

ORDINANCE NO. 2025- 08-1210

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 5.02 ACRES OF REAL PROPERTY LOCATED AT 1529 ARDEMAGNI ROAD (PARCEL NO. 830-37979-002) FROM AGRICULTURE (A) TO RESIDENTIAL ESTATES (R-E) 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 5.02 acres of real property located at 1529 Ardemagni Road (Parcel No. 830-37979-002) from Agriculture (A) to Residential Estates (R-E) 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 Agriculture (A) to Residential Estates (R-E) for approximately 5.02 acres of real property located at 1529 Ardemagni Road (Parcel No. 830-37979-002), 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 Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.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 19 day of August 2025.

APPROVED:


Angela Russell, Mayor

ATTEST:

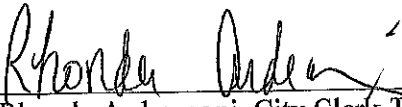

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT "A"

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE 1/4 OF THE NE 1/4; THENCE N87°18'17"W 661.84 FEET TO THE POINT OF BEGINNING; THENCE S02°53'17"W 330.30 FEET; THENCE N87°20'12"W 660.35 FEET; THENCE N02°37'50"E 330.67 FEET; THENCE S87°18'17"E 661.84 FEET TO THE POINT OF BEGINNING, CONTAINING 5.02 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO, A 30 FOOT INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS: PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE 1/4 OF THE NE 1/4; THENCE S03°08'50"W 299.93 FEET TO THE POINT OF BEGINNING; THENCE N87°20'12"W 1320.97 FEET; THENCE S02°37'50"W 30.00 FEET; THENCE S87°20'12"E 1320.70 FEET; THENCE N02°08'50"E 30.00 FEET TO THE POINT OF BEGINNING.

[Legal description provided by Realty Title & Closing Services, LLC.]



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: July 24, 2025
Project: Rezone A to R-E
Planner: Brad Spurlock

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM REZONING REQUEST

PH2, PC2

1529 Ardemagni Rd.
830-37979-002

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

SUMMARY: The applicant is requesting a rezone located at 1529 Ardemagni Rd. The rezone request is from "A" (Agriculture) to "R-E" (Residential Estates) located on approximately 5.02 acres.

CURRENT ZONING: A – Agriculture (See attached Current Zoning Map, Figure 2)

REQUESTED ZONING: R-E-Residential Estates (See attached Proposed Zoning Map, Figure 4)

FUTURE LAND USE CATEGORY: RE (Residential Estates) See attached Future Land use Map, Figure 3

CITY WARD: 2 – Alderperson Larry Ardemagni and Alderperson Daniel Montez

INFRASTRUCTURE SERVICE AREAS

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Washington Co. Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned by Michael Chaney and is currently zoned A (Agriculture). The owner is requesting a change in zoning to R-E(Residential Estates) as part of a proposed lot split which will result in lots that will need to be conformed due to the acreage size.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for **RE (Residential Estates)** based on the **current Comprehensive Plan adopted in 2023.**

RESIDENTIAL LOW DENSITY/ RESIDENTIAL ESTATES (RE)

The purpose of this land use category is to provide for areas of single-family detached residential development on large estate type lots, or cluster developments in the rural area. This zone is intended to help establish and preserve rural/estate character in certain areas of the city.

It can also serve as an appropriate land use in areas where the terrain may be very steep, or other geological or environmental features lend themselves to low density development types.
One dwelling unit/acre minimum; lots will generally be 1-5 acres in size.

STAFF ANALYSIS: This lot does not align with the Future Land Use for this area as it is designed for future residential development. The lot does align to the east and south for Residential Commercial Transition.

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 not to be 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 Residential Estates 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 Residential and Agriculture.

North-zoned R-3 (Single-Family Residential)

East-zoned A (Agriculture)

South-zoned R-E (Residential Estates)

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 proposed zoning should not detrimentally impact nearby properties regarding value, traffic, drainage, visual impairment, etc., even as the current use is changing.

- (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 have a structure on the property and the owner would request an additional residence after the property has been split.

- (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: Staff recommends the rezoning as requested.

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

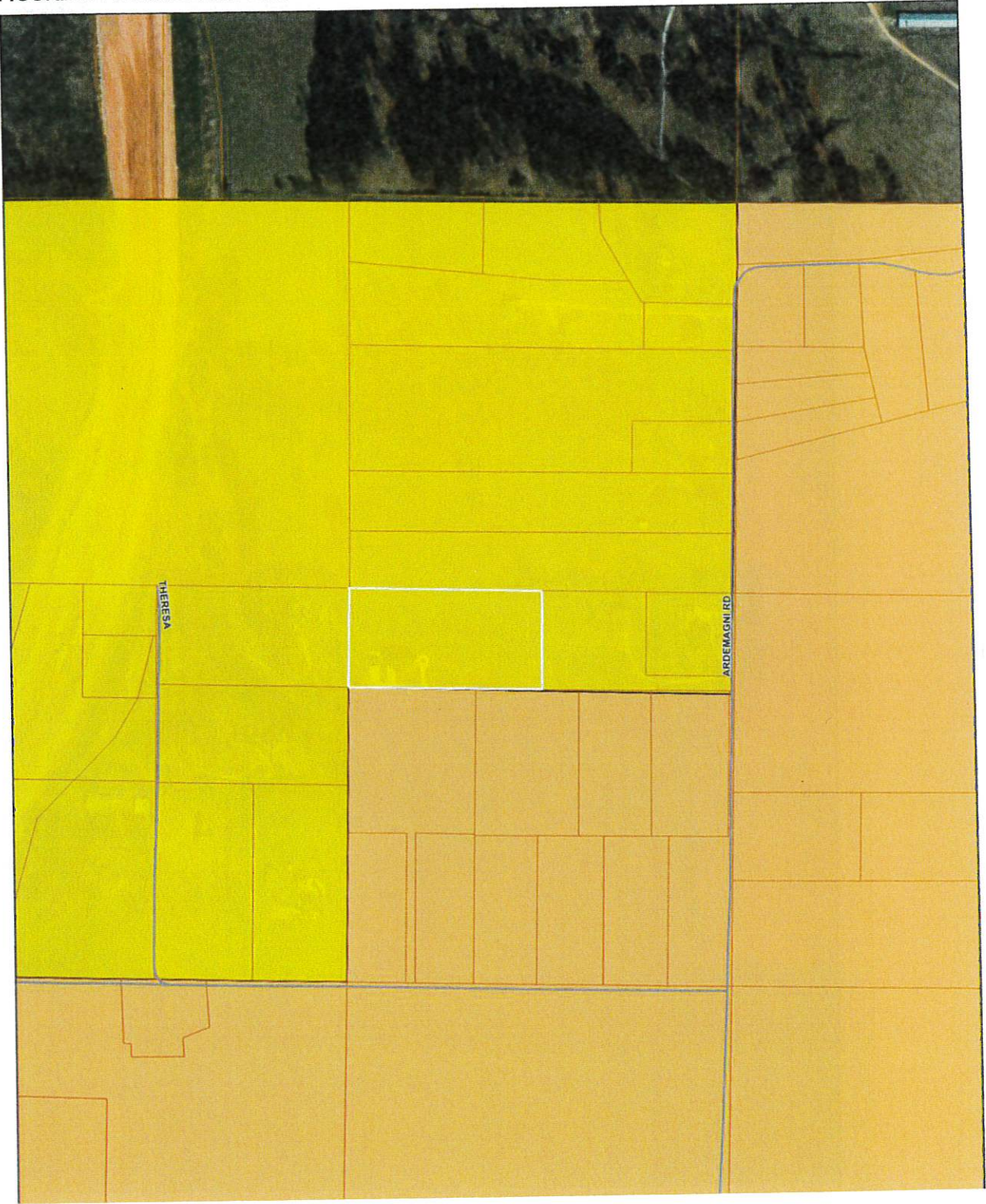
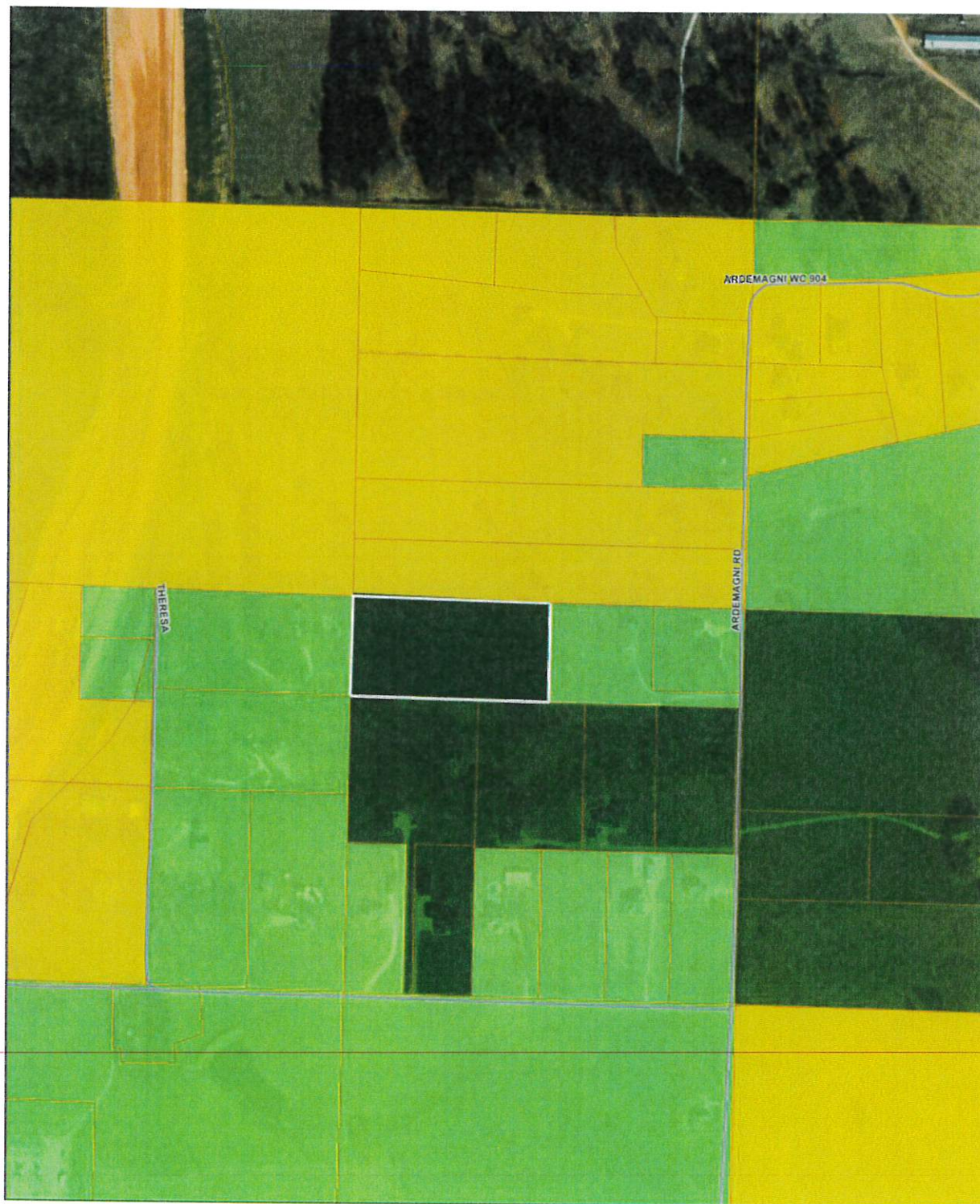


