



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **March 26, 2019**  
Project: **112 West Forty**  
Planner: Courtney McNair

### AGENDA ITEM

## D

### REZONING REQUEST

495-569 N. Maestri

Parcel # 830-37584-000, 830-37625-000, 830-37583-000, 830-37632-000, 830-37585-001

**SUMMARY:** Request to rezone a piece of land that is approx. 49.91 acres in size from **R3** and **C1** to **R-MF**

**CURRENT ZONING:** **R3 and C-2 – Residential** single family with a minimum 9,600 SF lot size, and **Light Commercial**.

**REQUESTED ZONING:** **R-MF- Residential Multi-Family** -16 units/acre maximum

**FUTURE LAND USE CATEGORY:** **RC-N** Residential Commercial Neighborhood

**CITY WARD:** 2- Arthur Penzo and Larry Ardemagni

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

**Water:** Tontitown Water, existing 8-inch line

**Electric:** Ozarks Electric

**Sewer/Septic:** Sewer

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

This property is owned by 112 West Forty and 112 Streetside, LLC, and the applicant is the same. The property is located within the City Limits of Tontitown. It takes access from N. Maestri Road (N. Hwy. 112). Additionally, the Master Street plan shows Liberty Ave, and Sbanotto Ave, extending over to N. Maestri. The applicant is working with an adjacent property owner to the North (Ozark Self Storage Units) to discuss this alignment. This discussion came about due to information the City received from ARDOT on the access management control plan for N. Maestri Road. The City will most likely recommend one road in this general area instead of two, and those plans will be reviewed at Preliminary Plat/LSD plan stage.

The applicant is requesting to change the zoning from R3 and C1 to R-MF in order to allow a combination of multi-family uses in the future. Originally, the applicant was also requesting Preliminary Subdivision plat and Preliminary Large-Scale Development plan approval, but have asked that those plans be tabled at this time as they work with the adjacent land owner in response to ARDOT's access management plan.

**FUTURE LAND USE PLAN:**

The Future Land Use Category shown in this area is for the Residential Commercial Neighborhood (RC-N). From the Vision Plan Document adopted by the City Council in November 2018:

***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 18 multifamily dwelling units/acre.*

**STAFF ANALYSIS: This project is in line with the Future Land Use map.**

**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 Residential Commercial Neighborhood. This request is in line with the Future Land Use Map.**

- (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: This area has not been developed at this time. The alignment N. Maestri Road with access control will impact this property. The developer is working with the adjacent neighbor to try and find a solution that will benefit both developments and the City, while respecting ARDOT’s plans. There is water and sewer available for connection.**

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

**STAFF ANALYSIS: The requested use is for multi-family zoning; surrounding properties are zoned for Commercial and Residential uses**

**North-zoned C2**

**East-zoned C2/R3**

**South-zoned C2**

**West-zoned C2/R3**

**Property on the east side of N. Maestri Road are developed as single-family and multi-family housing. To the south is light industrial/service commercial in nature. To the north is the Ozark Self Storage Units (has approval, but not yet constructed). Property to the west is currently low density residential.**

(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 could be suitable for light commercial (and may still have a light commercial component), and possibly R3 residential, but multi-family along a major corridor usually makes a more appropriate zoning type than single-family residential.**

(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. Traffic will be on N. Maestri Road, which is a state highway that is slated to be improved. Drainage will be fully evaluated at the technical plan review. Odor, noise, and light are not typically concerns for this type of development request.**

(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: This property has never developed as light commercial or residential. It was zoned light commercial and residential when the applicant purchased the property.**

(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. There is adequate water and sewer that can be connected. Drainage will be reviewed by the City Engineer for compliance, and the fire marshal will review access and fire hydrants at the technical plan review phase of development.**

**TECHNICAL INFORMATION:**

Technical information will be addressed at the Preliminary Subdivision and Preliminary Large-Scale Development stage of review.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received two “in favor” written comments regarding this project.

**STAFF RECOMMENDATION:** Based on the Future Land Use Plan, and the availability of utilities and access, staff recommends approval of the 112 West Forty Rezoning Request to change the zoning from R3 and C1 to R-MF.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. This rezoning must proceed to the City Council for approval.
2. This project must proceed through the Large-Scale Development process, and address all technical information.





