



## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **April 23, 2019**  
Project: **Square Logistics**  
Planner: Courtney McNair

### AGENDA ITEM

## B

### REZONING REQUEST

2291 S. Pianalto  
Parcel # 830-38352-000

**SUMMARY:** Request to rezone a piece of land that is 4.48 acres in size from **RE** to **C-2**  
**CURRENT ZONING:** **RE – Residential Estate** single family with a minimum 2-acre lot size.

**REQUESTED ZONING:** **C2-General Commercial**

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

**CITY WARD:** 3-Don Doudna and Tommy Granata

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

**Water:** Washington Water Authority, existing tap for water service, residential size. There is also a 6-inch water main to the south.

**Electric:** Ozarks Electric

**Sewer/Septic:** Sewer

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

The owner/applicant for this project is Square Logistics, Inc. The property is located at the northwest corner of Arbor Acres and S. Pianalto Road. There is an existing driveway onto S. Pianalto Road, but the applicant plans to connect onto Arbor Acres in order to reduce impact to residential neighbors.

The applicant is requesting to change the zoning from RE to C2 in order to allow a small long-haul trucking operation to be moved to this location. In the applicant's letter, they state that there will be minimal traffic, no signage at this time, and may construct a building in a few years that has fencing and lighting.

#### FUTURE LAND USE PLAN:

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

##### **RESIDENTIAL COMMERCIAL TRANSITION (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, and lower density apartment buildings. Some neighborhood-scale commercial uses may be included where appropriate access is available. Six-twelve dwelling units/acre.*

**STAFF ANALYSIS:** This project is similar to what is detailed in the Future Land Use Plan. During the process of developing this Future Land Use Plan, there were several conversations that discussed the future uses in this area across from the landfill. It was agreed that “service” type commercial uses may be appropriate here. While the Future Land Use Plan does not specifically call out these “service” type commercial uses, these were envisioned to be mechanics, trade uses, and other uses that didn’t see an influx of general public as customers, but provide value to the City. Staff research shows this project fits the intent of the Future Land Use Plan for this area, even if not specifically detailed.

**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 Transition. This request meets the intent of the Future Land Use Map 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:** There is an old residential structure and a few agricultural buildings on this site. It is clear that these structures have not been occupied for many years and are in disrepair. It is unclear to staff if these buildings would even be able to be rehabilitated, or if they would be best removed from the site. The site would be improved if these buildings are either rehabilitated or removed. There is water and sewer available for connection. The entrance will be required to take access from Arbor Acres Road to reduce impact to the residential neighbors.

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

**STAFF ANALYSIS:** The requested use is for commercial zoning; surrounding properties are zoned for Agricultural and Residential Uses. The actual uses of the surrounding properties vary from Single Family Residential to Landfill.

North-zoned RE -but used to work on/park semi-type trucks on site.

East-zoned A1 -use is primarily single family residential

South-zoned R-MH -landfill use

West-zoned RE -use is Agri/Single family 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 a Residential Estate Lot, however, the proximity to the landfill could impact the desire for a residential home at this location.

- (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 Arbor Acres Road, which is used by the landfill traffic. If this rezoning is approved, prior to the construction of any site improvements, additional review is required. Odor, and light should not be a concern for this type of use. Noise could be a concern if large trucks are left to idle for extended periods of time, or at inappropriate times. The applicant has stated they plan to fence the area, and current ordinances address additional standards placed on commercial or higher uses adjacent to residential zoning.

**Excerpt Chapter 153.214 Residential Compatibility Standards:**

- “ (5) Screening standards. Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.*  
*(6) Site design standards. The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:*  
*(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.*  
*(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.”*

As the property to the east is zoned A1, these standards do not automatically apply. However, as the use is single family residential on the property to the east, Staff will be recommending that additional planting and screening be provided for all adjacent residential uses.

- (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:** Staff is uncertain how long this residence has been vacant. It has clearly been vacant for a significant amount of time based on the state of the residence. It was zoned RE at the time 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. There are no concerns at this time by the Fire Marshal or Police Chief.

