

ORDINANCE NO. 2025- 07-1203

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE A +/- 9.2-ACRE PORTION OF REAL CERTAIN REAL PROPERTY LOCATED NORTH OF E. FLETCHER ROAD AND WEST INDUSTRIAL DRIVE (PARCEL NO. 830-37615-007) FROM A MIX OF LIGHT COMMERCIAL (C-1) AND AGRICULTURE (A) TO INDUSTRIAL (I) 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 a +/- 9.2-acre portion of certain real property located north of E. Fletcher Road and west of Industrial Drive (Parcel No. 830-37615-007) from a mix of Light Commercial (C-1) and Agriculture (A-1) to Industrial (I) 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 from a mix of Light Commercial (C-1) and Agriculture (A-1) to Industrial (I) for a +/- 9.2-acre portion of certain real property located north of E. Fletcher Road and west of Industrial Drive (Parcel Nos. 830-37615-007), 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 Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.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.

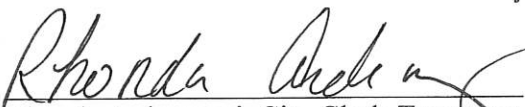
Section 4. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 and Section 2 hereof.

PASSED and APPROVED this 15 day of July 2025.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: June 24, 2025
Project: Rezone C-1 and A to I
Planner: Brad Spurlock

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM REZONING REQUEST **PH2, PC2**

North of E Fletcher Rd and West of Industrial Dr.
830-37615-007

**This project was approved unanimously at the June 24th, 2025,
Planning Commission Meeting.**

SUMMARY: The applicant is requesting a rezone located at E Fletcher Rd and Industrial Dr. The rezone request is from "C-1" (Light Commercial) and "A" (Agriculture) to "I" (Industrial) located on approximately 32.5 acres to which 9.2 acres is being requested to rezone.

CURRENT ZONING: C-1 and A – Light Commercial and Agriculture (See attached Current Zoning Map, Figure 2)

REQUESTED ZONING: I-Industrial (See attached Proposed Zoning Map, Figure 4)

FUTURE LAND USE CATEGORY: RC-N (Residential Commercial Neighborhood) See attached Future Land use Map, Figure 3

CITY WARD: 1 – Alderperson Misty Piazza and Alderperson Amber Ibarra

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 Lipspace, LLC and is currently zoned both Light Commercial and Agriculture. The owner is requesting a change in zoning Industrial as part of a expansion site for K & K Vet Supply to which the requested acreage will be done through an incidental lot split.

FUTURE LAND USE PLAN:

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

RESIDENTIAL COMMERCIAL NEIGHBORHOOD (RC-N)

Neighborhood Mixed Use Areas are more densely developed than the residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation allows a wide spectrum of uses and encourages density in all housing types, from single family to multifamily.

A mix of residential and non-residential development (excluding industrial uses) is permitted; the ideal mix of uses will be moderate density residential, office, and commercial uses, with additional open space amenities included within the development site.

Nonresidential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

Neighborhood Mixed Use Areas encourage complete, compact and connected neighborhoods. While they encourage more dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient layout.

Up to 12 multifamily dwelling units/acre.

STAFF ANALYSIS: This lot is not so in align with the Future Land Use for this area as it does not show any range of commercial or residential development. With the current addition to current business layout, we can see this aptly fitting the zoning strategy.

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 Industrial and is in harmony with the surrounding properties. The requested zoning will aid in the orderly growth for their current development.

(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. The surrounding properties are primarily Agriculture with some R-1 zoning.

North-zoned I (Industrial)

East-zoned A (Agriculture)
South-zoned A (Agriculture)
West-zoned A (Agriculture)

- (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 requested use. With the rezoning of the property the use will be suitable for the project requested for this property as it aligns with the current future expansion of a development project.

- (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 Fletcher Ave. is changing, the proposed zoning should not detrimentally impact nearby properties regarding value, traffic, drainage, visual impairment, etc., even as the current use is changing. The applicant has had talks with city staff and planning staff to discuss future development in this area.

- (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, property does not have a structure on the property and Lipspace, LLC does own the property on the north side of said tract.

- (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 be limited impact on community facilities since the proposed land use will be changing.

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.

There has been 1 comment with no objection to this rezone. Included in packet.

STAFF RECOMMENDATION: Even though the Future Land Use is not in light with this portion of land, Staff is recommending the rezoning request due to the expansion of the current ownership and future development.

