City of Fayetteville, Arkansas

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

Planning Commission Tentative Agenda

Thursday, February 22, 2024

4:30 PM

City Hall Room 111

Planning Commission Members

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

Senior Assistant City Attorney Blake Pennington

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the February 12, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. ADM-2024-0004: Administrative Item (S. DUNCAN AVE & W. 15TH ST/SOUTH DUNCAN CLUSTER DEVELOPMENT, 561):

Submitted by CRAFTON TULL for property located at S. DUNCAN AVE & W. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 3.16 acres. The request is to extend a previously approved large scale development. - Gretchen Harrison, Senior Planner

3. ADM-2024-0005: Administrative Item (SOUTHWEST OF W. WEDINGTON DR & N. 46TH AVE/WEDINGTON LANDING TOWNHOMES, 438):

Submitted by CRAFTON TULL for property located at SOUTHWEST OF W. WEDINGTON DR & N. 46TH AVE. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE, RMF-12, RESIDENTIAL MULTI-FAMILY, TWELVE UNITS PER ACRE, AND RSF-4, RESIDENTIAL SINGLE-FAMILY FOUR UNITS PER ACRE, and contains approximately 9.22 acres. The request is to extend a previously approved large scale development. - Donna Wonsower, Planner

4. ADM-2024-0006: Administrative Item (685 W. VAN ASCHE DR/THE POINT @ FAYETTEVILLE, 211):

Submitted by JORGENSEN & ASSOCIATES for property located at 685 W. VAN ASCHE DR. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 38.60 acres. The request is to extend a previously approved large scale development. - Jessica Masters, Development Review Manager

5. VAR-2024-0005: Planning Commission Variance (2980 S. HUNT LN/CURTIS, 687):

Submitted by ALAN REID & ASSOCIATES for property located at 2980 S. HUNT LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.79 acres. The request is for a variance from road frontage requirements. - Gretchen Harrison, Senior Planner

Unfinished Business

6. VAR-2024-0002: Planning Commission Variance (EAST OF 1905 E. MISSION BLVD/EAST MISSION BLVD. LLC, 370):

Submitted by DAKOTA DEVELOPMENT for property located EAST OF 1905 E MISSION BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 4.40 acres. The request is for a variance from curb cut requirements.

THIS ITEM WAS TABLED AT THE FEBRUARY 12, 2024 PLANNING COMMISSION MEETING. - Kylee Hevrdejs, Planner

7. VAR-2024-0003: Planning Commission Variance (3733 E. NATCHEZ TRCE/PETERSON, 295):

Submitted by PREMIERE POOLS AND SPAS OF NWA for property located at 3733 E. NATCHEZ TRCE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.00 acres. The request is for a variance from streamside protection requirements.

THIS ITEM WAS TABLED AT THE FEBRUARY 12, 2024 PLANNING COMMISSION MEETING. - Alan Pugh, Staff Engineer

8. CUP-2023-0175: Conditional Use Permit (NORTHWEST OF N. SHILOH DR. & W. CHICORY PL./SPRINGWOODS INVESTMENTS LLC, 248):

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located NORTHWEST OF N. SHILOH DR. & W. CHICORY PL. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 2.43 acres. The request is for Use Unit 38: Mini Storage Units in UT, URBAN THOROUGHFARE Zoning.

THIS ITEM WAS TABLED AT THE JANUARY 8, 2024, AND FEBRUARY 12, 2024 PLANNING COMMISSION MEETINGS. - Kylee Hevrdejs, Planner

New Business

9. VAR-2024-0006: Planning Commission Variance (NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD/RUDY'S BBQ, 595):

Submitted by OLSSON for property located NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 2.74 acres. The request is for a variance to access management standards and non-residential design standards for a commercial structure. - Kylee Hevrdejs, Planner

10. VAR-2024-0007: Planning Commission Variance (436 W. MARTIN LUTHER

KING JR BLVD/NEIDERMANN, 524):

Submitted by 3V DEVELOPMENT for property located at 436 W. MARTIN LUTHER KING JR BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.44 acres. The request is for a variance to urban residential design standards. - Kylee Hevrdejs, Planner

11. LSD-2023-0014: Large Scale Development (1275 N. GREGG AVE/1301 N. GREGG AVENUE, 405):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 1275 N. GREGG AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 4.35 acres. The request is for a 174-unit multi-family development with associated parking. - Donna Wonsower, Planner

12. VAC-2024-0002: Vacation (N. BOB YOUNKIN DR. & W. DRAKE ST/MIDTOWN LANDING, 251):

Submitted by COMMUNITY BY DESIGN for property located at N. BOB YOUNKIN DR. & W. DRAKE ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains 1.16 acres. The request is to vacate a 140 square foot (0.003 acres) portion of right-of-way. - Donna Wonsower, Planner

13. CUP-2024-0002: Conditional Use Permit (1251 N. LEVERETT AVE/INDO-BANGLA GROCERY, 405):

Submitted by AKM HOQUE for property located at 1251 N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.50 acres. The request is for Use Unit 12a: Limited Business (grocery store and associated parking) in RMF-24 zoning.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Kylee Hevrdejs, Planner

14. CUP-2024-0003: Conditional Use Permit (2716 S. SCHOOL AVE/LAUGHLIN, 639):

Submitted by JUSTIN LAUGHLIN for property located at 2716 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.03 acres. The request is to use the structure as a warehouse and for off-site parking. - Donna Wonsower, Planner

15. RZN-2023-0037: Rezoning (EAST OF E. 9TH ST & S. WASHINGTON AVE/EQUITY TRUST CO. CUSTIODIAN, 563):

Submitted by DAKOTA DEVELOPMENT LLC for property located EAST OF E.

9TH ST & S. WASHINGTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.00 acre. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Gretchen Harrison, Senior Planner

16. RZN-2024-0001: Rezoning (3006 N. OLD MISSOURI RD/OLD MISSOURI LAND DEVELOPMENT LLC, 253 & 254):

Submitted by JORGENSEN & ASSOCIATES for property located at 3006 N. OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES GENERAL, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 6.31 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE and R-A, RESIDENTIAL - ARGRICULTURAL. - Kylee Hevrdejs, Planner

17. CUP-2023-0168: Conditional Use Permit (353 N. SAINT CHARLES AVE/ADAMS, 484):

Submitted by KATHY BALL for property located at 353 N. SAINT CHARLES AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.06 acres. The request is to use the residence as a short-term rental. - Gretchen Harrison, Senior Planner

18. CUP-2023-0169: Conditional Use Permit (1960 W. WILKINS PL/AWAN, 253):

Submitted by STEPHANIE STRACK INTERIORS for property located at 1960 W. WILKINS PL. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff

19. LSP-2023-0056: Lot Split (N. RUPPLE RD, NORTH OF DONALD W. REYNOLDS BOYS & GIRLS GLUB/MEADOWVIEW SENIOR LIVING, 439):

Submitted by ENGINEERING SERVICES INC for property located on N. RUPPLE RD, NORTH OF DONALD W. REYNOLDS BOYS & GIRLS GLUB. The property is zoned NS-L, NEIGHBORHOOD SERVICES-LIMITED and contains approximately 11.62 acres. The request is to divide the property into two lots containing 5.62 and 6.00 acres. - Donna Wonsower, Planner

20. LSP-2023-0061: Lot Split (6964 W. DAVIS RD/STANLEY, 278):

Submitted by ALAN REID & ASSOCIATES for property located at 6964 W. DAVIS RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 12.47 acres. The request is to subdivide the property into two lots containing 10.31 and 2.16 acres. - Donna Wonsower, Planner

21. LSP-2023-0064: Lot Split (1623 S. ED EDWARDS RD/WILLIAMS, 610):

Submitted by BATES & ASSOCIATES for property located at 1623 S. ED EDWARDS RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 5.25 acres. The request is to subdivide the property into two lots containing 2.54 and 2.71 acres. - Donna Wonsower, Planner

22. LSP-2023-0068: Lot Split (560 N. HIGHLAND AVE/TAMIJANI, 445):

Submitted by BATES & ASSOCIATES for property located at 560 N. HIGHLAND AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.25 acres. The request is to subdivide the property into two lots containing 0.15 and 0.10 acres. - Kylee Hevrdejs, Planner

23. LSP-2024-0004: Lot Split (655 N. GENEVIEVE AVE/WONNACOTT, 436):

Submitted by BLEW & ASSOCIATES for property located at 655 N. GENEVIEVE AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.49 acres. The request is to divide the property into two lots containing approximately 0.27 and 1.22 acres. - Donna Wonsower, Planner

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

Interpreters of TDD, Telecomminications Device for the Deaf, are available for all public hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

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

(pg. 1) Planning Commission		Monday, 02/12/2024				
Time:	**5:30 PM**					
Staff :	☒ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Kylee Hevrdejs					
	☒ Britin Bostick ☒ Sherry Smith ☒ Josh Boccaccio ☒ Melissa Boyd ☒ Fire Marshal/Andrew Horton ☐ Chris Brown ☒ Alan Pugh					
	Roll Call	**1) Minutes 01-22-2024**	**2) ADM-2024-0003 (SOUTHERN-WOODS)**	**3) VAR-2023-0055 (MEADOWVIEW OF FAYETTEVILLE)**	**4) VAR-2024-0001 (STANLEY)**	**5) ADM-2023-0052 (AMEND UDC CHAPTER 166)**
Winston	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Sparkman	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Holcomb	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**Consent**	**Consent**	**Consent**	**Consent**	**Old**
Motion By		Garlock	Garlock	Garlock	Garlock	Sparkman
Motion 2nd		Madden	Madden	Madden	Madden	Brink
Vote		9-0-0	9-0-0	9-0-0	9-0-0	9-0-0
Action		Approve	Approve	Approve	Approve	Forward
Time		5:33 PM	5:33 PM	5:33 PM	5:33 PM	6:03 PM
Motion Detail						
Public Comment		0	0	0	0	1

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/8225?site=1

	6) CUP-2023-0175 (SPRINGWOODS INVESTMENTS)	7) PPL-2023-0006 (THE ELEMENT PH 4)	8) CUP-2023-0180 (HARRIS-PITTMAN)	9) ADM-2024-0001 (MASTER STREET PLAN MODIFICATION REQUEST)		10) VAR-2024-0002 (EAST MISSION BLVD)	11) VAR-2024-0003 (PETERSON)
Winston	1	1	1	1	1	1	1
McGetrick	1	1	1	0	0	1	1
Sparkman	1	1	1	0	0	1	1
Brink	1	1	1	0	0	1	1
Garlock	1	1	1	0	0	1	
Madden	1	1	1	0	0	1	1
Payne	1	1	1	1	1	1	1
Gulley	1	1	1	0	0	1	1
Holcomb	1	1	1	0	1	1	1
Agenda	**Old**	**Old**	**Old**	**New**		**New**	**New**
Motion By	Brink	Brink	Payne	Payne	Garlock	Brink	Brink
Motion 2nd	Garlock	Payne	Winston	Winston	Sparkman	Payne	Payne
Vote	9-0-0	9-0-0	9-0-0	2-7-0	3-6-0	9-0-0	8-0-0
Action	Table	Approve	Approve	Table	Approve	Table	Table
Time	6:05 PM	6:12 PM	6:24 PM	7:58 PM		8:00 PM	8:01 PM
Motion Detail	Untill February 26, 2024 Planning Commission Meeting.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	Failed Motion to extend time by Brink 2nd by Gulley - Withdrawn		Untill February 26, 2024 Planning Commission Meeting.	Untill February 26, 2024 Planning Commission Meeting.
Public Comment	0	0	0	13		0	0

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	12) VAR-2024-0004 (TRINITAS DEVELOPMENT)	13) LSD-2023-0021 (DRAKE FIELD AIRPORT)	14) CUP-2023-0191 (ROBERTS DIGRAZIA)	15) CUP-2023-0193 (BATES)	16) CUP-2023-0195 (EARTHMAN)	17) CUP-2023-0196 (HOLLAND)
Winston	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**0**	**1**				
Sparkman	**0**	**1**	**0**	**0**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**0**	**1**	**0**	**0**	**0**	**1**
Madden	**0**	**1**	**0**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**0**	**1**	**1**	**0**	**1**	**1**
Holcomb	**1**	**1**	**1**	**1**	**1**	**1**
Agenda	**New**	**New**	**New**	**New**	**New**	**New**
Motion By	Sparkman	Payne	Payne	Brink	Brink	Garlock
Motion 2nd	Winston	Brink	Brink	Payne	Payne	Sparkman
Vote	4-5-0	9-0-0	5-3-0	5-3-0	7-1-0	8-0-0
Action	Approve	Approve	Approve	Approve	Approve	Approve
Time	8:54 PM	8:57 PM	9:10 PM	9:19 PM	9:35 PM	9:38 PM
Motion Detail	Failed	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.
Public Comment	**1**	**0**	**2**	**0**	**1**	**0**

A video of this meeting is accessible through the link below:
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CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: February 26, 2024

SUBJECT: **ADM-2024-0004: Administrative Item (NW OF S. DUNCAN AVE. & W. 15TH ST./DUNCAN AVENUE CLUSTER DEVELOPMENT, 561):** Submitted by CRAFTON TULL for property located NW OF S. DUNCAN AVE. & W. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 3.16 acres. The request is to extend a previously approved large scale development.

RECOMMENDATION:
Staff recommends approval of **ADM-2024-0004**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2024-0004** with conditions as recommended by staff."*

BACKGROUND:
The subject property is in south Fayetteville on the west side of Duncan Avenue approximately 250 feet north of 15th Street. The property contains 3.16 acres, is zoned RMF-24, Residential Multi-Family - 24 Units per Acre, and is currently undeveloped. From at least the mid-1960s until 2018, the property operated as a mobile home park with approximately 55 units. In 2018, the Planning Commission denied a Conditional Use Permit request to use the property as an RV park. On November 14, 2022, a large scale development (LSD-2022-0023) was approved by the Planning Commission which allowed the property to be developed with a 39-unit cluster housing development. Surrounding land use and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Residential	RMF-24, Residential Multi-Family, 24 Units per Acre C-2, Thoroughfare Commercial
West	Industrial	RMF-24, Residential Multi-Family, 24 Units per Acre I-2, General Industrial
East	Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The applicant requests a one-year extension to LSD-2022-0023. The large scale development originally received approval on November 14, 2022, and the applicant submitted a letter requesting a one-year extension on January 17, 2024.

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

DISCUSSION:
Staff supports the applicant's request to extend their large scale development approval until November 14, 2024. The request was received before May 14, 2024, which is the applicant's deadline to request a one-year extension from the Planning Commission. The applicant's request letter speaks to how they secured their grading permit last year and are actively working towards securing building permits. Staff finds that the applicant has demonstrated a good faith effort to complete the work and therefore recommends approval.

RECOMMENDATION: Staff recommends approval of ADM-2024-0004 with the following conditions.

Conditions of Approval:

1. A one-year extension for LSD-2022-0023 will expire on November 14, 2024;

2. All other conditions of the associated large scale development (LSD-2022-0023) not affected by this extension shall remain in effect; and

3. Approval of this extension does not represent approval of other development issues that have not been fully reviewed at this stage, nor does it represent development entitlement or approval for any associated plan.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- LSD-2022-0023 Conditions of Approval
- LSD-2022-0023 Site Exhibit
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map

LSD-2022-0023 Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no right-of-way dedication;*

   Planning Commission voted in favor of this.

2. **Planning Commission determination of street improvements.** *Staff recommends six-foot sidewalk along the property's Duncan Avenue frontage;*

   Planning Commission voted in favor of this.

3. **Planning Commission determination of a variance to UDC §164.22(G)(2): Building Orientation.** *Staff is supportive of this variance request;*

   Planning Commission voted in favor of this.

4. **Planning Commission determination of a variance to UDC §166.08(F)(2)(c): Access Management – Residential Links.** *Staff is supportive of this variance request, recommending that the driveway be shifted farther south so that the radius return does not cross the side property line to avoid conflicts with the adjacent driveway to the north;*

   Planning Commission voted in favor of this.

5. Fees in-lieu of parkland dedication shall be paid prior to the issuance of building permits;

6. Since the build-to requirement is not being met, an administrative build-to zone exemption and/or a Board of Adjustment variance must be granted for this project prior to the issuance of building permits;

7. All common open space shall be improved for passive or active recreational use. A condominium association, homeowner's association, or similar mechanism to maintain the common amenities shall be established prior to the issuance of building permits. The City of Fayetteville does not enforce these private agreements, but will require that an agreement be in place prior to issuing building permits;

8. All remaining comments from the Planning Division shall be addressed, including:
   a. Update open space calculation to reflect the current number of units (300 sq.ft./unit x 39 units = 11,700 sq.ft.). Make sure provided common open space and site coverage totals are still accurate.
   b. Each bicycle rack should have at least 3 ft x 8 ft of clear space, paved or unpaved, beside the rack to ensure that it can support two bicycles. Right now, the space for bicycle parking spaces appear to overlap with each other and/or sidewalks.

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

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

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

LSD-2022-0023 Conditions of Approval:

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

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

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

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

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

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

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

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

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

21. Prior to the issuance of a building permit the following is required:
   a. Grading and drainage permits;
   b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
   c. Exterior lighting package must be provided to the Planning Division;
   d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
   e. Project Disk with all final revisions; and
   f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

NOTE:
1. FOR ROADS 20 TO 26 FEET IN WIDTH, NO PARKING-FIRE LANE SIGNS SHALL BE PROVIDED ON BOTH SIDES OF THE STREET AS REQUIRED BY 2012 IFC 503.3 & D103.6.1

PARKING REQUIREMENTS:

PARKING REQUIRED:

CLUSTER DEVELOPMENT
39 UNITS
2 PER UNIT = 78 REQUIRED
BICYCLE
BIKE RACKS = 39 REQUIRED

PROVIDED PARKING:

OFF-STREET PARKING = 78
BIKE RACKS = 39

BUILDING SETBACKS:

ZONING: RMF-24
FRONT = 0-25' BUILD TO ZONE
SIDE SINGLE & TWO (2) FAMILY = 5'
REAR OTHER USES = 20'
REAR SINGLE FAMILY = 5'

* NOTE: LOTS 19 & 36 TO BE CONSIDERED AS COMMON OPEN SPACE.

RESIDENTIAL DENSITY

SITE AREA TOTAL: 3.18± ACRES
TOTAL UNITS: 39 UNITS TOTAL
TOTAL LOTS PROPOSED: 39 BUILDABLE LOTS
41 LOTS TOTAL

LEGEND (EXISTING SYMBOLS)

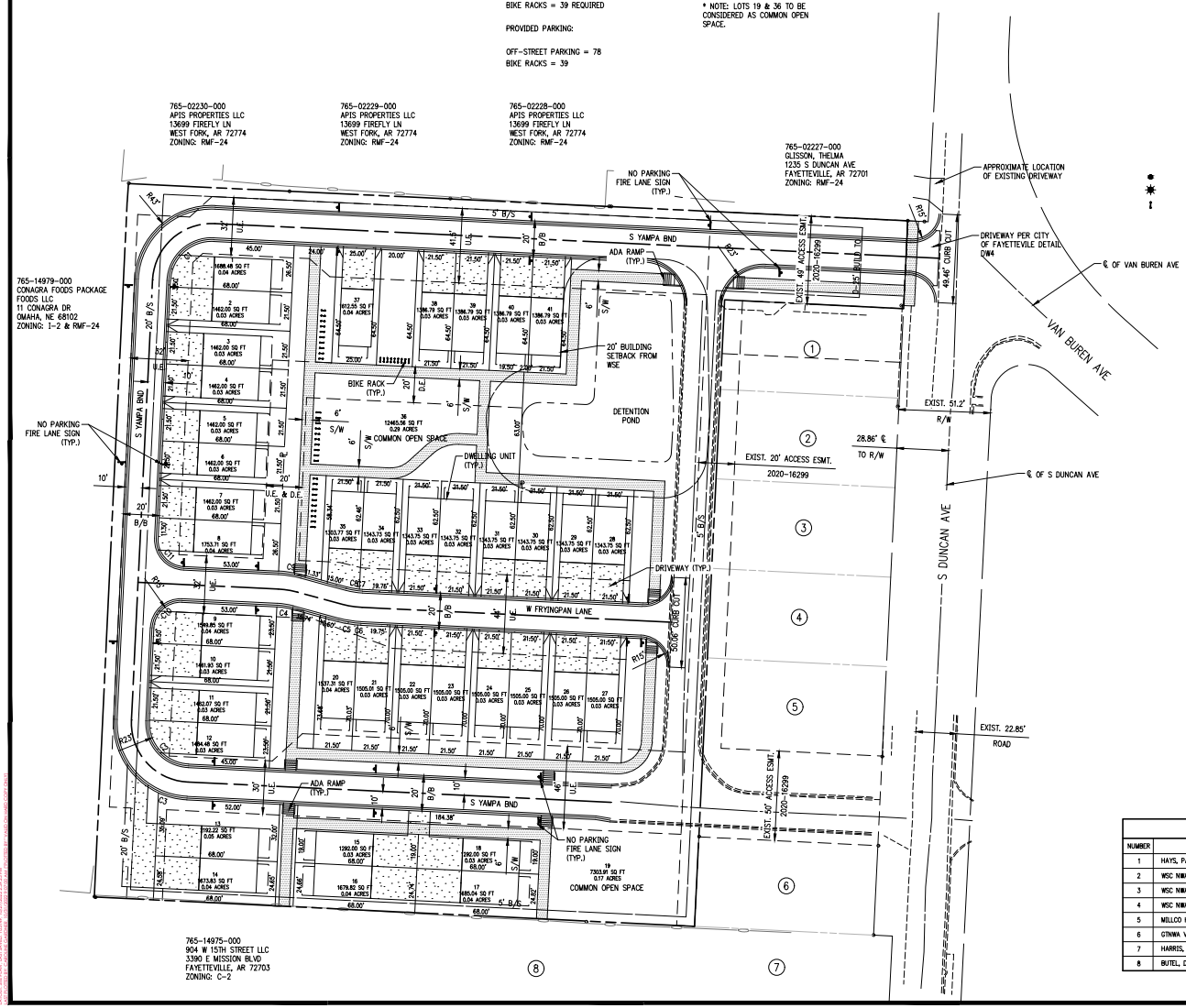
SYMBOLS
- FOUND IRON PIN
- LIGHT POLE

LINEWORK
- EASEMENT
- CURB
- CHAIN LINK FENCE
- WOOD FENCE
- RIGHT OF WAY
- ROAD CENTERLINE

LEGEND (CONSTRUCT)

SYMBOLS
- SET IRON PIN
- LIGHT POLE
- BIKE RACK

LINEWORK
- EASEMENT
- CURB
- BUILDING SET BACK
- DWELLING UNIT
- RIGHT OF WAY
- PROPERTY LINE
- ROAD CENTERLINE



ADJACENT PROPERTY OWNERS

NUMBER	PROPERTY OWNER	ADDRESS	PARCEL NUMBER	ZONING
1	HAYS, PALMER	1633 S TALLY HO DR FAYETTEVILLE, AR	765-14971-099	RMF-24
2	WSC NWA DEVELOPMENT LLC	PO BOX 4099 FAYETTEVILLE, AR	765-14971-100	RMF-24
3	WSC NWA DEVELOPMENT LLC	PO BOX 4099 FAYETTEVILLE, AR	765-14970-004	RMF-24
4	WSC NWA DEVELOPMENT LLC	PO BOX 4099 FAYETTEVILLE, AR	765-14970-001	RMF-24
5	MILLCO HOMES LLC	885 E TOWNSHIP FAYETTEVILLE, AR	765-32267-000	RMF-24
6	GTNWA VENTURES LLC	1457 E ROBINSON AVE. SPRINGDALE, AR	765-14970-006	RMF-24
7	HARRIS, NANCY CAROL	1433 S DUNCAN AVE. FAYETTEVILLE, AR	765-14974-000	RMF-24
8	BUTEL, DIANA S	601 KINGS DR BENTONVILLE, AR	765-14973-000	RMF-24

SITE NOTES

1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, GABION WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATIONS ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY/STATE/FEDERAL REGULATIONS AND CODES AND OSHA STANDARDS.
3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
4. ALL CURB DIMENSIONS AND RADII ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL PAVEMENT MARKINGS DIMENSIONS FACE OF CURB UNLESS OTHERWISE NOTED.
6. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
7. ALL CURB/SIDEWALK/HANDICAP RAMP DESIGNS SHALL CONFORM TO ADA STANDARDS OR LOCAL RESTRICTIVE CODES, WHICHEVER IS MORE RESTRICTIVE.
8. CONTRACTOR SHALL ENSURE ALL NECESSARY PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION START.
9. CONTRACTOR SHALL MATCH NEW CURB AND GUTTER, CONCRETE, AND PAVEMENT TO EXISTING IN GRADE AND ALIGNMENT.
10. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.

SITE STABILIZATION AND CERTIFICATION

CRAFTON TULL CANNOT CERTIFY THE SITE AS COMPLETE IN ORDER TO OBTAIN THE CERTIFICATE OF OCCUPANCY UNTIL ALL DISTURBED AREAS RELATED TO THE CONSTRUCTION OF THE PROJECT, BOTH ONSITE AND OFFSITE, HAVE BEEN STABILIZED PER THE PLANS AND SPECIFICATIONS AND ALL REQUIREMENTS SPELLED OUT IN PERMITS ISSUED BY THE STATE AND LOCAL AUTHORITIES HAVE BEEN MET.

300 N College Ave, Suite 309
Fayetteville, AR 72703
Crafton Tull
architecture | engineering | surveying | interiors
(479) 443-4506
www.crafton-tull.com

CERTIFICATE OF AUTHORIZATION:

GRAPHIC SCALE IN FEET
30' 0 30'

SOUTH DUNCAN CLUSTER
FAYETTEVILLE, AR

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 22300900
ISSUE DATE: 10/03/22
CONTACT: C. GARDNER
REV:
REV DATE:
PRELIMINARY PLANS

NOT FOR CONSTRUCTION
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL SIGNED AND SEALED DOCUMENT

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SITE PLAN

C-102

Crafton Tull
architecture | engineering | surveying

300 North College, Suite 317
Fayetteville, AR 72701
479.455.2207
craftontull.com

January 17, 2024

Ms. Gretchen Harrison
Senior Planner – City of Fayetteville
125 W Mountain St, Fayetteville, AR 72701

RE: LSD Extension Request
LSD-2022-0023
South Duncan Cluster

Dear Ms. Harrison,

South Duncan Cluster, located S Duncan Ave and S Van Buren Ave, was approved at Planning Commission on November 14, 2022. As the Large-Scale Development permit expires on November 14, 2023, an extension is requested for an additional year until November 14, 2024.

The development was given a grading permit in February 2023, GRD 2022-0118. The development is still under construction. This request is to allow more time for the development to finish construction and acquire building permits.

Thank you for your consideration and please let me know if you have any questions.

Caroline Gardner

Caroline Gardner, P.E.

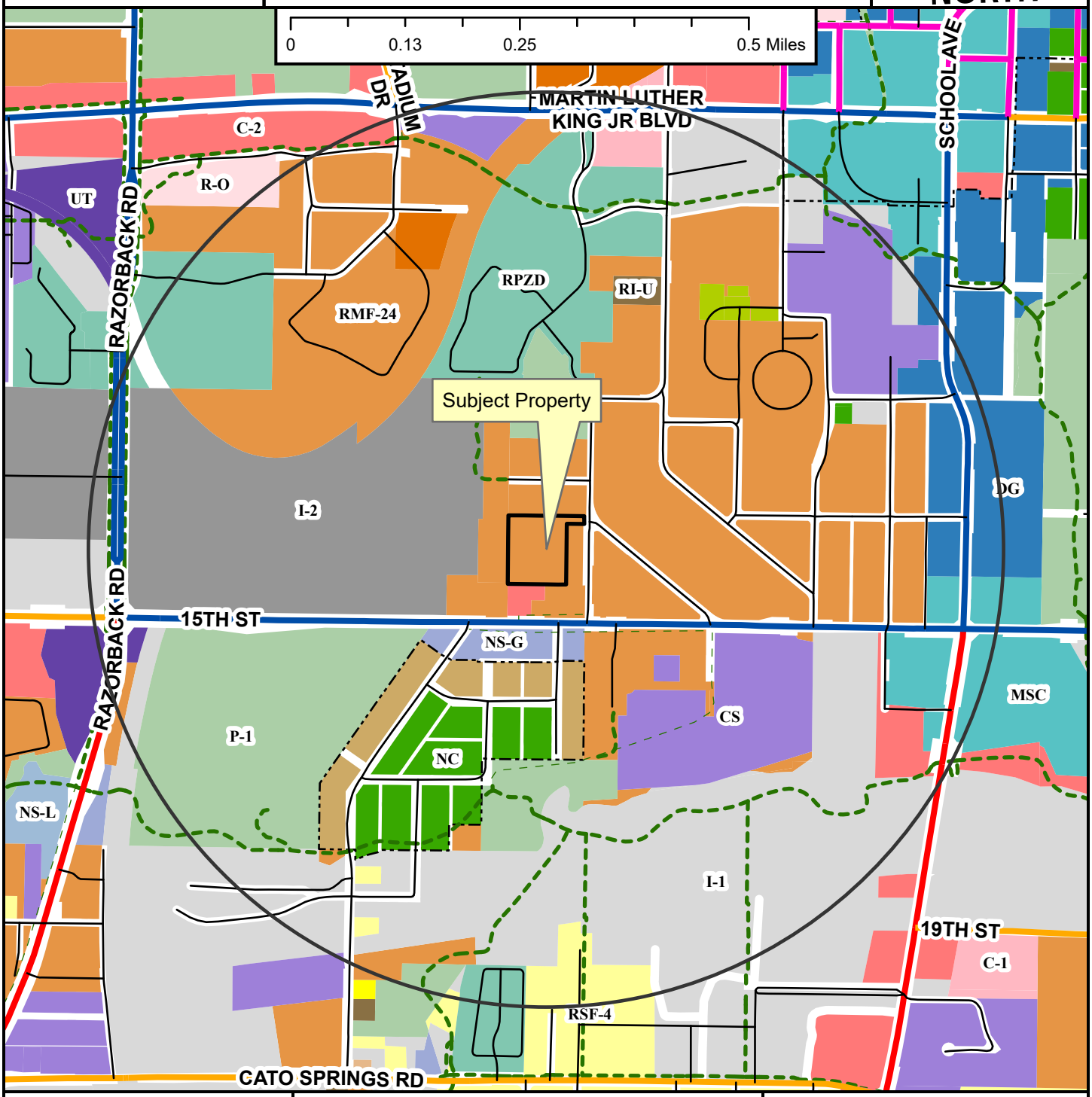
Project Engineer

ADM-2024-0004

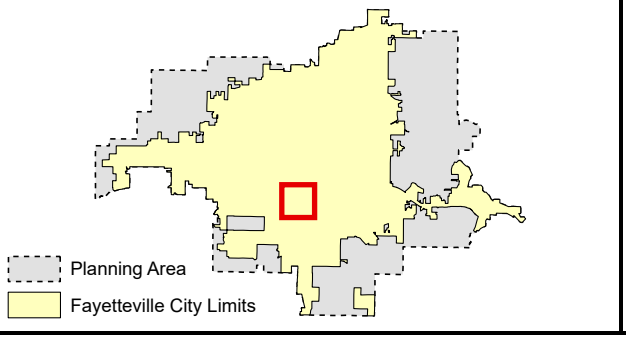
One Mile View

S. DUNCAN AVE AND W. 15TH ST

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

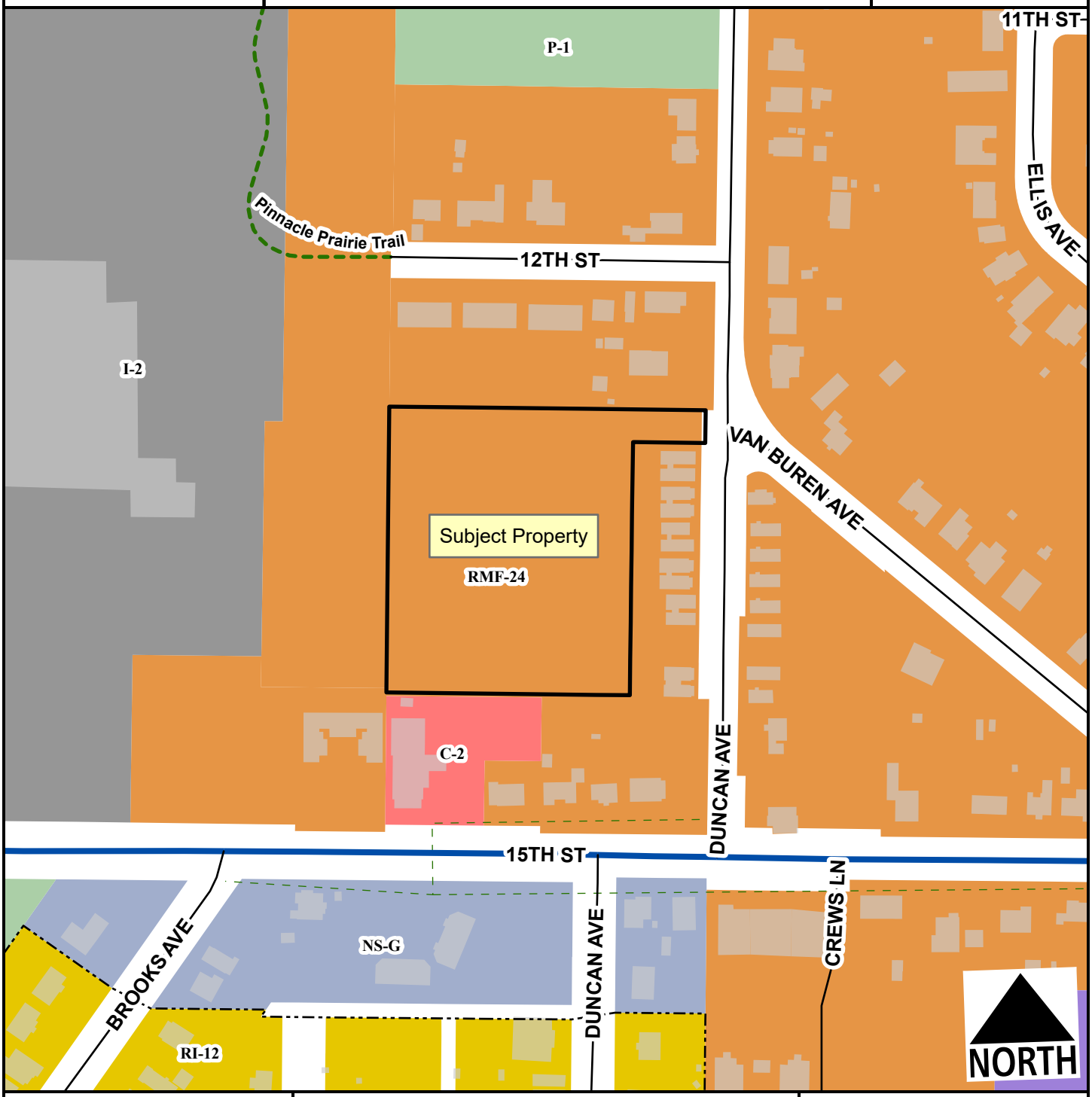
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2024-0004

Close Up View

S. DUNCAN AVE AND W. 15TH ST



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

Feet

0 75 150 300 450 600

1:2,400

- RI-12
- RMF-24
- I-2 General Industrial
- C-2
- Community Services
- Neighborhood Services - Gen.
- P-1

ADM-2024-0004

Current Land Use

S. DUNCAN AVE AND W. 15TH ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: February 26, 2024

SUBJECT: **ADM-2024-0005: Administrative Item (SOUTHWEST OF W. WEDINGTON DR. & N. 46TH AVE./WEDINGTON LANDING TOWNHOMES, 438):** Submitted by CRAFTON TULL for property located SOUTHWEST OF W. WEDINGTON DR. & N. 46TH AVE. The property is zoned RESIDENTIAL MULTI-FAMILY, TWELVE UNITS PER ACRE, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE, AND RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 9.22 acres. The request is to extend a previously approved Large-Scale Development.

RECOMMENDATION:
Staff recommends approval of **ADM-2024-0005**, with conditions.

RECOMMENDED MOTION:
"I move to approve **ADM-2024-0005** with conditions as recommended by staff."

BACKGROUND:
The subject property is in west Fayetteville southeast of the intersection of W. Wedington Drive and N. 46th Avenue. A property line adjustment that is not yet reflected in the city GIS maps was recorded in March 2023 to align the parcel with the proposed development boundaries. The property is approximately 9.22 acres and is zoned a mixture of Residential Multi-Family, Twelve Units per Acre (RMF-12), Residential Single-Family, Eighteen Units per Acre (RSF-18) and Residential Single-Family, Four Units per Acre (RSF-4). The property and much of its surroundings are currently undeveloped agricultural land with low density single-family dwellings. The property received approval on February 17, 2022 (LSD-2021-000028) for the construction, and an administrative extension was granted on March 13, 2023, extending the approval through February 17, 2024. The grading permit (GRD-2022-0064) was conditionally approved on November 2, 2022. Surrounding land use and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped / Agricultural	R-O, Residential Office
South	Single-Family Residential / Agricultural	R-A, Residential Agricultural RSF-4, Residential Single-Family, 4 Units per Acre; NC, Neighborhood Conservation
East	Single-Family Residential	R-A, Residential Agricultural R-O, Residential Office
West	Agricultural	NC, Neighborhood Conservation

Proposal: Under 166.20, the applicant requests an extension from the Planning Commission for LSD-2021-000028, a 76-unit multi-family complex consisting of ten 5-unit buildings, five 4-unit buildings, two 3-unit buildings, and an associated clubhouse. The applicant submitted a request letter to the Planning Division on January 24, 2024, prior to the elapse of the project extension approval.

DISCUSSION:
Staff recommends approval of the applicant's extension request. Unified Development Code section 166.20(B)(4) indicates that an additional one-year extension can be granted by the Planning Commission subject to the applicant providing good cause. The applicant received a conditional grading permit in November of 2022 but has not yet been issued a full permit. An extension was granted for the conditional grading permit through May 2, 2024. The proposed plans include the following minor modifications: the addition of one curb inlet, one aquaswirl unit, and a gravel access road to the pond. These are construction level details which don't necessarily require Planning Commission approval or consideration. Neither building permits nor an easement plat have been submitted for the project at this time.

Staff notes that the large-scale development was originally submitted by a different developer and engineering team and that the project has since changed hands with a new engineering team hired in January 2023. Staff finds that the extension will allow the project to keep moving forward, allowing the new team to secure funding and finalize necessary permits.

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

RECOMMENDATION: Staff recommends approval of ADM-2024-0005, with the following conditions.

1. A one-year extension for LSD-2021-000028 will expire on February 17, 2025; One additional extension is permitted per Chapter 166.20(c).

2. All conditions of approval of LSD-2021-000028 not affected by this extension shall remain in effect;

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

PLANNING COMMISSION ACTION: Required <u>YES</u>

Date: <u>February 26, 2024</u> ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

Attachments:

- 166.20 Expiration of Approved Plans and Permits
- LSD-2021-000028 Conditions of Approval
- LSD-2021-000028 Site Plans
- Applicant Request Letter
- One Mile Map
- Close Up Map
- Current Land Use Map

166.20 Expiration Of Approved Plans And Permits

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

(1) Preliminary plats;

(2) Planned zoning district developments;

(3) Conditional uses;

(4) Large-scale developments;

(5) Lot splits;

(6) Physical alteration of land (grading)/storm water, drainage, and erosion control (drainage) permit;

(7) Tree preservation plans; and

(8) Floodplain development permits.

(B) Time Limit.

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

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

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

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

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

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

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

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

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

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

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

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

(C) Three (3) Year Time Limit.

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

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

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

(Ord. No. 5155, 7-15-08); Ord. No. 5425, 8-2-11; Ord. No. 6446 , §8(Exh. C), 6-15-21)

LSD-2021-000028 CONDITIONS OF APPROVAL

Conditions of Approval:

1. Subdivision Committee recommendation of street improvements. *Staff recommends the development construct the N. 46th Avenue frontage to the Master Street Plan Standard including a 10-foot trail, 6-foot greenspace, curb and gutter, 7-foot parking lane, and a 10-foot drive lane, along with streetlights and street trees.*

2. Subdivision Committee recommendation of right-of-way dedication. *Staff recommends the applicant dedicate ample right-of-way new street centerline in order to account for the above-mentioned street improvements.*

3. Payment of money-in-lieu money in-lieu of parkland dedication amounting to $48,080 dollars for 76 multi-family units and 6 single family dwellings at the rate approved in 2018 shall be paid prior to building permit.

4. All remaining comments from other City departments and divisions, including Engineering, Urban Forestry, and 9/11 Addressing, shall be addressed.

Standard conditions of approval:

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

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

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

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

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

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

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

LSD-2021-000028 CONDITIONS OF APPROVAL

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

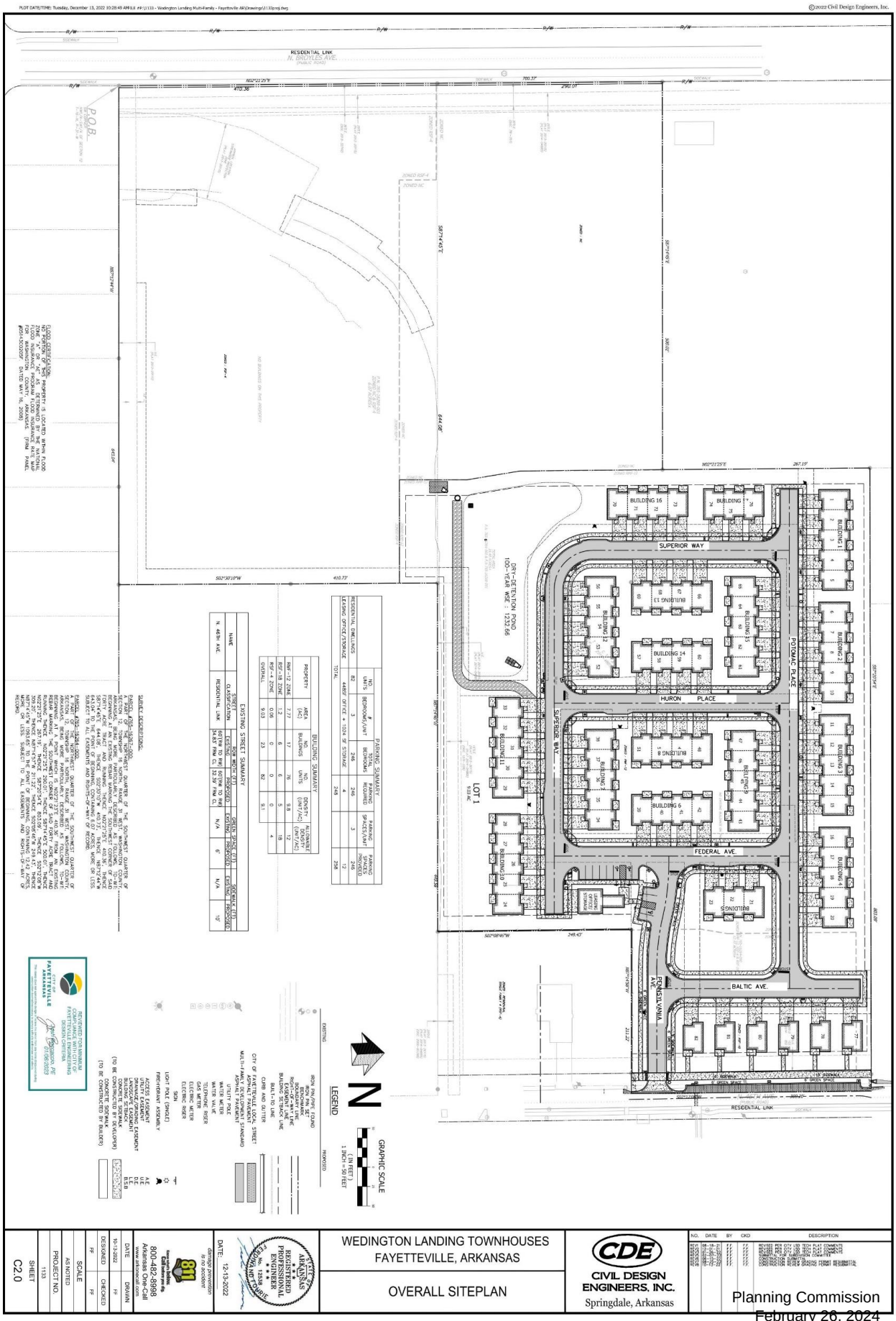
9. Large scale development shall be valid for one calendar year;

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

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

12. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;
    d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
    e. Project Disk with all final revisions; and
    f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

SITE PLANS


WEDINGTON LANDING TOWNHOUSES
FAYETTEVILLE, ARKANSAS
OVERALL SITEPLAN
CDE
CIVIL DESIGN ENGINEERS, INC.
Springdale, Arkansas
SUPERIOR WAY
HURON PLACE
POTOMAC PLACE
FEDERAL AVE.
BALTIC AVE.
SUSQUEHANNA AVE.
RESIDENTIAL LINK
N. BREYLES AVE.
DRY-DETENTION POND
100-YEAR WSE : 1222.66
LOT 1
LEGEND
GRAPHIC SCALE
1 INCH = 50 FEET
SCALE
AS NOTED
PROJECT NO.
1133
SHEET
C2.0
DATE: 12-13-2022
DESIGNED FF
DRAWN FF
CHECKED FF
Planning Commission
February 26, 2024
ADM-2024-0005 (WEDINGTON LANDING TOWNHOMES)
Page 8 of 13
Page 26 of 262

PARKING SUMMARY						
	NO. UNITS	# BEDROOMS/UNIT	TOTAL BEDROOMS	PARKING REQUIRED	PARKING SPACES/UNIT	PARKING SPACES PROVIDED
RESIDENTIAL DWELLINGS	82	3	246	246	3	246
LEASING OFFICE/STORAGE	4485SF OFFICE + 1024 SF STORAGE			4		12
TOTAL				248		258

BUILDING SUMMARY					
PROPERTY	AREA (AC)	NO. BUILDINGS	NO. UNITS	DENSITY (UNIT/AC)	ALLOWABLE DENSITY (UNIT/AC)
RMF-12 ZONE	7.77	17	76	9.8	12
RSF-18 ZONE	1.2	6	6	5	18
RSF-4 ZONE	0.06	0	0	0	4
OVERALL	9.03	23	82	9.1	

EXISTING STREET SUMMARY								
NAME	STREET CLASSIFICATION	ROW WIDTH (FT)		GREEN SPACE (FT)		SIDEWALK (FT)	
		EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED
N. 46TH AVE.	RESIDENTIAL LINK	60'(RW TO RW) 34.83' FRM CL	60'(RW TO RW) 32.39' FRM CL	N/A	6'	N/A	10'

BUILDING COVERAGE SUMMARY

TOTAL BUILDING AREA WITH PORCHES	: 81,855 SF
TOTAL SITE AREA	: 393,347 SF
SITE COVERAGE	: 21%
MAX SITE COVERAGE ALLOWED	: 50%

SURVEY DESCRIPTIONS:

PARCEL #765-16267-000:
A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, 10-WI: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°21'25"E 410.36', THENCE S87°14'45"E 644.08', THENCE S02°30'10"W 410.73', THENCE N87°12'44"W 643.04' TO THE POINT OF BEGINNING, CONTAINING 6.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PARCEL #765-16264-000:
A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, 10-WI: BEGINNING AT A POINT WHICH IS N02°21'25"E 410.36' FROM AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°21'25"E 290.01', THENCE S87°14'45"E 500.01', THENCE N02°21'25"E 267.19', THENCE S87°20'54"E 803.09', THENCE S02°12'08"W 309.20', THENCE N87°14'57"W 211.22', THENCE S02°08'46"W 249.43', THENCE N87°14'45"W 1093.65' TO THE POINT OF BEGINNING, CONTAINING 12.42 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS. (FIRM PANEL #05143C0205F. DATED MAY 16, 2008)

NO.	DATE	BY	CKD	DESCRIPTION
1				PRELIMINARY PLAN COMMENTS
2				PRELIMINARY PLAN COMMENTS
3				PRELIMINARY PLAN COMMENTS
4				PRELIMINARY PLAN COMMENTS
5				PRELIMINARY PLAN COMMENTS

CDE
CIVIL DESIGN ENGINEERS, INC.
Springdale, Arkansas

WEDINGTON LANDING TOWNHOUSES
FAYETTEVILLE, ARKANSAS
SITE PLAN

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 12538
FERDINAND FOURIE
DATE: 12-13-2022

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

DATE	DRAWN
10-13-2022	FF
DESIGNED	CHECKED
FF	FF
SCALE	
AS NOTED	
PROJECT NO.	
1133	
SHEET	
C2.1	

©2022 Civil Design Engineers, Inc.

APPLICANT REQUEST LETTER

Crafton Tull
architecture | engineering | surveying

300 North College, Suite 317
Fayetteville, AR 72701
479.455.2207
craftontull.com

January 26, 2024

Donna Wonsower
Development Review Manager – City of Fayetteville
125 W Mountain St, Fayetteville, AR 72701

RE: LSD Extension Request
LSD-2021-000028
Wedington Landing

Dear Ms. Wonsower,

Wedington Landing Townhomes, located southwest of W. Wedington Dr and N. 46th Avenue, was approved at Planning Commission on February 17, 2022. An extension was granted administratively until February 17, 2024. We are requesting another extension from Planning Commission for an additional year until February 26, 2025.

The grading permit, GRD 2022-0064, was conditionally approved November 2, 2022 and an extension was granted November 2, 2023. GRD 2022-0064 will expire May 2, 2024.

No building permits have been applied for at this time.

Please note, another developer and engineer submitted large-scale plans and the grading permit. The current owner, Wedington Broyles, LLC, hired Crafton Tull to oversee the construction.

An extension is being requested to allow the developer more time to work on funding.

Thank you for your consideration and please let me know if you have any questions.

Caroline Gardner

Caroline Gardner, P.E.

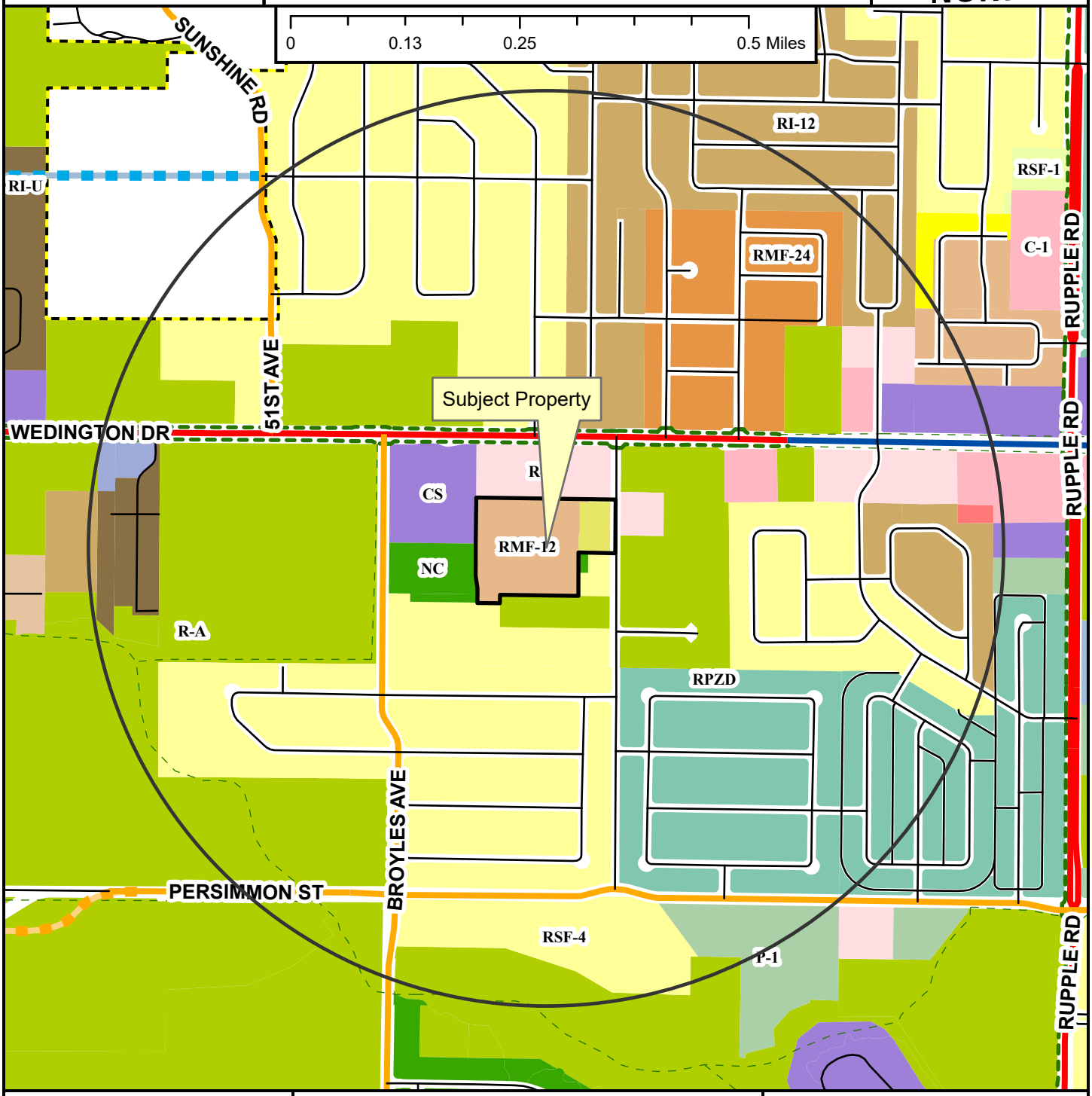
Project Engineer

ADM-2024-0005

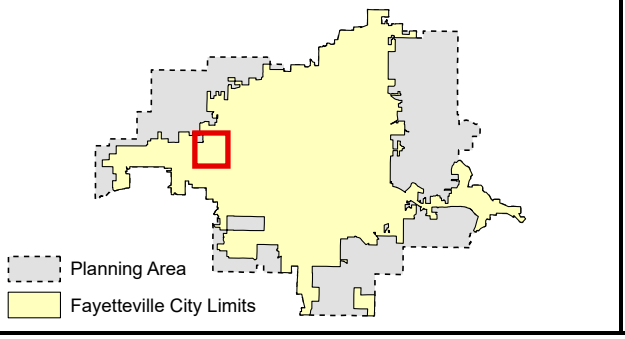
One Mile View

SOUTHWEST OF W. WEDINGTON DR & N. 46TH

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

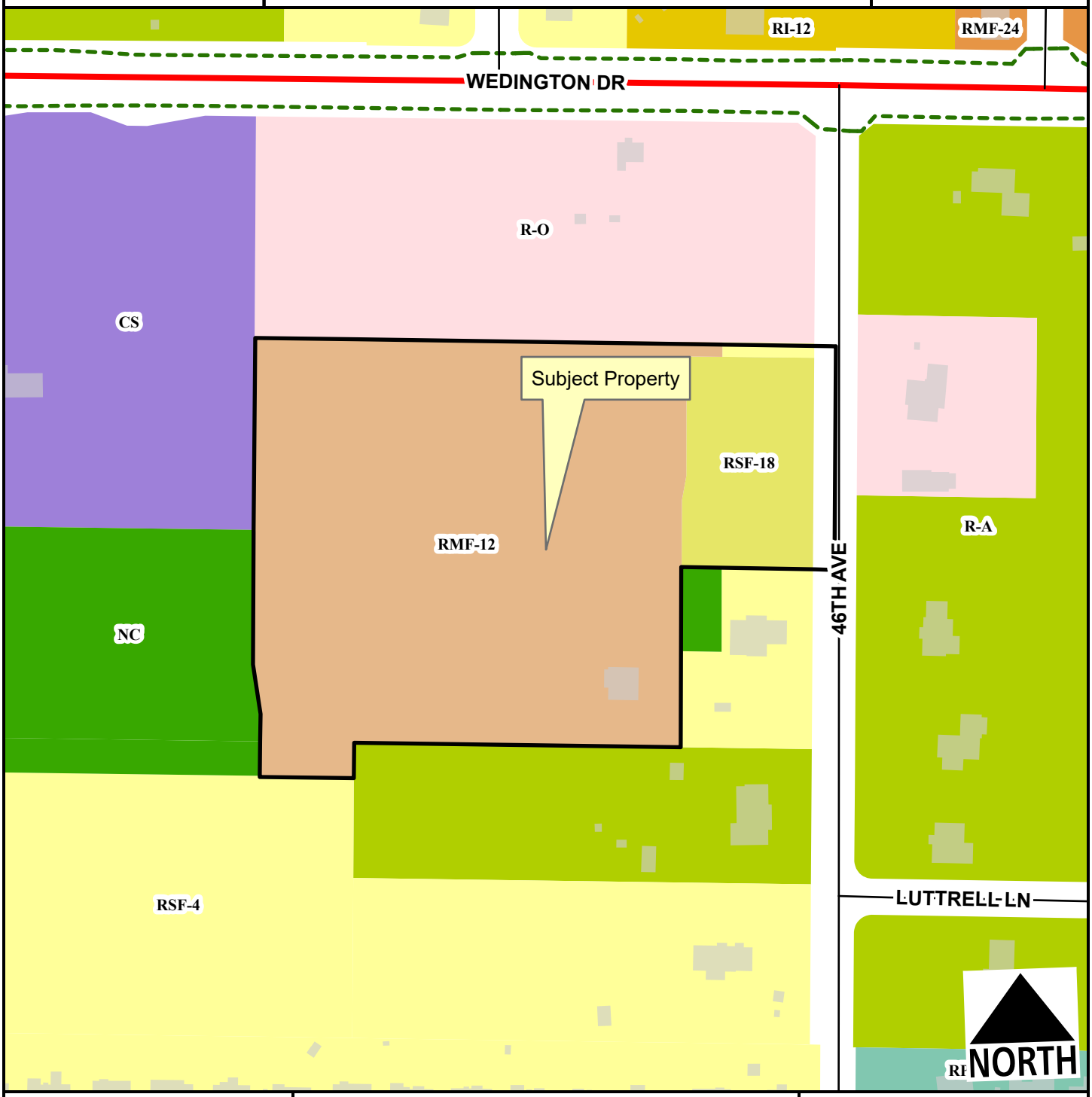
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2024-0005

Close Up View

SOUTHWEST OF W. WEDINGTON DR & N. 46TH



Regional Link
Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail

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

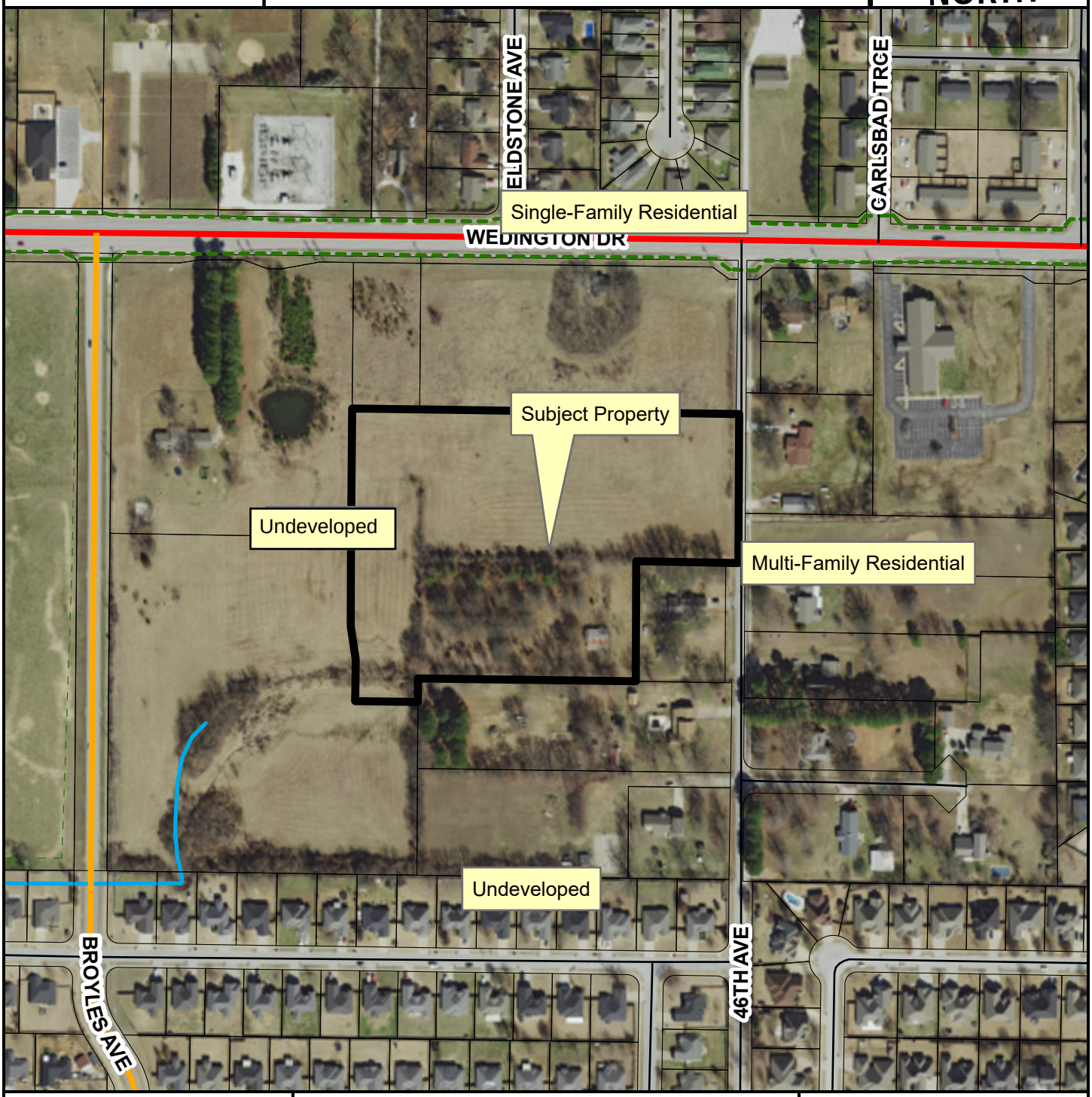
Residential-Agricultural
RSF-4
RSF-18
RI-12
RMF-12
RMF-24
Residential-Office
Community Services
Neighborhood Conservation
Commercial, Industrial, Residential

ADM-2024-0005

Current Land Use

SOUTHWEST OF W. WEDINGTON DR & N. 46TH AVE

NORTH



Regional Link

Neighborhood Link

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: February 26, 2024

SUBJECT: **ADM-2024-0006: Administrative Item (685 W. VAN ASCHE DR./THE POINTE FAYETTEVILLE, 211):** Submitted by JORGENSEN & ASSOCIATES for property located at 685 W. VAN ASCHE DR. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 38.60 acres. The request is to extend a previously approved large-scale development.

RECOMMENDATION:
Staff recommends approval of **ADM-2024-0006**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2024-0006** with conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville, at the southwest corner of W. Van Asche Drive and N. Gregg Avenue. The property in question, 765-15773-004, is undeveloped, is zoned C-3, Central Commercial, and contains approximately 38.72 acres. The property is just west of the existing Arkansas Missouri railroad, and plans for a new railroad crossing are currently underway at the intersection of N. Gregg Avenue and N. Shiloh Drive. A 422-unit multi-family development was approved on this site in July 2022 (LSD-2021-000034). Surrounding land uses and zoning is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

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

Request: The applicant requests an extension to LSD-2021-000034. The large-scale development originally received approval on July 11, 2022. After applying for a grading permit, the project's approval expired, and no administrative extensions were granted. Under 166.20(B)(4), an applicant may request the Planning Commission to extend the approval prior to the expiration of any allowed extension period (maximum of 2 years from the date of original approval). Extensions beyond three years from the original date of approval shall not be permitted. Since this request was received prior to July 11, 2024, the applicant is eligible to make this request.

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

DISCUSSION:
Staff supports the applicant's request to extend their large-scale development approval until July 11, 2025. The request was received before July 11, 2024, the deadline which such request must be made. The applicant's request letter speaks to economic uncertainty after the project's original approval, citing escalating inflation rates and supply chain issues. The development team previously applied for a grading permit though that was never issued, and now intends to move forward with the project. No modifications are proposed or indicated with the applicant's request letter.

RECOMMENDATION: Staff recommends approval of ADM-2024-0006, with the following conditions.

Conditions of Approval:

1. A one-year extension for LSD-2021-000034 will expire on July 11, 2025. No additional extensions will be permitted after this;

2. All other conditions of the associated large-scale development (LSD-2021-000034) not affected by this extension shall remain in effect; and

3. Approval of this extension does not represent approval of other development issues that have not been fully reviewed at this stage, nor does it represent development entitlement or approval for any associated plan.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- LSD-2021-000034 Conditions of Approval
- LSD-2021-000034 Site Exhibit and Elevations
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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

City of Fayetteville
Development Services

Please accept this request for an extension of LSD-2021-00034 (The Pointe @ Fayetteville) located off of Van Asche and Gregg. While this project was approved July 11th, 2022 – construction was halted due to uncertain economic conditions, escalating interest rates, and supply issues. The owner would like to receive an extension of this project so we can move forward.

We appreciate the City's review of this project.

Sincerely
Jorgensen + Associates

Water and Sewer System: The applicant is proposing to extend an 8” main in order to provide fire protection and domestic water. The applicant is also proposing to extend a 12” sewer main from the existing 48” main that runs near the Fulbright Expressway.

Parkland Dedication: The project originally received PRAB approval on June 7, 2021 and recommended fee-in-lieu of dedication for the 422 proposed multifamily units, for a total of $401,744, due prior to building permit approval.

Tree Preservation: Canopy minimum requirement: 15%
Existing canopy: 0%
Preserved canopy: 0%
Mitigation required: 0 mitigation trees required

Public Comment: Staff received inquiries from the public about this project, though no comments in support or opposition. One member of the public spoke at the Subdivision Committee, citing concerns about traffic negatively impacting access to the nearby hospital.

RECOMMENDATION: Staff recommends approving **LSD-2021-000034** with the following conditions of approval:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication. The applicant is requesting a variance to dedicate right-of-way to the Regional Link Street standards of 92 feet.** *Staff is recommending 92 feet of right-of-way dedication in line with typical Master Street Plan standards for a Regional Link Street.*

Subdivision Committee did not make a recommendation on right-of-way dedication.

2. **Planning Commission determination of street improvements.** *Staff is recommending in favor of the following street improvements; 8-foot sidewalk at back of dedicated right-of-way, a 2-lane section with a wide greenspace and median, and the option of adding additional lanes in the future, if capacity is needed for N. Shiloh Drive and N. Roosevelt Avenue. Staff also recommends an assessment in the amount of $36,000 at Roosevelt and Van Asche for a future traffic signal. Streetlights and street trees shall also be installed for internal public streets.*

   Futher, any additional improvements needed for modification to the proposed railroad crossing including, but not limited to, signal modifications to the existing signal at N. Gregg Avenue and N. Shiloh Avenue, or proposed connection between Gregg Avenue and the railroad crossing would be borne by the developer.

Subdivision Committee did not make a recommendation on street improvements.

3. **Planning Commission determination of compliance with 166.23, Urban Residential Design Standards.** *Staff finds the project is meeting these requirements.*

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

Standard conditions of approval:

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

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

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

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

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

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

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

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

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

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

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

16. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;

d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
e. Project Disk with all final revisions; and
f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: **July 11, 2022**	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion: Canada			☒ **APPROVED**, with conditions as recommended by staff
Second: Johnson			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

Attachments:
- City Engineering Memo
- Urban Forestry Comments
- Parks Memo
- Applicant's Request Letter
- Variance Request Letter
- Site Plan
- Elevations
- Traffic Study
- One Mile Map
- Close Up Map
- Current Land Use Map

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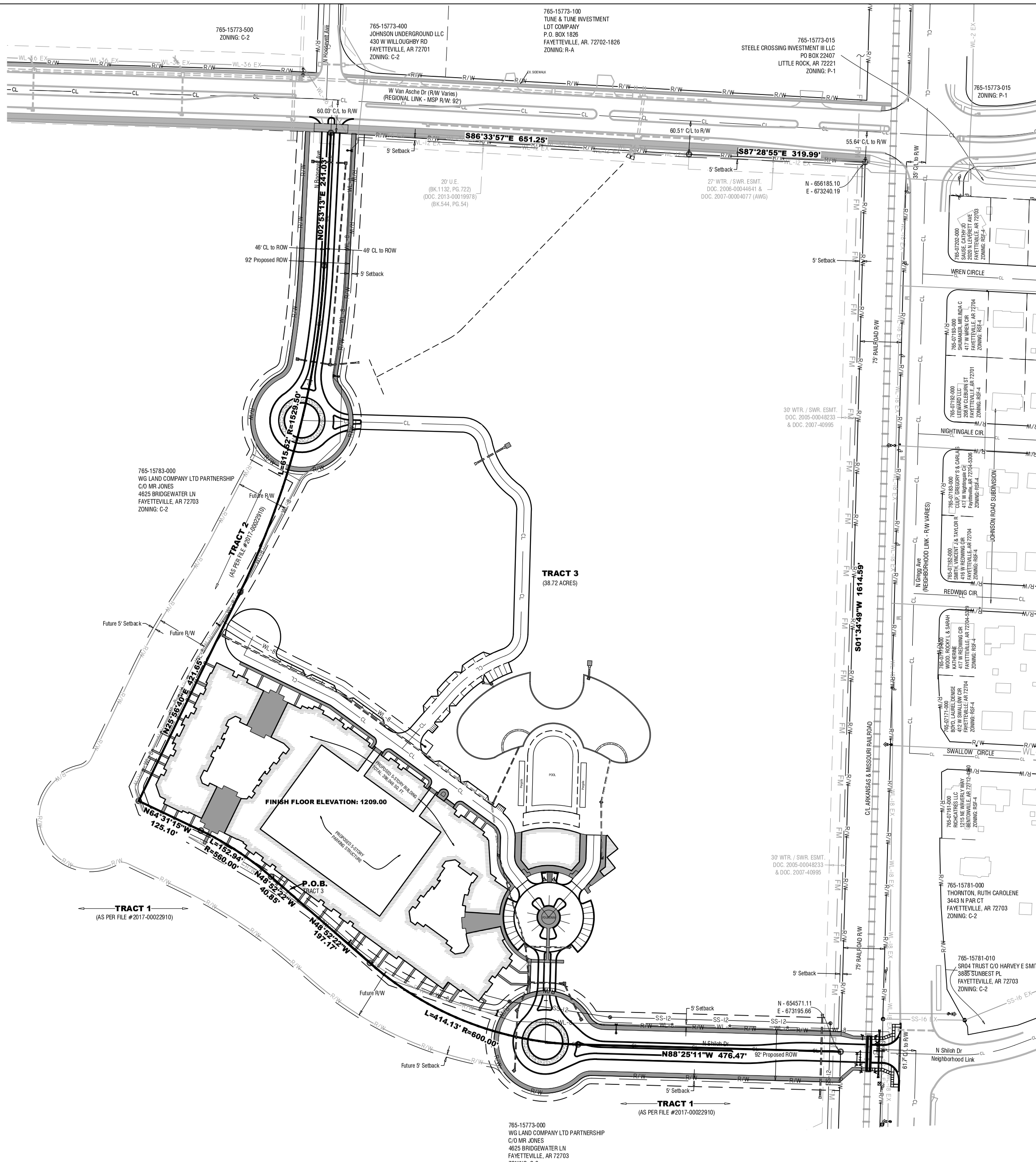
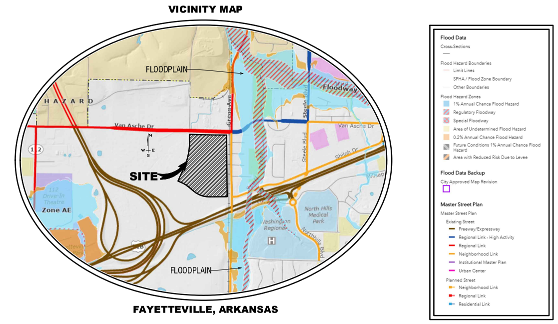


GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

VICINITY MAP



FAYETTEVILLE, ARKANSAS

DEVELOPER:
RIVERPOINTE DEVELOPMENT, LLC
9800 MAUMELLE BLVD
MAUMELLE, AR 72113

ENGINEER:
JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR 72703
(479) 442-9127

LEGAL DESCRIPTION: (TRACT 3)

Tract 3 as per Tract Split by Crafton Tull File #2017-00022910 on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and also being a part of the SW1/4 of the SE1/4, a part of the SE1/4 of the SW1/4, a part of the NE1/4 of the SW1/4 and a part of the NW1/4 of the SE1/4 all in Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, SE1/4, thence N02°27'21"E 1,176.17 feet to the POINT OF BEGINNING, thence N48°52'22"W 40.85 feet, thence along a non tangent curve to the left 152.94 feet, said curve having a radius of 560.00 feet and chord bearing and distance of N56°41'48"W 152.47 feet, thence N64°31'15"W 125.10 feet, thence N25°56'40"E 421.65 feet, thence along a non tangent curve to the left 615.52 feet, said curve having a radius of 1,529.50 feet and chord bearing and distance of N14°24'56"E 611.37 feet, thence N02°53'13"E 241.03 feet to the south right of way of West Van Asche Drive, thence along said right of way S86°33'57"E 651.23 feet, thence S87°28'55"E 319.99 feet to the west right of way of the Arkansas & Missouri Railroad, thence along said railroad right of way S01°34'49"W 1,614.60 feet, thence leaving said right of way N88°25'11"W 476.47 feet, thence along a non tangent curve to the right 414.13 feet, said curve having a radius of 600.00 feet and chord bearing and distance of N68°38'46"W 405.96 feet, thence N48°52'22"W 197.17 feet to the POINT OF BEGINNING: Containing 38.72 acres more or less subject to easements and right of way of record.

