

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, April 24, 2025

4:30 PM

100 W Rock Street

Planning Commission Members

Andrew Brink, Chair

Brad Payne, Vice Chair

Jimm Garlock, Secretary

Matthew Cabe

Nick Castin

Fred Gulley

Mary Madden

Mary McGetrick

Nick Werner

Senior Assistant City Attorney Blake Pennington

Call to Order**Roll Call****Consent****1. MINUTES:**

Approval of the minutes from the April 14, 2025 Planning Commission.
- Mirinda Hopkins, Development Coordinator

Unfinished Business**2. VAC-2025-0007: Vacation (7 S. UNIVERSITY AVE/AWBG LLC, 522):**

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 7 S. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 2.83 acres. The request is to vacate 0.14 acres of right-of-way.

THIS ITEM WAS TABLED AT THE MARCH 24, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

New Business**3. ADM-2025-0023: Administrative Item (AMEND UDC CHAPTER 161 – ZONING REGULATIONS):**

Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to UDC Chapter 161 to create a new zoning district section 161.38 called Conservation, Cultural, and Recreation and set zoning regulations for the new district including permitted and conditional uses, lot dimensional standards, setbacks, and building height. Additionally, amendments are proposed to section 160.01 – Establishment of Districts to add the new district, section 164.25 – Tandem Lot Development to establish building setbacks for tandem lots, section 167.04 – Tree Preservation and Protection During Development to establish a minimum canopy requirement, and chapter 174 – Signs to establish sign regulations for the new zoning district. - Britin Bostick, Long Range Planning/Special Projects Manager

4. VAR-2025-0024: Planning Commission Variance (EAST OF N. RUPPLE RD ALONG HAMESTRING CREEK/CITY OF FAYETTEVILLE, 361):

Submitted by GARVER for property located EAST OF N. RUPPLE RD ALONG HAMESTRING CREEK. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and CS, COMMUNITY SERVICES and contains approximately 1.05 acres. The request is for a variance to the flood damage prevention code. -

Alan Pugh, Staff Engineer

5. CUP-2025-0015: Conditional Use Permit (2099 S. SCHOOL AVE/ZAIFI, 601 & 640):

Submitted by EHSAN SHEIKHSAMANI for property located at 2099 S. SCHOOL AVE. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.30 acres. The request is to use the property for an auto repair business.

- Wesley Frank, Planner

6. RZN-2025-0011: Rezoning (SOUTHEAST OF S. HILL AVE AND W. CENTER ST/BV FLATS ON THE HILL LLC, 522):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located SOUTHEAST OF S. HILL AVE AND W. CENTER ST. The property is zoned DG, DOWNTOWN GENERAL, and RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 2.83 acres. The request is to rezone the property to MSC, MAIN STREET CENTER. - Donna Wonsower, Planner

7. RZN-2025-0012: Rezoning (6061 W. DOT TIPTON RD/GOOSE CREEK ADDITION LLC, 474, 475 & 514):

Submitted by PRISM DESIGN STUDIO for property located at 6061 W. DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 66.78 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate appointed official, staff, or others for response. Please keep your comments brief, to the point, and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters of TDD, Telecommunications Device for the Deaf, are available for all public

hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

(pg. 1) Planning Commission		Monday, 04/14/2025					
Time: 5:30 PM							
Staff :		☒ Willa Thomason ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Wesley Frank					
		☐ Britin Bostick ☐ Kylee Cole ☐ Melissa Boyd ☒ Justin Bland ☒ Chris Brown ☐ Alan Pugh ☐ Fire Marshal					
	Roll Call	1) Minutes (03/24/2025)	2) ADM-2025-0019 (PC RULES OF ORDER & PROCEDURE)	3) ADM-2025-0021 (GARDEN DAY GETAWAY)	4) VAR-2025-0011 (FELLOWSHIP BIBLE CURCH)	5) VAR-2025-0020 (THE PINES AT SPRINGWOODS)	6) CCP-2025-0004 (MCDONALD BUILDING GROUP)
Werner	0						
Gulley	1	1	1	1	1	1	1
Madden	1	1	1	1	1	1	1
Cabe	0						
Payne	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Garlock	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Castin	1	1	1	1	1	1	1
Agenda		Consent	Consent	Consent	Consent	Consent	Consent
Action		Approve	Approve	Approve	Approve	Approve	Approve
Motion By		Garlock	Garlock	Garlock	Garlock	Garlock	Garlock
Motion 2nd		Castin	Castin	Castin	Castin	Castin	Castin
Vote		7-0-0	7-0-0	7-0-0	7-0-0	7-0-0	7-0-0
Time		5:34 PM	5:34 PM	5:34 PM	5:34 PM	5:34 PM	5:34 PM
Motion Detail							
Public Comment		0	0	0	0	0	0

(pg. 2) Planning Commission			Monday, 04/14/2025				
	8) CCP-2025-0007 (HODNE)	7) CCP-2025-0006 (HARRIS LAND & CATTLE RANCH)	9) VAC-2025-0005 (KERR INVESTMENT CO.)	10) LSD-2024-0038 (TRINITAS VENTURES)		11) ADM-2025-0020 (ARONSON)	12) VAR-2025-0017 (BLACK MAPLE LLC)
Werner							
Gulley	1	0	1	1	0	1	1
Madden	1	0	1	1	0	1	1
Cabe							
Payne	1	0	1	1	1	1	1
Brink	1	0	1	1	1	1	1
Garlock	1	0	1	1	0	1	1
McGetrick	1	0	1	1	1	1	1
Castin	1	0	1	1	0	1	1
Agenda	Consent	Pulled from Consent	Old	Old		New	New
Action	Approve	Approve	Forward	Remove Table	Approve	Forward	Approve
Motion By	Garlock	Garlock	Castin	Payne	Payne	Garlock	Madden
Motion 2nd	Castin	McGetrick	Payne	Castin	Brink	Madden	Payne
Vote	7-0-0	0-7-0	7-0-0	7-0-0	3-4-0	7-0-0	7-0-0
Time	5:34 PM	5:51 PM	5:56 PM	7:25 PM		7:36 PM	7:40 PM
Motion Detail		Item Failed With all conditions as recommended by staff.	With all conditions as recommended by staff.	Item Failed With all conditions as recommended by staff.		With a recommendation of approval.	With all conditions as recommended by staff.
Public Comment	0	3	1	15		0	0

(pg. 3) Planning Commission			Monday, 04/14/2025			
	13) VAR-2025-0019 (ADDISON PARK)	14) VAR-2025-0022 (STAGE STATION)	15) VAR-2025-0023 (SHERIN)	16) VAC-2025-0009 (ANDERSON)		
Werner						
Gulley	1	1		1		
Madden	1	1		1		
Cabe						
Payne	1	1		1		
Brink	1	1		1		
Garlock	1	1		1		
McGetrick	1	1		1		
Castin	1	1		1		
Agenda	New	New	New	New		
Action	Approve	Approve	Withdrawn	Forward		
Motion By	Payne	McGetrick		Garlock		
Motion 2nd	Madden	Castin		Castin		
Vote	7-0-0	7-0-0		7-0-0		
Time	7:44 PM	7:51 PM		7:56 PM		
Motion Detail	With all conditions as recommended by staff.	With all conditions as recommended by staff.		With a recommendation of approval and with all conditions as recommended by staff.		
Public Comment	0	0		0		



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: April 28, 2025

SUBJECT: **VAC-2025-0007: Vacation (7 S. UNIVERSITY AVE/AWBG LLC, 522):**
Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 7 S. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 2.70 acres. The request is to vacate 0.14 acres of right-of-way.

RECOMMENDATION:

Staff recommends tabling **VAC-2025-0007**, at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **VAC-2025-0007** until the next available Planning Commission meeting."*

MARCH 24, 2025 PLANNING COMMISSION MEETING

At the previous Planning Commission meeting, Commissioners voted to table the item for one month to provide the applicant with additional time to schedule a special meeting with the Planning Commissioners to discuss the applicant's project proposal as a whole. A meeting was held on April 2, 2025, where the applicant presented a preliminary concept to build a multi-family, student-oriented housing project that would require both a rezoning and the ROW vacation to construct. The applicant also proposed an option that would span the structure over the existing ROW, rather than require a vacation. In the interim, the applicant submitted a concept plan for City staff to review, and comments on that proposal were issued at the April 16 Tech Plat review meeting. Subsequently, the applicant and City staff had a meeting to discuss the option of spanning the ROW on Monday, April 21, and a license to encroach agreement is currently under staff review and consideration. This agreement would ultimately require the approval of City Council, so the applicant has requested to table the vacation request to pursue the alternative option.

BACKGROUND:

The subject property is at the southwest corner of W. Center Street and S. University Avenue and is zoned RMF-40, Residential Multi-Family, 40 Units per Acre. The property encompasses multiple parcels and sites, which are currently developed with an apartment complex that County records indicate was constructed in the 1960s, a multi-family structure that was built in the early 1900s (the Putman House), and another mid-century apartment complex in the northwest side of the site. No overlay districts govern the site, but it is immediately west of the Downtown Design Overlay District boundary, which currently terminates at S. University Avenue. There is an approximately 9.3% change in grade upward as the property moves south from W. Center Street. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Cemetery/Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Multi-Family Residential	DG, Downtown General
East	Commercial	MSC, Main Street Center
West	Multi-Family Residential	DG, Downtown General

Proposal: The applicant proposes to vacate a portion of platted alley right-of-way that begins at W. Center Street and terminates about halfway through the block. The applicant intends to redevelop the site with a multi-family housing development.

DISCUSSION:

On the balance of considerations, staff recommends denial of the applicant's request to vacate the right-of-way. Staff recognizes that there are barriers to its development as it currently stands; there is steep topography, and there is existing parking, utility poles, and some stormwater infrastructure located within the right-of-way currently. However, to remove the alley in its entirety does not appear to be in line with the stated goals of City Plan 2040. Alley-loaded development not only supports the City's goals to create sites that are compact, complete, and connected, but it also aligns with the purposes and site standards that are outlined in the City's Urban Residential Design ordinance. At this location, there do not appear to be any alternative options for connectivity, such as an adjacent, parallel trail that would provide a similar level of connectivity. However, should the Planning Commission choose to forward the item to the City Council with a recommendation of approval, staff recommends that a 20-foot alley right-of-way be dedicated along the southern border of the overall site, beginning at S. Hill Avenue to the west, and terminating at S. University Avenue to the east, to provide east west connectivity through the site and permit rear-loaded development and promote pedestrian-friendly street frontages along S. Hill Avenue, W. Center Street, and S. University Avenue.

Contributing further to staff's recommendation to deny is related to a lack of unanimity from adjacent property owners. The property owner to the south declined to provide comment, stating that they "do not enough information on the impact of this project on our property."

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided that any damage or relocation of any Cox facilities will be at the applicant's expense.
AEP/SWEPCO	No objections, provided that SWEPCO request easements for equipment to serve development at a later date.
Black Hills Energy	No objections and no comments.
AT&T	No objections, though notes that AT&T has existing services to the buildings at/in this area. Prior to any telecom demolition in the area, all active services need to have been disconnected by the end user(s).
Ozarks Electric	No objections and no comments.

City of FayettevilleResponse

Water/Sewer

No objections, provided that no private water or sewer services are located in described vacation.

Solid Waste & Recycling

No objections and no comments.

Transportation

No objections and no comments.

Public Comment: Staff have not received any comments from the public regarding this request.

RECOMMENDATION: Staff recommends tabling of **VAC-2025-0007**. Should the Planning Commission choose to forward, staff recommends the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. Prior to any telecom demolition in the area, all active services need to have been disconnected by the end user(s).
3. A 20-foot wide alley right-of-way shall be dedicated along the property's southern border, beginning at S. Hill Avenue to the west, and terminating at S. University Avenue to the east.

PLANNING COMMISSION ACTION: Required YESDate: April 28, 2025☐ Tabled☐ Forwarded☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey
- One Mile Map
- Close-Up Map
- Current Land Use Map

February 11, 2025

To: City of Fayetteville Planning Commission and City Council

RE: The Hub - Alley Vacation Request

Planning Commission and City Council members,

On behalf of the developer, Core Spaces, McClelland Consulting Engineers requests vacation of an unused alley between parcels 765-09771-000, 765-09772-000, and 765-09774-000. The subject property the requested alley vacation is located on is east of "Atmosphere", a multi-family residential development, north of Eco Modern Flats, a multi-family residential development, and south of Evergreen Cemetery.

Bordered on three sides by S. Hill Avenue, W. Center Street, & S. University Avenue, the alley being requested to vacate is approximately 20' wide and 300' long, running north to south.

The intent is to vacate this existing, unused alley, and then combine the parcels to prepare the boundary for a future multi-family development.

Utilities involved with this vacation request are Fayetteville Water & Sewer, SWEPCO, Ozarks Electric Cooperative, Black Hills Energy, Cox Communications, and AT&T.

Please let me know if you have any questions.

Sincerely,
McClelland Consulting Engineers, Inc.



Nathan Crouch, Project Coordinator
MCE-Fayetteville
(479) 443.2377
ncrouch@mce.us.com

February 11, 2025

PETITION TO VACATE AN ALLEY LOCATED IN LOTS 1-6, AND 19-24, BLOCK 1, PUTMAN'S ADDITION SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the **alley**, hereinafter sought to be abandoned and vacated, lying in **lots 1-6, and 19-24, block 1, Putman's Addition subdivision**, which is described as follows:

(Legal Description of Alley to be vacated is attached)

That the abutting real estate affected by said abandonment of the alley are **lots 1-6, and 19-24, block 1, Putman's Addition subdivision**, City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described **alley**.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Kevin Curry

Printed Name

Kevin Curry
Signature

02/11/2025

Date

The Hub- Alley Vacation

Fletcher bennett

Printed Name

Fletcher Bennett

02/11/2025

Signature

Date

allen white

Printed Name

Allen White

02/11/2025

Signature

Date

Sincerely,
McClelland Consulting Engineers, Inc.



Nathan Crouch, Project Coordinator



(479) 443.2377

ncrouch@mce.us.com



The Hub- Alley Vacation

Descriptions

PARCEL 765-09771-000

ALLEY VACATION DESCRIPTION:

A PART OF A 19.9' PLATTED ALLEY IN BLOCK 1 OF PUTMAN'S ADDITION PLAT TO THE CITY OF FAYETTEVILLE ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB) AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 1;

THENCE ALONG THE NORTH LINE OF SAID BLOCK 1, S 86°24'10" E - 10.07 FEET TO THE CENTERLINE OF THE ALLEY;

THENCE LEAVING SAID NORTH LINE, ALONG SAID CENTERLINE, S 02°47'58" W - 150.12 FEET;

THENCE LEAVING SAID CENTERLINE, N 86°21'06" W - 9.84 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID BLOCK 1;

THENCE ALONG THE WEST LINE OF THE ALLEY, N 02°42'38" E - 150.12 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 1,494 SQ. FT., OR 0.03 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

PARCEL 765-09774-000

ALLEY VACATION DESCRIPTION:

A PART OF A 19.9' PLATTED ALLEY IN BLOCK 1 OF PUTMAN'S ADDITION PLAT TO THE CITY OF FAYETTEVILLE ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE

The Hub- Alley Vacation

CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB) AT THE NORTHWEST CORNER OF LOT 24 OF SAID BLOCK 1;

THENCE ALONG THE EAST LINE OF SAID ALLEY, S 02°49'09" W - 299.89 FEET TO THE SOUTHWEST CORNER OF LOT 19 OF SAID BLOCK 1;

THENCE N 86°27'52" W - 9.73 FEET TO THE CENTERLINE OF THE ALLEY;

THENCE ALONG SAID CENTERLINE, N 02°47'58" E - 299.87 FEET TO THE NORTH LINE OF SAID BLOCK 1;

THENCE ALONG SAID NORTH LINE, S 86°34'18" E - 9.83 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 2,933 SQ. FT., OR 0.07 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

PARCEL **765-09772-000**

ALLEY VACATION DESCRIPTION:

A PART OF A 19.9' PLATTED ALLEY IN BLOCK 1 OF PUTMAN'S ADDITION PLAT TO THE CITY OF FAYETTEVILLE ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB) AT THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 1;

THENCE ALONG THE WEST LINE OF THE ALLEY, N 02°54'52" E - 149.93 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BLOCK 1;

The Hub- Alley Vacation

THENCE S 86°21'06" E - 9.84 FEET TO THE CENTERLINE OF THE ALLEY;

THENCE ALONG SAID CENTERLINE, S 02°47'58" W - 149.75 FEET;

THENCE LEAVING SAID CENTERLINE, N 87°25'17" W - 10.14 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 1,496. SQ. FT., OR 0.03 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

OVERALL

ALLEY VACATION DESCRIPTION:

A PART OF A 19.9' PLATTED ALLEY IN BLOCK 1 OF PUTMAN'S ADDITION PLAT TO THE CITY OF FAYETTEVILLE ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB) AT THE NORTHWEST CORNER OF LOT 24 OF SAID BLOCK 1;

THENCE ALONG THE EAST LINE OF SAID ALLEY, S 02°49'09" W - 299.89 FEET TO THE SOUTHWEST CORNER OF LOT 19 OF SAID BLOCK 1;

THENCE LEAVING SAID EAST LINE, N 86°27'52" W - 9.73 FEET TO THE CENTERLINE OF SAID ALLEY;

THENCE N 87°25'17" W - 10.14 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 1;

THENCE ALONG THE WEST LINE OF SAID ALLEY, N 02°54'52" E - 149.93 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BLOCK 1;

THENCE CONTINUING ALONG SAID WEST LINE, N 02°42'38" E - 150.12 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 1;

THENCE LEAVING SAID WEST LINE, S 86°24'10" E - 10.07 FEET ALONG THE NORTH LINE OF SAID BLOCK 1 TO THE CENTERLINE OF SAID ALLEY;

The Hub- Alley Vacation

THENCE CONTINUING ALONG SAID NORTH LINE, S 86°34'18" E - 9.83 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 5,923. SQ. FT., OR 0.14 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

ALTA/NSPS LAND TITLE SURVEY OF
WASHINGTON COUNTY PARCEL 765-09774-000,
LOTS 19-24 OF BLOCK 1 PUTMAN'S ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS

COMMITMENT FOR TITLE INSURANCE
STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 2424922
DATED AUGUST 29, 2024 AT 8:00AM

PROPERTY DESCRIPTION - PER TITLE COMMITMENT NO. 2424922

LOTS NINETEEN (19) TO TWENTY-FOUR (24), INCLUSIVE, IN BLOCK ONE (1) PUTMAN'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

SCHEDULE B-I REQUIREMENTS

N/A TO SURVEY

SCHEDULE B-II EXCEPTIONS

1-2. N/A TO SURVEY

3. THIS SURVEY ADDRESSES EASEMENTS PROVIDED IN THE TITLE COMMITMENT. OBSERVED EVIDENCE OF EASEMENTS OR CLAIMS ARE AS SHOWN HEREON. SURVEYOR MAKES NO STATEMENT REGARDING EVIDENCE OBSERVED OR NOT READILY VISIBLE.

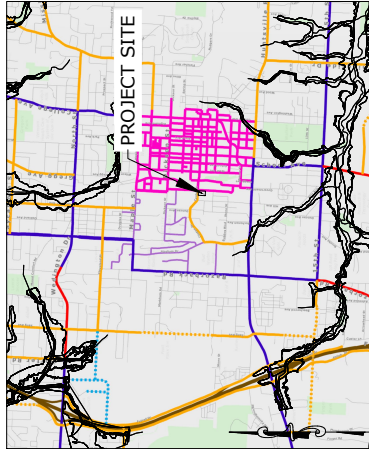
4. AS SHOWN HEREON

5-12. N/A TO SURVEY

13. BUILDING SET BACKS, ERECTIONS, RIGHT-OF-WAYS AND EASEMENTS, AS SHOWN ON SUBDIVISION PLAT AND ANY AMENDMENTS THERE TO FILED FOR RECORD, AS SHOWN HEREON.

14. SUBJECT TO EASEMENTS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 56 AT PAGE 611, BOOK 4 AT PAGE 6, BOOK 4 AT PAGE 31, BOOKS 5 AT PAGE 67 & BOOK 5 AT PAGE 78, AS SHOWN HEREON.

PROPERTY ADDRESS:
7 S UNIVERSITY AVE
FAYETTEVILLE, AR 72701

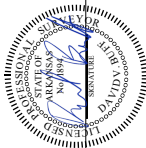


VICINITY MAP (NOT TO SCALE)

GENERAL NOTES

1. ZONING: THIS PROPERTY IS CURRENTLY ZONED DISTRICT RMF-40, RESIDENTIAL MULTIFAMILY - FORTY (40) SINGLE-FAMILY UNITS PER ACRE, PER CITY OF FAYETTEVILLE GIS. NO ZONING REPORT OR LETTER WAS PROVIDED TO THE SURVEYOR.
SETBACK REQUIREMENTS FOR RMF-40, PER CITY OF FAYETTEVILLE ONLINE MUNICIPAL CODE:
A. FRONT: A BUILD-TO-ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25 FEET FROM THE FRONT PROPERTY LINE.
B. SIDE: 10 FEET
C. SIDE SINGLE & REAR: 20 FEET
D. REAR OTHER USES: 20 FEET
E. REAR SINGLE FAMILY: 5 FEET
2. DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY ARE AS SHOWN HEREON. NO OTHER DOCUMENTS WERE PROVIDED FOR, NOR ARE REFERENCED ON THIS SURVEY.
3. BASIS FOR BEARINGS IS THE ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
4. ADJACENT PROPERTY INFORMATION SHOWN HEREON IS FROM THE WASHINGTON COUNTY TAX ASSESSORS' AND CIRCUIT CLERK'S RECORDS AND HAS NOT BEEN VERIFIED BY MCLELLAND ENGINEERS.
5. ALL EASEMENTS KNOWN TO MCLELLAND CONSULTING ENGINEERS AT THE TIME OF THE SURVEY ARE SHOWN ON THE DRAWING, BUT NO STATEMENT IS MADE AS TO THE COMPLETENESS OF THE EASEMENTS SHOWN. TRACT IS SUBJECT TO EASEMENTS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, AND EASEMENTS OF RECORD, WHETHER KNOWN OR UNKNOWN TO THE SURVEYOR, AND IS SUBJECT TO SUCH FACTS AS AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
6. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, NOR OF SURFACE EVIDENCE OBSCURED OR NOT READILY VISIBLE.
7. THIS SURVEY MEETS THE STATE OF ARKANSAS MINIMUM STANDARDS FOR GENERAL PROCEDURES AND FOR POSITIONAL TOLERANCE FOR URBAN SURVEYS.
8. FLOOD ZONE - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED AREAS, MAP NUMBER 17050C02, EFFECTIVE JANUARY 25, 2024, THE SUBJECT PROPERTY IS IN ZONE "X", "AREA OF MINIMAL FLOOD HAZARD".
9. (TABLE A NO. 16) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. (TABLE A NO. 17) NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WERE PROVIDED TO THE SURVEYOR. INFORMATION AS KNOWN IS SHOWN ON THE SURVEY. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
11. THE SUBJECT PROPERTY HAS DIRECT ACCESS TO W. CENTER STREET, A PUBLICLY DEDICATED RIGHT-OF-WAY AND TO S. UNIVERSITY AVENUE, A PUBLICLY DEDICATED RIGHT-OF-WAY.
12. THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITHOUT ANY GAPS OR GORES.

TO
STEWART TITLE GUARANTY COMPANY, AMEG, LLC, AN ARKANSAS LIMITED LIABILITY
COMPANY, CS ACQUISITION VEHICLE, LLC, A DELAWARE LIMITED LIABILITY COMPANY:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED
WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL
PRACTICES FOR ALTA/NSPS SURVEYS, ADOPTED BY THE ARKANSAS SURVEYING BOARD AND
ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 8, 9, 11, 13, 14, 16, 17, 18, AND 20
OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON OCTOBER 15, 2024.



NOVEMBER 15, 2024
DAVID BUFF
ARKANSAS PS #1894

MCLELLAND CONSULTING ENGINEERS, INC.
1508 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS



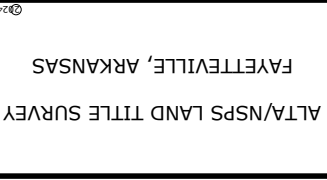
REVISIONS		
REV	DATE	DESCRIPTION

ALTA/NSPS
LAND TITLE
SURVEY

PROJECT MANAGER:	CS/ADMIN BY:
CB	DB
DATE:	REVISION:
11/15/2024	
SCALE:	PROD. NUMBER:
AS NOTED	242143

1/3





ALTA/NSPS LAND TITLE SURVEY OF
WASHINGTON COUNTY PARCEL 765-09771-000,
LOTS 1, 2, AND 3 OF BLOCK 1 PUTMAN'S ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS

COMMITMENT FOR TITLE INSURANCE
STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 242460
DATED AUGUST 29, 2024 AT 8:04AM

PROPERTY DESCRIPTION - PER TITLE COMMITMENT NO. 242460

LOTS ONE (1), TWO (2) AND THREE (3), BLOCK ONE (1), PUTMAN'S ADDITION TO THE CITY OF FAYETTEVILLE,
ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO
RECORDER OF WASHINGTON COUNTY, ARKANSAS.

SCHEDULE B-1 REQUIREMENTS

N/A TO SURVEY

SCHEDULE B-1 EXCEPTIONS

1-2. N/A TO SURVEY

3. THIS SURVEY ADDRESSES EASEMENTS PROVIDED IN THE TITLE COMMITMENT. OBSERVED EVIDENCE OF
EASEMENTS OR CLAIMS ARE AS SHOWN HEREON. SURVEYOR MAKES NO STATEMENT REGARDING EVIDENCE
OBSERVED OR NOT READILY VISIBLE

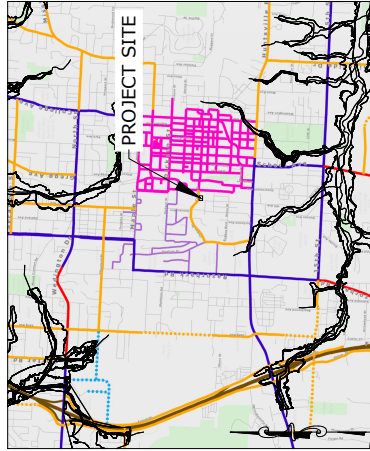
4. AS SHOWN HEREON

5-12. N/A TO SURVEY

13. BUILDING SET BACKS, ERECTIONS, RIGHT OF WAYS AND EASEMENTS, AS SHOWN ON SUBDIVISION PLAT AND
ANY AMENDMENTS THERE TO FILED FOR RECORD, AS SHOWN HEREON

14. SUBJECT TO EASEMENTS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 56 AT PAGE 611, BOOK 4 AT PAGE 6,
BOOK 4 AT PAGE 31, BOOK 5 AT PAGE 67 & BOOK 5 AT PAGE 78, AS SHOWN HEREON

PROPERTY ADDRESS:
8 S HILL AVE, 12 S HILL AVE
FAYETTEVILLE, AR 72701



VICINITY MAP (NOT TO SCALE)

TO:
STEWART TITLE GUARANTY COMPANY, BV FLATS ON THE HILL, LLC, A TEXAS LIMITED
LIABILITY COMPANY; CS ACQUISITION VEHICLE, LLC, A DELAWARE LIMITED LIABILITY
COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED
WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL
REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND
ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 6, 7, 11, 13, 14, 16, 17, 19, AND 20
OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON OCTOBER 15, 2024.



NOVEMBER 15, 2024

DAVID BUFF
ARKANSAS PS #184

GENERAL NOTES

1. ZONING: THIS PROPERTY IS CURRENTLY ZONED DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE GIS, NO
ZONING VIOLATIONS WERE OBSERVED. THE SURVEYOR HAS REVIEWED THE CITY OF FAYETTEVILLE ONLINE MUNICIPAL
STREETS REQUIREMENTS FOR DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE ONLINE MUNICIPAL
CODE:

A. FRONT: A BUILD-TO-ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25
FEET FROM THE FRONT PROPERTY LINE.

B. REAR: 35 FEET

C. REAR: 5 FEET

D. REAR: FROM CENTER LINE OF AN ALLEY: 12 FEET

2. DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY ARE AS SHOWN HEREON. NO OTHER
DOCUMENTS WERE PROVIDED FOR, NOR ARE REFERENCED ON THIS SURVEY.

3. BASIS FOR BEARINGS IS THE ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

4. ADJACENT PROPERTY INFORMATION SHOWN HEREON IS FROM THE WASHINGTON COUNTY TAX
ASSESSOR'S AND CIRCUIT CLERK'S RECORDS AND HAS NOT BEEN VERIFIED BY MCCLELLAND ENGINEERS.

5. ALL EASEMENTS KNOWN TO MCCLELLAND CONSULTING ENGINEERS AT THE TIME OF THE SURVEY ARE
SHOWN ON THE DRAWING, BUT NO STATEMENT IS MADE AS TO THE COMPLETENESS OF THE EASEMENTS
SHOWN. TRACT IS SUBJECT TO EASEMENTS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS,
AND PLANNING AND ZONING REGULATIONS OF RECORD, IF ANY, AND IS SUBJECT TO SUCH FACTS AS AN
ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

6. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, NOR OF SURFACE EVIDENCE OBSERVED
OR NOT READILY VISIBLE.

7. THIS SURVEY MEETS THE STATE OF ARKANSAS MINIMUM STANDARDS FOR GENERAL PROCEDURES AND
FOR POSITIONAL TOLERANCE FOR URBAN SURVEYS.

8. FLOOD ZONE - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD
INSURANCE RATE MAP (FIRM) FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED AREAS, MAP
NO. 17050C02, EFFECTIVE JANUARY 25, 2024, THE SUBJECT PROPERTY IS IN ZONE "X",
"AREA OF MINIMAL FLOOD HAZARD".

9. (TABLE A NO. 16) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR
BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. (TABLE A NO. 17) NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WERE PROVIDED TO THE
SURVEYOR. INFORMATION AS KNOWN IS SHOWN ON THE SURVEY. NO EVIDENCE OF RECENT STREET OR
SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE
FIELDWORK.

11. THE SUBJECT PROPERTY HAS DIRECT ACCESS TO S. HILL AVENUE, A PUBLICLY DEDICATED RIGHT-OF-WAY
GAPS OR GORES.

12. THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITHOUT ANY

MCCLELLAND CONSULTING ENGINEERS, INC.

1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

063769670 SERV

MCE

ALTA/NSPS LAND TITLE SURVEY

FAYETTEVILLE, ARKANSAS

811

Know what's below.
Call before you dig.

REVISIONS		
REV	DATE	DESCRIPTION

ALTA/NSPS LAND TITLE SURVEY

PROJECT MANAGER: CSWIMB, DB

DATE: 11/15/2024

SCALE: AS NOTED

PROD. NUMBER: 242143

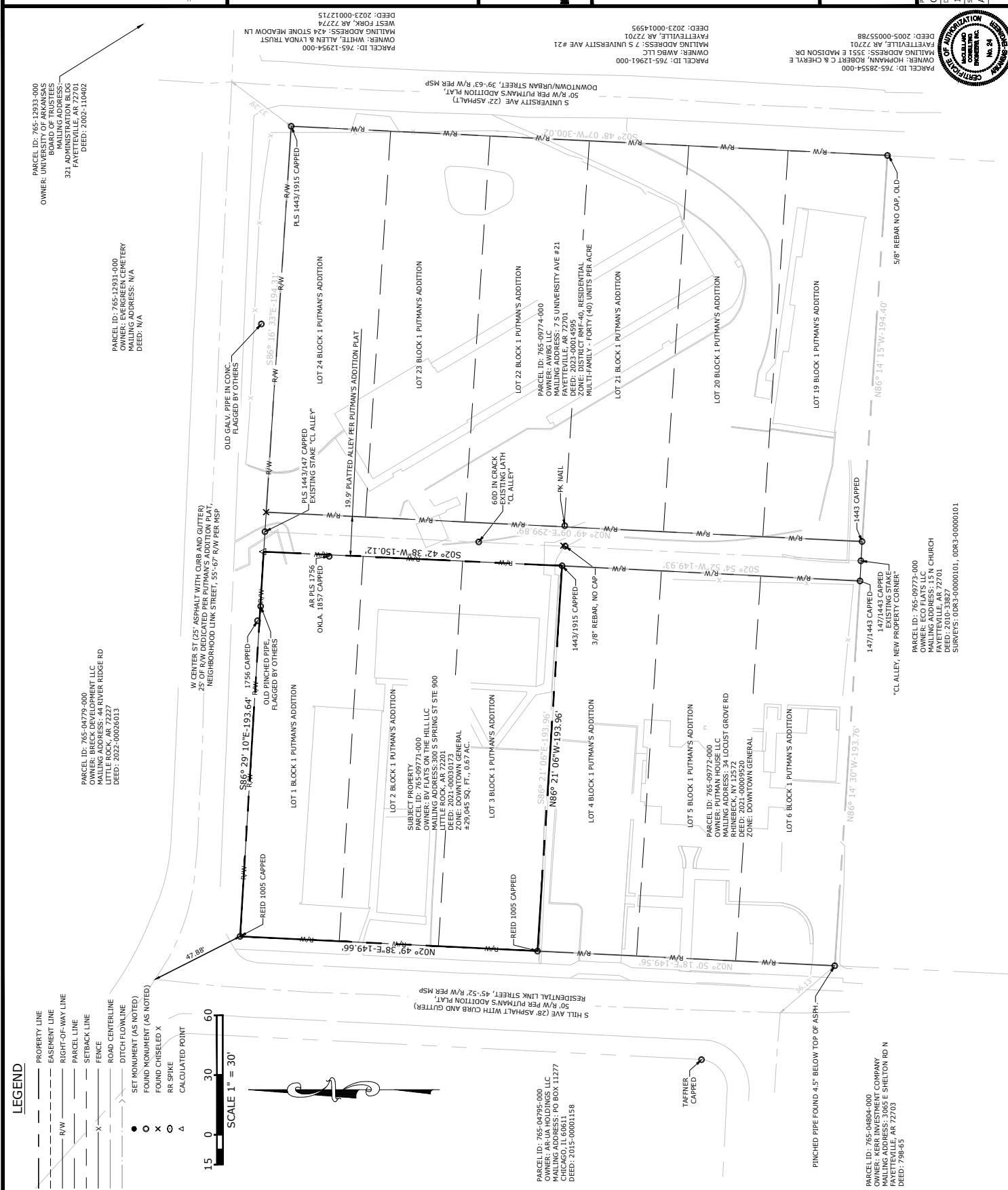
1/3



LEGEND

- PROPERTY LINE
- EASEMENT LINE
- R/W
- RIGHT-OF-WAY LINE
- PARCEL LINE
- SETBACK LINE
- PERMITS
- ROAD CENTERLINE
- DITCH FLOWLINE
- SET MONUMENT (AS NOTED)
- FOUND MONUMENT (AS NOTED)
- FOUND CHISELED X
- RR SPIKE
- CALCULATED POINT

15 0 30 60
SCALE 1" = 30'



ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS

ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS



REV	DATE	DESCRIPTION

ALTA/NSPS LAND TITLE SURVEY

PARCEL ID: 765-12933-000
OWNER: UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
MAILING ADDRESS:
321 ADMINISTRATION BLDG
FAYETTEVILLE, AR 72703
DEED: 2002-110402

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-09774-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-12961-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-28554-000
OWNER: HORNHORN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

PARCEL ID: 765-04779-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 44 RIVER RIDGE RD
FAYETTEVILLE, AR 72707
DEED: 2022-00026013

PARCEL ID: 765-09771-000
OWNER: BV FLATS ON THE HILL LLC
MAILING ADDRESS: 1500 S SPRING ST SITE 900
LITTLE ROCK, AR 72201
DEED: 2021-00030173

PARCEL ID: 765-09772-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 34 LOCUST GROVE RD
RHINEBECK, NY 12572
DEED: 2021-00009520

PARCEL ID: 765-09773-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 15 N CHURCH
FAYETTEVILLE, AR 72701
DEED: 2010-03827

PARCEL ID: 765-04804-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 738465

PARCEL ID: 765-12933-000
OWNER: UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
MAILING ADDRESS:
321 ADMINISTRATION BLDG
FAYETTEVILLE, AR 72703
DEED: 2002-110402

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-09774-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-12961-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-28554-000
OWNER: HORNHORN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

PARCEL ID: 765-04779-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 44 RIVER RIDGE RD
FAYETTEVILLE, AR 72707
DEED: 2022-00026013

PARCEL ID: 765-09771-000
OWNER: BV FLATS ON THE HILL LLC
MAILING ADDRESS: 1500 S SPRING ST SITE 900
LITTLE ROCK, AR 72201
DEED: 2021-00030173

PARCEL ID: 765-09772-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 34 LOCUST GROVE RD
RHINEBECK, NY 12572
DEED: 2021-00009520

PARCEL ID: 765-09773-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 15 N CHURCH
FAYETTEVILLE, AR 72701
DEED: 2010-03827

PARCEL ID: 765-04804-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 738465

PARCEL ID: 765-12933-000
OWNER: UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
MAILING ADDRESS:
321 ADMINISTRATION BLDG
FAYETTEVILLE, AR 72703
DEED: 2002-110402

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-09774-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-12961-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-28554-000
OWNER: HORNHORN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

PARCEL ID: 765-04779-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 44 RIVER RIDGE RD
FAYETTEVILLE, AR 72707
DEED: 2022-00026013

PARCEL ID: 765-09771-000
OWNER: BV FLATS ON THE HILL LLC
MAILING ADDRESS: 1500 S SPRING ST SITE 900
LITTLE ROCK, AR 72201
DEED: 2021-00030173

PARCEL ID: 765-09772-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 34 LOCUST GROVE RD
RHINEBECK, NY 12572
DEED: 2021-00009520

PARCEL ID: 765-09773-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 15 N CHURCH
FAYETTEVILLE, AR 72701
DEED: 2010-03827

PARCEL ID: 765-04804-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 738465

PARCEL ID: 765-12933-000
OWNER: UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
MAILING ADDRESS:
321 ADMINISTRATION BLDG
FAYETTEVILLE, AR 72703
DEED: 2002-110402

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-09774-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-12961-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-28554-000
OWNER: HORNHORN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

PARCEL ID: 765-04779-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 44 RIVER RIDGE RD
FAYETTEVILLE, AR 72707
DEED: 2022-00026013

PARCEL ID: 765-09771-000
OWNER: BV FLATS ON THE HILL LLC
MAILING ADDRESS: 1500 S SPRING ST SITE 900
LITTLE ROCK, AR 72201
DEED: 2021-00030173

PARCEL ID: 765-09772-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 34 LOCUST GROVE RD
RHINEBECK, NY 12572
DEED: 2021-00009520

PARCEL ID: 765-09773-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 15 N CHURCH
FAYETTEVILLE, AR 72701
DEED: 2010-03827

PARCEL ID: 765-04804-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 738465

PARCEL ID: 765-12933-000
OWNER: UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
MAILING ADDRESS:
321 ADMINISTRATION BLDG
FAYETTEVILLE, AR 72703
DEED: 2002-110402

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-09774-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-12961-000
OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE #21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-28554-000
OWNER: HORNHORN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

ALTA/NSPS LAND TITLE SURVEY OF
WASHINGTON COUNTY PARCEL 765-09772-000
LOTS 4, 5, AND 6 OF BLOCK 1 PUTMAN'S ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS

COMMITMENT FOR TITLE INSURANCE
STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 2425001
DATED AUGUST 28, 2024 AT 8:04AM

PROPERTY DESCRIPTION - PER TITLE COMMITMENT NO. 2425001

LOTS NUMBERED FOUR (4), FIVE (5) AND SIX (6) OF BLOCK NUMBERED ONE (1) IN PUTMAN'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION.

SCHEDULE B-I REQUIREMENTS

N/A TO SURVEY

SCHEDULE B-II EXCEPTIONS

1-2. N/A TO SURVEY

3. THIS SURVEY ADDRESSES EASEMENTS PROVIDED IN THE TITLE COMMITMENT. OBSERVED EVIDENCE OF EASEMENTS OR CLAIMS ARE AS SHOWN HEREON. SURVEYOR MAKES NO STATEMENT REGARDING EVIDENCE OBSERVED OR NOT READILY VISIBLE.

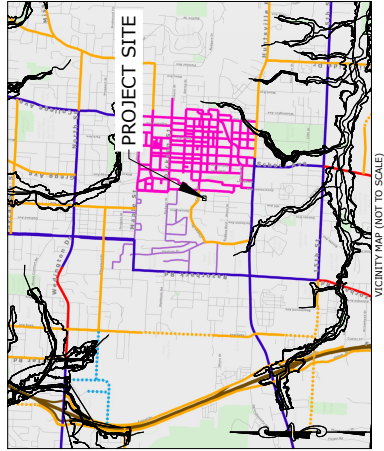
4. AS SHOWN HEREON

5-12. N/A TO SURVEY

13. BUILDING SET BACKS, ERECTIONS, RIGHT OF WAYS AND EASEMENTS, AS SHOWN ON SUBDIVISION PLAT AND ANY AMENDMENTS THERE TO FILED FOR RECORD, AS SHOWN HEREON.

14. SUBJECT TO EASEMENTS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 56 AT PAGE 611, BOOK 4 AT PAGE 6, BOOK 4 AT PAGE 31, BOOKS 5 AT PAGE 67 & BOOK 5 AT PAGE 78, AS SHOWN HEREON.

PROPERTY ADDRESS:
20 S HILL AVE
FAYETTEVILLE, AR 72701



GENERAL NOTES

1. ZONING: THIS PROPERTY IS CURRENTLY ZONED DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE GIS, NO ZONING VIOLATIONS WERE OBSERVED. THE SURVEYOR HAS REVIEWED THE CITY OF FAYETTEVILLE ZONING BYLAW AND STRBACK REQUIREMENTS FOR DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE ONLINE MUNICIPAL CODE:
A. FRONT: A BUILD-TO-ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25 FEET FROM THE FRONT PROPERTY LINE.
B. REAR: 10 FEET
C. REAR: 5 FEET
D. REAR, FROM CENTER LINE OF AN ALLEY: 12 FEET

2. DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY ARE AS SHOWN HEREON. NO OTHER DOCUMENTS WERE PROVIDED FOR, NOR ARE REFERENCED ON THIS SURVEY.

3. BASIS FOR BEARINGS IS THE ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

4. ADJACENT PROPERTY INFORMATION SHOWN HEREON IS FROM THE WASHINGTON COUNTY TAX ASSESSOR'S AND CIRCUIT CLERK'S RECORDS AND HAS NOT BEEN VERIFIED BY MCCELLEAND ENGINEERS.

5. ALL EASEMENTS KNOWN TO MCCELLEAND CONSULTING ENGINEERS AT THE TIME OF THE SURVEY ARE SHOWN ON THE DRAWING, BUT NO STATEMENT IS MADE AS TO THE COMPLETENESS OF THE EASEMENTS SHOWN. TRACT IS SUBJECT TO EASEMENTS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, AND PLANNING AND ZONING REGULATIONS OF RECORD, IF ANY, AND IS SUBJECT TO SUCH FACTS AS AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

6. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, NOR OF SURFACE EVIDENCE OBSERVED OR NOT READILY VISIBLE.

7. THIS SURVEY MEETS THE STATE OF ARKANSAS MINIMUM STANDARDS FOR GENERAL PROCEDURES AND FOR POSITIONAL TOLERANCE FOR URBAN SURVEYS.

8. FLOOD ZONE - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED AREAS, MAP NUMBER 17150-01-01, EFFECTIVE JANUARY 25, 2024, THE SUBJECT PROPERTY IS IN ZONE "X", "AREA OF MINIMAL FLOOD HAZARD".

9. (TABLE A NO. 16) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. (TABLE A NO. 17) NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WERE PROVIDED TO THE SURVEYOR. INFORMATION AS KNOWN IS SHOWN ON THE SURVEY. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

11. THE SUBJECT PROPERTY HAS DIRECT ACCESS TO S. HILL AVENUE, A PUBLICLY DEDICATED RIGHT-OF-WAY
12. THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITHOUT ANY GAPS OR GORES.

McLelland Consulting Engineers, Inc.

1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

DESIGNER TO SERVICE

MCE

ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS



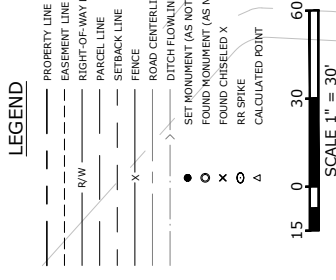
REVISIONS			
REV	DATE	DESCRIPTION	

ALTA/NSPS
LAND TITLE
SURVEY

PROJECT MANAGER:	CS/ADMIN BY:
CB	DB
DATE:	REVISION:
11/15/2024	
SCALE:	PROD. NUMBER:
AS NOTED	242143

1/3





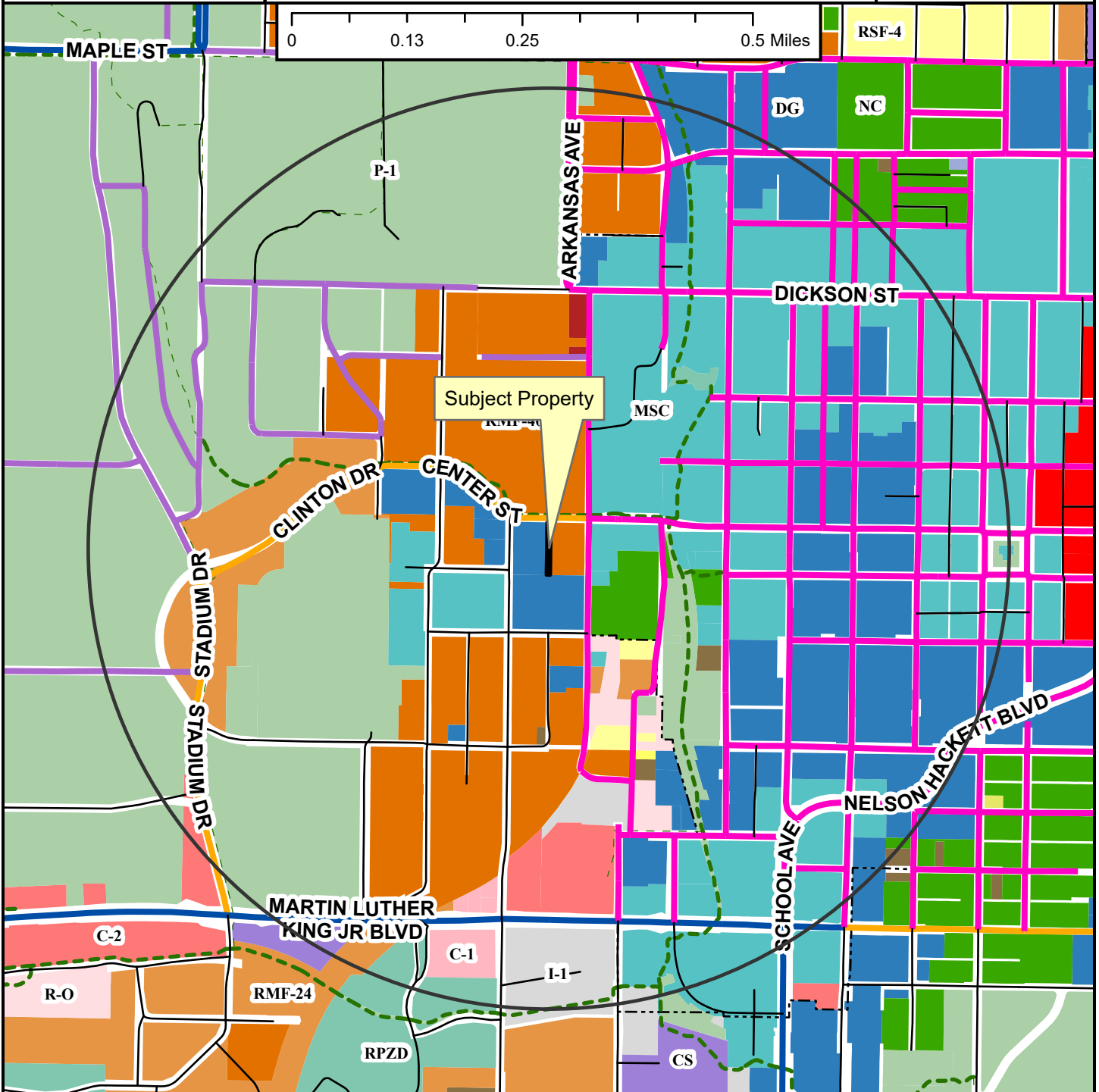
VAC-2025-0007

7 S. UNIVERSITY AVE

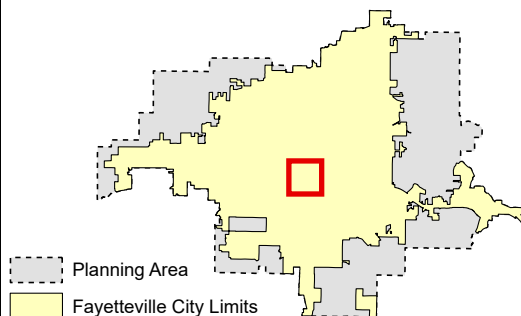
One Mile View



0 0.13 0.25 0.5 Miles



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

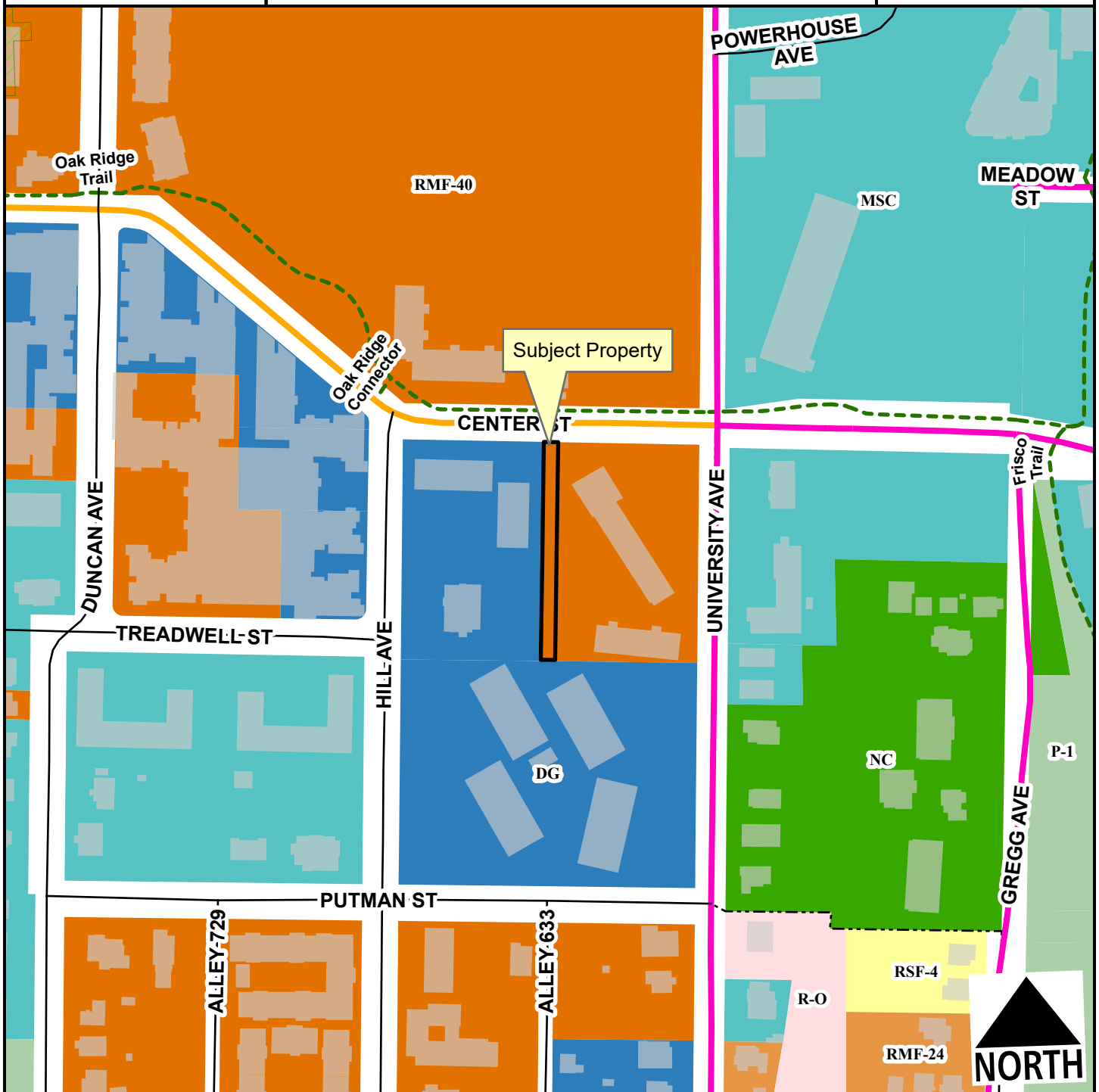


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

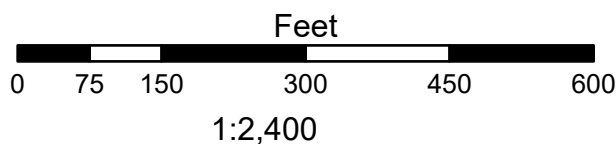
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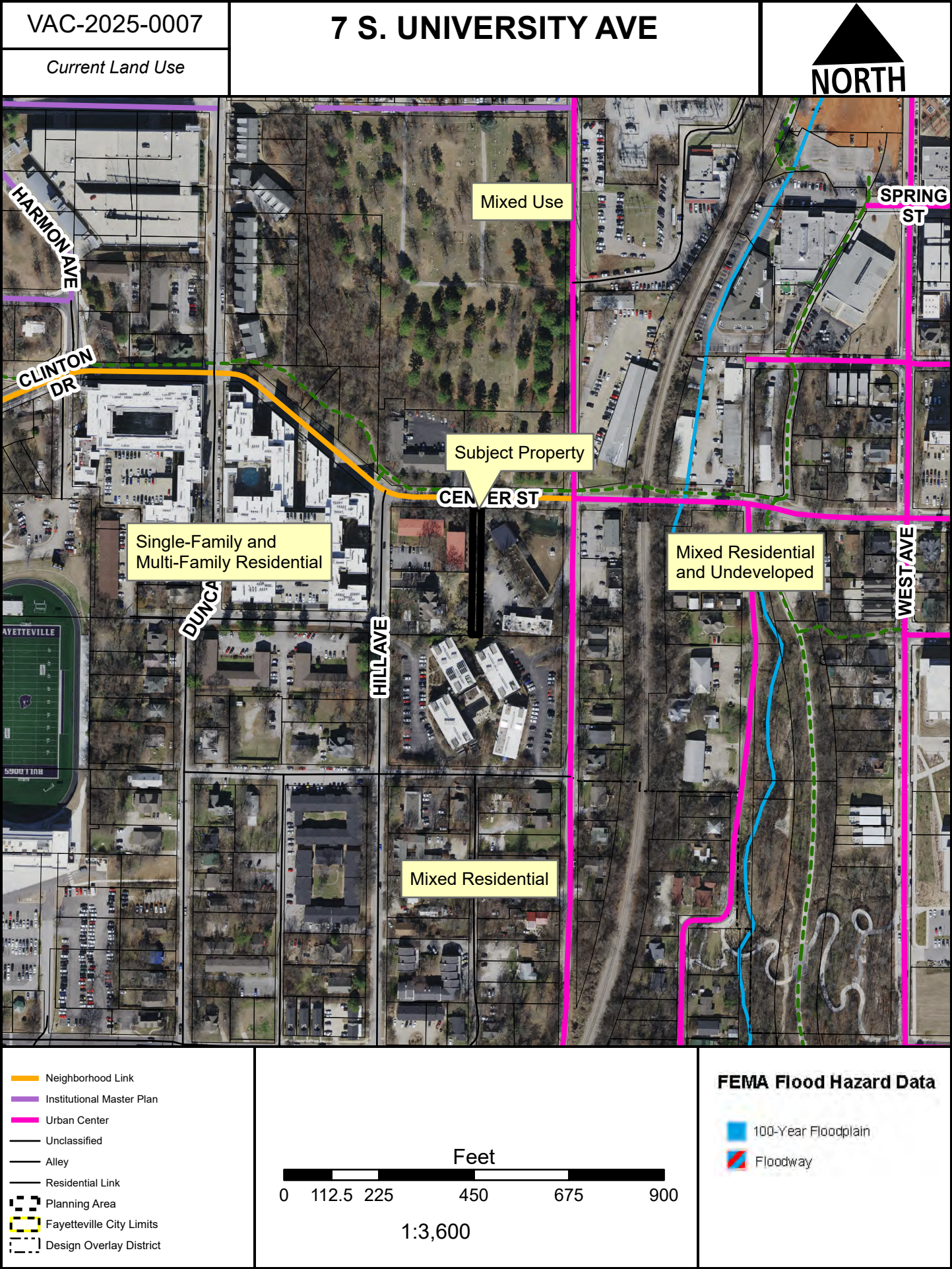
Close Up View



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District



- RSF-4
- RMF-24
- RMF-40
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1



UTILITY APPROVAL FORM
FOR ALLEY OR STREET RIGHT OF WAY VACATIONS

DATE: 3/20/2025

UTILITY COMPANY: SWEPCO

APPLICANT NAME: Nathan Crouch
McClelland Consulting Engineers APPLICANT PHONE: 479-443-2377

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley/street right-of-way*), described as follows:

General location / Address 765-09771-000, 765-09772-000, 765-09774-000

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
SWEPCO to request easements for equipment to serve development at a later date

Hayden Merritt
Signature of Utility Company Representative

Distribution Engineer
Title



TO: Fayetteville Planning Commission

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: April 28, 2025

SUBJECT: **ADM-2025-0023: Administrative Item (Amend UDC Chapter 161 – Zoning Regulations):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to UDC Chapter 161 to create a new zoning district section 161.38 called Conservation, Cultural, and Recreation and set zoning regulations for the new district including permitted and conditional uses, lot dimensional standards, setbacks, and building height. Additionally, amendments are proposed to section 160.01 – Establishment of Districts to add the new district, section 164.25 – Tandem Lot Development to establish building setbacks for tandem lots, section 167.04 – Tree Preservation and Protection During Development to establish a minimum canopy requirement, and chapter 174 – Signs to establish sign regulations for the new zoning district.

RECOMMENDATION:

Staff recommends forwarding **ADM-2025-0023** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

“I move to forward **ADM-2025-0023** to the City Council with a recommendation of approval.”

BACKGROUND:

Since 2018 the Planning Commission has considered approximately 400 rezoning applications, providing commissioners with a thorough knowledge of zoning districts as well as familiarity with public concerns on both proposed rezonings and developments. Absent an established zoning district meant to serve conservation goals, applicants seeking to set aside conservation areas within developments, or to balance higher density zoning districts with low density areas, have opted to use a Planned Zoning District (PZD) or utilize lower density districts that do not effectively serve the city’s adopted land conservation and protection goals.

Both City Plan 2040 and the Climate Action Plan have established goals for a conservation zoning district. City Plan 2040 includes short term benchmarks meant to be accomplished by 2025, one of which is “Develop a conservation development ordinance, or other form for rural properties, or those with environmentally sensitive features.” This is meant to address Goals 2 (We will discourage suburban sprawl) and 5 (We will assemble an enduring green network) in the plan. Action EcoSrv.A-5 in the Climate Action Plan is to “Develop an environmental or conservation zoning district for inclusion in the City’s Enduring Green Network.” After careful consideration and consultation with multiple parties, staff is bringing forward this implementation item with the support of the Fayetteville Environmental Action Committee (EAC).

DISCUSSION:

The purpose of this amendment is to establish a new zoning district titled “Conservation, Cultural and Recreation” (CCR). Following on the heels of the creation of the Urban Corridor (UC) and Urban Neighborhood (UN) zoning districts in 2024 and through discussion with the EAC at their January-March 2025 meetings, Long Range Planning and Sustainability staff have sought to take another step forward in implementing the city’s adopted plans, specifically City Plan 2040 and the Climate Action Plan. Early 2025 EAC meetings have included thorough discussion of conservation tools, various incentives for conservation, aspects of zoning regulations and how to tailor those to conservation goals, and consultation with the City Attorney’s office.

An advantage to the proposed CCR zoning district is that no minimum lot size or width is proposed, which would permit the zoning to be applied to lots not meant for development without requiring the frontage typically required to facilitate water and sewer connections and access to the site. Although a limited number of uses would be permitted by right and cultural and recreational uses permitted by Conditional Use, for the most part development would be restricted to support land conservation goals and the preservation of natural features and resources. Considerable discussion about standards that would allow wildlife observation opportunities while limiting paved area and building size was key to the proposed standards, which seek to allow a light touch on land balanced with the enduring green network development captured in both City Plan 2040 and the Climate Action Plan.

With the addition of a new zoning district comes amendments to other sections of the Unified Development Code (UDC). In this instance amendments are also needed to:

- Section 160.01 – Establishment of Zoning Districts to add CCR to the list of zoning districts.
- Section 164.25 – Tandem Lot Development to establish building setbacks of 35 feet from all property lines for tandem lots, the same as for the Residential-Agricultural (R-A) zoning district.
- Section 167.04 – Tree Preservation and Protection During Development to establish a minimum canopy requirement for the CCR zoning district in Section 167.04(C) Table 1. This is proposed to be 80%, the highest percentage of required tree canopy protection.
- Chapter 174 – Signs to establish sign regulations for the new zoning district:
 - 174.10(A)(2), 174.10(B)(2)(c), 174.10(C)(1), 174.10(D)(1), 174.10(E)(1), and 174.12 (A) to add “CCR” to define which sign regulations are applicable for the new district.

At the March 20, 2025 meeting Long Range Planning staff shared a draft of the district with the Long Range Planning Committee and briefly provided a background of the zoning district and work with the EAC since January to develop it. Commissioners present expressed interest in the new zoning district and staff stated they would be looking to bring this to an upcoming Planning Commission meeting for a public hearing and recommendation but were still working with the EAC on a final draft and recommendation. Following a recommendation on the proposed district from the EAC with the letter of support attached to this report, Long Range Planning staff scheduled the new zoning district for a public hearing at the April 28, 2025 Planning Commission hearing, which provided for a presentation on the proposed new zoning district at the April 24 agenda session, with detailed discussion available at the subsequent Long Range Planning Committee meeting.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: April 28, 2025	☐ Tabled	☐ Forwarded	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed Ordinance §161.38, Conservation, Cultural, and Recreation
- §160.01, Establishment of Zoning Districts, Strikethrough
- §164.25, Tandem Lot Development, Strikethrough
- §167.04, Tree Preservation and Protection During Development, Strikethrough
- §174.10, On Site Freestanding Signs, Strikethrough
- §174.12, Wall Signs, Strikethrough
- §160.01, Establishment of Zoning Districts, Clean
- §164.25, Tandem Lot Development, Clean
- §167.04, Tree Preservation and Protection During Development, Clean
- §174.10, On Site Freestanding Signs, Clean
- §174.12, Wall Signs, Clean
- Letter of Support from the Fayetteville Environmental Action Committee (EAC)

161.38 District CCR, Conservation, Cultural, and Recreation

(A) *Purpose.* The Conservation, Cultural, and Recreation District is a designation requested by the owner of property that the City and the owner have determined beneficial and desirable to conserve, preserve, protect, or enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services. Further, this district serves to permit certain limited uses and activities which are not detrimental to the land and consistent with these purposes.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
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(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) At least 80 percent of the parcel area shall be left undeveloped as green space.

(2) No more than 10 percent of the parcel area may be dedicated to open space that also contains hard surface areas such as parking, paved trail, or other impervious ground cover.

(E) *Setback Requirements.*

(1) Minimum setback from the front property line shall be 20 feet.

(2) Minimum setbacks from all other property lines shall be 50 feet.

(3) A minimum setback of 50 feet shall be established parallel to all floodplain lines shown on currently adopted FIRM panels.

(4) A minimum setback of 100 feet shall be established parallel to the top of bank along all streams protected within the Streamside Protection Zones of §168.12.

(5) A minimum setback of 100 feet shall be established parallel to the edge of open bodies of water.

(F) *Height Requirements.*

Building Height Maximum	2 stories
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(G) *Building area.* Maximum lot coverage shall be five percent of the parcel area.

(H) *Legal instrument for permanent protection.* Green space shall be protected in perpetuity by an easement deed or other binding legal instrument that is recorded with the rezoning at the time of rezoning. The instrument shall be a permanent conservation easement or equivalent legal document such as:

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- (1) A permanent conservation easement conveyed to the City or a land trust or similar conservation oriented nonprofit organization with legal authority to accept such easements. The conservation organization must be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for conveyance to another nonprofit conservation organization or to the City in the event the originally designated organization becomes unable to fulfill its functions, or
 - (2) An equivalent legal document that provides permanent protection, if approved by the City.

160.01 Establishment Of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

R-A	Residential - Agricultural
RSF-.5	Residential Single-family - One-Half (½) Unit per Acre
RSF-1	Residential Single-family - One (1) Unit per Acre
RSF-2	Residential Single-family - Two (2) Units per Acre
RSF-4	Residential Single-family - Four (4) Units per Acre
RSF-7	Residential Single-family - Seven (7) Units per Acre
RSF-8	Residential Single-family - Eight (8) Units per Acre
RSF-18	Residential Single-family - Eighteen (18) Units per Acre
RI	Residential Intermediate, Twelve (12) Units Per Acre
RI-U	Residential Intermediate - Urban
RMF-6	Residential Multi-family - Six (6) Units per Acre
RMF-12	Residential Multi-family - Twelve (12) Units per Acre
RMF-18	Residential Multi-family - Eighteen (18) Units per Acre
RMF-24	Residential Multi-family - Twenty-Four (24) Units per Acre
RMF-40	Residential Multi-family - Forty (40) Units per Acre
R-O	Residential-Office
NS-L	Neighborhood Services - Limited
NS-G	Neighborhood Services - General
C-1	Neighborhood Commercial
CS	Community Services
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
UN	Urban Neighborhood
UC	Urban Corridor
UT	Urban Thoroughfare
DC	Downtown Core
MSC	Main Street Center
DG	Downtown General
NC	Neighborhood Conservation
<u>CCR</u>	<u>Conservation, Cultural, and Recreation</u>
I-1	Heavy Commercial and Light Industrial
I-2	General Industrial
P-1	Institutional
E-1	Extraction
DOD	Design Overlay District
PZD	Planned Zoning District

164.25 Tandem Lot Development

- (A) *Where Allowed.* Tandem lot development shall be permitted for a single-family dwelling and customary accessory structure and/or dwelling unit only and shall be permitted in all districts where single-family dwellings are permitted. The development of one (1) tandem lot behind another tandem lot shall be prohibited.
- (B) *Requirements.* Development of a tandem lot shall be subject to the following requirements:
- (1) The tandem lot shall have access to a public street by way of a private drive with a minimum width and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said private drive so that emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of 18 feet from said right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.
 - (2) The distance between the private drive of a tandem lot and any adjacent driveway shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards.
 - (3) Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20(B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than twelve (12) hours before or after regular trash pickup in accordance with Chapter 50.20(B).
 - (4) *Lot Width and Area.* The tandem lot, excluding the private drive, shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Board of Adjustment.
 - (5) *Setback.* Each tandem lot shall have a minimum building setback requirement as follows:
 - (a) Tandem lots shall have a minimum building setback requirement of 35 feet from all property lines in the R-A, RSF-5, ~~and~~ RSF-1, and CCR zoning districts.
 - (b) Tandem lots shall have a minimum building setback requirement of 30 feet from all property lines in the RSF-2 zoning district.
 - (c) Tandem lots shall have a minimum building setback requirement of 15 feet from all property lines in the RSF-4 and RSF-7 zoning districts.
 - (d) Tandem lots shall have a minimum building setback requirement of 10 feet from all property lines in the R-O zoning district.
 - (e) Tandem lots shall have a minimum building setback requirement of 5 feet from all property lines in the RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NS-L, NS-G, CS, UN, UC, UT, DC, MSC, DG, and NC zoning districts.
 - (f) Any variance to the minimum building setback requirement may only be granted by the Board of Adjustment.
- (C) *Variances.* Variances to the requirements in (B)(1)—(B)(3) of this section shall be administered as development regulations to be considered by the Planning Commission. All other variances to zoning
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regulations, including those in (8)(4) and (B)(5), shall be administered as zoning regulations for variance purposes.

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 6,000 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 6,000 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.
 - (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
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- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%
RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%

RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UN, Urban Neighborhood	15%
UC, Urban Corridor	20%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
CCR, Conservation, Cultural, and Recreation	80%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

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- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.
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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
 - (j) Any other factors that may impact the design of the site.
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- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
 - (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 6,001 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
 - (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
 - (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
 - (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
 - (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (I) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
 - (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
 - (a) The number of trees requested for removal;
 - (b) The percentage below the percent minimum canopy requirement they represent; and
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- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
- (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
- (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
- (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
- (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.
- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the
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applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.

- (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
 - (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

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- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
 - (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
 - (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
 - (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (b) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (c) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
 - (ii) Shall not revert to the general fund for ongoing operations.
 - (d) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
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- (e) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (f) Refunds shall be paid to the applicant who made the original contribution.
 - (g) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (h) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (i) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large scale site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
 - (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
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- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

174.10 On-Site Freestanding Signs

On-Site Freestanding signs shall be permitted to be erected in the city subject to the following:

Only one (1) freestanding sign shall be permitted on a lot, except where otherwise described herein. It shall be unlawful to erect any off-site freestanding sign or any freestanding sign that does not meet the sign type, size, display surface area, setback, height, or illumination as described herein.

- (A) *Pole Signs.* The following regulations pertain to signs identified as "pole signs". It shall be unlawful to erect any pole sign which total height is greater than 17.5 feet, unless further limited herein, above the level of the street upon which the sign faces; provided the pole supported sign may be increased in height ½ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet. On-site pole signs shall be permitted to be erected in the city subject to the following:
- (1) *R-A District.*
 - (a) *Number of Signs.* Only one (1) pole sign shall be permitted at an agricultural or permitted business located on one (1) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 16 square feet.
 - (c) *Illumination.* Sign may be illuminated by indirect illumination only.
 - (d) *Setback from Right-of-Way.* Sign shall be setback 35 feet from street right-of-way and 25 feet from any R or R-O District.
 - (2) *RSF, ~~and RI, and CCR~~ Districts.* Except pursuant to §174.03, pole signs shall be prohibited and no pole signs shall be erected in RSF, ~~and RI, and CCR~~ Districts of the City.
 - (3) *RMF, R-O, NC, NS, and UN Districts.*
 - (a) *Number of Signs.* Only one (1) on-site freestanding sign shall be permitted on a lot or at a business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 4 square feet;
 - (c) *Setback from Right-of-Way.* The sign shall be setback a minimum of 15 feet from street right-of-way.
 - (d) *Setback from Adjoining Property.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF District and 15 feet from all other zoning districts.
 - (e) *Height.* The height of the sign shall not be greater than six (6) feet above the level of the street upon which the sign faces.
 - (f) *Illumination.* The sign shall be illuminated by indirect illumination only.
 - (4) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
 - (a) *Number of signs.* Only one (1) pole sign shall be permitted on a lot, at a shopping center, or at a mall; provided only one (1) on-site pole sign shall be permitted for any business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area and Setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.

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- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.
- (B) *Monument Sign.* The following regulations pertain to signs identified as "monument signs", which are freestanding signs whose entire base is in contact with and supported by the ground.
- (1) *Number of Signs.* Where a monument sign is permitted, only one (1) sign shall be erected on a lot or at a business operating on two (2) or more adjoining lots.
 - (2) *Display Surface Area.*
 - (a) *RSF and RI Districts.* Prohibited on individual lots.
 - (b) *NC District.* Where a conditional use permit has been approved for a nonresidential use within the Neighborhood Conservation zoning district the display surface area of the monument sign shall not exceed 10 square feet.
 - (c) *NS, RMF, ~~and UN~~, and CCR Districts.* The display surface area shall not exceed 16 square feet.
 - (d) *R-A District.* The display surface area shall not exceed 32 square feet.
 - (e) *R-O Districts.* The display surface area shall not exceed 50 square feet.
 - (f) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.* The display surface area shall not exceed 75 square feet.
 - (3) *Setback from right-of-way.* The sign shall be setback a minimum of 10 feet from the right-of-way.
 - (4) *Setback from Adjoining Property Lines.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
 - (5) *Height.* The maximum height of a sign shall be 6 feet from the surrounding grade.
- (C) *Joint Identification Sign.* The following regulations pertain to signs identified as joint identification signs:
- Joint identification signs must provide area for the display of a minimum of two (2) person(s) or business(s) and may be located at no more than two (2) remote entrance locations, as approved by the Planning Division. The permit applicant shall provide a recorded legal document as approved by the Planning Division indicating ownership and responsibility for maintenance of sign and subject to the following:
- (1) *R-A, RSF, RI, RMF, P, NC, NS, ~~and UN~~, and CCR Districts.* Prohibited.
 - (2) *R-O District.* Monument joint identification sign permitted only.
 - (a) *Display Surface Area.* Display surface area shall not exceed 50 square feet.
 - (b) *Setback from Right-of-Way.* Signs shall be setback a minimum of 10 feet from the right-of-way.
 - (c) *Setback from Adjoining Property.* Setback shall be a minimum of 10 feet from adjoining non-residential property and 25 feet from adjoining residential property.
 - (d) *Height.* The maximum height of a sign shall be six (6) feet from the surrounding grade.
 - (3) *C, I, DG, MSC, DC, CS, UC, and UT Districts.*
 - (a) *Monument.* The following regulations apply to a monument joint identification sign, whose entire base is in contact with and supported by the ground:
 - (i) *Multi-tenant Building Containing 37,500 Square Feet or Less of Leasable Tenant Space:*
 - a. *Display Surface Area and Setback from Right-of-Way.* Display surface area shall not exceed 75 square feet and the sign shall be setback 10 feet or more from the right-of-way.

- b. *Height.* The maximum height of a sign shall be six (6) feet above the level of the surrounding grade.
 - (ii) *Multi-Tenant Building Containing More Than 37,500 Square Feet:*
 - a. *Display Surface Area.* Display surface area shall not exceed 75 square feet; provided the display surface area of a joint identification signs may be increased one additional square foot per 500 square feet of gross leaseable building area over 37,500 square feet, as approved by the Planning Division. Total display surface area shall not exceed 300 square feet.
 - b. *Height and Setback from Right-of-Way.* The maximum height of the sign shall be 6 feet above the level of the surrounding grade when setback 10 feet or more from the right-of-way; provided, the maximum height of the sign may increase to 10 feet above the surrounding grade when setback 20 feet or more from the right-of-way.
 - c. *Setback from Adjoining Property.* Signs shall be setback a minimum of 25 feet from the boundary of any adjoining property.
 - (b) *Pole.* The following regulations apply to pole-mounted joint identification signs:
 - (i) *Display Surface Area and setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.
 - a. *Exception.* Display surface area shall not exceed 75 square feet, provided the display surface area of joint identification signs may be increased one additional square foot per 500 square feet of gross leaseable building area over 37,500 square feet, as approved by the Planning Division. Total display surface area shall not exceed 300 square feet.
 - (ii) *Setback from Adjoining Property.* Signs shall be setback a minimum of 25 feet from the boundary of any adjoining property.
 - (iii) *Height.* The height of a sign shall be a maximum of 17.5 feet, provided the pole-mounted sign may be increased in height ½ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet.
- (D) *Area signs.* The location of the fence, wall, or other structure which will contain the area identification sign must be approved by the Planning Division, which will approve such structure upon the criterion of traffic safety sight lines. Area signs shall not be located within the Master Street Plan right-of-way.
- (1) *R-A, RSF, RI, RMF, NC, NS, R-O, ~~and~~ UN, and CCR Districts.*
 - (a) *Number of Signs.* Areas with one (1) entrance may not have more than one (1) sign. Areas with more than one (1) entrance may not have a sign at more than two (2) locations.
 - (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 32 square feet.
 - (2) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
 - (a) *Number of Signs.* Areas with one (1) entrance may not have more than one (1) sign. Areas with more than one (1) entrance may not have a sign at more than two (2) locations.

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- (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 75 square feet.
- (E) *Bulletin Boards.* The following regulations pertain to signs identified as "bulletin boards", which are erected for the purposes of announcing events which are held on the premises:
- (1) *RSF, RI, ~~and~~ NC, and CCR Districts.* Where a conditional use permit has been approved for a charitable, educational, or religious institution or a public body within these districts, the following limitations shall apply:
- (a) *Number of Signs.* Only one (1) on-site bulletin board shall be permitted on a lot or for a use operating on two (2) or more adjoining lots.
- (b) *Display Surface Area.* Monument sign only, with a display surface area not to exceed 16 square feet.
- (c) *Setback from Right-of-Way.* The bulletin board shall be setback a minimum of 10 feet from the street right-of-way.
- (d) *Setback from Adjoining Properties.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
- (e) *Height.* The height of the bulletin board shall not be greater than 6 feet above the level of the street upon which the sign faces.
- (f) *Illumination.* Electronic message boards shall be prohibited.

174.12 Wall Signs

Wall signs shall not project more than 18 inches from the surface upon which they are mounted. The upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground. The allowable display surface area of a wall sign is determined by the wall on which it is located.

- (A) ~~NC, and RSF, and RI~~ and CCR Districts. Where a conditional use permit has been approved for a nonresidential use within these zoning districts, the following limitations shall apply:
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one wall sign on any one (1) wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 8 square feet.
 - (3) *Illumination.* The color of the sign shall be compatible with the colors of the structure, and only indirect external lighting is permitted.
 - (4) *Exceptions:*
 - (a) *Home Occupations.* Signage for a home occupation in an RSF districts shall be prohibited except where it is required by the applicable licensing board, subject to proof of said requirement.
- (B) *RMF Districts.*
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one (1) street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 16 square feet.
- (C) *R-A, R-O, NS, and UN Districts.*
- (1) *Number of signs.* Limit of two (2) on-site wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* The display surface area of a sign shall not exceed 16 square feet where the wall adjoins a residential land use, or 50 square feet where the wall adjoins a nonresidential land use, or street right-of-way.
- (D) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
- (1) *Number of Signs.*
 - (a) *Single Tenant.* Where a building houses only one (1) business, a maximum of four (4) wall signs may be placed on one wall, but no more than four (4) wall signs may be placed on the building.
 - (b) *Multiple Tenants.* Where a building houses more than one business, each business shall be entitled to a maximum of one (1) wall sign per business on each wall of the building, with a maximum of four (4) total wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.*
 - (a) *Single Tenant.* The display surface area shall not exceed 20% of the first 1,000 square feet of wall area and 5% of any additional wall area.
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- (b) *Multiple Tenants.* Where a building houses more than one (1) business, the display surface area of each tenant's allowable wall sign(s) shall not exceed 150 square feet. Furthermore, the display surface area for all wall signs on any one wall may not exceed 20% of that total wall area.
- (E) *Off-Site Wall Signs.* Off-site wall signs shall be prohibited in all zoning districts.

160.01 Establishment Of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

R-A	Residential - Agricultural
RSF-.5	Residential Single-family - One-Half (½) Unit per Acre
RSF-1	Residential Single-family - One (1) Unit per Acre
RSF-2	Residential Single-family - Two (2) Units per Acre
RSF-4	Residential Single-family - Four (4) Units per Acre
RSF-7	Residential Single-family - Seven (7) Units per Acre
RSF-8	Residential Single-family - Eight (8) Units per Acre
RSF-18	Residential Single-family - Eighteen (18) Units per Acre
RI	Residential Intermediate, Twelve (12) Units Per Acre
RI-U	Residential Intermediate - Urban
RMF-6	Residential Multi-family - Six (6) Units per Acre
RMF-12	Residential Multi-family - Twelve (12) Units per Acre
RMF-18	Residential Multi-family - Eighteen (18) Units per Acre
RMF-24	Residential Multi-family - Twenty-Four (24) Units per Acre
RMF-40	Residential Multi-family - Forty (40) Units per Acre
R-O	Residential-Office
NS-L	Neighborhood Services - Limited
NS-G	Neighborhood Services - General
C-1	Neighborhood Commercial
CS	Community Services
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
UN	Urban Neighborhood
UC	Urban Corridor
UT	Urban Thoroughfare
DC	Downtown Core
MSC	Main Street Center
DG	Downtown General
NC	Neighborhood Conservation
CCR	Conservation, Cultural, and Recreation
I-1	Heavy Commercial and Light Industrial
I-2	General Industrial
P-1	Institutional
E-1	Extraction
DOD	Design Overlay District
PZD	Planned Zoning District

164.25 Tandem Lot Development

- (A) *Where Allowed.* Tandem lot development shall be permitted for a single-family dwelling and customary accessory structure and/or dwelling unit only and shall be permitted in all districts where single-family dwellings are permitted. The development of one (1) tandem lot behind another tandem lot shall be prohibited.
- (B) *Requirements.* Development of a tandem lot shall be subject to the following requirements:
- (1) The tandem lot shall have access to a public street by way of a private drive with a minimum width and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said private drive so that emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of 18 feet from said right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.
 - (2) The distance between the private drive of a tandem lot and any adjacent driveway shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards.
 - (3) Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20(B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than twelve (12) hours before or after regular trash pickup in accordance with Chapter 50.20(B).
 - (4) *Lot Width and Area.* The tandem lot, excluding the private drive, shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Board of Adjustment.
 - (5) *Setback.* Each tandem lot shall have a minimum building setback requirement as follows:
 - (a) Tandem lots shall have a minimum building setback requirement of 35 feet from all property lines in the R-A, RSF-.5, RSF-1, and CCR zoning districts.
 - (b) Tandem lots shall have a minimum building setback requirement of 30 feet from all property lines in the RSF-2 zoning district.
 - (c) Tandem lots shall have a minimum building setback requirement of 15 feet from all property lines in the RSF-4 and RSF-7 zoning districts.
 - (d) Tandem lots shall have a minimum building setback requirement of 10 feet from all property lines in the R-O zoning district.
 - (e) Tandem lots shall have a minimum building setback requirement of 5 feet from all property lines in the RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NS-L, NS-G, CS, UN, UC, UT, DC, MSC, DG, and NC zoning districts.
 - (f) Any variance to the minimum building setback requirement may only be granted by the Board of Adjustment.
- (C) *Variances.* Variances to the requirements in (B)(1)—(B)(3) of this section shall be administered as development regulations to be considered by the Planning Commission. All other variances to zoning
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regulations, including those in (8)(4) and (B)(5), shall be administered as zoning regulations for variance purposes.

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 6,000 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 6,000 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.
 - (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
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- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%
RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%

RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UN, Urban Neighborhood	15%
UC, Urban Corridor	20%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
CCR, Conservation, Cultural, and Recreation	80%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

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- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.
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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
 - (j) Any other factors that may impact the design of the site.
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- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
 - (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 6,001 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
 - (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
 - (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
 - (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
 - (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (I) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
 - (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
 - (a) The number of trees requested for removal;
 - (b) The percentage below the percent minimum canopy requirement they represent; and
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- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
- (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
- (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
- (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
- (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.
- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the
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applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.

- (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
 - (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

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- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
 - (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
 - (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
 - (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (b) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (c) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
 - (ii) Shall not revert to the general fund for ongoing operations.
 - (d) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
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- (e) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (f) Refunds shall be paid to the applicant who made the original contribution.
 - (g) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (h) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (i) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large scale site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
 - (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
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- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

174.10 On-Site Freestanding Signs

On-Site Freestanding signs shall be permitted to be erected in the city subject to the following:

Only one (1) freestanding sign shall be permitted on a lot, except where otherwise described herein. It shall be unlawful to erect any off-site freestanding sign or any freestanding sign that does not meet the sign type, size, display surface area, setback, height, or illumination as described herein.

- (A) *Pole Signs.* The following regulations pertain to signs identified as "pole signs". It shall be unlawful to erect any pole sign which total height is greater than 17.5 feet, unless further limited herein, above the level of the street upon which the sign faces; provided the pole supported sign may be increased in height ½ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet. On-site pole signs shall be permitted to be erected in the city subject to the following:
- (1) *R-A District.*
 - (a) *Number of Signs.* Only one (1) pole sign shall be permitted at an agricultural or permitted business located on one (1) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 16 square feet.
 - (c) *Illumination.* Sign may be illuminated by indirect illumination only.
 - (d) *Setback from Right-of-Way.* Sign shall be setback 35 feet from street right-of-way and 25 feet from any R or R-O District.
 - (2) *RSF, RI, and CCR Districts.* Except pursuant to §174.03, pole signs shall be prohibited and no pole signs shall be erected in RSF, RI, and CCR Districts of the City.
 - (3) *RMF, R-O, NC, NS, and UN Districts.*
 - (a) *Number of Signs.* Only one (1) on-site freestanding sign shall be permitted on a lot or at a business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 4 square feet;
 - (c) *Setback from Right-of-Way.* The sign shall be setback a minimum of 15 feet from street right-of-way.
 - (d) *Setback from Adjoining Property.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF District and 15 feet from all other zoning districts.
 - (e) *Height.* The height of the sign shall not be greater than six (6) feet above the level of the street upon which the sign faces.
 - (f) *Illumination.* The sign shall be illuminated by indirect illumination only.
 - (4) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
 - (a) *Number of signs.* Only one (1) pole sign shall be permitted on a lot, at a shopping center, or at a mall; provided only one (1) on-site pole sign shall be permitted for any business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area and Setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.

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- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.
- (B) *Monument Sign.* The following regulations pertain to signs identified as "monument signs", which are freestanding signs whose entire base is in contact with and supported by the ground.
- (1) *Number of Signs.* Where a monument sign is permitted, only one (1) sign shall be erected on a lot or at a business operating on two (2) or more adjoining lots.
- (2) *Display Surface Area.*
- (a) *RSF and RI Districts.* Prohibited on individual lots.
- (b) *NC District.* Where a conditional use permit has been approved for a nonresidential use within the Neighborhood Conservation zoning district the display surface area of the monument sign shall not exceed 10 square feet.
- (c) *NS, RMF, UN, and CCR Districts.* The display surface area shall not exceed 16 square feet.
- (d) *R-A District.* The display surface area shall not exceed 32 square feet.
- (e) *R-O Districts.* The display surface area shall not exceed 50 square feet.
- (f) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.* The display surface area shall not exceed 75 square feet.
- (3) *Setback from right-of-way.* The sign shall be setback a minimum of 10 feet from the right-of-way.
- (4) *Setback from Adjoining Property Lines.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
- (5) *Height.* The maximum height of a sign shall be 6 feet from the surrounding grade.
- (C) *Joint Identification Sign.* The following regulations pertain to signs identified as joint identification signs:
- Joint identification signs must provide area for the display of a minimum of two (2) person(s) or business(s) and may be located at no more than two (2) remote entrance locations, as approved by the Planning Division. The permit applicant shall provide a recorded legal document as approved by the Planning Division indicating ownership and responsibility for maintenance of sign and subject to the following:
- (1) *R-A, RSF, RI, RMF, P, NC, NS, UN, and CCR Districts.* Prohibited.
- (2) *R-O District.* Monument joint identification sign permitted only.
- (a) *Display Surface Area.* Display surface area shall not exceed 50 square feet.
- (b) *Setback from Right-of-Way.* Signs shall be setback a minimum of 10 feet from the right-of-way.
- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 10 feet from adjoining non-residential property and 25 feet from adjoining residential property.
- (d) *Height.* The maximum height of a sign shall be six (6) feet from the surrounding grade.
- (3) *C, I, DG, MSC, DC, CS, UC, and UT Districts.*
- (a) *Monument.* The following regulations apply to a monument joint identification sign, whose entire base is in contact with and supported by the ground:
- (i) *Multi-tenant Building Containing 37,500 Square Feet or Less of Leasable Tenant Space:*
- a. *Display Surface Area and Setback from Right-of-Way.* Display surface area shall not exceed 75 square feet and the sign shall be setback 10 feet or more from the right-of-way.
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- (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 75 square feet.
 - (E) *Bulletin Boards.* The following regulations pertain to signs identified as "bulletin boards", which are erected for the purposes of announcing events which are held on the premises:
 - (1) *RSF, RI, NC, and CCR Districts.* Where a conditional use permit has been approved for a charitable, educational, or religious institution or a public body within these districts, the following limitations shall apply:
 - (a) *Number of Signs.* Only one (1) on-site bulletin board shall be permitted on a lot or for a use operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area.* Monument sign only, with a display surface area not to exceed 16 square feet.
 - (c) *Setback from Right-of-Way.* The bulletin board shall be setback a minimum of 10 feet from the street right-of-way.
 - (d) *Setback from Adjoining Properties.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
 - (e) *Height.* The height of the bulletin board shall not be greater than 6 feet above the level of the street upon which the sign faces.
 - (f) *Illumination.* Electronic message boards shall be prohibited.

174.12 Wall Signs

Wall signs shall not project more than 18 inches from the surface upon which they are mounted. The upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground. The allowable display surface area of a wall sign is determined by the wall on which it is located.

- (A) *NC, RSF, RI and CCR Districts.* Where a conditional use permit has been approved for a nonresidential use within these zoning districts, the following limitations shall apply:
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one wall sign on any one (1) wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 8 square feet.
 - (3) *Illumination.* The color of the sign shall be compatible with the colors of the structure, and only indirect external lighting is permitted.
 - (4) *Exceptions:*
 - (a) *Home Occupations.* Signage for a home occupation in an RSF districts shall be prohibited except where it is required by the applicable licensing board, subject to proof of said requirement.
- (B) *RMF Districts.*
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one (1) street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 16 square feet.
- (C) *R-A, R-O, NS, and UN Districts.*
- (1) *Number of signs.* Limit of two (2) on-site wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* The display surface area of a sign shall not exceed 16 square feet where the wall adjoins a residential land use, or 50 square feet where the wall adjoins a nonresidential land use, or street right-of-way.
- (D) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
- (1) *Number of Signs.*
 - (a) *Single Tenant.* Where a building houses only one (1) business, a maximum of four (4) wall signs may be placed on one wall, but no more than four (4) wall signs may be placed on the building.
 - (b) *Multiple Tenants.* Where a building houses more than one business, each business shall be entitled to a maximum of one (1) wall sign per business on each wall of the building, with a maximum of four (4) total wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.*
 - (a) *Single Tenant.* The display surface area shall not exceed 20% of the first 1,000 square feet of wall area and 5% of any additional wall area.
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- (b) *Multiple Tenants.* Where a building houses more than one (1) business, the display surface area of each tenant's allowable wall sign(s) shall not exceed 150 square feet. Furthermore, the display surface area for all wall signs on any one wall may not exceed 20% of that total wall area.
- (E) *Off-Site Wall Signs.* Off-site wall signs shall be prohibited in all zoning districts.

Environmental Action Committee
Letter of Support
District CCR: Conservation, Cultural, and Recreation District

The Environmental Action Committee (EAC) would like to enthusiastically encourage the City of Fayetteville to adopt and implement the new zoning designation, *Conservation, Cultural, and Recreation* (CCR) on the agenda for discussion/consideration.

The City of Fayetteville continues to experience record growth requiring more and more space to build housing and infrastructure. The projection for 2050 is that the population will have grown to almost 170,000 (some believe this is underestimated as climate change and other factors increasingly force families in highly affected regions to relocate). While the city has a plethora of zoning options currently, it has been determined that new options were necessary to best address the growing and changing needs. The recent Urban Corridor Zoning (UC) for example was a measure to address urban sprawl which was consuming massive tracts of green space for housing. Similarly, the EAC believes that this new Conservation, Cultural, and Recreation Zoning would be a very welcome and viable option for both new developments as well as existing plots to allow voluntary designation by the owners of certain areas to be preserved as green space. In discussions over the past few months on the subject of the CCR zoning, it was mentioned that on several occasions in the recent past, owners/developers have inquired about such an option that would allow them to maintain ownership, yet provide a designated zoning that would benefit the environment and contribute to the green space that has come to define much of the Fayetteville culture. Prior to the drafting of this CCR option, an appropriate zoning did not exist for this specific purpose!

Owners of properties who entered into a CCR zoning may be eligible to file such a contribution as a tax credit when also placing the land into a conservation trust, easement, or other instrument. The EAC believes that such incentivization is vital for encouraging owners/developers to increasingly consider requesting a CCR zoning where appropriate. Buy-in by the community at large will be vital to preserving the environmentally friendly feel that in many ways differentiates Fayetteville from other communities. This effort is also a key part of the City of Fayetteville Climate Action Plan passed last fall which seeks to define a roadmap for future sensible and responsible growth of the city in the wake of the aforementioned “record growth” it’s experiencing with no end in sight. These adopted plans include:

- City Plan 2040 benchmark to “develop a conservation development ordinance, or other form for rural properties, or those with environmentally sensitive features” by 2025.
- Climate Action Plan EcoSrv.A-5 to “Develop and environmental or conservation zoning district for inclusion in the City’s Enduring Green Network”

Jeff Pummill – EAC Chair
Margaret Britain
Stacey Buff
Thomas Deere
Andrew Dominick

Glenda Patterson – EAC Vice Chair
Grimsley Graham
Alexander Mauroner
Vicki Spencer
Tod Yeslow

Teresa Turk – City Council Liason



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager
Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

MEETING DATE: April 28, 2025

SUBJECT: **VAR-2025-0024: Planning Commission Variance (EAST OF N. RUPPLE RD ALONG HAMESTRING CREEK/CITY OF FAYETTEVILLE, 361):** Submitted by GARVER for property located EAST OF N. RUPPLE RD ALONG HAMESTRING CREEK. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and CS, COMMUNITY SERVICES and contains approximately 1.05 acres. The request is for a variance to the flood damage prevention code.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0024**, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0024** with conditions, determining:*

- The engineering analysis provided indicates the improvements will not increase the base flood elevation and marginally increase the channel velocity around the bridge crossing; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located on the east side of N Ruppel Road just south of the intersection of N Ruppel Road and W Mt Comfort Road. The pedestrian bridge is proposed just upstream of the existing Ruppel Road bridge over Hamestring Creek. Hamestring Creek flows generally east to west through the property with a proposed trail being located on the north side of Hamestring Creek and an existing trail on the west side of N Ruppel Rd. The property on which the bridge will be located totals approximately 1.7 acres and is currently vacant. It is located almost entirely within Zone AE, base flood elevation determined, according to FEMA Flood Insurance Rate Map Panel 051430204G dated January 25, 2024. The creek is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	R-A, RPZD and CS see attached project maps
South	Residential	
East	Residential/Agricultural	
West	Residential/Agricultural	

Public Comment: Staff has received no public comment concerning this request.

DISCUSSION:

The applicant desires to construct a pedestrian bridge crossing Hamestring Creek just upstream of the existing N Ruppel Road Bridge. This crossing would connect an existing trail located on the west side of N Ruppel Road with a proposed trail running east and west along the north side of Hamestring Creek. The applicant has researched several bridge cross sections to determine which would have the least amount of impact to the floodplain. The current configuration includes an approximately 42.5' span 4' in height. It is designed to overtop similarly to a previous trail bridge that was constructed on Hamestring Creek upstream of this location and signage will be included warning the public not to utilize the crossing when under water. The stream in this location has been significantly impacted previously by erosion, a low water vehicular crossing and clearing of vegetation up to the stream bank. A portion of this was mitigated with the construction of the N Ruppel Road bridge, however, the applicant is proposing to reinforce the bank around the trail crossing with riprap to protect the trail section from further erosion.

The analysis of this bridge shows that it will not impact the base flood elevation in the area, however, it will increase the velocity in and around the culvert as shown on the attached request letter. In general, the existing velocities are already considered erosive as they are more than 6 feet per second. Due to this fact, some armoring of the bank with the construction of a bridge would be anticipated. The increase in velocity is limited to those cross sections just upstream and downstream of the proposed bridge and within the area planned for bank reinforcement. As stated previously, several different options for crossings were considered. All these options had potential for a greater impact on the floodplain due to the amount of fill required leading up to the proposed pedestrian crossing. An option utilizing the existing road bridge was also discussed, however, due to the presence of a large retaining wall on the east side of the road it was not feasible. For these reasons, a low water crossing was chosen, and it is common for these types of crossings to have an impact on channel velocity. Given the need for the crossing, extent of the analysis with options considered and the limited impact to velocity staff is in support of the request.

RECOMMENDATION: Staff recommends approval of **VAR-2025-0024** with the following conditions of approval:

Conditions of Approval:

1. The applicant will obtain all necessary permits prior to the construction of the improvements including, but not limited to, a floodplain development permit or floodplain review associated with a building permit.
2. Existing low water crossing will be abandoned and no longer utilized.
3. If the crossing is modified at any point, the flood study will be updated to show the modifications and checked to ensure it still meets all of other regulations.
4. No additional encroachments within the floodplain would be allowed without a modification to the flood study being performed.
5. Applicant shall abide by all other conditions of Chapter 168 with regard to both floodplain and streamside provisions.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>April 28, 2025</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

Section 156.03 Development Variances

Certain variances of the development regulations may be applied for as follows:

(C) Consideration by the Planning Commission

(7) Flood Damage Prevention Code. The Planning Commission shall hear and decide requests for variances from the requirement of this ordinance.

(a) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in §168.05(B)(4) have been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.

(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Floodplain variances shall only be issued if:

(i) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;

As stated, the applicant has explored many options to limit the impact to the floodplain with the proposed crossing. The option presented was found to have the least amount of impact of the analyzed options.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

Given the number of options considered to complete the trail in this location, the only option to create no impact may be elimination of the crossing. However, this would require a redesigning of the future trail plan and may not be feasible. The planning commission has the authority to determine if this would pose an exceptional hardship.

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the other provisions of the Code of Fayetteville.

As shown in the flood study, no increase in flood flows or elevations are anticipated with some increases in velocity in and around the crossing. These are not anticipated to be in conflict with this variance requirement. Although the crossing is designed to overtop, signage will be included to warn the general public not to use the crossing when under water.

(g) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of §168.05(B)(4) are considered and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

These items were taken into consideration when outlining this memorandum and included conditions.

(h) Upon consideration of the factors in this section, and the purpose of this ordinance, the Planning Commission may impose conditions to the granting of floodplain variances as it deems necessary to further the purpose of this ordinance.

See staff recommended conditions listed above

(i) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation surcharge and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Washington County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

N/A to this project.

(9) *Streamside Protection Zones*

- (a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

N/A to this project.

- (b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.

N/A to this project.

- (c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

N/A to this project.

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant Request Letter
- Consent of Owner
- Trail Plans
- One Mile Map
- Close Up Map
- Current Land Use Map



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www.GarverUSA.com

March 27th, 2025

City of Fayetteville Planning Commission
Fayetteville, AR

Re: Hamestring Creek Pedestrian Bridge – Variance Request

Dear Planning Commission:

We are respectfully submitting a variance application for the Hamestring Creek Pedestrian bridge project from the channel velocity requirements of Sec. 168.10 (U) (1) of the City of Fayetteville Unified Development Code, which states:

(U) Any new construction, addition or other development may be approved in a special flood hazard area only if:

(1) The applicant has provided a detailed hydrologic and hydraulic study performed by a professional engineer licensed in the state of Arkansas which delineates the floodway, 1% annual chance (100-year) floodplain boundary, and base flood elevations and demonstrates through a hydrologic and hydraulic analysis, that the development will not increase flood flows (0.0 cubic feet per second), flood heights (0.00 feet) or flood channel velocities (0.0 feet per second) on the subject property or any property upstream or downstream.

A detailed hydrologic and hydraulic study has been performed by Garver for the pedestrian bridge project. As shown in the table below for the 100-year event, flood flows are not being increased, and flood elevations (heights) are being decreased. However, flood channel velocities are being slightly increased:

Table 1: Hydraulic Modeling Results

River Sta.	Ex. Flow (CFS)	Prop. Flow (CFS)	Ex. Elev. (ft)	Prop. Elev. (ft)	Ex. Total Velocity (ft/sec)	Prop. Total Velocity (ft/sec)	Ex. Channel Velocity (ft/sec)	Prop. Channel Velocity (ft/sec)
27904.33	5905.00	5905.00	1192.91	1192.91	8.79	8.79	11.44	11.44
27686.40	6053.00	6053.00	1190.51	1190.50	10.06	10.07	10.53	10.54
27652.00	6053.00	6053.00	1190.66	1190.31	4.59	5.23	6.98	7.83
27577.00	Proposed Bridge							
27500.00	6053.00	6053.00	1190.24	1189.82	5.36	6.40	8.03	9.51
27489.00	6053.00	6053.00	1189.85	1189.80	6.29	6.41	9.11	9.34
27473.26	6053.00	6053.00	1189.94	1189.94	6.32	6.32	7.63	7.63

Since the proposed pedestrian bridge is within the regulatory floodway of Hamestring Creek, a “No-Rise” Certification was required by the National Flood Insurance Program (NFIP) to demonstrate that the improvements would not increase flood levels within the community during the 100-year event. To achieve this certification while maintaining appropriate structural design, the velocities were slightly

increased, but the project remains in full compliance with NFIP requirements and does not contribute to a rise in water surface elevations.

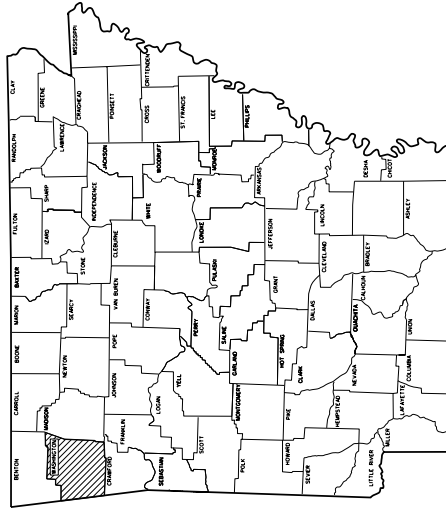
This project presents unique constraints due to the presence of the Ruppel Road Bridge just downstream and the floodway width in this area, which significantly influenced the feasible design options. Given these site-specific constraints, alternative designs that would entirely avoid velocity changes were not viable, and this application represents the minimum necessary variance request. Additionally, granting the variance will not result in increased flood heights, public safety risks, or adverse impacts on the surrounding community, as the project has been designed for zero water surface elevation rise and no negative floodplain impacts. The proposed structure aligns with the intent of floodplain regulations while providing a necessary public benefit without introducing nuisances, extraordinary expenses, or other conflicts with City code.

Sincerely,

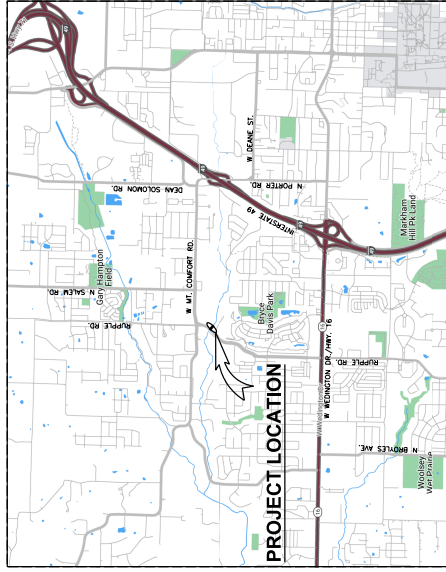
Zach Moore, PE

GARVER

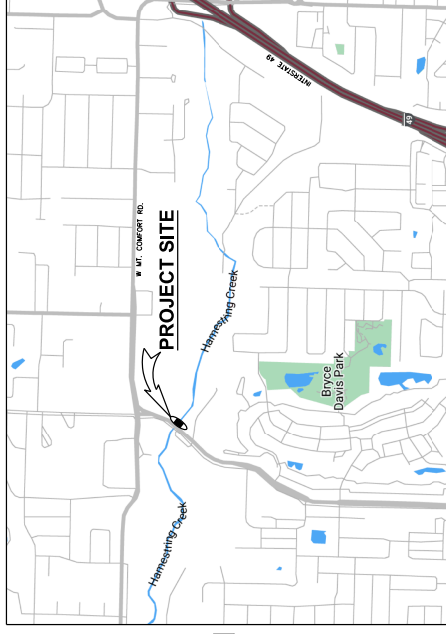
HAMESTRING CREEK PEDESTRIAN BRIDGE CITY OF FAYETTEVILLE FAYETTEVILLE, ARKANSAS



STATE MAP



LOCATION MAP



VICINITY MAP
NO SCALE



Planning Commission
April 28, 2025

**GARVER PROJECT NO. 2302057
FEBRUARY 2025**



Know what's below.
Call before you dig.
SEE GENERAL NOTE 1, SHEET
G-002 OF THESE PLANS.



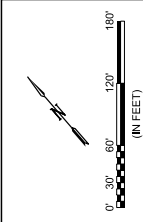
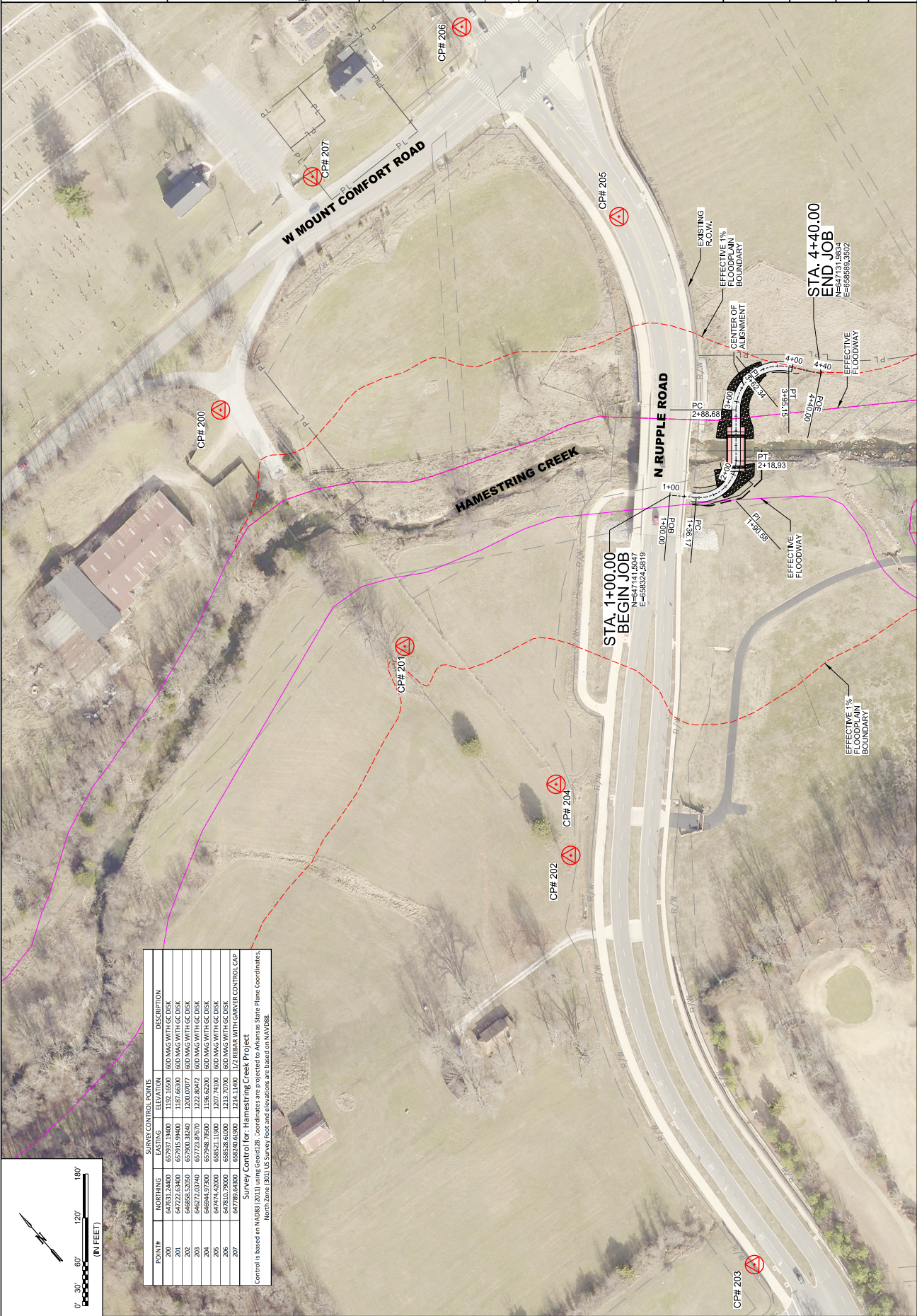
REV.	DATE	DESCRIPTION	BY



CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
PEDESTRIAN BRIDGE
HAMESTRING CREEK

COVER SHEET

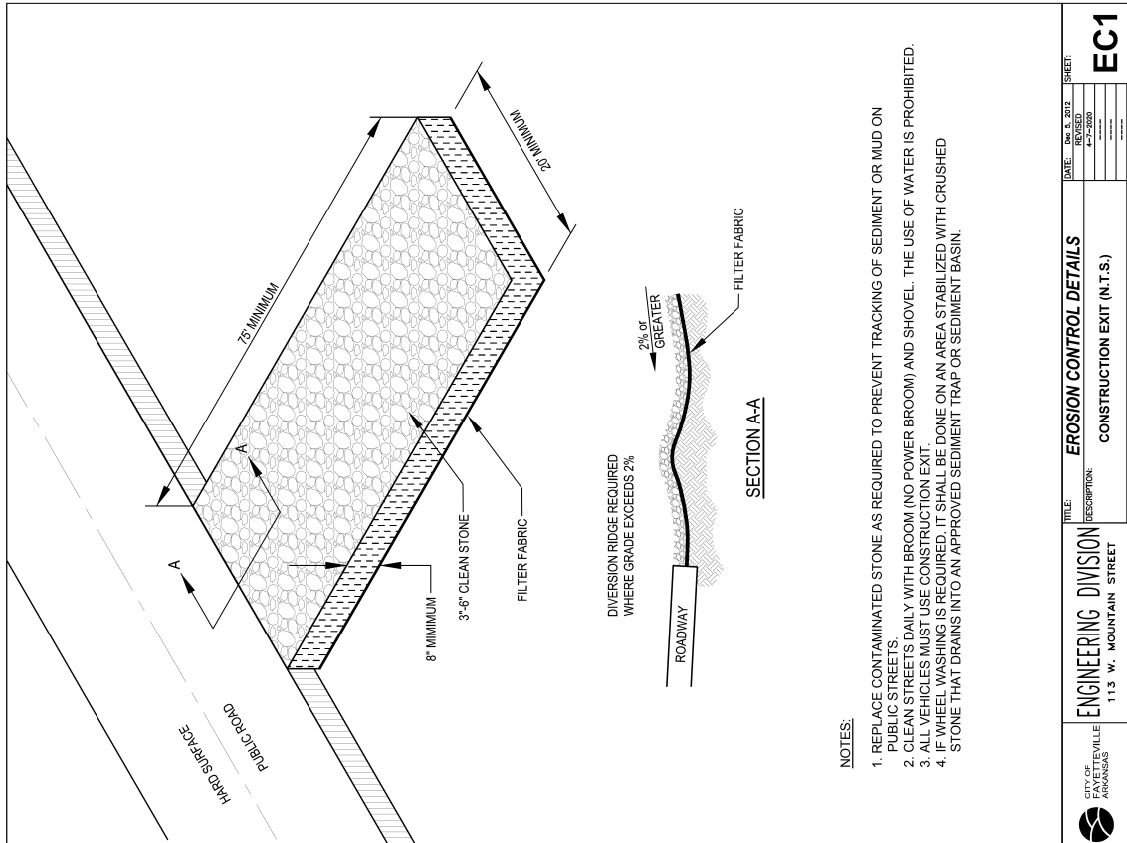
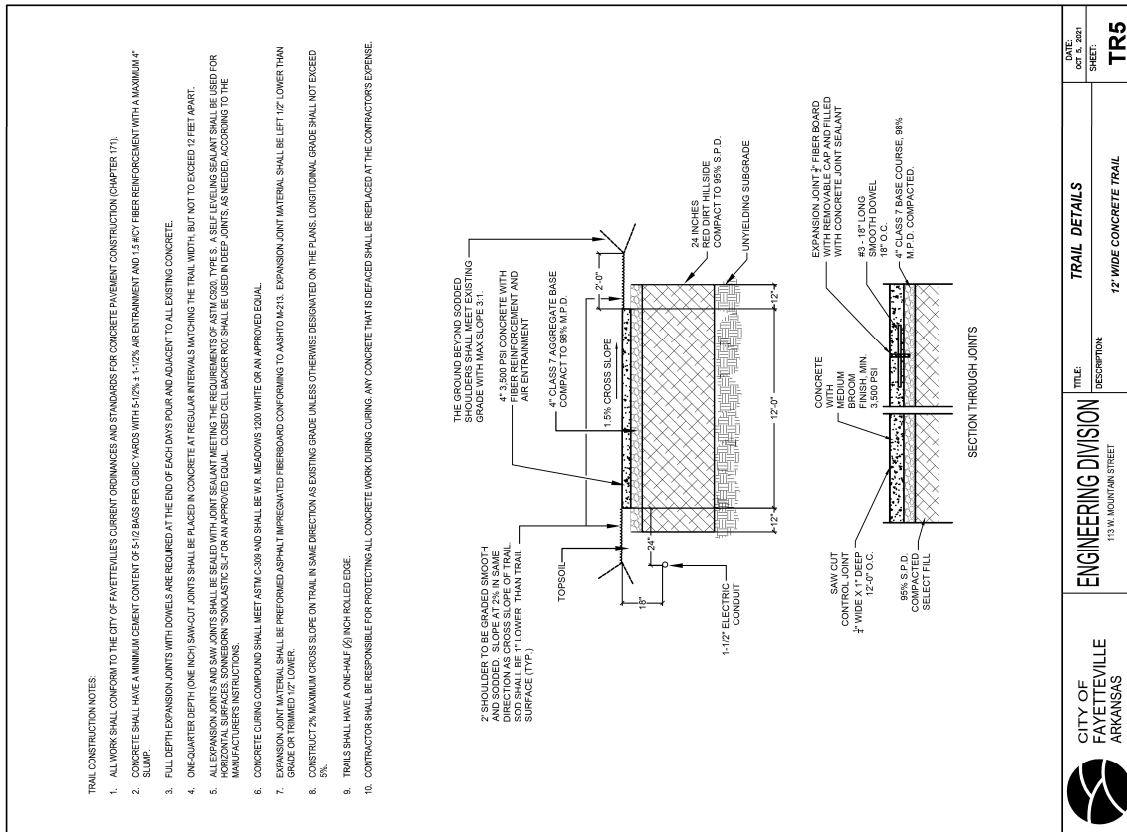
JOB NO.: 2302057
DATE: FEBRUARY 2025
DESIGNED BY: ZTM
DRAWN BY: TWM
DRAWING NUMBER
G-101



POINT#	NORTHING	EASTING	ELEVATION	DESCRIPTION
200	647631.2400	657957.1000	1192.1650	600 MAG WITH GC DISK
201	647222.6300	657953.9800	1197.6630	600 MAG WITH GC DISK
202	646773.0150	657773.8700	1212.8047	600 MAG WITH GC DISK
203	646844.9700	657948.7650	1196.6200	600 MAG WITH GC DISK
204	647074.4200	658521.1100	1207.7430	600 MAG WITH GC DISK
205	647810.7900	658528.6100	1213.7070	600 MAG WITH GC DISK
206	647789.6400	658240.0100	1214.1100	172 REBAR WITH GARVER CONTROL CAP
207				

Survey Control for: Hamestring Creek Project

Control is based on NAD83 (2011) using Geoid88. Coordinates are projected to Arkansas State Plane Coordinates, North Zone (2011). Survey point elevations are based on NAVD83.



Test Method			Supported ^a Silt Fence	Unsupported ^a Silt Fence	Type of Value
Tensile Strength		ASTM D 4332	N (lbs)		
	Mechanics Direction		150 (90)	250 (90)	MARV
Permeability ^b	X-Machina Direction		150 (90)	450 (90)	MARV
		ASTM D 4491	sec-1	0.05	MARV
Apparent Opening Size ^a		ASTM D 4751	mm (US Sieve #)	0.80 (30)	Max. MPV ^c
	Ultraviolet Stability	ASTM D 4355	K Retained Strength	70% after 500 h of 500 h of	Typical

² Still fence support shall consist of 14 gage steel wire with a mesh spacing of 150 mm (6 in.) or predrilled polymer mesh of equivalent dimensions.

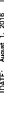
TABLE 1 TAKEN FROM ASTM D 6461-99 (2007).

SPECIFICATIONS FOR SILT FENCE INSTALLATION

1. MATERIALS AND INSTALLATION SHALL COMPLY WITH ASTM D 6482 LATEST EDITION.
2. INSTALL SLT FENCE AT A FAIRLY LEVEL GRADE ALONG THE CONTOUR WITH THE ENDS CURVED UPHILL TO
3. PROVIDE SUFFICIENT UPRSTREAM STORAGE VOLUME FOR THE ANTICIPATED RUNOFF.
4. ATTACH THE GEOTEXTILE OR FABRIC TO THE WOVEN OR WELDED WIRE FENCE WITH THREE WIRE TIES OR OTHER
5. FASTENERS (HORIZONTALLY SPACED EVERY 30'). ALL SPACED WITHIN THE TOP 8" OF THE FABRIC. ATTACH EACH
6. DIAGONALLY 45 DEGREES THROUGH THE FABRIC, WITH EACH P/NTURE AT LEAST 1" VERTICALLY APART. AT
7. EACH POST, ATTACH THE GEOTEXTILE OR FABRIC AND THE WOVEN OR WELDED WIRE FENCE TO THE POST AS
8. PREVIOUSLY STATED. IN ADDITION, EACH TIE PLACED ON A POST SHOULD BE POSITIONED TO HANG ON A POST
9. NIPPLE WHEN TIGHTENED TO PREVENT SAGGING.
10. WHEN TWO SECTIONS OF SLT FENCE FABRIC ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED A MINIMUM OF
11. 80" ACROSS TWO POSTS AS SHOWN.
12. ALL SLT FENCE SHALL INCLUDE WIRE SUPPORT.
13. PROVIDE MINIMUM 16" OF FABRIC AROUND THE END POSTS AND SECURE WITH 4 TIES.
14. COMPACT TOP OF ROLLER EXTERIOR OF SLT FENCE FABRIC FROM FRONT WHEEL OF THE TRACTOR.
15. COMPACT STEER OR ROLLER EXTERIOR AT LEAST 60 POUNDS PER SQ. INCH. COMPACT THE UPRSTREAM SIDE FIRST.
16. COMPACT EACH TIE TWICE FOR A TOTAL OF FOUR TRIPS.
17. COMPACT CAPS AS NEEDED, BASED ON SITE CONDITIONS AND APPL. CABLE AGENCY REQUIREMENTS.

MAINTENANCE NOTES

1. SILT FENCES SHALL BE INSPECTED ALONG ITS ENTIRE FENCE AND MUST BE CLEARED WHEN SEDIMENT HAS ACCUMULATED TO ONE-THIRD THE HEIGHT OF THE SILT FENCE. MAINTENANCE CLEANOUT MUST BE CONDUCTED TO PREVENT ACCUMULATED SEDIMENTS FROM REACHING ON-THIRD THE HEIGHT OF THE SILT FENCE.
2. ALL MATERIAL EXCAVATED FROM BEHIND SILT FENCE SHALL BE STOCKPILED ON AN UPLAND PORTION OF THE SITE IF SUITABLE FOR REUSE.
3. SPECIAL ATTENTION SHOULD BE PAID TO ENSURE THAT NO UNDERMINING OF SILT FENCE HAS OCCURRED AND THAT NO SPILLS IS OCCURRING AT JOINING SECTIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF SILT FENCE. THE CONTRACTOR SHOULD IMPLEMENT ADDITIONAL UPSTREAM STABILIZATION MEASURES OR ADDITIONAL BMPs (PENDING GEC APPROVAL) TO PREVENT EXCESSIVE BUILDUP ON SILT FENCE.
5. ALL SILT FENCES SHALL BE PREPARED TO THEIR ORIGINAL CONDITIONS IF DAMAGED.

	ENGINEERING DIVISION		TITLE: EROSION CONTROL DETAILS	DATE: August 1, 2016	EC4B SHEET:
	113 W. MOUNTAIN STREET		DESCRIPTION: SILT FENCE WITH WIRE BACKING NOTES & REQUIREMENTS	REVISED	
				ISSUED FOR	
				ISSUED FOR	

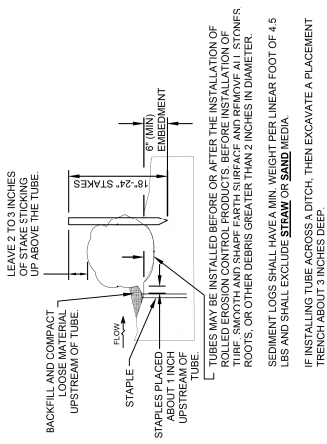
1 SILT FENCE WITH WIRE BACKING
C-153 SCALE: NONE

 CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET	TITLE:	EROSION CONTROL DETAILS	SHEET:
		DESCRIPTION:	SEDIMENT LOG DETAIL (N.T.S.)	DATE: August 1, 2018 REVISED: 4-7-2020 DRAWN BY: [blank] CHECKED BY: [blank] DESIGNED BY: [blank]

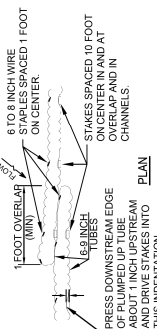
2

SEDIMENT LOG DETAIL

SCALE: NONE



SECTION



GENERAL GUIDELINES FOR SPACING OF FUTURE TRENCHES FOR SLOPE INSTALLATIONS

SLOPE GRADIENT	TUBE INTERVAL
1H:1V	15 FEET
2H:1V	25 FEET
3H:1V	35 FEET
4H:1V	50 FEET

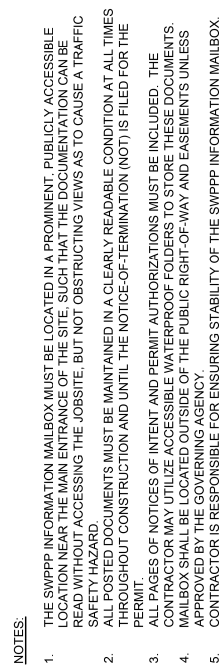
GENERAL GUIDELINES FOR SPACING OF TUBES IN TRENCHES FOR CHANNEL INSTALLATIONS		DATE
SLOPE	TUBE INTERVAL	DATE
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2:1	12' MIN.	
3:1	15' MIN.	
4:1	18' MIN.	
5:1	20' MIN.	
6:1	22' MIN.	
7:1	24' MIN.	
8:1	26' MIN.	
9:1	28' MIN.	
10:1	30' MIN.	
12:1	32' MIN.	
15:1	35' MIN.	
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25:1	45' MIN.	
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60:1	80' MIN.	
70:1	90' MIN.	
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90:1	110' MIN.	
100:1	120' MIN.	
120:1	140' MIN.	
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EXAMPLES OF ACCEPTABLE
COMMERCIALLY AVAILABLE
SEDIMENT LOGS ARE:

1. SILT SOCK
2. BIG RED
3. EROSION EEL

SEDIMENT LOG MAINTENANCE AND INSTALLATION NOTES:

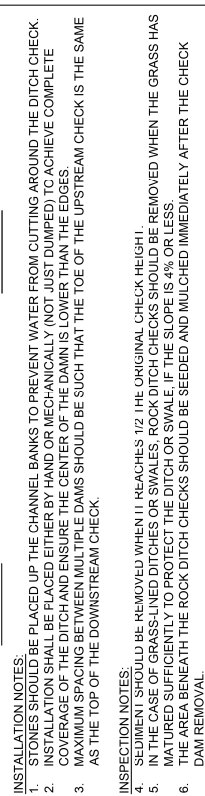
1. SEDIMENT LOGS SHALL BE INSPECTED ALONG ITS ENTIRETY AND MUST BE CLEANED WHEN SEDIMENT HAS ACCUMULATED TO ONE-THIRD THE HEIGHT OF THE SEDIMENT LOG. MAINTENANCE CLEANOUT MUST BE CONDUCTED REGULARLY TO PREVENT ACCUMULATED SEDIMENTS FROM REACHING ONE-THIRD THE HEIGHT OF THE SEDIMENT LOG.
2. SPECIAL ATTENTION SHOULD BE PAID TO ENSURE THAT NO UNDERMINING OF SEDIMENT LOG HAS OCCURRED AND THAT NO BYPASS IS OCCURRING AT JOINING SECTIONS.
3. IF EXCESS SEDIMENT IS ACCUMULATING IN ANY SECTION OF A SEDIMENT LOG, THE CONTRACTOR SHOULD IMPLEMENT ADDITIONAL UPSTREAM STABILIZATION MEASURES OR ADDITIONAL BMPs TO PREVENT EXCESSIVE BUILDUP ON SEDIMENT LOG.
4. SEDIMENT LOG SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED (RUN OVER OR FLATTENED).



1. THE SWPPP INFORMATION MAILBOX MUST BE LOCATED IN A PROMINENT, PUBLICLY ACCESSIBLE LOCATION NEAR THE MAIN ENTRANCE OF THE SITE. SUCH THAT THE DOCUMENTATION CAN BE READ WITHOUT ACCESSING THE JOBSITE, BUT NOT OBSTRUCTING VIEWS AS TO CAUSE A TRAFFIC SAFETY HAZARD.
2. ALL POSTED DOCUMENTS MUST BE MAINTAINED IN A CLEARLY READABLE CONDITION AT ALL TIMES THROUGHOUT CONSTRUCTION AND UNTIL THE NOTICE-OF-TERMINATION (NOT) IS FILED FOR THE PERMIT.
3. ALL PAGES OF NOTICES OF INTENT AND PERMIT AUTHORIZATIONS MUST BE INCLUDED. THE CONTRACTOR MAY UTILIZE ACCESSIBLE WATERPROOF FOLDERS TO STORE THESE DOCUMENTS.
4. MAILBOX SHALL BE LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AND EASEMENTS UNLESS APPROVED BY THE GOVERNING AGENCY.
5. CONTRACTOR IS RESPONSIBLE FOR ENSURING STABILITY OF THE SWPPP INFORMATION MAILBOX.

 CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET		TITLE: EROSION CONTROL DETAILS	DATE: August 1, 2016	SHEET:
	DESCRIPTION: SWPPP INFORMATION MAILBOX (SMALL SITE) (N.T.S.)		DESIGNED CHECKED APPROVED	EC15	

1 SWPPP INFORMATION MAILBOX (SMALL SITE) C-15A



INSPECTION NOTES:

4. SEDIMENT SHOULD BE REMOVED WHEN IT REACHES 1/2 THE ORIGINAL CHECK HEIGHT.
5. IN THE CASE OF GRASS-LINED DITCHES OR SWALES, ROCK DITCH CHECKS SHOULD BE MAINTAINED SUFFICIENTLY TO PROTECT THE DITCH OR SWALE, IF THE SLOPE IS 4% OR LESS.
6. THE AREA BENEATH THE ROCK DITCH CHECKS SHOULD BE SEEDED AND MULCHED IMMEDIATELY AFTER DAM REMOVAL.

 CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET	TITLE: EROSION CONTROL DETAILS DESCRIPTION: ROCK CHECK DAM (N.T.S.)	DATE: Aug. 16, 2017 DESIGNED BY: RLD CHECKED BY: RLD PERMIT NO.: 6-2-200 PROJECT NO.: 17-000000	SHEET: EC17
--	--	--	--	-----------------------

2 ROCK CHECK DAM

1. THE SYMBOLS SHOWN ON THE EROSION CONTROL PLAN SHEETS REPRESENT EROSION CONTROL DEVICES AS DETAILLED IN THE CITY OF FAYETTEVILLE STANDARD DETAILS AND THE ARDOT STANDARD ROADWAY DRAWINGS. THE SYMBOLS ARE NOT TO SCALE AND REPRESENT THE GENERAL LOCATION TO WHICH THE DEVICES SHALL BE PLACED.
2. EROSION AND SEDIMENT CONTROL FEATURES SHALL BE PLACED PRIOR TO THE EXCAVATION OPERATIONS.
3. EROSION CONTROL MEASURES IN ADDITION TO THOSE SHOWN IN THE PLANS WILL BE REQUIRED AT INTERMEDIATE STAGES AS REQUIRED BY THE CONTRACTOR'S CONSTRUCTION SEQUENCE.
4. ALL DISTURBED AREAS CONTAINING EXPOSED SOIL SHALL RECEIVE TEMPORARY EROSION AND SEDIMENT CONTROL APPLICATIONS. CONTRACTOR MAY CHOOSE TO UTILIZE TEMPORARY EROSION CONTROL PRODUCTS SUCH AS SEDIMENT LOGS AS APPROVED BY THE ENGINEER.
5. ALL EROSION CONTROL DEVICES SHALL BE INSTALLED AS SHOWN ON THE CITY OF FAYETTEVILLE AND ARDOT STANDARD DRAWING TEC-1 ACCORDING TO THE DEVICE DESIGNATION.
6. CONCRETE WASHOUT SHALL BE LOCATED IN THE STAGING AREA IN A LOCATION APPROVED BY THE ENGINEER.
7. ROAD GRADING SLOPES WILL NOT BE SIGNIFICANTLY STEEPER THAN EXISTING GRADES.
8. AREAS WHERE CONSTRUCTION CEASES FOR MORE THAN 14 DAYS SHALL BE STABILIZED IN ACCORDANCE WITH THE SWPPP AND SPECIFICATIONS.
9. CONTRACTOR SHALL EMPLOY BEST MANAGEMENT PRACTICES TO PREVENT AND CONTROL DUST IN AREAS SUBJECT TO SURFACE AND AIR MOVEMENT OF DUST.
10. IN THE EVENT OF A SPILL WHICH MAY BE HAZARDOUS, ALL HAZARDOUS WASTE MATERIALS SHALL BE REMOVED AND DISPOSED AS SPECIFIED BY LOCAL OR STATE REGULATIONS ON BY THE PRODUCT MANUFACTURER.
11. SEDIMENT SHALL BE REMOVED FROM SEDIMENT TRAPS WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%.
12. PRIOR TO LEAVING THE CONSTRUCTION SITE, STORMWATER RUNOFF MUST PASS THROUGH APPROPRIATE SEDIMENT REMOVAL BEST MANAGEMENT PRACTICE.
13. CONTRACTOR SHALL SCHEDULE AND COMPLETE SWPPP INSPECTION WITH THE CITY OF FAYETTEVILLE AFTER BMP INSTALLATION AND PRIOR TO SITE DISTURBANCE.
14. THE SWPPP INFORMATION MAILBOX MUST BE LOCATED IN A PROMINENT, PUBLICLY ACCESSIBLE LOCATION NEAR THE MAIN ENTRANCE OF THE SITE, SUCH THAT THE DOCUMENTATION CAN BE READ WITHOUT ACCESSING THE JOBSITE, BUT NOT OBSTRUCTING VIEWS AS TO CAUSE A TRAFFIC SAFETY HAZARD.
15. CONSTRUCTION ERT PER CITY STANDARD DRAWING EC1 SHALL BE REQUIRED AS NECESSARY TO PREVENT TRACKING OF MUD AND SEDIMENT ON TO PUBLIC STREETS. CONTRACTOR SHALL MAINTAIN ALL TRUCKS AND TRAILERS SHALL BE CONSIDERED SUBSIDIARY TO EROSION CONTROL. PER LUMP SUM.

STAGE 1

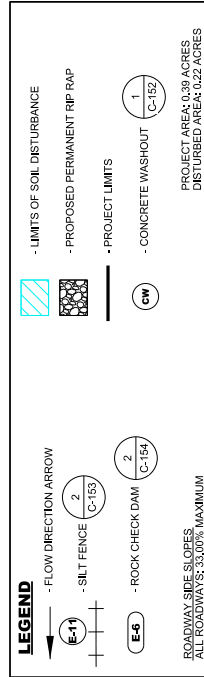
1. INSTALL SILT FENCE.
2. CLEARING/GRUBBING ACTIVITIES.
3. INSTALL DITCH CHECKS.
4. PERFORM EARTHWORK OPERATIONS AND INSTALL DRAINAGE.

STAGE 2

1. CONSTRUCT REMAINDER OF TRAIL AND BRIDGE.
2. TEMPORARY SEEDING/SODDING.
3. REMOVE TEMPORARY EROSION AND SEDIMENT CONTROL FEATURES AFTER FINAL STABILIZATION.

EROSION CONTROL MEASURES ARE TO BE PLACED DURING APPROPRIATE STAGES. THESE DEVICES SHALL BE LEFT IN PLACE AS LONG AS REQUIRED TO CONTROL EROSION.

THE TEMPORARY EROSION CONTROL POLICIES SHOWN ON THE PLANS SHOW THE ENGINEERS ESTIMATE OF A MINIMUM EFFORT NEEDED TO MAINTAIN PROPER EROSION CONTROL DURING CONSTRUCTION. SEE THE SPECIFICATIONS FOR FURTHER INFORMATION.

[illegible]

REV.	DATE	DESCRIPTION	BY

Digitally Signed: 02726427026



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CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS



HAMESTRING CREEK
PEDESTRIAN BRIDGE

EROSION CONTROL
NOTES

JOB NO.: 2302057
DATE: FEBRUARY 2025
DESIGNED BY: ZTM
DRAWN BY: TWM

BAR IS ONE INCH ON ORIGINAL DRAWING

0 1"

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

C-180



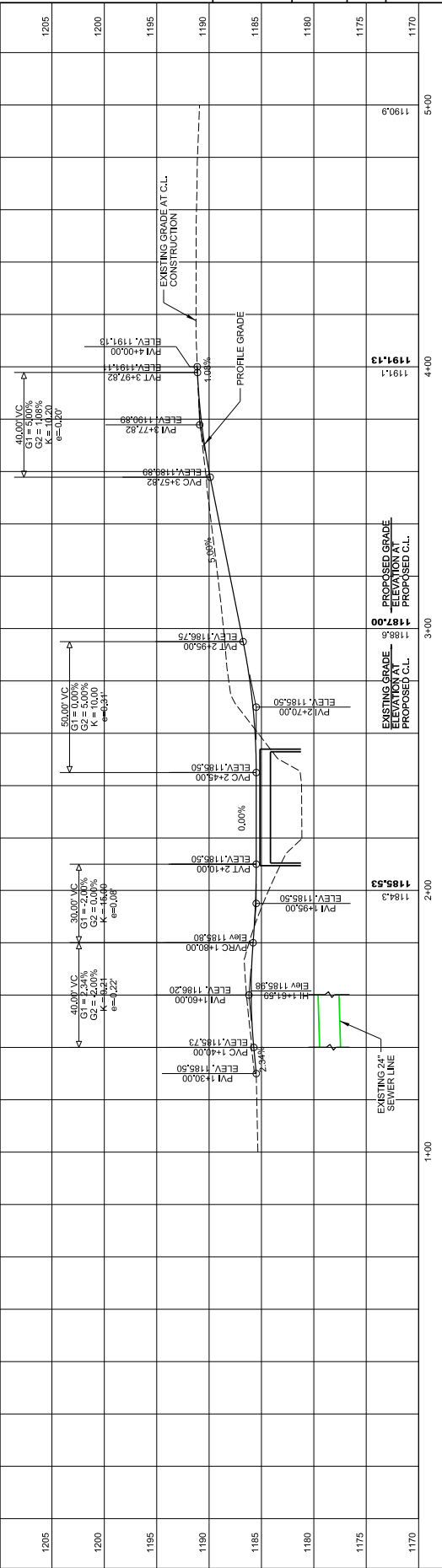
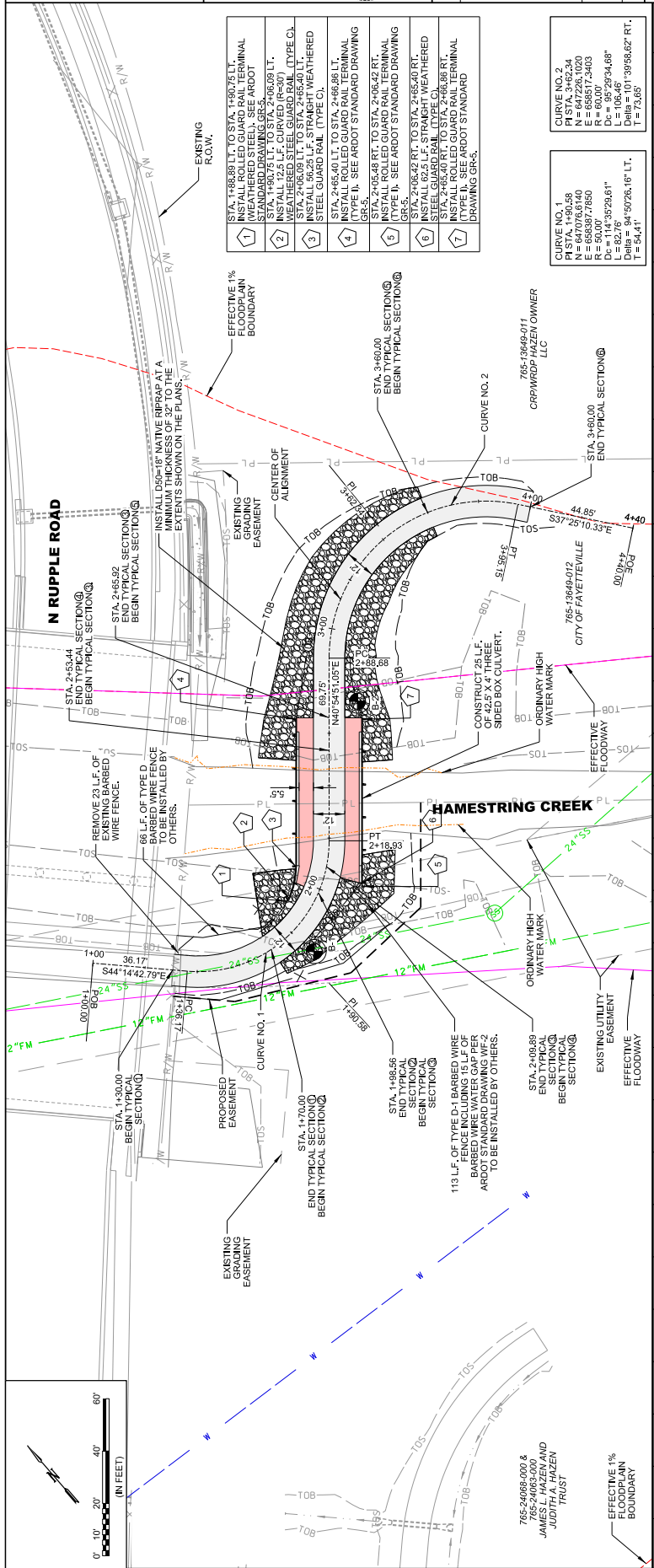
Digitally signed: 02/28/2025

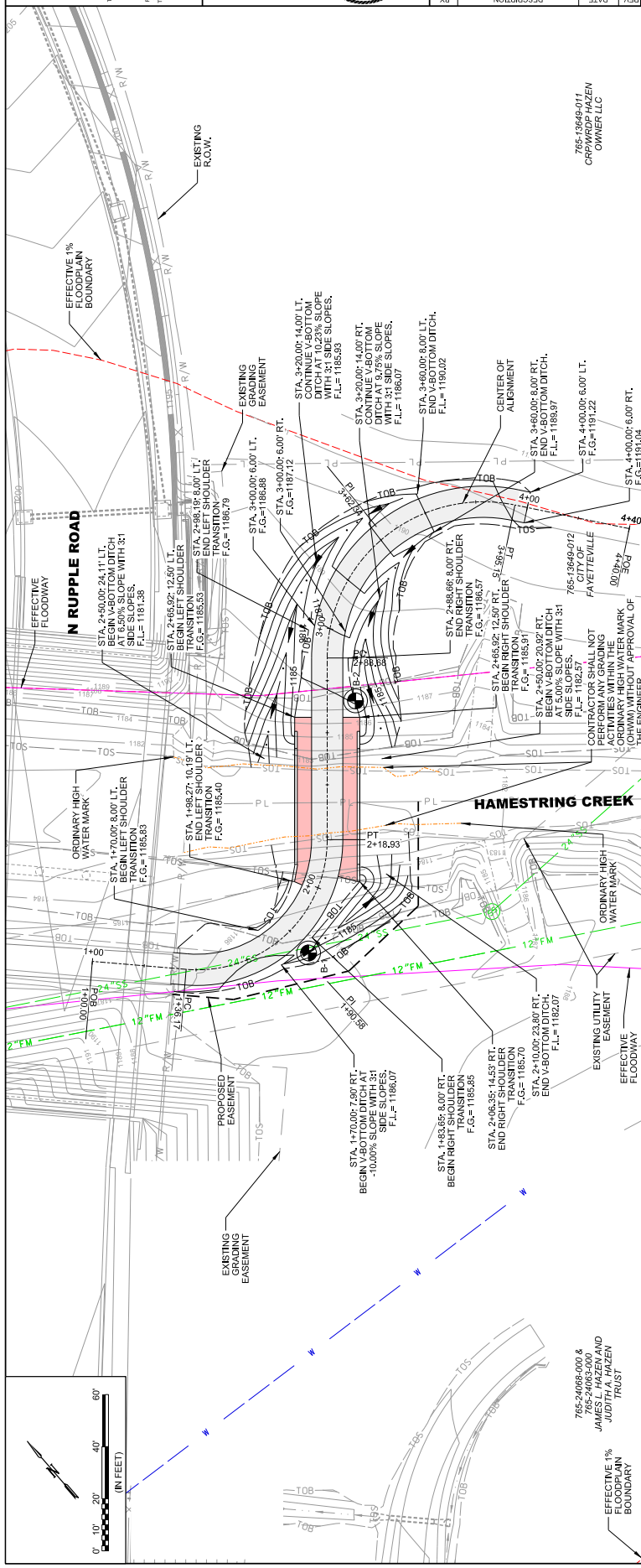
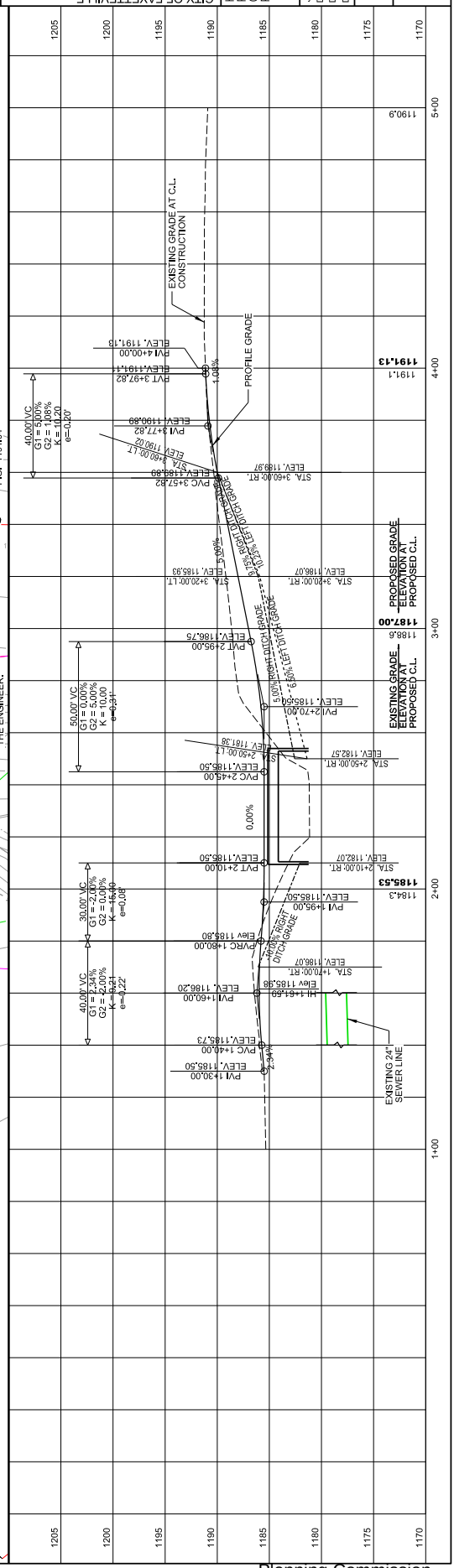
REV.	DATE	DESCRIPTION

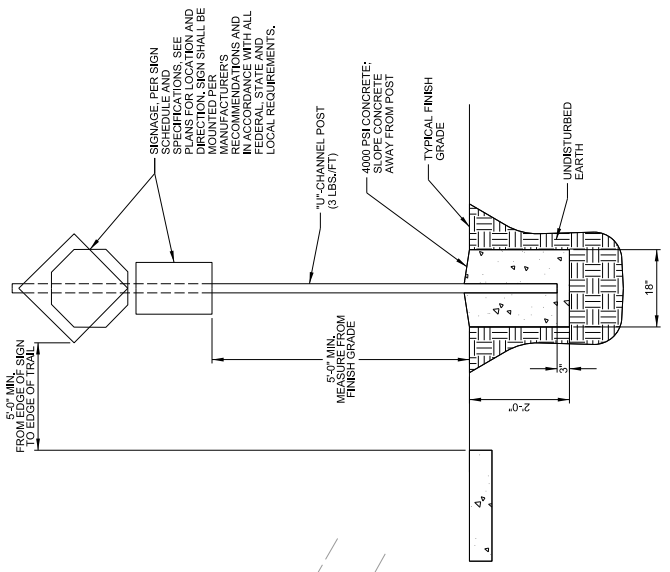
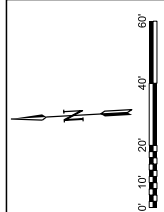
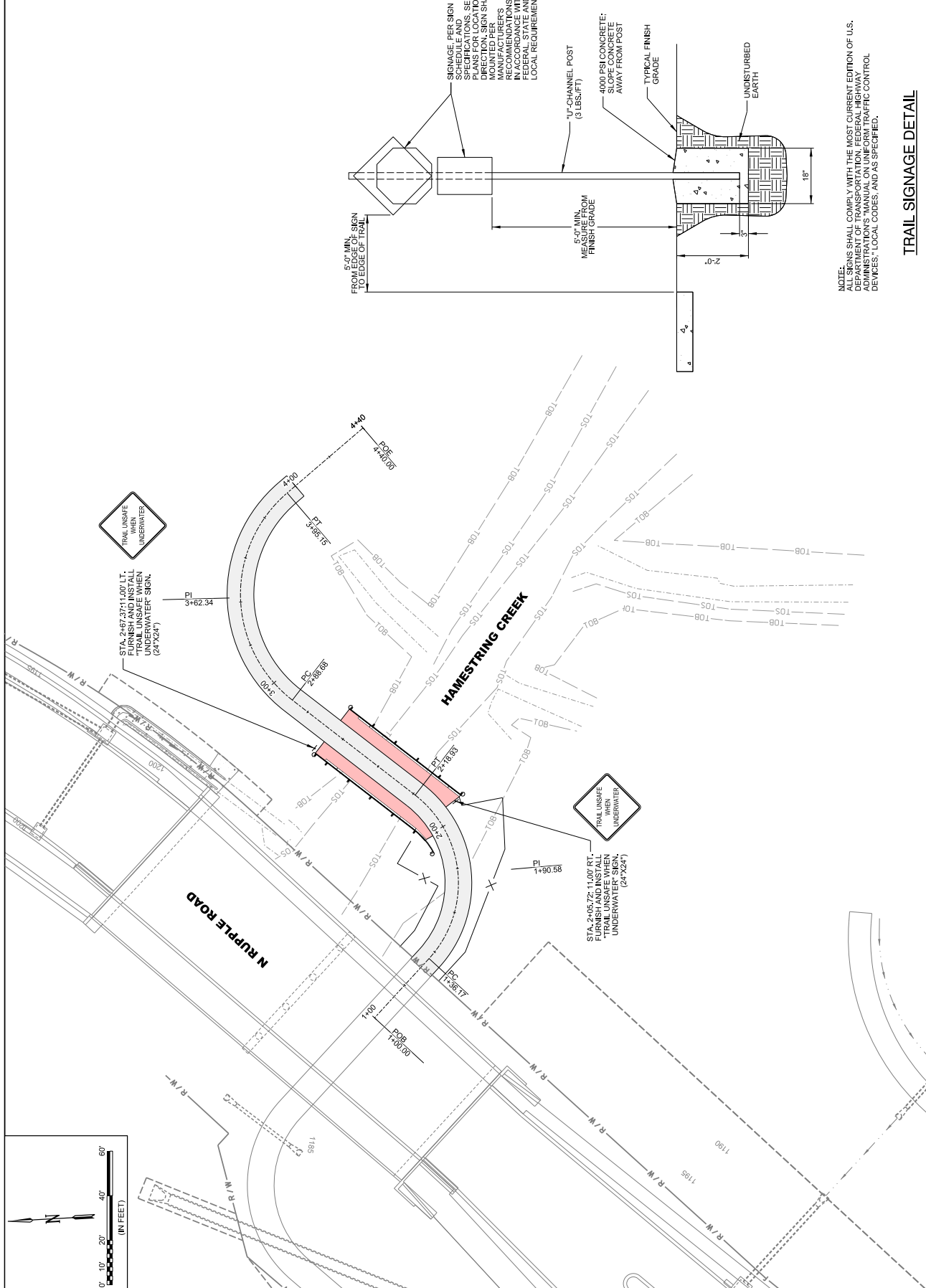


CITY OF FAYETTEVILLE
PEDESTRIAN BRIDGE
HAMESTRING CREEK
PLAN AND PROFILE

JOB NO.: 2020257
DATE: FEBRUARY 2025
DESIGNED BY: ZTM
DRAWN BY: KNR
START DATE: 02/20/25
END DATE: 02/28/25
DRAWING NUMBER
C-501







NOTE:
ALL SIGNS SHALL COMPLY WITH THE MOST CURRENT EDITION OF U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION'S "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES," LOCAL CODES AND AS SPECIFIED.

TRAIL SIGNAGE DETAIL

GARVER
ENGINEERS, ARCHITECTS, PLANNERS
1700 WEST 10TH AVENUE, SUITE 200
DENVER, CO 80202
TEL: 303.733.8800
WWW.GARVER.COM

CITY OF FAYETTEVILLE
PEDESTRIAN BRIDGE
HAMESTRING CREEK

DATE: FEBRUARY 2025
DESIGNED BY: ZTM
DRAWN BY: TSA

JOB NO.: 2020257
DRAWING NUMBER
C-801



REV.	DATE	DESCRIPTION	BY



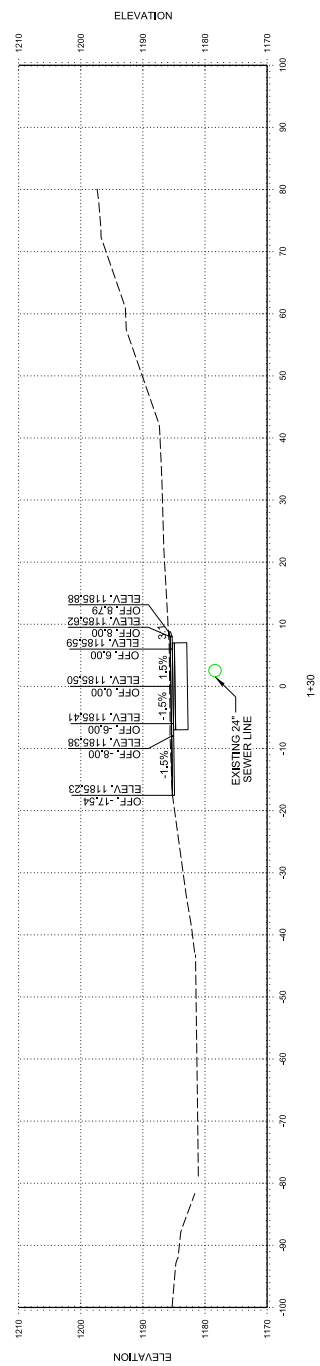
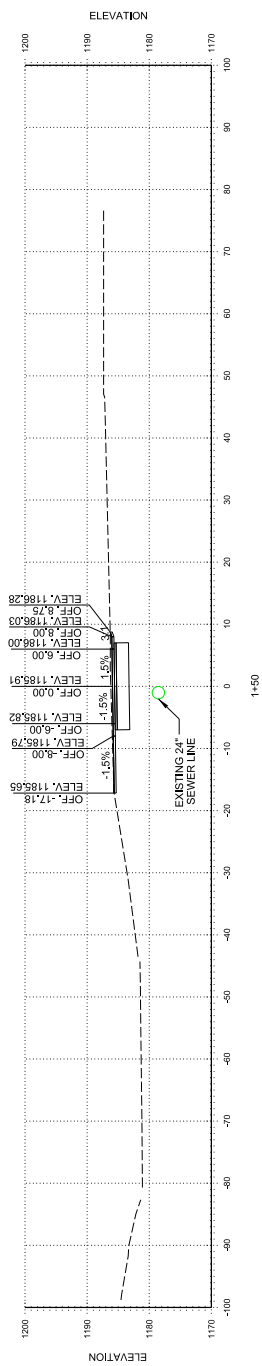
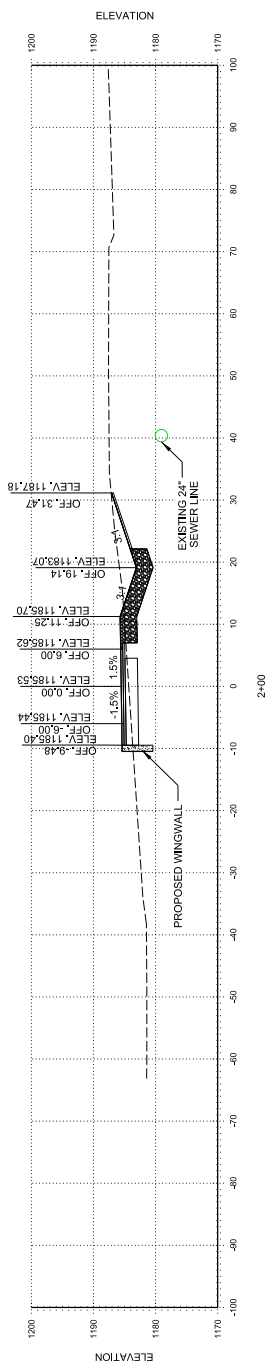
CITY OF FAYETTEVILLE
PEDESTRIAN BRIDGE
HAMESTRING CREEK

CROSS SECTIONS

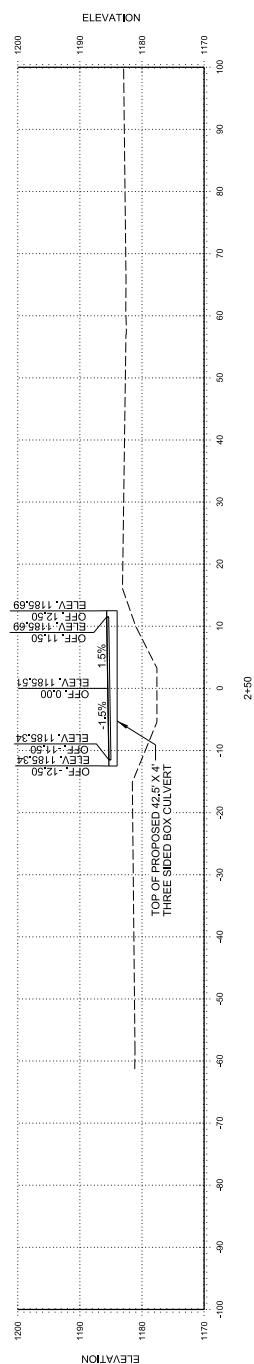
JOB NO.: 202057
DATE: FEBRUARY 2025
DESIGNED BY: ZTM
DRAWN BY: TSA

START DATE: 02/01/2025
COMPLETION DATE: 02/01/2025
PROJECT NAME: PEDESTRIAN BRIDGE
PROJECT LOCATION: HAMESTRING CREEK
PROJECT NUMBER: 202057

DRAWING NUMBER
X-101

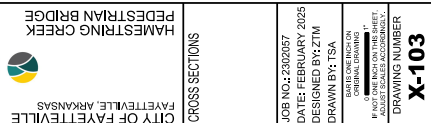


STA. 1+30 TO STA. 2+00



STA. 2+50 TO STA. 3+50

Planning Commission
April 26, 2020



REV.	DATE	DESCRIPTION	BY





Digitally Signed: 02/28/2025

REV.	DATE	DESCRIPTION	BY



CITY OF FAYETTEVILLE
PEDESTRIAN BRIDGE
HAMESTRING CREEK

SCHEDULE OF BRIDGE
QUANTITIES

JOB NO.: 2020257
DATE: FEBRUARY 2025
DESIGNED BY: BWD
DRAWN BY: CWT

DRAWING NUMBER
S-001

SCHEDULE OF BRIDGE QUANTITIES									
NAME TITLE	UNIT OF STRUCTURE	ITEM	SP2-4.1 BRIDGE CONSTRUCTION CONTROL	SP2-4.2 UNCLASSIFIED EXCAVATION FOR STRUCTURES BRIDGE	SP2-4.3 CLASS S CONCRETE "BRIDGE"	SP2-4.4 CLASS 2 PROTECTIVE SURFACE TREATMENT	SP2-4.5 REINFORCING STEEL-BRIDGE (GRADE 60)	SP2-4.6 BRIDGE NAME PLATE (TYPE C)	SP3-9.1 THREE-SIDED PRECAST CULVERT (42'-6" X 4')
			LUMP SUM	CUBIC YARD	CUBIC YARD	SQUARE YARD	POUND	EACH	LINEAR FOOT
END BENT NO. 1				116	29		3,390	1	
END BENT NO. 2				91	23		2,596		
PRECAST CULVERT SPAN						114			25
TOTALS FOR HAMESTRING CREEK PEDESTRIAN BRIDGE			1	207 ①	52	114	5,986	1	25 ②

- ① INCLUDES APPROX. 32 CUBIC YARDS OF ROCK EXCAVATION
- ② HEADWALL CONCRETE AND REINFORCEMENT WILL NOT BE MEASURED OR PAID FOR SEPARATELY BUT SHALL BE CONSIDERED SUBSIDIARY TO THIS ITEM

April 28, 2025

Boring Log No. B-1

Model Layer	Graphic Log	Location: See Exploration Plan Latitude: 36.0910° Longitude: -94.2134°	Depth (ft.)	Water Level Observations	Sample Type	Field Test Results	Test Type	Compressive Strength (psi)	Strain (%)	Water Content (%)	Dry Unit Weight (pcf)	Antberg Limits LL-PL-P _L	Percent Fine
1		Depth: 0.0 - 2.0 TOPSOIL SANDY LEAN CLAY (CL), brown, stiff	Elevation: 1185.0 (RL) 1185.0										64
2		3.0 FAT CLAY (CH), dark gray, stiff	1180										
3		10.0 LIMESTONE, light gray, moderately fractured, close fracture spacing, medium bedding, slightly weathered, strong rock	1175			50.0"							
4													
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See [Exploration and Testing Procedures](#) for a description of field and laboratory procedures used and additional data (if any).

Notes	Alignment Method	Logged by
	SA Screw Core: 10-20"	Boring Started 08-15-2024
	Alignment Method Boring bechified with Auger Cuttings and/or Benzotize	Boring Completed

Facilities | Environmental | **Geotechnical** | Materials

Boring Log No. B-2

[illegible]

See **Explanation and Testing Procedures** for a description of field and laboratory procedures used and additional data (if any).

Notes	Assessment Method SOL-50® Cont. 8-18"	Logged by AD
	Abandonment Method Being backfilled with Auger Cuttings and/or Bentonite	Being Started 08-15-2021 Being Completed

Facilities | Environmental | **Geotechnical** | Materials

Flamestrung Pedestrian Bridge
1160 N Ruppel Road | Fayetteville, AR
Terracon Project No. KB235048A



Hamemstring Pedestrian Bridge
2160 N Ruppel Road | Fayetteville, AR
Terracon Project No. KB235048A



Digitally Signed 02/26/2025

DATE	DESCRIPTION		



SOIL BORINGS

SOIL BORINGS

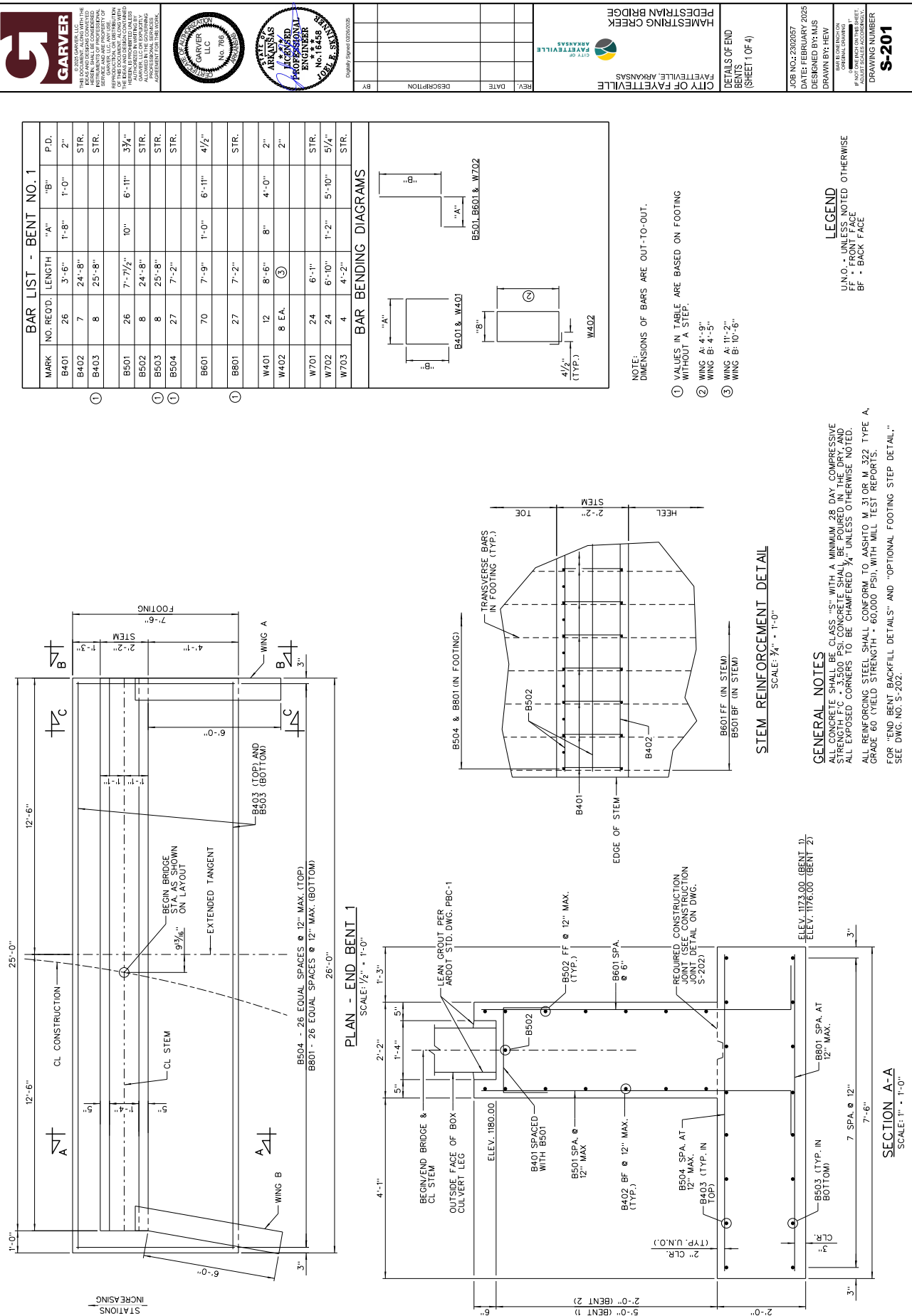
JOB NO.: 2302057
 DATE: FEBRUARY 2025
 DESIGNED BY: BWD
 DRAWN BY: CWT

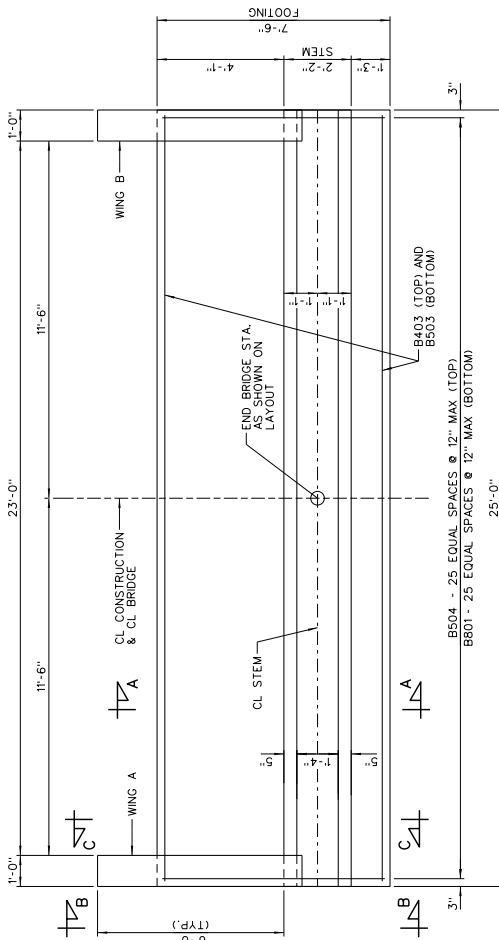
BAR IS ONE INCH ON
ORIGINAL DRAWING

0 1"

IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER
S-103

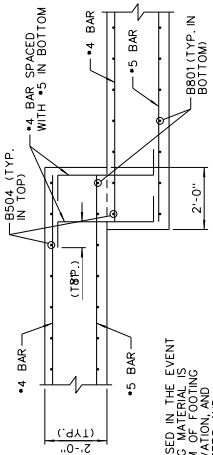




PLAN - END BENT 2
SCALE: 1/2" = 1'-0"

NOTES:
FOR "SECTION A-A" AND "STEM
REINFORCEMENT DETAIL", SEE DWG. NO.
S-201.

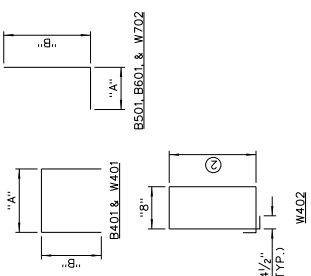
FOR "VIEW B-B" & "SECTION C-C", SEE
DWG. NO. S-203.



NOTE: FOOTING STEP MAY BE USED IN THE EVENT THAT INADEQUATE BEARING MATERIAL IS PRESENT AT THE BOTTOM OF FOOTING. ELEVATION, LOCATION OF FOOTING STEPS AND ADJUSTMENTS TO REINFORCEMENT DETAILS SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO EXCAVATION.

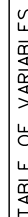
FOOTING STEP DETAIL
SCALE: 1/2" = 1'-0"

BAR LIST - BENT NO. 2					
MARK	NO. REQ'D	LENGTH	"A"	"B"	P.D.
B401	26	3'-6"	1'-8"	1'-0"	2"
B402	4	24'-8"			STR.
B403	8	24'-8"			STR.
B501	26	4'-7 1/2"	10"	3'-11"	3 3/4"
B502	5	24'-8"			STR.
B503	8	24'-8"			STR.
B504	26	7'-2"			STR.
B601	70	4'-7 1/2"	1'-0"	3'-11"	4 1/2"
B801	26	7'-2"			STR.
W401	12	8'-6"	8"	4'-0"	2"
W402	8 E.A.	③			2"
W701	24	6'-1"			STR.
W702	12	6'-10"	1'-2"	5'-10"	5 1/4"
W703	4	4'-2"			STR.
BAR BENDING DIAGRAMS					

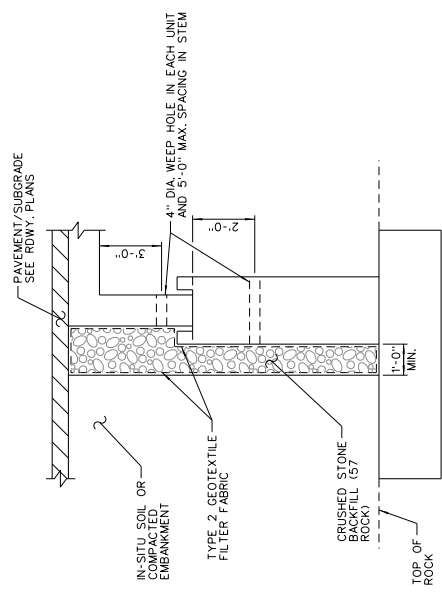


NOTE:
DIMENSIONS OF BARS ARE OUT-TO-OUT.

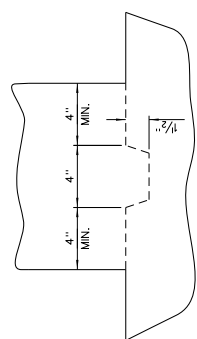
- ① VALUES IN TABLE ARE BASED ON FOOTING WITHOUT A STEP.
- ② WING A: 4'-6"
WING B: 4'-10"
- ③ WING A: 10'-8"
WING B: 11'-4"



REV.	DATE	DESCRIPTION	BY

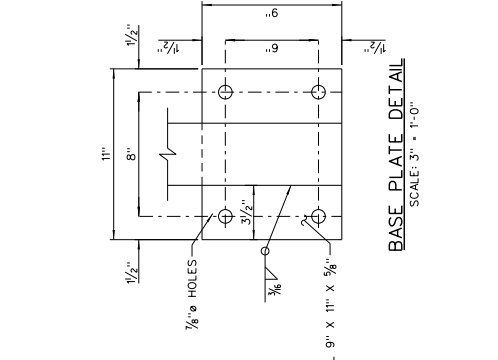


END BENT BACKFILL DETAIL
 NO SCALE

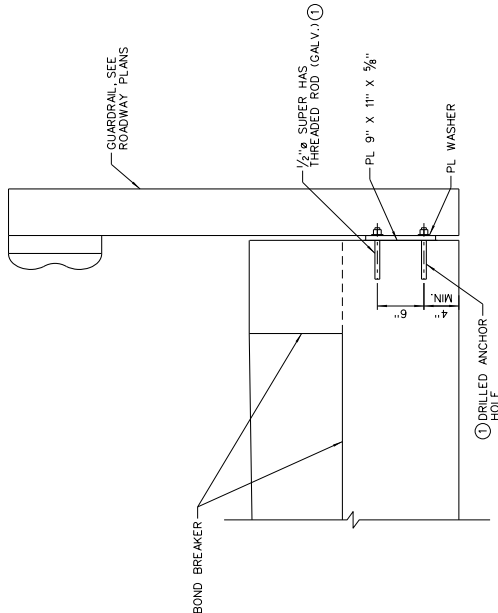


KEYED CONSTRUCTION JOINT DETAIL
 NO SCALE

NOTES:
 ALL WELDING SHALL CONFORM TO SUBSECTION 807.26.
 BASE PLATES SHALL NOT BE PLACED UPON AREAS THAT ARE IMPROPERLY FINISHED, DEFORMED OR IRREGULAR.
 REINFORCEMENT, CONCRETE, AND OTHER INCIDENTALS REQUIRED TO CONSTRUCT THE CULVERT HEADWALLS SHALL BE CONSIDERED SUBSIDIARY TO THE ITEM "THREE-SIDED PRECAST CULVERT (42'-6" X 4)".
 GUARDRAIL BASE PLATE POST INSTALLED LABORS AND OTHER INCIDENTALS REQUIRED TO INSTALL THE GUARDRAIL SHALL NOT BE MEASURED OR PAID FOR SEPARATELY BUT SHALL BE CONSIDERED INCLUDED IN THE ITEM, "WEATHERING STEEL GUARDRAIL (TYPE C)".

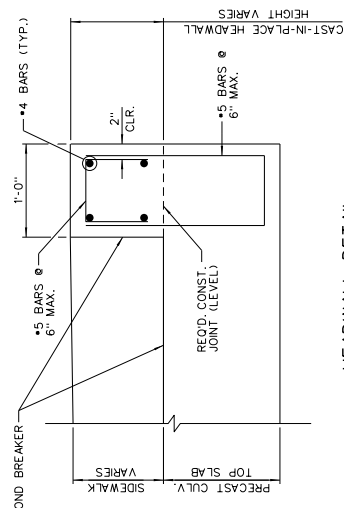


BASE PLATE DETAIL
 SCALE: 3" = 1'-0"

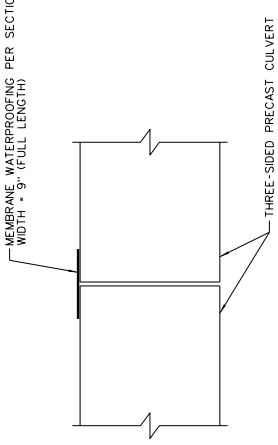


GUARDRAIL BASE CONNECTION DETAIL
 SCALE: 1/2" = 1'-0"

① HILTI HIT BE 500 V3 EPOXY ADHESIVE ANCHOR SYSTEM WITH 4 1/2" EMBEDMENT OR AN APPROVED EQUAL. THE HILTI EPOXY ADHESIVE ANCHOR SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

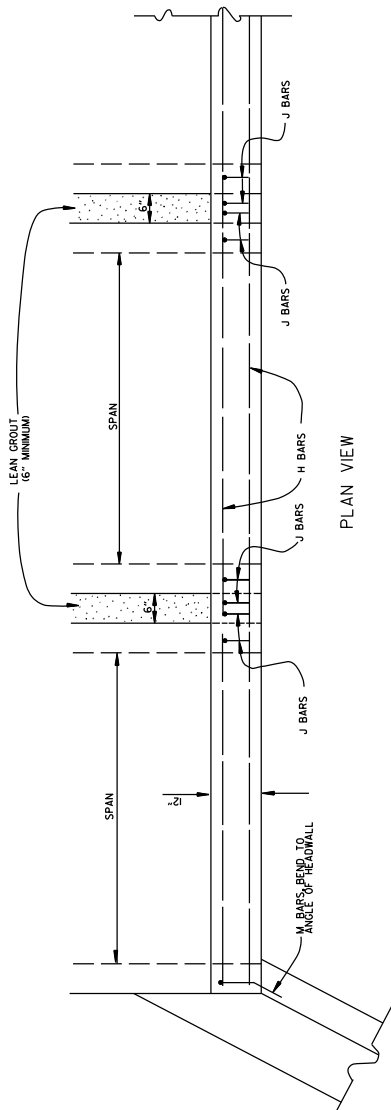


HEADWALL DETAIL
 SCALE: 1/2" = 1'-0"



TYPICAL UNIT JOINT SEAL DETAIL
 NO SCALE

NOTES:
 MEMBRANE WATERPROOFING CONFORMING TO THE REQUIREMENTS OF SECTION 815 OF THE STANDARD SPECIFICATIONS SHALL BE APPLIED TO ALL PRECAST CULVERT JOINTS.
 THE MEMBRANE WATERPROOFING WILL BE REQUIRED ON THE GUARDRAIL JOINTS AND SHALL EXTEND 1 FOOT DOWN THE SIDES OF THE CULVERT.
 MEMBRANE WATERPROOFING SHALL NOT BE PAID FOR SEPARATELY BUT SHALL BE CONSIDERED SUBSIDIARY TO THE ITEM, "THREE-SIDED PRECAST CULVERT (42'-6" X 4)".
 WHEN APPLYING THE PROTECTIVE SURFACE TREATMENT TO THE TOP OF THE PRECAST CULVERTS, THE PROTECTIVE SURFACE TREATMENT SHALL BE APPLIED AFTER THE WATERPROOFING MEMBRANE IS APPLIED BETWEEN PRECAST UNITS.



BAR LIST

BAR NO.	SIZE	LENGTH	BAR BENDING DIAGRAM
H	#4	*	
I	#4	*	
J	#4	1'-5"	
L	#4	3'-2"	
M	#4	1'-8"	

* NOTE: LENGTH AND NUMBER OF BARS VARIES WITH SIZE OF CULVERT

GENERAL NOTES

- WINGS, CURTAIN WALLS AND APRONS SHALL BE TIED TO THE PRECAST CULVERT SECTION BY CASTING BARS IN CULVERT END SECTIONS AS SHOWN OR BY DOWELING BARS IN GROUTING. J PRECAST BARS SHALL BE EMBEDDED A MINIMUM OF 10" IN PRECAST BOX.
- WINGS, FOOTINGS, APRONS AND CURTAIN WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE WING DRAWING, STEEL AND CONCRETE QUANTITIES WILL BE ADJUSTED TO THE VERTICALLY PLACED WIDTH & HEIGHT OF THE PRECAST CONCRETE BOX CULVERTS.
- ALL EXPOSED CORNERS TO HAVE 3/4" CHAMFERS.
- WING WALLS AND FOOTINGS MAY BE ADJUSTED IN THE FIELD AS DIRECTED BY THE ENGINEER.

ALL CONCRETE, REINFORCING STEEL, LEAN GROUT, MEMBRANE WATERPROOFING, GEOTEXTILE FABRIC, CURTAIN WALLS, BOX CULVERTS WILL NOT BE PAID FOR DIRECTLY BUT WILL BE CONSIDERED FOR THE CONTRACTOR'S OVERHEAD AND PROFITS AS SPECIFIED IN SECTION 607 OF THE STANDARD SPECIFICATIONS.

LEAN GROUT SHALL CONSIST OF A SAND CEMENT MIXTURE MEETING THE FOLLOWING REQUIREMENTS:
PORTLAND CEMENT SHALL BE TYPE I AND SHALL MEET THE REQUIREMENTS OF SECTION 802.02 OF THE STANDARD SPECIFICATIONS.
SAND SHALL MEET THE REQUIREMENTS OF FINE AGGREGATE AS SPECIFIED IN SECTION 802.02 OF THE STANDARD SPECIFICATIONS.
THE MIXTURE SHALL CONTAIN SUFFICIENT WATER TO HYDRATE THE CEMENT AND SHALL BE TAMPED TO A MINIMUM OF 8 INCH THICK LAYS, LOOSE MEASURE, AND THOROUGHLY RODDED AND TAMPED AROUND BOX TO THOROUGHLY FILL ALL VOIDS.

MEMBRANE WATERPROOFING CONFORMING TO THE REQUIREMENTS OF SECTION 805 OF THE STANDARD SPECIFICATIONS SHALL BE APPLIED TO ALL BOX CULVERT JOINTS.

THE MEMBRANE WATERPROOFING WILL BE REQUIRED ON THE TOP OF THE EXTERIOR WALL JOINT AND SHALL EXTEND 1 FOOT DOWN THE SIDES OF THE CULVERT.

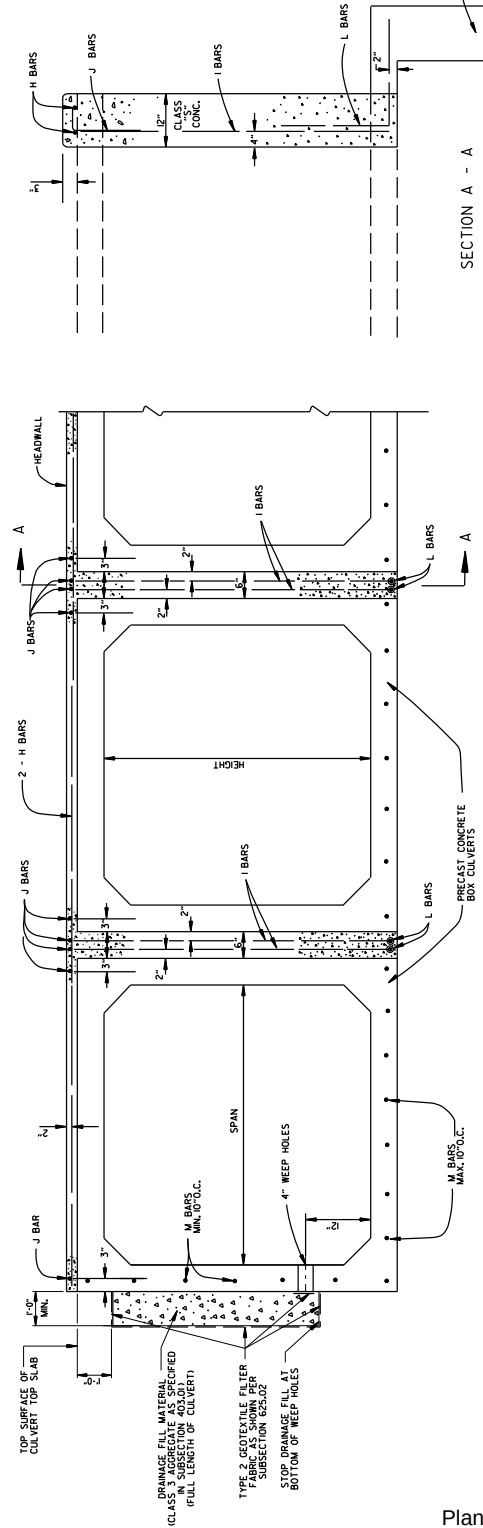
IN OUTER BARRELS, ONE WEED HOLE IS REQUIRED IN EXTERIOR WALLS OF EACH PRECAST CULVERT SECTION. WEED HOLES SHALL HAVE A MAXIMUM HORIZONTAL SPACING OF 10'-0" IN THE ASSEMBLED CULVERT AND SHALL BE 4" IN DIAMETER. ALL WEED HOLES SHALL BE 4" IN DIAMETER AND SHALL BE PLACED 2" ABOVE THE TOP OF THE BOTTOM SLAB.

DRAINAGE FILL MATERIAL WITH GEOTEXTILE FABRIC IS REQUIRED AT THE EXTERIOR WALLS OF THE ASSEMBLED CULVERT. SEE DETAILS ON THIS DRAWING.

MINIMUM WIDTH SHALL BE 12" (6" ON EACH SIDE OF JOINT), ON MULTIPLE BARRELS, THE MINIMUM WIDTH SHALL BE 12" ON EACH SIDE OF EACH BARREL AS DESCRIBED ABOVE.

WITH THE APPROVAL OF THE ENGINEER, THE CONTRACTOR WILL BE ALLOWED TO SUBSTITUTE AT NO ADDITIONAL COST TO THE DEPARTMENT, A FLOWABLE SELECT MATERIAL CONFORMING TO SECTION 206 OF THE STANDARD SPECIFICATIONS IN LIEU OF LEAN GROUT.

SECTION A - A



DATE	REVISION	DATE FILMED
1-28-93	REVISED GEOTEXTILE FABRIC PLACEMENT	
10-24-93	REVISED WEED HOLES & DRAINAGE FILL	
10-24-93	ADDED GENERAL NOTE	
4-30-93	REVISED SPACING OF "M" BARS	
4-30-93	REVISED GENERAL NOTES	
10-24-93	REVISED WEED HOLES	
10-24-93	ADDED NOTE FOR MEMBRANE WATERPROOFING	
8-5-93	ADDED NOTE FOR LEAN GROUT	
1-28-93	REVISED PRECAST BOX CULVERTS	
1-28-93	ISSUED ABE	

END VIEW

ARKANSAS STATE HIGHWAY COMMISSION

PRECAST CONCRETE BOX CULVERTS

STANDARD DRAWING PBC-1

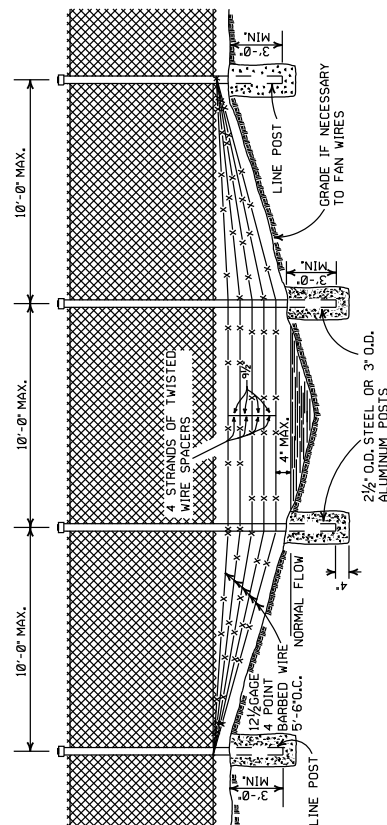
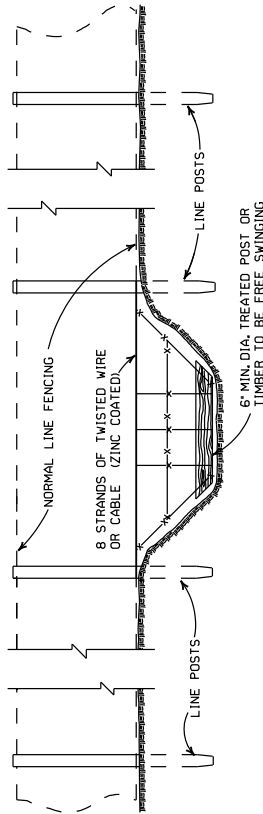
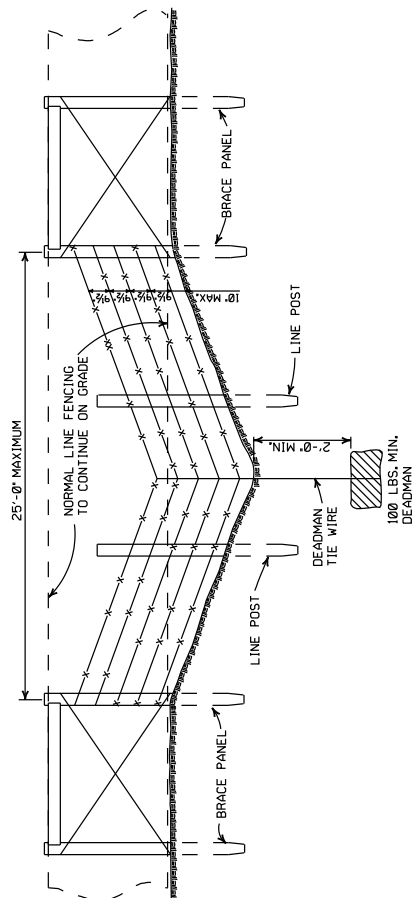
GENERAL NOTES:

THESE INSTALLATIONS TO BE USED WHERE NORMAL FENCING INSTALLATION WOULD CAUSE THE COLLECTING OF DRIFT IN THE CHANNEL OR THE DEPRESSION WILL NOT PERMIT NORMAL INSTALLATION. INSTALLATIONS WILL BE MADE ONLY WHERE DIRECTED BY THE ENGINEER.

WHEN A FENCE LINE APPROACHES A DITCH, GULLY OR DEPRESSION, THE LAST POST ON LEVEL GROUND SHALL BE PLACED CLOSE ENOUGH TO THE EDGE OF THE DEPRESSION THAT THE FENCE MAY BE STRUNG TO THE POST IN THE DEPRESSION WITHOUT TOUCHING THE GROUND.

IN TERRAIN OF SUCH EXTREME IRREGULARITY THAT MINOR GRADING WILL NOT BE FEASIBLE, THE NORMAL FENCE SHALL CONTINUE ON GRADE AND THE GULLIES OR DEPRESSIONS TREATED BY AUXILIARY FENCES AS SHOWN.

PAYMENT FOR THE TYPE INSTALLATION USED WILL NOT BE MADE DIRECTLY BUT WILL BE INCLUDED IN THE CONTRACT UNIT PRICE BID FOR WIRE FENCE OR CHAIN LINK FENCE.



ARKANSAS STATE HIGHWAY COMMISSION	
WIRE FENCE WATER GAPS	
STANDARD DRAWING WF-2	
DATE	REVISION
1-28-74	REVISED FOR S&L 1. TENSION WIRE
10-2-77	REVISED AND REDESIGNED
10-15-72	FILMED

MULTI-USE TRAIL EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **James L. Hazen and Judith A. Hazen, Trustees of the Jim and Judy Hazen Trust dated August 23, 2017, and any amendments thereto**, hereinafter called GRANTORS, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, maintain, repair and/or replace a multi-use trail for public access, together with all appurtenances thereto including lighting and public art, on, over, across, and through the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Warranty Deed: 2021-8162 -second desc)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the SE Corner of said NE1/4, SE1/4 said point being the POINT OF BEGINNING, thence N89°30'32"W 659.85 feet, thence along a non-tangent curve to the right 213.83 feet, said curve having a radius of 542.00 feet and a chord bearing and distance of N31°31'21"E 212.45 feet, thence N43°20'43"E 73.21 feet, thence N46°39'17"W 12.50 feet; thence N43°20'43"E 150.27 feet, thence N39°42'50"E 55.22 feet; thence N42°58'23"E 271.10 feet; thence S52°12'46"E 231.41 feet; thence S00°10'41"E 84.10 feet, thence S00°11'19"E 372.81 feet to the POINT OF BEGINNING. Containing 5.80 acres, more or less, subject to easements and right of way of record.

PERMANENT EASEMENT DESCRIPTION:

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section One (1), Township Sixteen North (T-16-N), Range Thirty-one West (R-31-W), Washington County, Arkansas, being more particularly described as follows: **COMMENCING** at the Southeast corner of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); thence N 02°20'50" E along the East line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) a distance of 456.49 feet; thence leaving said East line N 49°44'27" W 141.24 feet to the **POINT OF BEGINNING**; thence S 40°54'51" W 40.12 feet; thence S 87°49'41" W 36.55 feet; thence N 62°57'42" W 45.66 feet; thence N 44°14'43" W 23.62 feet to the East right of way of Ruppel Road; thence N 45°26'35" E along said East right of way 73.25 feet; thence leaving said East right of way S 49°44'27" E 88.77 feet to the **POINT OF BEGINNING**, containing 6,035 square feet or 0.14 acres, more or less. As shown on "Exhibit A"

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned or vacated and so long as such multi-use trail and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth. The Grantor agrees not to erect any buildings or structures in said permanent easement.

By granting this easement and by allowing use of the lands described herein without charge for admission upon, Grantor shall be protected from liability pursuant to the provisions of Arkansas Code Annotated §18-11-305, et seq. Specifically, Grantor shall not be deemed to (a) extend any assurance that the lands or premises within the permanent easement or in any adjacent properties owned by Grantor are safe for any purpose, (b) confer upon any person the legal status of an invitee or licensee to whom a duty of care is owed, (c) assume responsibility for or incur liability for any injury to any person or property caused by an act or omission of such person, or (d) assume responsibility for or incur liability for injury to a person or property caused by any natural or artificial condition, structure, or personal property in the permanent easement or in any adjacent properties owned by Grantor.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this 25th day of February, 2025.

Jim and Judy Hazen Trust
dated August 23, 2017, and any amendments thereto

BY: [Signature]
James L. Hazen, Trustee

BY: [Signature]
Judith A. Hazen, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

ss.

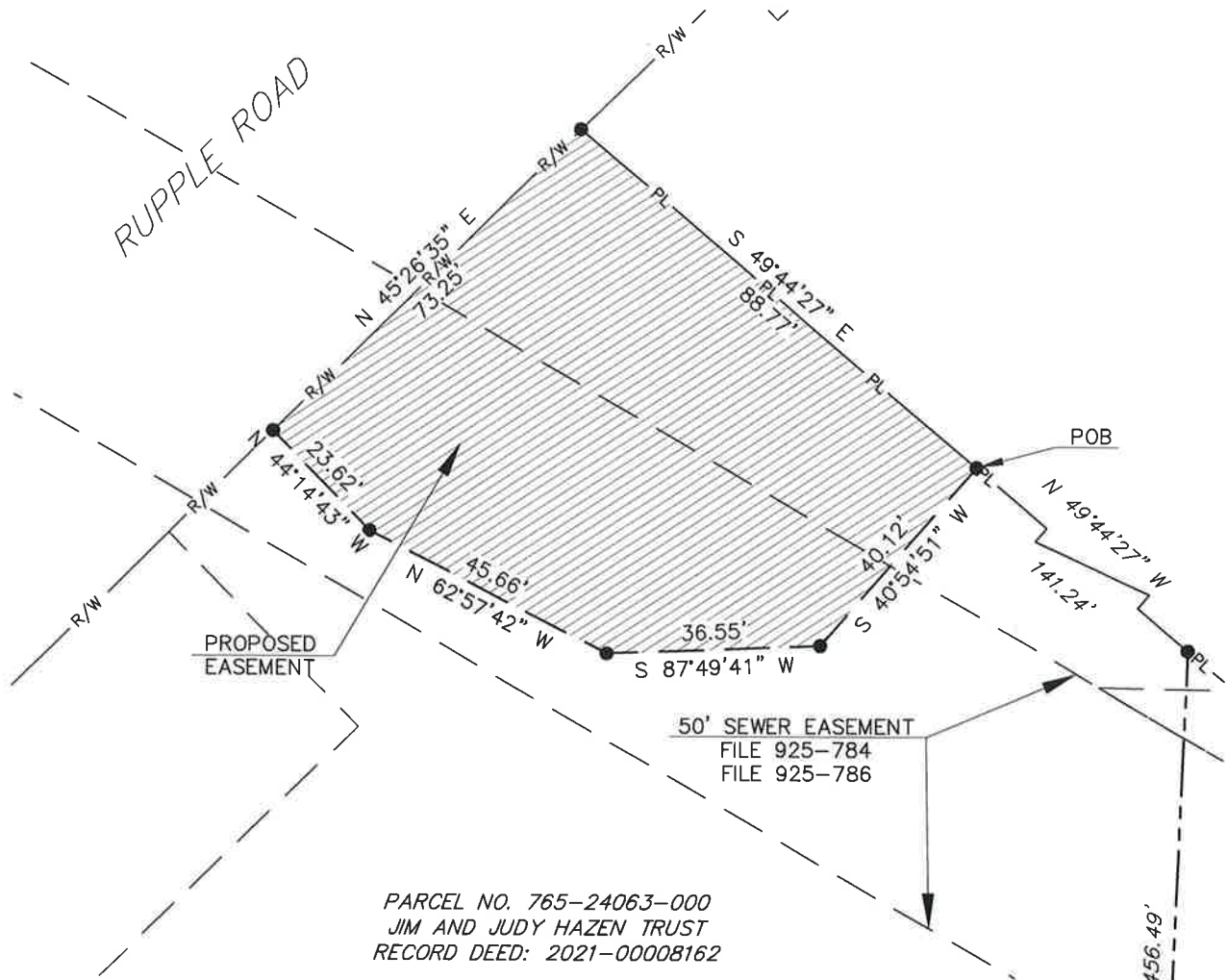
BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared James L. Hazen and Judith A. Hazen, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the Trustees of the Jim and Judy Hazen Trust dated August 23, 2017, and any amendments thereto, and are duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said trust, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 25th day of February, 2025.

MY COMMISSION EXPIRES:



[Signature]
Notary Public



AREA CALCULATIONS	SQ. FT.	ACRES
PROPOSED EASEMENT	6,035	0.14

LEGEND

— PL — PL —	EXISTING PROPERTY LINE
— R/W —	EXISTING RIGHT OF WAY LINE
— — —	EXISTING EASEMENT LINE
— — —	PROPOSED EASEMENT LINE

THIS EXHIBIT IS A SKETCH DESCRIPTIVE ONLY OF THE SIZE, SHAPE AND LOCATION OF THE PROPOSED EASEMENTS AND DOES NOT CONSTITUTE A PLAT OR SURVEY OF THE GRANTOR'S PROPERTY.



2049 E. JOYCE BLVD.
SUITE 100
FAYETTEVILLE, ARKANSAS 72703
479 527-9000

CITY OF FAYETTEVILLE
FAYETTEVILLE ARKANSAS
HAMESTRING CREEK
PEDESTRIAN BRIDGE



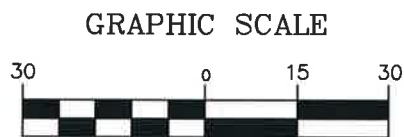
CITY OF
FAYETTEVILLE
ARKANSAS

JOB NO.
2302057

DATE
JAN. 15, 2021

"EXHIBIT A"

TRACT
1



(IN FEET)
1 inch = 30 ft.

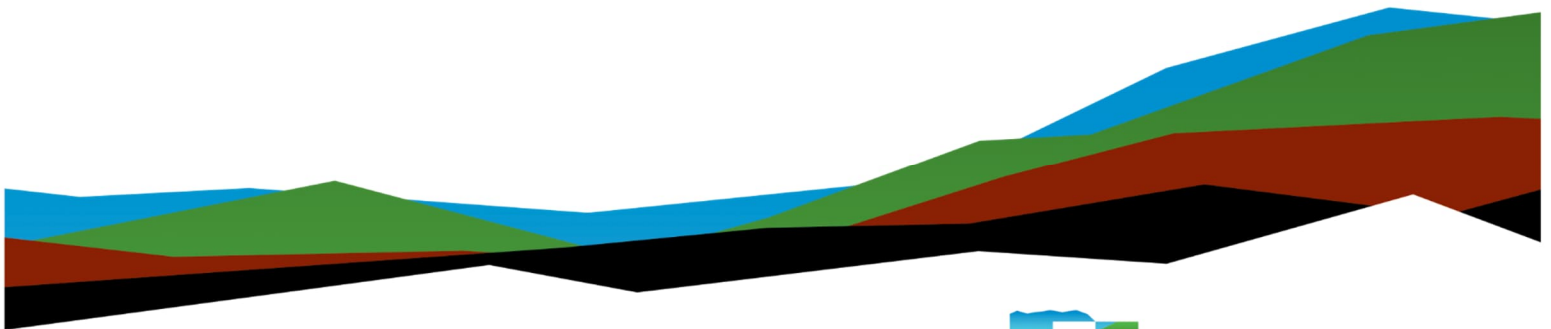
Hamestring Pedestrian Bridge

Geotechnical Engineering Report

September 17, 2024 | Terracon Project No. KB235048A

Prepared for:

Garver LLC
4701 Northshore Dr
North Little Rock, AR 72118



Nationwide
Planning Commission

April 28, 2025
VAR-2025-0024 (CITY OF FAYETTEVILLE)
Terracon.com
Page 45 of 87



1003 Century Street
Springdale, AR 72762
P (479) 621-0196
Terracon.com

September 17, 2024

Garver LLC
4701 Northshore Dr
North Little Rock, AR 72118

Attn: Zach Moore
P: (479) 287-4625
E: ZTMoore@garverusa.com

Re: Geotechnical Engineering Report
Hamestring Pedestrian Bridge
2160 N Ruppel Road
Fayetteville, AR
Terracon Project No. KB235048A

Dear Mr. Moore:

We have completed the scope of Geotechnical Engineering services for the above referenced project in general accordance with the Professional Services Agreement between Garver and Terracon dated August 5, 2024. This report presents the findings of the subsurface exploration and provides geotechnical recommendations concerning earthwork and the design and construction of deep foundations for the proposed project.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report or if we may be of further service, please contact us.

Sincerely,

Terracon

Certificate of Authorization No. 223, expires 12/31/2025

Aaron Baker

Aaron M. Baker, E.I.
Field Engineer



Michael H. Homan, P.E.
Office Manager / Senior Principal

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GeoModel

Attachments

Exploration and Testing Procedures
Rock Core Photography Log
Site Location and Exploration Plans
Exploration and Laboratory Results
Supporting Information



Note: This report was originally delivered in a web-based format. **Blue Bold** text in the report indicates a referenced section heading. The PDF version also includes hyperlinks which direct the reader to that section and clicking on the  logo will bring you back to this page. For more interactive features, please view your project online at client.terracon.com.

Refer to each individual Attachment for a listing of contents.



Introduction

This report presents the results of our subsurface exploration and Geotechnical Engineering services performed for the proposed pedestrian bridge to be located at 2160 N Ruppel Road in Fayetteville, AR. The purpose of these services was to provide information and geotechnical engineering recommendations relative to:

- Subsurface soil (and rock) conditions
- Groundwater conditions
- Seismic site classification per IBC
- Site preparation and earthwork
- Foundation design and construction

The geotechnical engineering Scope of Services for this project included the advancement of test borings, laboratory testing, engineering analysis, and preparation of this report.

Drawings showing the site and boring locations are shown on the [Site Location](#) and [Exploration Plan](#), respectively. The results of the laboratory testing performed on soil samples obtained from the site during our field exploration are included on the boring logs in the [Exploration Results](#) section.

Project Description

Our initial understanding of the project was provided in our proposal and was discussed during project planning. A period of collaboration has transpired since the project was initiated, and our final understanding of the project conditions is as follows:

Item	Description
Information Provided	An email request for proposal was provided by Ron Petrie of Garver on October 2 nd , 2023. The request included a conceptual site layout and a planned profile.
Project Description	The project includes the construction of a 60 to 80 foot long prefabricated pedestrian bridge over Hamstring creek. We understand that the bridge will be constructed on a shallow footing foundation.
Maximum Loads	Less than 50 kips



Terracon should be notified if any of the above information is inconsistent with the planned construction, especially the grading limits, as modifications to our recommendations may be necessary.

Site Conditions

The following description of site conditions is derived from our site visit in association with the field exploration.

Item	Description
Parcel Information	The project is located in Fayetteville, Arkansas. Latitude/Longitude (approximate): 36.0910287, -94.2133177 See Site Location
Existing Improvements	No current improvements. A silt fence has been constructed approximately 50 feet north of the creek.
Current Ground Cover	Grass, erosion mats, and Hamestring Creek.
Existing Topography	The site slopes into the creek.

Geotechnical Characterization

We have developed a general characterization of the subsurface conditions based upon our review of the subsurface exploration, laboratory data, geologic setting and our understanding of the project. This characterization, termed GeoModel, forms the basis of our geotechnical calculations and evaluation of the site. Conditions observed at each exploration point are indicated on the individual logs. The individual logs can be found in the [Exploration Results](#) and the GeoModel can be found in the [Figures](#) attachment of this report.

As part of our analyses, we identified the following model layers within the subsurface profile. For a more detailed view of the model layer depths at each boring location, refer to the GeoModel.

Model Layer	Layer Name	General Description
1	Overburden Soils	Lean and fat clay with varying amounts of gravel extending to the top of bedrock; 8 to 10 feet thick; stiff to very stiff; multiple shades of brown and gray in color
2	Limestone Bedrock	Light gray in color; encountered at 8 and 10 feet below the ground surface; moderately fractured, moderate spacing, medium bedding, slightly weathered, very strong rock (between 15,000 and 27,000 psi unconfined compressive strength)

The borings were advanced in using drilling techniques that allow short term groundwater observations to be made while drilling. Groundwater seepage was encountered at B-1 at a depth of 5 feet bgs. Groundwater conditions may be different at the time of construction. Groundwater conditions may change because of seasonal variations in rainfall, runoff, and other conditions not apparent at the time of drilling. Long-term groundwater monitoring was outside the scope of services for this project.

Seismic Site Class

The seismic design requirements for buildings and other structures are based on Seismic Design Category. Site Classification is required to determine the Seismic Design Category for a structure. The Site Classification is based on the upper 100 feet of the site profile defined by a weighted average value of either shear wave velocity, standard penetration resistance, or undrained shear strength in accordance with Section 20.4 of ASCE 7 and the International Building Code (IBC). Based on the soil/bedrock properties observed at the site and as described on the exploration logs and results, our professional opinion is that a Seismic Site Classification of C be considered for the project. Subsurface explorations at this site were extended to a maximum depth of 20 feet. The site properties below the boring depth to 100 feet were estimated based on our experience and knowledge of geologic conditions of the general area. Additional deeper borings or geophysical testing may be performed to confirm the conditions below the current boring depth.



Geotechnical Overview

The site appears suitable for the proposed construction based upon geotechnical conditions encountered in the test borings, provided that the recommendations provided in this report are implemented in the design and construction phases of this project.

The subsurface materials generally consist of lean and fat clay with varying amounts of gravel overlying limestone bedrock at depths of about 8 and 10 feet below the ground surface. Groundwater was observed in boring B-1 at a depth of 5 feet below the ground surface.

Approximate elevations to the top of competent limestone bedrock as observed in the borings is shown in the following table.

Boring Number	Approximate Elevation at Top of Competent Limestone Bedrock
B-1	1175.0
B-2	1180.0

We understand that a 3-sided box culvert with a concrete deck is planned for the creek crossing. The bridge will be designed to be supported on shallow foundations with a short stem wall to support the box. Based on the subsurface conditions observed at the boring locations, we recommend supporting the box on a shallow spread footing bearing in the limestone bedrock observed in both borings at depths of 8 and 10 feet below the existing ground surface. The [Shallow Foundations](#) section provides recommendations for design and construction of spread footing foundations.

The recommendations contained in this report are based upon the results of field and laboratory testing (presented in the [Exploration Results](#)), engineering analyses, and our current understanding of the proposed project. The [General Comments](#) section provides an understanding of the report limitations.

Earthwork

Earthwork is anticipated to include clearing and grubbing, excavations, and structural fill placement. The following sections provide recommendations for use in the preparation of specifications for the work. Recommendations include critical quality criteria, as necessary, to render the site in the state considered in our geotechnical engineering evaluation for foundations.

Site Preparation

The near surface fat and lean clay soils observed at the boring locations are susceptible to strength loss with moisture content increases and when subjected to repetitive construction traffic. We expect difficult construction conditions will likely exist and ground improvement will be required during site preparation and grading, especially if soils are wet and exposed to repetitive construction traffic. We recommend Terracon be retained to evaluate the site conditions during site grading and construction and provide subgrade improvement recommendations based on the actual conditions.

Where site preparation and grading are necessary for the trail and approach apron to the bridge, surface vegetation, trees and root balls and topsoil should be removed from the construction areas. Close observation and testing should be performed by Terracon after clearing to evaluate the exposed soils and to provide recommendations if subgrade improvement is needed. Any fill material needed to achieve design grade for the approach aprons/trail should be engineered fill as specified in the [Fill Material Types](#) table below.

Where fill is placed on existing slopes steeper than 5H:1V, benches should be cut into the existing slopes prior to fill placement. The benches should have a minimum vertical face height of 1 foot and a maximum vertical face height of 3 feet and should be cut wide enough to accommodate the compaction equipment. This benching will help provide a positive bond between the fill and natural soils and reduce the possibility of failure along the fill/natural soil interface.

Although no evidence of fill or underground facilities (such as septic tanks, cesspools, basements, and utilities) was observed during the exploration and site reconnaissance, such features could be encountered during construction. If unexpected fills or underground facilities are encountered, such features should be removed, and the excavation thoroughly cleaned prior to backfill placement and/or construction.

Subgrade Preparation

The subgrade should be proofrolled with an adequately loaded vehicle such as a fully-loaded tandem-axle dump truck. The proofrolling should be performed under the observation of the Geotechnical Engineer or representative. Areas excessively deflecting under the proofroll should be delineated and subsequently addressed by the Geotechnical Engineer. Such areas should either be removed or modified by treating/applying/mixing with approved material. Excessively wet or dry material should either be removed, or moisture conditioned and recompacted.

All exposed areas which will receive fill, once properly cleared and benched where necessary, should be scarified to a minimum depth of 10 inches, moisture conditioned as necessary, and compacted per the compaction requirements in this report. Compacted



structural fill soils should then be placed to the proposed design grade and the moisture content and compaction of subgrade soils should be maintained until foundation or pavement construction.

Based upon the subsurface conditions determined from the geotechnical exploration, subgrade soils exposed during construction are anticipated to be relatively workable; however, the workability of the subgrade may be affected by precipitation, repetitive construction traffic or other factors. If unworkable conditions develop, workability may be improved by scarifying and drying.

Excavation

We anticipate that excavations into the lean and fat clay for the proposed construction can be accomplished with conventional earthmoving equipment. Excavations into the limestone bedrock will be difficult and will require the use of pneumatic hoe rams or blasting. The bottom of excavations should be thoroughly cleaned of loose soils and disturbed materials prior to backfill placement and/or construction.

Groundwater was observed in boring B-1 at a depth of 5 feet bgs during our field exploration. Groundwater level fluctuations can be influenced by the adjacent creek level and due to seasonal variations in the amount of rainfall, runoff and other factors not evident at the time the borings were performed. Therefore, groundwater levels during construction or at other times in the life of the structure may be higher or lower than observed in the borings. Additionally, perched water may exist at shallow depths and at the soil to rock interface at the time of construction. The contractor is responsible for employing appropriate dewatering methods to control groundwater infiltration and facilitate construction. Longer-term groundwater levels should be monitored by the contractor prior to excavation. If it is not possible to keep excavation depths above groundwater level, dewatering below the required bottom of excavation elevation will be required in advance of excavation.

Fill Material Types

Fill required to achieve design grade should be classified as structural fill and general fill. Structural fill is material used below, or within 10 feet of structures or constructed slopes. General fill is material used to achieve grade outside of these areas.

Soil Type ¹	USCS Classification	Acceptable Parameters
Imported Materials ²	CL, SC, GC LL ≤ 45 & PI ≤ 20	All locations and elevations

Soil Type ¹	USCS Classification	Acceptable Parameters
Imported Low Volume Change (LVC) "Hillside" Material ^{2,3}	CL, GC, SC	All locations and elevations
On-Site Soils ²	CL LL≤45 and PI≤20	All locations and elevation
	CH	General fill in non-structural areas
Granular ^{2,4}	GW/GM	Granular backfill behind abutment walls

1. Structural and general fill should consist of approved materials free of organic matter and debris. Frozen material should not be used, and fill should not be placed on a frozen subgrade.
2. A sample of each material type should be submitted to the Geotechnical Engineer for evaluation prior to use on this site.
3. Locally available clayey gravel ("hillside") material with liquid limit (LL) of 45 or less and PI of 20 or less, or if the LL is greater than 45, material should have less than 35 percent passing the No. 200 sieve. Clayey gravel material should have a maximum rock size of 3 inches.
4. ArDOT Class 7 aggregate base course or similar

Fill Placement and Compaction Requirements

Structural and general fill should meet the following compaction requirements.

Item	Structural Fill	General Fill
Maximum Lift Thickness	9 inches or less in loose thickness when heavy, self-propelled compaction equipment is used. 4 to 6 inches in loose thickness when hand-guided equipment (i.e., jumping jack or plate compactor) is used	Same as structural fill
Minimum Compaction Requirements ^{1,2}	At least 95% of max.	Same as structural fill
Water Content Range ¹	Cohesive: -2% to +2% of optimum Granular: Workable moisture levels	As required to achieve min. compaction requirements

Item	Structural Fill	General Fill
	- Maximum density and optimum water content as determined by the standard Proctor test (ASTM D 698). - If the granular material is a coarse sand or gravel, or of a uniform size, or has a low fines content, compaction comparison to relative density may be more appropriate. In this case, granular materials should be compacted to at least 70% relative density (ASTM D 4253 and D 4254). Materials not amenable to density testing should be placed and compacted to a stable condition observed by the Geotechnical Engineer or representative.	

Utility Trench Backfill

If utilities are planned near the bridge, all utility trench excavations should be made with sufficient working space to permit construction including backfill placement and compaction. Utility trenches are a common source of water infiltration and migration. If utility trenches are backfilled with relatively clean granular material, they should be capped with at least 18 inches of cohesive fill to reduce the infiltration and conveyance of surface water through the trench backfill.

Grading and Drainage

All grades must provide effective drainage away from the bridge structure during and after construction and should be maintained throughout the life of the structure.

Earthwork Construction Considerations

Water collecting over or adjacent to construction areas should be removed. If the subgrade freezes, desiccates, saturates, or is disturbed, the affected material should be removed, or the materials should be scarified, moisture conditioned, and recompacted prior to construction.

As a minimum, excavations should be performed in accordance with OSHA 29 CFR, Part 1926, Subpart P, "Excavations" and its appendices, and in accordance with any applicable local and/or state regulations.

Construction site safety is the sole responsibility of the contractor who controls the means, methods, and sequencing of construction operations. Under no circumstances shall the information provided herein be interpreted to mean Terracon is assuming responsibility for construction site safety or the contractor's activities; such responsibility shall neither be implied nor inferred.



Construction Observation and Testing

The earthwork efforts should be observed by the Geotechnical Engineer (or others under their direction). Observation should include documentation of adequate removal of surficial materials (vegetation, topsoil, and pavements), evaluation and remediation of existing fill materials, as well as proofrolling and mitigation of unsuitable areas delineated by the proofroll.

Each lift of compacted fill should be tested, evaluated, and reworked, as necessary, as recommended by the Geotechnical Engineer prior to placement of additional lifts. Each lift of fill should be tested for density and water content at a frequency of at least one test for every 2,500 square feet of compacted fill.

In areas of foundation excavations, the bearing material should be evaluated by the Geotechnical Engineer. If unanticipated conditions are observed, the Geotechnical Engineer should prescribe mitigation options.

In addition to the documentation of the essential parameters necessary for construction, the continuation of the Geotechnical Engineer into the construction phase of the project provides the continuity to maintain the Geotechnical Engineer's evaluation of subsurface conditions, including assessing variations and associated design changes.

Shallow Foundations

We understand that a shallow footing is the preferred foundation option for the structure. If the site has been prepared in accordance with the requirements noted in [Earthwork](#), the following design parameters are applicable for shallow foundations.

Design Parameters – Compressive Loads

Item	Description
Nominal End Bearing	100 ksf
Required Bearing Stratum ¹	At least two feet into limestone bedrock (observed at an elevation of 1175 msl in B-1, and 1180 msl in B-2)
Resistance Factor for Footing on Rock ²	0.45
Minimum Embedment Below Finished Grade ³	24 inches
Estimated Total Settlement from Structural Loads	Less than 1 inch



Item	Description
Estimated Differential Settlement	About 2/3 of total settlement
1. Unsuitable, loose or soft rock should be over-excavated to expose solid competent bedrock. 2. AASHTO Table 10.5.5.2.2-1 3. Embedment is necessary to minimize the effects of frost and/or seasonal water content variations. For sloping ground, maintain depth below the lowest adjacent exterior grade within 5 horizontal feet of the structure.	

Foundation Construction Considerations

Excavations into the limestone are anticipated to encounter significant construction difficulties. Given the high unconfined strengths in the limestone, some cost increases above normal excavation costs should be anticipated. The limestone bedrock will be very difficult to excavate or grade with conventional excavation equipment and will require other special excavation techniques. Contractors should also be made aware of the relative strength of the limestone, which exhibits intact unconfined strengths in excess of 15,000 to 27,000 psi, which will cause significant wear and damage to conventional excavation equipment. In our opinion and our experience on past projects, the hardness of the limestone will incur significantly higher excavation and foundation construction costs compared to normal construction.

As noted in [Earthwork](#), the footing excavations should be evaluated under the observation of the Geotechnical Engineer. The base of all foundation excavations should be free of water and loose soil, prior to placing concrete. Concrete should be placed soon after excavating to reduce bearing soil disturbance. Care should be taken to prevent wetting or drying of the bearing materials during construction. Excessively wet or dry material or any loose/disturbed material in the bottom of the footing excavations should be removed/reconditioned before foundation concrete is placed.

General Comments

Our analysis and opinions are based upon our understanding of the project, the geotechnical conditions in the area, and the data obtained from our site exploration. Variations will occur between exploration point locations or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. Terracon should be retained as the Geotechnical Engineer, where noted in this report, to provide observation and testing services during pertinent construction phases. If variations appear, we can provide further evaluation and supplemental recommendations. If variations are noted in the absence of our observation and testing services on-site, we should be immediately notified so that we can provide evaluation and supplemental recommendations.

Our Scope of Services does not include either specifically or by implication any environmental or biological (e.g., mold, fungi, bacteria) assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be undertaken.

Our services and any correspondence are intended for the sole benefit and exclusive use of our client for specific application to the project discussed and are accomplished in accordance with generally accepted geotechnical engineering practices with no third-party beneficiaries intended. Any third-party access to services or correspondence is solely for information purposes to support the services provided by Terracon to our client. Reliance upon the services and any work product is limited to our client and is not intended for third parties. Any use or reliance of the provided information by third parties is done solely at their own risk. No warranties, either express or implied, are intended or made.

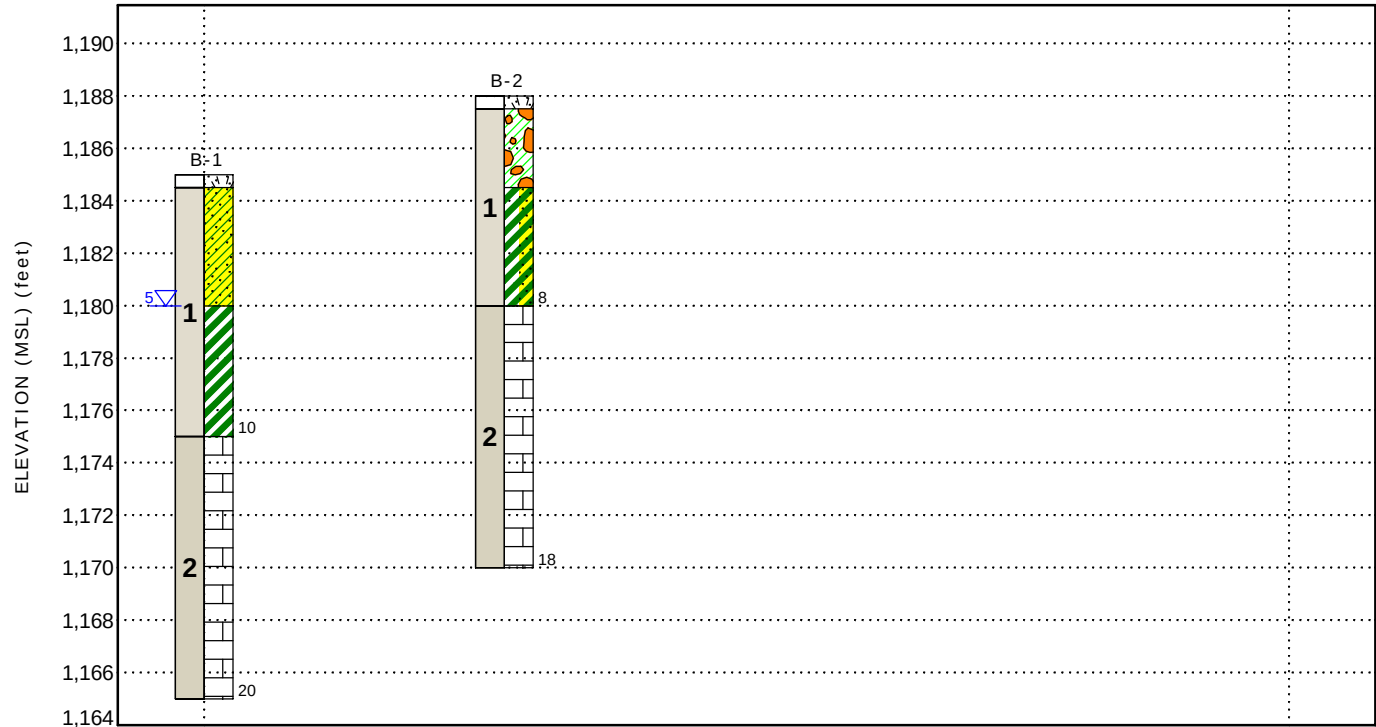
Site characteristics as provided are for design purposes and not to estimate excavation cost. Any use of our report in that regard is done at the sole risk of the excavating cost estimator as there may be variations on the site that are not apparent in the data that could significantly effect excavation cost. Any parties charged with estimating excavation costs should seek their own site characterization for specific purposes to obtain the specific level of detail necessary for costing. Site safety and cost estimating including excavation support and dewatering requirements/design are the responsibility of others. Construction and site development have the potential to affect adjacent properties. Such impacts can include damages due to vibration, modification of groundwater/surface water flow during construction, foundation movement due to undermining or subsidence from excavation, as well as noise or air quality concerns. Evaluation of these items on nearby properties are commonly associated with contractor means and methods and are not addressed in this report. The owner and contractor should consider a preconstruction/precondition survey of surrounding development. If changes in the nature, design, or location of the project are planned, our conclusions and recommendations shall not be considered valid unless we review the changes and either verify or modify our conclusions in writing.

Figures

Contents:

GeoModel

GeoModel



This is not a cross section. This is intended to display the Geotechnical Model only. See individual logs for more detailed conditions.

Model Layer	Layer Name	General Description	Legend	
1	Overburden Soils	Lean and fat clay with varying amounts of gravel extending to the top of bedrock; 8 to 10 feet thick; stiff to very stiff; multiple shades of brown and gray in color	Topsoil	Sandy Lean Clay
2	Limestone Bedrock	Light gray in color; found between 8 and 10 feet below the ground surface; moderately fractured, moderate spacing, medium bedding, slightly weathered, very strong rock	Fat Clay	Limestone
			Gravelly Lean Clay	Fat Clay with Sand

First Water Observation

Groundwater levels are temporal. The levels shown are representative of the date and time of our exploration. Significant changes are possible over time.
Water levels shown are as measured during and/or after drilling. In some cases, boring advancement methods mask the presence/absence of groundwater. See individual logs for details.

NOTES:
Layering shown on this figure has been developed by the geotechnical engineer for purposes of modeling the subsurface conditions as required for the subsequent geotechnical engineering for this project.
Numbers adjacent to soil column indicate depth below ground surface.

Attachments



Exploration and Testing Procedures

Field Exploration

Number of Borings	Approximate Boring Depth (feet)	Location
2	18 to 20	Planned pedestrian bridge

Boring Layout and Elevations: Terracon personnel provided the boring layout using handheld GPS equipment (estimated horizontal accuracy of about ±10 feet) and referencing existing site features. Ground surface elevations were estimated using topographic information provided by Garver. If elevations and a more precise boring layout are desired, we recommend borings be surveyed.

Subsurface Exploration Procedures: We advanced the borings with a track-mounted rotary drill rig using solid stem augers. Five samples were obtained in the upper 10 feet of each boring and at intervals of 5 feet thereafter. In the split-barrel sampling procedure, a standard 2-inch outer diameter split-barrel sampling spoon was driven into the ground by a 140-pound automatic hammer falling a distance of 30 inches. The number of blows required to advance the sampling spoon the last 12 inches of a normal 18-inch penetration is recorded as the Standard Penetration Test (SPT) resistance value. The SPT resistance values, also referred to as N-values, are indicated on the boring logs at the test depths. We observed and recorded groundwater levels during drilling and sampling. For safety purposes, all borings were backfilled with auger cuttings after their completion.

10 feet of rock coring was conducted in each boring using NQ rock coring techniques.

The sampling depths, penetration distances, and other sampling information was recorded on the field boring logs. The samples were placed in appropriate containers and taken to our soil laboratory for testing and classification by a Geotechnical Engineer. Our exploration team prepared field boring logs as part of the drilling operations. These field logs included visual classifications of the materials observed during drilling and our interpretation of the subsurface conditions between samples. Final boring logs were prepared from the field logs. The final boring logs represent the Geotechnical Engineer's interpretation of the field logs and include modifications based on observations and tests of the samples in our laboratory.

Laboratory Testing

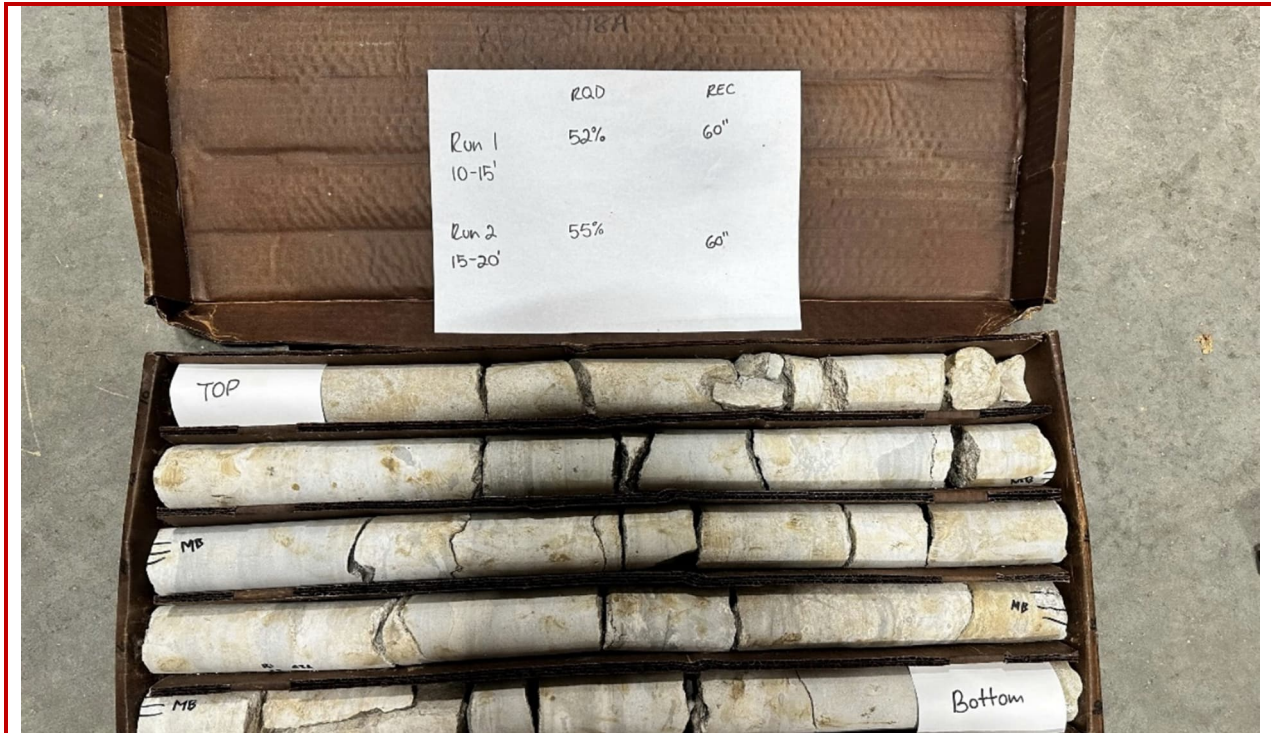
The project engineer reviewed the field data and assigned laboratory tests. The laboratory testing program included the following types of tests:

- Moisture Content
- Dry Unit Weight
- Unconfined Compressive Strength of Rock
- Atterberg Limits

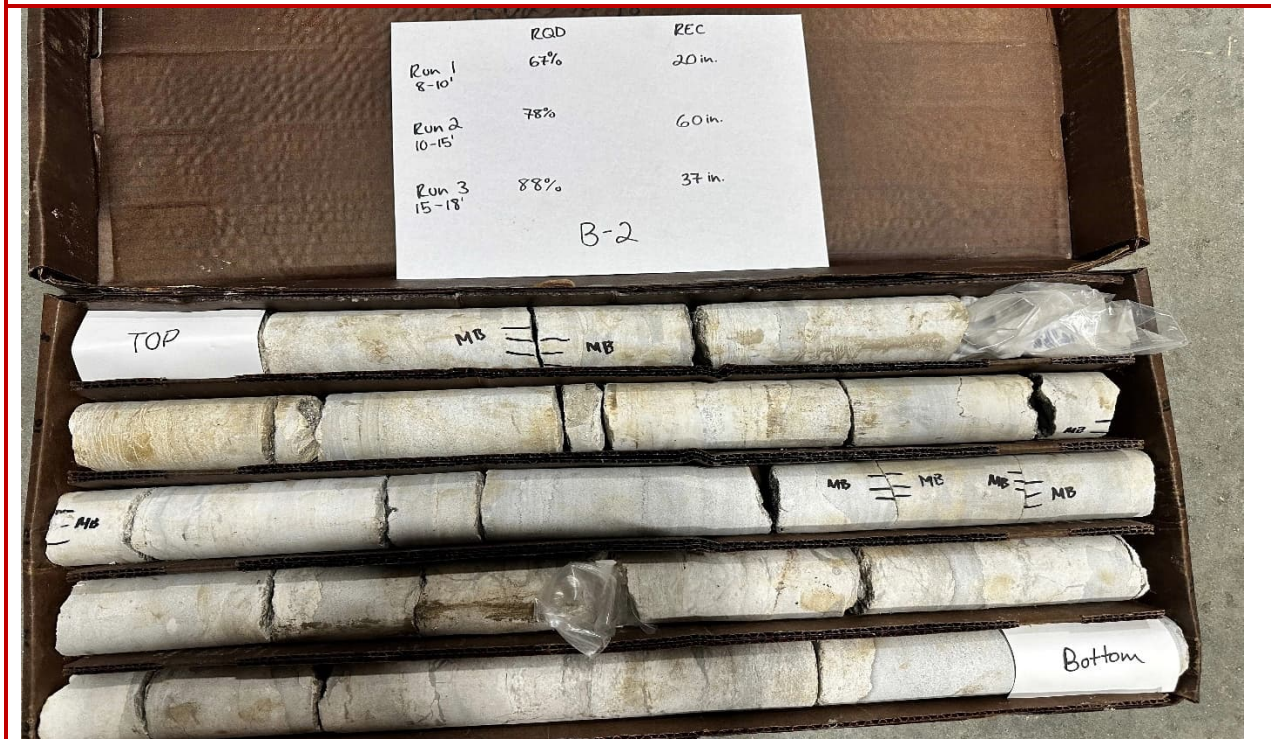
The laboratory testing program often included examination of soil samples by an engineer. Based on the results of our field and laboratory programs, we described and classified the soil samples in accordance with the Unified Soil Classification System.

Rock classification was conducted using locally accepted practices for engineering purposes; petrographic analysis may reveal other rock types. Rock core samples typically provide an improved specimen for this classification. Boring log rock classification was determined using the Description of Rock Properties.

