



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **July 27, 2021**
Project: **Verizon Cell Communication
Tower Conditional Use Permit**
Planner: Anthony Apple

AGENDA ITEM

2

CONDITIONAL USE PERMIT REQUEST

Located at the southwest corner of 1853 W. Henri de Tonti Blvd
Portion of Parcel # 830-37879-200

SUMMARY: The project site is located at the southwest corner of 1853 W. Henri de Tonti Blvd (Parcel #830-37879-200). See Figure 1, Vicinity Map. The conditional use request is to allow the construction of a 260-ft cellular communication tower with associated equipment. The project site is in a **C-2, General Commercial District**.

CURRENT ZONING: **C-2, General Commercial District**. See Figure 2, Current Zoning Map.

FUTURE LAND USE CATEGORY: **RC-C Residential/Commercial Core**. See Figure 3, Future Land Use Map.

PROPOSED USE: Cellular communication tower

CITY WARD: 3 - Don Doudna, Position 1 and Tim Burress, Position 2

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

Water: City of Tontitown.

Electric: Ozarks Electric

Sewer/Septic: City of Tontitown sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The project site is located at the southwest corner of 1853 W. Henri de Tonti Blvd (Parcel #830-37879-200). The property owner is Upward Investment, LLC. See Figure 1, Vicinity Map.

The project site is approximately 5,625 sf in footprint area. The project site will be accessed via a gravel access drive and a turn-around area at the site will be constructed with the development. See Site Plan, Figure 4.

The proposed tower will be a three-legged self-supporting tower and have a maximum height of 260 feet in height. See Tower Elevation and Antenna Array, Figure 5.

A landscape plan has been provided and is partially shown in Figure 6.

An Approximate Fall Zone Map is provided as Figure 7.

The entire plans are provided after Figure 7.

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 CORE (RC-C)

Town Center Areas contain some of the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings.

This is a higher intensity mixed use category, allowing for larger stores and more intense traffic patterns. 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.

These areas will accommodate row houses, apartments, local and regional retail, including large-scale stores, hotels, industry and entertainment uses. These areas are typified by their location **adjacent to major thoroughfares** with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas.

Up to 20 multifamily dwelling units/acre.

STAFF ANALYSIS: Although the proposed use does not perfectly align with the Future Land Use Plan category RC-C, the project is a “non-residential development”, somewhat a necessary infrastructure facility in nature yet commercial in use, but is not considered “HEAVY industrial”.

153.121 DEVELOPMENT STANDARDS AND REVIEW GUIDELINES:

(A) All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening; open space, or other buffer may be required to give adequate separation between uses which are marginally compatible, and shall also be provided for the beautification and enhancement of the property.

STAFF ANALYSIS: Since this is a commercial development adjacent to properties that are zoned residential, buffering has been provided per 153.212 “Landscaping, Screening, Fencing and Buffering”. See a portion of the full landscaping plan provided as Figure 6.

There is one gravel drive to access the site and a turn-around area planned. The drive and turn-around area complies with City and Fire code. No parking is planned for the site.

Where possible, existing trees will be retained.

(B) In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

- (1) The proposed use is within the provision of "conditional uses," as set out in these regulations.

STAFF ANALYSIS: Yes, the intended use is a conditional use in C-2 zoning.

- (2) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.

STAFF ANALYSIS: All design standards have been met. Screening requirements will need to be in conformance with the current version of 153.212 "Landscaping, Screening, Fencing and Buffering" and 153.215 "Fences".

- (3) The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.

STAFF ANALYSIS: Staff has no concerns that this project will have any negative impact on public health, safety and welfare.

- (4) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.

STAFF ANALYSIS: The proposed cellular communication tower will be constructed at a distance greater than the height of the tower from all current structures. Only personnel for routine maintenance or upgrades will visit the site. A generator will be placed on site in the event a power outage occurs. Staff does not anticipate that any of these conditions will adversely affect the surrounding properties.

- (5) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.

STAFF ANALYSIS: The size and shape of the site are in keeping with the regulations. The proposed cellular communication tower will be constructed at a distance greater than the height of the tower from all current structures. There is no signage planned for the site.

- (6) The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of these regulations.

STAFF ANALYSIS: There is one gravel drive to access the site and a turn-around area planned. The drive and turn-around area complies with City and Fire code. No parking is planned for the site.

- (7) The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.

STAFF ANALYSIS: A full landscaping plan has been provided as Figure 6. Some design standards and screening requirements will need to be revised to conform to the current version of 153.212 "Landscaping, Screening, Fencing and Buffering" and 153.215 "Fences".

The following items will need to be revised:

- 1. Need to provide irrigation for the new vegetation.*
- 2. Fence must be at least 6 feet in height and made of wood, masonry, rock or brick.*

3. *Barbed wire is shown on the plans above the proposed chain link fence, however barbed wire is prohibited on any fence type per 153.215 "Fences". However, since security is of significant importance, barbed wire may be used inside the fence, but warning signs shall be placed outside the fence stating that barbed wire is used inside the fence.*
4. *Shrubs must be at least 3 gallons.*
5. *Trees must be at least 3 inches in diameter.*

- (8) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed

STAFF ANALYSIS: Emissions from the site will only be when the generator is activated due to a power outage. No lighting is planned for the site.

