

Acting Mayor – Gene McCartney
Recorder – Rhonda Ardemagni
City Attorney –Justin Eichmann
Law Firm—Harrington-Miller
City Engineer—Garver Engineers



Ward 1 Position 1 – Gene McCartney
Ward 1 Position 2– Amber Ibarra
Ward 2 Position 1—Arthur Penzo
Ward 2 Position 2—Larry Ardemagni
Ward 3 Position 1— Penny Baskin
Ward 3 Position 2— Tim Burress

City Council April 5, 2022 Agenda

The Tontitown City Council is scheduled for Tuesday, April 5, 2022, at 6:00 p.m. at Tontitown City Hall
and via Zoom and YouTube visit <https://zoom.us/j/97053037337>

Meeting ID: 970 5303 7337# or join by phone at +1 (312) 626-6799

When prompted for Meeting ID: 970 5303 7337# If you do not have a Participant Number: press #

1. Meeting Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of City Council Minutes from March 1, 2022
6. Approval of Special City Council Minutes from March 15, 2022
7. Comments from Citizens
8. Approval by City Council Members to Waive the 3 Reading Rule for All Ordinances on Agenda
9. Old Business:
10. New Business:
 - A. Approval of a resolution amending section 3.9, Nepotism, of the City of Tontitown personnel handbook for the City of Tontitown, Arkansas – Tim/Justin
 - B. Approval of an ordinance to approve revised city ward boundaries in the City of Tontitown, Arkansas – Gene/Justin
 - C. Approval of an ordinance rezoning certain lands located at 761 and 829 W Henri De Tonti Blvd from commercial (C-2) to Commercial trades (C-T) in the City of Tontitown, Arkansas; – Planning/Justin
 - D. An Ordinance amending section 153.216 Sidewalks in its entirety of the Tontitown Municipal Code; **Declaring an Emergency** and for other purposes – Planning/Justin
 - E. Approval of a resolution authorizing and approving change order No. 1 for the Bushy Creek Restoration Project in the City of Tontitown, Arkansas – Gene/Justin
 - F. Approval of a Conditional Use Permit for 761 and 829 W Henri De Tonti Blvd (Paramount Metals) with Conditions – Planning/Justin
 - G. Approval of a Conditional Use Permit South of Hwy 412 to the West of Pozza Lane with conditions– Planning/Justin
 - H. Approval of an ordinance amending section 153.217 Street Frontage-access easement in its entirety of the Tontitown Municipal code; **Declaring an Emergency** and for other purposes – Planning/Justin

- I. Approval of an ordinance amending section 152.084 Review Criteria in its entirety of the Tontitown Municipal Code; **Declaring an emergency** and for other purposes – Planning/Justin
- J. Approval of an ordinance amending section 152.080 Applicability in its entirety of the Tontitown Municipal Code; **Declaring an emergency** and for other purposes – Planning/Justin
- K. Approval of an ordinance amending section 152.095 Applicability in its entirety of the Tontitown Municipal Code; **Declaring an emergency** and for other purposes – Planning/Justin

- 10. Comments from Aldermen
- 11. Comments from Mayor
- 12. Comments from City Attorney
- 13. **Adjournment**

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Ward 2 Position 2—Larry Ardemagni
Ward 3 Position 1– Penny Baskin
Ward 3 Position 2– Tim Burress

**City Council
March 1, 2022
Minutes**

The Tontitown City Council is scheduled for Tuesday, March 1, 2022, at 6:00 p.m. at Tontitown City Hall and via Zoom and YouTube visit <https://zoom.us/j/97053037337>

Meeting ID: 970 5303 7337# or join by phone at +1 (312) 626-6799

When prompted for Meeting ID: 970 5303 7337# If you do not have a Participant Number: press #

1. Meeting Call to Order
2. Roll Call
All in attendance
3. Pledge of Allegiance
4. Approval of Agenda
Tim Burress motioned to approve the agenda
Second by Amber Ibarra
Motion Passes Unanimously
5. Approval of City Council Minutes from February 1, 2022
Penny Baskin motioned to approve the minutes
Second by Larry Ardemagni
Motion Passes Unanimously
6. Approval of Special City Council Minutes from February 15, 2022
Larry Ardemagni motioned to approve the special city minutes
Second by Penny Baskin

Amber Ibarra voted- YES
Tim Burress voted- YES
Gene McCartney voted- YES
Penny Baskin voted- YES
Arthur Penzo voted- Abstained
Larry Ardemagni voted- YES
Motion Passes
7. Comments from Citizens-
Paul Colvin former mayor of Tontitown announced that he is officially running for the Arkansas State Senate Seat in District 31 as a Republican. Mr. Colvin stated he has a lot of experience here in Tontitown and all the experience with small towns and says he can offer some assistance to this city. As you well know the grant funding for hazardous mitigation grants has elapsed in Washington County. Mr. Colvin is working with the offices in Harrison to get this reinstated, so this town as well

as Springdale, Elm Springs, and Johnson can all start applying. Currently the city of Lincoln is trying to make a 10 million grant of hazardous mitigation which they can't apply for at this time. Judge Woods has been contacted trying to get this reinstated and ask that the city stay on top of this since drainage is an issue in Tontitown. Mr. Colvin asked for support and thanked the council for everything they do.

Kenneth Lovette has been doing some research on A.D.E.Q., (in reference to the landfill), so far, he can't get anyone to say they are the responsible party. Mr. Lovette has sent some information to the air quality team that has a monitor on it for testing, whenever we have issues.

8. Approval by City Council Members to Waive the 3 Reading Rule for All Ordinances on Agenda
Nothing to approve

9. Old Business: None

10. New Business: None

10. Comments from Aldermen

Since there was no new or old business to discuss the mayor felt it was important for the citizens to be able to voice their concerns and opinions.

Tim Burress was thankful for a short meeting and looking forward to Paul's race. Tim thanked the Police and Fire chiefs and Mr. Ardemagni for stepping up through the storm that we had last week. Tim also was happy that people came out and engaged in this process and for getting involved. Tim can be reached at 479-320-2122 anytime if you want to chat. Tim said he gets a lot of complaints and gripes about Waste Management. Tim, along with Penny Baskin had the opportunity to sit and talk with some of the folks from A.D.E.Q.. Tim and the rest of the council ask that the citizens continue to get involved and speak out because the people on the council are listening.

Arthur Penzo asked about the status of the signs. Per James Clark the sign on the west end of town has been installed and the state is still requesting more information before the other sign can be installed. Arthur requested that solar lights be installed and artificial flowers as well. Per James Clark that should not be a problem.

Arthur Penzo asked about the status of impact fees. Per James Clark Garver is still collecting data.

Larry Ardemagni said to be prepared for a long meeting next time.

11. Comments from Mayor

The mayor personally met with the following:

Met with the homeowners at Barrington Heights on Feb. 7th and discussed traffic issues and solutions for speeders, people cutting through etc.

Tontitown Fire Department along with John Langham viewed some Fire Stations designs. And the citizen input is rescheduled for possibly next week.

Met with Waste Management Feb. 8th, trying to help the citizens in that area and ways Waste Management can assist.

Met with Boston Mountain Feb. 9th the city was offered the collection of cardboard for recycling and other things.

Met with Waste Management Feb. 9th discussed the leachate, including our solid waste and working closely to try and get the contract completed.

Air quality monitoring meeting was on Feb. 11th.

Had another leachate meeting with N.A.C.A. on Feb. 16th. N.A.C.A. is still looking at expanding their plant and it could potentially cost Tontitown a few dollars. The mayor said each council member needs to be looking at this.

Met with citizens with the Reed Valley POA on Feb. 16th regarding mail theft and other areas. A federal agent out of Conway gave us some great ideas to help eliminate or reduce those issues and several things have already been done, like no USPS mail delivery after 6:30.

Meeting with T.A.F.D. Feb. 17th and with Marcus Mason and some of the board members and we're looking at different ideas between T.A.F.D. and T.F.D. Also, discussed the contract to continue our service between the two departments.

Meeting on Feb. 22nd to discuss the layout of the Fire Department.

Meeting on Feb. 24th A.D.E.Q.

Meeting on Feb. 28th with Garver, Braich Arrow.

Had meeting with Paramount Metal, discussed the rezoning.

Once again met with N.A.C.A. and Waste Management about our leachate and trying to come up with ideas and solutions on how to handle our N.A.C.A. treatment and sewer.

New policies will be implemented regarding "Meeting Attendance". Contact Leslee or the mayor if you're not attending your meetings

12. Comments from City Attorney-

Justin Eichmann revisited Tontitown's Code of Conduct and the procedural rules that was passed last year and thought it would be a good idea to touch on a few things.

Reference YouTube for details.

13. **Adjournment-** Amber Ibarra motioned to adjourn Second by Penny Baskin All in Favor

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**Special City Council
March 15, 2022
Minutes**

The Tontitown City Council is scheduled for Tuesday March 15, 2022 directly following the Committee of the Whole meeting at Tontitown City Hall and via Zoom and YouTube visit

<https://zoom.us/j/92076441456>

Meeting ID: 920 7644 1456# or join by phone at +1 (312) 626-6799

When prompted for Meeting ID: 920 7644 1456# If you do not have a Participant Number: press #

1. Meeting Call to Order
2. Roll Call

All in attendance

3. Pledge of Allegiance
4. Approval of Agenda

Arthur Penzo motioned to approve the agenda

Second by Larry Ardemagni

Motion Passes Unanimously

5. Comments from Citizens

Kenneth Lovett said the gases from Eco Vista Management is still an issue, the landfill still stinks after hours and weekends because they're not covering it properly, in his opinion. And Mr. Lovett has one picture that proves it, the catch fence is either not tall enough or it's improperly positioned, so trash blows over it instead of into it. Waste Management cancelled the meeting for this month because they want us to meet with a PR firm and not sure what a PR Firm is going to help them with on the smell and operations. Mr. Matt Berner with Waste Management said that flames never admit odor and Mr. Lovett disagrees he said the flames may not admit an odor but there is a vapor. Vapors in the air kills trees and Mr. Lovett presented documentation to what the effects are to woody and plant species from ozone air pollution. Mr. Lovett took a picture of a ring that was hovering over the landfill. The documentation Mr. Lovett presented will be given to the council for review.

Dennis Boyer had one more comment, he said no citations have been issued to Waste Management since January 1, 2019, so what is the point of discussing citations. Russ Green

lays out some confusions on the city codes about times when there could be noise whether it's five or six o'clock and Russ Green has put in many complaints about the noise with the dump trucks and nobody does anything and certainly no citations. If the council is with us on this and you do not want the expansion, then we need a resolution at your meeting in two weeks and if each member of council does support the non-expansion, then in two weeks it'll be your chance to show us and if you're not going to act then we'll know where you stand.

6. Approval by City Council Members to Waive the 3 Reading Rule for All Ordinances on Agenda

Larry Ardemagni motioned to approve
Second by Penny Baskin
Motion Passes Unanimously

7. Old Business: None

8. New Business:

- A. Approval of an ordinance to waive competitive bidding and authorize the mayor to purchase two (2) 2022 Dodge Durango (WDEE75) pursuit AWD for the Tontitown Police Department; for other purposes and **declaring an Emergency** -- Corey/Gene

The Superior dealership in Siloam contacted the chief about the 2 Durango's that our Police Department ordered. The order has been canceled by Dodge because they are not producing police package vehicles due to supply chain issues. The chief did contact other dealerships but nothing that could help our situation. Superior does have two vehicles on their lot, and they are holding for Tontitown. The chief is asking the council's permission to move forward with the purchase.

Amber Ibarra motioned approve the purchase
Second by Penny Baskin
Motion Passes Unanimously

Larry Ardemagni motioned to approve the Emergency Clause
Second by Penny Baskin
Motion Passes Unanimously

Bushy Creek Project-Culverts-

This was not added to the Special Meeting agenda due to the timing and the minimum requirements, generally 2 hours' notice. But in this case more time would have been needed to have the resolution completed which would have taken a few more days and

would push this project back approximately three few weeks if a special meeting was scheduled.

Stepping back in time, the City of Tontitown had culverts that were available locally for the Bushy Creek Project. There was a four-day period between the time we found them and our next city council meeting where we could have voted to approve the mayor to purchase those culverts, in that four-day period those culverts sold to someone else and with the supply chain issues getting those culverts available again has been terrible. So, the contractor who is doing the job offered to pour those culverts in place and the contractor can do it for the same cost that we were going to purchase them for and according to the engineer the same specs which A.R.D.O.T. recommends this project would now be completed by May 20, 2022. If the council agrees to move forward with this change the City Attorney Justin Eichmann will bring a resolution that ratifies it to the next meeting. If the council chooses not to move forward this would just bump us back further.

All council members verbally agreed to allow the mayor to move forward and have the resolution brought to the next city council meeting in April.

9. Comments from Aldermen- None
10. Comments from Mayor- None
11. Comments from City Attorney- None
12. Adjournment- Arthur Penzo motioned to adjourn Second by Amber Ibarra All in Favor

RESOLUTION NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**A RESOLUTION AMENDING SECTION 3.9, NEPOTISM, OF THE CITY
OF TONTITOWN PERSONNEL HANDBOOK FOR THE CITY OF
TONTITOWN, ARKANSAS**

WHEREAS, the City Council for the City of Tontitown has previously adopted an updated Personnel Handbook on July 7, 2020 for use by the City of Tontitown, for the purpose of establishing a guide to administrative action concerning personnel activities and in order to define the personnel policies and procedures of the City; and

WHEREAS, it has come to the attention of the City Council that it is necessary to make an amendment to Section 3.9, Nepotism, of the handbook in order to better clarify the city's policy concerning the supervision of employees who are in close relation; and

WHEREAS, after review and consideration of the amendment, the City Council for the City of Tontitown has determined that it is in the best interest of the City of Tontitown to approve this change.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tontitown as follows:

Section 1: Section 3.9, Nepotism, of the Tontitown Personnel Handbook is amended in its entirety as set forth in the attached Exhibit "A".

PASSED AND APPROVED on this ____ day of _____, 2022.

APPROVED:

Gene McCartney, Acting Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

Exhibit “A”

3.9 NEPOTISM

An employee may not work in the same line of supervision of an immediate family member or where there is a dating or romantic relationship (which would include co-habitation) whereby one supervises the other or has authority to hire, transfer, suspend, lay-off, recall, promote, supervise, discharge, or assign the other. Immediate family shall be the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. First cousin means the child of a parent's sibling, i.e., the child of an aunt or uncle. Such relationships shall constitute neither an advantage nor disadvantage to the appointment, hiring, or termination of employment.

In the event a person becomes an immediate family member, or becomes involved in a romantic relationship or co-habitates as described above, of an employee who has supervisory responsibility over such person, the following steps shall occur:

1. The persons in such a relationship must report it to a supervisor, who shall then report it to the Mayor or the appropriate city official and for consultation and determination of the best approach to resolving any potential conflicts. The resolution may involve any action which will further the intent of this policy. Failure to report a relationship as required may result in disciplinary action.
2. All cases in which relatives of present employees, or persons in a dating or romantic relationship, are considered for placement shall be reviewed prior to such placement to ensure that the intent of this policy is being met.
3. The supervisor shall prepare and retain a report that specifies the appropriate action taken pursuant to this policy, which shall note any specific action taken to eliminate any potential conflict of interest.

All reports generated pursuant to this policy shall remain confidential, to the extent permitted by Arkansas and federal law, but may be disclosed as evidence in the process of investigating sexual harassment, sexual discrimination or hostile work environment complaints.

All employees should note that relationships must not affect their work; a professional image and behavior must be maintained at all times.

ORDINANCE NO. 2022-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE TO APPROVE REVISED CITY WARD
BOUNDARIES IN THE CITY OF TONTITOWN, ARKANSAS**

WHEREAS, cities have a statutory duty and responsibility to ensure that wards are of substantially equal population; and

WHEREAS, a demographic analysis of the City's wards has been conducted, and a recommendation made that redistricting be undertaken; and

WHEREAS, Arkansas law vests city councils with apportionment and redistricting authority; and

WHEREAS, it is the desire of the City Council that new ward boundaries be established.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Tontitown as follows:

Section 1. The ward redistricting plan, consisting of the map attached hereto as Exhibit "A" and made a part hereof, is hereby adopted, and shall with serve hereafter as the official ward map for the City of Tontitown.

Section 2. All previous ward maps and descriptions are hereby repealed.

