



## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **February 22, 2022**  
Project: **Pozza Lane Addition**  
Planner: Courtney McNair, Garver

### PUBLIC HEARING AGENDA ITEM

# 2

### PLANNING COMMISSION AGENDA ITEM

# 2

### REZONING REQUEST

South of Hwy. 412, to the west of Pozza Lane  
Part of Parcel # 830-37669-000

**SUMMARY:** Request to rezone a piece of land that is 3.01 acres in size from **R-3** to **C-1**  
**CURRENT ZONING:** **R3 – Single-Family Residential**, minimum lot size of 9,600 SF, and no more than 3 units per acre.

**REQUESTED ZONING:** **C1-Light Commercial**

**FUTURE LAND USE CATEGORY:** **RC-N** Residential Commercial Neighborhood

**CITY WARD:** 3- Tim Burress and Penny Baskin

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

**Water:** Tontitown Water, existing 8-inch water line.

**Electric:** Ozarks Electric

**Sewer/Septic:** Tontitown Sewer

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

The owners of this property are Gilda Bitner, Larrie Stolfi, Lisa Ann Stolfi, Eric Anthony Stolfi, and Gina Marie Criman, represented by Brandon Rush, Engineering Services, Inc.

The property is located south of Hwy. 412, to the west of Pozza Lane.

The overall parcel (approx. 12.19 acres) is comprised of C-2 zoning along Hwy. 412, and R-3 zoning on the southern portion. The request is to rezone 3.01 acres, the western half of the portion of the lot zoned R-3, to C-1 for a future mixed-use development.

The concept plan shows single-family residential along the southern portion of Pozza Lane (east half of the lot), duplex residential adjacent to the Reserve development to the west, and commercial uses on the northern portion of the lot that is zoned C-2.

In order to allow Single-Family and Duplex residential uses within a small portion (1.63 acres) of the C-2 district, the applicant has also submitted a Conditional Use Permit Request. A second Conditional Use Permit has been submitted to allow duplex residential units within C-1 zoning (3.01 acres).

**FUTURE LAND USE PLAN:**

The Future Land Use Category shown in this area is for the Residential Commercial Transition (RC-N). From the Vision Plan Document adopted by the City Council in November 2018:

**RESIDENTIAL COMMERCIAL NEIGHBORHOOD (RC-N)**

*Neighborhood Mixed Use Areas are more densely developed than the residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation allows a wide spectrum of uses and encourages density in all housing types, from single family to multifamily.*

*A mix of residential and non-residential development (excluding industrial uses) is permitted; the ideal mix of uses will be moderate density residential, office, and commercial uses, with additional open space amenities included within the development site.*

*Nonresidential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

*Neighborhood Mixed Use Areas encourage complete, compact and connected neighborhoods. While they encourage more dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient layout.*

*Up to 18 multifamily dwelling units/acre.*

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

**APPROVAL CRITERIA:**

*Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:*

- (1) Consistency of the proposal with the comprehensive plan.*

**STAFF ANALYSIS:** The current Future Land Use Plan shows this area as Residential Commercial Neighborhood. This request meets the intent of the Future Land Use Map for this area.

- (2) Consistency of the proposal with the purpose of these regulations.*

“The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.”

**STAFF ANALYSIS:** The concept plan shows commercial uses along Hwy. 412, with residential uses on the property further away from the highway frontage. The applicant is also proposing to place single-family lots adjacent to existing single-family residences along Pozza Lane. The requested duplex units are adjacent to the Reserve duplex units.

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

**STAFF ANALYSIS:** The requested use is for Light Commercial zoning; surrounding properties are zoned for commercial and residential uses. The actual uses of the surrounding properties

include Single Family and Duplex Residential, and a planned Community with Duplex and Quadplex units.

North-zoned C2- currently vacant, shown in the concept plan as commercial.

East-zoned R3/C2-currently vacant / currently single family residential

South-zoned R3- currently single-family residential

West-zoned C2/C1- approved plans for a Community with Duplex and Quadplex units

- (4) *Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.*

**STAFF ANALYSIS:** This property could be suitable for single-family residential lots.

- (5) *Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.*

**STAFF ANALYSIS:** This proposed rezoning should not detrimentally affect nearby properties. This request would bring the zoning of this property to be similar to that of the surrounding area. There is existing water and sewer service available for connection. Street connections will be required, and improvements to Pozza Lane will be required along the portion with City Rights-of-Way.

- (6) *Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and*

**STAFF ANALYSIS:** This property has never been developed.

- (7) *Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.*

**STAFF ANALYSIS:** This impact is expected to be minimal to utilities, streets, drainage, parks, open space, fire, police, and emergency services. There is adequate water and sewer that can be connected; street connections and improvements to the existing streets will be required if this property is developed.

