

ORDINANCE NO. 2022-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 40.13 ACRES OF REAL PROPERTY LOCATED ON KLENC ROAD WITHIN THE CITY LIMITS OF TONTITOWN, ARKANSAS FROM SINGLE-FAMILY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD).

WHEREAS, a Rezoning Application was filed with the City of Tontitown by Infas Corporation Inc. to request the City of Tontitown to rezone approximately 40.13 acres of real property located within the city limits of Tontitown on Klenc Road, approximately 3,300 feet south of Hwy. 412/W. Henri de Tonti Blvd., Parcel Nos. **830-37758-000 and 830-37758-001**, described in the attached Exhibit "A" from Single Family Residential (R-3) to Planned Unit Development (PUD); and

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the rezoning requested should be approved and has recommended approval to the Tontitown City Council; and

WHEREAS, the Tontitown City Council has determined that the rezoning, along with the approved PUD plan, complies with the adopted plans of the City of Tontitown which are in place to protect the health, safety and welfare of the citizens of the City of Tontitown.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Tontitown, as follows:

Section 1. The City of Tontitown hereby changes the zone classification to the property described in the attached Exhibit "A" from Single Family Residential (R-3) to Planned Unit Development (PUD) in accordance with the approved PUD plan for certain real property located within the Tontitown city limits on Klenc Road, approximately 3,300 feet south of Hwy. 412/W. Henri de Tonti Blvd., Parcel Nos. 830-37758-000 and 830-37758-001. The conditions for appeal, attached hereto in Exhibit "A", is incorporated into the approved PUD plan.

Section 2. This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

Section 3. 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:



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: July 26, 2022
Project: Bariloche
Planner: Courtney McNair, Garver

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

PH 1, PC 2

PLANNED UNIT DEVELOPMENT AND PRELIMINARY SUBDIVISION PLAT
APPROVAL REQUEST

Parcel #s: 830-37758-000 & 830-37758-001

This project was unanimously recommended for City Council approval at the July 26, 2022, Planning Commission meeting.

This project must be reviewed and approved by the City Council before it is officially approved.

The conditions recommended for approved are as listed in the staff report:

CONDITIONS RECOMMENDED FOR APPROVAL:

1. For any waivers that were not granted, the PUD and Preliminary Plat shall be updated to reflect the changes necessary for code compliance.
2. The PUD description letter shall be updated to reflect changes and for clarity.
3. Covenants shall be required that reflect the PUD letter.
4. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
5. All additional water and sewer coordination shall be with the Public Works Director and City Engineer as necessary.
6. A formal agreement with OECC shall be required for the use of their easement as recreational space.
7. An additional easement is required to be dedicated for access to the southwest corner. This easement should be placed between lot 32/33 for sewer, and shall be a minimum of 20 feet wide. (The easement can be entirely on east line of 33 if that works better with the applicant's design).
8. The applicant shall provide the necessary coordinates for manholes A1 & B1, and shall provide the City Engineer with the CAD file.
9. All fire hydrants shall be placed on an 8-inch waterline.
10. Street radii shall be a minimum of 28 feet, they are currently shown as 25 feet.
11. Any additional comments from the Fire Marshal shall be addressed prior to Construction Plan approval.
12. One clear set of plans that reflect all plan changes in the drainage report is needed for review.
13. Correct all additional comments from the City Engineer prior to Construction Plan approval.

- Planning Staff will provide a copy of the remaining requirements to the engineer for the project.
14. The SWPPP shall be submitted for review and approval by the City Engineer. If there are any corrections, they shall be complete prior to Construction Plan approval.
 15. No parking signs shall be required for both sides of all interior streets.
 16. All interior drives shall meet the required compaction rating to support emergency vehicles.
 17. The landscape plan shall meet Tontitown Standards, and shall be signed by a Landscape Professional.
 18. The stub out connection to the north is not satisfactory per code as it will create a block that exceeds the maximum of 1,500 feet in length. The applicant shall provide an additional stub out connection to the north or request a waiver.
 19. Klenc Road is to be widened to meet the Master Street Plan requirements.
 20. Correct all remaining items on the "Plat Requirement Worksheet" and all remaining Planning Comments prior to Construction Plan approval. Planning Staff will provide a copy of the remaining requirements to the engineer for the project.
 21. The fee in lieu of public park land dedication (\$34,000) shall be paid by the developer prior to construction.
 22. Any signage requires a separate approval and shall conform to section 153.184.

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. Individual Certificates of Occupancy shall not be issued for residences until the required front yard tree is planted.
5. The applicant shall apply for all required permits prior to construction.
6. All required fees and invoices shall be paid.

SUMMARY: The applicant is requesting a Planned Unit Development and Preliminary Subdivision Plat approval for 139 lots: 136 single-family, 2 detention, and 1 common area, on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of Hwy. 412 / W. Henri de Tonti Blvd.

CURRENT ZONING: R-3 - Single-Family Residential - 9,600 square foot minimum lot size; provided density shall not exceed three (3) units/acre.

PUD Request to allow some lots to be less than 9,600 SF, and the overall density to be 3.4 units/acre.

CITY WARD: 3- Penny Baskin & Tim Buress

FLOODPLAIN: No

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

School District: Springdale

PROJECT SYNOPSIS:

The applicant is requesting a Planned Unit Development and Preliminary Subdivision Plat approval for the Bariloche Subdivision which contains 139 lots: 136 single-family, 2 detention, and 1 common area, on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of Hwy. 412 / W. Henri de Tonti Blvd. The applicant is also requesting a Planned Unit Development in conjunction with the Preliminary Plat to allow some lots to be less than 9,600 SF, and the overall density to be 3.4 units/acre.

This property is owned by Infas Corporation, Inc., and located within the City Limits of Tontitown, with frontage along Klenc Road. The applicant is proposing to connect to the available stub out to the south, and has been requested to provide additional stub outs to the north. The site is currently undeveloped.

The applicant is requesting seven (7) waivers regarding the centerline radius, minimum slope of the detention pond, minimum pipe slope, street trees along Klenc Road, reduction of sidewalk width along Klenc, reduction of the local street section, and the drop inlet requirement.

PLANNED UNIT DEVELOPMENT

153.087 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

(A) *General description. It is the intent of this section to encourage development with superior living environments brought about through unified development, and to provide for the application of design ingenuity in such developments, while protecting existing and future surrounding areas in achieving the goals of the comprehensive plan for development of the city. The PUD provisions herein established, are intended to provide for greater flexibility in the design of buildings, yards, courts, circulation and open space than would otherwise be possible through the strict application of other district regulations, and to produce:*

- (1) *A maximum choice in the type of environment and living units available to the public;*
- (2) *Open space and recreation areas;*
- (3) *A pattern of development which preserves natural features, prevents soil erosion, and protects water quality;*
- (4) *A creative approach to the use of land and related physical development;*
- (5) *An efficient use of land resulting in smaller networks of utilities and streets, and thereby lowering costs; and*
- (6) *An environment of stable character in harmony with surrounding development.*

(E) (4) Administration and enforcement.

(a) *Review standards. The Planning Commission shall investigate and ascertain that the plans for a planned unit development meet the following conditions:*

1. ***That the tract of land for the entire project comprises not less than two acres. This tract of land is 40.0 acres +/-***
2. ***That the project is in conformity with the requirements and standards of development of the planned unit development district and is consistent with the intent and purpose of this section. This submittal is somewhat in conformance with the PUD standards. Several Waivers have been requested to address areas that are not.***
3. ***That the proposed project constitutes an environment of sustained desirability and stability, and that it is in harmony with the character of the surrounding neighborhood, and is not inconsistent with the city's comprehensive plan. This submittal is consistent with the City's Comprehensive plan. The applicant is requesting a density of 3.4 units per acre, with single-family residences:***

FUTURE LAND USE: RC-T, Residential/Commercial Transition

Residential Transition areas plan for moderate-density residential development serving as a transition between commercial/mixed use and residential low-density land uses. Housing types are varied, single-family, duplexes, townhomes, and lower density apartment buildings. Some neighborhood-scale commercial uses may be included where appropriate access is available.

Six-twelve dwelling units/acre.

4. ***That the property adjacent to the proposed development will not be adversely affected. The applicant has submitted drainage information and shall make all corrections required by the City Engineer. Water and sewer will be extended to this site and conform with City of Tontitown standards, including adequate fire flow gallons per minute (gpm). There are two (2) entrances proposed onto Klenc Road.***

(b) Recorded plat and plot plan required. The proposed development shall follow all applicable procedures, standards, regulations, and laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development, or part thereof, is approved and recorded and an approved plot plan is submitted in accordance with these regulations. There are several comments remaining on the Preliminary Plat submittal.

*(c) 1. Phasing and development schedule. The applicant shall clearly indicate on the site plan map, the boundaries of each proposed phase. If the sequence of construction of various portions of the development is to occur in phases or stages, then the open space and/or recreational facilities should be developed or committed thereto in proportion to the number of dwelling units intended to be developed during any given stage of construction. **No phasing has been proposed.***

*2. Additionally, the applicant shall submit a schedule of construction for the project, or for each phase within the project, indicating the sequence of development according to residential type and other nonresidential construction within the project. Upon adoption of the schedule of construction, the building inspector shall be responsible for enforcing this schedule. If the building inspector determines that the rate of construction of residential units or nonresidential structures differs from the construction schedule, he shall so notify the developer in writing. Thereafter, the building inspector may issue such orders to a developer as necessary to correct said schedule, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved. **No schedule has been proposed.***

PRELIMINARY PLAT

TECHNICAL INFORMATION:

Utilities:

Water: Tontitown Water- The applicant plans to connect to the existing waterline along Klenc Road. Internal waterlines are shown as 8-inch and 6-inch lines. Any additional coordination will go through the Public Works Director.

Electric: Ozarks Electric-No comments were received from OECC, however, the applicant has been in contact with OECC regarding the large easement at the west end of the property. They plan to use this area as part of the greenspace requirement. A dog park and walking trail are proposed here.

Sewer/Septic: Sewer- this project proposes to connect to the City of Tontitown sewer system. The design has been submitted and reviewed by the City Engineer. All additional corrections to the plan must be completed prior to construction plan approval. The City is extending sewer from Hwy. 412 along Klenc, and coordinating with applicant on a few of the manholes elevations for connection.

The applicant is showing the required upgrade from 8" to a 12 along the southwest corner of

property. An additional easement is required to be dedicated for access to the southwest corner. This easement should be placed between lot 32/33 for sewer, and shall be a minimum of 20 feet wide. (The easement can be entirely on east line of 33 if that works better with the applicant's design). This easement will allow a connection for the future sewer that the City is planning.

The manhole A1 & B1 elevations look good, and the city will be installing these. The applicant shall provide the necessary coordinates, and the City engineer will need CAD file.

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 grading and drainage plan. A SWPPP must be completed and posted on site prior to construction.

Police:

Tontitown Police had no concerns with the current plat proposal.

Fire:

Some waterlines within the subdivision are shown to be 6-inches in size, but all fire hydrants will be on 8-inch waterlines. Street radii need to be a minimum of 28 feet, they are currently shown as 25 feet. The Fire Marshal has reviewed the hydrant spacing, and find the proposed layout acceptable.

All interior drives shall meet the required compaction rating to support emergency vehicles.

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. There are several outstanding comments and concerns related to the drainage report. Additionally, plans and drainage updates have not been submitted in sync with one another and there are several inconsistencies between the two documents. One clear set of plans that reflect all changes in the drainage report is needed for review. Multiple waivers were requesting regarding drainage.

Streets:

This project has road connections to the existing stub out on Haley Road within the Hickory Meadows Subdivision, as well as one proposed stub out connection to the north. The stub out connection to the north is not satisfactory per code as it will create a block that exceeds the maximum of 1,500 feet in length. The applicant will need to provide an additional stub out connection to the north or request a waiver.

Two entrances onto Klenc Road are proposed. Klenc Road is to be widened to meet the Master Street Plan.

The internal subdivision streets are designed at 27 feet from the back of curb (BOC) to back of curb (BOC), and a waiver has been requested to allow this width. The minimum local street standard is 29 feet BOC. As long as the spread calculations are revised, the City Engineer does not have a concern with the narrower street section as proposed. No parking signs shall be required on both sides of the street.

Planning:

There are a several checklist items and plat clarification items that will need to be addressed and resubmitted for staff review.

The PUD description letter must be updated to reflect the PUD and preliminary plat approval including any variances or waivers that were approved or not. Some amenity items listed in the PUD letter have been removed from this project. Additional information on the other amenity items has been requested. A revision of the open space is needed for clarification.

The "residential density requirements" portion of the PUD letter is confusing. The applicant states that when calculating the density, if a 7,000 SF lot is used, the density could be 6.2 units per acre. The underlying zoning is R-3, which has a minimum lot size of 9,600 SF, and a maximum of 3 unit per acre. This statement by the applicant does not make sense.

The Park Fee shall be required as the applicant is not proposing to dedicate park land to the City. All signs will be permitted separately.

As this is a PUD, the applicant is proposing setbacks as follows:

- 25 feet in the front of the lot.
- 20 feet in the rear of the lot, and
- 5 feet on the side of the lots.

Lot sizes range from 7,000 SF to just over 11,000 SF. The minimum lot size is proposed to be 7,000 SF.

The applicant is proposing that all homes be a minimum of 1,300 SF with a two-car garage. They propose using 70% brick, stone, or fiber cement siding (Hardboard). Covenants will need to be provided that reflect the PUD description letter.

There are two waivers related to trees along Klenc Road and the sidewalk width along Klenc Road in conjunction with this project.

The landscape plan will need to be updated to meet Tontitown standards, and is required to be signed by a Landscape Professional.

STAFF RECOMMENDATION: There are significant details that remain to be addressed, and staff has not had time to fully review information that was submitted last minute.

Staff recommends that the Planning Commission **TABLE** this project in order to give the applicant additional time to address the outstanding comments, and to give staff adequate time to review the information.

If the Planning Commission chooses to move forward with approval, staff recommends the following conditions.

CONDITIONS RECOMMENDED FOR APPROVAL:

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4. Individual Certificates of Occupancy shall not be issued for residences until the required front yard tree is planted.
5. The applicant shall apply for all required permits prior to construction.
6. All required fees and invoices shall be paid.

Site Location:

