



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **August 31, 2021**
Project: **Lynch Rezoning**
Planner: Nathan Crouch

AGENDA ITEM

Public Hearing Item 2

Planning Commission Item 1

REZONING REQUEST

Lynch Rezoning – 664 Kelly Ave.
Parcel # 830-37962-000

SUMMARY: Request to rezone a 19.87 acre parcel of land from **R-3** to **R-4**.

CURRENT ZONING: **R-3 – Single Family Residential** with a minimum 9,600 sq ft lot size.

REQUESTED ZONING: **R-4 – Single Family Residential** with a minimum 8,000 sq ft lot size.

FUTURE LAND USE CATEGORY: RM – Residential Medium (medium density)

CITY WARD: 3-Don Doudna and Tim Burress

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

Water: Tontitown Water. There is an existing 4-inch water main along Kelly Ave, to the south.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The owner/applicant for this project is Kenneth Lynch, represented by Nick Goedereis and Elizabeth Oaks of Tri-Star Contractors. The property is located at 664 Kelly Ave, at the intersection of Kelly Ave and Dowell Rd.

The applicant is requesting to change the zoning from R-3 to R-4 to allow for a higher density of single-family residential lots on this site. If this rezoning request is approved the applicant will submit a preliminary plat for subdivision approval. In the applicant's letter, they state the reason for this request is "to allow for higher density residential development."

It should be noted that if this rezoning request (R-3 to R-4) is approved, it would allow for a maximum of 79 lots.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential- Medium. From the Future Land Use Zoning Categories document:

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 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: This project is in line with what is detailed in the Future Land Use Plan – medium density lots with reduced setbacks, while responding to features in the natural environment.

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- Medium. R-4 zoning is generally described in 153.080 (H): “The district is characterized by single-family or duplex residential development on medium sized lots of at least 8,000 sq ft, with density not exceeding four units/acre.”

While four (4) residential units per acre is not generally considered very dense, it is the most dense Single Family Residential zoning designation in Tontitown. 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.

“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 residential structure on this site. Due to the arrangement of the proposed lots on the conceptual plat, it appears the structure will be removed to make way for this proposed development.

There is an existing 8-inch water main along the south side of Kelly Ave. available to service the proposed development.

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

STAFF ANALYSIS: The requested use is for R-4 zoning; surrounding properties in the vicinity are zoned Agricultural, Residential-Estate, and R-3. The actual uses of the surrounding properties vary from Single Family Residential to Agricultural to Landfill.

North-zoned R-3 -but showing vacant, undeveloped Agricultural use at the time.

East-zoned Agricultural -use is primarily single family residential, with large Agricultural tracts.

South-zoned R-3 -use is primarily single family residential, with large Agricultural tracts.

West-zoned R-3 -use is single family residential, but the average acreage is a little smaller than in the immediately surrounding 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 can be made suitable for R-3 use with properly designed utility, drainage, and sanitary sewer infrastructure. There are two (2) subdivisions in the immediate vicinity with ¼ acre lots.

- (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 affect nearby property. Traffic will be on Kelly Ave, Pianalto Rd, Klenc Rd, Dowell Rd, and Arbor Acres Rd. If this rezoning is approved, prior to the construction of any site improvements, additional review is required (Preliminary & Final Subdivision review). Odor, noise, and light should not be a concern for this type of (residential) 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: According to Google Earth imagery, the existing (mobile) home appears to have been placed between February, 2001 and August, 2003. And the property is zoned for R-3 use, Single Family Residential with 9,600 sq ft minimum lot size.

- (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: This impact is expected to be minimal to utilities, streets, drainage, parks, open space, fire, police, and emergency services. There is adequate water, and sewer that can be connected. There are no concerns at this time by the Fire Marshal or Police Chief.

TECHNICAL INFORMATION:

Technical information will be reviewed and addressed if and when this property is improved.

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” comments regarding this project. The following list summarizes the opposition:

- The proposed density does not fit in with the surrounding area. The increase in traffic, lighting, density, and noise will have a negative impact on property owners nearby.
- Rezoning will likely lead to apartments and duplexes being built. This type of housing will absolutely not fit into the area of Kelly nor do the residents of Tontitown want more people and apartments coming into our community.
- Additional people and traffic in our community. Personally, I think 3 units per acre is too much. Tontitown is no longer rural living it seems.
- Recently bought property in this area and am definitely NOT in favor of this rezoning request.

STAFF RECOMMENDATION: Based on the Future Land Use Plan's "Residential-Medium" designation, the availability of utilities and access, and that once development plans are submitted a full, thorough technical review will occur, staff recommends approval of the Lynch Rezoning Request at 664 Kelly Ave to change the zoning from R-3 to R-4.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This project shall be in compliance with all local, state, and federal regulations.
2. This rezoning must proceed to the City Council for approval.
3. Any improvements to this site require additional review.