 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.

(B) *City Council action.* Appeals to the City Council shall be de novo; however, they shall first be considered on the record of the public hearing and Planning Commission meeting at which the original case was heard and the original decision made. Based on this review, the City Council may affirm the Planning Commission's decision, reverse it, or send the case back to the Planning Commission for further study and re-certification. If new information is placed before the Council that, in the opinion of the Council, would affect the Planning Commission's decision, the Council may refer the case back to the Planning Commission for further study, including the new information, and re-certification.

(Ord. 2012-07-393, passed 7-3-12; Am. Ord. 2012-11-401, passed 11-7-12; Am. Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-441, § 153.301.9, passed 9-3-13)



Appeal-Planning Commission Decision

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

Office Use Only:

Fee: \$ 400.00

PAID

Date Paid: 1-25-2017 JAN 25 2017

Receipt #: 428

Per: AP428

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) _____	Parcel # <u>830-38032-000</u>
	Current Zoning <u>R-3</u> ✓	Acreege <u>8.62 Acres</u>
	Proposed Zoning <u>C-1 + R-3</u>	

Property Owner Information	Property Owner <u>Potts Family LLC / One Twelve LLC</u>	Office Phone <u>479-750-2486</u>
	Business Name <u>P.O. Box 477</u>	Cell Phone <u>479-790-4267</u>
	Mailing Address <u>Tontitown, AR 72770</u>	E-mail <u>robnp2@gmail.com</u>

Check here if this is the primary contact.

Representative Information	Property Owner _____	Office Phone _____
	Business Name _____	Cell Phone _____
	Mailing Address _____	E-mail _____

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 _____	Date _____

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 <u>[Signature]</u>	Date <u>1/25/17</u>

Office Use Only	Date Submitted: _____	Date of CC Meeting: _____
	Date of PC Decision: _____	CC Decision: _____

January 25, 2017

TO: Tontitown Planning Department:

RE: Potts Family LLC Property

8.62 Acres on the West side of Highway 112, West of Har-Ber Avenue


On December 27, 2016, we requested the rezoning of our property from the current zoning of R-3 to commercial zoning. We did leave the 1+/- acre in the northwest corner as a concession to the neighboring property owner to the west. Our rezoning was denied, and it is our understanding it is because we did not also leave the 1+/- acre in the southwest part of the site as residential, as that property owner had requested.

This letter is an appeal of that decision. We are willing to change our request and leave both of these sections as R-3, which basically amounts to the west 200' of the property. The Tontitown Land Use Plan Map indicates that commercial zoning/use is anticipated for our property. For everything else, we are requesting the property be rezoned to commercial utilization. We are happy with either C-1 (as was in the rezoning request for December 27, 2016) or C-2. Right now, our plan is to develop the frontage for restaurant, medical office or professional office use, and the remainder (not including the 2 acres on the west) for professional office type use. We do not have large scale development plan for this at the present time, as we are in the process of discussing this with potential partners. Our bank is requiring that the property be rezoned in order for planning to move forward.

I have included two drawings: 1) is a drawing of the request as was discussed at the December 27, 2016 planning meeting. 2) is a drawing of the revised request. I have also included all the paperwork included in the rezoning request dated 12/27/16.

If you have any questions, I can be reached at the number below.

