

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA JUNE 11, 2002

A special meeting of the Fayetteville City Council will be held on June 11, 2002 at 5:30p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

1. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision regarding Conditional Use 02-14 for the Fayetteville School District to allow an additional 18 parking .

Meeting of June 11, 2002

CS - approved w/ 3 minutes.

	<i>Roll</i>	<i>CS</i>			
Jordan	✓	✓			
Reynolds	✓	✓			
Thiel	✓	✓			
Young	✓	✓			
Marr	✓	✓			
Bechard	✓	✓			
Davis	✓	✓			
Santos	✓	✓			
Coody	✓				

Jordan					
Reynolds					
Thiel					
Young					
Marr					
Bechard					
Davis					
Santos					
Coody					

mtg adj. 6:00

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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OK
1.

PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision regarding Conditional Use 02-14 for the Fayetteville School District to allow an additional 18 parking .

*mtg adjourned
6:00*

RECEIVED
JUN 04 2002
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

June 3, 2002

Ms. Heather Woodruff
Fayetteville City Clerk
Administration Building

RE: Appeal of the Planning Commission's failure to grant Conditional Use 02-14 for the Fayetteville School District to allow an additional 18 parking spaces in excess of the 36 spaces allowed as of right, plus 20% (7) administratively granted for total request of 61 as shown on the Large Scale Development plat (02-14) which was approved by the Planning Commission

Dear City Clerk:

Aldermen Lioneld Jordan, Kevin Santos and Bob Davis in unison hereby appeal the decision of the Planning Commission denying Conditional Use 02-14 as requested by the Fayetteville School District. The Fayetteville School District joins in this appeal.

§163.02 of the Unified Development Code provides for the procedure and conditions for the Planning Commission to hear and decide Conditional Use requests. The City of Fayetteville Planning Staff recommended approval of this Conditional Use to the Fayetteville Planning Commission and noted that the Fayetteville

School District had "complied with specific rules governing this individual conditional use request", and that "Granting the conditional use will not adversely affect the public interest."

The Fayetteville Planning Department also found "parking for the school will be better organized as a result of the proposed changes. This will enhance pedestrian and vehicular safety on the site and on adjoining streets." The Planning Department further found that "the parking areas will be much more consolidated (and) one existing parking lot completely eliminated."

Finally the Planning Department found:

"The additional parking requested is generally compatible with adjacent properties and with other property in the district. This is a net decrease and a better organization of parking areas as a result of the changes that will occur as a result of this development."

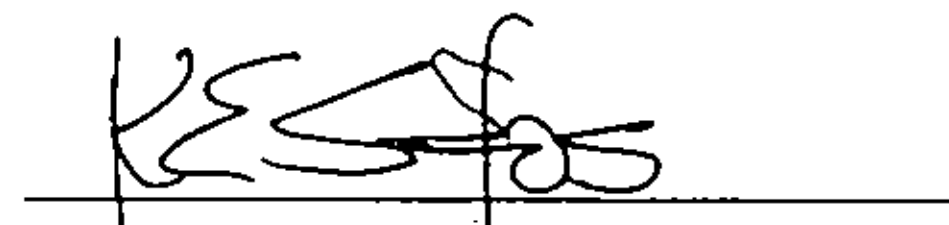
§172.01 of the Unified Development Ordinance provides that: "Parking lots may contain up to 20% more spaces than the required minimum." The Planning Department determined the required minimum parking spaces pursuant to the parking lot ordinance is 36. Twenty percent of this allows seven additional spaces for a total of 43. The Conditional Use request from the Fayetteville School District was for an additional 18 for a total of 61. The school currently has 70 parking spaces and a staff of 51.

The Planning Commission should have granted the conditional use for an additional 18 spaces to make a total of 61 as shown by the Plat approved by the Planning

of 61 as shown by the Plat approved by the Planning Commission because of the findings and recommendations of the Fayetteville Planning Department and evidence of need presented by the Fayetteville School District, the Parent/Teachers Organization and others. Unfortunately, the vote to grant the Conditional Use failed on a vote of three to three. The affected property and school are located in Ward 4 of the City of Fayetteville.

We, the undersigned Aldermen of the City of Fayetteville (including both Aldermen from Ward 4) in unison appeal the decision of the Planning Commission denying the Conditional Use Request 02-14 on behalf of and with the agreement and concurrence of the Fayetteville School District.

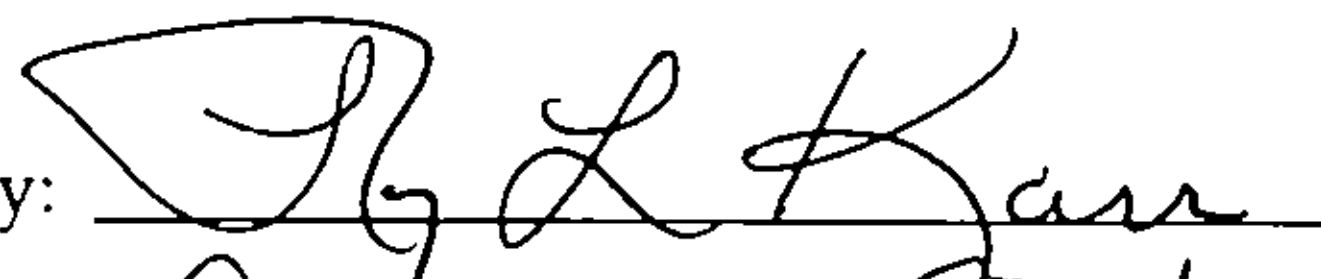
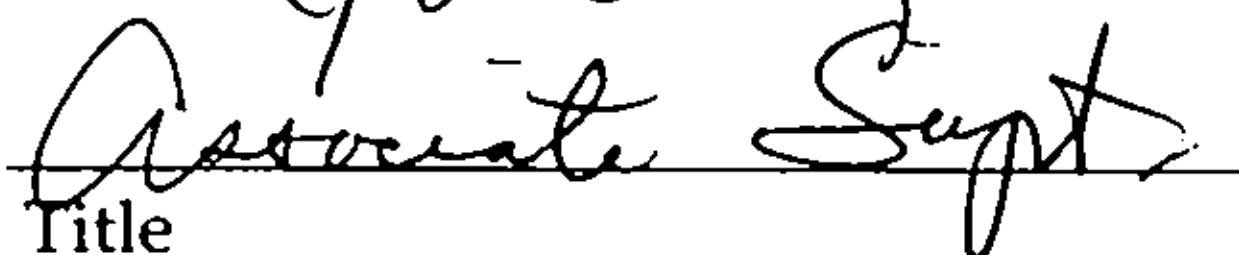

LIONEL JORDAN
Alderman Ward 4


KEVIN SANTOS
Alderman Ward 4


BOB DAVIS
Alderman Ward 3

The Fayetteville School District hereby joins in this appeal of the denial of our requested Conditional Use 02-14 and thanks the Aldermen sponsoring this appeal to the City Council.

FAYETTEVILLE PUBLIC SCHOOLS

By: 

Title

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: May 22, 2002

CUP 02-14.00: Conditional Use (Leverett Elementary School, pp 443) was submitted by Geoffrey Bates of Crafton, Tull, & Associates Inc., on behalf of Fayetteville School District for property located at 1124 W. Cleveland Street. The property is zoned P-1, Institutional and contains approximately 5.41 acres. The request is for 15 parking spaces in excess of that allowed by code.

RECOMMENDED MOTION:

Staff recommends approval of the conditional use subject to the following conditions:

1. Compliance with all conditions of the accompanying large scale development.
2. Only two ADA accessible parking spaces will remain in the area adjacent to the gym and cafeteria portions of the school once the new parking lot(s) have been installed. This area will be utilized for ball courts, deliveries, and solid waste service only and not as a general use parking lot. The applicant has been advised of A.D.A. requirements. The applicant is responsible to ensure that these spaces meet A.D.A. requirements, are available during school hours, and to ensure the children's safety within this area.
3. The applicant shall install a sign at the parking area closest to the building on the north side stating that the area is for ADA parking and deliveries/service only in order to prevent general access to that area which will serve as a hard court play area for children.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☒ Denied

Date: May 28, 2002

H:\USERS\COMMON\DAWN\REPORTS\PC\2002_reports\Leverett(parking)_cup02-14.doc

Planning Commission
May 28, 2002
CUP 02-14.00
Page 7.1

Comments: _____

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this conditional use.

Name: _____ Date: _____

BACKGROUND:

Leverett Elementary School, located at the northwest corner of Garland and Cleveland is making some site changes as a result of an AHTD improvement project that will reconfigure and widen Garland Ave. on the school's eastern boundary. These changes will provide a safer intersection as well as a multipurpose trail adjacent to the school facility.

When Garland is widened, the school will lose a great deal of parking which is currently existing along the front of the building facing that street. The school wishes to replace those spaces and to relocate several more spaces which are located within two other parking areas. One of these areas is on the far west side of the property and the other is at the northeast corner of the building near the gym and cafeteria facilities. The parking area along Hall Ave. (western side) will be completely eliminated. The only spaces proposed for the parking area at the cafeteria and gym facilities are two ADA spaces to provide access to this part of the building which is several feet lower in elevation than the main portion of the school. The only way to access these areas from ground level is to enter from the current parking area at the northeast. The remainder of the surfaced area at this corner of the building will be used for hard court recreational activities.

On the property at this time, there are 70 parking spaces. The applicant has proposed to reconfigure and install a total of 61 spaces with this development. While this is a net reduction, the number of proposed spaces still represents 15 spaces more than the city's parking lot ordinance permits for the development.

According to the applicant, the school has 51 employees and contains 51,030 s.f. Within that space, the use areas are broken down as follows:

Gymnasium	2,880 s.f.
Cafeteria	2,400 s.f.
Library	2,400 s.f.
Classrooms	43,350 s.f.

The parking lot ordinance requires that parking for a school is calculated based on the classroom area at a ratio of 1 space per 1,200 s.f. of classroom space. This equates to a

requirement of 36 spaces and an allowance (+20%) of 43 spaces. With the proposed 61 spaces, the applicant is requesting this conditional use permit to allow the excess 18 spaces.

SURROUNDING LAND USE AND ZONING

North: Vacant, R-O / Single family homes, R-1
South: University of Arkansas parking lot, P-1
East: Multi family residential, R-3
West: Multi family residential, R-3 / Single family homes, R-1

GENERAL PLAN DESIGNATION Residential / School

§ 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

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 § 172.01(D)(2) to grant the requested conditional use permit.

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

Finding: Granting the conditional use will not adversely affect the public interest.

(c.) The Planning Commission shall certify:

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

Finding: The applicant has complied with specific rules governing this individual conditional use 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: As shown on the accompanying large scale development plans, parking for the school will be better organized as a result of the proposed changes. This will enhance pedestrian and vehicular safety on the site and on adjoining streets.

(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: With the changes proposed, parking areas will be much more consolidated.

The majority of parking will be located on the north side of the school and there will be one existing parking lot (the parking which is currently closest to adjoining single family homes) completely eliminated.

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

Finding: No changes are proposed.

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

Finding: Utilities already exist to serve this site, no changes are proposed.

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

Finding: See large scale development.

- (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: N/A

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

Finding: See large scale development.

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

Finding: The additional parking requested is generally compatible with adjacent properties and with other property in the district. There is a net decrease and a better organization of parking areas as a result of the changes that will occur as a result of this development.

From UDO – Chapter 172: Parking and Loading

§172.01 OFF-STREET PARKING LOT DESIGN REQUIREMENTS.

D. Standards for the Number of Spaces, by Use.

2. Maximum Number Allowed. Parking lots may contain up to 20% more spaces than the required minimum. Any additional spaces above 20% shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses; procedures, and upon the finding that additional spaces are needed.

**§161.19 DISTRICT P-1
INSTITUTIONAL.**

A. Purpose. The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities

**2. Uses Permissible on
Appeal to the Planning Commission,**

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 10	Multi-Family Dwelling - High Density

C. Bulk and Area

Regulations/Setbacks. Setback lines shall meet the following minimum requirements:

From Street ROW	30 ft.
From Street ROW if Parking is Allowed between the ROW and the Building	50 ft.
From Side Property Line	20 ft.
From Side Property Line When Contiguous to a Residential District	25 ft.
From Back Property Line	25ft.
From Center Line of Public Alley	10 ft.

D. Height Regulations. There shall be no maximum height limits in P-1 District,

provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1991, §160.042; Code 1965, App. A, Art. 5(XI); Ord. No. 1747, 6-29-89; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

Mill District Neighborhood Proposed Rezoning Survey

Fayetteville Neighborhood Zoning Study Pilot Project 2002

1. I am a (check all that apply):

- ☐ Resident of the neighborhood
- ☐ Owner of property in the neighborhood
- ☐ Renter of property in the neighborhood
- ☐ Owner of property in the proposed rezone area
Address _____

2. Do you feel that the proposed areas should be rezoned to a less intense use?

- ☐ Yes
- ☐ No

3. If you agree about the rezoning, what zoning classification would you like to see in these areas.

- ☐ R-1 Low Density Residential
- ☐ RS Residential Small Lot
- ☐ R-1.5 Moderate Density Residential
- ☐ R-2 Medium Density Residential
- ☐ R-3 High Density Residential
- ☐ R-O Residential Office
- ☐ C-1 Neighborhood Commercial
- ☐ C-2 Thoroughfare Commercial
- ☐ C-3 Central Commercial
- ☐ Other _____

4. Additional comments.



Crafton, Tull & Associates, Inc.

P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

April 17, 2002

Mr. Tim Conklin
113 West Mountain
Fayetteville, AR 72701

RE: Leverett Elementary School

Dear Mr. Conklin,

This letter is to request a conditional use permit for the proposed parking spaces at Leverett Elementary School. The parking spaces required using a 1/1200 ratio is 41 spaces including 2 handicap spaces. The allowable parking with 20% overage is 49 spaces. We are proposing 58 spaces including 2 handicap spaces in two separate parking lots.

The existing parking lot along Garland Street will be destroyed when Garland Street is widened. Also, the entry to the school will be forced to front Cleveland Street. This is one reason for the addition of the small parking lot located off of Cleveland Street (9 spaces). This parking lot will be used for parents to pick up sick children and for parent teacher conferences. However, by adding the small parking lot to the site, it has caused us to go over the allowable number of parking spaces. Therefore, we are asking for a conditional use permit to allow the additional parking spaces.

If you have any questions or require additional information, please feel free to call.

Sincerely,

Crafton, Tull & Associates, Inc.

Geoffrey H. Bates, P.E.
Project Manager

To: Sara Edwards
From: Roy Karr
Re: Additional Parking Request
Date: 5/22/02

As per your request, I am sending the following information for your review.

Leverett Elementary School

51 Staff Members

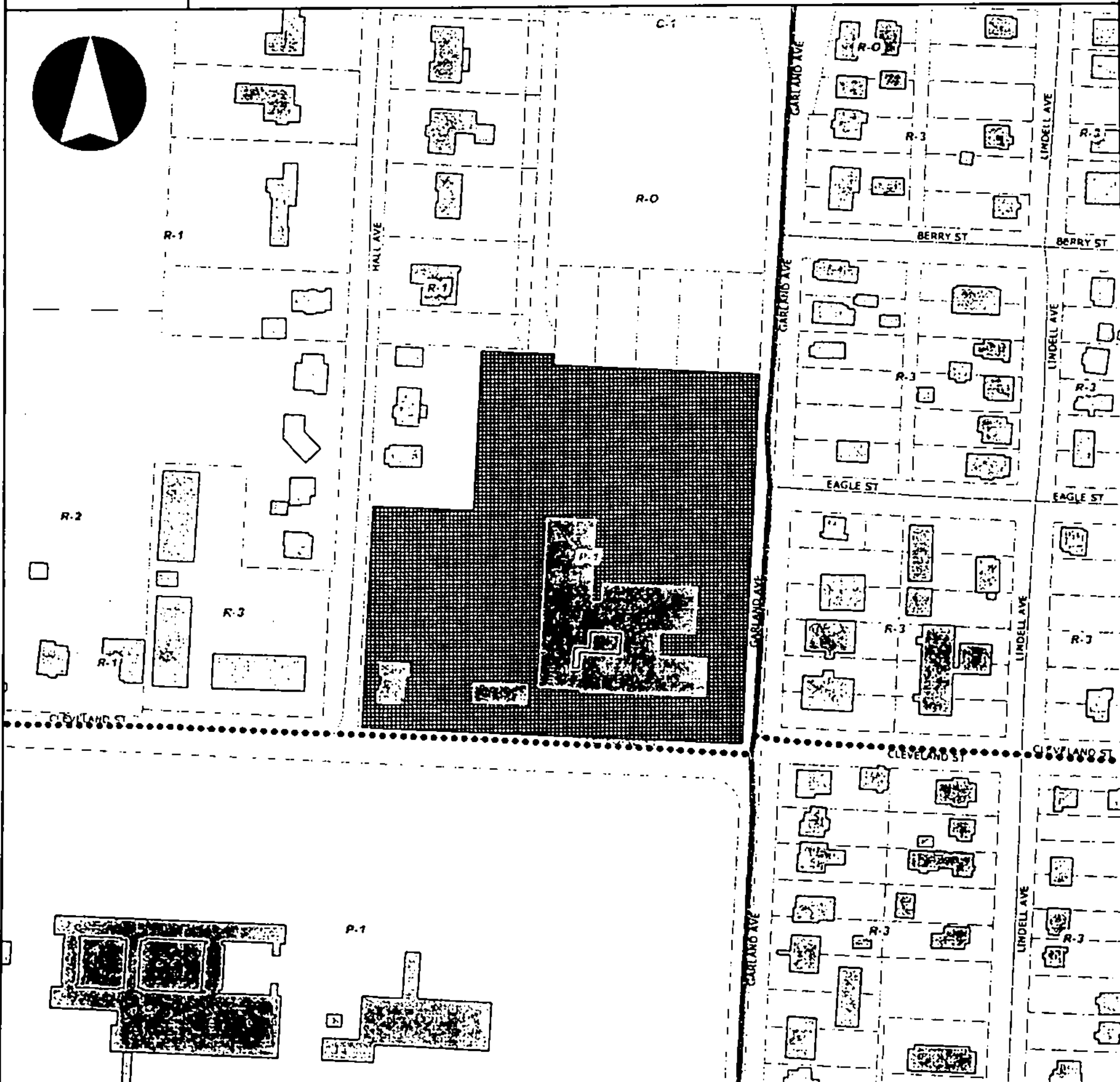
51,030 total square footage of building

-2,880 sq. ft.	gym
-2,400 sq. ft.	dining
-2,400 sq. ft.	library
-43,350 sq. ft.	classrooms

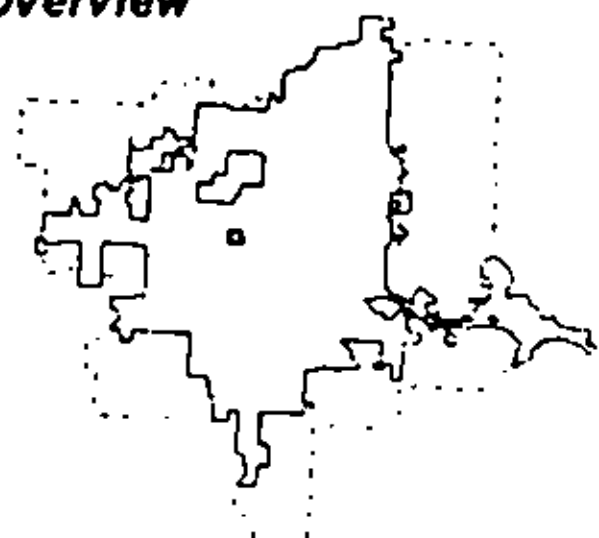
CUP02-14.00

Close Up View

FAYETTEVILLE SCHOOL DISTRICT(LEVERETT)



