City of Fayetteville, Arkansas

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

Planning Commission Final Agenda

Monday, May 22, 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

Senior Assistant City Attorney Blake Pennington

Call to Order

Roll Call

Consent

1. Minutes

Approval of the minutes from the May 8th, 2023 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. ADM-2023-0014: Administrative Item (1362 N. PORTER RD/PORTER ROAD TOWNHOMES, 403):

Submitted by APOGEE PROPERTIES, LLC for property located at 1340 N. Porter Rd. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approx. 1.38 acres. The request is to extend a previously approved Large Scale Development. - Donna Wonsower, Planner

3. ADM-2023-0018: Administrative Item (NW OF E. ZION RD & S. BUTTERFIELD COACH RD/HARPER SUBDIVISION, 101):

Submitted by ESI for property located NW OF E. ZION RD & S. BUTTERFIELD COACH RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approx. 37.27 acres. The request is to extend a previously approved Preliminary Plat. - Gretchen Harrison, Planner

4. ADM-2023-0019: Administrative Item (2231 W. MARKHAM RD/MARKHAM HILL DEVELOPMENT, 480, 481):

Submitted by CEI for property located at 2231 W. MARKHAM RD. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 36.48 acres. The request is to extend a previously approved Preliminary Plat. - Jessica Masters, Development Review Manager

5. VAR-2023-0016: Variance (3718 E. SPYGLASS HILL DR/RISCH, 607):

Submitted by JAMES RISCH for property located at 3718 E. SPYGLASS HILL DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.27 acres. The request is for a variance to the Streamside Protection Zone. - Alan Pugh, Staff Engineer

6. VAR-2023-0017: Variance (WEST OF 4089 N. SHILOH DR/THE CLAUDE, 135):

Submitted by ANDERSON ENGINEERING INC for property at WEST OF 4089 N. SHILOH DR. The property is zoned CS, COMMUNITY SERVICES and

contains approximately 7.31 acres. The request is for a variance for street trees under UDC Chapter 177. - Jessica Masters, Development Review Manager

7. CCP-2023-0001: Concurrent Plat (4492 N. TOM PERRY RD/SHERRILL, 104):

Submitted by BLEW AND ASSOCIATES for property located at 4492 N. TOM PERRY RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 12.78 acres. The request is for the concurrent plat of three residential lots. - Jessica Masters, Development Review Manager

Unfinished Business

8. 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 24, 2023 AND THE MAY 8, 2023 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

New Business

9. CUP-2023-0048: Conditional Use Permit (2650 N. OLD WIRE RD/BIKE PATH COTTAGES, 292):

Submitted by TIM MCMAHON for property located at 2650 N. OLD WIRE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approx. 0.91 acres. The request is for a six-unit cluster housing development. - Gretchen Harrison, Planner

10. ADM-2023-0015: Administrative Item (1299 W. VAN ASCHE DR/JJ'S SPORTS COMPLEX, 210):

Submitted by JORGENSEN & ASSOCIATES for property located at 1299 W. VAN ASCHE DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 11.88 acres. The request is to amend a previously approved Conditional Use Permit. - Gretchen Harrison, Planner

11. PPL-2023-0002: Preliminary Plat (3610 W. WEDINGTON DR./AFT DEVELOPMENT, 401):

Submitted by BLEW AND ASSOCIATES for property located at 3610 W. WEDINGTON DR. The property is zoned UT, URBAN THROUGHFARE and contains approximately 11.46 acres. The request is for the preliminary plat of

eight lots. - Donna Wonsower, Planner

12. LSD-2023-0003: Large Scale Development (1615 E. STEARNS ST/NAPLES, 175):

Submitted by JORGENSEN AND ASSOCIATES for property located at 1615 E. STEARNS ST. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 2.42 acres. The request is for a 21,918 square-foot office building with associated parking. - Donna Wonsower, Planner

13. CUP-2023-0050: Conditional Use Permit (3017 W. OLD FARMINGTON RD/ARNOLD, 557):

Submitted by JORGENSEN AND ASSOCIATES for property located at 3017 W. OLD FARMINGTON RD. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE and contains approx. 0.54 acres. The request is for approval of Use Unit 9, to allow for two family structures. - Donna Wonsower, Planner

14. CUP-2023-0053: Conditional Use Permit (3081 N. HWY 112/SAM'S CLUB RECYCLING FACILITY, 248):

Submitted by BRR ARCHITECTURE for property located at 3081 N. HWY 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approx. 7.51 acres. The request is for a community recycling drop-off facility. - Jessica Masters, Development Review Manager

15. RZN-2023-0013: Rezoning (1275 N. GREGG AVE/PATHWAY BAPTIST CHURCH, 405):

Submitted by BLEW AND ASSOCIATES for property located at 1275 N. GREGG AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE, and contains approximately 2.23 acres. The request is to rezone the property to RMF-40, RESIDENTIAL MULTI-FAMILY, FORTY UNITS PER ACRE. - Gretchen Harrison, Planner

16. RZN-2023-0014: Rezoning (SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD/RIVERWOOD HOMES, 606, 607, 645, 646):

Submitted by HALL ESTILL LAW FIRM for property located at SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD. The property is split zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 205.2 acres. The request is to rezone a portion of the property to NC, NEIGHBORHOOOD CONSERVATION AND CS, COMMUNITY SERVICES. - Jessica Masters, Development Review Manager

17. CUP-2023-0049: Conditional Use Permit (819 N. WOODLAWN DR/ONEILL, 447):

Submitted by DOUBLE DOG INVESTMENTS for property located at 819 N. WOODLAWN DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approx. 0.23 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

18. CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482):

Submitted by ALAN D'APPOLLONIO for property located at 1661 W. HOTZ DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approx. 0.40 acres. The request is to use the residence as a short-term rental. - Jessica Masters, Development Review Manager

Items Administratively Approved by Staff

19. LSP-2022-0075: Lot Split (NORTH OF 1900 W. CUSTER LN/SOUTHERN LIVING CONSTRUCTION LLC, 598):

Submitted by BATES AND ASSOCIATES for property located at NORTH OF 1900 W. CUSTER LN. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE - URBAN, and contains three parcels that equal approximately 3.10 acres. The request is to divide the property into five lots containing 1.68, 0.21, 0.31, 0.25, and 0.66 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			Monday, 5/8/2023			
Time:	**5:30pm**					
Staff :	☒ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower					
	☐ Britin Bostick ☐ Sherry Smith ☒ Josh Boccaccio ☒ Melissa Boyd ☐ Fire Marshall ☒ Chris Brown ☐ Alan Pugh					
	Roll Call	**1) Minutes 04-24-2023**	**2) ADM-2023-0013 (MAGNOLIA PARK PH 3 & 4)**	**3) LSD-2022-0034 (THE BERKSHIRE AT UPTOWN)**	**4) PZD-2023-0002 (SWEET BAY AT KESSLER)**	**5) ADM-2023-0012 (MCNAIR MIDDLE SCHOOL)**
Winston	**0**					
McGetrick	**1**	**1**	**Recuse**	**1**	**1**	**1**
Sparkman	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Holcomb	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**CONSENT**	**~~CONSENT~~**	**OLD**	**OLD**	**NEW**
Motion By		Garlock	Brink	Garlock	Garlock	Payne
Motion 2nd		Madden	Sparkman	Payne	Brink	Madden
Vote		8-0-0	7-0-1	8-0-0	8-0-0	8-0-0
Action		Approve	Approve	Table	Forward	Approve
Time		5:32pm	5:41pm	5:47pm	6:01pm	6:04pm
Motion Detail			Pulled from consent Approved with all conditions as recommended by staff 1 Public Comment	Tabled till the May 22nd Planning Commission Meeting No Public Comment	Forwarded with a recommendation of approval with all conditions as outlined by staff. No Public Comment	Approved with all conditions as recommended by staff. No Public Comment

(pg. 2) Planning Commission	Monday, 5/8/2023				
	6) CUP-2023-0047 (WIENERSCHNITZEL)	7) RZN-2023-0012 (BRADFORD-SPENCER)	8) CUP-2023-0034 (GUNN)	9) CUP-2023-0046 (WENDT)	
Winston					
McGetrick	1	1		1	
Sparkman	1	1		1	
Brink	1	1		1	
Garlock	0	1		1	
Madden	1	1		1	
Payne	1	1		1	
Gulley	1	1		1	
Holcomb	1	1		1	
Agenda	**NEW**	**NEW**	**NEW**	**NEW**	
Motion By	Brink	Garlock		Garlock	
Motion 2nd	McGetrick	Madden		Brink	
Vote	7-1-0	8-0-0		8-0-0	
Action	Approve	Deny	WITHDRAWN	Approve	
Time	6:21pm	6:45pm		6:52pm	
Motion Detail	Approved with all conditions as recommended by staff. No Public Comment	2 Public Comment		No Public Comment	

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: May 22, 2023

SUBJECT: **ADM-2023-0014: Administrative Item (1362 N. PORTER RD./SUNDARAM, 403):** Submitted by SASI SUNDARAM for property located 1362 N. PORTER RD. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE URBAN and contains approximately 1.38 acres. The request is to extend a previously approved Large-Scale Development.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0014**, with conditions.

RECOMMENDED MOTION:
"I move to approve **ADM-2023-0014**, with conditions as recommended by staff."

BACKGROUND:
The subject property is in west Fayetteville with frontage on N. Porter Rd, roughly a quarter mile north of the intersection of N. Porter Rd. and W. Wedington Dr. The property is approximately 1.32 acres and is zoned RI-U, Residential Intermediate Urban. The property encompasses one parcel, 765-04767-000, which was rezoned to RI-U, Residential Intermediate Urban in March 2021 (Ordinance 6288). The property currently is currently developed with a single-family residence that was constructed in 1936 according to the Washington County Assessor. The property received approval on May 10, 2021 (LSD-2021-000018) for the construction of a 10-townhome, 38-unit large-scale development and associated parking; an extension was granted on April 19, 2022, extending the approval through May 10, 2023. Surrounding land use and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Calvary Baptist Church	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	Residential	RSF-4, Residential Single-Family, 4 Units per Acre; RMF-12, Residential Multi-Family, 12 Units per Acre;

Proposal: Under 166.20, the applicant requests an extension from the Planning Commission for LSD-2021-000018, a 10-townhome, 38-unit large-scale development and associated parking. The applicant submitted a request letter to the Planning Division on April 19, 2023, prior to the elapse of the project extension approval.

DISCUSSION:
Staff recommends approval of the applicant's extension request. Unified Development Code section 166.20(B)(4) indicates that an additional one-year extension can be granted by the Planning Commission subject to the applicant providing good cause. No requested modifications have been made by the applicant in association with this request. The applicant recorded an easement plat in March of 2023 and received an approved grading permit in June of 2023. Building permits are currently in review for the buildings adjacent to N. Porter Rd. but have not yet been submitted for the eight structures internal to the site (1346, 1350, 1354, 1358, 1366, 1370, 1374, and 1378 N. Porter Rd). Staff finds that the applicant is close to completing all necessary comments and finds that the extension will allow the project to keep moving forward.

Public Comment: Staff has received no public comment on this item.

RECOMMENDATION: Staff recommends approval of ADM-2023-0014, with the following conditions.

1. A one-year extension for LSD-2021-000018 will expire on May 10, 2024; No additional extensions are permitted per Chapter 166.20(C).

2. All conditions of approval of LSD-2021-000018 not affected by this extension shall remain in effect;

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

PLANNING COMMISSION ACTION: Required YES

Date: May 22, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

Attachments:
- 166.20 Expiration of Approved Plans and Permits
- Project Extension Approval Letter
- Applicant Request Letter
- Site Plan
- 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 (grading)/storm water, drainage, and erosion control (drainage) permit;

(7) Tree preservation plans; and

(8) 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; Ord. No. 6446 , §8(Exh. C), 6-15-21)

EXHIBIT: PROJECT EXTENSION APPROVAL LETTER

CITY OF
FAYETTEVILLE
ARKANSAS

April 19, 2022

Brian Teague
Community By Design

VIA EMAIL*:* brian@communitybydesignllc.com

Re: Porter Road Townhomes – Large Scale Development (LSD-2021-000018)

Mr. Teague,

Thank you for submitting a request for a one-year extension to the approval of the subject large scale development at 1340 N. Porter Road (LSD-2021-000018). The Planning Commission approved the project on **May 10, 2021.**

The City of Fayetteville Unified Development Code (UDC) Section 166.20(b) gives the Zoning and Development Administrator authority to extend approval of a large scale development for one additional year from the original approval. In order to extend this approval, the applicant must: (1) request the extension prior to the one year time limit, and (2) show good cause why the tasks could not reasonably be completed within the normal one year.

(1) The applicant submitted the extension request to the Planning Division on April 15, 2022, prior to the one year time limit ending on May 10, 2022.

(2) The project has received a conditional grading permit approval, and is currently in the process of finalizing an easement plat so that building permits can be pulled on the subject property. The applicant has made substantial forward progress towards the project's completion.

The UDC requirements for the requested extension have been fulfilled and the one-year extension is approved for the large scale development to expire on **May 10, 2023**. All conditions of approval shall be met (attached) by this time. If you have any questions, please feel free to contact me at (479) 575-8239.

Best Regards,

Jessie Masters
Development Review Manager

Att:
Request Letter
Conditions of Approval:
- LSD-2021-000018

EXHIBIT: PROJECT EXTENSION APPROVAL LETTER

community.by.design
TOWN PLANNING.URBAN ENGINEERING

April 15, 2022
Via Email: rumberger@fayetteville-ar.gov

Mr. Ryan Umberger
Senior Planner
City of Fayetteville
125 W. Mountain Street Fayetteville, AR 72701

RE: **LSD 2021-000018 – Request to Extend Large Scale Development Approval**

Mr. Umberger,

The above referenced large scale development approval expires May 10, 2022. On behalf of the owner of the property, please allow this letter to serve as a request to extend LSD 2021-000018.

The project received a conditional grading permit approval in January of 2021. Erosion control and tree preservation fencing has been installed and a grading permit pre-construction conference has been requested from the engineering department. We are currently preparing the required easement plat so the building permits can be approved.

Thank you. Please let me know if you have questions or need additional information.

Sincerely,

Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775

EXHIBIT: PROJECT EXTENSION APPROVAL LETTER

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the development construct N. Porter Road to the Master Street Plan standard for a Neighborhood Link Street including an 8-foot sidewalk, 10-feet of greenspace,1.5-foot curb and gutter, and a 10-foot parking lane.*

Subdivision Committee did not make a recommendation regarding street improvements.

2. Planning Commission determination of a variance of Fayetteville Unified Development Code §166.04(B)(3)(c) Required Infrastructure Improvements – Streets to waive a requirement for constructing N. Porter Road to the City's standard for a Neighborhood Link street. *Staff recommends denial of the requested variance for the reasons outlined above;*

Subdivision Committee did not make a recommendation for the variance to the Required Infrastructure Improvements.

3. Planning Commission determination of a variance of Fayetteville Unified Development Code §166.23(D)(2) Urban Residential Design Standards – Architectural Design Standards to waive a requirement for variation in building material. *Staff recommends approval of the requested variance for the reasons outlined above;*

Subdivision Committee recommended in favor of a variance to the Urban Residential Design Standards.

4. Planning Commission determination of a variance of Fayetteville Unified Development Code §172.02(B) Parking Lot Construction Standards – Surfacing to waive a requirement for parking material to be asphalt, semi-permeable pavers, or concrete. *Staff recommends denial of the requested variance for the reasons outlined above;*

Subdivision Committee recommended denial of the variance.

5. Planning Commission determination of fee-in-lieu of parkland dedication amounting to $36,176.00 for 38 multifamily units. *Staff recommends in favor of fee-in-lieu, to be paid prior to building permit.*

Subdivision Committee recommended in favor of parkland dedication fees.

6. All remaining comments from other City departments and divisions, including Engineering, Urban Forestry, and Fire, shall be addressed.

Standard conditions of approval:

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

2. 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, SWEPCO, and Cox Communications);

3. 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;

4. 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;

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

6. 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;

7. 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;

8. 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. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;

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

10. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit. The coordinator has noted that a separate address will be assigned for each of the three buildings;

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11. 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

EXHIBIT: PROJECT EXTENSION APPROVAL LETTER

12. 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.

To
My Ryan Umberger
Senior planner
City of Fayetteville
125 W mountain street Fayetteville 72701

LSD 2021-000018 – Request to Extend Large Scale Development Approval

Mr. Umberger,

The above referenced large scale development approval expires May 10, 2023. I would like to request the staff and planning commission to kindly extend LSD 2021-000018.

A grading permit was renewed on march 25, 2023 and initial grading work and site prep is under process now. Parks fees have been paid and easement plat has been filed at the county office. GIS addresses have been assigned to the units and we are in the process of obtaining building permits.

Thank you.

Please let me know if you have questions or need additional information.

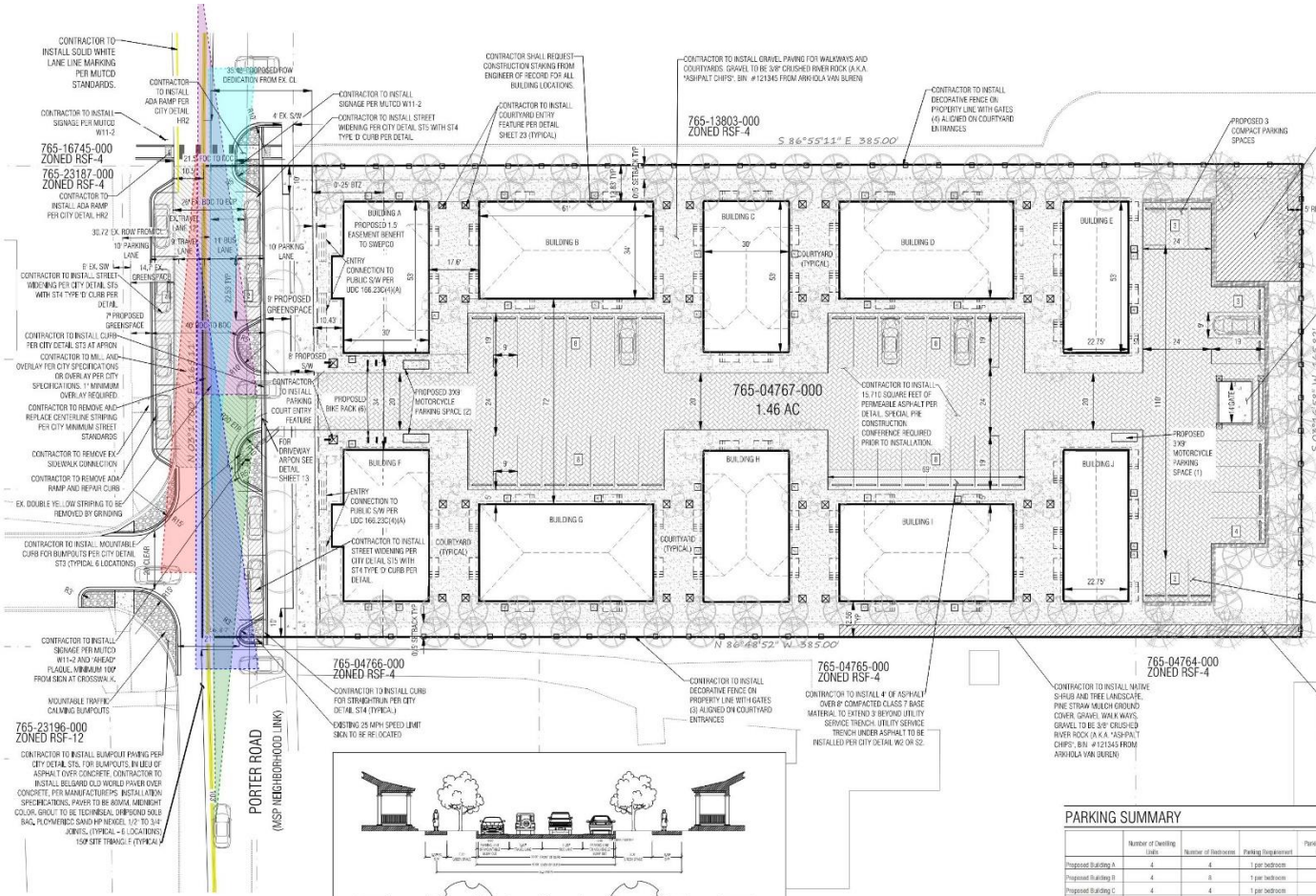
Sincerely,

April 18, 2023

Sasi Sundaram

Apogee properties llc

Apex property ventures llc



PROPOSED PORTER ROAD STREET IMPROVEMENT
NTS

REVIEWED FOR MINIMUM COMPLIANCE WITH CITY OF FAYETTEVILLE ENGINEERING DESIGN CRITERIA
CITY OF FAYETTEVILLE ARKANSAS
Josh Boccaccio, PE
03/24/2023
This stamp does not warrant the design or relieve the owner from any items discovered during construction deemed necessary to comply with city ordinances and criteria.

PARKING SUMMARY

	Number of Dwelling Units	Number of Bedrooms	Parking Requirement	Parking Required / Provided
Proposed Building A	4	4	1 per bedroom	4
Proposed Building B	4	8	1 per bedroom	8
Proposed Building C	4	4	1 per bedroom	4
Proposed Building D	4	8	1 per bedroom	8
Proposed Building E	3	3	2 per unit	6
Proposed Building F	4	4	1 per bedroom	4
Proposed Building G	4	8	1 per bedroom	8
Proposed Building H	4	4	1 per bedroom	4
Proposed Building I	4	8	1 per bedroom	8
Proposed Building J	3	3	2 per unit	6
Total Parking Required				69
10% reduction/substitution of bike racks for vehicular parking				2.0
10% reduction/substitution of scooter parking for vehicular parking				0.0
15% reduction due to transit stop location within 1/4 mile				9.0
Total Parking Required After Reductions				**49.0**
Off street parking provided				45
On street parking				4
Total Parking Provided				**49**
Scooter Parking Required (1 per 25 plus reduction)				2
Scooter Parking Provided				2
Bike Racks Required (1 per 33 plus reduction)				4
Bike Racks Provided				6

ALL DWELLING UNITS PROPOSED ARE MULTI STORY TOWNHOUSES WITH NO ELEVATOR. THE FAIR HOUSING ACT ONLY APPLIES TO NEW CONSTRUCTION OF MULTI-FAMILY DWELLINGS, THEREFORE NO ACCESSIBLE DWELLING UNITS OR PARKING SPACES ARE PROPOSED.

PROPERTY LOCATION / ADDRESS:

WASHINGTON COUNTY PARCELS: #765-04767-000
1340 PORTER ROAD
FAYETTEVILLE, ARKANSAS
CITY PLAT PAGE 403

DEVELOPER INFORMATION:

DR. SASI SUNDARAM
APOGEE PROPERTIES LLC
1543 FIANNA PLACE TERRACE
FORT SMITH, ARKANSAS 72908

REPRESENTATIVE INFORMATION:

MR. BRIAN TEAGUE
COMMUNITY BY DESIGN LLC
1001 W CENTER STREET, SUITE 300
FAYETTEVILLE, ARKANSAS 72701
PHONE: 479.799.6775

FLOOD CERTIFICATION:

THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100 YEAR FLOOD PLAIN, ACCORDING TO CITY OF FAYETTEVILLE GIS MAPS, FEMA PANEL 05143C0025F, EFFECTIVE 4/2/2009.

ON-SITE SOIL TYPES

CaB — CAPTINA SILT LOAM, 1 TO 3 PERCENT SLOPES
PsC2 — PICKWICK SILT LOAM, 3 TO 8 PERCENT SLOPES, ERODED

ZONING AND SETBACKS

THIS PROPERTY IS ZONED:
RSF-4 (RESIDENTIAL, INTERMEDIATE - 4/RSA4)

FRONT: 0 - 25 BUILD TO ZONE
SIDE: 0/5
REAR: 0

MINIMUM BUILT STREET FRONTAGE REQUIRED = 50%
MINIMUM BUILT STREET FRONTAGE PROVIDED = 54%

ADJOINING PARCELS TO SOUTHWEST ZONED RMF-12, ADJOINING PARCELS TO THE NORTH, SOUTH, EAST AND EAST ARE ZONED RSF-4

FAYETTEVILLE, ARKANSAS - MASTER STREET PLAN DESIGNATION
PORTER ROAD: NEIGHBORHOOD LINK

GENERAL NOTES:

THE PROPOSED SITE PLAN CONTAINS 13,262 SQUARE FEET OF IMPERVIOUS SURFACE OR 33%.

ALL GROUND AND WALL MOUNTED UTILITY EQUIPMENT SHALL BE SCREENED IF VISIBLE FROM THE STREET.

NO FENCES OR OBSTRUCTIONS ARE ALLOWED BETWEEN BUILDINGS THAT WOULD PREVENT FIRE DEPARTMENT ACCESS.

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 08, TOWNSHIP 16 NORTH RANGE 30 WEST OF THE FIFTH PRINCIPLE MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE NW CORNER OF SAID SW¼NW¼ AND RUNNING THENCE ALONG THE NORTH LINE OF SAID SW¼NW¼ S86°55'11" E 385.00 FEET TO AN EXISTING ½" PIPE; THENCE LEAVING SAID NORTH LINE S03°14'58" W 145.22 FEET TO A SET ½" REBAR; THENCE N86°48'52" W 385.00 FEET TO THE WEST LINE OF SAID SW¼NW¼; THENCE ALONG SAID WEST LINE N03°11'08" E 145.19 FEET TO THE POINT OF BEGINNING. CONTAINING 1.46 ACRES MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHT OF WAYS IF ANY.
THE ABOVE DESCRIPTION IS THE SAME LAND AS DESCRIBED IN QUITCLAIM DEED FIELD BOOK 2637 AT PAGE 3625?

ADJACENT PROPERTY OWNERS

765-13803-000
CALVARY BAPTIST CHURCH
1400 PORTER RD
FAYETTEVILLE, AR

765-04768-000
BLACK, MILDRED MARIE BLACK,
2316 W LAWSON ST
FAYETTEVILLE, AR

765-04764-000
ROLLINS, KELLIE
2322 W LAWSON ST
FAYETTEVILLE, AR

765-04765-000
KING TROST
1310 N PORTER RD
FAYETTEVILLE, AR

765-04766-000
KING TROST
1310 N PORTER RD
FAYETTEVILLE, AR

765-16745-000
STEWART, BILLIE
J REVOCABLE TRUST
2411 W MESA DR.
FAYETTEVILLE 72703

765-23187-000
CORNERSTONE HOMES
PO BOX 13903
FAYETTEVILLE 72703

765-23196-000
CORNERSTONE APARTMENTS A
W CORNERSTONE PL, 1324 N ENGLAND LINK, 2474 W NEWPORT DR, 2421 W CORNERSTONE PL, 1363 N ENGLAND LINK, 1332 N ENGLAND LINK, 1343 N ENGLAND LINK, 1337 N REDOLESTOOL PL, 2460 W NEWPORT DR, 2425 W NEWPORT DR

LAND USE SUMMARY TABLE

	Use	Number of Bedrooms	Gross Floor Area (square feet)	Number of Residential Units	Site Area (acres)
Proposed Bldg A	TOWNHOME	4	3,128	4	-
Proposed Bldg B	TOWNHOME	8	3,960	4	-
Proposed Bldg C	TOWNHOME	4	3,016	4	-
Proposed Bldg D	TOWNHOME	8	3,960	4	-
Proposed Bldg E	TOWNHOME	3	3,016	3	-
Proposed Bldg F	TOWNHOME	4	3,128	4	-
Proposed Bldg G	TOWNHOME	8	3,960	4	-
Proposed Bldg H	TOWNHOME	4	3,016	4	-
Proposed Bldg I	TOWNHOME	8	3,960	4	-
Proposed Bldg J	TOWNHOME	3	3,016	3	-
Totals	-	54	34,190	38	1.46
				Dwelling Units Per Acre =	26.03

community.by.design
TOWN PLANNING/URBAN ENGINEERING

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 12046
BRIAN TEAGUE

BRIAN TEAGUE 01/10/22

CERTIFICATE OF AUTHORIZATION
COMMUNITY BY DESIGN, L.L.C.
#1504
ARKANSAS - ENGINEER

REVISION 0
Date
Date
Date
Date
Date
Date

1340 NORTH PORTER ROAD LARGE SCALE DEVELOPMENT

FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS
CITY PLAT PAGE 403

ISSUED FOR REVIEW

ENGINEER: BT
DRAWN BY: AH
DATE: 01/10/2022

NORTH
SCALE: 1"= 20' (22"X34")

0 20 40
SCALE IN FEET

SITE PLAN

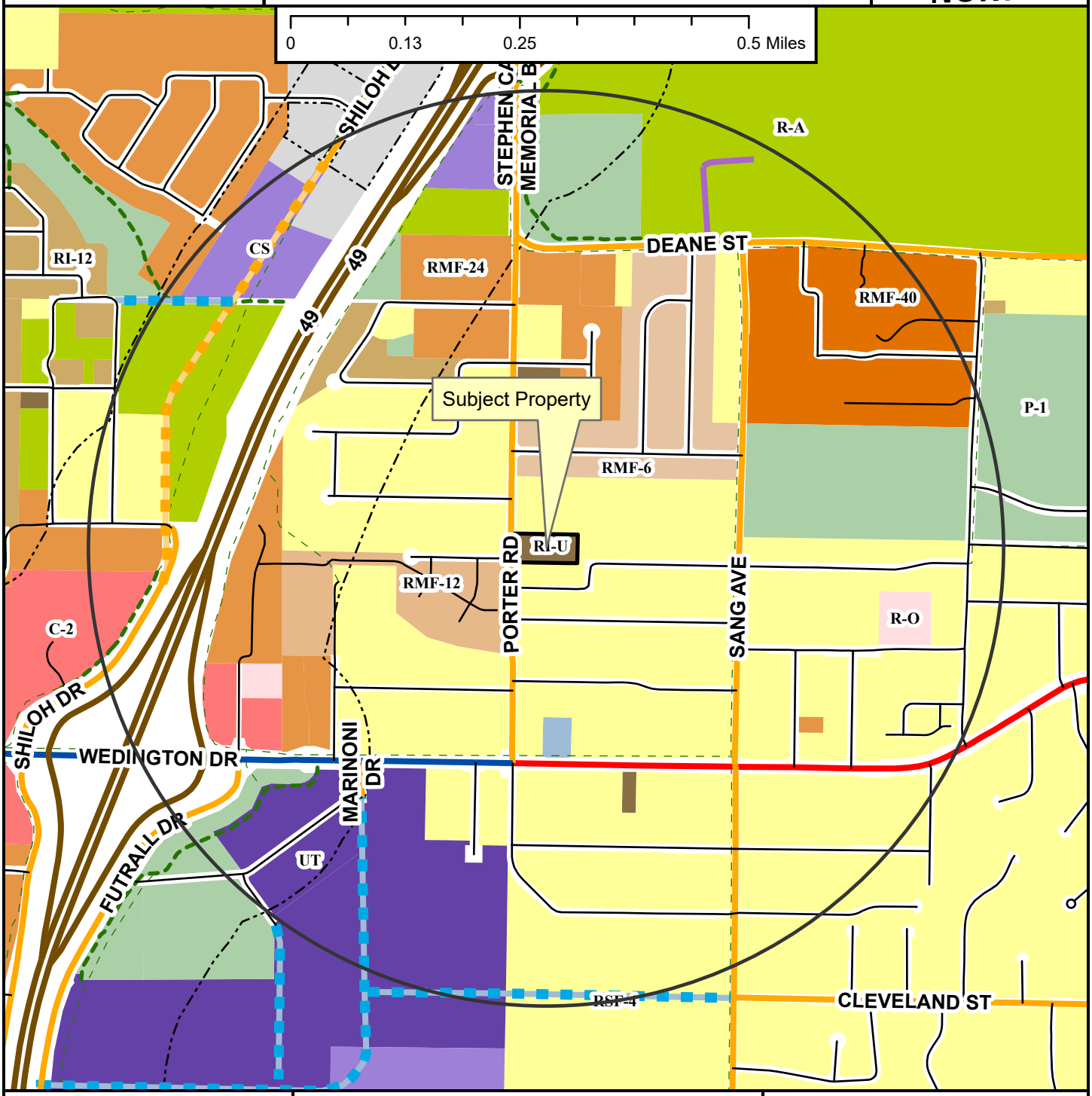
SHEET 3

ADM-2023-0014

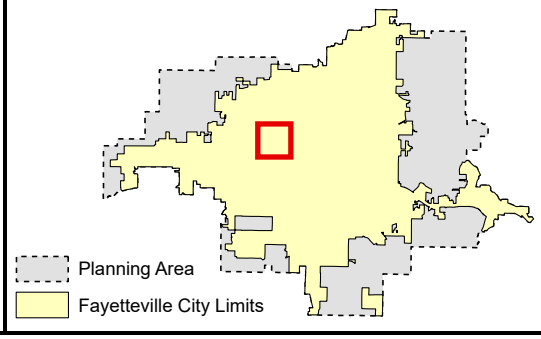
One Mile View

1362 N. PORTER RD

NORTH



Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link



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

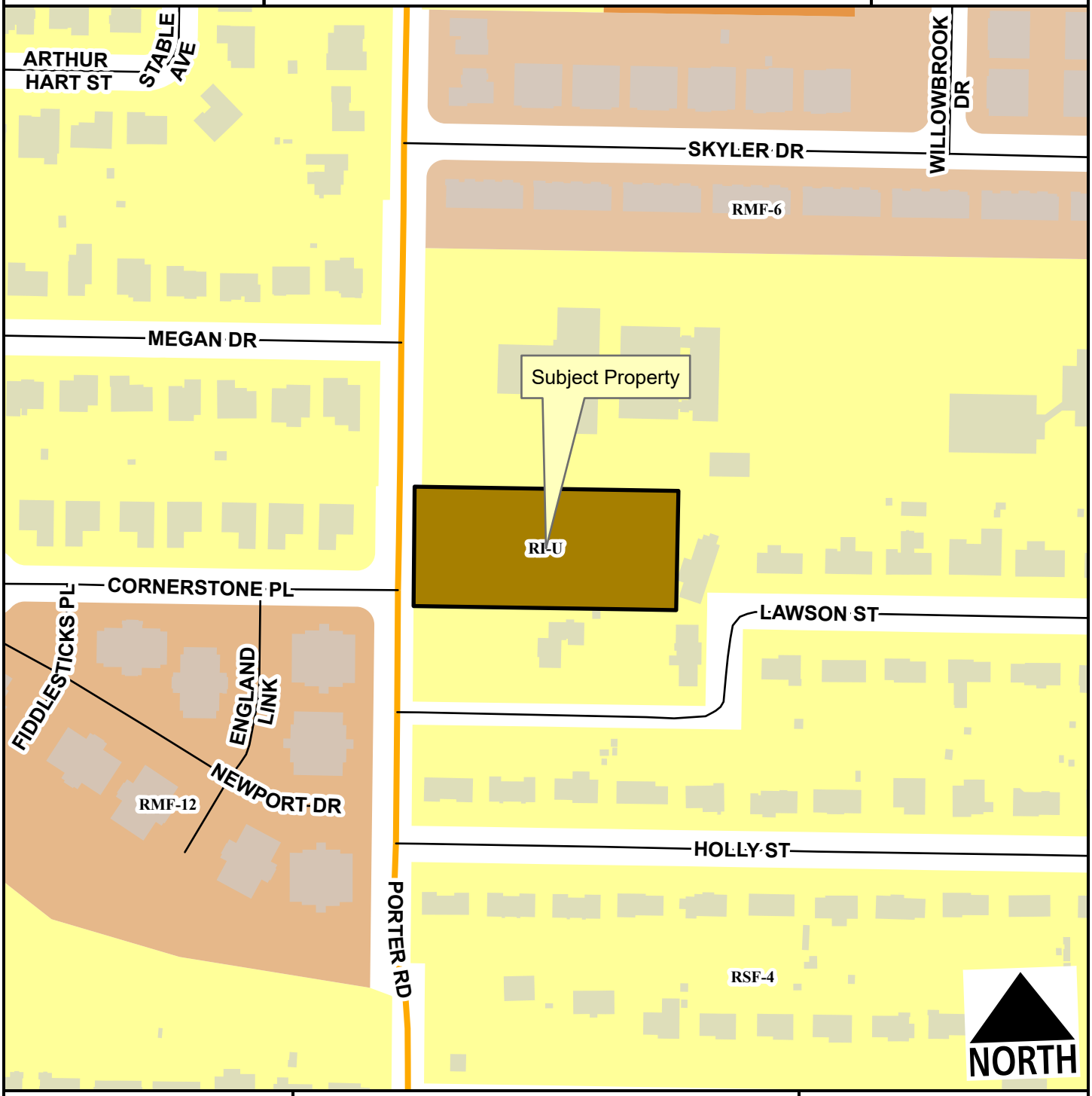
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

ADM-2023-0014

Close Up View

1362 N. PORTER RD



Neighborhood Link
Unclassified
Residential Link
Planning Area
Fayetteville City Limits

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

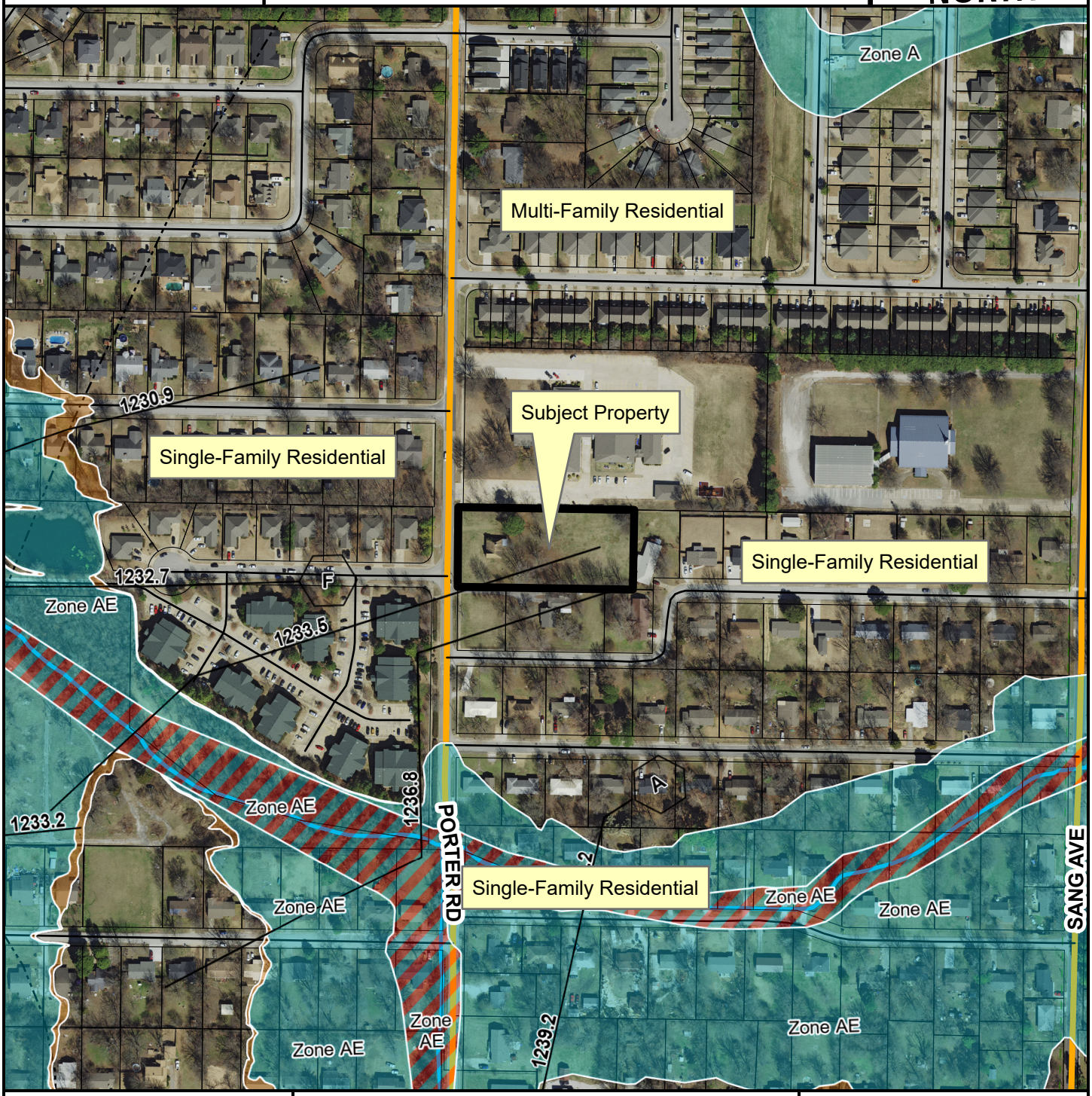
RSF-4
RI-U
RMF-6
RMF-12
RMF-24

ADM-2023-0014

Current Land Use

1362 N. PORTER RD

NORTH



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

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 22, 2023

SUBJECT: **ADM-2023-0018: Administrative Item (NW OF E. ZION RD. AND S. BUTTERFIELD COACH RD./HARPER SUBDIVISION, 101):** Submitted by ESI for property located NW OF E. ZION RD. AND S. BUTTERFIELD COACH RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY - 4 UNITS PER ACRE and contains approximately 37.27 acres. The request is for an extension of a previously approved preliminary plat.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0018**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0018** with conditions as recommended by staff."*

BACKGROUND:
The subject property is in northeast Fayetteville northwest of the intersection of Zion Road and Butterfield Coach Road. The property contains one parcel totaling 37.27 acres which was annexed into the City of Fayetteville in 2005 and subsequently rezoned to RSF-4, Residential Single-Family – 4 Units per Acre. A preliminary plat for Harper Subdivision (PPL-2021-000015) was approved by the Planning Commission on December 13, 2021. A major modification was approved shortly thereafter to mitigate impacts on sensitive waters that were determined to be regulatory under new federal laws (ADM-2022-000005). Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Rural Residential	A-1, Agricultural (Springdale)
South	Rural Residential	AG/SF-1, Agricultural Single-Family Residential – 1 Unit per Acre (Washington County)
East	Agricultural	SF-2, Low/Medium Density Single-Family Residential (Springdale)
West	Rural Residential	RSF-4, Residential Single-Family – 4 Units per Acre; A-1, Agricultural (Springdale)

Request: The applicant is requesting a one-year extension to their preliminary plat which expired on December 13, 2022. The applicant submitted a letter requesting the extension on April 24, 2023, within the 18-month time limit that they are allotted per UDC §166.20, Expiration of Approved Plans and Permits.

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 June 13, 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 July of 2022 but has been unable to secure a permit after two rounds of review. The project has been on hold until a nearby subdivision, Chandler Crossing, and its associated lift station were on track. Staff finds that the applicant is now ready to proceed with this project and approval of the requested extension will allow it to continue moving forward.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0018** with the following conditions:

Conditions of Approval:

1. A one-year extension for PPL-2021-000015 will expire on December 13, 2023;

2. All other conditions of the associated preliminary plat (PPL-2021-000015) and major modification (ADM-2022-000005) 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 22, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §166.20 Expiration of Approved Plans and Permits
- PPL-2021-000015 Conditions of Approval
- ADM-2022-000005 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-2021-000015 Conditions of Approval

1. **Planning Commission determination of street improvements:**

   S. Butterfield Coach Road: Staff recommends 31.5-foot right-of-way dedication from centerline to accommodate six-foot sidewalk, 10-foot greenspace, 1.5-foot curb and gutter, and 15 feet of asphalt paving with streetlights and street trees placed at required intervals.

   E. Zion Road: Staff recommends 26-foot right-of-way dedication from centerline to accommodate six-foot sidewalk, six-foot greenspace, 1.5-foot curb and gutter, and 13.5 feet of asphalt paving with streetlights and street trees placed at required intervals.

   Badger, Brixey, Gilpen, Gulf, and Lowery Street: Staff recommends 52-foot total right-of-way dedication, six-foot sidewalks, six-foot greenspace, and a seven-foot parking lane with streetlights and street trees placed at required intervals.

   Greely Street: *Staff recommends 45-foot total right-of-way dedication to accommodate six-foot sidewalks, six-foot greenspace, and 19-foot asphalt paving with streetlights and street trees placed at required intervals.*

2. All lots which front onto S. Butterfield Coach Road shall limit driveway access to the proposed private alley.

3. Parks fees are required in the amount of $138,303 in-lieu of parkland dedication for 127 single-family units. This shall be due prior to final plat approval; and

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

Standard conditions of approval:

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

6. 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;

7. 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;

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

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

10. 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, SWBT, Ozarks, SWEPCO, Cox Communication);

11. 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

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

ADM-2022-000005 Conditions of Approval

1. **Planning Commission determination of a variance to UDC §166.08(E)** *Staff recommends in favor of this request.*

2. All conditions of approval of PPL-2021-000015 not affected by this modification's approval remain in effect, and are attached;

3. All remaining comments from Engineering and Urban Forestry shall be addressed, and are attached; and

4. Granting of this proposed amendment does not grant approval for individual residential building permits.

ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

April 24, 2023

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

RE: Extension Request
Harper Subdivision
Fayetteville, AR

To whom it may concern,

Please let this letter serve as an extension request to the preliminary plat approval for Harper Subdivision PPL-2021-000015. The project was on hold until Chandler Crossing and its associated lift station were on track. Now that an extension to Chandler Crossing has been granted and the Cost share with the lift station has been discussed, we are ready to proceed with Harper Subdivision.

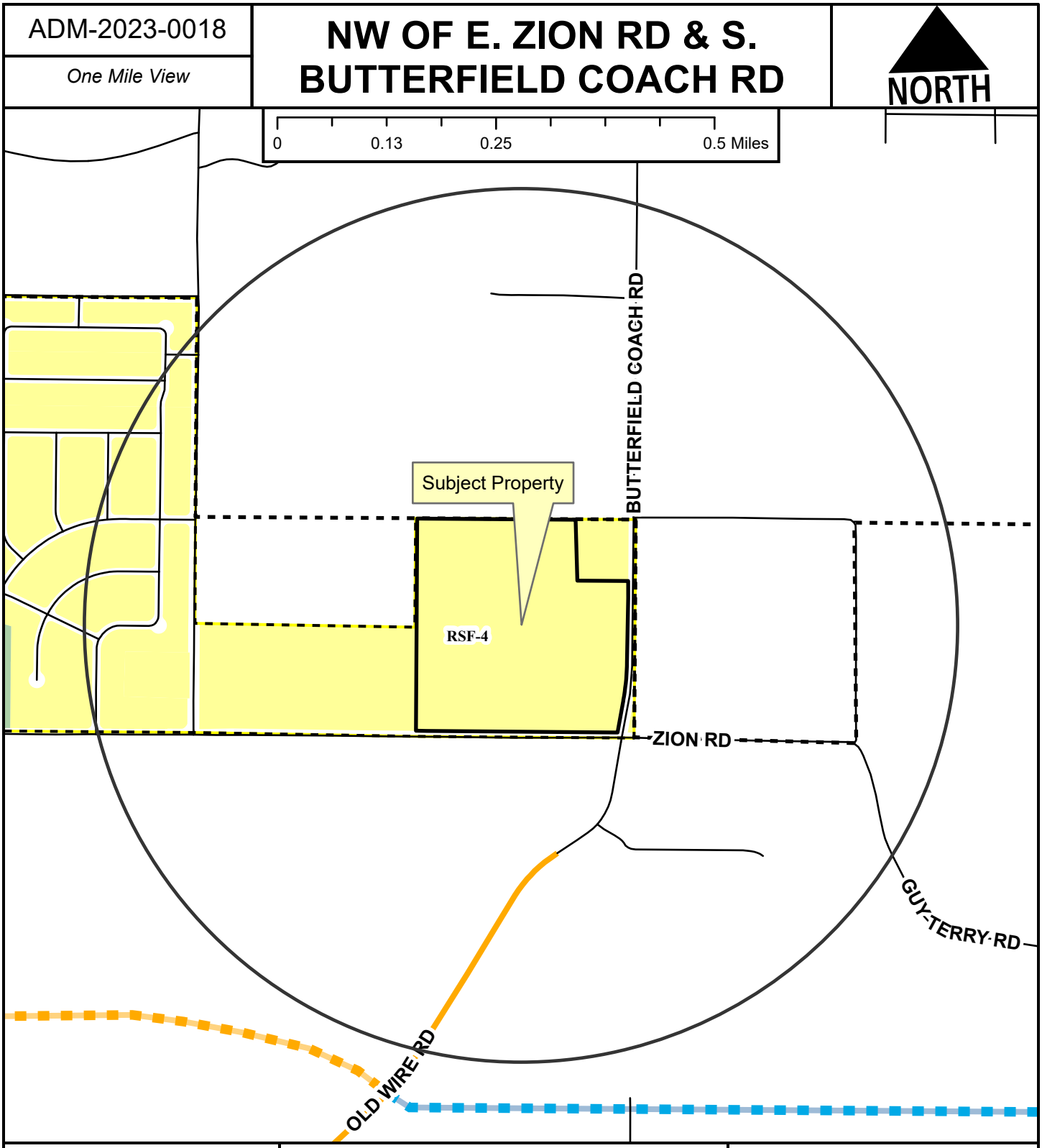
Sincerely,

Preston Locher
Project Engineer

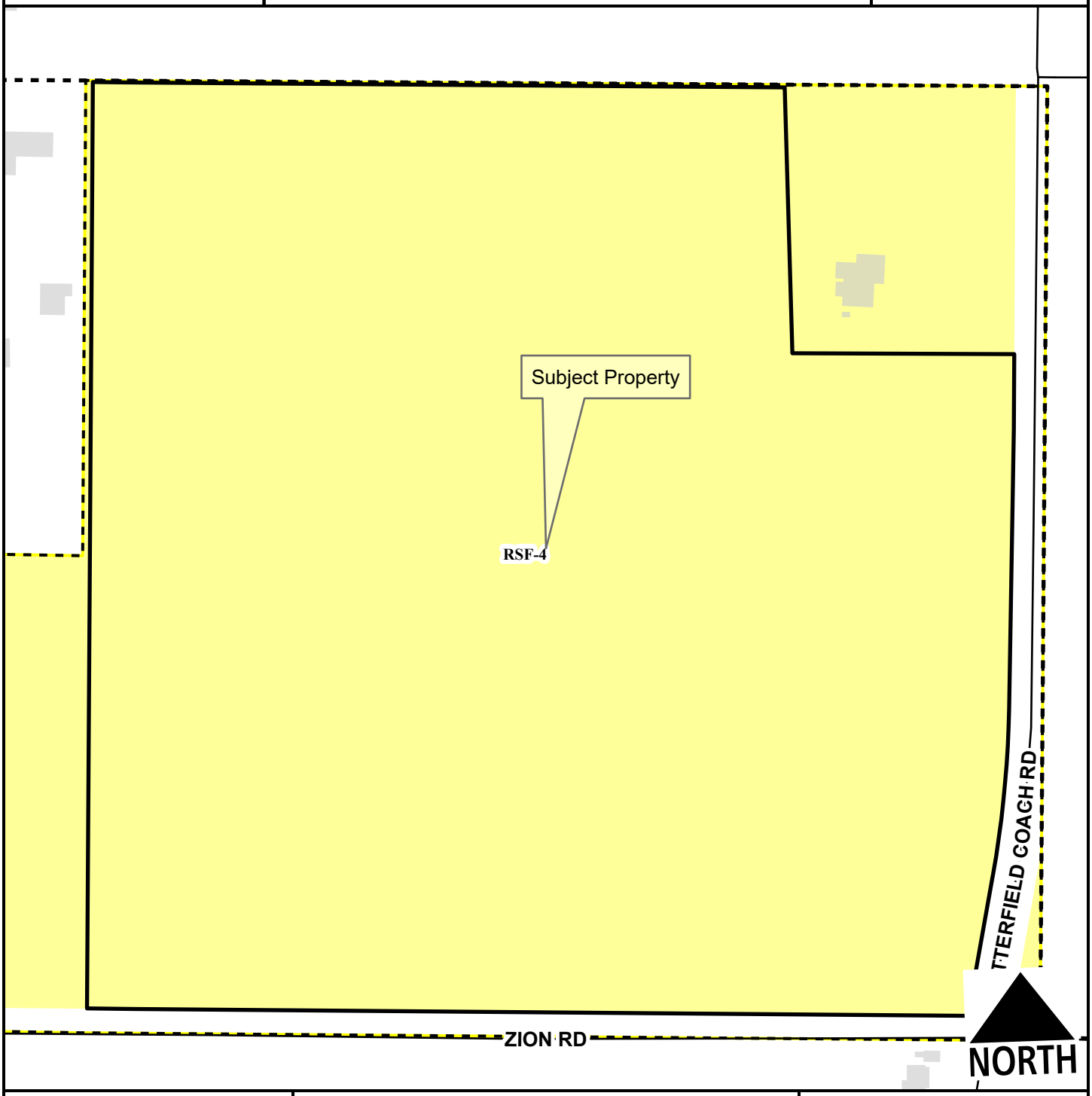
ADM-2023-0018

One Mile View

NW OF E. ZION RD & S. BUTTERFIELD COACH RD



ADM-2023-0018	NW OF E. ZION RD & S. BUTTERFIELD COACH RD	
Close Up View		



Unclassified
Residential Link
Planning Area
Fayetteville City Limits

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

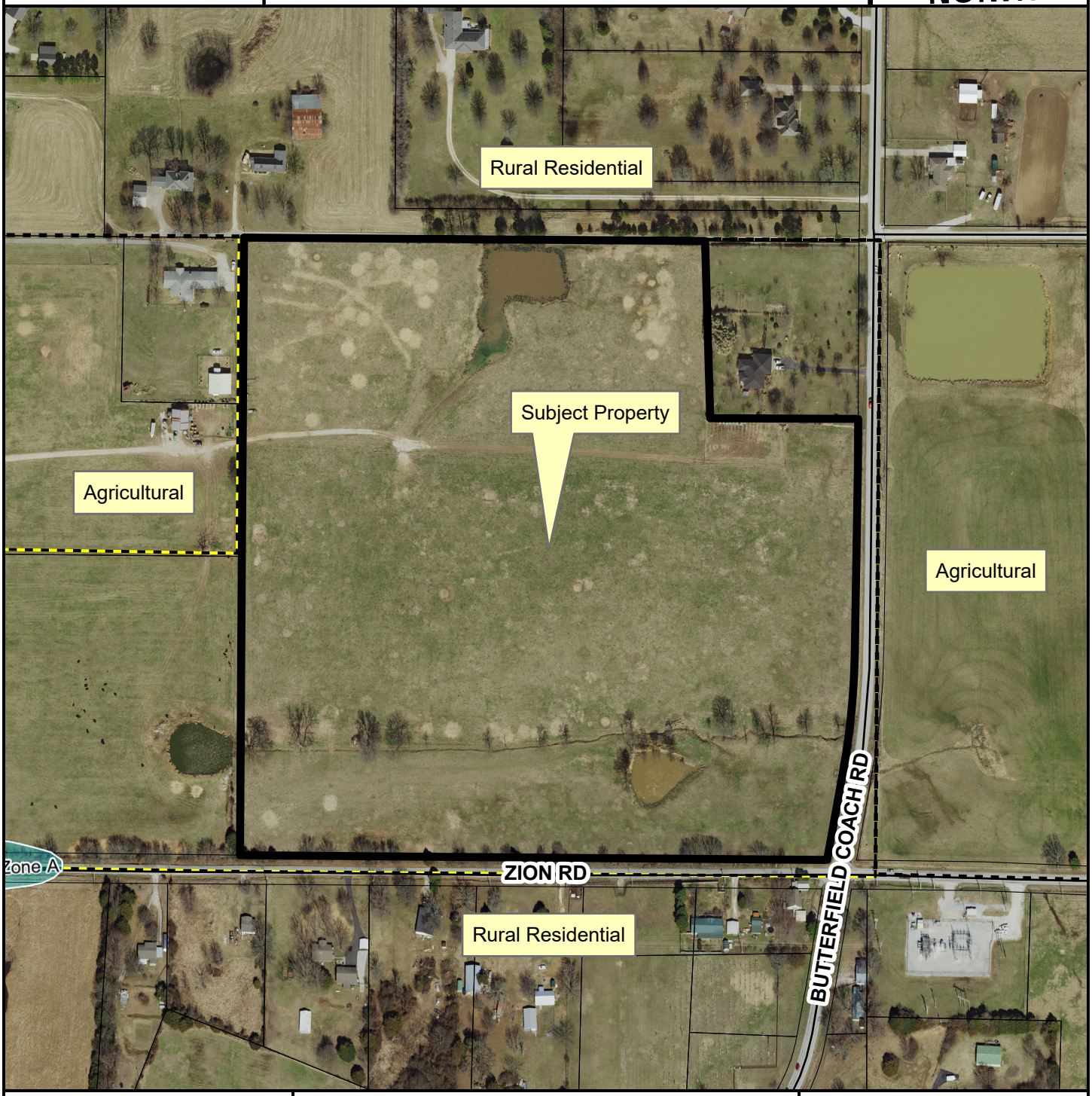
RSF-4

ADM-2023-0018

Current Land Use

NW OF E. ZION RD & S. BUTTERFIELD COACH RD

NORTH



Unclassified
Residential Link
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 DATE: May 22, 2023

SUBJECT: **ADM-2023-0019: Administrative Item (2231 W. MARKHAM RD/MARKHAM HILL DEVELOPMENT, 480, 481):** Submitted by CEI for property located at 2231 W. MARKHAM RD. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 36.48 acres. The request is to extend a previously approved Preliminary Plat.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0019**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0019** with conditions as recommended by staff."*

BACKGROUND:
The subject property is roughly 500 feet west of the west end of W. Markham Road, where the road transitions into a private drive serving the Pratt Place Inn and Barn. The subject application involves Phase II of the larger Markham Hill Subdivision which received approval in January 2020 (PPL 19-6861). The property is zoned RI-U, Residential Intermediate-Urban which was approved in 2018 with a bill of assurance that limits the density of the area to four units per acre across the 119.43-acre subdivision. The site is wholly within the Hillside-Hilltop Overlay District and under mature tree canopy. The area is at the crest of Markham Hill, with the most significant topographical contours falling from the hilltop to the northeast and southwest. A preliminary plat for Phase II of this overall subdivision was approved January 10, 2022 (PPL-2021-000021). Surrounding land use and zoning is depicted in Table 1.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped; Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre; RI-U, Residential Intermediate-Urban
South	Hotel and Event Venue	Pratt Place C-PZD; RI-U, Residential Intermediate-Urban
East	Hotel and Event Venue	Pratt Place C-PZD; RI-U, Residential Intermediate-Urban
West	Undeveloped	RI-U, Residential Intermediate, Urban

Request: The applicant is requesting a one-year extension to their preliminary plat which expired on January 10, 2022. The applicant submitted a letter requesting the extension on May 2, 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 July 10, 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 received a conditional approval letter for a grading permit on October 10, 2022, has secured a contractor, and is expecting to have a pre-construction meeting with the City pending approval of this extension. No modifications are requested with this project's extension request.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0019** with the following conditions:

Conditions of Approval:

1. A one-year extension for PPL-2021-000021 will expire on January 10, 2024;

2. All other conditions of the associated preliminary plat (PPL-2021-000021) 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 22, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §166.20 Expiration of Approved Plans and Permits
- PPL-2021-000021 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)

Conditions of Approval:

1. Planning Commission determination of street improvements:
    a. *The connection to W. Markham Road shall be constructed in accordance with the Master Street Plan for an Alternative Residential Link Street prior to approval of the final plat.*
    - *The internal streets shall be constructed as depicted on the proposed preliminary plat and the applicant's street section exhibit including right-of-way dedication of 33 feet, 5-foot sidewalk, a 7-foot greenspace/on-street parking lane, curb and gutter, and street trees. Infrastructure outside of the right-of-way, including alleys, shall be owned and maintained by a property owner's association;*

Subdivision Committee recommended in favor of street improvements.

2. Planning Commission determination of requested variances:
    a. §166.04(4)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. *Staff recommends in favor of this request, as outlined in comments above;*
    b. §166.08(E)(1) – Block Length. Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet. *Staff recommends in favor of this request, as outlined in comments above;*

Subdivision Committee recommended in favor of the requested variances with an added conditions to the variance to UDC §166.08(E)(1) that the fire access road to be verified by Fire and maintained by the applicant/POA and all alleys and the proposed pedestrian access path are included as indicated on the site plan.

3. Properties intended for multifamily dwellings will require conditional use permit approval prior to development.

4. All plat comments shall be addressed as indicated and distributed through Energov portal prior to Planning Commission submission.

5. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet;

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

7. Preliminary plat approval is valid for one year. All permits to complete construction for all lots within this preliminary plat are required to be obtained within one (1) year, subject to extensions in accordance with the Unified Development Code; and

Standard conditions of approval:

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

9. 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;

10. 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;

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

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

13. 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);

14. 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

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

PLANNING COMMISSION ACTION: **Required** **YES**

Date: January 10, 2022 ❒ **Tabled** ☒ **Approved** ❒ **Denied**

Motion: Winston

on consent

Second: Sharp

Vote: 8-0-0

SPECIALIZED REAL ESTATE GROUP

City of Fayetteville, Planning Commission
125 W Mountain Street
Fayetteville, AR 72701
RE: PPL-2021-000021

To Planning Commission Members:

I am writing this letter on behalf of Specialized Real Estate Group (SREG) to request a one-year project extension for the Preliminary Plat (W. OF MARKHAM RD./MARKHAM HILL SD, PH. II, 480): PPL-2021-000021.

The project was originally approved by Planning Commission on January 10, 2022, therefore the deadline to receive all required permits and approvals for construction was January 10, 2023. This letter is to formally request a one-year extension for this project to January 10, 2024. We are requesting that a Planning Commission Extension Within Eighteen (18) Months for the duration of one year be granted, per Fayetteville Code of Ordinances Chapter 166.20(B)(3).

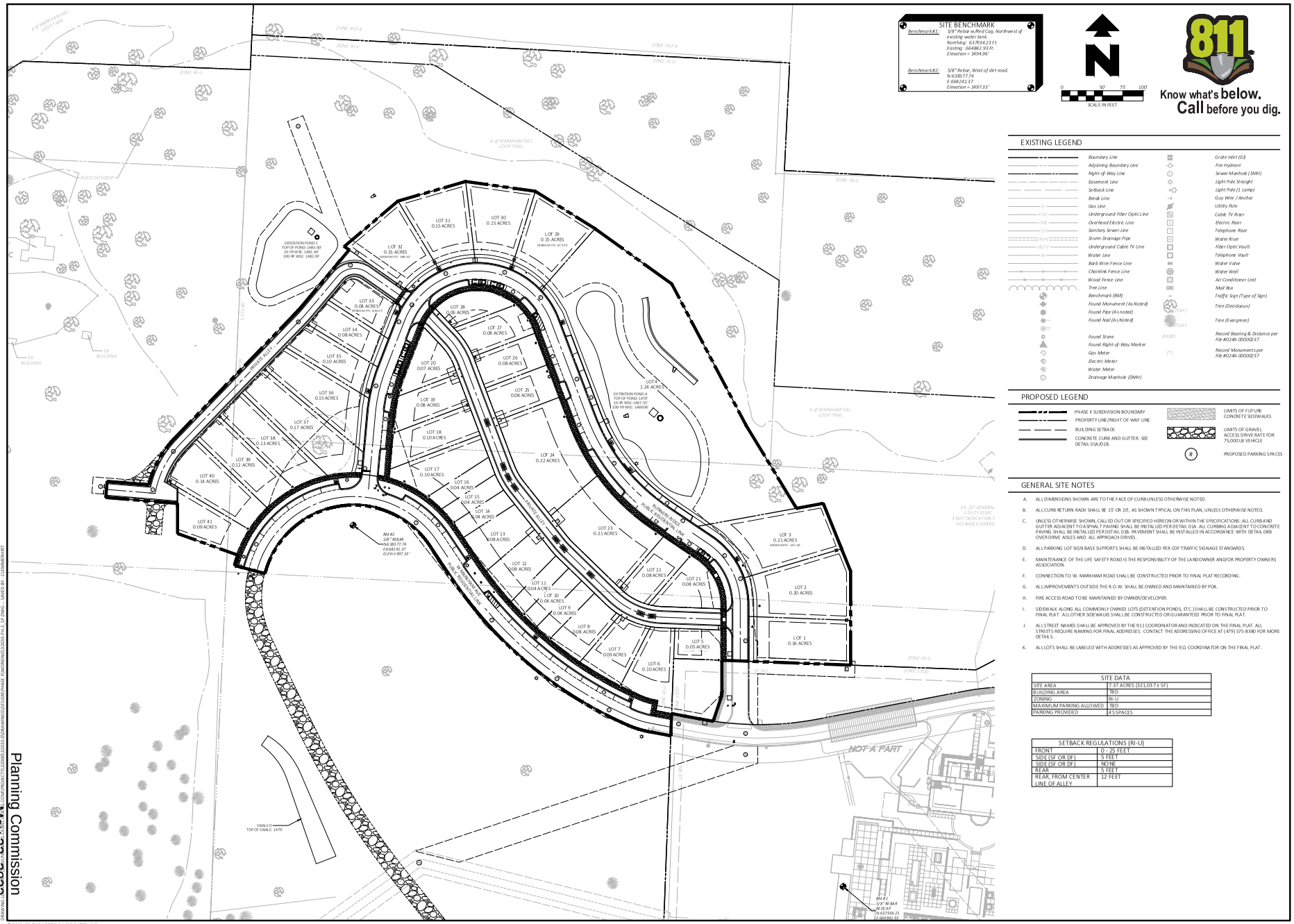
The project is continuing to progress and is at the point of initiating construction:

- Arkansas Department of Environmental Quality (ADEQ) submittal was reviewed and approved in July 2022.
- CEI Engineering and SREG received a Conditional Letter of Approval for permit plans (GRD 2022-0044) on October 11, 2022 (see Attachment I).
- CEI Engineering also received a Conditional Letter of Approval for the Markham Hill Sanitary Sewer Extension (GRD-2021-000242) on October 7, 2022. This is a key piece of infrastructure required for access to the municipal sewer system by the subdivision. (see Attachment II).
- The Arkansas Department of Health has approved the Markham Hill Sanitary Sewer Extension and is reviewing Markham Hill Hospitality District (LSD-2020-000015) prior to final approval of the Phase II Grading Permit. This is expected in early May.
- A Guaranteed Maximum Price contract has been negotiated with Nabholz Construction and the expectation is to have a Preconstruction Meeting with the city pending Planning Commission review and approval of this extension.

As noted above, there has been significant effort by the design and construction teams to date. The project team would be very appreciative to receive assistance with this matter and we appreciate you taking the time to consider our request. this project extension.

Respectfully,

Cory Amos
Development Manager



CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844

MARKHAM HILL - PHASE II SUBDIVISION
CITY PROJECT: GRD-2022-0044
W MARKHAM RD
FAYETTEVILLE, ARKANSAS

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 10479 BRENT L. MASSEY 11/8/2022

PROFESSIONAL OF RECORD	BLM
PROJECT MANAGER	TAH
DESIGNER	CLL
CEI PROJECT NUMBER	32033
DATE	11/3/2022
REVISION	REV-8

OVERALL SITE PLAN
SHEET TITLE
SHEET NUMBER
C2.00

© 2022 CEI ENGINEERING ASSOCIATES, INC.

CITY OF
FAYETTEVILLE
ARKANSAS

October 11, 2022 Uploaded via EnerGov

Tim Herndon
CEI Engineering, Inc.
3108 SW Regency Pkwy
Bentonville, AR 72712

Re: Markham Hill Phase 2 Subdivision
GRD 2022-0044
Markham Hill

Dear Mr. Herndon:

The plans stamped and dated September 20, 2022 for the above project have been reviewed for general compliance and are approved subject to the following conditions:

Scope of Work Generally Consists of:
1. New subdivision with associated site improvements.
2. Sanitary Sewer Main Extension
3. Water Main Extension
4. Public drainage improvements
5. Public street and sidewalk improvements

Plan Conditions:
1. Resubmittal fees must be paid.
2. Manufacturer recommendations on deep bury must be provided for review prior to approval of the DR 18 sewer pipe. The installation recommendations provided do not include this information.
3. The typical section for Residential Link streets must be 3" asphalt surface over 8" of Class 7 base on either subgrade option presented in the pavement design report (1' select fill or geogrid reinforcement).
4. Correspondence from the geotechnical engineer on the acceptance of the "dirty base" must be provided to the City prior to backfilling where the "dirty base" is proposed.
5. A variance to place manholes SMH-A1.0 and SMH-A17.0 approximately 422' apart is approved based on the depth of the line and the desire to avoid a lift station at the top of a hill.
6. A variance to the minimum K-values is approved based on a design speed of 15 MPH and other considerations outlined in the letter from CEI dated May 4, 2022.
7. Conduit is not shown on the resubmitted plans; please address.

8. Update all water and sewer details. The most recent versions can be found at: https://www.fayetteville-ar.gov/445/Engineering-Specifications-and-Details

Standard Conditions:

1. This approval is valid for 1 year from the date above. If permit is not issued within 1 year this approval is void.
2. The review was for general compliance and does not warrant your design or relieve the owner from any items discovered during construction deemed necessary to comply with city ordinances and criteria.
3. CEI Engineering, Inc. as engineer of record (EOR) shall be responsible for review and approval of all material submittals. Prior to placement of soils, aggregate, concrete or asphalt for public infrastructure, EOR shall review, approve and forward material submittals to the city engineering office. All materials and construction shall comply with the City of Fayetteville's requirements. In the case of conflicts, the City's criteria shall govern.
4. A copy of the approval letter from Arkansas Department of Health shall be presented prior to installation of public utilities.
5. Periodic inspection of SWPPP contractor inspection logs will be made. These must be kept up to date and neat, accessible, and on-site.
6. Prior to permit issuance, the Engineer of Record shall provide a PE-sealed letter stating that the design of water and sewer improvements meet all requirements of the City's Standard Specifications and details, Ten States Standards, ADH Rules Pertaining to Public Water Systems, ADH plastic pipe policies, and ADH Rules Pertaining to General Sanitation. No variance to any standard is given or implied unless specifically requested by the Engineer of Record and approved in writing by the City of Fayetteville prior to permit issuance, regardless of conflicts in the Engineer's plans or details.
7. The engineer of record shall provide comprehensive construction observation services for utilities, storm drainage and roadway construction for this project – weekly inspection reports should be submitted to the City of Fayetteville's public works inspector.
8. The City of Fayetteville relied upon the statements and representations made in the plans and specifications. In case any statement or representation in the aforementioned documents is found to be incorrect, this approval may be revoked.
9. There shall be no deviation from the plans and specifications unless revised plans and specifications have been first submitted for review and written consent given.
10. The review and approval of the drawings and specifications in no way constitute an analysis of the structural design.

Please provide one full size and one half size paper copies of the approved plans. One set of approved plans must remain onsite at all times during construction.

If you have any questions, please email me at jboccaccio@fayetteville-ar.gov or call me at 718-7623.

Sincerely,

Josh Boccaccio, PE
Engineering Development Review Manager

Melissa Evans, PLA, ASLA
Urban Forestry

Supplementary Permit and Closeout Information

Grading Permit:
The following is required prior to issuing of the Grading Permit:

1. A signed copy of the SWPPP is provided to the city. The SWPPP should include a copy of the NOC, and will become part of the grading and drainage permit. (In PDF format)
2. A preconstruction conference has taken place with the following people:
    a. Engineer of Record (or appropriate design professional)
    b. Inspector for Engineer of Record
    c. Contractor(s):
        i. Superintendent who will be on-site daily during all phases of construction.
        ii. All subcontractors responsible for installation of public infrastructure.
3. The perimeter erosion controls, construction exit, and SWPPP/Grading permit box have been inspected and approved by the Engineering Division. (Applicant is responsible for contacting and scheduling the erosion control inspection by calling the assigned Public Works Inspector)
4. The tree preservation fencing has been installed and inspected by Urban Foresters (Applicant is responsible for contacting and scheduling the tree preservation fence inspection by calling the assigned Urban Forester)
5. Projects greater than 5 acres - Performance bonds in the amount of 100% of the total cost to install the approved **erosion and sediment control plan** (Hydromulch with seed all proposed disturbed areas, including area of improvements) to ensure the continuation of the proper maintenance of the plan must be provided. The bond shall remain in place until permanent stabilization has been achieved for the development site**.**

Project Closeout:
The following items must be performed or provided to complete the project:

1. The work shown on the civil site package must be complete and the items on the final punch list completed.
    a. Entire Disturbed area must be stabilized.
    Stabilization is defined as 80% density of grass cover over 100% of the disturbed area. Or in instances where grass will not be planted such as a forested area, mulch or other approved alternative must be used as a method permanent stabilization to prevent erosion.
    b. One (1) set of as-built / record drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
        i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.

1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.

ii. Subdivisions of land must include linework of all final plat lot lines, easements, etc. in the required CAD file (.dwg file).
iii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
iv. Street Centerline, Width, Profiles and Cross slopes shall be verified.
v. Adequate verification survey to confirm accuracy of drainage report.
vi. Include the following information in a table; Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.

c. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements.
d. Certification from Engineer of Record that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
    i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc…
e. Certification from the Engineer of Record that the designed retaining walls were installed per approved plans and City of Fayetteville requirements (Inspection and Testing Reports required);
f. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
g. Surveyor's Certification of Compliance for monuments and property pins.
h. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc…
i. Bond, guarantee, or letter of credit for all sidewalks not constructed prior to final plat approval (150% of the estimated cost of construction);
j. Cross Sections, contours, spot elevations, and Certification that the site has been graded per the approved MRLGP within the right of way, drainage easements, and utility easements.

CITY OF
FAYETTEVILLE
ARKANSAS

October 7, 2022 Uploaded via EnerGov

Kelly Hudson
Specialized Real Estate Group
200 W Center St Ste B-1
Fayetteville, AR 72701

Re: Markham Hill Sanitary Sewer Extension
GRD-2021-000242
2231 W Markham

Dear Mr. Hudson:

The plans stamped and dated September 20, 2022 for the above project have been reviewed for general compliance and are approved subject to the following conditions:

Scope of Work Generally Consists of:
1. Roughly 3,065 LF of Sanitary Sewer Main Extension

Plan Conditions:
1. At SMH-A8.0 the stub out cannot cause a change in direction less than 90° going downstream. Revise angle between NW and SW pipes.
2. Grading permit fee must be paid prior to a preconstruction meeting being scheduled.
3. Easements must be dedicated prior to grading permit issuance. **Provide document and exhibit for review prior to recordation.**
4. Manufacturer recommendations on deep bury must be provided for review prior to approval of the DR 18 sewer pipe. The installation recommendations provided do not include this information.
5. The distance between SMH-A1.0 and SMH-A17.0 of 422’ is approved as a variance to the Water/Sewer Specification.
6. All conditions of approval for the ArDOT driveway permit associated with construction/installation are the responsibility of the developer. (approval attached)
7. An approved ArDOT utility permit must be provided prior to issuance of the grading permit.

Standard Conditions:
1. This approval is valid for 1 year from the date above. If permit is not issued within 1 year this approval is void.

2. The review was for general compliance and does not warrant your design or relieve the owner from any items discovered during construction deemed necessary to comply with city ordinances and criteria.
3. CEI Engineering Associates, Inc. as engineer of record (EOR) shall be responsible for review and approval of all material submittals. Prior to placement of soils, aggregate, concrete or asphalt for public infrastructure, EOR shall review, approve and forward material submittals to the city engineering office. All materials and construction shall comply with the City of Fayetteville's requirements. In the case of conflicts, the City's criteria shall govern.
4. A copy of the approval letter from Arkansas Department of Health shall be presented prior to installation of public utilities.
5. Periodic inspection of SWPPP contractor inspection logs will be made. These must be kept up to date and neat, accessible, and on-site.
6. Prior to permit issuance, the Engineer of Record shall provide a PE-sealed letter stating that the design of water and sewer improvements meet all requirements of the City's Standard Specifications and details, Ten States Standards, ADH Rules Pertaining to Public Water Systems, ADH plastic pipe policies, and ADH Rules Pertaining to General Sanitation. No variance to any standard is given or implied unless specifically requested by the Engineer of Record and approved in writing by the City of Fayetteville prior to permit issuance, regardless of conflicts in the Engineer's plans or details.
7. The engineer of record shall provide comprehensive construction observation services for utilities, storm drainage and roadway construction for this project – weekly inspection reports should be submitted to the City of Fayetteville's public works inspector.
8. The City of Fayetteville relied upon the statements and representations made in the plans and specifications. In case any statement or representation in the aforementioned documents is found to be incorrect, this approval may be revoked.
9. There shall be no deviation from the plans and specifications unless revised plans and specifications have been first submitted for review and written consent given.
10. The review and approval of the drawings and specifications in no way constitute an analysis of the structural design.

Please provide one full size and one half size paper copies of the approved plans. One set of approved plans must remain onsite at all times during construction.

If you have any questions, please email me at jboccaccio@fayetteville-ar.gov or call me at 718-7623.

Sincerely,

Josh Boccaccio, PE
Engineering Development Review Manager

Melissa Evans, PLA, ASLA
Urban Forestry

Supplementary Permit and Closeout Information

Grading Permit:

The following is required prior to issuing of the Grading Permit:

1. A signed copy of the SWPPP is provided to the city. The SWPPP should include a copy of the NOC, and will become part of the grading and drainage permit. (In PDF format)
2. A preconstruction conference has taken place with the following people:
    a. Engineer of Record (or appropriate design professional)
    b. Inspector for Engineer of Record
    c. Contractor(s):
        i. Superintendent who will be on-site daily during all phases of construction.
        ii. All subcontractors responsible for installation of public infrastructure.
3. The perimeter erosion controls, construction exit, and SWPPP/Grading permit box have been inspected and approved by the Engineering Division.
4. The tree preservation fencing has been installed and inspected by Urban Foresters.

Project Closeout:

The following items must be performed or provided to complete the project:

1. The work shown on the civil site package must be complete and the items on the final punch list completed.
    a. Entire Disturbed area must be stabilized.
    Stabilization is defined as 80% density of grass cover over 100% of the disturbed area. Or in instances where grass will not be planted such as a forested area, mulch or other approved alternative must be used as a method permanent stabilization to prevent erosion.
    b. One (1) set of as-built / record drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
        i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
            1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
        ii. Sanitary Sewer elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
        iii. Include the following information in a table; Linear Feet of new sanitary sewer.
    c. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements.
    d. Certification from Engineer of Record that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
        i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc…
    e. Surveyor's Certification of Compliance for monuments and property pins.

ARKANSAS DEPARTMENT OF TRANSPORTATION
ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director
DISTRICT FOUR: 808 Frontier Road | Barling, AR 72923 | P.O. Box 11170 | Fort Smith, AR 72917-1170
Phone: 479.484.5306 | Fax: 479.484.5300
D4 COUNTIES: Crawford, Franklin, Logan, Polk, Scott, Sebastian, Washington

9/28/2022

City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701

Permit Number: AD-04-2022-0137

To Whom It May Concern

Reference is made to your request for a permit to construct a Permanent Commercial ingress and egress to your property located on Highway 49 in Washington county. This is your authorization to proceed with work in accordance with the enclosed approved plans and specifications. Acceptance of this permit indicates to the Department that you agree to the following conditions.

Grantee and Grantee's Contractor shall fully protect the traffic on the highway during construction covered hereunder by proper traffic control devices complying with the Manual on Uniform Traffic Control Devices, and shall indemnify and hold harmless the Arkansas State Highway Commission, the Department, and its duly appointed agents, officers and employees, from any and all damages, expenses, claims or liability arising out of any alleged damages of any nature to the body or property of any person, including the Department, due to the construction, performance or non-performance of work.

Grantee shall be responsible for removal from the highway and any debris such as mud, rocks, loose gravel, etc. which might cause an unsafe situation. Clean up is to be performed at any time a hazardous or unsafe condition is created. The right of way is to be restored to original or better condition. The area behind curbs must be backfilled to the top of the curb. Unpaved areas are to be seeded or sodded and grass restored.

The Permitee shall be responsible for locating and protecting all utilities in the work area(s) and to hold harmless and indemnify the State Highway Commission, the Department, and its duly appointed agents, officers and employees, from any and all damages, expenses, claims or liability arising out of any alleged damages of any utilities due to the construction, performance or non-performance of work.

Driveway 1: A 18 inch CMP pipe 33 feet in length (with flared end sections recommended) will be required for drainage. The pipe must be placed at a depth in the flow line of the ditch that will allow for a 12 inch or as near as possible minimum cover over the pipe~~, and still maintain a minimum fall of 1/4 inch per foot from the existing edge of pavement to the center of the drain pipe~~. Ditch grading may be necessary to provide the correct flow line of the culvert pipe. This work shall be the responsibility of the permitee. The driveway(s) must be 12 feet in width with a left turning radii of 6.0 feet and a right turning radii of 6.0 feet.

The driveway must be constructed of a suitable fill material and compacted with mechanical compaction equipment. The driveway surface must be a minimum of 6 inches of 3000 psi minimum strength concrete, reinforced with 6 inch x 6 inch web wire mesh or bonded fiber on a minimum of 6 inch class 7 stone base compacted to 95% density on a compacted subgrade.

Any driveway requiring a curb cut shall include the installation of wheelchair ramps. Ramps shall be constructed to accommodate a minimum sidewalk width of 6 feet. The ramps must join any adjacent sidewalk. Where no sidewalk exists, ramps shall be installed to accommodate future sidewalks. All work must comply with current (ADA) AMERICANS WITH DISABILITIES ACT.

All highway regulatory signs must be maintained at all times. The relocation or removal of a sign must be approved by the Department.

No advertising or private signs shall be placed on or protrude over the right of way. Parking of vehicles on the right of way is unlawful and prohibited. That our Washington 2 County Area Maintenance Supervisor, Rodney Graham, (479) 251-8418, be notified prior to your starting operations upon limits of the highway right of way in order that he or she may make periodic inspections of signing, construction methods and compliance with the permit. The finished result must meet with the full approval of the District Engineer of his authorized representative.

That any excavation upon the limits of the right-of-way be thoroughly tamped and backfilled to grade and section, and any surplus material and debris shall be properly disposed of and not create an unsightly appearance or interfere with drainage.

The initial installation and future maintenance is the responsibility of the owner and shall be done at no cost to the Department.

The above conditions are general and not all inclusive. All requirements of the Department's following manuals shall be met.

Rules for Access Driveways to State Highways, 2017 Edition
Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations

All construction must be completed within one year from the date of the permit. Under justifiable conditions, an extension may be granted for a reasonable length of time.

Effective March 10, 2003 Phase II Storm Water Construction Permits will be required on all projects that have a "disturbed soil area" of one acre or more. The permitee will be required to obtain a Storm Water Construction Permit from the Arkansas Department of Environmental Quality (ADEQ) at 501-682-0627 or at 501-682-0621. Regardless of any existing or future ADEQ requirements, all areas of disturbed soil, of any size, on the right of way shall be re-vegetated in accordance with the Standard Specifications for Highway Construction, Edition of 2014.

Sincerely

for Chad Adams P.E.
District 4 Engineer

ARKANSAS DEPARTMENT OF TRANSPORTATION

DRIVEWAY ACCESS PERMIT

Permit Number AD-04-2022-0137

Area Supervisor Rodney Graham

☒ Permanent ☐ Temporary ☒ Commercial ☐ Non-Commercial

District 4 County Washington Route 49 Section 28 Log Mile 62.060

Owner City of Fayetteville Phone (479) 575-8206 Date 9/28/2022

Address 125 W. Mountain St. City Fayetteville State AR Zip 72701

Longitude -94.198445°W Latitude 36.062136°N

Physical address or location of driveway(s) Approx. 3200' north of the Hwy 62 overpass on Futrall Dr.

Driveway Geometrics

	Width	Radius L	Radius R	Surface Type	Side (NSEW)	Highway	R/W
(1)	12	6.0	6.0	Concrete	E	49	85
(2)							
(3)							
(4)							

Storm Drain Information

	Number of Culverts	Diameter	Length	Type of Culvert	Dry Ramp
(1)	1	18	33	CMP	False
(2)					
(3)					
(4)					

Culverts must be placed in the existing flow line of the ditch unless otherwise noted on the plans

Special Conditions City of Fayetteville sewer utility access. Drive will be constructed and maintained by the City.

In consideration of these regulations, the applicant and the Arkansas Department of Transportation subscribe to the following agreement:

1. Permittee is granted permission to construct a driveway(s) pursuant to the regulations of the Arkansas State Highway Commission. The Arkansas Department of Transportation waives none of its powers or rights to direct the removal, relocation and/or proper maintenance of any driveway within the right-of-way of a state highway.

2. That all work will be performed in a neat and workmanlike manner, using materials acceptable to the District Engineer of the Arkansas Department of Transportation, and that the right-of-way will be cleaned up and left in a presentable condition upon completion of the described work.

3. That the Permittee will fully protect the traffic on the highway during construction covered hereunder by the proper traffic control devices in accordance with the Manual on Uniform Traffic Control Devices, and to hold harmless and indemnify the Arkansas Department of Transportation, its officers and employees from all damages, expenses, claims or liability arising out of any alleged damages of any nature to any person or property, due to construction, performance or non-performance of work, or existence of said driveway.

Rev. 6/28/2016, CS

ARKANSAS DEPARTMENT OF TRANSPORTATION

AGREEMENT (Continued)

4. The Permittee shall be responsible for locating and protecting all utilities in the work area(s) and to hold harmless and indemnify the State Highway Commission, the Department and its duly appointed agents, officers and employees, from all damages, expenses, claims or liability arising out of any alleged damages of any nature to any utilities due to the construction, performance, or non-performance of work.

5. The Permittee is either the owner, duly authorized agent, or has the legal right to possession and control of the parcel of property adjacent to the right-of-way frontage within which the said proposed driveway(s) is to be constructed.

6. That no driveway shall be constructed such that there will be parking or servicing of vehicles on the highway right-of-way.

7. That the profile grade of driveways shall be constructed as indicated on the attached sketch or plan.

8. Deposit or surety bond in the amount of $ 0.00 must be deposited with the District Engineer of the Arkansas Department of Transportation at 808 Frontier Road, Barling, Arkansas before the permit for an access driveway to a commercial concern is issued. If the work is completed as specified, the deposit will be returned, but if the permit requirements are not met, the Arkansas Department of Transportation will revoke the permit, call for the deposit or bond and remove the driveway.

9. The Permittee shall maintain all existing highway, street and county road regulatory, warning, guide and informational signs in an effective location at all times for the duration of the work and shall install them at the correct location upon completion of the work. Any signs damaged by the grantee shall be replaced at no cost to the state.

10. Mailbox support: If installing a new or replacement mailbox, the Department can provide detailed information on approved mailbox installations including supports, boxes, and mountings. The potential for disabling injury and the resulting civil action is reduced when mailboxes are installed using approved methods and materials that are designed with highway safety in mind. Remember, the mailbox owner may be held liable in case of collision.

11. The Permittee is responsible for complying with all applicable local, state, and federal laws and regulations in the execution of permit work.

12. The Permittee is responsible for assuring that sidewalks constructed on highway right-of-way are ADA Compliant. Maintenance of said sidewalks will be the responsibility of the City and/or applicant. The Arkansas Department of Transportation will not be responsible for maintenance of sidewalks constructed as a part of this permit. Cross slope of walks and ramps shall not exceed 1:50 (2%).

13. The Permittee shall undertake measures to avoid tracking of soil and mud from the work area on the highway and shall revegetate, in accordance with the Standard Specifications for Highway Construction, most recent edition, all area of disturbed soil, of any size, on the right-of-way. All projects with disturbed soil shall have an appropriate NPDES Permit as required by the Arkansas Department of Environmental Quality.

SPECIAL PROVISIONS

Deposit $ _____

Expiration Date _____

Digitally signed by Josh Boccaccio
Contact Info: jboccaccio@fayetteville-ar.gov
Date: 2022.07.13 14:04:19-05'00'

_____
Permittee

for: _____
District Engineer

9/29/22
Date

Original to District Engineer
One Copy to Permittee
One Copy to Area Maintenance Supervisor
One Copy to Fiscal Services or Utilities

ARKANSAS DEPARTMENT OF TRANSPORTATION
ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director
DISTRICT FOUR: 808 Frontier Road | Barling, AR 72923 | P.O. Box 11170 | Fort Smith, AR 72917-1170
Phone: 479.484.5306 | Fax: 479.484.5300
D4 COUNTIES: Crawford, Franklin, Logan, Polk, Scott, Sebastian, Washington

Date: September 28, 2022

City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701

District No.: 4 County: WASHINGTON Route: 49 Section: 28

This will acknowledge receipt of deposit in the amount of a $1500.00 Standing Bond to guarantee compliance with the provisions of all work described in Permit No. AD-04-2022-0137 dated Wednesday, September 28, 2022.

Sincerely

for: Chad Adams P.E.
District 4 Engineer

ARKANSAS DEPARTMENT OF TRANSPORTATION
ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director
DISTRICT FOUR: 808 Frontier Road | Barling, AR 72923 | P.O. Box 11170 | Fort Smith, AR 72917-1170
Phone: 479.484.5306 | Fax: 479.484.5300
D4 COUNTIES: Crawford, Franklin, Logan, Polk, Scott, Sebastian, Washington

Return this page when the work is complete.

City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701

Date: September 28, 2022

Upon the completion of the permitted work, sign and return this sheet to our office. If it is found that you have satisfied all of the conditions of the permit, your deposit, if applicable, will be returned.

With your cooperation we will be able to release your permit in a timely manner.

Permit Number: AD-04-2022-0137

Date Complete: _____ / _____ / _____
Month Day Year

_____
City of Fayetteville

NOTICE!

Special Requirements For Permittees Working within Highway Right of Way District 4

All areas, within the highway right of way, disturbed in conjunction with this permit shall be fully restored to the original condition and as determined to be satisfactory in the opinion of the District Engineer. Generally, this restoration shall include reshaping the ground to the original contours, thoroughly compacting backfill of pits, holes, and trenches such that future settlement or erosion will not occur and reestablishing vegetation by seeding and mulching or sodding in accordance with the AHTD Standard Specifications for Highway Construction most recent edition. All areas completed shall be permanently or temporarily seeded and mulched or sodded within 14 days after completion of the work and areas temporarily abandoned shall be stabilized within 14 days if work is not to resume with in 21 days. Temporary erosion control measures shall be implemented as conditions necessitate throughout the duration of the project. This requirement does not relieve nor supercede any requirements contained in any Storm Water Construction Permit issued by the ADEQ for this work.

Lane Closure Information

Lane closures on the highway associated with this permit must be coordinated with the Department. A lane Closure Request form should be completed and delivered to the District Headquarters a minimum of four business days prior to the requested lane closure. Concurrence from the Department for the lane closure must be granted before work to close any lanes on the highway can be undertaken. Signing and advance warning devices for all lane closures must be in accordance with the MUTCD.

Storm Water Construction Permits

Please be advised that you are required to follow all laws and regulations concerning erosion control. The Arkansas Department of Environmental Quality requires a Phase II Storm Water Construction Permits on sites that have a "disturbed soil area" of one acre or more. For questions or permit requirements for a Storm Water Construction Permit, contact (ADEQ) at 501-682-0627 or at 501-682-0621. This permit is separate from any work order, permit or approval from the Arkansas Highway and Transportation Department.

Marking of Utilities

When any utility owner, or its assigned contractor and/or representative is required, or requested to locate and mark the location of its underground lines/facilities inside highway right of way on pavement, sidewalks, curbs, gutters, structures, etc., the marks shall be made with non-permanent materials (chalk, keel, non-permanent paint, etc.). Failure to comply with this requirement will result in removal of the markings by the utility owner at no expense to the Department.

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

SUPPLEMENTAL SPECIFICATION

WORKER VISIBILITY

Section 107 of the Standard Specifications for Highway Construction, Edition of 2003, is hereby amended as follows:

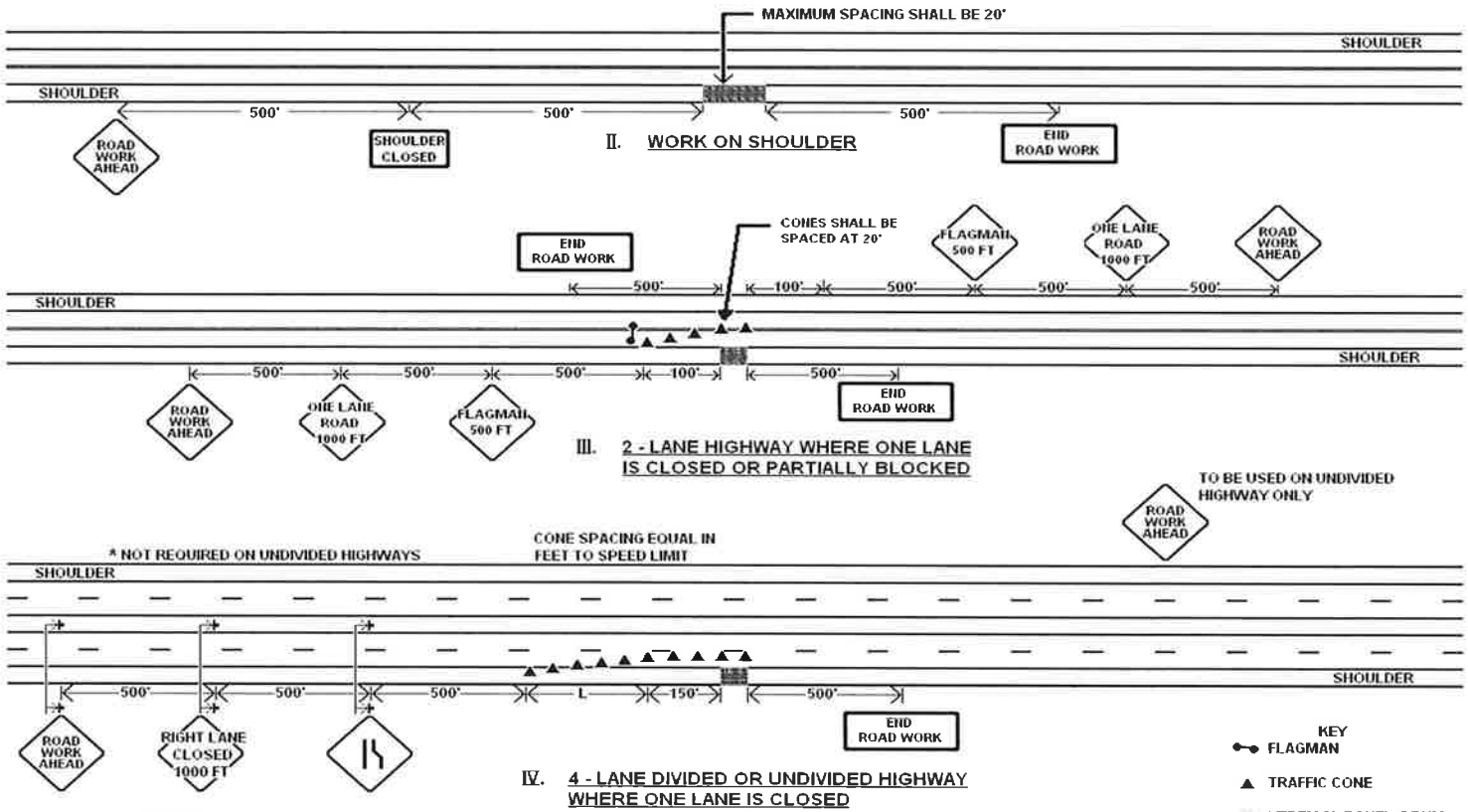
The following is added as the third paragraph of **Subsection 107.01(b)**:

All workers within the right-of-way who are exposed either to traffic (vehicles using the roadway for travel purposes) or to construction equipment within the work area shall wear high-visibility safety apparel meeting the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High – Visibility Safety Apparel and Headwear."

SECTION 12

TRAFFIC CONTROL

I. NO WORK ON ROADWAY - No Traffic Control Required



NOTES:

1. If The Work Remains In Operation During Hours Of Darkness, Type II Barricades Or Drums Should Be Used In Lieu Of Cones. Lights Should Be Provided To Mark Flagman Stations And Barricades At Night.
2. Taper Formula:
   L = S X W for speeds of 45 mph or more
   $L = \frac{W S^2}{60}$ for speeds of 40 mph or less
   Where:
   L = Minimum length of taper.
   S = Numerical value of posted speed limit.
   W = Width of offset.
3. Warning Signs Shall Have A Black Symbol or Message On An Orange Background.
4. Sign Supports May Be Fixed Or Portable Depending Upon Time Duration Of Project.
5. All Signing Shall Be In Compliance With The Manual On Uniform Traffic Control Devices.
6. This Plan Is Subject To Modifications By The District Engineer.
7. All Signs Shall Be Reflectorized As Per Sect. 604. AHTD Standard Specifications.
8. The Desirable Size Of Warning Signs (Diamond-Shaped Signs) Is 48" X 48". The Minimum Size Is 36" X 36".
9. Supports For Signs, Barricades, And Vertical Panels Must Meet The Requirements Of NCHRP-350.

TRAFFIC CONTROL FOR ACCESS DRIVEWAY CONSTRUCTION

Drawing AD-8

Planning Commission
May 22, 2023
ADM-2023-0019 (MARKHAM HILL DEVELOPMENT) Page 56 of 418
Page 25 of 35

ARKANSAS DEPARTMENT OF TRANSPORTATION

District Four

808 Frontier Rd., Barling, Arkansas 72923, P.O. Box 11170, Fort Smith, Arkansas 72917.
(479) 484-5306 (voice), (479) 484-5300 (fax)

Lane/Shoulder Closure Request Form

Permit Number : _____ **County:** _____ **Highway:** _____
Where work is being performed

Permit issued to: _____

Begin Date: _____ **End Date:** _____
Actual dates planned for placement and removal of closure

Days of week: 7 days ☐ or Sun ☐ Mon ☐ Tues ☐ Wed ☐ Thurs ☐ Fri ☐ Sat ☐
Check all days applicable

Time of Day: 24 hours ☐ (if closure is continuous) or

Beginning time each day _____ Ending time each day _____ If closure is to be removed each day

Description of the planned lane/shoulder closure:

Will closure require alternating two-way traffic in one lane: Yes ☐ No ☐

To be closed: Lane ☐ or Shoulder ☐

Direction of travel for lane and/or shoulder to be closed: North ☐ South ☐ East ☐ West ☐

Width of lane and/or shoulder to be closed: _____

Width of lane to remain open to traffic: _____

Width of shoulder to remain open to traffic: _____

Total width of open and available for traffic: _____

This application must be delivered to the District Headquarters 5 business days prior to the requested lane closure. Lane closures may not be undertaken prior to your receipt of written concurrence by the Department of the planned closure. If changes are necessary to the information provided by the applicant, the Lane Closure Request Form must be resubmitted for review and concurrence.

_____ _____
Applicant Signature Date

_____ _____
Applicant Name (printed) Phone Number

_____ _____
District Concurrence Date

For Departmental Use only below this line

Lane Closure System Entry required: Yes ☐ No ☐ If yes, Date entered _____ Entered by _____ Initials

Date removed _____ Removed by _____ Initials

Markham Hill Residential, Ph. II
Boundary/Topographic Survey

W. Markham Hill Ave.

City of Fayetteville, Washington County, Arkansas

NOTE:

The measured bearings and distances and the record bearings and distances had differences that did not warrant a survey description to be written.

TRACT 4 Survey Description:

Part of the Northwest Quarter (NW1/4) of Section 17, part of the Northeast Quarter (NE1/4) of Section 18, and part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 18, all in Township 16 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:

COMMENCING at the Northwest Corner of Section 17; thence by bearing and distance (basis of bearing, Grid North), South 02°44'08" West along the west line thereof a distance of 663.96 feet to the POINT OF BEGINNING; thence leaving said west line, South 86°59'32" East a distance of 663.06 feet; thence South 02°45'33" West a distance of 132.00 feet; thence South 86°59'32" East a distance of 663.00 feet to the east line of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of said Section 17; thence North 02°46'58" East along said east line a distance of 97.75 feet; thence leaving said east line, South 87°23'32" East a distance of 480.55 feet; thence South 02°41'24" West a distance of 435.94 feet; thence North 87°50'49" West a distance of 453.38 feet; thence South 02°09'11" West a distance of 71.62 feet; thence North 87°50'49" West a distance of 186.58 feet; thence South 02°09'11" West a distance of 47.75 feet; thence South 62°30'13" West a distance of 126.36 feet to a point on the south line of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 17; thence South 62°30'11" West a distance of 143.46 feet; thence North 87°50'49" West a distance of 371.33 feet; thence South 02°09.11" West a distance of 720.20 feet; thence South 87°50'49" East a distance of 217.06 feet; thence South 01°45'49" West a distance of 30.90 feet; thence South 86°14'11" East a distance of 94.71 feet; thence South 01°26'29" West a distance of 300.30 feet; thence South 86°24'36" East a distance of 100.00 feet; thence North 03°26'29" East a distance of 99.88 feet; thence South 86°34'11" East a distance of 75.29 feet; thence North 03°45'49" East a distance of 105.00 feet; thence South 86°14'11" East a distance of 266.05 feet to the east line of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 17; thence South 03°36'12" West along said east line a distance of 256.38 feet; thence leaving said east line, North 87°47'19" West a distance of 293.29 feet; thence South 03°47'20" West a distance of 335.48 feet to the south line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 17; thence North 87°31'27" West along said south line a distance of 408.36 feet; thence leaving said south line, North 02°09'11" East a distance of 173.96 feet; thence North 47°50'49" West a distance of 93.39 feet; thence South 72°09.11" West a distance of 88.50 feet; thence North 64°50'49" West a distance of 130.22 feet; thence North 25°50'49" West a distance of 160.00 feet; thence North 87°50'49" West a distance of 165.06 feet; thence South 25°09'11" West a distance of 201.57 feet; thence South 42°09'11" West a distance of 522.48 feet; thence North 87°50'49" West a distance of 173.85 feet; thence North 37°50'49" West a distance of 284.70 feet; thence North 21°36'54" West a distance of 142.87 feet; thence North 02°09.11" East a distance of 337.61 feet; thence North 28°09'11" East a distance of 234.24 feet; thence North 08°50'49" West a distance of 220.77 feet; thence North 15°50'49" West a distance of 372.31 feet; thence North 02°09'11" East a distance of 265.40 feet to the south line of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 18; thence South 87°18'19" East along said south line a distance of 40.30 feet; thence leaving said south line, North 02°44'08" East a distance of 345.45 feet; thence North 57°27'09" East a distance of 466.15 feet; thence South 87°50'49" East a distance of 279.49 feet to the east line of said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 18; thence North 02°44'08 East along said east line a distance of 42.92 feet to the Point of Beginning.

TRACT 5 Survey Description:

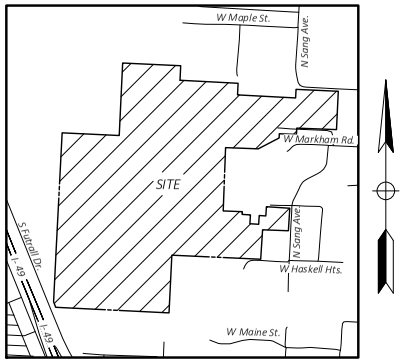
Part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 18, Township 16 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 18; thence by bearing and distance (basis of bearing, Grid North), South 02°44'08" West along the east line of said Section 18 a distance of 498.96 feet to the POINT OF BEGINNING; thence South 02°44'08" West continuing along said east line a distance of 207.92 feet; thence leaving said east line, North 87°50'49" West a distance of 279.49 feet; thence South 57°27'09" West a distance of 466.15 feet; thence North 02°44'08" East a distance of 479.55 feet; thence South 87°03'19" East a distance of 660.00 feet to the Point of Beginning.

TRACT 6 Survey Description:

Part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 17, part of the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 18, and part of the North-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 18, all in Township 16 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 18; thence by bearing and distance (basis of bearing, Grid North), South 02°44'08" West along the east line of said Section 18 a distance of 1,323.96 feet to the northeast corner of said Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 18; thence North 87°18'19" West along the north line of said Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) a distance of 700.30 feet to the POINT OF BEGINNING; thence leaving said north line, South 02°09'11" West a distance of 265.40 feet; thence South 15°50'49" East a distance of 372.32 feet; thence South 05°50'49" East a distance of 220.76 feet; thence South 28°09'11" West a distance of 234.24 feet; thence South 02°09'11" West a distance of 337.61 feet; thence South 21°36'54" East a distance of 142.87 feet; thence South 37°50'49" East a distance of 284.70 feet; thence South 87°50'49" East a distance of 173.85 feet; thence North 42°09'11" East a distance of 522.48 feet; thence North 25°09'11" East a distance of 201.57 feet; thence South 87°50'49" East a distance of 165.06 feet; thence South 25°50'49" East a distance of 36.00 feet; thence South 64°50'49" East a distance of 130.22 feet; thence North 72°09'11" East a distance of 88.50 feet; thence South 47°50'49" East a distance of 93.39 feet; thence South 02°09'11" West a distance of 173.96 feet to the south line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 17; thence North 87°23'27" West a distance of 601.18 feet to the southwest corner of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4); thence South 02°48'06" West a distance of 656.59 feet to the southeast corner of said North-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 18; thence North 87°10'13" West along the south line of said North-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) a distance of 1,289.23 feet; thence leaving said south line, North 20°47'40" West a distance of 67.86 feet to the west line of said North-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4); thence North 02°50'27" East a distance of 598.41 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 18; thence North 02°56'03" East a distance of 1,323.09 feet to the northwest corner of said Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4); thence South 87°18'19" East along the north line thereof a distance of 608.88 feet to the Point of Beginning.



VICINITY MAP

NOT TO SCALE

Latitude: 36° 3'58"N

Longitude: 94°11'32"W

SHEET INDEX:

Sheet 1:	*Notes & Descriptions*
Sheet 2:	*Overall Boundary & Details*
Sheet 3:	*North Topo*
Sheet 4:	*Northeast Topo, Owners & Adjoining Owners Names*
Sheet 5:	*South Topo*
Sheet 6:	*Tree Sheet*

GENERAL NOTES:

1. *This survey does not purport to be a proposed tract split or replat, or any other subdivision plat as may be defined by city, county, or state law. The land owner is encouraged to check with the local planning/development authorities for proper platting procedures before proceeding with this development.*
2. *Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate: Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations, or any other facts which an accurate and current title search may disclose.*
3. *Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.*
4. *This plat represents an Boundary/Topographic Survey of Tracts 4-6 as recorded in File #24A-D0000237 in the public records of Washington County, Arkansas*
5. *The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.*
6. *Basis of Bearings: Arkansas State Plane Coordinate System, NAD83, North Zone based on Control used for the Property Line Adjustment & Plat recorded in Plat Book 24A, Page 233, provided by Keith A. Sikes P.S. 1307 at Morrison-Shipley Engineers, COA 280. Said Control was established from an onsite GPS base point that was derived from an OPUS solution.*
7. *Basis of Elevation: NAVD88, based on the control aforementioned in the Basis of Bearings note.*
8. *Site Benchmark: See Sheet 3 for benchmark information block.*
9. *This survey is valid only if the drawing includes the seal and signature of the surveyor.*
10. *This survey is based on a Owner's Policy of Title Insurance provided by Fidelity National Title Insurance Company, File No. 19-3053 countersigned by City Title & Closing, LLC, Date of Policy: June 28, 2019.*
11. *Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.*
12. *No attempt was made to show zoning building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved. Any building setback lines shown hereon are from Plat Book 24A, Page 237.*
13. *All dimensions to curb are to back of curb.*
14. *Subsurface and environmental conditions were not examined nor considered a part of this survey.*
15. *Underground utilities were located by visible above ground markings as marked by utility locators and shown hereon as located by CEI Engineering Associates, Inc. survey field crews. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.*
16. *The contractor is advised to contact the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contact all non-members as well as the One-Call System.*
17. *By scaled map location and graphical plotting only. This property is located in unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Washington County, Arkansas.*

    Map Number: 05143C0205F & 05143C0215F
    Map Revised: May 16, 2008
18. *No current zoning report or letter regarding zoning classification was provided to the Surveyor, the following information was obtained from the City of Fayetteville GIS map. This property is zoned RI-U (Residential Intermediate-Urban) & zoned R-A (Residential-Agricultural) Building setbacks for zone RI-U are as follows:*

    Front: A build-to zone that is located between that front property, line and a line 25 feet from the front property line.
    Side: None
    Side Single & Two (2) Family 5 Feet
    Rear Other Uses: 5 Feet
    Rear, from centerline of an alley 12 Feet

    Building setbacks for zone R-A are as follows:

    Front: 35 Feet
    Side: 20 Feet
    Rear: 35 Feet

SURVEYOR'S TOPOGRAPHIC/BOUNDARY CERTIFICATION:

I, James Barnett, hereby certify that this plat represents a Topographic and Boundary Survey, all monuments were found or set as shown, and the topographic and physical features shown are a true representation of what was found to the best of my knowledge and ability, and the survey has been performed in compliance with the State Minimum Standards for Survey of this type. No statement or certification, written or implied, is made regarding the existence or absence of peculiar subsurface conditions, flood hazards, ecological concerns, easements, or any facts that an accurate and complete title search would disclose, unless, it is specifically stated or shown.

James Barnett, P.L.S. AR No. 3666 — *Date* 2021.08.12 09:52:02-05'00'

State Survey Code: 500-16N-30W-0 37-400-72-3666

State Survey Code: 500-16N-30W-0 38-102-72-3666

CIVIL ENGINEERING ▪ LANDSCAPE ARCHITECTURE ▪ LAND SURVEYING ▪ PLANNING

BENTONVILLE | DALLAS | FRESNO | HOUSTON | JACKSONVILLE | MINNEAPOLIS | PHILADELPHIA | PHOENIX

© 2021 CEI ENGINEERING ASSOCIATES, INC.

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #1008150

3030 LBJ FREEWAY, SUITE 300
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732
BRANCH TBPLS FIRM #10194234

CERTIFICATE OF AUTHORIZATION — C E I Engineering Associates, Inc. No. 118 — ARKANSAS SURVEYING

Markham Hill Residential, Ph. II
Boundary/Topographic Survey
W. Markham Hill Ave.
City of Fayetteville, Washington County, Arkansas

PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — No. 1666 — SIGNATURE — JAMES BARNETT

PROFESSIONAL OF RECORD	JKB
DESIGNER	TLP
FIELD WORK	JP
CEI PROJECT NUMBER	32013
DATE	4/9/2021
REVISION	REV-0

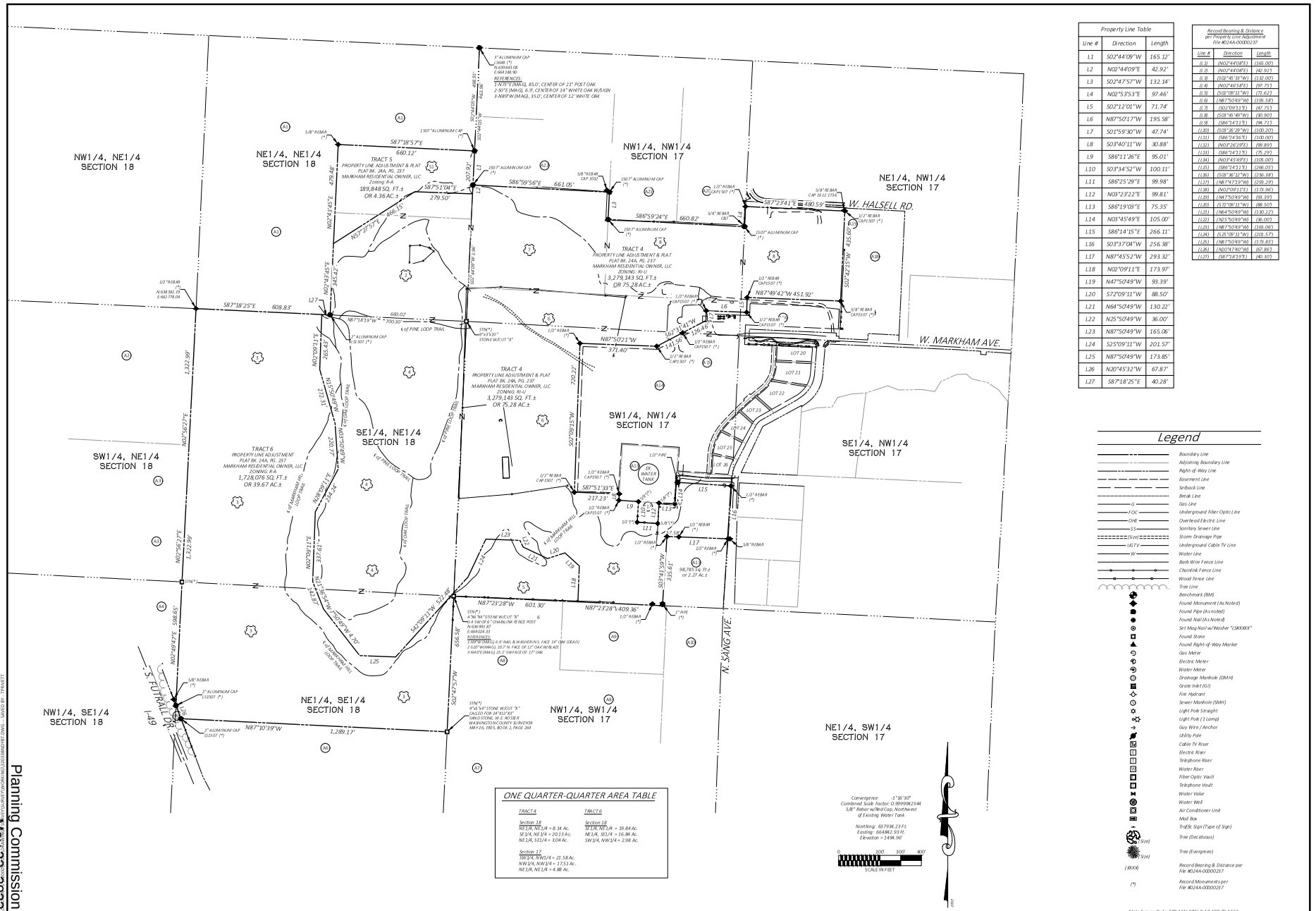
Notes & Descriptions

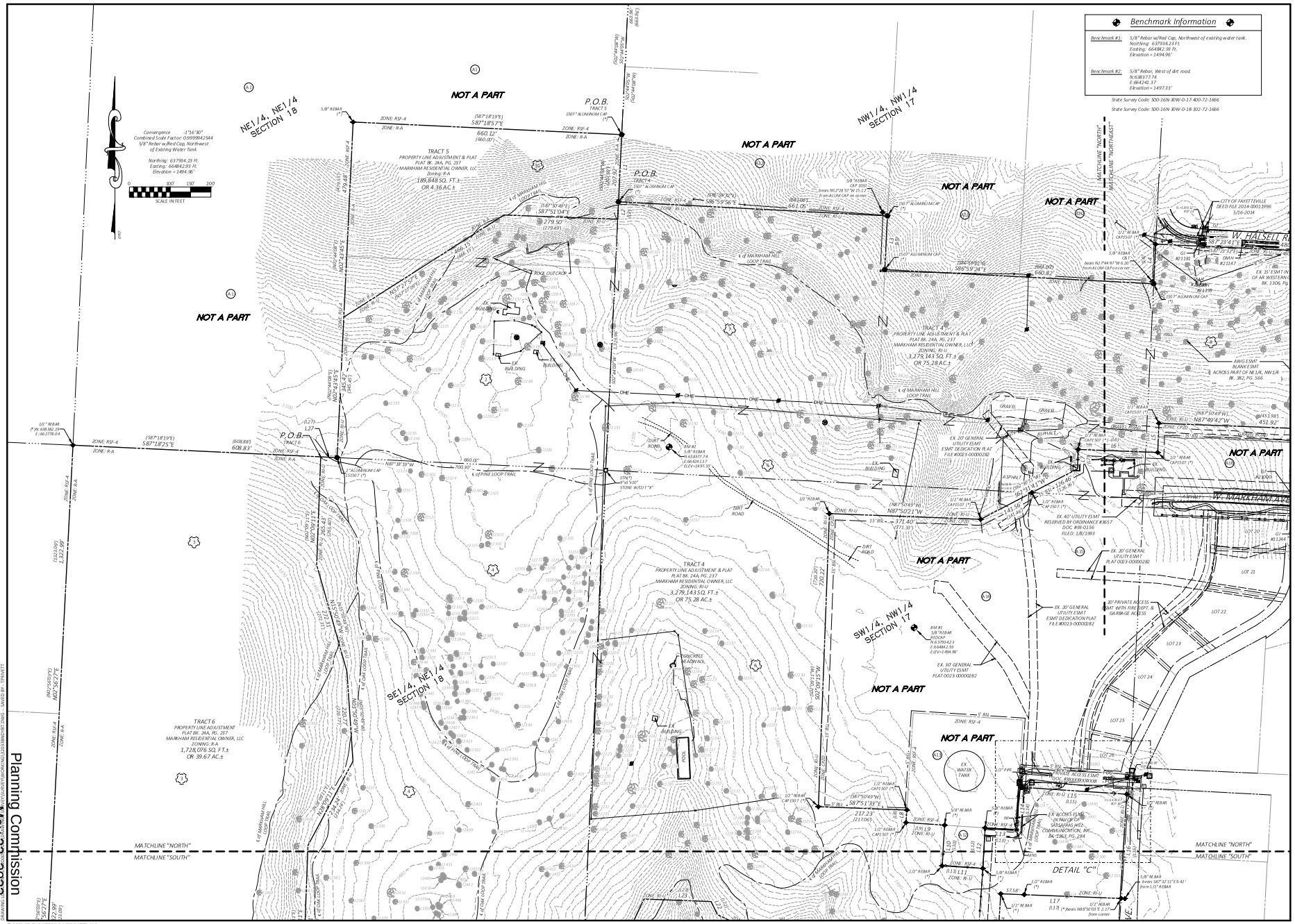
SHEET TITLE

SHEET NUMBER

1 OF 6

ADM-2023-0019 (MARKHAM HILL DEVELOPMENT) - SAVED BY: TPRATT
Planning Commission May 22, 2023
Page 58 of 418
Page 27 of 35


NW1/4, NE1/4 SECTION 18
NE1/4, NE1/4 SECTION 18
NW1/4, NW1/4 SECTION 17
NE1/4, NW1/4 SECTION 17
SW1/4, NE1/4 SECTION 18
SE1/4, NE1/4 SECTION 18
SW1/4, NW1/4 SECTION 17
SE1/4, NW1/4 SECTION 17
NW1/4, SE1/4 SECTION 18
NE1/4, SE1/4 SECTION 18
NW1/4, SW1/4 SECTION 17
NE1/4, SW1/4 SECTION 17
W. HALSELL RD.
W. MARKHAM AVE.
N. SANG AVE.
S. FUTRALL DR.
I-49
TRACT 5
PROPERTY LINE ADJUSTMENT & PLAT
PLAT BK. 24A, PG. 237
MARKHAM RESIDENTIAL OWNER, LLC
Zoning: R-A
189,848 SQ. FT.±
OR 4.36 AC.±
TRACT 4
PROPERTY LINE ADJUSTMENT & PLAT
PLAT BK. 24A, PG. 237
MARKHAM RESIDENTIAL OWNER, LLC
ZONING: RI-U
3,279,143 SQ. FT.±
OR 75.28 AC.±
TRACT 6
PROPERTY LINE ADJUSTMENT
PLAT BK. 24A, PG. 237
MARKHAM RESIDENTIAL OWNER, LLC
ZONING: R-A
1,728,076 SQ. FT.±
OR 39.67 AC.±
98,789 Sq. Ft. or 2.27 Ac.±
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
GR. WATER TANK
Markham Hill Loop Trail
Oak Loop Trail
Pine Loop Trail
Creek Loop Trail
Ridge Loop Trail
S87°18'25"E 660.12'
S87°51'04"E 279.50'
S86°59'56"E 661.05'
S86°59'24"E 660.87'
S87°23'41"E 430.59'
S87°18'25"E 608.83'
S87°18'19"W 700.30'
N87°50'21"W 371.40'
N87°49'42"W 451.92'
S87°51'33"E 217.23'
N87°23'28"W 601.30'
N87°23'28"W 409.36'
N87°10'39"W 1,289.17'
S41°09'17"W 522.48'
N89°28'54"W 1,050.94'
N89°28'11"E 234.24'
S02°47'45"W 656.58'
S02°47'59"W 335.61'
S02°44'09"W 165.12'
N02°44'09"E 42.92'
S02°47'57"W 132.14'
N02°53'53"E 97.46'
S02°12'01"W 71.74'
N87°50'17"W 195.58'
S01°59'30"W 47.74'
S03°40'11"W 30.88'
S86°11'26"E 95.01'
S03°34'52"W 100.11'
S86°25'29"E 99.98'
N03°23'22"E 99.81'
S86°19'03"E 75.35'
N03°45'49"E 105.00'
S86°14'15"E 266.11'
S03°37'04"W 256.38'
N87°45'52"W 293.32'
N02°09'11"E 173.97'
N87°50'49"W 93.39'
S72°09'11"W 88.50'
N64°50'49"W 130.22'
N25°50'49"W 36.00'
N87°50'49"W 165.06'
S25°09'11"W 201.57'
N87°50'49"W 173.85'
N20°45'32"W 67.87'
S87°18'25"E 40.28'
N02°42'45"E 479.48'
N02°42'15"E 345.42'
N02°42'15"E 435.66'
N02°00'11"E 265.43'
N02°56'27"E 1,322.99'
N02°56'27"E 1,322.59'
N02°59'11"E 337.01'
N02°49'47"E 598.65'
N02°50'15"E 720.22'
N02°50'15"E 196.47'
N02°50'15"E 141.68'
N02°50'15"E 196.47'
N02°50'15"E 141.68'
N02°50'15"E 196.47'
N02°50'15"E 141.68



CEI ENGINEERING ASSOCIATES, INC.
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3030 LBJ FREEWAY, SUITE 300
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PHONE: (972) 488-3737
FAX: (972) 488-6732
BRANCH TBPLS FIRM #10194234

C E I Engineering Associates, Inc. No. 118 — CERTIFICATE OF AUTHORITY — ARKANSAS

Markham Hill Residential, Ph. II
Boundary/Topographic Survey
W. Markham Hill Ave.
City of Fayetteville, Washington County, Arkansas

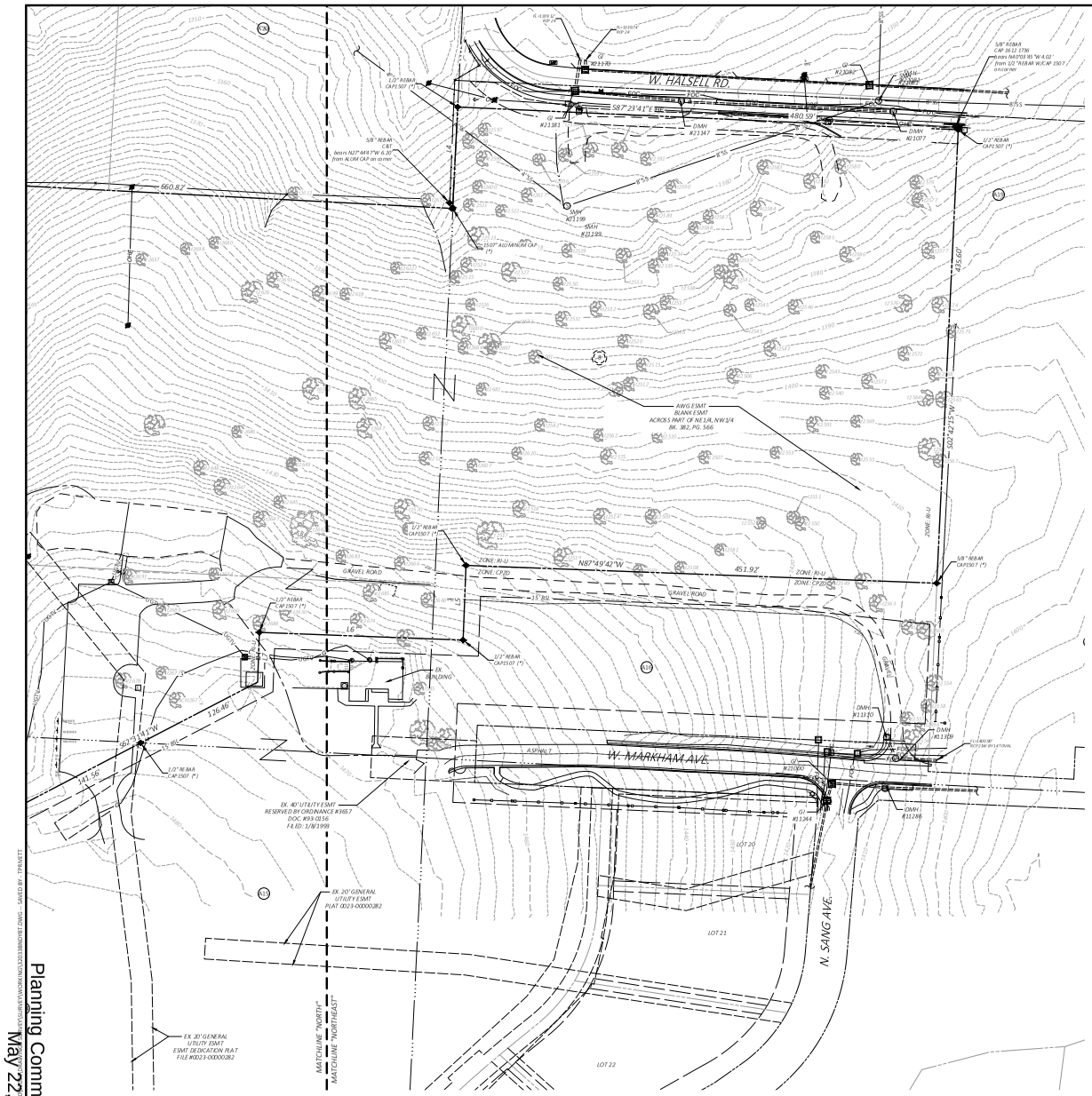
STATE OF ARKANSAS No. 1666 — PROFESSIONAL ENGINEER — JAMES BARNETT

PROFESSIONAL OF RECORD	JKB
DESIGNER	TLP
FIELD WORK	JP
CEI PROJECT NUMBER	32013
DATE	4/9/2023
REVISION	REV.0

Boundary/Topo - North
SHEET TITLE

SHEET NUMBER
3 OF 6

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OWNER INFORMATION

TRACT 4
PROPERTY LINE ADJUSTMENT & PLAT
PLAT BK. 34A, PG. 237
MARKHAM RESIDENTIAL OWNER, LLC
ZONING: R-U
3,279,143 SQ. FT.±
OR 75.28 AC.±

PARCEL #765-34594-000
PARCEL #765-34617-000
DEED BK. 2019, PG. 39034

PARCEL #765-34532-000
PARCEL #765-34535-000
PARCEL #765-34548-000
DEED BK. 2019, PG. 39027

TRACT 5
PROPERTY LINE ADJUSTMENT & PLAT
PLAT BK. 24L, PG. 237
MARKHAM RESIDENTIAL OWNER, LLC
Zoning: R-A
189,848 SQ. FT.±
OR 4.36 AC.±

PARCEL #765-34594-000
PARCEL #765-34595-300
DEED BK. 2019, PG. 39034

TRACT 6
PROPERTY LINE ADJUSTMENT
PLAT BK. 34A, PG. 237
MARKHAM RESIDENTIAL OWNER, LLC
ZONING: R-A
1,728,076 SQ. FT.±
OR 39.67 AC.±

PARCEL #765-34595-000
PARCEL #765-34548-007
DEED BK. 2019, PG. 39034

ADJOINER OWNERS INFORMATION

A1 — PARCEL #765-34595-001
UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
DEED BK. 1180, PG. 635
DEED BK. 1180, PG. 612
ZONE: RSF-4

A2 — PARCEL #765-34607-000
BARNES FAMILY TRUST
C/O STEVE BARNES
DEED BK. 2012, PG. 28098
ZONE: RSF-4

A3 — PARCEL #765-34602-000
WATSON, WINFRED E FAMILY TRUST
DEED BK. 2008, PG. 11621
ZONE: RSF-4

A4 — PARCEL #765-34620-000
BARNES FAMILY TRUST,
C/O STEVE BARNES
DEED BK. 2012, PG. 28098
ZONE: RSF-4

A5 — PARCEL #765-34634-000
ARKANSAS STATE HIGHWAY COMM.
DEED BK. 2001, PG. 338
ZONE: R-A

A6 — PARCEL #765-34639-000
SOUTHERN VIEW APARTMENTS
DEED BK. 2014, PG. 10888
ZONE: RSF-4

A7 — PARCEL #765-34581-000
RUSH, MARY EUNICE
REVOCABLE TRUST
DEED BK. 2015, PG. 31011
ZONE: RMF-24

A8 — PARCEL #765-34585-000
FARRIS, FELICIA ANN
DEED BK. 2006, PG. 42573
ZONE: RSF-4

A9 — PARCEL #765-34584-000
FARRIS, FELICIA ANN
DEED BK. 97, PG. 89847
ZONE: RSF-4

A10 — PARCEL #765-34585-001
FARRIS, FELICIA
DEED BK. 2009, PG. 6633
DEED BK. 2008, PG. 37417
ZONE: RSF-4

A11 — PARCEL #765-34548-003
GOODMAN, BARBARA K
SURVEY 2007, PG. 8611
DEED BK. 2001, PG. 25439
ZONE: RSF-4

A12 — PARCEL #765-34548-001
SASSA/PASS HILL
COMMUNICATION, INC.
SURVEY 2007, PG. 8611
DEED BK. 1269, PG. 284
ZONE: RSF-4

A13 — PARCEL #765-34547-000
CITY OF FAYETTEVILLE
SURVEY 2007, PG. 8611
DEED BK. 520, PG. 399
ZONE: RSF-4

A14 — PARCEL #765-34548-000
MARKHAM HOSPITALITY OWNER, LLC
DEED BK. 2019, PG. 39027
ZONE: R-U & C/P/D

A15 — PARCEL #765-34548-004
MARKHAM HOSPITALITY OWNER, LLC
DEED BK. 2019, PG. 39027
ZONE: C/P/D

A16 — PARCEL #765-34526-000
MARKHAM HOSPITALITY OWNER, LLC
DEED BK. 2019, PG. 39027
ZONE: C/P/D

A17 — PARCEL #765-34530-000
ALEXANDER, AMBER DEANE
REVOCABLE TRUST
DEED BK. 2012, PG. 39504
SURVEY BK. 2006, PG. 44105
ZONE: RSF-4

A18 — PARCEL #765-34521-000
ALEXANDER, AMBER DEANE
REVOCABLE TRUST
DEED BK. 2012, PG. 39504
ZONE: RSF-4

A19 — PARCEL #765-34520-001
HUGHES, CHARLES L & CAROLYN G
SURVEY BK. 2006, PG. 44105
DEED BK. 2002, PG. 133138
ZONE: RSF-4

A20 — PARCEL #765-34534-000
JOHNSON, CHARLES & PHYLLIS
LIVING TRUST
DEED BK. 762, PG. 116
ZONE: RSF-4

A21 — PARCEL #765-34533-000
JOHNSON, CHARLES & PHYLLIS
LIVING TRUST
DEED BK. 2016, PG. 36313
DEED BK. 830, PG. 87
ZONE: RSF-4

A22 — PARCEL #765-34537-000
JOHNSON, CHARLES & PHYLLIS
LIVING TRUST
DEED BK. 2016, PG. 36314
DEED BK. 941, PG. 644
ZONE: RSF-4

SANITARY SEWER & STORM DRAINAGE W. HALSELL RD.

SMH#21399
TOP RIM=1359.24'
FL IN (NW)=1355.39'
FL OUT (NE)=1354.94'

SMH#21082
TOP RIM=1359.88'
FL IN (SW)=1353.28'
FL IN (E)=1352.94'
FL OUT (N)=1352.60'

GW21070
TOP RIM=1342.71'
FL IN (E)=1340.16'
FL OUT (N)=1340.06'

GW21082
TOP RIM=1358.59'
FL IN (E)=1355.27'
FL OUT (W)=1355.27'

GW21381
TOP RIM=1343.66'
FL IN (E)=1341.26'
FL OUT (N)=1340.63'

DMH#21347
TOP RIM=1345.27'
FL IN (E)=1342.02'
FL OUT (W)=1342.02'

DMH#21077
TOP RIM=1361.99'
FL OUT (W)=1359.27'

STORM DRAINAGE W. MARKHAM AVE.

DMH#11330
TOP RIM=1406.53'
FL OUT (S)=1404.23'

DMH#11309
TOP RIM=1410.24'
FL IN (NW)=1403.39'
FL OUT (E)=1403.02'

GW21000
TOP RIM=1414.82'
FL IN (S)=1411.07'
FL OUT (E)=1410.92'

DMH#11286
TOP RIM=1406.62'
FL IN (W)=1404.27'
FL OUT (E)=1402.92'

GW11244
TOP RIM=1414.33'
FL IN (S)=1411.83'
FL OUT (N)=1411.68'

State Survey Code: 500-16N-30W-0-17-400-72-1666
State Survey Code: 500-16N-30W-0-18-302-72-1666

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CEI Solutions for Land and Life

CEI ENGINEERING ASSOCIATES, INC.
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BRANCH TBPLS FIRM #10194234

CERTIFICATE OF AUTHORIZATION
C E I Engineering Associates, Inc.
No. 118
ARKANSAS SURVEYOR / ENGINEER

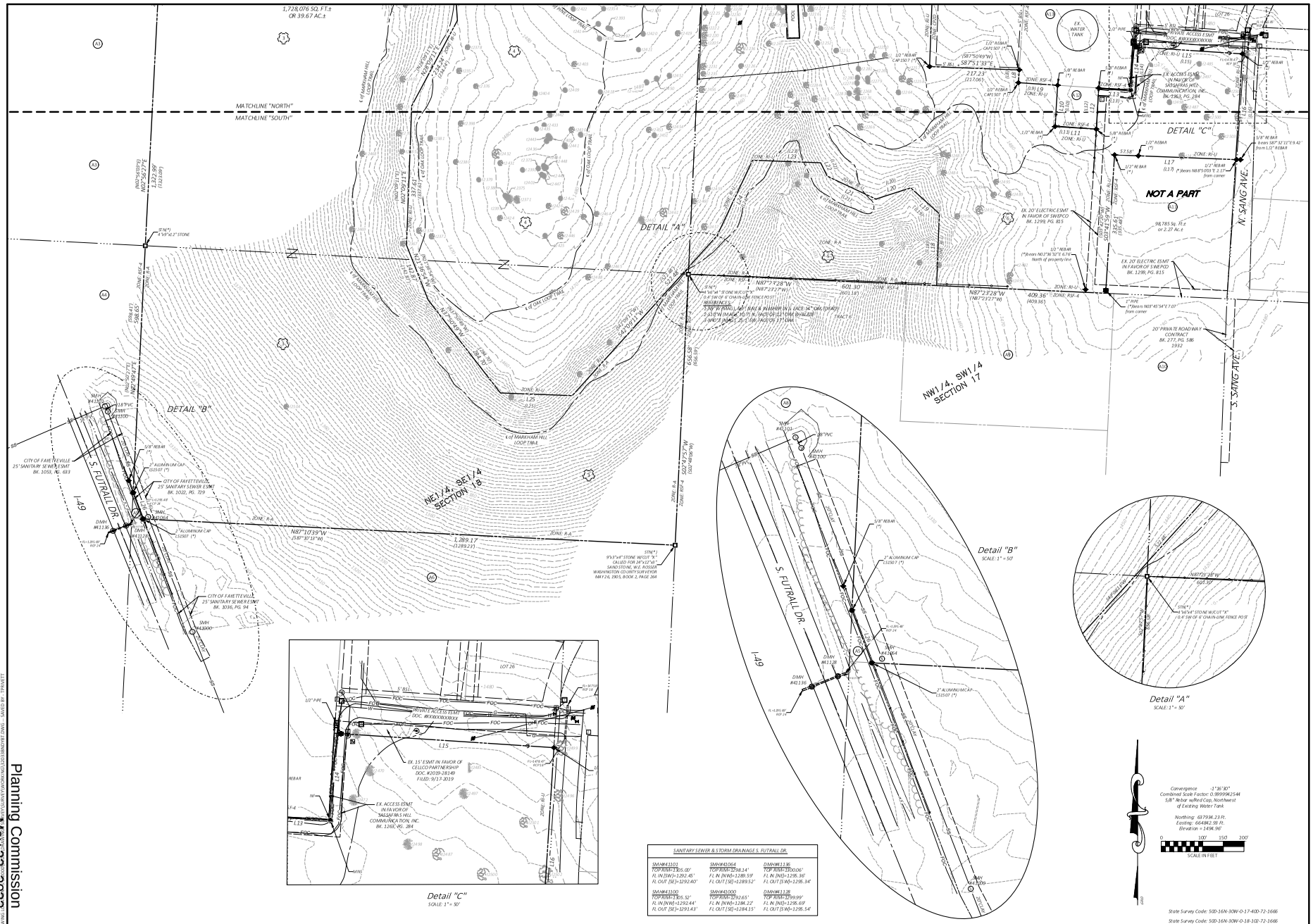
Markham Hill Residential, Ph. II
Boundary/Topographic Survey
W. Markham Hill Ave.
City of Fayetteville, Washington County, Arkansas

STATE OF ARKANSAS
No. 16
SIGNATURE
JAMES BARNETT
REGISTERED PROFESSIONAL ENGINEER

PROFESSIONAL OF RECORD	JKB
DESIGNER	TLP
FIELD WORK	JP
CEI PROJECT NUMBER	32013
DATE	4/9/2021
REVISION	REV-0

Boundary/Topo - NE / Line Table / Owners / Details
SHEET TITLE

SHEET NUMBER
4 OF 6



CEI ENGINEERING ASSOCIATES, INC.
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DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732
BRANCH TBPLS FIRM #10194234

CERTIFICATE OF AUTHORIZATION — C E I Engineering Associates, Inc. No. 118 — ARKANSAS SURVEYOR

Markham Hill Residential, Ph. II
Boundary/Topographic Survey
W. Markham Hill Ave.
City of Fayetteville, Washington County, Arkansas

PROFESSIONAL ENGINEER — STATE OF ARKANSAS No. 1666 — JAMES BARNETT

PROFESSIONAL OF RECORD	JKB
DESIGNER	TLP
FIELD WORK	JP
CEI PROJECT NUMBER	32013
DATE	4/9/2023
REVISION	REV-0

Boundary/Topo - South

SHEET TITLE

SHEET NUMBER

5 OF 6

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Tree Table	
Point #	Type In. Tag
11017	dec 1005122
11018	dec 1005123
11019	dec 1005121
11020	dec 1005135
11323	dec 1012556
11324	dec 1012686
11325	dec 1012557
11326	dec 1012558
11328	dec 1012554
21001	dec 1012561
21002	dec 1012560
21003	dec 1012563
21004	dec 1012505
21005	dec 1012507
21006	dec 1012566
21007	dec 1012565
21008	dec 1012564
21009	dec 1012568
21010	dec 1012572
21011	dec 1012555
21012	dec 1012569

Tree Table	
Point #	Type In. Tag
21013	dec 2012571
21034	dec 2012543
21035	dec 2012540
21036	dec 2012591
21037	dec 1012553
21038	dec 1012581
21039	dec 1012552
21020	dec 2012531
21021	dec 2012550
21022	dec 2012549
21023	dec 2012548
21024	dec 2012505
21025	dec 2012507
21026	dec 2012510
21027	dec 2012509
21028	dec 1012508
21029	dec 1012559
21030	dec 2012519
21031	dec 2012514
21032	dec 2012575

Tree Table	
Point #	Type In. Tag
21033	dec 1012562
21034	dec 2012511
21035	dec 2012512
21036	dec 1012513
21037	dec 1012520
21038	dec 2012536
21039	dec 2012537
21040	dec 1012545
21041	dec 1012545
21042	dec 1012547
21043	dec 2012506
21045	dec 1012573
21046	dec 1012574
21047	dec 1012576
21048	dec 1012577
21049	dec 2012546
21226	dec 2012579
21227	dec 2012577
21228	dec 1012580
21229	dec 1012585

Tree Table	
Point #	Type In. Tag
21230	dec 2012586
21231	dec 2012582
21232	dec 2012583
21233	dec 2012584
21234	dec 2012539
21235	dec 2012541
21236	dec 2012538
21237	dec 1012534
21238	dec 2012535
21239	dec 1012588
21240	dec 2012587
21241	dec 1012590
21242	dec 1012589
21243	dec 1012533
21244	dec 2012592
21245	dec 1012593
21246	dec 2012594
21247	dec 2012529
21248	dec 2012512
21249	dec 1012531

Tree Table	
Point #	Type In. Tag
21250	dec 1012550
21251	dec 1012526
21252	dec 1012527
21253	dec 1012528
21257	dec 1012525
21258	dec 1012697
21259	dec 1012672
21260	dec 1012864
21261	dec 1076600
21262	dec 1012612
21263	dec 1012525
21264	dec 1012524
21265	dec 1012523
21266	dec 1012522
21267	dec 1012617
21268	dec 1012595
21269	dec 1012596
21270	dec 1012597
21271	dec 1012598
21272	dec 1012599

Tree Table	
Point #	Type In. Tag
21273	dec 1012600
21274	dec 1012521
21275	dec 1012679
21276	dec 1012622?
21277	dec 2012655
21284	dec 1012626
21285	dec 1012693
21286	dec 1012699
21287	dec 1012618
21288	dec 1012612
21297	dec 1012617
21298	dec 1012698
21299	dec 1012680
21304	dec 10
21370	dec 2012691
21388	dec 1012644
21389	dec 1012689
21390	dec 2012660
21391	dec 1012677
21392	dec 2012627

Tree Table	
Point #	Type In. Tag
21393	dec 2012678
21394	dec 1012688
21395	dec 1012650
21396	dec 2012674
21397	dec 1012685
21398	dec 1012641
21495	dec 1012647
21496	dec 1012645
21497	dec 2012647
21498	dec 2012668
21499	dec 1012686
21500	dec 1012655
21501	dec 1012687
21502	dec 2012665
21503	dec 2012602
21524	dec 1012662
21525	dec 2012649
21526	dec 1012515
21527	dec 1012570
21528	dec 1012516

Tree Table	
Point #	Type In. Tag
21529	dec 1012683
21530	dec 2012666
21531	dec 2012646
21532	dec 1012516
21534	dec 2012700
21535	dec 1012681
21536	dec 2012601
21537	dec 1012542
21538	dec 1012620
21539	dec 1012607
21540	dec 2012518
21541	dec 1012517
21542	dec 2012630
21543	dec 1012619
21544	dec 1012608
21547	dec 2012669
21548	dec 1012606
21550	dec 2012628
21551	dec 2012656
21561	dec 2012692

Tree Table	
Point #	Type In. Tag
21562	dec 1012692
21563	ever 1012611
21564	dec 2012658
21565	dec 1012623
21566	dec 1012684
21567	dec 1012682
21569	dec 1012652
21570	dec 1012682
21571	dec 1012688
21576	dec 1012689
21579	dec 2012675
21580	dec 2012606
21581	dec 2012603
21582	dec 2012653
21583	dec 2012699
21584	dec 2012654
21585	dec 2012602
21591	dec 2012658
21592	dec 2012605
21594	dec 1012661

Tree Table	
Point #	Type In. Tag
21595	dec 1012660
21596	dec 1012656
21597	dec 2012678
21598	dec 2012644
21599	dec 2012626
21600	dec 2012619
21601	dec 2012621
21602	dec 2012615
21603	dec 2012632
21607	dec 2012641
21608	dec 2012696
21609	dec 2012663
21630	dec 2012623
21613	dec 2012676
21614	dec 2012612
21615	dec 2012630
21636	dec 2012651
21637	dec 2012646
21638	dec 2012616
21639	dec 2012698

Tree Table	
Point #	Type In. Tag
23620	dec 1012020
21621	dec 1012083
21622	dec 1012073
21623	dec 1012070
21624	dec 1012089
21625	dec 1012067
23627	dec 1012042
23628	dec 1012080
21629	dec 1012008
23630	dec 1012007
21631	dec 1012087
21632	dec 1012018
21633	dec 1012071
21634	dec 1012024
21635	dec 1012069
23636	dec 1012062
23637	dec 1012055
23640	dec 1012077
21641	dec 1012028
21642	dec 1012014

Tree Table	
Point #	Type In. Tag
21643	dec 1402034
21644	dec 1402013
21645	dec 1402001
21646	dec 1402079
21647	dec 1402074
21648	dec 1402017
21649	dec 1402059
21650	dec 1402029
21652	dec 1202025
21653	dec 1202081
21654	dec 1202007
21655	dec 1802010
21656	dec 1202027
21657	dec 1802045
21659	dec 1202043
21662	dec 102985
21663	dec 1202086
21664	dec 1202065
21665	dec 1802031
21666	dec 1802047

Tree Table	
Point #	Type In. Tag
21667	dec 1002097
21668	dec 1002004
21669	dec 1002050
21670	dec 102448
21672	dec 1202040
21673	dec 1202086
21693	dec 1802009
21693	dec 1802088
21694	dec 1002100
21697	dec 102124
21698	dec 1002125
21698	dec 1002127
21700	dec 1002127
21701	dec 1002128
21702	dec 1002129
21703	dec 1002132
21739	dec 102139
21730	dec 1002130
21721	dec 1002131
21722	dec 1002134
21723	dec 1002126
21724	dec 1002118

Tree Table	
Point #	Type In. Tag
21688	dec 1002095
21689	dec 1002084
21690	dec 1002091
21691	dec 1002093
21692	dec 1002088
21694	dec 1002101
21695	dec 1002130
21696	dec 1002127
21697	dec 1002127
21698	dec 1002138
21708	dec 1002129
21703	dec 1002132
21739	dec 102139
21730	dec 1002130
21721	dec 1002131
21722	dec 1002134
21723	dec 1002126
21724	dec 1002118

Tree Table	
Point #	Type In. Tag
21725	dec 1002135
21726	dec 1002139
21727	dec 1002140
21728	dec 1002141
21729	dec 1002142
21730	dec 1002138
21731	dec 1002148
21732	dec 1002111
21733	dec 1002149
21734	dec 1002112
21735	dec 1002120
21736	dec 1002113
21737	dec 1002121
21738	dec 1002110
21739	dec 1002111
21745	dec 1002109
21746	dec 1002116
21747	dec 1002114
21753	dec 1002133
21754	dec 1002123

Tree Table	
Point #	Type In. Tag
21755	dec 1002145
21756	dec 1902102
21757	dec 1402135
21758	dec 1202103
21759	dec 1002104
21760	dec 1002143
21762	dec 1902147
21763	dec 1002144
21765	dec 1902117
21766	dec 1902107
21767	dec 1802105
21768	dec 1802106
21769	dec 1902146
21770	dec 1902136
21771	dec 1202200
21772	dec 1202199
21773	dec 1902198
21774	dec 1902197
21775	ever 1902196
21776	dec 1902195

Tree Table	
Point #	Type In. Tag
21777	ever 1902194
21778	ever 1902193
21779	ever 1902192
21780	dec 1902191
21781	ever 1902190
21782	dec 1902189
21783	dec 1802188
21784	dec 1802187
21785	dec 1902186
21786	ever 1902185
21787	dec 1802184
21788	dec 1902183
21789	dec 1902182
21790	ever 1902181
21791	ever 1802179
21792	dec 1802180
21799	dec 1202178
21802	dec 1802177
21803	dec 1802176
21804	dec 1802175

Tree Table	
Point #	Type In. Tag
21805	dec 1802174
21806	dec 1802173
21808	dec 1802172
21809	dec 1802171
21812	dec 2102170
21813	dec 2102169
21814	dec 1802168
21815	dec 2102167
21836	dec 2102166
21837	ever 2102165
21838	ever 1902163
21839	dec 2402162
21830	dec 1002161
21821	dec 2102160
21824	ever 2102150
21825	dec 2102164
21826	ever 2602151
21827	ever 2102152
21830	dec 2102154
21831	dec 2102155

Tree Table	
Point #	Type In. Tag
21832	dec 1802157
21835	dec 1802156
21836	dec 1802153
21838	ever 1902159
21839	ever 1402158
21840	ever 1802201
21841	ever 1902202
21842	ever 1902203
21843	dec 2102206
21845	dec 2102208
21846	ever 1802215
21847	ever 1902207
21848	ever 1902209
21849	dec 1802210
21850	dec 2102211
21888	dec 2102232
21889	dec 2102229
21890	dec 2102224
21891	dec 1802204
21892	dec 1802225

Tree Table	
Point #	Type In. Tag
21893	dec 2102222
21894	dec 2402220
21895	dec 2402205
21896	dec 2402231
21897	dec 1802235
21898	dec 1802226
21902	dec 2102245
21903	dec 2102238
21904	ever 2102249
21905	ever 2102233
21906	dec 2102227
21907	dec 2402236
21909	ever 2102230
21930	ever 2102228
21911	ever 2802218
21912	ever 2102239
21913	ever 2102212
21914	ever 2202243
21915	dec 2402242
21936	dec 1802214

Tree Table	
Point #	Type In. Tag
23917	ever 1802237
23918	ever 1802246
23919	dec 1802244
23920	dec 2402229
21921	dec 2402241
21922	dec 2102223
21923	ever 2102240
21924	ever 2402217
21925	ever 1802216 [wm8
23927	dec 2402239
23928	dec 2402234
23929	ever 2102221
23930	dec 2102248
21931	dec 2102247
21932	dec 2102250
21933	dec 1802251
21934	ever 1802252
21935	ever 1802262
23936	dec 1802261
23937	ever 1802259

Tree Table	
Point #	Type In. Tag
21939	dec 2402258
21940	dec 2402257
23941	ever 2102264
21942	dec 2102273
21943	dec 2102275
21944	dec 2402265
21945	dec 2402266
21946	dec 1802267
21947	ever 2102276
21948	ever 2102268
23949	ever 2102278
21950	ever 2102279
21951	ever 2102269
21952	ever 2102280
21953	ever 2102281
21954	ever 2102283
21955	dec 2402285
21996	dec 2102284
21957	dec 2102256
21959	dec 2102290

Tree Table	
Point #	Type In. Tag
23960	ever 1002253
23961	ever 1002253
23962	ever 1002299
23963	ever 1002300
23964	ever 1902291
23965	ever 1902297
23966	ever 1902263
23967	ever 1902294
23968	ever 1902272
23969	ever 1802254
23970	ever 1802298
23971	ever 1802271
23972	ever 1802289
23973	ever 1902286
23974	ever 1902270
23975	ever 1002277
23976	ever 1002292
23977	ever 1002288
23978	ever 1902293
23979	ever 1902287

Tree Table	
Point #	Type In. Tag
21980	ever 2002295
21981	ever 2002282
21982	ever 1802274
21983	dec 1802296
21984	dec 1802301
21985	ever 2002303
21986	dec 1802304
21987	ever 1802305
21988	ever 1802306
21989	ever 1902307
21990	ever 1802309
23991	ever 1802310
21992	ever 1802311
21993	ever 1802312
21994	dec 1802313
21995	dec 1202314
21996	dec 1802315
21997	dec 1802316
21998	dec 1202320
21999	dec 1802321

Tree Table	
Point #	Type In. Tag
22000	dec 1002343
22001	dec 2102324
22002	dec 2102302
22003	ever 1002323
22004	dec 1002322
22006	ever 1002317
22007	ever 1002318
22008	ever 2102308
22009	dec 1002335
22010	ever 2102334
22011	ever 1002319
22012	ever 1002337
22013	ever 2102336
22014	ever 1002338
22015	dec 1002344
22016	dec 1002333
22017	ever 1002331
22018	ever 1002332
22019	dec 1002330
22020	ever 1002345

Tree Table	
Point #	Type In. Tag
22021	ever 2102325
22022	ever 2102327
22023	ever 2102326
22024	ever 2702328
22025	ever 2402342
22026	ever 2102329
22027	ever 2402339
22028	ever 2402342
22029	ever 2102349
22030	ever 2102340
22031	ever 2102346
22032	ever 2102347
22033	ever 2102348
22034	ever 2902350
22035	ever 2402362
22036	ever 2502359
22037	ever 2102357
22038	dec 2102389
22039	ever 1002353
22040	ever 1002387

Tree Table	
Point #	Type In. Tag
22041	dec 1002368
22042	dec 1802355
22043	ever 1802369
22044	ever 1002370
22045	ever 1002356
22046	ever 1802351
22047	ever 1802360
22048	ever 1002366
22049	ever 1002362
22050	dec 1802365
22051	ever 2102363
22052	ever 2102390
22053	ever 1802393
22054	ever 1002397
22055	ever 1002399
22056	dec 1002394
22057	ever 1802354
22058	dec 1002364
22059	dec 1002384
22060	dec 2102396

Tree Table	
Point #	Type In. Tag
22061	dec 1802383
22062	dec 1802388
22063	dec 1802382
22065	dec 2102352
22066	dec 1802378
22067	dec 1802376
22068	dec 2202377
22069	dec 2202392
22070	dec 1802385
22071	dec 2202374
22073	dec 2002367
22074	dec 2002372
22075	ever 1802379
22076	dec 1802380
22077	dec 2002381
22078	dec 2002383
22079	dec 2002398
22080	ever 1902386
22081	ever 1902375

Tree Table	
Point #	Type In. Tag
22082	ever 1902395
22083	ever 1902371
22084	ever 1902391
22085	ever 1902373
22086	ever 1902401
22087	ever 1902447
22088	ever 1902449
22089	ever 1902448
22090	ever 1902434
22091	ever 1902441
22092	ever 1902433
22093	ever 1802435
22094	ever 1902432
22095	dec 1902431
22096	dec 2202430
22097	dec 2202429
22098	ever 1802428
22099	dec 2202426
22100	dec 2202424
22101	ever 1902425

Tree Table	
Point #	Type In. Tag
22102	dec 1902446
22103	dec 2202444
22104	dec 2102415
22105	ever 2102432
22106	ever 2102432
22107	ever 2102445
22108	ever 2102432
22109	ever 2102439
22130	ever 2102408
22111	ever 1802407
22112	ever 2102431
22113	ever 2102427
22114	ever 2102402
22115	ever 2102433
22116	ever 2102423
22117	ever 2102422
22118	ever 1802428
22119	dec 2102403
22120	ever 2102406
22121	ever 1802421

Tree Table	
Point #	Type In. Tag
22122	ever 2102420
22123	dec 2102419
22124	ever 1802417
22125	ever 1802416
22126	ever 1902405
22127	ever 1902404
22128	ever 1902404
22129	ever 1902442
22130	ever 2202443
22131	dec 2202405
22132	dec 2102436
22133	dec 2102410
22134	dec 2102437
22135	dec 2102440
22136	dec 2102450
22137	ever 1902452
22138	dec 1802456
22139	dec 1802455
22141	dec 2202454
22342	dec 2202453

Tree Table	
Point #	Type In. Tag
22143	ever 2102451
22145	dec 2102459
22146	dec 2102460
22147	dec 1402461
22148	ever 2102462
22150	dec 2102464
22151	dec 2202488
22152	dec 2102465
22153	dec 1602467
22155	dec 2102468
22157	dec 2102469
22159	dec 2102466
22160	dec 2102471
22161	dec 2102475
22162	dec 2102473
22166	dec 2402457
22167	dec 1802481
22176	dec 1802476
22180	dec 1802477
22181	ever 1902478

Tree Table	
Point #	Type In. Tag
22382	dec 1902463
22383	dec 1902458
22385	dec 1902479
22186	dec 1902480
22393	dec 1902483
22394	dec 1902482
22395	dec 1902484
22196	dec 1902490
22197	dec 2202491
22198	dec 2202492
22199	dec 2202493
22201	dec 2102489
22202	dec 2102494
22203	dec 1902495
22209	ever 1802486
22240	dec 2102470
22241	ever 2102472
22242	ever 1902498
22243	dec 2202487
22244	dec 2202500

Tree Table	
Point #	Type In. Tag
22245	dec 2102474
22246	ever 1902485
22247	ever 1902497
22284	dec 1802499
22286	dec 2202496
22293	dec 1902501
22294	dec 1402502
22295	dec 2202503
22306	dec 1802504

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CEI ENGINEERING ASSOCIATES, INC.
3100 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #100815500

3030 LBJ FREEWAY, SUITE 300
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732
BRANCH TBPLS FIRM #10194234

CEI Engineering Associates, Inc. No. 118 — Certificate of Authorization

Markham Hill Residential, Ph. II
Boundary/Topographic Survey
W. Markham Hill Ave.
City of Fayetteville, Washington County, Arkansas

PROFESSIONAL OF RECORD — JKB
DESIGNER — TLP
FIELD WORK — JP
CEI PROJECT NUMBER — 32013
DATE — 4/9/2021
REVISION — REV-0

Tree Chart
SHEET TITLE

SHEET NUMBER
6 OF 6

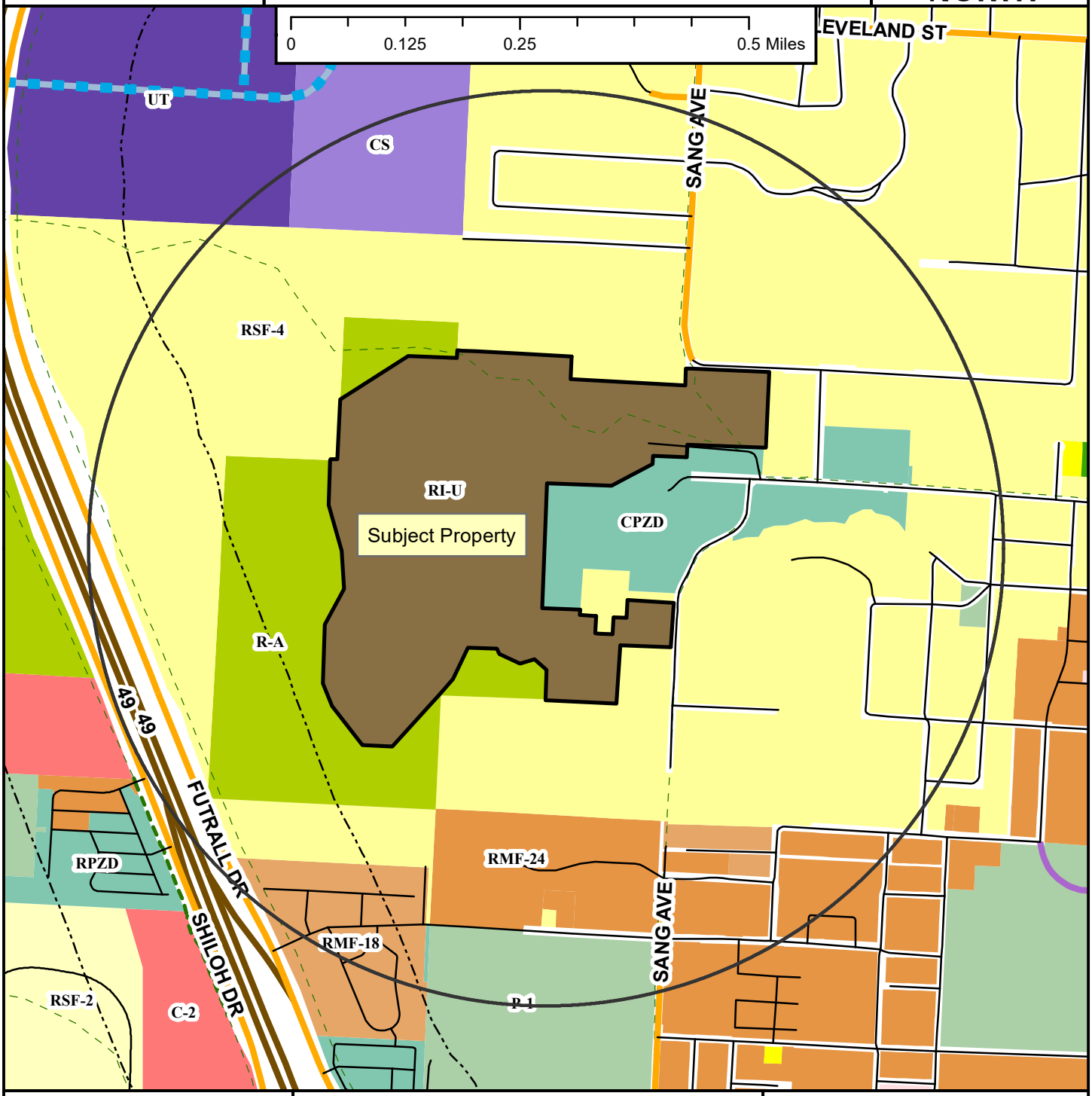
State Survey Code: 50D-16N-30W-0-17-40D-72-1666
State Survey Code: 50D-16N-30W-0-18-10D-72-1666

PPL-2021-000021

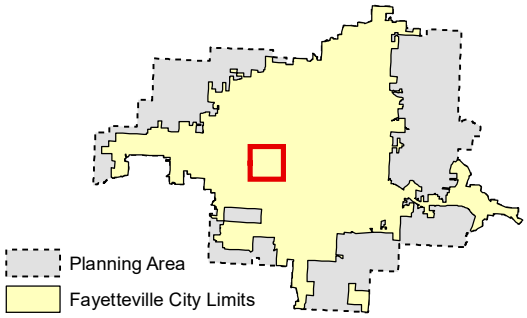
One Mile View

Markham Hill SD PH II

NORTH



- Neighborhood Link
- Institutional Master Plan
- Freeway/Expressway
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-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

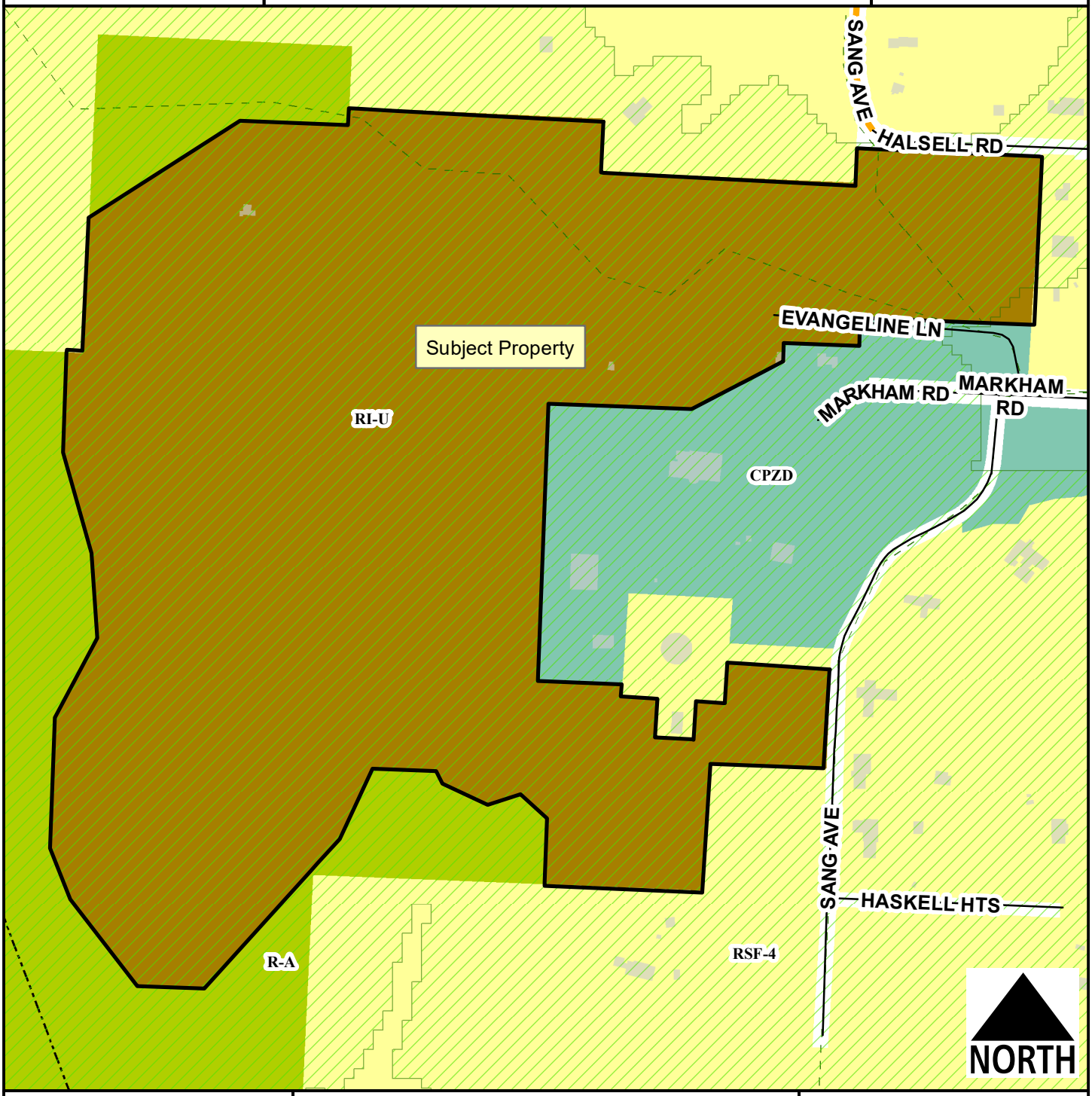
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

PPL-2021-000021

Close Up View

Markham Hill SD PH II



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

Feet
0 137.5 275 550 825 1,100
1 inch = 375 feet

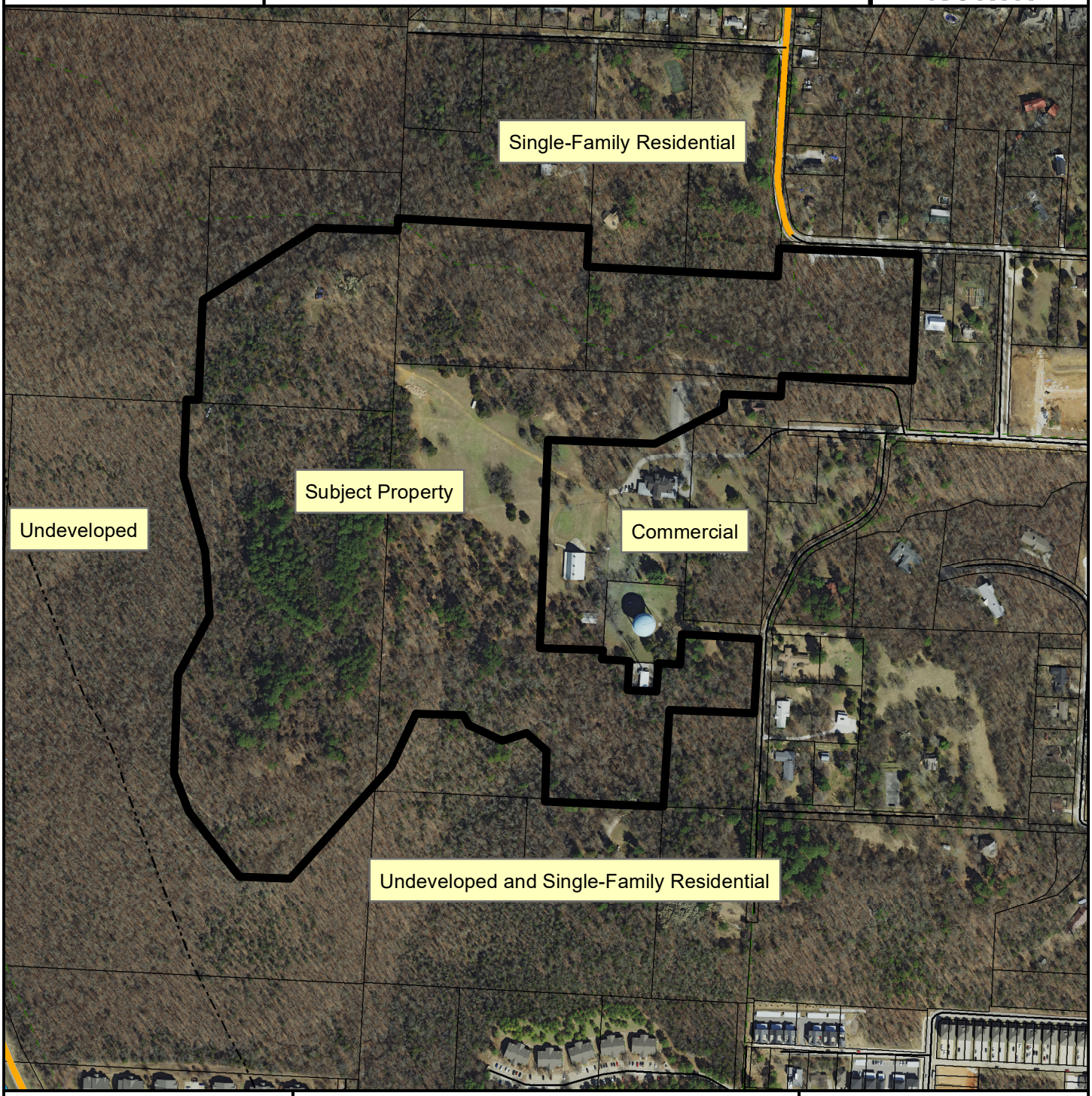
Residential-Agricultural
RSF-4
RI-U
Commercial, Industrial, Residential

PPL-2021-000021

Current Land Use

Preliminary Plat for Markham Hill Subdivision Phase II

NORTH



- Neighborhood Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 180 360 720 1,080 1,440

1 inch = 500 feet

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: May 22, 2023

SUBJECT: **VAR-2023-0016: Variance (3718 E Spyglass Hill Dr, 607):** Submitted by Jim and Marci Risch for property located at 3718 E Spyglass Hill Dr. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE and contains approximately 0.27 acres. The request is a variance from streamside protection requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0016**, based on the findings contained in this report.

RECOMMENDED MOTION:
"I move to approve **VAR-2023-0016** with conditions, determining:

- The proposed deck is to be approximately 38' from the edge of the water, and;
- The existing vegetation and maintenance practices make for a reasonable stream buffer.

BACKGROUND:
The subject property is located on the west side of E Spyglass Hill Dr within Stonebridge Meadows Phase V. The lot is bounded in the rear by an unnamed tributary of the West Fork White River and has been previously modified with an in-stream dam. This dam created what is commonly referred to as Crescent Lake and is a feature of the Stonebridge Meadows Golf Course.

The Planning Commission previously approved VAR-14-4869 in conjunction with this lot and several others in 2014. This variance was one of the first brought forth in the area and one of the first to be adjacent to an impoundment. Due to the steep slopes adjacent to Crescent Lake, there was some debate at the meeting about the appropriate top of bank to be utilized. At that time, the engineer provided a drawing showing what they interpreted as the top of bank. After some debate by the Commission, a buffer of 5 feet from the engineer defined top of bank was approved. The homes were subsequently built with this zone as the streamside buffer.

Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	RSF-4 and R-A, see attached project maps
South	Residential	
East	Residential	
West	Residential	

Request: The applicant is requesting a variance to the Streamside Protection ordinance to construct a deck off the back of the existing structure.

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

DISCUSSION:
As stated, the subject property has had a previous variance approved. As shown on the attached exhibits, the home is constructed up to the streamside zone as defined within the approved variance. Due to the steep slopes and the previously defined top of bank the deck is not allowed based on the previous variance or by right. However, the leading edge of the deck appears as though it will remain approximately 38' from the water's edge at the closest point. The current owner has also been able to keep many of the trees within the buffer zone and planted two additional trees. The area under the trees does not appear to be maintained as frequently as a typical lawn based on photos received. Given the intent of the original ordinance to protect from both streambank erosion and pollutant loading, staff feels the proposed deck would have minimal impact on either.

RECOMMENDATION: Staff recommends approval of **VAR-2023-0016** with the following conditions of approval:

Conditions of Approval:

1. *Applicant obtain all required permits to construct the deck.*
2. *Applicant shall abide by all other floodplain and streamside regulations unless stated within the variance.*
3. *The current owner shall disclose to any potential buyer that the lot/business is subject to the streamside ordinance and they will be responsible for compliance as the owner. This disclosure shall include a description of the purpose of any features constructed to comply with this variance request and the fact that the features must be maintained in order for the lot to remain in compliance.*

PLANNING COMMISSION ACTION: Required YES
Date: May 22, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

Section 156.03 Development Variances

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

(C) Consideration by the Planning Commission

(9) *Streamside Protection Zones*

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

The lot was platted previous to the streamside zones being adopted. As such, a variance was approved for the construction of the home. The original home construction was almost entirely within the streamside zones and a variance was required for its construction. The proposed deck should have little impact on the stability of the streambank or pollutant loading; however, the determination of undue hardship is up to the commission.

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

Rezoning or rulings from the board of adjustments would not change the extent of the streamside protection zone and would not alleviate the need for a variance in this case.

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

See staff conditions listed above.

BUDGET/STAFF IMPACT:
None

Attachments:
- Applicant request letter
- Proposed variance request exhibit
- One Mile Map
- Close Up Map
- Current Land Use Map

Jim & Marci Risch
3718 E. Spyglass Hill Drive
Fayetteville, AR 72701

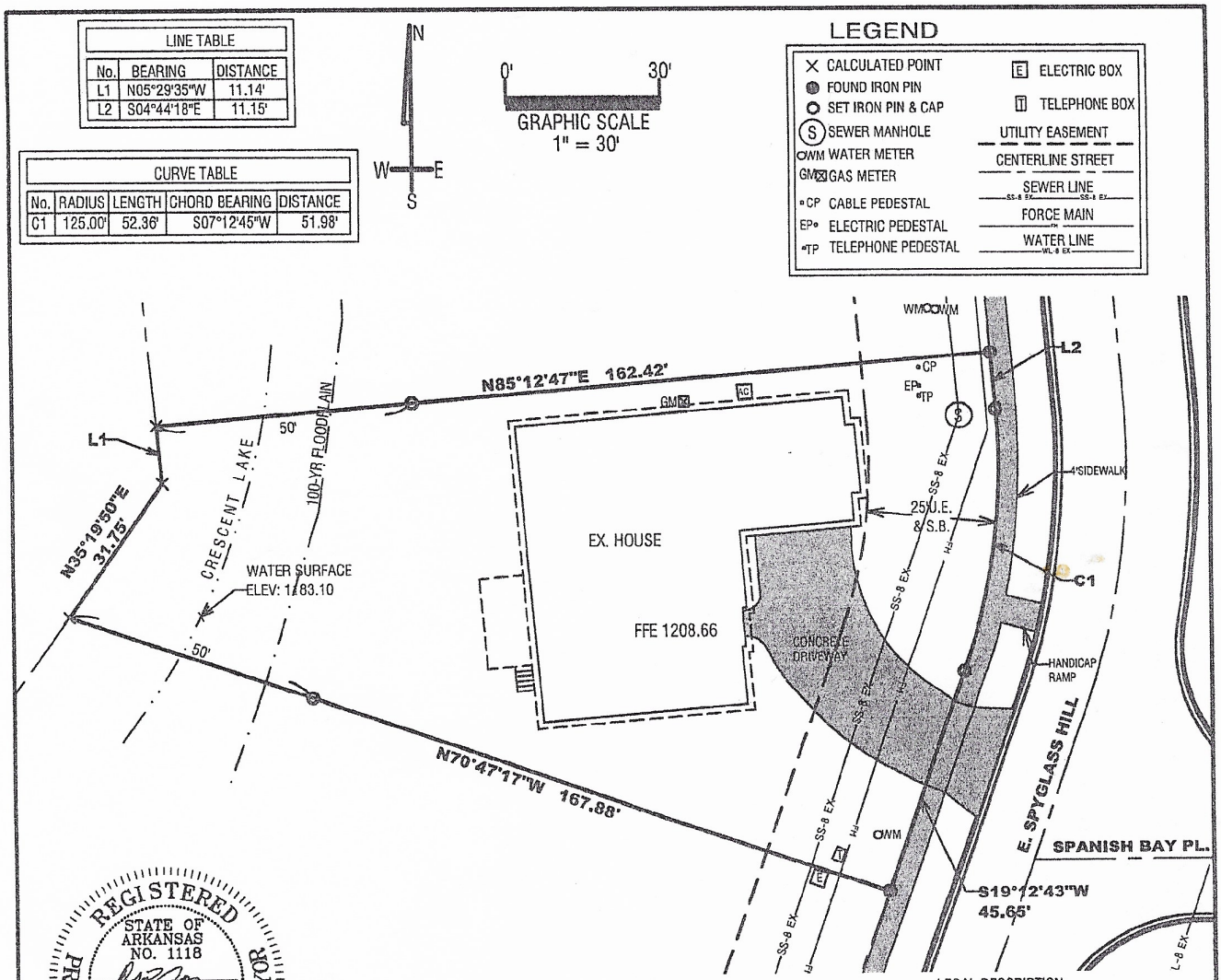
April 23, 2023

Dear Chair of the Planning Commission,

We are requesting a variance to add a 12’x22’ deck to the back of our residence that falls within the Streamside zone. Our back yard is predominantly a very steep slope down to Crescent Lake, rendering the back yard unusable. We feel that not granting the variance creates an undue hardship that restricts the use and enjoyment of our property.

Thank you for your consideration in this request.

Regards,
Jim & Marci Risch



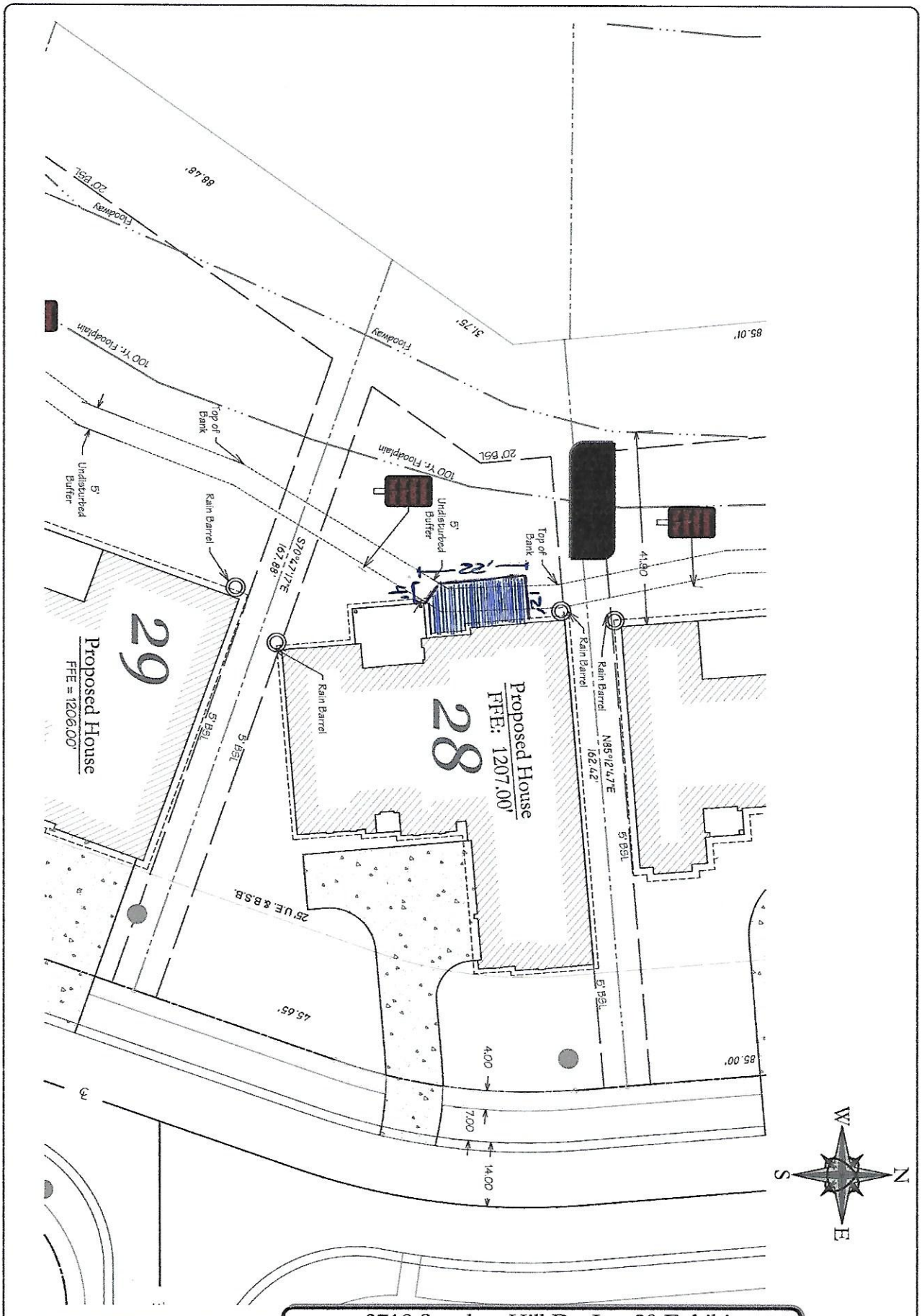
JORGENSEN +ASSOCIATES
Civil Engineering·Land Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=30'	DATE REVISED	CHECKED BY:	DRAWN BY: PMM
DATE: 21JAN2020		DLJ	Z:\LOTS\2020006\LOT28

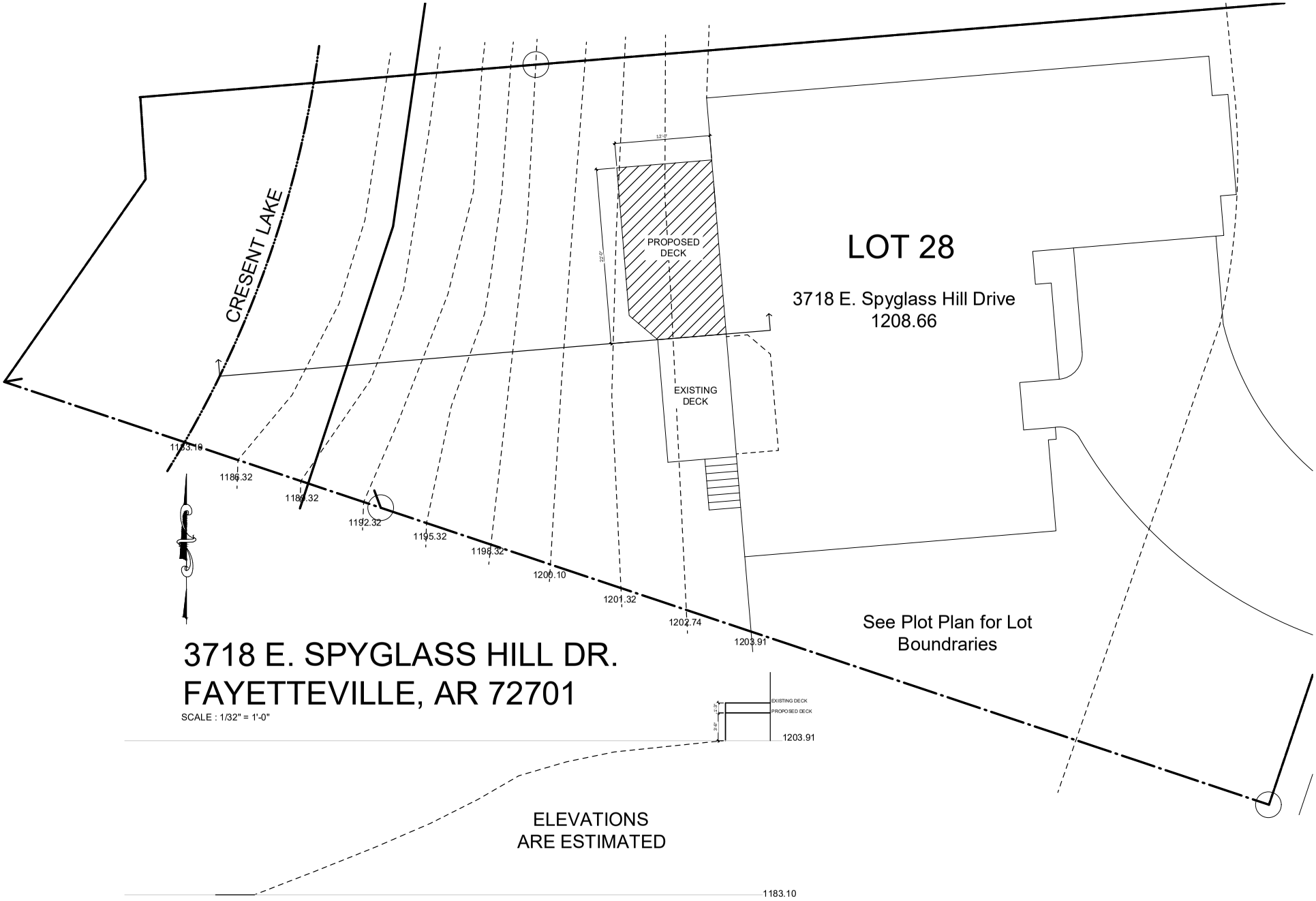
LOT SURVEY

3718 E. SPYGLASS HILL



3718 Spyglass Hill Dr. Lot 28 Exhibit

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS



3718 E. SPYGLASS HILL DR.
FAYETTEVILLE, AR 72701

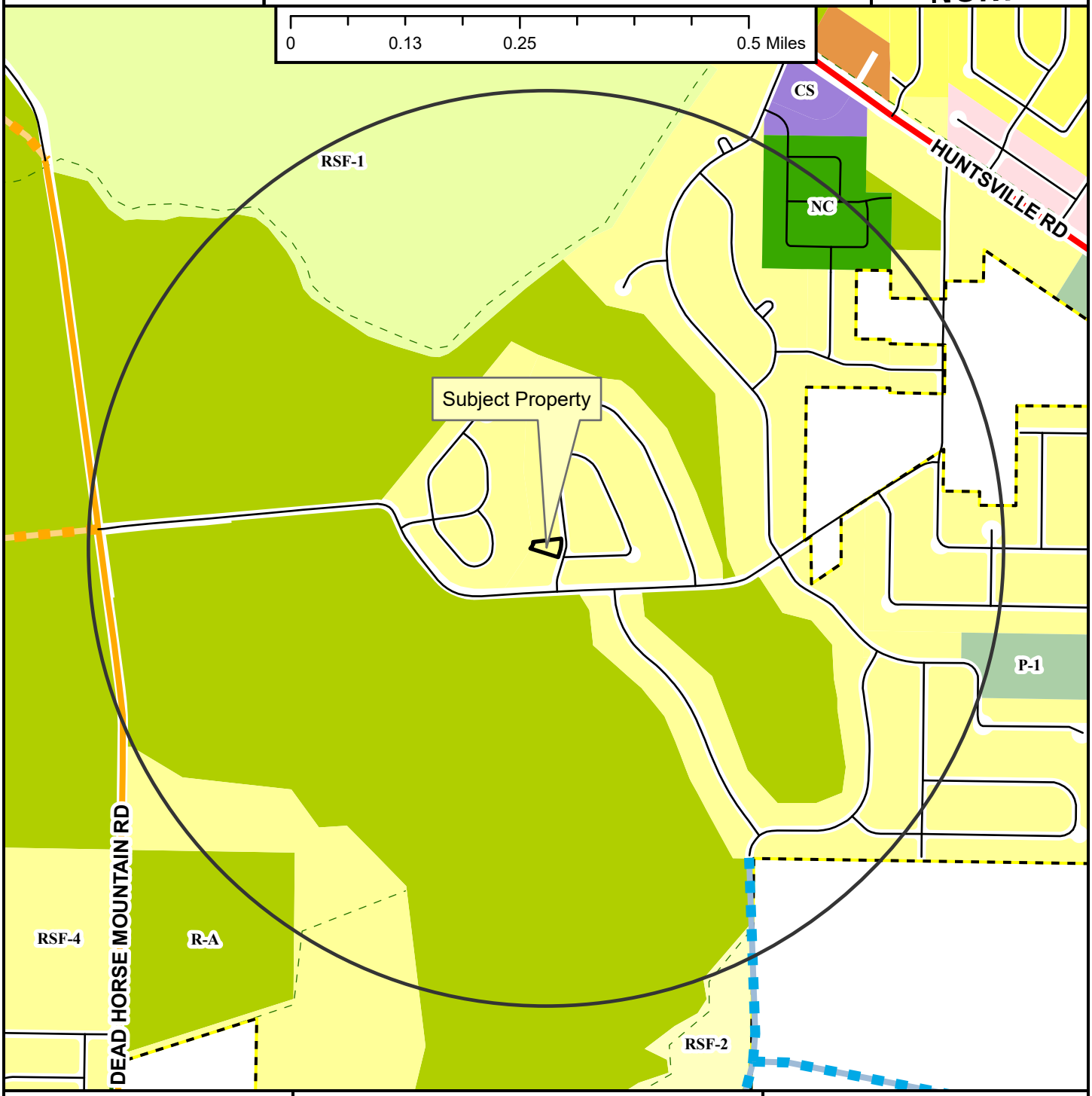
SCALE : 1/32" = 1'-0"

VAR-2023-0016

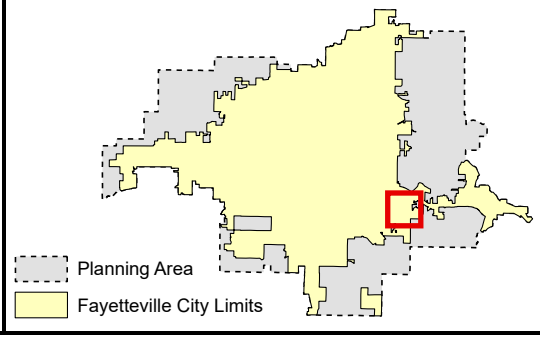
One Mile View

3718 E. SPYGLASS HILL DR

NORTH



- Regional Link
- Neighborhood Link
- 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

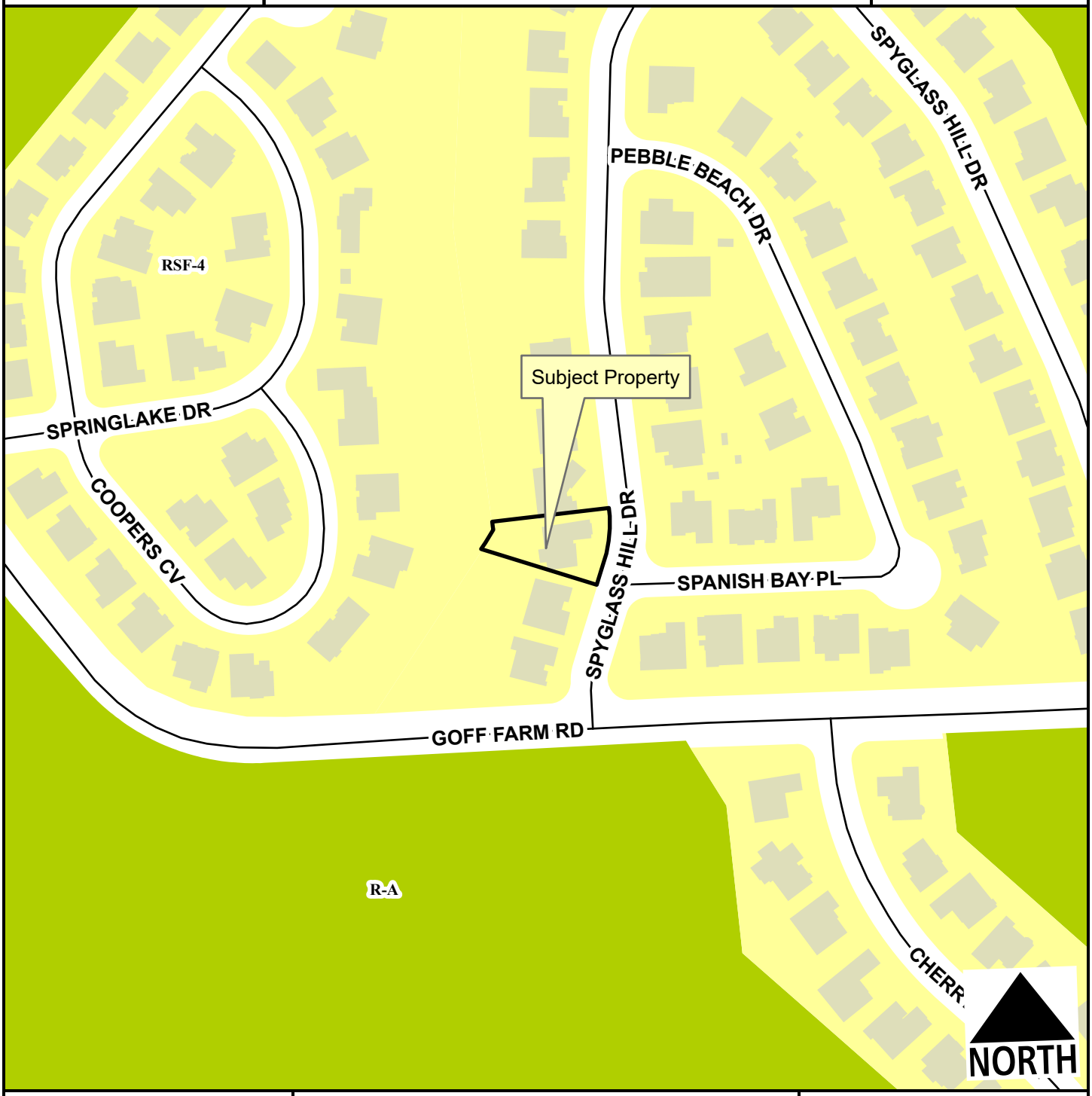
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAR-2023-0016

Close Up View

3718 E. SPYGLASS HILL DR



Residential Link
Planning Area
Fayetteville City Limits

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

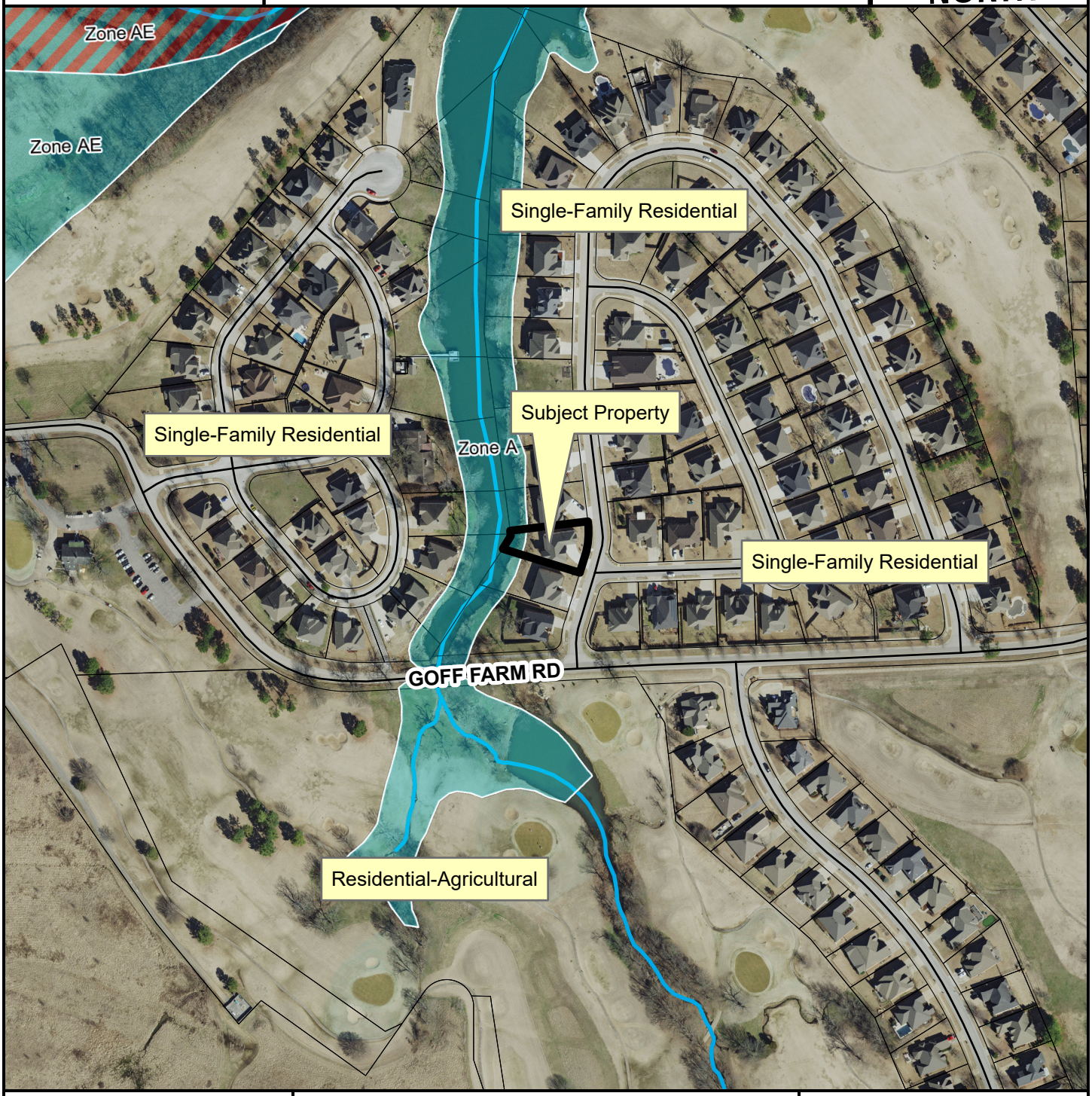
Residential-Agricultural
RSF-4

VAR-2023-0016

Current Land Use

3718 E. SPYGLASS HILL DR

NORTH



Residential Link

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: City of Fayetteville Planning Commission

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

MEETING DATE: May 22, 2023

SUBJECT: **VAR-2023-0017: Variance (WEST OF 4089 N. SHILOH DR/THE CLAUDE, 135):** Submitted by ANDERSON ENGINEERING INC for property at WEST OF 4089 N. SHILOH DR. The property is zoned CS, COMMUNITY SERVICES and contains approximately 7.31 acres. The request is for a variance for street trees under UDC Chapter 177.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0017,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0017**, determining:*

- *In favor of the requested variance to **§177.05(B)(2)(a);***
- *In favor of all other conditions recommended by staff."*

BACKGROUND:
The subject property, west of 4089 N. Shiloh Drive, is in north Fayetteville, just south of the Northwest Arkansas Mall. The property in question was previously the site of a restaurant that was vacant since 2013, and been recently redeveloped with an office and a retail space along the N. Shiloh Avenue frontage. A large multi-family project with approximately 207 units is under review as LSIP-2023-0001 for the 6-acre portion of the site to the west. Surrounding land uses and zoning are listed in *Table 1.*

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial (Northwest Arkansas Mall)	C-2, Thoroughfare Commercial
South	Commercial	C-2, Thoroughfare Commercial
East	71-B (N College Avenue)	C-2, Thoroughfare Commercial (across the street)
West	Commercial	C-2, Thoroughfare Commercial

Request: The applicant is requesting a variance to **§177.05(B)(2)(a)** which requires street trees to be planted along public and private streets at a dimension of 1 per 30 linear feet. The applicant is requesting an exemption to this standard, citing conflicts with proposed easements due to a sewer relocation.

DISCUSSION:
Urban Forestry staff is supportive of the applicant's request. An existing sanitary sewer that runs east to west through the site currently is proposed to be relocated closer and parallel to E. Georgetown Square, a private drive. The sewer relocation will require a 20-foot wide easement

that will occupy the entire width between the private street and the proposed location of the building, leaving no adequate space for street trees. Urban Forestry does not see another feasible alternative in this case.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2023-0017, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §177.05(B)(2)(a) which requires a street trees to be planted at a linear distance of 1 per 30 feet along public and private streets.** *Staff recommends approval of the request for the reasons stated above.*

2. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 22, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §177.05 Street Tree Planting Standards
- Urban Forestry Memo
- Applicant Request letter
- Applicant Exhibits
- One Mile Map
- Close-up Map
- Current Land Use Map

177.05 Street Tree Planting Standards

…

(B) *Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.*

(1) *Residential Subdivisions.* Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.

(a) Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage.

(b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

(2) *Non-Residential Subdivisions.* Submittals for all proposed non-residential subdivisions shall include a street tree planting plan at the time of final plat submittal, or in accordance with the option approved for Timing of Planting as required by this chapter.

(a) A minimum of one (1) 2-inch caliper, large species tree per 30 linear feet of frontage shall be planted.

(b) Street trees shall be planted within the required landscape area. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

…

(Ord. No. 4917, 9-05-06; Ord. No. 5003, 4-17-07; Ord. No. 5057, 9-04-07; Ord. No. 5513, 7-17-12; Ord. No. 5818, 10-20-15; Ord. No. 5859 , §4, 5, 3-15-16; Ord. No. 6579 , §1, 6-21-22)

ANDERSON ENGINEERING
EMPLOYEE OWNED

AndersonEngineeringInc.com
5311 W. Village Parkway
Rogers, AR 72758
479-286-8181

April 24, 2023

The Claude Shiloh Apartments - Phase 2
4143 N. Shiloh Dr. Fayetteville, AR 72703

Variance Request for Private Streets per Ch. 177 of the UDC

Cover Letter

To Whom It May Concern:

This letter and its accompanying attachments are in regards to the proposed Claude Shiloh Apartments along East George Town Square and N. Shiloh Dr. in Fayetteville, Arkansas, and are in response to the Variance request from City staff review comments for the submitted LSIP plans (dated 02/15/2023). We are asking the Planning Commission to consider a variance for the LSIP review comment from Melissa Evans on Sheet L1.1 noting a Street Trees requirement of 1 street tree per 30 LF along public and private streets per Ch. 177 of the UDC.

Undue Hardship to property Owner Criteria:

- E Georgetown Square is an existing private road with limited Private Right-of-Way width that does not conform with the Street Tree requirement.
- The existing sewer main within the site needs to be relocated to E Georgetown Square street's frontage in order to continue to provide gravity sewer service for this lot and surrounding properties.
- The required 20' easement dedication for the sewer main relocation in E Georgetown Square will take up the necessary green space for the street trees within the lots private property to comply with city requirements.
- Due to this site having multiple private and public existing utilities/easements throughout its site, the above criteria are unique to this property.

Attached to this submittal is the site plan, legal description, and recorded survey for your reference.

We appreciate your consideration of this request and look forward to working with you.

Respectfully,

L. Ernie Deaton II, PE
Anderson Engineering, Inc.
Rogers Office Leader / Civil Engineer of Record

UTILITY GENERAL NOTES

1. WATER LINES SHALL HAVE A MIN. 10 FEET HORIZONTAL CLEARANCE AND 18 INCHES VERTICAL CLEARANCE (MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE) FROM ALL SANITARY SEWER LINES.
2. WATER LINES SHALL HAVE A MINIMUM OF 48 INCHES OF COVER, UNLESS OTHERWISE NOTED, MEASURED FROM THE TOP OF FINISHED GROUND TO THE TOP OF PIPE.
3. THERE SHALL BE A MINIMUM OF 18 INCHES CLEARANCE MEASURED FROM THE BOTTOM OF ANY STORMWATER PIPE TO THE TOP OF WATER LINES AT ALL CROSSING.
4. AT WATER AND SANITARY SEWER CROSSINGS, THE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO BOTH JOINTS WILL BE AS FAR FROM SEWER AS POSSIBLE. SPECIAL STRUCTURAL SUPPORT FOR THE WATER AND SEWER PIPES MAY BE REQUIRED.
5. THE GENERAL CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
6. CONTRACTOR IS TO REMOVE AND DISPOSE OF ALL DEBRIS, RUBBISH AND OTHER MATERIALS RESULTING FROM DEMOLITION OPERATIONS. DISPOSAL WILL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND /OR FEDERAL REGULATIONS GOVERNING SUCH OPERATIONS.
7. NOTICE TO CONTRACTOR:PRIOR TO INSTALLATION OF WATER LINE, THE CONTRACTOR SHALL EXCAVATE, VERIFY, AND CALCULATE ALL CROSSINGS AND INFORM THE OWNER AND ANDERSON ENGINEERING OF ANY CONFLICTS PRIOR TO CONSTRUCTION.
8. COORDINATE ALL CONSTRUCTION WITH THE CITY OF ROGERS. ALL SANITARY SEWER AND WATER LINE CONSTRUCTION MUST COMPLY WITH THE CITY OF ROGERS, AR STANDARDS.
9. ANY CLEANOUTS LOCATED WITHIN A DRIVING SURFACE MUST BE A RIGID, COMMERCIAL TYPE.

SAFETY NOTICE TO CONTRACTOR

1. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

2. THE DUTY OF THE ENGINEER OR OWNER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURE IN, ON, OR NEAR THE CONSTRUCTION SITE.

EXISTING CONDITIONS NOTES

1. THE CONTRACTOR IS OBLIGATED TO INSPECT FOR EXISTING CONDITIONS/INSTALLATIONS AND AVAILABLE INFORMATION PRIOR TO SUBMITTING A BID, REFER TO SPECIFICATIONS ALSO.
2. EXISTING INSTALLATIONS (SUCH AS WATER MAINS/LINES, GAS MAINSLINES, SEWER MAINS/LINES, TELEPHONE LINES, POWER LINES, AND UTILITY STRUCTURES IN THE VICINITY OF THE WORK TO BE DONE) ARE INDICATED ON THE DRAWINGS ONLY TO THE EXTENT THAT SUCH INFORMATION HAS BEEN MADE AVAILABLE TO OR DISCOVERED BY THE ENGINEER IN PREPARING THE DRAWINGS. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION, AND ALL RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS THEREOF IS EXPRESSLY DISCLAIMED.
3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATING ALL EXISTING INSTALLATIONS.
4. ANY DELAY, ADDITIONAL WORK, FEES OR EXTRA COST TO THE CONTRACTOR CAUSED BY OR RESULTING FROM DAMAGE TO OR MODIFICATION OF EXISTING INSTALLATIONS BY THE CONTRACTOR OR AFFECTED UTILITY COMPANY SHALL NOT CONSTITUTES A CLAIM FOR EXTRA WORK, ADDITIONAL PAYMENT OR DAMAGES.
5. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONSTRUCTION PRIOR TO SUBMITTING HIS BID. NO EXTRAS WILL BE PAID DUE TO UNANTICIPATED EXISTING CONDITIONS/INSTALLATIONS.

SAWCUT NOTE

WHERE NEW UTILITY SERVICES ARE ROUTED UNDER EXISTING PAVED AREAS, ALL EXISTING PAVING SHALL BE REMOVED IN THE FOLLOWING STEPS:

1) SAWCUTTING PAVING
2) REMOVAL AND TRENCHING
3) INSTALLATION OF UTILITY
4) BACKFILL AND COMPACTION
5) INSTALLATION OF NEW PAVING THAT MATCHES THE EXISTING SURROUNDING PAVING IN BOTH MATERIAL AND ELEVATION.

CONTRACTOR SHALL COORDINATE, OBTAIN AND PAY FOR ALL REQUIRED PERMITS AND LICENSES TO PERFORM THIS WORK AND SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL WHILE PERFORMING SAWCUTTING OPERATIONS AS NECESSARY.

SPECIAL NOTE:

SEE SHEETS C1.54 AND C1.55 FOR CITY OF FAYETTEVILLE STANDARD WATER DETAILS

CONTRACTOR NOTE:

CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR DEMOLITION OF EXISTING UTILITIES TO EXISTING STRUCTURE TO BE DEMOLISHED. EXISTING UTILITY TAPS SHALL BE USED IF FOUND TO BE IN GOOD CONDITION.

SPECIAL NOTE:

ALL MATERIALS AND METHODS SHALL CONFORM TO FAYETTEVILLE'S UTILITY STANDARDS

SPECIAL NOTE:

SEE CITY OF FAYETTEVILLE STANDARD SEWER DETAILS ON SHEETS C1.57 AND C1.58.

CAUTION:

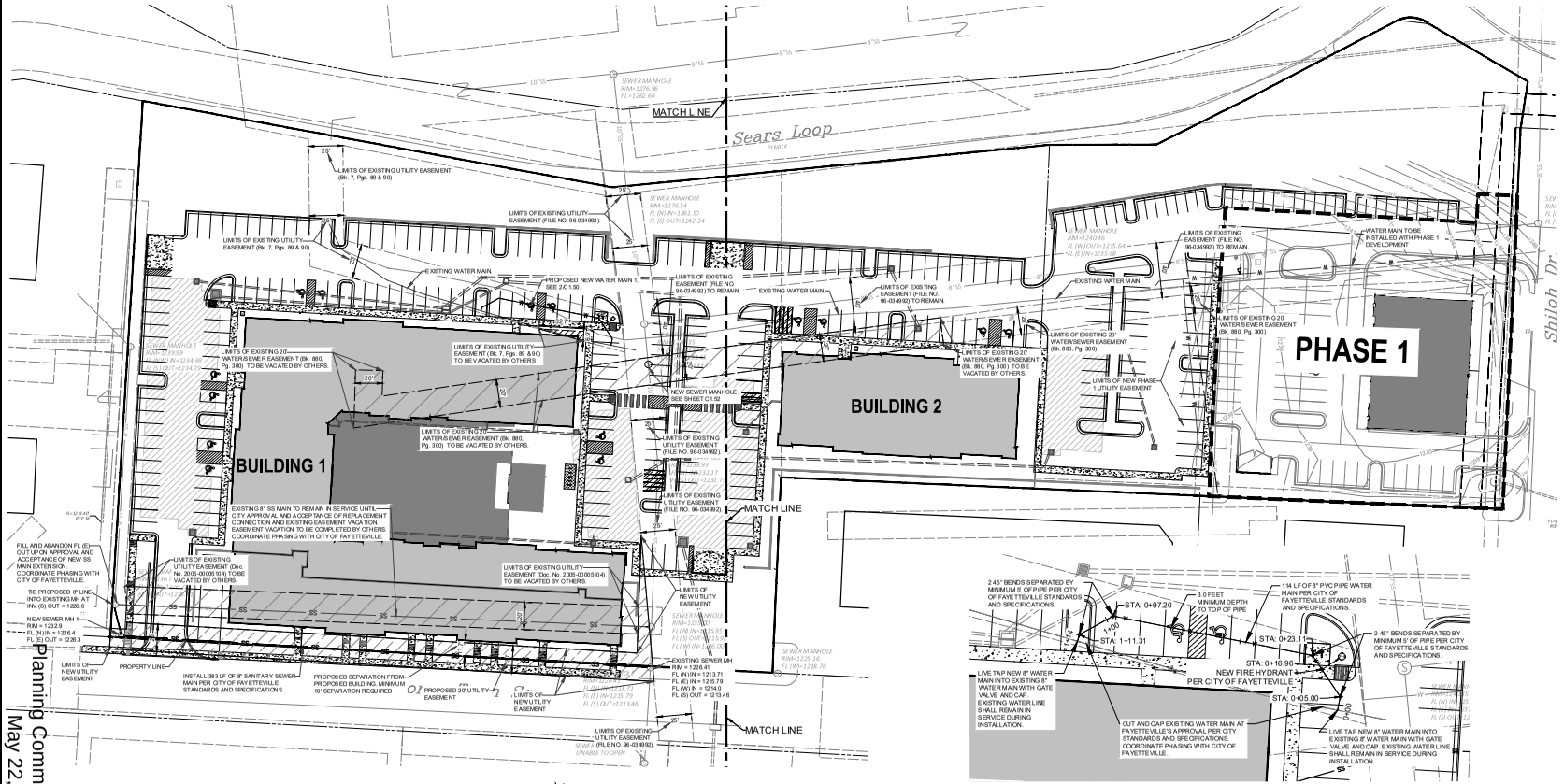
INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

SPECIAL NOTE:

CONTRACTOR TO PERFORM DETAILED SITE INSPECTION TO LOCATE ALL EXISTING UTILITIES AND VERIFY ANY POSSIBLE CONFLICTS WITH PROPOSED IMPROVEMENTS PRIOR TO BEGINNING ANY CONSTRUCTION. CONTACT ENGINEER WITH ANY CONFLICTS.

CAUTION:

EXISTING SURFACE FEATURES, STRUCTURES, ETC. AND UNDERGROUND INSTALLATIONS SUCH AS WATER MAINS, GAS MAINS, SEWERS, TELEPHONE LINES, FIBER OPTIC LINES AND BURIED STRUCTURES ARE INDICATED ON THE DRAWING ONLY TO THE EXTENT SUCH INFORMATION HAS BEEN MADE AVAILABLE TO OR DISCOVERED BY THE SURVEYOR IN PREPARING THIS DRAWING. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.



1 OVERALL SITE UTILITY MAIN AND EASEMENT PLAN
C1.50 SCALE: 1" = 40'

N

40 0 40 80 120
GRAPHIC SCALE - FEET

2 WATER MAIN REALIGNMENT PLAN
C1.50 SCALE: 1" = 20'

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STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER 89904 L. ERNIE DEATON II

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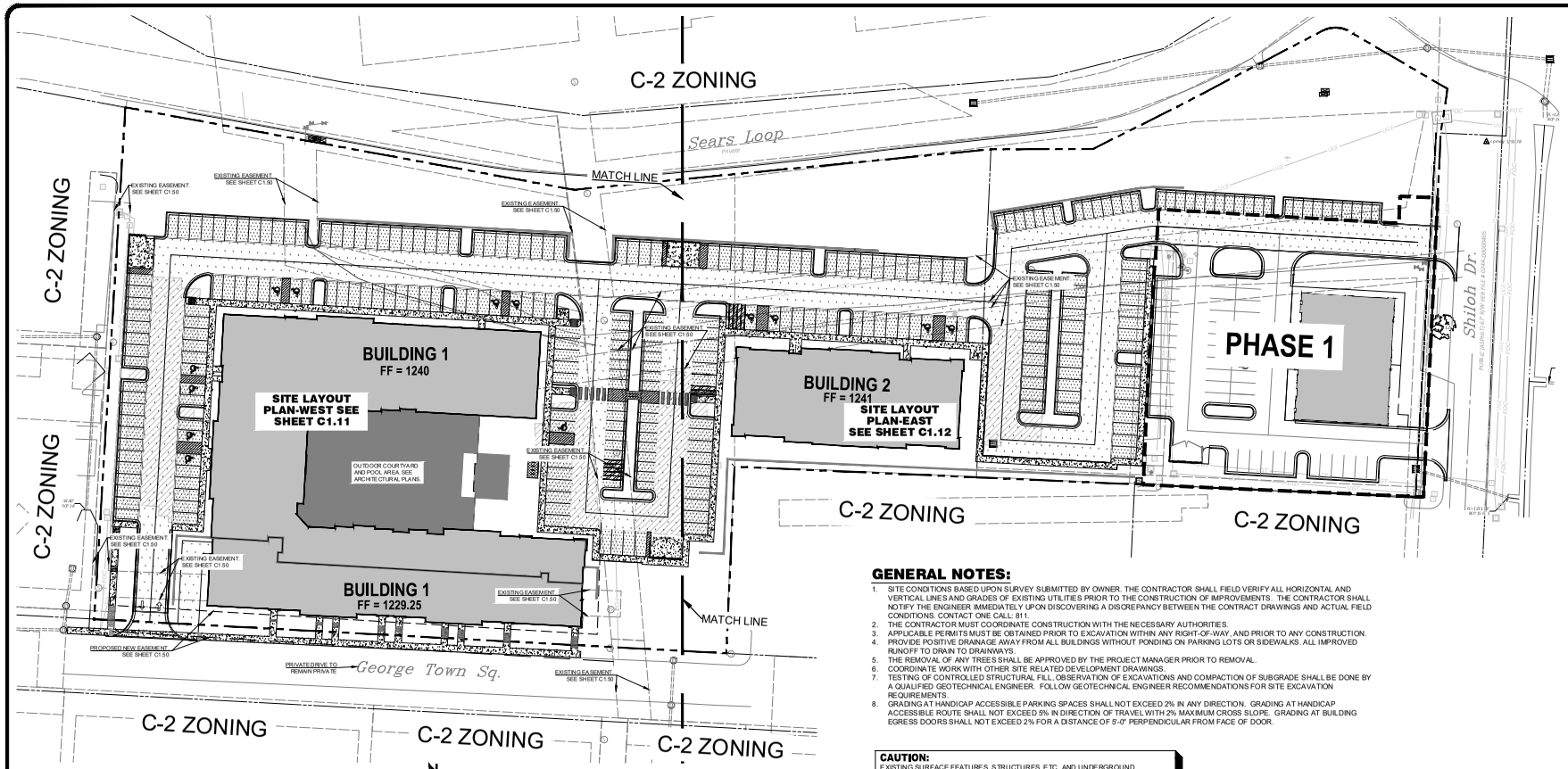
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THE CLAUDE APARTMENTS
RETAIL AND MULTIFAMILY PHASE 2

OVERALL SITE UTILITY MAIN AND EASEMENT PLAN

4143 N SHILOH DR FAYETTEVILLE, AR 72703

SHEET NUMBER C1.50



1 OVERALL SITE LAYOUT PLAN
C1.10 SCALE: 1" = 40'

GENERAL NOTES:

1. SITE CONDITIONS BASED UPON SURVEY SUBMITTED BY OWNER. THE CONTRACTOR SHALL FIELD VERIFY ALL HORIZONTAL AND VERTICAL LINES AND GRADES OF EXISTING UTILITIES PRIOR TO THE CONSTRUCTION OF IMPROVEMENTS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY UPON DISCOVERING A DISCREPANCY BETWEEN THE CONTRACT DRAWINGS AND ACTUAL FIELD CONDITIONS. CONTACT ONE CALL: 811.
2. THE CONTRACTOR MUST COORDINATE CONSTRUCTION WITH THE NECESSARY AUTHORITIES.
3. APPLICABLE PERMITS MUST BE OBTAINED PRIOR TO EXCAVATION WITHIN ANY RIGHT-OF-WAY, AND PRIOR TO ANY CONSTRUCTION.
4. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS WITHOUT PONDING ON PARKING LOTS OR SIDEWALKS. ALL IMPROVED RUNOFF TO DRAIN TO DRAINWAYS.
5. THE REMOVAL OF ANY TREES SHALL BE APPROVED BY THE PROJECT MANAGER PRIOR TO REMOVAL.
6. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.
7. TESTING OF CONTROLLED STRUCTURAL FILL, OBSERVATION OF EXCAVATIONS AND COMPACTION OF SUBGRADE SHALL BE DONE BY A QUALIFIED GEOTECHNICAL ENGINEER. FOLLOW GEOTECHNICAL ENGINEER RECOMMENDATIONS FOR SITE EXCAVATION REQUIREMENTS.
8. GRADING AT HANDICAP ACCESSIBLE PARKING SPACES SHALL NOT EXCEED 2% IN ANY DIRECTION. GRADING AT HANDICAP ACCESSIBLE ROUTE SHALL NOT EXCEED 5% IN DIRECTION OF TRAVEL WITH 2% MAXIMUM CROSS SLOPE. GRADING AT BUILDING EGRESS DOORS SHALL NOT EXCEED 2% FOR A DISTANCE OF 5'-0" PERPENDICULAR FROM FACE OF DOOR.

CAUTION:
EXISTING SURFACE FEATURES, STRUCTURES, ETC. AND UNDERGROUND INSTALLATIONS SUCH AS WATER MAINS, GAS MAINS, SEWERS, TELEPHONE LINES, FIBER OPTIC LINES AND BURIED STRUCTURES ARE INDICATED ON THE DRAWING ONLY TO THE EXTENT SUCH INFORMATION HAS BEEN MADE AVAILABLE TO OR DISCOVERED BY THE SURVEYOR IN PREPARING THIS DRAWING. THERE IS NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

SPECIAL NOTE:
CONTRACTOR TO CONTACT ANDERSON ENGINEERING 72 HOURS PRIOR TO EARTHWORK ACTIVITIES. ANDERSON TO PROVIDE ON-SITE SUBGRADE INSPECTION PRIOR TO PAVEMENT WORK.

SPECIAL NOTE:
CONTRACTOR SHALL REPAIR AND/OR REPLACE ANY DAMAGED AREAS OF PAVEMENT DUE TO CONSTRUCTION ACTIVITIES.

PARKING DATA

MULTIFAMILY	257 BEDROOMS = 257 SPACES + 15% FOR MAX ALLOWABLE SPACES = 296 TOTAL ALLOWABLE SPACES
TAL ALLOWABLE PARKING SPACES FOR PROJECT = 296 SPACES	276 TOTAL PARKING SPACES PROVIDED: 195 STANDARD SPACES 67 COMPACT SPACES (24%) 14 ADA SPACES 11 MOTORCYCLE/SCOOTER SPACES 9 BICYCLE RACKS

UNIT MIX			AVG SF
24	STUDIO	11.6%	523
142	1 BEDROOM	68.6%	714
32	2 BEDROOM	15.5%	1,207
9	3 BEDROOM	4.3%	1,538
207	TOTAL		804

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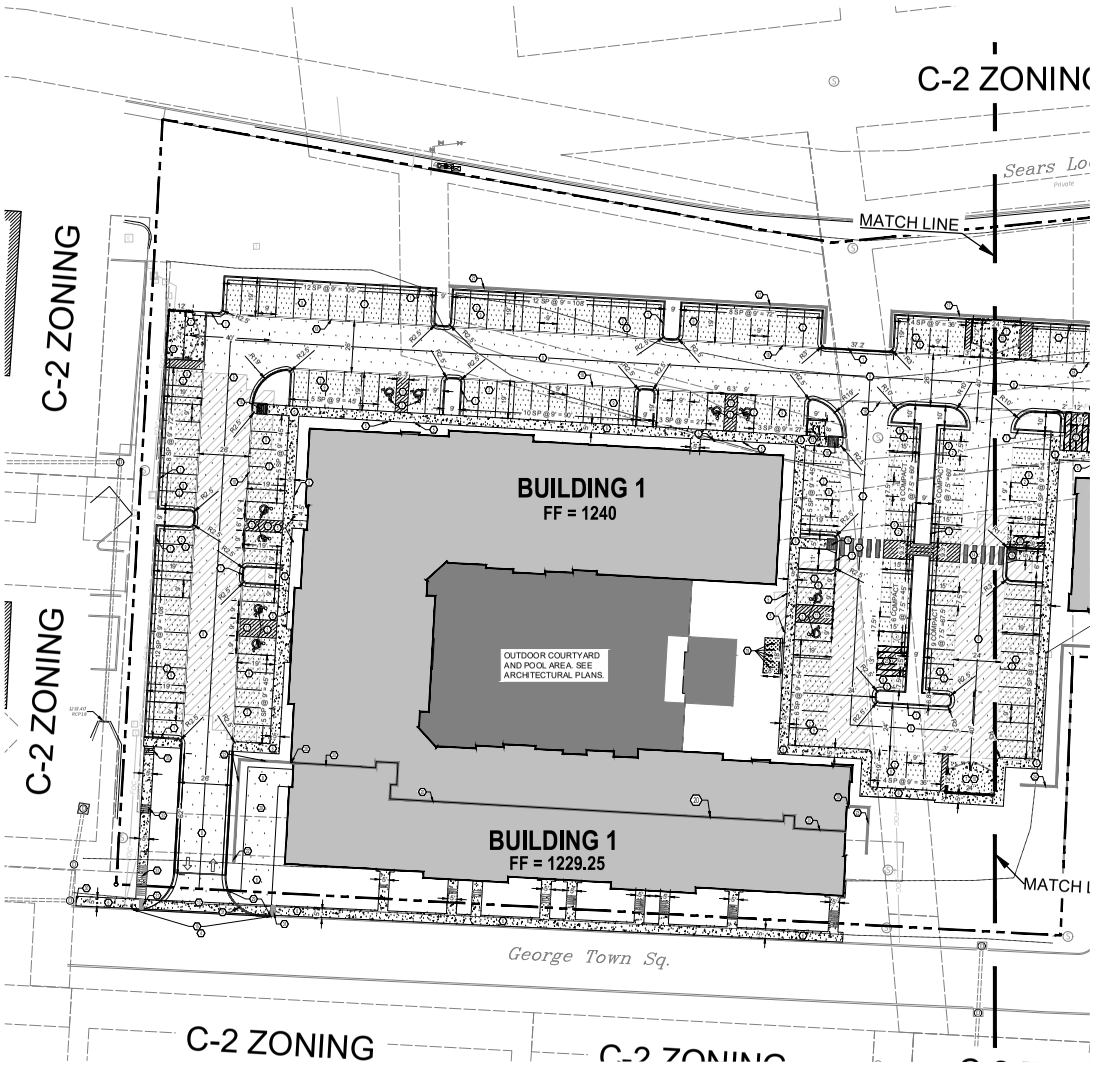
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THE CLAUDE APARTMENTS
RETAIL AND MULTIFAMILY PHASE 2

OVERALL SITE LAYOUT PLAN

4143 N SHILOH DR FAYETTEVILLE, AR 72703

SHEET NUMBER C1.10

Planning Commission May 22, 2023 Page 6 of 15
VAR-2023-0017 (THE CLAUDE) Page 82 of 418



KEY NOTES:

1. NEW CURB AND GUTTER PER DETAIL 1/C1.13.
2. STRIPING TO BE 4" HI-VIS WHITE PER CITY OF FAYETTEVILLE STANDARDS AND SPECS.
3. INSTALL ADA ACCESSIBLE SYMBOL PER DETAIL 3/C1.13.
4. MATCH NEW PAVEMENT FLUSH WITH EXISTING PAVEMENT.
5. INSTALL ADA POLE MOUNTED SIGNAGE PER DETAIL 4/C1.13.
6. NEW SIDEWALK REFER TO DETAIL 2/C1.13.
7. NEW HEAVY DUTY CONCRETE PAVEMENT. SEE DETAIL 8/C1.13.
8. NEW HEAVY DUTY ASPHALT PAVEMENT. SEE DETAIL 7/C1.13.
9. NEW STANDARD DUTY ASPHALT PAVEMENT. SEE DETAIL 6/C1.13.
10. TRASH ENCLOSURE PER ARCHITECTURAL PLANS AND CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
11. HANDICAP ACCESS UNLOADING ZONE: SLOPE 2% MAX. EACH WAY (ADA COMPLIANT) AND STRIPE AS SHOWN. 4" STRIPES @ 2'4" O.C. AT 45 DEGREES. PAINT COLOR TO BE PER THE AUTHORITY HAVING JURISDICTION.
12. INSTALL 2 BIKE RACKS PER DETAIL 5/C1.13.
13. DRIVEWAY TO BE PER CITY OF FAYETTEVILLE COMMERCIAL DRIVEWAY DETAIL, SEE DETAIL 9/C1.13.
14. INSTALL (5) 9' X 2' HI-VIS WHITE STRIPING AT 3' INTERVALS PER CITY OF FAYETTEVILLE STANDARDS AND SPECS.
15. LIMITS OF PAVEMENT.
16. INSTALL ADA LANDING RAMP.
17. INSTALL 221 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 17'. TO BE DESIGNED BY OTHERS.
18. FIRE STRIPING TO BE PER FAYETTEVILLE FIRE DEPARTMENT STANDARDS.
19. INSTALL 5 BIKE RACKS PER DETAIL 5/C1.13.
20. INTERNAL BUILDING WALL. REFER TO STRUCTURAL PLAN.
21. INSTALL 212 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 16'. TO BE DESIGNED BY OTHERS.
22. INSTALL 79 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 11'. TO BE DESIGNED BY OTHERS.
23. INSTALL 35 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 11'. TO BE DESIGNED BY OTHERS.
24. INSTALL 402 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 5'. TO BE DESIGNED BY OTHERS.
25. INSTALL 5 MOTORCYCLE/SCOOTER PARKING STALLS PER CITY OF FAYETTEVILLE STANDARDS.
26. INSTALL 2 MOTORCYCLE/SCOOTER PARKING STALLS PER CITY OF FAYETTEVILLE STANDARDS.
27. INSTALL 4 MOTORCYCLE/SCOOTER PARKING STALLS PER CITY OF FAYETTEVILLE STANDARDS.
28. EXTERNAL RETAINING WALL CONNECTION TO BUILDING. REFER TO STRUCTURAL PLANS.
29. LOADING ZONE DRIVEWAY TO BE HEAVY DUTY PAVEMENT. MATCH PAVEMENT FLUSH WITH PROPOSED DRIVEWAY AND EXISTING PAVEMENT. SIDEWALK TO MEET CITY OF FAYETTEVILLE COMMERCIAL DRIVEWAY STANDARDS AND SPECIFICATIONS.
30. TIE FLUSH INTO EXISTING SIDEWALK.
31. DRIVEWAY RADIUS STRIPING TO BE 4" HI-VIS YELLOW PER CITY OF FAYETTEVILLE STANDARDS AND SPECS.
32. DETECTABLE WARNING DEVICE PER CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
33. SIDEWALK STEPS. REFER TO GRADING PLAN.

1 SITE LAYOUT PLAN WEST
C1.11 SCALE: 1" = 30'

PARKING DATA

MULTIFAMILY	257 BEDROOMS = 257 SPACES + 15% FOR MAX ALLOWABLE SPACES = 296 TOTAL ALLOWABLE SPACES
TAL ALLOWABLE PARKING SPACES FOR PROJECT = 296 SPACES	276 TOTAL PARKING SPACES PROVIDED: 195 STANDARD SPACES 67 COMPACT SPACES (24%) 14 ADA SPACES 11 MOTORCYCLE/SCOOTER SPACES 9 BICYCLE RACKS

N

30 0 30 60 90
GRAPHIC SCALE - FEET

PAVEMENT LEGEND

	HEAVY DUTY CONCRETE
	STANDARD DUTY ASPHALT
	HEAVY DUTY ASPHALT
	SIDEWALK

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REGISTERED PROFESSIONAL ENGINEER
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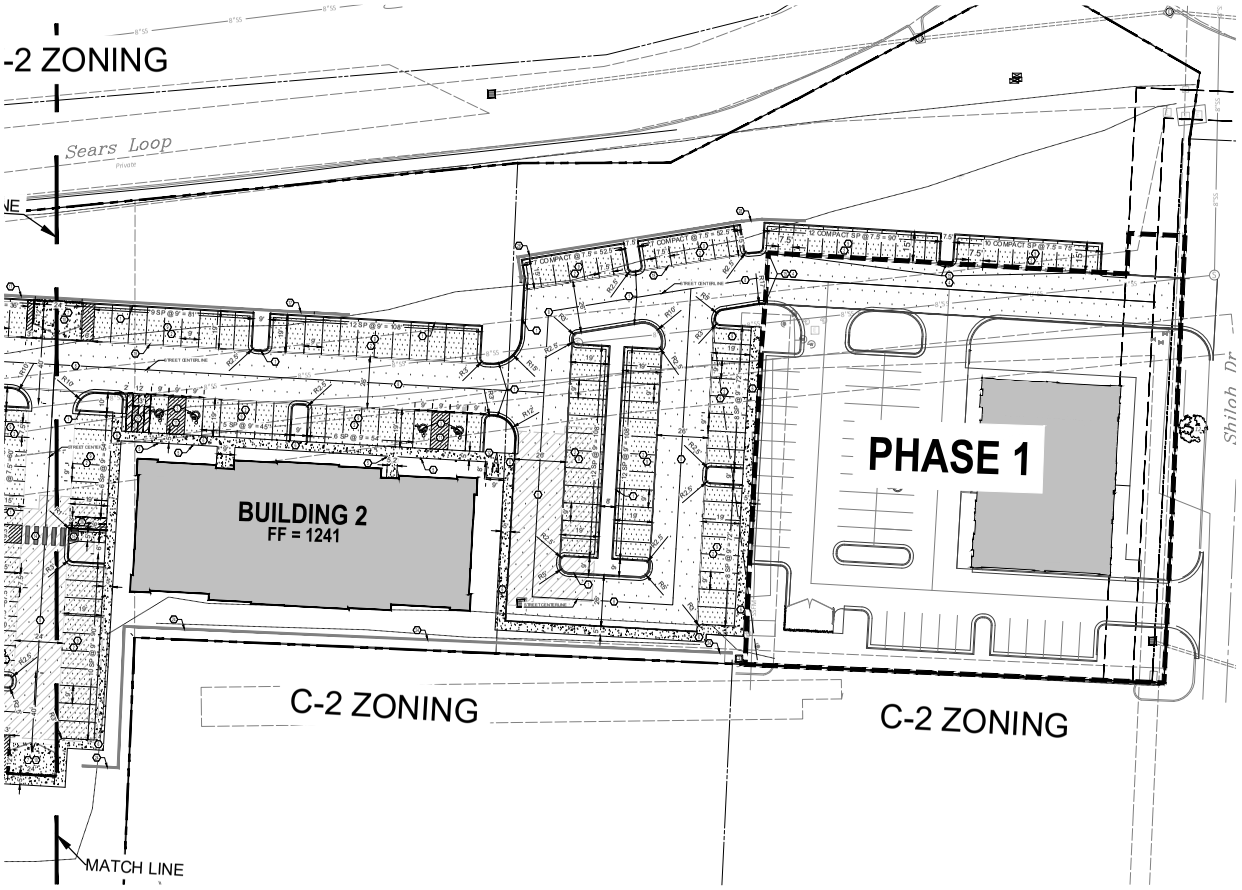
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SITE LAYOUT PLAN WEST

4143 N SHILOH DR FAYETTEVILLE, AR 72703

SHEET NUMBER
C1.11



1 SITE LAYOUT PLAN EAST
C1.12 SCALE: 1" = 30'

N

30 0 30 60 90
GRAPHIC SCALE - FEET

KEY NOTES:

1. NEW CURB AND GUTTER PER DETAIL 1/C1.13.
2. STRIPING TO BE 4" HI-VIS WHITE PER CITY OF FAYETTEVILLE STANDARDS AND SPECS.
3. INSTALL ADA ACCESSIBLE SYMBOL PER DETAIL 3/C1.13.
4. MATCH NEW PAVEMENT FLUSH WITH EXISTING PAVEMENT.
5. INSTALL ADA POLE MOUNTED SIGNAGE PER DETAIL 4/C1.13.
6. NEW SIDEWALK REFER TO DETAIL 2/C1.13.
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14. INSTALL (5) 9' X 2' HI-VIS WHITE STRIPING AT 3' INTERVALS PER CITY OF FAYETTEVILLE STANDARDS AND SPECS.
15. LIMITS OF PAVEMENT.
16. INSTALL ADA LANDING RAMP.
17. INSTALL 221 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 17'. TO BE DESIGNED BY OTHERS.
18. FIRE STRIPING TO BE PER FAYETTEVILLE FIRE DEPARTMENT STANDARDS.
19. INSTALL 5 BIKE RACKS PER DETAIL 5/C1.13.
20. INTERNAL BUILDING WALL. REFER TO STRUCTURAL PLAN.
21. INSTALL 212 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 16'. TO BE DESIGNED BY OTHERS.
22. INSTALL 79 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 11'. TO BE DESIGNED BY OTHERS.
23. INSTALL 35 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 11'. TO BE DESIGNED BY OTHERS.
24. INSTALL 402 LF OF RETAINING WALL AS SHOWN WITH MAX HEIGHT OF 5'. TO BE DESIGNED BY OTHERS.
25. INSTALL 5 MOTORCYCLE/SCOOTER PARKING STALLS PER CITY OF FAYETTEVILLE STANDARDS.
26. INSTALL 2 MOTORCYCLE/SCOOTER PARKING STALLS PER CITY OF FAYETTEVILLE STANDARDS.
27. INSTALL 4 MOTORCYCLE/SCOOTER PARKING STALLS PER CITY OF FAYETTEVILLE STANDARDS.
28. EXTERNAL RETAINING WALL CONNECTION TO BUILDING. REFER TO STRUCTURAL PLANS.
29. LOADING ZONE DRIVEWAY TO BE HEAVY DUTY PAVEMENT. MATCH PAVEMENT FLUSH WITH PROPOSED DRIVEWAY AND EXISTING PAVEMENT. SIDEWALK TO MEET CITY OF FAYETTEVILLE COMMERCIAL DRIVEWAY STANDARDS AND SPECIFICATIONS.
30. TIE FLUSH INTO EXISTING SIDEWALK.
31. DRIVEWAY RADIUS STRIPING TO BE 4" HI-VIS YELLOW PER CITY OF FAYETTEVILLE STANDARDS AND SPECS.
32. DETECTABLE WARNING DEVICE PER CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
33. SIDEWALK STEPS. REFER TO GRADING PLAN.

PARKING DATA

MULTIFAMILY	257 BEDROOMS = 257 SPACES + 15% FOR MAX ALLOWABLE SPACES = 296 TOTAL ALLOWABLE SPACES
TAL ALLOWABLE PARKING SPACES FOR PROJECT = 296 SPACES	276 TOTAL PARKING SPACES PROVIDED: 195 STANDARD SPACES 67 COMPACT SPACES (24%) 14 ADA SPACES 11 MOTORCYCLE/SCOOTER SPACES 9 BICYCLE RACKS

PAVEMENT LEGEND

	HEAVY DUTY CONCRETE
	STANDARD DUTY ASPHALT
	HEAVY DUTY ASPHALT
	SIDEWALK

damage prevention is no accident
811 Know what's below. Call before you dig.
800-482-8998
Arkansas One-Call
www.arkonecall.com

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5211 W. WALNUT • ROGERS, AR 72756 • (479) 464-0888 • FAX (479) 464-0811
ANDERSON COA# 359 - I.L. ERNIE DEATON, PE/PS #904

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER 8904 ERNIE DEATON II
FOR REVIEW ONLY
02-15-2023

REVISIONS				DRAWING INFO:	
NO.	DESCRIPTION:	BY:	DATE	FIELD BY:	
				DRAWN BY:	KOW
				CHECK BY:	LED
				DATE:	02-15-2023
				FIELD BOOK:	-
				JOB NUMBER:	21RO10022

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DCM MANAGEMENT COMPANY
THE CLAUDE APARTMENTS
RETAIL AND MULTIFAMILY PHASE 2

SITE LAYOUT PLAN EAST

4143 N SHILOH DR FAYETTEVILLE, AR 72703

SHEET NUMBER
C1.12

Planning Commission
May 22, 2023
VAR-2023-0017 (THE CLAUDE)
Page 8 of 15
Page 84 of 418

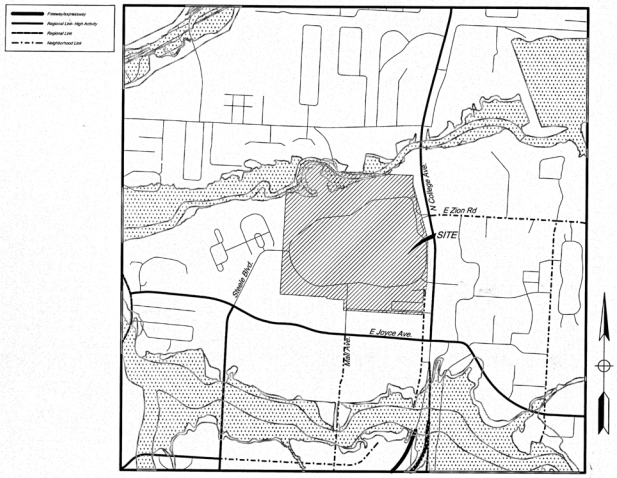
CONCURRENT PLAT

NWA MALL

Fayetteville, Washington County, Arkansas

Doc ID: 020493000004 Type: REL
Kind: PLAT
Recorded: 04/14/2022 at 08:50:47 AM
Pages 1 for 4
Washington County, AR
Kyla Sylvester Circuit Clerk
File 024A-00000405

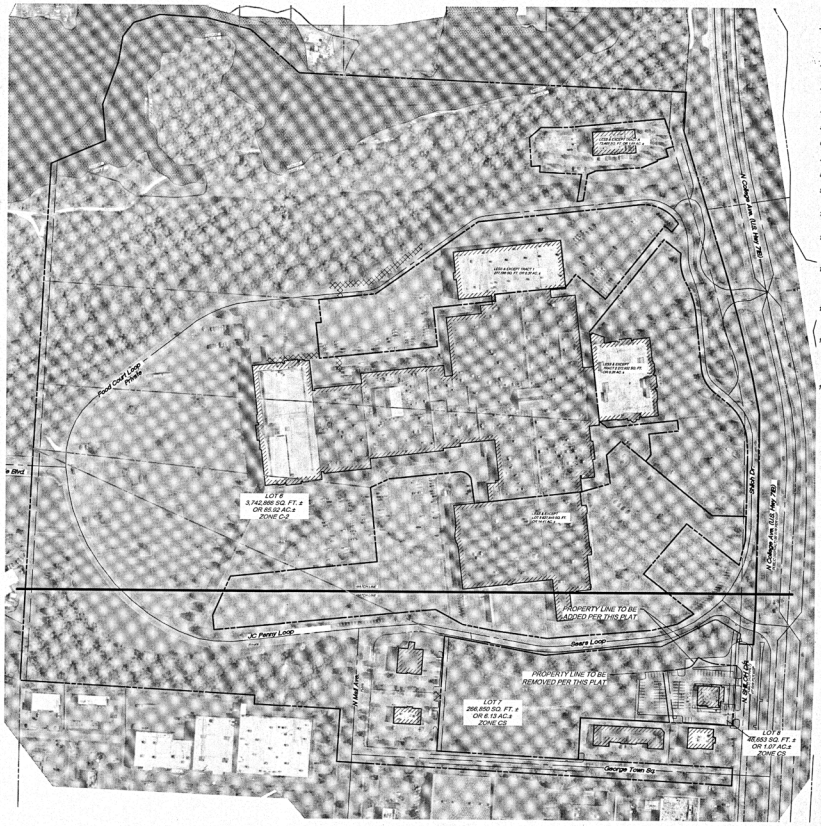
2040 Master Street Plan



Vicinity Map

Not to Scale

Latitude: 36°07'45"N
Longitude: 94°08'52"W



GENERAL NOTES:

1. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
2. This plat represents a Concurrent Plat survey of the parcel recorded in Deed Records, Bk. 2011, Doc. # 00025548 in the public records of Washington County, Arkansas.
3. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
4. Basis of Bearings: NAD 83, Arkansas State Plane Coordinate System, North Zone, Based Opus observation.
5. Basis of Elevation: NAVD 88, Based on Opus observation.
6. Site Benchmark: See sheet 3 for benchmark information block.
7. This survey is valid only if the drawing includes the seal and signature of the surveyor.
8. This survey meets current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
9. This survey is based on a title commitment provided by Fidelity National Title Insurance Company, File # 19-2157 countersigned by City Title & Closing, LLC, Effective Date: April 09, 2019.
10. Declaration is made to the original purchaser of the survey and those listed in the certification for the use of this transaction only and is not transferable to any additional institutions or subsequent owners.
11. No attempt was made to show building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved.
12. Underground utilities were located by visible above ground markings as marked by utility locators and shown hereon as located by CEI Engineering Associates, Inc. survey field crews. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.
13. The contractor is advised to contact the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contact all non-members as well as the One-Call System.
14. By scaled map location and graphical plotting only: This property is located in Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Washington County Arkansas:
    Map Number: 05143C0070F
    Map Revised: May 16, 2008
15. No current zoning report or letter regarding zoning classification was provided to the Surveyor, the following information was obtained from Fayetteville GIS. All of Lot 6 is zoned C-2 Thoroughfare Commercial and all of Lots 7 & 8 are zoned CS Community Services:

    Building setbacks for zone C-2 are as follows:

Front :	15 Feet
Front, if parking is allowed between the R.O.W. & building	50 Feet
Side:	None
Side, when contiguous to a residential district:	15 Feet
Rear:	20 Feet

    Building setbacks for zone CS are as follows:

Front :	A build-to zone that is 10 - 25 Feet
Side:	None
Side, when contiguous to a residential district:	15 Feet
Rear:	None
Rear, when contiguous to a residential district:	15 Feet

    * 50% minimum buildable street frontage, measured from the Master Street Plan right-of-way, provided this is greater than the existing right-of-way.

CERTIFICATE OF OWNERSHIP, TITLE & DEDICATION:

We the undersigned owners, representing one hundred percent (100%) ownership of the real estate shown and described herein do hereby dedicate for public ownership all streets and alleys as shown on this plat for public benefit as prescribed by law. The owners also dedicate to the city of Fayetteville and to the public utility companies (including any cable television company holding a franchise granted by the City of Fayetteville) the easements as shown on this plat for the purpose of installation of new facilities and the repair of existing facilities. Also established hereby is the right of ingress and egress to said easements, the right to prohibit the erection of buildings, structures, or fences within said easements, and the right to remove or trim trees within said easements.

3/16/22 Date — Owner

3/16/22 Date — Owner

3/16/22 Date — Owner

CERTIFICATE OF SURVEY AND ACCURACY:

I hereby certify that the plan shown and described hereon is a true and correct survey and that the monuments have been placed as stated hereon as required by the subdivision regulations of the city of Fayetteville, Arkansas.

3.9.2022 Date — Dustin Riley, AR. PLS #1618

CERTIFICATE OF APPROVAL FOR RECORDING:

This Plat was approved by the Fayetteville Planning Commission at a meeting held 2/28/22

4.17.2022 Date — Secretary

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:

We hereby certify that all utility easements platted in this development are shown as requested and were approved by the undersigned utilities of the city of Fayetteville, Arkansas.

3-22-22 Date — Electric

3/23/22 Date — Gas Service

3-22-22 Date — Telephone

3-29-22 Date — Cable Television

4/8/22 Date — City of Fayetteville

CERTIFICATE OF APPROVAL OF BUILDING SET-BACK DIMENSIONS:

I hereby certify that all building setback dimensions shown on this plat are in accordance with the current setback requirements.

4/18/2022 Date — Zoning & Development Administrator

CERTIFICATE OF APPROVAL OF TREE PROTECTION & PRESERVATION:

I hereby certify that this plat has complied with the requirements of the Tree Protection and Preservation Ordinance of the City of Fayetteville code.

4/5/22 Date — Urban Forester

0 200' 300' 400'
SCALE IN FEET

CEI Engineering Associates, Inc.

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 SW REGENCY PRKWY
BENTONVILLE, AR. 72712 (479) 273-9472
CORPORATE OFFICE TBPLS FIRM: #10031500

3030 LBJ FREEWAY
DALLAS, TX 75234 (972) 488-3737
DALLAS OFFICE TBPLS FIRM: #10194234

REVISION		
NO.	DESCRIPTION	DATE
1	1st sub comm	12/30/2021
2	2nd sub comm	1/24/2022

Owner
Parcel #: 765-15580-000 & 765-15581-003 Name: NW Arkansas Mall Realty, LLC 150 Great Neck Rd Ste 304 Great Neck, NY 11021

Surveyors:
CEI Engineering Associates, Inc. 3108 SW Regency Parkway Bentonville, AR 72712 Phone:(479) 273-9472 Fax:(479) 271-0536 Surveyor: Dustin Riley

Sheet Index:

Sheet 1 Cover Sheet
Sheet 2 Concurrent Plat North
Sheet 3 Concurrent Plat South, Detail, & Tables
Sheet 4 Descriptions

PLAT PAGE: 134, 135

State Survey Code: S00-17N-30W-0-23-234-72-1618

JOB NO.: 32313	
DWG NAME: 32313CP	
DATE	SHEET NO.
1/25/22 9:29 AM REV 2	1 OF 4

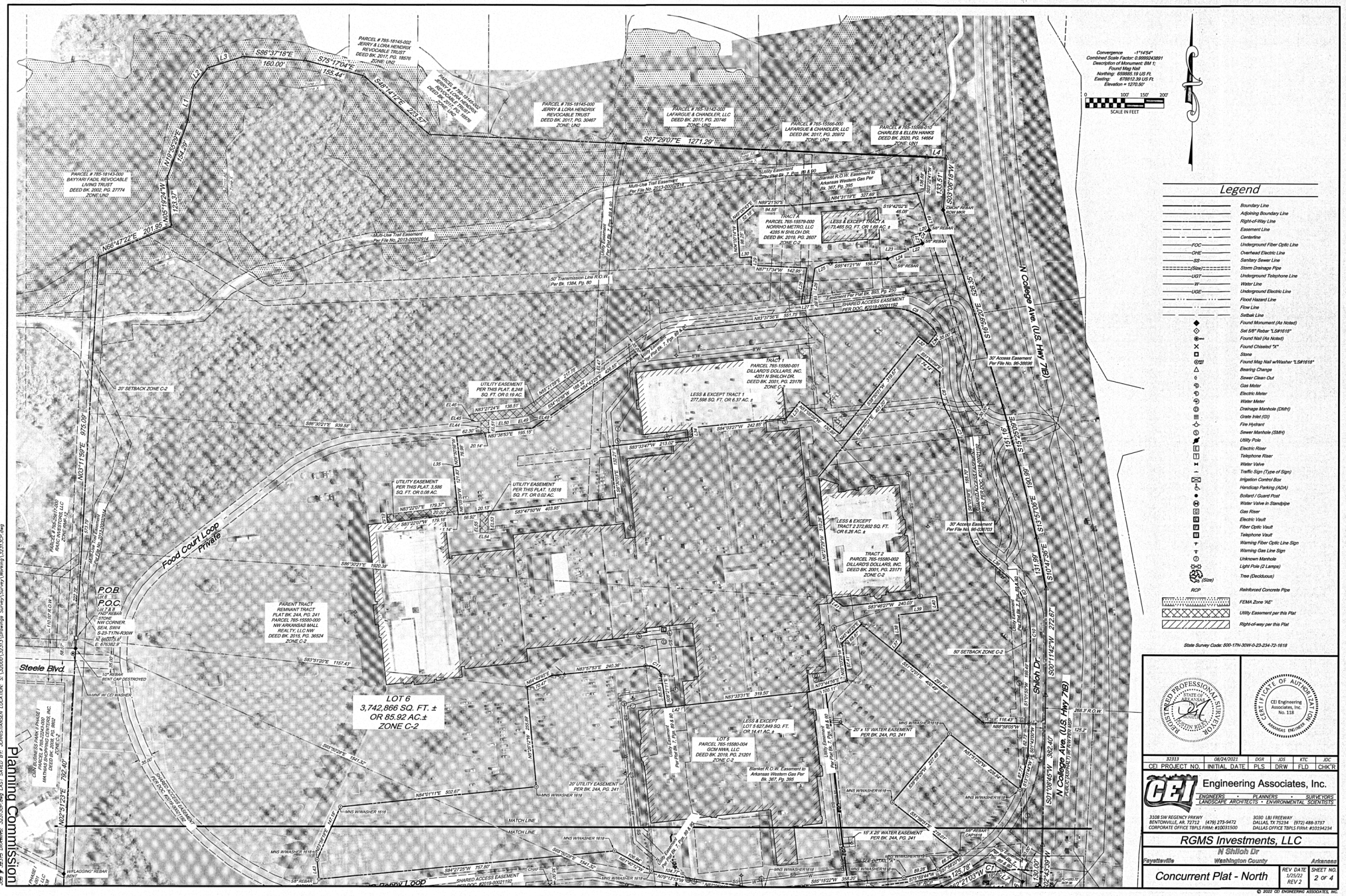
PROJECT: RGMS Investments, LLC N/ Shiloh Dr. Fayetteville, Arkansas

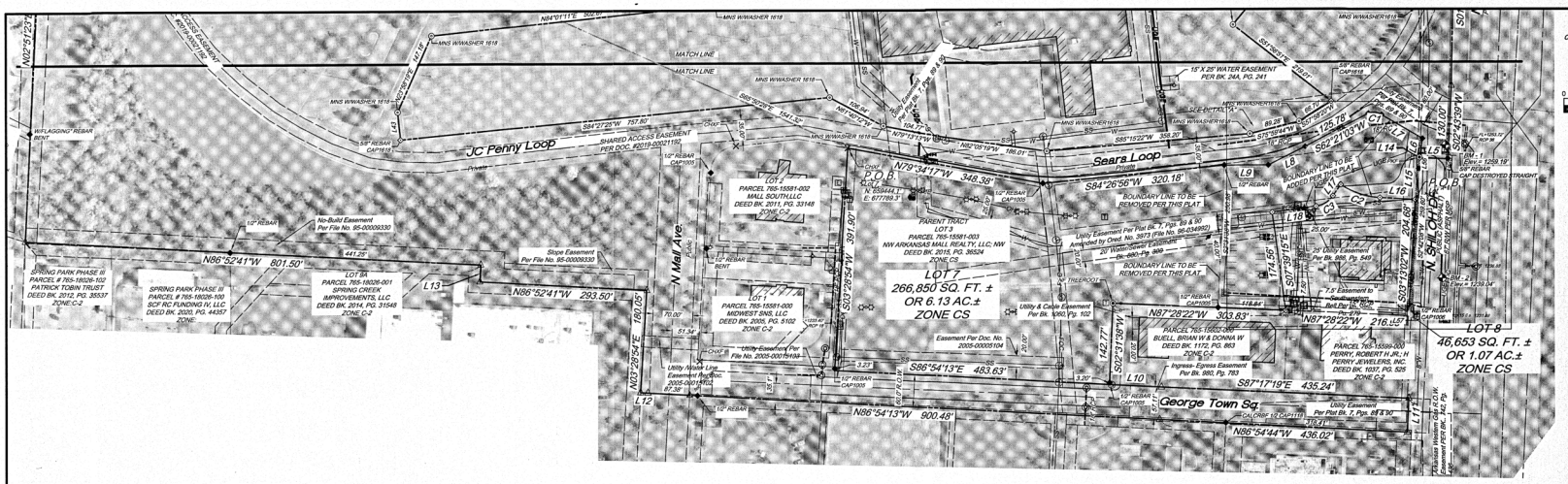
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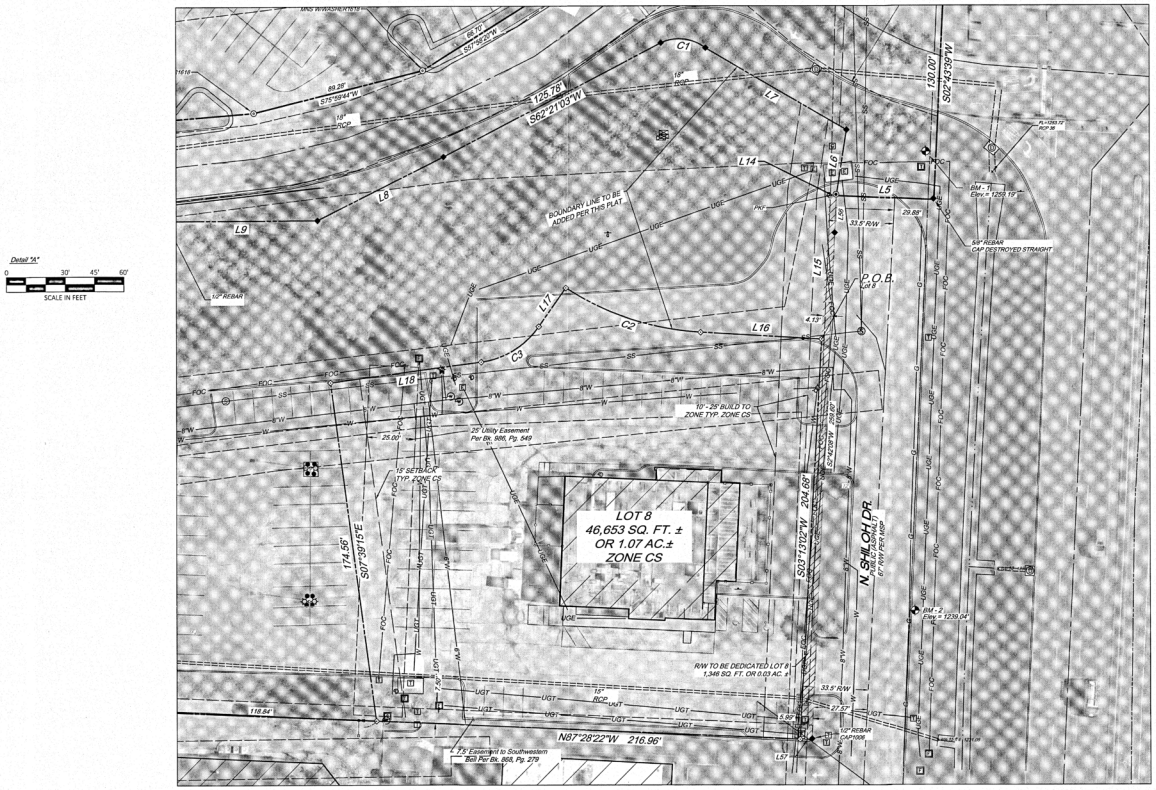
Arkansas * California * Minnesota * Pennsylvania * Texas

024A-405

Planning Commission May 22, 2023 VAR-2023-0017 (THE CLAUDE) Page 85 of 418 Page 9 of 15


Convergence -1°14'54"
Combined Scale Factor: 0.999924389
Description of Monument: BM 1:
Found Mag Nail
Northing: 659865.19 US Ft.
Easting: 678912.39 US Ft.
Elevation = 1270.90'
SCALE IN FEET
Legend
Boundary Line
Adjoining Boundary Line
Right-of-Way Line
Easement Line
Centerline
Underground Fiber Optic Line
Overhead Electric Line
Sanitary Sewer Line
Storm Drainage Pipe
Underground Telephone Line
Water Line
Underground Electric Line
Flood Hazard Line
Flow Line
Setback Line
Found Monument (As Noted)
Set 5/8" Rebar "LS#1618"
Found Nail (As Noted)
Found Chiseled "X"
Stone
Found Mag Nail w/Washer "LS#1618"
Bearing Change
Sewer Clean Out
Gas Meter
Electric Meter
Water Meter
Drainage Manhole (DMH)
Grate Inlet (GI)
Fire Hydrant
Sewer Manhole (SMH)
Utility Pole
Electric Riser
Telephone Riser
Water Valve
Traffic Sign (Type of Sign)
Irrigation Control Box
Handicap Parking (ADA)
Bollard / Guard Post
Water Valve in Standpipe
Gas Riser
Electric Vault
Fiber Optic Vault
Telephone Vault
Warning Fiber Optic Line Sign
Warning Gas Line Sign
Unknown Manhole
Light Pole (2 Lamps)
Tree (Deciduous)
RCP
Reinforced Concrete Pipe
FEMA Zone 'AE'
Utility Easement per this Plat
Right-of-way per this Plat
State Survey Code: 500-17N-30W-0-23-234-72-1618
N College Ave. (U.S. Hwy 71B)
S. Shiloh Dr.
Steele Blvd.
Food Court Loop
Private
Peggy Loop
P.O.B.
P.O.C.
LOT 6
3,742,866 SQ. FT. ±
OR 85.92 AC.±
ZONE C-2
TRACT 1
PARCEL 765-15580-001
DILLARD'S DOLLARS, INC.
4201 N SHILOH DR.
DEED BK. 2001, PG. 23178
ZONE C-2
TRACT 2
PARCEL 765-15580-002
DILLARD'S DOLLARS, INC.
DEED BK. 2001, PG. 23171
ZONE C-2
PARENT TRACT
REMNANT TRACT
PLAT BK. 24A, PG. 241
PARCEL 765-15580-000
NW ARKANSAS MALL
REALTY, LLC NW
DEED BK. 2015, PG. 36524
ZONE C-2
LESS & EXCEPT TRACT 1
377,596 SQ. FT. OR 8.37 AC. ±
LESS & EXCEPT TRACT 2
272,602 SQ. FT.
OR 6.26 AC. ±
LESS & EXCEPT TRACT A
#73,465 SQ. FT. OR 1.68 AC. ±
LESS & EXCEPT LOT 6
827,849 SQ. FT.
OR 14.41 AC. ±
TRACT A
PARCEL 765-15579-000
NORRHO METRO, LLC
4285 N SHILOH DR.
DEED BK. 2019, PG. 2607
ZONE C-2
LOT 1
PARCEL 765-15580-004
GCM NWA, LLC
DEED BK. 2018, PG. 21201
ZONE C-2
PARCEL # 765-18145-000
BAYYARI FADIL REVOCABLE LIVING TRUST
DEED BK. 2002, PG. 27774
ZONE UNC
PARCEL # 765-18145-002
JERRY & LORA HENDRIX
REVOCABLE TRUST
DEED BK. 2017, PG. 18576
ZONE UNC
PARCEL # 765-18145-001
JERRY & LORA HENDRIX
REVOCABLE TRUST
DEED BK. 2017, PG. 30467
ZONE UNC
PARCEL # 765-18145-003
LAFARGUE & CHANDLER, LLC
DEED BK. 2017, PG. 20746
ZONE UNC
PARCEL # 765-15566-000
LAFARGUE & CHANDLER, LLC
DEED BK. 2017, PG. 20972
ZONE UNC
PARCEL # 765-15566-010
CHARLES & ELLEN HANKS
DEED BK. 2020, PG. 14664
ZONE UNI
PARCEL # 765-18145-004
CIM BUSINESS PARK I PHASE I
HATHAWAY 2 LLC
DEED BK. 2008, PG. 9802
ZONE C-2
PARCEL # 765-18145-005
PRIME PROPERTIES, LLC
DEED BK. 2008, PG. 9802
ZONE C-2
PARCEL # 765-18145-006
RAGS-A-RIOT, INC.
DEED BK. 2008, PG. 9802
ZONE C-2
S86°37'18"E 160.00'
S75°17'04"E 155.44'
S42°14'12"E 226.57'
S87°29'07"E 1271.29'
N66°47'22"E 201.95'
N10°59'25"E 154.59'
N05°19'49"W 124.37'
N03°11'59"E 975.09'
N02°51'23"E 782.40'
S03°09'16"W 133.51'
S03°09'16"W 3,206.69'
S15°59'06"E 1,001.59'
S15°47'36"E 1,191.61'
S10°14'22"E 1,211.00'
S10°45'40"W 282.40'
S88°30'21"E 939.58'
S88°30'21"E 1020.38'
S83°51'20"E 1157.43'
S84°21'25"W 757.80'
S85°15'22"W 350.20'
S83°33'11"E 319.50'
S83°46'27"W 240.03'
S84°03'27"W 242.85'
S83°33'47"W 213.02'
S83°47'50"W 403.95'
S83°27'07"W 179.16'
S83°27'24"E 138.51'
S83°38'53"E 195.15'
N83°37'56"E 551.73'
N84°31'19"E 337.65'
N89°21'50"E 94.58'
N87°17'34"W 142.85'
S85°41'21"W 156.57'
S19°42'02"E 65.08'
S03°09'16"W 133.51'
N89°58'59"W 268.3' R.O.W.
N02°51'23"E 782.40'
Planning Commission
May 22, 2023
Page 86 of 418
VAR-2023-0017 (THE CLAUDE)
Page 10 of 15
32313 | 08/24/2021 | DGR | JDS | KTC | JDC
CEI PROJECT NO. | INITIAL DATE | PLS | DRW | FLD | CHK'R
Engineering Associates, Inc.
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS
3108 SW REGENCY PKWY
BENTONVILLE, AR. 72712 (479) 273-9472
CORPORATE OFFICE TBPLS FIRM #100031500
3030 LBJ FREEWAY
DALLAS, TX 75234 (972) 488-3737
DALLAS OFFICE TBPLS FIRM #10194234
RGMS Investments, LLC
N Shiloh Dr
Fayetteville Washington County Arkansas
Concurrent Plat - North
REV DATE 1/25/22 REV 2
SHEET NO. 2 OF 4
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Legend

- Boundary Line
- Adjoining Boundary Line
- Right-of-Way Line
- Easement Line
- Centerline
- FOC — Underground Fiber Optic Line
- OHE — Overhead Electric Line
- SS — Sanitary Sewer Line
- (Size) — Storm Drainage Pipe
- UGT — Underground Telephone Line
- W — Water Line
- UGE — Underground Electric Line
- Flood Hazard Line
- Flow Line
- Setback Line
- Found Monument (As Noted)
- Set 5/8" Rebar "LS#1618"
- Found Nail (As Noted)
- Found Chiseled "X"
- Stone
- Found Mag Nail w/Washer "LS#1618"
- Bearing Change
- Sewer Clean Out
- Gas Meter
- Electric Meter
- Water Meter
- Drainage Manhole (DMH)
- Grate Inlet (GI)
- Fire Hydrant
- Sewer Manhole (SMH)
- Utility Pole
- Electric Riser
- Telephone Riser
- Water Valve
- Traffic Sign (Type of Sign)
- Irrigation Control Box
- Handicap Parking (ADA)
- Bollard / Guard Post
- Water Valve in Standpipe
- Gas Riser
- Electric Vault
- Fiber Optic Vault
- Telephone Vault
- Warning Fiber Optic Line Sign
- Warning Gas Line Sign
- Unknown Manhole
- Light Pole (2 Lamps)
- (Size) — Tree (Deciduous)
- RCP — Reinforced Concrete Pipe
- FEMA Zone "AE"
- Utility Easement per this Plat
- Right-of-way per this Plat

Property Line Table		
Line #	Direction	Length
L1	N09°20'19"E	89.38'
L2	N37°22'44"E	60.00'
L3	N72°29'08"E	93.56'
L4	S87°29'30"E	50.00'
L5	N87°24'34"W	50.00'
L6	N08°49'05"E	34.17'
L7	N59°40'51"W	83.48'
L8	S63°24'48"W	72.31'
L9	S89°51'43"W	77.83'
L10	S87°03'29"E	91.41'
L11	S02°32'18"W	60.00'
L12	N86°54'08"W	12.77'
L13	N03°09'19"E	30.00'
L14	N87°24'34"W	3.54'
L15	S03°13'02"W	73.85'
L16	N86°42'53"W	62.07'
L17	S34°51'59"W	24.24'
L18	S82°20'45"W	77.91'

Lot Line Table		
Line #	Direction	Length
L19	S16°42'41"E	52.83'
L20	S73°17'03"W	22.55'
L21	S17°24'53"E	23.20'
L22	S72°35'07"W	39.23'
L23	S17°24'53"E	4.13'
L24	S67°01'01"W	58.01'
L25	S66°00'14"W	31.60'
L26	S08°54'49"W	90.63'
L27	S83°44'05"W	20.72'
L28	N08°54'49"E	93.88'
L29	N02°42'26"E	21.15'
L30	S85°59'46"W	29.99'
L31	S38°50'01"W	35.18'
L32	N51°09'59"W	31.50'
L33	S38°32'21"W	55.00'
L34	S06°27'14"E	23.17'
L35	N83°43'55"E	18.00'
L36	S51°09'59"E	59.68'
L37	N38°50'01"E	28.68'
L38	N06°27'29"W	70.35'
L39	N83°32'31"E	102.14'
L40	N06°27'29"W	36.29'
L41	N53°06'35"W	35.02'
L42	N83°20'52"E	49.59'
L43	N05°59'33"W	49.15'

Easement Line Table		
LINE	BEARING	DISTANCE
EL44	N00°16'47"E	31.89'
EL45	S84°20'55"W	24.79'
EL46	N05°39'05"W	20.00'
EL47	S02°43'16"W	25.16'
EL48	S66°46'05"W	19.62'
EL49	S79°06'52"W	24.48'
EL50	S84°20'55"W	74.53'
EL51	S00°16'47"W	31.64'
EL52	N05°37'53"W	20.00'
EL53	S00°16'47"W	53.69'
EL54	N89°41'13"W	20.00'
EL55	N00°16'47"E	51.40'

Lot Line Table		
Line #	Direction	Length
L56	S02°35'26"W	18.91'
L57	N87°28'22"W	6.08'

Property Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
C1	22.22'	24.15'	62°16'34"	N83°27'58"W	22.98'
C2	139.00'	73.47'	30°17'09"	N71°34'19"W	72.62'
C3	43.00'	35.63'	47°28'46"	S58°36'22"W	34.62'

Lot Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
C4	4.50'	7.12'	90°39'17"	S27°57'25"W	6.40'
C5	140.74'	156.75'	63°48'49"	S64°27'40"E	148.77'
C6	164.00'	104.83'	36°37'26"	S10°37'52"E	103.05'
C7	282.00'	112.10'	22°46'34"	S17°33'18"E	111.36'
C8	118.00'	92.68'	45°00'05"	S28°40'02"E	90.32'
C9	182.00'	140.96'	44°22'33"	S28°58'42"E	137.46'
C10	482.00'	65.83'	7°49'31"	S2°52'40"E	65.78'
C11	39.26'	47.78'	69°44'03"	S61°06'51"E	44.88'

Benchmark Information

Benchmark #1: 5/8" rebar w/ CEI cap
N: 6594447.36'
E: 678839.64'
Elev.: 1259.19'

Benchmark #2: 5/8" rebar w/ CEI cap
N: 6592132.98'
E: 678833.69'
Elev.: 1239.04'

State Survey Code: 500-17N-30W-03-23-234-72-1618

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — AUSTIN RILEY TAYLOR

CERTIFICATE OF AUTHORIZATION — CEI Engineering Associates, Inc. No. 118 — ARKANSAS ENGINEER

32313	08/24/2021	DGR	JDS	KTC	JDC
CEI PROJECT NO.	INITIAL DATE	PLS	DRW	FLD	CHK'R

Engineering Associates, Inc.
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 SW REGENCY PKWY
BENTONVILLE, AR. 72712 (479) 273-9472
CORPORATE OFFICE TBPLS FIRM: #10031500

3030 LBJ FREEWAY
DALLAS, TX 75234 (972) 488-3737
DALLAS OFFICE TBPLS FIRM: #10194234

RGMS Investments, LLC

N Shiloh Dr

Fayetteville — Washington County — Arkansas

Concurrent Plat - South

REV DATE 1/25/22 REV 2

SHEET NO. 3 OF 4

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Planning Commission
May 22, 2023
VAR-2023-0017 (THE CLAUDE)
Page 87 of 418
Page 11 of 15

Survey Description Lot 6

A part of the remnant tract according to Plat Book 244, Page 241 in the public records of Washington County, Arkansas and being a part of the Southeast Quarter of the Northwest Quarter, a part of the West Half of the Southeast Quarter, and part of the East half of the Southwest Quarter, all in Section 23, Township 17 North, Range 30 West, and being described by metes and bounds as follows:

BEGINNING at a stone found at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Said Section 23;
THENCE along the west boundary of aforementioned remnant tract, North 03°11'59" East, 975.09 feet to the north boundary of said remnant tract;
THENCE along said north boundary, the following eleven (11) calls:
1. *North 66°47'22" East, 201.95 feet;*
2. *North 05°19'24" West, 123.37 feet;*
3. *North 19°55'29" East, 154.29 feet;*
4. *North 09°20'19" East, 89.38 feet;*
5. *North 37°22'44" East, 60.00 feet;*
6. *North 72°29'08" East, 93.56 feet;*
7. *South 86°57'18" East, 160.00 feet;*
8. *South 75°17'04" East, 155.44 feet;*
9. *South 48°14'12" East, 223.57 feet;*
10. *South 87°29'07" East, 1,271.29 feet;*
11. *South 87°29'30" East, 50.00 feet to the west right-of-way of N. College Ave. (U.S. Highway 71);*

THENCE along said west right-of-way, the following eight (8) calls:
1. *South 03°06'18" West, 133.51 feet to a rebar;*
2. *South 16°39'20" East, 526.35 feet;*
3. *South 15°25'09" East, 151.16 feet;*
4. *South 13°57'06" East, 190.99 feet;*
5. *South 10°47'36" East, 131.99 feet;*
6. *South 00°11'42" West, 272.67 feet;*
7. *South 01°08'45" West, 380.40 feet;*
8. *South 02°43'39" West, 130.00 feet to a 5/8" rebar with a destroyed cap;*

THENCE along the north right-of-way of N. Shiloh Dr., North 87°54'34" West, 50.00 feet to a PK nail found on the said north right-of-way;
THENCE leaving said north right-of-way, North 08°49'05" East, 34.17 feet to a 5/8" rebar capped LS #1618;
THENCE North 59°40'51" West, 83.48 feet to a 5/8" rebar capped LS #1618;
THENCE Westerly along the arc of a curve to the left 24.15 feet having a central angle of 62°16'34", a radius of 22.22 feet, and a chord that bears North 83°27'58" West with a chord distance of 22.98 feet to a 5/8" rebar capped LS #1618;
THENCE South 67°21'03" West, 125.78 feet to a 5/8" rebar capped LS #1618;
THENCE South 63°24'48" West, 72.31 feet to a 5/8" rebar capped LS #1618;
THENCE South 59°40'51" West, 77.83 feet to a 5/8" rebar capped LS #1618 found at the northeast corner of Lot 3 according to Plat Book 2004, Page 38437;
THENCE along the north boundary of said Lot 3, South 84°26'56" West, 320.18 feet to a 5/8" rebar capped LS #1618;
THENCE continuing along said north boundary, North 79°34'17" West, 348.38 feet to a chiseled X found at the northwest corner of said Lot 3;
THENCE along the west boundary of said Lot 3, South 03°28'54" West, passing through a 1/2" rebar capped LS #1005 at a distance of 388.67 feet, continuing for a total distance of 391.90 feet and the north right-of-way of Georgetown Square;
THENCE along said north right-of-way, the following three (3) calls:
1. *South 86°54'13" East, 483.63 feet;*
2. *South 87°03'29" East, 91.41 feet;*
3. *South 87°17'19" East, 435.24 feet to the aforementioned west right-of-way of N. Shiloh Drive;*

THENCE along said west right-of-way, South 02°32'18" West, 60.00 feet to the south right-of-way of aforementioned Georgetown Square;
THENCE along said south right-of-way, the following three (3) calls:
1. *North 86°54'44" West, passing through a 1/2" rebar capped LS #1118 at a distance of 318.41 feet, continuing for a total distance of 436.02 feet;*
2. *North 86°54'13" West, passing through a 1/2" rebar at a distance of 813.10 feet, continuing for a total distance of 900.48 feet;*
3. *North 86°54'08" West, 12.77 feet to the west right-of-way of N. Mall Ave.;*

THENCE along said west right-of-way, North 03°28'54" East, 180.05 feet to the south boundary of aforementioned remnant tract;
THENCE along said south boundary, the following three (3) calls:
1. *North 86°52'41" West, 293.50 feet;*
2. *North 03°09'19" East, 30.00 feet;*
3. *North 86°52'41" West, passing through a 1/2" rebar at a distance of 441.25, continuing for a total distance of 801.50 feet to the aforementioned west boundary of said remnant tract;*

THENCE along said west boundary, North 02°51'23" East, 792.40 feet to the POINT OF BEGINNING containing 4,994,380 square feet or 114.66 acres, more or less.
LESS & EXCEPT
COMMENCING at the northeast corner of aforementioned remnant tract;
THENCE along the north boundary of said remnant tract, South 87°29'08" East, 50.00 feet;
THENCE leaving said north boundary, South 03°22'41" West, 136.88 feet to the POINT OF BEGINNING;
THENCE South 36°42'41" East, 52.55 feet to a 5/8" rebar;
THENCE South 73°17'03" West, 22.53 feet;
THENCE Southwesterly along the arc of a tangent curve to the left 7.12 feet having a central angle of 90°39'17", a radius of 4.50 feet, and a chord that bears South 27°57'25" West with a chord distance of 6.40 feet;
THENCE South 17°24'53" East, 23.20 feet to a 5/8" rebar;
THENCE South 72°35'07" West, 39.23 feet;
THENCE South 17°24'53" East, 4.33 feet;
THENCE South 67°01'01" West, 58.01 feet to a 5/8" rebar;
THENCE South 85°41'21" West, 116.57 feet;
THENCE South 66°50'14" West, 31.60 feet;
THENCE South 84°54'49" West, 63.63 feet to the north boundary of a shared access easement according to Document #2019-0001192;
THENCE along said north boundary, South 83°44'05" West, 20.72 feet;
THENCE leaving said north boundary, North 08°54'49" East, 93.88 feet;
THENCE North 87°17'34" West, 142.95 feet;
THENCE North 02°42'26" East, 21.15 feet;
THENCE South 85°59'46" West, 29.99 feet;
THENCE North 04°00'14" West, 98.25 feet;
THENCE North 49°00'43" East, 52.18 feet;
THENCE North 89°21'50" East, 94.58 feet;
THENCE North 84°31'19" East, 327.69 feet;
THENCE South 19°42'03" East, 46.08 feet to the POINT OF BEGINNING containing 73,465 square feet or 1.69 acres, more or less.

ALSO, LESS & EXCEPT
COMMENCING at the aforementioned stone being the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 23;
THENCE along the west boundary of aforementioned remnant tract, North 03°11'59" East, 573.79 feet;
THENCE leaving said west boundary, South 86°30'21" East, 939.58 feet to the POINT OF BEGINNING;
THENCE North 83°38'53" East, 195.15 feet;
THENCE North 54°43'25" East, 426.55 feet;
THENCE North 83°37'56" East, 551.75 feet;
THENCE Southeasterly along the arc a curve to the right 156.75 feet having a central angle of 63°48'49", a radius of 140.74 feet, and a chord that bears South 64°27'40" East with a chord distance of 148.77 feet;
THENCE South 38°50'01" West, 35.18 feet;
THENCE North 51°09'59" West, 31.50 feet;
THENCE South 56°50'01" West, 319.57 feet;
THENCE North 51°09'59" West, 130.99 feet;
THENCE South 38°32'21" West, 55.00 feet;
THENCE South 84°03'27" West, 242.85 feet;
THENCE South 06°27'14" East, 23.17 feet;
THENCE South 83°33'47" West, 213.02 feet;
THENCE South 06°30'03" East, 132.21 feet;
THENCE South 83°47'50" West, 403.95 feet;
THENCE North 06°05'59" West, 121.83 feet;
THENCE North 83°43'55" East, 18.00 feet;
THENCE North 06°50'56" West, 76.98 feet to the POINT OF BEGINNING containing 277,598 square feet or 6.37 acres, more or less.
ALSO, LESS & EXCEPT
COMMENCING at the aforementioned stone being the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 23;
THENCE along the west boundary of aforementioned remnant tract, North 03°11'59" East, 22.78 feet;
THENCE leaving said west boundary, South 86°30'21" East, 1930.38 feet to the POINT OF BEGINNING;
THENCE North 06°17'29" West, 310.26 feet;
THENCE North 38°50'01" East, 401.20 feet;
THENCE South 51°09'59" East, 24.14 feet;
THENCE Southerly along the arc of a curve to the left 104.83 feet having a central angle of 36°37'26", a radius of 164.00 feet, and a chord that bears South 10°57'52" East with a chord distance of 103.05 feet;
THENCE Southerly along the arc of a curve to the right 112.10 feet having a central angle of 22°46'34", a radius of 282.00 feet, and a chord that bears South 17°33'18" East with a chord distance of 111.36 feet;
THENCE South 06°09'59" East, 185.70 feet;
THENCE Southeasterly along the arc of a curve to the left 92.68 feet having a central angle of 45°00'05", a radius of 118.00 feet, and a chord that bears South 28°40'02" East with a chord distance of 90.32 feet;
THENCE South 51°09'59" East, 59.68 feet;
THENCE Southeasterly along the arc of a curve to the right 140.96 feet having a central angle of 44°22'33", a radius of 182.00 feet, and a chord that bears South 28°58'42" East with a chord distance of 137.46 feet;
THENCE Southerly along the arc of a curve to the right 65.83 feet having a central angle of 07°49'31", a radius of 482.00 feet, and a chord that bears South 02°52'40" East with a chord distance of 65.78 feet;
THENCE South 01°01'55" West, 199.49 feet to a mag nail with a washer stamped LS #1618 found on the easterly boundary of Lot 5 according to Plat Book ;
THENCE North 88°58'05" West, 116.43 feet to a mag nail with a washer stamped LS #1618;
THENCE North 51°12'01" West, 291.98 feet;
THENCE North 38°50'01" East, 28.68 feet;
THENCE North 08°37'29" West, 70.35 feet;
THENCE North 81°52'31" East, 102.14 feet;
THENCE North 06°37'29" West, 36.29 feet;
THENCE South 83°46'27" West, 240.03 feet;
THENCE North 53°08'35" West, 35.02 feet to the POINT OF BEGINNING containing 272,602 square feet or 6.26 acres, more or less.
ALSO, LESS & EXCEPT
COMMENCING at the aforementioned stone being the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 23;
THENCE South 83°51'20" East, 1157.43 feet to the POINT OF BEGINNING;
THENCE North 64°49'45" East, 70.47 feet to a mag nail with a washer stamped LS #1618;
THENCE North 83°57'53" East, 240.36 feet to a mag nail with a washer stamped LS #1618;
THENCE Southeasterly along the arc of a curve to the right 47.78 feet having a central angle of 69°44'03", a radius of 39.26 feet, and a chord that bears South 61°08'51" East with a chord distance of 44.88 feet to a mag nail with a washer stamped LS #1618;
THENCE South 08°21'11" East, 85.85 feet;
THENCE North 81°20'52" East, 49.59 feet;
THENCE North 83°33'31" East, 319.50 feet;
THENCE North 73°44'58" East, 100.11 feet to a mag nail with a washer stamped LS #1618;
THENCE North 08°59'28" West, 97.41 feet to a mag nail with a washer stamped LS #1618;
THENCE North 45°48'20" East, 68.87 feet to a mag nail with a washer stamped LS #1618;
THENCE North 51°12'01" East, 430.49 feet to a mag nail with a washer stamped LS #1618;
THENCE South 88°58'05" East, 116.43 feet to a mag nail with a washer stamped LS #1618;
THENCE South 01°43'00" West, 82.73 feet to a mag nail with a washer stamped LS #1618;
THENCE South 13°51'44" West, 87.77 feet to a mag nail with a washer stamped LS #1618;
THENCE North 51°51'35" West, 228.54 feet to a mag nail with a washer stamped LS #1618;
THENCE South 39°56'29" West, 227.48 feet to a mag nail with a washer stamped LS #1618;
THENCE South 51°56'51" East, 219.01 feet to a 5/8" rebar capped LS #1618;
THENCE South 57°56'20" West, 66.70 feet to a mag nail with a washer stamped LS #1618;
THENCE South 75°59'44" West, 89.28 feet to a mag nail with a washer stamped LS #1618;
THENCE South 85°15'22" West, 358.20 feet to a mag nail with a washer stamped LS #1618;
THENCE North 82°03'19" West, 186.01 feet;
THENCE North 79°13'13" West, 104.77 feet to a mag nail with a washer stamped LS #1618;
THENCE North 61°40'12" West, 106.94 feet to a mag nail with a washer stamped LS #1618;
THENCE South 84°27'25" West, 757.80 feet to a 5/8" rebar capped LS #1618;
THENCE North 05°59'39" West, 49.15 feet to a mag nail with a washer stamped LS #1618;
THENCE North 23°58'19" East, 147.18 feet to a mag nail with a washer stamped LS #1618;
THENCE North 84°01'11" East, 502.67 feet to a mag nail with a washer stamped LS #1618;
THENCE North 05°26'12" West, 255.85 feet to the POINT OF BEGINNING containing 637,849 square feet or 14.41 acres, more or less.
For a total of 3,742,866 square feet or 85.92 acres, more or less.

Survey Description Lot 7

All of Lot 3 of the Concurrent Plat of Northwest Arkansas Mall to the City of Fayetteville according to Plat Book 2004, Page 38437 and a part of the remnant tract according to Concurrent Plat Book 244, Page 241, both in the Public Records of Washington County, Arkansas, also being part of the Southwest Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 30 West and being described by metes and bounds as follows:

COMMENCING at a stone found on the west boundary of said remnant tract and the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 23;
THENCE South 65°50'28" East, 1,541.32 feet to a chiseled X found at the northwest corner of aforementioned Lot 3 and the POINT OF BEGINNING ;
THENCE along the north boundary of said Lot 3, South 79°34'17" East, 348.38 feet to a 1/2" rebar found at the 1005;
THENCE continuing along said north boundary, North 84°26'56" East, 320.18 feet to a 1/2" rebar found at the northeast corner of said Lot 3;
THENCE leaving said north boundary, North 89°51'43" East, 77.83 feet to a 5/8" rebar capped LS #1618;
THENCE North 63°24'48" East, 72.31 feet to a 5/8" rebar capped LS #1618;
THENCE North 67°21'03" East, 125.78 feet to a 5/8" rebar capped LS #1618;
THENCE Easterly along the arc of a curve 24.15 feet having a central angle of 62°16'34", a radius of 22.22 feet, and a chord that bears South 83°27'58" East with a chord distance of 22.98 feet to a 5/8" rebar capped LS #1618;
THENCE South 59°40'51" East, 83.48 feet to a 5/8" rebar capped LS #1618;
THENCE South 08°49'05" West, 34.17 feet to a PK nail found on the west right-of-way of N. Shiloh Drive;
THENCE North 87°54'34" West, 3.54 feet to a 5/8" rebar capped LS #1618;
THENCE South 03°13'02" West, 73.85 feet to a 5/8" rebar capped LS #1618;
THENCE North 86°42'53" West, 62.07 feet to a 5/8" rebar capped LS #1618;
THENCE Westerly along the arc of a curve to the right 73.47 feet having a central angle of 30°17'09", a radius of 139.00 feet, and a chord that bears North 71°34'19" West with a chord distance of 72.62 feet to a 5/8" rebar capped LS #1618;
THENCE South 34°51'39" West, 24.24 feet to a 5/8" rebar capped LS #1618;
THENCE Southwesterly along the arc of a curve to the right 35.63 feet having a central angle of 47°28'46", a radius of 43.00 feet, and a chord that bears South 58°36'22" West with a chord distance of 34.62 feet to a 5/8" rebar capped LS #1618;
THENCE South 82°20'45" West, 77.91 feet to a 5/8" rebar capped LS #1618;
THENCE South 07°39'15" East, 174.56 feet to a 5/8" rebar capped LS #1618 set on the north boundary of the parcel described at Deed Book 1172, Page 803;
THENCE South 82°20'45" West, passing through a 1/2" rebar capped 1005 at a distance of 118.84 feet, continuing for a total distance of 303.83 feet to a nail found in a tree root;
THENCE along the east boundary of aforementioned Lot 3, South 03°31'38" West, passing through a 1/2" rebar capped LS #1005 at a distance of 139.57 feet, continuing for a total distance of 142.77 feet to the north right-of-way of George Town Square;
THENCE along said north right-of-way, North 86°54'13" West, 483.63 feet;
THENCE along the west boundary of aforementioned Lot 3, North 03°28'54" East, passing through a 1/2" rebar capped LS #1005 at a distance of 3.23 feet, continuing for a total distance of 391.90 feet to the POINT OF BEGINNING containing 266,850 square feet or 6.13 acres, more or less.

Survey Description Lot 8

A part of the remnant tract according to Concurrent Plat Book 244, Page 241, both in the Public Records of Washington County, Arkansas, also being part of the Southwest Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 30 West and being described by metes and bounds as follows:

COMMENCING at a stone found on the west boundary of said remnant tract and the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 23;
THENCE South 65°50'28" East, 1,541.32 feet to a chiseled X found at the northwest corner of Lot 3, Northwest Arkansas Mall according to Plat Book 2004, Page 38437;
THENCE along the north boundary of said Lot 3, South 79°34'17" East, 348.38 feet to a 1/2" rebar capped LS 1005;
THENCE continuing along said north boundary, North 84°26'56" East, 320.18 feet to a 1/2" rebar found at the northeast corner of said Lot 3;
THENCE leaving said north boundary, North 89°51'43" East, 77.83 feet to a 5/8" rebar capped LS #1618;
THENCE North 63°24'48" East, 72.31 feet to a 5/8" rebar capped LS #1618;
THENCE North 67°21'03" East, 125.78 feet to a 5/8" rebar capped LS #1618;
THENCE Easterly along the arc of a curve 24.15 feet having a central angle of 62°16'34", a radius of 22.22 feet, and a chord that bears South 83°27'58" East with a chord distance of 22.98 feet to a 5/8" rebar capped LS #1618;
THENCE South 59°40'51" East, 83.48 feet to a 5/8" rebar capped LS #1618;
THENCE South 08°49'05" West, 34.17 feet to a PK nail found on the west right-of-way of N. Shiloh Drive;
THENCE North 87°54'34" West, 3.54 feet to a 5/8" rebar capped LS #1618;
THENCE South 03°13'02" West, 73.85 feet to a 5/8" rebar capped LS #1618 to the POINT OF BEGINNING ;
THENCE South 03°13'02" West, 204.68 feet to a 5/8" rebar capped LS #1618 set on the north boundary of the parcel described at Deed Book 1037, Page 525;
THENCE along said north boundary, North 87°28'21" West, 216.96 feet to a 5/8" rebar capped LS #1618;
THENCE leaving said north boundary, North 07°39'15" West, 174.56 feet to a 5/8" rebar capped LS #1618;
THENCE North 82°20'45" East, 77.91 feet to a 5/8" rebar capped LS #1618;
THENCE Northeasterly along the arc of a curve to the left 35.63 feet having a central angle of 47°28'46", a radius of 43.00 feet, and a chord that bears North 58°36'22" East with a chord distance of 34.62 feet to a 5/8" rebar capped LS #1618;
THENCE North 34°51'39" East, 24.24 feet to a 5/8" rebar capped LS #1618;
THENCE Easterly along the arc of a curve to the left 73.47 feet having a central angle of 30°17'09", a radius of 139.00 feet, and a chord that bears South 71°34'19" East with a chord distance of 72.62 feet to a 5/8" rebar capped LS #1618;
THENCE South 86°42'53" East, 62.07 feet to the POINT OF BEGINNING containing 46,653 square feet or 1.07 acres, more or less.

Parent Tract Description Lot 3

All of Lot 3 according to Concurrent Plat of Northwest Arkansas Mall according to Plat Book 2004, Page 38437 in the public records of Washington County, Arkansas.

Parent Tract Description Remnant Tract

All the Remnant Tract according to Plat Book 244, Page 241 in the public records of Washington County, Arkansas.

State Survey Code: 500-17N-30W-0-23-234-72-1618

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — 16 — JUSTIN RILEY TAYLOR

CERTIFICATE OF AUTHORIZATION — CEI Engineering Associates, Inc. No. 118 — ARKANSAS ENGINEERING

32313	08/24/2021	DGR	JDS	KTC	JDC
CEI PROJECT NO.	INITIAL DATE	PLS	DRW	FLD	CHK'R

Engineering Associates, Inc.
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 SW REGENCY PKWY
BENTONVILLE, AR. 72712 (479) 273-9472
CORPORATE OFFICE TBPLS FIRM: #100331500

3030 LBJ FREEWAY
DALLAS, TX 75234 (972) 488-3737
DALLAS OFFICE TBPLS FIRM: #10194214

RGMS Investments, LLC

N Shiloh Dr
Fayetteville — *Washington County* — *Arkansas*

Decriptions

REV. DATE	SHEET NO.
1/25/22 REV 2	4 OF 4

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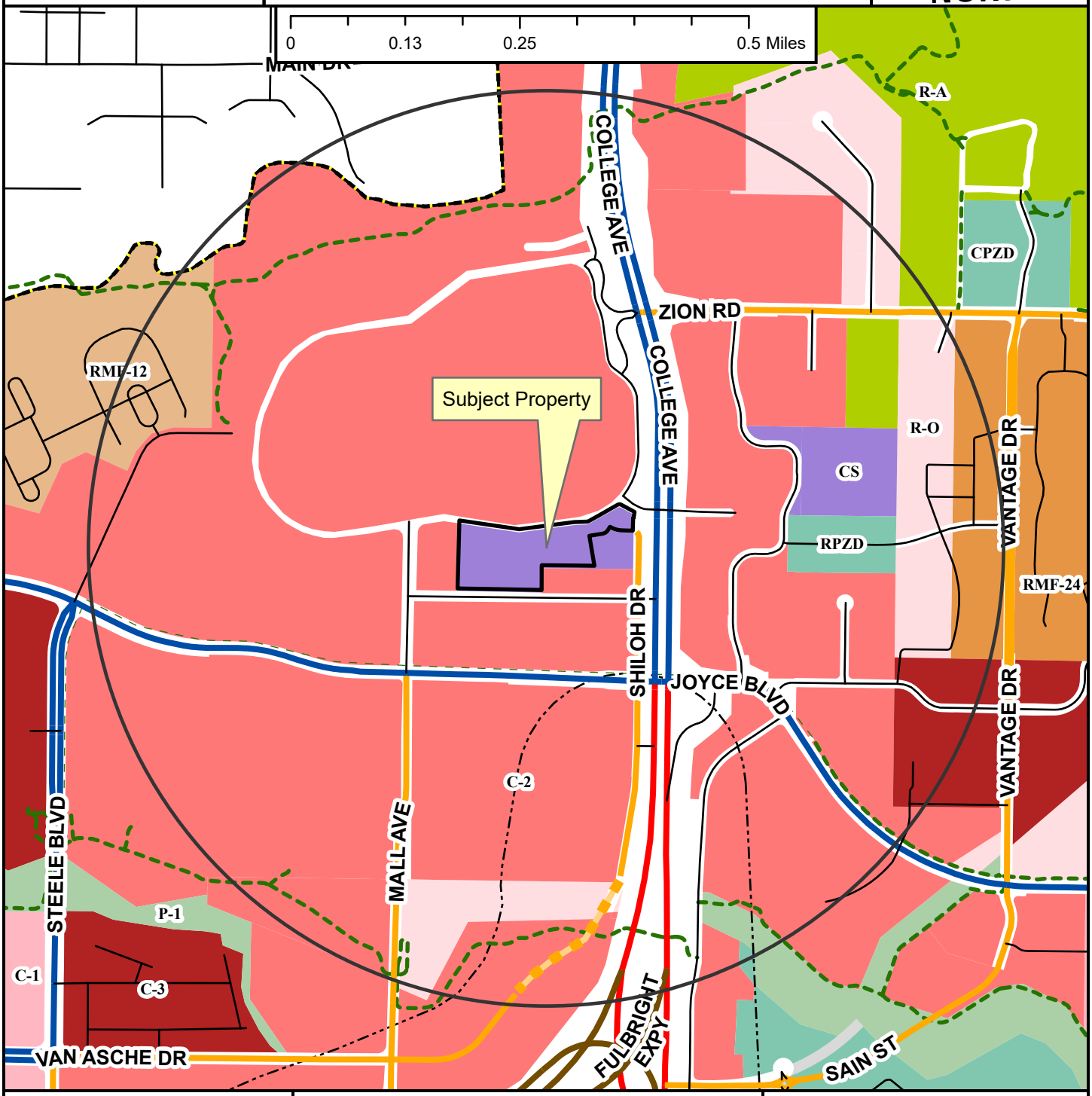
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Dwg: C:\CEI\32313 Riley\Dwg\Survey\Engineering\32313DR01.dwg
File Number: 32313DR01 Page 4 of 4
Planning Commission May 22, 2023 VAR-2023-0017 (THE CLAUDE) Page 88 of 418
Page 12 of 15

VAR-2023-0017

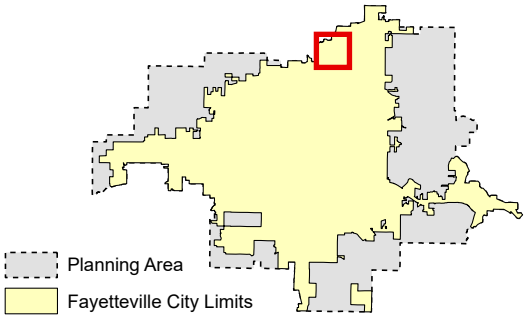
One Mile View

4089 N. SHILOH DR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G, RI-U, RI-12, NS-L, Residential-Agricultural, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6, RMF-12, RMF-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

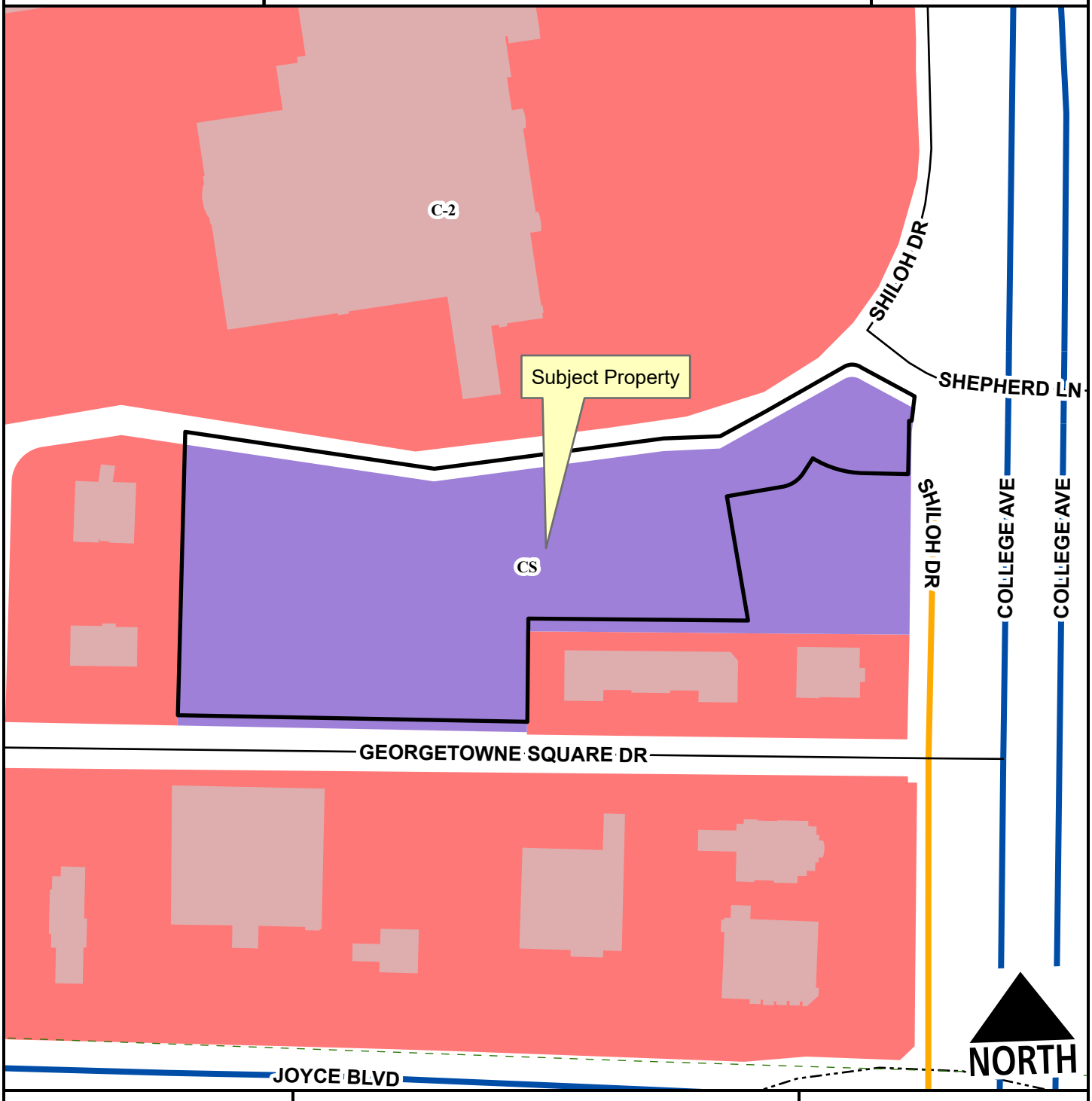
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAR-2023-0017

Close Up View

4089 N. SHILOH DR



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

Feet

0 75 150 300 450 600

1:2,400

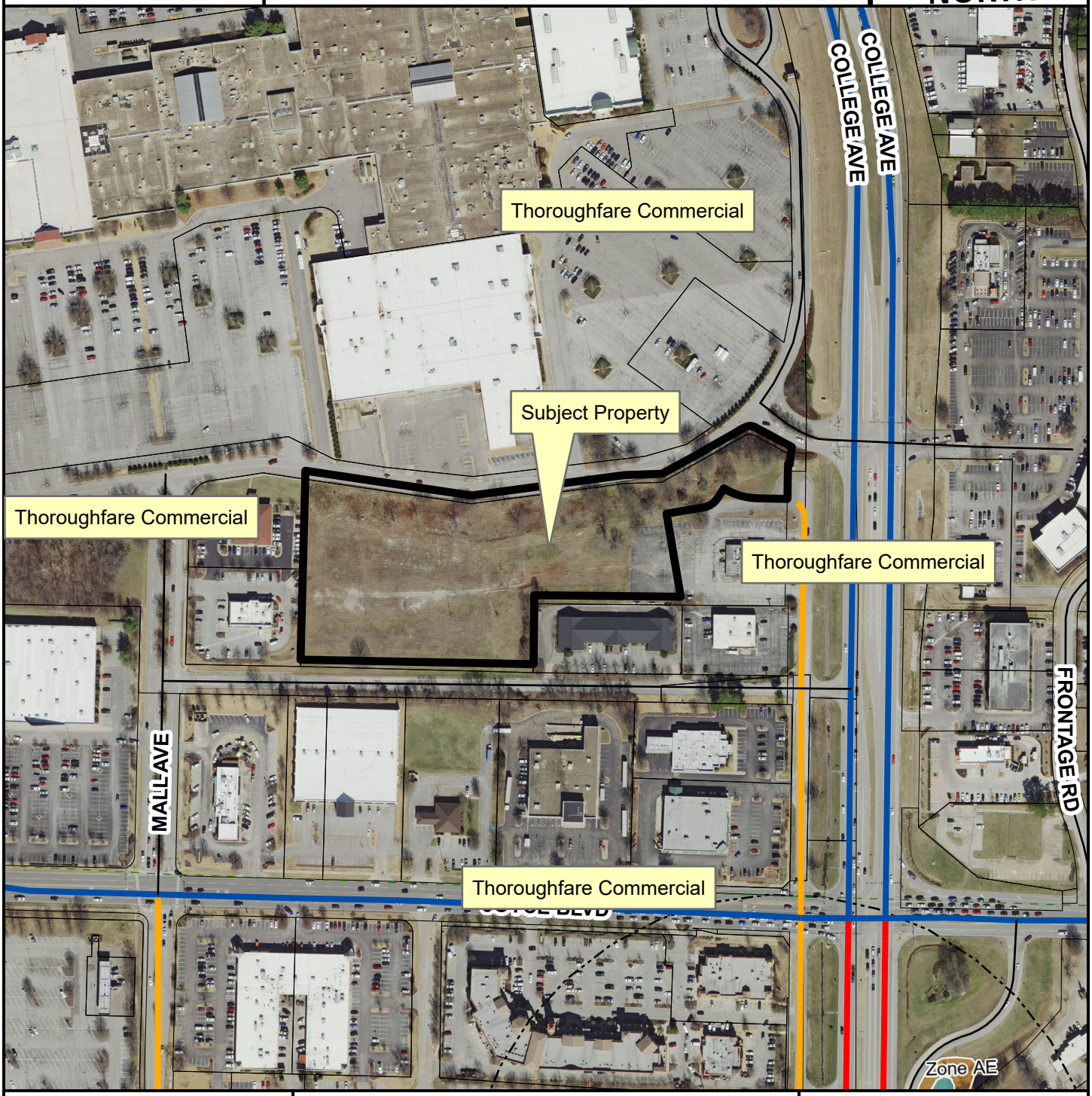
- C-2
- Community Services

VAR-2023-0017

Current Land Use

4089 N. SHILOH DR

NORTH



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

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 22, 2023

SUBJECT: **CCP-2023-0001: Concurrent Plat (4492 N. TOM PERRY RD/SHERRILL, 104):** Submitted by BLEW & ASSOCIATES for property located at 4492 N. TOM PERRY RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 12.78 acres. The request is for the concurrent plat of three residential lots.

RECOMMENDATION:
Staff recommends approval of **CCP-2023-0001**, with conditions.

RECOMMENDED MOTION: *"I move to approve* **CCP-2023-0001***, recommending:*

- *In favor of recommended right-of-way dedication and street improvements; and*
- *All other conditions of approval."*

BACKGROUND:
The subject property is northeast of the City limits in Washington County and is at the boundary of the Fayetteville Planning Area. Containing approximately 12.99 acres, the property is developed agriculturally, with several turkey houses and associated agricultural outbuildings. A portion of the property is within the Hillside-Hilltop Overlay District. A variance to create lots without street frontage was approved by the Planning Commission on April 10, 2023. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Agricultural	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
South	Rural Residential/Agricultural	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
East	Rural Residential/Agricultural	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
West	Low-density Residential	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)

Proposal: The applicant intends to plat 3 agricultural lots with 3.0 acres, 8.25 acres, and 3.0 acres. Having exhausted the number of administrative lot splits permitted from the parent tract, this proposal is required to be reviewed as a concurrent plat.

Water and Sewer System: No additional water or sewer infrastructure is required with this proposal; each proposed lot will have required access to water; no access to sewer is provided to properties outside of the City of Fayetteville limits.

Right-of-way to be dedicated: The property in question does not have any access to public street frontage; the lots have access from Tom Perry Road, a private gravel drive, and a variance was approved granting the creation of additional lots without street frontage by the Planning Commission. Staff does not recommend any right-of-way to be dedicated with this development.

Street Improvements: Staff does not recommend any street improvements in association with this request.

Tree Preservation: N/A; tree preservation requirements do not extend beyond the City of Fayetteville limits.

Parkland Fees: N/A; parkland dedication requirements do not extend beyond the City of Fayetteville limits.

Public Comment: Staff has not received any comments from the public on this item.

RECOMMENDATION: Staff recommends approval of CCP-2023-0001, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *No right-of-way dedication required.*

   Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *No street improvements required.*

   Subdivision Committee recommended in favor.

3. All remaining comments from City divisions, whether Urban Forestry, Fire, or Engineering shall be addressed prior to Planning Commission.

4. Washington County Planning approval required prior to recordation.

Standard conditions of approval:

5. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat (if applicable).

6. 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).

7. 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 the City's current requirements.

8. Concurrent plat approval shall be valid for one calendar year.

PLANNING COMMISSION ACTION:	**Required**	**YES**		
Date: May 22, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**	
Motion:				
Second:				
Vote:				

BUDGET/STAFF IMPACT:
None

Attachments:

- Applicant Cover Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.05(A)(3), which states that any lot created in the Planning Area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.** *Staff recommends approval of the request for the reasons stated above.*

2. Approval of this variance does not constitute approval for any associated lot split, concurrent plat, or constitute approval for any future development;

3. Approval from Washington County Planning must be received prior to recordation of any associated lot split or concurrent plat.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: April 10, 2023 ❒ **Tabled** ☒ **Approved** ❒ **Denied**

on consent agenda, with all conditions as recommended by staff.

Motion: Brink

Second: Madden

Vote: 8-0-0

Blew & Associates, P.A.
Civil Engineers Professional Land Surveyors

3825 N. Shiloh Dr.
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

May 2nd, 2023

To Whom It May Concern,

Concurrent Plat

My client, Stephen Sherrill is requesting for a Concurrent plat at 4492 Tom Perry Road, Fayetteville, AR 72703. We are having to submit this as a concurrent plat due to property reaching maximum split count. With the adjacent property owners this should not affect their property in any way. There would not be an increase with traffic in the area as well. We kindly ask for your approval on this Concurrent Plat. A variance was approved for the creation of lots without street frontage (VAR-2023-0011). The Concurrent Plat affects parcels: 001-15259-008 & 001-15259-013

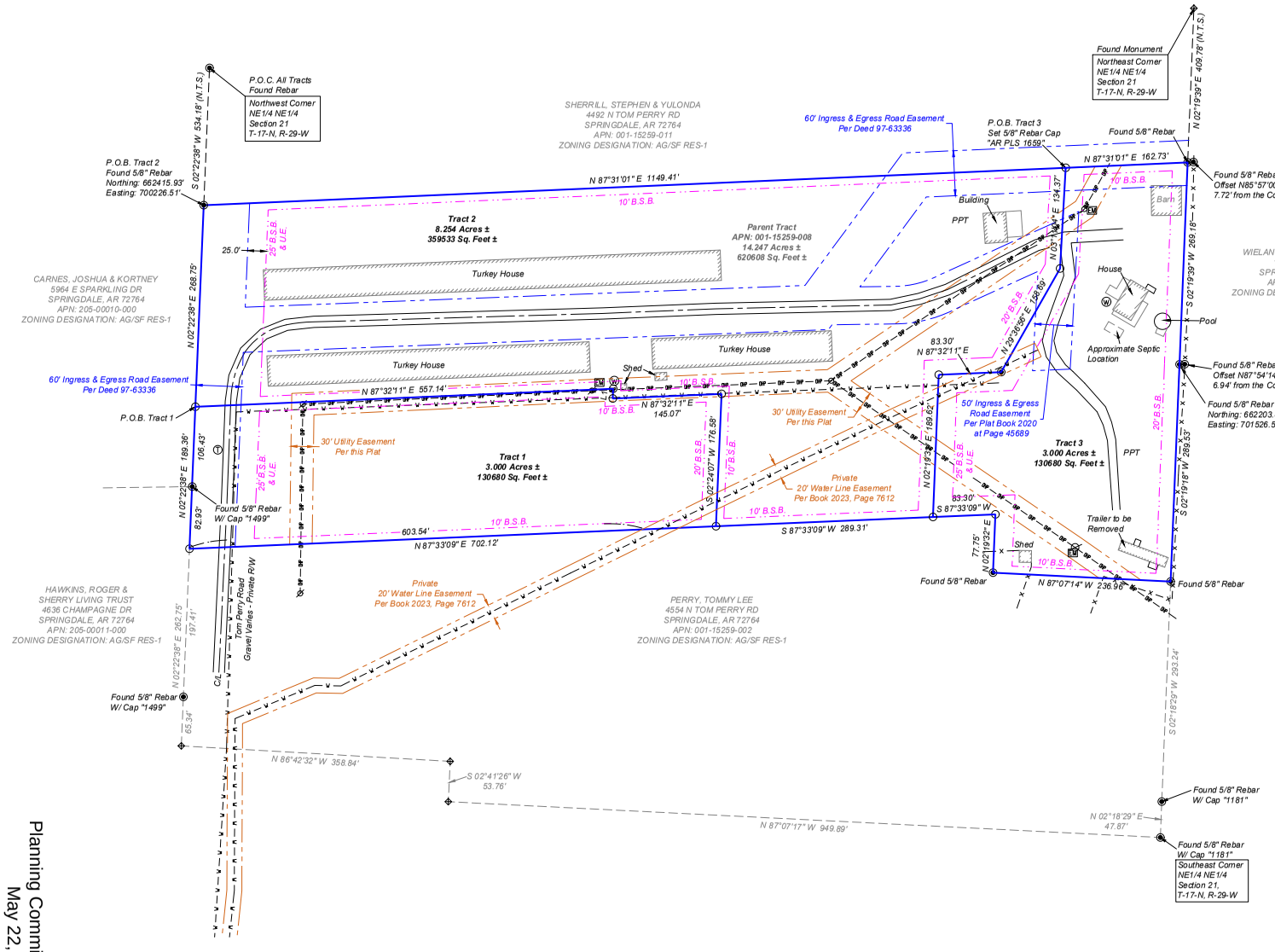
Sincerely,

Sydnee Shockley
Blew & Associates, P.A.

CONCURRENT PLAT

4492 TOM PERRY ROAD, FAYETTEVILLE, AR 72703

WASHINGTON COUNTY



LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR PLS 1659
- COMPUTED POINT
- TELEPHONE PEDESTAL
- WATER METER
- ELECTRIC METER
- POWER POLE
- R/W — RIGHT-OF-WAY
- C/L — CENTERLINE
- N.T.S. — NOT TO SCALE
- P.O.C. — POINT OF COMMENCMENT
- P.O.B. — POINT OF BEGINNING
- B.S.B. — BUILDING SETBACK
- U.E. — UTILITY EASEMENT
- PPT — PROPANE TANKE
- BOUNDARY LINE
- ACCESS EASEMENT LINE
- UTILITY EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- SETBACK LINE

1" = 100'
GRAPHIC SCALE
0 50' 100' 200'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°24'07" W	12.98'

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 11TH DAY OF AUGUST, 2022.

CERTIFICATE OF AUTHORIZATION
BLEW & ASSOCIATES, PA
No. 1534
ARKANSAS

REGISTERED
STATE OF ARKANSAS
NO.1659
SIGNATURE
W. GAGNER
PROFESSIONAL LAND SURVEYOR

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL:SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 -FAX: 479.582.1883
EMAIL: SURVEY@BLEWINC.COM-WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 22-6749	**SURVEY DRAWN BY:** JDC - 8/11/2022
SURVEY REVIEWED BY: TPN	**SCALE:** 1" = 100'
FOR THE USE AND BENEFIT OF: STEPHEN SHERRILL	

SHEET 2 OF 2

CCP-2023-0001

One Mile View

4492 N. TOM PERRY RD

NORTH

0 0.13 0.25 0.5 Miles

HABBERTON RD

Subject Property

GUY-TERRY RD

Unclassified

Planning Area

Planning Area

Fayetteville City Limits

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

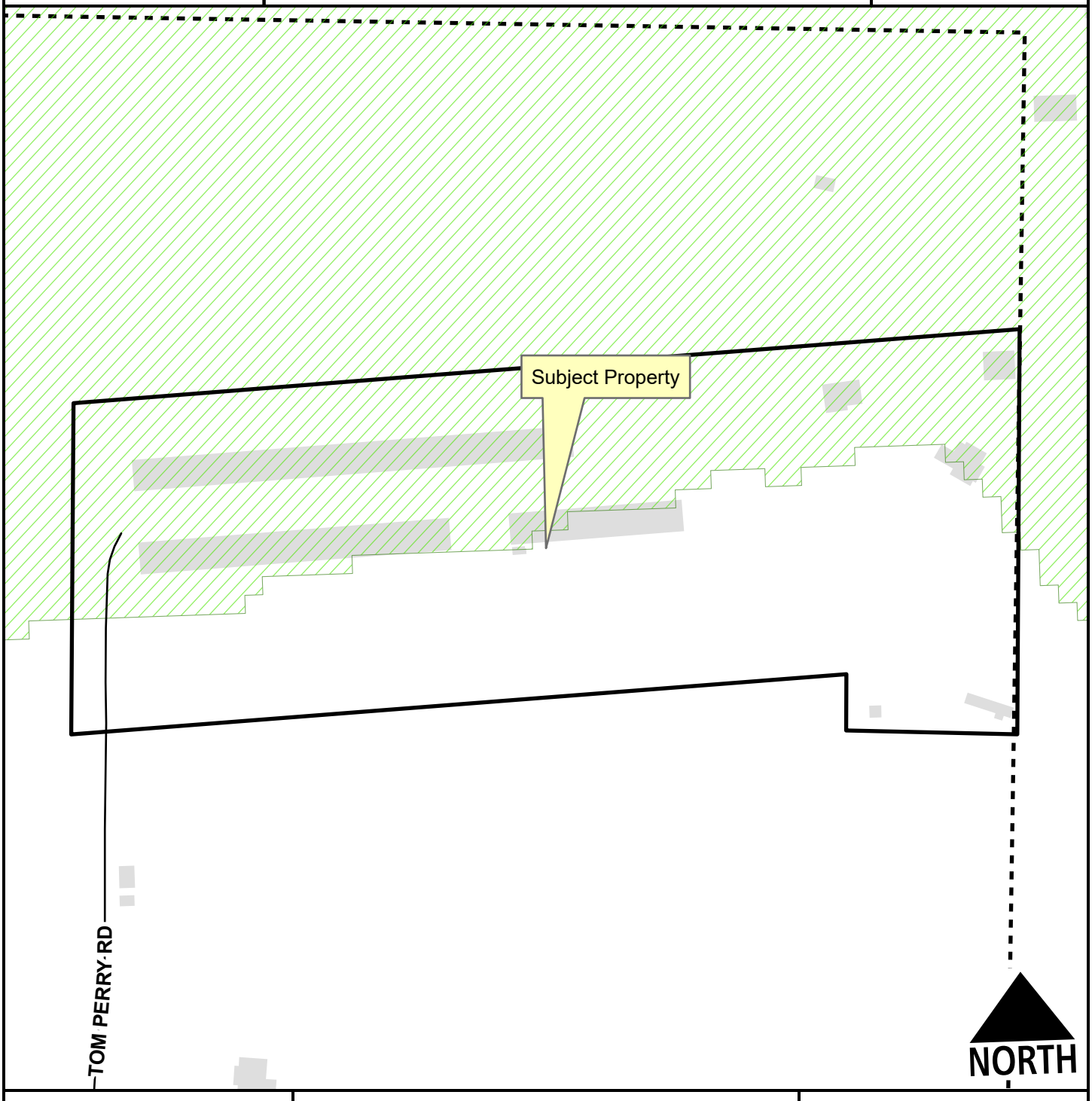
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CCP-2023-0001

Close Up View

4492 N. TOM PERRY RD



Unclassified

Hillside-Hilltop Overlay District

Planning Area

Feet

0 75 150 300 450 600

1:2,400

CCP-2023-0001

Current Land Use

4492 N. TOM PERRY RD

NORTH



Unclassified

Planning Area

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 22, 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 approval of **LSD-2022-0034**.

RECOMMENDED MOTION: *"I move to approve **LSD-2022-0034**, determining:*

- *In favor of recommended right-of-way dedication;*
- *In favor of recommended street improvements;*
- *In favor of a variance to §166.08(E)(b): Block Layout/Connectivity;*
- *All other conditions as recommended by staff."*

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.

MAY 8, 2023 PLANNING COMMISSION MEETING
The item was tabled at the May 8, 2023 Planning Commission meeting at the applicant's request. In the interim, the applicant met with City staff from the Engineering and Utilities Divisions to discuss options for sewer capacity upgrades; a resolution was agreed upon and is discussed further in the water and sewer section of this report. Other outstanding issues with the previous submittal have also been addressed, including a variance request received for access management, and a resolution has been reached on the Urban Residential Design standards.

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 requested one variance with this request:

- **§166.08(F): Access Management. The applicant has requested a variance from a requirement for access management that requires placing a higher priority on accessing the street with the lower functional classification.** The applicant is requesting to access both N. Crossover Road and E. Joyce Blvd.
    - *Staff recommendation: Staff is supportive of this variance, finding that providing two points of access in this location serves the public interest by diverting some traffic flows to and from the development onto N. Crossover Road, away from an existing stoplight at E. Joyce Blvd and N. Crossover Road that has known timing issues. The access will also provide two points of entry for fire and emergency services. Further, the applicant is showing an intent to provide a right-in, right-out only scenario with an ARDOT-approved driveway crossing. Staff finds that the applicant's proposal will still provide safe and effective access management between pedestrians and vehicles.*

The applicant has also requested a build-to-zone exemption that is still under review by staff; an administrative exemption is forthcoming, and the applicant has stated tree preservation as a main contributor to this request.

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.
Off-site: Based on information provided through a required traffic study, staff is recommending a condition be added that the intersection at Joyce is studied for geometric improvements (lengthening left turn queue length for the westbound approach by adjusting the striping and potential widening) and if the additional study shows the geometric changes will improve intersection delay the changes be implemented by the project.

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. The applicant has requested a variance to this standard, as identified above.

Design Standards: The project is subject to 166.23, Urban Residential Design Standards. Staff finds that the applicant is substantially compliant with these standards, including pedestrian connections to the public sidewalk.

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 developer is responsible to perform off-site improvements to the downstream section of sewer main that is above capacity. The improvements will consist of removing and replacing 1,672 LF of 8" sewer with 12" sewer. The developer is requesting a cost share with the city to ultimately install a 15" main to accommodate future growth in the sewer basin. The city would be responsible for the cost difference between a 12" and 15" sewer main. If city council does not approve a cost share, the developer will upsize to a 12" main.

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 public comment in opposition to this proposal. Members of the public have spoken at meetings, and provided written comment. Comments centered around traffic, loss of tree canopy, lack of available grocery stores, and impact to the watershed.

RECOMMENDATION: Staff recommends approval 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); additionally, staff recommends that the intersection at Joyce is studied for geometric improvements (lengthening left turn queue length for the westbound approach by adjusting the striping and potential widening) and if the study shows the geometric changes will improve intersection delay the changes be implemented by the project.*

   Subdivision Committee made no recommendation.

3. **Planning Commission determination of a variance to UDC §166.08(E)(b): Block Layout/Connectivity.** *Staff recommends in favor, with a condition that the driveway along N. Crossover Road is as designed on the attached site plan.*

   Subdivision Committee made no recommendation.

4. 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;

5. All standards as outlined in chapter 166.23, Urban Residential Design standards shall be met, including the requirement that direct connections to the public sidewalk have to be made in accordance with these standards;

6. 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;

7. The developer is responsible to perform off-site improvements to the downstream section of sewer main that is above capacity. The improvements will consist of removing and replacing 1,672 LF of 8” sewer with 12” sewer. The developer is requesting a cost share with the city to ultimately install a 15” main to accommodate future growth in the sewer basin. The city would be responsible for the cost difference between a 12” and 15” sewer main. If city council does not approve a cost share, the developer will upsize to a 12” main;

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

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

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

Standard conditions of approval:

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

12. 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);

13. 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;

14. 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;

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

16. 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;

17. 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;

18. 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;

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

20. 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;

21. 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

22. 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 22, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code Sections:
  - §166.08 Street Design And Access Management Standards
- Engineering Comments
- Urban Forestry Comments
- Parks Comments
- Request Letter
- Variance Request Letter
- Site Plan
- Elevations
- Sewer Capacity Analysis
- Public Comment
- One Mile Map
- Close Up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

…

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case

where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

…

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179 , §1, 4-16-19; Ord. No. 6207 , §§1—4, 7-16-19; Ord. No. 6244 , §1, 10-1-19; Ord. No. 6350 , §4(Exh. C), 8-18-20)

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: May 16, 2023

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

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. **The developer and the Utility Division have met and come up with a solution.** The developer is responsible to perform off-site improvements to the downstream section of sewer main that is above capacity. The improvements will consist of removing and replacing 1,672 LF of 8" sewer with 12" sewer. The developer is requesting a cost share with the city to ultimately install a 15" main to accommodate future growth in the sewer basin. The city would be responsible for the cost difference between a 12" and 15" sewer main. If city council does not approve a cost share, the developer will upsize to a 12" main.

As a reminder, if the downstream sewer main is not upsized, grading and building permits for this development cannot be issued.

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. **An updated analysis was not provided with this submittal. Engineering is recommending a condition be added that the intersection is studied for geometric improvements (lengthening left turn queue length for the westbound approach by adjusting the striping and potential widening) and if the study shows the geometric changes will improve intersection delay the changes be implemented by the project.**

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.
2. Retaining walls over 4 feet in height require plans designed and stamped by a Professional Engineer registered in the state of Arkansas.
3. Meters cannot be placed in paved areas.

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

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Jorgensen & Associates

From: Melissa M. Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: May 22, 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**	**5-15-23**
		3-28-23	
Approved			
Tabled	**9-13-22**		
	12-22-22		
Denied			

Comments

1. Address items above marked “No” and all Redlines provided.
2. A Landscape Plan was not submitted for this review, however, Urban Forestry is confident the remaining comments can be addressed by the applicant during the Grading Permit review period.
3. 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.
4. 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).
5. 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.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Jorgensen & Associates

From: Melissa M. Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: May 22, 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**	**Yes**
b. Property Boundary	**Yes**	**Yes**	**Yes**
c. Natural Features (100ft beyond limits of disturbance)	**Yes**	**Yes**	**Yes**
d. Existing Topography and Proposed Grading	**Yes**	**Yes**	**Yes**
e. Soil Types	**Yes**	**Yes**	**Yes**
f. Significant Trees	**Yes**	**Yes**	**Yes**
g. Groupings of Trees	**Yes**	**Yes**	**Yes**
h. Table Inventory List (species, size, health, priority)	**Yes**	**Yes**	**Yes**
i. All Existing and Proposed Utilities	**Yes**	**Yes**	**Yes**
j. All Existing and Proposed Utility Easements and ROW's	**Yes**	**Yes**	**Yes**
k. All Streams (with approximate center line)	**N/A**	**N/A**	**N/A**
l. Floodplains and floodways	**N/A**	**N/A**	**N/A**
m. Existing Street, Sidewalk or Bike Path ROW	**Yes**	**Yes**	**Yes**
n. Submitted Site Analysis Plan (if required)	**Yes**	**Yes**	**Yes**
o. Shows ALL Proposed Site Improvements	**Yes**	**Yes**	**Yes**
p. Delineates trees/canopy to be preserved and removed	**Yes**	**Yes**	**Yes**
Tree Protection Methods			
a. Tree Protection Fencing	**Yes**	**Yes**	**Yes**
b. Limits of Root Pruning	**Yes**	**Yes**	**Yes**
c. Traffic flow on work site	**No**	**No**	**Yes**
d. Location of material storage	**No**	**No**	**Yes**
e. Location of concrete wash out	**No**	**No**	**Yes**
f. Location of construction entrance/exit	**No**	**No**	**Yes**

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**	**5-15-23**
		3-28-23	
Approved			
Tabled	**9-13-22**		
	12-22-22		
Denied			

Comments

1. Address items above marked “No” and all Redlines provided.

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

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
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www.jorgensenassoc.com
Established 1985

LARGE SCALE DEVELOPMENT FOR BERKSHIRE
JORGENSEN PROJECT #2021-173
COF PROJECT #2022-0034
DATED: 3/22/2023

VARIANCE REQUEST

In response to the comments received about Zoning requirement 164.06 (Minimum buildable street frontage for through lots must be calculated at the higher classification street, in this case Crossover Road.

We would like to request a variance to this requirement for several reasons that we hope staff and the commission can support:

1. We have removed a building in the NW corner so that we could preserve more trees, this in effect reduces the calculatable frontage for our built to zone:
    a. Total Linear Feet of Frontage: 728 LF
    b. Required Tree Preservation Easement: 296 LF
    c. Required Driveway: 39 LF
    d. Buildable Linear Frontage: 404 LF
    e. 50% Requirement: 202 LF
    f. Provided: 222 LF

Additionally we are requesting a variance from the access management (166.08F): This requirement is for higher priority on access to be placed on lowest functional street. We are providing access to Joyce, but additionally are access 265, this particular access point is a right-in, right-out and so we hope that this is a request that can be supported.

We hope that this clarification allows staff and the commission to make a determination on this variance request.

Sincerely;

_____
Blake Jorgensen, PE

NOTES:
1. PARCEL #765-13240-000

2. ZONED: CS, R4-12 & NS-G

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

4. BOUNDARY BASED ON:
I. BOUNDARY SURVEY, FILE # 2010-000-31823
II. WARRANTY DEED, FILE #2010-00031824
III. EASEMENT PLAT, FILE #2023-A-00001018
IV. PROPERTY LINE ADJUSTMENT, FILE #2019-00014794
V. WARRANTY DEED, FILE #940226198
VI. WARRANTY DEED, FILE #2017-00032325

5. BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED ENTIRELY WITHIN ZONE "X" OF FEMA FIRM PANEL #051-0003D'35', BEARING AN EFFECTIVE DATE OF MAY 19, 2009 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' - 89.6' EXISTING, NO CHANGES PROPOSED
MASTER STREET PLAN RIGHT-OF-WAY: 86', REGIONAL HIGH-ACTIVITY LINK
6" CURBING, 1.5' GUTTER EXISTING & PROPOSED

EAST JOYCE BOULEVARD:
CURRENT RIGHT-OF-WAY (FROM C.L): 8.2' - 90.7' EXISTING, 29' FROM C/L DEDICATION PROPOSED
MASTER STREET PLAN RIGHT-OF-WAY: 92', 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'-33.3' EXISTING, 10' GREEN SPACE PROPOSED

EAST JOYCE BOULEVARD
NO EXISTING, 9' SIDEWALK PROPOSED
GREEN SPACE: 12' EXISTING, 6' GREEN SPACE PROPOSED

ZONING & SETBACKS:
ZONED: CS

SETBACKS:
FRONT: 10'-23' BUILD-TO ZONE
SIDE AND REAR: NONE
SIDE AND REAR CONTIGUOUS TO A SINGLE FAMILY RESIDENTIAL DISTRICT: 15'

ZONED: R4-12

SETBACKS:
FRONT: 0'-25' BUILD-TO ZONE
SIDE OTHER USES: 9'
SIDE SINGLE & TWO FAMILY: 5'
REAR: OTHER USES: 20'
REAR: SINGLE FAMILY: 9'

ZONED: NS-G

SETBACKS:
FRONT: 0'-25' BUILD-TO ZONE
SIDE: 9'
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°59'38"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°59'38"E 728.76 FEET TO THE WESTERN RIGHT OF WAY OF NORTH HILLSIDE TERRACE, AND RUNNING ALONG SAID RIGHT OF WAY S02°27'27"W 356.90 FEET AND S87°33'38"E 42.84 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 W AY N88°05'31"W 439.96 FEET TO THE EASTERN RIGHT OF WAY OF NORTH CROSSOVER ROAD, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 5 COURSES: N24°17'41"W 87.77 FEET; N27°39'02"W 150.00 FEET; N19°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 8.00 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 INCORPORATIVE 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 & HTTPS://WWW.FAYETTEVILLE-AR.GOV/DOCUMENTCENTER/VIEW/1465.)

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 VIOLATIONS.
B. NEW 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.
E. CERTIFICATION THAT THE WATER MAIN, FIRE LINE, AND SEWER LINES, ETC., WERE INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS.
F. 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. ALL CONNECTIONS ON EXISTING MAINS SHALL BE MADE BY THE CITY, AND FEES PAID BY OWNER.

14. ALL LANE STRIPING, INCLUDING ARROWS AND STRIPING, SHALL BE PAINTED WITH A DURABLE PAINT. ALL AREAS NOT DESIGNATED AS PARKING SPACES SHALL BE IDENTIFIED AS "NO PARKING FIRE LANE." ALL PAVEMENT MARKINGS SHALL BE UPON THE VERTICAL SURFACE OF THE CURB, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.
ALL 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.

OWNER / DEVELOPER:
GO PROPERTIES, LLC
40-45 HILLSIDE TERRACE
FAYETTEVILLE, AR. 72703

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
5 2-FAMILY DWELLINGS = 20 PARKING SPACES
5 3-FAMILY DWELLINGS = 30 PARKING SPACES

INCREASES: DEVELOPMENTS MAY INCREASE THE NUMBER OF OFF-STREET PARKING SPACES BY 15% ABOVE THE PARKING RATIOS AS LISTED:
230 X 15% = 34.5 SPACE INCREASE ALLOWED - 11 SPACE INCREASE USED

COMPACT SPACES: MAXIMUM OF 33% 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)
241 SPACES / 25 = 9.6 SPACES REQUIRED
10 SPACES PROVIDED (LABELED MS)

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

OVERALL SITE AREA CALCULATIONS:

TOTAL LAND AREA:	397,988 SQ. FT. ±	9.14 ACRES ±	
PREDEVELOPMENT:			
IMPERVIOUS:	25 5 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) : 689 L.F.
TOTAL FRONTAGE: 728 L.F.
REQUIRED TREE PRESERVATION EASEMENT: 396 L.F.
REQUIRED DRIVEWAY: 330, L.F.
BUILDABLE UNDER FRONTAGE: 404 L.F.
50 % REQUIREMENT: 202 L.F.
PROVIDED: 2.2 L.F.

MIN. REQUIRED FOR ZONE R-12: 30 %

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: 1 42 / 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.

BUILDING #1
3-STORY ROOFTOP TERRACE (3 BED)
9 UNITS - 18 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #2
3-STORY ROOFTOP TERRACE (3 BED)
5 UNITS - 15 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #3
3-STORY ROOFTOP TERRACE (3 BED)
3 UNITS - 9 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #4
3-STORY ROOFTOP TERRACE (3 BED)
4 UNITS - 12 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #5
3-STORY ROOFTOP TERRACE (3 BED)
6 UNITS - 18 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #6
3-STORY ROOFTOP TERRACE (3 BED)
2 UNITS
2 GARAGE SPACES PER UNIT

BUILDING #7
3-STORY ROOFTOP TERRACE (3 BED)
3 UNITS
2 GARAGE SPACES PER UNIT

BUILDING #8
3-STORY WALK-UP
24 UNITS - 36 BEDS

BUILDING #9
3-STORY ROOFTOP TERRACE (3 BED)
5 UNITS - 15 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #10
3-STORY ROOFTOP TERRACE (3 BED)
2 UNITS - 6 BEDS
2 GARAGE SPACES PER UNIT

BUILDING #11
3-STORY ROOFTOP TERRACE (3 BED)
2 UNITS
2 GARAGE SPACES PER UNIT

BUILDING # 12
3-STORY WALK-UP
24 UNITS - 36 BEDS

BUILDING # 13
2-STORY TOWNHOMES (2 BED)
3 UNITS
1 GARAGE SPACE PER UNIT

BUILDING # 14
2-STORY TOWNHOMES (2 BED)
2 UNITS
1 GARAGE SPACE PER UNIT

BUILDING # 15
2-STORY TOWNHOMES (2 BED)
2 UNITS
1 GARAGE SPACE PER UNIT

BUILDING # 16
2-STORY TOWNHOMES (2 BED)
3 UNITS
1 GARAGE SPACE PER UNIT

BUILDING # 17
2-STORY TOWNHOMES (2 BED)
4 UNITS - 8 BEDS
1 GARAGE SPACE PER UNIT

BUILDING # 18
2-STORY TOWNHOMES (2 BED)
2 UNITS
1 GARAGE SPACE PER UNIT

BUILDING # 19
2-STORY TOWNHOMES (2 BED)
4 UNITS - 8 BEDS
1 GARAGE SPACE PER UNIT

BUILDING # 20
2-STORY TOWNHOMES (2 BED)
4 UNITS - 8 BEDS
1 GARAGE SPACE PER UNIT

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.

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Civil Engineering + Surveying Established 1985
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
(479) 443-4506
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
- 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\2021\173
SHEET SIZE: 22" x 34"
SCALE: 1" = 40'

CERTIFICATION OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS

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

SHEET TITLE
LARGE SCALE DEVELOPMENT PLAN

SHEET NUMBER
C1.2



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

Building #8- Front Northeast Elevation
Building #8- Rear Southwest Elevation
Building #12- Front Northeast Elevation
Building #12- Rear Southwest Elevation

Reviewed by
Jessie Masters
Development Review Manager
479-575-8239
jmasters@fayetteville-ar.gov

Label all building elevations with cardinal directions and provide a key/site diagram indicating which building is which to ensure compliance with 166.23 and relevant architectural design standards.



Building #8- Southeast Elevation
Building #8- Similar Northwest Elevation
Building #12- Southeast Elevation
Building #12- Similar Northwest Elevation

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

6' 3' 12'

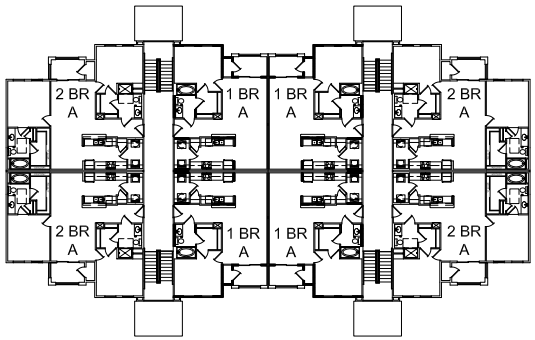
THREE-STORY WALK-UP - ELEVATIONS

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03/31/23

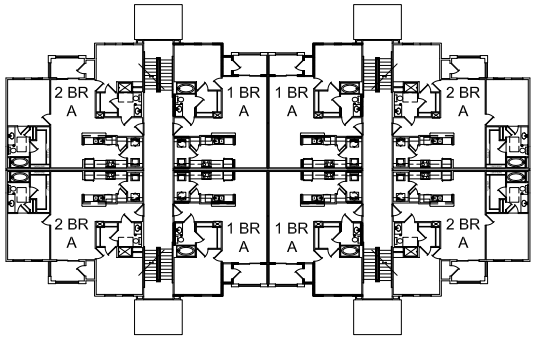
Joyce Street Apartments

A1

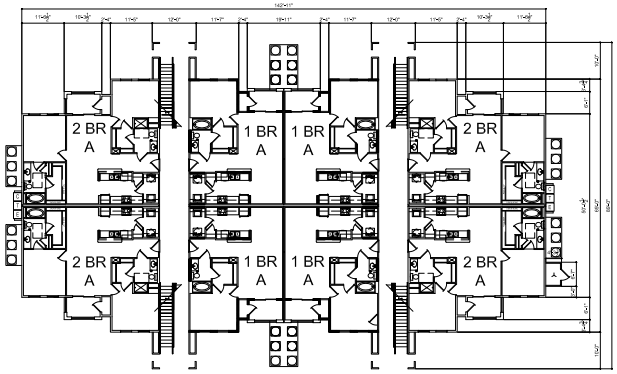
rosemann & ASSOCIATES P.C.



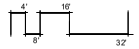
3 THIRD FLOOR PLAN - THREE-STORY WALK-UP
1/16" = 1'-0"



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

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Joyce Street Apartments

A2

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Planning Commission
May 22, 2023
Page 122 of 418
LSD-2022-0034 (THE BERKSHIRE)
Page 22 of 72



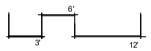
3 FRONT ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #4 - South Elevation



2 SIDE ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #1, 2, 4, 6, 7, 9 and 11 -
Typical West Elevations, Similar East Elevations.



1 REAR ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #4 - North Elevation



THREE-STORY ROOFTOP TERRACE - ELEVATIONS

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Joyce Street Apartments

A3 A

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 123 of 418
Page 23 of 72



4 FRONT ELEVATION - THREE-STORY ROOFTOP
3/16" = 1'-0"
Building #7 - South Elevations



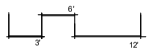
3 FRONT ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #6 and 11 - South Elevations



2 REAR ELEVATION - THREE-STORY ROOFTOP
3/16" = 1'-0"
Building #7 - North Elevations



1 REAR ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #6 and 11- North Elevations



THREE-STORY ROOFTOP TERRACE - ELEVATIONS

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Joyce Street Apartments

A3 B

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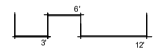
Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 124 of 418
Page 24 of 72



3 FRONT ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #1, 2 and 9 - South Elevations



1 REAR ELEVATION - THREE-STORY ROOFTOP TERRACE
3/16" = 1'-0"
Building #1, 2 and 9 - North Elevations



THREE-STORY ROOFTOP TERRACE - ELEVATIONS

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A3 C

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 25 of 72
Packet Page 125 of 418



3 ALT - FRONT ELEVATION - THREE STORY TH
3/16" = 1'-0"
NOT USED

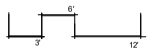


2 ALT - SIDE ELEVATION - THREE STORY TH
3/16" = 1'-0"



1 ALT - REAR ELEVATION - THREE STORY TH
3/16" = 1'-0"
NOT USED

Building #3, 5 and 10 -
Typical West Elevations, Similar East Elevations.



THREE-STORY ROOFTOP TERRACE - ELEVATIONS

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A3.1 A

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 26 of 72
Packet Page 126 of 418



4 ALT - FRONT ELEVATION - THREE STORY TH
3/16" = 1'-0"
Building #10 - South Elevations



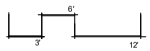
3 ALT - FRONT ELEVATION - THREE STORY TH
3/16" = 1'-0"
Building #3 - South Elevation



2 ALT - REAR ELEVATION - THREE STORY TH
3/16" = 1'-0"
Building #10 - North Elevation



1 ALT - REAR ELEVATION - THREE STORY TH
3/16" = 1'-0"
Building #3 - North Elevation



THREE-STORY ROOFTOP TERRACE - ELEVATIONS

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03/31/23

Joyce Street Apartments

A3.1 B

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 127 of 418
Page 27 of 72



2 ALT - FRONT ELEVATION - THREE STORY TH
3/16" = 1'-0"
Building #5 - South Elevations



1 ALT - REAR ELEVATION - THREE STORY TH
3/16" = 1'-0"
Building #5 - North Elevations

6'
3'
12'

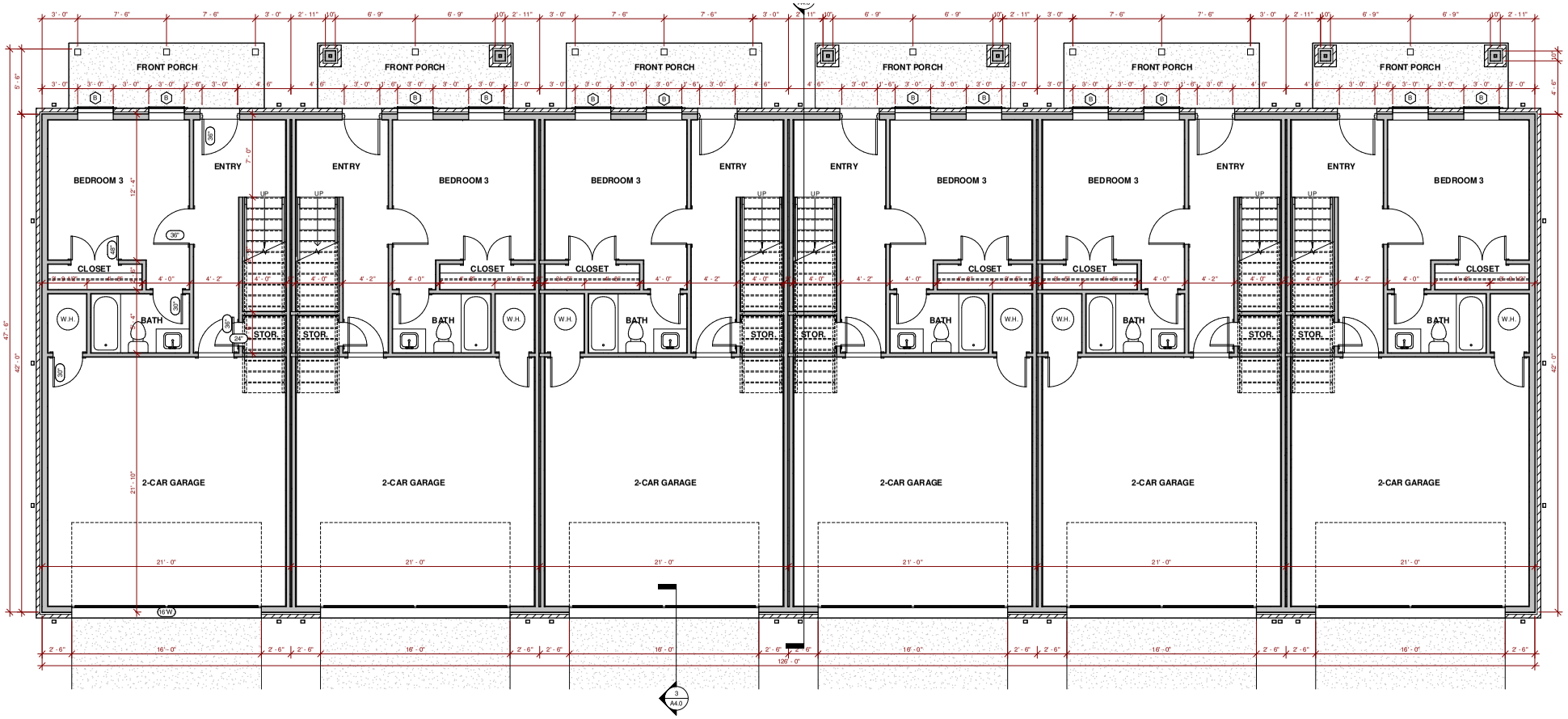
THREE-STORY ROOFTOP TERRACE - ELEVATIONS

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Joyce Street Apartments

A3.1 C

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

THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

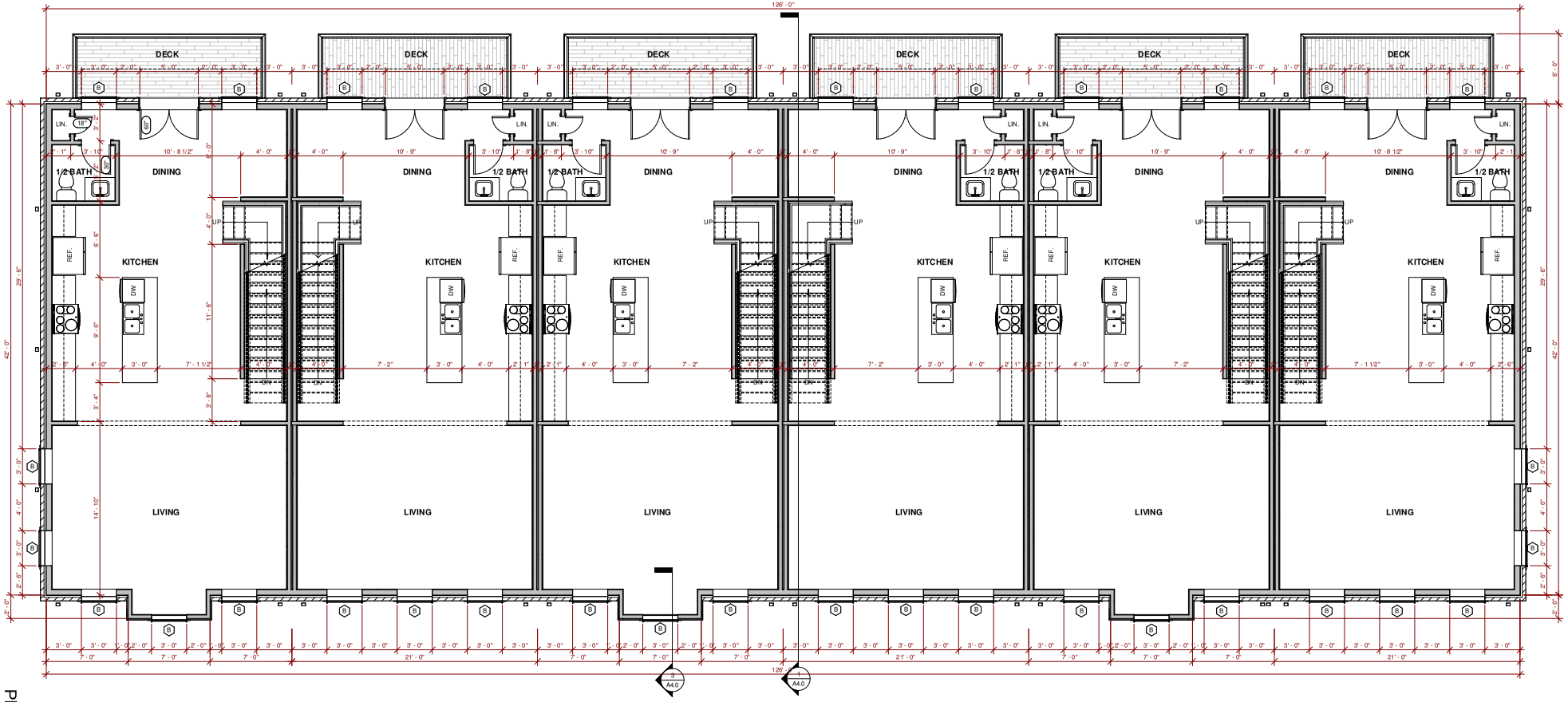
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A4

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REVISED
03/31/23

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 129 of 418
Page 29 of 72



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

THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

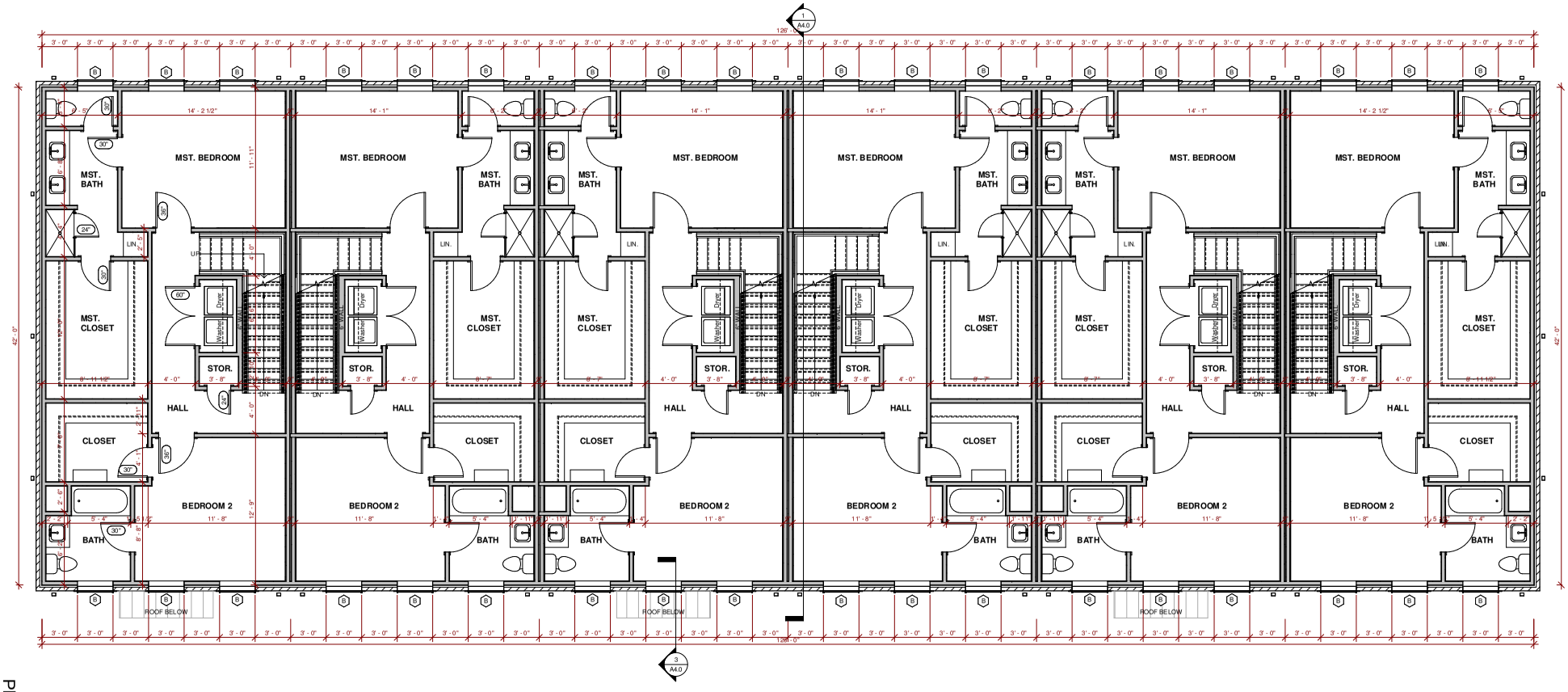
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A5

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REVISED
03/31/23

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Planning Commission
May 22, 2023
Packet
LSD-2022-0034 (THE BERKSHIRE)
Page 130 of 418
Page 30 of 72



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

THREE-STORY ROOFTOP TERRACE - FLOOR PLANS

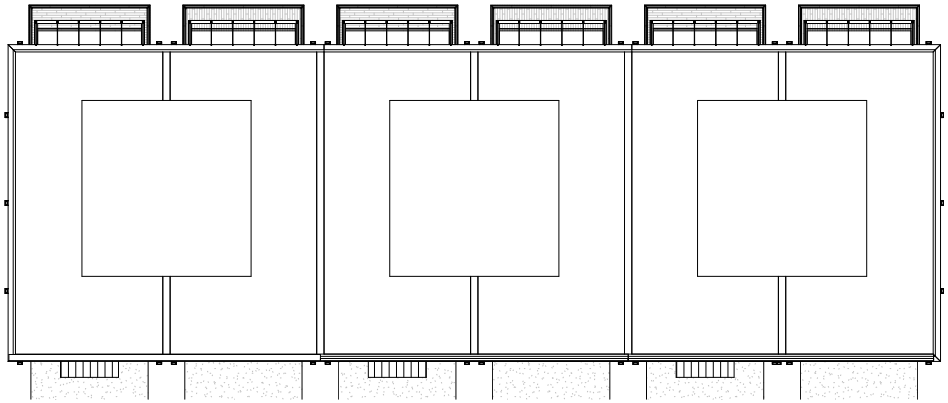
08/30/22
REVISED
03/31/23

Joyce Street Apartments

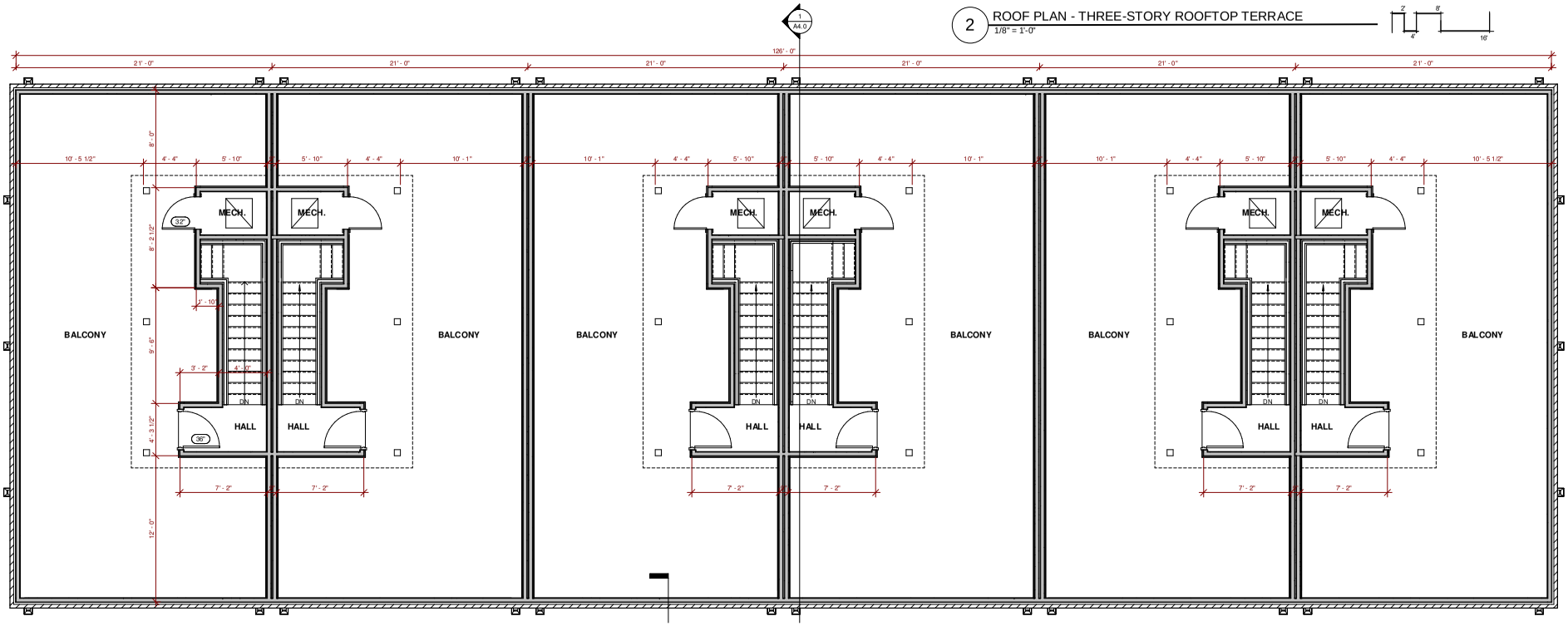
A6

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Planning Commission
May 22, 2023
Page 131 of 418
LSD-2022-0034 (THE BERKSHIRE)
Page 31 of 72



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

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REVISED
03/31/23

Joyce Street Apartments

A7

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Planning Commission
May 22, 2023
Item No. 5
LSD-2022-0034 (THE BERKSHIRE)
Page 32 of 72



3 FRONT ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #17 and 20 - South Elevations



2 SIDE ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #13, 14 and 15 - End Elevations (North and South)
Building #17, 18 and 20 - End Elevations (East and West)



1 REAR ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #17 and 20 - North Elevations

3' 12'

TWO-STORY TOWNHOME - ELEVATIONS

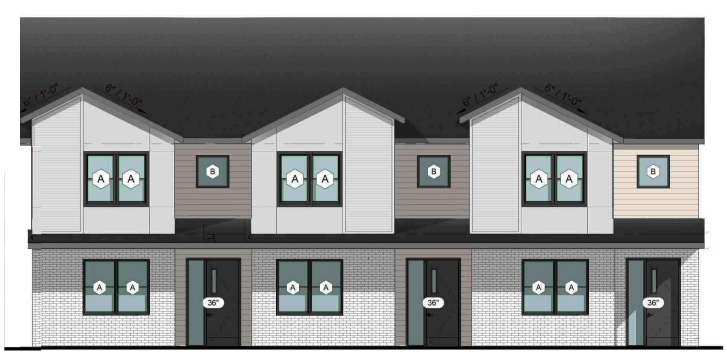
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03/31/23

Joyce Street Apartments

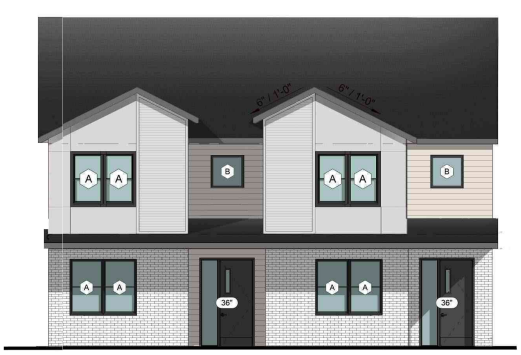
A8 A

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 133 of 418
Page 33 of 72



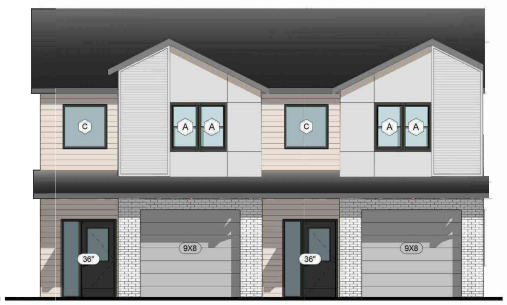
4 FRONT ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #13 - West Elevation



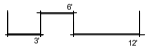
3 FRONT ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #18 - North Elevation
Building #14 and 15 - East Elevation



2 REAR ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #13 - East Elevation



1 REAR ELEVATION - TWO STORY TH
3/32" = 1'-0"
Building #18 - South Elevation
Building #14 and 15 - East Elevation



TWO-STORY TOWNHOME - ELEVATIONS

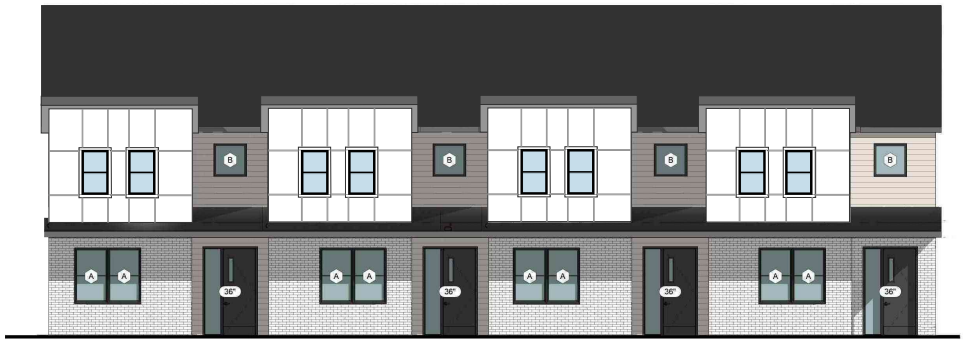
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03/31/23

Joyce Street Apartments

A8 B

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 34 of 72



3 ALT - FRONT ELEVATION -TWO STORY TH
3/16" = 1'-0"
Building #19 - South Elevation



2 ALT - SIDE ELEVATION -TWO STORY TH
3/16" = 1'-0"
Building #16 - End Elevations (East and West)
Building #19 - End Elevations (North and South)



1 ALT - REAR ELEVATION -TWO STORY TH
3/16" = 1'-0"
Building #19 - North Elevation

TWO-STORY TOWNHOME - FLOOR PLAN & ELEVATION

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03/31/23

Joyce Street Apartments

A9 A

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3 ALT - FRONT ELEVATION -TWO STORY TH
3/16" = 1'-0"
Building #16 - West Elevation



1 ALT - REAR ELEVATION -TWO STORY TH
3/16" = 1'-0"
Building #16 - East Elevation

6"
3"
12"

TWO-STORY TOWNHOME - FLOOR PLAN & ELEVATION

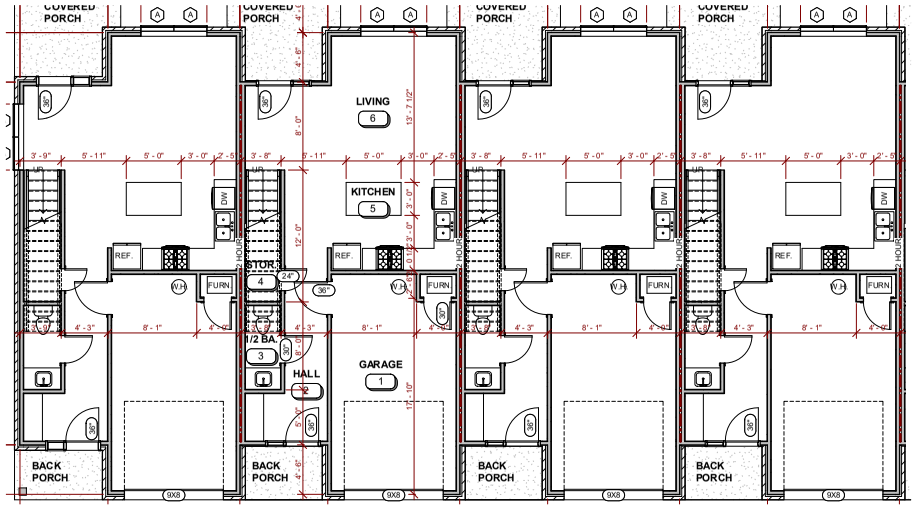
Joyce Street Apartments

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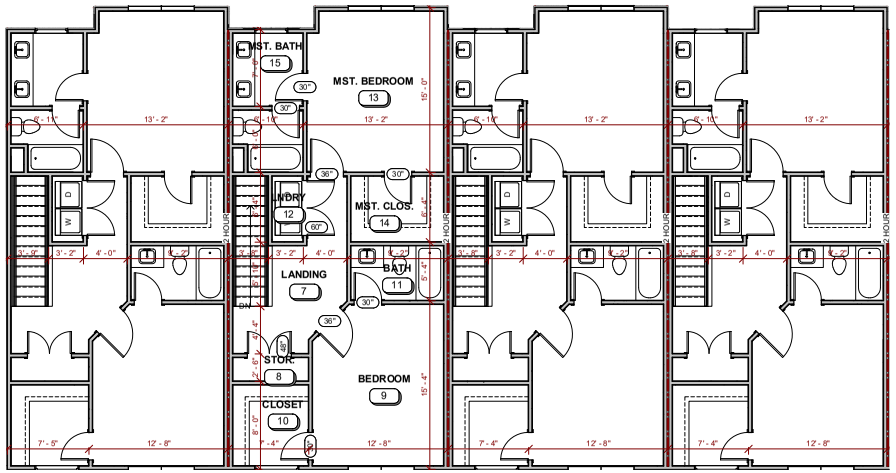
A9 A

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Planning Commission
May 22, 2023
Item 5B
LSD-2022-0034 (THE BERKSHIRE)
Page 136 of 418
Page 36 of 72



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



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

TWO-STORY TOWNHOME - FLOOR PLAN

Joyce Street Apartments

A10

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Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRE)
Page 137 of 418
Page 37 of 72

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

Narrative 1
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
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Fayetteville, AR 72703
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Fax: 479.582.4807
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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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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**

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

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

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

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

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**

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

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

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

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

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

~ 597,826 GPD

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

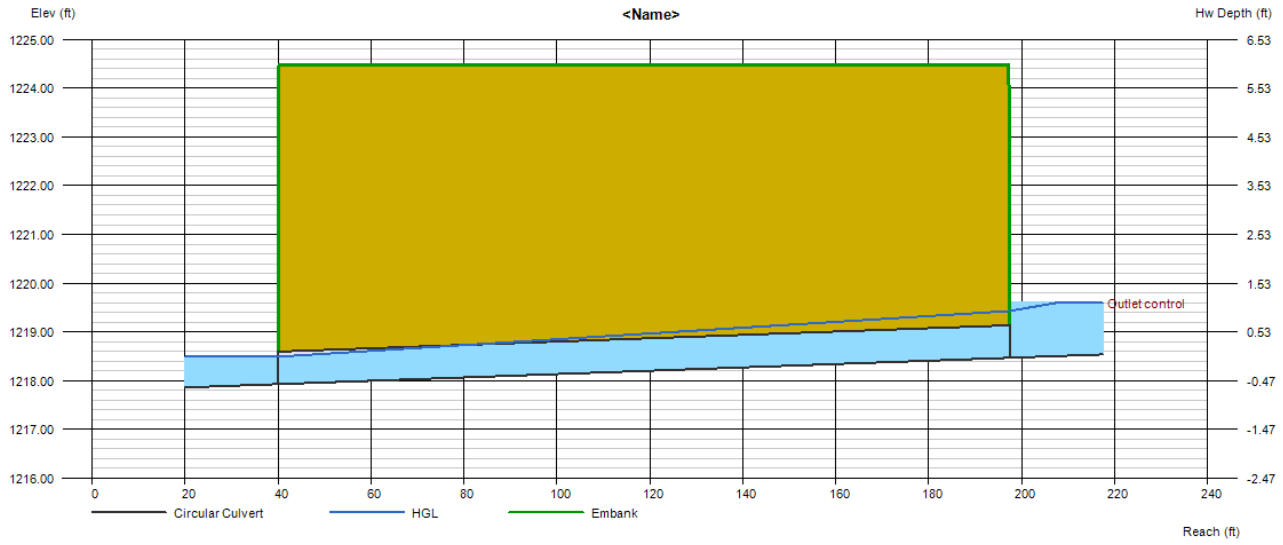
Calculations

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

~ 529,357 GPD

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

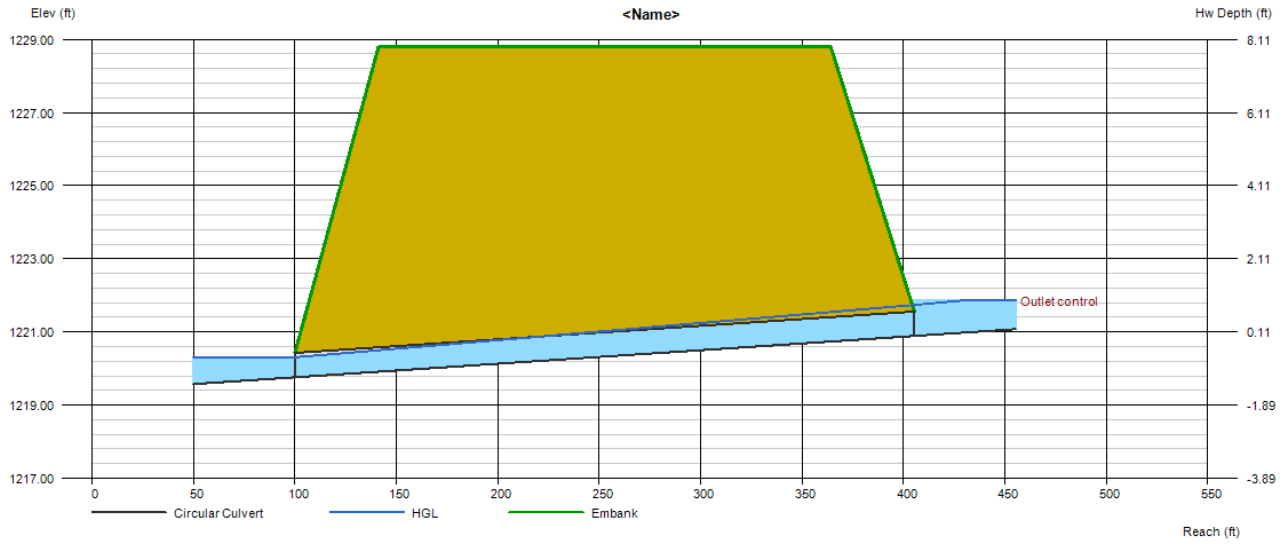
Calculations

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



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CALCULATED POINT
FOUND IRON PIN
SET IRON PIN & CAP
POWER POLE
CONTROL POINT MARKER
SEWER MANHOLE
FIRE HYDRANT
STREET LIGHT
EXISTING 8" SEWER LINE
PROPOSED 8" SEWER LINE
EXISTING WATERLINE
PROPOSED 8" WATERLINE
CENTERLINE STREET
BUILDING SETBACK
UTILITY EASEMENT
NEW 5' SIDEWALK
UTILITY CROSSING
EXISTING CONTOUR
FINISHED CONTOUR
PROJECT DETAILS
PROJECT LOCATION:
FAYETTEVILLE, AR
PROJECT TITLE:
BERKSHIRE LSD
REVISIONS
DATE: 12.12.2022
PROJECT # 2021173
SHEET SIZE: 24" x 36"
SCALE: 1" = 200'
PRELIMINARY
NOT FOR CONSTRUCTION
JORGENSEN & ASSOCIATES
No. 782
SHEET TITLE
SANITARY SEWER CAPACITY ANALYSIS EXHIBIT
SHEET NUMBER
1
GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.
PROPOSED BERKSHIRE LSD
64 TOWNHOUSE UNITS
24 - 1 BEDROOM UNITS
24 - 2 BEDROOM UNITS
FAYETTEVILLE OUTLOTS
3 HOUSES
COMMERCIAL AREA
OFFICE SPACE: 266,460 SQ. FT.
SMALL BUSINESS: 15 EMPLOYEES
AUTOMOBILE SERVICE STATION: 8 PUMPS
RESTAURANT: 200 SEATS
PARADISE VALLEY
18 UNITS
PARADISE VALLEY CONDOS
24 UNITS
PARADISE VIEW APARTMENTS
44 - 1 BEDROOM UNITS
88 - 2 BEDROOM UNITS
PARADISE PLACE
32 HOUSES
ASSISTED LIVING FACILITY
100 UNITS
LANGFORD COTTAGES
35 UNITS
PARADISE VIEW ESTATES
PHASES I & II
40 HOUSES
STUDY POINT 1
EX. 8" SANITARY SEWER
@ 0.33% SLOPE
STUDY POINT 2
EX. 8" SANITARY SEWER
@ 0.37% SLOPE
8" SEWER
8" SWR @ 0.33%
8" SWR @ 1.53%
8" SWR @ 0.37%
8" SWR @ 0.49%
8" SWR @ 0.40%
24" SEWER
24" SEWER

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”	

Planning Commission
May 22, 2024
LSD-2022-0034 (THE BERKSHIRE)
Page 50 of 72
MARYLAND DEPT. OF THE ENVIRONMENT (MDE) GUIDANCE ON WASTEWATER FLOWS FOR US IN DESIGNING ON-SITE SYSTEMS
Page 150 of 418

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/<u>no</u> 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

Planning Commission
May 22, 2023
LSD-2022-0034 (THE BERKSHIRES) Page 154 of 418
Page 54 of 72

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 22, 2023
LSD-2022-0034 (THE BERKSHIRES)
Page 55 of 72
155 of 418

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

From: Amy Apon <aapon@clemson.edu>
Sent: Saturday, May 6, 2023 2:28 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>; Randy Apon <rapon@clemson.edu>; Russell Pawlowski <rpawlowski007@gmail.com>
Subject: Re: Development on corner of Joyce and Crossover

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Jessie,

Thank you for this information.

Amy

On Fri, May 5, 2023 at 5:06 PM Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

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Amy,

Watershed evaluation is typically something that is evaluated by the Engineering Division, so I will forward your question along to them. Members of the public can ask questions during their allotted time to speak (each member of the public gets 3 minutes), but it will not be a back and forth conversation; The Planning Commission chair typically try to get the questions answered after the public comment portion is over.

I will also forward along your inquiry ahead of time to the full Commission before Monday. As a reminder, the Planning Commission meeting will take place in City Hall beginning at 5:30 PM. Members of the public may attend virtually or in-person; information about how to attend virtually can be found here.

Thank you,

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube



From: Amy Apon <aapon@clemson.edu>
Sent: Friday, May 5, 2023 1:05 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>; Randy Apon <rapon@clemson.edu>; Russell Pawlowski <rpawlowski007@gmail.com>
Subject: Re: Development on corner of Joyce and Crossover

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Jessie,

Thanks very much for this information. Yes, please pass these comments on.

Another thing that came up in the Subdivision meeting but is not otherwise documented here that I can see was the density of the proposed development. I am doing this from memory so my numbers may be off. As I understand it, the current watershed area has about 600 residents. The proposed development will have about 300 residents. That

is, the proposed development will house about 1/3 of the residents in that watershed area. A very rough estimate of the size of the watershed relative to the size of the proposed development is that it is 16 times larger. That is, the density of the proposed development will be 8 times that of the surrounding area. Is that correct?

If so, if this is approved, can I ask the Planning commission to help me understand the wisdom of approving this huge density in this part of town? I do not see how this dense proposed development can improve the quality of life for the Fayetteville residents in this area that is not close to the University where the density may be needed, the Interstate, or significant grocery stores.

Thank you, again, for your help.

Amy

On Fri, May 5, 2023 at 1:42 PM Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

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Good afternoon,

Thank you for the comment regarding LSD-2022-0034. The full meeting agenda can be found at this link" https://fayettevillear.portal.civicclerk.com/event/231/overview . The item is the first item under "Unfinished Business."

As far as your concern regarding food deserts, this is not currently a development standard that is required to be met within the City of Fayetteville. I will, however, make sure that your comment is issued to the Planning Commission on Monday.

Let me know if you have any questions.

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

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From: Amy Apon <aapon@clemson.edu>
Sent: Friday, May 5, 2023 11:38 AM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Cc: Randy Apon <rapon@clemson.edu>; Russell Pawlowski <rpawlowski007@gmail.com>
Subject: Re: 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,

In addition to the concerns expressed by staff in the LSD report here: https://civicclerk.blob.core.windows.net/stream/FAYETTEVILLEAR/9df59268-c68e-4ff6-bfd6-1a78561a1104.pdf?sv=2021-10-04&st=2023-05-05T16%3A23%3A54Z&se=2024-05-05T16%3A28%3A54Z&sr=b&sp=r&sig=kF0nWc0iVU1jsSJJd6GgHIW4CCj39TxFASoOzHOQQn0%3D

it appears that this development and the one up the street individually and together create a food desert by USDA standard in our area, or at least come close:

https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation/#:~:text=Definition%3A%20A%20tract%20in%20which,supermarket%2C%20regardless%20of%20vehicle%20availability.

I would like to know how Fayetteville intends to address this issue.

Thank you for your help.

Amy

On Fri, May 5, 2023 at 12:30 PM Amy Apon <aapon@clemson.edu> wrote:

Hi,

Who can I contact about the Planning Commission meeting?

I have multiple calendars that show that the meeting will be on Monday, May 8. I would like to see the planned agenda, please.

Thank you.

Amy

On Wed, Mar 29, 2023 at 4:57 PM Hopkins, Mirinda <mhopkins@fayetteville-ar.gov> wrote:

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Attached is the Final agenda.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267

Website | Facebook | Twitter | Instagram | YouTube

From: Amy Apon <aapon@clemson.edu>
Sent: Wednesday, March 29, 2023 3:33 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Cc: Randy Apon <rapon@clemson.edu>; Russell Pawlowski <rpawlowski007@gmail.com>
Subject: Re: 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 Jessie,

Has the applicant provided the full traffic study and/or addressed the concerns with the sewer system in provided materials?

Also, is there an agenda available for the Subdivision Committee meeting tomorrow?

Thanks very much.

Amy

On Tue, Mar 21, 2023 at 3:05 PM Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

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We are still waiting on confirmation from the applicant on those two items, and are hoping that they are addressed with their resubmittal.

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

From: Amy Apon <aapon@clemson.edu>
Sent: Tuesday, March 21, 2023 2:02 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Randy Apon <rapon@clemson.edu>; Russell Pawlowski <rpawlowski007@gmail.com>
Subject: Re: 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.

Thanks, Jessie, for your response.

Some issues last time included the lack of a full traffic study and the limitations of the sewer system. Have those been addressed?

Thank you.

Amy

On Tue, Mar 21, 2023 at 1:56 PM Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

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Amy,

Thank you for reaching out. The item is currently scheduled to be heard at the March 30 Subdivision Committee meeting. It's been tabled at the applicant's request at the last two meetings.

We have not yet received an updated site plan from the applicant, but are anticipating receiving one by Weds. March 22 at 10 AM.

I will be out of the office starting tomorrow through Friday, so I recommend reaching out to the main Planning line if you would like to see an updated site plan – planning@fayetteville-ar.gov and they can help you.

Thank you,

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

From: Amy Apon <aapon@clemson.edu>
Sent: Tuesday, March 21, 2023 1:49 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: 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 Jessie,

Has there been any update on this request?

Also, is the property scheduled to be discussed at any future meeting?

Thanks a lot for your help.

Amy Apon

On Wed, Feb 15, 2023 at 4:11 PM Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

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Use caution when opening links or attachments if you do not recognize the sender.

Dear Amy,

Thank you for submitting your public comment and concerns regarding the proposed large-scale development at Joyce and Crossover. Staff has received your comment, and it will be provided to the Planning Commission for their consideration.

The item will be heard tomorrow morning, February 16 at 9:00 AM by the Subdivision Committee first, and if they choose to forward it, will be heard by the Planning Commission on February 27 at 5:30 PM.

For reference, staff is recommending to table the item at this time, due to outstanding issues with the applicant's proposal surrounding sewer capacity, zoning requirements, and driveway access. That said, the Subdivision Committee may still vote to forward.

If you would like to participate in the meeting, you can do so either virtually (information here) or in-person in room 326 in City Hall.

Please let me know if you have any additional questions, and again, thank you for the comment.

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

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Website | Facebook | Twitter | Instagram | YouTube

From: Amy Apon [mailto:aapon@clemson.edu]
Sent: Tuesday, February 14, 2023 9:16 AM
To: Planning Shared <planning@fayetteville-ar.gov>
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Hi,

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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

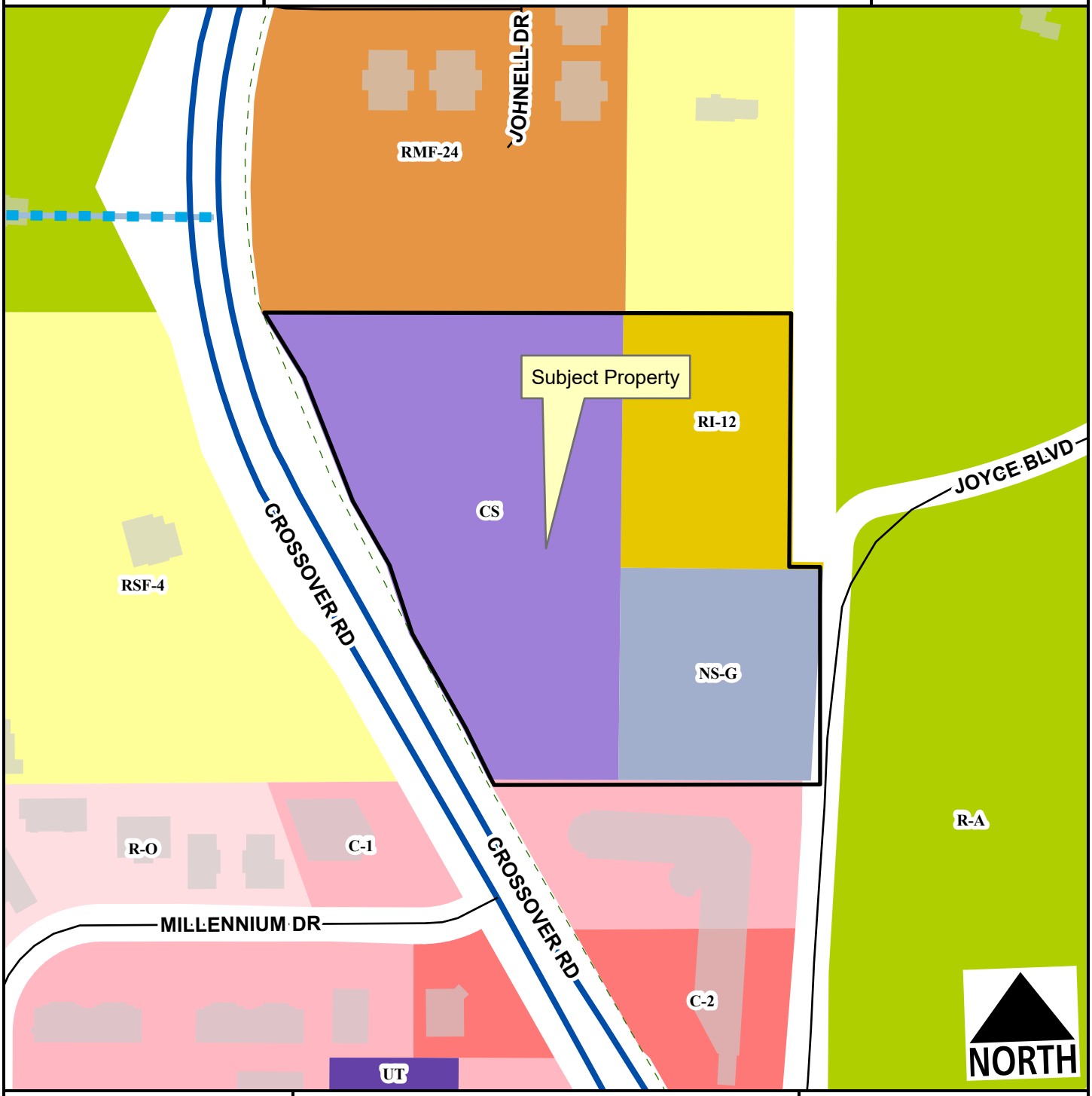
4045 Hillside Terrace

Fayetteville, AR 72703

LSD-2022-0034

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

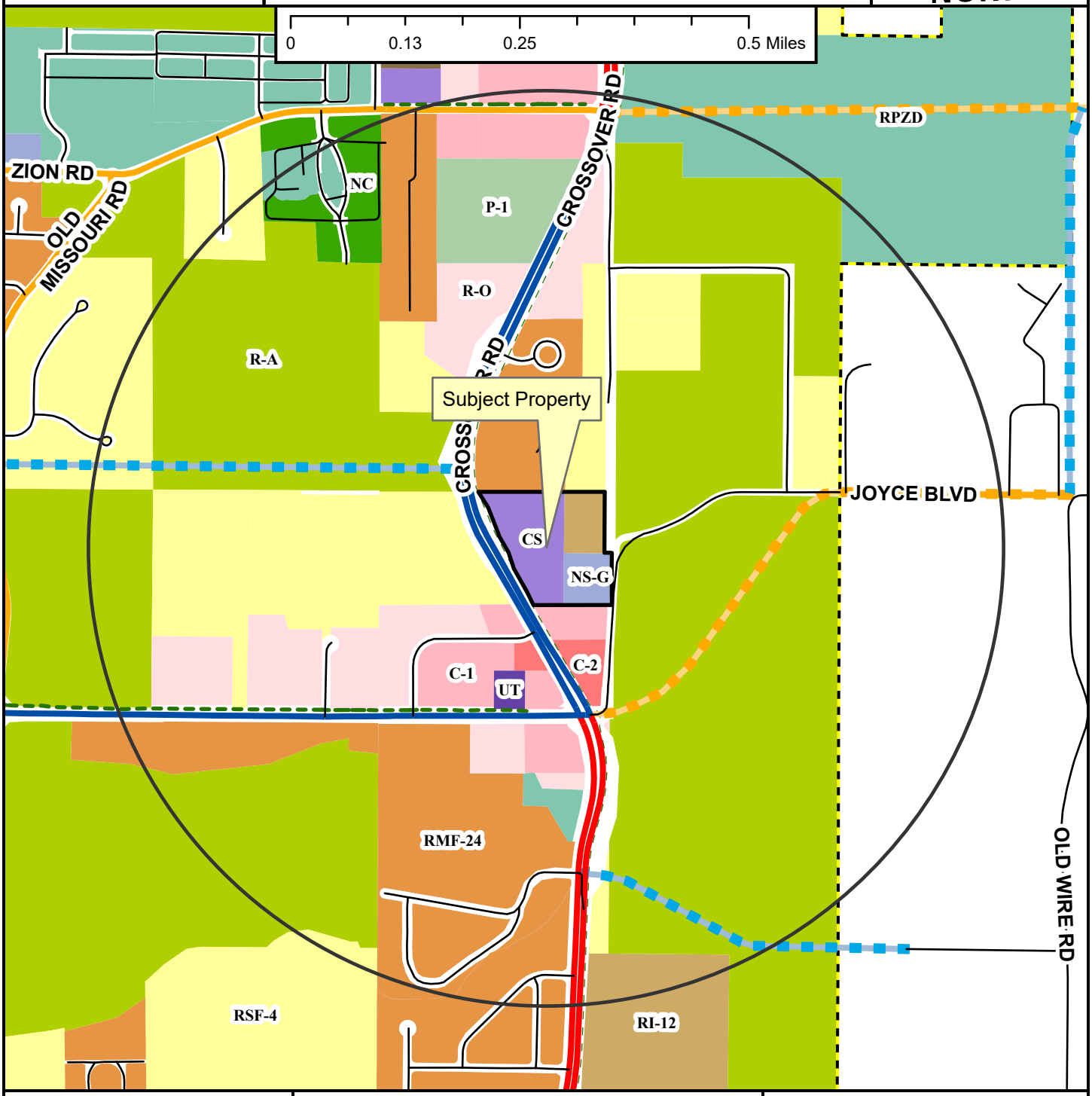
- 100-Year Floodplain
- Floodway

LSD-2022-0034

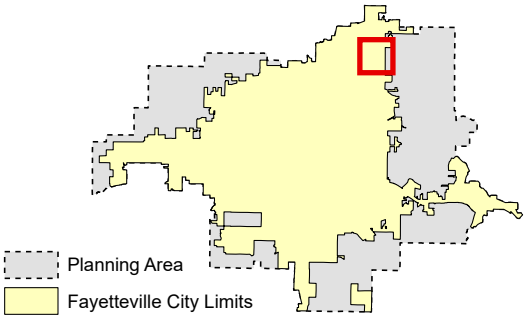
One Mile View

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: May 22, 2023

SUBJECT: **CUP-2023-0048: Conditional Use Permit (2650 N. OLD WIRE RD./BIKE PATH COTTAGES, 292):** Submitted by TIM MCMAHON for property located at 2650 N. OLD WIRE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY – 4 UNITS PER ACRE and contains approximately 0.91 acres. The request is for a six-unit cluster housing development.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0048** with conditions based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0048**, determining:*

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

BACKGROUND:
The subject property is in northeast Fayetteville on the east side of Old Wire Road just north of Gulley Park. The property contains approximately 0.91 acres and is zoned RSF-4, Residential Single-Family – 4 Units per Acre. A conditional use permit for a six-unit cluster housing development on this property was previously approved by the Planning Commission in May of 2021 (CUP-2021-000027). A site improvement plan for that project was administratively approved shortly thereafter (SIP-2021-000018). While the site improvement plan has no expiration date, the conditional use permit for the project expired after one year last May. The applicant is now seeking reapproval of their expired conditional use permit. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses 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	Gulley Park	RSF-4, Residential Single-Family - 4 Units per Acre
West	Community of Christ Church	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 develop the subject property with a six-unit cluster housing development. Cluster housing developments are classified as Use

Unit 44, which is a conditional use in the RSF-4 zoning district. Conformance with development requirements, including drainage, tree preservation, and fire apparatus access, were previously reviewed for as part of the associated site improvement plan and will be reevaluated at the time of building permit.

Public Comment: Staff received one phone call inquiry about this project, though no public comment in support or opposition has been offered.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0048** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed cluster housing development to be compatible with the surrounding neighborhood based on the findings herein;*

2. Approval of the conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant the right to submit a development proposal based on the conceptual layout included herein. However, the applicant must still be able to comply with all other development requirements, including but not limited to, tree preservation, drainage, utility installation and Fire Department access. These details shall be reviewed with the development application. The final project design shall follow the general layout and design of the conditional use concept plan;

3. A condominium association, homeowner's association, or similar mechanism to maintain the common amenities shall be established prior to issuance of construction permits. The City of Fayetteville does not enforce these private agreements, but will require that this agreement be in place prior to issuing building permits;

4. Prior to receiving a certificate of occupancy for the first home, all shared drives, sidewalks, and bike racks shall be installed. All development requirements, such as detention facilities, utilities, required landscaping, etc. shall be installed prior to any building permits being issued. The exact phasing of improvements will be determined at development review;

5. The maximum number of unrelated persons in any dwelling unit is three, pursuant to the underlying single-family zoning district;

6. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is valid for one year; and

7. An exterior lighting package must be provided to the Planning Division prior to building permit approval. Common area lighting shall comply with UDC Chapter 176, Outdoor Lighting.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 22, 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 Use Unit 44, Cluster Housing Development, in the RSF-4 zoning district, including permission to develop six cluster housing units with a common seating area and community garden.

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 §161.07, District RSF-4, Residential Single-Family – 4 Units per Acre 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 detached, single-family dwellings are of a type and scale that is comparable to those in surrounding neighborhoods. Developing the property as a cluster housing development will subject it to the City's tree preservation and drainage requirements, which are both intended to minimize off-site impacts and protect the public's interest.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing Use Unit 44, Cluster Housing Development, as follows:**

§164.22. CLUSTER HOUSING DEVELOPMENT

D. Dwellings Permitted.

1. *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (12) dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached dwellings, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.

Finding: **The proposed cluster housing development would contain six detached single-family dwelling units.**

2. *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.

Finding: **There are no existing nonconforming structures on the subject property.**

E. Zoning Regulations.

1. *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Chapter 161, Zoning Regulations, as a permitted or conditional use.

Finding: **Use Unit 44 is a conditional use in the RSF-4 zoning district.**

2. *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.

Finding: **The proposed cluster housing development would have a density of approximately 6.59 units per acre. A cluster housing development in the RSF-4 zoning district is permitted a maximum density of 8 units per acre.**

3. *Bulk and Area Regulations.*

   (a.) Lot Width Minimum. There is no lot width requirement for individual cluster housing lots.

   (b.) Lot Area Minimum. The lot area minimum for cluster housing lots is 750 square feet.

   (c.) Land Area per Dwelling Unit. The land area per dwelling unit requirement is 750 square feet.

Finding: **The provided site plan indicates that bulk and area regulations are being met. Lot widths, lot areas, and land areas were fully considered at the time of development review.**

4. *Setback Requirements.* All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:

   (a.) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.

   (b.) In multi-family districts, there are no separation requirements from one cluster housing structure to another.

   (c.) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.

Finding: **Setback and separation requirements for the RSF-4 zoning district will apply along exterior property lines. Based on the conceptual site plan provided, the proposed cluster housing development is compliant with required zoning setbacks and individual buildings appear to be meeting the separation requirements of the International Building Code.**

5. *Building Height Regulations*. The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.

Finding: **The RSF-4 zoning district permits building heights of three stories. All dwellings within the proposed cluster housing development are two stories.**

6. *Building Area*. None.

Finding: **N/A**

7. *Accessory Dwelling Units*. Accessory dwelling units are permitted in cluster housing developments by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.

Finding: **No accessory dwelling units are proposed.**

F. Common Property Maintenance. Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.

Finding: **Proof of common property maintenance regulations will be required prior to building permit issuance.**

G. Development Standards. The UDC outlines specific development standards for Cluster Housing Developments.

Finding: **Development standards including floor area, building orientation, open space, parking, bicycle racks, Fire Department access, pedestrian connectivity, utilities, and recycling and trash collection were considered at the time of development review. As part of the approved site improvement plan, staff noted that compliance with certain cluster housing requirements, including architectural, private and common open space, and trash and recycling standards, will need to be fully reviewed for at the time of building permit.**

H. Building Design Standards.

1. Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments. These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments, no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:

   (a.) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;

   (b.) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;

   (c.) Variations in the size of main floor area and/or building height of adjacent structures; or

   (d.) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of six feet. No structurally identical front porches shall be located on adjacent cluster housing units.

(e.) Variations in roof shapes or gables between adjacent structures.

(f.) Other variations as approved by the Zoning and Development Administrator.

Finding: **In cluster housing developments, no two structures shall be identical in terms of exterior finishes and must vary in building height, main floor size, location of windows and doors, porches, and/or roof shape. The provided building elevations and site plan suggest that variations to color, materials, and window placement will be utilized to meet these requirements. The unit closest to Old Wire Road is a two-bedroom unit and smaller in area than the five other three-bedroom units. Materials are varied through combinations of wood, lap, shake, and board and batten siding. There are three roof-forms shared among the five three-bedroom units, the placement and materials used for windows and doors varies slightly across those units as well. Full compliance with these architectural design standards will be reviewed for and determined at the time of building permit.**

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

(ii.) 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: **As proposed, the cluster housing development will have access onto Old Wire Road by way of a shared private driveway. Old Wire Road is a Neighborhood Link street, designed to accommodate up to 6,000 vehicle trips per day. Near the intersection of Old Wire Road and Township Street to the south, average daily traffic was estimated at 8,900 vehicle trips per day last year, exceeding the typical volume for a Neighborhood Link street. Given the number of units proposed, staff finds that this development is not likely to adversely impact traffic safety or congestion. Compliance with the City's access management standards were fully considered as part of the associated 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 submitted site plan includes on-site parking in garages, carports, and along the shared private driveway. In cluster housing developments, the owner/development may choose to supply one parking space per bedroom for the entire cluster housing development. Otherwise, parking will be required at a rate of 1.5 spaces per unit for dwellings less than 1,000 square feet in size, and at a rate of 2 spaces per unit for dwellings greater than 1,000 square feet. As proposed, 13 parking spaces are provided at a rate of two**

spaces per unit, with by-right allowances utilized to provide one additional parking space.

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

Finding: **The Recycling and Trash Collection Division has reviewed the provided site plan and not expressed concerns. Each individual unit is proposed to have its own residential trash carts. The City's ability to serve the development will be fully reviewed at the time of building permit.**

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

Finding: **Utilities are currently available to the site. A six-inch water main is present in Old Wire Road and a six-inch sanitary sewer main is present along the east side of the property. Determinations of capacity or the need for improvements will be determined at the time of development review.**

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

Finding: **Given the single-family residential nature of the proposal and surrounding areas, staff recommends limited buffering. That said, the applicant intends to maintain privacy fencing along the north side of the property and vegetative buffers will remain where possible.**

(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 and exterior lighting in common areas will be subject to the City's ordinances and all the regulations therein.**

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

Finding: **Review of the submitted site plan indicate that the required open space of the overall property is being provided. All separation and setback requirements will be reviewed for compliance again at the time of building permit submittal.**

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

Finding: **Staff finds the applicant's proposal to be compatible with adjacent properties and those in the surrounding neighborhood. While varying from a typical single-family residential neighborhood, cluster developments are intended to orient dwelling units around a common open space and foster a sense of community. When considering the intent of cluster housing in relation to the proposed single-family residential cluster housing development, staff finds**

the proposed use to be generally compatible. Further, the property is located near public parks, trails, and other services, which suggests that it is an appropriate location for slightly denser development.

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

Finding: **Staff finds the proposed development to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The RSF-4 zoning district is designed primarily to permit the development of low-density detached dwellings in suitable environments, and cluster housing is intended to orient dwellings around common areas and foster a sense of community. The proposed development may support Goal 1 of City Plan 2040 and align with the property's future land use designation as Residential Neighborhood area by encouraging appropriate infill.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §161.07 – RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §164.22 – Cluster Housing Development
- Request Letter
- Site Plan
- Building Floor Plans and Elevations
- One Mile Map
- Close-Up Map
- Current 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)

164.22 - Cluster Housing Development

(A) *Purpose.* The purpose of the cluster housing development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide housing opportunities for a population diverse in age, income and household size.

(B) *Applicability.* The provisions of this section shall apply to proposed cluster housing development proposals, as defined in Chapter 162, Use Units, and authorized by Chapter 161, Zoning Regulations of the Unified Development Code, however zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cluster housing development are enforced subject to the criteria adopted in this chapter.

(C) *Development Review Process.* For the purpose of development review, cluster housing developments less than one (1) acre shall be processed as a site improvement plan. Cluster housing development on lots one (1) acre or larger shall be processed as a large scale development. If individual cluster housing unit lots are proposed and the proposal meets all of the requirements in this section, the subdivision shall be processed through the subdivision platting process as a lot split regardless of the number of lots created.

(D) *Dwellings Permitted.*

(1) *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (12) dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached dwellings, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.

(2) *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.

(E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.

(1) *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Chapter 161, Zoning Regulations, as a permitted or conditional use.

(2) *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.

(3) *Bulk and Area Regulations.*

(a) *Lot Width Minimum.* There is no lot width requirement for individual cluster housing lots.

(b) *Lot Area Minimum.* The lot area minimum for cluster housing lots is 750 square feet.

(c) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 square feet.

(4) *Setback Requirements.* All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:

(a) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.

(b) In multi-family districts, there are no separation requirements from one cluster housing structure to another.

(c) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.

(5) *Building Height Regulations.* The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.

(6) *Building Area.* None.

(7) *Accessory Dwelling Units.* Accessory dwelling units are not permitted in cluster housing developments.

(F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a

homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.

(G) *Development Standards.* All cluster housing developments are subject to the following standards:

(1) *Floor Area.* The total conditioned floor area of any individual cluster housing unit shall not exceed 2,500 square feet.

(2) *Building Orientation.* A minimum of 75% of dwelling units in a cluster housing development shall be oriented around and face the common open space, a public trail or towards the street, having pedestrian access to the common open space and the street. Where a cluster housing unit fronts onto a public trail, the façade facing the public trail shall be considered a principal façade for the purposes of meeting design standards.

(3) *Open Space.*

(a) For units up to 1,500 square feet, a minimum of 250 square feet of common open space shall be provided per unit. For units exceeding 1,500 square feet and up to 2,000 square feet, 500 square feet of common open space shall be required per unit. For units exceeding 2,000 square feet, 750 square feet of common open space shall be required per unit. Common open space is subject to the following performance criteria:

(i) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than ten feet.
(ii) Required common open space shall be divided into no more than two (2) separate areas per cluster of dwelling units.
(iii) Common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the site plan for approval.
(iv) Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space. Low Impact Development stormwater management facilities may be placed within the common open space when they are integrated with the amenities listed above.

(b) Each cluster housing unit shall be provided with a private open space of 250 square feet with no dimension of less than ten feet. Private open space should be contiguous to each dwelling unit, for the exclusive use of each respective resident. In multi-family zones in which at least 75% of the planned units are attached dwellings, private open space shall not be required where the development exceeds the minimum open space requirements of (G)(3)(a) by at least 20% and it can be demonstrated that each unit has easily available access to open space amenities.

(c) Parking areas and driveways shall not be counted as open space.

(4) *Fences.* Fencing located between a cluster housing unit and a public street or trail or the common open space shall not exceed 48 inches in height.

(5) *Parking Requirements and Standards.* Parking areas should be located within the cluster housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are permitted in cluster housing developments as described in Chapter 172, Parking and Loading. Permitted on-street parking spaces adjacent to a project's frontage may count towards the parking requirements of the development. Parking standards for cluster housing developments shall be as follows:

(a) The owner/developer may choose to supply one (1) parking space per bedroom for his or her entire cluster housing development. Otherwise, the required number of parking spaces shall be determined according to the square footage of the cluster housing unit as described below:

(i) Dwelling units less than 1,000 square feet shall have one and one-half (1.5) parking spaces provided.
(ii) Dwelling units over 1,000 square feet shall have two (2) parking spaces provided.

(b) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cluster housing units.

(6) Cluster housing developments shall provide at least one (1) bicycle parking rack per cluster housing unit.

(7) *Fire Department Access.* Fire Department access shall be determined at the time of development review.

(8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.

(9) *Utilities.* Individual cluster housing lots shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cluster housing unit developments shall be located in a dedicated easement.

(10) *Community Buildings.* Indoor or covered common areas less than 2,000 square feet are permitted by right in cluster housing development. These structures shall be architecturally integrated with the architectural style of the cluster housing development.

(11) *Recycling and Trash Collection Service.* For the purposes of recycling and trash collection cluster housing developments are considered a residential use and should receive residential recycling and trash collection service (individual carts and recycling bins) where possible. In certain instances, it may be necessary to service cluster housing developments with commercial trash collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial trash pickup. It is incumbent on the developer to design recycling and trash collection facilities into the cluster housing development plan early in the process. The final determination of recycling and trash collection service and pick-up areas will be made at the time of development review by the city. Specific requirements for residential and commercial trash and recycling pick-up shall be as follows:

(a) Residential trash and recycling collection service requires a designated location near the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated pick-up day. An appropriate linear distance is required to accommodate each cluster housing unit's trash cart and recycling bin, subject to city approval.

(b) Commercial trash collection service requires a dumpster location that is freely accessible for front end loading and screened from public view.

(c) Recycling and trash facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.

(H) *Building Design Standards.*

(1) *Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments.* These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:

(a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;

(b) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;

(c) Variations in the size of main floor area and/or building height of adjacent structures; or

(d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of six feet. No structurally identical front porches shall be located on adjacent cluster housing units.

(e) Variations in roof shapes or gables between adjacent structures.

(f) Other variations as approved by the Zoning and Development Administrator.

(2) All attached cluster housing units shall comply with §166.23, Urban Residential Design Standards. Where a cluster housing unit fronts onto a public trail or open space, the façade facing the public trail or open space shall be considered a principal façade, for the purposes of meeting this section.

(I) *Variances From the Minimum Cluster Housing Development Requirements.* Variances of this section, Cluster Housing Development, shall be administered as normal development regulations for variances of General Design Standards, except that (E) Zoning Regulations shall be administered as zoning regulations for variance purposes.

(Ord. No. 5921 , §5(Exh. A), 11-1-16; Ord. No. 6067 , §1, 5-1-18)

REQUEST LETTER BIKE PATH COTTAGES

(a) Total square feet six Single Family Residences =13500 square feet
(b) See attached
(c) 14/12
(d) N.A.
(e) N.A.
(f) NONE
(g) Privacy Fence to be erected on north property line
(h) Trash to be stored in garages and set out on N. Old Wire Road R.O.W. for collection
(i) Please see approved and recorded lot split
(j) Proposed use is very compatible with surrounding residential structures and uses.

Respectfully Submitted



1 CLUSTER DEVELOPMENT

S1

OLD WIRE CLUSTER DEVELOPMENT

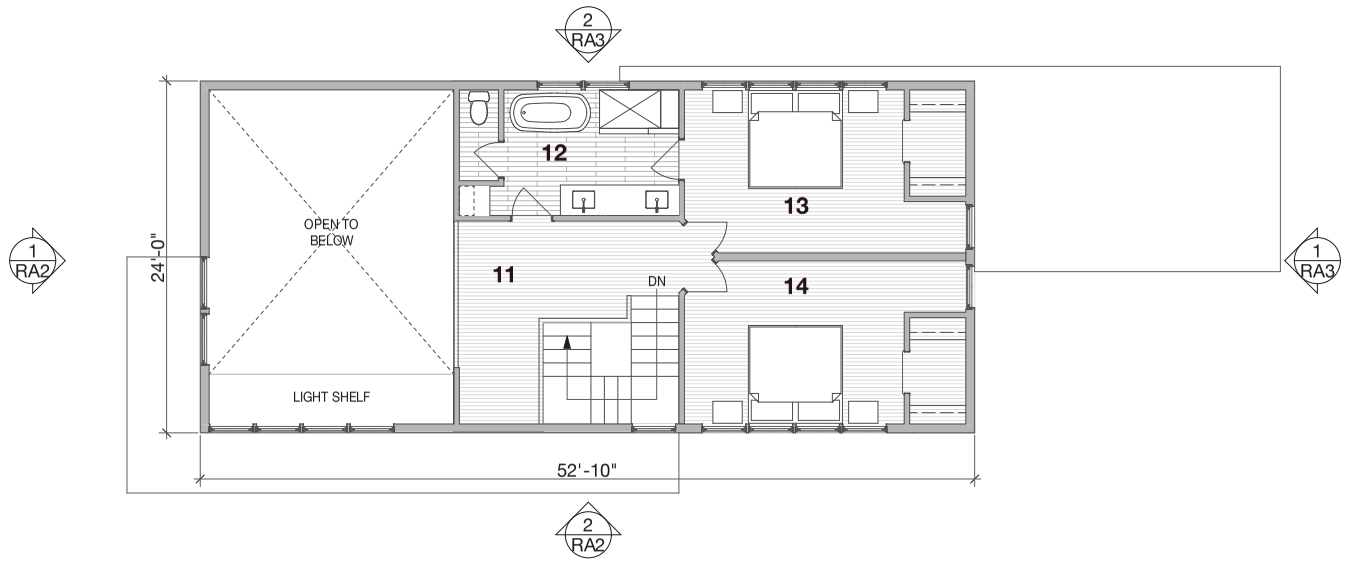
CLUSTER DEVELOPMENT

3/31/21

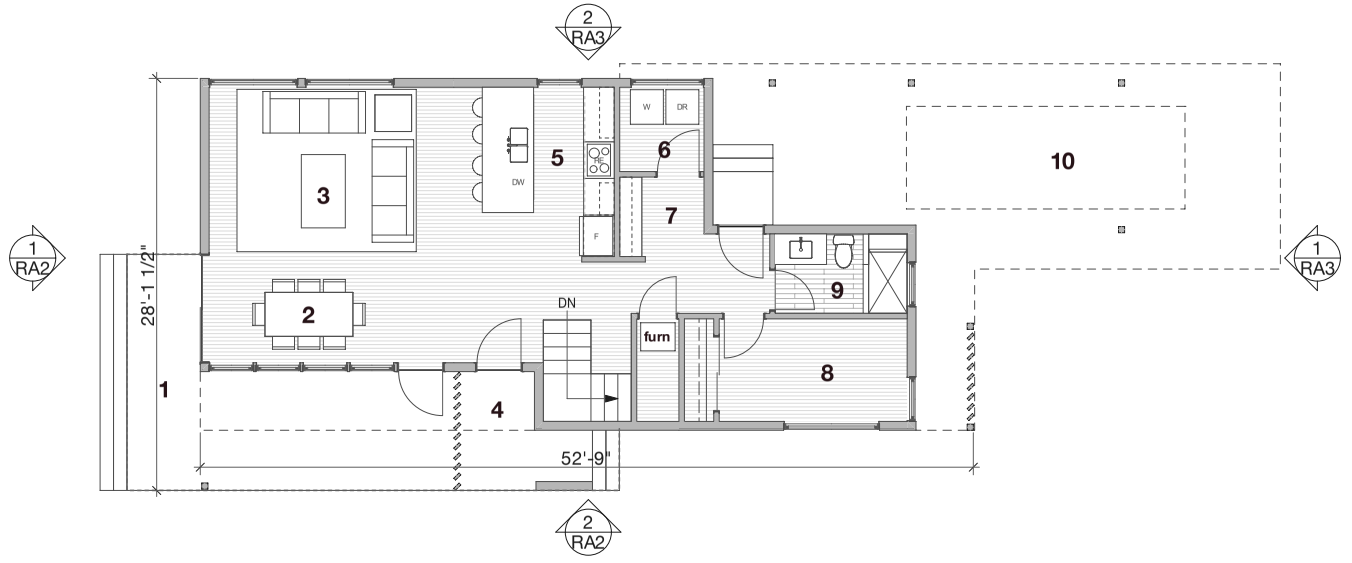
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FLOOR PLAN LEGEND 1,695 S.F.

1	PORCH
2	DINING
3	LIVING
4	ENTRY
5	KITCHEN
6	LAUNDRY
7	MUDROOM
8	FLEX ROOM
9	POWDER
10	SINGLE CAR CARPORT
11	LOFT
12	SHARED BATHROOM
13	BEDROOM #1
14	BEDROOM #2



2 UPPER LEVEL



1 MAIN LEVEL

OLD WIRE CLUSTER DEVELOPMENT

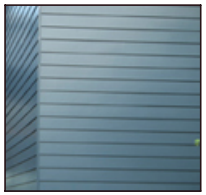
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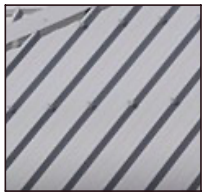
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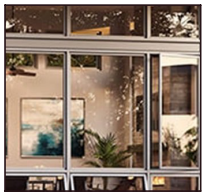
RA1

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HORIZ. SIDING (CEDAR)


LAP SIDING (BLUE)

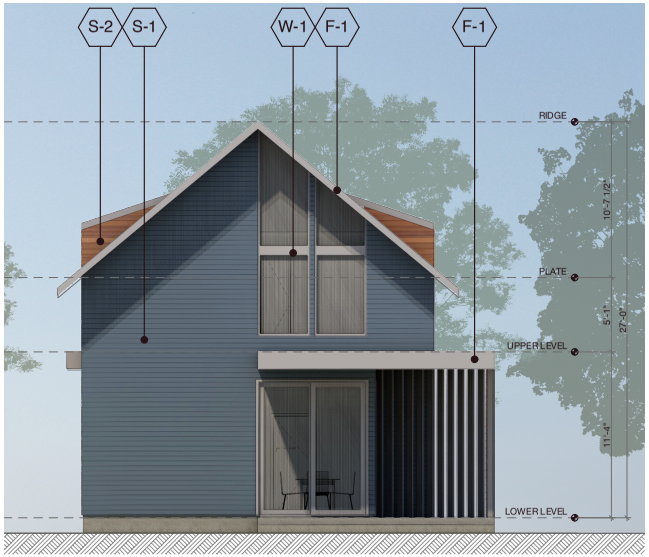

METAL ROOF (GREY)


WINDOWS & DOORS (GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / ALUMINUM
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
S-1	HORIZONTAL	T.B.D.	LAP SIDING / COBALT BLUE
S-2	HORIZONTAL	T.B.D.	LAP SIDING / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / ALUMINUM



2 SOUTH ELEVATION



1 FRONT ELEVATION

RA2

OLD WIRE CLUSTER DEVELOPMENT

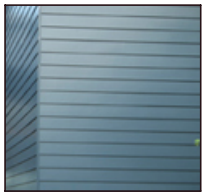
ELEVATIONS

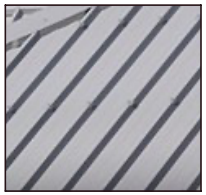
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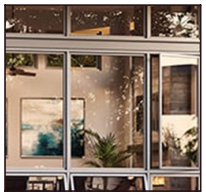
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CUP-2023-0048 (BIKE PATH COTTAGES)
Planning Commission
May 22, 2023
Page 191 of 418
Page 19 of 37


HORIZ. SIDING (CEDAR)


LAP SIDING (BLUE)

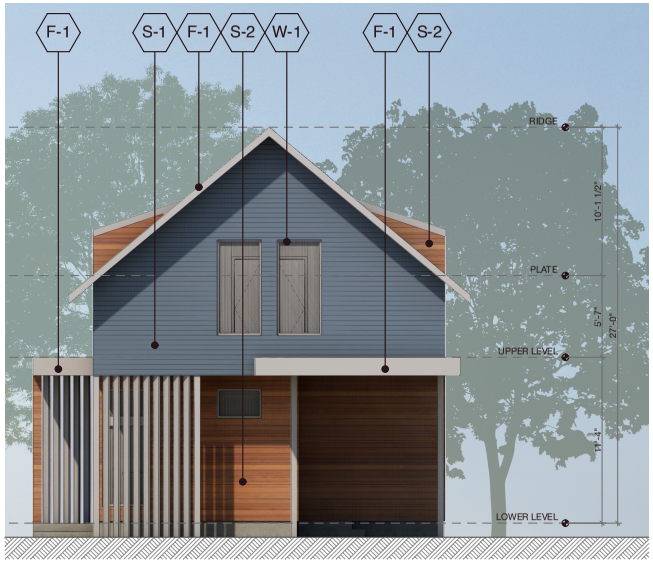

METAL ROOF (GREY)


WINDOWS & DOORS (GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / ALUMINUM
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
S-1	HORIZONTAL	T.B.D.	LAP SIDING / COBALT BLUE
S-2	HORIZONTAL	T.B.D.	LAP SIDING / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / ALUMINUM



2 NORTH ELEVATION



1 REAR ELEVATION

RA3

OLD WIRE CLUSTER DEVELOPMENT

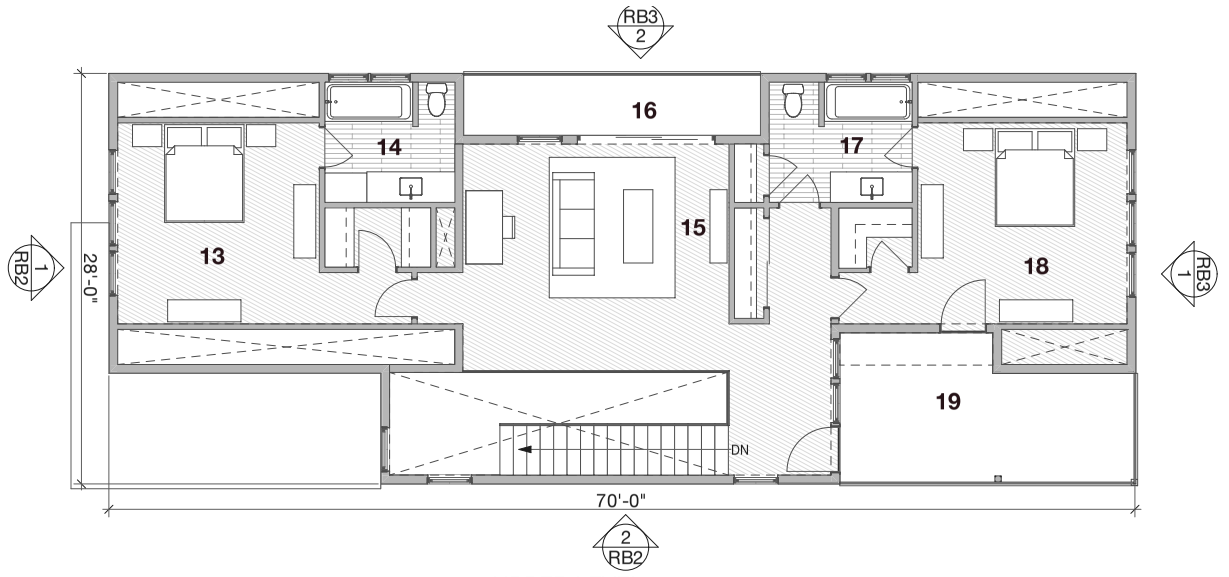
ELEVATIONS

3/30/21

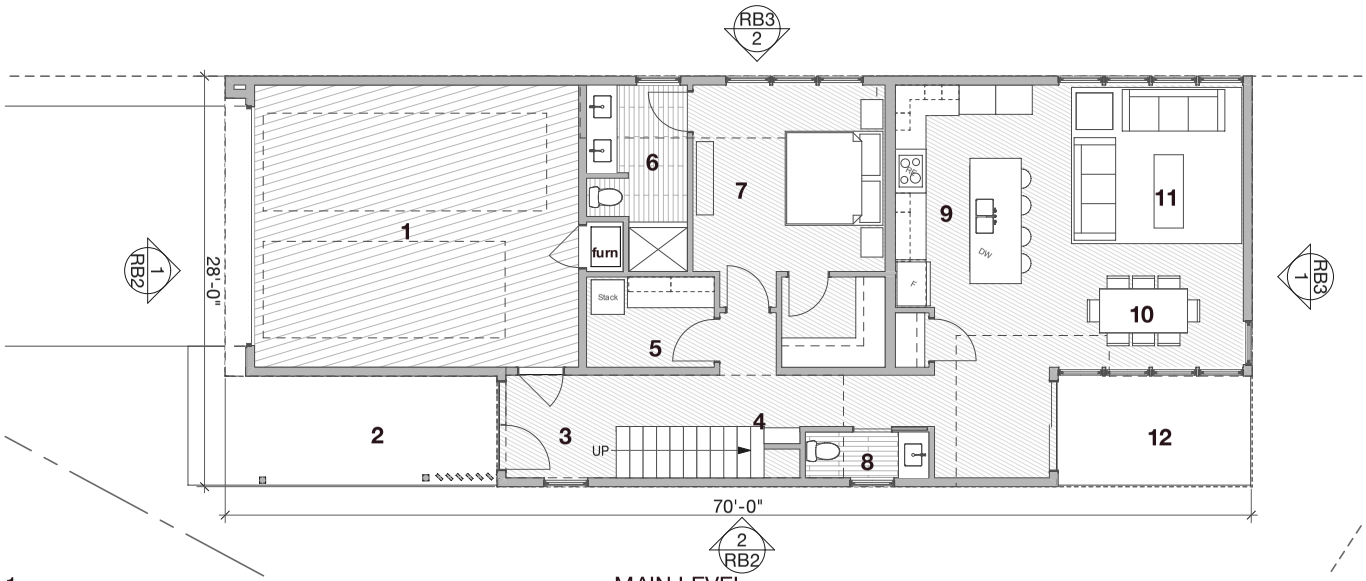
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FLOOR PLAN LEGEND 2,410 S.F.

1 TWO CAR GARAGE
2 PORCH
3 ENTRY
4 MUDROOM
5 LAUNDRY
6 EN-SUITE BATHROOM
7 BEDROOM #1
8 POWDER
9 KITCHEN
10 DINING
11 LIVING
12 PATIO
13 BEDROOM #2
14 EN-SUITE BATHROOM
15 BONUS
16 BALCONY
17 BEDROOM #3
18 EN-SUITE BATHROOM
19 BALCONY



2 UPPER LEVEL



1 MAIN LEVEL

N

N

RB1

OLD WIRE CLUSTER DEVELOPMENT

CLUSTER RESIDENCE (2410)

3/30/21

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VERTICAL SIDING (BLACK)



SHAKE WALL (CEDAR)



GARGE DOOR (WOOD)



WINDOWS & DOORS (BLACK)



METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE

ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	VERTICAL	T.B.D.	STANDING SEAM // BLACK
S-2	SHAKE	T.B.D.	CONTEMPORARY / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK

CUP-2023-0048 (BIKE PATH COTTAGES)
Planning Commission May 22, 2023 Page 193 of 418
Page 21 of 37



2 SOUTH ELEVATION



1 FRONT ELEVATION

RB2

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

3/30/21

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VERTICAL SIDING (BLACK)



SHAKE WALL (CEDAR)



GARAGE DOOR (WOOD)



WINDOWS & DOORS (BLACK)



METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE

ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GRE
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GRE
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	VERTICAL	T.B.D.	STANDING SEAM // BLACK
S-2	SHAKE	T.B.D.	CONTEMPORARY / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



2 NORTH ELEVATION



1 REAR ELEVATION

RB3

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

3/30/21

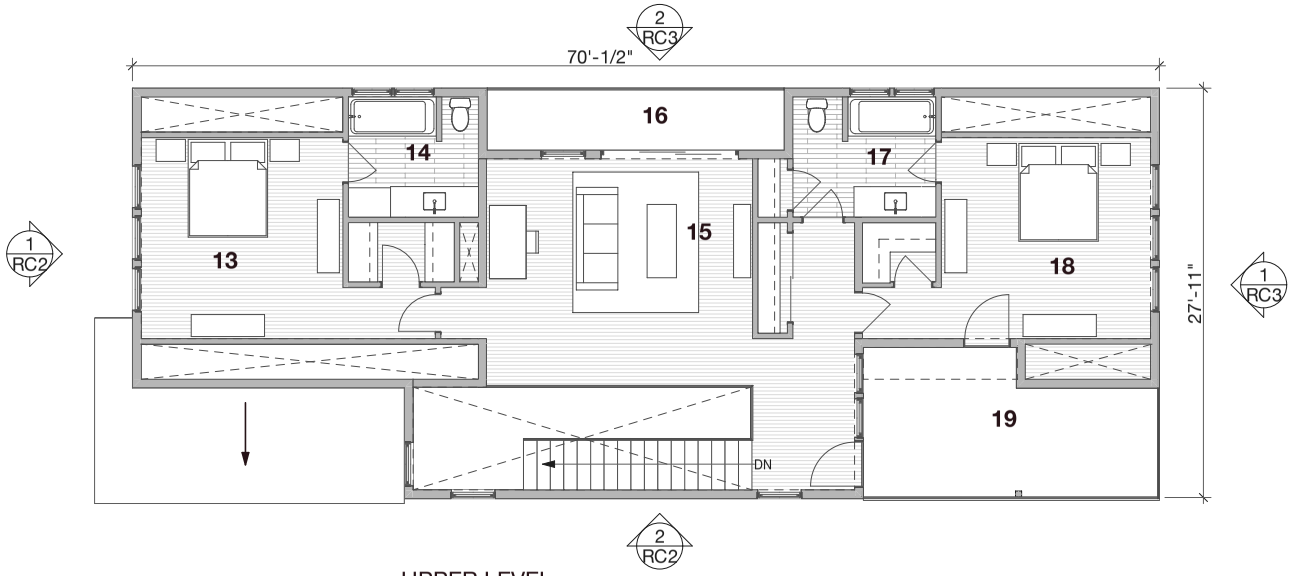
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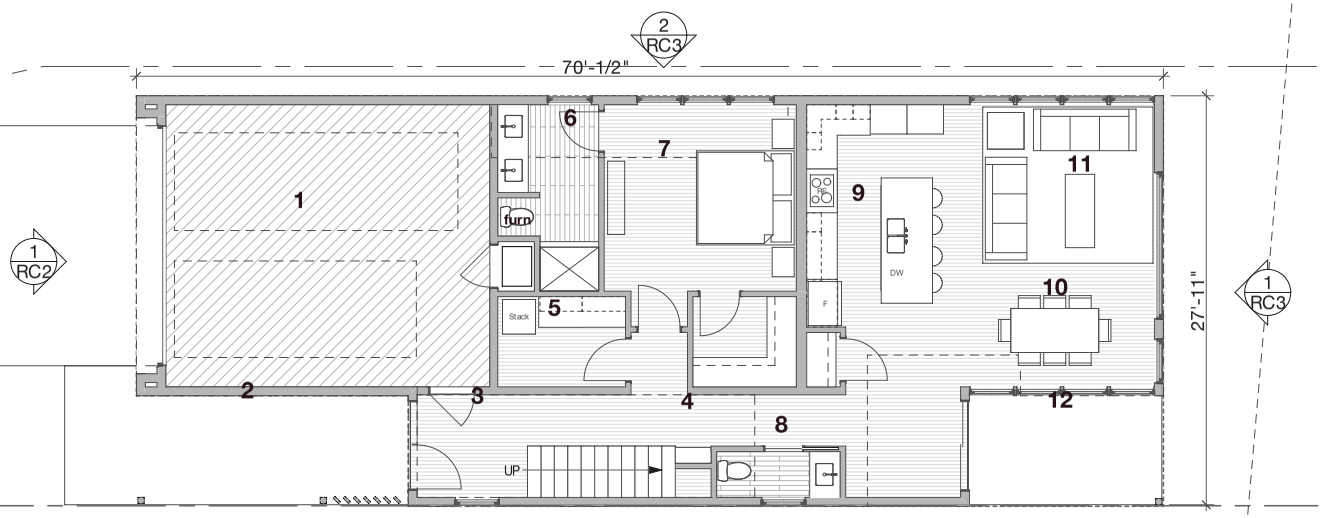
CUP-2023-0048 (BIKE PATH COTTAGES) Page 194 of 418
Planning Commission May 22, 2023 Page 22 of 37

FLOOR PLAN LEGEND 2,410 S.F.

1 TWO CAR GARAGE
2 PORCH
3 ENTRY
4 MUDROOM
5 LAUNDRY
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13 BEDROOM #2
14 EN-SUITE BATHROOM
15 BONUS
16 BALCONY
17 BEDROOM #3
18 EN-SUITE BATHROOM
19 BALCONY



2 UPPER LEVEL



1 MAIN LEVEL

N

N

RC1

OLD WIRE CLUSTER DEVELOPMENT

CLUSTER RESIDENCE (2410)

3/30/21

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BOARD & BATTEN (CHARCOAL)



HORIZ. SIDING (CEDAR)



GARGE DOOR (WOOD)



WINDOWS & DOORS (BLACK)



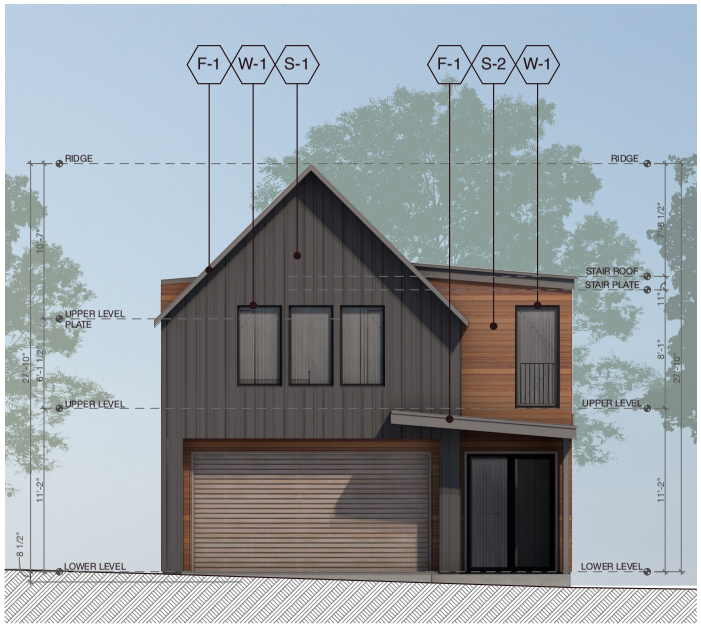
METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE

ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GRY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GRY
R-2	RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	VERTICAL	T.B.D.	BOARD AND BATTEN / CHARCOAL GRE
S-2	HORIZONTAL	T.B.D.	LAP SIDING / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



2 SOUTH ELEVATION



1 FRONT ELEVATION

RC2

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

3/30/21

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CUP-2023-0048 (BIKE PATH COTTAGES) Page 196 of 418
Planning Commission May 22, 2023 Page 24 of 37



BOARD & BATTEN (CHARCOAL)



HORIZ. SIDING (CEDAR)



GARGE DOOR (WOOD)



WINDOWS & DOORS (BLACK)

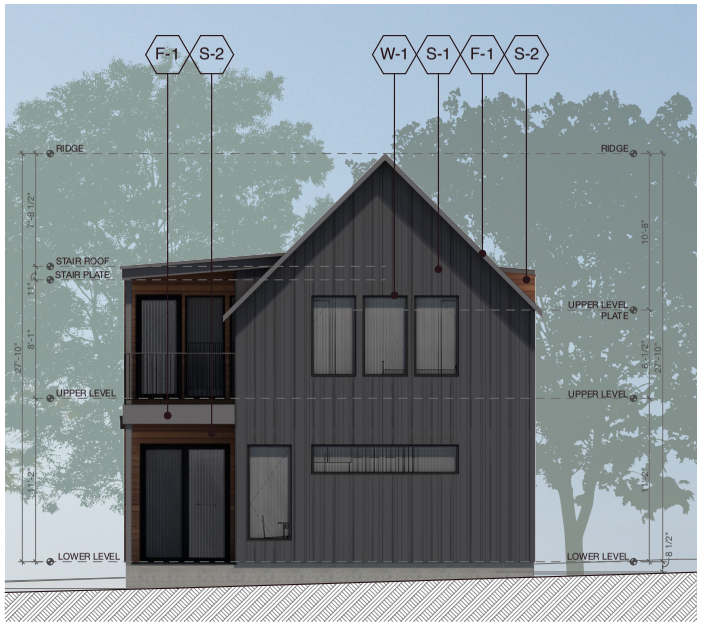


METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
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F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	VERTICAL	T.B.D.	BOARD AND BATTEN / CHARCOAL GREY
S-2	HORIZONTAL	T.B.D.	LAP SIDING / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



2 NORTH ELEVATION



1 REAR ELEVATION

RC3

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

3/30/21

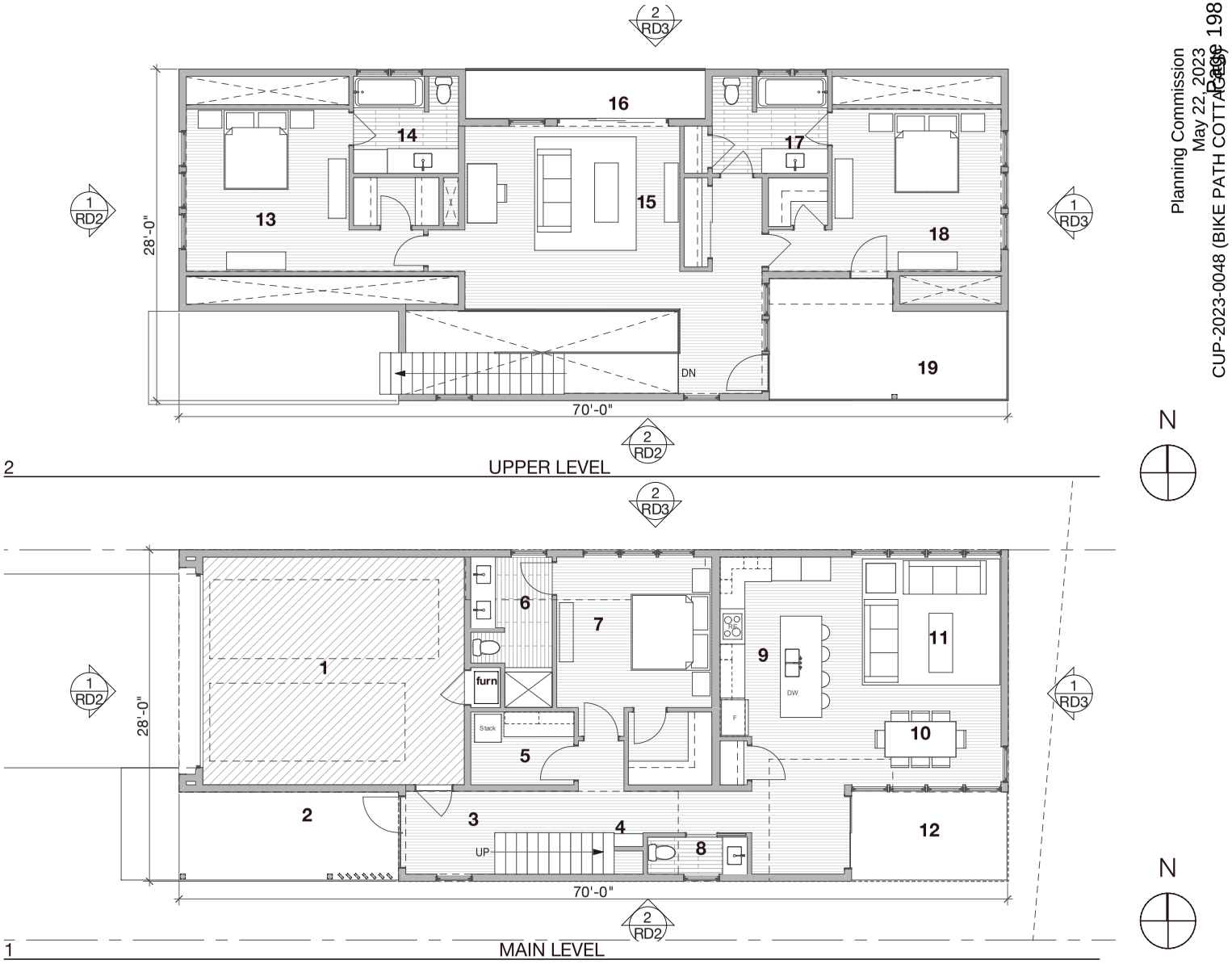
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Planning Commission May 22, 2023 Page 197 of 418
Page 25 of 37

FLOOR PLAN LEGEND 2,410 S.F.

1 TWO CAR GARAGE
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16 BALCONY
17 BEDROOM #3
18 EN-SUITE BATHROOM
19 BALCONY



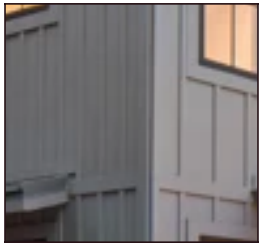
OLD WIRE CLUSTER DEVELOPMENT

CLUSTER RESIDENCE (2410)

3/30/21

RD1

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BOARD AND BATTEN (GREY)



WALL SHAKES (CEDAR)



GARAGE DOOR (WOOD)



WINDOWS AND DOOR (BLACK)

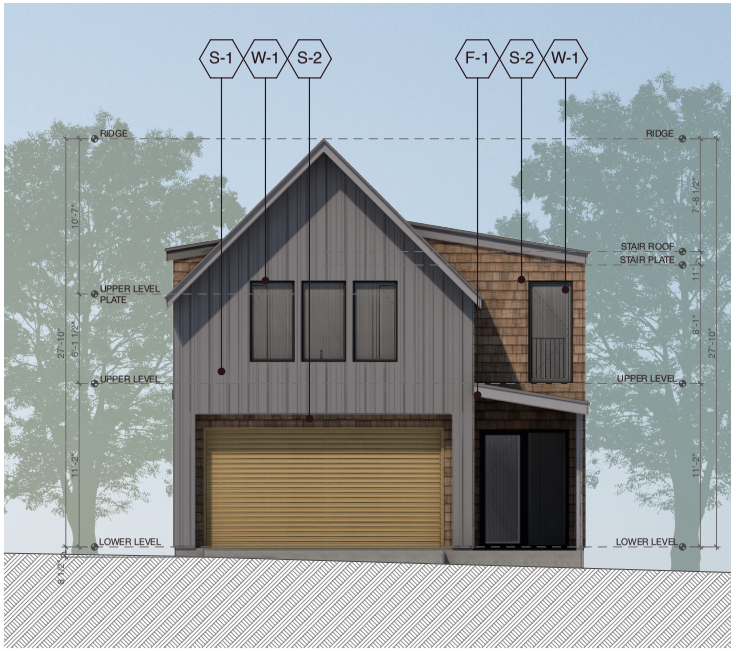


METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOOR	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	VERTICAL	T.B.D.	BOARD AND BATTEN / GREY
S-2	SHAKE	T.B.D.	CONTEMPORARY / CEDAR (STAIN)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK)



2 SOUTH ELEVATION



1 FRONT ELEVATION

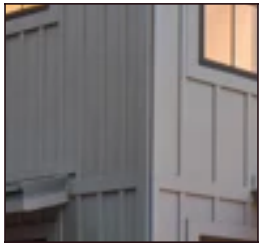
RD2

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

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BOARD AND BATTEN (GREY)



WALL SHAKES (CEDAR)



GARAGE DOOR (WOOD)



WINDOWS AND DOOR (BLACK)



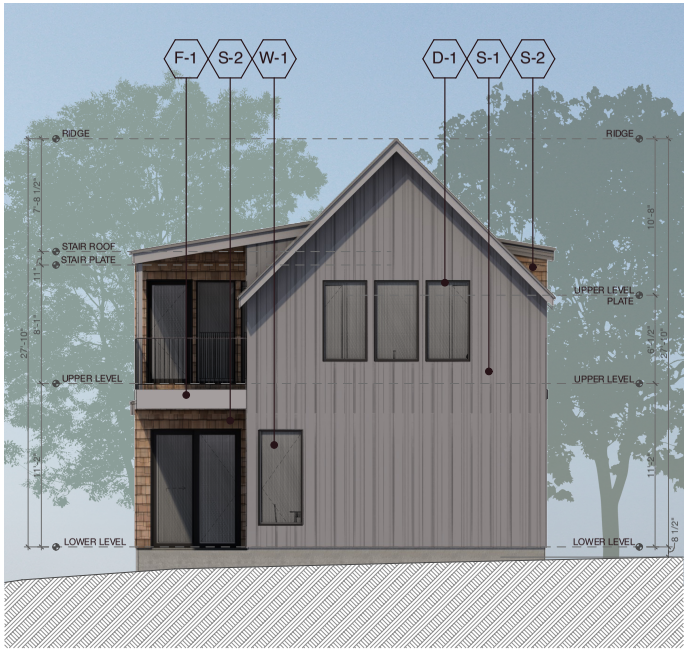
METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE

ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOOR	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	VERTICAL	T.B.D.	BOARD AND BATTEN / GREY
S-2	SHAKE	T.B.D.	CONTEMPORARY / CEDAR (STAIN)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK)



2 NORTH ELEVATION



1 REAR ELEVATION

RD3

OLD WIRE CLUSTER DEVELOPMENT

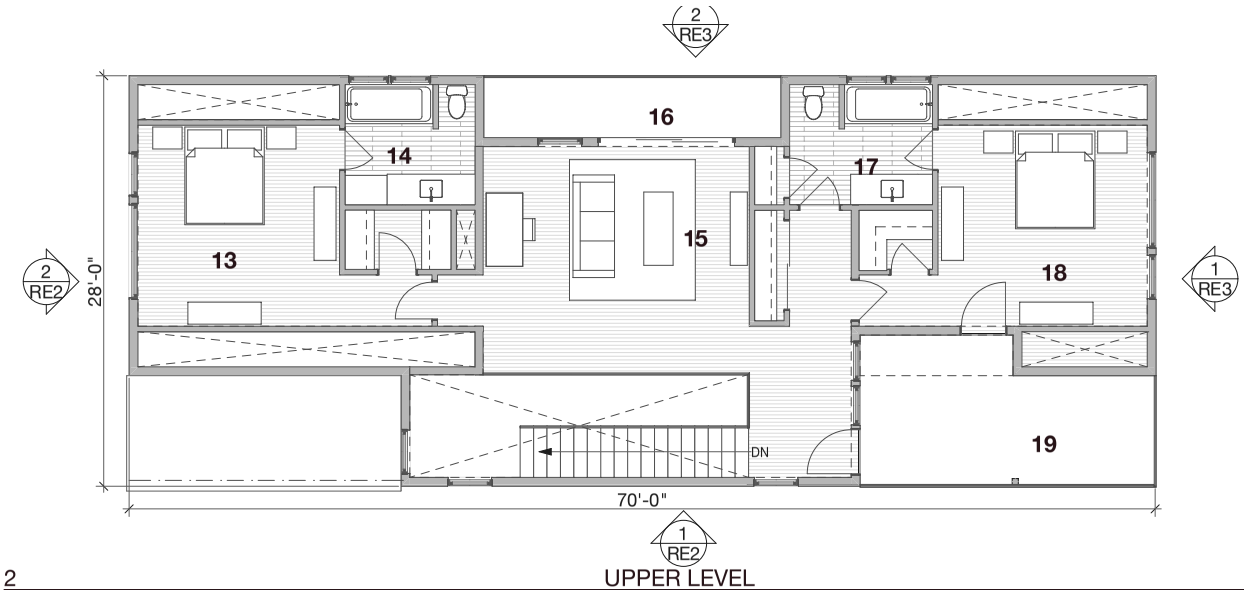
ELEVATIONS

3/30/21

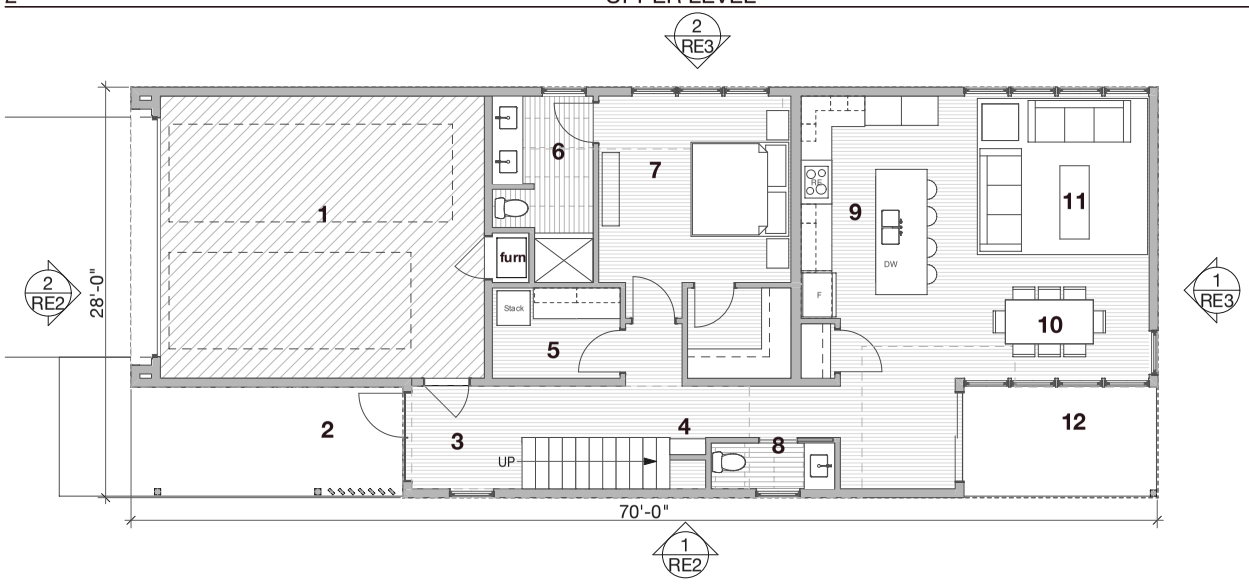
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FLOOR PLAN LEGEND 2,410 S.F.

1 TWO CAR GARAGE
2 PORCH
3 ENTRY
4 MUDROOM
5 LAUNDRY
6 EN-SUITE BATHROOM
7 BEDROOM #1
8 POWDER
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11 LIVING
12 PATIO
13 BEDROOM #2
14 EN-SUITE BATHROOM
15 BONUS
16 BALCONY
17 BEDROOM #3
18 EN-SUITE BATHROOM
19 BALCONY



2 UPPER LEVEL



1 MAIN LEVEL

N

N

RE1

OLD WIRE CLUSTER DEVELOPMENT

CLUSTER RESIDENCE (2410)

3/30/21

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LAP SIDING (LIGHT GREY)



HORIZ. SIDING (CEDAR)



GARAGE DOOR (WOOD)



WINDOWS AND DOORS (BLACK)



METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	HORIZONTAL	T.B.D.	LAP SIDING / LIGHT GREY
S-2	HORIZONTAL	T.B.D.	LAPP SIDING / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



1 SOUTH ELEVATION



2 FRONT ELEVATION

RE2

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

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LAP SIDING (LIGHT GREY)



HORIZ. SIDING (CEDAR)



GARAGE DOOR (WOOD)



WINDOWS AND DOORS (BLACK)

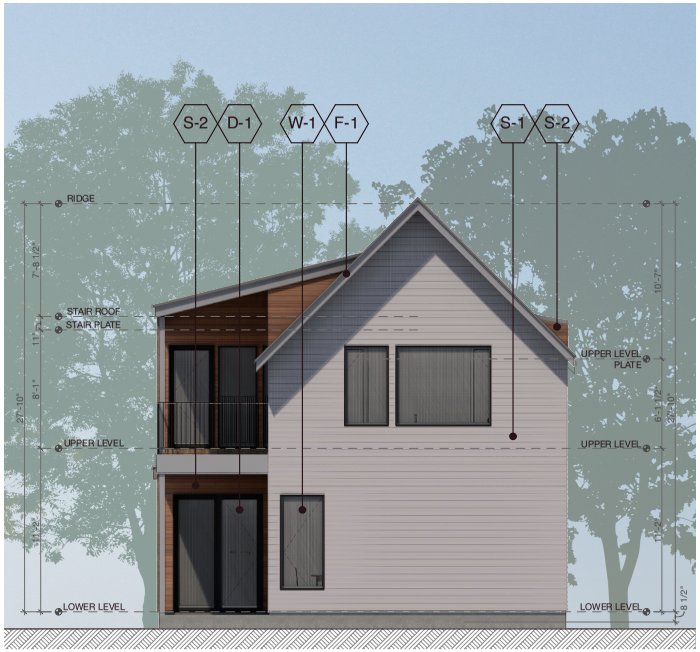


METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	HORIZONTAL	T.B.D.	LAP SIDING / LIGHT GREY
S-2	HORIZONTAL	T.B.D.	LAPP SIDING / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



2 NORTH ELEVATION



1 REAR ELEVATION

RE3

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

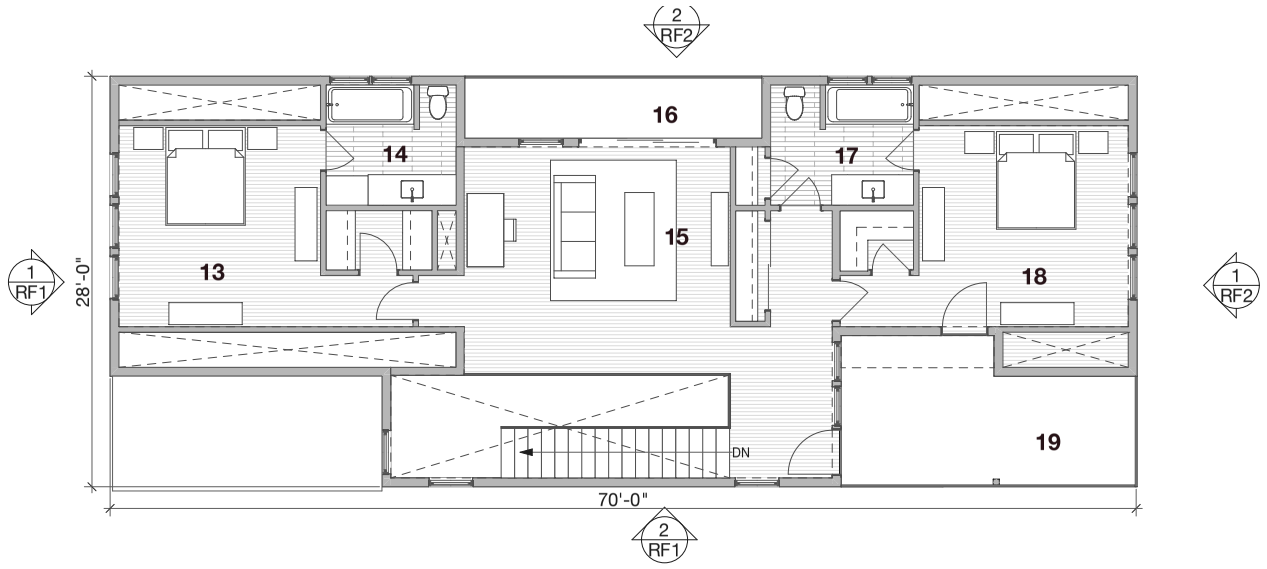
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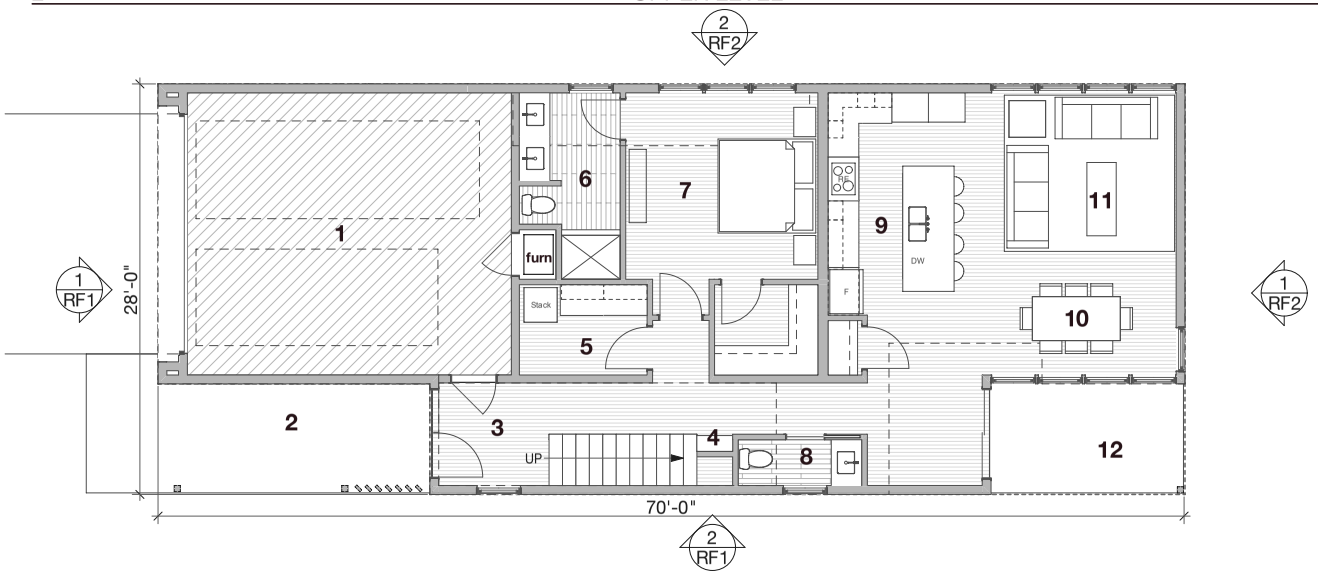
CUP-2023-0048 (BIKE PATH COTTAGES)
Planning Commission
May 22, 2023
Page 203 of 418
Page 31 of 37

FLOOR PLAN LEGEND 2,410 S.F.

1 TWO CAR GARAGE
2 PORCH
3 ENTRY
4 MUDROOM
5 LAUNDRY
6 EN-SUITE BATHROOM
7 BEDROOM #1
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13 BEDROOM #2
14 EN-SUITE BATHROOM
15 BONUS
16 BALCONY
17 BEDROOM #3
18 EN-SUITE BATHROOM
19 BALCONY



2 UPPER LEVEL



1 MAIN LEVEL

RF1

OLD WIRE CLUSTER DEVELOPMENT

CLUSTER RESIDENCE (2410)

3/30/21

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LAP SIDING (WHITE)



SHAKE WALL (CEDAR)



GARAGE DOOR (WOOD)



DOOR & WINDOW (BLACK)

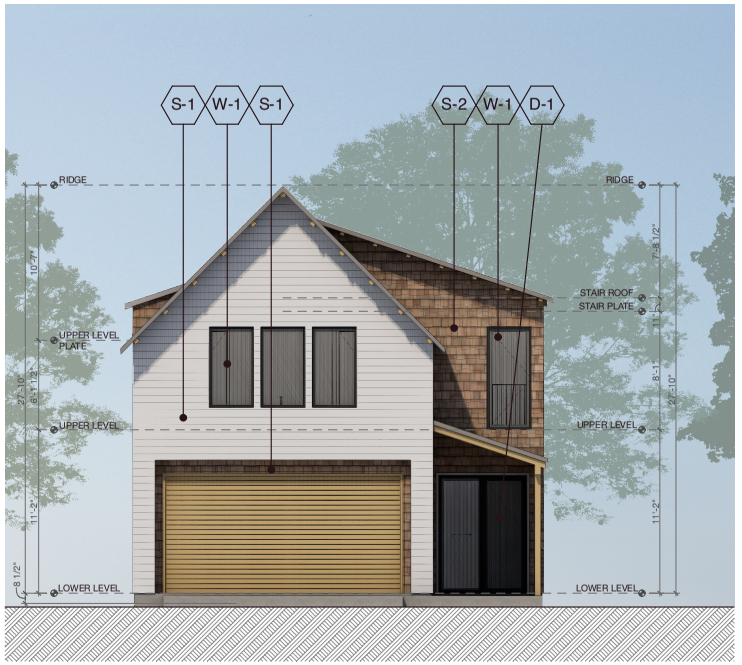


METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	HORIZONTAL	T.B.D.	LAP SIDING / WHITE
S-2	SHAKE	T.B.D.	CONTEMPORARY / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



2 SOUTH ELEVATION



1 FRONT ELEVATION

RF1

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

3/30/21

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CUP-2023-0048 (BIKE PATH COTTAGES)
Planning Commission May 22, 2023
Page 205 of 418
Page 33 of 37



LAP SIDING (WHITE)



SHAKE WALL (CEDAR)



GARAGE DOOR (WOOD)



DOOR & WINDOW (BLACK)



METAL ROOF (DARK GREY)

EXTERIOR FINISH SCHEDULE			
ID	DESCRIPTION	MANUF.	STYLE/COLOR
D-1	EXTERIOR DOORS	T.B.D.	CONTEMPORARY / BLACK
D-2	GARAGE DOOR	T.B.D.	CONTEMPORARY / STAIN WOOD (MATCH)
F-1	FASCIA	T.B.D.	CONTEMPORARY / DARK GREY
R-1	METAL ROOF	T.B.D.	STANDING SEAM / DARK GREY
R-2	EXTERIOR RAILING	T.B.D.	CONTEMPORARY / BLACK
S-1	HORIZONTAL	T.B.D.	LAP SIDING / WHITE
S-2	SHAKE	T.B.D.	CONTEMPORARY / CEDAR (STAINED)
W-1	WINDOWS	T.B.D.	CONTEMPORARY / BLACK



2 NORTH ELEVATION



1 REAR ELEVATION

RF2

OLD WIRE CLUSTER DEVELOPMENT

ELEVATIONS

3/30/21

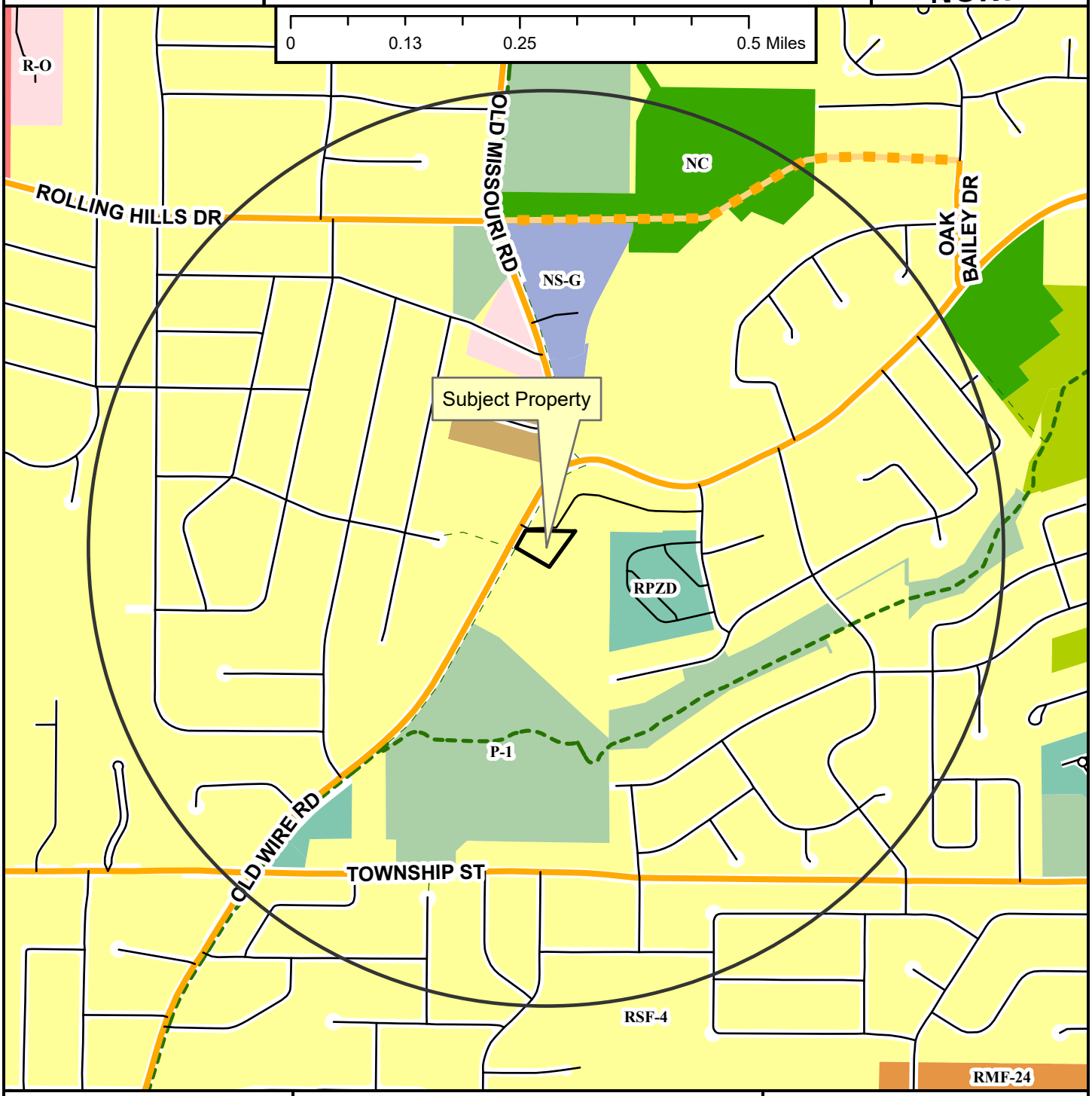
ELONG ARCHITECTURE + PLANNING
ERIC ANTHONY LONG
211 N. BLOCK AVE.
FAYETTEVILLE , AR 72701
415.272.8609
ELONG@SPROUT717.COM
www.elongarch.com

CUP-2023-0048

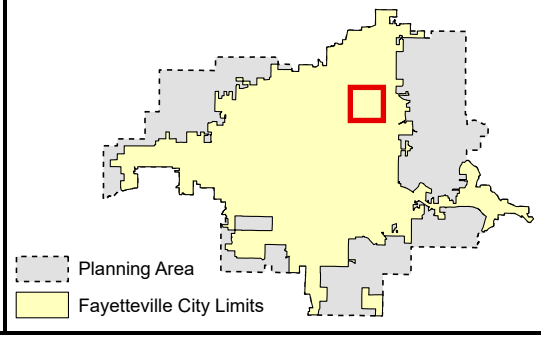
One Mile View

2650 N. OLD WIRE RD

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Neighborhood 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

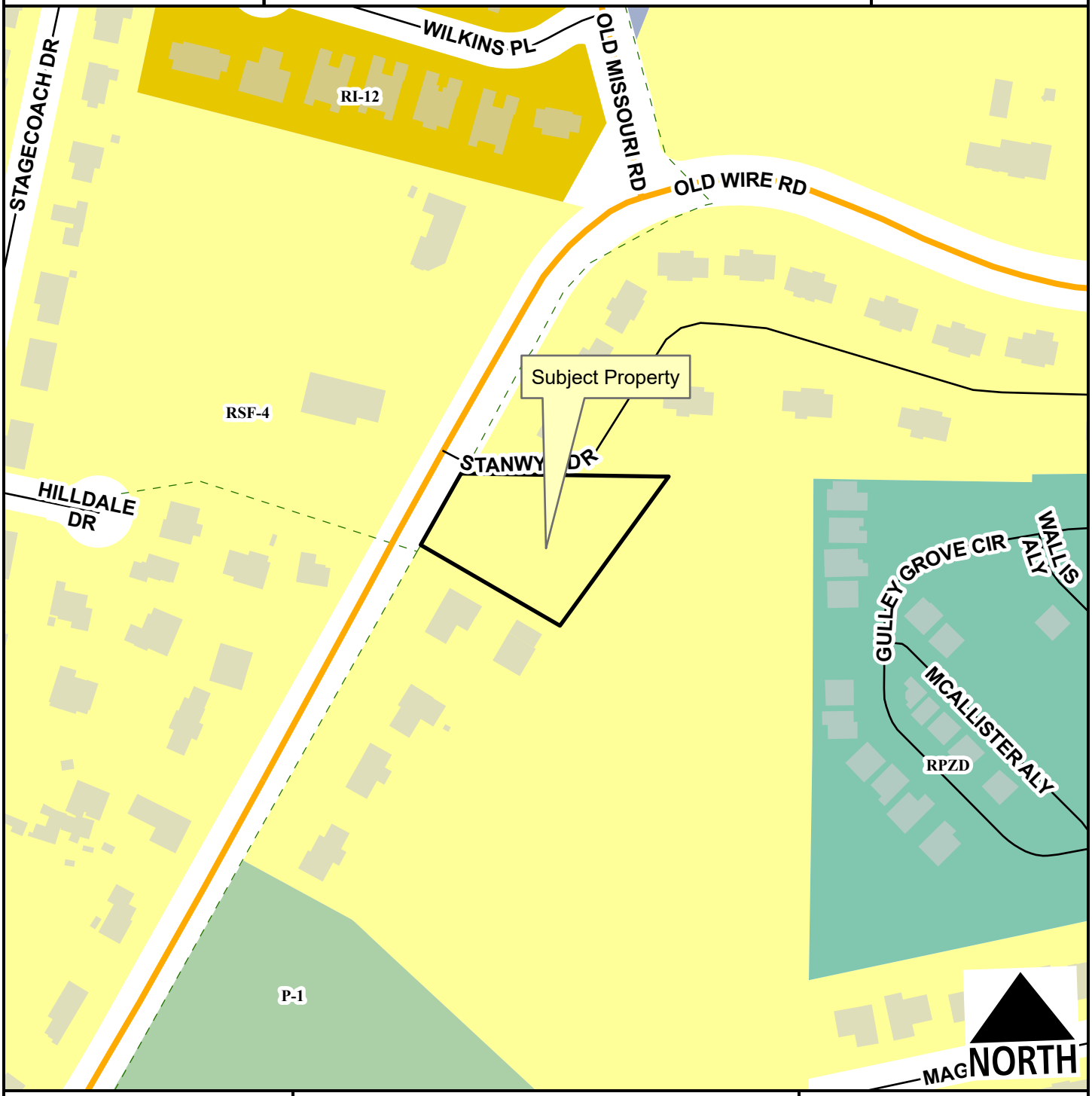
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0048

Close Up View

2650 N. OLD WIRE RD



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

Feet

0 75 150 300 450 600

1:2,400

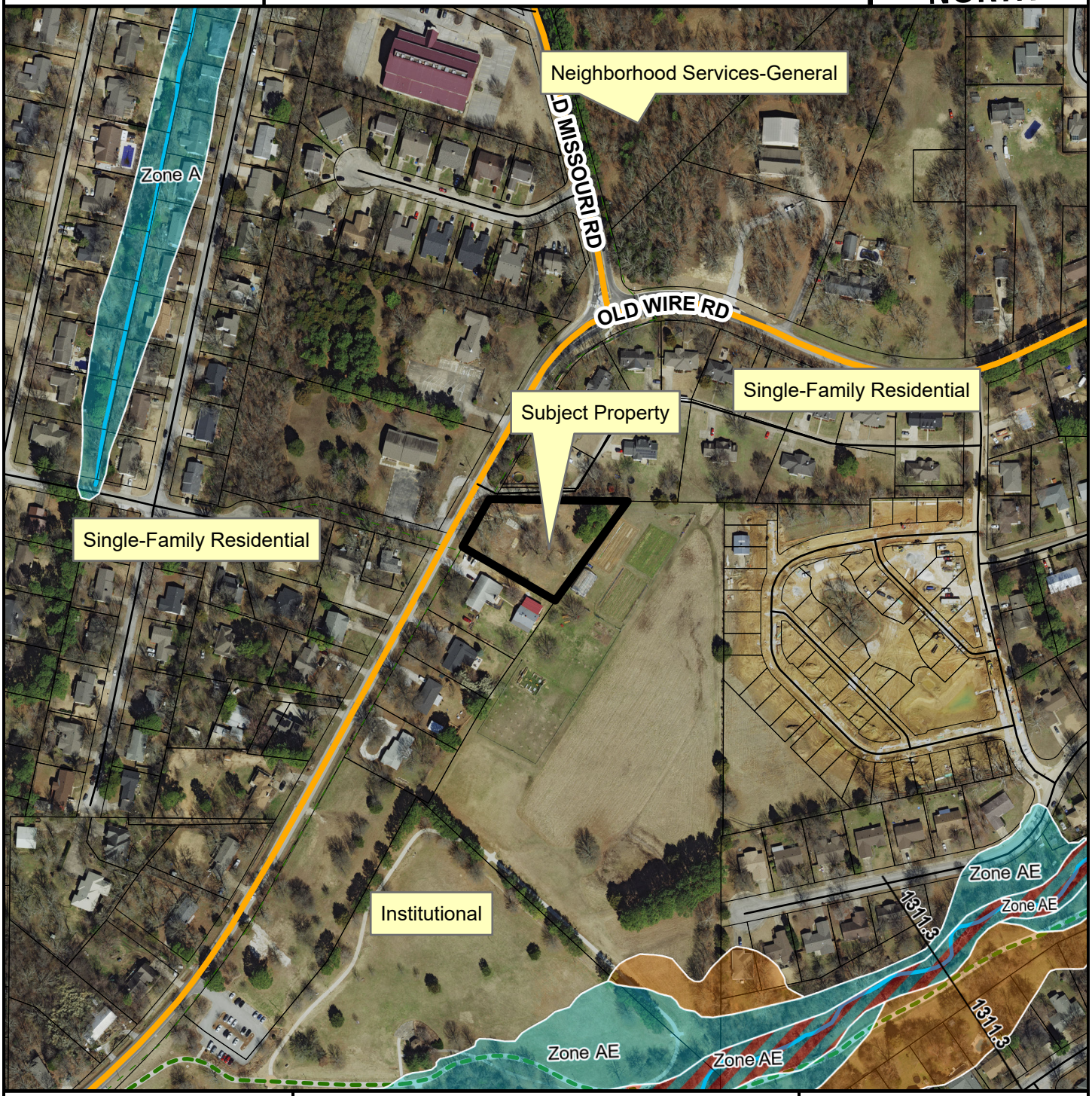
RSF-4
RI-12
Neighborhood Services - Gen.
Commercial, Industrial, Residential
P-1

CUP-2023-0048

Current Land Use

2650 N. OLD WIRE RD

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: May 22, 2023

SUBJECT: **ADM-2023-0015: Administrative Item (1299 W. VAN ASCHE DR./JJ'S SPORTS COMPLEX, 210):** Submitted by JORGENSEN & ASSOCIATES for property located at 1299 W. VAN ASCHE DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 11.88 acres. The request is to amend a previously approved conditional use permit.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0015**.

RECOMMENDED MOTION:
"I move to approve **ADM-2023-0015***, determining:*

- *In favor of the request to modify CUP-2022-0133, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville on the south side of Van Asche Drive just east of the I-49 overpass. The property is currently zoned R-A, Residential-Agricultural, and developed with two single-family dwellings and associated outbuildings. Hydric soils are present on site, which are known indicators of wetlands, and much of the property lies within the City's I-540 Overlay District. A conditional use permit for a youth sports complex containing five structures was previously approved by the Planning Commission on January 23, 2023 (CUP-2022-0133). Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Institutional (under development); Industrial	C-2, Thoroughfare Commercial; LI, Light Industrial (City of Johnson)
South	I-49 (ARDOT Right-of-Way)	N/A
East	Agricultural	C-2, Thoroughfare Commercial
West	I-49 (ARDOT Right-of-Way)	N/A

Request: The applicant requests approval to amend their conditional use permit (CUP-2022-0133) to expand their project area. Where it originally included multiple parcels totaling about 3.90 acres, the applicant is now asking for permission to add two additional parcels, containing roughly eight acres, which would increase the total project area to about 11.88 acres. Modifications to the layout of the site and to the size and number of proposed buildings are also proposed with the requested modification.

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

DISCUSSION:
Staff supports the applicant's request to amend their conditional use permit. The applicant proposes to add an additional eight acres of land to their project area which would allow them to expand the facilities for the proposed youth sports complex and alter the layout of the site. Staff finds that expanding the proposed use would be compatible considering the property would still be buffered to the west by I-49 and adjacent to land that is undeveloped to the east. The development of a new charter school to the north also indicates a certain level of compatibility for the proposed youth sports complex. While the original layout of the site included driveways and parking areas in close proximity to existing residences, the inclusion of the properties to the east would allow the site to be redesigned in a way that reduces impacts on those existing residences since most development would be shifted to the east. Compliance with development requirements, including drainage, tree preservation, and fire apparatus access, will still need to be fully reviewed for at the time of development review.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0015** subject to the following conditions:

Conditions of Approval:

1. This conditional use permit is limited to the use as described in the applicant's updated request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:

    - Size of the business:
        - *3 baseball training facilities (9,900 sq. ft. each)*
        - *1 basketball training facility (23,805 sq. ft.)*
        - *1 ninja park facility (9,900 sq. ft.)*
        - *1 golf training facility (16,500 sq.ft.)*
        - *1 flex space (4,000 sq.ft.)*
    - Hours of operation: 5:00 AM – 9:00 PM; seven days per week
    - Parking: 1 per 4 occupants (Recreational Uses)

2. All other conditions of the associated conditional use permit (CUP-2022-0133) not affected by this modification shall remain in effect.

PLANNING COMMISSION ACTION: Required YES

Date: May 22, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- CUP-2022-0133 Conditions of Approval
- CUP-2022-0133 Site Exhibit
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

CUP-2022-0133 Conditions of Approval

1. **Planning Commission determination of compatibility.** *Staff recommends that the proposed use is compatible with surrounding properties for the reasons outlined in this report (Planning Commission determined the use to be compatible);*

~~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:~~

- ~~Size of the business:~~
  - ~~*3 baseball training facilities (9,900 sq. ft., 9,900 sq. ft., and 4000 sq. ft.)*~~
  - ~~*1 basketball training facility (15,400 sq. ft.)*~~
  - ~~*1 ninja park facility (9,900 sq. ft.)*~~
  - ~~Hours of operation: 5:00 AM – 9:00 PM; seven days per week~~
  - ~~Parking: 1 per 4 occupants (Recreational Uses)~~

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. Structures and overall development shall be subject to Commercial, Office, Mixed-Use Design and Development standards;

5. Access management standards shall be met per UDC 166.08; non-conforming access features shall be brought into compliance with ordinance with the development of new primary structures on the property;

6. Dumpsters shall be screened so that they are not visible from the public right-of-way; and

7. Any future expansion or change in the use shall require Planning Commission approval.

LEGEND
CALCULATED POINT
FOUND IRON PIN
SET IRON PIN & CAP
CENTERLINE MARKER
SEWER MANHOLE
POWER POLE
EXISTING 8" SEWER LINE
EX SS-8
PROPOSED 8" SEWER LINE
SS-8
BUILDING SETBACK
UTILITY EASEMENT
CENTERLINE STREET
EXISTING WATERLINE
EX WL-8
PROPOSED 8" WATER LINE
WL-8
JORGENSEN +ASSOCIATES
Civil Engineering + Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985
CERTIFICATE OF AUTHORIZATION
ARKANSAS - ENGINEER
JORGENSEN & ASSOCIATES
No. 722
STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13843
BLAKE B. JORGENSEN
PROJECT TITLE: JJ'S YOUTH SPORTS COMPLEX
LOCATION: 1299 W VAN ASCHE
SHEET TITLE: CONCEPT PLAT
DRAWN BY: BEJ
SHEET SCALE: 1"=60'
DATE: 12.13.22
PROJECT FILE: Z:\LSD\2022\91 - JJ's Sports Park\dwg\JJs Sports Park.dwg
SHEET # 1
N
W
E
S
VAN ASCHE
R/W
PL
EX HOME TO REMAIN
EX HOME TO REMAIN
EX BARN TO REMAIN
EX BARN TO REMAIN
nija park
99'
100'
110' x 140' BASKETBALL BUILDING
110'
140'
100' x 99' BASEBALL BUILDING
99'
100'
100' x 99' BASEBALL BUILDING
99'
100'
80'X50' BASEBALL BUILDING
50'
W.E.
1214.1
I-49

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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

April 19, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: ADM CUP 2022-0133

Please accept this request for an Administrative adjustment to the previously approved CUP 2022-0133. The goal is to expand the CUP to the two eastern parcels of land for the same purposes. The current zoning of the new properties is RA.

JJ's Sports Complex- Overview

JJ's Sports Complex is a brand new multi-sport training complex for athletes of all ages. The first of its kind in Northwest Arkansas, JJ's Sports Complex will host state of the art facilities for baseball and basketball. JJ's Sports Complex seeks to become Northwest Arkansas's hub for competitive sports training for athletes of all ages.

Project Details

a. Building Size
   1. 110'x150' - 16,500 sq ft – Golf
   2. 115'207' – 23,805 sq ft – Basketball
   3. 100' x 99'- 9,900 sq ft – Ninja Course
   4. 100 x 99'- 9,900 sq ft – Baseball
   5. 100 x 99'- 9,900 sq ft – Baseball
   6. 100 x 99'- 9,900 sq ft – Baseball
   7. 50' x 80' – 4,000 sq ft – Flex Space

b. Color Elevations
   1. General Steel buildings
   2. Renderings forth coming

c. Parking Spaces
   1. Per city of Fayetteville Codes unless otherwise noted

d. Business Operations
   1. Hours of Operation: 11:00 a.m. - 9:00 p.m.; 7 days/ week
   2. Number of Employees: 25
   3. Estimated Number of Patrons per day: 150 average; peak- 80

e. Outdoor Lighting
   1. Lighting to meet City of Fayetteville codes

f. Noise
   1. Indoor facilities to limit noise
   2. No neighboring residents

g. Screening/Buffering of Adjacent Properties
   1. North- Van Asche

2. South- Unoccupied wooded lot
3. East- Unoccupied wooded lot
4. West- I-49
5. The property is bordered by I-49 to the West and Van Asche Drive to the North. The East and South are unoccupied wooded lots. There are no concerns as to disturbing neighbors.

h. Trash and Refuse Service
   1. Dumpster Location? (Needs 40' clear)

i. Ingress and Egress
   1. Van Asche Dr.- 4 lane high capacity connector
   2. Vehicles may come in and out from either direction (no median)
   3. Anticipated dedicated left and right turn out lanes
   4. Parking lot- paved

j. Compatibility of Use
   1. Unit 4- Culture/ Recreational Facilities- The proposed use is a conditional use of the Residential Agricultural (RA) zoned property. The use may best be described as athletic facilities/training. The primary demographic will be children ages 9-14.
   2. Neighborhood- There are currently no immediate neighbors of the property. However, the LISA Academy is currently being constructed to the North of the property, just across Van Asche Dr. This project compliments the school as the purpose of the project is largely to serve school-aged children.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

_____
Blake Jorgensen, PE
Jorgensen + Associates

NOTES:

1. PARCELS #765-15804-001 & #765-15804-002

2. CURRENT ZONING: R-A, RESIDENTIAL - AGRICULTURAL

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

4. BOUNDARY BASED ON:
   I.

5. PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" AS SHOWN ON FEMA FIRM PANEL #05143C0210F BEARING AN EFFECTIVE DATE OF 5/16/2008 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

ZONING & SETBACKS:

ZONED: R-A, RESIDENTIAL - AGRICULTURAL

SETBACKS:
- FRONT: 35'
- SIDE: 20'
- REAR: 35'

OWNER / DEVELOPER:

TRIKDZ, INC.
PO BOX 823
ROGERS, AR 72757

SITE CALCULATIONS:

EXISTING:			PROPOSED:		
TOTAL SITE AREA:	517,949 SQ. FEET	100%	TOTAL SITE AREA:	517,949 SQ. FEET	100%
BUILDINGS:	7,270 SQ. FEET	1%	BUILDINGS:	94,023 SQ. FEET	18%
SIDEWALKS:	39 SQ. FEET	> 1%	SIDEWALKS:	15,036 SQ. FEET	3%
PARKING LOT / DRIVEWAYS:	82 SQ. FEET	> 1%	PARKING LOT / DRIVEWAYS:	139,025 SQ. FEET	27%
GRAVEL:	6,697 SQ. FEET	1%	GRAVEL:	6,697 SQ. FEET	1%
TOTAL IMPERVIOUS:	14,088 SQ. FEET	3%	TOTAL IMPERVIOUS:	254,781 SQ. FEET	49%
TOTAL PERVIOUS:	503,861 SQ. FEET	97%	TOTAL PERVIOUS:	263,168 SQ. FEET	51%

STREET TABLE:

RIGHT OF WAY, CURB & GUTTER:
- WEST VAN ASCHE DRIVE:
  - CURRENT RIGHT OF WAY: 58.7' (TO CENTERLINE)
  - MASTER STREET PLAN RIGHT OF WAY: 92' - REGIONAL LINK STREET
  - 6" CURB & 1' GUTTER EXISTING & PROPOSED

SIDEWALKS & GREEN SPACE:
- WEST VAN ASCHE DRIVE:
  - SIDEWALKS: 4.9' - 5' EXISTING, NO PROPOSED
  - TRAILS: 9.9' - 10' EXISTING, NO PROPOSED
  - GREEN SPACE: 10' - 10.1' EXISTING, TO BE MAINTAINED

PARKING REQUIREMENTS:

PROPOSED USE: COMMERCIAL RECREATIONAL

COMMERCIAL RECREATIONAL REQUIREMENTS: 1 SPACE PER 200 SQ. FEET OF GFA

86,753 / 200 = 433.7 (434) PARKING SPACES MAXIMUM (NO MINIMUM)

262 PARKING SPACES PROVIDED, INCLUDING 8 ADA SPACES (272 INCLUDING MOTORCYCLE SPACES)

MOTORCYCLE AND SCOOTER SPACES: 1 MOTORCYCLE / SCOOTER SPACE PER 25 PARKING SPACES

262 / 25 = 10.4 (10) MOTORCYCLE / SCOOTER SPACES REQUIRED

10 SPACES PROVIDED

LANDSCAPE REQUIREMENTS:

PERIMETER LANDSCAPING:
1 TREE PER 30 LINEAR FEET OF SIDE / REAR PROPERTY LINE.

2,553 L.F. OF SIDE & REAR PROPERTY LINE
1,202 L.F. OF EXISTING CANOPY TO REMAIN

1,351 L.F. / 30 = 45 (45) PERIMETER TREES REQUIRED

PARKING LANDSCAPING:
9' LANDSCAPE BUFFER BETWEEN THE PARKING LOT AND PROPERTY LINE.
1 TREE PER 12 PARKING SPACES, INCLUDING ADA, ADA LOADING ZONES & MOTORCYCLE SPACES.

276 / 12 = 23 (23) TREES REQUIRED

STREET LANDSCAPING:
15' LANDSCAPE BUFFER ALONG FRONT PROPERTY LINE ADJACENT TO RIGHT OF WAY.
1 TREE PER 30 LINEAR FEET OF FRONTAGE.

793 L.F. OF FRONTAGE
123 L.F. OF DRIVEWAYS (PROPOSED & EXISTING)
443 L.F. OF EXISTING TREE CANOPY TO REMAIN

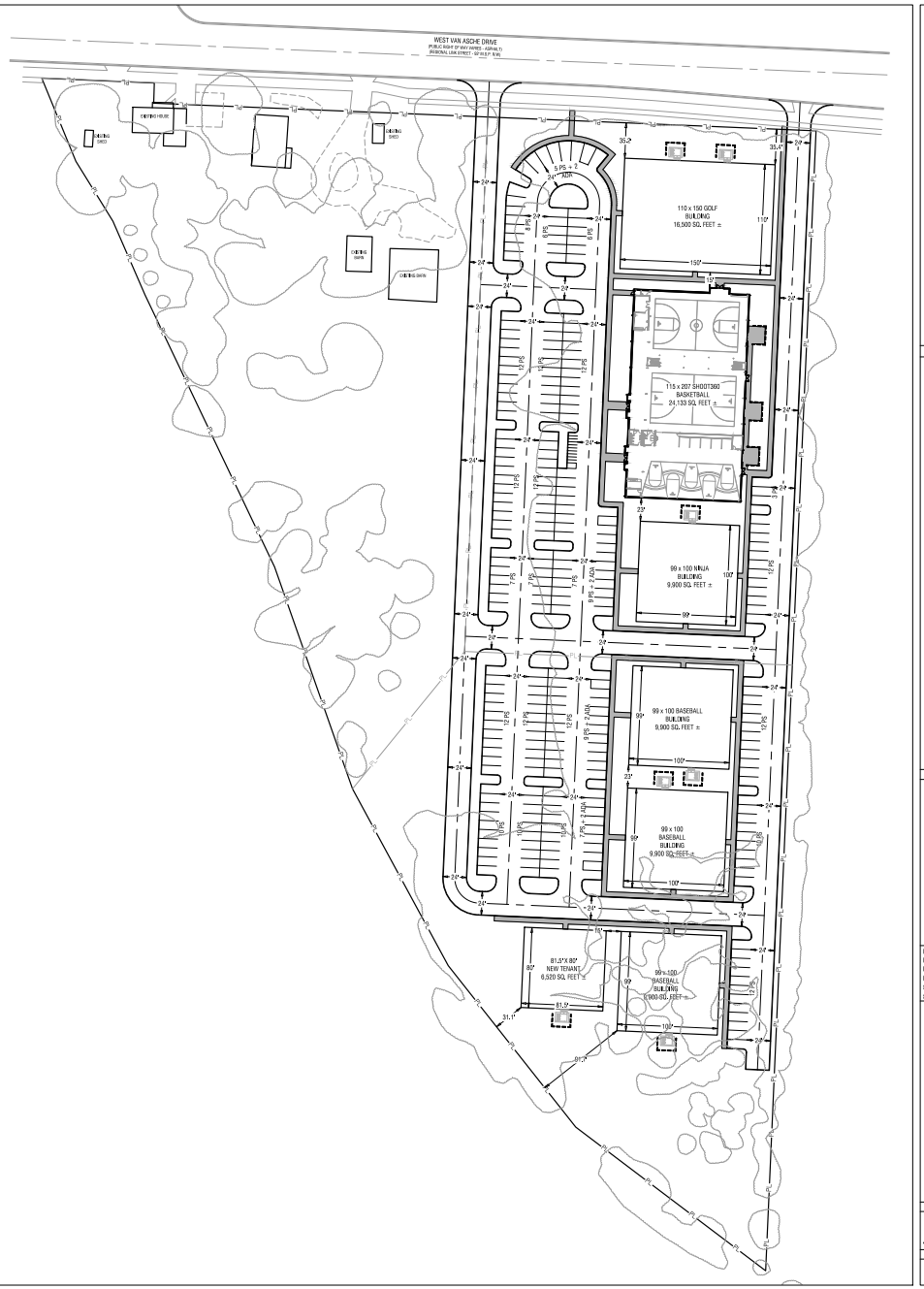
227 L.F. / 30 = 7.5 (8) TREES REQUIRED

TREE PRESERVATION REQUIREMENTS:
TOTAL SITE AREA: 516,050 SQ. FEET ± (MINUS R/W & EASEMENTS)
ZONED R-A: 25% OF SITE TO BE TREE-COVERED
TOTAL CANOPY FOR MINIMUM PRESERVATION REQUIREMENTS: 129,013 SQ. FEET
TOTAL CANOPY (PRE-DEVELOPMENT): 327,400 SQ. FEET (MINUS R/W & EASEMENTS) - 63.4% OF SITE
TOTAL CANOPY REMOVED: 226,430 SQ. FEET - 43.9% OF SITE
TOTAL CANOPY PRESERVED: 100,970 SQ. FEET - 19.6% OF SITE
MITIGATION REQUIRED: 28,043 SQ. FEET

1 TREE PER 218 SQ. FEET OF MITIGATION
28,043 / 218 = 128.6 (129) MITIGATION TREES REQUIRED

TOTAL TREE PLANTINGS REQUIRED: 205 TREES

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

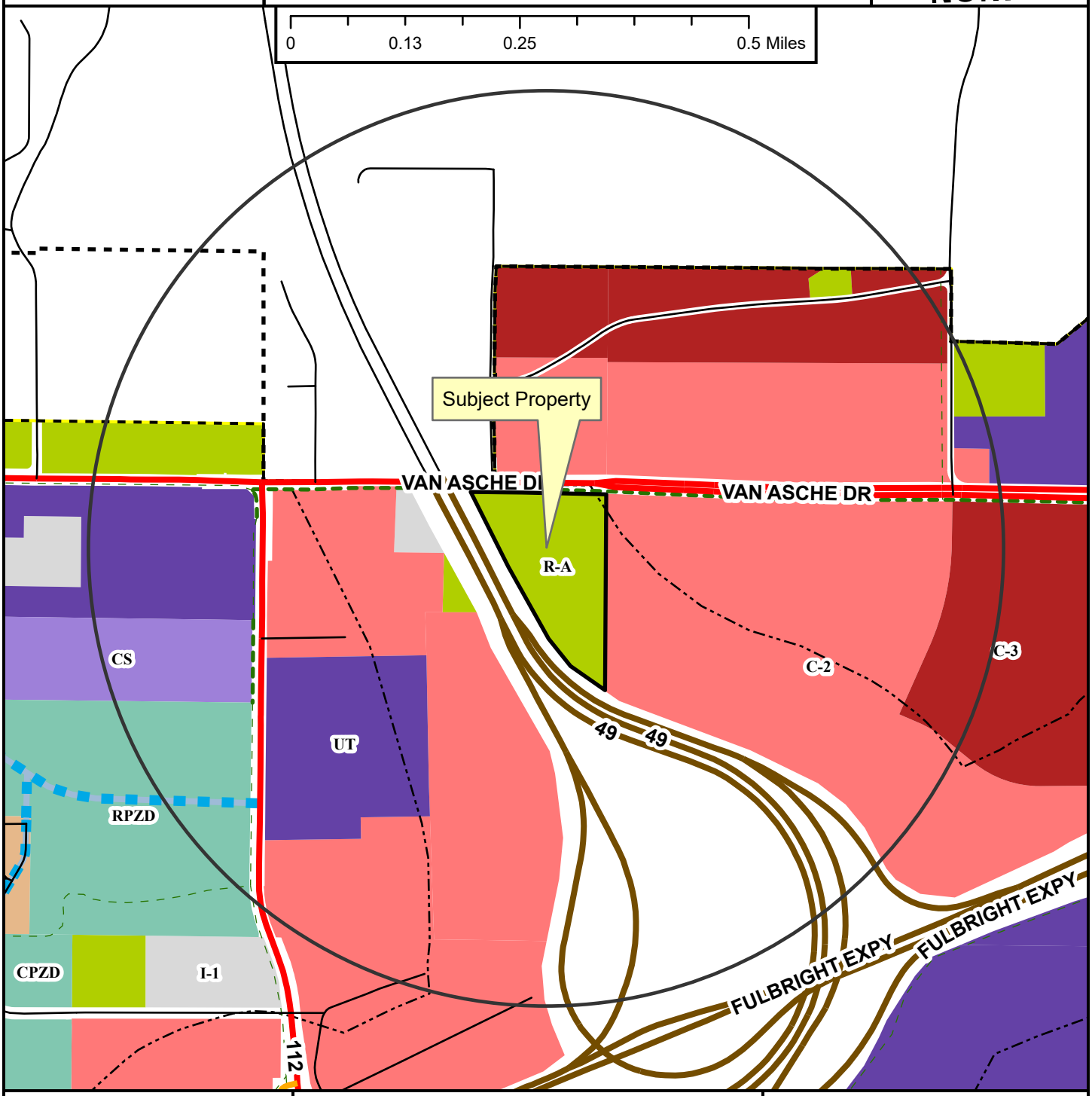

WEST VAN ASCHE DRIVE
110 x 150 GOLF BUILDING 16,500 SQ. FEET ±
115 x 207 SHOOTING BASKETBALL 24,133 SQ. FEET ±
99 x 100 NINJA BUILDING 9,900 SQ. FEET ±
99 x 100 BASEBALL BUILDING 9,900 SQ. FEET ±
99 x 100 BASEBALL BUILDING 9,900 SQ. FEET ±
81.3'X 80' NEW TENANT 6,520 SQ. FEET ±
99 x 100 BASEBALL BUILDING 9,900 SQ. FEET ±
EXISTING HOUSE
EXISTING SHED
EXISTING BARN
EXISTING SHED
EXISTING SHED
EXISTING SHED

ADM-2023-0015

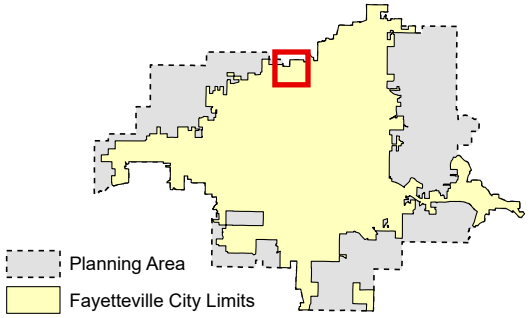
One Mile View

1299 W. VAN ASCHE DR

NORTH



- Regional Link
- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-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

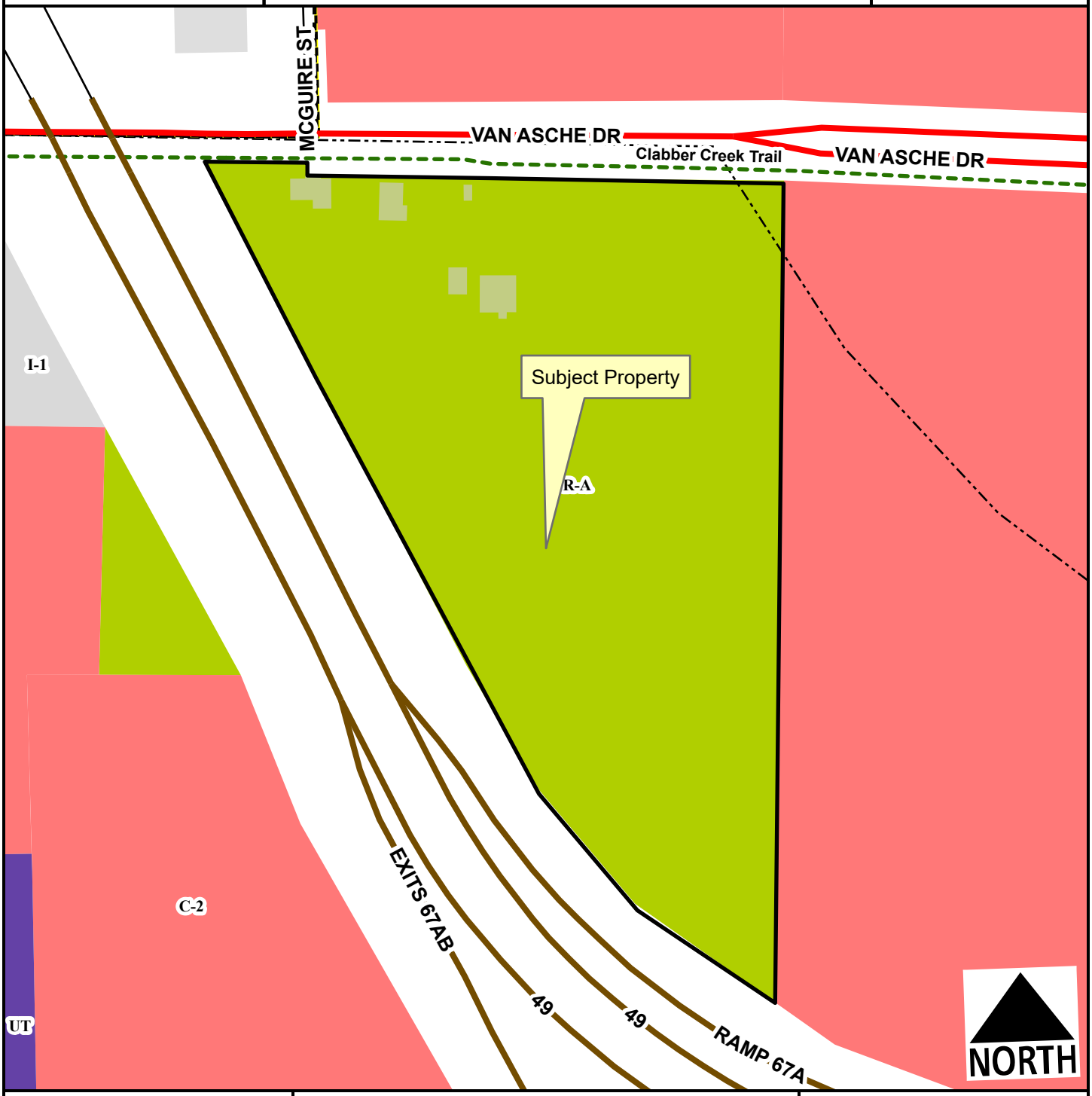
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

ADM-2023-0015

Close Up View

1299 W. VAN ASCHE DR



- Regional Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- Urban Thoroughfare

ADM-2023-0015

Current Land Use

1299 W. VAN ASCHE DR

NORTH



- Regional Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

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: Donna Wonsower, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: May 22, 2023

SUBJECT: **PPL-2023-0002: Preliminary Plat (3610 W. WEDINGTON DR./ AFT DEVELOPMENT, 401):** Submitted by BLEW AND ASSOCIATES for property located at 3610 W. WEDINGTON DR. The property is zoned UT, URBAN THOUROUGHFARE and contains approximately 11.46 acres. The request is for the preliminary plat of seven lots.

RECOMMENDATION:
Staff recommends approval of **PPL-2023-0002** with conditions as noted in the staff report.

RECOMMENDED MOTION:
*"I move to approve **PPL-2023-0002,** finding:*

- *In favor of requested variance to 166.08(F)(2);*
- *In favor of recommended right-of-way dedication;*
- *In favor of recommended street improvements; and*
- *All other conditions as outlined by staff."*

BACKGROUND:
The subject property is in west Fayetteville at the intersection of W. Wedington Dr. and N. Golf Club Dr. directly south of the Links at Fayetteville apartment complex. The property contains 11.46 acres and is currently undeveloped. The property received its current zoning designation of UT, Urban Thoroughfare as a result of a rezoning in 2014 (ORD 5656). The entirety of the property lies within the We4dington Corridor Master Plan area. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Multi-family Residential	RPZD, Residential Planned Zoning District
South	Church; Bank, Freight Company	R-A, Residential Agriculture; R-O, Residential Office
East	Mini-Storage	CS, Community Services
West	Restaurant	RPZD, Residential Planned Zoning District

Proposal: The applicant is proposing a subdivision with six commercial lots and one unbuildable lot reserved for detention. The applicant has requested one variance to the Unified Development Code:

- **§166.08(F)(2): Access Management: Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification.** The applicant has requested a variance from this requirement, stated that the developer is seeking to consolidate access points along Wedington for the six buildable lots created by the preliminary plat.
    - *Staff recommendation: Staff recommends approval of the proposed variance. The intent of the code is to ensure that "safe and adequate vehicular, bicycle, and pedestrian* access *shall be provided to all parcels." Staff finds that providing two access points rather than one for each buildable lot that fronts Wedington (six in total) creates significantly safer traffic condition and reduces the need for variances to access management standards in future proposals. Staff finds the request enables cross access for the development and meets the intent of the access management standards, particularly if conditions are added to mitigate increased traffic demand (see engineering memo and further discussion under street improvements).*

Right-of-Way to be Dedicated: The subject property has frontage along W. Wedington Dr., a partially improved High Activity Regional Link with existing right-of-way varying between 58 feet and 64.11 feet from the centerline of the road. As High-Activity Regional Links requires 48 feet of right-of-way from the centerline, staff does not recommend additional right-of-way dedication. The subject property also has frontage along N. Golf Club Dr., an improved Residential Link with existing right-of-way varying between 31.45 feet and 38.23 feet from the centerline. As Residential Links require 26 feet of right-of-way from the centerline, staff does not recommend additional right-of-way dedication.

Street Improvements: The subject property has frontage along W. Wedington Dr. and N. Golf Club Dr. W. Wedington Dr. is a partially improved High-Activity Regional Links with asphalt paving, drainage improvements, and sidewalks. N. Golf Club Dr. is an improved residential link with asphalt paving, drainage improvements, and sidewalks. Staff recommends frontage along W. Wedington Dr be improved with a ten-foot sidewalk, ten-foot greenspace, and off-set crosswalks at entries. No additional street improvements are recommended along N. Golf Club Dr. aside from streetlights and street trees as required to meet ordinances.

Staff recommends a condition be added that a traffic signal be installed at the intersection of W. Wedington Drive and N. Golf Club Drive prior to final plat if permits for the signal can be obtained from ARDOT (see engineering memo). A traffic study was provided with this submittal, and additional analysis must be performed to determine if the installation of this signal will decrease the Level of Service at the N. Rupple Road and N. Salem Road intersections on Wedington. Wedington is also designated as State Highway 16, and any improvements to this street along the project's frontage or at the intersection with Golf Club will require approval from the Arkansas Department of Transportation. If permits cannot be obtained from ARDOT, staff recommends the condition include that assessments towards the traffic signal be taken during the development entitlement process for each lot.

Additionally, staff recommends conditions for access for access management depending on ARDOT approval. If permits from ARDOT can be obtained prior to final plat, staff recommends both proposed curb cuts on Wedington be right-in/right-out only. If a final determination from ARDOT on the traffic signal is not made prior to final plat, staff recommends access restrictions for the driveways on Wedington be determined at time of development entitlement with each of the lots until the determination by ARDOT is made.

Block Length/Connectivity: Staff finds that the proposed preliminary plat complies with the City of Fayetteville's block length and connectivity standards. Commercial lots are proposed to share access through private streets with one driveway onto N. Gold Club Dr. and two driveways onto W. Wedington Dr. Access easements are shown over all private streets. Staff recommends approval of a requested variance to access management for connections to W. Wedington Dr. for the reasons outlined above.

Water and Sewer System: 1,908 LF of 8" water main extension is proposed to serve the development. 1,152 LF of 8" sanitary sewer main extension is proposed to serve the development. This includes an offsite connection that will require additional utility easement to be acquired prior to the grading permit being issued.

Tree Preservation:
Canopy minimum requirement: 15%
Existing canopy: 13.8%
Preserved canopy: 10.3%
Mitigation required: 88 two-inch caliper trees

Parks: Non-residential uses are not subject to parkland dedication requirements.

Public Comment: Staff has not received any public comment for this item.

RECOMMENDATION: Staff recommends approving **PPL-2023-0002** with conditions:

Conditions of Approval:

1. **Planning Commission determination of variance to 166.08(F)(2).** *Staff recommends approval of proposed variance.*
    a. If permits from ARDOT can be obtained prior to final plat, staff recommends both proposed curb cuts on Wedington be right-in/right-out only.
    b. If a final determination from ARDOT on the traffic signal is not made prior to final plat, staff recommends access restrictions for the driveways on Wedington be determined at time of development entitlement with each of the lots until the determination by ARDOT is made.

2. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*

3. **Planning Commission determination of street improvements.** *Staff is recommending that the property's frontage be improved with a ten-foot sidewalk, ten-foot greenspace and off-set crosswalks at entries.*

4. Private drives must be placed within the proposed access easements;

5. Access to N. Golf Club Dr. and W. Wedington Ave. shall be restricted to the two driveways on W. Wedington Ave and one driveway on N. Golf Club Dr. shown on the preliminary plat. No additional driveways entering public right-of-way shall be permitted with future development of the lots.

6. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet;

7. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval;

Standard Conditions of Approval:

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

9. 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;

10. 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;

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

12. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: 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.

PLANNING COMMISSION ACTION:	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Meeting Date: May 22, 2023			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- City Engineering Comments
- Urban Forestry Comments
- Request Letter
- Site Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: May 15, 2023

SUBJECT: **Planning Commission Engineering Comments for PPL-2023-0002 NW OF WEDINGTON DR AND GOLF CLUB DR**

Street Improvements: A traffic study was required with this development to due to the expected peak hour trips that will be generated and the proximity to the W. Wedington Drive and N. Golf Club Drive intersection. The Manual on Uniform Traffic Control Devices (MUTCD) outlines nine warrants to consider when determining if the installation of a traffic signal is appropriate, and one or more warrants should be met for a signal to be installed. The provided traffic study indicates that Warrants 1, 2, and 3 are met at this intersection. The MUTCD also outlines that a traffic signal should not be installed if it will seriously disrupt progressive traffic flow. Additional analysis must be performed to determine if the installation of a signal at this intersection will decrease the Level of Service at the N. Rupple Road and N. Salem Road intersections on Wedington. Wedington is also designated as State Highway 16, and any improvements to this street along the project's frontage or at the intersection with Golf Club will require approval from the Arkansas Department of Transportation.

The existing 24-hour, two-way ADT on Wedington approaching Golf Club is 32,687 and on Golf Club is 2,935. There are 1,917 existing AM peak hour trips and 2,759 existing PM peak hour trips. The calculated ADT that will be generated from this development is 5,848 vehicles per day, with 334 trips during the AM peak hour and 530 trips during the PM peak hour.

Staff recommends a condition be added that the traffic signal be installed prior to final plat if permits for the signal can be obtained from ARDOT. If permits cannot be obtained from ARDOT at this time, staff recommends the condition include that assessments towards the traffic signal be taken during the development entitlement process for each lot.

Access Management: The applicant is requesting a variance to UDC §166.08(F) to allow for access onto both W. Wedington Drive, a Regional High Activity Link and N. Golf Club Drive, a Residential Link. Engineering is recommending a few conditions with this request:

1. If permits from ARDOT can be obtained prior to final plat, staff recommends both proposed curb cuts on Wedington be right-in/right-out only.
2. If a final determination from ARDOT on the traffic signal is not made prior to final plat, staff recommends access restrictions for the driveways on Wedington be determined at time of development entitlement with each of the lots until the determination by ARDOT is made.

Water: 1,908 LF of 8" water main extension is proposed to serve the development.

Sewer: 1,152 LF of 8" sanitary sewer main extension is proposed to serve the development. This includes an offsite connection that will require additional utility easement to be acquired prior to the grading permit being issued.

Natural Features: GIS indicates hydric soils to be present on most of this site, which will require a wetland delineation study to be performed. The applicant has indicated that this is in progress.

A Department of the Army Nationwide Permit (NWP) No. 39 is in place for an unnamed ephemeral tributary to Hamestring Creek that crosses this property. Per the conditions in the NWP, any changes in design or location of the facilities requires revised plans to be submitted to the U.S. Army Corps of Engineers for approval prior to construction. Based on the site plan included in the NWP and the proposed location of the storm drain that will reroute this stream on the plans submitted with this development, the location has changed, and approval from the USACE will be required for these revisions prior to the grading permit being issued.

Drainage: This development is required to meet the four Minimum Standards of the Drainage Criteria Manual. Water quality requirements are proposed to be met with a forebay and micropool extended detention pond. Channel protection requirements are shown to be met by sizing the pond outlet structure to keep the peak flow from the 1-year, 24-hour storm below 2.0 cfs. Overbank flood protection and extreme flood protection will be met by sizing the pond outlet to not increase the peak flows pre-development in the post-development condition. Additional review of the drainage design will be done with the grading permit application.

Plan Comments:

1. Review permanent pool and forebay sizing in the DCM Appendix F. See pages F-15 and F-16 regarding outlet structures for water quality and channel protection. Forebay sized at 0.1 inches per impervious acre, micropool is sized at 25% of the water quality volume. The remaining water quality volume must be released over a 24-hour period.

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

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Jorge Du Quesne, Blew & Associates

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 22, 2023

Subject: PPL-2023-0002: Aft Development: 3610 W. Wedington Dr., 401

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	471,004	100%
*Zoning Designation * Select Below with drop down arrow*		
UT, Urban Thoroughfare	70,651	15%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	70,651	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	64,891	13.8%
Tree Canopy Preserved	48,428	10.3%
Tree Canopy Removed *On Site	16,463	3.5%
Tree Canopy Removed *Off Site	2,646	
Tree Canopy Removed Total	19,109	4.1%
Removed Below Minimum	**22,223**	
Mitigation Requirements	**19,109**	

3. Mitigation Requirements	Canopy below requirement	Number of 2” caliper trees to be planted
High Priority	19,109	88
Low Priority		
Total Mitigation Trees Required	**19,109**	**88**

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 167.04H1and 167.04L1*	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	**Yes**	**Yes**	**Yes**
b. Property Boundary	**Yes**	**Yes**	**Yes**
c. Natural Features (100ft beyond limits of disturbance)	**Yes**	**Yes**	**Yes**
d. Existing Topography and Proposed Grading	**Yes**	**Yes**	**Yes**
e. Soil Types	**No**	**Yes**	**Yes**
f. Significant Trees	**Yes**	**Yes**	**Yes**
g. Groupings of Trees	**Yes**	**Yes**	**Yes**
h. Table Inventory List (species, size, health, priority)	**Yes**	**Yes**	**Yes**
i. All Existing and Proposed Utilities	**Yes**	**Yes**	**Yes**
j. All Existing and Proposed Utility Easements and ROW’s	**Yes**	**Yes**	**Yes**
k. All Streams (with approximate center line)	**N/A**	**N/A**	**N/A**
l. Floodplains and floodways	**N/A**	**N/A**	**N/A**
m. Existing Street, Sidewalk or Bike Path ROW	**Yes**	**Yes**	**Yes**
n. Submitted Site Analysis Plan (if required)	**Yes**	**Yes**	**Yes**
o. Shows ALL Proposed Site Improvements	**Yes**	**Yes**	**Yes**
p. Delineates trees/canopy to be preserved and removed	**Yes**	**Yes**	**Yes**
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	**Yes**	**Yes**	**Yes**
Tree Protection Methods			
a. Tree Protection Fencing	**Yes**	**Yes**	**Yes**
b. Limits of Root Pruning	**N/A**	**N/A**	**N/A**
c. Traffic flow on work site	**No**	**Yes**	**Yes**
d. Location of material storage	**No**	**Yes**	**Yes**
e. Location of concrete wash out	**Yes**	**Yes**	**Yes**

f.	Location of construction entrance/exit	**Yes**	**Yes**	**Yes**

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 (See Comments)**	**Tech Plat**	**Subdivision Committee**	**Planning Commission**
	Conditionally Approved	**04-25-23**	**05-09-23**	**05-15-23**
	Approved			
	Tabled	**03-14-23**		
	Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.
2. Thank you for re-designing the drainage ponds and losing two lots to preserve more trees.
3. Thank you for providing a site analysis report and for addressing previous comments.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Jorge Du Quesne, Blew & Associates

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 22, 2023

Subject: PPL-2023-0002: Aft Development: 3610 W. Wedington Dr., 401

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. Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*			**X**
b. Wheel Stops/Curbs *UDC Chapter 177.04B1*			**X**
c. Narrow Tree Lawn (8' min. width, 37.5' length) *UDC Chapter 177.04C*			**X**
d. Tree Island (8' min. width, 18.7' min length, 150 square feet) *UDC Chapter 177.04C*			**X**
e. 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 5' on sides and rear. *UDC Chapter 177.04D2a*			**X**
b. Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*			**X**
c. 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. Structural 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	**88**
Parking Lot Trees	**0**
Street Trees	**47 public frontage + 79 interior streets**
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	**04-25-23**	**05-09-23**	**05-15-23**
Approved			
Tabled	**03-14-23**		
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.
2. Please label whether all the street trees will be installed now or if some will be installed with the future lot development.

March 1, 2023

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

SUBJECT: KVS Sonic Group Preliminary Plat
Wedington Drive

To Whom It May Concern:

AFT Development, LLC is proposing an 8 Lot (1 being Non-Buildable) Commercial Subdivision to be Located on Wedington Drive in Fayetteville, Arkansas. As such, Blew & Associates is submitting a Preliminary Plat for this project.

Buildings:

Individual Development Plans per Lot will need to be submitted by the developers of said lot.

Water:

An 8-inch water line will connect to the end of the existing 12" line that runs along the north side of Wedington Drive. The plan is to remove the Tee and the Fire Hydrant that currently exists and conflicts with the required sidewalk and extend the waterline along the front of the property so that service to each property can be provided.

Sanitary Sewer:

Sanitary Sewer will have to be extended to the site. To the south, there is an existing sanitary sewer line that we will be connecting to. The property owner / realtor has been negotiating with that property owner to extend sewer through their property and under Wedington Drive to then provide sewer to each proposed lot.

Franchise Utilities:

The developer will work with the remaining utility companies to provide any Easements that should be needed. AEP / SWEPCO is to provide the Electrical to the Site.

Storm Water:

Stormwater will comply with the City of Fayetteville's Drainage Manual. A micropool extended detention pond is being proposed to handle the different storm events as well as the water quality for the entire developed site.

Streets:

Access to the Site will be provided along Wedington Drive and North Golf Club Drive. The developer will be installing common access points on both streets that will comply with the City's Access Management Standards.

Fire Access:

Fire Access will be provided through the new drives that we are installing as well as Wedington Drive and North Golf Club Drive.

Parkland:

Not Applicable

Tree Preservation:

Tree Preservation Easements will be dedicated as required by City Code. The design firm has situated the Extended Detention Pond at the low part of the site where all the storm water for the site currently flows through. We have tried to minimize the size of the pond to better work with the existing trees that are located on the site while still meeting the Drainage Manual Criteria's requirements.

All interested parties reserve the right to submit future waivers, variances, or conditional uses if so warranted.

Sincerely,

Jorge Du Quesne
Blew & Associates, PA

Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Setback Line
	Easement Line
	Zoning Limits
	Streets / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Fireline Stripping
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavements (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
	General Fence Line (see Plan For Type)
	Chain Link Fence Line
	Board Fence Line
100 SPACES	Parking Counter
	Storm Catch Basin(s)
	Retaining Wall
	See Utility Plan For Line Sizes
	Gate Valve
	Fire Hydrant & Assembly
	Water Meter - Single
	Water Meter - Double
	Sanitary Sewer Manhole
	Utility Pole
	Light Pole

Note:
- Only Symbols That Appear On This Sheet Are Shown In This Legend.
- See Survey For Existing Features Legend.
- See Cover Sheet For Abbreviation List.

Site General Notes:

- Dimensions are measured from the Face of Curb, the Edge of Pavement, the Edge of Sidewalk the Face/Corner of the Building(s) or the Center/End of Stripe.
- Layout of Preliminary Plat is based on and limited to survey information.
- All Curb & Gutter shall be 18" wide per detail sheet.
- All Pavement Marking shall be applied in accordance with the requirements outlined in the most current edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).
- All Signs, Traffic Control Devices, etc. shall follow the guidelines of the MUTCD.
- All pavement indicated shall be standard duty bituminous pavement unless otherwise noted on plan. The pavement shall be constructed in accordance with the pavement section detail.
- It is the Contractor's responsibility to calculate construction staking coordinates according to the dimensions shown on these plans. The Contractor shall verify the accuracy of the coordinates shown on the plans and notify the Engineer of any irregularities before construction starts.
- All ramps shall have detectable truncated dome panels per A.D.A. and city standards and the detail sheet.
- Individual lots, as represented hereon, shall not require separate tree preservation plans.
- All signage shall be reviewed and approval by separate permits.
- All utilities under 12kv to be relocated underground.
- The site is located within the Wedington Corridor Study Area.
- Future development will be subject to UDC 166.24, 166.25, and 166.25 , as applicable.

Site Information:

PROPERTY INFORMATION		
Gross Site Area:	498,389.74 sf	11.44 acres
Proposed Dedicated R.O.W:	4,536.39 sf	0.10 acres
Net Site Area:	493,853.16 sf	11.34 acres
Zoning:		UT, Urban Thoroughfare
ZONING REGULATIONS		
Front Setback:		A BTZ between 10 ft and 25 ft
Side Setback:		None
Rear Setback:		None
Lot Width Minimum:		None
Min Buildable Street Frontage:		50%
Max Building Height:		5 stories
SITE INFORMATION		
Pre Development:		
Total Paved Area:	0.00 sf	0.00 acres
Total Sidewalk Area:	0.00 sf	0.00 acres
Total Building Footprint Area:	0.00 sf	0.00 acres
Total Impervious Area:	0.00 sf	0.0%
Total Pervious Area:	498,389.74 sf	100.0%
Post Development:		
Total Paved Area:	32,014.02 sf	0.73 acres
Total Sidewalk Area:	5,535.82 sf	0.13 acres
Total Building Footprint Area:	0.00 sf	0.00 acres
Total Impervious Area:	37,549.84 sf	7.5%
Total Pervious Area:	460,839.90 sf	92.5%
LOT INFORMATION & DENSITY		
6 Buildable Lots	1 Non-Buildable Lots	
Density:	0.53 Lots/Acre	

Site Plan Notes:

SN-01	Crosswalk and Curb Ramp with Truncated Dome Detectable Warnings per AOA and/or Municipal Specifications.
SN-02	Streets Light per Municipal Standards.
SN-05	Taper Curb & Gutter to Match Existing
SN-06	Taper Curb from 6" to 0" in 2'-0"
SN-07	Match Existing Sidewalk
SN-12	Accessible Ramp in Sidewalk
SN-17	Thickened Edge of Pavement
SN-18	End of Curb
SN-19	Curb / Sidewalk Ramp per City / Highway Department Standards (Whichever is More Stringent)

Sign Legend

Symbol	Code	Description	Size	Post Type
STOP	R1-1	Stop Sign	24 x 24	U-Channel
NO PARKING FIRE LANE	-	No Parking Fire Lane Sign	12 x 18	U-Channel

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft

811 Know what's below. Call before you dig.

VICINITY MAP
NTS

REVISIONS:

No.	DESCRIPTION	DATE

Preliminary Plat
City Plat Page #400 & 401, Project #PPL-2023-0002
Preliminary Plat For:
KVS Sonic Group
W. Wedington Dr. & N. Golf Club Dr. Fayetteville, Arkansas
Kenny Smith
2786 E. Millennium Pl.
Fayetteville, AR 72703
479-249-4183

NOT FOR CONSTRUCTION FOR REVIEW ONLY!!!

5101 E. Pleasant Hill Road
Rogers, Arkansas 72758
BLEW & ASSOCIATES, P.A.
Office: 479.445.5516
www.BLEWinc.com
Surveying
Engineering
Mapping
Certificate of Authorization 39-1434

DATE:	JOB NUMBER:
2023-03-15	22-11352
DESIGN BY:	REVIEWED BY:
L. Stewart	J. De Queiroz

DRAWING NAME: 22-11352 Civil 004.dwg

SHEET NUMBER: C2

PPL-2023-0002 (AFT DEVELOPMENT) Page 235 of 418
Planning Commission
May 22, 2023
Page 15 of 19

Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Setback Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Parkplate Striping
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavement (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
	General Fence Line (See Plan For Type)
	Chain Link Fence Line
	Board Fence Line
	Storm Catch Basin(s)
	Storm Pipe (See Grading Plan For Type and Size)
	Retaining Wall
	See Utility Plan For Line Sizes
	Water Line
	Tee, Cross, Bends, Gate Vale & Reducer
	Fire Hydrant & Assembly
	Water Meter - Single
	Water Meter - Double
	Sanitary Sewer Force Main
	Sanitary Sewer Line
	Sanitary Sewer Service
	Sanitary Sewer Manhole
	Gas Line
	Overhead Electric Line
	Underground Electric Line
	Cable Television Line
	Fiber Optic Line
	Overhead Telephone Line
	Underground Telephone Line
	Utility Pole
	Light Pole

Note:
* Only Symbols That Appear On This Sheet Are Shown In This Legend.
* See Survey For Existing Features Legend.
* See Cover Sheet For Abbreviation List.

Fayetteville Landscape Notes:

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO EXCAVATING ANYWORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE CALL TO CONFIRM ALL UTILITIES.
2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
3. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CAL. PER, WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.
6. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.
7. ALL TREES AND SHRUBS SHALL BE PLANTED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.
9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL BE NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.
10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BEFORE PLANTING BEGINS.
11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL, (INCLUDING BUT NOT LIMITED TO WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
15. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.
18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF 70% TURF TYPE FESCUE, 20% PERENNIAL RYE, AND 10% BERMUDA GRASS AT 5 POUNDS PER 1,000 SQUARE FEET.
19. ALL AREAS TO BE SEEDED SHALL RECEIVE 4" OF TOPSOIL AND BE GRADED PER THE GRADING PLAN.
20. IRRIGATION SHALL BE EITHER AN UNDERGROUND AUTOMATIC SYSTEM OR SHALL UTILIZE HOSE BIBS EVERY 100' AS REQUIRED BY FAYETTEVILLE LANDSCAPE ORDINANCE.
21. MAINTENANCE: THE CURRENT OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.
22. REPLACEMENT LANDSCAPING REQUIRED: LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY. THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.
23. THREE (3) YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND MITIGATION TREE.
24. MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN TREE PLANTINGS AND UTILITY LINES.

Landscape Legend:

Key	Symbol	Qty.	Botanical	Common	Caliper	Comments
STREET (FRONTAGE) TREES:						
JB		49	Ulmus americana 'Jefferson'	Bliss	2" Cal.	Balled & Burlapped * Limited to ft. from the ground
HL		45	Gleditsia triacanthos f. inermis 'Impcole' IMPERIAL	Imperial Honey Locust	2" Cal.	
RO		28	Quercus falcata	Southern Red Oak	2" Cal.	
MITIGATION TREES:						
SO		11	Quercus Bicolor	Swamp White Oak	2" Cal.	Balled & Burlapped Limited 6 ft. from the ground
SL		11	Tilia tomentosa	Silver Linden	2" Cal.	
LL		11	Tilia cordata 'Chancellor'	Little-leaf Linden	2" Cal.	
AH		11	Ilex opaca	American Holly	2" Cal.	
SP		11	Pinus echinata	Shortleaf Pine	2" Cal.	
WO		11	Quercus alba	White Oak	2" Cal.	
HB		11	Celtis occidentalis	Hackberry	2" Cal.	
WI		11	Quercus phellos	Willow Oak	2" Cal.	
GRASS:						
			Seed & Straw/Sod (+/- 378,128 sf)			All Disturbed Areas

Landscape Notes:

- DIMENSIONS ARE MEASURED FROM THE FACE OF CURB, THE FACE/CORNER OF THE BUILDING(S) OR THE CENTER OF STRIPE.
- LANDSCAPE CONTRACTOR SHALL CONTACT ARKANSAS ONE CALL FOR UTILITY LOCATIONS PRIOR TO BEGINNING LANDSCAPE WORK.
- GRASS AREAS SHALL BE SODDED WITH BERMUDA GRASS SOD.
- ALL LANDSCAPE BEDS ARE TO BE MULCHED WITH EITHER TANNED HARDWOOD BARK OR REDWOOD MULCH, WITH A THICKNESS OF 3" OVER ENTIRE BED.
- SOIL WITHIN LANDSCAPE BEDS IS TO BE AMENDED WITH EQUAL PARTS OF PERLITE (OR EQUIVALENT SUBSTITUTE), PEAT MOSS AND CLEAN TOP SOIL. ALL LANDSCAPE BEDS ARE TO HAVE SOD REMOVED BEFORE INSTALLATION OF PLANT MATERIAL.
- IRRIGATION WATER METERS HAVE BEEN PROVIDED. DEVELOPER TO CONTACT IRRIGATION CONTRACTOR TO DESIGN AND INSTALL AUTOMATIC IRRIGATION SYSTEM.
- ALL PLANT MATERIALS SHALL MEET REQUIREMENTS ESTABLISHED BY THE AMERICAN STANDARD OF NURSERY STOCK.
- ALL PLANT AND LANDSCAPE MATERIALS SHALL BE INSTALLED PER CITY'S LANDSCAPE MANUAL (IF AVAILABLE).

Timing of Planting:

- STREET AND LOT TREES ASSOCIATED WITH INDIVIDUAL BUSINESS CONSTRUCTION WILL HAVE THEIR PLANTING DEFERRED UNTIL AFTER CONSTRUCTION OF THE BUSINESS IS COMPLETED, BUT MUST BE INSTALLED PRIOR TO APPROVAL OF CERTIFICATE OF OCCUPANCY.
- THREE-YEAR MAINTENANCE BONDING/CONTRACTING OF THE TREES WILL BE ADDRESSED IN 6-MONTH INTERVALS. TREE INSTALLED WITHIN THE PRIOR SIX MONTH PERIOD WILL BE COUNTED AND THE PERFORMANCE BOND MAY BE RELEASED WHEN THEIR HEALTH IS APPROVED AND A 3-YEAR MAINTENANCE BOND IS IN PLACE. INSTALLED TREES DURING THIS PERIOD WILL BE MARKED ON THE APPROVED LANDSCAPE PLAN AND THESE LOCATIONS PROVIDED TO URBAN FORESTRY WITH THE MOST CURRENT TREE COUNT AND BOND AMOUNT. CONTACT: KENNY SMITH, PHONE: (479) 249-4183

Landscape Information:

PROPERTY INFORMATION		
Gross Site Area:	498,389.74 sf	11.44 acres
Proposed Dedicated R.O.W:	4,536.59 sf	0.10 acres
Net Site Area:	493,853.16 sf	11.34 acres
Zoning:	UT, Urban Thoroughfare	
STREET TREES:		
Public Frontage Length (less driveways):		1414.29 lf
Required 1 Tree/30 lf:		47 Tree(s)
Provided:		47 Tree(s)
Private Frontage Length (Future driveway locations are unknown):		2373 lf
Required 1 Tree/30 lf:		79 Tree(s)
Provided:		79 Tree(s)

Tree Mitigation Calculations:

MITIGATION REQUIREMENTS:	
Canopy Below Requirements (High Priority):	19,109 sf
Canopy Below Requirements (Low Priority):	0 sf
Required High (Forestation @ 200 trees/ac):	88 Tree(s)
Required Low (Forestation @ 100 trees/ac):	0 Tree(s)
Provided:	88 Tree(s)

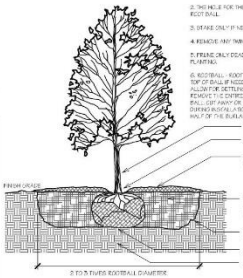
Fayetteville Notes:

The following apply:
a. Prior to Grading Permit, tree preservation measures shall be in place per approved Tree Preservation Plan.
b. Prior to Building Permit, escrow payment shall be executed with escrow form.
c. Prior to Certificate of Occupancy, a 5-year Maintenance Plan with a 2-year surety (letter of credit, bond or cash) and completed Landscape Surety Form must be submitted for newly planted street and mitigation trees.

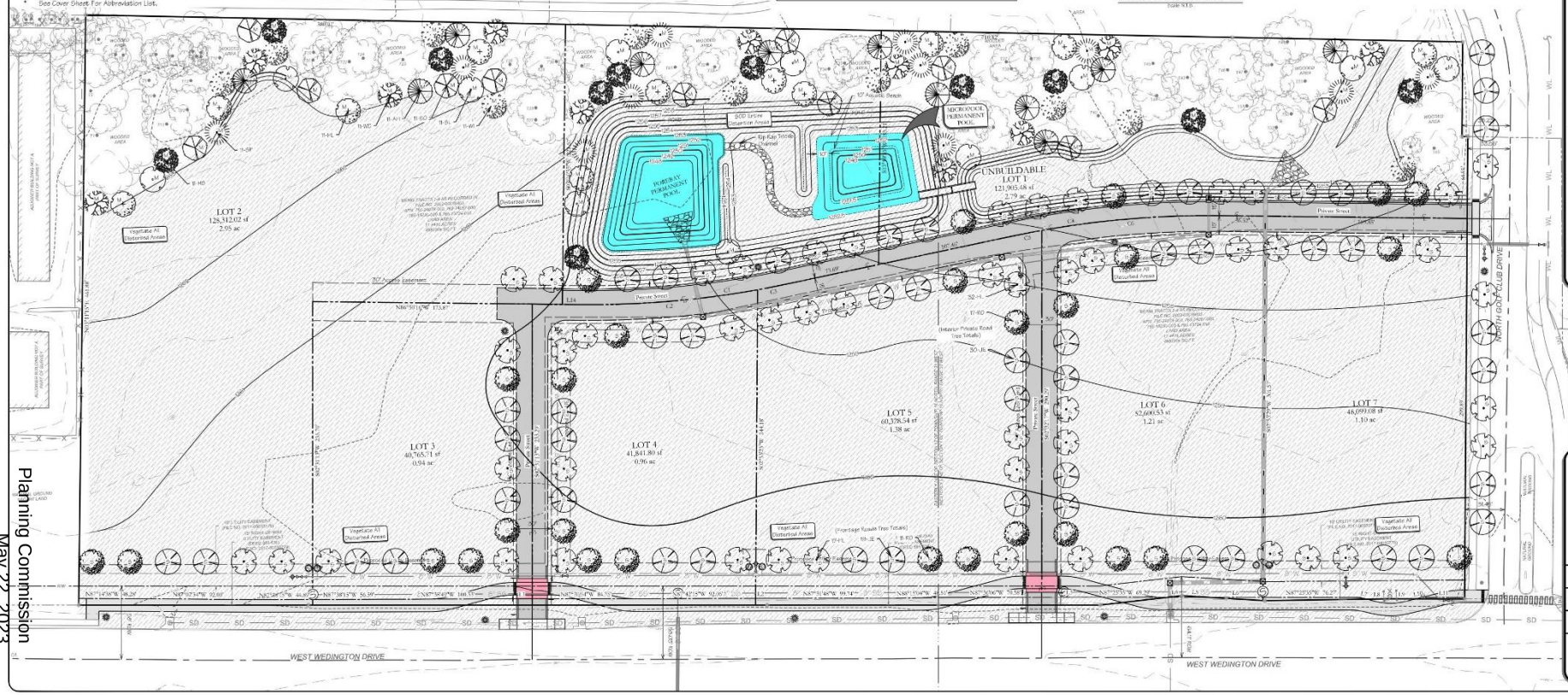
GRAPHIC SCALE

1 inch = 40 ft

811 Know what's below. Call before you dig.



TREE PLANTING DETAIL





REVISIONS:

No.	DESCRIPTION	DATE

Landscape Plan
City Plat Page #400 & 401, Project #PPL-2023-0002
Preliminary Plat For:
KVS Sonic Group
W. Wedington Dr. & N. Golf Club Dr. Fayetteville, Arkansas
Kenny Smith
2786 E. Millennium Pl.
Fayetteville, AR 72703
479 249-4183

NOT FOR CONSTRUCTION FOR REVIEW ONLY!!!

5302 E. Pinnacle Hills Pkwy. Rogers, Arkansas 72756
BLEW & ASSOCIATES, P.A.
Office: (479.632.0888)
www.BLEW.com
Surveying Engineering Mapping
Certificate of Authorization #e-1134

DATE:	JOB NUMBER:
2023-05-15	22-11352
DRAWN BY:	REVISION BY:
L. Stewart	-
DRAWING NAME:	
22-11352 Civil 004 - Lscp.dwg	
SHEET NUMBER:	
C2-1	

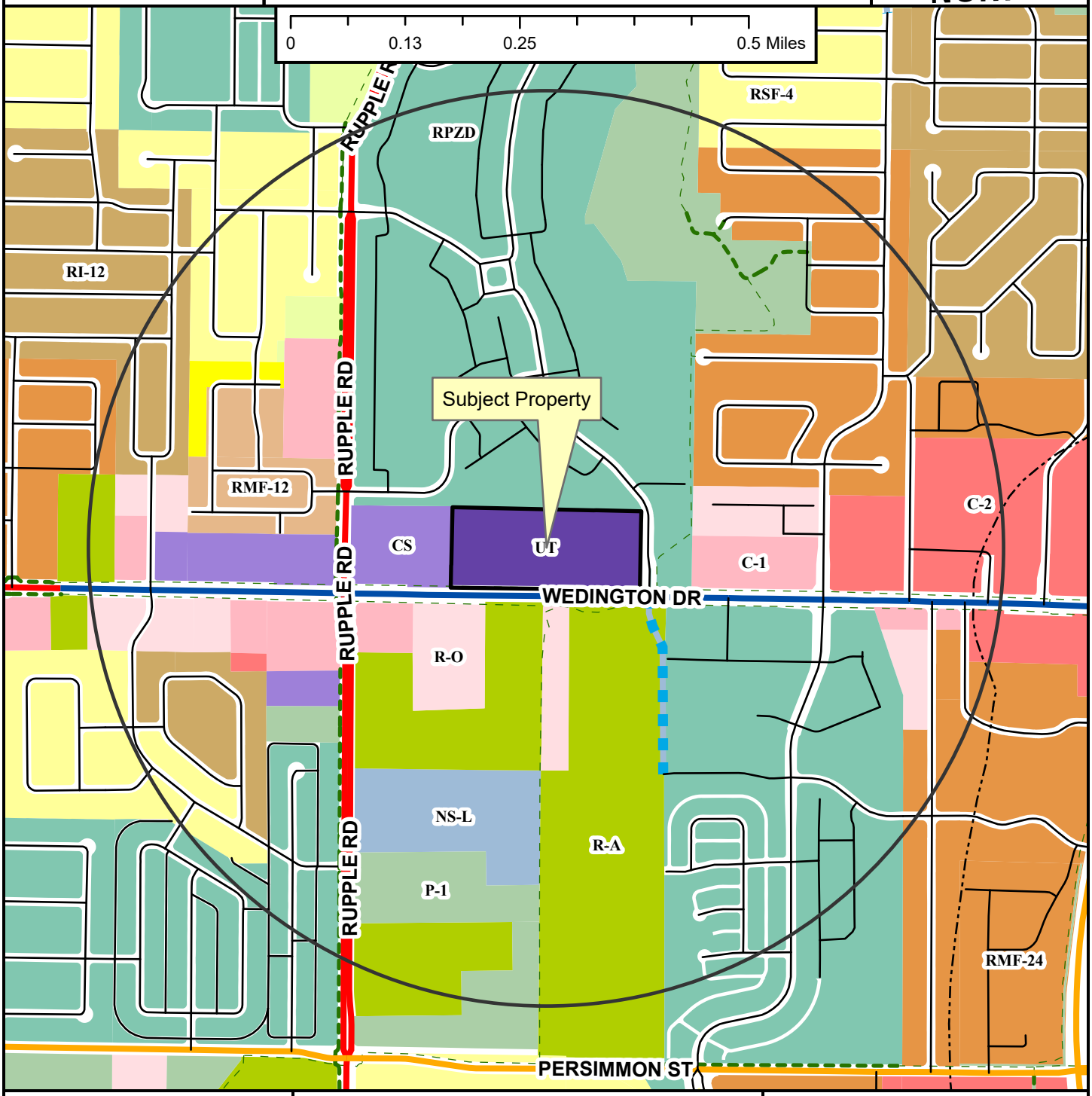
Planning Commission May 22, 2023
PPL-2023-0002 (AFT DEVELOPMENT)
Page 236 of 418
Page 16 of 19

PPL-2023-0002

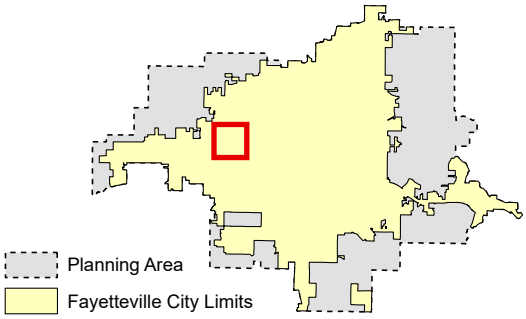
One Mile View

3610 W. WEDINGTON DR

NORTH



Regional Link
Neighborhood Link
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link



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

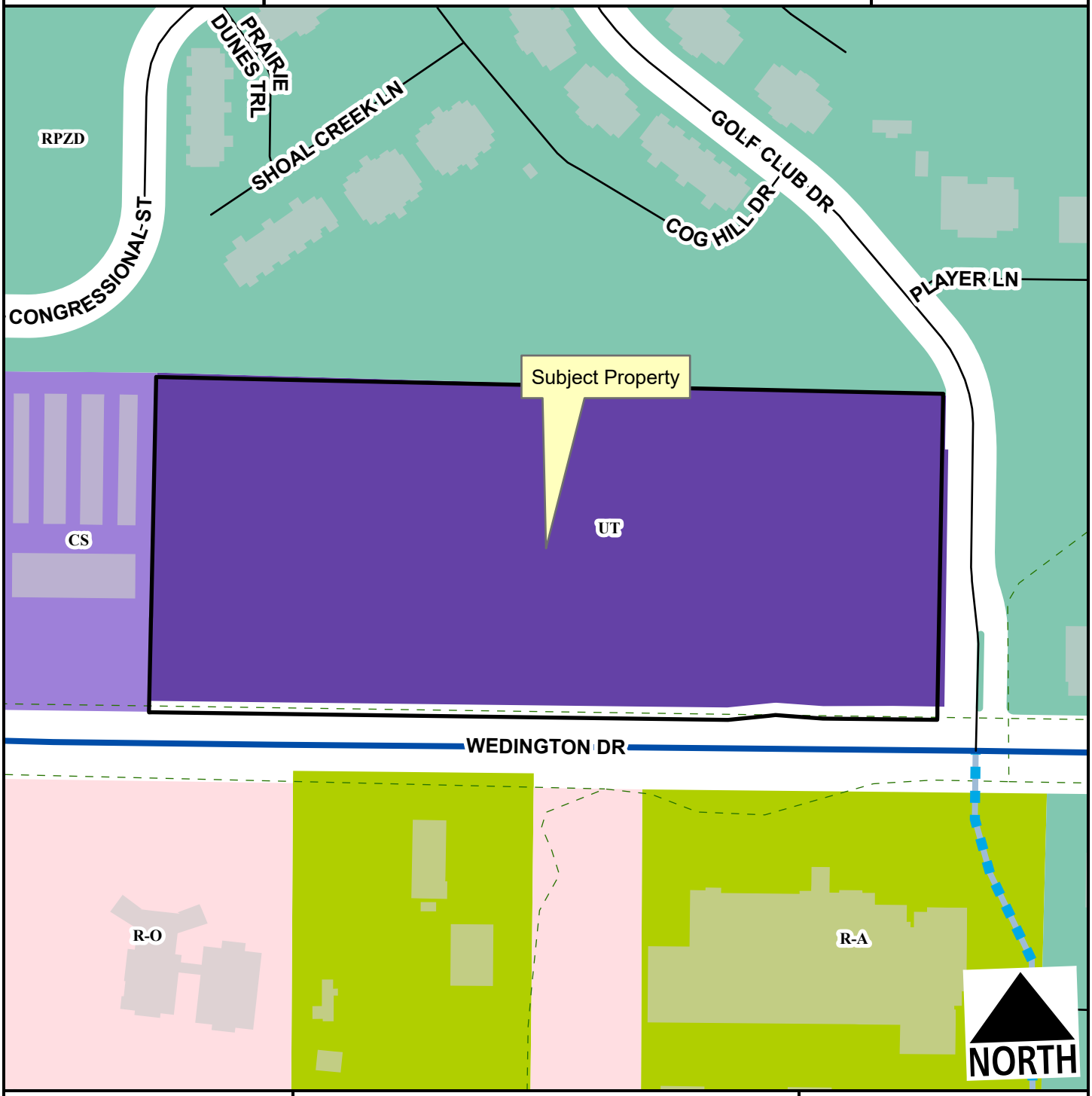
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

PPL-2023-0002

Close Up View

3610 W. WEDINGTON DR



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

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

Residential-Agricultural
Residential-Office
Urban Thoroughfare
Community Services
Commercial, Industrial, Residential

PPL-2023-0002

Current Land Use

3610 W. WEDINGTON DR

NORTH



- Regional Link
- Regional Link - High Activity
- 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

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner
Melissa Boyd, Staff Engineer
Melissa Evans, Urban Forester

MEETING: May 22, 2023

SUBJECT: **LSD-2023-0003: Large Scale Development (1615 E. STEARNS ST./NAPLES, 175):** Submitted by JORGENSEN AND ASSOCIATES for property located 1615 E. STEARNS ST. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 2.42 acres. The request is for a 21,918 square-foot office building and associated parking.

RECOMMENDATION:
Staff recommends approval of **LSD-2023-0003** with conditions as noted in the staff report.

RECOMMENDED MOTION: *"I move to approval **LSD-2023-0003,** finding:*

1. *In favor of proposed variance to UDC 166.25(D)(2);*
2. *In favor of recommended right-of-way dedication;*
3. *In favor of recommended street improvements;*
4. *All other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in north Fayetteville. It is the last parcel to develop within the Vantage Office Park subdivision and is located approximately 400 feet east of the intersection of E. Stearns Street and N. Vantage Drive. The property is zoned C-3, Central Commercial. The undeveloped site totals approximately 2.42 acres and is covered by vegetation throughout. Substantial portions of canopy are included within existing tree preservation easements. A portion of Kitty Creek runs through the southeast corner of the property and roughly 4% of the site lies within a floodplain. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Medical Office	C-3, Central Commercial
South	Offices / Medical	R-O, Residential Office
East	Multi-family Residential	RMF-24, Residential Multi-Family – 24 Units per Acre
West	Detention Pond	C-3, Central Commercial

Proposal: The applicant requests Large Scale Development approval to develop the subject property with a 21,918 square-foot office building and associated parking. The applicant has requested one variance to the Unified Development Code:

- **§166.25(D)(2): Shared drives and cross access between properties shall be encouraged to adjacent developed and undeveloped properties.** The applicant has requested a variance from this requirement, stated that the developer "does not desire to have all the residential traffic from the east driving directly in front of the proposed commercial buildings due to safety reasons."
    - *Staff recommendation: Staff recommends approval of the proposed variance. The intent of the code is "to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements." Staff finds that cross access to north and west have been provided for off of the existing access drive. Environmental challenges of the floodplain and floodway on the southern portion of the property present significant hardship in creating a feasible future connection to the south. A "natural surface" pedestrian path is proposed from the eastern property line along the northern edge of the parking lot to the public right-of-way along Stearns. Staff finds that the pedestrian path meets the intent for connectivity and will review the design in further detail at grading permit to ensure minimal impact to preserved trees.*

Right-of-Way to be Dedicated: The subject property has frontage along E. Stearns Street which is classified as a Residential Link Street. Residential Link streets typically require 52 feet of right-of-way from the centerline of the road (26 feet from centerline). An existing 29.5 feet of right-of-way is currently dedicated. No additional right-of-way dedication is recommended along E. Stearns St.

Street Improvements: Staff recommends an assessment of $8,263.59 for the construction of the remaining 270 LF of Stearns Street. A breakdown of this cost is included in the attached Engineering Memo. As this is the final lot within the Vantage Office Park Subdivision, staff also recommends that Planning Commission provide input on the completion of the Stearns Street connection to the Transportation Committee for consideration. Other than streetlights to meet the 300-foot maximum distance requirement, no other on-site improvements are recommended with this development, since sidewalk and greenspace were installed with the original subdivision final plat.

Access Management/Connectivity: Staff determined that the project meets access requirements. The proposed connection to E. Stearns Street is at an existing driveway. E. Stearns Street is a residential link, which requires driveway separation of 50 feet. All driveways meet access management standards. A variance has been requested for connectivity requirements, which staff recommends in favor of for the reasons outlined above.

Design Standards: As an office development, this proposal is subject to Unified Development Code §166.25, Commercial, Office and Mixed-Use Design Standards. Staff has determined that the applicant has sufficiently demonstrated how applicable design standards will be met. The proposed development appears to meet design requirements for pedestrian connections to the public sidewalk, site coverage, and circulation. Architectural features have been provided for the proposed structures including ground floor entries, insets or relief in the wall plane, and building form elements. The eastern property lines are bordered by an extensive tree preservation easement that meets the intent of the code for screening between residential properties. The variance discussed at subdivision committee for UDC 172.05(A)(7) Parking Lot Design standards has been resolved and is no longer required.

Water and Sewer System: An 8" water main exists along E. Stearns Street which this development may connect to for domestic water service. The developer will need to coordinate this connection

with City of Fayetteville Water/Sewer. Approximately 270 LF of 6" fire line is proposed to serve this development. An 8" sewer main exists along the southern portion of the subject property that can serve this development. They are proposing to install a manhole on the existing sewer main and connect a private 6" service line for the proposed building.

Parkland dedication or fee in-lieu: Non-residential uses are not subject to parkland dedication requirements.

Tree Preservation:
Canopy minimum requirement: 15%
Existing canopy: 47.5%
Preserved canopy: 25.4%
Mitigation required: zero two-inch caliper trees

Public Comment: Staff have not received public comment on the item.

RECOMMENDATION: Staff recommends forwarding **LSD-2023-0003** to the full Planning Commission with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*

2. **Planning Commission determination of street improvements.** *Staff recommends an assessment of $8,263.59 be taken for the construction of the remaining 270 LF of Stearns Street.*

3. **Planning Commission determination of a variance to UDC §§166.25(D)(2): Shared Drives and Cross Access Between Properties.** *Staff recommends partial approval of this variance for the reasons stated above;*

4. Add pedestrian connection from building entry to eastern property line.

5. All comments from Planning staff must be addressed prior to grading permit approval including:
    a. Clearly label all compact parking spaces on plans
    b. Show all ADA ramps and crosswalks
    c. Update plans to show building area consistently

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

Standard Conditions of Approval:

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

8. 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);

9. 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;

10. 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;

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

12. 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;

13. 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;

14. 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;

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

16. 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;

17. 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

18. 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:	**❒ Forwarded**	**❒ Tabled**	**❒ Approved**
Meeting Date: May 22, 2023			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Engineering Comments
- Urban Forestry Comments
- Request Letter
- Variance Request Letter
- Site Plan
- Elevations
- 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
Fax: 479.582.4807
www.jorgensenassoc.com

February 15, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Large Scale Development for Lot 3 of Vantage Office Park off of Stearns Street.

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

February 15, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Large Scale Development for Lot 3 of Vantage Office Park off of Stearns Street.

This letter is in regards to a proposed Large Scale Development on Lot 3 of Vantage Office Park located off of Stearns Street. This lot is a total of 2.4 acres and the applicant is proposing to put in a 11,000 square foot office building with associated parking. Detention has already been accounted for this lot as part of the Vantage Office Park as well as tree preservation. There are certain areas highlighted in the plans that have to be preserved as previously agreed upon as part of the Vantage Office LSD. Water and sewer are already to the site we will just be proposing water and sewer services to the building.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin Jorgensen, PE

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

May 16, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Engineering and Development Services
Re: Naples LSD 2023-003 - Variance Request from Design Standards

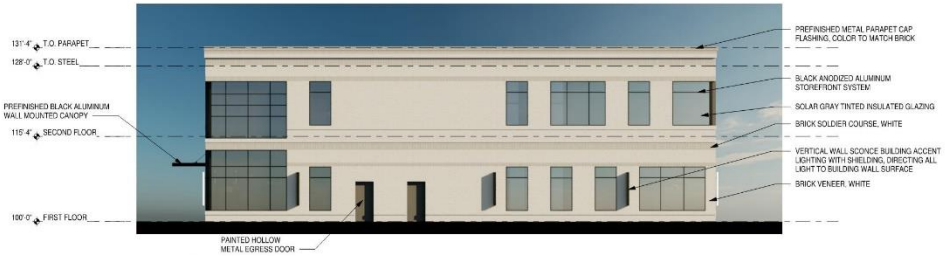
Please accept this request for a variance from the City of Fayetteville's Minimum Design standards. The request is for the following:

- Chapter 166.25(D)(2) Driveway (Connectivity) : The developer does not desire to have all the residential traffic from the east driving directly in front of the proposed commercial buildings due to safety concerns. The developer is proposing a walking/bike path to connect the east to the west for any pedestrian traffic and plans to work with Urban Forestry on the methods to do this in order to preserve all tree canopy.

We thank you for your consideration of this proposal and please call with any questions,

Thank you,
Justin Jorgensen, PE

Street & Drainage	Unit Price Schedule for				
Item #	Description	Quantity	Unit	Unit Price	Amount
1	Scrape Topsoil (Stockpile) (clearing & Grubbing)	1	L.S.	10925	$ 10,925.00
2	Undercut for Street (have to cut our 4 feet of dirt and haul off)	1,244	C.Y.	39.1	$ 48,640.40
3	Import Hillside (loose yards, have to bring in 3' of select fill, grade & compact)	933	C.Y.	39.1	$ 36,480.30
4	Install Curb & Gutter (include 1' base behind curbs)	542	L.F.	37.95	$ 20,568.90
5	Install Sidewalk	3,252	SQFT	9.2	$ 29,918.40
6	3/8 Paving Section	542	S.Y.	44.85	$ 24,308.70
7	Back Fill Curb This is not included in clearing and grubbing, sperate scope of work)	1	L.S.	7475	$ 7,475.00
8	Fine Grade Base (includes cost of base, hauling it, grading, & compacting)	1	L.S.	11482.75	$ 11,482.75
9	Sod	1	L.S.	8750	$ 8,750.00
10	Mobilization	1	EA	9890	$ 9,890.00
11	Remove & Replace Fence	151	LF	63.25	$ 9,550.75
12	Demo & Replace existing building (there is an existing building onsite that will have to be replaces per building owner)	1	1	28750	$ 28,750.00
13	Material Testing (dirt, concrete, asphalt, etc etc all have to be inspected by 3rd parties)	1	1	7475	$ 7,475.00
14	Reroute Creek with Storm Drainage (there is a water stream that run year around that will have to be addressed)	200	L.F.	207	$ 41,400.00
15	Paint/Stripe/Signage	1	1	9775	$ 9,775.00
16	Landscaping (18 tree's)	18	L.S.	300	$ 5,400.00
17	Street Lights	4	1	9775	$ 39,100.00
19	Erosion Control	1	L.S.	4082.5	$ 4,082.50
21	Relocate and bury Ozarks Trunk Line & Fiber optics (in the utility easement, have to have so much clearance underneath and will have to be dropped)				$ 55,000.00
22	WATER ? This could great add to cost				
23	SEWER? This could greatly add to cost				
24					
25					
26					
27	Bond on Street/Drainage/Landscaping	1	L.S.	4206.7	$ 4,206.70
				Total	$ 413,179.40



1 WEST ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"



3 NORTH ELEVATION
3/32" = 1'-0"



4 SOUTH RENDERED ELEVATION
3/32" = 1'-0"



5 NW RENDERING
1/8" = 1'-0"



6 NE RENDERING
1/8" = 1'-0"



7 SE RENDERING
1/8" = 1'-0"

BILD ARCHITECTS

REVIEW
03/27/2023

A NEW OFFICE BUILDING
EAST STEARNS STREET
FAYETTEVILLE, ARKANSAS

PROJECT NO.
0000
ISSUE DATE
00/00/0000
REVISION DATES
DATE DESCRIPTION

A4.3
COPYRIGHT 2023

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: May 17, 2023

SUBJECT: **Planning Commission Engineering Comments for LSD-2023-0003 NAPLES**

Street Improvements: Engineering is recommending an assessment of $8,263.59 be taken for the construction of the remaining 270 LF of Stearns Street. A breakdown of this cost is below. The recommended street section will utilize 45' of the existing 50' right-of-way and includes a 21' paved width from back-of-curb to back-of-curb with 6' sidewalk and greenspace on both sides. With the other developments in the Vantage Office Park, a total of $12,589.84 has been collected towards this street connection. Of the total collected to-date, $6,564.65 included a condition that it could be used for a sidewalk connection or the build out of the remainder of Stearns Street.

An ADT of 310 vehicles per day (vpd) has been calculated for this development. An estimated 25% of these trips, or 78 vpd, will use the Stearns Street connection, and is 2.0% of the 4,000 vehicle per day design service volume assigned to streets classified as a Residential Link. The cost estimate submitted by the applicant indicates that the current cost of construction for the recommended street section will be $413,179.40, which yields an assessment value of $8,263.59 for this development.

The Stearns Street connection is shown on the City's Master Street Plan and Engineering is requesting Planning Commission input to provide to the Transportation Committee.

Water: An 8" water main exists along E. Stearns Street which this development may connect to for domestic water service. The developer will need to coordinate this connection with City of Fayetteville Water/Sewer. Approximately 270 LF of 6" fire line is proposed to serve this development.

Sewer: An 8" sewer main exists along the southern portion of the subject property that can serve this development. They are proposing to install a manhole on the existing sewer main and connect a private 6" service line for the proposed building.

Natural Features: Kitty Creek, a protected stream, is present in the southeast corner of the subject property and lies within a Zone A floodplain. No work is proposed within the floodplain or Streamside Protection Zones.

Drainage: The development of this lot was considered with the overall Vantage Office Park project. Per the design engineer's addendum to the as-built drainage report, this lot is being developed according to the assumptions made in the original design per the requirements of the City of Fayetteville's Drainage Criteria Manual.

Plan Comments:

1. Written approval from adjacent property owner will be required for grading within 5' of the property line prior to the grading permit being issued.

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

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Justin Jorgensen, PE, Jorgensen + Associates

From: Melissa M. Evans, Urban Forestry

CC: Donna Wonsower, Planner

Meeting Date: May 11, 2023

Subject: LSD-2023-0003: Stearns Street Office LLC: E. Stearns St., 175

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		
	Square Feet	**Percent of site**
Total Site Area *Minus Right of Way and Easements	93,398	100%
*Zoning Designation * Select Below with drop down arrow*		
C-3, Central Business Commercial	14,010	15%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	14,010	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	44,371	47.5%
Tree Canopy Preserved	23,741	25.4%
Tree Canopy Removed *On Site	20,630	22.1%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	20,630	22.1%
Removed Below Minimum	**0**	
Mitigation Requirements	**0**	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority		
Low Priority		
Total Mitigation Trees Required	**0**	**0**

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	**No**	**Yes**	
e. Soil Types	**Yes**	**Yes**	
f. Significant Trees	**N/A**	**N/A**	
g. Groupings of Trees	**Yes**	**Yes**	
h. Table Inventory List (species, size, health, priority)	**N/A**	**N/A**	
i. All Existing and Proposed Utilities	**No**	**No**	
j. All Existing and Proposed Utility Easements and ROW's	**No**	**No**	
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)	**N/A**	**N/A**	
o. Shows ALL Proposed Site Improvements	**Yes**	**Yes**	
p. Delineates trees/canopy to be preserved and removed	**Yes**	**Yes**	
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	**Yes**	**Yes**	
Tree Protection Methods			
a. Tree Protection Fencing	**N/A**	**N/A**	
b. Limits of Root Pruning	**No**	**No**	
c. Traffic flow on work site	**N/A**	**N/A**	
d. Location of material storage	**N/A**	**N/A**	
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	**02-27-23** **04-25-23**	**05-09-23**	
Approved			
Tabled			
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.
2. Provide ample room for construction work between parking lot edges and Tree Preservation Fence locations. Please do not encroach in the Tree Preservation Easements with grading or any construction work. Show tree root pruning along curb lines at the SE corner of the site prior to digging for construction of the parking lot and curbs.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Justin Jorgensen, PE, Jorgensen + Associates

From: Melissa M. Evans, Urban Forestry

CC: Donna Wonsower, Planner

Meeting Date: May 11, 2023

Subject: LSD-2023-0003: Stearns Street Office LLC: E. Stearns St., 175

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*	**Yes**		
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 and the street.			**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.	Structural 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	**0**
Parking Lot Trees	**8**
Street Trees	**1**
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	**02-28-23**	**05-09-23**	
	04-25-23		
Approved			
Tabled			
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.
2. The plan must be stamped, signed and dated by the design landscape architect.
3. Please show the proposed street trees along the Stearns Street road connection at 30 LF on both sides of the road and list the types of species along with the sizes, details and notes.

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

February 15, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Large Scale Development for Lot 3 of Vantage Office Park off of Stearns Street.

This letter is in regards to a proposed Large Scale Development on Lot 3 of Vantage Office Park located off of Stearns Street. This lot is a total of 2.4 acres and the applicant is proposing to put in a 11,000 square foot office building with associated parking. Detention has already been accounted for this lot as part of the Vantage Office Park as well as tree preservation. There are certain areas highlighted in the plans that have to be preserved as previously agreed upon as part of the Vantage Office LSD. Water and sewer are already to the site we will just be proposing water and sewer services to the building.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin Jorgensen, PE

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

May 9, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Engineering and Development Services
Re: Naples LSD 2023-003 - Variance Request from Design Standards

Please accept this request for a variance from the City of Fayetteville's Minimum Design standards. The request is for the following:

- Chapter 172.05(3) Maximum Number of Parking Spaces Allowed for Residential and Non-Residential Uses: In order to maximize the possible uses for the proposed building and any potential future tenants the developer needs as much parking as possible.
- Chapter 166.25(D)(2) Driveway (Connectivity) : The developer does not desire to have all the residential traffic from the east driving directly in front of the proposed commercial buildings due to safety concerns.

We thank you for your consideration of this proposal and please call with any questions,

Thank you,
Justin Jorgensen, PE

NOTES:

1. PARCEL #765-31257-000

2. CURRENT ZONING: C-3, CENTRAL COMMERCIAL

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

4. BOUNDARY BASED ON:
   I. VANTAGE OFFICE CONCURRENT PLAT, FILE #24A-00000226

5. PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" & "A" AS SHOWN ON FEMA FIRM PANEL #05143C0210F BEARING AN EFFECTIVE DATE OF 5/16/2008 AND IS PARTIALLY LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

6. CITY PLAT BOOK PAGE 175

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

OWNER / DEVELOPER:

STEARNS STREET OFFICE, LLC
4200 GABEL DRIVE
FAYETTEVILLE, AR 72703

ZONING & SETBACKS:

ZONED: C-3, CENTRAL COMMERCIAL

SETBACKS:
FRONT: 50' (PARKING BETWEEN BUILDING & R/W)
SIDE: NONE
REAR: 15' (NO EASEMENT OR ALLEY)

STREET TABLE:

STREET R/W:
EAST STEARNS STREET CURRENT RIGHT-OF-WAY: 59'
EAST STEARNS STREET MASTER STREET PLAN RIGHT-OF-WAY: 45' MINIMUM; 52' MAXIMUM

SIDEWALKS:
EAST STEARNS STREET: 5'

GREEN SPACE:
EAST STEARNS STREET: 9'

PARCEL #765-31257-000:

LOT 3 OF VANTAGE OFFICE PARK, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SET FORTH ON FINAL PLAT THEREOF FILED FOR RECORD APRIL 9, 2019 AS PLAT RECORD 24A-226, RECORDS OF WASHINGTON COUNTY, ARKANSAS, AS AMENDED BY AFFIDAVIT RECORDED APRIL 16, 2019 AT LAND DOCUMENT NO. 2019-10359, RECORDS OF WASHINGTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS, COVENANTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES.

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 VIOLATIONS.

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. TWO (2) SET OF AS-BUILT DRAWINGS OF THE INSTALLED UTILITIES AS A HARD COPY AND IN PDF FORMAT;

e. CERTIFICATION THAT THE WATER MAIN, FIRE LINE, AND SEWER LINES, ETC., WERE INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS.

f. THE PROJECT IS READY FOR TEMPORARY CERTIFICATE OF OCCUPANCY (TCO). IF NOT, THE METER WILL BE INSTALLED TO BE USED FOR TESTING ONLY AND TURNED OFF UNTIL THE TCO IS ISSUED.

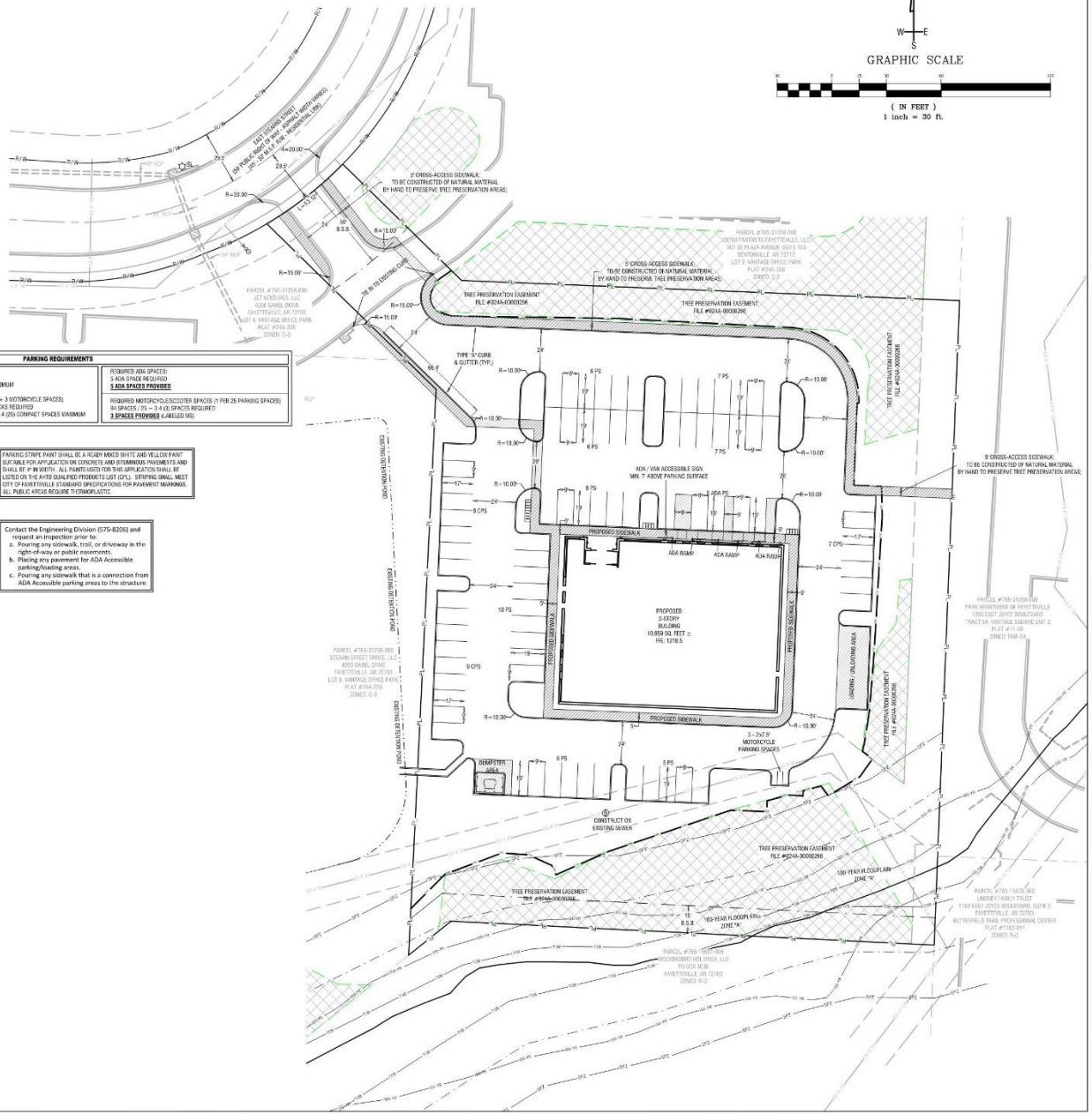
13. ALL TAPS ON EXISTING MAINS SHALL BE MADE BY THE CITY, AND FEES PAID BY OWNER.

PARKING REQUIREMENTS	
REQUIREMENTS FOR PROFESSIONAL OFFICE: 1 SPACE PER 300 SQ. FEET OF GROSS FLOOR AREA 21,918 / 300 = 73 SPACES + 15% = 83.9 (84) SPACES MAXIMUM **84 TOTAL PARKING SPACES PROVIDED** (72 STANDARD SPACES + 24 COMPACT SPACES + 5 ADA SPACES + 3 MOTORCYCLE SPACES) 1 BIKE RACK PER 20 PARKING SPACES = 84 / 20 = 4.2 (4) BIKE RACKS REQUIRED COMPACT SPACES: MAXIMUM OF 35% OF PARKING - 84 X 35% = 29.4 (29) COMPACT SPACES MAXIMUM	REQUIRED ADA SPACES: 5 ADA SPACE REQUIRED **5 ADA SPACES PROVIDED** REQUIRED MOTORCYCLES/SCOOTER SPACES (1 PER 25 PARKING SPACES) 84 SPACES / 25 = 3.4 (3) SPACES REQUIRED **3 SPACES PROVIDED** (LABELED MS)

OVERALL SITE AREA CALCULATIONS:		
TOTAL LAND AREA:	136,590 SQ. FT. ±	100%
PREDEVELOPMENT:		
IMPERVIOUS:	2,500 SQ. FT. ±	2%
PERVIOUS:	134,048 SQ. FT. ±	98%
POST DEVELOPMENT:		
BUILDING:	10,959 SQ. FT. ±	18%
PARKING & SIDEWALK:	46,903 SQ. FT. ±	44%
TOTAL IMPERVIOUS:	57,963 SQ. FT. ±	54%
POROUS GREEN SPACE:	48,887 SQ. FT. ±	46%

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.

Contact the Engineering Division (575-8206) 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.



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

LEGEND

- FOUND MONUMENT AS NOTED
- SET IRON PIN WITH CAP
- CALCULATED POINT
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- STORM DRAIN MANHOLE
- LIGHT POLE
- ADA PARKING
- SIGN/MARKER
- PROPERTY LINE
- FORTY LINE / PROPERTY TIE LINE
- ADJOINING PROPERTY LINE
- CENTERLINE OF ROAD
- RIGHT OF WAY
- BUILDING SETBACK
- UTILITY EASEMENT
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING DRAIN PIPE

PROJECT DETAILS

PROJECT TITLE:
NAPLES LARGE SCALE DEVELOPMENT

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 12/6/2022
DRAWN BY: JH
PROJECT #2022-186
FILE PATH: Z:\LSD\2022\186
SHEET SIZE: 22" x 34"
SCALE: 1" = 30'

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13643
BLAKE E. JORGENSEN

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

SHEET TITLE

LARGE SCALE DEVELOPMENT PLAN

SHEET NUMBER

C1.2

Planning Commission
May 22, 2023
LSD-2023-0003 (NAPLES)
Page 20 of 27
Page 259 of 418

CITY OF FAYETTEVILLE LANDSCAPE NOTES:

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.

2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.

3. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.

4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.

5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.

6. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.

7. ALL TREES AND SHRUBS SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.

8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.

9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL BE NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.

10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BEFORE PLANTING BEGINS.

11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.

12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.

13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.

14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.

15. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.

16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.

17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.

18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF 70% TURF TYPE FESCUE, 20% PERENNIAL RYE, AND 10% BERMUDA GRASS AT 5 POUNDS PER 1,000 SQUARE FEET.

19. ALL AREAS TO BE SEEDED SHALL RECEIVE 4" OF TOPSOIL AND BE GRADED PER THE GRADING PLAN.

20. IRRIGATION SHALL BE EITHER AN UNDERGROUND AUTOMATIC SYSTEM OR SHALL UTILIZE HOSE BIBS EVERY 100' AS REQUIRED BY FAYETTEVILLE LANDSCAPE ORDINANCE.

21. MAINTENANCE: THE CURRENT OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.

22. REPLACEMENT LANDSCAPING: REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY. THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.

23. THREE (3) YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND MITIGATION TREE.

24. PRIOR TO GRADING PERMIT, ALL TREE PRESERVATION MEASURES SHALL BE IN PLACE PER APPROVED TREE PRESERVATION PLAN.

25. PRIOR TO BUILDING PERMIT, A LANDSCAPE ESTIMATE PER APPROVED LANDSCAPE PLAN SHALL BE SUBMITTED TO URBAN FORESTRY. A PERFORMANCE LANDSCAPE SURETY IN THE AMOUNT OF 150% OF THE APPROVED LANDSCAPE ESTIMATE SHALL THEN BE SUBMITTED WITH LANDSCAPE SURETY FORM.

26. AN EASEMENT PLAT DEPICTING TREE PRESERVATION AREAS MUST BE SIGNED BY URBAN FORESTRY AND FILED PRIOR TO BUILDING PERMIT.

27. PRIOR TO CERTIFICATE OF OCCUPANCY, LANDSCAPE ARCHITECT OF RECORD SHALL PERFORM AN INSPECTION CONFIRMING THAT IMPLEMENTATION OCCURRED PER APPROVED LANDSCAPE PLAN. UPON SUCCESSFUL RESULTS AND INSPECTION, REQUEST FINAL LANDSCAPE INSPECTION BY URBAN FORESTRY.

MITIGATION TREES:

NO MITIGATION TREES REQUIRED

PARKING TREES:

TREE ISLAND - 1 TREE PER 12 PARKING SPACES
99 PARKING SPACES / 12 = 8.25 TREES REQUIRED
8 ISLAND TREES PROVIDED (LABELED WITH A "P")

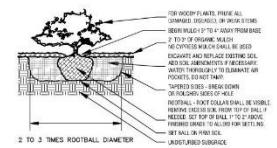
4 - 2 CAL. BALD CYPRESS
TAXODIUM DISTICHUM

4 - 2 CAL. YELLOWWOOD
CLADRASTIS KENTUCKEA

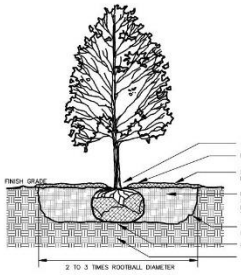
STREET TREES:

EAST STEELE STREET:
1 PER 30' OF R/W (MINUS DRIVES)
730 = 0.9 TREES REQUIRED
1 STREET TREES PROVIDED (LABELED WITH AN "S")

THORNLESS COCKSPUR HAWTHORN
CRATAEGUS CRUS-GALLI VAR. INERMIS



SHRUB PLANTING DETAIL
NOT TO SCALE



NOTES:
1. TREES SHALL BE 2" CALIPER MINIMUM.
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL.
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER.
4. REMOVE ANY TWINE, ROPE, PLASTIC WRAPPING, OR GUARDS FROM TREE.
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
6. IN OTHER BALL - ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, CUT AWAY ONLY HALF OF THE BURLAP.

SET TREE PLUMB SO THE MAIN LEADER IS STRAIGHT
BEGIN MULCH 3" TO 4" AWAY FROM TRUNK
3" TO 5" OF ORGANIC MULCH
NO CYPRESS MULCH SHALL BE USED
EXCAVATE AND REPLACE EXISTING SOIL. ADD SOIL AMENDMENTS IF NECESSARY AS DIRECTED BY PROJECT MANAGER. WATER THOROUGHLY TO ELIMINATE AIR POCKETS. DO NOT TAMP.
WIDE SHALLOW HOLES WITH TAPERED SIDES. BREAK DOWN ON RUBBISH SIDES OF THE HOLE.
SET BALL ON FIRM SOIL
UNDISTURBED SUBGRADE

TREE PLANTING DETAIL
NOT TO SCALE

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

LEGEND

- FOUND MONUMENT AS NOTED
- SET IRON PIN WITH CAP
- CALCULATED POINT
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
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- PROPERTY LINE
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- BUILDING SETBACK
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- EXISTING DRAIN PIPE

PROJECT DETAILS

PROJECT TITLE:
NAPLES LARGE SCALE DEVELOPMENT

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 12/6/2022
DRAWN BY: JH
PROJECT #2022-186
FILE PATH: Z:\LSD\2022186
SHEET SIZE: 22" x 34"
SCALE: 1" = 30'

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13843
JUSTIN E. JORGENSEN

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

SHEET TITLE

LANDSCAPING PLAN

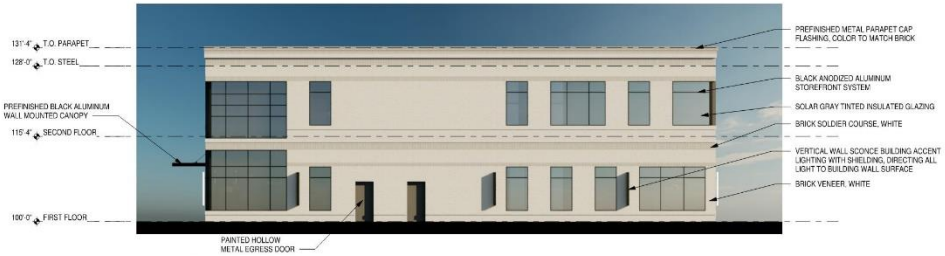
SHEET NUMBER

L1.2

Planning Commission
May 22, 2023
LSD-2023-0003 (NAPLES)
Page 260 of 418
Page 21 of 27

JORGENSEN +ASSOCIATES
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124 W Sunbridge Drive, Suite S
Fayetteville, AR 72703
Office 479.442.9127
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LEGEND
PROJECT TITLE:
PROJECT LOCATION:
PROJECT DETAILS
REVISIONS
DATE:
DRAWN BY:
PROJECT #:
FILE PATH: Z:\LSD\2022\86 - KYLE NAPLES\
SHEET SIZE: 22" x 34"
SCALE: 1" = 30'
CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13843
BLAKE D. JORGENSEN
SHEET TITLE
XXXXX
SHEET NUMBER
XXXX
PROPOSED ROAD CONNECTION
GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.
S87°41'21"E 273.37'
S45°36'57"E 51.30'
N43°36'57"W 136.97'
L=51.13'
R=1530'
EXISTING DETENTION POND
DUCTILE IRON (FC 350 PSI)
ROAD EXTENSION TOTALS:
271 L.F. ± OF ROAD PROPOSED
542 L.F. ± OF CURB (BOTH SIDES)
543 SQ. YARDS ± OF ASPHALT
520 C.Y. ± OF UNDERCUT
536 L.F. ± OF 6' SIDEWALK

Street & Drainage	Unit Price Schedule for				
Item #	Description	Quantity	Unit	Unit Price	Amount
1	Scrape Topsoil (Stockpile) (clearing & Grubbing)	1	L.S.	10925	$ 10,925.00
2	Undercut for Street (have to cut our 4 feet of dirt and haul off)	1,244	C.Y.	39.1	$ 48,640.40
3	Import Hillside (loose yards, have to bring in 3' of select fill, grade & compact)	933	C.Y.	39.1	$ 36,480.30
4	Install Curb & Gutter (include 1' base behind curbs)	542	L.F.	37.95	$ 20,568.90
5	Install Sidewalk	3,252	SQFT	9.2	$ 29,918.40
6	3/8 Paving Section	542	S.Y.	44.85	$ 24,308.70
7	Back Fill Curb This is not included in clearing and grubbing, sperate scope of work)	1	L.S.	7475	$ 7,475.00
8	Fine Grade Base (includes cost of base, hauling it, grading, & compacting)	1	L.S.	11482.75	$ 11,482.75
9	Sod	1	L.S.	8750	$ 8,750.00
10	Mobilization	1	EA	9890	$ 9,890.00
11	Remove & Replace Fence	151	LF	63.25	$ 9,550.75
12	Demo & Replace existing building (there is an existing building onsite that will have to be replaces per building owner)	1	1	28750	$ 28,750.00
13	Material Testing (dirt, concrete, asphalt, etc etc all have to be inspected by 3rd parties)	1	1	7475	$ 7,475.00
14	Reroute Creek with Storm Drainage (there is a water stream that run year around that will have to be addressed)	200	L.F.	207	$ 41,400.00
15	Paint/Stripe/Signage	1	1	9775	$ 9,775.00
16	Landscaping (18 tree's)	18	L.S.	300	$ 5,400.00
17	Street Lights	4	1	9775	$ 39,100.00
19	Erosion Control	1	L.S.	4082.5	$ 4,082.50
21	Relocate and bury Ozarks Trunk Line & Fiber optics (in the utility easement, have to have so much clearance underneath and will have to be dropped)				$ 55,000.00
22	WATER ? This could great add to cost				
23	SEWER? This could greatly add to cost				
24					
25					
26					
27	Bond on Street/Drainage/Landscaping	1	L.S.	4206.7	$ 4,206.70
				Total	$ 413,179.40



1 WEST ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"



3 NORTH ELEVATION
3/32" = 1'-0"



4 SOUTH RENDERED ELEVATION
3/32" = 1'-0"



5 NW RENDERING
1/8" = 1'-0"



6 NE RENDERING
1/8" = 1'-0"



7 SE RENDERING
1/8" = 1'-0"

BLD ARCHITECTS

REVIEW
03/27/2023

A NEW OFFICE BUILDING
EAST STEARNS STREET
FAYETTEVILLE, ARKANSAS

PROJECT NO.
0000

ISSUE DATE
00/00/0000

REVISION DATES
DATE DESCRIPTION

A4.3

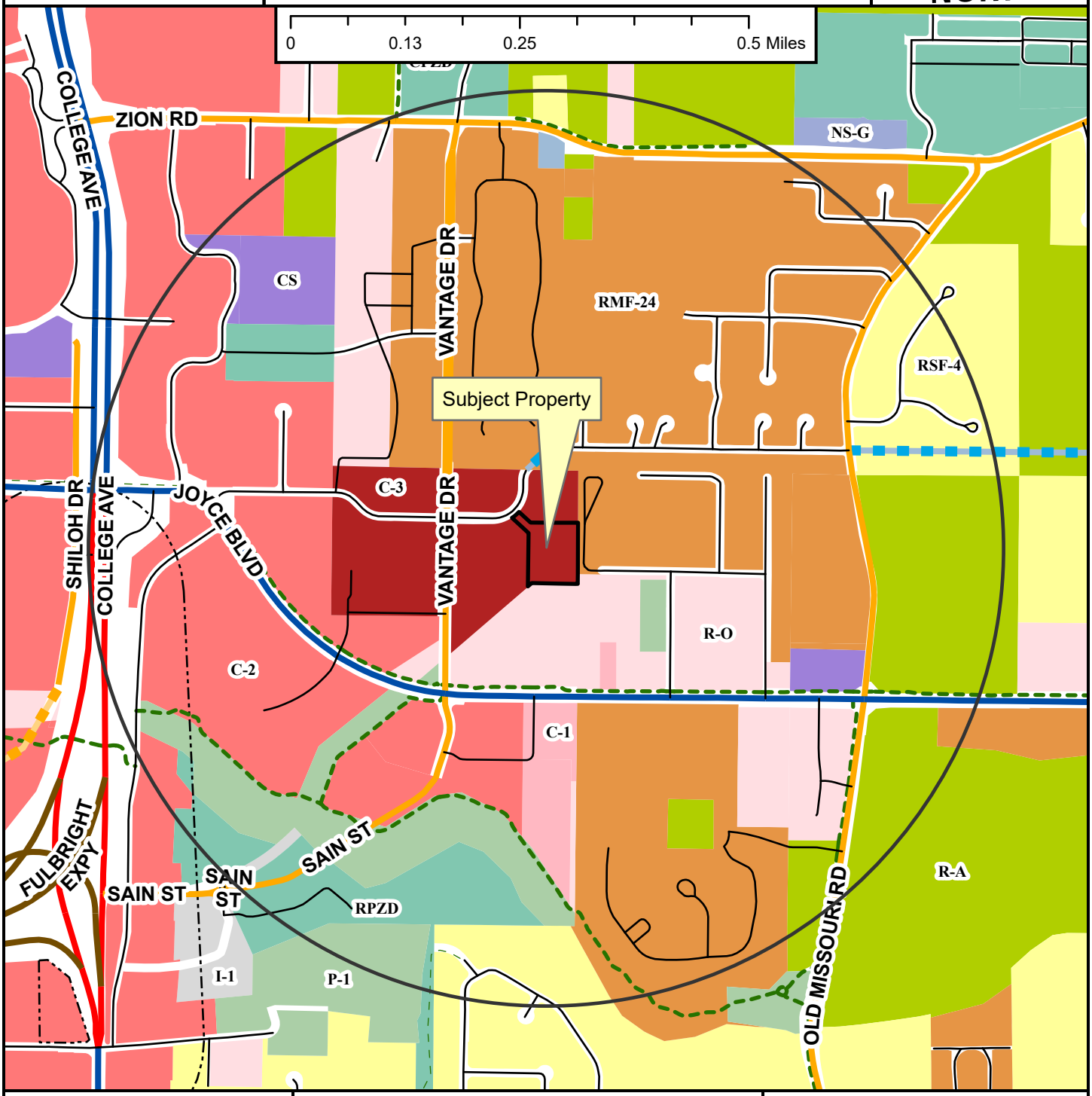
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LSD-2023-0003

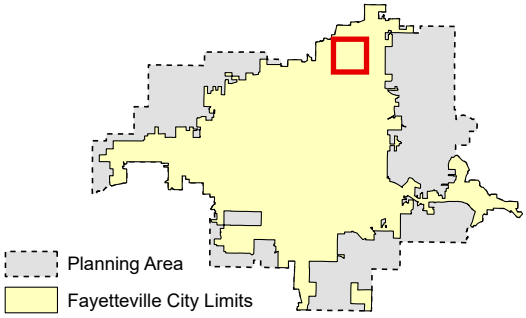
One Mile View

1615 E. STEARNS ST

NORTH



Regional Link
Neighborhood Link
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link



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

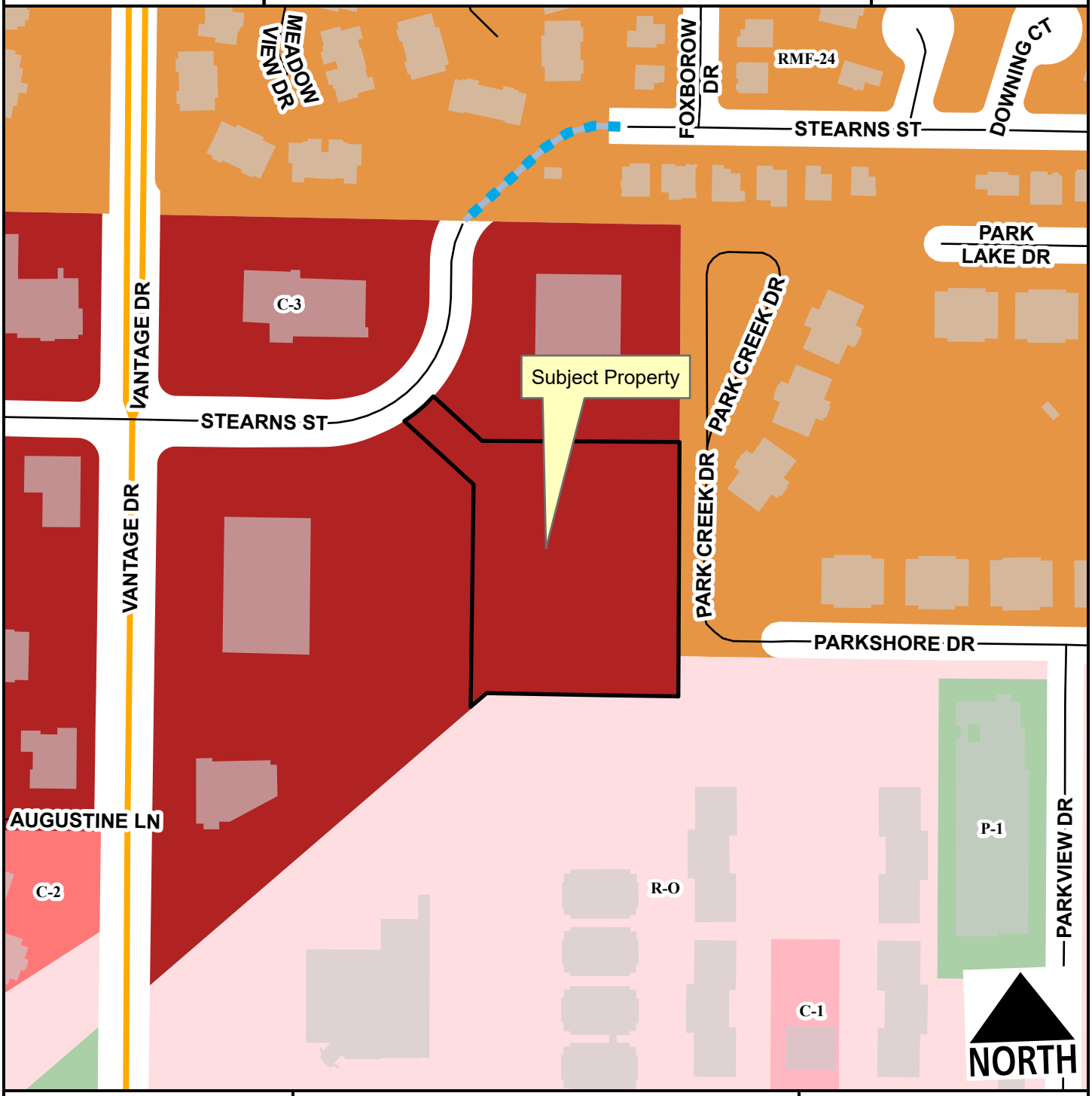
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

LSD-2023-0003

Close Up View

1615 E. STEARNS ST



Neighborhood Link
Unclassified
Residential Link
Planned Residential Link
Planning Area
Fayetteville City Limits

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

RMF-24
Residential-Office
C-1
C-2
C-3
P-1

LSD-2023-0003

Current Land Use

1615 E. STEARNS ST

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- 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: Donna Wonsower, Planner

MEETING DATE: May 22, 2023

SUBJECT: **CUP-2023-0050 Conditional Use (3017 W. OLD FARMINGTON RD./ARNOLD, 557):** Submitted by JORGENSEN AND ASSOCIATES. for property located at 3017 W. OLD FARMINGTON RD. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE and contains approximately 0.54 acres. The request is for approval of Use Unit 9, to allow for two-family structures.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0050** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:
"I move to approve **CUP 2023-0050** with conditions, 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 at the southwest corner of the intersection of S. One Mile Road and W. Old Farmington Road. To the north is Millsap Mountain, the site of Centennial Park. The subject property was rezoned from zoned RSF-4, Residential Single-Family, 4 Units per Acre to RSF-18, 18 units per acre in January 2023 (RZN-2022-0053). It is approximately ½ acre in area. There are no apparent sensitive ecological features on site and the property is fairly flat. A duplex, built in 1977, occupies the site. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

North	Single-family Residential	RSF-18, Residential Single-family, 18 Units per Acre; NC Neighborhood Conservation
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-family, 4 Units per Acre
North	Single-family Residential	RSF-18, Residential Single-family, 18 Units per Acre; NC Neighborhood Conservation

FUTURE LAND USE DESIGNATION: Residential Neighborhood

Request: The applicant requests approval of a conditional use permit to allow development of two-family structures. No site plans, floor plans, or elevations have been provided at this time.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0050,** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for two-family structures for 3017 W. Old Farmington Rd.** *Staff finds the proposed two-family structure use is compatible for the reasons outlined in this report;*

2. **Compliance with §166.23 Urban Residential Design Standards shall be fully reviewed at building permit and other permit submittals.**

3. **One driveway access each shall be permitted onto W. Old Farmington Rd, and S. One Mile Rd. Location shall be reviewed and approved by city engineer.**

4. **Driveway entries shall meet the requirements of §172.04 Parking Lot Design Standards.**

5. **Any new lighting shall meet the requirements of §176 Outdoor Lighting.**

PLANNING COMMISSION ACTION: Required YES
Date: May 22, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

Section 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 two-family dwellings. Two-family dwellings are conditionally allowed in the RSF-18 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 Chapter §161.10 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 permit will not adversely affect the public interest. Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, including requirements for vehicle access, pedestrian circulation, screening, fencing, and architectural design standards. Due to the size of the lot, the zoning limits the total number of dwelling units to nine, subject to tree preservation, parking, and other city requirements, though staff anticipates that a two - family dwelling development will likely construct only four duplexes (eight dwelling units). Neither single-family nor two-family structures are subject to Chapter 176 - Outdoor Lighting requirements.**

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules governing two-family structures.**

(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: **No site plan has been provided at this time. Parking, ingress and egress will be reviewed with future development permits. Due to requirements of Chapter 166.08(F) limiting access to the street with a lower classification where a property fronts more than one street, staff anticipates a single access point. As both streets are the same master street plan classification, "access shall be from the lower volume street, or as determined by the City Engineer."**

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: **No site plan has been provided at this time. Two-family structures are required to be parked at two parking spaces per dwelling unit. With a maximum allowed density of nine residential units, staff anticipates up to eighteen parking spaces. Any parking lots would be required to meet Chapter 172.04 Parking Lot Design Standards.**

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

Finding: **No site plan has been provided at this time. Refuse and service areas, as well as off-street parking and loading will be reviewed with future development permits. Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, which require screening of trash and recycling facilities with materials complementary to the principle structures with access not visible from the public right-of-way. Additionally, the recycling and trash division ,ay exercise discretion in requiring enclosures for dumpster and recycling containers and associated screening.**

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

Finding: **An existing 6-inch water main is present on the north side of W. Old Farmington Road and another 6-inch water main is present in the center of S. One Mile Road. An existing 8-inch sewer main is present on the north side of W. Old Farmington Road and another 6-inch sewer main is present in the center of S. One Mile Road. Capacity will be reviewed with future development permits.**

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

Finding: **Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, which has requirements regarding the screening of trash and recycling facilities, screening of mechanical and utility equipment, and standards on fence heights and allowed materials.**

(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 the City's sign ordinance and all the regulations therein.

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

Finding: A plan has not been provided at this time. An existing two-family dwelling is located on the structure and appears to be meeting both side setback and front BTZ requirements of the RSF-18 zoning district.

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

Finding: Staff finds that the proposal is compatible with adjacent properties. One existing two family dwelling is located on the requested parcel, and existing two-family dwellings are located less than 200 feet to the south, and the area hosts single family, two-family, PZDs, and cluster housing developments in a wide range of zoning densities nearby. Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, which includes site design regulations such as pedestrian entries fronting public right-of-way which connect to the street, continuous site circulation, minimized visual impact of parking lots on surrounding properties, and architectural design standards that promote variety of building forms.

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

Finding: Staff finds that the proposal is compatible with adjacent properties. City 2040 plan encourages a range of housing types to encourage housing affordability and diversity of choice. Two-family structures are subject to additional design regulations such as requirements for pedestrian entries fronting public streets and pedestrian circulation that align with city plans encouraging active transportation and increasing diversity of housing choice promotes affordability.

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
  - §161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre
  - §166.23 Urban Residential Design Standards
- Applicant Request letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(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.*

Units per acre	Eighteen (18) or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25	5 feet on both sides	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is	5 feet

ft. from the front property line.		filed**. The remaining side setback(s) shall be 10 feet.	

* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

** At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width for two-family dwellings.

(Ord. No. 5800 , §2(Exh. B), 10-6-15; Ord. No. 5824 , §2, 11-17-15; 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."

166.23 Urban Residential Design Standards

(A) *Purposes.*

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.

(3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.

(4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

(1) 2-F, Two (2) family dwellings

(2) 3-F, Three (3) family dwellings

(3) MF, Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

(1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.

(2) *Vehicular Access/Circulation/Parking.*

(a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.

(i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.

(ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.

(iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(3) *[Reserved.]*

(4) *Pedestrian Circulation.*

(a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

(b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.

(5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*

(a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.

(b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.

(i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.

(ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.

(c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.

(6) *Fencing.* The following types, height, and location of fences shall be prohibited:

(a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.

(b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.

(c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(D) *Architectural Design Standards.*

(1) *Intent.* The intent of these building design standards is:

(a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.

(b) To maximize the quality, value and longevity of urban residential neighborhoods.

(c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*

(a) *Building Form and Design.*

(i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.

(ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.

(iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:

(a) Variations in materials;

(b) Insets or other relief in the wall plane;

(c) Incorporation of two or more of the following:

(1) Balconies;

(2) Bays or bay windows;

(3) Porches;

(4) Dormers;

(5) Porticoes;

(6) Turrets; or

(7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.

(iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:

(a) Balconies;

(b) Bays or bay windows;

(c) Porches;

(d) Dormers;

(e) Porticos;

(f) Turrets; or

(g) Other architectural feature approved by the Development Review Manager that meets the intent of the Code.

(E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

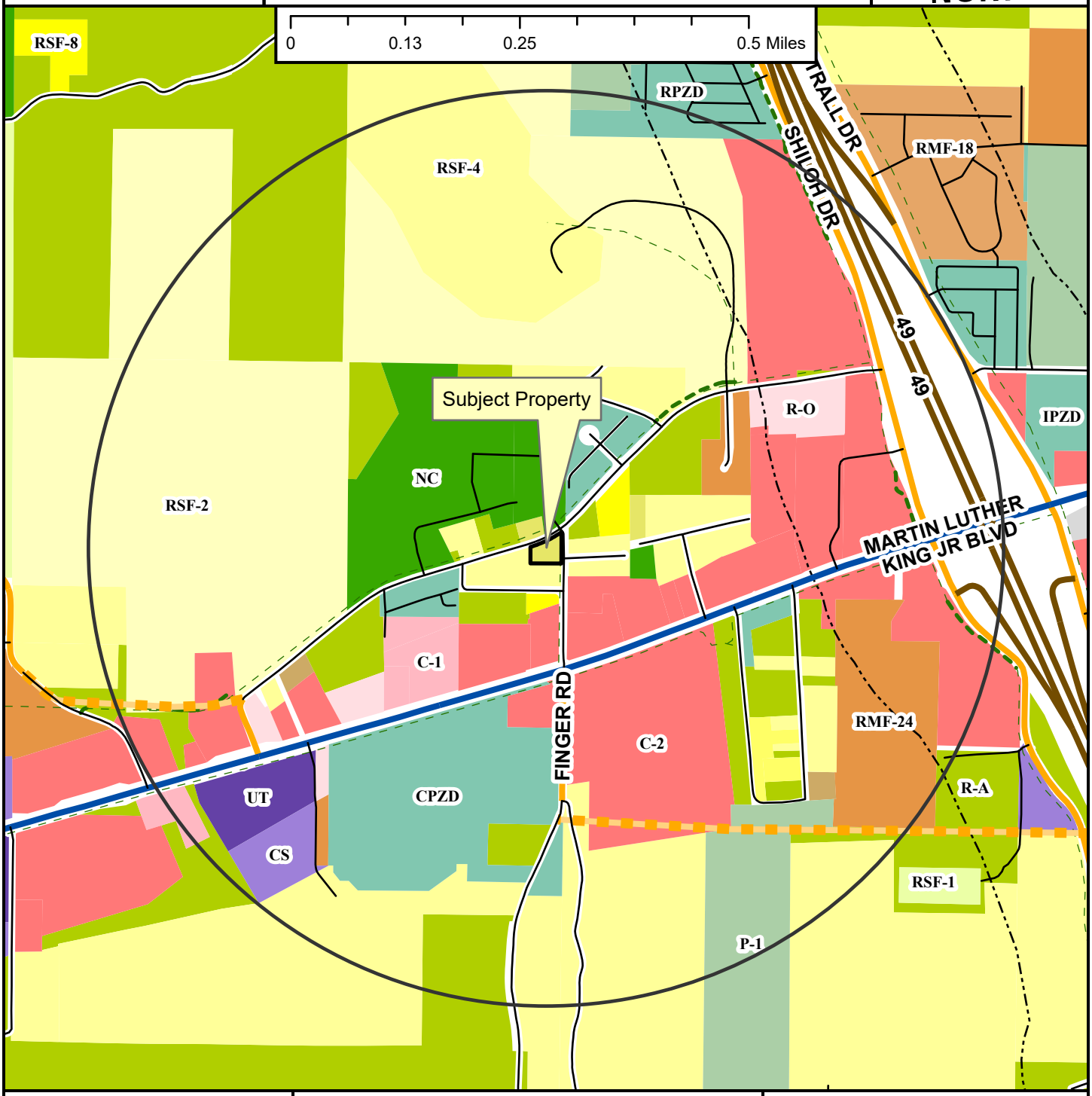
(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21)

CUP-2023-0050

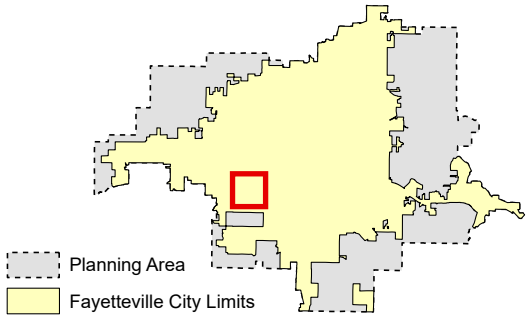
One Mile View

3017 W Old Farmington Road

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-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

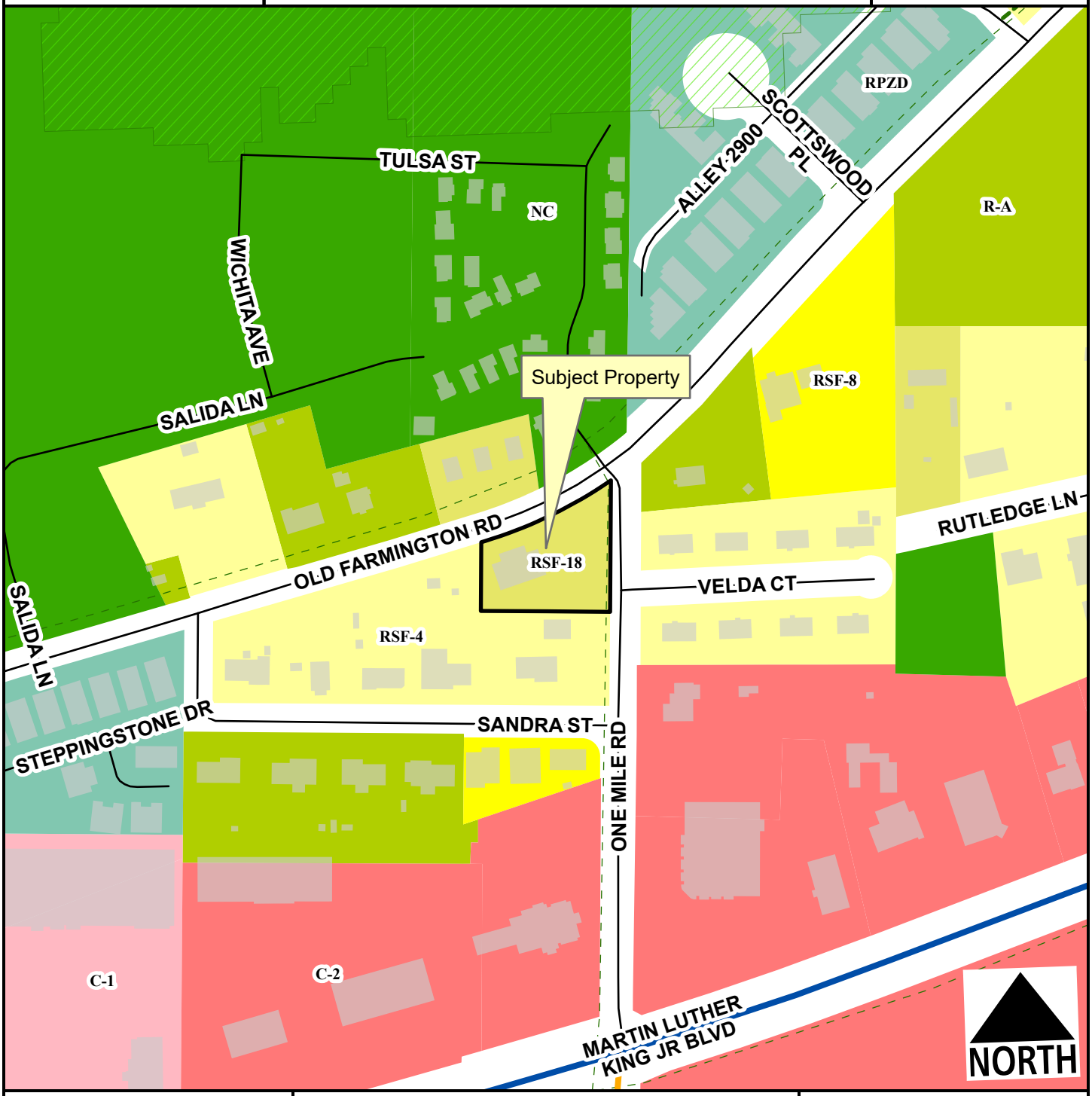
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0050

Close Up View

3017 W Old Farmington Road



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

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- RSF-8
- RSF-18
- C-1
- C-2
- Neighborhood Conservation
- Commercial, Industrial, Residential

CUP-2023-0050

Current Land Use

3017 W Old Farmington Road

NORTH



- Neighborhood 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

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 22, 2023

SUBJECT: **CUP-2023-0053: Conditional Use Permit (3081 N. HWY 112/SAM'S CLUB, 248):** Submitted by BRR ARCHITECTURE for property located at 3081 N. HWY 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approx. 7.51 acres. The request is for a community recycling drop-off facility.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0053** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0053**, determining:*

- *In favor of compatibility with adjacent properties;*
- *In favor of a variance to 166.25(D)(3)(b)(ii) for screening; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville, at the southeast corner of N. HWY 112 and W. Truckers Drive. The property is zoned C-2, Thoroughfare Commercial, and is currently developed with Sam's Club, and associated parking, built around 2007. Most of the property lies within the I-540 Overlay District. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Industrial	R-A, Residential-Agricultural, I-1, Heavy Commercial and Light Industrial
South	Wilson Springs Preserve	CPZD, Commercial Planned Zoning District
East	Car Dealership	C-2, Thoroughfare Commercial
West	Wilson Springs Preserve	CPZD, Commercial Planned Zoning District

City Plan 2040 Future Land Use Designation: **Urban Center**

Request: The applicant requests approval of a conditional use permit to operate a commercial recycling drop-off facility, which would be classified as Use Unit 2: City-wide uses by conditional use permit. This use is allowed as a conditional use in all zoning districts in the City of Fayetteville. The applicant has described the use as follows:

- *A roughly 10-foot by 20-foot recycling container*
- *Number of employees: No employees, but there will be weekly scheduled pick-up*
- *Hours of operation: 24 hours a day, 7 days a week*
- *Parking: approximately 5 to serve the use, 8 spaces occupied in total*

The applicant is also requesting a variance to **166.25(D)(3)(b)(ii)** which requires that all recycling and trash containers be screened with materials that are compatible and complementary to the principal structure.

Staff recommendation: Staff recommends in favor of the request for the applicant to not install screening of the proposed recycling container. The intention of the ordinance is to prevent unsightly clutter, debris, and other material from being seen from the public right-of-way, or from adjacent property. In this instance, screening the container may prevent members of the public who will rely on this service to deposit their materials to see the container, and may run counter to the proposed use. Staff recommends an added condition of approval that trash and debris are maintained and are not permitted to collect around the facility to maintain compliance with the intent of the ordinance.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0053** 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. **Planning Commission determination of a variance to 166.25(D)(3)(b)(ii), which requires that all recycling and trash containers be screened with materials that are compatible and complementary to the principal structure.** *Staff recommends in favor for the reasons outlined above, and recommends an added condition that trash and debris must not be permitted to collect around the proposed container.*

3. 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:

   - Size of the business: *200 sq. ft.*
   - Number of employees: *None, excluding maintenance staff*
   - Hours of operation: *24 hours per day, seven days per week*
   - Parking: *None additional required; existing Sam' Club parking lot to serve the patrons.*

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

5. Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein

6. Pursuant to 166.20, conditional use permit approval will expire after one year beyond the approval date; should the applicant choose to extend this use beyond the one-year time limit, an amendment to the conditional use permit shall be required;

7. All site improvements shall comply with the Americans with Disabilities Act, as applicable, and;

8. Any future expansion or change in the use shall require Planning Commission approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 22, 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 community recycling facility, which is classified as Use Unit 2. This use is permitted as a conditional use in the C-2 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 §161.23 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 permit is not likely to adversely affect the public interest, and finds that allowing the use will provide an additional resource for members of the community to recycle and reduce the amount of items ending up in the landfill. The scale and impact of the recycling center relative to the overall Sam's Club parking lot is minimal, and staff finds that minimal intrusion or nuisance is expected.**

(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: **Staff does not identify or anticipate any issues with ingress, egress or pedestrian safety. The proposed location for the community recycling center will leave plenty of surrounding space for customers to park and access the container. Emergency services will also have plenty of space to access the container from all sides in the event of an emergency; typically, 20-feet is required for a fire truck to access the container.**

(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: **While community recycling centers have a potential for odor effects or noise, staff anticipates that the impacts to surrounding properties would be negligible. The structure is located approximately 70 feet from the adjacent property line.**

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

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

Finding: **The submittal is a refuse container itself, but the intention is for it to serve the community at large. Staff does not identify any issues with ingress, egress, or parking and loading at this proposed location.**

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

Finding: **The property has access to water and sewer, but staff does not anticipate any impact to existing services.**

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

Finding: **No screening or buffering is provided with this proposal, and staff does not find any to be necessary. The container is situated far enough away from both the public right-of-way and the adjacent property that staff does not find there would be any adverse impact to the surroundings, provided trash and debris are maintained and are not permitted to collect outside of the proposed containers.**

(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: **While the applicant's conceptual plan does not indicate setbacks, it does appear that the proposed container would meet the relevant setbacks as defined by the C-2 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 for the reasons outlined above.**

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

Finding: **Staff finds the proposed use to be compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The proposed recycling container will have the ability to accept materials that are not widely accepted by the City, in an effort to provide a waste reduction service to the greater Fayetteville population.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.23 District C-2, Thoroughfare Commercial
- Recycling and Trash Collection – City Staff memo
- Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 21	Warehousing and wholesale

Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form 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	6 stories*

* If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from side 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.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; 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, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6164 , §§1, 6, 7, 4-2-19; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §5, 1-18-22)

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessica Masters, Development Review Manager

THRU: Peter Nierengarten, Environmental Director

FROM: Brian Pugh, Waste Reduction Manager

DATE: May 15th, 2023

SUBJECT: CUP-2023-0053 – Sam's Club

RECOMMENDATION:
Recycling and Trash Collection Staff recommends allowing the Conditional Use Permit 2023-0053 for the Sam's Club for placement of a prefabricated community recycling container on the Sam's Club parking lot.

BACKGROUND:
Sam's Club piloted a temporary recycling container which was heavily used by the public and targeted materials outside the traditional recycling materials collected in the city's recycling program. Residents have told the city how much they appreciated having those services to complement the existing recycling program in place through curbside and drop off collections the city operates.

DISCUSSION:
Wal-Mart is working to revamp the program at the Sam's Club which will continue to take for recycling some materials that the city cannot include in our operations and we feel it is very important to provide those collections to residents wanting to divert as many materials as possible which in turn will help the city's diversion goal and reduce materials going to the landfill.

Having the container highly visible and convenient to residents would be made possible if screening of the container were not included. They are aware of the policing needed to keep the area clean and inviting to the public and we would encourage the placement to be as highly visible as possible.

BUDGET/STAFF IMPACT:
None

Attachments:
None

Tuesday, April 11, 2023

Ms. Jessica Masters, AICP
Fayetteville Planning Division
125 West Mountain Street
Fayetteville, AR, 72701
479.575.8239

Re: **Sam's Club 8209 – Proposed Recycling Container**

Ms. Masters,

On behalf of Sam's Club, BRR Architecture, Inc. is requesting approval of a Conditional Use Permit for placement of a prefabricated community recycling container on the existing Sam's Club parking lot. Site is located at 3081 AR State Hwy 112, Fayetteville, AR 72704. The container is roughly 10 foot x 20 foot in dimension; the footprint and placement of which would use approximately (8) existing parking spaces. The proposed location for the container is in the southeastern quadrant of the existing parking field, furthest from the entry vestibule, and just west of the existing fueling station. A site plan is enclosed for reference. This location is preferred for the visibility it provides to customers while not utilizing parking spaces that are in high demand for members.

This letter of intent also requests a variance from screening requirements as the container will have graphics and instructions to customers on how the container operates. Refer to example image attached to enclosed site plan.

The unit will be locked at all times, only access to the door is through the QR code and will unlock for 30 seconds. There aren't set operation hours, it's available to the community throughout the day and week. It will also be emptied up on a weekly schedule.

We hope that this submittal package contains all necessary information in consideration of the request. Thank you for your time.

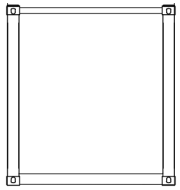
Sincerely,

Dennis Wilson, AIA

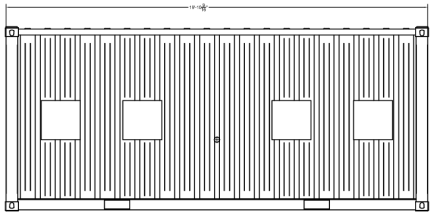
BRR Architecture, Inc.



4 CONTAINER DETAIL IMAGE
SCALE = NOT TO SCALE



3 EAST & WEST ELEVATION
SCALE = NOT TO SCALE



2 NORTH & SOUTH ELEVATION
SCALE = NOT TO SCALE

PROJECT SCOPE OF WORK

PLACE PREFABRICATED RECYCLING CONTAINER ON EXISTING PARKING LOT. CONTAINER SIZE IS 10' x 20' AND WILL TEMPORARILY COVER (3) PARKING SPACES ON THE EXISTING SAM'S CLUB LOT.

10' x 20' RECYCLING CONTAINER

EXISTING PARKING LOT LIGHTING

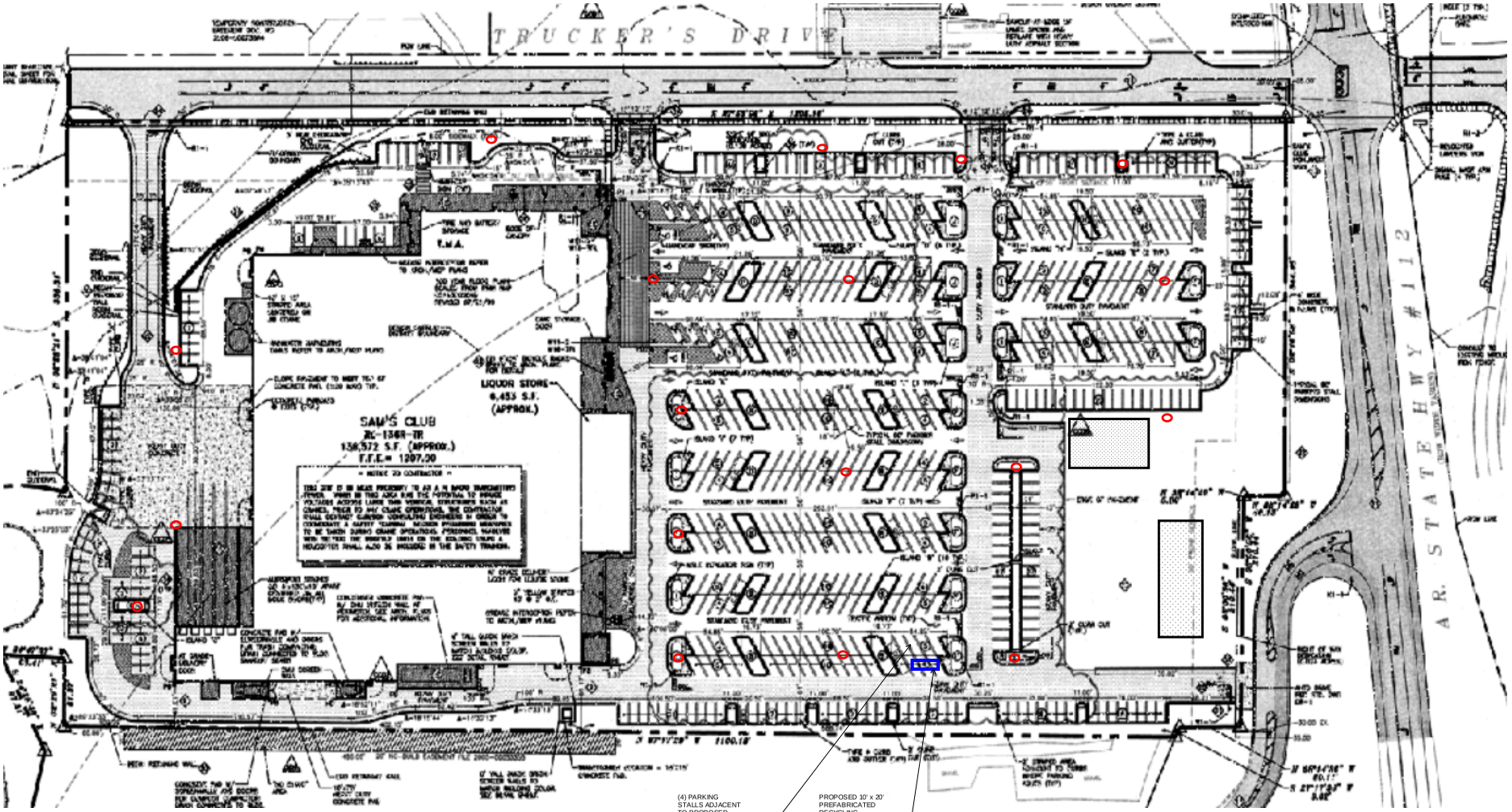
N

50 0 50

SAM'S CLUB PARCEL 20.136 ACRES

SITE DATA

SPACES	S.F.	RATIO
605	143,025	4.23



1 SITE PLAN
SCALE = NOT TO SCALE

NOTE: THIS SHEET IS A COPY OF THE AVAILABLE AS-BUILT SITE PLAN FOR THIS SITE. THIS SHEET IS PROVIDED FOR ADDITIONAL INFORMATION ON THE ASSUMED EXISTING CONDITIONS AT THE PROJECT SITE. THE ARCHITECT OF RECORD HAS MADE NO MODIFICATIONS TO THIS SHEET OR THE INFORMATION CONTAINED WITHIN THEM AND CANNOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE CONDITIONS ILLUSTRATED.

ORIGINAL DOCUMENT WAS CREATED BY CARLSON CONSULTING ENGINEERS, INC. DATED SEPTEMBER 29, 2006, LAST REVISED AS CCD 8, MAY 9, 2007.

brr
ARCHITECT OF RECORD
BRR ARCHITECTURE, P.A.
8131 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66204
www.brr-arch.com
TEL 913.
FAX 913.

STIPULATION FOR REUSE

CONSULTANTS

RECYCLING CONTAINER
SAM'S CLUB 8209
FAYETTEVILLE, AR
CUP-2023-0053

SAM'S CLUB RECYCLING FACILITY

PROTO:

JOB NUMBER:

ISSUE BLOCK

1	REV 1	5/3/23

CHECKED BY:
DRAWN BY: KH
PROTO CYCLE: 09/26/22
DOCUMENT DATE: 11/15/22

FOR PERMITTING PURPOSES ONLY

SITE PLAN

SHEET:
SP1

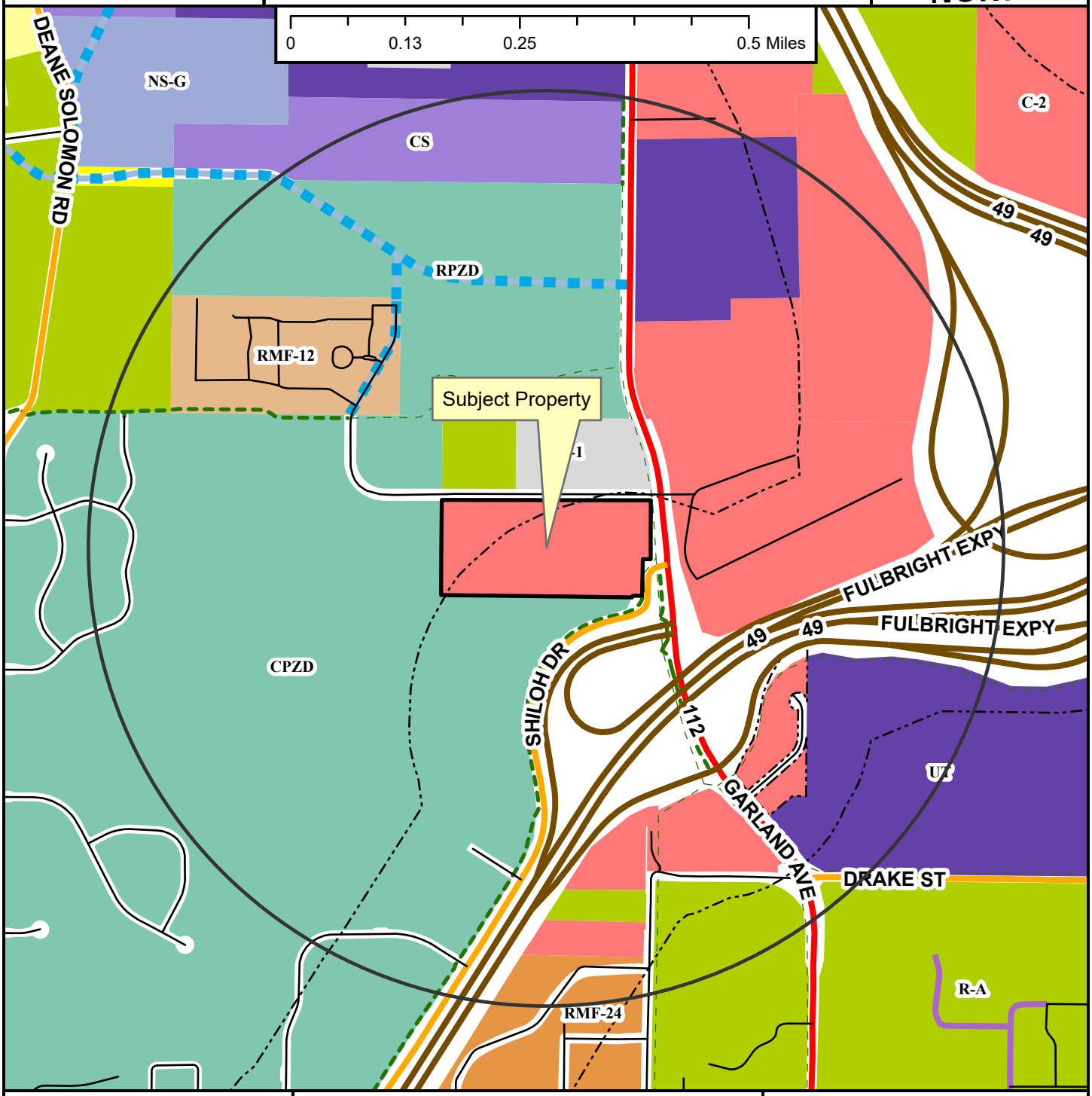
Planning Commission May 22, 2023 Page 290 of 418
Page 11 of 14

CUP-2023-0053

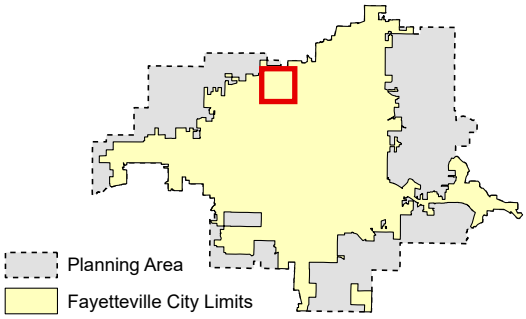
One Mile View

3081 N. HWY 112

NORTH



Regional Link
Neighborhood Link
Institutional Master Plan
Freeway/Expressway
Unclassified
Residential Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-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

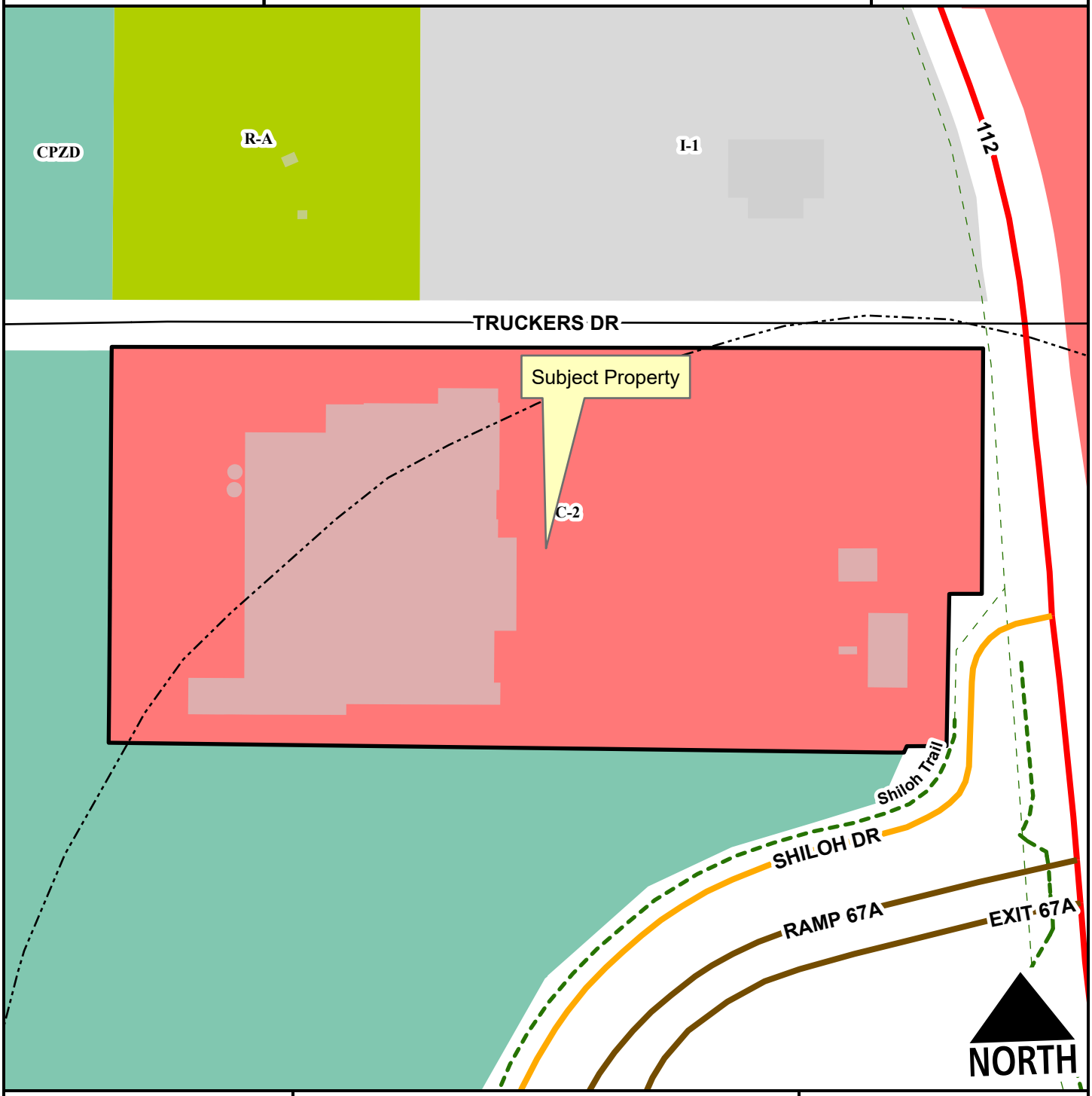
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0053

Close Up View

3081 N. HWY 112



Regional Link
Neighborhood Link
Freeway/Expressway
Unclassified
Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District

Feet

0 75 150 300 450 600

1:2,400

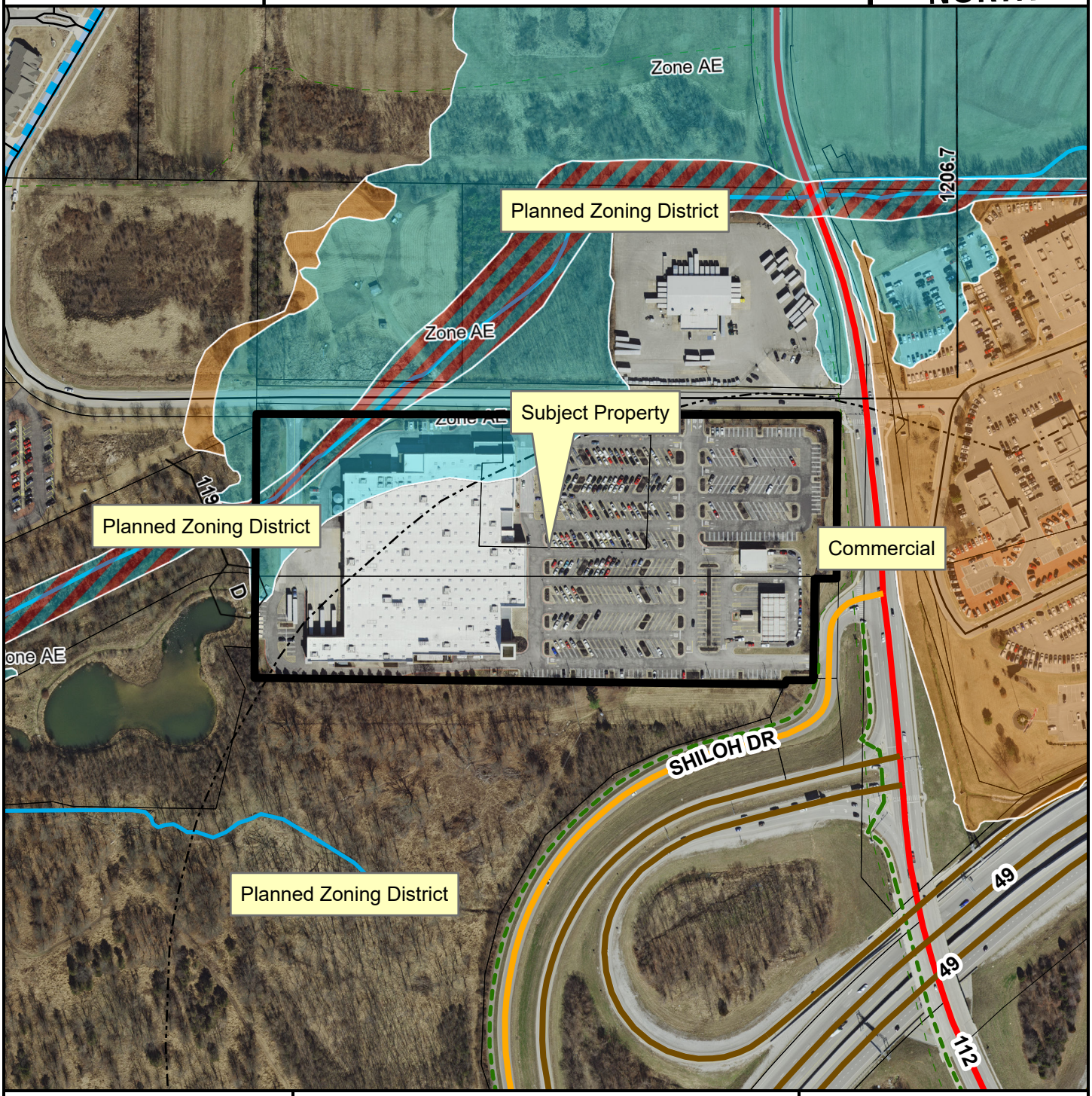
Residential-Agricultural
I-1 Heavy Commercial and Light Industrial
C-2
Commercial, Industrial, Residential

CUP-2023-0053

Current Land Use

3081 N. HWY 112

NORTH



- Regional Link
- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

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 22, 2023

SUBJECT: **RZN-2023-0013: Rezoning (1275 N. GREGG AVE./PATHWAY BAPTIST CHURCH, 405):** Submitted by BLEW AND ASSOCIATES for property located at 1275 N. GREGG AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – 24 UNITS PER ACRE and contains approximately 2.23 acres. The request is to rezone the property to RMF-40, RESIDENTIAL MULTI-FAMILY – 40 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2023-0013** to City Council with a recommendation of approval based on the findings herein.

RECOMMENDED MOTION:
*"I move to forward **RZN-2023-0013** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located on the west side of Gregg Avenue, approximately 650 feet north of the street's intersection with North Street. The property contains a portion of one parcel totaling 2.23 acres which currently serves as the site of Central Baptist Church. The property is zoned RMF-24, Residential Multi-Family – 24 Units per Acre and is partially located within the Hillside/Hilltop Overlay District. The remainder of the property was recently rezoned from RMF-24 to RMF-40, Residential Multi-Family – 40 Units per Acre on April 3, 2023 (Ord. 6652). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-Family – 24 Units per Acre
South	Multi-Family Residential	RMF-40, Residential Multi-Family – 40 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family – 4 Units per Acre
West	Industrial; Multi-Family Residential	I-1, Heavy Commercial and Light Industrial; RMF-24, Residential Multi-Family – 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multi-Family – 24 Units per Acre to RMF-40, Residential Multi-Family – 40 Units per Acre.

Public Comment: To date, staff has not received any public comment regarding this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Gregg Avenue, a fully-improved Neighborhood Link street 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. An existing eight-inch water main is present along the west side of Gregg Avenue.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present in the center of Gregg Avenue.

Drainage: No portion of the property lies within a FEMA-designated floodplain and no protected streams or hydric soils are present. However, a small portion of the property is located within the Hillside/Hilltop Overlay District. Engineered footing designs and grading, erosion control, and abbreviated tree preservation plans will be required at the time of building permit submittal if any development is proposed within that overlay district. Any additional improvements or requirements for drainage would be determined at the time of development proposal.

Fire: Station 2, located at 708 N. Garland Ave., protects this site. The property is located approximately one mile from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 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 RMF-40, Residential Multi-Family – 40 Units per Acre requires **20% minimum canopy preservation**. The current zoning district of RMF-24, Residential Multi-Family – 24 Units per Acre, 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** area.

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. City Neighborhood Areas encourage complete, compact and connected neighborhoods and non-residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **7-9** for this site with a weighted score of **12** at the highest level. The following elements of the matrix contribute to this score:

- Adequate Fire Response (Station #2, 708 N. Garland Ave.)
- Near Sewer Main (six-inch main, Gregg Avenue)
- Near Water Main (eight-inch main, Gregg Avenue)
- Near Grocery Store (Harps, 1189 N. Garland Ave.)
- Near City Park (Wilson Park, Gregory Park)
- Near Paved Trail (Scull Creek Trail)
- Near Razorback Bus Stop (Route 26 Peak, Leverett Avenue)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the proposed rezoning to be compatible with the surrounding area. Land uses in the immediate vicinity include multi-family residences to the north and south, single-family residences to the east, and industrial uses to the west. A rezoning from RMF-24 to RMF-40 would not impact the permitted or conditional uses on this property. Setback requirements and maximum building heights would also remain unchanged. With regard to bulk and area regulations, a rezoning from RMF-24 to RMF-40 would slightly decrease lot width and lot area requirements for single- and two-family dwellings, but otherwise, those regulations would remain largely unchanged. Since the subject property is adjacent to properties that are currently developed with multi-family residences and/or zoned RMF-40, staff finds that the scale of any potential development resulting from the proposed rezoning would likely be compatible with the surrounding area. While single-family dwellings are present to the east, they are separated from the subject property by a high-volume Neighborhood Link street. Based on a simple calculation (not factoring requirements for drainage, tree preservation, or parking), a rezoning to RMF-40 would allow for 89 total units to be developed on the subject property where the current RMF-24 zoning would allow for 53 units. Staff finds the increased density associated with the proposed rezoning to be suitable given the site's proximity to public services and existing multi-family residential developments.**

Land Use Plan Analysis: **Staff finds that a rezoning from RMF-24 to RMF-40 could support the property's future land use designation as City Neighborhood area and Goals 1 and 3 of City Plan 2040 by promoting dense development near a highly walkable area and logical future transit stops. The property has a high weighted infill score of 12, indicating that it is likely a suitable location for 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 there is sufficient justification for rezoning the property from RMF-24 to RMF-40. A rezoning to RMF-40 could promote increased density at a site that is near many public services and nonresidential uses which would be aligned with the City's future land use and zoning plans and consistent with the existing development pattern in the area.**

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

Finding: **Staff finds that a rezoning from RMF-24 to RMF-40 has the potential to increase traffic at this location, though the impact is not expected to appreciably increase traffic danger or congestion. However, average daily traffic counts along Gregg Avenue exceed the designed service capacity for Neighborhood Link streets which is 6,000 vehicle trips per day. The Arkansas Department of Transportation recorded an average daily traffic count of 10,000 vehicle trips per day at a point just south of this site in 2022. Three accidents have been recorded along the property's frontage between 2017 and 2021 with the intersection of Gregg Avenue an North Street, roughly 350 feet to the south, witnessing much more frequent collisions. Nearby access to trails and transit stops offer alternative modes of transportation that may help offset vehicular traffic impacts associated with an increase in the number of dwelling units permitted at this location.**

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

Finding: **Rezoning the property from RMF-24 to RMF-40 has the potential to increase population density at this location, though impacts on public services are not expected to be significant. The site has access to public water and sewer mains and any necessary upgrades to those lines would be determined at the time of development review. 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-2023-0013 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 22, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
  - §161.17 District RMF-40, Residential Multi-Family – Forty (40) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) Permitted Uses.

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*

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

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

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

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 8, 9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Forty (40) or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit*.

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*

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

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

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

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

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

Blew & Associates, P.A.
Civil Engineers Professional Land Surveyors

3825 N Shiloh Dr.
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

April 12, 2023

To Whom It May Concern,

Rezone

Our Client, Pathway Baptist Church, is requesting to rezone a part of the property at 1275 North Gregg Avenue in Fayetteville. Part of the property has already received rezoning approval from RMF-24 to RMF-40 and now we are requesting that the entire property be rezoned to RMF-40. Our client have decided to not go through with the lot split that had previously been approved and keep the whole property as one.
The area in question is approximately 2.231 acres in size, and currently has an existing structure and asphalt parking. Fayetteville's General Reference GIS map shows this location, and adjacent properties to the north and the south as "City Neighborhood" under the Future Land Use (2040) layer.

If you have any additional questions or comments, feel free to contact our office.

Sincerely,

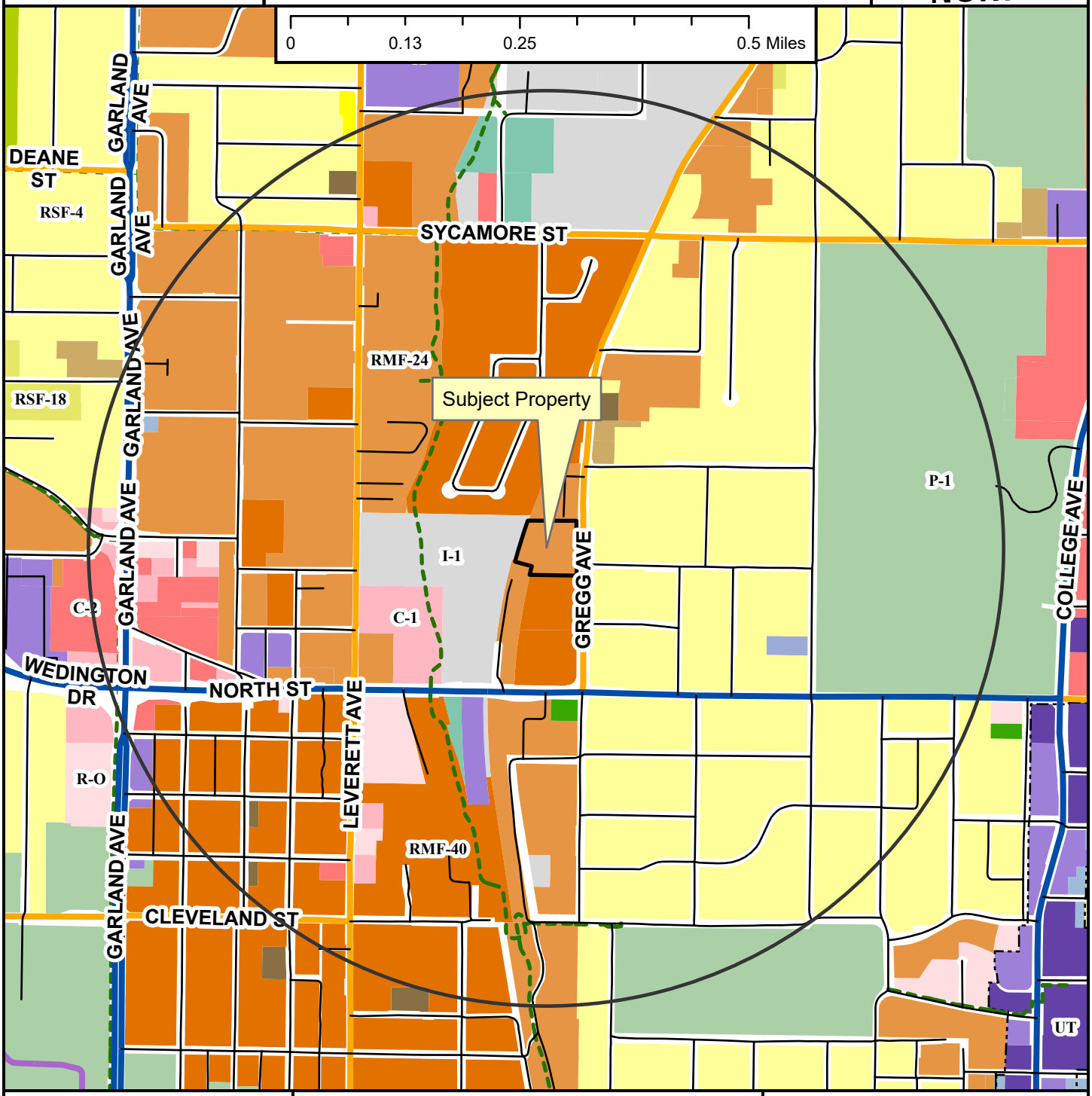
Nikki Littrell
Senior Project Coordinator
Blew & Associates, P.A.

RZN-2023-0013

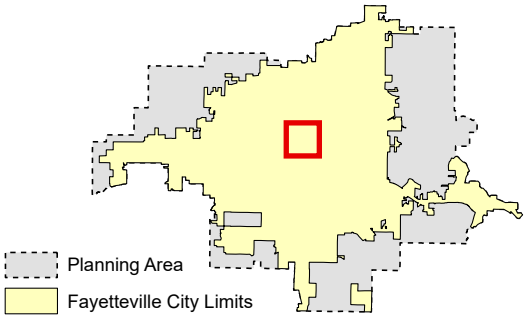
One Mile View

1275 N. GREGG AVE

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-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

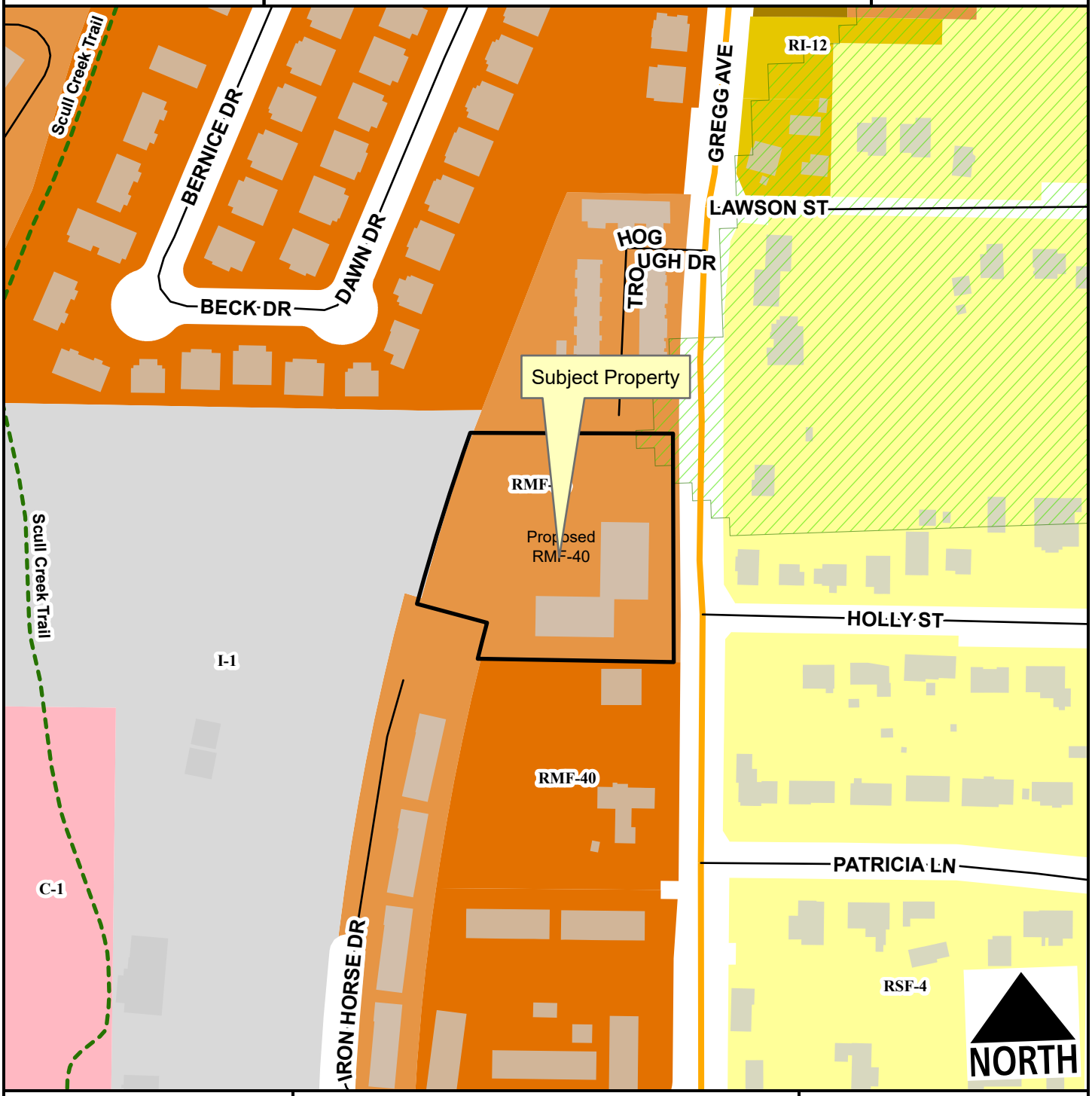
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2023-0013

Close Up View

1275 N. GREGG AVE



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
I-1	0.0	0.0
RMF-24	2.2	0.0
RMF-40	0.0	2.2
Total	**2.2 ac**	

RZN-2023-0013

Current Land Use

1275 N. GREGG AVE

NORTH



Neighborhood Link
Regional Link - High Activity
Unclassified
Residential Link
Planning Area
Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

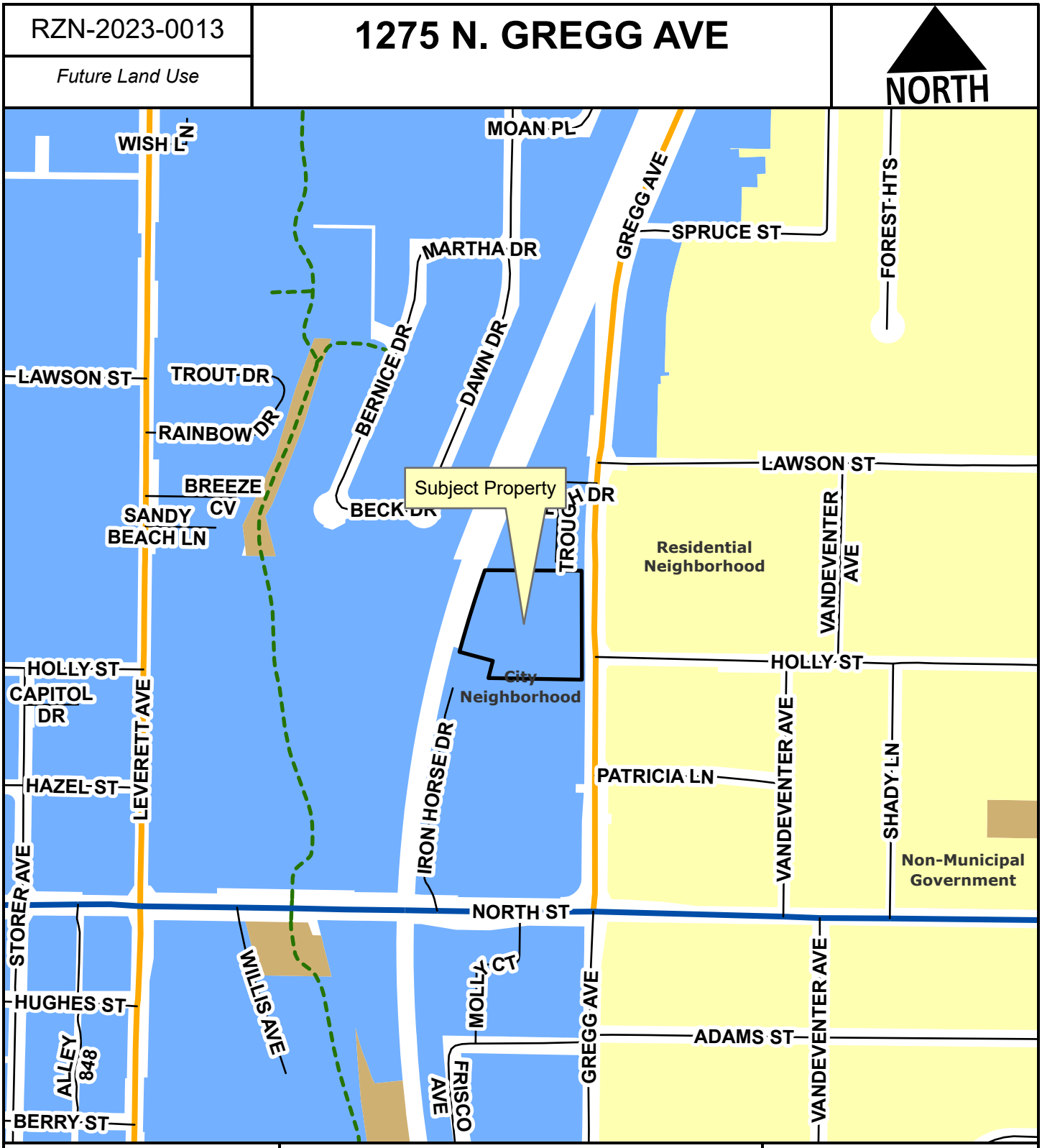
FEMA Flood Hazard Data

100-Year Floodplain
Floodway

RZN-2023-0013

Future Land Use

1275 N. GREGG AVE



Neighborhood Link
Regional Link - High Activity
Unclassified
Alley
Residential Link
Planning Area
Fayetteville City Limits

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 22, 2023

SUBJECT: **RZN-2023-0014: Rezoning (SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD/RIVERWOOD HOMES, 606, 607, 645, 646):** Submitted by HALL ESTILL LAW FIRM for property located at SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD. The property is split zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 205.2 acres. The request is to rezone a portion of the property to NC, NEIGHBORHOOOD CONSERVATION AND CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends denial of **RZN-2023-0014.**

RECOMMENDED MOTION:
*"I move to deny **RZN-2023-0014**."*

BACKGROUND:
The subject property is in south Fayetteville, southeast of the intersection of S. Dead Horse Mountain Road and E. Goff Farm Road. The property consists of 10 parcels, and in total adds up to approximately 205.2 acres. It is currently minimally developed with low-density residential structures and also incorporates the Stonebridge Meadows Golf Club. The property is currently zoned R-A, Residential Agricultural and RSF-4, Residential Single-Family, 4 Units per Acre. The RSF-4 section of the property has a Bill of Assurance attached to it that limits the property to a density of . Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Golf Course	R-A, Residential-Agricultural
South	Undeveloped	RSF-2, Residential Single-Family, 2 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Undeveloped/Single-Family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone 95.17 acres to NC, Neighborhood Conservation, and 17.81 acres to CS, Community Services. The remainder of the site, approximately 92.22 acres, is to remain R-A, Residential Agricultural.

Public Comment: Staff has received inquiries about the request, but no outright support or opposition. One neighbor issued a concern regarding an agreement with a previous property owner regarding the replacement of 20 pine trees that would be impacted by development. Staff

has determined that that is likely a civil matter at this time, and specific tree preservation requirements would be taken into account at the time of development.

INFRASTRUCTURE:

Streets: The subject area has frontage along S. Dead Horse Mountain Rd., which is a partially improved Neighborhood Link street with asphalt paving, curb and gutter, sidewalk on parts, and open ditches on the rest. The subject area also has frontage along E. Goff Farm Rd., which is a partially Residential Link street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing 6-inch water main is present on the west side of S. Dead Horse Mountain Rd. An existing 6-inch water main is present on the north side of E. Goff Farm Rd.

Sewer: Sanitary sewer is available to the subject area. An existing 3-inch sewer main is present on the south side of E. Goff Farm Rd. Existing access to across the rest of the subject property.

Drainage: No portion of the property lies within the Hillside-Hilltop Overlay District, or within a FEMA floodplain. However, the property is largely encumbered by hydric soils. Hydric soils are known indicators of wetlands, though 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 at the time of development submittal.

There is also a protected stream on the northeast side of the property. Streamside Protection Zones generally consist of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Any additional improvements or requirements for drainage will be determined at the time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time

would be approximately 6.2 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 current zoning districts of R-A, Residential-Agricultural and RSF-4, Residential Single-Family, 4 Units per Acre require **25% minimum canopy preservation**. The proposed zoning districts of NC, Neighborhood Conservation and CS, Community Services require **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 **Residential Neighborhood** and **Rural Residential** areas.

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.

Rural Residential Areas recognize existing low-density large lot development but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. These areas may or may not have adequate street and water infrastructure or public services, such as police and fire protection to support urban or suburban densities and development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a non-uniform infill score of **1-3** for this site with a weighted score of **3.5**. The following elements of the matrix contribute to the score, at varying points:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Road)
- Near Sewer Main (E. Goff Farm Road)
- Near Water Main (S. Dead Horse Mountain and E. Goff Farm Road)
- Near Paved Trail (Saint Paul Trail)

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 the updated proposal is partially incompatible with surrounding land uses. There are some benefits to the proposal; the combination of R-A and NC will concentrate density to a smaller portion of the site, rather than a blanket rezoning to something like RSF-4, and have the potential to conserve additional land. NC, Neighborhood Conservation, is a single-family zoning district that allows for a density of 10**

units per acre with 40-foot lot widths. From a use perspective, adding additional single-family homes near single-family homes is inherently compatible, and staff does not find any issues with this. At such a large acreage, and from a density perspective, however, potentially 950 single-family lots could be created in the NC portion of the site. While this number does not account for necessary right-of-way dedication, tree preservation, or drainage requirements that would also accompany any subdivision of land, the large site would still allow for a large number of units (potentially within the 600-800 range). At this intensity, staff does not find that existing infrastructure could support this without significant investment. Most traffic would concentrate to the north towards Huntsville Road, and water and sewer capacity are also quite limited in this area. The area to the west, though generally rural in nature, has seen recent development, and with the inclusion of CS zoning in the northwestern portion of the site, this could help insert additional services in an area that is currently lacking in available amenities. The CS zoning district proposal, at 17 acres, while allowing for an insertion of uses, does not require it. With no stated density maximum and minimal lot width and area sizes, the potential impact of additional residential units, whether multi-family or single-family on that portion of the site could be too much too soon. Unless there was a guarantee that offices, retail, or other amenities were to be offered on the northwest corner of the site, staff cannot support a blanket rezoning to CS.

Land Use Plan Analysis: **Staff finds that the proposal is not in line with the goals in City Plan 2040 and adopted land use policies. The infill score for this site is low, which appears to counter the City's stated goal towards making infill development a priority. The area is also called out as both a Rural Residential Area, and a Residential Neighborhood Area. These designations do not lend themselves to the large amount of density that could be added to this area. Staff does finds that the smaller lot sizes lean this neighborhood towards meeting the goal of providing attainable housing and the combination of zoning districts does allow for a more mixed use area. Without assurances of the mix of uses, however, it is difficult to gauge whether what could be developed would ultimately be compatible in terms of scale, size, and density.**

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 to NC, Neighborhood Conservation and CS, Community Services, is not necessarily justified. A rezoning of this nature, scale, and intensity may run counter to the long-term land use plans for the area.**

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

Finding: **The proposed zoning will increase traffic, and to a significant degree. With the addition of potentially anywhere between 600-900 homes in just the portion zoned NC, staff finds this may negatively contribute to traffic counts on Dead Horse Mountain Road, with residents having no viable alternative**

transportation option. That said, with the addition of potential walkable services in the area through the CS zoning request, staff finds that this somewhat alleviates this concern. However, since CS also allows for residential uses by-right, there is no guarantee through that zoning district that services would be provided. Staff also finds that there is a possible connection to an existing bike trail, which does work in the development's favor towards the future reduction of traffic counts, but this does little to provide connectivity to the development in the short term. Staff finds that given the proposed unit counts and proposed densities, the applicant should plan to submit a Traffic Impact Study (TIS) with any proposed preliminary plat, should the rezoning at this site be approved.

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

Finding: **Rezoning the property from its current zoning designation will significantly alter the potential population density in the area. Initial Engineering Division review indicates that utility extensions or upgrades are likely required, especially with regards to current water service to the site, which does not currently have the capacity to serve a development of this size. No comments were received from the Fayetteville Public School district.**

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-2023-0014 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 22, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §161.03 District R-A, Residential-Agricultural
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.29 Neighborhood Conservation
  - §161.22 Community Services
- Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)

(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)

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."

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."

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)

Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

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(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."

HALL ESTILL
ATTORNEYS AT LAW

Robert K. Rhoads
75 N. East Ave., Suite 500
Fayetteville, AR 72701-5388
Direct Dial: (479) 973-5202
rrhoads@hallestill.com

April 12, 2023

City of Fayetteville Planning Commission
and Planning Department
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Rezoning of Parcel Nos. 765-15268-350, 765-15268-451, 765-15269-101, 765-15269-102, 769-15269-150, 769-15269-151, 769-15268-452, 769-15268-400, 769-15268-401, 769-15268-150
ADDRESS: 2858 Dead Horse Mtn. Rd. and 3495 E. Goff Farm Rd.
From RSF-4 and RA to Neighborhood Conservation (NC) and
RA to Neighborhood Services (CS)

To Whom It May Concern:

This letter is in regard to rezoning parcels 765-15268-350, 765-15268-451, and 765-15269-101 from its current designation of RSF-4 and RA to Neighborhood Conservation (NC) and parcels 765-15269-102, 769-15269-150, 769-15269-151, 769-15268-452, 769-15268-400, 769-15268-401, 769-15268-150 from its current designation of RA to Neighborhood Services (CS). The Neighborhood Conservation zone promotes and protects neighborhood character, it is usually residential, but it can also have a mix of uses. CS is designed to give convenience goods and services to the surrounding residents. The future land use for these tracks and surrounding areas is mainly Residential Neighborhood. This designation is primarily residential with a wide variety of housing types of different scale, and it encourages highly connected compact blocks and traditional neighborhood development.

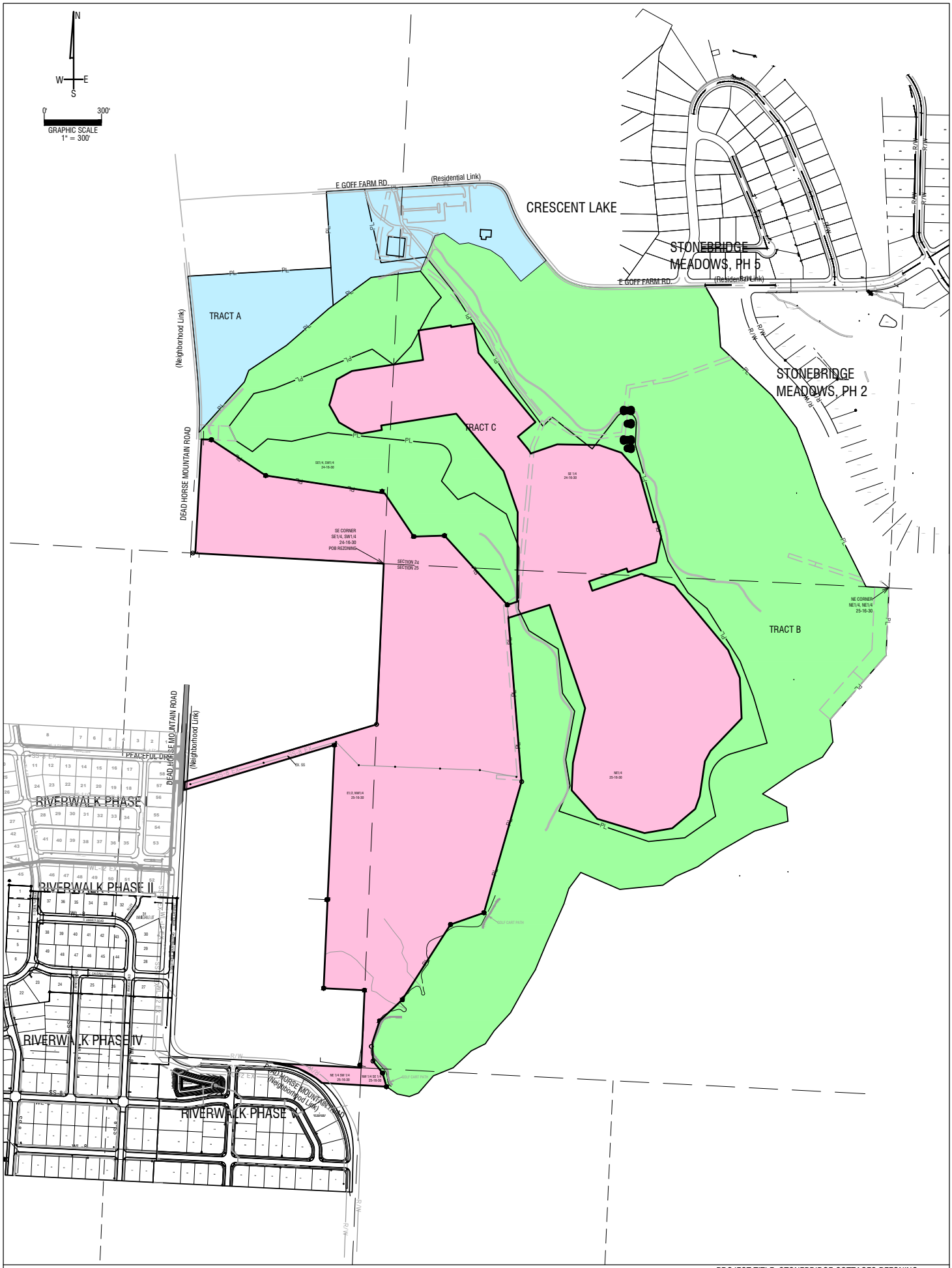
Further, Neighborhood Conservation (NC) is presently compatible and would fit in this area as it currently exists, and the future and this rezoning will not unreasonably affect in any adverse way the surrounding land uses. Also, CS is compatible too and will not unreasonably or adversely impact the surrounding land uses.

Sincerely yours,

/s/ Robert K. Rhoads

Robert K. Rhoads

Cc: Client(s)


N
W
E
S
0'
300'
GRAPHIC SCALE
1" = 300'
E GOFF FARM RD
(Residential Link)
CRESCENT LAKE
STONEBRIDGE
MEADOWS, PH 5
STONEBRIDGE
MEADOWS, PH 2
TRACT A
TRACT B
TRACT C
(Neighborhood Link)
DEAD HORSE MOUNTAIN ROAD
PEACEFUL DR
RIVERWALK PHASE I
RIVERWALK PHASE II
RIVERWALK PHASE IV
RIVERWALK PHASE V
SE CORNER
SE1/4, SW1/4
24-16-30
POB REZONING
NE CORNER
NE1/4, NE1/4
25-16-30
SECTION 24
SECTION 25
LEGEND
R-A TO REMAIN
R-A TO NC
R-A TO CS
JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985
PROJECT TITLE: STONEBRIDGE COTTAGES REZONING
LOCATION: FAYETTEVILLE, AR
SHEET TITLE: REZONING EXHIBIT
DRAWN BY PMM
SHEET SCALE: 1" = 300'
SHEET #1

From: Kenneth Webster <fixitall123@att.net>
Sent: Sunday, April 30, 2023 4:27 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RZN-2023-0014

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.

Hello Jessica;
I'm an adjacent landowner.
I know this property sold recently. The last planning was for 50 acres. This is requesting 205 acres, and will surely be a lot more impact.

Can you send me a drop box link for the proposed development.

Also, I had an agreement written with the 2 past land owners. It was for the replacement of 20 pine trees that are 50 ft tall. They are located within 2 to 3 ft of the old, proposed road and will surely be affected by the new road installment. The roots will be impacted and most likely I will lose all 20.
(I've been told by a Horticulturist with the County)
I would like to readdress that with a new proposal that is updated and what I would like to see as a replacement.
If you can direct me to the correct personal for that issue, I would be grateful.

Kenny Webster
2396 S Dead Horse Mountain Road
479-287-9381

RZN-2023-0014

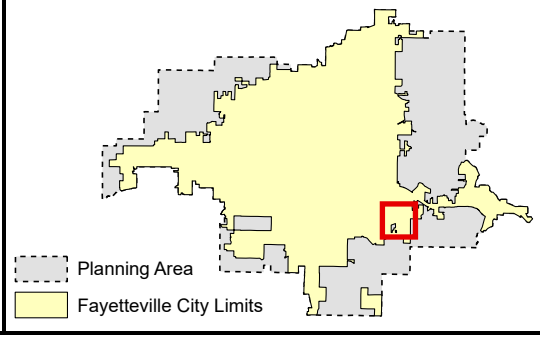
One Mile View

SE OF DEAD HORSE MOUNTAIN ROAD AND E.

NORTH



- Neighborhood Link
- 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

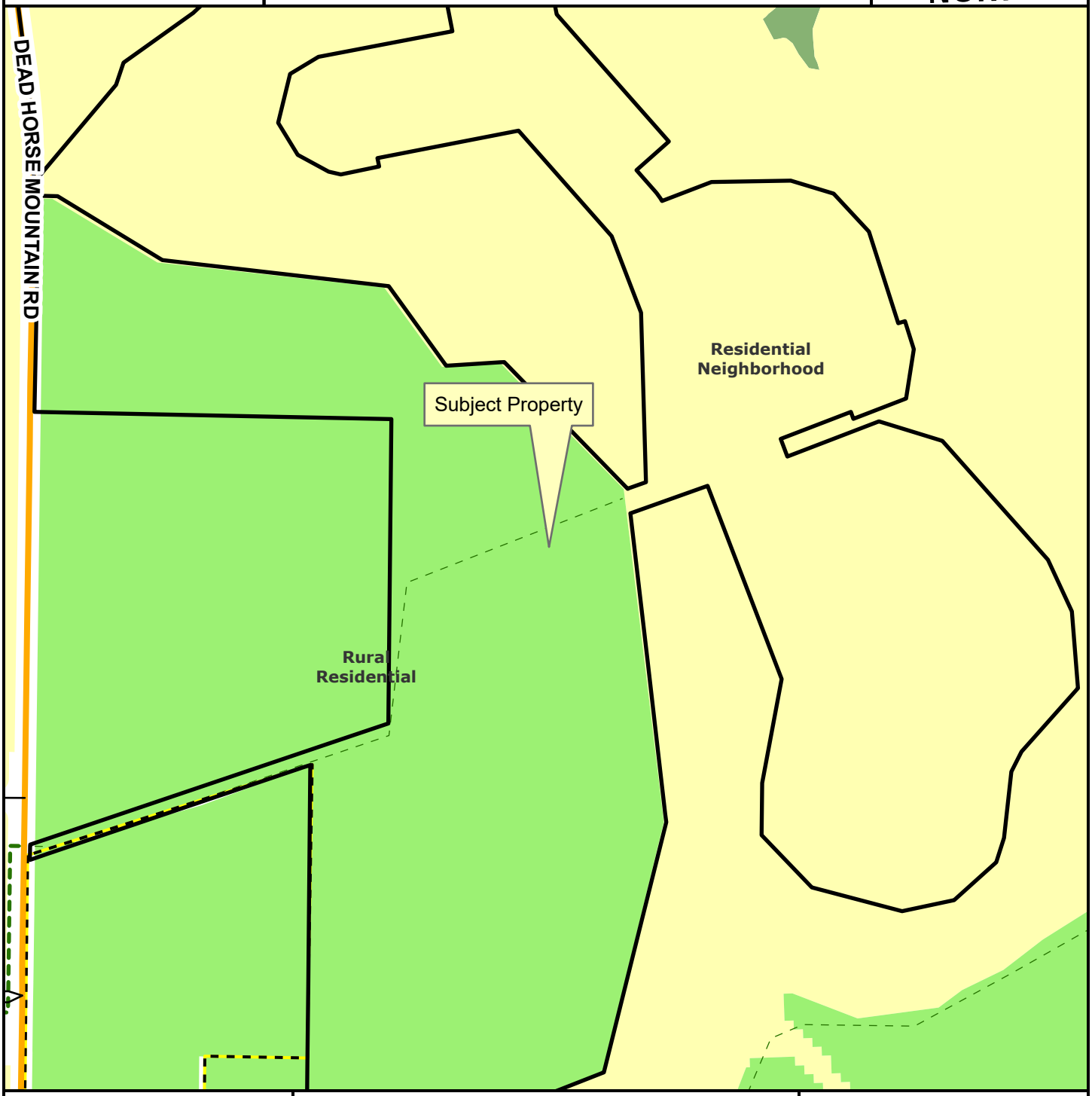
INSTITUTIONAL
P-1

RZN-2023-0014

Future Land Use

SE OF DEAD HORSE MOUNTAIN ROAD AND E.

NORTH



Neighborhood Link
Residential Link
Planned 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 22, 2023

SUBJECT: **CUP-2023-0049: Conditional Use Permit (819 N. WOODLAWN DR/ONEILL, 447):** Submitted by DOUBLE DOG INVESTMENTS for property located at 819 N. WOODLAWN DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.23 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2021-0049**, with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2021-0049** 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 located in east Fayetteville approximately 300 feet northwest of the intersection of N. Mission Blvd. and E. Rockwood Trl. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre with no overlays and totals approximately 0.2 acres. The property is developed with a 2,379 square foot single-family structure that was constructed in 1955 per the Washington County Assessor. The previous owners of the property received approval for a type-2 short term rental for this dwelling during the initial grace period; however, because the previous owner's business license has been expired for over six months a new conditional use approval is required. 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	Single-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 one comment from a neighbor opposed to adding an additional short-term rental in their neighborhood and expressing concern over the effect of short versus long-term residents.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0049,** with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *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 22, 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 Short-Term Rental, Use Unit 46, in zoning. Use Unit 46 is a permitted use by-right in the RSF-4 zoning district.

(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 dwelling contains five (5) bedrooms, occupancy will likely be limited to a maximum of twelve (12) 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 space per dwelling unit. According to the applicant the structure has 4-5 parking spaces available 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 letter 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 819 N. Woodlawn Dr. 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 328 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. Four or five parking spaces are available in the driveway and a maximum of twelve (12) guests are permitted. The property also has frontage along a portion of N. Woodlawn Dr. that is wide enough to support on-street parking. City business license records indicate that five (5) other units within a quarter-mile radius of the property have active Type 2 short-term rental business licenses, all of which contribute to the city-wide overall 2% density cap. No prior zoning or code violations have been reported at this location.**

§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 has frontage along N. Woodlawn Dr., a partially improved residential link with asphalt paving and no sidewalks. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 12 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: **N. Woodlawn Dr. appears to have sufficient width for on-street parking and aerial imagery indicates that many homes within the neighborhood utilize the street for parking. 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. 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 proposed use to be compatible with surrounding properties. The property is surrounded by residential uses, and short-term rentals are permitted by right in the RSF-4 zoning district. There appears to be adequate parking to accommodate the number of permitted guests considering the availability of on-street parking, and staff does not anticipate any adverse traffic impacts with this request. The RSF-4 zoning district does not allow hotel/motel uses by right, so this short-term rental would contribute to the city-wide density cap.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a 2% city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

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
- Applicant Request Letter
- Site Plan
- Floor Plan
- Elevations
- Public Comment
- 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."

April 26, 2023

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

To Whom it May Concern:

Stephen O'Neill and Jerry Bolz are partners in Double Dog Investments LLC and we are requesting a permit to operate a short-term rental (STR-2) at 819 N Woodlawn Dr, Fayetteville AR 72701. The proposed property is a 2971 sf single family home with no proposed increases to the size. The home structure is outlined in blue in exhibit A.

There is enough parking for 4-5 cars in the driveway/carport (we have marked this in Red on the GIS Map Exhibit A). The trash from the use of the STR-2 will be placed in our City of Fayetteville receptacle and rolled to the street weekly to be emptied by The City. It will be promptly returned to the carport when emptied. Please see the Green Arrows in Exhibit A to indicate where the Trash can will be stored in the carport and where it will be placed for city pickup.

This will be a rental so the hours of operation will be 24/7 when it is in use by renters. We will monitor the home to assure it is a positive addition to our neighborhood. We are the employees along with the occasional yard crew, housecleaners, and any other contract labor needed to maintain the property. Double Dog Investments LLC does not employ any other full time EEs other than us.

We do not anticipate much, if any noise as we are letting all renters know that there are no parties or loud music allowed, period. Anyone who violates this will be removed from the property.

We purchased the property on March 23, 2023, and just so you know, the previous owners also listed the property as an STR-2 until we purchased it.

Please let us know if you have any questions or need anything from us! Thank you very much for you time and assistance!

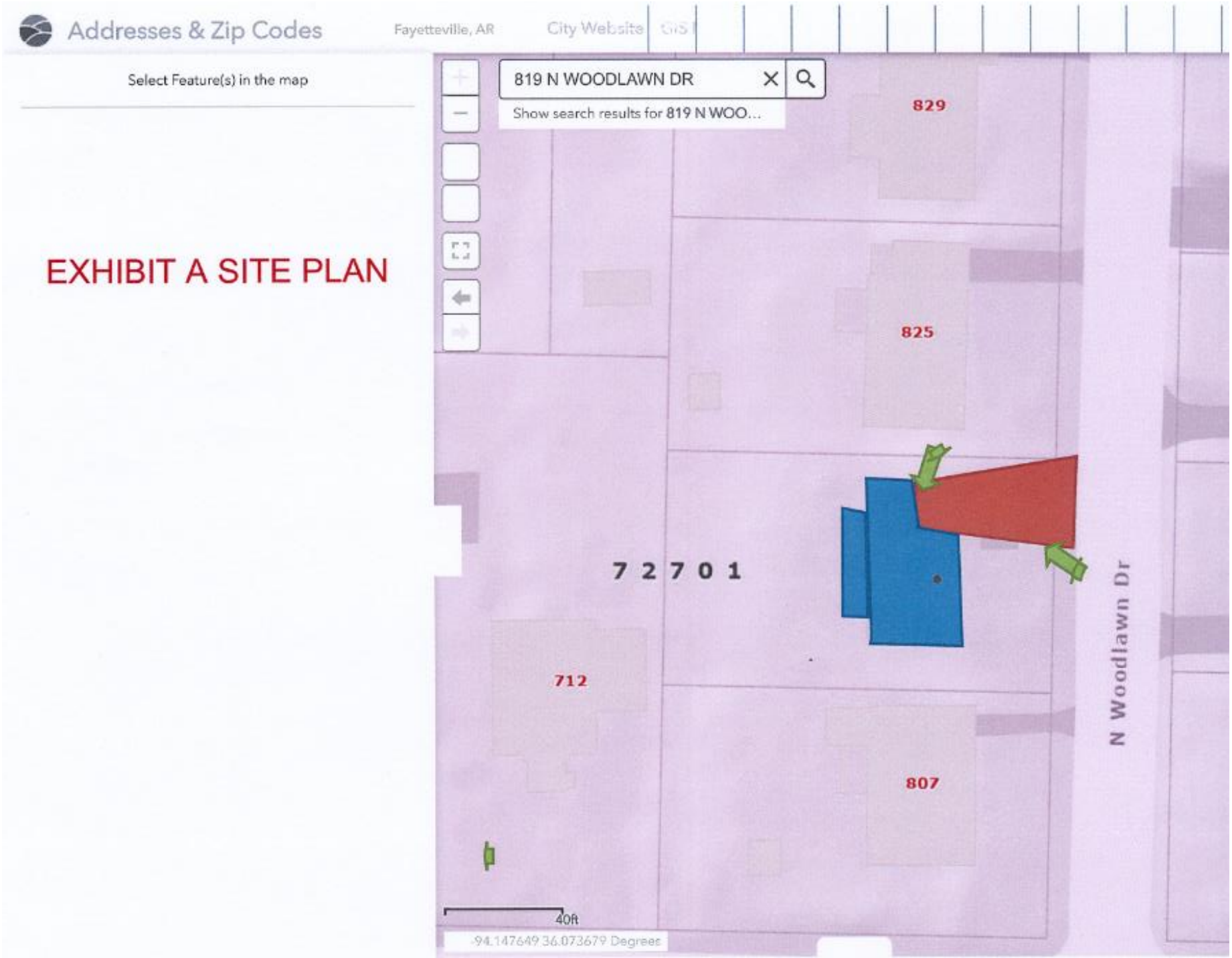
Sincerely,

Jerry Bolz

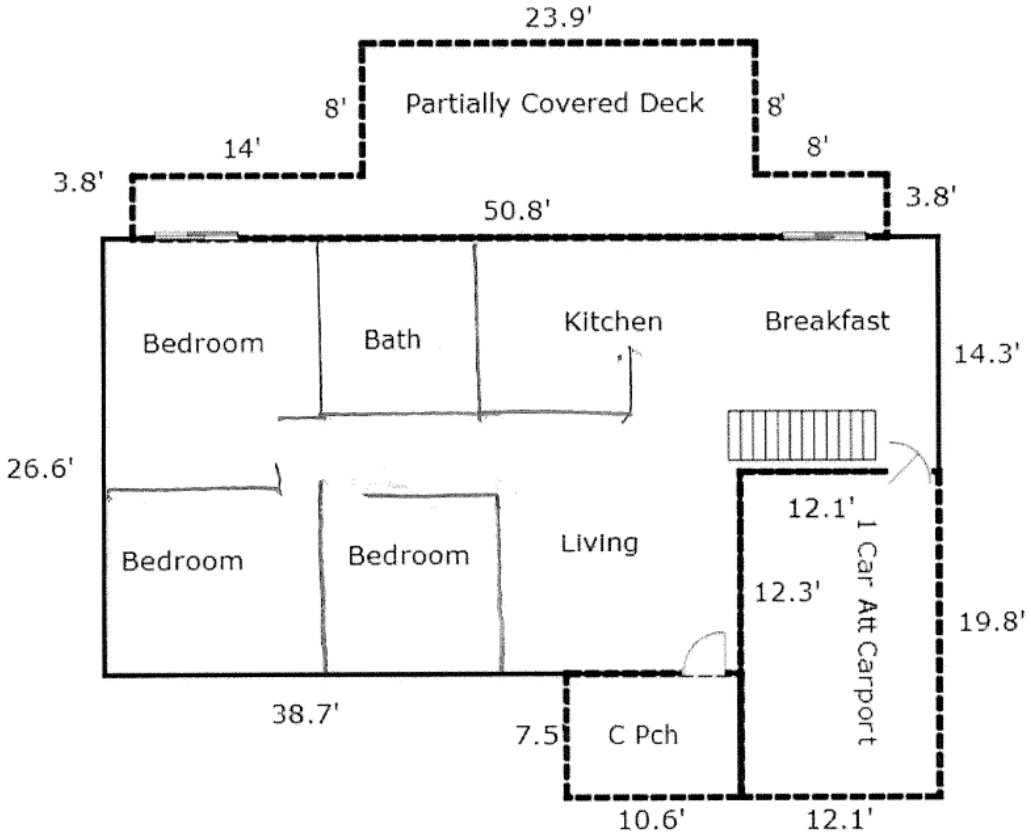
DocuSigned by:
Jerry Bolz
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4/26/2023

Stephen B ONeill

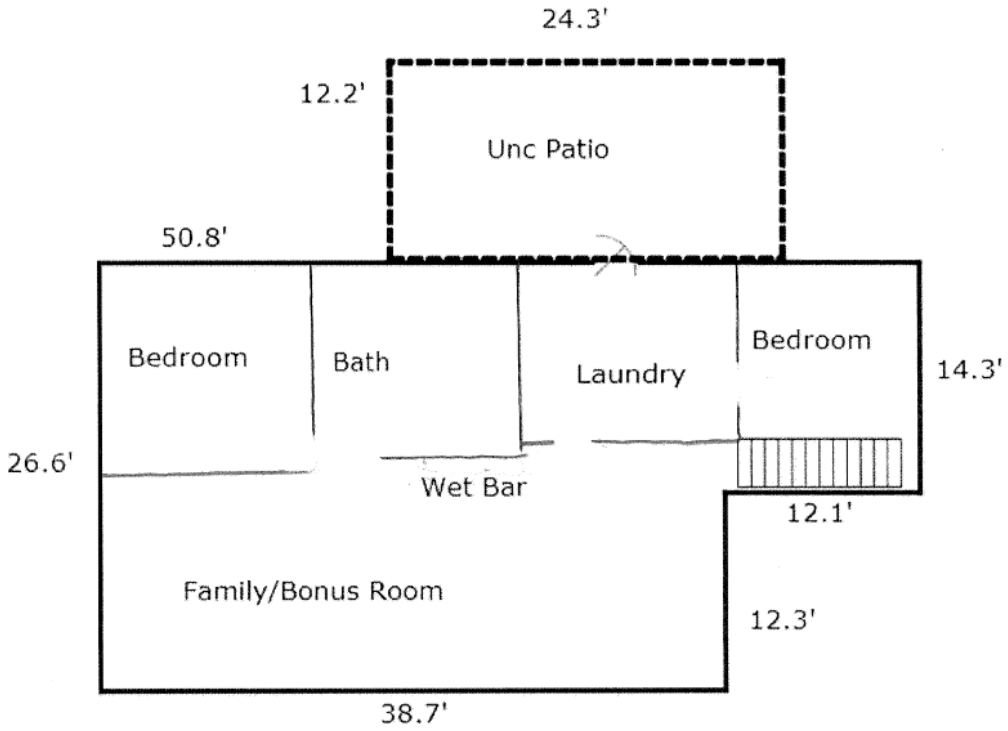
DocuSigned by:
Stephen O'Neill
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4/26/2023


Addresses & Zip Codes
Fayetteville, AR
City Website
Select Feature(s) in the map
EXHIBIT A SITE PLAN
819 N WOODLAWN DR
Show search results for 819 N WOO...
829
825
72701
712
807
N Woodlawn Dr
40ft
-94.147649 36.073679 Degrees

Main Level

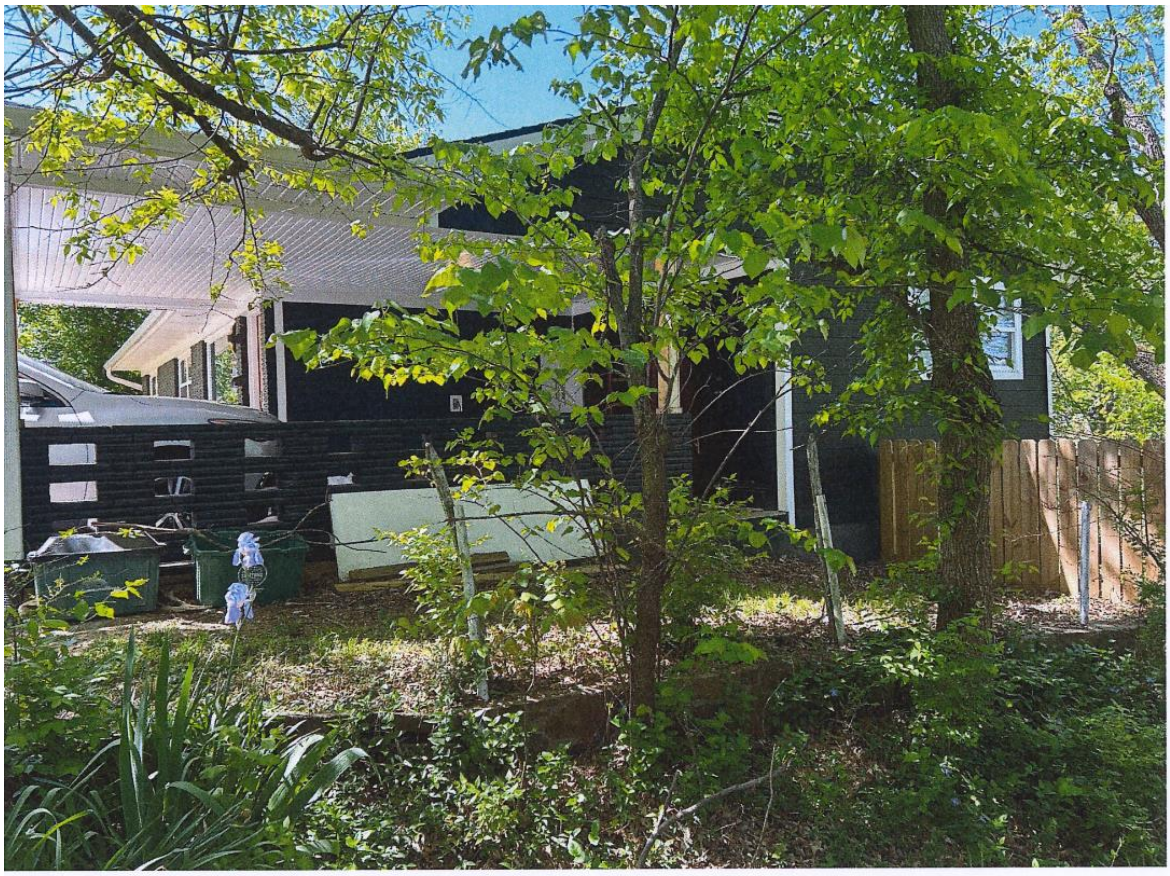


Basement - Lower Level





South



North

East





West

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, May 17, 2023 9:36 AM
To: Masters, Jessica; Wonsower, Donna
Subject: FW: Comment re: 819 N Woodlawn

FYI

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Leslie <lesliefcopeland@gmail.com>
Sent: Wednesday, May 17, 2023 9:01 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Comment re: 819 N Woodlawn

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.

Hello,

We are writing to oppose the use of 819 N. Woodlawn as a short-term rental property.

We live at 725 E Rockwood, which is two houses away from 819 N Woodlawn. The home in between us, at 807 N Woodlawn, is already being used as a short-term rental. Every day, when we look outside the front of our home, there is a different car, with a different license plate, from a different state, with different people coming and going. It has the effect of feeling like you live next door to a hotel.

Previously, the residents of 819 N Woodlawn were a lovely family with small children and a dog. They were friendly and neighborly and we enjoyed living near them. We know and love every neighbor that lives in our direct vicinity. We watch out for each other and our pets. We help out when we can. We even sit on our porches together and drink wine. We moved to Mount Sequoyah and downtown Fayetteville for this exact reason and we love it here.

We are saddened that so many short-term rentals keep popping up everywhere. I wish we didn't have one across the street already. But it is ludicrous to think that there could now be yet another one directly next door. I miss the little family that used to live there, and the idea of yet another hotel going in on our little block is a terrible thought indeed.

Please protect our neighborhood and deny the proposal. We intend to be at the meeting, either in person or virtually. But please note our opposition. Thank you for your service to our city!

Sincerely,

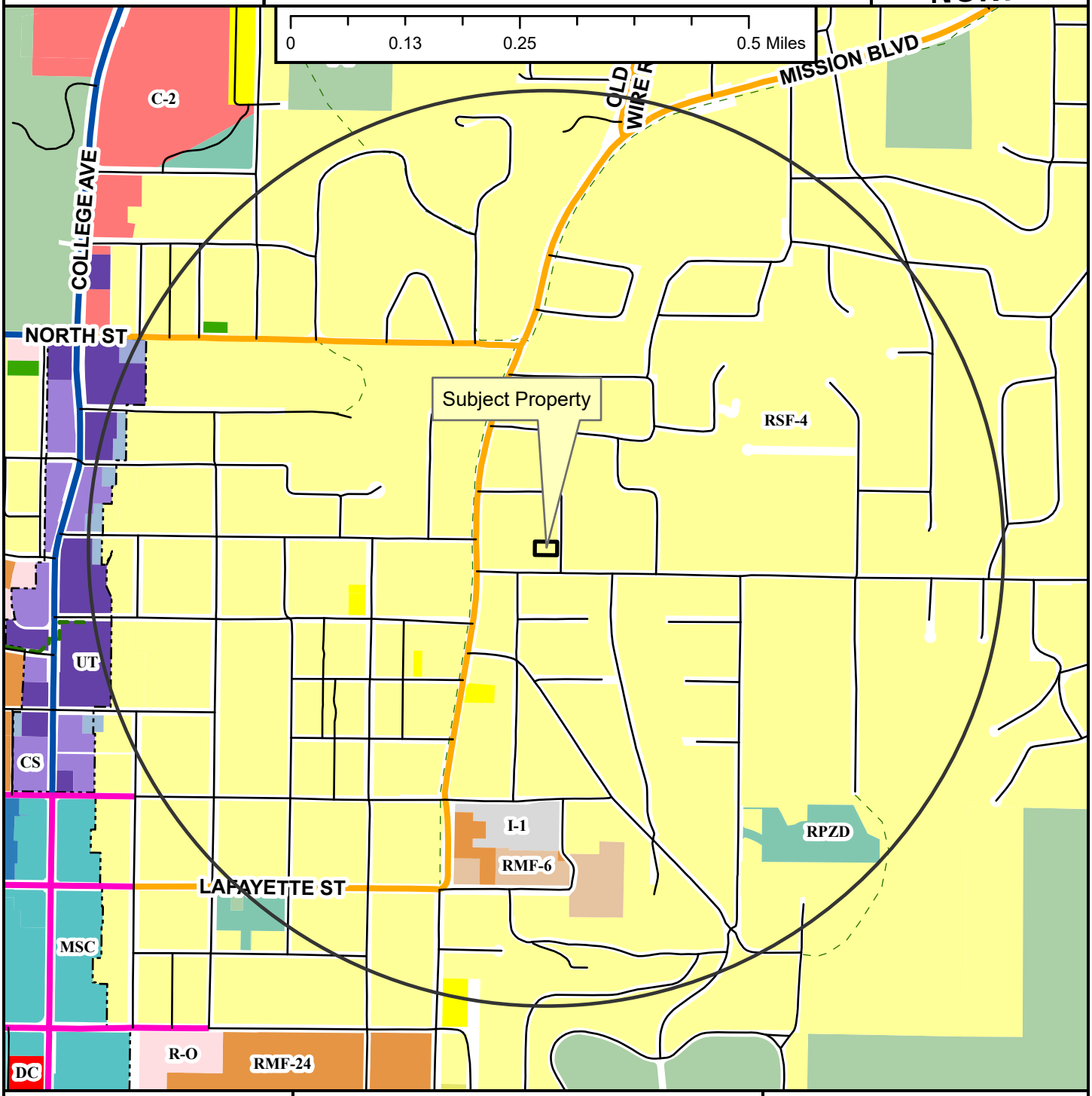
Leslie & Aaron Copeland
725 E Rockwood Trail
Fayetteville, AR 72701
479-263-8137

CUP-2023-0049

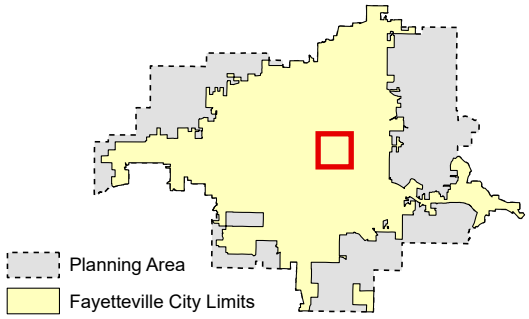
One Mile View

819 N. WOODLAWN DR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-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

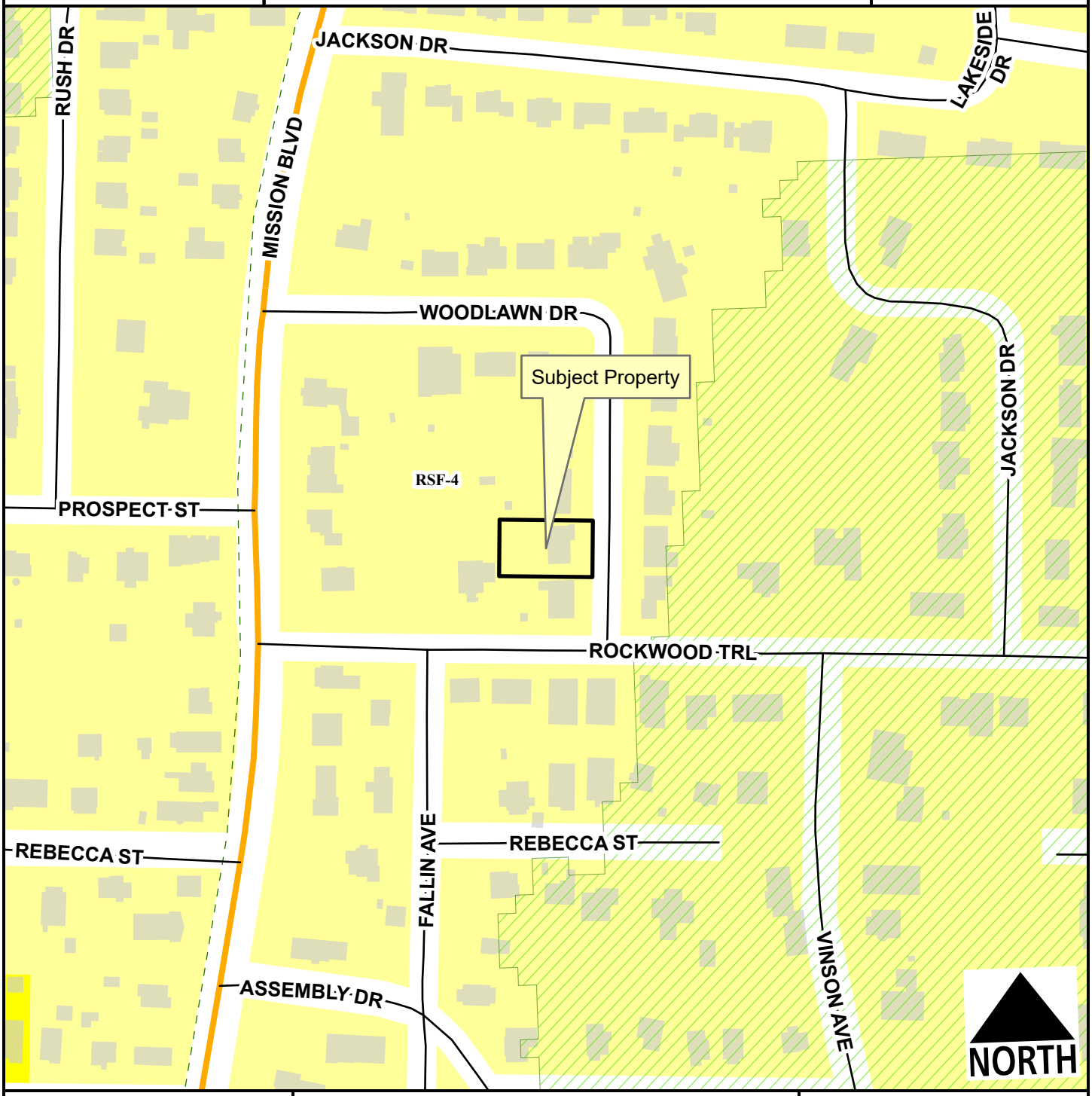
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0049

Close Up View

819 N. WOODLAWN DR



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-8

CUP-2023-0049

Current Land Use

819 N. WOODLAWN DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

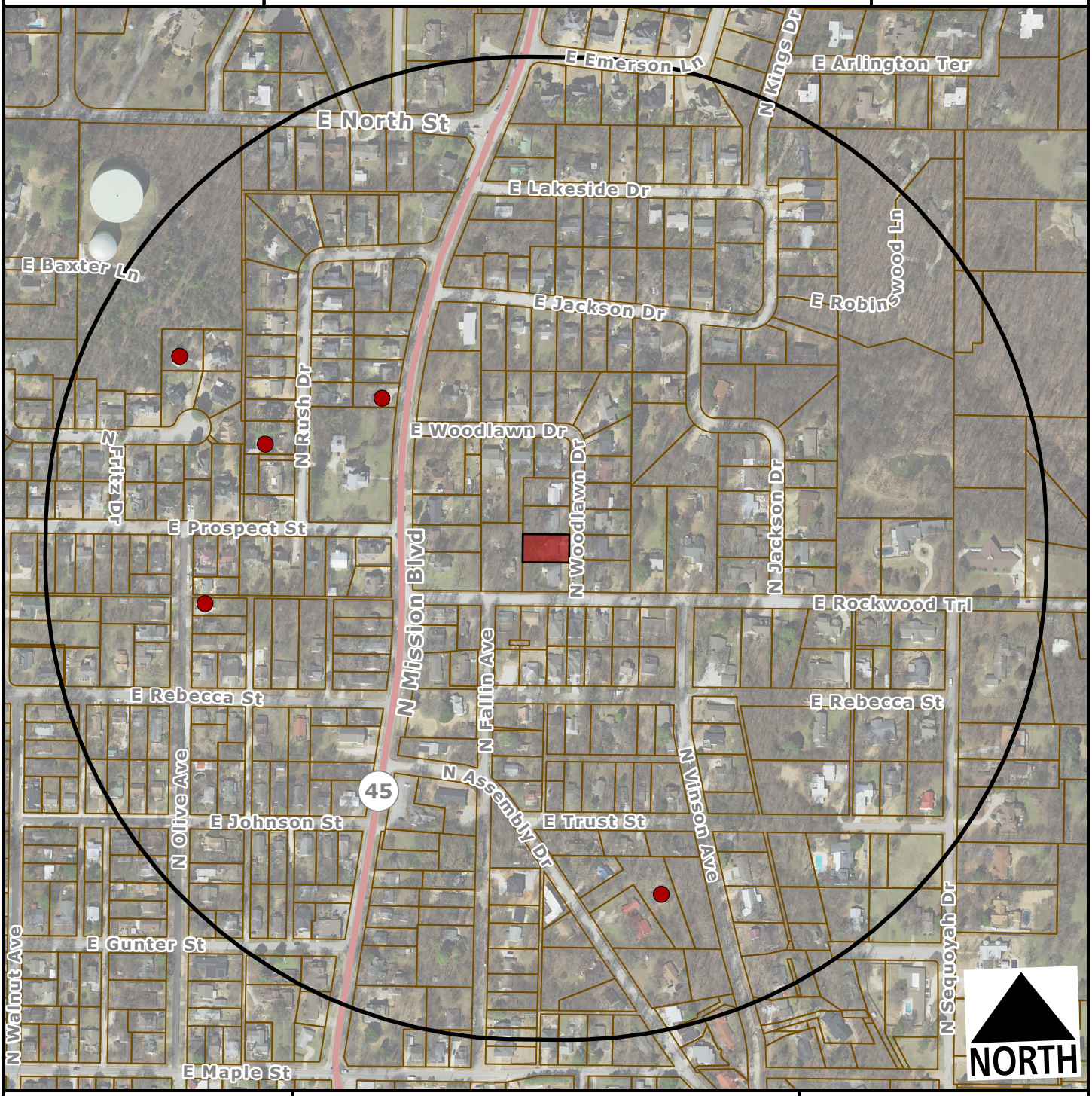
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0049

STRs Within 1/4 Mile

819 N. WOODLAWN DR



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	5
NOT contributing to 2% density cap	0
Total	**5**

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 22, 2023

SUBJECT: **CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482):** Submitted by ALAN D'APPOLLONIO for property located at 1661 W. HOTZ DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approx. 0.40 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0051**, with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0051** 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 located at 1661 W. Hotz Drive, which is just west of the University of Arkansas. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre, and totals approximately 0.40 acres. Developed with a single-family dwelling that was constructed in the mid-1950s, the property has had an active short-term rental business license since August 2022 as a Type 1. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within City 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	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

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

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 received public comment in opposition of this request. A neighbor has issued concerns that the original Type 1 short-term rental license was issued in error, and that the neighbor has not been living in the home since before the Type 1 license was issued. Staff has started an investigation into this claim, but has also determined that if a violation is found, the appropriate remedy for compliance would be for the property owner to apply for a Type 2 license, which is under review with this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0051,** with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *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 22, 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, Rl-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, Use Unit 46, in RSF-4 zoning, 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, and based on the previous license issued for this property, it appears that there are 4 bedrooms in the structure, which would limit the structure to a maximum of 10 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 unit, with a maximum of four vehicles permitted to be parked outside. According to the applicant the structure has three available parking spaces.

(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 letter 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 1661 W. Hotz Drive. 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 American Community Survey data from 2021 lists total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. To date, the City has issued 328 Type 2 short-term rental licenses that are subject to this cap. Hotel and motel uses are not permitted by right in RSF-4 zoning, so this short-term rental would 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. The applicant did apply for and receive a business license for a Type 1 short-term rental after receiving a notice of violation from City staff that they were operating a short-term rental without a license. On March 14, 2023, the applicant notified staff that they were going to be relocating to Phoenix permanently, and proactively sought to convert the Type 1 license to a Type 2 license.**

(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: **Staff finds that the short-term rental meets the criteria above for approval, even though there are some previously-cited concerns and issues at this property. As the applicant stated, there are approximately three parking spaces for use at this property. Staff finds that this is adequate to serve the needs of the property as a short-term rental, given the maximum number of guests would be 10. W. Hotz Drive and N. Hartman Drive appear to be approximately 26 feet wide, which would likely be able to accommodate emergency service vehicles if there were vehicles parked on the street. City**

records show that there are 6 other Type 2 STRs within a ¼ mile radius of the property. Given the proximity to the University's athletic stadiums and the growing density in the area, staff does not find that this is an unreasonable number to expect. Staff did investigate and ultimately resolve a code complaint on this property that was issued back in August of 2022, which stated that the applicant was operating without a license, and potentially over-occupying the property. Staff found that the applicant was indeed operating without a license, and a notice of violation was issued. Guest records were also obtained from the property owner, and it was determined that they were meeting occupancy requirements. The property owner obtained a Type 1 STR license in November 2022 to come into compliance, and no additional occupancy complaints have been received or substantiated by City staff at this time. A member of the public has stated concerns about the applicant's receival of the Type 1 license which are attached to this packet. Staff finds that the appropriate course for remedy would be to receive a Type 2 license.

§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 has frontage along W. Hotz Drive and N. Hartman Avenue. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 10 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: **The applicant has indicated that there are three parking spaces available to the property. 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. The property is surrounded by residential uses, and short-term rentals are a permitted by-right use in the RSF-4 zoning district. There appears to be adequate parking to accommodate the number of permitted guests, and staff does not anticipate a negative impact on traffic from this proposal. The zoning district does not allow hotel/motel uses by-right, so this short-term rental license would contribute to the overall citywide 2% density cap. Since receiving a previous zoning violation, the applicant appears to be acting in a good faith effort to operate legally and within the confines of the ordinance and its requirements.**

(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 employment opportunities to promote walkability. The proximity of the University of Arkansas is one of the assessment elements used in the city's infill scoring system, and this dwelling is within ¼ miles of that institution. 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 those who wish to live near the University full-time.**

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
- Applicant Request Letter
- Building Floor Plan
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use 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."

Alan and DeEsta D'Appollonio
1661 w Hotz Drive
Fayetteville, AR 72701
4/11/2023

City of Fayetteville
Building and Permits Department
113 W Mountain St
Fayetteville, AR 72701

Dear City of Fayetteville:

We write you today as my wife and I both want to apply for a type 2 short term rental license. Both of us are University of Arkansas alumni and lovers of the city of Fayetteville, however my career has brought us to Phoenix, AZ permanently. We have been operating on a type 1 short term rental license for the past 6 months with no complaints or any issues from guests, but with the move to Phoenix now permanent, we are going to convert our license and have a professional company manage the property.

The home is 3,157 square feet and grey on all sides. The driveway can currently accommodate 3 vehicles. There is minimal outdoor lighting, just some lights next to the entryways into the home. Noise should be none, we and our professional management partners are going to be very selective in who we rent the home out to. There are large trees and bushes separating our property from our 2 neighbors, we are on the corner lot so there is a road between the other homes and a very large front yard. The only trash will be the green barrels provided by the city. The only access to the home is along hotz. The home has not been modified in anyway to effect the aesthetic of the homes in the neighborhood and should have 0 impact on all neighbors.

Sincerely,

Alan and DeEsta D'Appollonio

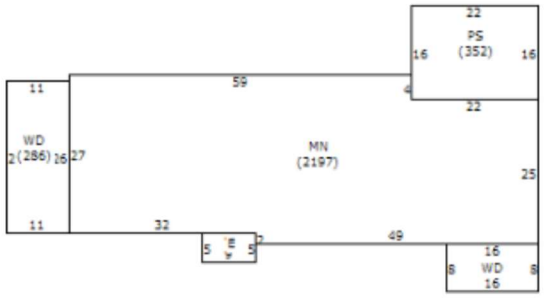
Please note: 4 bedroom home

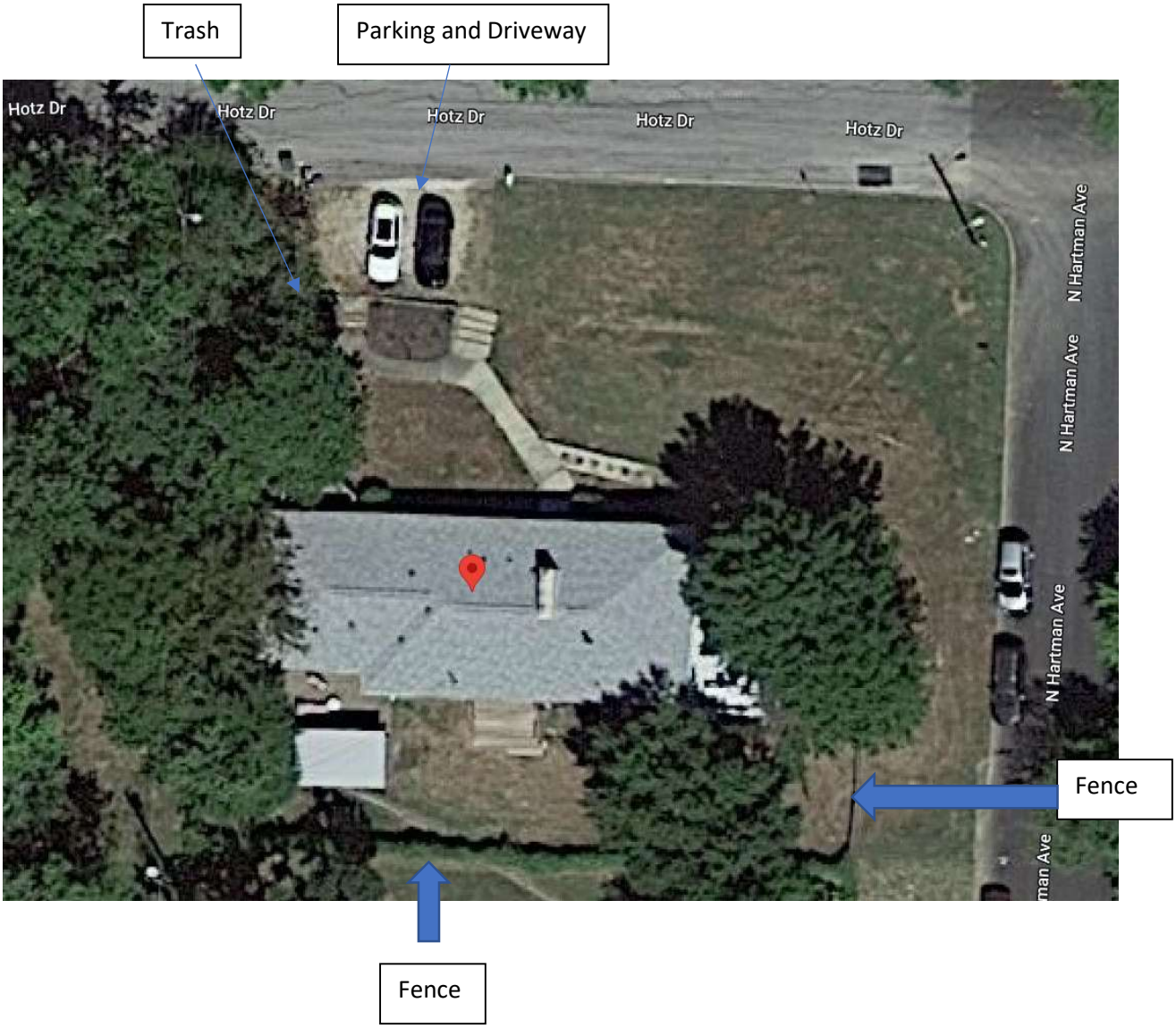
Details for Residential Card 1

Occupancy	Story	Construction	Total Liv	Grade	Age	Year Built	Condition	Beds
Single Family	2SB	Frame Siding Std.	3007	3-5	67	1956	Average	N/A

Exterior Wall:	FS	**Plumbing:**	**Full:** 2 **Half:** N/A
Foundation:	Closed Piers	**Fireplace:**	**Type:** 1s Sgl. **Qty:** 1
Floor Struct:	Wood with subfloor	**Heat/Cool:**	Central
Floor Cover:	Carpet & Tile	**Basement:**	N/A
Insulation:	Ceilings Walls	**Basement Area:**	N/A
Roof Cover:	Fiberglass Shingle	**Year Remodeled:**	2016
Roof type:	Hip	**Style:**	N/A

DataScout, LLC




Trash
Parking and Driveway
Hotz Dr
Hotz Dr
Hotz Dr
Hotz Dr
Hotz Dr
N Hartman Ave
N Hartman Ave
N Hartman Ave
Fence
Fence





Tom Overbey
479-871-2180
T1TLOTT@gmail.com

April 21, 2023

TO: Jessie Masters
Development Review Manager
jmasters@fayetteville-ar.gov

RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

Enclosed is a USB drive with comments on this CUP application.

Tom Overbey
479-871-2180
T1TLOTT@gmail.com

April 21, 2023

TO: Jessie Masters
Development Review Manager
jmasters@fayetteville-ar.gov

RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

This application for a Conditional Use Permit should be denied at this time for continued violation of UDC 118.01 (E)(1) since August 2022.

History

Code Case #CVZD-2022-000598 was opened 8/22/2022 on this property for over-occupancy, operating STR business without a license or CUP. Two CUP applications were filed and a STR Type 1 license was eventually issued. CUP-2022-0069 and CUP-2022-0073.

Several of the requirements under UDC 118.01 (E)(1) were not met for this property when the STR Type 1 license was issued.

- A short-term rental where the principal use of the property remains as a full-time residence.
  - The occupancy history of this property does not indicate that it is a full-time resident for the owner. See attached Item A and photos. The property has only been used for STR rentals with vacancies between rentals.
  - None of the cars of the renters are the same. Most are from out of state. Please note the date and time in the file name of each photo.
- 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.
  - See attached Item B from the county real estate records. No homestead credit is shown. A homeowner requesting the homestead credit must affirm that the home is their primary place of residence.
- The occupant or owner must occupy the residence for nine (9) months of the year.
  - Attached Item A shows that the house is unoccupied between apparent renters, mostly with out of state vehicles.
  - Attached Items C and D show that the owner is a senior executive with Rocket Mortgage in Phoenix, AZ, where he grew up and attended high school.

None of this is conclusive that the property and its owners did not qualify for a Type 1 STR permit. But the information seems to raise serious doubt.

In reviewing the current CUP application, the City should ask questions related to these issues. Such as:

- What state issues the license plates for automobiles of the owners?

- Ask the applicants to provide copies of their driver's licenses. Issued by AR?
- Do the applicants own other residential properties in AR or elsewhere?
- Are homestead credits claimed on any of them?
- Do the applicants file resident Arkansas income tax returns?

CUP application

After the Type 1 STR permit was not renewed, the house was no longer listed on Airbnb. However, Exhibit A reflects apparent continued rentals. The City should inquire as to how the property was advertised or rented. Who handled the transactions?

The applicant is a part owner of Type 2 STR permitted house at 2014 W Lawson St. #STR-000847-2021. The applicant is the agent for service for RADA Properties LLC that operates the STR. Therefore the applicant was familiar with the STR requirements for Type 1 permits and Type 2 permits before August 2022. Despite such knowledge, the applicant operated 1661 W. Hotz Drive as a short term rental in violation of the City of Fayetteville STR requirements on a continuous basis.

The current CUP application should be denied for continuing violation of the STR requirements of the City of Fayetteville with respect to this property.

Occupancy
1661 W. Hotz Drive

2022

10/3 - 10/5	6 large trucks and many people
10/5 - 10/7	Vacant
10/7 – 10/9	2 cars from Oklahoma
10/9 - 10/17	Vacant
10/18 - 10/22	3 cars – out of state
10/22 – 11/4	Vacant
11/3 - 11/6	1 car from Florida
11/7 - 11/20	1 car from FL
11/20 – 11/27	Vacant
11/28 – 11/29	1 car from AR
11/29 – 11/30	2 cars from AR
11/30 – 12/02	Vacant-
12/02 – 12/04	1 car from AR
12/04 – 12/08	Vacant
12/09 - 12/12	1 car from AL + others
12/13 – 12/20	Vacant
12/20 – 12/21	1 truck from AR (basketball game)
12/21 - 12/22	Vacant
12/22 – 12/28	4 cars from TX, CO, AR, and OK
12/28 – 12/30	Vacant
12/31 – 1/2	1 car from AR

2023

1/2 – 1/13	Vacant
1/13 – 1/15	SUV from TX
1/16 – 1/26	Vacant
1/26 - 1/29	Car from Maryland
1/29 - 2/3	Vacant
2/3 - 2/5	2 cars from AR
2/5 - 2/10	Vacant
2/10 – 2/12	1 car from MO + 3 others
2/12 - 2/17	Vacant
2/17 – 2/19	3 cars – TX and 2 other states
2/19 - 2/23	Vacant
2/23 - 2/26	3 cars from TX & OK
2/26 - ?	Vacant
3/10 – 3/12	3 cars from TX and 2 other states (AR vs. TX A&M BB series)
3/12 - 3/13	1 car from TX
3/13 - 3/17	Vacant
3/17 - 3/19	1 car from AR (AR vs. Auburn BB series)
3/19 - 3/24	Vacant
3/24 - 3/26	2 cars; OK and AR
3/26 - 3/31	Vacant

3/31 - 4/2	2 cars from KS (Soccer match at UA)
4/3 - 4/5	1 car from AR
4/5 – 4/10	Vacant
4/10 - 4/16	2 cars – AR & Ohio
4/17 - 4/18	2 cars – AR & unregistered
4/19 -	Vacant

Parcel: 765-06496-000
Prev. Parcel: 140054-000-00
As of: 10/3/2022

Washington County Report

ID: 41022

Property Owner

Name: D'APPOLLONIO, ALAN ELIC; SHAFFER, DEESTA

Mailing Address: 1661 W HOTZ DR
FAYETTEVILLE, AR 72701

Type: (RI) Res. Improv.

Tax Dist: (011) FAYETTEVILLE SCH, FAY

Millage Rate: 57.95

Property Information

Physical Address: 1661 W HOTZ DR

Subdivision: HOTZ S/D REVISED

Block / Lot: N/A / N/A

S-T-R: 17-16-30

Size (Acres): 0.000

Extended Legal: W 147.66 FEET LOT 29 & W 147.66 FT & N 9.66 FT LOT 33 FURTHER DESCRIBED FROM 2017-15352 AS: Part of Lot 29, of the Revised Plat. of the Hotz Addition to the City of Fayetteville, Washington County, Arkansas, as shown on plat of record in Plat Book I at Page 213 and Plat Book 5 at Page 53, and a part of Lot 33, of said Hotz Addition, being more particularly described as follows, to-wit: Beginning at the Northwest corner of said Lot 29, said point being a found iron pin, and running thence S86°20'32"E 147.44 feet to a found iron pin; thence S03°22'16"W 119.31 feet to a set iron pin; thence N86°23'41"W 147.26 feet to a set iron pin; thence N03°17'01"E 119.44 feet to the POINT OF BEGINNING, containing 0.40 acres, more or less.

Market and Assessed Values

	Estimated Market Value	Full Assessed (20% Mkt Value)	Taxable Value
Land:	$145,000	$29,000	$29,000
Building:	221150	44230	44230
Total:	$366,150	$73,230	$73,230

Taxes

Estimated Taxes: $4,244

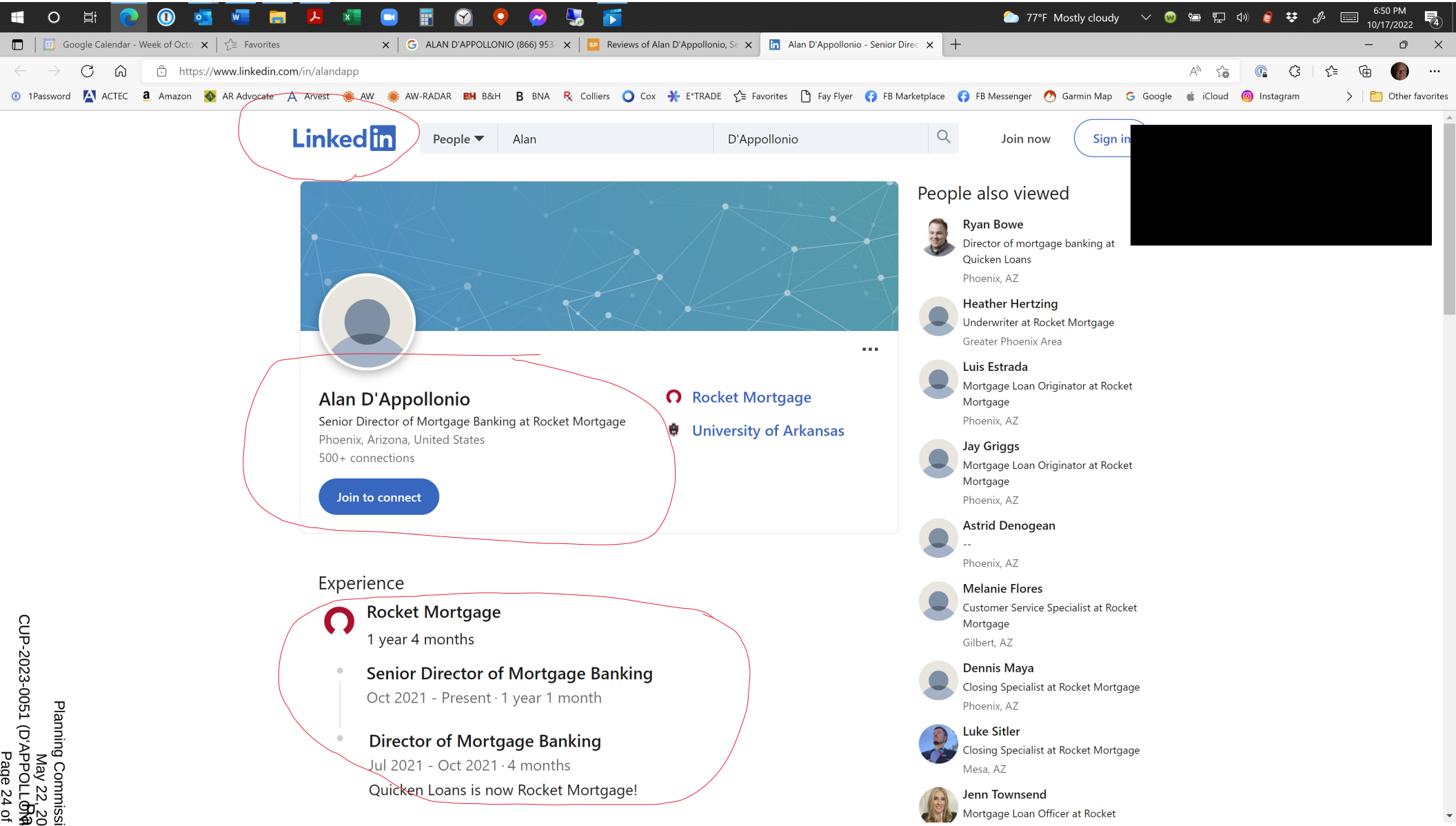
Homestead Credit: $0

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

Land

Land Use	Size	Units
	1.000	House Lot
Total	**1.000**	

Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com


77°F Mostly cloudy
6:50 PM
10/17/2022
Google Calendar - Week of Octo
Favorites
ALAN D'APPOLLONIO (866) 953
Reviews of Alan D'Appollonio, Se
Alan D'Appollonio - Senior Direc
https://www.linkedin.com/in/alandapp
1Password
ACTEC
Amazon
AR Advocate
Arvest
AW
AW-RADAR
B&H
BNA
Colliers
Cox
E*TRADE
Favorites
Fay Flyer
FB Marketplace
FB Messenger
Garmin Map
Google
iCloud
Instagram
Other favorites
LinkedIn
People
Alan
D'Appollonio
Join now
Sign in
Alan D'Appollonio
Senior Director of Mortgage Banking at Rocket Mortgage
Phoenix, Arizona, United States
500+ connections
Join to connect
Rocket Mortgage
University of Arkansas
Experience
Rocket Mortgage
1 year 4 months
Senior Director of Mortgage Banking
Oct 2021 - Present · 1 year 1 month
Director of Mortgage Banking
Jul 2021 - Oct 2021 · 4 months
Quicken Loans is now Rocket Mortgage!
People also viewed
Ryan Bowe
Director of mortgage banking at Quicken Loans
Phoenix, AZ
Heather Hertzing
Underwriter at Rocket Mortgage
Greater Phoenix Area
Luis Estrada
Mortgage Loan Originator at Rocket Mortgage
Phoenix, AZ
Jay Griggs
Mortgage Loan Originator at Rocket Mortgage
Phoenix, AZ
Astrid Denogean
--
Phoenix, AZ
Melanie Flores
Customer Service Specialist at Rocket Mortgage
Gilbert, AZ
Dennis Maya
Closing Specialist at Rocket Mortgage
Phoenix, AZ
Luke Sitler
Closing Specialist at Rocket Mortgage
Mesa, AZ
Jenn Townsend
Mortgage Loan Officer at Rocket

ROCKET Mortgage



Alan D'Appollonio

Phoenix, AZ
NMLS 1408759
Senior Director, Mortgage Banking

4.5 ★ 64 Reviews

Alan's Reviews

Most Recent | Write a Review



Morgan Smith

★★★★★

February 20, 2018

Alan was wonderful to work with. He was available to me via multiple modes of communication. He was able to give us options for our refi and helped us close within a month!

Share this review on:



Rob Rhodes

★★★★★

January 11, 2018

Alan was great. We had a few problems with the checks not arriving on time as promised (they were supposed to be overnighted to arrive on Saturday 12/23/2018. With the holiday and vacation time, the check was not received until late afternoon on Tuesday 12/26/2018. Therefore I couldn't mail it until Wednesday 12/27/2018, which was disappointing.

Connect With Alan

Contact Alan

(866) 953-7627 ext. 59721
Email
Website

As your trusted Home Loan Expert Alan is dedicated to creating the best home loan experience for you. With the help of the online tools from Rocket Mortgage®, you'll feel certain that you're getting a loan that meets your needs. Work with Alan and get the peace of mind that comes with working with an expert.

Rocket Mortgage - Refinance Team

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103177 Reviews

OUTBACK
SUBARU
BYK·413

CHEVROLET
G. LF




Jeep
TEXAS
HBN-5937
4x4
LAREDO


4X4
SUBURBAN
JTM 5876
CUYAHOGA

Jeep
AMERICANSOUTHERNEXTERMINATING.COM

SANTA FE
977 ZHF


B9605334

1WZ 698
ELANTRA
HYUNDAI

FUSION


FRONTIER
SL 4X4
WOOD
Arkansas
152 WFZ
The Natural State


PORSCHE
Macan S
Arkansas
105 YWE


TEXAS
RBM-9756
FAMILY TOYOTA
RAV4
XSE
HYBRID


LAND CRUISER
V8




1661
Ford
EXPLORER
MYFLORIDA.COM
PM
877 2AU
SUNSHINE STATE
XLT
INVER GROVE
FORD LINCOLN



Planning Commission
May 22, 2023
CUP-2023-0051 / VAR-2023-0006
Page 42 of 71


CHEVROLET
SILVERADO
LT
MD
McLARTY DANIEL
Arkansas
AKB 23M
The Natural State

TBG-XOP
SEDONA
MFE-870
612TEJ


EXPLORE
OKLAHOMA
GNV-513
TRAVELOK.COM
WILSON
STILLWATER OK.
TRAVERSE

B9805304


1661
Jeep
Hendrick
58A296G
WWW.HOOVER AUTO MALL.COM
4x4
Hendrick
HOOVER, AL



Planning Commission
May 22, 2023
CUP-2023-0051 (D'APPOLLONIA)
Page 48 of 71
Page 395 of 418


Jeep
Arkansas
12
513 ULM
The Natural State


fusz.com
MISSOURI
BICENTENNIAL
LH3 W1C
LOU FUSZ

TEXAS
HNF-2509
TEXAS
PJB-7354


OILER
OILER TRACK
TEXAS A&M
newhope
SIENNA
TEXAS
JZY-1847
XLE


Ford
KU

PLATINUM
F150
TEXAS
RZG-2184


EDGE
QZS F64
SUNSHINE STATE
TITANIUM

SONATA
OKLAHOMA
CUH - 894
regionalhyundai.com


Arkansas
AJL 72V
The Natural State


1661
WEL
Eddy's
CAMRY
SG KANSAS NOV
813 PEK
XLE
HYBRID



Planning Commission
May 22, 2023
CUP-2023-0051 (D'APPOLONIA) Page 406 of 418
Page 59 of 71


1661
WELCOME
HYPER TOUGH
Arkansas
USAMVIJ
IRAQI FREEDOM VETERAN

From: Masters, Jessica
Sent: Wednesday, April 26, 2023 2:41 PM
To: t1tlott@gmail.com
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

Tom,

Yes, the reports are published by 4:30 PM the Thursday before the meeting, so that would be May 18. There is an agenda session at that time for the Planning Commissioners to ask questions about the upcoming items. Members of the public are welcome to attend that meeting, though no public comment is taken or heard.

Thank you,

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube

From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Wednesday, April 26, 2023 2:20 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

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.

Thanks.

Will I have an opportunity to see the staff report to PC prior to the meeting?

Tom Overbey
T1TLOTT@gmail.com
479-871-2180

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Wednesday, April 26, 2023 1:38 PM
To: t1tlott@gmail.com
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

Tom,

Thank you for your questions, and for your patience in my response.

As far as the Type 1 permit goes, it looks like it was a data issue as to why it was not populating on the map (found here). I've spoken to the administrators on this, and they have indicated that it should re-populate on the map soon. I will keep an eye out on it and let you know when that has occurred. Feel free to let me know if you still do not see it within a day or two. Since the license is active, it does look like they are still in good standing on HMR taxes.

As for the other comments, I will make sure this gets looked into prior to the item being heard by the Planning Commission on May 22, and we will report on all of it. Previous zoning violations and complaints do have a bearing on whether a conditional use permit will be approved by the Planning Commission, but are not the only factor that the Planning Commission will consider. I have also received your other emails, and your mailed letter and USB as well, and will get it included into the packet.

Let me know if you have any additional questions.

Jessie

Jessie Masters, AICP
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CITY OF FAYETTEVILLE ARKANSAS

From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Friday, April 21, 2023 2:44 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

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Jessie – with respect to your comment about the staff internal note, there is not an STR permit showing on the City Development Services Dashboard for this property. If the Type 1 permit is active, why is it not listed? Also, this property is no longer listed on Airbnb yet rental activity continues through last weekend. How is it being administered? Are the appropriate taxes being remitted?

The more important issues concern the original permit request and issuance in August 2022, for a Type 1 permit. And the continuing rental of the property as a Type 2 STR. If the STR regulations are going to have meaning in Fayetteville, this type of apparent abuse should result in a denial of the current CUP application or other appropriate penalty.

- The applicants were obviously knowledgeable of the difference between a Type 1 and a Type 2 at the time it was originally issued since there were then also part owners of Type 2 STR permitted house at 2014 W Lawson St. #STR-000847-2021. One of the applicants is the agent for service for RADA Properties LLC that operates the Type 2 STR.
- The property appears to have been operated as a Type 2 STR since August 2022, based on the occupancy history and photos. You will note that the cars do not repeat so it is unlikely that any of them are owned by the applicants. You will also note vacancies between the rentals indicate that the owners are not using the property as a primary residence.
- It appears that the property was not their primary residence at the time of the Type 1 permit application. Review the previous information about the applicant's position with Rocket Mortgage in Phoenix that was listed on LinkedIn in late 2022.
- You could ask them the questions regarding car licenses, driver's licenses, other houses, etc. if you want to determine the actual facts for the Type 1 permit that was issued.

This property and the Type 1 permit history does not appear to be a misunderstanding of the rules. It appears to be an intentional disregard for the rules. Perhaps because it was quicker and easier to get a Type 1 permit. There should be consequences to the apparent misrepresentation and continuing violations for months.

Thanks.

Tom Overbey
T1TLOTT@gmail.com
479-871-2180

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Friday, April 21, 2023 12:51 PM
To: t1tlott@gmail.com
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

Tom,

I wanted to follow up and issue a correction to a comment I made earlier regarding this property. In starting to investigate a potential violation, I saw that I had read staff's internal note incorrectly. The applicant still has an active business license for a Type 1; the internal note indicated **not to renew** when it expired in October 2023, not that the applicant **had not renewed**. I apologize for the miscommunication on this.

That said, the applicant is in the process of moving the license type over to the correct application type with their relocation. Please feel free to continue to reach out to me if you have any questions. I've also copied the application documents that have been submitted by the applicant so far for your consideration.

Jessie

Jessie Masters, AICP
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(479) 575-8239
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From: Masters, Jessica
Sent: Thursday, April 20, 2023 3:09 PM
To: t1tlott@gmail.com
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

Tom,

Thank you – comment received, and we will start looking into the case, and make sure this information is documented for the Planning Commission's consideration.

Jessie

Jessie Masters, AICP
Development Review Manager
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(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube



From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Thursday, April 20, 2023 2:58 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

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I was working on a complaint before the Tech Plat notice today. I will send it to you with the documentation. I assume email will be OK.

The house has been operating continuously since August 2022 as a Type 2 STR before the Type 1 permit was issued, after it was issued, and since it was not renewed. Virtually every week to different persons, mostly from out of state.

Tom Overbey
T1TLOTT@gmail.com
479-871-2180

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Thursday, April 20, 2023 1:50 PM
To: t1tlott@gmail.com
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

Tom,

Thank you for the questions. The STR license on file for 1661 W. Hotz Drive was issued as a Type 1 as a result of that neighborhood action, that they were operating without a business license. Staff received word from the owner that they will be relocating, so the Type 1 business license was not renewed. The owner has applied for a Type 2 STR business license, which requires a Conditional Use Permit before a license can be issued.

This CUP is listed on the Tech Plat agenda, but it is not discussed at that meeting; it is only discussed internally among staff at the in-house meeting that we have on Monday, April 24. Essentially, the item is still under staff review.

I am happy to take any public comment you have on the item ahead of the Planning Commission meeting; provided they notify correctly, the item will be heard at the May 22 meeting.

Let me know if you have any other questions.

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube

From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Thursday, April 20, 2023 1:33 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

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Also, this house was the subject of several STR actions in August, 2022. Please see the attached. A Type 1 STR permit was subsequently issued. But it is no longer showing on the Fayetteville Business License Information link.

Can you tell me when that permit was issued? And when did it end? For what reason?

Thanks.

Tom Overbey
T1TLOTT@gmail.com
479-871-2180

From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Thursday, April 20, 2023 9:50 AM
To: jmasters@fayetteville-ar.gov
Subject: CUP-2023-0051: Conditional Use Permit (1661 W. HOTZ DR/D'APPOLLONIO, 482)

We live near this house. Is the STR application for a Type 1 or a Type 2 permit? Why is this going to Tech Plat Review? I understood that the CUP applications were filed directly with the City and reviewed by the Planning Commission. Thanks.

Tom Overbey

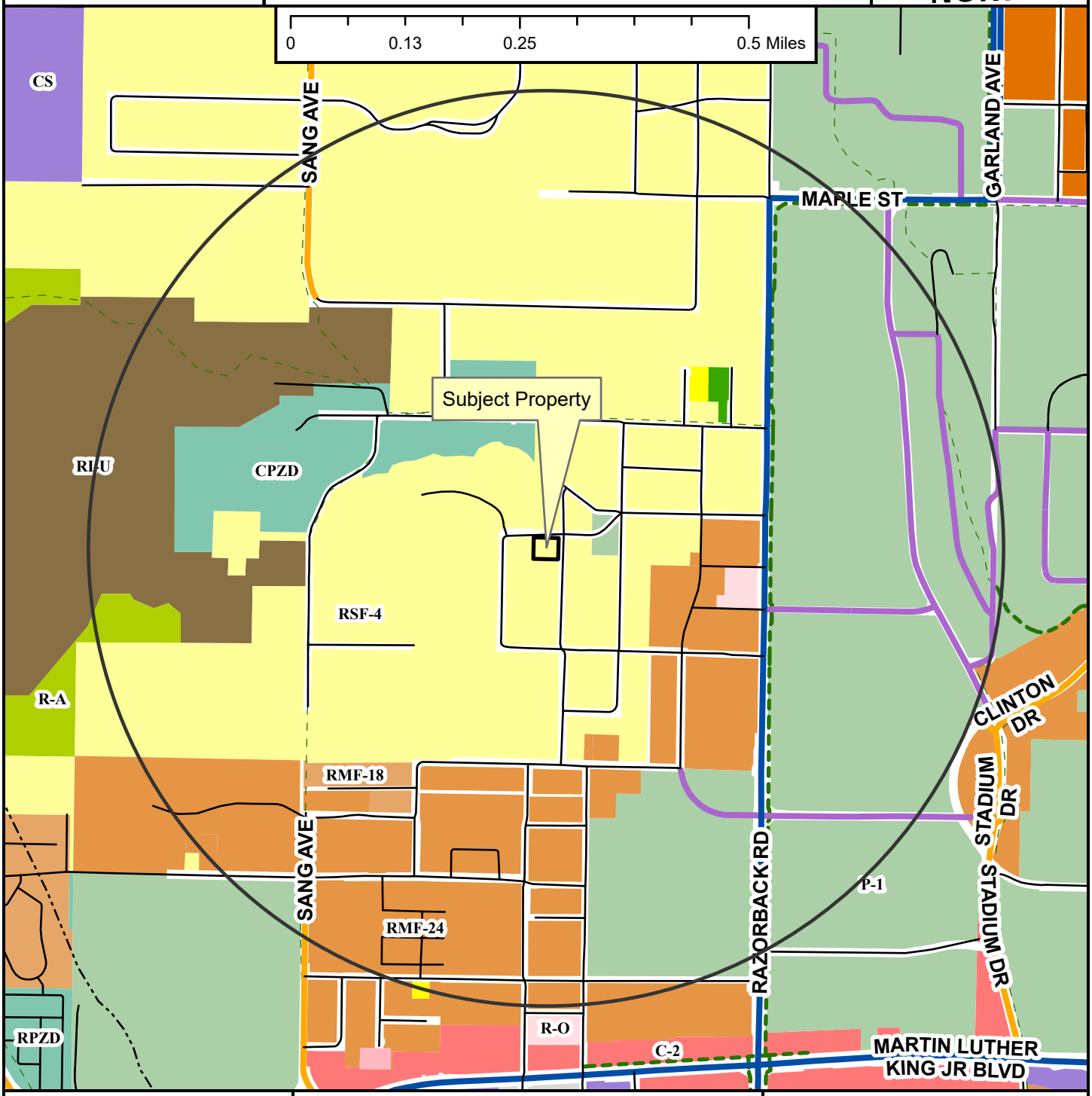
T1TLOTT@gmail.com
479-871-2180

CUP-2023-0051

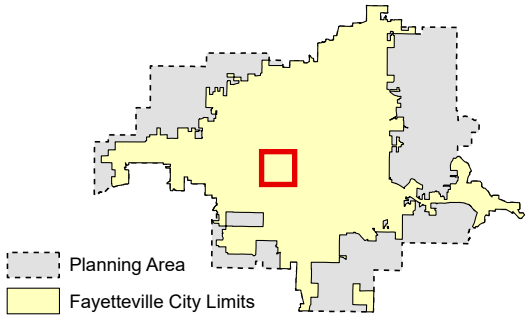
One Mile View

1661 W. HOTZ DR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-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

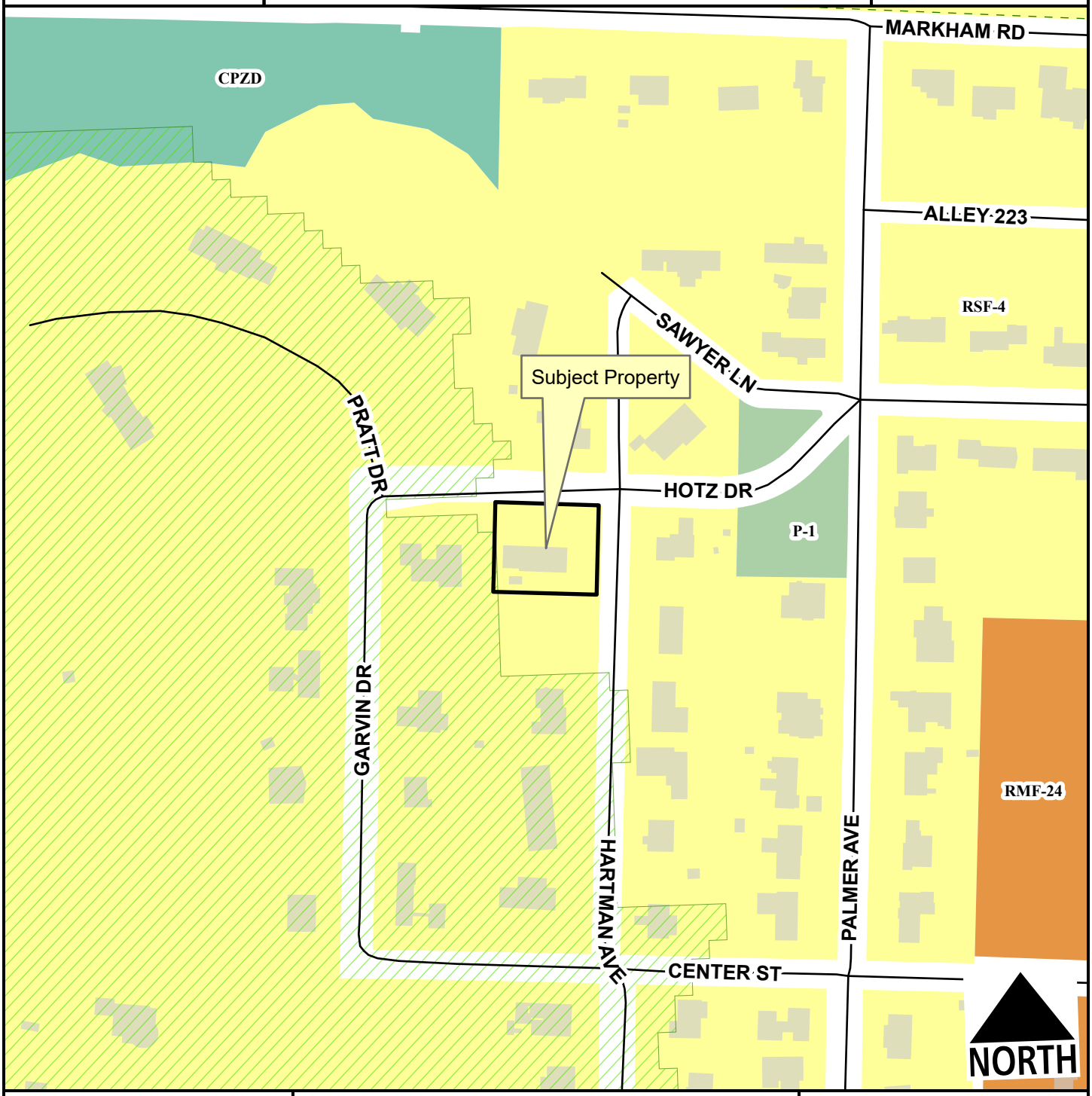
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0051

Close Up View

1661 W. HOTZ DR



Unclassified
Alley
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
RMF-24
Commercial, Industrial, Residential
P-1

CUP-2023-0051

Current Land Use

1661 W. HOTZ DR

NORTH



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

Feet

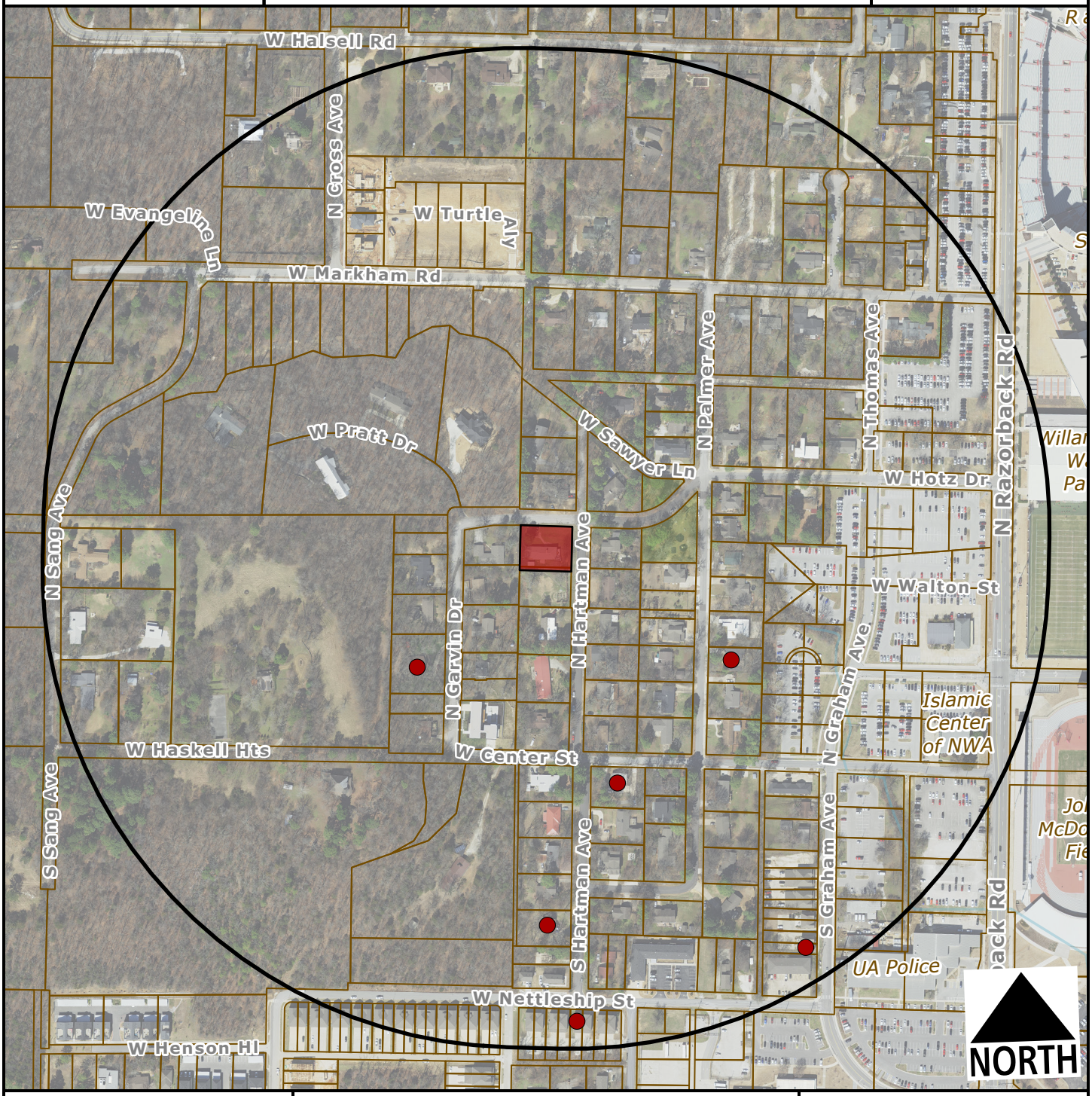
0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0051	1661 W. HOTZ DR	
STRs Within 1/4 Mile		



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	6
NOT contributing to 2% density cap	0
Total	**6**