



## CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.  
479-361-2700  
planning@tontitownar.gov

Meeting: **October 23, 2018**  
Project: **Robinson Rezone Request**  
Planner: Courtney McNair

### AGENDA ITEM

## A

### REZONING REQUEST

#### 1637 S. Pianalto Road

Parcel # 830-38335-300

**SUMMARY:** Request to rezone a piece of land that is approximately 18.98 acres in size from **R-E, Residential Estates** to **R-2, Residential minimum ½ acre**

**CURRENT ZONING:** **RE** - Residential Estates-minimum 2 acre lots

**PROPOSED ZONING:** **R2**- Residential-minimum ½ acres lots

**CITY WARD:** 3- Don Doudna, Tommy Granata

**INFRASTRUCTURE SERVICE AREAS** (not a guarantee of service availability):

**Water:** Tontitown Water/Washington Water Authority

**Sewer:** Tontitown Sewer/Septic

**Road Access:** S. Pianalto Road

**Electric:** Ozarks Electric

**Cable:** Cox Communications

**Phone:** ATT

**Natural Gas:** Black Hills Energy

**School District:** Springdale

### PROJECT SYNOPSIS:

#### Request:

Robinson Rezoning is requesting that this property be rezoned from RE (Residential Estate Lots) to R2 (residential-minimum ½ acre lot). The applicant would like to split this 18.98-acre tract into 3 tracts that are 6.80 acres, 6.01 acres, and 6.05 acres in size. These splits meet the lot size requirement of 2 acres for RE zoning, but the applicant only has approximately 500 feet of road frontage. The road frontage requirement for RE zoning is 200 feet. The road frontage requirement for R2 is 100 feet.

The property is adjacent to both R2 and R3 zoning.

### APPROVAL CRITERIA:

*Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:*

#### (1) Consistency of the proposal with the comprehensive plan.

**STAFF ANALYSIS:** The current Future Land Use Plan shows this area as Low/Medium Density Residential. The request is for Low/Medium Density Residential.

**(2) Consistency of the proposal with the purpose of these regulations.**

**“The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.”**

*STAFF ANALYSIS:* This area is primarily residential with lots ranging from ½ acre to 20 acres. The average lot appears to be around 3 acres in size. The applicant is asking for a zoning that exists in the area, but intends currently to have lots that are larger than the average.

**(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.**

*STAFF ANALYSIS:* The requested use is a Residential use; all surrounding uses are zoned for residential uses.

North-zoned RE

East-zoned R2/R3

South-zoned RE

West-Unincorporated Washington County-minimum lot size is 1 acre.

All surrounding uses appear to be residential or agricultural.

**(4) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.**

*STAFF ANALYSIS:* The property is well suited for Residential uses, and will remain Residential. The zoning request only changes the lot size and road frontage requirements.

**(5) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.**

*STAFF ANALYSIS:* The proposed development will not detrimentally affect nearby property. The request is for R2 zoning in an area that already has both R2 and R3 (lots can be 9,600 sf) zoning.

**(6) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and**

*STAFF ANALYSIS:* This property has been zoned RE since it was annexed into the city and has remained a single property since that time.

**(7) Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.**

*STAFF ANALYSIS:* The impact to utilities, fire, police, and emergency services will be minimal.

**TECHNICAL INFORMATION:**

**Utilities:**

**Water:** Tontitown Water/Washington Water Authority-

**WWA COMMENTS:**

Based on the informal plat submitted, WWA can serve the south 6.80 AC tract from our watermain along Floyd Road with a service line easement in place. Providing water service to the other two lots would require an extension on our part and may be easier for Tontitown Water Utilities to pick up. This would also align well with the service line boundaries as Tontitown PW Director described.

**Electric:** Ozarks Electric-OECC had a few standard comments. Any relocation, damage, or extension of lines will be at cost to the developer. A 30' UE will be required along the road frontage.

**Sewer/Septic:** Sewer/Septic-No concerns were submitted for the requested rezoning.

**Phone:** AT&T-No concerns were submitted for the requested rezoning.

**Natural Gas:** Black Hills Energy-No concerns were submitted for the requested rezoning.

**Cable:** Cox Communications-No concerns were submitted for the requested rezoning.

*STAFF ANALYSIS:* As the requested split will be a Minor Subdivision, this will be the only utility review until a building permit is applied for before construction. There were no major concerns.

