



### **Planning Board**

Darrell Watts – Chairman  
Rocky Clinton-Vice-Chairman  
Michael Lunsford-Secretary  
Larry Roberts-Member  
Kevin Boortz-Member

City Engineer-Garver  
City Planner-Courtney McNair  
City Attorney-Harrington-Miller  
Public Works Director-James Clark  
Code Enforcement Officer-Brett Freeland  
Building Inspector-Roger Duncan

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## ***Planning Board/Board of Zoning Adjustments Public Hearing Agenda***

Date: Tuesday, November 27, 2018

Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

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- 1. Board of Zoning Adjustments Meeting Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
  - a. Fogerty Variance Request
  - b. Update to Chapter 153-addition of Exclusive Landfill Use Zoning -**Tabled**
  - c. Update to Chapter 152-addition of Exclusive Landfill Use Regulations-**Tabled**
- 4. Comments from Citizens**
- 5. Meeting Adjourned**



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1. **Planning Board Meeting Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes**
  - a. Approval of October 23, 2018 Public Hearing Minutes
  - b. Approval of October 23, 2018 Planning Board/Board of Zoning Adjustments Minutes
5. **Comments from Citizens**
6. **Old Business**
7. **New Business**
  - a. Fogerty Variance Request
  - b. Update to Chapter 153-addition of Exclusive Landfill Use Zoning -**Tabled**
  - c. Update to Chapter 152-addition of Exclusive Landfill Use Regulations -**Tabled**
  - d. **ADDED-Extension Request by Ozarks Self Storage LSD. It will expire in January 2019 if the 6-month extension is not granted.**
8. **Review Items for Placement on City Council Agenda (if applicable)**
  - a. Update to Chapter 153-addition of Exclusive Landfill Use Zoning -**Tabled**
  - b. Update to Chapter 152-addition of Exclusive Landfill Use Regulations -**Tabled**
9. **Reoccurring Items and Items for Review**
  - a. Review of Approved Projects & Expirations
  - b. Review Building Activity
10. **Comments from Staff**
  - a. Congratulations on the Future Land Use and Master Transportation plan adoption!
  - b. Discuss changing the ordinances regulating Tow Yards, Temporary Uses, Food Vendors, and fees charged to developments with over 50 lots/units
  - c. December Planning Board Meeting has been rescheduled to **Thursday, December 27, 2018** and approve 2019 calendar.
11. **Comments from Board Members**
12. **Meeting Adjourned**



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## ***Planning Board/Board of Zoning Adjustments Public Hearing Minutes***

Date: Tuesday, October 23, 2018

Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

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### **1. Board of Zoning Adjustments Meeting Call to Order**

### **2. Roll Call**

**Larry Roberts was absent**

### **3. Approval of Agenda**

- a. Robinson Rezoning Request
- b. McCartney Variance Request
- c. Update to Chapter 153-addition of Exclusive Landfill Use Zoning **TABLED**
- d. Update to Chapter 152-addition of Exclusive Landfill Use Regulations **TABLED**
- e. Future Land Use and Master Transportation Plan adoption
- f. Update Chapter 90-Streets and Sidewalks

**Kevin Boortz motioned to approve the agenda Second by Rocky Clinton Motion Passes**

### **4. Comments from Citizens**

**Owner spoke with the opposed neighbor and now they are ok with the rezoning request (3a).**

### **5. Meeting Adjourned- meeting adjourned**



### Planning Board

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Rocky Clinton-Vice-Chairman  
Michael Lunsford-Secretary  
Larry Roberts-Member  
Kevin Boortz-Member

City Engineer-Garver  
City Planner-Courtney McNair  
City Attorney-Harrington-Miller  
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## ***Planning Board/ Board of Zoning Adjustments Minutes***

Date: Tuesday, October 23, 2018

Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

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**1. Planning Board Meeting Call to Order**

**2. Roll Call**

**Larry Roberts was absent**

**3. Approval of Agenda**

**Kevin Boortz motioned to approve the agenda Second by Rocky Clinton Motion Passes**

**4. Approval of Minutes**

- a. Approval of September 25, 2018 Public Hearing Minutes
- b. Approval of September 25, 2018 Planning Board Minutes
- c. Approval of October 11, 2018 Special Planning Board Minutes

**Rocky Clinton motioned to approve all minutes Second by Kevin Boortz Motion Passes**

**5. Comments from Citizens- None**

**6. Old Business**

**7. New Business**

- a. Robinson Rezoning Request

**Rocky Clinton motioned to approve with conditions Second by Michael Lunsford Motion Passes**

- b. McCartney Variance Request

**Rocky Clinton motioned to approve with conditions Second by Michael Lunsford Motion Passes**

- c. Bolder Coffee Preliminary Large Scale Development Request

**Kevin Boortz motioned to approve with conditions Second by Michael Lunsford Motion Passes**

- d. Update to Chapter 153-addition of Exclusive Landfill Use Zoning **TABLED**

- e. Update to Chapter 152-addition of Exclusive Landfill Use Regulations **TABLED**

- f. Future Land Use and Master Transportation Plan adoption

**Michael Lunsford motioned to approve and forward to the next City Council Meeting**

**Second by Rocky Clinton Motion Passes**

- g. Update Chapter 90-Streets and Sidewalks

**Rocky Clinton motioned to approve and forward to the next City Council Meeting**

**Second by Kevin Boortz Motion Passes**

**8. Review Items for Placement on City Council Agenda (if applicable)**

- a. Robinson Rezoning Request
- b. Future Land Use and Master Transportation Plan adoption
- c. Update Chapter 90-Streets and Sidewalks

**9. Reoccurring Items and Items for Review**

- a. Review of Approved Projects & Expirations  
**Reference the city's website for detailed report.**
- b. Review Building Activity  
**Reference the city's website for detailed report.**

**10. Comments from Staff**

- a. Explanation for changing the title of the agendas
- b. Reminder that City Council meeting is **Tuesday, November 6, 2018.**
- c. Upcoming Planning Board Meeting, **Tuesday, November 27, 2018**
- d. Discuss moving the December Planning Board Meeting as it falls on Christmas Day and city offices are closed.
  - i. Can move to December 26 or 27.