Section 3. A certified copy of said map shall be submitted to the Washington County Election Commission, and filed in the Office of the Washington County Clerk.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

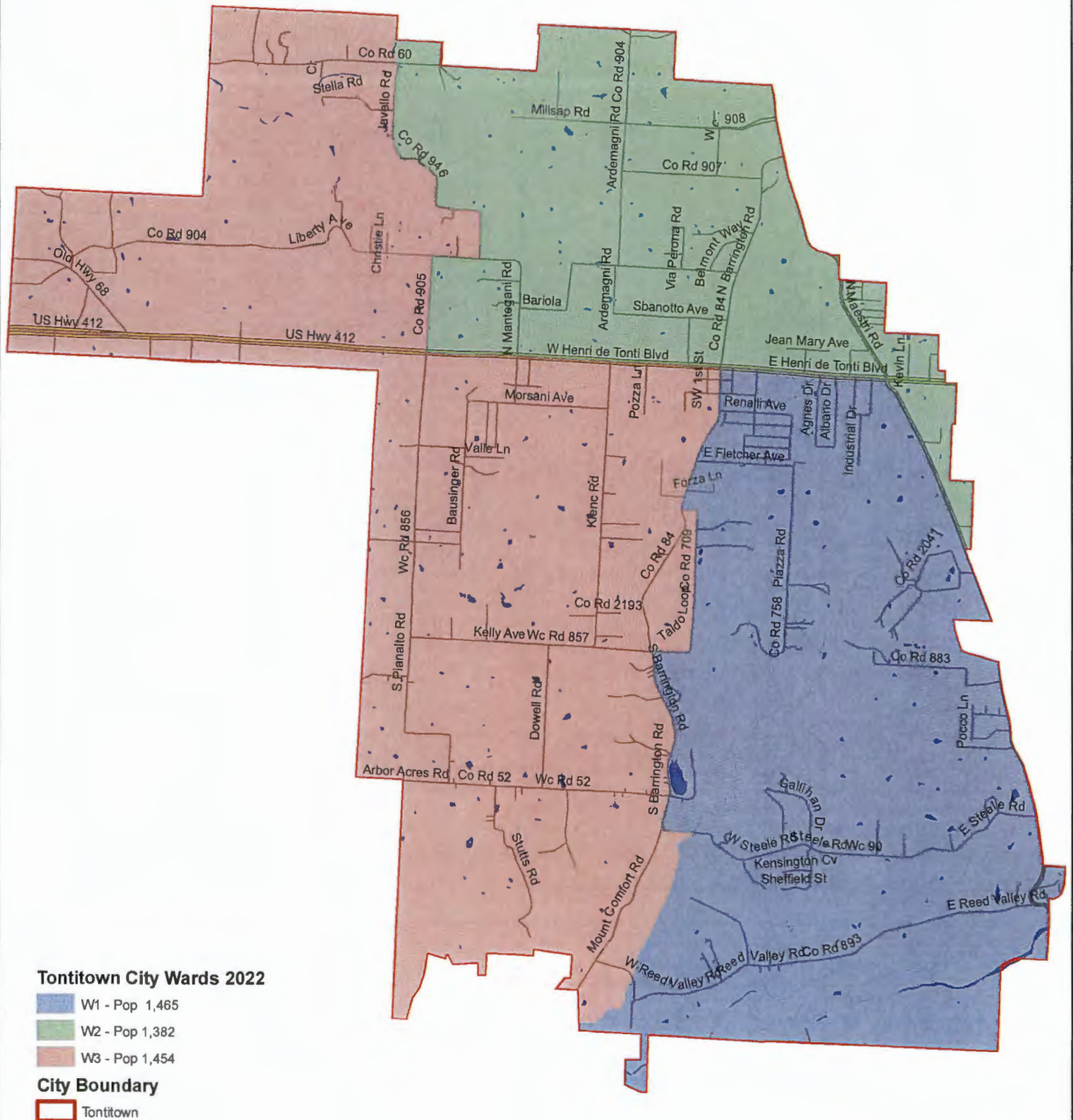
GENE McCARTNEY, Acting Mayor

ATTEST:

RHONDA ARDEMAGNI, City Clerk-Treasurer
(SEAL)

TONTITOWN CITY WARDS - 2022

Exhibit A





NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• Fax: (479) 751 7150

• <http://nwarpc.org>

March 5, 2022

Mayor Gene McCartney
City of Tontitown
P. O. Box 305
Tontitown, AR 72770

Dear Mayor McCartney:

A statistical evaluation of city wards, utilizing 2020 census (Public Law 94-171) Apportionment and Redistricting Data, has been completed to determine if redistricting is necessary. The figures are as follows:

Ward 1	1,536
Ward 2	1,729
Ward 3	<u>1,036</u>
	4,301

According to Arkansas statutes, the city council has a duty and responsibility to see that each ward has as nearly an equal population as would best serve the interest of the people of the city (A.C.A. 14-43-311). Advisable guidelines for what constitutes substantially "equal," generally lie in court decisions involving the Equal Protection Clause of the 14th Amendment. Courts have generally held that deviations in population among election districts less than ten percent (10%) will be valid under this clause, and invalid if they are over 10%. Based upon existing ward boundaries, the deviation in 2020 population among wards is 48.3%--far above the 10% threshold. As such, the redistricting of ward boundaries as a result of the 2020 Census is necessary.

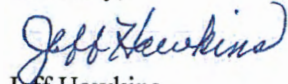
Accordingly, we have prepared a suggested redistricting plan (attached) that would equalize population among wards to an acceptable level, with a deviation of 5.8%. The figures are as follows:

Ward 1	1,465
Ward 2	1,382
Ward 3	<u>1,454</u>
	4,301

As few changes as possible were made to the existing ward boundaries, while following 2020 Census block lines. In addition, we were able to keep current council members in their respective wards. A suggested adoption ordinance for City Council consideration is also attached.

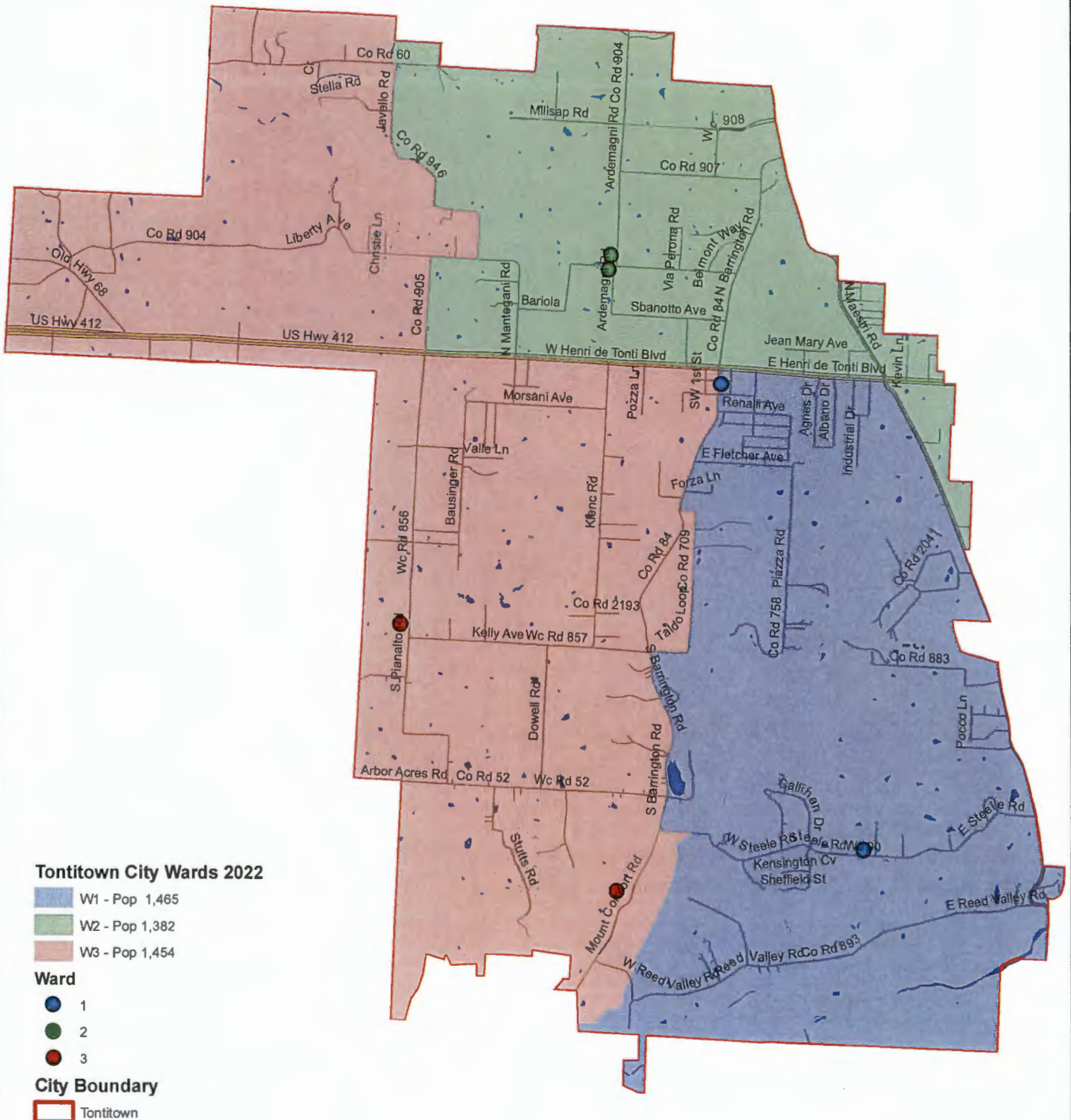
Should there be any questions, or should further clarification be required, please advise.