FIGURE 4: REQUESTED ZONING MAP



NEIGHBOR COMMENTS:

1 Comment with 1 no objection. To be included.

File# 2022-00007988

This Instrument prepared by:
D. Joel Kurtz
Attorney at Law
Williams Law Firm
100 W Main, Gentry, AR 72734
(479) 736-8800

WARRANTY DEED

WITH RELINQUISHMENT OF DOWER/CURTESY

KNOW ALL MEN BY THESE PRESENTS:

That **Natalie A. Dake** and **Heath J. Dake**, husband and wife ("Grantors"), for and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Michael Scott Chaney**, an unmarried person ("Grantee"), the following described lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A".

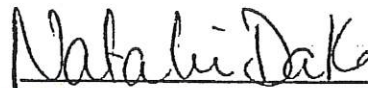
Subject to any restrictions, conditions, covenants, rights of way, and easements now of record.

To have and to hold the same unto the said Grantee and unto his heirs and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And Grantors hereby covenant with said Grantee that they will forever warrant and defend the title to the said lands against all claims whatsoever.

And Grantors do hereby release and relinquish unto the said Grantee all rights of dower, curtesy, and homestead in and to said lands for and in consideration of the sum of money.

IN WITNESS WHEREOF, the names of Grantors are hereunto affixed as of this 7 day of March, 2022.



Natalie A. Dake



Heath J. Dake

Warranty Deed

22-712453
Page 1 of 3

Please see the attached Real Property Transfer Tax Affidavit of Compliance for proof of tax paid and the required documentary stamps or documentary symbol.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

On this day personally before me, a Notary Public, duly commissioned, qualified and acting, within and for this County and State, appeared the within named Natalie A. Dake and Heath J. Dake, husband and wife, to me personally well known (or satisfactorily proven to be such persons), who stated and acknowledged that they had so signed, executed and delivered the foregoing Deed for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 7 day of March, 2022.

Erin Main
Notary Public

My commission expires: _____



Mail Tax Statement to:

409 Driftwood St
Lowell AR 72745

RTC 22-71245S

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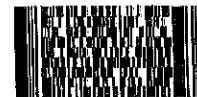
[Legal description provided by Realty Title & Closing Services, LLC.]



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 22-71245S

Grantee: MICHAEL SCOTT CHANEY
Mailing Address: 409 DRIFTWOOD ST
LOWELL AR 727450000

Grantor: HEATH J. DAKE AND NATALIE A. DAKE
Mailing Address: P. O. BOX 58
CENTERTON AR 727190000

Property Purchase Price: \$275,000.00
Tax Amount: \$907.50
County: WASHINGTON
Date Issued: 03/09/2022
Stamp ID: 701896704

Washington County, AR
I certify this instrument was filed on
3/9/2022 3:06:19 PM
and recorded in REAL ESTATE

File# 2022-00007988
Kyla Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed):

Grantee or Agent Name (printed):

Address:

City/State/Zip: 3711 W. Walnut • Rogers, AR 72756
479-636-7766

Date:

Ivonne Torres
3/9/22

Realty Title & Closing Services LLC