NOTES:

1. PLAT PAGE #210 & 211.

2. PARCEL NUMBER: 765-15773-004

3. ROTATION BASED ON ARKANSAS STATE PLANE GRID NORTH ZONE (NAD83).

4. CURRENT ZONING: C-3 - CENTRAL COMMERCIAL

5. BOUNDARY BASED ON TRACT SPLIT PLAT BY CRAFTON TULL, FILE #2017-00022910.

6. THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0210F DATED MAY 16, 2008.

SITE AREA CALCULATIONS

TOTAL AREA:	38.71 AC	1,686,425 S.F.	
PRE-DEVELOPMENT			
BUILDING:	0.00 AC	0 S.F.	0.00%
PARKING/SIDEWALK:	0.00 AC	0 S.F.	0.00%
TOTAL IMPERVIOUS:	0.00 AC	0 S.F.	0.00%
PERVIOUS GREENSPACE:	38.71 AC	1,686,425 S.F.	100.00%
POST-DEVELOPMENT			
BUILDING:	2.52 AC	109,829 S.F.	6.51%
PARKING/SIDEWALK:	4.30 AC	187,344 S.F.	11.11%
TOTAL IMPERVIOUS:	6.82 AC	297,173 S.F.	17.62%
PERVIOUS GREENSPACE:	31.89 AC	1,389,252 S.F.	82.38%

C-3 - CENTRAL BUSINESS COMMERCIAL BUILDING SETBACKS

CENTRAL BUSINESS DISTRICT	
FRONT	5 FEET
FRONT, IF PARKING IS ALLOWED BETWEEN THE ROW & BUILDING	50 FEET
SIDE	NONE
SIDE, WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT	10 FEET
REAR, WITHOUT EASEMENT OR ALLEY	15 FEET
REAR, FROM CENTER LINE OF PUBLIC ALLEY	10 FEET
SHOPPING CENTER	
FRONT	25 FEET
FRONT, IF PARKING IS ALLOWED BETWEEN THE ROW & BUILDING	50 FEET
SIDE	NONE
SIDE, WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT	25 FEET
REAR, WITHOUT EASEMENT OR ALLEY	25 FEET
REAR, FROM CENTER LINE OF PUBLIC ALLEY	10 FEET

STANDARD CITY NOTES:

1) ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12 kV SHALL BE RELOCATED UNDERGROUND.
2) ALL MECHANICAL AND UTILITY EQUIPMENT LOCATED ON THE WALL AND/OR ON THE GROUND SHALL BE SCREENED. ALL ROOF-MOUNTED UTILITIES AND MECHANICAL EQUIPMENT SHALL BE SCREENED BY INCORPORATING SCREENING INTO THE STRUCTURE UTILIZING MATERIALS COMPATIBLE WITH THE SUPPORTING BUILDINGS. SMALLER GROUND-MOUNTED EQUIPMENT MAY BE SCREENED WITH TALL GRASSES OR SHRUBS.
3) TRASH ENCLOSURE SHALL BE SCREENED ON THREE SIDES WITH MATERIALS COMPLIMENTARY AND COMPATIBLE WITH THE PRINCIPAL STRUCTURE, WITH ACCESS NOT VISIBLE FROM THE STREET.
4) ALL DESIGNS ARE SUBJECT TO THE CITY'S LATEST DESIGN CRITERIA (WATER, SEWER, STREETS, AND DRAINAGE). REVIEW FOR PLAT APPROVAL IS NOT APPROVAL OF PUBLIC IMPROVEMENTS, AND ALL PROPOSED IMPROVEMENTS ARE SUBJECT TO FURTHER REVIEW AT THE TIME CONSTRUCTION PLANS ARE SUBMITTED.
5) A SITE VISIT SHALL BE SCHEDULED WITH THE ASSIGNED PUBLIC WORKS INSPECTOR TO ESTABLISH THE CONDITION OF THE EXISTING CURB ALONG MLK. ALL OF THE EXISTING CURB CUTS SHALL BE REMOVED AND REPLACED WITH STANDARD CURB. ANY CURB TO REMAIN THAT IS CURRENTLY DAMAGED OR CRACKED SHALL BE REMOVED AND REPLACED WITH STANDARD CURB. ANY CURB THAT IS DAMAGED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED.
6) ALL METER LOCATIONS AND BACKFLOW PREVENTION FOR THE FIRE SPRINKLER SYSTEMS MUST BE APPROVED BY THE CITY OF FAYETTEVILLE METER OPERATIONS DIVISION.
7) METER LOOPS LARGER THAN 1-INCH THROUGH 2-INCH SHALL BE TESTED BY THE CITY OF FAYETTEVILLE METER OPERATIONS DIVISION PRIOR TO CONTRACTOR INSTALLATION.
8) THE ENGINEER OF RECORD SHALL PROVIDE "FULL TIME" INSPECTION FOR UTILITIES AND "PART TIME" INSPECTION FOR THE STORM DRAINAGE AND ROADWAY CONSTRUCTION FOR THIS PROJECT. WEEKLY REPORTS SHOULD BE SUBMITTED TO THE CITY OF FAYETTEVILLE'S PUBLIC WORKS INSPECTOR (INCLUDING FIRE LINE INSTALLATION).
9) ANY DAMAGE TO THE EXISTING PUBLIC STREET DUE TO CONSTRUCTION SHALL BE REPAIRED/REPLACED AT THE OWNER/DEVELOPERS EXPENSE.
10) ANY WATER MAIN UPGRADES THAT PARALLEL A SMALLER OR OLDER WATERLINE ARE REQUIRED TO RELOCATE ALL EXISTING SERVICE CONNECTIONS TO THE NEW WATER MAIN AND ABANDON THE OLD WATER MAIN.
11) 2017 STANDARD WATER & SEWER SPECIFICATIONS & DETAILS APPLY. (DOCUMENT AVAILABLE AT WWW.ACCESSFAYETTEVILLE.ORG/GOVERNMENT/ENGINEERING
https://www.fayetteville-ar.gov/DocumentCenter/View/14625/Standard-Specifications-for-Design-and-Construction-of-Water-Lines-and-Sewer-Lines---2017-Edition?bidId=
12) PRIOR TO OBTAINING A **TEMPORARY WATER METER FOR TESTING** OR SERVICE OFF OF A CONTRACTOR INSTALLED NEW MAIN, THE FOLLOWING ITEMS MUST BE PERFORMED OR PROVIDED TO THE SATISFACTION OF THE ENGINEERING DEPARTMENT:
    a. THERE ARE NO OUTSTANDING ISSUES WITH SITE REQUIREMENTS OR OUTSTANDING EROSION CONTROL VIOLATIONS.
    b. THE WATER MAIN MUST BE INSTALLED AND A FINAL INSPECTION PERFORMED BY THE PUBLIC WORKS INSPECTOR, WATER DEPARTMENT, AND DESIGN ENGINEER AND THE ITEMS ON THE FINAL PUNCH LIST COMPLETED.
    c. THE STRUCTURE MUST BE CONNECTED TO PUBLIC SANITARY SEWER
    d. ONE (1) SET OF AS-BUILT DRAWINGS OF THE INSTALLED UTILITIES AS A HARD COPY AND IN PDF FORMAT;
    e. CERTIFICATION THAT THE WATER MAIN, FIRE LINE, AND SEWER LINES, ETC., WERE INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS.
    f. THE PROJECT IS READY FOR TEMPORARY CERTIFICATE OF OCCUPANCY (TCO). IF NOT, THE METER WILL BE INSTALLED TO ALLOW FOR TESTING ONLY AND TURNED OFF UNTIL THE TCO IS ISSUED.
    o SERVICE TAPS ON EXISTING MAINS SHALL BE MADE BY THE CITY, AND FEES PAID BY OWNER.

LEGEND

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

PROJECT DETAILS

PROJECT TITLE:
POINTE FAYETTEVILLE PHASE A

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

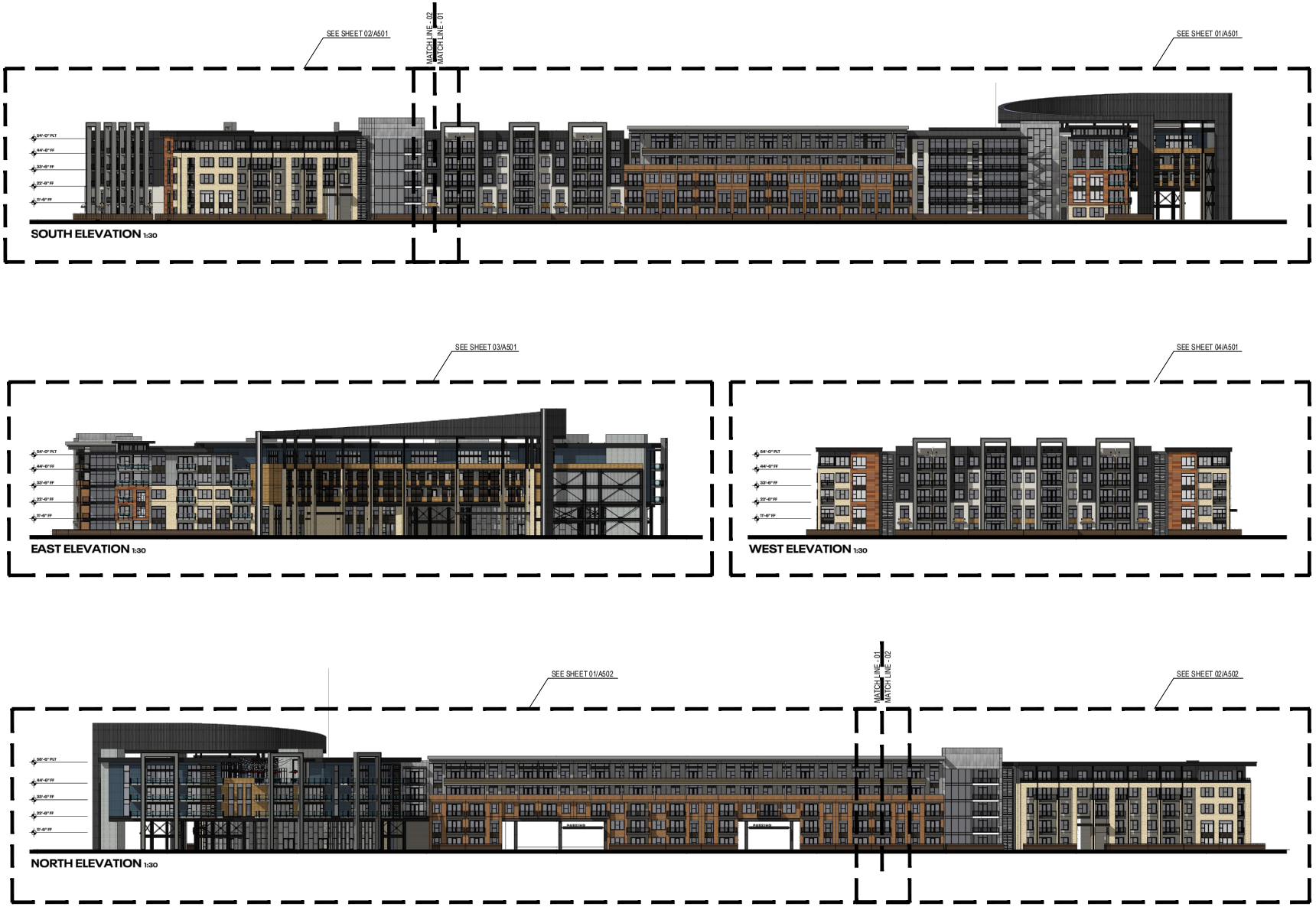
DATE: 7.5.2022
DRAWN BY: CAZ/PMM
PROJECT # 2021114
FILE PATH: Z:\LSD\2021114\DWG
SHEET SIZE: 22" x 34"
SCALE: 1" = 100'

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

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

SHEET TITLE
OVERALL PLAN

SHEET NUMBER
C1.01



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DBA ARCHITECTS
111 S. KENTUCKY SUITE 210 McKINNEY, TEXAS 75069 972-900-4905

POINTE FAYETTEVILLE
FAYETTEVILE, AR
RICHSMITH DEVELOPMENT

EXTERIOR ELEVATIONS

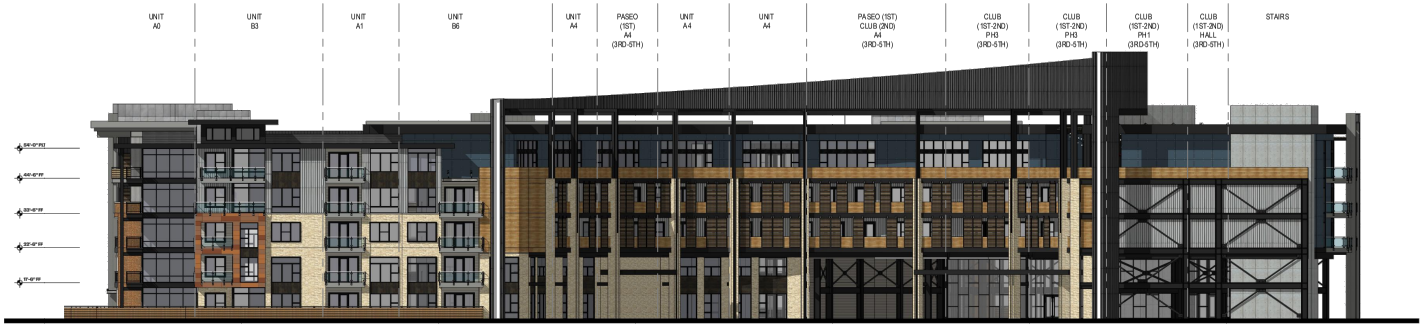
RICHARDSON PROPERTIES, LLC

Scale:
Drawn By:
Checked by: BM
Sheet
A500
Project No.

SOUTH ELEVATION - 01 1/16

SOUTH ELEVATION - 02 1/16

WEST ELEVATION 1/16



EAST ELEVATION 1/16

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DBA ARCHITECTS
111 S. KENTUCKY SUITE 210 McKINNEY, TEXAS 75069 972-900-4905

POINTE FAYETTEVILLE
FAYETTEVILE, AR
RICHSMITH DEVELOPMENT

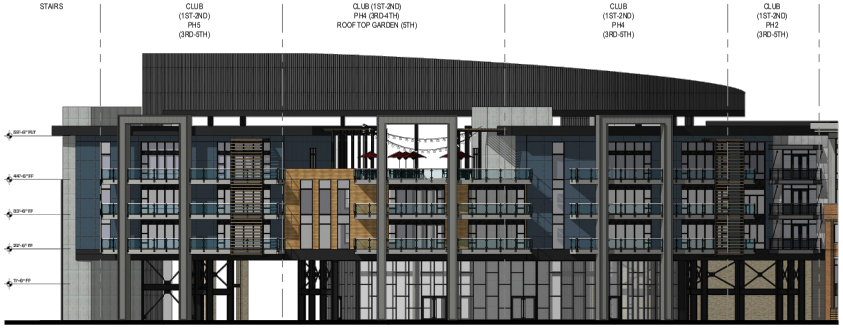
EXTERIOR ELEVATIONS

RICHARDSON PROPERTIES, LLC

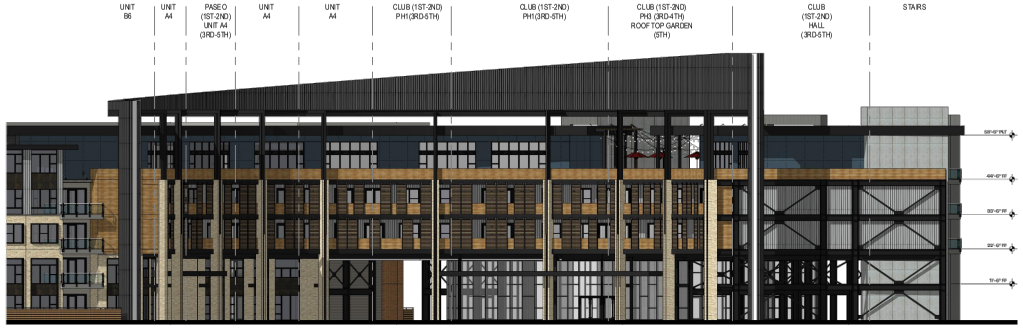
Scale:
Drawn By:
Checked by: BM
Sheet
A501
Project No.

NORTH ELEVATION - 01 1/16

NORTH ELEVATION - 02 1/16



CLUB/ LEASING NORTH ELEVATION 1/16



MOTOR COURT ELEVATION 1/16

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DBA ARCHITECTS
111 S. KENTUCKY SUITE 210 McKINNEY, TEXAS 75069 972-900-4905

POINTE FAYETTEVILLE
FAYETTEVILE, AR
RICHSMITH DEVELOPMENT

EXTERIOR ELEVATIONS

RICHARDSON PROPERTIES, LLC

Scale:
Drawn By:
Checked by: BM
Sheet
A502
Project No.

WEST COURTYARD - NORTH ELEVATION 1/16

WEST COURTYARD - EAST ELEVATION 1/16

WEST COURTYARD - WEST ELEVATION 1/16

WEST COURTYARD - SOUTH ELEVATION 1/16

EAST COURTYARD - NORTH ELEVATION 1/16

EAST COURTYARD - EAST ELEVATION 1/16

EAST COURTYARD - WEST ELEVATION 1/16

EAST COURTYARD - SOUTH ELEVATION 1/16

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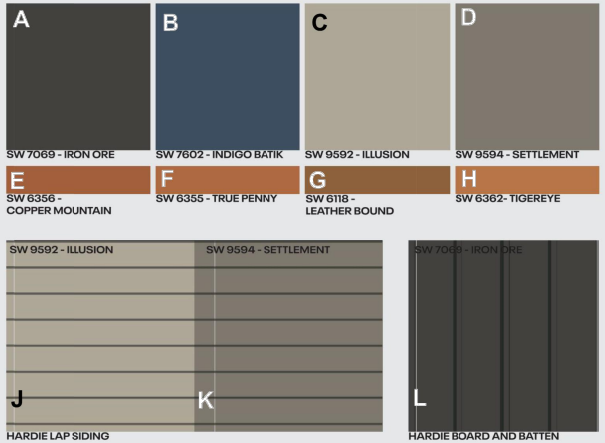
POINTE FAYETTEVILLE
FAYETTEVILE, AR
RICHSMITH DEVELOPMENT

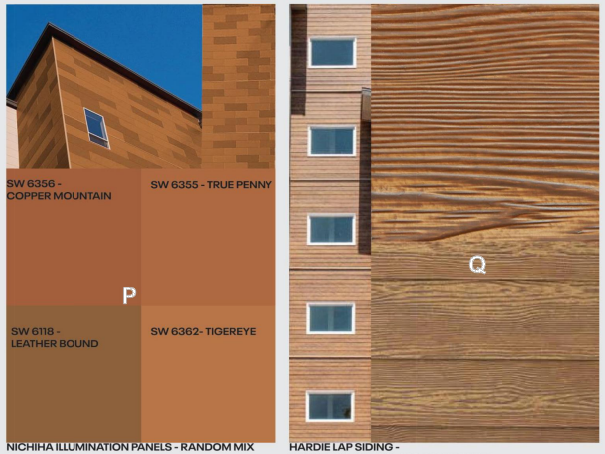
EXTERIOR ELEVATIONS

RICHARDSON PROPERTIES, LLC

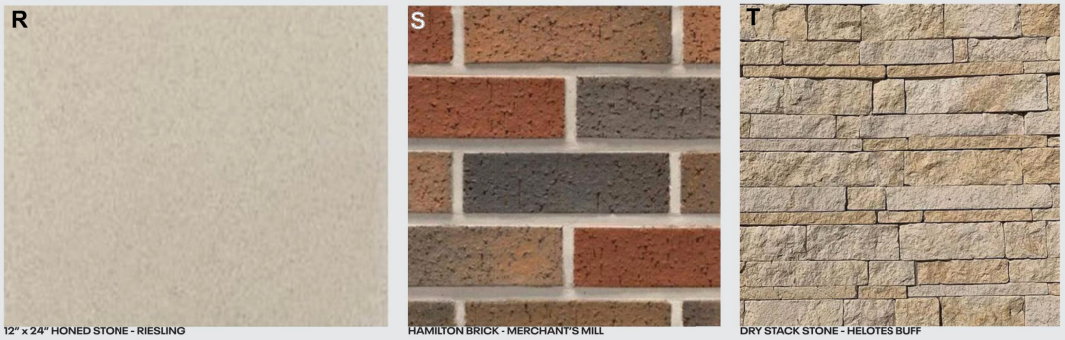
Scale:
Drawn By:
Checked by: BM
Sheet
A503
Project No.

FIBER CEMENT MATERIAL AND COLOR PALETTE

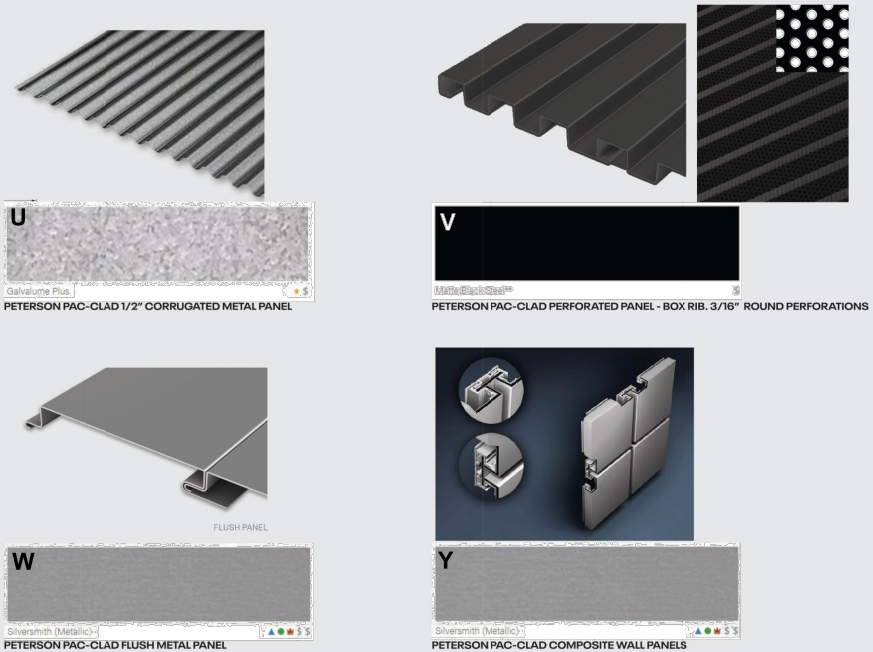




MASONRY MATERIAL AND COLOR PALETTE



METALS MATERIAL AND COLOR PALETTE



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111 S. KENTUCKY SUITE 210 McKINNEY, TEXAS 75069 972-900-4905

POINTE FAYETTEVILLE
FAYETTEVILE, AR
RICHSMITH DEVELOPMENT

EXTERIOR MATERIALS

RICHARDSON PROPERTIES, LLC

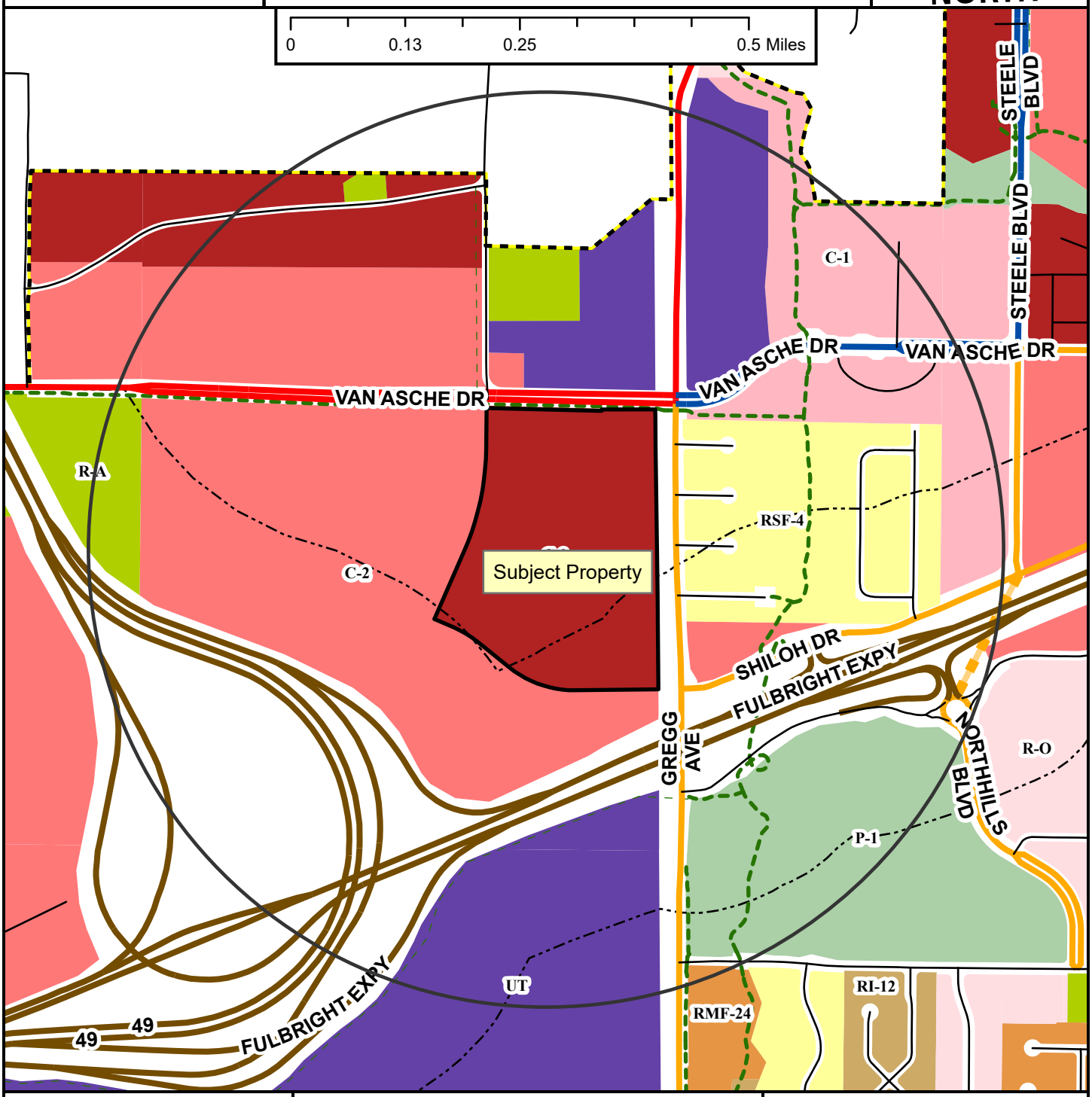
Scale:
Drawn By:
Checked by: BM
Sheet
A504
Project No.

ADM-2024-0006

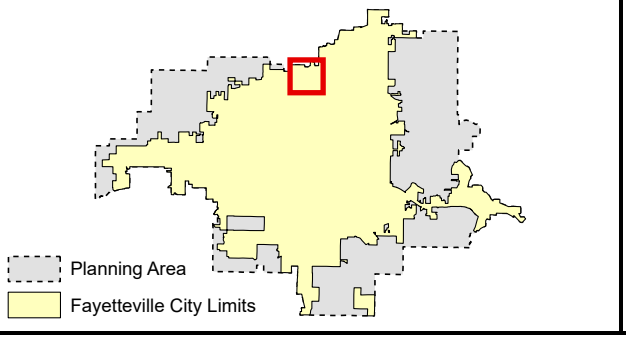
One Mile View

685 W. VAN ASCHE DR

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

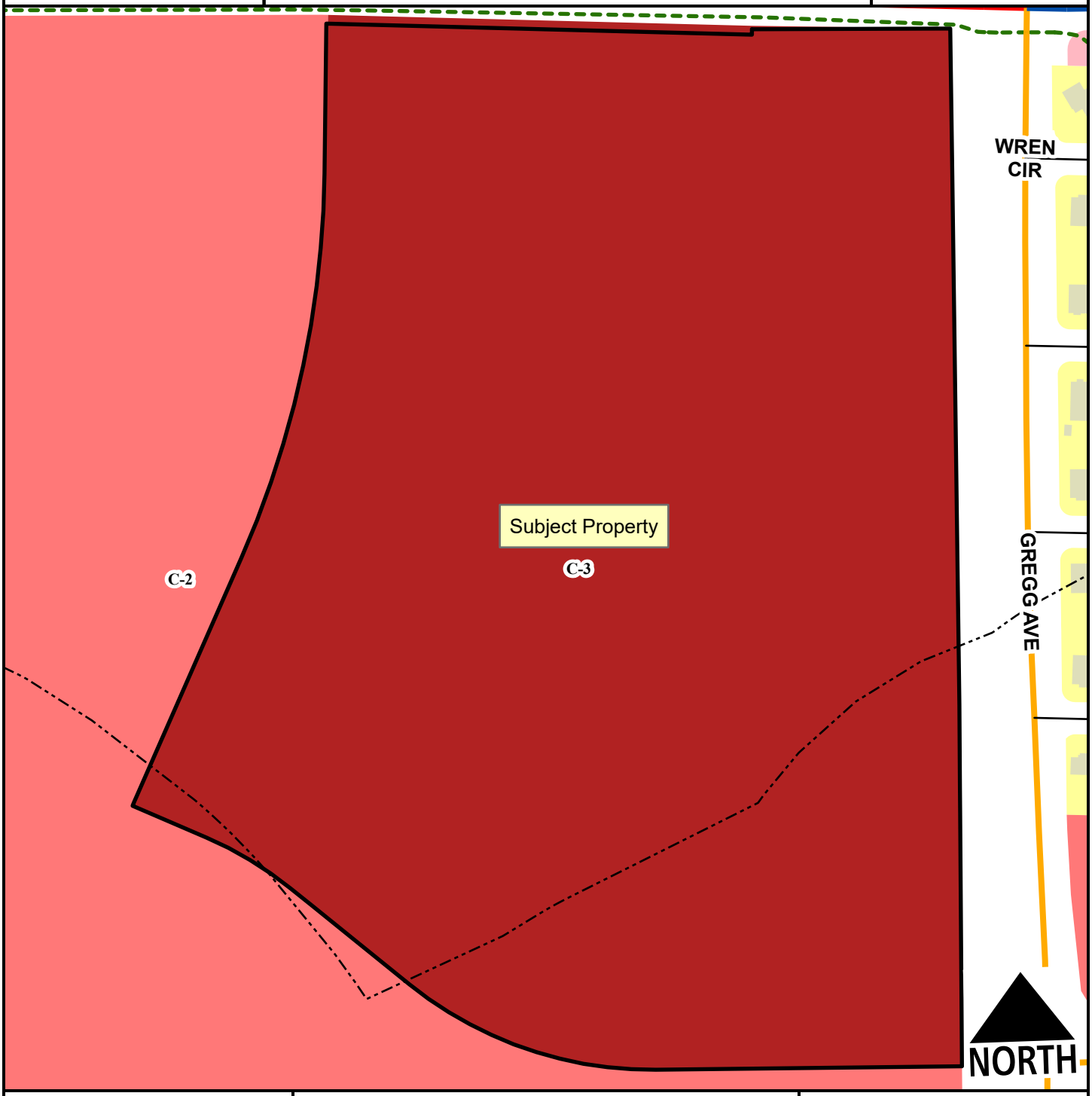
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2024-0006

Close Up View

685 W. VAN ASCHE DR



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

Feet

0 80 160 320 480 640

1:2,700

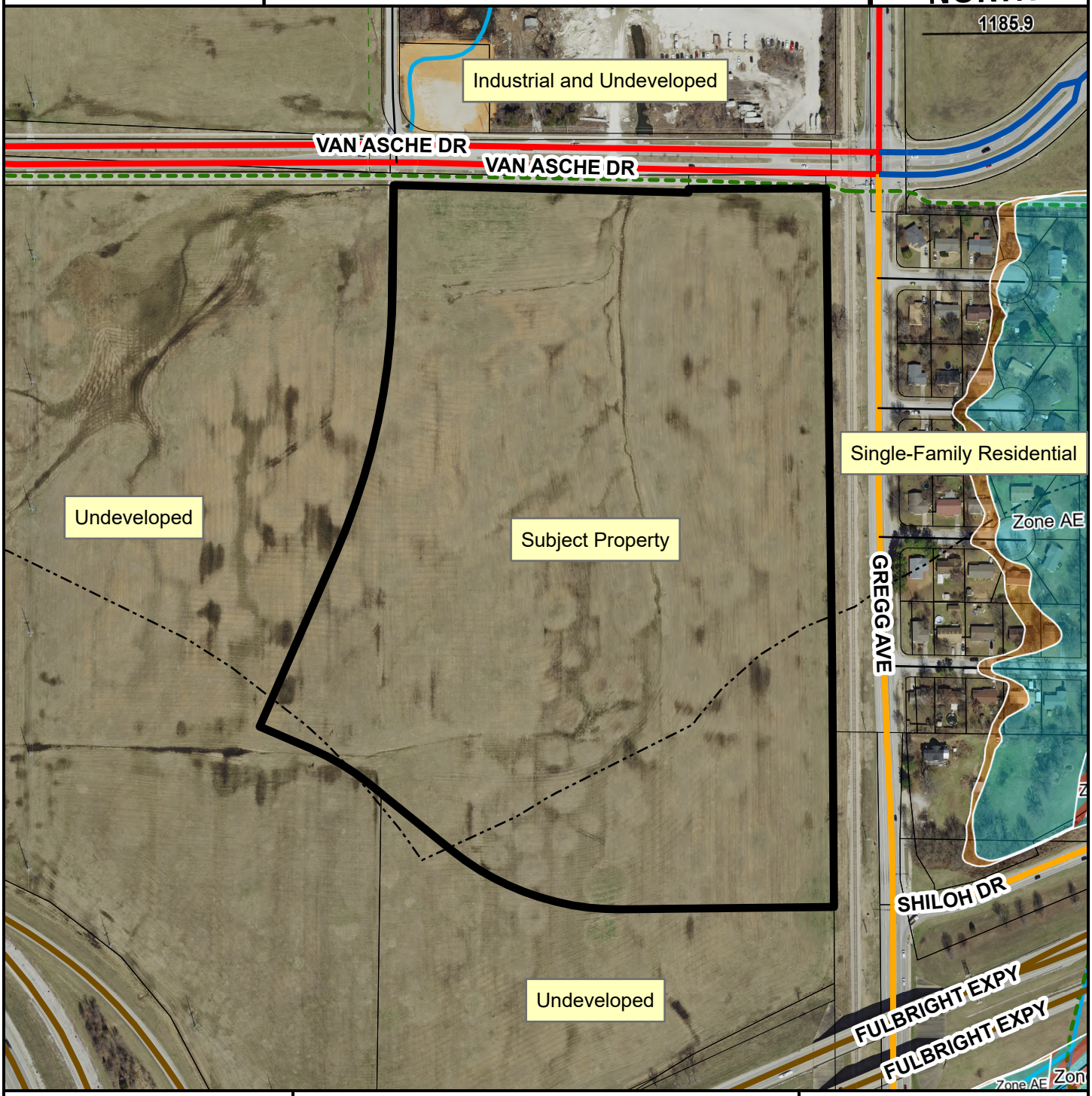
- RSF-4
- C-1
- C-2
- C-3

ADM-2024-0006

Current Land Use

685 W. VAN ASCHE DR

NORTH



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

Feet

0 120 240 480 720 960

1:3,900

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: February 26, 2024

SUBJECT: **VAR-2024-0005: Planning Commission Variance (2980 S. HUNT LN./CURTIS, 687):** Submitted by ALAN REID & ASSOCIATES for property located at 2980 S. HUNT LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.79 acres. The request is for a variance from road frontage requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0005** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0005**, determining:*

- *In favor of a variance to UDC §166.05(A)(3), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located a mile south of Huntsville Road on the east side of Hunt Lane, outside of Fayetteville city limits in unincorporated Washington County. The property is in the Fayetteville Planning Area and contains one parcel totaling 11.79 acres which has approximately 360 linear feet of street frontage along Hunt Lane. A request to split the property into two lots is currently under review by city staff (LSP-2024-0002). Surrounding land use and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

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

Request: The applicant proposes to split the subject property into two lots containing 2.07 and 9.72 acres. The smaller lot has about 330 feet of street frontage along Hunt Lane while the larger lot only has about 30 feet. Since all lots in the Fayetteville Planning Area are required to have at least 75 feet of direct frontage onto a public street, the proposed lot split necessitates a variance to UDC §166.05(A)(3).

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

DISCUSSION:
The subject property contains one parcel that is surrounded by rural residential properties varying in both size and arrangement. Where the proposed lot split would allow for the creation of two lots with 2.07 and 9.72 acres, surrounding properties vary in size between 0.70 and 33.10 acres, with several lots nearby having no direct frontage on a public street. Staff finds that the proposed lot split would result in two lots with direct street frontage that are comparable to neighboring properties and reflective of a low-density development pattern that is consistent with the surrounding area. Staff is thus supportive of the requested variance. Since the proposed lot with insufficient frontage has a flag that is wide enough to accommodate access to Hunt Lane, staff is not recommending that an access easement be dedicated with the associated lot split.

RECOMMENDATION: Staff recommends approval of VAR-2024-0005 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC 166.05(A)(3), requiring all lots in the Fayetteville Planning Area to have direct street frontage pursuant to residential lot and block standards set by Washington County.** *Staff is supportive of this request based on the findings herein, and*

2. Approval of this variance does not constitute approval of the associated lot split application. Review and approval of the lot split shall be required in accordance with city code.

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: February 26, 2024			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- UDC §166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area

(A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

(1) *Within 1 Mile of City Limits*. On and off-site improvements and subdivision regulations for development outside the city limits and within one mile of the city are the same as for those developments within the city limits, with the exception of park land dedication requirement which is not required.

(2) *Beyond 1 Mile of City Limits.* On- and off-site improvements and subdivision regulations for development outside 1 mile of the city limits shall meet Washington County standards.

(3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

(B) *Developments Outside City Developed to All Inside the City Standards.* If the City Council grants access to the City's sewer system pursuant to §51.115. (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District or as otherwise designated by the City Council rather than those within the planning area.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§159.54, 160.120; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4753, 9-6-05; Ord. No. 5215, 1-20-09; Ord. No. 5270, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12)

ARA

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS

January 16, 2024

City of Fayetteville
Planning & Engineering
125 W. Mountain Street
Fayetteville, Arkansas

Re: VARIANCE (FAYETTEVILLE GROWTH AREA) FOR LACK OF PUBLIC ROAD FRONTAGE IN CONJUNCTION WITH A PROPOSED TRACT SPLIT ON S. HUNT LANE (WC # 169), WASHINGTON COUNTY PARCEL ID 001-11045-000

Dear Planners / Planning Commission,

This is a request for a variance on public road frontage in conjunction with a proposed property division that is currently under review with the City of Fayetteville Planning Office; the property division involves Washington County Parcel ID, 001-11045-000 / S. HUNT LANE (WC #169). The property is located with the Fayetteville Growth Area, the unincorporated area of Washington County.

The property consists of 11.79+/- acres and is proposed to be subdivided into two (2) pieces: Tract 'A', 2.07 +/-acres, and Tract 'B', 9.72 +/- acre. Tract 'B' contains 30.25 feet of road frontage onto S. Hunt Lane (WC 169). Due to the public road frontage on this proposed lot falling shy of the Washington County Subdivision Regulation requirement (75') a variance is being requested for the tandem lot. In previous projects with similar situations the following Fayetteville code has been referenced by Fayetteville Planning staff to request a variance from, *"Per UDC 166.05 newly created lots are required to have frontage on a minimally improved public street...A PC variance will be required prior to approval of lot split"*

Following is some additional information on the subject property:

- Subject property is zoned through Washington County, Arkansas as residential (1 acre minimum) / agricultural, the proposed property division is in compliance with Washington County Zoning.

Granting the variance would allow owner of the proposed one (1) additional tract to continue enjoying rights that other property owners enjoy in the surrounding area. The lot proposed has been designed to allow buildable tracts with efficient access. There are existing structures to the south of the 30' wide area designated area for ingress/egress south that a road should not encroach upon. This is a situation that is unique to this property, yet common in the County at the same time. Thank you for your consideration. ***Refer to drafted plat for further details regarding the project.***

Please contact our office for any questions regarding the project.

Best regards,

Alan Reid

Professional Land Surveyor

118 S. College Avenue Fayetteville, Arkansas 72701 479 444 8784 arasurveying@cox.net

<u>SURVEY DESCRIPTION – PARENT TRACT (PID 001-11045-000)</u>

A PART OF THE SOUTH HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND A PART OF THE EAST TWENTY-FOUR AND ONE HALF (24.50) ACRES OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4), ALL IN SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION THIRTY (30); THENCE S87°59'08"E 151.74 FEET TO A POINT IN THE CENTER OF HUNT LANE FOR THE TRUE POINT OF BEGINNING; THENCE LEAVING THE CENTER OF SAID HUNT LANE, S87°59'08"E 349.17 FEET TO AN EXISTING FENCE POST, SAID POINT BEING THE NORTHWEST CORNER OF SAID EAST 24.50 ACRE TRACT AND SHOWN AS A STONE MONUMENT (DESTROYED) ON A PLAT OF SURVEY BY RALPH SHREVE FOR LEONARD STRAWBERRY AND FILED FOR RECORD ON OCTOBER 22, 1971 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY; THENCE ALONG SAID FENCE, THE FOLLOWING BEARINGS AND DISTANCES:

S01°39'07"W 981.74 FEET TO AN EXISTING NAIL IN A FENCE POST;
S85°59'57"E 137.69 FEET TO AN EXISTING IRON REBAR;
N05°49'57"E 163.96 FEET TO AN EXISTING IRON REBAR;
N01°31'31"E 100.15 FEET TO AN EXISTING IRON REBAR;
N88°13'34"W 9.94 FEET TO AN EXISTING IRON REBAR;
N10°31'00"E 453.22 FEET TO AN EXISTING IRON REBAR;
N52°24'36"E 585.14 FEET TO AN EXISTING IRON REBAR;
N48°13'18"W 396.97 FEET TO AN EXISTING IRON REBAR AT THE

SOUTHEAST CORNER OF PAUL TUNSTILL TRACT; THENCE N88°15'24"W 652.50 FEET TO A POINT IN THE CENTER HUNT LANE FROM WHICH AN EXISTING REFERENCE IRON BEARS S88°15'24"E 35.66 FEET; THENCE ALONG THE CENTERLINE OF SAID HUNT LANE, THE FOLLOWING BEARINGS AND DISTANCES:

S05°37'56"E 81.23 FEET; S02°40'55"W 58.55 FEET;
S14°41'52"W 55.33 FEET; S16°32'55"W 121.71 FEET;
S30°21'52"W 43.67 FEET TO THE POINT OF BEGINNING, CONTAINING 11.79

ACRES, MORE OR LESS. THE ABOVE DESCRIBED 11.79 ACRES BEING SUBJECT TO THE RIGHT-OF-WAY OF HUNT LANE AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

<u>SURVEY DESCRIPTION – TRACT 'A'</u>

A PART OF THE SOUTH HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION THIRTY (30); THENCE S87°59'08"E 151.74 FEET TO A POINT IN THE CENTER OF HUNT LANE FOR THE TRUE POINT OF BEGINNING; THENCE LEAVING THE CENTER OF SAID HUNT LANE, S87°59'08"E 293.11 FEET TO A SET 1/2" IRON REBAR; THENCE N02°00'56"E 102.06 FEET TO A SET 1/2" IRON REBAR; THENCE N27°00'32"E 241.46 FEET TO A SET 1/2" IRON REBAR; THENCE N88°15'24"W 337.81 FEET TO A POINT IN THE CENTER HUNT LANE FROM WHICH A SET 1/2" REFERENCE IRON ON THE EAST RIGHT-OF-WAY LINE OF SAID HUNT LANE BEARS S88°15'24"E 30.25 FEET; THENCE ALONG THE CENTERLINE OF SAID HUNT LANE, THE FOLLOWING BEARINGS AND DISTANCES:

S05°37'56"E 50.98 FEET; S02°40'55"W 58.53 FEET;
S14°41'52"W 55.33 FEET; S16°32'55"W 121.71 FEET;
S30°21'52"W 43.67 FEET TO THE POINT OF BEGINNING, CONTAINING 2.07

ACRES, MORE OR LESS. THE ABOVE DESCRIBED 2.07 ACRES BEING SUBJECT TO THE RIGHT-OF-WAY OF HUNT LANE AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

<u>SURVEY DESCRIPTION – TRACT 'B'</u>

A PART OF THE SOUTH HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND A PART OF THE EAST TWENTY-FOUR AND ONE HALF (24.50) ACRES OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4), ALL IN SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION THIRTY (30); THENCE S87°59'08"E 151.74 FEET TO A POINT IN THE CENTER OF HUNT LANE; THENCE LEAVING THE CENTER OF SAID HUNT LANE, S87°59'08"E 293.11 FEET TO A SET 1/2" IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE S87°59'06"E 56.06 FEET TO AN EXISTING FENCE POST, SAID POINT BEING THE NORTHWEST CORNER OF SAID EAST 24.50 ACRE TRACT AND SHOWN AS A STONE MONUMENT (DESTROYED) ON A PLAT OF SURVEY BY RALPH SHREVE FOR LEONARD STRAWBERRY AND FILED FOR RECORD ON OCTOBER 22, 1971 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY; THENCE ALONG SAID FENCE, THE FOLLOWING BEARINGS AND DISTANCES:

S01°39'07"W 981.74 FEET TO AN EXISTING NAIL IN A FENCE POST;
S85°59'57"E 137.69 FEET TO AN EXISTING IRON REBAR;
N05°49'57"E 163.96 FEET TO AN EXISTING IRON REBAR;
N01°31'31"E 100.15 FEET TO AN EXISTING IRON REBAR;
N88°13'34"W 9.94 FEET TO AN EXISTING IRON REBAR;
N10°31'00"E 453.22 FEET TO AN EXISTING IRON REBAR;
N52°24'36"E 585.14 FEET TO AN EXISTING IRON REBAR;
N48°13'18"W 396.97 FEET TO AN EXISTING IRON REBAR AT THE SOUTHEAST CORNER

OF PAUL TUNSTILL TRACT; THENCE N88°15'24"W 652.50 FEET TO A POINT IN THE CENTER HUNT LANE FROM WHICH AN EXISTING REFERENCE IRON BEARS S88°15'24"E 35.66 FEET; THENCE S05°37'56"E 30.25 FEET ALONG THE CENTERLINE OF SAID HUNT LANE TO A POINT FROM WHICH A 1/2" REFERENCE SET ON THE EAST RIGHT-OF-WAY LINE OF SAID HUNT LANE BEARS S88°15'24"E 30.25 FEET; THENCE LEAVING SAID CENTERLINE, S88°15'24"E 337.81 FEET TO A SET 1/2" IRON REBAR; THENCE S27°00'32"W 241.46 FEET TO A SET 1/2" IRON REBAR; THENCE S02°00'56"W 102.06 FEET TO THE POINT OF BEGINNING, CONTAINING 9.72 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 9.72 ACRES BEING SUBJECT TO THE RIGHT-OF-WAY OF HUNT LANE AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

<u>PLAT NOTES:</u>

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES <u>NOT</u> PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

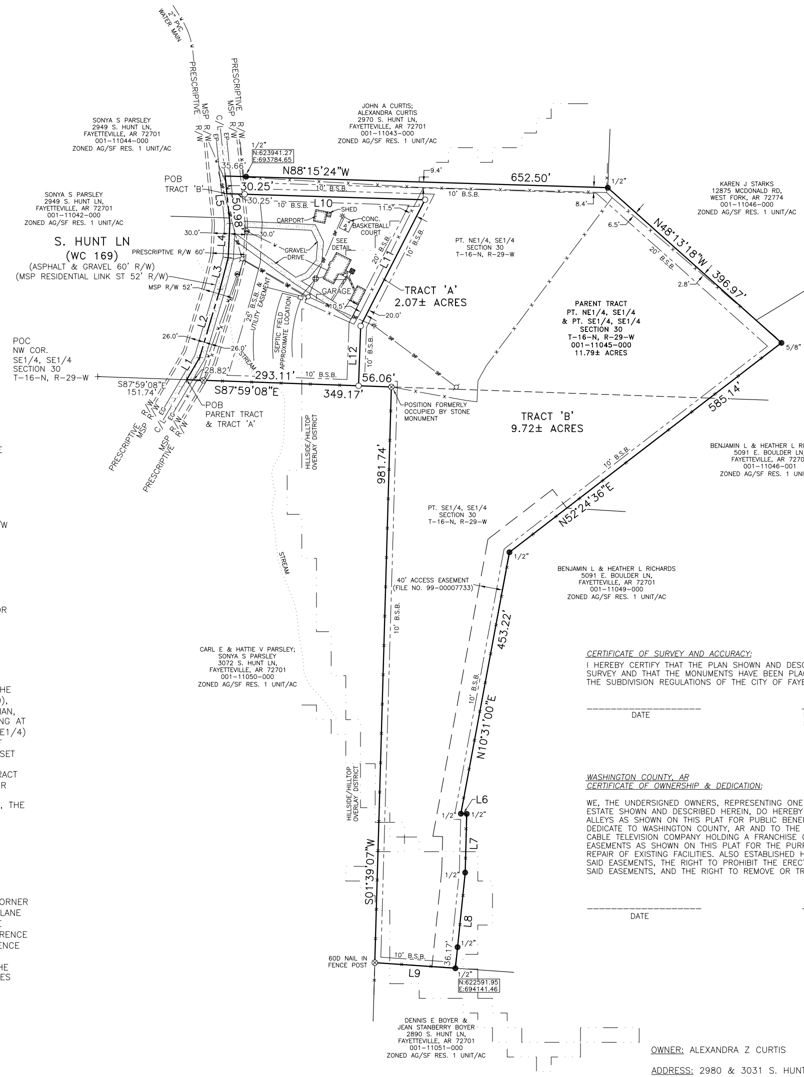
DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS <u>NOT</u> TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

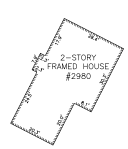
A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE CITY OF FAYETTEVILLE HILLSIDE/HILLTOP OVERLAY DISTRICT.

NO KNOWN EXISTING OR ABANDONED WATER WELLS, SUMPS, CESSPOOLS, SPRINGS, WATER IMPOUNDMENTS, AND UNDERGROUND STRUCTURES WERE OBSERVED AT THE TIME OF THE SURVEY.

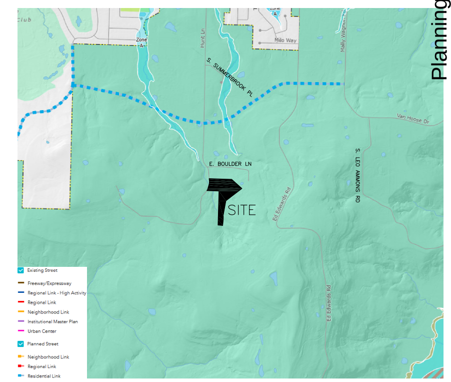
EXISTING WATER LINE EASEMENT REFERENCED IN THIS PROPERTIES DEED IS INDETERMINATE IN NATURE AND IS THEREFOR NOT ABLE TO BE GRAPHICALLY DEPICTED ON THIS PLAT.



LINE	BEARING	DISTANCE
L1	S30°21'52"W	43.67'
L2	S16°32'55"W	121.71'
L3	S14°41'52"W	55.33'
L4	S02°40'55"W	58.55'
L5	S05°37'56"E	81.23'
L6	N88°13'34"W	9.94'
L7	N01°31'31"E	100.15'
L8	N05°49'57"E	163.96'
L9	S85°59'57"E	137.69'
L10	S88°15'24"E	337.81'
L11	S27°00'32"W	241.46'
L12	S02°00'56"W	102.06'



HOUSE DETAIL



VICINITY MAP

<u>FLOOD DESIGNATION:</u>
THIS PROPERTY DOES NOT LIE IN ZONE 'A/AE' (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD) AS DETERMINED FROM THE F.I.R.M. MAP OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 05143C0240F, EFFECTIVE DATE MAY 16, 2008.

<u>CERTIFICATE OF SURVEY AND ACCURACY:</u>
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

_______________ DATE
_______________ REGISTERED LAND SURVEYOR/ PROFESSIONAL LAND SURVEYOR

<u>WASHINGTON COUNTY, AR</u>
<u>CERTIFICATE OF OWNERSHIP & DEDICATION:</u>
WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO WASHINGTON COUNTY, AR AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY WASHINGTON COUNTY, AR) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

_______________ DATE
_______________ OWNER

<u>OWNER:</u> ALEXANDRA Z CURTIS

<u>ADDRESS:</u> 2980 & 3031 S. HUNT LN (WC 169), FAYETTEVILLE, AR 72701
PARCEL NO. 001-11045-000

<u>PROPOSED USE:</u> RESIDENTIAL

<u>PLAT PAGE INDEX:</u> 687

<u>COUNTY ZONING:</u> AG/SF RES. 1 UNIT/AC.

<u>COUNTY SETBACKS:</u>
FRONT...25 FEET + UTILITY EASEMENT
SIDE...10 FEET
REAR...20 FEET

<u>BASIS OF BEARINGS:</u> ARKANSAS STATE PLANE COORDINATE SYSTEM (NORTH ZONE) NAD83

<u>STATE LAND SURVEYOR FILE CODE</u>
500-16N-29W-0-30-200-72-1005

1" = 100' (0 100 200 300)

LEGEND

AC UNIT; BACKFLOW VALVE; BOLLARD POST; BUGGY AXLE; CABLE BOX; CABLE TV PEDESTAL; CHISLED 'X'; COMPUTED POINT; CONC. MONUMENT; C.O.E. MONUMENT; DOWN GUY; DRAIN GRATE; ELECTRIC BOX; ELECTRIC METER; ELECTRIC PEDESTAL; EXIST. ALUM. CAPPED MON.; EXIST. COTTON SPINDLE; EXISTING IRON PIPE; EXISTING IRON REBAR; EXISTING NAIL; FENCE POST; EXIST. IRON IN CONCRETE

FIBER OPTICS SIGN; FIRE HYDRANT; FIRE SPRINKLER; FLAG POLE; GAS LINE SIGN; GAS METER; GAS STUB; GAS REGULATOR; GENERATOR; GROUND LIGHT; IRRIG. CONTROL VALVE; JUNCTION BOX; LAMP POST; MAIL BOX; PARKING SIGN; PAY PHONE; POWER POLE; PROPANE TANK; RAILROAD SPIKE; READING; RIGHT OF WAY MONUMENT; SANITARY SEWER CLEANOUT

SANITARY SEWER MANHOLE; SATELLITE DISH; SEPTIC TANK LID; SET ALUMINUM MONUMENT; SET COTTON SPINDLE; SET STAKE ON LINE; SET 1/2" IRON REBAR; STATE MONUMENT; STONE MONUMENT; STORM DRAIN MANHOLE; STREET SIGN; T-POST; TELEPHONE BOX; TELEPHONE PEDESTAL; TEMPORARY BENCHMARK; TRAFFIC SIGNAL BOX; TRANSFORMER BOX; TREE; WATER LINE SIGN; WATER METER; WATER SPIGOT; WATER VALVE

CENTERLINE ROAD; RIGHT-OF-WAY LINE; BARBED-WIRE FENCE; CHAIN-LINKED FENCE; PRIVACY FENCE; WIRE FENCE; MAJOR CONTOUR INTERVAL; MINOR CONTOUR INTERVAL; BUILDING LINE; FIBER-OPTICS LINE; HILLSIDE/HILLTOP OVERLAY AREA

EASEMENT LINE; BUILDING SETBACK LINE; OVERHEAD ELECTRIC LINE; UNDERGROUND ELECTRIC LINE; GAS LINE; SANITARY SEWER LINE; STORM SEWER LINE; TELEPHONE LINE; WATER LINE; PROPERTY LINE

LSP-2023-00XX

REVISIONS		
DATE	DESCRIPTION	BY

JOB NO. 23283
SHEET 1 OF 1

ARA — Alan Reid & ASSOCIATES, PROFESSIONAL LAND SURVEYORS, BOUNDARY, TOPO
118 S. COLLEGE AVENUE, FAYETTEVILLE, ARKANSAS 72701
479 444 8784
1 888 549 8784
arasurveying@sbcglobal.net

DRAFTSMAN	DF
DATE	12/04/2023
CHECKED	–
SCALE	1" = 100'
SHEET SIZE	24"x 36"

ALEXANDRA Z CURTIS
2980 & 3031 S. HUNT LN (WC 169), FAYETTEVILLE, AR 72701
PARCEL NO. 001-11045-000

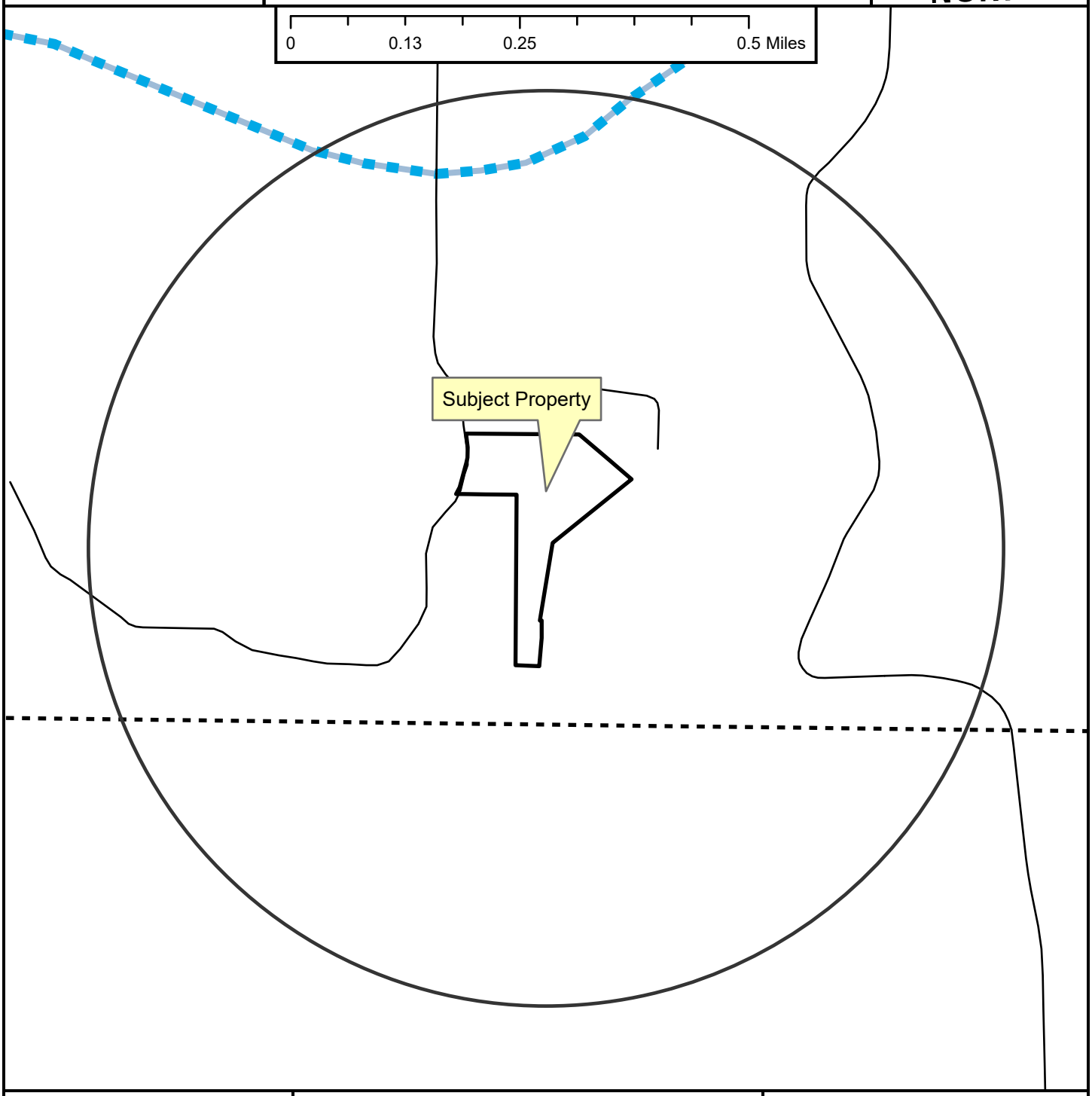
LOT SPLIT – FAYETTEVILLE, ARKANSAS

VAR-2024-0005

One Mile View

2980 S. HUNT LN

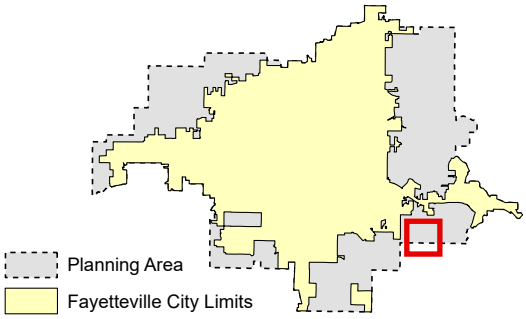
NORTH



Unclassified

Planned Residential Link

Planning Area



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

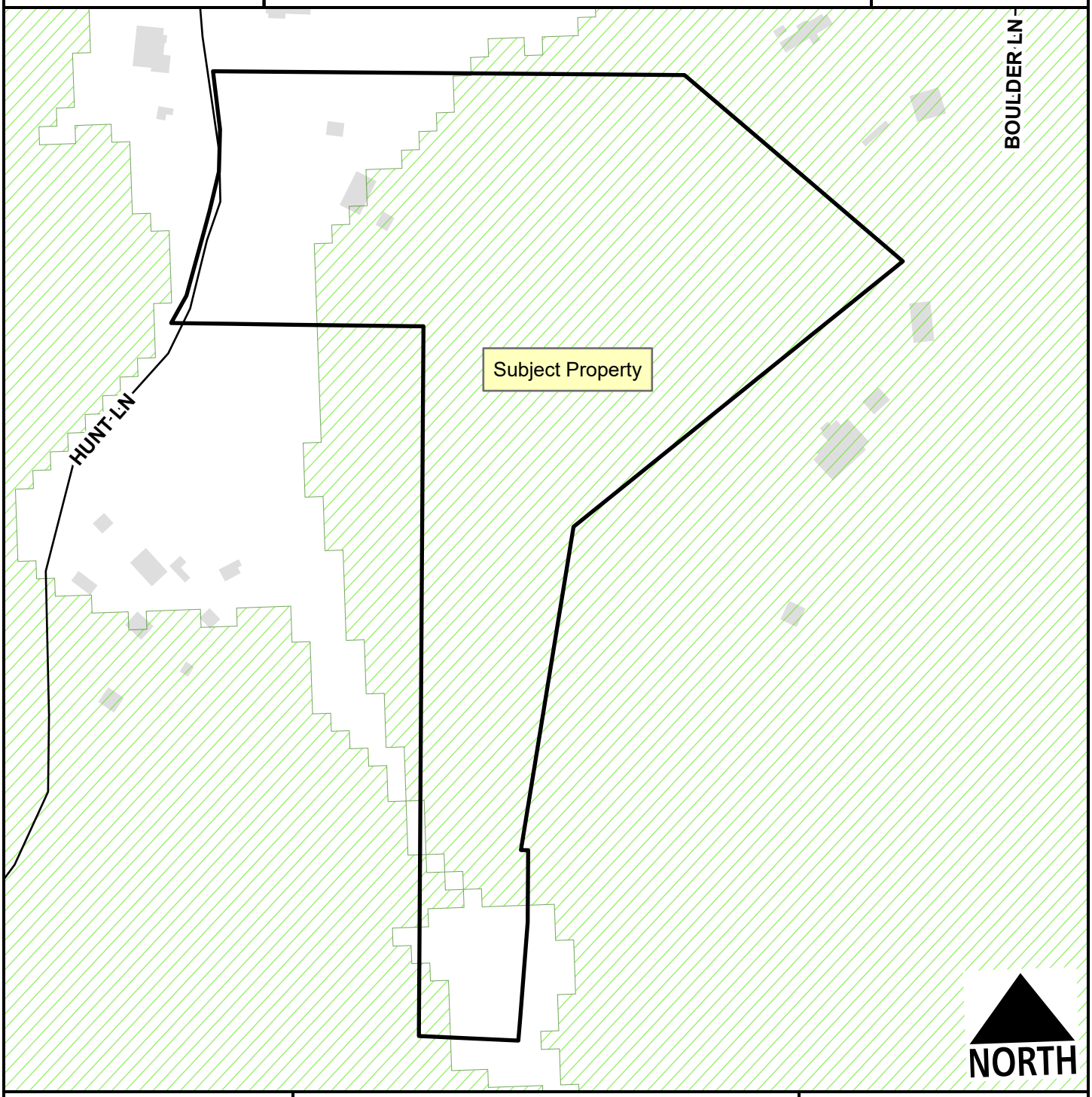
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0005

Close Up View

2980 S. HUNT LN



Unclassified

Hillside-Hilltop Overlay District

Planning Area

Feet

0 75 150 300 450 600

1:2,400

VAR-2024-0005

Current Land Use

2980 S. HUNT LN

NORTH

Unclassified

Planning Area

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: February 26, 2024

SUBJECT: **VAR-2024-0002: Planning Commission Variance (EAST OF 1905 E. MISSION BLVD./EAST MISSION BLVD. LLC, 370):** Submitted by DAKOTA DEVELOPMENT for property located EAST OF 1905 E MISSION BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 4.4 acres. The request is for a variance from access management standards.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0002** with conditions.

RECOMMENDED MOTION:
"I move to approve VAR-2024-0002, recommending:

- *In favor of the requested variance to §166.08(F) Access Management; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in east Fayetteville south of Mission Boulevard Baptist Church and approximately 0.50 miles west of Crossover Road. The parcel (765-13366-000) is about 4.4 acres and is currently undeveloped. The property received its current zoning, CS, Community Services, in 2011 after it was rezoned from the Ruskin Heights RPZD. It is located within the HHOD. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Church	RSF-4, Residential Single-Family Four Units per Acre; P-1 Institutional
South	Single-Family Residential; Undeveloped	NC, Neighborhood Conservation
West	Commercial; Single-Family Residential	C-1, Neighborhood Commercial; RSF-4, Residential Single-Family Four Units per Acre; NC, Neighborhood Conservation
East	Single-Family Residential; Undeveloped	NC, Neighborhood Conservation; RSF-4, Residential Single-Family Four Units per Acre

Request: The applicant requests a variance to *§*166.08(F)*, Access Management* which places a higher priority on accessing the street with the lowest classification when a property has frontage on more than one street. The applicant requests a variance to allow access to on both North Landmark Hill (Residential Link) and East Mission Boulevard (Neighborhood Link).

DISCUSSION

Variance: §166.08(F), Access Management. When a property fronts more than one public street, priority shall be placed on the street with the lower classification according to the Master Street Plan. The applicant is proposing two access points for this property, one onto North Landmark Hill (Residential Link) and the other on East Mission Boulevard (Neighborhood Link).

> *Staff recommendation: Staff supports the variance request finding that due to the property's shape, topography, and the underlying zoning, it is not able to meet access management standards. The property is fairly large, at 4.4 acres, and fronts four public streets: E. Mission Boulevard at the north; N. Landmark Hill to the east; and N. Observatory Road and E. Panorama Place to the south. The property's topography also limits opportunities for access on the lower classification streets. The site has moderate to steep slopes throughout, with the steepest grade at the southern end near N. Observatory Rd. At the northwest corner of the property, where access is proposed from E. Mission Boulevard, the slope is minimal and would facilitate the simplest access to the property with the least amount of grading. Considering the property's location within the HHOD, this proposed location seems justified as it meets the goals of the HHOD to minimize grading disturbance and tree removal and encourage street development that runs parallel to the slope. The property is zoned CS, Community Services which would allow high-density mixed-use development. Two access points are likely required to ensure safe and efficient traffic circulation and adequate emergency vehicle access. A curb cut onto E. Mission Blvd. at the proposed location would still meet required separation distances from the adjacent property and the intersection of N. Landmark Hill.*

Public Comment: Staff has not received any public comment at this time.

RECOMMENDATION: Staff recommend approval of VAR-2024-0002 with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.08(F), Access Management to permit the construction of two access points, one onto N. Landmark Hill (Residential Link) and the other on E. Mission Blvd. (Neighborhood Link).** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
    a. *Any new proposed curb cut shall meet the separation requirements from adjacent property's driveways and the curb cut at the intersection of N. Landmark Hill.*

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Developed Code:
  - §166.08, Street Design and Access Management Standards
- Elevation Profile Exhibit
- Request Letter
- Site Plan
- One Mile Map
- Close-up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

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

(1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.

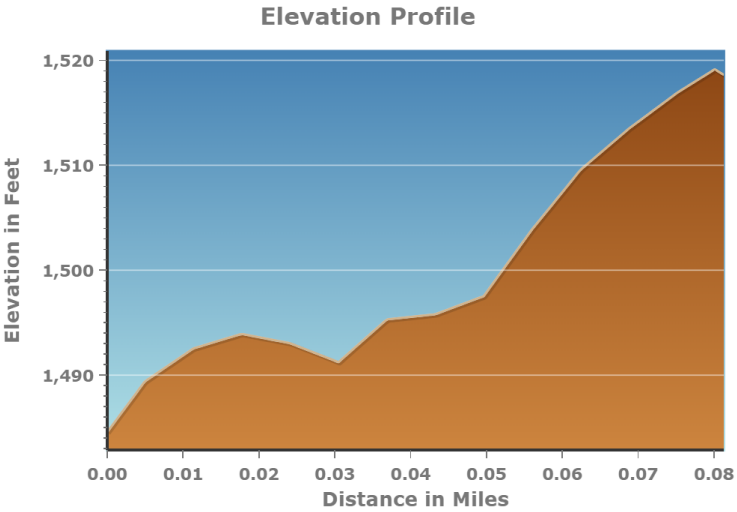
(a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.

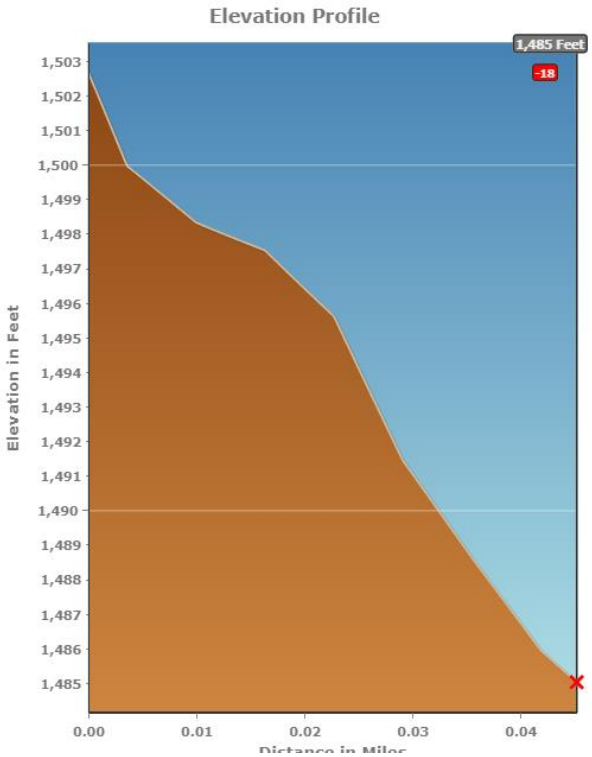
(c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

Exhibit: Elevation Profile

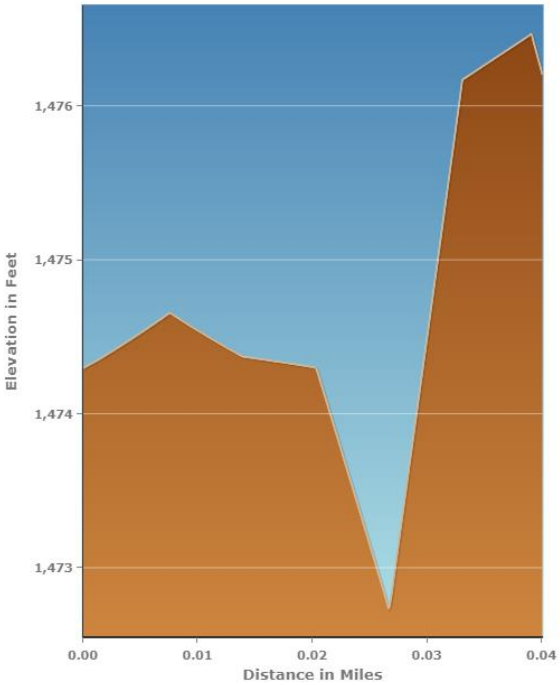
N-S from East Mission Boulevard to N. Observatory Rd.



N from E. Panorama Pl.



N-S E. Mission Blvd. to Approximate Street Location



Ms. Sarah Sparkman
Planning Commission Chair
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Variance request for property located on East Mission Boulevard

Dear Ms. Sparkman,

East Mission Boulevard LLC is the owner of property located on the south side of East Mission Boulevard, west of 2021 East Mission Blvd., and is identified as Parcel ID 765-13366-000 and part of Parcel ID 765-30434-000 (the "Property"). Dakota Development (the "Applicant") requests a variance to Section 166.08(F) of the Unified Development Code, Code of Fayetteville (UDC), to allow two curb cuts from the Property: one on a Neighborhood link and one on a Residential link. If approved, the variance will allow development on the Property in accordance with its Community Services zoning designation, including, but not limited to, commercial/multi-family uses.

Section 166.08(F) of the UDC requires placing a higher priority on accessing the street with the lowest functional classification when a property fronts on more than one public street. In this case, the Property is approximately 4.4 acres and has road frontage on: East Mission Boulevard along its northern boundary; North Landmark Hill along most of its eastern boundary; and North Observatory Rd and East Panorama Place along its southern boundary. The sheer size of the Property and its Community Services zoning designation warrants two road access points to provide for efficient traffic movements and adequate emergency vehicle access. The Owner requests a variance to allow one of two curb cuts to access a Neighborhood link.

First, there are extraordinary and exceptional conditions pertaining to the Property because of its shape and topography. The topography of the Property rises upwards from the street grade level at East Mission Blvd. by approximately 33 to 54 feet to its southernmost boundary, via the moderate or steep slopes that exist in varying degrees throughout the Property. In addition, the Property is in the Hilltop Hillside Overlay District ("HHOD"). Two of the HHOD's primary goals are the design of street access that minimizes the amount of grading disturbance and tree removal, while still accommodating utilities, parking and vehicular and pedestrian access, and the encouragement of streets designed to be parallel to the typographical slopes. HHOD p. 14. As a

result, the Property can only feasibly access two public roads, East Mission Blvd. and North Landmark Hill.

Allowing a curb cut to access East Mission Blvd. where the Property's grade is the closest to street grade would cause the least amount of grading disturbance and tree removal. This would allow an internal road to run almost parallel to the typographical slopes from East Mission Blvd. to North Landmark Hill. Due to the topographic challenges, two access points can't both be provided onto North Landmark Hill, the lowest functional classified street. A curb cut is required on both East Mission Blvd. and North Landmark Hill to provide the two access points warranted for a dense commercially zoned property and to provide for efficient traffic movements and adequate public life safety access to fire and emergency vehicles.

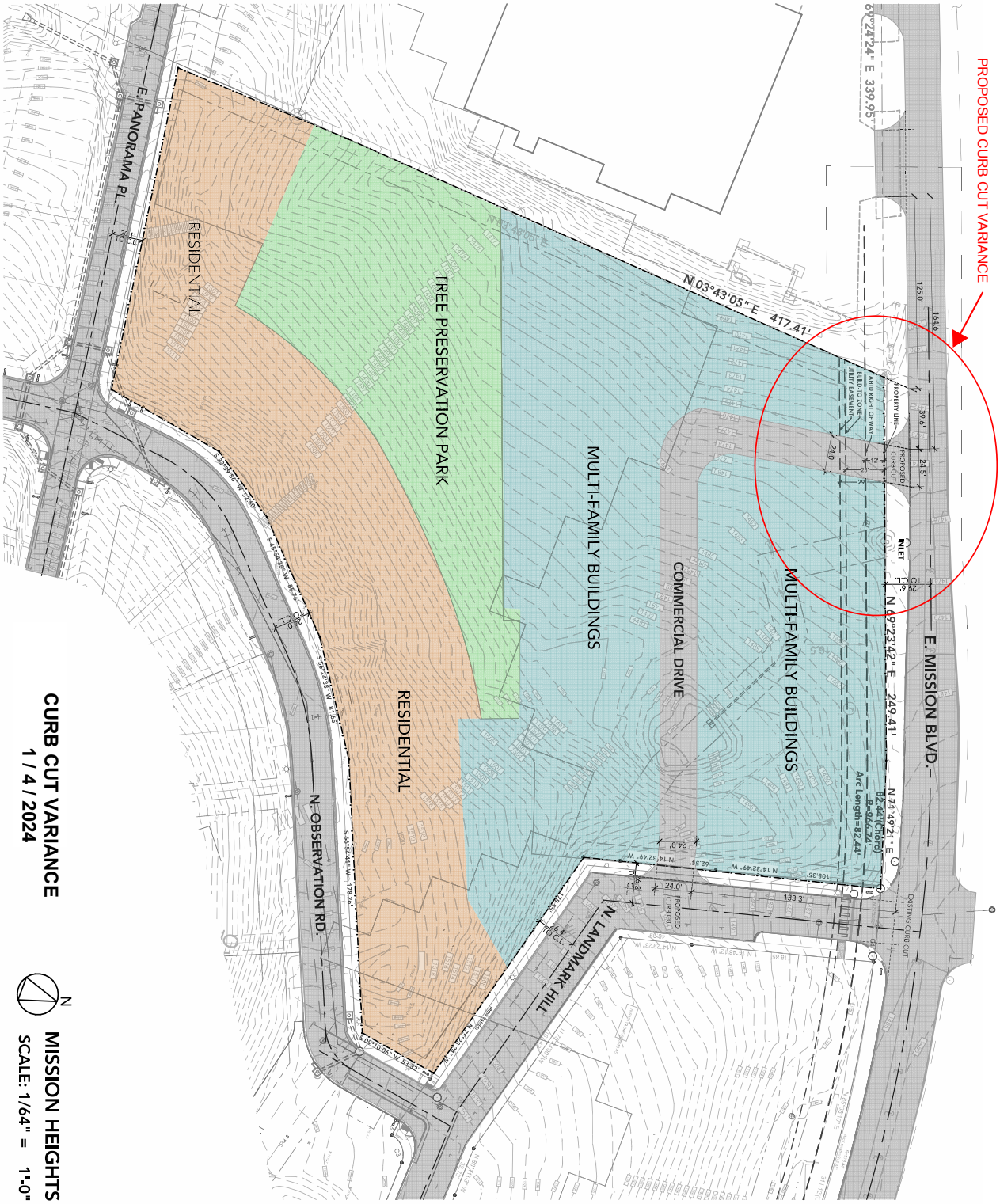
In summary, the provisions of Section 166.08(F) that prohibit a second curb cut on E Mission Blvd., a Neighborhood link, cause undue hardship as it applies to the Property and the size, shape and exceptional topographical challenges discussed above are unique to the Property.

If approved, the variance will not nullify the intent and purpose of the development or the parking and loading regulations. On the contrary, the provision of the two curb cuts requested would serve the intent of the standards in Section 166.08, by ensuring that the development of the Property "is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements." Section 166.08(A). In addition, allowing curb cuts on both East Mission Blvd and North Landmark Hill would provide safe and adequate vehicular and pedestrian access while also fulfilling the goals of the HHOD.

Granting the requested variance would be consistent with the purposes of the UDC and the HHOD design standards. Accordingly, the Applicant respectfully requests that the Planning Commission approves the variance as requested.

Sincerely,

Lawrence Finn
Dakota Development

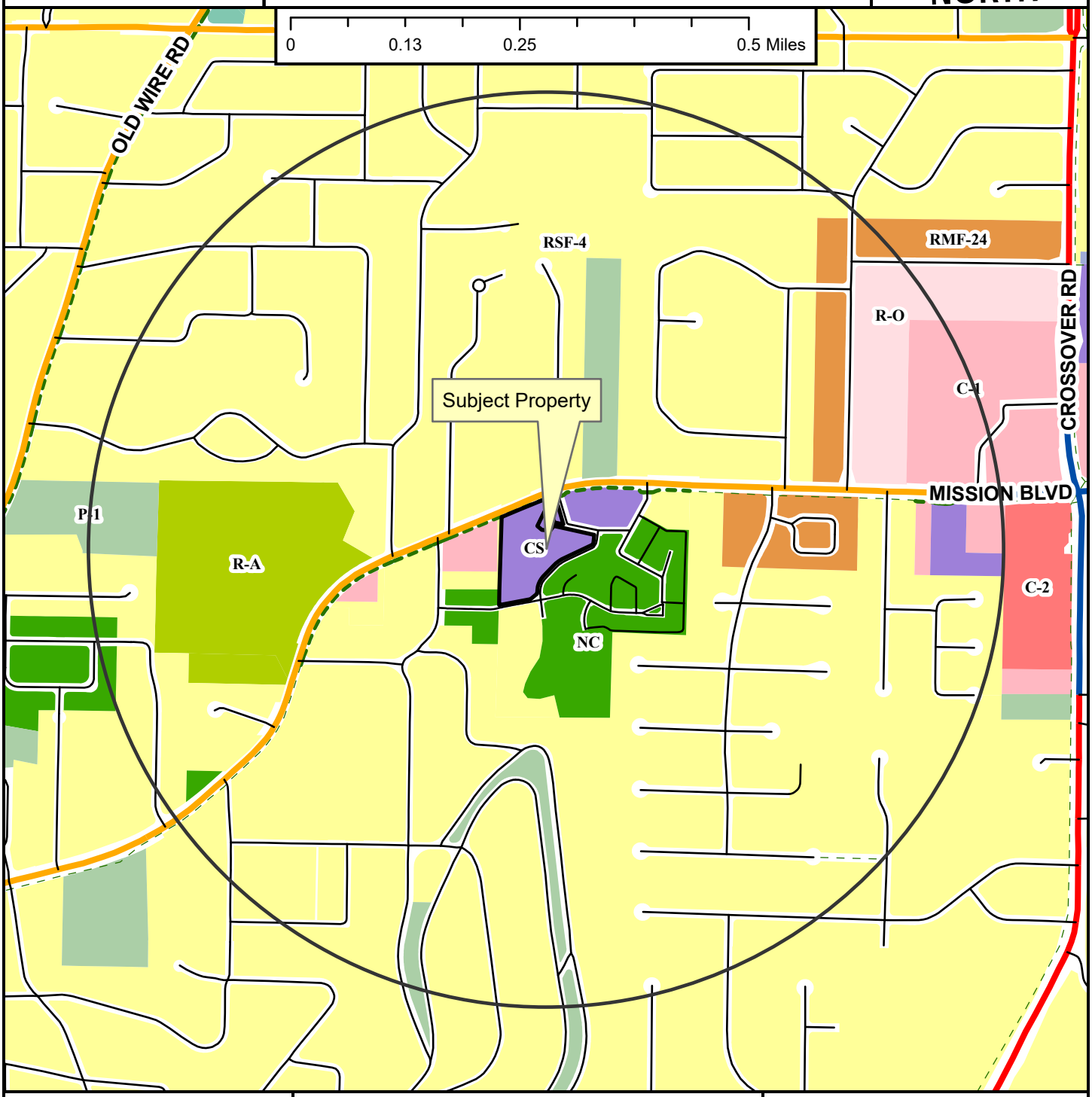

PROPOSED CURB CUT VARIANCE
E. MISSION BLVD.
N 49°23'42" E 249.41'
N 03°43'05" E 417.41'
S 60°24'24" E 339.95'
MULTI-FAMILY BUILDINGS
COMMERCIAL DRIVE
MULTI-FAMILY BUILDINGS
TREE PRESERVATION PARK
RESIDENTIAL
RESIDENTIAL
N. LANDMARK HILL
N. OBSERVATION RD.
E. PANORAMA PL.
INLET
PROPOSED CURB CUT
EXISTING CURB CUT
Arc Length=82.44'
R=946.24'
N 71°49'21" E
82.44'(Record)
N 14°32'49" W
133.3'
24.0'
24.5'
39.4'
125.0'
164.6'
N 03°43'05" E
S 60°24'24" E
N
MISSION HEIGHTS
SCALE: 1/64" = 1'-0"
CURB CUT VARIANCE
1 / 4 / 2024

VAR-2024-0002

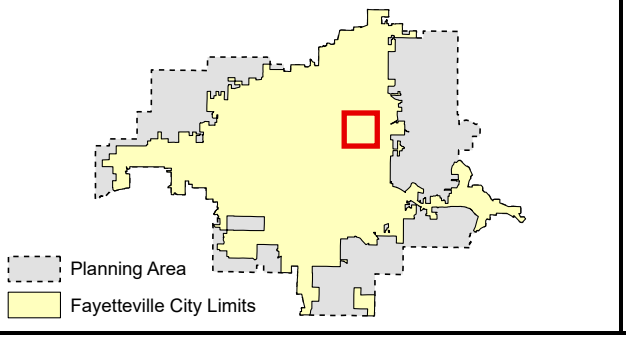
One Mile View

EAST OF 1905 E. MISSION BLVD

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

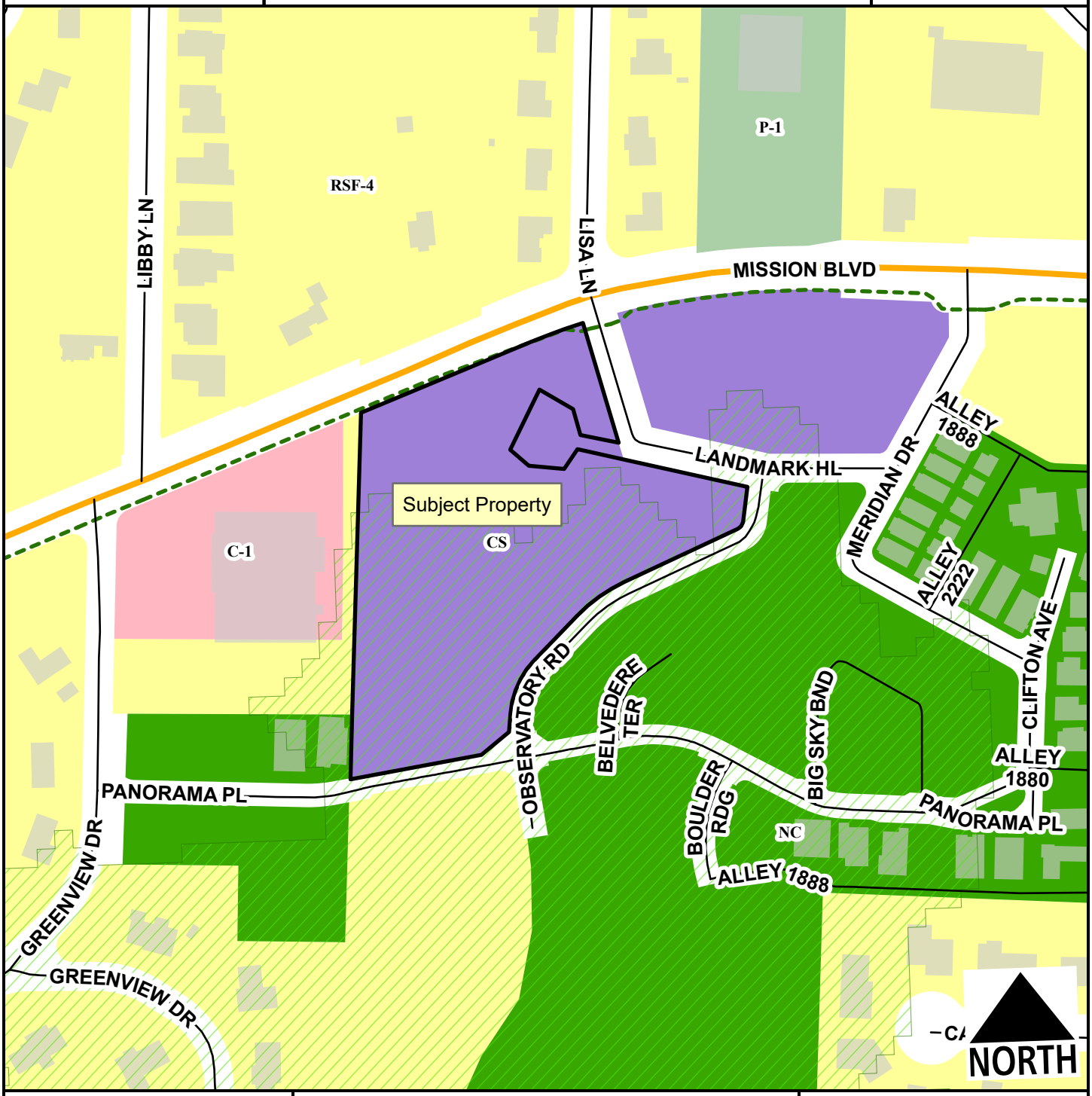
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0002

Close Up View

EAST OF 1905 E. MISSION BLVD



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

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

RSF-4
C-1
Community Services
Neighborhood Conservation
P-1

VAR-2024-0002

Current Land Use

EAST OF 1905 E. MISSION BLVD

NORTH

Neighborhood Link

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: February 26, 2024

SUBJECT: **VAR-2024-0003: Variance (3733 E Natchez Trace, 295):** Submitted by Brent and Jennifer Peterson for property located at 3733 E Natchez Trace. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE and contains approximately 1 acre. The request is a variance from streamside protection requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0003** with conditions.

RECOMMENDED MOTION:
"I move to approve **VAR-2024-0003** with conditions, determining:

- In favor of the requested streamside protection variance; and
- In favor of all other conditions as recommended by staff.

FEBRUARY 12, 2024 PLANNING COMMISSION MEETING:
At the previous Planning Commission meeting, this item was tabled at the applicant's request, since they were working with the property owner on a new site plan. The applicant has since submitted a new site plan, and staff finds that the recommendation is still to approve.

BACKGROUND:
The subject property is located on the south side of E Natchez Trace, just west of its intersection with N Surrey Xing and located within the Savanna Estates Subdivision. The property totals approximately 1 acre and is currently developed with a single-family residence. The subject lot was platted in 1996 and the home constructed in 1997 according to the County records. An unnamed tributary to Flynn Creek is located on the rear portion of the subject property. Although the home was constructed prior to the Streamside Protection Ordinance, the tributary is considered protected following the 2011 adoption of the Streamside Protection Zones ordinance. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

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

Proposal: The applicant proposes an in-ground pool on the southern portion of their property. As shown on the attached exhibits, the protection area does occupy the majority of the rear yard and would prevent the installation of the below ground pool in the rear yard as shown.

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

DISCUSSION:
The proposed project includes the construction of an in-ground pool and additional riparian landscaping as shown on the attached exhibits. As noted, the existing streamside protection zones encompass most of the rear yard of the home. As such, the construction of an in-ground pool would not be allowed by ordinance or feasible in the area outside of the protection zones. There was discussion with the applicant about relocating the pool on their property but for the reasons outlined in the request letter those were deemed not feasible.

However, as outlined in the attached request letter, staff does feel that the applicant has a unique need for the pool in question. Although there are currently two planting beds adjacent to the stream within the waterside zone, there is also an opportunity to enhance the zone and improve the vegetated buffer from the existing turf grass. Given that, the owner has agreed to create a more robust riparian zone within the waterside zone by replacing the existing turf grass with a combination of native trees, shrubs and grasses to offset the proposed encroachment. The owner also currently owns and controls a parcel of land on the south side of the creek as well. This area is currently vacant with mature trees. It is also in the streamside zones; however, the owner has expressed desire to maintain this area as a natural area with the current trees on the property. This would limit any encroachment on the south side of the stream.

RECOMMENDATION: Staff recommends approval of **VAR-2024-0003,** subject to the following conditions:

<u>Conditions of Approval</u>:

1. Applicant shall locate the pool such that the pool and any decking is outside of the waterside zone.

2. Applicant shall enhance the riparian buffer zone with a combination of native trees and shrubs. A final landscape plan shall be submitted and approved by staff prior to any construction permits within the encroachment being issued.

3. The current owner shall disclose to any potential buyer of the lot/home affected that the lot/home is subject to the streamside ordinance and they will be responsible for compliance as the owner. This disclosure shall include a description of the purpose of any features constructed to comply with this variance request and the fact that the features must be maintained in order for the lot to remain in compliance.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

Section 156.03 Development Variances

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

(C) Consideration by the Planning Commission

(9) *Streamside Protection Zones*

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

The lot was platted previous to the streamside zones being adopted. The pool would not be allowed in the rear yard as noted. Alternate locations for the pool were discussed with the owner and the owner indicated those were not feasible for reasons outlined in the request; however, the determination of undue hardship is up to the commission.

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

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

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

See staff conditions listed above.

BUDGET/STAFF IMPACT:
None

Attachments:

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

Application for Variance to Fayetteville Stormwater Management Zone

3733 E Natchez Trace
Fayetteville, AR 72703

Lot 33, Savanna Estates, Phase IV, a Subdivision to the City of Fayetteville, Arkansas, as shown on plat of record in Plat Book 14, at Page 91, plat records of Washington County, Arkansas

ATTN: Chair of the Fayetteville Planning Commission

RE: Reduction in width of Streamside Protection Zone – Mitigation Area

We are applying for a variance to the Fayetteville Streamside Protection Zone enacted through Ordinance 11-5390, Chapter 168 Section 168.12 of the Fayetteville Code of Ordinances, to install an in-ground swimming pool within the Zone 2 Streamside Management Zone located on our property. There is no recommendation for swimming pools in the Streamside Protection Best Management Practices Manual. Our yard currently already has a riparian area along the stream.

We have been actively managing the tree population on our property, and have systematically added many new trees over the last few years. We have replaced trees that have a bigger impact on our allergies due to excessive pollen with varieties that do not impact our allergies as much. Specifically, we have added a greater variety of species including many evergreen varieties that do not shed pollen and leaves to the same degree as trees we have removed. We have increased the health and variety of the tree population on our property throughout our ownership.

Our insurance carrier requested that we remove trees from our property to reduce risk from damage due to falling trees and branches. There were three large trees in our back yard that were removed partly as a result of this request along with the condition of the trees. Our arborist also recommended that we remove these trees. Additionally, these trees affected our ability to use our yard fully and to be able to see our grandchildren from the house and patio when they are playing near the creek. This was a safety concern that we were able to reduce through increased visibility of the area along the creek from within our home.

Since removing these trees, we have decided to install a swimming pool in our back yard. The location of the pool was carefully planned and selected. We have made several changes to the size, shape and location of the pool. The final size, shape and location are important for a variety of reasons:

- Our son has Cerebral Palsy and swimming is one of the best methods for him to get the exercise he needs.
- This design and size pool allows us to help him exercise and increases the types of activities and exercises we can help with. Water exercise is encouraged and recommended by his physician.
- This location enhances safety - we can see entirety of the pool clearly from this location.
- We can easily access the entirety of the pool from both our upstairs deck and downstairs living area in this location if there is an emergency
- The size and location of the pool deck allow us to easily navigate around the pool should we need to quickly get to any specific part of the pool due to an emergency
- We can install an automatic safety cover to ensure that our pool is covered when not in use in this location and with this specific design

Brent & Jennifer Peterson
3733 E. Natchez Trace
Fayetteville, AR 72703

- We are able to stay completely out of the existing drainage easement and out of the Streamside Protection Zone (Zone 1) area
- We do not have to remove additional trees along the side of our house, which is the only reasonable alternate location
- The utilities along the side of the house would also have to be relocated if the pool was located on the side of the house
- We have an existing buffer along the creek of flower beds, shrubs and small trees
- We own the portion of land across the stream, and have already added several trees to that area that increase the streamside protection of the entire property as well as flower beds, trees and shrubs between the proposed swimming pool location and stream

We are applying for a variance to allow us to construct our pool within the Zone 2 Mitigation Zone. We are willing to add additional shrubs and trees along the bank of the stream in order to further minimize any potential impacts the swimming pool may have if necessary. Our pool will not have any backwash discharge to the grounds as we are using a cartridge type filter (i.e. no sand or DE filter). The automatic cover also will reduce the likelihood of chemically treated pool water overflowing. The area is not a designated floodway and is outside of the existing drainage easement. Our builder will install run-off protection between the stream and swimming pool during construction in order to prevent additional runoff while the pool is being built.

For these reasons, we are requesting a variance to the Streamside Protection Zone requirements pursuant to Chapter 156.03(C).(7).(i) or as otherwise applicable.

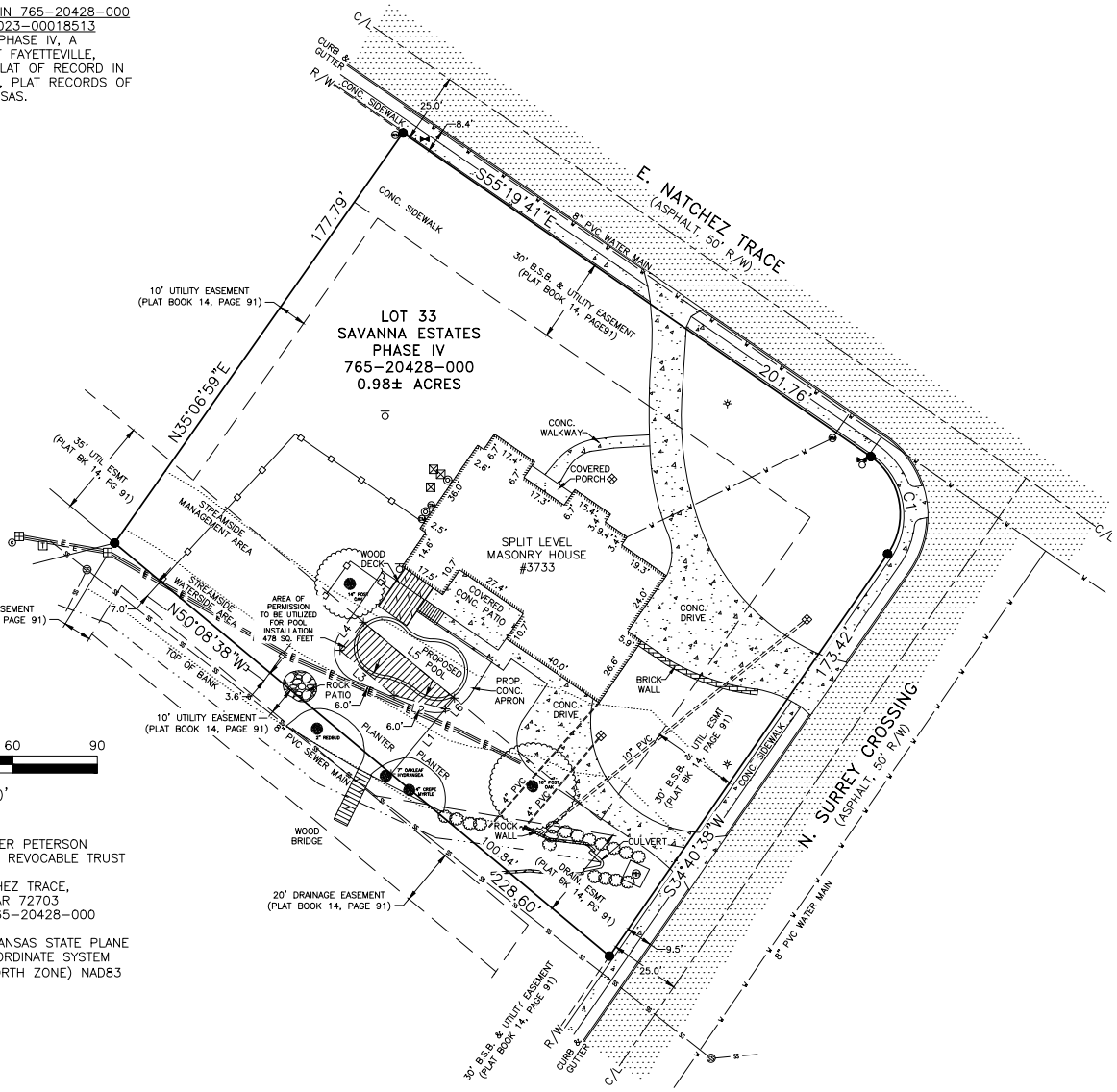
12/28/23 (Date)

Brent Philip Peterson

12/28/23 (Date)

Jennifer Irene Peterson

PROPERTY DESCRIPTION – PIN 765-20428-000
WARRANTY DEED FILE NO. 2023-00018513
LOT 33, SAVANNA ESTATES, PHASE IV, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 14, AT PAGE 91, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.



0 30 60 90

1" = 30'

OWNER: BRENT & JENNIFER PETERSON
PETERSON FAMILY REVOCABLE TRUST

ADDRESS: 3733 E. NATCHEZ TRACE,
FAYETTEVILLE, AR 72703
PARCEL NO. 765-20428-000

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM (NORTH ZONE) NAD83

PLAT NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

LINE	BEARING	DISTANCE
L1	N39°51'22"E	30.00'
L2	N75°20'43"W	18.79'
L3	N50°08'38"W	25.00'
L4	N39°51'22"E	13.00'
L5	S50°08'38"E	42.00'
L6	S39°51'22"W	5.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	38.84'	35.05'	S09°46'37"E	89°01'34"

AREA OF EXISTING UTILITY EASEMENT TO BE GRANTED PERMISSION FOR POOL INSTALLATION

A PART OF LOT 33, SAVANNA ESTATES, PHASE IV, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 14, AT PAGE 91, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 33, SAID POINT BEING AN EXISTING IRON REBAR; THENCE N50°08'38"W 100.84 FEET ALONG THE SOUTH LINE OF SAID LOT 33 TO A POINT; THENCE LEAVING THE SOUTH LINE OF SAID LOT 33, N39°51'22"E 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N75°20'43"W 18.79 FEET TO A POINT; THENCE N50°08'38"W 25.00 FEET TO A POINT; THENCE N39°51'22"E 13.00 FEET TO A POINT ON THE NORTH BOUNDARY OF AN EXISTING THIRTY-FIVE (35) FOOT WIDE UTILITY EASEMENT; THENCE S50°08'38"E 42.00 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID EASEMENT, S39°51'22"W 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING 478 SQUARE FEET, MORE OR LESS.

NOTE:
UNDERGROUND ELECTRIC LINE LOCATION SHOWN ON THIS DRAWING IS ESTABLISHED FROM PAINT MARKINGS PROVIDED BY ARKANSAS ONE CALL AND OZARKS ELECTRIC. ALAN REID & ASSOCIATES WILL NOT BE RESPONSIBLE FOR EXACT LOCATION OF ANY BURIED UTILITY LINES. OZARK ELECTRIC SHOULD BE CONTACTED FOR INFORMATION REGARDING SEPARATION BETWEEN BURIED LINES AND AND WALL OF POOL.

LEGEND

AC UNIT
BACKFLOW VALVE
BOLLARD POST
BUGGY AXLE
CABLE BOX
CABLE TV PEDESTAL
CHISLED 'X'
COMPUTED POINT
CONC. MONUMENT
C.O.E. MONUMENT
DOWN GUY
DRAIN GRATE
ELECTRIC BOX
ELECTRIC METER
ELECTRIC PEDESTAL
EXIST. ALUM. CAPPED MON.
EXIST. COTTON SPINDLE
EXISTING IRON PIPE
EXISTING IRON REBAR
EXISTING NAIL
FENCE POST
EXIST. IRON IN CONCRETE
FIBER OPTICS SIGN
FIRE HYDRANT
FIRE SPRINKLER
FLAG POLE
GAS LINE SIGN
GAS METER
GAS STUB
GAS REGULATOR
GENERATOR
GROUND LIGHT
IRRIG. CONTROL VALVE
JUNCTION BOX
LAMP POST
MAIL BOX
PARKING SIGN
PAY PHONE
POWER POLE
PROPANE TANK
RAILROAD SPIKE
READING
RIGHT OF WAY MONUMENT
SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
SATELLITE DISH
SEPTIC TANK LID
SET ALUMINUM MONUMENT
SET COTTON SPINDLE
SET STAKE ON LINE
SET 1/2" IRON REBAR
SHRUB
STATE MONUMENT
STONE MONUMENT
STORM DRAIN MANHOLE
STREET SIGN
T-POST
TELEPHONE BOX
TELEPHONE PEDESTAL
TEMPORARY BENCHMARK
TRAFFIC SIGNAL BOX
TRANSFORMER BOX
TREE
WATER METER
WATER SPIGOT
WATER VALVE

CENTERLINE ROAD
RIGHT-OF-WAY LINE
BARBED-WIRE FENCE
CHAIN-LINKED FENCE
PRIVACY FENCE
WIRE FENCE
MAJOR CONTOUR INTERVAL
MINOR CONTOUR INTERVAL
BUILDING LINE
TREE CANOPY
DITCH/WATER LINE
EASEMENT LINE
BUILDING SETBACK LINE
OVERHEAD ELECTRIC LINE
UNDERGROUND ELECTRIC LINE
GAS LINE
SANITARY SEWER LINE
STORM SEWER LINE
TELEPHONE LINE
WATER LINE
PROPERTY LINE
EASEMENT AREA TO BE VACATED

SHEET 1 OF 1
JOB NO. 2236

REVISIONS		
DATE	DESCRIPTION	BY
02/06/2024	UPDATED POOL LOCATION	DF
02/06/2024	NEW POOL DESIGN-CURVILINEAR POOL ADDED/AREA OF PROPOSE POOL DEVELOP IN UE UPDATED	DF/AR

ARA
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479 444 8784
1 888 549 8784
arasurveying@sbcglobal.net

Alan Reid & ASSOCIATES
PROFESSIONAL
LAND SURVEYORS
BOUNDARY
TOPO

DRAFTSMAN	JP/DF
DATE	12/08/2023
CHECKED	–
SCALE	1" = 30'
SHEET SIZE	18"x 24"

BRENT & JENNIFER PETERSON – PETERSON FAMILY REVOCABLE TRUST
3733 E. NATCHEZ TRACE, FAYETTEVILLE, AR 72703
PARCEL NO. 765-20428-000

UTILITY EASEMENT PERMISSION – FAYETTEVILLE, ARKANSAS

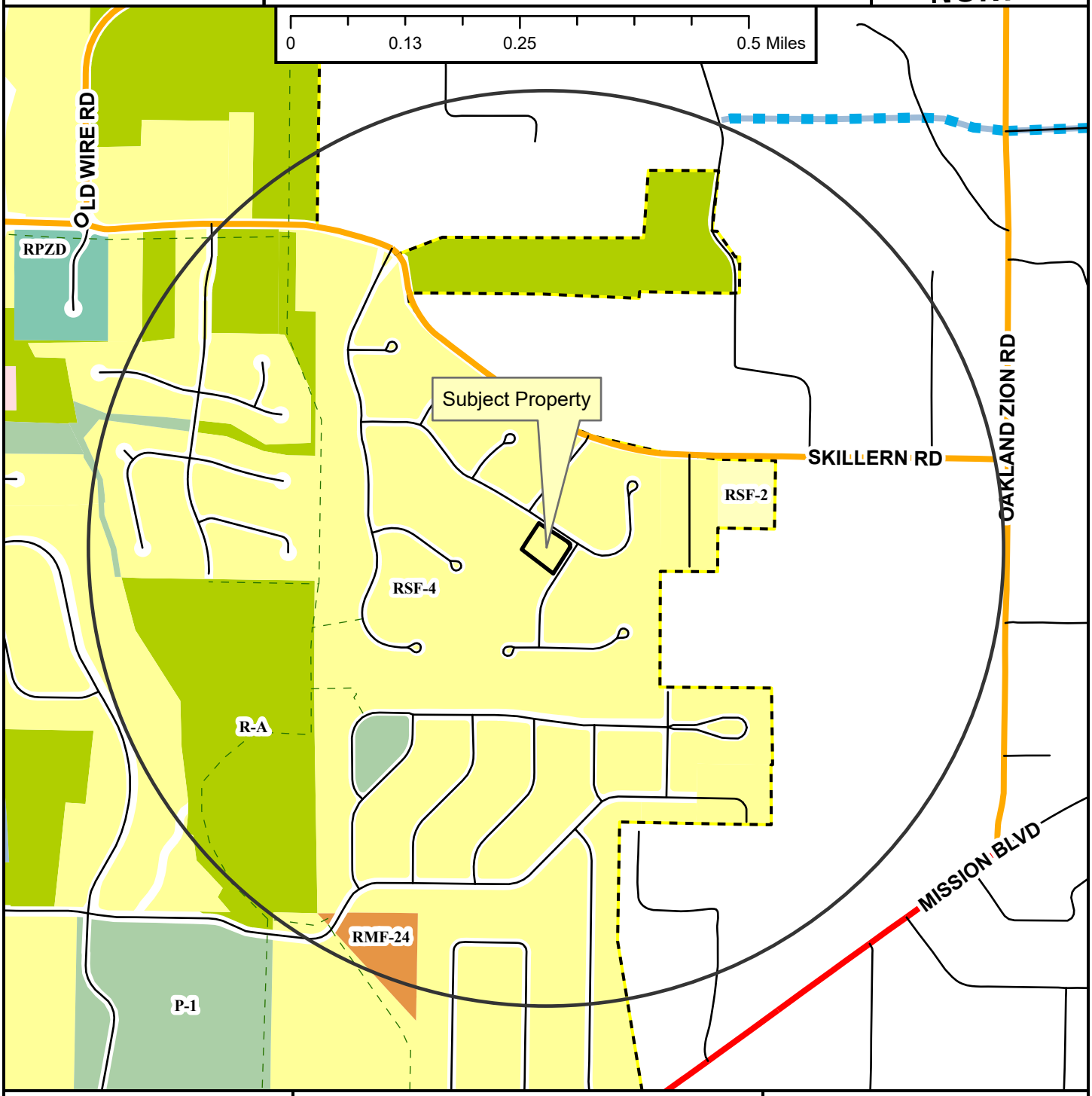
oakleaf hydrangeas
established oak
evergreens
New berm bed
Holly shrubs
Holly shrubs
existing plants
Creek
Pool
existing plants
firepit existing
existing oak
young willows existing

VAR-2024-0003

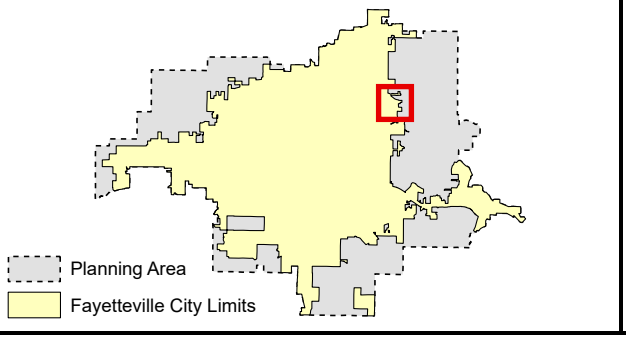
One Mile View

3733 E NATCHEZ TRCE

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

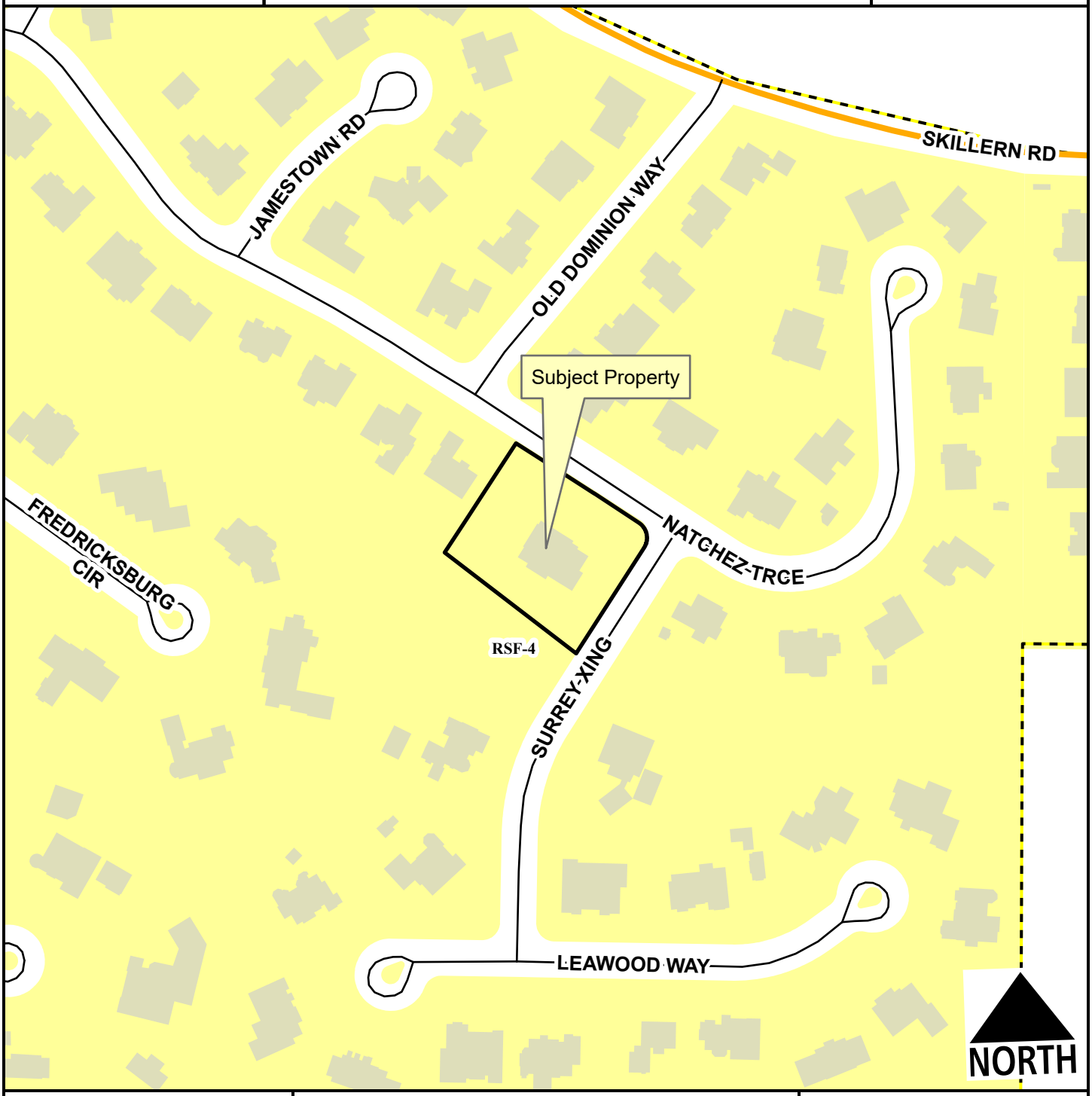
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0003

Close Up View

3733 E NATCHEZ TRCE



Neighborhood Link

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

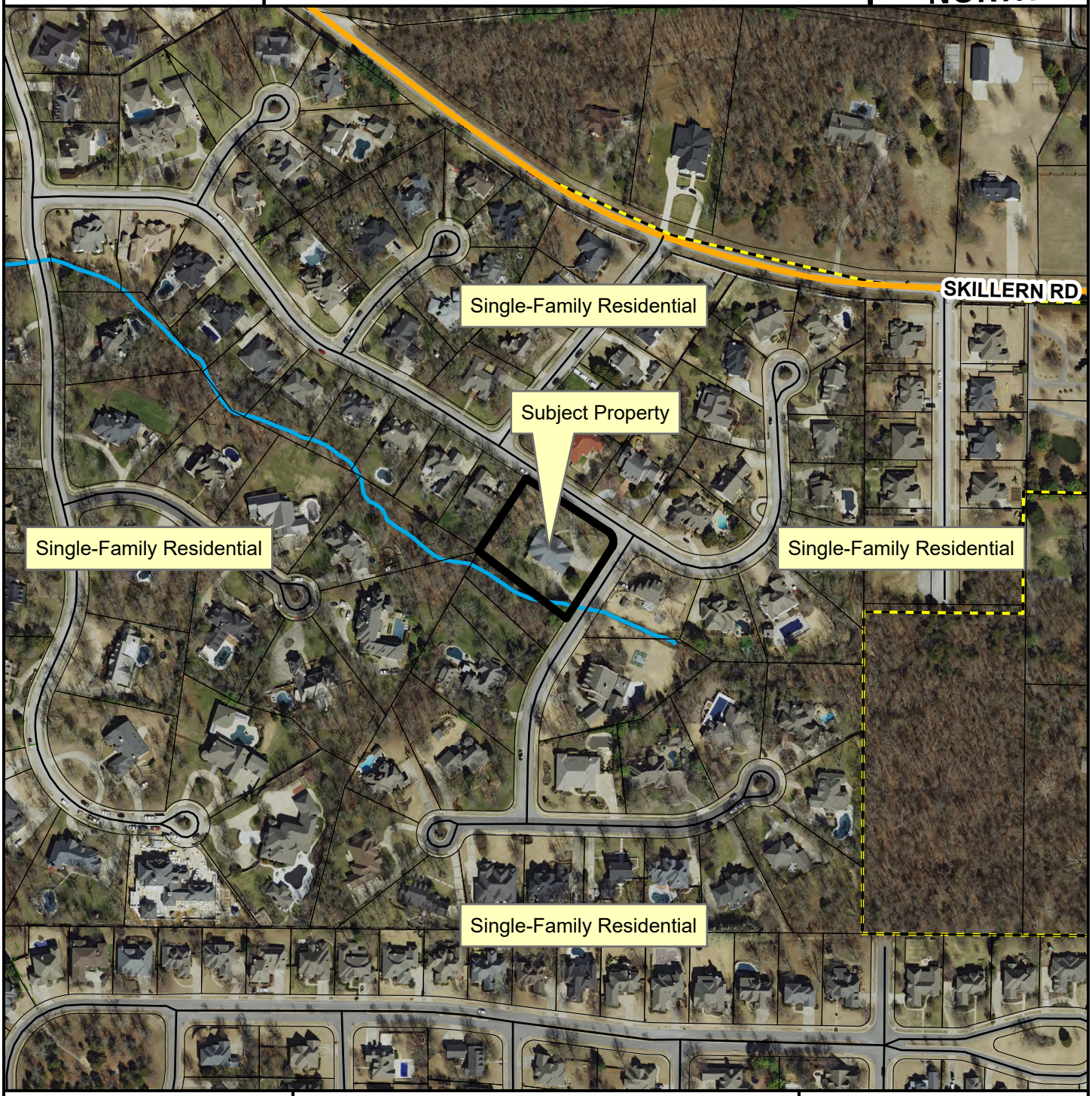
RSF-4

VAR-2024-0003

Current Land Use

3733 E NATCHEZ TRCE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: February 26, 2024

SUBJECT: **CUP-2023-0175: Conditional Use Permit (NE OF N. SHILOH DR. & NW OF W. CHICORY PL./FOCAL POINT INVESTMENTS, LLC):** Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located NE. OF N. SHILOH DR. & NW. OF W. CHICORY PL. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 2.43 acres. The request is for Use Unit 38: mini storage units in CPZD zoning.

RECOMMENDATION:
Staff recommends tabling **CUP-2023-0175.**

The rezone affiliated with the subject property was heard at the February 20, 2024 City Council meeting. The council voted to advance the ordinance to the second reading, but voted 4-4 to move to the third reading. Discussion on this item will continue on at the March 5, 2024 City Council Meeting. This conditional use permit request should be considered after the rezoning is finalized by City Council.

RECOMMENDED MOTION:
*"I move to table **CUP-2023-0175** until the March 25th Planning Commission meeting."*

PLANNING COMMISSION ACTION: Required YES

Date: February 26, 2024 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: February 26, 2024

SUBJECT: **VAR-2024-0006: Planning Commission Variance (NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD/RUDY'S BBQ, 595):** Submitted by OLSSON for property located NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 2.74 acres. The request is for a variance to access management standards and non-residential design standards for a commercial structure.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0006** with conditions.

RECOMMENDED MOTION:
"I move to approve VAR-2024-0006, recommending:

- *In favor of the requested variance to §166.25(D)(2), Cross Access;*
- *In favor of the requested variance to §166.08(F), Access Management; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in west Fayetteville at the northeast corner of the intersection of S. Rupple Rd. and W. Martin Luther King Blvd. The parcel (765-29594-000) is about 5.33 acres and is currently undeveloped. The Farmington Branch crosses the property at its northern end. The property received its current zoning, UT, Urban Thoroughfare, in 2015 after it was rezoned from R-A, Residential Agricultural. In January 2024, the applicant submitted a Large Site Improvement Plan (LSIP-2024-0001) for the construction of a 10,797 square-foot commercial development and associated parking. After review of the LSIP, staff determined that variance requests would be required. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare; NC Neighborhood Conservation
South	Undeveloped	UT, Urban Thoroughfare
West	Undeveloped; Commercial	UT, Urban Thoroughfare
East	Commercial	C-1, Neighborhood Commercial

Request: The applicant requests a variance to *§*166.08(D)(2), *Cross Access,* which requires cross access be provided to adjacent developed and undeveloped land. The applicant requests a

variance to this requirement due to existing FEMA Floodplain and Streamside Protection Zones located to the north of the subject property. Additionally, the applicant requests a variance to §166.08(F), *Access Management,* which places a higher priority on accessing streets with a lower functional classification when the property fronts more than one public street. The applicant requests a variance to allow access to both S. Rupple Rd. and W. Martin Luther King Jr. Blvd.

DISCUSSION

Variance: §166.25(D)(2), Cross Access. Cross access is required to adjacent developed and undeveloped properties. The applicant is not proposing a connection to the north of the subject property.

> *Staff recommendation: Staff supports the variance request finding that due to the FEMA floodplain and Streamside Protection Zone associated with the Farmington Branch, the northern portion of the parcel is likely undevelopable. Creating a connection to the north on the site would further impact the Farmington Branch, and S. Rupple Road provides an existing, safe connection to adjacent properties to the north. A northern connection on the site is not needed.*

Variance: §166.08(F), Access Management. When a property fronts more than one public street, priority shall be placed on the street with the lower classification according to the Master Street Plan. The applicant is proposing two access points for this property, one onto S. Rupple Rd. (Regional Link) and the other on W. Martin Luther King Jr. Blvd. (Regional Link – High Activity), which will require a variance. Additionally, the proposed curb cut along both streets do not meet the separation distance of 250 feet from the intersection, which will require a variance.

> *Staff recommendation: Staff supports the variance request finding that access to the lower classification street is limited due to the design of S. Rupple Rd. Access onto S. Rupple Rd. is limited due to the existing median that separates traffic flows, permitting only right in and right out turns. The applicant is proposing an additional access point along W. Martin Luther King Jr. to expand access to the site. Staff recommends a condition of approval for the creation of a shared access drive between the subject property and the property to the east which the applicant is showing. Further, staff also supports the request for a variance to the curb cut separation distance. The variance from the required 250-feet separation distance is minimal in both cases (221 feet along S. Rupple Rd. and 222 feet along S. Martin Luther King Jr. Blvd.), a reduction of 29 feet and 28 feet, respectively. Since the applicant plans a shared access drive, any future development on the adjacent property to the east would not require an additional curb cut. Since S. Rupple Rd. is divided by a median, vehicles can only access the site when heading north, which reduces the risk of vehicle conflict.*

Public Comment: To date, staff has not received any public comment on this item.

RECOMMENDATION: Staff recommend approval of VAR-2024-0006 with the following conditions.

Conditions of Approval:

1. **Commission Determination of a variance to §166.25(D)(2), Cross Access to omit a connection to the northern portion of the property.** *Staff recommends approval of the requested variance for the reasons outlined above.*

2. **Planning Commission determination of a variance to §166.08(F), Access Management to permit the access to two streets with a separation distance of less than 250-feet from the intersection.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*

a. *The driveway along W. Martin Luther King Jr. Blvd. shall be a shared access drive between the subject property and the adjacent property to the east.*

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

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>February 26, 2024</u>	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Developed Code:
  - §166.25(D)(2) Cross Access
  - §166.08, Street Design and Access Management Standards
- Request Letter
- Site Plan
- One Mile Map
- Close-up Map
- Current Land Use Map

§166.25 – Commercial, Office and Mixed Use Design and Development Standards

…

(D) Site Development and Design Standards

…

(2) *Cross Access*. Cross access shall be required to adjacent developed and undeveloped properties.

166.08 Street Design And Access Management Standards

…

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

(1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.

(a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.

….

(4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

January 30, 2024

City of Fayetteville
Attn: Planning Division
113 W. Mountain St.
Fayetteville, AR 72701

RE: Proposed Rudy's BBQ - Fayetteville
W. M.L.K. Jr. Blvd. & S Rupple Rd, Fayetteville, AR
Variance Letter

Staff and Commissioners,

On behalf of Rudy's West Real Estate, LLC, Olsson Associates hereby submits site improvement documents and variance requests to facilitate the development of a commercial restaurant located within the current UT zoning district near W. M.L.K. Jr. Blvd & S Rupple Rd (parcel number 765-29594-000).

Zoning and Land Use

The existing UT zoning district where the improvements are located will not change as a result of the subject proposal.

Infrastructure Improvements

The improvements associated with the subject proposal include two curb cuts along the adjacent existing roads providing shared access through both lots, a 10,797 square foot restaurant building, utility improvements and landscape features as required by City of Fayetteville code. All major site improvements are intended to be located outside of the existing Streamside Protection and Floodplain Zones.

Variances

Along with the improvement documents mentioned above, variances for the subject property are being provided for staff and commissioner review to help facilitate the proposed improvements. The variances listed below shall accompany the Large Site Improvement Plan application (LSIP-2024-0001).

Variance Request 1 (Cross Access & Connectivity)
UDC Section 166.08 (E) (3)

Per UDC Section 166.08 (E) (3), Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

This request is to waive the requirement of providing cross access/connectivity to the north undeveloped portion of the site.

We offer the following noteworthy points for your consideration in the context of the above request:

1. As shown in the mentioned improvement plans, the extents of the proposed parking lot stops before reaching the existing Streamside Protection Zones and Floodplain limits. The undeveloped portion of the site in which access would typically be required sits on the opposite side the mentioned protection zones and floodplain limits. To avoid significant disturbance of the stream and floodplain, a connection to the north has been omitted.

Variance Request 2 (Access Management)
UDC Section 166.08 (F)

Per UDC Section 166.08 (F), Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

This request to waive the requirement of only providing one curb cut/access point into the site to allow connectivity for the subject property and the undeveloped lot to the east.

We offer the following noteworthy points for your consideration in the context of the above request:

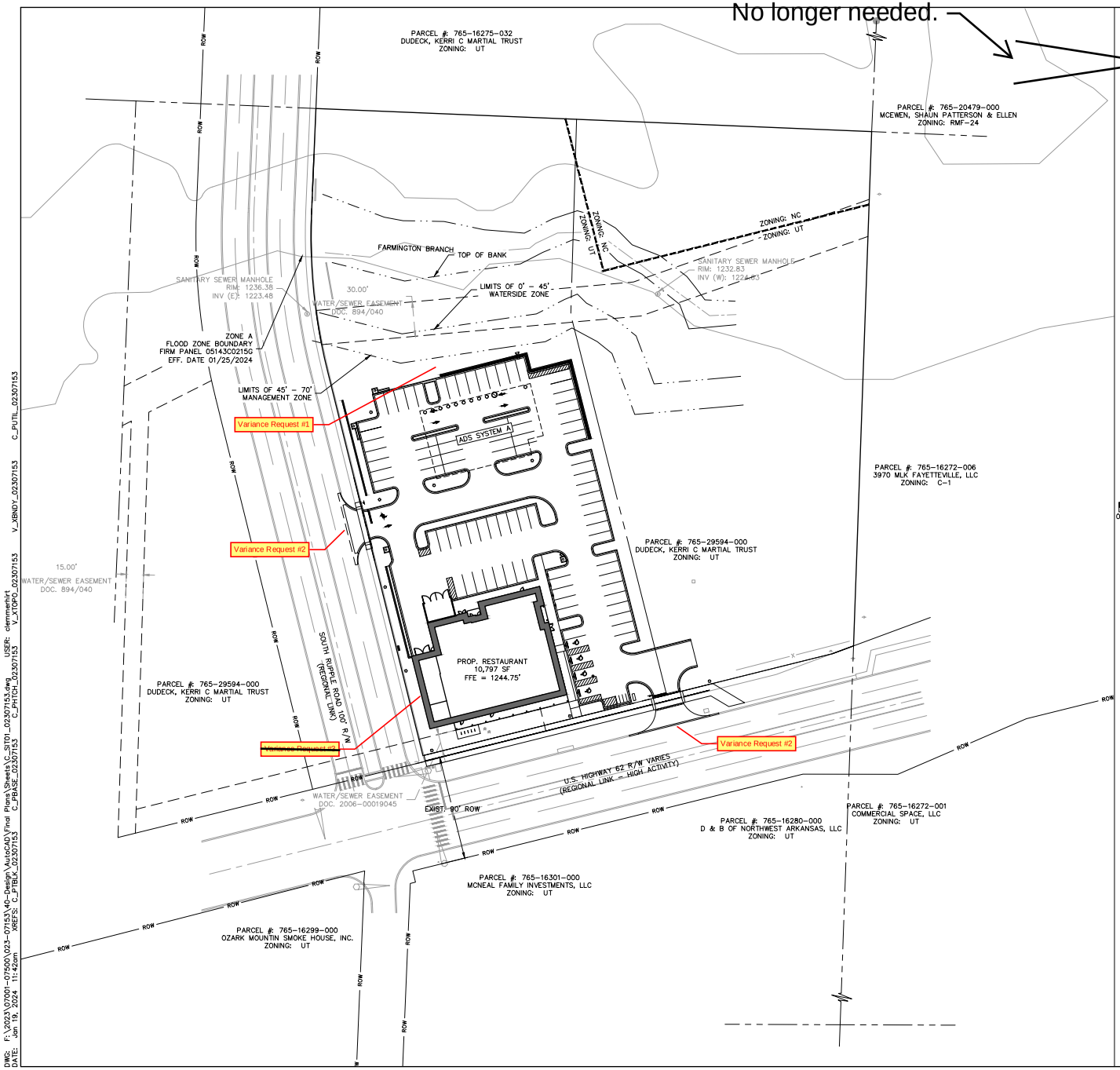
1. Based on existing conditions, S Rupple Rd will only allow right in and right out turn movements into the subject property due to an existing median that separates traffic flows. Since the median is also being used for drainage and water quality purposes, a portion of the median cannot be removed to allow additional turn movements into the site. Because of this, an additional curb cut along W M.L.K. Jr Blvd is being proposed to allow additional access to the site and allow vehicular access from the Rudy's BBQ site on W M.L.K. Jr Blvd. Along with this additional curb cut, shared access will be provided to both lots in this area and allow connectivity between the two lots while avoiding in additional curb cuts along W M.L.K. Jr. Blvd in the future once the adjacent lot develops.

Should you have any questions, please contact me at 501.733.2240 or at mloos@olsson.com.

Sincerely,

Matthew K. Loos, P.E.
Olsson Project Manager

No longer needed.



PAVEMENT MARKING NOTES:

1. DO NOT APPLY PAVEMENT MARKING PAINT UNTIL LAYOUT, COLORS AND PLACEMENT HAVE BEEN VERIFIED WITH THE ARCHITECT.

2. ALLOW CONCRETE PAVING TO AGE FOR 28 DAYS BEFORE MARKING.

3. ALL PAVEMENT SURFACES SHALL BE CLEANED/CLEARED OF ANY DEBRIS OR CURING COMPOUNDS IN ACCORDANCE WITH MANUFACTURES REQUIREMENTS PRIOR TO ANY MARKING APPLICATIONS.

4. DETAILS NOT SHOWN SHALL BE IN CONFORMITY WITH THE STATE STANDARDS FOR TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, AND SIMILAR REQUIREMENTS ESTABLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION.

5. ALL PARKING LOT STRIPING SHALL BE SINGLE LINE 4" WIDE AS PER THE SITE PLANS.

6. PAINT FOR MARKING PAVEMENT SHALL CONFORM TO FEDERAL HIGHWAY MARKING STANDARDS. USE SHERWIN WILLIAMS PROFESSIONAL FAST DRY ACRYLIC LATEX TRAFFIC MARKING PAINT OR EQUAL, USE WHITE, BLUE OR YELLOW, WHERE APPROPRIATE. UNLESS OTHERWISE DIRECTED, USE THE FOLLOWING:
A. BLACKTOP OR BITUMINOUS ASPHALT PAVING: USE WHITE COLOR.
B. PORTLAND CEMENT CONCRETE PAVING: USE WHITE COLOR.
C. ADA ACCESSIBLE PARKING AND ENTRYWAYS: USE BLUE COLOR.
D. PROVIDE PAINTED CURBS AT FIRE LANE DESIGNATIONS PER FIRE MARSHAL REQUIREMENTS.

7. APPLY ALL MARKINGS USING APPROVED MECHANICAL EQUIPMENT (WITH PROVISIONS FOR CONSTANT AGITATION OF PAINT), CAPABLE OF APPLYING THE MARKING WIDTHS AS SHOWN. PROVIDE A MINIMUM WET FILM THICKNESS OF 15 MILS. USE PNEUMATIC SPRAY GUNS FOR HAND APPLICATION OF PAINT. ALL PAINTING EQUIPMENT AND OPERATIONS SHALL BE UNDER THE CONTROL OF EXPERIENCED TECHNICIANS THOROUGHLY FAMILIAR WITH EQUIPMENT AND MATERIALS AND MARKING LAYOUTS.

8. DETAIL PAVEMENT MARKINGS SHALL BE THAT MARKING, EXCLUSIVE OF ACTUAL TRAFFIC LANE MARKING, AT EXIT AND ENTRANCE ISLANDS AND TURNOUTS, ON CURBS, AT CROSSWALKS, AT PARKING BAYS AND AT SUCH OTHER LOCATIONS AS SHOWN. ADA ACCESSIBLE PARKING SPACES SHALL BE MARKED BY THE INTERNATIONAL ACCESSIBLE SYMBOL AT INDICATED PARKING SPACES. USE A SUITABLE TEMPLATE THAT WILL PROVIDE A PAVEMENT MARKING WITH TRUE, SHARP EDGES AND ENDS.

LEGEND

- ROW — RIGHT-OF-WAY LINE
- PROPERTY/LEASE LINE
- PROP. BUILDING SETBACK
- EXIST. UTILITY EASEMENT
- PROP. UTILITY EASEMENT
- BENCHMARK
- EXIST. LIGHT POLE
- EXIST. TRANSFORMER
- EXIST. WATER METER
- EXIST. GRATE INLET
- EXIST. POWER POLE
- EXIST. POWER POLE W/ LIGHT
- EXIST. STEEL POST
- EXIST. WATER VALVE

N

0' 20' 40' 80'
SCALE IN FEET

SITE DATA		
PROPOSED USE		RESTAURANT
ZONING		URBAN THOROUGHFARE
PROPOSED LOT SIZE		±2.74 ACRES ±119,397 SF
BUILDING HEIGHT		20'-6"
PROPOSED GROSS FLOOR AREA		10,797 SF
MAXIMUM PARKING ALLOWED	ONE (1) SPACE PER 100 SF GROUND FLOOR AREA	
PROPOSED PARKING	TOTAL	108
	STANDARD	87 STALLS
	ADA (<100)	4 STALLS
	MOTORCYCLE	4 STALLS
	TOTAL	95 STALLS
PROPOSED BICYCLE PARKING	PROVIDED	5 RACKS
BUILDING AREA		10,797 SF
PAVEMENT/PARKING/SIDEWALK AREA		44,862 SF
TOTAL IMPERVIOUS AREA		55,623 SF (46.59%)
TOTAL PERVIOUS AREA		63,774 SF (53.41%)
BUILDING SETBACKS (ZONE UT)		
FRONT		ZONE BETWEEN 10' AND 25'
REAR		NONE
SIDE		NONE
BUILDING FRONTAGE		
S. RUPPLE. RD. TOTAL FRONTAGE		573.5'
FRONTAGE REDUCTIONS		224'
REQ'D 50% BUILDING FRONTAGE		174.75'
BUILDABLE FRONTAGE PROVIDED		223'

olsson
Planning Commission
3537 North Steele Boulevard, Suite 310
Fayetteville, AR 72703
479.521.9096

REV. NO.	DATE	REVISIONS DESCRIPTION	BY

REVISIONS

OVERALL SITE PLAN

RUDY'S BBQ - FAYETTEVILLE
LARGE SITE IMPROVEMENT PLANS

FAYETTEVILLE, ARKANSAS

2024

drawn by: CLL
checked by: MKL
approved by: MKL
QA/QC by: MKL
project no.: 023-07153
drawing no.:
date: 01/03/24

SHEET
C3.0

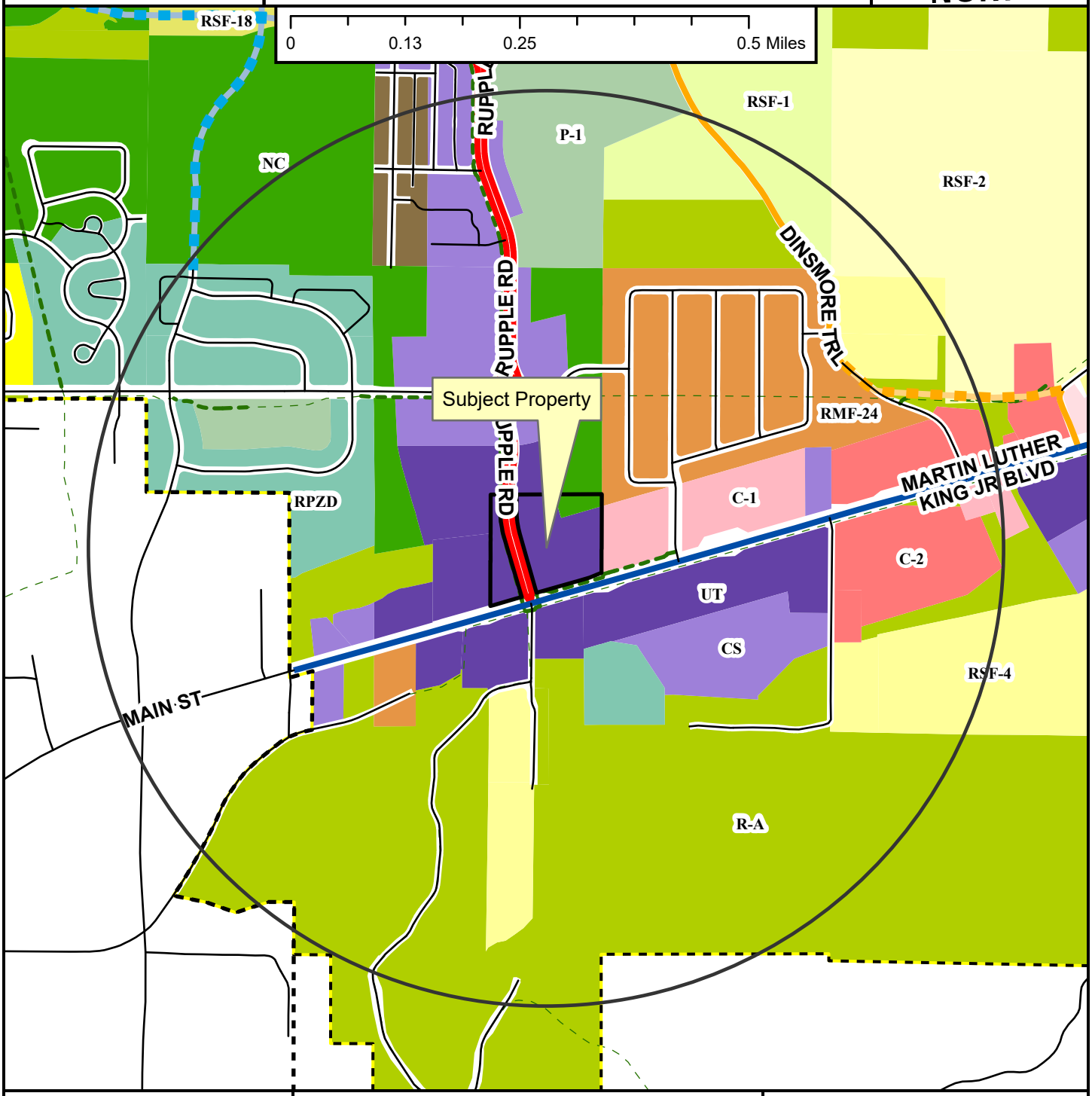
DWG: F:\2023\07001-07500\023-07153\40-Design\AutoCAD\Final Plans\Sheets\C_ST01_02307153.dwg USER: clemmerkirt
DATE: Jan 18, 2024 11:46am XREFS: C_PTBL_02307153 C_PBASE_02307153 C_PHOTO_02307153 V_17090 V_XBNDY_02307153 C_PUTIL_02307153

VAR-2024-0006

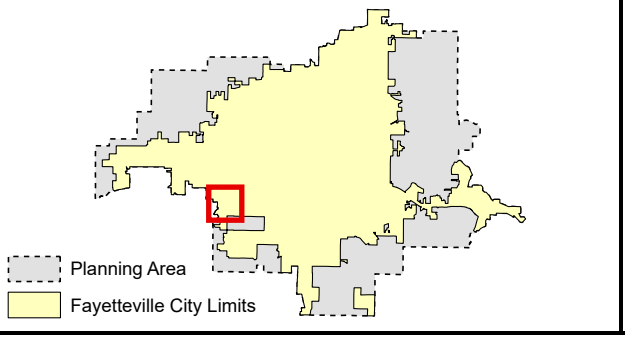
One Mile View

S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

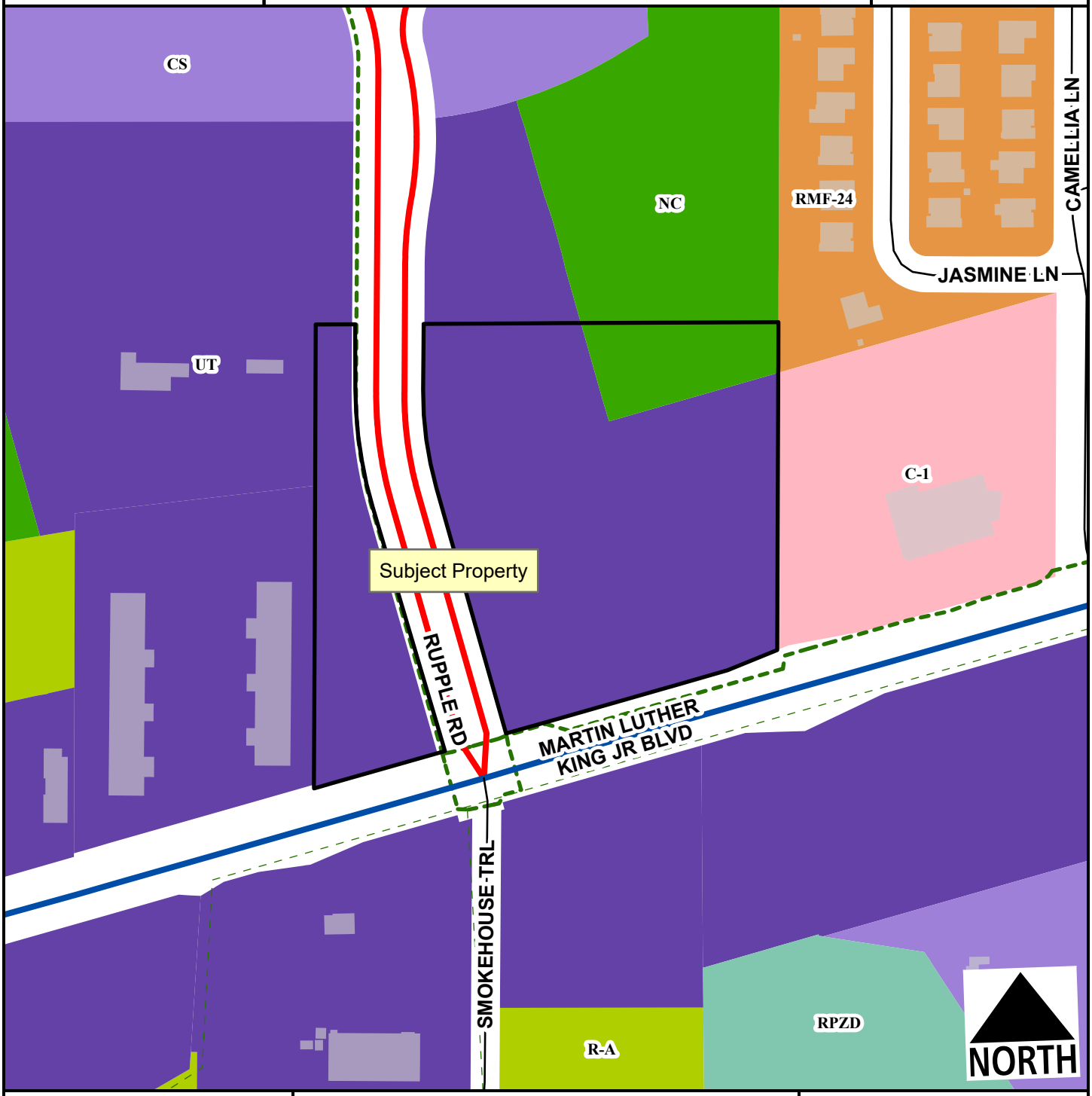
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0006

Close Up View

S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD



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

Feet

0 75 150 300 450 600

1:2,400

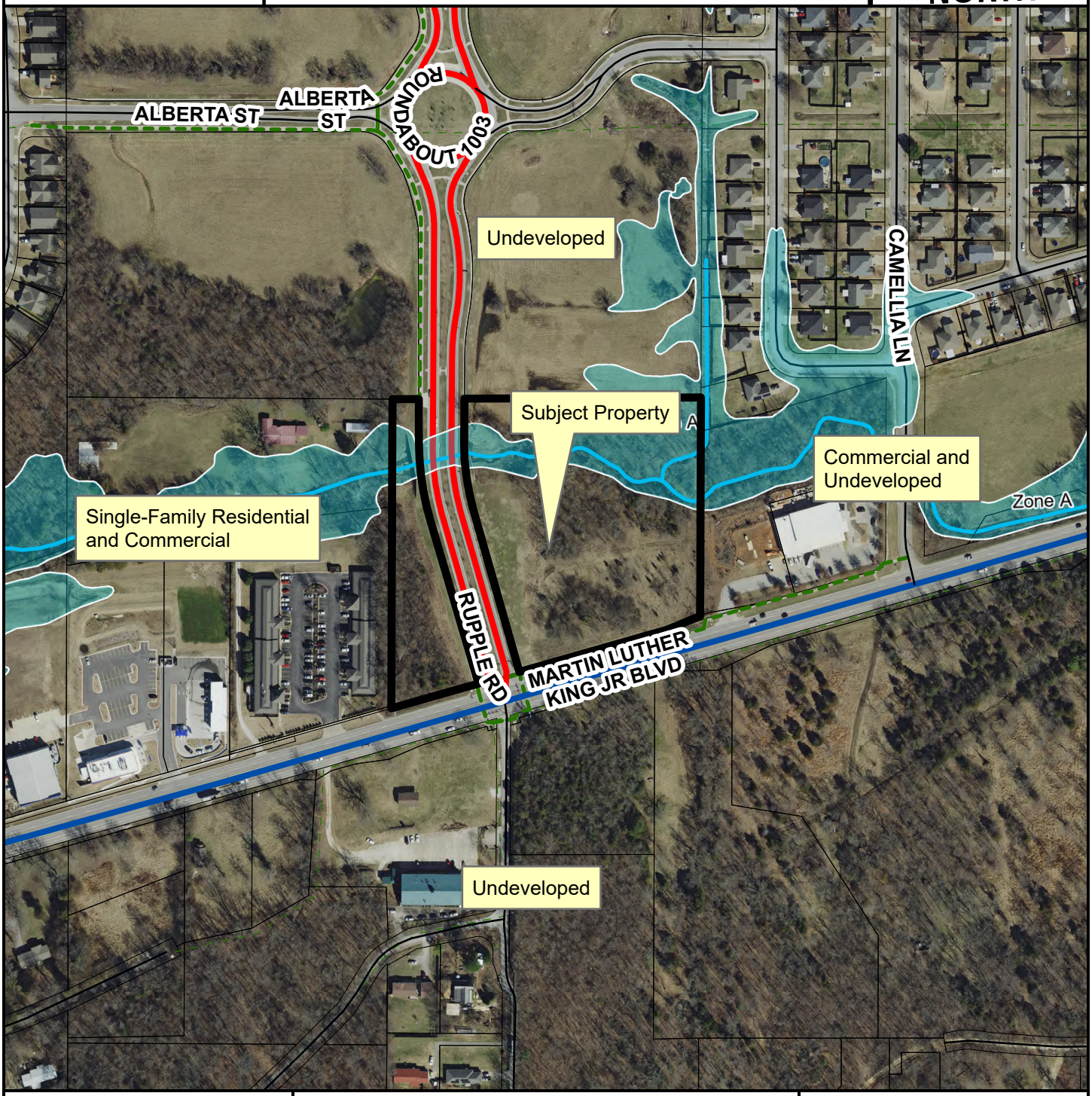
- Residential-Agricultural
- RMF-24
- C-1
- Urban Thoroughfare
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

VAR-2024-0006

Current Land Use

S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: February 26, 2024

SUBJECT: **VAR-2024-0007: Planning Commission Variance (436 E. MARTIN LUTHER KING JR BLVD/NIEDERMAN, 524):** Submitted by 3V DEVELOPMENT for property located at 436 E. MARTIN LUTHER KING JR BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.43 acres. The request is for a variance to urban residential design standards.

RECOMMENDATION:
Staff recommends denial of **VAR-2024-0007**.

RECOMMENDED MOTION:
"I move to deny VAR-2024-0007."

BACKGROUND:
The subject property is in central Fayetteville at the northwest corner of S. Wood Ave and E. Martin Luther King Jr. Blvd. The parcel is about 0.43 acres and is currently undeveloped. The property is zoned DG, Downtown General and lies within the Walker Park Neighborhood Master Plan area. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential	RI-U, Residential Intermediate – Urban; NC, Neighborhood Conservation
West	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	DG, Downtown General

Request: The applicant requests a variance to *§*166.23(D)(2) *Construction and Appearance Design Standards for Urban Residential Development,* which requires principal facades greater than forty-eight (48) feet wide along street frontage to have variations in materials, insets or other relief in the wall plane, and the incorporation of two or more architectural features. The applicant requests a variance to this requirement to design the principal facade with a single wall plane.

DISCUSSION
Variance: §166.23(D)(2) Construction and Appearance Design Standards for Urban Residential Development. Multi-family dwellings are required to meet urban residential design standards. Principle facades that exceed forty-eight (48) feet in length along a public street are required to have variations in materials, insets or other relief in the wall plane, and the

incorporation of two or more architectural features. The applicant is not proposing any insets or other relief in the wall plane.

Staff recommendation: Staff does not support the variance request finding that there is no hardship limiting the applicant's ability to meet this design standard. While staff does recognize the design meets the standard for variation in materials and the incorporation of two architectural features (dormers and porticoes), the spirit and intent of requirement to provide relief in wall plane is not being met. The intent of this standard is to provide visual interest through vertical shifts in plane that create shadows and voids, breaking up the building and providing dynamic engagement with the street. Other methods of approaching the spirit and intent of this standard include a vertical shift in brick pattern, use of pilasters, or other architectural feature that will not impact the interior floor plan, but provide some visual distinction between units and break up the face of the building. In staff's evaluation, there is no hardship preventing the applicant from applying features that would bring the design closer to the spirit and intent of this architectural standard.

Public Comment: Staff has received two public comments in opposition of the variance.

RECOMMENDATION: Staff recommend denial of VAR-2024-0007. However, should the Commission choose to approve, staff recommends the following conditions of approval.

Conditions of Approval:

1. **Commission Determination of a variance to §166.23(D)(2), Construction and Appearance Design Standards for Urban Residential Development to provide a building façade with no insets or other relief in wall plane.** *Staff recommends denial of the requested variance for the reasons outlined above. However, should the Commission choose to approve, staff recommends the following conditions of approval:*
    a. Vertical design features, like a shift in brick pattern or pilasters, be added to the façade to distinguish units and provide vertical interest.

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

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>February 26, 2024</u>	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Developed Code:
    - §166.23, Urban Residential Design Standards
- Request Letter
- Site Plan

- Building Elevations
- One Mile Map
- Close-up Map
- Current Land Use Map

166.23 Urban Residential Design Standards

(A) *Purposes.*

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.

(3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.

(4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

(1) Two (2) family dwellings

(2) Three (3) and four (4) family dwellings

(3) Multi-family dwellings

…

(D) *Architectural Design Standards.*

(1) *Intent.* The intent of these building design standards is:

(a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.

(b) To maximize the quality, value and longevity of urban residential neighborhoods.

(c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*

(a) *Building Form and Design.*

(i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.

(ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.

(iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:

(a) Variations in materials;

(b) Insets or other relief in the wall plane;

(c) Incorporation of two or more of the following:

(1) Balconies;

(2) Bays or bay windows;

(3) Porches;

(4) Dormers;

(5) Porticoes;

(6) Turrets; or

(7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.

…

(E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

3V DEVELOPMENT

January 23, 2024

583 S Wood Ave Variance Request

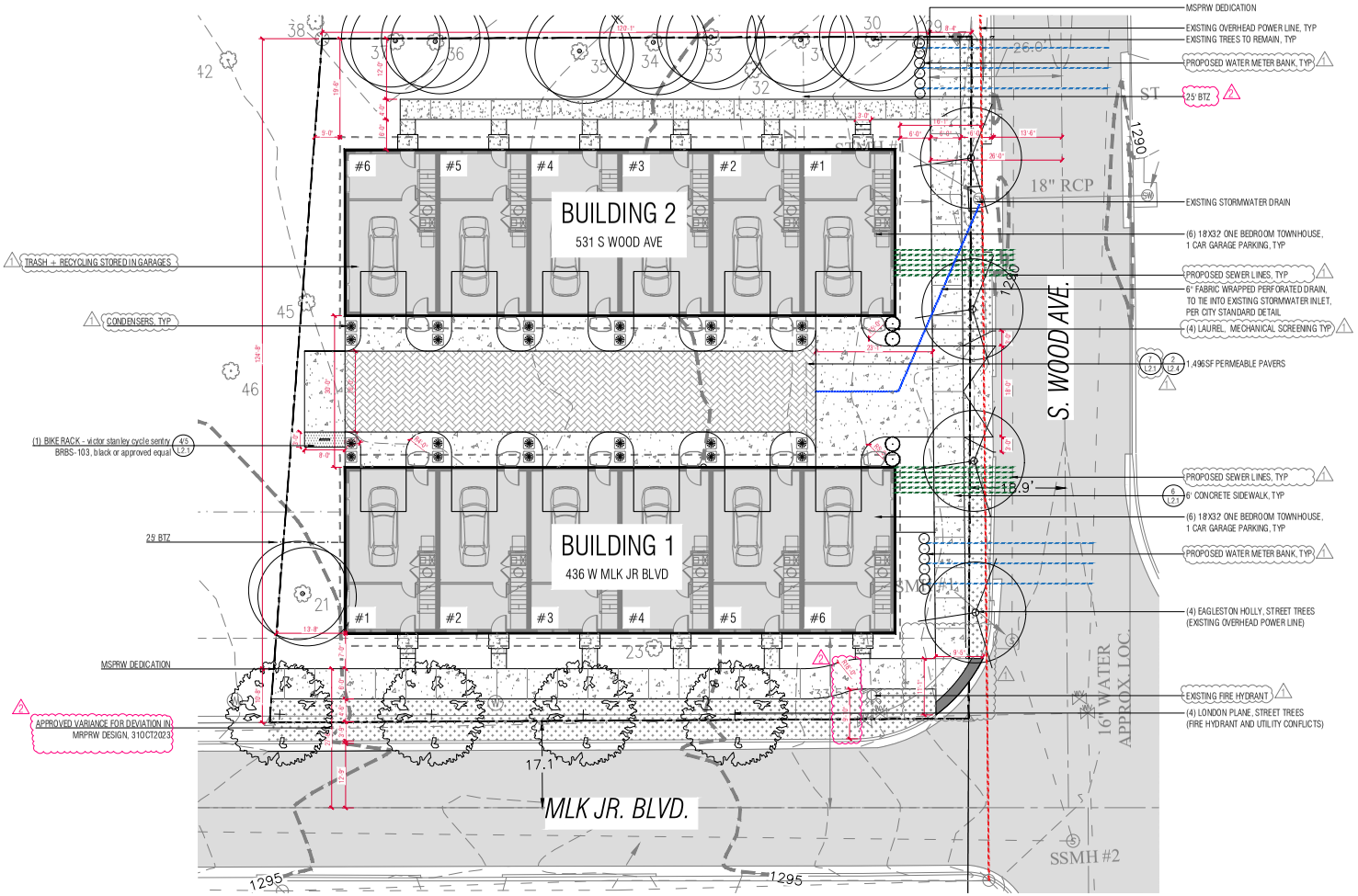
Dear Planning Commissioners

We respectfully request the following variance for the townhouses that we are planning to build at the property of 583 S Wood Avenue (Permit Addresses being 531 S Wood Ave & 436 MLK Blvd) - on the NE corner of MLK Blvd and Wood Avenue. The variance we are requesting is with respect to the Architectural Design Standards (166.23.D.2). As these are townhouses, they are considered multifamily. As such, the design standards require a variation in materials and insets or other relief in the wall plane. We believe that they conform to code requirements with respect to variation in materials - they have brick walls, with Hardie siding accent on the dormers, Asphalt shingles on the roof, and metal roof on the awning over the front door. With regard to insets or other relief in the wall plane, we do hope to get a variance. As these are townhouses, they are designed as many traditional townhouses have been, with one single wall plane. We looked at the possibility of insetting the front door, but this is not really feasible given the interior layout of the stairs. Our team has spent a lot of time and effort to cultivate a design that would be attractive. Rather than trying to make these as cost effective as possible by removing design features, we feel this is an attractive building that, while it may not meet the exact design requirements by code, it meets the intent of the code.

Regards,

Zara Niederman

Zara Niederman,
3V Development LLC



1 SITE PLAN
SCALE 3/32" = 1'-0"

NORTH

PLANT SCHEDULE - TREES + SHRUBS

COMMON NAME	SCIENTIFIC NAME	SIZE	QTY	REMARKS
Holly - Eagleston	*Ilex x Attenuata*	2-3"CAL	4	Strong Central Leader
Laurel	*Prunus laurocerasus 'Schipkaensis'*	3 GAL	4	
London Plane	*Platanus × acerifolia*	2-3"CAL	4	Strong Central Leader

NOTES
1. LOT LESS THAN 150' FROM EITHER STREET FOR FIRE ACCESS TO BUILDINGS

ZONE
DG: DOWNTOWN GENERAL
WALKER PARK NEIGHBORHOOD

MINIMUM TREE PRESERVATION PERCENTAGE REQUIREMENT (RE-APPENDIX 17): 10%
NO TREE PRESERVATION REQUIRED, UNDER 6,000 SF NEW IMPERVIOUS AREA

NOTES
1. CODES/DOCUMENTS REFERENCED:
-TREE PRESERVATION & LANDSCAPE MANUAL, 2016
-UNIFIED DEVELOPMENT CODE, CHAPTER 167
2. PRUNING SHALL BE PERFORMED BY OR UNDER THE SUPERVISION OF A CERTIFIED ARBORIST
3. DO NOT PRUNE OFF-SITE

flintlock
ARCHITECTURE + DESIGN
128 E Lafayette St
Fayetteville
AR 72701
T 479.305.4[illegible]
www.flintlocklab.com

NO.	Date	Issues/Revisions
1	01-17-24	Rev #1
2	01-24-24	Rev #2

SNAP

PROJECT NAME
583 WOOD
Fayetteville, Arkansas

PERMIT PLANS

DRAWN BY:
CHECKED BY:

DRAWING TITLE
SITE PLAN

DATE: OCTOBER 17, 2023
SCALE: 3/32"=1'-0"

DRAWING NUMBER
L1.0

1 A2.10 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

166.23(D)(2)(iii) applies due to the principal facade length along the street frontage
- variations in materials
- insets or other relief in the wall plane

2 A2.10 REAR ELEVATION
SCALE: 1/4" = 1'-0"

BUILDING 1

flintlock
ARCHITECTURE & DESIGN
128 E Lafayette St
Fayetteville
AR 72701
T 479.305.4[illegible]
www.flintlockdb.com

NO. Date Issues/Revisions

STAMP

PROJECT NAME

583 WOOD

Fayetteville, Arkansas

PERMIT PLANS

DRAWN BY:
CHECKED BY:

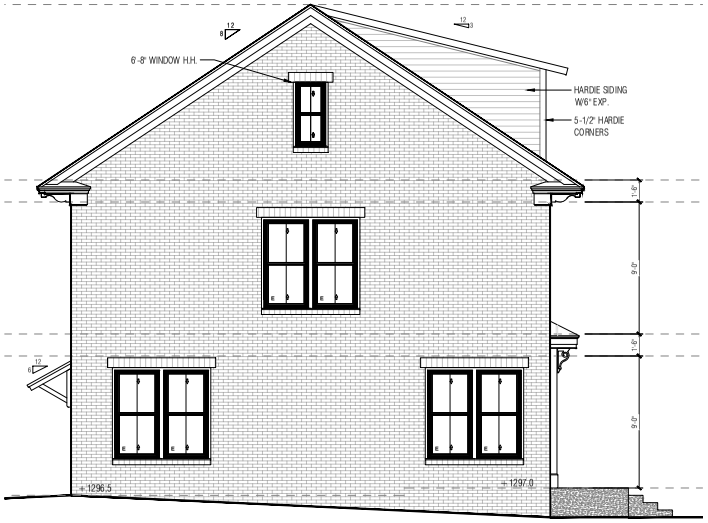
DRAWING TITLE

ELEVATIONS

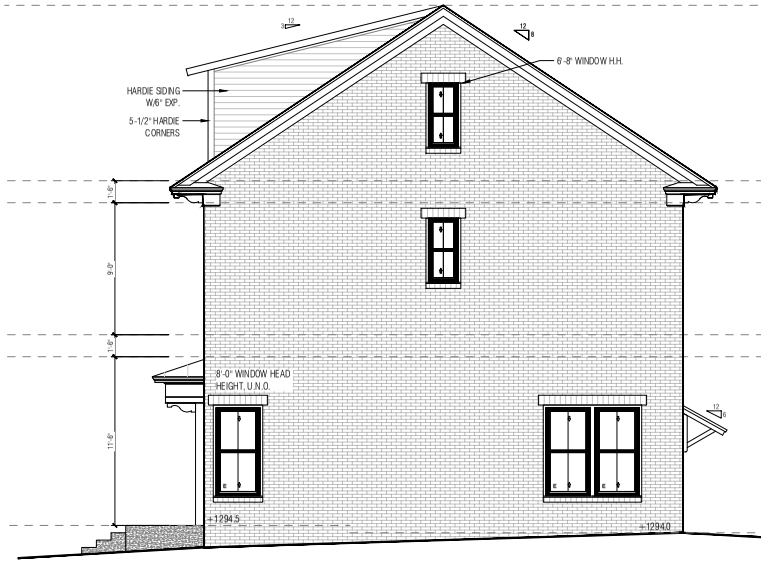
DATE: OCTOBER 04, 2023
SCALE:

DRAWING NUMBER

A2.10



2 A2.20 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1 A2.20 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Please add note that railings are required when steps have 4 or more risers per R311.7.8. Guardrails required if landing exceeds 30" in height above grade per R312.1.1

BUILDING 1

flintlock
ARCHITECTURE & DESIGN
128 E Lafayette St
Fayetteville
AR 72701
T 479.305.4[illegible]
www.flintlocklab.com

NO. Date Issues/Revisions

STAMP

PROJECT NAME

583 WOOD

Fayetteville, Arkansas

PERMIT PLANS

DRAWN BY:
CHECKED BY:

DRAWING TITLE

ELEVATIONS

DATE: OCTOBER 04, 2023
SCALE:

DRAWING NUMBER

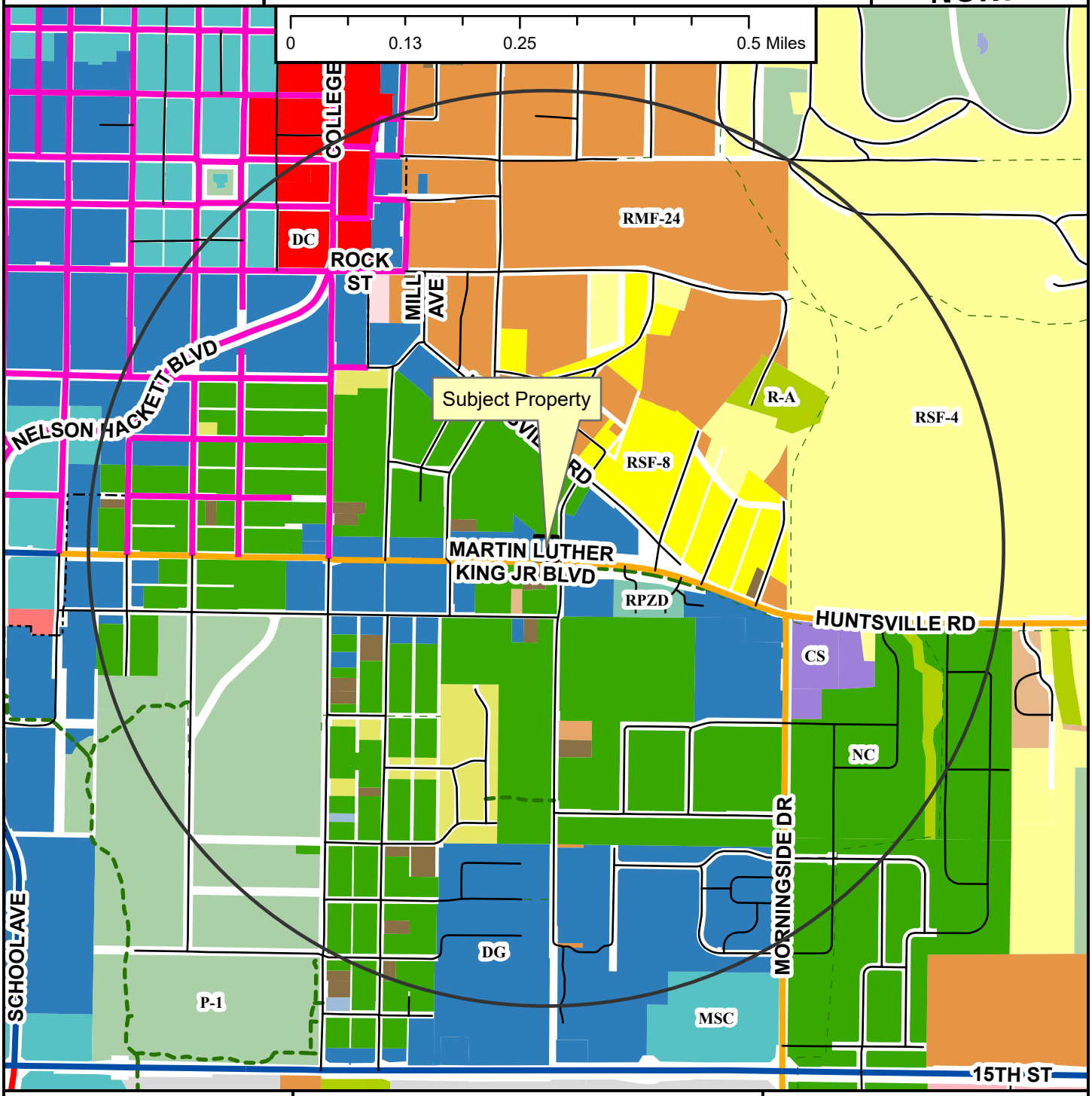
A2.20

VAR-2024-0007

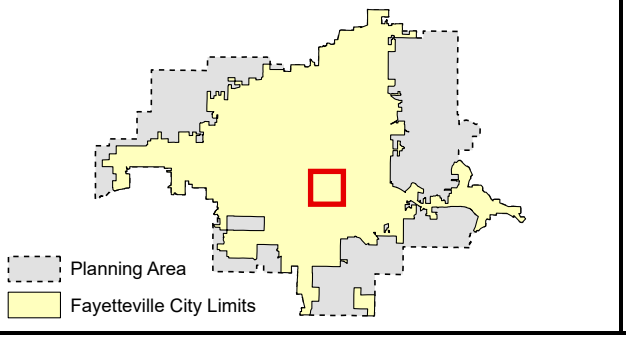
One Mile View

436 E. MARTIN LUTHER KING JR BLVD

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

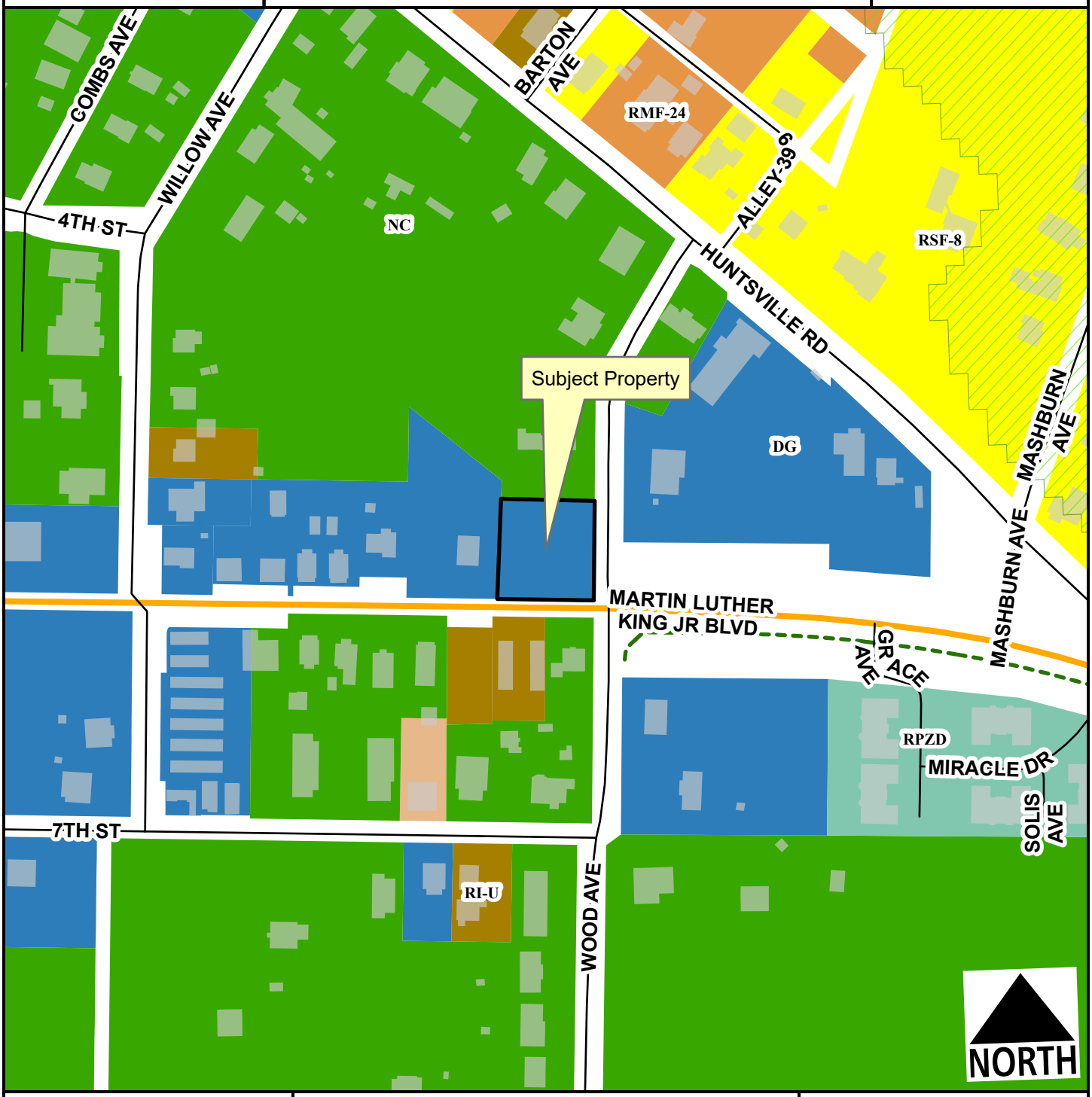
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0007

Close Up View

436 E. MARTIN LUTHER KING JR BLVD



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

Feet

0 75 150 300 450 600

1:2,400

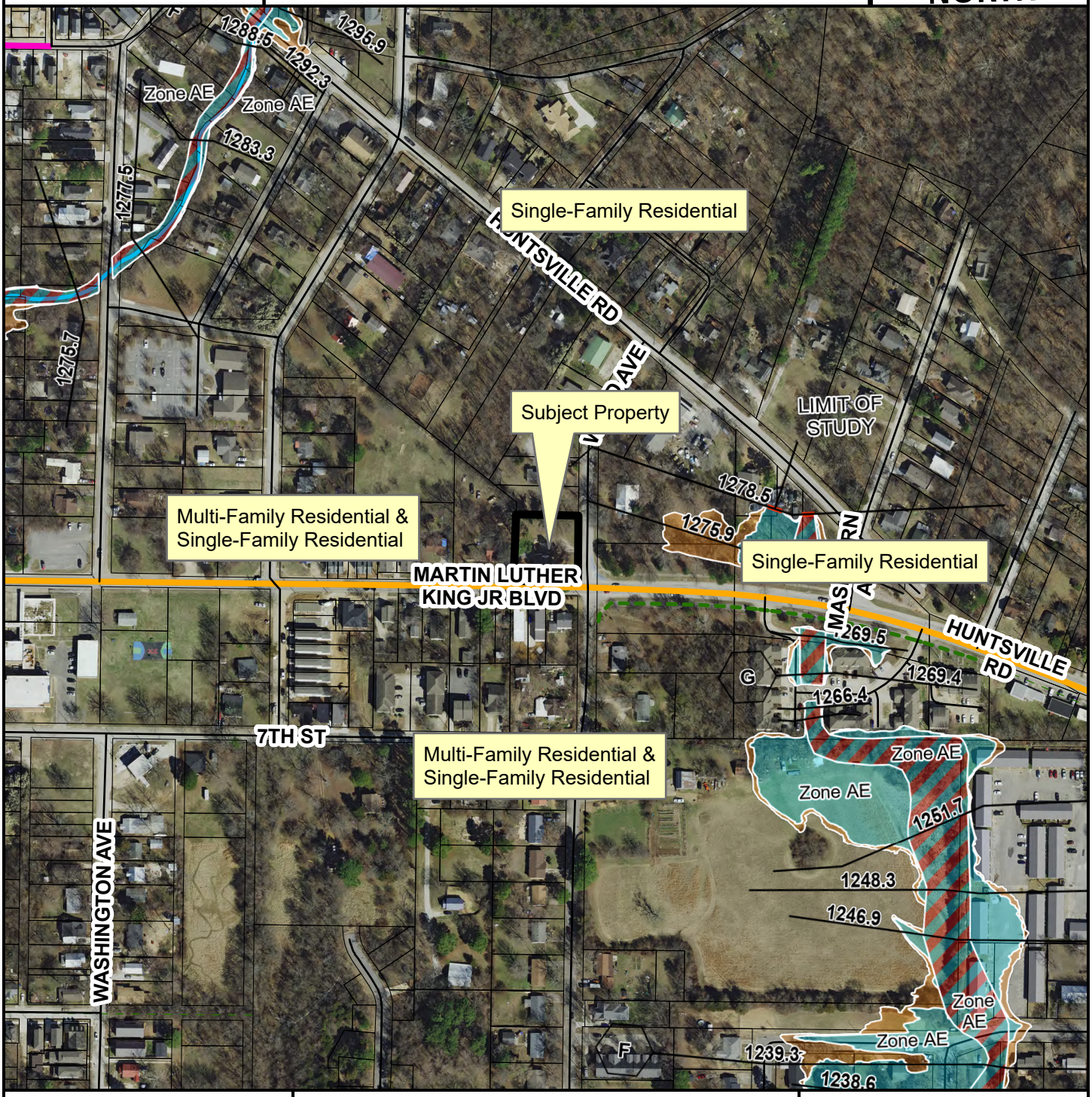
- RSF-8
- RI-U
- RMF-12
- RMF-24
- Downtown General
- Neighborhood Conservation
- Commercial, Industrial, Residential

VAR-2024-0007

Current Land Use

436 E. MARTIN LUTHER KING JR BLVD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Subdivision Committee

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: February 26, 2024

SUBJECT: **LSD-2023-0014: Large Scale Development (1301 N. GREGG AVE./1301 N. GREGG MULTI-FAMILY, 405):** Submitted by ECOLOGICAL DESIGN GROUP for property located at 1301 N. GREGG AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, FORTY UNITS PER ACRE and contains approximately 4.35 acres. The request is for a 174-unit multi-family development with associated parking.

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

RECOMMENDED MOTION:
*"I move to approve **LSD-2023-0014**, recommending:*

- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements,*
- *In favor of a variance to UDC §172.05(A)(2), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located on the west side of Gregg Avenue, approximately 650 feet north of the street's intersection with North Street. The property contains one parcel totaling 4.47 acres which currently serves as the site of Central Baptist Church. The parcel was previously two separate parcels, which were separately rezoned from RMF-24, Residential Multi-Family, Twenty-Four Units per Acre to RMF-40, Residential Multi-Family, Forty Units per Acre on April 3, 2023 (Ord. 6652) and June 20, 2023 (Ord. 6671) prior to being combined. The property is partially located within the Hillside/Hilltop Overlay District. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
South	Multi-Family Residential	RMF-40, Residential Multifamily, 40 Units per Acre
East	Single Family Residential	RSF-4, Residential Single Family, 4 Units per Acre
West	Arkansas Missouri Railroad/ Multi-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre I-1, Heavy Commercial and Light Industrial

Proposal: The applicant requests large scale development approval to develop the subject property with one multi-family structure with 174 residential units and associated parking. One variance from the Unified Development Code has been requested as part of this project.

§UDC §172.05(A)(2): Parking Ratio. The minimum and maximum number of spaces required for residential use shall conform to the ratios listed in Table 3. The applicant is requesting a variance to Unified Development Code §172.05(A)(2). For multi-family structures, the ratio is one space per bedroom. A variance was previously approved by the Planning commission to permit 410 parking stalls where 423 would be required by-right after allowable reductions outlined in §172.05. The applicant is requesting to modify this approved variance to 406 parking stalls, a further reduction of four vehicle spaces.

- *Staff recommendation:* City staff is recommending approval of the request. Overall, the applicant is requesting a modification to the previously approved variance allowing a reduction to the parking requirements that apply to multi-family residential developments, outlined below in Table 2.

Table 2
Parking Requirements (Multi-Family Residential)

Parking Requirements	Number of Bedrooms	Number of Required Spaces
1 space per bedroom	650 bedrooms	650 spaces
By-Right Allowable Reductions		
-15% reduction for proximity to a transit stop		-97 spaces
-10% reduction for additional bike racks		-65 spaces
-10% reduction for additional motorcycle spaces		-65 spaces
	Total:	**423 Required Spaces**
	Approved Variance	**410 Spaces (13 space reduction)**
	Requested Modification	**406 Spaces (17 space reduction)**

The applicant cites the topography of the site in their request letter, noting that approximately 15% of the site is unusable due to severe grades as the property slopes to an existing railroad bed along the western property boundaries. Also discussed is a large retaining wall adjacent to N. Gregg Ave. proposed to be constructed as part of the parking garage/apartment structure in order to create a buildable plinth for parking. The applicant also states that geotechnical studies have been completed to study the feasibility of subterranean parking, which was determined to be highly unfavorable. As proposed, most of the parking garage is located beneath the apartment and will not be visible from the public ROW. Staff agrees that a site-specific hardship is present for the property.

Staff finds that the applicant's request is a relatively small reduction beyond what is permitted by right and likely to have minimal additional impact on the development or adjacent properties. The property has substantial proximity to public transit, with four Razorback transit stops and proximity to the Razorback Greenway trail system within ¼ mile, on-demand service through Ozark Regional transit, and service available through Fayetteville's ride-sharing apps. The property is approximately ½ mile north of the University of Arkansas campus, meaning alternative transportation is likely to be heavily utilized by students living at the apartments. Staff recommends a condition that a designated paved parking area for electric bike and scooter rideshares (i.e. Veoride and Spin) of at least 8 feet in depth and 18 feet in width shall be installed adjacent to the trail along N. Gregg Ave in order to accommodate anticipated rideshare users. Additionally, staff recommends that one or more of the vehicle spaces adjacent to the parking entry be designated for temporary parking uses such as delivery drivers or Uber/Lift pickups. Vehicle parking space shall include signage designating it as "Delivery/Rideshare Parking

Only." Active Transportation further recommends that electrical outlets are installed adjacent to internal bicycle racks to facilitate charging of ebikes and that exterior bicycle parking racks be located underneath a roofed structure to protect bicycles from weather.

Right-of-Way to be Dedicated: The subject property has frontage along N. Gregg Ave., which is classified as a Neighborhood Link in the 2040 Master Street Plan. Neighborhood Links typically have a total right-of-way of 67 feet (33.5 feet from the centerline of the road); however, N. Gregg Ave. exceeds the typical width of a Neighborhood link street. Accordingly, staff recommends right-of-way dedication aligning with the western edge of the proposed trail, a variable additional dedication of approximately 8'-8" to 12' as indicated on the plans.

Street Improvements: Staff recommends that the property's N. Gregg Ave frontage be improved to align with the typical requirements for a Neighborhood Link Street with 10-foot-wide sidewalk and eight-foot-wide greenspace. Additionally, a portion of the street frontage is proposed to be modified with a roll curb in order to facilitate aerial apparatus access for fire trucks.

Access Management/Connectivity: Staff has determined that the proposed development is compliant with the City's access management and connectivity standards. Access to the site is proposed through one driveway off N. Gregg Ave. Railroad right-of-way bounds the property to the west and sites to the north and south have been fully developed with existing apartment complexes.

Design Standards: This project is subject to compliance with the City's Urban Residential Design Standards which are outlined in UDC §166.23. In reviewing the provided site plan and elevations, staff has determined that this development is compliant with those standards. The RMF-40 zoning district requires a minimum of 50% minimum buildable street frontage which staff has confirmed.

Water and Sewer System: Water is available to the site through an existing 8" main located in N Gregg Ave. which the applicant proposes to utilize. There is an existing 6" sewer line along the property's frontage of N Gregg Ave. This main increases to an 8" line which then travels to a 24" interceptor sewer line. A sewer study has been completed and indicates upgrades where allowable pipe capacity was exceeded. Based on this sewer study provided by the applicant demonstrating the development's impact to the system, downstream sewer upgrades are necessary. See attached engineering memo for additional information.

Parkland dedication or fee in-lieu: This proposal was discussed by the Parks and Recreation Advisory Board (PRAB) at their August 18, 2023, meeting. PRAB recommended fee in-lieu for this development. Fees in the amount of $176,120 based on a total of 185 multi-family residential units are recommended. Since that meeting, the unit count was reduced to 174 multi-family residential units. At $952 per multi-family unit, this would entail fee requirements to $165,648. The final amount of dedication and fee in-lieu needed to satisfy parkland dedication requirements will be determined, and all fees must be paid, prior to the issuance of any building permits.

Tree Preservation:
Canopy minimum requirement: 20.6%
Existing canopy: 43.6%
Preserved canopy: 14.3%
Mitigation required: 70 two-inch caliper trees.

The applicant intends to plant 68 mitigation trees on site and utilize a green roof for the remaining mitigation requirement. Additionally, two parking lot trees and 19 street trees are required.

Public Comment: Staff received a general inquiry regarding the project during the previous variance application (VAR-2023-0050) but has not received any additional comment in the interim.

RECOMMENDATION: Staff recommends approval of **LSD-2023-0014** with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends a variable 8'-8" to 12' of additional right-of-way dedication to align with the western edge of the proposed trail along N. Gregg Ave.*

   Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *Staff recommends that the property's N. Gregg Ave. frontage be improved with a 10-foot sidewalk and 8-foot greenspace.*

   Subdivision Committee recommended in favor.

3. **Planning Commission determination of a variance to §172.05(2), which requires one parking space per bedroom to be constructed with multi-family residential development.** *Staff recommends approval of the request with the following conditions.*
   a. *A designated paved parking area for electric bike and scooter rideshare vehicles of at least 8 feet in depth and 18 feet in width shall be installed adjacent to the trail along N. Gregg Ave.*
   b. *One or more of the vehicle spaces adjacent to the parking entry shall be designated for temporary parking uses such as delivery drivers or Uber/Lift pickups. Vehicle parking space shall include signage designating it as "Delivery/Rideshare Parking Only."*
   c. *Bicycle parking internal to parking garage shall have outlets available for the charging of ebikes.*
   d. *Exterior bicycle parking adjacent to the entry shall be covered by a roofed structure to accommodate long-term bicycle storage. Structure shall be composed of materials compatible with the principle structure.*

   Subdivision Committee recommended in favor.

4. Remaining comments from Planning shall be addressed, including:
   a. Ensure all bicycle parking racks have a clear access route.

5. Parkland fees in the amount of $165,648 based on a total of 174 multi-family residential units. The final amount of dedication and fee in-lieu needed to satisfy parkland dedication requirements will be determined, and all fees must be paid, prior to the issuance of any building permits;

6. Streetlights shall be installed in accordance with code along the property's frontage at intervals of no more than 300 feet.

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

Standard Conditions of Approval:

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

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

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

11. Trash enclosures shall be screened on three sides with materials that are complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Recycling & Trash Collection divisions for review prior to building permit;

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

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

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

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

16. Large scale development approval shall be valid for one year;

17. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;

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

19. Prior to the issuance of a building permit, the following is required:
    a. Grading and drainage permits;

b. Separate easement plat for this project that shall include any tree preservation areas and all utility and access easements;
c. Exterior lighting package must be provided to the Planning Division;
d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
e. Project Disk with all final revisions; and
f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ❒ **Denied** ❒ **Tabled** ❒ **Approved**

Meeting Date: February 26, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §172.05 Standards for The Number of Spaces by Use
- Engineering Memo
- Urban Forestry Memos
- Parks Memo
- Applicant Exhibits
  - Request Letter
  - Parking Plan
  - Building Elevations
  - Geotechnical Report
- Staff Exhibits
  - Alternative Transportation Options
  - Recommended Condition Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

172.05 Standards For The Number Of Spaces By Use

(A) *Required Parking.*

(1) *Non-Residential Use.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

(2) *Residential.* The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(a) *Reductions for Residential Use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:

(i) *Transit Stops.* Properties located within a ¼ mile radius of a transit stop may further reduce the minimum off-street parking requirements by up to 15%.

(ii) *Motorcycle and Scooter Spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one (1) motorcycle/scooter space for one (1) automobile space.

(iii) *Bike Racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one (1) additional bicycle rack for one (1) automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.

(iv) *Shared Parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

(1) *Shared Parking Between Developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

(2) *Shared Parking Agreements.* If a privately owned parking facility is to serve two (2) or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.

(3) *Shared Spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one (1) user at the same time.

….

(7) Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

TABLE 3
PARKING RATIOS
(Use/Required Spaces)

Residential

Single-family, duplex, triplex	2 per dwelling unit
Multi-family or townhouse	1 per bedroom

…

(Ord. No. 4567, 05-04-04; Ord. No. 4930, 10-03-06; Ord. No. 5118, 3-18-08; Ord. No. 5297, 12-15-09; Ord. No. 5435, 8-16-11; Ord. No. 5801 , §1(Exh. A), 10-6-15)

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: February 21, 2024

SUBJECT: **Planning Commission Engineering Comments for LSD-2023-0014 1301 Gregg Ave**

Water: Water is available to the site through an existing 8" main located in N Gregg Ave. The applicant is proposing to utilize this water main for domestic water service as well as fire protection and irrigation.

Sewer: There is an existing 6" sewer line along the property's frontage of N Gregg Ave. This main increases to an 8" line which then travels to a 24" interceptor sewer line. The proposed development will cause sections of the existing sewer system to exceed the allowable capacity based on Fayetteville's standard specifications. Staff requested a sewer capacity study when the project was submitted in July 2023. On the subsequent submittal in August 2023 the first sewer study was reviewed, and staff had comments regarding the methodology and calculations used for the study. The study did not follow the city's water and sewer specifications. The next sewer study submitted in December 2023 had many of the same comments from the August sewer study. The sewer study submitted in January 2024 appeared to follow the city's specifications and upgrades were indicated where allowable pipe capacity was exceeded.

These calculations resulted in 10" lines interspersed between 8" lines as well as 12" and 15" lines. It is not best practice to increase pipe size to gain capacity and then decrease where capacity exists. Therefore, the city's requirement is that once a pipe is increased to a certain diameter, downstream lines cannot have a smaller diameter than lines upstream. As a result and based on the sewer study provided by the applicant demonstrating the development's impact to the system, downstream sewer upgrades are necessary.

Staff and the applicant had a meeting to discuss the necessary sewer improvements and at staff's recommendation to consider slope of the sewer line as well as diameter, the length of offsite sewer improvements was reduced. The sewer that is not in an existing easement is no longer required to be upgraded. There may be additional sections of main in which the slope can be increased without increasing the line size. For construction level documents, any sewer upgraded will have to meet minimum slope requirements outlined in spec.

Drainage: The development is increasing impervious area by over 10,000 SF and is required to meet the drainage requirements outlined in Fayetteville's Drainage Criteria Manual. Water Quality is proposed to be met using hydrodynamic separators. Channel protection, extreme

flood, and overbank flood requirements will be met through the use of underground detention.

Plan Comments:

1. Off-site sewer upgrades must be shown on the plans for Planning Commission. **Sewer upgrades must be determined to be feasible prior to a grading permit being issued.**
2. Calculations from fire line designer to ensure velocities wont' exceed 10 fps in water distribution system under fire flow conditions must be provided prior to grading permit approval.
3. Retaining walls over 4' in height requires design, inspection, and certification by a professional engineer licensed in Arkansas. Design must be provided with grading permit submittal.

Standard Comments:

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

To: Alex Brown, Ecological Design Group

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: February 26, 2024

Subject: LSD-2023-0014: 1301 Gregg Multi-Family: 1301 N. Gregg Ave.

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

2. Tree Preservation Calculations

Tree Preservation Calculations		
	Square Feet	**Percent of site**
Total Site Area *Minus Right of Way and Easements	196,534	100%
*Zoning Designation * Select Below with drop down arrow*		
RMF-40 Multi-Family Residential-Forty Units Per Acre	39,307	20%
*HHOD * Select Below with Drop Down Arrow*		
Yes	1,258	0.6%
Total Canopy for Minimum Preservation Requirements	40,565	20.6%
Existing Tree Canopy * Minus Right of Way and Easements	85,600	43.6%
Tree Canopy Preserved	28,036	14.3%
Tree Canopy Removed *On Site	57,564	29.3%
Tree Canopy Removed *Off Site	2,784	
Tree Canopy Removed Total	60,348	30.7%
Removed Below Minimum	**12,529**	
Mitigation Requirements	**15,313**	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	15,313	70
Low Priority		
Total Mitigation Trees Required	**15,313**	**70**

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

5. Tree Preservation Plan Checklist *UDC Chapter 167.04H1and 167.04L1*	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	Yes
b. Property Boundary	Yes	Yes	Yes
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	Yes
d. Existing Topography and Proposed Grading	Yes	Yes	Yes
e. Soil Types	Yes	Yes	No
f. Significant Trees	Yes	Yes	Yes
g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	Yes	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	N/A	N/A	N/A
l. Floodplains and floodways	N/A	N/A	N/A
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	Yes	Yes	Yes
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	No	No	No
Tree Protection Methods			
a. Tree Protection Fencing	Yes	Yes	Yes
b. Limits of Root Pruning	No	No	Yes
c. Traffic flow on work site	N/A	N/A	N/A
d. Location of material storage	No	No	No
e. Location of concrete wash out	No	No	No
f. Location of construction entrance/exit	No	No	No

g.

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

7.	Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
	Conditionally Approved	**07-28-23**	**02-15-24**	**02-26-24**
		01-30-24		
		02-07-24		
	Approved			
	Tabled	**08-29-23**		
		12-22-23		
	Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

	Comments

1. Address items above marked “No” and all Redlines provided.
2. Please be careful with tree removal to the north as part of the adjacent property area is an existing Tree Preservation Easement. Thank you for providing the email from the adjacent property owner regarding potential removal of some of their trees.
3. **Please show proposed Tree Preservation Easements on the property as per Ch. 167.**

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

CITY OF FAYETTEVILLE ARKANSAS

To: Alex Brown, Ecological Design Group

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: February 26, 2024

Subject: LSD-2023-0014: 1301 Gregg Multi-Family: 1301 N. Gregg Ave.

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

2.	Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*	X		

b.	Wheel Stops/Curbs *UDC Chapter 177.04B1*	X		
c.	Narrow Tree Lawn (8’ min. width, 37.5’ length) *UDC Chapter 177.04C*			X
d.	Tree Island (8’ min. width, 18.7’ min length, 150 square feet) *UDC Chapter 177.04C*		X	
e.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*		X	

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and 5’ on sides and rear. *UDC Chapter 177.04D2a*		X	
b.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*		X	
c.	Screening of parking lot from adjacent residential properties.		X	

4.	**Street Tree Planting Requirements**	**Yes**	**No**	**N/A**
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			X
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*			X
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*			X
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*			X
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			X
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			X

5. Landscape Requirement Totals	Amount
Mitigation Trees	**70 required, 68 provided + green roof**
Parking Lot Trees	**2**
Street Trees	**19**
Detention Pond – Large Trees (1 Tree/3,000 square feet)	**0**
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**0**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**0**

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**07-28-23** **01-30-24** **02-07-24**	**02-15-24**	**02-26-24**
Approved			
Tabled	**08-29-23** **12-22-23**		
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.
2. Please double check the tree numbers, the counts are off by three.
3. Please note that care shall be taken when installing irrigation around existing trees and that roots shall not be cut (if any are, they should be clean cut).
4. How will the parking and mitigation trees be irrigated (there is a note about irrigating the street trees)?
5. Please make sure aerial apparatus access areas have smaller understory trees not taller than a mature height of 15-20’ are planted adjacent to them (along Gregg Ave or areas where you have aerial apparatus access).
6. Is the building wall at the edge of the parking along the north side of the property? I am concerned that the Bald Cypress trees proposed in that area will grow into the building and have to be pruned severely. Please specify a columnar tree if that is the case or a tall narrow evergreen.
7. Please provide screening (tall evergreen shrubs staggered) along the SW corner of the property to screen the car headlights from the adjacent residential zoned property. Shrubs must also be placed between the parking and street ROW.
8. Please specify another tree for the Trident Maple. Maples have thin bark and sunscald issues and should not be specified along pavement.

CITY OF FAYETTEVILLE ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: August 18, 2023

SUBJECT: Parks & Recreation Technical Plat Review Comments

****

PRAB Meeting Date:	August 7, 2023
Project Title:	1301 Gregg Ave Multi-Family Development
Project Number:	LSD-2023-0014
Project Location:	1301 Gregg Ave
Plat Page:	405
Park Quadrant:	NW
Billing Name & Address:	Pathway Baptist Church, PO Box 9117, Fayetteville, AR 72703

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

LAND DEDICATION

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

FEE-IN-LIEU

							TOTAL Fees
Single Family:	_____	units	x	$1,089	per unit =	$ 0	$176,120
Multi Family:	185	units	x	$952	per unit =	$176,120	

SUMMARY:

- Project proposes **0** SF units and **185** MF units.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

ECOLOGICAL DESIGN GROUP, INC.
120 South Izard Street 216 W Birch Street
Little Rock, AR 72201 Rogers, AR 72756

E | D | G

From: Brahm Driver, PE

Date: January 17, 2024

Re: 1301 Gregg Ave. Multi-Family Development

Ecological Design Group, Inc. (EDG) is submitting this cover letter for the City of Fayetteville to describe the pre-development and post-development conditions of the Development at the 1301 Gregg Ave. Multi-Family Development project site.

Owner Information:

Owner: Pathway Baptist Church

Address : PO Box 9117 Fayetteville, AR 72703

Project Description:

The Development at the 1301 Gregg Ave. Multi-Family Development project will consist of one proposed building with 174 units (650 bedrooms) on approximately 4.35 acres. This project will consist of sidewalk improvements along Gregg Ave, bike infrastructure, a pool, courtyards, and a parking garage.

Due to the topography of the site, a portion of the building will be tucked away from Gregg Ave, decreasing the overall size from the street. This unique condition allows for increased density without the increase of building façade along the streetscape.

This student housing development is intended to fill the need for new student housing on the north side of campus. The proximity of this development to campus, downtown, restaurants, and more makes this site walkable and adds to the City of Fayetteville's mission to create a multi-modal city.

If you need any additional information or have any questions, please do not hesitate to contact me by phone at (501) 516-1133 or by email at bdriver@ecologicaldg.com.

Sincerely,

Ecological Design Group, Inc.

Brahm Driver, PE

E | D | G

ECOLOGICAL DESIGN GROUP, INC.
216 West Birch Street
Rogers, AR 72756

February 7, 2024

City of Fayetteville
Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.535.8233

EDG #: 23-031
PROJECT NAME: 1301 N Gregg Ave., Fayetteville, AR 72701
DEVELOPER: XFD Real Estate Partners 2506 Galen Dr #106 Champaign IL 61821

Project Narrative

The 1301 N Gregg Ave. project is located at 1301 Gregg Ave and 1275 N Gregg Ave. and consists of parcel 765-14008-000, totaling approximately 4.35 acres. The site design includes one building with units for lease, site amenities, parking, underground detention, and an elevated courtyard.

Variance Request

EDG is requesting the following variance:

1. Variance to Unified Development Code Chapter 161, Section 161.17 and Chapter 172, Section 172.04

Justification:

The design team is requesting a variance for the total number of required parking spaces to be reduced for the proposed multifamily project.

Given the proximity to campus and prevalence of public and alternative forms of transportation we feel this is a justifiable request when considering the hardship of the site. The primary hardship is topography. This is not a flat, easily accessible site. The site demands a significant retaining wall condition along Gregg Avenue to create a buildable plinth for parking. Additionally, approximately 15% of the site is completely unusable due to the severe grade on the edges as the hillside slopes down to the cut of the existing railroad bed. Geotechnical investigations have been completed and the feasibility for subterranean parking is highly unfavorable.

All this combined generates significant hardship, especially when the goal is to completely hide the parking from public view and create an urban, appropriately scaled project along the burgeoning Gregg Avenue corridor.

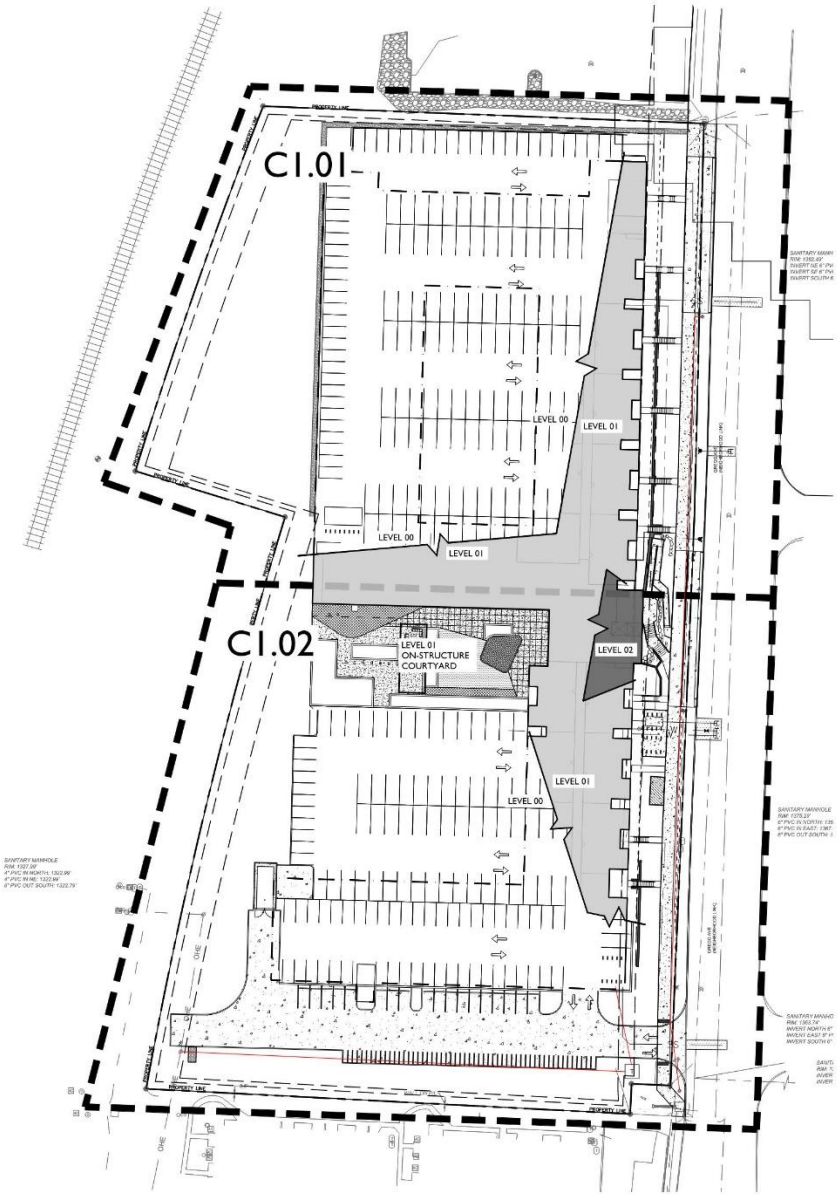
The proposed 650 beds requires a 1:1 bed count. By accessing readily available code allowable reductions, the total requirement is down to 423 spaces. The design currently hosts 406 spaces and meets all other applicable requirements of the city's parking ordinance for space sizes, drive aisles, etc. And as mentioned above, this parking is tucked away out of sight from the public view.

We are kindly requesting a variance to decrease the total required parking to 17 spaces less than code allowable, which is roughly a 4% reduction.

Thank you for your time and consideration.

Sincerely,

Brahm Driver, PE
Ecological Design Group, Inc. | 501.944.3090 | bdriver@ecologicaldg.com



1 OVERALL SITE PLAN

0' 40' 80' 160'
SCALE: 1" = 40'-0"
NORTH

SITE INFORMATION		
ZONING	RMF 40 (RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE)	
PROPOSED USE	MULTIFAMILY RESIDENTIAL	
SITE AREA	189,862 SF	4.35 ACRES
BUILDING COVERAGE	85,297 SF	1.95 ACRES
IMPERVIOUS AREA	50,336 SF	1.16 ACRES
PERVIOUS AREA	54,229 SF	1.24 ACRES
UNIT COUNT	174 UNITS	40 UNITS / ACRE

REFERENCE ARCHITECTURE SHEET S0.0 FOR PARKING LAYOUT AND CALCULATIONS

STREET TABLE	
EXISTING R.O.W. (FROM CENTERLINE) - VARIES: 26'-29'	PROPOSED R.O.W. (FROM CENTERLINE) - VARIES: 36'-39'
EXISTING SIDEWALK - 5'	PROPOSED SIDEWALK - 8'
EXISTING STREET TREE ZONE - N/A	PROPOSED STREET TREE ZONE - N/A
EXISTING	PROPOSED

BUILD TO ZONE	
TOTAL LENGTH OF BUILDING FRONTAGE	530'
BUILDING FRONTAGE INSIDE OF BTZ (DUE TO RECESSES IN BUILDING FRONTAGE)	374' (70.5%)

GENERAL NOTES:

1. EXISTING SURVEY DATA WAS OBTAINED FROM A TOPOGRAPHIC & BOUNDARY SURVEY PERFORMED BY BLEW & ASSOCIATES, P.A., INC AND DATED 05/08/2023.
2. SURVEY DATA IS BASED UPON NAD 83, STATE STATE PLANE, ARKANSAS NORTH FEET COORDINATE SYSTEM.
3. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM.
4. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY, COUNTY, STATE, AND FEDERAL REGULATIONS AND CODES AS WELL AS OSHA STANDARDS. SITE CONTRACTOR SHALL MEET OR EXCEED ALL LOCAL, STATE, AND FEDERAL EROSION CONTROL MEASURES
5. THE APPROXIMATE LOCATION OF KNOWN UTILITIES & SUBSURFACE STRUCTURES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND VISIBLE STRUCTURES & RECORD DRAWINGS PROVIDED. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF THESE & ALL OTHER SUBSURFACE AND/OR LATENT FACILITIES PRIOR TO BEGINNING WORK. ALL REPAIRS OR RELOCATIONS NECESSARY SHALL BE MADE AS REQUIRED BY THE OWNER OF THE UTILITY OR STRUCTURE & THE COST OF SUCH REPAIRS NECESSARY SHALL BE BORNE BY THE CONTRACTOR.
6. ALL WORK PERFORMED WITHIN THE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE ENGINEERING DEPARTMENT AND TRAFFIC DEPARTMENT.
7. ALL STREETS, DRIVES, WALKS, DRAINAGE STRUCTURES, FENCES, ETC. THAT ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL OR BETTER CONDITION USING LIKE MATERIALS. COST OF SUCH REPAIRS SHALL BE BORNE BY THE CONTRACTOR UNLESS PROVISION FOR PAYMENT IS MADE IN THE PROPOSAL.
8. THE CONTRACTOR IS REQUIRED TO NOTIFY THE ONE CALL CENTER AT 1-800-482-8998 48 HOURS PRIOR TO DIGGING IN ORDER THAT UNDERGROUND UTILITIES IN THE AREA CAN BE LOCATED.
9. THE CONTRACTOR SHALL NOT BEGIN WORK UNTIL THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN IMPLEMENTED, AND THE SWPPP, EROSION CONTROL PLAN, AND SIGNED AUTOMATIC NOTICE OF COVERAGE IS POSTED ON SITE..
10. CONTRACTOR IS RESPONSIBLE FOR ALL FIELD TESTING AS DESCRIBED IN THE SPECIFICATIONS (INCLUDING BUT NOT LIMITED TO COMPACTION DENSITY TESTING, ETC.), AND SHALL PROVIDE RESULTS TO ENGINEER, AND MAINTAIN RECORDS AND RESULTS OF ALL TESTS PERFORMED DURING CONSTRUCTION. TESTING BY THE CONTRACTOR SHALL BE INCLUDED IN THE BID.
11. EXISTING FACILITIES AND FEATURES ARE SHOWN LIGHT-LINED AND/OR SCREENED. NEW FACILITIES AND FEATURES ARE SHOWN SOLID AND HEAVY-LINED.
12. SLOPES AND GRADES SHOWN ARE IN UNITS OF FT/FT UNLESS OTHERWISE NOTED.
13. ALL PAVEMENT AND CURB MEASUREMENTS ARE TAKEN FROM FACE OF CURB OR EDGE OF PAVEMENT.
14. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

PROPOSED SITE PLAN LEGEND

- PROPOSED CURB AND GUTTER (REF. PLANS FOR TYPE)
- SAWCUT PAVEMENT LINE
- MILL AND OVERLAY BOUNDARY
- TYPICAL CONCRETE PAVEMENT
- TYPICAL CONCRETE SIDEWALK
- SCORED/COLORED CONCRETE
- ASPHALT PAVEMENT
- PLANTING AREA

EXISTING LEGEND

T	TELEPHONE PEDESTAL
CO	CLEANOUT
GGMK	GAS RISER
IX	IRRIGATION CONTROL VALVE
D	DRAINAGE OUTLET AS-NOTED
AC	AIR CONDITIONER
T	TELEPHONE CABINET
	GUY-ANCHOR
(M)	MEASURED/CALCULATED DIMENSION
(R1)	RECORD DIMENSION PER DOCUMENT NO. 95037629
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LSC	LANDSCAPING
NG	NATURAL GROUND
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issue for review:
issue for pricing:
issue for construction:
revisions:

modus studio
architecture + prototyping
479.455.5577
modusstudio.com
contact@modusstudio.com

1301 Gregg
Fayetteville, AR

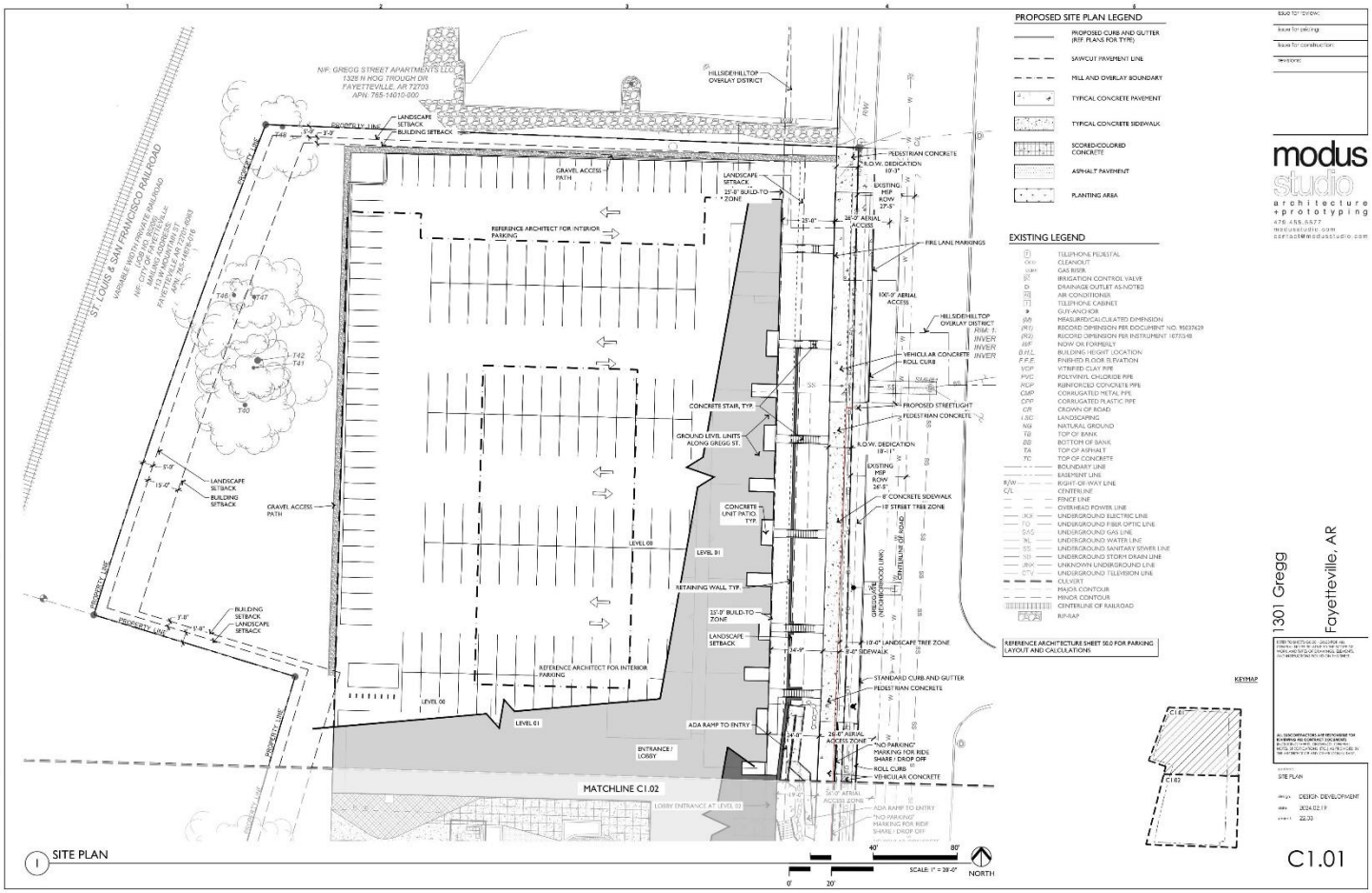
REFER TO SHEETS C0.00 - C0.05 FOR ALL GENERAL NOTES RELATIVE TO THE SCOPE OF WORK AND TYPES OF DRAWINGS, ELEMENTS, AND ABBREVIATIONS FOUND ON THIS SHEET.

