



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **April 26, 2018**
Project: **K2 Contracting CUP**
Planner: Courtney McNair

AGENDA ITEM

B

CONDITIONAL USE PERMIT REQUEST

North of 681 Gina Marie Lane

Parcel # 830-37976-500

SUMMARY: Request to allow the storage of a small amount of equipment related to the applicant's business to be stored and parked on site in zone **R-E**

CURRENT ZONING: **R-E** Residential Estate

PROPOSED USE: storage and parking of equipment related to business

CITY WARD: 2- Arthur Penzo and Larry Ardemagni

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

Water: Tontitown Water, existing 8" line

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned by Pianalto Farms, and the applicant is Ryan Krug. This project is located within the City Limits of Tontitown, and takes access from W. Liberty Ave. and Gina Marie Lane.

The applicant is requesting a Conditional Use Permit to allow the storage of a small amount of equipment related to their business in a personal shop building that is approximately 2,400 SF in size (that will be constructed if CUP is granted), and to park some larger pieces of equipment related to the business on approximately 3,600 SF gravel area (that will be constructed if CUP is granted).

The existing parcel has three old chicken houses that will be removed, and the applicant plans on also constructing their personal residence on this property.

As this property is zoned for R-E, Residential, the applicant must request a Conditional Use Permit to store/park items related to the business use on site.

There will be no signage, no customers, and his employees would not work on the site. Employees would arrive daily in the morning to pick up equipment, and return in the evening to drop off equipment. There will be an occasional delivery of supplies.

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: The proposed use will have a minimal impact on surrounding properties. Any outdoor storage (not to include equipment parking) must be screened with opaque materials, kept orderly, and not cause a nuisance to surrounding properties. No inoperable vehicles may be permanently parked on this site. The applicant must provide a barrier to keep his equipment from damaging any neighboring fences. The shop will be a personal use shop similar to others in the area.

(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: This is an ancillary commercial use, not true commercial. The shop will be a personal shop that will be used to store some equipment related to the business.

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

STAFF ANALYSIS: All setbacks will be met with this proposal.

(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: There will be minimal traffic, the use is not disruptive, and staff does not foresee any concern for public health, safety, or welfare.

(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 RE

East-zoned RE

South-zoned RE

West-zoned RE

This property is surrounded by agricultural and residential properties. The majority of this site

will be used for residential purposes. The shop building will be a personal shop that will have some business-related equipment stored in it, but will still function primarily as surrounding residential shop buildings.

- (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 applicant will meet all required setbacks, and the shop building is placed north centrally on the property. This places it further from existing residences.

- (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: This is not a major concern with this type of use.

- (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:

- o Provide protection for water quality, reduce erosion, heat and glare*
- o Retain existing trees where possible*
- o Screening and buffering for uses which are marginally compatible,*
- o Provide for beautification and enhancement of the property*

There will be very little to screen and minimal disturbance with this proposed use. Staff does recommend that if the applicant stores any materials outside, that it be screened (not to include work vehicles). Staff recommends that only vehicles which fit within the proposed parking area are allowed to be parked on site. If the business expands, additional review will be required.

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

STAFF ANALYSIS: In order to reduce the potential for noise, staff recommends that any maintenance that causes excessive noise be performed inside the personal shop building. Any outdoor lighting must be shielded from neighboring properties. Staff does not expect any dust or odor concerns with this proposed use.

TECHNICAL INFORMATION:

Utilities:

Water: According to the Water System information, there is an existing 8-inch water line along Liberty Ave. There is also an existing hydrant at Gina Marie Lane and Liberty Ave.

Electric: Ozarks Electric submitted general comments and highlighted an existing easement.

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
5. Highlighted in orange is a 30Ft. U.E. along Existing Overhead Line.

Sewer/Septic: Septic-no comments were received

Phone: AT&T-no comments.

Natural Gas: Black Hills Energy- no comments were received

Cable: Cox Communications- no comments were received

Drainage:

The applicant is proposing to add a relatively small amount of impervious service (roof), and some gravel parking on a large site. Staff does not foresee any drainage concerns, but will address BMPs for reducing runoff during construction.

SWPPP:

Stormwater BMP's will be discussed with the applicant prior to construction.

Roads:

The applicant plans to use a 50-foot easement to access his property along Gina Marie Lane to access Liberty Ave from Gina Marie Lane.

Police:

Tontitown Police Chief Joey McCormick had no concerns with the current use proposal.

