

ORDINANCE NO. 2023-03-1040

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 2.148 ACRES LOCATED AT 2398 E. BRUSH CREEK RD. FROM RESIDENTIAL ESTATES, 2 - ACRE MINIMUM LOT SIZE (R-E) TO SINGLE FAMILY RESIDENTIAL, 1 - ACRE MINIMUM LOT SIZE (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 February 28<sup>th</sup>, 2023 at 6:00 p.m. to hear public input to the question of an application to rezone lands located at 2398 E. Brush Creek Rd. in Tontitown, Arkansas. The request is to rezone the following described parcel from Residential Estates, 2-Acre Minimum Lot Size (R-E) to Single Family Residential 1-Acre Minimum Lot Size (R-1); 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 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, 2-Acre Minimum Lot Size (R-E) to Single Family Residential 1-Acre Minimum Lot Size (R-1) for certain real property located at 2398 E. Brush Creek Rd. more particularly described in the attached Exhibit "A".

**Section 2.** Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.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 21 day of March 2023.



Doc ID: 021013140008 Type: REL  
Kind: ORDINANCE  
Recorded: 03/22/2023 at 10:54:46 AM  
Fee Amt: \$50.00 Page 1 of 8  
Washington County, AR  
Kyle Sylvester Circuit Clerk

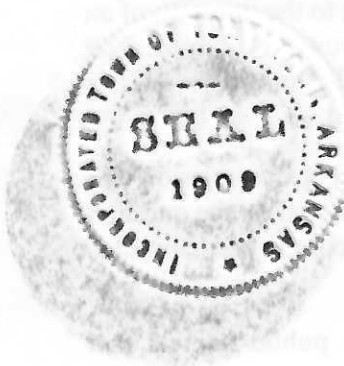
File **2023-00007056**

APPROVED:

Angela Russell  
Angela Russell, Mayor

ATTEST:

Rhonda  
Rhonda Ardemagni, City Clerk-Treasurer  
(SEAL)





## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **February 28, 2023**  
Project: **Marsh Rezoning**  
Planner: Mark Latham, City Planner

## PUBLIC HEARING AGENDA ITEM

## PLANNING COMMISSION AGENDA ITEM

## REZONING REQUEST

2398 E. Brush Creek Rd.  
Parcel # 830-37891-531

**SUMMARY:** The applicant is requesting to rezone 2.148 acres from R-E (Residential Estates, 2-acre minimum lot size) to R-1 (Residential, 1-acre minimum lot size).

**CURRENT ZONING:** RE – Residential Estates

**REQUESTED ZONING:** R1 – Single Family Residential

**FUTURE LAND USE CATEGORY:** AG- Agriculture

**CITY WARD:** 3- Mike Washkowiak and Tim Burress

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

**Water:** Washington Water Authority

**Electric:** Ozarks Electric

**Sewer/Septic:** Septic

**Phone:** AT&T

**Natural Gas:** Source Gas

**Cable:** Cox Communications

**PROJECT SYNOPSIS:**

The owners/applicants for this project are Gary and Jody Marsh. The property is located on E. Brush Creek and Javello Road.

The owners wish to sell the 2.148 acres and allow for two single family residences.

**FUTURE LAND USE PLAN:**

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

*R-E, Estate Single-Family district.* The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help establish and preserve rural/estate character in certain areas of the city.



**STAFF ANALYSIS:** This application is requesting a rezoning for the sale and residential development of two homes on 2.148 acres. The request for R-1 is well aligned with the Future Land Use Plan.

**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 Estate. According to the City's Vision Plan, 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:** The character of the Residential Estate zone along E. Brush Creek will not be negatively affected by this rezoning request since single family homes already exist in this area.

- (3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.*

**STAFF ANALYSIS:** The requested use is for Single Family Residential; surrounding properties are zoned R-E, Residential Estate.

The actual uses of the surrounding properties include Residential Estate.

North- zoned R-E

East- zoned R-E

South- zoned R-E

West- zoned R-E

- (4) 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:** Nearby properties will not be affected at all by this requested rezoning.

- (5) *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 area has remained R-E.

- (6) *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.*

**STAFF ANALYSIS:** The proposed rezoning will not affect services in this area.

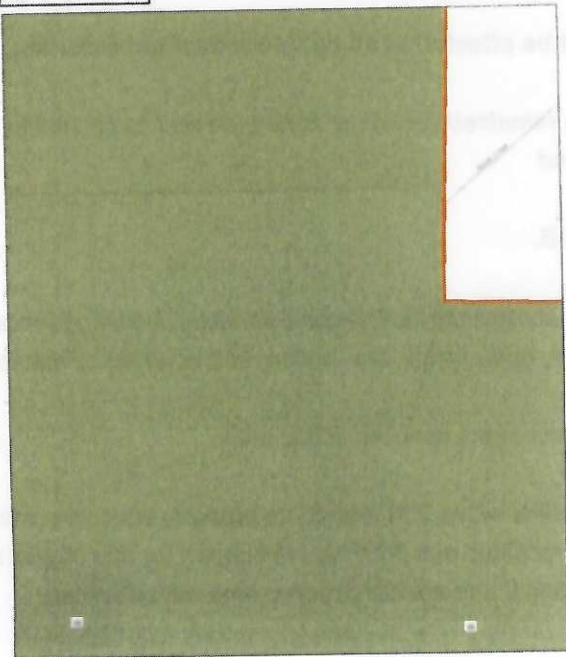
**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one comment in support for this project and will update the Planning Commission at the meeting if any additional comments are submitted.

**STAFF RECOMMENDATION:** Staff recommends approval of this rezoning request of 2.148 acres from R-E, Residential to R-1, Single Family Residential.

**PROCESS NOTES:**

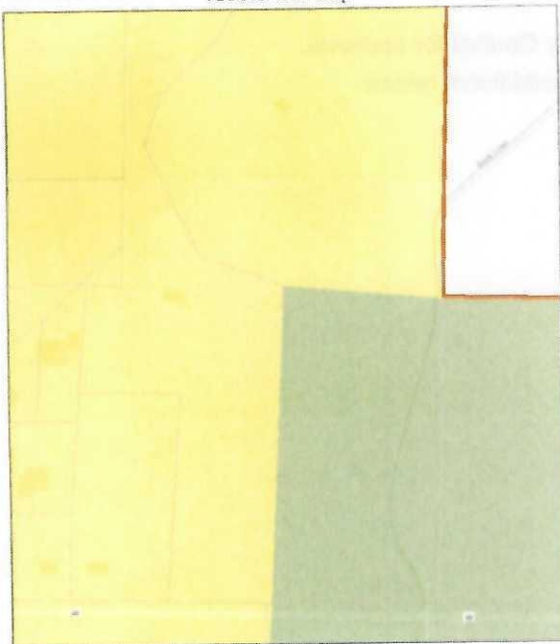
1. This rezoning must proceed to the City Council for approval.
2. Any improvements to this site require additional review.

## ZONING



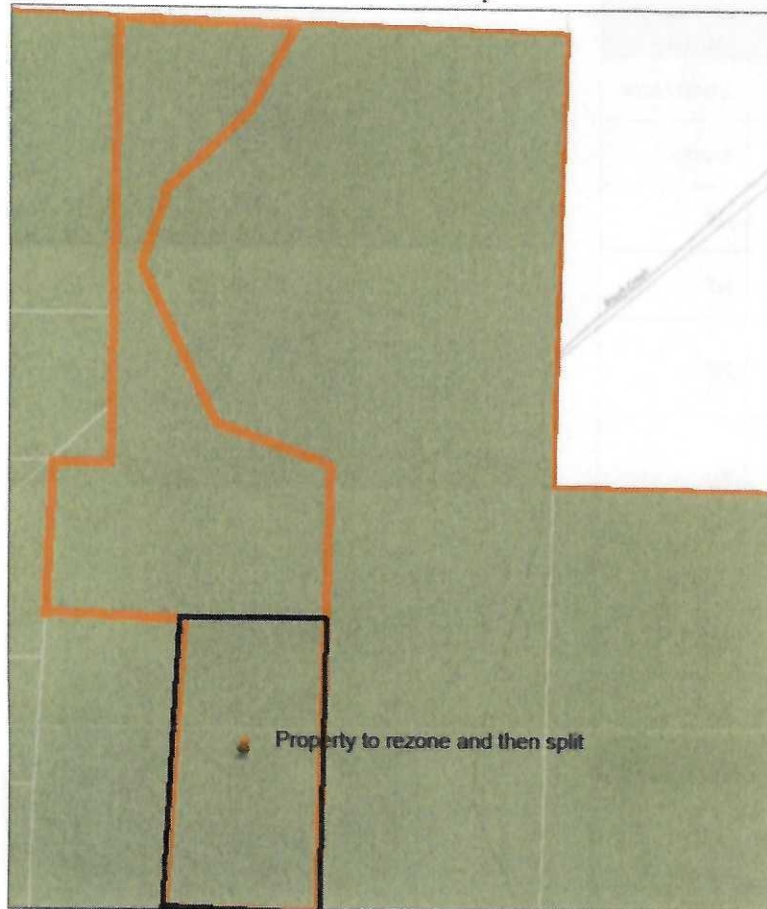
## FUTURE LAND USE

Arctic Web Map



SITE LOCATION

ArcGIS Web Map



2/27/2023, 9:43:01 AM

Washington County City Limits

Washington County Parcels

Tontitown Zoning

R-E (Estate Single Fam Res, 2 ac min lot size)

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ArcGIS Web Application

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	R-E	R-1
Category Names	Single Family Residential - 2 acre minimum lot size	Single Family Residential - 1 acre minimum lot size
Density	1 unit/2 acres	1 unit/acre
Minimum Lot Size	2 acres	1 acre
Triplex, Quadplex	NP	NP
Duplex	NP	NP
Townhomes (single-family attached)	NP	NP
Multi-Family (5 or more connected units)	NP	NP
Nonresidential uses	2 acres	1 acre
Max Building height	35'	35'
Max Number of stories	N/A	N/A
Lot width min	200'	120'
Lot depth min	200'	120'
<b>Setbacks for 1 and 2 story structures</b>		
Front Setback	30'	30'
Side Setback	30'	20'
Street side setback	30'	25'
Rear setback	30'	25'
<b>Setbacks for 3 and 4 story structures</b>		
Front Setback	30'	30'
Side Setback	30'	20'
Street side setback	30'	25'
Rear setback	30'	25'
Maximum impervious	45%	55%

Washington County, AR

I certify this instrument was filed on  
03/22/2023 10:54:46 AM  
and recorded in Real Estate  
File Number 2023-00007056  
Kyle Sylvester - Circuit Clerk

by

