



Planning Commission

Rocky Clinton - Chairman
Kevin Boortz – Vice Chairman
Michael Lunsford - Secretary
Josh Craine - Member
Tom Joseph - Member
Penny Baskin – Member

City Staff and Consultants

City Planner – Nathan Crouch
Public Works Director - James Clark
Building Inspector - Roger Duncan
City Engineer/Planning Consultant – Garver
City Attorney - Harrington – Miller

Planning Commission/ Board of Zoning Adjustments (BOZA) Agenda

Date: Tuesday, September 28th, 2021

Time: 6:00 p.m. – In Person at **Tontitown City Hall**, 201 E. Henri de Tonti, Tontitown, AR 72770 (**limited seating due to COVID-19**), and **Online Via Zoom and YouTube** (see last page of agenda for information on how to join)

1. **Planning Commission Meeting Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes**
 - a. Approval of August 31st, 2021, Board of Zoning Adjustments and Planning Commission Meeting Minutes.
5. **Comments from Citizens**
6. **Old Business**
7. **New Business**

PUBLIC HEARING

1. **Variance request:** A Variance request for a decrease in minimum setback requirements for the Mathias Warehouses Large Scale Development proposal located at 353 Agnes Dr.
2. **Rezoning request:** A rezoning request to rezone property located at 761 W Henri de Tonti Blvd from C-2, General Commercial to L-I, Light Industrial to bring grandfathered use into compliance with city zoning code. **-Tabled by Planning Department**
3. **Conditional Use Permit request:** A Conditional Use Permit application to allow for residential use in a commercial zoning district located at 2771 W Henri de Tonti Blvd.

Adjournment.

BOARD OF ZONING ADJUSTMENTS

1. **Variance request:** A Variance request for a decrease in minimum setback requirements for the Mathias Warehouses Large Scale Development proposal located at 353 Agnes Dr.

Adjournment

PLANNING COMMISSION

1. **Final Subdivision Plat approval request:** Approval of Final Plat for South Pointe Subdivision phases IV and V.
2. **Large Scale Development request:** Mathias Warehouses has submitted a Large-Scale Development request to construct an office/warehouse at 353 Agnes Dr. **-Tabled by Planning Department**
3. **Large Scale Development request:** Eco-Vista, LLC has submitted a Large-Scale Development request to construct a Waste Management container repair shop located at 1041 Arbor Acres Ave.
4. **Rezoning request:** A rezoning request to rezone property located at 761 W Henri de Tonti Blvd from C-2, General Commercial to L-I, Light Industrial to bring grandfathered use into compliance with city zoning code **-Tabled by Planning Department**
5. **Conditional Use Permit request:** A Conditional Use Permit application to allow for residential use in a commercial zoning district located at 2771 W Henri de Tonti Blvd.
6. **Planning Commission By-Laws, discussion, and potential adoption**

PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL

1. **Rezoning request:** A rezoning request to rezone property located at 761 W Henri de Tonti Blvd from C-2, General Commercial to L-I, Light Industrial to bring grandfathered use up to city zoning code. **-Tabled by Planning Department**
2. **Conditional Use Permit:** A Conditional Use Permit application to allow for residential use in a commercial zoning district located at 2771 W Henri de Tonti Blvd.

Comments from Staff

Reports

Comments from Commission Members

Meeting Adjourned

Adjournment.



**Public Hearing and Planning Commission
Meeting September 28, 2021, 6:00 PM
Virtual Meeting Participation Opportunities**

Zoom Meeting:

To participate *interactively* in the meeting, you may participate in the meeting via Zoom:

- **By PC, Mac, iOS (iPhone), or Android:**

Join Zoom Meeting:

LINK: https://us06web.zoom.us/webinar/register/WN_2Xxsy8yRRHKxpAXutxZ7Yg

Or go to the zoom website to join: <https://www.zoom.us/join> and enter the Meeting ID: 839 7049 6992

The link above requires you to “register” to participate in the meeting. This consists of signing in with your name, address, etc., as you would at a public meeting. Registering to attend the meeting does not require you to create a zoom account to participate.

Please register prior to the meeting if possible.

Please use your full name (first and last names) as screen name.

- **Join by phone only:**

+1 (312) 626-6799

When prompted for Meeting ID: 839 7049 6992#

If you do not have a Participant Number: press #

- **To comment:**

Use “Raise hand” function when comment for an item is requested

For phone, raise hand to be recognized with *9

Phone numbers used to dial in to meeting will be masked for privacy

All participants will be muted automatically when joining the meeting

YouTube Live:

If you wish to watch Online without interactively participating, you can stream the meeting online via YouTube, from our YouTube Channel:

- **By PC, Mac, iOS (iPhone), or Android:** Navigate to the “Tontitown City Hall” channel:
<https://www.youtube.com/channel/UCIbUv481CeNFF2JNwoOsrNQ>

NEW TO ZOOM? Watch tutorial videos at: <https://support.zoom.us/hc/en-us>

For assistance during the meeting, or for assistance logging into the meeting, please contact Courtney McNair, Garver Urban Planner, at (479) 287-4610, or email at cetmcnair@garverusa.com.



Planning Commission

Rocky Clinton - Chairman
Kevin Boortz – Vice Chairman
Michael Lunsford - Secretary
Josh Craine - Member
Tom Joseph - Member
Penny Baskin – Member

City Staff and Consultants

City Planner – Nathan Crouch
Public Works Director - James Clark
Code Enforcement Officer – Phillip Arends
Building Inspector - Roger Duncan
City Engineer/Planning Consultant – Garver
City Attorney - Harrington – Miller

Planning Commission/ Board of Zoning Adjustments (BOZA) Minutes

Date: Tuesday, August 31st, 2021

Time: 6:00 p.m. – In Person at **Tontitown City Hall**, 201 E. Henri de Tonti, Tontitown, AR 72770 (**limited seating due to COVID-19**), and **Online Via Zoom and YouTube** (see last page of agenda for information on how to join)

1. Planning Commission Meeting Call to Order

2. Roll Call

All in attendance

3. Approval of Agenda

4. Approval of Minutes

a. Approval of July 27th, 2021, Board of Zoning Adjustments and Planning Commission Meeting Minutes.

Penny Baskin motioned to approve both the agenda and minutes

Second by Josh Craine

Motion Passes

5. Comments from Citizens

Rocky Clinton went over some rules that were to be followed to this meeting to keep this meeting respectful.

6. Old Business

7. New Business

PUBLIC HEARING

1. **Variance Request:** A Variance request for a decrease in minimum setback requirements for Mathias Warehouses located at 353 Agnes Dr. **Tabled at the request of the applicant.**
2. **Rezoning Request:** A Rezoning request to rezone property located at 664 Kelly Ave. from R-3 to R-4 in order to allow for higher density residential development.

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.

Adjournment.

BOARD OF ZONING ADJUSTMENTS

1. **Variance Request:** A Variance request f or a decrease in minimum setback requirements for Mathias Warehouses located at 353 Agnes Dr. **Tabled at the request of the applicant.**

Adjournment

PLANNING COMMISSION

1. **Rezoning Request:** A Rezoning request to rezone property located at 664 Kelly Ave. from R-3 to R-4 to allow for higher density residential development.

The applicant is wanting to build 64 residential units instead of 60 that is why their requesting the R-4 zoning.

Tom Joseph motioned to approve with listed conditions and a Bill of Assurance to be submitted with a total of 64 buildable lots

Second by Kevin Boortz

Motion Passes

Michael Lunsford Voted- NO

Penny Baskin Voted- NO

2. **Final Plat- Hickory Meadows Phase II:** Approval of Final Plat for Hickory Meadows Phase II

Kevin Boortz motioned to approve the final plat for Hickory Meadows

Second by Michael Lunsford

Motion Passes

3. **Large Scale Development Expansion Request:** Eco-Vista has submitted a large-scale development request to expand the existing landfill located off Arbor Acres Rd.

Citizens comments-

Dr. Mikaila Calcagni who is a medical physician wanted to voice her concerns and also share some information from a large scale study that was published in 2017 in the International Journal of Environmental Research and Public Health. This research includes the short and long term health implications living within the vicinity of a landfill. Dr. Calcagni opposes the landfill expansion and asked the Planning Commission to vote "NO".

Jamie Morgan and Angie Russel oppose the landfill expansion due to health concerns. Both ladies feel that city codes are in question on what can and cannot be done and say more health studies need to be done and vote "NO".

Debra Newman loves living in Tontitown and was impressed with all the things in the agreement but thinks Waste Management is doing and saying things that we want to hear. She wonders if this long term commitment is worth it. Mrs. Newman has requested that the Planning Commission vote "NO".

Mark Calcagni requested that the petition signatures be recorded and asked the Planning Commission to do the right thing for the citizens and vote "NO".

Dennis Boyer if this is approved this will lock us in for 18 years. How can the city embrace a dump and allow the citizens to have this decade problem. We want our rights protected.

Donna Pianalto was hosting 12 kids from Africa and those kids said that the landfill was the worse smell they have ever smelled. And we can do better than Africa.

Mayor Doug Sprouse of Springdale did not want to interfere with Tontitown business but he is also on the board of the Boston Mountain Water District and explained the roll of the B.M.W D. on this issue.

Reference YouTube for detailed comment.

George Wheatly with Waste Management live 4.7 miles from landfill. He commends the citizens and can't say he disagrees with them, but this is also his job. Mr. Wheatly thanked everyone involved and hopes this is approved.

Rocky Clinton spoke about the last work session and responsibilities of the Planning Commission and how to better serve our community.

Reference YouTube for lengthy detailed comment and Commission discussion.

Kevin Boortz motioned to approve the Large Scale Development request with all listed and added conditions
Second by Michael Lunsford

Motion Passed Unanimously

4. Large Scale Development for Mathias Warehouses: **Tabled at the request of the applicant.**
5. Planning Commission By-Laws Discussion and Potential Adoption- **Tabled at the request of the PC Chair.**

PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL

1. Rezoning Request: A Rezoning request to rezone property located at 664 Kelly Ave. from R-3 to R-4 in order to allow for higher density residential development.
2. Planning Commission By-Laws Discussion and Potential Adoption **Tabled at the request of the PC Chair.**

Comments from Staff

Reports

Comments from Commission Members

Tom Joseph said we are trying to accomplish the same quality of life in the city of Tontitown. He thanked everyone for their hard work and believes Waste management will see a whole new layer of qualifications, they have shown a lot of respect as well as the citizens and thanked everyone for coming to tonight's meeting.

Angie Russell thanked everyone for all the hard work that's been done and said A.D.E.Q. has done nothing about the complaints. "It's been very difficult living next to the landfill".

Penny Baskin said my heart was a NO, but I had to follow the law, and promised to work hard to better the city codes.

Josh Craine wanted Waste Management to follow codes and the biggest thing he wanted fixed was the fence and now it's in writing. Josh explained he just wanted to make sure the Commission fully understood before voting, that is why he wanted to table at the last meeting. Also, if Waste Management were to shut down, 71 people would have lost their jobs.

Michael Lunsford said this was a hard decision to make. He hasn't heard anyone say what we are going to do with our trash if the landfill shuts down. Are we to fill hollers or let it accumulate on the streets? Michael feels this is an opportunity for the citizens to get involved and start a plan for the future and thinks it's important to get the process started now and not wait for another expansion in 12 years. Having a NO vote today wouldn't have been a solution.

Kevin Boortz said we have to follow city codes and we will do our best to improve those codes not just for Waste Management but because there are other areas that need improving and will work with the citizens and city council to better our community.

Tom Joseph added that Waste Management has 2 acers that could be used as a transport station. That means all the live trash would be picked up and removed and that would double the truck traffic.

Rocky Clinton thanked Courtney McNair for her years of hard work.

Meeting Adjourned- Meeting Adjourned

Adjournment.