**TECHNICAL INFORMATION:**

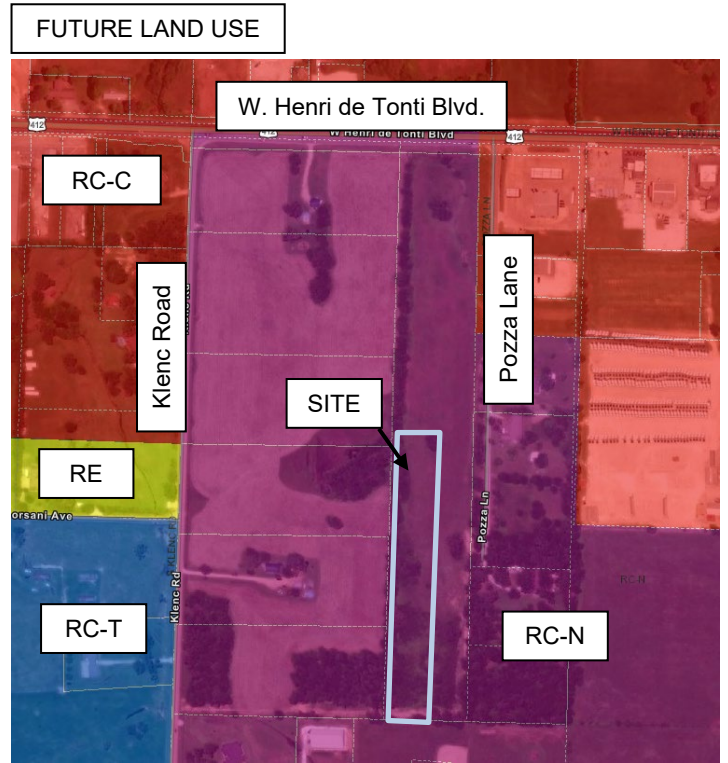
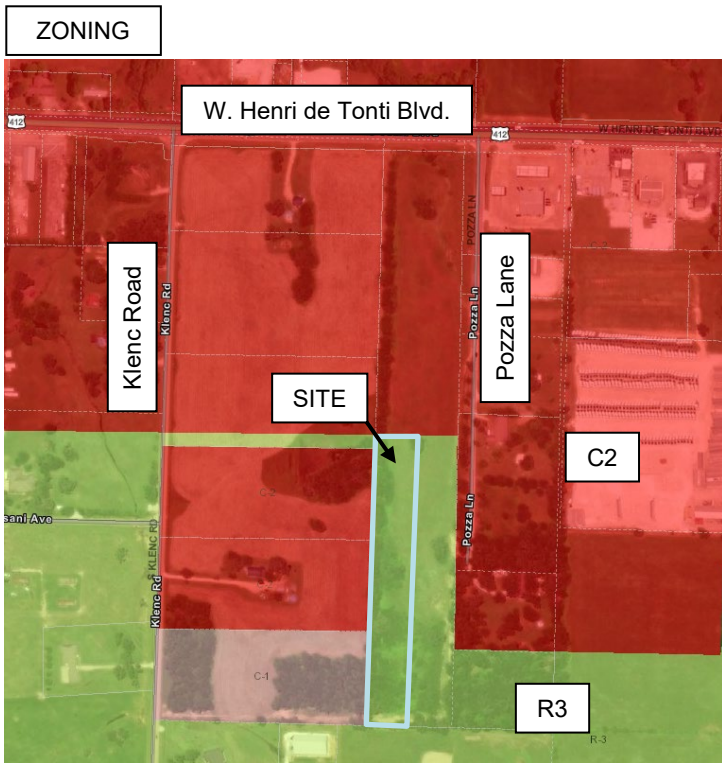
Technical information will be addressed if this property is improved.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has not received any comments for this project but will update the Planning Commission at the meeting if any are submitted.

**STAFF RECOMMENDATION:** Based on the Future Land Use Plan, surrounding zoning and uses, and the availability of utilities and access, staff recommends approval of the Pozza Lane Rezoning Request to change the zoning from R3 to C1.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. Standards found in Chapter 153.214 Residential Compatibility Standards, shall apply to all adjacent properties with a residential use regardless of current zoning when applicable.
2. This project shall be in compliance with all local, state, and federal regulations.
3. This rezoning shall proceed to the City Council for approval.
4. Any improvements to this site require additional review.



SITE LOCATION



SITE

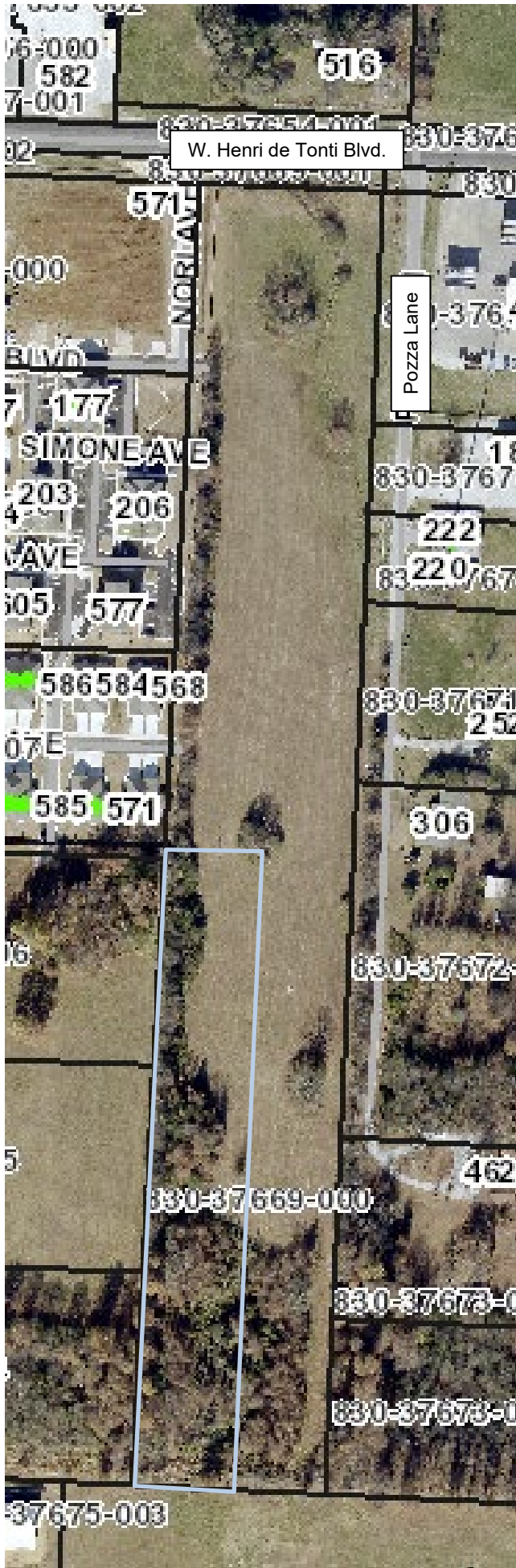
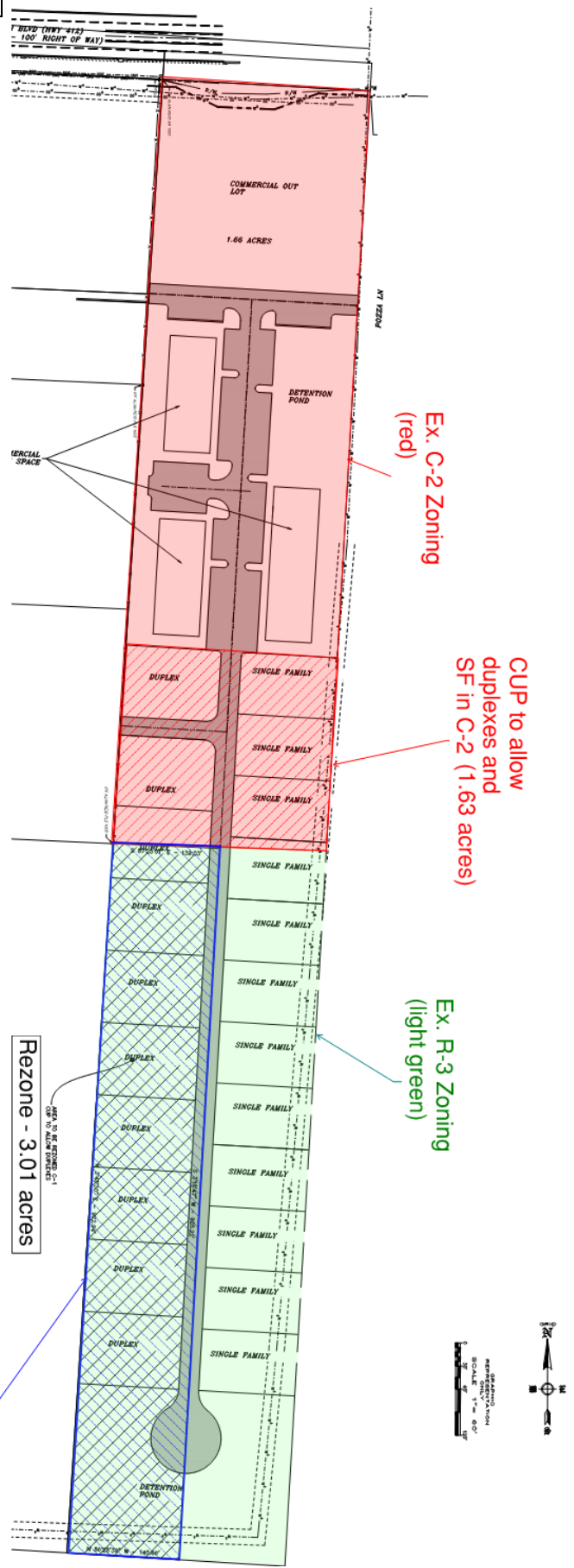