**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 has received two “opposed” written comments, and two “opposed” phone calls, regarding this project.

Additional comments have been received since the original report was completed. All comments received are attached.

**STAFF RECOMMENDATION:** Based on the Future Land Use Plan, and the availability of utilities and access, staff recommends approval of the Square Logistics Rezoning Request to change the zoning from RE to C2.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. Standards found in Chapter 153.214 Residential Compatibility Standards, shall apply to all adjacent properties with a residential use regardless of current zoning.
2. All maintenance and repair of trucks shall be performed inside.
3. No overnight or extended length idling of trucks is allowed.
4. The entrance shall be located off of Arbors Acres Road, no access will be taken from S. Pianalto Road.
5. This project shall be in compliance with all local, state, and federal regulations.
6. This rezoning must proceed to the City Council for approval.
7. Any improvements to this site require additional review.

## § 153.214 RESIDENTIAL COMPATIBILITY STANDARDS.

The compatibility standards of this section are intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with higher density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family uses.

(A) *Applicability (triggering property)*. Compatibility standards shall apply to all development in the A, R-MF, C-1, C-2, and I zoning districts when such development is adjacent to "triggering property," which shall include all property:

(1) Occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or

(2) Zoned in an R-E, R-1, R-2, R-3 or R-3L district.

(B) *Exemptions*.

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) Construction of a use permitted by-right in an R-E, R-1, R-2, R-3, or R-3L district;

(b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

(c) A change in use that does not increase the minimum number of off-street parking spaces required.

(3) *Setback standards*. The following setback standards shall apply to all development that is subject to compatibility standards:

(a) *Small sites*. On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.

(b) *Large sites*. On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

(c) *Surface-level parking and driveways*. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of ten feet from the lot line of triggering property.

(4) *Building height*. No structure shall exceed 35 feet in height within 50 feet from the lot line of triggering property.

(5) *Screening standards*. Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

(6) *Site design standards*. The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

(Ord. 2017-05-635, passed 5-2-17)

REZONING PARCEL ID 830-38352-006

2291 S PIANALTO RD

SPRINGDALE, AR 72762

#### NARRATIVE

THE ABOVE MENTIONED PROPERTY CURRENTLY IS "RE" ZONING. WE BOUGHT THE PROPERTY WITH THE PORPUSE OF MOVING **OUR SMALL BUSINESS** (INTERSTATE TRANSPORTATION CO) FROM CALIFORNIA OR CREATING A HUB. THE OFFICERS ARE PLANNING TO MOVE AND/OR RETIRE IN THE STATE OF ARKANSAS IN TONTITOWN.

WE ARE REQUESTING THE ZONE CHANGING BECAUSE IN OUR OPERATION, WE DRIVE TRUCKS AND TRAILERS EVEN THOU OUR TRAFFIC WILL BE MINIMUN BECAUSE WE DO LONG HAUL TRUCKING. WE EXPECT THE ROAD WILL BE DRIVEBALE; WE DON'T SEE THE NEED FOR A SIGN AT THIS TIME.

ONCE WE MOVE IN. IN A COUPLE OF YEARS WE PLAN TO BUILT A METAL BUILDING AROUND 5000 SQUARE FEET, CONCRETE AS NEEDED, FENCE, AND LIGTHING ON THE PROPERTY

WATER IS AVAILABLE THROUGH WASHINGTON WATER AUTHORITY WITH 3 MAIN SIZES (1) 2"LINE WHERE THE PROPERTY IS CURRENTLY CONNECTED; ON THE SOUTH SIDE THERE ARE (1) 3" AND (1) 6".AND SEWER AS WELL. THEY WILL BE CONNECTED FROM THE PIANALTO RD



## Courtney McNair

---

**From:** Lindy Hyler <hylerl@msn.com>  
**Sent:** Monday, April 15, 2019 3:55 PM  
**To:** Courtney McNair  
**Subject:** South Pianalto & Arbor rezoning

Dear Courtney McNair,

There is a rezoning request to change 4.5 acres at the corner of South Pianalto and Arbor Acres from R-E to C-2. I would like to strongly express that this doesn't fit the area of neighborhoods and farmland that many of the residents in this area moved here for. I'm in strong opposition of this rezoning proposal, and would like you to consider this in your upcoming planning meeting.

