



July 1, 2022

City of Tontitown  
Attn: Clerk-Treasurer  
235 E. Henri de Tonti BLVD  
Tontitown, AR 72762

Re: Liberty Ave Rezone Appeal

To whom it may concern:

The request made herein is for the property located at 2384 Liberty Ave, Springdale, AR 72762 (Parcel 830-37976-400). It is requested to appeal the June 28, 2022 Planning Commission denial of the rezoning request to rezone the subject property from R-E to R-1. This request is made pursuant to requirements set out in Section 153.283(F)(5). We are requesting to appeal the Planning Commission decision as the rezone request is consistent with Tontitown's Comprehensive Growth Map for an increased density at the subject parcel.

Planning Commission members cited drainage and traffic concerns as the basis for denial. Tontitown's Master Street Plan and Section 90.400.4 categorizes Liberty Avenue as a four lane collector street. At development right-of-way will be required to be dedicated per collector classification. Drainage concerns will be analyzed at time of development per the requirements of Tontitown's Drainage Manual.

Sincerely,

Thomas Hennelly, P.E.  
Vice President  
Crafton Tull



# Rezoning Appeal

## Application & Checklist

Application can be found at \_\_\_\_\_

Office Use Only:

Permit #: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Approved by: \_\_\_\_\_

Approved Date: \_\_\_\_\_

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the Planning Commission agenda until the application is completed and required information provided.

Application hereby appeals to the City Council from the action of the Planning Commission affecting the property described below.

Property Description	Site Address(s)	2384 Liberty Ave	Parcel #	830 37976 400
		Springdale, AR 72762	Acreage	23.63
	Current Zoning	R-E	Proposed Zoning	R-1

Property Owner Information	Property Owner	Pinalto, Robert E Rev Trust	Office Phone	_____
	Business Name	_____	Cell Phone	_____
	Mailing Address	PO Box 129 Tontitown, AR 72720-0129	E-mail	_____
			<input type="checkbox"/> Check here if this is the primary contact	

Representative Information	Representative	Isaiah DeVoss	Office Phone	476 636-4838
	Business Name	Crafton Tull & Associates	Cell Phone	_____
	Mailing Address	300 N. College Ave, Suite 317 Fayetteville, AR 72701	E-mail	isaiah.devoss@craftontull.com
			<input checked="" type="checkbox"/> Check here if this is the primary contact	

Checklist	<input type="checkbox"/> Attach a narrative with the following information:
	1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
	2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
	3. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's action were reversed.
	4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

Representative Signature	I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.
	Representative Signature _____ Date July 1, 2022

Owner Signature	I certify under penalty of perjury that I am the owner of the property that is subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)
	Owner Signature <i>Jina McDonald</i> Date 07-07-2022

Office Use Only	Date Submitted: _____	Date of CC Meeting: _____
	Date of PC Decision: _____	CC Decision: _____



**CITY OF TONTITOWN PLANNING OFFICE**

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

Meeting: **June 28, 2022**  
Project: **2384 Liberty Ave.**  
Planner: Courtney McNair, Garver

**AGENDA ITEM**

**1**

**REZONING REQUEST**

2384 Liberty Ave.  
Parcel # 830-37976-400

**SUMMARY:** The applicant is requesting to rezone 23.63 acres of property from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size).

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

**REQUESTED ZONING:** R-1 – Residential single family with a minimum 1-acre lot size.

**FUTURE LAND USE CATEGORY:** RM-Residential Medium Density

**CITY WARD:** 2-Arthur Penzo, Larry Ardemagni

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

**Water:** Tontitown Water

**Electric:** Ozarks Electric

**Sewer/Septic:** Tontitown Sewer

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

**PROJECT SYNOPSIS:**

The owner/applicant for this project is the Robert E. Pianalto Revocable Trust. The property is located north on Liberty Ave, and east on Foster Lane. There appear to be several existing residences on this site.

The applicant is requesting to rezone 23.63 acres of property from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size).



