



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **June 23, 2020**
Project: **Uncle Tanks Ph2 Variance**
Planner: Courtney McNair, Garver

AGENDA ITEM

B

VARIANCE APPROVAL REQUEST

885 W. Henri de Tonti Blvd.
Parcel # 830-37711-000

SUMMARY: Uncle Tank's Self Storage Phase 2 is requesting Conditional Use Permit (CUP) approval, a Variance for lot coverage over 60%, and Preliminary Large-Scale Development (LSD) approval for 24,100 SF of additional storage unit space (in 7 buildings). The original approval consisted of 3,000 SF of office space, and 55,100 SF of storage unit space (in 13 buildings).

CURRENT ZONING: C-2 General Commercial

CITY WARD: 3- Don Doudna & Tommy Granata

FLOODPLAIN: Yes, there is floodplain on a corner of this lot.

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

Water: Tontitown Water, existing 6" line

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

As discussed with the Conditional Use Permit request, Uncle Tank's Self Storage Phase 2 is requesting Conditional Use Permit (CUP) approval, a Variance for lot coverage over 60%, and Preliminary Large Scale Development (LSD) approval for 24,100 SF of additional storage unit space (in 7 buildings). The original approval consisted of 3,000 SF of office space, and 55,100 SF of storage unit space (in 13 buildings).

VARIANCE REQUEST-Lot Coverage exceeding 60%:

The applicant for this project is requesting a variance to allow more than 60% lot coverage (which is the maximum in C2 allowed). Please see the letter from the applicant detailing the variance request.

The applicant states that "lot coverage" is not well defined in the code, and staff agrees that it is not specifically defined, and therefore interprets it to mean all "impervious surfaces" (buildings, paved areas, etc.). Past projects have complied by having no more than 60% impervious coverage per staff's interpretation.

The applicant would like "lot coverage" to apply to "building coverage" only.

“Lot coverage” is clearly indicating more than just the building coverage, and could even include areas of pervious, but not natural, coverage (like gravel lots). The view that staff takes is not that strict, and only covers “impervious surfaces”. No appeal of staff’s decision was filed.

The applicant is therefore asking for a variance to allow 73% lot coverage of impervious surfaces.

Process by which the Board of Zoning Adjustments can consider variance requests:

“§ 153.262 POWERS AND DUTIES.

The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by these regulations, which are more particularly described as follows:

(B) A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:

- (1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

Staff Comments: Staff finds no special conditions, unique to this site, that would prohibit the owner from being able to comply with the Maximum Lot Coverage requirement of 60%. All other businesses are required to meet this lot coverage requirement.

- (2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Staff Comments: These requested uses are conforming.

- (3) The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

Staff Comments: The applicant is requesting 73% impervious surface coverage. This is significantly more than 60% and is based on the design provided by the applicant.

- (4) The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Comments: While this particular use may not be detrimental to neighboring properties, to allow a variance where the situation is caused by the applicant’s design, and not a hardship particular to the site, sets a precedent for all future development, and violates the intent of variances as set by the State.

- (5) In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

- (6) Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.

Staff Comments: This use is permissible in C2 zoning with CUP approval.

STAFF RECOMMENDATION-Variance to allow more than 60% lot coverage: Staff finds no hardship, unique to this property, that exists to justify allowing more than 60% lot coverage.

Therefore, staff recommends **DENIAL** of Uncle Tank's Self Storage Phase 2 Variance request to allow more than 60% lot coverage.



**Bates &
Associates, Inc.**
Civil Engineering - Land Surveying - Landscape Architecture

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

Planning Commission
City of Tontitown
235 E Henri De Tonti Blvd
Tontitown, AR 72770

RE: Site Coverage Variance – Uncle Tank’s Self Storage, Phase 2

Dear Planning Commission, we are asking for a variance to section 153.084 Nonresidential Lot, Yard And Height Regulations that states maximum lot coverage is 60%. See following table

Zoning Districts	C-1	C-2	I
Front setback			
Residential uses	25 feet	25 feet	100 feet
Nonresidential uses	25 feet	25 feet	100 feet
Street side setback (all)	25 feet	25 feet	50 feet
Interior side setback			
Residential uses	15 feet	30 feet	75 feet
Nonresidential uses	10 feet	10 feet	25 feet
Rear setback			
Residential uses	25 feet	25 feet	25 feet
Nonresidential uses	25 feet	25 feet	75 feet
Maximum height	35 feet	35 feet	45 feet
Maximum lot coverage (all uses)	60%	<u>60%</u>	75%
Maximum floor area (sq. ft.)	NS	NS	NS