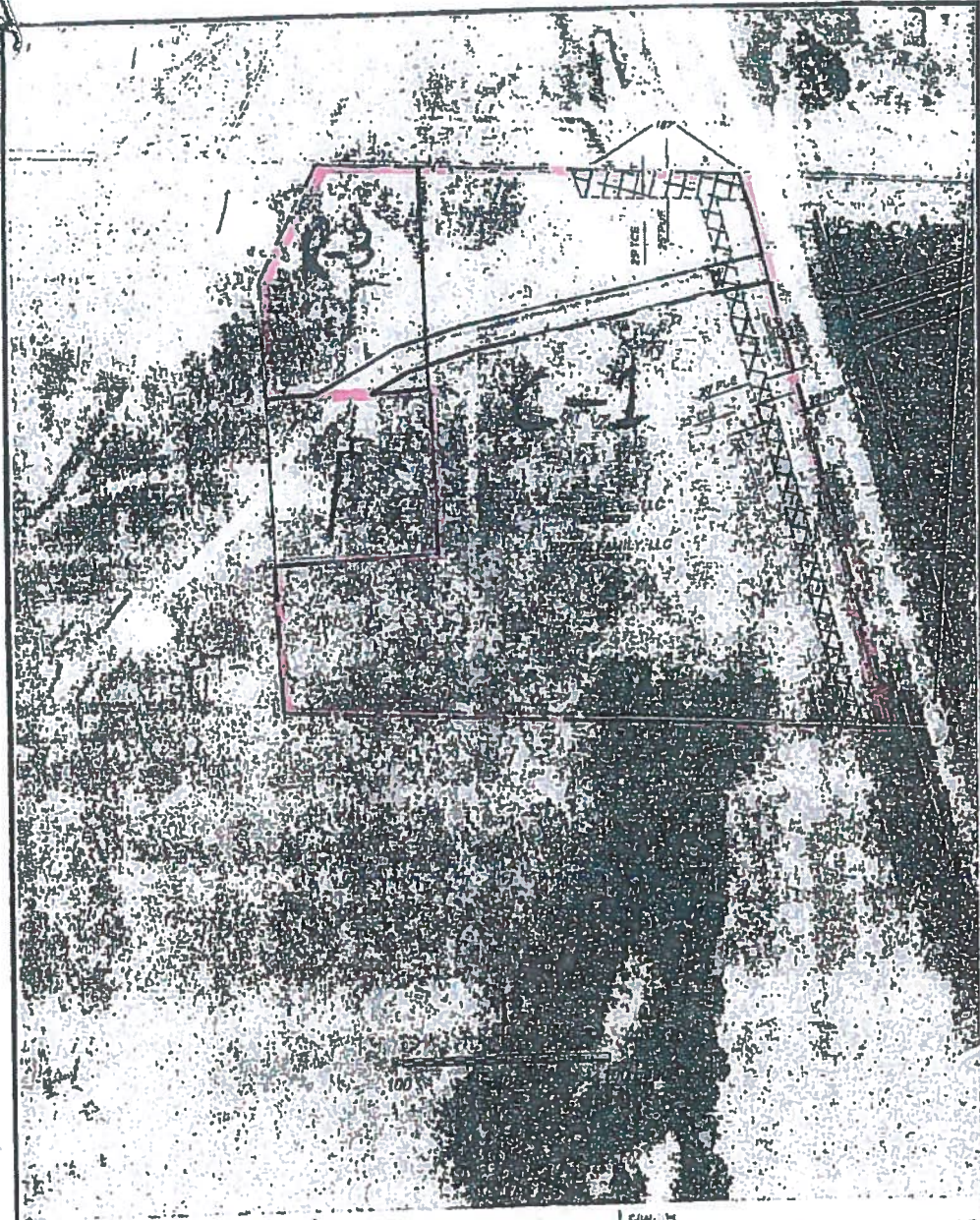
Sincerely,



Rob Potts c/o Potts Family LLC Property

479-790-4267

Copy



825 WEST BIRMINGHAM CIRCLE - NOT A SURVEY PLAT

OWNER: ONE TWELVE, LLC & POTTS FAMILY, LLC
Washington County, Arkansas