**11. Comments from Board Members- None**

**12. Meeting Adjourned- Kevin Boortz motioned to adjourn    Second by Michael    All in favor**



## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **November 27, 2018**  
Project: **Fogerty Variance**  
Planner: Courtney McNair

### AGENDA ITEM

#### A

#### VARIANCE REQUEST

unaddressed property south and west of 1323 Taldo Loop  
Parcel #: 830-38275-000

**SUMMARY:** Request for a variance to allow a lot to be created with less road frontage than required by the current zoning classification

**CURRENT ZONING:** R2-Residential, minimum 1/2 acre lot size (100 feet of frontage required).

**PROPOSED USE:** Single-family residential

**CITY WARD:** 1-Gene McCartney and Henry Piazza

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

**Water:** Tontitown Water

**Sewer:** Septic

**Road Access:** Barrington Road and Taldo Loop

**Electric:** Ozarks Electric

**Cable:** Cox Communications

**Phone:** ATT

**Natural Gas:** Black Hills Energy

**School District:** Springdale

#### PROJECT SYNOPSIS:

The Fogerty Variance Request applicant is requesting to split this property into 5 lots. Tract 1, 2, 3, and 5 meet the lot frontage requirements for R2 zoning with a minimum of 100 feet. These lots all take access from S. Barrington Road. Lot 4 does not meet this requirement due to the configuration of the existing lot, and only has 60 feet of frontage. Lot 4 is proposed to be accessed from Taldo Loop.

#### 153.262 POWERS AND DUTIES. (as relating to variance requests)

(B) To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:

**(1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.**

*STAFF ANALYSIS: This parcel was created with a "tail" strip of land sometime prior to 2002. When this parcel was created, it was not located within the City of Tontitown. It was annexed in 2004 and then the zoning was applied. There is no way for the applicant to split this property and have access from Taldo Loop and meet the required frontage. The applicant did not split the property originally and have just purchased the land in June 2018.*

**(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.**

*STAFF ANALYSIS: The proposed use is residential.*

**(3) The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.**

*STAFF ANALYSIS: The variance request is to allow this parcel to be split in a manner consistent with the zoning (larger lots than the minimum). The parcel configuration is existing, and allowing this variance will not change the configuration of the parcel at the road.*

**(4) The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

*STAFF ANALYSIS: The road frontage connection will not be decreasing in size. It will stay the same. Only the lot will be split.*

**(5) In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.**

*STAFF ANALYSIS: Staff recommends that only one drive be allowed to connect to Taldo Loop from this parcel.*

**(6) Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.**

*STAFF ANALYSIS: Residential uses and accessory uses are allowed by right in R1.*

## **TECHNICAL INFORMATION:**

### **Utilities:**

**Water:** City of Tontitown Water-There is currently no water service to the proposed lots. A water main extension would be necessary to provide service.

**Electric:** Ozarks Electric: OECC submitted some very minor comments. Easements must be shown on existing lines, and any relocation or damage to existing lines will be the developer's responsibility.

**Septic:** Soil work will need to be completed prior to building permits being issued.

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

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

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

### **Streets:**

This property accesses Barrington Road and Taldo Loop. Staff recommends only one driveway entrance be placed on Taldo Loop. All drives that will connect to Barrington Road will need to have an area to turn around on the lot. Vehicles will not be allowed to back onto Barrington Road.

### **Fire:**

No concerns were submitted for the requested variance.

### **Police:**

The Police Chief has no concerns for the requested variance.

*STAFF ANALYSIS:* The impact of this variance request will be minimal to the surrounding area, existing utilities, and streets and fire.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one "in favor" written comment, and spoke in person with another neighbor. There were no objections to the variance, but both stated concerns about additional drives on Barrington Road.

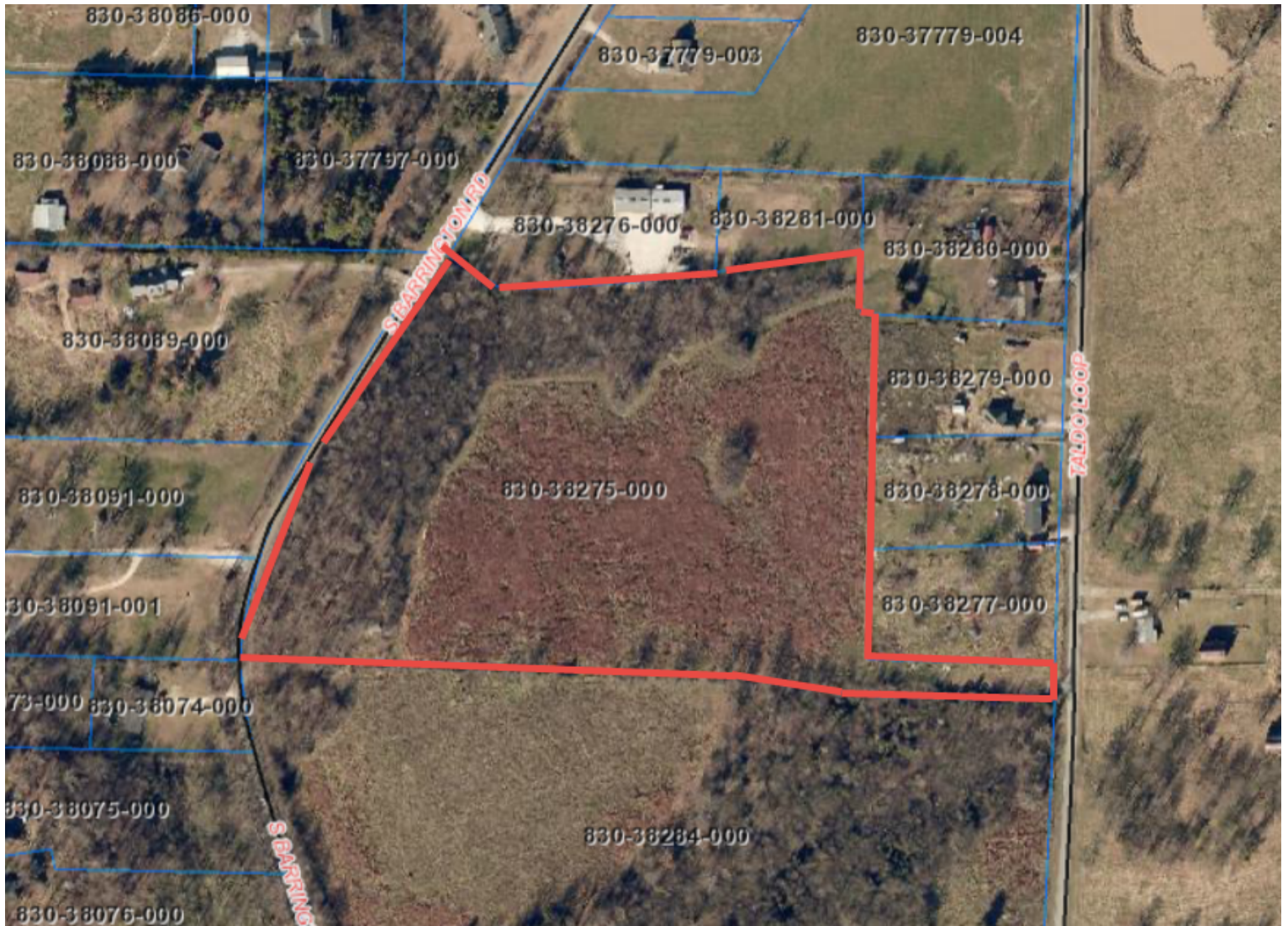
**STAFF RECOMMENDATION:** Staff finds the requested variance is to correct a unique hardship not caused by actions of the applicant.

Therefore, staff recommends approval of the Fogerty Variance Request to allow a lot to be created with less road frontage than current zoning requires.

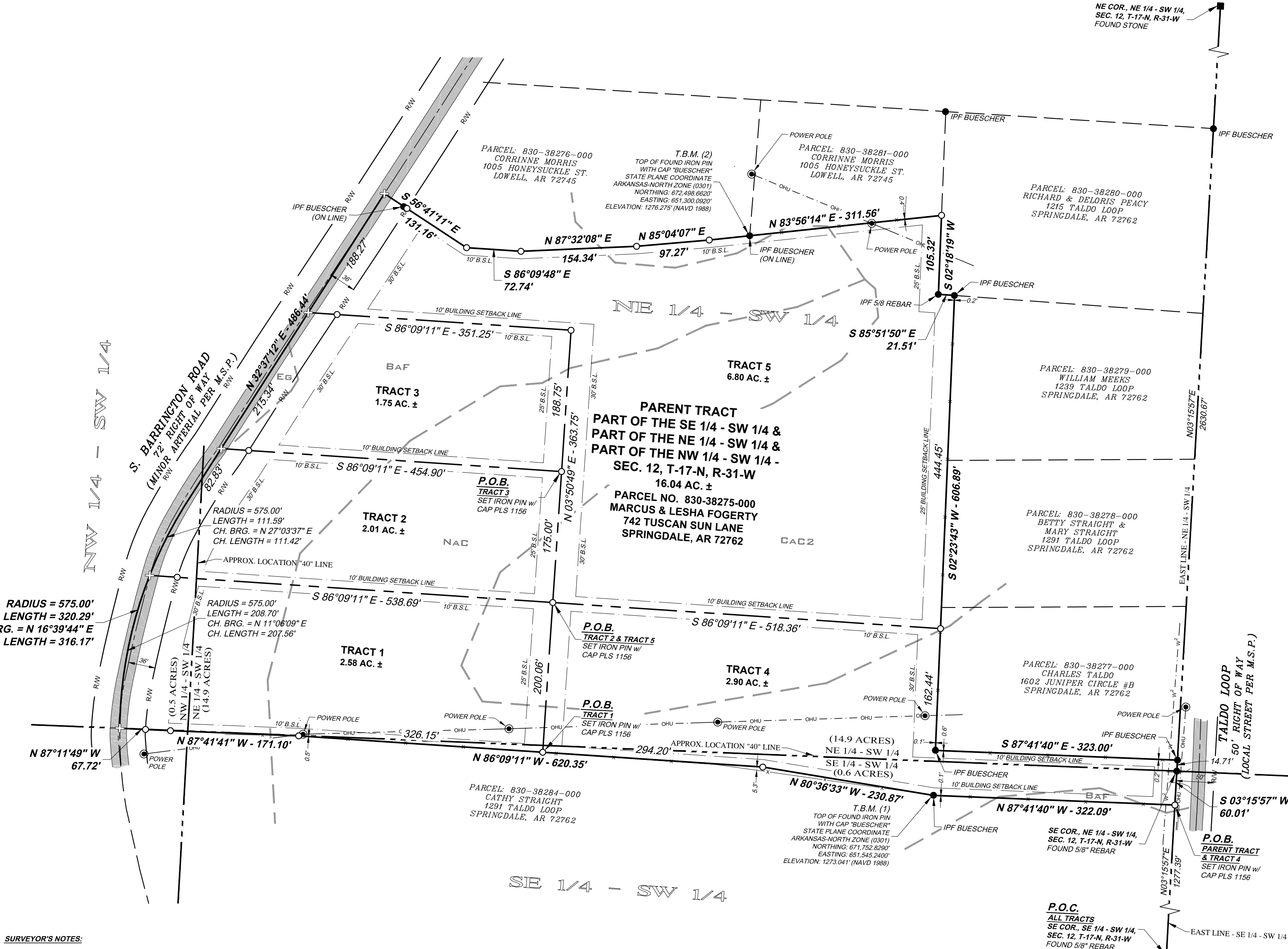
### **CONDITIONS RECOMMENDED FOR APPROVAL:**

1. Only one driveway entrance shall be placed on Taldo Loop.
2. All drives that will connect to Barrington Road will need to have an area to turn around on the lot. Vehicles will not be allowed to back onto Barrington Road.