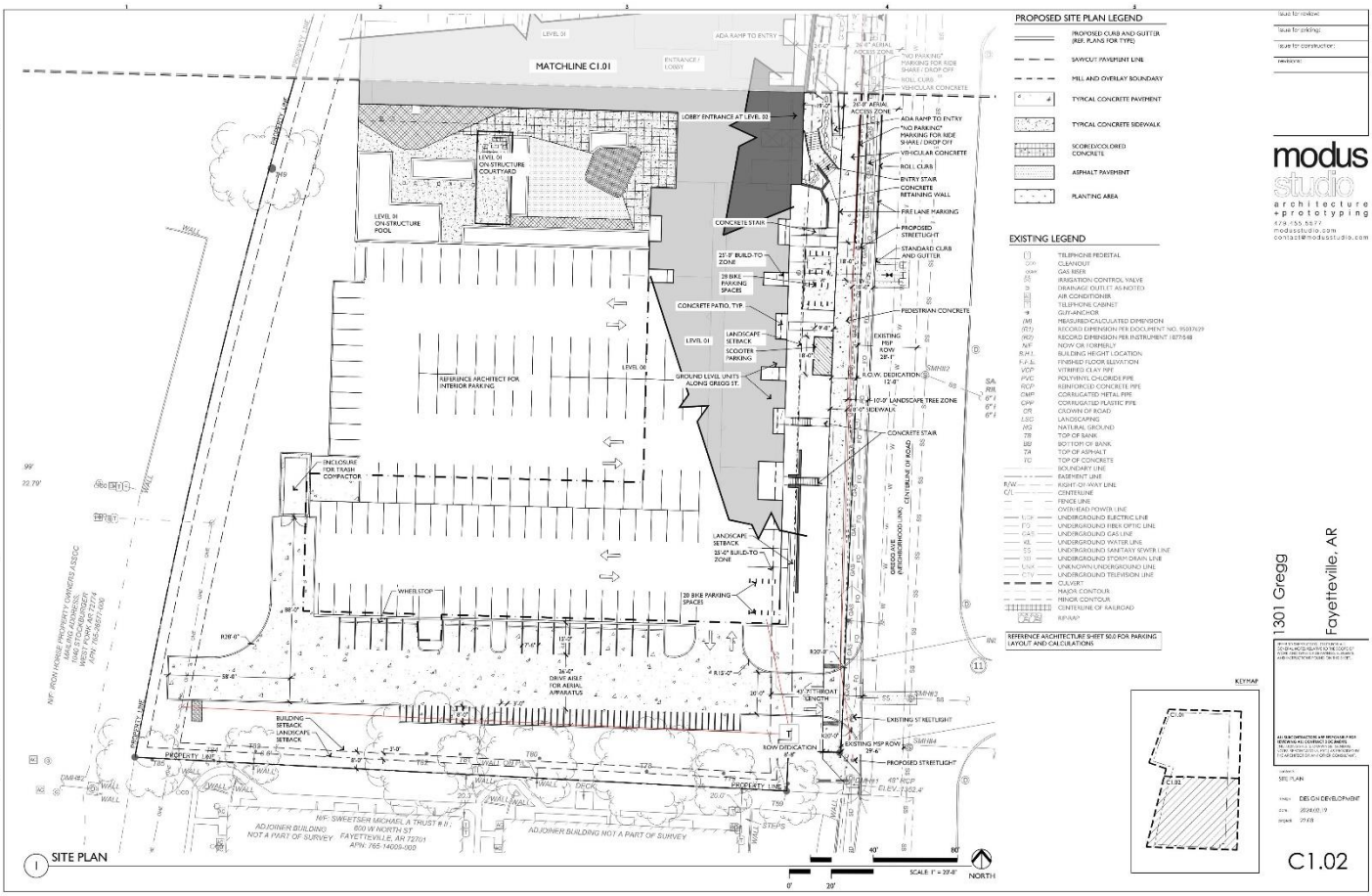
ALL SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING ALL CONTRACT DOCUMENTS BY ELECTRONIC SHEETS, DRAWINGS, GENERAL NOTES, SPECIFICATIONS, ETC.) AS PROVIDED BY THE ARCHITECT OR ANY OTHER CONSULTANT.

contents:
OVERALL SITE PLAN

design: DESIGN DEVELOPMENT
date: 2024.02.19
project: 22.03

C1.00


PROPOSED SITE PLAN LEGEND
EXISTING LEGEND
modus studio
1301 Gregg
Fayetteville, AR
SITE PLAN
C1.01
MATCHLINE C1.02
SCALE: 1" = 20'-0"
NORTH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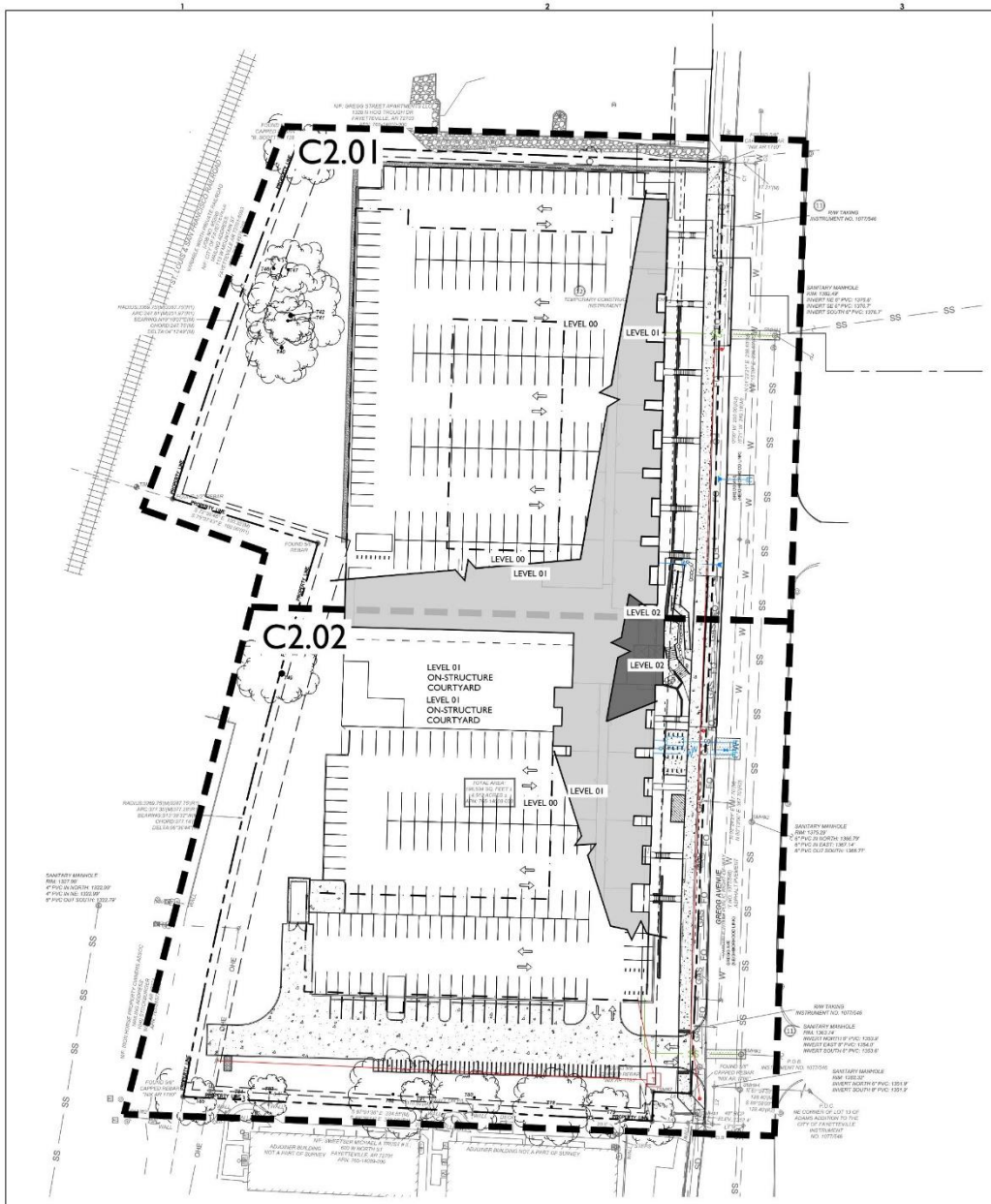

1 OVERALL UTILITY PLAN

0' 40' 80' 160'

SCALE: 1" = 40'-0"

NORTH

UTILITY NOTES:

1. EXISTING STRUCTURES AND UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND FOR INFORMATION PURPOSES ONLY. ALL STRUCTURES AND UTILITIES MAY NOT BE SHOWN. ALL EXISTING UTILITY LOCATIONS MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION (WHETHER SHOWN OR NOT SHOWN). UTILITY SERVICE MUST BE MAINTAINED DURING AND AFTER CONSTRUCTION
2. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES.
3. ALL WATER LINE AND SANITARY SEWER WORK MUST BE PERFORMED IN ACCORDANCE WITH (LOCAL JURISDICTION) STANDARD SPECIFICATIONS AND DETAILS, AND SHALL BE COORDINATED WITH LOCAL JURISDICTION
4. THE CONTRACTOR SHALL COORDINATE THE CONNECTIONS TO THE EXISTING WATER LINES WITH THE LOCAL JURISDICTION.
5. PROVIDE THRUST BLOCKING FOR THE PROPOSED WATERLINES AS SHOWN ON THE DETAIL SHEETS AND AS REQUIRED BY THE LOCAL JURISDICTION.
6. ALL WATER AND SEWER LINES AND SERVICES CROSSING ROADWAYS ARE TO BE BACKFILLED WITH COMPACTED CLASS 7 AGGREGATE BASE COURSE.
7. ALL WATER MAINS SHALL BE A MINIMUM OF 3-FT BELOW FINISHED GRADE AND A MINIMUM OF 1-FT BELOW STORM DRAINS.
8. ALL WATER MAINS ARE TO CROSS OVER SEWER MAINS WITH A MINIMUM OF 18-IN OF VERTICAL SEPARATION AND WATER AND SEWER MAINS SHALL HAVE A MINIMUM OF 10-FT HORIZONTAL SEPARATION.
9. ALL SANITARY SEWER WORK SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE LOCAL JURISDICTIONS STANDARD SPECIFICATIONS AND DETAILS AND SHALL BE COORDINATED WITH THE LOCAL JURISDICTION.

PROPOSED UTILITY LEGEND

W	WATER LINE
	WATER METER
	WATER VALVE
	FDC
	FIRE HYDRANT
SS	SANITARY SEWER
UGE	UNDERGROUND ELECTRIC LINES/CONDUIT
OHE	OVERHEAD ELECTRIC
	TRANSFORMER AND CONCRETE PAD
FO	FIBER LINE
COMM	COMMUNICATION LINE
GAS	GAS LINE
	GAS METER

EXISTING LEGEND

	TELEPHONE PEDESTAL
	CLEANOUT
	GAS RISER
	IRRIGATION CONTROL VALVE
	DRAINAGE OUTLET AS-NOTED
	AIR CONDITIONER
	TELEPHONE CABINET
	GUY-ANCHOR
(M)	MEASURED/CALCULATED DIMENSION
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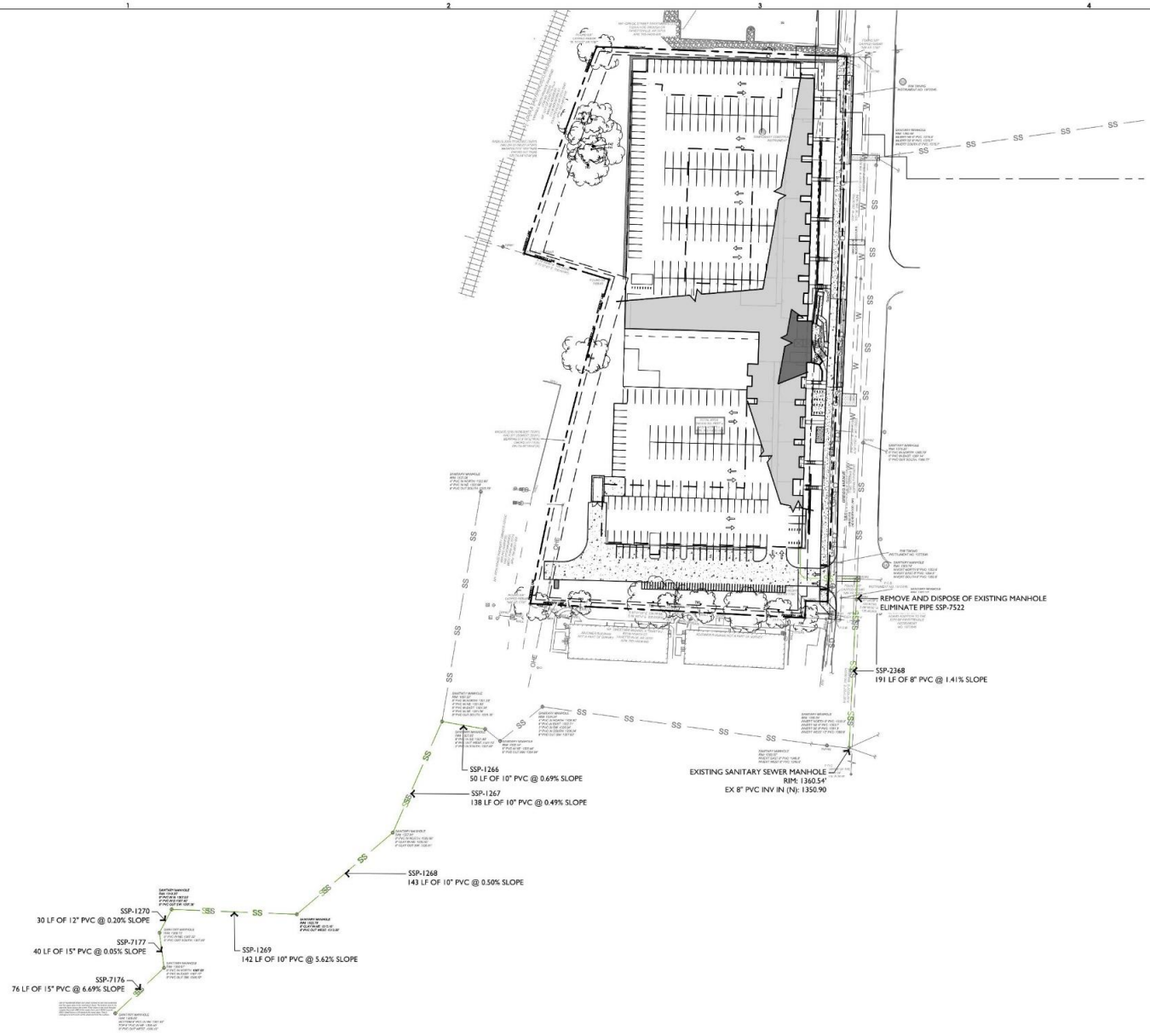
project: 22.03

C2.00



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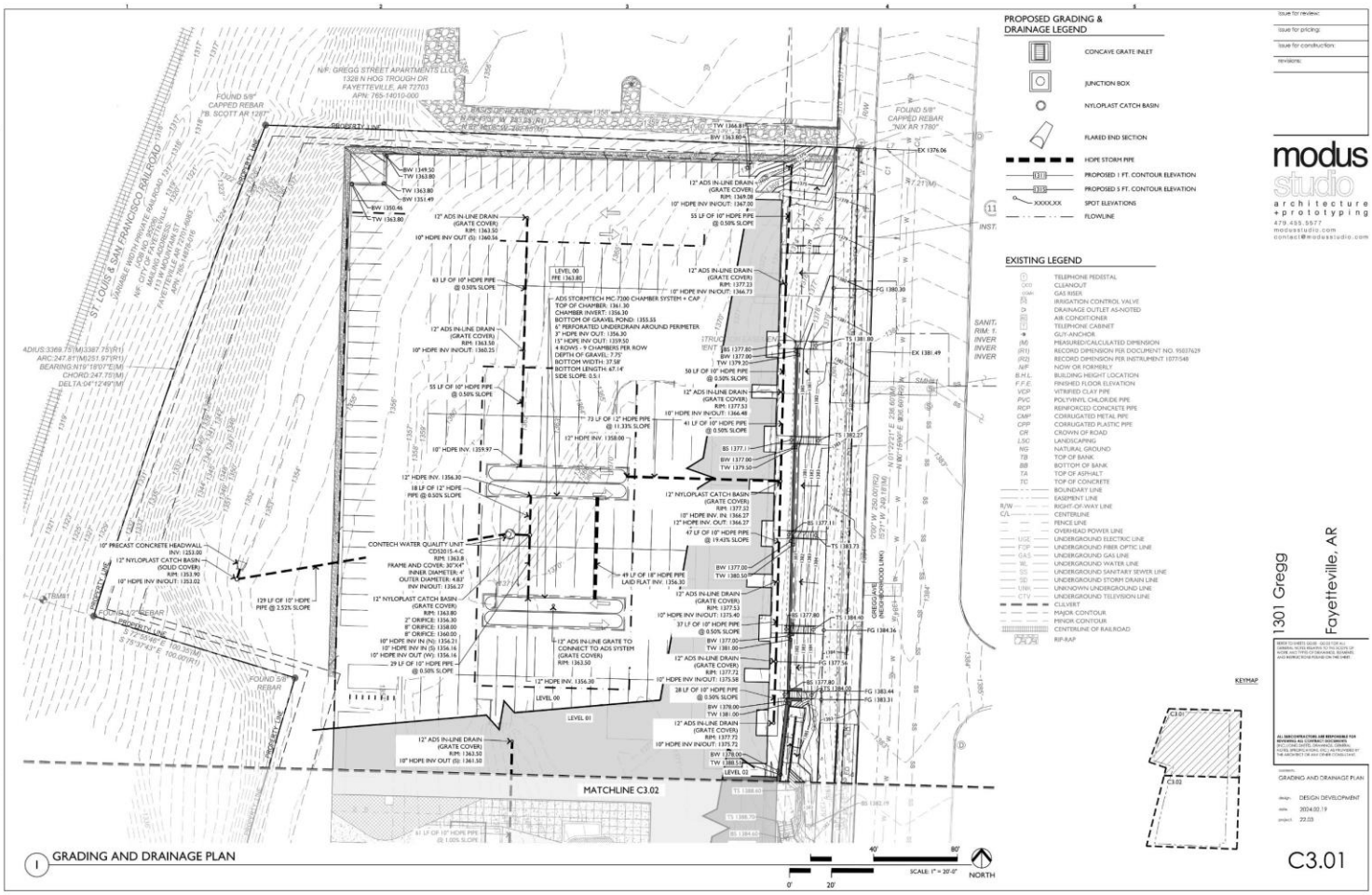
contents: OVERALL OFF-SITE SEWER PLAN
design: DESIGN DEVELOPMENT
date: 2024.02.19
project: 22.03

C2.10


PROPOSED GRADING & DRAINAGE LEGEND
CONCAVE GRATE INLET
JUNCTION BOX
NYLOPLAST CATCH BASIN
FLARED END SECTION
HDPE STORM PIPE
PROPOSED 1 FT. CONTOUR ELEVATION
PROPOSED 5 FT. CONTOUR ELEVATION
XXXX.XX SPOT ELEVATIONS
FLOWLINE
EXISTING LEGEND
MATCHLINE C3.02
GRADING AND DRAINAGE PLAN
SCALE: 1" = 20'-0"
NORTH
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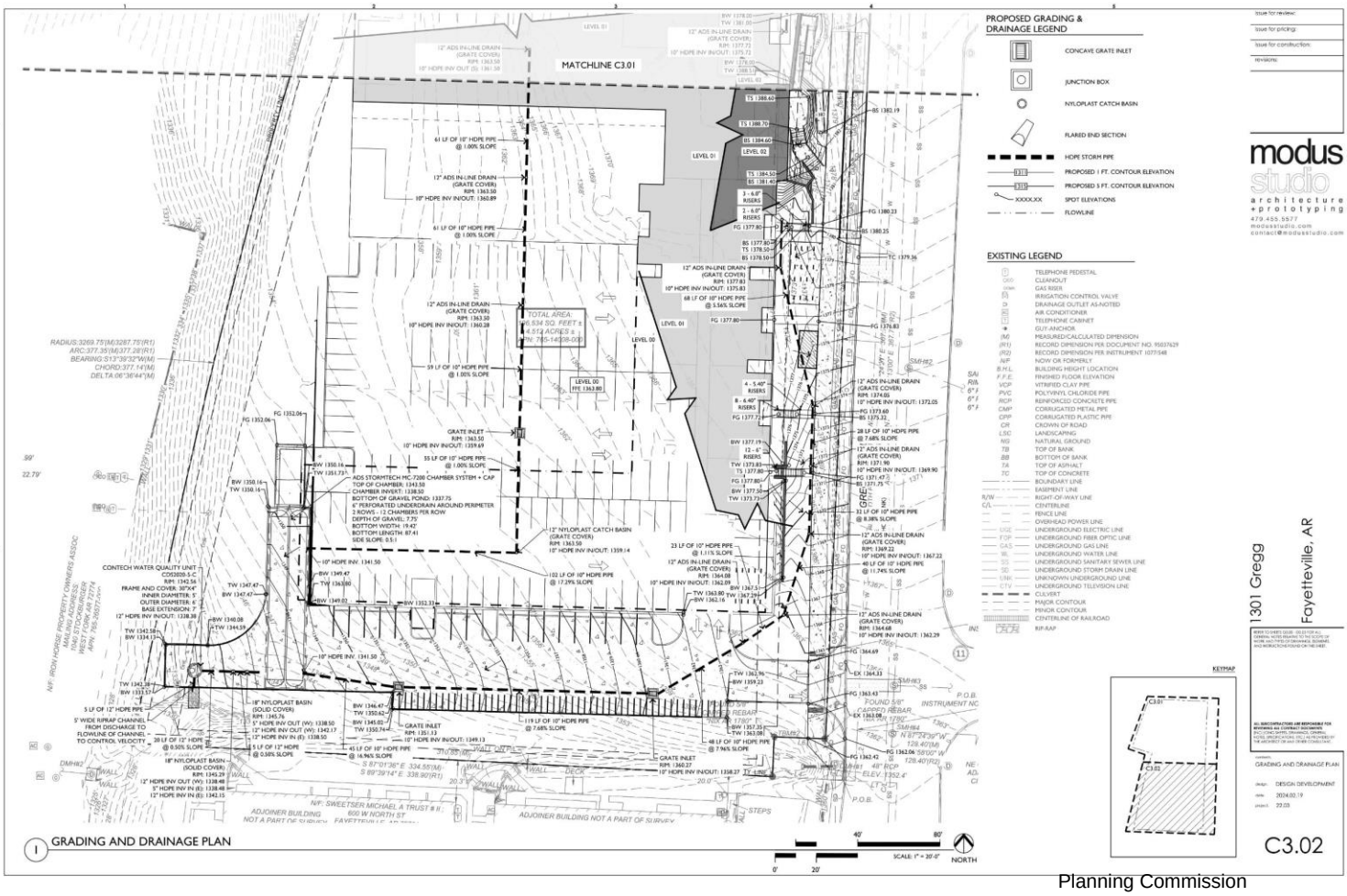
GRADING AND DRAINAGE PLAN
DESIGN DEVELOPMENT
C3.01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GRADING AND DRAINAGE PLAN
DESIGN DEVELOPMENT
C3.02

1 TREE PRESERVATION PLAN PROPOSED CONDITIONS

TREE PRESERVATION LEGEND

- EXISTING TREE CANOPY TO REMAIN
- EXISTING TREE CANOPY TO BE REMOVED
- TREE PROTECTION FENCING / EDGE OF ROOT PRUNING ZONE
- EXISTING SLOPES GREATER THAN 15%
- EXISTING EASEMENTS AND RIGHTS-OF-WAYS
- EXISTING CANOPY WITHIN EASEMENTS AND RIGHTS-OF-WAYS
- HILLSIDE/HILLTOP OVERLAY DISTRICT
- PROPERTY LINE/ R.O.W. LINE
- ROAD CENTERLINE
- TREE PRESERVATION EASEMENT

SITE ANALYSIS SUMMARY:

THE NORTH, WEST AND SOUTH EDGES OF THE SITE ARE LINED WITH A MIX OF NATIVE AND NON-NATIVE VOLUNTEER TREES. THERE ARE SOME HEALTHY, MATURE PIN OAKS ALONG THE GREGG AVENUE FRONTAGE AND SOME MATURE PINE TREES INCLUDING A STAND OF SEMI-MATURE PINES PLATED NEAR THE CHURCH BUILDING.

DESIGN CONSIDERATIONS:

GIVEN THE SITE'S PROXIMITY TO THE HOUSING DEFICIENT UNIVERSITY CAMPUS, THE INTENT FOR THIS SITE IS TO PROVIDE AS MUCH HOUSING AS ALLOWED BY ZONING IN THE MOST EFFICIENT MANNER.

- IN ORDER TO CAPITALIZE ON THE SITE'S BUILDABLE AREA, THE MAJORITY OF THE TREES IN THE CENTER OF THE SITE AS WELL AS ALONG THE NORTH AND EAST PROPERTY EDGES WILL BE REMOVED.
- ALL TREES REMOVED ARE IN DIRECT CONFLICT WITH EITHER THE BUILDING ITSELF OR THE ACCESS DRIVE.
- WHILE THIS PUTS THE DESIGN BELOW THE MINIMUM SQUARE FEET REQUIRED FOR CANOPY PRESERVATION, THE INTENT IS IN LINE WITH THE CITY OF FAYETTEVILLE'S FUTURE GROWTH PLANS FOR INCREASE DENSITY WALKABLE, CENTRAL NEIGHBORHOODS.
- REMOVED TREES WILL BE MITIGATED BY NEW TREES ON SITE INCLUDING GREEN ROOF PLANTINGS ON THE PROPOSED AMENITY DECK.

EXISTING LEGEND

	TELEPHONE PEDESTAL
CO	CLEANOUT
GM	GAS RISER
	IRRIGATION CONTROL VALVE
	DRAINAGE OUTLET AS-NOTED
	AIR CONDITIONER
	TELEPHONE CABINET
	GUY-ANCHOR
(M)	MEASURED/CALCULATED DIMENSION
(R1)	RECORD DIMENSION PER DOCUMENT NO. 95037629
(R2)	RECORD DIMENSION PER INSTRUMENT 1077/548
N/F	NOW OR FORMERLY
B.H.L.	BUILDING HEIGHT LOCATION
F.F.E.	FINISHED FLOOR ELEVATION
VCP	VITRIFIED CLAY PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CR	CROWN OF ROAD
LSC	LANDSCAPING
NG	NATURAL GROUND
TB	TOP OF BANK
BB	BOTTOM OF BANK
TA	TOP OF ASPHALT
TC	TOP OF CONCRETE
	BOUNDARY LINE
	EASEMENT LINE
R/W	RIGHT-OF-WAY LINE
C/L	CENTERLINE
	FENCE LINE
	OVERHEAD POWER LINE
UGE	UNDERGROUND ELECTRIC LINE
FOP	UNDERGROUND FIBER OPTIC LINE
GAS	UNDERGROUND GAS LINE
WL	UNDERGROUND WATER LINE
SS	UNDERGROUND SANITARY SEWER LINE
SD	UNDERGROUND STORM DRAIN LINE
UNK	UNKNOWN UNDERGROUND LINE
CTV	UNDERGROUND TELEVISION LINE
	CULVERT
	MAJOR CONTOUR
	MINOR CONTOUR
	CENTERLINE OF RAILROAD
	RIP-RAP

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	196,534	100%
*Zoning Designation * Select Below with drop down arrow*		
RMF-40 Multi-Family Residential-Forty Units Per Acre	39,307	20%
*HNOD * Select Below with Drop Down Arrow*		
Yes	1,258	0.6%
Total Canopy for Minimum Preservation Requirements	40,565	20.6%
Existing Tree Canopy * Minus Right of Way and Easements	85,600	43.6%
Tree Canopy Preserved	28,036	14.3%
Tree Canopy Removed *On Site	57,564	29.3%
Tree Canopy Removed *Off Site	2,784	
Tree Canopy Removed Total	60,348	30.7%
Removed Below Minimum	**12,529**	
Mitigation Requirements	**15,313**	

Canopy Below Requirments Sq. Ft.	Preservation Priority Type	Forestation Base Density/Acre	Number of 2" Caliper Trees to be Planted
15,274	High Priority	200	**70**
0	Low Priority	100	**0**

NUMBER OF 2" (MIN) PLANTED ON SITE: 68

Mitigation Alternatives

Square Footage Required	Green Screen Square Footage Required	Intensive Green Roof Square foot required	Extensive Green Roof square footage required
436	1090	610.4	1090

issue for review:
issue for pricing:
issue for construction:
revisions:

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LICENSED LANDSCAPE ARCHITECT TANNER WILLIAMS 2.7.24 STATE OF ARKANSAS

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contents: TREE PRESERVATION PLAN PROPOSED CONDITIONS

design: DESIGN DEVELOPMENT
date: 2024.02.19
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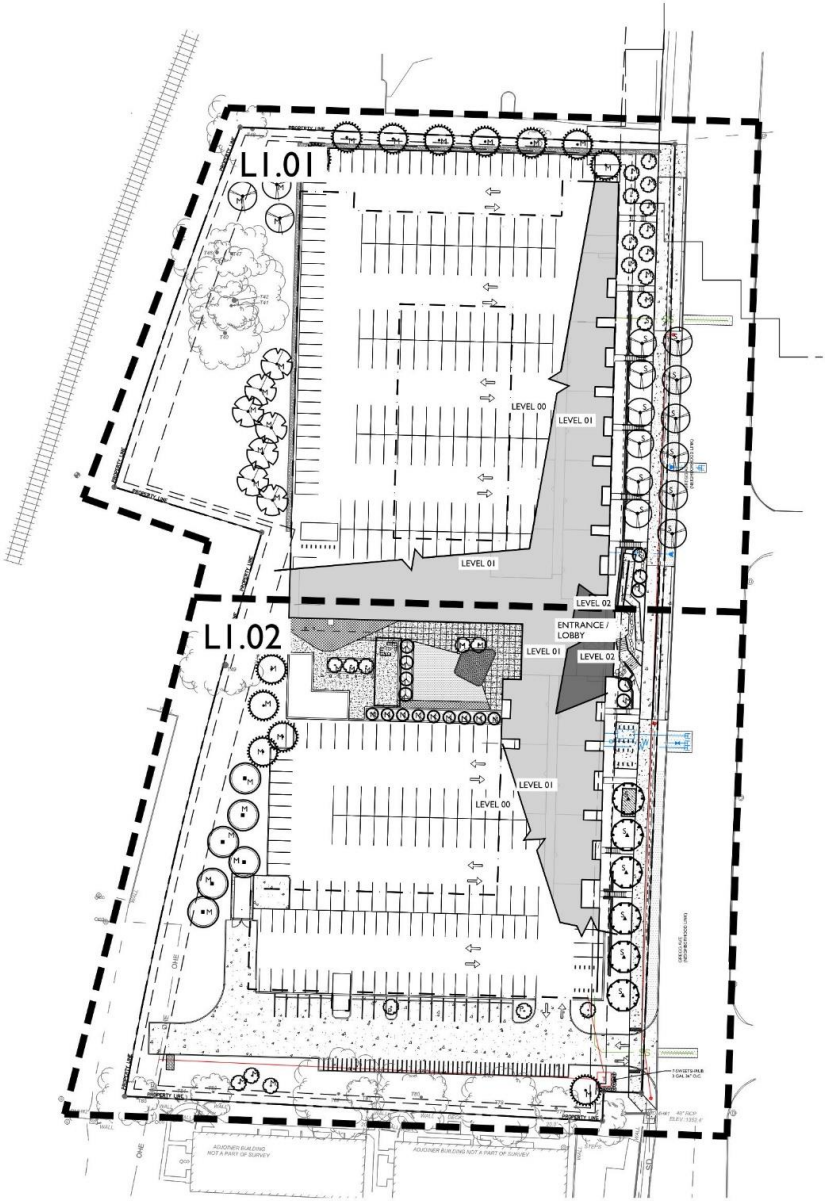
L0.01



1 OVERALL LANDSCAPE PLAN

PROPOSED PLANTING LEGEND

S	STREET TREE - 19
M	MITIGATION TREE - 68
P	PARKING TREE - 2

CONCEPT PLANT SCHEDULE

ROOF DECK MIX	903 SF
CAREX FLACCA 'BLUE ZINGER' / BLUE ZINGER SEDGE	292
ECHINACEA PURPUREA / CONEFLOWER	63
LIATRIS SPICATA / BLAZING STAR	63

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	CALIPER	CONTAINER	SPACING	HEIGHT X SPREAD
TREES							
	9	ACER BUERGERIANUM	TRIDENT MAPLE	2" CAL	BALL & BURLAPPED	AS SHOWN	8' X 5'
	23	CLADRASTIS KENTUKEA	AMERICAN YELLOWWOOD	2" CAL	BALL & BURLAPPED		
	9	CRATAEGUS CRUS-GALLI	COCKSPUR HAWTHORN	2" CAL	BALL & BURLAPPED		
	7	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	4" CAL	BALL & BURLAPPED		10' X 4'
	6	QUERCUS NIGRA	WATER OAK	4" CAL	BALL & BURLAPPED		10' X 4'
	15	QUERCUS PALUSTRIS	PIN OAK	4" CAL	BALL & BURLAPPED	AS SHOWN	8' X 5'
	6	QUERCUS SHUMARDII	SHUMARD OAK	2" CAL	BALL & BURLAPPED	AS SHOWN	8' X 4'
	14	TAXODIUM DISTICHUM	BALD CYPRESS	4" CAL	BALL & BURLAPPED		
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	CALIPER	CONTAINER	HEIGHT X SPREAD	
GROUND COVERS							
	3,579 SF	CYNODON DACTYLON	BERMUDAGRASS	SOLID SOD, CERTIFIED WEED FREE, PROVIDE 4" TOPSOIL			

Street Tree Requirements

Linear Feet minus driveways	Required Trees	Street Trees Planted
571	19	19

Number of Parking Stalls	Number of ADA Spaces	Number of ADA Loading Zones	Number of Motor Cycle/Scooter	Required Trees
18	0	0	54	2

Mitigation Alternatives

Square Footage Required	Green Screen Square Footage Required	Intensive Green Roof Square foot required	Extensive Green Roof square footage required
436	1090	610.4	1090

LANDSCAPE NOTES:

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.
2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
3. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL TRUNK. MULTI-TRUNK TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.
6. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.
7. ALL TREES AND SHRUBS SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.
9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL BE NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.
10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BEFORE PLANTING BEGINS.
11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
15. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.
18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF 70% TURF TYPE FESCUE AND 30% PERENNIAL RYES AT 5 POUNDS PER 1,000 SQUARE FEET.
19. ALL AREAS TO BE SEEDED SHALL RECEIVE 4" OF TOPSOIL AND BE GRADED PER THE GRADING PLAN.
20. IRRIGATION SHALL BE EITHER AN UNDERGROUND AUTOMATIC SYSTEM OR SHALL UTILIZE HOSE BIBS EVERY 100' AS REQUIRED BY FAYETTEVILLE LANDSCAPE ORDINANCE.
21. MAINTENANCE: THE CURRENT OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.
22. REPLACEMENT LANDSCAPING: REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY. THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.
23. THREE (3) YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND MITIGATION TREE.
24. ANY STRUCTURAL SOIL REQUIRED MUST BE INDICATED ON PLAN. HAVE CERTIFIED DOCUMENTATION, AND BE INSPECTED BY URBAN FORESTER AT TIME OF INSTALLATION.
25. MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN TREE PLANTINGS AND UTILITY LINES.
26. 26. ALL PLANTING DETAILS ARE ACCORDING TO FAYETTEVILLE LANDSCAPE MANUAL.

IRRIGATION NOTE:

THE IRRIGATION CONTRACTOR SHALL PROVIDE A FULLY AUTOMATIC LOW-EMMISSION IRRIGATION SYSTEM FOR ALL TREES ON-SITE AND IN THE R.O.W.

THE IRRIGATION CONTRACTOR SHALL PROVIDE SHOP DRAWINGS FOR REVIEW AND APPROVAL.

TREES ON-SITE AND IN THE PUBLIC RIGHT OF WAY SHALL RECEIVE BUBBLERS.

CONTRACTOR TO PROVIDE INTERIOR CONTROLLER AND RAIN/FREEZE SENSOR. COORDINATE WITH MEP AND GC TO PROVIDE SLEEVING FROM CONTROLLER ROOM TO EXTERIOR.

CARE SHALL BE TAKEN WHEN INSTALLING IRRIGATION AROUND EXISTING ROOT ZONES. AVOID CUTTIGN LARGE ROOTS WHERE POSSIBLE.

SLEEVING NOTE:

THE GENERAL CONTRACTOR SHALL PROVIDE SCH40 PVC SLEEVING, BURIED AT A MINIMUM OF 18" AND MAXIMUM OF 24" DEPTH.

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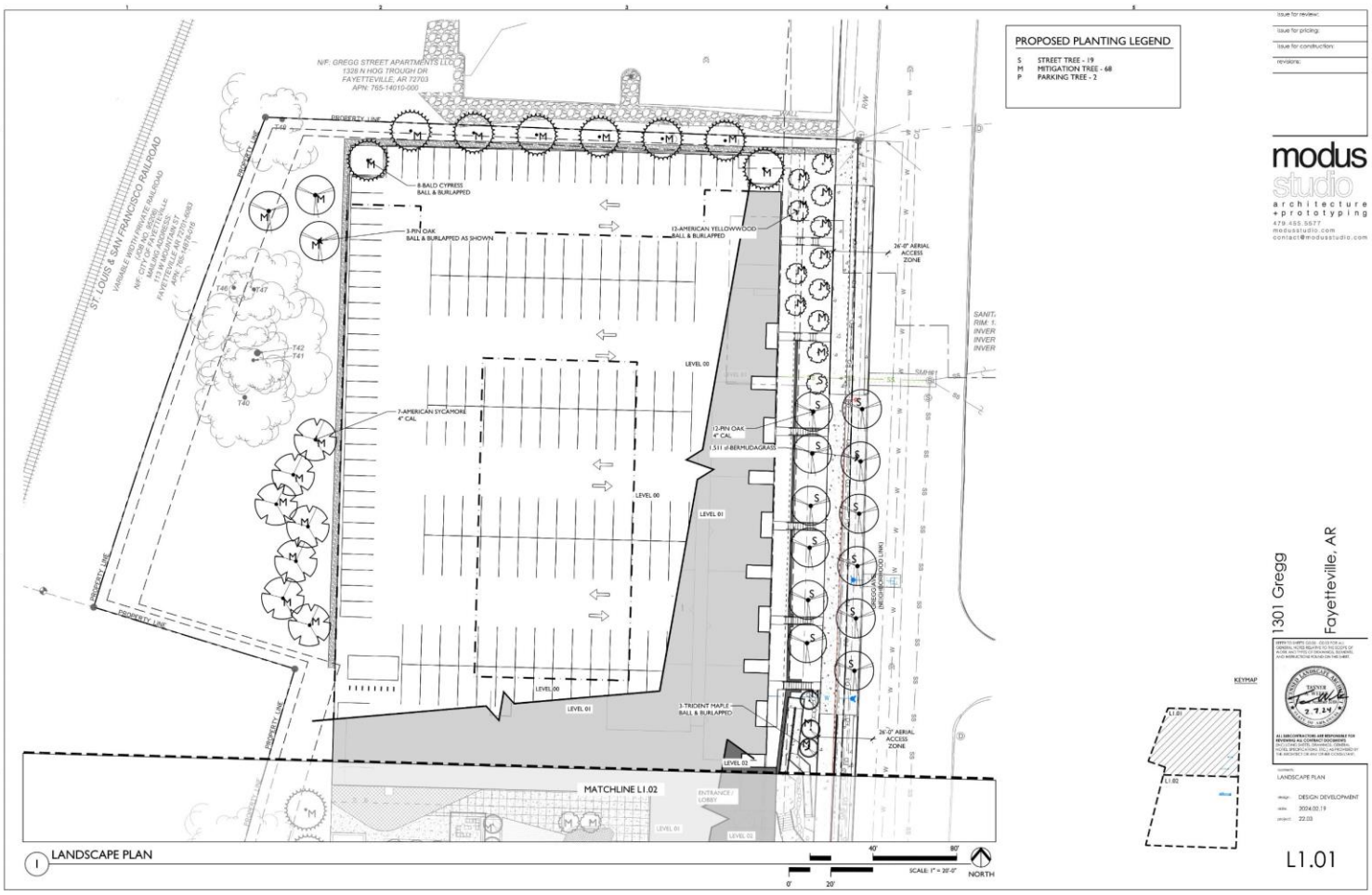
L1.00


PROPOSED PLANTING LEGEND
S STREET TREE - 19
M MITIGATION TREE - 68
P PARKING TREE - 2
N/F: GREGG STREET APARTMENTS LLC
1326 N HOG TROUGH DR
FAYETTEVILLE, AR 72703
APN: 765-14010-000
ST. LOUIS & SAN FRANCISCO RAILROAD
6-BALD CYPRESS BALL & BURLAPPED
3-PIN OAK BALL & BURLAPPED AS SHOWN
13-AMERICAN YELLOWWOOD BALL & BURLAPPED
26'-0" AERIAL ACCESS ZONE
7-AMERICAN SYCAMORE 4" CAL
12-PIN OAK 4" CAL
511 sf BERMUDAGRASS
3-TRIDENT MAPLE BALL & BURLAPPED
MATCHLINE L1.02
ENTRANCE / LOBBY
LEVEL 00
LEVEL 01
LEVEL 02
PROPERTY LINE
GREGG AVE (NEIGHBORHOOD LINK)
LANDSCAPE PLAN
SCALE: 1" = 20'-0"
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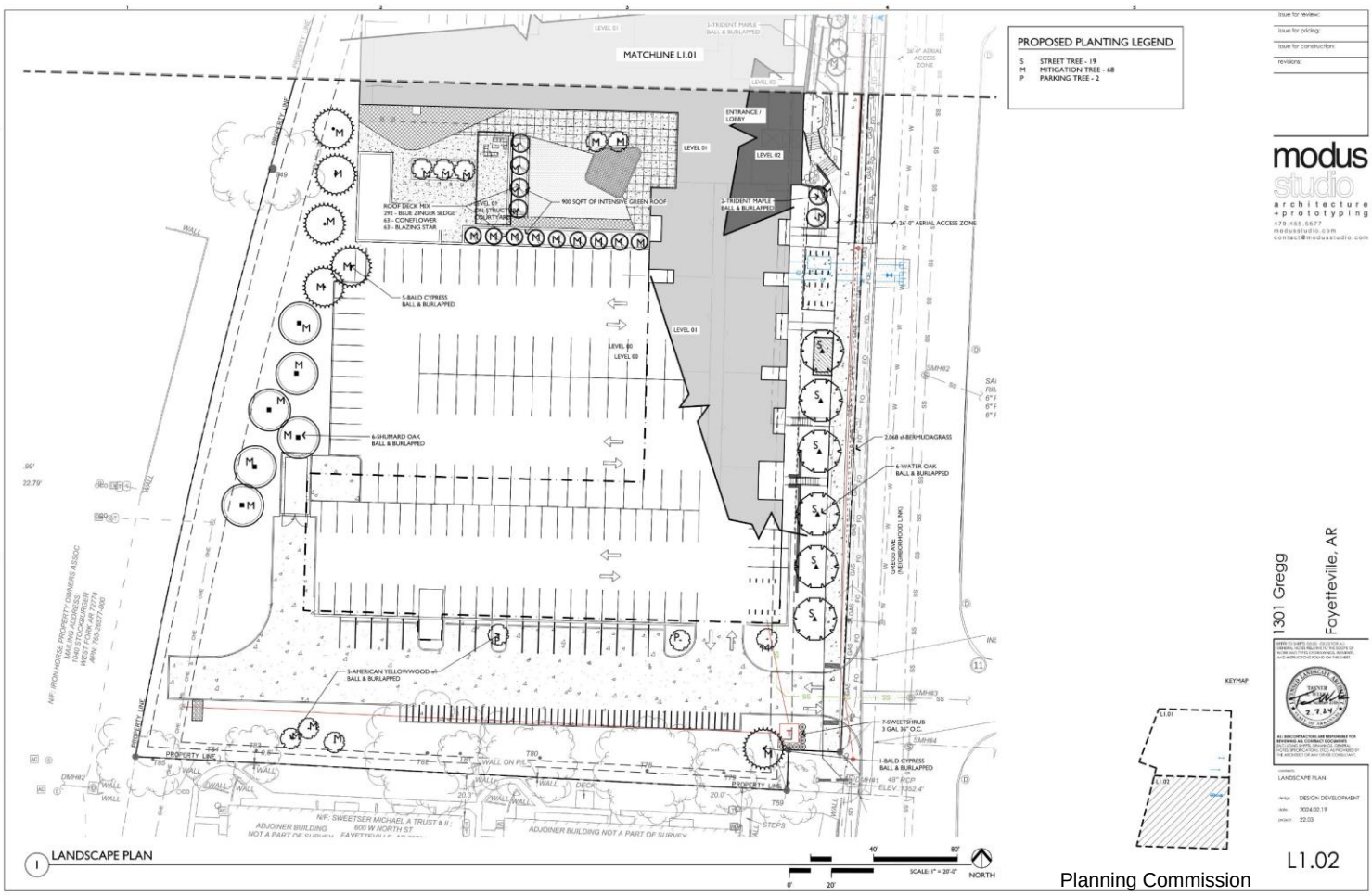
KEYMAP
LANDSCAPE PLAN
DESIGN DEVELOPMENT
3024.02.19
22.03
L1.01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M MITIGATION TREE - 68
P PARKING TREE - 2
MATCHLINE L1.01
1-TRIDENT MAPLE BALL & BURLAPPED
26'-0" AERIAL ACCESS ZONE
ENTRANCE / LOBBY
LEVEL 01
LEVEL 02
ROOF DECK MIX
292 - BLUE ZINGER SEDGE
63 - CONEFLOWER
63 - BLAZING STAR
900 SQFT OF INTENSIVE GREEN ROOF
2-TRIDENT MAPLE BALL & BURLAPPED
26'-0" AERIAL ACCESS ZONE
5-BALD CYPRESS BALL & BURLAPPED
LEVEL 00
6-SHUMARD OAK BALL & BURLAPPED
2,068 sf BERMUDAGRASS
6-WATER OAK BALL & BURLAPPED
5-AMERICAN YELLOWWOOD BALL & BURLAPPED
7-SWEETSHRUB 3 GAL 36" O.C.
1-BALD CYPRESS BALL & BURLAPPED
N/F: IRON HORSE PROPERTY OWNERS ASSOC
N/F: SWEETSER MICHAEL A TRUST # II
600 W NORTH ST
ADJOINER BUILDING NOT A PART OF SURVEY
PROPERTY LINE
GREGG AVE (NEIGHBORHOOD LINK)
LANDSCAPE PLAN
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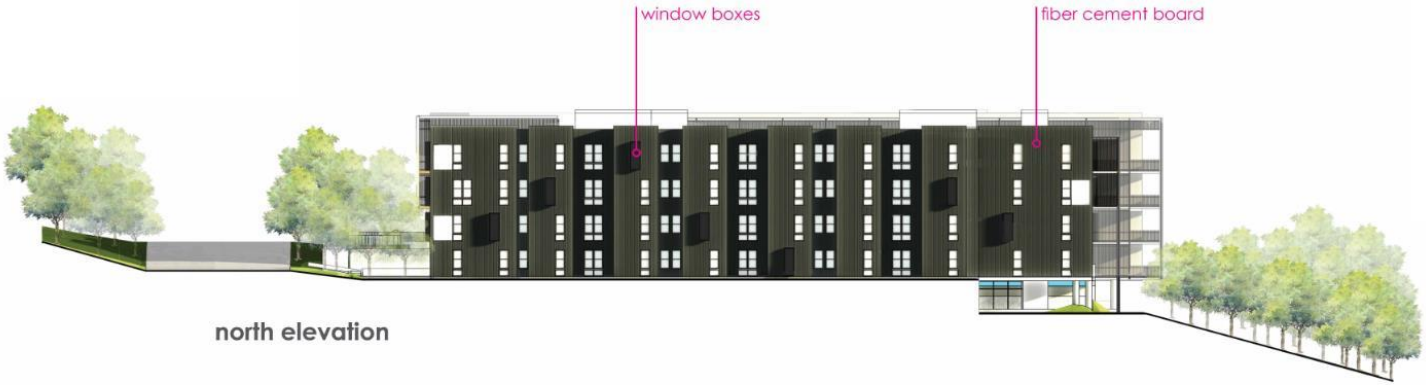

north elevation

east elevation (Gregg Avenue)

1301 Gregg Avenue

Fayetteville, Arkansas

mark	date	description

DATE. 2024.02.16
PROJ. 23.13

EXTERIOR
ELEVATIONS
NORTH AND EAST

s0.4

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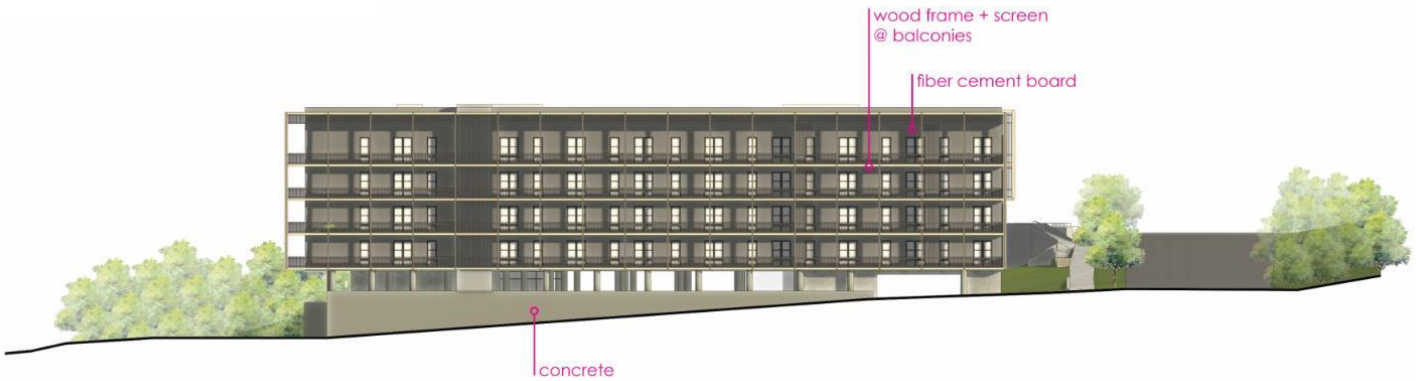


south elevation

west elevation

1301 Gregg Avenue
Fayetteville, Arkansas

mark	date	description

DATE. 2024.02.16
PROJ. 23.13

EXTERIOR
ELEVATIONS WEST
AND SOUTH

s0.5

PARKING SUMMARY

TOTAL BED COUNT:		**650**
TOTAL AUTOMOBILE PARKING REQUIRED:		650
PER SECTION 172.05...		
REDUCTIONS TO AUTOMOBILE PARKING:		
WITHIN 1/4 MILE OF TRANSIT	15%	-097
MOTORCYCLE/SCOOTER SPACES	10%	-065
BICYCLE SPACES	10%	-065*
TOTAL REDUCTION OF SPACES		-227
REVISED AUTOMOBILE PARKING REQUIRED:		**650 - 227 = 423**

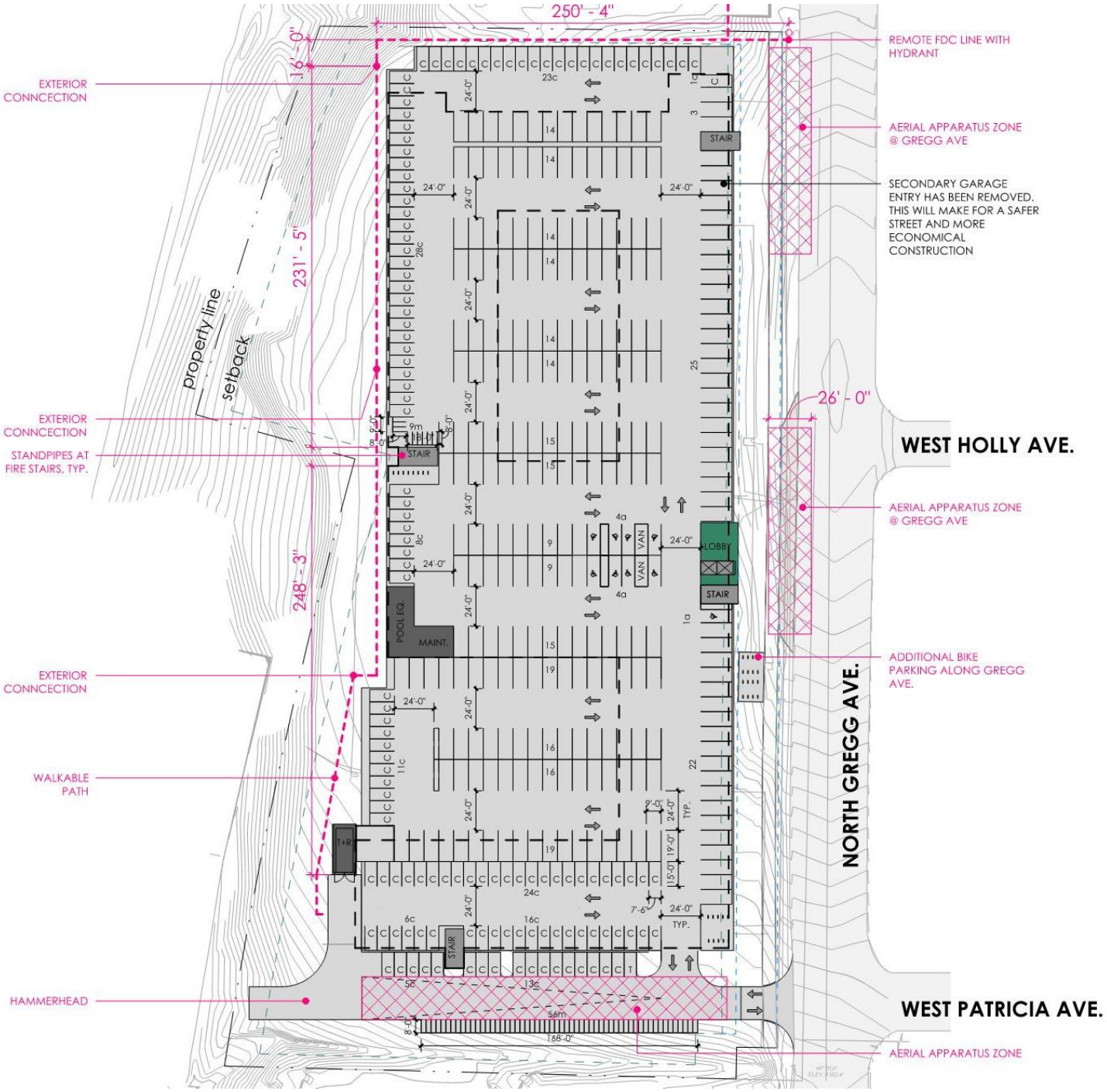
AUTOMOBILE SPACES BREAKDOWN:		
ADA	(02%)	009
COMPACT	(33%)	135
STANDARD	(65%)	262
TOTAL AUTOMOBILE SPACES PROVIDED		**406****

**BICYCLE SPACES SHALL BE PROVIDED PER 172.10 IN THE PARKING GARAGE, BUILDING AND ON SITE*

***A VARIANCE IS BEING REQUESTED TO ALLOW FOR* 17 LESS PARKING SPACES THAN REQUIRED. THE CHALLENGES OF THE SITE TOPOGRAPHY AND GEOLOGY PRESENT SIGNIFICANT PROBLEMS WITH BUILDING ADDITIONAL SUBTERRANEAN PARKING. THE BUILDING ITSELF IS ALREADY ENGAGING A 10' TALL RETAINING WALL ALONG GREGG AVENUE. IF THE SITE WERE FLAT, THE RELATIVE CONSTRUCTABILITY AND PARKABLE AREAS WOULD BE MORE READILY ACHIEVABLE.

THE SITE'S ADJACENCY TO CAMPUS, TRANSIT, AND THE TRAIL UNDERSCORE THE WALKABILTY AND BIKABILITY OF THE SITE AND THEREFORE A LOWER TOTAL AUTMOBILE PARKING REQUIREMENT SEEMS RELEVANT.

EXTERIOR CONNECTION
THE EXTERIOR CONNECTIONS TO HAVE A STANDPIPE STYLE CONNECTION, THEY ARE TO BE HOUSED IN A METAL PROTECTIVE BOX AND TO BE LABELED "REMOTE FIRE DEPARTMENT CONNECTION."



N SCALE: 1'- 0" = 60'
10 60 100
60'-0"

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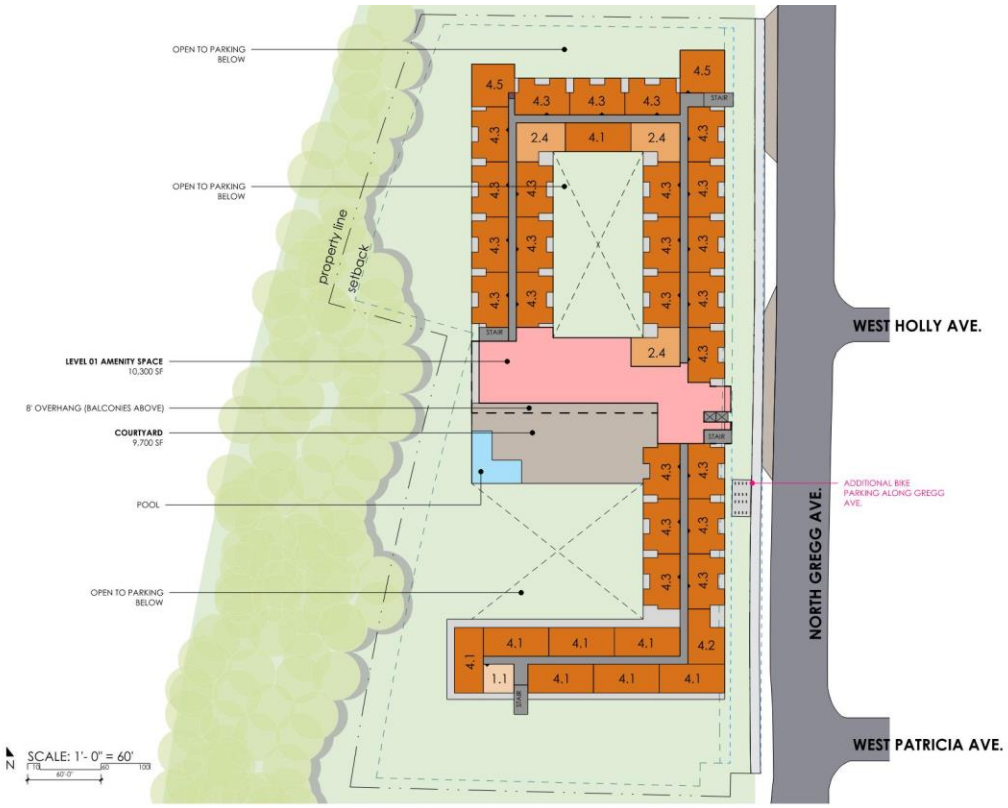
mark	date	description

DATE. 2024.02.16
PROJ. 23.13

SCHEME-16
LEVEL 00

s0.0



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DATE. 2024.02.05
PROJ. 23.13

SCHEME 16
LEVEL 01

s0.1

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DATE. 2024.02.05
PROJ. 23.13

SCHEME 16
LEVEL 02

s0.2

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architecture
+prototyping
WEST HOLLY AVE.
NORTH GREGG AVE.
WEST PATRICIA AVE.
property line
setback
STAIR
4.5
4.3
2.4
4.1
4.4
4.6
2.5
4.2
1.1
SCALE: 1'- 0" = 60'
N
1301 Gregg Avenue
Fayetteville, Arkansas
mark
date
description
DATE: 2024.02.05
PROJ.: 23.13
SCHEME 16
LEVELS 03 - 04
s0.3

modus studio

Project STATS — SCHEME 16

project # 23.13
project name 1301 Gregg
date revised 2023.10.11

PROPERTY	TOTAL PROPERTY	4.35	acres	
	DENSITY	40.0	units/acre	
		149.4	beds/acre	

ZONING	PROVIDED	REQUIRED/ALLOWED		
DENSITY	40.0	40	UNITS PER ACRE	
MAX LOT COVERAGE	80,792	94,743	50%	42.64%
FRONTAGE	534	318	50%	
FRONT YARD	23	25	BUILD TO	
SIDE YARD		8	SETBACK	
REAR		20	SETBACK	
OPEN SPACE		0		
HEIGHT	5	5	STORY	

PARKING	PROVIDED	REQUIRED		LEVEL 00	LEVEL 01	LEVEL 02	LEVEL 03	LEVEL 04
SURFACE								
STANDARD	262	0.65		262				
COMPACT	135	0.33		135				
ADA	9	0.02		9				
M/S	65	1.00		65				
BICYCLE	65			65				
	PROVIDED	REQUIRED						
TOTAL ALL SPACES	536	553	1 PER BED LESS 15% TRANSIT REDUCTION					
PARKING RATIO	0.82							
TOTAL AUTO SPACES	406							
PARKING RATIO	0.62							

BUILDINGS (GENERAL) DESCRIPTION	AREA (CTA)	AREA (CNA)	TOTAL AREA (CGA)	LEVEL 00	LEVEL 01	LEVEL 02	LEVEL 03	LEVEL 04
AMENITIES								
LOBBY	895			895				
CLUB	13,503				10,303	3,200		
MAINTENANCE	-							
BOH + STORAGE	456			456				
COURTYARD / DECK		9,693			9,693			
SUBTOTAL	14,854	9,693	24,547					
STRUCTURED PARKING		80,792		80,792				
CARPORTS		-						
SUBTOTAL	0	80,792	80,792					

BUILDINGS (APARTMENTS) DESCRIPTION	AREA (UTA)	AREA (UNA)	TOTAL AREA (UCA)	LEVEL 00	LEVEL 01	LEVEL 02	LEVEL 03	LEVEL 04	UNIT #	UNIT %	BED #	BED %	UTA	UNA	UCA	# bedrooms per unit type
1.1	2,376	480	2,856		1	1	1	1	4	2.3%	4	0.6%	594	120	714	1
2.4	16,515	1,500	18,015		3	4	4	4	15	8.6%	30	4.6%	1,101	100	1,201	2
2.5	1,576		1,576				1	1	2	1.1%	4	0.6%	788		788	2
4.1	51,742	0	51,742		8	11	11	11	41	23.6%	164	25.2%	1,262		1,262	4
4.2	3,510	198	3,708		1	1	1		3	1.7%	12	1.8%	1,170	66	1,236	4
4.3	116,640	0	116,640		24	24	24	24	96	55.2%	384	59.1%	1,215		1,215	4
4.4	3,648	864	4,512			1	1	1	3	1.7%	12	1.8%	1,216	288	1,504	4
4.5	9,424	0	9,424		2	2	2	2	8	4.6%	32	4.9%	1,178		1,178	4
4.6	2,766	0	2,766				1	1	2	1.1%	8	1.2%	1,383		1,383	4
UNIT SUBTOTALS	208,197	3,762	211,959	0	39	44	46	45	174	100.0%	650	100.0%				
AVERAGE UNIT SF	1,197															
CIRCULATION	33,862		33,862	979	7,056	7871	8978	8978								
MECH/STORAGE	0	0	0													
BUILDING SUBTOTALS	242,059	3,762	245,821													
EFFICIENCY (UNITS ONLY)	86.01%															
EFFICIENCY (OVERALL)	81.04%															

MIX				
studio	0	0.00%	0	0.00%
1 bedroom	4	2.30%	4	0.62%
2 bedroom	17	9.77%	34	5.23%
3 bedroom	0	0.00%	0	0.00%
4 bedroom	153	87.93%	612	94.15%

	UTA + CTA	UNA + CNA	UCA + CGA				
TOTAL PROJECT AREA:	256,913	94,247	351,160	174	650		
	THERMAL	NON-THERMAL	GROSS	UNITS	PEOPLE		

LEGEND

CGA	Construction Gross Area: Total area of the building including all units, balconies, corridors, service, etc. (Measured to outside face of stud on exterior walls)
NRA	Net Rentable Area: Total Thermal and Non-Thermal areas of a space that are allocated to a tenant. (Measured to outside face of stud on exterior walls and to centerline of common walls and includes balconies)
CTA	Construction Thermal Area: Total area of a space that is conditioned that is to be constructed (Measured to outside face of stud on exterior walls and to centerline of common walls and includes balconies)
CNA	Construction Non-Thermal Area: Total area of a space that is unconditioned that is to be constructed (Measured to outside face of platform)
UTA	Unit Thermal Area: Total area of the interior of the unit that is only for the use of the tenant (Measured to outside face of stud on exterior walls and to centerline of common walls and includes balconies)
UNA	Unit Non-Thermal Area: Total area of exterior space of the unit that is only for the use of the tenant (Measured to outside face of patio/balcony/etc.)
UCA	Unit Construction Area: Total area of UTA + UNA (We consider this the total unit rentable area)

NOTE: The above measurements are similar to the BOMA standard of measurement for multifamily units in that they follow Method A for measurements.

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contact@modusstudio.com

1301 Gregg Avenue
Fayetteville, Arkansas

mark	date	description

DATE. 2024.02.16
PROJ. 23.13

SCHEME 16
PROJECT
STATISTICS

s0.6

GEOTECHNICAL ENGINEERING ANALYSIS

Geotechnical Considerations

Existing Fill

As stated previously, existing fill materials were encountered below the surface organics or below the existing pavement at each boring location. The fill materials consisted of silty sand, clayey gravel, sandy gravel, and sandy lean clay; each with variable sand and gravel content (limestone, chert and sandstone fragments) as well as asphalt fragments. The existing fill materials extended to depths between 2 to 9 ½ feet below existing grades at our exploration locations.

GTS has no information regarding the placement and compaction history of the existing fill material located at the site. However, we anticipate that the existing fills were placed during construction of the existing structures and asphalt parking lot (prior to 1994).

Based on the variable in-place strengths measured within the existing fills, as well as the low in-place shear strength of portions of the native soils immediately underlying the existing fill, it is the opinion of GTS that the existing fill was not placed following standard construction industry practices (uncontrolled fill).

Because there can be variations in the thickness, quality, and composition of existing fill and given the potential for unsuitable materials to be buried in or under the existing fill, it should be recognized that there is assumed risk of unpredictable settlement and structural performance associated with constructing shallow foundations and on-grade slabs and pavements over existing fill. This risk cannot be eliminated unless the full depth of the existing fill is removed and replaced with approved, select fill. To reduce this risk in areas of future shallow foundations, we recommend extending the foundation excavations through the existing fills to bedrock – the resulting void can then be backfilled with flowable fill up the bottom of foundation elevations.

Floor slabs and pavements span weak zones much more effectively than concentrated foundation loading. Also, owners typically have a higher tolerance for cracks developing in floor slabs/pavements compared to building structures. If the owner elects to leave portions of the existing fill materials in-place, the new floor slabs/pavements could be constructed on a layer of tested and approved, new select fill placed above stable existing fill materials after performing thorough testing and evaluation during site preparation and construction. However, the client/owner should understand that some premature surface distress and increased maintenance may occur in future floor slab/pavement sections supported above the existing fill. Again, this risk can only be eliminated by full-depth removal and replacement with new fill.

Expansive Soils

Expansive fat clay soils (Stratum I) were encountered at a majority of our boring locations. These soils are prone to volume changes (defined as potential vertical movement (PVM)), with variations in moisture content. These volume changes often occur seasonally, throughout the life of the

planned structure. However, if the recommendations provided in this report are followed (e.g., sufficient drainage behind basement walls and beneath floor slabs as well as 1-foot of new select fill beneath floor slabs/pavements), it is our professional opinion that the PVM will be negligible (i.e., less than 1 inch).

This report provides recommendations to help mitigate the effects of shrinking and swelling of these soils. However, even if these recommendations are followed, some movement and cracking of the floor slabs and pavements should be anticipated. The severity of cracking and other damage will likely increase if site modification results in excessive wetting or drying of the expansive soils. Eliminating the risk of movement and distress may not be feasible, but it may be possible to further reduce the risk of movement if significantly more expensive measures are used during construction. We can discuss other mitigation options, if interested.

Low-Strength Soils

Low-shear-strength soils (SPT N-values of 6 bpf or less) were encountered to varying depths within the near-surface soils, generally in the northwest corner of the planned building footprint, which is also the area of the planned deepest fills. The low-strength soils extended to depths of approximately 5 to 18 ½ feet below existing grades at Borings B-1, B-4, B-7, B-10, and B-17. These low-strength soils generally consisted of existing fill materials and native, fat clay soils (Stratum I).

The apparent depths of these low strength soils encountered at our boring locations are shown in Table 2 below. Borings where low-strength soils were not encountered have been omitted from the table.

Table 2: Depths of Low-Shear-Strength Soils at Boring Locations

Boring Number	Apparent Depths of Weak Soils (feet below existing grades)	Recorded N-values (blows per foot)
B-1	0 to 2; 3 ½ to 18 ½	2, 4, 5, and 6
B-4	5 to 8 ½	6
B-7	0 to 5	6
B-10	5 to 8 ½	4
B-17	3 ½ to 5	5

Supporting foundation loads, floor slabs, pavements or placing new fill above these weak soils will result in soil consolidation, which will translate in relatively large settlement of the planned grade supported structures. Recommendations are provided in this report to reduce the potential large settlement of the floor slabs and pavements, generally through use of lightweight fill materials.

Settlement

Based on our understanding of the current grading plan, we understand that up to 10 ½ feet of new fill is planned at the northwest corner and up to 17 feet of new fill is planned at the southwest corner. In areas where fills greater than 2 ½ feet are required to reach the final grade, we anticipate relatively large post-construction settlement will likely occur without ground improvement. Settlement is caused by compression of the newly placed fill materials due to its own weight as well as the consolidation of the underlying native soils due to the weight of the new fill and structural loads.

With typical soil fill materials, GTS estimates about 1 percent of the compacted fill height (up to 1 ½ to 2 inches) should be anticipated for the compression of the newly placed fill material, assuming the fill is placed and compacted following standard construction industry practices, and up to about 3 ½ to 4 ½ inches of settlement in the underlying fill/native soils. Based on this and our understanding of the planned new fill thicknesses, GTS estimates that up to 3 to 5 ½ inches of total settlement would occur in the northwest and southwest portions of the planned building footprint where the deepest fills have been proposed.

To reduce the estimated settlement of the planned floor slabs and pavements to less than 1 inch, we recommend that any fill depths greater than 2 ½ feet consist of lightweight geofoam fill material. This material is discussed in detail in the Lightweight Fill section of this report.

Moisture-Sensitive Soils

Any existing silt-based soils and/or lean clay soils, as well as portions of the existing fill materials are susceptible to strength loss with increases in moisture content and/or when exposed to repetitive construction traffic. Ground improvement will be required during moderately wet to wet periods of the year and when wet site conditions develop. Therefore, it will be highly advantageous to perform earthwork operations during periods of extended dry weather.

Ground improvement recommendations are discussed in the Mass Grading Recommendations section.

Foundation Type Discussion

Based on our understanding of existing subsurface conditions as well as site development plans, we recommend the structure be supported on a hybrid shallow and deep foundation system, bearing in competent shale or sandstone bedrock (Stratum III). A majority of the subterranean parking (Level B1) and the eastern foundation wall may be supported on a footing foundation system bearing directly on competent shale or sandstone bedrock, or upon flowable fill placed directly over competent shale or sandstone bedrock. Outside of these areas, we recommend the structure be supported on a drilled pier foundation system, bearing in competent bedrock.

Bedrock (Stratum III) was typically encountered at depths of about 5 to 18 ½ feet below existing grades at the boring locations. For the purposes of this report, "**competent bedrock**" is defined as the depth at which the SPT N-value is greater than 50 blows for 6 inches or less of penetration.

Generally, the assumption used in generating our foundation recommendations was that it would be more cost effective to support the planned construction on a shallow foundation system where competent bedrock would be within 10 feet of final grades. At these locations the overburden soils could be overexcavated to bedrock and the resulting excavation/void backfilled up the bottom of foundation elevation with flowable fill.

Where competent rock will be encountered at depths greater than 10 feet, our assumption is that it will be more cost effective to install a drilled pier foundation. Based on our understanding of the planned elevations of the subterranean Level B1 (1,349 feet above MSL) and Level 00 (1,363 feet above MSL), we have estimated the depths to competent bedrock, which are presented in Table 3 below.

Table 3: Depths to/Elevation of Competent Shale or Sandstone Bedrock

Boring Number	Depths to/ Elevation of Competent Bedrock (feet below final grade)	Boring Number	Depths to/ Elevation of Competent Bedrock (feet below final grade)
B-1	24 ½ / 1,331	B-10	21 / 1,334
B-2	22 / 1,340	B-11	18 / 1,332
B-3	7 ½ / 1,355.5	B-12	Not Encountered (> 6 ½ feet)
B-4	18 ½ / 1,342	B-13	Not Encountered (> 6 ½ feet)
B-5	-1 ½ * / 1,364	B-14	Not Encountered (> 6 ½ feet)
B-6	0 / 1,356	B-15	10 ½ / 1,339
B-7	5 / 1,358	B-16	6 ½ / 1,343
B-8	7 / 1,356	B-17	7 ½ / 1,342
B-9	11 ½ / 1,338	---	---

*(-) represents depth of anticipated rock excavation

As an alternative to both shallow foundations and drilled piers, the design team may also consider driven piles as a method of foundation support. We would be happy to discuss this alternative further, upon request.

Slope Stability Analyses

We used SLIDE2 Version 2023 9.027 computer software developed by RocScience to perform the local slope stability analyses for the existing slope configuration ("existing conditions") as well as the proposed slope configuration ("proposed conditions") in the regions of deepest planned fill in both the northwest and southwest corners, as shown in Figure 3. The SLIDE program calculates a Factor of Safety (FOS) for any given 2D slope cross-section using the method of slices in conjunction with the limit equilibrium procedure. We analyzed the slopes with circular surfaces according to the Janbu Simplified Method. The Janbu Simplified Method

assumes balanced horizontal and vertical forces. The results of our slope stability analyses are included below as well as attached at the end of this report.