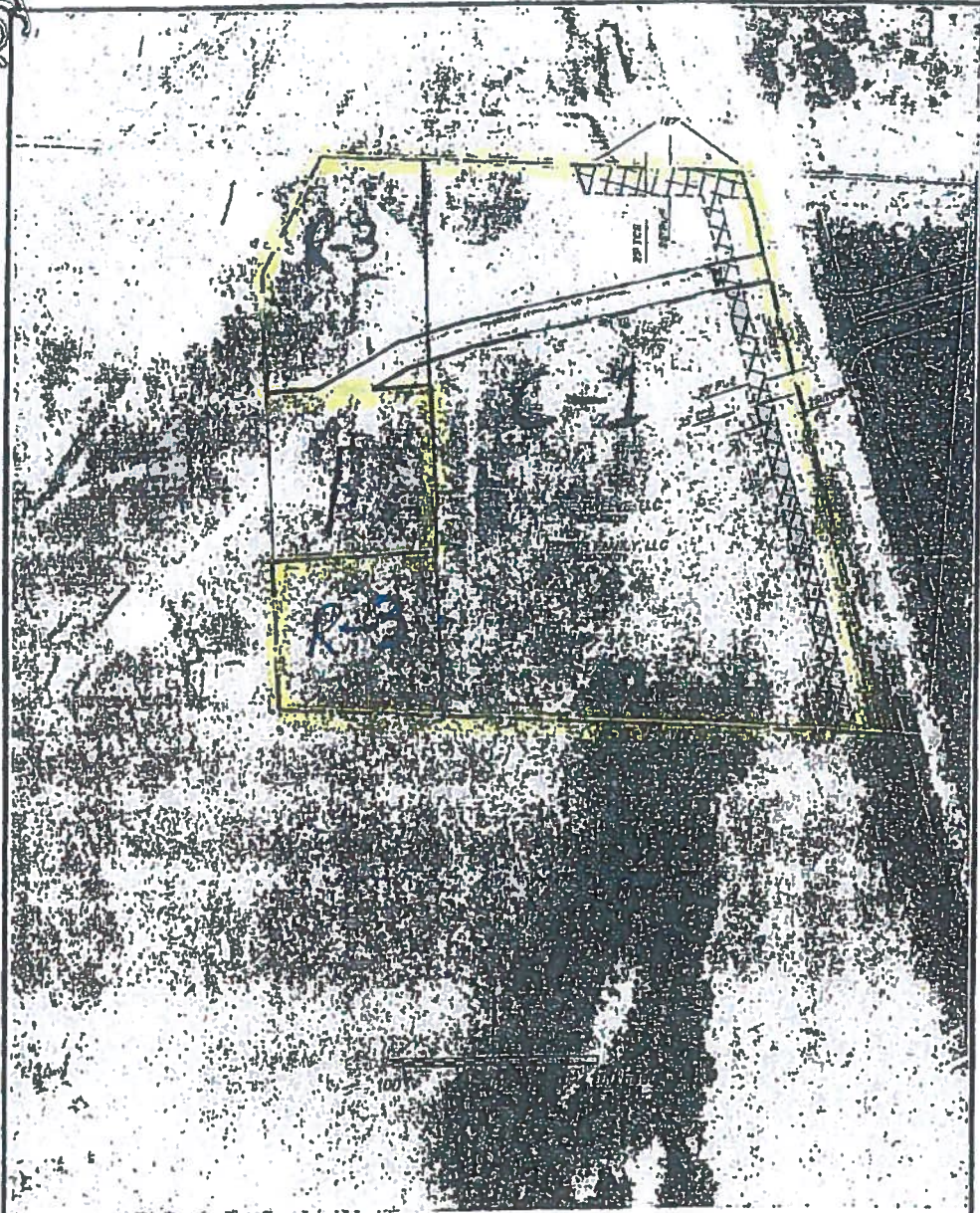


USI-ARKANSAS, INC

TRACT NUMBER	PARCEL NUMBER	DRAWN	CHKD	SHEET
L773	830-32931-200 830-31312-22	LR	TTC	1/1

Copy

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FOR FIELD/BLANKING ONLY. NOT A SITE PLAN