**SURVEYOR'S NOTES:**  
THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR. THE ORIGINAL SIGNATURE, IF NOT BLUE IN COLOR, IS NOT VALID.

**PLAT CLOSURE DECLARATION:**  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN:  
PARENT TRACT A: ONE FOOT IN 891,860 FEET.  
PARENT TRACT B: ONE FOOT IN 885,163 FEET.

**FEMA FLOOD PLAIN ZONE:**  
THIS PROPERTY IS NOT WITHIN A FLOOD PLAIN ZONE AS SHOWN ON THE F.I.R.M. MAP # 05143C0045F, PANEL 45 OF 575, WASHINGTON COUNTY, ARKANSAS AS INCORPORATED AREAS. MAP REVISED: MAY 16, 2008.

**UTILITIES:**  
THE UTILITY INFORMATION, IF ANY SHOWN HEREON, IS BASED ON ABOVE GROUND FEATURES AND CITY OF TONTITOWN G.I.S. ONLY.

**GENERAL NOTES:**  
THERE ARE NO KNOWN EXISTING OR ABANDONED WATER WELLS, SUMPS, CESSPOOLS, SPRING WATER IMPOUNDMENTS, AND UNDERGROUND STRUCTURES ON THE SUBJECT PROPERTY.  
THERE ARE NO KNOWN EXISTING EROSION PROBLEMS ON-SITE OR WITHIN 100' DOWNSTREAM OF THE SUBJECT PROPERTY.  
THERE IS NO KNOWN ARMY CORP OF ENGINEERS WETLANDS DETERMINATION IN PROGRESS WHICH AFFECTS SUBJECT PROPERTY.  
THERE ARE NO EXISTING SEPTIC SYSTEMS ON THE SUBJECT PROPERTY.

**REFERENCES:**  
EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED BELOW. THE SURVEYOR RESEARCHED OR WAS PROVIDED NECESSARY DEEDS, RIGHT-OF-WAY MAPS, AND OTHER PERTINENT INFORMATION AS SHOWN BELOW. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR COURT CASE DECREES, ADVERSE POSSESSION CLAIMS, SUBSURFACE RIGHTS OR OWNERSHIP ENCUMBRANCES, OR RESTRICTIVE COVENANTS.  
ALL RECORDS LISTED BELOW ARE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS UNLESS OTHERWISE NOTED.

**A. WARRANTY DEED:** MARCUS FOGERTY AND LESHIA FOGERTY, RECORDED JUNE 28, 2018, DOCUMENT FILE NO. 2018-18884.

**B. PLAT OF SURVEY:** BY SURVEY 1, INC., G.E. BUESCHER, AR PLS 1181, RECORDED FEBRUARY 7, 2003, DOCUMENT FILE NO. 2003-11788.

**TRACTS:**  
THIS MINOR SUBDIVISION HAS A TOTAL OF 4 TRACTS.

**CERTIFICATE OF OWNERSHIP:**  
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: MARCUS FOGERTY

SIGNED: LESHIA FOGERTY

ADDRESS: 742 TUSCAN SUN LANE, SPRINGDALE, AR 72762  
SOURCE OF TITLE: 2018-18884

STATE OF ARKANSAS  
COUNTY OF WASHINGTON  
SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF APPROVAL:**

PURSUANT TO THE CITY OF TONTITOWN SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVALS HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

THIS APPROVAL DOES NOT GUARANTEE ANY OF THE FOLLOWING:

1. DELIVERY OF PUBLIC WATER OR SEWER SERVICE.
2. DELIVERY OF ANY OTHER UTILITY SERVICE.
3. IMPROVEMENTS TO ANY AFFECTED CITY STREETS OR COUNTY ROADS.
4. APPROVAL FROM THE ARKANSAS DEPARTMENT OF HEALTH.
5. ACCESS TO THE PROPERTY VIA EASEMENTS OR OTHERWISE EITHER KNOWN OR UNKNOWN.

DATE OF EXECUTION: \_\_\_\_\_

SIGNED: CHAIRMAN, TONTITOWN PLANNING COMMISSION

SIGNED: MAYOR, CITY OF TONTITOWN

SIGNED: RECORDER / TREASURY, CITY OF TONTITOWN

OWNER/DEVELOPER:

MARCUS & LESHIA FOGERTY  
742 TUSCAN SUN LANE  
SPRINGDALE, AR 72762

SURVEYOR:

ENGINEERING SERVICES, INC.  
1207 S. OLD MISSOURI ROAD  
P.O. BOX 282  
SPRINGDALE, AR 72762

WORK ORDER #:

CITY ZONING:

SETBACKS:

18504

R-2

FRONT - 30'

SIDE - 10' STREET SIDE - 25'

REAR - 25'

**CERTIFICATE OF SURVEYING ACCURACY:**

I, S. CRAIG DAVIS, 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: S. CRAIG DAVIS, AR PLS 1156

LEGEND			
_____	PROPERTY LINE	P.O.C.	POINT OF COMMENCEMENT
_____	NEW TRACT LINE	P.O.B.	POINT OF BEGINNING
_____	40 ACRE LINE	●	IPF - IRON PIN FOUND (AS NOTED)
_____	ADJACENT OWNER	●	FOUND STONE
_____	EASEMENT (AS NOTED)	○	IPS - IRON PIN SET W/ CAP "PLS 1156"
_____	RIGHT-OF-WAY	⊕	COMPUTED POINT
_____	BUILDING SETBACK LINE (B.S.L.)	⊕	POWER POLE
_____	PHYSICAL CENTERLINE OF ROAD		
_____	FENCE LINE		
_____	OVERHEAD UTILITIES		
_____	WATER LINE		

**BAF**

Description of Baxter

Setting

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Clayey residuum weathered from cherty limestone

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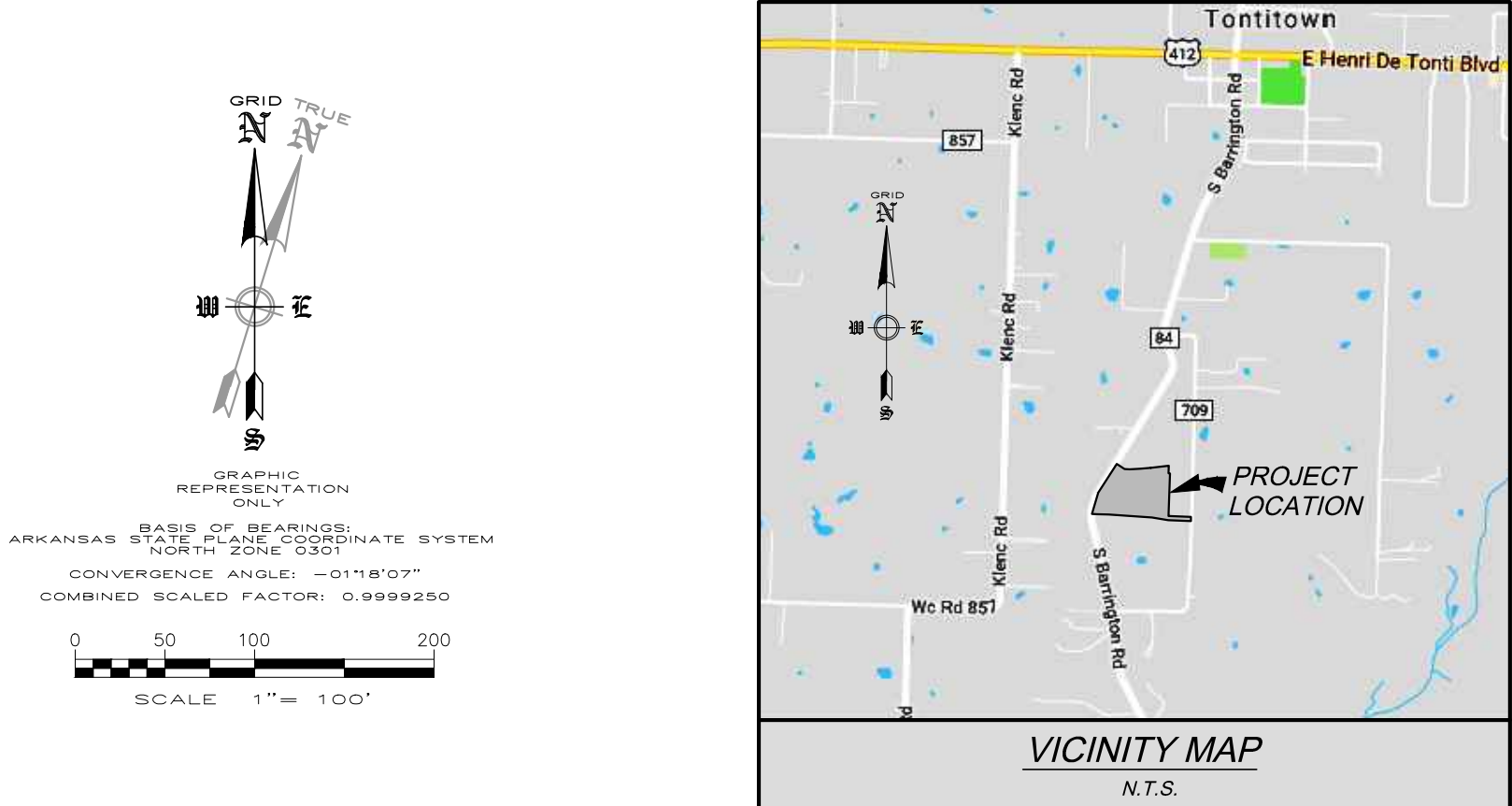
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**SURVEY DESCRIPTION - PARENT TRACT:**

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) AND PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 12, SAID POINT BEING A FOUND 5/8 INCH REBAR, THENCE ALONG THE EAST LINE OF SAID SE 1/4 OF THE SW 1/4, N03°15'57"E A DISTANCE OF 1277.39 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156", THENCE LEAVING SAID EAST LINE, N87°41'40"W A DISTANCE OF 322.09 FEET TO A FOUND IRON PIN WITH CAP "BUESCHER", THENCE N80°36'33"W A DISTANCE OF 230.87 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE N86°09'11"W A DISTANCE OF 620.35 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE N87°41'41"W A DISTANCE OF 171.10 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE N87°11'49"W A DISTANCE OF 67.72 FEET TO A POINT OF CURVATURE IN SOUTH BARRINGTON ROAD, THENCE ALONG SAID SOUTH BARRINGTON ROAD ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 575.00 FEET, AN ARC LENGTH OF 320.29 FEET AND A CHORD BEARING AND DISTANCE OF N16°39'44"E - 316.17 FEET TO A POINT, THENCE N32°37'12"E A DISTANCE OF 182.72 FEET TO A POINT, THENCE LEAVING SAID SOUTH BARRINGTON ROAD, S36°41'11"E A DISTANCE OF 131.16 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE S86°09'48"E A DISTANCE OF 72.74 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE N87°32'08"E A DISTANCE OF 154.34 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE N85°04'07"E A DISTANCE OF 97.27 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE N83°56'14"E A DISTANCE OF 311.56 FEET TO A SET IRON PIN WITH CAP "PLS 1156", THENCE S03°50'49"W A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.01 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF SOUTH BARRINGTON ROAD ON THE WESTERLY SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

**SURVEY DESCRIPTION - TRACT 3:**

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**SURVEY DESCRIPTION - TRACT 4:**

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**SURVEY DESCRIPTION - TRACT 5:**

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REVISION	DATE	DESCRIPTION

**FOGERTY MINOR SUBDIVISION**  
**FOR MARCUS & LESHIA FOGERTY**  
TONTITOWN, WASHINGTON COUNTY, ARKANSAS  
SCALE: 1"=100' DATE: October 1, 2018 DRAWN BY: RER  
**ENGINEERING SERVICES, INCORPORATED**  
**SPRINGDALE, ARKANSAS**  
© COPYRIGHT 2018, ENGINEERING SERVICES, INC. 10110018 1024 04 W.O.# 18504 SHEET 1  
PLAT CODE: 500-17N-31W-0-12-124-72-1156





**JORGENSEN**  
**+ASSOCIATES**  
Civil Engineering · Surveying  
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5  
Fayetteville, AR 72703

Office: 479.442.9127  
Fax: 479.582.4807  
[www.jorgensenassoc.com](http://www.jorgensenassoc.com)

November 27, 2018

City of Tontitown  
201 East Henri De Tonti  
Tontitown, AR 72770

Attn: Planning & Zoning Department  
Re: Ozark Self Storage LSD

Please accept this request for an extension to the approved LSD for the Ozark Self Storage. The owner is still wishing to proceed with the project, and is in the process of gathering bids from various contractors. An extension would allow the owner proper time to engage said contractors.

We thank you for your consideration of this request and please call with any questions,

Thank you.

Sincerely;

Blake Jorgensen, PE

### Approved\_Projects\_Expirations

Project Name	Approval Date	Start/Expiration Date <b>152.101</b>	Comments
South Point Subdivision-Phase I	December 27, 2016	-	Final Approval granted 10/11/2018
South Point Subdivision-Phase II	February 28, 2017	-	In Construction
Venezia Piazza-LSD	April 25, 2017	-	In Construction (temp COO issued for Building 2, suites 8&9 only-extended) (temp COO issued for Building 3)
Tontitown Self Storage LSD	December 27, 2017	-	Final COO issued 10/25/18
Napa Subdivision	February 27, 2018	-	In Construction
Cross Pointe Church LSD	April 26, 2018	-	In Construction
<b>5 J Farms Commercial/Industrial SD</b>	<b>May 22, 2018</b>	<b>November 22, 2018</b>	<b>EXPIRED</b>
Path Utilities LSD	June 26, 2018	December 26, 2018	In Construction-Site work only, Building must still submit Architect Plans.
Ozark Self Storage LSD	July 31, 2018	January 31, 2019	<b>Requesting an extension. Per Code 152.101, a six month extension may be granted by the planning board.</b>
Plaza Tire LSD	July 31, 2018	January 31, 2019	Pre-Construction meeting held-In Construction-must have approved architect plans prior to building construction
MH Backhoe Commercial	August 28, 2018	February 28, 2019	Approved 8/28/18-may make some changes to drainage
Waste Management CNG Prelim LSD	August 28, 2018	February 28, 2019	Pre-Construction meeting held-building permit issued.
Bolder Coffee	October 23, 2018	April 23, 2019	Pre-Construction meeting held-corrections submitted today for review.
			11/27/2018 12:53

Building Activity Report:	YTD - 2018	# Permits
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YTD - 2017
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Variance
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% change
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RESIDENTIAL VALUATION	\$ 39,379,218.35	
Single Family Permits		150
COMMERCIAL VALUATION	\$ 11,920,797.42	
		23
RESIDENTIAL PERMIT FEES	\$ 163,539.86	
COMMERCIAL PERMIT FEES	\$ 55,890.71	
Other Permits	\$ 22,498.20	
Total Fees Assessed	\$ 405,981.16	
<i>For Information Only:</i>		
Water Tap	\$ 109,300.00	
Sewer Tap	\$ 53,500.00	

\$ 31,989,167.40
100
\$ 6,698,316.50
\$ 131,303.28
\$ 27,993.87
\$ 20,512.51
\$ 278,209.69

\$ 7,390,050.95
50
\$ 5,222,480.92
\$ 32,236.58
\$ 27,896.85
\$ 1,985.69
\$ 127,771.47

18.77%
33.33%
43.81%
19.71%
49.91%
8.83%
31.47%

As of 11/27/2018

### **§ 70.03 WRECKER COMPANIES.**

Each wrecker company who wishes to receive requests for services from law enforcement agencies for by the city or the Code Enforcement Officer, except calls that arise from the requests of owners of vehicles, must immediately conform to the following regulations and specifications. Failure to conform to these regulations and specifications will constitute grounds for the summary removal of a wrecker company from the list of approved wrecker companies maintained by city law enforcement agencies.

(A) Each company must provide 24-hour continuous service for the acceptance and release of vehicles, and for requests for service or the return of personal property.

(B) All towing services must have a telephone number in the name of the business published in the local directory or accessible through directory assistance.

(1) The phone must be answered 24 hours per day.

(2) If a pager system is used, calls must be returned to the calling party within three minutes.

(C) All wreckers must be in mechanically safe condition; must display a proper commercial motor vehicle license, as required by and in accordance with state laws; and must possess a license and decal issued by the Arkansas Towing and Recovery Board. All wreckers shall have permanent lettering on both sides showing the name and telephone number of towing company.

(1) Lettering shall be no less than three inches in height and shall have a professional appearance.

(2) Magnetic signs are prohibited.

(D) No towing service owner or operator shall be placed on the city's wrecker service rotation list if he or she has been convicted of a felony or misdemeanor involving theft, fraud or a dishonest false statement.

(E) Each company must have in continuous effect, liability insurance in sufficient amount to cover any claim against them resulting from property damage or personal injury occurring while rendering service at the request of city law enforcement agencies or the Code Enforcement Officer.

(1) A copy of the insurance coverage shall be provided to the Code Enforcement Officer upon application for the rotation list.

(2) Copies of any subsequent insurance renewals shall also be forwarded to the Code Enforcement Officer.

(F) All towing operators shall obey all Arkansas Statutes regulating traffic, unless otherwise directed by a police officer or law enforcement agency.

(G) Each towing and storage facility must maintain a lighted storage area, surrounded by fencing adequate to secure and prevent entry by unauthorized persons, and must hold itself responsible for any theft or vandalism to vehicles or other property in its care or control. The

storage facility must be located within the city limits, unless a variance is granted by the Code Enforcement Officer.

(H) (1) No towing company shall proceed to the scene of an accident investigated by city law enforcement agencies, unless requested to do so by city law enforcement agencies or the driver or registered owner of the disabled vehicle.

(2) In the event that a towing company, or any of its employees, are notified of an accident from a source other than a police agency, the towing company shall immediately notify the proper law enforcement authority.

(I) Upon request for service, each company must either immediately make available a suitable wrecker and operator, or else immediately inform the requesting party that no suitable wrecker is available, so that service may be obtained from another company, if necessary.

(1) A towing company may not summon the services of another company as a substitute.

(2) If a towing service operator arrives at the scene and determines that he or she cannot safely or effectively perform the required services, he or she shall notify the on-scene officer, and the next listed towing service will be contacted.

(3) Any towing service that follows this procedure will be placed back on the rotation list and will not be charged with the call.

(J) Upon arrival at an accident scene, the towing service operator will stand by and will not proceed to work on or remove any vehicle until directed to do so by a city law enforcement agency or emergency personnel.

(K) Each towing vehicle will be properly equipped with the tools and accessories to insure the safe recovery and transportation of a towed vehicle, as well as the required removal of glass and other injurious substances from a wreck or damaged vehicle as required by A.C. § 27-51-1405(c).

(L) Service charges made by wrecker companies must be reasonable in view of the service performed, the time of day that service is performed, and the geographical location.

(1) Reasonableness will be determined by comparison of service charges of a particular company with those of other wrecker companies within the same general area that perform substantially the same service.

(2) A storage charge will not be added until after a vehicle has been held for 24 clock hours.

(M) If no approved provider with an impound lot located inside the city limits is available, law enforcement or the Code Enforcement Officer may utilize any provider on the Washington County Sheriff's Department's approved list.

(Ord. 2007-07-296, passed 7-10-07)

## **153.168 OUTDOOR FOOD VENDORS.**

### **(A) Purpose.**

(1) The purpose of this section is to differentiate between temporary and/or mobile vendors of edibles and non-edibles. To attempt to ensure public health, safety, order and general welfare of the residents and visitors to the city, a uniform set of rules and regulations pertaining to non-permanent retailers is required.

(2) The city will issue outdoor food vendor permits only to business locations with an established business at that location, and a valid city business license.

(3) The city will have no more than six outdoor food vendor permits issued at any one time, with a limit of one permit issued per business location and/or business license.

(4) As of the date of the passing of this section, no temporary permits for non-edible merchandise will be issued.

**(B) Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EDIBLE GOODS.** Shall include, but are not limited to:

(a) Prepackaged food including, but not limited to popcorn, snacks, candy, beverages and ice cream;

(b) Prepared food including, but not limited to hot dogs, hamburgers and other entrees, side items, desserts, or appetizers;

(c) On-site prepared food;

(d) Locally grown; and

(e) Consumable.

**(C) Application for required permit.** Prior to placement, each business location with an established business at that location, must obtain an outdoor food vendor permit from the city. Also the business owner is required to supply the city with a completed outdoor food vendor information sheet for each vendor allowed at their business location.

**(D) Permit fee.** Outdoor food vendor of edible items permit fees:

(1) Three hundred dollars annual fee, from July 1st through June 30th.

(2) The town will issue outdoor food vendor permits only to business locations with an established business at that location, and a valid city business license.

(3) Maximum of two vendors operating on site, at any one time, per day, per business location.

**(E) Exemptions.**

(1) This section does not apply to:



(a) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;

(b) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books;

(c) Outdoor or "sidewalk sales" as part of a full-time commercial retail tenant's seasonal promotional activity lasting no more than three consecutive days, with a maximum of three times per year, per location;

(d) Local resident's temporary produce stands selling personally grown fruit, vegetables, farm products or provisions provided the owner of the location has granted permission;

(e) Merchants participating in outdoor markets or special events organized or administered by the city or the Grape Festival. Such merchants/vendors shall be approved by the city or the organizing or administering agency. Any and all merchants/vendors must be located by the area designated by the organizing or administering agency. Special city events such as but not limited to the Tontitown Grape Festival; or

(f) Vendors associated with public auction events.

(2) *Claims of exemption.* Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to the Planning Board the statutes or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.

(F) *Permit revocation.*

(1) No refunds will be provided for any revocation or suspension of outdoor food vendor permit.

(2) Persons who knowingly or intentionally violating any portion of this section is subject to a fine and potentially attorney fees.

(G) *Appeal of permit denial, revocation, suspension.*

(1) Permit holder will not be eligible to reapply for an outdoor vendor permit for at least one year after permit revocation.

(2) Any permit denial, revocation or suspension challenged by the operator will be in writing to the Tontitown City Council.

(3) All decisions regarding denial, revocation or suspension shall be reviewed and decided upon by the City Council within 90 days of receiving written challenge from the operator.

(Ord. 2017-05-635, passed 5-2-17)

## § 153.169 TEMPORARY USES AND STRUCTURES.

Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied only under the following conditions:

(A) *Exemption.* Temporary uses located in temporary structures will not require a conditional use permit if they meet the following requirements: The use and/or structure shall not exceed three days in a 12-month time period; the temporary structure shall not exceed 800 square feet in size and shall not create a traffic hazard.