**Public Hearing and Planning Commission
Meeting August 31, 2021, 6:00 PM
Virtual Meeting Participation Opportunities**

Zoom Meeting:

To participate *interactively* in the meeting, you may participate in the meeting via Zoom:

- **By PC, Mac, iOS (iPhone), or Android:**

Join Zoom Meeting:

LINK: https://us06web.zoom.us/webinar/register/WN_2Xxsy8yRRHKxpAXutxZ7Yg

Or go to the zoom website to join: <https://www.zoom.us/join> and enter the Meeting ID: 839 7049 6992

The link above requires you to “register” to participate in the meeting. This consists of signing in with your name, address, etc., as you would at a public meeting. Registering to attend the meeting does not require you to create a zoom account to participate.

Please register prior to the meeting if possible.

Please use your full name (first and last names) as screen name.

- **Join by phone only:**

+1 (312) 626-6799

When prompted for Meeting ID: 839 7049 6992#

If you do not have a Participant Number: press #

- **To comment:**

Use “Raise hand” function when comment for an item is requested

For phone, raise hand to be recognized with *9

Phone numbers used to dial in to meeting will be masked for privacy

All participants will be muted automatically when joining the meeting

YouTube Live:

If you wish to watch Online without interactively participating, you can stream the meeting online via YouTube, from our YouTube Channel:

- **By PC, Mac, iOS (iPhone), or Android:** Navigate to the “Tontitown City Hall” channel:
<https://www.youtube.com/channel/UClbUv481CeNFF2JNwoOsrNQ>

NEW TO ZOOM? Watch tutorial videos at: <https://support.zoom.us/hc/en-us>

For assistance during the meeting, or for assistance logging into the meeting, please contact Courtney McNair, Garver Urban Planner, at (479) 287-4610, or email at cetmcnair@garverusa.com.



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **September 28, 2021**
Project: **Mathias Warehouse
Variance Request**
Planner: Courtney McNair, Garver

BOARD OF ZONING ADJUSTMENTS AGENDA ITEM

PH 1

BZA 1

VARIANCE REQUEST

Address: 353 Agnes Drive
Parcel #: 830-37611-002

SUMMARY: Mathias Warehouse is requesting Variance approval to reduce required setbacks on a 3.47 acres site they plan to develop with three (3) warehouse buildings. The associated Large-Scale Development plan was tabled at the applicant's request this meeting in order to give them more time to address staff comments.

CURRENT ZONING: I - Industrial

CITY WARD: 1-Gene McCartney & Amber Ibarra

FLOODPLAIN: No

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

Water: Tontitown Water
Electric: Ozarks Electric
Sewer/Septic: Tontitown Sewer
Phone: AT&T
Natural Gas: Source Gas
Cable: Cox Communications
School District: Springdale

PROJECT SYNOPSIS:

The owner of this property is Mathias Shopping Center Inc, and the applicant is Conner Threet of Crafton Tull & Associates. The property is located on the future Mathias Ave. extension, which connects to Agnes Drive, a Local Street.

The applicant is requesting the setbacks be reduced in order to place three (3) warehouse buildings on this site. Warehouses are allowed by right in Industrial Zoning. The proposed buildings are proposed to be 19,180 sf, Building 1; 14,150 sf, Building 2; and 19,180 sf, Building 3.

Industrial Setbacks required:

Front: 100' from the ROW
Side: 75'
Street Side: 50' from the ROW
Rear: 75'

The applicant's request is to reduce the setbacks as follows:

- Decrease the Front Setback from 100' to 50'
- Decrease the Rear Setback from 75' to 60'

From the applicant's letter regarding the Front Setback:

"We are requesting to decrease the front setback from 100' to 50'. Mathias Ave. is currently being constructed and the 50' ROW that was dedicated for the roadway has taken away from the setback area that was needed for this project."

This applicant has provided much of the ROW for Mathias Ave. along the front (east) side of the property. This is an important connection for the City of Tontitown, and this portion of the street is being constructed by the City of Tontitown as part of the "Fletcher Road" project.

The following code shall apply in this situation with regards to the Front Setback:

Section 153.084 NONRESIDENTIAL LOT, YARD AND HEIGHT REGULATIONS.

(E) Setback reduced for public purpose. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least 75% of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

The required front setback is 100', but due to the ROW dedication, this would be reduced to 75'. The applicant is requesting a 50' setback, so a variance must still be requested, but it is a lesser variance.

From the applicant's letter regarding the Rear Setback:

"We are requesting the rear setback be decreased from 75' to 60'. A similar variance was granted for the two (2) warehouses located directly north of this proposed development. Our detention area and landscaping will be provided in between the warehouses and the fence along the property line, within the 60' rear setback."

Staff was unable to find information that indicates a variance was approved for the warehouses just north of this site. At TAC Review on May 12, 2015, it was stated that a variance would be needed to reduce the setback from 75' to 64'. The Large-Scale Development for the Mathias Large-Scale Development was then approved on May 26, 2015, and no mention of a variance is listed in the minutes, and this request is not listed on the Board of Zoning Adjustments meeting agenda. The buildings were constructed in 2016. A lot split submitted earlier this year show that these warehouses were constructed 64.7' – 64.8' from the rear property line. Staff will update the Commission if any additional information is located.

Additional regulations have been added since that time that address **Residential Compatibility Standards** as well and need to be considered with this request. Staff has highlighted standards related to setbacks and the extended perimeter buffer; however, the Large-Scale Development project will need to be evaluated for all of the Residential Compatibility Standards as this project proceeds.

Section 153.214 RESIDENTIAL COMPATIBILITY STANDARDS.

(C) *Applicability (triggering property)*. Compatibility standards shall apply to all development in the R-MF-16, C-2, C-T, L-1, and I (EU-L zoning has compatibility standards in § 153.086) zoning districts when such development is adjacent to a "triggering property," which shall include all of the following:

- (1) Property occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or
- (2) Property zoned in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district.
- (3) *Setback standards*. The following setback standards shall apply to all development that is subject to compatibility standards:
 - (a) Within 50 feet of the property line, if a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional 15 foot setback from the boundary line of an adjacent "triggering property" for each story above the second story.
 - (b) *Small sites*. On sites with 20,000 square feet of area or less that also have less than 200 feet of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.
 - (c) *Large sites*. On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located. In this case, the required Rear Setback is 75' for Industrial areas, however, it is adjacent to R3 zoning and a residential subdivision to the west. Therefore, the required setback is 150' from the property line.
 - (d) *Surface-level parking and driveways*. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of 25 feet from the lot line of triggering property.
- (4) *Building height*. No structure shall exceed three stories in height within 50 feet from the lot line of triggering property.
- (5) *Screening standards*. All requirements found in § [153.212](#) shall apply. Additionally:
 - (a) Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.
 - (b) The required perimeter buffer shall increase from the five feet required in § [153.212](#) to 20 feet wide when adjacent to a triggering property.
- (6) *Site design standards*. The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:
 - (a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.
 - (b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.
 - (c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

As the Residential Compatibility Standards apply to this project, the actual request will be to reduce the Rear Setback from 150' to 60'.

Section 153.262 Powers and Duties:

*(B) To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. **A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:***

- (1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;*

Staff's Response:

- Staff does find special circumstances which are peculiar to this property regarding the required Front Setback for this property as the applicant has dedicated much of the ROW needed to construct Mathias Ave.
- This is one of the last industrial properties in this area to develop, and the lot is similar in depth to other lots within the development.

that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.

Staff's Response:

- The applicant has provided most of the ROW (more than their required half) for Mathias Ave., as well as ROW to the south for Fletcher Road, and therefore they could be deprived of rights when regarding the front property setback.
- All Industrial property adjacent to Residential property shall be required to conform to the Residential Compatibility Standards, and therefore, this project is under the same regulations as other properties with the same situations, however, as this is one of the last properties in this area to develop, similar lots were not held to this newer standard.

that special conditions and circumstances do not result from the actions of the applicant;

Staff's Response:

- At the City's request, the applicant dedicated ROW for Mathias Ave. This was not due to an action by the applicant when regarding the front setback variance request.
- The building design should be considered when reviewing the request for the rear setback variance. Preliminary rear elevations do not show any that any consideration for design adjacent to residential has been considered.

and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

Staff's Response:

- No special privilege would be granted to the applicant. While this is one of the last lots to be developed in this Industrial area, and several other buildings do not conform to required setbacks, staff recommends additional screening and buffering to be placed if the rear setback is reduced.

- (2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Staff's Response:

- The applicant has stated that the reason this application should be granted for the rear setback is because the buildings to the north also do not conform. Beyond the property to the north that may have been granted a variance, several other buildings in this location do not meet setbacks applicable to current code regulations.

One difference between the buildings approved previously on the property to the north and the current request, is the increased number of residences that have been constructed in this adjacent subdivision. Please see below aerial photos from 2016, 2017, and 2021:

AERIAL PHOTO 2016:



AERIAL PHOTO 2017:

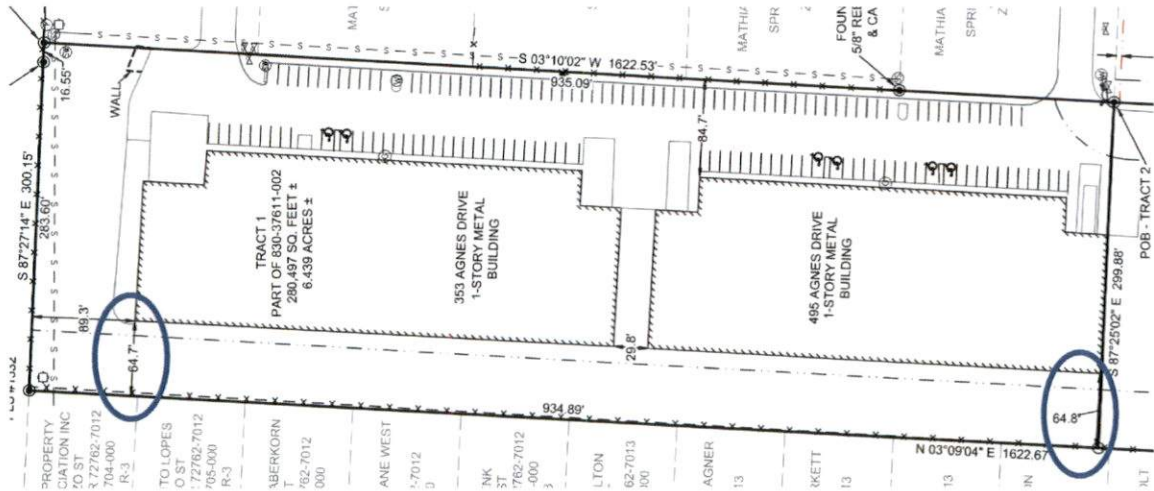


AERIAL PHOTO 2021



Even though this property is surrounded by non-conforming structures, that is not sufficient reason to allow the reduction of the rear setback.

Additionally, the structures to the north are 64.7'-64.8' from the property line, so this requested reduction would place the proposed structures even closer to residential properties. See below and attached copy of the recent lot split.



(3) *The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.*

Staff's Response:

- The front setback variance request is for a reduction of 25' of setback.
- The rear setback variance request is for a reduction of 90' of setback.

(4) *The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Staff's Response:

- The front setback variance request will be in harmony with the intent of this zoning and will not be injurious to the neighborhood due to the adjacency of other industrial uses on the front (east) side of this property.
- Specific standards were recently adopted at the recommendation of Planning Commission by City Council to reduce the impact of non-compatible uses. Some of these standards include the Residential Compatibility Standards. Generally, allowing large industrial buildings to be placed next to a residential subdivision could be injurious to that neighborhood. The rear setback variance request could be injurious or detrimental to adjacent residential properties to the west.

(5) *In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.*

Staff's Response:

- No additional conditions are recommended at this time regarding the variance request for the front setback reduction.

- If the Planning Commission approves the rear setback variance request, staff will recommend additional screening and buffering be placed along the west property line, as well as potential architectural design to limit the bulk of the requested buildings.

(6) *Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.*

Staff's Response: Granting this request will not allow a use that is not permissible by code.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no comments at this time.

