



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **April 25, 2023**
Project: **Rezone R3 and C2 to all C2**
Planner: Courtney McNair, Garver

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

2

REZONING REQUEST

Hwy. 412 and Pozza Lane
Parcel # 830-37669-000

SUMMARY: Request to rezone a piece of land that is 12.48 acres in size from **R3 and C2** to all **C-2**

CURRENT ZONING: **R3 – Residential** and **C2-General Commercial**

REQUESTED ZONING: **C2-General Commercial**

FUTURE LAND USE CATEGORY: **RC-N** Residential Commercial Neighborhood

CITY WARD: 3-Mike Washkowiak and Tim Burress

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

Water: Tontitown Water, existing 3-inch waterline south of Hwy. 412

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The owners of this property are Gilda Bitner, Larrie Stolfi, Lisa Ann Stolfi, Eric Anthony Stolfi, and Gina Marie Criman, represented by Brandon Rush, Engineering Services, Inc.

The property is located south of Hwy. 412, to the west of Pozza Lane.

The overall parcel (approx. 12.48 acres) is comprised of C-2 zoning along Hwy. 412, and R-3 zoning on the southern portion. The request is to rezone the entire 12.48 acres to C-2 zoning.

The applicant's letter states that, "the owner is requesting C-2 zoning in order to sell a portion of the property to a developer who desires to build a storage unit development."

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

PH2 and PC2 -1

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 aligned with the Future Land Use Plan for this area.

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 Neighborhood. This request can meet 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: While much of the surrounding property is zoned for commercial uses, the southern portion of this site does not have good access to necessary infrastructure to support commercial development. Infrastructure could be extended, but staff has concerns regarding the public street access in this area.

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

STAFF ANALYSIS: The requested use is for General Commercial zoning; surrounding properties are zoned for commercial and residential uses. The actual uses of the surrounding properties include Single Family and Duplex Residential, and a planned Community with Duplex and Quadplex units.

North-zoned C2- currently vacant, commercial use across Hwy. 412

East-zoned R3/C2-commercial uses / single family residential use

South-zoned R3- single-family residential use

West-zoned C2/C1- approved plans for a Community with Duplex and Quadplex units

- (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 single-family residential lots.

- (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 could potentially be detrimental to nearby property. Pozza Lane is not a public street the entire length of the property requesting to be rezoned. The surrounding properties have several existing residential uses. If this rezoning is approved, prior to the construction of any site improvements, additional review is required. Odor, and light should not be a concern for this type of use. The applicant will be required to adhere to the Residential Compatibility Standards found in Chapter 153.214 for adjacent residential uses if a commercial development is proposed on this site.

- (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 property has never been developed.

- (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. The primary concern regarding this request is the lack of access.

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 three “in favor” written comments regarding this project.

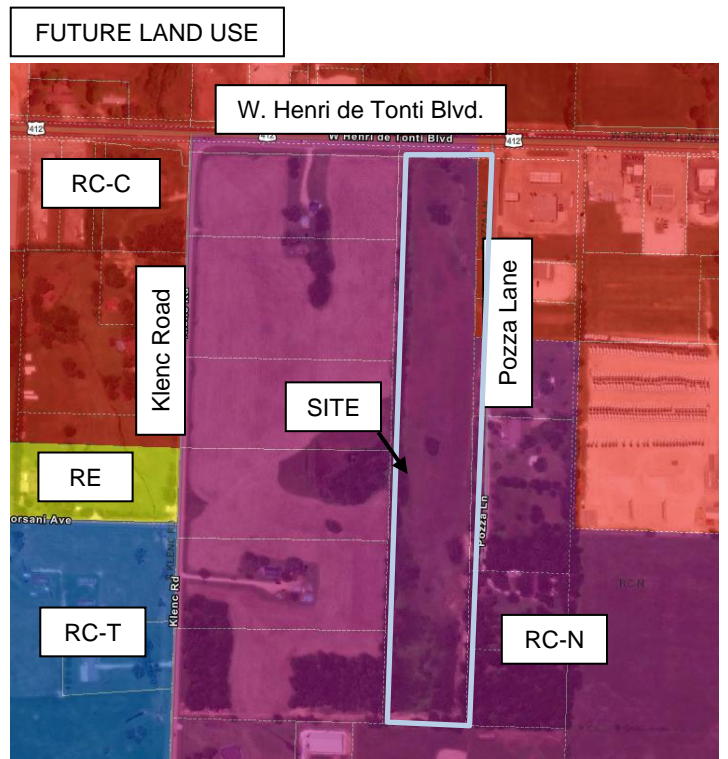
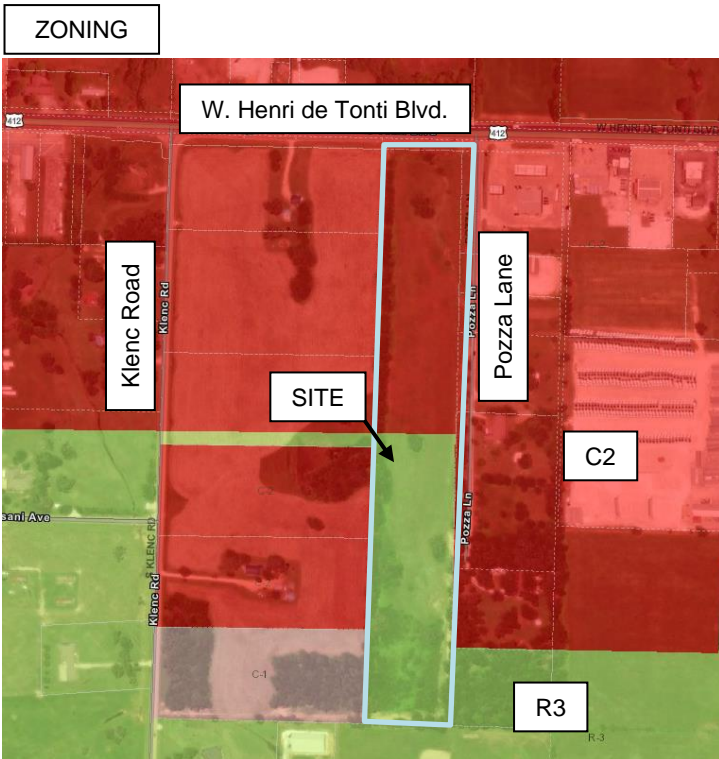
One neighbor who provided an “in favor” comment, stated that they are in favor only if this site is used as stated in the applicant’s letter, as a storage facility. However, when considering a rezoning, all uses allowed within the requested zoning must be considered for review. The city cannot conditionally obligate the applicant to one specific use. If this rezoning is approved, any use within the C2 district allowed by right would be allowed on this site.

All written comments received are attached.

STAFF RECOMMENDATION: Staff has some outstanding concerns regarding the public street access; however, the requested zoning is aligned with the Future Land Use Map, and most of the surrounding zoning. If this property develops in the future, additional review will be required and all concerns regarding access will be required to be addressed. Therefore, staff recommends approval of the request to rezone Parcel # 830-37669-000 from R3, Residential and C2, General Commercial to all C2, General Commercial zoning.

PROCESS NOTES:

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



SITE LOCATION



USE COMPARISON CHART

Residential Zoning Districts	R-3	Zoning Districts	C-2	Zoning Districts	C-2
Residential uses		Residential uses			
Single-family detached	P	Single-family detached	C	Restaurant, fast food	P
Duplex	NP	Duplex	C	Restaurant, general	P
Triplex, quadplex	NP	Loft living space	P	Retail/service up to 5,500 sq. ft.	P
Townhome	NP	Townhomes (see LOT, YARD and HEIGHT REGULATIONS for requirements)	C	Retail/service up to 10,000 sq. ft.	P
Detached accessory dwelling unit (ADU)	C	Triplex, quadplex	C	Retail/service greater than 10,000 sq. ft.	P
Emergency housing unit	NP	Multi-family	NP	Safety services	P
Multi-family	NP	Civic and commercial uses		School, elementary/middle/high	P
Manufactured housing unit	NP	Airport or airstrip	NP	Service station	P
Manufactured housing, residential design	NP	Animal care, general	P	Signs	.
Manufactured housing park	NP	Animal care, limited	P	Storage, outdoor (yard)	C
Group residential	NP	Auditorium or stadium	C	Utility, major	C
Civic and commercial uses		Automated teller machine (ATM)	P	Utility, minor	P
Airport or airstrip	NP	Bank or financial institution	P	Vehicle and equipment sales	P
Animal care, general	NP	Bed and breakfast	P	Vehicle repair, general	P
Animal care, limited	NP	Car wash	P	Vehicle repair, limited	P
Automated teller machine	NP	Cemetery	P	Vocational school	P
Bed and breakfast	NP	Church	P	Warehouse, residential (mini) self-storage	P
Cemetery	C	College or university	P	*The placements of all shall be in accordance with city code	
Church	C	Communication tower	C	Industrial, manufacturing, and extractive uses	
College or university	NP	Construction sales or service	P	Asphalt or concrete plant	NP
Communication tower	C	Convenience store	P	Auto wrecking or salvage yard	NP
Convenience store	NP	Day care, limited (family home)	P	Basic industry	NP
Day care, limited (family home)	C	Day care, general	P	Freight terminal	C
Day care, general	NP	Entertainment, adult	C	Manufacturing, general	NP
Golf course	C	Funeral home	P	Manufacturing, limited	NP
Government service	C	Golf course	P	Mining or quarrying	NP
Hospital	NP	Government service	P	Soil borrowing	NP
Library	C	Hospital	P	Research services	C
Medical services	NP	Hotel or motel	P	Warehousing primary	NP
Museum	C	Library	P	Warehousing ancillary	C
Nursing home	NP	Medical service/office	P	Welding or machine shop	C
Parks and recreation	C	Museum	P	Agricultural uses	
Post office	NP	Nursing home	P	Agriculture, animal	C
Recreation/entertainment, outdoor	NP	Office, limited	P	Agriculture, crop	C
Safety services	NP	Office, general	P	Agriculture, farmers' market	P
School, elementary/middle	C	Parking lot, commercial	P	Agriculture, product sales	C
Utility, major	C	Parks and recreation	P	Animal, farm	NP
Utility, minor	P	Pawn shops	P	Chicken, hobby	NP
Vocational school	NP	Post office	P	Exclusive uses	
Manufacturing and extractive uses		Recreation/entertainment, indoor	P	Sanitary landfill	NP
Asphalt or concrete plant	NP	Recreation/entertainment, outdoor	P		
Mining or quarrying	NP				
Sod farm	NP				
Topsoil	NP				
Agriculture uses					
Agriculture, animal	C				
Agriculture, crop	C				
Agriculture, product sales	C				
Animal, farm	P				
Chicken, hobby	P				

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW



WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

March 20, 2023

City of Tontitown
Planning and Zoning Department
235 E. Henri de Tonti Boulevard
Tontitown, Arkansas 72762

RE: Rezoning Parcel No. 830-37669-000 from a Mix of C-2, General Commercial and R-3, Single Family Residential to C-2, General Commercial

Dear Planning Staff:

My name is Will Kellstrom and I have been retained to assist the applicants, Gilda Bitner, Larrie Stolfi, Carol Stolfi, Lisa Anne Stolfi, Eric Anthony Stolfi, and Gina Marie Stolfi with this rezoning request. The applicant is requesting that the property, Parcel No. 830-37669-000 (hereinafter "the Property"), be rezoned from a mix of C-2, General Commercial and R-3, Single Family Residential to entirely C-2, General Commercial.

The Property is already partially zoned C-2. The intent of this rezoning request is to rezone the entire property to C-2. The applicant is requesting a C-2 zoning in order to sell a portion of the property to a developer who desires to build a storage unit development. As stated above, the northern portion of this Property is already zoned C-2. Additionally, it is adjacent to the East and West to properties which are also zoned C-2. Lastly, it is adjacent to R-3 zoning to the South. Because the Property is nearly surrounded by C-2 zoning property as is, the proposed rezoning is compatible with the surrounding properties.

The Property is located on Highway 412, which is a major arterial roadway and which has ample capacity for new development. Lastly, there is an existing three inch (3") water line and an existing eight inch (8") sewer line located on the Northern boundary of the property along Highway 412.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

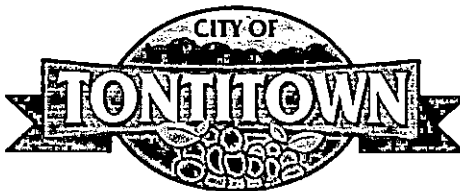
Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

WK:
pc:



(1) Gilda Bitner; (2) Larrie Stolfi & Carol Stolfi, **NOTICE OF INTENT TO REZONE**

Trustees, Larrie & Carrie Stolfi Living Trust; (3)

Lisa Stolfi; (4) Eric Stolfi; (5) Gina Stolfi

_____ has requested The Tontitown Planning Commission to set a public hearing date to consider rezoning the following property from C-2 and R-3 to C-2.

The legal description of the property is as follows: See Exhibit A, attached hereto

My husband and I would be fine with a storage business developing in front of our home. Meaning we approve of a C2 zoning ONLY if this IS what is planned for this site.

The common description of the property is: 12.48 Acres on Highway 412 in Tontitown, Arkansas near Pozza Lane

Proposed land use: Commercial

The public hearing will be held April 25th, 2023 at 6:00 p.m. It will be held at 235 E. Henri DeTonti Blvd.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

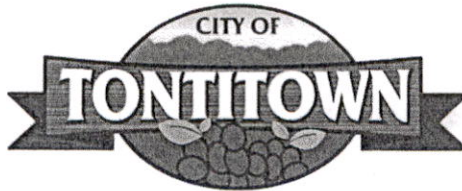
1. Attend the public hearing and express your views.
2. Express your opinion in writing to The Planning Commission. You may mail this to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770. Email to planning@tontitownar.gov
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479) 361-2700.

- I/we have no objections to the rezoning.
 I/we object to the rezoning because:

Rhonda Doudra
Signature

[Signature]
Signature



(1) Gilda Bitner; (2) Larrie Stolfi & Carol Stolfi, **NOTICE OF INTENT TO REZONE**
Trustees, Larrie & Carrie Stolfi Living Trust; (3)

Lisa Stolfi; (4) Eric Stolfi; (5) Gina Stolfi _____ has requested The Tontitown Planning Commission to set a public hearing date to consider rezoning the following property from C-2 and R-3 to C-2.
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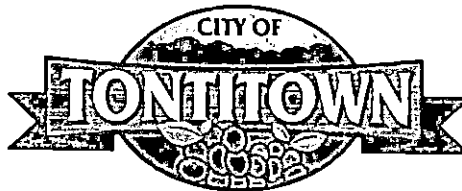
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For more information, you may call the Planning Department at (479) 361-2700.

- I/we have no objections to the rezoning.
 I/we object to the rezoning because:

Larrie Stolfi
Signature

Signature



(1) Gilda Bitner; (2) Larrie Stolfi & Carol Stolfi, Trustees, Larrie & Carrie Stolfi Living Trust; (3) Lisa Stolfi; (4) Eric Stolfi; (5) Gina Stolfi

NOTICE OF INTENT TO REZONE

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- I/we have no objections to the rezoning.
 I/we object to the rezoning because:

Kevin Anne Smith
Signature

Ylen A. Smith
Signature