**STAFF ANALYSIS:** This project is well-aligned with the Future Land Use Plan. There is minimal change in the allowable uses between the RE and R1 zoning districts:

<b>Zoning Districts</b>	<b>RE</b>	<b>R-1</b>
<b>Residential uses</b>		
Single-family detached	P	P
Duplex	NP	NP
Triplex, quadplex	NP	NP
Townhome	NP	NP
Detached accessory dwelling unit (ADU)	P	P
Emergency housing unit	C	C
Multi-family	NP	NP
Manufactured housing unit	NP	NP
Manufactured housing, residential design	NP	C
Manufactured housing park	NP	NP
Group residential	NP	NP
<b>Civic and commercial uses</b>		
Airport or airstrip	C	NP
Animal care, general	NP	NP
Animal care, limited	NP	NP
Automated teller machine	NP	NP
Bed and breakfast	C	C
Cemetery	C	C
Church	C	C
College or university	NP	NP
Communication tower	C	C
Convenience store	NP	NP
Day care, limited (family home)	NP	C
Day care, general	NP	NP
Golf course	C	C
Government service	C	C
Hospital	NP	NP
Library	C	C
Medical services	NP	NP
Museum	C	C
Nursing home	NP	NP
Parks and recreation	C	C
Post office	NP	NP

<b>Zoning Districts</b>	<b>RE</b>	<b>R-1</b>
Recreation/entertainment, outdoor	NP	NP
Safety services	NP	NP
School, elementary/middle	C	C
Utility, major	C	C
Utility, minor	P	P
Vocational school	NP	NP
<b>Manufacturing and extractive uses</b>		
Asphalt or concrete plant	NP	NP
Mining or quarrying	NP	NP
Sod farm	NP	NP
Topsoil	NP	NP
<b>Agriculture uses</b>		
Agriculture, animal	C	C
Agriculture, crop	P	P
Agriculture, product sales	C	C
Animal, farm	P	P
Chicken, hobby	P	P

**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. 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.”

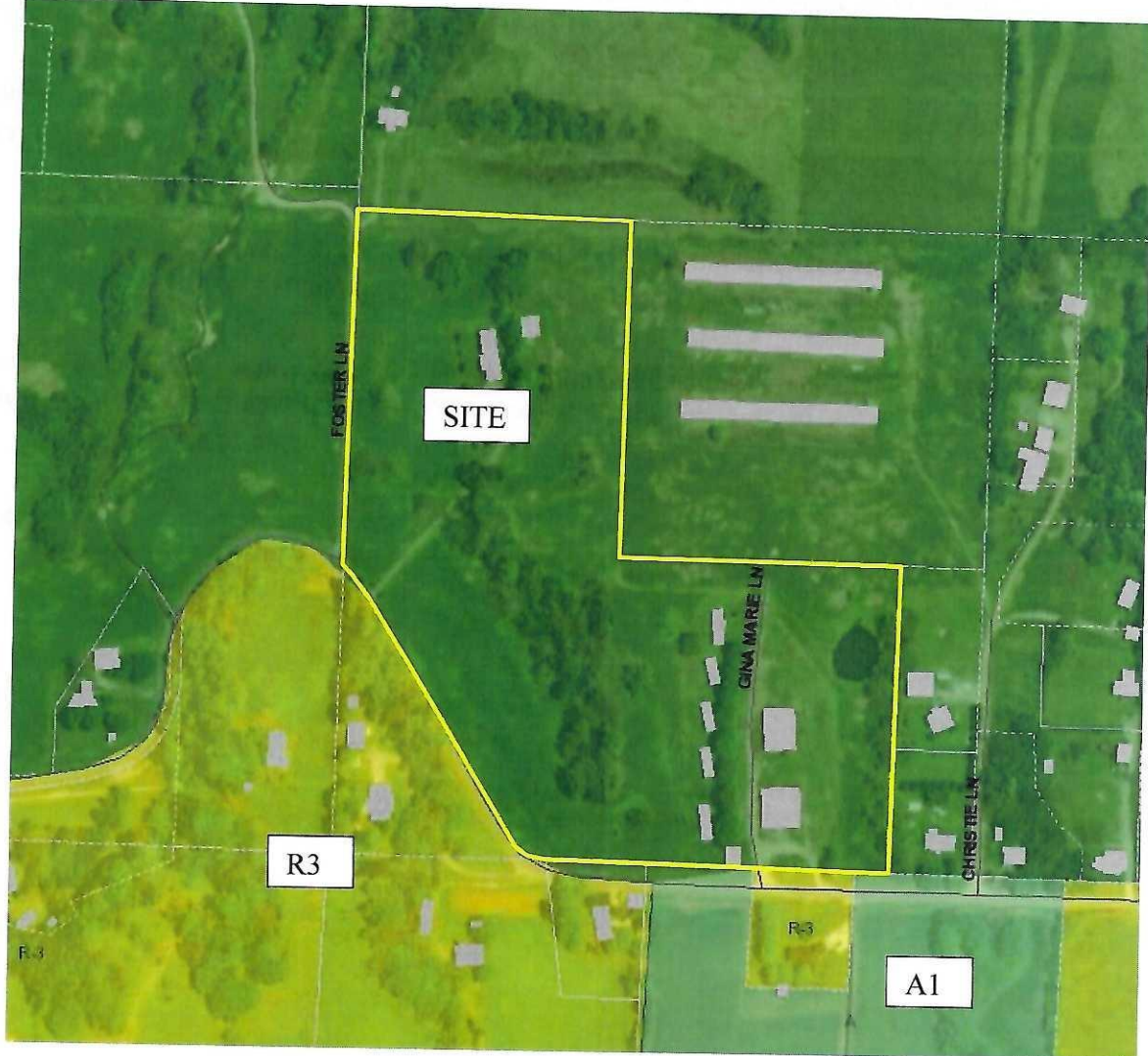
**STAFF ANALYSIS: This request is consistent with the regulations for orderly growth and development and the protection of the character and stability of the residential area.**

