



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **March 30, 2021**
Project: **215 & 233 S. Mantegani Rd**
Rezoning Request
Planner: Anthony Apple

AGENDA ITEM

2

REZONING REQUEST

215 and 233 S. Mantegani Road
Parcel #s 830-37727-006 and 830-37727-008

SUMMARY: Request to rezone portions of parcels 830-37727-006 and 830-37727-008, approximately 0.54 acres, from R-3 to C-2. (See attached Vicinity Map, Figure 1)

CURRENT ZONING: R-3 Single-Family Residential – 9,600 sf minimum lot size and C-2 – General Commercial (See attached Current Zoning Map, Figure 2)

REQUESTED ZONING: C-2 – General Commercial (See attached Requested Zoning Map, Figure 4)

FUTURE LAND USE CATEGORY: RM – Residential Medium (See attached Future Land Use Map, Figure 3)

CITY WARD: 3 – Don Doudna, Tim Burress

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

Water: Tontitown Water. There is an 8-inch water main along the west side of S. Mantegani Rd

Electric: Ozarks Electric

Sewer/Septic: Currently septic system. Will connect to 12-inch sewer main on the east side of S. Mantegani Rd when property is developed.

Phone: Century Tel

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The request is to rezone portions of Parcels 830-37727-006 and 830-37727-008 from R-3 – Single Family Residential – 9,600 sf minimum lot size to C-2 – General Commercial. These parcels are on the west side of S. Mantegani Rd approximately 560 feet south of the intersection of W. Henri de Tonti Blvd and S. Mantegani Rd. The sum of the two parcels is approximately 1.89 acres. The portion of the parcels being rezoned is approximately 0.54 acres. There are two single family residential structures and one detached accessory building occupying the two parcels. These structures will be razed and removed from the site with the development of the planned subdivision and commercial lot.

The purpose of this project is to align the property's zoning with planned commercial use of the eastern portions of the two parcels.

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: The eastern portions of the subject parcels are currently zoned C-2. The parcels across S. Mantegani Rd. to the east and the parcel to the north are also zoned C-2 which are not in conflict with the current or proposed zoning. The property to the south is currently zoned R-3, however the buildable C-2 portion of the parcels is buffered from the property to the south by the planned extension of Florence Ave. and detention pond.

The southern portion of parcel 830-37727-008 will become the extension of Florence Ave. and a detention pond that will support the subdivision and the commercial lot. The majority of the northern portion of parcel 830-37727-008 will be zoned C-2 and a small portion will be zoned R-3 to allow for the construction of Lot 2 of the subdivision. The majority of parcel 830-37727-006 will be zoned C-2 with a small portion of the western end of the parcel being zoned R-3 to support the construction of Lot 2 of the subdivision. Since the eastern portion of the parcels are currently zoned C-2, the City does not find that continuing of the zoning westward to be in contradiction with any code or in conflict with the surrounding uses. Per the City code, the purpose for C-2 zoning is "to provide appropriate locations for commercial and retail uses that are convenient and serve the needs of the public."

Per the Future Land Use Plan, the properties to the north and east are planned to be Residential and Commercial Core (RC-C). By definition, the purpose of this zoning is "A mix of residential and non-residential development (excluding HEAVY industrial uses) is permitted. The residential component of this category will include higher intensity multifamily developments, and single family residential would likely be townhome or row house development models. The ideal mix of uses will be moderate to high density residential, office, and commercial uses, with additional open space amenities included within the development site." The City finds the requested zoning to be harmony with the existing and planned future land use.

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 City finds the requested zoning to be in harmony with the current existing and future comprehensive land use plan.

(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: The City finds the requested zoning to be consistent with the purpose of the regulations. The request is compatible with the existing and future planning zoning, and an efficient and economical use of the property.

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

STAFF ANALYSIS: The requested zoning is for General Commercial (C-2) zoning. The parcels across S. Mantegani Rd. to the east and the parcel to the north are also zoned C-2 which are not in conflict with the current or proposed zoning. The property to the south is currently zoned R-3, however the buildable C-2 portion of the parcels is buffered by the planned extension of Florence Ave. and detention pond.

- (4) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.

STAFF ANALYSIS: The property is suitable for the existing zoning and requested zoning based on the compatibility of the neighboring properties.

- (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 City does not foresee rezoning of the 0.54 acres to C-2 to detrimentally impact nearby properties property value, traffic, drainage, visual impairment, odor, noise, light, etc. The size of the General Commercial lot would not support the building of a business that would significantly increase traffic on S. Mantegani Rd. Drainage improvements are planned for this property and will be managed through the planned detention pond on the south side of the Florence Ave. extension. The use of the property will not change from its current zoning.

