



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **April 26, 2022**
Project: **L Saw Center**
Planner: Courtney McNair, Garver

PLANNING COMMISSION AGENDA ITEM

2

WAIVER REQUEST

East of Hwy. 112, south of Casey's, Venezia Piazza Phase 2
Parcel # 830-38677-000, 830-38677-001

SUMMARY: L Saw Center is requesting Preliminary LSD approval to construct a 13,800 SF commercial building with associated parking and drives. Currently proposed to be 77% retail, and 23% restaurant.

CURRENT ZONING: C-2 General Commercial-the proposed development meets the current zoning.

CITY WARD: 1- Gene McCartney, Amber Ibarra

FLOODPLAIN: No

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

Water: Tontitown Water, existing 8" waterline

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

L Saw Center is requesting Preliminary LSD approval to construct a 13,800 SF commercial building with associated parking and drives. Currently proposed to be 77% retail, and 23% restaurant.

The lots are part of the Venezia Piazza Phase 2 plan, Lot 6 and Lot 7b. Recently Gerber Collision LSD was approved on Lot 7a.

The applicant is requesting a waiver from the building articulation requirements for the south side of the building that faces Hwy. 112:

- Waiver from Chapter 152.151 (E)(5) Wall articulation. Buildings shall avoid long uninterrupted façade planes and/or blank walls. All commercial, institutional, triplex, quadplex, and multi-family buildings with facades greater than 50 feet in length shall incorporate wall plane projections or recess that are at least two feet deep. Projections/recess must be at least 25% of the length of the façade. No uninterrupted length of a façade may exceed 50 feet in length.

152.026 WAIVERS.

(A) General.

(1) When, by the strict interpretation of these regulations, an applicant incurs undue restrictions on the physical property to be subdivided, a waiver for such requirements may be granted by the Planning Commission.

(2) Under no circumstance should a waiver be granted because of a personal hardship or for personal or emotional reasons. Waivers shall not be granted based strictly on financial hardship.

(3) A waiver is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided.

(B) Procedures.

(1) No waiver shall be granted except upon written petition by the applicant when the application is filed. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made.

(2) In granting the waiver, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.

(3) In considering the petition for a waiver, the Planning Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity.

(4) The findings of the Planning Commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of these regulations.

According to the applicant's waiver request: "The configuration of Lot 6 and 7b, with respect to the subdivision's infrastructure, strongly suggests any proposed building frontage to face north along the subdivision private road. The proposed site layout for this development does show the building frontage to face north to take full advantage of the subdivision's infrastructure. The proposed development faces constraint with the proposed site layout due to the northern, western, and eastern facades of the proposed building being visible from the public realm. The northern, western, and eastern facades currently meet the City's development code, but the southern façade is out of compliance due to being visible from S. Maestri Road. Measures have been taken in the proposed landscape plan to provide vegetative screening on this southern façade from S. Maestri Road."

Staff asked for further clarification due to a conversation regarding if the applicant intended to request to waive all of Chapter 152.151 (E), or just the façade articulation portion, and received the following via email "I've talked to the applicant about this, and he's going to get the architectural elevation revised to show that southern facade to have brick to match the rest of the building. I'll send your way as soon as I receive it. He also wanted me to mention that the HVAC condensing units that will be ground mounted on the southern facade will have a metal panel screening. This will be reflected in the new architectural elevations. Please let me know if you have any further questions or concerns."

The applicant has provided a revised waiver request to clarify that the southern façade will be brick material.

Section 152.026 Waivers (B)

(5) No waiver shall be granted unless the Planning Commission finds all of the following:

(a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.

Staff's Response: This is an unusual site, as the building has street frontage (visible from the public way) on three full sides.

(b) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Staff's Response: Imposing this full requirement would reduce the size of the building the applicant is able to place on this site.

(c) That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.

Staff's Response: Granting this waiver will not be detrimental to the public health, safety, and welfare, or be injurious to other property in the area.

(d) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of these regulations.

Staff's Response: As the applicant has agreed to use the same brick material found on the remainder of the building, the landscaping has been arranged along the southern property line to break up the façade visually, and the applicant is fully meeting the Tontitown code on all other sides of this building, granting this waiver will not prevent the orderly development of other land in the area.

Additionally, when the lot to the south (Lot 7B) is developed, it is expected that some of the south side of this building will be less visible.

The current elevation drawings submitted do not yet show the material changed to brick, the revised elevations shall be required to be submitted to the Planning Office prior to construction.

STAFF RECOMMENDATION:

Based on the building all being constructed with the same material, the other three sides of the building fully meeting Tontitown Code, and the arrangement of the landscaping on the southern property line, staff recommends approval of this waiver from Chapter 152.151 (E)(5) for the building articulation requirements for the south side of the building that faces Hwy. 112. with conditions.

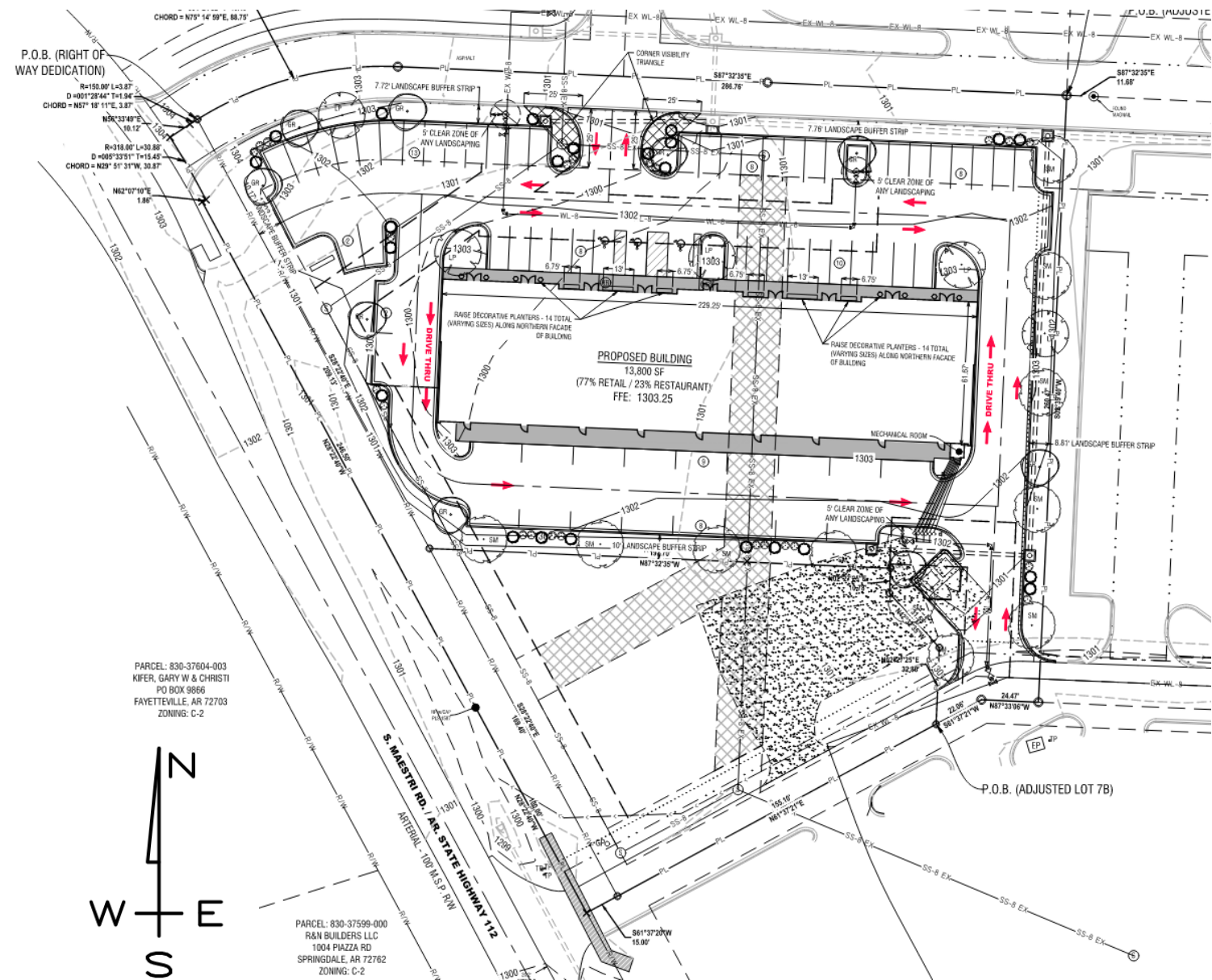
CONDITIONS RECOMMENDED FOR APPROVAL:

1. Revised elevations, showing brick materials on the south façade, shall be required to be submitted to the Planning Office prior to construction.

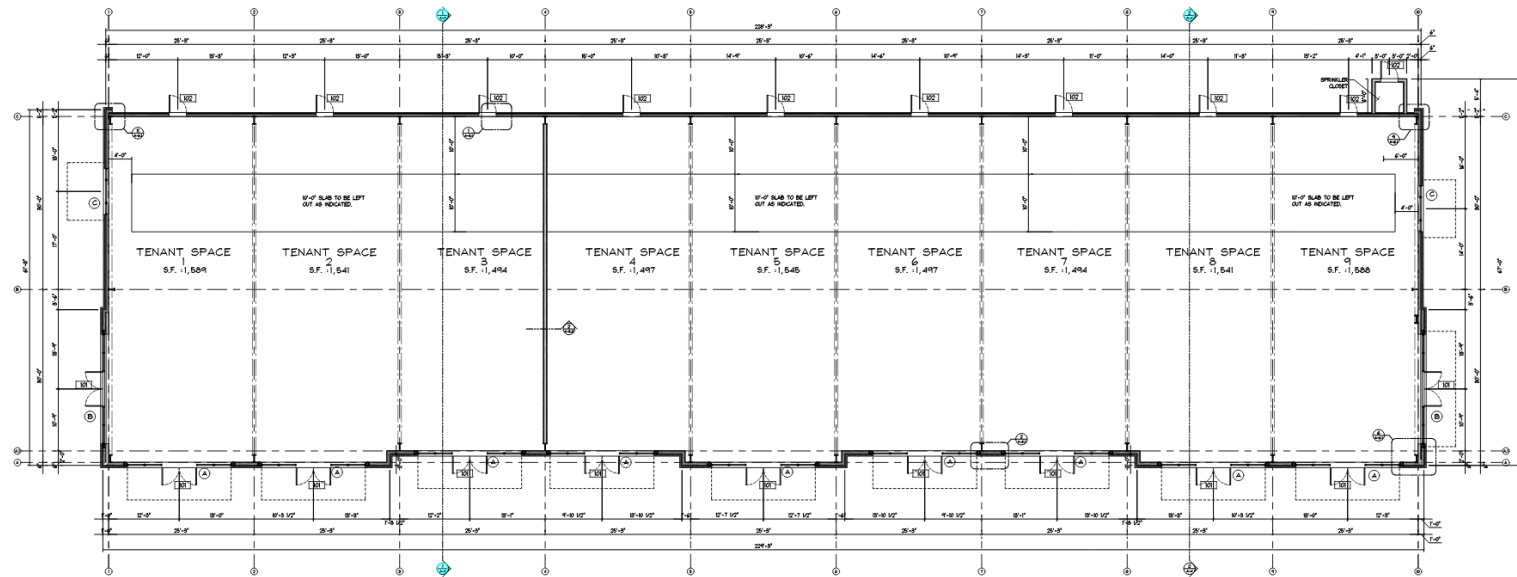
Site location:



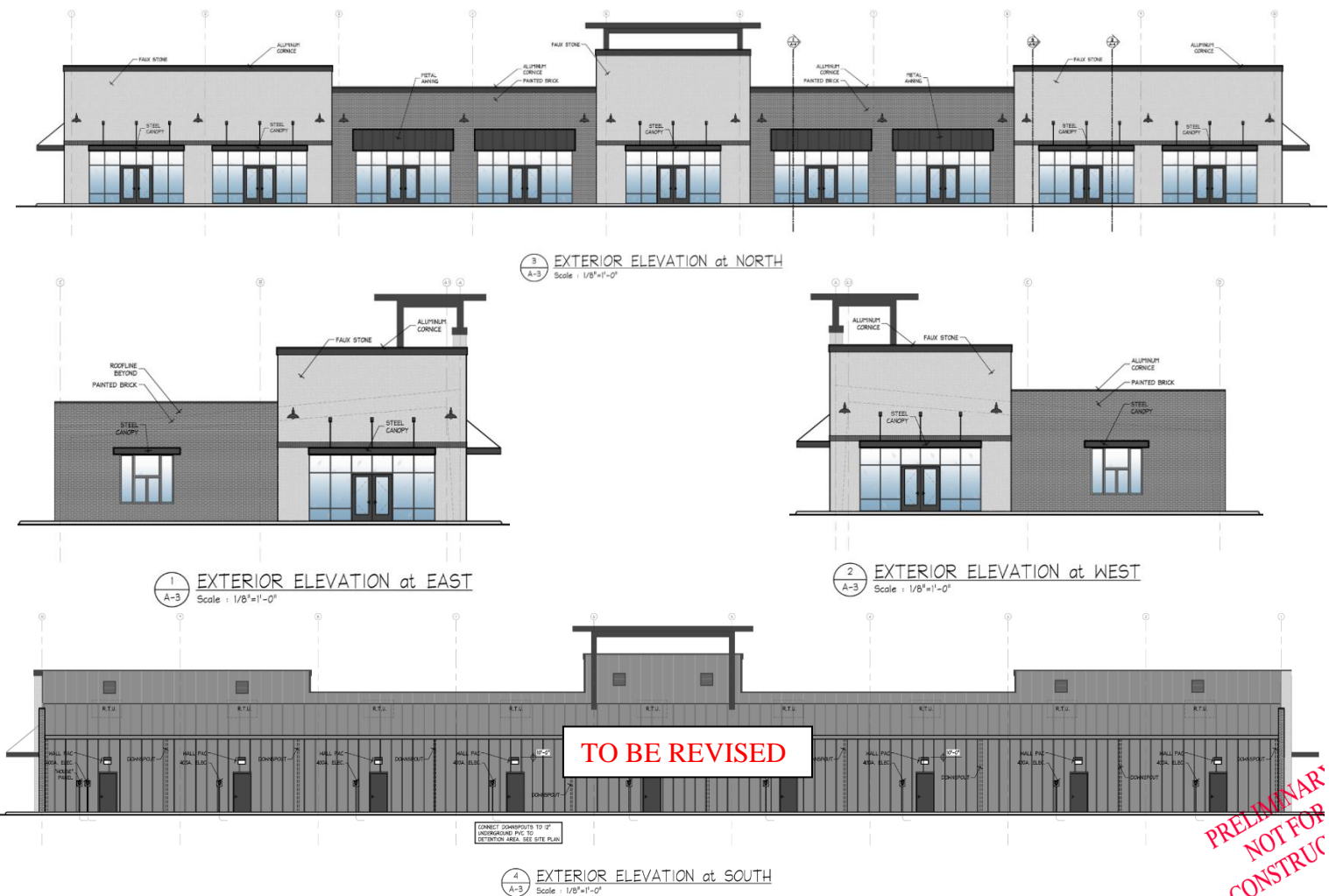
Site Layout:



Building footprint:



Building façade:





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April 22, 2022

City of Tontitown
235 E Henri de Tonti Blvd
Tontitown, AR 72762

Attn: Planning Department
Re: L Saw Center Large Scale Development – Waiver Narrative **(Amended)**

To Whom It May Concern,

Please let this letter serve as a narrative to accompany the submission of a waiver request as it relates to L Saw Center Large Scale Development Located in the City Limits of Tontitown. More specifically this waiver request pertains to City of Tontitown Code – Chapter 152, Section 151, Subsection E, Part 5. We are requesting this section of code be waived as a requirement to this large scale development on the proposed building's southern facade. The included architectural elevation currently shows the southern facade to be architectural ribbed metal paneling, but this is being revised to be brick to match the front and sides of the building.

This proposed development is located on current lots 6 & 7B of Venezia Piazza Addition, which is a commercial subdivision that's located along S. Maestri Rd. (Ar. State Hwy. 112). The configuration of Lots 6 & 7B with respect to the subdivision's infrastructure strongly suggest any proposed building frontage to face north along the subdivision private road. The proposed site layout for this development does indeed show the building frontage to face north to take full advantage of subdivision's infrastructure. This proposed development faces constraint with the proposed site layout due to the northern, western, & southern facades of the proposed building being visible from a public realm. Northern, western, & eastern facades currently meet the City's development code, but the southern facade is currently out of compliance due to not having the required wall articulations as specified in City of Tontitown Code – Chapter 152, Section 151, Subsection E, Part 5, and being visible from S. Maestri Rd. Measures have been taking in the proposed landscape plan to provide vegetative screening on this southern facade from S. Maestri Rd.

It's important to also mention that current lots 6 & 7B have been adjusted as to have the entire L Saw Center Large Scale Development be on lot 6, and lot 7B is now south of the L Saw Center Large Scale. This adjustment (Property Line Adjustment) has been reviewed & approved by city staff. It's now ready to be signed and filed with Washington County. This adjustment sets up lot 7B to be developed, and more importantly provide further screening on the southern face of the L Saw Center that is the subject of this waiver request.

Please don't hesitate to contact me regarding any questions or concerns that you may have about this waiver request.

Sincerely,

Dillon B. Bentley

Dillon B. Bentley, P.E.
Project Engineer