Fire:

Todd Witzigman, Operations Chief for City of Tontitown, had no concerns with the proposal.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one comment at this time regarding this project. The neighbor who commented is not opposed as long as there are no inoperable vehicles stored on site, and there is a barrier between his property and the parking area so that his fence does not get damaged. He has livestock on the adjacent property. Staff has added these conditions as recommendations.

STAFF RECOMMENDATION: Based on the minimal impact this use will have on surrounding properties, staff feels this project is compatible and suitable to the area.

Therefore, staff recommends approval of the K2 Contracting Conditional Use Permit Request to allow storage of equipment and vehicles relating to a business use within R-E zoning.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. Any outdoor storage (not to include equipment parking) shall be screened with opaque materials, kept orderly, and not cause a nuisance to surrounding properties.
2. No inoperable vehicles may be permanently parked on this site.
3. The applicant shall provide a barrier to keep his equipment from damaging any neighboring fences.

4. Only vehicles which fit within the proposed parking area are allowed to be parked on site. If the business expands, additional review shall be required.
5. Any maintenance that causes excessive noise shall be performed inside the personal shop building.
6. Any outdoor lighting shall be shielded from neighboring properties.
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 - Please contact Ozarks Electric if you have any questions.
 - Wes Mahaffey at (479)263-2167 Or wmahaffey@ozarksecc.com
 - Highlighted in orange is a 30Ft. U.E. along Existing Overhead Line.
8. This project must develop generally as is stated in the applicant's letter and presented in the plans.

Utility Notes

THE LOCATIONS OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

Miscellaneous Notes

STATE RECORDING NUMBER:
500-18N-31W-0-34-230-72-1532

COMPLETED FIELD WORK:
DECEMBER 28, 2017

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2000 AT PAGE 99967.
2. SURVEY PLAT FILED IN PLAT BOOK 2004 AT PAGE 27283.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 0514300045F, WHICH BEARS AN EFFECTIVE DATE OF 05/16/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Zoning & Setback Information

ZONING (PER CITY OF TONTITOWN):
R.E

BUILDING SETBACKS:

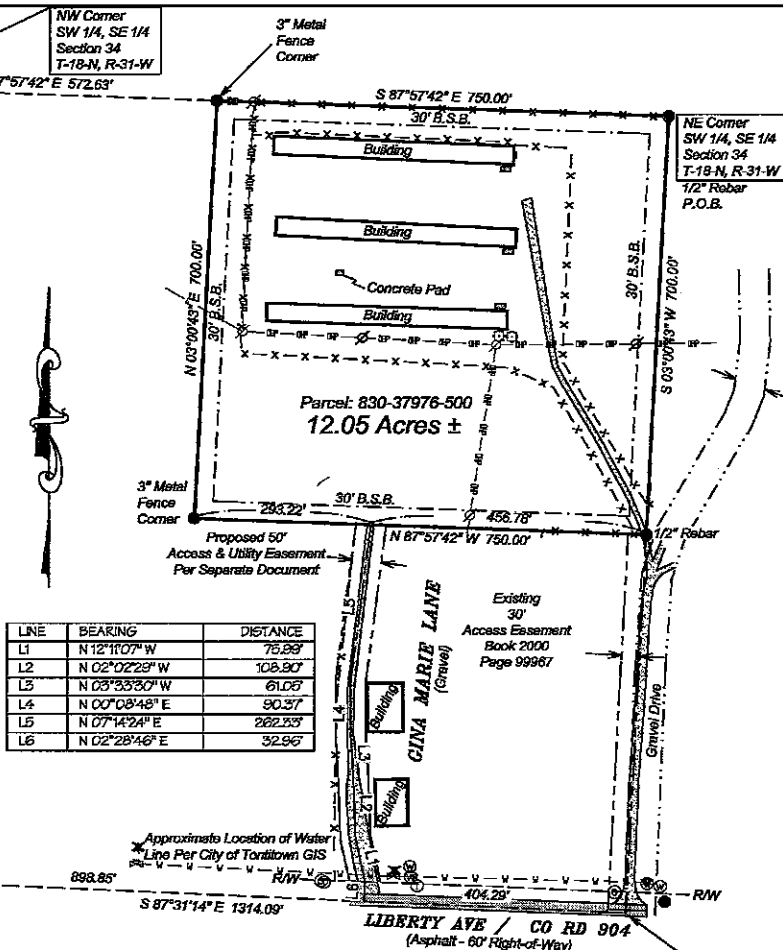
FRONT: 30'
SIDE: 30'
REAR: 30'

