



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **Nov. 24, 2020**
Project: **380 S. Klenc Rd.**
Planner: Courtney McNair, Garver

AGENDA ITEM

A

REZONING REQUEST

380 S. Klenc Road
Parcel # 830-37667-004, 830-37667-005, 830-37667-006

SUMMARY: Request to rezone a piece of land that is approximately fifteen (15) acres in size from **R-3** to **C-2**

CURRENT ZONING: **R-3 – Residential;** single family with a minimum 9,600 square foot lot size, and overall density of 3 units per acre

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

FUTURE LAND USE CATEGORY: **RC-N** Residential Commercial Neighborhood

CITY WARD: 3-Don Doudna and Tim Burruss

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

Water: Tontitown Water. There is an existing 8-inch water main line along the south side of the property and an 8-inch water main line at the northwest corner of the property.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer. There is an existing 8-inch Sewer line at the northwest corner of the property.

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned in three (3) separate parcels. The parcels are owned by Tommy and Zita Greenlee, Barbara Jean Greenlee, and Gillie Mantegani. The applicant is Jason Appel with Engineering Services, Inc.

The property is located at 380 S. Klenc Road, just south of Dalla Rosa Ave., on the east side of Klenc Road.

The applicant is requesting to change the zoning from R-3 to C-2 for potential future development. The applicant's letter states that any future development will be subject to the City's Land Use, Development, and Zoning regulations.

FUTURE LAND USE PLAN:

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

RESIDENTIAL COMMERCIAL NEIGHBORHOOD (RC-N)

Neighborhood Mixed Use Areas are more densely developed than the residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This

designation allows a wide spectrum of uses and encourages density in all housing types, from single family to multifamily.

A mix of residential and non-residential development (excluding industrial uses) is permitted; the ideal mix of uses will be moderate density residential, office, and commercial uses, with additional open space amenities included within the development site.

Nonresidential uses range in size, variety and intensity from grocery stores and offices to churches and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

Neighborhood Mixed Use Areas encourage complete, compact and connected neighborhoods. While they encourage more dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient layout.

Up to 18 multifamily dwelling units/acre.

STAFF ANALYSIS: The request to rezone this property to C-2 is compatible with the Future Land Use Plan.

The Future Land Use Plan is intended to be a guide, and not zoning policy. While this request does conform with the Future Land Use Plan, it is only one tool. Other evaluations must also be made when determining if a rezone request is the right fit for a property.

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 Neighborhood. 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.

Per City Code 153.003 Purpose: "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: There is an existing residence and ancillary structures on one of the five (5) acre pieces of land. The other two (2) parcels are currently vacant/agricultural hay field. The request for C-2 would most likely see the removal of the existing residence if the site is further developed. As this area is expected to develop with more density, the removal of the existing structure will not be a major impact.

A traffic study will need to be performed on Klenc Road, after a development proposal has been established. Klenc Road will need to be widened in accordance with the City Master Street Plan, Adopted Typical Sections, and the results of the traffic study. A stoplight is expected to be constructed at Klenc Road with a turning lane. The stop light and turn lane will help alleviate traffic concerns for future development.

In addition to the stoplight at the intersection of Klenc Road and 412, "The Reserve" multi-family development to the north of the subject property was required to provide stub out connections for future growth on to the subject property. Connectivity will be reviewed at such time that a development plan is submitted.

As this property is near Highway 412 and Klenc Road is designated as a Collector Road, this request to rezone to C-2 is well located for convenience and good civic design.

Water, sewer, fire protection, and upgraded streets will be available to service any future development placed on this property.

(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.

STAFF ANALYSIS: The requested use is for commercial zoning; the property to the north (The Reserve) is zoned for commercial use and has a Conditional Use Permit to allow for multi-family residential. The northern portion of The Reserve is apartment buildings. The southern portion is duplex residential. Most of the other surrounding properties are zoned R-3 for residential use.

The current zoning and (uses) of the surrounding properties are as follows:

North - zoned C-2 (duplex residential, apartment residential, vacant commercial)

East - zoned R-3 and C- 2 (vacant, residential)

South - zoned R-3 (residential)

West - zoned R-3 (residential and 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 could be suitable for R-3, residential lots, but the proximity to Highway 412, and the location on a Collector Road makes this potentially suitable for more dense residential and some commercial uses as the area develops.

