



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **April 22, 2025**
Project: **Premier Towing Conditional
Use Permit**
City Planner: **Brad Spurlock**
Planning Tech: **Madelyn Parker**

AGENDA ITEM **PH1, PC1** **CONDITIONAL USE PERMIT REQUEST**

3617 Old Highway 68
Parcel #: 830-37902-150

SUMMARY: The project site is located at parcel #: 830-37902-150, which is zoned C-2 (General Commercial) to be granted permission to use said area for an impound/tow yard for Premier Towing Recovery, LLC

CURRENT ZONING: C-2 (General Commercial)

FUTURE LAND USE CATEGORY: RM (Residential Medium)

PROPOSED USE: Impound/Tow Yard

CITY WARD: 2 – Alderman Larry Ardemagni and Alderman Daniel Montez

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

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The owner of the property is The Robert T Pruitt Revocable Trust with Robert T Pruitt and Tara A Schmutzler as Co-Trustees. Premier Towing Recovery, LLC is moving from their current location with hopes to the location listed on this application. Currently, as per Washington County Assessor's site, a business with the name of Old Hwy 68 Sergar & Towing Service currently operates at the same location.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential Transition Commercial. From the 2023 Vision Plan.

RESIDENTIAL MEDIUM (RM)

This land use category reflects the current density of single-family detached residential development that is prominent in the existing neighborhoods to the south of City Hall and the park. They are primarily residential in nature. Residential Medium Density encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large block with conventional setbacks and development patterns that respond to features in the natural environment.

One to five dwellings units/acre.

STAFF ANALYSIS: The proposed use does not align consistently with the Future Land Use Plan category RM. The lots located south of the Old Hwy 68, in this general vicinity all are currently zoned C-2, with the category of RM for the Future Land Use Plan. However, the project is acceptable with this conditional use permit and it should not be disruptive to the overall character of the area as it is currently zoned.

153.121 DEVELOPMENT STANDARDS AND REVIEW GUIDELINES:

(A) All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are marginally compatible and shall also be provided for the beautification and enhancement of the property.

STAFF ANALYSIS: The proposed use should have minimal impact on surrounding properties and will maintain a residential character. The applicant is not proposing any exterior site improvements besides the residence.

(B) In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

(1) The proposed use is within the provision of "conditional uses," as set out in these regulations.

STAFF ANALYSIS: Yes, the intended use is a conditional use in C-2 zoning.

(2) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.

STAFF ANALYSIS: The applicant has noted that there will be added fencing and a gate around the area

with a continuation of clearing of the property landscaping.

- (3) *The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.*

STAFF ANALYSIS: Staff have no concerns that this project will have any negative impact on public health, safety and welfare. Applicants will be using current driveways along the property.

- (4) *The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.*

STAFF ANALYSIS:

**North Zoned R-E (Residential Estates) and R-1 (Single-Family Residential)
East Zoned R-1 (Single-Family Residential)
South Zoned C-2 (General Commercial)
West Zoned C-2 (General Commercial)**

- (5) *The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.*

STAFF ANALYSIS: There are no plans at this time for no improvements to the land other than adding the fence and gate and clearing of brush on the property as notated in question (2).

- (6) *The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are adequate, and not inconsistent with the requirements of these regulations.*

STAFF ANALYSIS: There is no proposed new ingress or egress for this permit.

- (7) *The proposed landscaping and screening of the proposed use are in accordance with the provisions of these regulations.*

STAFF ANALYSIS: Again, as notated earlier in (2) and (5), a new fence and gate along with clearing of brush on the property has been expressed.

- (8) *Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed*

STAFF ANALYSIS: There are no potential noxious or offensive emissions, noise, glare, dust and odor. Current lighting will be used at the location.

TECHNICAL INFORMATION:

Technical information is addressed at a future stage of development request. The current request is a concept plan only.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received two affirmative comments at this time and is listed in the staff report.

