



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
479-361-2700

Meeting: October 28, 2025
Project: City of Tontitown Police
Rezone

bspurlock@tontitownar.gov

Planner: Brad Spurlock

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM REZONING REQUEST PH3, PC2

E Fletcher Ave
830-37615-007

This project was approved unanimously at the October 28th, 2025 Planning Commission meeting.

SUMMARY: The applicant is requesting a rezone request located at E. Fletcher Ave. The rezone request is from C-1 (Light Commercial) & A (Agriculture) to C1 (Light Commercial) located on approximately 5 acres to build a new police station for Tontitown.

CURRENT ZONING: C-1 & A (Light Commercial and Agriculture) (See attached Current Zoning Map, Figure 2)

REQUESTED ZONING: C-1-(Light Commercial) (See attached Proposed Zoning Map, Figure 4)

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

CITY WARD: 1 – Alderperson Amber Ibarra and Misty Piazza

INFRASTRUCTURE SERVICE AREAS

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

This property is owned by Lipspace, LLC and is currently zoned both C-1 and A. The owner is requesting a change in zoning to C-1 to build new police station for Tontitown to be permissible under City's zoning regulations. The requested zone change will allow the current owners to sell to the city and allow the city to construct a new police station.

FUTURE LAND USE PLAN:

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

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 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 12 multifamily dwelling units/acre.

STAFF ANALYSIS: The zoning authorizes use districts such as C-1 (Light Commercial) to accommodate community serving uses, subject to standards.

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 Comprehensive Plan designates future land uses that civic and institutional facilities in appropriate locations. The proposed rezoning in C-1 for a police station aligns with the Plan’s objective of locating important public services where they accessible and supported by infrastructure. Because civic uses are compatible with commercial zoning in mixed-use or service corridors, the request is consistent with the Plan’s intent.

(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 promotes orderly growth, protection of property values, efficient development and provision of adequate public facilities. The proposed police station advances these goals by providing an essential public service, leveraging existing commercial zoning classification and eliminating split zoning, which could hinder coherent development of the site. The rezoning supports good civic design and efficient use of land, aligning with the zoning purpose.

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

STAFF ANALYSIS: The subject is located within residential and industrial areas. The rezoning of C-1 is compatible with nearby zoned parcels and will transition to the neighborhood commercial character. Given the civic nature of a police station, impacts such as hours, traffic, and intensity are expected to be manageable compared to general commercial uses. Buffering, landscaping and site design can further mitigate adjacent concerns.

North-zoned I (Industrial)
East-zoned A (Agriculture)
South-zoned A (Agriculture)
West-zoned A (Agriculture)

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

STAFF ANALYSIS: Under the current split zoning (C-1 & A), the site is restricted by its agricultural zoning component from developing commercial or civic uses as seamlessly. The rezoning to full C-1 removes the use limitation posed by the A zoning and makes the site more functional for the intended civic use. Therefore, the property is better suited for the proposed use under the requested zoning.

- (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: Potential adverse effects (traffic, noise, lighting, parking) from a police station are typically lower than many commercial uses (e.g., retail, heavy commerce) and the city can require site-plan review, appropriate setbacks, lighting controls, and landscaping to address visual/operational impacts. The proposed use will utilize existing infrastructure (streets, utilities) and will enhance public safety service coverage. The impact on community facilities is positive — providing enhanced police presence rather than burdening them. Any necessary improvements (turn lanes, sidewalks, stormwater) can be addressed via conditions of approval.

- (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: The property has remained under split zoning leaving the agricultural portion underutilized.

- (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: The proposed police station will strengthen the City's public safety infrastructure. Utilities (water/sewer) are available; access to streets is sufficient; parking and circulation will be addressed during site-plan review. Because the use is municipal, the added demand on services is minimal and the benefit is significant.

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 2 comments with no objection to this rezone. Included in packet.

STAFF RECOMMENDATION: Based on the foregoing analysis, Planning Staff recommends approval of the rezoning request from C-1 & A to C-1 for the construction of the new police station. If approved staff will require a full large-scale development for presentation to the Planning Commission approval.