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

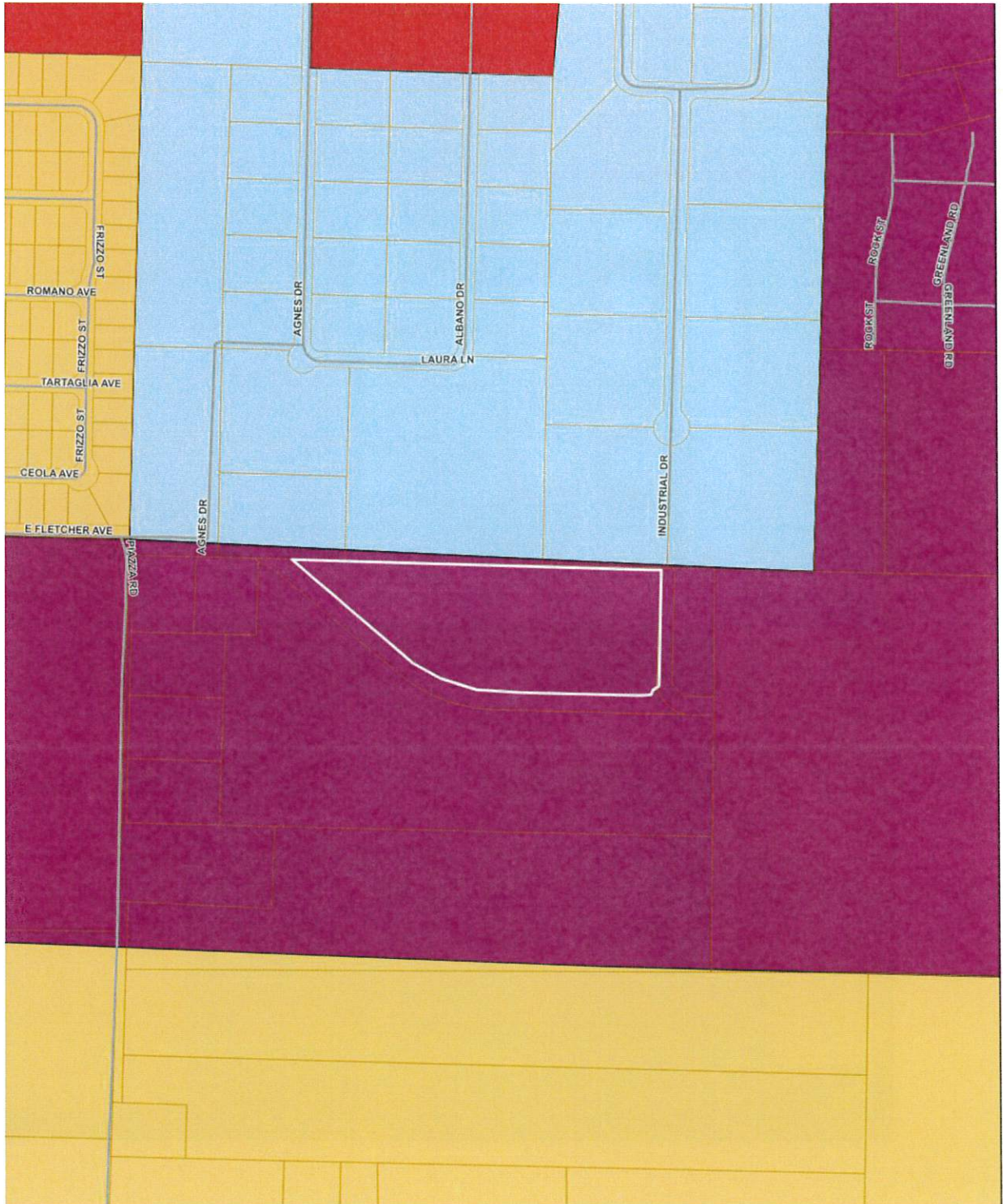


FIGURE 4: REQUESTED ZONING MAP



NEIGHBOR COMMENTS:

1 Comment with no objection. To be included..

Property Description:

Part of the N1/2 of the NW1/4 of Section 7, Township 17 North, Range 30 West, Washington County, Arkansas being more particularly described as follows:

Commencing at the Northwest Corner of the N1/2 of the NW1/4 of said Section 7; Thence S 87°34'28" E along the North line of said Section 7, a distance of 537.10 feet to a Found 5/8" Rebar (PLS #1845) and the Point of Beginning; Thence continuing S 87°34'28" E along said North line, a distance of 189.22 feet to a Found 5/8" Rebar (PLS 1428); Thence continuing S 87°34'28" E along said North line, a distance of 660.02 feet to a Found 1" Pipe; Thence continuing S 87°34'28" E along said North line, a distance of 380.35 feet to a Found 5/8" Rebar (PLS #1845) on the West Right of Way of Industrial Drive; Thence S 03°08'21"W along said West Right of Way, a distance of 381.70 feet to a Found 5/8" Rebar (PLS #1845) on the North Right of Way of East Fletcher Avenue, said point being the beginning of a 38.00 feet radius curve to the right; Thence southwesterly along the said 38.00 feet radius curve to the right and along the said North Right of Way for 59.32 feet, with said curve having a chord bearing of S 46°25'30" W and distance of 54.89 feet; Thence N 87°24'36" W along the said North Right of Way, a distance of 493.10 feet to a Found 5/8" Rebar (PLS #1845) at the beginning of a 470.00 feet radius curve to the right; Thence northwesterly along the said 470.00 feet radius curve to the right and along the said North Right of Way for 313.40 feet, with said curve having a chord bearing of N 68°20'33" W and distance of 307.62 feet to a Found 5/8" Rebar (PLS #1845), Thence N 49°12'55" W along the said North Right of Way, a distance of 490.20 feet to the beginning of a 530.00 feet radius curve to the left; Thence northwesterly along the said 530.00 feet radius curve to the left and along the said North Right of Way for 23.55 feet to the Point of Beginning, containing 9.19 acres, more or less.

