



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **August 28, 2018**
Project: **WM Hauling Company**
Planner: Courtney McNair

AGENDA ITEM

C

REZONING REQUEST

1041 Arbor Acres Road

Parcel #s: a portion of 830-38365-000

SUMMARY: Request to rezone a portion of their property (8.6 acres) from RMH (Residential-Mobile Home Park) to C2 (General Commercial)

CURRENT ZONING: R-MH - Residential Mobile Home Park

PROPOSED ZONING: C2 – General Commercial

CITY WARD: 3- Don Doudna & Tommy Granata

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

Water: Washington Water Authority, existing 4-inch

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

PROJECT SYNOPSIS:

This property is owned by Eco Vista, and located within the City Limits of Tontitown. It takes access from Arbor Acres Road. There is one (1) existing commercial building and several accessory uses on site.

The applicant cannot expand a non-conforming use, so must ask to rezone in order to add the proposed Compressed Natural Gas (CNG) facility. City Staff felt that C2 was the most appropriate zone for the proposed use.

The requested rezoning only involves the portion of the parcel that is used for Hauling Company operations. None of the Landfill portion is part of this request. At this time, the CNG facility will only be for Waste Management trucks, and not sold to the general public. This could change in the future. Any additions would need to have additional review and approval.

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 Low Density Residential. The City is in the process of updating the Future Land Use map and one of the issues that will be addressed is the appropriateness of the category for the existing land fill area. The draft Future Land Use map does show this area to be Landfill.

(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: Allowing a use related to the existing business that will not expand the boundary, or cause any additional traffic impact will not impact the orderly growth and development of the surrounding area.

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

STAFF ANALYSIS: The requested use is a residential use; all surrounding properties are also zoned for residential.

North-zoned R2

East-zoned R-MH

South-zoned R-MH

West-zoned R-MH

All areas surrounding that are zoned R-MH are existing landfill uses. The use is grandfathered. The property zoned R2 will not be impacted more than they currently are impacted by the existing use on this site. They may even see a slight reduction in impact as CNG trucks can be less intrusive than traditional diesel trucks.

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

STAFF ANALYSIS: The likelihood that the current grandfathered use discontinues is fairly minimal. This is a well-established use. The site cannot actually be used for the current zoning as no housing is allowed on closed (or open) landfill sites.

(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 should not detrimentally affect nearby property. The use is existing, and the addition of the CNG facility will not change the nature of the existing use.

(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 operated as a Landfill use and Hauling company for many years. It has never been used as R-MH.

(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 will be the same as the current use of the property. There is no expected increase on services related to utilities, streets, drainage, fire or police protection.

TECHNICAL INFORMATION:

Utilities:

Water: Washington Water Authority, existing 4" line-This line cannot serve as a fire protection line. The applicant is proposing to install a tank and dry hydrant to meet fire fighting capacity.

Electric: Ozarks Electric-submitted general comments. Any relocation, extension, or easements needed will be the owner's expense. Utility Easements must be dedicated for existing lines.

Sewer/Septic: Sewer-there is an existing Private Force Main that pumps to the lift station across from S. Pianalto Road. This is shown to be under the proposed CNG pumps. The applicant is aware of the location. As it is a private line, the Public Works Director has no comments.

Phone: AT&T-No concerns were submitted for the requested rezoning.

Natural Gas: Black Hills Energy-No concerns were submitted for the requested rezoning.

Streets:

This property access Arbor Acres Road at the existing entrance. No additional entrances are proposed.

Fire:

An additional hydrant is required. The applicant is providing a water tank and dry hydrant to meet this requirement. A Knox box will be required for locking gates and the existing building.

The Fire Marshal also requested an emergency shut off be located at the existing building. This has been added.

Police:

No concerns were submitted for the requested rezoning.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no written comments. Several calls inquiring about the Public Hearing sign that was placed were received. Once the project was explained, there were no remaining concerns.

STAFF RECOMMENDATION:

Staff recommends approval of the Waste Management Hauling Company Rezoning Request to change the zoning of a portion of 830-38365-000 from R-MH zoning to C2 zoning.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This rezoning request must be ratified by the City Council.
2. The Large-Scale Development request must be approved. All technical plan and engineering comments must be addressed with the Large-Scale Development plan.



August 7, 2018

Ms. Courtney McNair
Planning Official
City of Tontitown
201 East Henri De Tonti
Tontitown, Arkansas 72770

**Subject: Submittal of Rezoning Application
 Waste Management Hauling Company**

Dear Ms. McNair,

Waste Management of Arkansas, Inc. (WM) is pleased to submit the Rezoning Application for the compressed natural gas (CNG) fueling facility for the hauling company in Tontitown, Arkansas. The Waste Management Hauling Company (WMHC) is seeking to rezone 8.6-acres from Residential-Mobile Home to General Commercial (C-2), in order to construct a Compressed Natural Gas (CNG) Fueling Facility to support the hauling company operations.

In accordance with Title XV of the City of Tontitown Code of Ordinances, Chapter 153.283, this submittal letter addresses the City of Tontitown's criteria for approval.

Consistency of the proposal with the comprehensive plan.

The 8.6-acre area to be rezoned is currently zoned Residential-Mobile Home and is located within the landfill property boundary, which has operated as a landfill since approximately 1979. WMHC is requesting to construct a CNG fueling facility, as such, the City of Tontitown asked that the property be rezoned to General Commercial.

Consistency of the proposal with the purpose of the regulations.

The 8.6-acre area to be rezoned is currently zoned Residential-Mobile Home. This area is located within the landfill property boundary, which has operated as a landfill since approximately 1979.

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

Properties to the west, south and east of the subject area are zoned Residential-Mobile Home and contain the Eco-Vista Landfill, which has operated since approximately 1979. Property to the north, across Arbor Acres Avenue, is zoned Residential (R-2) and the adjacent lot is currently vacant or used for agricultural uses.

Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.

The Eco-Vista Landfill has operated at this location since approximately 1979. WMHC is requesting to construct a CNG fueling facility, as such, the City of Tontitown asked that the property be rezoned to General Commercial.

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.

WMHC is requesting to construct a CNG fueling facility. The CNG will phase out the diesel fuel currently used by the hauling company trucks. CNG is a cleaner burning fuel than diesel fuel, produces the fewest emissions of other fuels and contains less pollutants. CNG storage is in sealed containers, which eliminates any evaporative sources, and reduces the odors associated with diesel fuel. Once the diesel fuel is phased out, the facility will no longer receive fuel deliveries, reducing the large tanker trucks on the roads in the vicinity of the hauling company. Additionally, trucks fueled by CNG are quieter, which will reduce the noise from the hauling company and throughout the City of Tontitown from waste collection vehicles.

The CNG fueling facility will be constructed for the existing hauling company on the property. There is no anticipated impact on property value. There are no traffic pattern changes proposed. General traffic access to the hauling company will continue to be restricted from Highway 412, to South Klenc Road, to Kelly Road, to Dowell Road and to Arbor Acres Road. There are no proposed changes in traffic volumes, other than those arising out of business fluctuations. There are no changes proposed to the hours of use or operation of the hauling company. There are no planned changes to signage at the property. No new signs will be placed/built/constructed without approvals from the City. Technical information will be addressed in the Large Scale Development application.

WM has always focused on its road frontage appearance. The facility maintains (and will continue to maintain) a white farm-style PVC fence along its northern boundary (outside the right-of-way). Between the Arbor Acres paved road and the fence, a mowed grass area will be maintained. The fence and grass area will be in all areas except those with steep terrain. The facility has maintained and will continue to maintain visual screening along Arbor Acres with trees and shrubbery. A landscape plan will be included in the Large Scale Development application for the project.

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

The Eco-Vista Landfill has operated at this location since approximately 1979. The property has always been zoned Residential-Mobile Home since it was annexed by the City.

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.

Water and sewer is available and both are connected to the existing property. The existing waterline serving the property is a 2" waterline, off of a 4" watermain along Arbor Acres Road (Washington Water Authority).

