



ORDINANCE NO. 2024-07-1118 File **2024-00017900**

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE MATHIAS WAREHOUSES DEVELOPMENT LOCATED WEST OF ALBANO DRIVE AND EAST AGNES DRIVE IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) was filed with the City of Tontitown by Mathias Shopping Centers, Inc. for the Mathias Warehouses Development located West of Albano Drive and East of Agnes Drive (Washington County Parcel Nos. 830-39936-000, 830-39937-000, 830-39938-000 & 830-39939-000), more particularly described in the attached Exhibit “A”; and

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has, at a time and place set forth in the notice, heard all persons desiring to be heard on the question and has ascertained that the CUP application for the Mathias Warehouses Development should be approved and has recommended approval to the Tontitown City Council with conditions of approval described in the attached Exhibit “B”; and

WHEREAS, after review and consideration, the City Council has determined that the CUP for the Mathias Warehouses Development is in compliance with the applicable conditional use permit development standards and review guidelines set forth in the Tontitown Municipal Code, and therefore finds that it is in the best interest and benefit of the community to approve of the CUP for the Mathias Warehouses Development located West of Albano Drive and East of Agnes Drive (Washington County Parcel Nos. 830-39936-000, 830-39937-000, 830-39938-000 & 830-39939-000) in the City of Tontitown.

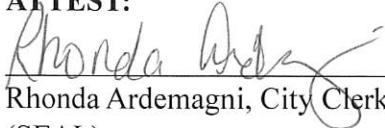
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

Section 1. The CUP application for the Mathias Warehouses Development located West of Albano Drive and East of Agnes Drive (Washington County Parcel Nos. 830-39936-000, 830-39937-000, 830-39938-000 & 830-39939-000) within the City of Tontitown is hereby approved with the conditions set forth in the attached Exhibit “B”.

PASSED AND APPROVED this 16 day of June 2024.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



2

0

0

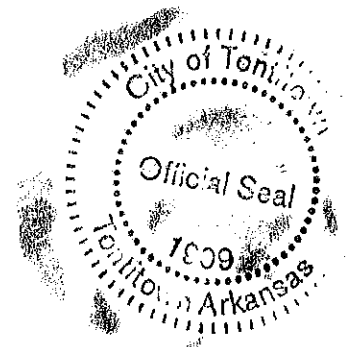




LEGAL DESCRIPTION

Part of the Fractional SW 1/4 of Section 6, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the NE corner of the NE 1/4 of the SW 1/4 of said Section 6; thence along the North line thereof, N 87° 34' 02" W, 1069.10 feet; thence leaving said North line, S 02° 33' 28" W, 1012.20 feet; thence N 87° 26' 10" W, 295.00 feet to the point of beginning; thence N 87° 26' 10" W, 489.88 feet; thence N 02° 32' 49" E, 585.10 feet; thence 73.73 feet along a curve to the right with a radius of 271.92 feet and a long chord of N 11° 14' 29" E, 73.51 feet; thence N 18° 42' 59" E, 100.12 feet; thence 89.10 feet along a curve to the left with a radius of 324.92 feet and a long chord of N 10° 51' 46" E, 88.82 feet; thence N 02° 35' 44" E, 77.57 feet; thence 72.55 feet along a curve to the right with a radius of 50.00 feet and a long chord of N 44° 09' 56" E, 66.35 feet; thence N 86° 25' 00" E, 1.19 feet; thence 5.74 feet along a curve to the right with a radius of 50.00 feet and a long chord of S 89° 36' 49" E, 5.74 feet to the South right-of-way of U.S. Highway 412; thence along said South right-of-way, S 86° 19' 23" E, 269.12 feet; thence along said South right-of-way, S 78° 33' 47" E, 24.72 feet; thence leaving said South right-of-way, 70.82 feet along a curve to the right with a radius of 50.00 feet and a long chord of S 37° 59' 15" E, 65.05 feet; thence S 02° 35' 18" W, 72.66 feet; thence 91.55 feet along a curve to the left with a radius of 325.00 feet and a long chord of S 05° 30' 47" E, 91.25 feet; thence S 13° 35' 00" E, 99.93 feet; thence 77.48 feet along a curve to the right with a radius of 275.00 feet and a long chord of S 05° 30' 47" E, 77.22 feet; thence S 02° 33' 28" W, 575.44 feet to the point of beginning, containing 10.23 acres, more or less and subject to all easements and rights-of-way of record or fact.

Subject to recorded instruments, covenants, rights of way, and easements, if any.
Subject to all prior mineral reservations and oil and gas leases, if any.



1

2

3





CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **May 28, 2024**
Project: **Palecero CUP**
City Planner: **Mark Lathem**
Planning Tech: **Brad Spurlock**

AGENDA ITEM
PH1- PC1

CONDITIONAL USE PERMIT REQUEST

West of Albano Dr & East of Agnes Dr
Tontitown, AR 72762
Parcel #: 830-39936-000; 830-39937-000; 830-39938-000; 830-39939-000

This project was unanimously approved at the June 25, 2024, Planning Commission meeting. The conditions were approved as listed in the staff report.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This project shall proceed through the Large-Scale Development Process.
2. This project must develop generally as stated in the applicant's letter and presented in the plans.

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,

FUTURE LAND USE CATEGORY: RC-C Residential Commercial Core

PROPOSED USE: Office/Warehouse

CITY WARD: 1 – Misty Piazza & Amber Ibarra

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

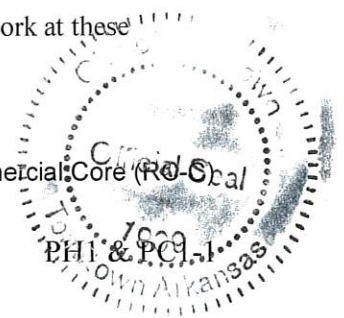
- Water:** Tontitown Water
- Electric:** Ozarks Electric
- Sewer/Septic:** Septic System
- Phone:** AT&T
- Natural Gas:** Black Hills Energy

PROJECT SYNOPSIS:

The proposed occupancy usage for the project is office/warehouse. The planned work at these facilities would be similar to the businesses nearby.

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:



"RESIDENTIAL TRANSITION COMMERCIAL (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: This project is compatible with the Future Land Use Plan for this area, as RC-C is the most intense category, and this is a commercial use.

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: This surrounding site is adjacent to the proposed development currently is warehousing and manufacturing business. The applicant's current conceptual plan shows four new buildings to the north of the surrounding Industrial zoned area, but to construct the warehouse comparable to other buildings in the area.

(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, primary warehousing may be considered as 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 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: No additional driveways are currently proposed at this location. 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 other industrial warehousing and will be in harmony with the intent of this Conditional Use Permit. This will not affect other properties in this area due to adjacent area of the Industrial Zone.

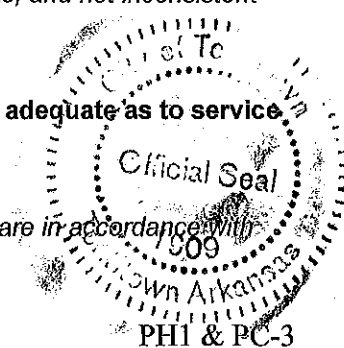
- (5) *The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.*

STAFF ANALYSIS: The layout of the buildings and parking are intended to cause little encroachment to other adjacent parking areas.

- (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: The amount of off-street parking should be adequate as to service employees and retail guests.

- (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. The Board has the authority to require additional landscaping as if it is deemed necessary.

- (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.

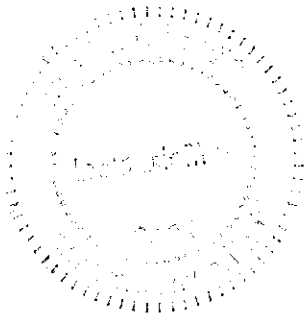
TECHNICAL INFORMATION: Technical information is addressed with the Preliminary Large-Scale Portion of this request.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received not 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 Mathias Warehouse Conditional Use Permit Request to allow for the conditions as stated in packet.

CONDITIONS RECOMMENDED FOR APPROVAL:

3. This project shall proceed through the Large-Scale Development Process.
4. This project must develop generally as stated in the applicant's letter and presented in the plans.



Washington County, AR
I certify this instrument was filed on
07/17/2024 12:29:10 PM
and recorded in Real Estate
File Number 2024-00017900
Kyle Sylvester - Circuit Clerk

by

A handwritten signature in black ink, appearing to be "K. Sylvester", is written over a horizontal line.

PH1 & PC-4