



**CITY OF TONTITOWN PLANNING OFFICE**

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479-361-2700  
planning@tontitownar.gov

Meeting: **March 17, 2022**  
Project: **Pozza Lane Addition**  
Planner: Courtney McNair, Garver

**PUBLIC HEARING AGENDA ITEM**

**4**

**PLANNING COMMISSION AGENDA ITEM**

**4**

**CONDITIONAL USE PERMIT REQUEST**

**To allow single-family and duplex units within C2 zoning district**

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

**At the Planning Commission meeting it was discussed that the Planning Commission would feel more comfortable with removing duplex units from this request. The applicant agreed, and the motion was approved to allow Single Family Residential units within C-2 zoning. This project was unanimously approved at the March 17<sup>th</sup>, 2022, Planning Commission meeting. The conditions were approved as listed in the staff report.**

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. This project shall be in compliance with all local, state, and federal regulations.
2. This Conditional Use Permit shall proceed to the City Council for approval.
3. Any improvements to this site shall require additional review.
4. This project shall develop generally as is stated in the applicant's letter and presented in the plans.

**SUMMARY:** Request to allow single-family and duplex residential units within C2 zoning.

**CURRENT ZONING:** C2-General 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 applicant also requested to rezone 3.01 acres, the western half of the portion of the lot zoned R-3, to C-1 for the future mixed-use development, and submitted a Conditional Use Permit Request to allow duplex units within the area they requested to be rezoned to C1. This Conditional Use Permit has been submitted to allow single-family and duplex residential units within a small portion (1.63 acres) of the C-2 zoning.

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. The applicant also submitted a Conditional Use Permit Request to allow duplex units within the area they requested to be rezoned to C1 (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.

#### **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:** By layering the design, the applicant is providing buffering to adjacent residential areas by placing single-family residential uses between the existing residential and the proposed duplex uses. On this area of the site, commercial uses are allowed by right, but this request sets up a better transition. As this is in the concept phase, additional discussion will be had regarding internal traffic/pedestrian patterns. Sidewalks and internal connection are important. A full landscaping plan will also be required during the technical plan review.

*(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 and duplex 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 as this project moves forward to technical plans.

*(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:** 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. The applicant's engineer must provide a Stormwater Pollution Prevention Plan prior to Construction Plan approval. Based on these factors, staff feels that this project will not have a negative impact on public health, safety and welfare.

*(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-** currently vacant, shown in the concept plan as commercial.

**East-zoned C2-** currently single family residential

**South-zoned R3-** current request for single-family and duplex uses.

**West-zoned C2 –** currently duplex residential

Surrounding properties are zoned for commercial and residential uses. The actual uses of the surrounding properties include Single Family and Duplex residential uses.

- (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 request is to add single-family residential uses between the existing residential and the proposed duplex uses. This development is proposing to implement the desired mixed-use development detailed in the adopted Future Land Use Plan.

- (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:** While specific drive locations will be further evaluated with technical plans, the circulation shown on the concept plan shows the general internal circulation system and off-street parking. Additional information will be required to show sidewalks and connectivity.

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

**STAFF ANALYSIS:** Based on (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

This CUP request is to allow single family and duplex residential uses within C2 zoning. Less formal landscaping will be required, however, as the request is residential in nature, there will be open yard areas and the overall building coverage will be typical of a residential area.

