



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

830-37753-000
DUGGAR, JAMES R & MICHELLE A
REVOCABLE LIVING TRUST
548 ARBOR ACRES AVE
SPRINGDALE, AR 72762
ZONING: I

830-37752-000
PAGE, CAROLYN G
2776 W HENRI DE TONTI BLVD
SPRINGDALE, AR 72762
ZONING: C-2

830-37743-000
CAVE, JAMES & CAROL
PO BOX 54
TONTITOWN, AR 72770-0054
ZONING: C-2

**W HENRI DE TONTI BLVD
(US HWY 412)**

830-37741-600
ARKANSAS STATE
HIGHWAY COMMISSION
PO BOX 2261
LITTLE ROCK, AR 72203
ZONING: R-E

830-37754-000
LUNSFORD, MICHAEL & NICOLETTE
640 N BRUSH CREEK RD
SPRINGDALE, AR 72762-9420
ZONING: C-2

PARENT TRACT
830-374754-000
±14.4 ACRES
ZONING: C-2

①
±12.40 ACRES

830-37741-500
GRANATA, MARY ALICE REV TRUST
168 HARMON RD
SPRINGDALE, AR 72762
ZONING: R-E



SCALE: 1" = 100'
0 50 100 200

HARMON ROAD (WC 31)

CONDITIONAL USE REQUESTED
FOR THESE 2 PROPOSED LOTS
TO ALLOW SINGLE FAMILY
RESIDENTIAL USE IN C-2
ZONING DISTRICT

②
±1.00 ACRES

③
±1.00 ACRES

001-16845-000
GRANATA, MARY ALICE REV TRUST;
GRANATA, TOMMY REV TRUST
168 HARMON RD
SPRINGDALE, AR 72762
ZONING: UNINCORPORATED

830-37741-400
GRANATA, MARY ALICE REV TRUST;
GRANATA, TOMMY REV TRUST
168 HARMON RD
SPRINGDALE, AR 72762
ZONING: R-E

001-16882-001
BISBEE, FREDERICK H SR & DIANA C
345 HARMON RD
SPRINGDALE, AR 72762
ZONING: UNINCORPORATED

001-16882-000
LYNCH, ANITA R REVOCABLE TRUST
2771 W HENRI DE TONTI BLVD
SPRINGDALE, AR 72762
ZONING: UNINCORPORATED

830-37913-001
STACY, RONNIE D &
CHARLOTTE N
175 FIORI ST
SPRINGDALE, AR 72762
ZONING: C-2

830-37913-000
STACY, RONNIE D &
CHARLOTTE N
175 FIORI ST
SPRINGDALE, AR 72762
ZONING: C-2

001-16884-000
STANHOPE, DAN & JUDY
263 FIORI ST
SPRINGDALE, AR 72762
ZONING: UNINCORPORATED

FIORI STREET (WC 853)

SITE PLAN

Anita R. Lynch Revocable Trust Conditional Use
2847 W. Henri de Tonti Blvd / 222 Fiori Street
Tontitown, Washington County, Arkansas

DWG: d:\Z:\Engineers\00-Engineer Projects\21288-Fiori

DATE: September 8, 2021

SCALE 1" = 100'

ENGINEERING SERVICES, INC.
CONSULTING ENGINEERS AND SURVEYORS
1207 S. OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS

