



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **September 19, 2023**
Project: **Rezone RE to C2**
Planner: Mark Latham

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM
REZONING REQUEST
PH2 and PC2

1438 Arbor Acres
Parcel # 830-38352-007

SUMMARY: Request to rezone 3.27 acres in size from **RE** to **C-2**

CURRENT ZONING: **RE – Residential Estates**

REQUESTED ZONING: **C2-General Commercial**

FUTURE LAND USE CATEGORY: **RE** Residential Estates

CITY WARD: 3-Mike Washkowiak and Tim Burress

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

Water: Washington Water Authority

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The owner of this property is Victor Matar. Mr. Matar is requesting this rezone to operate his concrete business at this location. He currently owns both properties west of this area.

The property is located on the north side of Arbor Acres Road, across from Waste Management.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential Estates from the Vision Plan Document adopted by the City Council in June 2023.

STAFF ANALYSIS: This request is not 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 Estates and does not meet the intent of the Future Land Use Map for this area.

- (2) *Consistency of the proposal with the purpose of these regulations.*

STAFF ANALYSIS: The property located on the east side is zoned for commercial uses and across the road on southside is the landfill.

- (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 commercial, landfill, and single family.

North-zoned AG - currently single-family homes

East-zoned C2- Commercial uses

South-zoned EU-L- Landfill

West-zoned RE- Residential Estates

- (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 commercial development due to the location of the landfill.

- (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. The property located north has single family residents. 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 protecting the northern areas.

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.

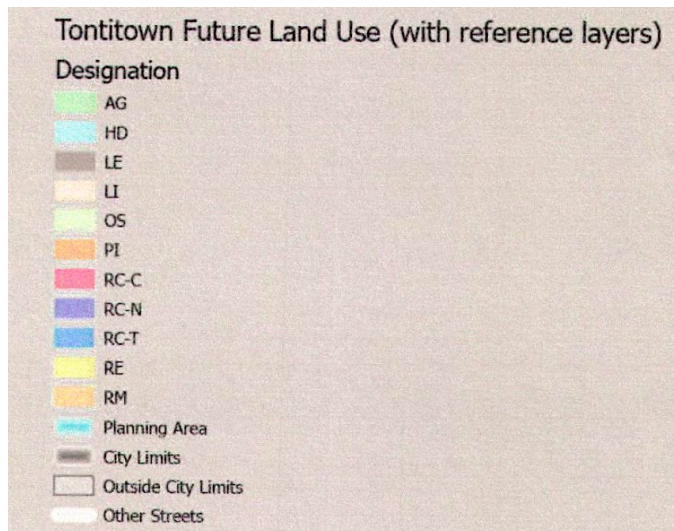
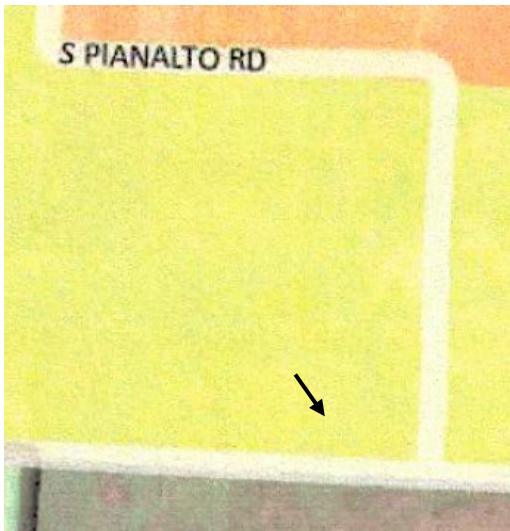
Any written comments received are attached.

STAFF RECOMMENDATION: Staff has some concerns regarding the property north however, the requested zoning is appropriate due to its location along Arbor Acres and landfill. If this property develops in the future, additional review will be required and all concerns regarding protecting the northern residential areas.

