



Appeal-Planning Commission Decision Application & Checklist

Application can be found at <http://www.tontitown.com/>

Office Use Only:

Fee: \$ 400.00

Date Paid: _____

Receipt #: _____

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the City Council 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) <u>199 E Bandini Avenue</u> Parcel # <u>830-37552-001</u>
	<u>Springdale, AR 72762</u> Acreage <u>2.06 Acres</u>
	Current Zoning <u>C-2 - General Commercial</u> Proposed Zoning <u>C-2 - General Commercial</u>

Property Owner Information	Property Owner <u>City of Tontitown</u> Office Phone <u>479-361-2700</u>
	Business Name _____ Cell Phone _____
	Mailing Address <u>P.O. Box 305</u> E-mail _____
	<u>Tontitown, AR 72770</u> <input type="checkbox"/> Check here if this is the primary contact.

Representative Information	Name <u>Jorgensen + Associates - Dillon Bentley, P.E.</u> Office Phone <u>479-442-9127</u>
	Business Name _____ Cell Phone _____
	Mailing Address <u>124 W Sunbridge, Suite 5</u> E-mail <u>dillon@jorgensenassoc.com</u>
	<u>Fayetteville, AR 72703</u> <input checked="" type="checkbox"/> Check here if this is the primary contact.

Checklist	<input checked="" 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 <u>Dillon B. Bentley</u> Date <u>8-31-2022</u>

