



## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **May 28, 2019**  
Project: **Rogers Wrecker Tow Yard**  
Planner: Courtney McNair

### AGENDA ITEM

## E

### CONDITIONAL USE PERMIT REQUEST

SW corner of Klenc and Hwy 412

**Parcel #s:** 830-37708-000

**SUMMARY:** Request to allow an Impound/Tow Yard use in zone C-2

**CURRENT ZONING:** C-2 General Commercial

**FUTURE LAND USE CATEGORY:** RC-C Residential and Commercial Core

**PROPOSED USE:** Impound/Tow Yard

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

**Floodplain:** YES-05143C0065F- almost the whole property

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

**Water:** Tontitown Water, existing 4-inch water line along W. Henri de Tonti Blvd.

**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 Howard Umberson. The applicant is Donald Rogers Wrecker Service.

The applicant is requesting Conditional Use Permit approval to allow an Impound Lot use in C2 (general commercial) Zoning. This is proposed to be a 24-hour, fenced impound lot. There is an existing fence on the property, and an existing drive off of Klenc Road.

This property is almost entirely in the floodplain.

#### FUTURE LAND USE PLAN:

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

##### RESIDENTIAL AND COMMERCIAL CORE (RC-C)

*Town Center Areas contain some of the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings.*

*This is a higher intensity mixed use category, allowing for larger stores and more intense traffic patterns.*

*A mix of residential and non-residential development (excluding HEAVY industrial uses) is permitted. The residential component of this category will include higher intensity multifamily developments, and single family residential would likely be townhome or row house development models. The ideal mix of uses will be moderate to high density residential, office, and commercial uses, with additional open space amenities included within the development site.*

*These areas will accommodate row houses, apartments, local and regional retail, including large-scale stores, hotels, industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas.*

**STAFF ANALYSIS:** This project is somewhat aligned with the Future Land Use Plan for this area. It is a commercial use.

**153.121 DEVELOPMENT STANDARDS AND REVIEW GUIDELINES:**

*(A) All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are marginally compatible, and shall also be provided for the beautification and enhancement of the property.*

**STAFF ANALYSIS:** There is an existing fenced area on this property. The applicant plans to replace this fence with new fencing materials and clean up the site. As this property is almost entirely within the floodplain, it would be difficult to develop any structures on this site.

*(B) In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.*

*(1) The proposed use is within the provision of "conditional uses," as set out in these regulations.*

**STAFF ANALYSIS:** Yes, impound/tow yard uses may be considered as a Conditional Use in C-2 zoning.

*(2) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.*

**STAFF ANALYSIS:** The applicant must apply for a sign permit, fence permit, and floodplain permit. No structures are proposed.

- (3) *The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.*

**STAFF ANALYSIS:** The applicant is proposing to use the existing driveway location. No additional structures are proposed. They are proposing to reinforce the fencing to ensure that in a flooding event, no vehicles can be carried onto other properties.

- (4) *The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.*

**STAFF ANALYSIS:**

North-zoned C2

East-zoned C2

South-zoned C2

West-zoned C2

The current uses of adjacent property include a light warehousing facility to the west, residential property to the south, residential and vacant property to the north, and residential property to the east. The property to the east has recently submitted plans for a commercial/apartment and duplex complex as well.

- (5) *The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.*

**STAFF ANALYSIS:** The proposed footprint will remain the same as it exists currently.

- (6) *The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of these regulations.*

**STAFF ANALYSIS:** The applicant is proposing to connect to the existing drive. No parking is allowed outside the fenced area.

- (7) *The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.*

**STAFF ANALYSIS:** Based on (A), the landscaping should:

Provide protection for water quality, reduce erosion, heat and glare

Retain existing trees where possible

Screening and buffering for uses which are marginally compatible,

Provide for beautification and enhancement of the property

No landscaping is proposed. Existing vegetation will remain intact for the most part other than some general site cleanup.

- (8) *Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed*

**STAFF ANALYSIS:** There may be instances when a vehicle must be picked up after hours. Every effort should be made not to disrupt neighboring properties with bright lights or loud noises. The nearest residence is to the south. There is a wooded area that provides a natural buffer, this must remain. If in the future there are issues with dust, odor, noise, or light, code enforcement is in place to ensure compliance with all City codes.

**TECHNICAL INFORMATION:**

**Utilities:**

**Water:** Tontitown Water, existing 4-inch water line along W. Henri de Tonti Blvd. There is no request for water service at this time.

**Electric:** Ozarks Electric-had standard comments, and a note that there is a 30-foot utility easement along their overhead line on the property.

**Sewer/Septic:** Sewer- there is no request for sewer at this time.

**Phone:** AT&T- ATT has no comments on this proposal.

**Natural Gas:** Black Hills Energy- No comments were received from BHE.

**Cable:** Cox Communications- No comments were received from Cox.

It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.

**Police:**

Tontitown Police Chief, Joey McCormick, had no comments for this project.

**Fire:**

No hydrant is required at this time. The Fire Marshal will inspect prior to operation.

All interior drives must meet the required compaction rating to support emergency vehicles.

**Drainage:**

No structures or hard surfaces are proposed to be added to the site.

**Floodplain:**

Planning Staff had concerns about the location of inoperable vehicles being stored in the floodplain.

According to the floodplain ordinance (2008-02305), the Floodplain Administrator is to "protect natural floodplains against unwise development", "Prohibit uses that could adversely impact health, safety, or welfare in a flood event", review floodplain applications for "the development's potential to adversely impact life and property by being swept onto other lands by floodwaters".

The applicant discussed this with staff and has proposed a solution to ensure that vehicles will not be swept into the floodplain during a flooding event.

The applicant plans to install six-inch steel pipe, four feet high, about every five feet apart on the west inside fence and north inside fence for added reinforcement.

Planning staff believes this will be adequate, but will need information about how the pipe will be anchored

prior to approving the floodplain permit. No vehicles can be placed on site until this reinforcement is complete.

**Roads/Parking/Sidewalks:**

No additional entrances are proposed on Klenc Road or W. Henri de Tonti Blvd. As stated above, all interior drives must meet the required compaction rating to support emergency vehicles.

All vehicles must be parked within the fenced area.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one "in favor" comment.

**STAFF RECOMMENDATION:** Based on the current proposal which shows the development to be in accordance with the adopted Future Land Use plan, and the proposed plan to reinforce the fence in order to protect the floodplain, staff recommends approval of the Donald Rogers Impound Conditional Use Permit Request to allow an Impound/Tow Yard use within C-2 zoning.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
2. No vehicles will be allowed to be placed outside the fenced area.
3. Every effort should be made not to disrupt neighboring properties with bright lights or loud noises.
4. There is a wooded area along the south property line that provides a natural buffer, this must remain.
5. A floodplain permit is required prior to any work in the floodplain.
6. The applicant shall install six-inch steel pipe, four feet high, about every five feet apart on the west inside fence and north inside fence for added reinforcement.
7. Information about how the pipe will be anchored shall be submitted prior to floodplain permit approval.
8. No vehicles can be placed on site until this reinforcement is complete.
9. A fence permit is required for the replacement fence.
10. A separate sign permit is required for the requested sign.
11. A knox box is required for Fire Department gate access.
12. This project shall develop generally as is stated in the applicant's letter and presented in the plans.

## Impound Yard

### Highway 412 & Klinc Rd

Proposed use -Wrecker Impound Yard

Hours Of Operation - 24 Hours

Areas of use - Fenced in area

Structural change - Clean up brush and repair fence and build new gate

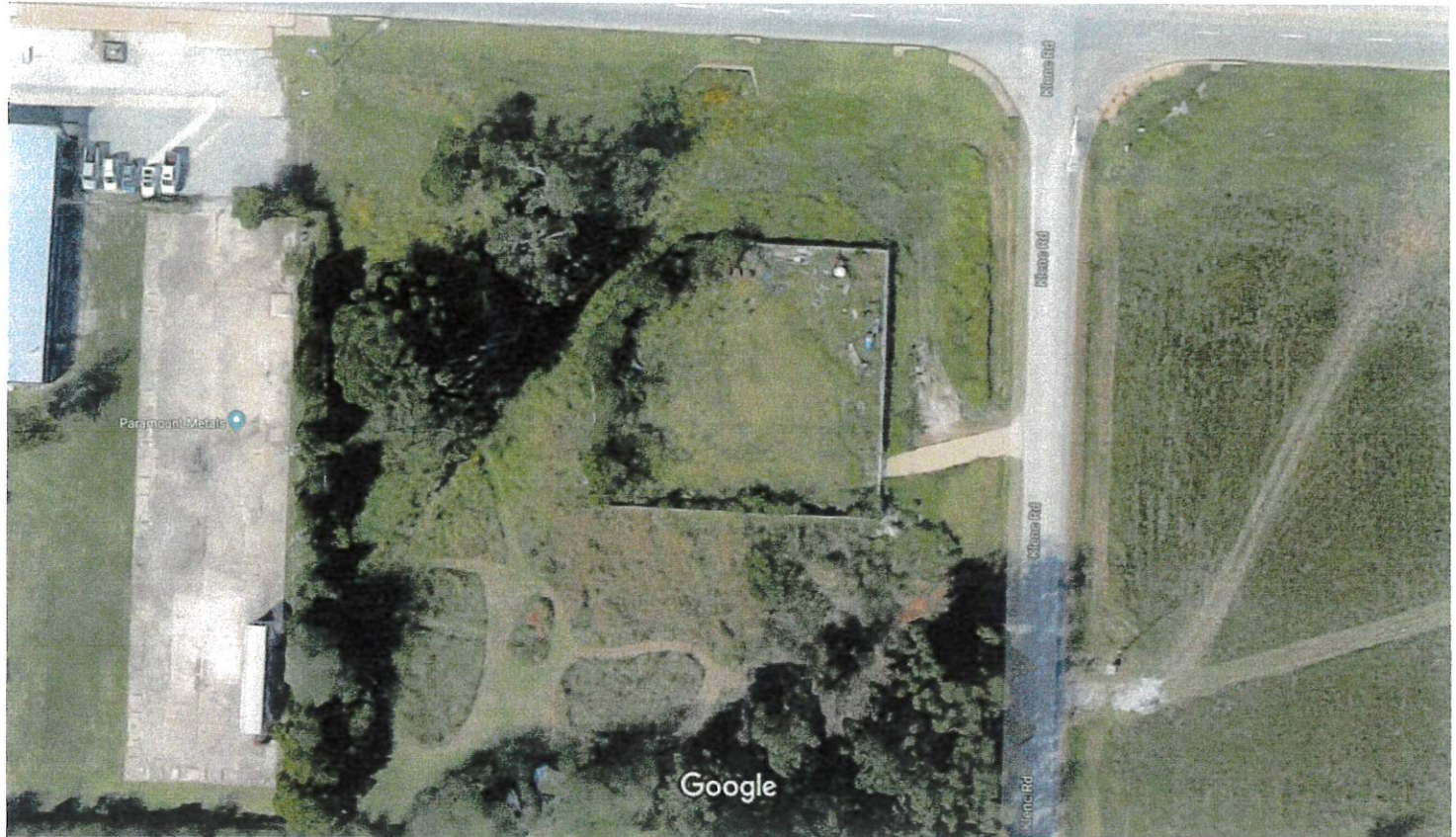
Number of employees - 3

Number of customers per day - 1 to 2

Parking - use of existing drive way for parking

Light - Existing Street Light

Google Maps Klenc Rd



Imagery ©2019 Google, Map data ©2019 Google 20 ft



## Klenc Rd

Tontitown, AR 72762



Directions



Save



Nearby

Send to  
your  
phone

Share

## Photos

North  
↑

W ← E

412

fence

Ditch

fence

Gate

Gate

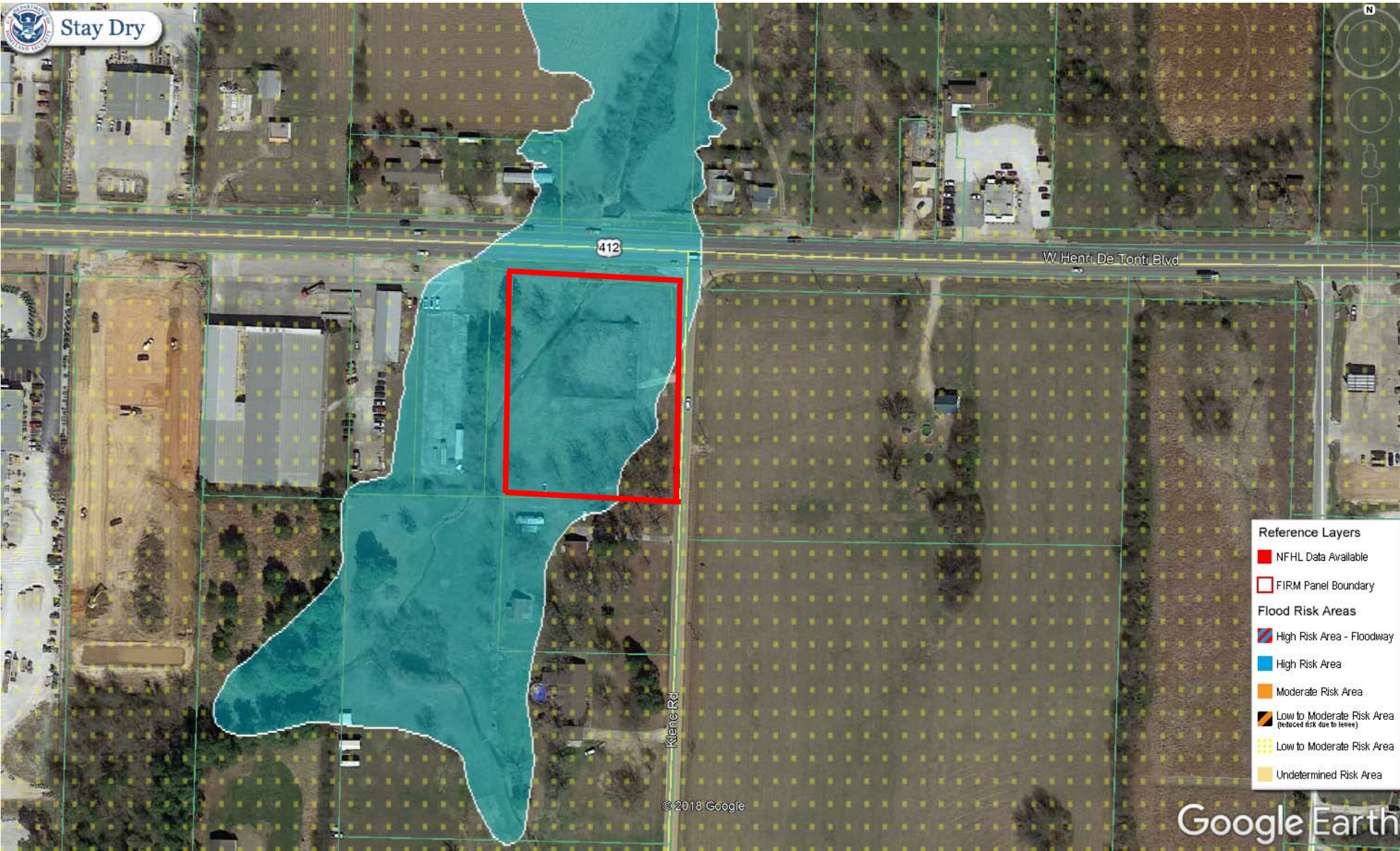
Driveway

Inpound

fence

Krac Rd





- Reference Layers**
- NFHL Data Available
  - FIRM Panel Boundary
- Flood Risk Areas**
- High Risk Area - Floodway
  - High Risk Area
  - Moderate Risk Area
  - Low to Moderate Risk Area (reduced risk due to levee)
  - Low to Moderate Risk Area
  - Undetermined Risk Area

© 2018 Google

Google Earth

## Courtney McNair

---

**From:** Courtney McNair  
**Sent:** Wednesday, May 15, 2019 11:35 AM  
**To:** Don Rogers  
**Cc:** James Clark; Todd Witzigman; Brett Freeland (bfreeland@tontitownar.gov)  
**Subject:** Rogers Wrecker Impound Yard Comments

Don,

At the Staff Technical Meeting yesterday, the following questions/comments were submitted for Rogers Wrecker Impound Yard:

1. What is the height and condition of the existing fence?
2. Is there any type of office proposed for this site?
3. A Knox Box will be required for gate access.
4. Is any signage proposed? Signage requires a separate sign permit.
5. A Floodplain Development Permit Application is required.
6. As Planning Staff has mentioned before, there are concerns about the location of inoperable vehicles being stored in the floodplain. According to the floodplain ordinance (2008-02305), the Floodplain Administrator is to "protect natural floodplains against unwise development", "Prohibit uses that could adversely impact health, safety, or welfare in a flood event", review floodplain applications for "the development's potential to adversely impact life and property by being swept onto other lands by floodwaters". Can you please address how you will insure that in flood events, there is no potential for inoperable vehicles to be swept away by water?