The original site was zoned C-2 on the north and R-3 on the south. The owner of this site traded with the adjacent landowner, the R-3 portion of his property for the C-2 portion of their property on the east side of the project. This fit better with the proposed project and existing zoning. It also made more sense to add a building behind the existing large building and not put units beside the residential home. However, the majority of the existing greenspace was in the R-3 zoning.

The requirement is not to exceed 60% lot coverage as shown above. Is this building coverage or impervious area? Several cities in NWA state that it is 60% building coverage. The proposed site only has 36.5% building coverage. The table above just says coverage so it's a little vague. If its impervious area not to exceed 60%, then we are asking for a variance to allow for 73% impervious area in order to make this project work.

We have onsite detention to control the runoff and we are not increasing the peak runoff from the site.

The variance application requires a written explanation to each of the following

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same district.

Due to the shape of the land and how it is tucked in behind a large commercial building, it appears to not be applicable to other properties. Also, it is an existing self-storage development, this is continuing the same development.

- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

We believe the ordinance is not being interpreted as intended and the 60% coverage applies to building coverage and not impervious area.

- C. That the special conditions and circumstances do not result from the actions of the applicant.

Due to the expansion of the exiting site, it is partially due to the applicant. However, the Expansion fits with the surrounding area and zoning and the increased impervious area, will have no negative affect.

Sincerely,

Bates & Associates, Inc

A handwritten signature in blue ink that reads "Geoffrey Bates". The signature is written in a cursive, flowing style.

Geoffrey H. Bates, P.E.
President of Engineering







"Phase 1"
Uncle
Tank's

Proposed
Phase 2



Proposed
Phase 2

Existing flow line

Floodplain

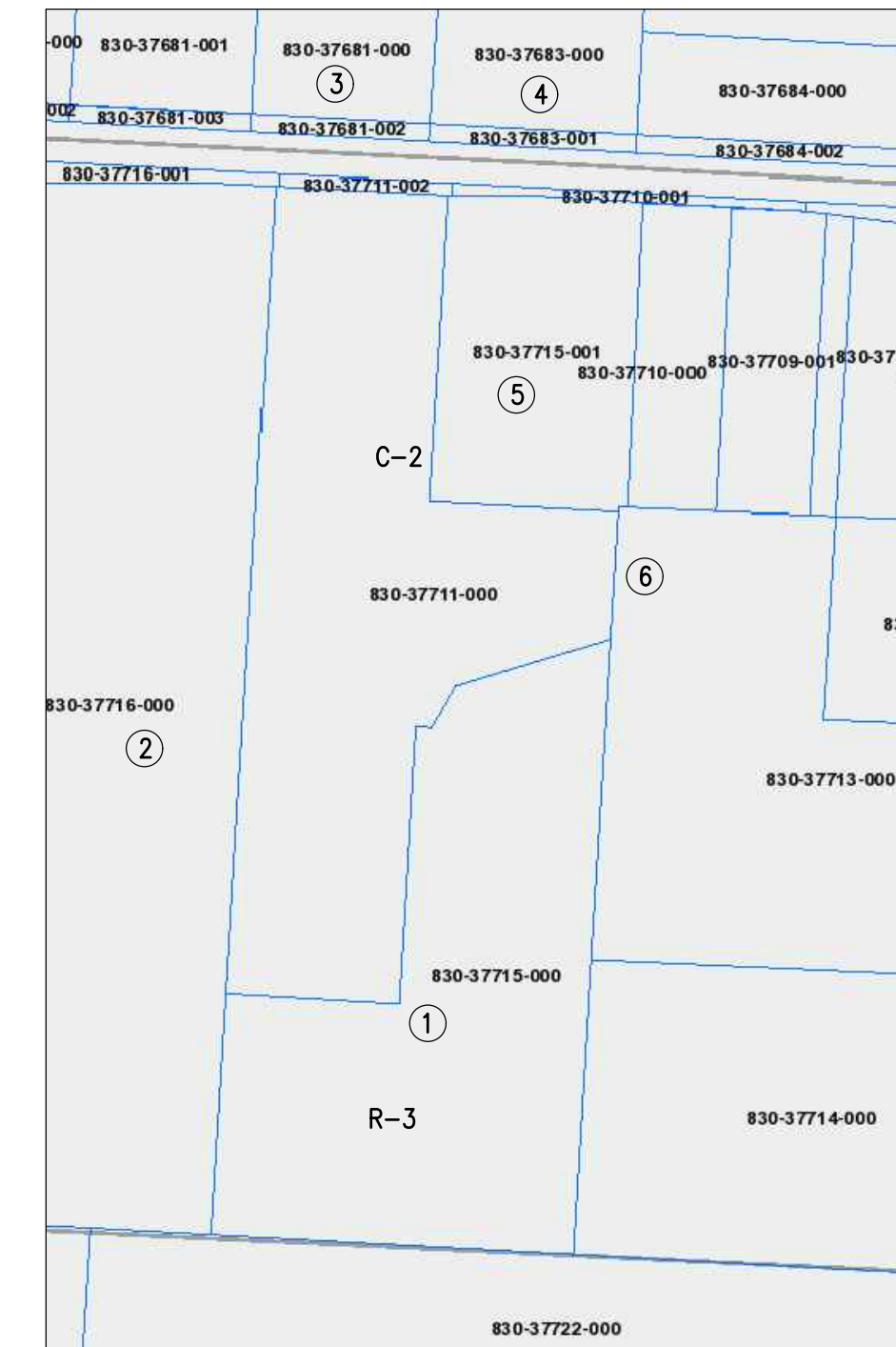
All vegetation in this
area is proposed to
be removed

05143C0065F

830-37711-000

830-37715-000

Time: 11:10 am
Scale: 1=50 (PS)
Date: 4/9/2020



- 1) SMITH, MARCIA S & BRENTON L
788 W MORSANI AVE
SPRINGDALE, AR 72762
PARCEL #830-37715-000
ZONED: R-3
- 2) POLLARD FARM LAND, LLC
102 S. VAN BUREN ST
ENID, OK 73703
PARCEL #830-37716-000
ZONED: C-2
- 3) SPIRIT MASTER FUNDING LLC
3100 CUMBERLAND BLVD #1700
ATLANTA, GA 30339
PARCEL #830-37681-000
ZONED: C-2
- 4) TIMMONS OIL CO, INC
PO BOX 691140
TULSA, OK 74169-1140
PARCEL #830-37683-000
ZONED: C-2
- 5) WEEKS ENTERPRISES, LLC
C/O PARAMOUNT METALS, INC
P O BOX 249
TONTITOWN, AR 72770
PARCEL #830-37715-001
ZONED: C-2
- 6) SISEMORE, BONNIE KAY & STANLEY LANE REV. TRST
237 S. KILEND RD
SPRINGDALE, AR 72762-9541
PARCEL #830-37713-000
ZONED: C-2

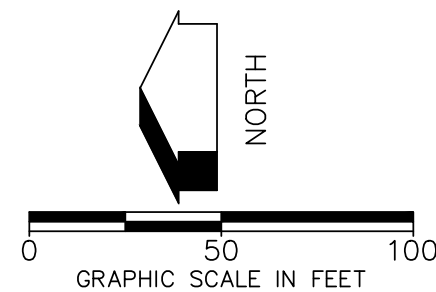
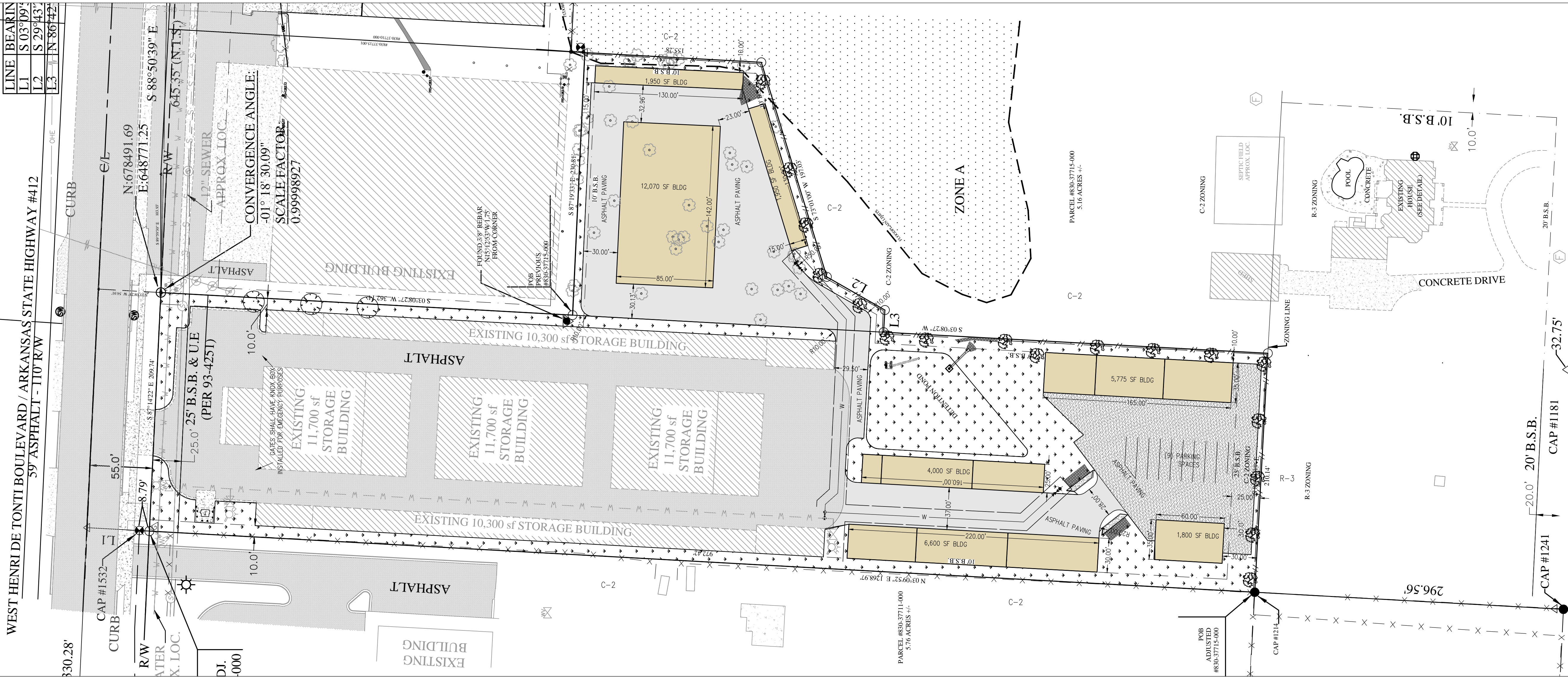
LOT COVERAGE:
PHASE1 BUILDING COVERAGE: 57,200 SF
PHASE2 BUILDING COVERAGE: 34,397 SF