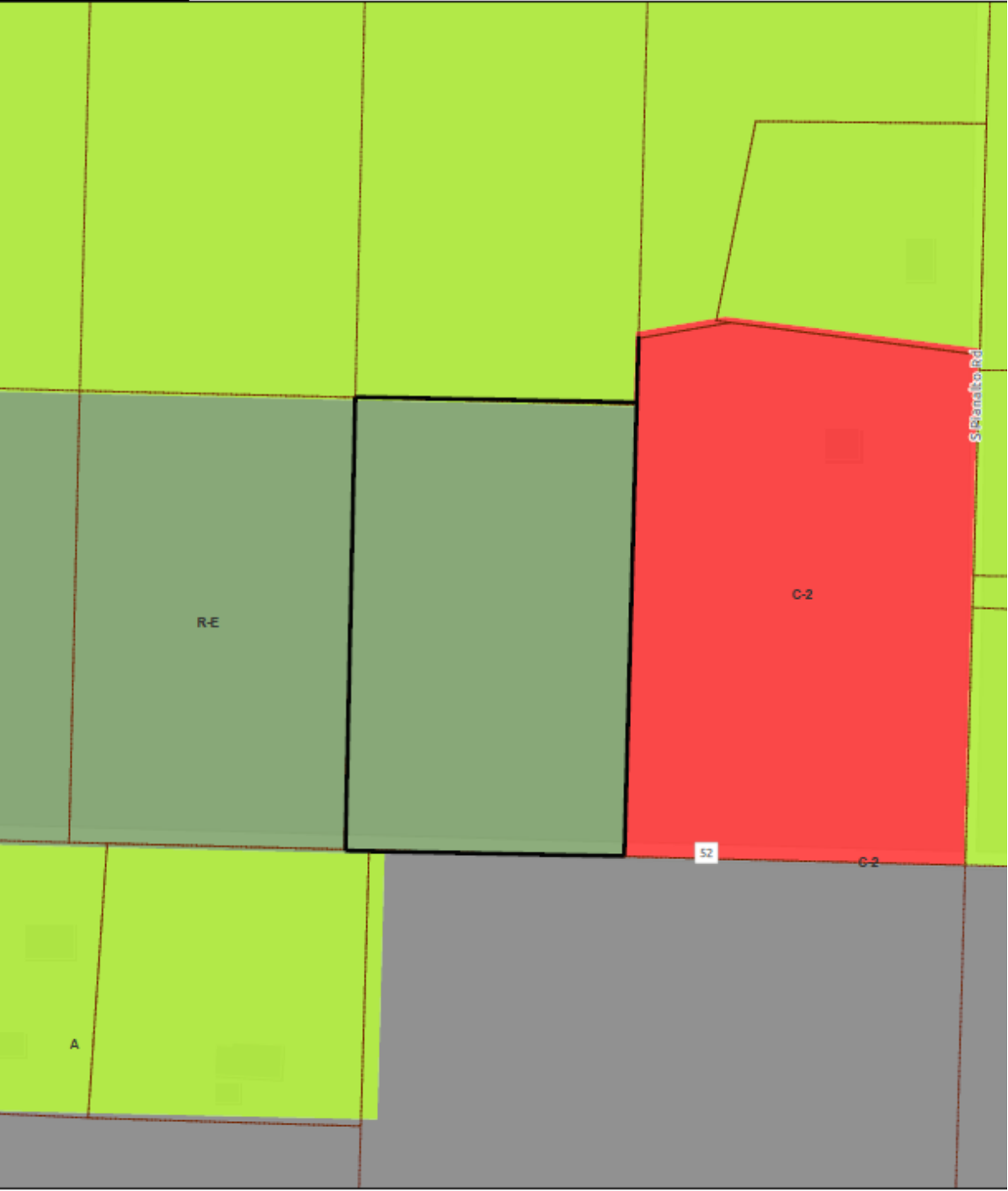
PROCESS NOTES:

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

FUTURE LAND USE



SITE LOCATION



USE COMPARISON CHART		
	A	R-E
Category Names	Agriculture	Single Family Residential - 2 acre minimum lot size
Density	1 unit/5 acres	1 unit/2 acres
Minimum Lot Size	5 acres	2 acres
Triplex, Quadplex	NP	NP
Duplex	NP	NP
Townhomes (single-family attached)	NP	NP
Multi-Family (5 or more connected units)	NP	NP
Nonresidential uses	5 acres	2 acres
Max Building height	45'	35'
Max Number of stories	N/A	N/A
Lot width min	240'	200'
Lot depth min	400'	200'
Lot width min	Lot width min	
Lot depth min	Lot depth min	30'
Side Setback	30'	30'
Street side setback	30'	30'
Rear setback	30'	30'
Setbacks for 3 and 4 story structures		
Front Setback	30'	30'
Side Setback	30'	30'
Street side setback	30'	30'
Rear setback	30'	30'

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