Sincerely,

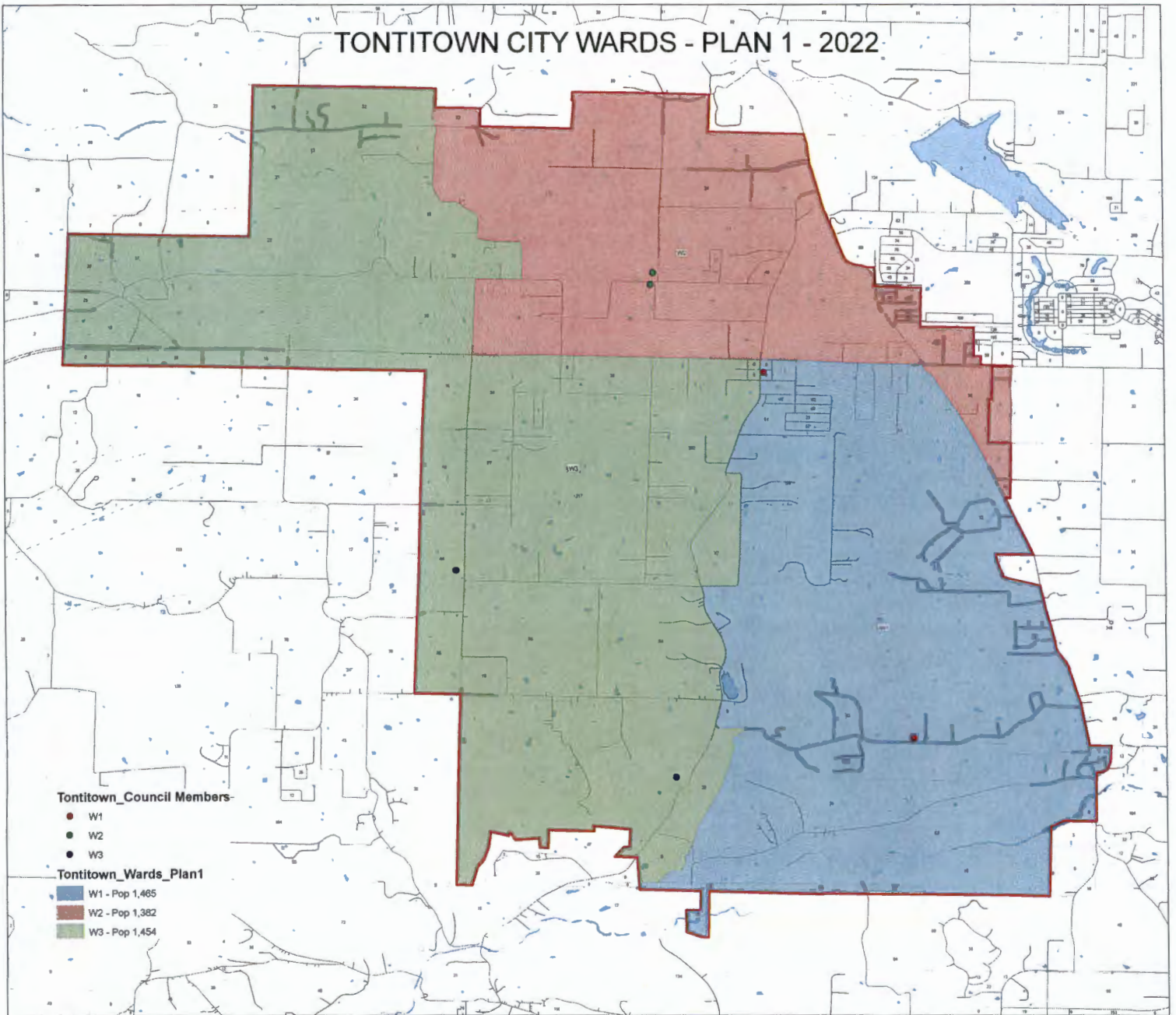
A handwritten signature in blue ink that reads "Jeff Hawkins". The signature is written in a cursive style with a large, stylized "J" and "H".

Jeff Hawkins
Director

TONTITOWN CITY WARDS - 2022



TONTITOWN CITY WARDS - PLAN 1 - 2022



ORDINANCE NO. 2022-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE REZONING CERTAIN LANDS LOCATED
AT 761 AND 829 W. HENRI DE TONTI BLVD. FROM
COMMERCIAL (C-2) TO COMMERCIAL TRADES (C-T) IN
THE CITY OF TONTITOWN, ARKANSAS

WHEREAS, A Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas on March 17, 2022, at 6:00 p.m. to hear public responses to the question of rezoning lands located at Paramount Metals at 761 & 829 W Henri de Tonti Blvd in the City of Tontitown, Arkansas. The request is to rezone a portion of the following described parcel from Commercial (C-2) to Commercial Trades (C-T); and

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the rezoning requested should be approved and has recommended approval to the Tontitown City Council; and

WHEREAS, the Tontitown City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tontitown, Arkansas:

Section 1. The City of Tontitown hereby changes the zone classification from Commercial (C-2) to Commercial Trades (C-T) for certain real property located at 761 & 829 W. Henri de Tonti Blvd. more particularly described as:

Parcel # 830-37715-001, 830-37710-000, & 830-37709-001

A PART OF THE NORTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 17
NORTH, RANGE 31 WEST, WASHINGTON COUNTY,
ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS, TO-WIT:

BEGINNING AT AN EXISTING RIGHT-OF-WAY
MONUMENT ON THE SOUTH RIGHT-OF-WAY OF
ARKANSAS STATE HIGHWAY 412 WHICH IS S87°20'37"E
540.00' AND S03°08'27"W 54.91' FROM THE NORTHWEST
CORNER OF SAID FORTY ACRE TRACT AND RUNNING
THENCE ALONG SAID RIGHT-OF-WAY S89°59'30"E 103.93',
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY
S87°00'17"E 341.78', THENCE LEAVING SAID RIGHT-OF-
WAY S03°41'14"W 353.51', THENCE N87°11'41"W 211.42' TO
AN EXISTING PIPE, THENCE S03°14'25"W 12.23', THENCE
N87°20'26"W 230.76', THENCE N03°08'27"E 362.35' TO THE

POINT OF BEGINNING, CONTAINING 3.67 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Section 2. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 4. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED and APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: February 22, 2022
Project: Paramount Metals Rezoning
Planner: Courtney McNair, Garver

PUBLIC HEARING AGENDA ITEM

1

PLANNING COMMISSION AGENDA ITEM

3

PARAMOUNT METALS REZONING REQUEST

761 & 829 W Henri de Tonti Blvd
Parcel # 830-37715-001, 830-37710-000 & 830-37709-001

At the Planning Commission meeting it was discussed that the planning commission would feel more comfortable with C-T zoning for this property. The applicant agreed, and the motion was approved to rezone the property from C-2 to C-T, Commercial Trades and Services. This project was unanimously approved at the March 17th, 2022, Planning Commission meeting. The conditions were approved as listed in the staff report, with one addition, condition #5.

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.
2. This project shall be in compliance with all local, state, and federal regulations.
3. This rezoning must proceed to the City Council for approval.
4. Any improvements to this site require additional review.
5. This project shall be required to request a Conditional Use Permit prior to any expansion of the Primary Warehousing use on site. Conditional Use Permits require Planning Commission Approval and City Council Approval.

SUMMARY: Request to rezone the existing Paramount Metals location from C-2 to L-I in order to bring the site into zoning compliance.

CURRENT ZONING: C-2 – General Commercial

REQUESTED ZONING: L-I– Light Industrial

FUTURE LAND USE CATEGORY: RC-C – Residential Commercial Core

CITY WARD: 3-Penny Baskin and Tim Burress

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

Water: Tontitown Water, existing 6" water main.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer, existing 12" sewer main.

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications

PROJECT SYNOPSIS:

This project was heard and approved by the Planning Commission on November 1, 2021. At the following City Council meeting, the City Council tabled the project and asked that the Planning Commission review it again at the following Planning Commission Meeting. Planning Staff was instructed not to place it on the subsequent agenda at that time due to confusion over the nature of the request at the time (the replacement of the office building and demolition of the existing office building).

Since that time, it has been clarified that the existing office building on site may be replaced by a new building of equal or lesser size without a zoning change or a large-scale development plan. The applicant is moving forward with that project at this time.

However, the applicant has expressed that they may like to expand the existing warehousing building in the future. In order to expand any portion of the warehousing or fabrication business, this site will need to be rezoned in order to bring the existing use into zoning compliance. Non-conforming, grandfathered uses may not be expanded (except within very limited parameters). Therefore, the applicant is asking that with the clarification regarding the office building, and potential future goals for their business, that this rezoning be reconsidered.

The owner of this property is Weeks Enterprises, LLC. The applicant/representative is Dan Scott, for Paramount Metals.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential 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 application is requesting rezoning for an existing, non-conforming, Light Industrial use to be brought into zoning compliance. The business has existed in this location for many years. They may not expand their business if they choose to in the future under the current zone of the property. The request for Light Industrial is well aligned with the Future Land Use Plan.

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 and Commercial Core. According to the City's Vision Plan document specifically calling "Industry" as land use that can be accommodated here, 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 character of the commercial zone along Henri de Tonti Blvd will not be negatively affected by this rezoning request since the business already exists. The purpose of the rezoning is to bring the property into zoning compliance so that the business could potentially expand in the future.

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

STAFF ANALYSIS: The requested use is for light industrial zoning; surrounding properties are zoned C-2, General Commercial.

The actual uses of the surrounding properties include Single-family residential and commercial uses.

North- zoned C-2- Timmons Oil Company, and SF-R uses across the highway.

East- zoned C-2- Commercial tow yard.

South- zoned C-2- grandfathered SF-R use.

West- zoned C-2- Uncle Tanks Self Storage.

This is an existing business, and does not negatively impact the character of the surrounding area.

(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 is operating successfully at this location with the current

zoning designation as the first building on the site was constructed around 1986, but it is not currently in compliance with C-2 zoning. It appears that Tontitown first adopted zoning regulations in 1991.

- (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: Nearby properties will not be affected at all by this requested rezoning. The business already exists and intends to continue to operate in the same manner.

- (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 business is existing.

- (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: The business already exists and intends to continue to operate in the same manner.

TECHNICAL INFORMATION:

Technical information will be addressed if any additional projects are submitted in the future.

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: Staff recommends approval of this request for Paramount Metals to rezone their property from C-2, General Commercial to L-I, Light Industrial, with conditions.

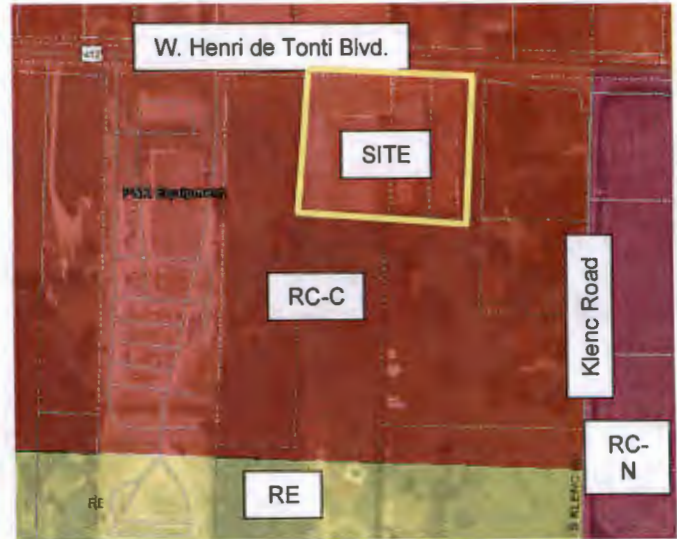
CONDITIONS RECOMMENDED FOR APPROVAL:

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

ZONING



FUTURE LAND USE



SITE LOCATION



SITE

W. Henri de Tonti Blvd.

W. HENRI DE TONTI BLVD

830-37710-001

830-37715-001

829

761

830-37710-001

830-37709-001

830-37710-001

830-37710-001

PH1 and PC3 -6

USE COMPARISON CHART	C-2	C-T	L-1
Single-family detached	C	C	C
Duplex	C	C	C
Loft living space	P	P	C
Townhomes (see LOT, YARD and HEIGHT REGULATIONS for requirements)	C	C	C
Triplex, quadplex	C	C	C
Multi-family	NP	NP	NP
Civic and commercial uses			
Airport or airstrip	NP	NP	NP
Animal care, general	P	C	P
Animal care, limited	P	P	P
Auditorium or stadium	C	C	C
Automated teller machine (ATM)	P	P	P
Bank or financial institution	P	P	P
Bed and breakfast	P	C	C
Car wash	P	C	P
Cemetery	P	P	P
Church	P	P	P
College or university	P	P	P
Communication tower	C	C	C
Construction sales or service	P	P	P
Convenience store	P	P	P
Day care, limited (family home)	P	C	C
Day care, general	P	P	C
Entertainment, adult	C	NP	C
Funeral home	P	C	C
Golf course	P	P	NP
Government service	P	P	P
Hospital	P	P	P
Hotel or motel	P	C	NP
Library	P	P	P
Medical service/office	P	P	P
Museum	P	P	C
Nursing home	P	P	C
Office, limited	P	P	P
Office, general	P	C	C
Parking lot, commercial	P	P	C
Parks and recreation	P	P	P
Pawn shops	P	NP	C
Post office	P	P	C
Recreation/entertainment, indoor	P	P	P
Recreation/entertainment, outdoor	P	C	C

Restaurant, fast food	P	C	C
Restaurant, general	P	C	C
Retail/service up to 5,500 sq. ft.	P	P	C
Retail/service up to 10,000 sq. ft.	P	C	C
Retail/service greater than 10,000 sq. ft.	P	C	C
Safety services	P	P	P
School, elementary/middle/high	P	P	NP
Service station	P	NP	P
Signs	*	*	*
Storage, outdoor (yard)	C	P	P
Utility, major	C	C	C
Utility, minor	P	P	P
Vehicle and equipment sales	P	C	P
Vehicle repair, general	P	C	P
Vehicle repair, limited	P	C	P
Vocational school	P	P	P
Warehouse, residential (mini) self-storage	P	P	P
*The placements of all shall be in accordance with city code			
Industrial, manufacturing, and extractive uses			
Asphalt or concrete plant	NP	NP	NP
Auto wrecking or salvage yard	NP	NP	NP
Basic industry	NP	NP	C
Freight terminal	C	NP	C
Manufacturing, general	NP	NP	C
Manufacturing, limited	NP	P	P
Mining or quarrying	NP	NP	NP
Soil borrowing	NP	NP	C
Research services	C	C	C
Warehousing primary	NP	C	P
Warehousing ancillary	C	P	P
Welding or machine shop	C	P	P
Agricultural uses			
Agriculture, animal	C	NP	C
Agriculture, crop	C	C	P
Agriculture, farmers' market	P	P	P
Agriculture, product sales	C	C	P
Animal, farm	NP	NP	NP
Chicken, hobby	NP	NP	NP
Exclusive uses			
Sanitary landfill	NP	NP	NP

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 153.216 SIDEWALKS IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to residential and commercial development, construction standards, and timing of installation that are set forth in Section 153.216 SIDEWALKS of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 153.216 SIDEWALKS of the Tontitown Municipal Code should be adopted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. That Section 153.216 SIDEWALKS of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit “A”

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 153.216 SIDEWALKS of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to residential and commercial development, construction standards, and timing of installation. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

§ ~~153.216~~ SIDEWALKS 153.216 SIDEWALKS.

- (A) ~~(A) Multi-family~~*Residential* and commercial development. Sidewalks shall be required for all ~~multi-family residential~~ developments that contain five ~~lots~~ units or more. Sidewalks ~~may be~~*shall be* required through the site plan approval process for commercial developments.
- (B) *Construction standards.* Sidewalks shall be constructed in accordance with all applicable city standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. Sidewalks ~~must~~*shall* be setback at least five ~~(5)~~ feet from the back of the curb or pavement and such sidewalks shall have a minimum width of five ~~(5)~~ feet, ~~or as shown on the Typical Street Sections approved as part of the Master Street Plan and listed in table 90.900.2. This specification shall be the city's standard requirement.~~ Provided, however, that under unique circumstances, exceptions may be made through site plan approval, for a sidewalk to be attached to the curb or be located closer than five feet to the curb.
- (C) *Timing of installation.* Required sidewalks shall be installed prior to occupancy of any structure.
- (D) Refence Article 90.900, Sidewalks for additional requirements.

RESOLUTION NO. 2022-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**A RESOLUTION AUTHORIZING AND APPROVING CHANGE
ORDER NO. 1 FOR THE BUSHY CREEK RESTORATION
PROJECT IN THE CITY OF TONTITOWN, ARKANSAS.**

WHEREAS, as required by law, the City of Tontitown received bids and awarded a contract to Fillmore Utility Solutions, LLC (the "Contractor") for the above-described project; and

WHEREAS, following the execution of the contract with the Contractor, it was determined by the City that due to supply chain issues, materials necessary for the project from a third party would not be available; and

WHEREAS, in order to have a timely completion the project, it was also determined that the materials could be provided by the Contractor and that the execution of a change order would be required; and

WHEREAS, the City Council, having been informed of all options, desires to authorize the Mayor to accept the Change Order No. 1, attached hereto as Exhibit "A", and further to ratify the actions of the Mayor in designees in negotiating and bringing forth this Change Order No. 1 for approval.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

Section 1. That the City Council of the City of Tontitown, Arkansas hereby accepts the Change Order No. 1, attached hereto as Exhibit "A", and authorizes the Mayor to execute the same and to take all measures necessary to enter into the change order and begin construction of the above listed project.

Section 2. The previous acts and actions of the Mayor or his designees to bid the project are hereby ratified and approved by the City Council and the Mayor and the City Recorder-Treasurer are authorized to take all actions required to complete the project.

PASSED and APPROVED, this ____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, Clerk-Treasurer
(SEAL)

Date of Issuance:	Effective Date:
Owner: City of Tontitown, Tontitown, AR	Owner's Contract No.: 22-1
Contractor: Fillmore Utilities	Contractor's Project No.: 22--1
Engineer: KAS Gales Co.	Engineer's Project No.: 21-T-1
Project: Bushy Creek Renovations, Installation Schedule 1, Barrington Box Culvert and Schedule II, Arlington Way Fillmonr Box Culvert	Contract Name: Steve

The Contract is modified as follows upon execution of this Change Order:

Description: Schedule I, Revise Bid Item 1, Install 2 each 6x6 Box Culverts to Furnish and Install 2 each 6x6 Box Culverts
Revise Schedule II, Revise Bid Item 1, install 1 4x8 box culvert to Furnish and Install 1 each 4x8 box culvert

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE		CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>	
Original Contract Price:		Original Contract Times:	May 30, 2022
<u>\$ 109,365.60</u>		Substantial Completion:	<u>May 20, 2022</u>
		Ready for Final Payment:	<u>May 30, 2022</u> days or dates
[Increase] from Original Contract to Change Order 1		[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___:	No Change in Dates
<u>\$ 49,050.00</u>		Substantial Completion:	
		Ready for Final Payment:	
			days
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
<u>\$ 109,365.60</u>		Substantial Completion:	
		Ready for Final Payment:	<u>May 30, 2022</u> days or dates
[Increase] of this Change Order:		[Increase of this Change Order:	
<u>\$ 49,050.00</u>		Substantial Completion:	<u>June 20, 2022</u>
		Ready for Final Payment:	<u>June 30, 2022</u> days or dates
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
<u>\$ 158,415.60</u>		Substantial Completion:	<u>May 20, 2022</u>
		Ready for Final Payment:	<u>May 30, 2022</u> days or dates
RECOMMENDED:		ACCEPTED:	
By: <u>Carl Gales, KAS Gales Co.</u>	By: _____	By: _____	
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)	
Title: <u>Owner</u>	Title _____	Title _____	
Date: <u>March 12, 2022</u>	Date _____	Date _____	



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **March 29, 2022**
Project: **Paramount Metals CUP**
Planner: Courtney McNair, Garver

PUBLIC HEARING AGENDA ITEM

2

PLANNING COMMISSION AGENDA ITEM

2

CONDITIONAL USE PERMIT REQUEST

761 & 829 W Henri de Tonti Blvd
Parcel # 830-37715-001, 830-37710-000 & 830-37709-001

This project was unanimously approved at the March 29th, 2022, meeting. The conditions were approved as listed in the staff report.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. If the applicant proposes to place a new warehouse building on site, it will be required to proceed through the Large-Scale Development process and address all technical information.
2. The concept expansion will not require LSD approval as it is smaller than the triggering SF for additional requirements.
3. Compatibility, connectivity, and adequate landscaping shall be required to meet the Conditional Use Permit standards for future proposed buildings.

SUMMARY: Request to rezone the existing Paramount Metals location from C-2 to L-I in order to bring the site into zoning compliance.

CURRENT ZONING: (~~C-2~~ -- General Commercial) **APPROVED BY PC to C-T -- Commercial Trades and Services at the March 17, 2022 meeting. Must be ratified by City Council.**

PROPOSED USE: Primary Warehouse

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

CITY WARD: 3-Penny Baskin and Tim Burress

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

Water: Tontitown Water, existing 6" water main.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer, existing 12" sewer main.

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications

PROJECT SYNOPSIS:

At the Special Planning Commission Meeting on March 17, 2022, the Planning Commission approved

PH 2 and PC 2-1

the request to rezone this property from C2, General Commercial to CT, Commercial Trades and Services. The rezoning must still be ratified by the City Council; however, the applicant would like to request the Conditional Use Permit to allow Primary Warehousing in CT zoning at the regular meeting of the Planning Commission on March 29, 2022. If the CUP is approved by the Planning Commission, both the rezoning and CUP can be heard on the April 5, 2022, City Council meeting.

The applicant has expressed that they may like to expand the existing warehousing building in the future. In order to expand any portion of the warehousing, the site needed to be rezoned and a CUP requested for a Primary Warehousing use. Non-conforming, grandfathered uses may not be expanded (except within very limited parameters).

The owner of this property is Weeks Enterprises, LLC. The applicant/representative is Dan Scott, for Paramount Metals.

FUTURE LAND USE PLAN:

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

RESIDENTIAL and COMMERCIAL CORE (RC-C)

Core 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 application is requesting a Conditional Use Permit for an existing, non-conforming, warehousing use to be brought into zoning compliance, and have the opportunity to expand in the future. The business has existed in this location for many years. This request is well aligned with the Future Land Use plan.

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: This site is an existing light manufacturing and warehousing business. The applicant's current conceptual plans show a small addition to the north side of the newer warehouse building on-site. The north side is adjacent to Hwy. 412 and will not impact other adjacent property. The applicant has stated they may want to add an additional building in the future. If they bring those plans to the city, they will be reviewed as a Large-Scale Development, and shall comply with standards set by the city.

(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, primary warehousing may be considered as a conditional use in C-T 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: At this time, the concept plan shows a small addition to the north of the existing newer warehouse building. This plan will conform with setbacks and lot coverage requirements for the zone. If future expansion plans are presented, all setbacks, lot coverage maximums, design standards, and screening requirements will be required to be met as the future 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 a large curb cut existing on site. No additional driveways are currently proposed at this location. This request will not be more intensive than the existing use.

- (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- Timmons Oil Company, and SF-R uses across the highway.

East- zoned C-2- Commercial tow yard.

South- zoned C-2- grandfathered SF-R use.

West- zoned C-2- Uncle Tanks Self Storage.

This property is surrounded by similar types of businesses, and some non-conforming (zoned C2) single-family residential uses to the south. The current conceptual plan will not require any additional compatibility measures due to the location and small size. If future expansion plans are presented, as the technical plans are developed, there are

special standards in place to protect residential uses from marginally compatible uses. The applicant will be required to provide additional buffering when any proposed buildings are adjacent to 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, this is an existing site. A majority of the site is already built out. Some additions are proposed, but they will be required to meet all lot requirements. Future plans will be required to meet all technical requirements.

- (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: No additional driveways are proposed at this time.

Depending on the extent of the future expansion plans, the applicant may need to bring the site into compliance regarding pedestrian access. Pedestrian access at this location is not designed well. This will be addressed with technical comments at a future time.

- (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

At this time, no plans have been provided other than a small future addition to the newer warehouse. Landscaping will be applied at the technical review of future expansions.

- (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 (warehousing), noise, dust, odor, etc. are not a concern. All lighting should be "cut off" type lighting that will not contribute significantly to light pollution. The applicant will be required to provide a lighting cut sheet and diagram to show how the light is designed to remain on the site.

TECHNICAL INFORMATION:

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

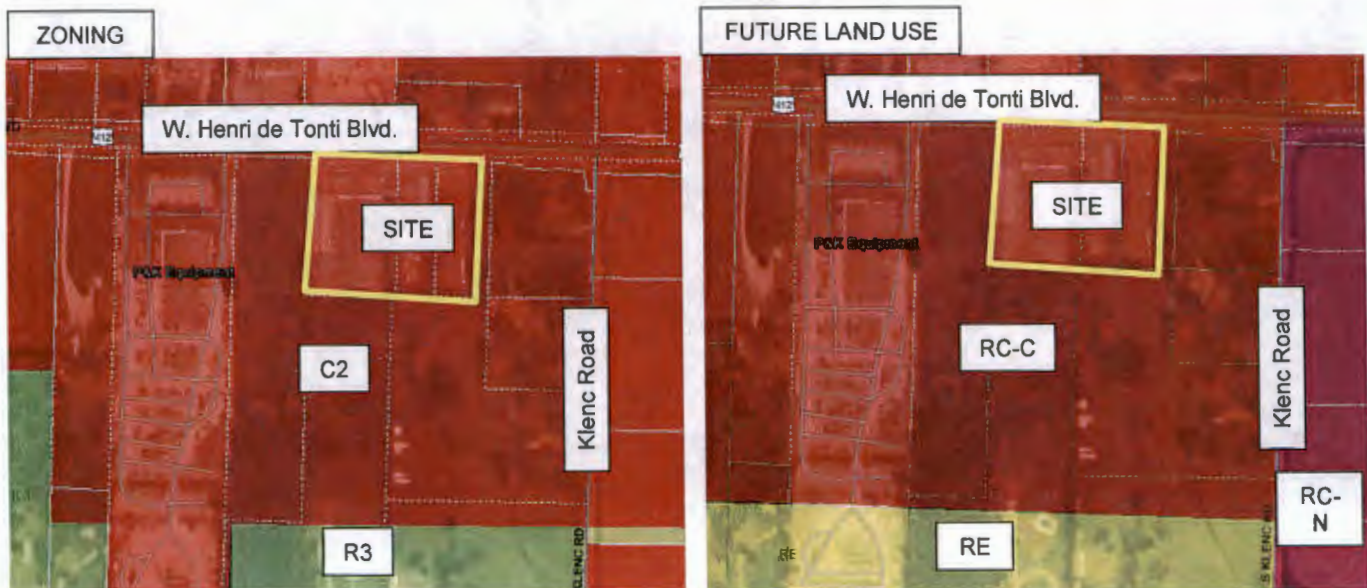
NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no written comments at this time regarding

this project. Staff will update the Planning Commission if any comments are received.

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 nature of the surround businesses along Hwy. 412 in this area, staff recommends approval of the Paramount Metals Conditional Use Permit Request to allow Primary Warehousing within C-T zoning.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. If the applicant proposes to place a new warehouse building on site, it will be required to proceed through the Large-Scale Development process and address all technical information.
2. The concept expansion will not require LSD approval as it is smaller than the triggering SF for additional requirements.
3. Compatibility, connectivity, and adequate landscaping shall be required to meet the Conditional Use Permit standards for future proposed buildings.



SITE LOCATION



SITE

W. Henri de Tonti Blvd.

W. HENRI DE TONTI BLVD.

830-37710-001

830-37715-001

829

761

830-37710-000

830-37709-000

830-37708-000

830-37710-000

HWY 412

Existing parking. This area, or the open space in between this and the newer warehouse may be redeveloped in the future, and LSD plans will be required at that time.

Approved new office to replace current office building that will be demolished.

Existing
(newer)
Warehouse
Building

Proposed 3,300 SF addition to Warehouse Building. Will NOT require LSD review. A grading permit will be required.



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
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 17th, 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 Burrell 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:

PH4 and PC4 -1

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:

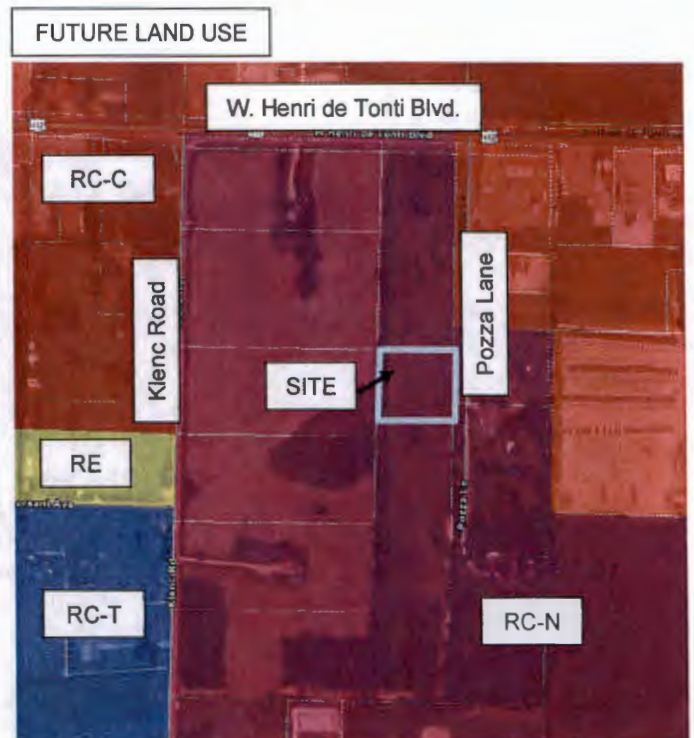
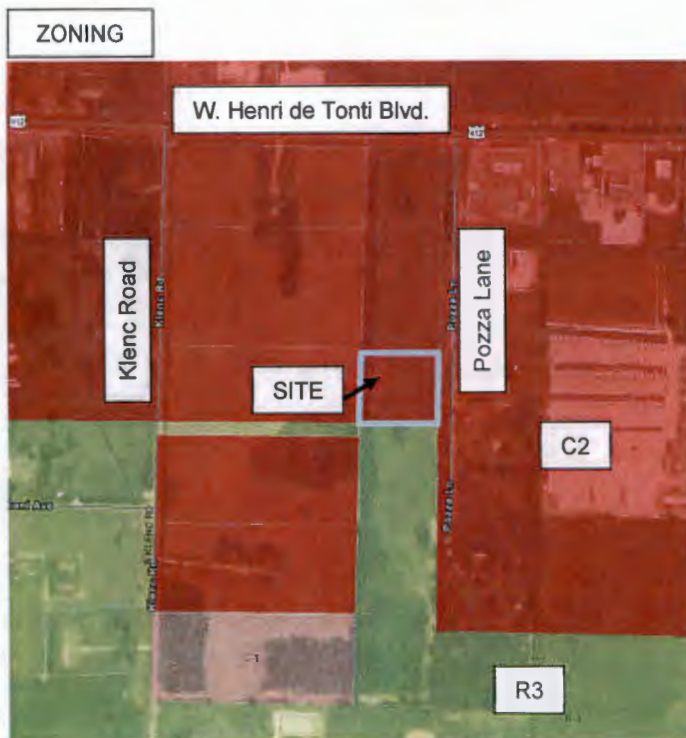
Technical information is addressed at a future stage of development request. The current request is a concept plan only.

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.

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.



