



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **July 26, 2022**  
Project: **Fire Station Waiver**  
Planner: Courtney McNair, Garver

### PLANNING COMMISSION AGENDA ITEM

## 5

### WAIVER REQUEST

Parcel #s: 830-37758-000 & 830-37758-001

199 E. Bandini Ave.  
Parcel # 830-37552-001

**SUMMARY:** The applicant is requesting Preliminary Large Scale Development approval to construct an 11,846 SF fire station with associated parking and driveways on approx. 2.07 acres.

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

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

**FLOODPLAIN:** No

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

**Water:** Tontitown Water

**Electric:** Ozarks Electric

**Sewer/Septic:** Tontitown Sewer

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

**School District:** Springdale

#### **PROJECT SYNOPSIS:**

The applicant is requesting Preliminary Large Scale Development approval to construct an 11,846 SF fire station with associated parking and driveways on approx. 2.07 acres.

There are two (2) existing buildings on site. The 4,458 SF building is planned to remain with the removal of the office add on and the carport, and the 1,576 SF building is planned to be removed. The existing gravel area and asphalt on site will also be removed. There is also a "site security wall" along the street that is proposed to be removed. One (1) entrance is currently on this site and connects to E. Bandini Ave.

The applicant is requesting a waiver from Chapter 90.400.4 B regarding the required street improvements for E. Bandini Ave.

#### 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.

## **WAIVER REQUEST:**

**Waiver request from Chapter 90.400.4 B to not require half-street improvements on E. Bandini Ave. The applicant is providing the required right-of-way (ROW) and planning to construct the required 6-foot (6') sidewalk.**

(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:** The Tontitown Fire Station LSD is a City project. Additionally, the City is looking comprehensively at the necessary street improvements to service the Fire Station, beyond just the small stretch of street directly adjacent to this site. It will be beneficial to the City to consider the improvements as a whole.

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

**Staff's Response:** The City will benefit from having one plan to address the infrastructure needs to service this Fire Station.

(b) *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 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:** Granting this waiver will not prevent the orderly subdivision or development of other land in the area.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the applicant's waiver request from Chapter 90.400.4 B to not require half-street improvements on E. Bandini Ave. The applicant is providing the required right-of-way (ROW) and planning to construct the required 6-foot (6') sidewalk, and the overall infrastructure needs will be coordinated with the City.

**Site location:**