Overview



Legend

Subject Property

CUP02-14.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

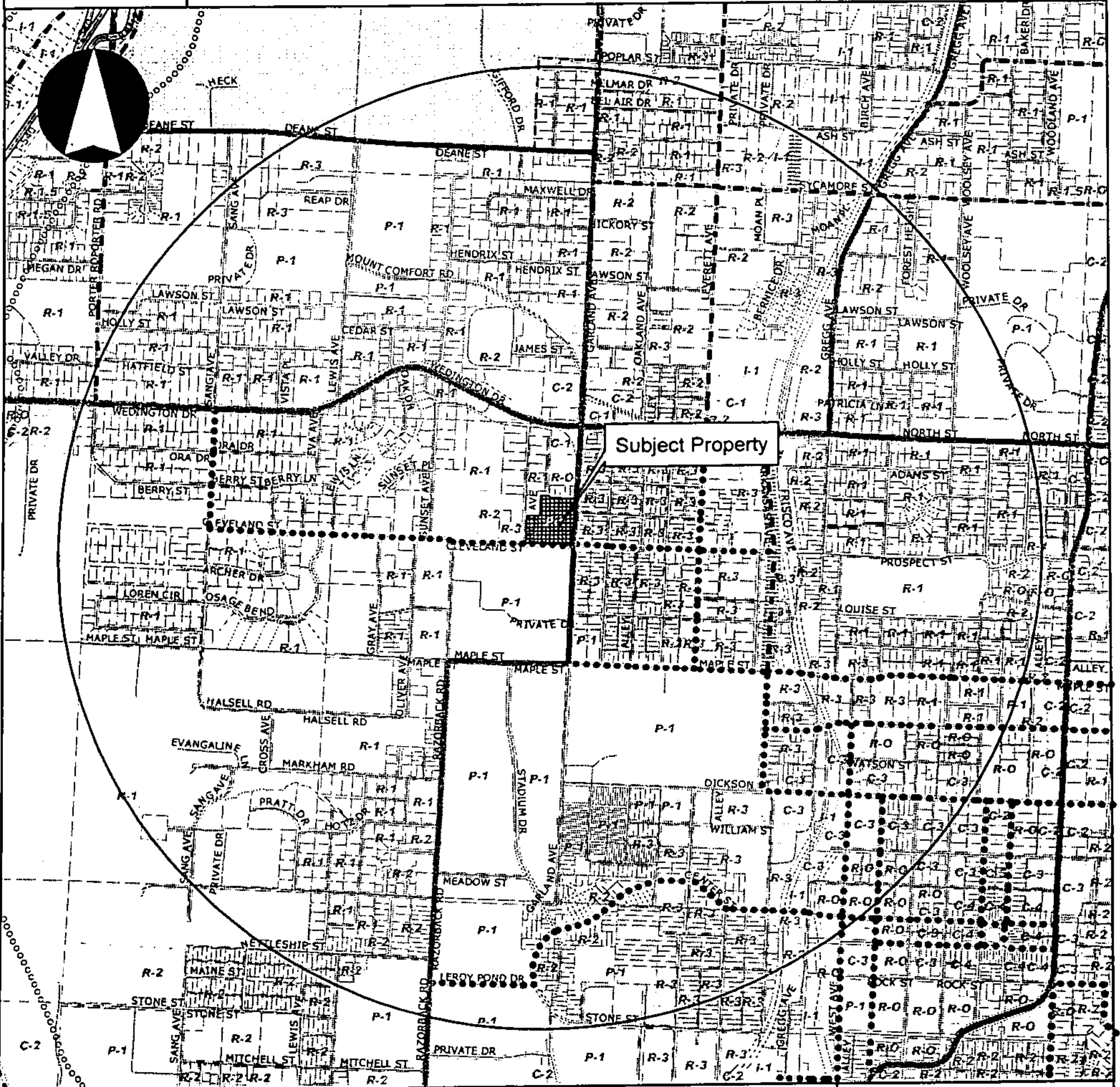


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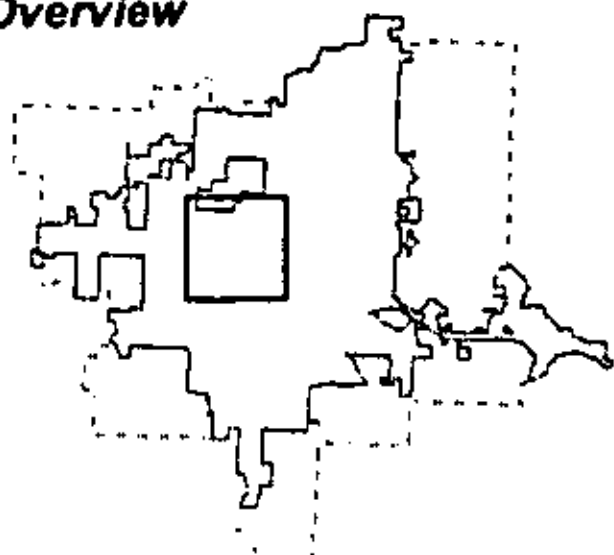
CUP02-14.00

FAYETTEVILLE SCHOOL DISTRICT(LEVERETT)

One Mile View



Overview



Legend

Subject Property

CUP02-14.00

Streets

Existing

Planned

0.25 0.125 0

Boundary

Planning Area

Overlay District

City Limits

Outside City

0.25

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0.75

Miles

Planning Commission

May 28, 2002

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LSD 02-14.00: Large Scale Development (Fayetteville School District, pp 443) was submitted by Geoffrey Bates of Crafton, Tull, & Associates on behalf of Fayetteville School District for property located at 1124 W. Cleveland Street. The property is zoned P-1, Institutional and contains approximately 5.41 acres with 61 parking spaces proposed.

Hoffman: Item number six on the Final agenda is LSD 02-14.00 for Fayetteville School District which was submitted by Geoffrey Bates of Crafton, Tull & Associates on behalf of the Fayetteville School District for property located at 1124 W. Cleveland. This property is zoned P-1, Institutional and contains approximately 5.41 acres with 61 parking spaces proposed. Seven is CUP 02-14.00 and eight is CUP 02-16.00. Staff findings are the Arkansas Highway Department is widening Garland Avenue, which will affect the existing parking situation for Leverett Elementary School. Because of this, the elementary school is proposing two new parking lots. One parking lot will be located north of the school along Garland Avenue and the other parking lot will be located west of the school on Cleveland. The Cleveland Street Parking lot will be a relocation to the school 19. Currently 16% of the site is existing canopy. The applicant is proposing to preserve 14% of the site and utilize onsite mitigation for canopy that is to be removed. The recommendation is approval subject to all of the conditions. We have 12 conditions of approval. Tim, do we have signed conditions of approval?

Conklin: No.

Hoffman: I will go ahead and read these into the record 1) Planning Commission approval of the conditional use for parking in addition to that allowed by code. The maximum number of spaces allowed by code is 43. The proposal is for 61 spaces. 2) Planning Commission and City Council approval of a street right-of-way vacation. There is existing right-of-way running through this property that must be vacated by the City prior to the issuance of any permit. 3) Planning Commission approval of a variance request from UDO §172.01(C.) (3) which requires a one-way aisle width for 45 degree parking stalls to be 12'. The request is for an aisle width that varies in size from 21.3' to 23' in width as shown on the plans. *Staff is in support of the additional aisle widths as shown on the plans due to the school bus traffic pattern.* 4) A Conditional Use must be approved prior to the relocation of any school related activities in the R-1 zoning district. 5) A decorative fence or other approved barrier shall be placed around the storm water detention basin. 6) Approval shall be granted from the adjacent property owner for the proposed detention pond discharge quantity and location. If written approval cannot be obtained, the storm water discharge shall be designed to match pre-developed discharge conditions or the storm water shall be routed to the Garland Avenue right-of-way with the approval of the Arkansas Highway and Transportation

Department. 7) A parking lot permit is required prior to any grading or site work beginning. Is the applicant present?

Karr: I am Roy Karr, Associate Superintendent of the Fayetteville School District. I am here to answer questions on all three of the items.

Hoffman: Ok, do you have a presentation that you would like to make?

Karr: We don't. Everyone has a copy of our plans but we would be happy to do a presentation if you want. I think I would rather discuss any concerns you may have.

Hoffman: Ok. Tim, do you want to give us some background?

Conklin: Madam Chair, with regard to the large scale development, our Sidewalk Division has reviewed the plan this evening and one comment to add on as a condition is in regard to the sidewalk along Hall Avenue. Their recommendation is for a sidewalk to be installed along Hall Ave. Chuck Rutherford is here if you have any questions of him. We have a large scale development that is relocating the existing parking lot to behind the school. The school district has requested that the parking lot be relocated into the existing location of the playground. The playground will be relocated to the corner of Cleveland and Hall Avenue. There is an existing employee parking lot in that location. That will be utilized for the playground. There is also a small parking lot off of Cleveland Street that will be constructed which will be used for sick child pickup and then there is a turn off on Cleveland Street that will allow parents to come in and pick children up and drop them off for sick child and ADA. What you are looking at this evening is a large scale development addressing, because this is over an acre, the relocation of the parking lot, a conditional use for the playground in the R-1 zoning district and a conditional use for the additional parking spaces over what is allowed by code.

Hoffman: Is there any member of the audience that would wish to address us on this? I do not see any so I will bring it back to the Planning Commission and to the applicant for further discussion.

Estes: Chuck, is it your recommendation that the sidewalk along Hall Avenue be on both the west side and the east side of Hall Ave.?

Rutherford: Just on the east side.

Allen: I wondered how many parking spaces are currently available.