Photography Log



B-1 runs 1 and 2



B-2 runs 1, 2, and 3

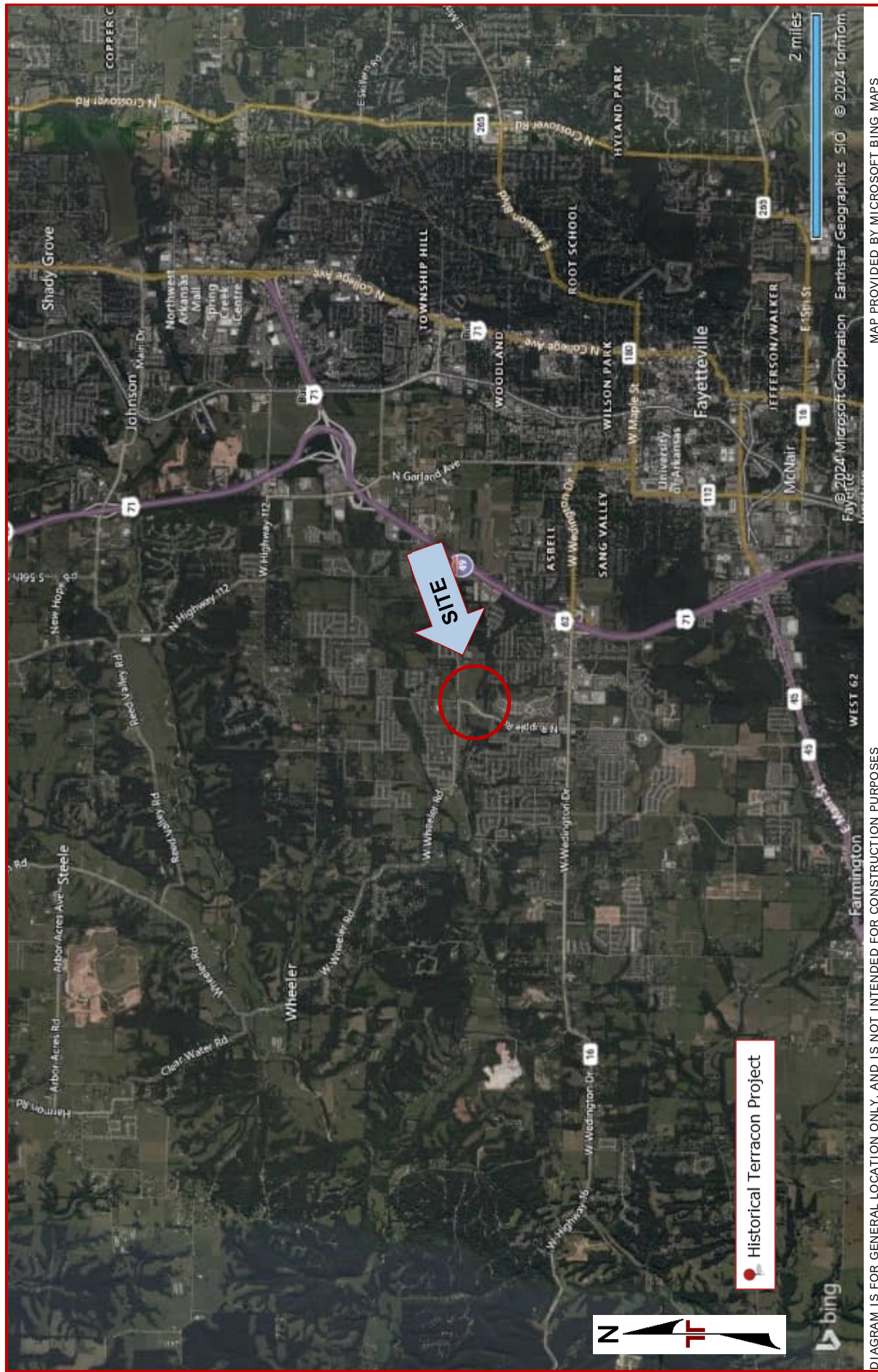
Site Location and Exploration Plans

Contents:

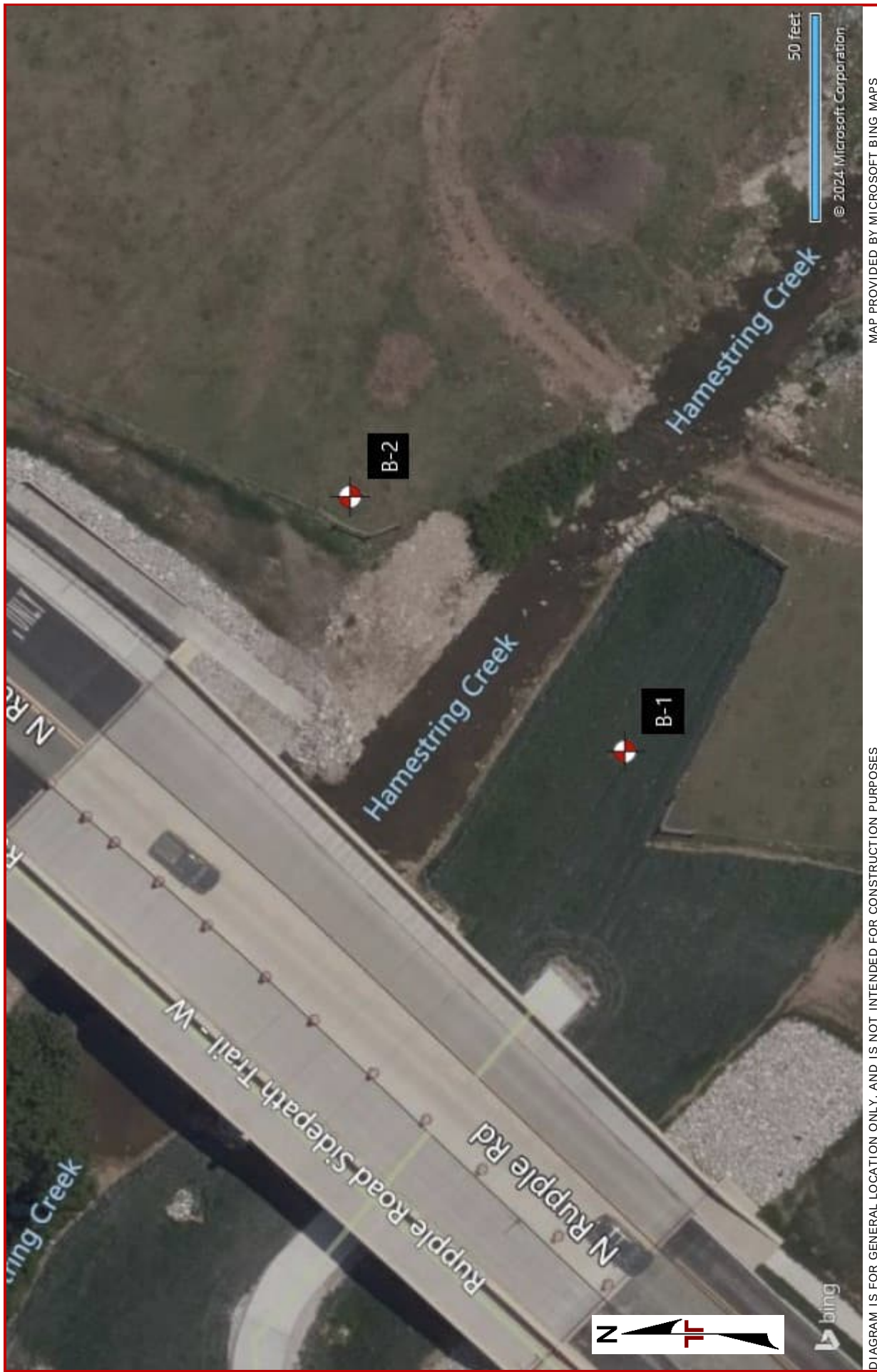
Site Location Plan
Exploration Plan

Note: All attachments are one page unless noted above.

Site Location



Exploration Plan



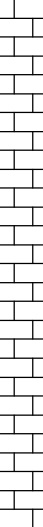
Exploration and Laboratory Results

Contents:

Boring Logs (B-1 & B-2)

Note: All attachments are one page unless noted above.

Boring Log No. B-1

Model Layer	Graphic Log	Location: See Exploration Plan Latitude: 36.0910° Longitude: -94.2134° Depth (Ft.) Elevation.: 1185.0 (Ft.)	Depth (Ft.)	Water Level Observations	Sample Type	Field Test Results	Strength Test			Water Content (%)	Dry Unit Weight (pcf)	Atterberg Limits	Percent Fines
							Test Type	Compressive Strength (psi)	Strain (%)			LL-PL-PI	
		0.5 <u>TOPSOIL</u> 1184.5											
1		<u>SANDY LEAN CLAY (CL)</u> , brown, stiff			6-5-5 N = 10				11.4				64
					4-5-5 N = 10				19.5				
					5-5-5 N = 10				15.2				
					5-5-3 N = 8				34.4	88-32-56			
				5.0 <u>FAT CLAY (CH)</u> , dark gray, stiff 1180	5								
2		<u>LIMESTONE</u> , light gray, moderately fractured, close fracture spacing, medium bedding, slightly weathered, strong rock			50/0"								
					REC: 100% RQD: 52%		27027						
				REC: 100% RQD: 55%		21342							
		20.0 <i>Boring Terminated at 20 Feet</i> 1165	20										

Notes	See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (If any).	Water Level Observations ▽ While drilling	Drill Rig CME 55 Hammer Type Automatic Driller DS
	See Supporting Information for explanation of symbols and abbreviations. Elevation Reference: Elevations were interpolated from a topographic site plan.		
Notes	Advancement Method SSA: 0-10' Core: 10-20'	Abandonment Method Boring backfilled with Auger Cuttings and/or Bentonite	Logged by MB Boring Started 08-15-2024 Boring Completed 08-15-2024

Boring Log No. B-2

Model Layer	Graphic Log	Location: See Exploration Plan Latitude: 36.0911° Longitude: -94.2132° Depth (Ft.) Elevation.: 1188.0 (Ft.)	Depth (Ft.)	Water Level Observations	Sample Type	Field Test Results	Strength Test			Water Content (%)	Dry Unit Weight (pcf)	Atterberg Limits	
							Test Type	Compressive Strength (psi)	Strain (%)			LL-PL-PI	Percent Fines
		0.5 TOPSOIL 1187.5											
1		GRAVELLY LEAN CLAY (CL), brown, stiff to very stiff				5-6-9 N=15							
						12-15-13 N=28				13.6			
		3.5 FAT CLAY WITH SAND (CH), gray, stiff 1184.5				5-6-8 N=14				19.0		59-15-44	79
						6-5-5 N=10				37.1			
2		8.0 LIMESTONE, light gray, moderately fractured, moderate spacing, medium bedding, slightly weathered, strong rock 1180											
			10			REC: 83% RQD: 67%		22966					
						REC: 100% RQD: 78%		15417					
			15			REC: 100% RQD: 88%		17414					
		18.0 1170											
		Boring Terminated at 18 Feet											

Notes	See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (If any).	Water Level Observations Water introduced into drilling operation during rock coring	Drill Rig CME 55 Hammer Type Automatic Driller DS
	See Supporting Information for explanation of symbols and abbreviations. Elevation Reference: Elevations were interpolated from a topographic site plan.		
		Advancement Method SSA: 0-8' Core: 8-18'	Logged by MB
		Abandonment Method Boring backfilled with Auger Cuttings and/or Bentonite	Boring Started 08-15-2024 Boring Completed 08-15-2024

Supporting Information

Contents:

General Notes
Unified Soil Classification System
Description of Rock Properties

Note: All attachments are one page unless noted above.

General Notes

Sampling	Water Level	Field Tests
 Rock Core  Standard Penetration Test	 Water Initially Encountered  Water Level After a Specified Period of Time  Water Level After a Specified Period of Time  Cave In Encountered Water levels indicated on the soil boring logs are the levels measured in the borehole at the times indicated. Groundwater level variations will occur over time. In low permeability soils, accurate determination of groundwater levels is not possible with short term water level observations.	N Standard Penetration Test Resistance (Blows/Ft.) (HP) Hand Penetrometer (T) Torvane (DCP) Dynamic Cone Penetrometer UC Unconfined Compressive Strength (PID) Photo-Ionization Detector (OVA) Organic Vapor Analyzer

Descriptive Soil Classification

Soil classification as noted on the soil boring logs is based Unified Soil Classification System. Where sufficient laboratory data exist to classify the soils consistent with ASTM D2487 "Classification of Soils for Engineering Purposes" this procedure is used. ASTM D2488 "Description and Identification of Soils (Visual-Manual Procedure)" is also used to classify the soils, particularly where insufficient laboratory data exist to classify the soils in accordance with ASTM D2487. In addition to USCS classification, coarse grained soils are classified on the basis of their in-place relative density, and fine-grained soils are classified on the basis of their consistency. See "Strength Terms" table below for details. The ASTM standards noted above are for reference to methodology in general. In some cases, variations to methods are applied as a result of local practice or professional judgment.

Location And Elevation Notes

Exploration point locations as shown on the Exploration Plan and as noted on the soil boring logs in the form of Latitude and Longitude are approximate. See Exploration and Testing Procedures in the report for the methods used to locate the exploration points for this project. Surface elevation data annotated with +/- indicates that no actual topographical survey was conducted to confirm the surface elevation. Instead, the surface elevation was approximately determined from topographic maps of the area.

Strength Terms

Relative Density of Coarse-Grained Soils (More than 50% retained on No. 200 sieve.) Density determined by Standard Penetration Resistance		Consistency of Fine-Grained Soils (50% or more passing the No. 200 sieve.) Consistency determined by laboratory shear strength testing, field visual-manual procedures or standard penetration resistance		
Relative Density	Standard Penetration or N-Value (Blows/Ft.)	Consistency	Unconfined Compressive Strength Qu (psi)	Standard Penetration or N-Value (Blows/Ft.)
Very Loose	0 - 3	Very Soft	less than 3.50	0 - 1
Loose	4 - 9	Soft	3.5 to 7.0	2 - 4
Medium Dense	10 - 29	Medium Stiff	7.0 to 14.0	4 - 8
Dense	30 - 50	Stiff	14.0 to 28.0	8 - 15
Very Dense	> 50	Very Stiff	28.0 to 55.5	15 - 30
		Hard	> 55.5	> 30

Relevance of Exploration and Laboratory Test Results

Exploration/field results and/or laboratory test data contained within this document are intended for application to the project as described in this document. Use of such exploration/field results and/or laboratory test data should not be used independently of this document.



Unified Soil Classification System

Criteria for Assigning Group Symbols and Group Names Using Laboratory Tests ^A				Soil Classification	
				Group Symbol	Group Name ^B
Coarse-Grained Soils: More than 50% retained on No. 200 sieve	Gravels: More than 50% of coarse fraction retained on No. 4 sieve	Clean Gravels: Less than 5% fines ^C	Cu≥4 and 1≤Cc≤3 ^E	GW	Well-graded gravel ^F
			Cu<4 and/or [Cc<1 or Cc>3.0] ^E	GP	Poorly graded gravel ^F
		Gravels with Fines: More than 12% fines ^C	Fines classify as ML or MH	GM	Silty gravel ^{F, G, H}
			Fines classify as CL or CH	GC	Clayey gravel ^{F, G, H}
	Sands: 50% or more of coarse fraction passes No. 4 sieve	Clean Sands: Less than 5% fines ^D	Cu≥6 and 1≤Cc≤3 ^E	SW	Well-graded sand ^I
			Cu<6 and/or [Cc<1 or Cc>3.0] ^E	SP	Poorly graded sand ^I
		Sands with Fines: More than 12% fines ^D	Fines classify as ML or MH	SM	Silty sand ^{G, H, I}
			Fines classify as CL or CH	SC	Clayey sand ^{G, H, I}
Fine-Grained Soils: 50% or more passes the No. 200 sieve	Silts and Clays: Liquid limit less than 50	Inorganic:	PI > 7 and plots above “A” line ^J	CL	Lean clay ^{K, L, M}
			PI < 4 or plots below “A” line ^J	ML	Silt ^{K, L, M}
		Organic:	$\frac{LL\ oven\ dried}{LL\ not\ dried} < 0.75$	OL	Organic clay ^{K, L, M, N}
	Silts and Clays: Liquid limit 50 or more	Inorganic:	PI plots on or above “A” line	CH	Fat clay ^{K, L, M}
			PI plots below “A” line	MH	Elastic silt ^{K, L, M}
		Organic:	$\frac{LL\ oven\ dried}{LL\ not\ dried} < 0.75$	OH	Organic clay ^{K, L, M, P}
Highly organic soils:	Primarily organic matter, dark in color, and organic odor			PT	Peat

- ^A Based on the material passing the 3-inch (75-mm) sieve.

^B If field sample contained cobbles or boulders, or both, add "with cobbles or boulders, or both" to group name.

^C Gravels with 5 to 12% fines require dual symbols: GW-GM well-graded gravel with silt, GW-GC well-graded gravel with clay, GP-GM poorly graded gravel with silt, GP-GC poorly graded gravel with clay.

^D Sands with 5 to 12% fines require dual symbols: SW-SM well-graded sand with silt, SW-SC well-graded sand with clay, SP-SM poorly graded sand with silt, SP-SC poorly graded sand with clay.

^E $Cu = D_{60}/D_{10}$ $Cc = \frac{(D_{30})^2}{D_{10} \times D_{60}}$

^F If soil contains ≥ 15% sand, add "with sand" to group name.

^G If fines classify as CL-ML, use dual symbol GC-GM, or SC-SM.
- ^H If fines are organic, add "with organic fines" to group name.

^I If soil contains ≥ 15% gravel, add "with gravel" to group name.

^J If Atterberg limits plot in shaded area, soil is a CL-ML, silty clay.

^K If soil contains 15 to 29% plus No. 200, add "with sand" or "with gravel," whichever is predominant.

^L If soil contains ≥ 30% plus No. 200 predominantly sand, add "sandy" to group name.

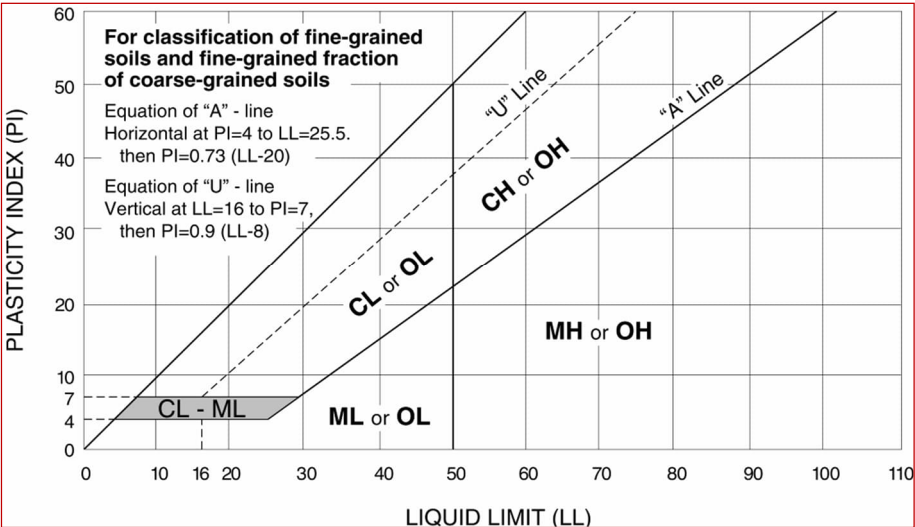
^M If soil contains ≥ 30% plus No. 200, predominantly gravel, add "gravelly" to group name.

^N PI ≥ 4 and plots on or above "A" line.

^O PI < 4 or plots below "A" line.

^P PI plots on or above "A" line.

^Q PI plots below "A" line.





Rock Classification Notes

WEATHERING			
Term	Description		
Fresh	Mineral crystals appear bright; show no discoloration. Features show little or now staining on surfaces. Discoloration does not extend into intact rock.		
Slightly weathered	Rock generally fresh except along fractures. Some fractures stained and discoloration may extend <0.5 inches into rock.		
Moderately weathered	Significant portions of rock are dull and discolored. Rock may be significantly weaker than in fresh state near fractures. Soil zones of limited extent may occur along some fractures.		
Highly weathered	Rock dull and discolored throughout. Majority of rock mass is significantly weaker and has decomposed and/or disintegrated; isolated zones of stronger rock and/or soil may occur throughout.		
Completely weathered	All rock material is decomposed and/or disintegrated to soil. The rock mass or fabric is still evident and largely intact. Isolated zones of stronger rock may occur locally.		
STRENGTH OR HARDNESS			
Description	Field Identification	Uniaxial Compressive Strength, psi	
Extremely strong	Can only be chipped with geological hammer. Rock rings on hammer blows. Cannot be scratched with a sharp pick. Hand specimens require several hard hammer blows to break.	>36,000	
Very strong	Several blows of a geological hammer to fracture. Cannot be scratched with a 20d common steel nail. Can be scratched with a geologist's pick only with difficulty.	15,000-36,000	
Strong	More than one blow of a geological hammer needed to fracture. Can be scratched with a 20d nail or geologist's pick. Gouges or grooves to ¼ inch deep can be excavated by a hard blow of a geologist's pick. Hand specimens can be detached by a moderate blow.	7,500-15,000	
Medium strong	One blow of geological hammer needed to fracture. Can be distinctly scratched with 20d nail. Can be grooved or gouged 1/16 in. deep by firm pressure with a geologist's pick point. Can be fractured with single firm blow of geological hammer. Can be excavated in small chips (about 1-in. maximum size) by hard blows of the point of a geologist's pick;	3,500-7,500	
Weak	Shallow indent by firm blow with geological hammer point. Can be gouged or grooved readily with geologist's pick point. Can be excavated in pieces several inches in size by moderate blows of a pick point. Small thin pieces can be broken by finger pressure.	700-3,500	
Very weak	Crumbles under firm blow with geological hammer point. Can be excavated readily with the point of a geologist's pick. Pieces 1-in. or more in thickness can be broken with finger pressure. Can be scratched readily by fingernail.	150-700	
DISCONTINUITY DESCRIPTION			
Fracture Spacing (Joints, Faults, Other Fractures)		Bedding Spacing (May Include Foliation or Banding)	
Description	Spacing	Description	Spacing
Intensely fractured	< 2.5 inches	Laminated	< ½-inch
Highly fractured	2.5 – 8 inches	Very thin	½ – 2 inches
Moderately fractured	8 inches to 2 feet	Thin	2 inches – 1 foot
Slightly fractured	2 to 6.5 feet	Medium	1 – 3 feet
Very slightly fractured	> 6.5 feet	Thick	3 – 10 feet
		Massive	> 10 feet
ROCK QUALITY DESIGNATION (RQD) ¹			
Description		RQD Value (%)	
Very Poor		0 - 25	
Poor		25 – 50	
Fair		50 – 75	
Good		75 – 90	
Excellent		90 - 100	

1. The combined length of all sound and intact core segments equal to or greater than 4 inches in length, expressed as a percentage of the total core run length.



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HAMESTRING CREEK PEDESTRIAN BRIDGE

HYDRAULIC ANALYSIS AND "NO-RISE" CERTIFICATION

Date: May 9, 2024
To: City of Fayetteville, Arkansas
From: Mark Hammons, PE, CFM - Garver
RE: Hydraulic Analysis And "No-Rise" Certification
Garver Project No. 2302057



1.0 Introduction

The purpose of this memorandum is to present the findings of a hydraulic analysis performed to analyze the impact of constructing a new pedestrian bridge crossing over Hamstring Creek east and upstream of the Ruppel Road Bridge in Fayetteville, Arkansas. This proposed project involves constructing the pedestrian bridge within the regulatory floodway of Hamstring Creek as it flows west from the City of Fayetteville. Upon thorough examination and analysis, it has been determined that the construction of a single 42.5-ft span by 3-ft rise three sided ("natural" bottom) reinforced concrete culvert pedestrian crossing will result in no rise to 100-year water surface elevations and no impact to the existing regulatory floodway. This memo documents the methodology used to determine that conclusion.

2.0 Supplementary Data

The project is located on Hamstring Creek in Fayetteville, Arkansas in the East of Section 01, Township 16N, Range 31W of the Arkansas Fifth Principal at latitude 36.09114° N and longitude 94.21346° W. The project location is included on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panels 05143C0203G and 05143C0204G effective 01/25/2024. The National Flood Hazard Layer (NFHL) digital data for Washington County at the project site is shown in Figure 1. The map indicates that the project site is Zone AE with a regulatory floodway. The effective FEMA Flood Insurance Study (FIS) for this location is the Washington County FIS Number 05143CV001B with a revised effective date of 01/25/2024.

In 2017, Garver conducted a Hydraulic Analysis for the City of Fayetteville to evaluate the new bridge crossing over Hamstring Creek at the relocated Ruppel Road Bridge. Therefore, Garver already possessed an existing conditions hydraulic model based on the Effective model received from FEMA during the 2017 analysis for the Ruppel Road project. The 2017 Ruppel Road model will be referred to as the "existing conditions model" in this report. Survey data for the proposed project was collected by Garver on February 7, 2024. The collected data included several hydraulic cross sections along the project stream reach. The field survey data was supplemented with publicly available 2015 USGS LiDAR to generate a full floodplain ground surface for the hydraulic models.

3.0 Design Criteria

Discussion with the City of Fayetteville indicated a desire to pass the 10-year storm through the culvert. Additionally, a federal National Flood Insurance Program (NFIP) requirement for development in the regulatory floodway requires a project to not cause any adverse impacts, specifically any hydraulically significant rise in the base flood elevation (100-year water surface elevation [WSEL]) and any increased surcharges (differences between natural and encroached [with floodway] 100-year WSEL). No feasible solution was found for passing the 10-year FEMA flow rate without causing a rise in the 100-year WSEL. This is due to the obstruction caused by the trail grade needed to pass the 10-year without overtopping the trail. Therefore, the 2-year storm calculated by USGS Regression equations was used as the revised design storm for not overtopping the trail, while adhering to the NFIP design criteria of causing “zero-rise” in the 100-year WSEL.

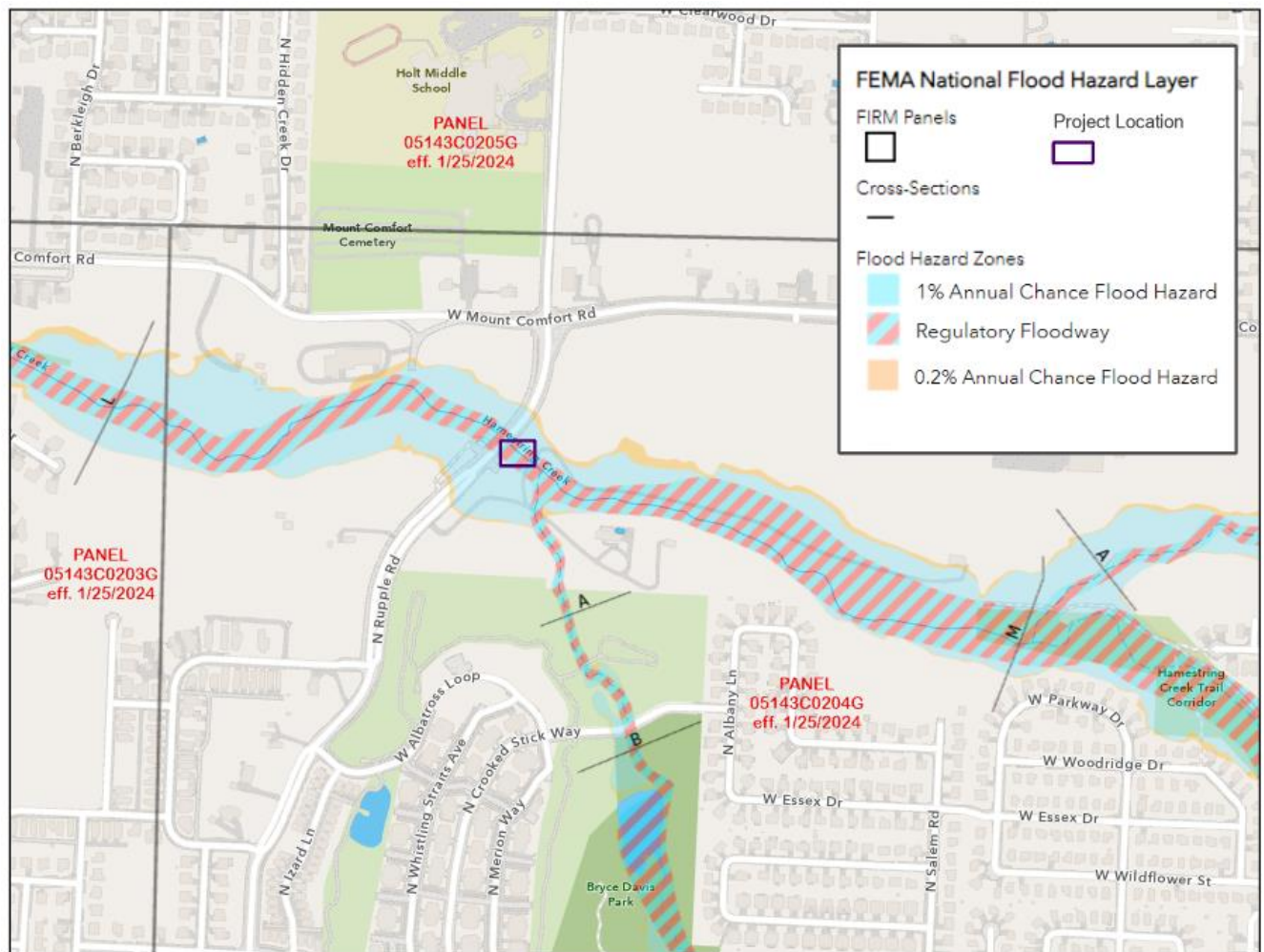


Figure 1. Effective FEMA Map

4.0 Hydrology

The published effective FIS flow rates were used for the model for the 500-, 100-, 50- and 10-year storms. These flow rates were supplemented with USGS Streamstats flows for the 5- and 2-year storms. Streamstats provided 1,270 cfs for the 5-year storm and 582 cfs for the 2-year storm. Table 1 includes the effective FIS flow rates used in the model at the trail crossing project location.

Table 1: Effective FEMA Summary of Discharges for Hamestring Creek

Storm Event	10-year	50-year	100-year	500-year
Discharge (cfs)	3,925	5,352	6,053	7,979

5.0 Hydraulic Modeling

The existing conditions hydraulic model was first reviewed to confirm it is suitably representing the hydraulic conditions surrounding the project location. After confirming this, the hydraulic model was modified to be useful for the analysis of the proposed project location. The hydraulic analysis of Hamestring Creek was performed using HEC-RAS version 6.4.1. The upstream boundary of the model is at FEMA Lettered Section “M” and the downstream boundary is at Lettered Section “L.”

5.1 Existing Conditions Model

The modified version of the effective model is referred to as the “Existing Conditions Model.” Cross sections were added to the model to accurately reflect the proposed project extents. The Existing Conditions model was modified from the 2017 Ruppel Road project model by adding cross sections upstream and downstream of the proposed pedestrian bridge. These cross sections were added between River Stations 27686.4 and 27473.26. The topography for these added cross sections is an amalgamation of publicly available USGS lidar and topographic survey collected for the project site. Additionally, bathymetric survey points were used to update additional existing cross sections. Ineffective flow areas were added to the cross section at River Station 27473.26 due to its location upstream of the Ruppel Road Bridge. The ineffective flow area was added to better represent the contraction of flow upstream of the bridge.

5.2 Proposed Conditions Model

The Proposed Conditions hydraulic model was developed by copying the Existing Conditions geometry and adding in the proposed pedestrian bridge. The hydraulic parameters representing the trail crossing were estimated using the proposed conceptual design for this project. The conceptual plan includes a 42.5-ft span by 3-ft rise three-sided RCB with a “natural” bottom. The 2-year flow rate is the maximum design storm that passes under the proposed trail without overtopping. Please refer to Figure 2 below for proposed bridge location and cross section orientation.

5.3 Hydraulic Modeling Results

A comparison of the Existing Conditions and Proposed Conditions models confirms that the proposed project causes no adverse floodplain impacts to the surrounding community and no excess WSEL rise caused by the proposed encroachment into the regulatory floodway. **Table 2** includes the hydraulic modeling results of this analysis.

5.4 Floodway Analysis

The effective floodway encroachments were included in the added cross sections by georeferencing the NFHL floodway. The existing conditions model show floodway surcharges of greater than 1-foot within the project reach. This result differs from the effective model's 1-ft surcharge due to the effective floodway being calculated in an outdated model using coarse topography. However, the proposed floodway encroached conditions do not cause excess surcharge when compared to the existing encroached floodway conditions, as shown in **Table 3**. Therefore, the proposed project will not cause adverse impacts in the floodway.

Table 2: Hydraulic Modeling Results

River Sta	Profile	Existing W.S. Elev (ft NAVD88)	Proposed W.S. Elev (ft NAVD88)	Rise (ft)	Existing Total Vel (ft/s)	Proposed Total Vel (ft/s)	Existing Channel Velocity (ft/s)	Proposed Channel Velocity (ft/s)
30061.56	P100yr	1208.08	1208.08	0.00	4.97	4.97	9.72	9.72
29444.14	P100yr	1203.83	1203.83	0.00	7.32	7.32	10.44	10.44
28922.41	P100yr	1200.76	1200.76	0.00	5.97	5.97	8.19	8.19
28414.71	P100yr	1198.87	1198.87	0.00	6.09	6.09	8.57	8.57
28355.83	P100yr	1198.73	1198.73	0.00	5.71	5.71	7.94	7.94
28354.33	Low Water Crossing							
28352.83	P100yr	1197.14	1197.14	0.00	8.30	8.30	11.53	11.53
28344.83	P100yr	1196.92	1196.92	0.00	8.71	8.71	11.78	11.78
27924.7	P100yr	1194.30	1194.30	0.00	6.45	6.45	9.14	9.14
27916.21	P100yr	1194.37	1194.37	0.00	5.90	5.90	8.13	8.13
27914.12	Low Water Crossing							
27912.62	P100yr	1194.18	1194.18	0.00	6.05	6.05	8.26	8.26
27904.33	P100yr	1192.91	1192.91	0.00	8.79	8.79	11.44	11.44
27686.4	P100yr	1190.51	1190.50	-0.01	10.06	10.07	10.53	10.54
27652	P100yr	1190.66	1190.31	-0.35	4.59	5.23	6.98	7.83
27577	Proposed Pedestrian Bridge							
27500	P100yr	1190.24	1189.82	-0.42	5.36	6.40	8.03	9.51
27489	P100yr	1189.85	1189.80	-0.05	6.29	6.41	9.11	9.34
27473.26	P100yr	1189.94	1189.94	0.00	6.32	6.32	7.63	7.63
27405	Rupple Road Bridge							
27346	P100yr	1189.66	1189.66	0.00	3.50	3.50	5.96	5.96
27139.81	P100yr	1188.53	1188.53	0.00	5.97	5.97	9.12	9.12
26948	P100yr	1186.58	1186.58	0.00	8.31	8.31	11.65	11.65
26936.02	P100yr	1186.74	1186.74	0.00	8.14	8.14	9.63	9.63
26897.03	P100yr	1185.80	1185.8	0.00	10.80	10.80	11.54	11.54
26844.76	P100yr	1185.79	1185.79	0.00	8.11	8.11	11.03	11.03
26540.43	P100yr	1182.26	1182.26	0.00	7.04	7.04	9.96	9.96
26115.75	P100yr	1180.92	1180.92	0.00	6.09	6.09	9.55	9.55
25743.71	P100yr	1178.24	1178.24	0.00	4.71	4.71	8.16	8.16
25350	P100yr	1174.37	1174.37	0.00	7.52	7.52	10.51	10.51



Table 3: Floodway Analysis Results

		Existing	Existing Encroached	Existing Surcharge	Proposed	Proposed Encroached	Proposed Surcharge
River Sta	Profile	W.S Elev	W.S. Elev		W.S. Elev	W.S. Elev	
		(ft NAVD88)	(ft NAVD88)	(ft)		(ft NAVD88)	(ft)
30061.56	P100yr	1208.08	1208.03	-0.05	1208.08	1208.03	-0.05
29444.14	P100yr	1203.83	1203.74	-0.09	1203.83	1203.74	-0.09
28922.41	P100yr	1200.76	1200.75	-0.01	1200.76	1200.75	-0.01
28414.71	P100yr	1198.87	1199.03	0.16	1198.87	1199.03	0.16
28355.83	P100yr	1198.73	1198.90	0.17	1198.73	1198.90	0.17
28354.33	Low Water Crossing						
28352.83	P100yr	1197.14	1197.18	0.04	1197.14	1197.18	0.04
28344.83	P100yr	1196.92	1196.96	0.04	1196.92	1196.96	0.04
27924.7	P100yr	1194.3	1195.31	1.01	1194.30	1195.31	1.01
27916.21	P100yr	1194.37	1195.43	1.06	1194.37	1195.43	1.06
27914.12	Low Water Crossing						
27912.62	P100yr	1194.18	1193.88	-0.30	1194.18	1193.88	-0.30
27904.33	P100yr	1192.91	1192.44	-0.47	1192.91	1192.44	-0.47
27686.4	P100yr	1190.51	1191.79	1.28	1190.84	1191.79	1.28
27652	P100yr	1190.66	1191.28	0.62	1190.16	1191.28	0.62
27577	Proposed Pedestrian Bridge						
27500	P100yr	1190.24	1190.98	0.74	1190.25	1190.95	0.71
27489	P100yr	1189.85	1190.95	1.10	1189.80	1190.93	1.08
27473.26	P100yr	1189.94	1191.13	1.19	1189.97	1191.13	1.19
27405	Ripple Road Bridge						
27346	P100yr	1189.66	1190.92	1.26	1189.66	1190.92	1.26
27139.81	P100yr	1188.53	1188.26	-0.27	1188.53	1188.26	-0.27
26948	P100yr	1186.58	1186.78	0.2	1186.58	1186.78	0.2
26936.02	P100yr	1186.74	1186.98	0.24	1186.74	1186.98	0.24
26897.03	P100yr	1185.80	1185.76	-0.04	1185.80	1185.76	-0.04
26844.76	P100yr	1185.79	1185.61	-0.18	1185.79	1185.61	-0.18
26540.43	P100yr	1182.26	1183.07	0.81	1182.26	1183.07	0.81
26115.75	P100yr	1180.92	1181.64	0.72	1180.92	1181.64	0.72
25743.71	P100yr	1178.24	1180.57	2.33	1178.24	1180.57	2.33
25350	P100yr	1174.37	1175.63	1.26	1174.37	1175.63	1.26

Note: The highlighted cells show differences in existing and proposed surcharge.

6.0 Conclusion and Certification

This memo is to certify that I am a duly qualified engineer licensed to practice in the State of Arkansas. It is to further certify that the attached technical data supports the fact that the proposed project described above will not create any increase to the 100-year elevations on said flooding source above at published cross sections in the Flood Insurance Study for the above community dated 01/25/2024 and will not create any increase to the 100-year flood elevations at unpublished cross sections in the vicinity of the proposed development.

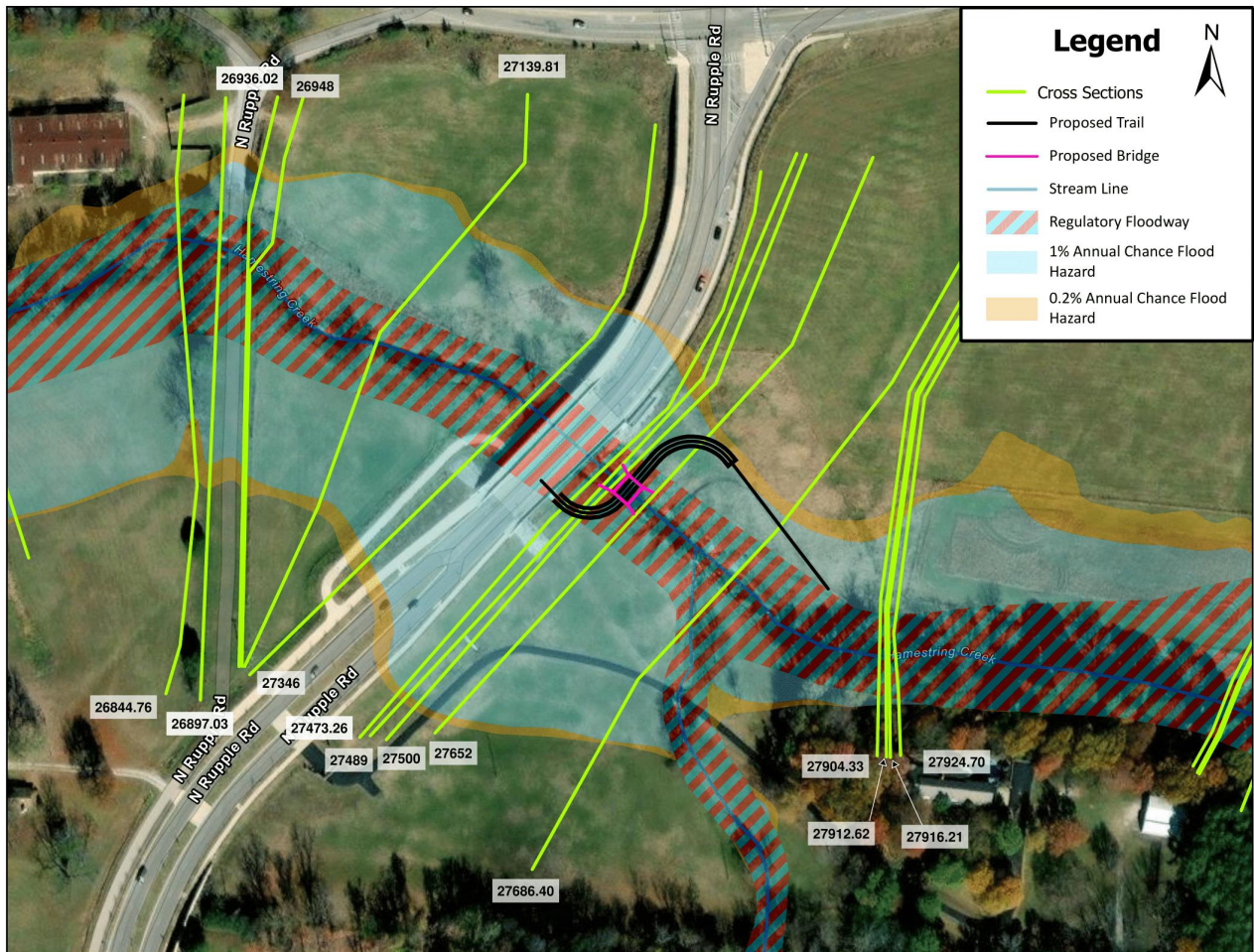


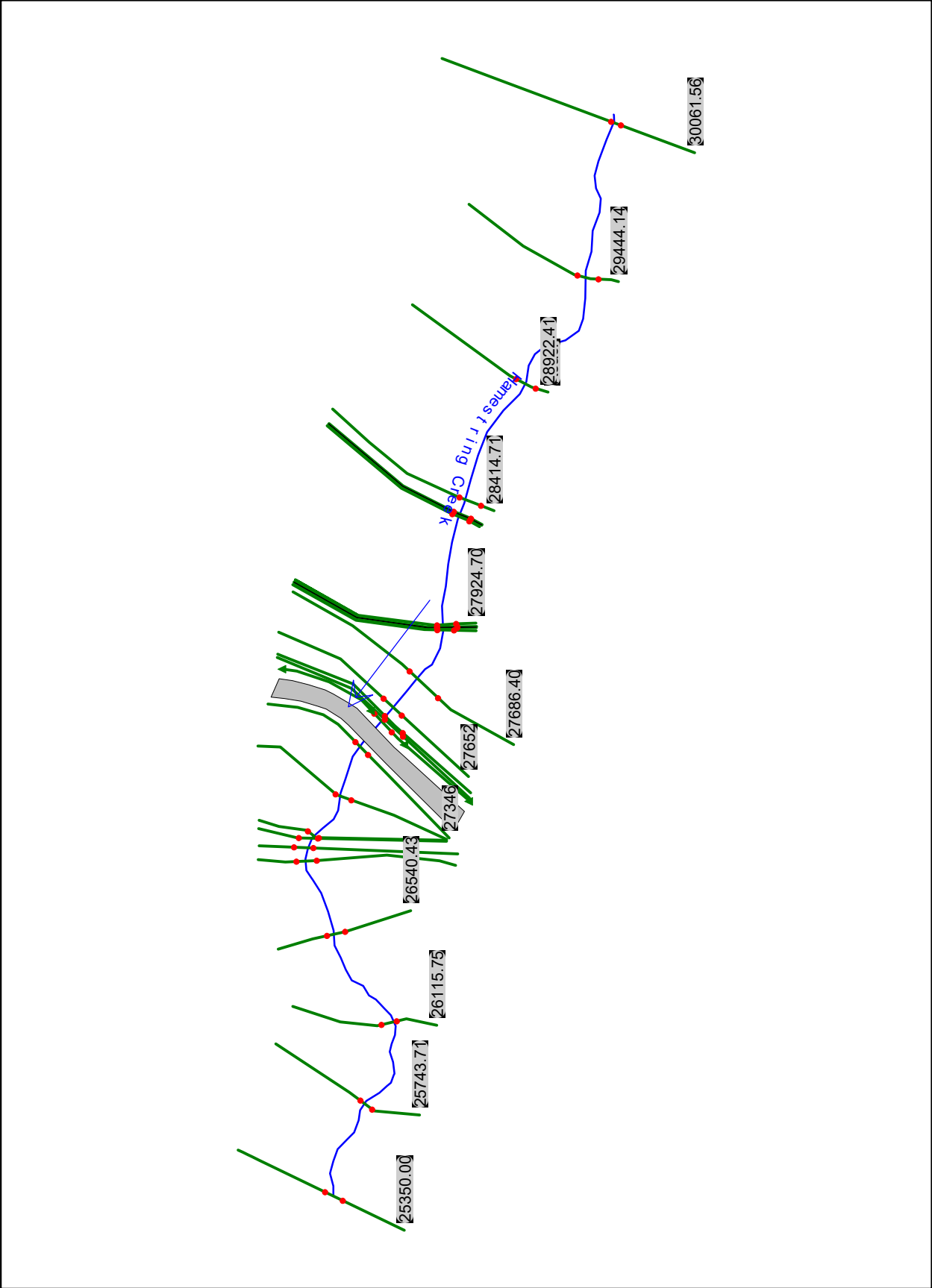
Figure 2. Proposed Bridge Location

Appendix

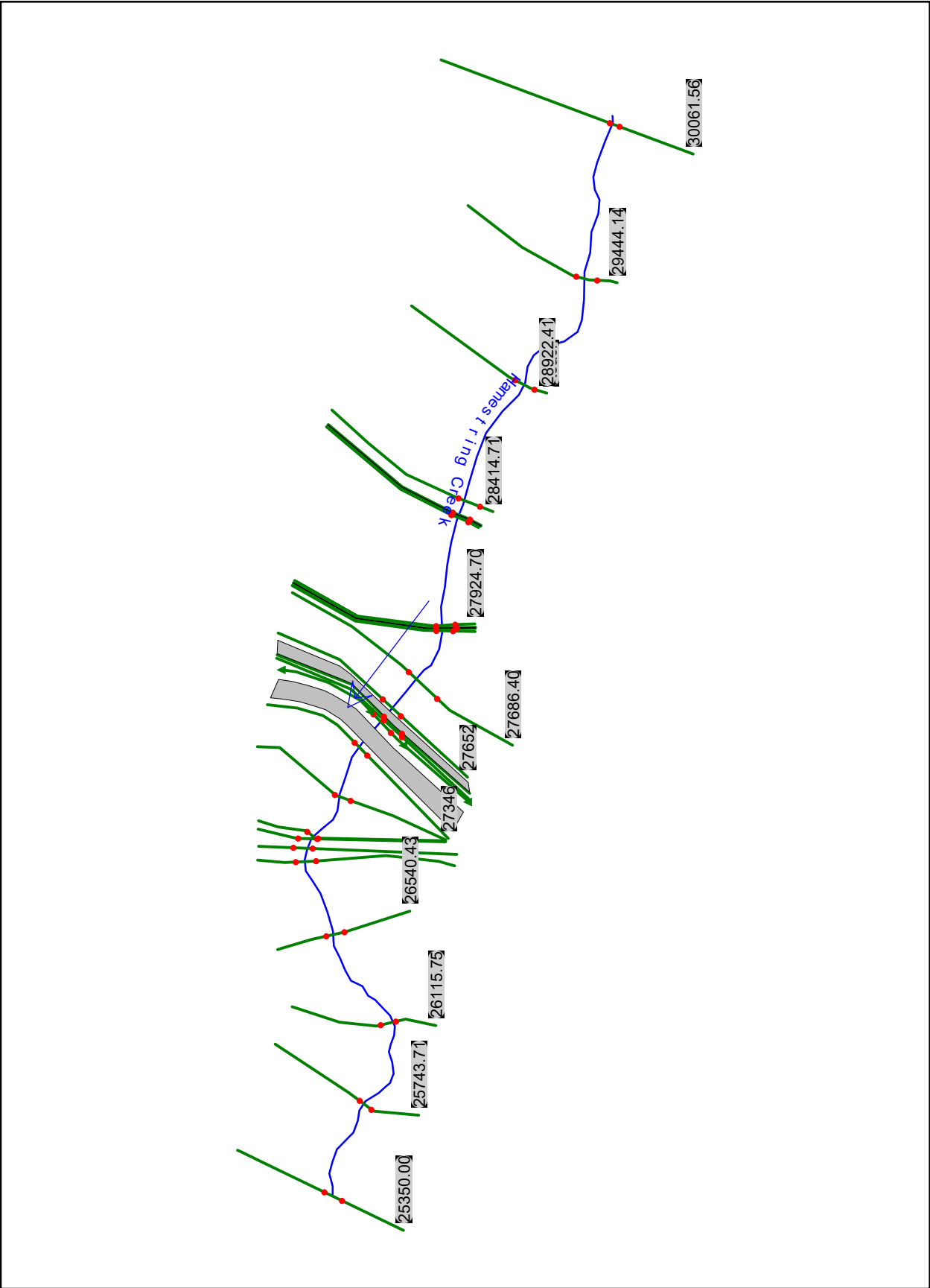
HEC - RAS Output

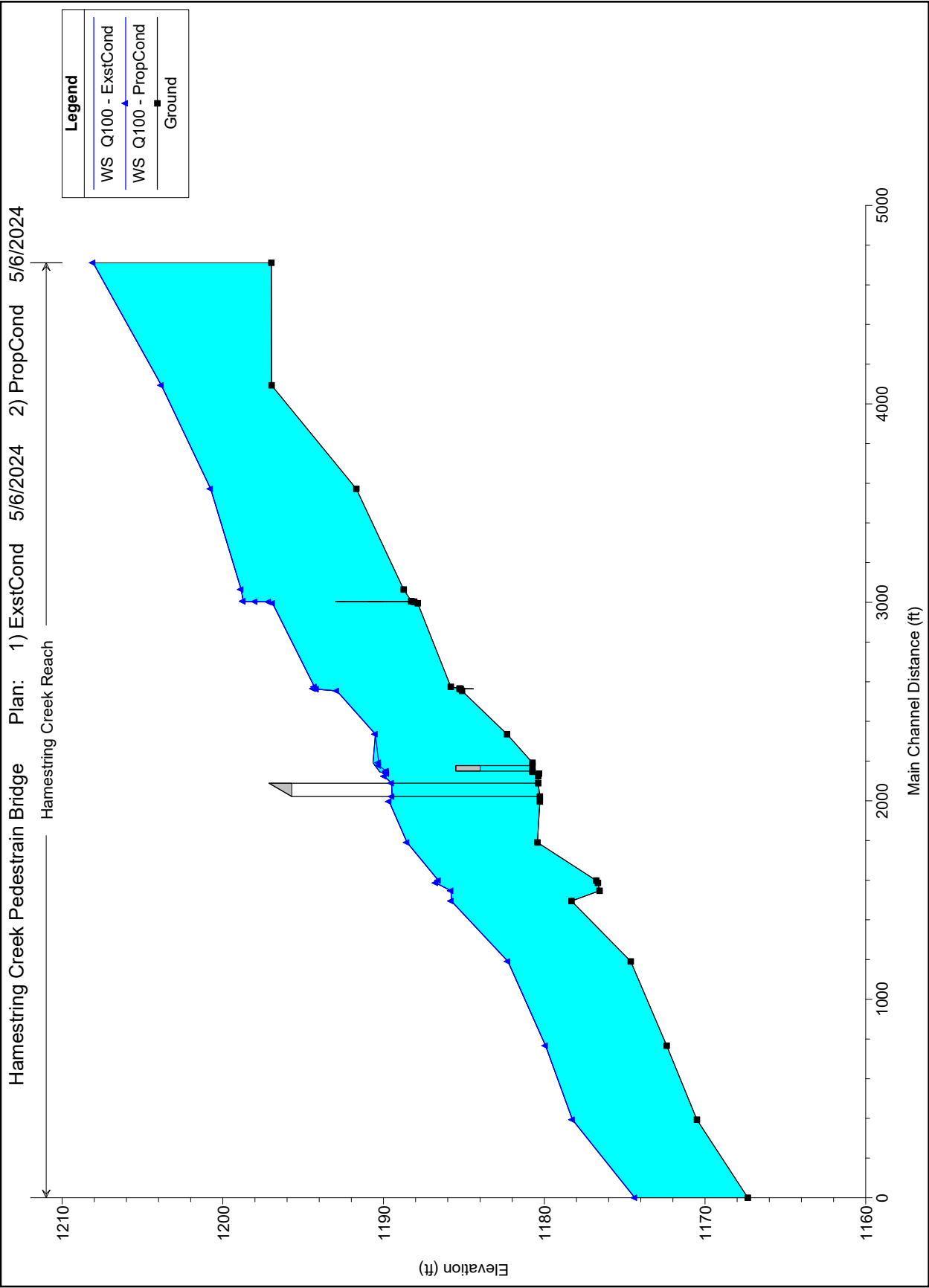


Existing Conditions Geometry

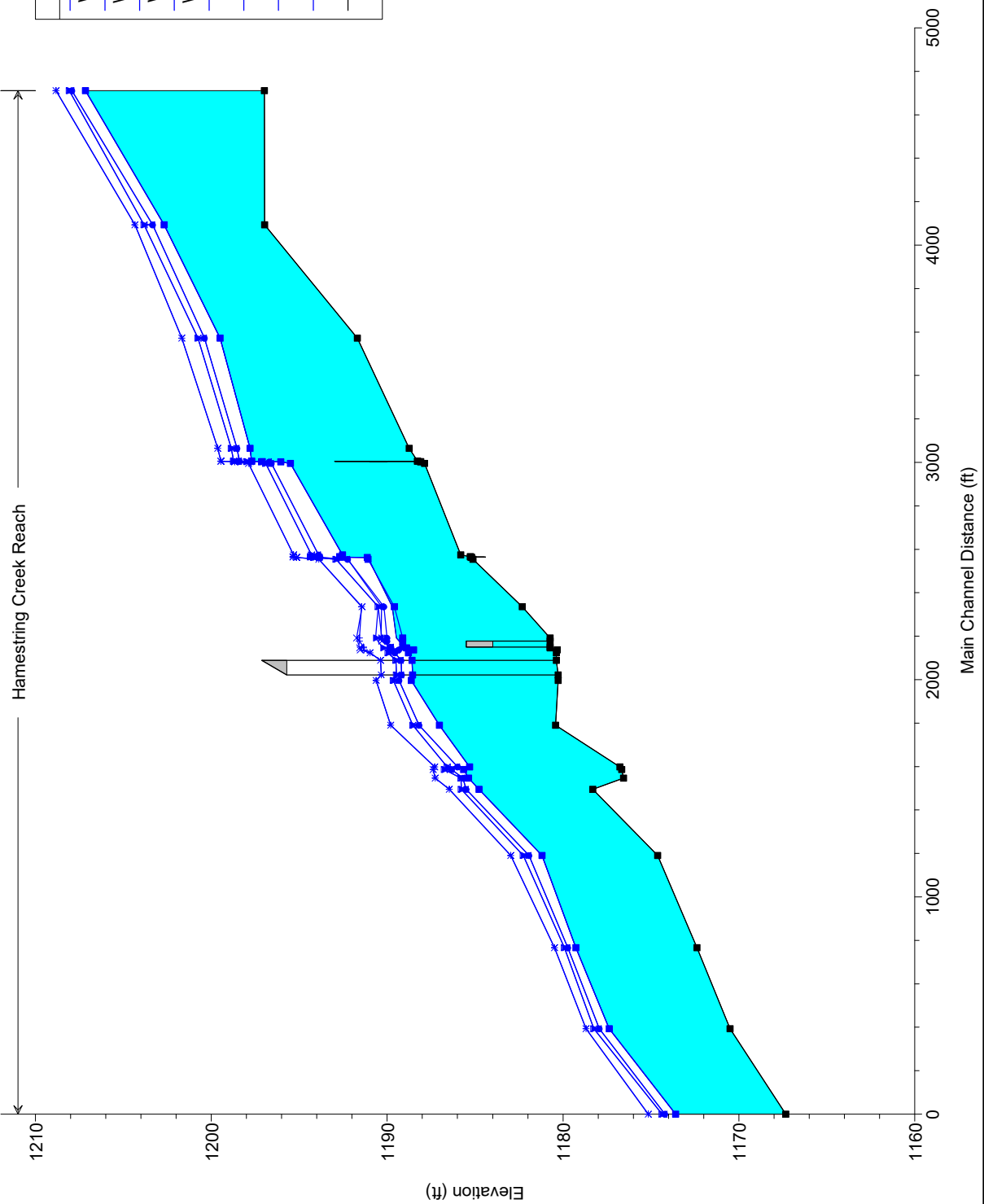


Proposed Conditions Geometry





Hamestring Creek Pedestrain Bridge Plan: 1) ExstCond 5/6/2024 2) PropCond 5/6/2024





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: April 28, 2025

SUBJECT: **CUP-2025-0015: Conditional Use Permit (2099 S. SCHOOL AVE./ ZAIFI, 601 & 640):** Submitted by EHSAN SHEIKHSAMANI for property located at 2099 S. SCHOOL AVE. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.30 acres. The request is to use the property for an auto repair business.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0015**.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0015**, finding:*

- In favor of compatibility with adjacent properties, and*
- In favor of all other conditions as recommended by staff"*

BACKGROUND:

The subject property is located in south Fayetteville at the corner of the intersection of South School Avenue and West Cato Springs Road. The property contains approximately 0.3 acres and is zoned UC, Urban Corridor which was received as part of the city-initiated rezoning for the 71-B Corridor. The property is currently developed with a commercial building. An active business license is located at this property (BLC-1065-2024); the property is being used as a used car dealership. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial - HVAC	UC, Urban Corridor
South	Commercial – Auto Services	UC, Urban Corridor
East	Undeveloped & Residential	UC, Urban Corridor
West	University of Arkansas – Residential	UC, Urban Corridor

City Plan 2040 Future Land Use Designation: City Neighborhood Area

Request: The applicant requests a conditional use permit to operate a used car sales and auto repair lot at the subject property. The property currently hosts an actively-licenses used car sales lot, and the owner hopes to expand the use by adding an auto repair business on-site. The following specifications were included with the request:

- Size of the business: 0.3 Acres

- Hours of operation: 1372 square feet (Includes Auto-Repair Area and Office)
930 square feet (Auto-Repair Area)
9:00 AM - 6:00 PM Monday through Friday/10:00 AM - 5:30 PM Saturday
- Parking: 14 spaces (5 spaces for auto sales customers; 9 spaces for auto repair customers)
- Number of employees: 3 (2 Service Repair and 1 Salesman)

Public Comment: Staff has not received comment on this item.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0015**. If approved, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for a used-car sales lot and auto-repair.** *Staff finds the proposed business to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*
2. **This conditional use permit is limited to the use for a used car sales lot owned by Mehdi Zaifi with the auto repair operated by Ehsan Sheikhsamani as described in the applicant's request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:**
 - Size of the business: 0.3 Acres
1372 square feet (Includes Auto-Repair Area and Office)
930 square feet (Auto-Repair Area)
 - Hours of operation: 9:00 AM - 6:00 PM Monday through Friday/10:00 AM - 5:30 PM Saturday
 - 14 spaces (5 spaces for auto sales customers; 9 spaces for auto repair customers)
 - Number of employees: 3 (2 Service Repair and 1 Salesman)
3. **Vehicle repair shall follow UDC §164.05 – Motor Vehicle Repair, and all the regulations therein.**
4. **On-site trash and recycling services shall be provided per Solid Waste minimum standards.**
5. **Approval of this conditional use permit does not ensure approval of any required variances.**
6. **Any future expansion or change in the uses requiring a conditional use permit shall require Planning Commission approval;**
7. **Signs shall be limited to those permitted by UDC §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation; and**

8. A business license shall be obtained for the proposed additional business at this location.
-

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date:	<u>April 28, 2025</u>	☐ Tabled ☐ Approved ☐ Denied
Motion:		
Second:		
Vote:		

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 17 in the UC zoning district.**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before

a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Unified Development Code §161.28 to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds granting the conditional use may benefit the public's interest. The existing development was previously in compliance in its zoning district as it was operating as an auto sales company. The 71B Corridor rezoning changed the property's zoning district which resulted in the development being a nonconforming use. The UC zoning is designed to bring a mix of commercial uses along a heavily trafficked corridor. This permit would allow for this property to serve the public that uses South College Avenue and West Cato Springs. The proposed conditional use permit would bring the property into compliance while also allowing for an auto-repair shop.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: No specific rules apply to the request for Use Unit 17: Transportation Trades and Services.