- (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 Agricultural.**

North-zoned RE -use appears to be agricultural/single family residential.  
East-zoned RE - use appears to be agricultural/single family residential.  
South-zoned R3 - use appears to be agricultural/single family residential.  
West-zoned RE - use appears to be agricultural/single family residential.

**ZONING:**



(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 could be suitable for a Residential Estate Lot, however the request for R1 zoning would not significantly change the character of this area.

(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.

- (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 does not appear to be vacant.

- (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.

**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 no neighbor comments at this time. If any comments are received, they will be presented to the Planning Commission at the meeting.

**STAFF RECOMMENDATION:** Based on the Future Land Use Plan, and the availability of utilities and access, staff recommends approval of the request to change the zoning from RE to R1 at 2384 Liberty Ave.





June 7, 2022

City of Tontitown  
Attn: Planning Commission  
235 E. Henri de Tonti BLVD  
Tontitown, AR 72762

Re: Liberty Ave Rezone

To whom it may concern,

The request made herein is for the property located at 2384 Liberty Ave, Springdale, AR 72762 (Parcel 830-37976-400). Parcel 830-37976-400 is currently zoned R-E. It is requested that the parcel be rezoned to R-1. This rezoning is part of the due diligence process for the proposed sale to Tall Real Estate Enterprises. Rezoning to R-1 will allow for the development of 1-acre residential lots.

The subject tract is surrounded by property zoned A, R-E, and R-3. Tontitown's Comprehensive Growth Map designates this parcel's future land use as Residential Medium Density (RM). The requested rezoning will not adversely affect the surrounding land use as the R-1 zoning is intended to increase density in accordance with the future land use. Rezoning to R-1 will increase maximum number of lots, based on the underlying zoning minimum lot size and parcel size, from 11 to 22. Street improvements to Liberty Ave will be provided at time of preliminary plat submittal in accordance with the Tontitown Master Street Plan. Rezoning is not believed to increase signage or adversely affect the appearance of the land.

Rezoning the property from R-E to R-1 is not believed to have any negative impacts on existing utility or drainage infrastructure. Upgrades or extensions to the utilities will be constructed to meet the demands of the development. Water will be accessed through the existing water line along Liberty Ave. Sewer is proposed to be accessed through existing 12" sewer line within parcel 830-37976-200. Sewer alignment and off-site easements will be provided at time of preliminary plat submittal.

Sincerely,

Isaiah DeVoss, E.I.  
Crafton Tull