Sincerely,

Lindy Crum & the Crum Family

18160 Harmon Rd

Fayetteville, AR 72704

(479) 871-8684

[Hylerl@msn.com](mailto:Hylerl@msn.com)



## Courtney McNair

---

**From:** Brian Dizney <brian.dizney@gmail.com>  
**Sent:** Monday, April 15, 2019 1:18 PM  
**To:** Courtney McNair  
**Subject:** Square Logistics Rezoning Request - South Pinalto

Good afternoon Courtney,

I will not be able to attend the planning commission meeting scheduled for 4/23. I noticed that there is a rezoning request from R-E to C-2 by Square Logistics for property at 2291 S. Pinalto Road on the agenda. I don't believe this zone fits in to the surrounding area at all and would like to let the commission know that I'm against it. How do I make that happen?

Thanks!  
Brian

## Courtney McNair

---

**From:** mike@fiskdesigns.com  
**Sent:** Saturday, April 20, 2019 8:28 AM  
**To:** Courtney McNair  
**Subject:** Rezoning Request at S. Pianalto

Hello Courtney,

My name is Mike Fisk and I live at 1461 S. Pianalto Rd. A neighbor informed me that there is a request to rezone 4.5 acres at the corner of South Pianalto and Arbor Acres from R-E to C-2. I understand this topic will be discussed at the 4/23 Planning Commission meeting but I can not be present so I would like to send ahead my thoughts.

I am strongly against rezoning this property from its current residential status to commercial as it does not fit with our neighborhood and commercial development coming nearer, south of Arbor Acres, threatens our property values and quality of life. There have been some very nice houses recently built on S Pianalto that the town ought to encourage but random rezoning could be seen as a trend and threaten that desirable growth.

On another note, I would like to become more involved with the city planning commission. Is there an email distribution list or some other means that I can subscribe to in order to receive notice of meeting dates, times, and topics? I am involved with the Northwest Arkansas Technical Advisory Committee and have seen your name on that list as well.

Thank you!  
Mike Fisk  
1461 S. Pianalto Rd.  
479.283.8569

Fred and Ora Faye Chamlee

2190 S Pinalto Rd

Springdale, AR 72762

April 22, 2019

City Council and Planning Commission,

We are writing to express our opposition to the re-zoning of property on South Pinalto road from RE to C2. Your representation of our property and our citizenship is much appreciated.

We bought our home on South Pinalto in 1984 because of the quiet country setting. We loved the small town feel of Tontitown and the peaceful environment. Waste Management was a smaller operation and we had no impact to our land or air quality; as they have grown and migrated closer to Arbor Acres Road, we encounter significant traffic, large amounts of dirt on our property, and noise throughout the night from their shop operations. The addition of another commercial operation, even though it may start small, will diminish our quality of living in Tontitown even more. We hate to think what a trucking business across the road from us would do to our property value, our peaceful environment, and frankly the road that we travel. Increased traffic, noise, and commercial operations would be devastating to our property value! We are confident none of you would want these disruptions near your home.

We believe allowing this rezoning will discourage additional residents from seeking our city as a home. We ask your assistance in denying this rezoning request and assisting this business in locating in an industrial area that will have less negative impact on local residents.

Thanks in advance for your help!

Fred and Ora Faye Chamlee

## Courtney McNair

---

**From:** Glenn, Kimberly <kimberly.glenn@tyson.com>  
**Sent:** Monday, April 22, 2019 8:43 AM  
**To:** Courtney McNair  
**Subject:** Rezoning of South Pianalto  
**Attachments:** tontitown city council.pdf

Courtney,

Thank you again for discussing the rezoning of the South Pianalto property for Square Logistics a few weeks ago. My husband and I will be out of town tomorrow and unable to attend the public meeting; however, I'd appreciate your distribution of the attached letter to the planning commission as well as the City Council representation.

As we discussed, my preference would be to deny the rezoning; however, if that is not possible, I hope that you will consider the following requirements to minimize the impact to our home and property:

- Maximum offset requirements
- Barriers (fences and/or landscaping)
- Entrance off of Arbor Acres Road only (no S. Pianalto Road entrances)
- Reasonable hour restrictions (no overnight diesel idling)
- Annual monitoring of air/noise quality

If you have any questions or need additional information, please contact me at 479-957-1237.

Thanks again,

Kim Glenn  
2270 S. Pianalto Road

---

This email and any files transmitted with it are confidential and intended solely for the use of the addressee. If you are not the intended addressee, then you have received this email in error and any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Please notify us immediately of your unintended receipt by reply and then delete this email and your reply. Tyson Foods, Inc. and its subsidiaries and affiliates will not be held liable to any person resulting from the unintended or unauthorized use of any information contained in this email or as a result of any additions or deletions of information originally contained in this email.

Doug and Kim Glenn  
2270 S Pianalto Rd  
Springdale, AR 72762  
April 22, 2019

City Council and Planning Commission,

We are writing to express our concern with the re-zoning of property on South Pianalto road from RE to C2. While we understand that you are responsible for growing our city and the revenue associated with new businesses, you also are responsible for representing the concerns of the citizens of Tontitown.

When we built our home in 2004, Waste Management was a smaller operation and we had no impact to our land or air quality; as they have grown and migrated closer to Arbor Acres Road, we encounter significant traffic, large amounts of dirt on our property, and noise throughout the night from their shop operations. The addition of another commercial operation, even though it may start small, will diminish our quality of living in Tontitown even more. As a resident, I'm concerned about my property value. As a mom and pet owner, I fear the increased risk of danger to children and pets having a large truck operation directly across the street. The noise associated with large truck traffic, the potential disruptions during the night (diesels idling all night, shop work throughout the night, etc.), and the destruction of South Pianalto Road from large truck traffic all concern me.

I believe allowing this rezoning will discourage additional residents from seeking our city as a home. I ask your assistance in denying this rezoning request and assisting this business in locating in an industrial area that will have less negative impact on local residents.

Thanks in advance for your help!  
Doug and Kim Glenn

## Courtney McNair

---

**From:** Glenn, Kimberly <[kimberly.glenn@tyson.com](mailto:kimberly.glenn@tyson.com)>  
**Sent:** Monday, April 22, 2019 9:04 AM  
**To:** Courtney McNair  
**Subject:** RE: Rezoning of South Pianalto

Thank you, Courtney! You have been a great resource to understand this process.

Thanks,  
Kim

---

**From:** Courtney McNair <[planning@tontitownar.gov](mailto:planning@tontitownar.gov)>  
**Sent:** Monday, April 22, 2019 9:01 AM  
**To:** Glenn, Kimberly <[kimberly.glenn@tyson.com](mailto:kimberly.glenn@tyson.com)>  
**Subject:** [EXTERNAL] - RE: Rezoning of South Pianalto

Kim,  
I know that we operate mostly on a complaint basis if someone feels the noise level is exceeded. I will ask our Code Enforcement officer for additional information. I do not think that it is an annual test for noise.

Yes, the EPA does air quality testing on very large sites, like Waste Management, but I am not aware of any programs for small sites. I will contact the EPA to see what testing they do have available.

At a minimum, all projects in the City of Tontitown must conform to all existing regulations. I can reiterate that if this project does receive approval, they must also be in compliance with all local, state, and federal regulations.

Thank you again for your thoughtful input.

