



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **July 23, 2024**
Project: **Verizon Cell Communication
Tower Conditional Use Permit**
City Planner: **Mark Lathem**
Planning Tech: **Brad Spurlock**

AGENDA ITEM PH1 & PC1 CONDITIONAL USE PERMIT REQUEST

Located at the southwest corner of 1853 W. Henri de Tonti Blvd
Portion of Parcel # 830-37879-200

SUMMARY: The project site is located at the southwest corner of 1853 W. Henri de Tonti Blvd (Parcel #830-37879-200). See Figure 1, Vicinity Map. The conditional use request is to allow the construction of a 195' cellular communication tower with associated equipment. The project site is in a **C-2, General Commercial District**.

CURRENT ZONING: **C-2, General Commercial District**. See Figure 2, Current Zoning Map.

FUTURE LAND USE CATEGORY: **RC-C** Residential/Commercial Core. See Figure 3, Future Land Use Map.

PROPOSED USE: Cellular communication tower

CITY WARD: 3 – Mike Washkowiak, Position 1 and Tim Burress, Position 2

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

Water: City of Tontitown.

Electric: Ozarks Electric

Sewer/Septic: City of Tontitown sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

The project site is located at the southwest corner of 1853 W. Henri de Tonti Blvd (Parcel #830-37879-200). The property owner is Upward Investment, LLC. See Figure 1, Vicinity Map.

The project site is approximately 5,625 sf in footprint area. The project site will be accessed via a gravel access drive and a turn-around area at the site will be constructed with the development. See Site Plan, Figure 4.

The proposed tower will be a three-legged self-supporting tower and have a maximum height of 260 feet in height. See Tower Elevation and Antenna Array, Figure 5.

A landscape plan has been provided and is partially shown in Figure 6.

An Approximate Fall Zone Map is provided as Figure 7.

The entire plans are provided after Figure 7.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential/Commercial Core (RC-C). From the 2023 Vision Plan.

RESIDENTIAL COMMERCIAL CORE (RC-C)

Town Center Areas contain some of the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings.

This is a higher intensity mixed use category, allowing for larger stores and more intense traffic patterns. A mix of residential and non-residential development (excluding HEAVY industrial uses) is permitted.

The residential component of this category will include higher intensity multifamily developments, and single family residential would likely be townhome or row house development models. The ideal mix of uses will be moderate to high density residential, office, and commercial uses, with additional open space amenities included within the development site.

*These areas will accommodate row houses, apartments, local and regional retail, including large-scale stores, hotels, industry and entertainment uses. These areas are typified by their location **adjacent to major thoroughfares** with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas.*

Up to 20 multifamily dwelling units/acre.

STAFF ANALYSIS: Although the proposed use does not perfectly align with the Future Land Use Plan category RC-C, the project is a “non-residential development”, somewhat a necessary infrastructure facility in nature yet commercial in use but is not considered “HEAVY industrial”.

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: Since this is a commercial development adjacent to properties that are zoned residential, buffering has been provided per 153.212 “Landscaping, Screening, Fencing and Buffering”. See a portion of the full landscaping plan provided as Figure 6.

There is one gravel drive to access the site and a turn-around area planned. The drive and turn-around area comply with the City and Fire code. No parking is planned for the site.

Where possible, existing trees will be retained.

(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, the intended use is a conditional use in 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 design standards have been met. Screening requirements will need to be in conformance with the current version of 153.212 “Landscaping, Screening, Fencing and Buffering” and 153.215 “Fences”.

- (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: 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 cellular communication tower will be constructed at a distance greater than the height of the tower from all current structures. Only personnel for routine maintenance or upgrades will visit the site. A generator will be placed on site in the event a power outage occurs. Staff do not anticipate that any of these conditions will adversely affect the surrounding properties.

- (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: The size and shape of the site is in keeping with the regulations. The proposed cellular communication tower will be constructed at a distance greater than the height of the tower from all current structures. There is no signage planned for the site.

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

STAFF ANALYSIS: There is one gravel drive to access the site and a turn-around area planned. The drive and turn-around area comply with the City and Fire code. No parking is planned for the site.

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

STAFF ANALYSIS: A full landscaping plan has been provided as Figure 6. Some design standards and screening requirements will need to be revised to conform to the current version of 153.212 “Landscaping, Screening, Fencing and Buffering” and 153.215 “Fences”.

