City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8267

Planning Commission Tentative Agenda

Monday, May 8, 2023

5:30 PM

City Hall Room 219

Planning Commission Members

Sarah Sparkman, Chair
Andrew Brink, Vice Chair
Mary McGetrick, Secretary
Jimm Garlock
Fred Gulley
Joseph Holcomb
Mary Madden
Brad Payne
Porter Winston

Assistant City Attorney Blake Pennington

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the April 24th, 2023 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. ADM-2023-0013: Administrative Item (3855 W. WEIR RD/MAGNOLIA PARK PH 3 & 4, 244):

Submitted by CRAFTON TULL for property located at 3855 W. WEIR RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and NC, NEIGHBORHOOD CONSERVATION, and contain approximately 21.09 acres. The request is to extend a previously approved Preliminary Plat. - Gretchen Harrison, Planner

Unfinished Business

3. LSD-2022-0034: Large Scale Development (3066 E. JOYCE BLVD/THE BERKSHIRE AT UPTOWN, 177):

Submitted by JORGENSEN AND ASSOCIATES for property located at 3066 E. JOYCE BLVD. The property is zoned CS, COMMUNITY SERVICES; NS-G, NEIGHBORHOOD SERVICES-GENERAL; and RI-12, RESIDENTIAL INTERMEDIATE – 12 UNITS PER ACRE and contains approximately 8.77 acres. The request is for a residential development with 112 units and associated parking.

THIS ITEM WAS TABLED AT THE APRIL 24TH PLANNING COMMISSION MEETING AT THE APPLICANT'S REQUEST. - Jessica Masters, Development Review Manager

4. PZD-2023-0002: Planned Zoning District (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596):

Submitted by GAVIN SMITH for property located SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL. The property is split zoned R-A, RESIDENTIAL AGRICULTURAL, CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approx. 5.59 acres. The request is to rezone 4.49 acres of the property to a PLANNED ZONING DISTRICT.

THIS ITEM WAS TABLED AT THE APRIL 24TH PLANNING COMMISSION MEETING AT THE APPLICANT'S REQUEST. - Jessica Masters, Development Review Manager

New Business

5. ADM-2023-0012: Administrative Item (3030 E. MISSION BLVD/MCNAIR MIDDLE SCHOOL, 372):

Submitted by JORGENSEN & ASSOCIATES for property located at 3030 E MISSION BLVD. The property is zoned P-1, INSTITUTIONAL, and contains approximately 58.18 acres. The request is to amend and extend a previously approved conditional use permit. - Jessica Masters, Development Review Manager

6. CUP-2023-0047: Conditional Use Permit (W. WEDINGTON DR & N. MEADOWLANDS DR/WIENERSCHNITZEL, 400):

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at W. WEDINGTON DR. AND N. MEADOWLANDS DR. The property is zoned CS, COMMUNITY SERVICES and contains approx. 3.20 acres. The request is for use unit 18, Drive-Thru Restaurant. - Gretchen Harrison, Planner

7. RZN-2023-0012: Rezoning (1516 N. LUNSFORD AVE/BRADFORD-SPENCER, 409):

Submitted by TRUTEK INC for property located at the 1516 N. LUNSFORD AVE. The property is zoned RSF-4 RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and contains approximately 0.40 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. - Gretchen Harrison, Planner

8. CUP-2023-0034: Conditional Use Permit (309 E. LAFAYETTE ST, UNIT 203/GUNN, 485):

Submitted by JUSTIN GUNN for property located at 309 E. LAFAYETTE ST, UNIT 203. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.36 acres. The request is to use the residence as a short-term rental.

ITEM WITHDRAWN BY STAFF. TYPE 2 SHORT-TERM RENTALS ARE NOT REQUIRED TO OBTAIN A CONDITIONAL USE PERMIT IN THIS ZONING DISTRICT. - Donna Wonsower, Planner

9. CUP-2023-0046: Conditional Use Permit (1829 N. WOOLSEY AVE/WENDT, 367):

Submitted by HOG HOUSE, LLC for property located at 1829 N. WOOLSEY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR

UNITS PER ACRE and contains approx. 0.19 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

Items Administratively Approved by Staff

10. LSP-2022-0069: Lot Split (2061 N. PURVA PL/BRIDGEPORT SD PH 8, LOT 17, 360):

Submitted by BLEW AND ASSOCIATES for property located at 2061 N. PURVA PL. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and contains approximately 1.51 acres. The request is to divide the property into two lots containing 1.12 and 0.39 acres. - Ryan Umberger, Senior Planner

11. LSP-2023-0014: Lot Split (1341 W. HENDRIX ST./TILLMAN B @ HENDRIX, 404):

Submitted by JORGENSEN AND ASSOCIATES for property located at 1341 W. HENDRIX ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.27 acres. The request is to split the property into two lots containing 0.11 and 0.16 acres. - Gretchen Harrison, Planner

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 you 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, Telecomminications 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 4/24/2023

Time:	**5:30pm**						
Staff :	☒ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Ryan Umberger ☒ Gretchen Harrison ☒ Donna Wonsower						
	☒ Britin Bostick ☐ Sherry Smith ☒ Josh Boccaccio ☐ Melissa Boyd ☒ Fire Marshall ☐ Chris Brown ☐ Alan Pugh						
	Roll Call	**1) Minutes 04-10-2023**	**2) CUP-2022-0122 (STRANGE)**		**3) PZD-2023-0002 (SWEET BAY AT KESSLER)**	**4) LSD-2022-0034 (THE BERKSHIRE AT UPTOWN)**	**5) ADM-2023-0011 (AMEND UDC CHAPTER 166)**
Holcomb	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Winston	**1**	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Sparkman	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**0**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**CONSENT**	**OLD**		**NEW**	**NEW**	**NEW**
Motion By		Brink	Winston	Brink	Garlock	Brink	Garlock
Motion 2nd		Garlock	Garlock	Winston	Madden	Payne	McGetrick
Vote		9-0-0	9-0-0	8-1-0	9-0-0	9-0-0	9-0-0
Action		Approve	Remove from Tabling	Approve	Table	Table	Forward
Time		5:32pm	5:34pm	5:44pm	5:46pm	5:48pm	5:55pm
Motion Detail			Passed	Passed with all conditions as reccommened by staff. No Public Comment	Tabled till May 8th Planning Commission Meeting. No Public Comment	Tabled till May 8th Planning Commission Meeting. No Public Comment	Passed with a reccomendation of approval. No Public Comment

A Video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/6280?site=1

(pg. 2) Planning Commission	Monday, 4/24/2023				
	6) CUP-2023-0040 (NWA SMASH LAB)	7) RZN-2023-0010 (PERRY)	8) RZN-2023-0011 (HAMBRICE)	9) CUP-2023-0043 (KING INVESTMENTS OF FAY)	10) CUP-2023-0044 (CASA LOREN LLC)
Holcomb	1	1	1	1	1
Winston	1	1	1	1	1
McGetrick	1	Recuse	1	1	1
Sparkman	1	1	1	1	1
Brink	1	1	1	1	1
Garlock	1	1	1	0	1
Madden	1	1	1	1	1
Payne	1	1	1	1	1
Gulley	1	1	1	1	1
Agenda	NEW	NEW	NEW	NEW	NEW
Motion By	Brink	Brink	Madden	Winston	Brink
Motion 2nd	McGetrick	Winston	McGetrick	Madden	Payne
Vote	9-0-0	8-0-1	9-0-0	8-1-0	9-0-0
Action	Approve	Forward	Forward	Approve	Approve
Time	6:06pm	6:13pm	6:21pm	6:29pm	6:34pm
Motion Detail	Passed with all conditions recommened by staff, striking condition #4. No Public Comment	Passed with a reccomendation of approval. No Public Comment	Passed with a reccomendation of approval. No Public Comment	Passed with all conditions as reccommened by staff. No Public Comment	Passed with all conditions as reccommened by staff. No Public Comment

A Video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/6280?site=1

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: May 8, 2023

SUBJECT: **ADM-2023-0013: Administrative Item (3855 W. WEIR RD./MAGNOLIA PARK PH. 3 & 4, 244):** Submitted by CRAFTON TULL for property located at 3855 W. WEIR RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY – 4 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION and contains approximately 24.26 acres. The request is for an extension of a previously approved preliminary plat.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0013**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0013** with conditions as recommended by staff."*

BACKGROUND:
The subject property is located at the north end of Rupple Road in northwest Fayetteville and contains approximately 24.26 acres. In late 2018, the City Council approved ordinances to annex the property and rezone it to a mixture of RSF-4, Residential Single-family, 4 Units per Acre and NC, Neighborhood Conservation. A preliminary plat of Phases 1 through 4 of the Magnolia Park subdivision was previously approved by the Planning Commission in March of 2019. However, the entitlement expired prior to the developer receiving the requisite grading permits for Phases 3 and 4. Another preliminary plat for Phases 3 and 4 was approved by the Planning Commission in November of 2021. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Rural Residential	Washington County – Ag/SF Res 1 Unit/Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre; NC, Neighborhood Conservation; NS-G, Neighborhood Services – General
East	Single-Family Residential	Washington County – Ag/SF Res 1 Unit/Acre; NS-G, Neighborhood Services – Genera
West	Single-Family Residential	Washington County – Ag/SF Res 1 Unit/Acre

Request: The applicant is requesting a one-year extension to their preliminary plat which expired on November 8, 2023. The applicant submitted a letter requesting the extension on April 11, 2023. Staff received notification from the applicant to extend their preliminary plat approval within the 18-month time limit that they are allotted per UDC §166.20.

Public Comment: To date, staff has received no public comment regarding this request.

DISCUSSION:
Staff recommends approval of the applicant's extension request. The request was received before May 8, 2023, which is the deadline for the applicant to request that the Planning Commission extend their approval for up to one additional year. The applicant submitted for grading permit in January of 2022 but has been unable to secure a permit after six rounds of review. The extreme topography on site has made development difficult, though the applicant has been working with the City Engineer to find solutions that meet city regulations. Staff finds that the applicant is close to addressing all remaining comments and finds that approval of the requested extension will allow the project to continue moving forward.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0013** with the following conditions:

Conditions of Approval:

1. A one-year extension for PPL-2021-000018 will expire on November 8, 2023;

2. All other conditions of the associated preliminary plat (PPL-2021-000018) not affected by this extension shall remain in effect; and

3. Approval of this preliminary plat extension does not constitute approval of associated permits or entitlements not fully reviewed at this time.

PLANNING COMMISSION ACTION: Required YES

Date: May 8, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §166.20 Expiration of Approved Plans and Permits
- PPL-2021-000018 Conditions of Approval
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.20 Expiration Of Approved Plans And Permits

(A) Applicability. The provisions of this section apply to all of the following plans and permits:

(1) Preliminary plats;

(2) Planned zoning district developments;

(3) Conditional uses;

(4) Large-scale developments;

(5) Lot splits;

(6) Physical alteration of land permits;

(7) Storm water, drainage, and erosion control permits;

(8) Tree preservation plans; and

(9) Floodplain development permits.

(B) Time Limit.

(1) Tasks to Be Completed. All of the above-enumerated plans and permits are conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:

(a) For any renovation or new construction, receive all building permits for the project; and/or,

(b) For a Planned Zoning District, comply with the approved phasing plan; and/or

(c) For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,

(d) Receive a business license; and/or,

(e) Receive all permits and approvals required by city, county, state, and federal regulations to complete construction of the development or project.

(2) Administrative Extension Within One (1) Year. Prior to the expiration of the one (1) year time limit, an applicant may request the Zoning and Development Administrator to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit. Extensions that are not permitted administratively may be requested of the Planning Commission within ten (10) days of the final administrative decision.

(3) Planning Commission Extension Within Eighteen (18) Months. Should an applicant miss the deadline to request an administrative extension, within eighteen (18) months of the date of approval the applicant may request the Planning Commission to extend the period up to one (1) additional year from the original date of approval, subject to the burden of showing good cause as described in this section.

(4) Planning Commission Extension. Prior to the expiration of any allowed extension period (maximum of two (2) years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted.

(5) Ordinance Amendments. To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to Ch. 166.05(F) Modifications.

(6) Variances. Variances from applicable zoning and development requirements that have been adopted subsequent to the original project approval shall be reviewed by the Planning Commission prior to approval of the extension.

(7) Expiration. If the required task(s) are not completed within one (1) year from the date of approval or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(C) Three (3) Year Time Limit.

(1) Tasks to Be Complete. All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and/or a final Certificate of Occupancy permit within three (3) years from the date of issuance of a building permit or receipt of all permits and approval required to complete construction of the project.

(2) Extensions. Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.

(3) Expiration. If the applicant fails to meet the requirements of subsection (C)(1) within three (3) years from the date of issuance of a building permit/receipt of all permits and approval required or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(Ord. No. 5155, 7-15-08); Ord. No. 5425, 8-2-11)

PPL-2021-000018 Conditions of Approval

1. Planning Commission determination of street improvements:
    a. *Staff recommends that the internal streets be improved to the Master Street Plan standards for a Residential Link Street with a two-foot right-of-way reduction to allow for five-foot sidewalks. Staff also requests that the property's Weir Road frontage be improved in accordance with the Master Street Plan standards for a Residential Link street with 26 feet of right-of-way dedication from centerline. External and internal streets should be improved with 6-foot greenspace, streetlights, and street trees. If approved, the reduced right-of-way will proceed to City Council for consideration.*

2. Planning Commission determination of requested variances:
    a. §166.08(D)(5) - All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards. *Staff partially recommends in favor of this request. Staff is supportive of the variance to reduce the right-of-way dedication for the internal streets to allow for five-foot sidewalks. Staff is not supportive of the Subdivision Committee's request to utilize the Alternative Residential Link Street Section, as it poses concerns for pedestrian and vehicular connectivity and safety.*

3. Parks fees are required in the amount of $55,539.00 in-lieu of parkland dedication for 51 single-family lots. The final amount needed to satisfy this requirement will be determined after the Planning Commission's approval of the final plat. Fee-in-lieu must be paid at the time of final plat approval.

4. Streetlights shall be installed in accordance with code at all street intersections and spaced no greater than 300 feet apart;

5. Conditions of approval from Engineering, Urban Forestry, and Parks Department are included in the official conditions of approval;

6. The following revision(s) shall be made:
    a. Update the building setback dimension for lots 125-135. The setback should be aligned with the zoning district boundary.

Standard conditions of approval:

7. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;

8. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;

9. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;

10. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;

11. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;

12. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication);

13. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements; and

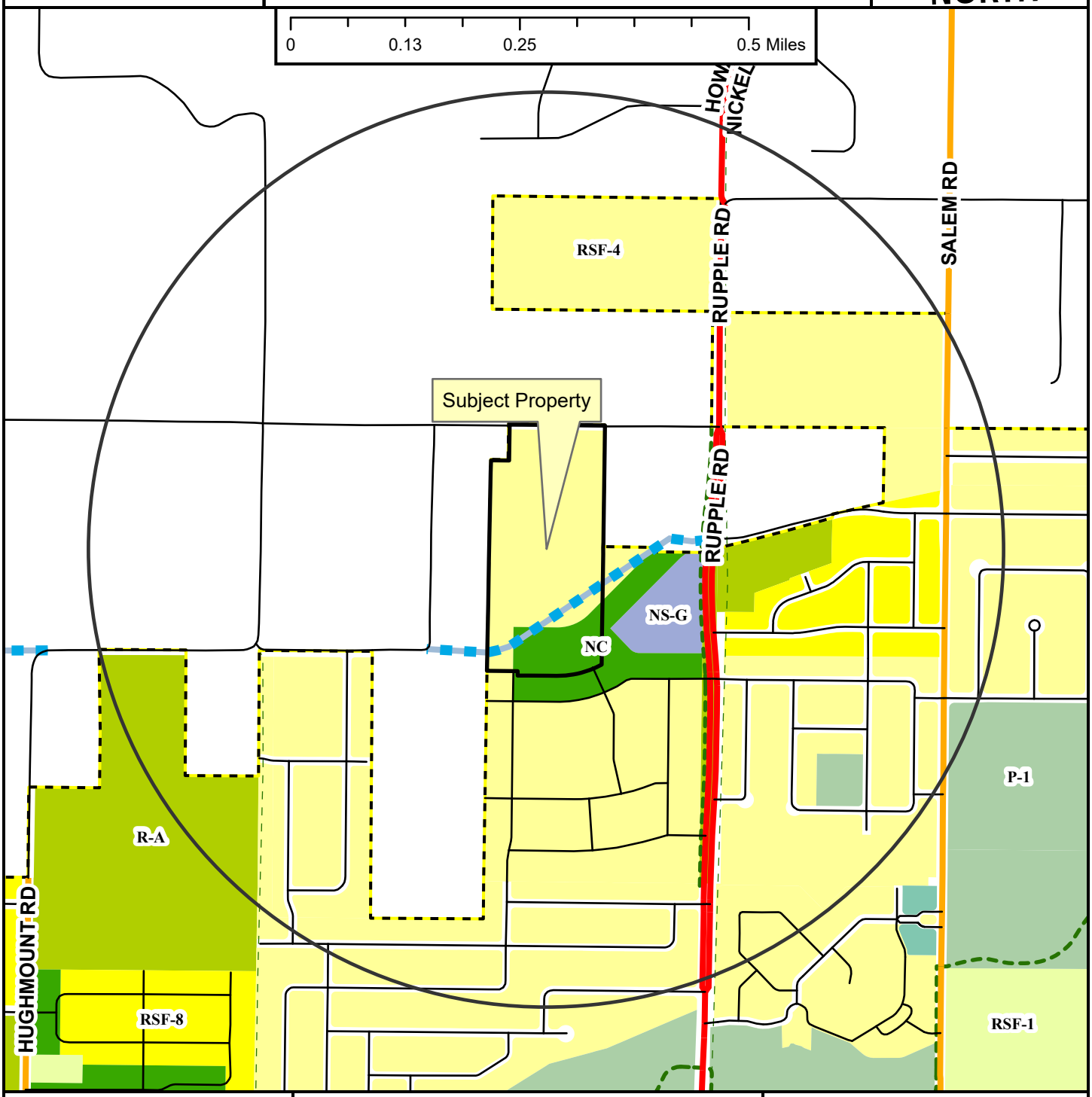
14. Preliminary Plat approval shall be valid for one calendar year.

ADM-2023-0013

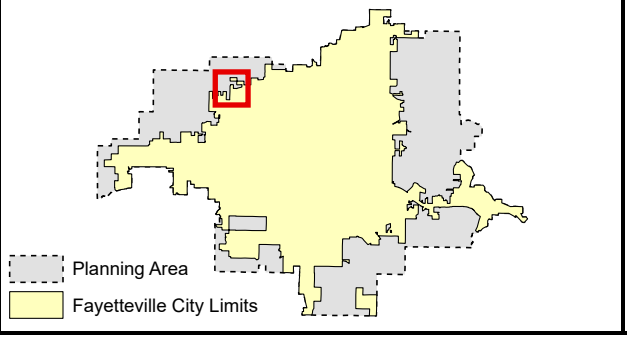
One Mile View

3855 W. WEIR RD

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

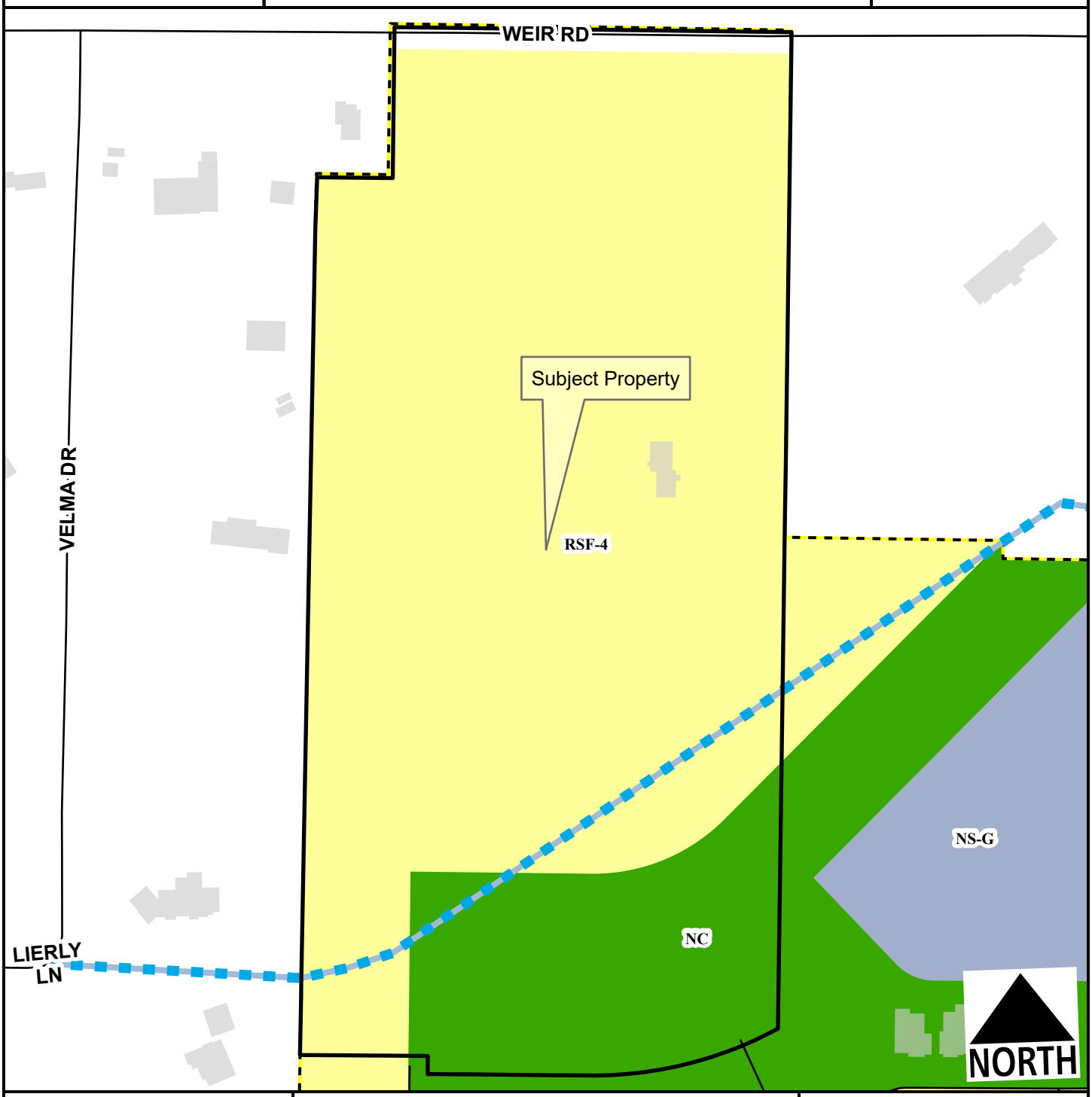
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2023-0013

Close Up View

3855 W. WEIR RD



Unclassified
Residential Link
Planned Residential Link
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

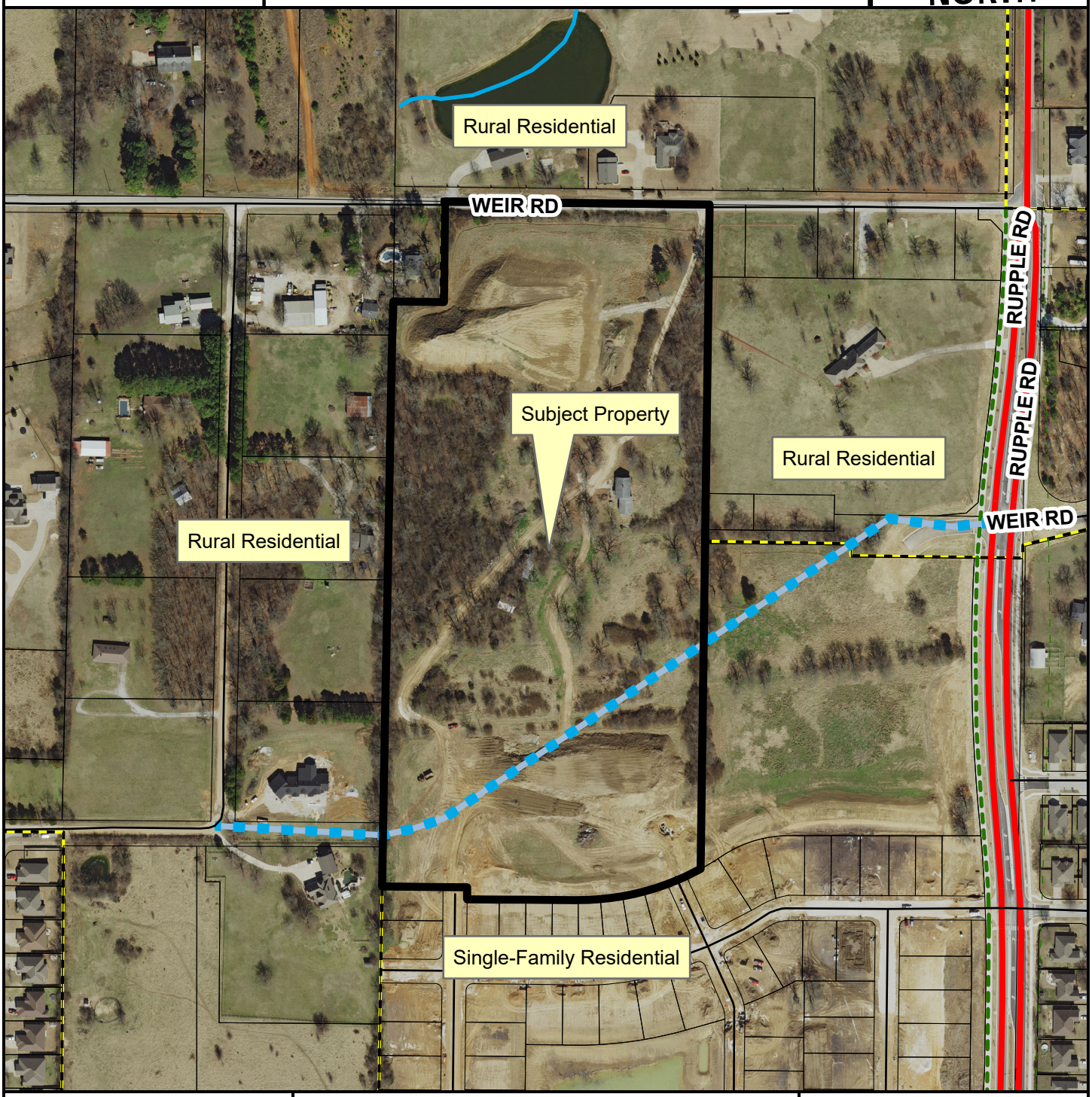
RSF-4
Neighborhood Services - Gen.
Neighborhood Conservation

ADM-2023-0013

Current Land Use

3855 W. WEIR RD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: May 8, 2023

SUBJECT: **LSD-2022-0034: Large Scale Development (3066 E. JOYCE BLVD/THE BERKSHIRE AT UPTOWN, 177):** Submitted by JORGENSEN AND ASSOCIATES for property located at 3066 E. JOYCE BLVD. The property is zoned CS, COMMUNITY SERVICES; NS-G, NEIGHBORHOOD SERVICES-GENERAL; and RI-12, RESIDENTIAL INTERMEDIATE – 12 UNITS PER ACRE and contains approximately 8.77 acres. The request is for a residential development with 112 units and associated parking.

RECOMMENDATION:
Staff recommends denial of **LSD-2022-0034**.

RECOMMENDED MOTION: *"I move to deny **LSD-2022-0034**."*

APRIL 24, 2023 PLANNING COMMISSION MEETING
The item was tabled at the April 24, 2023 Planning Commission at the applicant's request. In the interim, the applicant has met with City staff from the Engineering and Utilities Divisions to discuss options for sewer capacity upgrades; a resolution has not been reached, though staff recognizes that forward progress has continued. There are other unresolved issues, including addressing outstanding comments to the required traffic study, and no resolution has been sought on needed variances to access management and urban residential design standards. The applicant has not resubmitted any additional information for staff to consider, which is why staff recommends denial of the project.

BACKGROUND:
The subject property is in north Fayetteville approximately 700 feet north of N. Crossover Road's intersection with E. Joyce Boulevard. Containing 8.87 acres, the property is currently undeveloped and is zoned CS, Community Services along N. Crossover Boulevard, RI-12, Residential Intermediate – 12 Units per Acre, and NS-G, Neighborhood Services – General. The property was rezoned in 2022. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Commercial	C-1, Neighborhood Commercial
East	Undeveloped/Agricultural	R-A, Residential Agricultural
West	Single-Family Residential	RSF-4, Residential Single-Family 4 Units per Acre

Proposal: The applicant requests Large Scale Development approval of 112 dwelling units and associated parking. The applicant has not requested any variances at this time, though staff has identified a few areas where variances are still needed. The applicant has also requested a build-to-zone exemption that is still under review by staff, though an administrative exemption is likely forthcoming.

Right-of-Way to be Dedicated:
N. Crossover Road (Hwy 265): Staff does not recommend any right-of-way dedication along N. Crossover Road, finding that there is more than adequate right-of-way at this location to meet the typical master street plan requirements for a Regional High Activity Link Street.
E. Joyce Boulevard: Staff recommends right-of-way dedication in the amount of 26-feet from street centerline in areas where that dimension is not currently being met to align with the typical master street plan requirements for a Residential Link Street.

Street Improvements:
N. Crossover Road (Hwy 265): Staff recommends that a 12-foot trail and 10 feet of greenspace be installed along the N. Crossover Road frontage in alignment with the typical standards for a Regional High Activity Link Street, and to accommodate a planned future trail along the east side of N. Crossover Road as part of the Active Transportation Plan. In areas where the 12-foot trail lies outside of the existing right-of-way, the trail shall be dedicated in a multi-use trail easement.
E. Joyce Boulevard: Staff recommends that 6-foot sidewalk, 6-foot greenspace, and 1.5-foot curb and gutter be installed along the property's frontage with this street in accordance with the typical master street plan standards for Residential Link Streets.

Access Management/Connectivity: The applicant proposes to access the site with a driveway entrance along both N. Crossover Road and E. Joyce Boulevard. The access management ordinance requires that properties that have frontage on more than one street prioritize access along the lower classification street; the applicant intends to provide access for both frontages. Staff finds that a variance is required in order to approve the applicant's proposed access management plan, though has not yet received a request in writing from the applicant.

Design Standards: The project is subject to 166.23, Urban Residential Design Standards. From a site perspective, staff finds that the applicant is mostly in compliance with these standards. The applicant however still needs to provide direct pedestrian connections to the public street for all ground floor dwelling units, and staff has not received final elevations from the applicant to ensure compliance with all architectural design standards.

Water and Sewer System: An 8" water line is proposed to be extended to serve this project. The applicant is proposing to extend an 8" sewer main which connects to an existing 8" sanitary sewer main southwest of the property. The Engineering Division is recommending that the item be denied however, identifying issues with the applicant's proposed sewer capacity analysis. The analysis findings indicate that the peak flow exceeds the capacity of the pipe at both study points that were considered. Because the sewer still exceeds allowable capacity at the second study point, additional analysis must be performed upstream to determine the point where adequate capacity exists so that the limits of necessary improvements are properly defined. The full extent of sewer that would need to be upsized is unknown at this time.

Parkland dedication or fee in-lieu: The item was heard by the Parks and Recreation Advisory Board on May 2, 2022, where it was recommended for fee-in-lieu. The unit count has changed over time, but given the applicant's proposed unit configuration, PRAB recommends fee-in-lieu in the amount of $108,268.

Tree Preservation:
Canopy minimum requirement: 20%
Existing canopy: 61.6%
Preserved canopy: 14.4%
Mitigation required: (101) 2-inch caliper trees

Public Comment: Staff received a comment from one member of the public who was concerned about traffic impacts and tree removal. Comments are attached to this packet. Members of the public also spoke at the Subdivision Committee meeting held on March 30, 2023.

RECOMMENDATION: Staff recommends denial of **LSD-2022-0034**. Should Planning Commission choose to approve the item, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff does not recommend any additional right-of-way dedication along N. Crossover Road, and recommends 26-feet from street centerline for the Joyce Boulevard frontage;*

   Subdivision Committee made no recommendation.

2. **Planning Commission determination of street improvements.** *Staff recommends Master Street Plan Standards for both N. Crossover Road (12-foot sidewalk and 10-foot greenspace) and Joyce Boulevard (6-foot sidewalk, 6-foot greenspace, and 1.5-foot curb and gutter);*

   Subdivision Committee made no recommendation.

3. Fee in-lieu of parkland dedication is required in the amount of $108,268 based on 112 residential units and shall be paid prior to building permit issuance. Actual amount will be determined by final number of units approved by Planning Commission;

4. A determination from the Zoning and Development Administrator must be on file prior to grading permit for any allowable exemptions to the minimum buildable street frontage requirement in the CS zoning district or otherwise, a Board of Adjustment variance will need to be sought;

5. Sewer must be upsized in a manner compliant with local, state, and federal regulations to provide the needed capacity to serve this development;

6. Plat comments issued through the Energov portal from the Planning Division shall be addressed;

7. Streetlights must be installed at intersections and at a linear spacing distance of no more than 300 feet;

8. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

Standard conditions of approval:

9. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;

10. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

11. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;

12. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;

13. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;

14. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;

15. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;

16. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation;

17. Large scale development shall be valid for one calendar year;

18. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit. The coordinator has noted that a separate street name is required;

19. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and

20. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;
    d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
    e. Project Disk with all final revisions; and

f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 “Guarantees in Lieu of Installed Improvements” to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 8, 2023	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Engineering Comments
- Urban Forestry Comments
- Parks Comments
- Request Letter
- Site Plan
- Elevations
- Sewer Capacity Analysis
- Public Comment
- One Mile Map
- Close Up Map
- Current Land Use Map

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: May 3, 2023

SUBJECT: **Planning Commission Engineering Comments for LSD-2022-0034 THE BERKSHIRE AT UPTOWN**

*****ENGINEERING RECOMMENDS THIS PROJECT BE TABLED IN ORDER TO CONTINUE WORKING TOWARD A SOLUTION FOR THE SEWER AND TRAFFIC ISSUES*****

Water: 1,674 LF of 8" water main is proposed to be installed to serve this development by connecting to existing 8" water mains northwest and southwest of this property. 123 LF of 6" fire line is proposed.

Sewer: This development is proposing to extend 1,932 LF of 8" sanitary sewer main, connecting to an existing 8" sanitary sewer main southwest of the subject property.

There are existing, known sewer capacity issues downstream of this development and portions of the existing sewer must be upsized for this development to be provided sewer. **If the sewer is not upsized, Engineering cannot issue a grading permit for the development. An assessment for the improvements, as the applicant has proposed, does not provide the needed capacity in the system for the development.**

The applicant, engineering, and the utility division have met and are currently working toward a solution for the offsite sewer improvements. The utility division is working to confirm if existing manholes will be able to be utilized.

Traffic Study: Based on the information presented in the full traffic study, staff is requesting additional information on the impacts to Level of Service by increasing the queue length of the left turn lane for the westbound Joyce Blvd. approach, both with and without the recommended signal timing modifications. There appears to be enough pavement width to accommodate an increase in queue length by restriping the existing lanes and taper.

Drainage: The four Minimum Standards of the Drainage Criteria Manual are required to be met by this development. The water quality requirements are proposed to be met using StormTech isolator rows in the underground detention systems. Channel protection is proposed to be met by sizing the outlet to release the 1-year, 24-hour storm over 40 hours. Overbank flood protection and extreme flood protection requirements are shown to be met by sizing the pond outfalls to keep peak flows post-development below pre-development peak flows. Further review will be conducted with the grading permit.

Plan Comments:

1. Remove fire lines shown to buildings 1-11 as they will be sprinklered with a residential 13D system. The FDCs were removed on the updated utility sheet received 2/14/2023, but the fire lines to the townhomes are still shown. This comment was not addressed on the plan sheet dated 3/23/2023.
2. Retaining walls over 4 feet in height require plans designed and stamped by a Professional Engineer registered in the state of Arkansas.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
    - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
    - Sanitary Sewer pipe sizing, profiles, or utility conflicts
    - Waterline fittings, callouts, or utility conflicts
    - Street profiles
    - Fine grading/spot elevations

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Jorgensen & Associates

From: Melissa M. Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: March 30, 2023

Subject: LSD-2022-0034: The Berkshire at Uptown: 3066. E. Joyce Blvd., 177

1.	General Landscape Plan Checklist	Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) *UDC Chapter 177.03C7g, 177.04B3a*	X		
b.	Species of plant material identified *UDC Chapter 177.03C7d,e*	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) *UDC Chapter 177.03C7b,c*	X		
d.	Soil amendments notes include that soil is amended and sod removed *UDC Chapter 177.03C6b*	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds *UDC Chapter 177.03C6c,d*	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer *UDC Chapter 177.03B*		X	
g.	Planting bed contained by edging *UDC Chapter 177.03C6f*	X		
h.	Planting details according to Fayetteville's Landscape Manual *UDC Chapter 177.03C6g*	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. *UDC Chapter 177.05 A2g*	X		

2.	Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a.	Wheel Stops/Curbs *UDC Chapter 177.04B1*	X		
b.	Narrow Tree Lawn (8' min. width, 37.5' length) *UDC Chapter 177.04C*			X

c. Tree Island (8' min. width, 18.7' min length OR 150 square feet) *UDC Chapter 177.04C*	**X**		
d. Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		
3. Perimeter Landscaping Requirements	**Yes**	**No**	**N/A**
a. Front Property Line (15' wide landscape) and five on sides. *UDC Chapter 177.04D2a*			**X**
b. Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*	**X**		
c. Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**X**		
d. Screening of parking lot from adjacent residential properties.	**X**		
4. Street Tree Planting Requirements	**Yes**	**No**	**N/A**
a. Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			**X**
b. Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) *UDC Chapter 177.05B2a*			**X**
c. Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) *UDC Chapter 177.05B3a-f*			**X**
d. Structured Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*			**X**
e. Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f. Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5. Landscape Requirement Totals	Amount
Mitigation Trees	**101**
Parking Lot Trees	**20**
Street Trees	**27**
Detention Pond – Large Trees (1 Tree/3,000 square feet)	**0**
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**0**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**0**

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**1-30-23**	**2-14-23**	
		3-28-23	
Approved			
Tabled	**9-13-22**		
	12-22-22		
Denied			

Comments

1. Address items above marked “No” and all Redlines provided.
2. Are the streets in the development public or private streets, particularly the entrance drive? If so, street trees are required at 1/30 LF and mitigation trees cannot count as required street trees.
3. Are the units going to be sold on individual lots? If so, one lot street tree per lot is required (2 required on corner lots, 1 tree per street).
4. Please adjust the parking tree islands on the west side of the site so there are not more than 12 parking spaces (included accessible striped areas as they are pavement too) without a tree island.

To: Jorgensen & Associates

From: Melissa M. Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: March 30, 2023

Subject: LSD-2022-0034: The Berkshire at Uptown: 3066 E. Joyce Blvd., 177

1. Submittal Requirements	Yes	No	N/A
Initial Review with the Urban Forester		X	
Site Analysis Map Submitted (if justification is needed)	X		
Site Analysis Written Report Submitted (justification is needed)	X		
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X
2. Tree Preservation Calculations			

Tree Preservation Calculations		
	Square Feet	**Percent of site**
Total Site Area *Minus Right of Way and Easements	395,968	100%
*Zoning Designation * Select Below with drop down arrow*		
NS-Neighborhood Services	79,194	20%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	79,194	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	244,056	61.6%
Tree Canopy Preserved	57,189	14.4%
Tree Canopy Removed *On Site	186,867	47.2%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	186,867	47.2%
Removed Below Minimum	**22,005**	
Mitigation Requirements	**22,005**	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	22,005	101
Low Priority		
Total Mitigation Trees Required	**22,005**	**101**

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation	X		
Off-Site Mitigation			X
Tree Escrow (See Conditions of Approval)			X

5. Tree Preservation Plan Checklist *UDC Chapter 167.04H1*	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	
b. Property Boundary	Yes	Yes	
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	
d. Existing Topography and Proposed Grading	Yes	Yes	
e. Soil Types	Yes	Yes	
f. Significant Trees	Yes	Yes	
g. Groupings of Trees	Yes	Yes	
h. Table Inventory List (species, size, health, priority)	Yes	Yes	
i. All Existing and Proposed Utilities	Yes	Yes	
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	
k. All Streams (with approximate center line)	N/A	N/A	
l. Floodplains and floodways	N/A	N/A	
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	
n. Submitted Site Analysis Plan (if required)	Yes	Yes	
o. Shows ALL Proposed Site Improvements	Yes	Yes	
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	
Tree Protection Methods			
a. Tree Protection Fencing	Yes	Yes	
b. Limits of Root Pruning	Yes	Yes	
c. Traffic flow on work site	No	No	
d. Location of material storage	No	No	
e. Location of concrete wash out	No	No	
f. Location of construction entrance/exit	No	No	

6.	**Site Analysis Report (if required)** *UDC Chapter 167.04H4*	**Yes**	**No**	**N/A**
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy	**X**		
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	**X**		

7.	**Review Status**	**Tech Plat**	**Subdivision Committee**	**Planning Commission**
	Conditionally Approved	**1-30-23**	**2-14-23**	
			3-28-23	
	Approved			
	Tabled	**9-13-22**		
		12-22-22		
	Denied			

Comments

1. Address items above marked “No” and all Redlines provided.
2. Tree Preservation Easement/s are required per Ch. 167. Please label proposed Tree Preservation Easements on the plan.

CITY OF FAYETTEVILLE ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: January 19, 2023

SUBJECT: Parks & Recreation Technical Plat Review Comments

****

PRAB Meeting Date:	May 2, 2022
Project Title:	Berkshire LSD (Titled Joyce LSD at PRAB meeting)
Project Number:	LSD-2022-0034
Project Location:	3066 E Joyce Blvd
Plat Page:	177
Park Quadrant:	NE
Billing Name & Address:	J&M Capital Ventures LLC, 4034 N Old Wire Rd Fayetteville, AR 72703

☐ **Land Dedication** ☒ **Fee-in-Lieu** ☐ **Combination**

LAND DEDICATION

									TOTAL Acres
Single Family:	_____	units	x	0.023	acres per unit =	0.00	acres		0.0
Multi Family:	_____	units	x	0.020	acres per unit =	0.00	acres		

FEE-IN-LIEU

							TOTAL Fees
Single Family:	12	units	x	$1,089	per unit =	$13,068	$108,268
Multi Family:	100	units	x	$952	per unit =	$95,200	

SUMMARY:

- Project proposes **12** SF units and **100** MF units.
  - The first version of this project submitted an LSD containing 140 multi-family units and a PLD fee of $136,080.
  - The second version of this project submitted an LSD containing 128 multi-family units and a PLD fee of $121,856.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of the Final Plat.

- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
    - Approved by the City's Land Agent in the Engineering Division.
    - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

City of Fayetteville
Development Services
J+A Project # 2021-173
CoF Project #
Re: The Berkshire @ Uptown Submittal #1

Please accept this request for a Large Site Improvement Plat for a project to be known as The Berkshire @ Uptown. This will contain 30-714 SF buildings (35 Units), 30-881 SF buildings (33 Units), and 3-10,599 SF buildings (72 Units). This will be a residential development with a total of 140 units.

Water and Sewer are presently at the site and will be extended with this development. This project has been to the PRAB and the decision was made for money in-lieu.

Storm drainage requirements, as required by the City of Fayetteville, will be accomplished as per our drainage report (in short we will be utilizing under ground detention to meet all requirements).

This site contains a fair amount of slope and trees; our goal is the leave the norther band of mature trees in a tree preservation easement and install a retaining wall to get the norther portion of the site to a feasible grade.

Thanks for your time and effort in this review, and please let us know if you have any questions.

Sincerely
Jorgensen + Associates

NOTES:
1. PARCEL #765-13240-000

2. ZONED: CS, RI-12 & NS-G

3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83.

4. BOUNDARY BASED ON:
I. BOUNDARY SURVEY, FILE #2010-00031823
II. WARRANTY DEED, FILE #2010-00031824
III. EASEMENT PLAT, FILE #023A-00000108
IV. PROPERTY LINE ADJUSTMENT, FILE #2019-00014794
V. WARRANTY DEED, FILE #94022658
VI. WARRANTY DEED, FILE #2017-00032325

5. BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED ENTIRELY WITHIN ZONE "X" OF FEMA FIRM PANEL #05143C0230F, BEARING AN EFFECTIVE DATE OF MAY 16, 2008 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

6. UNDERGROUND UTILITY LINES AS SHOWN HEREON ARE AS PER THE CITY OF FAYETTEVILLE GIS MAPS AND HAVE NOT BEEN FIELD VERIFIED.

7. CITY PLAT PAGE 177.

STREET TABLE:
RIGHT OF WAYS & CURB & GUTTER:
NORTH CROSSOVER ROAD (HIGHWAY 265)
CURRENT RIGHT-OF-WAY (FROM C/L): 54.6' - 89.62' EXISTING, NO CHANGES PROPOSED
MASTER STREET PLAN RIGHT-OF-WAY: 96'; REGIONAL HIGH-ACTIVITY LINK
6" CURBING, 1.5' GUTTER EXISTING & PROPOSED

EAST JOYCE BOULEVARD:
CURRENT RIGHT-OF-WAY (FROM C/L): 8.2' - 50.77' EXISTING, 26' FROM C/L DEDICATION PROPOSED
MASTER STREET PLAN RIGHT-OF-WAY: 52'; RESIDENTIAL LINK
NO EXISTING CURB & GUTTER, 6" CURB & 1.5' GUTTER PROPOSED

SIDEWALKS & GREEN SPACE:
NORTH CROSSOVER ROAD (HIGHWAY 265)
SIDEWALKS: 4.9' EXISTING, 12' TRAIL PROPOSED
GREEN SPACE: 3.1'-3.3' EXISTING, 10' GREEN SPACE PROPOSED

EAST JOYCE BOULEVARD
NO EXISTING, 6' SIDEWALK PROPOSED
GREEN SPACE: 12' EXISTING, 6' GREEN SPACE PROPOSED

ZONING & SETBACKS:
ZONED: CS

SETBACKS:
FRONT: 10'-25' BUILD-TO ZONE
SIDE AND REAR: NONE
SIDE AND REAR CONTIGUOUS TO A SINGLE FAMILY RESIDENTIAL DISTRICT: 15'

ZONED: RI-12

SETBACKS:
FRONT: 0'-25' BUILD-TO ZONE
SIDE OTHER USES: 8'
SIDE SINGLE & TWO FAMILY: 5'
REAR OTHER USES: 20'
REAR SINGLE FAMILY: 5'

ZONED: NS-G

SETBACKS:
FRONT: 0'-25' BUILD-TO ZONE
SIDE: 5'
REAR: NONE
REAR CONTIGUOUS TO A RESIDENTIAL DISTRICT: 15

PARCEL #765-13240-000:
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING S87°55'38"E 569.43 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE EASTERN RIGHT OF WAY OF NORTH CROSSOVER ROAD, AND RUNNING THENCE S87°55'38"E 728.76 FEET TO THE WESTERN RIGHT OF WAY OF NORTH HILLSIDE TERRACE, AND RUNNING ALONG SAID RIGHT OF WAY S02°27'22"W 350.60 FEET AND S87°32'38"E 42.96 FEET TO THE WESTERN RIGHT OF WAY OF EAST JOYCE BOULEVARD, AND RUNNING ALONG SAID RIGHT OF WAY S02°01'19"W 300.61 FEET; THENCE LEAVING SAID RIGHT OF WAY N88°05'38"W 450.96 FEET TO THE EASTERN RIGHT OF WAY OF NORTH CROSSOVER ROAD, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 6 COURSES: N24°17'41"W 87.77 FEET; N27°39'02"W 150.00 FEET; N16°20'25"W 99.68 FEET; N27°42'02"W 102.41 FEET; N19°29'12"W 183.46 FEET; N29°40'37"W 105.62 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 8.80 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

STANDARD CITY NOTES:
1. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12 KV SHALL BE RELOCATED UNDERGROUND.

2. ALL MECHANICAL AND UTILITY EQUIPMENT LOCATED ON THE WALL AND/OR ON THE GROUND SHALL BE SCREENED. ALL ROOF-MOUNTED UTILITIES AND MECHANICAL EQUIPMENT SHALL BE SCREENED BY INCORPORATING SCREENING INTO THE STRUCTURE UTILIZING MATERIALS COMPATIBLE WITH THE SUPPORTING BUILDINGS. SMALLER GROUND-MOUNTED EQUIPMENT MAY BE SCREENED WITH TALL GRASSES OR SHRUBS.

3. TRASH ENCLOSURE SHALL BE SCREENED ON THREE SIDES WITH MATERIALS COMPLIMENTARY AND COMPATIBLE WITH THE PRINCIPAL STRUCTURE, WITH ACCESS NOT VISIBLE FROM THE STREET.

4. ALL DESIGNS ARE SUBJECT TO THE CITY'S LATEST DESIGN CRITERIA (WATER, SEWER, STREETS, AND DRAINAGE). REVIEW FOR PLAT APPROVAL IS NOT APPROVAL OF PUBLIC IMPROVEMENTS, AND ALL PROPOSED IMPROVEMENTS ARE SUBJECT TO FURTHER REVIEW AT THE TIME CONSTRUCTION PLANS ARE SUBMITTED.

5. A SITE VISIT SHALL BE SCHEDULED WITH CHUCK RUTHERFORD (575-8291) TO ESTABLISH THE CONDITION OF THE EXISTING CURB ALONG WEST SOMERVILLE LANE. ALL OF THE EXISTING CURB CUTS SHALL BE REMOVED AND REPLACED WITH STANDARD CURB. ANY CURB TO REMAIN THAT IS CURRENTLY DAMAGED OR CRACKED SHALL BE REMOVED AND REPLACED WITH STANDARD CURB. ANY CURB THAT IS DAMAGED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED.

6. ALL METER LOCATIONS AND BACKFLOW PREVENTION FOR THE FIRE SPRINKLER SYSTEMS MUST BE APPROVED BY DON OSBURN OF THE CITY OF FAYETTEVILLE METER OPERATIONS DIVISION (575-8384).

7. METER LOOPS LARGER THAN 1-INCH THROUGH 2-INCH SHALL BE TESTED BY THE CITY OF FAYETTEVILLE METER OPERATIONS DIVISION PRIOR TO CONTRACTOR INSTALLATION. CONTACT DON OSBURN (575-8384).

8. THE ENGINEER OF RECORD SHALL PROVIDE "FULL TIME" INSPECTION FOR UTILITIES AND "PART TIME" INSPECTION FOR THE STORM DRAINAGE AND ROADWAY CONSTRUCTION FOR THIS PROJECT. WEEKLY REPORTS SHOULD BE SUBMITTED TO THE CITY OF FAYETTEVILLE'S PUBLIC WORKS INSPECTOR (INCLUDING FIRE LINE INSTALLATION).

9. ANY DAMAGE TO THE EXISTING PUBLIC STREET DUE TO CONSTRUCTION SHALL BE REPAIRED/REPLACED AT THE OWNER/DEVELOPERS EXPENSE.

10. ANY WATER MAIN UPGRADES THAT PARALLEL A SMALLER OR OLDER WATERLINE ARE REQUIRED TO RELOCATE ALL EXISTING SERVICE CONNECTIONS TO THE NEW WATER MAIN AND ABANDON THE OLD WATER MAIN.

11. 2017 STANDARD WATER & SEWER SPECIFICATIONS & DETAILS APPLY. (DOCUMENT AVAILABLE AT HTTP://WWW.FAYETTEVILLE-AR.GOV/445/ENGINEERING-SPECS-DETAILS & HTTP://WWW.FAYETTEVILLE-AR.GOV/DOCUMENTCENTER/VIEW/14625)

12. PRIOR TO OBTAINING A TEMPORARY WATER METER FOR TESTING OR SERVICE OFF OF A CONTRACTOR INSTALLED NEW MAIN, THE FOLLOWING ITEMS MUST BE PERFORMED OR PROVIDED TO THE SATISFACTION OF THE ENGINEERING DEPARTMENT:
A. THERE ARE NO OUTSTANDING ISSUES WITH SITE REQUIREMENTS OR OUTSTANDING EROSION CONTROL [illegible]ATIONS.
B. THE WATER MAIN MUST BE INSTALLED AND A FINAL INSPECTION PERFORMED BY THE PUBLIC WORKS INSPECTOR, WATER DEPARTMENT, AND DESIGN ENGINEER AND THE ITEMS ON THE FINAL PUNCH LIST COMPLETED.
C. THE STRUCTURE MUST BE CONNECTED TO PUBLIC SANITARY SEWER
D. ONE (1) SET OF AS-BUILT DRAWINGS OF THE INSTALLED UTILITIES AS A HARD COPY AND IN PDF FORMAT; CERTIFICATION THAT THE WATER MAIN, FIRE LINE, AND SEWER LINES, ETC., WERE INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS.
E. THE PROJECT IS READY FOR TEMPORARY CERTIFICATE OF OCCUPANCY (TCO). IF NOT, THE METER WILL BE INSTALLED TO ALLOW FOR TESTING ONLY AND TURNED OFF UNTIL THE TCO IS ISSUED.

13. SERVICE [illegible] ON EXISTING MAINS SHALL BE MADE BY THE CITY, AND FEES PAID BY OWNER.

FIRE LANE STRIPING:
A) ALL [illegible] NOT DESIGNATED AS PARKING SPACES SHALL BE IDENTIFIED AS "NO PARKING FIRE LANE."
B) FIRE LANE MARKINGS SHALL BE UPON THE VERTICAL SURFACE OF THE CURB, UNLESS OTHERWISE APPROVED BY THE FIRE CODE OFFICIAL.
C) FIRE LANE MARKINGS SHALL CONSIST OF A SIX INCH (6") WIDE RED BACKGROUND STRIPE WITH FOUR INCH (4") HIGH WHITE LETTERS AND 1" STROKE. WHITE LETTERS TO BE PAINTED UPON THE RED STRIPE EVERY TWENTY-FIVE FEET (25') ALONG THE ENTIRE LENGTH OF THE FIRE LANE.

PARKING REQUIREMENTS

REQUIREMENTS FOR MULTI-FAMILY: 1 SPACE PER BEDROOM
10 4 OR MORE FAMILY DWELLINGS = 180 BEDROOMS = 180 SPACES

REQUIREMENTS FOR 2 & 3-FAMILY: 2 SPACES PER DWELLING UNIT
6 2-FAMILY DWELLINGS = 24 PARKING SPACES
4 3-FAMILY DWELLINGS = 24 PARKING SPACES

INCREASES: DEVELOPMENTS MAY INCREASE THE NUMBER OF OFF-STREET PARKING SPACES BY 15% ABOVE THE PARKING RATIOS AS LISTED.
228 X 15% = 34.2 SPACE INCREASE ALLOWED - 13 SPACE INCREASE USED

COMPACT SPACES: MAXIMUM OF 35% OF TOTAL SPACES MAY BE COMPACT SPACES.
241 X 35% = 84.3 MAXIMUM COMPACT SPACES - 20 PROVIDED

241 PARKING SPACES PROVIDED (72 STANDARD + 45 PARALLEL + 20 COMPACT + 104 GARAGE)

REQUIRED ADA SPACES:
7 ADA SPACE REQUIRED
7 ADA SPACES PROVIDED

REQUIRED MOTORCYCLE/SCOOTER SPACES (1 PER 25 PARKING SPACES)
238 SPACES / 25 = 9.6 SPACES REQUIRED
10 SPACES PROVIDED (LABELED MS)

REQUIRED BIKE RACKS FOR RESIDENTIAL (1 PER 30 DWELLING UNITS)
112 DWELLING UNITS / 30 = 3.7 BIKE RACKS REQUIRED
21 BIKE RACKS PROVIDED

OVERALL SITE AREA CALCULATIONS:			
TOTAL LAND AREA:	397,968 SQ. FT. ±	9.14 ACRES ±	
PREDEVELOPMENT:			
IMPERVIOUS:	255 SQ. FT. ±	0.01 ACRES ±	>1%
PERVIOUS:	397,713 SQ. FT. ±	9.13 ACRES ±	99%
POST DEVELOPMENT:			
BUILDING:	73,070 SQ. FT. ±	1.68 ACRES ±	18%
PARKING & SIDEWALK:	151,424 SQ. FT. ±	3.48 ACRES ±	38%
TOTAL IMPERVIOUS:	224,494 SQ. FT. ±	5.16 ACRES ±	56%
PERVIOUS GREEN SPACE:	173,474 SQ. FT. ±	3.98 ACRES ±	44%

MINIMUM BUILDABLE STREET FRONTAGE CALCULATION
MIN. REQUIRED FOR ZONE CS: 50%

CROSSOVER RD: BUILDABLE STREET FRONTAGE (EXCLUDING THE DRIVEWAY) : 390'
BUILDING FRONTAGE: 219'
FRONTAGE RATIO: 219 / 390 = 56%

MIN. REQUIRED FOR ZONE RI-12: 50%

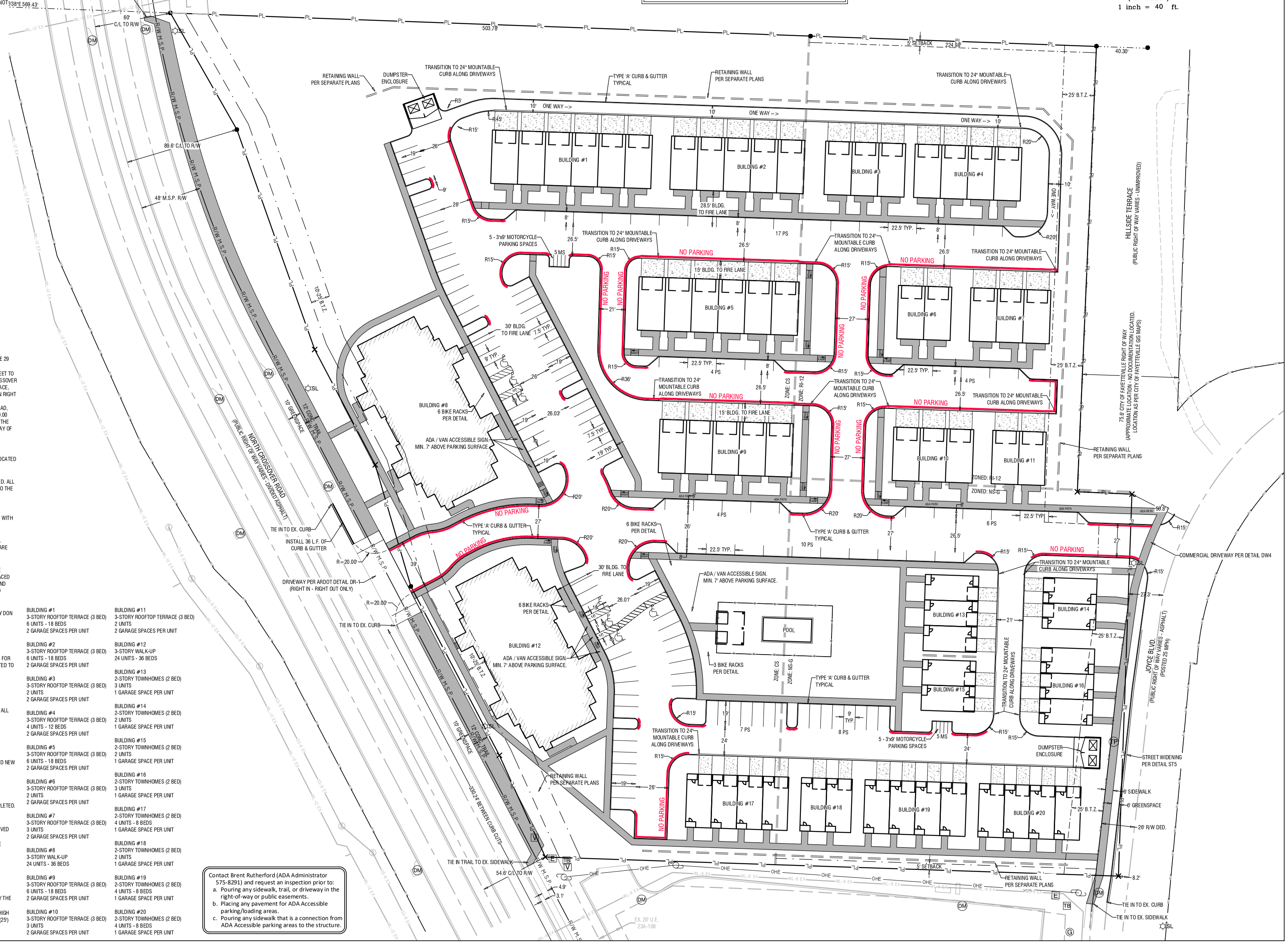
HILLSIDE TERRACE: BUILDABLE STREET FRONTAGE (EXCLUDING THE DRIVEWAY) : 394'
BUILDING FRONTAGE: 0'
FRONTAGE RATIO: 0 / 394 = 0%

MIN. REQUIRED FOR ZONE NS-G: 50%

JOYCE BLVD: BUILDABLE STREET FRONTAGE (EXCLUDING THE DRIVEWAY) : 260'
BUILDING FRONTAGE: 162'
FRONTAGE RATIO: 142 / 260 = 55%

PARKING STRIPE PAINT SHALL BE A READY MIXED WHITE AND YELLOW PAINT SUITABLE FOR APPLICATION ON CONCRETE AND BITUMINOUS PAVEMENTS AND SHALL BE 4" IN WIDTH. ALL PAINTS USED FOR THIS APPLICATION SHALL BE LISTED ON THE AHTD QUALIFIED PRODUCTS LIST (QPL). STRIPING SHALL MEET CITY OF FAYETTEVILLE STANDARD SPECIFICATIONS FOR PAVEMENT MARKINGS. ALL PUBLIC AREAS REQUIRE THERMOPLASTIC.

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.



Contact Brent Rutherford (ADA Administrator 575-8291) and request an inspection prior to:
a. Pouring any sidewalk, trail, or driveway in the right-of-way or public easements.
b. Placing any pavement for ADA Accessible parking/loading areas.
c. Pouring any sidewalk that is a connection from ADA Accessible parking areas to the structure.

BUILDING #1 3-STORY ROOFTOP TERRACE (3 BED) 6 UNITS - 18 BEDS 2 GARAGE SPACES PER UNIT	BUILDING #11 3-STORY ROOFTOP TERRACE (3 BED) 2 UNITS 2 GARAGE SPACES PER UNIT
BUILDING #2 3-STORY ROOFTOP TERRACE (3 BED) 6 UNITS - 18 BEDS 2 GARAGE SPACES PER UNIT	BUILDING #12 3-STORY WALK-UP 24 UNITS - 36 BEDS
BUILDING #3 3-STORY ROOFTOP TERRACE (3 BED) 2 UNITS 2 GARAGE SPACES PER UNIT	BUILDING #13 2-STORY TOWNHOMES (2 BED) 3 UNITS 1 GARAGE SPACE PER UNIT
BUILDING #4 3-STORY ROOFTOP TERRACE (3 BED) 4 UNITS - 12 BEDS 2 GARAGE SPACES PER UNIT	BUILDING #14 2-STORY TOWNHOMES (2 BED) 2 UNITS 1 GARAGE SPACE PER UNIT
BUILDING #5 3-STORY ROOFTOP TERRACE (3 BED) 6 UNITS - 18 BEDS 2 GARAGE SPACES PER UNIT	BUILDING #15 2-STORY TOWNHOMES (2 BED) 2 UNITS 1 GARAGE SPACE PER UNIT
BUILDING #6 3-STORY ROOFTOP TERRACE (3 BED) 2 UNITS 2 GARAGE SPACES PER UNIT	BUILDING #16 2-STORY TOWNHOMES (2 BED) 3 UNITS 1 GARAGE SPACE PER UNIT
BUILDING #7 3-STORY ROOFTOP TERRACE (3 BED) 3 UNITS 2 GARAGE SPACES PER UNIT	BUILDING #17 2-STORY TOWNHOMES (2 BED) 4 UNITS - 8 BEDS 1 GARAGE SPACE PER UNIT
BUILDING #8 3-STORY WALK-UP 24 UNITS - 36 BEDS	BUILDING #18 2-STORY TOWNHOMES (2 BED) 2 UNITS 1 GARAGE SPACE PER UNIT
BUILDING #9 3-STORY ROOFTOP TERRACE (3 BED) 6 UNITS - 18 BEDS 2 GARAGE SPACES PER UNIT	BUILDING #19 2-STORY TOWNHOMES (2 BED) 4 UNITS - 8 BEDS 1 GARAGE SPACE PER UNIT
BUILDING #10 3-STORY ROOFTOP TERRACE (3 BED) 3 UNITS 2 GARAGE SPACES PER UNIT	BUILDING #20 2-STORY TOWNHOMES (2 BED) 4 UNITS - 8 BEDS 1 GARAGE SPACE PER UNIT

JORGENSEN + ASSOCIATES
Civil Engineering + Surveying
Established 1985
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com

LEGEND
- CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- POWER POLE
- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- EXISTING 8" SEWER LINE (EX SS-8)
- PROPOSED 8" SEWER LINE (SS-8)
- EXISTING WATERLINE (EX WL-8)
- PROPOSED 8" WATER LINE (WL-8)
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- NEW SIDEWALK
- UTILITY CROSSING (UTX)
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE: BERKSHIRE LSD

PROJECT LOCATION: FAYETTEVILLE, AR

DATE: 3/23/2022
DRAWN BY: JH
PROJECT #2021-173
FILE PATH: Z:\LSD\2021173
SHEET SIZE: 22" x 34"
SCALE: 1" = 40'

CERTIFICATE OF AUTHORIZATION JORGENSEN & ASSOCIATES No. 722 ARKANSAS – ENGINEER

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 13843 BLAKE E. JORGENSEN
PRELIMINARY

SHEET TITLE
LARGE SCALE DEVELOPMENT PLAN

SHEET NUMBER
C1.2

2 FRONT/REAR ELEVATION - THREE-STORY WALK-UP
3/16" = 1'-0"

Building #1- Similar (1/2 Building) Front Northeast Elevation
Building #1- Similar (1/2 Building) Rear Southwest Elevation
Building #2- Front Northeast Elevation
Building #2- Rear Southwest Elevation
Building #3- Front Northeast Elevation
Building #3- Rear Southwest Elevation

Building #1- Similar (1/2 Building) Southeast Elevation
Building #1- Similar (1/2 Building) Northwest Elevation
Building #2- Southeast Elevation
Building #2- Similar Northwest Elevation
Building #3- Southeast Elevation
Building #3- Similar Northwest Elevation

1 TYP. SIDE ELEVATION - THREE-STORY WALK-UP
3/16" = 1'-0"

6' 3' 12'

THREE-STORY WALK-UP - ELEVATIONS

08/30/22

Joyce Street Apartments

A1

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Planning Commission
May 8, 2023
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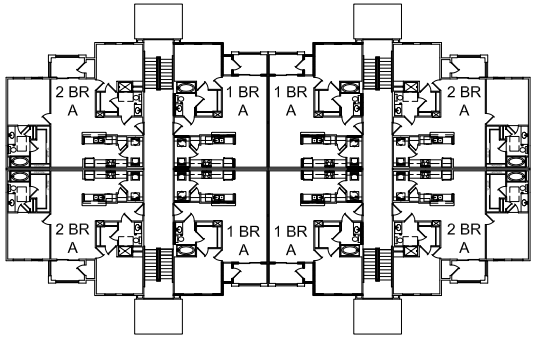
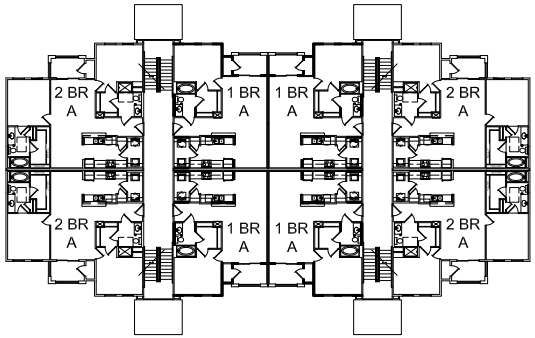
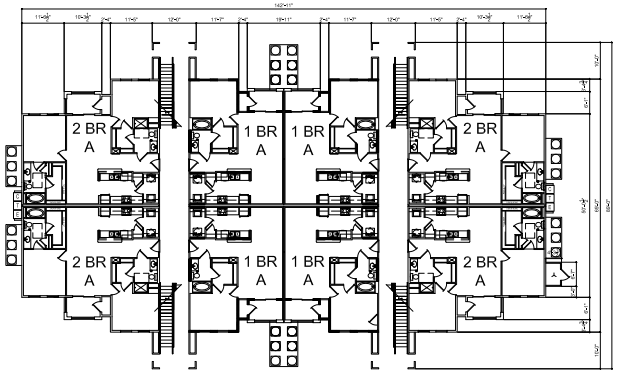


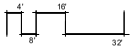
3 THIRD FLOOR PLAN - THREE-STORY WALK-UP
1/16" = 1'-0"



2 SECOND FLOOR PLAN - THREE-STORY WALK-UP
1/16" = 1'-0"



1 FIRST FLOOR PLAN - THREE-STORY WALK-UP
1/16" = 1'-0"



THREE-STORY WALK-UP - FLOOR PLANS

08/30/22

Joyce Street Apartments

A2

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3 FRONT ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #4 through #10- Similar (6 Unit) South Elevations

2 SIDE ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #4 through #10- Similar (6 Unit) Typical West Elevations, Similar East Elevations.

1 REAR ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #4 through #10- Similar (6 Unit) North Elevations

THREE-STORY ROOFTOP TERRACE - ELEVATIONS

08/30/22

Joyce Street Apartments

A3

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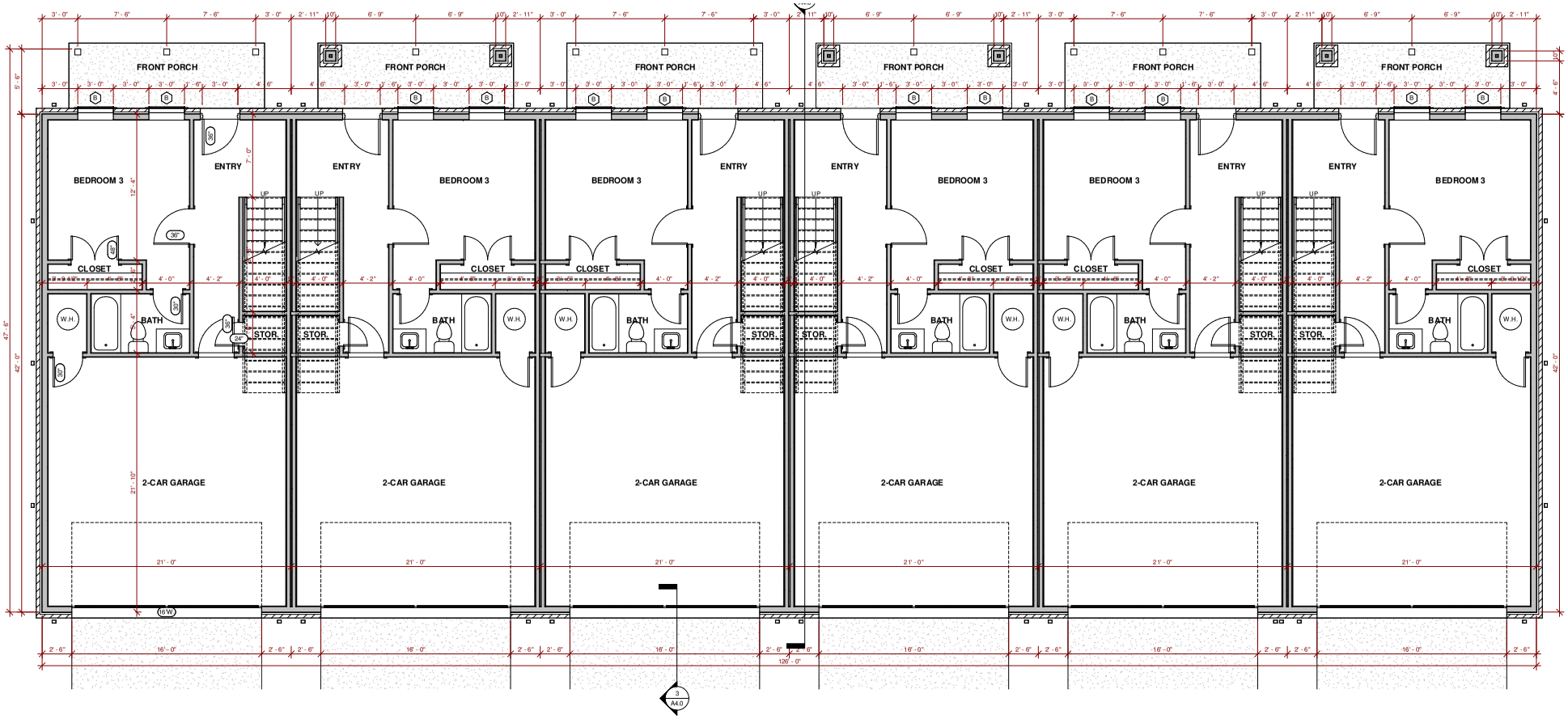
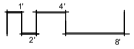


1 FIRST FLOOR PLAN - THREE-STORY ROOFTOP TERRACE
1/4" = 1'-0"



THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

Joyce Street Apartments

A4

08/30/22

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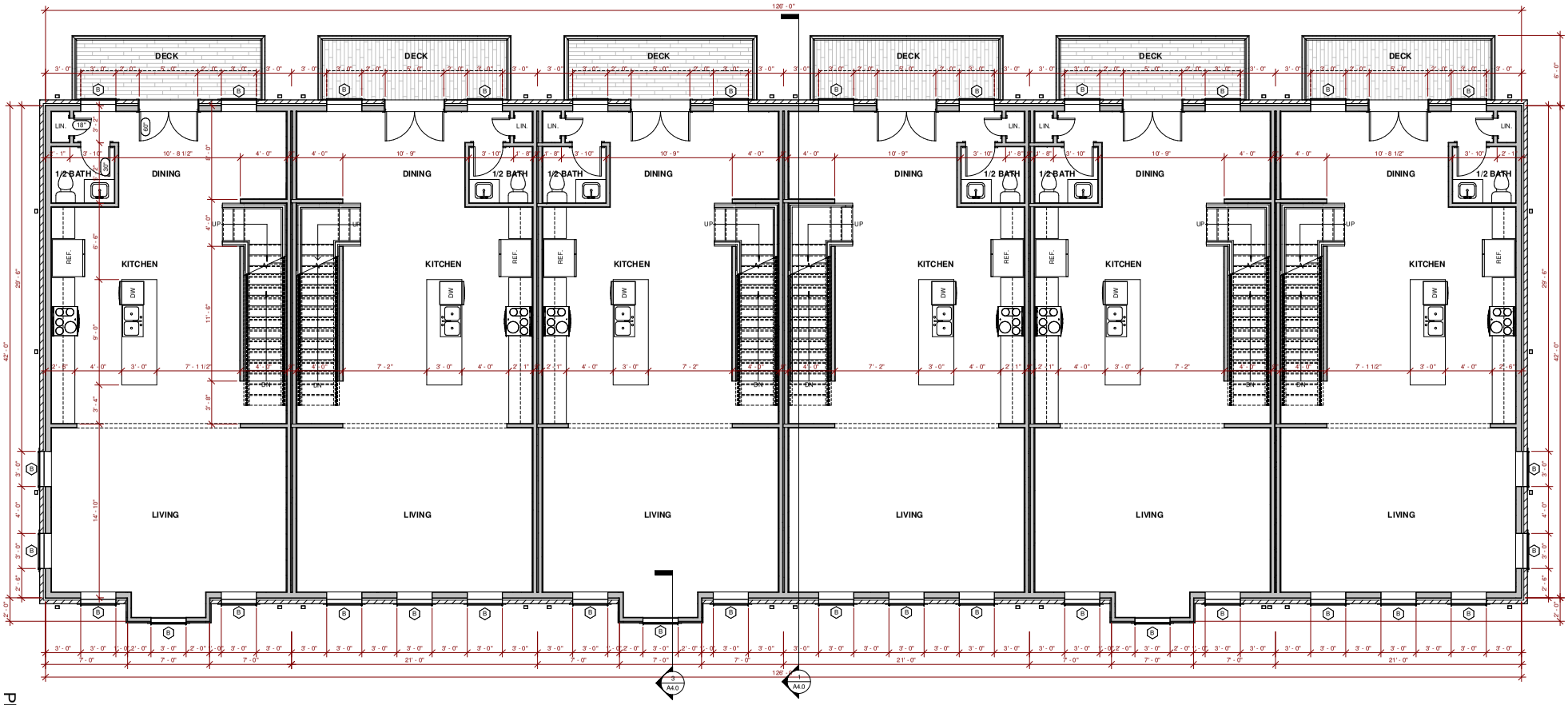

1 SECOND FLOOR PLAN - THREE-STORY ROOFTOP TERRACE
1/4" = 1'-0"

Planning Commission
May 8, 2023

THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

08/30/22

Joyce Street Apartments

A5

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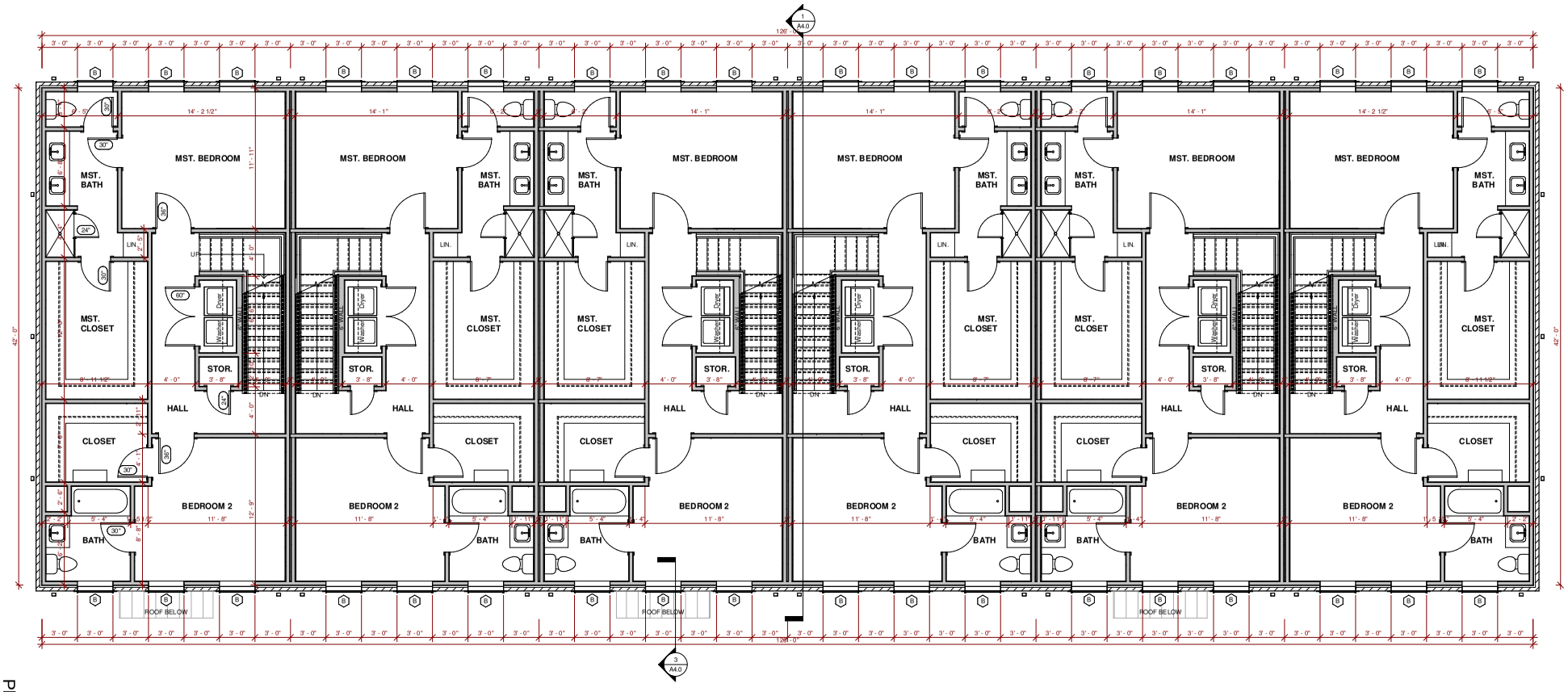

1 THIRD FLOOR PLAN - THREE-STORY ROOFTOP TERRACE
1/4" = 1'-0"

THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

08/30/22

Joyce Street Apartments

A6

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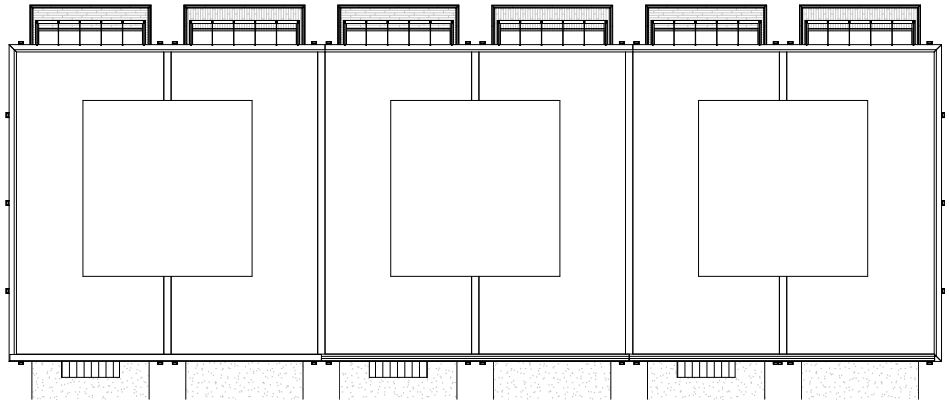
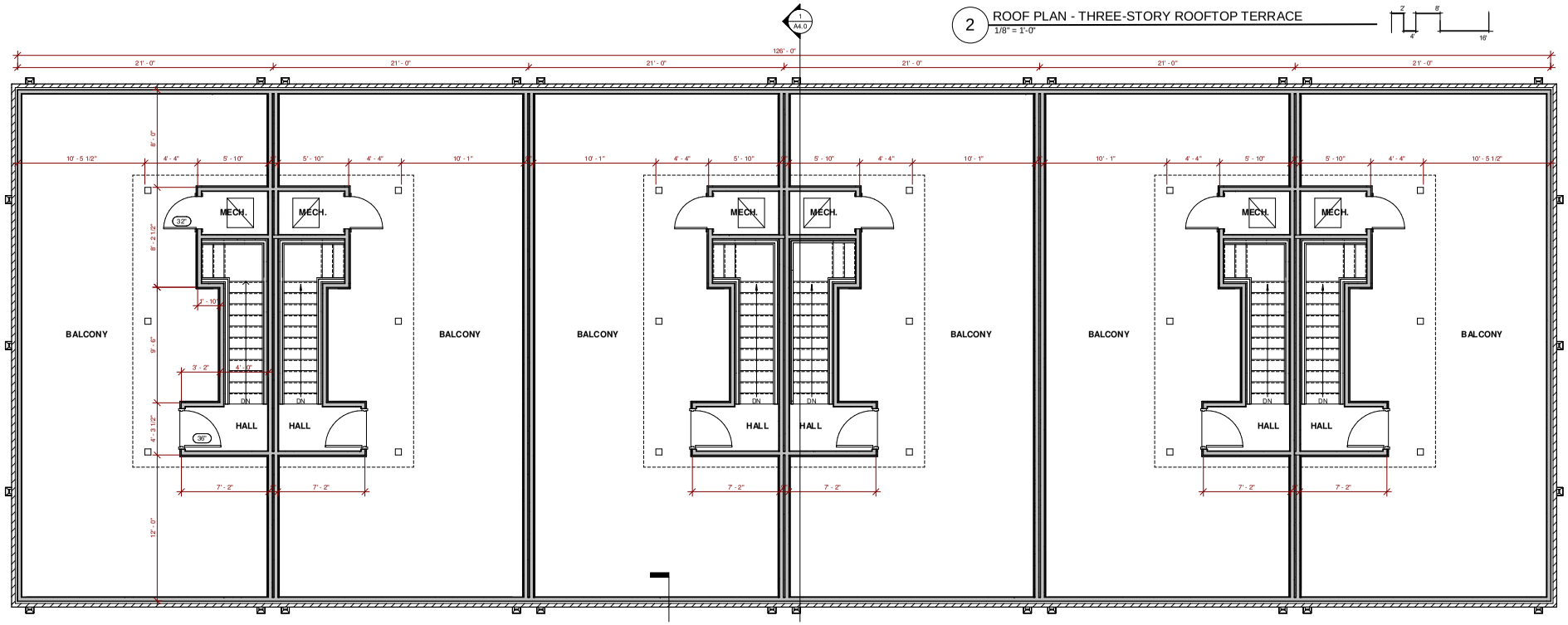


2 ROOF PLAN - THREE-STORY ROOFTOP TERRACE
1/8" = 1'-0"



1 TERRACE FLOOR PLAN - THREE-STORY ROOFTOP TERRACE
1/4" = 1'-0"

THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

08/30/22

Joyce Street Apartments

A7

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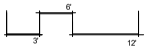
2 FRONT ELEVATION - TWO-STORY TOWNHOME
3/16" = 1'-0"

Building #11- Similar (6 Unit) West Elevation
Building #12- Similar (6 Unit) East Elevation
Building #13- Similar (4 Unit) South Elevation
Building #14- Similar (5 Unit) South Elevation
Building #15- Similar (5 Unit) South Elevation

1 REAR / ALT FRONT ELEVATION - TWO-STORY TOWNHOME
3/16" = 1'-0"

Building #11- Similar (6 Unit) East Elevation
Building #12- Similar (6 Unit) West Elevation
Building #13- Similar (4 Unit) North Elevation
Building #14- Similar (5 Unit) North Elevation
Building #15- Similar (5 Unit) North Elevation



TWO-STORY TOWNHOME - ELEVATIONS

08/30/22

Joyce Street Apartments

A8

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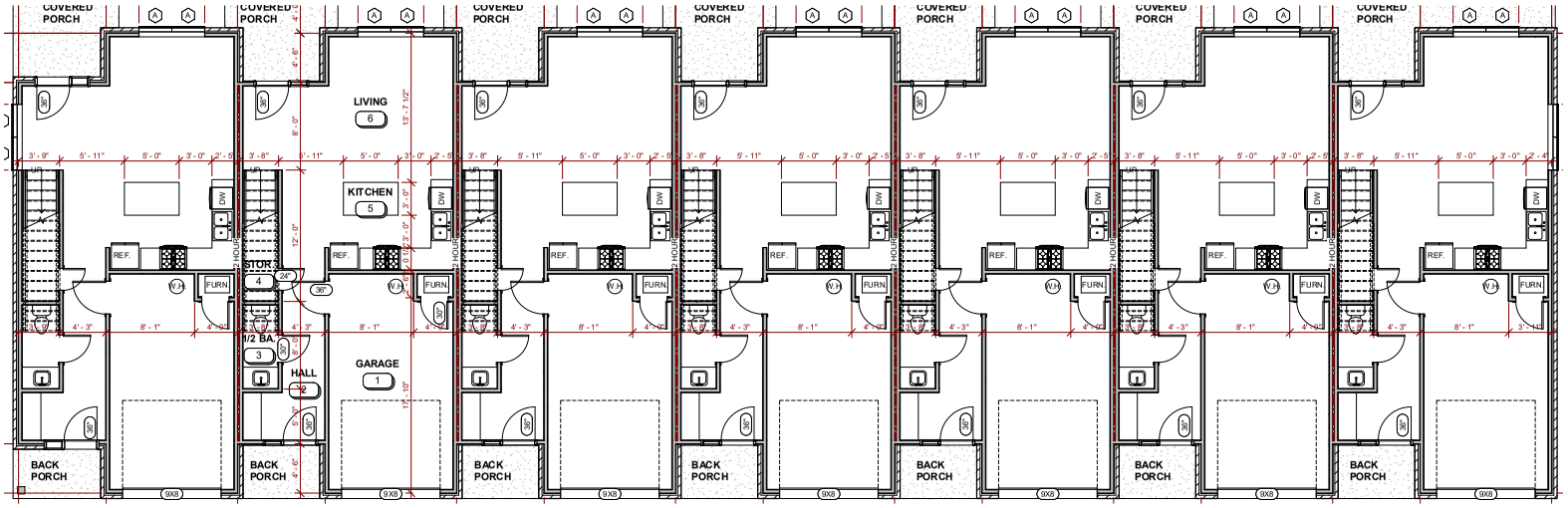
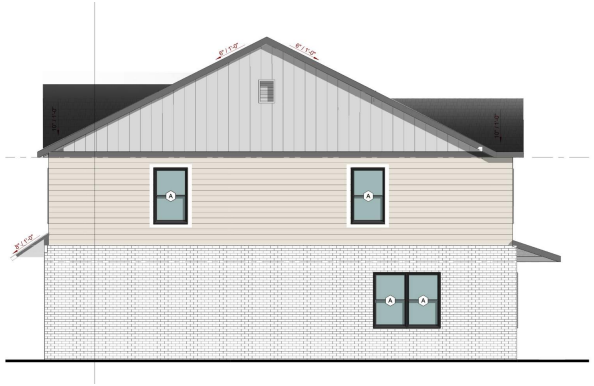


2 FIRST FLOOR PLAN - TWO-STORY TOWNHOME
3/16" = 1'-0"



1 SIDE ELEVATION - TWO-STORY TOWNHOME
3/16" = 1'-0"

Building #11- Similar North Elevation, Similar Mirrored South Elevation
Building #12- Similar South Elevation, Similar Mirrored North Elevation
Building #13- Similar West Elevation, Similar Mirrored East Elevation
Building #14- Similar West Elevation, Similar Mirrored East Elevation
Building #15- Similar West Elevation, Similar Mirrored East Elevation

TWO-STORY TOWNHOME - FLOOR PLAN & ELEVATION

08/30/22

Joyce Street Apartments

A9

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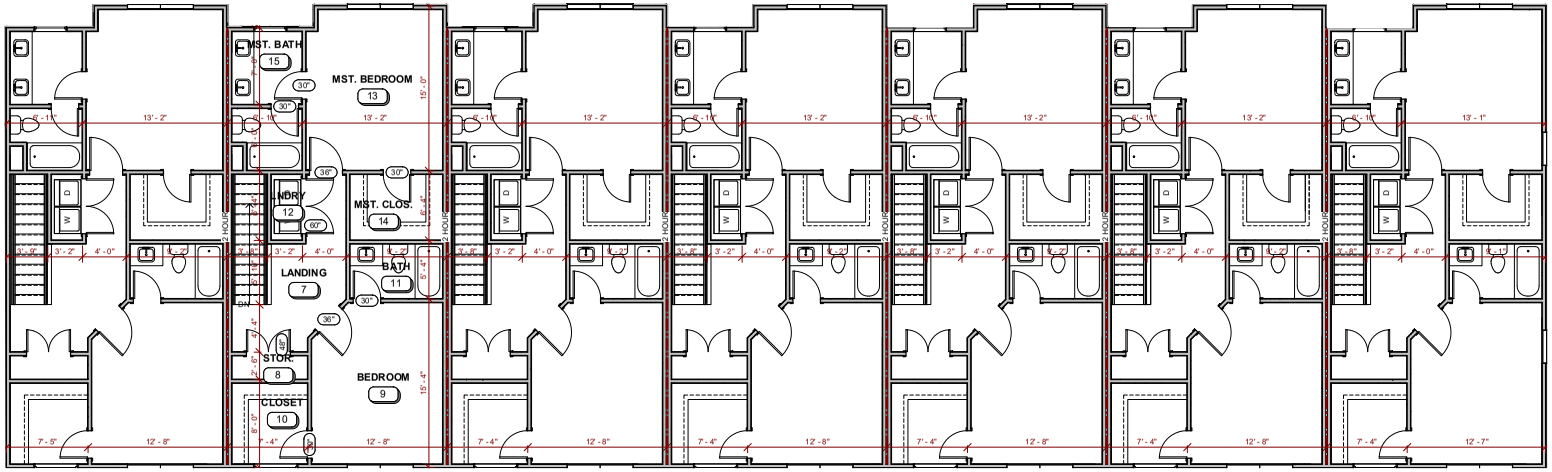
May 8, 2023



1 SECOND FLOOR PLAN - TWO-STORY TOWNHOME
3/16" = 1'-0"

6'
3'
12'

TWO-STORY TOWNHOME - FLOOR PLAN

08/30/22

Joyce Street Apartments

A10

rosemann & ASSOCIATES P.C.

SANITARY SEWER STUDY

for

BERKSHIRE LSD

PREPARED FOR:
THE CITY OF FAYETTEVILLE
113 WEST MOUNTAIN STREET
FAYETTEVILLE, AR 72701

PREPARED BY:
Jorgensen + Associates
Consulting Engineers, Inc.
124 West Sunbridge Drive Suite 5
Fayetteville, AR 72703

DEVELOPER:
J & M Capital Ventures, LLC
4034 North Old Wire Road
Fayetteville, AR 72703

December 12, 2022
Revised: March 20, 2023

Contents

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Peak Flow Analysis for Study Point 1 2-3
Peak Flow Analysis for Study Point 2 4-5
Study Point 1 Pipe Analysis ..... Appendix A
Study Point 2 Pipe Analysis ..... Appendix B
Sanitary Sewer Capacity Analysis Exhibit ..... Appendix C
Quantities of Wastewater Flow for Various Types of Establishments ..... Appendix D

JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

Introduction

This proposed development is located just north of the intersection of North Crossover Road and East Joyce Boulevard. The property is bound by apartments and single family residential to the north, North Crossover Road to the west, East Joyce Boulevard to the east, and a commercial shopping center to the south. The planned development will occur on approximately 9.14 acres of vacant land. The development includes the construction of 64 townhouses and 2 apartment buildings. The proposed development will connect to the existing sewer manhole located just south of the southwest property corner.

The analysis will look at 2 downstream sewer "Pinch Points" which are sections of existing 8" sewer main with slopes of 0.33% and 0.37%. These pipes are located on the Paradise Valley Golf Course Property, just prior to its connection to a 24" trunk sewer line. This sewer basin is approx. 170 acres and consists of a mixture of single family, multi-family & commercial development.

Findings

Based on the Estimated Peak Flow calculated for each of the study points, the flow depth is greater than 2/3 of the pipe diameter in a few pinch points. However, it may be more beneficial for the city to apply these findings to their master sewer system that take into account other important elements like times of concentration and peaking factors that result in a more accurate reflection of the system. It may be that RJN, has a model of this area and can supplement their models to corelate our findings. It is important to note that while the 2/3 capacity is exceeded, the HGL doesn't come close to breaching the manhole rim elevations in either location. In some other instances, this has been an important benchmark to clear and, in this case, given the low HGL, the current system doesn't seem to be in a critical surcharge in the pinch points.

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+ASSOCIATES
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124 W Sunbridge Drive, Suite 5
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Peak Flow Analysis to the Study Point 1

Residential (Single Family/Townhouse/Condo/Cottage) Flow Estimate:

	TYPE OF USE			FLOW RATE		AVG. FLOW	
SINGLE FAMILY	PROPOSED BERKSHIRE LSD	64	UNITS	300	GPD / UNIT	19,200	GPD
	FAYETTEVILLE OUTLOTS	3	HOUSES	300	GPD / UNIT	900	GPD
	PARADISE VALLEY	18	HOUSES	300	GPD / UNIT	5,400	GPD
	PARADISE VALLEY CONDOS	24	UNITS	300	GPD / UNIT	7,200	GPD
	PARADISE PLACE	32	HOUSES	300	GPD / UNIT	9,600	GPD
	PARADISE VIEW ESTATES PH. I & II	40	HOUSES	300	GPD / UNIT	12,000	GPD
	LANGFORD COTTAGES	35	UNITS	300	GPD / UNIT	10,500	GPD
MULTI-FAMILY	PROPOSED BERKSHIRE LSD - 1 BED	24	UNITS	200	GPD / UNIT	4,800	GPD
	PROPOSED BERKSHIRE LSD - 2 BED	24	UNITS	300	GPD / UNIT	7,200	GPD
	PARASIDE VIEW APTS. - 1 BED	44	UNITS	200	GPD / UNIT	8,800	GPD
	PARASIDE VIEW APTS. - 2 BED	88	UNITS	300	GPD / UNIT	26,400	GPD
					TOTAL AVG. FLOW:	**112,000**	**GPD**

$Population = 3.0\ per\ house$
=2.5 per 2 bedroom apartment
=1.5 per 1 bedroom apartment

$= 1{,}030\ Citizens$

$$Peak\ Flow = (Average\ Flow)\left(\frac{18+\sqrt{Population\ in\ Thousands}}{4+\sqrt{Population\ in\ Thousands}}\right)$$

$$= (112{,}000)\left(\frac{18+\sqrt{1.03}}{4+\sqrt{1.03}}\right)$$

$= 424{,}669\ GPD$

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Commercial Flow Estimate:

TYPE OF USE			FLOW RATE		AVG. FLOW	
ASSISTED LIVING FACILITY [1]	100	UNITS	100	GPD / UNIT	10,000	GPD
OFFICE SPACE [1]	266,460	SQ. FT.	0.18	GPD / SQ.FT.	47,963	GPD
SMALL BUSINESS [2]	15	EMPLOYEES	20	GPD / EMPLOYEE	300	GPD
AUTOMOBILE SERVICE STATION [3]	8	PUMPS	500	GPD / PUMP	4,000	GPD
RESTAURANT [4]	200	SEATS	35	GPD / SEAT	7,000	GPD
				TOTAL AVG. FLOW:	**69,263**	**GPD**

$$Peak\ Flow = (Average\ Flow)(2.5)$$

$$= (69{,}263)(2.5)$$

$$\underline{= 173{,}157\ GPD}$$

$$Total\ Estimated\ Peak\ Flow\ to\ Study\ Point\ 1 = 424{,}669 + 173{,}157$$
$$\underline{= 597{,}826\ GPD}$$

1. Washington County Assessor's Office Property Records
2. Christian Brothers Automotive
3. 8 fuel pumps at 3830 N. Crossover Rd.
4. 200 seats at 3878 N. Crossover Rd.

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Peak Flow Analysis to the Study Point 2

Residential (Single Family/Townhouse/Condo/Cottage) Flow Estimate:

	TYPE OF USE			FLOW RATE		AVG. FLOW	
SINGLE FAMILY	PROPOSED BERKSHIRE LSD	64	UNITS	300	GPD / UNIT	19,200	GPD
	FAYETTEVILLE OUTLOTS	3	HOUSES	300	GPD / UNIT	900	GPD
	PARADISE VALLEY CONDOS	24	UNITS	300	GPD / UNIT	7,200	GPD
	PARADISE PLACE	32	HOUSES	300	GPD / UNIT	9,600	GPD
	PARADISE VIEW ESTATES PH. I & II	40	HOUSES	300	GPD / UNIT	12,000	GPD
	LANGFORD COTTAGES	35	UNITS	300	GPD / UNIT	10,500	GPD
MULTI-FAMILY	PROPOSED BERKSHIRE LSD - 1 BED	24	UNITS	200	GPD / UNIT	4,800	GPD
	PROPOSED BERKSHIRE LSD - 2 BED	24	UNITS	300	GPD / UNIT	7,200	GPD
	PARASIDE VIEW APTS. - 1 BED	44	UNITS	200	GPD / UNIT	8,800	GPD
	PARASIDE VIEW APTS. - 2 BED	88	UNITS	300	GPD / UNIT	26,400	GPD
						106,600	**GPD**

$$Population = 3.0\ per\ house$$
=2.5 per 2 bedroom apartment
=1.5 per 1 bedroom apartment

$$= 976\ Citizens$$

$$Peak\ Flow = (Average\ Flow)\left(\frac{18+\sqrt{Population\ in\ Thousands}}{4+\sqrt{Population\ in\ Thousands}}\right)$$

$$= (106{,}600)\left(\frac{18+\sqrt{0.976}}{4+\sqrt{0.976}}\right)$$

$$= 405{,}802\ GPD$$

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Commercial Flow Estimate:

TYPE OF USE			FLOW RATE		AVG. FLOW	
ASSISTED LIVING FACILITY [1]	100	UNITS	100	GPD / UNIT	10,000	GPD
OFFICE SPACE [1]	156,232	SQ. FT.	0.18	GPD / SQ.FT.	28,122	GPD
SMALL BUSINESS [2]	15	EMPLOYEES	20	GPD / EMPLOYEE	300	GPD
AUTOMOBILE SERVICE STATION [3]	8	PUMPS	500	GPD / PUMP	4,000	GPD
RESTAURANT [4]	200	SEATS	35	GPD / SEAT	7,000	GPD
				TOTAL AVG. FLOW:	**49,422**	**GPD**

$$Peak\ Flow = (Average\ Flow)(2.5)$$

$$= (49{,}422)(2.5)$$

$$\underline{= 123{,}554\ GPD}$$

$$Total\ Estimated\ Peak\ Flow\ to\ Study\ Point\ 2 = 405{,}802 + 123{,}554$$
$$\underline{= 529{,}357\ GPD}$$

1. Washington County Assessor's Office Property Records
2. Christian Brothers Automotive
3. 8 fuel pumps at 3830 N. Crossover Rd.
4. 200 seats at 3878 N. Crossover Rd.

Appendix 1

Study Point #1 Pipe Analysis

Invert Elev Dn (ft)	=	1217.93
Pipe Length (ft)	=	157.40
Slope (%)	=	0.34
Invert Elev Up (ft)	=	1218.47
Rise (in)	=	8.0
Shape	=	Circular
Span (in)	=	8.0
No. Barrels	=	1
n-Value	=	0.013
Culvert Type	=	Circular Concrete
Culvert Entrance	=	Square edge w/headwall (C)
Coeff. K,M,c,Y,k	=	0.0098, 2, 0.0398, 0.67, 0.5

Embankment

Top Elevation (ft)	=	1224.47 ← MH Rim
Top Width (ft)	=	157.00
Crest Width (ft)	=	4.00

~ 597,826 GPD

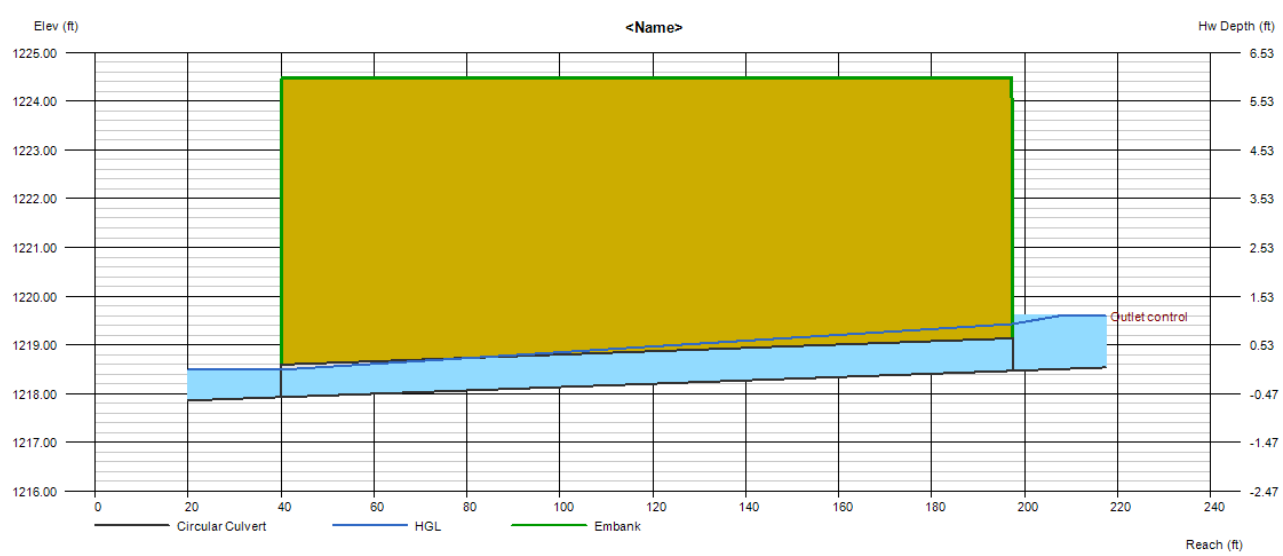
Calculations

Qmin (cfs)	=	0.93
Qmax (cfs)	=	0.93
Tailwater Elev (ft)	=	(dc+D)/2

Highlighted

Qtotal (cfs)	=	0.93
Qpipe (cfs)	=	0.93
Qovertop (cfs)	=	0.00
Veloc Dn (ft/s)	=	2.96
Veloc Up (ft/s)	=	2.66
HGL Dn (ft)	=	1218.49
HGL Up (ft)	=	1219.43
Hw Elev (ft)	=	1219.60
Hw/D (ft)	=	1.69
Flow Regime	=	Outlet Control

Calculated Hydraulic Grade Line



Appendix 2

Study Point #2 Pipe Analysis

Invert Elev Dn (ft)	=	1219.76
Pipe Length (ft)	=	305.40
Slope (%)	=	0.37
Invert Elev Up (ft)	=	1220.89
Rise (in)	=	8.0
Shape	=	Circular
Span (in)	=	8.0
No. Barrels	=	1
n-Value	=	0.013
Culvert Type	=	Circular Concrete
Culvert Entrance	=	Square edge w/headwall (C)
Coeff. K,M,c,Y,k	=	0.0098, 2, 0.0398, 0.67, 0.5

Embankment

Top Elevation (ft)	=	1228.79 ← MH Rim
Top Width (ft)	=	223.00
Crest Width (ft)	=	4.00

~ 529,357 GPD

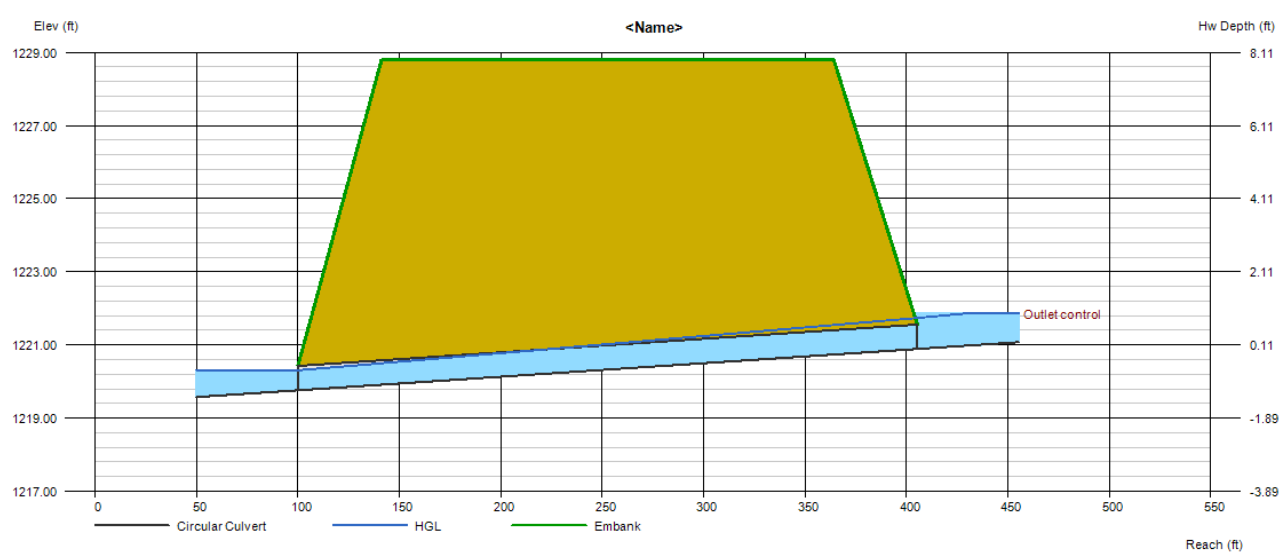
Calculations

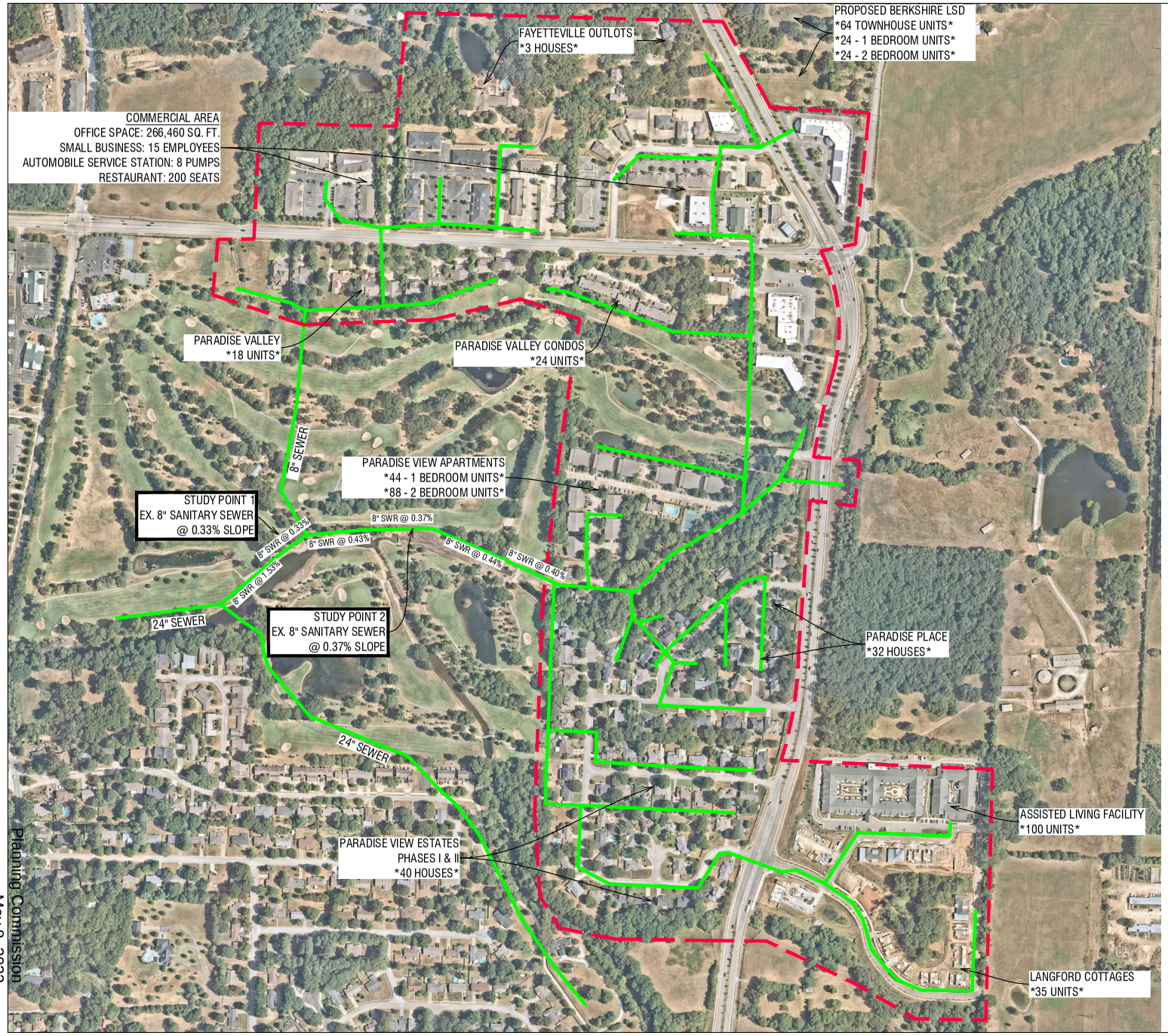
Qmin (cfs)	=	0.82
Qmax (cfs)	=	0.82
Tailwater Elev (ft)	=	(dc+D)/2

Highlighted

Qtotal (cfs)	=	0.82
Qpipe (cfs)	=	0.82
Qovertop (cfs)	=	0.00
Veloc Dn (ft/s)	=	2.67
Veloc Up (ft/s)	=	2.35
HGL Dn (ft)	=	1220.31
HGL Up (ft)	=	1221.74
Hw Elev (ft)	=	1221.87
Hw/D (ft)	=	1.47
Flow Regime	=	Outlet Control

Calculated Hydraulic Grade Line





GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

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LEGEND

- CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- POWER POLE
- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- EXISTING 8" SEWER LINE
- PROPOSED 8" SEWER LINE
- EXISTING WATERLINE
- PROPOSED 8" WATER LINE
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- NEW 5' SIDEWALK
- UTILITY CROSSING
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE: BERKSHIRE LSD

PROJECT LOCATION: FAYETTEVILLE, AR.

REVISIONS

DATE: 12.12.2022
DRAWN BY: CAZ
PROJECT # 2021173
FILE PATH: Z:\LSD 2021173
SHEET SIZE: 24" x 36"
SCALE: 1" = 200'

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS – ENGINEER

SHEET TITLE

SANITARY SEWER CAPACITY ANALYSIS EXHIBIT

SHEET NUMBER

1

APPENDIX D

QUANTITIES OF WASTEWATER FLOW FOR VARIOUS TYPES OF ESTABLISHMENTS

FAYETTEVILLE ARKANSAS STANDARD SPECIFICATIONS FOR
DESIGN AND CONSTRUCTION OF WATER LINES AND SEWER LINES

&

MARYLAND DEPT. OF THE ENVIRONMENT (MDE) GUIDANCE ON
WASTEWATER FLOWS FOR US IN DESIGNING ON-SITE SYSTEMS

&

McGRAW-HILL SERIES IN WATER RESOUCES AND ENVIRONMENTAL ENGINEERING
WASTEWATER ENGINEERING: COLLECTION, TREATMENT, DISPOSAL

1.10 TABLE 1 MINIMUM DESIGN FLOWS

Multifamily/Commercial/Industrial/Institutional:

	Type of Establishment*	Gallons Per Person of Wastewater Per Day Unless Otherwise Noted
1.	Institutions other than hospitals	180 – 120
2.	Schools (without gym and showers)	15
3.	Schools (with gyms and showers)	25
4.	Organization camps only	
	a. With showers and handwashing facilities	20 +
	b. With toilets, showers and handwashing facilities	40 +
	+ Cooking or central food service included.	
5.	Campgrounds	
	a. With individual sewer connections (per site)	100
	b. With community building only (per site)	50
6.	Mobile home parks (per mobile home park space)	200
7.	Motels and hotels (per room)	100
8.	Restaurants along an interstate or major highway; 24-hour operation (per seat)	70
9.	Restaurants; 24-hour operation (per seat)	50
10.	Restaurants; less than 24-hour operation (per seat)	35
11.	Bars and cocktail lounges (per seat)	35
12.	Bowling alleys (per alley)	100
13.	Places of employment (does not include industrial waste, per employee per shift)	15-35
14.	Day workers at offices	15
15.	Picnic parks and areas	5
16.	Drive-in theaters (per ramp parking space)	7
17.	Service stations (per vehicle served)	10

	Type of Establishment*	Gallons Per Person of Wastewater Per Day Unless Otherwise Noted
18.	Swimming pool bathhouse (per person)	10
19.	Private dwelling (per dwelling)	300
20.	Apartments	
	a. One bedroom (per apartment)	200
	b. Two bedroom or more (per bedroom)	150
21.	Shopping center (where stores are not known) per square foot building area	0.45
22.	Churches	
	a. Without kitchen (per sanctuary seat)	3
	b. With kitchen (per sanctuary seat)	5
23.	Beauty salon	35
24.	Day care center	20

* The flows listed indicate a reasonable approach for the type of establishment referenced. Additional considerations, including the ADH Rules and Regulations pertaining to Onsite Wastewater Systems Appendix B or other applicable technical data will be necessary in some cases.

Source: Section 1200 of the "Standard Specifications for Design and Construction of Water Lines and Sewer Lines, 2012 Edition"

MDE GUIDANCE ON WASTEWATER FLOWS FOR USE IN DESIGNING ON-SITE SYSTEMS

ESTABLISHMENT	GPD PER UNIT
AIRPORT, per passenger	5
Per employee	15
(Add for food service facility)	
ANIMAL SHELTER/KENNELS/VETERINARIAN	
Per run (pen, cage, stall etc.)	25
Per grooming station	250
Per procedure room	250
(Consider Waste handling & strength in design)	
ASSISTED LIVING/HOMES FOR THE AGED, per bed space	100
(Consider more flow for Assisted Living facilities that provide more extensive care)	
BARBER SHOP, per seat (station)	50
BEAUTY SALON, per station	250
Consider potential impacts of any chemicals discharged to the onsite system and the potential impacts of backwash from water treatment units.	
BOWLING ALLEY	
Per lane, no bar/food	75
Per lane, with bar only	125
Per lane, bar & food	200
CAMPS, CAMPGROUNDS, & TRAVEL TRAILER/RV PARKS	
Public Campground, per travel trailer space, w/water and sewer hookups	175
Public Campground, per travel trailer space, w/no water & sewer hookup	150
Youth overnight camp, per camper	50
Labor camp, per person	50
Luxury camp, per camper	100
Day camp, per person (add flow for meals, showers or pools)	15

For information on the discharge of RV pump-out wastewater into an OSDS (septic system), please contact the Groundwater Permits Division at (410) 537-3778.

CHURCH-ASSEMBLY HALL	
Per sanctuary seat	3
With private kitchen (members only)	5
With commercial kitchen (open to general public,	
With Food Service License: see "Food and Beverage Service Facility"	

Classroom space or meeting rooms intended for daily use, per seat	15

(For church space not in a separate building, allocated to Sunday school and other occasional use, an additional flow factor need not always be applied, as long as seating capacity in these areas does not exceed the number of sanctuary seats.)

DAY CARE, per patron	15
DRIVE IN THEATER, per car space	5
FACTORY (MANUFACTURING PLANT)	
Per employee/per shift	15
Add for showers per employee	10
FAIRGROUND, per person	5
FOOD and BEVERAGE SERVICE FACILITIES*	
Banquet room, per seat (assoc. w/restaurant)	5
Banquet room, per seat, exclusively banquet facility	25
Bar/Tavern/Pub**,** per bar seat	25
Bar/Tavern/Pub, per table seat	50
Convenience Store, Bakery, Carryout, Deli, w/no seating:	
Without public restrooms	0.40 gpd/ft^2 600 minimum
With public restrooms	0.75 gpd/ft^2
With seats, add flow	Use "Restaurants"
Grocery Store	0.40 gpd/ft^2
Restaurants: 12 hour operation, per seat	50
24 hour operation or fast food, per seat	75
Interstate or major highway, per seat	150
Tasting Room for Winery or Brewery w/public bathrooms (Add for food service, special events or other amenities)	400 minimum

If wine or beer process wastewater is proposed to be combined with domestic wastewater, or planned for a dedicated onsite system, a Groundwater Discharge Permit may be required. Please contact the Groundwater Permits Division at (410) 537-3778.

* Consider waste strength in design

FUNERAL HOME (Domestic wastewater only) 0.62 gpd/ft^2

For any embalming disposal contact the Groundwater Permits Division at (410) 537-3778

GOLF COURSE with snack bar (limited food service)

Per 18 holes	3500
Per 9 holes	1500
(Add for full food service and bar seating; See "Food Service Facility")	

LAUNDRY/COIN-OPERATED

Per machine/per 24 hours	600
If # of machines unknown	7.36 gpd/ft^2

MARINAS *

Wet slip with toilet facilities (gpd/slip)	20
Wet slip with toilet facilities and bathhouse	32
Dry slips with toilet facilities	7
Dry slips with toilet facilities and bathhouse	11
Launch Ramp only, per parking space	10

*Add for other amenities such as food service, laundry service, swimming pool, etc.
Pump-out station sizing: 35 gpd per slip, or as dictated by DNR. Storage volume only, no discharge into OSDS

MEDICAL FACILITIES

Dental office, per chair	150
Doctor's office	0.62 gpd/ft^2
Hospital, per bed	350
Nursing home, per bed	200
Physical therapy	0.62 gpd/ft^2

MOBILE HOME PARKS, per lot 300 minimum

MOTEL-HOTEL-BED & BREAKFAST

Per unit, no food, no kitchen	125
Per unit, with food/kitchen in room	200
Bed and Breakfast, per Bedroom	150

OFFICES

Per employee/8 hr. shift	15
If # of employees is unknown	0.18 gpd/ft^2

PARKS

Per person, with toilets provided	10
Add for showers	10
Visitor Center, per parking space	45

PRISON/JAIL	
Per bed space	125
Per employee/shift	15
RESIDENTIAL UNITS (APARTMENTS/CONDOMINIUMS)	
Per bedroom	150
Rooming/boarding, per bed	75
REST AREA (HIGHWAY)	
State highway rest area (mini-station)	2000 minimum
SCHOOLS & COLLEGES (PER STUDENT)	
Without food or showers	15
Add for food	5
Add for showers	10
Boarding	100
Day care, per student	15
STORE/COMMERCIAL SPACE	0.10 gpd/ft^2 400 minimum
SWIMMING POOLS	
Per swimmer (add for food service)	10
THEATER OR SPORTS ARENA, per seat (add for food service)	5
THEATER-DINNER, per seat	20
WAREHOUSES	0.06 gpd/ft^2

NON-DOMESTIC PROCESS WASTEWATER

If a facility discharges non-domestic process wastewater, the facility may require a Groundwater Discharge Permit. Please contact the Groundwater Permits Division at (410) 537-3778.

For example:

- Vehicle Maintenance facilities
- Car Washing facilities
- Dry Cleaners
- Butcher Shops
- Food processing facilities

[Disposal options for food processing and other nutrient containing wastewater, such as Wineries, Breweries and Milk Products processing facilities, are addressed in a separate MDE memo "Options for the Management of Food Processing Wastewater".]

Rev. June 2011

TABLE 2-6 (Continued)

Type of establishment	Flow, gpd/person or unit
Automobile service stations:	
Per vehicle served	10
Per set of pumps	500
Stores:	
First 25-ft frontage	450
Each additional 25-ft frontage	400
Country clubs:	
Resident type	100
Transient type, serving meals	17–25
Offices	10–15
Factories, sanitary wastes, per shift	15–35
Self-service laundry, per machine	250–500
Bowling alleys, per alley	200
Swimming pools and beaches, toilet and shower	10–15
Picnic parks, with flush toilets	5–10
Fairgrounds (based on daily attendance)	1
Assembly halls, per seat	2
Airport, per passenger	2½

* Add 125 gallons per trailer space for lawn sprinkling, car washing, leakage, etc.
Note: Water under pressure, flush toilets, and wash basins are assumed provided unless otherwise indicated. These figures are offered as a guide; they should not be used blindly. Add for any continuous flows and industrial usages. Figures are flows per capita per day, unless otherwise stated.

Fluctuations in Water Consumption

While it is important to know the average quantity of water consumption, it is of still greater value to have data on fluctuations in consumption. Representative data on the variations in average water consumption are reported in Table 2·9. The maximum rate of water consumption usually occurs (1) during summer months when water is in demand for street and lawn sprinkling and (2) in the winter when large quantities are allowed to run to prevent freezing of pipes and fixtures.

In addition to the seasonal fluctuations in flow, hourly variations in the rate of water consumption must be considered because of their effect on the rate of sewage flow. In general, the sewage-discharge curve closely parallels the water-consumption curve, but with a lag of several hours. In some places, large quantities of water used by industrial establishments and obtained from sources other than the

TABLE 2·7 MISCELLANEOUS WATER USAGE ESTIMATES [16]

Unit	Normal water consumption
Water closet, tank	4–6 gal/use
Water closet, flush valve, 25 psi	30 gpm
Wash basin	1½ gal/use
Bathtub	30 gal/use
Shower head	25–30 gal/use
Garden hose, ⅝ in., 25-ft head	200 gph
Garden hose, ¾ in., ¼-in. nozzle, 25-ft head	300 gph
Fire hose, 1½ in., ½-in. nozzle, 70-ft head	2,400 gph
Continuous flowing drinking fountain	75 gph
Lawn sprinkler	120 gph
Automatic home laundry machine	30–50 gal/load
Dishwashing machine, home type	6 gal/load
Dishwashing machine,* commercial:	
Stationary rack type, at 15 psi	6–9 gpm
Conveyor type, at 15 psi	4–6 gpm
Garbage grinder, home type	1–2 gpd/person

Water use†	gpm	Total gal	gpcd
Automatic home-type washing machine	3–7	36–50 per load	6.5–9
Automatic home-type dishwasher	2.5–5	4–8 per load	6
Garbage disposal unit, home-type	1.5–2.5	...	3–4
Lawn sprinkler, 3,000-sq-ft lawn, 1-in./week	...	1,850 per week	75
Air conditioner, home-type, water-cooled, 3-ton unit, 8 hr./day, 2 gpm/ton	6	2,880 per day	825

* Does not include water to fill wash tank.
† Adapted from "Land Uses and Water Consumption Requirements," *Public Works*, 90, 120; April, 1959. (Abstract and condensation of thesis by Rodolfo Silva.)

public supply are discharged into the sewers during the working hours of the day. This tends to increase the peak flow beyond the amount resulting from the normal fluctuation in the draft on the municipal water supply.

In the absence of more authoritative information, an additional allowance of 50 percent over the average 24-hr rate of water consumed may be made for the excess of the hourly peak over the average 24-hr

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May 8, 2023
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selected typical residential areas. In the absence of such data, an estimate of 70 percent of the domestic water consumption is used.

Institutional Facilities Flows from institutional facilities are essentially domestic sewage in nature. Some typical flow values are shown in Table 2·10. Again it is stressed that flow values vary with the region, climate, and type of facility. The actual records of institutions are the best sources of flow data for design.

TABLE 2·10 AVERAGE SEWAGE FLOWS FROM INSTITUTIONAL FACILITIES [1, 6]

Institution	Average flow, gpcd
Medical hospital	175
Mental hospital	125
Prisons	175
High schools	20
Elementary schools	10

Recreational Facilities Flows from recreational facilities are highly seasonal. A complete listing of facilities and design flows for Yellowstone National Park is shown in Table 2·11.

TABLE 2·11 DESIGN UNIT SEWAGE FLOWS FOR RECREATIONAL FACILITIES Yellowstone National Park

Establishment	Unit	Flow, gpd/unit
Campground (developed)	Person	25
Lodge or cabins	Person	50
Hotel	Person	75
Trailer village	Person	35
Dormitory, bunkhouse	Person	50
Residence homes, apartments	Person	75
Mess hall	Employee	15
Offices and stores	Visitor	25
Visitor centers	Table seat	5
Cafeteria	Table seat	150
Dining room	Counter seat	150
Coffee shop	Seat	250
Cocktail lounge	Washing machine	20
Laundromat	Bed	500
Hospital	Station	200
Gas station	Station	2,000–5,000
Fish-cleaning station		7,500

Commercial Districts Commercial sewage flows are generally expressed in gallons per acre per day (gpad) and are based on existing development or comparative data. Unit flows may vary from 4,500 to more than 160,000 gpad. Flows may also be estimated for certain commercial establishments using the data reported in Tables 2·6 and 2·12.

TABLE 2·12 SEWAGE FLOWS FROM COMMERCIAL DISTRICTS [6]

Establishment	Unit	Average flow, gpd/unit
Shopping center	Employee	60
Small business	Employee	20
Restaurant	Meal	7
Airport	Passenger	5
Theater	Seat	5
Motel	Person	50
Hotel	Person	100

Industrial Districts Industrial sewage quantities vary with the industry type, size, and supervision, and with the waste treatment method. Peak flows are often encountered and may be reduced by use of detention tanks and equalization basins. Large industries tend to reuse wastewaters for process cooling and lawn irrigation. This practice reduces sewage flows. A typical design value for industrial areas is about 5,000 gallons (gal) per acre [19]. Average domestic sanitary sewage contributed from industrial activities may vary from 8 to 25 gpcd [9].

Air-Conditioning and Industrial Cooling Wastes Air-conditioning cooling water requirements vary from 1.5 to 2.0 gallons per minute (gpm) per ton on a once-through basis. A 5-ton unit would produce approximately 14,000 gallons per day (gpd) of wastewater [9]. These flows should be prohibited by law from being discharged to sanitary sewers not only because they overcharge the sewers, but also because they could be collected and reused.

Variations in Sewage Flow

Daily and Weekly As mentioned previously, the sewage-discharge curve closely parallels the water-consumption curve, but with a lag of several hours when extraneous flows are minimal. In the absence of a typical day when home laundering is done, the variation in week-

Planning Commission
May 8, 2023
LSD-2022-0034 (THE BERKSHIRE AT UPTOWN) Page 59 of 160
Page 45 of 49

From: Amy Apon [mailto:aapon@clemson.edu]
Sent: Tuesday, February 14, 2023 9:16 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Development on corner of Joyce and Crossover

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

My husband, Randy, and I live at 4045 Hillside Terrace, Fayetteville, AR 72703.

I am attaching a digital copy of the letter that we received on Saturday about a proposed development at the corner of Joyce and Crossover. There are two meetings planned at the Fayetteville city administration building, one at 9am on 2/16 and one at 5:30pm on 2/27.

The property is the almost triangle-shaped section between Crossover and that part of Joyce Avenue -- it is 9 acres going up the hill behind Signature Bank.

Crossover is Arkansas Highway 265, a numbered state highway, and that part of Joyce may be Washington county road 553. This development impacts state and county residents as well as those in Fayetteville.

One issue is the additional traffic coming across Joyce to that intersection that will be no small deal. The intersection is already significantly oversubscribed. A reasonable estimate of the number of cars that will park at the property based on the density they propose ranges to 200 or more. That's a lot of additional cars potentially driving through that intersection and impacting the county as well as Fayetteville.

There are a number of issues for Fayetteville. The planning commission has already noted that the sewer and water development on this side of town is less than other parts of town. I would want assurance that they are considering those issues. Also, the aesthetics of that hill should be a factor. It is the last hill leaving Fayetteville going north and it is visible the entire way up Crossover. There is a grove of mature (ancient) trees on the back edge of the property. I would like to get some assurance that they will preserve the trees and the natural beauty of the hill.

Sincerely,
Amy

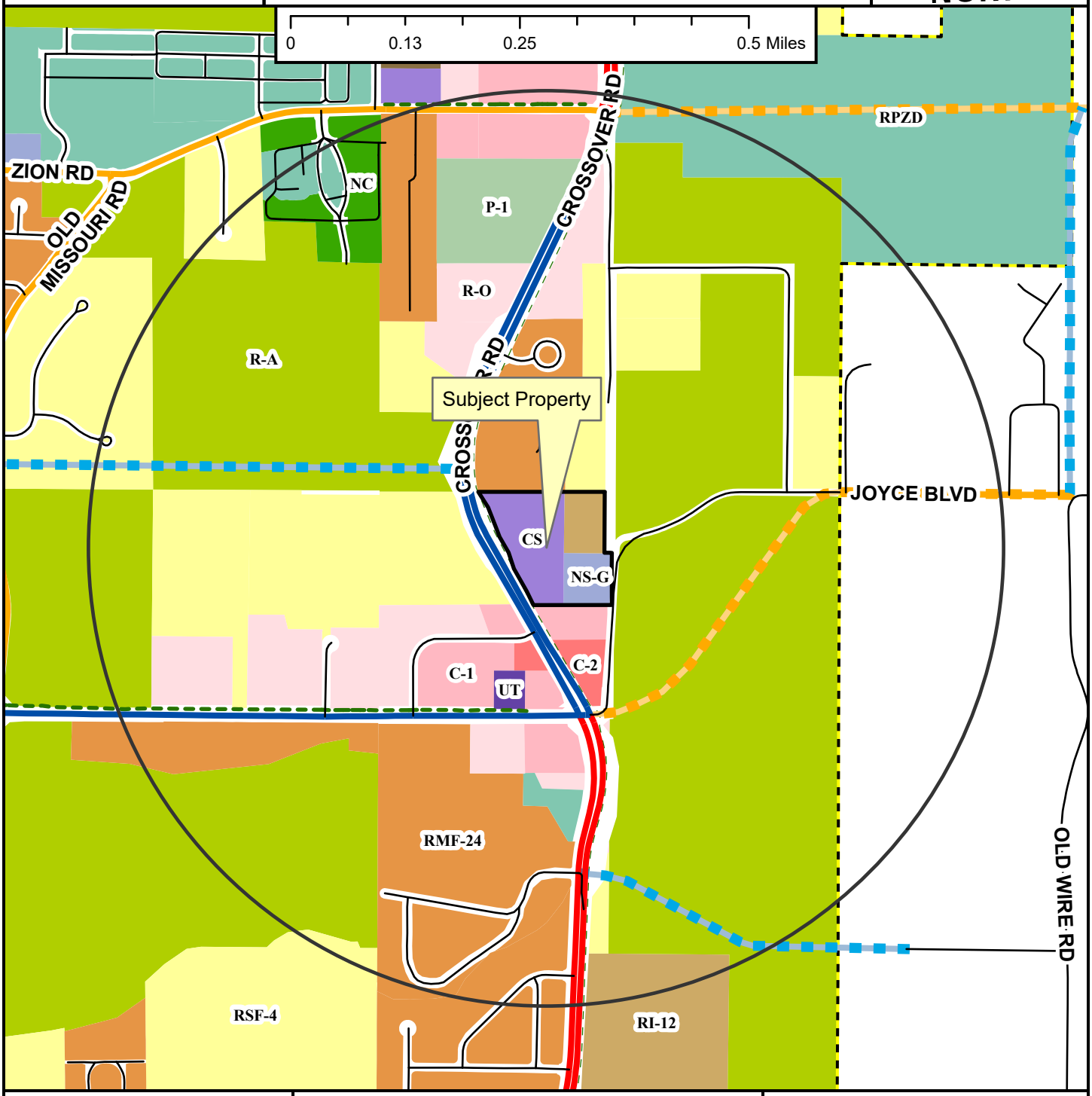
Amy Apon
4045 Hillside Terrace
Fayetteville, AR 72703

LSD-2022-0034

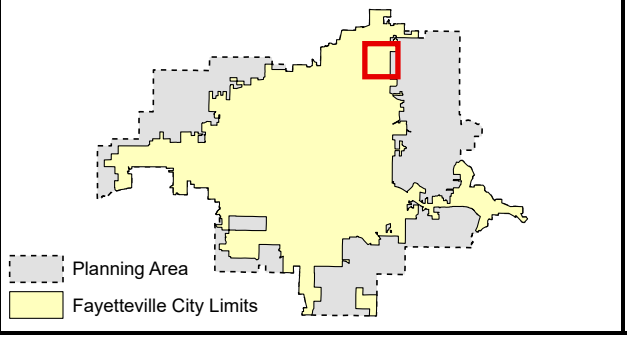
One Mile View

3066 E. JOYCE BLVD

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

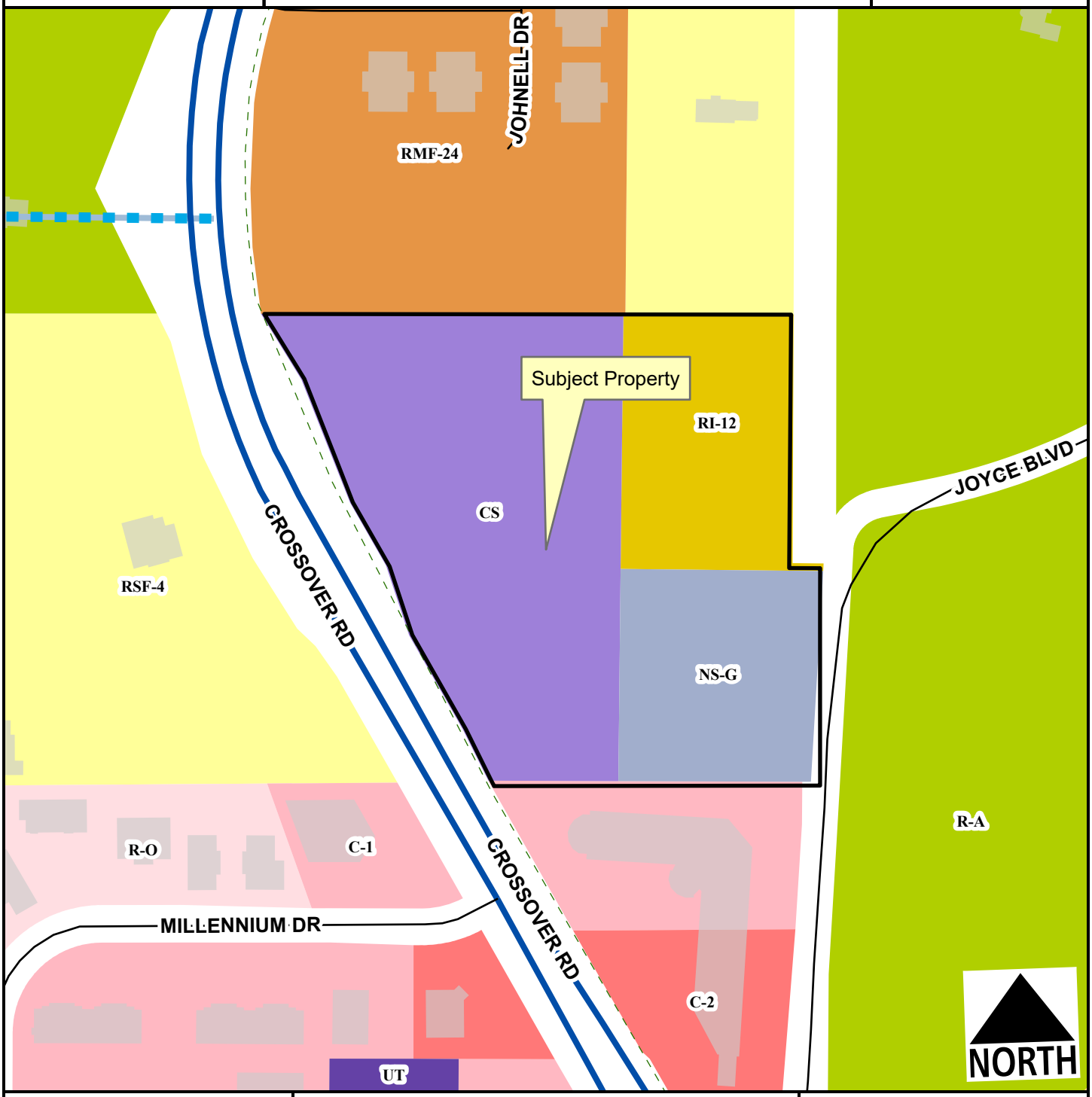
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

LSD-2022-0034

Close Up View

3066 E. JOYCE BLVD



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

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- RI-12
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Community Services
- Neighborhood Services - Gen.

LSD-2022-0034

Current Land Use

3066 E. JOYCE BLVD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING: May 8, 2023

SUBJECT: **PZD-2023-0002: Planned Zoning District (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596):** Submitted by GAVIN SMITH for property located SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL. The property is split zoned R-A, RESIDENTIAL AGRICULTURAL, CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approx. 5.59 acres. The request is to rezone 4.49 acres of the property to a PLANNED ZONING DISTRICT.

RECOMMENDATION:
Staff recommends forwarding **PZD-2023-0002** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
"I move to forward **PZD-2023-0002** to City Council with a recommendation of approval, with conditions as outlined by staff."

APRIL 24, 2023 PLANNING COMMISSION MEETING
At the April 24 Planning Commission meeting, the item was tabled at the applicant's request to allow for additional time to address outstanding comments on the proposed Planned Zoning District. The applicant resubmitted, and the attached booklet reflects the most recent version of the applicant's request.

BACKGROUND:
The subject property is located in west Fayetteville, southeast of the intersection of W. Martin Luther King Jr. Blvd and S. Rupple Road. While a leg of the overall property has frontage along W. Martin Luther King Jr. Blvd, the area in question is about 300 feet south without access to a public street. Undeveloped and mostly covered in tree canopy, there is an approximately 7% slope upward as the portion of the property in question moves south. The entire property is outside of the Hillside Hilltop Overlay District. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Undeveloped/Single-Family Residential	R-A, Residential-Agricultural
East	Undeveloped	CS, Community Services; R-A, Residential-Agricultural
West	Undeveloped	UT, Urban Thoroughfare; R-A, Residential Agricultural

Proposal: The applicant requests to rezone the property to a Residential Planned Zoning District with three Planning Areas, as described below:

- **Planning Area #1 – 2.93 acres:** The intention of this planning area is to provide cabin-style single-family homes at a maximum density of 10 units per acre that are clustered and concentrated to leave additional room in the planning area for parking, detention, and utilities. The allowable uses are similar to but more limited than those allowed in other single-family zoning districts such as RSF-4 or NC, Neighborhood Conservation.

- **Planning Area #2 – 0.49 acres:** This planning area is intended for parkland dedication. The area in question currently includes a portion of a downhill mountain biking trail. Parkland dedication would be required to be evaluated by the Parks and Recreation Advisory Board, and a full evaluation of its suitability for City acquisition would take place during the large-scale development process. The permitted uses are similar to those in the P-1, Institutional zoning district.

- **Planning Area #3 – 0.49 acres:** This planning area is intended for natural preservation. There are limited uses permitted, but it does allow for cultural and recreational facilities and other city-wide uses by right.

Public Comment: Staff has received minimal public comment on the request, limited primarily to inquiries, and no comments of outright support or opposition.

INFRASTRUCTURE:

Streets: The Planned Zoning District subject area does not have access to a public street; however, the northern portion of the overall property has frontage to West Martin Luther King Jr. Boulevard (also designated as U.S. Highway 62), which is classified as a Regional High-Activity Link. This street has two travel lanes in each direction with a continuous center left turn lane and is partially improved having asphalt paving, storm drain, curb and gutter, and sidewalk at back of curb. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is not available to the subject area; however, public water is available to the northern portion of the property that is not included in this Planned Zoning District request. An existing 18” DIP water main is present along the south side of West Martin Luther King Jr. Boulevard that the developer can connect to. Any required public water main extensions will be reviewed with a submittal for development.

Sewer: Sanitary Sewer is not available to the subject area. An off-site sanitary sewer main extension will have to be installed by the developer to the existing 6” VCP sanitary sewer that is present at the southwest corner of the West Martin Luther King Jr. Boulevard and South Smokehouse Trail intersection to serve future development on this property. A downstream sewer capacity analysis may be required with development to determine if the existing 6” VCP sanitary sewer main has adequate capacity for the proposed increases in flow.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the subject area lies within a FEMA floodplain,

there is no protected stream present, and the property is outside of the Hillside-Hilltop Overlay District. Hydric soils do not appear to be present in the request area but do appear to be present in a small area of the northern portion of the overall 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 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.

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 6, located at 990 S. Hollywood Ave., protects this site. The property is located approximately 1.9 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 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 did not comment on this request.

Tree Preservation:

The proposed PZD, Residential Planned Zoning District, requires **25% minimum canopy preservation.** The current zoning district R-A, Residential-Agricultural requires **25% minimum canopy preservation;** CS, Community Services requires **20% 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 **City Neighborhood.**

City Neighborhood Areas 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 low infill score for the subject property of 4, which translates to a weighted score of **4**. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #6, 990 S. Hollywood Avenue)
- Near City Park (Centennial Park)

- Near Paved Trail (S. Rupple Road)
- Appropriate Future Land Use (City Neighborhood Area)

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 applicant's request to be compatible with existing surrounding land uses. While zoned for higher entitlements generally, the area in question is minimally developed, and well-forested. The applicant's request reflects an incremental increase in density and intensity that both respects the natural features of the site (the slope into Kessler Mountain), while also leaving room at the northern portion of the site for higher intensity uses allowable by-right in its current zoning district. The separation of the PZD into three planning areas indicates a specific intention to work within the confines of existing amenities on the site, including a mountain bike trail that runs into the adjacent property to the west. That same property is also pending transfer to the City of Fayetteville Parks and Recreation Department. The proposed use of single-family cabins is architecturally compatible with the surrounding environment as well. The applicant's request would also allow for short-term rentals. However, since the overall planned zoning district is strictly residential and does not include any commercial or mix of uses, staff finds that any cabins that would like to pursue a short-term rental would require a conditional use permit.**

Land Use Plan Analysis: **Staff finds that the request is consistent with the City's land use and zoning plans. Recently, the City Council adopted a new street section for Smokehouse Trail to incorporate on-street parking to the adjacent mountain biking trails, including the Fayetteville Traverse. Further, the proposal respects the Future Land Use map distinction by leaving the existing UT zoning as is, to allow for higher intensity uses in the future. Staff finds that the proposal meets City Plan 2040 goal by making appropriate infill a high priority; the infill score for the site is currently quite low, so inserting single-family cabins in the area acts as a good transitional development to future high-density development. The proposal also capitalizes on proximity to the trail network.**

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

Finding: **Staff finds that the proposed rezoning is justified in order to develop a potentially difficult site in a way that is compatible with both current and long-term land uses for the area. The concentrated density allows for additional land on the overall site to be set aside for potential open space and recreational features.**

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

Finding: **The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. The overall proposed vehicular access will be**

primarily from W. Martin Luther King Jr. Blvd. But with both planned and future trails in the area immediately to the west, the site is also uniquely connected to the greater City of Fayetteville trail network, which provides an alternative source of transportation. The density in the PZD is also less than what is permitted under most of the site's current zoning which under CS, Community Services does not have a stated density limitation.

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 RPZD would not alter the population density in a way that would undesirably increase the load on public services. New sewer and water lines would be required to be extended to the proposed development, at a cost that would be born by the developer. Additionally, a sewer capacity analysis may need to occur during an associated large-scale development. That said, given the proximity to Martin Luther King Jr. Blvd, staff finds that any lack of water and sewer facilities at this time are of a limited concern.**

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**

Sec. 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
(2) *Compatibility.* Providing for compatibility with the surrounding land uses.
(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: **As outlined in previous findings, staff finds that the proposal is generally in line with the factors that may be considered with a Planned Zoning District. The proposed PZD is particularly well suited to meet the flexibility, harmony, no negative impact, and natural feature tenets of the ordinance.**

RECOMMENDATION: Staff recommends forwarding **PZD-2023-0002** to City Council, with a recommendation of approval, with conditions as outlined below.

Conditions of Approval:

1. Revise the PZD booklet and plans to reflect the following:
    a. Correct typos throughout
    b. Consider striking Unit 46 from Planning Area 2; no residential structures are proposed or permitted.
    c. Strike Unit 26 from Conditional Uses in Planning Area 2; the intention is solely for Parkland
    d. Clarify density limitation in Planning Area 2, if multi-family uses are removed from that Planning Area
    e. Add a requirement that states that "Any and all signage shall meet the requirements as set forth in Unified Development Code section 174."
    f. Add a note about how common areas will be maintained.

2. Parkland dedication must be reviewed by PRAB with the associated development;

3. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and

4. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.

Planning Commission Action:	❒ **Forwarded**	❒ **Tabled**	❒ **Denied**
Meeting Date: **May 8, 2023**			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Urban Forestry Memo
- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

CITY OF FAYETTEVILLE ARKANSAS

Urban Forestry Memo

TO: Technical Plat Review

THRU: Ryan Umberger, Senior Planner

FROM: Melissa Evans, Urban Forester

MEETING DATE: March 29, 2023

SUBJECT: **PZD-2023-0002: SWEET BAY AT KESSLER:** Submitted by GAVIN SMITH for property located at W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL. The property is split zoned CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approximately 5.61 acres. The request is for the property to be zoned PZD, PLANNED ZONING DISTRICT as a mixed-use space.

RECOMMENDATION:

Urban Forestry Staff recommends the approval of PZD-2023-0002 since the PZD booklet essentially states that Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations requirements will be met. The required minimum existing tree canopy coverage is 25% for PZDs. If any portion of the property is in the Hillside Hilltop Overlay District (HHOD), 5% will be added to the canopy requirement to total 30%.

It is highly recommended that as many trees be preserved as possible to meet the requirement, and that buildings, parking, utilities and other infrastructure elements be designed around the trees. According to the PZD booklet, this is the approach the developer and designer will take as best possible.

Chapter 177 Landscape Regulations must be met also, including street trees along public or private streets and one tree with a tree island per twelve parking spaces. The site plan included in the booklet shows some parking bays that are 14 spaces long which would need a tree island to break up the parking row.

GAVIN SMITH
CIVIL ENGINEERING

March 14, 2023

From Gavin Smith, PE CFM
Gavin Smith Civil Engineering, LLC
393 N Allen Street
Fayetteville, AR 72701

To: City of Fayetteville – Planning Staff

RE: Sweet Bay @ Kessler PZD

Hello,

Please find enclosed with this submission a PZD booklet including a full conceptual proposal for the rezoned portion of the proposed development.

Scope: (35) cabins and associated roads, parking, natural spaces, and public utilities.

Thank You,
Gavin Smith PE CFM

Sweet Bay @ Kessler

A: Ownership:

D&B of Northwest Arkansas, LLC

PO Box 1146

Farmington, AR 72730

B. Scope & Project

Project Description:

The total property is 5.59 acres. The Planned Zoning District is for the rear 4.49 acre portion of the property. Currently the property, roughly a boot shape, includes 3 different zonings. The front of the project lot borders MLK and is zoned as UT: Urban Thoroughfare; 1.10 acres (19.7%). The middle portion is zoned CS: Community Services; 2.69 acres (48.1%). The rear of the Project is zoned R-A: Residential-Agricultural; 1.80 acres (32.2%).

This proposal only unifies and rezones the back 2 sections, from CS and R-A to RPZD. The front portion will remain UT and be developed for a commercial use appropriate to the frontage. The purpose of this Rezone is to uniformly develop the back portion of the site. Currently the small portion of land at the rear has less than the minimum 2 acres for even a single home. Every effort has been made to tone down the development style of the proposal towards a balanced use of the forested toe of Kessler Mountain.

Scope:

(25) cabin like single family residences and associated roads, parking, natural spaces, and public utilities.

C. General Project Concept

1. Site Major Elements Considerations:
   i. Flexibility – This proposal offers an alternative not available directly though other zoning. By squeezing the parking areas together and distributing the houses on only those portions of land suitable for construction without regard to street frontage, this plan utilizes the site for a residential use, while maximizing and preserving the maximum amount of natural space.
   ii. Compatibility – The surrounding properties are undeveloped, with a high development possibility to the north and a low possibility to the south. This project incorporating a medium density with an emphasis on tree preservation and natural space serves as a gradual transitional area between the undeveloped forest of Mount Kessler and the intense corridor of MLK.
   iii. Harmony – Several design considerations for this project were tree preservation and maintaining the character of the land including the medium mature woodlands and transitional ecological succession character of the former farmland.
   iv. Variety –This PZD offers variety because it includes a preservation approach for the onsite wooded drainage channels, includes a preservation area around the existing bike trail, and includes several small pods of houses that each have a group orientation to create 4 to 5 separate micro communities.
   v. No negative impacts – This project does not create negative impacts for future developments on adjacent properties. The natural drainage pattern changes and other changes are mitigated within the boundary of the site.
   vi. Coordination – The neighboring property owners were all introduced to the project and given an opportunity to discuss the project. Several meetings were held with the owner of the corner property to discuss access. Both the trailblazer group (current owner) and the Fayetteville parks department were approached and invited to give input on the design and location of the PZD proposal. A loose association of the residential neighbors in the nearest neighborhood were

contacted. A presentation was given to them about the proposed development and a subsequent input session to hear their opinions.

vii. Open space – This proposal includes several natural areas adjacent to streams and focuses small clusters of residential units around shared open space and tight porch paths and orients the rears toward natural areas creating a front porch community feel. Neighbors must pass their neighbors' front doors on the way to their cars but can also find privacy.

viii. Natural features – Several natural intermittent channels and trees occupy the site. These areas are left as they are. Tree Preservation is discussed below.

ix. Future Land Use – Please see item J discussed below.

x. Special Features – This land is currently undeveloped. The site is now wooded but was previously farmland. The land is currently not utilized.

xi. Recognized Zoning Considerations – There are no recognized zoning considerations for this site.

2. Streets

Streets are 26' wide asphalt.

3. Trail and Pedestrian Connectivity

A proposed section of the trail would come to the site where it borders MLK giving residents direct access to the greenway system. The immediate trail connectivity would make car-less bicycle living feasible for the adventurous.

4. Lot Layout

This project is conceived as a single owner rental project without any proposed subdivision of lots.

5. Undisturbed Natural Buffer areas

The existing intermittent runoff channels on the site were carefully avoided and buffered against development. Trees adjacent to and in the channels have been left in place. Stream crossings are minimal and situated perpendicular for minimum disturbance.

6. Tree Preservation Areas

A giant and ancient oak tree was immediately identified as a critical tree for preservation. Many aspects of the unconventional layout of the site can be traced directly back to this tree and centering the development around it. Tree preservation areas are also intermittent channel buffering areas. The site layout was predicted to avoid work in and near the channels and preserving tree cover in a strip around the channels. PZDs require 25% of the canopy to be preserved. This proposal preserves slightly more than 30% as presented.

7. Stormwater Detention Areas and Drainage

Stormwater detention is achieved using porous gravel reservoirs situated beneath permeable paver parking areas. For greater rainstorm events like to the 50 and 100 year storms the parking lot is also designed to hold up to 6" of water, which is a great enough quantity to attenuate storm flows, but not enough to flood cars or damage property. Preliminary stormwater models show that the site as designed provides the required stormwater detention and water quality treatment required by the Drainage

Criteria Manual. Stormwater calculations and design will be verified and reviewed as part of a subsequent large-scale development, so while the presented design accounts for stormwater, the city will have additional opportunities for comment, review, and approval.

8. Fire Access and Fire Code

The cabins and roads as shown in the proposed exhibit meet all applicable requirements for fire apparatus access. The roads are 26’ wide. Turn radii are 28’ or greater. Road length from Appendix D compliant turn-arounds are 150’ or less. Two separate fire access roads connect the site to the street system, one at the front of the site to MLK and a second proposed drive connecting to Smokehouse Trail to the west.

9. Site Grading

The parking lots are situated parallel to the natural contours so that slight cut grading up hill and fill grading downhill allows the parking to the flat and double as detention areas. Each cabin is conceived as an elevated slab that preserves the adjacent native grade. Connection paths would be at grade. Necessarily flat areas to connect ADA parking to ADA units are situated on the lower parking area where the native grade is natural much flatter. This technique of following the contours for the graded elements reduces the amount of site grading and soil disturbance usually associated with a development of this size and density.

D. Site Areas

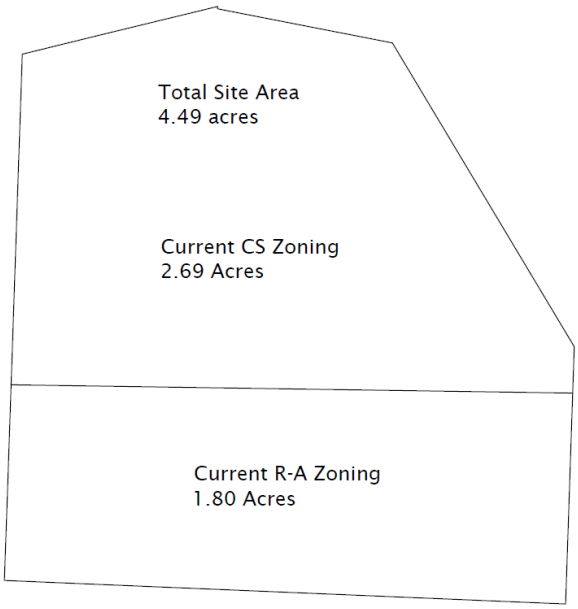


Figure 1 - Site Area of Current Zoning

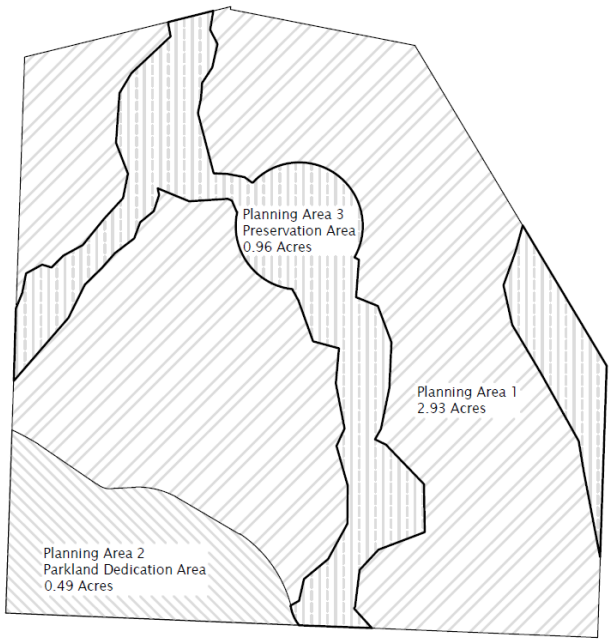


Figure 2 - Site Area of Proposed PZD

E. Existing & Proposed Zoning Standards

Existing RA

Existing CS

Proposed Planning area 1 – Single Family Residential

Proposed Planning Area 2 – Parkland Dedication

Proposed Planning Area 3 – Preservation Area

161.22 - Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
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	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

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

(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. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)

Editor's note— Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

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)

(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.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945 , §3, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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RPZD Sweet Bay @ Kessler
Proposed Zoning

Planning Area 1	Single Family Residential Area.

(A) *Purposes.* *The purpose of this planning area is to provide single family living in a manner that increases community interaction by clustering houses and minimizing ecological disturbance by concentrating parking, detention, and utilities. This PZD creates a buffer between the low density and mostly undeveloped slope of Kessler Mountain and the high intensity of the rapidly growing MLK corridor connecting Fayetteville and Farmington.*

(B) *Uses*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
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 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) *Denisty*

Units Per Acre	10

(D) *Bulk and Area Regulations*

Lot Width Minimum	None	
Lot Area Minmum	Residential	None
	Nonresidential	None
Lot Area per dwelling unit	None	

(E) *Setback Regulations*

Front	Side	Rear
15 feet	15 feet	15 feet

(F) *Height Requirments.*

3 stories

(G) *Building Area.*

None

RPZD Sweet Bay @ Kessler
Proposed Zoning

Planning Area 2	Park Land Dedication Area

(A) *Purposes.* *The purpose of this planning area is to create an area of park land. This area includes a part of a trailblazers downhill mountain biking trail. Trailblazers is currebntly oin the process of donating the adjacent property to the city for the use of a downhill mountainbiking park. This area be deidcated to the city during the large scale development of the subject property for this PZD.*

(B) *Uses*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Faclities
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 26	Multi-family dwellings
Unit 36	Wireless communication facilties
Unit 42	Clean technologies

(C) *Denisty*

Units Per Acre	None

(D) *Bulk and Area Regulations*

Lot Width Minimum	None	
Lot Area Minmum	Residential	None
	Nonresidential	None
Lot Area per dwelling unit	None	

(E) *Setback Regulations*

Front	Side	Rear
30 feet	20 feet	25 feet

(F) *Height Requirments.*

There shall be no maximum height limit, provided, however, 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 boundary line of an adjacent residential 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.*

On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

RPZD Sweet Bay @ Kessler
Proposed Zoning

Planning Area 3	Natural Preservation Area

(A) *Purposes.* *The purpose of this planning area is to create a buffer around the existing onsite drainage channels. This area is inlcusive of the hoigh priority preservation Post oak tree.*

(B) *Uses*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 42	Clean technologies

(C) *Denisty*

Units Per Acre	None

(D) *Bulk and Area Regulations*

Lot Width Minimum	None	
Lot Area Minmum	Residential	None
	Nonresidential	None
Lot Area per dwelling unit	None	

(E) *Setback Regulations*

Front	Side	Rear
30 feet	20 feet	25 feet

(F) *Height Requirments.*

There shall be no maximum height limit, provided, however, 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 boundary line of an adjacent residential 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.*

On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

F. Site Analysis

The site is covered evenly by a mixture of scrub to medium mature stands of oak/hickory forest on the lower toe of the Mount Kessler hill.

G. Recreational Facilities

The site is near both hiking trails in the hills above the old smokehouse and bike trails on the neighboring property owned and operated by trail blazers. The regional greenway system comes to the site.

H. Reason for Rezoning

The purpose of this Rezone is to uniformly develop the back portion of the site. This proposal only unifies and rezones the back to 2 sections, from CS and R-A to this PZD. The front portion will remain UT and be developed for mixed commercial use appropriate to the frontage.

I. Relationship to Adjacent Properties

To the North is ultimately MLK Boulevard, but the Large-Scale Development after this rezoning would include a proposed development of small size cluster of commercial spaces.

To the West are two properties, the northern is currently under review for a proposed gas station/convenience store, and the southern is owned by trailblazers and contains bike trails. This project would build an access between these two properties and a trail head for the trailblazer property.

To the East is a currently vacant property that was previously approved for an expansive RV park.

To the South is a lot owned by trailblazers that they are currently offering for sale.

J. Comprehensive Land Use Plan

The entirety of this site is designated as “City Neighborhood” in the 2040 Master Plan and is shown as such on the City’s “future Land Use Plan. The City Plan lays out guiding policies for City Neighborhood. This project complies with the lands use plan by providing:

1. Adequate infrastructure
2. Trail connectivity for walking and biking
3. ADA compliant mixed use
4. Appropriate density for the site
5. Streets and walking paths that suit the land
6. Encourage neighborliness
7. Vernacular materiality of built structures

K. Impact on City Services

This project would add to the water and sewer infrastructure of the city. This project would require trash services.

L. Conceptual Description

1. Screening and Landscape

The proposed landscape material for Sweet Bay @ Kessler shall share the Ozark – Woodland character of the surrounding areas by using plant species native to this region. The landscape palette will range from large shade trees, ornamental trees, to low, space-defining plantings that respond and reflect its context to Mt. Kessler Park. Provided buffers shall meet the required widths and materials as listed in the City of Fayetteville Code of Ordinances. The property is surrounded by commercial or residential-agricultural zones and will not negatively impact the adjacent properties.

2. Traffic Circulation

Traffic will enter the site via an existing curb cut along MLK.

3. Parking Standards

Parking shall be per the minimum requirements for the residential uses in the Unified Development Code in regard to standard spaces and ADA spaces, 2 spots per unit, with 2 ADA spaces.

4. Perimeter treatment

Where possible vegetation shall be left around the perimeter of the site.

5. Sidewalks

Concrete sidewalks shall connect the residential units to the public right of way.

6. Streetlights

Streetlights shall be added as required along streets for minimum lighting requirements. Parking lots shall include lighting. All lights shall be cutoff type.

7. Water

Water shall connect to the site via the mains along MLK. All water improvements shall be per the standard details and specifications of the city, reviewed by the city, and contingent upon approval of the Arkansas Department of Health.

8. Sewer

Sewer shall connect to the site via the manhole located at the intersection of MLK and Smoke House trail via a new main built in the existing easement along MLK. The existing easement contains an easement that has sufficient width to include a sewer main with appropriate offset. All water improvements shall be per the standard details and specifications of the city, reviewed by the city, and contingent upon approval of the Arkansas Department of Health.

9. Streets and Drainage

Streets shall be asphalt, 26' in width and capable of support heavy vehicles including fire trucks and trash trucks. Parking areas shall be permeable paver basin structures with void space gravel detention. Roofs shall be hard piped to parking basins. To the greatest extent possible natural surface drainage patterns shall be preserved. Drainage improvements shall meet the requirements of the Drainage criteria manual.

10. Construction of Non-residential Facilities

No non-residential facilities are proposed within the boundaries of the PZD.

11. Proposed Signage

No signage is proposed.

12. View Protection

The site is isolated from direct public view by the neighboring properties.

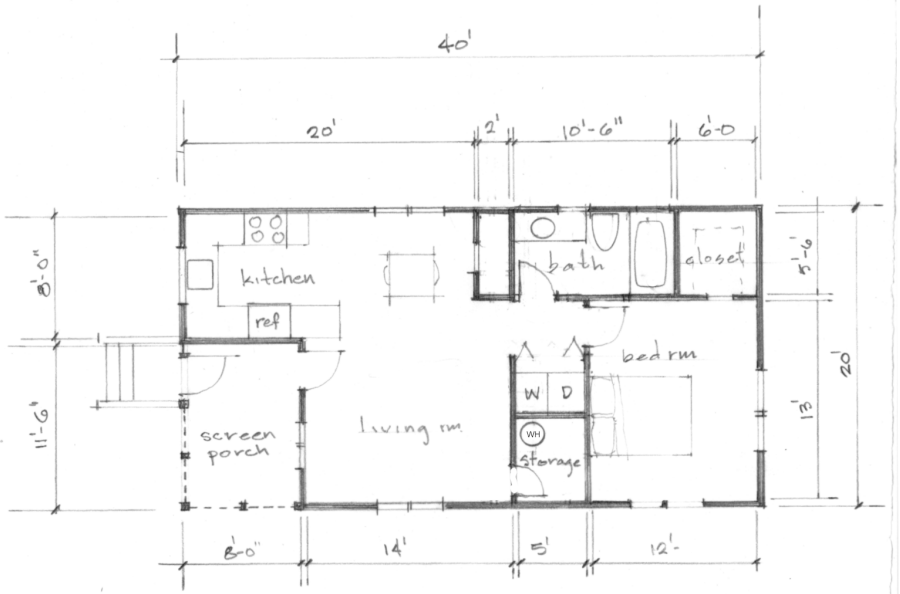
13. Covenants, Trusts, and Homeowner Association

No covenants and no homeowner association are proposed.

M. Architectural Standards

-Architectural standards shall generally reflect elevations as submitted.

front elevation

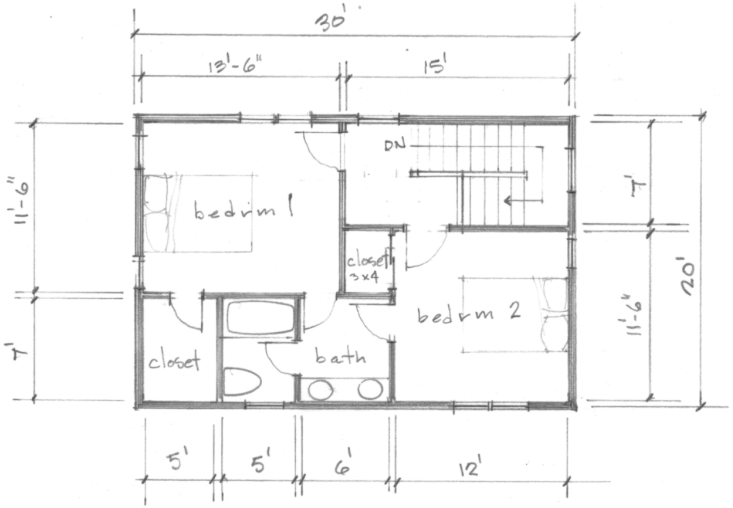


plan - 1 bedroom

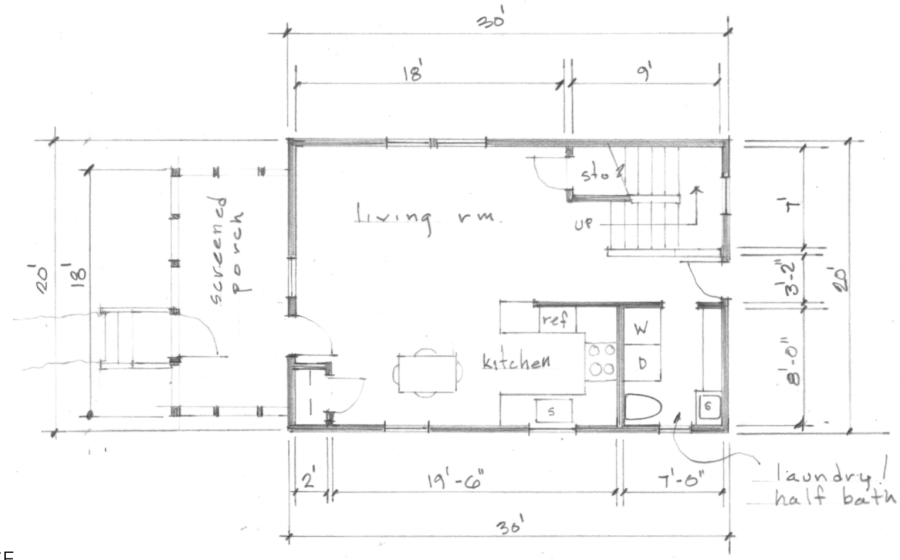
HEATED SPACE: 700 SF

SWEET BAY AT KESSLER D & B OF NWA
9FAYETTEVILLE, AR

bowerbird design LLC
Michael Cockram
479.799.2404
232 A Mission Drive
Fayetteville, AR 72701



second floor



first floor

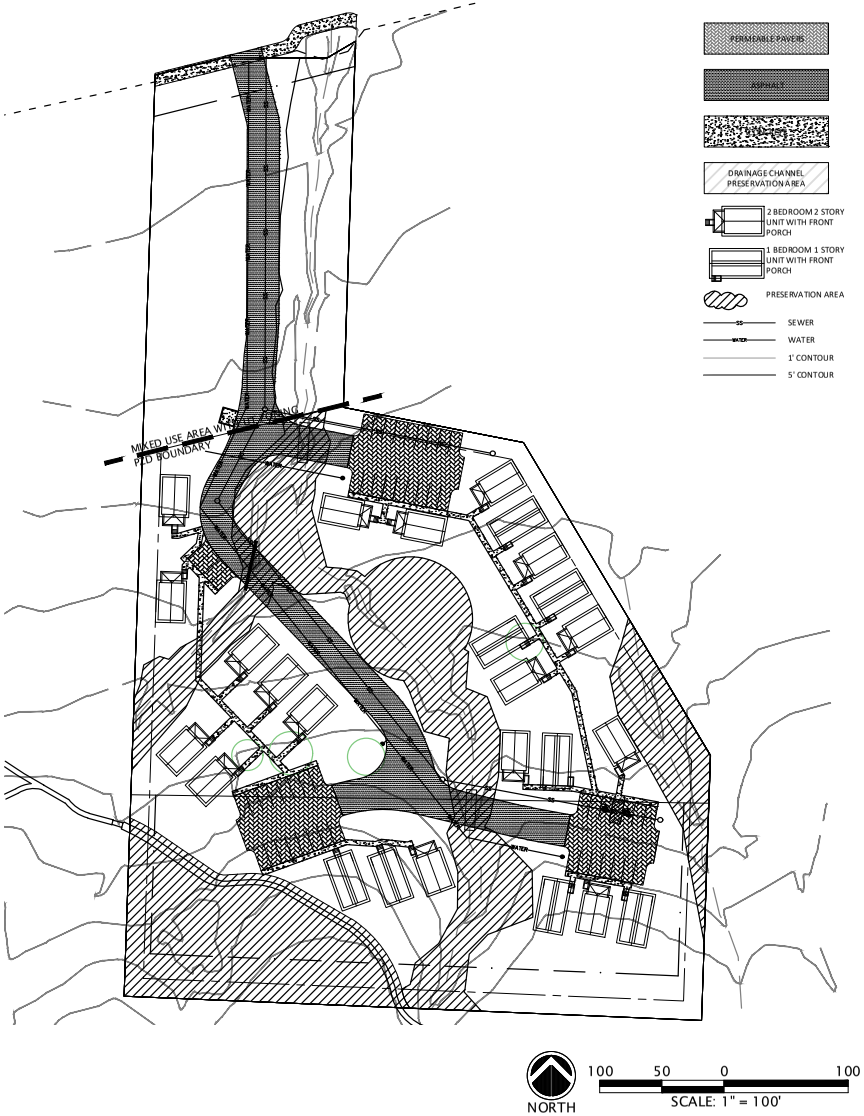
HEATED SPACE: 1200 SF

bowerbird design LLC
Michael Cockram
479.799.2404
michael@bowbird.com
232 Adams Street
Fayetteville, AR 72701

SWEET BAY AT KESSLER D & B OF NWA
9FAYETTEVILLE, AR

N. PZD Exhibits

SWEET BAY @ KESSLER
PLANNED ZONING DISTRICT APPLICATION



VICINITY MAP

LEGAL DESCRIPTION FOR PZD:
A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24 AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF N87°36'10"W 96.00' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE N01°55'39"E 436.64', THENCE N76°15'06"E 166.64', THENCE S01°54'39"W 2.06', THENCE S78°55'38"E 147.57', THENCE S30°52'00"E 293.27', THENCE S01°55'11"W 213.44' TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24, THENCE ALONG SAID SOUTH LINE N87°36'10"W 369.02' TO THE POINT OF BEGINNING, CONTAINING 4.49 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

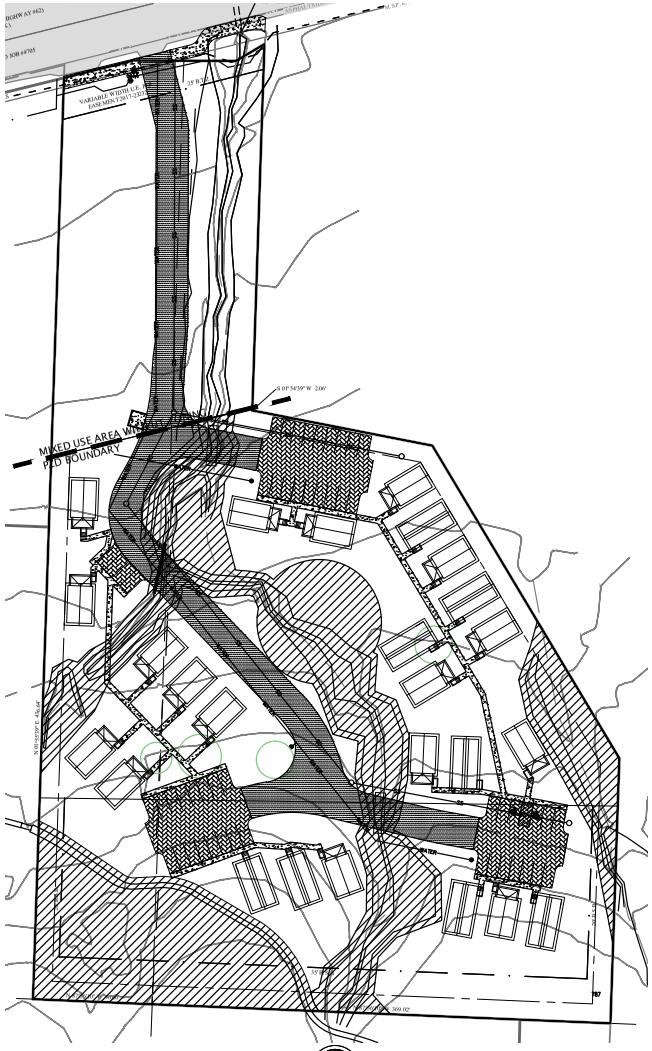
PARKING TABLE		
NUMBER OF SPACES BY USE: RESIDENTIAL - 2 PER UNIT		
REQUIRED	50 STANDARD SPACES TOTAL 1ADA SPACES/ 25 REQUIRED STANDARD SPACES	
PROVIDED	49 SPACES STANDARD 2 ADA SPACE	51 SPACES TOTAL

GAVIN R SMITH
CIVIL ENGINEERING

DATE: 5/1/2023

SWEET BAY @ KESSLER PROPERTY PZD SHEET 1

SWEET BAY @ KESSLER
PLANNED ZONING DISTRICT APPLICATION



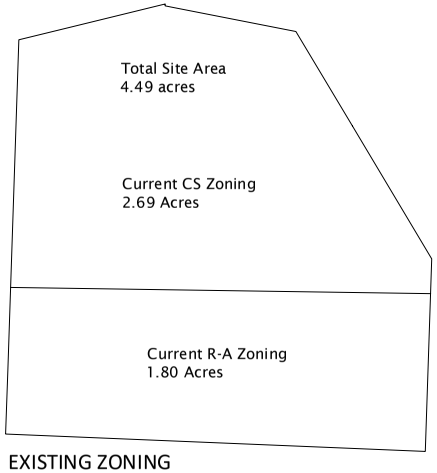
GAVIN R SMITH
CIVIL ENGINEERING

DATE: 5/1/2023

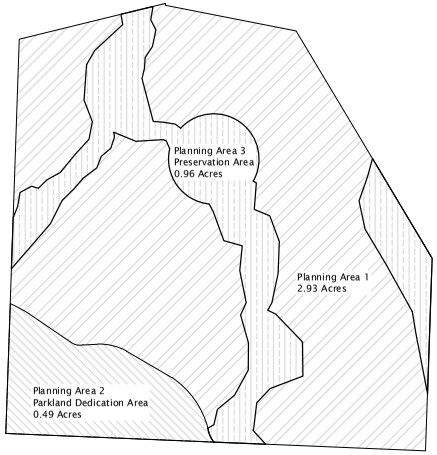
NORTH

100 50 0 100

SCALE: 1" = 100'



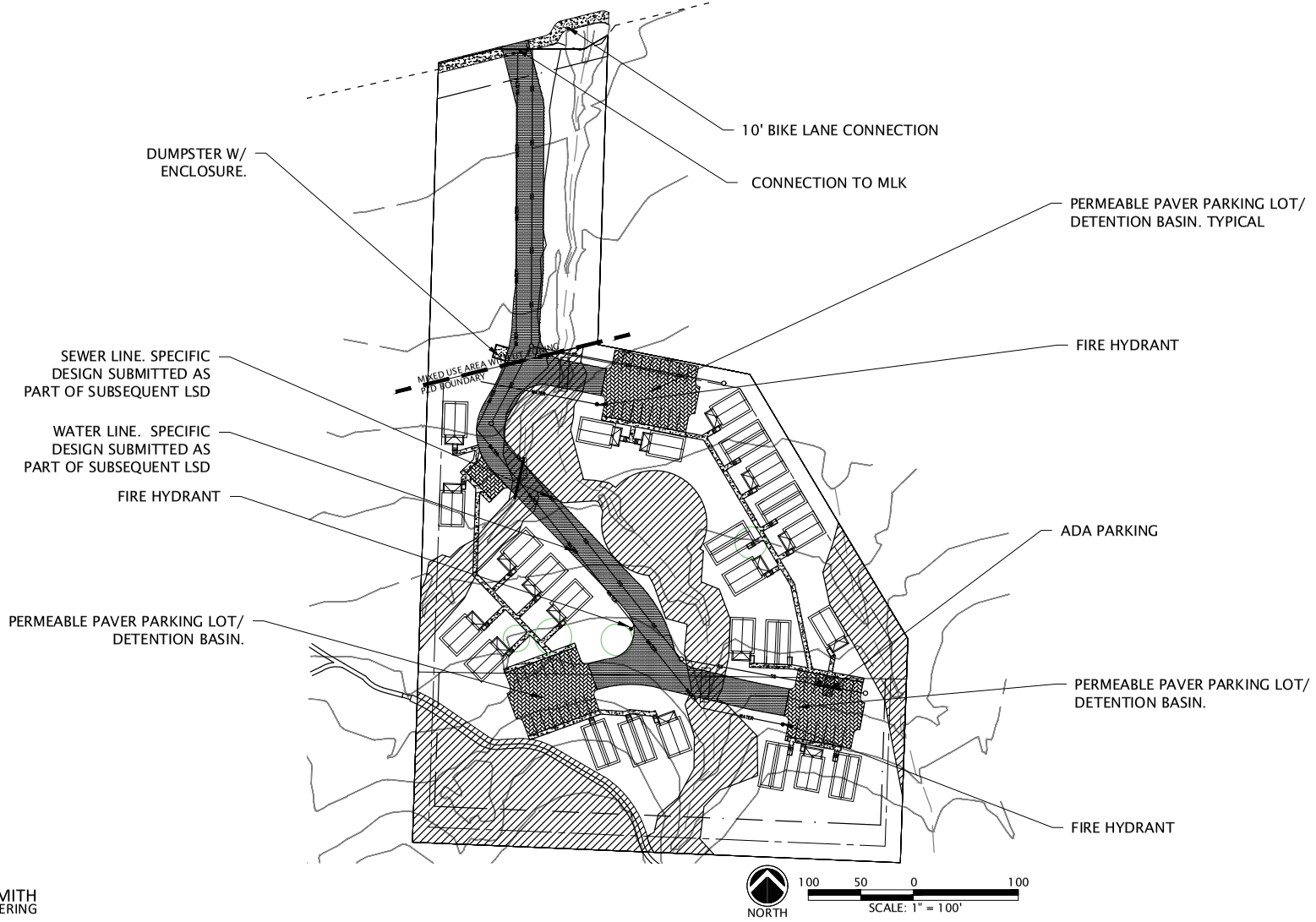
EXISTING ZONING



PROPOSED ZONING PLANNING AREAS

SWEET BAY @ KESSLER LAND USE PZD SHEET 2

SWEET BAY @ KESSLER
PLANNED ZONING DISTRICT APPLICATION



GAVIN R SMITH
CIVIL ENGINEERING

DATE: 5/1/2023

PZD SHEET 3

MASTERPLAN

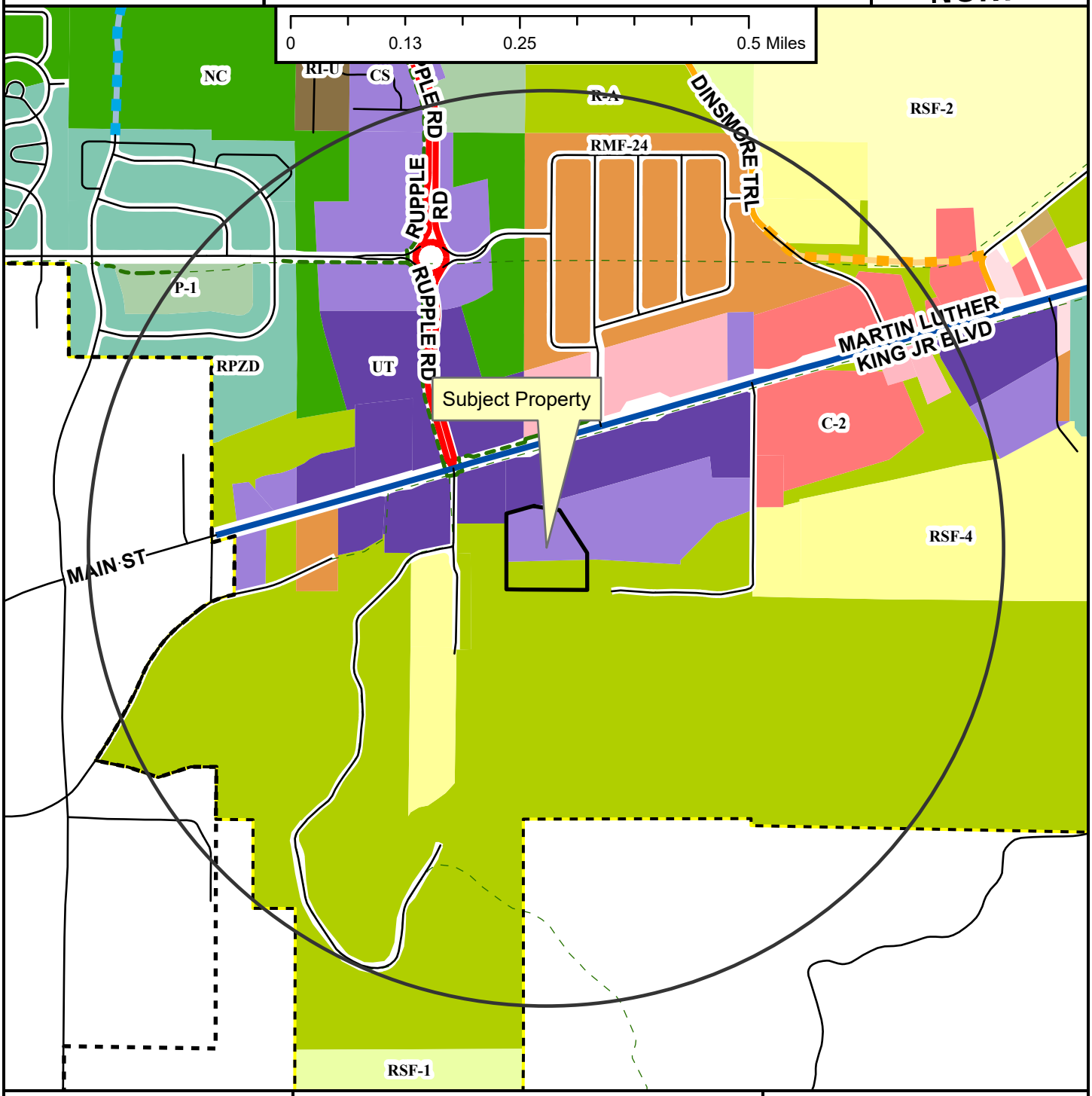
SWEET BAY @ KESSLER

PZD-2023-0002

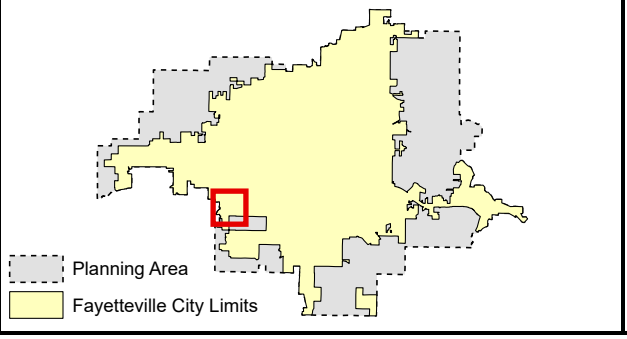
One Mile View

W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

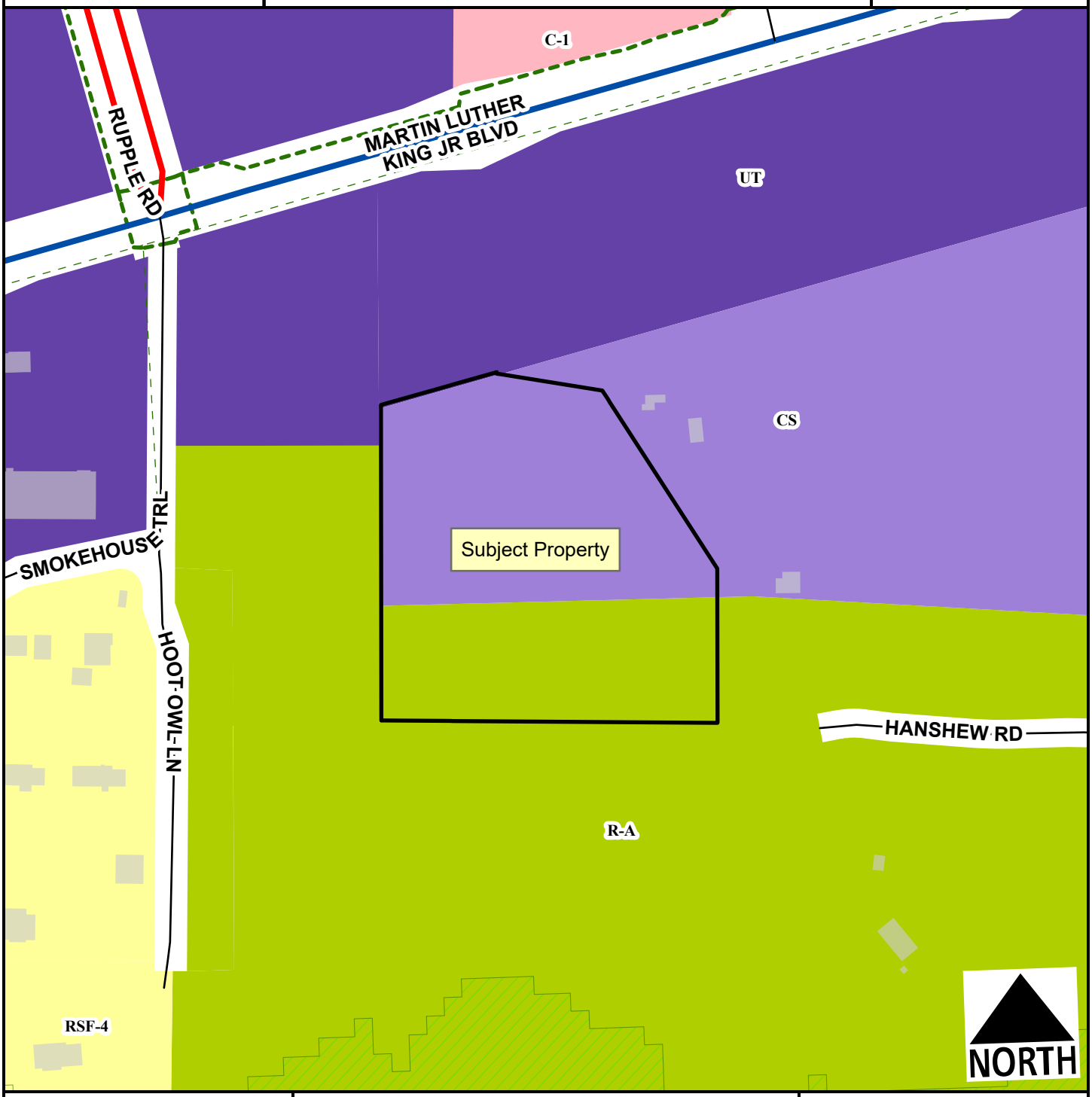
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

PZD-2023-0002

Close Up View

W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE



- Regional Link
- Regional Link - High Activity
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- C-1
- Urban Thoroughfare
- Community Services

PZD-2023-0002

Current Land Use

W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL

NORTH

Regional Link

Regional Link - High Activity

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

PZD-2023-0002

Future Land Use

W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE

NORTH

- Regional Link
- Regional Link - High Activity
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 145 290 580 870 1,160

1:4,800

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 8, 2023

SUBJECT: **ADM-2023-0012: Administrative Item (3030 E. MISSION BLVD./FAYETTEVILLE PUBLIC SCHOOLS, 372):** Submitted by JORGENSEN & ASSOCIATES for property located at 3030 E MISSION BLVD. The property is zoned P-1, INSTITUTIONAL, and contains approximately 58.18 acres. The request is to amend and extend a previously approved conditional use permit.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0012**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0012** with conditions as recommended by staff."*

BACKGROUND:
The subject property in east Fayetteville, approximately 700 feet east of the intersection of N. Crossover Road and E. Mission Boulevard. The property is zoned P-1, Institutional and the subject site totals approximately 58.19 acres. McNair Middle School and Vandergriff Elementary School occupy the site. Prior to the development of the schools in the mid-1990s and early 2000s the area was used for agricultural purposes. No apparent natural features appear in the subject area, though there are hydric soils and floodplain on the property, north of Vandergriff Elementary. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-family, 4 Unit per Acre
South	Commercial Offices	RSF-4, Residential Single-family, 4 Units per Acre; C-2, Thoroughfare Commercial
East	Single-family Residential/Undeveloped	RSF-4, Residential Single-family, 4 Unit per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Unit per Acre

Request: The applicant requests to extend a conditional use permit to keep two temporary portable classrooms on the subject property for an additional school year. Temporary school facilities are categorized under City-wide Uses by Conditional Use Permit (Use Unit 2).

Public Comment: To date, staff has received no public comment regarding this request.

DISCUSSION:
Staff supports the applicant's request for temporary classrooms to remain in place for the 2024-2025 academic year. The request was received prior to the one-year expiration date granted by the original conditional use permit. That approval indicated that in order for the structures to remain for an additional academic year, the Planning Commission would have to approve an amendment. Recently, the school district has been working on a plan to redraw the lines for its middle school zones, and has put that plan on hold pending the opening of John L. Colbert Middle School on Rupple Road; that school is slated to open in Fall of 2023. The rezoning discussions will continue at the end of the summer of 2023, but school district officials anticipate needing the temporary classrooms to remain for an additional school year while the redistricting conversations continue, and data analysis is finalized.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0012** with the following conditions:

Conditions of Approval:

1. A one-year extension for CUP-2022-0018 will expire on July 11, 2024.

2. Temporary structures are permitted until the beginning of the 2024-2025 Fayetteville Public Schools academic year. An amendment to the conditional use permit shall be required if temporary structures remain beyond that date;

3. All other conditions of approval for CUP-2022-0018 not modified by this request will remain in place.

4. Approval of this conditional use permit extension does not grant development entitlement for the proposed structure; separate development entitlement and permitting shall be required as outlined in the Unified Development Code.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 8, 2023	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- CUP-2022-0018 Conditions of Approval
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

City of Fayetteville
Development Services
CUP 2022-0018
To whom it may concern;

The Fayetteville Public School District is requesting an extension CUP 2022-0018, to continue to utilize portable classroom buildings for temporary use for the 2023-2024 school year due to a large student population. The district needs time to complete the data analysis to determine the best long-term solution to organizing addresses into zoned regions for the students. This process will begin in August 2023 and should anticipate the newly outlined zone changes effective August 2024. The portable buildings will continue to be used for the McNair Middle School student population until the rezoning planning process is complete.

Sincerely;

_____
Blake Jorgensen, PE

CUP-2022-0018 – Original Conditions of Approval

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.** *Staff recommends that the proposed location for temporary class structures are compatible;*

2. **This conditional use permit is limited to two temporary structures as outlined in the applicant's request letter. The following specifications apply:**
   - **Size of the structures: 1,510 square feet**
   - **Hours of operation:**
     - **In accordance with other school functions**
   - **Number of occupants: 60 per portable building**
   - **Parking: no change from existing**
   - **Outdoor lighting: No change from existing**

   - **Noise: No change from existing**
   - **Screening: No change from existing**
   - **Trash: No change from existing**
   - **Ingress/Egress: No change from existing**

3. **The location of the structures shall generally remain in substantial compliance with the site plan as submitted and described in the applicant's request letter;**

4. **Approval of the conditional use permit does not grant development entitlements. A building permit shall be obtained prior to the structures being located on the property;**

5. **Temporary structures are permitted until the beginning of the 2023-2024 Fayetteville Public Schools academic year. An amendment to the conditional use permit shall be required if temporary structures remain beyond that date;**

6. **Any future expansion or change in the use shall require Planning Commission approval;**

7. **Signs shall be limited to those permitted by §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;**

PLANNING COMMISSION ACTION: Required YES

Date: July 11, 2022 ❒ **Tabled** ☒ **Approved** ❒ **Denied**

Motion: Brink

with conditions, as recommended by staff

Second: Canada

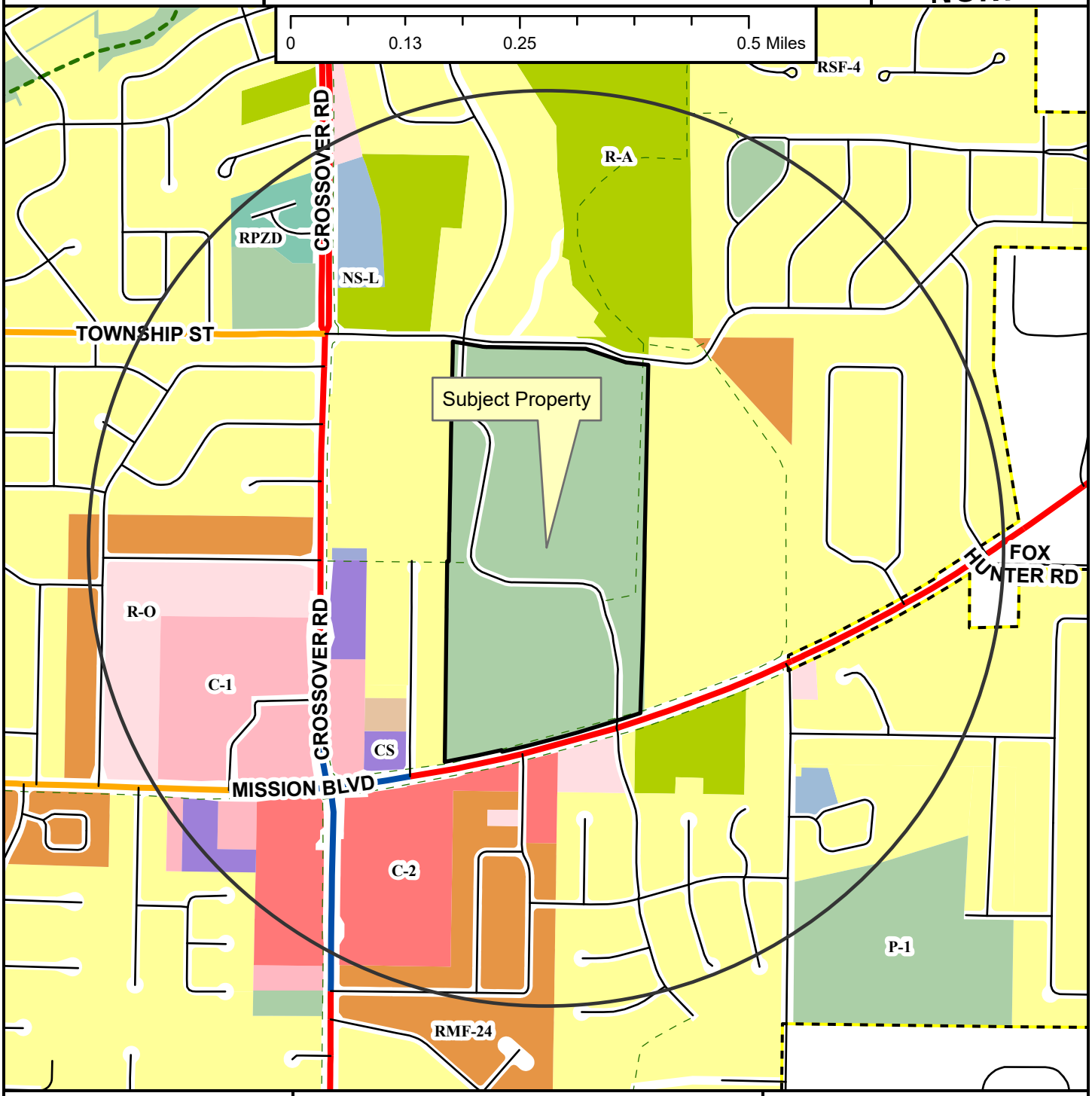
Vote: 9-0-0

CUP-2022-0018

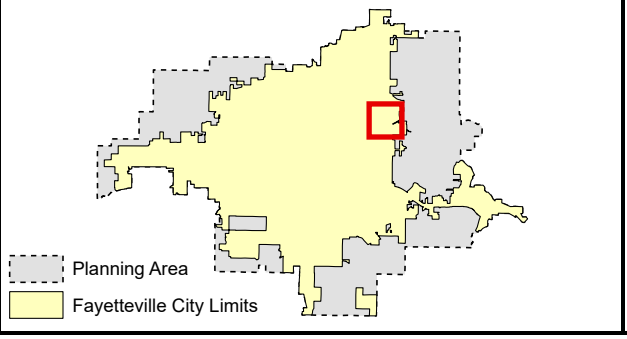
One Mile View

3030 E MISSION BLVD

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

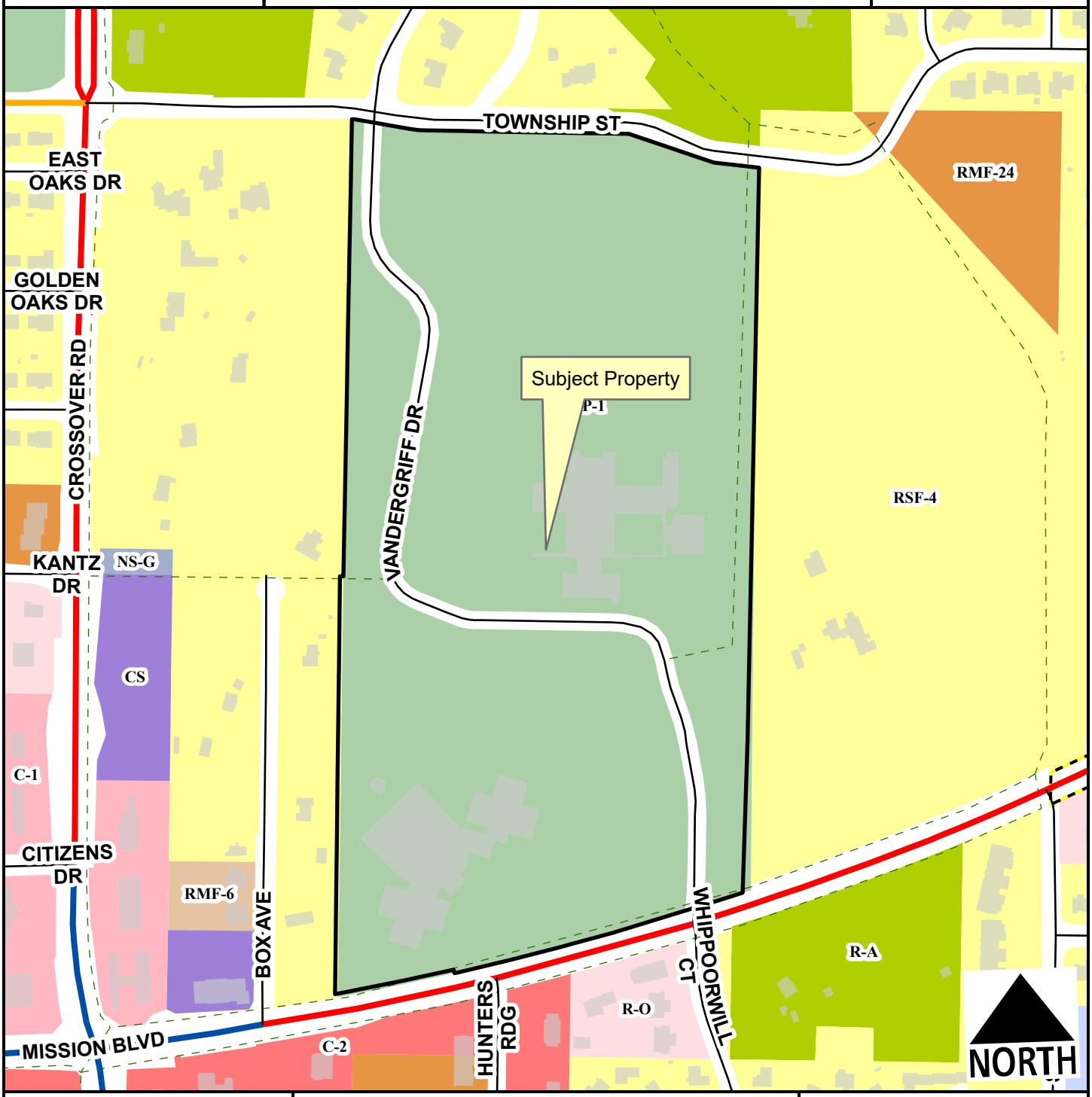
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2022-0018

Close Up View

3030 E MISSION BLVD



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

Feet

0 145 290 580 870 1,160

1:4,800

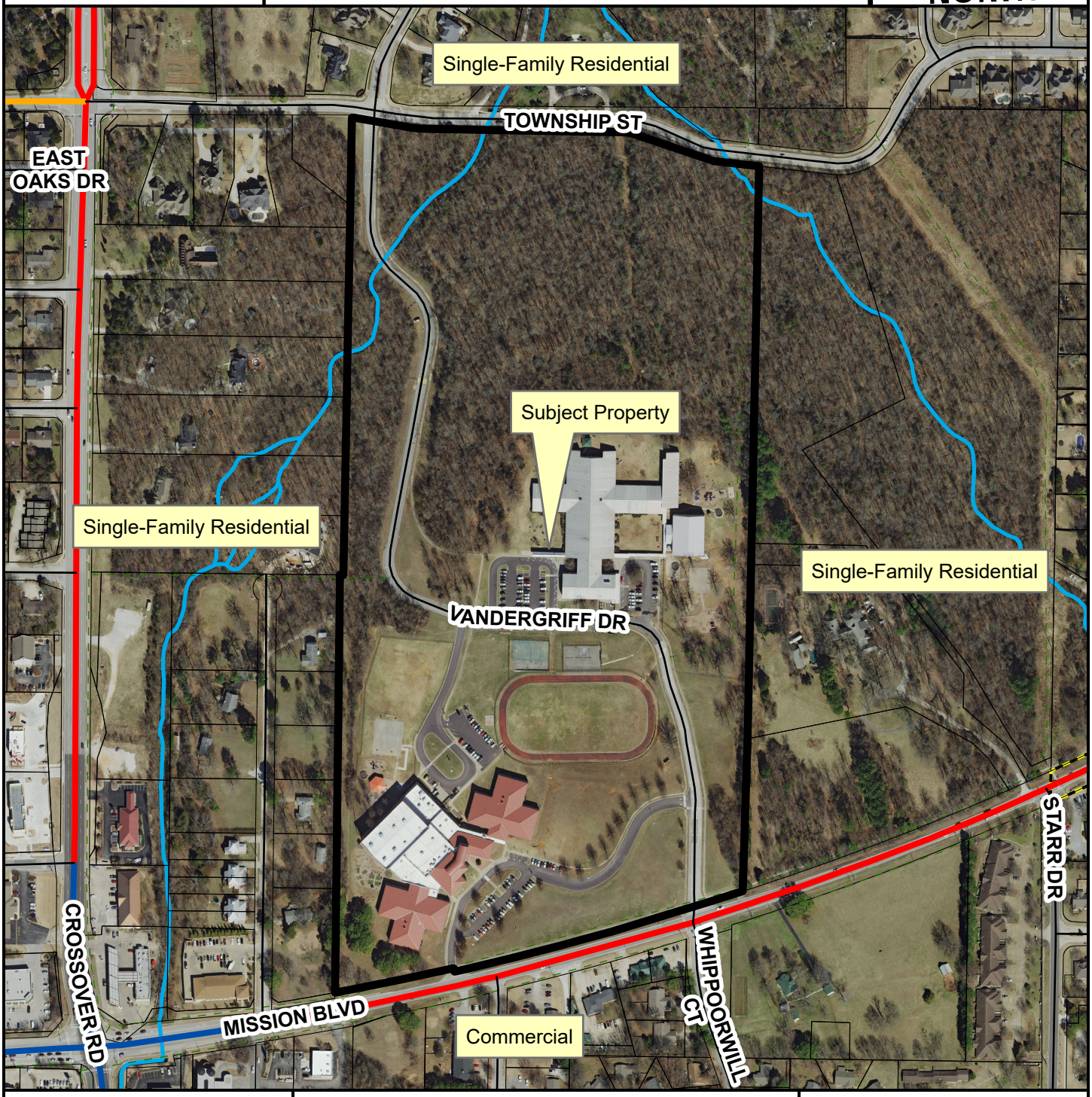
- Residential-Agricultural
- RSF-4
- RMF-6
- RMF-24
- Residential-Office
- C-1
- C-2
- Community Services
- Neighborhood Services - Ltd.
- Neighborhood Services - Gen.
- P-1

CUP-2022-0018

Current Land Use

3030 E MISSION BLVD

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: May 8, 2023

SUBJECT: **CUP-2023-0047: Conditional Use Permit (W. WEDINGTON DR. AND N. MEADOWLANDS DR./WIENERSCHNITZEL, 400):** Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at W. WEDINGTON DR. AND N. MEADOWLANDS DR. The property is zoned CS, COMMUNITY SERVICES and contains approx. 3.37 acres. The request is for Use Unit 18, Gasoline service stations and drive-in/drive-through restaurants.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0047** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0047**, determining:*

- *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 west Fayetteville, northeast of the intersection of Wedington and Meadowlands drives. The property is zoned CS, Community Services, and is currently undeveloped with mature tree canopy covering most of the site. Hydric soils, which are known indicators of wetlands, are present throughout most of the site, and the entire property is located within the boundaries of the City's Wedington Corridor Master Plan. A conditional use permit for an automotive repair shop on this property was previously denied by the Planning Commission in September of 2020. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Two-Family Dwellings	RMF-12, Residential Multi-Family – 12 Units per Acre
South	Restaurant; Undeveloped	C-1, Neighborhood Commercial; R-O, Residential-Office
East	Undeveloped	CS, Community Services
West	Undeveloped	CS, Community Services

City Plan 2040 Future Land Use Designation: **City Neighborhood** within the **Wedington Corridor Master Plan** area.

Request: The applicant requests approval of a conditional use permit to operate a drive-through restaurant. Drive-through restaurants are classified in city code as Use Unit 18: Gasoline service

stations and drive-in/drive-through restaurants. Use Unit 18 is a conditional use in the underlying CS zoning district. The applicant has described the business as follows:

- *Number of employees: 22-28*
- *Hours of operation: 10:00 a.m. - 12:00 a.m.; Monday - Sunday*
- *Anticipated number of patrons: 325 per day*

Public Comment: To date, staff has received no public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0047** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed use to be compatible with surrounding properties for the reasons outlined in this report;*

2. This conditional use permit is limited to the use 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:

   - Number of employees: 22-28
   - Hours of operation: 10:00 a.m. - 12:00 a.m.; seven days per week
   - Number of patrons: Approximately 325 per day

3. Approval of the conditional use permit does not grant development entitlement for site improvements. Improvements shall be considered for compliance with applicable zoning and development standards as required by the Unified Development Code;

4. Trash containers and structures shall be screened so that they are not visible from the public right-of-way or adjacent residential properties;

5. Any future expansion or change in the use shall require Planning Commission approval; and

6. Conditional use permit approval shall be valid for one year.

PLANNING COMMISSION ACTION: Required YES

Date: May 8, 2023 ❒ **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. **Procedures.** 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 a drive-through restaurant, which is classified as Use Unit 18. This use is permitted as a conditional use in the CS, Community Services 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 §161.22 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 that granting the requested conditional use is not likely to adversely affect the public interest. The subject property is situated along a state highway that serves as a major transportation corridor. There are many drive-through restaurants currently present along this portion of Wedington, and the applicant has demonstrated an intent to design this site in line with the underlying form-based zoning. The applicant is proposing to reserve about one-fifth of an acre on the north side of the property for tree**

preservation, which would buffer the proposed restaurant from adjacent residential properties and limit potential noise and light impacts. Further, staff finds that operational hours from 10:00 a.m. to 12:00 a.m. seven days a week are consistent with other drive-through restaurants along Wedington and are not likely to adversely impact the public interest.

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules governing the applicant's request.**

(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: **Ingress and egress to the property is proposed through a shared private driveway with direct access onto Wedington Drive. The driveway is located about 300 feet away from the nearest driveway and 540 feet away from the nearest intersection. The proposed driveway would be meeting the City's access management standards since driveways on Regional High-Activity Link streets are only required to maintain a separation distance of 250 feet. Further, stub outs are proposed to accommodate cross access for future development to the east and west. Staff finds that the applicant will provide satisfactory provisions concerning automotive and pedestrian safety and convenience based on the provided site plan. However, traffic safety and required street improvements will be fully evaluated at the time of development review.**

(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: **The applicant has indicated that 15 parking spaces and seven stacking spaces will be provided on site to serve the proposed use. The City's parking ordinance limits parking for drive-through restaurants to one space per 100 square feet of gross floor area, plus at least four spaces per drive-thru window. Since a 1,468-square-foot restaurant with one drive-thru window is proposed, staff finds that the applicant would be in compliance with city ordinance. Parking on site is proposed to be rear loaded and partially screened by tree canopy. Compliance with parking lot design and landscaping standards will be fully evaluated at the time of development review.**

(c.) Refuse and service areas, with particular reference

to ingress and egress, and off-street parking and loading,

Finding: **The applicant has indicated that trash and refuse receptacles will be stored and screened at the north end of the parking area. Adequacy of trash facilities will be determined by the City's Recycling and Trash Collection division at the time of development review.**

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

Finding: **Water and sanitary sewer mains are currently available to the property. An existing six-inch water main is present at the northwest corner of the property while an existing six-inch sewer main is present along Wedington Drive to the south. Upgrades to water or sewer service would be determined at the time of future development.**

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

Finding: **Tree preservation is proposed along the north side of the property to serve as a natural buffer between the proposed commercial use and existing residences to the north. Staff is not recommending any additional screening, beyond what is currently required by city ordinances, with the proposed use.**

(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 Unified Development Code Chapter 174, Signs, and all regulations therein.**

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

Finding: **The provided site plan indicates that the proposal is complaint with relevant setback requirements as defined by underlying CS zoning district.**

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

Finding: **Staff finds the proposal to be compatible with adjacent properties. The property is located along a portion of Wedington Drive that is currently sparsely developed. The high-volume of local and regional vehicular traffic along Wedington makes this site compatible for the proposed use, since it would serve the needs of those who frequently drive along this corridor. Despite the proposed use's proximity to residential properties, staff finds that the proposed tree preservation area will serve as a natural buffer that will protect residents from adverse impacts.**

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

strategic plans.

Finding: **Staff finds the proposal to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The CS zoning district is designed primarily to provide convenience goods and personal services for persons living in surrounding residential areas, with development occurring in a traditional urban form with buildings addressing the street. The proposed use would be designed in an urban form and located along a state highway, serving both local and regional customers. Staff finds that the proposed use may support Goal 3 of City Plan 2040 since it would allow for connected development with street-oriented buildings and provisions for cross access. Staff also finds the proposal to be aligned with the Wedington Corridor Plan since it would allow for a walkable urban form restaurant near residential areas, potentially reducing the need for some vehicle trips and reducing vehicular congestion along Wedington.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §161.22 Community Services
- Request Letter
- Site Plan
- Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
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	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

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

(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. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

March 28, 2023

City of Fayetteville
Planning Department
125 W. Mountain Street
Fayetteville, AR 72701

RE: Conditional Use Permit for Use Unit 18, Drive-Thru/Drive-In Restaurants on Parcel No. 765-16234-000

Dear Planning Staff:

My name is Will Kellstrom and I have been retained to assist the applicants, Shahryar & Zhila Khajehnajafi ("Applicants"), with respect to this rezoning request. The applicant is requesting a conditional use permit ("CUP") on Parcel No. 765-13234-000 (hereinafter "the Property"), for Use Unit 18, Drive Thru/Drive-In Restaurants so that the Property may be developed as a Weinerschnitzel franchise ("the Project"). The Project is described in accordance with the requirements for a CUP application below:

(a) Building size in square feet; existing and proposed:

Existing: Undeveloped
Proposed: 1468 square feet

(b) Color elevations of all exterior sides of the structure:

See site plan.

(c) Number of off-street parking spaces to be provided / number required:

Minimum: None; At least 4 stacking spaces where drive-thru lanes are provided
Maximum: 1 per 100 sq ft.; 1468/100 = 14.68 spaces.
Provided: 15 parking spaces
7 stacking places

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

(d) When request applies to a business or non-residential use:

Hours of operation: 10am to 12am, seven (7) days a week
Number of employees: 22-28 employees
Anticipated patrons: 325

(e) Outdoor lighting:

See site plan; Lighting will adhere to the Fayetteville UDC.

(f) Noise:

Noise generated will be commensurate with drive-thru restaurants of similar size and scale.

(g) Screening or buffering from adjacent properties:

Roughly .19 acre tree canopy preservation easement to be provided on Northern boundary of proposed site to screen from adjacent multifamily development

(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties):

See site plan; Trash and refuse receptacles will be screened pursuant to the Fayetteville UDC.

(i) Ingress and egress to the property; traffic impacts:

See site plan; Property is located on W. Wedington Dr./Arkansas Highway 16, which is a major arterial road in Fayetteville, and has ample capacity for additional development

The Property is currently zoned CS, which allows Use Unit 18, Drive-Thru/Drive-In Restaurant by condition. The Property is located on W. Wedington Drive, which is a Arkansas state highway and is a major aterial road through Fayetteville. There are a large number of drive-thru restaurants and other drive-thru-type businesses already present on Wedington Dr.. Due to the high number of residential developments nearby, there are a number of neighborhoods nearby that would be patrons of a drive-thru restaurant in this location.

The Property is adjacent to a gas station (zoned CS) to the East, adjacent to the North to a duplex development (zoned RMF-12) and adjacent to the West to undeveloped, CS-zoned property. The Property is adjacent to the South to R-O- and C-1-zoned properties which are currently developed with a restaurant and a Walgreen's. Because the Property is nearly surrounded by commercial zonings, and highway commercial-type developments, and because the development would be screened by a .19 acre tree canopy preservation easement on the North boundary, the proposed conditional use permit is compatible with, and would not adversely effect nearby properties.

Lastly, the Applicant is requesting a conditional use permit on the Property only for the site plan submitted with this application. If the Property is later developed with any further uses,

such as drive-thru restaurants, the Applicant or owner would need seek an additional CUP.

Thank you for considering this request for a conditional use permit. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

Will A. Kellstrom

WK:
pc:

1106 West Poplar Street
Rogers, AR 72756
PH: 479-636-2168
FX: 479-636-6098
www.watkinslawoffice.com

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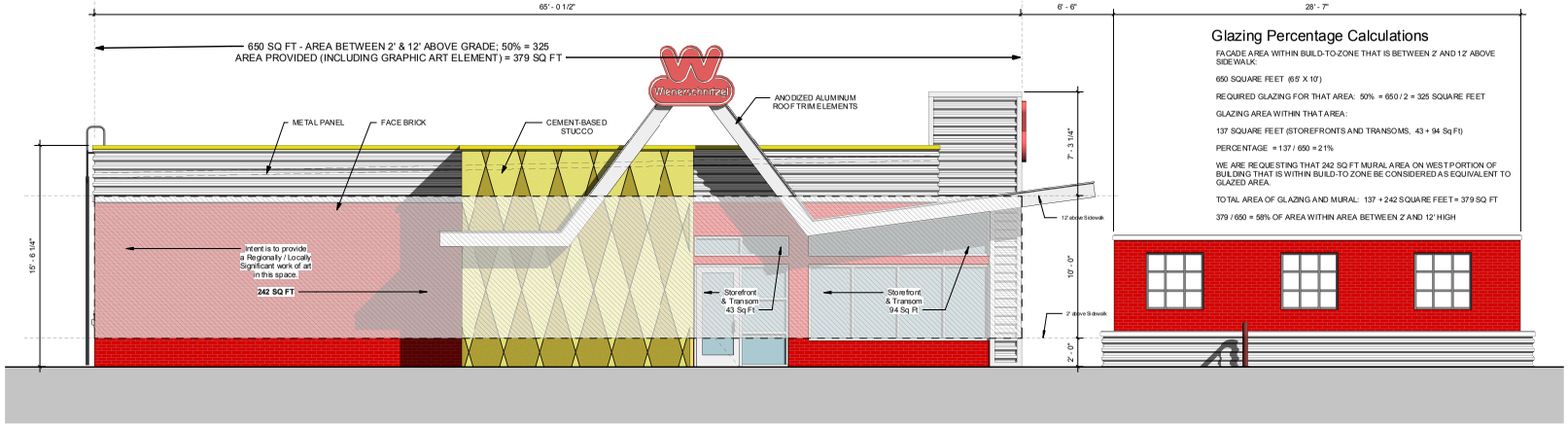
Estate Planning, Elder Law, Probate, Trust Litigation
Civil Litigation, Commercial & Consumer Debt Collection



Glazing Percentage Calculations

FACADE AREA WITHIN BUILD-TO-ZONE THAT IS BETWEEN 2' AND 12' ABOVE SIDEWALK:

650 SQUARE FEET (65' X 10')

REQUIRED GLAZING FOR THAT AREA: 50% = 650 / 2 = 325 SQUARE FEET

GLAZING AREA WITHIN THAT AREA:

137 SQUARE FEET (STOREFRONTS AND TRANSOMS, 43 + 94 Sq Ft)

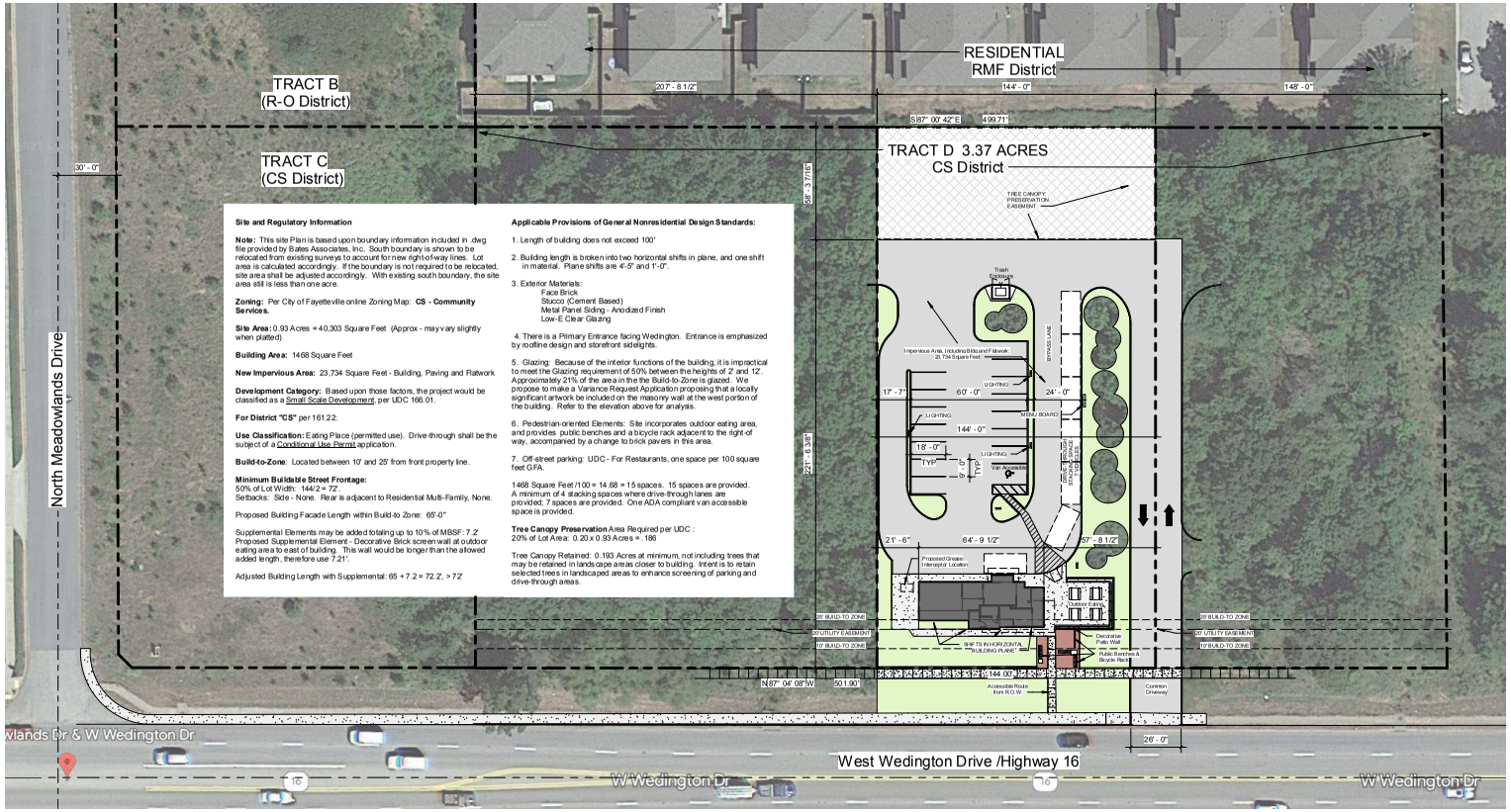
PERCENTAGE = 137 / 650 = 21%

WE ARE REQUESTING THAT 242 SQ FT MURAL AREA ON WEST PORTION OF BUILDING THAT IS WITHIN BUILD-TO ZONE BE CONSIDERED AS EQUIVALENT TO GLAZED AREA.

TOTAL AREA OF GLAZING AND MURAL: 137 + 242 SQUARE FEET = 379 SQ FT

379 / 650 = 58% OF AREA WITHIN AREA BETWEEN 2' AND 12' HIGH

2 A-101 South Facade with Glazing Proposal
1/4" = 1'-0"



Site and Regulatory Information

Note: This site Plan is based upon boundary information included in .dwg file provided by Bates Associates, Inc. South boundary is shown to be relocated from existing surveys to account for new right-of-way lines. Lot area is calculated accordingly. If the boundary is not required to be relocated, site area shall be adjusted accordingly. With existing south boundary, the site area still is less than one acre.

Zoning: Per City of Fayetteville online Zoning Map: **CS - Community Services.**

Site Area: 0.93 Acres = 40,303 Square Feet (Approx - may vary slightly when platted)

Building Area: 1468 Square Feet

New Impervious Area: 23,734 Square Feet - Building, Paving and Flatwork

Development Category: Based upon those factors, the project would be classified as a Small Scale Development, per UDC 166.01.

For District "CS" per 161.22:

Use Classification: Eating Place (permitted use). Drive-through shall be the subject of a Conditional Use Permit application.

Build-to-Zone: Located between 10' and 25' from front property line.

Minimum Buildable Street Frontage:
50% of Lot Width: 144/2 = 72'.
Setbacks: Side - None. Rear is adjacent to Residential Multi-Family, None.

Proposed Building Facade Length within Build-to Zone: 65'-0"

Supplemental Elements may be added totaling up to 10% of MBSF: 7.2'
Proposed Supplemental Element - Decorative Brick screen wall at outdoor eating area to east of building. This wall would be longer than the allowed added length, therefore use 7.21'.

Adjusted Building Length with Supplemental: 65 + 7.2 = 72.2', > 72'

Applicable Provisions of General Nonresidential Design Standards:

1. Length of building does not exceed 100'

2. Building length is broken into two horizontal shifts in plane, and one shift in material. Plane shifts are 4'-5" and 1'-0".

3. Exterior Materials:
   Face Brick
   Stucco (Cement Based)
   Metal Panel Siding - Anodized Finish
   Low-E Clear Glazing

4. There is a Primary Entrance facing Wedington. Entrance is emphasized by roofline design and storefront sidelights.

5. Glazing: Because of the interior functions of the building, it is impractical to meet the Glazing requirement of 50% between the heights of 2' and 12'. Approximately 21% of the area in the the Build-to-Zone is glazed. We propose to make a Variance Request Application proposing that a locally significant artwork be included on the masonry wall at the west portion of the building. Refer to the elevation above for analysis.

6. Pedestrian-oriented Elements: Site incorporates outdoor eating area, and provides public benches and a bicycle rack adjacent to the right-of way, accompanied by a change to brick pavers in this area.

7. Off-street parking: UDC - For Restaurants, one space per 100 square feet GFA.

1468 Square Feet /100 = 14.68 = 15 spaces. 15 spaces are provided. A minimum of 4 stacking spaces where drive-through lanes are provided; 7 spaces are provided. One ADA compliant van accessible space is provided.

Tree Canopy Preservation Area Required per UDC :
20% of Lot Area: 0.20 x 0.93 Acres =. 186

Tree Canopy Retained: 0.193 Acres at minimum, not including trees that may be retained in landscape areas closer to building. Intent is to retain selected trees in landscaped areas to enhance screening of parking and drive-through areas.

1 A-101 Site Plan - Overall
1" = 30'-0"

ARRIS consulting
1920 Research Blvd. Bldg 1 Lubbock, Texas 79507

THIS DOCUMENT IS RELEASED ON 03/28/23 UNDER THE AUTHORITY OF LONNIE FRANK GARY, TEXAS R.A. #8957, FOR PURPOSES OF INTERIM REVIEW ONLY.

NOT FOR USE IN CONSTRUCTION OR REGULATORY APPROVAL.

No.	Description	Date

Wienerschnitzel

Fayetteville, Arkansas
West Wedington Drive

Schematic Site Plan

Project Number	23-004
Initial Sealed Release Date:	
Project Lead:	
Contact:	
Reviewed By:	
Contact:	

A-101.1

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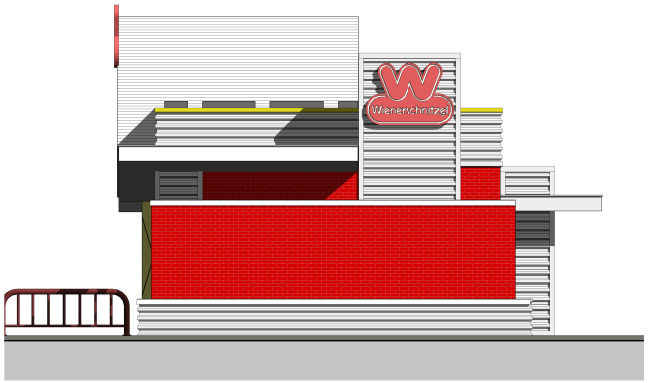
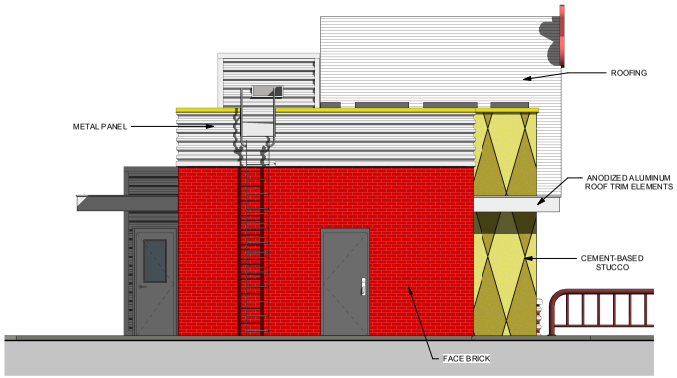
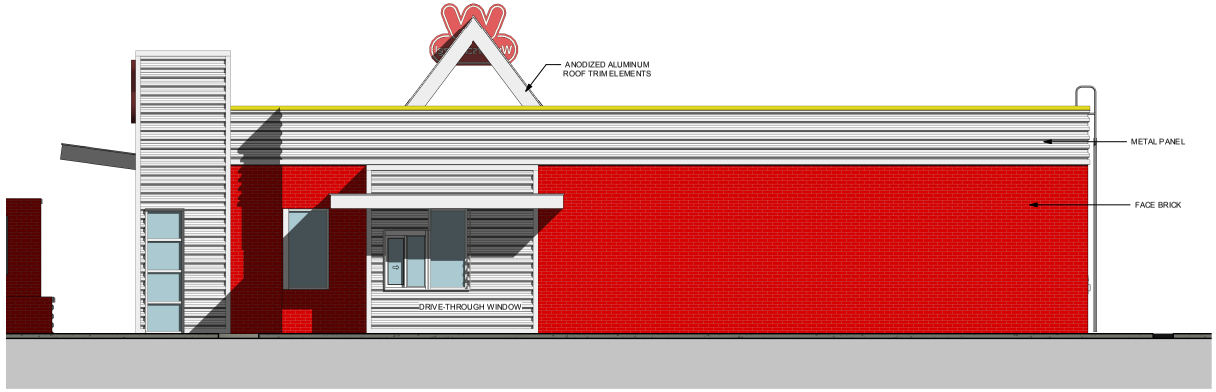


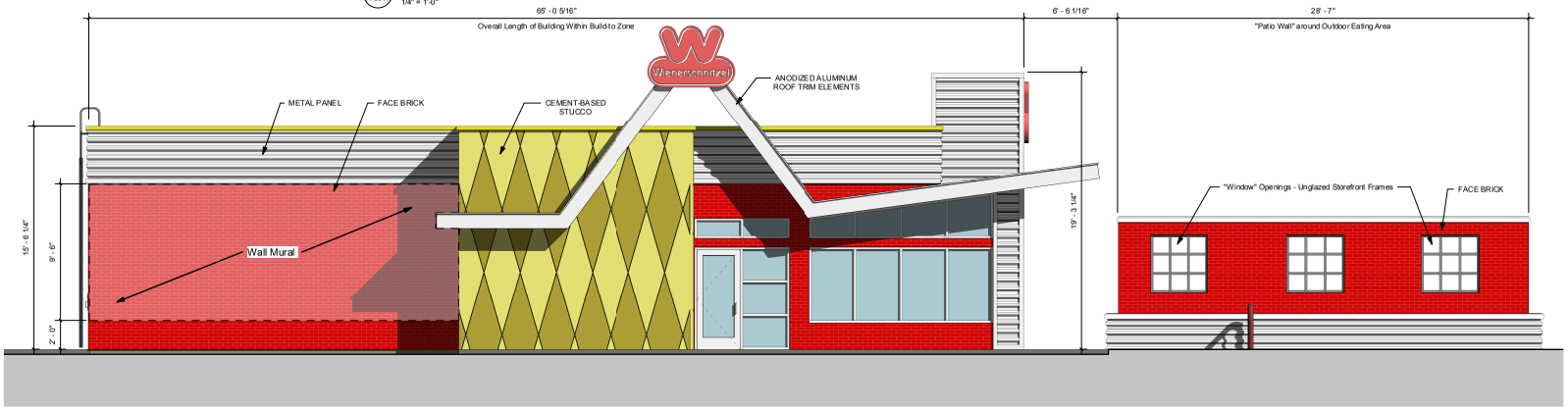
1 A-201.1 East
1/4" = 1'-0"



4 A-201.1 West
1/4" = 1'-0"



2 A-201.1 North
1/4" = 1'-0"



3 A-201.1 South
1/4" = 1'-0"

ARRIS consulting
1920 Research Blvd. Bldg 1 Lubbock, Texas 79407

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NOT FOR USE IN CONSTRUCTION OR REGULATORY APPROVAL.

No.	Description	Date

Wienerschnitzel

Fayetteville, Arkansas
West Wedington Drive

Exterior Elevations

Project Number	23-004
Initial Sealed Release Date:	
Project Lead:	
Contact:	
Reviewed By:	
Contact:	

A-201.1

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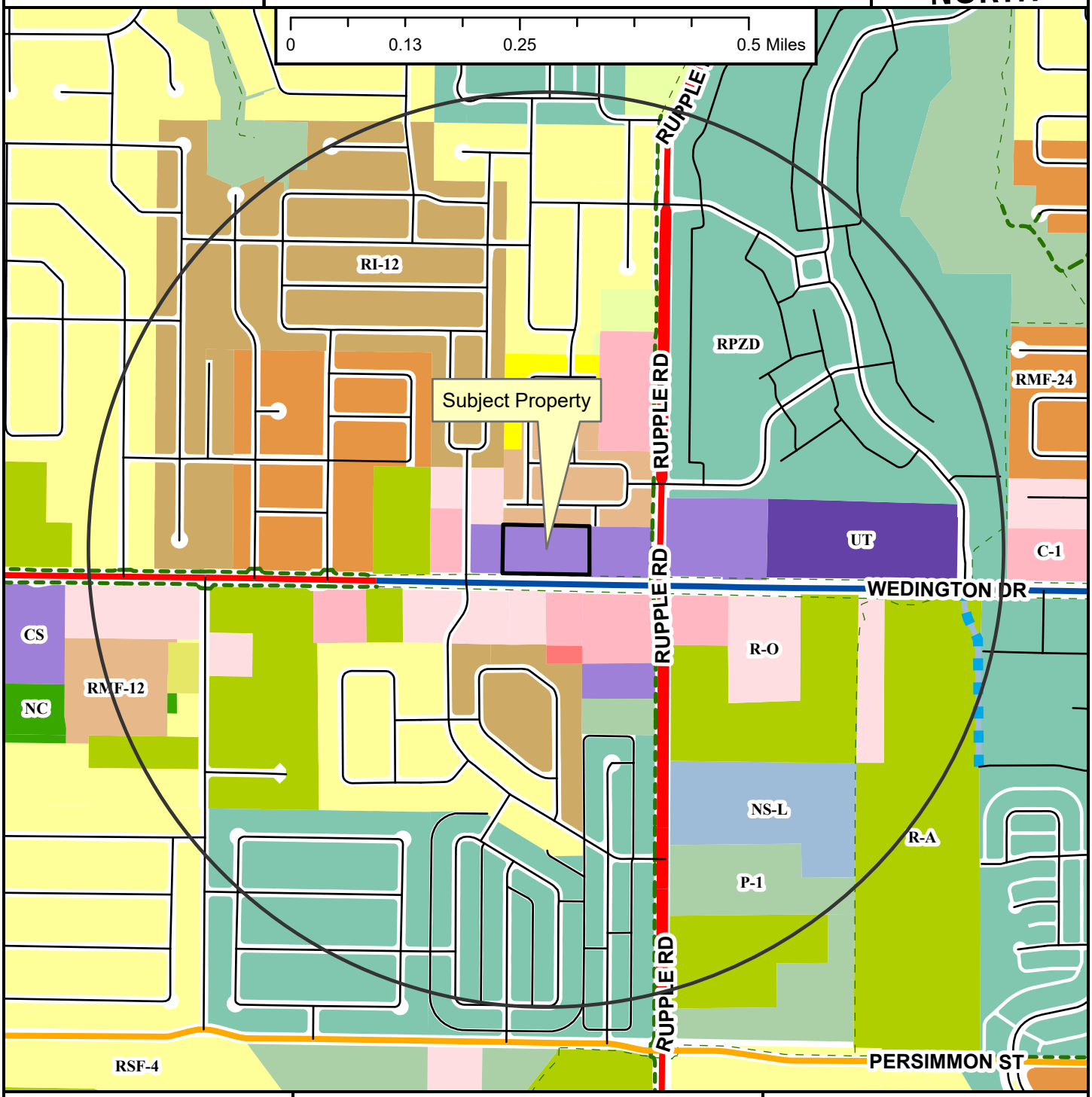
CUP-2023-0047

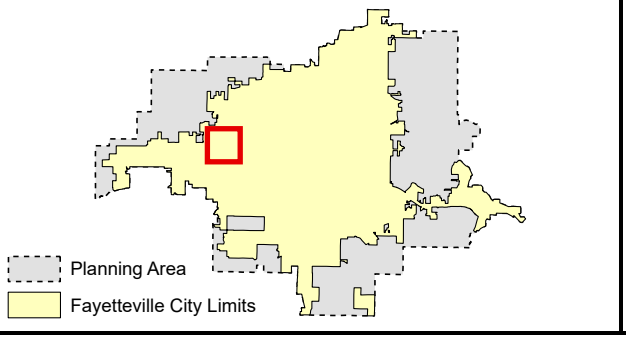
One Mile View

W. WEDINGTON DR & N. MEADOWLANDS DR

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

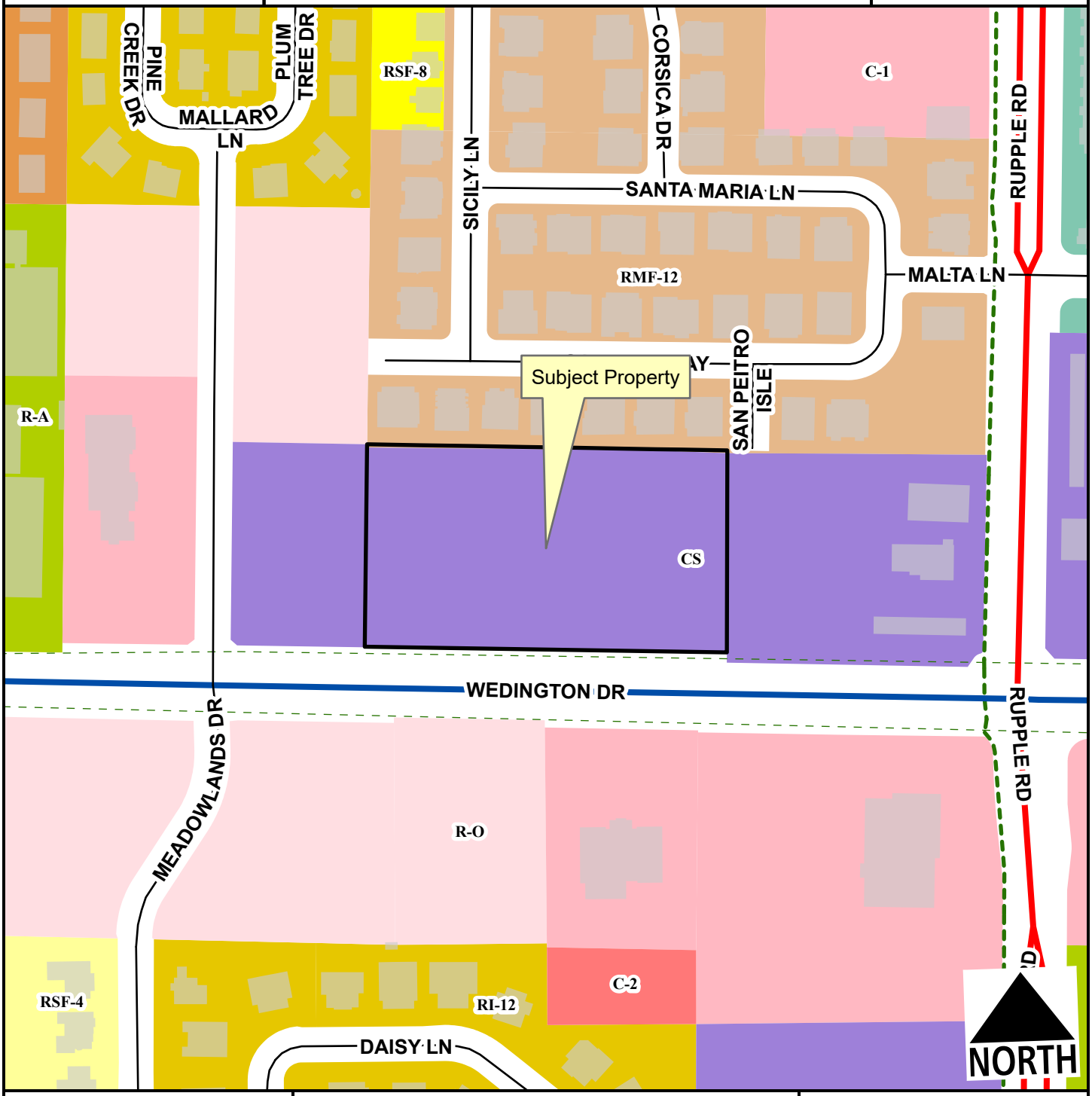
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0047

Close Up View

W. WEDINGTON DR & N. MEADOWLANDS DR



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

Feet
0 75 150 300 450 600
1:2,400

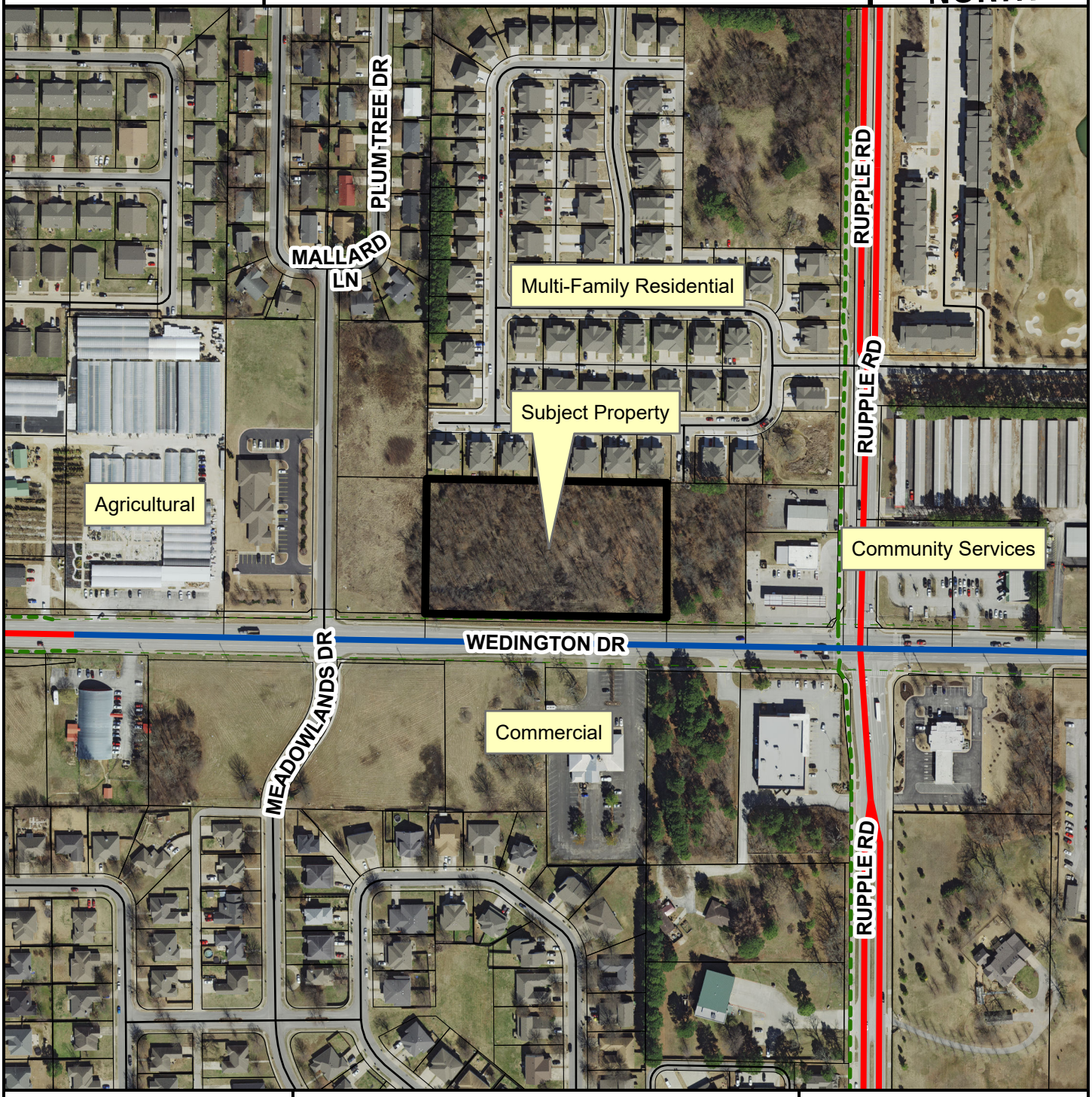
Residential-Agricultural
RSF-4
RSF-8
RI-12
RMF-12
RMF-24
Residential-Office
C-1
C-2
Community Services
Commercial, Industrial, Residential

CUP-2023-0047

Current Land Use

W. WEDINGTON DR & N. MEADOWLANDS DR

NORTH



- Regional Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: May 8, 2023

SUBJECT: **RZN-2023-0012: Rezoning (1516 N. LUNSFORD AVE./BRADFORD-SPENCER, 409):** Submitted by TRUTEK INC for property located at 1516 N. LUNSFORD AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY - FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:
Staff recommends forwarding **RZN-2023-0012** to City Council with a recommendation of approval based on the findings herein.

RECOMMENDED MOTION:
*"I move to forward **RZN-2023-0012** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in east Fayetteville about 400 feet south of the intersection of Mission Boulevard and Lunsford Avenue. The property is zoned RSF-4, Residential Single-Family – Four Units per Acre; totals about 0.40 acres; and is currently developed with a single-family dwelling which Washington County records indicate was built in 1940. No zoning overlays apply to this site and no sensitive natural features are present. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family – Four Units per Acre to NC, Neighborhood Conservation. The applicant has stated that this rezoning is necessary in order to install an entrance and walkway on the principal façade of the existing house.

Public Comment: To date, staff has received no public comment on this item.

INFRASTRUCTURE:

Streets: The subject property has frontage along North Lunsford Avenue and East Hammond Street. Both streets are fully-improved Residential Link streets with asphalt paving, curb and gutter, and sidewalk. 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. Existing six-inch water mains are present along the south side of Hammond Street and the west side of Lunsford Avenue.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present on the east side of Lunsford Avenue and an eight-inch sewer main is present in the center of Hammond Street.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development.

Fire: Station 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 2.4 miles from the fire station with an anticipated drive time of approximately five minutes using existing streets. The anticipated response time would be approximately 7.2 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 of NC, Neighborhood Conservation, requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family – 4 Units per Acre, requires **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**.

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 of **6** for this site with a weighted score of **6**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #5, 2979 N. Crossover Rd.)
- Near Sewer Main (six-inch main, Lunsford Avenue)
- Near Water Main (eight-inch main, Lunsford Avenue)
- Near Public School (Root Elementary School)
- Near City Park (Clarence Craft Park)
- Near Paved Trail (Mission Boulevard, Old Wire Road)

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 that a rezoning from RSF-4 to NC would allow for residential development that is generally compatible with other properties in the vicinity. Both existing and proposed zoning designations restrict by-right development to single-family dwellings, though RSF-4 allows a maximum density of four units per acre while NC allows a density of 10 units per acre. Further, where RSF-4 has conventional building setbacks, NC would require urban form setbacks with a build-to zone between zero and 25 feet from the front property line. Since the existing house is located about 10 feet away from a front property line, staff finds that a rezoning to NC would resolve an existing nonconformity by reducing the setback requirement. In terms of bulk and area regulations, a rezoning from RSF-4 to NC would reduce the minimum lot width from 70 to 40 feet and reduce the minimum lot area from 8,000 to 4,000 square feet. While most residential properties in the vicinity have lot widths and areas that are aligned with RSF-4 zoning, reducing minimum lot sizes and allowing for increased density could allow for modest infill in an established residential neighborhood, which staff finds to be aligned with the City's long-term goals.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be generally consistent with the City's land use planning objectives, principles, and policies. Neighborhood Conservation would allow for development that could complement the property's Future Land Use Map designation as Residential Neighborhood area by allowing for increased density in an established residential neighborhood. Rezoning would also allow the property owner to expand and/or alter their current house which could support Goal 6 of City Plan 2040 by allowing for the preservation of existing housing. If redeveloped, a rezoning could support Goal 1 of City Plan 2040 by allowing for moderate residential infill.**

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

Finding: **Staff finds that a rezoning from RSF-4 to NC is justified and needed at this time. A rezoning to NC would reduce the front setback requirement and resolve an existing nonconforming situation. This would allow the current property owner to expand and/or alter their home while remaining in compliance with relevant zoning ordinances. Staff also finds that this**

rezoning is justified since it would be aligned with the City's long-term goals to promote appropriate infill and reduce sprawl.

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

Finding: **Staff finds that rezoning the property to NC has the potential to increase traffic along Lunsford Avenue and Hammond Street. However, the size of the property and the existing topography on site should naturally limit the scale of any future development, thus limiting adverse impacts on traffic danger and congestion.**

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 from RSF-4 to NC has the potential to alter the population density since it would increase the maximum number of single-family dwellings permitted on site from one to four. However, staff finds that this would not undesirably increase the load on public services since the property is close to public schools and existing water and sewer infrastructure. 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: Planning staff recommends forwarding RZN-2023-0012 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 8, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §161.29 Neighborhood Conservation
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(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 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §8, 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)

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

(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

(Ord. No. 5128, 4-15-08; 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, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6211 , §1, 8-6-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Trutek Inc
P.O. Box 7628
Van Buren, AR 72956
479-790-0299 479-466-4401

Property address for NC rezoning proposal:

1516 N. Lunsford Ave. Fayetteville, AR 72701

Property owners: Nicholas Bradford and Stuart L. Spencer

The house does not have an entrance on the West facing N. Lunsford. Both entrances are located on the North side and the South side. Both entrances are behind fences and are not visible from the street. The owners would prefer an entrance on the street side in order to have an entrance that is readily accessible on the front that encourages a visitor to park in the bigger drive on the South end that allows a vehicle to park without blocking the public sidewalk. The intention of the build is to add steps and a deck walkway that is enclosed underneath in the style already existing on the North end of the house while also providing access to the gas meter. Neither the gas company nor the city of Fayetteville would have a problem with the meter located in the enclosed space if this build is allowed. This addition would fit well with the Neighborhood Conservation rezoning and would not take away from any of the surrounding neighbors, but would improve access to the home in an aesthetically pleasing way. This would also aid in keeping the public sidewalk open and increase value in the neighborhood. Drawings included for location, size and design of deck with stairs and a front door for access to the house.

Thank You,

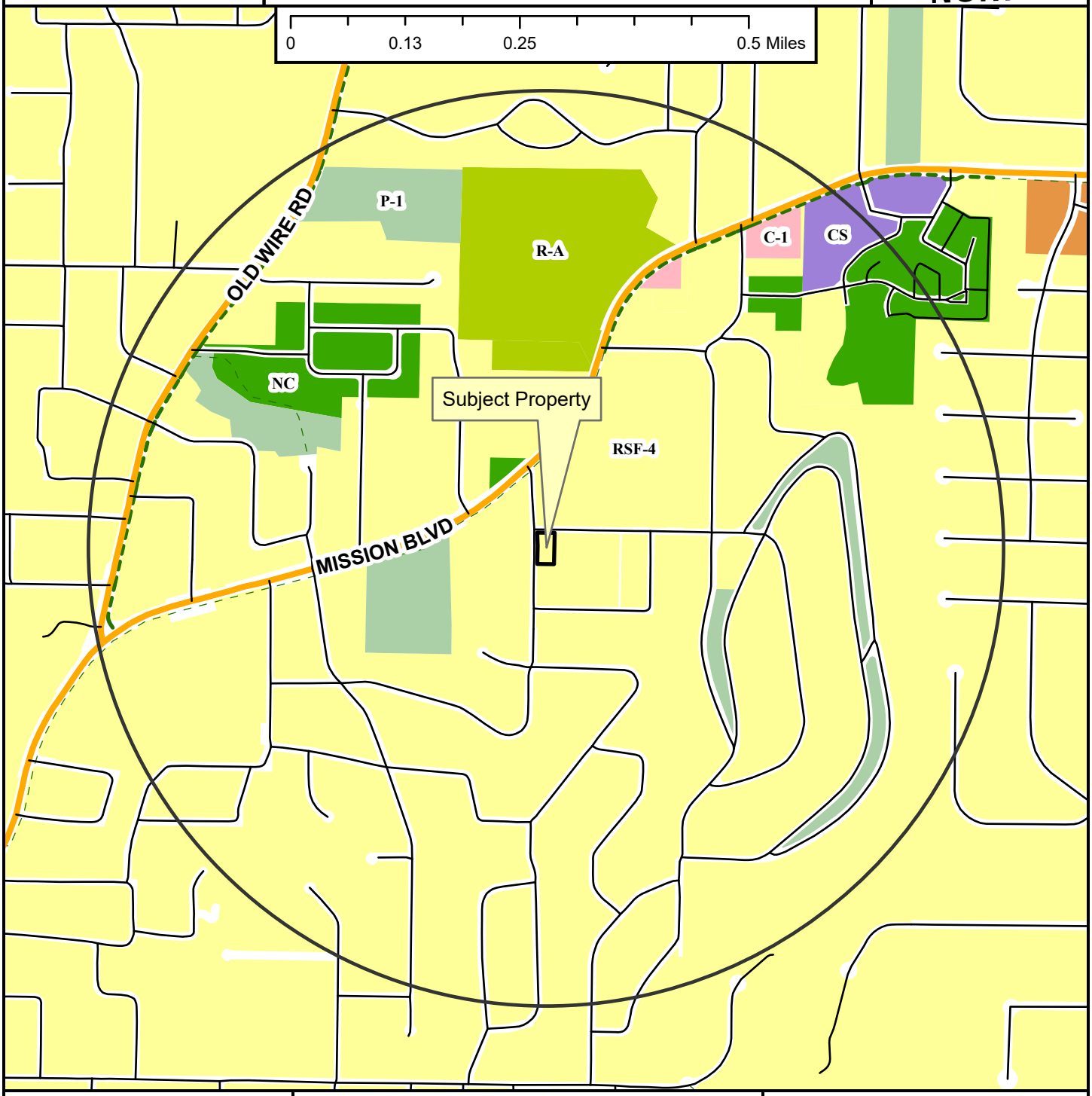
Eddie Thomas

RZN-2023-0012

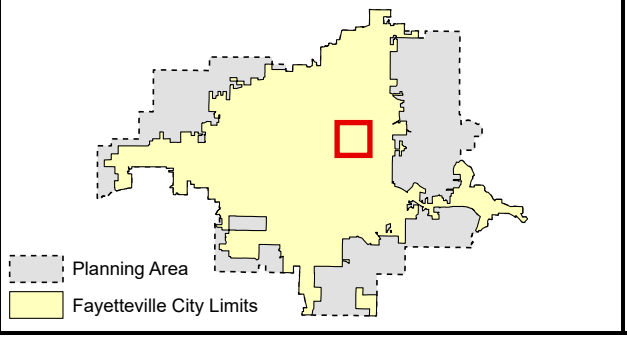
One Mile View

1516 N. LUNSFORD AVE

NORTH



- Neighborhood Link
- Unclassified
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

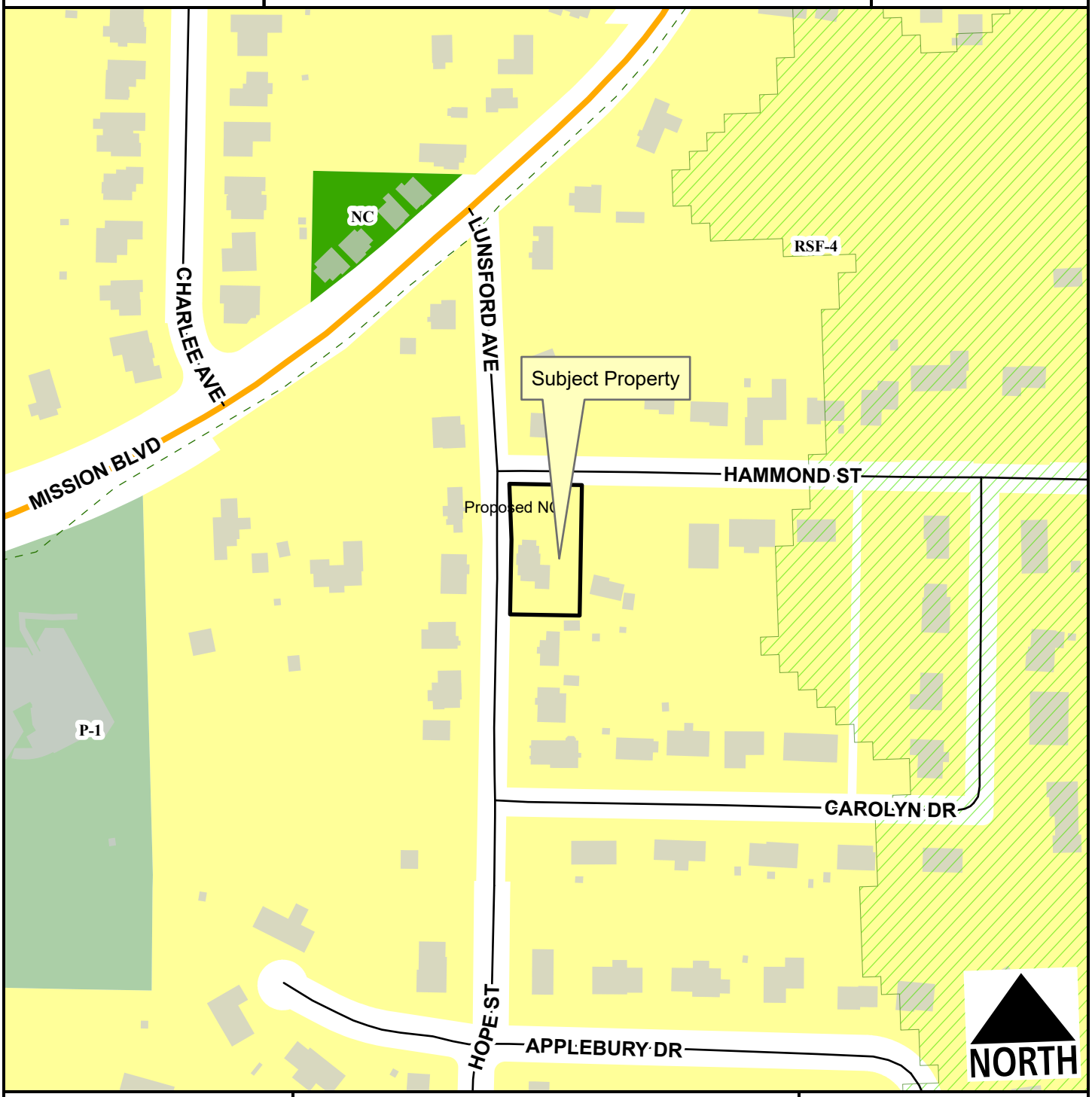
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2023-0012

Close Up View

1516 N. LUNSFORD AVE



- Neighborhood Link
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NC	0.0	0.4
RSF-4	0.4	0.0
Total	**0.4 ac**	

RZN-2023-0012

Current Land Use

1516 N. LUNSFORD AVE

NORTH

Neighborhood Link

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

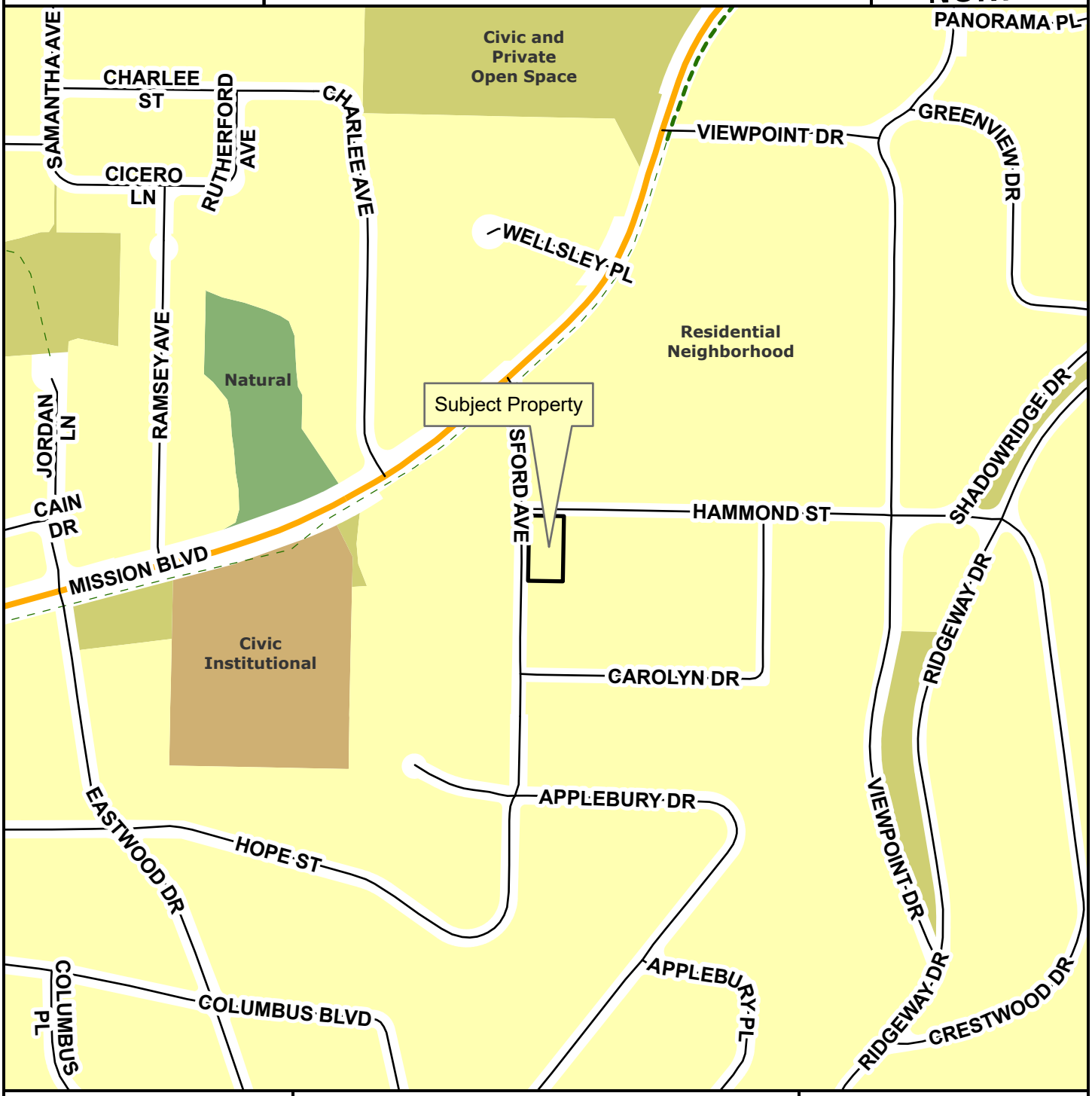
Floodway

RZN-2023-0012

Future Land Use

1516 N. LUNSFORD AVE

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

City Neighborhood
Civic Institutional
Civic and Private Open Space
Industrial
Natural
Non-Municipal Government
Residential Neighborhood
Rural Residential
Urban Center

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: May 8, 2023

SUBJECT: **CUP-2023-0046: Conditional Use Permit (1829 N. WOOLSEY AVE./WENDT, 367):** Submitted by HOG HOUSE, LLC for property located at 1829 N. WOOLSEY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.19 acres. The request is to use the property as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0046**, with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0046** with conditions, determining:*

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

BACKGROUND:
The subject property is in north Fayetteville approximately ¼ mile southwest Woodland Junior High and ¼ mile north of Gregory Park and the VA Healthcare System of the Ozarks. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre, and totals approximately 0.19 acres. No zoning overlays apply to the parcel. According to the Washington County Assessor, a 1,584 square foot single-family structure was constructed on the parcel in 2014. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Two-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

City Plan 2040 Future Land Use Designation: **Residential Neighborhood.**

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term

rentals are subject to density limitations, including a 2% citywide cap, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0046,** with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *On the balance, staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.

3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.

6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

7. All trash receptacles shall be screened from view of the right-of-way.

8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.

9. Any signage shall meet the requirements as outlined in §174, Signage.

PLANNING COMMISSION ACTION: Required YES

Date: May 8, 2023 ❒ **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 a Type 2 short-term rental in the RSF-4 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 §118.01(E)(2) 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 that granting the requested conditional use is unlikely to negatively affect the public interest, given the applicable business license**

requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing Short-Term Rentals, as follows:**

§163.18 - SHORT-TERM RENTALS

A. General Standards.

(1) Residential Zoning Districts. Residential Zoning Districts. Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type-2 short term rental in the RSF-4 zoning district, which requires a conditional use permit.**

(2) Occupancy. Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **Occupancy is limited as described in UDC §163.18(A)(3). Occupancy limitations are confirmed by the applicant during licensing. Since this residence contains three (3) bedrooms, occupancy will likely be limited to a maximum of six (6) guests.**

(3) Parking. Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Staff recommends parking is limited as described in UDC §163.18(A)(4). For single-family structures parking is required to be provided at a rate of two vehicle spaces per dwelling unit. According to the applicant the structure has three bedrooms and six (6) parking spaces; two (2) spaces in an attached garage and four (4) in the driveway.**

(4) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The application suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

(5) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 1829 N. Woolsey Ave. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

(6) Exceptions. Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a citywide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Recently released 5-year data from the 2021 list total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. To date, there are 330 Type 2 short-term rental licenses that are subject to this cap. Hotel and motel uses are not permitted by right in the RSF-4, Residential Single-Family, Four (4) Units per Acre zoning district so this short-term rental will contribute to the city-wide density cap.**

(7) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all regulations in City Code §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

(8) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;
2) Adequate adjoining or nearby streets for on-street parking;
3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4} Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. Six (6) off-street parking spaces are available between the garage and driveway. N. Woolsey Ave. does not have enough width for on-street parking. City business license records indicate four (4) type-two short rentals within ¼ mile of the property. No prior zoning or code cases were located for this property.**

§163.02, AUTHORITY; CONDITIONS; PROCEDURES. (continued)

(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 property is located on the west side of N. Woolsey Ave, a partially improved residential link with no existing sidewalk. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 8 guests, which would not be out of character with use of the property for residential purposes.**

(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: **Parking is available in a six (6) spaces; two (2) spaces in an attached garage and four (4) in the driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.**

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

Finding: **Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.**

(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 Unified Development Code section 174 – Signs, and all the regulations therein.**

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

Finding: **Based on the applicant's submittal, the structure is meeting relevant setbacks.**

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

Finding: **Staff finds the use to be compatible with the surrounding properties. While the residences along N. Woolsey Ave. are all detached single-family dwellings, a significant amount of the adjoining area along N. Gregg Ave. are developed with multifamily dwellings.**

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

Finding: **The Fayetteville 2040 plan describes the connection between housing and transportation and encourages housing close to work and schools to "promote walkability and maximize the return on the school district's facilities." The proximity of a school within ½ mile is one of the assessment elements used in the city's infill scoring system, and this dwelling is within ¼ miles of Woodland Jr. High School. As approving a type-2 short term rental would remove the dwelling from Fayetteville's long-term housing inventory, staff finds the proposal may negatively impact residents in need of school services.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
- Excerpts from Fayetteville 2040 Plan
- Applicant Request Letter
- Site Plan
- Floor Plans
- Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(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 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §8, 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)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

6.6 Housing Strategies

An affordable community can only exist if we make sure that the people who work or go to school here, at all income levels, can afford to live here. Through incentives and regional partnerships, Fayetteville can encourage more affordable housing to be distributed throughout the City. New mixed-use areas as envisioned on the City Plan 2040 Growth Concept Map can meet the need for more affordably priced housing that is walkable, bikeable, and linked by transit to jobs and other centers. This can provide Fayetteville residents the opportunity to reduce the costs of car ownership and meet the needs of Fayetteville's increasingly diverse households. Healthy and affordable communities depend on easy, safe access to walking, biking, and recreation, healthy and nutritious food, quality healthcare, schools, public safety, and other community services.

Rising housing and related costs, such as transportation and utilities, are a major issue facing Fayetteville's residents. Low-income, fixed-income, and, increasingly, middle-class households struggle to find housing they can afford, especially in neighborhoods close to downtown and the University of Arkansas. Often, the only housing they can afford is not close to work or schools and is far removed from daily necessities such as services, shopping, entertainment, recreation, and dining. Better-located housing is often too expensive or does not meet the needs of many families with children. As Fayetteville implements its Welcoming Plan and becomes more diverse—with a growing retired and senior populations, an increasing number of smaller households, and others interested in alternatives to suburban living—the single-family homes typical of our central neighborhoods may not be affordable or suit their needs.

More significantly, high real estate prices increasingly preclude the possibility of purchasing or renting a house in close-in Fayetteville neighborhoods. To meet the market demand of our growing and diversifying population, the range of available housing choices must expand throughout the city. Alternatives to the typical larger-lot single family homes and garden-style apartments that characterize much of Fayetteville's housing stock are needed, including a greater variety of starter and move-up homes. The introduction and expansion into the market of housing types such as row houses, courtyard apartments, bungalow courts, small lot single-family, accessory dwelling units, and live/work units can help meet this emerging demand.

Photo 6.1 - Duplex and Apartments

Photo 6.2 - Single-family Residence

Photo 6.3 - Sycamore Apartments

The demand for market-rate housing can and should be met by the private sector. The City of Fayetteville can work with private developers and foundations, non-profits, state and federal governments, and other local governments in Northwest Arkansas to help those individuals and families not able to afford market-rate housing, including seniors on a fixed income, people with disabilities, and low-wage workers. Often assistance from the City may come in ways not generally associated with rent or mortgage costs. For instance, much of the City's existing housing stock may have attributes that contribute to housing unaffordability. Utility bills can often be reduced by improving how we use water, electricity, and natural gas. Land use regulations can be used to direct the development of housing units in proximity to multi-modal transportation networks. Housing ultimately can be made more affordable by reducing the transportation costs associated with getting to work, school, or meeting other daily household needs.

Therefore, a comprehensive approach is needed to define and provide household affordability for residents of Fayetteville. Such an approach must take into consideration transportation, utilities, and access to daily and weekly needs as essential and inter-related components of household affordability.

The City is addressing many of these issues through some of our recently developed master plans, including: the Fayetteville Mobility Plan, Welcoming Fayetteville, Workforce Development, Economic Development, and Energy Action. The following identified action steps can be implemented in an integrated fashion to reduce the cost of living in Fayetteville:

Actions

- Fayetteville should actively participate and engage in the regional dialogues and initiatives as outlined in the report completed by the Northwest Housing Regional Planning Commission entitled "Our Housing Future- A Call to Action for Northwest Arkansas".
- Fayetteville should 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.

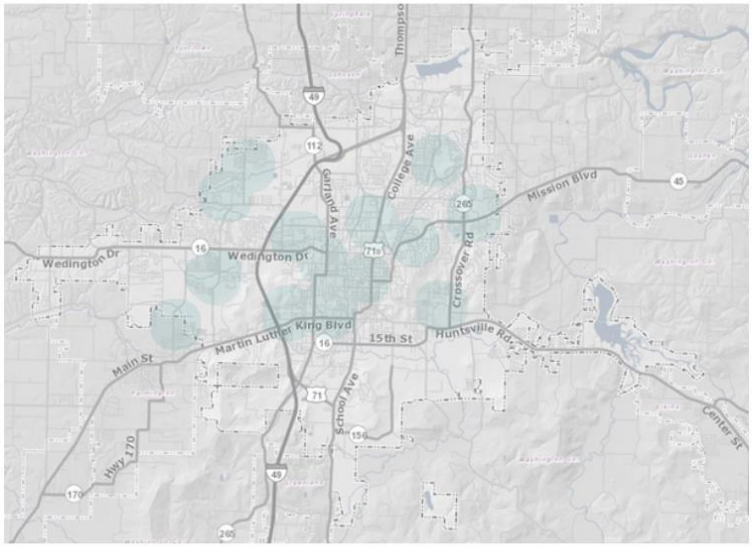
"While I fully support infill development to help with housing, this housing is often unaffordable to residentis who work and previous[ly] lived in many of these neighborhoods. Gentrification is forcing many of the local population out of these neighborhoods." - Survey Respondent

Supporting Information

- Promote long-term affordability by:
  - Supporting a local or regional community land trust and other shared equity approaches;
  - 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; and
  - 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.
- Identify new or expand existing dedicated revenue sources for affordable housing.
- 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.
- Develop a community educational campaign to address the issue of affordability such as; the loss of existing affordable housing, rising utility and transportation costs, and the need to maintain affordability as a part of Fayetteville's quality of life.
- 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.
- 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.

"It takes forever to get anywhere. Looking for a different housing option for my growing family is becoming harder as Fayetteville is outpricing us. I don't want to move to Prairie Grove like a lot of my co-workers." - Survey Respondent

Appendix



Public Schools (1/2 Mile)

Public schools have been a key element in neighborhood character and stability for decades. Just as Fayetteville directs or responds to development through capital investment in streets and fire stations, so too does Fayetteville Public School District through school construction. With consideration for capacities, encouraging infill near schools promotes walkability and maximizes the return on the school district's facilities.

March 27, 2023

Planning Division
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Request for Conditional Use Permit to allow Short Term Rentals at 1829 N. Woolsey, Fayetteville, Arkansas 72703

To Whom it May Concern:

My wife Kellie and I are the owners of 1829 N. Woolsey. We are applying for a Conditional Use Permit to allow Short Term Rentals. Please note that we recently purchased the property from Haley Allison Roberts and that name may show up on some of the documents we are submitting.

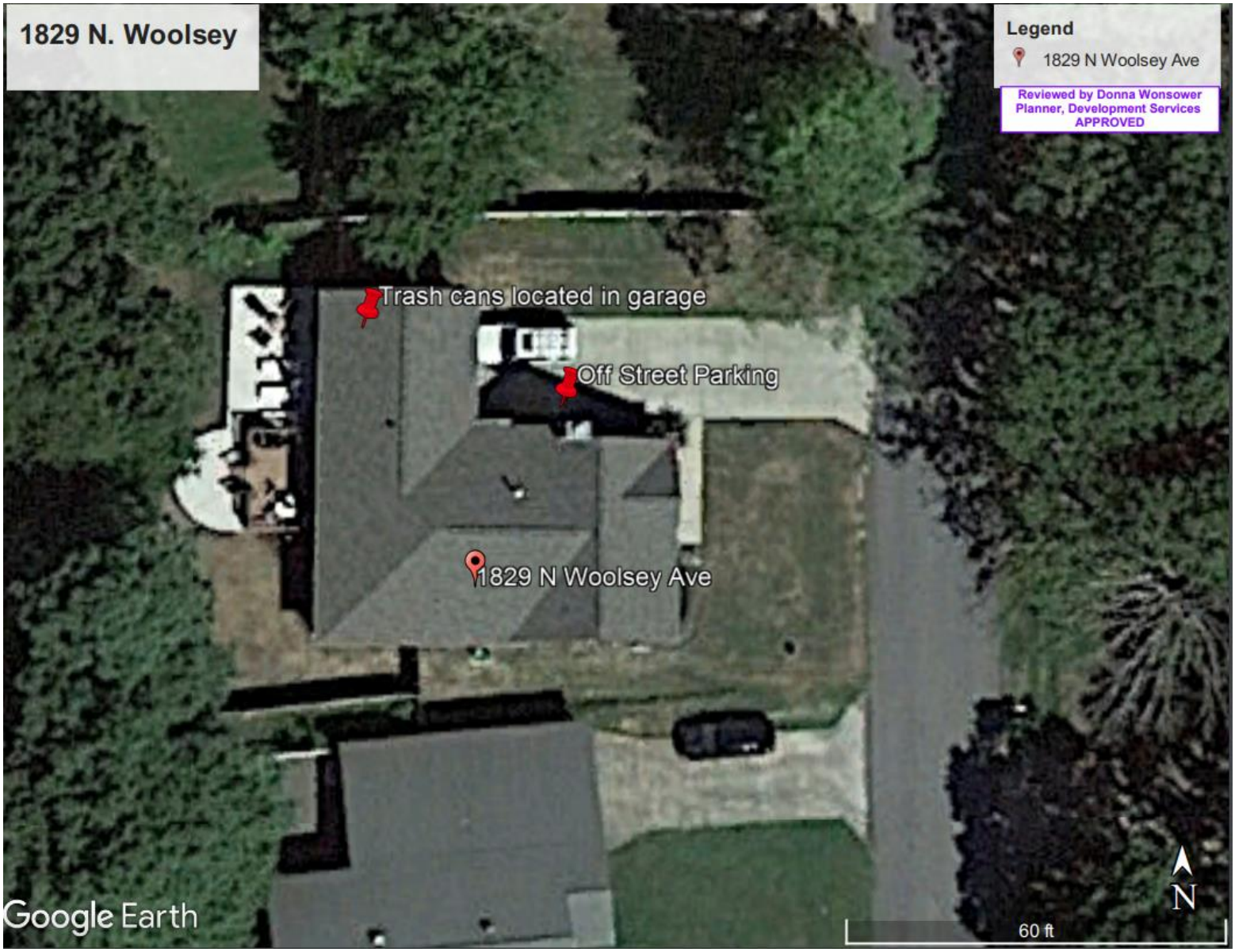
The house is approximately 1584 sf of living space and a garage of approximately 484 sf. – the attached floorplan shows the approximate location of the 3 bedrooms, 2 baths, living, kitchen and dining areas, Photos of all four elevations are attached to the application, as well as a Google Earth aerial showing the location of trash receptacles and off-street parking in the driveway.

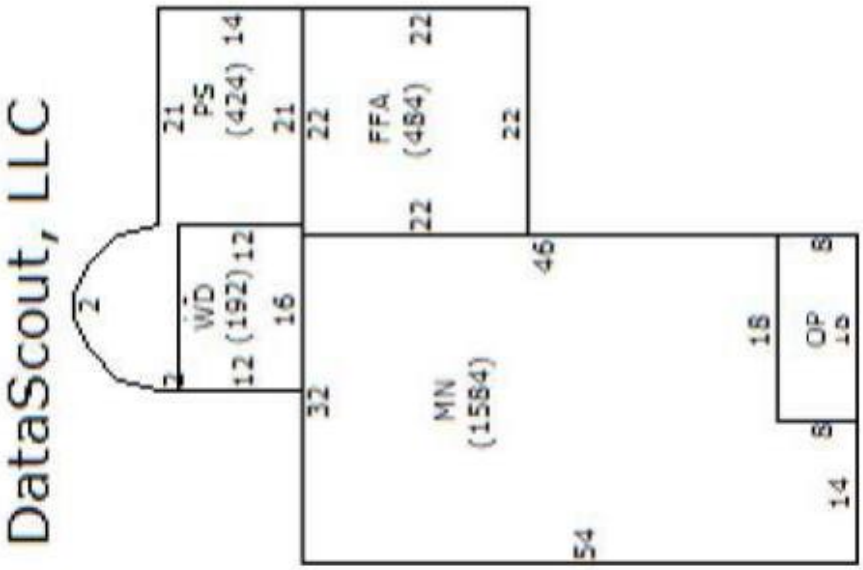
The property will be professionally managed and will be compatible with the surrounding neighborhood.

Thank you for your consideration of this request. If you have any questions, please contact me at (512) 809-2357. Thanks very much.

Sincerely,

Rob Wendt
Owner
1829 N. Woolsey,
Fayetteville, Ark 72701


1829 N. Woolsey
Legend
1829 N Woolsey Ave
Reviewed by Donna Wonsower
Planner, Development Services
APPROVED
Trash cans located in garage
Off Street Parking
1829 N Woolsey Ave
Google Earth
60 ft
N


DataScout, LLC
21
PS
(424)
14
21
22
FFA
(484)
22
22
22
2
WD
12 (192) 12
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MN
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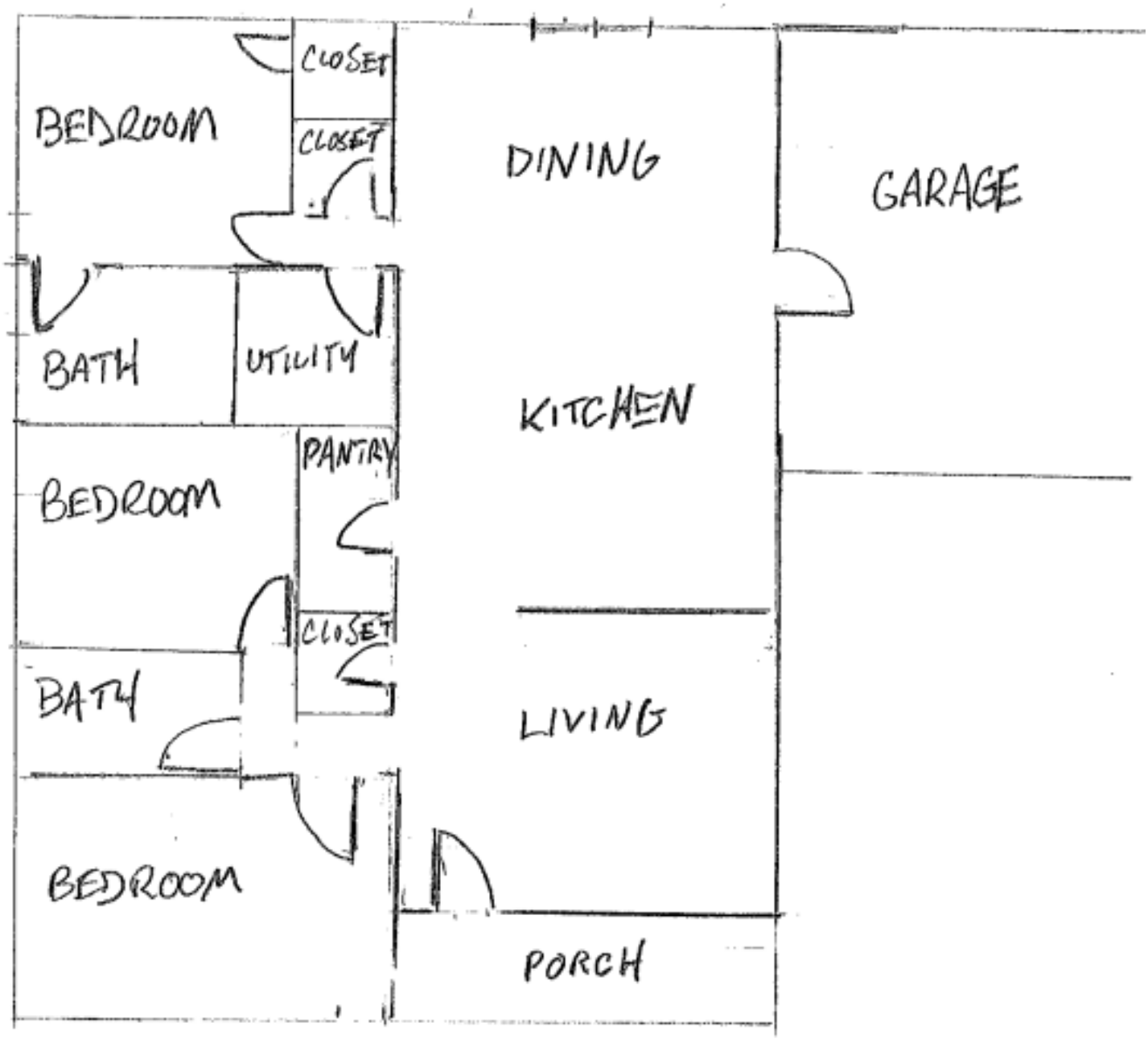
46
18
OP
18
8
8
14
54

1829 N. WOOLSEY



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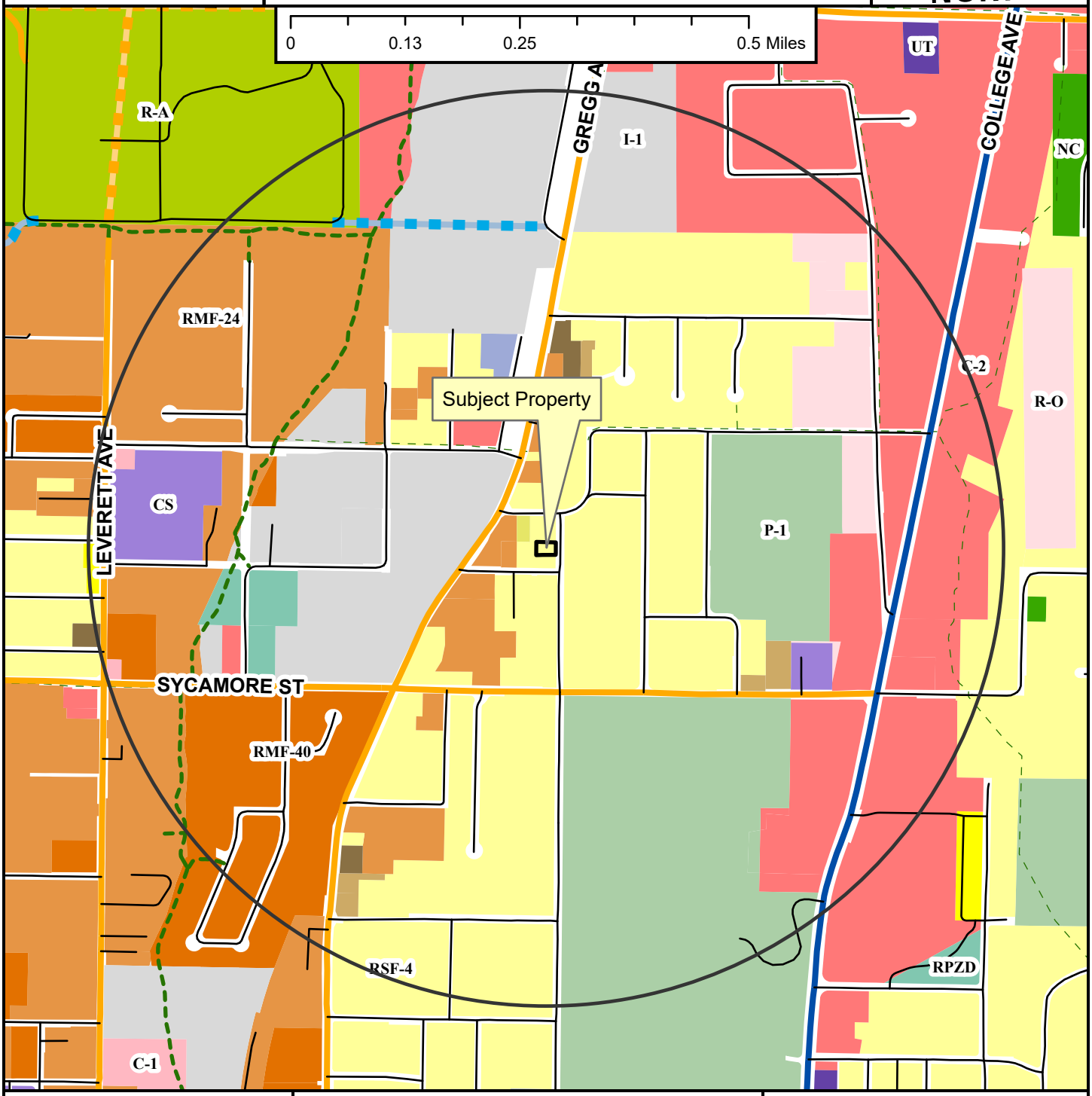
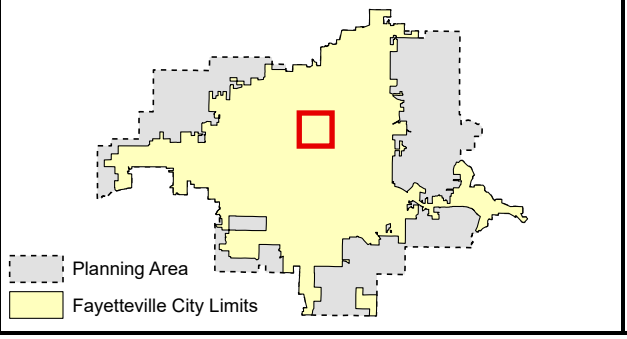
One Mile View

1829 N. WOOLSEY AVE

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- 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-18
- 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

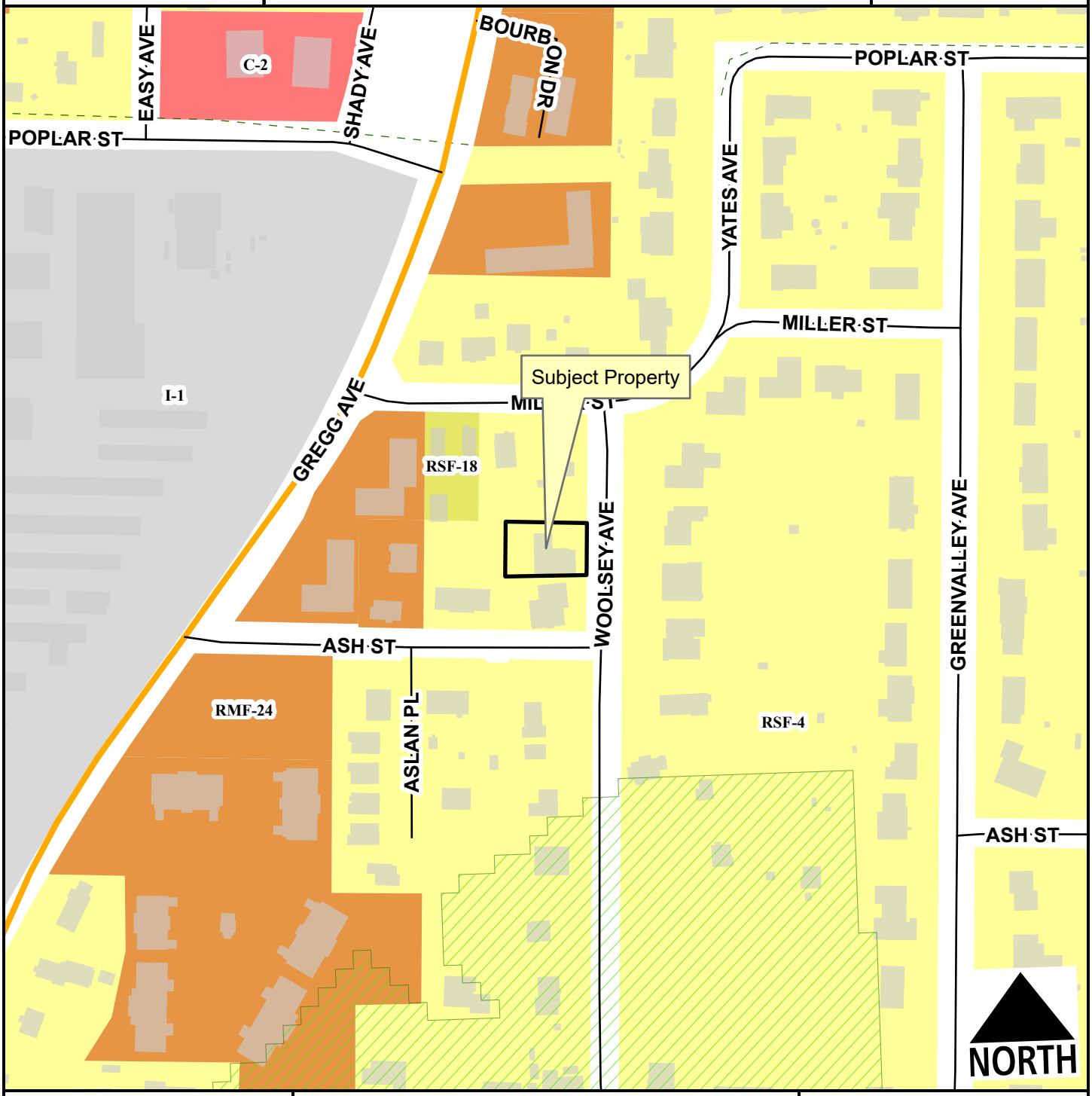
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0046

Close Up View

1829 N. WOOLSEY AVE



Neighborhood Link
Unclassified
Residential Link
Hillside-Hilltop Overlay District
Planning Area
Fayetteville City Limits
Trail (Proposed)

Feet
0 75 150 300 450 600
1:2,400

RSF-4
RSF-18
RMF-24
I-1 Heavy Commercial and Light Industrial
C-2

CUP-2023-0046

Current Land Use

1829 N. WOOLSEY AVE

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

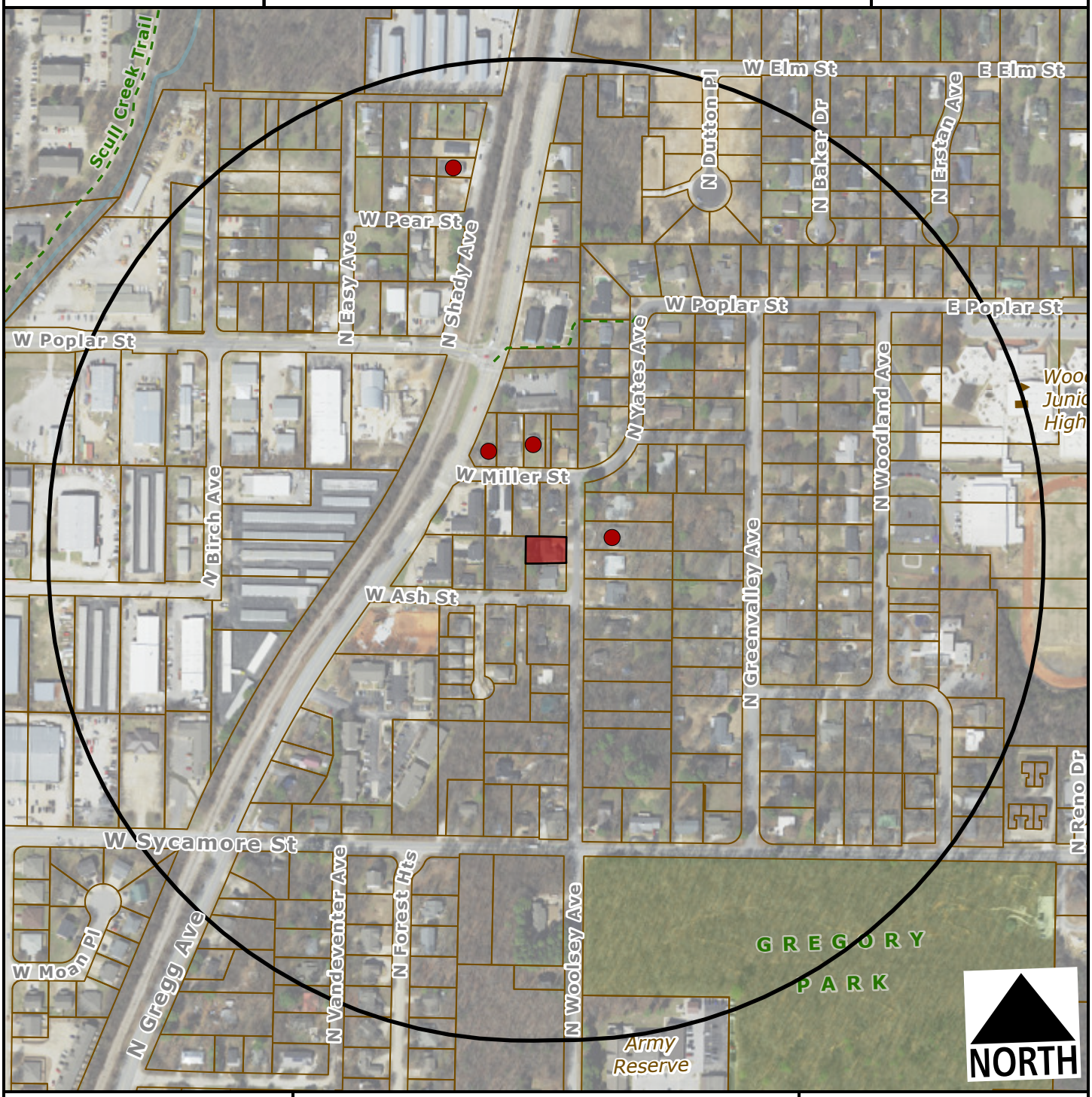
FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CUP-2023-0046

STRs Within 1/4 Mile

1829 N. WOOLSEY AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Number of STR Licenses

Contributing to 2% density cap	4
NOT contributing to 2% density cap	0
Total	**4**