- (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: Residential structures occupy both parcels. Parcel 830-37727-006 has been vacant since September 2020 and parcel 830-37727-008 has been vacant since December 2018. Although the eastern half of the two parcels are zoned C-2 and the western half is zoned R-3, the eastern half of the parcels were occupied by a non-conforming use. Rezoning the western portion of the parcels to C-2 as shown in the attached Figure 4 will bring the parcels into a conforming use/zoning compatibility.

- (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 not be a significant impact to community facilities since the proposed land use will remain the same although the C-2 zoning area is enlarged by approximately 0.54 acres.

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 March 15, 2021 via US Mail. The neighbor had no objection to the rezoning request.

STAFF FINDINGS:

The City finds the requested zoning to be in harmony with the current existing and future comprehensive land use plan. The requested zoning to be consistent with the purpose of the regulations. The property is suitable for the existing zoning and requested zoning based on the compatibility of the neighboring properties. The proposed rezoning should not detrimentally impact nearby properties. Residential structures occupy both parcels. Parcel 830-37727-006 has been vacant since September 2020 and parcel 830-37727-008 has been vacant since December 2018. Rezoning the western portion of the parcels to C-2 as shown in the attached Figure 4 will bring the parcels into a conforming use/zoning compatibility. There will not be a significant impact to community facilities since the proposed land use will remain the same although enlarged by approximately 0.54 acres.

STAFF RECOMMENDATIONS:

Staff recommends the approval of the request to rezone approximately 0.54 acres of parcels 830-37727-006 and 830-37727-008 as shown in this report from R-3 Single-Family Residential to C-2 – General Commercial with the following conditions:

1. Any improvements, alterations or additions shall meet all Tontitown City Codes.
2. Existing septic systems shall be decommissioned in accordance with the Arkansas Department of Health Department.

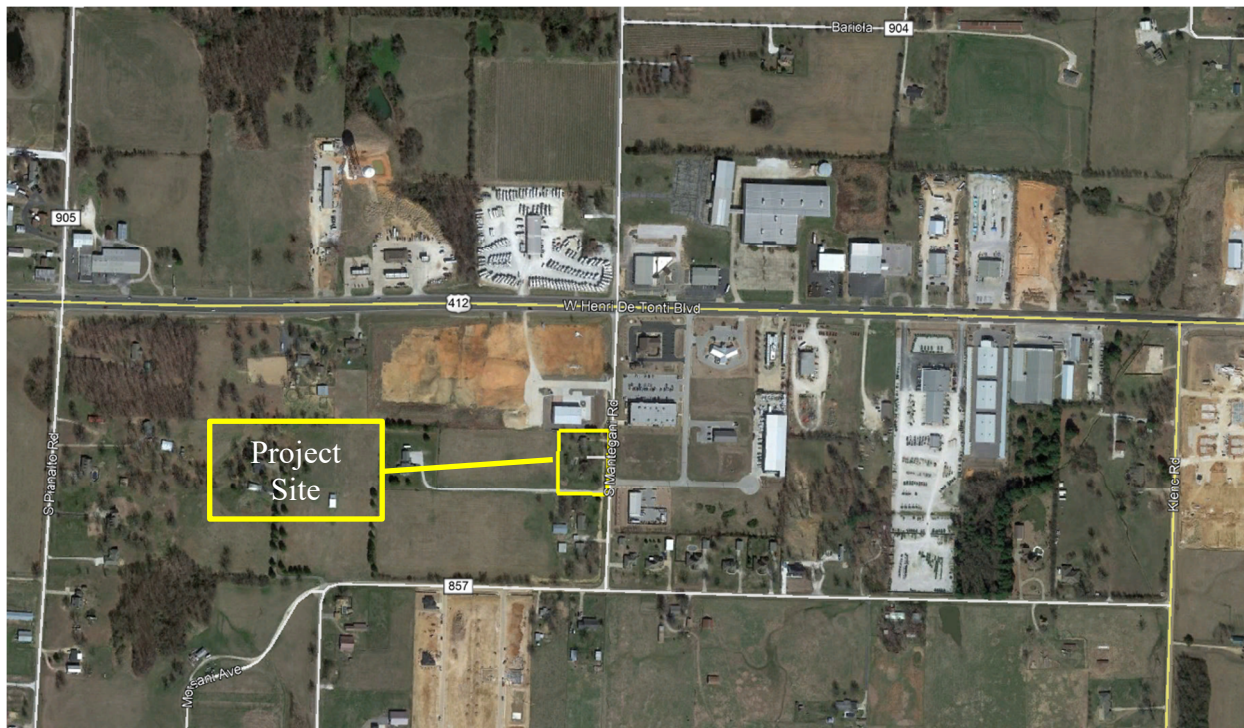


Figure 1: Vicinity Map

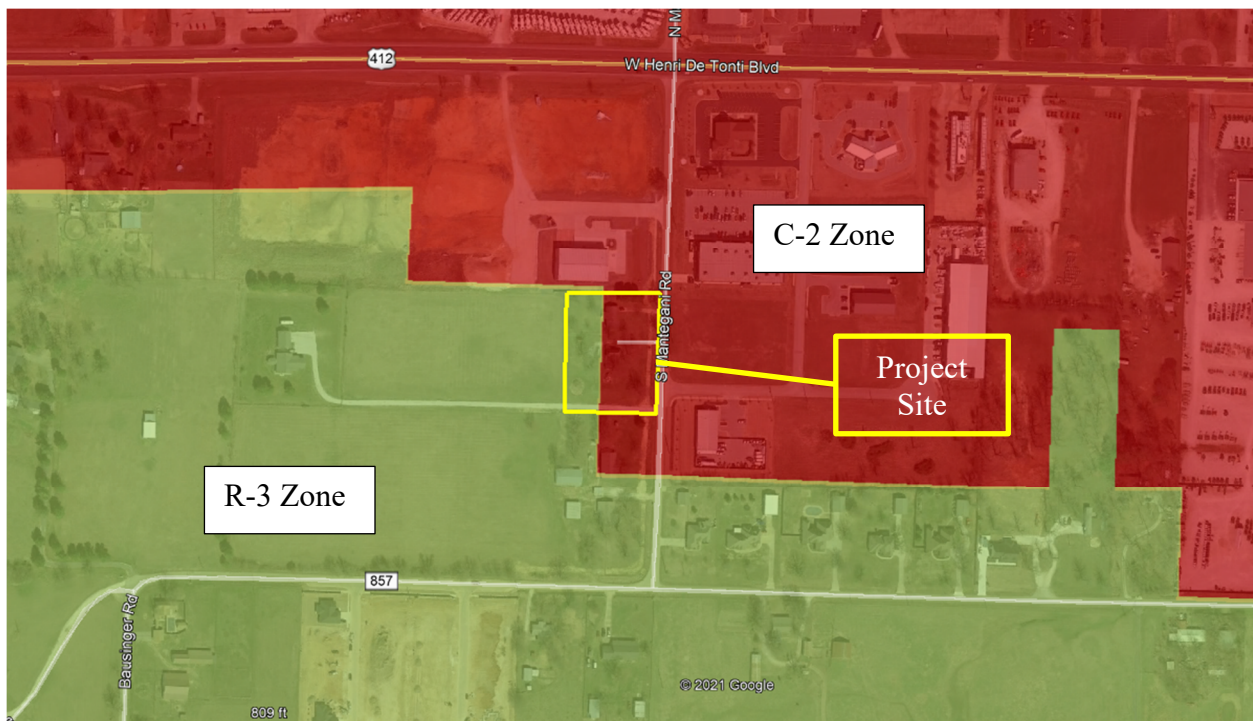


Figure 2: Current Zoning Map