- Karr: We had 21 spaces from Garland that is being wiped out and we had 24 spaces on the west side.
- Allen: For what reason do you contribute the necessity for that many additional spaces?
- Karr: Growth in the district. We closed some elementary schools so that district has increased enrollment which required additional staffing. We currently have 45 staff members in that building. Another reason we need that space is if you have been in an elementary school the first month of school when a preschooler or kindergartener starts to school, that mom is not going to just pull up and open the door and let the child out. They have got to have some way to park that car and walk that child to the kindergarten classroom. It is that way in every one of our elementary schools and as long as I've been in the school business, it is just the way that it has happened. That additional parking space is for our clients, which is our parents.
- Allen: How does this compare to other schools say maybe Jefferson School.
- Karr: Jefferson and Washington are much smaller enrollment but Jefferson for example, has two parking areas. We've got one that is right across the street on Sixth Street, right across from our first grade classrooms, that can easily handle thirty parking spaces. The other is directly behind our school on the south side, we have about 20 parking spaces there and we have about 12 parking spaces around the gym, which is on the east side of the building. That is comparing the number of staff members, Jefferson has a lot more parking spaces. If you try to compare Jefferson to Leverett, you have more of an establishment which requires more parents. Another thing too, Leverett is one of our polling places that takes up a lot of space during school hours whenever we are polling.
- Hoover: Did you mention how many spaces Washington Elementary had?
- Karr: We put in a new cafeteria last summer. We added 12 more parking spaces along with the additional 31, plus they have parking along Highland Street, which there are 20 some odd parking spaces there. We route our parents to the back of the building now. Our busses go along Highland. Our parents go along the back.
- Hoover: I still see parents along Highland.
- Karr: It shouldn't be because it is congesting the area where we were trying to get our busses. When we were remodeling and added the cafeteria, I

know the Mayor's office got several phone calls from the people that lived in that area for us turning that into a one way at that time. We are trying to be good neighbors and trying not to tie up that street.

Hoover: Did you say Washington has 30 parking spaces and then you added 12?

Karr: We added 12 next to the new cafeteria.

Hoover: So you are talking 42 there that you exit off Forest?

Karr: Yes.

Hoover: Then is there remote parking somewhere?

Karr: Just on the side of the street on Highland. Remember, Washington is our smallest enrollment school, it has less staff members. I forgot to mention this earlier, we do have the Auto Zone parking lot across the street on Highland.

Hoover: You do own that parking lot?

Karr: No, they allow some of our parents to park at Auto Zone.

Hoover: Is that a shared parking agreement?

Karr: No, it is nothing, just we're doing it. We may not after tonight though. I might add that there is about a year and a half of planning with parent groups and teachers. The teachers wanted something a little different than what parents wanted. What you see tonight is a compromise from all the groups that we worked with. The city folks, what they wanted on Cleveland. We are trying to help our neighbors over there with the drainage. We inherited a horrible drainage problem from the University of Arkansas because everything comes off the parking lots at the University and Cleveland has no curbed streets and no storm drainage. With the work that we're going to get on Cleveland Street, curbs, street and drainage will help a lot of the drainage that is coming on our property now. With all those groups it has been a year and a half of really hard planning and compromising and what you have here tonight is not something that we just threw together overnight. It had input from our parents, our faculty and I think it is very defendable how we have got it laid out.

Hoffman: Do you have approval from the adjacent property owners for the detention pond drainage?

Karr: We have not. That is the next thing we will do.

Hoffman: Is that person here tonight by any chance?

Hoover: The very first thing on my mind is this parking on Cleveland and why isn't there parallel parking on Cleveland to begin with. Tim, is the street wide enough, is this a possibility? Was it discussed or did engineering not like the idea?

Petrie: There is currently a capital improvement plan to widen Cleveland adjacent to the site and plans have been completed for sometime. The real hold up is working out the details for the Garland Street widening with the Highway Department. We didn't want to get in there first and everything then gets torn out. That project is due to start this summer, the widening.

Hoover: Is there parallel parking included in that?

Petrie: I think it is being widened out to a standard 28' wide street where you can parallel park, although it is not the best. It is like a regular subdivision.

Karr: Right now across the street from us is the parking lot for the University of Arkansas. When the kids come off of Garland they are zipping into that parking lot and it is impossible to parallel park on that street, even when they widen it, because of the traffic on the east and west coming off of Garland. There is not going to be very much area to park.

Hoover: I guess I don't see how traffic and parallel parking relates, how that makes it impossible to parallel park.

Karr: The latest plan that I saw, there on Cleveland Street, students are turning into the parking lot. When you put a parking lane in there there is no room to park on the side of that street.

Conklin: I drove by it about an hour ago. On Cleveland Street on the north side the street has been widened and cars are pulling off the street to pick up children. I am not sure that there is additional asphalt right in front of the school. On the south side of the street there is a right hand turn lane dedicated to people turning right onto Garland. There is no parking on the south side. On Hall Ave., you may be able to park some cars on the west side of the street where it is curbed. However, I don't believe you could park cars on both sides of the street.

- Hoover: When we have the sidewalk improvement, is that also curb and gutters on Hall?
- Conklin: It is currently open ditch.
- Hoover: How wide is Hall Street?
- Conklin: I did not measure Hall Street but just when I looked at it about an hour ago, you may be able to park cars on one side but you probably couldn't park cars on both sides.
- Hoover: What I am trying to get at obviously, is rather than paving the entire city with concrete, we already have concrete with the street, why don't we parallel park and have overflow parking? I see this from watching the events at Washington Elementary everyday. A lot of those teachers are parallel parking on the side street and it also helps slow down the traffic, makes it safer to walk when you are on the sidewalk, you've got a buffer there between the sidewalk and the street. I am curious about whether or not this was explored.
- Conklin: The current design I don't think would work with parallel parking because you have a drive through lane that you will need to keep open for visibility. You have a new parking lot being built. People coming in and out of the parking lot need to have visibility. Just looking at this block from the north side, I don't think you are going to be able to achieve any on street parallel parking.
- Hoover: Do we have to have this indentation and cut down all the trees? Is that from the city? I hate to refer to Washington again, but the busses pull right up there on Highland, it is not a very wide street.
- Conklin: This was all planned by the time I saw it.
- Karr: That was some of the staff and our parents. Highland Street is not Cleveland and it is not Hall. Kids coming into the University, it is packed. One of the things they wanted was to get those busses off and protected when they offload from Cleveland. It is just a different environment with traffic from Highland to Hall.
- Hoover: There is also going to be a streetlight at Cleveland and Garland right there. So I assume that is going to stop a lot of traffic and make it a lot safer.
- Karr: There is a light there now and it still doesn't solve the traffic problem now. When it gets backed up they dart back over to Hall Street and zip up

Hall Street to avoid the traffic light. Hall Street is so narrow that there is no way, we talked about moving a parking lot over on that side, but it is such a narrow street we can't pull a bus out and turn on that street, that's how narrow Hall Street is.

Hoover: So you are saying that the indentation is there, you don't want busses to go up in front of the school, you just want them to go to that north side.

Karr: We've got a spot on the north and south side for our busses. The south side is the only accessible part of that building we have for handicapped. We set that indentation in there for busses with handicap and cars that have handicapped children because there will not be enough room to handle that traffic on Cleveland and the amount of traffic that is on Cleveland.

Hoover: This indentation, I don't see why you can't have both, the parallel parking and somewhat of an indentation, at least just for busses. I guess I was really confused why you need an indentation and a 3' concrete aisle. What is the 3' concrete aisle?

Karr: That is the City's request. We did not question the concrete aisle.

Conklin: I can't answer that question. Once again, there was a meeting. Just for the public and Commission, Mr. Karr, if you could walk us through how you came up with this again, this pull off and how it is going to be used and why you need this pull off from the south side and how you are going to get your parking lot with your dedicated bus lane on the north side. They are a little confused I think with regard to where busses are going to be dropping kids off on the south side or are they going to be dropping kids off on the north side.

Karr: As I mentioned earlier, that south side is the only way to get to that building for handicapped. We have that so if they are lined up for busses that are carrying wheelchair and handicapped students and parents that are pulling in there that have wheelchair students. The north parking lot is mainly for faculty. If, at some point in time, we need to use that to pull busses in we can. It is just an additional area that we've got set aside for our handicapped.

Hoover: I'm sorry, did I get confused? You said on the north side the whole driveline is just for busses.

Karr: You are confusing that current area in there right now that we were just talking about where the two handicapped spaces are, that is strictly for our voting precinct.

Hoover: The lower area though.

Karr: The lower area is just for our faculty and parent parking.

Conklin: Your busses are going to be pulling into that area because you have it dedicated for busses. That is where the bus riders will be picked up and dropped off, is that correct?

Karr: Yes. We can't take a bus through there with handicapped kids. The drive at the south will be for that.

Hoover: How many busses do you have?

Karr: We have four busses.

Allen: I have some concern that it seems that we, as a Commission, sometimes make concessions for the City or the school district that we would not necessarily make for others in the city and I wondered what the thoughts of my fellow Commissioners were about that.

Hoover: I have an issue with that. If I was looking at this as if it were a regular development like a retail center, and looking at the number of curb cuts, there are three curb cuts on Garland. If we were having a retail center here we would only allow one curb cut because that would be a safety issue. I am really concerned about why there are three curb cuts in that short period. Yes, I wondered the same thing.

Hoffman: I am going to weigh in on some of that. I find the plan to be confusing. I know that you have had three different groups having input into this so I think that has contributed somewhat here. The issue of curb cuts for a school is really difficult for bus needs and other needs.

Hoover: But it doesn't have as much traffic.

Karr: This came up Sharon in your letter that you sent to me. I went out and looked at Wal-Mart. We don't have the privileges that a retail center has. Retail stores have asphalt parking in front of the building. We have got kids, we have got playgrounds, we've got playgrounds for kindergarten and first grade, playgrounds for third and fourth, they are all separated. We don't have that privilege that a retail store has. They have access, I will give you a good example, Fiesta Square. They have three off College, that used to be an old Wal-Mart store there. If you go to the back of it

there are two accesses in the back so you've got a total of five entrances and exits.

Hoover: You need to use more current data.

Karr: Ok, the new Wal-Mart out south, they've got two off the highway, off Sixth, but because the area is just all parking, they can go off the side roads and have cuts off the side roads. We can't because of playgrounds. Our playground is going to be on Hall Street so we need to have fencing along Hall and Cleveland where the playground is going to be. We can't have access to getting out along there.

Hoover: I can see that you have more land lock issues but I think that we have had some more ordinances in place since some of them. Speaking of the fencing, is that on the plan?

Karr: It is something that we have said from day one that we were going to put a wrought iron fence along Hall in that area to make it real attractive.

Hoover: Where exactly will that be? Will it hook up to the School off Cleveland?

Karr: It will go up to the parking lot there off of Cleveland and it will go down the street and then down Hall too.

Hoover: I am sorry that I missed agenda, somebody probably explained some of this. Was accessibility onto Hall Street not possible?

Karr: As I told you, it is so small we can't even pull busses out on that street, it's too small.

Hoover: I guess there is no way to make a radius line to be able to turn down a narrow street?

Conklin: You will have to ask their professional engineer that designed the project that question, I don't have the answer.

Karr: Part of this was also to accommodate our neighbors that were not wanting the traffic dumped on such a small area where it is all residential.

Hoffman: What would be the effect to you if we approved the large scale development without the conditional use permit for the additional parking spaces and tried to make it work another way? I am hearing some serious concern on Sharon's part. I would just like you to address that.

Karr: Would you repeat that please?

Hoffman: If we approved the project but without the conditional use for the additional parking spaces and asked you to go back to the drawing board. I just want to make it more clear, is that what I'm hearing you say?

Hoover: Yes, one issue is that this extra parking request I find more than necessary and I don't know why we can't accommodate that with some off-street parking or some remote parking. That is one, do you want me to list?

Hoffman: Yes, I am trying to ask real questions but I am trying to be real clear about them.

Hoover: The second issue very clear is that I really don't understand cutting down the maple trees on Cleveland. I know two of them don't look well but the other ones look pretty good. I just don't see that if that is not a necessity to do, if they can unload safely there, there is a streetlight there. I am just not sure that this is the only way to do this. Adding a concrete island is certainly not what I think we would be for.

Karr: I would encourage you to go over there and look at that because I don't think that you are well informed about that situation over there. Parents are very, very concerned about the safety of those kids. That is why they wanted to pull off of Cleveland.

Hoover: Could you do a pull off that is maybe further down or in combination with the drive into that parking lot rather than taking all of these trees? Does it have to be right in front of the door?

Karr: You need to understand, and we worked with Kim Hesse on this, what we are doing is saving all of those trees on that lot that we purchased off of Hall Street and by not putting any parking in that area we are saving all of those trees. Those parents know that those trees are going to go but they are just as excited about replanting trees in that area and saving all of those that are going to be in their playground that they have never had before. They haven't had trees on their playgrounds before. Again, I need to tell you that it is a compromise by so many parties here to make this work. It is something that the school needs to move on. If we delay this anymore. Folks, we would be just as happy to have been left alone. We didn't want to see Garland widened. We weren't interested in a boulevard, we weren't interested in a 10' walking trail but all this got pushed on us. I've got parents and I've got a staff that are on my case because we better have something ready to go because they are going to start tearing up Garland when school starts on August 19th. If we have anymore delays we can't

get our part done. The Highway Department is willing, and they have already told us that if we go ahead and get ours done they will give us temporary drives into our parking area but time is a critical factor for us to get this done. If we have to go back to the drawing board it has already cost us more with engineering fees to accommodate the neighbors, the faculty, and the parents. I am just worried about the time factor. It will be a total nightmare August 19th with Garland Street torn up and we don't have some way to park cars and get parents and busses into that school.

Hoover: Where is the lot that you bought?

Karr: It is the Lee Brown property there on the corner of Cleveland and Hall. It has got beautiful trees, one of the largest hackberry trees in Northwest Arkansas. We got excited when we got that because we took that old house out and we are going to put our big toys over there in that parking lot to save those trees. That is the first time that Leverett will have a playground that has got trees. We were willing to sacrifice that and save those trees there and cut those trees there on the south end and replant smaller trees to get our drive there on the south side.

Hoover: So the playground equipment is going to be on the corner of Hall and Cleveland?

Karr: Yes.

Hoover: Is that noted on the plans anywhere?

Karr: It shows the conditional use so we can move the playground equipment there.

Williams: It does say playground area.

Hoffman: I would like to ask Mr. Williams, I briefly mentioned what would the effect of having approved a large scale development without a conditional use requested in the conditions of approval. Can you enlighten me about what that would mean?

Williams: I am not really sure what that would mean. I did want to let the Planning Commission know that I just came from the City Council agenda session, that is why I was a couple of minutes late, and the Mayor announced at the agenda session that he had been in contact with the Highway Department and they are going forward with the Garland Street widening. I know that there is a real time pressure on everyone involved to try to get this project done before the next school year. That would create a real nightmare if it

is not done. The only other thing that I might want to say as opposed to Washington School where off-street parking is possible. You are right next to the University here. If you have off-street parking college students will be using it up. I don't think that we can restrict public places just for your staff or parents that want to be there. It would be first come first serve, just like all the other parking in town. I think off-street parking would probably not be a solution in Leverett just because it is so close to the University, the pressure on parking that is at the University, if anybody has ever tried to park around there, you realize that all those lots that are close to the University get filled up. I am sorry I can't answer your question about whether you can approve this large scale development without approving the conditional uses for it. I don't know what the answer for that is.

Hoffman: Ok, thank you.

Church: It seems like, and I could be wrong, that every time we do a development of some kind, this question is for staff, that there are exceptions asked for as far as the parking code. I guess I am trying to get a handle on is our parking code accurate. Is this the number of spaces allowed for most schools? Is the exception just for this one particular location? It just seems like we are always looking at exceptions. I am wondering if it is outdated.

Conklin: With regard to the parking waivers we typically see are for restaurants. That code clearly doesn't work for restaurants. We have to give a waiver every time, if we didn't we wouldn't have any new restaurants in Fayetteville. What happened with that code is that we always had a minimum number of spaces but never a maximum. In 1995 or 1996 we set a maximum number of spaces. We didn't realize there was a problem with that until we set the maximum. With regard to schools and recreational facilities, parking keeps on coming up with regard to the demand of how many cars. There are probably not as many kids walking to school and there are a lot of people picking kids up these days. I am not sure, I haven't looked at the national standards. It is interesting. There is a book that we have down in the Planning Division that has parking ratios from across the country. They vary all over the place. It is one of those situations that is going to depend on how many students are in the school and where the school boundaries are and whether or not kids can walk to school which is going to dictate how many parking spaces you need. It is important to also look at where the school is located and I think Commissioner Hoover brought up a very good point with regard to on street parking. We have Garland Avenue which you will not be able to park on when you go to the school. You have got the University that we

talked about which any on street parking spaces may be taken up during the same hours as the school. I think each site has specific needs. Other than that, I am not quite sure of how to answer your question if the code is outdated or not. It is something that we can certainly look at.

Hoffman: I would like to do that. I know that there has been some discussion about it in the past for restaurants and so forth.

Estes: I share some of the concern that has been voiced by my fellow commissioners regarding the fact that Mr. Conklin and his staff were not involved in the planning process of this large scale development. However, with that said, I will move for approval of LSD 02-14.00 and my motion does include approval of the variance request from U.D.O. § 172.01 (C) (3) for an aisle width that varies in size from 21.3' to 23' in width as shown on the plans and for a sidewalk along the east side of Hall Avenue as an additional condition of approval.

Hoffman: That would be condition number twelve? This is contingent on item four which would be a conditional use approval for the relocation of any school related activities in an R-1 zoning district.

Estes: Yes, that is correct and that is included as a condition of approval, item number five.

Hoffman: Ok, thank you. I have a motion by Commissioner Estes, do I have a second? Do I have a second? I will go ahead and second the motion.

Bunch: Does that motion include anything about fencing since this is a large scale development project and it doesn't appear to be on the drawings. It has been mentioned but there is no definitive statement that it is part of the project.

Estes: Item number five, a condition of approval, requires a decorative fence or other approved barrier shall be placed around the storm water detention basin.

Bunch: The extension that I was questioning was along Cleveland and along Hall as described in the presentation but that is not shown on any of the documents or drawings.

Hoffman: Does the applicant wish to make an affirmative statement about that fence?

- Karr: It is a playground area. All of our playgrounds are fenced and it will be fenced. I would like to make a comment about the sidewalk on Hall. That is going to be a wrought iron fence on Hall and that was not mentioned whenever we were talking about sidewalks and all in this large scale development with the city but since we are going to be putting a fence along Hall and part of Cleveland there wouldn't be a need for sidewalk there because there is not going to be any access to the grounds with that fence.
- Estes: The reason to include in my motion a sidewalk along the east side of Hall Avenue is because that is what Mr. Rutherford had recommended. I am a real strong proponent of sidewalks. I cannot imagine not having a sidewalk on Hall Avenue and around Cleveland contiguous and adjacent to an elementary school.
- Karr: Our biggest problem is when we made this settlement with the Highway Department it was for \$200,000 and everything we add now is over what we're getting for our property. We held out, actually we weren't even going to agree to it until we were asked to by the University of Arkansas and the City on this situation. Anything that we add to it now is going to be above what we are getting. We are the ones that are being forced upon by the Highway Department and other entities.
- Hoffman: I can appreciate your position on that but I am in strong agreement with Commissioner Estes because our city sidewalk ordinance applies. Unless you can prove a hardship. We do have an appeal that was recently added to our sidewalk ordinance that does give you an avenue to appeal that based on a number of items. You can visit with Mr. Rutherford at a later time but the sidewalk ordinance certainly to my mind benefits not only the children that attend the school but the parents that are walking the kids to school and just any number of people. It is a high pedestrian traffic area over there and I can't either imagine not having a sidewalk where we have an opportunity to put one in.
- Karr: Have y'all seen Hall though? It is a ditch all the way down to Wedington on both sides, a major ditch. It is going to be extremely costly to put a sidewalk in that area and it is going to create more drainage problems on our neighbors south.
- Hoffman: There may be a way in your waiver request, if you do request one, to get a narrower sidewalk that would work with the topography of the land. We have done that before. We have worked around trees, we've done all kinds of things. I would say that an added dose of common sense might be in order there too. Is there anybody else?

Bunch: A couple more questions before we vote on the motion. I see that there are two bike racks added. Nowhere on the drawing that I found are there any existing bike racks. Can you please elaborate on that? We are trying to encourage people to walk and ride bicycles and that sort of thing it seems like two bicycle racks, even though that is what is called out in the ordinance, seems inadequate. Unless there is a considerable amount existing.

Karr: I am sure that the parent organization over there will be glad to add more bike racks on that. Right now we don't have that much bike traffic in that area because of the traffic on Garland. What little bike traffic we have comes on the east side of Garland and it is very little traffic that we have on bikes in that area. I can see when we four lane that with the major light I doubt that parents will be encouraging more bike riding in that area. We will be glad to add as needed.

Bunch: It seems rather inadequate to only have space for four bicycles at an elementary school, especially one that is considerably larger than other schools as you mentioned earlier.

Karr: Y'all have got to remember that Leverett is not so much a neighborhood school anymore. Most of the kids are bussed or parents bring them in that area because of the traffic of the University. It is just unbelievable.

Bunch: You said you have four busses a day, does that include the busses that have to use the south access for handicapped or is that four busses that would be using the north?

Karr: Just four regular busses, not including our handicap.

Bunch: So that is four that would use the north parking lot and then how many busses do you have that will use the access?

Karr: It will depend on our student population with the need for wheelchair accessibility.

Allen: Sir, I wondered how closely you worked with staff in the development of these plans.

Karr: Oh, listen, I don't know if Tim has told you, but for a year we have been working with the City from the Cleveland Street, we worked extremely close. We have had Chuck Rutherford, Kim Hesse, we have walked that place a dozen times saying this, this, and this. It sounds like what I am

hearing tonight is that we haven't been working with the City on this. The City has been working with us from day one on this thing and I am surprised to hear that it is not because the City is the one that is wanting some additional things like walking trails and things like that that we have worked with on. We certainly have worked with the staff on all of this. I certainly don't want the Planning Commission to think that we haven't.

Allen: It just seemed to me like some of these concerns that we have could have been fairly easily rectified.

Conklin: To respond, I don't want to get into a huge debate about how much we're working together with each other. However, the meeting I went to, and I can't speak for Kim or Ron or Chuck, this is the plan I saw. I remember asking you why the parking lot change from Hall Avenue to Garland and your response was the neighborhood would rather have a playground than a parking lot on Hall Avenue. Then we had a lot of discussion on the turn out on Cleveland and we asked about that. Perry Franklin had some concerns about how it was used. That was something that the teachers wanted I think that is how that occurred. With regard to if you have concerns about physical layout, decision making process of where the playground is, where the parking lot is, and where the turnout is, those decisions were made through the Fayetteville School District's process of meeting with the teachers and with the public.

Karr: Yes and that was based on our meeting with y'all about where you wanted the walking trails and the moving the utilities on the south end of Cleveland. All of that we were working together on.

Conklin: We did work together on Garland Avenue and the City did request that a boulevard be installed and a 10' multi-use trail be built which has pushed Garland Avenue into the existing parking lot. Just to clarify that, with regard to the current layout, that was planned with the teachers and the P.T.O. and the school district. Before you vote on it just some clarification so when staff goes out to the site to make sure the conditions are met, the fence that is going to be around the playground, it is a wrought iron metal fence on Hall Avenue. I am curious about the height of that. Then on the north side along that single family home what kind of fencing there would be and then on Cleveland Street what kind of fencing there would be to completely enclose the playground with that type of fence so I will know exactly if there is a chain link fence in that location and there is the wrought iron fence in that location. That is kind of what I would like to see. That is a question for you Mr. Karr if you could answer that this evening. Just clarify what kind of fencing there is going to be.

Karr: I have all along said that we were trying when we removed the old house that was there and cleaned up that whole lot the idea was to move our playgrounds around those large trees and we even went through Parks and Recreation, were able to move the big toys off the old Bates school to that area. All of that was meant to be an enclosed, attractive playground where we can put our big toys for the kids and that we were going to put a wrought iron fence around that area. We haven't addressed the fence at the back. We have a chain link fence on the north part of our playground right now. I am not sure if we need to do anything more with that than a chain link fence.

Conklin: I guess I am looking at the current parking lot, teacher parking lot. There is no fence along that ditch.

Karr: Yes there is.

Conklin: There is a fence between that parking lot and that single-family home?

Karr: Yes.

Conklin: What kind of fence is that?

Karr: It is a chain link fence that is existing.

Conklin: So the only new fence will be the wrought iron fence on Hall and then on the south side along Cleveland would be what?

Karr: The east side of Hall and part of the north side of Cleveland.

Conklin: Would be wrought iron fence, ok. Six feet tall?

Karr: I am not sure the height. Kids have a tendency to climb and we haven't decided what size to use on it.

Conklin: I would be more than happy to work with you. St. Joseph's Catholic Church had some concerns about children impaling themselves on the wrought iron fence so you might have to have it specially made if you have the same concern of children climbing that type of fence.

Bunch: For the record would the fence extend on Cleveland from the corner of Hall down to the parking lot that has about ten spaces in it, would that be the extent of it?

- Karr: Yes. See, we want to close off any kind of access to Hall Street with kids over there playing. We don't want kids running out on Hall Street.
- Bunch: Normally when we have a large scale development these things are included on our plans and descriptions and it makes it a lot easier rather than having to go through waiving our hands to say this goes here and this goes over here.
- Karr: I understand. I apologize for that. A lot of these things came along after we were trying to work through the changes that the Highway Department made, the City made, and the University made. Between the Highway Department, the University, and the City we were waiting for them to work out their problems with what they wanted on Garland. As a result, we tried to hold out because when I tell you we only got \$200,000 from the Highway Department, that not only has to build our parking lots, which we no longer have on the east side, but it also has to move playground equipment and remodel the building area. Removing the office area down to the south entrance because our main entrance to that building for years has been on the east side. Now we are going to have to shut that off because of the widening of Garland and move everything to the south. A lot of that money is going to move that Principal's office and the reception area and all of that into the main area when you come into the south end of our building. Our money is real tight and that is why I am trying to plead with you to not keep running the tab on us. We are trying to do everything we can with that \$200,000.
- Hoffman: I have a couple of comments to make. Obviously I seconded the motion so I will be supporting your project. I would say that given the constraints of this existing site and the fact that you are having as much area taken from you, that is the primary reason that I will support the large scale development. I do think that when you have too many cooks in the kitchen it sure can spoil the broth.
- Karr: I have not enjoyed it at all.
- Hoffman: It looks to me that that is what we're faced with tonight. I live quite close to the school and I see the traffic congestion problems everyday and live with that and live with the student traffic from the University. I see this as a compromise at best but one that I think should go on forward. I am in agreement with you on that. I would encourage the planting of more trees as children's projects and neighborhood projects and things like that to mitigate over and above what you've done.

Karr: The Fayetteville School District has planted, along with the support of Kim Hesse, over 200 trees in the past year on our property at Holt and McNair and we continue that partnership with planting these trees.

Hoffman: Is there any further discussion?

Bunch: Yes. Speaking with Mr. Karr prior to the meeting, we're showing two handicapped places in an area that is supposed to be accessible for the polling precinct and a comment was made that those need to be relocated from the north side of the parking lot to the south side to be more accessible for the precinct since that is the primary purpose I believe of having those.

Karr: That is not a problem to move that over. It is a convenience closer to the precinct.

Bunch: To be more in compliance with ADA, that is just a housekeeping note to move those to the south side of the parking lot.

Conklin: Commissioner Bunch, when I went out there last week, I did note that the ADA spaces are on the south side already, striped, marked and painted. They are already there on the south side.

Hoover: I do wish that the City would consider the parallel parking even though I know that the University is there and that they will be using some of the spots. When you have a street like that that you want to slow down traffic you really do want parallel parking on it. Also, the University plans for all of this south side of Cleveland, all of that is going to be parking lot for the University for the north quadrant housing and all of that. I mean I think that really the school probably will have access to some of those places if we could ever get that going. The other question that I have that we didn't discuss, am I understanding it right, the parents are supposed to drop-off on the north side?

Karr: Yes.

Hoover: What is going to keep them from dropping off on the south side? When they see traffic going in there and a line what is going to keep them from just going up to the south side?

Karr: We have it in our other schools and they are cooperative with the staff. The staff has supervision during certain times and there are going to be teachers out there all the time. Just like our other schools, McNair and

Holt, there are certain areas that we designate for drop-off of students and the parents cooperate with us on it.

Hoover: I really do have sympathy for you on this whole thing. I know working with committees can be difficult but I really do think there are some safety issues with these three curb cuts on Garland. I know that you have explored possibilities, I just find it hard to believe that you have to have that huge extra driveway for four busses everyday, that there is not another way to accommodate the busses that would be much cheaper in the long run, much more economical. I definitely have issues with the extra parking. I know that this has been a long road to travel to get to this point so I really apologize for not being in support of what you've done.

Karr: I need to apologize to the Commission here. We probably should've laid out the plan a little bit better and there probably wouldn't have been all this confusion and questions. I will assure you, I have one of the parent groups tonight that helped work through the plan and all, one of our P.T.O. officers here. We thought we were doing everything that we needed to do. We thought we were working closely with the City. I admit we should've included more things into that plan as it materialized but we were so frantically working and having to change daily with the Highway Department. The deal was on and off, on and off. They kept taking the deal off the table and we never really knew if this thing was ever going to materialize. Then all of a sudden, it came upon us that school is about out, school is going to start August 19th and they told us that the Highway Department is going to get bids in April and May and Garland is going to be torn up. That is our only access to Leverett right now. We were desperate to try to get something as quickly as we can and get it to the Planning Commission to get it through.

Bunch: Before we vote on the large scale, one clarification on the parking that we will probably see in CUP 02-14.00, it states in there that there are currently 70 parking spaces which is not the number that you related to us earlier, and that the reconfiguration is a net loss of nine spaces down to 61. That may have some bearing on some of the confusion for the parking associated with the large scale development. Those numbers in our staff report are not the same that you gave us earlier as far as existing parking spaces.

Karr: Let me get Geoff up here to respond to those numbers.

Bates: I am Geoffrey Bates with Crafton, Tull. Sara Edwards called and counted some more spaces I guess or found some of the existing spaces. To tell you the truth, I am not exactly sure what the number is right now.

Warrick: The 70 that is mentioned in the staff report comes from Sara and myself surveying the site, driving the site, counting the existing spaces. We did include those spaces that are identified and that have been referred to as the polling place parking spaces because when we were on the site they were being utilized as parking spaces. Those are immediately north of the building. There were approximately 25 spaces in that location, 25 spaces in the existing lot off of Hall, which is being proposed to be eliminated and then also an existing 20 spaces that are diagonal spaces and pull through spaces along Garland, which will be eliminated with the widening project.

Bates: We didn't count the ones off of Hall, that is where we made our mistake.

Warrick: That is how we came up with the total of 70.

Bates: Another reason that we have two entries off of Garland is that they are one way. In order to get the busses through there it has to be that wide. You can't get them to swing back around because of some of the terrain. I don't know if you've seen how steep that mountain side is out there but it was due to the terrain and to be able to get a bus to swing around through there.

Hoover: Did you try any scenarios on Cleveland, having the bus drop off on Cleveland but further away from the intersection?

Bates: Some. There just wasn't a whole lot of room. There are all kinds of existing utilities down through there. They are still working on relocating those. The reason that pull off is so big is to allow for three busses to get in there and be completely off of the street.

Hoover: On the south side?

Bates: If they didn't they would be sticking out into Cleveland Street.

Hoover: You have room for three busses to stack up and you have a total of four busses coming everyday?

Bates: Yes.

Hoover: I am really confused then. Why do you need this drive on the north if they can drop off on the south?

- Karr: The south is mainly for handicapped accessibility. We have two or three busses for handicapped in there.
- Hoover: Are those full size busses or smaller?
- Karr: Some are 36 passengers, some are 60 passengers, some are 15 passengers. When we pull in to let one child off at Leverett we may have other wheelchair kids that are going to another school.
- Bates: We really did think this through, we didn't just throw it together.
- Hoffman: Ok, is there anybody else? By the way, I see a gentleman raising his hand, if you are a member of the public I have closed public comment so I'm sorry.
- Bates: I have one more comment. You were talking about the parking lot across the street, for the University. I am pretty sure that they are putting a dorm in there, aren't they going to close those parking lots and put all dorms?
- Hoover: They are putting a dorm in there but it is going to be parking all the way from Garland all the way over to the next street, whatever that is.
- Bates: Won't that just increase the traffic even more on Cleveland?
- Hoover: They will all be accessible from Cleveland. There will be traffic on there, yes.
- Bates: We were really worried about safety concerns too that is why we wanted everybody to get off the street. I have got a three year old daughter and when I take her to school I would open up the door and get her out and walk her in. I don't want to be walking up and down a busy street, I would rather be off.
- Hoover: If you really want to be ideal, it seems like you would use Hall then, that is totally a quiet street.
- Bates: There is a huge drainage problem on Hall.
- Hoffman: Again, a site with a lot of constraints on it seemingly. There have been some good questions raised on all sides, I have to say that. Is there anybody else? We have a motion and a second and this just takes a simple majority. This large scale development, as I understand it, let me ask our City Attorney again. If this passes but the conditional uses that follow fail

because we have to have five affirmative votes, what happens to the large scale?

Williams: The problem would be that the school system has pretty much drawn up their large scale development on the condition that the conditional uses are being granted and their parking can be made. I guess that they could attempt to build their large scale development without the parking lots but that would be a problem. Which lots are they not going to build?

Hoffman: Then I would assume having been on Subdivision Committee before, if the Planning Commission approves something that you don't want I have seen projects have to go back through the Subdivision Committee with revisions. That would be what I assume would be the process. I am just wondering before we ask the question.

Williams: The actual large scale development that you would be approving couldn't be built without the conditions so I don't know how they would go forward and build the large scale development when they can't do it. The stuff that you're looking at wouldn't come out the same way.

Hoffman: That is what I am saying, a revision would come back through the Subdivision Committee and this would be a null and void idea or something.

Conklin: Condition number one states that subject to the approval of the conditional use. If you don't approve the conditional use you are not meeting this condition and it would be coming back as a new project.

Hoffman: Since we have two Planning Commissioners not present and you are aware then that this large scale development would not be valid without the conditional uses, do you want us to still proceed with the vote or do you want to table it?

Karr: When would be the next time? Time is just critical.

Hoffman: I understand.

Warrick: The second Monday in June.

Karr: We couldn't have it ready by August. I would just assume to take my chances right now and go back and say no it is not ready.

Hoffman: Then I will add that all of this is appealable to the City Council, is that correct?

- Williams: It is a very difficult appeal process for a conditional use to be appealed to the City Council requires both of the aldermen in your ward and a third alderman all to bring the appeal to the City Council. It is the most difficult thing to appeal from the Planning Commission to the City Council.
- Conklin: I want to make sure that what we vote on tonight has the potential of passing. If the conditional use doesn't pass maybe there can be a condition that staff could approve a modified plan with the number of parking spaces allowed by code as a minor alteration or modification to the plan. If the concern is the excess 15 additional parking spaces. They, as you heard from Mr. Karr, the pressure is on to get the parking lot built before school opens up in the fall.
- Estes: Mr. Conklin, do I understand correctly that you are proposing that condition of approval number one be amended or modified in some way?
- Conklin: That is correct.
- Estes: I would not as the movement on the motion, I would not be in favor. The reason is that this applicant has brought this before us. The conditions of approval were established by the Planning Department and we have had notice, we've had public comment, and we have had a presentation by the applicant. We have a motion and we have a second and I would call for the question.
- Hoffman: Before we do that, I think Tim's idea has merit because we are hung up on parking and traffic. Would you not accept something that might be if the conditional use does not pass that might be a recommendation say in conjunction with our Traffic Superintendent, Perry Franklin?
- Estes: I have some issues with this large scale development. They have been well stated and well articulated by my fellow Commissioners and I see no need to be repetitious or redundant at this time. I was the movement on the motion, the motion was to approve as prepared and I would call for the question.
- Hoffman: Ok, anybody else?
- Church: I just have a question, I want to make sure I understand. I can vote for the large scale development and then it is still contingent upon whether or not the conditional use passes right?

Hoffman: That is correct and that has to have five affirmative votes. The large scale only has to have the simple majority so that would be four of the six Commissioners. The conditional use then has to have five and I suppose it could be tabled separate from the large scale development. The large scale could stand and you could still table the conditional use if you requested. Renee, would you call the roll please?

Roll Call: Upon completion of roll call the motion to approve LSD 02-14.00 was approved by a vote of 5-1-0 with Commissioner Hoover voting no.

Hoffman: The motion Karries on a vote of five to one.

CUP 02-14.00: Conditional Use (Leverett Elementary School, pp 443) was submitted by Geoffrey Bates of Crafton, Tull, & Associates Inc., on behalf of Fayetteville School District for property located at 1124 W. Cleveland Street. The property is zoned P-1, Institutional and contains approximately 5.41 acres. The request is for 15 parking spaces in excess of that allowed by code.

Hoffman: Our next item is CUP 02-14.00, this request is for fifteen parking spaces in excess of that allowed by code, the recommended motion is that staff recommends approval of the conditional use subject to the following conditions. 1) Compliance with all conditions of the accompanying large scale development. 2) Only two ADA accessible parking spaces will remain in the area adjacent to the gym and cafeteria portions of the school once the new parking lot(s) have been installed. This area will be utilized for ball courts, deliveries, and solid waste service only and not as a general use parking lot. The applicant has been advised of A.D.A. requirements. The applicant is responsible to ensure that these spaces meet A.D.A. requirements, are available during school hours, and to ensure the children's safety within this area. 3) The applicant shall install a sign at the parking area closest to the building on the north side stating that the area is for ADA parking and deliveries/service only in order to prevent general access to that area which will serve as a hard court play area for children. Tim, do you want to elaborate any further? We have pretty much discussed this.

Conklin: The conditional use request is for the fifteen additional parking spaces that is over the maximum number allowed under our current ordinance.

Hoffman: On page 7.3 we have findings that we have to make and I would urge the Planning Commission to go ahead and be specific if there is a movement for this conditional use to make specific findings of fact according to pages 7.3 to 7.5. Does the applicant have any further presentation that you would like to make at this time? Ok, I will take public comment on this item, this is a conditional use for the fifteen additional parking spaces.

Karr: We have forty-five staff members, I may have said that before.

Hoffman: I know the one gentleman came down after watching on T.V., if you have a public comment or if you have a comment that pertains to this item, not the large scale development but just the overage on parking.

Bunch: In our staff report it says we have 51 employees and you said 45.

Karr: We have crossing guards that are there that aren't there all day but they still need parking spaces while they are there, I didn't include that.

Hoffman: Yes Sir, if you will tell us who you are and give us the benefit of your comments.

