



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **October 17, 2022**  
Project: **Sloan Crest**  
Planner: Courtney McNair, Garver

### PLANNING COMMISSION AGENDA ITEM

## 3&4

### PRELIMINARY SUBDIVISION PLAT APPROVAL REQUEST AND WAIVER REQUEST

Parcel #: 830-37774-000

**SUMMARY:** The applicant is requesting Preliminary Subdivision Plat approval for 31 lots: 30 single-family, 1 detention, on 13.19 acres. The project is located on the west side of Barrington Rd. at its intersection with Taldo Loop, approximately 0.80 miles south of Hwy. 412. There is an existing detached dwelling at the property, addressed as 859 S. Barrington Rd.

**CURRENT ZONING:** R-3 Residential; 3 units / Acre

**CITY WARD:** 3, Penny Baskin, Tim Burress

**FLOODPLAIN:** No

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

**Water:** Tontitown Water

**Electric:** Ozarks Electric

**Sewer/Septic:** Sewer with proposed lift station

**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 13.19 acres. The project is located on the west side of Barrington Rd. at its intersection with Taldo Loop, approximately 0.80 miles south of Hwy. 412. There is an existing detached dwelling at the property, addressed as 859 S. Barrington Rd. This property is owned by McDonald Building Group, LLC.

The applicant is also requesting two (2) Variances and on (1) Waiver:

- **VARIANCE 1:** Proposed lots 1-10, 12-28 do not meet the minimum 120-foot depth requirements. **The applicant is requesting a variance to allow lot depths less than the min. required in the R3 Zoning District**
- **VARIANCE 2:** Proposed lot 31 does not meet minimum 80 feet lot width along a public street requirement. **The applicant is requesting a variance to allow this lot to have approximately 50 feet of lot width / road frontage in lieu of the required 80 feet as required in the R3 Zoning District**
- **WAIVER:** Proposed dead-end street ("Street 1") exceeds the maximum 660 feet allowed for this type of street. **The applicant is requesting a waiver to allow an approximately 883-foot-long dead-end street in lieu of the required 660 foot maximum, as stipulated in Section 900.400.8**

This project has one access point from S. Barrington Rd., a minor arterial according to the City's adopted Master Street Plan (MSP).

The site currently has one residence and an accessory structure that is proposed to be removed.

**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 1:

**Waiver from Chapter 900.400.8 – Dead-end Streets: To allow a dead-end street that exceeds the maximum length of 660 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 can only have one access to a public roadway, due primarily to the properties shape and orientation to surrounding, developed properties. The applicants contend that provisions for increased fire and emergency service access is achieved by building the streets with 30 feet of paving lanes on a 50-foot proposed right-of-way. Further, the applicant contends that fire and emergency vehicles will be able to turn around within the project via two stub-outs. One would be located at the far end of 'Street 1', with the other provided at the south end of 'Street 2' between proposed residential lots 17 and 18. The hardship for the project rests on its overall shape, and that the amount of property frontage is limited relative to the overall size of the site and its ability to develop.

**Staff's Response:** There are special circumstances that affect this property. As indicated in the applicant's letter, there are no other streets to connect to, and the shape of the property limits the amount of frontage it can use for public vehicular access. According to fire code, dead end streets shall not have hydrants spaced further than 400 feet apart. Plans currently to not show where the existing hydrant along S. Barrington would be relocated to ensure this spacing is not exceeded. The applicant shall show these requirements on the plat prior to construction.

(b) *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 the maximum length is not waived.

(c) *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 length of a dead-end street to be exceeded.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. Hydrants shall be spaced no more than 400 feet apart.

**PRELIMINARY SUBDIVISION PLAT REQUEST:**

**TECHNICAL INFORMATION:**

**Utilities:**

**Water:** Tontitown Water

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

**Sewer/Septic:** Tontitown Sewer with proposed lift station. Lot 31 may utilize a septic system or require an individual grinder pump. All information shall be submitted if this lot is required to utilize an individual septic system or requires an individual grinder pump.

**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 shall provide the SWPPP for review.

**Police:**

Tontitown Police submitted no comments.

**Fire:**

The Fire Marshal for the City of Tontitown has reviewed the plans, and is satisfied with the proposed turn around area. They did request additional information for the hydrant availability for Lot 31. Additionally, as this is a dead-end street, the hydrant spacing shall not exceed 400 feet.

**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:**

Access into the subdivision from southbound S. Barrington Road may require additional lane tapering to allow for traffic to clear the primary roadway to decelerate to navigate safely onto the proposed local road (Street '1').

The engineer for this project shall coordinate with City Engineer for requirements regarding the interior street. All corrections shall be corrected prior to construction.

**Planning:**

Add a note with information for any of the proposed waiver/variances that receive approval.

- Allow a dead-end street to exceed the maximum 660 ft., per Sec. 90.400.8
- Allow proposed lots 01-10; 12-28 to have lot depths less than the required min. 120 ft.
- Allow proposed lot 31 to have less than the minimum 80 ft. of lot frontage.

No park land is shown for dedication, the required fee in lieu shall be paid prior to Final Plat approval.

**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 Sloan Crest Subdivision with conditions.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. If the requested waiver / variance/s are not approved, the applicant shall be required to comply with the Tontitown Code.
2. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
3. As there is no park land shown to be dedicated, the applicant shall pay the required fee in lieu amount of \$7,500.00 for 30 residential lots.
4. Lot 10 shall be reconfigured to meet the minimum lot size requirement for R3 zoning.
5. The SWPPP shall be completed and posted on site prior to construction.
6. Hydrants shall be spaced no more than 400 feet apart.
7. All interior drives shall meet the required compaction rating to support emergency vehicles.
8. 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.
9. 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.