EXHIBIT PROVIDED BY THE APPLICANT



USE COMPARISON CHART

<i>Residential Zoning Districts</i>	<i>R-3</i>
<b>Residential uses</b>	
Single-family detached	P
Duplex	NP
Triplex, quadplex	NP
Townhome	NP
Detached accessory dwelling unit (ADU)	C
Emergency housing unit	NP
Multi-family	NP
Manufactured housing unit	NP
Manufactured housing, residential design	NP
Manufactured housing park	NP
Group residential	NP
<b>Civic and commercial uses</b>	
Airport or airstrip	NP
Animal care, general	NP
Animal care, limited	NP
Automated teller machine	NP
Bed and breakfast	NP
Cemetery	C
Church	C
College or university	NP
Communication tower	C
Convenience store	NP
Day care, limited (family home)	C
Day care, general	NP
Golf course	C
Government service	C
Hospital	NP
Library	C
Medical services	NP
Museum	C
Nursing home	NP
Parks and recreation	C
Post office	NP
Recreation/entertainment, outdoor	NP
Safety services	NP
School, elementary/middle	C
Utility, major	C
Utility, minor	P
Vocational school	NP
<b>Manufacturing and extractive uses</b>	
Asphalt or concrete plant	NP
Mining or quarrying	NP
Sod farm	NP
Topsoil	NP
<b>Agriculture uses</b>	
Agriculture, animal	C
Agriculture, crop	C
Agriculture, product sales	C
Animal, farm	P
Chicken, hobby	P

<i>Commercial Zoning Districts</i>	<i>C-1</i>
<b>Residential uses</b>	
Single-family detached	C
Duplex	C
Loft living space	P
Townhomes (see <b>LOT, YARD and HEIGHT REGULATIONS</b> for requirements)	C
Triplex, quadplex	C
Multi-family	NP
<b>Civic and commercial uses</b>	
Airport or airstrip	NP
Animal care, general	NP
Animal care, limited	P
Auditorium or stadium	NP
Automated teller machine (ATM)	P
Bank or financial institution	P
Bed and breakfast	P
Car wash	C
Cemetery	P
Church	P
College or university	P
Communication tower	C
Construction sales or service	NP
Convenience store	P
Day care, limited (family home)	P
Day care, general	P
Entertainment, adult	NP
Funeral home	C
Golf course	P
Government service	P
Hospital	P
Hotel or motel	NP
Library	P
Medical service/office	P
Museum	P
Nursing home	P
Office, limited	P
Office, general	P
Parking lot, commercial	NP
Parks and recreation	P
Pawn shops	NP
Post office	C
Recreation/entertainment, indoor	C
Recreation/entertainment, outdoor	C
Restaurant, fast food	C
Restaurant, general	P
Retail/service up to 5,500 sq. ft.	P
Retail/service up to 10,000 sq. ft.	P
Retail/service greater than 10,000 sq. ft.	C
Safety services	P
School, elementary/middle/high	P
Service station	C
Signs	*

<i>Commercial Zoning Districts</i>	<i>C-1</i>
Storage, outdoor (yard)	NP
Utility, major	C
Utility, minor	P
Vehicle and equipment sales	NP
Vehicle repair, general	NP
Vehicle repair, limited	NP
Vocational school	C
Warehouse, residential (mini) self-storage	NP
<b>Industrial, manufacturing, and extractive uses</b>	
Asphalt or concrete plant	NP
Auto wrecking or salvage yard	NP
Basic industry	NP
Freight terminal	NP
Manufacturing, general	NP
Manufacturing, limited	NP
Mining or quarrying	NP
Soil borrowing	NP
Research services	C
Warehousing primary	NP
Warehousing ancillary	NP
Welding or machine shop	NP
<b>Agricultural uses</b>	
Agriculture, animal	NP
Agriculture, crop	C
Agriculture, farmers' market	P
Agriculture, product sales	C
Animal, farm	NP
Chicken, hobby	NP
<b>Exclusive uses</b>	
Sanitary landfill	NP