Thank you,

Courtney McNair, AICP, CFM  
Planning Official

City of Tontitown  
201 East Henri De Tonti  
Tontitown, AR 72770  
479-361-2700 office  
479-435-8080 cell  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)

---

**From:** Glenn, Kimberly <[kimberly.glenn@tyson.com](mailto:kimberly.glenn@tyson.com)>  
**Sent:** Monday, April 22, 2019 8:55 AM  
**To:** Courtney McNair <[planning@tontitownar.gov](mailto:planning@tontitownar.gov)>  
**Subject:** RE: Rezoning of South Pianalto

Courtney,

Based on the city ordinances around noise (maximum decibels), I'm assuming there is specific testing to ensure that noise levels aren't exceeded. I don't have a specific level in mind, but am confident that local cities have max noise requirements that could be applied here as well. As for air quality, I know that the EPA does annual testing of Waste Management to ensure that they are not polluting the air. While I may not agree that it's effective (based on the

amount of red dirt that lands in my pool each summer), I am looking for any type of protection for my land and environment.

Thanks!  
Kim

---

**From:** Courtney McNair <[planning@tontitownar.gov](mailto:planning@tontitownar.gov)>  
**Sent:** Monday, April 22, 2019 8:50 AM  
**To:** Glenn, Kimberly <[kimberly.glenn@tyson.com](mailto:kimberly.glenn@tyson.com)>  
**Subject:** [EXTERNAL] - RE: Rezoning of South Pianalto

Thank you, Kim. I will pass these along to the Board. I also agree that no overnight idling should be an additional condition, and will add it to my report. I am already recommending additional buffering/setback, and an entrance on to Arbor Acres, if this project is approved.

What do you have in mind when you say annual monitoring of air/noise quality? I am not familiar with this type of testing for this type of development. Noise quality is also not something I am familiar with. I am happy to include these as conditions if we have parameters or information on how this might be accomplished (or what results we are looking for).

Thank you,

Courtney McNair, AICP, CFM  
Planning Official

City of Tontitown  
201 East Henri De Tonti  
Tontitown, AR 72770  
479-361-2700 office  
479-435-8080 cell  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)

---

**From:** Glenn, Kimberly <[kimberly.glenn@tyson.com](mailto:kimberly.glenn@tyson.com)>  
**Sent:** Monday, April 22, 2019 8:43 AM  
**To:** Courtney McNair <[planning@tontitownar.gov](mailto:planning@tontitownar.gov)>  
**Subject:** Rezoning of South Pianalto

Courtney,

Thank you again for discussing the rezoning of the South Pianalto property for Square Logistics a few weeks ago. My husband and I will be out of town tomorrow and unable to attend the public meeting; however, I'd appreciate your distribution of the attached letter to the planning commission as well as the City Council representation.

As we discussed, my preference would be to deny the rezoning; however, if that is not possible, I hope that you will consider the following requirements to minimize the impact to our home and property:

- Maximum offset requirements
- Barriers (fences and/or landscaping)
- Entrance off of Arbor Acres Road only (no S. Pianalto Road entrances)
- Reasonable hour restrictions (no overnight diesel idling)
- Annual monitoring of air/noise quality

If you have any questions or need additional information, please contact me at 479-957-1237.

NOTICE OF INTENT TO REZONE RESPONSE  
SQUARE LOGISTICS

( ) I/we have no objections to the rezoning.

(X) I/we object to the rezoning because:

- Loss of property value
- loss of desire + privilege to live in rural setting
- Increased traffic and pollution + danger risk to children + pets
- We are already compromised by Waste Management + this will grow with growth of the company

Ray T. Dammell  
Signature

Debbie Blaylock  
Signature 1308 Arbor Acres Ave.

1246 Arbor Acres Ave.

OPTIONAL: email/phone number

This form can be mailed to:

City of Tontitown Planning Department,  
P.O. Box 305,  
Tontitown, AR 72770.

Or emailed to:

[planning@tontitownar.gov](mailto:planning@tontitownar.gov)



\*This template was provided as a courtesy to the applicant of this project. The applicant is responsible for the correctness of the information within.