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

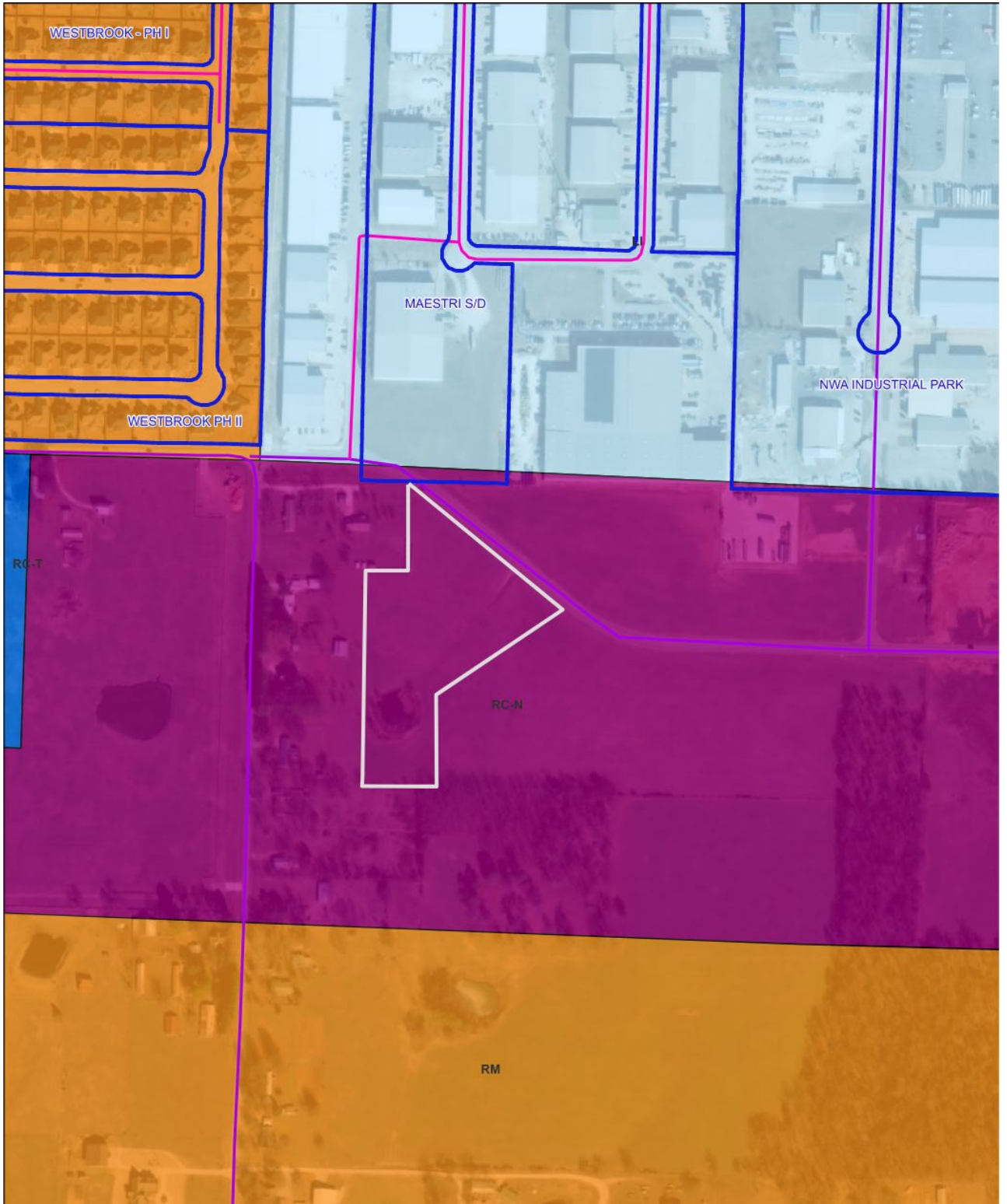
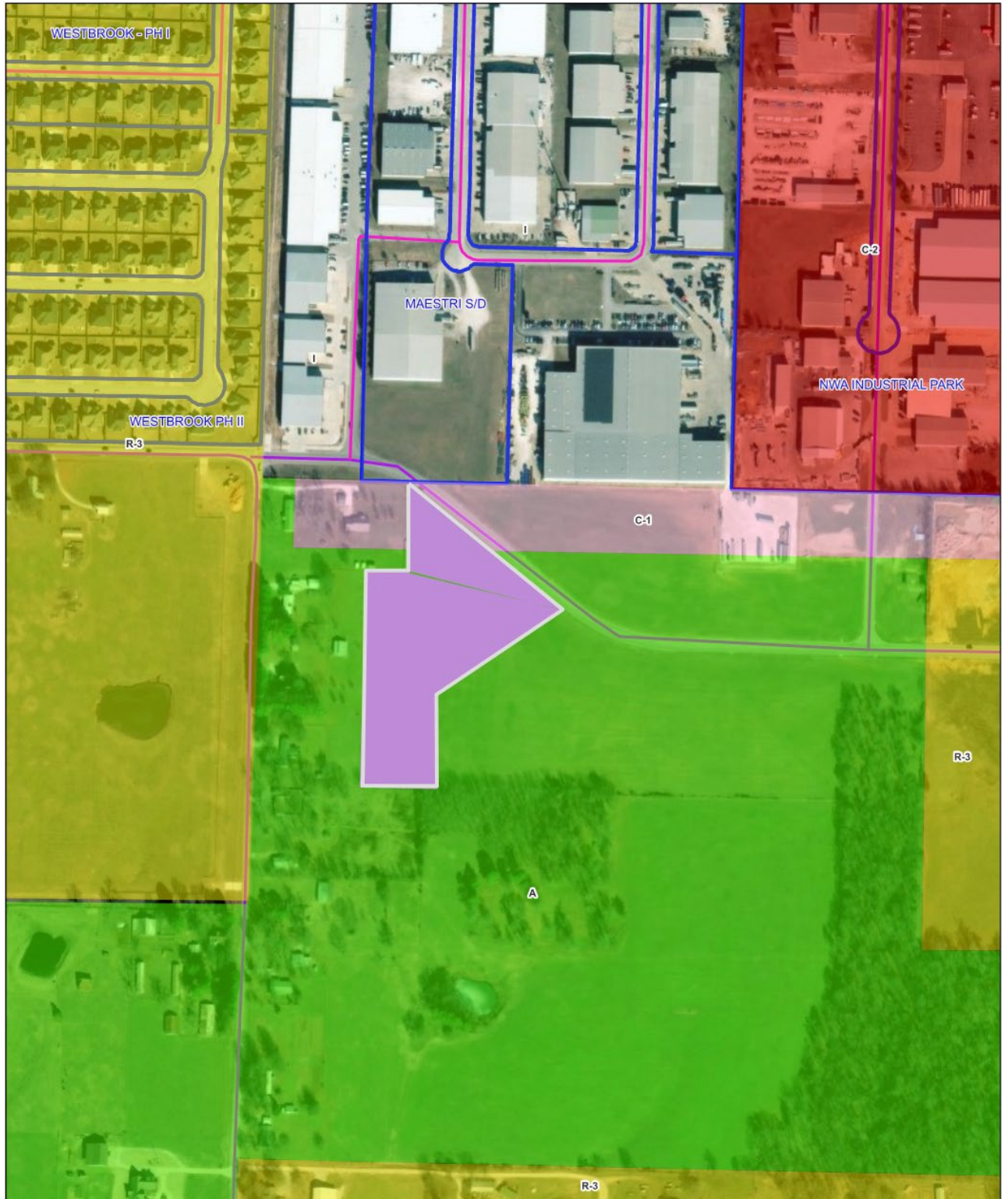


FIGURE 4: REQUESTED ZONING MAP



NEIGHBOR COMMENTS:

2 Comment with no objections. To be included.



Rezoning

Application & Checklist

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

Office Use Only:

Permit #: 2025-050 Fee: \$ 0

Approved by: _____

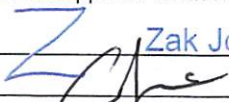
Approved Date: _____

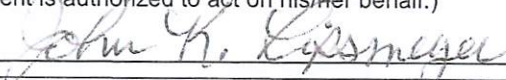
Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the Planning Commission agenda until the application is completed and required information provided.

Property Description	Site Address(s) <u>E Fletcher Ave</u> Parcel # <u>830-37615-007</u>
	<u>Tontitown, AR</u> Acreage <u>5.00</u>
	Current Zoning <u>C-1 and A</u> Proposed Zoning <u>C-1</u>
	Proposed Land Use <u>Government Services - Police Station</u>

Representative Information	Representative <u>Zak Johnston</u> Office Phone <u>479-435-1011</u>
	Business Name <u>CK Civil Engineering</u> Cell Phone <u>501-454-3038</u>
	Mailing Address <u>155 Fantinel Dr Suite D</u> E-mail <u>zakj@ck-civil.com</u>
	<u>Tontitown, AR 72762</u> <input checked="" type="checkbox"/> Check here if this is the primary contact.

Property Owner Information	Property Owner <u>LIPSPACES LLC</u> Office Phone _____
	Business Name _____ Cell Phone _____
	Mailing Address <u>507 Fairway Circle, Springdale, AR 72764</u> E-mail _____
	_____ <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></u> <u>Zak Johnston, P.E.</u> Date <u>10/01/2025</u>	<u>10/07/25</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></u> Date <u>10/07/2025</u>	

Office Use Only	Date Submitted: _____
	Zone: _____

WAIVER OF RIGHTS AND REMEDIES UNDER A.C.A. §18-15-1701 et al, also known as the Private Property Protection Act.

This agreement regarding Waiver of Rights and Remedies A.C.A. §18-15-1701 et al ("Agreement") is made between LIPSPACES LLC ("Owner") and the city of Tonititown, Arkansas ("City"), regarding the following property:

"EXHIBIT A"

The Owner agrees and consents to all the conditions imposed by the City Council regarding the requested [~~Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application #/General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance~~]. By signing this Agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.C.A. §18-15-1701 et al related to the zoning classification in [~~Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application #/General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance~~] as a result of the Council's approval of the requested [~~Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application #/General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance~~] with regard to the above-referenced property.

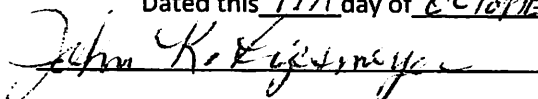
This Agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and City regarding the above-referenced property. This Agreement may not be modified or amended except by written agreement acknowledged by both the Owner and City. This Agreement is entered into in Arkansas and will be construed and interpreted under the laws of the State of Arkansas.

Owner warrants and represents that Owner is the owner of fee title to the above-referenced property, and that no other person has an ownership interest in the property [**if more than one owner this will need to be modified**]. Owner acknowledges that Owner has been given the opportunity to seek legal counsel regarding this Agreement and enters into this agreement freely and knowingly.

Owner agrees and acknowledges that though entering into this Agreement is not required for submission of the above mentioned request, failure to do so may be considered in the City's approval or denial determination, regarding the request.

The person who signs on behalf of Owner personally warrants and guarantees to the City that [**he, she, they**] have the legal power to bind Owner to this Agreement.

Dated this 7TH day of OCTOBER, 2025.


Owner Signature

Owner's Designee

TRACT A SURVEY DESCRIPTION

A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 07, TOWNSHIP 17 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM AN EXISTING RAILROAD SPIKE MARKING THE NORTHWEST CORNER OF SAID N½ NW¼ THENCE ALONG THE NORTH LINE OF SAID N½ NW¼ S87°29'37"E 299.78 FEET TO AN EXISTING #4 REBAR, THENCE CONTINUING ALONG SAID NORTH LINE S87°35'39"E 134.34 FEET TO A SET #4 REBAR, THENCE LEAVING SAID NORTH LINE S03°08'39"W 7.74 FEET TO AN EXISTING #5 REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF E FLETCHER AVENUE BEING THE TRUE POINT OF BEGINNING, AND RUNNING THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF E FLETCHER AVENUE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET FOR A CHORD BEARING AND DISTANCE OF S55°20'05"E 100.28 FEET TO A SET #4 REBAR, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S49°12'43"E 331.18 FEET TO A SET #4 REBAR, THENCE LEAVING SAID RIGHT-OF-WAY S41°11'16"W 371.40 FEET TO A SET #4 REBAR, THENCE S03°04'31"W 324.25 FEET TO A SET #4 REBAR, THENCE N87°16'55"W 221.99 FEET TO AN EXISTING #5 REBAR, THENCE N03°04'31"E 628.64 FEET TO AN EXISTING #5 REBAR, THENCE S87°22'39"E 103.53 FEET TO AN EXISTING #5 REBAR, THENCE N03°08'39"E 245.49 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES, MORE OR LESS, SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.