



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **September 19, 2023**
Project: **Rezone AG to C2 and R-1**
Planner: Mark Latham

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM REZONING REQUEST **PH1 and PC1**

1583 Arbor Acres Ave.
Parcel # 830-38356-000

SUMMARY: Request to rezone 3.00 acres in size from **AG** to **LI and R-1**

CURRENT ZONING: AG – **Agriculture**

REQUESTED ZONING: LI – **Light Industrial** and R1, **Single Family Residence**

FUTURE LAND USE CATEGORY: AG- **Agriculture**

CITY WARD: 3-Mike Washkowiak and Tim Burress

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

Water: Washington Water Authority

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The owners of this property are Robert and Angela Russell. The owners of this property are requesting this rezone to operate an auto repair business and a future home on the residential property.

The property is located on the southwest side of the Waste Management landfill.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is Agriculture from the Vision Plan Document adopted by the City Council in June 2023.

STAFF ANALYSIS: This request is not aligned with the Future Land Use Plan for this area.

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 Agriculture and does not meet the intent of the Future Land Use Map for this area based on the

location of the Landfill.

- (2) *Consistency of the proposal with the purpose of these regulations.*

STAFF ANALYSIS: The property is located on the southwest side of the Waste Management landfill which is zoned LE (Landfill Excusive). The intended use for the Light Industrial is permitted in this zone.

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

STAFF ANALYSIS: The requested use is for Light Industrial and Residential zoning; surrounding properties are zoned for agricultural, residential, and Landfill Excusive uses. The actual uses of the surrounding properties include agriculture, landfill, and single family.

North-zoned RE - Single-family estates

East-zoned LI- Landfill Excusive

South-zoned LI— Landfill Excusive

West-zoned RE- Agriculture

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

STAFF ANALYSIS: This property could be suitable for Light Industrial as permitted for its intended use adjacent to the landfill and the R-1 request on northside and.

- (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 of the south side for light industrial should not be detrimental to nearby property since it is surrounded by the landfill and agriculture land and the proposed rezoning of north side for residential is appropriate use from residential property on northside of Arbor Acres.

- (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 south side of the property has a metal building and a mobile home on site.

- (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 is expected to be minimal to utilities, drainage, parks, open space, fire, police, and emergency services.

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 of this project.

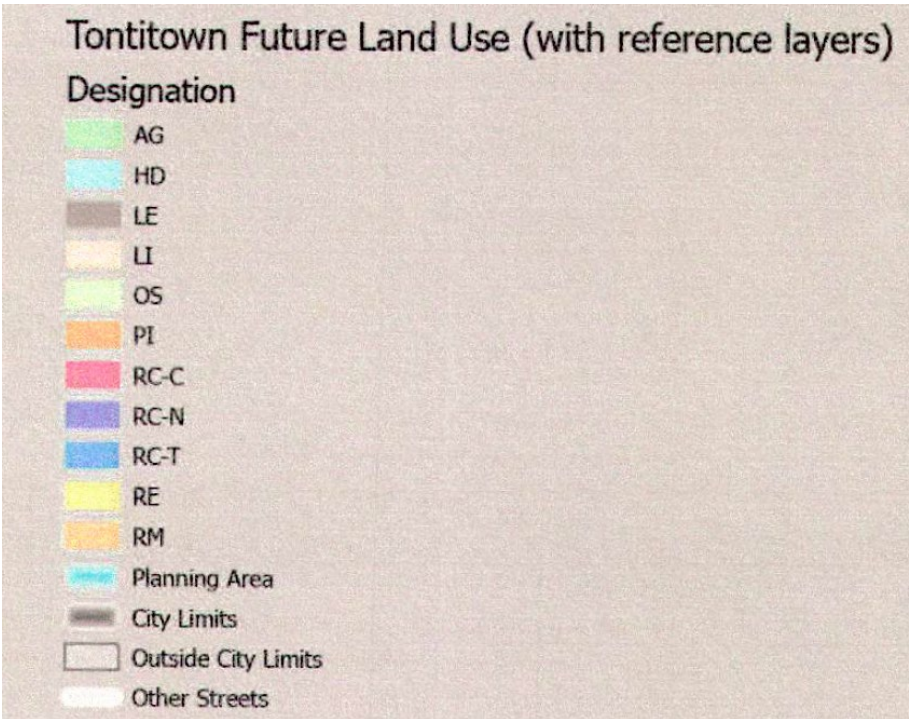
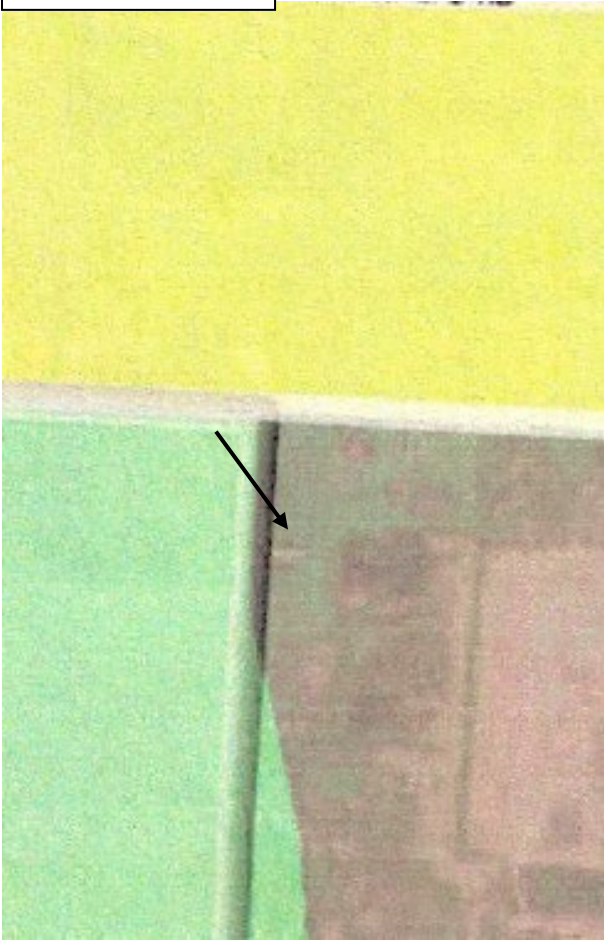
Any written comments received are attached.

STAFF RECOMMENDATION: Staff is recommending the Planning Commission consider the rezoning request for 3.00 acres from Agriculture to LI and R-1.

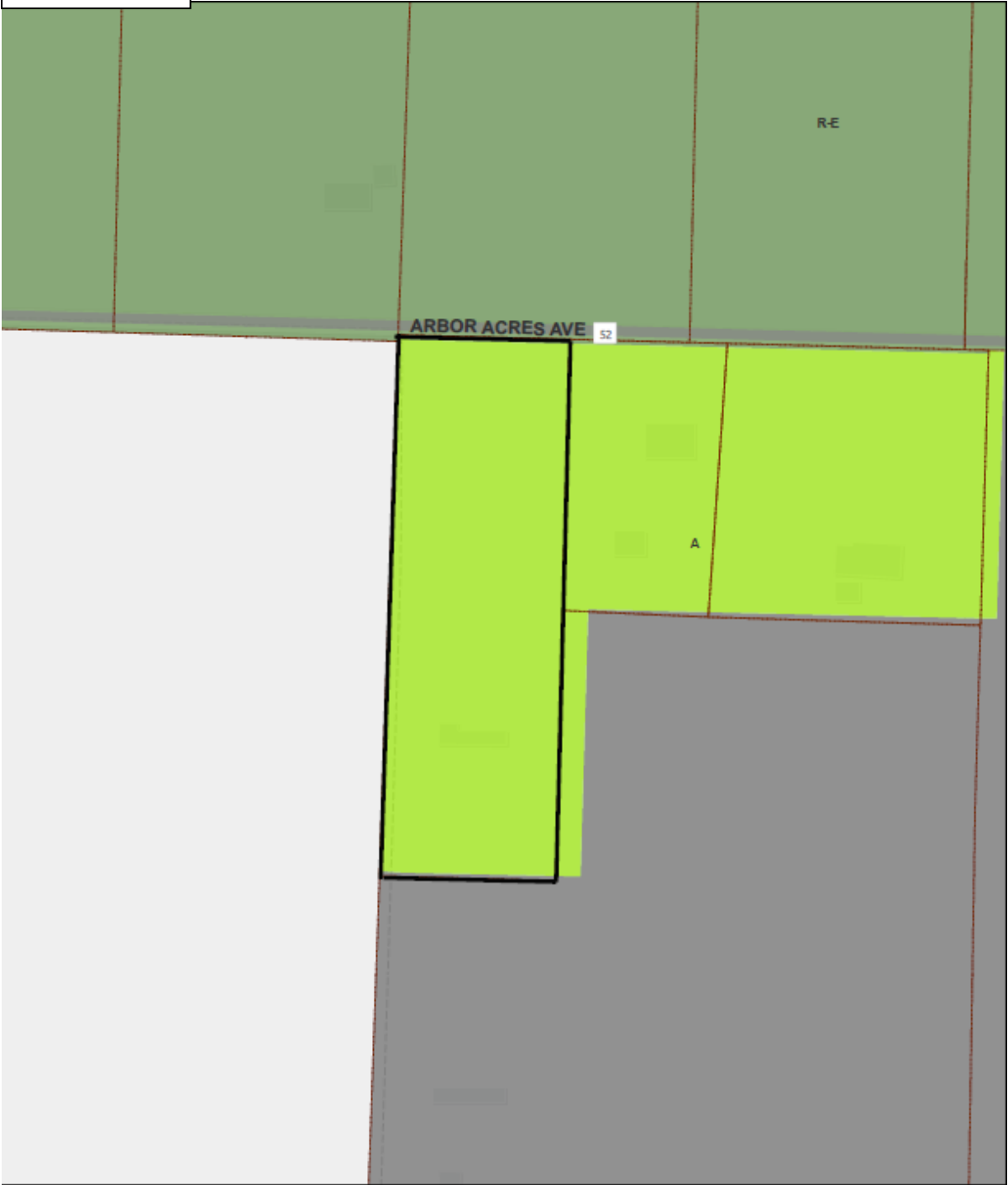
PROCESS NOTES:

1. This rezoning must proceed to the City Council for approval.
2. Any improvements to this site require additional review.

FUTURE LAND USE



SITE LOCATION



USE COMPARISON CHART

Zoning Districts	A
Residential uses	
Civic and commercial uses	
Airport or airstrip	C
Animal care, general	C
Animal care, limited	C
Automated teller machine	NP
Bed and breakfast	C
Cemetery	C
Church	P
College or university	C
Communication tower	C
Convenience store	NP
Day care, limited (family home)	C
Day care, general	NP
Golf course	C
Government service	C
Hospital	NP
Library	C
Medical services	NP
Museum	C
Nursing home	NP
Parks and recreation	P
Post office	NP
Recreation/entertainment, outdoor	C
Safety services	C
School, elementary/middle	C
Utility, major	C
Utility, minor	P
Vocational school	C
Manufacturing and extractive uses	
Agriculture uses	

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Zoning Districts	L-I
Residential uses	
Civic and commercial uses	
Vehicle repair, general	P
Vehicle repair, limited	P
Vocational school	P
Warehouse, residential (mini) self-storage	P
Industrial, manufacturing, and extractive uses	
Agricultural uses	
Exclusive uses	