TECHNICAL INFORMATION:

Technical information is addressed at a future stage of development request. The current request is a concept plan only.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has not received any comments at this time regarding this project.

STAFF RECOMMENDATION: Based on the project documents submitted and the intended use of the project site, Staff recommends approval of the Conditional Use Permit for the construction of the cellular communications tower and associated equipment with the following conditions:

CONDITIONS RECOMMENDED FOR APPROVAL:

1. *Need to provide irrigation for the new vegetation per 153.212 "Landscaping, Screening, Fencing and Buffering".*
2. *Fence must be at least 6 feet in height and made of wood, masonry, rock or brick per 153.212 "Landscaping, Screening, Fencing and Buffering".*
3. *Barbed wire is shown on the plans above the proposed chain link fence, however barbed wire is prohibited on any fence type per 153.215 "Fences". However, since security is of significant importance, barbed wire may be used inside the fence, but warning signs shall be placed outside the fence stating that barbed wire is used inside the fence.*
4. *Shrubs must be at least 3 gallons per 153.212 "Landscaping, Screening, Fencing and Buffering".*
5. *Trees must be at least 3 inches in diameter per 153.212 "Landscaping, Screening, Fencing and Buffering".*



Figure 1: Vicinity Map

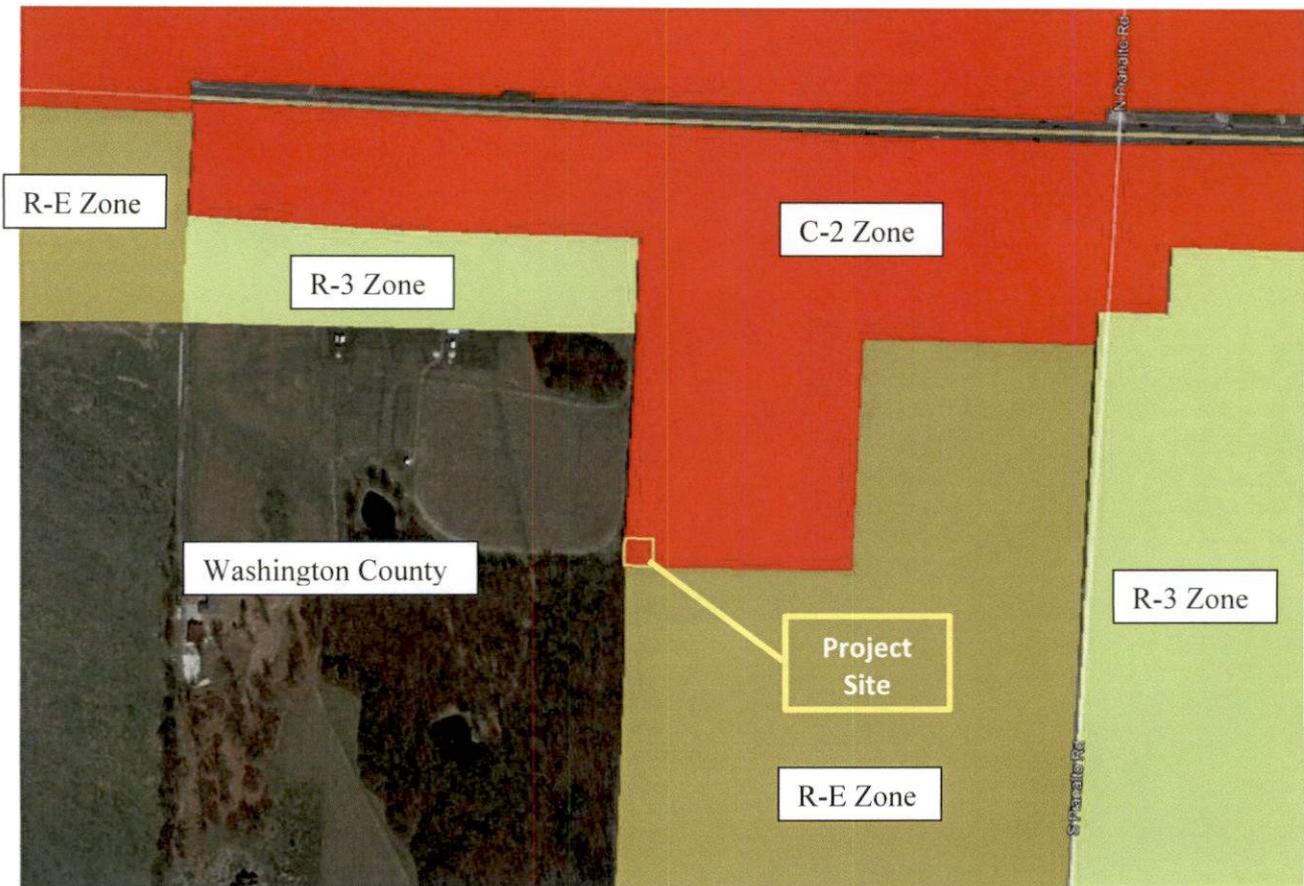


Figure 2: Current Zoning Map

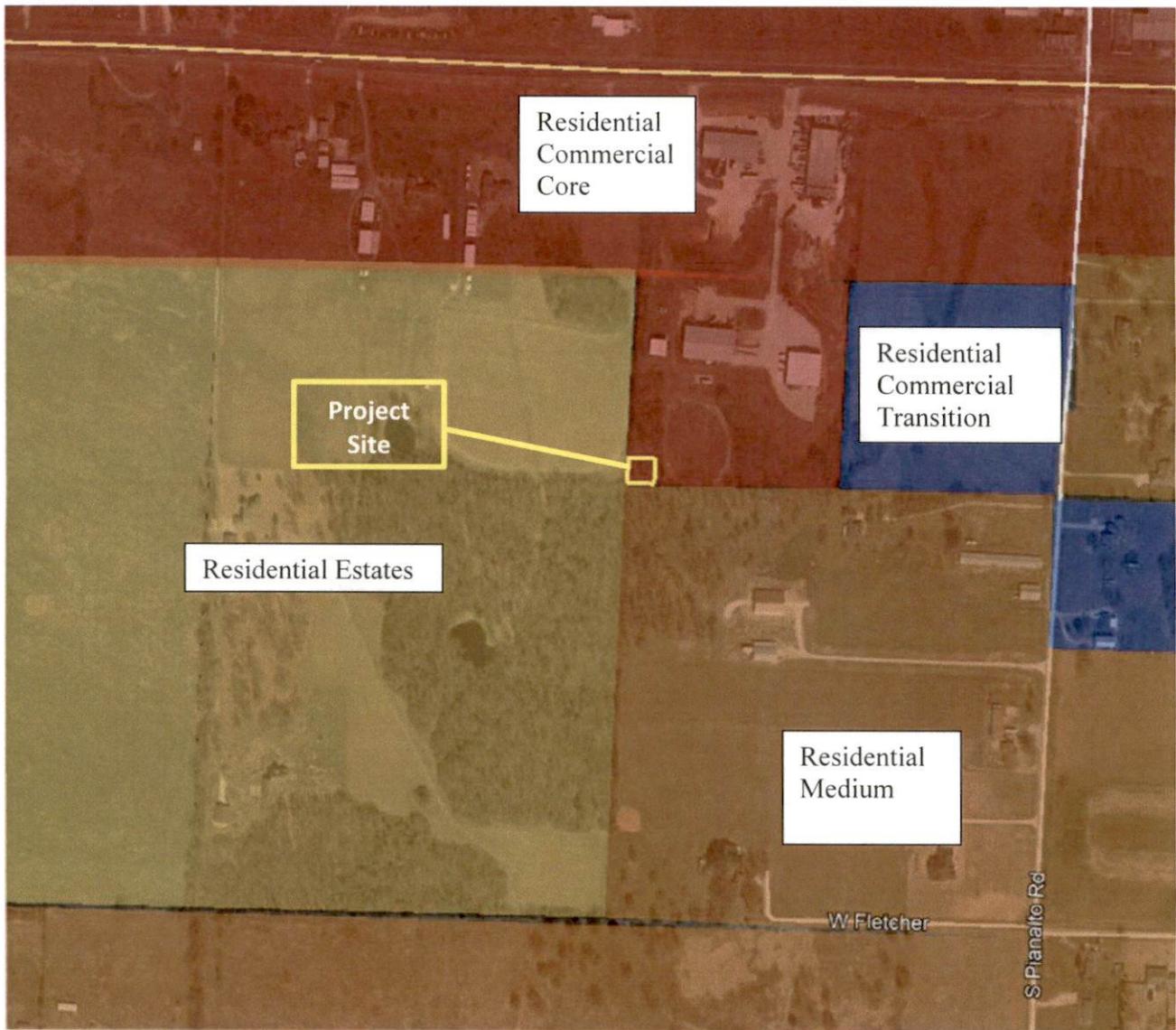
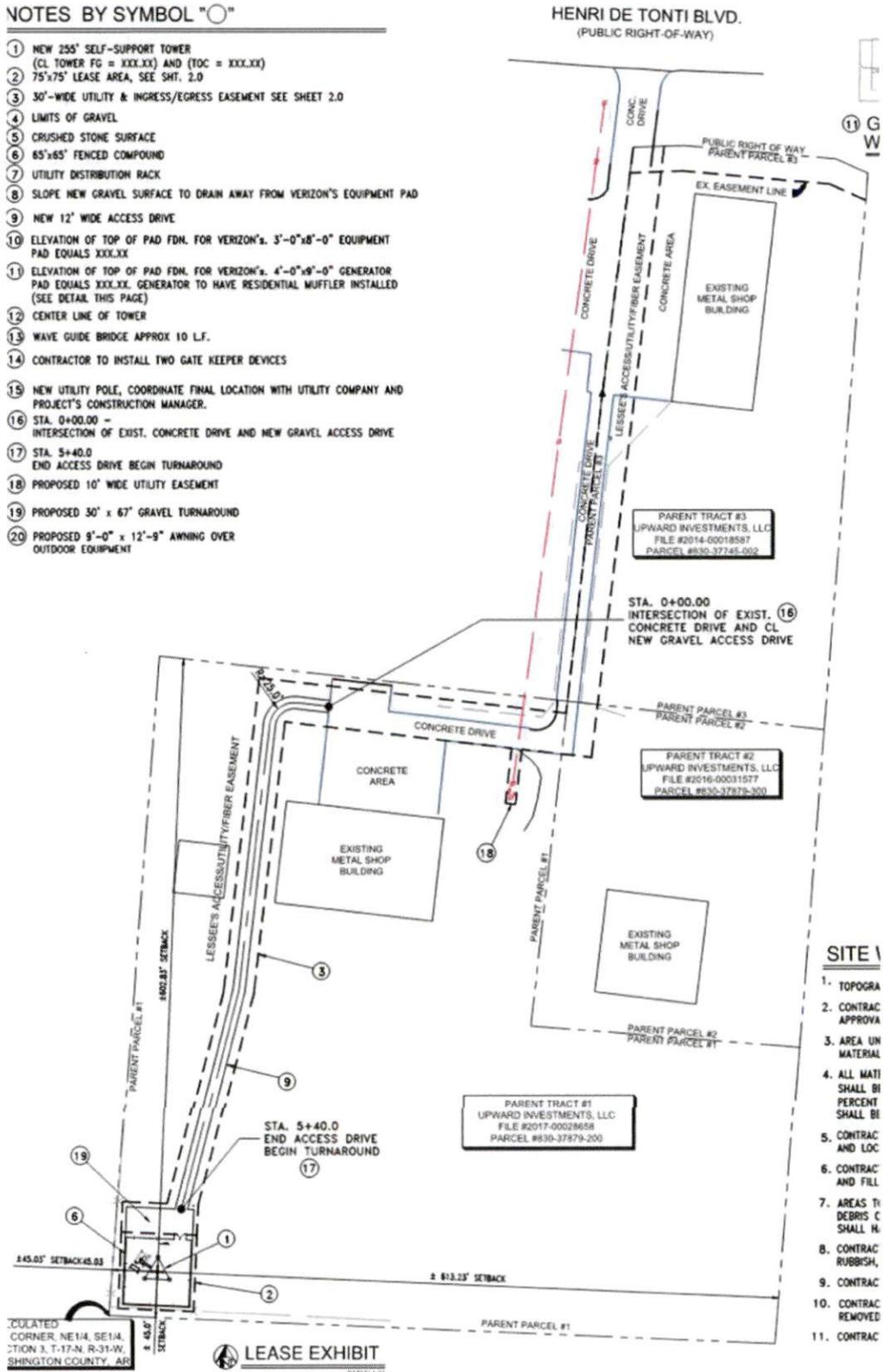