Resubmittal Day is next Tuesday, May 21, 2019 by 4:00 pm. Please submit additional information requested, and provide a response.

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)

## Courtney McNair

---

**From:** Angie Rogers <angierogers68@yahoo.com>  
**Sent:** Tuesday, May 21, 2019 11:50 AM  
**To:** Courtney McNair  
**Subject:** Impound Yard

Question 1 Answer

Six foot high and needs replaced. I am going to replace boards with new ones eight feet high.

Question 2 Answer

NO.

Question 3 Answer

Will get a Knox box for entry into yard Question 4 Answer

Yes, there will be two signs. There will be a small sign facing the east, next to the gate entrance. As well as a larger sign on the North side of fence with the name of business.

Question 5 Answer

Yes... flood plain permit has been applied for.

Question 6 Answer

In regards to securing the vehicles within the property, we plan to install six in. steel pipe, four feet high about every five feet apart on the west inside fence and north inside fence for added reinforcement.

Donald Rogers Wrecker Impound Yard

Date: 5/14/2019

City: Tontitown

Name:

General Comments:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.

Wes Mahaffey At (479)263-2167 Or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

5. 30ft. U.E. along overhead lines



CONDITIONAL USE PERMIT RESPONSE

Rogers Wrecker Impound Yard

- ( ☒ ) I/we have no objections to the Conditional Use Permit  
( ☐ ) I/we object to the Conditional Use Permit because:

*I have no objections to the stated  
use of said property as described.  
It may however pose a slight problem  
with traffic since it is so close  
to the Hwy 412 intersection ??*

*Shelli Montgoin - Trustee - Eileen Montgoin Trust.*  
Signature Signature 5/21/19

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.