STAFF RECOMMENDATION: Based on the project documents submitted and the intended use of the project site, Staff recommend approval of the Conditional Use Permit for the said land use as currently zoned.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. **The Health Department shows that the existing septic system is adequate and has been issued permits for the property.**
2. **If any outdoor run areas are proposed to be expanded beyond the currently fenced area, additional screening and buffering shall be required. Additionally, any additional fencing that is required shall be required to have a separate fence permit.**
3. **This project shall develop generally as is stated in the applicant's letter and presented in the plans.**
4. **This Conditional Use permit request must go to the City Council for approval.**
5. **This project shall comply with all local, state, and federal regulations.**
6. **Any additional improvements to this site require additional review.**

Figure 1: Vicinity Map



Figure 2: Current Zoning Map

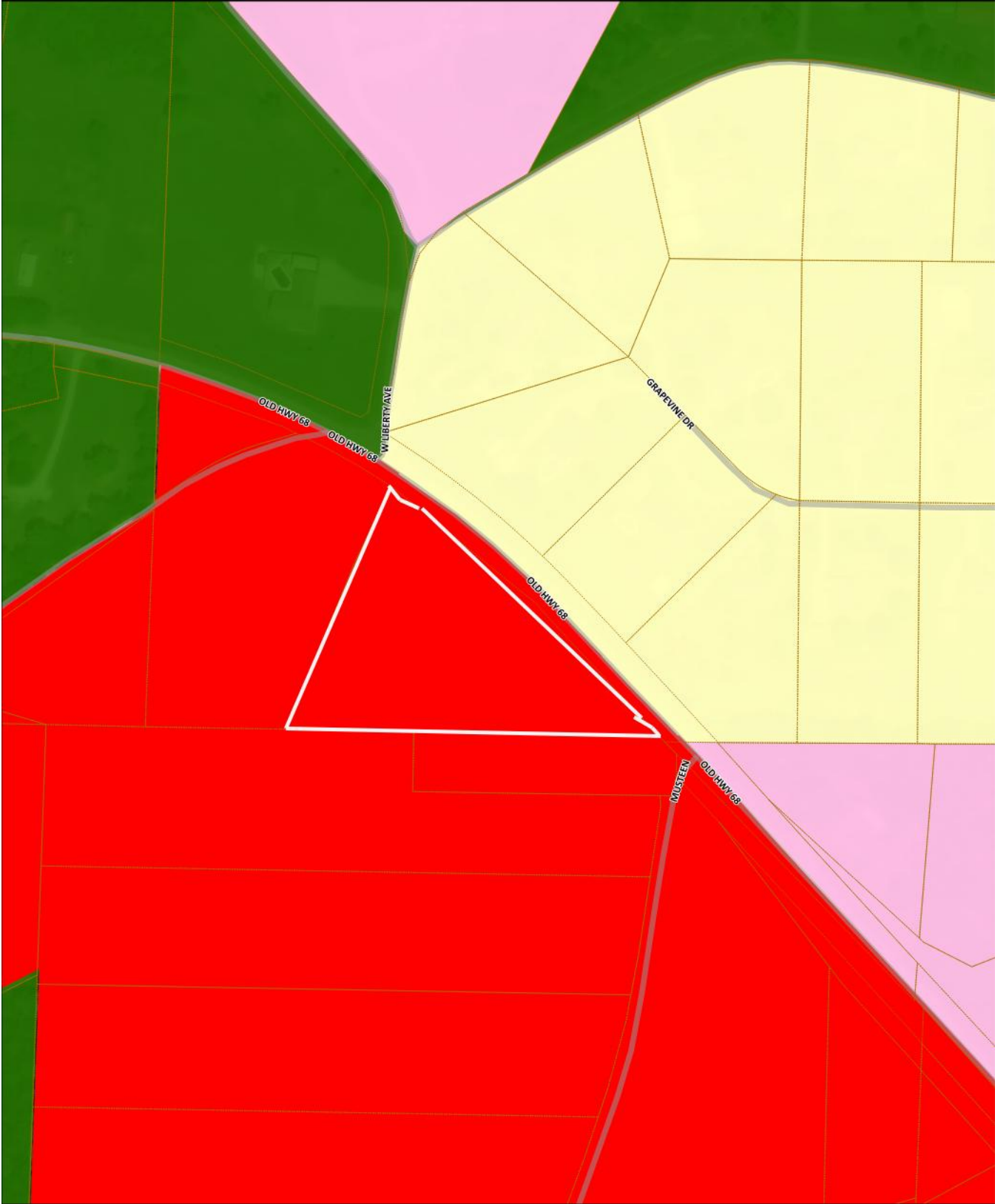
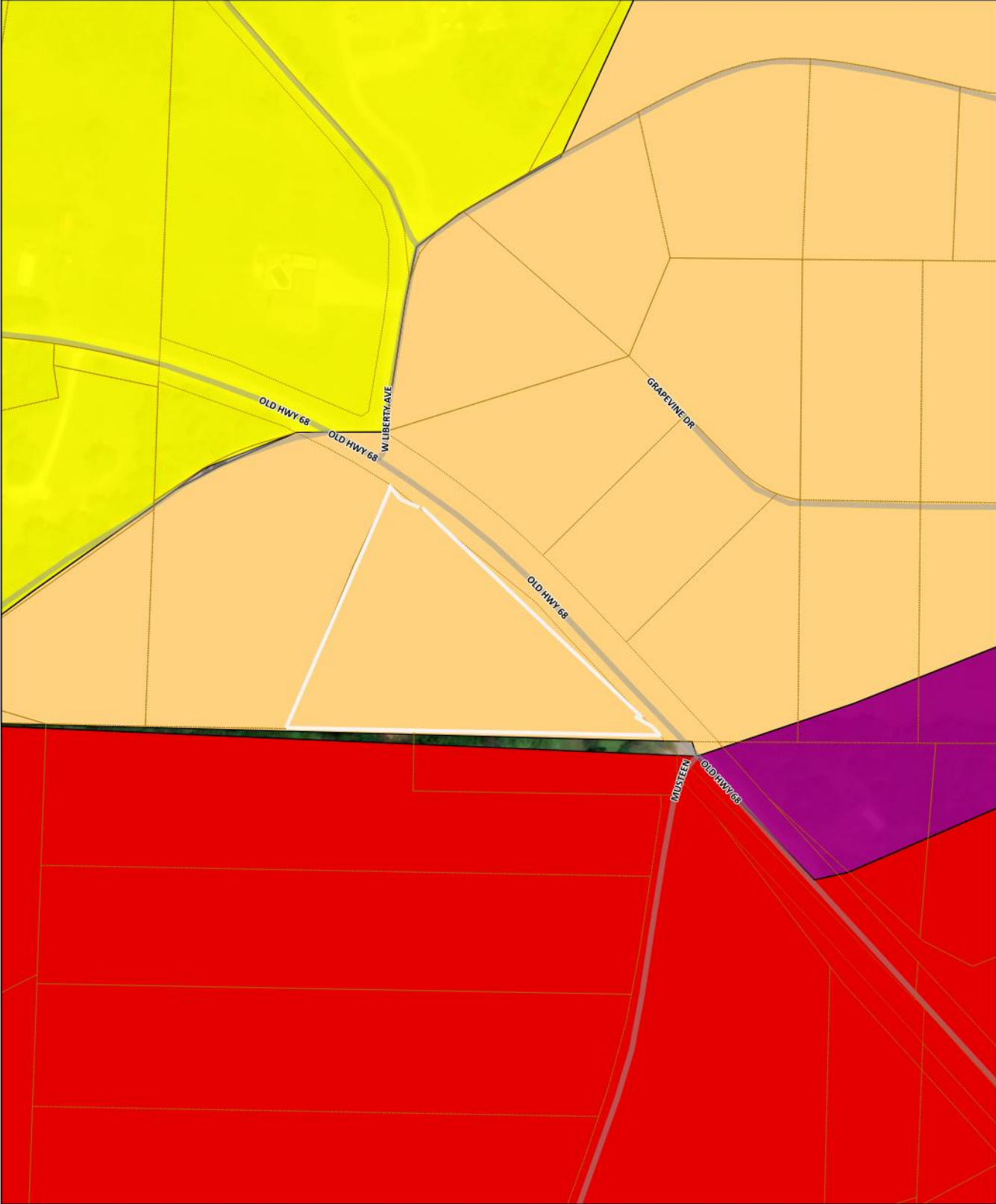


Figure 3: Future Land Use Plan Map



Use Comparison Chart:

Zoning Districts	C-2
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Civic and commercial uses

Service station	P
Signs	*
Storage, outdoor (yard)	C
Utility, major	C
Utility, minor	P
Vehicle and equipment sales	P
Vehicle repair, general	P
Vehicle repair, limited	P
Vocational school	P
Warehouse, residential (mini) self- storage	P

Tow Yard/Impound Yard 2019	C	This was approved by the city council on March 5, with ordinance number 2019-03-837
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