**Streets:**

This property takes access from S. Pianalto Road. For RE zoning, 200-feet of road frontage is required. Only 100-feet of road frontage is required in R2 zoning. The proposed split submitted by the applicant shows two lots with 198 feet of frontage, and the other with 100 feet of frontage.

**Fire:**

There are no concerns for this rezoning as the use is planned to be low density residential.

**Drainage:**

There is no concern regarding drainage for this requested rezoning.

**Police:**

The Police Chief has no concerns for the requested rezoning.

*STAFF ANALYSIS:* This request will be minimally impactful to utilities and services.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one written “opposed” comment. The concern is that allowing R2 zoning opens the door in the future for smaller lots that will lower property values. The current request is to split this property into three large lots that meet RE zoning except for the road frontage requirements.

While R2 zoning could allow smaller lots in the future on this property, there is already R2 and R3 zoning adjacent to this site.

**STAFF RECOMMENDATION:** Staff feels this rezoning will be compatible with the surrounding area.

Therefore, staff recommends approval of the Robinson rezoning request to change the zoning from R-E to R-2.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. The applicant must submit for a Minor Subdivision in order to split the property.

We, Terry and Debra Robinson, as the current owners of 1637 S. Pianalto Road respectfully request a zoning change for our property from R-E to R-2.

The reason for this request is that due to Terry's health we are selling our property which consists of 18.8 acres. We have been unable to sell the parcel as a whole but have an accepted offer for our home and 6.8 acres from Brandon and Chante Westhoff. (We still want to sell the remaining 12 acres, as a whole or would divide into two 6 acre parcels). Because of the unique layout of the home with 6.8 acres the street frontage currently doesn't comply with the R-E zoning of 200'

The 6.8 acres is on well water and septic system. The 12 acre parcel would be on a septic system. There is no water on the 12 acres now but is available from Tontitown Water Utility which is accessible from the northeast corner.

Changes from R-E to R-2 will still keep the use and zoning comparable to neighboring properties.



PARCEL 001-17017-000  
CURRENT ZONING: Ag/SF 1  
unit/ac.  
OWNER:  
Larry W. & Betty Dutton  
1562 Eldridge Road  
Fayetteville, AR 72704-8506

5/8" REBAR  
NW CORNER  
NE 1/4 NE 1/4  
SECTION 15  
T-17-N, R-31-W  
PLAT 2006-27417  
PLAT 2005-46441  
N: 670887.74  
E: 642531.57

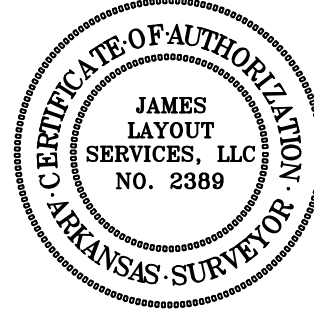
100' 0 100'  
SCALE: 1" = 100'

PARCEL 830-37948-700  
CURRENT ZONING: R-E  
OWNER:  
Robert M. & Rosa I. Ainley  
1467 S. Pianalto Road  
Springdale, AR 72762

#### Owner/Developer

TERRY & DEBRA ROBINSON  
1637 S. Pianalto Road,  
Tontitown, Arkansas  
Mailing Address:  
P.O. Box 905  
Lowell, AR 72745

State Filing Code:  
500-17N-31W-0-15-110-72-1845



PARCEL 830-38796-000  
CURRENT ZONING: R-2  
OWNER:  
Wade & Martha Whittington  
1576 S. Pianalto Road  
Springdale, AR 72762

PARCEL 830-38336-000  
CURRENT ZONING: R-2  
OWNER:  
Pianalto Rev. Trust  
Michael J & Debra D.  
Pianalto, Trustees  
1616 S. Pianalto Road  
Mailing Address:  
P.O. Box 187  
Tontitown, AR 72770

