



CITY OF
FAYETTEVILLE
ARKANSAS

*113 W. Mountain St.
Fayetteville, AR 72701*

Board of Adjustment Agenda

**City Hall Room 219
Monday, November 3, 2025
3:45 PM**

Members

Chair Erin Adkins-Oury (Exp. 03/27)
Vice Chair Jason Young (Exp. 03/28)
Caroline Fox (Exp. 03/27)
Jennifer Keys (Exp. 03/27)
Peter Norman (Exp. 03/28)

City Staff

Planning Director Jessie Masters
Assistant City Attorney Hannah Hungate

Zoom Information

Webinar ID: 830 6985 3533

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_b7WqbQjzQdeQjthc48F96Q

Call to Order

Roll Call

MINUTES:

Approval of the minutes from the October 6, 2025 meeting.

Unfinished Business

2. BOA-2025-0016: Board of Adjustment (S. RAZORBACK RD/3 STRANDS VENTURES LLC, 599):

Submitted by COMMUNITY BY DESIGN for property located on S. RAZORBACK RD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 3.11 acres. The request is for a variance to setback requirements.

THIS ITEM WAS TABLED AT THE SEPTEMBER 8, 2025, AND THE OCTOBER 6, 2025 BOARD OF ADJUSTMENT MEETINGS.

Planner: Jessica Masters

New Business

3. BOA-2025-0019: Board of Adjustment (1755 S. ARMSTRONG AVE/PACKAGING SPECIALTIES INC, 604):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1755 S. ARMSTRONG AVE. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 5.14 acres. The request is for a variance to setback requirements.

Planner: Donna Wonsower

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. A copy of the proposed amendments and other pertinent data are open and available for inspection in the office of City Planning (479-575-8267), 125 West Mountain Street, Fayetteville, Arkansas. All interested parties are invited to review the petitions.

Interpreters or TDD (Telecommunication Device for the Deaf) are available for all public hearings; a 72-hour notice is required. For further information or to request an interpreter, please call 479-575-8330.

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

Board of Adjustment - Monday, October 6, 2025

Time:	In: 3:45 PM	Out: 4:57 PM					
Staff :			<input checked="" type="checkbox"/>	Jessie Masters, Planning Director			
			<input checked="" type="checkbox"/>	Donna Wonsower, Senior Planner			
			<input checked="" type="checkbox"/>	Wesley Frank, Planner			
			<input type="checkbox"/>	Blake Pennington, Sr Assistant City Attorney			
			<input checked="" type="checkbox"/>	Hannah Hungate, Assistant City Attorney			
	Roll Call	Meeting Minutes 9-8-2025	2) BOA-2025-0016 (3 STRANDS VENTURES LLC)	3) BOA-2025-0017 (PENNING)			4) BOA-2025-0018 (RIVERWOOD HOMES)
Adkins-Oury	1	1	1	1	1	1	1
Keys	0						
Young	1	1	1	1	1	1	1
Norman	1	1	1	1	1	1	1
Fox	0						
Agenda			Old	Old			New
Motion To:		Approve	Table	Add	Add	Approve	Table
Motion By:		Young	Young	Young	Young	Adkins-Oury	Adkins-Oury
Seconded:		Adkins-Oury	Norman	Norman	Adkins-Oury	Young	Norman
Vote		3-0-0	3-0-0	3-0-0	3-0-0	3-0-0	3-0-0
Notes			Until November 3, 2025 Board of Adjustment meeting	More public comment	Allow representative to speak	With all conditions as recommended by staff	Until November 3, 2025 Board of Adjustment meeting
Public Comment:		0	0	6			0



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

MEETING DATE: November 3, 2025

SUBJECT: **BOA-2025-0016: Board of Adjustment (S. RAZORBACK RD/3 STRANDS VENTURES LLC, 599):** Submitted by COMMUNITY BY DESIGN for property located on S. RAZORBACK RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL AND UT, URBAN THOROUGHFARE and contains approximately 3.11 acres. The request is for a variance to setback requirements.

RECOMMENDATION:
Staff recommends denial of **BOA-2025-0016**.

RECOMMENDED MOTION:
"I move to approve BOA-2025-0016, with all conditions as recommended by staff."

SEPTEMBER 8 AND OCTOBER 6 BOARD OF ADJUSTMENT HEARINGS:
This item was previously tabled at the applicant's request. In the intervening time, the applicant was denied a request to vacate ARDOT right-of-way, and additional exhibits have been provided for the Board's consideration which have been attached to this request.

BACKGROUND:
The subject property is in south Fayetteville on S. Razorback Road, at the point where the Town Branch Trail crosses the street. The parcel is currently undeveloped, and a significant amount of the property is located within the floodplain. Further, a portion of the northern property line is located within the floodway. Currently split-zoned between R-A, Residential Agricultural and UT, Urban Thoroughfare, the property received this zoning designation in 2024 (Ordinance 6717). No overlay district currently governs the property. The surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Trail/Parkland	P-1, Institutional
South	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre, CS, Community Services; NS-L, Neighborhood Services, Limited
East	Multi-Family Residential	NS-G, Neighborhood Services, General
West	Trail/Parkland	P-1, Institutional

DISCUSSION:
Request: The applicant is requesting a variance to the 10-foot setback requirement established by the Urban Thoroughfare zoning district. While the district establishes a build-to zone within 10-

25 feet of the front property line, the applicant seeks a variance to locate structures closer to the property line than would be permitted by code.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Front setback	10 feet	1.65 feet	8.35 feet

Public Comment: Staff has received public comment on this item in support of the applicant's request. Written comment is attached to this report.

RECOMMENDATION: Staff recommends denial of BOA-2025-0016. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. Structures within the setback shall have a principal façade which addresses the street with direct pedestrian connectivity to S. Razorback Road;
2. Structures within the setback shall be limited to a maximum building height of three stories;
3. Approval of this variance is limited to the applicant's request as described in this report;
4. Approval of this variance does not grant approval of or entitlement to any other zoning or development variances.

BOARD OF ADJUSTMENT ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Tabled
Date: <u>November 3, 2025</u>
Motion:
Second:
Vote:

City Plan 2040 Future Land Use Designation: City Neighborhood

FINDINGS OF THE STAFF

§156.02. ZONING REGULATIONS.

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

B. Requirements for Variance Approval.

1. Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and

Finding: Staff have determined that the applicant has not sufficiently established a hardship. The UT (Urban Thoroughfare) zoning district is intentionally designed to be highly flexible, supporting high-intensity development with minimal restrictions on lot width, area, and density. The district also permits building heights up to seven stories. The applicant cites several constraints in their letter, including limited developable area due to floodplain, streamside protection zones, and existing easements. That said, the floodplain in the area is not necessarily a deterrent for development, as evidenced by the applicant’s proposed site plan. Further, it is important to note that the current zoning designation—split between R-A and UT—was requested by the applicant in 2024 specifically to enhance flexibility and maximize development potential on the site due to these same constraints. The former zoning district, NS-L, Neighborhood Services, Limited, does not have the same setback requirement. As part of the variance request, the applicant proposes measuring the build-to zone from the rear edge of the Master Street Plan right-of-way rather than from the existing property line. While staff acknowledge the applicant’s concerns regarding the interaction between the existing and proposed right-of-way lines, staff also inquired whether a right-of-way vacation had been pursued. The applicant confirmed that the Arkansas Department of Transportation (ARDOT) has indicated such a vacation is not feasible in this location. Although this limits certain development options, the state agency’s position does not, in itself, constitute a hardship under the applicable standards. The applicant has chosen to develop the property with a mix of low-density residential types, including single-family, two-family, three-family, and four-family dwellings—all of which are permitted by-right in the UT zoning district. Despite the cited constraints, staff finds that there remains sufficient developable area on the site to comply with the setback requirements, meet necessary floodplain requirements, and still be able to develop the property as established by the UT zoning designation.

2. Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

Finding: Staff finds that granting the requested variance may not fully align with the spirit and intent of this specific zoning district but does align with other long-term city goals. The UT zoning district is meant to “encourage a concentration of commercial and mixed-use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted.” The 10-foot setback reflects the idea that, while form-based in intent, UT is meant to serve higher classification streets and higher intensity development. Higher traffic speeds tend to warrant deeper setbacks to ensure better pedestrian safety and comfort in between the street and the structures; while other form-based districts in Fayetteville’s code do not have the 10-foot limitation, this was established with the zoning district to help meet the district’s intent. On the other hand, the applicant is

proposing to construct lower density residential development, another by-right use, which is not likely to overpower the pedestrian realm along S. Razorback Road. Further, the excess right-of-way in certain portions along the applicant's frontage will likely give the adequate spacing to protect pedestrian comfort. Given the applicant's low-intensity proposal, the request may not fully align with the zoning district's overall intent but generally meets the purpose of the requirement. City Plan 2040 also has a stated goal of making infill development a priority; staff recognizes that the applicant's proposal is a creative use of an otherwise difficult to develop site.

- C. Minimum Necessary Variance.** The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.

Finding: Staff finds that the applicant has not adequately provided a case for a hardship, nor does encroachment into the setback meet the spirit and intent of the zoning district. The property is developable without this variance.

- D. Special Conditions.** In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.

Finding: Should the Board choose to approve this variance, staff has recommended conditions of approval as outlined above.

- E. Non-permitted Uses.** The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.

Finding: None are requested.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.24 Urban Thoroughfare
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Updated Request Letter and Exhibits
- ARDOT Vacation Response
- Public comment

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	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/7 stories*
-------------------------	----------------------

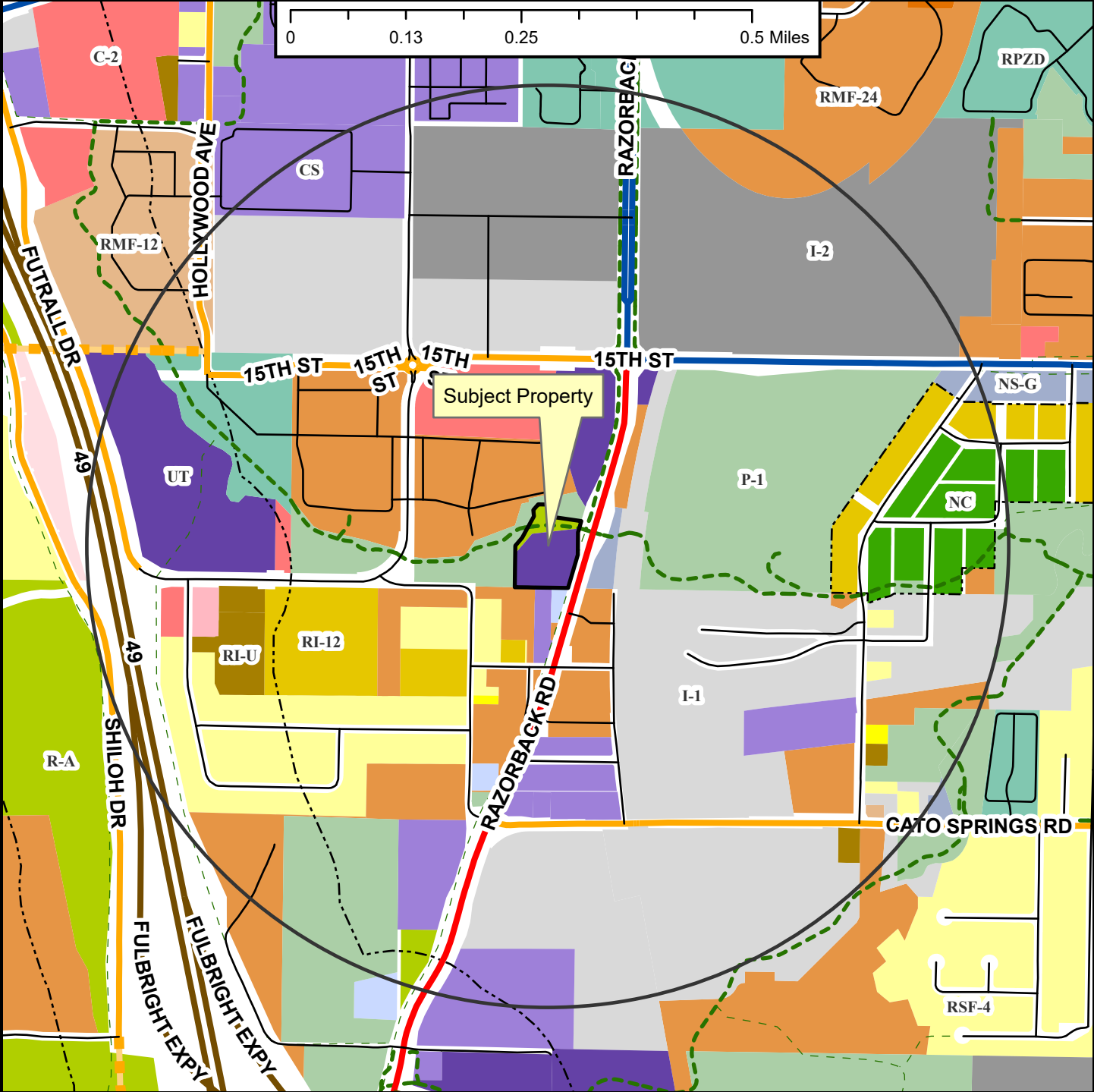
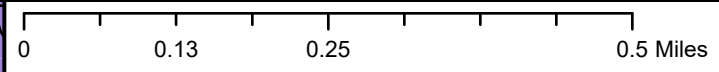
* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) 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 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.

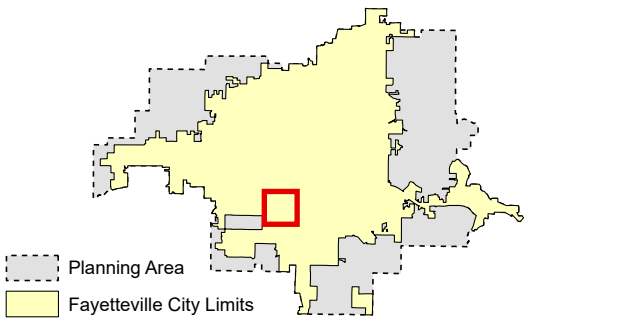
(G) *Minimum buildable street frontage.* 50% of the lot width.

(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, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

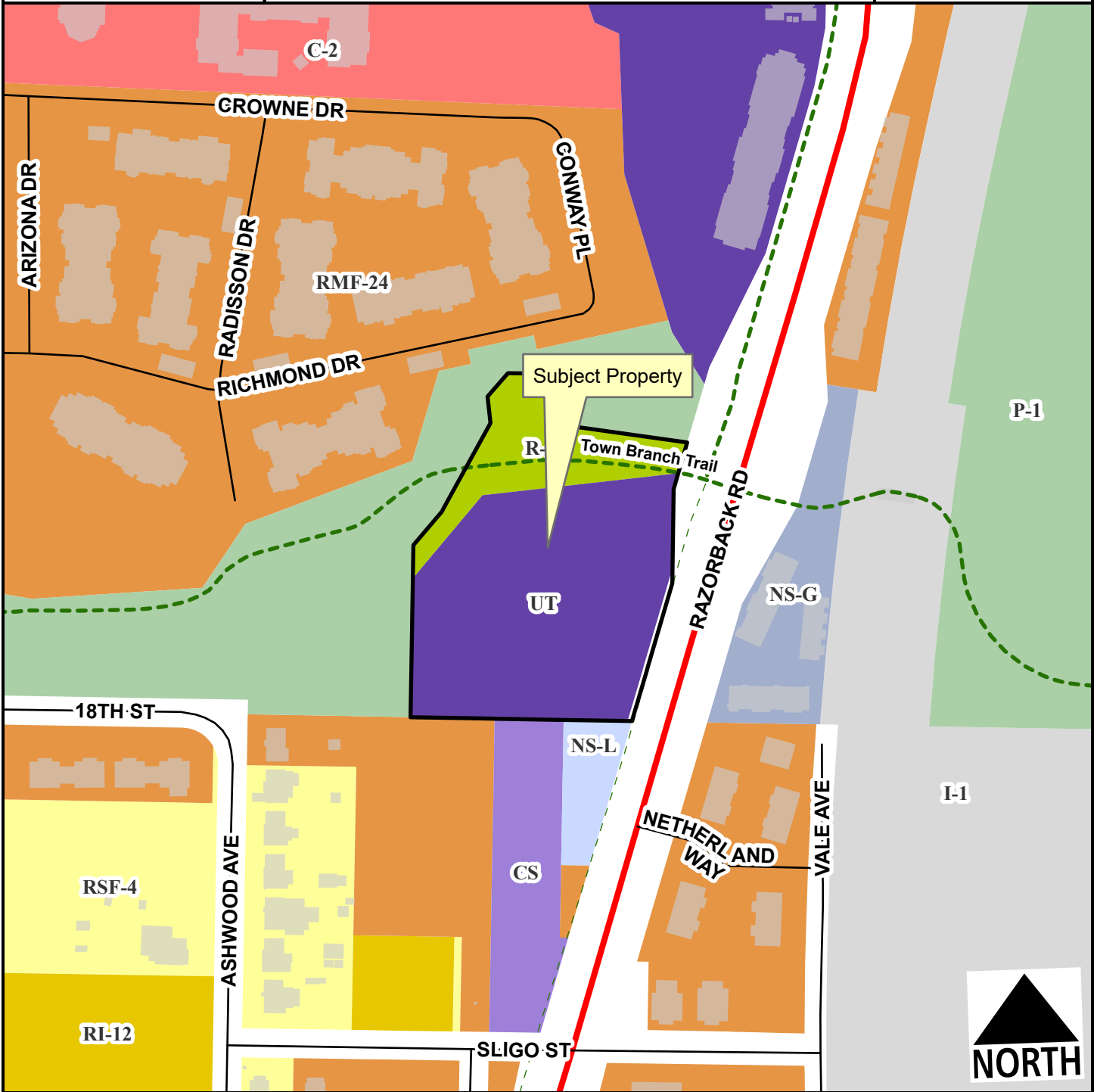
Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.



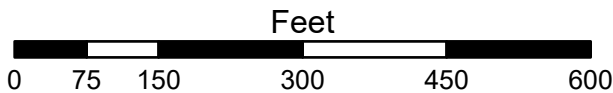
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Close Up View



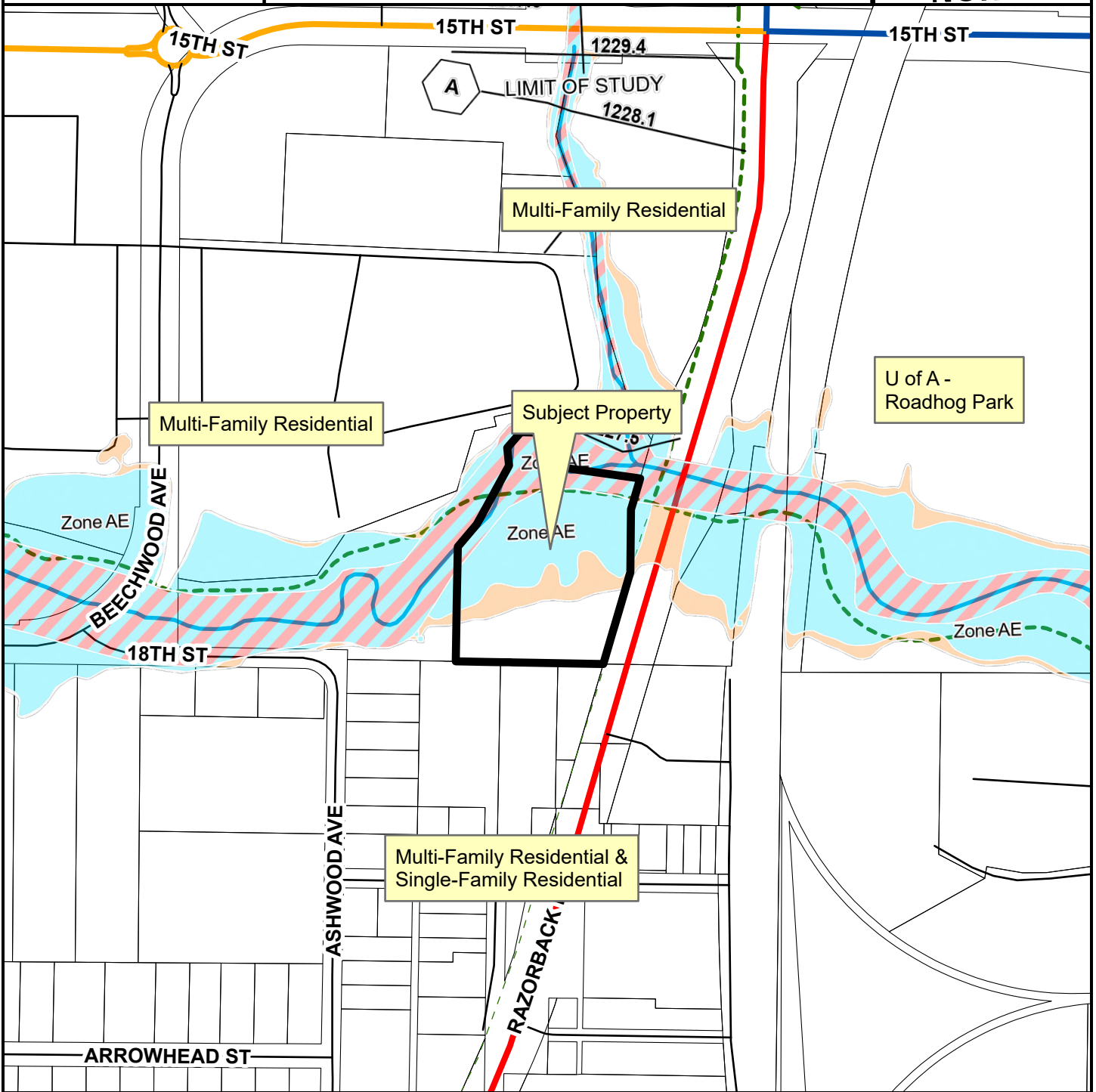
- Regional Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- - - Shared-Use Paved Trail
- . . . Trail (Proposed)



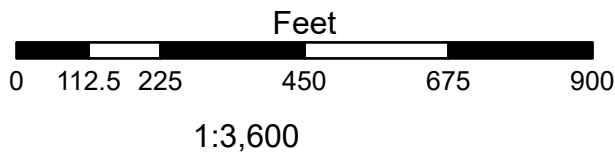
1:2,400



Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

August 29, 2025

Via Email: jmasters@fayetteville-ar.gov

Ms. Jessie Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Razorback Road and Town Branch – Variance Request

Ms. Masters,

Please allow this letter to serve as a variance request from the zoning regulations set forth in Chapter 161 of the City of Fayetteville Unified Development Code, specifically 161.12(E) Setback Regulations. The property, Washington County Parcel 765-14877-000, contains 3.06 acres and is zoned Urban Thoroughfare along its Razorback Road street frontage. Well over half the property, 1.81 acres, is located in floodplain associated with Town Branch Creek. Building on 0.85 acres is not possible due to existing floodway and the streamside protection ordinance. Some limited development may be possible on 0.95 acres located in the floodplain but outside the floodway. This would leave only 1.26 acres that are more buildable, but even that is encumbered with a 500 year floodplain, transmission utility easements, and building setbacks. This all makes being able to build on the southeasterly portion of the property, close to Razorback Road, critical.

Furthermore, there are 2 right of way conditions along the property frontage on Razorback Road, an extremely wide right of way condition to the north and a wider than normal condition to the south. See attached Exhibit #1 and Exhibit #2. In both conditions, existing right of way from centerline is greater than what is required by the Master Street Plan. On the south end, the existing right of way from centerline to the west measures 54.35' while the Master Street Plan only requires 46.00'. In lieu of attempting to abandon 8.35' of right of way to adhere to the Master Street Plan, we are requesting approval of a variance to change the build to zone requirement from 10'-25' to 0'-25' or to measure the build to zone from the Master Street Plan right of way instead of the existing right of way. Per our development plan, the buildings are proposed to be located 10.25' setback from the Master Street Plan right of way or 2.00' from the existing right of way, or within a 10'-25' build to zone if measured from the Master Street Plan right of way.

As proposed, the buildings would adhere to a 0-25' build to zone requirement from the existing right of way or they would also adhere to a 10-25' build to zone requirement from the Master Street Plan right of way. A 0'-25' build to zone is more typical amongst almost all of the form-based zoning districts, however Urban Thoroughfare and Community Services specify a 10'-25' build to zone. On the east side of Razorback Road, conditions similar to what is proposed for the west side currently exist. On the west side of Razorback Road, a 10' trail with aligned rows of trees is proposed that will present an ideal streetscape.

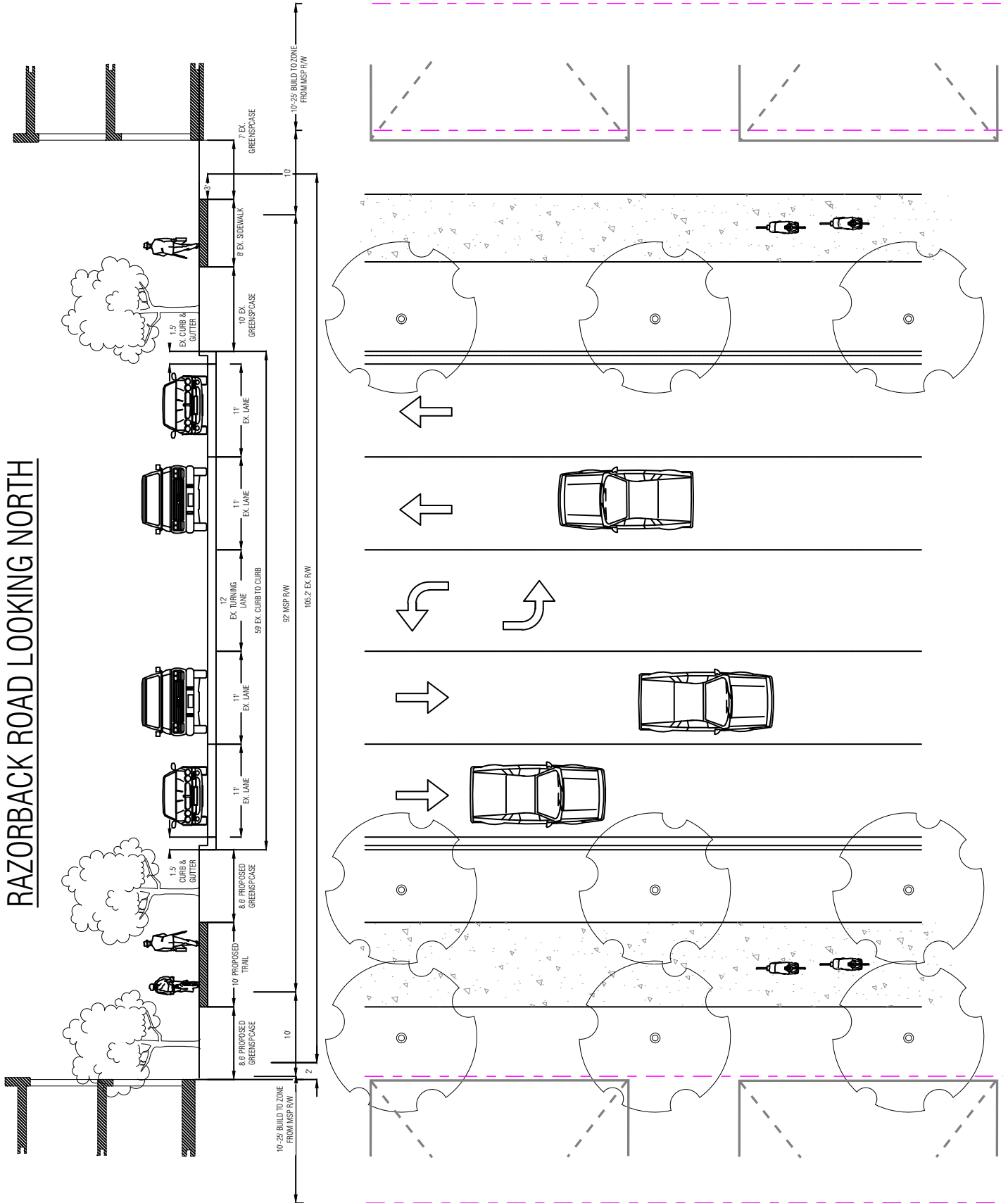
Thank you for considering this request. Please let me know if you have questions or if additional information is needed.

Sincerely,



Brian Teague
Community By Design

EXHIBIT #1 - PROPOSED STREET CROSS SECTION RAZORBACK ROAD LOOKING NORTH



October 27, 2025

Via Email: jmasters@fayetteville-ar.gov

Ms. Jessie Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Razorback Road and Town Branch – Variance Request Additional Information

Ms. Masters,

I am writing to provide additional information for your consideration regarding the variance request from the zoning regulations set forth in Chapter 161 of the City of Fayetteville Unified Development Code, specifically 161.12(E) Setback Regulations. The property, Washington County Parcel 765-14877-000, contains 3.06 acres and is zoned Urban Thoroughfare along its Razorback Road street frontage. The specific request is to allow buildings to be constructed approximately 2.0' setback from the existing Arkansas Department of Transportation (ArDOT) right of way or 10.25' setback from the City of Fayetteville Master Street Plan (MSP) right of way.

As proposed, the buildings are located in a place relative to the MSP right of way where they would typically be allowed, (see attached Exhibit 1). In Exhibit 1, Condition A is the condition proposed where a variance approval is required only because ArDOT right of way exists in addition to MSP right of way. Condition B is the typical condition allowed per MSP and zoning regulations if additional ArDOT right of way does not exist. Condition C will be required without variance approval.

Primary Undue Hardship - The primary undue hardship in this case is that ArDOT took right of way from the parcel that is right of way in addition to the right of way specified by the City MSP. A request was made to ArDOT to vacate the additional right of way, however ArDOT has communicated that this is not possible. Granting the variance would allow for consistency with the intent of the City of Fayetteville MSP and City of Fayetteville zoning regulations by allowing the setback to be measured from the City MSP right of way, Conditions A and B as illustrated in Exhibit 1.

Public Safety and Intent of City Regulations - Granting the variance would also benefit the built environment in many ways once the proposed buildings are constructed and street improvements are made. Locating the buildings closer to the street as proposed would allow the City of Fayetteville's zoning regulations to interact with the City of Fayetteville MSP as intended and would calm or slow traffic, thus increasing public safety for pedestrians and vehicle users. Per the National Association of City Transportation Officials (NACTO), Strong Towns, and others, "Buildings placed close to the street encourage cars to travel slower. This effect, a form of visual traffic calming, happens because the structures create a sense of enclosure and limited space." Buildings located closer to the street will also encourage more social interaction between building residents and pedestrians on the street/sidewalk, as suggested by the City of Fayetteville City Plan. This improved social interaction condition will increase public safety as well through "eyes on the street" concepts.

As the urban designer and civil engineer for this project, I find public safety to be the most important reason for the urban design and the variance request, as I want to be allowed to utilize all tools possible to calm traffic and create a safer built environment for future residents of this neighborhood and others using the adjacent public right of way. It is worth mentioning that a road diet is needed for Razorback Rd. in this particular location. Data published by ArDOT showed that this section of Razorback Rd. saw only 9,100 average vehicle trips per day in 2024, while the same street cross section on Martin Luther King Jr. Blvd. saw over 4 times this traffic count at 37,000 average vehicle trips per day. An overly wide

street will encourage vehicles to travel faster and thus reduce public safety, especially pedestrian safety (see Exhibits 2, 3 and 4). City streets such as Mission Blvd. and Garland Ave. north of I-49 see up to 1.5 times the amount of traffic than on this section of Razorback Rd., while Mission Blvd. and Garland Ave. are 2 lane streets and Razorback Rd. is 5 lanes.

Second Undue Hardship - A second undue hardship is the unusually large amount of additional development encumbrances existing on the property. Two-thirds of or 2.03 acres on the property contain development encumbrances in the form of right of ways, streamside protection zones, utility easements, and floodplain associated encumbrances. This all makes being able to build on the southeasterly portion of the property, close to Razorback Road, extremely critical for development feasibility (see attached Exhibits 5,6,7,8,9, and 10). Exhibit 10 overlays all development encumbrances leaving only 1.03 acres unencumbered, though it is still encumbered by 0.40 acres of 500-year floodplain. The unencumbered area is highlighted in yellow.

0.95 acres of the 2.03 encumbered acres are only encumbered by 100-year floodplain (see Exhibit 11), meaning some development is possible in the 100-year floodplain, however only low impact pier and beam single-family homes are suitable for this area to prevent impact to the floodplain. A compensatory storage analysis will be required, which will make any development in this area very difficult to accomplish or be approved.

Because of the unusually large amount of development encumbrances, a development plan was selected that utilizes buildings with lower impact, smaller footprints in the form of single, two, three, and four dwelling buildings that also allow for more site planning flexibility (see Exhibits 12,13, and 14). Large form-based multi-family or form-based mixed-use buildings as suggested by some City guiding documents are generally not feasible due to the many existing development encumbrances and the risk of increased impact to the floodplain. Smaller scaled form-based residential buildings are feasible, but the requested setback variance is needed to make the development plan possible. Granting the variance would allow for consistency with the intent of other City guiding documents which suggest low impact and smaller scaled, or a tiered approach to development next to riparian areas.

Specific ArDOT Right of Way Conditions - There are 2 right of way conditions along the property frontage on Razorback Road, an extremely wide right of way condition to the north and a wider than normal condition to the south (see Exhibit 15). In both conditions, existing ArDOT right of way from centerline is greater than what is required by the City MSP. On the north end, the existing ArDOT right of way from centerline to the west measures 85.00' while the City MSP only requires 46.00', nearly twice the City MSP requirement. On the south end, the existing ArDOT right of way from centerline to the west measures 54.35' while the City MSP only requires 46.00'.

Build to Zone Conditions - We are requesting approval of a variance to change the build to zone requirement from 10'-25' to 0'-25' or to measure the build to zone from the City MSP right of way instead of the ArDOT existing right of way. Per our development plan, the buildings are proposed to be located 10.25' setback from the City MSP right of way or 2.00' from the existing ArDOT right of way, or within a 10'-25' build to zone if measured from the City MSP right of way. As proposed, the buildings would adhere to a 0-25' build to zone requirement from the existing ArDOT right of way or they would also adhere to a 10-25' build to zone requirement from the City MSP right of way. A 0'-25' build to zone is more typical amongst almost all of the form-based zoning districts, however Urban Thoroughfare and Community Services specify a 10'-25' build to zone. On the east side of Razorback Road, conditions similar to what is proposed for the west side currently exist. On the west side of Razorback Road, a 10' trail with aligned rows of trees is proposed that will present an ideal streetscape.

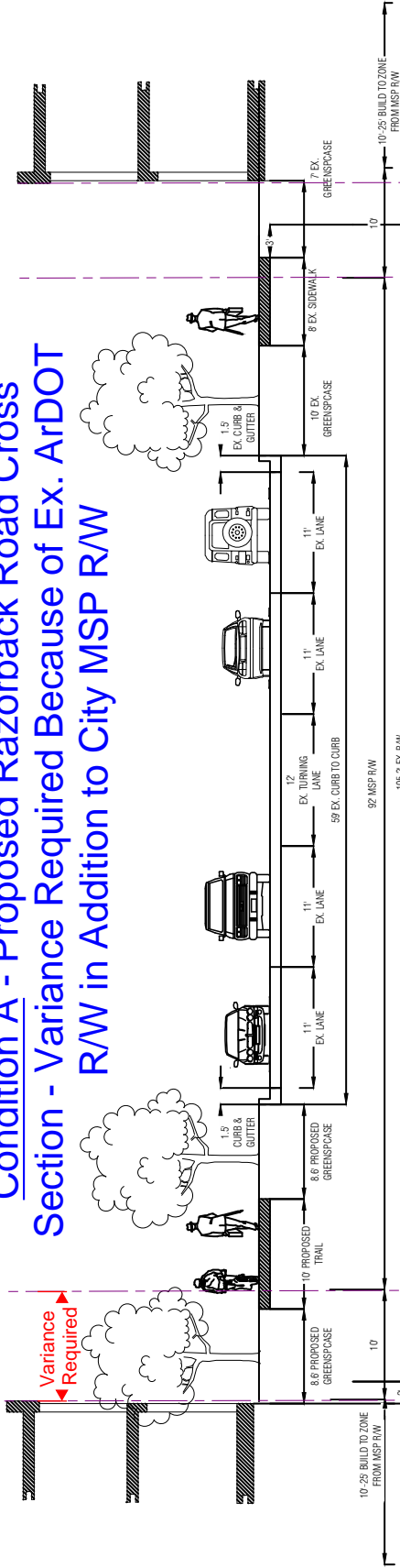
Thank you for considering this request. Please let me know if you have questions or if additional information is needed.

Sincerely,

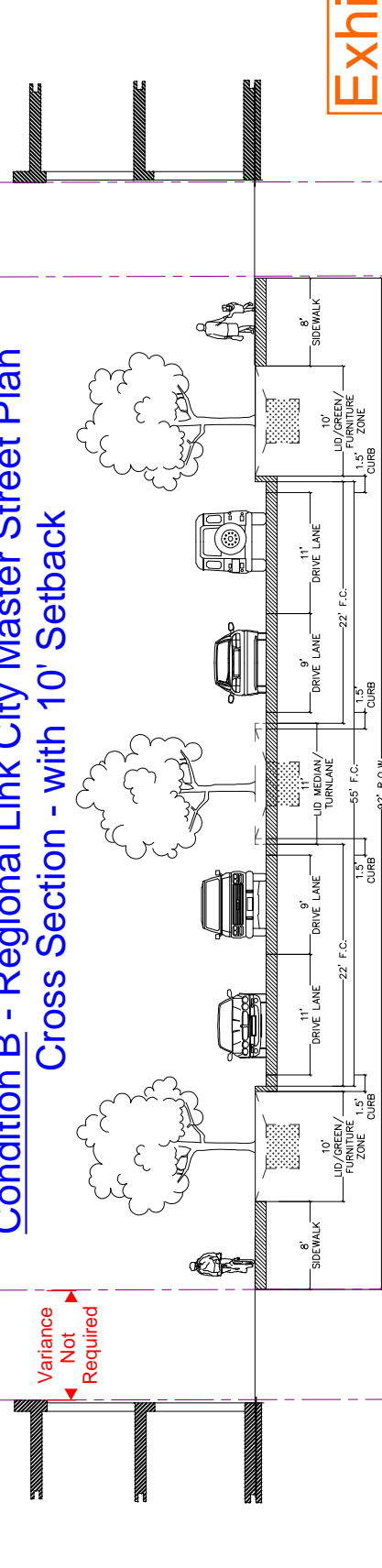


Brian Teague, Community By Design

Condition A - Proposed Razorback Road Cross Section - Variance Required Because of Ex. ArDOT R/W in Addition to City MSP R/W



Condition B - Regional Link City Master Street Plan Cross Section - with 10' Setback



Condition C - Razorback Road Cross Section - Required if Variance is not approved

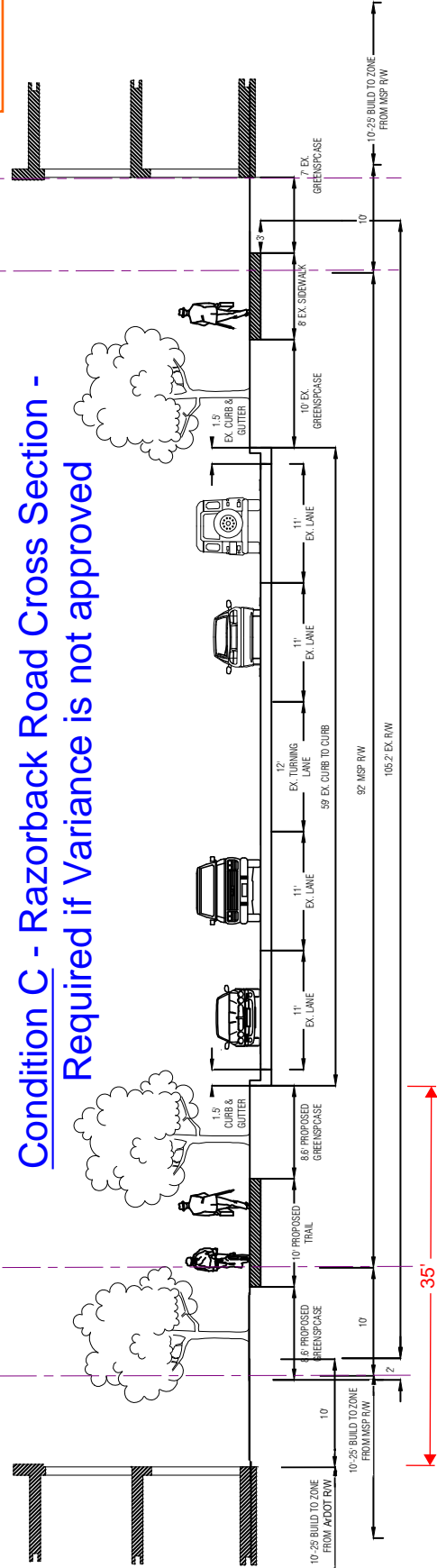


Exhibit 1

Regional Link Street

Design Service volume: 17,600 vpd - Desired Operating Speed: 30-40 mph

Regional link streets carry local and regional multimodal traffic, serving low-density residential areas and open spaces. Similar to neighborhood link streets, larger greenspaces are provided for pedestrian comfort and cyclists are intended to be outside the roadway in a separated facility due to vehicular speeds and volumes. Special design consideration for cyclists at intersections is necessary to ensure intuitive safety for both drivers and riders of all skill levels. A center lane is reserved for use as a planted median, alternating left-turn lane, or continuous two-way-left-turn-lane. Storm drainage infrastructure should have adequate depth or offset to avoid conflicts with street tree plantings.

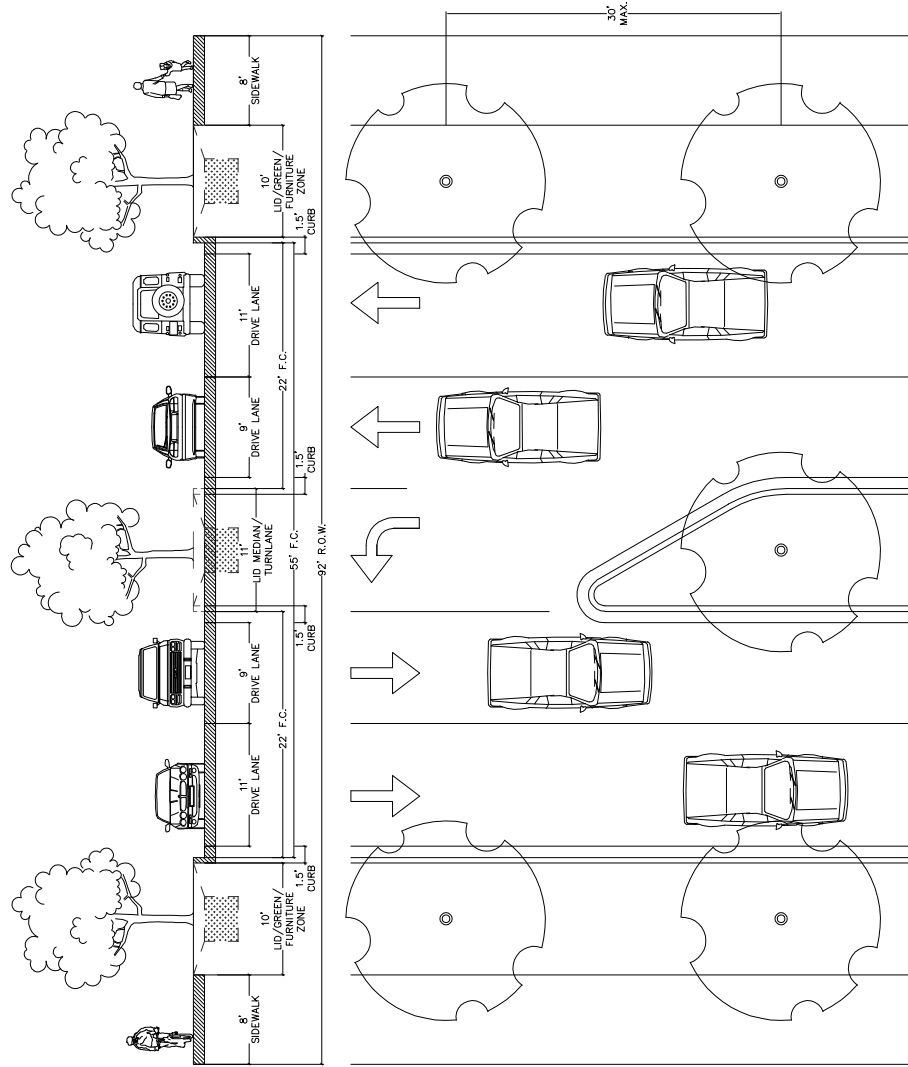


Figure 12.12 - Regional Link Street



Low-Impact Development (LID) features in green spaces are recommended best practices to incorporate alternative stormwater treatment techniques.

As determined by city staff, additional roadway elements may be required and include:

- An additional 2-ft frontage zone where buildings abut right-of-way. This may be accomplished with setbacks or additional right-of-way.
- Where necessary and warranted, the center planting strip may be used for dedicated turn lanes.
- Streets planned with on street bike facilities as shown on the Active Transportation Plan, shall accommodate 10-ft sidewalks by reducing greenspaces.

Alternative design elements may be approved administratively and include:

- Greenspace or parking may be modified intermittently to provide parking/delivery/loading lane or to provide an aerial fire apparatus access area.

Exhibit 2

Minimum Right-of-Way: 92-feet

If hit by a car
traveling:



20 MPH



5%



30 MPH



45%



40 MPH



85%

● Fatality ● Person survives collision

National Traffic Safety Board (2017) Reducing Speeding-Related Crashes Involving Passenger Vehicles.
Available from: <https://www.nts.gov/safety/safety-studies/Documents/SS1701.pdf>



Transportation
for America



Smart Growth America
Improving lives by improving communities

Exhibit 4

Stream and Stream Side Protection Zones = 0.73 Acres

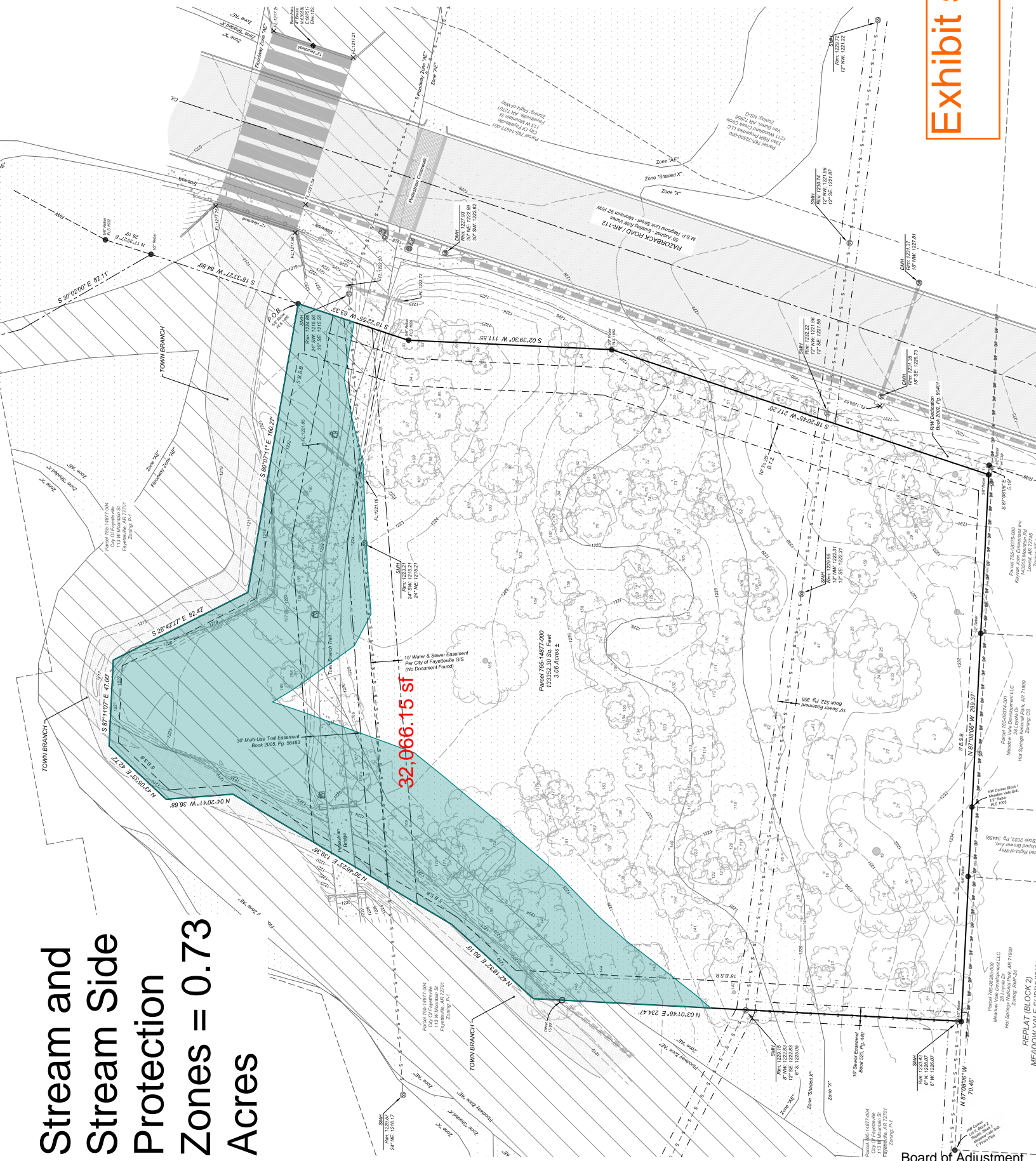


Exhibit 5

Town Branch Trail Easement = 0.20 Acres



Exhibit 6

Transmission
Utility
Easements =
0.46 Acres

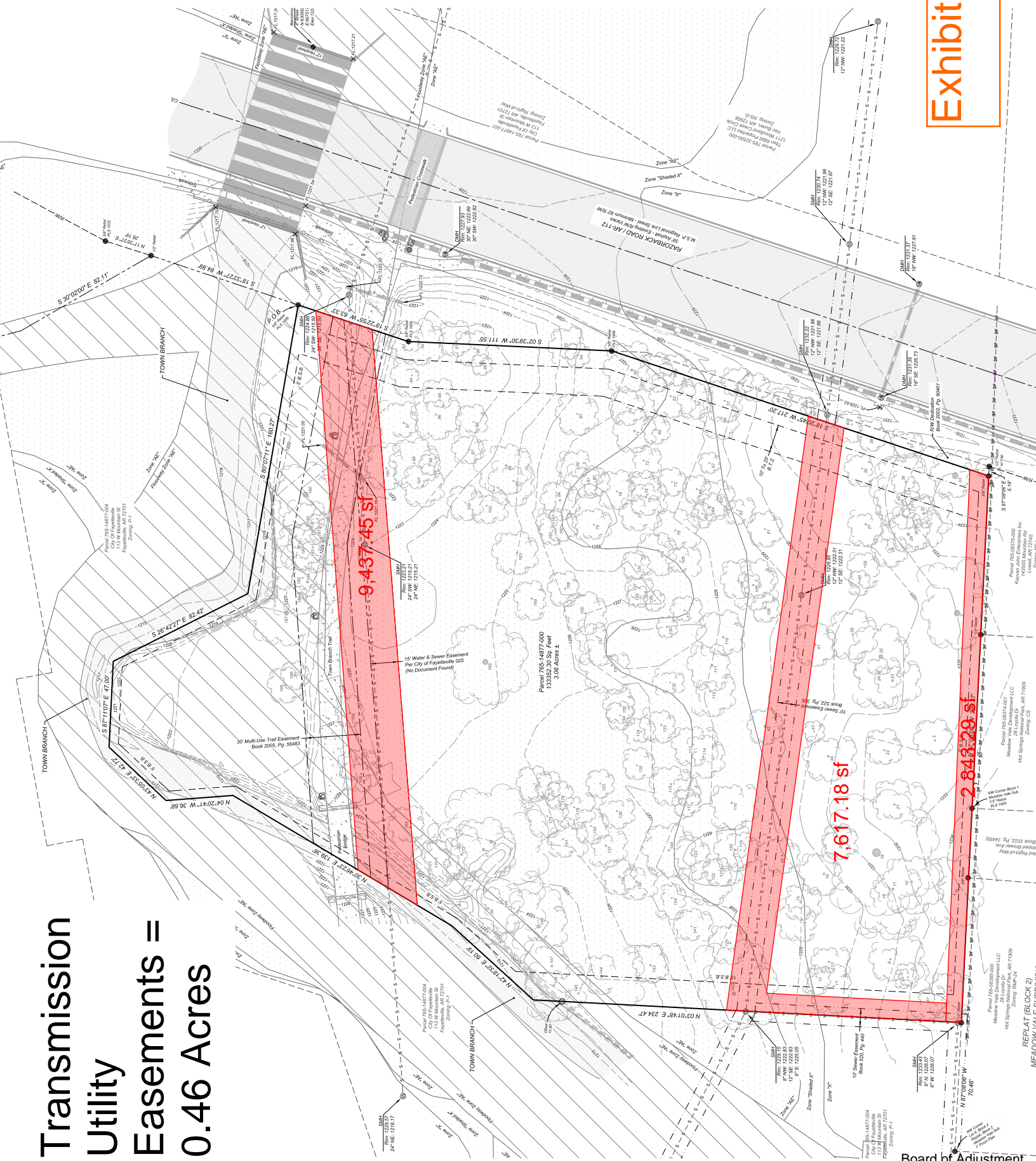


Exhibit 7

Floodway = 0.56 Acres
100-year Flood Area = 1.24 Acres
500-year Flood Area = 0.40 Acres

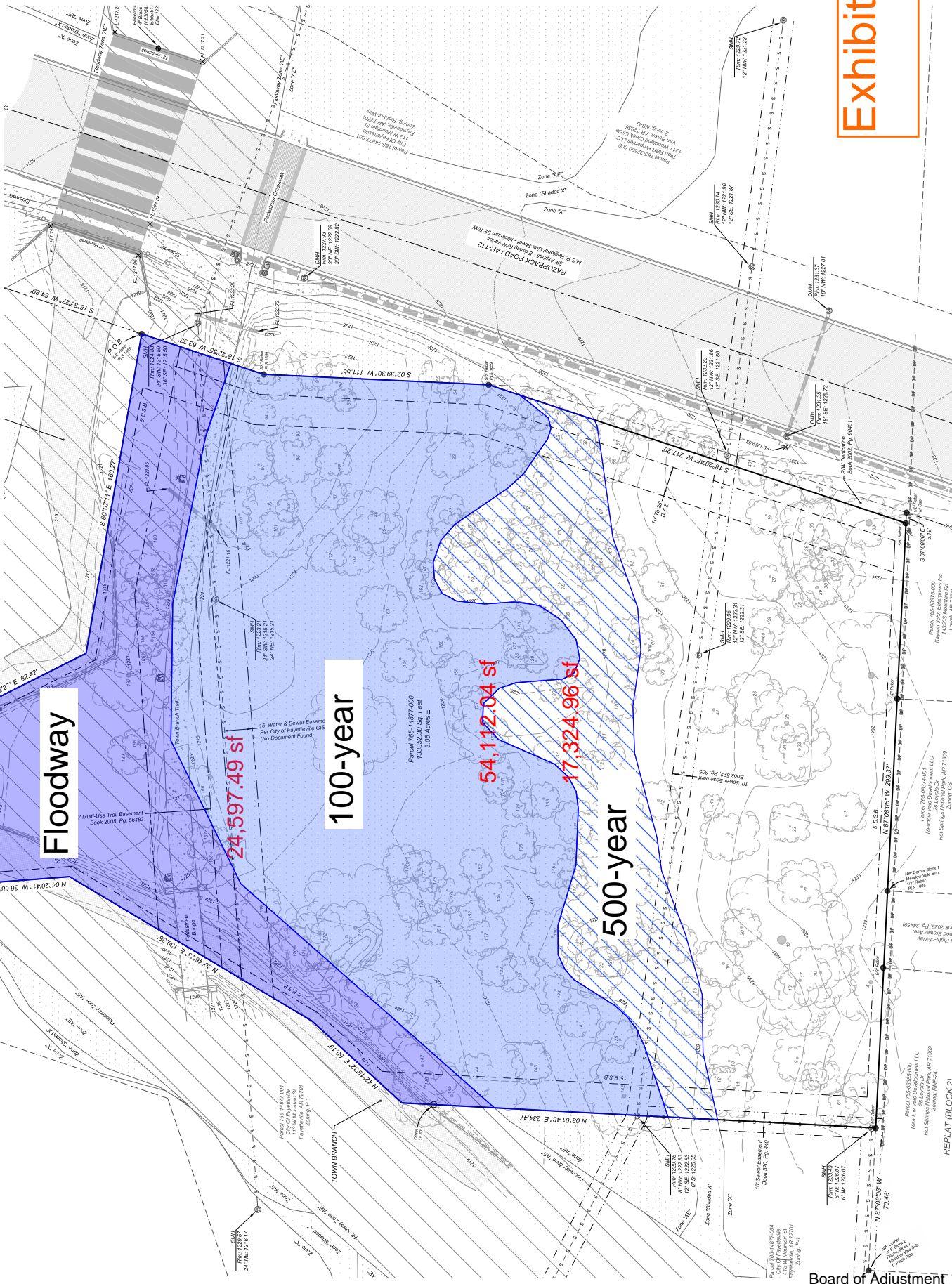
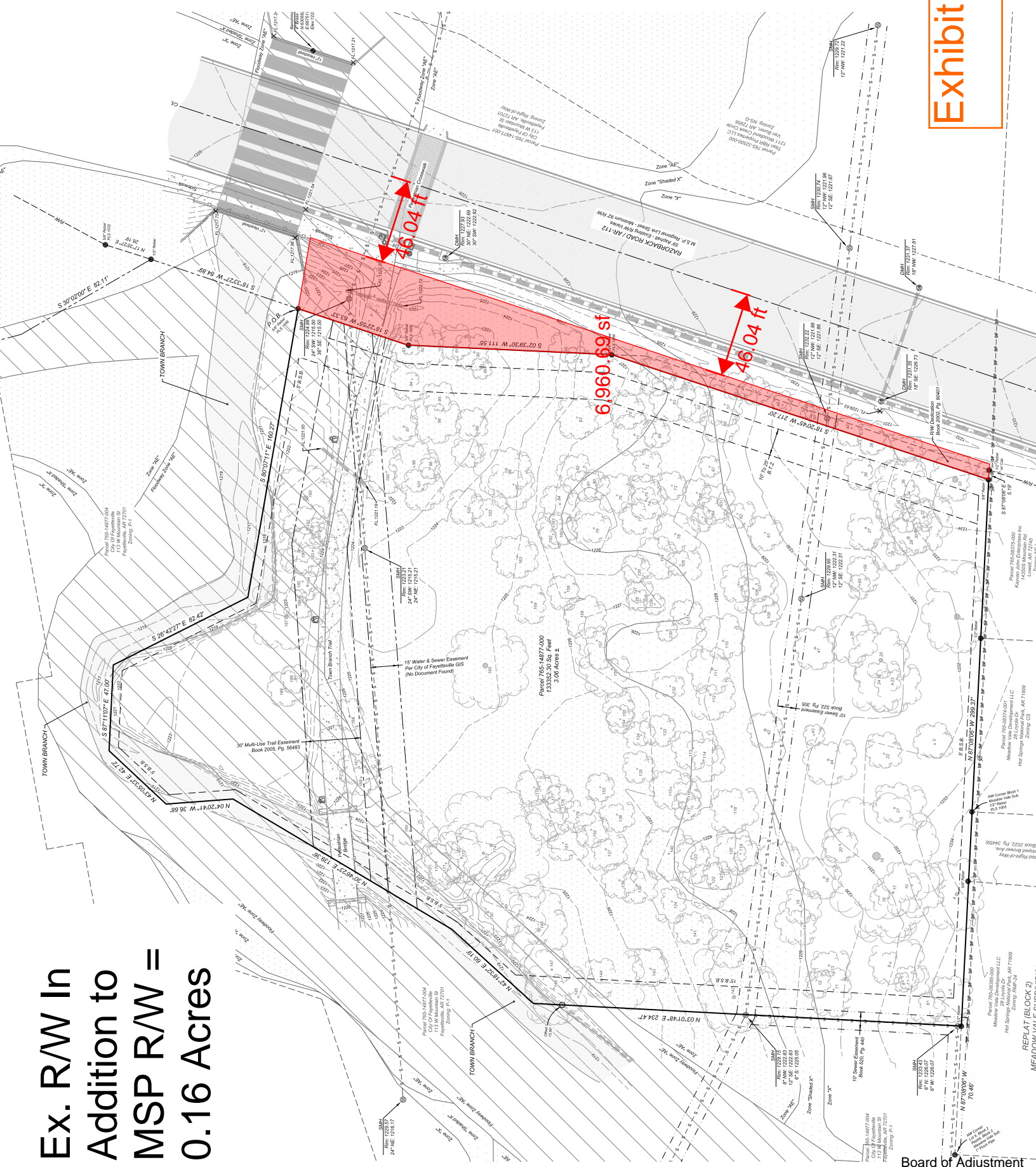


Exhibit 8

Ex. R/W In
Addition to
MSP R/W =
0.16 Acres



Unencumbered
= 1.03 Acres

Encumbered =
2.06 Acres



Exhibit 10

100-year
floodplain with
no other
encumbrances
= 0.95 Acres

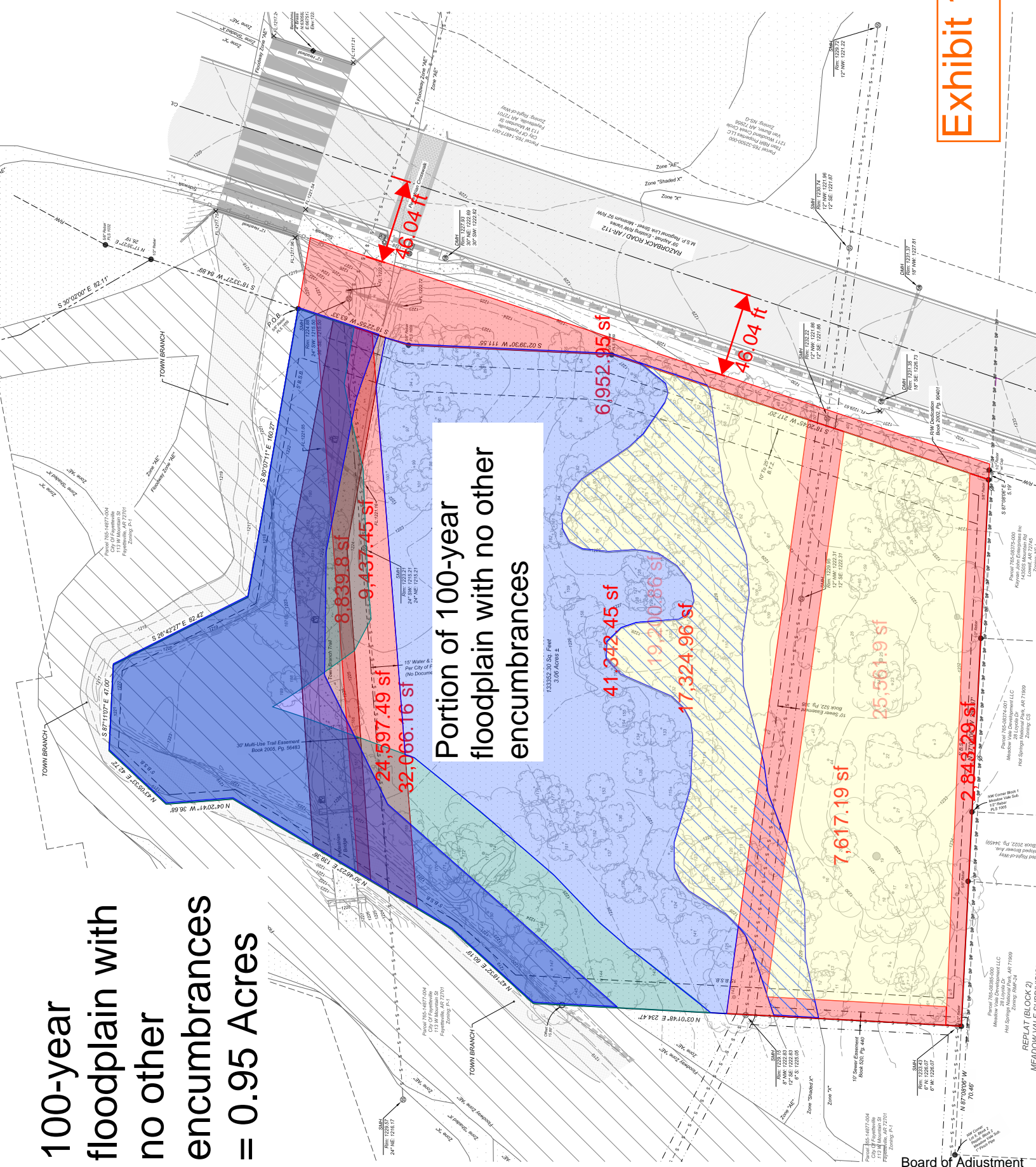


Exhibit 11

Encumbrances and Site Plan Overlay

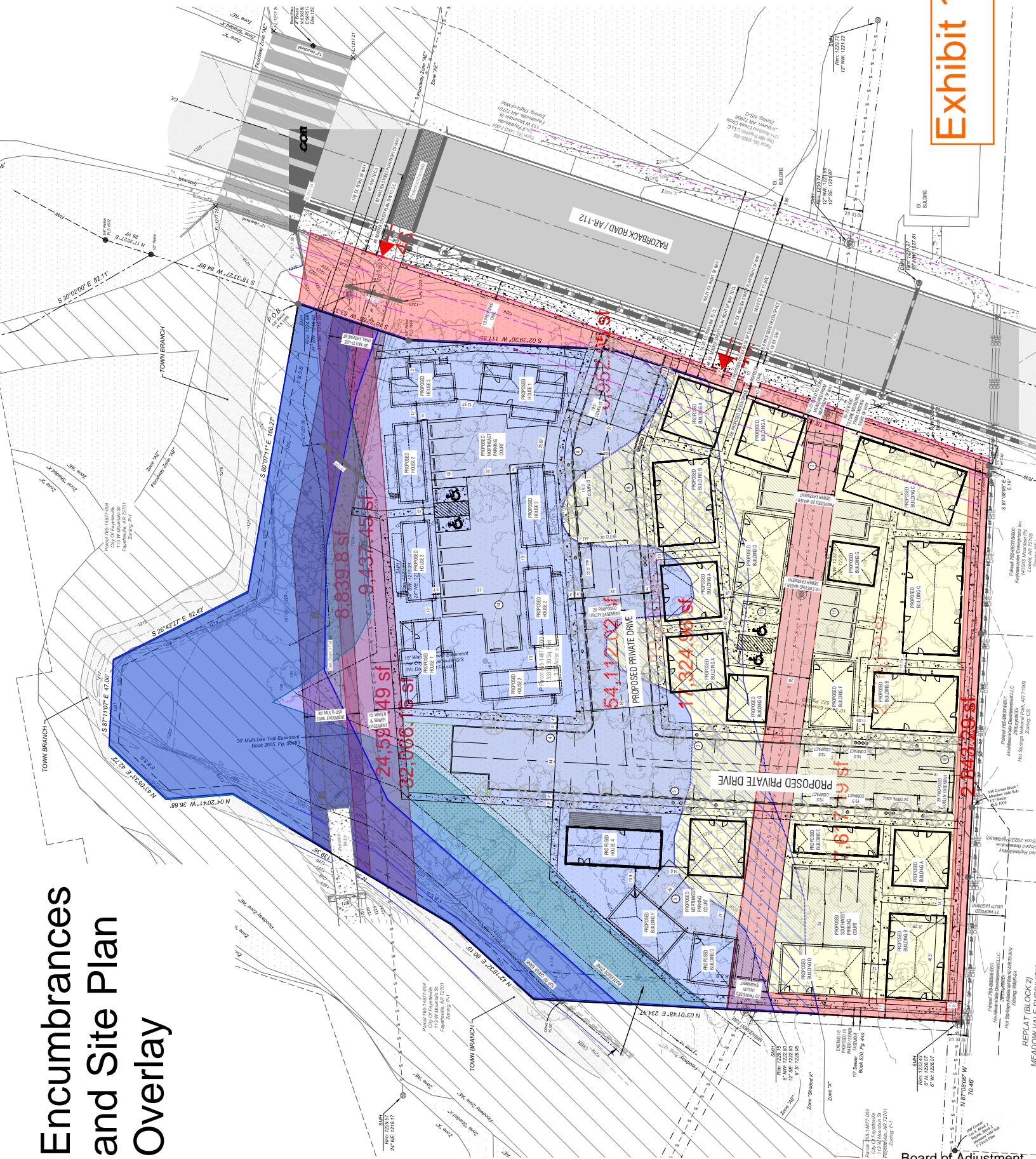


Exhibit 12

Master Plan Key

- ① House
- ② Bent Houses
- ③ Prow Houses
- ④ Central Hall Houses
- ⑤ Carriage Houses
- ⑥ Town Houses
- ⑦ Private Courtyards
- ⑧ Mail and Civic Pocket Park
- ⑨ Vehicular Access / Private Street
- ⑩ Private Parking Courts
- ⑪ Water Quality / Retention Areas
- ⑫ Tree Preservation Areas
- ⑬ Pedestrian Ways
- ⑭ Long Green
- ⑮ Town Branch Creek
- ⑯ Town Branch Trail



Exhibit 13

Razorback Road and Town Branch
Master Development Plan
4/17/25



REVISION	DATE	DESCRIPTION
REVISION 0		

**RAZORBACK
SITE PLANS**

FAYETTEVILLE,
WASHINGTON COUNTY,
ARKANSAS

CITY PLAT PAGE 599
ISSUED FOR REVIEW

ENGINEER: BT
DRAWN BY: AH
DATE: 08/15/2025

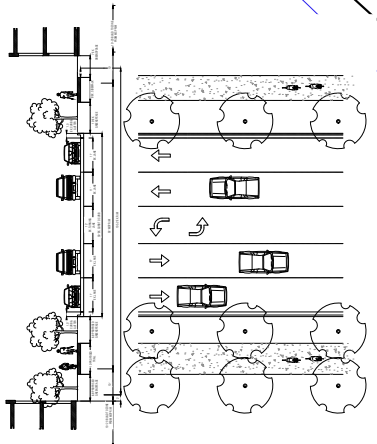
SCALE:
1"=20' (27.6 FT)



Exhibit 15

CONCEPTUAL SITE PLAN

SHEET 2



Plan No. 195-1417/2024
City of Fayetteville
Fayetteville, AR 72701
Zoning: P-1

Project: 195-00008-000
Meadow Vale Development LLC
Red Springs, Arkansas, AR 72710
Zoning: RMC-2H

Plan No. 195-0014-001
Meadow Vale Development LLC
28 South 2nd
Red Springs, Arkansas, AR 72769
Zoning: RMC-2H

Plan No. 195-0014-001
Meadow Vale Development LLC
16500 Meadow Park
Fayetteville, AR 72710
Zoning: RMC-2H

MEADOW VALE SUBDIVISION
BLOCK 1

MEADOW VALE SUBDIVISION
REPLAT (BLOCK 2)

From: Marshall, Jason V. <Jason.Marshall@ardot.gov>

Sent: Tuesday, September 30, 2025 7:54 AM

To: Chris Looney <looneyjc@gmail.com>; brian communitybydesignllc.com
<brian@communitybydesignllc.com>

Cc: Rainwater, Marcus L. <Marcus.Rainwater@ardot.gov>; Hughey, Jason T.
<Jason.Hughey@ardot.gov>

Subject: RE: ARDOT ROW Vacation Inquiry - S. Razorback Road-Fayetteville, AR, Parcel
765-14877-000

Mr. Looney,

The Arkansas Department of Transportation will not be vacating a portion of the right of way at this location. We wish you the best moving forward in your endeavors and are willing to facilitate your access to the right of way for access and egress to Highway 16. However, we will maintain our existing right of way while doing so.

Thank you,

Jason Marshall | District 4 Permit

Officer

Arkansas Department of Transportation

P.O. Box 11170 | Fort Smith, AR 72917

(: **479.509.1911**)

*: D4permits@ardot.gov

*: jason.marshall@ardot.gov

| www.ardot.gov



Compiled public comment
BOA-2025-0016

From: Alan Fortenberry <a410berry@outlook.com>
Sent: Monday, October 6, 2025 2:32 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Variance Request for BOA item 2025-0016

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.

Jessie, my name is Alan Fortenberry, I'm the retired CEO of Beaver Water District but am currently on the Board of the Alpha Iota Building Corporation who owns adjacent property. I completely support the request for the variance being considered as described in the attachment. I pray a favorable decision by the Board of Adjustment on this matter. Thanks you for the consideration.

Alan Fortenberry, PE

Get [Outlook for iOS](#)

—

From: Nathan Morton <info@nm-arch.com>
Sent: Monday, October 6, 2025 9:05 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: BOA 2025-0016

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.

Good morning,

Just wanted to say I support this variance request.

Thank you,

NATHAN ^M MORTON ARCHITECT

479.879.3826

AIA, NCARB

NM-ARCH.COM

Compiled public comment
BOA-2025-0016

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender.

From: Bill Moss <billmossark@gmail.com>
Sent: Monday, October 6, 2025 9:26 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: BOA 2025-0016

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.

I do not live in Fayetteville. I am on the Alpha Iota Building Corp Board.

I approve of the variance requested.

--

Bill Moss
302 Glenwood Drive
Monticello, AR 71655
Phone: 870-692-6536

From: Corey Wilson <coreywilson1985@gmail.com>
Sent: Monday, October 6, 2025 10:18 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: BOA 2025-0016 Variance Request

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.

Jesse,

Compiled public comment
BOA-2025-0016

My name is Corey Wilson and I am on the board of the Alpha Iota Building Corporation and as a neighbor I support the build to zone variance request for item BOA 2025-0016

Thanks

Corey Wilson

501-281-0514

From: Stafford, Bob <bob.stafford@fayetteville-ar.gov>

Sent: Monday, October 6, 2025 3:10 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>; ERIN.A.ADKINS@GMAIL.COM;
jason@grsmithcivilengineering.com; carolinef@dcius.pro; jnkeys18@gmail.com;
peternormanboa@gmail.com

Subject: Support for Variance BOA 2025-0016

Dear Board of Adjustments,

I'm writing you today to express my strong support for granting variance BOA 2025-0016.

I believe the current setback requirements, required by UT, are unnecessary and burdensome in this location.

While the developer could seek a rezoning to UC, which wasn't available to them at the time of their rezoning,

I would see this as a waste of time and resources of the Developer, City Council, Planning Commission, and Staff.

I understand there are some concerns to be addressed but I think that the developer is willing to do what is needed to address those concerns.

I hope common sense prevails and unnecessary bureaucratic hurdles can be avoided.

Thanks, Bob Stafford

Robert B. Stafford

Fayetteville City Council

Ward 1, Position 1

479.879.6802



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 3, 2025

SUBJECT: **BOA-2025-0019: Board of Adjustment (1755 S. ARMSTRONG AVE/PACKAGING SPECIALTIES INC, 604):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1755 S. ARMSTRONG AVE. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 5.14 acres. The request is for a variance from setback requirements.

RECOMMENDATION:

Staff recommends denial of **BOA-2025-0019**.

RECOMMENDED MOTION:

"I move to approve BOA-2025-0019."

BACKGROUND:

The subject property is located in southeast Fayetteville west of the intersection of S. Armstrong Ave. and S. Happy Hollow Rd. adjacent to White River Park. The parcel is zoned I-2, General Industrial, is approximately 5.14 acres, and contains a 29,700 square foot warehouse that Washington County records indicate was constructed in 1994. The property is partially encumbered by hydric soils and FEMA floodplain.

Packaging Specialties, Inc. and the City of Fayetteville have agreed to enter into a twenty- year lease to permit PSI to utilize a portion of the park property directly south of the subject area in exchange for several conditions (RES 174-25). Under the terms of the lease, the proposed access road must remain open to the public, including for potential future trail use, and its final design is subject to approval by the City. As compensation for the use of park land, PSI has committed to constructing several park amenities within White River Park including accessible parking spaces, sidewalks, a pergola with a picnic table, and other related park features. These improvements are currently under review with an associated large-scale development application (LSD-2025-0014). Additionally, a second phase of development for a 24,000 square foot warehouse addition is proposed as a later phase (LSD-2025-0017). Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Manufacturing	I-2, General Industrial
South	White River Park	P-1, Institutional
East	City of Fayetteville Shop (Fleet, Solid Waste, and Other Services)	I-2, General Industrial
West	Manufacturing	I-2, General Industrial

DISCUSSION:

Request: The applicant is requesting a variance to the side setback requirement associated with the I-2 zoning district to construct a 790 square foot loading dock addition. The existing warehouse structure is currently conforming; however, the proposed addition encroaches extensively into the side setback adjacent to city park property. The requested variance is depicted below in *Table 2*.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Side setback	25 feet	0.82 feet	24.18 feet

Public Comment: Staff has received public comment in support of the request.

RECOMMENDATION: Staff recommends denial of BOA-2025-0019. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. Approval of this variance is limited to the applicant’s request as described in this report,
2. The east and south façade of the loading dock expansion shall be constructed of high-quality materials such as brick or stone; OR shall be otherwise be improved with public art, climbing vines, or other materials that create visual interest from the adjacent park amenities.
3. Approval of this variance does not grant approval of or entitlement to any other zoning or development variances.

BOARD OF ADJUSTMENT ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Tabled
Date: <u>November 3, 2025</u>
Motion:
Second:
Vote:

City Plan 2040 Future Land Use Designation: Industrial

FINDINGS OF THE STAFF

§156.02. ZONING REGULATIONS.

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

B. Requirements for Variance Approval.

1. Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and

Finding: Staff finds that the applicant has not adequately demonstrated that they have met the threshold for undue hardship. The applicant indicates that the existing internal layout of the building, including the placement of 50-ton machinery within it prohibit an external building expansion on the north, east, or west building facades; however, neither a building floorplan or information on machinery locations have been provided for staff evaluation. Additionally, the applicant indicates that the existing detention pond and large above-ground utilities to the east further prevent utilization of this area. Additional bioretention areas are proposed with the associated large-scale development and it is unclear why the existing detention facility could not be reworked as part of these proposed improvements.

Further, Packaging Specialties Inc. owns the parcels directly north and west of the subject area and a large-scale development indicates a 24,000 square foot expansion which would connect the buildings addressed as 1755, 1666, and 1663 S. Armstrong. It is not clear why a loading dock with access from S. Industrial Pl. could not be incorporated into this expansion in compliance with building setback requirements.

2. Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

Finding: Staff finds that granting the variance is not in line with the spirit and intent of the zoning ordinance. The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environmental nuisances, which are objectionable to residential and business use. While C, I, or P districts have a lesser setback than A and R districts, staff finds that a reduction of the side setback from 25 feet to less than one foot is not in line with the intent of setbacks to provide a buffer between potentially incompatible uses. Particularly given the prominence of White River Park and Combs Park as designated access to the White River Blueway, and partial funding through the 2019 bond project, staff finds the addition of an industrial use so close to parks amenities could run counter to city goals

- #### **C. Minimum Necessary Variance.** The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.

Finding: Staff finds that the requested variance exceeds the minimum necessary to ensure the applicant has safe and effective use of their property. The parcel is currently developed with a 29,700 square foot warehouse that Washington County records indicate was constructed in 1994. The southern portion of the warehouse adjacent to the property was constructed in roughly 2003 per aerial imagery.

D. Special Conditions. In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.

Finding: Should the Board choose to approve this variance, staff has recommended conditions of approval as outlined above.

E. Non-permitted Uses. The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.

Finding: None are requested.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - 161.31 District I-2, General Industrial
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Staff Exhibits
 - Aerial Imagery
 - Combs Park Exhibits
 - LSD-2025-0017 Exhibits
- Applicant Exhibits
 - Request Letter
 - Conceptual Site Plan

161.31 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 13	Eating places
Unit 16	Shopping goods
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 46	Short-term rentals
Unit 47	Data centers

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback Regulations.*

Front, when adjoining A or R districts	100 feet
Front, when adjoining C, I or P districts	50 feet
Side, when adjoining A or R districts	50 feet
Side, when adjoining C, I or P districts	25 feet
Rear	25 feet

(F) *Height Regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district.

The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

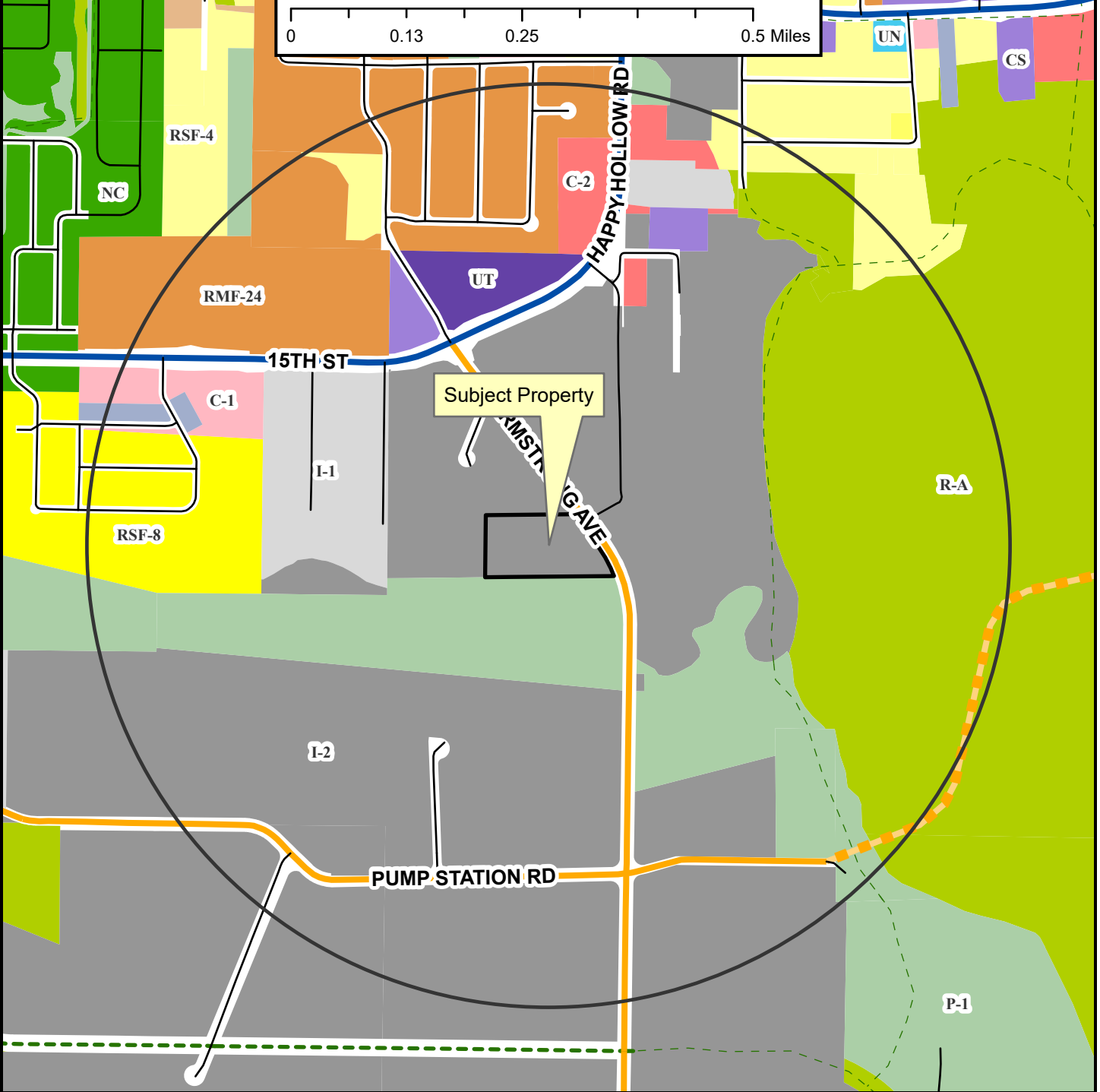
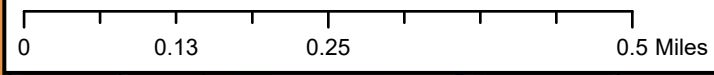
(G) *Building Area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; 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. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 5982, §1, 6-20-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6521, §7, 1-18-22; Ord. No. 6678, §3, 9-5-23)

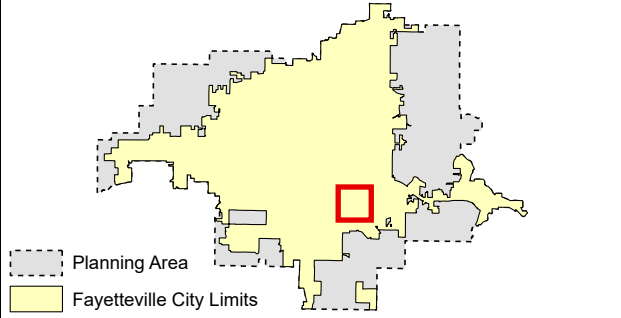
BOA-2025-0019

1755 S. ARMSTRONG AVE

One Mile View



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

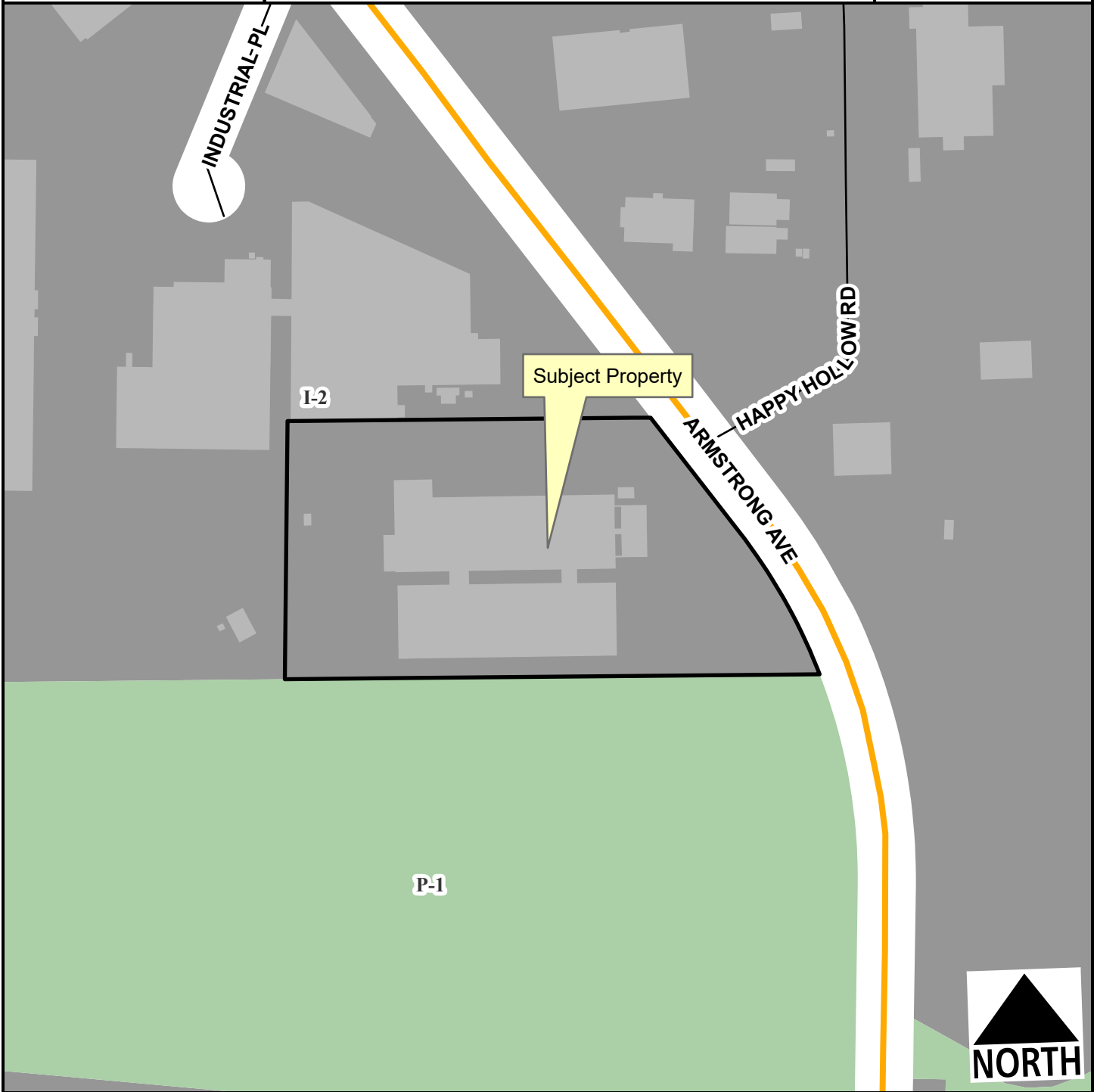






Board of Adjustment
November 3, 2025
Item 3

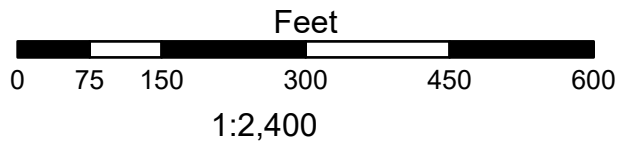
BOA-2025-0019

1755 S. ARMSTRONG AVE

Close Up View



-  Neighborhood Link
-  Residential Link
-  Planning Area
-  Fayetteville City Limits









BOA-2025-0019

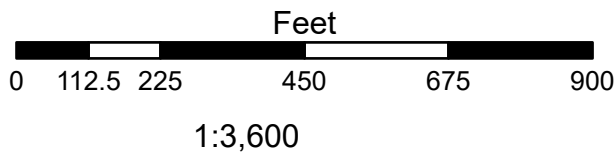
1755 S. ARMSTRONG AVE





Current Land Use



-  Neighborhood Link
-  Regional Link - High Activity
-  Unclassified
-  Residential Link
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

Board of Adjustment
November 3, 2025
Item 3

Staff Exhibit: Aerial Imagery



Aerial Imagery: 1994



Aerial Imagery: 2003

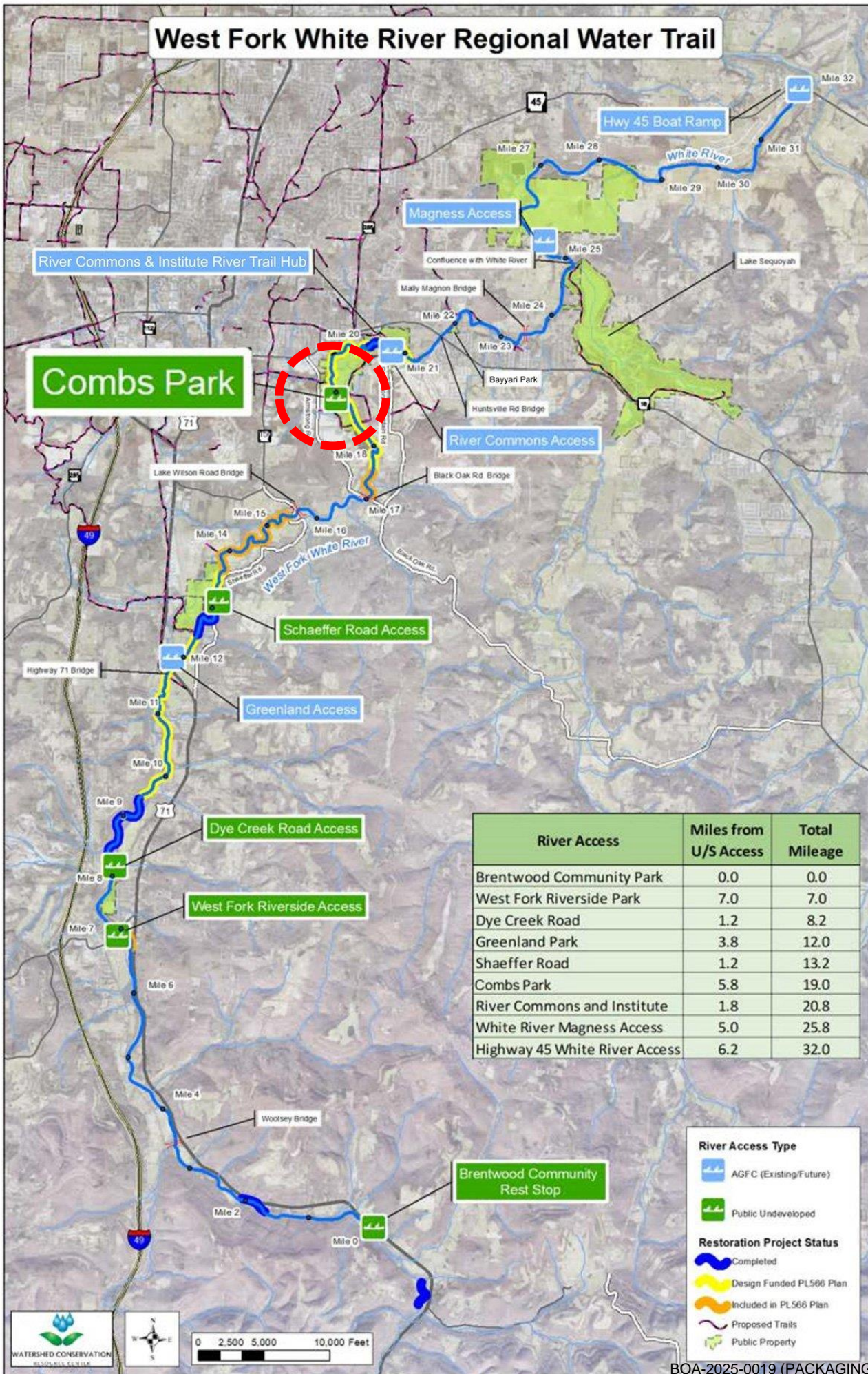


Aerial Imagery: 2015



Aerial Imagery: 2025

West Fork White River Regional Water Trail



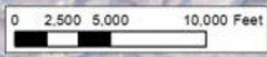
River Access	Miles from U/S Access	Total Mileage
Brentwood Community Park	0.0	0.0
West Fork Riverside Park	7.0	7.0
Dye Creek Road	1.2	8.2
Greenland Park	3.8	12.0
Shaeffer Road	1.2	13.2
Combs Park	5.8	19.0
River Commons and Institute	1.8	20.8
White River Magness Access	5.0	25.8
Highway 45 White River Access	6.2	32.0

River Access Type

- AGFC (Existing/Future)
- Public Undeveloped

Restoration Project Status

- Completed
- Design Funded PL566 Plan
- Included in PL566 Plan
- Proposed Trails
- Public Property





COMBS PARK FAYETTEVILLE, ARKANSAS



LEGEND

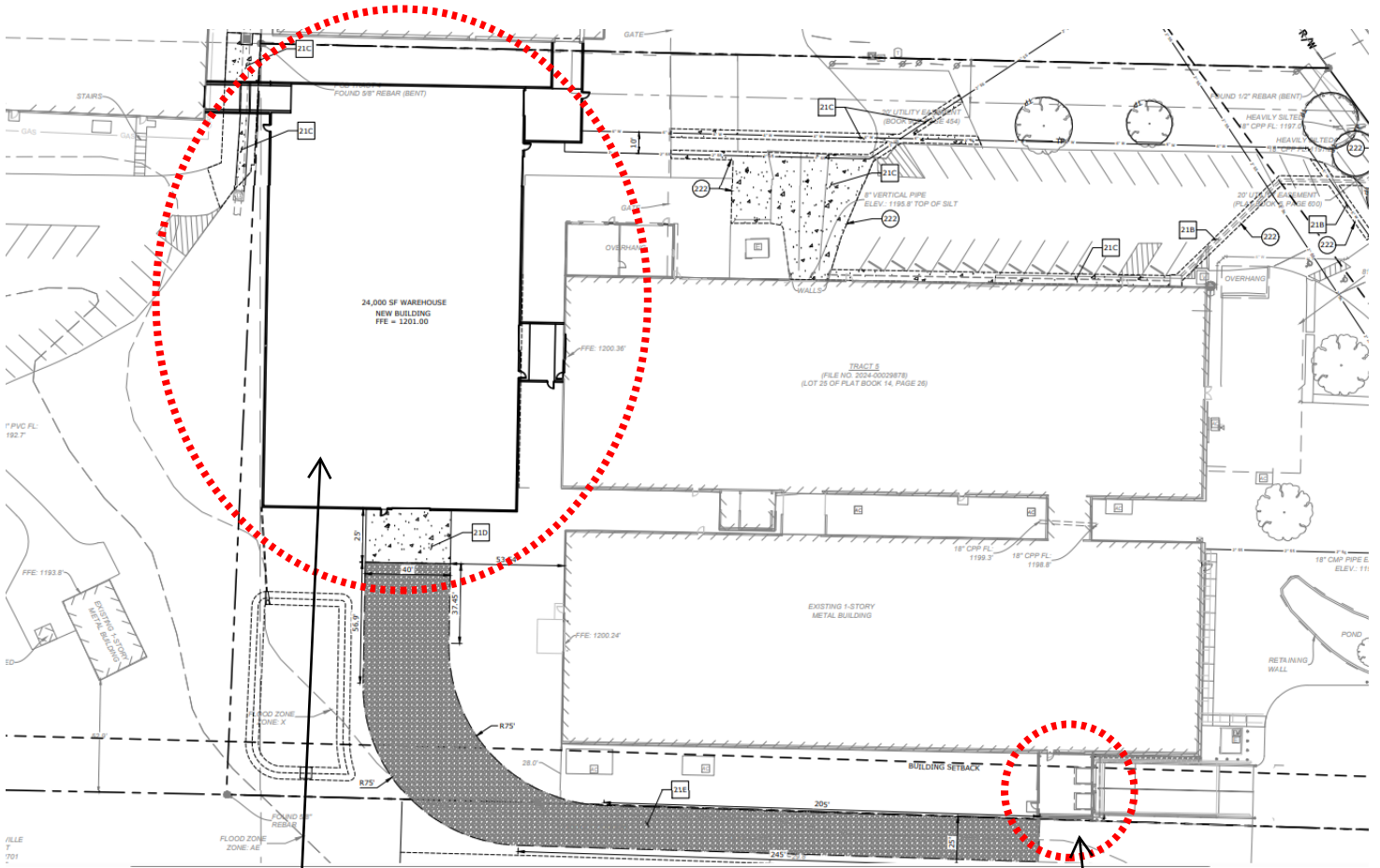
- 1 WHITE RIVER
- 2 PUMP HOUSE (PH. 2)
- 3 KAYAK/TUBING LAUNCH
- 4 PARKING LOT
- 5 RAIN GARDEN
- 6 ADA ACCESSIBLE TRAIL
- 7 MULTI-USE TRAIL
- 8 OPEN AIR PATIO
- 9 RESTROOM FACILITY
- 10 COVERED PAVILIONS
- 11 MULTI-USE FIELD AND EVENT SPACE
- 12 PUMP HOUSE ROAD
- 13 NATURE TRAIL

SITE DATA

- TOTAL SITE IS 8.55 ACRES
- 78 STANDARD PARKING SPACES
- 4 ADA PARKING SPACES
- 6 TRAILER PARKING SPACES
- 1.08 MILES OF TRAIL



Staff Exhibit: Phase 2 of Warehouse Addition



Proposed 24,000 sf warehouse expansion with Phase 2

Requested Building Setback Encroachment

RE: Packaging Specialties Warehouse and Drive

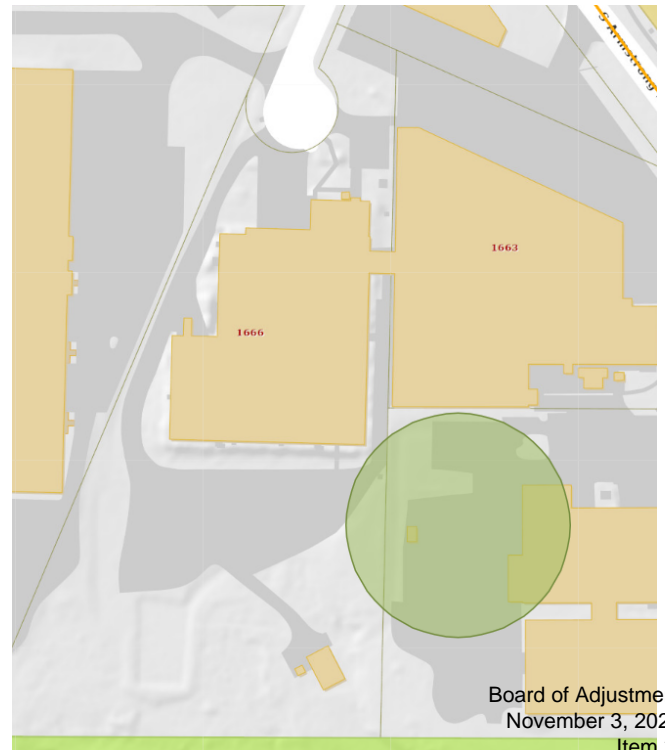
Development Services,

We are pleased to submit our drawings for the large-scale development of a new warehouse building and connection drive for Packaging specialties. This project is designed to accommodate the construction of a new warehouse building located west of the existing building along S Armstrong Ave.

Please note the following key aspects of the project scope:

The new warehouse will serve as additional storage space for printing materials as well as a location for three new large printing presses. These new printing presses are essential in the day-to-day operations at the facility.

The connection drive that will connect to the southern wall of the warehouse will serve as the primary access for the delivery of the new printing presses. This drive will not be regularly used and can be utilized as fire department access to the rear of the facility. The drive will connect to the truck turn around area at the southeast corner of the property.



Board of Adjustment
November 3, 2025

Item 3

BOA-2025-0019 (PACKAGING SPECIALTIES INC)

Page 15 of 18

October 14, 2025

Board of Adjustments

RE: Packaging Specialties Loading Dock

Chair of the Board of Adjustments,

We are asking for a code variance for the development of a new two-bay loading for Packaging Specialties, Inc. This project is designed to accommodate truck deliveries for the needs of the warehouse building at the Southeast corner of the property. The approach drive for the loading dock will extend from the existing driveway to the west of the S. Armstrong Ave.

The existing warehouse building that the loading dock is being added to is approximately 29,700 square feet in size. The new loading dock will add 790 square feet to this footprint. There will be no alteration to the parking structure of this property as a part of this project. The loading dock will only be utilized for the drop off materials and pick up of finished products.

This variance is being requested for the encroachment of the loading dock into the building setback zone along the southern property line. The setback requirement is 25 feet from the property line in this area. The designed loading dock protrudes 24 feet into this setback zone and the southern wall sits one foot from the property line. The property to the south is owned by The City of Fayetteville and contains Town Branch Creek. The loading dock is accessed from the east so no entry will occur along the southern wall of the loading dock.

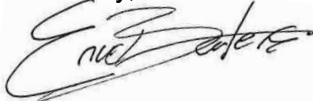
We have found a hardship with locating the loading dock in other locations on the property. Because of the layout of the existing internal structure of the warehouse building and placement of existing 50-ton machinery within the building, the southern wall of the building is the only location where a building extension can occur. The close proximity of an existing storm water treatment pond and large external above ground utilities to the east and the city property to the south also limit other locations.

As a part of early design negotiation with The City of Fayetteville, a resolution was passed to allow Packaging Specialties to lease 12,500 square feet of city land along the southern property line to construct this project. In return, Packaging Specialties has agreed to build certain public amenities on the park property. These amenities will be open to the general public at all times and Packaging Specialties has agreed to maintain this area to ensure it remains functional and aesthetically pleasing. The resolution that was passed is Resolution 174-25. A PDF copy of the resolution has been included in this submission.

We are committed to ensuring this project aligns with the city's standards and vision. Should you have any questions or require further information, please feel free to contact us directly.

Thank you for your consideration. We look forward to working together on this important development for Packaging Specialties.

Sincerely,



Eric Bartels, PLA
McClelland Consulting Engineers, Inc.
Land Development Project Manager
479-443-2377
ebartels@mce.us.com