(B) *Conditional use permit required.* A temporary use such as a helicopter ride, balloon ride, carnival, circus, church tent revival, temporary tent sales, sales using non-permanent temporary structures, and outdoor sales/service activity or similar temporary uses that do not meet the exemption requirements shall be permitted only in a nonresidential zoning district and shall have no facilities located nearer to a residential district than 200 feet and no nearer a occupied residential structure than 300 feet. The site shall have access drives so located as to minimize traffic hazards. The applicant shall show that adequate measures will be taken to prevent odor, dust, noise, lights, and traffic from becoming a nuisance to uses on other adjacent properties. Each conditional use permit for such an enterprise shall be valid for a period of not more than 15 days and shall not be permitted for more than two such periods for the same location within any one calendar year.

(C) *Temporary classrooms.* Up to two temporary classrooms may be permitted for public or private schools with expansion needs. The classrooms shall meet local codes and ordinances. The buildings shall be removed within 15 days after construction of any permanent structure intended for expansion purposes is complete. The temporary classrooms shall not be allowed more than 18 months, unless expressly authorized by the Planning Commission.

(Ord. 2017-05-635, passed 5-2-17)

(A) The following water rates are hereby fixed for the services to be rendered by the Tontitown Municipal Water System for consumers within the corporate limits of the city and for consumers living outside the corporate limits of the city:

<b><i>TONTITOWN WATER SERVICE RATES - Effective January 1, 2016</i></b>				
<b><i>Inside City Minimum Bill</i></b>			<b><i>Outside City Minimum Bill</i></b>	
Meter 5/8"	\$18.80		Meter 5/8"	\$24.44
State Tax (6.5%)	\$1.22		State Tax (6.5%)	\$1.59
County Tax (1.25%)	\$0.24		County Tax (1.25%)	\$0.31
City Tax (2%)	\$0.38			
Health Fee	\$0.30		Health Fee	\$0.30
Total	\$20.93		Total	\$26.63
<b><i>Inside City Rates</i></b>	<b><i>Per 1,000 Gal.</i></b>		<b><i>Outside City Rates</i></b>	<b><i>Per 1,000 Gal.</i></b>
0-50,000 gal.	\$4.91		0-50,000 gal.	\$6.34
50,001 - 100,000 gal.	\$4.85		50,001 - 100,000 gal.	\$6.26
100,001 and up	\$4.81		100,001 and up	\$6.21

<b>WATER FEES</b>						
<b>Monthly meter base rates</b>	<b>5/8"</b>	<b>1"</b>	<b>2"</b>	<b>3"</b>	<b>4"</b>	
Inside city	\$18.80		\$48.07		\$319.03	\$864.91
Outside city	\$24.44		\$62.49		\$414.74	\$1,124.38
						\$1,152.90
						\$1,498.77
<b>Tap fees</b>	<b>5/8"</b>	<b>1"</b>	<b>2"</b>	<b>3"</b>	<b>4"</b>	
	\$950.00	\$1,150.00	\$4,000.00	\$4,500.00	\$5,000.00	
<p>The cost of all road bores shall be paid by the customer.</p> <p>Bores and encasements must comply with TWU Standard Specifications.</p>						

***TAP FEES FOR APARTMENTS, TOWNHOUSES, AND OTHER MULTI-FAMILY DEVELOPMENT***

Multi-family developments shall provide one water meter per residential unit. Master meters for multiple units or buildings will not be allowed. In order to receive the reduced tap fee rate, the calculated, non-refundable fee for the entire project must be paid in full prior to the issuance of building permits.

This reduced fee option is only available for multi-family development projects in which the entire cost of construction of water and sewer utilities within the project are paid for and installed by the developer. Water utilities shall include: water pipes, valves, valve boxes, fire hydrants, tapping saddles, corporation stops, service lines, meter yokes, meter boxes and lids. Sewer utilities shall include: sewer pipes, manholes, manhole rings and lids, tracer ports, pumps, controls and other necessary appurtenances to transport sewage from the new development to an existing sewer main of adequate size to accept the increased flow. All materials used in the construction of water and sewer utilities must conform with the City of Tontitown Standard Specifications.

***MULTI-FAMILY TAP FEE RATES***

<b><i>Number of units</i></b>	<b><i>0 - 50</i></b>	<b><i>51 - 100</i></b>	<b><i>101 - 150</i></b>	<b><i>151 - 200</i></b>	<b><i>Over 200</i></b>
<b><i>Tap fee per unit</i></b>	<b><i>\$1,250.00</i></b>	<b><i>\$1,000.00</i></b>	<b><i>\$750.00</i></b>	<b><i>\$500.00</i></b>	<b><i>\$250.00</i></b>

***METER DEPOSIT FEES***

<b><i>Residential</i></b>	<b><i>\$50.00</i></b>	
<b><i>Commercial</i></b>	<b><i>\$80.00</i></b>	
<b><i>Hydrant meter - 2" -5/8"</i></b>	<b><i>\$900.00 \$200.00</i></b>	

***Notes:***

1. A 10% late charge will be assessed to all bills that are not paid by the due date, as shown on bill.
2. All accounts not paid by the shut off date, as shown on late notice, will have a \$25 reconnection fee if connected during normal business hours.
3. All accounts not paid by the shut off date, as shown on late notice, will have a \$100 reconnection fee if connected after normal business hours.
4. Fees charged for returned checks are \$25, plus any bank service charges.
5. An annual fee of \$90 will be charged to verify working condition of cross connection devices. Repairs are the responsibility of the customer.
6. The service charge to test meters or change meter sizes is \$50 plus applicable tap charge if needed.

(B) *Backflow-prevention assembly fees.* The Administrative Authority is hereby authorized to collect an annual fee from each user of water maintaining a backflow-prevention assembly. The annual fees collected shall be used to offset the cost of establishing and maintaining a record system to permit and track backflow-prevention assemblies and their annual certification. The annual permit fee collected by the Administrative Assembly shall not exceed the sum of \$10 for each backflow-prevention assembly maintained by each user of water.

(Ord. 2015-10-548, passed 10-6-15; Am. Ord. 2015-12-560, passed 12-1-15; Am. Ord. 2016-08-593, passed 8-3-16; Am. Ord. 2017-01-613, passed 1-3-17)