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Fee Amt: \$50.00 Page 1 of 8
Washington County, AR
Kyle Sylvester Circuit Clerk

ORDINANCE NO. 2024-03-1105

File 2024-00007028

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 2.89 ACRES OF REAL PROPERTY LOCATED AT 443 W. LIBERTY FROM AGRICULTURE (AG) TO RESIDENTIAL ESTATES (RE) 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 2.89 acres of real property located at 443 W. Liberty from Agriculture (AG) to Residential Estates (RE) 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 (AG) to Residential Estates (RE) for approximately 2.89 acres of real property located at 443 W. Liberty, 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 Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.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 March 2024.

APPROVED:

Angela Russell
Angela Russell, Mayor



ATTEST:

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

WHEREAS a Public Hearing was held before the Planning Commission for the City of
Tontitown, Arkansas on June 15, 2011 in the presence of an application to rezone approximately
3.89 acres of real property located at 441 W. Liberty Street, Tontitown, Arkansas (AG) in Residential District
(RD) in the City of Tontitown, Arkansas and

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has
at its first and place mentioned in the notice, heard all persons desiring to be heard on the question
and has concluded 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 Agricultural (AG) to
Residential District (RD) for approximately 3.89 acres of real property located at 441 W. Liberty
Street, particularly described in the attached Exhibit "A".

Section 2. Any ordinance or part of ordinance in conflict with this ordinance, its
terms related in the event 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 affect or nullify any other 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 14th day of March 2014

APPROVED

Rhonda Ardemagni
Rhonda Ardemagni, Mayor





EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Northwest Quarter of Section 1 in Township 17 North of Range 31 West, Washington County, Arkansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of the Northwest Quarter of the said Section 1, and running thence S88° 02'29"E 55.90 feet and S86°57'15"E 1697.50 feet to the true point of beginning, and running thence S86°57'15"E 271.23 feet, thence S03°10'21"W 463.86 feet, thence N87°05'16"W 271.23 feet, thence N03°10'21"E 464.49 feet to the point of beginning, containing 2.89 acres, more or less.





EXHIBIT 'A'
LEGAL DESCRIPTION

Part of the Northwest Quarter of the Northwest Quarter of Section 1 in Township 17 North of Range 34 West, Washington County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of the Northwest Quarter of the said Section 1, and running thence S88° 15' 23" E 55.50 feet and S88° 15' 23" E 1607.50 feet to the true point of beginning, and thence S88° 15' 23" E 571.23 feet, thence S03° 10' 31" W 482.88 feet, thence S23° 05' 18" W 171.23 feet, thence N03° 10' 31" E 461.46 feet to the point of beginning, containing 2.98 acres, more or less.





CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: February 27, 2024
Project: **Rezone AG to RE**
Planner: **Mark Latham**

**PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM
REZONING REQUEST**

443 W. Liberty
Parcel # 830-37641-001

The Planning Commission approved the rezone at the February 27, 2024 meeting.

SUMMARY: Request to rezone a piece of land that is 2.89 acres in size from AG to RE.

CURRENT ZONING: AG – **Agriculture**, low density single family.

REQUESTED ZONING: RE– **Residential Estates**, single-family residential, development on low density, large estate type lots.

FUTURE LAND USE CATEGORY: **RC-T, Residential Transition Commercial**

CITY WARD: 2- Larry Ardemagni, 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:

The owners of this rezone are Don and Tinka Willard.

The owners purchase the property to construct a single-family home. The current Agricultural Zoning does not meet the 5 acre requirement and therefore must be rezoned.

FUTURE LAND USE PLAN:

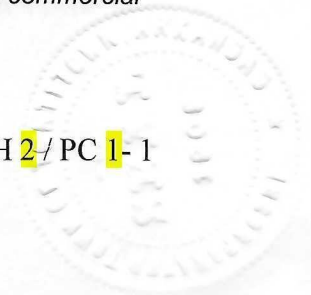
The Future Land Use Category shown in this area is for **Residential Transition Commercial Neighborhood (RC-T)**.

From the Vision Plan Document adopted by the City Council in June 2023

RESIDENTIAL TRANSITION COMMERCIAL (RC-T)

Residential Transition areas plan for moderate-density residential development serving as a transition between commercial/mixed use and residential low-density land uses. Housing types are varied, single family, duplexes townhomes. Some neighborhood-scale commercial uses may be included where appropriate access is available.

Six-eight units/acre.



STAFF ANALYSIS: This rezone is aligned with the Future Land Use Plan for this area.

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 RC-T, Residential Transition This request is well aligned with the comprehensive plan 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 rezone request should not impact the orderly growth and development of 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 primarily single-family residential.

North-zoned R-1, single family, 1 ac.

East-zoned R-3, single-family residence.

South-zoned R-3 single-family residence.

West-zoned AG, Agriculture.

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

STAFF ANALYSIS: This property is suitable for uses allowed in R-E.

(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: This proposed rezoning should not detrimentally affect nearby property.

- (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: This impact is expected to be minimal to utilities, streets, drainage, parks, open space, fire, police, and emergency services.

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 of this project. Staff have received one "support" written comment.

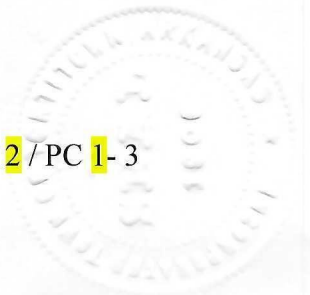
All written comments received are attached.

STAFF RECOMMENDATION: Staff is recommending the rezone for the construction of a new home.

PROCESS NOTES:

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

ZONING MAP



(b) Length of time the subject property has remained vacant as well as to determine the time of purchase by the applicant, and

STAFF ANALYSIS: Generally, the primary purpose of vacant land is to remain vacant. The intent of the ordinance is to encourage development of vacant land for residential, commercial, industrial, and other uses. The ordinance does not require the owner to develop the land and thereby maintain the land.

STAFF ANALYSIS: This report is prepared to be submitted to the Planning Commission for their review and approval. The report is prepared to be submitted to the Planning Commission for their review and approval.

TECHNICAL INFORMATION

Technical information is provided in the report to the Planning Commission.

REVISIONS COMMENT: An ordinance is proposed which will amend the existing ordinance which requires that a certain amount of vacant land be developed within a certain period of time. The ordinance is proposed to be amended to require that a certain amount of vacant land be developed within a certain period of time.

All other documents needed are attached.

STAFF RECOMMENDATION: Staff is recommending the ordinance for the construction of a new home.

PROGRESS NOTES

1. The meeting was held on the 12th of the month for the purpose of the meeting.
2. The meeting was held on the 12th of the month for the purpose of the meeting.

FOR THE BOARD



Use Comparison Chart:

| Zoning Districts | R-3 | R-4 |
|--|-----|-----|
| Residential uses | | |
| Single-family detached | P | P |
| Duplex | NP | C |
| Triplex, quadplex | NP | NP |
| Townhome | NP | NP |
| Detached accessory dwelling unit (ADU) | C | C |
| Emergency housing unit | NP | NP |
| Multi-family | NP | NP |
| Manufactured housing unit | NP | NP |
| Manufactured housing, residential design | NP | NP |
| Manufactured housing park | NP | NP |
| Group residential | NP | NP |
| Civic and commercial uses | | |
| Airport or airstrip | NP | NP |
| Animal care, general | NP | NP |
| Animal care, limited | NP | NP |
| Automated teller machine | NP | NP |
| Bed and breakfast | NP | NP |
| Cemetery | C | C |
| Church | C | C |
| College or university | NP | NP |
| Communication tower | C | C |
| Convenience store | NP | NP |
| Day care, limited (family home) | C | C |
| Day care, general | NP | NP |

| Zoning Districts | R-3 | R-4 |
|--|-----|-----|
| Golf course | C | C |
| Government service | C | C |
| Hospital | NP | NP |
| Library | C | C |
| Medical services | NP | NP |
| Museum | C | C |
| Nursing home | NP | NP |
| Parks and recreation | C | C |
| Post office | NP | NP |
| Recreation/entertainment, outdoor | NP | NP |
| Safety services | NP | NP |
| School, elementary/middle | C | C |
| Utility, major | C | C |
| Utility, minor | P | P |
| Vocational school | NP | NP |
| Manufacturing and extractive uses | | |
| Asphalt or concrete plant | NP | NP |
| Mining or quarrying | NP | NP |
| Sod farm | NP | NP |
| Topsoil | NP | NP |
| Agriculture uses | | |
| Agriculture, animal | C | C |
| Agriculture, crop | C | C |
| Agriculture, product sales | C | C |
| Animal, farm | P | C |
| Chicken, hobby | P | P |

Washington County, AR

I certify this instrument was filed on
 03/27/2024 11:58:50 AM
 and recorded in Real Estate
 File Number 2024-00007028
 Kyle Sylvester - Circuit Clerk

by 

Area Comparison Chart:

| | R-3 | R-4 |
|---|--|---|
| Category names | Single- Family Residential 3 units/acre | Single- Family Residential 4 units/acre |
| Density | 3 units/acre | 4 units/acre |
| Minimum lot size | 9,600 sf | 8,000 sf |
| Triplex, quadplex | NP | NP |
| Duplex | NP | Conditional, min. lot size 12,000 sf per duplex |
| Townhomes (single-family attached) | NP | NP |
| Multi-Family (5 or more connected units) | NP | NP |
| Nonresidential uses | 9,600 | 10,000 |
| Max building height | 35' | 35' |
| Max number of stories | N/A | N/A |
| Single Family Detached | | |
| Lot width min. | 80' | 70' |
| Lot depth min. | 120' | 110' |
| Setbacks for 1- and 2-story structures** | | |
| Front setback | 30' | 25' |
| Side setback | 7' | 7' |
| Street side setback | 25' | 20' |
| Rear setback | 25' | 15' |
| Setbacks for 3- and 4-story structures** | | |
| Front setback | 30' | 30' |
| Side setback | 7' | 10' |
| Street side setback | 25' | 25' |
| Rear setback | 25' | 25' |
| Maximum impervious area (structures) | 60% | 60% |