SW Corner
SW 1/4, SE 1/4
Section 34
T-18-N, R-31-W

Survey Description

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A FOUND IRON PIN MARKING THE NORTHEAST CORNER OF SAID SECTION 34 AND RUNNING THENCE S03°00'43"W 700.00' TO A FOUND IRON PIN, THENCE N87°57'42"W 750.00' TO A FOUND FENCE CORNER, THENCE N03°00'43"E 700.00' TO A FOUND FENCE CORNER, THENCE S87°57'42"E 750.00' TO THE POINT OF BEGINNING, CONTAINING 12.05 ACRES MORE OR LESS. SUBJECT TO TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LINE	BEARING	DISTANCE
L1	N 12°10'7" W	75.997
L2	N 02°02'29" W	108.907
L3	N 03°33'30" W	61.067
L4	N 00°08'48" E	90.317
L5	N 07°14'24" E	262.237
L6	N 02°28'46" E	32.967



RECEIVED
APR 04 2018

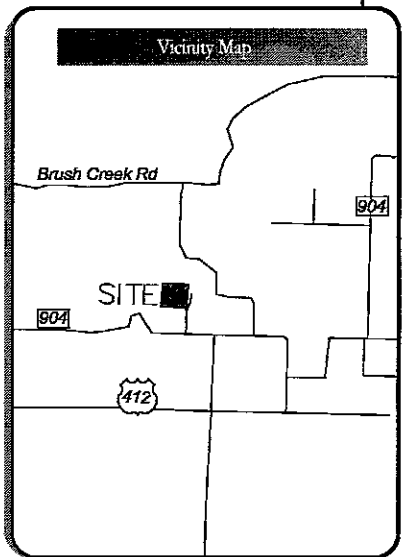
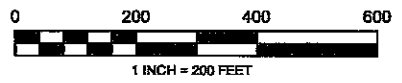
Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FORTY LINE
- CENTERLINE OF ROAD (CA)
- RIGHT-OF-WAY (RW)
- x-x- FENCE
- - - BUILDING SET BACK (B.S.B.)
- - - UTILITY EASEMENT (U.E.)
- - - OVERHEAD POWER LINE
- - - WATER LINE
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR & CAP
- COMPUTED POINT
- ELECTRICAL BOX
- POWER POLE
- WATER VALVE
- GAS METER
- TELEPHONE PEDESTAL
- WATER METER
- FIRE HYDRANT
- P.O.B. POINT OF BEGINNING

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 28TH DAY OF DECEMBER, 2017.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST. SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479-443-4506
FAX: 479-582-1883
www.blewinc.com

Certificate of Authorization No. 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
M.B. 1-3-2018	T.K.S.	D.D.A.
COUNTY & STATE:	JOB NUMBER:	
WASHINGTON COUNTY, ARKANSAS	17-2840	

LOCATION:
SECTION 34, TOWNSHIP 18 NORTH, RANGE 31 WEST

FOR THE USLAND KENNETH OR:

RYAN KRUG

Conditional Use Application

I am requesting a conditional use permit for parcel # 830-37976-500. I own a small plumbing business. I am requesting the permit to be allowed to build approximately a 40 x 60 building. This building would hold plumbing supplies and vehicles. I would also like to have a 60 x 60 gravel area for parking. Lighting would be limited to one light in the front and one in the back of the building.

Business hours would vary depending on weather and time of year. The approximate hours would be 7 a.m. to 5:30 p.m.. I have on average 3 employees. Deliveries would be kept to a minimum, with normally only one or two per month. Since my work requires me to be on the job site, I would not have customers at this location.

RECEIVED
APR 04 2018



Approx 750'

Min. 30' setback

Approx. Shop and Parking Location

Approx 680'

Approx 680'

Approx. House Location

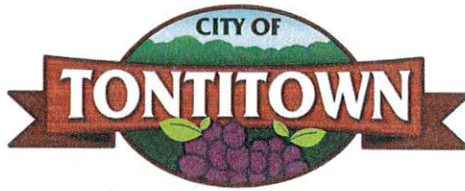
Approx 750'

Gina Marie Ln

Approx 50' wide Easement location

904

Liberty Ave



RECEIVED

APR 17 2018

CONDITIONAL USE PERMIT RESPONSE
K2 Contracting Conditional Use Permit Request

- () I/we have no objections to the rezoning.
() I/we object to the rezoning because:

1. Is this creating spot zoning?
2. No objections as long as no inoperative equipment
3. Must have some sort of barrier so that trucks or equipment can't back into fence since it is a cattle fence.

Blair Allen Camp
Signature

Blair Allen Camp
Signature

Blair Allen Camp - 479-601-2710
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