



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **June 28, 2022**  
Project: **Deer Valley**  
Planner: Courtney McNair, Garver

### AGENDA ITEM

# 5

## PRELIMINARY SUBDIVISION PLAT APPROVAL REQUEST AND WAIVER REQUEST FOR BLOCK LENGTH

Parcel #: 001-16877-000

**SUMMARY:** The applicant is requesting Preliminary Subdivision Plat approval for 31 lots: 30 single-family, 1 detention, on 76.93 acres. The project is located within the City of Tontitown's Planning Area on Fiori Street, to the north and west of the intersection at Fiori Street and Lynch Ave.

**CURRENT ZONING:** County Zoning- Ag/SF Residential 1 unit per acre

**CITY WARD:** NA-County

**FLOODPLAIN:** No

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

**Water:** Tontitown Water, the project that was recently approved on the other side of Fiori Street, Amelia Acres, and this project are proposing to extend an 8-inch water line to service both properties.

**Electric:** Ozarks Electric

**Sewer/Septic:** Individual Septic Systems

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

**School District:** Springdale

### PROJECT SYNOPSIS:

The applicant is requesting Preliminary Subdivision Plat approval for 31 lots: 30 single-family, 1 detention, on 76.93 acres. The project is located within the City of Tontitown's Planning Area on Fiori Street, to the north and west of the intersection at Fiori Street and Lynch Ave.

All proposed lots meet the minimum requirements for Washington County.

This property is owned by Steven and Kellye Smith Trust, and located within Washington County, in the City of Tontitown's Planning Area.

This project has access along Fiori Street, as well two proposed stub outs (one to the north, one to the south). The proposed street exceeds the length allowed in the City of Tontitown's Code. **The applicant is requesting a waiver from the block length requirements found in section 152.142.**

The site currently has one residence that is proposed to be removed.

According to Section 152.005: Within the planning area, the city shall plan and apply subdivision and development regulations.

**Review Criteria (Subdivisions): Section 152.049**

The preliminary plat may be approved by the Planning Commission when the applicant has provided clear and convincing evidence that:

(A) *Water.* Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, fire protection, and quality to provide an appropriate supply of water for the type of subdivision proposed. The applicant shall provide verification of approval from the State Department of Health or governing utility.

(B) *Sewer.* If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state and local laws and regulations. The applicant shall provide verification of approval from the State Department of Health or governing utility.

(C) *Special precautions.* All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.

(D) *Transportation.*

(1) The existing transportation system is adequate to accommodate the traffic to be generated by the subdivision. The Planning Commission may require, as part of plat approval, a traffic study, prepared by professional traffic engineer and paid for by the developer, demonstrating that existing streets can handle the proposed traffic. The city also may require that the developer provide plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed development.

(2) If the traffic study indicates that the development will create more demand than the existing transportation system can accommodate, the developer shall show that it will make appropriate off-site improvements to meet the increase in demand and capacity.

(3) The city reserves the right to hire an independent consultant to verify the findings of the original study.

(E) *Testing verification.* The city may require borings and soundings be made in specific areas to ascertain subsurface conditions where proposed subdivision will not be served by public sanitary sewer service. The data will be submitted to the Arkansas Department of Health when obtaining approval of the subdivision sanitary facilities.

(F) *Mitigation.* The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

(G) *Design standards.* The plans must meet the requirements of §§ [152.140](#) through [152.152](#).

**Sections 152.140-152.152 includes:**

- Utility coordination
- **Block length: Size.** Blocks of less than 400 feet in length or more than 1,500 feet in length shall be prohibited. Blocks of over 1,000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation.
- Lots: access, floodplain, slope and drainage.
- Streets are regulated by Section 152.160: (B) *Installation.* Any required improvements shall be installed according to city standards; provided improvements to roads located outside the city's corporate limits but within the city's planning area shall be installed to county standards. The subdivider shall be required to bear that portion of the cost of improvements which bears a rational nexus to the needs created by the subdivision.

**WAVIER REQUEST:**

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 152.142, Block Length, to allow a street that exceeds the maximum block length of 1,500 feet.**

- (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:** The proposed development stubs out for future street connections to the north and south property lines, however, there are currently no additional streets to connect to. Because of this, the block length currently exceeds the allowable values as referenced in the aforementioned code and a waiver is requested. The hard ship for this request is that there is substantial topography on-site, making additional connections unfeasible. Even if they were feasible, there is nowhere else to connect to.

Two clarifications are also provided with this letter. As the subdivision proposed exceeds allowable lengths by fire code, our client is willing to sprinkle all houses within the subdivision. There is a potential for a future additional connection to Fiori on an adjacent piece of land by this same developer. If that happens prior to houses being constructed, it is requested that the sprinkler rule be waived.

Fire hydrants are typically required to be spaced at 500' intervals. The fire department has requested this be reduced to 400' due to the length of dead ends streets. The developer is fine with this requirement, and this will be corrected on final construction plans.

**Staff's Response:** There are special circumstances that affect this property. As the applicant stated, there are no other streets to connect to, and there is significant topography. The Fire Marshal for the City of Tontitown and the Fire Chief for the Tontitown Area Fire Department did state that they would be in favor of this waiver request if the residences are sprinklered, and according to fire code, dead end streets shall not have hydrants spaced further than 400 feet apart. The applicant shall show these requirements on the plat prior to construction.

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

**Staff's Response:** A large portion of this site would be inaccessible if this block length is not waived.

*(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:** As long as all conditions required by the Fire Marshal and Fire Chief are met, granting this waiver will not be detrimental to the public health, safety, and welfare in the area.

*(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. The applicant is providing proper stub out connections for future development to connect to.

**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the applicant's waiver request to allow the maximum block length to be exceeded.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. Hydrants shall be spaced no more than 400 feet apart.
2. Residences shall be sprinklered.
3. Any change in access shall require additional review. If an additional street connection is able to be made, the Fire Marshal and Fire Chief have the option to reevaluate the requirement for residential sprinkler systems, but are not obligated to remove this requirement.

## **PRELIMINARY SUBDIVISION PLAT REQUEST:**

### **TECHNICAL INFORMATION:**

#### **Utilities:**

**Water:** Tontitown Water- the project that was recently approved on the other side of Fiori Street, Amelia Acres, and this project are proposing to extend an 8-inch water line to service both properties.

**Electric:** Ozarks Electric-No comments were received from OECC.

**Sewer/Septic:** Individual septic systems-Several Test Pit locations were shown on the first submittal of this proposed plat. Additional information regarding the outcome of the test pits is required.

**Phone:** AT&T- No comments were received from ATT.

**Natural Gas:** Black Hills Energy- No comments were received from BHE.

**Cable:** Cox Communications- No comments were received from Cox.

It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.

**School District:** Springdale school district submitted no comments.

#### **Stormwater Pollution Prevention Plan (SWPPP):**

The applicant has provided a plan for the SWPPP. This has been reviewed by the City Engineer. If there are any remaining corrections, they must be complete prior to Construction Plan approval.

#### **Police:**

Tontitown Police submitted no comments.

#### **Fire:**

The Fire Marshal for the City of Tontitown and the Fire Chief for the Tontitown Area Fire Department have stated that they would be in favor of this proposed request if the residences in this development are sprinklered, and according to fire code, dead end streets shall not have hydrants spaced further than 400 feet apart. The applicant shall show these requirements on the plat prior to construction.

The Fire Marshal will review the turn-arounds shown on the plat and let the engineer for the project know if any additional changes are required.

#### **Drainage:**

The applicant submitted a drainage report for review. This has been reviewed by the City Engineer. All remaining comments must be addressed prior to Construction Plan approval.

#### **Streets:**

This project has access along Fiori Street, as well two proposed stub outs (one to the north, one to the south). The proposed street exceeds the length allowed in the City of Tontitown's Code.

In order for the Fire District having jurisdiction to accept the length of the proposed streets, they are

requiring the proposed residences be sprinklered. Proper turn arounds shall be provided as well.

The streets within this development will be required to be constructed to Washington County's minimum standards for Class 3 streets according to the County Engineer. Washington County requires 60 feet of Right-of-Way for open-ditch street sections. Currently the ROW is shown at 50 feet. The applicant shall confirm with Washington County that they will accept the proposed 50-foot wide ROW, or the plans shall be updated to show 60 feet of ROW per Washington County code.