STAFF RECOMMENDATION:

Based on the significant dedication of ROW to the City, the compatible adjacent uses on the front (east) side, and the minimal reduction request (25' / 33% reduction request), staff recommends approval of the request to reduce the front setback from the adjusted 75' to 50'.

Based on the potential for significant impact to residential properties, the new regulations recently adopted to reduce the impact of non-compatible uses, and the large reduction request (90' / 60% reduction requested), staff recommends denial of the request to reduce the rear setback from 150' to 60'.

However, the required 150' setback will significantly impact the ability to place any building on this site. Staff would consider a lesser setback variance request to be more compatible with the adjacent property and allow the applicant to still be able to use this property.

The property owner has dedicated a large portion of this site for public ROW both on the front (east) side of the lot for Mathias Ave., and the south side of this lot for Fletcher Road, and therefore, a unique condition applicable to this site does exist and relief should be granted so that the owner may use this property within reason.

Even though the rear setback is not impacted by this dedication, a not-insignificant portion of the property in which the owner could have used for building construction has been dedicated for public use.

Staff does support reducing the rear setback by 50% to 75' with additional buffering, screening, and building articulation as listed in the following recommended conditions.

If the Planning Commission approves the request to reduce the rear setback from 150' to 75' (or from 150' to 60' per the applicant's original request), staff recommends the following conditions:

1. The Landscape Perimeter buffer be increased to a minimum of 25' in width and shall comply with Chapter 153.212 (L)

- (7) *Special standards: industrial. In addition to the standard required for commercial/institutional, when located adjacent to and within 200 feet from a residential use, increased landscaping standards shall be applied to reduce noise and light glare and to ensure residents' privacy.*
- (a) *Physical barrier. A physical barrier shall be required that shall be a minimum of eight feet in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.*
 - (b) *Trees and shrubs shall be placed in front of the barrier (on the developing side) to reduce noise.*
 - (c) *Trees and shrubs planted shall provide 60% coverage of the physical barrier within two years.*
 - (d) *At least 50% of the trees and shrubs shall be evergreen.*
2. In addition, the minimum number of required trees to be planted in the perimeter area, shall be increased from one large or two small trees every 50 feet, to one large or two small trees per every 25 feet, or, depending on the species selected, per the recommended spacing for screening as provided by a landscape professional. This Landscape Plan shall be reviewed by Planning Staff and approved by the Planning Commission.
3. Architectural plans shall be submitted as part of the Large-Scale Development (as already required by LSD code) and shall provide articulation and use other methods to reduce the visual bulk of the buildings on the rear (west) side. Elevations shall provide enough detail so that Planning Staff is able to review the proposed impact. The Architectural Plans shall be approved by the Planning Commission.



August 6, 2021

City of Tontitown
251 E Henri De Tonti Blvd
Tontitown, Arkansas

Re: Mathias Warehouses
CTA Job No. 21301600

To whom it may concern,

We are requesting the following variances for the Mathias Warehouses LSDP:

- Decrease the front setback from 100' to 50'
- Decrease the rear setback from 75' to 60'

The proposed usage for the project is warehouse/office. The existing zoning is industrial. We are requesting to decrease the front setback from 100' to 50'. Mathias Ave is currently being constructed and the 50' of right of way that was dedicated for the roadway has taken away from the setback area that was needed for this project. We are requesting the rear setback be decreased from 75' to 60'. A similar variance was granted to the 2 warehouses located directly north of this proposed development. Our detention area and landscaping will be provided in between the warehouses and the fence along the property line, within the 60' rear setback.

Should you have any additional questions, please feel free to contact us.

Sincerely,

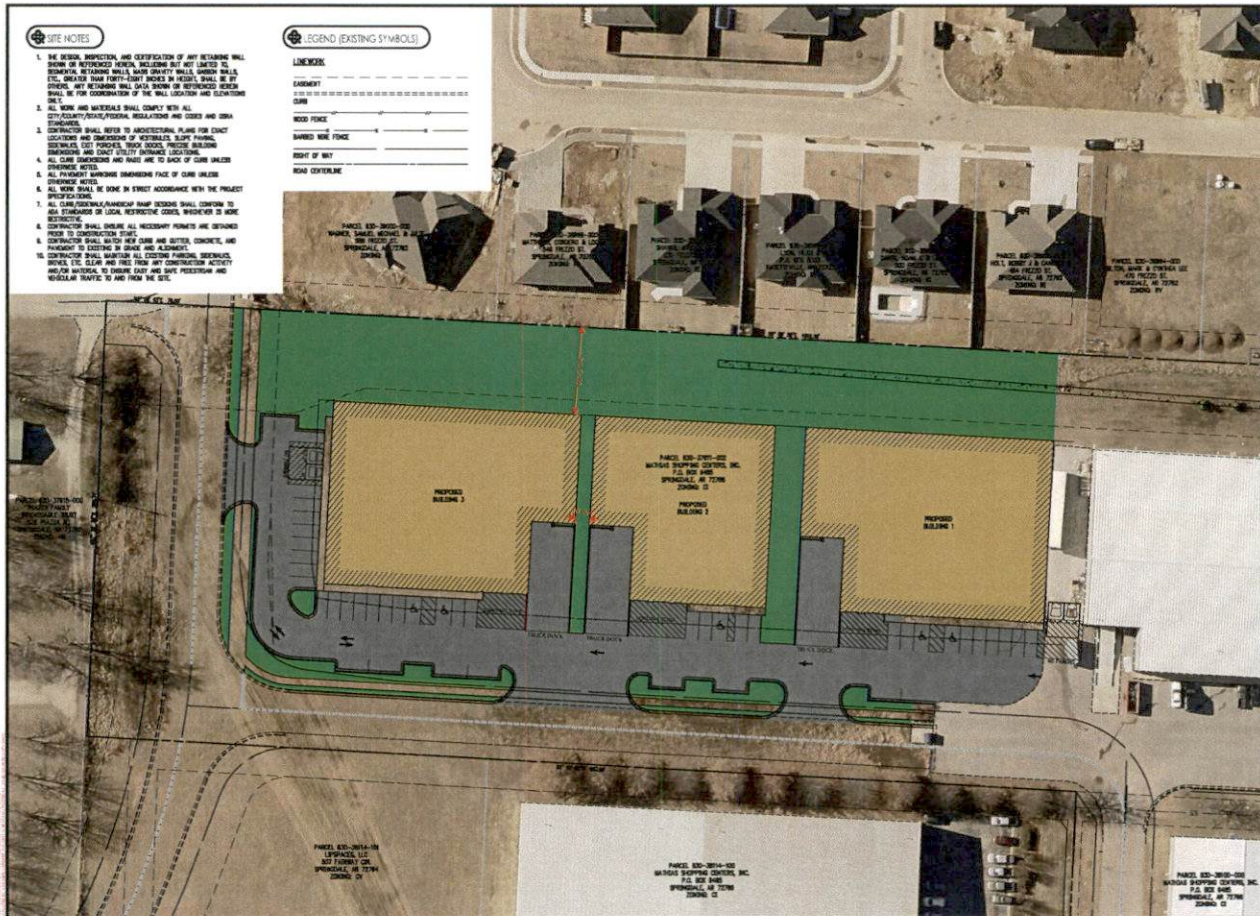
Connor Threet, PE
Project Manager

SITE NOTES

1. THE DESIGN, INSPECTION AND CERTIFICATION OF ANY RETAINING WALL, DRAIN OR RETROFIED RETAINING WALLS ARE NOT LIMITED TO RETAINING WALLS, GRADE CHANGES, DRAINAGE WALLS, ETC. GREATER THAN FORTY-FEET HEIGHTS IN HEIGHT SHALL BE BY OTHER. ANY RETAINING WALL DATA SHOWN OR RETROFIED RETAINING WALL BE FOR CONSIDERATION OF THE WALL LOCATION AND ELEVATION ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY, COUNTY, STATE, FEDERAL, REGULATIONS AND CODES AND OTHER APPLICABLE STANDARDS.
3. CONTRACTOR SHALL VERIFY TO ARCHITECTURAL PLANS FOR EXISTING CONDITIONS, LOCATIONS AND DIMENSIONS OF UTILITIES, SLOPE FINISH, ELEVATIONS, ETC. PRIOR TO ANY CONSTRUCTION. PROVIDE WRITTEN DIMENSIONS AND CONTACT UTILITY BUREAU LOCATIONS.
4. ALL CURB CONSTRUCTION AND PAVE TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL PAVEMENT WORKING DIMENSIONS FACE OF CURB UNLESS OTHERWISE NOTED.
6. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
7. ALL CURB, SIDEWALK, AND DRIVEWAY RAMP DESIGN SHALL CONFORM TO ALL STANDARDS OF LOCAL, RESPECTIVE CODES, WHICHEVER IS MORE RESTRICTIVE.
8. CONTRACTOR SHALL VERIFY ALL NECESSARY PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION START.
9. CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES, AND MAINTAIN TO EXISTING IN GRADE AND ALIGNMENT.
10. CONTRACTOR SHALL MAINTAIN ALL EXISTING PERSONAL SERVICES, SERVICES ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIALS TO ENSURE SAFE AND SAFE PROTECTION AND REGULAR TRAFFIC TO AND FROM THE SITE.

LEGEND (EXISTING SYMBOLS)

- LINEWORK**
- EXISTING CURB
 - EXISTING DRAIN
 - WOOD FENCE
 - BARBED WIRE FENCE
 - RIGHT OF WAY
 - ROAD CENTERLINE



Crafton Tull
 1000 E. Main Street, Suite 100
 Phoenix, AZ 85004
 602-955-4000
 www.craftontull.com