The following items will need to be revised:

- 1. Need to provide irrigation for the new vegetation.**

2. Fence must be at least 6 feet in height and made of wood, masonry, rock or brick.
3. Barbed wire is shown on the plans above the proposed chain link fence, however barbed wire is prohibited on any fence type per 153.215 "Fences". However, since security is significant, barbed wire may be used inside the fence, but warning signs shall be placed outside the fence stating that barbed wire is used inside the fence.
4. Shrubs must be at least 3 gallons.
5. Trees must be at least 3 inches in diameter.

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

STAFF ANALYSIS: Emissions from the site will only be when the generator is activated due to a power outage. No lighting is planned for 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 have not received any comments at this time regarding this project.

STAFF RECOMMENDATION: Based on the project documents submitted and the intended use of the project site, Staff recommends approval of the Conditional Use Permit for the construction of the cellular communications tower and associated equipment with the following conditions:

CONDITIONS RECOMMENDED FOR APPROVAL:

1. Need to provide irrigation for the new vegetation per 153.212 "Landscaping, Screening, Fencing and Buffering".
2. Fence must be at least 6 feet in height and made of wood, masonry, rock or brick per 153.212 "Landscaping, Screening, Fencing and Buffering".
3. Barbed wire is shown on the plans above the proposed chain link fence, however barbed wire is prohibited on any fence type per 153.215 "Fences". However, since security is significant, barbed wire may be used inside the fence, but warning signs shall be placed outside the fence stating that barbed wire is used inside the fence.
4. Shrubs must be at least 3 gallons per 153.212 "Landscaping, Screening, Fencing and Buffering".
5. Trees must be at least 3 inches in diameter per 153.212 "Landscaping, Screening, Fencing and Buffering".



Figure 1: Vicinity Map

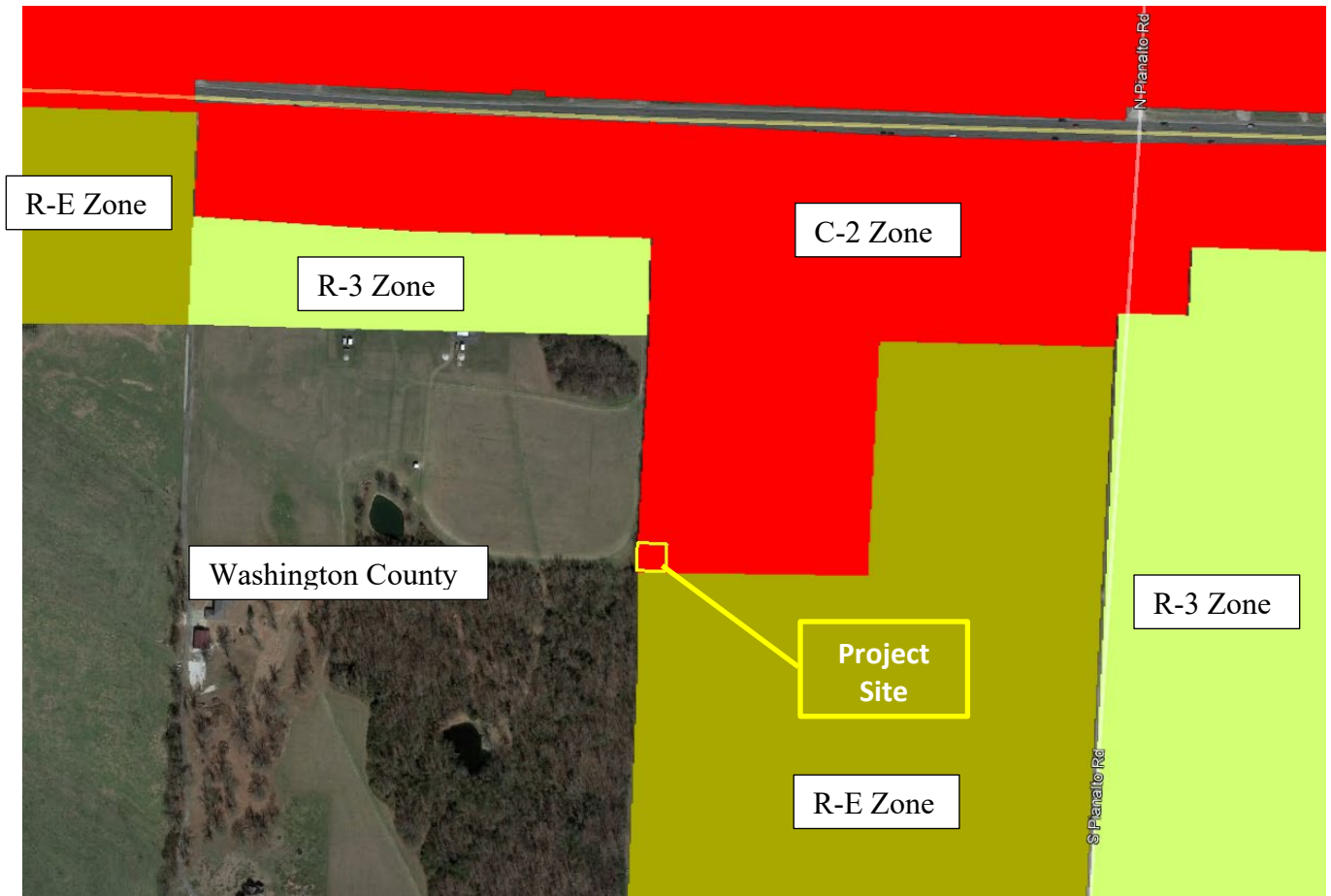


Figure 2: Current Zoning Map

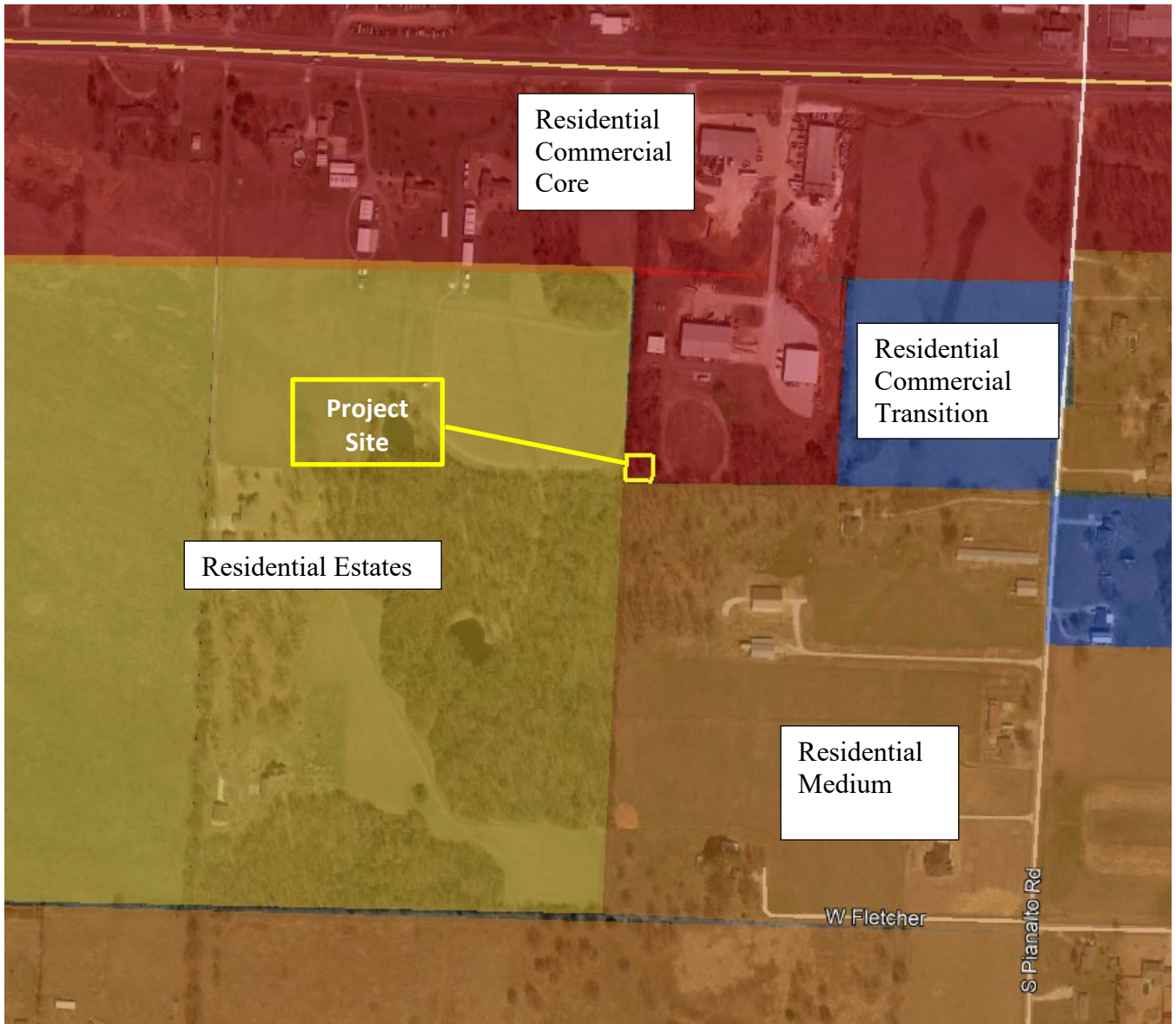


Figure 3: Future Land Use Plan Map

LESSEE'S PREMISES

BEING A PART OF NE1/4, SE1/4, SECTION 3, T-17-N, R-31-W, WASHINGTON COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE SAID NE1/4, SE1/4; THENCE S87°35'28"E 83.89 FEET; THENCE N02°24'32"E 75.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N87°35'28"W 75.00 FEET; THENCE N02°24'32"E 75.00 FEET; THENCE S87°35'28"E 75.00 FEET; THENCE S02°24'32"W 75.00 FEET TO THE POINT OF BEGINNING CONTAINING 5625.0 SQUARE FEET, 0.13 ACRES, MORE OR LESS

LESSEE'S ACCESS/UTILITY/FIBER EASEMENT

BEING A PART OF NE1/4, SE1/4, SECTION 3, T-17-N, R-31-W, WASHINGTON COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE SAID NE1/4, SE1/4; THENCE S87°35'28"E 83.89 FEET; THENCE N02°24'32"E 75.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N02°24'32"E 30.00 FEET; THENCE S87°35'28"E 44.29 FEET; THENCE N14°45'09"E 215.99 FEET; THENCE N 06°50'47" E 309.51 FEET; THENCE S 83°24'07" E 304.40 FEET; THENCE N 06°34'15" E 315.33 FEET; THENCE N 07°12'12" E 243.66 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HENRI DE TONTI BLVD.; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE N 87°46'07" E 35.44 FEET; THENCE LEAVING THE SAID SOUTHERLY RIGHT OF WAY LINE OF HENRI DE TONTI BLVD THENCE S 06°50'47" W 609.42 FEET; THENCE N 