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

**STAFF ANALYSIS:** Due to the nature of this project, noise, dust, odor, etc. are not a concern.

**TECHNICAL INFORMATION:**

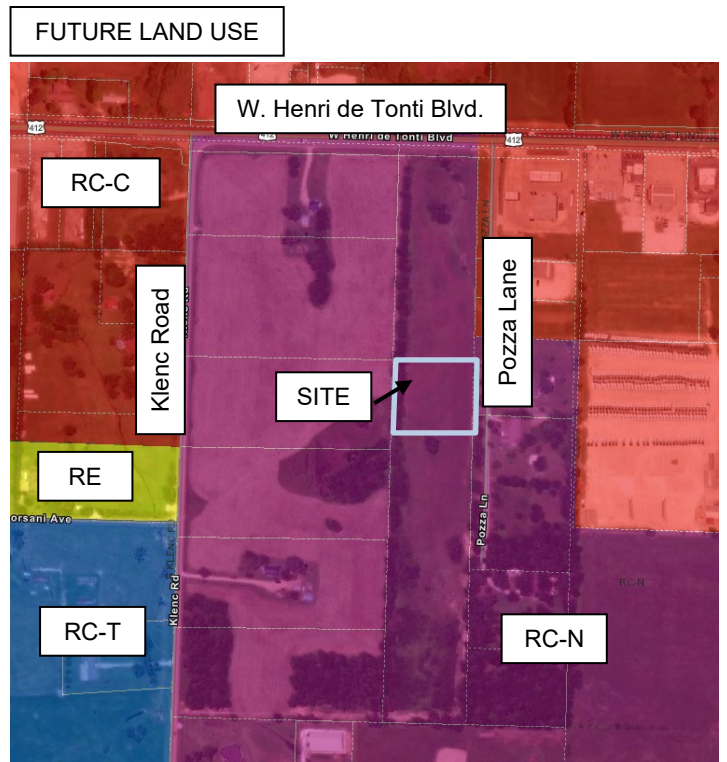
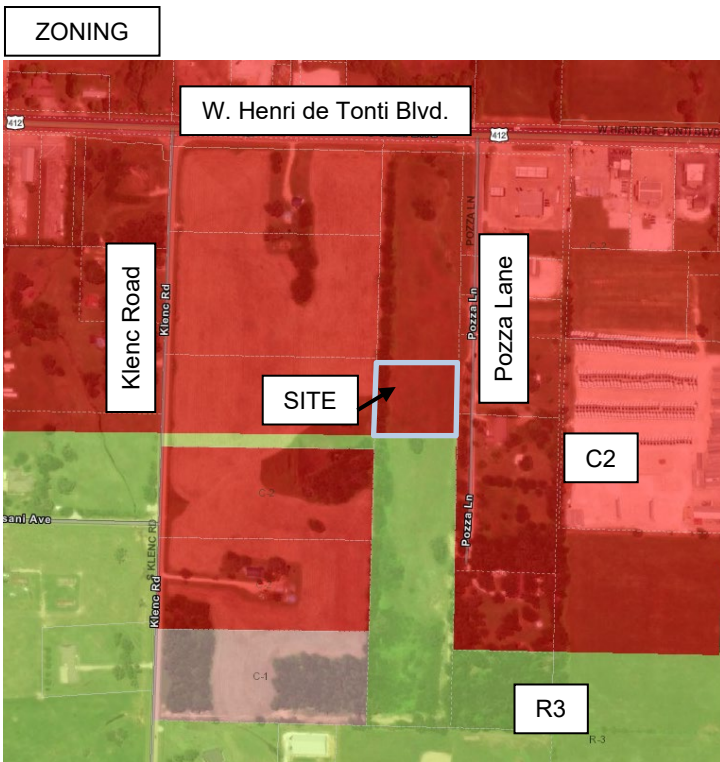
Technical information is addressed at a future stage of development request. The current request is a concept plan only.

**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 Conditional Use Permit Request to allow Single-Family and Duplex Residential within C-2 zoning.

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SITE LOCATION

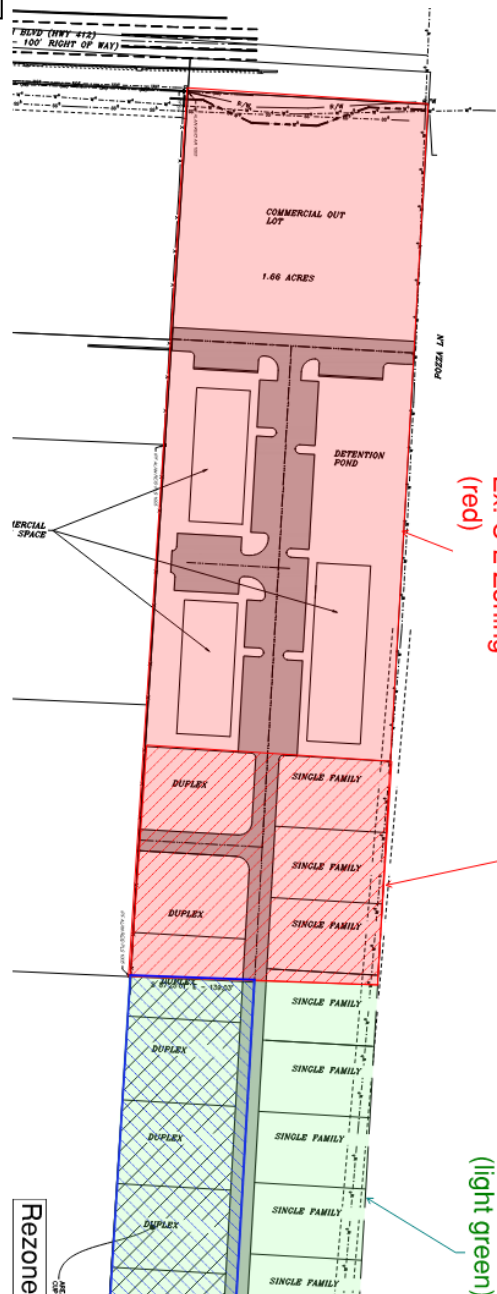


SITE



PH4 and PC4 -7

EXHIBIT PROVIDED BY THE APPLICANT



Ex. C-2 Zoning (red)

CUP to allow duplexes and SF in C-2 (1.63 acres)

Ex. R-3 Zon (light green)

Rezone