Lesner: Good evening, my name is Joe Lesner. I live at 1794 Ora Drive. I currently have two children enrolled in Leverett, next year I will have three. In regards to parking, that is just an extreme necessity there for the staff and everybody else. Just as a concerned parent I want to emphasize that point. The other point, I do agree with Ms. Hoover completely about keeping the tree. Yes, there is that empty lot where there was a temporary building earlier. I encourage you to look at that possibility of loading those busses down where that temporary building was that has been removed. I do think it can be done. It may take a little bit out from what they purchased but I think you have a turn out there away from right in front of the school and you can still have gradual walk way up to the school and also if we can keep that tree on the corner of Cleveland and Garland, it is a beautiful tree, I hate to see that leave. My kids love that school and I just want to make that concern.

Hoffman: Thank you so much. Would anyone else like to address us?

Davis: I am Jenny Davis, I'm at 1935 Archer. I am the P.T.O. President at Leverett. I have two kids currently there. I have been involved since the beginning of this since they first started talking about widening Garland and had a definite interest since I had children there. I have worked real closely with Roy Karr and really encouraged all the parties to try to get together because we knew it was going to involve City, School, State Highway Department, and we knew that when it came down to wanting to move dirt and get the job done that it was going to be a complicated effort to get everybody on the same page. Roy Karr has just worked tremendously hard with the staff and with all the P.T.O. and parents that had concerns. Probably the number one concern that we've had has been the safety issue of our kids. I have actually had an accident pulling out of the current parking lot that we have from a University student because we had busses stopped on Cleveland and the University student plowed right into the back of me. What we have right now has not been an ideal situation. Knowing that we were going to be forced into losing the current parking lot and parking spots that we have, our pull in drop off area for the kids, we knew that we had to be real sensitive to safety issues of getting our kids and our parents in and out of there. We want to have enough parking spaces, nobody wants more concrete than we have to have but yet we want enough parking spaces not only for our staff but we look at parents as staff members as well. We constantly want to have as many parent volunteers as possible. If we have parents that come up and there

are no more parking places, obviously, they are not going to stick around to volunteer at the school. We are just trying to address all of the issues and I think we've done a pretty good job of it. We have had more people than we can count that have walked all around the entire circumference of our school trying to figure out a way to keep trees, to protect the children, to provide enough parking spaces, and to answer all the questions that staff has about safety issues. I would just encourage you to trust that we have tried to address the issues that we know have needed to be met as far as City planning rules and all the things that we maybe don't know about. In the end, we have tried to address safety issues as the most important thing for our kids and for our parents.

Hoffman: Thank you very much.

Ucalono: Hello, my name is Joe Euculano. I live at 3155 Woodridge Drive and I also work with the Leverett P.T.O. organization and just want to echo the points that were made. We have worked very diligently with Mr. Roy Karr and his staff in order to try to come up with a compromise proposal in order to provide for the parking that we've been talking about in this conditional use as well as with the utmost concern for children and the safety of our children. I just want to let you know that I don't think we want to take away trees and we don't want to over concretize the parking lots that we have and make more concrete than we need to but we do have a great need for parking around Leverett. As some of the items that were already identified, Leverett School is a very different situation in terms of lots of parent drop-off for children. It is not the kind of school where there is bicycle traffic and things of that nature. If any of you have tried to ride your bicycle up Cleveland hill, children from fifth grade on down would have great difficulty in doing that. I think that what we're trying to do is to try to get as much parking as possible for our parent volunteers, for our faculty and staff who are working in the school. We certainly want to be sure that the safety of the students is there. I think that the gentleman, a fellow parent who is concerned about the drop-off of children with the busses, I respect that consideration. However, I think that the plan that we have put together is a compromise that provides all the safety features that we can for the busses that are coming in there to be able to accommodate those three or four busses at a single time as well as the handicapped parking and sick child kinds of needs that we have talked about. Moving the bus traffic to another location is really not an option, it is an option that we had considered, but it is not one that would be viable based upon the consideration that we've given in numerous hours and countless walks around the building with a number of people. I urge you to give this full consideration.

Hoffman: Thank you. Is there anybody else? I will close public discussion and bring it back to the Planning Commission and to the applicant for discussion and motions.

Estes: I have a question of staff. This was an issue that was developed by Commissioner Bunch earlier in considering the large scale development. In the material that we have we are told that the request is for fifteen parking spaces in excess of that allowed by code and then over in the background, material prepared by staff we are told on the property at this point there are 70 parking spaces, the applicant has proposed to reconfigure and install a total of 61 spaces with this development. While this is a net reduction, the number of proposed spaces still represents 15 spaces more than the City's parking lot ordinance. Then we are told that this equates to a requirement of 36 spaces and an allowance of 43 spaces with the proposed 61 spaces the applicant is then requesting this conditional use permit to allow 18 spaces. Here is my question Mr. Conklin. Is it 18 spaces or is it 15 spaces? Is it 61 spaces or is it 74 spaces? I just want to know what we are being asked to do with this conditional use. Before I vote on it I just want to know what I am being asked to do here. Perhaps the applicant or Mr. Bates or somebody from Crafton, Tull & Associates can help us.

Karr: I can tell you that we are satisfied with 61. I think where the confusion came is we currently have an existing parking lot playground just north of our building and taking out those spaces and only leaving two there for handicap precinct voting will take care of those numbers. We are satisfied with 61.

Estes: I know you would be but 36 plus 18 is 54 and that is what you've asked for and yet then there is the with the proposed 61 spaces.

Hoffman: You get the additional 20% automatically for 43 so 43 plus 18 is 61.

Conklin: Eighteen is the correct number, not fifteen.

Estes: Ok, so back over here on the front it should read that the request is for 18 parking spaces.

Conklin: That is correct.

Estes: Mr. Conklin, what we're being asked to do then is to approve 18 parking spaces in excess of that allowed by code.

Conklin: That is correct, it should've been 18 instead of 15.

Estes: Thank you Madam Chair.

Hoffman: Tim, since there were 70 spaces before the reconfiguration of Garland, would that not give them some kind of a vested interest or a grandfather?

Conklin: Those are completely being eliminated.

Hoffman: But they are used now and they haven't been unused for six months, could we use that clause to avoid the conditional use?

Conklin: We did not look at it that way. We looked at what the current code requires for parking since it was being completely eliminated and calculated that based on one space per 1,200 of classroom space plus 20% over that gave us the 43, 61 spaces are proposed so 18 spaces are being requested for the conditional use.

Hoffman: Again, I am going to be in favor of this with all of its problems. Having been on the P.T.O. board of my son's school a few years back, I understand the importance of being able to get those volunteers in and get them to work. I would urge the rest of the Planning Commission to consider that there were 70 spaces there.

Motion:

Estes: Our ordinance requires one space per 1,200 sq.ft. of classroom space, this equates to a requirement of 36 spaces for this physical plant for this facility. The best evidence that we have that that is not adequate is that on the property at this time there are 70 spaces. The request as I understand it is for 18 parking spaces in excess of that allowed by code which would still be less than the 70 spaces that currently exist and are currently servicing the physical plant. It is for that reason that I would move for approval of CUP 02-14.00.

Hoffman: I have a motion by Commissioner Estes, do I have a second?

Bunch: I will second.

Hoffman: I have a second by Commissioner Bunch, is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call, the motion to approve CUP 02-14.00 was denied by a vote of 3-3-0 with Commissioners Hoover, Allen and Church voting no.

Hoffman: The motion fails on a split vote of three to three. Your conditional use is denied.

CUP 02-16.00: Conditional Use (Fayetteville School District (Leverett), pp 443 was submitted by Geoffrey Bates, P.E. on behalf of the Fayetteville School District for property located at 1124 W. Cleveland Street. The property is zoned R-1, Low Density Residential and contains approximately 0.98 acres. The request is for a playground (Use unit 4) in R-1.

Hoffman: The final conditional use which would be CUP 02-16.00, which was for the property which is zoned R-1, Low Density Residential and contains approximately .98 acres. The request is for a playground (use unit 4) in a R-1 district. Staff recommends approval of the conditional use subject to the following conditions. 1) Compliance with all conditions of the accompanying large scale development. 2) Any changes to this area of the site which result in the installation of additional impervious surface or grading will require review and approval from the Engineering Division with regard to compliance with Grading and Drainage regulations. 3) The existing curb cut which provides access to the existing parking are in this location shall be removed and an continuous curb installed.

Conklin: Madam Chair, since you denied the conditional use, I would like to add the condition since we are moving the playground over, just so it doesn't get lost in any future approvals with regard to the fence, if you could add condition number four with regard to the wrought iron fence located on the west side of Hall.

Hoffman: You want it to say installation of the wrought iron fence of a design and height to be determined between the applicant and staff on the east side of Hall and north side of Cleveland. That is condition number four. Is there any member of the public that wishes to address us on this item? Seeing none, I will bring it back to the applicant and to the Planning Commission for discussion, motions and so forth.

Karr: It says on an existing curb cut which provides access to the existing parking in this location shall be removed and a continuous curb installed. Hall doesn't have curbed streets.

Hoffman: That is probably just talking about the driveway, that is standard terminology for that. Is that right Ron?

Petrie: Is there an existing driveway to the residence that has been removed?

Karr: Yes.

Petrie: I think that is what that was referring to.

Conklin: Yes, there is no curb removal of the driveway so there is no longer any access to that parking area, which I am assuming you would do with the playground being there.

Hoffman: We can just change curb cut to driveway if you would like.

Karr: Ok.

Motion:

Estes: I would move for approval of CUP 02-16.00 subject to the stated conditions of approval with the addition of condition of approval number four that condition being installation of a wrought iron fence north of Cleveland and east of Hall with dimensions and materials subject to the City Planner's approval.

Hoffman: I have a motion by Commissioner Estes, do I have a second?

Bunch: If the mover will entertain the removal of continuous curb installed since there is going to be a fence there and there would be no need for a curb, which would be an added expense on a project which has considerable burden already, if Commissioner Estes will accept that deletion from item three then I will second it.

Estes: The movement accepts the amendment to the motion.

Hoffman: I have a motion by Commissioner Estes and a second by Commissioner Bunch, is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve CUP 02- 16.00 was approved by a vote of 6-0-0.

Hoffman: The conditional use for the playground passes unanimously. Thank you gentlemen.