

ORDINANCE NO. 2025-02-1138

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 0.77 ACRES OF REAL PROPERTY LOCATED AT 992 E. HENRI DE TONTI BLVD (PARCEL NOS. 830-37575-000 AND 830-37578-000) FROM GENERAL COMMERCIAL (C-2) TO COMMERCIAL TRADES AND SERVICES (C-T) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas to hear public input to the question of an application to rezone approximately 0.77 acres of real property located at 992 E. Henri de Tonti Blvd (Parcel Nos. 830-27575-000 and 830-37578-000) from General Commercial (C-2) to Commercial Trades and Services (C-T) in the City of Tontitown, Arkansas; 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 from General Commercial (C-2) to Commercial Trades and Services (C-T) for approximately 0.77 acres of real property located at 992 E. Henri de Tonti Blvd (Parcel Nos. 830-27575-000 and 830-37578-000), 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 Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.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 4. 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 5. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 and Section 2 hereof.

PASSED and APPROVED this 25 day of January 2025.

APPROVED:



Angela Russell
Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni
Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)





LEGAL DESCRIPTIONS

Parcel #830-37575-000

A PORTION OF LOT 1B, CASALINI ADDITION TO THE CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS AS SOWN ON FILE 2021-00042460, LYING IN THE SW1/4 OF THE NE1/4 AND IN THE SE1/4 OF THE NW1/4 OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8-INCH REBAR AT THE NORTHWEST CORNER OF SAID SW1/4, NE1/4 THENCE S87°29'33"E 530.27 FEET; THENCE S02°33'03"W 890.59 FEET TO A FOUND 1/2-INCH REBAR AT THE NORTHEAST CORNER OF SAID LOT 1B; THENCE N87°30'21"W 230.48 FEET TO THE NORTHERLY CORNER OF LOT 1B; THENCE N87°29'58"W 10.41 FEET TO THE POINT OF BEGINNING

THENCE S02°33'35"W 124.84 FEET TO A SET 1/2 INCH REBAR WITH CAP PLS 1005; THENCE ALONG THE SOUTH PROPERTY LINE OF LOT 1B N87°31'49"W 311.13 FEET TO A SET 1/2 INCH REBAR WITH CAP PLS 1005; THENCE ALONG THE WEST PROPERTY LINE OF LOT 1B N37°21'53"E 137.46 FEET; THENCE N58°07'07"E 21.64 FEET; THENCE S87°29'58"E 214.82 FEET TO THE POINT OF BEGINNING, CONTAINING 0.77-ACRES OR 33,375 SQUARE FEET MORE OR LESS.

Parcel #830-37578-000

A PORTION OF LOT 1B, CASALINI ADDITION TO THE CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS AS SOWN ON FILE 2021-00042460, LYING IN THE SW1/4 OF THE NE1/4 AND IN THE SE1/4 OF THE NW1/4 OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: November 26, 2024
Project: Rezone C-2 to C-T
Planner: Brad Spurlock

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM REZONING REQUEST **PH1, PC1**

992 E Henri De Tonti Blvd
Parcel #'s: 830-37575-000 & 830-37578-000

This project was approved unanimously at the November 26, 2024, Planning Commission meeting.

SUMMARY: Request to rezone .77 acres from C-2(General Commercial) to C-T (Commercial Trades and Services). See Vicinity Map, Figure 1

CURRENT ZONING: C-2 – General Commercial (See attached Current Zoning Map, Figure 2)

REQUESTED ZONING: C-T-Commercial Trades and Services (See attached Proposed Zoning Map, Figure 4)

FUTURE LAND USE CATEGORY: RC-C (Residential and Commercial Core). See attached Future Land use Map, Figure 3

CITY WARD: 2 – Larry Ardemagni and Daniel Montez

INFRASTRUCTURE SERVICE AREAS

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned by Cave Springs 1, LLC. Ferdie Fourie with Civil Design Engineers is the project representative.

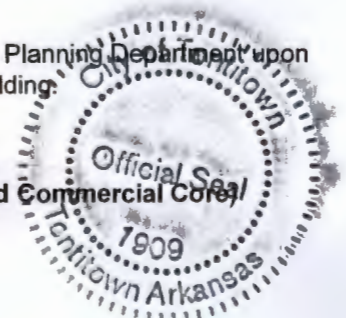
Casalini Warehouse Building is requesting a rezone application to allow an ancillary warehouse/storage component. This is acceptable for the requested zoning.

There will be a Large-Scale Development plan to be submitted to the Tontitown Planning Department upon approval/denial of the rezone application located to the west of their current building.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for **RC-C (Residential and Commercial Core)** based on the current Comprehensive Plan adopted in 2023.

RESIDENTIAL AND COMMERCIAL CORE (RC-C)



Town Center Areas contain some of the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. This is a higher intensity mixed use category, allowing for larger stores and more intense traffic patterns. A mix of residential and non-residential development (excluding HEAVY industrial uses) is permitted. The residential component of this category will include higher intensity multifamily developments, and single family residential would likely be townhome or row house development models. The ideal mix of uses will be moderate to high density residential, office, and commercial uses, with additional open space amenities included within the development site. These areas will accommodate row houses, apartments, local and regional retail, including large-scale stores, hotels, industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Up to 20 multifamily dwelling units/acre.

STAFF ANALYSIS: This project is well aligned with the Future Land Use for this area.

APPROVAL CRITERIA: Per City Code, 153.283 Amendments:

(G) 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 city finds the requested zoning in harmony with the current surrounding zoning and future comprehensive land use.

- (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 City finds the requested zoning to be consistent with the purpose of the regulations. The rezoning request for the parcel to be rezoned to Commercial Trades and Services is in harmony with the surrounding properties and the future planning zoning of Residential and Commercial Core. The requested zoning will aid in the orderly growth of the existing business.

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

STAFF ANALYSIS: The requested use is for Commercial Trade and Services. Surrounding properties are primarily General Commercial.

North-zoned C-2, General Commercial

East-zoned C-2, General Commercial

South-zoned C-2, General Commercial

West-zoned C-2, General Commercial

- (4) *Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.*

STAFF ANALYSIS: The subject property is suitable for the requested zoning and existing use. Since the existing use is not changing, rezoning to Commercial Trades and Services take the property out of conformance with City Code.

- (5) *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: The City understands development along the 112 corridor is eminent, the proposed zoning should not detrimentally impact nearby properties regarding value, traffic, drainage, visual impairment, etc., since the current use is not changing. There is a driveway south of the current and proposed Large-scale Development, which is being shared by multiple entities, this does not seem to impede any traffic.

- (6) *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: Currently, the property remains vacant under its current zoning.

- (7) *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 services.*

STAFF ANALYSIS: There will not be significant impact to community facilities since the proposed land use will remain the same.

TECHNICAL INFORMATION:

Technical information will be addressed if this property is improved.

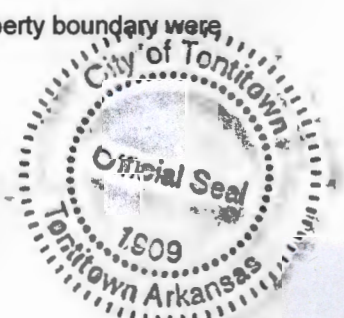
NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail.

No comments were received by Planning Staff as of November 19, 2024.

STAFF RECOMMENDATION: Staff is recommending the rezoning request.

PROCESS NOTES:

1. This rezoning must proceed to the City Council for approval.



2. Any improvements to this site require additional review.

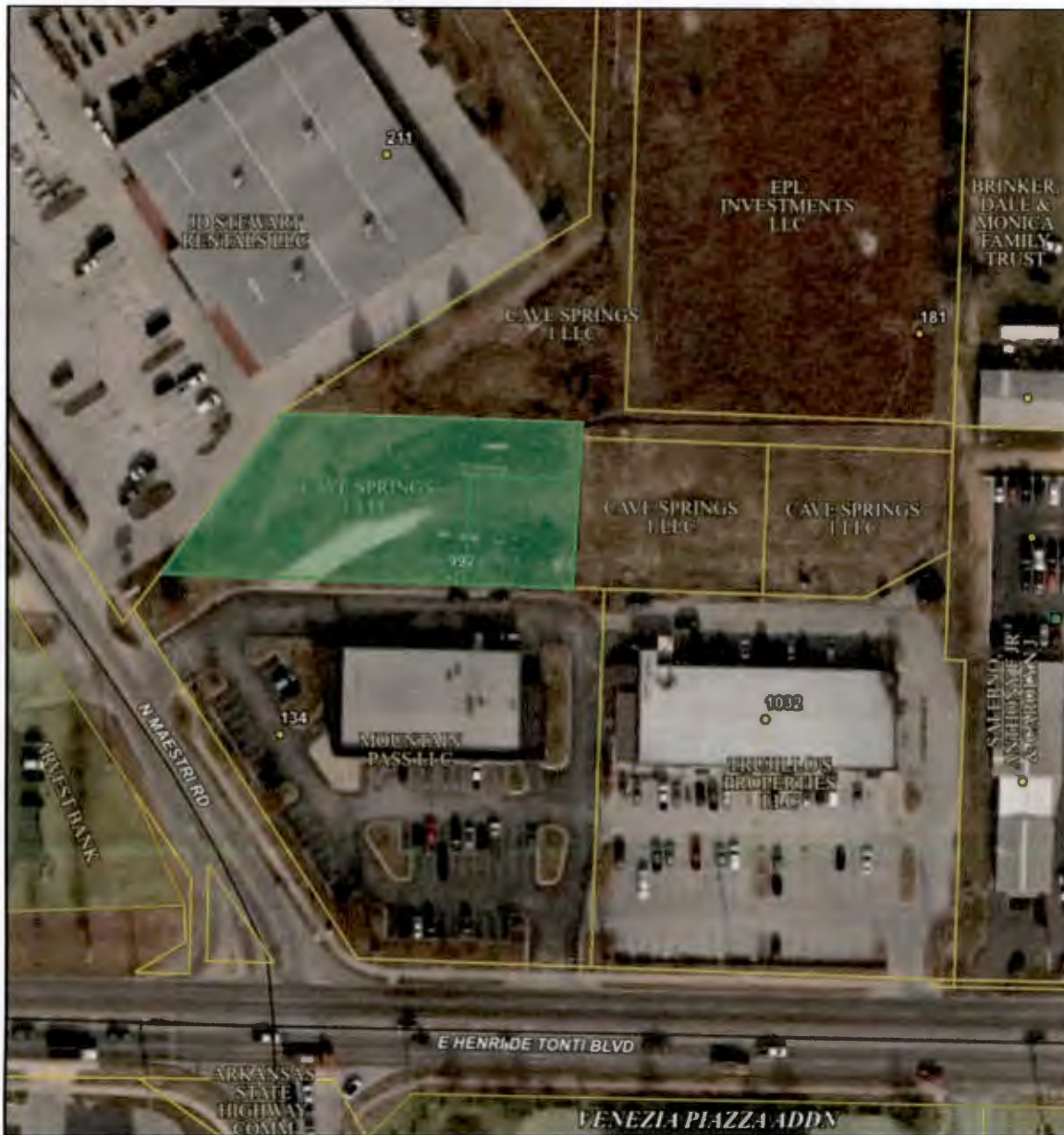


FIGURE 1: VICINITY MAP



FIGURE 2: ZONING MAP



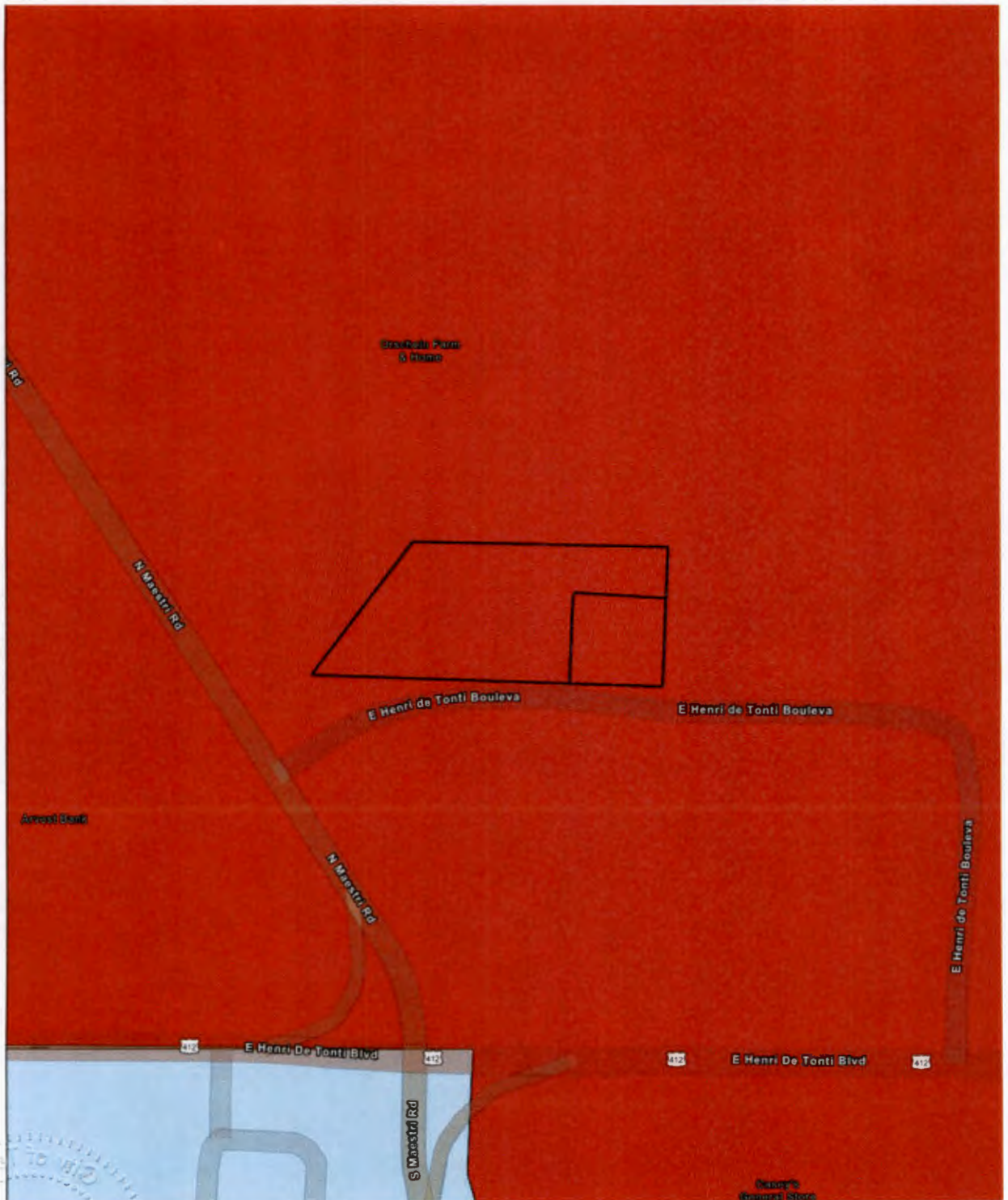


FIGURE 3: FUTURE LAND USE



No