A two (2) foot shoulder may also be needed. The engineer for this project shall coordinate with Washington County for requirements regarding the interior street. All corrections shall be corrected prior to construction.

**Planning:**

Setbacks are required to comply with the Washington County standards.

Residential landscaping requirements are not applicable to this project as the Landscaping Code is related to zoning. Washington County does not have a landscaping requirement for residential developments.

Sidewalks are not required for this project, as streets within the Planning Area comply with Washington County standards.

**STAFF RECOMMENDATION:** There are some details that remain to be addressed at the Construction Plan phase of plan review, but nothing that should significantly impact the overall design.

Therefore, staff recommends approval of Deer Valley Subdivision with conditions.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
2. The 8-inch waterline extension shall be reviewed by Tontitown Public Works Department, and any changes shall be completed prior to construction.
3. Additional information regarding the outcome of the septic system test pits shall be required.
4. The SWPPP shall be completed and posted on site prior to construction.
5. Hydrants shall be spaced no more than 400 feet apart.
6. Residences shall be sprinklered.
7. Any change in access shall require additional review. If an additional street connection is able to be made, the Fire Marshal and Fire Chief have the option to reevaluate the requirement for residential sprinkler systems, but are not obligated to remove this requirement.
8. All interior drives shall meet the required compaction rating to support emergency vehicles.
9. All remaining comments from the City Engineer shall be addressed prior to Construction Plan approval. Planning Staff will provide a copy of the remaining requirements to the engineer for the project.
10. The streets within this development shall be constructed to Washington County's minimum standards for Class 3 streets according to the County Engineer. Washington County requires 60 feet of Right-of-Way for open-ditch street sections. Currently the ROW is shown at 50 feet. The applicant shall confirm with Washington County that they will accept the proposed 50-foot wide ROW, or the plans shall be updated to show 60 feet of ROW per Washington County code.

11. A two (2) foot shoulder may also be needed. The engineer for this project shall coordinate with Washington County for requirements regarding the interior street. All corrections shall be corrected prior to construction.
12. Correct all remaining items on the "Plat Requirement Worksheet" and additional Planning comments prior to Construction Plan approval. Planning Staff will provide a copy of the remaining requirements to the engineer for the project.

**PROCESS NOTES:**

1. The applicant shall submit five (5) copies of the Preliminary Plat with all corrections completed for signatures.
2. Construction Plans shall be submitted for review prior to scheduling a Pre-Construction Meeting.
3. No construction may begin on site without an approved Grading Permit or approved Construction Plans.
4. The applicant shall apply for all required permits prior to construction.
5. All required fees and invoices shall be paid.

June 24, 2022

City of Tontitown  
235 E Henri de Tonti Blvd  
Tontitown, AR 72762

RE: Waiver and Clarification Letter  
Deer Valley Subdivision  
Washington County, AR

To whom it may concern.

Please let this letter serve as a waiver and clarification letter for Deer Valley Subdivision, located in Washington County, off of Fiori St., within the City of Tontitown's extended jurisdiction. After discussions with staff after the second submittal, it was determined that a waiver was needed for section 152.142(e) regarding allowable block length. While the proposed development stubs out for future street connections to the north and south property lines, there are currently no additional streets to connect to. Because of this, the block length currently exceeds the allowable values as referenced in the aforementioned code and a waiver is requested. The hard ship for this request is that there is substantial topography on-site, making additional connections unfeasible. Even if they were feasible, there is nowhere else to connect to.

Two clarifications are also provided with this letter. As the subdivision proposed exceeds allowable lengths by fire code, our client is willing to sprinkle all houses within the subdivision. There is a potential for a future additional connection to Fiori on an adjacent piece of land by this same developer. If that happens prior to houses being constructed, it is requested that the sprinkler rule be waived.

Fire hydrants are typically required to be spaced at 500' intervals. The fire department has requested this be reduced to 400' due to the length of dead ends streets. The developer is fine with this requirement and this will be corrected on final construction plans.

Thank you,



Blake Murray, PE, CFM  
Project Engineer