

MEMORANDUM

TO: Mayor Colvin

FROM: R. Justin Eichmann

DATE: December 1, 2020

RE: Tontitown Zoning Changes

You asked me to review the current Tontitown zoning regulations as well as the Tontitown Vision Plan and Future Land Use Plan in order to consider a number of the zoning issues and challenges that are occurring now on a frequent basis and to provide suggestions on changes that can be made. I also have consulted with Renee, Courtney and Juliet on zoning issues and concerns for the city that they have observed.

As you know, Tontitown continues to experience substantial growth and the land use needs in the city are growing more complex and are being felt by more people. The city's location within Northwest Arkansas and its proximity to two primary highway arterials are driving a high rate of growth. Throughout the city, there are nodes of non-residential, single family residential, and multifamily which are growing quickly. In all areas of the city, but especially along those primary arterials, there is a mix of land uses and development types. These uses range from single family and agricultural farms to commercial and industrial developments and many uses in between.

In order to meet this dynamic growth, the city has established zoning districts which are very basic and date back to a time when the growth and uses throughout the city were very different than they are today. For instance, the city has only two commercial zoning district with the commercial land uses split into only two intensities of use:

- Lighter Intensity Commercial (C-1)
- Higher Intensity Commercial (C-2)

Currently, C-2 encompasses a very wide range of uses. Once a property is zoned C-2, then any of those uses may be implemented by right. The current C-2 zoning district encompasses many land uses that vary wildly in the potential impact on infrastructure, traffic, and surrounding properties. Examples of uses permitted in C-2 by right are as follows:

- car wash
- construction sales and service
- funeral home
- hotel gas station
- retail of all sizes
- college/university

When looking at the uses above, you can see that If a developer wishes to zone a property for one of the less intense uses that is allowable under C-2, which may be compatible with the surrounding area, there may be

considerable pushback from the community due to the wide array of potential impacts that are allowable under this one zoning category. These concerns are not unfounded. Once a property is rezoned, the property could be utilized for the most intense use in the district- which might not be appropriate in compatibility to the surrounding area.

There are similar concerns with multifamily zoning and developments. Tontitown is also experiencing substantial multifamily residential growth. At this time there is only one multifamily zoning category encompassing everything from duplexes or triplexes up to very large scale and high-density multifamily developments.

The city's Vision Plan establishing future land use district which are not established by our current code. For instance, there are the following zones:

- Agricultural (AG)
- Residential Low Density/Residential Estate (RE)
- Residential Medium Density (RM)
- Residential Commercial Neighborhood (RC-N)
- Residential Transition Commercial (RC-T)
- Residential and Commercial Core (RC-C)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Public Institutional (PI)
- Open Space (OS)

These districts provide much more flexibility and are articulated in the Vision Plan in order to meet the future growth and planning goals of the city. The plan also includes the creation of a Town Center-Heritage to meet the goal of establishing a true town center and to preserve and enhance the important cultural and historical elements of Tontitown. Establishing this Heritage District will require the coordination of a number of elements including infrastructure, design elements and zoning.

In order to meet the future planning challenges of the city as well as the goals set forth in the Vision Plan, a comprehensive revision to the city's zoning code is required. Such an effort would require work with the planning commission, community outreach and discussion, drafting and eventually city council approval. Such work could be 6 months to a year in order to do properly and avoid future problems. It is my understanding that this comprehensive work will need to wait until a later date, so this memo will address an alternative.

Having one to two additional commercial and multifamily zoning categories could alleviate many of these issues. While a Conditional Use Permits (CUP) and a Planned Unit Development (PUD) can be great tools for a city to utilize in specific circumstances, if we rely too heavily on them there are significant drawbacks, including:

- Inefficiency in development approval timelines and processes
- A lack of uniform expectations as to what is required for certain types of developments

Both issues above can be resolved by creating additional zoning districts that are tailored specifically to both the intensity of development and the size of development and how those developments address their surroundings.

For the new districts to work, it is important to restructure the uses allowable in the existing districts. To properly implement new districts, we would need to perform a rough inventory of existing uses/business within the city in order to assure that we would not be inadvertently causing non-conforming uses in zoning and that any rezoning proposed with the district additions/ restructuring are congruent with current land uses.

Additionally, it would be recommended to look at design standards for specific districts that are relevant to the intensity/scale of the development allowed in the district helps keep the development playing field accessible for small businesses and developers as well as large. This can result in lesser design standards/development requirements for smaller scale developments than for larger developments. While this may seem skewed, it can be a great way to regulate in direct relation to the impact of the development on its surroundings and the city as a whole.

The city already has a code section addressing “Special Conditions Applicable to Certain Uses.” Adding several other land use types (mini-storage, outdoor storage accompanying commercial uses, etc. and others) to this section of the code could help to eliminate the need for several land uses within the city that require conditional use permits in order to develop. Regulations for these land use types can address the specific concerns that routinely accompany these uses and allows for an expedited and less contentious development process for these types of developments where both the developer and the surrounding property owners have a clear idea of the requirements and expectations for the development on the front end.

Again, to accomplish all items mentioned in this memo may be more than the city wants to pursue at first. This is understandable and we can work to addressing the issues causing the most contention first. In this case, it would likely be most appropriate to address the following:

- Review existing Land Use Unit tables and the definitions of those uses within the code
- Add additional land uses as needed and add a scaling of some existing uses/definitions:
 - (i.e. instead of having all retail defined as one land use; break retail out into specific types of retail and/or create a tiered definition of retail based on square footage/size of development: treat a small clothing boutique differently than a Walmart Supercenter)
- Adding at least one additional Commercial District to help restructure the placement and types of commercial uses and provide more flexibility
- Add a few key land uses (mini-storage and outdoor storage) to the city’s “Special Conditions Applicable to Certain Uses” code section.

In addition, there is a need to address and revise the incidental subdivision section of the code in to address problems with these subdivisions of land and it is recommended that we address this issue regardless of the scope of the zoning work. The City could also pursue the addition of new mixed use or multi-family districts and more specific design standards either with these proposed revisions or at a later date.