(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: The proposed C-2, commercial, could have more impact than if the property were to remain R-3, residential. However, these impacts are often mitigated through the design and development plan review.

The potential traffic impact to Klenc Road will be mitigated by a street design based on the Master Street Plan Typical Street Sections and the results of the traffic study, as well as, the expected stoplight at the intersection at Klenc Road and Highway 412.

Items such as drainage, lighting, and noise will be reviewed, mitigated or designed in accordance with Tontitown's codes.

Property zoned for C-2 uses are not usually detrimental to the property values of the surrounding area.

The greatest potential impact will be visual. When commercial or higher density residential uses are adjacent to residential zones/uses, they are held to a higher standard, and additional measures are taken to reduce this potential impact:

Excerpt Chapter 153.214 Residential Compatibility Standards:

“(3) Setback standards. The following setback standards shall apply to all development that is subject to compatibility standards:

(a) Small sites. On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.

(b) Large sites. On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

(c) Surface-level parking and driveways. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of ten feet from the lot line of triggering property.

(4) Building height. No structure shall exceed 35 feet in height within 50 feet from the lot line of triggering property.

(5) Screening standards. Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

(6) Site design standards. The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.”

(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: It appears that all three lots requesting to be rezoned were deeded to the current owners in 2007, and according to the Assessor's records, the existing home was constructed in 1927. No action has been taken on these properties while the current owners have controlled it.

(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: Single-family residential developments typically have as much, or more impact on utilities than more dense residential or commercial developments. The more area that is dedicated for each lot, the higher the utility costs to the city for future maintenance. Additionally, it costs more to maintain streets that serve fewer single-family residential lots than private interior streets of a multi-family development. However, more dense residential and commercial developments have the potential to impact emergency services. Commercial developments also may impact drainage due to the increased impermeable surface than that of a single-family residential subdivision.

TECHNICAL INFORMATION:

Technical information will be addressed if this property is developed.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received four (4) "opposed" written comments regarding this project. Staff has received one (1) "in favor" written comment regarding this project.

All written comments received are attached.

STAFF RECOMMENDATION: Based on the Future Land Use Plan, and the availability of utilities and access, staff recommends approval of the 380 S. Klenc Rezoning Request to change the zoning from R-3 to C-2.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This rezoning must proceed to the City Council for approval.
2. The improvements to the subject property shall conform to standards found in Chapter 153.214 Residential Compatibility Standards.
3. All improvements proposed for the subject property shall proceed through the appropriate City's development review and approval processes.

October 12, 2020

Ms. Renee Biby
Planning Official
City of Tontitown
201 East Henri De Tonti
Tontitown, AR 72770

RE: Rezoning Application
S. Klenc Road
Tontitown, AR

On behalf of our client, we are submitting application materials to rezone approx. 15 acres in the City of Tontitown located at 380 S. Klenc Road. This letter is intended to serve as the narrative letter required by the checklist included in the rezoning application.

- A. Current Zoning Designation: R-3
Proposed Zoning Designation: C-2
- B. Reason for Zoning Change: Property is being rezoned to allow for the potential development on the tracts of land (Parcel No's: 830-37667-004, 830-37667-005, & 830-37667-006.)
- C. Relation of Property to Surrounding Properties:
1. Currently the properties to the East, West and South are designated as R-3. The Property North is designated as C-2.
 2. The proposed zoning change will not adversely affect traffic in this area as the main Roadway access is Highway 412.
 3. No additional signage is being proposed at this time.
 4. Rezoning will not alter the appearance of the property. Any future development of the property would be subject to the City's land use, development, and zoning regulations which will prevent creation of an unsightly or offensive development.
- D. Availability of Water and Sewer: Currently there is an 8" Sanitary Sewer Main at the Northwest Corner of the property. There is also an Existing 8" Water Main along the south side of the property and an 8" Water Main located at the NW corner of the property. This development will tie these 2 mains together.
- E. Waiver of Rights and Remedies is enclosed with this letter.

Thank you for your consideration of this application. Please let us know if you have any questions or need any additional materials.

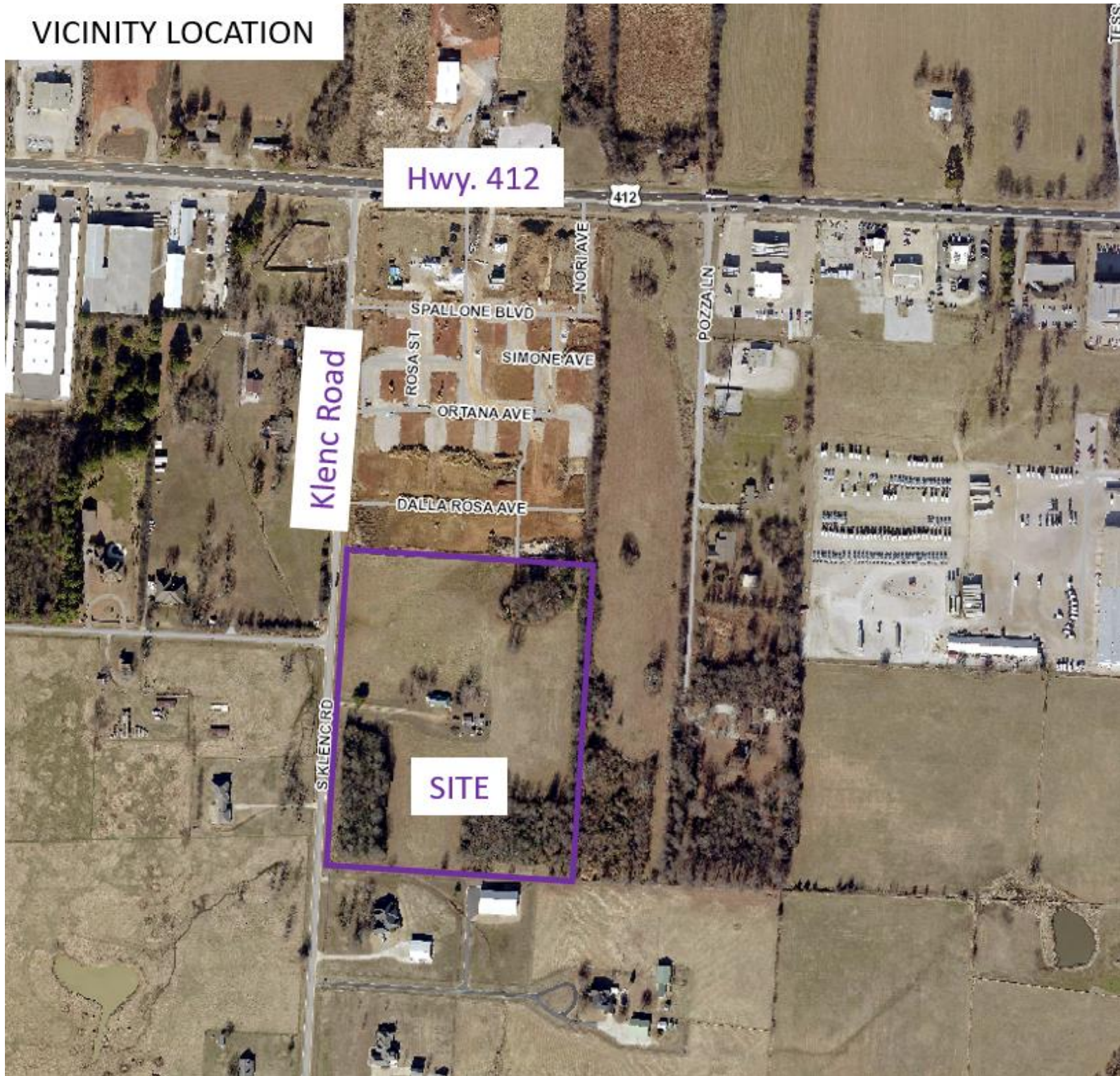
Sincerely,



Jason Appel, P.E.
Secretary / Treasurer

Enclosures

VICINITY LOCATION



SITE AERIAL



ZONING MAP

Hwy. 412

C2

C2

C2

R3

Klenc Road

POZZA LN

SITE

R3

R3

R3

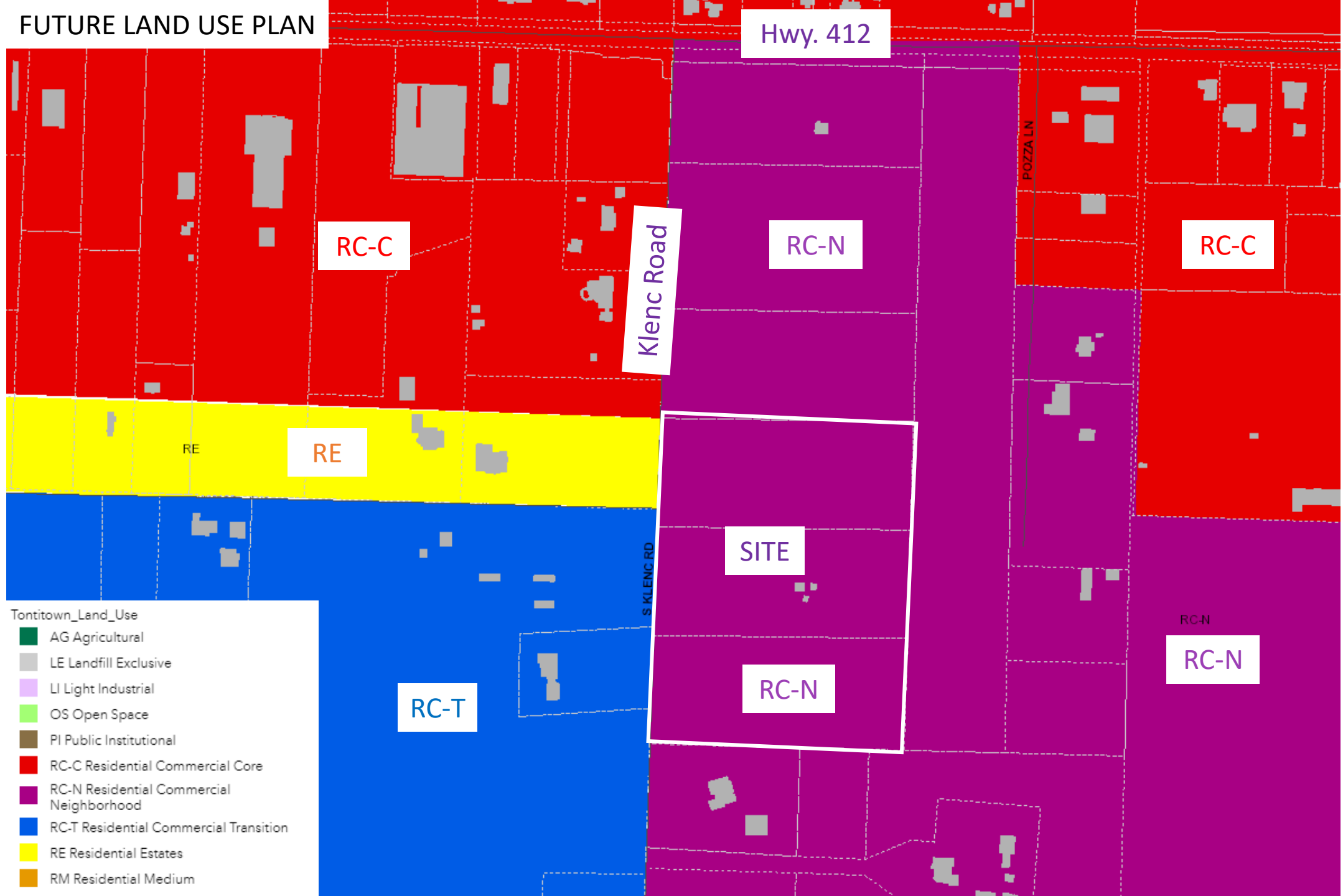
S. KLENC RD

Tontitown Zoning

Zoning

- A (Agriculture, 5 acre min. lot size)
- C-1 (Light Commercial/Office)
- C-2 (General Commercial)
- I (Industrial)
- PUD (Planned Unit Development)
- R-1 (Single Family Residential-1 acre min. lot size)
- R-2 (Single Family Residential-0.5 acres min. lot size, 2 units/acre)
- R-3 (Single Family Res.-9,600 sq ft min. lot size)* see ordinance
- R-3L (Single Family Residential-0.33 acre min. lot size)
- R-E (Estate Single Family Residential-2 acres min. lot size)
- R-MF (Multi-family Residential-16 units/acre max.)
- R-MH (Residential-Mobile Homes)

FUTURE LAND USE PLAN

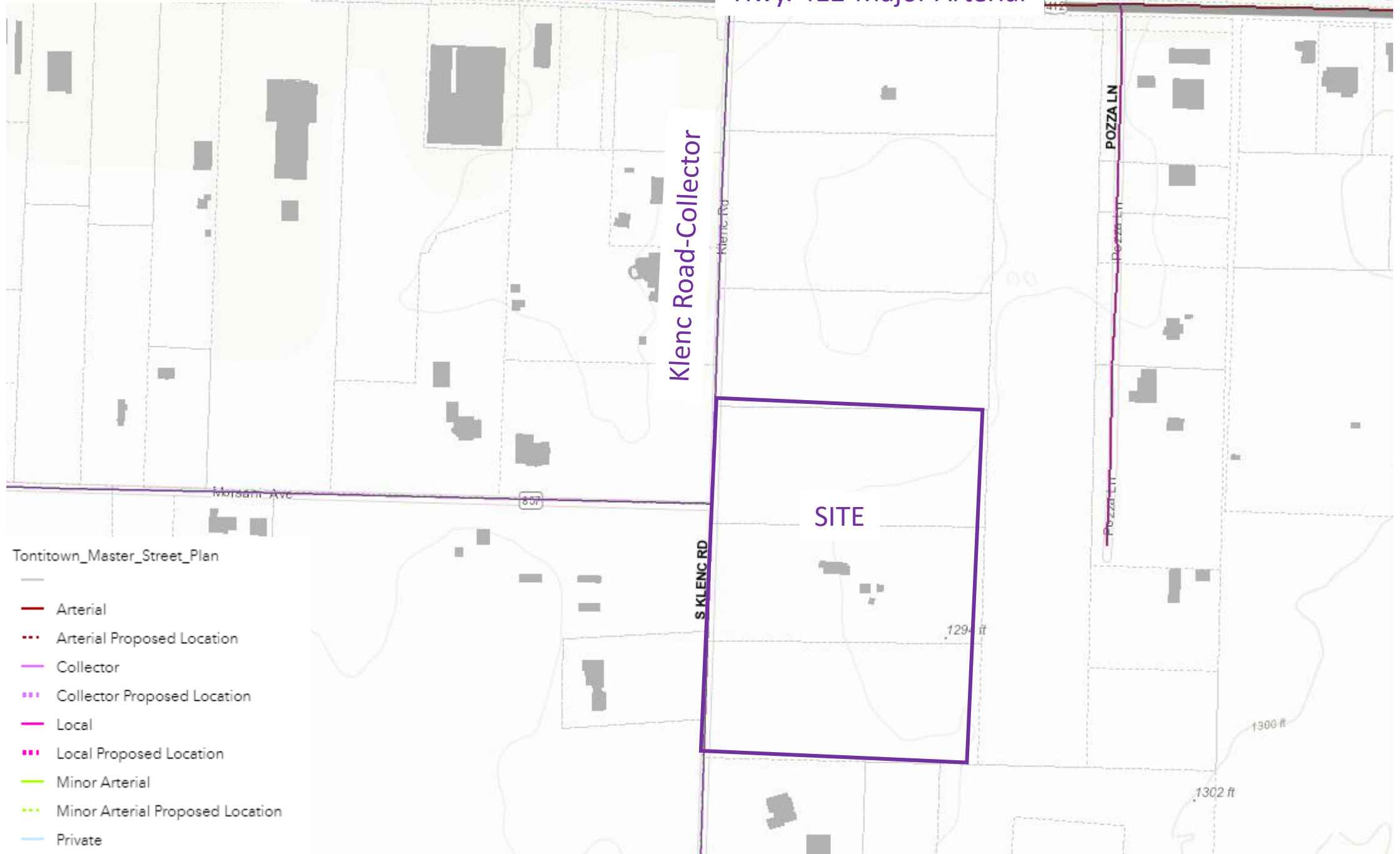


Tontitown_Land_Use

- AG Agricultural
- LE Landfill Exclusive
- LI Light Industrial
- OS Open Space
- PI Public Institutional
- RC-C Residential Commercial Core
- RC-N Residential Commercial Neighborhood
- RC-T Residential Commercial Transition
- RE Residential Estates
- RM Residential Medium

MASTER STREET PLAN

Hwy. 412-Major Arterial





Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>



NOTICE OF INTENT TO REZONE

BARBARA JEAN GREENLEE has requested The Tontitown Planning Commission to set a public hearing date to consider rezoning the following property from R-3 to C-2.

The legal description of the property is as follows: S. Klenc Road. (See attached description)

The common description of the property is: 380 S. Klenc Road

Proposed land use: Commercial

The public hearing will be held November 24, 2020 at 6:00 p.m. It will be held at Tontitown City Hall at 235 E. Henri de Tonti Blvd.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to The Planning Commission. Use the bottom of this form to express your opinion by checking the appropriate box and/or send a letter. You may mail this to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770.

For more information, you may call the Planning Department at (479) 361-2700.

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

Barbara Jean Greenlee
Signature

Tommy Dreville
Signature



Rezoning

Application & Checklist

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NOTICE OF INTENT TO REZONE

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

Zita Greenlee
Signature

Tommy Greenlee
Signature



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>



NOTICE OF INTENT TO REZONE

GILLIE MANTEGANI has requested The Tontitown Planning Commission to set a public hearing date to consider rezoning the following property from R-3 to C-2.

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

Gillie R. Mantegani
Signature

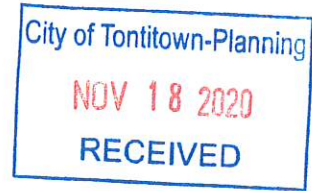
Signature



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>



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

Lonnie Stolfi
Signature

Signature



Rezoning

Application & Checklist

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

Lumie Stolpi
Signature

Signature



Rezoning

Application & Checklist

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

We have enough apartments in Tontitown & I think there's a real problem with traffic on Klenc Rd & 412 & the apartments already built are not even occupied yet.

Signature

M. Jane Smith

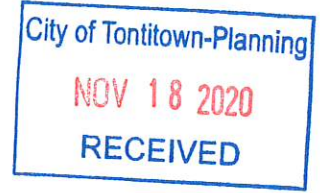
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Rezoning

Application & Checklist

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

I think there's already enough apartments in & around Tontitown!

Glen A. Smith
Signature

Vivian Jane Smith
Signature



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>

City of Tontitown-Planning

NOV 20 2020

RECEIVED

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

We are not opposed to growth in the form of single using housing with a minimum of 1800 sq. ft. We feel this property should remain R-3 & not switch to C-2.

[Signature]
Signature

[Signature]
Signature



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>



NOTICE OF INTENT TO REZONE

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

We are not opposed to growth in the form of single using housing with a minimum of 1800 sq. ft. We feel this property should remain R-3 & not switch to C-2.

Jerry Talle
Signature

Diana Talle
Signature



Rezoning

Application & Checklist

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Terry Webb Signature Diana Bratcher Signature Judith A. Harris Signature



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>



NOTICE OF INTENT TO REZONE

TOMMY AND ZITA GREENLEE has requested The Tontitown Planning Commission to set a public hearing date to consider rezoning the following property from R-3 to C-2.

The legal description of the property is as follows: S. Klenc Road. (See attached description)

The common description of the property is: near 380 S. Klenc Road

Proposed land use: Commercial

The public hearing will be held November 24, 2020 at 6:00 p.m. It will be held at Tontitown City Hall at 235 E. Henri de Tonti Blvd.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to The Planning Commission. Use the bottom of this form to express your opinion by checking the appropriate box and/or send a letter. You may mail this to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770.

For more information, you may call the Planning Department at (479) 361-2700.

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

We are not opposed to growth in the form of single using housing with a minimum of 1800 sq. ft. We feel this property should remain R-3 & not switch to C-2.

Terry Zahbo Signature Diana Bratcher Signature Judith A. Harris Signature