



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **June 25, 2019**  
Project: **Dog Party USA**  
Planner: Courtney McNair

### AGENDA ITEM

## B

### REZONING REQUEST

912 S. Maestri  
Parcel # 830-38116-450, 830-38116-400

**SUMMARY:** Request to rezone a piece of land that is 7.01 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:** 1-Gene McCartney, Henry Piazza

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

**Water:** Tontitown Water

**Electric:** Ozarks Electric

**Sewer/Septic:** Septic System

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

The owner/applicant for this project is Dog Party USA, and the Platt Family Trust. They are represented by Jeb Joyce of Quattlebaum, Grooms, and Tull PLLC.

There are several existing structures on site. A kennel that is approx. 3000 SF, another building (office) that is approx. 2000 SF, and a single-family residence that is 1862 SF. This residence serves as the caretaker's residence, some grooming, and boarding of more fragile or older animals. There are also several dog runs, 3 pole sheds, existing parking, and existing signage.

There is an existing driveway onto S. Maestri Road (S. Hwy. 112).

The applicant is requesting to change the zoning from RE to C2 in order to bring the existing grandfathered use into full compliance with current zoning. This property In the applicant's letter, they state that there will be minimal to no change to the street appearance, and no additional signage.

#### 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 aligned with the Future Land Use Plan. A dog boarding facility is a neighborhood type commercial development.**

**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: This use has existed for several years, and was in existence prior to zoning, and prior to being annexed to the City of Tontitown. There is another commercial business to the north (garden center), and the area is designated as a transitional area on the Future Land Use map.**

*(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 Residential Uses.**

**North-zoned RE – residential use.**

**East-City of Springdale-open land**

**South-zoned RE- residential use.**

**West-zoned RE -some residential, some agricultural.**

*(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 has operated as a commercial business for many years. While this could revert to a residential use, it is shown to be in a area that will transition to commercial on the Future Land Use map.**

*(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. The use will stay the same as it is currently. Any additions to the business will require further review.

(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 is not vacant, and has been used as a commercial business for many years.

(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 existing water and septic. 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 several phone calls regarding this project. Most just wanted more information on the current proposal. No one has stated if they are opposed or in favor of this project.

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

**CONDITIONS RECOMMENDED FOR APPROVAL:**

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

## EXHIBIT B

This is a formal request to re-zone Parcel #830-38116-400 and Parcel #830-38116-450 (collectively, the "Property") from their current zoning classifications, R-E, *Estate Single Family District* to C-2, *General Commercial District*.

The Property has been used for several years as a pet boarding business. Dog Party, Inc. is owned by Charlie L. Platt and Chadwick P.K. Platt, husband and wife (collectively, the "Platts"). The Platts, either individually, through their company, Dog Party, Inc., or through their trust, the Platt Family Trust u/a/d October 25, 2017, have been the owner of the Property since October 2004. Dog Party, Inc. has been the owner of Parcel #830-38116-450 since June 2005. The Platt Family Trust has been the owner of Parcel #830-38116-400 since October 2017. There is currently no sale of the Property contemplated, the use of the Property will largely remain the same, and the only contemplated alterations to the Property are a small addition to the rear portion of an existing building and a slight expansion of business operations. At the moment, the owner is not contemplating any new signage and does not plan to change the street appearance of the Property in any substantial way. Given the rural character of the surrounding properties, the continued use of the Property for boarding pets is unlikely to disturb surrounding properties in any appreciable way.

Generally, C-2 zoning districts are appropriately located "along heavily traveled arterial streets, where convenient access and high visibility exist." § 153.081. The Property is located on Highway 112—a heavily traveled minor arterial roadway—roughly one mile from the Highway 412/112 intersection, which is largely zoned commercial. Taking into account the proximity to other commercial districts and discussions of widening Highway 112, a rezoning to C-2 would be compatible with the surrounding area.

With respect to water, the Property has access to and is already using the existing 3" city waterline that runs adjacent to Highway 112. As to sewer, the property is operating on a septic tank system.

Lastly, relative to the already heavy usage of Highway 112, a re-zoning of the Property to permit a pet boarding business is not likely to increase traffic. To alleviate any future traffic concerns, the owner has contemplated building a road from Georges Avenue over Parcel #830-38116-400 to give customers safer and more convenient access to the business.

Accordingly, the owner requests that this Property be re-zoned from R-E to C-2 so that they may continue their pet boarding business in a legal manner.

Dog Party USA  
Rezoning Request  
Vicinity



Dog Party USA  
Rezoning Request  
Site



**GEORGE AVE/COUNTY ROAD #887**  
(Asphalt - 50' Right-of-Way)

NE CORNER  
SE, NE 1/4  
SECTION 7  
T-17-N, R-30-W

S 87° 46' 32" E 437.30'

25' B.S.B.

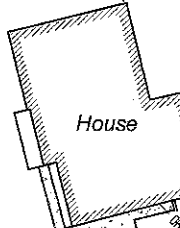
Parcel: 830-38116-400  
2.48 Acres ±

30' B.S.B.

30' B.S.B.

5/8" Rebar  
Offset 32'

S 02° 34' 12" W 243.24'



Shed ③

Mag Nail  
Offset 30.13'

N 76° 32' 40" E

Asphalt  
Parking

Shed ②

P.O.B.  
Parcel: 830-38116-450  
5/8" Capped  
Rebar PLS #56

Building

30' B.S.B.

**MAESTRI ROAD/ARKANSAS STATE HIGHWAY 112**  
(Asphalt - 80' Right-of-Way) (N/W)

Gazebo

Deck

Building ①

Parcel: 830-38116-450  
4.53 Acres ±

S 02° 34' 12" W 423.67'

Pole Barn

Pole Barn

Pole Barn

30' B.S.B.

5/8" Capped  
Rebar PLS #56  
Offset 30.95'

N 86° 31' 33" W 156.77'

5/8" Capped  
Rebar PLS #56

AS MUCH AS 15.65'  
6' SETBACK  
6' SETBACK