83°24'07" W 74.20 FEET; THENCE S 06°35'53" W 49.48 FEET; THENCE N 83°24'07" W 10.00 FEET; THENCE N 06°35'53" E 49.48 FEET; THENCE N 83°24'07" W 220.01 FEET; THENCE S 06°35'53" W 263.13 FEET; THENCE S 14°15'54" W 245.08 FEET; THENCE N87°35'28"W 75.00 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

1. TRACT IS SUBJECT TO RESTRICTIVE COVENANTS, SUBDIVISION, PLANNING AND ZONING REGULATIONS OF RECORD, IF ANY, AND IS SUBJECT TO SUCH FACTS AS AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
2. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT. ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS PART OF THIS SURVEY.
3. THIS PROPERTY IS SUBJECT TO ALL ROADWAYS, EASEMENTS AND/OR RESERVATIONS THAT ARE OF RECORD OR ARE PHYSICALLY IN PLACE.
4. BEARINGS ARE REFERENCED TO ARKANSAS STATE PLANE GRID NORTH (NAD83).
5. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DESCRIBE A LEASE PARCEL AND ASSOCIATED EASEMENTS. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
6. AT THE TIME OF THE SURVEY THERE WERE NO VISIBLE ENCROACHMENTS LOCATED ON THE LEASE OR EASEMENT AREAS OTHER THAN WHAT IS SHOWN HEREON.
7. THE LESSEE'S PREMISES AND EASEMENTS LIE IN A FLOOD ZONE "X", AREAS OF MINIMAL FLOOD HAZARD, BASED ON FLOOD INSURANCE RATE MAP #05143C0045F, EFFECTIVE APRIL 2, 2008.
8. LESSEE'S ACCESS & UTILITY EASEMENT TERMINATES AT PUBLIC RIGHT OF WAY
9. LESSEE'S PREMISES & EASEMENTS LIE ENTIRELY WITHIN THE PARENT PARCEL

