

ORDINANCE NO. 2022-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE REZONING APPROXIMATELY 23.63 ACRES OF PROPERTY LOCATED ON 2384 LIBERTY AVE. (PARCEL NO. 830-37976-400) FROM RESIDENTIAL ESTATES (R-E) TO RESIDENTIAL (R-1) IN THE CITY OF TONTITOWN, ARKANSAS

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas on June 28, 2022, at 6:00 p.m. to hear public responses to the question of rezoning approximately 23.63 acres of property located at 2384 Liberty Ave. in Tontitown, Arkansas. The request was to rezone a portion of the following described parcel from Residential Estates (R-E) to Residential (R-1); and

WHEREAS, the rezone application was unanimously denied by the Planning Commission due to drainage and traffic concerns; and

WHEREAS, the applicant submitted an appeal of this denial, attached hereto as Exhibit "A", to the Tontitown City Council; and

WHEREAS, after thorough review, the Tontitown City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tontitown, Arkansas:

Section 1. The City of Tontitown hereby changes the zone classification from Residential Estates (R-E) to Residential (R-1) for 23.63 acres of real property located at 2384 Liberty Ave. in Tontitown, Arkansas more particularly described as:

WASHINGTON COUNTY ARKANSAS, PARCEL
830-37976-400

Section 2. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 4. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED and APPROVED this ____ day of _____, 2022.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



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 72270-0129	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>Isaiah DeVoss</i> <i>Dina McDonald</i> Date <i>07-07-2022</i>

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

Revenue Agency
Department of Finance
Government of Canada



Notice: This document is for informational purposes only. It is not intended to be used as a legal document. The information contained herein is for general informational purposes only and should not be relied upon for legal or financial advice.

Item	Description	Amount	Category
1	Income Tax	100.00	Income
2	Corporate Tax	50.00	Income
3	Capital Gains Tax	25.00	Income
4	Provincial Tax	15.00	Income
5	Other Tax	10.00	Income
6	Interest	5.00	Income
7	Dividends	3.00	Income
8	Gift Tax	2.00	Income
9	Stamp Duty	1.00	Income
10	Other	0.50	Income
11	Income Tax	100.00	Income
12	Corporate Tax	50.00	Income
13	Capital Gains Tax	25.00	Income
14	Provincial Tax	15.00	Income
15	Other Tax	10.00	Income
16	Interest	5.00	Income
17	Dividends	3.00	Income
18	Gift Tax	2.00	Income
19	Stamp Duty	1.00	Income
20	Other	0.50	Income

Signature: _____
Date: _____



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. Pinalto 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).

SITE LOCATION:



FUTURE LAND USE PLAN:

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

RESIDENTIAL MEDIUM DENSITY (RM):

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

Zoning Districts	RE	R-1
Residential uses		
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
Civic and commercial uses		
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

Zoning Districts	RE	R-1
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
Manufacturing and extractive uses		
Asphalt or concrete plant	NP	NP
Mining or quarrying	NP	NP
Sod farm	NP	NP
Topsoil	NP	NP
Agriculture uses		
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