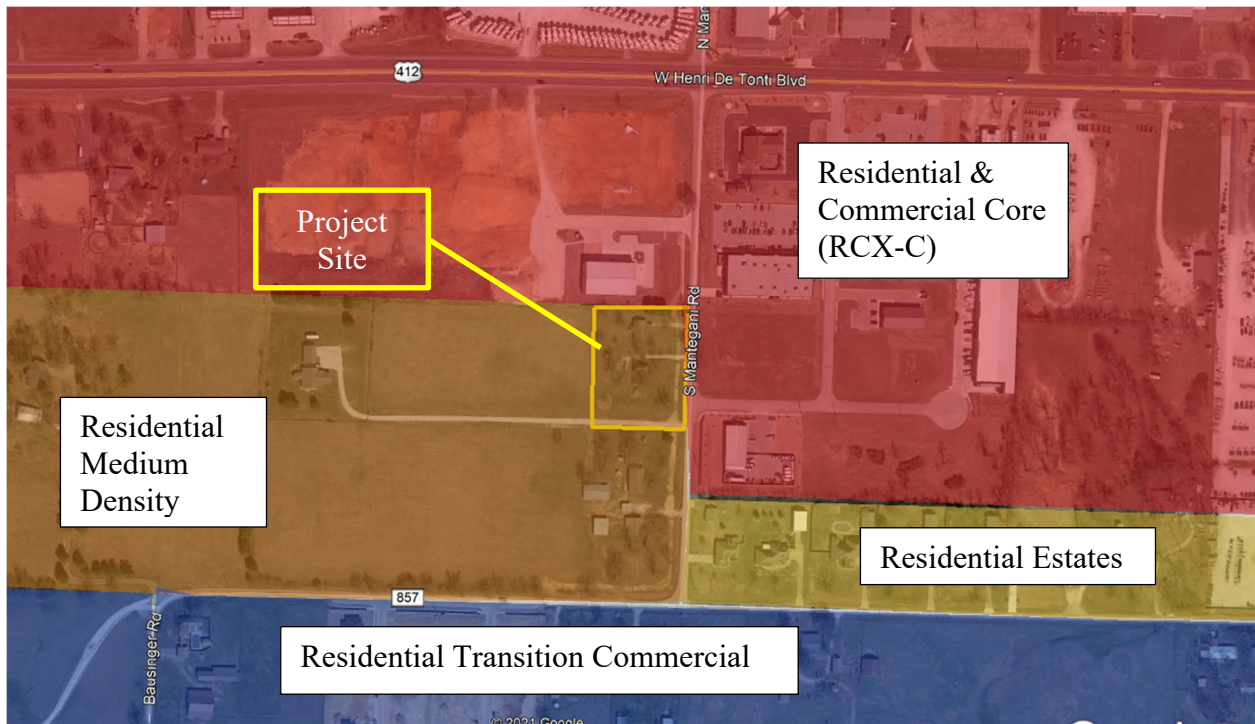


Figure 3: Future Land Use Map

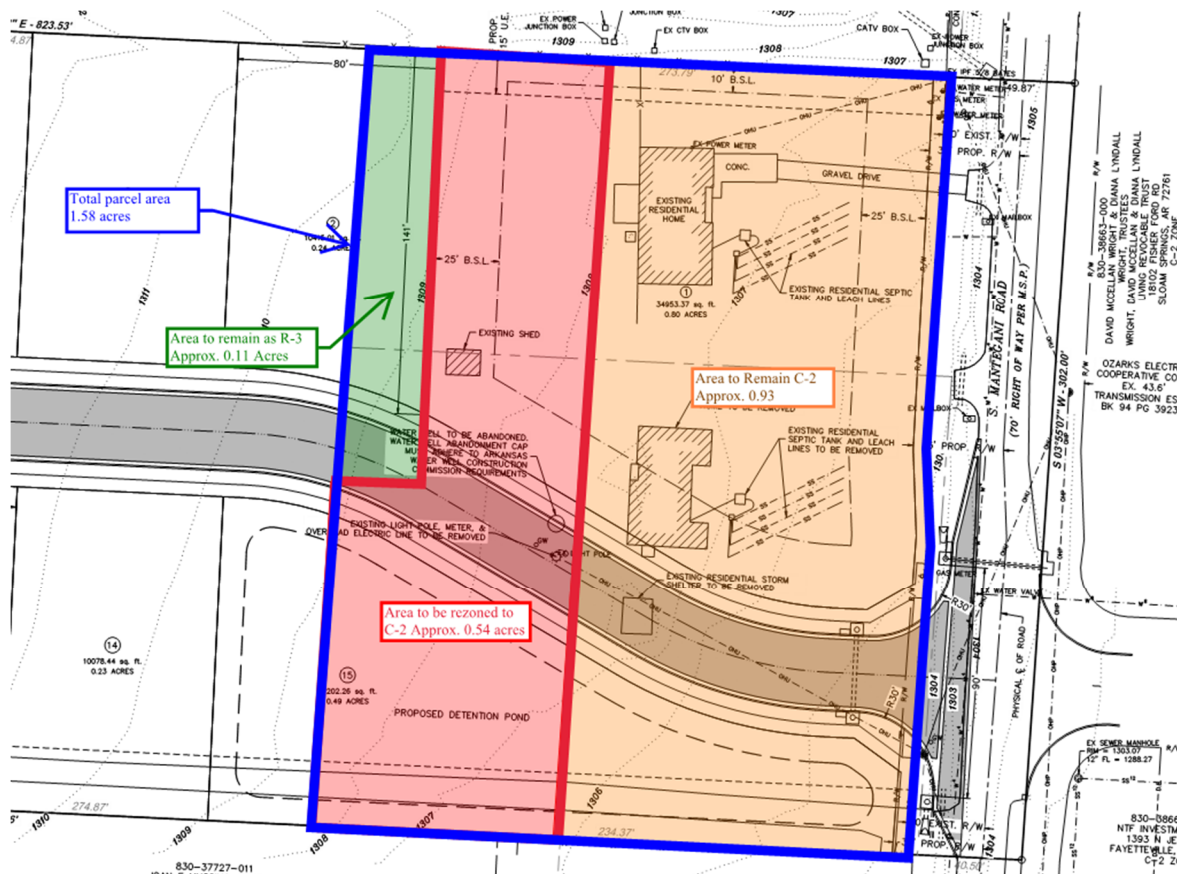


Figure 4: Requested Zoning Map