TOTAL BUILDING COVERAGE: 91,597 SF
TOTAL LOT AREA: 250,906 SF
TOTAL BUILDING COVERAGE: 36.5%

IMPERVIOUS AREA

TOTAL AREA:	250,906 SF
TOTAL PVIOUS AREA:	69,696 SF
TOTAL IMPERVIOUS AREA:	72.2%

FIRE DEPARTMENT NOTE:
THIS APPROVAL COMES WITH THE ACKNOWLEDGMENT FROM ALL PARTIES, ESPECIALLY THE OWNER AND ENGINEER, THAT IN THE EVENT OF AN EMERGENCY, FIRE DEPARTMENT AND EMS OPERATIONS COULD POTENTIALLY BE HINDERED IF ACCESS IS NOT ATTAINABLE.

IT IS UNDERSTOOD AND EXPECTED THAT THE OWNER WILL REPAIR ANY DAMAGE ON THE ROAD ESPECIALLY DAMAGE CAUSED BY FLOODING OR EROSION.

[illegible]

UNCLE TANKS STORAGE, PHASE 2
LARGE SCALE DEVELOPMENT PLANS

OVERALL SITE PLAN

TONTITOWN , ARKANSAS



**Bates &
Associates, Inc.**

www.inwabatesinc.com

Civil Engineering & Surveying

7220 S. Pleasant Ridge Drive Phone · 479.442.9350 · Fax 479.521.9350
Fayetteville, Arkansas 72704

DATE 02-26-20

02