



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **May 26, 2022**
Project: **Four Seasons Waiver**
Planner: Courtney McNair, Garver

PLANNING COMMISSION AGENDA ITEM

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WAIVER REQUEST

South of Old Hwy 68, and East of Musteen Rd.

Parcel # 830-37897-700 & 830-37897-600

SUMMARY: Four Seasons Landscaping is requesting Preliminary Large Scale Development approval to construct two buildings on 5.88 acres located south of Old Hwy 68 and East of Musteen Rd. The two buildings are proposed to be 2,375 SF and a 3,568 SF.

CURRENT ZONING: **C-2** General Commercial-the proposed development meets the current zoning.

CITY WARD: 3-Penny Baskin, Tim Burress

FLOODPLAIN: No

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

Water: Tontitown Water, existing line north of Old Hwy. 68

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

Four Seasons Landscaping is requesting Preliminary Large Scale Development approval to construct two buildings on 5.88 acres located south of Old Hwy 68 and East of Musteen Rd. The two buildings are proposed to be 2,375 SF and a 3,568 SF.

The applicant is requesting a waiver from Chapter 90.900.2, the requirement to place a sidewalk along Old Hwy. 68. According to the applicant's letter, ARDOT is proposing future roadway expansions in this area in the near future. At that time, any sidewalk installed now would be removed.

152.026 WAIVERS.

(A) General.

(1) *When, by the strict interpretation of these regulations, an applicant incurs undue restrictions on the physical property to be subdivided, a waiver for such requirements may be granted by the Planning Commission.*

(2) *Under no circumstance should a waiver be granted because of a personal hardship or for personal or emotional reasons. Waivers shall not be granted based strictly on financial hardship.*

(3) *A waiver is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided.*

(B) Procedures.

(1) *No waiver shall be granted except upon written petition by the applicant when the application is filed. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made.*

(2) *In granting the waiver, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.*

(3) *In considering the petition for a waiver, the Planning Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity.*

(4) *The findings of the Planning Commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of these regulations.*

WAIVER REQUEST:

Waiver from Chapter 90.900.2, the requirement to place a sidewalk along Old Hwy. 68.

(a) *That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.*

Applicant's Letter: ARDOT is to expand this road in the near future.

Staff's Response: There is no current timeline on this ARDOT project.

(a) *That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

Staff's Response: This waiver could preserve the rights of the applicant if the ARDOT work is completed prior to any other sidewalk being extended to this area, then the extension was an unnecessary burden on the property owner that others would not be subject to.

(b) *That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.*

Staff's Response: Granting this waiver will not be detrimental to the public health, safety, and welfare in the area. No other connection exists at this time, and this property will be altered at some point by ARDOT.

(d) *That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of these regulations.*

Staff's Response: Granting this waiver will not prevent the orderly subdivision or development of other land in the area.

STAFF RECOMMENDATION:

Staff recommends approval of the waiver from Chapter 90.900.2, the requirement to place a sidewalk along Old Hwy. 68, based on the planned ARDOT improvements for this area.



May 17, 2022

City of Tontitown
251 E Henri De Tonti Blvd
Tontitown, Arkansas

Re: 4 Seasons Landscaping
CTA Job No. 22301100

To whom it may concern,

We are requesting a waiver from city code 90.900.2 for the 4 Seasons Landscaping LSDP:

- Not install sidewalk along Old Hwy 68

The proposed usage for the project is office building and storage building. The existing zoning is C-2. We are requesting not to install sidewalk along Old HWY 68 since ARDOT is to expand this road in the near future.

Should you have any additional questions, please feel free to contact us.

Sincerely,

Caroline Gardner, PE
Project Engineer