PARCEL 830-38335-001  
CURRENT ZONING: R-3  
OWNER:  
Pianalto Rev. Trust  
Michael J & Debra D.  
Pianalto, Trustees  
1441 Kelly Street  
Mailing Address:  
P.O. Box 187  
Tontitown, AR 72770

PARCEL 001-38338-000  
CURRENT ZONING: R-2  
OWNER:  
Jeff L. & Kristi M. Hamilton  
1698 S. Pianalto Road  
Springdale, AR 72762-9404

#### LEGEND

MONUMENT FOUND (AS NOTED)  
MONUMENT SET (AS NOTED)  
UTILITY POLE  
TELEPHONE RISER  
WATER VALVE  
GAS METER  
FENCE  
OHE  
OVERHEAD ELECTRIC LINE  
PROPERTY LINES  
20' UTILITY EASEMENT  
Right of Way Dedication per this plat

#### SURVEY DESCRIPTION PARENT TRACT:

PART OR THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 17, NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 02°58'51" WEST A DISTANCE OF 496.74 FEET TO A POINT; THENCE NORTH 86°27'22" WEST A DISTANCE OF 676.39 FEET TO A POINT; THENCE SOUTH 13°52'35" WEST A DISTANCE OF 328.72 FEET TO A POINT; THENCE NORTH 87°03'04" WEST A DISTANCE OF 331.21 FEET TO A POINT; THENCE NORTH 03°28'51" EAST A DISTANCE OF 103.73 FEET TO A POINT; THENCE NORTH 87°28'52" WEST A DISTANCE OF 271.43 FEET TO A POINT; THENCE NORTH 03°07'19" EAST A DISTANCE OF 699.67 FEET TO A POINT; THENCE SOUTH 87°31'38" EAST A DISTANCE OF 1,338.55 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 827,204 SQUARE FEET OR 18.99 ACRES, MORE OR LESS AND BEING SUBJECT TO THE RIGHT-OF-WAY OF PIANALTO ROAD ALONG THE WEST SIDE OF THE PROPERTY AND SUBJECT TO ANY OTHER EASEMENTS OF RECORD OR FACT.

#### NORTH TRACT DESCRIPTION:

PART OR THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 17, NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 87°31'38" WEST A DISTANCE OF 8.05 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03°35'02" WEST A DISTANCE OF 198.28 FEET TO A POINT; THENCE NORTH 87°31'38" WEST A DISTANCE OF 1,328.91 FEET TO A POINT; THENCE NORTH 03°07'19" EAST A DISTANCE OF 198.26 FEET TO A POINT; THENCE SOUTH 87°31'38" EAST A DISTANCE OF 1,330.51 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 263,611 SQUARE FEET OR 6.05 ACRES, MORE OR LESS AND BEING FURTHER SUBJECT TO ANY RIGHTS-OF-WAYS, EASEMENTS, LIENS, OR ENCUMBRANCES WHICH MAY OR MAY NOT BE OF RECORD.

#### MIDDLE TRACT DESCRIPTION:

PART OR THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 17, NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 87°31'38" WEST A DISTANCE OF 8.05 FEET TO THE POINT; THENCE SOUTH 03°35'02" WEST A DISTANCE OF 198.28 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03°35'02" WEST A DISTANCE OF 198.28 FEET TO A POINT; THENCE SOUTH 13°52'35" WEST A DISTANCE OF 7.38 FEET TO A POINT; THENCE NORTH 86°39'28" WEST A DISTANCE OF 703.00 FEET TO A POINT; THENCE NORTH 89°08'18" WEST A DISTANCE OF 617.88 FEET TO A POINT; THENCE NORTH 03°07'19" EAST A DISTANCE OF 207.67 FEET TO A POINT; THENCE SOUTH 87°31'38" EAST A DISTANCE OF 1,328.91 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 261,899 SQUARE FEET OR 6.01 ACRES, MORE OR LESS AND BEING FURTHER SUBJECT TO ANY RIGHTS-OF-WAYS, EASEMENTS, LIENS, OR ENCUMBRANCES WHICH MAY OR MAY NOT BE OF RECORD.