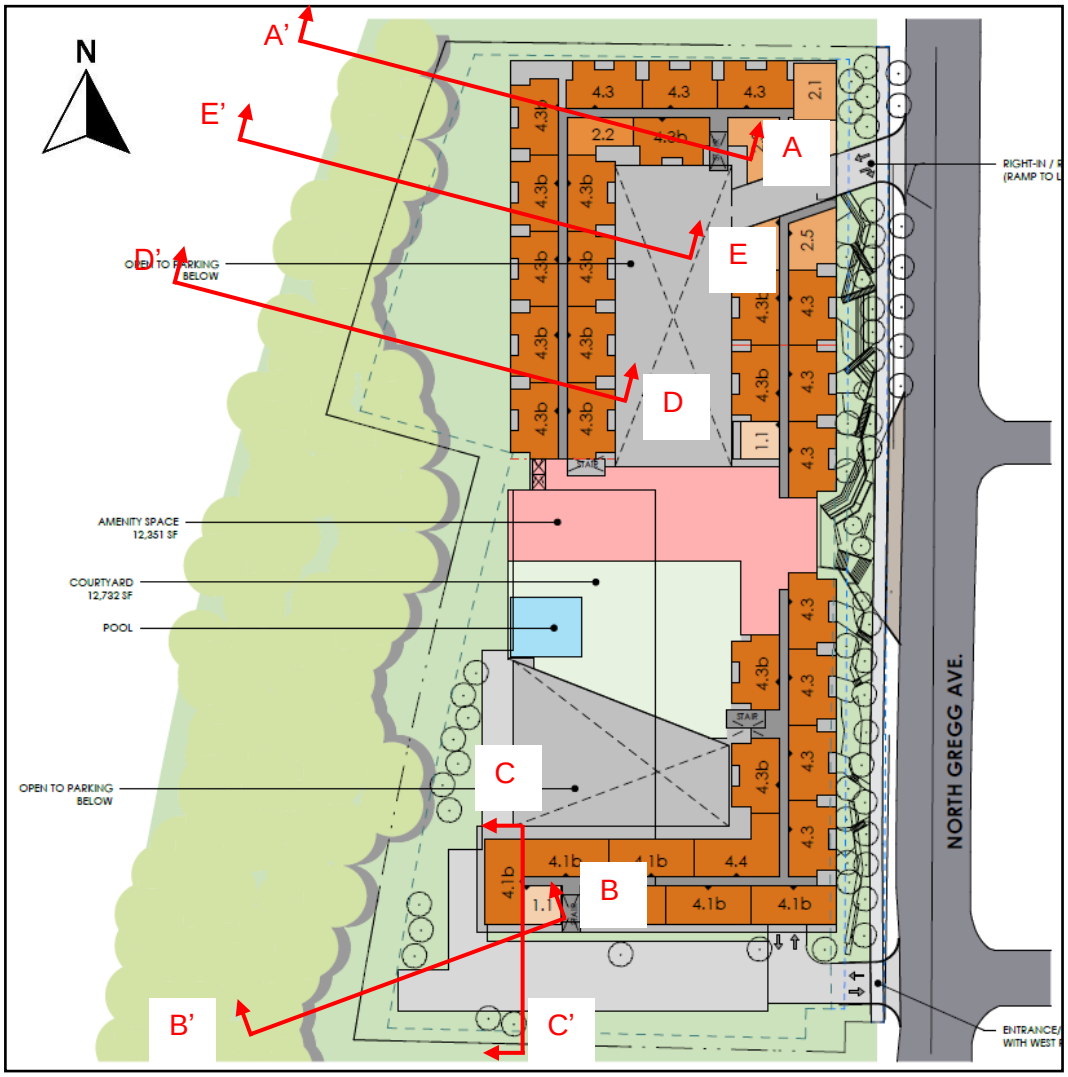


Figure 3: Slope Stability Profile Locations

Industry standards suggest that a minimum FOS of 1.5 for long-term slope stability is needed for a site with permanent, occupied structures to be considered stable under normal static conditions. A minimum FOS of 1.3 is required for unoccupied structures (e.g. dumpster pads, storage sheds, pavements, etc.). A minimum FOS of 1.1 is needed for a slope to be considered seismically stable under a design magnitude 7.0 earthquake. Given the relatively low seismic values (i.e. accelerations) for this area, we <u>only analyzed the static case</u> as is typical for the standard of practice locally.

Figure 4 below represents a typical geometric model and graphical results of the local slope stability analyses for the existing slope configuration along Profile A-A'. The figure below shows the analyzed failure plane with the lowest FOS. The results of our slope stability analyses (both existing and proposed conditions) are summarized in Table 4 on the following page. The graphical results from each of our analyses are also provided at the end of this report.

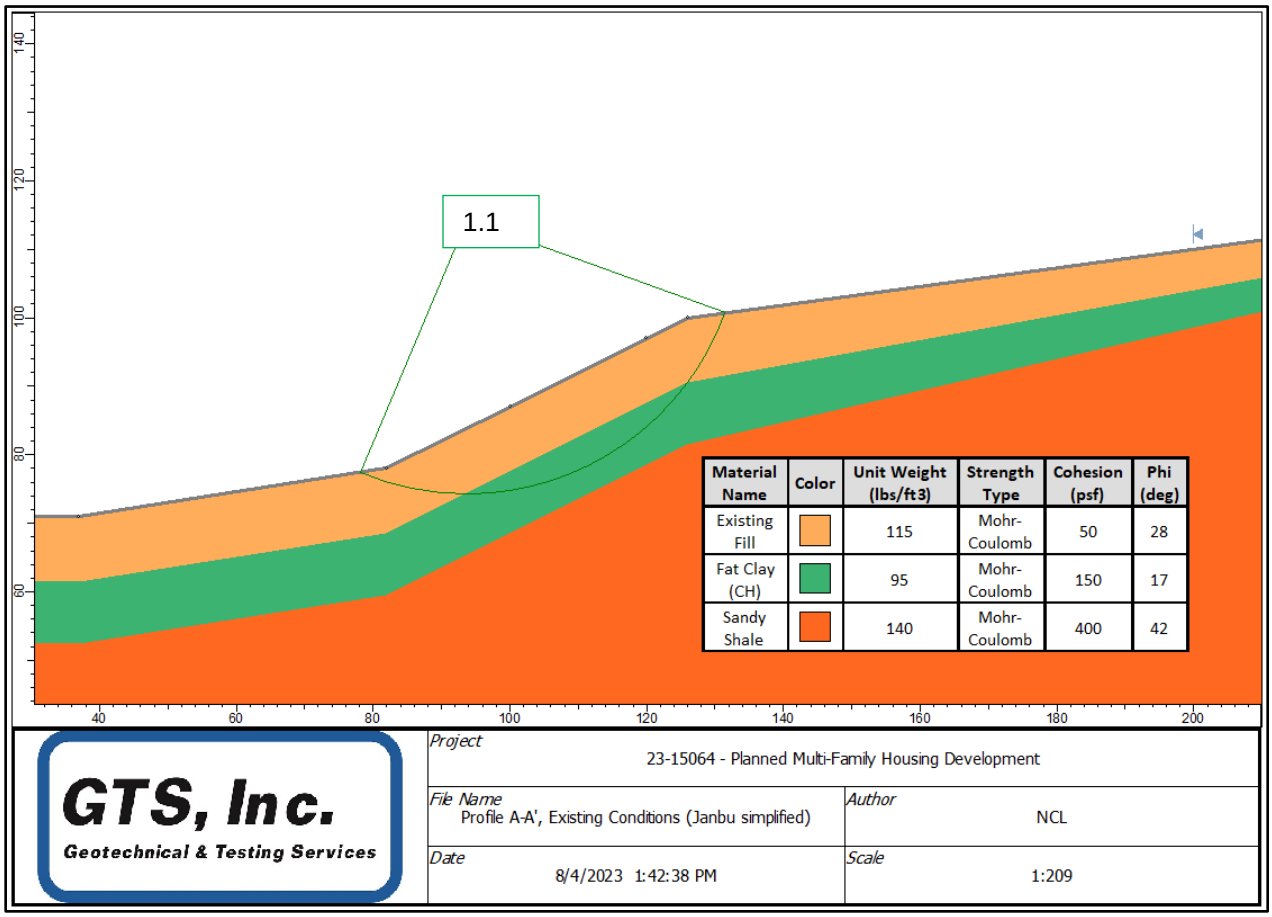


Figure 4: Profile A-A' – Existing Conditions

Table 4: Results of Slope Stability Analyses (Existing and Proposed)

Profile	Conditions	Required FOS (minimum)	Calculated FOS
A-A'	Existing Conditions	1.5	1.1
	Proposed Conditions, w/ Soil Fill Material	1.5	0.9
	Proposed Conditions, w/ Lightweight Fill	1.5	1.5*
B-B'	Existing Conditions	1.5	2.1
	Proposed Conditions, w/ Lightweight Fill	1.3 (Dumpster)	1.4
		1.5 (Building)	>1.6
C-C'	Existing Conditions	1.5	3.3
	Proposed Conditions, w/ Gravel Fill	1.3 (ADS)	1.8
D-D'	Existing Conditions	1.5	3.4
	Proposed Conditions, w/ Lightweight Fill	1.5	3.4
E-E'	Existing Conditions	1.5	1.0
	Proposed Conditions, w/ Lightweight Fill + ADS	1.5	1.1
	Proposed Conditions, w/ Lightweight Fill	1.5	1.5

* For any failure plane passing through the building footprint. Outside of the footprint, the FOS may be less than 1.5.

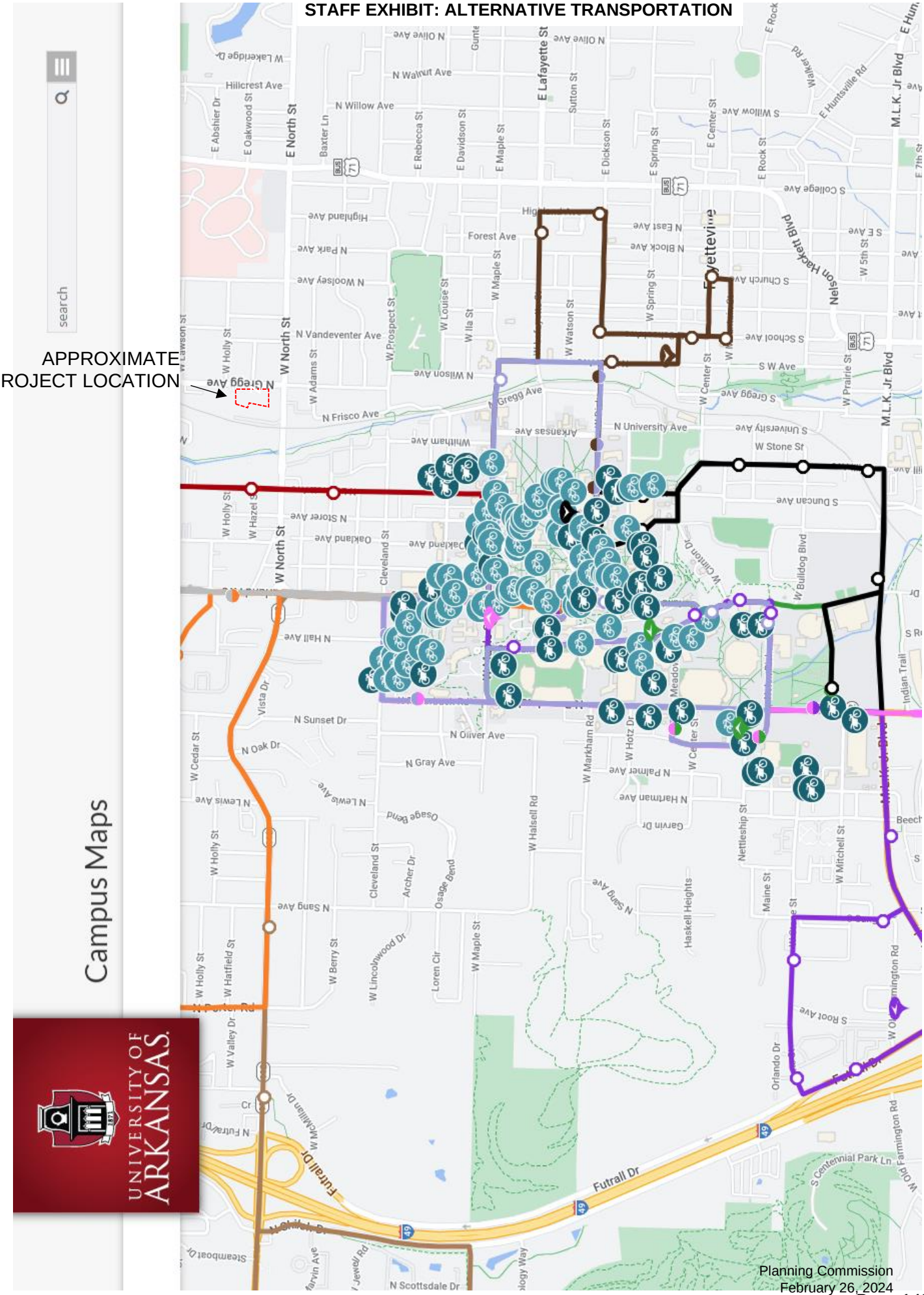
As shown, the existing slope configuration should be considered moderately stable, with a FOS just above 1.0. This low FOS is largely due to the presence of a thick layer of soft to medium stiff fat clay underlying the existing fills along the western side of site. It should be noted that based on our experience mitigating slope instability, most slope failure planes in this region tend to occur within this fat clay layer, which is essentially a shale material that has weathered/decomposed into a fat clay.

Based on the existing site conditions along with the site constraints (distance to the property line), a retaining wall will need to be constructed to retain the planned fills at the northwest and southwest corners of the site. Currently, a retaining wall is only shown at the southwest corner of the site. Based on our initial analyses of traditional retaining walls (i.e., cantilevered and mechanically stabilized earth), these options will not provide an adequate FOS for the planned development. Therefore, GTS recommends that planned fills consist of lightweight geofoam material, which both provides adequate slope stability and addresses the settlement concerns discussed previously. For illustrative purposes, a cantilevered wall is shown retaining and protecting the proposed lightweight fill material in our analyses.

Stormwater Management System

As previously mentioned, we understand that an advanced drainage system (ADS) is planned along the western edge of the building, just outside of the building footprint. We understand that this system is designed to retain stormwater to allow it to percolate into the subsurface soils adjacent to the existing slope.

STAFF EXHIBIT: ALTERNATIVE TRANSPORTATION



On-Demand Transit is currently available in Fayetteville, Springdale, Rogers and Bentonville.

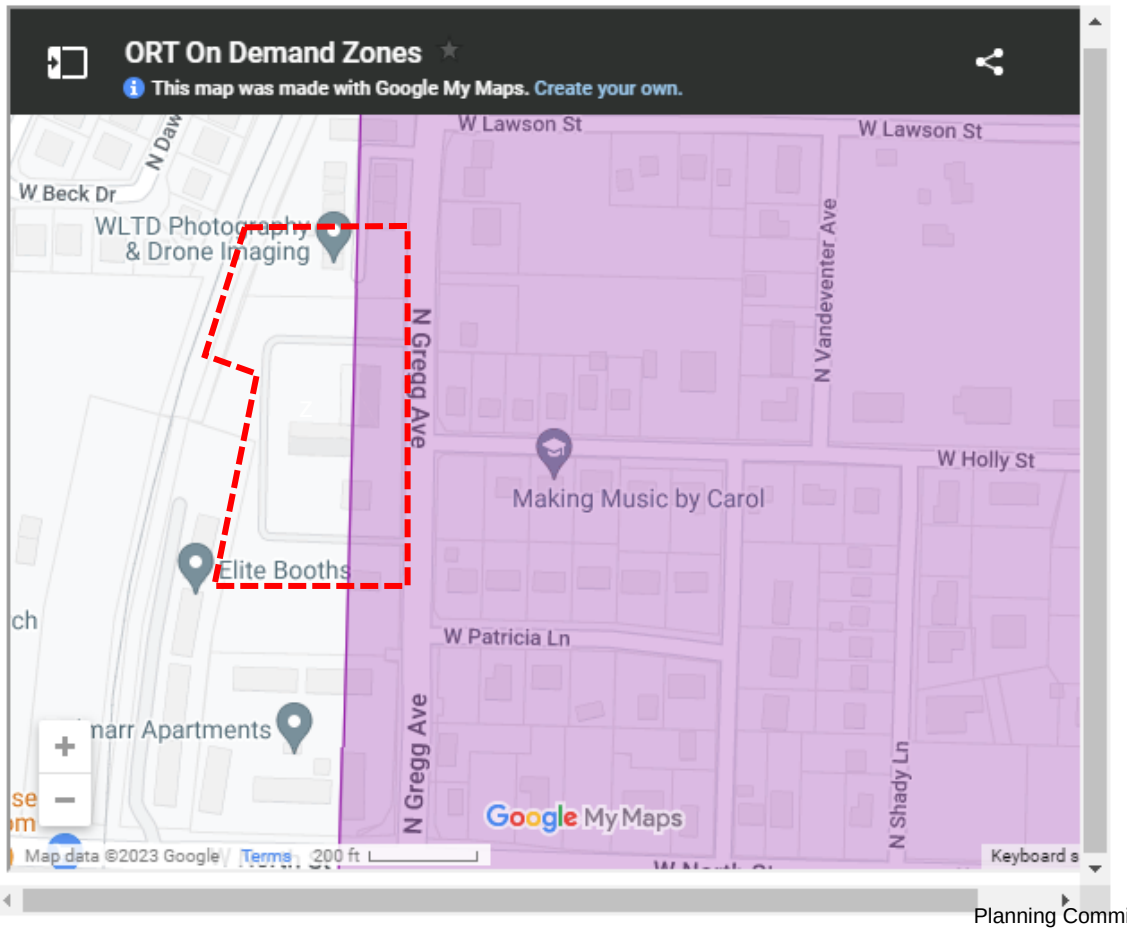
Ride the ORT-On-Demand Transit (ODT) service for zero charge to these destinations this weekend. Always confirm transit routes within the timeframe of your entertainment choices. ODT allows a rider to schedule trips from bus stop or address to a bus stop or address using the App on one's smart phone.

Download our free "ORT On-Demand" app today!

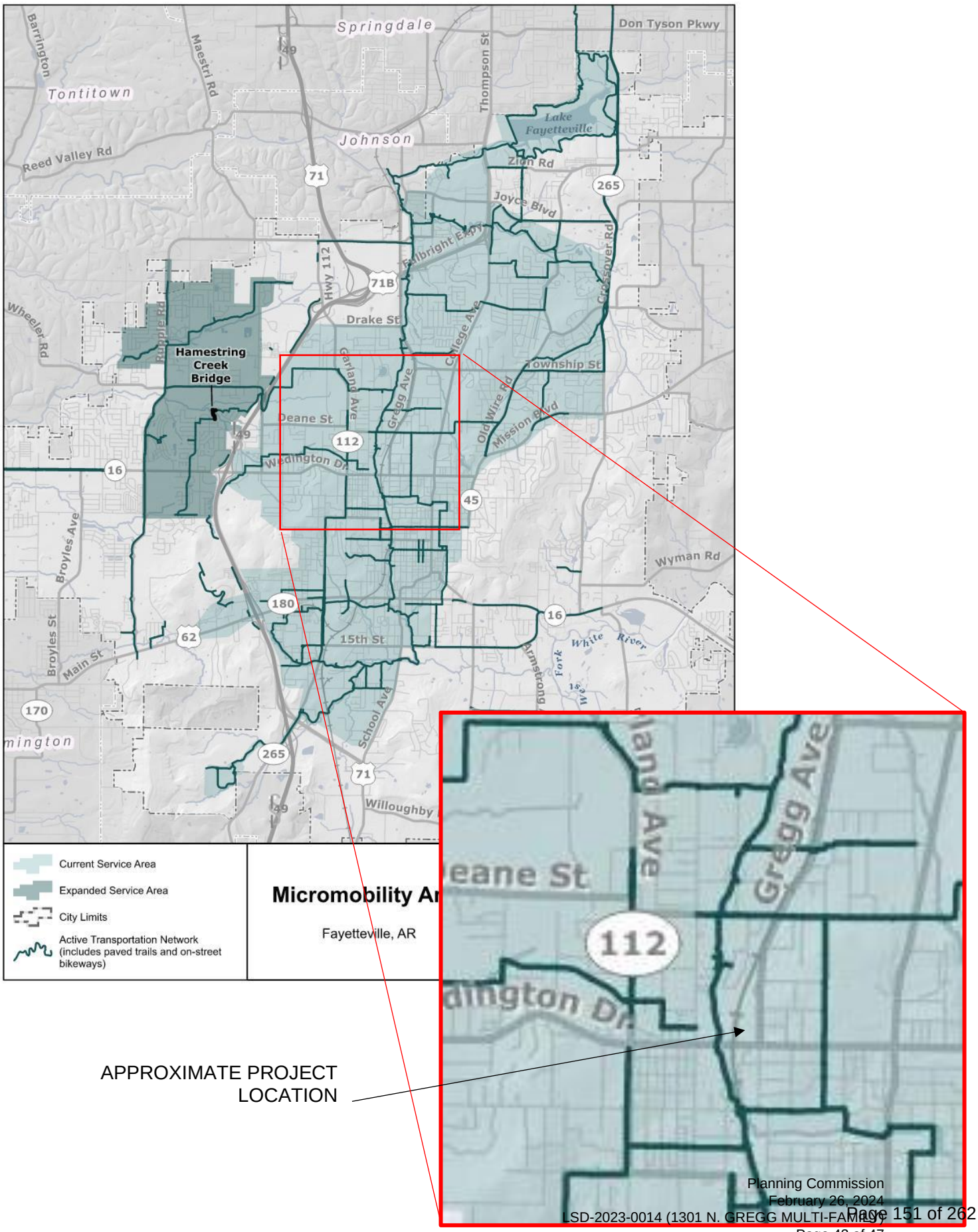
Apple App Store | Google Play Store

On-Demand Hours:	On-Demand Hours:	On-Demand Hours:	On-Demand Hours:
Fayetteville:	**Springdale:**	**Rogers**	**Bentonville**
Monday – Thursday	**Monday - Thursday**	**Monday - Thursday**	**Monday – Thursday**
6:30 AM – 7:00 PM	7:00 AM – 7:30 PM	7:00am - 6:30pm	7:00 AM – 6:30 PM
Friday	**Friday**	**Friday**	**Friday**
6:30 AM – 11:00 PM	7:00 AM – 9:00 PM	7:00am - 10:00pm	7:00 AM – 12:00 AM
Saturday	**Saturday**	**Saturday**	**Saturday**
10:00 AM – 10:00 PM	11:00 AM – 11:00 PM	4:00pm - 10:00pm	12:00 PM – 12:00 AM

Click for On-Demand Zones



STAFF EXHIBIT: ALTERNATIVE TRANSPORTATION



STAFF EXHIBIT: EXAMPLE DESIGNATED SCOOTER PARKING AREAS AND ROOF COVER

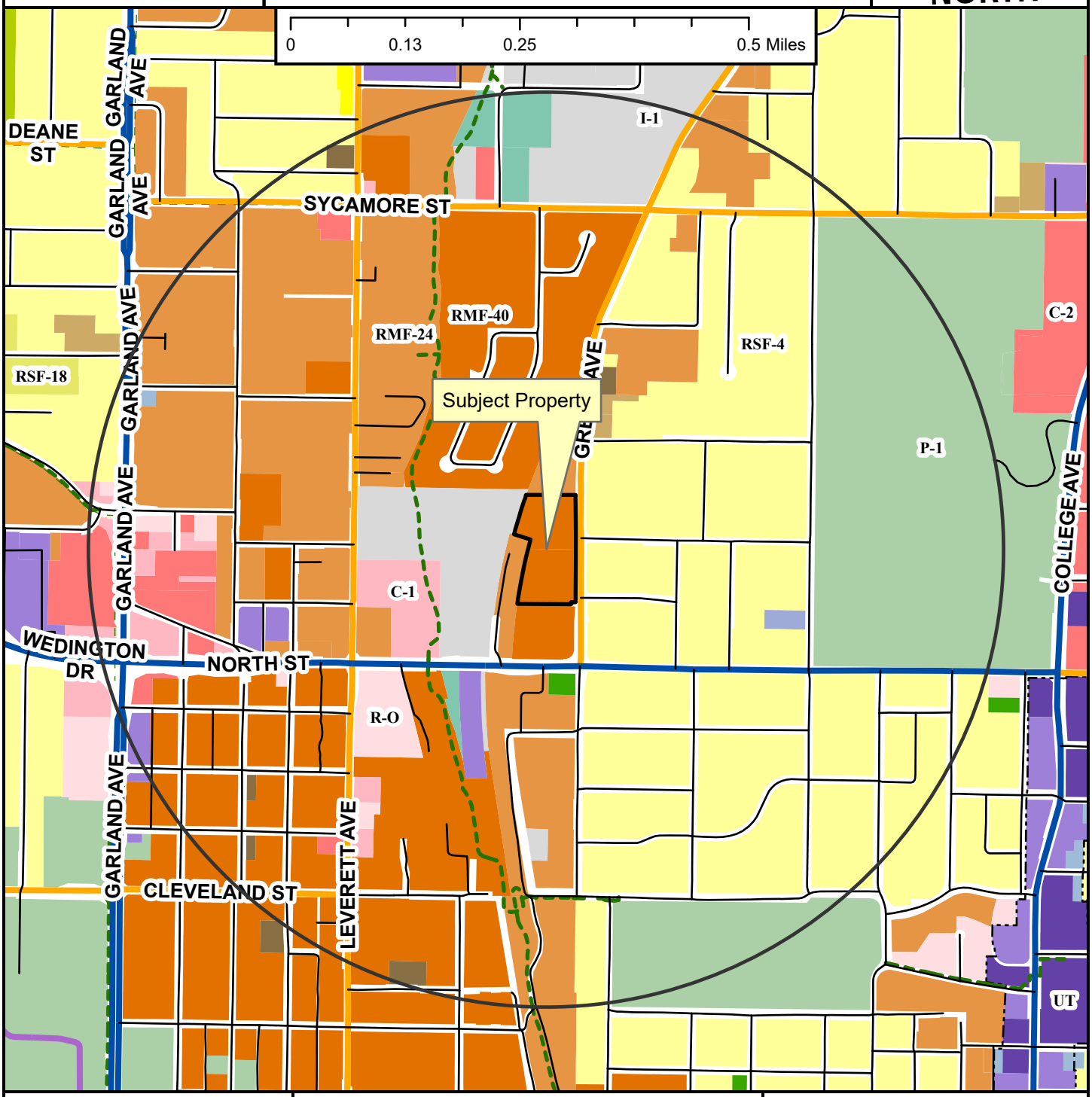
OZARK NATURAL FOODS

LSD-2023-0014

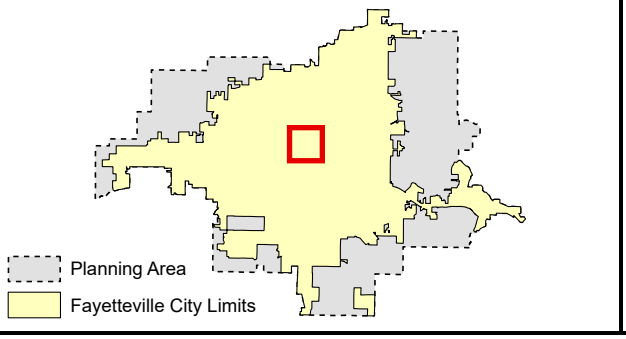
One Mile View

1301 N. GREGG AVE

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

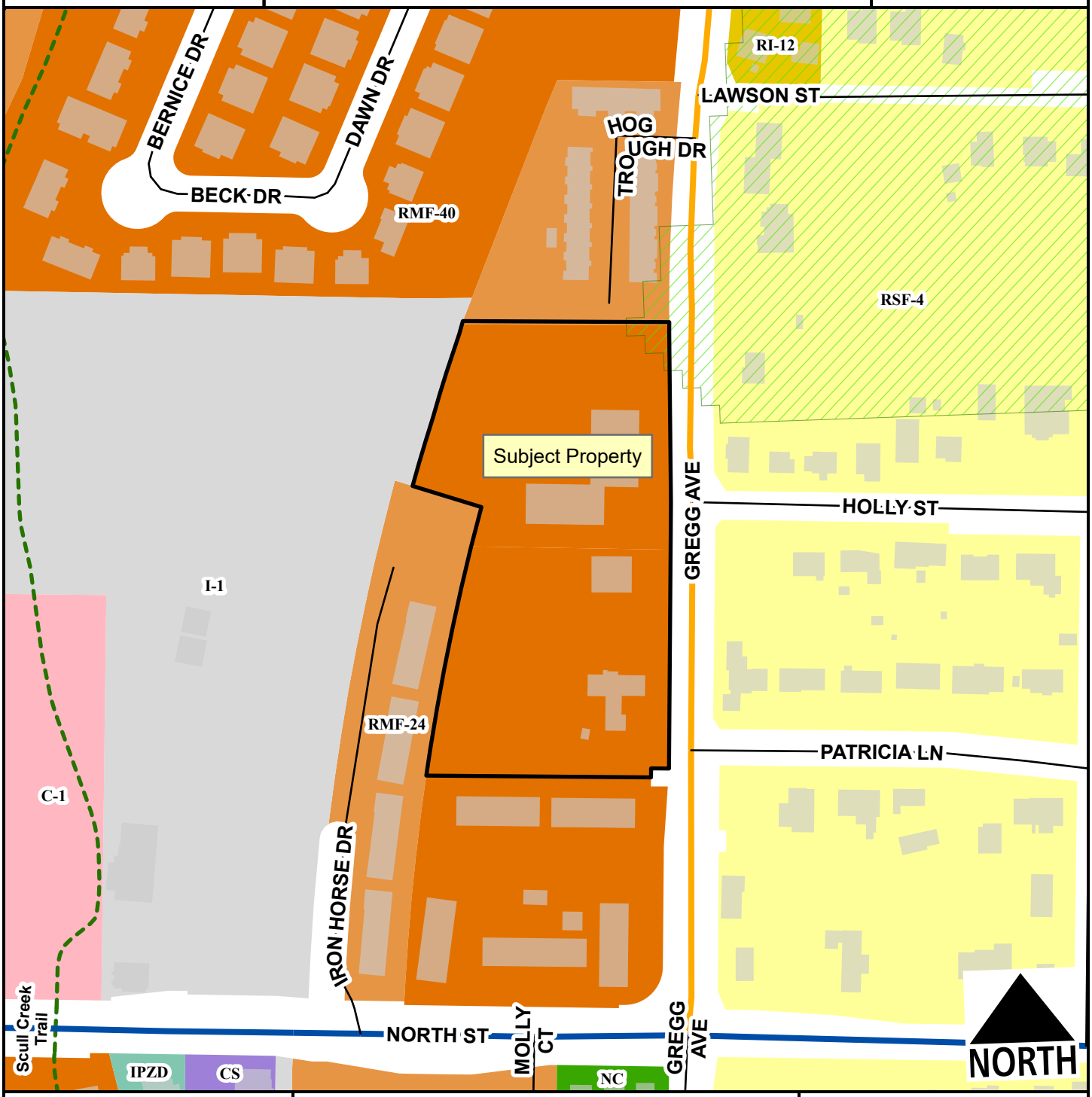
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

LSD-2023-0014

Close Up View

1301 N. GREGG AVE



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

- RSF-4
- RI-12
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- C-1
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

LSD-2023-0014

Current Land Use

1301 N. GREGG AVE

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: February 26, 2024

SUBJECT: **VAC-2024-0002: Vacation (N. BOB YOUNKIN DR AND W. BISHOP DR/LEGACY VENTURES NWA, 251):** Submitted by COMMUNITY BY DESIGN for property located at N. BOB YOUNKIN DR. & W. BISHOP DR. in WARD 3. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains three parcels with approximately 1.16, 1.15, and 1.06 acres. The request is to vacate a 150-square-foot (0.003-acres) portion of street right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC-2024-0002** to City Council with a recommendation of approval and with conditions.

RECOMMENDED MOTION:
*"I move to forward **VAC-2024-0002** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville and contains approximately 3.59 acres in the Appleby Landing Subdivision. The property is currently undeveloped, though it is surrounded by established single- and two-family neighborhoods to the east and west, a multi-family development to the south, and medical offices to the north. No environmentally sensitive areas are present on site and the property is not located within any zoning overlays. The property was successfully rezoned from R-O, Residential Offices to RMF-24, Residential Multi-Family, 24 units per Acre in early 2023. A separate request to vacate several utility easements will be heard by City Council at their March 5 meeting. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Medical Offices	R-O, Residential Office
South	Multi-family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Undeveloped (Future Phase of Midtown Landing)	CS, Community Services

Proposal: The applicant proposes to vacate a portion of the street right-of-way adjacent to the subject property at the intersection of N. Bob Younkin Dr. and W. Bishop Dr., which totals approximately 150 square feet or 0.003 acres.

DISCUSSION:
Staff is supportive of the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 150-square feet at the edge of an existing intersection and staff finds the removal of the right-of-way is not likely to impact the existing service of the associated streets. Further, the associated large-scale development includes the addition of public trails, sidewalks, and the on-street parking that would facilitate both vehicle and pedestrian transportation.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. No other property owner is adjacent to the proposed right-of-way to be vacated.

Utility	Response
Cox Communications	No objections, provided that any damage or relocation of existing Cox facilities will be at the applicant's expense.
AEP/SWEPCO	No objections, provided that new easements are granted following utility routes and equipment layout on new plat.
Black Hills Energy	No objections and no comments.
AT&T	No objections, provided that, as described in discussions with the developer, forthcoming duct paths from the street ROW of Bob Younkin Dr. to the individual units
Ozarks Electric	No objections and no comments.
City of Fayetteville	Response
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

Public Comment: Staff received one inquiry about this request, though no support or opposition to the vacation was offered.

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0002** with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

2. Ducts shall be provided from the Bob Younkin Street ROW to the individual units as required by AT&T; and

3. New easements shall be dedicated along new utility routes and equipment, following the plat layout as requested by AEP/SWEPCO.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

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

LEGACY VENTURES, LLC P.O. BOX 8216 FAYETEVILLE, AR 72703

January 15, 2024

City of Fayetteville Planning Commission / City Council
125 West Mountain Street
Fayetteville, AR 72701

RE: Appleby Landing ROW Vacation Request

Dear Planning Commission and City Council,

Please accept this written request to vacate a small portion of the Right of Way (ROW) in the northwest corner of the subject property and as shown on the attached plat and impacting lots seven (7), eight (8) and nine (9) of the Appleby Landing subdivision.

This is being done to facilitate the construction of our Midtown Landing community and is a condition of approval for LSD 2023-0009 and grading permit GRD 2023-0104.

Our objective with this request is twofold; (1) to complete alignment of the street more closely with the City of Fayetteville's Residential Link street section and (2) allow the placement of our buildings closer to the street creating a unique street scape. We are envisioning a street planted heavily with trees in the 6 feet of greenspace on either side, on street parking and pedestrian friendly with wide sidewalks down either side.

Furthermore, we want to take advantage of the vacated ROW to be able to place our buildings closer to the street with parking in the rear hidden from public view. Welcoming front porches and stoops will connect the buildings to the public way and be very inviting.

All utilities have provided their approval in writing. Additionally, the lots mentioned above are the only ones impacted by this request.

We feel by granting this ROW/Easement vacation will be the final step in a long entitlement process and pave the way for a wonderful new community providing much needed housing. This mid-town location with proximity to the medical core and main transportation corridors makes it an excellent location for this type of multifamily. Our plan is to build a diverse, dense mix of high quality multifamily residential units. This community will contain units ranging in both size and bedroom count as well as one- and two-story units.

We are looking forward to developing a community that delivers high quality housing catering. And in doing so create a community that exemplifies urban planning and together leaving our ***Legacy*** one ***Venture*** at a time.

Sincerely,

Tim Brisiel

LEGACY VENTURES

PETITION TO VACATE A PORTION OF THE RIGHT-OF-WAY LOCATED IN (35-17N-30W), CITY OF FAYETTEVILLE, ARKANSAS

TO: The City of Fayetteville Planning Commission
The Fayetteville City Council

We, the undersigned, being the owner for the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying in (35-17N-30W), City of Fayetteville, Arkansas a municipal corporation, petition to vacate a right of way which is described as follows:

See attached legal description.

That the abutting real estate affected by said abandonment of the right of way are (35-17N-30W) City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described right of way.

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

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

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

Dated this 15rd day of January, 2024.

Tim Brisiel

RIGHT-OF-WAY & EASEMENT VACATION SURVEY

BOB YOUNKIN DRIVE

LOCATED IN: SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST

WASHINGTON COUNTY, FAYETTEVILLE, AR 72703

VICINITY MAP

MISCELLANEOUS NOTES

COMPLETED FIELD WORK:
MARCH 29, 2023

BASIS OF BEARING
THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN 2015-00013862.
2. SURVEY PLAT FILED IN PLAT BOOK 23A AT PAGE 195.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THE TERM "CERTIFY" OR "CERTIFICATION" AND "CORRECT" AS NOTED HEREON AND AS IT PERTAINS TO LAND SURVEYING SERVICES AS SHOWN ON THIS DOCUMENT SHALL MEAN, "A STATEMENT SIGNED BY THE PROFESSIONAL LAND SURVEYOR BASED ON THE FACTS AND KNOWLEDGE KNOWN TO THE PROFESSIONAL LAND SURVEYOR AT THE TIME OF THE SURVEY AND IS NOT A GUARANTEE OR WARRANTY, EITHER IMPLIED OR EXPRESSED."

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0210F, WHICH BEARS AN EFFECTIVE DATE OF 05/16/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

ZONING INFORMATION

CURRENT ZONING:

WEST PARCEL: CS
SETBACK ROUIREMENTS:
FRONT - A BUILD-TO ZONE THAT IS LOCATED BETWEEN 10' & 25" FROM THE FRONT PROPERTY LINE
SIDE AND REAR - N/A
SIDE OR REAR WHEN CONTIGUOUS TO A SINGLE-FAMILY RESIDENTIAL DISTRICT - 15'

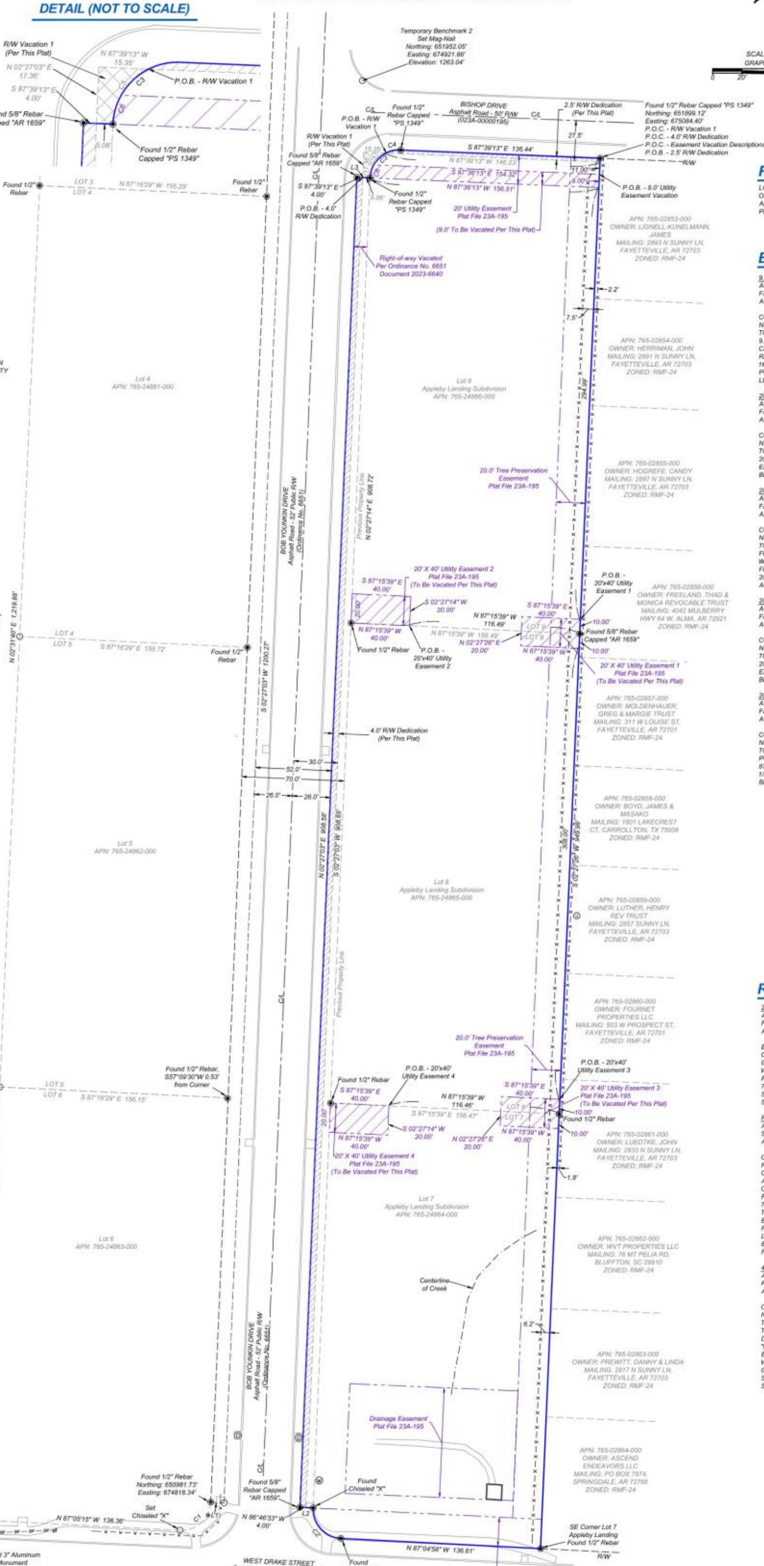
EAST PARCEL - RMF-24
SETBACK REQUIREMENTS:
FRONT - A BUILD-TO ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25' FROM THE FRONT PROPERTY LINE
SIDE OTHER USES - 8'
SIDE SINGLE & TWO-FAMILY - 5'
REAR OTHER USES - 20'
REAR SINGLE-FAMILY - 5'

LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR CAPPED "PLS 1659"
- FIRE HYDRANT
- LIGHT
- SANITARY MANHOLE
- POWER POLE
- ELECTRIC BOX
- WATER METER
- WATER VALVE
- DRAIN GRATE
- STORM MANHOLE
- TELEPHONE PEDESTAL
- GAS METER
- UTILITY LINE CONTINUES
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- UNDERGROUND WATER LINE
- SETBACK LINE (BSB)
- FLOW LINE
- STORM WATER LINE
- SANITARY SEWER LINE
- EASEMENT TO BE VACATED

LAND AREA

338,257 ± SQUARE FEET
7.765 ± ACRES



RECORD DESCRIPTION

LOTS THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), AND NINE (9), OF APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

EASEMENT VACATION DESCRIPTIONS

9.0' UTILITY EASEMENT VACATION:
A PORTION OF LOT 9, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 02°27'26" WEST 11.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02°27'26" WEST 9.00 FEET; THENCE NORTH 87°36'13" WEST 156.51 FEET TO A FOUND 1/2" REBAR CAPPED "PS 1349"; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 16°07'51" EAST 9.26 FEET; THENCE SOUTH 87°36'13" EAST 154.32 FEET TO THE POINT OF BEGINNING. CONTAINING 1,402 SQUARE FEET OR 0.032 ACRES, MORE OR LESS.

20'x40' UTILITY EASEMENT 1 VACATION:
A PORTION OF LOTS 8 & 9, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 02°27'26" WEST 314.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02°27'26" WEST 20.00 FEET; THENCE NORTH 87°15'39" WEST 40.00 FEET; THENCE NORTH 02°27'26" EAST 20.00 FEET; THENCE SOUTH 87°15'39" EAST 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 800 SQUARE FEET OR 0.018 ACRES, MORE OR LESS.

20'x40' UTILITY EASEMENT 2 VACATION:
A PORTION OF LOT 9, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 02°27'26" WEST 324.99 FEET TO A SET 5/8" REBAR CAPPED "PLS 1659"; THENCE NORTH 87°15'39" WEST 116.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 87°15'39" WEST 40.00 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 02°27'14" EAST 20.00 FEET; THENCE SOUTH 87°15'39" EAST 40.00 FEET; THENCE SOUTH 02°27'14" WEST 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 800 SQUARE FEET OR 0.018 ACRES, MORE OR LESS.

20'x40' UTILITY EASEMENT 3 VACATION:
A PORTION OF LOTS 7 & 8, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 02°27'26" WEST 642.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02°27'26" WEST 20.00 FEET; THENCE NORTH 87°15'39" WEST 40.00 FEET; THENCE NORTH 02°27'26" EAST 20.00 FEET; THENCE SOUTH 87°15'39" EAST 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 800 SQUARE FEET OR 0.018 ACRES, MORE OR LESS.

20'x40' UTILITY EASEMENT 4 VACATION:
A PORTION OF LOT 7, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 02°27'26" WEST 653.01 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 87°15'39" WEST 116.46 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°27'14" WEST 20.00 FEET; THENCE NORTH 87°15'39" WEST 40.00 FEET; THENCE NORTH 02°28'52" EAST 20.00 FEET TO A FOUND 1/2" REBAR; THENCE SOUTH 87°15'39" EAST 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 800 SQUARE FEET OR 0.018 ACRES, MORE OR LESS.

RIGHT-OF-WAY VACATION DESCRIPTIONS

2.5' RIGHT-OF-WAY DEDICATION:
A PORTION OF LOT 9, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE ALONG THE EAST LINE OF SAID LOT SOUTH 02°27'26" WEST 2.50 FEET; THENCE LEAVING SAID EAST LINE, NORTH 87°39'13" WEST 146.23 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH 78°00'59" EAST 10.10 FEET TO A FOUND 1/2" REBAR CAPPED "PS 1349"; THENCE SOUTH 87°39'13" EAST 136.44 FEET TO THE POINT OF BEGINNING. CONTAINING 358 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.

RIGHT-OF-WAY VACATION 1:
A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF LOT 9, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 195; THENCE NORTH 87°39'13" WEST 136.44 FEET TO A FOUND 1/2" REBAR CAPPED "PS 1349"; THENCE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 78°00'59" WEST 10.10 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 33°03'50" WEST 20.20 FEET TO A FOUND 1/2" REBAR CAPPED "PS 1349"; THENCE NORTH 87°39'13" WEST 5.06 FEET; THENCE LEAVING SAID NORTH LINE NORTH 02°27'03" EAST 17.36 FEET; THENCE SOUTH 87°39'13" EAST 15.35 FEET TO THE POINT OF BEGINNING. CONTAINING 140 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

4.0' R/W DEDICATION:
A PORTION OF LOTS 7, 8, & 9, APPLEBY LANDING, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 195, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2" REBAR CAPPED "PS 1349" MARKING THE NORTHEAST CORNER OF SAID LOT 9; THENCE NORTH 87°39'13" WEST 136.44 FEET TO A FOUND 1/2" REBAR CAPPED "PS 1349"; THENCE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 47°41'26" WEST 28.26 FEET TO A FOUND 1/2" REBAR CAPPED "PS 1349"; THENCE NORTH 87°39'13" WEST 5.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°27'03" WEST 908.65 FEET; THENCE NORTH 86°46'33" WEST 4.00 FEET TO A FOUND 5/8" REBAR CAPPED "AR 1659"; THENCE NORTH 02°27'03" EAST 908.58 FEET TO A FOUND 5/8" REBAR CAPPED "AR 1659"; THENCE SOUTH 87°39'13" EAST 4.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3,634 SQUARE FEET OR 0.083 ACRES, MORE OR LESS.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 30TH DAY OF JANUARY, 2024.

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

LICENSED PROFESSIONAL SURVEYOR STATE OF ARKANSAS No. 1808 SIGNATURE DENVER WINCHESTER

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

CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE ____________ REGISTERED LAND SURVEYOR/ PROFESSIONAL LAND SURVEYOR ____________

CERTIFICATE OF OWNERSHIP & DEDICATION:
WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE ____________ OWNER ____________

DATE ____________ OWNER ____________

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	31.66'	28.46'	S 47°40'06" W	90°42'22"
C2	20.00'	31.24'	28.16'	N 42°21'29" W	89°29'02"
C3	20.00'	31.38'	28.26'	N 47°41'26" E	89°54'17"
C4	20.00'	10.21'	10.10'	N 78°00'59" E	29°15'12"
C5	20.00'	21.17'	20.20'	S 33°03'50" W	60°39'06"
C6	20.00'	9.35'	9.26'	N 16°07'51" E	26°47'07"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 86°46'33" W	9.02'
L2	N 86°46'33" W	9.02'
L3	S 87°39'13" E	9.06'

DATE	REVISION HISTORY	BY

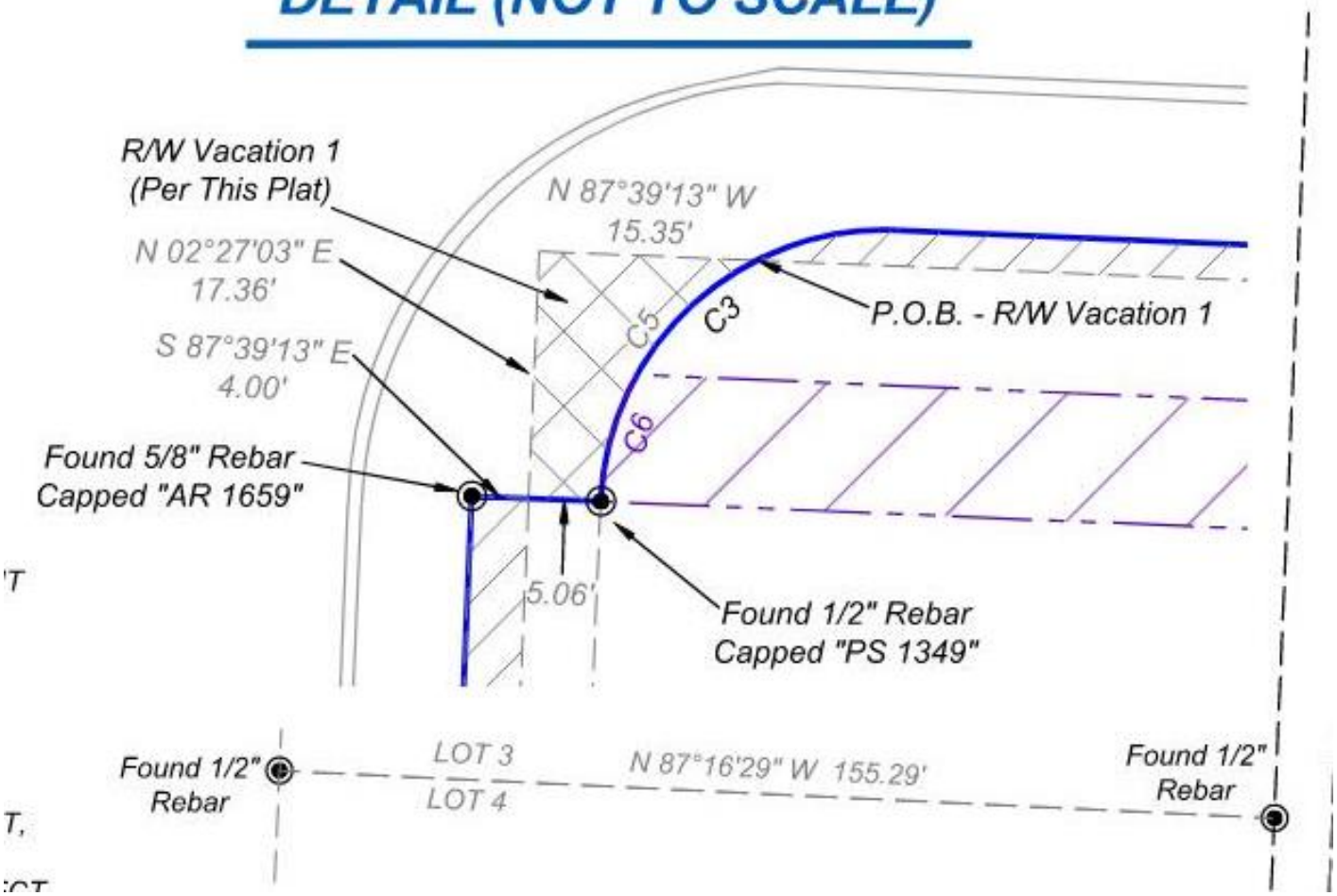
BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 23-1677.01	SURVEY DRAWN BY: ANC - 12/18/2023
SURVEY REVIEWED BY: TPN	SHEET:
FOR THE USE AND BENEFIT OF: LEGACY VENTURES, L...	

WAS

DETAIL (NOT TO SCALE)

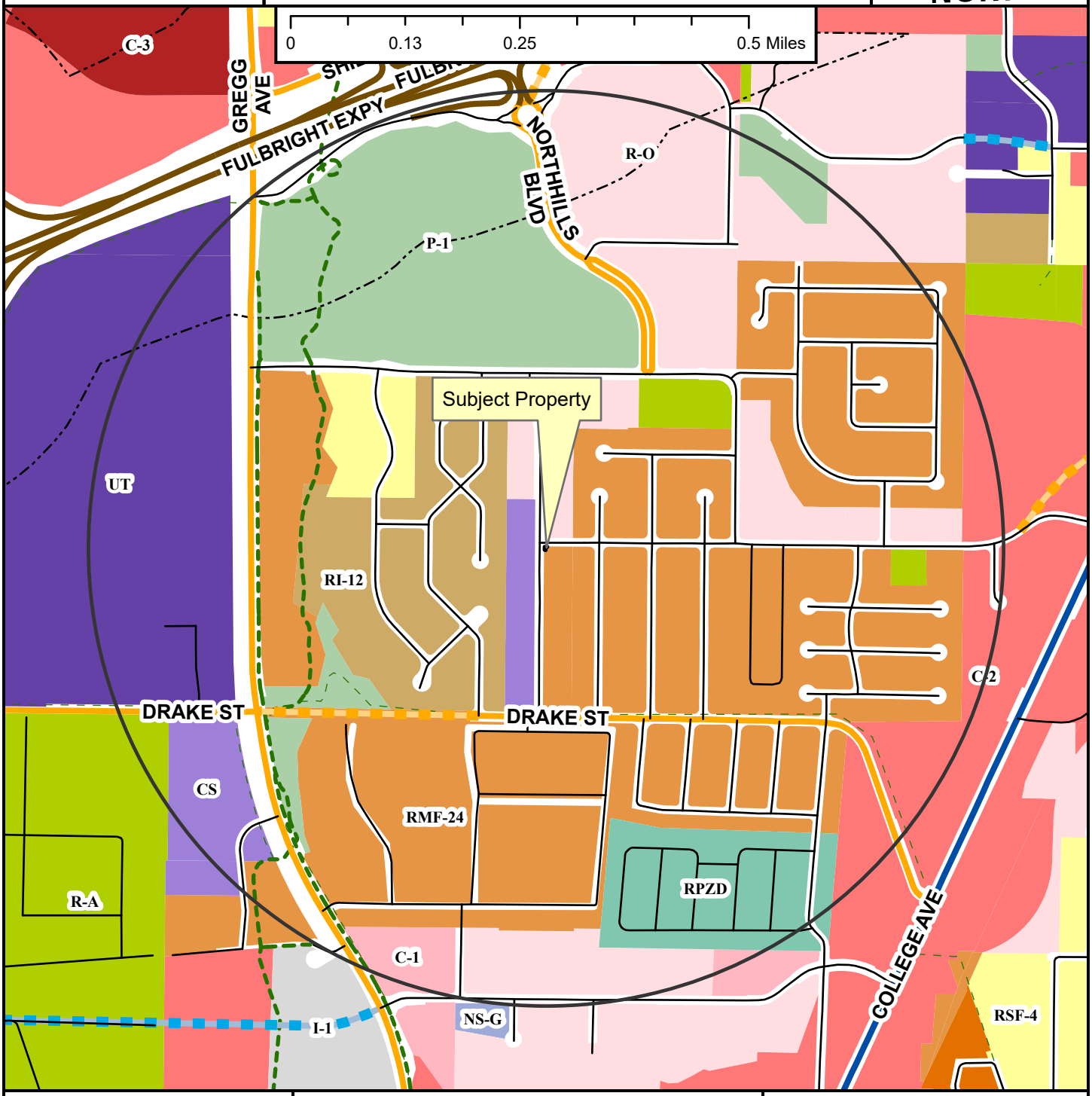


VAC-2024-0002

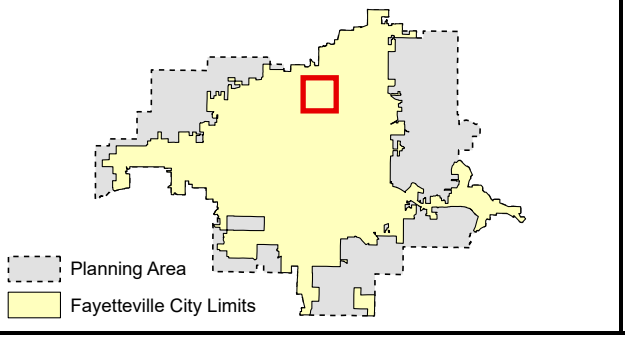
One Mile View

N. BOB YOUNKIN DR & W. DRAKE ST

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

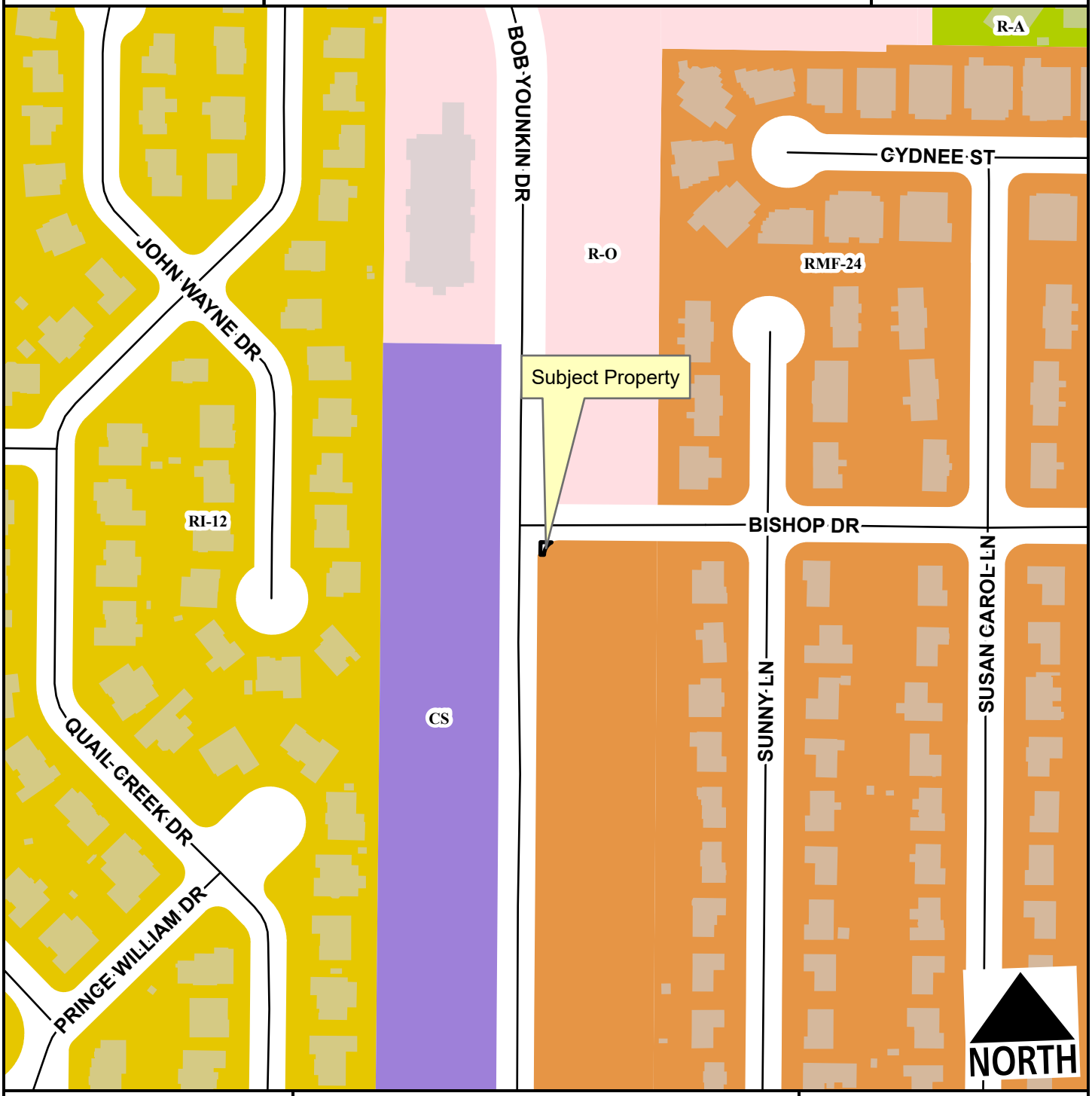
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAC-2024-0002

Close Up View

N. BOB YOUNKIN DR & W. DRAKE ST



Residential Link
Planning Area
Fayetteville City Limits

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

Residential-Agricultural
RI-12
RMF-24
Residential-Office
Community Services

VAC-2024-0002

Current Land Use

N. BOB YOUNKIN DR & W. DRAKE ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: February 26, 2024

SUBJECT: **CUP-2024-0003: Conditional Use Permit (2716 S SCHOOL AVE./ LAUGHLIN, 639):** Submitted by JUSTIN LAUGHLIN for property located at 2716 S SCHOOL AVE. The property is C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.03 acres. The request is to use the structure as a warehouse and off-site parking.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0003** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0003**, finding:*

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

BACKGROUND:
The subject property is located in south Fayetteville approximately 0.5 miles northeast of the S. Fullbright Expressway and S. School Ave. intersection. The property currently consists of one 0.03-acre parcel with a 6,500 square foot commercial structure and adjacent gravel parking lot. The parcel is zoned C-2, Thoroughfare Commercial and is not part of any overlay district or master planning area. Surrounding land uses and zoning are provided in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial, Warehousing and Storage	C-2, Thoroughfare Commercial
South	Bond Company	C-2, Thoroughfare Commercial
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Tyson Foods Factory	I-2, General Industrial

City Plan 2040 Future Land Use Designation: City Neighborhood Area

Request: The applicant requests a conditional use permit to renovate the existing structure on the property into a warehouse for an apparel screen printing business. This use is classified as Use Unit 21, which is a conditional use in the C-2, Thoroughfare Commercial zoning district. The following specifications were included with the request:

- Size of the business: Approximately 6,500 square feet
- Hours of operation: 8:00 AM - 8:00 PM Daily
- Parking: 12 on-site (Shared Gravel Parking on Adjacent Parcel)
- Number of employees: 10

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

RECOMMENDATION: Staff recommends approval of **CUP-2024-000** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for a warehouse.** *Staff finds the proposed warehousing and wholesale business to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*

2. **Planning Commission determination of compatibility for an off-site parking lot.** *Staff finds the proposed off-site parking area to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*
   a. Any necessary written agreements to facilitate shared parking / access shall be coordinated between property owners.

3. **This conditional use permit is limited to the use for a screen print shop by Justin Laughlin as described in the applicant's request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:**
   - Size of the business: Approximately 6,500 square feet
   - Hours of operation: 8:00 AM - 8:00 PM Daily
   - Parking: 12 on-site (Shared Gravel Parking on Adjacent Parcel)
   - Number of employees: 10

4. **A landscape buffer strip shall be required along S. Haddon Ave. per the requirements of §166.25(D)(5)(b) for the full boundary of the property, with the exception of any dumpster or recycling enclosures required by Solid Waste.**

5. **The addition of offices shall not require a modification of the conditional use permit. Compliance with §166.25 Commercial, Office, and Mixed-Use Design Standards, §172.04 Parking Lot Design Standards, and other applicable codes shall be evaluated with submittal of a building permit which includes an office use.**

6. **Approval of this conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant rights to submit a development proposal based on the conceptual layout included herein. The applicant shall comply with all other development requirements, including but not limited to, tree preservation, drainage, exterior lighting, utility installation, and Fire Department access standards. These details shall be reviewed with the development application;**

7. **Any future expansion or change in the use of the warehouse to uses requiring a conditional use permit shall require Planning Commission approval;**

8. **Signs shall be limited to those permitted by UDC §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation.**

9. **A business license shall be obtained for the proposed business at this location prior to occupancy of the property;**

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>February 26, 2024</u>	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 21 in the C-2 zoning district, as well as for an off-site parking lot.**

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

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

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.23 and §172.06 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest. The C-2 zoning district is designed primarily to provide "functional grouping of these commercial enterprises catering primarily to highway travelers." Establishments that fall under Use Unit 21 include warehousing, wholesaling and trucking "of the type which is usually located to serve the central business district and is easily serviced by rail and highway transportation." The property is located within 0.5 miles of a highway entrance and has historically functioned with higher intensity commercial uses. The property is directly across the street from the Tyson factory, an intensive industrial use. The applicant proposes no changes to the existing footprint of the building and intends to continue utilizing the existing gravel parking lot located both on their parcel and extending onto the adjacent parcel to the north. While no written shared parking agreement exists, access to the parking lot is on the adjacent property and staff finds this parking lot has been functioning as shared parking for many years. Given the proposed use and layout of this site, this request may be compatible with the City's land use plans and goals.**

(c.) The Planning Commission shall certify:

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

Finding: **No specific rules apply to the request for Use Unit 21: Warehousing and Wholesale. §172.06 covers parking lot location standards specific to off-site parking facilities. This ordinance states that "if off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission. Staff finds that this gravel parking lot has been in existence in this location since at least 1965, the earliest aerial image available for this property, and that it has largely functioned as shared parking throughout its lifetime. Staff finds that permitting an off-site parking lot will serve to bring this existing condition into conformance and will not**

appreciably change existing conditions on the site.

(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: **Per the submitted site plan, access to the property is accessed by three existing curb cuts onto S. School Ave., all of which are located on adjacent parcels. No changes to either the existing shared parking lot or access features are currently proposed. As neither a new structure or access feature are proposed, staff will evaluate whether a review of non-conforming features is required with the submittal of project valuations at building permit. Staff finds that the proposed use is not likely to substantially increase traffic congestion or danger given limited customer visits to the property.**

(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: **Staff estimates that there are up to 12 parking spaces available within the parcel boundaries, located on the eastern side of the building in the existing gravel parking lot which is shared among three contiguous parcels and has been in existence since at least 1965. While no written agreement was provided, staff finds that the parking lot has been serving as shared access and parking for the adjacent businesses for many years and that its continued shared use would be beneficial to both current and future businesses. Staff notes that nonconforming parking lots are regulated by §172.08 and that the parking lot shall be reviewed for compliance if triggered by an applicable standard during building permit review. Staff recommends a condition requiring landscape screening of the parking along the eastern property boundary of PID 765-05778-000 in order to reduce visual impact of the vehicles.**

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

Finding: **The site plan indicates the proposed dumpster to be located at the NE corner of the building adjacent to and accessed from S. Haddon Ave. Staff notes that there appears to be a retaining wall at this location that may require additional study if access is to be provided off of S. Haddon Ave. Applicant to coordinate with waste services to verify service vehicle access.**

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

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

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

Finding: **The subject property is surrounded by commercial structures to the south and north with a major industrial use west across S. School Ave (Tyson factory). Properties to the east are single-family residential, with a narrow vegetative buffer located on the residential properties or within ROW. Staff recommends a buffer strip be installed along S. Haddon Ave. per the requirements of §166.25(D)(5)(b) for the full boundary of the property, with the exception of any dumpster or recycling enclosures required by Solid Waste.**

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

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

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

Finding: **No changes are proposed to the existing building footprint, which meets required setbacks per the provided survey.**

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

Finding: **Staff finds that the proposed warehousing and wholesale use and associated off-site parking is compatible with adjacent properties. The project is located less than 0.5 miles from the Fullbright Expressway entrance on a major corridor, granting easy highway access for the distribution of goods. Additionally, staff finds that the existing gravel parking lot has existed in this configuration since at least 1965 and that permitting the shared parking use to continue would be beneficial to all adjoining businesses.**

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

Finding: **Staff finds the proposed use to be compatible with the City's adopted land use, transportation, and other strategic plans. The proposed future land use is designated "City Neighborhood," which calls for nonresidential uses to be located along major corridors. S. School Ave. is part of the 71B corridor and is a major transportation hub. Businesses such as warehousing and wholesale which require high transportation needs are compatible in this**

location, particularly given the proximity of the adjacent highway access to the south. Additionally, this area has functioned with more intensive commercial uses for several decades and staff finds that the proposed use is not likely to be a significant increase in impact.

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
  - §161.23 – C-2, Thoroughfare Commercial
  - § 172.06 Parking Lot Location Standards
- Applicant Request Letter (Including Photographs)
- Site Plan
- Building Floor Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None

Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form Setback Regulations:

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

(F) *Building Height Regulations*.

Building Height Maximum	6 stories*

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

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6164 , §§1, 6, 7, 4-2-19; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §5, 1-18-22)

172.06 Parking Lot Location Standards

The location of all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

(A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

(B) *Permitted Locations as a Conditional Use.*

(1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.

(2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

(C) *Off-Site Locations.* If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

(D) *Intermittent Parking.* Uses which generate only intermittent demand for parking, such as churches, may count available on-street parking within 600 feet of the building as part of required parking, subject to the approval of the Planning Commission.

2716 S School Ave
Fayetteville, AR 72703

To Whom it may concern:

We are requesting permission to use the warehouse building at 2716 S School Ave in Fayetteville to screen print t-shirts and other apparel.

We currently have multiple successful e-commerce apparel brands that give us the ability to ensure jobs would be created and maintained through this effort.

We currently have the building under contract to close on March 15, 2024.

After that time we would like to make improvements to the building and start operations to screen print apparel.

Here are the requested items below.

(a) Building size in square feet;

Existing: **6500 sq ft**

Proposed: **We would not add any sq footage to the building. We would eventually submit an application to the city for approval to add a lofted office space within the current structure of approximately 2000 more square feet.**

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

Red Brick Exterior May be photographs but should show all four sides ← Photographs attached

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

15. Note: the shared gravel parking lot is much larger and is shared between 3 buildings Is there a formal shared parking agreement? If so, please provide to staff. ← Working on getting this. Is this needed now since not building offices in phase 1?

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

-Hours of operation: **8am-8pm**

-Number of employees: **10**

-Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour) **(Since most of our orders are shipped directly to our customers we would rarely have customers or patrons visiting the building. We would anticipate less than 1 customer per day visiting the building. UPS or FedEx deliveries or pickups would be 1-2 times per day)**

(e) Outdoor lighting

The shared parking lot with the other buildings has street lights already and the 2716 S School Ave building also has adequate lighting on the parking lot side already.

(f) Noise

This would not be an issue. Screen printing equipment does not create much noise so that would not be a concern.

See attached pictures

(g) Screening or buffering from adjacent properties

NA

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

This building

The gravel driveway does not appear to connect to the alley. Recommended condition will be to connect the alley and driveway.

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

The shared wrap around parking lot makes it very easy to get in and out of the property. Also the turn lane and easy access to I-49 make traffic impacts very minimal.

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

This building is currently located in a shared parking lot with 2 other buildings. One building is home to Elliott Electric Supply. The other building is split into 2 parts. Part of that building used to have a Bail Bonds business. It is now for rent. The other part is rented by an electric bike and scooter business.

An apparel screen printing business would be a great neighbor business for Elliot Electric, the E Bike business and future tenants in the area because we would be investing in a way that brings thoughtful, intentional improvements to this building that has been a part of Fayetteville since the 1970s.

The lack of customer traffic would also not disrupt our future neighbors. And the screen printing equipment that we would operate with would not cause any noise, smell or environmental concerns to the neighbors or the area.

Many other Fayetteville businesses have already brought new life to older buildings in south Fayetteville and we would like to be able to do the same.

Scanned with CamScanner

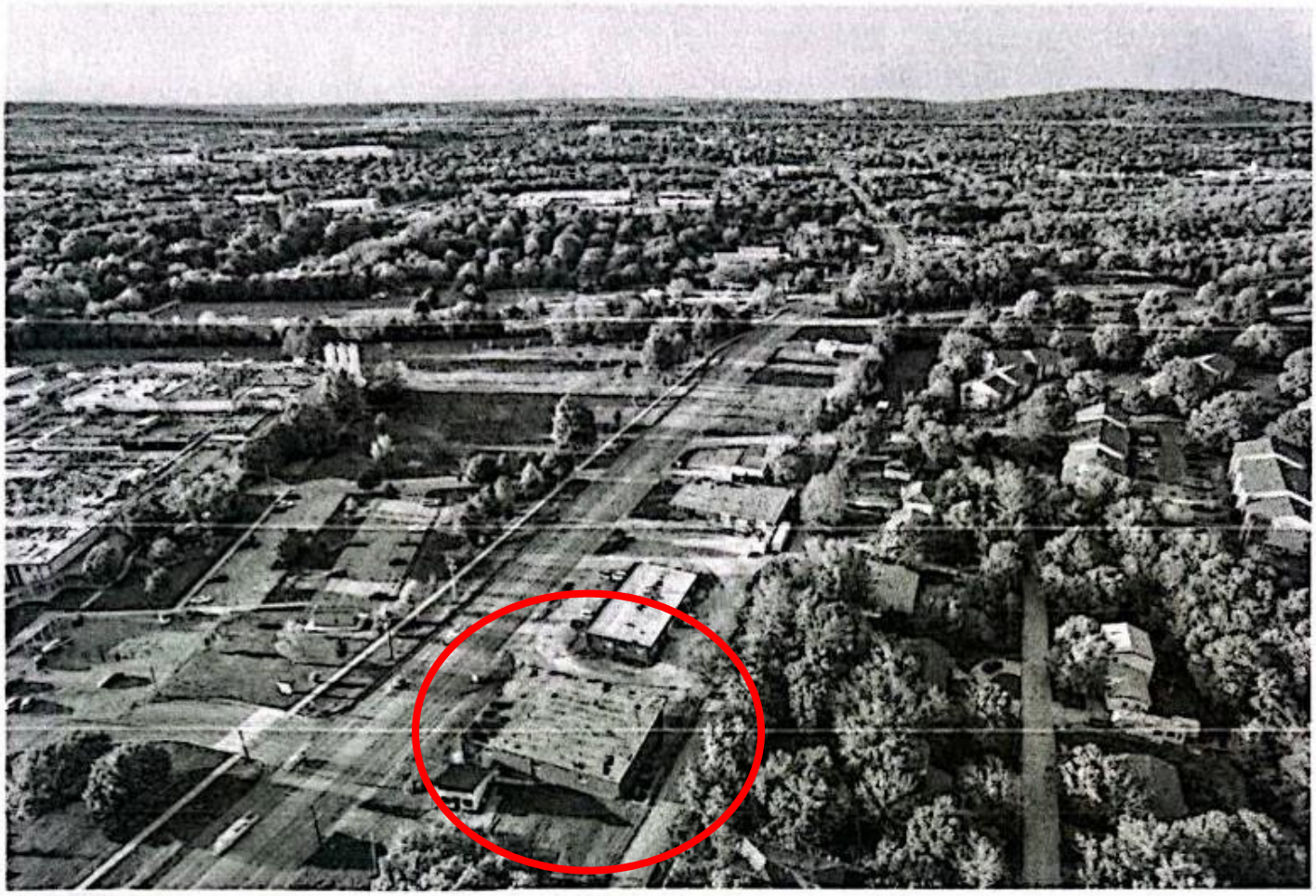
Additional Notes

- Please note: Attached you will find preliminary architectural drawings for the layout of the building. It includes plans for a second story loft/mezzanine to host office space. Our contractor would submit official documents at a later time to get the permit for construction.
- At this time all we are requesting is permission to be able to operate our screen printing business in the building. Since the building is mainly a large, open warehouse on the inside there is very little that would need to be done in order to operate in it. The second level construction would be handled at a later time with the city's permission.

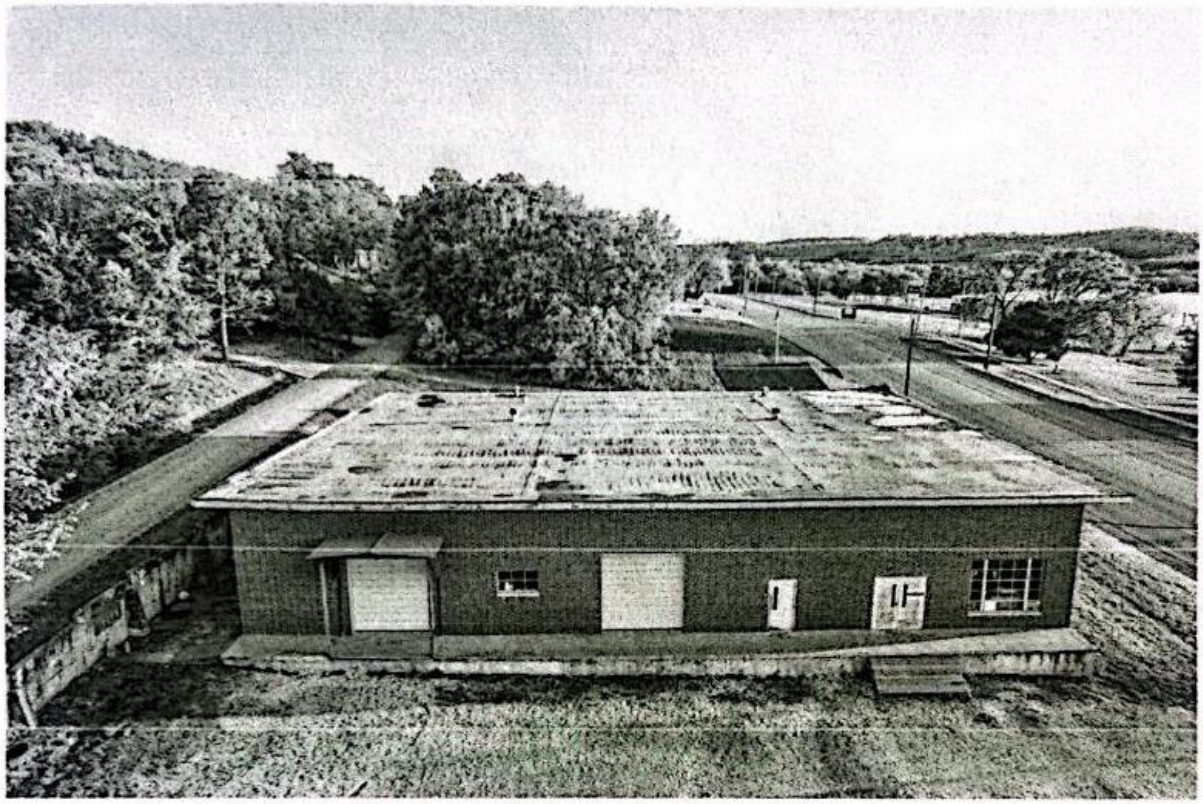
Thank you for your consideration,

- Justin Laughlin (479)387-1130

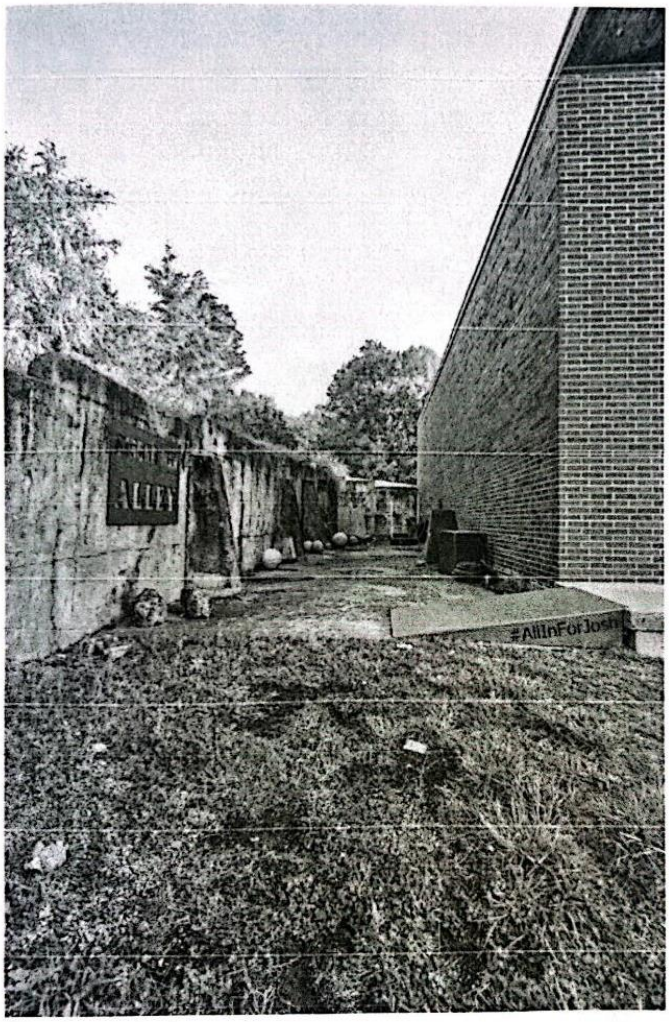
Scanned with CamScanner



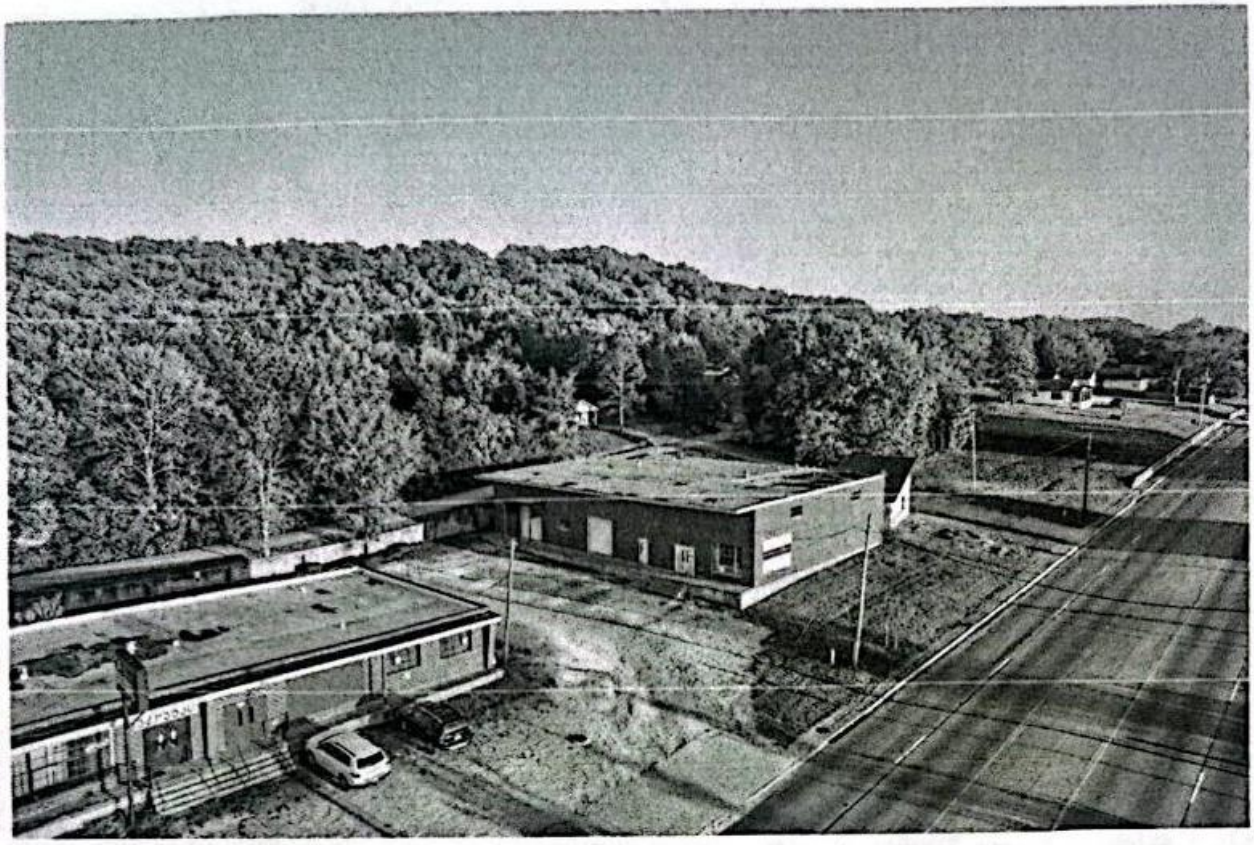
This shows the wrap around shared parking lot with access to the dumpster and parking



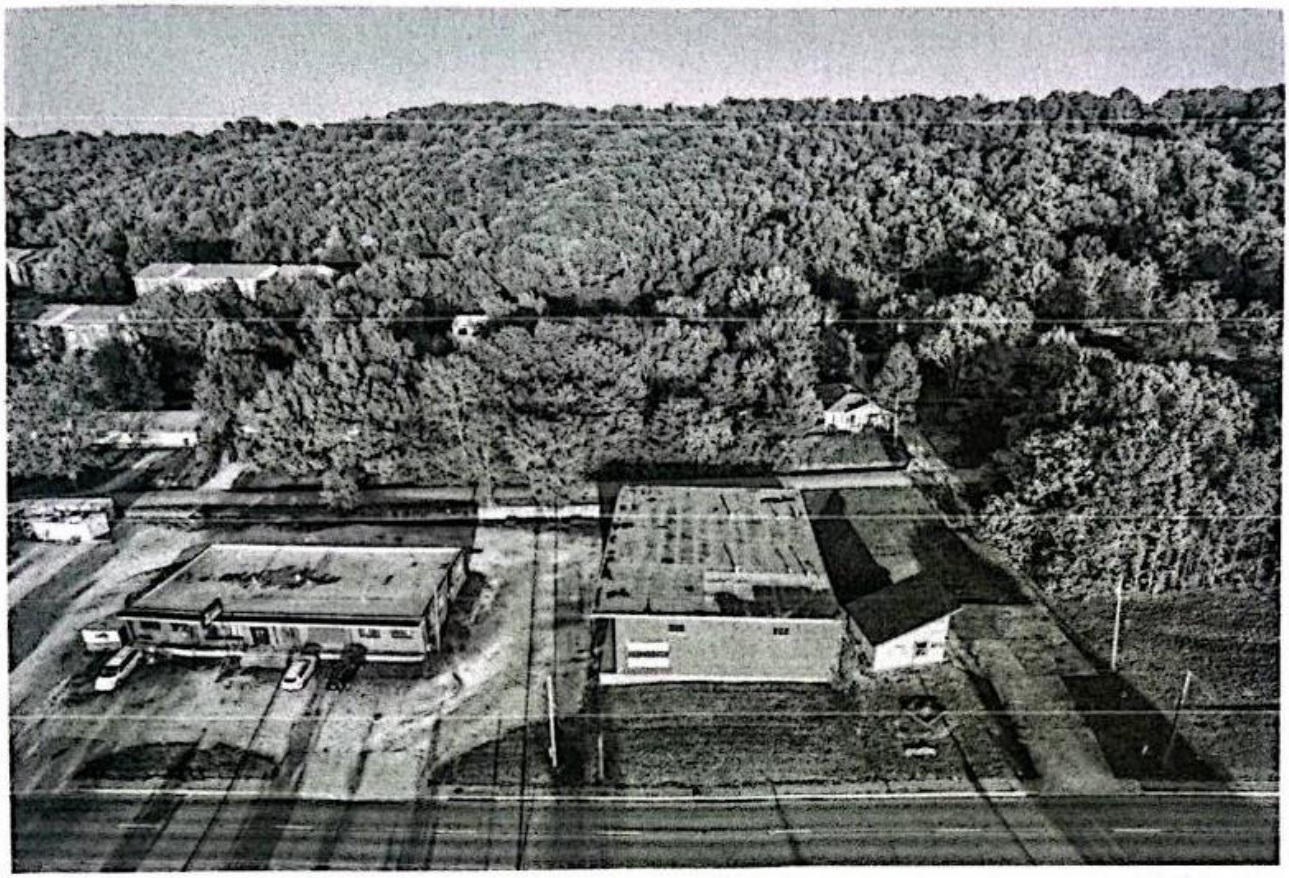
Brick Sides with access to dumpster alley from the parking lot



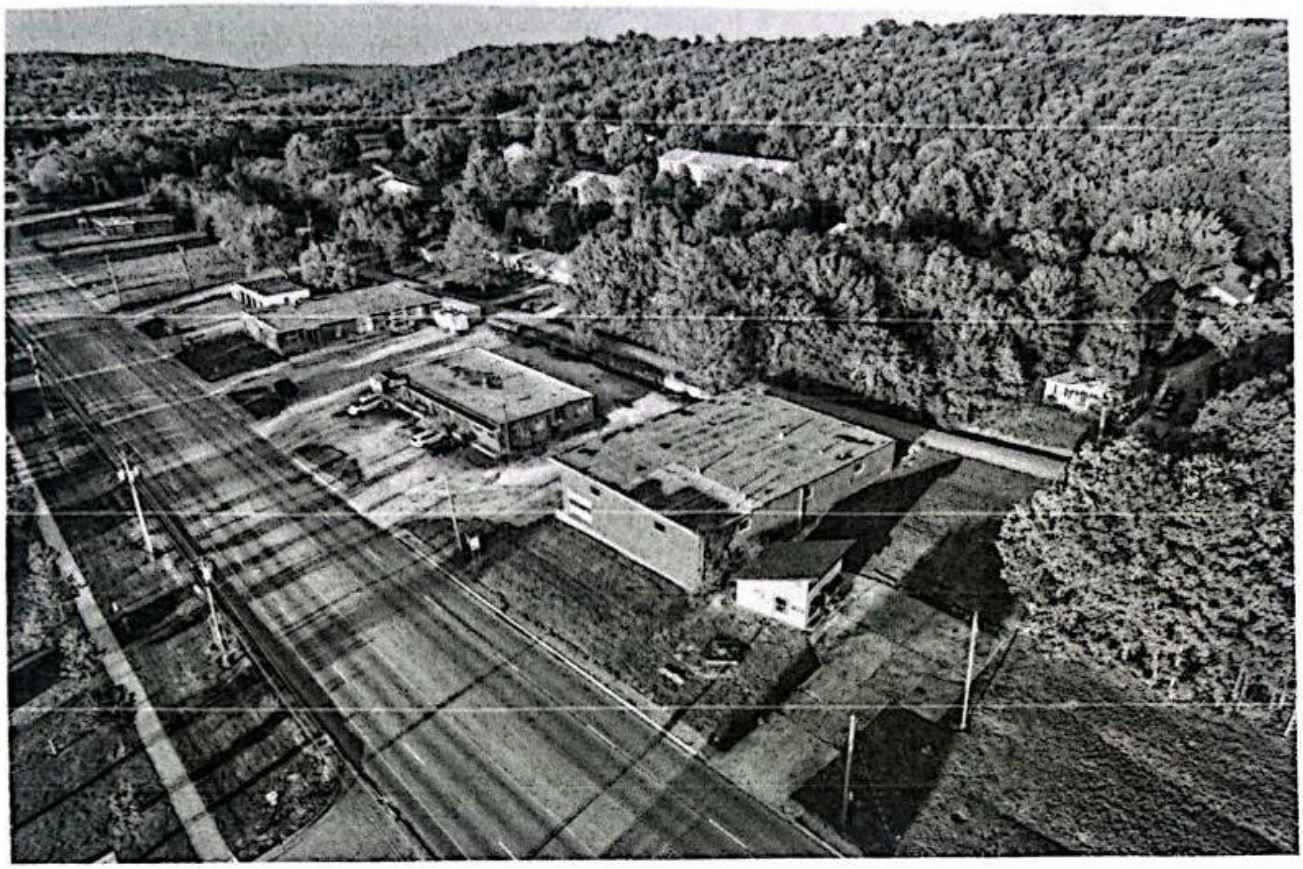
^This is the alleyway where the trash dumpster would go. This also shows the 4th side of the building as brick.



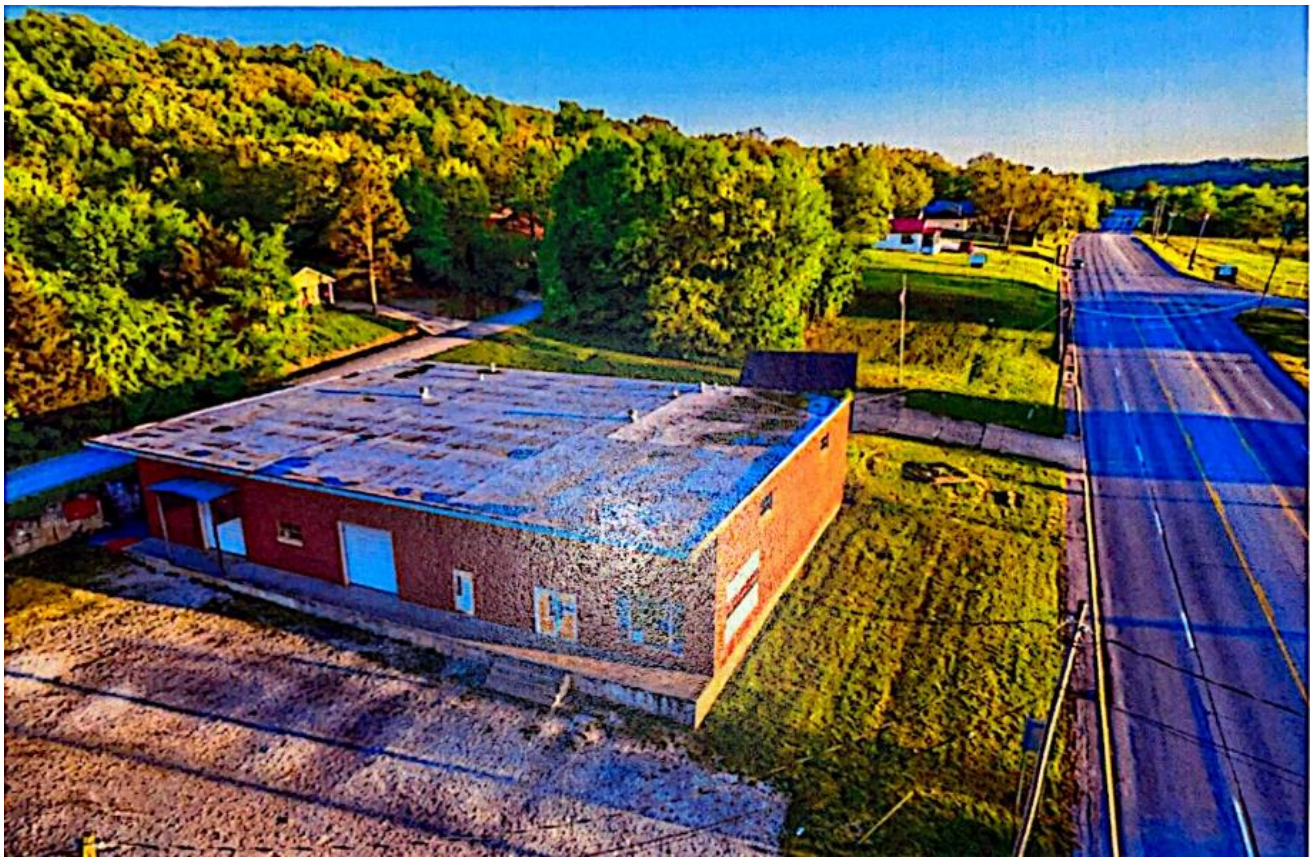
Brick sides



Brick sides and parking lot



Brick sides



SITE INFORMATION

NOW OR FORMERLY OWNED: CROSSFIT FAYETTEVILLE LLC
2716 S SCHOOL AVENUE FAYETTEVILLE, AR 72701
APN: OF THE SURVEYED PROPERTY
14,982 SQ. FEET 1, OR 0.34 ACRES ±

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY. TITLE COMMITMENT NUMBER 23-5046, WITH A COMMITMENT DATE OF NOVEMBER 12, 2023, AT 7:59 A.M.

SCHEDULE A DESCRIPTION

THE LAND IS DESCRIBED AS FOLLOWS:
LOT 5, GRANDVIEW HEIGHTS SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT OF RECORD WAS PLAT BOOK 1 AT PAGE 229.

NOTES CORRESPONDING TO SCHEDULE B

(11) — 11. MATTERS AS SET FORTH ON SURVEY/PLAT RECORDED WAS PLAT BOOK 1 AT PAGE 229 OF THE PUBLIC RECORDS OF WASHINGTON COUNTY, ARKANSAS, INCLUDING BUT NOT LIMITED TO RESERVATIONS, RESTRICTIONS, EASEMENTS, DEDICATIONS, RIGHTS OF WAY, AND SETBACK LINES.
(AFFECTS, AS SHOWN)

(12) — 12. TERMS, CONDITIONS, AND PROVISIONS SET FORTH IN ORDINANCE NO. 1670 OF THE CITY OF FAYETTEVILLE, ARKANSAS, RECORDED APRIL 24, 1989, WAS DEED BOOK 750 AT PAGE 44 OF THE PUBLIC RECORDS OF WASHINGTON COUNTY, ARKANSAS.
(AFFECTS, CONTAINS NO PLOTTABLE EASEMENT ITEMS)

(13) — 13. EASEMENT IN FAVOR OF CITY OF FAYETTEVILLE, ARKANSAS, A MUNICIPAL CORPORATION, RECORDED JUNE 8, 1970, WAS DEED BOOK 383 AT PAGE 203 OF THE PUBLIC RECORDS OF WASHINGTON COUNTY, ARKANSAS.
(AFFECTS, PLOTTED AS SHOWN)

PARKING INFORMATION

NO STRIPED PARKING WAS OBSERVED AT THE TIME OF THE SURVEY.

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 0514300201F, WHICH BEARS AN EFFECTIVE DATE OF 04/02/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500 YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE SOUTH LINE OF THE SUBJECT PROPERTY. THE BEARING IS DENOTED AS N64°51'12"W PER GPS COORDINATE OBSERVATIONS ARKANSAS STATE PLANE, NORTH ZONE NAD83.
LATITUDE = 36°12'05.9548"
LONGITUDE = -94°10'09.9116"
CONVERGENCE ANGLE = -01°15'44.0603"

SIGNIFICANT OBSERVATIONS

NONE OBSERVED AT THE TIME OF THE ALTA/NSPS SURVEY.

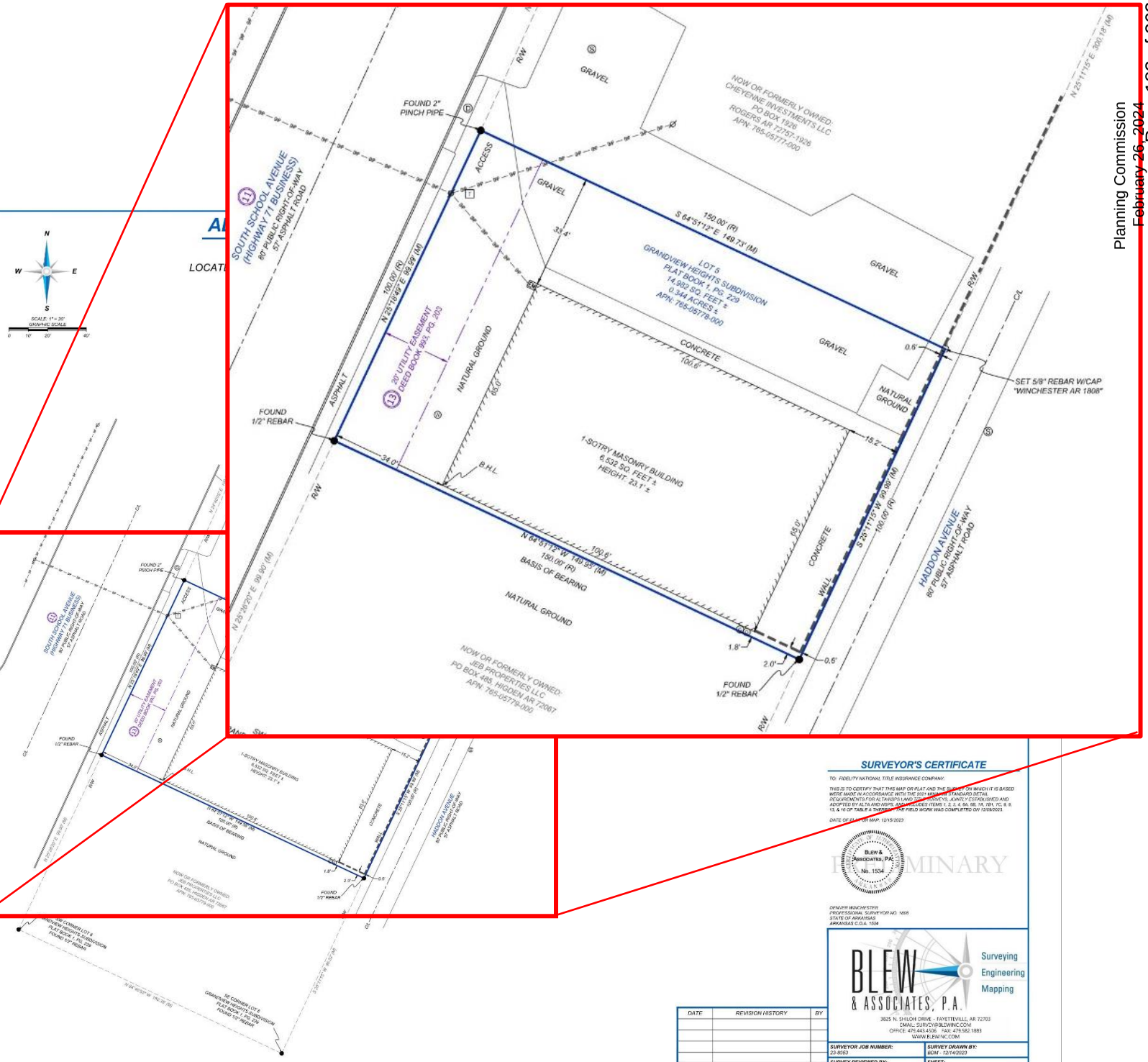
UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

ZONING INFORMATION

PROPERTY IS CURRENTLY ZONED
AWAITING ZONING REPORT

ITEM	REQUIRED	OBSERVED
PERMITTED USE		COMMERCIAL
MIN. SETBACKS FRONT		34.0'
MIN. SETBACKS SIDE		1.8'
MIN. SETBACKS REAR		15.2'
MAX. BUILDING HEIGHT		23.1' ±
MIN. LOT AREA		14,982 SQ. FEET ±
MIN. LOT WIDTH		99.90'
MAX. BLDG COVERAGE		43.6% ±
PARKING REGULAR		0
PARKING HANDICAP		0
PARKING TOTAL		0



SURVEYOR'S CERTIFICATE

TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6A, 6B, 7A, 7B1, 7C, 8, 9, 13, & 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 12/08/2023.

DATE OF PLAT OR MAP: 12/15/2023

BLEW & ASSOCIATES, PA
No. 1534

PRELIMINARY

DENVER WINCHESTER
PROFESSIONAL SURVEYOR NO. 1808
STATE OF ARKANSAS
ARKANSAS C.O.A. 1534

DATE	REVISION HISTORY	BY

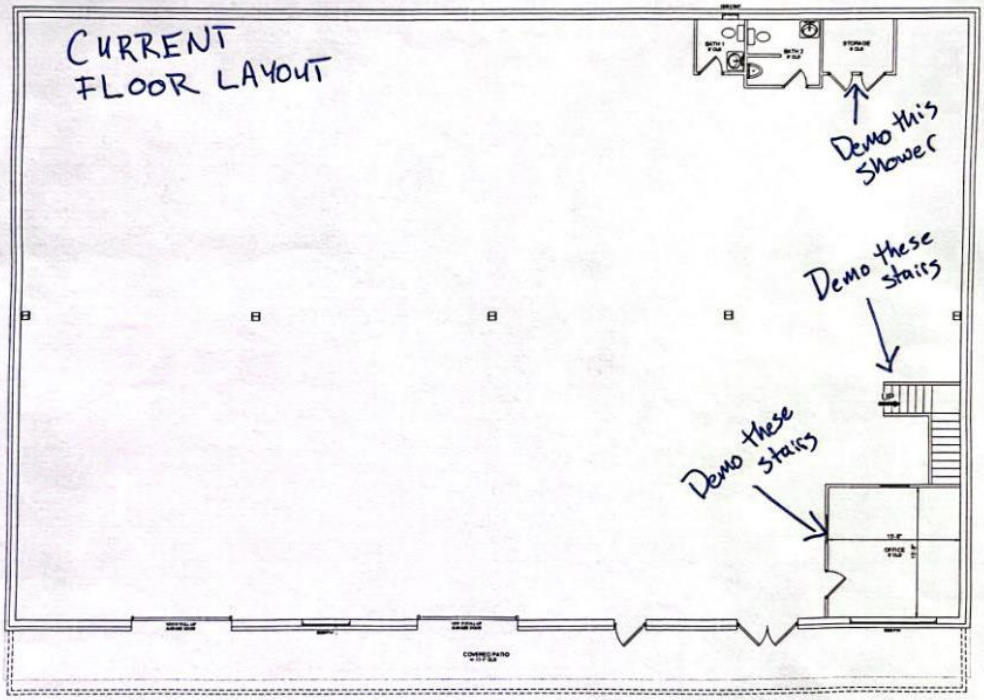
BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER:	SURVEY DRAWN BY:
23-8053	BDM - 12/14/2023
SURVEY REVIEWED BY:	SHEET:
TPN	1 OF 1

PROJECT:	ADDRESS:	CLIENT:	DATE:
LAUGHLIN INFILL	2716 S School Ave Fayetteville, AR 72701	JUSTIN & AUDREY LAUGHLIN	1/30/2024

SZAB DESIGN + BUILD



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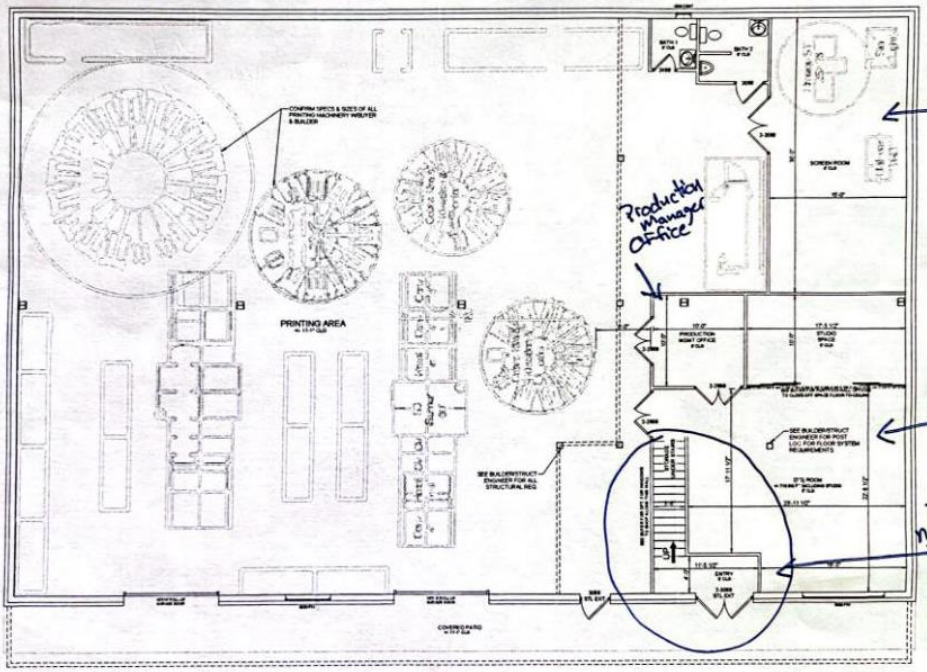
EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"

PROJECT:	ADDRESS:	CLIENT:	DATE:
LAUGHLIN INFILL	2716 S School Ave Fayetteville, AR 72701	JUSTIN & AUDREY LAUGHLIN	1/30/2024

SZAB DESIGN + BUILD



FLOOR PLAN SQUARE FOOTAGE	
UNDER ROOF (FRAME*)	8186
1ST FLR HEATED	6147
2ND FLR HEATED	2065
TOTAL HEATED	8212
COVERED PORCH	617

*HEATED SF IS MEASURED INSIDE STUD AROUND HEATED/COOLED SPACE

*CONFIRM 12" DEPTH FLOOR JOIST REQUIREMENT TO ACHIEVE 14'-8'-0" CLG ON 1ST & 2ND FLOORS - SEE BUILDER/BUYER FOR STRUCTURAL OPTIONS

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REMODEL 1ST FLOOR PLAN

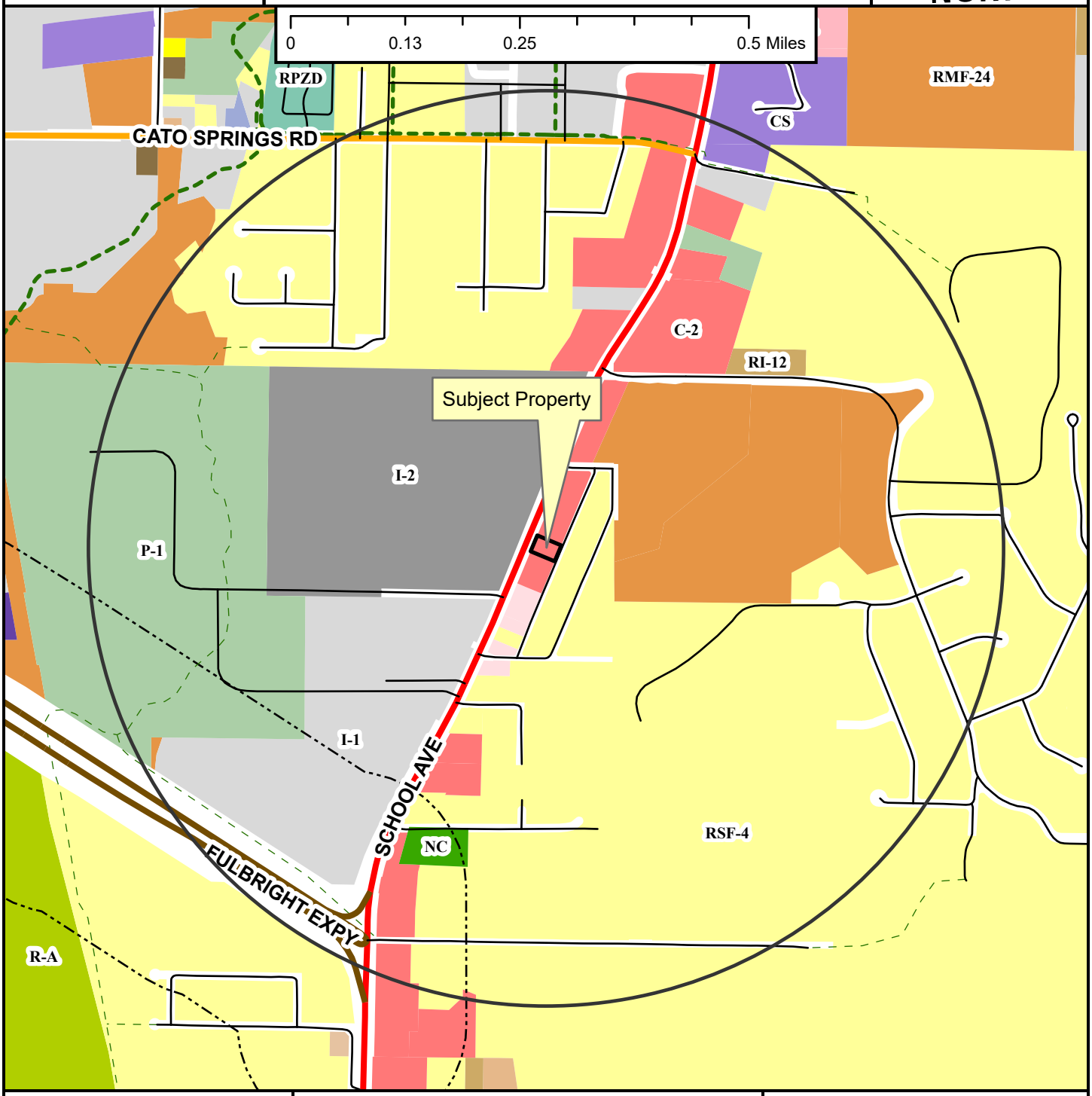
SCALE: 1/4" = 1'-0"

CUP-2024-0003

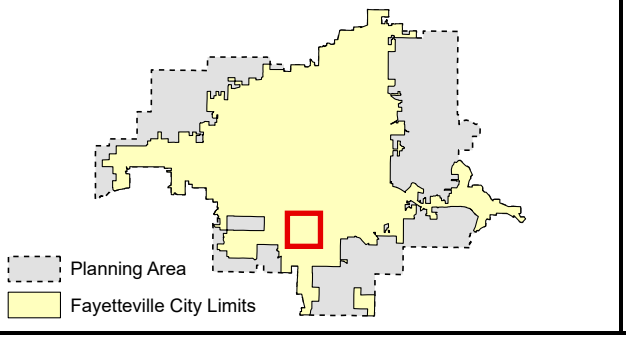
One Mile View

2716 S. SCHOOL AVE

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

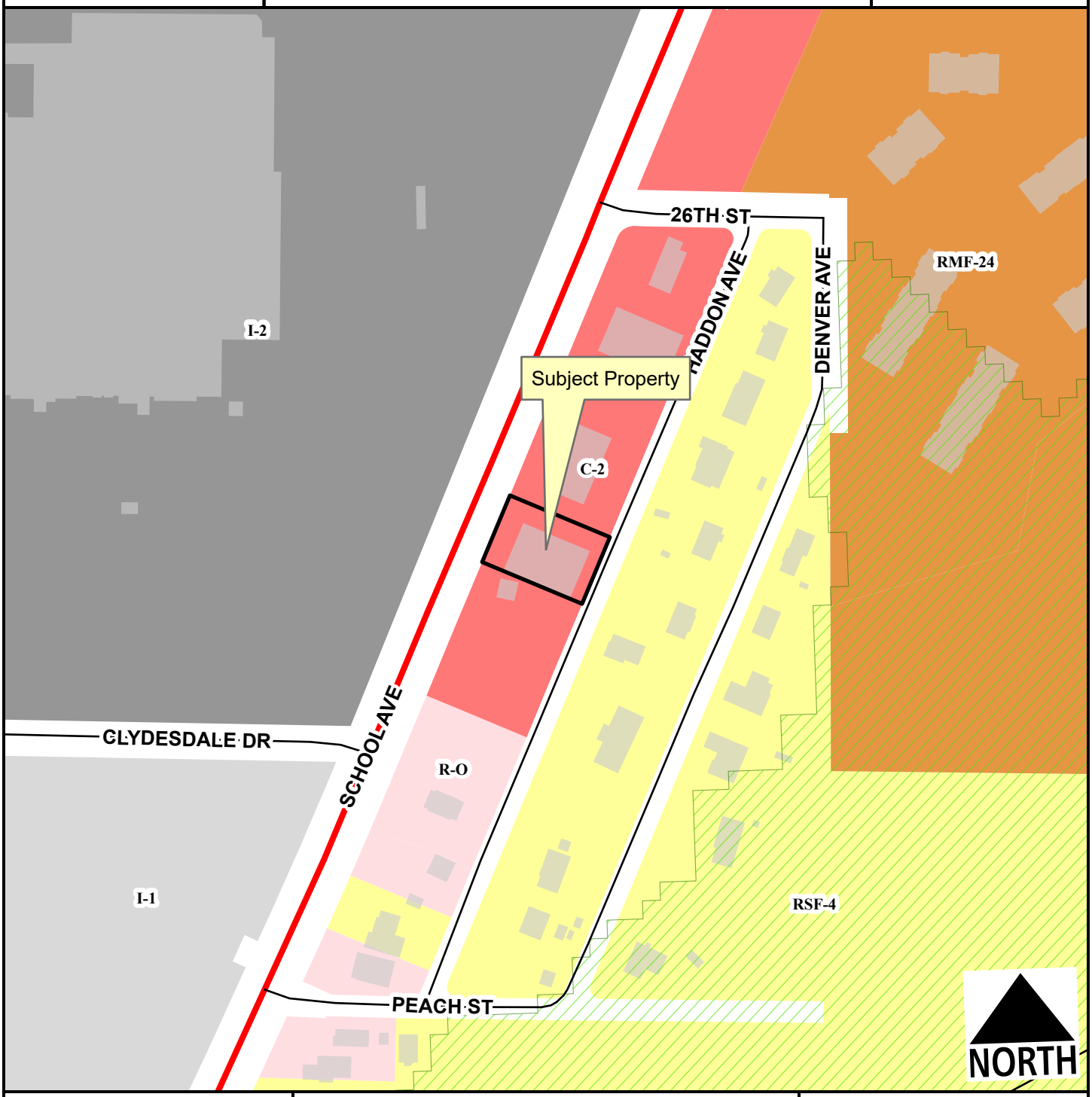
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2024-0003

Close Up View

2716 S. SCHOOL AVE



Regional Link
Unclassified
Residential Link
Hillside-Hilltop Overlay District
Planning Area
Fayetteville City Limits

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

RSF-4
RMF-24
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial
Residential-Office
C-2

CUP-2024-0003

Current Land Use

2716 S. SCHOOL AVE

NORTH

Regional Link

Unclassified

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: February 26, 2024

SUBJECT: **RZN-2023-0037: Rezoning (EAST OF E. 9TH ST. & S. WASHINGTON AVE./DAKOTA DEVELOPMENT LLC, 563):** Submitted by DAKOTA DEVELOPMENT LLC for property located EAST OF E. 9TH ST. & S. WASHINGTON AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 1.03 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2023-0037** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2023-0037** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in south Fayetteville just east of Washington Avenue and north of 9th Street. The property contains one parcel totaling 1.03 acres which is currently undeveloped. While it does not have frontage on a public street, the property is bordered to the east, west, and south by platted right-of-way. It received its current zoning designation of NC, Neighborhood Conservation, as a result of the Walker Park Neighborhood Plan in 2008. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	NC, Neighborhood Conservation
South	Undeveloped	NC, Neighborhood Conservation
East	Undeveloped Single-Family Residential	RSF-18, Residential Single-Family, 18 Units per Acre NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has received public comment on this item from four individuals. Three expressed their support for the proposed rezoning, stating that RI-U would be compatible with the surrounding neighborhood and promote well-scaled infill. Their comments are attached to this report. Another individual called staff and expressed their opposition to the rezoning, citing concerns about drainage and increased density at this location.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has no frontage on a public street. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is not available to the subject property. A water main extension would be required at the time of development.

Sewer: Sanitary sewer is not available to the subject property. A sewer main extension would be required at the time of development.

Drainage: Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams are present on site. Hydric soils are present which are known indicators of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits are issued for the property, a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately four minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning district, NC, Neighborhood Conservation, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood** area. The property is also located within the **Walker Park Neighborhood Master Plan** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also

encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

The **Walker Park Neighborhood Master Plan** was the city's first neighborhood plan which was completed in 2008 after City Plan 2025 was adopted. Four guiding principles were identified in the plan which include maintaining a balance of uses and housing, emphasizing connectivity and walkability, creating a core of the neighborhood at Jefferson Square, and preserving accessible greenspace throughout the neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **7** for this site with a weighted score of **6.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (eight-inch main, Washington Avenue)
- Near Water Main (six-inch main, Washington Avenue)
- Near City Park (Walker Park, Jefferson Park)
- Near Paved Trail (Walker Park Trail)
- Near ORT Bus Stop (Route 20)
- Within Master Plan Area (Walker Park Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the requested rezoning to be generally compatible with surrounding land use and zoning patterns. While the surrounding neighborhood is primarily single-family residential in character, there are several attached dwellings and nonresidential uses in close proximity to the subject property. In terms of zoning, the surrounding neighborhood contains a variety of zoning designations ranging from lower-density single-family residential districts such as NC, Neighborhood Conservation, to mixed-use districts with no stated density limitation like DG, Downtown General. Where the subject property's existing zoning designation of NC allows for the by-right development of single-family dwellings at a density of 10 units per acre, RI-U would allow for the by-right development of single-family to four-family dwellings without limitation to density. With regard to bulk and area regulations, NC allows for the creation of lots with a minimum width of 40 feet and a minimum area of 4,000 square feet. RI-U would allow for lots with a minimum width of 18 feet. There is no stated lot area minimum in the RI-U zoning district. While the subject property does not currently have direct frontage on a public street, staff finds the requested zoning to be generally compatible with the surrounding area. In order for the subject property to be considered developable, whether under the current NC zoning or proposed RI-U zoning, street improvements would need to be installed and/or a variance from the Board of Adjustment would need to be requested since the lot does not currently have frontage on a public street.**

Land Use Plan Analysis: **Staff finds the applicant's request to be consistent with the City's land use and zoning plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC to RI-U could support that designation since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to paved trails and bus routes. Staff also finds the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same neighborhood as their housing needs change.**

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

Finding: **Staff finds that the proposed rezoning from NC to RI-U is justified since it would allow for incremental residential infill. The existing NC zoning district has more limited bulk, area, and density limitations and it does not allow for the development of two-family to four-family dwellings by right.**

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

Finding: **A rezoning from NC to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for more dense development than the existing NC zoning. The property does not currently have frontage on a public street and any street improvements and potential traffic impacts would be determined at the time of development.**

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

Finding: **The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2023-0037 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.12 District RI-U, Residential Intermediate - Urban
  - §161.29 Neighborhood Conservation
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

WRITTEN JUSTIFICATION

APPLICATION FOR REZONING

The subject property is identified as Lots 23-28, Block 4, Glenwood Park Addition to the City of Fayetteville, AR., Tax Parcel Number 765-05718-000 (the "Property"). It is generally located southeast of the intersection of S. Washington Ave and E. 7th Street and is south of the property at 223 E. 7th Street (zoned Downtown General (DG)). The Property consists of one lot totaling 1.02 acre and is zoned Neighborhood Conservation (NC). There are no existing structures on the Property. It is grassed with very few trees. The Applicant requests to rezone the Property to RI-U, Residential Intermediate-Urban.

The request to rezone the Property to RI-U is compatible given the surrounding context. Properties in the near vicinity are primarily used for residential purposes with a small commercial node at the southeast corner of the intersection of S. Washington Ave and E. 7th Street. Nearby uses include: multi-family dwellings along S. Washington Ave; property to the north is developed with the former Jefferson Elementary School; other properties are developed with single-family homes. As a result, the proposed zoning of RI-U is in context with the surrounding properties.

The proposal is consistent with the goals in City Plan 2040 and the future land use designation for this location. Rezoning RI-U fulfills the City Plan 2040 Goals as it: 1) provides appropriate infill and will revitalize the area; 2) facilitates redevelopment of an infill site rather than contributing to suburban sprawl; 3) allows for compact, complete, and connected development on the Property and in the area; 4) sustains a livable transportation network; 6) creates opportunities for additional attainable housing. In addition, the Property scores a minimum of 7 on the Infill Scoring Matrix. Rezoning would put added residential density on properties with ready access to basic development needs such as public streets, water, and sanitary sewer. The Property is also near Walker Park and in close proximity to the University of Arkansas and Fayetteville High School. Rezoning aligns with Goal #4 since additional residential density on the site would be located near multiple transit routes and non-residential uses and employment centers in the Downtown Core area. As a result, the Applicant's request will not adversely affect the existing use or usability of and is compatible with adjacent and nearby property.

The City Plan 2040 future land use map designates the Property as Residential Neighborhood, which is primarily residential in nature and supports a wide variety of housing types of appropriate scale and context. City Neighborhood Areas encourage density of all housing types and provide a varying mix of nonresidential and residential uses. The rezoning of the Property will help facilitate redevelopment of an infill site rather than contributing to suburban sprawl, create opportunities for diverse and attainable housing, and promotes residential development that is connected to non-residential services.

In addition, the request is consistent with the Walker Park Neighborhood Plan which designates the Property as City Neighborhood Area that encourages a diversified housing stock at an increased density, including multi-family and rowhouses. In addition, this proposed development's location near a neighborhood commercial node enables residents to live in the same neighborhood during different phases of their lives.

For the reasons stated above, rezoning the Property to RI-U is compatible with neighboring property and will not unreasonably adversely affect or conflict with surrounding land uses.

Sincerely,

Lawrence Finn
Dakota Development

From: Wes Bates <bateswt@gmail.com>
Sent: Monday, February 19, 2024 3:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for RZN 2023-0037

Planning Commission Members,

I am writing to express my support for the rezoning application RZN 2023-0037 for property southeast of the intersection of E. 7th Street and S. Washington Ave. I am the property owner of 1022 S Beebalm Ave that is near the property. Dakota Development has met with adjacent property owners to answer questions and describe the proposed development. Rezoning to RI-U is appropriate for this area because it is compatible with the neighborhood. Nearby, there are multi-family buildings, single family homes, and a commercial node at the corner of the intersection. Also, rezoning the property to allow additional residential uses will revitalize the area.

I ask the Planning Commission and City Council to approve the application. The rezoning will enhance our quality of life and will be an asset to the neighborhood.

Regards,

Wesley Bates

--
Wes Bates
bateswt@gmail.com
479-595-5499

From: Matt Hoffman <matt@mbl-arch.com>
Sent: Tuesday, February 20, 2024 9:53 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN 2023-0037

Madam Chair and Commissioners,

As a nearby resident and adjacent property owner, I am very comfortable with this or any other request to rezone property in this area to RI-U. Development that has taken place under this zoning designation represents some of the most thoughtful and well-scaled infill in our city, and I'm happy to have more of it in my backyard.

As I know it is for many of you, Fayetteville's desperate lack of housing supply - particularly in walkable neighborhoods - is always at the top of my mind.

Best Regards,
Matthew Hoffman
3 E. 4th Street
Fayetteville AR 72701

Property owner:
814 S. Washington

From: Johann Komander <johann.komander@gmail.com>
Sent: Wednesday, February 21, 2024 6:46 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for RZN 2023-0037

Planning Commission Members,

I live at 187 E 9th street on corner of S Washington Ave. The rezoning RZN 2023-0037 is right across the street from my home. I am writing to express my support for the rezoning application. I believe smartly developed and nicely designed infill with increased density is compatible with the neighborhood and is preferable to the sprawling development that is typical just a few blocks east of this location. I also support having more neighbors in the area which is having a revitalizing impact.

Regards,

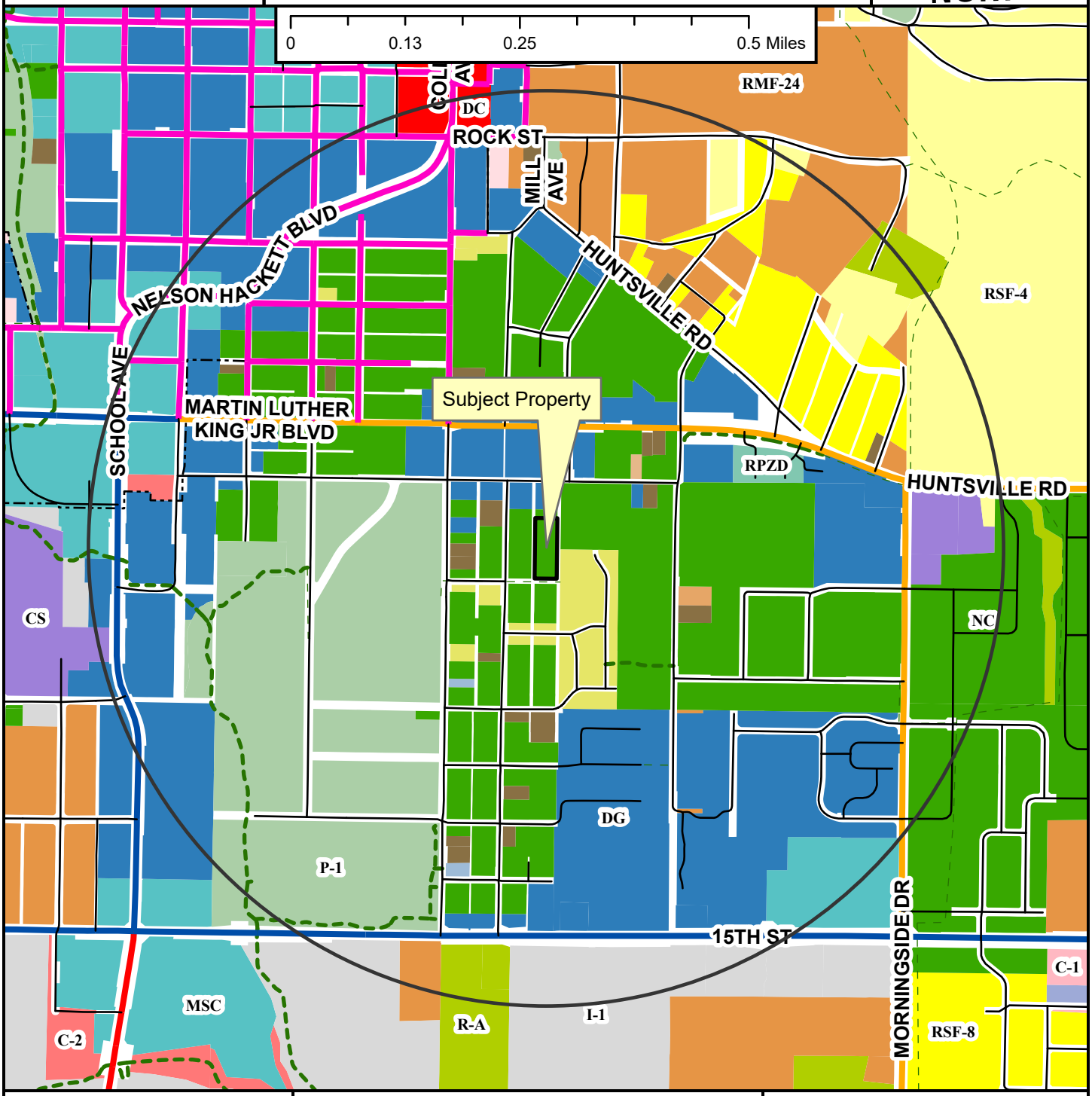
Johann Komander

RZN-2023-0037

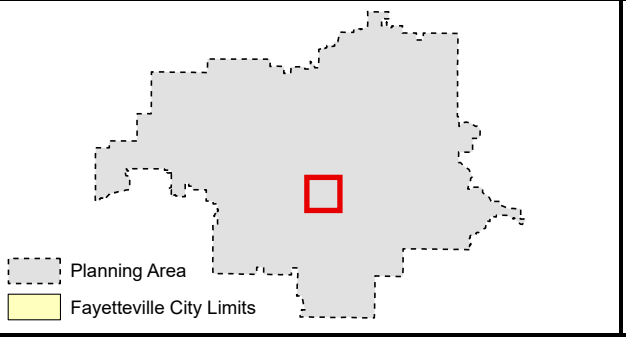
One Mile View

EAST OF E. 9TH ST & S. WASHINGTON AVE

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Planning Area



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

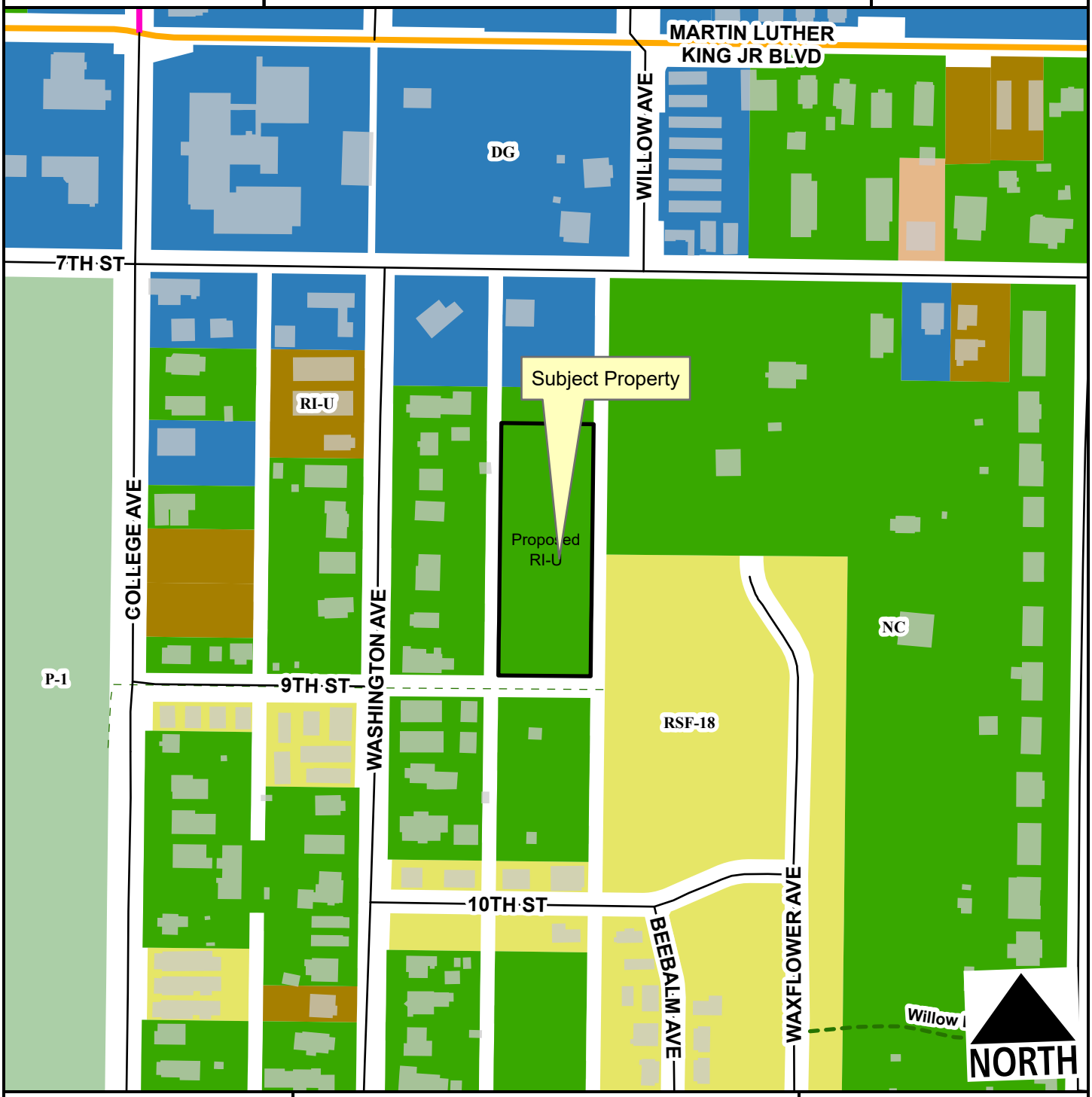
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2023-0037

Close Up View

EAST OF E. 9TH ST & S. WASHINGTON AVE



Neighborhood Link
Urban Center
Residential Link
Trail (Proposed)
Planning Area

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

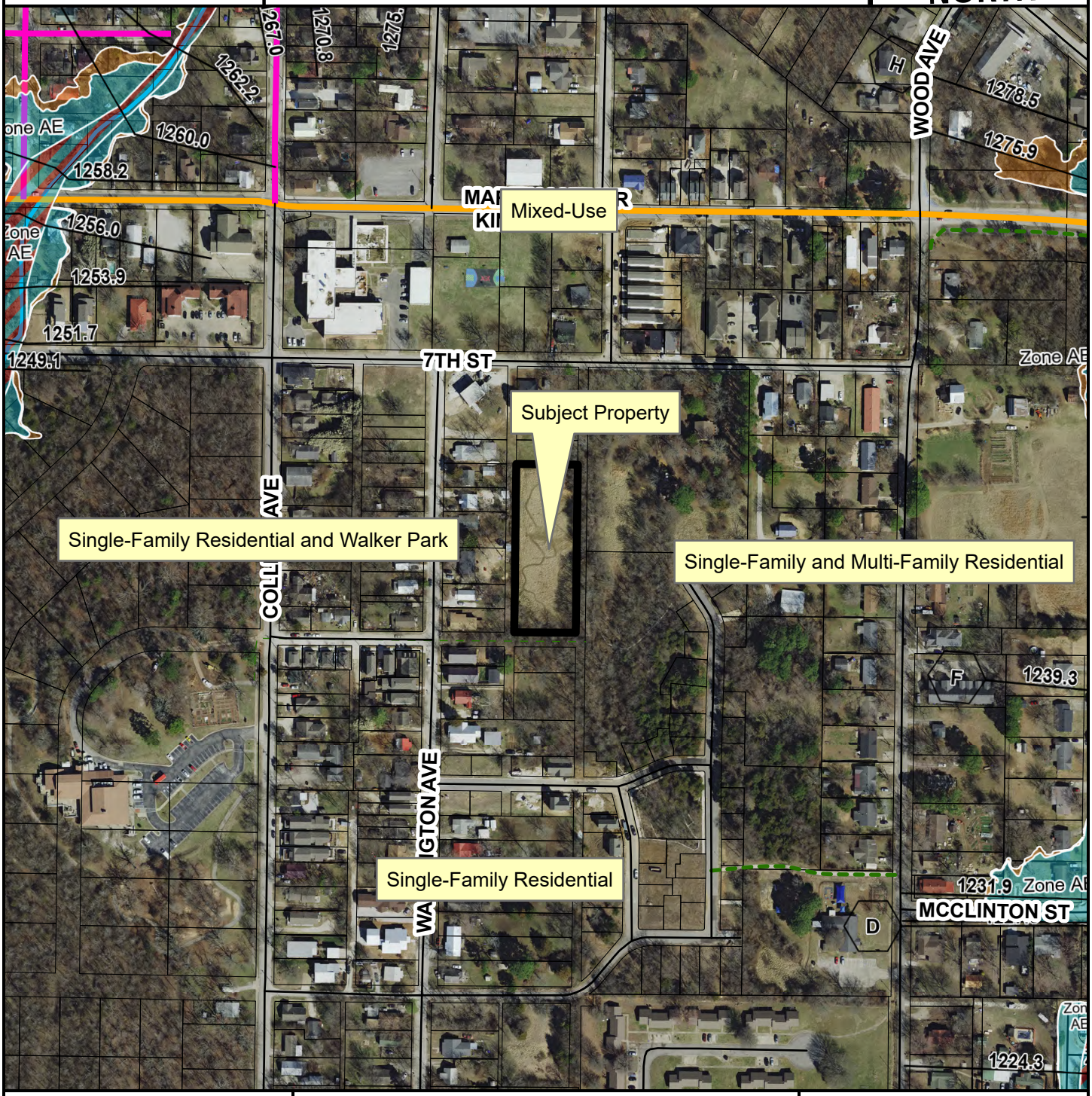
Zone	Current	Proposed
NC	1.0	0.0
RI-U	0.0	1.0
Total	**1.0 ac**	

RZN-2023-0037

Current Land Use

EAST OF E. 9TH ST & S. WASHINGTON AVE

NORTH



- Neighborhood Link
- Urban Center
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

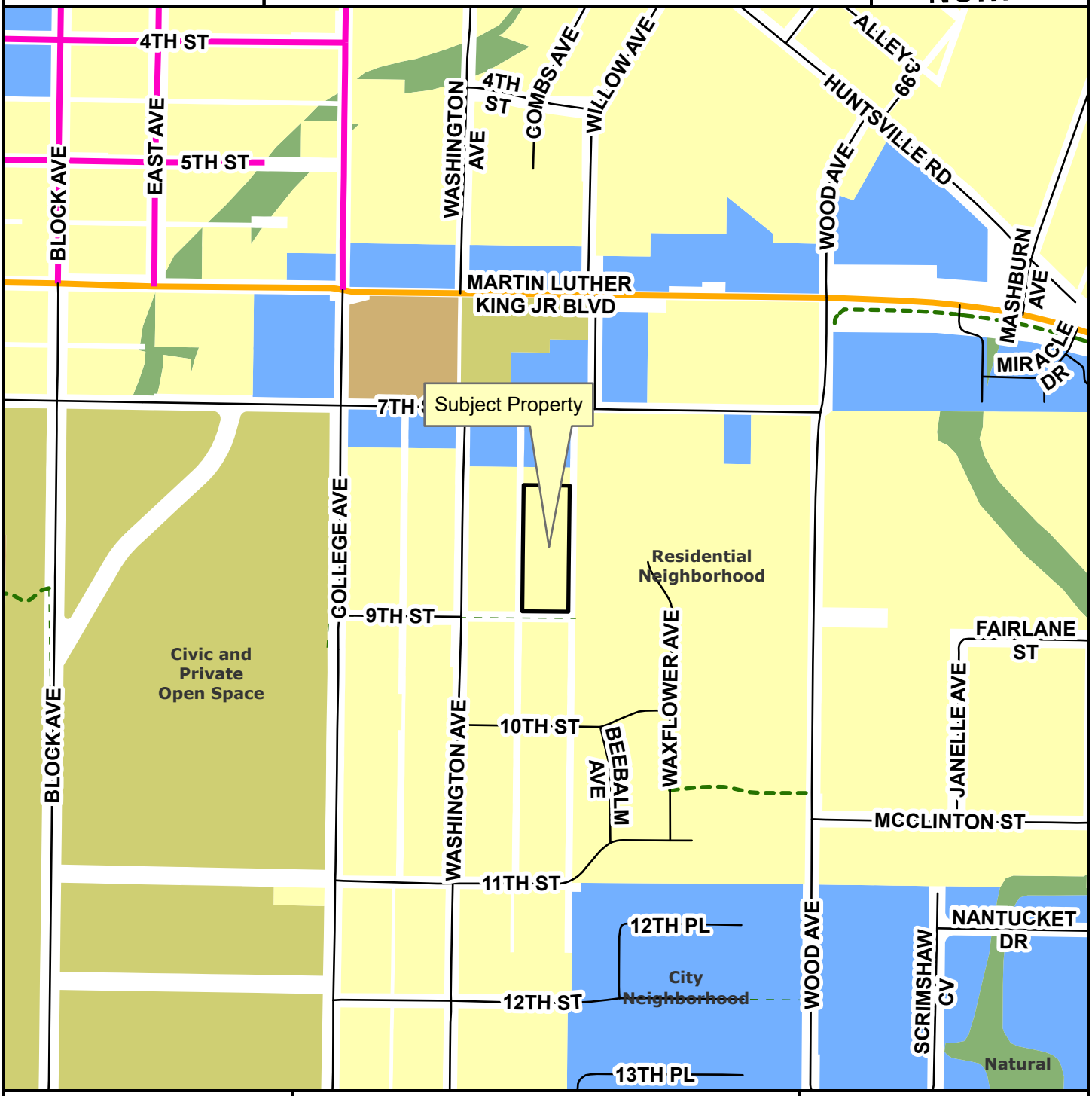
- 100-Year Floodplain
- Floodway

RZN-2023-0037

Future Land Use

EAST OF E. 9TH ST & S. WASHINGTON AVE

NORTH



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Trail (Proposed)
- Design Overlay District

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: February 26, 2024

SUBJECT: **RZN-2024-0001: Rezoning (3006 N. OLD MISSOURI RD./OLD MISSOURI LAND DEVELOPMENT LLC, 253 & 254):** Submitted by JORGENSEN & ASSOCIATES for property located at 3006 N. OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES GENERAL, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 6.31 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE and R-A, RESIDENTIAL - ARGRICULTURAL

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0001** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0001** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in north Fayetteville, roughly ¼ mile north of the intersection of N. Old Wire Road and N. Old Missouri Road. The property subject to this request is approximately 6.31 acres of a 36.20-acre site. It is zoned RSF-4, Residential Single-Family, Four Units per Acre, NC, Neighborhood Conservation, and NS-G, Neighborhood Services-General. Areas 3, 4, and 5 received its current zoning in 2003 with the new city-wide zoning map (Ord. 4503, July 2003). Area 6 received its current in July 2017 when it was rezoned from RSF-4 to NS-G (Ord. 5087, July 2017). Areas 1 and 2 received their current zoning in 2018 when it was rezoned from RSF-4 to NC (Ord. 6062, May 2018). At the Planning Commission meeting on April 11, 2022, a conditional use permit (CUP-2022-0004) was approved to allow multi-family on the portion of the property zoned NS-G, Neighborhood Services-General. The project received large scale development approval at the May 9, 2022 Planning Commission meeting (LSD-2022-0012). A concurrent plat for thirty-six residential lots, one commercial lot, two non-buildable lots, and two out lots was approved at the January 8, 2024 Planning Commission meeting. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	NC, Neighborhood Conservation
South	Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre; NS-G, Neighborhood Services - General
East	Undeveloped	NC, Neighborhood Conservation; RSF-4, Residential Single-Family

West	Multi-Family Residential; Church	NS-G, Neighborhood Services General; R-O, Residential Office

Request: The request is to rezone 6.31 acres of the property to R-A, Residential-Agricultural (1.77 acres) and RSF-18, Residential Single-Family, Eighteen Units per Acre (4.54). This request is associated with a proposal for Phase II of the State Station development.

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

INFRASTRUCTURE:

Streets: The subject area has no road frontage. Any street improvements will be determined at the time of development proposal.

Water: Public water is not yet available to the subject area. Main extensions would be required and would be evaluated at the time of development review.

Sewer: Sanitary sewer is not yet available to the subject area. Main extensions would be required and would be evaluated at the time of development review.

Drainage: No portion of the property lies within the Hillside-Hilltop Overlay District, or within a FEMA floodplain. Hydric soils are not present on site. The property lies outside the Hilltop-Hillside Overlay District (HHOD), but portions of the site include areas of 15% slope or greater, which may indicate further development restrictions. Any additional improvements, assessments, or requirements for drainage, slope, or other related issues will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. There is an existing fire hydrant east of the subject area. Station 4, located at 3385 N. Plainview Ave., protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

Current Zoning	Acreage	Min. Canopy	Proposed Zoning	Min. Canopy	Change
NS-G	0.30	20%	R-A	25%	+5%
NC	0.10	20%	R-A	25%	+5%
RSF-4	1.37	25%	R-A	25%	0%
RSF-4	3.18	25%	RSF-18	20%	-5%
NC	1.36	20%	RSF-18	20%	0%

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

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity nonresidential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates an infill score of **4** for this site, with a weighted score of 8. The following elements of the matrix contribute to the score, at varying points:

- 4 Minute Fire Response (Station 4)
- Near Paved Trail (Old Missouri Trail)
- Near Public School (Butterfield Trail Elementary School)
- Near City Park (Gulley Park)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **The proposed R-A zoning in areas 2, 3, 5, and 6 are compatible as the areas area dedicated or planned tree preservation easements. The proposed zoning change in areas 1 and 4 to RSF-18 is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development of generally low-to-moderate intensity. Despite the greater density allowed under the proposed zoning district, staff finds that the single-family character of RSF-18 will complement the overwhelmingly detached dwelling development pattern of the area. Further bolstering staff's support of the request is the existing NS-G, Neighborhood Services, General, property to the west and the extension of Rolling Hills through the site. Although currently undeveloped, the property zoned NS-G allows low-intensity, non-residential uses along with some attached residential building types. When developed, a logical transition would result from greater densities along Old Missouri Road in the west to the lower-density single-family to the south and east.**

Another consideration is the terrain of the area proposed for rezoning as it relates to surrounding land uses. As noted, the subject property slopes upward significantly from northwest to southeast. This gradient creates a natural transition of elevation just as the zoning transitions from the greater density of the existing NS-G and NC districts and proposed RSF-18 zoning district to the lower densities of the adjacent RSF-4 zoning districts.

Land Use Plan Analysis: **The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. Along with**

the recently rezoned NS-G and NC land to the west and north, development under the RSF-18 zoning on the subject property will encourage traditional neighborhood development in a compact form that is both complemented by mixed-use development to the west and complimentary of existing, low-density single-family developments to the east.

Among the goals in City Plan 2040, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although extensions of infrastructure are likely needed to facilitate development, adjacent City facilities and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested RSF-18 zoning district and its associated build-to zone encourage patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians.

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

Finding: **The applicant has requested the zoning change to allow for development at a greater density than that allowed under the existing RSF-4 and NC zoning districts. The proposed RSF-18 zoning will encourage appropriate density and a transition from higher density development along N. Old Missouri Rd. to lower density development to the east.**

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

Finding: **The RSF-18 zoning district allows a residential density that is greater than that allowed under the current NC and RSF-4 zoning district: 10 units per acre versus 10 and 4, respectively. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area. That said, and as previously noted, the property is located with access to Old Missouri Road, and near Rolling Hills Drive and Old Wire Road, all Neighborhood Link streets. With Phase I, E. Rolling Hills Dr. was extended, and a traffic signal was added improving traffic safety at the intersection. While there will be an appreciable increase in traffic with any development, direct access to Old Missouri Road will likely limit the intrusion of through traffic into adjacent neighborhoods.**

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

Finding: **Due to the property being currently undeveloped, development under the current zoning or the proposed zoning will result in an increase in the load on public services. That said, this increase has the potential to be greater under RSF-18 than the existing NC and RSF-4 zoning. RSF-18 allows for 18**

units per acre, while NC allows 10 units per acre and RSF-4 allows 4 units per acre. Despite the potential for greater density, the subject property has access to connect to planned infrastructure in Phase I of Stage Station. With Phase I, E. Rolling Hills Dr. was extended and a traffic signal was added, improving traffic safety at the intersection. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0001 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None
ATTACHMENTS:

- Unified Development Code:
  - §161.03, R-A, Residential-Agricultural
  - §161.07, RSF-4, Residential Single-Family, 4 Units per Acre
  - §161.10, RSF-18, Residential Single-Family, 18 Units per Acre
  - §161.19, NS-G, Neighborhood Services - General
  - §161.29, NC, Neighborhood Conservation
- Rezoning History Exhibit
- Request Letter
- Applicant Exhibit
- Close Up Map
- One Mile Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

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

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

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	45 feet

Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

Units per acre	Eighteen (18) or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear

A build-to zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet on both sides	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	5 feet

* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

** At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width for two-family dwellings.

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites

Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

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

161.29 - Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit

Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density*. Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum*. 4,000 square feet

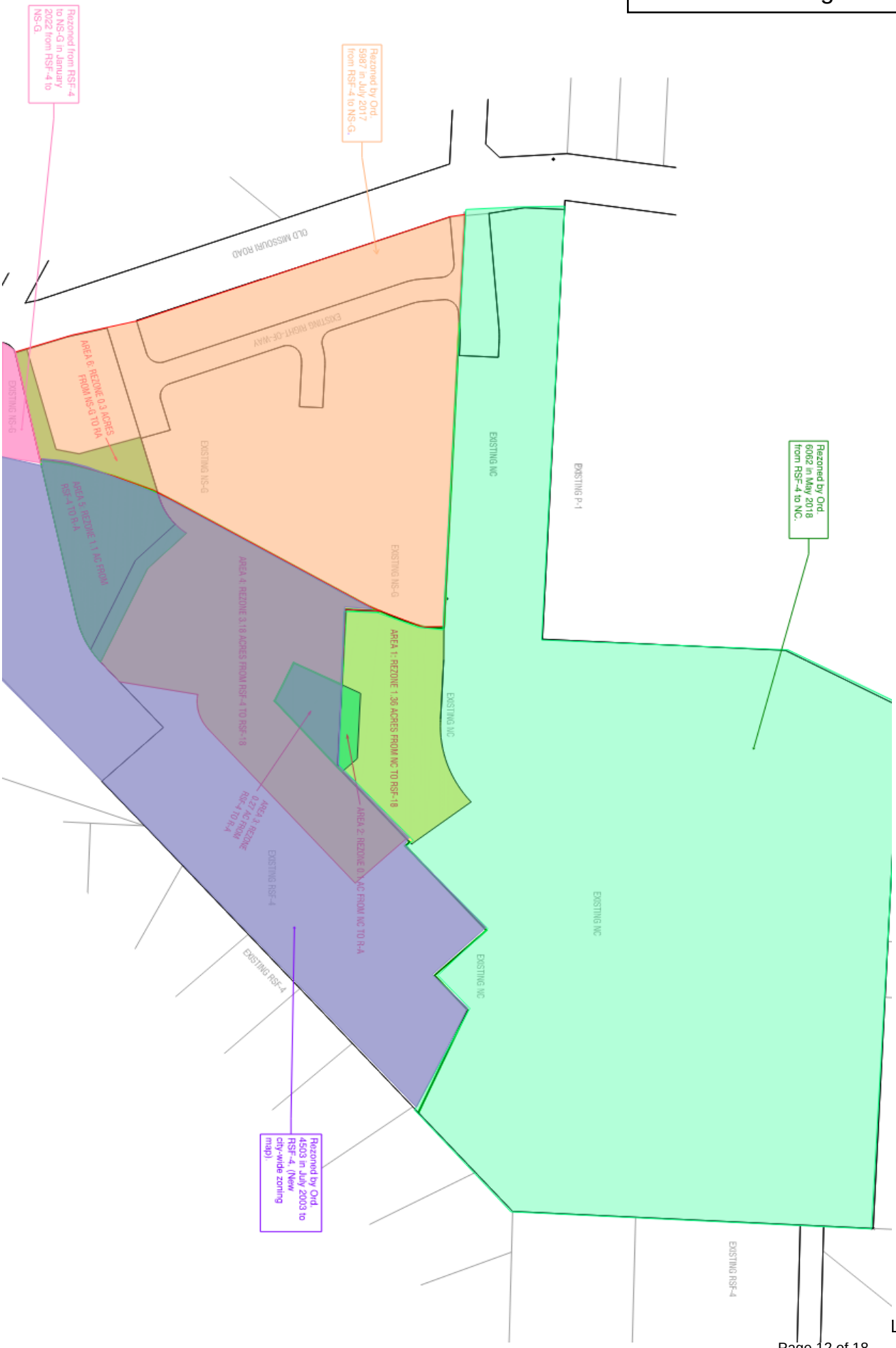
(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	45 feet

Exhibit: Rezoning History



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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

February 6, 2024

City of Fayetteville
Development Services
113 West Mountain Street
Fayetteville, AR 72703

CoF Job # RZN-2024-0001
J+A Job #2021161

Attn: Planning
Re: Stage Station RZN

To whom it may concern;

Please accept this request for a rezoning of a small portion of the new a development known as Stage Station located off of Old Missouri Road and behind the Butterfield Elementary School. Since the inception of this project, the goal has been to provide a variety of housing options for the market. The development team is making good progress on the first phase and as we move into more detailed design work for phase 2, we have found that it would be beneficial to rezone a portion of the existing NC and existing RSF-4 to RSF-18. In addition we are proposing to rezone the platted and planned tree preservation areas to R-A. We feel that this rezoning will have a positive impact to the layout as the development transitions from west to east. The RSF-18 will allow us to create a pocket community just east of the abandoned 36" water main and will create more variety of housing types in this overall planned community.

We look forward to working with the city to make this a successful project.

Sincerely;

Jorgensen + Associates

JORGENSEN +ASSOCIATES
Civil Engineering · Surveying · Contracted Labor
124 W. Sunbridge Drive, Suite 5
Fayetteville, AR 72703
(479) 443-7970 · Fax (479) 443-7971

LEGEND

PROJECT DETAILS

PROJECT TITLE:
STAGE STATION
PHASE 2

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 2.6.24
DRAWN BY: PMM
PROJECT #2021161
FILE PATH: Z:\SUBS\2021161\STAGE-SUBD
SHEET SIZE: 22" x 34"
SCALE: 1" = 100'

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 725
ARKANSAS – ENGINEER

SHEET TITLE

REZONING EXHIBIT

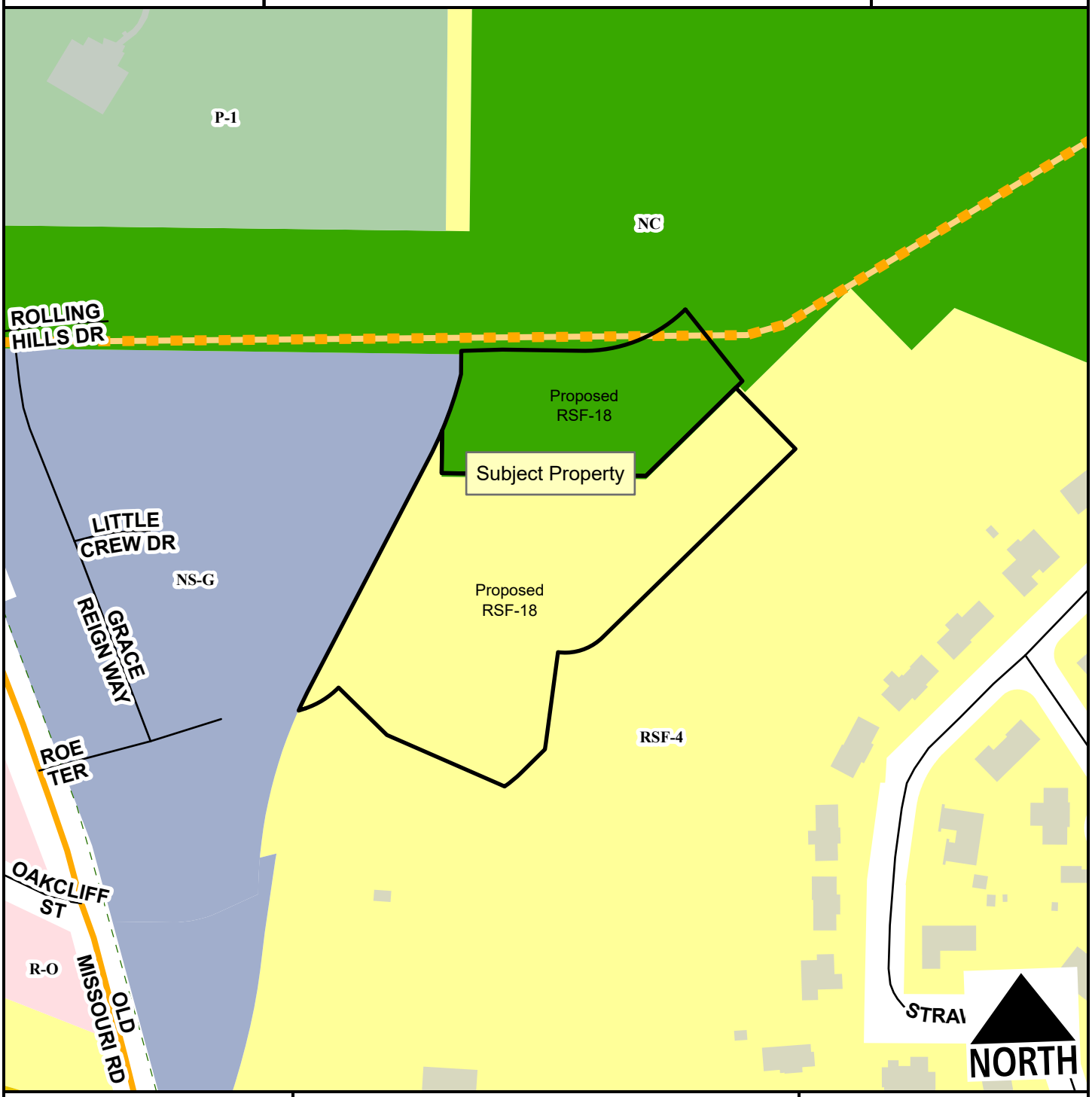
SHEET NUMBER

C1.01

RZN-2024-0001

Close Up View

3006 N. OLD MISSOUR RD



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

Feet

0 75 150 300 450 600

1:2,400

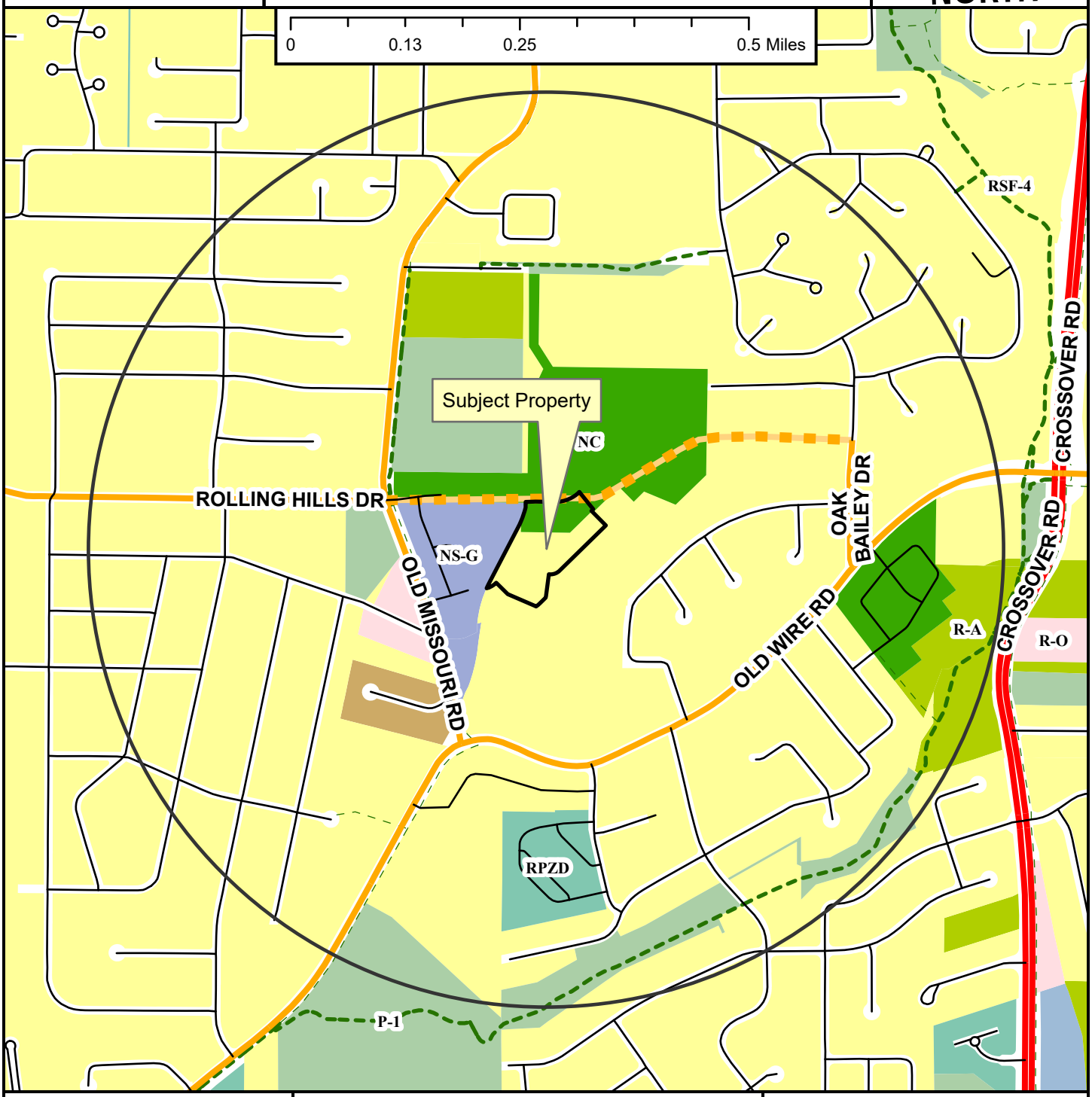
Zone	Current	Proposed
NC	1.5	0.0
NS-G	0.0	0.0
RSF-18	0.0	5.1
RSF-4	3.6	0.0
Total	**5.1 ac**	

RZN-2024-0001

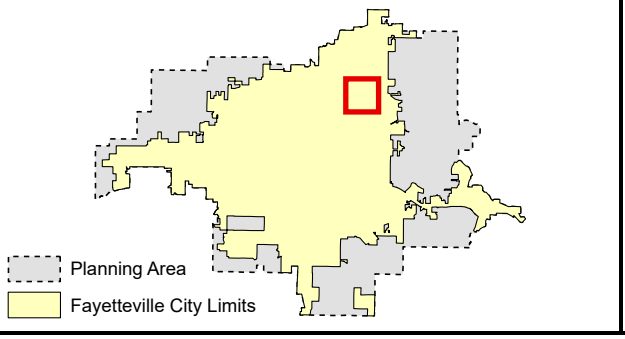
One Mile View

3006 N. OLD MISSOUR RD

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0001

Current Land Use

3006 N. OLD MISSOUR RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

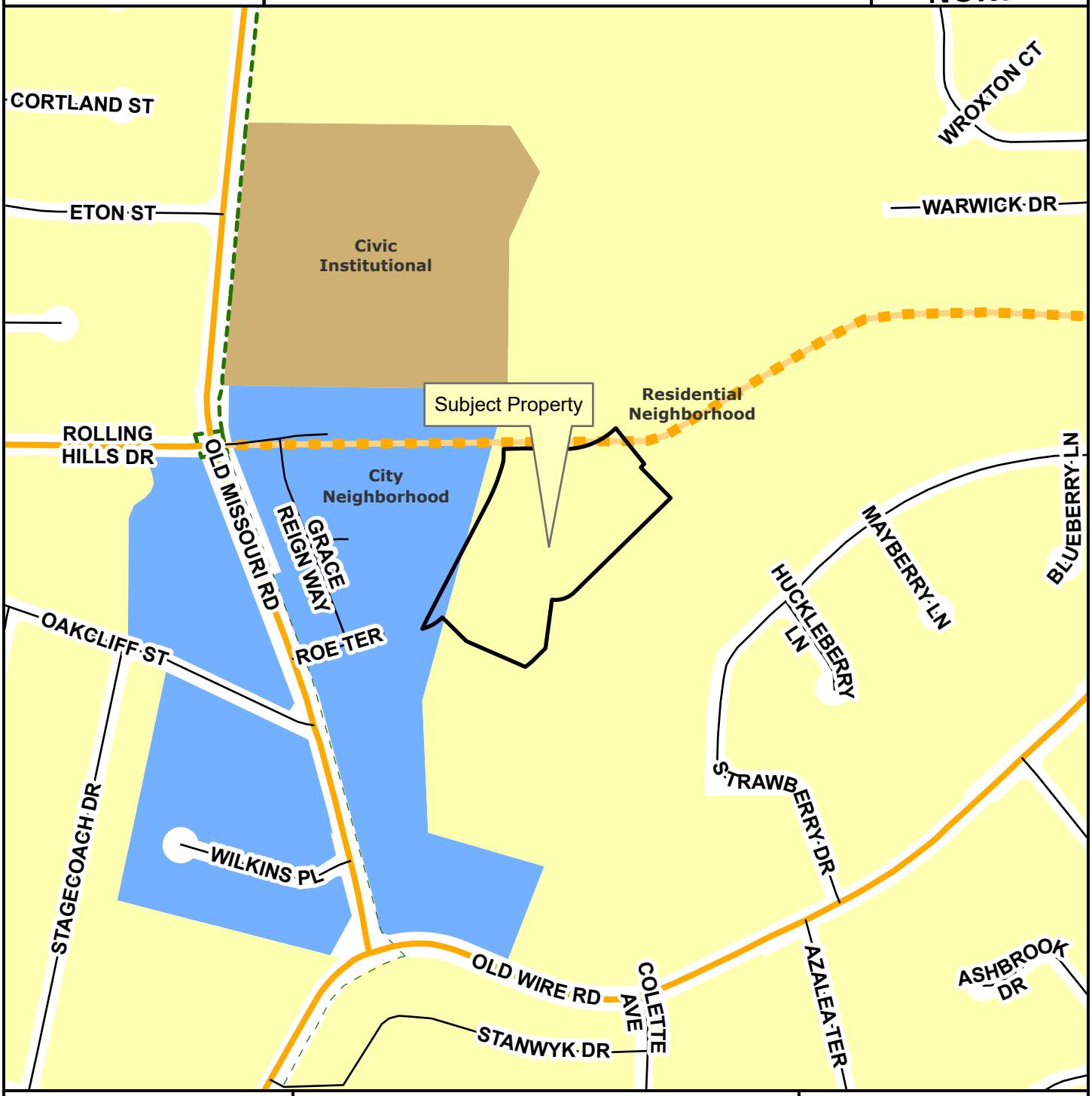
- 100-Year Floodplain
- Floodway

RZN-2024-0001

Future Land Use

3006 N. OLD MISSOUR RD

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: February 26, 2024

SUBJECT: **CUP-2023-0168: Conditional Use Permit (353 N. SAINT CHARLES AVE./BALL, 484):** Submitted by KATHY BALL for property located at 353 N. SAINT CHARLES AVE. The property is zoned NC, NEIHGBORHOOD CONSERVATION and contains approximately 0.06 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0168** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0168**, determining:*

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

BACKGROUND:
The subject property is located one lot south of Lafayette Street on the west side of Saint Charles Avenue. The property contains one parcel totaling 0.06 acres which is currently developed with a 782-square-foot, one-bedroom, single-family home which was built in 1936. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation
South	Commercial	NC, Neighborhood Conservation
East	Commercial	MSC, Main Street/Center
West	Single-Family Residential	NC, Neighborhood Conservation

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a city-wide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: To date, staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0168** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*

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

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

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

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

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

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

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;

9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and

10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION: Required YES

Date: February 26, 2024 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. **Authority; Conditions.** The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in NC zoning.**

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 Business Regulations §118.01(E)(2) to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing short-term rentals, as follows:**

§163.18. SHORT-TERM RENTALS.

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

Finding: **The request is to operate a Type 2 short-term rental in NC zoning. Since NC is a residential zoning district, a conditional use permit is required.**

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

Finding: **The property contains one bedroom which would limit occupancy to a maximum of four guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.**

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

Finding: **Parking for single-family dwellings is required to be provided at a rate of two spaces per unit and up to four vehicles are permitted to be parked outdoors at any given time. The applicant has indicated that there is space to park two vehicles on site in an existing driveway. On-street parking also appears to be available along Lafayette Street and Saint Charles Avenue.**

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

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

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

Finding: **The application is for use of the property at 353 N. Saint Charles Ave. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

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

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of February 22, 2024, the City had issued 454 Type 2 short-term rental business licenses and 19 remain in the queue for processing. An additional 21 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.**

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

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

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

1. Adequate parking infrastructure;

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

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

4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. Two off-street parking spaces are available for guests on site and on-street parking is available nearby. City records indicate that 29 other units within a quarter-mile radius of the property have an active Type 2 short-term rental business license, and no zoning or code violations have been reported on this property. Given the high concentration of units**

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

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

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

Finding: **A paved driveway with access onto Saint Charles Avenue is available to accommodate vehicular ingress and egress to the subject property. Staff finds that the proposal to use the property as a short-term rental would not**

adversely affect vehicular traffic flows considering the use of the property would be limited to a maximum of four guests which would not be out of character with the use of the property for residential purposes.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: **A total of two off-street parking spaces are available in a paved driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes to utilize existing residential trash cart services. Staff recommends a condition confirming that the containers are stored in a location that is screened from public view when not placed at the curb for pick-up.**

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

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

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

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

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

Finding: **Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein.**

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

Finding: **Based on the applicant's submittal, the house on the property is a nonconforming structure that does not meet relevant setbacks. Nonconforming structures are permitted to exist so long as the nonconforming portion of the structure is not enlarged in volume, area, or footprint.**

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

Finding: **Staff finds the proposed use to be generally compatible with surrounding properties. The subject property is in a residential neighborhood in close proximity to nonresidential uses and has adequate parking to accommodate the number of permitted guests. There are 29 other licensed Type 2 short-term rentals within a quarter-mile radius. Out of the estimated 760 housing units in this high-density area, the 29 short-term rental properties occupy only 3.8% of the housing stock and there are no other ones operating on the same block as the subject property.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §161.29 Neighborhood Conservation
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- Site Plan
- Building Floor Plan
- Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible

by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

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

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

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

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

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

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

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

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

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

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

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

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

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

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

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

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

1) Adequate parking infrastructure;

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

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

4) Prior zoning or code violations

353 N Saint Charles Ave., Fayetteville, AR 72701

2. The survey and legal description is attached.

3. I am applying for a conditional use permit from the City of Fayetteville for a short term rental for property that I have owned since 2009. I lived in this house while attending college and for several years after that until I started working as a travel nurse. Since then I have lived there off and on while still working as a travel nurse. I would like to use it as a short term rental type 2

3a. The house is a small shotgun style house, 782 square feet with a large front room with a sectional sofa that can make a bed, a Kitchen and Bath in the center and a large bedroom in the back with a washer and dryer. 3e. There are front and rear entrances with outdoor lighting at both doors. The back/ bedroom door opens to a small deck that has some partial cover and is attached to a small shed that also provides outdoor lighting. The shed is newer and is only used for storage. It will not be part of the short term rental.

3b. N/A

3c. There is a gravel drive that provides 2 full size parking spaces (stacked) with additional room for bikes.

3d. There are no operating hours or employees.

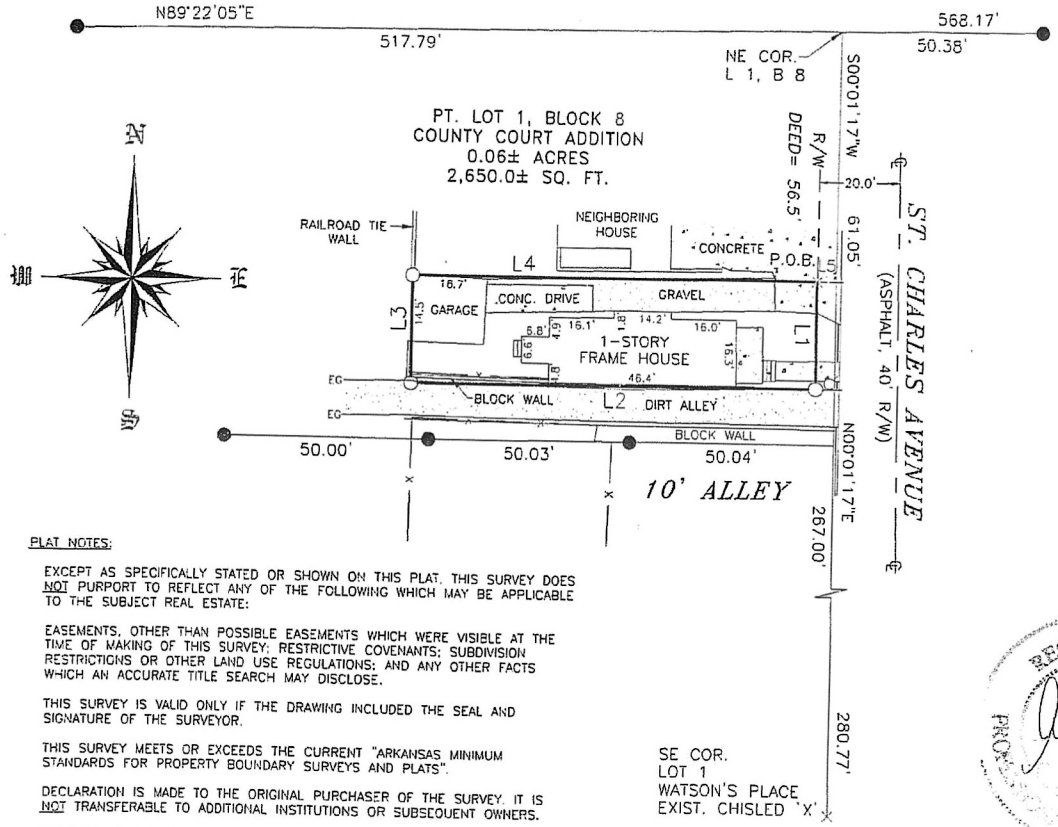
3f. 3g. 3j. The house will be used for short-term rental stays for 1-3 people. There is one TV in the front room, so noise levels should be minimal. The house is located between Dickson and Lafayette on the West side of the street. The house is surrounded by business and commercial properties. There is a hair salon on the south side separated by an alley, and to the south of that is an apartment house. There is an office building on the north side which corners Lafayette. Across St Charles is another office building facing Lafayette and south of that is the Methodist Church parking garage and directly south of that is the US Post Office. I believe this is the only single-family home on St. Charles. There is a small area of other similar small homes to the West between St. Charles and Rollston

3h. Trash and recycling receptacles are on the south/front corner and easily pulled to the street for pick up.

3i. The house is easily accessible from Dickson St. or Lafayette St.

6. is attached

4,5,7. N/A



SURVEY DESCRIPTION

A PART LOT NUMBERED ONE (1) IN BLOCK NUMBERED EIGHT (8) OF THE COUNTY COURT ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT ONE (1); THENCE S00°01'17"W 61.05 FEET (DEED=56.5 FEET) ALONG THE EAST LINE OF SAID LOT ONE (1) TO A POINT; THENCE S89°57'22"W 4.64 FEET TO A CHISELED 'X' ON THE WEST RIGHT-OF-WAY LINE OF ST. CHARLES AVENUE FOR THE TRUE POINT OF BEGINNING, SAID POINT BEING TWENTY (20) WEST OF THE CENTERLINE OF SAID STREET; THENCE S00°01'17"W 26.50 FEET TO A SET 1/2" IRON REBAR ON THE APPARENT NORTH LINE OF AN EXISTING GRAVEL ALLEY; THENCE LEAVING THE WEST RIGHT-OF-WAY LINE OF SAID STREET, S89°57'22"W 100.00 FEET TO A SET 1/2" IRON REBAR ON THE APPARENT NORTH LINE OF SAID ALLEY; THENCE LEAVING SAID ALLEY, N00°01'17"E 26.50 FEET TO A SET 1/2" IRON REBAR AT THE NORTHWEST CORNER OF AN EXISTING GARAGE; THENCE N89°57'22"E 100.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2650.0 SQUARE FEET, MORE OR LESS.

PLAT NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

● EXISTING IRON REBAR
○ SET 1/2" IRON REBAR
ø POWER POLE
× CHISLED "X"
— · — CENTERLINE ROAD
— — — — RIGHT-OF-WAY LINE
—— × —— FENCE LINE
——— PROPERTY LINE

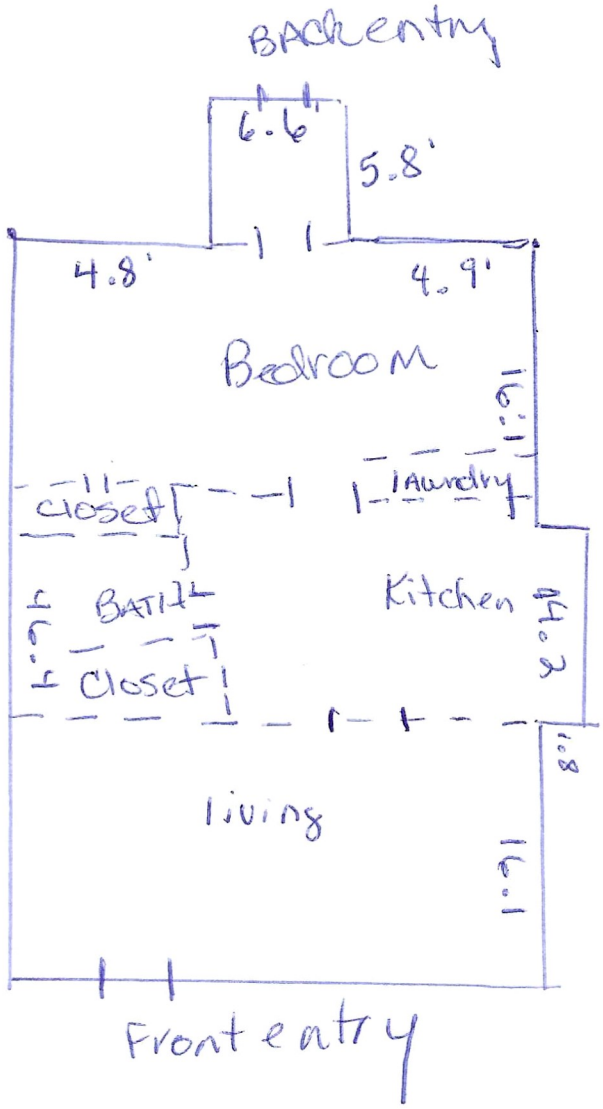
0' 30' 60' 90'

LINE	BEARING	DISTANCE
L1	S00°01'17"W	26.50'
L2	S89°57'22"W	100.00'
L3	N00°01'17"E	26.50'
L4	N89°57'22"E	100.00'
L5	S89°57'22"W	4.64'

Alan Reid & Associates
118 South College Avenue
Fayetteville, Arkansas 72701
(479) 444-8784

DATE: 08/24/09	REVISED:	PROJECT NO.
SCALE: 1"=30'	DRAWN BY: JCC	09174

KATHY BALL



353 St. Charles

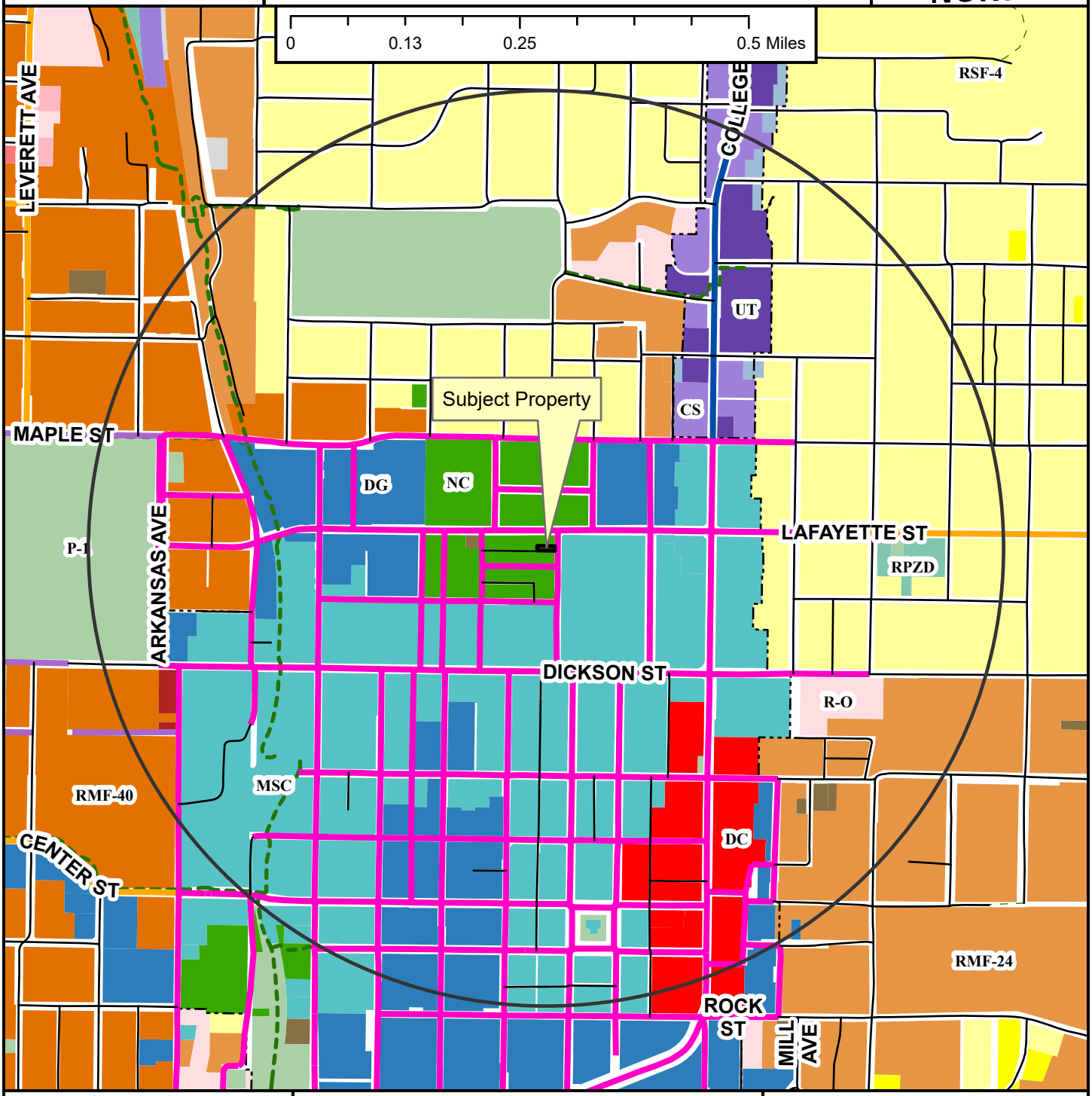
353

CUP-2023-0168

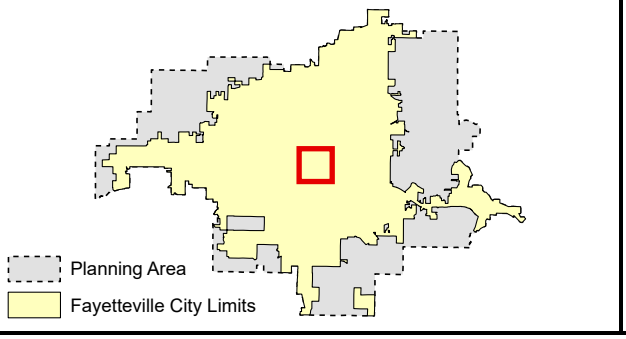
One Mile View

353 N. SAINT CHARLES AVE

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

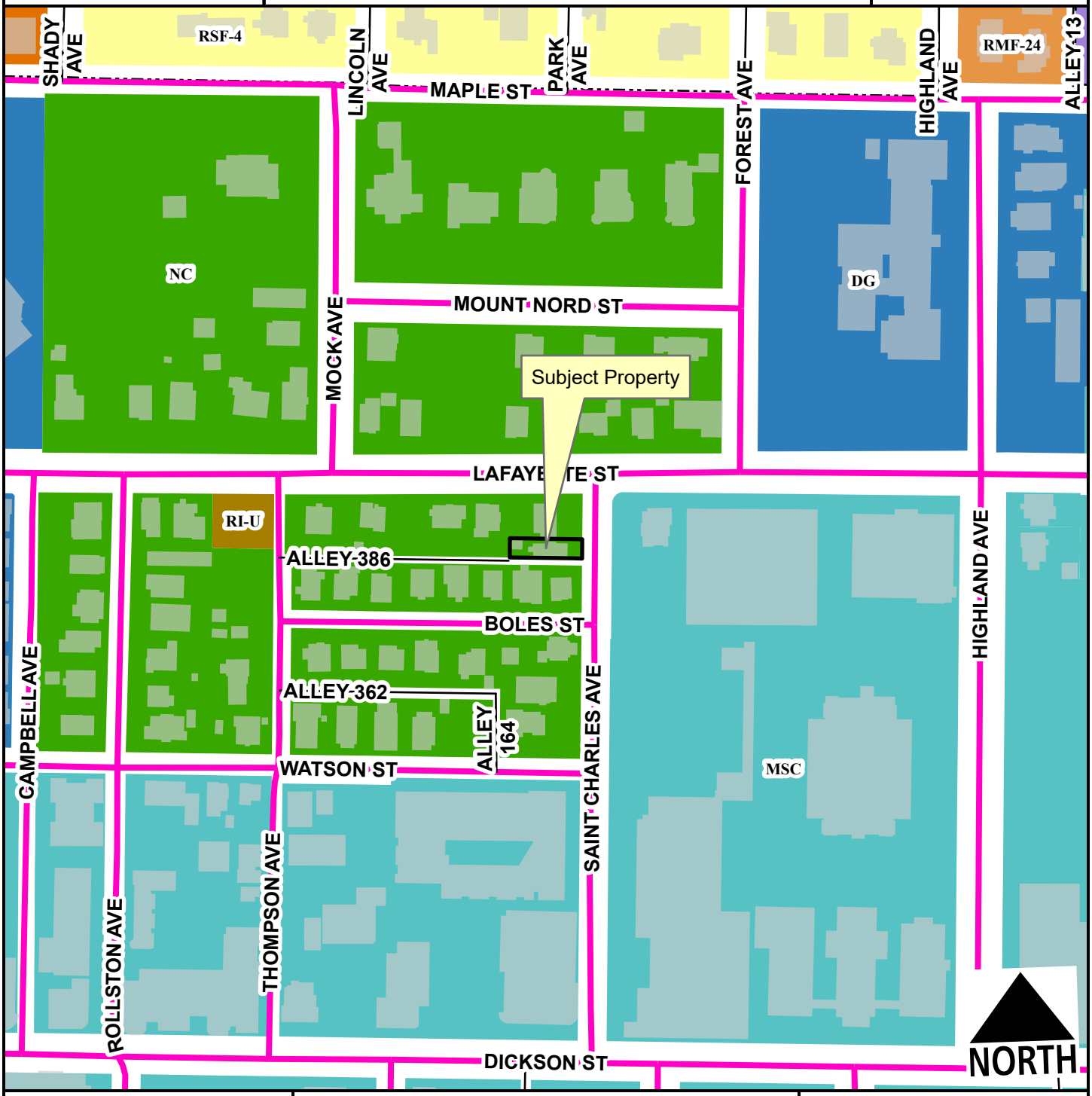
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0168

Close Up View

353 N. SAINT CHARLES AVE



Urban Center
Alley
Residential Link
Planning Area
Fayetteville City Limits
Design Overlay District

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

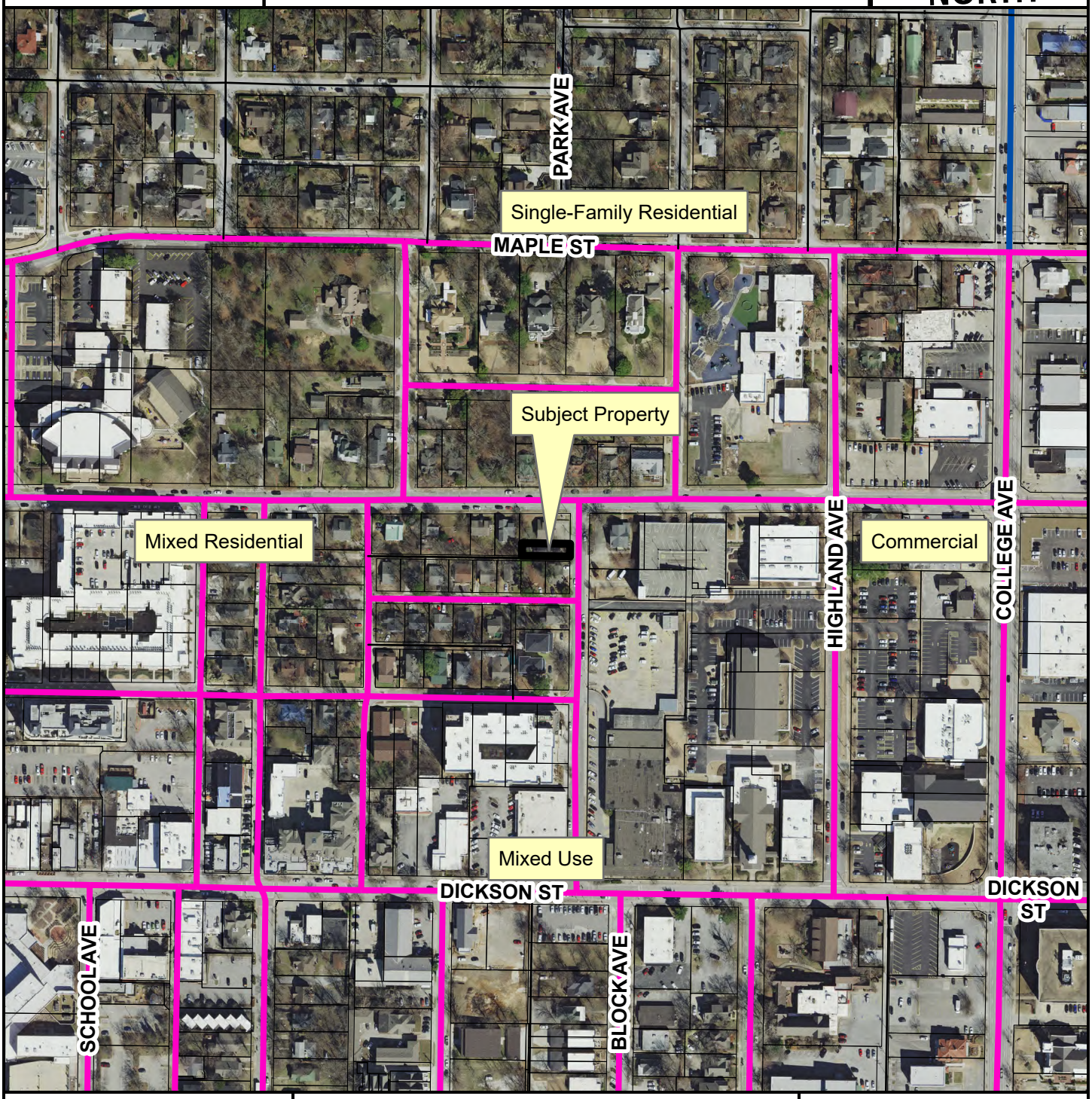
RSF-4
RI-U
RMF-24
RMF-40
Main Street Center
Downtown General
Community Services
Neighborhood Conservation

CUP-2023-0168

Current Land Use

353 N. SAINT CHARLES AVE

NORTH



Regional Link - High Activity
Urban Center
Alley
Residential Link
Planning Area
Fayetteville City Limits
Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

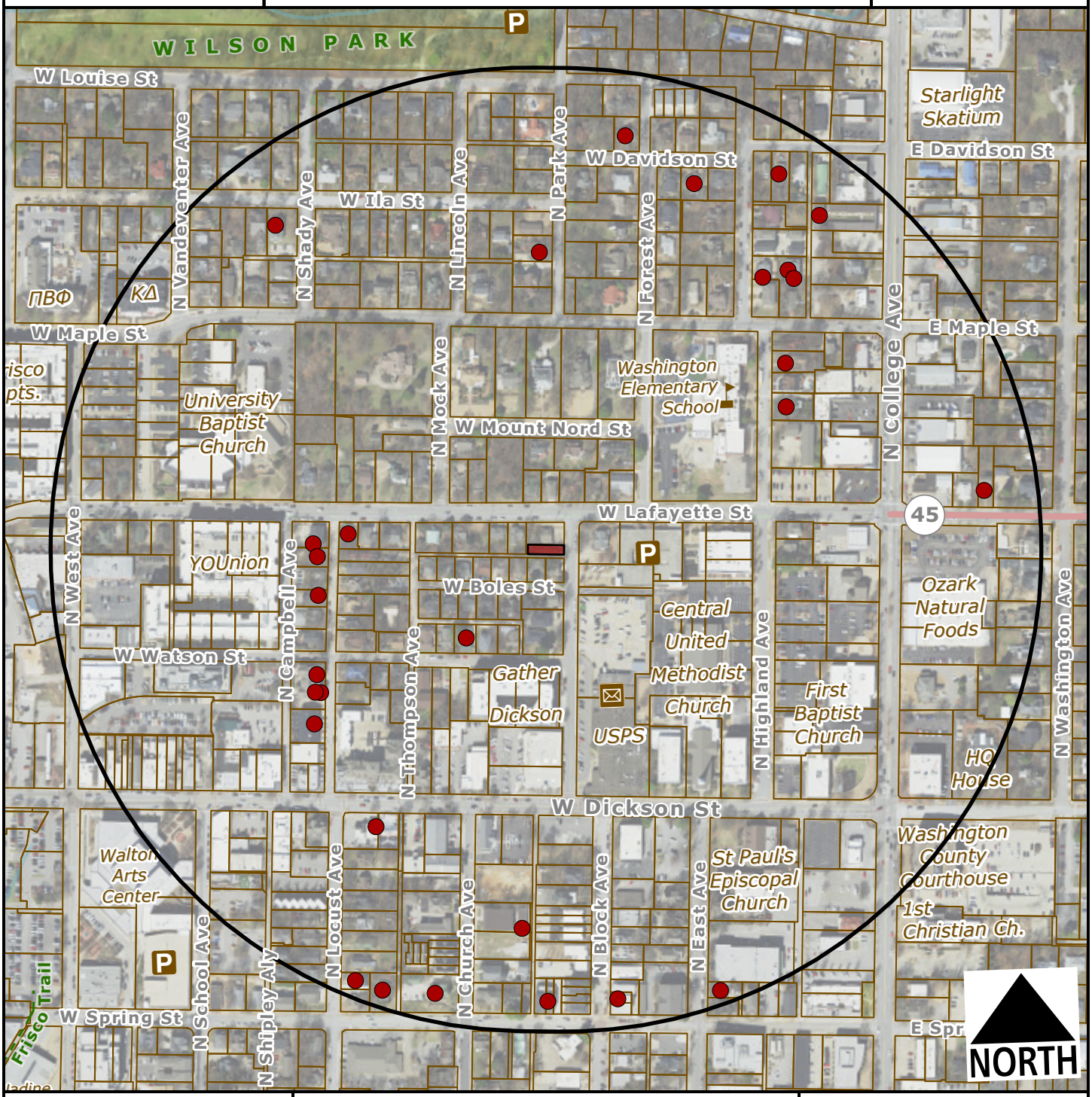
FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CUP-2023-0168

STRs Within 1/4 Mile

353 N. SAINT CHARLES AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 29

Occupiable Residential Addresses (Estimated Housing Units): 760

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: February 26, 2024

SUBJECT: **CUP-2023-0169: Conditional Use Permit (1960 E. WILKINS PL./AWAN, 253):** Submitted by STEPHANIE STRACK INTERIORS for property located at 1960 W. WILKINS PL. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0169** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0169**, determining:*

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

BACKGROUND:
The subject property is located northwest of the intersection of Old Missouri Road and Old Wire Road. It contains one parcel on the north side of Wilkins Place which contains about 0.20 acres and is developed with a duplex that was built in 1988. This request is associated with one unit in that duplex which totals approximately 1,220 square feet and contains two bedrooms. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	First Church of the Nazarene	RSF-4, Residential Single-Family, Four Units per Acre R-O, Residential-Office
South	Two-Family Residential	RI-12, Residential Intermediate, Twelve Units per Acre
East	Two-Family Residential	RI-12, Residential Intermediate, Twelve Units per Acre
West	Two-Family Residential	RI-12, Residential Intermediate, Twelve Units per Acre

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

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

Type 2 short-term rentals are subject to density limitations, including a city-wide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: To date, staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0169** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*

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

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

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

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

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

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

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;

9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and

10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: February 26, 2024	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. **Authority; Conditions.** The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RI-12 zoning.**

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 Business Regulations §118.01(E)(2) to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing short-term rentals, as follows:**

§163.18. SHORT-TERM RENTALS.

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

Finding: **The request is to operate a Type 2 short-term rental in RI-12 zoning. Since RI-12 is a residential zoning district, a conditional use permit is required.**

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

Finding: **The property contains a total of two bedrooms which would limit occupancy to a maximum of six guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.**

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

Finding: **Parking for two-family dwellings is required to be provided at a rate of two spaces per unit. The applicant indicated that there is space to park two vehicles on site in an existing driveway adjacent to this unit. On-street parking also appears to be available along Wilkins Place.**

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

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

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

Finding: **The application is for use of the property at 1960 E. Wilkins Pl. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

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

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of February 22, 2024, the City had issued 454 Type 2 short-term rental business licenses and 19 remain in the queue for processing. An additional 21 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.**

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

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

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

1. Adequate parking infrastructure;

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

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

4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. Two off-street parking spaces are available for guests on site and on-street parking is available nearby. City records indicate that only two other units within a quarter-mile radius of the property have an active Type 2 short-term rental business license, and no zoning or code violations have been reported on this property.**

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

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

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

Finding: **A paved driveway with access onto Wilkins Place is available to accommodate vehicular ingress and egress to the subject property. Staff finds that the proposal to use one unit on the property as a short-term rental would not adversely affect vehicular traffic flows considering the use would be limited to a maximum of six guests which would not be out of character with the use of the unit for residential purposes.**

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: **A total of two off-street parking spaces are available in a paved driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes to utilize existing residential trash cart services. Staff recommends a condition confirming that the containers are stored in a location that is screened from public view when not placed at the curb for pick-up.**

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

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

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

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

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

Finding: **Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein.**

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

Finding: **Based on the applicant's submittal, the house appears to be meeting relevant setbacks.**

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

Finding: **Staff finds the proposed use to be compatible with surrounding properties. The property is in a residential subdivision and there are only two other licensed Type 2 short-term rental within a quarter-mile radius. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible

by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

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

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

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

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

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

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

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

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

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

161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

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

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

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

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

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

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

1) Adequate parking infrastructure;

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

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

4) Prior zoning or code violations

City of Fayetteville
Conditional Use Permit

1. Payment made in full
2. Residential multi-family, 6 units per acre, 1960 E. Wilkins Plc
3. We are applying for a conditional use permit from the city of Fayetteville for a property that we purchased in order to obtain a short term rental Type 2 permit. We will not be residing in the residence. The property will be used for a nightly rental.

- a) Unit 1160 is 1220 square feet.
- b) The unit is 1 floor. There is a kitchen and living space, 2 bedrooms, 2 bathrooms. Attached pictures of the property will be at the end of this document.
- c) For unit 1160 there is 2 parking space in front of the unit.
- d) The unit will not have operating hours or employees. It will be in use whenever it is being rented. There will be a cleaning provider that will come in before and after bookings.

Zoya will self manage the unit for the time being so she can stay when she comes to town. The unit can hold 2 guests per room and 2 guest on the sleeper sofa for a total of 6 guests.

- e) Outdoor lighting-There is an exterior light at the front of the door. There are also exterior lights that light up the entrance walkway on the exterior of the building and all the buildings next to it.
- f) The property will be used for short stays of 1-6people so the noise level should be
- h) Trash pick up on Fridays. There is a can provided that sits on the side of the home.

j) The use of the property as a nightly rental is very common in this location. Some of the neighboring units are also used as short term rentals.

4) The site plan drawn to scale of the property including structures dimensioned from the overhang to the property line, parking, driveway, and Master Street Plan right-of-way will be attached at the end of this document. The property is zoned in an Urban Area so according to the Master Street Plan the right of way is a minimum of 39 ft and a maximum of 63 ft.

5) The preliminary floor plan drawn to scale showing walls, doors windows and identification of activity areas will be attached at the end of this document.

6) A copy of the county parcel map from the Washington County Assessor's office website will be attached at the end of this document. The pictures show the subject property and all parcels within 200 feet.

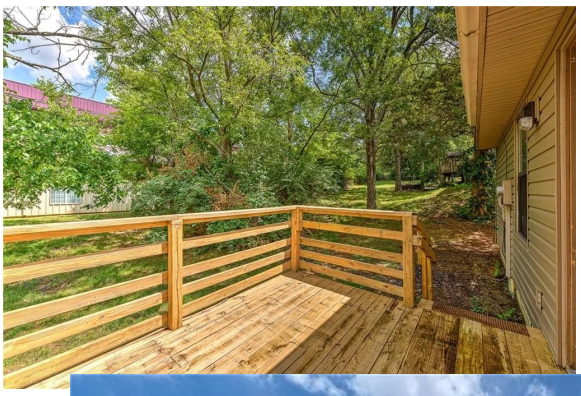
7) The consent of ownership form signed by both property owners is attached as a separate
document.

SEE NEXT PAGES FOR IMAGES

3.b Elevations of all exterior sides of the structure

1958 1960

Back of 1960



Side of 1960

Back of 1958

Side of 1958

3.c Parking- Each unit has a driveway that can fit 2 cars.

3.g- Screen or buffering from other properties. There is 10-15ft between our units and the neighbors. As you can see in the image above.

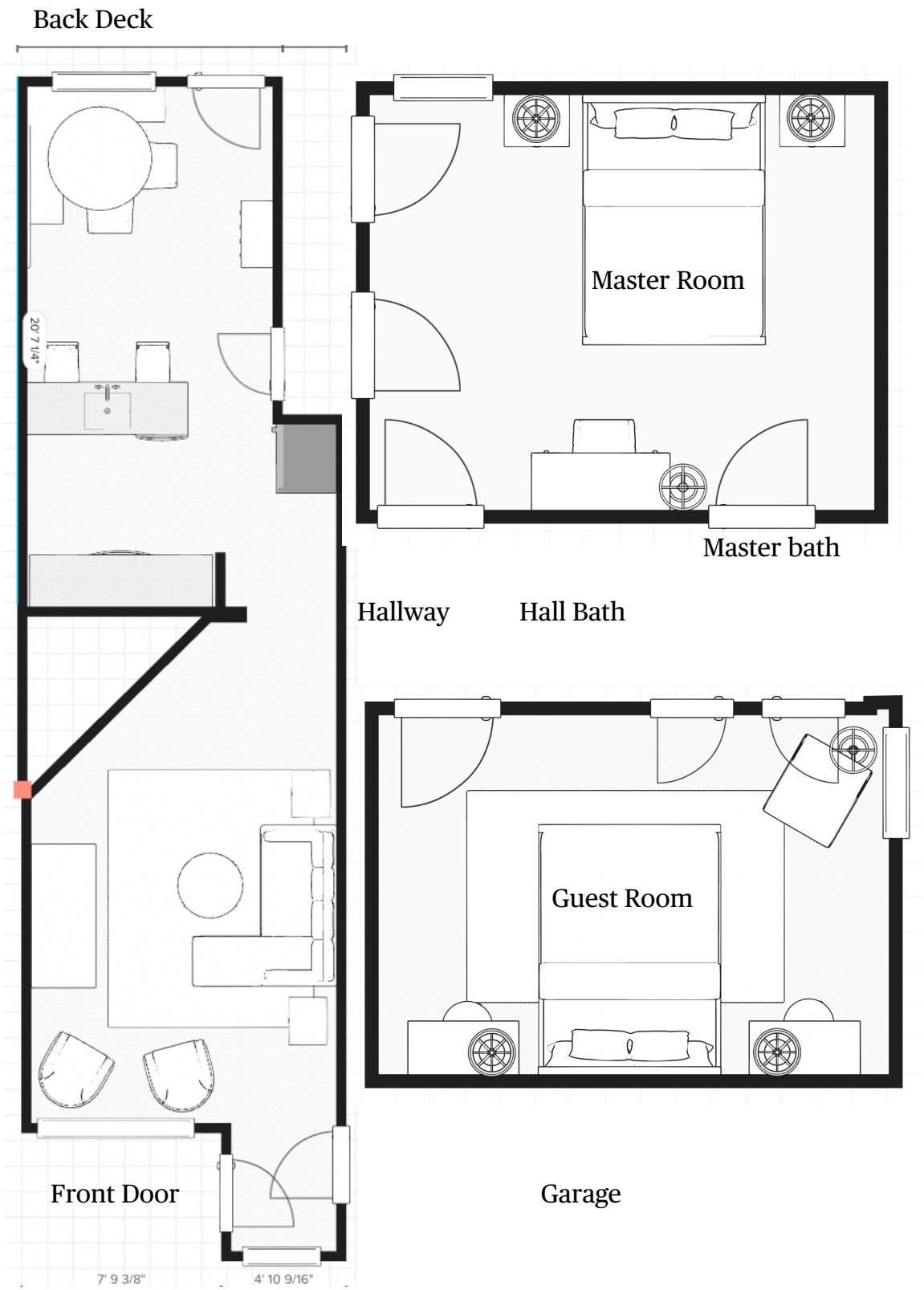
3.i- Ingress and egress to the property

4. Site Plan

The link doesn't work. I don't know how to get this map. Please advise.

4. Copy of Right-of-Way- There are side walks as you can see in the image above that run in front of the property and connect with Old Missouri Rd.

5. Interior Images


Back Deck
20' 7 1/4"
Master Room
Master bath
Hallway
Hall Bath
Guest Room
Front Door
Garage
7' 9 3/8"
4' 10 9/16"

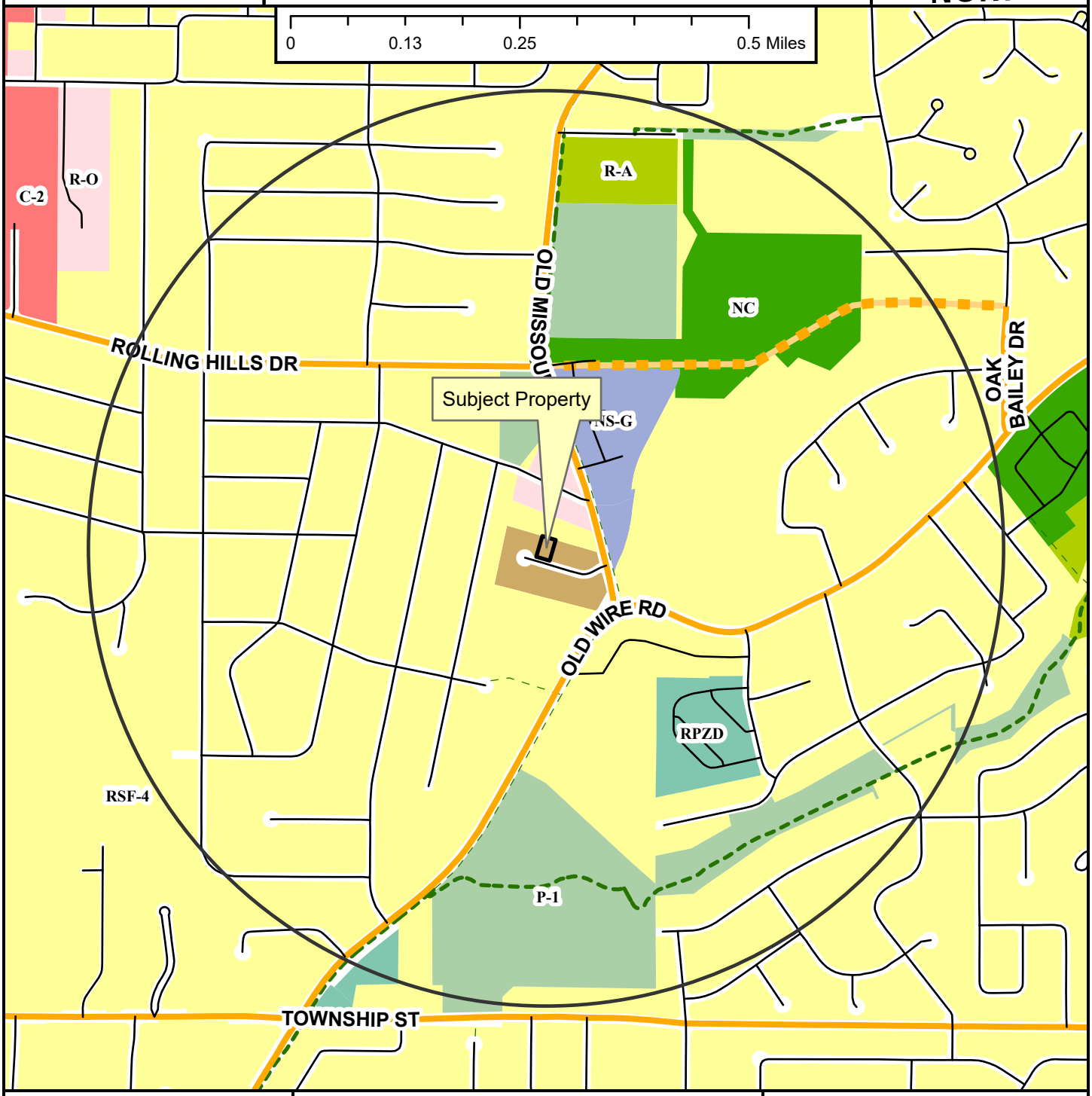
6. County Parcel showing 200ft.

CUP-2023-0169

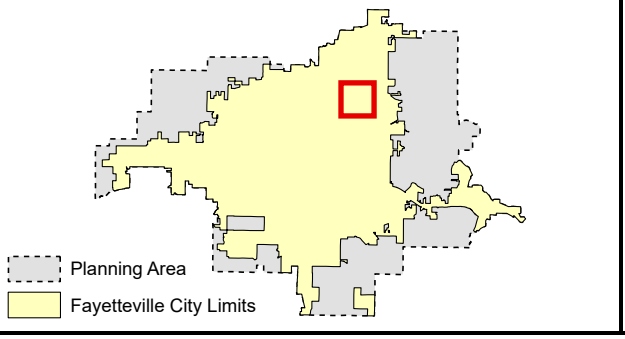
One Mile View

1960 E. WILKINS PL

NORTH



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



Zoning

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

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

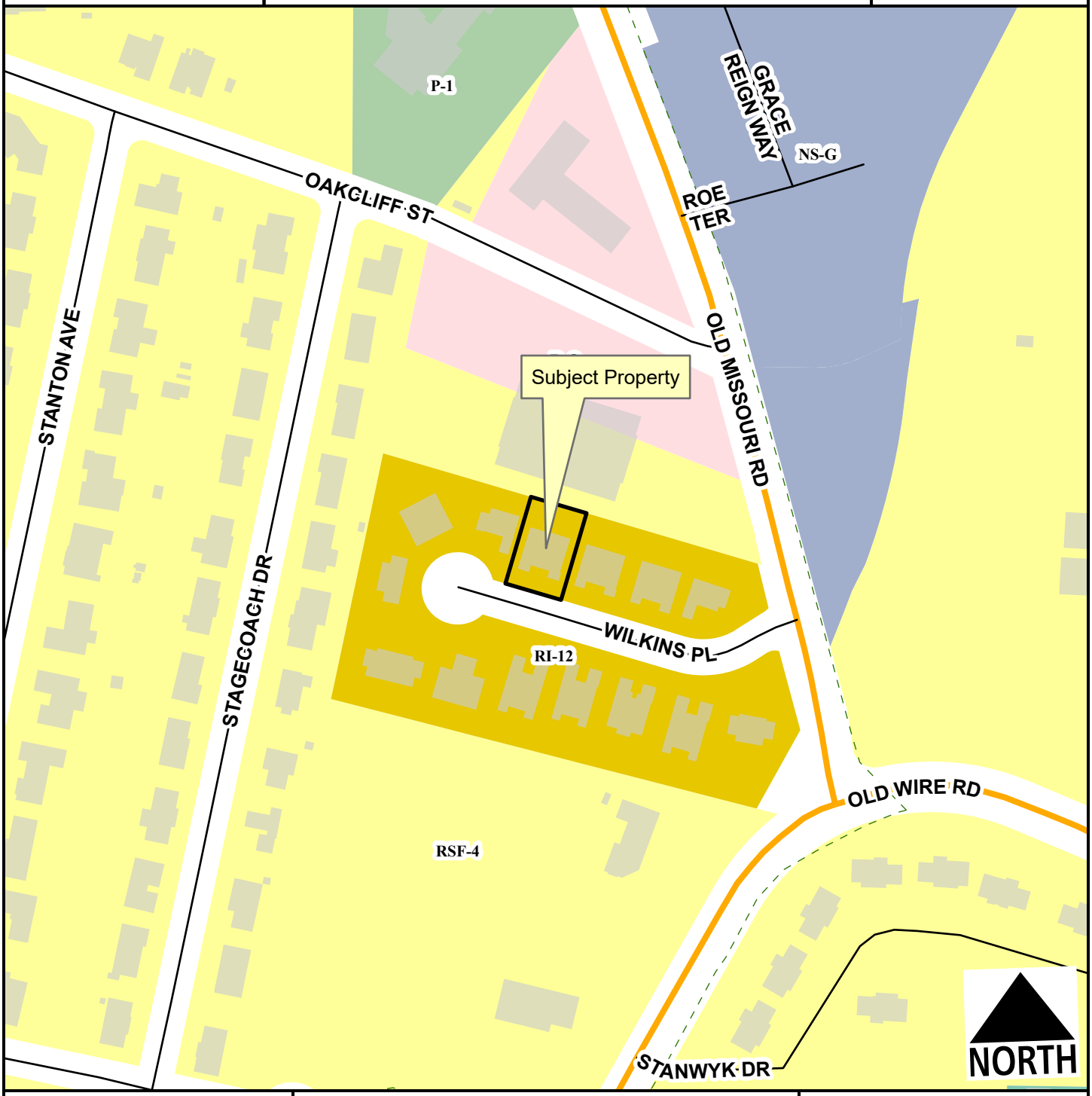
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0169

Close Up View

1960 E. WILKINS PL



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

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

RSF-4
RI-12
Residential-Office
Neighborhood Services - Gen.
Commercial, Industrial, Residential
P-1

CUP-2023-0169

Current Land Use

1960 E. WILKINS PL

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway