

CITY OF TONTITOWN PLANNING OFFICE

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Meeting: February 23, 2021
Project: McCloud Rezoning Request

Planner: Anthony Apple

AGENDA ITEM B REZONING REQUEST

Liberty Avenue Parcel #s 830-37692-280 & 830-37692-300

SUMMARY: Request to rezone two parcels of land that are a total of 1.74 acres in size from R-E to R-3

CURRENT ZONING: R-E Estate Single-Family Residential – two acre minimum lot size **REQUESTED ZONING:** R-3 – Single Family Residential – 9,600 sf minimum lot size

FUTURE LAND USE CATEGORY: RM – Residential Medium

CITY WARD: 2 – Arthur Penzo, Larry Ardemagni

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

Water: Tontitown Water. There is an 8-inch water main along the south side of Liberty Avenue

Electric: Ozarks Electric Sewer/Septic: Septic System

Phone: Century Tel

Natural Gas: Black Hills Energy Cable: Cox Communications

PROJECT SYNOPSIS:

The request is to rezone Parcels 830-37692-280 and 830-37692-300 from R-E Estate Single-Family Residential – two-acre minimum lot size to R-3 – Single Family Residential – 9,600 sf minimum lot size. These parcels are approximately 500 feet west of the intersection of Liberty Avenue and Javello Road. The sum of the two is approximately 1.74 acres. There are two single family residential structures and one detached accessory building occupying the site.

The purpose of this project is to align the property's zoning with a future lot split in order for the two existing residential structures to be on separate parcels. Currently, the two residential structures are on the same parcel.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential Medium Density (RM). From the Vision Plan Document adopted by the City Council in November 2018:

RESIDENTIAL MEDIUM DENSITY (RM)

This land use category reflects the current density of single-family detached residential development that is prominent in the existing neighborhoods to the south of City Hall and the park. They are primarily residential in nature.

Residential Medium Density encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

One to five dwelling units/acre.

STAFF ANALYSIS: Since the property is currently zoned R-E, and there are two residential structures on the same parcel, the property is currently out of compliance with 153.080(J)(2) "Only one principal structure per lot shall be permitted in R-E, R-I, R-2, R-3 and R-3L single-family districts." The proposed rezoning from R-E to R-3 is in alignment with the Future Land Use Category of "RM" having one to five dwelling units/acre upon completion of the tract split.

APPROVAL CRITERIA: Per City code, 153.283 Amendments:

- (A) Two types of amendments to these zoning regulations are recognized; one being a revision in the text provisions, and the other being a change of boundary in a zoning district (a.k.a. a map amendment or rezoning).
- (G) 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 RM-Residential Medium Density. 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 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 are two residential structures and one detached accessory building on this site. These structures are all currently in use. The location currently accesses Tontitown water and utilizes septic. There is one septic permit for each residential structure. The property takes access from Liberty Avenue. The rezoning of this property will be in keeping with the "Purpose" of the regulations by preparing the property for a lot split to bring the property into compliance with the current R-3 zoning and Future Land Use Plan of RM.

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

STAFF ANALYSIS: The requested use is for residential (R-3) zoning; surrounding properties are zoned R-E or R-1. The ultimate end of the property will be two tracts of land with between 0.75 and 1 acre per tract. Although the proposed zoning does not comply with the strict interpretation of the code that requires the proposed zoning to be compatable "with the zoning, uses and character of the surrounding area", the resulting effect will be bringing the property into compliance with current zoning regulations and the Future Land Use Plan for the area.

(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 is currently in noncompliance with the zoning code by having two residences on the same parcel of land, currently zoned R-E, and with a land area of less than 2 acres. The resulting lot sizes following the planned tract split and the property being zoned R-3 would bring the property into compliance with City code and the Future Land Use Plan.

(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 impact nearby property. Traffic on Liberty Avenue will not be adversely affected. No drainage improvements are planned for this property. The use of the property will not change from its current use.

(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: Currently, both residences are occupied.

(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: There will be no impact to community facilities since the use and number of single-family residential structures will remain the same.

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. One neighbor comment was received on February 8, 2021. The neighbor stopped by City Hall, asked about the rezoning request, and did not give any objection to the rezoning.

STAFF FINDINGS:

Based on the current Zoning Map and Future Land Use Plan, the staff finds that although the proposed zoning does not comply with the strict interpretation of the code relative to rezoning of the property to a higher density than the immediately adjacent zonings (153.283(G)(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.), the resulting effect of the rezoning and subsequent lot split will be bringing the property into compliance current zoning regulations and the Future Land Use Plan. The rezoning of this property will be in keeping with the "Purpose" (153.003) of the regulations by preparing the property for a lot split to bring the property into compliance with the R-3 and RM zoning by having one single-family residence per lot.

CONDITIONS RECOMMENDED FOR APPROVAL:

- 1. Any improvements, alterations or additions shall meet all Tontitown City Codes.
- 2. The currently used septic systems shall be solely on each respective property. One septic system cannot overlap on the adjacent parcel.



Figure 1: Vicinity Map



Figure 2: Property Location