#### SOUTH TRACT DESCRIPTION:

PART OR THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 17, NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 87°31'38" WEST A DISTANCE OF 8.05 FEET TO THE POINT; THENCE SOUTH 03°35'02" WEST A DISTANCE OF 396.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03°35'02" WEST A DISTANCE OF 100.00 FEET TO A POINT; THENCE NORTH 86°27'22" WEST A DISTANCE OF 663.12 FEET TO A POINT; THENCE SOUTH 13°52'35" WEST A DISTANCE OF 328.72 FEET TO A POINT; THENCE NORTH 87°03'04" WEST A DISTANCE OF 331.21 FEET TO A POINT; THENCE NORTH 03°28'51" EAST A DISTANCE OF 103.73 FEET TO A POINT; THENCE NORTH 87°28'52" WEST A DISTANCE OF 271.43 FEET TO A POINT; THENCE NORTH 03°07'19" EAST A DISTANCE OF 293.74 FEET TO A POINT; THENCE SOUTH 89°08'18" EAST A DISTANCE OF 617.88 FEET TO A POINT; THENCE SOUTH 86°39'28" EAST A DISTANCE OF 703.00 FEET TO A POINT; THENCE NORTH 71°00'27" EAST A DISTANCE OF 7.38 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 296,251 SQUARE FEET OR 6.80 ACRES, MORE OR LESS AND BEING FURTHER SUBJECT TO ANY RIGHTS-OF-WAYS, EASEMENTS, LIENS, OR ENCUMBRANCES WHICH MAY OR MAY NOT BE OF RECORD.

#### FLOOD NOTE:

This property is not located within any presently established 100-Year Flood Plain, as determined by the National Flood Insurance program flood insurance rate map for Washington County, Arkansas and Incorporated Areas.

Map Number: 05143C0045 F Dated: May 16, 2008

#### WETLANDS NOTE:

No Wetlands affect this property.

#### EROSION NOTE:

No Erosion problems exist on this property or within 100' downstream of the property.

There are no known existing or abandoned water wells, cesspools, springs, water impoundments, and/or underground structures within this project.

#### INDEX FOR ACREAGE

BEFORE:  
Parent Tract: 18.99 acres  
AFTER:  
Tract #1: 6.53 acres Tract #2: 1.34 acres

REQUIRED SETBACKS FOR Tontitown R-E Zoning  
District  
Front: 30'  
Side: 30'  
Rear: 30'

#### Right of Way Dedication on West Side of Pianalto Road:

PART OR THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 17, NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 02°58'51" WEST A DISTANCE OF 496.74 FEET TO A POINT; THENCE NORTH 86°27'22" WEST A DISTANCE OF 13.27 FEET TO A POINT; THENCE NORTH 03°35'02" EAST A DISTANCE OF 496.57 FEET TO A POINT; THENCE SOUTH 87°31'38" EAST A DISTANCE OF 8.05 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 5,227 SQUARE FEET OR 0.12 ACRES, MORE OR LESS.

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, and easements as shown on said plat.

Date of Execution: \_\_\_\_\_

Signed: \_\_\_\_\_

Terry Robinson  
1637 S. Pianalto Rd., Tontitown, Arkansas  
Mailing Address: P.O. Box 905  
Lowell, AR 72745

Signed: \_\_\_\_\_

Debra Robinson  
1637 S. Pianalto Rd., Tontitown, Arkansas  
Mailing Address: P.O. Box 905  
Lowell, AR 72745

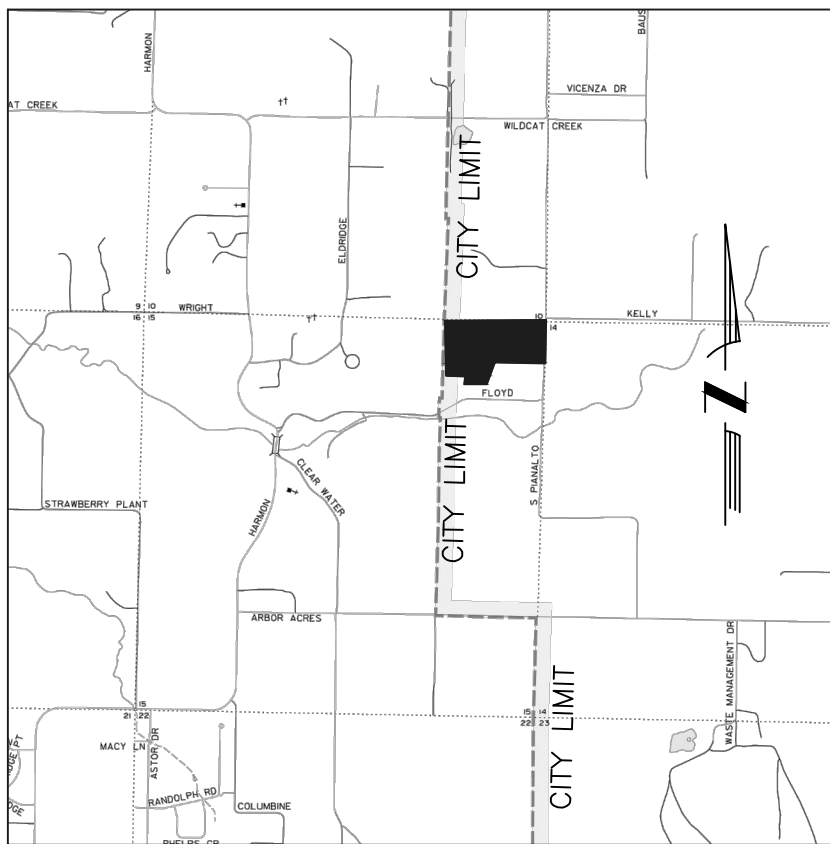
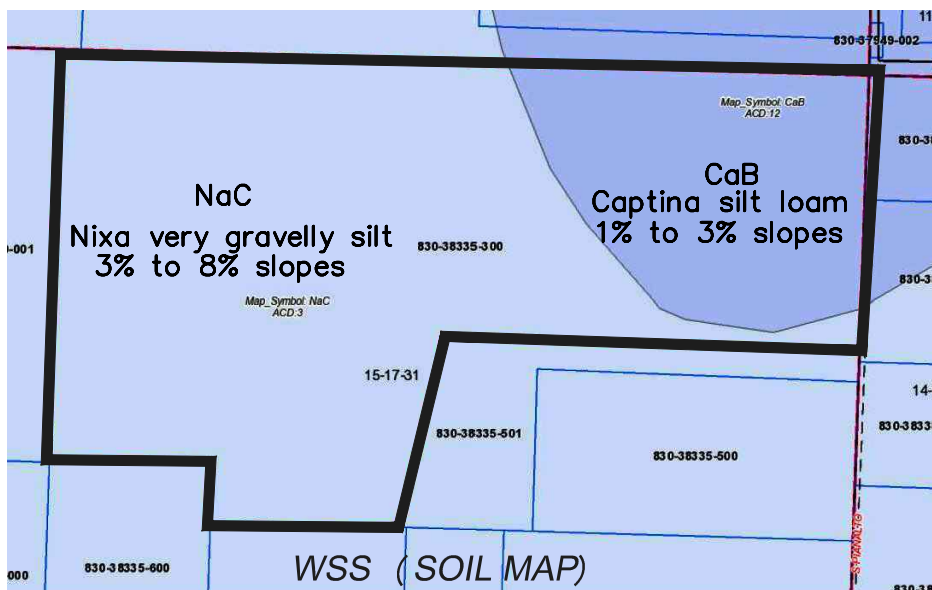
I, Matthew D. James, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: \_\_\_\_\_

Signed: \_\_\_\_\_



Registered Land Surveyor  
No. 1845 State of Arkansas



REVISIONS	DATE:	BY:	REASON:

ROBINSON INFORMAL PLAT	LOCATION: 1637 S. PIANALTO RD.	FILENAME: 18-085 SPLIT.DWG
A TRACT SPLIT OF PARCEL: 830-38335-300	OWNER/DEVELOPER: TERRY & DEBRA ROBINSON	JOB NO: 18-085
	DRAWN BY: NR LFG	CHECKED BY: MJ
	SCALE: 1"=100'	DATE: 09/10 2018

James Layout Services, LLC  
P.O. Box 611  
Farmingington, Arkansas 72730  
Telephone: (479) 439-9929  
survey@jlsnwa.com