



## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **March 29<sup>th</sup>, 2022**  
Project: **1<sup>st</sup> Response Towing CUP**  
Planning Manager: **Luann Jenison**  
Planning Techs: **Maegan Thomas & Madelyn Parker**

### AGENDA ITEM

## PH #1- PC #1

### CONDITIONAL USE PERMIT REQUEST

1849 W Henri de Tonti Blvd. Ste C  
South of West Henri de Tonti Blvd.  
Parcel # 830-37745-002

**SUMMARY:** Request to allow a Storage, Outdoor (Yard) use in zone **C-2**

**CURRENT ZONING:** **C-2** General Commercial

**FUTURE LAND USE CATEGORY:** **RC-C** Residential and Commercial Core

**PROPOSED USE:** Storage, Outdoor (Yard)

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

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

**Water:** Tontitown Water

**Electric:** Ozarks Electric

**Sewer/Septic:** Septic System

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

#### **PROJECT SYNOPSIS:**

This property is owned by Upward Investments, LLC, and the applicant is 1<sup>st</sup> Response Towing. This project is located within the City Limits of Tontitown and takes access from W. Henri de Tonti Blvd. (W. Hwy. 412).

The applicant is requesting Conditional Use Permit approval to allow a Storage, Outdoor (Yard) use in a C-2 (General Commercial) Zoning district. The business hours of operation will be Monday-Friday 8:00am-4:00pm. However, in the applicant's letter they state, "towing services will be 24-hours." There is an existing fence on the property that the applicant plans to enclose for screening of their 24-hour impound lot. Storage, Outdoor (Yard) use is permitted in C-2 Zoning only by Conditional Use Permit approval.

**FUTURE LAND USE PLAN:**

The Future Land Use Category shown in this area is for the Residential and Commercial Core (RC-C) from the Vision Plan Document adopted by the City Council in November 2018:

***“RESIDENTIAL AND COMMERCIAL CORE (RC-C):***

*Town Center Areas contain some of the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings.*

*This is a higher intensity mixed use category, allowing for larger stores and more intense traffic patterns.*

*A mix of residential and non-residential development (excluding HEAVY industrial uses) is permitted. The residential component of this category will include higher intensity multifamily developments, and single family residential would likely be townhome or row house development models. The ideal mix of uses will be moderate to high density residential, office, and commercial uses, with additional open space amenities included within the development site.*

*These areas will accommodate row houses, apartments, local and regional retail, including large-scale stores, hotels, industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas.*

*Up to 20 multifamily dwelling units/acre.”*

**STAFF ANALYSIS:**

**This project is compatible with the Future Land Use Plan for this area, as RC-C is the most intense future category, and this is a commercial use.**

**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:**

**There is an existing fenced area on this property. The applicant plans to enclose the existing fence to allow for additional screening of their 24-hour impound lot.**

*(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, Storage, Outdoor (Yard) uses 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:**

**The applicant must apply for a fence permit, and a sign permit. No additional structures are proposed for this project.**

- (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 proposing to use the existing driveway location. No additional structures are proposed. They are proposing to update the existing fence to screen their 24-hour impound lot.**

- (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 C2  
East-zoned C2  
South-zoned C2  
West-zoned C2**

**The current uses of adjacent properties include Ozarko Tire to the west, and vacant commercial properties to the North, East, and South. Additionally, there is a vacant property zoned R-E (Residential Estate) that is bordering the Southeast corner of the site.**

- (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:**

**The proposed footprint will remain the same as it exists currently.**

- (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:**

**The applicant will be utilizing the existing driveway on the property and the site does have adequate existing parking.**

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

**STAFF ANALYSIS:**

**Based on (Code Section 153.121, Section A), the landscaping should:**

- Provide protection for water quality, reduce erosion, heat and glare**
- Retain existing trees where possible**
- Screening and buffering for uses which are marginally compatible,**
- Provide for beautification and enhancement of the property**

**The applicant is proposing to update the existing fence on the property to allow for additional screening of the impound lot.**

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

**STAFF ANALYSIS:**

**Every effort should be made not to disrupt neighboring properties with bright lights or loud noises. The nearest residential property is Southeast of the site and is currently vacant. There is an existing 6ft privacy fence located on the property that will provide screening of the use from the adjacent neighboring properties. The applicant is planning to mount four solar panels motion sensor lights on the inside of the existing fence for additional lighting. Prior to installation, the applicant shall provide the lighting spec sheets to Planning for review. All lighting shall be required to be cut off lighting and shall not cause interference with drivers on the highway or adjacent properties. If in the future there are issues with dust, noise, or light, code enforcement is in place to ensure compliance with all City Codes.**

**TECHNICAL INFORMATION:**

Police: Tontitown Police Chief, Corey Jenison, had no comments for this project.

Fire: Tontitown Fire Marshal, Mark Ramsey- Will require a final fire inspection prior to receiving Certificate of Occupancy approval, and a Knox padlock will be required for Fire Department gate

access.

Drainage: No structures or hard surfaces are proposed to be added to this site.

Roads/Parking/Sidewalks: No additional entrances are proposed on W Henri de Tonti Blvd.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one non-objecting neighbor response for this project.

**STAFF RECOMMENDATION:** Based on the current proposal being compatible with the adopted Future Land Use Plan and the proposed plan to enclose the proposed privacy fence to allow additional screening of the use, staff recommends approval of the 1<sup>st</sup> Response Towing, West Henri de Tonti Blvd. Conditional Use Permit Request to allow a Storage, Outdoor (Yard) use within C-2 Zoning.

**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. No towed vehicles shall be allowed to be placed outside the fenced area.
3. A fence permit shall be required for the replacement fence.
4. Prior to the installation of proposed lighting, the applicant shall provide the lighting spec sheets to Planning for review. All lighting shall be required to be cut off lighting and shall not cause interference with drivers on the highway or adjacent properties.
5. A separate sign permit shall be required for the requested sign.
6. A Knox padlock shall be required for Fire Department gate access.
7. This project shall develop generally as is stated in the applicant's letter (and presented in the plans.)
8. This Conditional Use Permit shall proceed to the City Council for approval.
9. Any additional improvements to this site require additional review.



Phone: 479-200-2135  
Email: [rescueme1stresponse@gmail.com](mailto:rescueme1stresponse@gmail.com)  
Website: [tow1st.com](http://tow1st.com)

RE: 1849 W Henri De Tonti Blvd Ste C Springdale, AR 72762; Conditional Use Permit for 1st Response Towing

Tontitown Planning Commission,

We currently tow for Arkansas State and Washington County Police Departments from our primary location in Fayetteville. We would like to expand our service area for these departments and feel we could be of use to the local community. This location would provide towing services and storage only. We will store vehicles for no more than 45 days. Vehicles brought into the storage facility will be picked up by registered owners or insurance providers. No vehicles will be disassembled or repaired on site.

Business hours for release of vehicles are Monday - Friday 8am - 4pm. Towing service is 24/7.

We would like to utilize section C of the building to store anything that has been seized by law enforcement for possible investigation and build a fence with a gate to divide the current fenced area for our storage yard. (See attached).

Four employees would have access to the location.

We anticipate an average of 1 - 2 customers to visit per day.

Current parking is sufficient for our needs. We have four spots in front of the building.

There is existing lighting where the lot will be but we will mount four solar motion sensor lights to the inside of the fence for additional lighting.

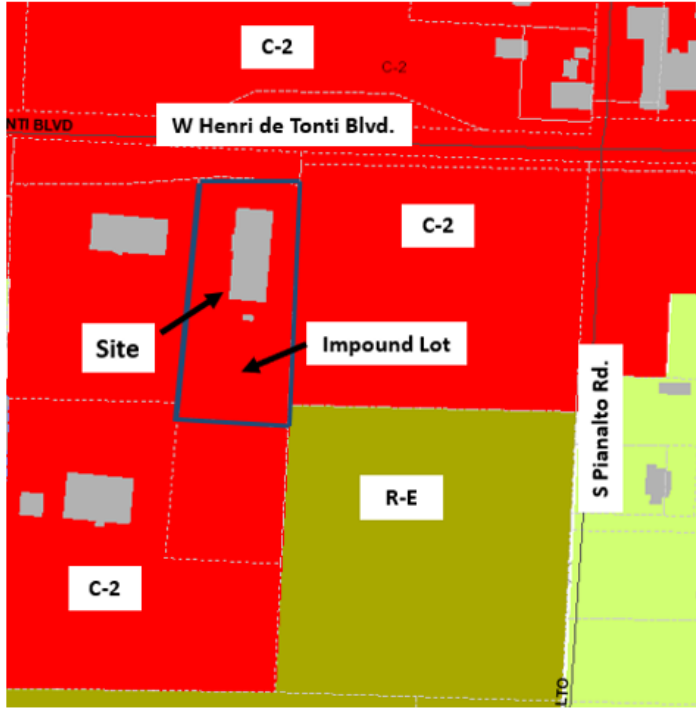
If further information is needed, please feel free to contact me.

Respectfully,

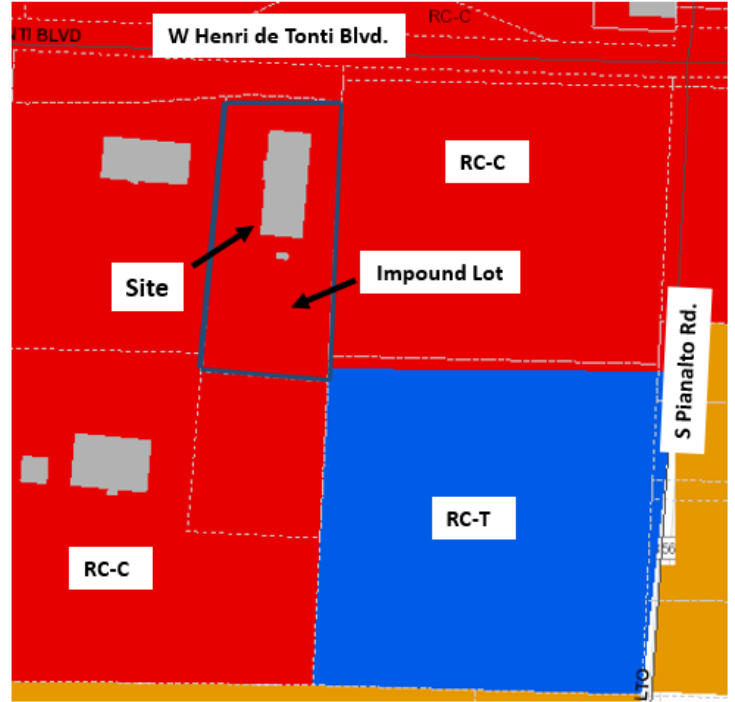
James Hayes  
1st Response Towing  
479-200-2135

# 1<sup>st</sup> Response Towing Conditional Use Permit Request:

## Zoning:



## Future Land Use:



# 1849 W Henri de Tonti Blvd. Site Aerial





# 1849 W Henri de Tonti Blvd. Existing Fence



1<sup>st</sup> Response Towing Impound Fence Plans



Proposed Fence Signage