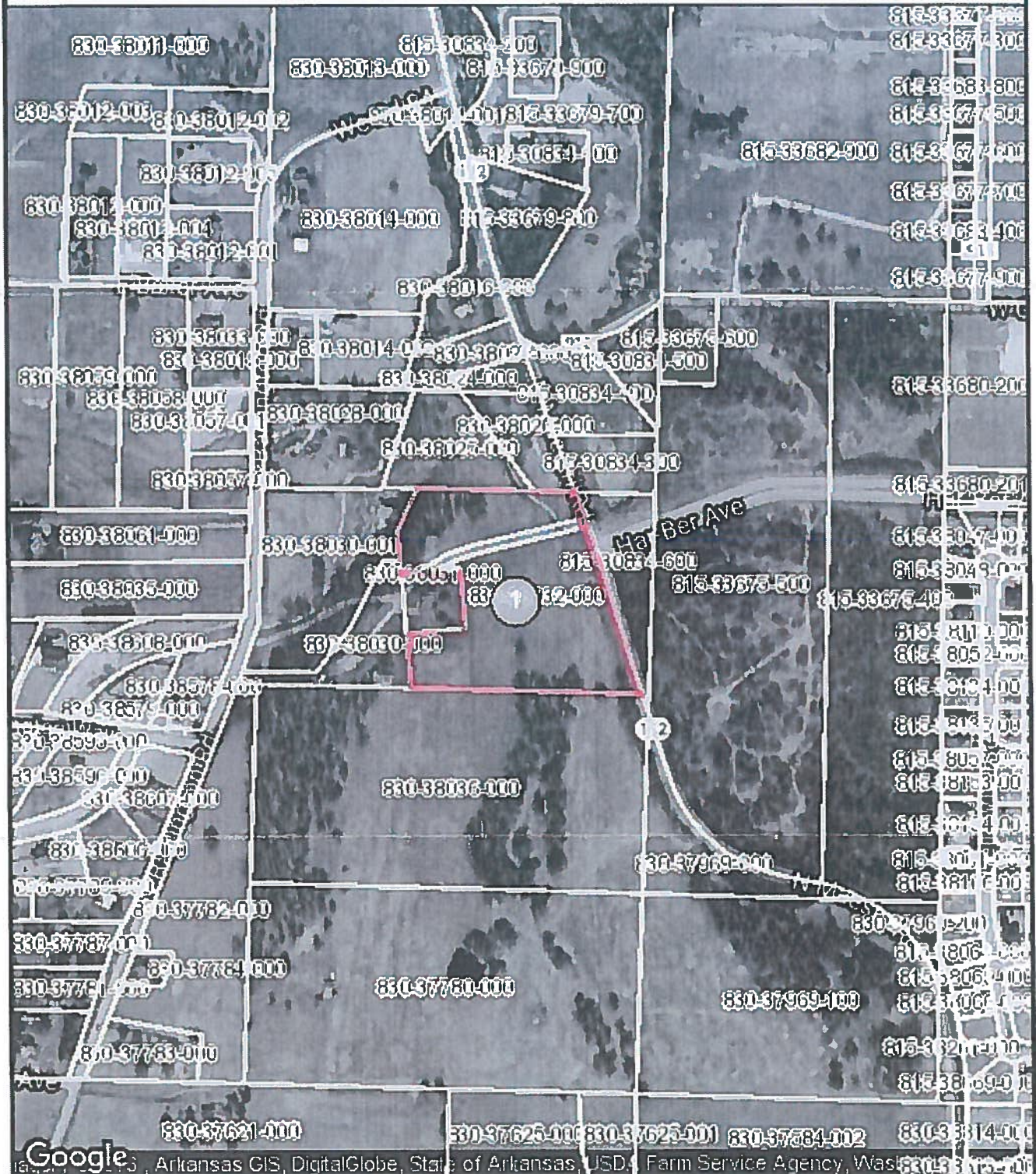


USI-ARKANSAS, INC
11111 W. 11th St
Midwest City, OK 73102

OWN. BY
ONE TWELVE, LLC & POTTS FAMILY, LLC
Washington County Arkansas

TRACT NUMBER	PARCEL NUMBER	DRAWN	CHKD	SHEET
1773	830-39231-0-3 830-37322-...	LR	T-C	1/1

POTTS FAMILY LLC PROPERTY



Google

Arkansas GIS, DigitalGlobe, State of Arkansas, USDA, Farm Service Agency, Washington