



## CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.  
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Meeting: **May 28, 2024**  
Project: **Palecero CUP**  
City Planner: **Mark Lathem**  
Planning Tech: **Brad Spurlock**

EXHIBIT

**B**

### AGENDA ITEM

## PH #1- PC #1

### CONDITIONAL USE PERMIT REQUEST

380 Klenc Rd  
Tontitown, AR 72762  
Parcel #s: 830-37667-004/005/006

**SUMMARY:** Requesting changes to original CUP due to change of ownership. All proposed uses will be identified in the attached summary

**CURRENT ZONING:** C-2 General Commercial, C-1 Light Commercial

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

**PROPOSED USE:** Active Lifestyle Facility

**CITY WARD:** 3- Mike Washkowiak & Tim Burress

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

**Water:** Tontitown Water

**Electric:** Ozarks Electric

**Sewer/Septic:** Septic System

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

#### PROJECT SYNOPSIS:

This project, named "Palecero" (formerly called "The Villas at Tontitown") is a residential development that is already under construction. The current Conditional Use Permit was accepted by the City Council on December 30, 2021. At the time of the previous approval, Palecero was being purchased by Norris Construction Company who was also the acting General Contractor. On March 1<sup>st</sup> of this year, Royal Ridge Construction took over the building of this project after being hired by the new owner, Palecero at Tontitown, LLC.

Upon taking over the construction of this project, Royal Ridge Construction has discovered several site changes that are already under construction that were not approved by the City of Tontitown. The new owner also has several changes that he would like to make. Royal Ridge Construction is submitting this Conditional Use Permit Application to request these changes, which are detailed in the packet:

#### FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential and Commercial Core (RC-C) from the Vision Plan Document adopted by the City Council in 2023:

PH1 & PC1-1

**"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, and townhomes. Some neighborhood-scale commercial uses may be included where appropriate access is available.*

*Six - eight dwelling units/acre."*

**STAFF ANALYSIS:** This project is aligned with the Future Land Use plan for this area. There is no mix of uses. This development does internally create a "complete neighborhood". It will have a club house, activity building, and walking trails. It will be connected to the commercial corridor by street and trail.

**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.*

**STAFF ANALYSIS:** The applicant is showing primarily quadplex building with interspersed duplex buildings. The proposed development will be adjacent to duplex portion of The Reserves to the north, and R-3 zoned parcels to the east, south and west. The current concept plans show a good amount of greenspace. A full landscaping plan will be required during the technical plan review. Amenities proposed are as previously stated.

*(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, duplex and quadplex residential may be considered as a conditional use in C-1 and C-2 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:** All setbacks, density maximums, design standards, and screening requirements will be required to be met prior to technical review of the plans.

- (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:** The applicant is shown two entrances onto S. Klenc Rd. There are no current concerns regarding sight distance. There are no current concerns regarding distance between the proposed drives, or the distance between the northern proposed drive and the southern drive of The Reserves. There is an existing manhole at the northwest corner of the project property. There is an existing 8-inch water main along the west side of Klenc Rd south of Morsani Ave. The applicant's engineer must provide a Stormwater Pollution Prevention Plan prior to technical review. 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 have no concerns that this project will have any negative impact on public health, safety and welfare.

- (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:** The proposed development will be adjacent to the duplex portion of The Reserves to the north (zoned C-2), and R-3 zoned parcels to the east, south and west.

The property immediately to the north of the proposed development consists of duplexes. To the east, south and west is primarily residential with lots generally greater than 2 acres. Compliance with the buffering and screening standards as well as residential compatibility standards will be required prior to technical review.

- (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:** As stated above, the applicant plans to have the duplex and quadplex buildings. The space required per duplex per C-1 is 10,500 sf, and the space required per quadplex is 21,000 sf per the latest Commercial, . . . District Standards. The applicant shall ensure this requirement is met.

- (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 the requirements of these regulations.*

**STAFF ANALYSIS:** Specific drive locations and the circulation shown on the concept plan will be further evaluated with technical plans.

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

**STAFF ANALYSIS:** Landscaping per code will be implemented or by adhering to the conditions as listed.

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

**STAFF ANALYSIS:** Due to the nature of this project, noise, dust, odor, etc. are not a concern. 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:**

Police: Tontitown Police Chief, Corey Jenison, had no comments for this project.

Fire: Tontitown Fire Marshal, Mark Ramsey- Will require a final fire inspection prior to receiving Certificate of Occupancy approval, and a Knox padlock will be required for Fire Department gate access.

Drainage: No structures or hard surfaces are proposed to be added to this site.

Roads/Parking/Sidewalks: No additional entrances are proposed on W Henri de Tonti Blvd.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no one non-objecting neighbor response for this project.

