



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: February 27, 2024
Project: **Rezone AG to RE**
Planner: **Mark Latham**

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM REZONING REQUEST

443 W. Liberty
Parcel # 830-37641-001

The Planning Commission approved the rezone at the February 27, 2024 meeting.

SUMMARY: Request to rezone a piece of land that is 2.89 acres in size from AG to RE.

CURRENT ZONING: AG – Agriculture, low density single family.

REQUESTED ZONING: RE– Residential Estates, single-family residential, development on low density, large estate type lots.

FUTURE LAND USE CATEGORY: RC-T, Residential Transition Commercial

CITY WARD: 2- Larry Ardemagni, Daniel Montez

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:

The owners of this rezone are Don and Tinka Willard.

The owners purchase the property to construct a single-family home. The current Agricultural Zoning does not meet the 5 acre requirement and therefore must be rezoned.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for **Residential Transition Commercial Neighborhood (RC-T)**.

From the Vision Plan Document adopted by the City Council in June 2023

RESIDENTIAL TRANSITION COMMERCIAL (RC-T)

Residential Transition areas plan for moderate-density residential development serving as a transition between commercial/mixed use and residential low-density land uses. Housing types are varied, single family, duplexes townhomes. Some neighborhood-scale commercial uses may be included where appropriate access is available.

Six-eight units/acre.

STAFF ANALYSIS: This rezone is 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 RC-T, Residential Transition This request is well aligned with the comprehensive plan for this area.

(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 rezone request should not impact the orderly growth and development of this area.

(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. Surrounding properties are primarily single-family residential.

North-zoned R-1, single family, 1 ac.

East-zoned R-3, single-family residence.

South-zoned R-3 single-family residence.

West-zoned AG, Argiculture.

(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 is suitable for uses allowed in R-E.

(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.

(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 remains vacant under its current zoning.

(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, streets, 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. **Staff have received one “support” written comment.**

All written comments received are attached.

STAFF RECOMMENDATION: Staff is recommending the rezone for the construction of a new home.

PROCESS NOTES:

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

ZONING MAP

Use Comparison Chart:

Zoning Districts	R-3	R-4
Residential uses		
Single-family detached	P	P
Duplex	NP	C
Triplex, quadplex	NP	NP
Townhome	NP	NP
Detached accessory dwelling unit (ADU)	C	C
Emergency housing unit	NP	NP
Multi-family	NP	NP
Manufactured housing unit	NP	NP
Manufactured housing, residential design	NP	NP
Manufactured housing park	NP	NP
Group residential	NP	NP
Civic and commercial uses		
Airport or airstrip	NP	NP
Animal care, general	NP	NP
Animal care, limited	NP	NP
Automated teller machine	NP	NP
Bed and breakfast	NP	NP
Cemetery	C	C
Church	C	C
College or university	NP	NP
Communication tower	C	C
Convenience store	NP	NP
Day care, limited (family home)	C	C
Day care, general	NP	NP

Zoning Districts	R-3	R-4
Golf course	C	C
Government service	C	C
Hospital	NP	NP
Library	C	C
Medical services	NP	NP
Museum	C	C
Nursing home	NP	NP
Parks and recreation	C	C
Post office	NP	NP
Recreation/entertainment, outdoor	NP	NP
Safety services	NP	NP
School, elementary/middle	C	C
Utility, major	C	C
Utility, minor	P	P
Vocational school	NP	NP
Manufacturing and extractive uses		
Asphalt or concrete plant	NP	NP
Mining or quarrying	NP	NP
Sod farm	NP	NP
Topsoil	NP	NP
Agriculture uses		
Agriculture, animal	C	C
Agriculture, crop	C	C
Agriculture, product sales	C	C
Animal, farm	P	C
Chicken, hobby	P	P

Area Comparison Chart:

	<i>R-3</i>	<i>R-4</i>
Category names	Single- Family Residential 3 units/acre	Single- Family Residential 4 units/acre
Density	3 units/acre	4 units/acre
Minimum lot size	9,600 sf	8,000 sf
Triplex, quadplex	NP	NP
Duplex	NP	Conditional, min. lot size 12,000 sf per duplex
Townhomes (single-family attached)	NP	NP
Multi-Family (5 or more connected units)	NP	NP
Nonresidential uses	9,600	10,000
Max building height	35'	35'
Max number of stories	N/A	N/A
Single Family Detached		
Lot width min.	80'	70'
Lot depth min.	120'	110'
Setbacks for 1- and 2-story structures**		
Front setback	30'	25'
Side setback	7'	7'
Street side setback	25'	20'
Rear setback	25'	15'
Setbacks for 3- and 4-story structures**		
Front setback	30'	30'
Side setback	7'	10'
Street side setback	25'	25'
Rear setback	25'	25'
Maximum impervious area (structures)	60%	60%

Neighbor Comments: