



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **September 24, 2024**  
Project: **Martinez/Gonzales**  
**Conditional Use Permit**  
City Planner: **Mark Lathem**  
Planning Tech: **Brad Spurlock**

### AGENDA ITEM

## PC1

### CONDITIONAL USE PERMIT REQUEST

1026 W. Morsani Ave  
Parcel #: 830-37717-000

**This project was approved 4-1 at the September 24, 2024, Planning Commission meeting. The conditions were approved as listed in the staff report and will move forward to the Committee of the Whole, October 1, 2024.**

**SUMMARY:** The project site is located at the northern portion of parcel #: 830-37717-000, which is zoned C-2, General Commercial, to be granted permission to use said area as residential to match the southern portion of the parcel which is zoned R-3.

**CURRENT ZONING:** C-2 (General Commercial District) & R-3 (Single Family Residential)

**FUTURE LAND USE CATEGORY:** RC-C Residential/Commercial Core and RE Residential Estates.

**PROPOSED USE:** Single Family Residence

**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 owners reside at the following address, which was built in 2018 and is located and southern portion of the parcel under discussion, 1026 W. Morsani Ave, Tontitown, AR 72762. Owners would like to be granted permission to use said area as residential specifically for the addition of two (2) single-family residences.

**FUTURE LAND USE PLAN:**

The Future Land Use Category shown in this area is for the Residential/Commercial Core (RC-C) and Residential Estates (RE).

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.*

**RESIDENTIAL ESTATES (RE)**

*The purpose of this land use category is to provide for areas of single-family detached residential development on large estate type lots, or cluster developments in the rural area. This zone is intended to help establish and preserve rural/estate character in certain areas in the city. It can also serve as an appropriate land use in areas where the terrain may be very steep, or other geological or environmental features lend themselves to low density development types.*

*One dwelling unit/acre minimum; lots will generally be 1-5 size.*

**STAFF ANALYSIS:** Although the proposed use does not perfectly align with the Future Land Use Plan category RC-C and RE the project is acceptable with this conditional use permit and is should not be disruptive to the overall character of the area.

**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 proposed use should have minimal impact on surrounding properties and will maintain a residential character. The applicant is not proposing any exterior site improvements besides the residence.

(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: The applicant is not requesting any exterior improvements to the site besides the primary residence.**

(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:**

**North Zoned C-2 (General Commercial)**

**East Zoned R-3 (Single-Family Residential)**

**South Zoned R-3 (Single-Family Residential)**

**West Zoned C-3 (General Commercial)**

(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 Conditional Use request is the first step in proposing a lot-split for this land. If the request is granted, then the owners will proceed with an incidental request to split the land for specifically this projected residence.**

(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 no proposed new ingress or egress for this permit. If approved, city will review any incidental project and discuss further if necessary ingress or egress is necessary.**

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

**STAFF ANALYSIS: The applicant is not proposing to modify any landscaping.**

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

**STAFF ANALYSIS:** There are not potential noxious or offensive emissions, including lighting, noise, glare, dust and odor

**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 currently 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 said land use as residential, specifically for the addition of two (2) single-family residences.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. The applicant shall be required to receive incidental subdivision approval and submit a filed incidental plat to the City upon approval of the City Council meeting for this project.
2. Verification from the Health Department that the existing septic system is adequate for the proposed use shall be required prior to the building permit being issued.
3. If any outdoor run areas are proposed to be expanded beyond the currently fenced area, additional screening and buffering shall be required. Additionally, any additional fencing that is required shall be required to have a separate fence permit.
4. This project shall develop generally as is stated in the applicant's letter and presented in the plans.
5. This Conditional Use permit request must go to the City Council for approval.
6. This project shall comply with all local, state, and federal regulations.
7. Any additional improvements to this site require additional review.



Figure 1: Vicinity Map

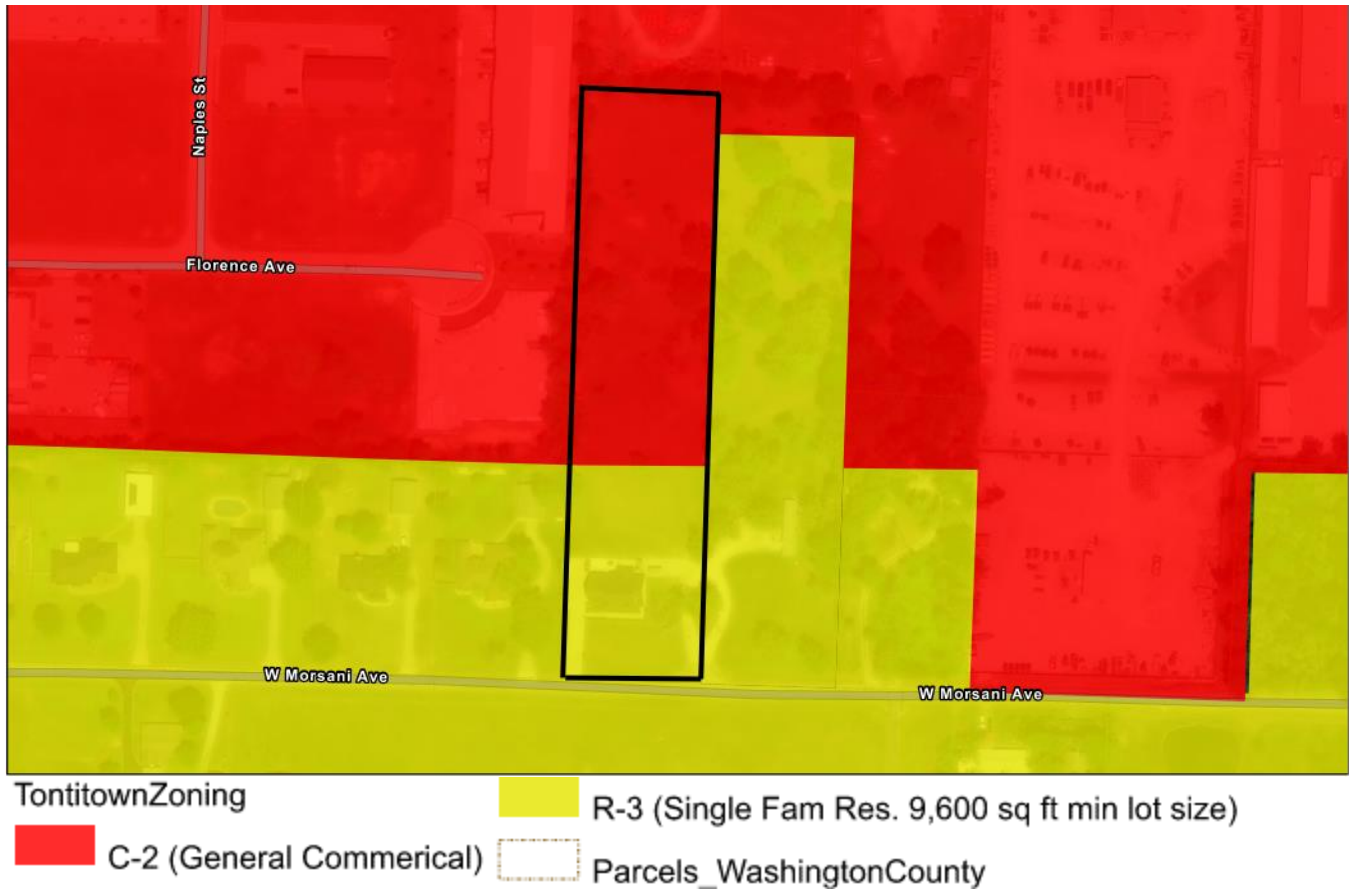


Figure 2: Current Zoning Map

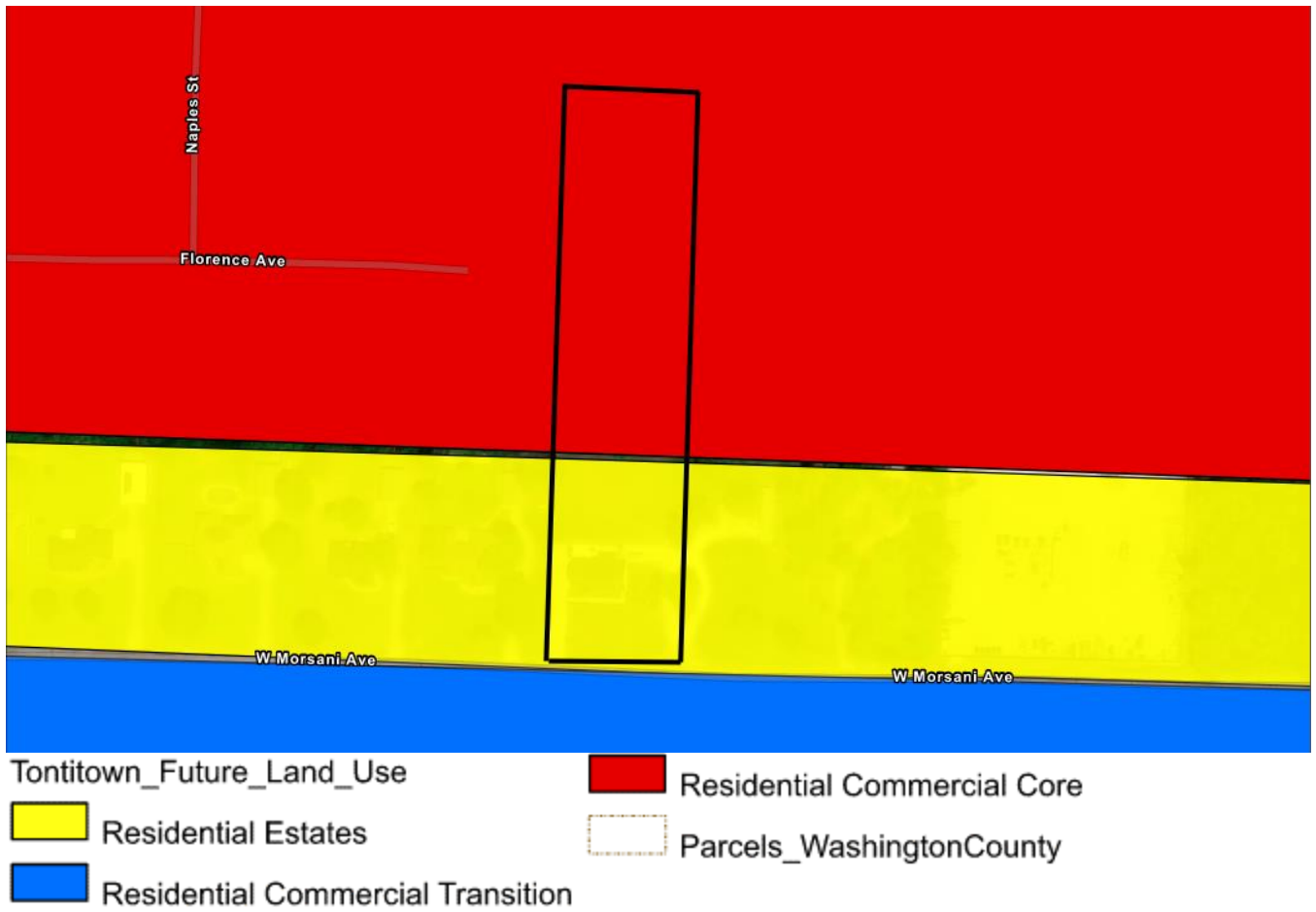


Figure 3: Future Land Use Plan Map

No Site Plan available at this time.

Figure 4: Site Plan