



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: May 27, 2025
Project: Rezone I to C-T
Planner: Brad Spurlock

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM REZONING REQUEST

PH1, PC1

2785 W. Liberty Ave
830-37901-000

This project was unanimously approved at the May 27th, 2025 Planning Commission Meeting.

SUMMARY: The applicant is requesting a rezone located on 2785 W. Liberty Ave. The rezone request is from "I" (Industrial) to C-T (Commercial Trades and Services) located on approximately 4 acres.

CURRENT ZONING: I – Industrial (See attached Current Zoning Map, Figure 2)

REQUESTED ZONING: C-T-Commercial Trades and Services (See attached Proposed Zoning Map, Figure 4)

FUTURE LAND USE CATEGORY: RC-C (Residential Commercial Core). See attached Future Land use Map, Figure 3

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

INFRASTRUCTURE SERVICE AREAS

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned by Kragermeister Properties, LLC represented by Watkins, Boyer, Gray and Curry PLLC and is currently zoned Industrial. The owner is requesting a change in zoning to Commercial Trades and Services as to plan for a large-scale development the land that would include retail.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for **RC-C (Residential Commercial Core)** based on the current **Comprehensive Plan adopted in 2023**.

RESIDENTIAL LOW DENSITY/RESIDENTIAL ESTATES (RC)

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.

Up to 20 multifamily dwelling units/acre.

STAFF ANALYSIS: This lot is well aligned with the Future Land Use for this area as it is planned for Commercial growth.

APPROVAL CRITERIA: Per City Code, 153.283 Amendments:

(G) 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 city finds the requested zoning in harmony with the current surrounding zoning and future comprehensive land use.

(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: The City finds the requested zoning to be consistent with the purpose of the regulations. The rezoning request for the parcel to be rezoned to Commercial Trades and Services is in harmony with the surrounding properties and the future planning zoning of Residential Commercial Core. The requested zoning will aid in the orderly growth of the existing land use.

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

STAFF ANALYSIS: The requested use is for Single-Family Residential. The surrounding properties are primarily Agriculture with some R-1 zoning.

North-zoned I (Industrial)

East-zoned R-3 (Residential)

South-zoned R-3 (Residential) and I (Industrial)

West-zoned I (Industrial)

- (4) *Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.*

STAFF ANALYSIS: The subject property is suitable for the requested zoning and requested use. With the rezoning of the property the use will be suitable for the project requested for this property.

- (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: The City understands development along W. Liberty Ave is changing, the proposed zoning should not detrimentally impact nearby properties regarding value, traffic, drainage, visual impairment, etc., even as the current use is changing. The applicant has had talks with city staff and planning staff to discuss future development in this area.

- (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: Currently, the property does have development on the north side of said tract.

- (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: There will be limited impact to community facilities since the proposed land use will be changing.

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.

There have been no comments returned to the planning staff as of this report.

STAFF RECOMMENDATION: Staff is recommending the rezoning request.

PROCESS NOTES:

1. This rezoning must proceed to the City Council for approval.

2. Any improvements to this site require additional review.

FIGURE 1: VICINITY MAP

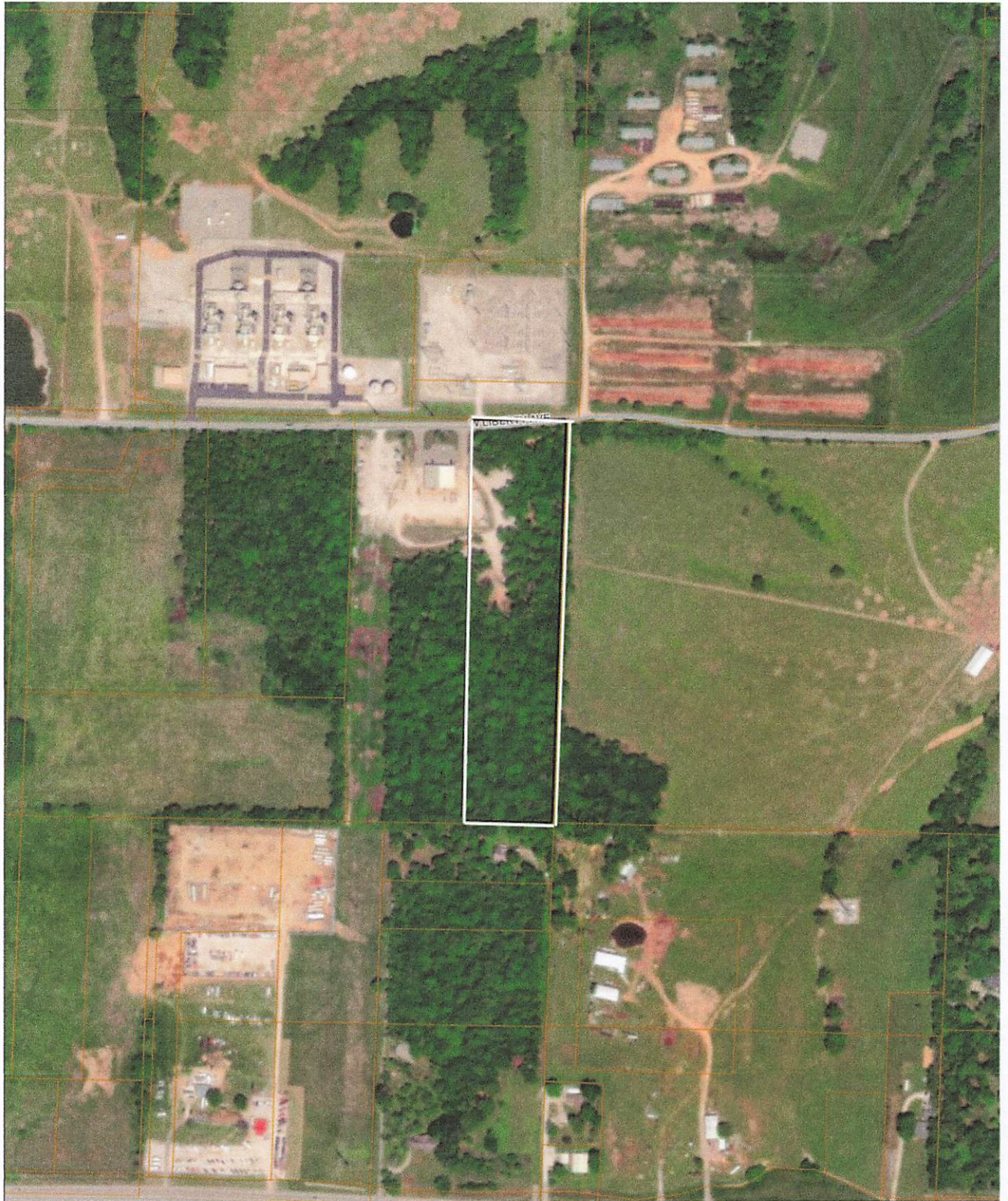


FIGURE 2: ZONING MAP



FIGURE 3: FUTURE LAND USE

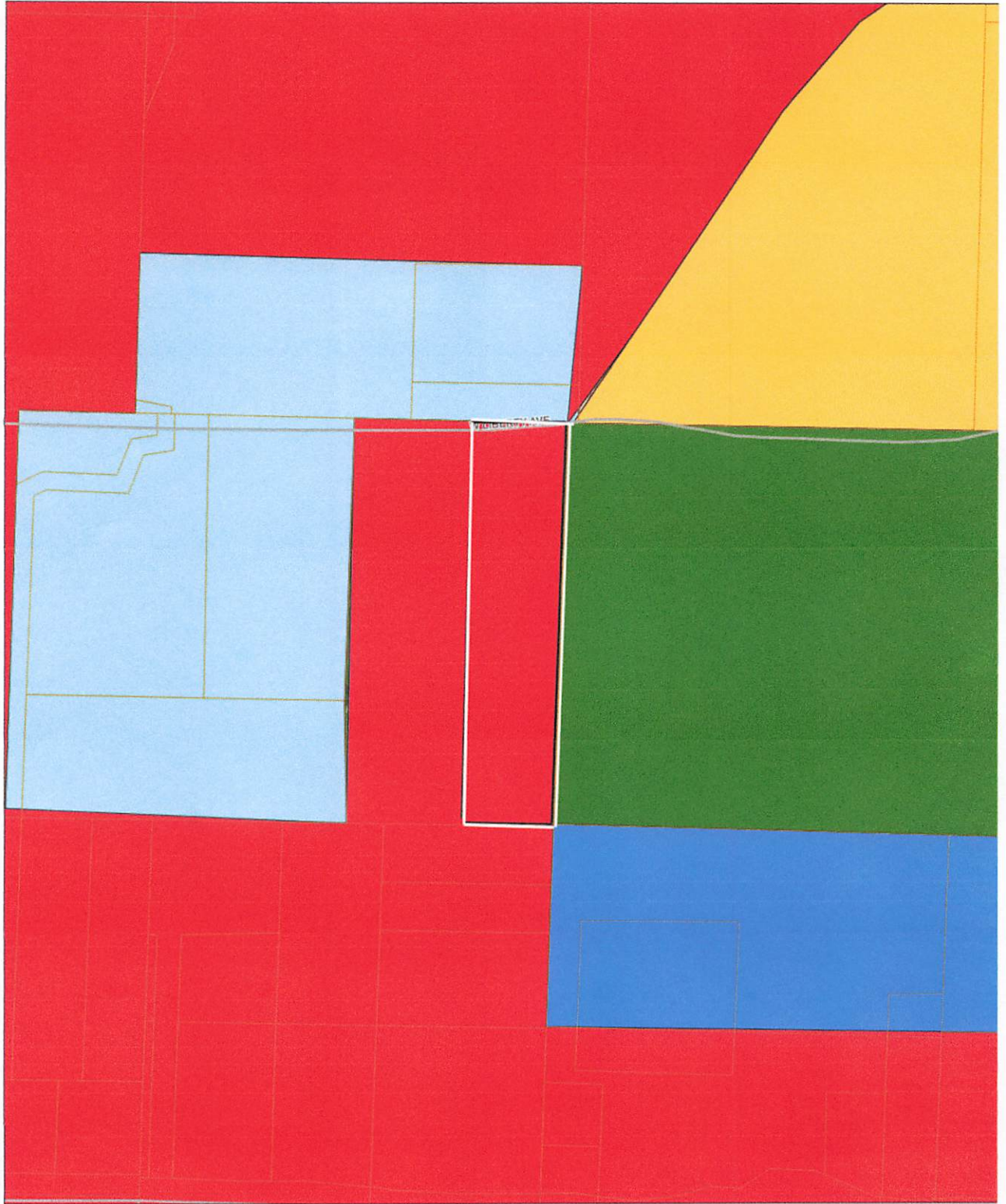
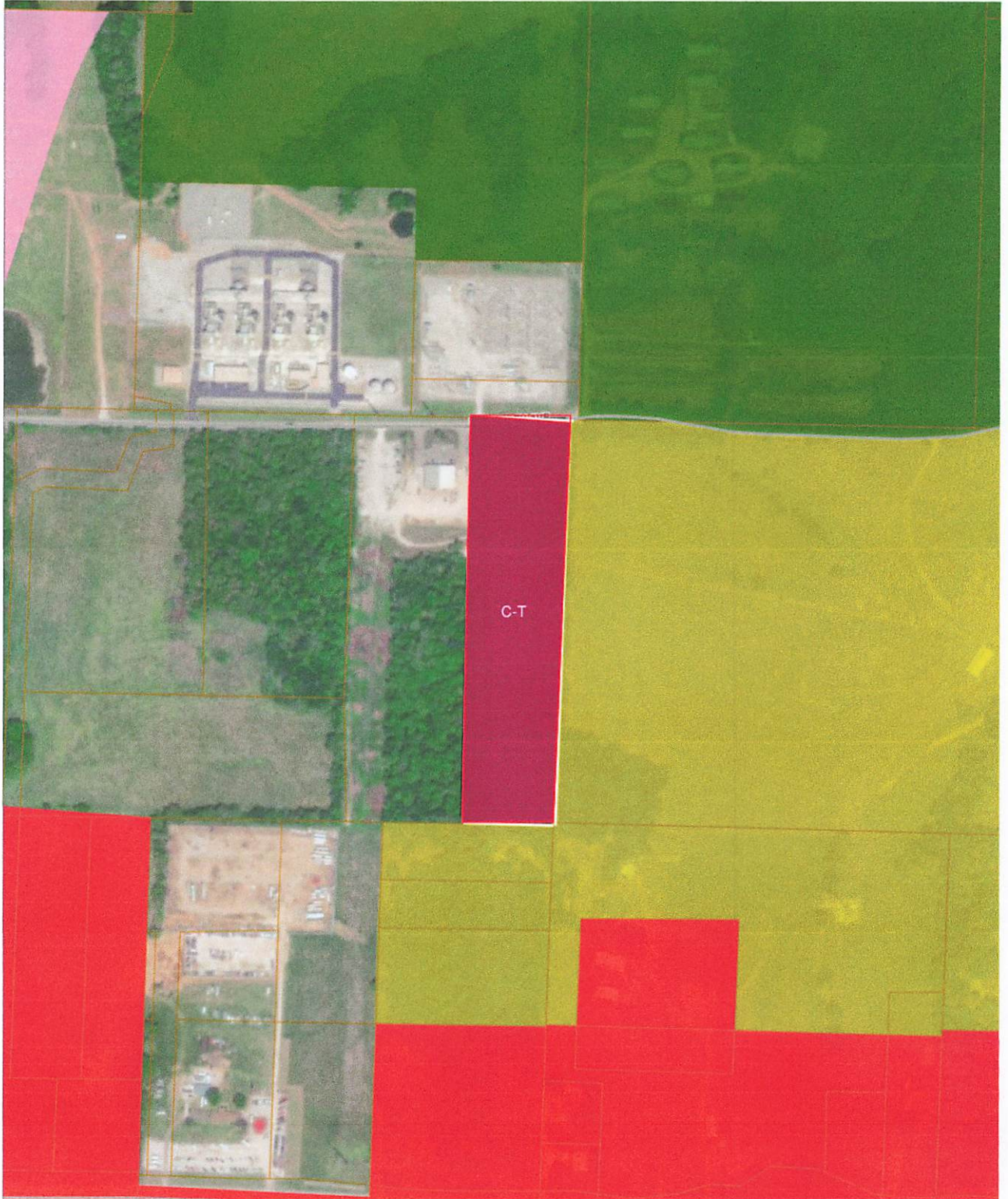


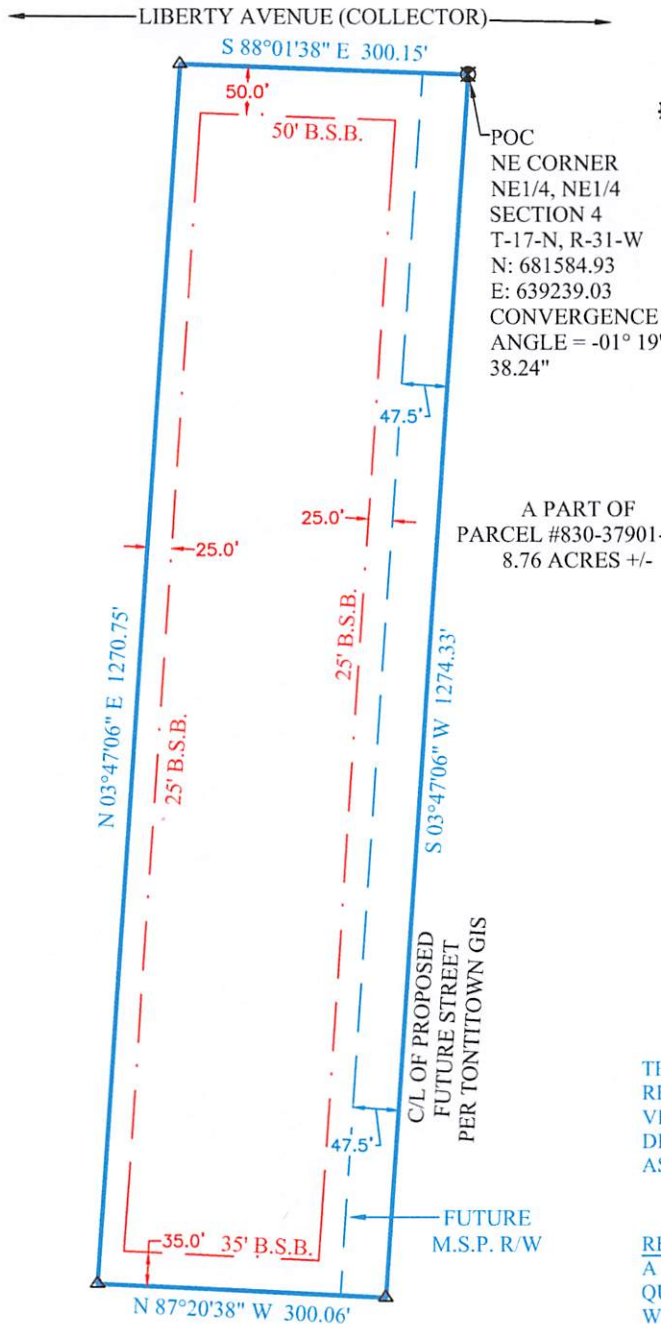
FIGURE 4: REQUESTED ZONING MAP



NEIGHBOR COMMENTS:

No comments at this time.

REZONING EXHIBIT



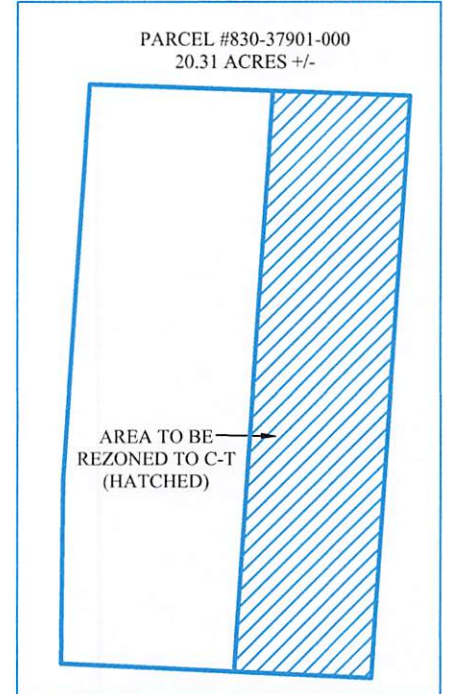
POC
NE CORNER
NE1/4, NE1/4
SECTION 4
T-17-N, R-31-W
N: 681584.93
E: 639239.03
CONVERGENCE
ANGLE = $-01^{\circ} 19' 38.24''$

A PART OF
PARCEL #830-37901-000
8.76 ACRES +/-

C/L OF PROPOSED
FUTURE STREET
PER TONTITOWN GIS

FUTURE
M.S.P. R/W

PARCEL DETAIL (NOT TO SCALE)



THE BUILDING SETBACKS SHOWN ON THIS EXHIBIT ARE FOR REFERENCE ONLY. SETBACK DIMENSIONS AND LOCATIONS SHOULD BE VERIFIED WITH TONTITOWN PLANNING PRIOR TO DESIGN AND/OR DEVELOPMENT. SETBACKS ARE SHOWN PER THE C-T ZONING DISTRICT ASSOCIATED WITH THE ONGOING RE-ZONING OF THIS PROPERTY.

REZONING DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S03°47'06"W 1274.33', THENCE N87°20'38"W 300.06', THENCE N03°47'06"E 1270.75', THENCE S88°01'38"E 300.15' TO THE POINT OF BEGINNING, CONTAINING 8.76 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



GRAPHIC SCALE (IN FEET)
1 Inch = 200ft.

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 1/2" REBAR
- COMPUTED POINT
- BOUNDARY LINE (MEASURED)
- RIGHT-OF-WAY
- BUILDING SETBACK

FOR USE AND BENEFIT OF:

WILL KELLSTROM

ADDRESS:

**2785 LIBERTY AVENUE
SPRINGDALE, ARKANSAS**

DATE: 04/16/25

SCALE: 1" = 200'

LOCATION:

SECTION: 04
TOWNSHIP: 17 NORTH
RANGE: 31 WEST

SURVEYED: DRAFTED:

CW BA

COA #1335



BATES

Engineers • Surveyors

7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350

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This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

DRAWING # 18-109 REZONE EXHIBIT



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>

Office Use Only:

Permit #: _____ Fee: \$ _____

Approved by: _____

Approved Date: _____

Please fill out this form completely, supplying all necessary information and documentation to support your request. **Your application will not be placed on the Planning Commission agenda until the application is completed and required information provided.**

Property Description	Site Address(s) <u>2785 Liberty Ave.</u>	Parcel # _____	Portion of Parcel No. <u>830-37901-000</u>
	_____	Acreage _____	Approximately <u>4 acres</u>
	Current Zoning <u>I - Industrial</u>	Proposed Zoning <u>C-T - Trades and Services</u>	_____
	Proposed Land Use <u>Flex Space</u>	_____	_____

Representative Information	Representative <u>Will A. Kellstrom</u>	Office Phone <u>479-636-2168</u>
	Business Name <u>Watkins, Boyer, Gray & Curry PLLC</u>	Cell Phone <u>479-512-0014</u>
	Mailing Address <u>1106 W. Poplar St., Rogers, Arkansas 72756</u>	E-mail <u>wkellstrom@watkinslawoffice.com</u>
	_____	<input checked="" type="checkbox"/> Check here if this is the primary contact.

Property Owner Information	Property Owner <u>Kragermeister Properties, LLC, c/o Watkins, Boyer, Gray & Curry PLLC</u>	Office Phone <u>479-636-2168</u>
	Business Name <u>Kragermeister Properties, LLC</u>	Cell Phone <u>479-512-0014</u>
	Mailing Address <u>1106 W. Poplar St., Rogers, Arkansas 72756</u>	E-mail <u>wkellstrom@watkinslawoffice.com</u>
	_____	<input type="checkbox"/> Check here if this is the primary contact.

Representative Signature	I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.	
	Representative Signature <u><i>Craig Graves</i></u> <small>Craig Graves (Apr 15, 2025 11:10 CDT)</small>	Date <u>Apr 15, 2025</u>

Owner Signature	I certify under penalty of perjury that I am the owner of the property that is subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)	
	Owner Signature <u><i>Will Kellstrom</i></u>	Date <u>Apr 15, 2025</u>

Office Use Only	Date Submitted: _____
	Zone: _____









Rezone Cover Page

Final Audit Report

2025-04-15

Created:	2025-04-15
By:	Will Kellstrom (wkellstrom@watkinslawoffice.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAjOcXqVTOzceC5NTqJUw3xvjHN9ZQEY4j

"Rezone Cover Page" History

-  Document created by Will Kellstrom (wkellstrom@watkinslawoffice.com)
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-  Document emailed to Craig Graves (craig@pathutility.com) for signature
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-  Document emailed to Will Kellstrom (wkellstrom@watkinslawoffice.com) for signature
2025-04-15 - 4:01:46 PM GMT
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2025-04-15 - 4:03:57 PM GMT
-  Document e-signed by Will Kellstrom (wkellstrom@watkinslawoffice.com)
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2025-04-15 - 4:10:20 PM GMT
-  Document e-signed by Craig Graves (craig@pathutility.com)
Signature Date: 2025-04-15 - 4:10:58 PM GMT - Time Source: server
-  Agreement completed.
2025-04-15 - 4:10:58 PM GMT



REZONING DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARATER OF SECTION 4, TOWNSHIP 17 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S03°47'06"W 1274.33', THENCE N87°20'38"W 300.06', THENCE N03°47'06"E 1270.75', THENCE S88°01'38"E 300.15' TO THE POINT OF BEGINNING, CONTAINING 8.76 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ORDINANCE NO. 2025-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE A CERTAIN PORTION OF REAL PROPERTY LOCATED AT 2785 W. LIBERTY AVENUE (PARCEL NO. 830-37901-000) FROM INDUSTRIAL (I) 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 to hear public input to the question of an application to rezone a certain portion of real property located at 2785 W. Liberty Avenue (Parcel No. 830-37901-000) from Industrial (I) to Commercial Trades and Services (C-T) in the City of Tontitown, Arkansas; 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 from Industrial (I) to Commercial Trades and Services (C-T) for a certain portion of real property located at 2785 W. Liberty Avenue (Parcel No. 830-37901-000), 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 and Section 2 hereof.

PASSED and APPROVED this ____ day of June 2025.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

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