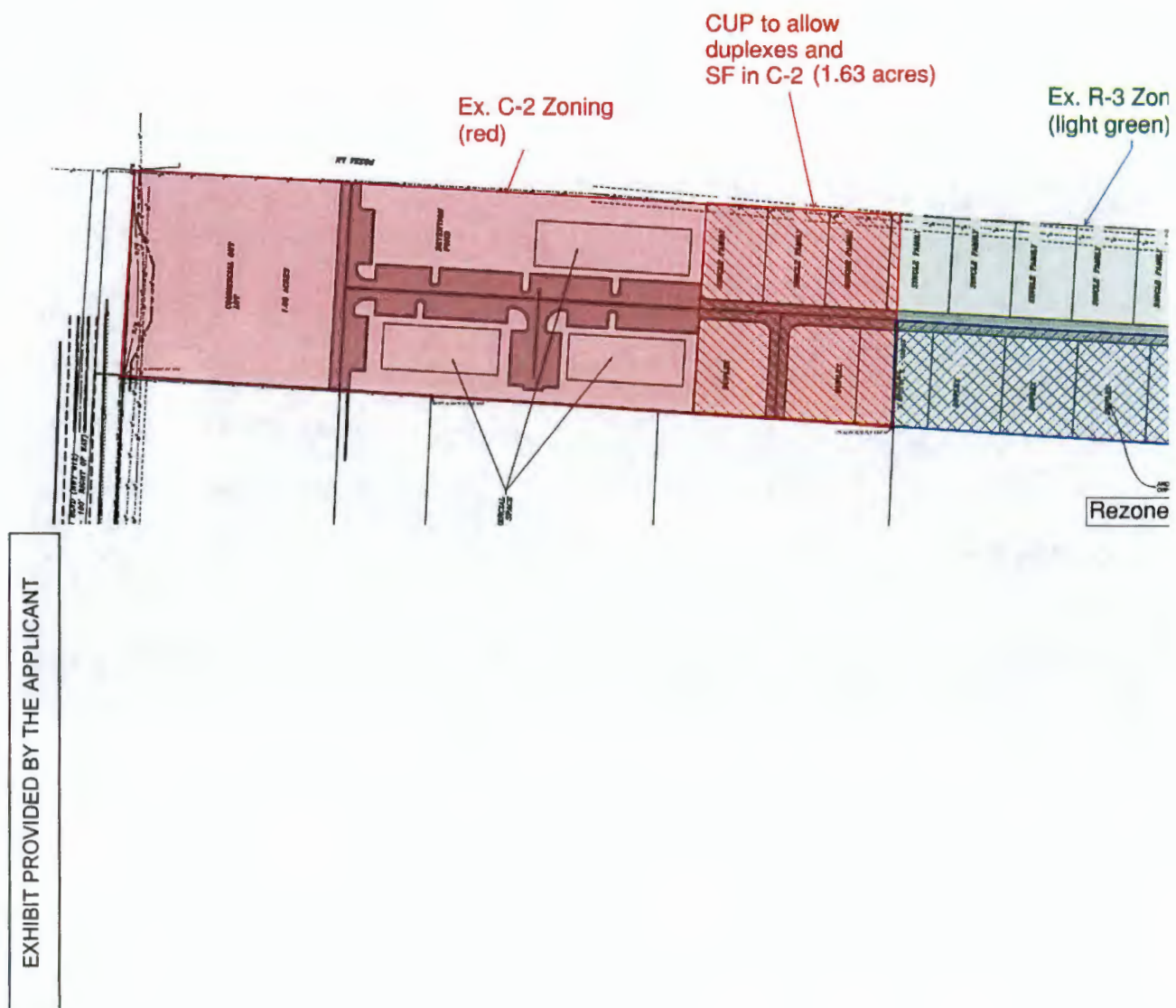
SITE LOCATION



SITE



PH4 and PC4 -7



ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 153.217 STREET FRONTAGE-ACCESS EASEMENT IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to street frontage and access easements that are set forth in Section 153.217 STREET FRONTAGE-ACCESS EASEMENT of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 153.217 STREET FRONTAGE-ACCESS EASEMENT of the Tontitown Municipal Code should be adopted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. That Section 153.217 STREET FRONTAGE-ACCESS EASEMENT of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit “A”

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 153.217 STREET FRONTAGE-ACCESS EASEMENT of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to street frontage and access easements. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

§ 153.217 STREET FRONTAGE-ACCESS EASEMENT.

- (A) -Each lot created in the City of Tontitown shall have access to a public street. This shall include direct access or access via an access easement that connects to a public street, when certain conditions are met.
- (B) Refer to Appendix B and Appendix C for the minimum Lot Width requirement for each zoning district. This is the minimum street frontage required for each lot -Each lot in R-1 and R-2 zoning districts shall have a minimum street, or dedicated access easement frontage of 50 feet, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have not less than 35 feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining zoning districts shall have a minimum of 35 feet of street, or dedicated access easement frontage.
- (C) Access easements shall be a minimum of fifty (50) feet in width and shall only serve three (3) lots without direct access to a public street.

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 152.084 REVIEW CRITERIA IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to incidental subdivisions that are set forth in Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code should be adopted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. That Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit "A"

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to incidental subdivisions. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

INCIDENTAL SUBDIVISIONS

§ 152.084 REVIEW CRITERIA.

Approval or disapproval of incidental subdivisions shall be given based on the following threshold guidelines:

- (A) No new street or alley is required or proposed.
- (B) No new public infrastructure is required.
- (C) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- (D) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
- (E) There is adequate street right-of-way as required by these regulations and the Master Street Plan.
- (F) All easement requirements have been satisfied.
- (G) All lots created by such split or readjustment shall have access on a public street, either by directly accessing a public street with adequate street frontage or via an access easement. Access easements shall be a minimum of fifty (50) feet in width and shall only serve three (3) lots without direct access to a public street.
- (H) No substandard sized lots or parcels shall be created.
- (I) No waivers or variances from these regulations are requested.

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 152.080 APPLICABILITY IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to incidental subdivisions that are set forth in Section 152.080 APPLICABILITY of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.080 APPLICABILITY of the Tontitown Municipal Code should be adopted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. That Section 152.080 APPLICABILITY of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit “A”

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 152.080 APPLICABILITY of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to incidental subdivisions. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

INCIDENTAL SUBDIVISIONS

§ 152.080 APPLICABILITY.

(A) This section of the subdivision regulations is designed to expedite the platting and recording of minor subdivisions, lot splits and certain other dividing or adjustment of land area defined hereafter.

(B) For the purposes of these regulations, incidental subdivisions include the following:

(1) *Lot split.* A lot split in which a lot, located in an already existing recorded subdivision is divided into three lots or less, and where rights-of-way and/or utility easements are being dedicated to the city. A property cannot be divided into more than three separate tracts within a five year time period.

(2) *Minor subdivision.* A minor subdivision in which a lot, tract, or parcel is divided into three lots or less and does not require dedications, vacations, reservations, changes in alignment of easements or rights-of-way, or extensions of utilities. A property cannot be divided into more than three separate tracts within a~~A property cannot be divided more than once in a~~ five year time period.

(3) *Property line adjustment.* A property line adjustment in which a property line(s) is moved or relocated but does not create an additional lot. A property line adjustment may or may not dedicate rights-of-way and/or utility easements.

(4) *Correction plat.* A correction plat in which a correction to an existing plat is necessary due to an incorrect legal description or scrivener's errors. The correction plat does not change the boundaries, does not change the subdivision name and does not create new lots. The correction plat may or may not create new utility easements.

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 152.095 APPLICABILITY IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to large scale developments that are set forth in Section 152.095 APPLICABILITY of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.095 APPLICABILITY of the Tontitown Municipal Code should be adopted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. That Section 152.095 APPLICABILITY of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit “A”

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 152.095 APPLICABILITY of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to large scale developments. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

LARGE SCALE DEVELOPMENTS

§ 152.095 APPLICABILITY.

(A) This section is applicable to all Commercial, Industrial and Multi-Family Residential construction within the city.

(B) A development plan is required to be submitted to the Planning Commission for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.

(C) Exemptions.

(1) Single family and duplex residential construction is specifically exempted from this requirement.

(2) Expansion of parking lots that will include less than sixty (60) total standard parking spaces, including the expansion addition, are specifically exempted from this requirement.

(a) A grading permit that conforms to the Drainage Criteria Manual shall be required for parking lot expansions.

(b) Parking spaces for larger vehicle, may be exempted if the total size of the parking lot, including the expansion addition, does not exceed 18,000 square feet.

(3) Expansion of a parking lot that was previously approved as part of a large-scale development, as long as the expansion addition is less than sixty (60) total standard parking spaces.

(a) A grading permit that conforms to the Drainage Criteria Manual shall be required for parking lot expansions.

(b) Parking spaces for larger vehicles may be exempted if the total expansion addition does not exceed 18,000 square feet.

(c) Additional Landscaping and Screening requirements shall apply. Refer to Chapter 153.212.

(D) ~~(1)~~—Examples of facilities or construction covered, but not limited to:

~~(21)~~ New commercial, industrial, or civic development and building construction.

~~(E) (12)~~ Additions or improvements to existing buildings or developments that increase the overall square footage of the current structure(s) or development by more than 50%, not to exceed 3,999 square feet.

~~(23)~~ The revision of land use that results in the need to access to public streets or utilities.

~~(EF)~~ No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in

this subchapter. No permanent connection to utilities shall be allowed until the Building Official has certified compliance with the approved development plan.