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 _____ Date _____

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

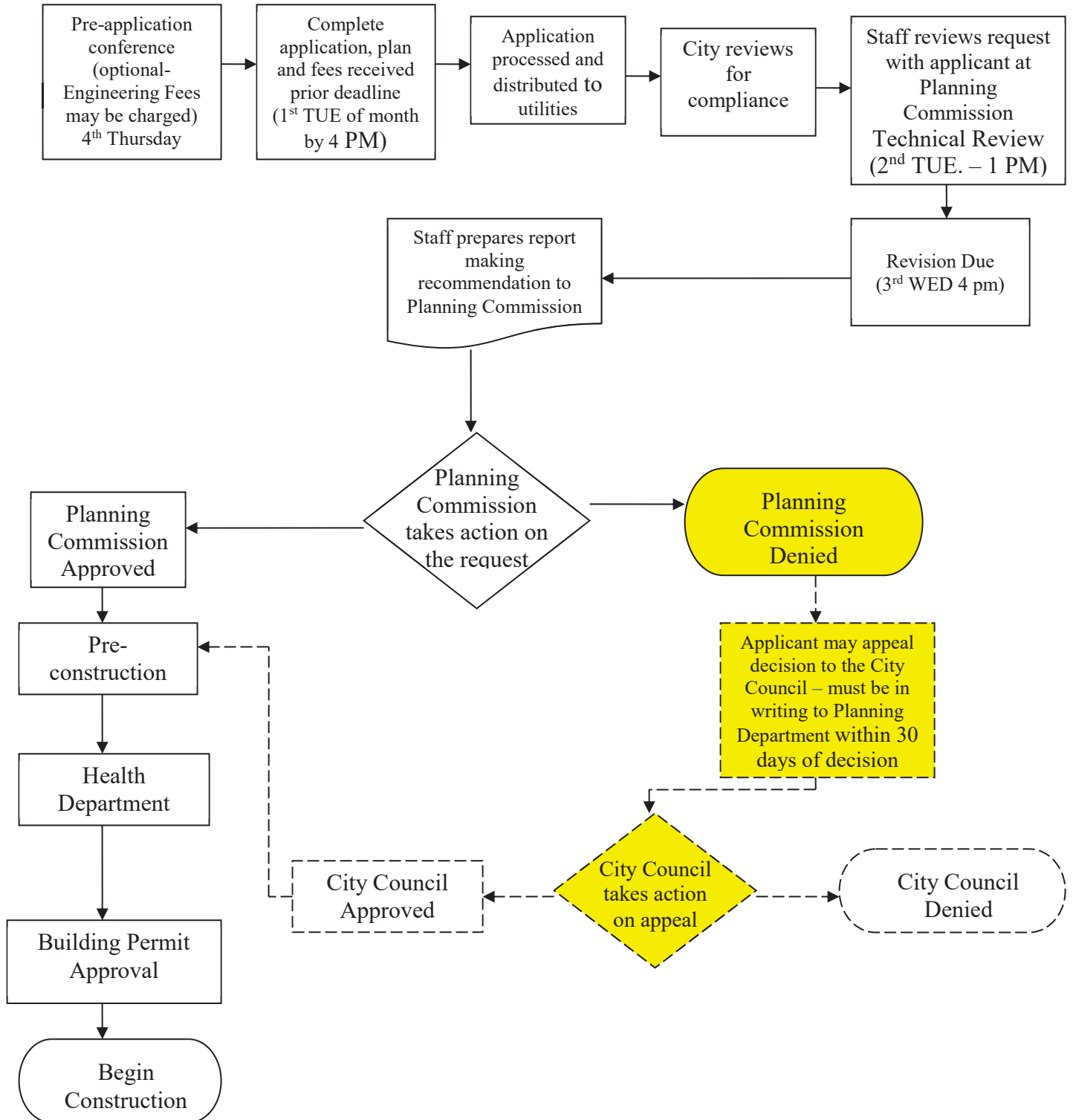


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Planning Commission Process Flow – Rezoning Appeal





JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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www.jorgensenassoc.com
Established 1985

August 29, 2022

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

To: City Council

Subject: Tontitown Fire Department – New Fire Station Large Scale Development - Street Improvement
Waiver Appeal

Dear Council Members,

Please let this letter serve as a narrative to accompany the appeal application of the Planning Commission's denial of the street improvements waiver associated with Tontitown's Fire Department – New Fire Station Large Scale Development Located on E. Bandini Avenue. This letter aims to explain the reasoning Planning Commission denied this waiver request, how the Planning Commission erred in its decision, how this waiver would better serve the public if the Planning Commission's denial was reversed, and steps being taking by the design team to evaluate any options following the Planning Commission's denial.

The waiver of street improvements to E. Bandini Avenue associated with the New Fire Station Large Scale Development was first heard by Planning Commission July 26th, 2022. The waiver was met with some push back on the premise that city funded projects should adhere to their own development codes as an example for all private developments to follow. It was mentioned briefly that the City Hall building the Planning Commission was meeting in had a waiver associated to the building materials. It was voted on to table this waiver to further discuss with the fire station design committee.

The waiver of street improvements to E. Bandini Avenue was then heard for a second time by Planning Commission August 23rd, 2022. A motion was made to approve the waiver of street improvements related to the New Fire Station Large Scale Development, and the vote ended in a tie of two votes to approve and two votes to deny. This tie resulted in the waiver being automatically denied. The Commission's decision again rested on the premise the city projects should set the example and this would be required if developed by a private individual or entity other than the City of Tontitown.

As the Planning Commission might be just in their view of this city funded project, there's situational conditions that are driving this waiver of street improvements to E. Bandini Avenue related to the New Fire Station Large Scale Development. The funding secured for the development and construction of the New Fire Station is time sensitive and is approaching the deadline to utilize the funds. Tontitown's planning staff has also made the recommendation to approve this waiver and provide infrastructure improvements along E. Bandini Avenue in one plan, rather than piece it together. The improvements to E. Bandini Avenue that would be required by code would only apply to the 275 feet of site frontage.

Overturing the Planning Commission's denial of this waiver would better serve the public health, safety, welfare, and morals. The City of Tontitown is growing at an accelerated rate, and this growth has to be met by growth of the City's Emergency Services. Unfortunately, there's a waiver



attached to the New Fire Station that is trying to address the needs of a growing community by providing updated systems, fire apparatuses, storage space, and larger station house for more fire fighters. The waiver itself only accounts for a small portion of site development codes that are being adhered to and isn't detrimental to the public safety, welfare, and morals. It might go against some of the morals held in high regard by the Planning Commission, but not by the general public.

Several design considerations have been discussed at length with City Planning Staff and the design consulting team to address some concerns the Planning Commission has highlighted. After the tabling of this waiver at the July 26th, 2022 Planning Commission City Planning Staff reached out and requested that we began putting together a conceptual plan to improve E. Bandini Avenue from the intersection of S. Barrington Road back to the east property line of the New Fire Station site. This conceptual plan outlines the limits of the improvements to E. Bandini Avenue per the City's Master Street Plan & Typical Sections. An engineering cost estimate of these improvements has also been provided to the City Planning Staff.

In conclusion of this appeal letter to Planning Commission's denial of street improvements waiver associated with Tontitown's Fire Department – New Fire Station Large Scale Development, we greatly appreciate the opportunity to explain this waiver appeal in full, and thank you for your input and decision on this appeal. Please don't hesitate to contact me with any questions or concerns regarding this appeal to the Planning Commission's denial.

Dillon B. Bentley

Dillon B. Bentley, P.E.
Project Engineer