



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **September 24, 2019**
Project: **Patrick Rezoning Request**
Planner: Rick Barry

AGENDA ITEM

F

REZONING REQUEST

Millsap Rd Springdale, AR 72762
Parcel # 830-37979-003

SUMMARY: Request to rezone a piece of land that is 7.48 acres in size from **A** to **R-E**

CURRENT ZONING: **A – Agriculture** preserve existing agricultural resources, and to guide the conversion of these lands to higher density residential use when appropriate.

REQUESTED ZONING: **RE – Residential Estate** single family with a minimum 2-acre lot size.

FUTURE LAND USE CATEGORY: **R-M** Residential Medium

CITY WARD: 2-Arthur Penzo, Larry Ardemagni

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

Water: Tontitown Water, existing tap for water service, residential size. There is also a 6-inch water main along the west side of Ardemagni.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: Century Tel

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The owner/applicant for this project are Richie and Paige Patrick. The property is located on the north side of Millsap Rd, approx. 860' to the east of Theresa Ln and approx. 860' to the west of Ardemagni Rd. Currently, there aren't any access roads or structures on the property. The applicants do not believe that this rezoning will have a noticeable impact on traffic in the area.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential Medium (R-M). From the Vision Plan Document adopted by the City Council in November 2018:

RESIDENTIAL MEDIUM DENSITY (R-M)

This land use category reflects the current density of single-family detached residential development that is prominent in the existing neighborhoods to the south of City Hall and the park. They are primarily residential in nature.

Residential Medium Density encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

This designation recognizes existing conventional subdivision developments which may have

large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

One to five dwelling units/acre.

STAFF ANALYSIS: This project is similar to what is detailed in the Future Land Use Plan. Currently, there are several properties in the surrounding area that have been zoned to the same RE that the project is seeking to accomplish. Staff research shows this project fits the intent of the Future Land Use Plan for this area, even if not specifically detailed.

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 Residential Medium Density (R-M). This request meets the intent of the Future Land Use Map for this area.

(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: There are currently no structures on this site. The entrance will be required to take access from Millsap Rd if/when structures are to be built on this property.

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

STAFF ANALYSIS: The requested use is for residential zoning; surrounding properties are zoned for Agricultural and Residential Uses. The actual uses of the surrounding properties vary from Single Family Residential to Agriculture.

West-zoned A -use is Agri/Single family residential

East-zoned A & R-E -use is primarily single family residential

South-zoned A -use is Agri/Single family residential

West-zoned A -use is Agri/Single family residential

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

STAFF ANALYSIS: This property would be suitable for a Residential Estate Lot.

(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: This proposed rezoning should not detrimentally affect nearby property. Traffic will be on Millsap Road, which is used by local traffic on this road, deemed “local” by the Future Land Use Plan. If this rezoning is approved, prior to the construction of any site improvements, additional review is required.

- (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 is currently vacant. It was zoned A at the time the applicant purchased the property.

- (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: This impact is expected to be minimal to utilities, streets, drainage, parks, open space, fire, police, and emergency services. There is adequate water and sewer that can be connected. There are no concerns at this time by the Fire Marshal or Police Chief.

TECHNICAL INFORMATION:

Technical information will be addressed if this property is improved.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one “opposed” written comment, one “favorable” written comment, and zero “opposed” phone calls, regarding this project.

All written comments received are attached.

STAFF RECOMMENDATION: Based on the Future Land Use Plan, and the availability of utilities and access, staff recommends approval of the Patrick Rezoning Request to change the zoning from A to RE.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. Standards found in Chapter 153.214 Residential Compatibility Standards, shall apply to all adjacent properties with a residential use regardless of current zoning.
2. When an access road to this property is constructed, it will be required to access from Millsap Road.
3. This project shall be in compliance with all local, state, and federal regulations.
4. This rezoning must proceed to the City Council for approval.
5. Any improvements to this site require additional review.

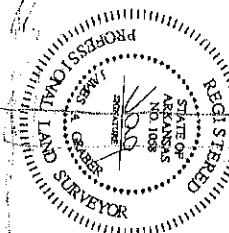
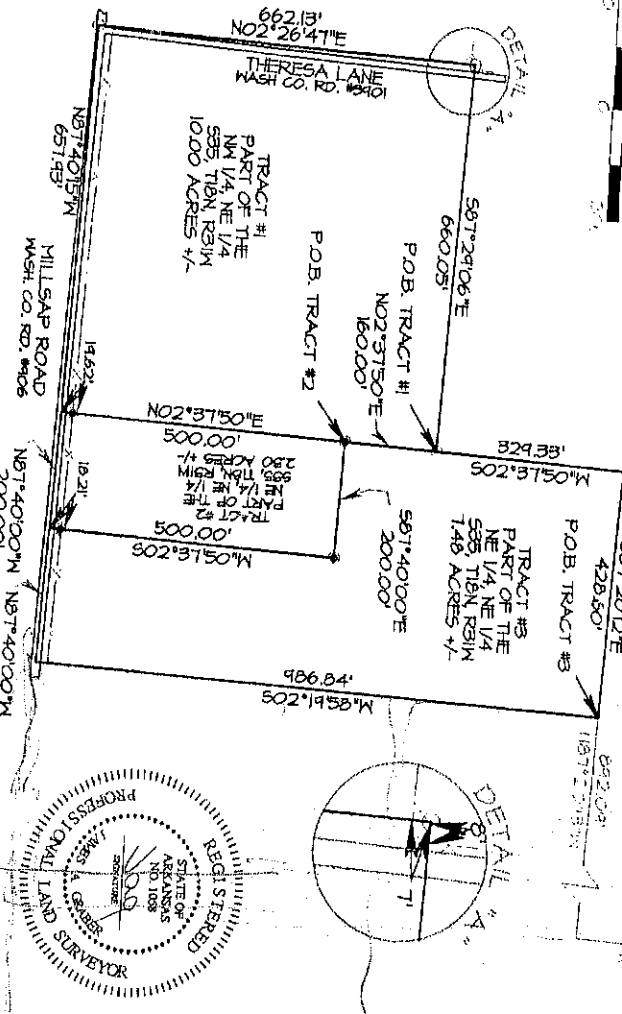


119000

- LEGEND**
- 1. SET 3/8" REBAR
 - 2. FOUND REBAR PIN
 - 3. STATION SPRINCLE
 - 4. UTILITY POLE
 - 5. WATER METER
 - 6. GAS METER
 - 7. TELEPHONE BOX
 - 8. ELECTRIC LINE
 - 9. GAS LINE
 - 10. TELEPHONE LINE
 - 11. FENCE
 - 12. SEWER LINE

NOTE:
This plat is subject to all easements or encumbrances shown on plat and is not to be construed as a warranty of title or accuracy and is not to be construed as a warranty of title.

Not Valid Approved
10/15/2002
A. Allen Township Ordinance



THIS CERTIFICATE HAS BEEN SIGNED BY ME, THE SURVEYOR, AND THAT IT IS TRUE AND ACCURATE REPRESENTATION OF THE SAME.

TRACT #1
Part of the Northeast Quarter of the Northeast Quarter of Section 35, Township 18 North, Range 31 West of the Fifth Principal Meridian in Washington County, Arkansas, also part of Tract #5 of a survey by SURVEYOR I, INC. for Don Allen dated 12/30/1994, and being more particularly described as follows:
Commencing at the Northeast Corner of said Section 35, a Record Corner, thence South 08°08'50" West, a distance of 324.43 feet, thence North 87°20'12" West, a distance of 1520.70 feet, thence South 02°37'50" West, a distance of 324.43 feet to a Found Iron Pin for the POINT OF BEGINNING; thence South 02°37'50" West, a distance of 146.2 feet and from which a Set 3/8" Rebar Pin bears North 02°37'50" East, a distance of 146.2 feet, thence North 02°37'50" East, a distance of 660.00 feet to a Found Iron Pin, thence South 87°29'06" East, a distance of 660.00 feet to a Found Iron Pin, thence South 87°29'06" East, a distance of 660.00 feet to the POINT OF BEGINNING, containing 10.00 ACRES more or less.

TRACT #2
Part of the Northeast Quarter of the Northeast Quarter of Section 35, Township 18 North, Range 31 West of the Fifth Principal Meridian in Washington County, Arkansas, also part of Tract #5 of a survey by SURVEYOR I, INC. for Don Allen dated 12/30/1994, and being more particularly described as follows:
Commencing at the Northeast Corner of said Section 35, a Record Corner, thence South 08°08'50" West, a distance of 324.43 feet, thence North 87°20'12" West, a distance of 1520.70 feet, thence South 02°37'50" West, a distance of 324.43 feet to a Set 3/8" Rebar Pin for the POINT OF BEGINNING; thence South 02°37'50" West, a distance of 200.00 feet to a Set 3/8" Rebar Pin, thence North 02°37'50" East, a distance of 200.00 feet and from which a Set 3/8" Rebar Pin bears North 02°37'50" East, a distance of 146.2 feet, thence North 02°37'50" East, a distance of 660.00 feet to a Found Iron Pin, thence South 87°29'06" East, a distance of 660.00 feet to a Found Iron Pin, thence South 87°29'06" East, a distance of 660.00 feet to the POINT OF BEGINNING, containing 10.00 ACRES more or less.

TRACT #3
Part of the Northeast Quarter of the Northeast Quarter of Section 35, Township 18 North, Range 31 West of the Fifth Principal Meridian in Washington County, Arkansas, also part of Tract #5 of a survey by SURVEYOR I, INC. for Don Allen dated 12/30/1994, and being more particularly described as follows:
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Precision Land Surveying, Inc.
JAMES A. GRABER, P.L.S.
P.O. Box 1700
Huntsville, AR 72740
Ph (479) 559-2217

SHARON WHEELCHEL	
Washington County, Arkansas	
Scale: 1"=200'	BOUNDARY SURVEY
Date: 10/15/2002	FILE
Plat No: 119000	12-10-02

Richie + Parge Patrick - representatives
Morris + Dixie Albrighton (owners)

830-37979-003

25

50 ft easement for driveway + utilities

2245

Millisa Rd

Rick Barry

From: Philip Arends
Sent: Friday, September 13, 2019 10:07 AM
To: Rick Barry
Subject: Patrick Rezoning request

I'm opposed to the rezoning at this time until infrastructures can be upgraded.
Philip Arends - PW Foreman

Sent from my iPhone

NOTICE OF INTENT TO REZONE RESPONSE

MilKap Rd property (Patrick)

- (☒) I/we have no objections to the rezoning.
() I/we object to the rezoning because:

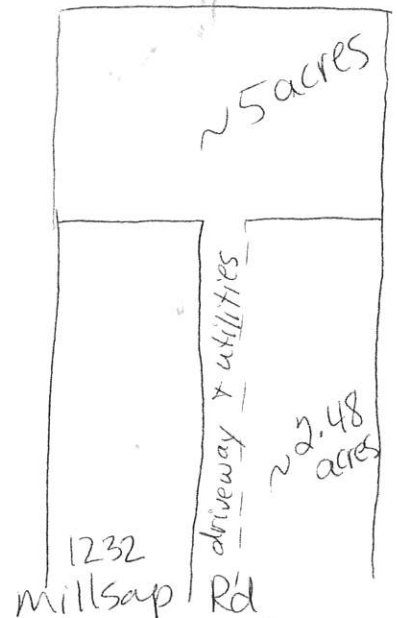
Signature Alyce R. Hindman POA Alyce R. Hindman
Bill K. Roberts (Deceased) Signature

OPTIONAL: email/phone number

This form can be mailed to:

City of Tontitown Planning Department,
P.O. Box 305,
Tontitown, AR 72770.

Or emailed to: planning@tontitownar.gov



***This template was provided as a courtesy to the applicant of this project. The applicant is responsible for the correctness of the information within.**

Alice R. Windham
P.O. Box 186
Jontiburn, AR 72770

City of Jontiburn Planning Department
P.O. Box 305
Jontiburn, AR 72770

NEW ARKANSAS AR 727
12 SEP 2019 PM 2 L



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