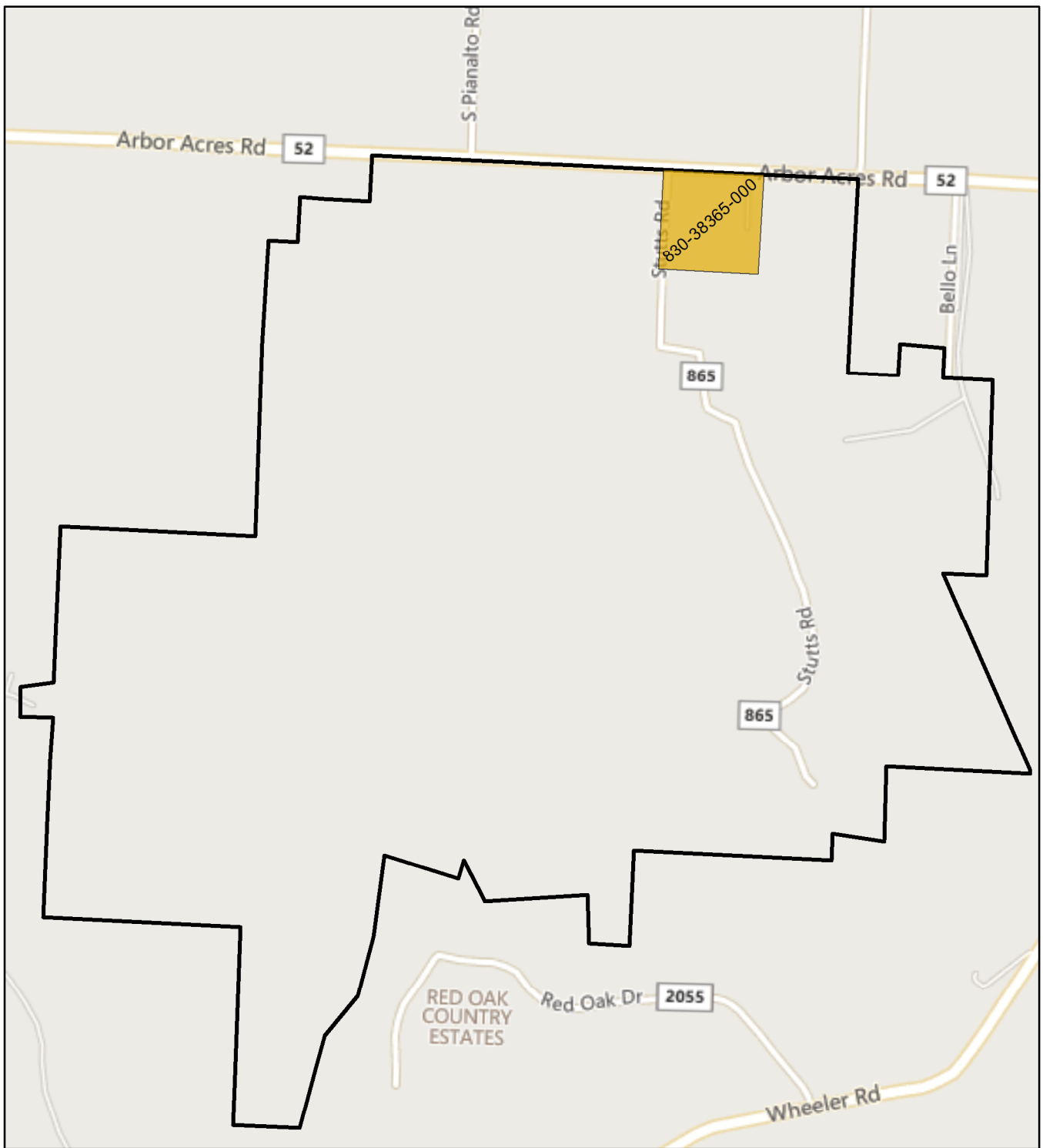
The existing sewer line serving the property is a 12" PVC gravity sewer line leading to the South Pianalto Road sewer pump station. The CNG pipeline serving the property is located along Arbor Acres Avenue. The project will have minimal impact on community facilities.

Should you have any questions, please call or email me at 501-487-6158 or via email at dconrad@wm.com.

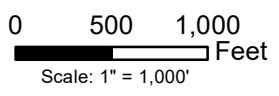
Sincerely,
Waste Management of Arkansas, Inc.

A handwritten signature in black ink that reads "David K. Conrad". The signature is written in a cursive style with a large initial "D".

David K. Conrad
Engineering Manager

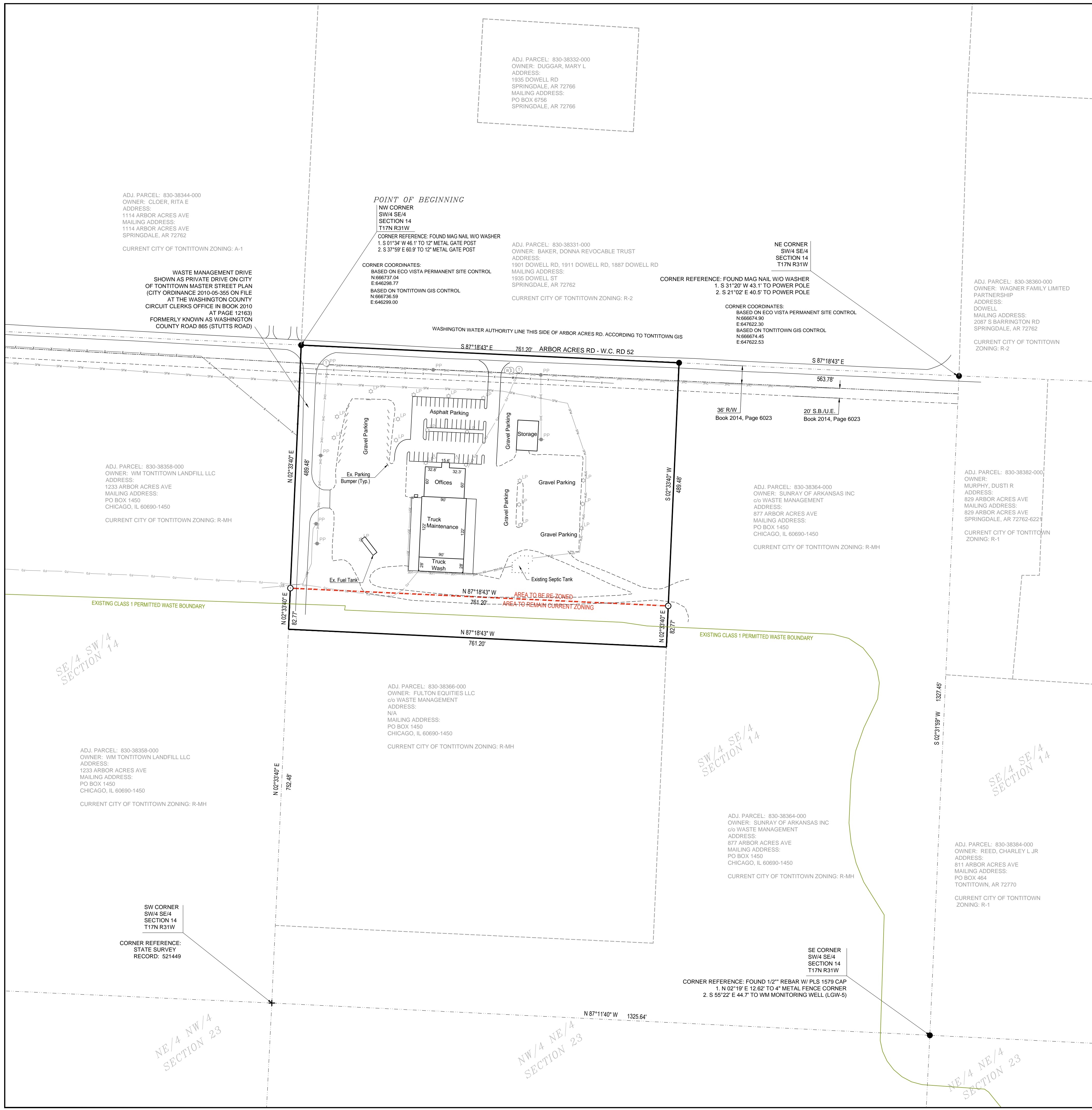


Current Zoning Map Waste Management Hauling Company

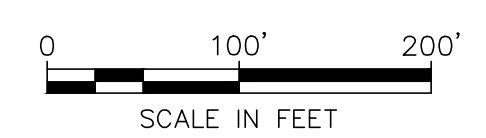


By: NVS
 Date: July 2018
 Project No. 06820-1899-001
 S:\projects\06820-1899-001\gis\doc\map\Current parcel zoning map.mxd

- Legend**
- Waste Management Property Boundary
 - Current Zoning
 - Mobile Home



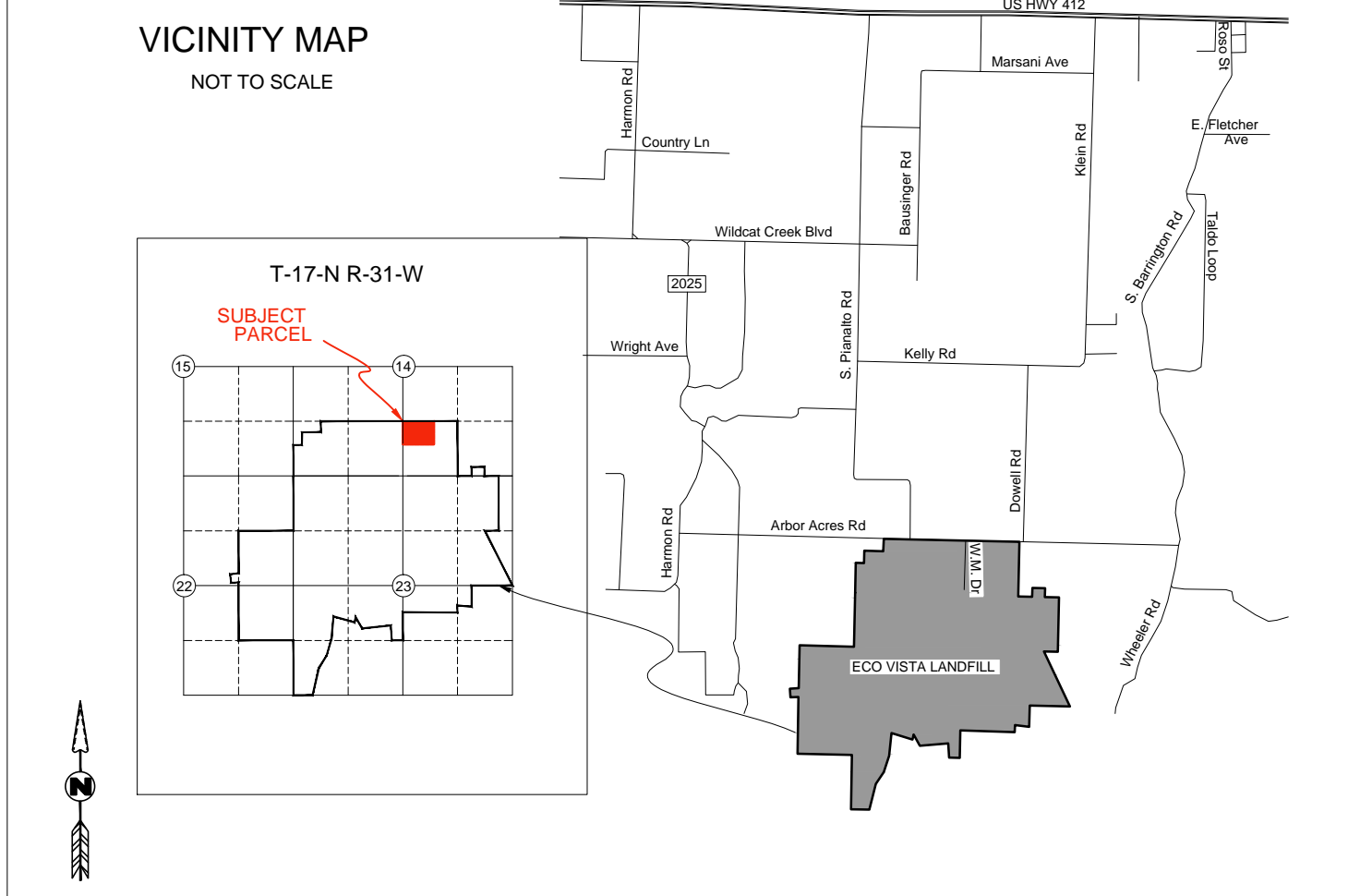
BASIS OF BEARING:
 Grid North - NAD 83 SPC System - Arkansas North Zone
 Convergence Angle at P.O.B.: N 01°18'46" E
 Distances shown are ground distances
 Grid to Ground Scale Factor: 1.0001641991432



ABBREVIATIONS
 ADJ. ADJACENT
 APPROX. APPROXIMATE
 BLDG. BUILDING
 EX. EXISTING
 R/W. RIGHT-OF-WAY
 U.E. UTILITY EASEMENT
 S.B. SETBACK
 PROP. PROPOSED
 W.C.RD. WASHINGTON COUNTY ROAD

LEGEND

- Found Iron Pin as Noted Hereon
- + Calculated Position
- Set # 4 Bar with 1579 Cap
- ⊙ Power Pole
- ⊙ Lamp Pole
- ⊙ Telecom Pedestal
- ⊙ Water Meter
- ⊙ Gas Meter
- Subject Tract Property Line
- USPLSS Lines
- Street Right-of-Way
- Existing Easement
- Approximate Adjoiner Lines
- Sanitary Sewer
- Underground Fiber Optic
- Overhead Electric
- Underground Electric
- Sewer Forcemain
- Fence



SITE DATA

SUBJECT PARCEL ID#: 830-38365-000

OWNER:
 Fulton Equities, LLC. c/o Waste Management
 ECO-VISTA, LLC.

LAST CONVEYANCE INSTRUMENT:
 Warranty Deed: Book 97, Page 68229

SITE ADDRESS:
 1041 ARBOR ACRES ROAD
 SPRINGDALE, AR 72762

PROPERTY DESCRIPTION:

SURVEY DESCRIPTION - ALL OF WASHINGTON COUNTY PARCEL 830-38365
 Part of the SW 1/4 of the SE 1/4 of Section 14, Township 17 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:
 Beginning at the NW corner of said SW 1/4 of the SE 1/4; thence S 87°18'43" E along north line of said SW 1/4 of the SE 1/4 a distance of 761.20 feet; thence S 02°33'40" W a distance of 572.25 feet; thence N 87°18'43" W a distance of 572.25 feet to a point on the west line of said SW 1/4 of the SE 1/4; thence N 02°33'40" E along west line of said SW 1/4 of the SE 1/4 a distance of 572.25 feet to the point of beginning, containing 10.00 acre more or less and being subject to any and all easements and rights-of-way of record or fact.

SURVEY DESCRIPTION - PORTION OF WASHINGTON COUNTY PARCEL 830-38365 TO BE RE-ZONED
 Part of the SW 1/4 of the SE 1/4 of Section 14, Township 17 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:
 Beginning at the NW corner of said SW 1/4 of the SE 1/4; thence S 87°18'43" E along north line of said SW 1/4 of the SE 1/4 a distance of 761.20 feet; thence S 02°33'40" W a distance of 489.48 feet; thence N 87°18'43" W a distance of 761.20 feet to a point on the west line of said SW 1/4 of the SE 1/4; thence N 02°33'40" E along west line of said SW 1/4 of the SE 1/4 a distance of 489.48 feet to the point of beginning, containing 8.55 acre more or less and being subject to any and all easements and rights-of-way of record or fact.

FLOOD ZONE:
 THIS PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 05143C0045F AND 05143C0065, BOTH DATED MAY 16, 2008.

AREAS:
 TOTAL AREA OWNED BY ECO VISTA LANDFILL: 609.2 ACRES M/L
 TOTAL AREA OF SUBJECT PARCEL: 10.0 ACRES M/L
 TOTAL AREA OF RE-ZONING: 8.6 ACRES M/L ACRE

EXISTING PARKING:
 ASPHALT: (2) MARKED HANDICAP SPACES (50) MARKED STANDARD SPACES
 ALSO VARIOUS UNMARKED GRAVEL AND PAVED SPACES

WETLANDS STATEMENT:
 NO KNOWN WETLANDS HAVE BEEN DELINEATED

- SURVEYOR'S PLAT NOTES:**
- Utility information shown hereon was taken from above ground visual field observations and utility maps. No subsurface utilities were located in the field. Not all existing site and/or public utilities are shown on this map and it is recommended that before excavation is performed in any areas, a complete subsurface utility location be performed.
 - Environmental, subsurface and detailed flood conditions were not investigated as part of this survey.
 - The updated field portion of this survey was completed on JULY 14, 2018.
 - This survey is only valid if the plat contains a seal with original signature signed in blue ink.
 - Deed restrictions, covenants and easements shown hereon are as per last conveyance instrument. No investigation or independent research was conducted for easements, rights-of-way, restrictions, covenants, encumbrances or other facts which a complete title search may disclose.
 - All adjoining parcel lines and land owner data were taken from Washington County Web Page (<http://www.co.washington.ar.us/>) on JULY 19, 2008, and no independent title search was performed by surveyor.
 - All current zoning information was taken from City of Tontitown Web Page (<https://www.tontitown.com/>).



STATE PLAT CODING SYSTEM: 500-17N-31W-0-14-230-72-1579		 SURVEYING & CONSULTING, INC. PO BOX 571 • GENTRY, AR 72734 • (479)238-3109
REV.	DATE	
Project No.	18004	Survey of Washington County Parcel 830-38365-000 SURVEY FOR: ECO-VISTA, LLC Eco Vista Landfill 2210 Waste Management Dr. Springdale, AR 72762
Date:	JULY 2018	
Drawn By:	JMLM	
Approved By:	JMLM	



**Rezoning Application – Narrative
Waste Management Hauling Company**

Per the Tontitown Rezoning Application & Checklist the following narrative is being submitted for review.

A. State the current zoning designation and proposed zoning designation. An explanation of the proposed zoning change including current owner information and any proposed sales.

- Current Zoning = Residential-Mobile Home (R-MH)
- Proposed Zoning = General Commercial (C-2)
- Current Owner = Waste Management of Arkansas, Inc.
- The Waste Management Hauling Company (WMHC) property is currently zoned Residential-Mobile Home. WMHC is requesting to construct a compressed natural gas (CNG) fueling facility, as such, the City asked that the property to be rezoned to General Commercial.

B. Reason (need) for requesting the zoning change.

- WMHC property is currently zoned Residential-Mobile Home. WMHC is requesting to construct a CNG fueling facility, as such, the City asked that the property to be rezoned to General Commercial.

C. Statement of how the property will relate to surrounding properties:

1. Use.

- The property will be used as a CNG fueling facility for the hauling company.

2. Traffic.

- There are no traffic pattern changes proposed. There are no proposed changes in traffic volumes, other than those arising out of business fluctuations.
- Prior to February 5, 2014 the Arbor Acres Road Right-of-Way (R/W) adjoining WM property was a total of 60-feet (30-feet on each side of the centerline). On February 5, 2014, WM granted an additional 6-feet of R/W on the southside of Arbor Acres Road to facilitate the City's plans for a 72-foot Arbor Acres R/W.
- General traffic access to the hauling company will continue to be restricted from Highway 412, to South Klenc Road, to Kelly Road, to Dowell Road and to Arbor Acres Road.

3. Signage.

- There are no planned changes to signage at the hauling company. No new signs will be placed/built/constructed without approvals from the City.

4. Appearance.

- WM has always focused on its road frontage appearance. The facility maintains (and will continue to maintain) a white farm-style PVC fence along its northern boundary (outside the right-of-way). Between the Arbor Acres paved road and

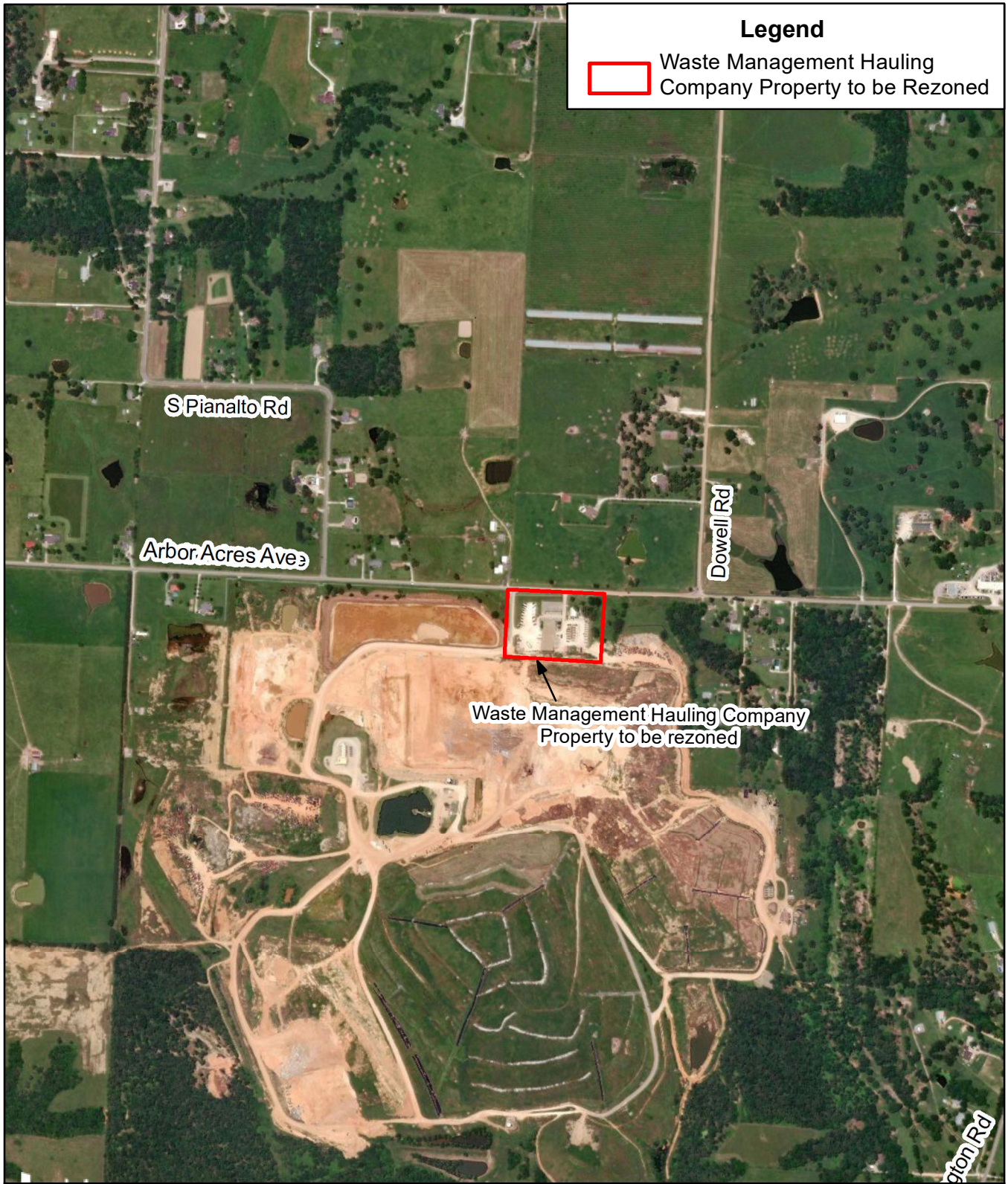
the fence, a mowed grass area will be maintained. The fence and grass area will be in all areas except those with steep terrain. The facility has maintained and will continue to maintain visual screening along Arbor Acres with trees and shrubbery.

D. Availability of water and sewer (state size of lines). If direct water and/or sewer is not available, state how lines will be accessed and connected. This information is available from the Water Department at (479) 361-2996 or download from the City of Tontitown's G.I.S. site.

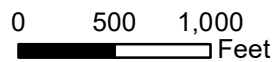
- Water and sewer is available and both are connected to the existing property.
- The waterline serving the property is a 2" waterline, off of a 4" watermain along Arbor Acres Road (Washington Water Authority).
- The sewer line serving the property is a 12" PVC gravity sewer line leading to the South Pianalto Road sewer pump station.
- The CNG pipeline serving the property is located along Arbor Acres Avenue.

E. Waiver of Rights and Remedies, also known as the Private Property Protection Act MUST be completed with legal description and signed by the property owner.

- See Attached – Waiver of Rights and Remedies.



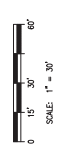
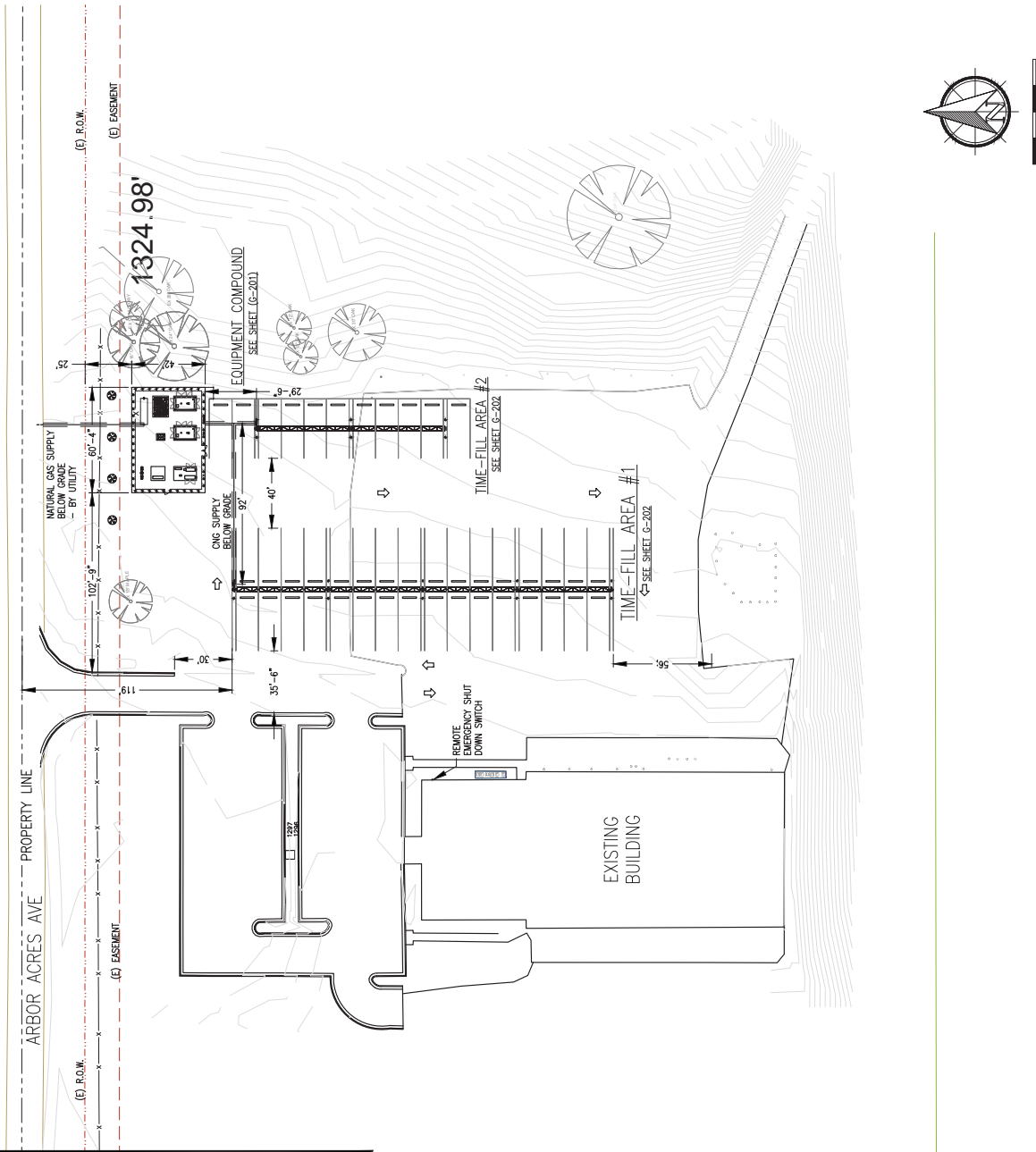
Waste Management Hauling Company Rezoning Vicinity Map - 2018



LEGEND:

- ASPHALT
- CONCRETE
- IRON MONUMENT FOUND AS LABELED
- SANITARY SEWER MANHOLE
- HYDRANT
- LIGHT POLE
- SIGN
- PROPERTY LINE
- UNDERGROUND ELECTRIC LINE
- EXISTING SANITARY SEWER
- EXISTING SPOT ELEVATION
- EXISTING CONTOURS
- CHAIN LINK FENCE
- FOLIAGE
- EXISTING BUILDING

S 87°18'43" E



REVISIONS	
NO.	DATE

GENERAL - SITE PLAN

DRAWN: RG
CHECKED: SRR
DATE: 6/14/18
SCALE: AS SHOWN
JOB NO.: 180023
G-200

WASTE MANAGEMENT
1041 ARBOR ACRES AVE.
SPRINGDALE, AR 72762
CNG FUELING FACILITY



385 CAMINO MIRACOSTA SUITE E
SAN CLEMENTE, CA 92672
APE LICENSE # 13888



OWNERS
WASTE MANAGEMENT
ANTHONY SELLERS
1041 ARBOR ACRES AVE.
SPRINGDALE, AR 72762
(479) 361-4219

GENERAL CONTRACTOR:
TRUSTAR ENERGY
JEFF LUERO (AR LIC # 37357)
10225 PHALDIERHWN CA 91730
KING CROMBIA
(909) 793-3700