**STAFF RECOMMENDATION:** : Based on the current proposal which shows the development to be in accordance with the adopted Future Land Use plan, currently zoning, surrounding properties, the availability of public services, and the availability to improve services to this property, **staff recommends approval of "Palecero" Conditional Use Permit Request to allow for the conditions as stated in packet.**

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
2. A fence permit shall be required for the replacement fence.
3. Prior to the installation of proposed lighting, the applicant shall provide the lighting spec sheets to Planning for review. All lighting shall be required to be cut off lighting and shall not cause interference with drivers on the highway or adjacent properties.
4. A separate sign permit shall be required for the requested sign.
5. A Knox padlock shall be required for Fire Department gate access.
6. This project shall develop generally as is stated in the applicant's letter (and presented in the plans.)
7. This Conditional Use Permit shall proceed to the City Council for approval.
8. Any additional improvements to this site require additional review.

1. If the applicant's responsibility to coordinate any additional utility easements or encroachments is needed to service the property.
2. A time period shall be required for the installation of proposed lighting. The applicant shall provide the lighting plan to Planning for review. All lighting shall be required to be set on lighting and shall not cause interference with signals on the highway or adjacent properties.
3. A separate sign permit shall be required for the requested sign.
4. A noise impact study shall be required for the Department's review.
5. The project shall develop generally as it stated in the applicant's letter and presented in the plan.
6. The Commission's Terms shall precede in the City Council for approval.
7. Any additional requirements to the site review additional review.



## **ROYAL RIDGE CONSTRUCTION**

Development Department  
1220 Commerce Street  
Fort Smith, AR 72908  
479-353-9865

### CONDITIONAL USE PERMIT APPLICATION

#### Proposed Use:

This project, named "Palecero" (formerly called "The Villas at Tontitown") is a residential development that is already under construction. The current Conditional Use Permit was accepted by the City Council on December 30, 2021. At the time of the previous approval, Palecero was being purchased by Norris Construction Company who was also the acting General Contractor. On March 1st of this year, Royal Ridge Construction took over the building of this project after being hired by the new owner, Palecero at Tontitown, LLC.

#### Reason for CUP Application:

Upon taking over the construction of this project, Royal Ridge Construction has discovered several site changes that are already under construction that were not approved by the City of Tontitown. The new owner also has several changes that he would like to make. Royal Ridge Construction is submitting this Conditional Use Permit Application to request these changes, which are detailed below:

#### 1. Site Lighting:

- a. The site plan that was originally submitted to the City of Tontitown showed approximately 21 street lights scattered throughout this project. After construction began, Norris Construction removed the street lights from the electrical underground scope of work, which has already been completed. However, we do not believe this change was submitted to the City of Tontitown or revised on the site layout. We are asking to delete street lights from the project in lieu of under-soffit puck lights that will be located on the front side of all buildings. This would consist of puck lights on all porches, two under soffit puck lights in front of the two car garages, and one in front of the one car garages.
  - i. Royal Ridge Construction is submitting a new site layout that does not show street lights.

ROYAL RIDGE CONSTRUCTION  
Development Department  
1220 Commerce Street  
Fort Smith, AR 72902  
479-224-2242



## CONDITIONAL USE PERMIT APPLICATION

### Proposed Use

This project, named "Palace", formerly called "The Villas at Jantown", is a residential development that is already under construction. The current Conditional Use Permit was accepted by the City Council on December 30, 2021. At the time of the previous approval, Palace was being purchased by Home Construction Company who was also the acting General Contractor. On March 1st of this year, Royal Ridge Construction took over the building of the project after being hired by the new owner, Palace of Jantown, LLC.

### Reason for CUP Application

Upon taking over the construction of this project, Royal Ridge Construction has discovered several site changes that are already under construction that were not approved by the City of Jantown. The new owner also has several changes that he would like to make. Royal Ridge Construction is submitting this Conditional Use Permit Application to request these changes which are detailed below.

### Justification

The site plan that was originally submitted to the City of Jantown showed approximately 27 street lights scattered throughout the project. After construction began, Home Construction removed the street lights from the electrical underground scope of work which has already been completed. However, we do not believe this change was submitted to the City of Jantown or revised on the site layout. We are asking to delete street lights from the project in lieu of under-soffit puck lights that will be located on the front side of all buildings. This would consist of puck lights on all porches, two under soffit puck lights in front of the two car garages, and one in front of the one car garage.

Royal Ridge Construction is submitting a new site layout that does not show street lights.





## **ROYAL RIDGE CONSTRUCTION**

Development Department  
1220 Commerce Street  
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### 2. Brick Requirements:

- a. Under the current approved design requirements, the elevations of the buildings that are facing a roadway or another development are required to consist of 60% brick. However, none of the constructed buildings have matched this on site. All buildings have a brick skirt on all four exterior elevations. Royal Ridge Construction is asking to have the buildings approved as they were built in order to keep from removing brick or changing plans.

- i. A detailed "Typical Wall Section" has been submitted in addition to this narrative that illustrates the skirt design.

### 3. ADA Units:

- a. At the time of approval, there were no handicap accessible units on site. It is a federal law that at least 5% of the units of a multifamily development are fully accessible. Royal Ridge Construction is adjusting several of these units to meet this requirement, and the site plan must also be adjusted accordingly.
  - i. Royal Ridge Construction is submitting a new site plan with this narrative that shows the walking trail and appropriate sidewalks as ADA accessible. Parking and access to site amenities will also be adjusted on the site plan to reflect this change.

### 4. Entrance Gates:

- a. One of the special requests made by Norris Construction Company was to add gates to the project at all driveable entrances. This was granted by the City of Tontitown as a Waiver due to requirements regarding street connectivity. Royal Ridge Construction is asking to delete these gates which would be beneficial to the City of Tontitown by re-allowing community connectivity.
  - i. Royal Ridge Construction is submitting a new site plan that will show the gates removed from all entrances.

ROYAL RIDGE CONSTRUCTION  
Development Department  
1230 Commerce Street  
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479-322-9842



### 2. Block Requirements

Under the current approved design requirements, the elevations of the buildings that are facing a roadway or another development are required to consist of brick. However, none of the constructed buildings have matched this on site. All buildings have a brick exterior on all four exterior elevations. Royal Ridge Construction is asking to have the buildings approved as they were built in order to keep from removing brick or changing plans.

A detailed Typical Wall Section has been submitted in addition to this narrative that illustrates the brick design.

### 3. ADA/Accessibility

At the time of approval, there were no handicap accessible units on site. It is a federal law that at least 5% of the units of a multifamily development are fully accessible. Royal Ridge Construction is adjusting several of these units to meet this requirement, and the site plan must also be adjusted accordingly.

Royal Ridge Construction is submitting a new site plan with this narrative that shows the walking trail and appropriate sidewalks or ADA accessible parking and access to site. Quantities will also be adjusted on the site plan to reflect these changes.

### 4. Entrance Gates

One of the special requests made by North Construction Company was to add gates to the project at all driveway entrances. This was granted by the City of Joplin as a waiver due to requirements regarding street connectivity. Royal Ridge Construction is asking to delete these gates which would be beneficial to the City of Joplin by allowing community connectivity.

Royal Ridge Construction is submitting a new site plan that will show the gates removed from all entrances.



## **ROYAL RIDGE CONSTRUCTION**

Development Department  
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### 5. 55+ "Active-Lifestyle" Community:

- a. This community was originally submitted by Norris Construction Company as a 55+ community. It appears that the Council did not originally see the need for a community with these requirements, but eventually wrote it into the LSD requirements due to there being duplexes and four-plexes on site (these were a special approval). Royal Ridge Construction is asking to delete this requirement. There does not seem to be enough need for the City of Tontitown to have a 55+ only community, and it severely limits the potential market for renters. We are asking to delete this requirement to keep from units sitting empty on site.

### 6. Clubhouse Revisions:

- a. Construction on the clubhouse has not begun yet, so Royal Ridge Construction is requesting that several changes be made to the design of this building and its surrounding amenities.
  - i. Royal Ridge Construction is submitting a newly drafted Clubhouse plan that shows the following changes:
    1. Design changes, including but not limited to, different exterior wooden beams
    2. Removal of the fire sprinkler system
    3. Enlarged rear porch with a fireplace and additional seating.
    4. A firepit area that contains two fire pits and seating
  - ii. Royal Ridge Construction is submitting a new site layout that shows the following amenity changes:
    1. Removal of the bocce ball court to allow for porch extension.
    2. Addition of dog park

### Hours of Operation:

This project is a residential community, so there will be tenants entering and exiting the project at all times. The clubhouse will be closed at night but tenants will still have access to the amenities as they are outside.

ROYAL RIDGE CONSTRUCTION  
Development Department  
1230 Commerce Street  
Fort Smith, AR 72901  
479-323-9545



### 5. 50+ Active/Active Community

This community was originally submitted by Harris Construction Company as a 50+ community. It appears that the Council did not originally see the need for a community with these requirements, but eventually was it into the LSG requirements due to their being business and four pieces on the floor were a special approval. Royal Ridge Construction is asking to delete this requirement. There does not seem to be enough need for the City of Fort Smith to have a 50+ only community and it severely limits the potential market for us here. We are asking to delete this requirement to keep from this being empty on site.

### 6. Clubhouse Features

Construction on the clubhouse has not begun yet so Royal Ridge Construction is requesting that several changes be made to the design of this building and its surrounding amenities.

Royal Ridge Construction is submitting a newly drafted Clubhouse plan that shows the following changes:

1. Design changes including but not limited to different exterior wooden beams
  2. Removal of the fire sprinkler system
  3. Enlarged rear porch with a fireplace and additional seating
  4. A front area that contains two fire pits and seating
- II. Royal Ridge Construction is submitting a new site layout that shows the following amenity changes:
1. Removal of the bocce ball court to allow for porch extension
  2. Addition of dog park

### Hours of Operation

This project is a residential community so there will be tenants entering and exiting the project at all times. The clubhouse will be closed at night but tenants will still have access to the amenities as they are outside.