



## CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **June 28, 2023**  
Project: **Vapor Maven Rezoning**  
Planner: Kevin M. Gambrill, Garver

### PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

## PH 4, PC 3

### CONDITIONAL USE PERMIT REQUEST

#### To allow ancillary warehouse uses within a C2 zoning district

516 W. Henri De Tonti Blvd.  
Part of Parcel # 830-37654-000

**SUMMARY:** The applicant is requesting to allow an ancillary warehouse use within a C-2 zoning district.

**CURRENT ZONING:** R-3 – Single Family Residential (9,600 min. lot size) and C-2 – General Commercial

CONCURRENTLY REQUESTED ZONING: C-2 – General Commercial for 10.53 acres

**FUTURE LAND USE CATEGORY:** RC-N- Residential Commercial Neighborhood

**CITY WARD:** 2- Daniel Montez and Larry Ardemagni

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

**Water:** Washington Water Authority

**Electric:** Ozarks Electric

**Sewer/Septic:** Septic

**Phone:** AT&T

**Natural Gas:** Source Gas

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

The applicant (owner representative) for this project is Mr. Steve Lisle, on behalf of owner, Mr. Hermin Thind / MWA Maven Properties, LLC. The property is located on the north side of Hwy. 412 (Principal Arterial), extending northward to its frontage along the south side of Sbanotto Avenue (Collector).

The owners wish to develop the site for retail and ancillary warehousing uses. To implement the project as proposed on concept plans submitted, the applicants are seeking to rezone part of the northern half of the property from R-3 to C-2. Ancillary warehouse uses are not permitted 'by-right' in the C-2 zoning district. Therefore, concurrently, with the application for rezoning (from R-3 to C-2), the applicant is also seeking a Conditional Use Permit (CUP) in association with a concept / sketch plan for development.

#### FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for RC-N- Residential Commercial Neighborhood from the Vision Plan Document adopted by the City Council in November 2018:

**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 18 multifamily dwelling units/acre.*

**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.
  
- (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, this use would be allowed by CUP in C2 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: Yes (Pending approval for C-2 zoning)**

(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: Yes, the access will be taken from Hwy. 412, infrastructure is available for connection.**

- (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:** A reasonable buffer exists between the north side of the C-2 district and the south side of the R-3 district along the Sbanotto Avenue corridor. Increasing the land use intensity at this particular location would not appear to change the overall character of the surrounding area. The actual land uses surrounding the site are a mix of low-density, residential estate and semi-rural to rural uses from its center to Sbanotto, with commercial / retail uses adjacent to the site from the central portion south to Hwy. 412.

- (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:** Yes

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

**STAFF ANALYSIS:** Generally, the site sketch appears to adhere; Staff will fully evaluate the technical request if this project advances to the Large-Scale Development phase.

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

**STAFF ANALYSIS:** This appears to be addressed in the site sketch; Staff will fully evaluate the technical request if the project advances to the Large-Scale Development phase.

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

**STAFF ANALYSIS:** Generally, this requested use should not have excessive noise, dust or odor; Staff will fully evaluate the technical request if this project advances to the Large-Scale Development phase. All lighting should be “cut off” type lighting that will not contribute significantly to light pollution. The applicant will be required to provide a lighting cut sheet and diagram to show how the light is designed to remain on the site.

**TECHNICAL INFORMATION:**

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

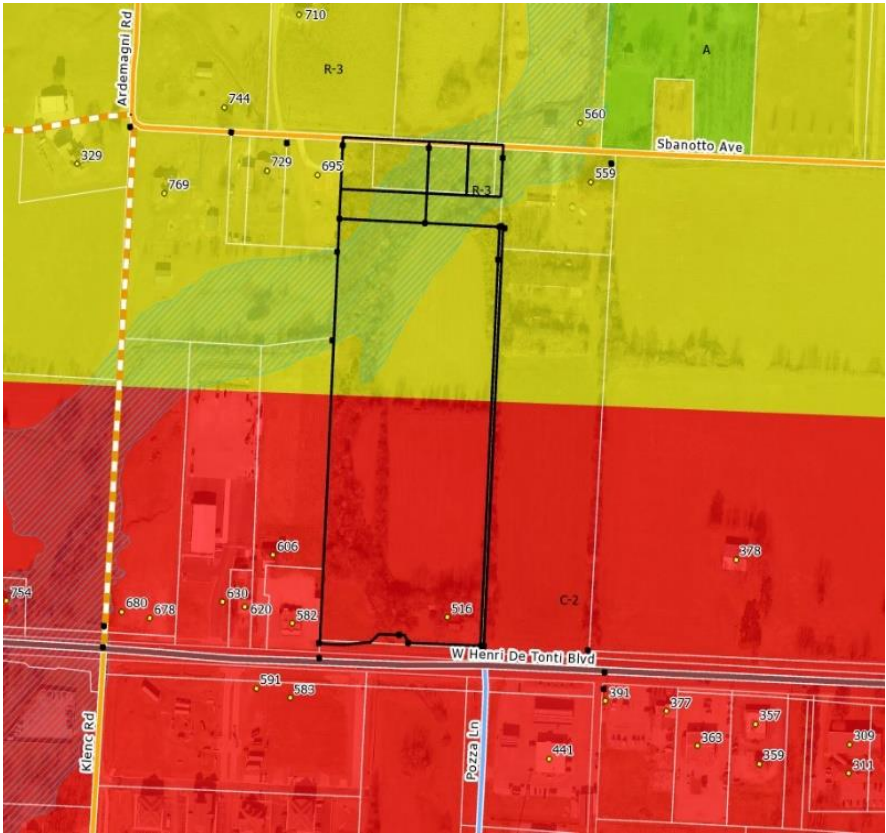
**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one (1) written comment in opposition of the concurrently requested CUP / rezoning.

**STAFF RECOMMENDATION:** Based on the current proposal which shows the development to be well buffered from the residential character along Sbanotto Ave., the availability of infrastructure to service this requested use, staff recommends approval of the Vapor Maven Conditional Use Permit Request to allow an Ancillary Warehouse use within C-2 zoning.

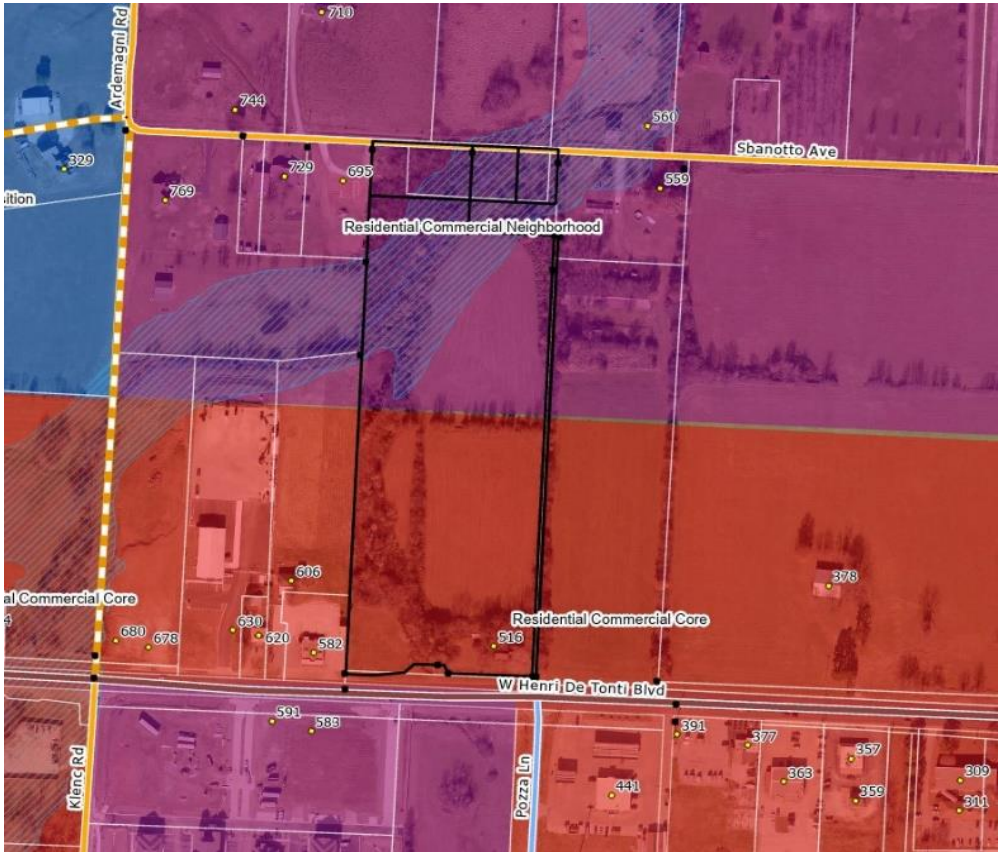
**PROCESS NOTES:**

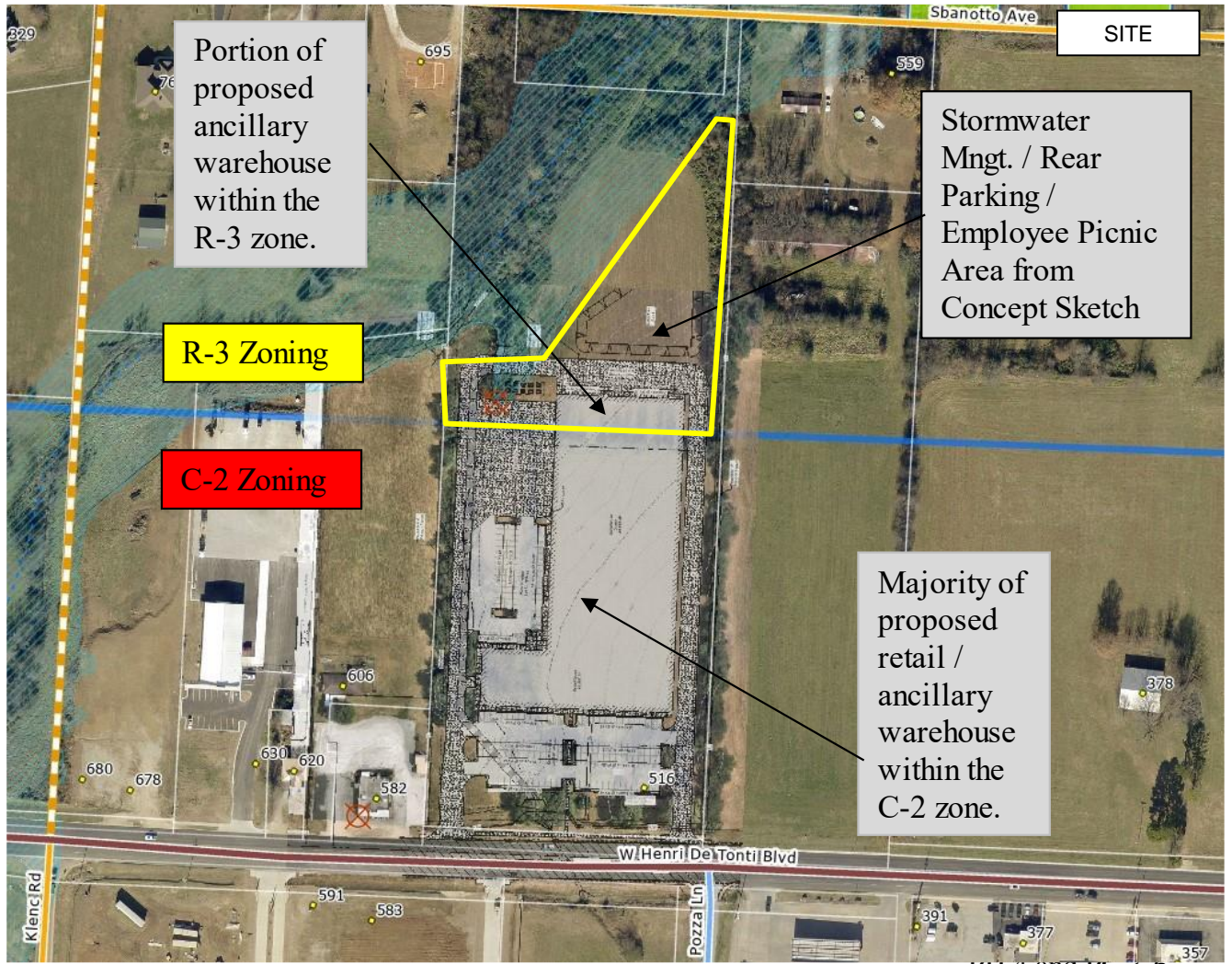
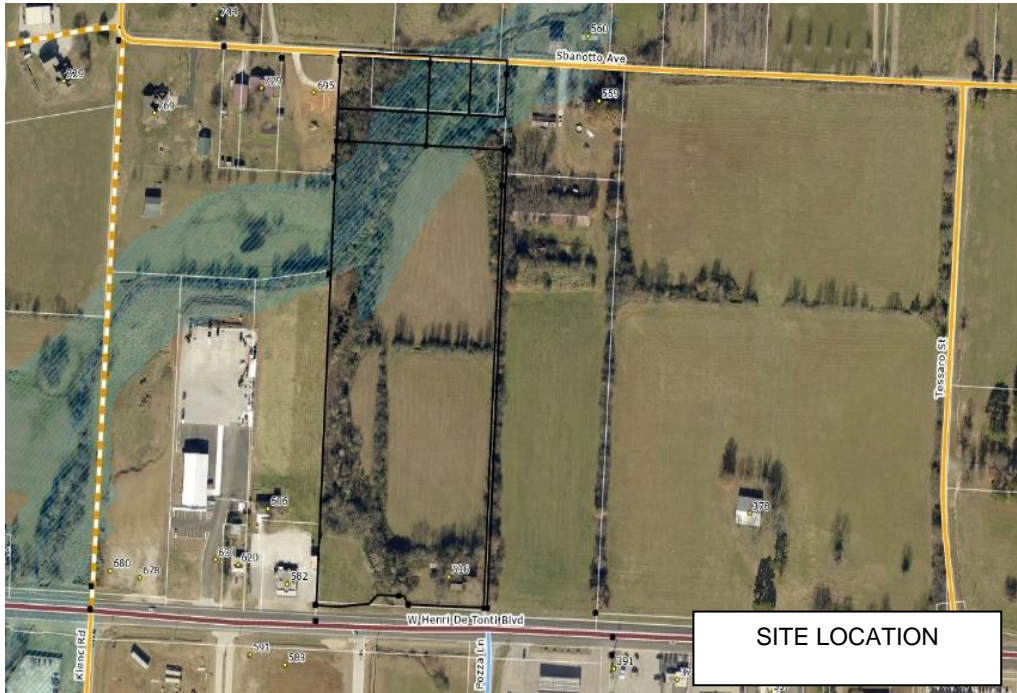
1. If approved by the Planning Commission, this rezoning would proceed to the City Council for their consideration.
2. This project must proceed through the Large-Scale Development process, and address all technical information.
3. Compatibility, connectivity, and adequate landscaping shall be required to meet the Conditional Use Permit standards.
4. This project shall develop generally as is stated in the applicant's letter and presented in the plans.

ZONING

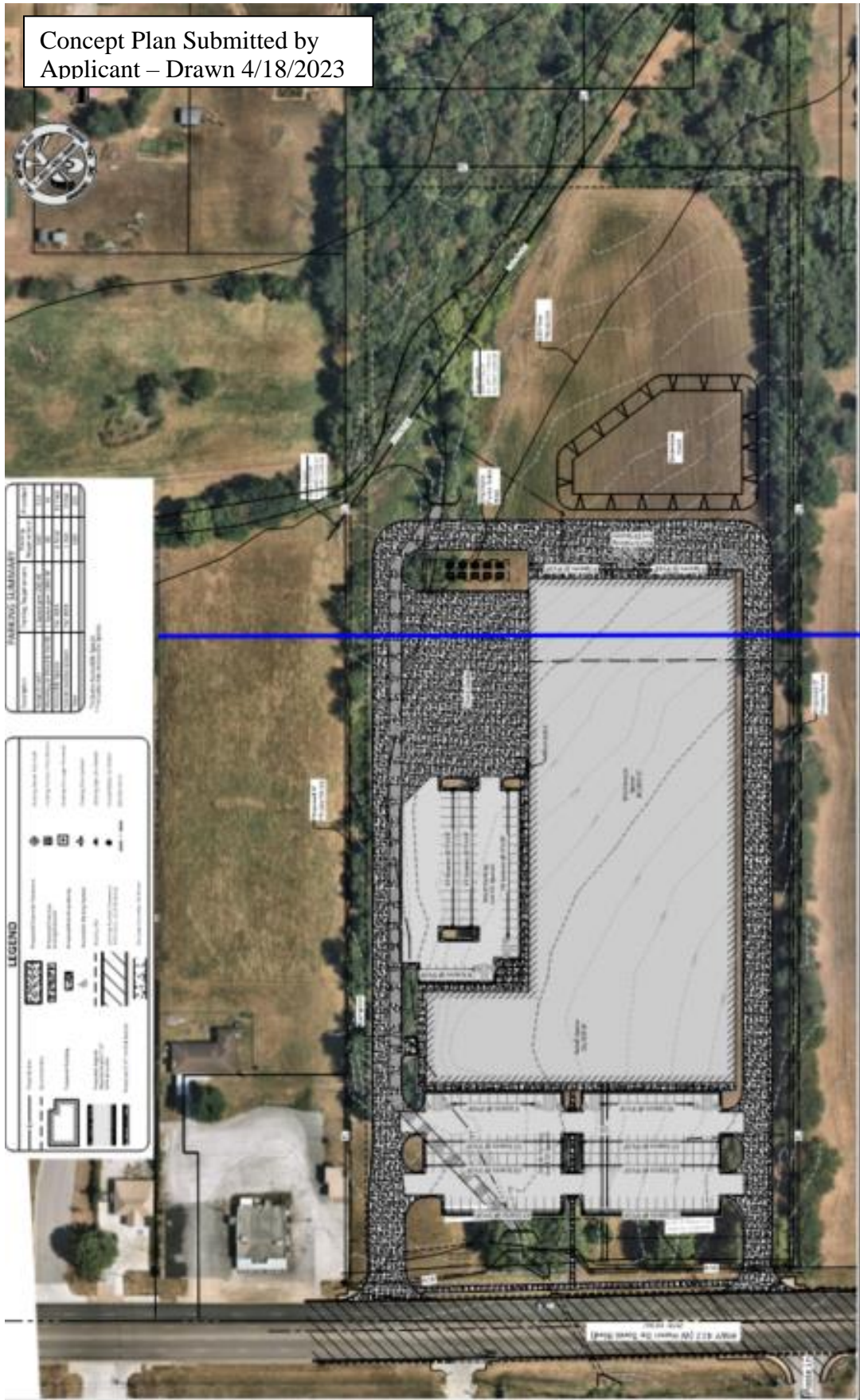


FUTURE LAND USE





Concept Plan Submitted by  
Applicant – Drawn 4/18/2023



This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing in person or via Zoom.
2. Express your opinion in writing to The Planning Commission by checking the appropriate box at the bottom of this form and writing your opinion. You can submit your opinion via the following:

**Mail to:** City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770

**Email to:** [planning@tontitownar.gov](mailto:planning@tontitownar.gov)

**Hand-deliver to:** Planning Department at 235 E. Henri de Tonti Blvd (Tontitown City Hall)

For more information, you may call the Planning Department at (479) 361-2700.

- I/we have no objections to the rezoning.  
 I/we object to the rezoning because:

PROPERTY ZONING SHOULD STAY AS IS. 151  
300' FROM 412 IS COMMERCIAL THEN RESIDENTIAL

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Ronald H. [Signature]  
Signature

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Signature

479-422-8060  
OPTIONAL: email/phone number



Slip to  
Letter