



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: June 26, 2018
Project: **Path Utilities LSD**
Planner: Courtney McNair

PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:

This project was approved unanimously by members present with recommended conditions listed at the bottom of this report. Four (4) members were present, one (1) member was absent.

Additional conditions approved by the Planning Board:

- One additional onsite hydrant may be required.
- Fire suppression for the covered awning must be discussed at the pre-construction meeting.
- LSD drawings must be updated to reflect the required road and sidewalk improvements with a note that a waiver was requested.

The waiver was recommended to be approved with conditions listed at the bottom of this report by a vote of three (3) for approval, and one (1) to deny, one (1) member was absent. The City Council must ratify this approval before the waiver is granted. The waiver conditions were amended:

- In addition to listing the conditions on the LSD plans, a separate document must be filed with the Circuit Clerk that shows the conditions approved with the waiver.
- Condition #2 was amended the read "At such time either adjacent property is developed, this property shall be required to upgrade the road and add sidewalks so as not to cause a disruption of the normal and orderly development in the area."

AGENDA ITEM

A & B

PRELIMINARY LARGE SCALE DEVELOPMENT PLAN APPROVAL & WAIVER REQUEST

2785 W. Liberty Ave.
Parcel # 830-31901-000

SUMMARY: Path Utilities is requesting Preliminary Large Scale Development (LSD) Plan approval for 5,000 SF of office space, and 10,000 SF of outdoor covered storage space on 20.31 acres.

CURRENT ZONING: I Industrial-Proposed Construction Sales/Service use is allowed by right in this zoning category.

CITY WARD: 2- Arthur Penzo & Larry Ardemagni

FLOODPLAIN: No

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

Water: Tontitown Water, existing 8-inch line

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer area, but sewer not available. Existing septic system to be utilized.

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

Path Utilities is requesting Preliminary Large-Scale Development (LSD) Plan approval for 5,000 SF of office space, and 10,000 SF of outdoor covered storage space on 20.31 acres. Much of the site will remain undisturbed. The property is zoned "Industrial", and this use is allowed in Industrial zoning. There is one existing residence that will be removed.

The applicant is required to have architectural detailing for the façade of the building facing Liberty Ave. A color rendering has been submitted. Full architectural plans will be submitted for review prior to construction.

At this time, the applicant is working on obtaining an easement for a small sliver of land between Liberty Ave. Right of Way and their property for legal access. The applicant has been in contact with the owner, and feel that this will be resolved.

The initial submittal did not address drainage. This information has now been submitted, and our engineer has reviewed the Drainage plan and report. He had minor comments that can be addressed prior to the pre-construction meeting.

The applicant is requesting a waiver from the Master Street Plan and sidewalk construction. The applicant is asking for the waiver due to the rural nature of the area. Typically, improvements are made as the land is developed.

TECHNICAL INFORMATION:

Utilities:

Water: Tontitown Water-According to the Water System information, there is an existing 8-inch water line along W. Liberty Ave.

Electric: Ozarks Electric-No comments were received from OECC.

Sewer/Septic: Septic-the applicant is proposing to use the existing septic system. It has been evaluated and found to be adequate for the proposed use.

Phone: AT&T- ATT had no comments.

Natural Gas: Black Hills Energy- No comments were received from BHE.

Cable: Cox Communications- No comments were received from Cox.

It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.

Police:

No comments were received from the Tontitown Police Department.

Fire:

According to the Water System information, there is an existing 8-inch water line along W. Liberty

Ave. There is one fire hydrant shown on the plans. There is a 6" fire line shown connecting to the office building.

The proposed drive is 20' wide. It circles around the building, and is wider at some points.

Some "No Parking" striping or signs may be required. All interior drives must meet the required compaction rating to support emergency vehicles.

Drainage:

The initial submittal did not address drainage. This information has now been submitted, and our engineer has reviewed the Drainage plan and report. He had minor comments that can be addressed prior to the pre-construction meeting.

Roads:

This project has access to W. Liberty Ave. via an existing drive. Site visibility appears to be adequate from the proposed entrance location.

There is a small sliver of land between the ROW and the applicant's property. As stated above, the applicant is working on obtaining an easement for that small sliver of land between Liberty Ave. Right of Way and their property for legal access. The applicant has been in contact with the owner, and feel that this will be resolved.

The interior drive is proposed to be paved in the front and gravel around the back of the storage/office area. All interior drives must meet the required compaction rating to support emergency vehicles.

WAIVER REQUEST:

The applicant is requesting a waiver from the Master Street Plan and sidewalk construction. The applicant is asking for the waiver due to the rural nature of the area. Typically, improvements are made as the land is developed.

While staff does agree that the current nature of the site is rural now, this request does not seem to meet all of the requirements set out in code to allow waivers:

152.026 WAIVERS.

(A) *General.*

(1) When, by the strict interpretation of these regulations, an applicant incurs undue restrictions on the physical property to be subdivided, a waiver for such requirements may be granted by the Planning Commission.

(2) Under no circumstance should a waiver be granted because of a personal hardship or for personal or emotional reasons. Waivers shall not be granted based strictly on financial hardship.

(3) A waiver is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided.

(B) *Procedures.*

(1) No waiver shall be granted except upon written petition by the applicant when the application is filed. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made.

(2) In granting the waiver, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.

(3) In considering the petition for a waiver, the Planning Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable

effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity.

(4) The findings of the Planning Commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of these regulations.

(5) No waiver shall be granted unless the Planning Commission finds all of the following:

(a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.

(b) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(c) That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.

(d) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of these regulations.

STAFF RECOMMENDATION LARGE SCALE DEVELOPMENT: There are some details that remain to be addressed at the Construction Plan phase of plan review, but nothing that should significantly impact the overall design.

Therefore, staff recommends **approval** of Path Utilities Preliminary Large Scale Development with conditions.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This project must develop generally as presented, with much of the site to remain undisturbed.
2. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
3. The SWPPP must be completed and posted on site prior to construction.
4. If there is a gate that restricts access to any part of the drive, it shall have a knock box system for emergency access. A knock box may be required on the building as well.
5. Correct all remaining items on the "Plat Requirement Worksheet" prior to Construction Plan approval. Planning Staff will provide a copy of the remaining requirements to the engineer for the project.
6. "No Parking" signs may be required.
7. All interior drives must meet the required compaction rating to support emergency vehicles.
8. An easement granting access from the property owner to the North must be completed and filed and a copy provided to Tontitown Planning.
9. Correct all comments from the City Engineer prior to Construction Plan approval.
10. The applicant must apply for all required permits prior to construction.

STAFF RECOMMENDATION WAIVER: Staff recommends **denial** of Path Utilities waiver request. However, if the Board chooses to approve this request, staff recommends the following conditions:

1. This waiver is granted for the current proposal only. Any future additions or expansions will be evaluated for the appropriateness of continuing the requested waiver.
2. At such time both adjacent properties are developed, this property shall be required to upgrade the road and add sidewalks so not to cause a disruption of the normal and orderly development in the area.

3. These conditions must be added as notes on the plans.