Figure 3: Future Land Use Plan Map

NOTES BY SYMBOL "○"

- ① NEW 255' SELF-SUPPORT TOWER
(CL TOWER FG = XXX.XX) AND (TOC = XXX.XX)
- ② 75'x75' LEASE AREA, SEE SHT. 2.0
- ③ 30'-WIDE UTILITY & INGRESS/EGRESS EASEMENT SEE SHEET 2.0
- ④ LIMITS OF GRAVEL
- ⑤ CRUSHED STONE SURFACE
- ⑥ 85'x85' FENCED COMPOUND
- ⑦ UTILITY DISTRIBUTION RACK
- ⑧ SLOPE NEW GRAVEL SURFACE TO DRAIN AWAY FROM VERIZON'S EQUIPMENT PAD
- ⑨ NEW 12' WIDE ACCESS DRIVE
- ⑩ ELEVATION OF TOP OF PAD FDN. FOR VERIZON'S 3'-0"x8'-0" EQUIPMENT PAD EQUALS XXX.XX
- ⑪ ELEVATION OF TOP OF PAD FDN. FOR VERIZON'S 4'-0"x9'-0" GENERATOR PAD EQUALS XXX.XX. GENERATOR TO HAVE RESIDENTIAL MUFFLER INSTALLED (SEE DETAIL THIS PAGE)
- ⑫ CENTER LINE OF TOWER
- ⑬ WAVE GUIDE BRIDGE APPROX 10 L.F.
- ⑭ CONTRACTOR TO INSTALL TWO GATE KEEPER DEVICES
- ⑮ NEW UTILITY POLE, COORDINATE FINAL LOCATION WITH UTILITY COMPANY AND PROJECT'S CONSTRUCTION MANAGER.
- ⑯ STA. 0+00.00 - INTERSECTION OF EXIST. CONCRETE DRIVE AND NEW GRAVEL ACCESS DRIVE
- ⑰ STA. 5+40.0 END ACCESS DRIVE BEGIN TURNAROUND
- ⑱ PROPOSED 10' WIDE UTILITY EASEMENT
- ⑲ PROPOSED 30' x 67' GRAVEL TURNAROUND
- ⑳ PROPOSED 9'-0" x 12'-9" AWNING OVER OUTDOOR EQUIPMENT



- SITE 1**
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COLLATED CORNER, NE1/4, SE1/4, CTION 3, T-17-N, R-31-W, SHINGTON COUNTY, AR

LEASE EXHIBIT
SCALE: 1/8" = 1'-0"

Figure 4: Site Plan

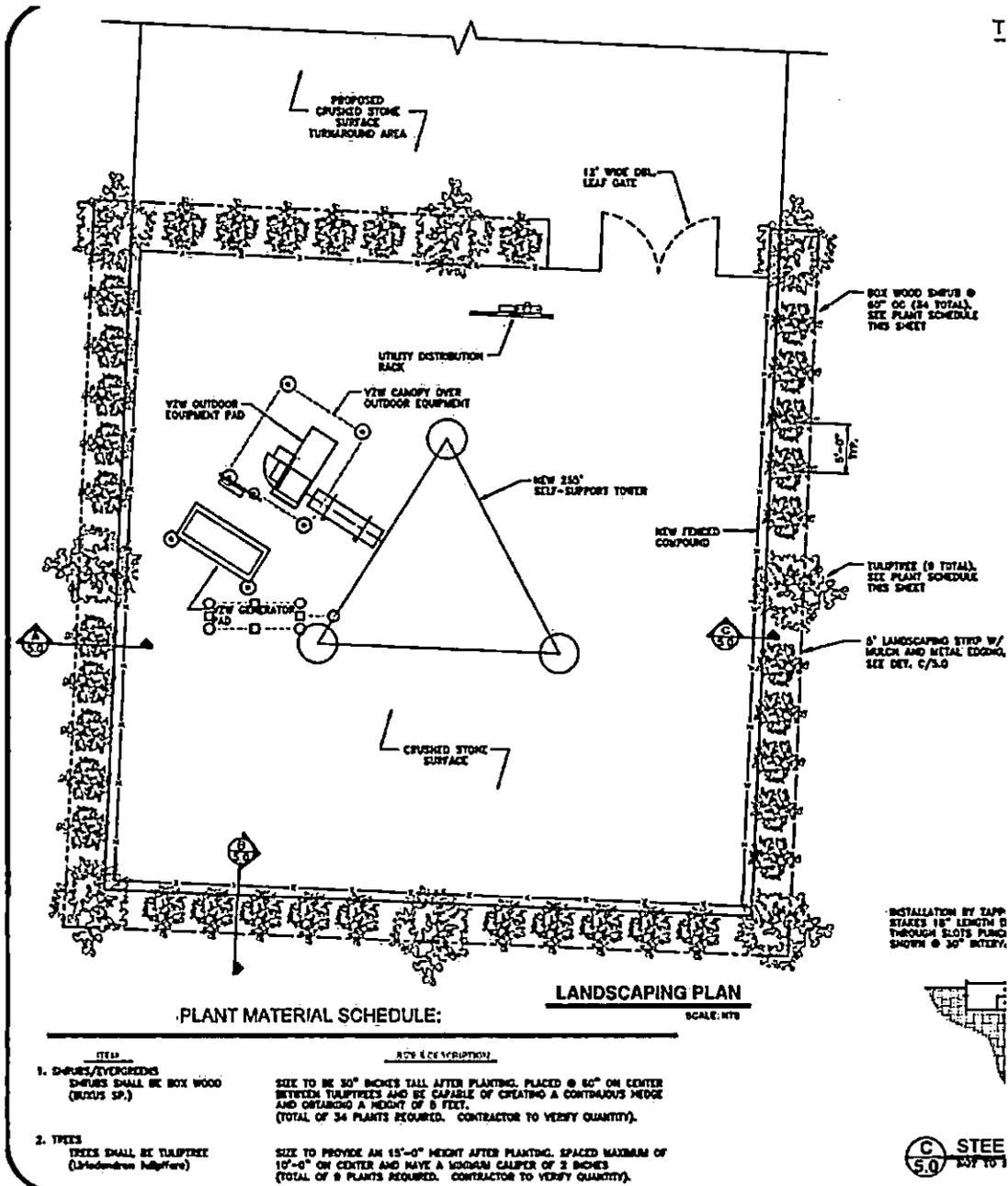


Figure 6: Landscape Plan

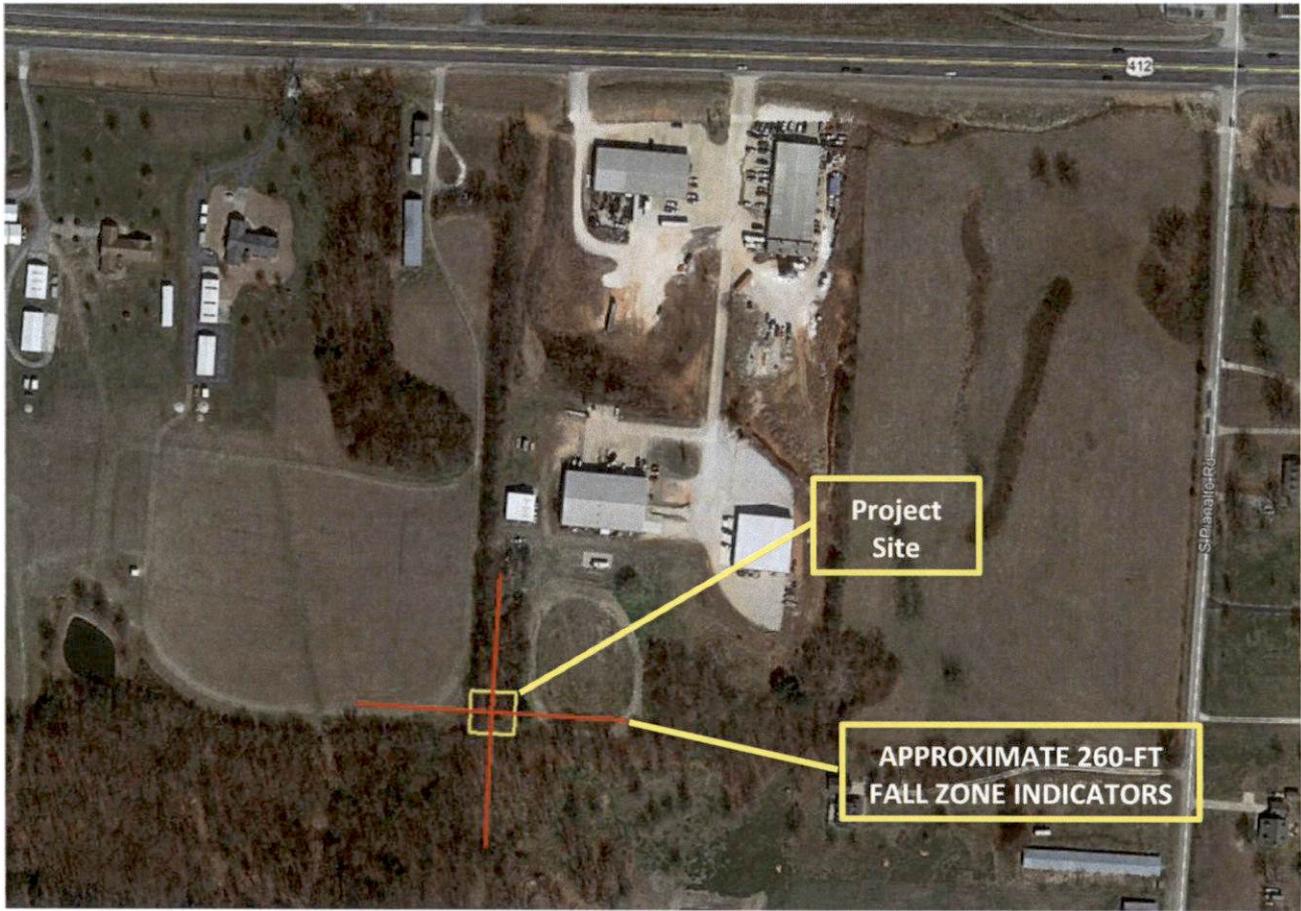


Figure 7: Approximate Fall Zone Map

LESSOR PREMISES

BEING A PART OF ME 1/4, SE 1/4, SECTION 8, T-17-N, R-31-W, WASHINGTON COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS RECORDED AT THE SOUTHWEST CORNER OF THE SAID ME 1/4, SE 1/4, THENCE 60°32'37" E 83.0 FEET THENCE N 23°00'00" W TO THE TRUE POINT OF BEGINNING, THENCE N 23°00'00" W 78.0 FEET THENCE N 23°00'00" W 78.0 FEET TO THE POINT OF BEGINNING CONTAINING 0.019 SQUARE FEET 0.15 ACRES, MORE OR LESS.

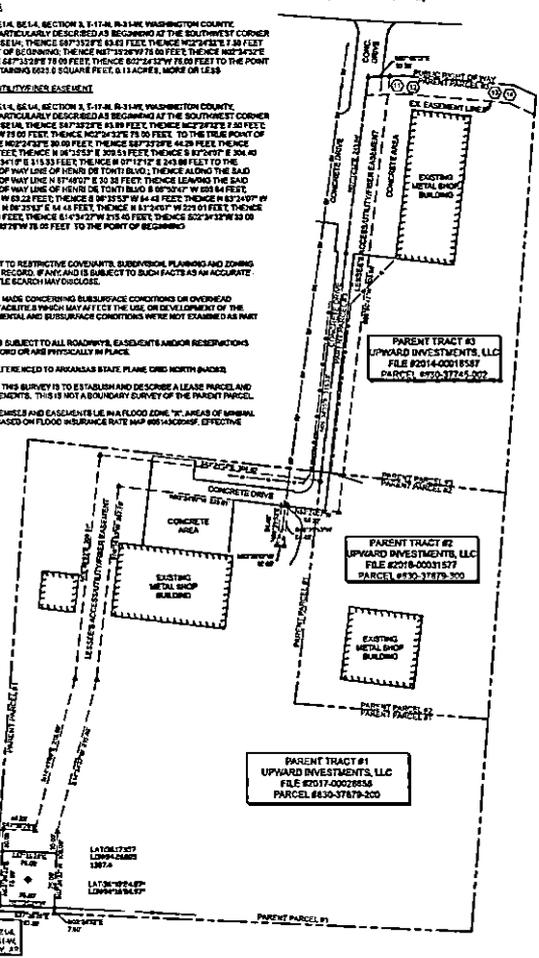
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GENERAL NOTES

- 1. THIS IS SUBJECT TO RESTRICTIVE COVENANTS, SUBDIVISION PLANNING AND ZONING REGULATIONS OF RECORD, IF ANY, AND IS SUBJECT TO SUCH FACTS AS AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
2. NO STATEMENT IS MADE CONCERNING EGRESS CONDITIONS OR OVERHEAD CONDUITS ON FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT, ENVIRONMENTAL AND EGRESS CONDITIONS WERE NOT EXAMINED AS PART OF THIS SURVEY.
3. THIS PROPERTY IS SUBJECT TO ALL ROADWAY, EASEMENTS AND RESERVATIONS THAT ARE OF RECORD OR ARE PHYSICALLY IN PLACE.
4. MEASUREMENTS ARE REFERENCED TO ARKANSAS STATE PLANE COORDINATES.
5. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DESCRIBE A LEASE PARCEL AND ASSOCIATED EASEMENTS. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
6. THE LESSOR'S PREMISES AND EASEMENTS ARE IN A FLOOD ZONE, "X", AREA OF SPECIAL FLOOD HAZARD, BASED ON FLOOD INSURANCE RATE MAP #88540D001P, EFFECTIVE APRIL 8, 2006.