DATE: 11/11/2019

PROJECT: TONTOWN WAREHOUSES

GRAPHIC SCALE IN FEET

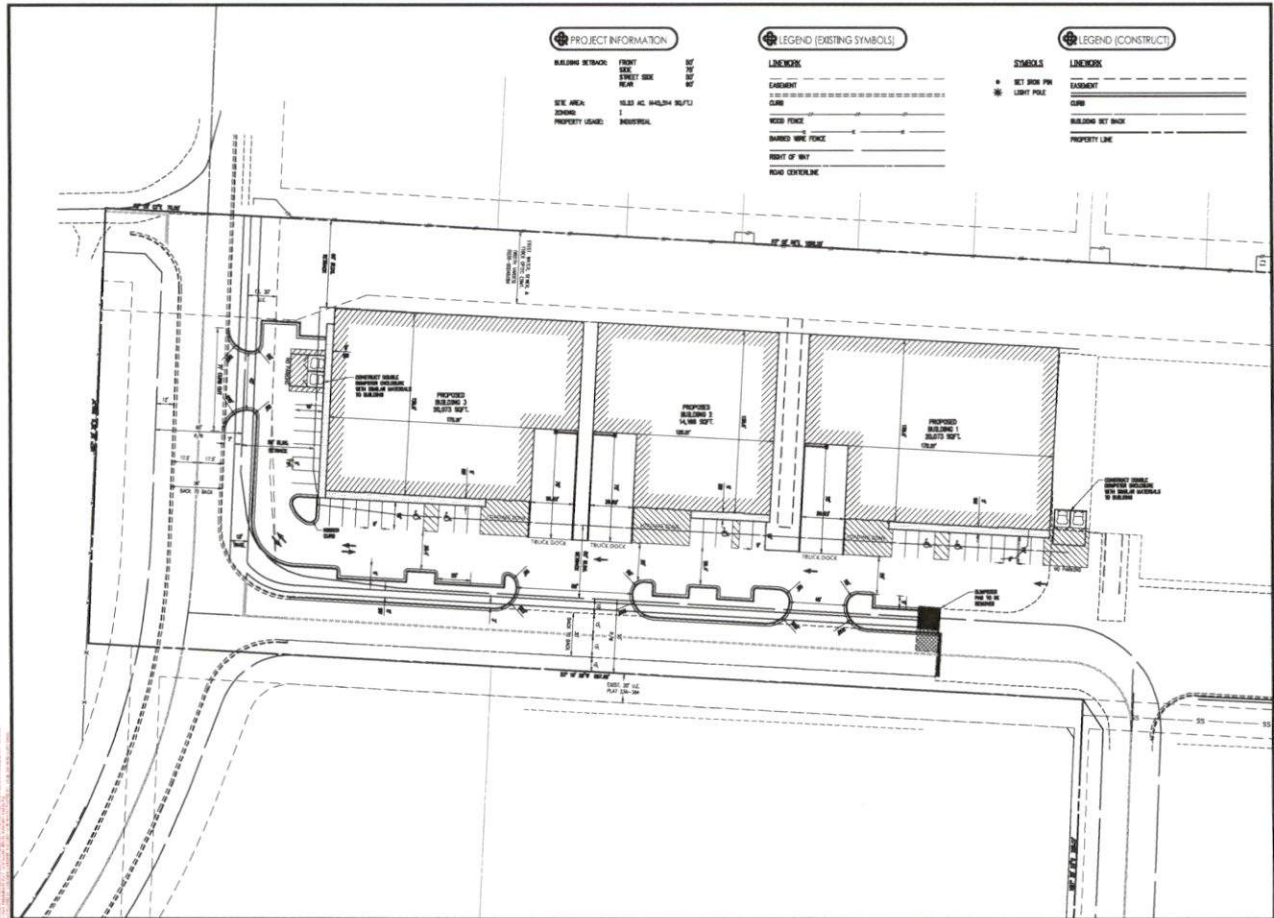
TONTOWN WAREHOUSES
 TONTOWN, AZ

THESE ARE THE PRELIMINARY PLANS FOR THE PROJECT. THE DESIGN AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TONTOWN, ARIZONA, AND THE STATE OF ARIZONA. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE OWNER DUE TO CHANGES OR OMISSIONS IN THE PLANS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES OR INJURIES TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE LAWS, REGULATIONS, OR CODES. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CHANGES OR OMISSIONS IN THE PLANS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES OR INJURIES TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE LAWS, REGULATIONS, OR CODES. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS.

PRELIMINARY PLANS

OVERALL SITE PLAN (C)

C-101



PROJECT INFORMATION

BUILDING SETBACK FRONT
 SIDE
 REAR
 SIDE
 REAR

SITE AREA 15.83 AC (645,94 SQ FT)
 ZONING I
 PROPERTY USED: INDUSTRIAL

LEGEND (EXISTING SYMBOLS)

EXISTING
 CURB
 SIDE FENCE
 BARRIRED WIRE FENCE
 RIGHT OF WAY
 ROAD CENTERLINE

LEGEND (CONSTRUCT)

SYMBOLS
 SET BACK PIN
 LIGHT POLE

EXISTING
 CURB
 BUILDING SET BACK
 PROPERTY LINE

Crafton Tull
 475 15th Street
 Tonittown, AR 72150
 (870) 328-2222
 www.craftontull.com

STATE OF ARIZONA
 DEPARTMENT OF REVENUE
 COUNTY OF PINAL
 REC'D 11/13/2013

GRAPHIC SCALE: 1" = 100'

TONITDOWN WAREHOUSES
 TONITDOWN, AR

DATE: 11/13/2013

PROJECT NO: C-102

THIS DOCUMENT IS PRELIMINARY AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS THE PROPERTY OF CRAFTON TULL AND WILL BE RETURNED TO THE CLIENT UPON REQUEST. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CRAFTON TULL.

PRELIMINARY PLANS

PRELIMINARY PLAN

C-102

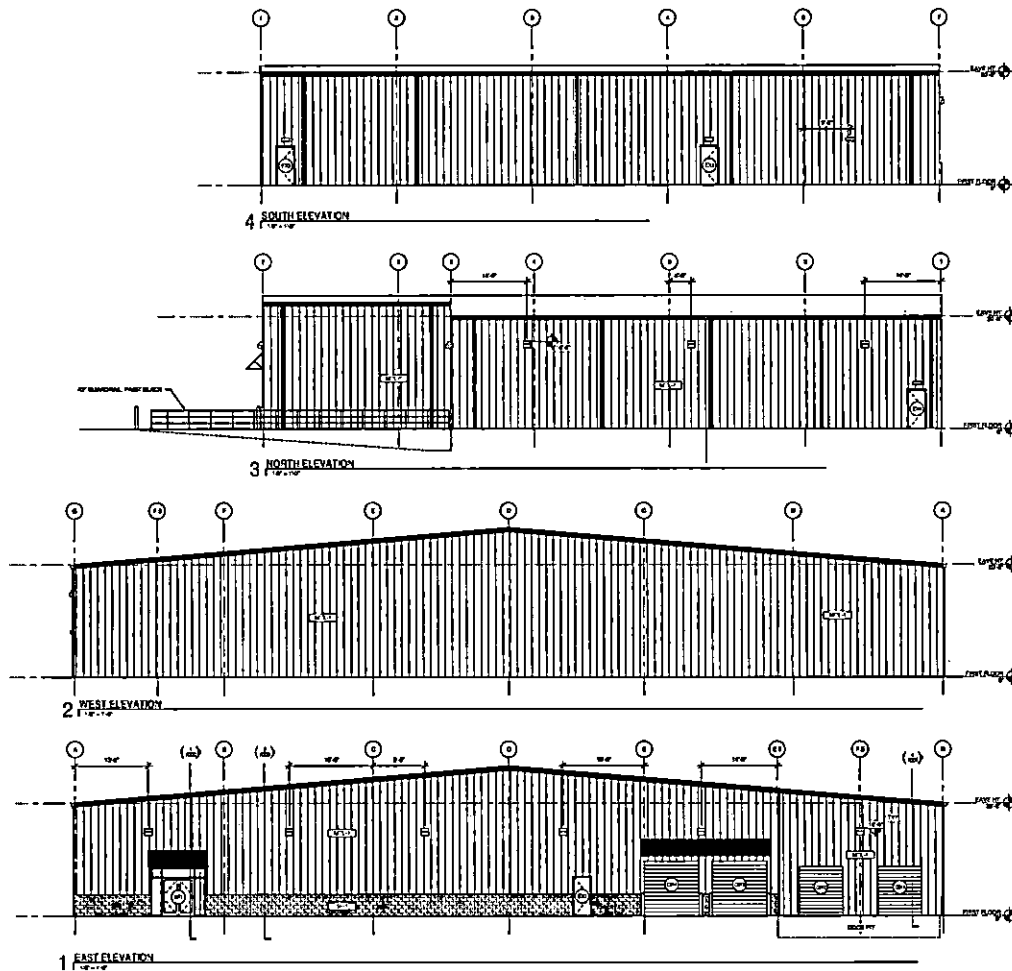


EXHIBIT - BUILDING ELEVATIONS	
NO.	DATE

MATERIAL SCHEDULE

NO.	DESCRIPTION	FINISH
1	WALLS	VERTICAL SLAT
2	ROOF	ASPH/FLT
3	FLOOR	CONCRETE
4	CEILING	CONCRETE
5	DOORS	WOOD
6	WINDOWS	WOOD

PLEASE REFER TO SPECIFICATIONS FOR MATERIALS AND FINISHES.

NIELSEN
ARCHITECTS
479-254-0112

DOOR SCHEDULE
WINDOW SCHEDULE
FINISH SCHEDULE
ELEVATION SCHEDULE

TONTITOWN - SOUTH

PROJECT NUMBER: SCP-0020
 DRAWN BY: JEF
 APPROVED BY: JEF
 ISSUE DATE: 8/11/2011

TONTITOWN - SOUTH

PROJECT NUMBER: SCP-0020
 DRAWN BY: JEF
 APPROVED BY: JEF
 ISSUE DATE: 8/11/2011

BUILDING ELEVATIONS
A200

VARIANCE REQUEST RESPONSE- Clear View Enterprises

I/we have no objections:

I/we object because:

The only point we would like to bring to the Planning Boards attention is that some of the
newer warehouses (373-B Agnes Drive) that have been constructed since ours at 451 Agnes Drive
are not off the street far enough to allow a tractor pulling a 53' trailer to back into the dock and be
completely out of the street. A tractor pulling a 48' trailer can back in an be completely out of the
street. Our buliding at 451 Agnes is built back far enough to allow both sizes of trailers to be out
of the street.

James D.Thompson

Signature

Signature

james@cvear.com (479) 361-4689

OPTIONAL: email/phone number

This form can be mailed to:

City of Tontitown Planning Department,

P.O. Box 305,

Tontitown, AR 72770.

Or emailed to:

planning@tontitownar.gov

From: [Isaac West](#)
To: [Nathan Crouch](#)
Subject: Please Do Not Allow Decrease Of Set Back Of 353 Agnes Dr. Springdale AR 72762
Date: Friday, September 24, 2021 7:22:10 PM

Hi,

We received notice about Mathias Shopping Centers at 353 Agnes Dr wanting to Decrease the set back. In the notice in the mail it mentioned using the bottom of a form to check a box to express my opinion, but there was no form included in the letter.

We would like to express our opinion that this would be very disruptive. The buildings are already a huge eye sore. To move them closer would make it even worse. It would put the back doors closer to our back doors and feel like it is invading our privacy. Also, the noise, pollution, and commotion from a construction project would be terrible to have to deal with for my family.

Please don't allow for this project to move forward if at all possible.

Thanks,

Isaac West
479-263-8396

From: [Lisa West](#)
To: [Nathan Crouch](#)
Subject: Re: Please Do Not Allow Decrease Of Set Back Of 353 Agnes Dr. Springdale AR 72762
Date: Friday, September 24, 2021 7:33:50 PM

>

> Hi,

>

> We received notice about Mathias Shopping Centers at 353 Agnes Dr wanting to Decrease the set back. In the notice in the mail it mentioned using the bottom of a form to check a box to express my opinion, but there was no form included in the letter.

>

> We would like to express our opinion that this would be very disruptive. The buildings are already a huge eye sore. To move them closer would make it even worse. It would put the back doors closer to our back doors and feel like it is invading our privacy. Also, the noise, pollution, and commotion from a construction project would be terrible to have to deal with for my family. It is already very loud when the baseballs hit the walls.

>

> Please don't allow for this project to move forward if at all possible. Please do not allow them to decrease the back set back.

We are unable to attend the public hearing because we will be out of town.

>

> Thanks,

>

> Lisa West

376 Frizzo St.

> 479-461-0310

WRITTEN NOTIFICATION FORM

On behalf of the owner, Mathias Shopping Centers Inc., we have requested The Tontitown Board of Zoning Adjustments set a public hearing date to consider a variance request and Large Scale Development for the following property 353 Agnes Dr. Springdale, AR 72762

Section (s) to be varied:

Chapter 153 Appendix C -applicant is requesting:

- Decrease the front setback from 100' to 50'
- Decrease the rear setback from 75' to 60'

The common description of the property is: 353 Agnes Dr. Springdale, AR 72762

The legal description of the property is as follows:

PART OF THE FRACTIONAL SW 1/4 OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 6; THENCE ALONG THE NORTH LINE THERE OF N87°34'02"W 1069.10 FEET; THENCE LEAVING SAID NORTH LINE S02°33'28"W 1012.20 FEET; THENCE N87°26'10"W 295.00 FEET TO THE POINT OF BEGINNING; THENCE N87°26'10"W 489.88 FEET; THENCE N02°32'49"E 585.10 FEET; THENCE 73.73 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 271.92 FEET AND A LONG CHORD OF N11°14'29"E 73.51 FEET; THENCE N18°42'59"E 100.12 FEET; THENCE 89.10 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 324.92 FEET AND A LONG CHORD OF N10°51'46"E 88.82 FEET; THENCE N02°35'44"E 77.57 FEET; THENCE 72.55 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A LONG CHORD OF N44°09'56"E 66.35 FEET; THENCE N86°25'00"E 1.19 FEET; THENCE 5.74 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A LONG CHORD OF S89°36'49"E 5.74 FEET TO THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 412; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°19'23"E 269.12 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY 24.72 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY 70.82 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A LONG CHORD OF S37°59'15"E 65.05 FEET; THENCE S02°35'18"W 72.66 FEET; THENCE 91.55 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 325.00 FEET AND A LONG CHORD OF S05°30'47"E 91.25 FEET; THENCE S13°35'00"E 99.93 FEET; THENCE 77.48 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 275.00 FEET AND A LONG CHORD OF S05°30'47"E 77.22 FEET; THENCE S02°33'28"W 575.44 FEET TO THE POINT OF BEGINNING, CONTAINING 10.23 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

Proposed land use: Office/Warehouse

Summary: The proposed usage for the project is three warehouse/offices. The existing zoning is industrial. We are requesting to decrease the front setback from 100' to 50'. We are requesting to decrease the rear setback from 75' to 60'.