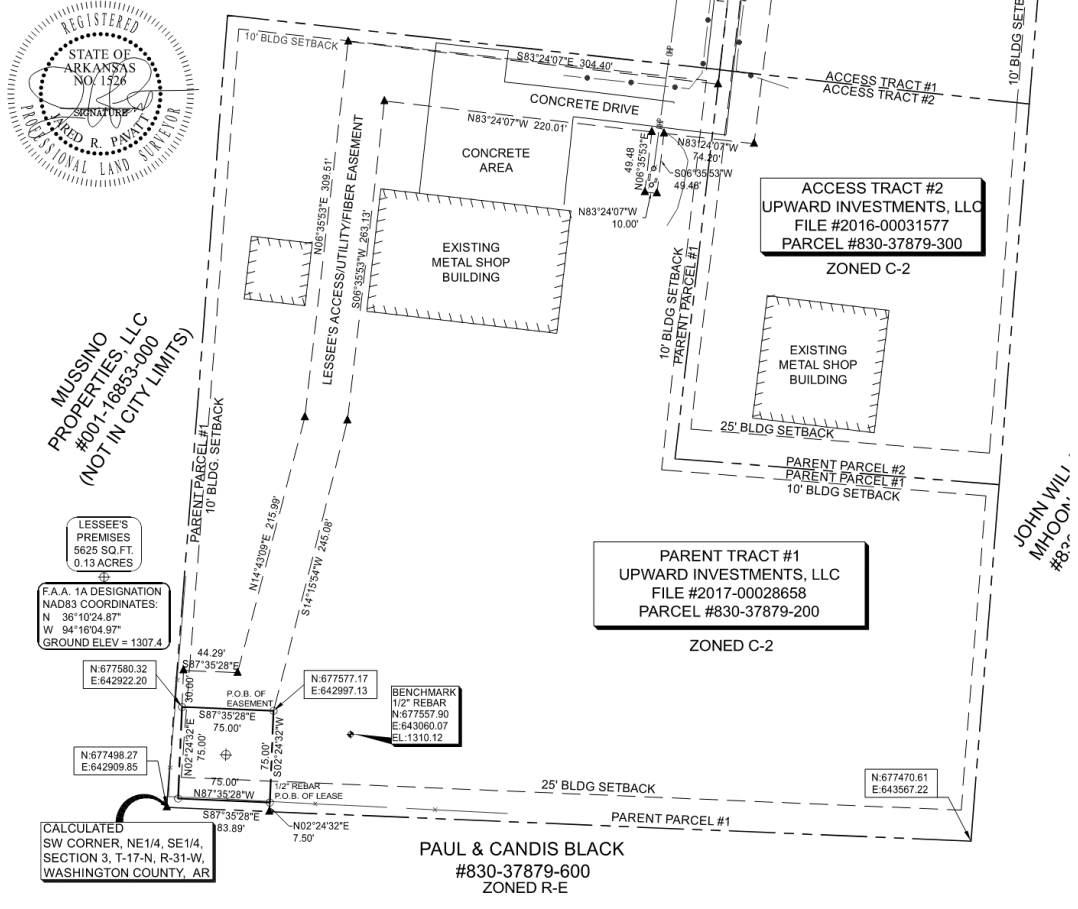


Figure 4: Site Plan

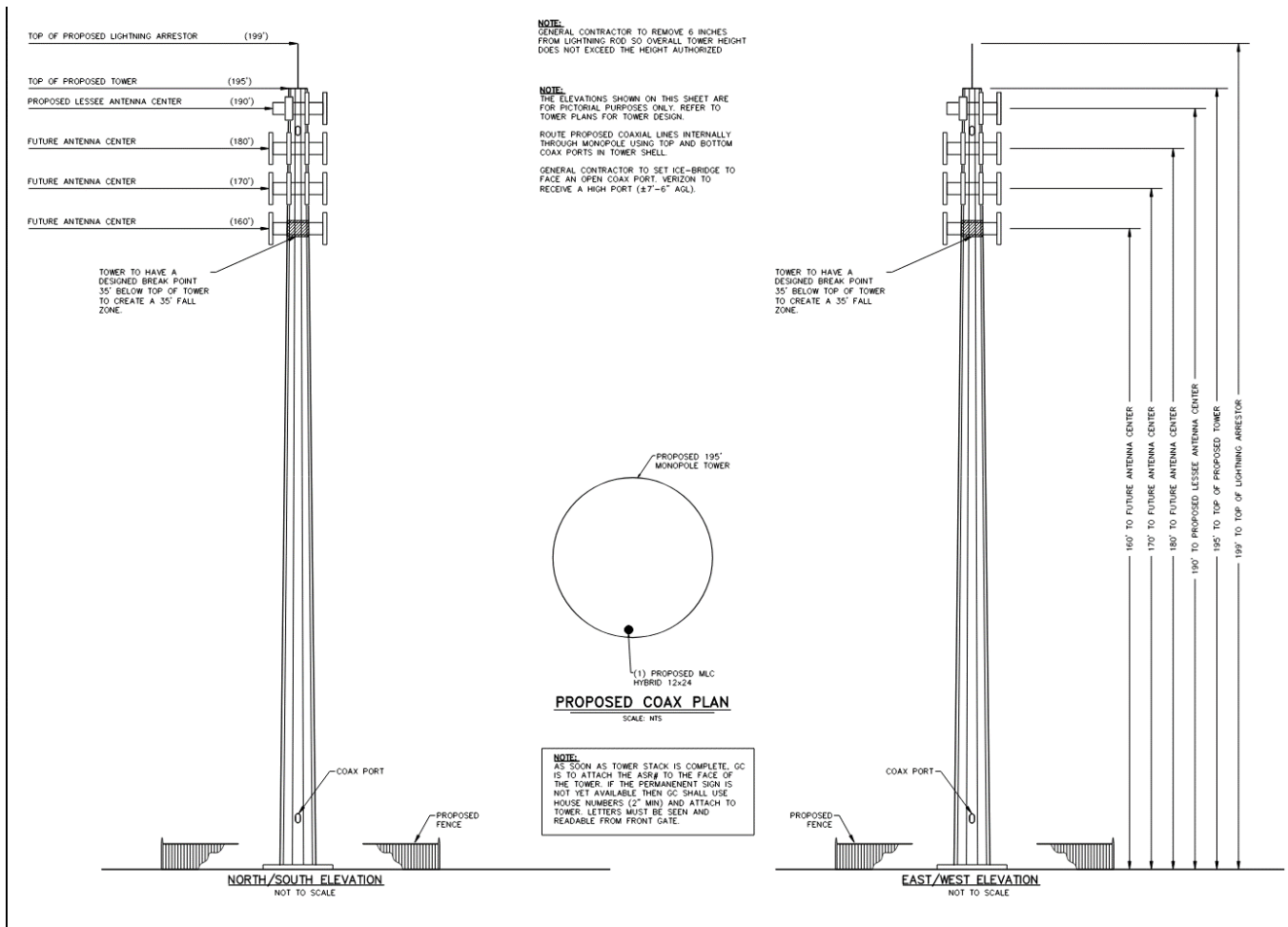


Figure 5: Tower Elevation and Antenna Array

GENERAL NOTES: LANDSCAPE

1. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
2. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS.
3. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING (INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZATION, ETC.) OF PLANTING AREAS AND LAWNS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE ENGINEER'S REPRESENTATIVE.
4. THE OWNER AGREES TO PERFORM ALL LANDSCAPE MAINTENANCE (INCLUDING WATERING) THROUGHOUT THE ONE YEAR GUARANTEE PERIOD UNLESS OTHERWISE DETERMINED.
5. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ~~ONE (1) YEAR~~ ^{THREE YEARS (3)} BEGINNING AT THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
6. ANY PLANT MATERIAL THAT DIES, TURNS BROWN OR DEFOOLIATES (PRIOR TO THE ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE AND MEETING ALL SPECIFICATIONS.
7. ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING.
8. PRESERVE EXISTING TREE MASSES WHERE APPLICABLE.
9. IF WORK IS REQUIRED WITHIN THE EASEMENTS CAUSING REMOVAL OR DAMAGE OF LANDSCAPE MATERIALS, THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR REPLACEMENT OF MATERIALS ACCORDINGLY.
10. CLEARING, GRADING AND/OR REMOVAL OF TREES IN APPROVED TPAS (TREE PRESERVATION AREAS) MAY ONLY OCCUR AS PART OF INDIVIDUAL LOT DEVELOPMENT REVISIONS TO TPAS MAY BE APPROVED BY STAFF AS PART OF THE CONSTRUCTION PLAN APPROVAL PROCESS.
11. TPAS IDENTIFIED ON THIS PLAN REPRESENT PORTIONS OF THE SITE THE DEVELOPER HAS DESIGNATED TO BE LEFT UNDISTURBED DURING THE DEVELOPMENT OF ROADWAYS, UTILITIES AND SIMILAR INFRASTRUCTURES. THESE ARE NOT PERMANENT PRESERVATION AREAS. TREES IN THESE AREAS MAY BE REMOVED DURING CONSTRUCTION OF HOMES OR BUILDINGS ON THIS SITE.
12. DIMENSION LINES HAVE BEEN USED ON THIS PLAN TO ESTABLISH THE GENERAL LOCATION OF TPAS AND REPRESENT MINIMUM DISTANCES. THE FINAL BOUNDARY FOR EACH TPA SHALL BE ESTABLISHED IN THE FIELD TO INCLUDE CANOPY AREA OF ALL TREES AT OR WITHIN THE DIMENSION LINE.
13. TREE PROTECTION FENCING SHALL BE ERECTED ADJACENT TO ALL TPAS PRIOR TO SITE DISTURBANCE APPROVAL (PREVIOUSLY KNOWN AS CLEARING AND GRADING) TO PROTECT THE EXISTING TREE STANDS AND THEIR ROOT SYSTEMS. ALL TREE PROTECTION FENCING, INCLUDING SILT FENCING WHICH MAY BE USED AS TREE PROTECTION FENCING, SHALL BE LOCATED AT LEAST 3 FEET FROM THE OUTSIDE EDGE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED. WHEN TREES MUST BE REMOVED IN A TPA, THE FENCE SHALL BE RELOCATED TO PROTECT ALL REMAINING TREES WITHIN THAT TPA. WHEN A TREE MASS CONTAINS BOTH MPAS AND TPAS, FENCING SHALL ONLY BE REQUIRED AT THE OUTERMOST PERIMETER OF THAT TREE MASS.
14. NO PARKING, MATERIAL STORAGE, OR CONSTRUCTION ACTIVITIES ARE PERMITTED WITHIN THE TPAS BEYOND THAT ALLOWED FOR PRELIMINARY SITE DEVELOPMENT.
15. MULCH TO BE PLACED UNDER ALL PROPOSED LANDSCAPING BY CONTRACTOR.

PLANT LIST

QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE/REMARKS
(42)	BOX WOOD	BUXUS SP	30" HEIGHT 1.5" DIAMETER **±5 O.C.
(8)	TULIP TREE	LIRIODENDRON TULIPIFERA	15'-0" HEIGHT 3" DIAMETER **±10' O.C.

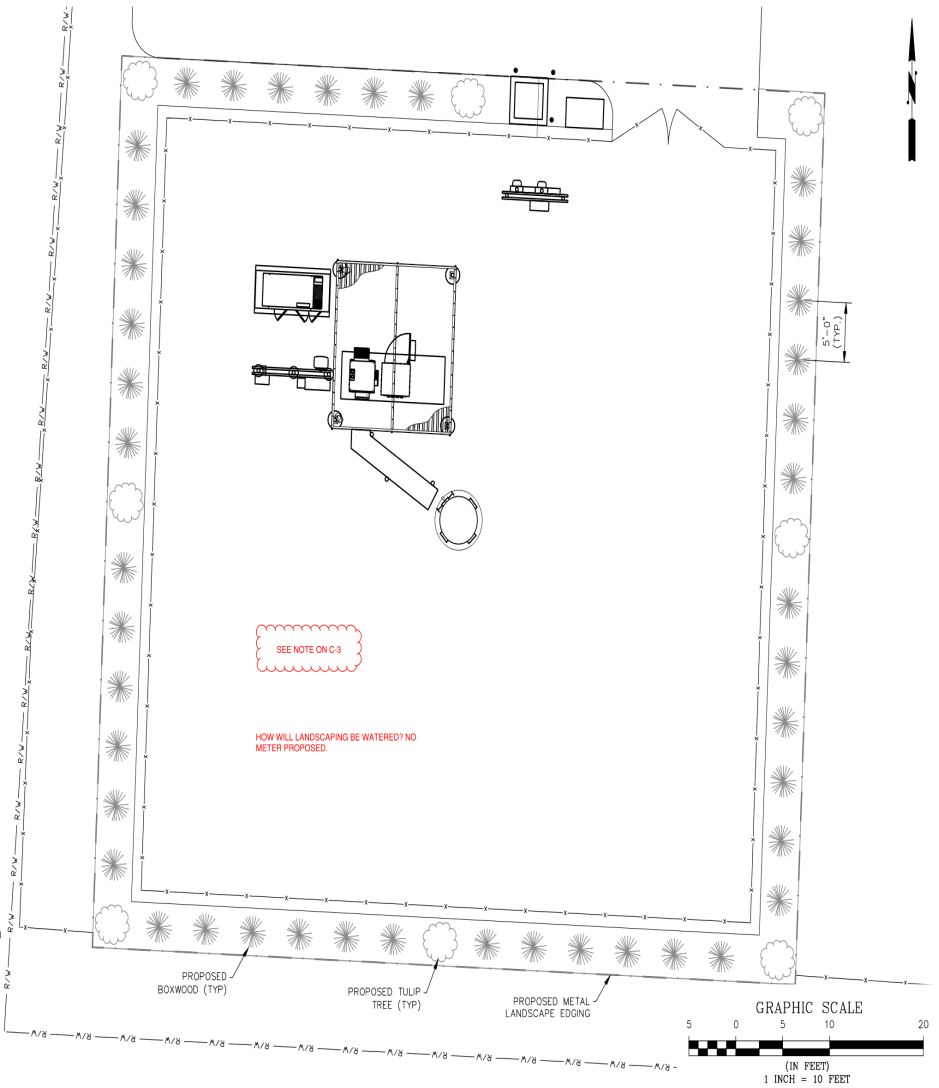
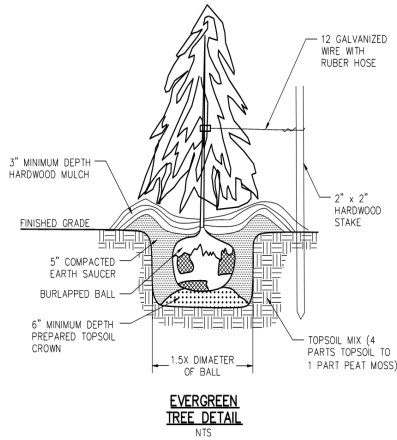


Figure 6: Landscape Plan

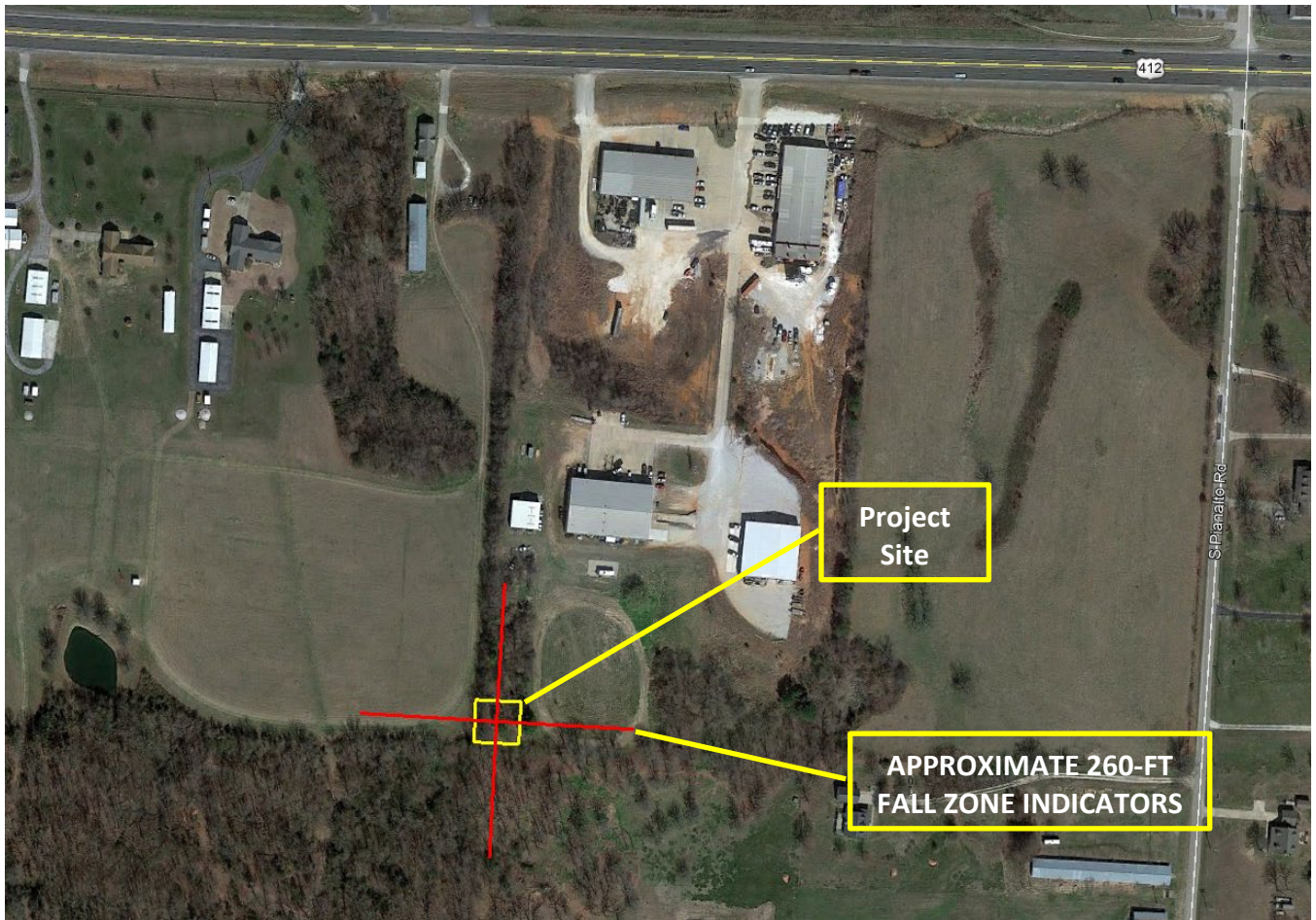


Figure 7: Approximate Fall Zone Map