

ORDINANCE NO. 2023-03-1041

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE A PORTION OF PARCEL NO. 830-37574-000, LOT 1B, CASALINI ADDITION FROM GENERAL COMMERCIAL (C-2) TO COMMERCIAL TRADES AND SERVICES (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 February 28th, 2023 at 6:00 p.m. to hear public input to the question of an application to rezone a portion of Parcel No. 830-37574-000 located at Lot 1B, Casalini Addition in Tontitown, Arkansas. The request is to rezone the following described parcel from General Commercial (C-2) to Commercial Trades and Services (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 General Commercial (C-2) to Commercial Trades and Services (C-T) for a portion of Parcel No. 830-37574-000 located at Lot 1B, Casalini Addition in the City of Tontitown, Arkansas and more particularly described in the attached Exhibit "A".

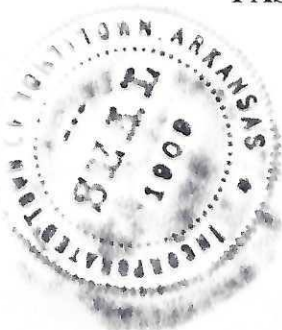
Section 2. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

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 21 day of March 2023.

APPROVED:



Doc ID: 021013150008 Type: REL
Kind: ORDINANCE
Recorded: 03/22/2023 at 10:55:16 AM
Fee Amt: \$50.00 Page 1 of 8
Washington County, AR
Kyle Sylvester Circuit Clerk

File 2023-00007057

11-01-20
Angela Russell
Angela Russell, Mayor

ATTEST:

Rhonda
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 28, 2023**
Project: **Rezone portion of Lot 1B, Casalini Addition from C2-CT**
Planner: Courtney McNair, Garver

AGENDA ITEM

PH 2, PC 2

REZONING REQUEST

E. Henri de Tonti Blvd. (a portion of Lot 1B, Casalini Addition)
Parcel # 830-37577-000, and a portion of 830-37574-000

SUMMARY: Request to rezone a piece of land that is 0.67 acres in size from **C2** to **CT**

CURRENT ZONING: **C2-General Commercial**

REQUESTED ZONING: **CT-Commercial Trades and Services**

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

CITY WARD: 2-Daniel Montez, Larry Ardemagni

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

PROJECT SYNOPSIS:

The owner of this property is Brett Hash of Cave Springs One, LLC. The applicant for his project is Nicco Bersi of Cave Springs One, LLC. The property is located north of E. Henri de Tonti (Hwy. 412), behind (north of Jose's). There is an existing driveway that runs north of Jose's that appears to be the proposed access for this property.

The applicant is requesting to change the zoning from C2-General Commercial to CT-Commercial Trades and Services.

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.

STAFF ANALYSIS: This project will not be out of line 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 Commercial Core. This request generally 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: This area is commercial in nature. The requested Commercial Trades and Services zoning is less "retail" based and geared more towards "construction service" type commercial uses such as offices and storage for small plumbing, carpentry, or electrical businesses as well as light manufacturing type uses. The property is placed behind an area that is more "retail" focused with multiple stores and restaurants. It is unlikely that the requested CT use will impact the surrounding commercial areas. There is water and sewer available for connection. The main concern will be traffic in this area as it is located at the intersection of E. Henri de Tonti (Hwy. 412), and Maestri (Hwy. 112). However, any additional traffic at this intersection would be impactful.

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

STAFF ANALYSIS: The requested use is for Commercial zoning; surrounding properties are zoned for General Commercial Uses.

North-zoned C2- currently vacant

East-zoned C2- Hair salon, other commercial uses that would be appropriate within CT zoning.

South-zoned C2- multi-tenant retail building (Jose's building)

West-zoned C2- currently vacant

- (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 could be suitable for a C2, general commercial use.

- (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: This proposed rezoning should not detrimentally affect nearby property. As discussed previously, the surrounding area is commercial in nature, and infrastructure is available to service the proposed zoning.

- (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: Staff is uncertain how long this property has been vacant.

- (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: This impact is expected to be minimal to utilities, drainage, parks, open space, fire, police, and emergency services. There is adequate water and sewer that can be connected. The main concern will be traffic safety, and this will need to be evaluated if this property develops in the future.

TECHNICAL INFORMATION:

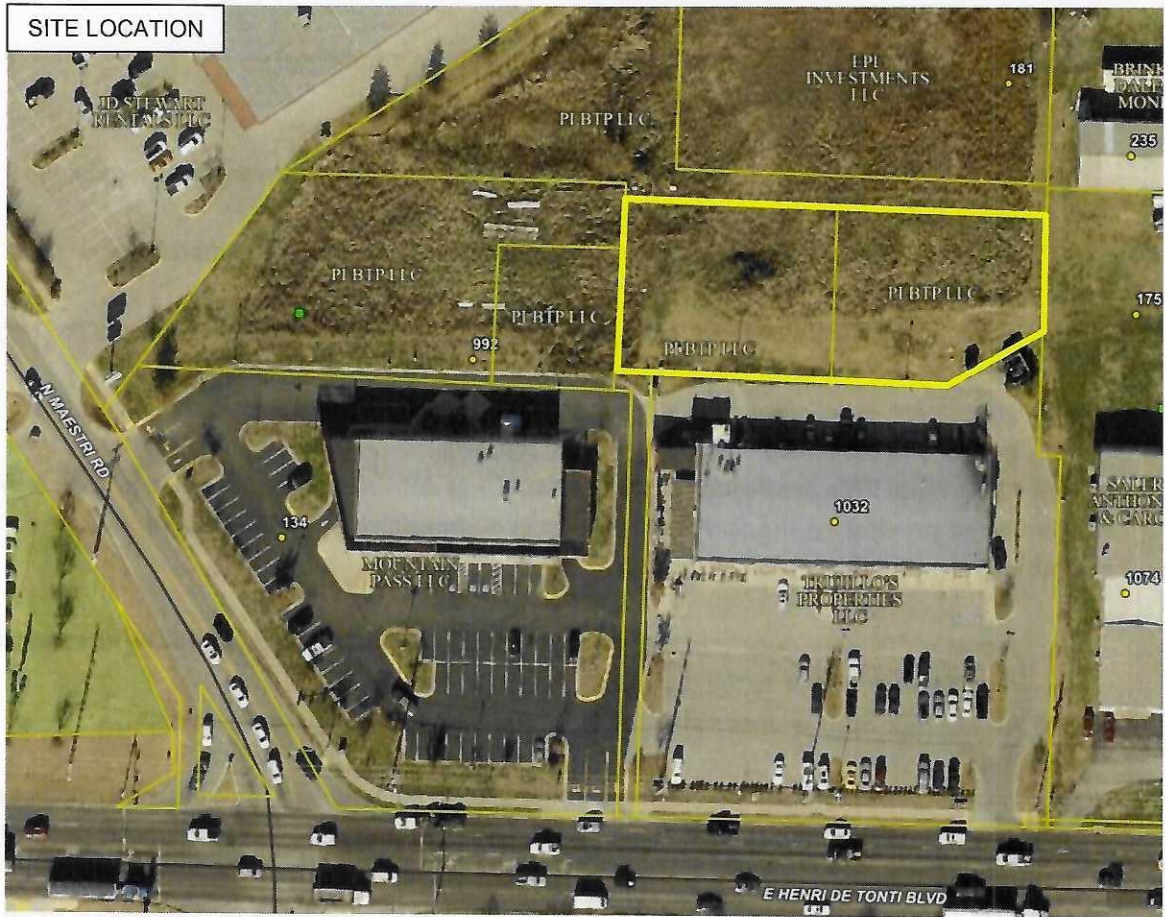
Technical information will be addressed if this property is improved.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no neighbor comments for this project at this time. If any are received, staff will provide this information at the meeting.

STAFF RECOMMENDATION: Based on the Future Land Use Plan, and the availability of utilities and the minimal anticipated impact on the surrounding properties, staff recommends approval of the request to rezone a portion of Lot 1B, Casalini Addition from C-2, General Commercial to C-T, Commercial Trades and Services.

PROCESS NOTES:

1. This rezoning must proceed to the City Council for approval.
2. Any improvements to this site require additional review.



USE COMPARISON CHART

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

Zoning Districts	C-2	C-T
Recreation/entertainment, outdoor	P	C
Restaurant, fast food	P	C
Restaurant, general	P	C
Retail/service up to 5,500 sq. ft.	P	P
Retail/service up to 10,000 sq. ft.	P	C
Retail/service greater than 10,000 sq. ft.	P	C
Safety services	P	P
School, elementary/middle/high	P	P
Service station	P	NP
Signs	*	*
Storage, outdoor (yard)	C	P
Utility, major	C	C
Utility, minor	P	P
Vehicle and equipment sales	P	C
Vehicle repair, general	P	C
Vehicle repair, limited	P	C
Vocational school	P	P
Warehouse, residential (mini) self-storage	P	P
*The placements of all shall be in accordance with city code		
Industrial, manufacturing, and extractive uses		
Asphalt or concrete plant	NP	NP
Auto wrecking or salvage yard	NP	NP
Basic industry	NP	NP
Freight terminal	C	NP
Manufacturing, general	NP	NP
Manufacturing, limited	NP	P
Mining or quarrying	NP	NP
Soil borrowing	NP	NP
Research services	C	C
Warehousing primary	NP	C
Warehousing ancillary	C	P
Welding or machine shop	C	P
Agricultural uses		
Agriculture, animal	C	NP
Agriculture, crop	C	C
Agriculture, farmers' market	P	P
Agriculture, product sales	C	C
Animal, farm	NP	NP
Chicken, hobby	NP	NP
Exclusive uses		
Sanitary landfill	NP	NP

EXHIBIT



Washington County, AR
 I certify this instrument was filed on
 03/22/2023 10:55:16 AM
 and recorded in Real Estate
 File Number 2023-00007057
 Kyle Sylvester - Circuit Clerk

by

[Signature]