The public hearing will be held:

Tuesday, September 28, 2021 at 6:00 p.m.

The Public Hearing will be held at 235 E. Henri de Tonti-New Tontitown City Hall, Council Chambers (with limited seating) and virtually via Zoom and YouTube. Information will be posted on the city website regarding the virtual participation. For assistance, please contact the City Planning Official at planning@tontitownar.gov.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested Variance, you may respond by the following methods:

1. Attend the public hearing and express your views via Online Platform, or in person, if the COVID-19 pandemic allows.
2. Express your opinion in writing to The Board of Zoning Adjustment. You may mail this to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770. Email to planning@tontitownar.gov
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479) 361-2700.



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **September 28, 2021**
Project: **South Pointe**
Subdivision, Phases 4 & 5
Final Plat
Planner: Nathan Crouch

AGENDA ITEM

PC-1

FINAL SUBDIVISION PLAT APPROVAL REQUEST

Parcel #: 830-37961-000

SUMMARY: South Pointe Subdivision, phases 4 & 5, is requesting Final Subdivision approval for 119 lots on 40.23 acres of land.

CURRENT ZONING: R-3 - Single-Family Residential - 9,600 square foot minimum lot size; provided density shall not exceed three units/acre (i.e. after dedications are made).

CITY WARD: 3- Don Doudna & Tim Burress

FLOODPLAIN: No, map panel # 05143C0045F

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

Water: Tontitown Water

Electric: Ozarks Electric

Sewer: Tontitown Sewer

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

South Pointe Subdivision, phases 4 & 5, is requesting Final Subdivision approval for 119 lots on 40.23 acres of land. The property is zoned R3, and all lots meet the minimum lot size of 9,600 sq. ft.

This property is owned by Hampton Holdings, LLC, and located within the City Limits of Tontitown.

TECHNICAL INFORMATION:

Utilities:

Water: Tontitown Water- According to the Water System information, there is an existing 6-inch water main along County Road 857, and a proposed 8-inch water main serving the adjacent subdivision along Marcello Ave.

Electric: Ozarks Electric-No additional comments were received from OECC regarding this Final Plat submittal.

Sewer: This project will connect to the City of Tontitown sanitary sewer system. No additional comments were reviewed from the Public Works Dept.

Phone: AT&T- No comments were received from ATT, and no additional comments were received from AT&T regarding this Final Plat submittal.

Natural Gas: Black Hills Energy- No additional comments were received from BHE regarding this Final Plat submittal.

Cable: Cox Communications- No comments were received from Cox, however, additional coordination with the utility to place necessary utility easements should happen prior to construction plan approval.

School District: Springdale school district was notified of this project, but submitted no comments.

Stormwater Pollution Prevention Plan (SWPPP):

The applicant has provided a plan for the SWPPP. This has been reviewed by the City Engineer. There are no remaining corrections requested.

Police:

The Tontitown Police Chief had no concerns with the current plat proposal.

Fire:

The Tontitown Fire Marshal reviewed this final plat proposal and provided no additional comments.

Drainage:

The applicant submitted a drainage report and final subdivision plat which was reviewed by the City Engineer, who provided minimal comments. All of the City Engineer's comments have been addressed.

Roads:

This subdivision plat has road stub outs to the west (to a newly platted subdivision), and to the north (to a newly platted subdivision).

A final walk-thru by Planning Staff, City Engineer, Project Engineer, and the City's Director of the Public Works Dept (Water-Sewer) is scheduled for Monday afternoon (9-27-21). Staff will provide and update at the meeting.

No additional comments remain.

STAFF RECOMMENDATION: Staff recommends approval of South Pointe Phases 4 & 5 with conditions.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This project shall develop generally as is presented in the plans.
2. Adherence to Tontitown's adopted Master Street Plan must be adhered to with regard to right of way dedication and sidewalk construction and placement.
3. All lighting should be "cut off" type lighting that will not contribute significantly to light pollution.
4. The applicant must apply for all required building permits prior to construction.
5. This project shall be in compliance with all local, state, and federal regulations whether known or unknown to the developer or applicant.
6. Any improvements to this site may require additional review.



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **September 28, 2021**
Project: **WM Container Shop**
Planner: Courtney McNair,
Garver

AGENDA ITEM

PC 3

PRELIMINARY LARGE SCALE DEVELOPMENT REQUEST

1041 Arbor Acres Ave.
Parcel # 830-38365-000

SUMMARY: Request to construct a 1,904 SF shop building in order to repair trash containers at the existing WM Hauling Company site.

CURRENT ZONING: C-2 General Commercial

FUTURE LAND USE CATEGORY: LE Landfill Exclusive

PROPOSED USE: Trash Container Repair Shop

CITY WARD: 3- Don Doudna & Tim Burress

FLOODPLAIN: No

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

Water: Washington Water Authority

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned by Fulton Equities, LLC c/o WM. This project is located within the City Limits of Tontitown, and takes access from Arbor Acres Ave.

The site already contains the WM Hauling Facility Office and Maintenance Building, Compressed Natural Gas Fueling Station, and associated parking.

The applicant plans to construct a 45' x 42' Container Shop for trash container repairs. In the submittal letter, the applicant states, "The daily activities for the container shop will include roll off container repairs. Including but not limited to dent removal, welding repairs, and painting. This new facility is necessary due to the increase in container repair demand".

The Tontitown Code of Ordinances lists "welding or machine shop" as allowable by Conditional Use Permit in C2 zoning. The Conditional Use Permit was approved by the Planning Commission in July 2021 and confirmed by the City Council in August 2021.

TECHNICAL INFORMATION:

Utilities:

Water: Washington Water Authority-no water connection is proposed.

Electric: Ozarks Electric

Sewer/Septic: Sewer- no sewer connection is proposed.

Phone: AT&T- No comments were received from ATT.

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.

The applicant has verified that the only utility connections needed for this location are gas and electric. No water/sewer are needed as this use is ancillary to the WM Hauling company and the employees will access the existing facilities in the office/shop building.

Stormwater Pollution Prevention Plan (SWPPP):

The applicant has provided a grading a drainage plan. A SWPPP must be completed and posted on site prior to construction.

Police:

No comments were submitted.

Fire:

Existing interior drives will be used to access this proposed building.

If additional "Fire Lane" striping is required, it shall be reviewed and approved by the Fire Marshal prior to installation. All interior drives must meet the required compaction rating to support emergency vehicles.

A Knox box allowing entry into the building shall be required. Placement is to be coordinated with the Fire Marshal. This is noted on the plans.

Additionally, details for fire alarm as required by NFPA 17-9.5 System Annunciation Requirements and NFPA 72 shall be submitted for review and approval. This is noted on the plans.

Drainage:

The drainage for this proposal will be routed to the existing detention system on the adjacent Eco Vista site. The applicant's engineer has submitted a drainage report for review, and the City Engineer has no additional comments.

Roads:

This project has access on Arbor Acres Ave. No additional driveways are proposed.

Planning:

The applicant has submitted architectural elevations, and the building is in compliance with the requirements for the façade. The lighting cut sheet and photometric plan have been submitted and are adequate.

The Landscaping Plan has been submitted and provides all required landscaping as well as additional landscape screening required for the mechanical equipment.

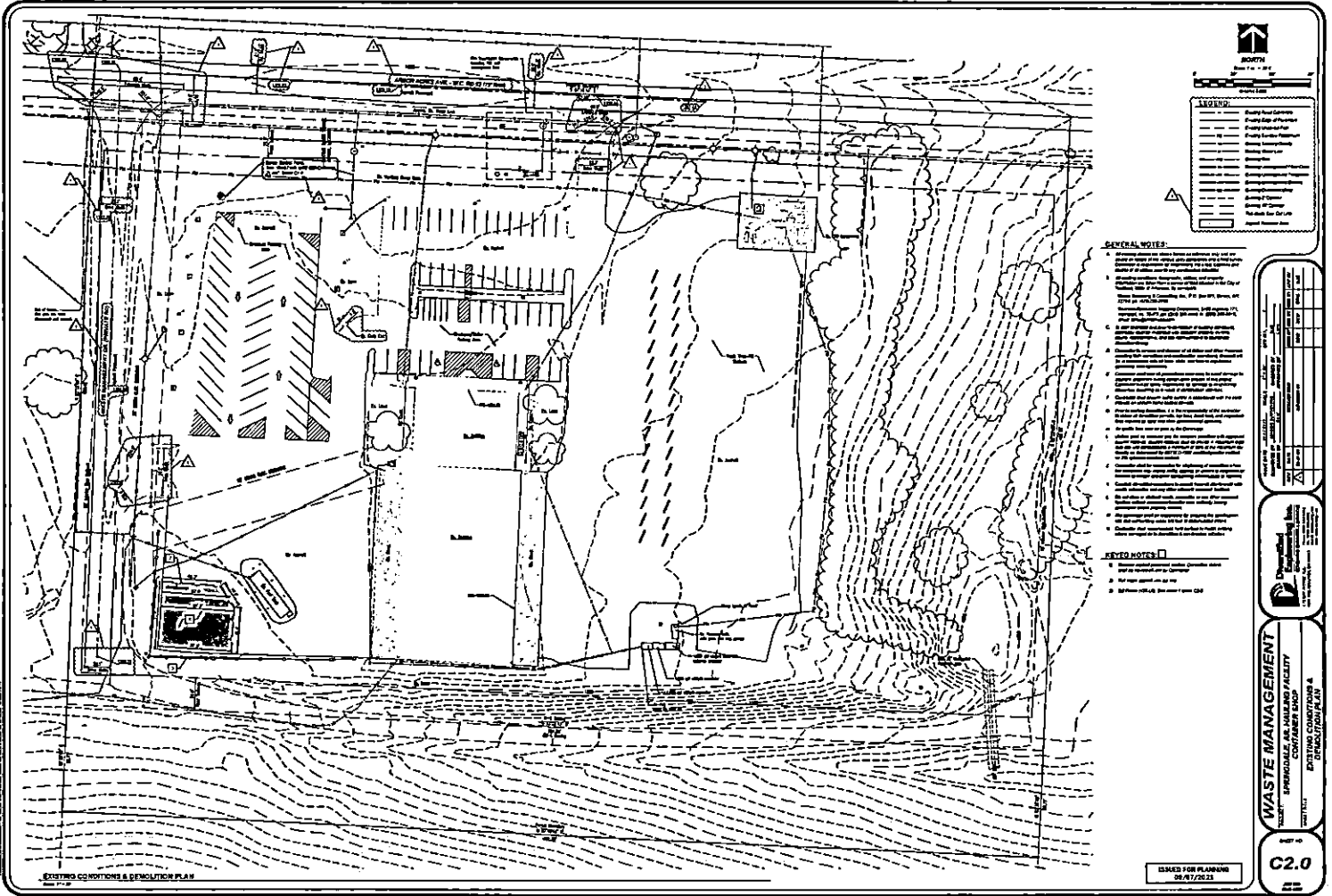
STAFF RECOMMENDATION:

Staff recommends approval of WM Container Shop Preliminary Large-Scale Development with conditions.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
2. The SWPPP must be completed and posted on site prior to construction.
3. All interior drives must meet the required compaction rating to support emergency vehicles.
4. If additional "Fire Lane" striping is required, it shall be reviewed and approved by the Fire Marshal prior to installation
5. A Knox box allowing entry into the building shall be required, and placement is to be coordinated with the Fire Marshal.
6. Details for fire alarm as required by NFPA 17-9.5 System Annunciation Requirements and NFPA 72 shall be submitted for review and approval.
7. The applicant shall apply for all required permits prior to construction.