HENRI DE TONTI BLVD. (PUBLIC RIGHT-OF-WAY)



CONVEYANCES

- 1. THE RIGHT OF WAY GRANT FROM MICHAEL G. BROWN TO ARKANSAS WESTERN GAS COMPANY RECORDED IN THE 2006 RECORDS OF WASHINGTON COUNTY RECORDS DOES NOT AFFECT THE LESSOR'S ACCESS EASEMENTS.
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PARENT PARCEL FILE #2014-00018587

Part of the NE 1/4 of the SE 1/4 of Section 8, Township 17 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the SW corner of said NE 1/4 of the SE 1/4, thence N 89° 01' 15" E 65.34 feet along the South line of said NE 1/4 of the SE 1/4, thence N 89° 01' 15" E 222.53 feet to a second iron pin at the point of beginning, thence N 89° 01' 15" E 212.47 feet, thence N 89° 01' 15" E 254.47 feet, thence N 89° 01' 15" E 222.53 feet to a second iron pin, thence S 89° 01' 15" E 254.47 feet to the point of beginning, containing 1.0 acre, more or less, and hereafter known as a 2.0 acre wide access and egress easement, the boundaries of which begin at the SW corner of this property, thence along S 89° 01' 15" E 254.47 feet, thence N 89° 01' 15" E 212.47 feet, thence N 89° 01' 15" E 254.47 feet, thence N 89° 01' 15" E 222.53 feet to the South right-of-way of U.S. Highway 412 and ending there, subject to any and all rights-of-way, easements, other restrictions of record or law, if any.

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Part of the NE 1/4 of the SE 1/4 of Section 8, Township 17 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the SW corner of said NE 1/4 of the SE 1/4, thence N 89° 01' 15" E 65.34 feet along the South line of said NE 1/4 of the SE 1/4, thence N 89° 01' 15" E 222.53 feet to a second iron pin at the point of beginning, thence N 89° 01' 15" E 212.47 feet, thence N 89° 01' 15" E 254.47 feet, thence N 89° 01' 15" E 222.53 feet to a second iron pin, thence S 89° 01' 15" E 254.47 feet to the point of beginning, containing 1.0 acre, more or less, and hereafter known as a 2.0 acre wide access and egress easement, the boundaries of which begin at the SW corner of this property, thence along S 89° 01' 15" E 254.47 feet, thence N 89° 01' 15" E 212.47 feet, thence N 89° 01' 15" E 254.47 feet, thence N 89° 01' 15" E 222.53 feet to the South right-of-way of U.S. Highway 412 and ending there, subject to any and all rights-of-way, easements, other restrictions of record or law, if any.

PARENT PARCEL FILE #2014-00018587

Part of the WEST HALF OF THE S 1/2 OF THE NORTHEAST QUARTER OF THE S 1/2 OF THE S 1/2 OF SECTION 8, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A ROUND IRON PIN AT THE SOUTHWEST CORNER OF THE S 1/2 OF THE S 1/2 OF THE S 1/2 OF SAID SECTION 8, THENCE NORTH 89° 01' 15" E 212.47 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89° 01' 15" E 254.47 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 01' 15" E 254.47 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 01' 15" E 212.47 FEET TO THE POINT OF BEGINNING, CONTAINING 1.0 ACRES, MORE OR LESS.

PARENT PARCEL FILE #2014-00018587

Part of the WEST HALF OF THE S 1/2 OF THE NORTHEAST QUARTER OF THE S 1/2 OF THE S 1/2 OF SAID SECTION 8, THENCE NORTH 89° 01' 15" E 212.47 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89° 01' 15" E 254.47 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 01' 15" E 254.47 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 01' 15" E 212.47 FEET TO THE POINT OF BEGINNING, CONTAINING 1.0 ACRES, MORE OR LESS.

PARENT PARCEL FILE #2014-00018587

Part of the WEST HALF OF THE S 1/2 OF THE NORTHEAST QUARTER OF THE S 1/2 OF THE S 1/2 OF SAID SECTION 8, THENCE NORTH 89° 01' 15" E 212.47 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89° 01' 15" E 254.47 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 01' 15" E 254.47 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89° 01' 15" E 212.47 FEET TO THE POINT OF BEGINNING, CONTAINING 1.0 ACRES, MORE OR LESS.



LEGEND table with symbols for FAA ALLOCATION, LIGHT POLE (ELEC), POWER POLE, GUY LINE, TELEPHONE POLE, TELEPHONE ROPE, SHADING BETWEEN BOUNDARIES, FENCE LINE, STORMWATER MANHOLE, WATER LINE, WATER VALVE, TITLE EXCEPTION, GAS LINE, TELEPHONE LINE, STORMWATER MANHOLE, COLLECTOR OR MANHOLE POINT OF NON ROAD WITH C&G KEY, BORN ROAD POINT.



HENRI DE TONTI - AR CELCO PARTNERSHIP DIBIA VERIZON WIRELESS BOUNDARY SURVEY

Table with columns for 'DATE', 'BY', 'CHECKED BY', 'SCALE', 'SHEET No.', and '2.0'. Includes a signature line for the surveyor.

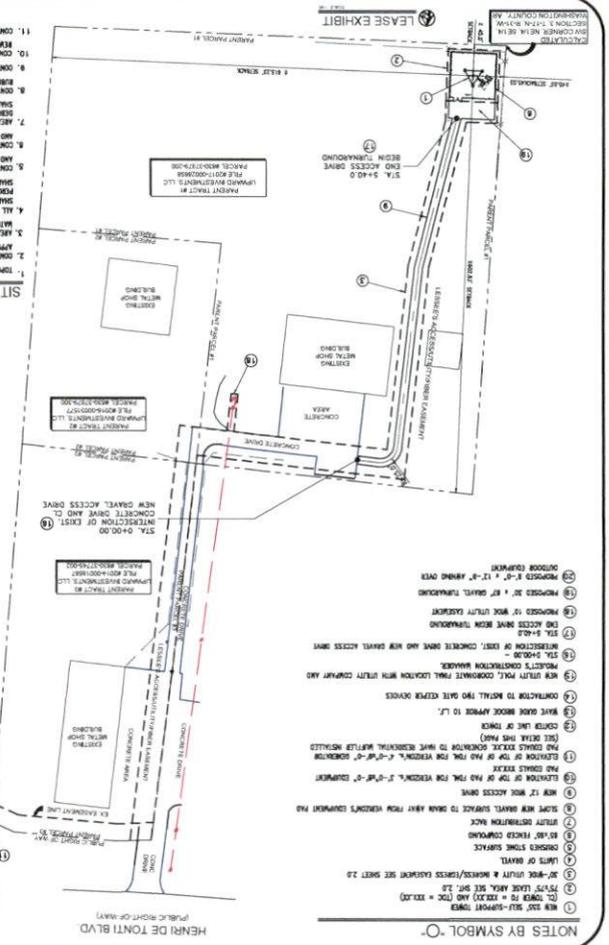
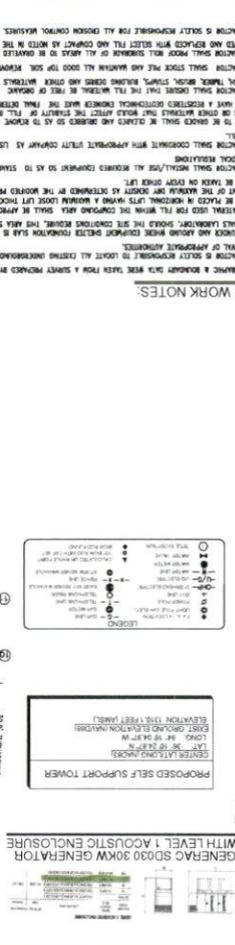
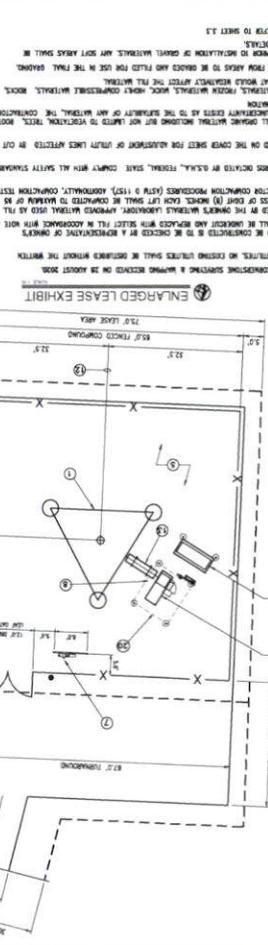
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OVERALL SITE & TOPO COMPOUND PLAN

HENRI DE TONTI - ARKANSAS
NEW 350 SELF SUPPORT TOWER

vertizon

Engineering
Hardage



- NOTES BY SYMBOL:**
1. NEW 350' SELF-SUPPORT TOWER
 2. EXISTING BUILDING
 3. EXISTING TOWER
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The CUP for the Verizon Communication Tower was approved at the August 27, 2021, Planning Commission meeting. In addition to the conditions listed in the staff report for the Verizon Cell Tower, there are two additional conditions:

1. This project shall be required to be approved by City Council.
2. Per discussion at the meeting, the communication tower shall be painted in a manner to help reduce visual impact.

STAFF RECOMMENDATION: Based on the project documents submitted and the intended use of the project site, Staff recommends approval of the Conditional Use Permit for the construction of the cellular communications tower and associated equipment with the following conditions:

CONDITIONS RECOMMENDED FOR APPROVAL:

1. *Need to provide irrigation for the new vegetation per 153.212 "Landscaping, Screening, Fencing and Buffering".*
2. *Fence must be at least 6 feet in height and made of wood, masonry, rock or brick per 153.212 "Landscaping, Screening, Fencing and Buffering".*
3. *Barbed wire is shown on the plans above the proposed chain link fence, however barbed wire is prohibited on any fence type per 153.215 "Fences". However, since security is of significant importance, barbed wire may be used inside the fence, but warning signs shall be placed outside the fence stating that barbed wire is used inside the fence.*
4. *Shrubs must be at least 3 gallons per 153.212 "Landscaping, Screening, Fencing and Buffering".*
5. *Trees must be at least 3 inches in diameter per 153.212 "Landscaping, Screening, Fencing and Buffering".*