



Ms. Courtney McNair, AICP CFM
Urban Planning Project Manager
Garver Engineers

April 17, 2023

Re: Waiver Request regarding drainage improvements for Veneto Subdivision, City of
Tontitown, AR

Dear Ms. McNair,

Please accept this letter on behalf of NORRHO LLC as a request for a waiver from the requirements of the Tontitown Drainage Manual regarding the pipe materials to be used for drainage improvements, specifically Reinforced Concrete Pipe (RCP).

A field construction change has been requested to extend an existing Corrugated Metal Pipe (CMP) an approximate distance of 6-feet to facilitate the widening of Montegani Road in lieu of digging across the street and interrupting the flow of traffic.

Please contact our office if you need anything further regarding this matter.

Very Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric Richardson', is written over a horizontal line.

Eric Richardson, PE

encl:



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **April 25, 2023**
Project: **Veneto Subdivision Waiver**
Planner: Kevin M. Gambrell, Garver

PLANNING COMMISSION AGENDA ITEM

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WAIVER REQUEST

415 N. Mantegani Road
Parcel # 830-37688-000

SUMMARY: Veneto Subdivision is requesting Final Subdivision Plat approval for sixty-three (63) single-family residential lots, two (2) stormwater detention lots, and two (2) open space lots on 19.51 acres of land. The project entails a proposed extension of an existing 18" Corrugated Metal Pipe (CMP) culvert underneath the ROW for Mantegani Rd. Plans submitted show this proposed extension as a continuation of this existing CMP material instead of Reinforced Concrete Pipe (RCP) as required by the City of Tontitown's Drainage Manual.

CURRENT ZONING: R-4 -Single-Family Residential – 8,000 square foot minimum lot size, maximum 4 units per acre. (Preliminary Plat Approved with Conditions, June 2021 by the Planning Commission and City Council)

CITY WARD: 2-Daniel Montez and Larry Ardemagni

FLOODPLAIN: No

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

Water: Tontitown Water- There is an existing 8-inch water line along west side of N. Mantegani Road that borders the subject property to its east, and an 8-inch water line that extends to the east along the north side of Bariola/Sbanotto.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer- There is sewer approx. 615 feet to the south which has been extended to service this development.

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

REQUEST:

The applicant is requesting one (1) Waiver from City's Drainage Criteria Manual – to allow the use of CMP as a material to be used for a proposed extension of the existing 18" CMP underneath a public ROW, in lieu of the required RCP.

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 #1:

Waiver from Drainage Criteria Manual – to allow the use of CMP as a material to be used for a proposed extension of the existing 18” CMP underneath a public ROW, in lieu of the required RCP

- (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: NOT DIRECTLY ADDRESSED

Staff’s Response: Circumstances or conditions surrounding the site are not special and/or unique in their own right. Only that the distance for the proposed CMP extension is relatively small – i.e. 6 feet +/-.

- (b) *That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

Applicant’s Letter: NOT DIRECTLY ADDRESSED

Staff’s Response: Waiver outcome will not have any bearing on the preservation and enjoyment of the property rights of the applicant.

(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.*

Applicant's Letter: NOT DIRECTLY ADDRESSED

Staff's Response: Granting this waiver will not be detrimental to the public health, safety, and welfare or injurious to other property 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.*

Applicant's Letter: NOT DIRECTLY ADDRESSED

Staff's Response: Granting this waiver will not prevent the orderly subdivision or development of other land in the area.

STAFF RECOMMENDATION:

Staff recommends approval of the waiver for to allow the use of CMP as a material to be used for a proposed extension of the existing 18" CMP underneath a public ROW, in lieu of the required RCP, based on the relatively short distance for proposed extension (6 feet) versus the demolition and reconstruction of public roadway and resulting roadway closure would not benefit the City or users of the public roadway being impacted. Further, the City Engineer has reviewed and approved revised drainage plans incorporating the requested use of CMP in keeping with the intent of the Drainage Manual. One condition is recommended.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. Final inspection and approval by the City Engineer shall be required prior to the Final Plat being signed.