LEGEND	
———	Property Line
———	Existing Right of Way
———	Proposed Right of Way
———	Existing Building
———	Proposed Building
———	Existing Structure
———	Proposed Structure
———	Existing Foundation
———	Proposed Foundation
———	Existing Footing
———	Proposed Footing
———	Existing Wall
———	Proposed Wall
———	Existing Foundation
———	Proposed Foundation

GENERAL NOTES:

1. Review of all drawings is required to be complete and correct.
2. All work shall conform to the applicable codes and regulations.
3. The contractor shall be responsible for obtaining all necessary permits.
4. All materials shall be of good quality and shall be approved by the engineer.
5. The contractor shall maintain access to all adjacent properties.
6. All work shall be completed within the specified time frame.
7. The contractor shall be responsible for the safety of all workers.
8. All work shall be inspected and approved by the engineer.
9. The contractor shall be responsible for the cleanup of all materials.
10. All work shall be completed in accordance with the specifications.

REVISION NOTES:

1. None.

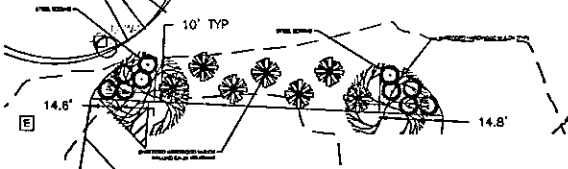
NO.	DATE	DESCRIPTION
1	08/17/2023	ISSUED FOR PLANNING



WASTE MANAGEMENT
SPRINGDALE AIR VALUING FACILITY
CONTAINER SHOP
 EXISTING CONDITIONS & DEMOLITION PLAN

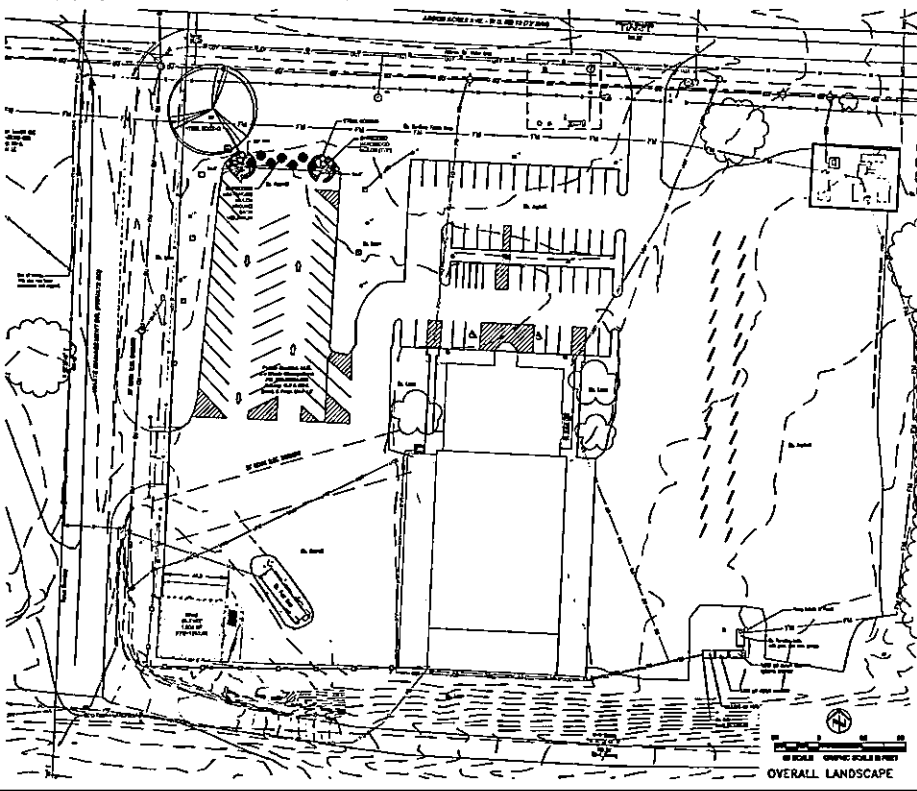
C2.0

ISSUED FOR PLANNING
 08/17/2023



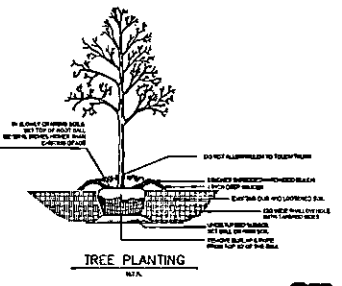
SYMBOL	VEGETATION NAME	QUANTITY	SIZE	REQUIREMENTS
[Symbol]	STREET TREE	1	12" DBH	PLANTED WITH 10" TYPICAL SPACING
[Symbol]	STREET TREE	1	12" DBH	PLANTED WITH 10" TYPICAL SPACING
[Symbol]	STREET TREE	1	12" DBH	PLANTED WITH 10" TYPICAL SPACING
[Symbol]	STREET TREE	1	12" DBH	PLANTED WITH 10" TYPICAL SPACING
[Symbol]	STREET TREE	1	12" DBH	PLANTED WITH 10" TYPICAL SPACING

LANDSCAPE ENLARGEMENT



REQUIREMENTS	REQUIRED	PROVIDED
STREET TREE REQUIREMENTS	1 TREE/250 LINEAR FT BETWEEN RD AND SIDEWALK	1. ONE TO TWO MORE PLANTED FOR THIS SITE IN THE FUTURE. THIS TREE HAS BEEN PLANTED IN THE SOUTH END OF THE LOT.
STREET FRONTAGE BUFFER (COMMERCIAL SITES)	10' BUFFER WITH 2 BURNING/SMALL TREES PER 30' LINEAR FEET STREET FRONTAGE. ALL TREES SHALL BE CHERRYBLOSSOM, CRABAPPLE, OR BURNING BUSH.	13.75' x 8' x 2.5' SHALBES PLANTED 10 SHALBES PROVIDED
PARKING LOT LANDSCAPING	1 PARKING ISLAND/15 PARKING SPACES REQUIRE 2 TREES AND ORGANIC MULCH ISLAND	NOT APPLICABLE (NO PARKING SPACES WERE BEING ADDED WITH THIS PROJECT PROPOSAL).
INTERIOR SITE LANDSCAPING	MIN. 20% OF BUILDING FOOTPRINT TO BE LANDSCAPED IN AREAS 1.5' TO 3' DEEP OR 2' MIN. TREES PER 100 SQ. FT. (MINIMUM 20 TREES)	3 TREES PLANTED IN NORTH PLANTING AREA. ADDITIONAL TREES TO BE LANDSCAPED IN ADDITIONAL AREAS ADDED AND ADAPTIVE MECHANICAL EQUIPMENT SPACES.
LANDSCAPED PERIMETER BUFFER	IF ORCHESTRA ALONG SIDE AND REAR LOT LINED WITH 1' LARGE TREE PER 30' (ORGANIC/MULCH) REQUIRED.	IF ORCHESTRA PROVIDED, CITY REPORTED THAT TREES ARE NOT APPLICABLE DUE TO LOCATION OF THE LOTS. TO THE SOUTH AND WEST OF THE PROJECT SITE.
UTILITY & MECHANICAL EQUIPMENT SCREENING	SCREENING OF MECHANICAL EQUIPMENT REQUIRED	DUER TO LACK OF SPACE FOR LANDSCAPING BETWEEN THE EXISTING FULL UNIT AND MECHANICAL EQUIPMENT, SCREENING SHALL BE PROVIDED BY THE MECHANICAL PLANTING (ECL).

- RECOMMENDATIONS:**
- ALL TREES AND SHRUBS ARE ESTABLISHED FROM APPROXIMATE MATURE SIZE.
 - WHEN PLANTING, THE CONTRACTOR SHALL PROVIDE ALL PLANT MATERIAL FOR A PERIOD OF THREE (3) MONTHS FROM THE DATE OF INSTALLATION. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGDALE, AR. THE CITY OF SPRINGDALE, AR. THE CITY OF SPRINGDALE, AR.
 - TREES SHALL BE PLANTED AT 10' TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.
 - ALL TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING. TREES SHALL BE PLANTED WITH 10" TYPICAL SPACING.

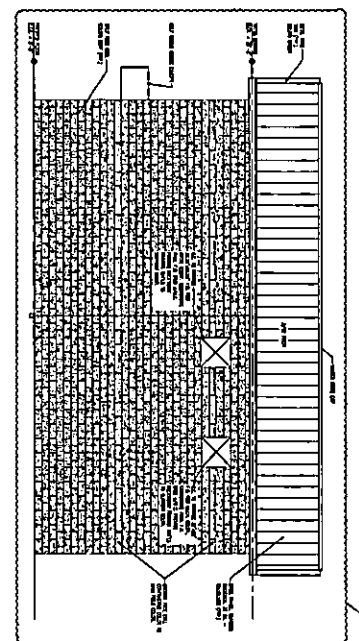
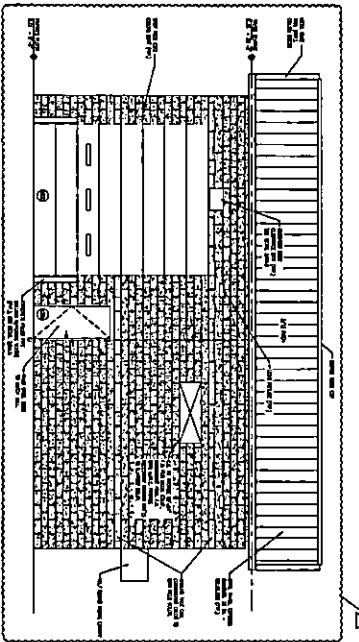
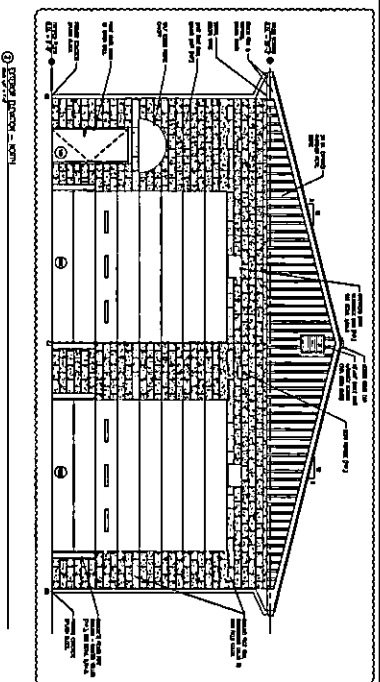
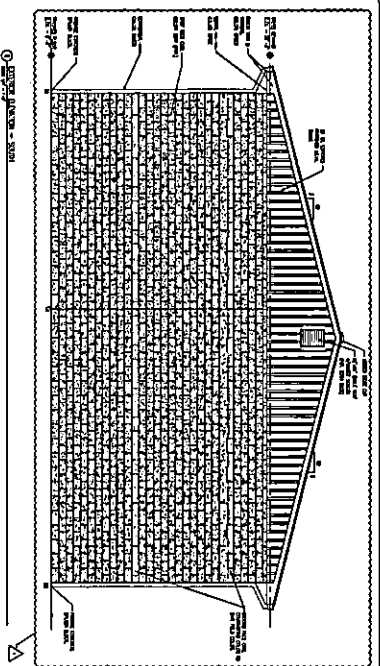


LANDSCAPE PLAN
WASTE MANAGEMENT
SPRINGDALE, AR

Earthplan
Waste Management
Springdale, AR

811 Home owners hotline, Call before you dig.

L101



DATE: 05/15/2012
 TIME: 10:57:12 AM

A30

WASTE MANAGEMENT
 PROJECT: CONTAINER SHOP
 1041 ARBOR ACRES AVE., SPRINGDALE, AR
 CITY: EXTENSOR ELEVATIONS

Downside Engineering Inc.
 10100 W. STATE ST. SUITE 100
 SPRINGDALE, AR 72762
 PHONE: (479) 241-1111
 FAX: (479) 241-1112
 WWW: www.downsideeng.com

NO.	DATE	DESCRIPTION	BY	CHKD	APPD
1	05/15/2012	ISSUED FOR PERMIT	AS	AS	AS
2					
3					
4					
5					



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **September 28, 2021**
Project: **Lynch Residential CUP**
Planner: Nathan Crouch

AGENDA ITEM **PH-3/PC-5**

CONDITIONAL USE PERMIT REQUEST

222 Fiori
Parcel # 830-37754-000

SUMMARY: Request to allow a single-family residential use in zone **C-2**

CURRENT ZONING: **C-2** General Commercial (*residential allowed with CUP approval)

FUTURE LAND USE CATEGORY: **RC-T** Residential-Commercial Transition

PROPOSED USE: **R-1** Residential, 1 unit/acre

CITY WARD: 3- Don Doudna & Tommy Granata

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

Water: Tontitown Water, existing 2" line

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications

PROJECT SYNOPSIS:

The applicant is requesting Conditional Use Permit approval to allow single family residential use of property zoned C-2. SFR use is allowed on C-2 properties with CUP approval.

If this CUP is approved the small 2-acre portion of the property that extends out to Fiori Street will be split off of the parent parcel, and then into two 1-acre single family residential tracts.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential/Commercial Transition (RC-T), which is defined as follows:

"RESIDENTIAL-COMMERCIAL TRANSITION (RC-T):

Residential Transition areas plan for moderate density residential development serving as a transition between commercial/mixed use and residential low density land uses. Housing types are varied, single family, duplexes, townhomes, and lower density apartment buildings. Some neighborhood scale commercial uses may be included where appropriate access is available.

Six to twelve dwelling units/acre.

STAFF ANALYSIS: This project is well aligned with the Future Land Use plan for this area.

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: If the 12.4-acre adjacent property with frontage onto Henri De Tonti Blvd and Harmon Rd, is developed in the future in accordance with its C-2 zoning, buffering/screening will be required through the Large Scale Development review/approval process. At that time landscaping/buffering/screening will be considered.

Certain types of Commercial uses are allowed by right in this C-2 zone, with single family residential uses allowed only with CUP approval.

There are no internal circulation systems being designed at this time because they are not needed for this request.

(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, single-family residential may be considered as 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 setbacks, lot coverage maximums, design standards, and screening requirements will be required to be met if this project moves forward to finalize the tract split.

- (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: The applicant is requesting CUP approval for single family residential land use, but the area is not served by Tontitown's sanitary sewer system yet so if this CUP is approved the residences must be served by individual septic systems. This proposal must go to the Arkansas Department of Health's Engineering section for subdivision review and approval. ADH's approval will be a condition of Tontitown's approval.

- (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:

North-zoned C-2 and I (Industrial)

East-zoned C-2 and RE (Residential- Estate lots)

South-zoned Ag/SFR-1 (Washington County zoning)

West-zoned C-2

The subject property is surrounded by property with various zoning types. A majority of the surrounding property is zoned C2, even properties with current single family uses. Commercial uses are allowed by right on this property. Staff believes that placing the single family residential uses along the city limits provides the transition between commercial and residential uses the Future Land Use Plan intended. With the commercial uses placed up front along the Henri De Tonti corridor, and residential uses placed behind them, the commercial corridor intent as well as the Residential-Commercial Transition future land use designation can both be upheld.

Additionally, by not placing the residential use along the frontage of Henri De Tonti Blvd it leaves that prime commercial zone still available to be developed commercially.

- (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: As stated above, the commercial areas are planned to be along the main thoroughfare of Henri de Tonti Blvd, and the residential uses are placed in the rear of the development with entrances onto Fiori St.

The proposed single family residential lots are quite narrow (approx. 90 ft wide, 460 ft long), but compliant with single family residential minimum standards inside a C-2 zone (8,000 sf, 70 ft width, 110 ft depth, setbacks: F- 25', S- 7', R- 15').

- (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: Ingress/egress for the proposed SFR lots will be direct to Fiori St, with no internal circulation systems proposed on other parts of the property.

Additional information will be required if future development is proposed on the remainder of the C-2 zoned property.

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

STAFF ANALYSIS: Landscaping and screening of the proposed use are not proposed at this time as the proposed use is residential. The commercial use at 222 Fiori St will not be subject to landscaping/screening requirements as the use is already existing.

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

STAFF ANALYSIS: Due to the single family residential nature of the proposed use, noise, dust, odor, etc. are not a concern. All lighting should be “cut off” type lighting that will not contribute significantly to light pollution.

TECHNICAL INFORMATION:

As this CUP request addresses compatibility, which is subjective, very little technical information is reviewed other than setbacks, current and future land use and zoning, and lot dimensions.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received two (2) written comments at this time regarding this project, both stating they had no objections to the request as it is proposed.

STAFF RECOMMENDATION: Based on the current proposal which shows the development to be in accordance with the adopted Future Land Use plan, the availability of services, and the availability to improve services to this property, staff recommends approval of Fiori Residential CUP request to allow Single-Family Residential use within C-2 zoning within the two (2) acre area of the property that fronts onto Fiori St.

The Planning Board has the option to approve, deny, or refer the project to City Council.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. Compatibility, connectivity, and adequate landscaping shall be required to meet the Conditional Use Permit standards.
2. The road frontage along W. Henri de Tonti, and Harmon Rd, shall be reserved for commercial use as generally presented.
3. This project shall develop generally as is stated in the applicant's letter and presented in the plans.
4. Adherence to Tontitown's adopted Master Street Plan must be adhered to with regard to right of way dedication and sidewalk construction and placement.
5. All lighting should be “cut off” type lighting that will not contribute significantly to light pollution.
6. The applicant must apply for all required building permits prior to construction.
7. This project shall be in compliance with all local, state, and federal regulations whether known or unknown to the developer or applicant.
8. This Conditional Use Permit must proceed to the City Council for approval.
9. Any improvements to this site may require additional review.

September 8, 2021

City of Tontitown, Arkansas
235 E. Henri de Tonti Boulevard
Tontitown, AR 72770

RE: Conditional Use Application
Anita R. Lynch Rev. Trust Property

Dear Sir or Ma'am,

On behalf of the property owner, the Anita R. Lynch Revocable Trust, we are submitting application materials for a conditional use to allow single family residential use on a portion of a property within the C-2 General Commercial zoning district.

The conditional use is requested for two proposed tracts to be created by a lot split. Each tract will be approximately 1 acre in size and have approximately 95 feet of frontage along the east side of Fiori Street just south of the Lunsford Veterinary Care Center. The remainder of the 14.4 acre parent tract is not included in or affected by the requested conditional use.

The parent tract to be split is 2771 W. Henri de Tonti Boulevard, designated Washington County Parcel No. 830-37755-000. The property is I-shaped with street frontage along both Henri de Tonti Boulevard and Fiori Street.

The conditional use is being requested to allow construction of one (1) single family residence on each of the two proposed lots along Fiori Street once the lot split is complete. This use is not allowed by right in the C-2 district.

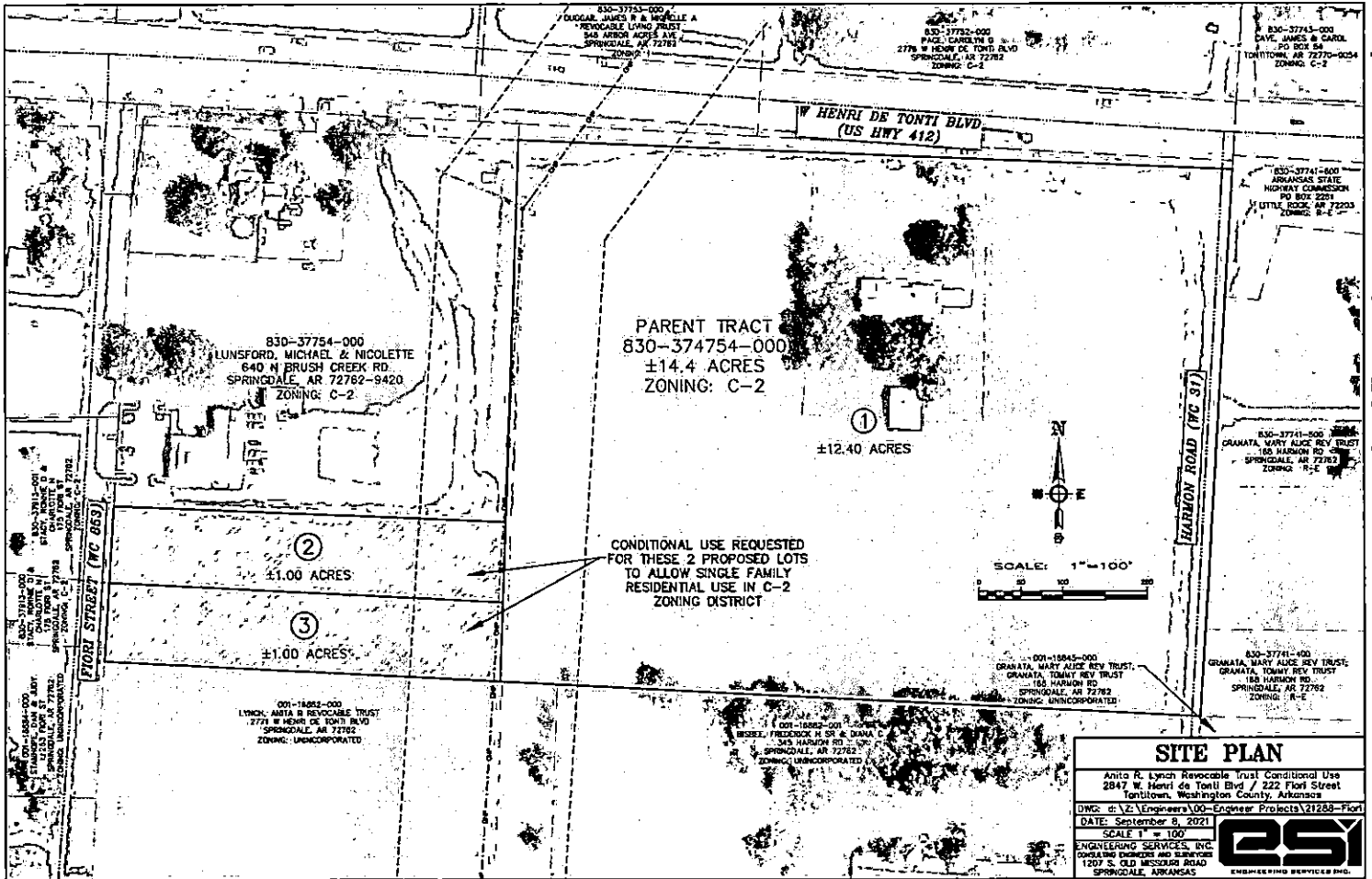
We are requesting a conditional use rather than rezoning due to the long, narrow shape of the lots. Because they will have less than 100 feet of street frontage, the least dense zoning district the lots would comply with is the R-3 district. Rezoning to such a high density district seems inappropriate for this area, and would potentially allow for future development at odds with surrounding properties and land uses. For this reason, after discussion with planning staff, we are requesting a conditional use instead. This prevents the possibility of incompatible development of this property and provides certainty to the City and neighbors that only one house will be built on each lot.

Please let me know if you have any questions or need anything further related to this application.

Sincerely,



Daniel Lazenby





CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **September 28, 2021**
Project: **Planning Commission
By-Laws**
Planner: Nathan Crouch

AGENDA ITEM

PC-6

Tontitown Planning Commission By-Laws

INTRODUCTION: Arkansas Code Ann. 14.56-408 states that the Planning Commission shall adopt rules and regulations for the discharge of its duties and the transaction of business.

In 2015 the Planning Commission was eliminated and a new "Planning Board" was created, which has been operating without by-laws.

*See attached proposed by-laws.

RECOMMENDATION: Staff recommends discussion and adoption of the proposed by-laws, with whatever edits are decided on at the meeting.

**BY-LAWS
OF
CITY OF TONTITOWN, ARKANSAS
PLANNING COMMISSION**

**ARTICLE I
OFFICES**

1.01 Location. The location of "TONTITOWN PLANNING COMMISSION," a commission organized under the laws of the State of Arkansas (hereinafter the "Commission") shall be located at City Hall at 235 E. Henri de Tonti Blvd., Springdale (within the City of Tontitown), County of Washington, State of Arkansas.

1.02 Other Locations. The Commission may also have offices at other places in the City of Tontitown, Arkansas as the Commissioners may determine from time to time.

**ARTICLE II
COMMISSION MEETINGS**

2.01 Place of Meeting. Meetings of the Planning Board shall be held at the Tontitown City Hall Building located at 235 E. Henri de Tonti Blvd., Springdale (within the City of Tontitown) or at such other locations as set forth by the Commission from time to time as provided for by law.

2.02 Time of Meetings. Meetings shall be held on the Fourth Tuesday of every month starting at 6:00 P.M. or at such date and time set forth by the City Council or the Planning Commission from time to time.

2.03 Special Meetings. Special meetings of the Commissioners, for any purpose or purposes, unless otherwise prescribed by statute, or by these bylaws, may be called by the Chairman, or any 3 Commissioners. Business transacted at a special meeting shall be confined to the purposes stated in the notice of the meeting.

2.04 Notice. Written or printed notice, stating the place, day, and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be made in accordance with Arkansas law.

2.05 Quorum. A Majority of the Commissioners which comprise the Commission shall constitute a quorum.

2.06 Majority Vote. When a quorum is present at a meeting, the vote of the majority of the Commissioners, present in person or as allowed by law, shall decide any question brought before the meeting.

2.07 Meeting Procedure. The current version of the Procedural Rules for Municipal Officials, published by the Arkansas Municipal League, where applicable, shall guide the formal decision process by the Commission.

ARTICLE III COMMISSION MEMBERSHIP, TERM AND OFFICERS

3.01 Number; Qualification; Election; Term.

(a) The Commission shall be composed of at least (5) members as required by law and as set forth by ordinance, at least two-thirds of which shall not hold any other municipal office or appointment except as allowed by law and one-third of which may be constituted from electors living outside the corporate limits of the municipality by with the recorded planning jurisdiction of the city. The members of the Planning Commission shall be named, appointed and confirmed by the City Council.

(b) The Planning Commission shall have all of the duties and functions authorized by state law at Ark. Code. Ann. § 14-56-401 et seq., as amended, and as set forth in the Ordinances, Regulations and Resolutions adopted by the City of Tontitown.

(c) All successors to these members shall be appointed for a term of two (2) years. Vacancies on the Commission, whether resulting from expiration of a regular term or otherwise, shall be filled by appointment by the Tontitown City Council. All commissioners shall serve until their successors in office have been appointed by the City Council.

(d) Each Commissioner shall attend all meetings and the Commission may consider the failure to attend three (3) consecutive meetings during the calendar year by a Commissioner as a vacancy and shall, upon a two thirds (2/3) vote of the Commission, call for the City Council to appoint a successor.

(e) All meetings of the Planning Commission shall be open at all times to the public and as required by law and the Ordinances, Regulations and Resolutions of the City of Tontitown.

3.02 Officers. The Planning Commission shall have: a Chairman, a Vice-Chairman, and a Secretary. The Chairman, Vice Chairman, and Secretary shall be selected by a majority vote of the Planning Commission at the first meeting of each year. The Chairman shall prepare the agenda for the Planning Commission meetings in conjunction with city staff and shall preside over the meetings of the Planning Commission. The Chairman shall have a vote in all the proceedings before the Planning Commission.

**ARTICLE IV
CONFLICTS, VOTING AND CONDUCT OF MEETINGS**

4.01 Conflicts. Commissioners shall recuse from the discussion and voting on any issue in which that member has or may receive a direct monetary benefit. It is the intent of this section to prevent and prohibit any member voting on any issue which would directly, monetarily benefit that member.

4.02 Voting. A majority of total number of members of the Planning Commission shall be necessary to take any action, including any business, resolutions, transactions, findings and determinations.

4.03 Order of Business. The regular meetings of the Planning Commission shall proceed as generally follows:

- (a) Call to order;
- (b) Roll call;
- (c) Pledge of Allegiance;
- (d) Approval of the agenda;
- (e) Approval of the minutes;
- (f) Public comment;
- (g) Old Business;
- (h) New Business; and
- (i) Adjournment.

4.04 Public Comment. Public comment shall be governed by the rules regarding public comment set forth in the Tontitown Municipal Code §30.06 PUBLIC COMMENTS.

4.05 Conduct in Meetings. Conduct in meetings shall be governed by the rules regarding conduct in meetings set forth in the Tontitown Municipal Code §30.26 RULES GOVERNING CONDUCT IN MEETINGS.

4.06 Conduct of Spectators. Conduct of spectators shall be governed by the rules regarding conduct in meetings set forth in the Tontitown Municipal Code §30.76 CONDUCT OF SPECTATORS.

**ARTICLE V
OBJECTIVE – PLANNING COMMISSION**

5.01 Objective. The primary purposes of the Planning Commission is to prepare, or have prepared, a plan of the municipality, to receive and make recommendations on public and private proposals for development, to prepare and administer planning regulations, to prepare and transmit to the City County recommended ordinances implementing the plans and to advise the city government and other public bodies as needed, along with all other duties as set forth in Ark. Code. Ann. § 14-56-401 et seq. and in Arkansas law.

**ARTICLE VI
GENERAL PROVISIONS**

6.01 Books and Records. The Commission shall keep a public record of its members and minutes of its meetings as well as all business, resolutions, transactions, findings and determinations which shall be maintained by the Secretary, with copies provided to the City of Tontitown.

6.02 Amendment of Bylaws. These bylaws may be altered, amended, or repealed at any meeting of the Commissioners at which a quorum is present, by the affirmative vote of a majority of the Planning Commissioners.

6.03 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible the remainder of these bylaws shall be considered valid and operative.

CERTIFICATION OF ADOPTION

The foregoing bylaws of the Commission have been duly adopted this ____ day of _____, 2021, by action of the Commissioners of the pursuant to the ordinances of the City of Tontitown and the laws of Arkansas.

IN TESTIMONY THEREOF, witness the hand of the undersigned as Secretary of the Corporation on such date.

Secretary

Tontitown Building Activity Report

Commercial Valuation

	2021 Project Valuation	2020 Project Valuation	Variance	% Chg
January	\$821,133	\$7,584,609	(\$6,763,476)	(89.17%)
February	\$0	\$2,266,105	(\$2,266,105)	(100.00%)
March	\$1,497,008	\$335,300	\$1,161,708	346.47%
April	\$308,019	\$568,376	(\$260,357)	(45.81%)
May	\$1,433,803	\$6,624,879	(\$5,191,075)	(78.36%)
June	\$501,074	\$14,201,590	(\$13,700,517)	(96.47%)
July	\$30,725	\$95,340	(\$64,615)	(67.77%)
August	\$888,031	\$313,000	\$575,031	183.72%
September				
October				
November				
December				
Total	\$5,479,793	\$31,989,199	(\$26,509,406)	(82.87%)

Commercial Building Fees

	2021 Project Fee's Assessed	2020 Project Fee's Assessed	Variance	% Chg
January	\$7,464	\$38,946	(\$31,482)	(80.84%)
February	\$0	\$5,789	(\$5,789)	(100.00%)
March	\$6,484	\$159	\$6,325	3971.13%
April	\$146	\$270	(\$124)	(45.81%)
May	\$7,846	\$28,832	(\$20,986)	(72.79%)
June	\$2,776	\$72,815	(\$70,039)	(96.19%)
July	\$258	\$45	\$213	469.91%
August	\$5,769	\$149	\$5,620	3780.36%
September				
October				
November				
December				
Total	\$30,743	\$147,005	(\$116,262)	(79.09%)

Commercial Permits

2021 #	2020 #	Variance	
19	17	2	
2	27	(25)	
6	37	(31)	
4	1	3	
4	8	(4)	
8	17	(9)	
5	5	0	
14	31	(17)	
Total	62	143	(81)

Residential Valuation

	2021 Project Valuation	2020 Project Valuation	Variance	% Chg
January	\$5,268,259	\$4,330,252	\$938,008	21.66%
February	\$3,645,436	\$7,957,844	(\$4,312,408)	(54.19%)
March	\$3,398,038	\$5,759,277	(\$2,361,238)	(41.00%)
April	\$1,604,230	\$5,526,538	(\$3,922,308)	(70.97%)
May	\$1,736,855	\$3,580,573	(\$1,843,719)	(51.49%)
June	\$6,506,465	\$6,455,457	\$51,008	0.79%
July	\$13,210,249	\$1,957,513	\$11,252,737	574.85%
August	\$18,012,805	\$4,726,713	\$13,286,092	281.09%
September				
October				
November				
December				
Total	\$53,382,338	\$40,294,167	\$13,088,172	32.48%

Residential Building Fees

	2021 Project Fee's Assessed	2020 Project Fee's Assessed	Variance	% Chg
January	\$22,577	\$18,699	\$3,878	20.74%
February	\$14,785	\$32,996	(\$18,212)	(55.19%)
March	\$14,552	\$23,461	(\$8,909)	(37.97%)
April	\$6,872	\$23,579	(\$16,707)	(70.85%)
May	\$7,104	\$15,896	(\$8,791)	(55.31%)
June	\$27,157	\$27,674	(\$517)	(1.87%)
July	\$56,643	\$8,864	\$47,779	539.01%
August	\$78,249	\$19,629	\$58,620	298.65%
September				
October				
November				
December				
Total	\$227,940	\$170,799	\$57,142	33.46%

Residential Permits

2021 #	2020 #	Variance	
20	19	1	
51	30	21	
12	18	(6)	
12	23	(11)	
9	17	(8)	
28	34	(6)	
56	14	42	
83	20	63	
Total	271	175	96

Water Taps

	2021	2020	Variance	% Chg
January	\$12,350	\$17,950	(\$5,600)	(31.20%)
February	\$11,400	\$20,900	(\$9,500)	(45.45%)
March	\$16,150	\$12,350	\$3,800	30.77%
April	\$950	\$12,350	(\$11,400)	(92.31%)
May	\$8,750	\$5,550	\$3,200	57.66%
June	\$25,850	\$33,800	(\$7,950)	(23.52%)
July	\$50,350	\$1,900	\$48,450	2550.00%
August	\$74,100	\$12,350	\$61,750	500.00%
September				
October				
November				
December				
Total	\$199,900	\$117,150	\$82,750	70.64%

Sewer

	2021	2020	Variance	% Chg
January	\$6,500	\$13,000	(\$6,500)	(50.00%)
February	\$6,000	\$11,000	(\$5,000)	(45.45%)
March	\$5,000	\$6,000	(\$1,000)	(16.67%)
April	\$0	\$6,500	(\$6,500)	(100.00%)
May	\$3,000	\$4,500	(\$1,500)	(33.33%)
June	\$11,500	\$24,500	(\$13,000)	(53.06%)
July	\$25,500	\$500	\$25,000	5000.00%
August	\$39,000	\$6,000	\$33,000	550.00%
September				
October				
November				
December				
Total	\$96,500	\$72,000	\$24,500	34.03%