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: The site plan shows three accesses: 2 via an existing curb cuts on South School Avenue and another on West Cato Springs Road. Staff finds that the proposed use may not significantly increase traffic or danger due to customer visits due to the relatively low number of estimated customer use stated by the applicant.

The sidewalks along South School Avenue West Cato Spring Road are not in compliance for their respective Master Street Plan requirements. Given the small size of the lot and the applied for use on this property, staff does not recommend development of these sidewalks. Should the property be developed in the future, adherence to this requirement may be triggered.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress,

economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: No additional economic, noise, glare, or odor effects on adjoining properties is anticipated as the property has been operating with an auto sales use since the early 2000's. Additionally, the auto repair component will be operating in the two existing service stalls on the property. These stalls will aid in the dampening of outdoor effects that emit as a result of the auto service (e.g., odor, noise, glare, etc.). The city has not issued a code violation or received resident complaints of the development.

The property use shall adhere to UDC §164.05 – Motor Vehicle Repair, and all the regulations therein. The service stalls have locked, retractable doors that can secure the vehicles for longer as well aid in outdoor effect reduction.

Further, should the property attempt future development, the property would need to adhere to the screening requirements of UDC §177.04. Currently, there is insufficient screening to the residential zoned property along the north property line. The property is currently nonconforming.

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: The applicant's request letter states that trash service is provided by a 96-gallon cart. Recycling & Trash collection staff have noted that it may be difficult for a dumpster to be placed on the property, which may facilitate the need for additional receptacles. They also stated that no complaints concerning with overflow have been issues. Finally, they stated that the current use for the one dumpster is acceptable, and that the further trash receptacles may be needed dependent on the type of auto service.

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: The property has access to City water and sewer.

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: The subject property is screened with a wooden fence with trees and shrubs along the western property line. Additionally, the applicant has stated that there exists a rail fence and trees providing screening on the north property line. Upon inspection of the provided photographs from the applicant and an in-person inspection, the screening along the north property appears to be insufficient due to the rail fence not providing any screening. As no development is to occur on the property, compliance of this nonconforming lot is not being triggered.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Any proposed signage will be subject to UDC §174 and all the regulations therein.

- (g.) Required yards and other open space; and

Finding: The existing structure on the property does not appear to comply with the build-to-zone and setback regulations of the underlying UC zoning district – UDC §161.36. The property is not undergoing additional development, and as such, this requirement is not being reviewed for further. Any additions or alterations to the building would be subject to permitting requirements.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds that the proposed used car sales and proposed auto repair services lot is compatible with adjacent properties. The subject property is located on South School Avenue and West Cato Springs Road, near both commercial and residential properties. Despite the stated close proximity to residential areas to the east and west, staff finds that the distance and screening to be an adequate safeguard from the uses of the property.

Staff finds that the proposed additional auto service business would not severely impact the surrounding areas as an auto oriented business has been in use at this location for years. Additionally, the property is located in an area where there is a considerable concentration of heavy use commercial businesses in the same UC zoning district. The building is relatively small, and the additional business would operate out of existing service stalls. The applicant has stated that the business anticipates generating a small number of customers, the amount of which may not drastically impact the traffic on South School Avenue or West Cato Springs Road. With this information, staff believes that the addition of the auto service business to this property would not further impact the surrounding area in a negative way.

- (i.) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds the current and proposed use to be counter to the City's goals for the area. The property is part of the 71B Corridor master planning area, which advocates for more access to multiple transportation options, as well as commercial and retail options for pedestrians. Although the property will not adhere to the goal of the 71B Master Plan by only servicing one transportation mode – automotive – the current use has been in auto related service since the early 2000's.

Additionally, the property is not adhering to several of the City's zoning and development codes as list above. However, as this is an application only for the addition of a business and not to develop the property further, conformance is not being triggered. The scale of the current and additional use would not significantly impact the area. With that, staff supports the addition of an auto service use granted by this conditional use permit.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.36 – UC, Urban Corridor
- Applicant Request Letter
 - Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.36 Urban Corridor

(A) *Purpose.* The Urban Corridor District is designed to provide a mix of commercial uses and housing along corridors that provide multi-modal transportation options. The district encourages walkable commercial, residential, and mixed-use developments in urban form that enhance function, economic vitality, and appearance along major urban thoroughfares.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 10	Three- and Four-Family Dwellings
Unit 13	Eating places
Unit 14	Hotel, Motel, and Amusement Facilities
Unit 16	Shopping Goods
Unit 19	Commercial Recreation, Small Sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor Stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory Dwellings
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of the above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 8	Single-Family Dwellings
Unit 9	Two-Family Dwellings
Unit 17	Transportation trades and services
Unit 18	Gasoline Service Stations and Drive-Thru Restaurants
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 29	Dance Halls
Unit 32	Sexually Oriented Business
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-Storage Units
Unit 42	Clean Technologies
Unit 43	Animal Boarding and Training
Unit 44	Cluster Housing Development

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.* None.

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 30 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	8 stories
-------------------------	-----------

(Ord. No. 6793, § 1, 9-17-24; Ord. No. 6810, §1, 11-19-24)

This application is submitted to request a license to establish an auto care business specializing in automobile diagnostics, repairs, and maintenance services. The business, Value Auto Care, will operate at 2099 South School Ave, Fayetteville, within the premises of the existing used car sales business, Fine Cars Auto. We are leasing approximately three-fourths of their building, which includes two service bays (garages), a storage room, and shared access to the office, driveways, and restrooms. Additionally, we are renting one-third of the lot to serve as our designated parking area. Value Auto Care will primarily focus on minor repairs, fixes, and routine maintenance services at affordable prices, ensuring high-quality service and reliability for our customers.

Legal Description of Property:

A 15.06-acre tract located at 17926 S. Highway 71, West Fork, AR, as described in Instrument 2014-00001067, Washington County records. Also includes a portion of land in the SW 1/4 of the SE 1/4 of Section 21 and NW 1/4 of the NE 1/4 of Section 28, Township 16 North, Range 30 West, as recorded in Book 2002, Page 2407.

Parcel Number: 765-15018-000.

(3) Complete description of this request

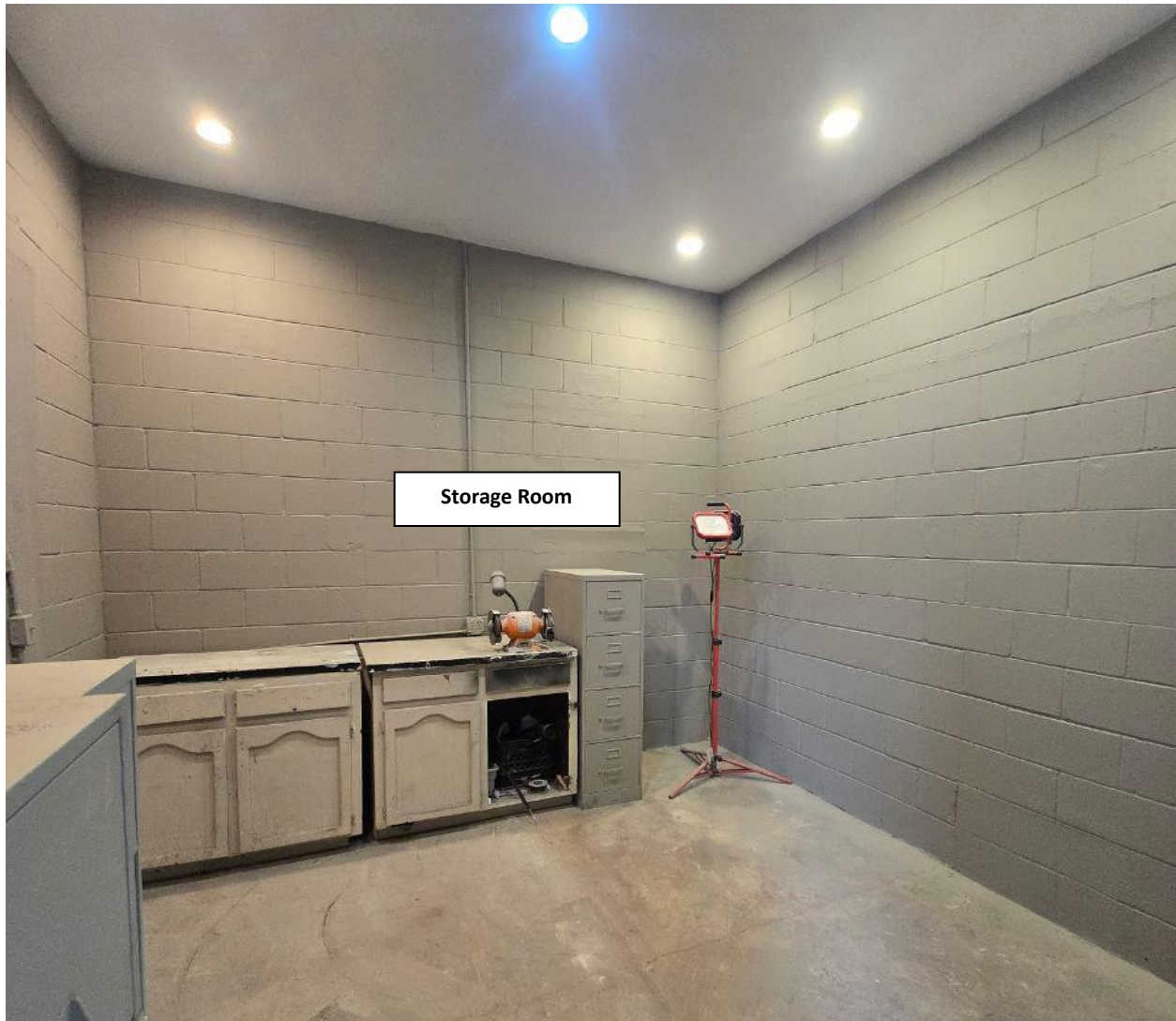
- **(a) Building Size in Square Feet:**

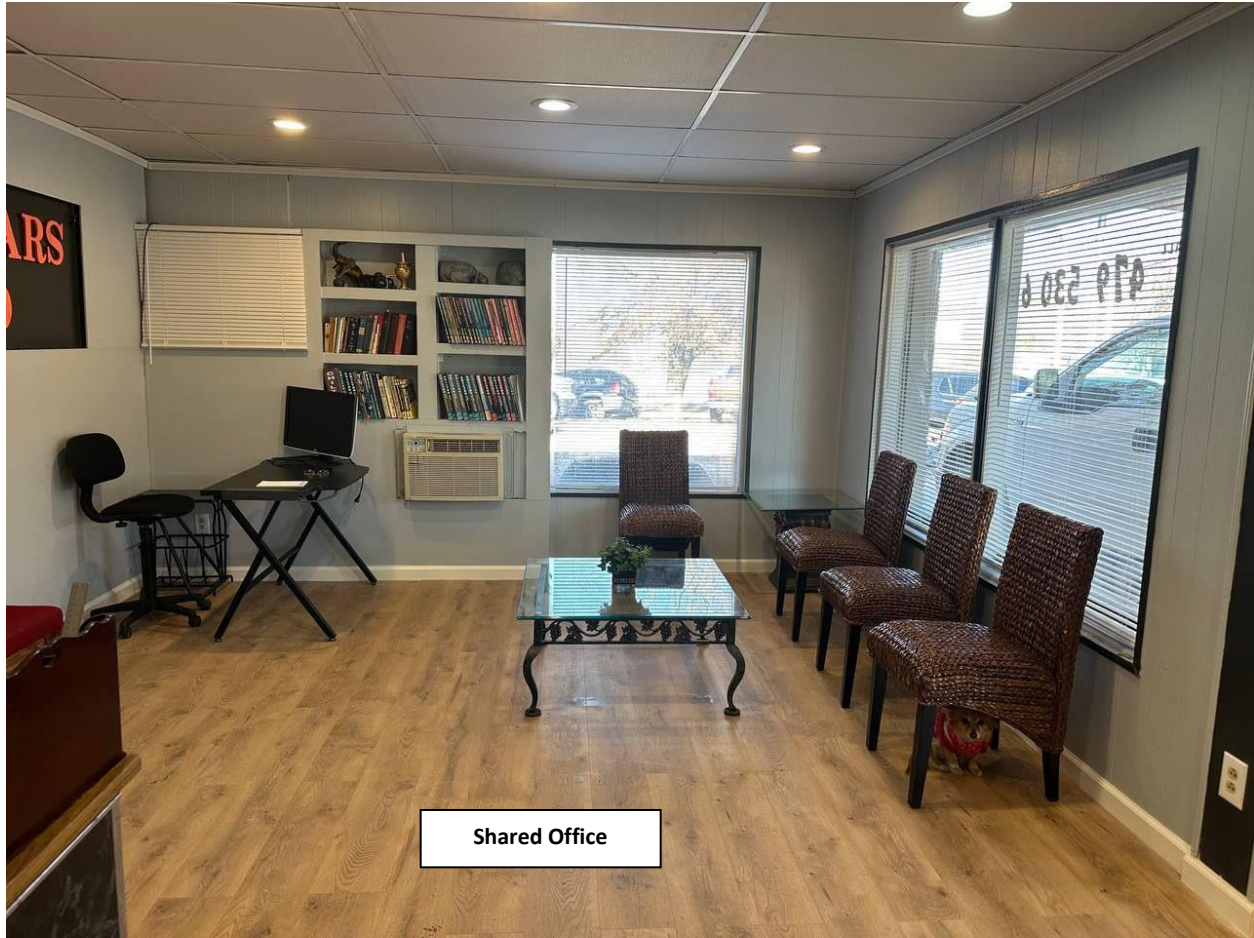
Total Existing Floor Area: 1372

Proposed floor area to be used for Auto Care shop is 930 Out of 1372 Existing Floor









- (b): The Pictures below show the color evaluation of all exterior sides

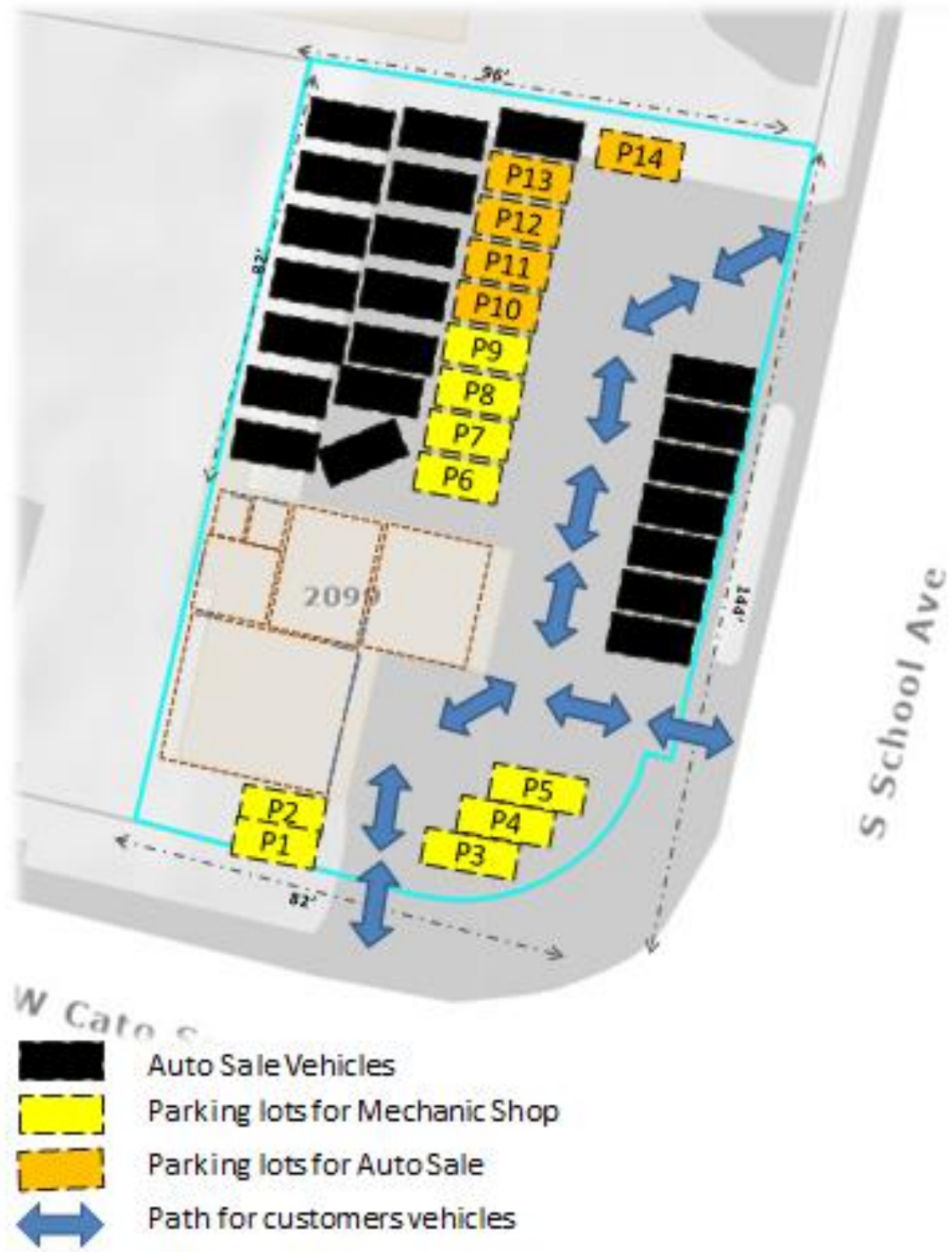


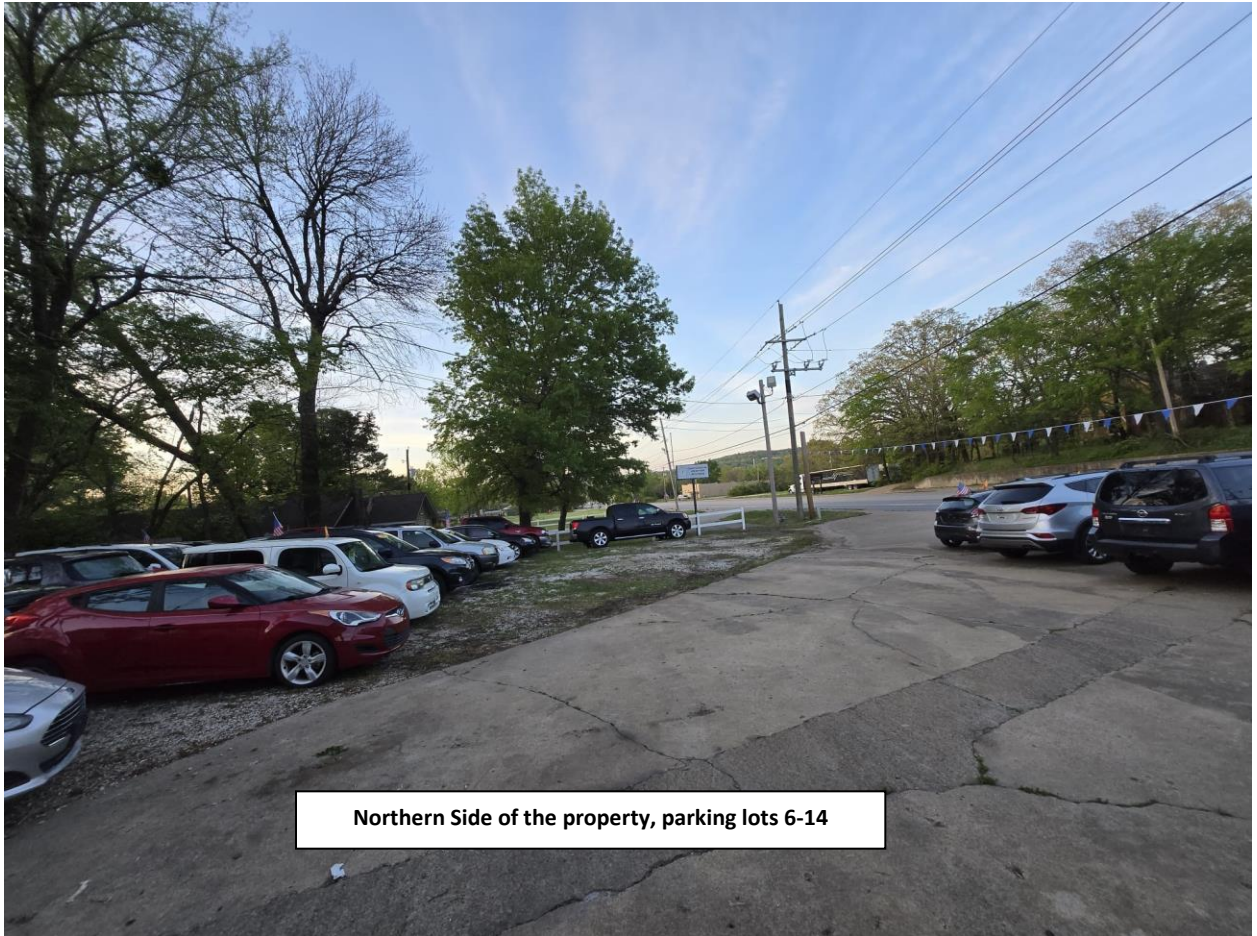
Southern Side of the building



Eastern Side of the building

- **(c): Number of off-street parking spaces to be provided:** 14 parking lots each 8'×12' (Parking 5 can be 10'×12'). Parking lots 1-9 for the Auto Mechanic Shop customers and 10-14 for Auto Sale customers.







Southern Side of the building, Parking lots 3-5



- **(d) Request applies to a business use**
Hours of Operation: Monday to Friday, 9 am to 6 pm
Number of Employees: 2 persons who are the co-owners of the business
Anticipated numbers of customers: 2 to 6 customers per day. 2 customers per peak hour
- **(e) Outdoor lighting:**
The entire outdoor area is adequately illuminated by existing lighting installations. This includes two light poles: one located on the northeast side of the property, equipped with two projector lamps, and another on the southeast side, equipped with one projector lamp. These installations ensure sufficient visibility and safety within the premises.
- **(f) Noise:**
As all the work will be conducted within the building (garages) and the noise generated by this business is minimal, it will not cause any disturbance to the surrounding area. Additionally, no heavy machinery or equipment will be used or serviced.
- **(g) Screening or buffering from adjacent properties:**
The location complies with existing city requirements for screening and buffering. A wooden fence, along with trees and bushes, is present on the west side. A rail fence and trees provide screening on the north side, while bushes serve as a buffer on the south side.



Fence between the Western neighbor property and 2099 S School Ave



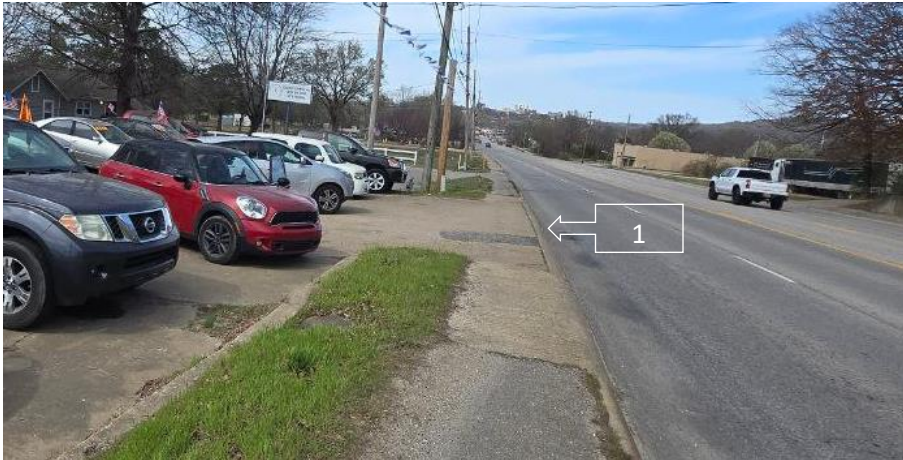
Fence between the Northern neighbor and 2099 S School Ave



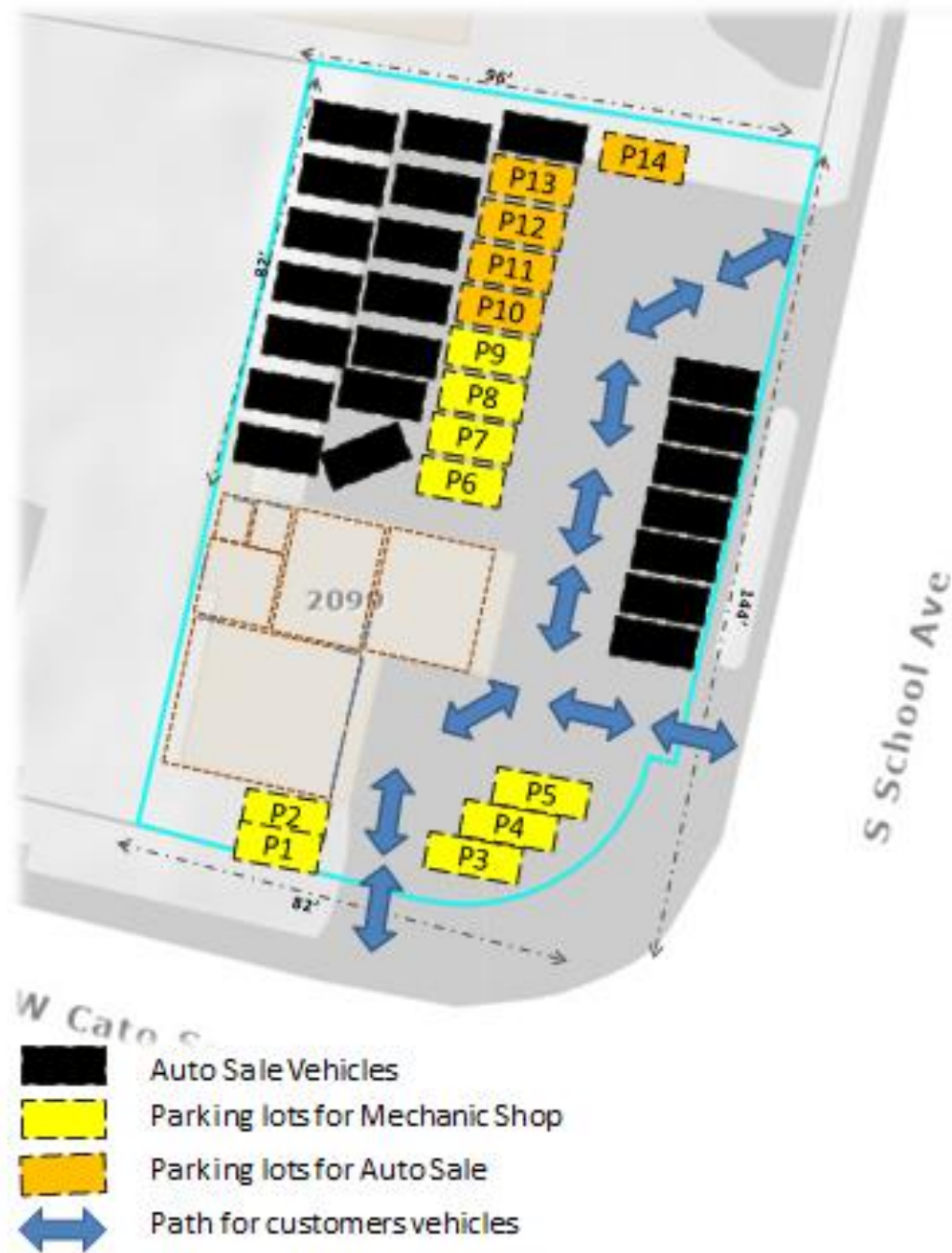
- **(h) Trash and refuse service:**
As the property is connected to the city water system, trash service is already provided through a 96-gallon cart, which will be kept on the southern side of the building. This area is buffered with bushes, ensuring it remains out of sight from the street and adjacent properties.



- **(i) Ingress and egress to the property; traffic impacts:**
This property already has three driveways that meet the standard requirements: two curb cuts on South School Avenue and one curb cut on West Cato Springs Road.



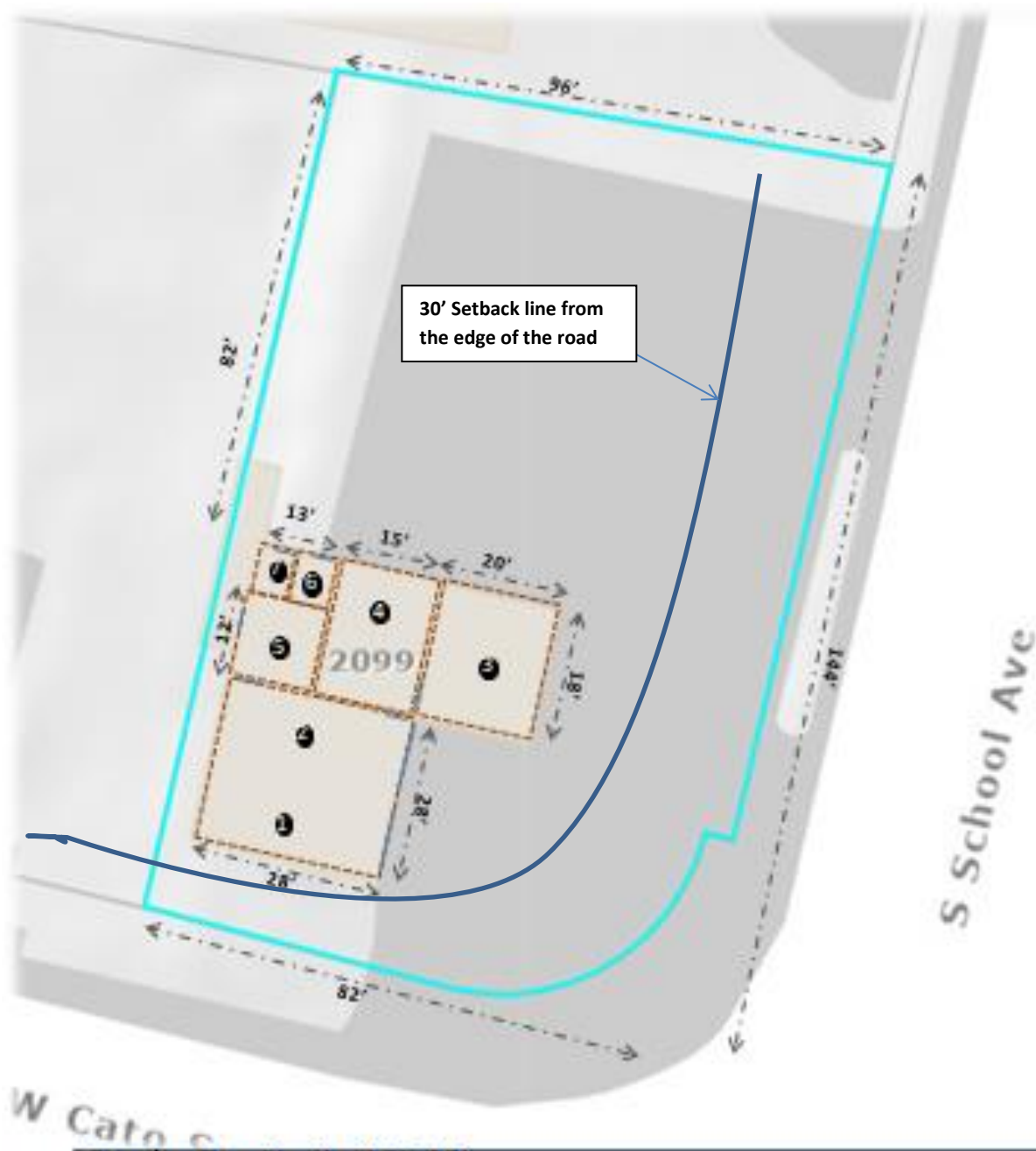




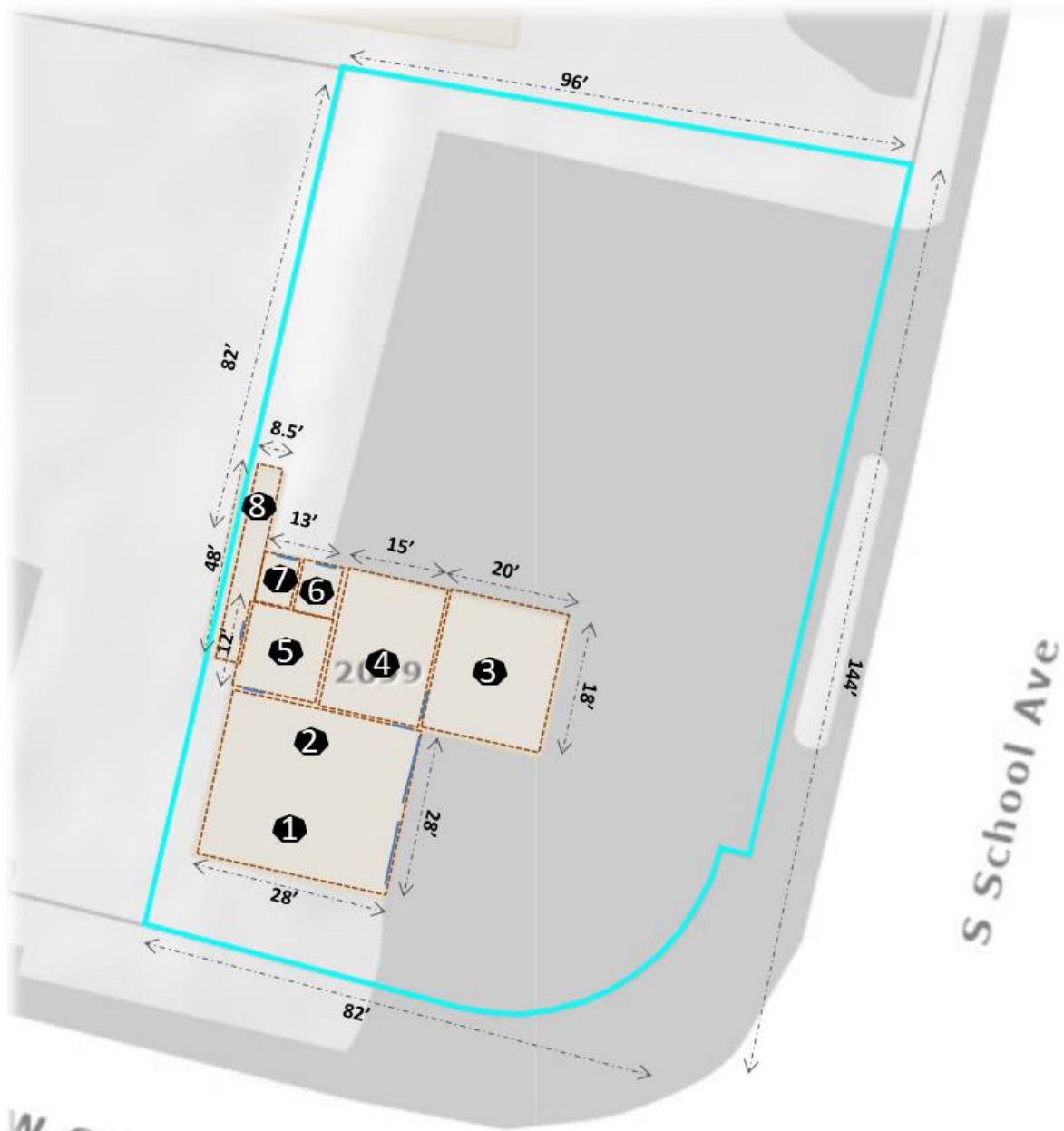
(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood:

This shop is strategically located on a high-traffic avenue, making it easily accessible to residents of the city of Fayetteville as well as towns, and rural areas in south of Fayetteville. South School Avenue and the surrounding area host several auto service businesses, providing citizens with convenient access to vehicle maintenance and repairs, ultimately contributing to reduced travel time and costs.

(4) Site Plan:

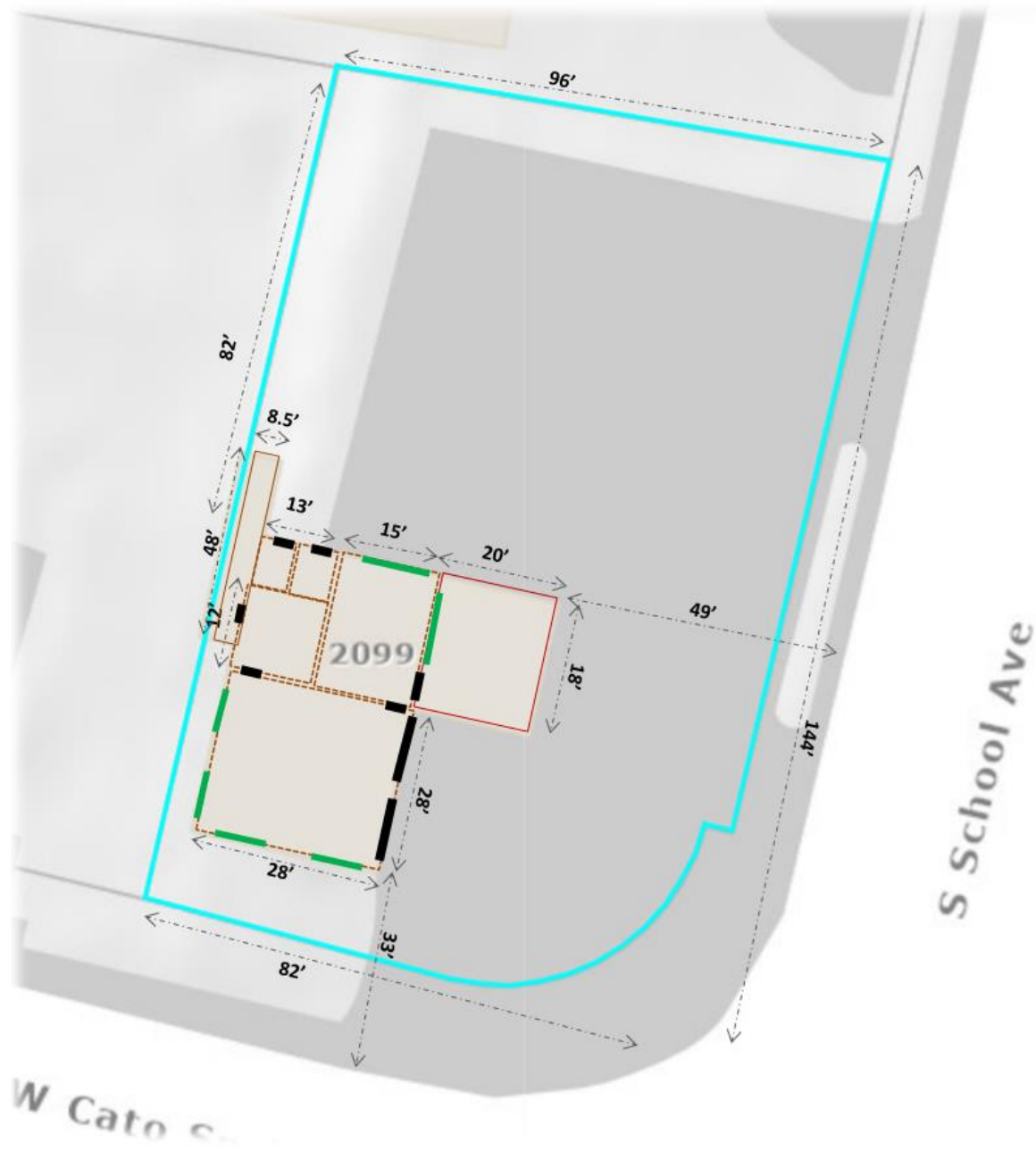


1	Service Bay No. 1, 12'x28'	It will be used for Value Auto Care
2	Service Bay No. 2, 12'x28'	It will be used for Value Auto Care
3	Open Garage, 18' x20'	It will be used for both businesses
4	Office, 15' x18'	Half of the office will be used for Value Auto Care and the other half for Fine Cars Auto
5	Storage Room, 12'x13'	It will be used for Value Auto Care
6	Rest Room, 5' x6'	It will be used by both businesses
7	Rest Room, 6' x6'	It will be used for both businesses

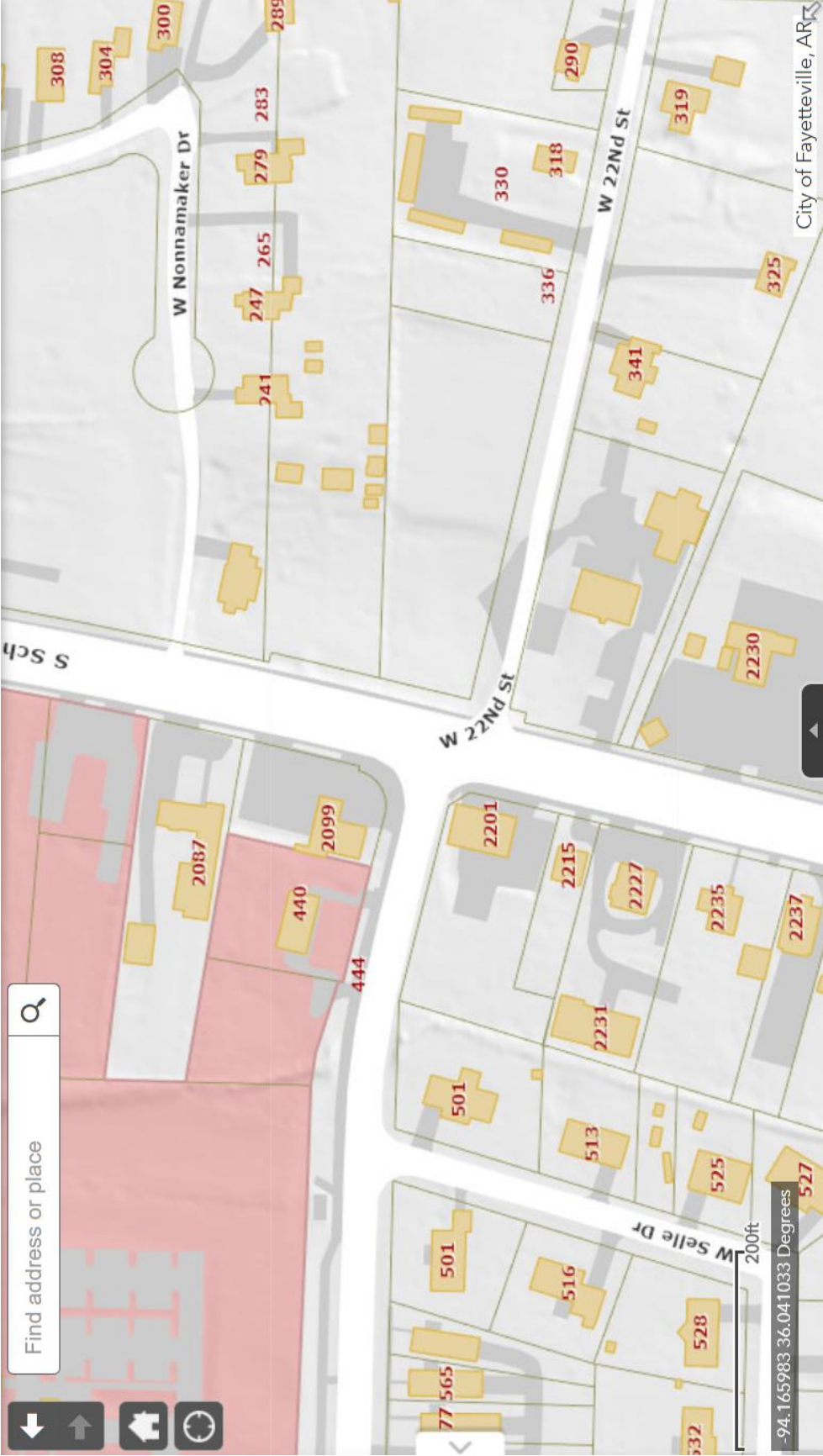


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7	Rest Room, 6' x6'	It will be used by both businesses
8	shed	It will be used by both businesses

(5) Floor Plans:



(6) County parcel map



(6) County parcel map

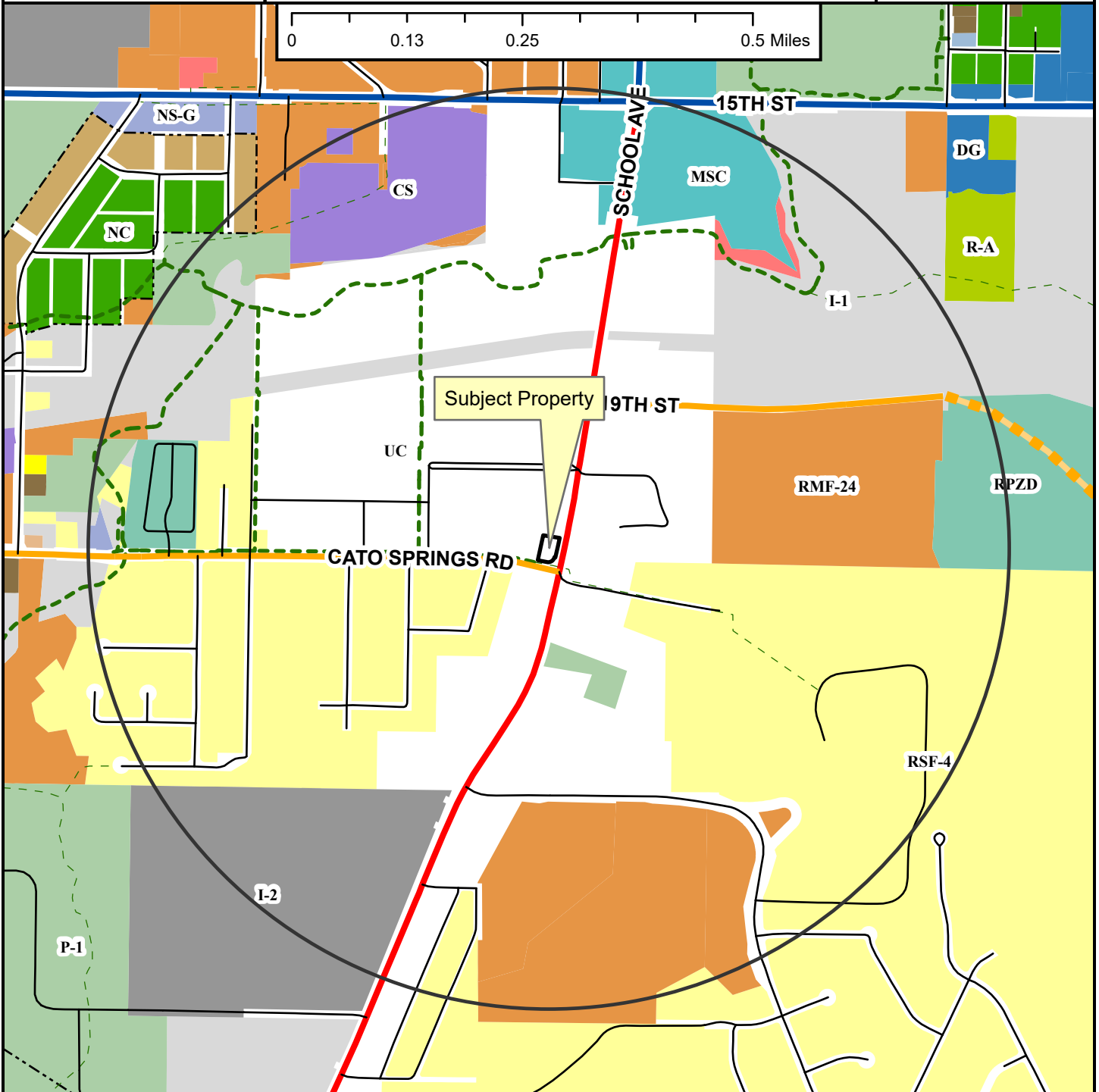
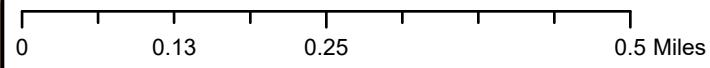


The primary focus of this business is to offer high-quality services at **affordable prices**. The location includes ample outdoor space for parking with three curb cuts, along with two service bays, an office, and two restrooms. The property faces W. Cato Springs Road on the southern side, where a truck window tinting business operates as the southern neighbor. Additionally, a used car dealership, from which we rent our business place, is also present at the location. To the north, an HVAC contractor business operates, with several transportation service providers located across South School Avenue. Pedestrian traffic in the area is very low, and there are only a few residential properties nearby. Additionally, the adequate number of access curb cuts to the property, along with the ample outdoor space, ensures minimal impact on traffic in the surrounding area.

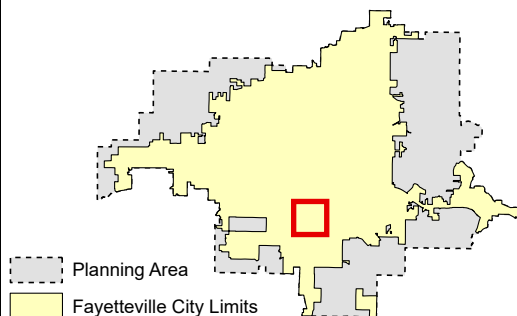
CUP-2025-0015

2099 S. SCHOOL AVE

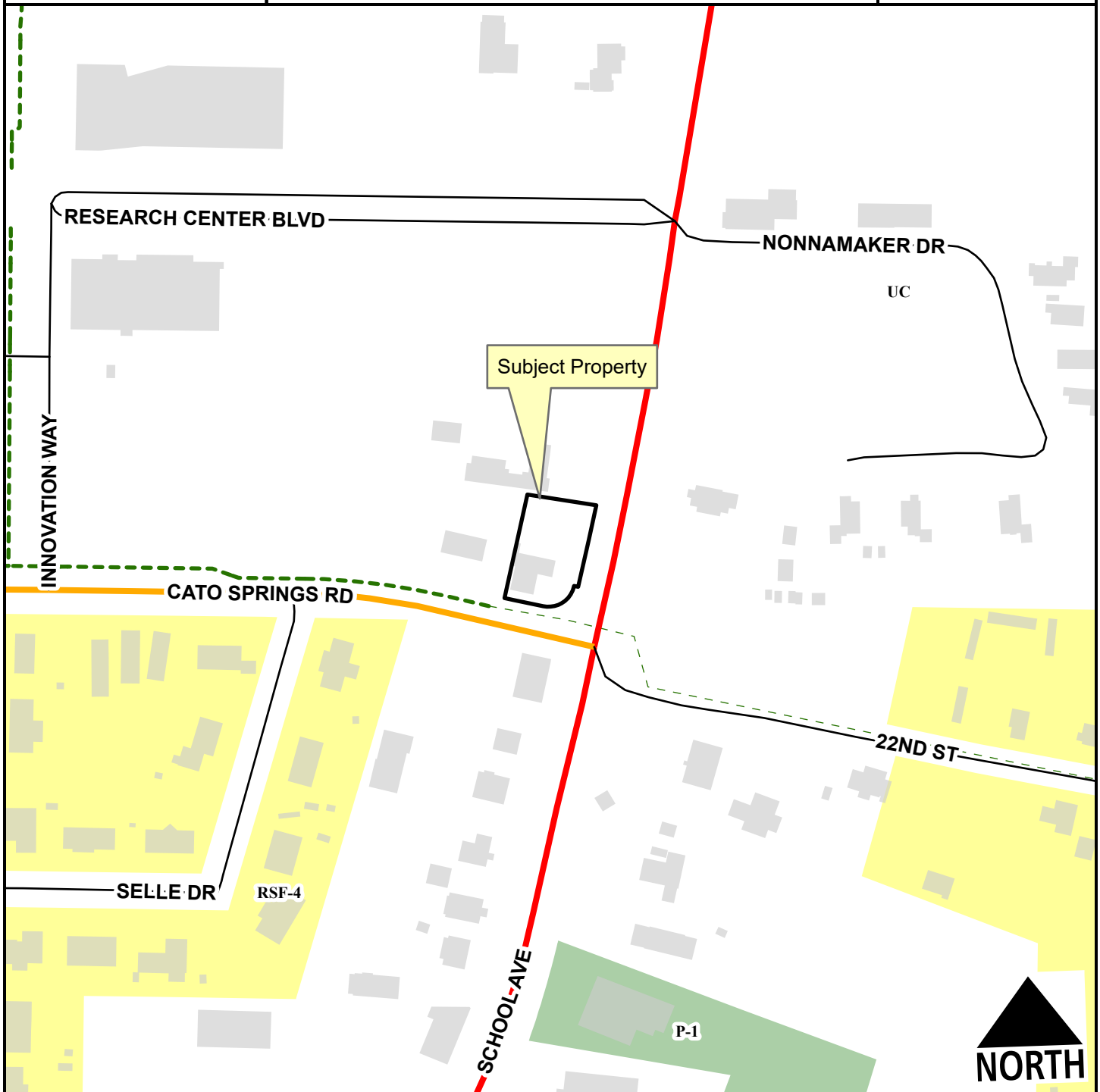
One Mile View



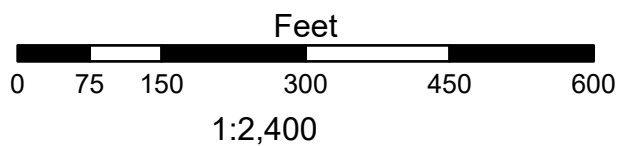
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
 - INSTITUTIONAL
 - P-1



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



- RSF-4
- P-1

CUP-2025-0015

Current Land Use

2099 S. SCHOOL AVE



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: April 28, 2025

SUBJECT: **RZN-2025-0011: Rezoning (SOUTHWEST OF W. CENTER ST AND N. UNIVERSITY AVE./THE HUB, 522):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located SOUTHWEST OF W. CENTER ST. AND N. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE AND DG, DOWNTOWN GENERAL and contains approximately 2.83 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

RECOMMENDATION:

Staff recommends tabling of **RZN-2025-0011** pending the receipt of a proposed Bill of Assurance. If the Commission elects to vote for approval or denial, staff recommends denial of the proposed rezoning as currently presented.

RECOMMENDED MOTION:

*"I move to table **RZN-2025-0011** to the May 12, 2025, Planning Commission meeting."*

If voting to forward:

*"I move to forward **RZN-2025-0011** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject area is in central Fayetteville directly south of Evergreen Cemetery, approximately 700 feet east of Harmon Field and 1,400 feet northeast of the Fayetteville High School. The 2.83-acre subject area contains multiple parcels and is bound by W. Center St. to the north, S. Hill Ave. to the west, and S. University Ave. to the west. The subject area is currently split zoned RMF-40, Residential Multifamily, 40 Units per Acre and DG, Downtown General, and has been developed with a range of uses including apartments and a historic residence currently being utilized as a short-term rental. The existing structures were built between roughly 1911 and 1960. The property does not fall within any overlay districts or Master Plan areas but is partially encumbered by hydric soils. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Multifamily Historic Cemetery	RMF-40, Residential Multifamily, 40 Units per Acre
South	Residential Multifamily	DG, Downtown General
East	Residential Multifamily Mixed Commercial / Restaurants	MSC, Main Street Center
West	Residential Multifamily	DG, Downtown General

Request: The request is to rezone the property from RMF-40, Residential Multifamily, 40 Units per Acre and DG, Downtown General to MSC, Main Street Center. The applicant has indicated that a Bill of Assurance shall be offered; however, staff has not yet had an opportunity to evaluate this Bill of Assurance or how it may impact the overall recommendation.

Public Comment: Staff has not received any public comment specifically on the rezoning request; however, a member of the public has spoken at multiple public meetings regarding the proposed alley vacation and citing the demolition of affordable housing and their own residence if various approvals are granted.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The property has frontage along multiple streets including, S. Hill Avenue, a fully improved Residential Link with asphalt paving, curb, gutter, and sidewalk; W. Center Street, a partially improved Neighborhood Link with asphalt paving, curb, and gutter; and S University Avenue, a partially improved Urban Center Street with asphalt paving. Any street or drainage improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. There is an 8-inch and a 4-inch water main along the west side of property along S. Hill Avenue, as well as an 8-inch and a 4-inch water main along W. Center Street. There is also a 6-inch water main along S. University Avenue. No known utility capacity issues are present that would impact development.

Sewer: Sanitary sewer is available to the subject area. There is an 8-inch sewer main along S. Hill Avenue, an 8-inch sewer main along W. Center Street, and an 8-inch sewer main along S. University Avenue. No known utility capacity issues are present that would impact development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

Drainage: No portion of the property is within a FEMA floodplain, the Hillside-Hilltop Overlay District or includes a protected stream. Hydric soils are present and are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time

of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required.

Tree Preservation:

The proposed zoning district of MSC, Main Street Center requires **10% minimum canopy preservation**. The current zoning district of RMF-40, Residential Multifamily, 40 Units per Acre and DG, Downtown General require **20% and 10% minimum canopy preservation respectively**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **12** for this site, with a weighted score of **17**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #1, 303 W. Center St.)
- Near Sewer Main (8" Sewer Mains on S. Hill Ave., W. Center St., and S. University Ave.)
- Near Water Main (8" Water Mains on S. Hill Ave. and W. Center St.| 6" Water Main, S. University Ave.)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Oakridge Trail, Razorback Greenway)
- Near ORT Bus Stop (Hill and Treadwell)
- Near Razorback Transit Bus Stop (Hill and Treadwell)
- Appropriate Future Land Use
- Sufficient Intersection Density

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Land Use Compatibility: On the balance of considerations, staff finds the request to be incompatible with the surrounding context as currently presented. The applicant has indicated an intent to provide a Bill of Assurance; however, staff has not had sufficient time to evaluate potential impacts of such a document on potential compatibility concerns.

While the subject area is in close proximity to public schools, the University of Arkansas campus, and the Fayetteville downtown, and has a high infill score, staff finds that the site-specific conditions of this property could create negative public impacts due to increased height allowances and the addition of incompatible uses. The existing RMF-40 district would permit a maximum of 52 dwelling units on the 1.3-acre portion with a maximum building height of 2-5 stories, with no density limit and a height maximum of 5 stories on the remaining Downtown General portion. The rezoning would increase permitted heights to 7 stories when located more than 15 feet from the public right-of-way and would also remove the density limitation.

Whereas recent rezonings to Main Street Center were primarily surrounded by existing large apartment buildings and/or large institutional uses or were fully surrounded by public right-of-way, this subject area only abuts a single five-story apartment building to the west. While Eco Modern Flats is a total of three stories, one story is fully below the street grade at S. Hill Ave., therefore only two stories are apparent above street grade. As this apartment complex was fully renovated in the early 2010s, staff finds it is likely to remain in this form for a significant time. As there is currently no public street or right-of-way between the subject area and Eco Modern Flats, the Main-Street Center zoning permits a zero-foot side setback, and the northernmost building of Eco Modern Flats is located approximately ten feet from the property line, this could potentially allow a seven-story structure only ten feet from what is effectively a two-story building.

Additionally, a portion of the two-story apartment on the north side of W. Center Street is also below grade and the remainder of the property adjacent to the north is composed of Evergreen Cemetery, which was first opened in the 1840s and was added to the National Register of Historic Places in 1997. Given the historic nature of the property and the inherent difficulty in modifying a property that has been used for burials, staff finds this property is unlikely to ever be redeveloped with a structure of significant height. Whereas a permanent open space such as a park could help off-set the additional proposed height, staff finds the more passive use of a cemetery could be negatively affected by the addition of a tall structure in close proximity.

Further, the structures directly to the east are a small two-story, multifamily residential dwelling and a long-standing single-story commercial complex that hosts multiple legacy restaurants including Gerald's and Wes BBQ. The subject area has a substantial change in grade from east to west. As the city determines number of stories based on the International Building Code, staff finds the use of an average grade plane could result in more than seven floors on the east side of the requested rezoning area directly adjacent to the shortest abutting buildings. Further analysis of the proposed compared to previous rezonings to Main Street Center in the vicinity are provided in the attached exhibit.

The proposed rezoning would also open the property to potentially incompatible uses, including Use Unit 17: Transportation Trades and

Services, Use Unit 34: Liquor Stores, and Use Unit 45: Small Scale Production that were prohibited by a Bill of Assurance in recent rezonings to the west. Staff finds these uses are generally incompatible within a primarily residential neighborhood but are further concerning given the proximity of the historic cemetery that is still in regular use today. Staff further notes an entry to the cemetery faces W. Center St. along this property's frontage; therefore, any development on this property will be highly visible to visitors to the cemetery grounds.

Existing buildings within the proposed rezoning area include multiple historic properties, including the Putman House, which was constructed between 1903-1911 and has been home to four apartments, nine apartments, short-term rentals, and the gallery "Art Ventures" throughout its lifespan. The Beverly Manor Apartments were designed by Warren Seagraves, a well-known local architect who also designed the original Fayetteville Public Library, Fayetteville Federal Building, Center Plaza Building, and University of Arkansas Wesley Chapel. Long-Range Planning has been awarded a grant from the Arkansas Historic Preservation Program to support a survey of historic structures within the Fayetteville city limits and recommends that property owners should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures so that staff can capture photo documentation of the existing structures.

Land Use Plan Analysis: On the balance of considerations, staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The applicant has indicated an intent to provide a Bill of Assurance; however, staff has not had sufficient time to evaluate potential impacts of such a document on potential consistency concerns.

Staff finds that the proposed conflicts with City Goal 6: We will create opportunities for affordable housing as currently presented. The Fayetteville Housing Assessment completed by City staff in October 2023 discusses the preservation of affordable housing and notes that "new supply should be carefully balanced with preserving existing affordable housing – housing that can be in prime areas for redevelopment due to growing land values compared to the declining value of aging structures." The surrounding neighborhood has been heavily affected by extensive redevelopment over the past decade with multiple projects proposed within the past year that would clear entire blocks. At least 129 residential dwelling units and multiple commercial spaces have either already been or are proposed to be removed over that timeframe, with an additional 39 residential units proposed to be removed with this development.

The addition of commercial uses on the property could be a benefit to the overall neighborhood and would align with the future land use plan's designation as a City Neighborhood Area; however, staff finds commercial uses are already permitted within the subject area, either by right on the portions currently zoned DG or by conditional use on the portions zoned RMF-40. As such, staff finds that a rezoning to Main Street Center would not necessarily further City Goal #3 to make compact, complete and connected

development the standard, as mixed-use development is already possible under the existing zoning.

Staff acknowledges that the property owners are legally able to redevelop the subject area by right under the zoning districts and that any redevelopment which includes only uses permitted by right is not subject to discretionary approval by either the Planning Commission or City Council provided that all applicable city ordinances and development standards are met. However, in this case, staff also finds that approval of the rezoning to MSC does not contribute to city objectives to increase housing choice within close proximity to alternative means of transportation, maintain the quality and quantity of existing affordable housing units, encourage historic preservation and adaptive re-use of buildings, discourage demolition of historic resources, and preserve the historic character and integrity of neighborhoods. Further, Long-Range Planning studies of university enrollment and development data have found that the city may be reaching saturation of student-focused development.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: On the balance, staff finds the proposed zoning is not justified or necessary at this time. Property owners can legally redevelop the parcels with new multifamily dwellings and commercial uses by right under the existing zoning districts.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from RMF-40 to MSC has the potential to increase traffic at this location when considering that MSC would allow for more dense development than the existing zoning which has a stated density limitation. The lots under consideration have direct access to public streets and staff finds that given the property's location on a transit route close to the university and the Fayetteville High School campus, many trips have the capacity to be completed through alternative transportation such as walking, biking, or transit. Any necessary street improvements and potential traffic impacts would be determined at the time of development. However, staff notes that several large apartment complexes have taken permitted parking reductions and the addition of a further development without density limitations could contribute to parking issues within the adjacent neighborhood.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains with no known capacity issues. Any necessary upgrades or improvements

to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends tabling of RZN-2025-0011 pending the receipt of a proposed Bill of Assurance. If the Commission elects to vote for approval or denial, staff recommends denial of the proposed rezoning as currently presented.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>April 28, 2025</u>		☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
 - §161.27 Main Street/Center
 - §161.28 Downtown General
- Applicant Request Letter
- Staff Exhibits
 - Long Range Planning Memo
 - Previous MSC Rezoning Request Comparisons
 - Parking Reductions Analysis
 - Height Analysis Exhibits
 - Historic Cemetery Entry Images
 - Neighborhood Analysis
 - Fayetteville Housing Assessment Excerpts
 - Active Transportation Plan Excerpts and Map
 - Proximity to Tier Center Exhibit
 - City Plan 2040 Excerpts
 - Traffic Accidents Exhibits
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
----------------	--------------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Minimum Buildable Street Frontage. 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 8, 9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6658 , §7(Exh. F), 5-2-23)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum*.

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum*. None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage*. 75% of lot width.

(G) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories
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(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

April 21, 2025

To: City of Fayetteville Planning Commission and City Council

RE: The Hub – Rezoning Request

Planning Commission and City Council members,

On behalf of the developer, Core Spaces, McClelland Consulting Engineers requests rezoning approval of parcels 765-09774-000, 765-09771-000, and 765-09772-000. The subject property is east of “Atmosphere”, a multi-family residential development, north of Eco Modern Flats, a multi-family residential development, and south of Evergreen Cemetery.

Bordered on three sides by S. Hill Avenue, W. Center Street, and S. University Avenue, this request to rezone these properties is in preparation for The Hub, a mixed-use multi-family residential development MCE will be submitting in the near future.

Requested zoning: MSC (Main Street Center)

Current zoning:

765-09774-000: RMF-40 (Residential Multi-Family- 40 units per acre)

765-19771-000: DG (Downtown General)

765-09772-000: DG (Downtown General)

The current land use of the property is multifamily residential. The future land use map shows all three subject parcels, as well as all the adjacent parcels, with exception to the cemetery to the north, as City Neighborhood.

Plans for a mixed-use, multi-family residential development are underway and will be submitted for review once the Rezoning and right of way Vacation requests have been approved. The proposed development will be similar in nature to the nearby mixed-use residential developments, with apartment buildings, parking, and other associated features such as stormwater detention, providing additional student housing in this neighborhood. Commercial space programming is still tentative, but the intent is to include a coffee shop at 2,000 sf or less, as part of Core’s standard amenity program.

With Downtown General zoning to the south and west, and Main Street/Center zoning to the east and southwest, and RMF-40 to the north, the request to rezone the subject parcels to MSC is in-line with the trend in this neighborhood of developing modern, attractive multi-family residential uses with mixed-use commercial components placed sensitively into the context of the development.

The commercial component of the proposed mixed-use development will be a coffee shop, which, practically speaking, will be very applicable to the programming needs of the development and is something that will be constantly used by the student residents. However, with the MSC zoning the

RE: The Hub- Rezoning Request

commercial space could be easily changed over from coffee shop to another commercial use over time, depending on demand.

The proposed development will promote walkability throughout the neighborhood and the other nearby commercial uses. The adjacency of the existing MSC and DG zoning districts are currently considered compatible, and showing signs of increased walkability in the vicinity. And by rezoning the subject property to MSC, extending the zoning district up the street, the opportunities for developing the property as a unique multi-family housing development will be greater than if it were to remain DG zoning because the requirements allow for a greater range of commercial uses. The additional uses allowed by right with MSC zoning are Use Unit 14- hotel, motel, and amusement facilities.

Please let me know if you have any questions.

Sincerely,

McClelland Consulting Engineers, Inc.



Nathan Crouch, Project Coordinator
MCE-Fayetteville
(479) 443.2377
ncrouch@mce.us.com



TO: Donna Wonsower, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: April 28, 2025

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0011

RECOMMENDATION:

Advisory Only: Property owner should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

BACKGROUND:

The applicant requests to rezone approximately 2.83 acres from RMF-40, Residential Multifamily, 40 Units Per Acre and DG, Downtown General to MSC, Mainstreet Center. Three long range planning documents are relevant when evaluating this request: *City Plan 2040*, the *Heritage & Historic Preservation Plan*, and the *2023 Fayetteville Housing Assessment*.

City Plan 2040 (2020):

- 3.1.6 – Encourage historic preservation and adaptive reuse of buildings (p.24)
- 3.1.7 – Encourage protection of community character in established neighborhoods (p.25)
- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)
- 3.6.2 - Maintain the quality and quantity of existing attainable housing. (p.44)

Heritage & Historic Preservation Plan (2023):

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.

Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:

Impact on Historic Properties:

The proposed rezoning of the properties subject to RZN-2025-0011 has the potential to adversely impact historic properties via future demolition. Rezoning often precede projects that involve substantial demolition and redevelopment of sites. Although the City does not have a demolition review ordinance in place currently, it is important to review and acknowledge the proposal's impact on historic properties as part of the *City Plan 2040* objectives.

Documentation of Identified Historic Structures:

Long Range Planning staff have been awarded a grant from the Arkansas Historic Preservation Program to support a survey of historic structures within the Fayetteville city limits. This survey is scheduled to begin in summer 2025. Current survey information is incomplete. Two properties subject to this request are eligible for the Arkansas Register and National Register of Historic Places according to initial consultation with staff at the Arkansas Historic Preservation Program.

List of Impacted Historic Properties:

Address	Photo & Description
20 S. Hill Ave.	 The Putman House is a two-story Free Classic style house constructed ca. 1911. This house represents a common theme of design during this period when styles were evolving and builders began adopting elements from many different styles. This house is a well-known local landmark and appears eligible for nomination to the National Register of Historic Places.
8 & 12 S. Hill Ave.	 Constructed ca. 1965, these low-rise apartment buildings represent a typical utilitarian style of multi-family dwelling constructed during a period of rapid growth in the city. Additional photos are needed to determine if this property is eligible for the state or national register.
7 S. University Ave.	 The Beverly Manor Apartments were constructed ca. 1960 with an addition in 1965. This garden-style apartment was designed by notable local architect Warren Seagraves. The development provided access to a lawn area and pond, amenities that are relatively rare for multifamily dwellings from the period. This property is eligible for nomination to NRHP.

Staff recognizes that any of these properties could be redeveloped at any time under their current zoning, which could result in a loss of historic structures. However, staff is also sensitive to the impact of increased height (up to 7 stories) possible with the rezoning request that would impact the historic Evergreen Cemetery to the north. The Cemetery is included in the National Register of Historic Places and adjacent development, particularly with increased height may impact the Cemetery's integrity of setting and feeling, both important components of a historic cemetery.

Impact on Existing Attainable Housing:

The proposed rezoning has the potential to remove existing affordable housing as it is paired with a conceptual redevelopment plan. Although the Unified Development Code does not differentiate between student housing and other multi-family housing types, it is important to consider the impacts of this housing as it relates to several objectives of *City Plan 2040*:

- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)
- 3.6.2 - Maintain the quality and quantity of existing attainable housing. (p.44)

The associated redevelopment plan as proposed in CPL-2025-0007 (a conceptual plan submitted to staff for initial review) indicates the removal of the existing buildings that include:

- 20 S. Hill Ave. – 3 unit Type 2 short-term rental
- 8 & 12 S. Hill Ave. – 14 unit multi-family dwelling
- 7 S. University Ave. – 25 unit multi-family dwelling

In addition to adopted plans and their objectives, the *2023 Housing Assessment* offers a complimentary lens through which to consider the request. As outlined in the document, “almost by definition when a unit of older housing is razed, a unit of affordable housing is lost forever” and rents for new construction are unaffordable for at least half of Fayetteville households. In other words, new construction is inherently more expensive to residents than existing housing. Although these lost units would be replaced with higher density student housing (approximately 736 bedrooms), the redevelopment of these sites would equate to the loss of 39 attainable housing units serving a variety of tenants including downtown employees and business owners, young professionals, empty nesters, and students. This is in direct conflict with stated goals in *City Plan 2040* and represents a continued pattern of displacing residents in what has been a relatively affordable neighborhood.

Over the past decade, this neighborhood has experienced a disproportionate amount of redevelopment, and a single rezoning request cannot be successfully evaluated outside of this larger context:

Project	Status	# Bedrooms	Context
The Cardinal	2014	480	Demo information for preceding structures not immediately available.
Atmosphere	2016	640	Demo of approximately 13 mixed units, 10 MFD units, and 1 university property
Center St.	In Construction	674	Demo of multiple affordable commercial spaces

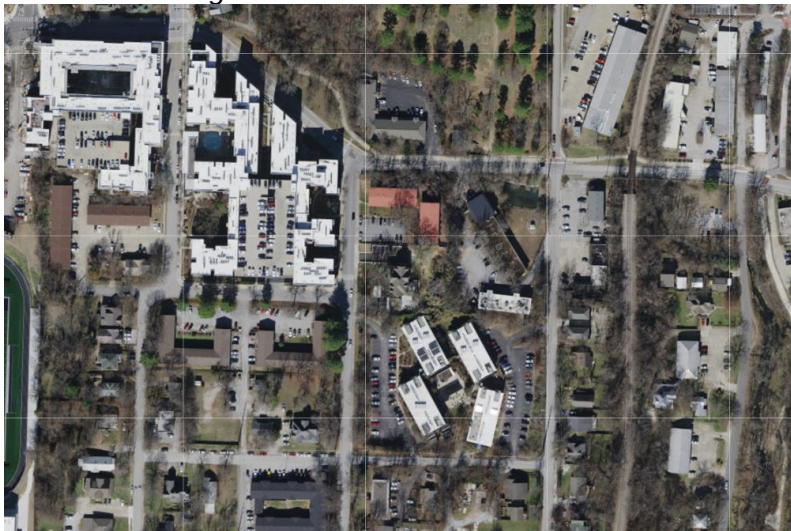
Treadwell (LSD-2024-0029 in review)	In Review	847	Demo of: Summit Terrace Apts. (40 MFD units), 98 Duncan Apts. (6 units), mix of single-, 2-, and 4- family units (6 units)
Duncan Ave. (LSD-2025-0007)	In Review	1011	Demo of: Harmon Place Apts. (38 MFD units), mix of single-, 2-, 3-, and 4-family dwellings (16 units),
TOTAL		3652	Demo of 129+/- dwelling units, multiple commercial spaces

This neighborhood was once an area with a variety of housing types to serve not only university students but also faculty and staff, families, and young professionals working downtown. Over the past ten years, redevelopment in this area has signaled a departure from stated goals captured in City Plan 2030 and 2040 as housing options have decreased and existing attainable housing has been lost. Although previous rezoning and development requests in this general area may have been supportable previously, the scale has since tipped and additional student-centered development is absorbing housing more widely available to non-student residents.

2013 Aerial Image

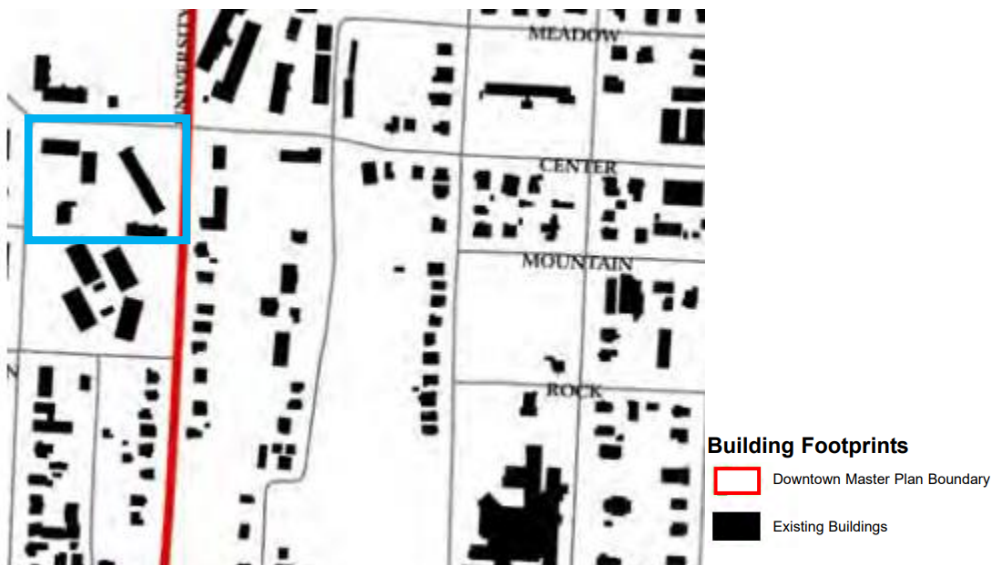


2024 Aerial Image



Lack of Adopted Plans

Some areas of Fayetteville that experience development pressures have undergone localized planning efforts, such as the Walker Park and Parksdale/Center neighborhoods. In contrast to these, the disproportionate amount of redevelopment in the subject neighborhood has not seen it included in any adopted neighborhood or area plans that would be able to provide goals and specific policy guidance tailored to effectively addressing intensely clustered development. As such, the vision of residents has not been captured or considered in rezoning or redevelopment plans. Notably, the subject property is located just outside of the southwest Downtown Master Plan boundary.

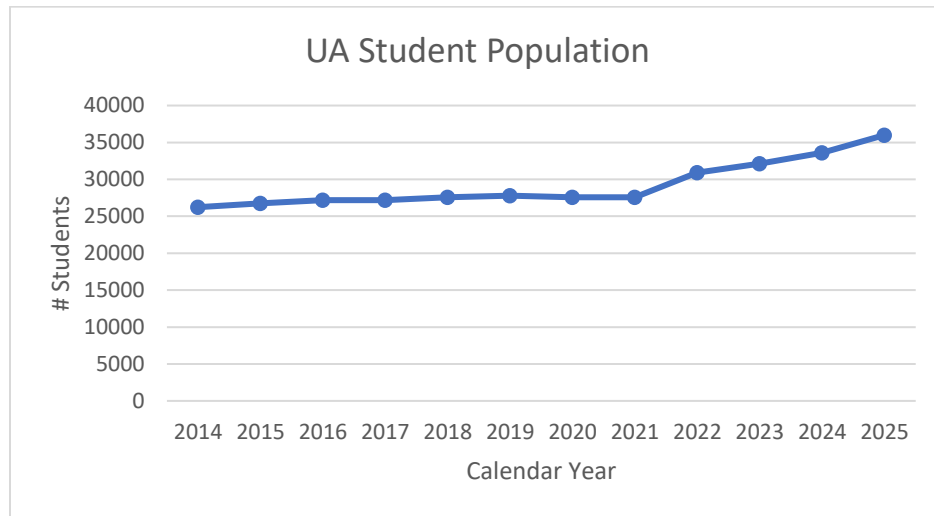


Snapshot of map in the Downtown Master Plan showing the plan boundary in red. The subject property is outlined in blue.

While the type of dense, urban development proposed with the rezoning and associated conceptual plan has been envisioned for other areas of the city (see the 71B or Downtown Master Plans), there are not at this time adopted plans that facilitate similar decision making in this area. Absent that guidance and given the heightened development interest in this neighborhood for housing products that are not being constructed in other areas of the city, further planning work specifically for this area to coordinate land use, transportation infrastructure, and the provision of utilities is merited. Additional planning with the community is imperative for equitable decision making, and areas formerly excluded from plans must be included in discussion. This is especially important in areas on the periphery of the university that are prime areas for student-oriented developments but also represent some of the oldest and thus more affordable housing options remaining in the city with close proximity to employment and entertainment centers.

Oversaturation of by-the-bedroom Student Housing

Between 2014 and 2024, student enrollment increased 28.1%, from 26,237 to 33,610. The most recent enrollment boom occurred between 2021 and 2024, when enrollment increased by an average of approximately 1,500 students annually.



University of Arkansas on-campus housing has not kept pace with enrollment with only 708 new beds added in the past ten years and an additional 1,265 beds planned for academic year 2027-2028. As a result, the private market has stepped in to make up for the lack of student housing available near campus. Between 2014 and 2024, student oriented private developments have added 7,040 beds, which effectively closed the gap between student enrollment growth (an increase of 7,373 students from 2014-2024) and housing needs.

Review of recent development data indicates that the city may be approaching market saturation for by-the-bedroom student apartments. There are currently 1,332 bedrooms under construction, with an additional 4,500 bedrooms in various stages of development review.

Zoning changes that create additional opportunities for walkability, a mix of uses, housing density near employment and entertainment centers, etc. are supported by the city's adopted plans and policies. However, these opportunities are already attainable under the current DG zoning district, and closer scrutiny of the context of this request suggests additional planning work to refine adopted policies for this neighborhood are merited prior to the approval of upzonings that propose additional burden on public resources.

STAFF EXHIBITS

Adjacent MSC Rezoning Analysis

Adjacent MSC Rezoning Analysis				Separation from 7-Story Setback to Closest Existing...							
	Adjacent Land Uses	Adjacent Building Heights	Adjacent Zoning	5-Story Structure	2-Story Structure	1-Story Structure	0-Story Parcel	Prohibited Uses per Bill of Assurance	Hydric Soils	Infill Score	Mixed-Use Permitted Under Previous District(s)?
The Verve (RZN-2024-0018)	Public ROW on four frontages. Mix of large multi-family residential and smaller scale residential units	5 stories (Atmosphere) 2 Stories (Eco-Modern Flats, 3 with 1 below Grade) 1-2 Stories (South side of Putnam) 1-2 Stories (west side of Duncan)	RMF-40 DG	~65 feet	~80 feet	~80 feet	NA	UU 17: Transportation Trades and Services UU 34: Liquor Stores UU 45: Small Scale Production	NA	12	No
Duncan Ave Apartments (RZN-2024-0028 RZN-2025-0006)	Public ROW on two frontages. Major institutional use (public school) on other frontages. Mix of residential scales to east, including approved Verve large-scale development	5 Stories (The Cardinal) 0 Stories (High School Parking Lot) 1-2 Stories (East of Duncan, Approved 7 story apartments) Harmon Field	RMF-40 DG P-1 Pending MSC	~10 feet	~80 feet	~55 feet	NA	UU 17: Transportation Trades and Services UU 34: Liquor Stores UU 45: Small Scale Production	NA	11-12	No
The Hub (RZN-2025-0011)	Public ROW on three frontages. Adjacent to multifamily apartments, single-story commercial buildings, and historic cemetery	5 stories (Atmosphere) 2 Stories (Eco-Modern Flats, 3 with 1 below Grade) 2 Stories (Apartment north of Center) 1 Story (Commercial Unit) 0 Stories (National Cemetery)	RMF-40 DG MSC	~65 feet	~10 feet	~85 feet	~65 feet	NA. None offered.	Yes	12	Partial

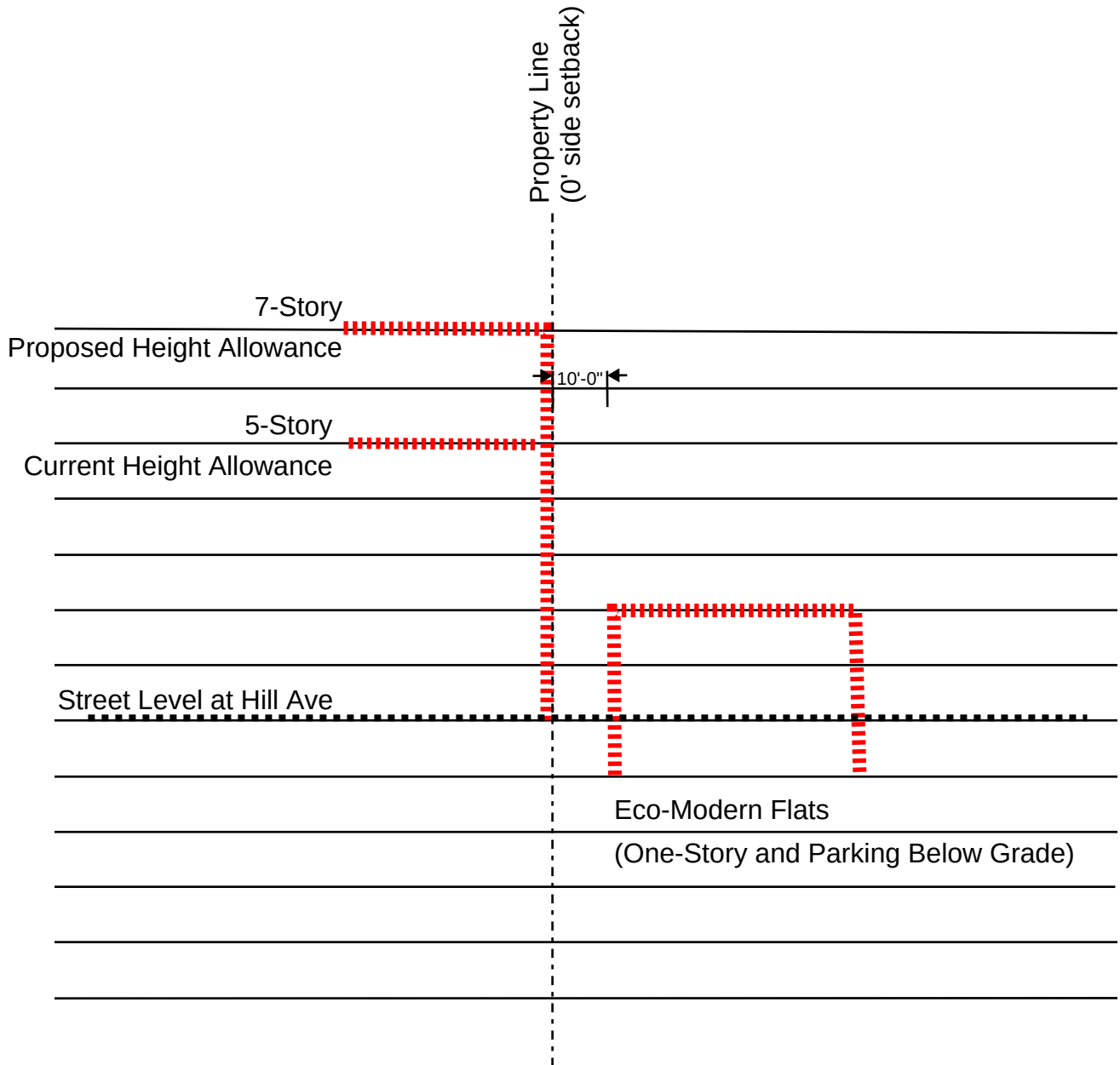
Adjacent Student Apartments Parking Reductions Analysis

	Number of Bedrooms	Motorcycle / Scooter Spaces	Bike Racks	Auto Spaces	Total Count Below Bedrooms	Auto Only Count Below Bedrooms
The Cardinal at West Center	447	17	100	391	-61	56
The Atmosphere	640	26	54	512	48	128
The Verve	847	107	136	373	231	474
Duncan Ave Apartments	1008	136	111	623	138	385
Trinitas*	674	86	80	439	69	235
Totals	3616	372	481	2338	425	1278
					664*	1517*

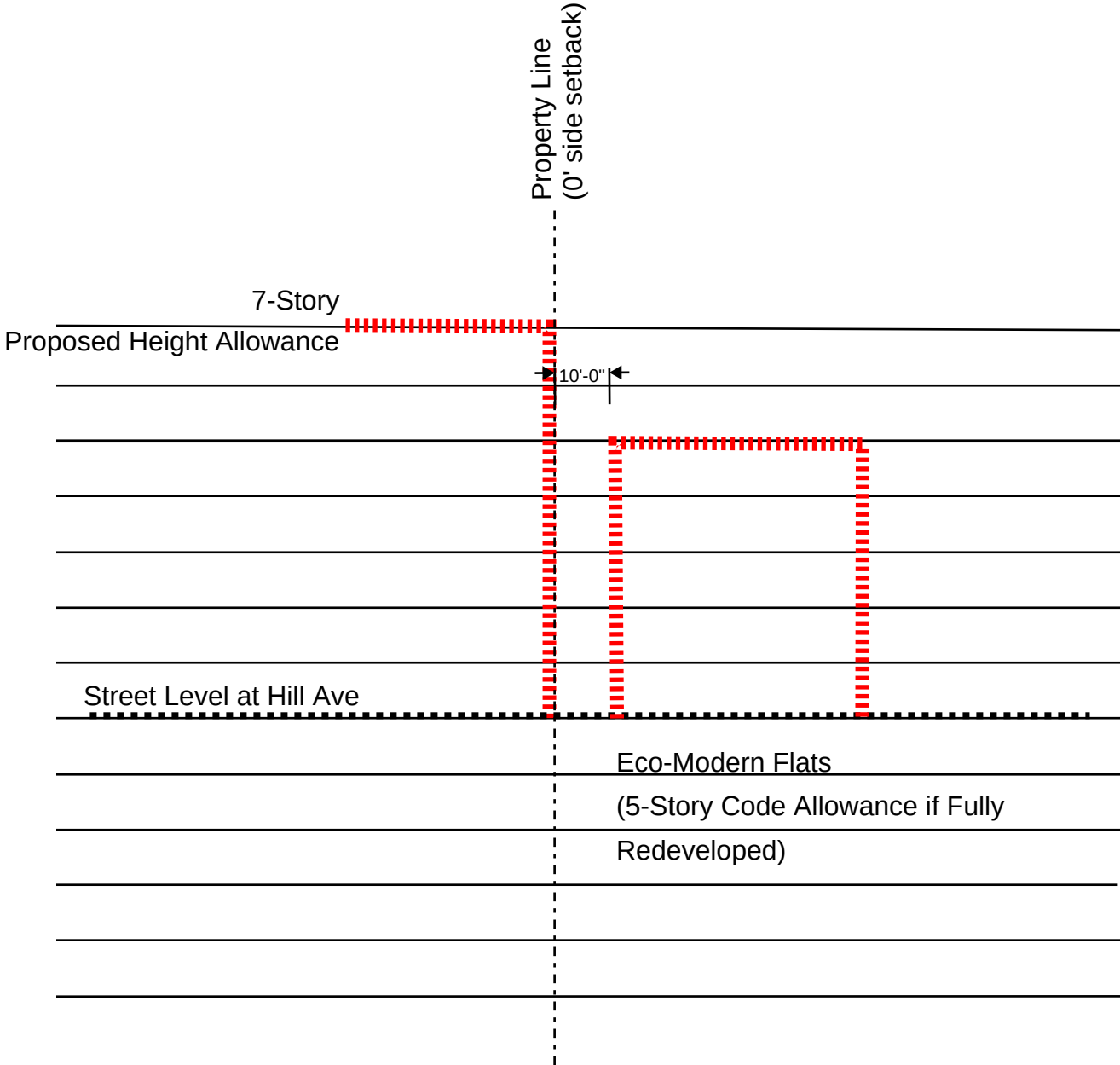
*Trinitas calculations include approved off-site parking. Of the 439 automobile spaces listed, 239 are provided off-site.

** All reductions shown are by-right allowances and are within current parking standards

**Staff Exhibit
General Height Analysis
(Existing Conditions)**

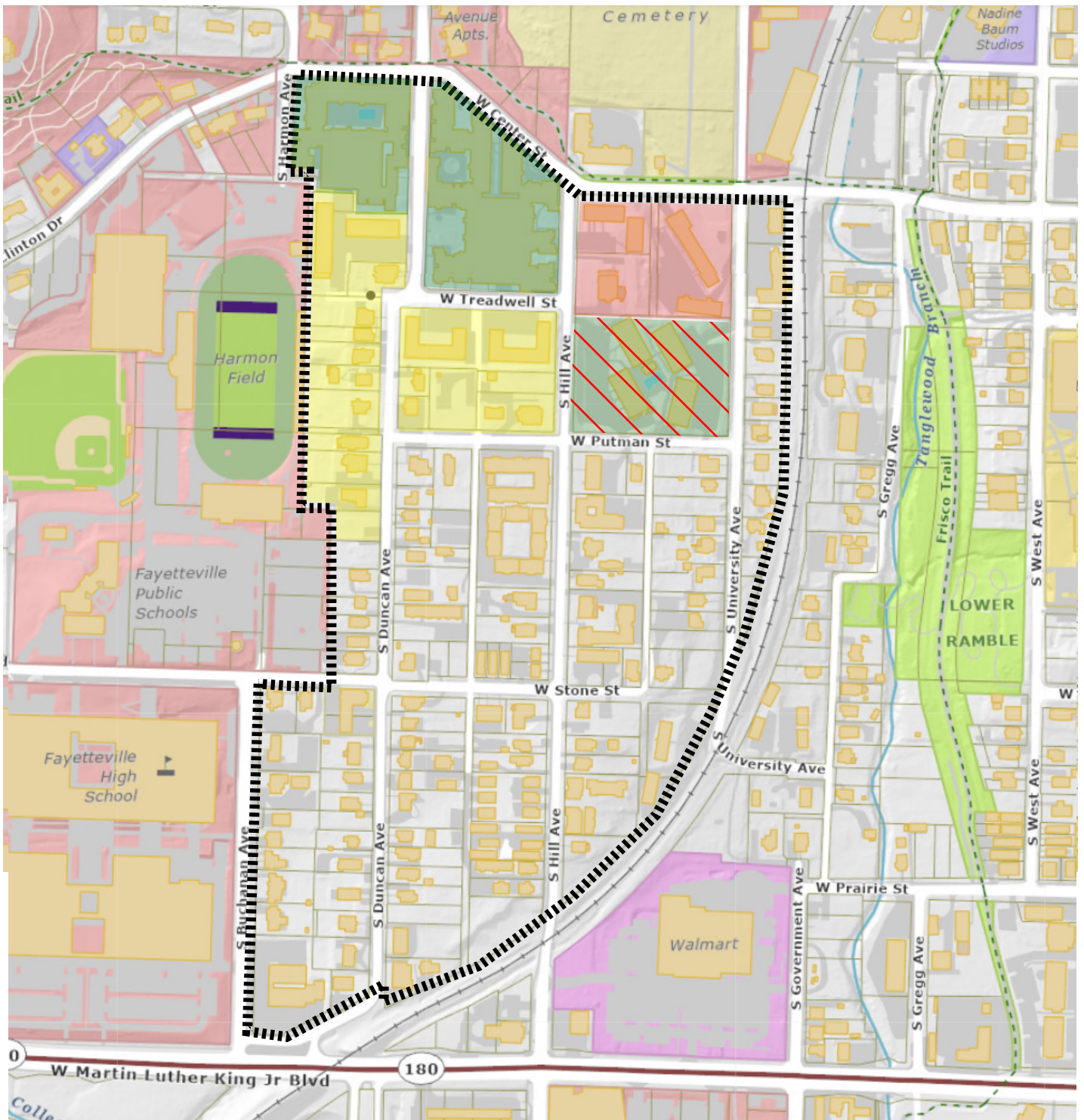


Staff Exhibit
General Height Analysis
(Maximums Permitted by Code)



**STAFF EXHIBIT:
HISTORIC CEMERERY AT W. CENTER ENTRY**





Total area: 56.5 acres

Existing student housing: ~8.8 acres (15.6%)

+ Proposed student housing in pipeline: ~8.2 acres (14.5%)

+ New proposal: 2.8 acres (4.9%)

If all areas are fully redeveloped as proposed, then **35%** of the existing neighborhood will have been developed as large apartments within the last 10 years

- Construction complete
- Zoning Entitlement, In Development Review
- Seeking Zoning Entitlement

- Construction complete (Renovation of existing buildings)

Policy Options for the Future

This assessment does not propose that the solution to housing affordability is to rezone the entirety of Fayetteville to RMF-24 zoning. Similarly, zoning is not the only solution to high and growing housing costs. Policy choices can, however, focus on adding housing density in strategic places to take advantage of existing infrastructure in high intensity areas that don't currently allow for housing. When combined with existing services, infrastructure, and amenities, these housing units can provide a number of benefits, including reducing vehicle trips. Fayetteville's City Plan 2040, the comprehensive plan adopted in 2020, includes several options for additional housing density in core areas that are already high intensity and offer close access to services.

Staff in the City of Fayetteville's Long Range Planning and Sustainability divisions worked with University of Arkansas graduate students in the Master of Public Administration program in the spring semester of 2023 to analyze three scenarios for single-family housing. The students produced a report at the end of the semester that aimed to identify the most effective zoning policy to increase single family residential density in Fayetteville. The three scenarios explored were a baseline analysis of maintaining the zoning status quo; rezoning all residential single-family zones to the RSF-8 zoning district; and allowing duplex, triplex, and fourplex construction by right in all current single-family zoning districts. Based on their analysis, the students recommended the third option, writing, "Increased housing diversity has the greatest net social benefit for Fayetteville. In addition to having the greatest potential for increased housing supply, this policy is the most efficient and equitable. Overall, creating the option for multifamily unit construction by right provides the strongest policy for Fayetteville's future growth." Although the report focused on single-family zoning, the lessons learned and the main point — that creating the option for multi-unit housing by right is the strongest policy for Fayetteville's future growth — align with the planning work and master plan documents/corridor planning that Fayetteville has been engaged in for the last several years.

Prior to the onset of the COVID-19 pandemic the City of Fayetteville was engaged in writing and implementing two key plans that set a priority for both housing and a high-quality urban environment. City Plan 2040 was adopted only months prior to the pandemic-related closure of city offices and the quick adjustment to online meetings and engagement. Several plan implementation steps were paused for about two years while community health and safety were prioritized, and the city is now moving forward again to engage with the community to address the challenges that arose just prior to and during the pandemic that are the impetus to bring the implementation actions from these adopted plans back into the spotlight.

Long Range Plan Implementation

Fayetteville's City Plan 2040 was written to support the city's six goals:

1. **We Will Make Appropriate Infill and Revitalization Our Highest Priority.**
2. **We Will Discourage Suburban Sprawl.**
3. **We Will Make Compact, Complete, and Connected Development the Standard.**
4. **We Will Grow A Livable Transportation Network.**
5. **We Will Assemble An Enduring Green Network.**
6. **We Will Create Opportunities for Attainable Housing.**

All six goals have short-term, long-term, and ongoing "benchmarks," or action items to implement the adopted plan. Page 47 of the plan lists the short-term benchmarks, or action items meant to be accomplished between 2019 and 2025. Although plan implementation has been somewhat delayed by the COVID-19 pandemic, 8 of the 25 short-term benchmarks are not yet underway but are directly related to the city's role in responding to population growth and increasing housing supply, and that the Fayetteville City Council could consider prioritizing (City Plan 2040 associated goals and current status listed in parentheses):

- Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2040. (Goal 1 & 2; ongoing with streamlined permitting and new software)

- Identify existing properties that are vacant or prime for redevelopment and initiate form-based rezoning discussions with property owners. (Goal 1, 2, & 3; ready to begin with 71B rezoning)
- Evaluate development thresholds based on quantitative metrics such as building form, not building type, and the encouragement of missing middle housing. (Goal 1, 2, 3, and 6; ongoing)
- Evaluate conditional use permit vs. use-by-right for appropriate infill. (Goal 1; ongoing)
- Identify gaps in affordability throughout the city and set numerical targets for housing that is affordable to a variety of households, including workforce, supportive, low income, families with children, and senior housing. (Goal 1, 3, 4, & 6; initiated with this analysis)
- Promote long-term affordability by targeting the use of public funds for the lowest income households, including those who are homeless, at risk of homelessness, or who have other special needs. (Goal 6; ongoing with federal HOME and American Rescue Plan Act funds)
- Examine potential regulatory barriers and policies that impede the provision of household affordability, including: infrastructure costs, the costs and benefits of development ordinances on housing development, and how the City's fees and requirements impact the cost of living for households in Fayetteville. (Goal 1 & 6; development fee study underway)
- Identify opportunities for the creation of affordable housing on publicly-owned land and develop partnerships with developers to provide flexible, affordable work space and housing. (Goal 6; initial discussions and review of potential projects underway)

Long-term benchmarks (more than five years from plan adoption) that are directly related to housing but not yet underway are:

- Evaluate the development and implementation of a tiered impact fee system. (Goals 1 & 2; not yet begun)
- Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. (Goal 4; ongoing with speed limit review and traffic calming procedures in residential neighborhoods)
- Create a complete neighborhood or street corridor plan every other year utilizing a charrette process and analyze water and sewer capacity to identify opportunities or limitations for development. (Goal 1, 4, & 6; not yet begun)

Ongoing benchmarks should also be highlighted here given the pause in plan implementation, as some may need to be prioritized for action:

- Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. Recommendations should generally align with the Growth Concept Map. (Goal 4)
- Support development and redevelopment opportunities along the existing rail line. (Goal 4)
- Support and implement the goals, strategies and actions of the transformational 71B Corridor plan. (Goal 1, 2, & 4)
- Implement and utilize the Growth Concept Map to strategically incentivize the development of Tier-1, Tier-2, and Tier-3 commercial and mixed-use nodes along major corridors and as neighborhood centers. (Goal 1, 2, 3, 4, 5, & 6)
- Support the creation of a "real-time" database of available affordable housing units, services, resources, and incentives to strengthen the process of connecting qualified buyers and renters with affordable housing to comprehensively lower monthly household expenses. (Goal 6)
- Promote long-term affordability by developing new goals, targets, and strategies to promote the distribution of affordable housing in all parts of the city, including incentives for affordable housing in new developments and for the preservation of existing rental units. (Goal 6)

The remaining benchmarks do not have to be approached separately, but could instead be pulled together in a complete approach to developing housing solutions, particularly in areas of the city that have been identified as best able to support dense housing along major corridors and in places that support a mix of

housing and commercial development, such as Fayetteville's downtown area. As an example of the potential for a cohesive approach to plan implementation, three of the items listed in the ongoing benchmarks are closely tied together and could be approached as a single project. Supporting zoning proposals around major transportation corridors, supporting and implementing the goals, strategies and actions of the 71B Corridor Plan, and implementing and utilizing the Growth Concept Map on pages 13–16 of the plan document could all come together with a city-initiated project to rezone property along the 71B corridor (College Avenue, Nelson Hackett Boulevard, and South School Avenue) to allow for housing on properties that have extensive existing infrastructure, are located along a major transportation corridor that is already scheduled for additional investment to support development and alternative transportation, and that have limited proximity to existing residential neighborhoods. Additionally, there are multiple tier centers along this route that could be incorporated as part of the implementation of the growth concept map, furthering plan implementation in the same project.

Preserve Existing Affordable Housing

Table 3 on page 20 of this assessment showed current average monthly rents for new apartments, with average rent for a two bedroom apartment just over \$1,400 per month. Table 4 on the same page showed that affordable housing costs for the median household income in Fayetteville should not exceed \$1,325 per month, which includes utilities and insurance costs. Current rents for newly constructed housing units are above affordable costs for at least half of Fayetteville households, and building new housing units does not provide a successful solution if the new units are at the cost of losing existing affordable housing.

In 2019 the City of San Antonio, Texas, engaged the firm PlaceEconomics to assess the risks to older and existing affordable housing stock as the city experienced rapid population growth and redevelopment. The results of this assessment, published as the report *Opportunity at Risk*,¹³ were a caution against the assumption that newly constructed housing is the best way to achieve affordable housing goals. Some of the context of the 2019 report presented in the Executive Summary would be familiar to Fayetteville today:

- One in three San Antonio households is spending more than 30 percent of their income on housing and nearly half of all renters meet this “cost burdened” threshold.
- Over the last decade, while median household income increased 1.9% per year, housing prices increased at 4.7% per year.
- While San Antonio is experiencing greater than national average growth in jobs and housing, most of the new homes are large and expensive, and much of the job growth is in lower wage jobs.
- The existing pre-1960 housing stock is providing largely unsubsidized and unprotected affordable housing.
- Single family, renter-occupied structures in fair and poor condition are the most at-risk of demolition.

The main takeaway of the report is clear and succinct: “A city cannot build itself out of a housing crisis — the retention of existing housing stock is critical.” Additionally, the report claimed three demonstrable premises:

1. One cannot build new and rent or sell cheap without subsidy.
2. Almost by definition when a unit of older housing is razed, a unit of affordable housing is lost forever.
3. Existing affordable housing programs — as useful and successful as they may be — must be realigned to address older housing stock.

The conclusion provided a caution to other rapidly growing cities facing housing affordability challenges:

¹³ Report available at sanantonio.gov/Portals/0/Files/HistoricPreservation/CurrentProjects/AffordableHousing/OpportunityAtRisk-Report.pdf

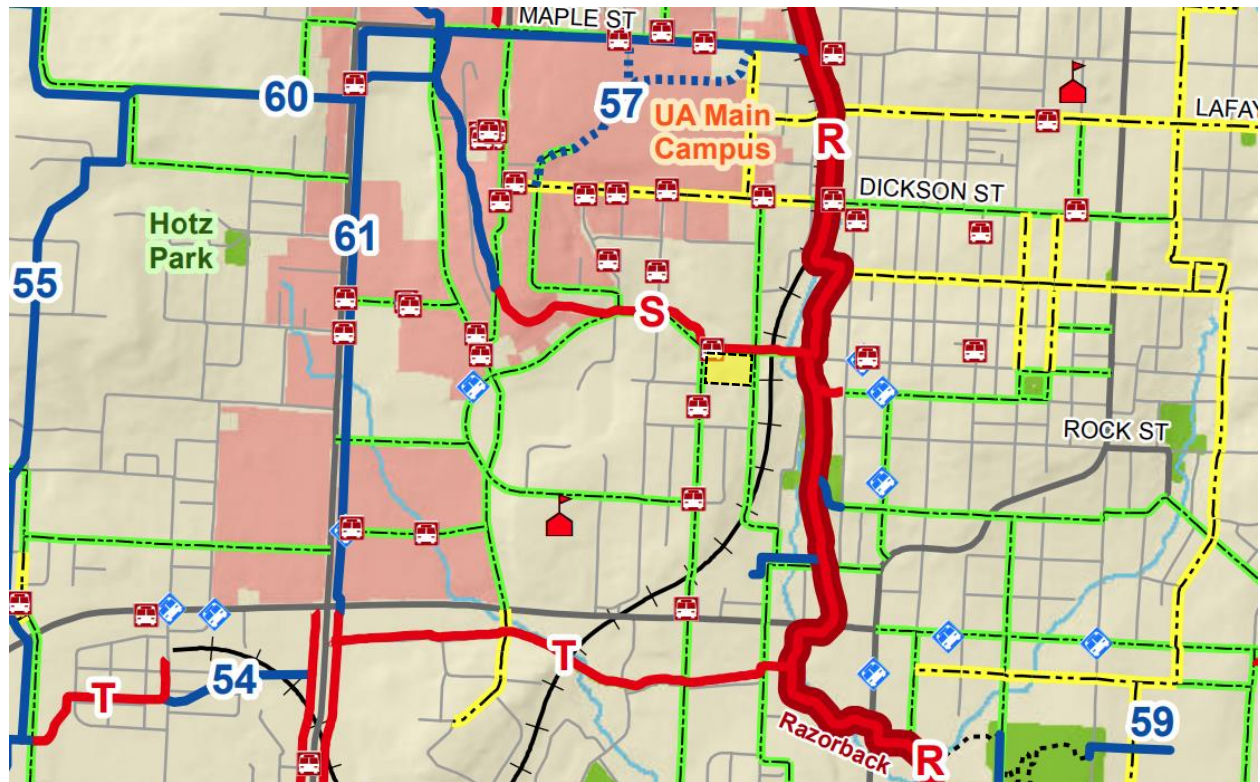
“Until the City of San Antonio can put new programs and policies into place, to reach the goal that the “average San Antonio family can afford to buy a home,” the data illustrates that San Antonio is systematically razing housing that is affordable and building housing that is not.” As Fayetteville looks to add housing units to supply, it is worth noting that new supply should be carefully balanced with preserving existing affordable housing — housing that can be in areas prime for redevelopment due to growing land values compared to declining value of aging structures.

Programs that provide assistance to low income households to help residents stay in their homes are a key part of preserving existing affordable housing. The City of Fayetteville’s Community Resources Department completed home repair and rehabilitation projects for eighteen housing units and thirty-two residents in 2022 with funding from federal Community Development Block Grants (CDBG). The CDBG Program supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.¹⁴ The 2022 housing program projects in Fayetteville included roof repair, replacement and installation of heating and cooling equipment, repairs of holes in floors, new plumbing fixtures, new flooring, new windows, and plumbing repairs.

As of this assessment in 2023, the Community Resources Department has supported thirteen projects and eighteen residents with repair work that has included drywall repair, new roofs, new windows, new plumbing fixtures, basement remediation, and new plumbing fixtures. Total project costs for 2023 currently total \$118,365 with an average project cost of \$9,105. Participation in the CDBG program and accessing federal home repair funds will continue to be an important tool for preserving affordable housing for residents and keeping families in their homes.

¹⁴ hudexchange.info/programs/cdbg/

STAFF EXHIBIT: ACTIVE TRANSPORTATION PLAN EXCERPTS



Active Transportation Plan

- Proposed Shared-Use Paved Trail
- Proposed U of A Campus Connections
- Proposed On-Street Bicycle Facility

Existing Trails

- Shared-Use Paved Trail
- Nature Trail
- Neighborhood/Park Trail
- On-Street Bicycle Facility

- | | | | |
|--|--------------------------|--|---------------------------------|
| | Park | | Razorback Transit Bus Stop |
| | Lake | | Ozark Regional Transit Bus Stop |
| | Stream | | Street (Major) |
| | School | | Street |
| | Fayetteville City Limits | | Railroad |

PLAN VISION AND GOALS

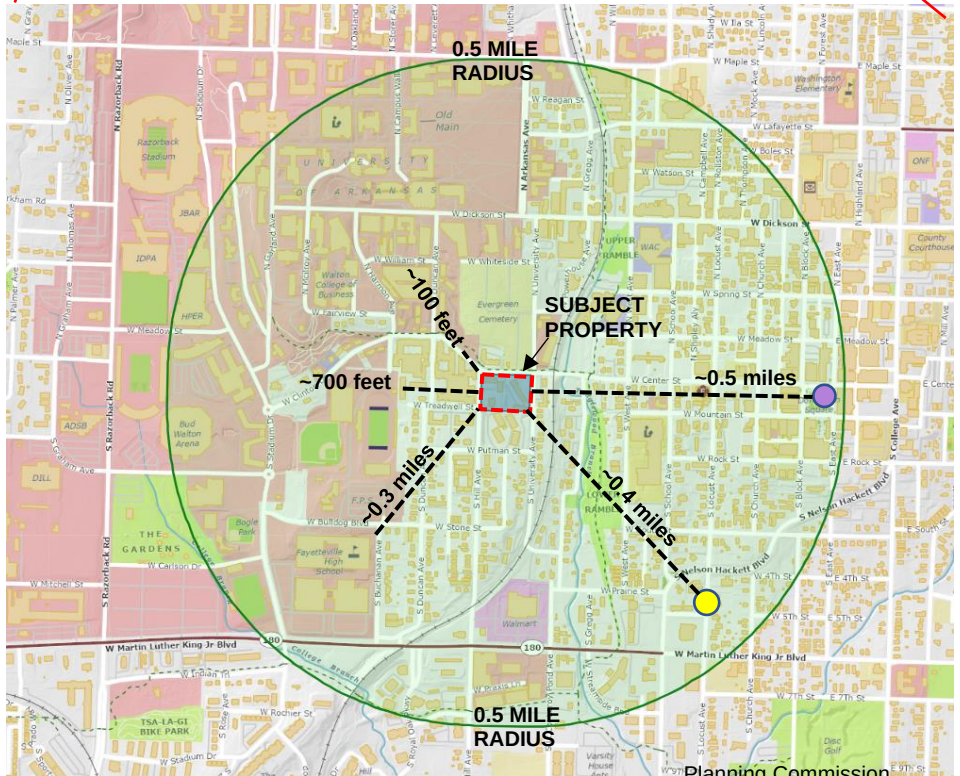
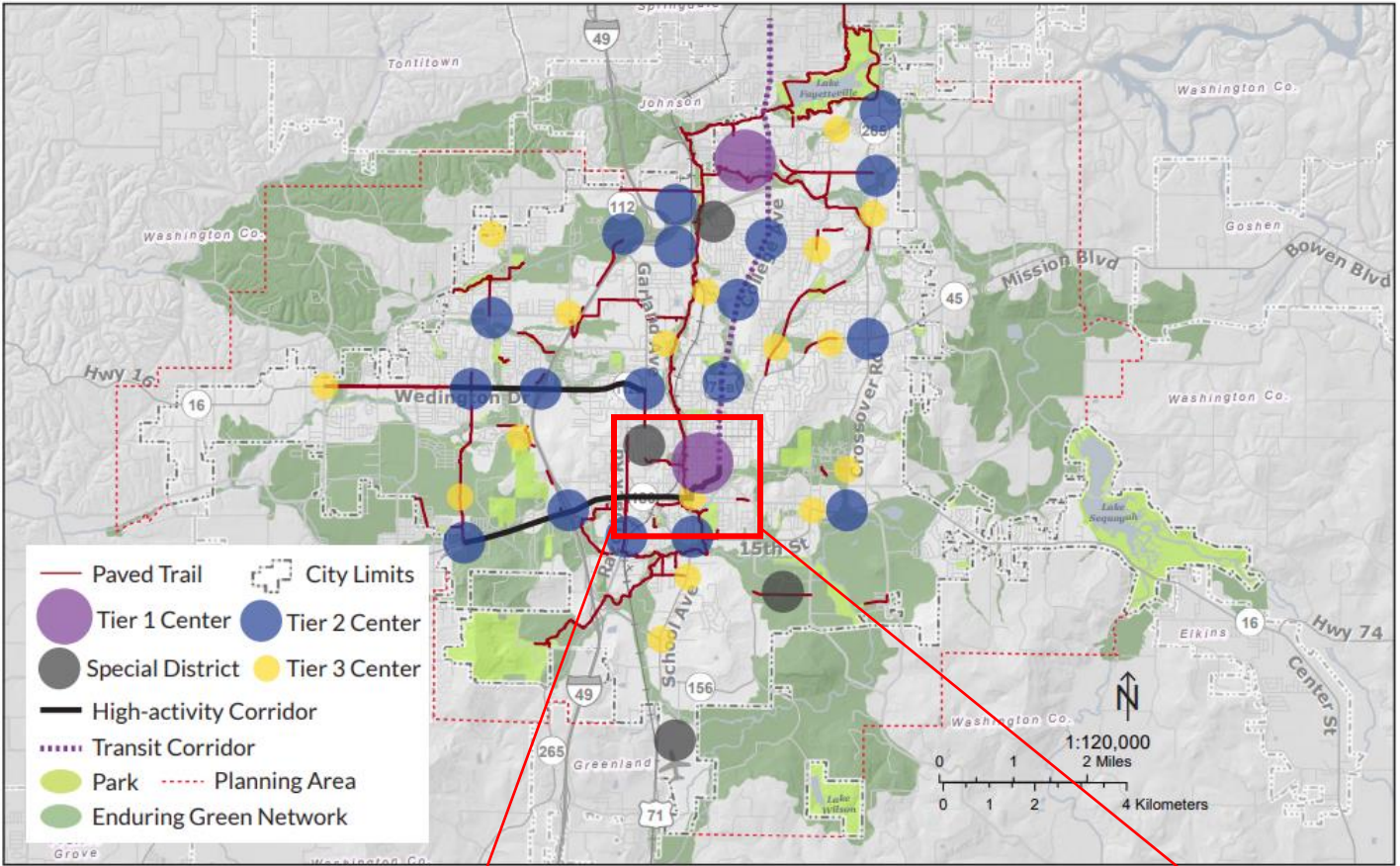
ACTIVE TRANSPORTATION PLAN
plan vision and goals

PLAN VISION

The Active Transportation Plan (ATP) has been developed through numerous planning and visioning exercises both locally and region wide. The ATP proposes to consolidate and summarize all of the various alternative transportation planning processes, policies and programs with the following vision statement: "Fayetteville endeavors to develop and promote an interconnected and universally accessible network of sidewalks, trails and on-street bicycle facilities that encourage citizens to use active/non-motorized modes of transportation to safely and efficiently reach any destination."

- 1 ENDEAVOR TO CREATE AN INCLUSIVE MULTI-MODAL TRANSPORTATION SYSTEM.
- 2 WORK TO BUILD A TRAIL CONNECTION WITHIN ONE HALF MILE OF EVERY RESIDENCE.
- 3 INCREASE THE ACTIVE TRANSPORTATION COMMUTING MODE SHARE FROM 7.5% TO 15% BY 2020.
- 4 IDENTIFY AND CORRECT MISSING BICYCLE AND PEDESTRIAN LINKAGES.
- 5 PARTNER WITH ADVOCATES TO ADDRESS BICYCLE AND PEDESTRIAN NEEDS.
- 6 EARN BICYCLE FRIENDLY COMMUNITY DESIGNATION OF SILVER BY 2017.

STAFF EXHIBIT: PROXIMITY TO TIER CENTERS (CITY PLAN 2040)



STAFF EXHIBIT: CITY PLAN 2040 EXCERPTS

Introduction

3.1.4 Promote the densest development around logical future transit stops.

For transit to be utilized and cost effective requires density; density of residences, jobs, commercial areas and other destinations. The University of Arkansas Razorback Transit is well used in areas of the city close to campus where many students live and study. On the other hand, Ozark Regional Transit serves areas of Northwest Arkansas that may not be particularly dense or have high employment numbers. The lack of density challenges the cost effectiveness of transit and the real or perceived convenience of utilizing transit for commuting and day-to-day transportation needs for residents. One of the things that the City can do is to encourage redevelopment of College Avenue to increase residential density and commercial intensity. The 71B College Avenue Corridor Plan envisions this arterial roadway to transform incrementally over time into a mixed-use urban thoroughfare that would provide transit operators with more “capture”, thereby becoming more cost effective and increasing customer convenience with more frequent buses. Logical transit stops city-wide should be planned and developed in accordance with the tiered activity centers identified on the Growth Concept Map. Ultimately, transit can make housing more affordable for Fayetteville residents by freeing up money typically encumbered by transportation expenses in household budgets.



Photo 3.4 - Walker-Stone House



Photo 3.5 - Former Public library

3.1.5 Reinvest in parks, streets, and civic buildings within the heart of the city.

The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community cultural identity. The City should continue to utilize the Enduring Green Network map to identify and preserve high-value open spaces that help to create an interconnected green network throughout the community.

3.1.6 Encourage historic preservation and adaptive re-use of buildings.

Historic preservation is crucial in retaining a community's character, identity, and evolutions. Preservation and restoration can be an effective tool for economic development and revitalization, achieving urban sustainability through reducing waste and emissions, and maintaining property values. Recent calculations indicate that it takes 35 to 50 years for a new energy efficient building to save the amount of energy lost in demolishing an existing building (National Trust for Historic Preservation).



Photo 3.6 - Historic County Courthouse and Center Street



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Introduction

3.1.8 Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park.

There are two emerging central places in Fayetteville that contain a mixture of residential and commercial land uses, alternative transportation linkages, and employment centers in proximity to each other. At a neighborhood scale, this mixture of uses is often described as a “complete, compact and connected” place. The downtown/university area of the central city is rapidly redeveloping with residential and commercial activities and the uptown area is filling-in with medium-density residential to complement some of the existing commercial and office uses. Both districts have street network needs that should be addressed to encourage the efficient use of land and transportation improvements for each are described as recommendations in the Fayetteville Mobility Plan.

The Infill Assessment Map tool that staff developed as part of this plan update

provides a general locational framework for identifying parcels and areas that have proximity to existing utilities, infrastructure and services. Undeveloped or underutilized lands that score highly on the Infill Assessment Map should be considered prime candidates for future development with uses and building forms that are complementary to the existing neighborhood.

The Growth Concept Map is also useful for encouraging the development of mixed-use and neighborhood-scaled central places that provide nearby residents with some of their daily needs in proximity.

3.1.9 Determine feasibility of a tiered impact fee system.

A tiered impact fee system requires new development to pay its proportionate share

of the costs to the municipality associated with providing necessary public services to the development based on its location. Tiered impact fees are based on the general acknowledgement that parcels and locations that are near the core of the city would have less impact, and areas on the urban fringe have more impact. Development on the fringe of the city will cost the City more over time to provide street infrastructure, water and sewer, and life-safety services. Therefore, development on the fringe should pay a higher impact fee upfront for these utilities, infrastructure and services. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.



Photo 3.8 - Construction in Downtown Fayetteville



3.3 Goal 3 - We will make compact, complete, and connected development the standard

Historically, a traditional town form is the concept of creating compact, complete, and connected neighborhoods at a human scale, as opposed to an automotive scale. Much of Fayetteville developed post-World War II is created for the convenience of automobiles. Over the last decade, citizens of Fayetteville clearly indicated through public planning processes that they desire development patterns that place a high priority on human scale development patterns. This means pedestrian-oriented buildings, streets and multi-modal transportation options. This has been reflected in new form-based zoning codes where buildings address the street, construction of multi-use trails and an on-street bicycle network, and public investment in new sidewalk and pedestrian improvements along major corridors. Traditional town form alludes to development patterns prior to World War II that placed an equal priority on humans and automobiles. As a result, this pattern can achieve a much higher level of neighborhood cohesion and land use diversity compared with an auto-oriented development pattern where land uses are rigidly separated. Components that are common to a compact, complete, and connected built environment include: interconnected street networks, build-

"[Infill] makes spaces more walkable. It's frustrating to have to drive through a large, empty parking lot to get to a storefront. It makes one feel exposed as a pedestrian as well. I love the new infill developments because it seems like a better use of space." - Survey Respondent



Figure 3.8 - Dover-Kohl Corridor Development



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Goal 3 Objectives

3.3.1 Require new growth that results in neighborhoods, districts and corridors that are:

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with \$2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of \$1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.



Figure 3.10 - Example Development Layout

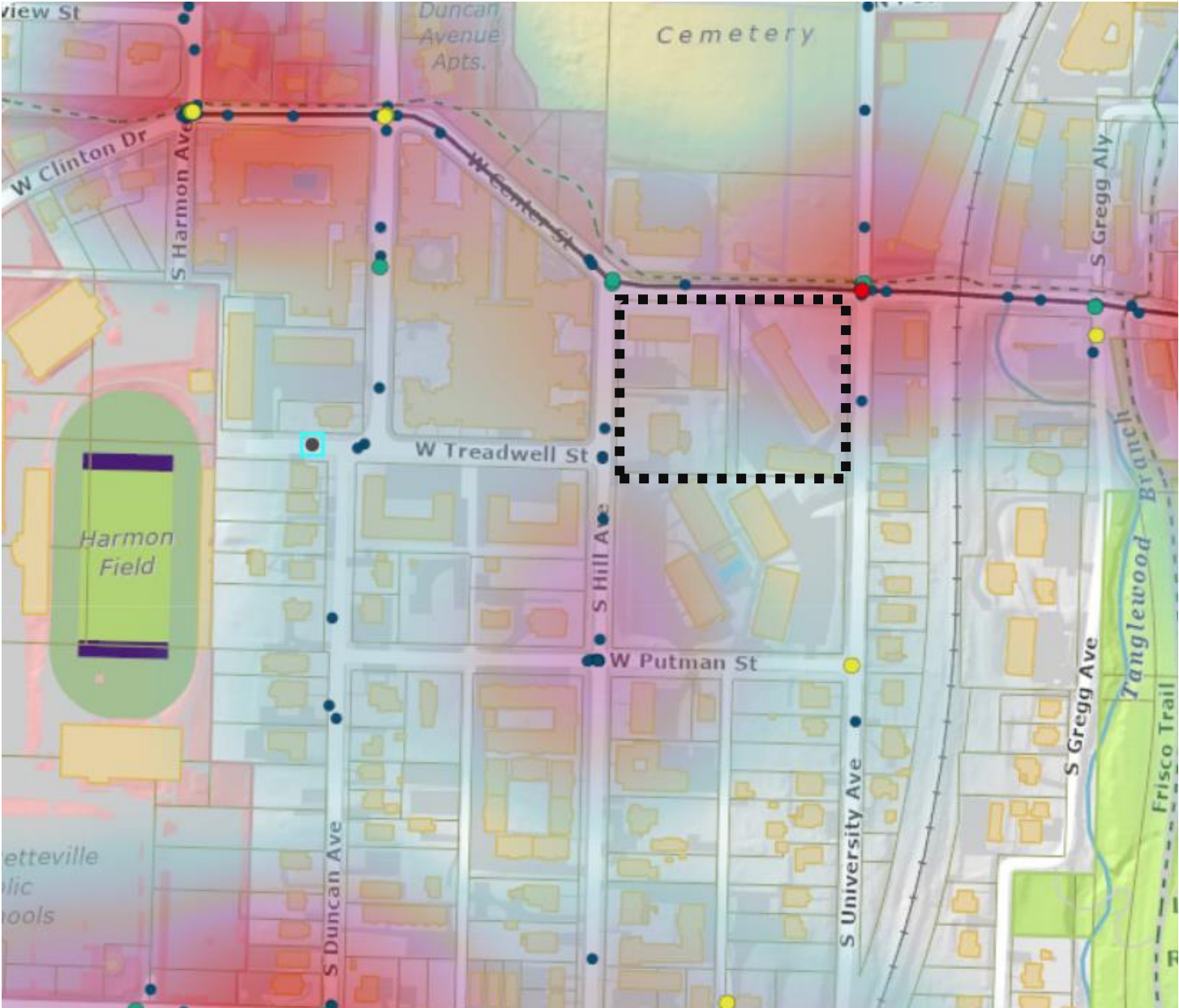


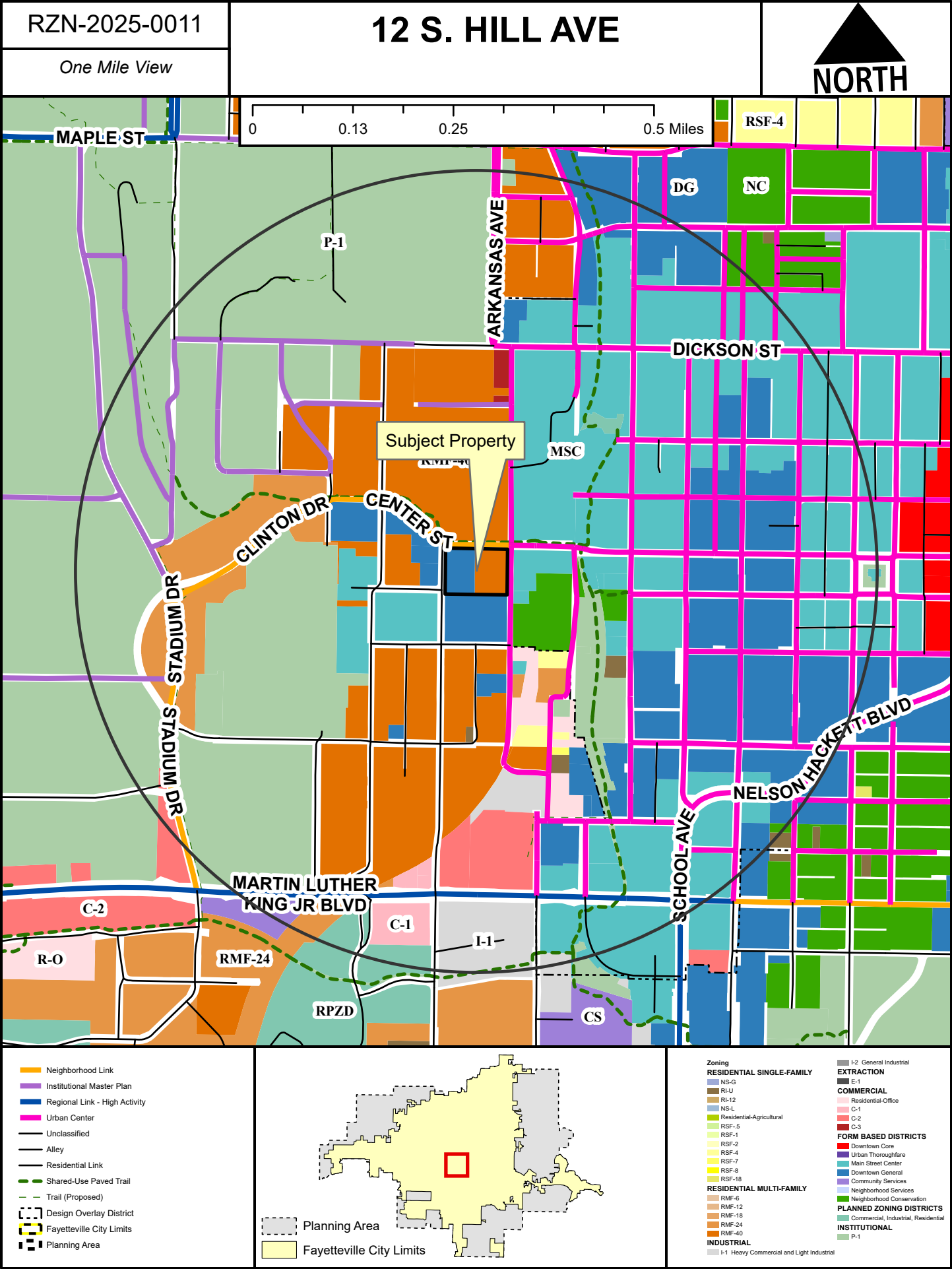
Figure 3.11 - Example Development Layout



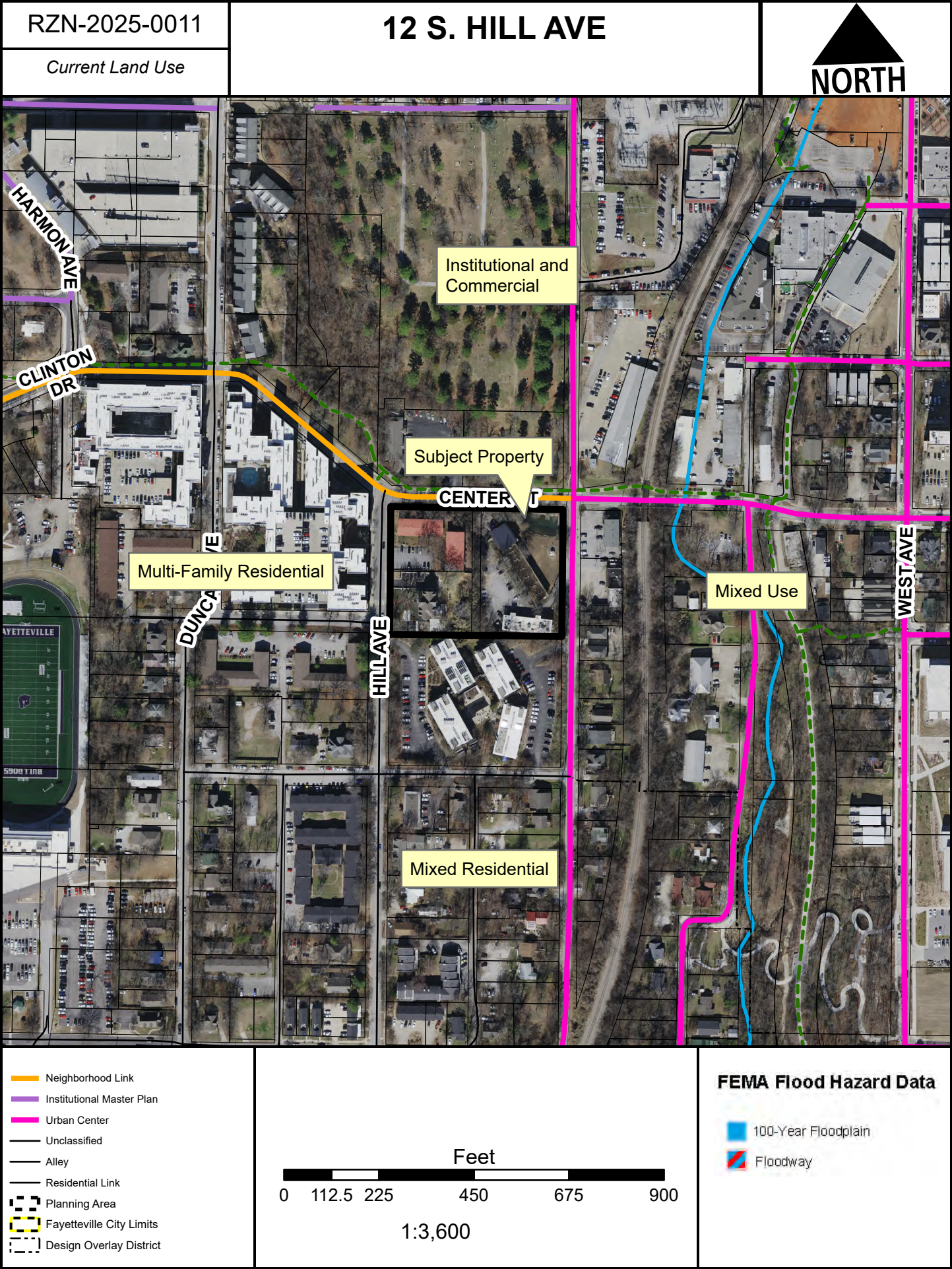
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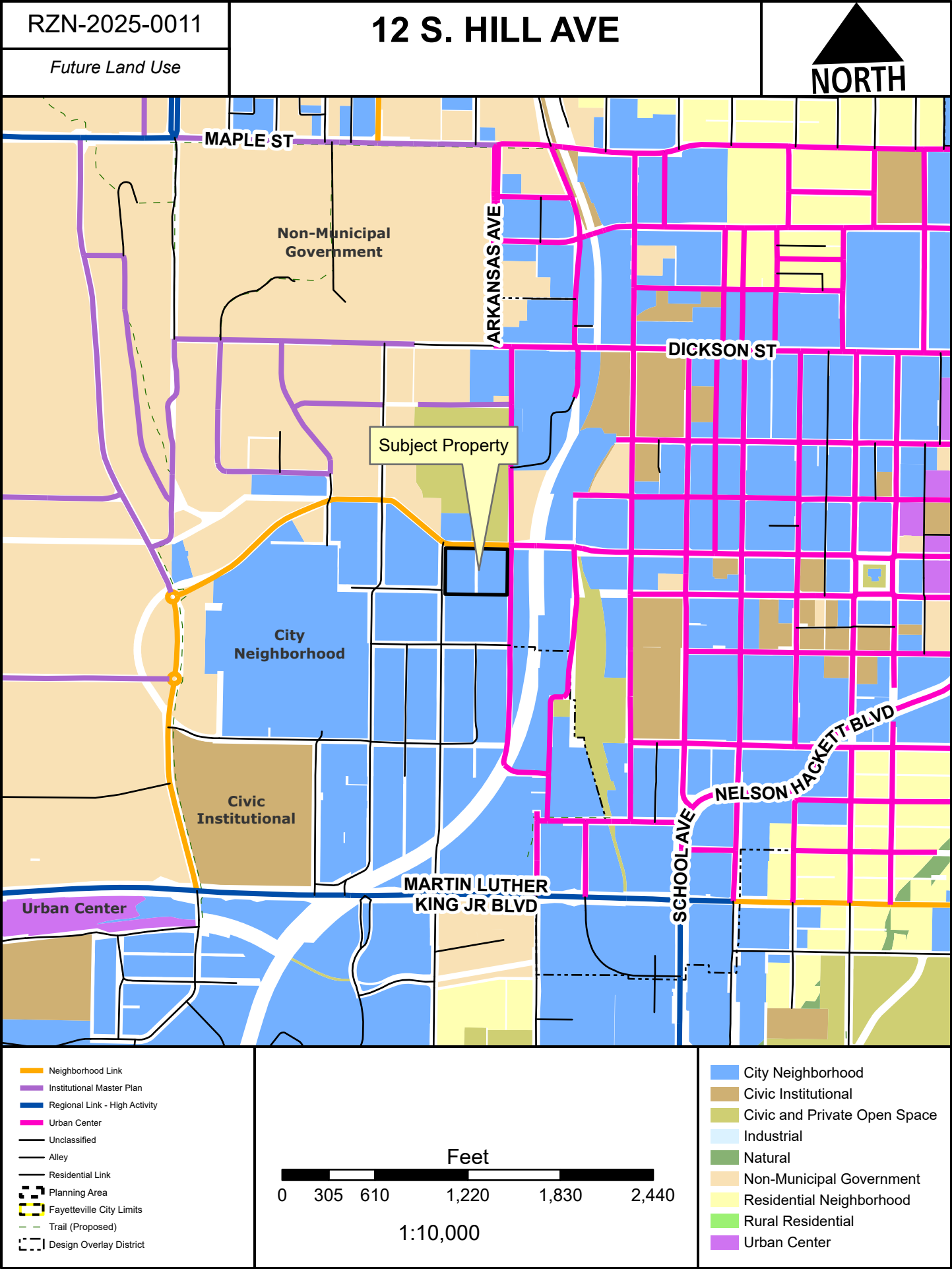
STAFF EXHIBIT: ENERGY ACTION PLAN EXCERPTS
STAFF EXHIBIT: TRAFFIC ACCIDENTS













TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: April 28, 2025

SUBJECT: **RZN-2025-0012: Rezoning (6061 W. DOT TIPTON RD./GOOSE CREEK ADDITION LLC, 474, 475 & 514):** Submitted by PRISM DESIGN STUDIO for property located at 6061 W. DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 66.78 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends denial of **RZN-2025-0012**.

RECOMMENDED MOTION:

*"I move deny **RZN-2025-0012**."*

BACKGROUND:

The subject property is located in west Fayetteville, just southeast of the intersection of Dot Tipton Road and Double Springs Road within city limits. It's comprised of multiple parcels totaling 66.78 acres, with the northern half of the site zoned R-A, Residential Agricultural, and the southern half zoned RSF-1, Residential Single-Family, One Unit per Acre. The property was annexed into the City of Fayetteville in 2006 and has remained undeveloped since. A portion of the site contains hydric soils.

Several rezoning requests have been submitted for the northern half of the property. In 2008, a planned zoning district (PZD) proposal sought to develop 182 single-family homes across three planning areas, with 3.50 acres of public pedestrian trails and greenspace. The proposed overall density for that project was 4.55 units per acre. While city staff and the Planning Commission recommended denial, the City Council ultimately approved the request. However, in 2015, following the expiration of the PZD without any development, the City Council reverted the property's zoning back to R-A.

In 2020, another rezoning request was submitted to change the zoning for that area to RSF-4, Residential Single-Family, Four Units per Acre. That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density and the property's location just within city limits. The applicant did not appeal that denial to the City Council. Another rezoning request was received in 2021 which sought to rezone that area to RSF-2, Residential Single-Family, Two Units per Acre. Staff and the Planning Commission again recommended denial, citing concerns regarding suburban sprawl and insufficient infrastructure.

That denial was appealed to the City Council but was ultimately upheld during the second reading. Land uses and zoning surrounding the subject property are depicted below in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Rural Residential	R-A, Residential-Agricultural; RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre
South	Rural Residential; Undeveloped	RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre
East	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre
West	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre; A-1, Agriculture (City of Farmington)

Request: The request is to rezone the subject property from R-A, Residential-Agricultural and RSF-1, Residential Single-Family, One Unit per Acre, to NC, Neighborhood Conservation.

Public Comment: Staff has received two phone calls from neighbors who are opposed to the proposed rezoning. Both individuals raised concerns about the compatibility of the proposed rezoning and its associated density with the surrounding area. Other concerns were raised about existing infrastructure and drainage problems. The applicant has shared two letters that they received from other individuals who stated their support for the rezoning and said they do not believe it will have an adverse effect on their properties or the surrounding area.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along two Residential Link Streets, Double Springs Road and Dot Tipton Road. Both streets are unimproved with asphalt paving. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing eight-inch water main along the west side of the property in Double Springs Road. There is also an existing eight-inch water main on the north side of the property that has been stubbed across Dot Tipton Road.

Sewer: Sanitary sewer is available to the subject property. There is an existing eight-inch main and a sewer lift station on the north side of the property that collects sewer from several subdivisions to the north. There are also known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan at the sanitary sewer lift station on this property and, also, at the next lift station downstream.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams are present on site. However, hydric soils appear to be present on the west side of the property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be

required at the time of development. Before permits are issued for the property, a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 3.2 miles from the fire station with an anticipated drive time of approximately six minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, NC, Neighborhood Conservation, requires **20% minimum canopy preservation**. The current zoning districts, R-A, Residential-Agricultural and RSF-1, Residential Single-Family, One Unit per Acre, require **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score varying between **0 and 3** for this site with a weighted score of **3** at the highest level. The following elements of the matrix contribute to the score:

- Near Water Main (8-inch main, on site)
- Near Sewer Main (8-inch main, on site)
- Near City Park (Harmony Pointe Park)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Land Use Compatibility:** Staff finds the proposed rezoning to be generally incompatible with adjoining land uses. This 67-acre site, located on the far west side of Fayetteville, is currently surrounded by large rural residential

lots and agricultural land at very low densities. Properties along Double Springs Road and in adjacent areas are composed of residential lots that are generally a few acres in size. While there are some neighborhoods further north and within Farmington city limits that reflect a slightly higher density, similar to RSF-4 zoning, those remain exceptions in the area.

The proposed rezoning to NC would permit a residential density of up to 10 units per acre with minimum lot sizes of 4,000 square feet and minimum widths of 40 feet. This represents a significant departure from the existing development pattern which would be out of character with the surrounding area. While development pressure in the area is increasing, staff finds that this scale and intensity of development is too much too soon, since existing infrastructure and public services are not sufficient to support the density allowed under NC zoning. While this rezoning may be appropriate at a later date, staff finds that it would be inconsistent with current land use patterns and infrastructure capacity at this time.

Land Use Plan Analysis: Staff finds that the proposed rezoning does not align with several of the goals outlined in City Plan 2040. The request is not considered infill or revitalization and instead promotes outward growth that conflicts with the City's goal of discouraging suburban sprawl. The site lies at the western edge of city limits in an area with limited access to city services and infrastructure. City Plan 2040 encourages growth and infill near the City's core in order to ensure sustainable land use patterns and infrastructure improvements. The subject property currently lacks proximity to non-residential services, employment centers, and alternative modes of transportation, which would likely result in increased automobile dependence. This conflicts with the City's goal of building a livable transportation network. The property also only has access to two existing streets, Dot Tipton and Double Springs Roads, which are largely unimproved and not sufficient to support higher-density development.

Further, NC zoning restricts by-right development to single-family homes, limiting the diversity of housing options. Discouraging a wider range of housing types undermines the City's goal of promoting attainable housing and conflicts with the property's Future Land Use Map designation as Residential Neighborhood Area. With these considerations in mind, staff finds that the proposed rezoning is not consistent with the City's future land use plans. However, the site may be suitable for more dense zoning and development in the future as infrastructure and other services extend to this part of the city.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff believes that there is not sufficient justification for rezoning the property to NC. Conflicts with the Future Land Use Map and City Plan 2040's goals suggest that a rezoning is not justified or needed at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property from R-A and RSF-1 to NC is likely to significantly increase traffic at this location due to the number of vehicle trips associated with increased residential densities. The area lacks a diverse transportation network as there is no sidewalk or trail connectivity and the main routes to and from the property are along streets that are largely unimproved. Double Springs Road, which would likely facilitate most regional traffic, can support volumes up to 6,000 vehicle trips per day according to the Master Street Plan. In 2022, ArDOT recorded approximately 4,900 average daily trips farther north on Double Springs near Owl Creek, and 120 average daily trips on Dot Tipton Road just east of this site. Staff finds that the proposed rezoning would likely result in an increase in traffic congestion, given the increase in density associated with it. While staff acknowledges that future development could contribute to a more complete and connected street network, such benefits do not currently outweigh the challenges posed by this rezoning. The 2040 Master Street Plan also shows planned Neighborhood Link and Residential Link connections through this site, intersecting near the middle of the property. However, staff finds that those future connections do not provide sufficient justification for a rezoning at this time.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property to NC would lead to an increased density over the current R-A and RSF-1 zonings. Water and sanitary sewer mains exist on site which would support a residential development, though downstream sewer capacity issues have been identified. The property lies within the Farmington School District. Farmington Schools have not provided comment. In terms of emergency services, the Fire Department has commented that this property is beyond the response time goal for both engines and ladder trucks.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends denial of RZN-2025-0012.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 28, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 District R-A, Residential-Agricultural
 - §161.05 District RSF-1, Residential Single-Family – One (1) Unit Per Acre
 - §161.29 Neighborhood Conservation
- Request Letter
- Site Exhibit
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

- (C) *Density.*

Units per acre	One-half (½)
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- (D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

- (E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

- (F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

- (G) *Building area.* None.

161.05 District RSF-1, Residential Single-Family - One (1) Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(D) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

Building Height Maximum	3 stories
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(I) *Building Area.* None.

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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March 19, 2025

City of Fayetteville
Development Services – Planning
125 W Mountain Street
Fayetteville, AR 72701

RE: Rezoning Request Submittal

Project Location: Multiple properties near W Dot Tipton Rd., Fayetteville, AR

Parcels: 765-20489-100, 765-16202-650, 765-16202-150, 765-16223-900*, 765-16223-800* (TRACT A OF NEW LOTS) *GIS does not reflect the most current lot configuration. Refer to approved and recorded PLA – File 2025-00004377 (included in this submittal).

To Whom It May Concern:

We are pleased to submit a request for rezoning for the subject property identified above. The request is to rezone all properties to NC Neighborhood Conservation. The first three parcels are currently zoned as R-A Residential – Agricultural, while the remaining tracts are zoned RSF-1 Residential Single-Family (one unit per acre). The subject property layout and design have not been completed, but the intent is to provide mixed housing types, including attached townhomes near Dot Tipton Rd. and detached single-family homes on the interior of the property. No commercial uses are planned.

NC Neighborhood Conservation Definition (Ch 161.29)

The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can include some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character.

Future Land Use

The subject property and all adjacent properties are designated as Residential Neighborhood. This designation begins near Goose Creek, south of the property, and extends to Wedington Drive, a regional link, encompassing existing neighborhoods with a variety of residential zoning designations.

Per the City Plan 2040:

“Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily, and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments, which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood. The following guiding policies are designed to encourage future and existing residential neighborhoods to be or become more complete, compact, and connected.”

Zoning Context

All adjacent properties are residential in use and within residential zoning districts. The following zoning types are located within 0.5 miles of the subject property:

- RSF-1
- RSF-4
- RSF-8
- RSF-6
- P-1
- R-A
- City of Farmington (Residential, up to 4 units per acre)

The additional zoning districts located within 1 mile of the subject property are:

- NC
- R-O
- RI-U
- C-2
- NS-L
- NS-G
- RI-12
- RPZD

Connectivity (Trail and Street)

The properties have street frontage along Dot Tipton Road, a residential link. A new residential link street, as well as a neighborhood link street (collector), are shown bisecting the site on the Master Street Plan. Future development would also connect to the existing street network to the west, connecting the property to N Double Springs Road.

A future trail along N 54th Street (intersection with Dot Tipton Rd – 0.36 miles away from the property) is indicated on the City's master trail plan, connecting this area of town to the existing paved, shared-use trail along S Ruppel Road and the overall city-wide trail network. Any future development would include sidewalk improvements and provide connectivity to adjacent neighborhood networks.

Utilities

The subject properties have access to water and sewer. An existing water main and lift station exist within the property bounds. Per discussions with the Utility Department, the existing lift station (#44) is at capacity, and the next lift station (#22) is also at capacity. Upgrades to these systems would not be approved. The city has completed 100% construction plans (separate from this project or property) for a new gravity mainline along Goose Creek that will connect to lift station #12 and provide adequate capacity for future projects on the subject property. Lift station #44 will be required to be taken offline and routed to the new gravity main to the south, through the subject property. The property owner has been in discussions with the utility department to formalize a cost-share agreement for the new off-site gravity mainline improvements.

Stormwater + Natural Areas

The property is currently remnant farmland, and environmental assessments have been conducted, identifying any priority areas of ecological value. Goose Creek and the floodplain are located to the south of the property and are not within the subject property boundary. The Neighborhood Conservation zoning district is requested to indicate the value of natural systems and open space to be incorporated into future development.

Summary

In conclusion, the requested rezoning from R-A and RSF-1 to NC is compatible with the adjacent zoning and will not unreasonably or adversely affect or conflict with surrounding land uses. The proposed zoning district aligns with the City 2040 plan and aims to provide much-needed housing opportunities in an underserved and rapidly growing area of Fayetteville. This rezoning will support the City's long-term vision by addressing housing demand and fostering community growth while enhancing the overall quality of life for residents.

Please reach out with any additional questions or concerns regarding this rezoning request to Jenny Burbidge at 479.883.2845 or jenny.burbidge@prismds.co.

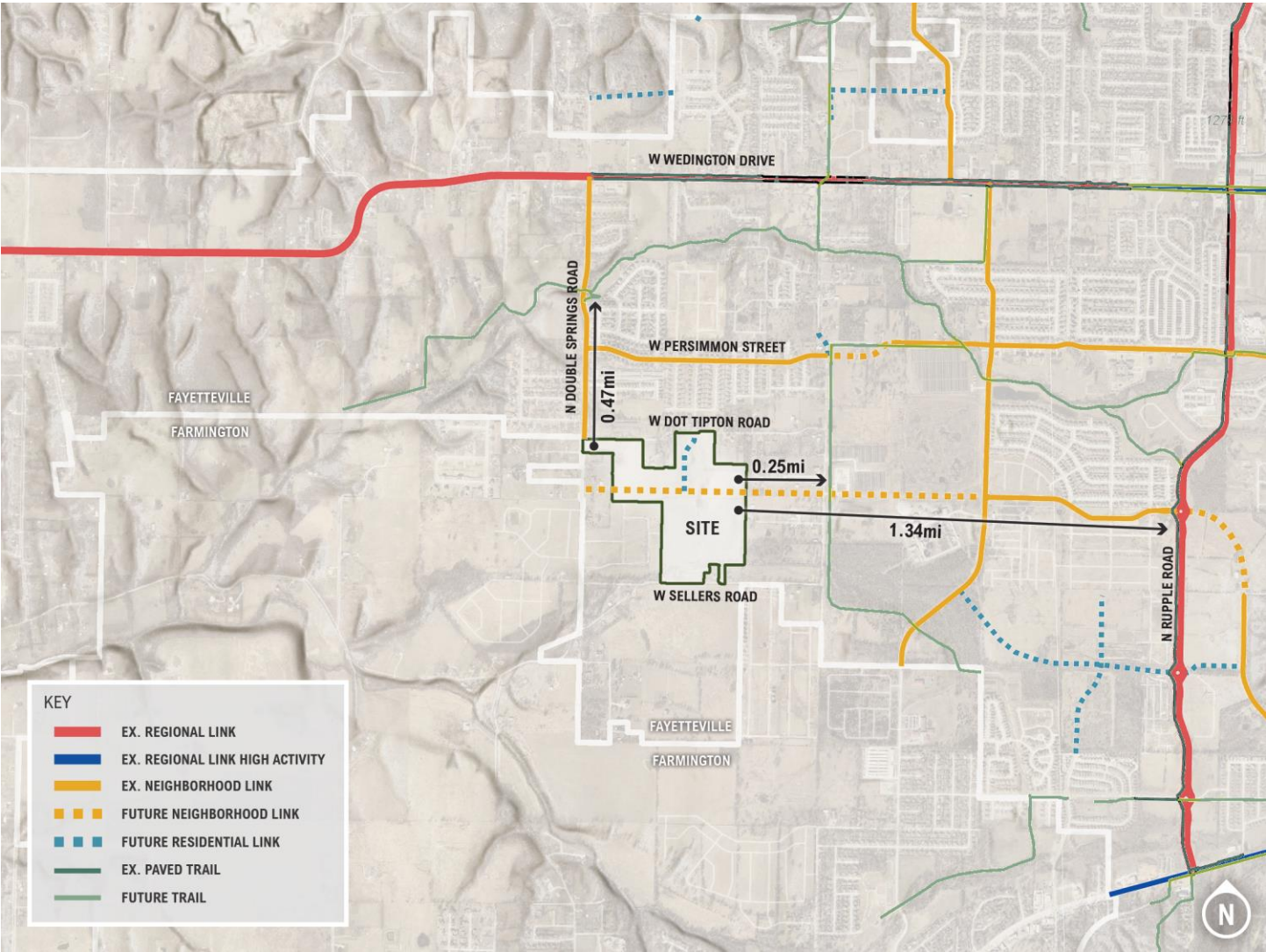
Sincerely,



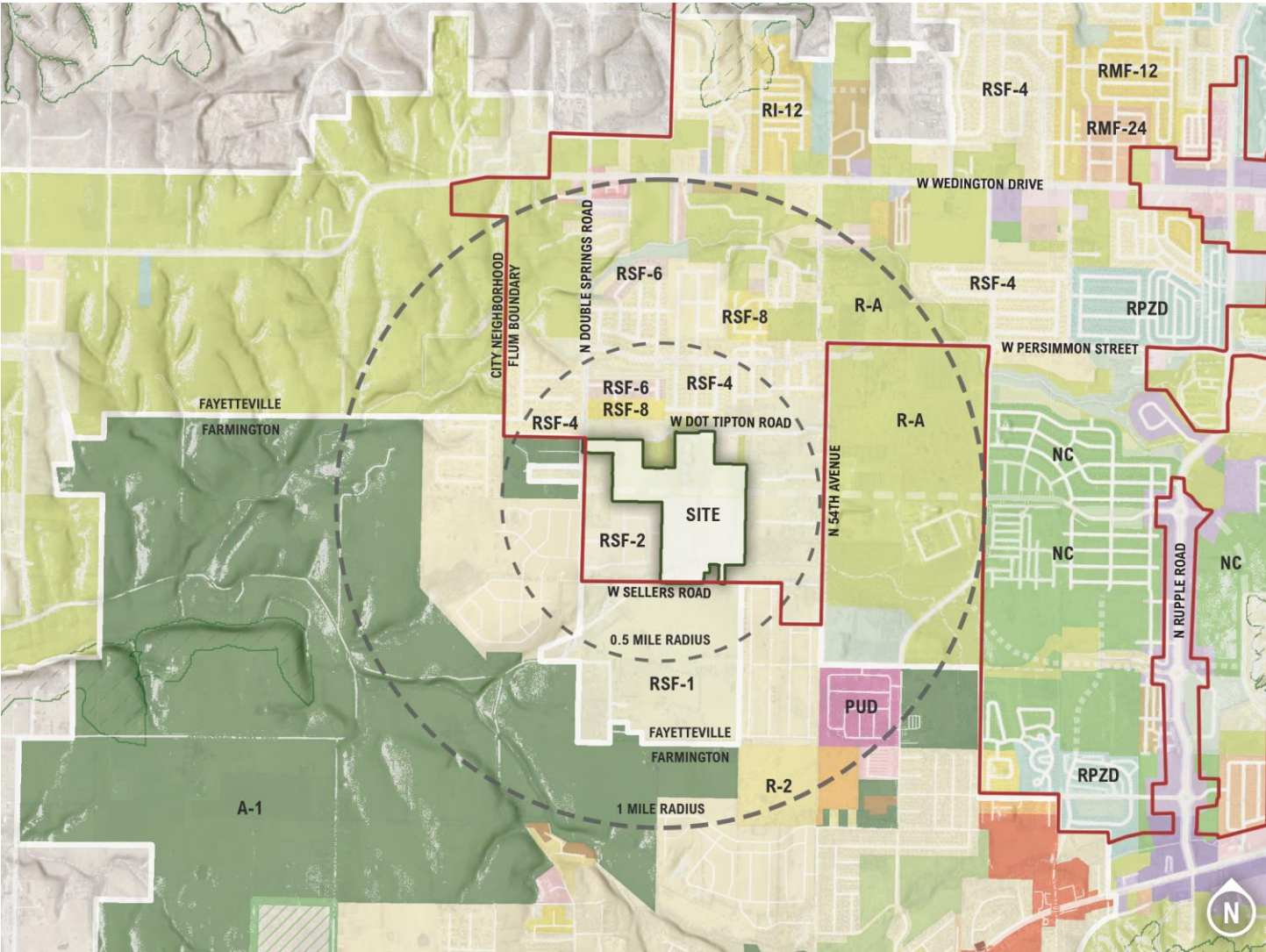
Jenny C. Burbidge, PLA, ASLA

Vice President

Prism Design Studio



MASTER STREET PLAN & TRAILS



ZONING AND CITY NEIGHBORHOOD FUTURE LAND USE MAP

City of Fayetteville
Planning Department
125 W Mountain Street
Fayetteville, AR 72701

RE: Rezone request (RZN:-2025-0012)

Dear Planning Commission and City Council,

Please find this letter in support of the rezone request for multiple properties near 6061 W. Dot Tipton Road in Fayetteville, AR. We understand the properties are currently zoned R-A and RSF-1, and the proposed zoning is NC (Neighborhood Conservation). As neighbors of these properties, we do not believe the new zoning classification will have any adverse effect on our property or the surrounding area.

Please find the names and addresses below of neighbors supporting the request:

Date	Name	Address
4/27/25	ARON LINTH	102 N. DOUBLE SPRING RD (TBD) FAYETTEVILLE

Please reach out if you have further questions regarding this project and strongly consider the neighboring support for this rezone in your deliberation. These signatures have been collected in efforts to emphasize the support for residential development and the sense of community that already exists in this neighborhood. Thank you for your consideration of this rezone request.

Sincerely,

Jenny C. Burbidge
Prism Design Studio

City of Fayetteville
Planning Department
125 W Mountain Street
Fayetteville, AR 72701

RE: Rezone request **(RZN:-2025-0012)**

Dear Planning Commission and City Council,

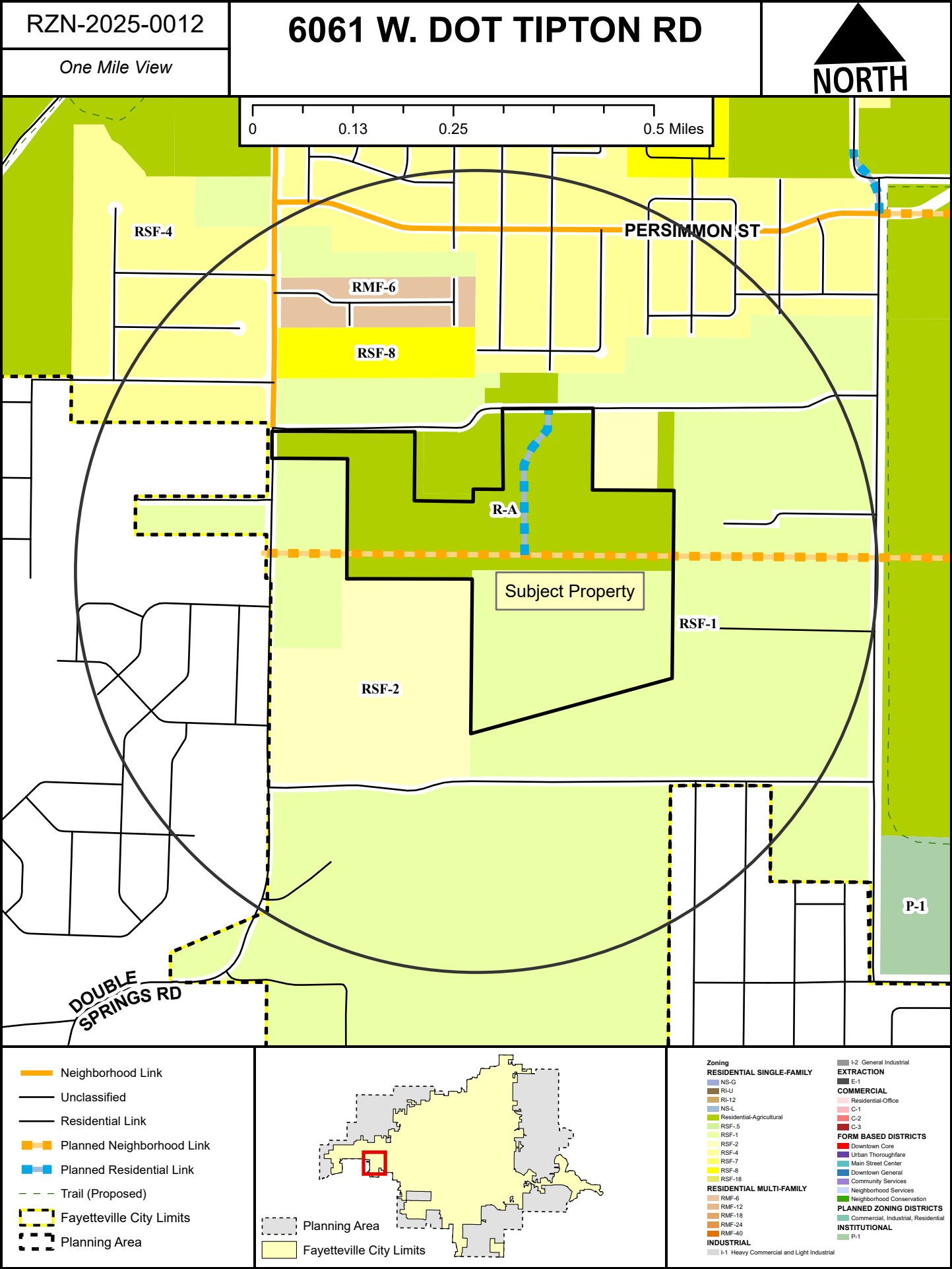
I represent the Damaris H. Rainwater Trust as the agent for the property located Southeast of the subject property containing approximately 20 acres adjacent to Wayne Sellers. Please find this letter in support of the rezone request for multiple properties near 6061 W. Dot Tipton Road in Fayetteville, AR. We understand the properties are currently zoned R-A and RSF-1, and the proposed zoning is NC (Neighborhood Conservation). As neighbors of these properties, we do not believe the new zoning classification will have any adverse effect on our property or the surrounding area.

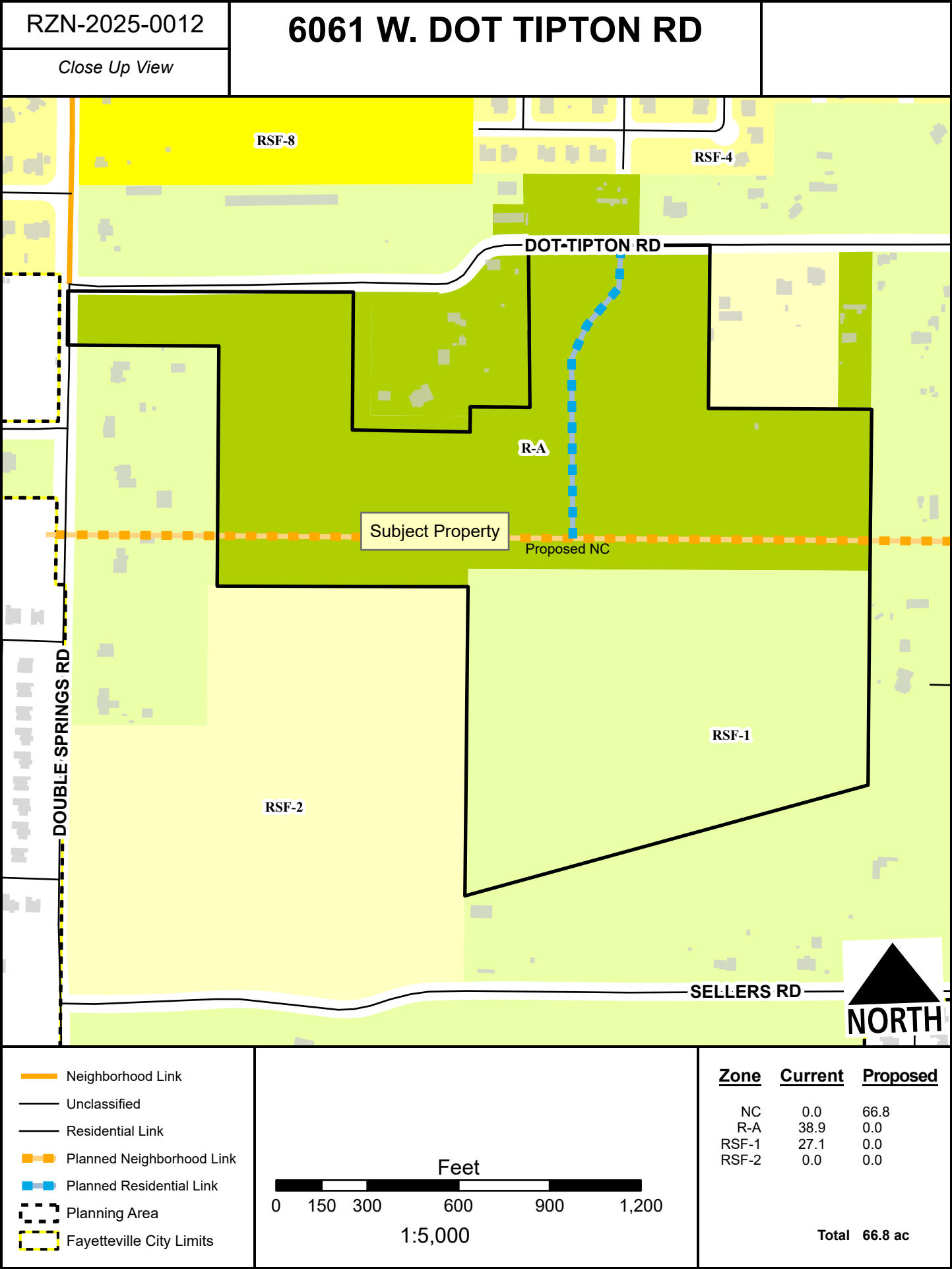
Please reach out if you have further questions regarding this project and strongly consider the neighboring support for this rezone in your deliberation. These signatures have been collected in efforts to emphasize the support for residential development and the sense of community that already exists in this neighborhood. Thank you for your consideration of this rezone request.

Sincerely,

J. Dale Carlton, Jr.

For Damaris H. Rainwater Trust

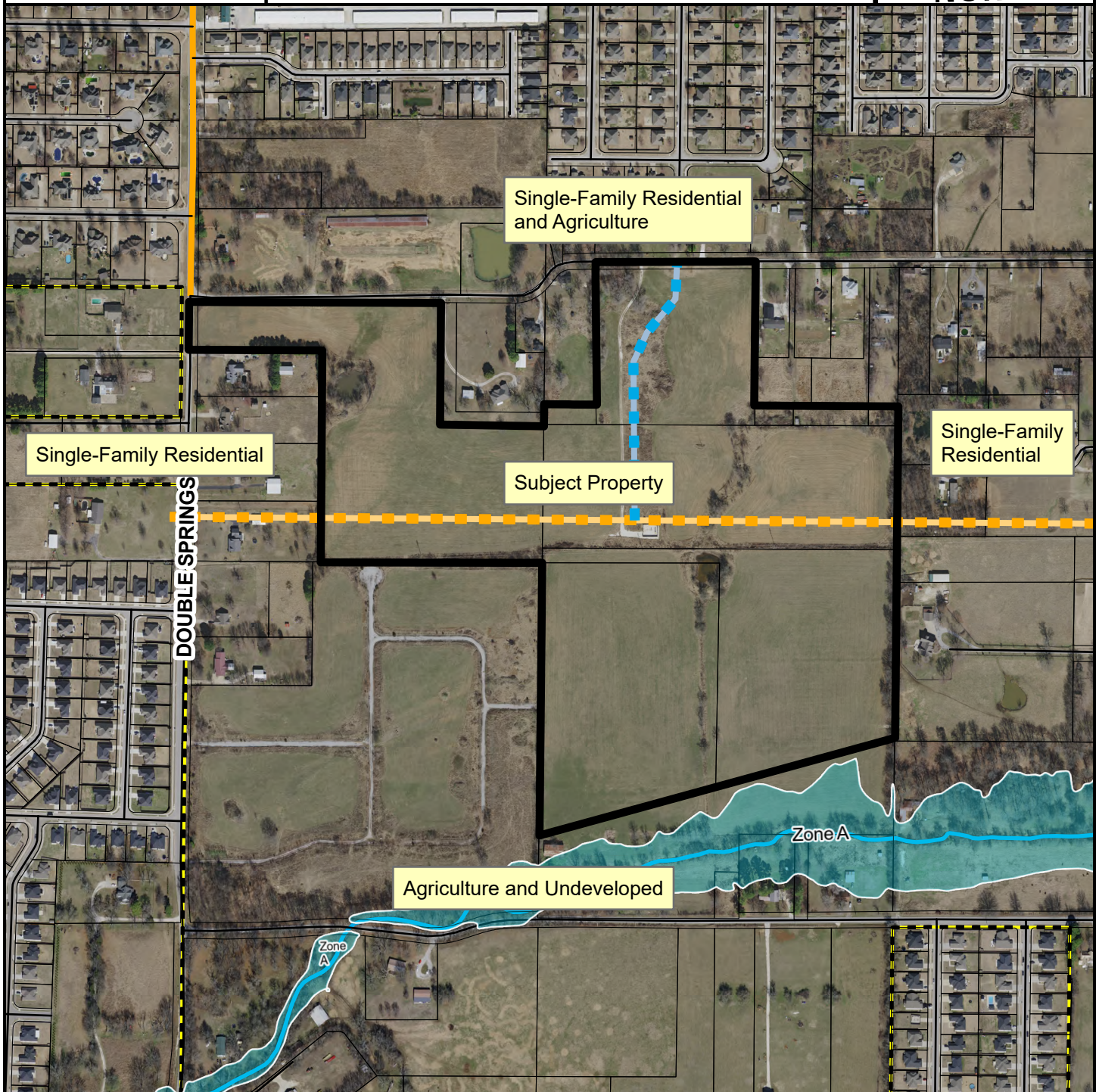




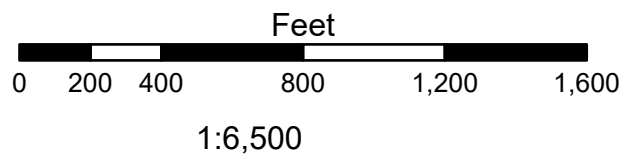
RZN-2025-0012

6061 W. DOT TIPTON RD

Current Land Use



- Neighborhood Link
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

