

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, March 21, 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 March 11, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. VAR-2024-0013: Planning Commission Variance (6691 E. HAHNDO LN/KELLAR, 651):

Submitted by CHRIS KELLAR for property located at 6691 E. HAHNDO LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 28.79 acres. The request is for a variance to street frontage requirements. - Gretchen Harrison, Senior Planner

3. CCP-2024-0001: Concurrent Plat (2205 E. BUFFALO BND/RIVERSIDE VILLAGE PH 1.2, 683):

Submitted by CRAFTON TULL for property located at 2205 E. BUFFALO BND. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 38.50 acres. The request is for the concurrent plat of 25 residential lots. - Jessica Masters, Development Review Manager

4. CCP-2024-0002: Concurrent Plat (SOUTH OF 2801 W. MCMILLAN DR/MARINONI INC & PAM ANGUS LTD, 441):

Submitted by CRAFTON TULL for property located SOUTH OF 2801 W. MCMILLAN DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 25.65 acres. The request is for the concurrent plat of two mixed-use lots. - Jessica Masters, Development Review Manager

Unfinished Business**5. 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, FEBRUARY 12, 2024,

AND FEBRUARY 26, 2024 PLANNING COMMISSION MEETINGS. - Kylee Cole, Planner

6. RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR/LEGACY VENTURES NWA, INC., 397):

Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

THIS ITEM WAS TABLED AT THE MARCH 11, 2024 PLANNING COMMISSION MEETING. - Donna Wonsower, Planner

New Business

7. ADM-2024-0010: Administrative Item (251 W. 19TH ST/NEW BEGINNINGS NWA, 601):

Submitted by JURNI DESIGN GROUP for property located at 251 W. 19TH ST. The property is split-zoned C-1, NEIGHBORHOOD COMMERCIAL and C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.80 acres. The request is to expand an existing conditional use permit for a campground facility. - Kylee Cole, Planner

8. VAR-2024-0009: Planning Commission Variance (NORTHWEST OF W. DRAKE ST & N. GREGG AVE/DRAKE FARMS, 249):

Submitted by ECOLOGICAL DESIGN GROUP for property located at NORTHWEST OF W. DRAKE ST & N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 49.13 acres. The request is for a variance from the master street plan. - Gretchen Harrison, Senior Planner

9. VAR-2024-0011: Planning Commission Variance (3420 W. MOUNT COMFORT RD/THE GODDARD SCHOOL, 323):

Submitted by BATES & ASSOCIATES for property located at 3420 W. MOUNT COMFORT RD. The property is zoned CS, COMMUNITY SERVICES and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.95 acres. The request is for a variance to parking lot requirements and nonresidential design standards. - Gretchen Harrison, Senior Planner

10. VAR-2024-0014: Planning Commission Variance (4486 W. GLACIER ST/AIDEN'S PLACE LOT 12, 282):

Submitted by D R HORTON HOMES for property located at 4486 W. GLACIER

ST. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.15 acres. The request is for a variance to typical driveway length requirements. - Jessica Masters, Development Review Manager

11. VAR-2024-0015: Planning Commission Variance (3128 E. COOLRIDGE ST/RIVERWALK PHASE 5 LOT 20, 684):

Submitted by D R HORTON HOMES for property located at 3128 E. COOLRIDGE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is for a variance to typical driveway length requirements. - Jessica Masters, Development Review Manager

12. CUP-2024-0007: Conditional Use Permit (45 N. MANHATTAN WAY/BATES, 477):

Submitted by KENNETH BATES for property located at 45 N. MANHATTAN WAY. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to use the residence as a short-term rental. - Kylee Cole, Planner

13. CUP-2024-0008: Conditional Use Permit (1518 W. CLEVELAND ST/KITSINGER, 443):

Submitted by ANTHONY KITSINGER for property located at 1518 W. CLEVELAND ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.20 acres. The request is to use the residence as a short-term rental. - Gretchen Harrison, Senior Planner

14. PZD-2024-0001: Planned Zoning District (3568 W. MOUNT COMFORT RD/HOLT VILLAGE, 323):

Submitted by FLINTLOCK LTD CO. for property located at 3568 W. MOUNT COMFORT RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approx. 6.09 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT. - Jessica Masters, Development Review Manager

15. RZN-2024-0011: Rezoning (VARIOUS EXPIRED PZD LOCATIONS/FAYETTEVILLE PLANNING STAFF):

Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned as PZD, PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts. - Donna Wonsower, Planner

Items Administratively Approved by Staff**16. LSP-2024-0002: Lot Split (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 to divide the property into two lots containing approximately 2.07 and 9.72 acres. - Gretchen Harrison, Senior Planner

17. LSP-2023-0071: Lot Split (NORTHWEST OF W. 15TH ST & S. DUNCAN AVE/JORICH INVESTMENTS, LLC, SOUTH DUNCAN DEVELOPMENT, 561):

Submitted by CRAFTON TULL for property located NORTHWEST OF W. 15TH ST & S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 3.19 acres. The request is to subdivide the property into 41 cluster housing lots. - Gretchen Harrison, Senior Planner

Agenda Session Items**Announcements****18. Planning Commissioner Officer Voting:**

Andrew Brink, Chair
Mary McGetrick, Vice Chair
Brad Payne, Secretary

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 your 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, Telecommunications 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, 03/11/2024			
Time:	5:30 PM					
Staff :	☐ Melissa Evans ☐ John Scott ☐ Jessie Masters ☐ Gretchen Harrison ☐ Donna Wonsower ☐ Kylee Cole					
	☐ Britin Bostick ☐ Sherry Smith ☐ Josh Boccaccio ☐ Melissa Boyd ☐ Fire Marshal/Andrew Horton ☐ Chris Brown ☐ Alan Pugh					
	Roll Call	1) Minutes (02-26-2024)	2) VAR-2024-0012 (TEAGUE)	3) VAR-2024-0008 (HOLT VOLTAGE)	4) CUP-2023-0192 (ROMAN)	5) CUP-2024-0004 (COCHRAN)
Sparkman	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Garlock	1	1	1	1	1	0
Madden	1	1	1	1	1	1
Payne	1	1	1	1	1	0
Gulley	1	1	1	1	1	0
Holcomb	1	1	1	1	1	1
Winston	1	1	1	1	1	1
McGetrick	0	1	1	Recuse	1	1
Agenda		Consent	Consent	New	New	New
Motion By		Garlock	Garlock	Brink	Gulley	Sparkman
Motion 2nd		Gulley	Gulley	Payne	Garlock	Winston
Vote		9-0-0	9-0-0	8-0-1	9-0-0	6-3-0
Action		Approve	Approve	Approve	Approve	Approve
Time		5:48 PM	5:48 PM	5:41 PM	5:52 PM	6:22 PM
Motion Detail				With all conditions as recommended by staff. Adding the term "enhanced" ahead of the pedestrian crosswalk.	With all conditions as recommended by staff. Ingress and egress may not be impeded to the property.	With all conditions as recommended by staff.
Public Comment		0	0	0	1	3

(pg. 2) Planning Commission		Monday, 03/11/2024				
	6) CUP-2024-0005 (WONNACOTT)	7) RZN-2024-0002 (APEX PROPERTY VENTURES)	8) RZN-2024-0003 (12TH STREET TOWNHOMES)	9) RZN-2024-0004 (PARADIGM DEVELOPMENT)	10) RZN-2024-0005 (L&F CONSTRUCTION)	11) RZN-2024-0006 (LEGACY VENTURES NWA INC)
Sparkman	1	0	1	1	1	1
Brink	1	1	1	1	1	1
Garlock	0	0	1	1	0	1
Madden	1	0	1	1	1	1
Payne	0	1	1	1	1	1
Gulley	1	0	1	1	1	1
Holcomb	1	1	1	1	1	1
Winston	1	0	1	1	1	1
McGetrick	1	0	1	1	1	1
Agenda	New	New	New	New	New	New
Motion By	Brink	Garlock	Brink	Sparkman	Brink	Brink
Motion 2nd	McGetrick	Sparkman	Payne	McGetrick	Madden	Payne
Vote	7-2-0	3-6-0	9-0-0	9-0-0	8-1-0	9-0-0
Action	Approve	Forward	Forward	Forward	Forward	Table
Time	6:45 PM	7:01 PM	7:11 PM	7:34 PM	7:45 PM	8:05 PM
Motion Detail	With all conditions as recommended by staff.	Motion to forward did not pass. Item was denied.	With a recommendation of approval.	With a recommendation of approval.	With a recommendation of approval.	Until the March 25, 2024, Planning Commission meeting.
Public Comment	2	0	0	5	0	1

(pg. 3) Planning Commission			Monday, 03/11/2024			
	12) RZN-2024-0008 (THE GODDARD SCHOOL)	13) ADM-2024-0008 (AMEND UDC CHAPTER 161.32-P-1 INSTITUTIONAL)	14) RZN-2024-0007 (CITY OF FAYETTEVILLE PARKS)			
Sparkman	1	1	1			
Brink	1	1	1			
Garlock	1	1	1			
Madden	1	1	1			
Payne	1	1	1			
Gulley	1	1	1			
Holcomb	1	1	1			
Winston	1	1	1			
McGetrick	1	1	1			
Agenda	New	New	New			
Motion By	Payne	Madden	Sparkman			
Motion 2nd	Brink	Garlock	Brink			
Vote	9-0-0	9-0-0	9-0-0			
Action	Forward	Forward	Forward			
Time	8:09 PM	8:23 PM	8:35 PM			
Motion Detail	With a recommendation of approval.	With a recommendation of approval.	With a recommendation of approval.			
Public Comment	0	1	0			



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 25, 2024

SUBJECT: **VAR-2024-0013: Planning Commission Variance (6691 E. HAHNDO LN./KELLAR, 651):** Submitted by CHRIS KELLAR for property located at 6691 E. HAHNDO LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 28.79 acres. The request is for a variance to street frontage requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0013** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0013**, 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 south of Lake Sequoyah and north of the Middle Fork of the White River, outside of Fayetteville city limits in unincorporated Washington County. The property is in the Fayetteville Planning Area and contains one parcel totaling 28.79 acres which has approximately 26 feet of street frontage onto East Hahndo Lane. A request to subdivide the property into two lots is currently under review by city staff (LSP-2024-0003). 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	Natural Area	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 23.72 and 5.07 acres, with neither lot having adequate frontage onto a public street. 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 23.72 and 5.07 acres, surrounding properties vary in size between 0.50 and 94.10 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 without 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. As a condition of approval, staff recommends that an access easement be dedicated on the subject property with the associated lot split so that both lots can retain access to Hahndo Lane.

RECOMMENDATION: Staff recommends approval of VAR-2024-0013 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,*
2. A 30-foot-wide access easement shall be dedicated as part of the associated lot split to ensure that each lot has access to Hahndo Lane, and
3. 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: March 25, 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)

February 20, 2024

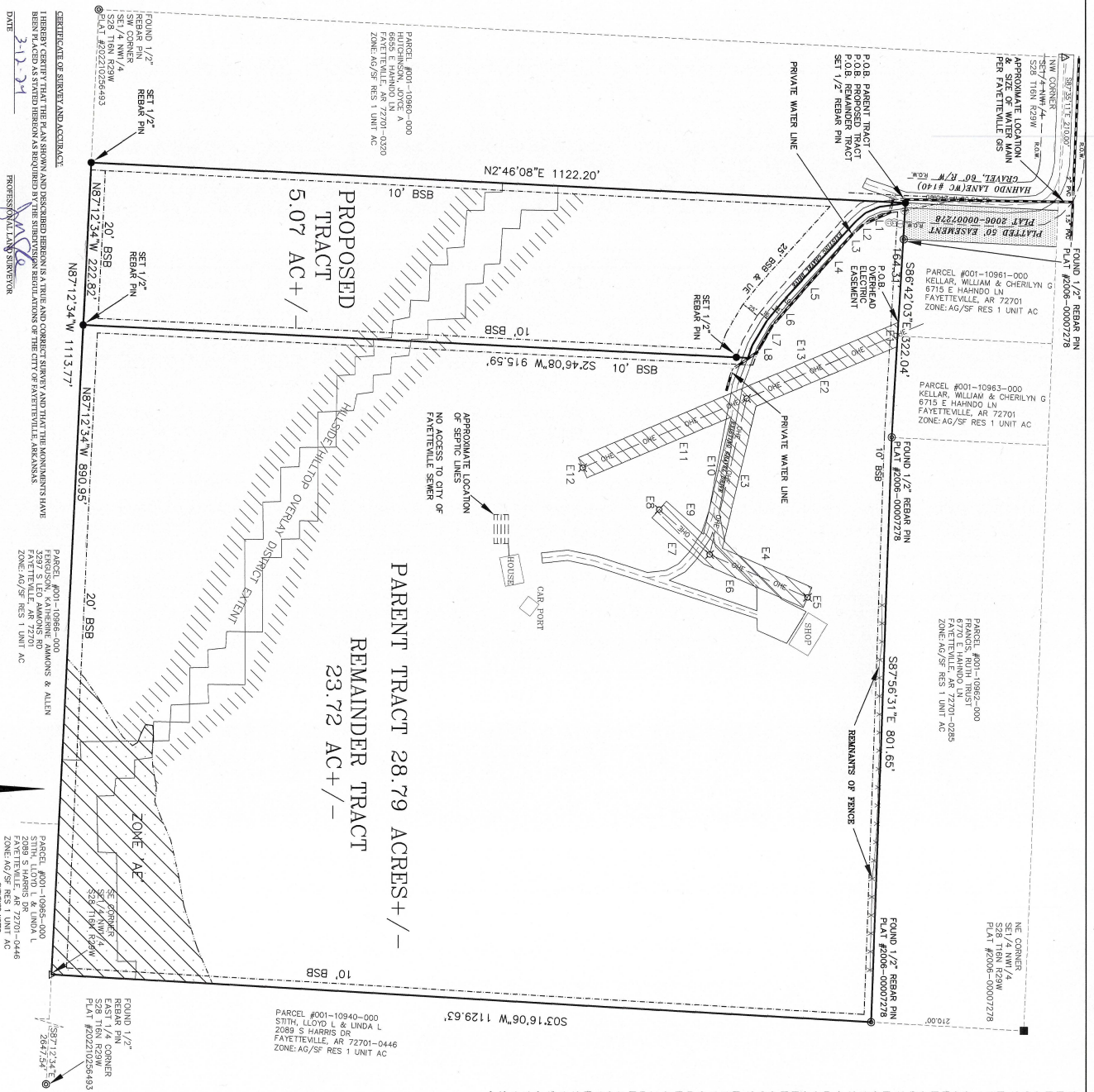
To Whom It May Concern:

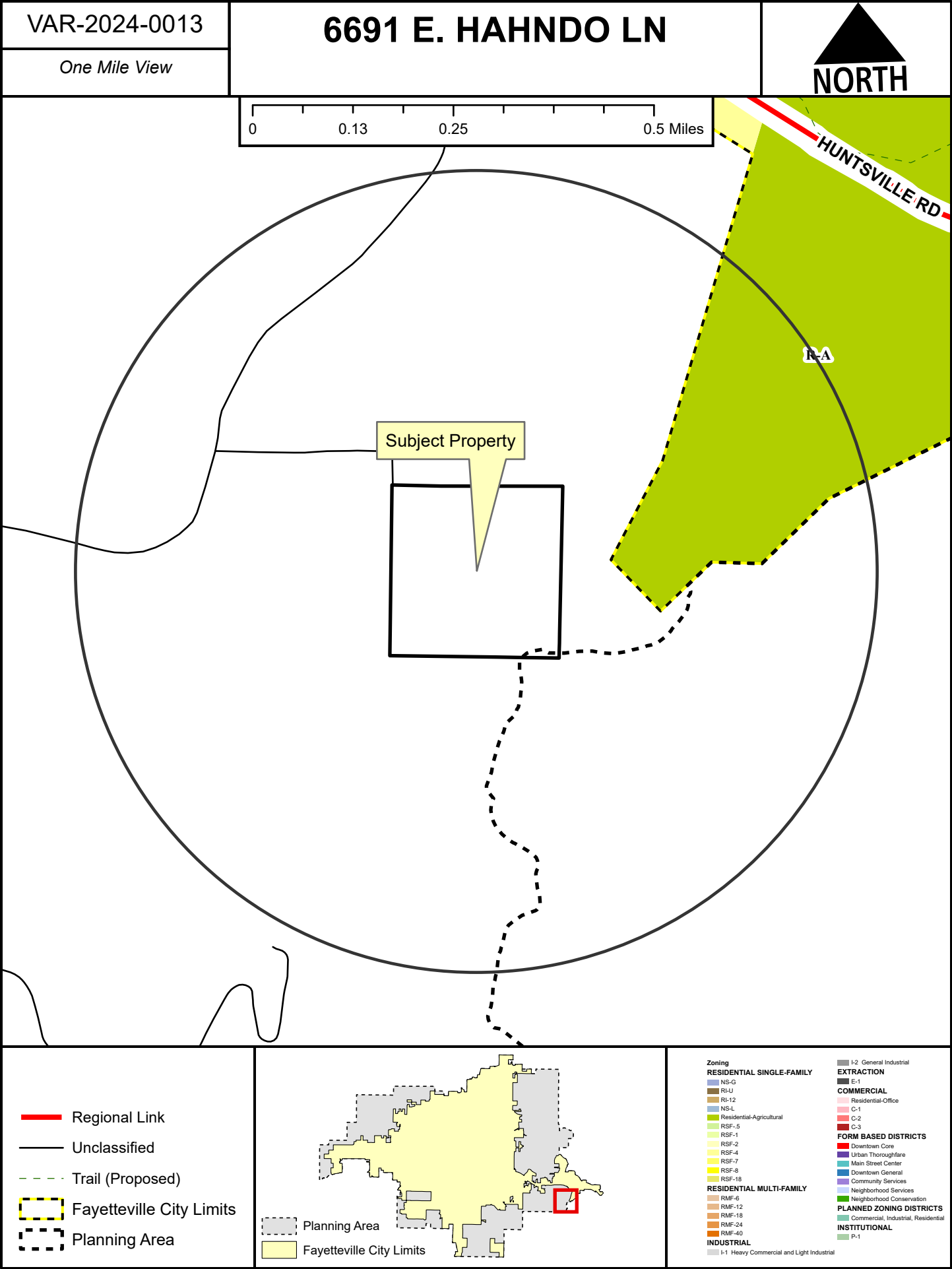
We, Chris and Chanel Kellar, request a variance code 166.05 (A)(3) needed because the lot split from the parent lot does not reflect having public road access because survey split the drive. Both property owners, the owners of the new lot and the parent lot, will share the driveway that is currently being used.

Sincerely,

Chris Kellar

Chanel Kellar

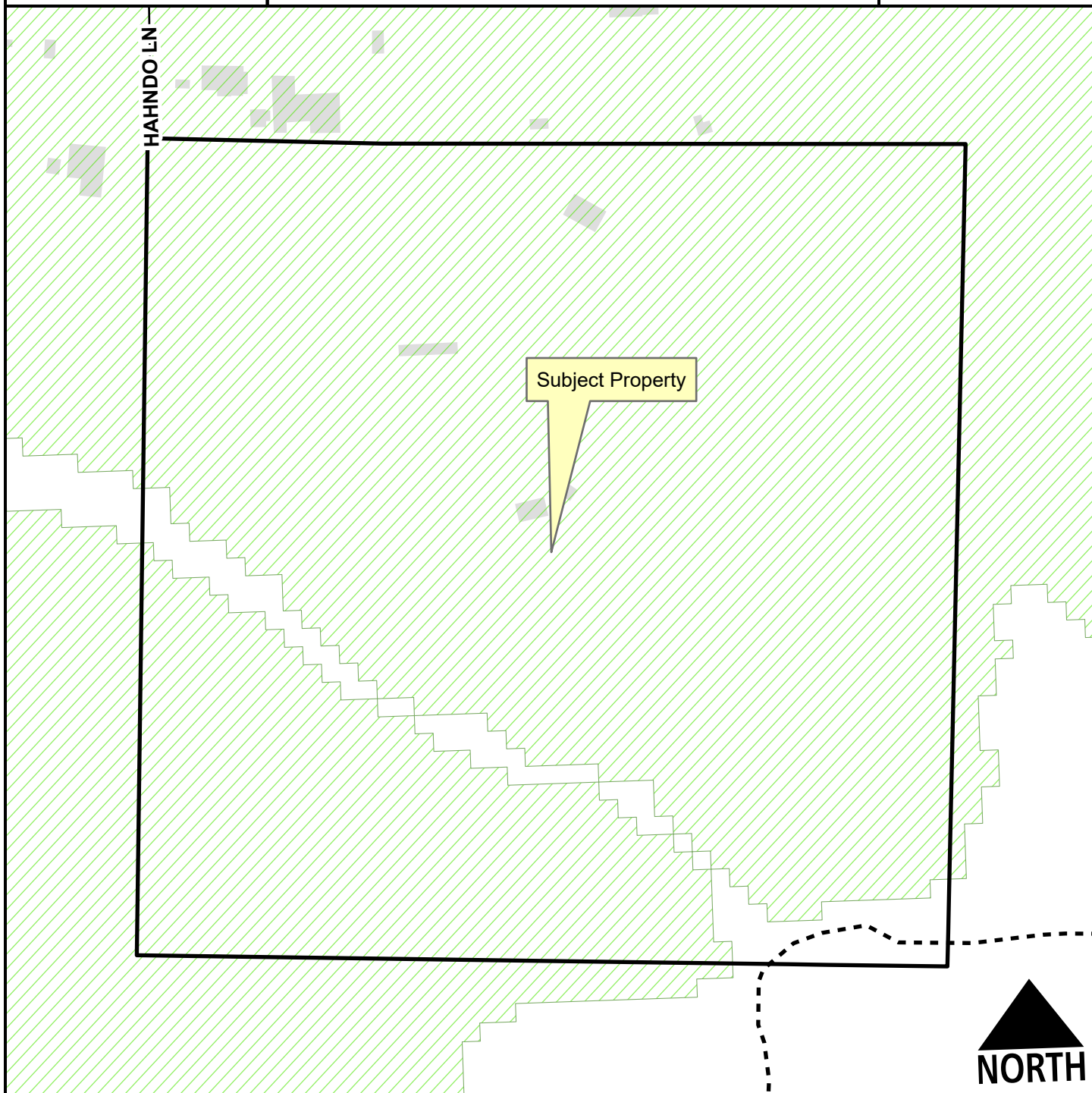
[illegible]



VAR-2024-0013

6691 E. HAHNDO LN

Close Up View



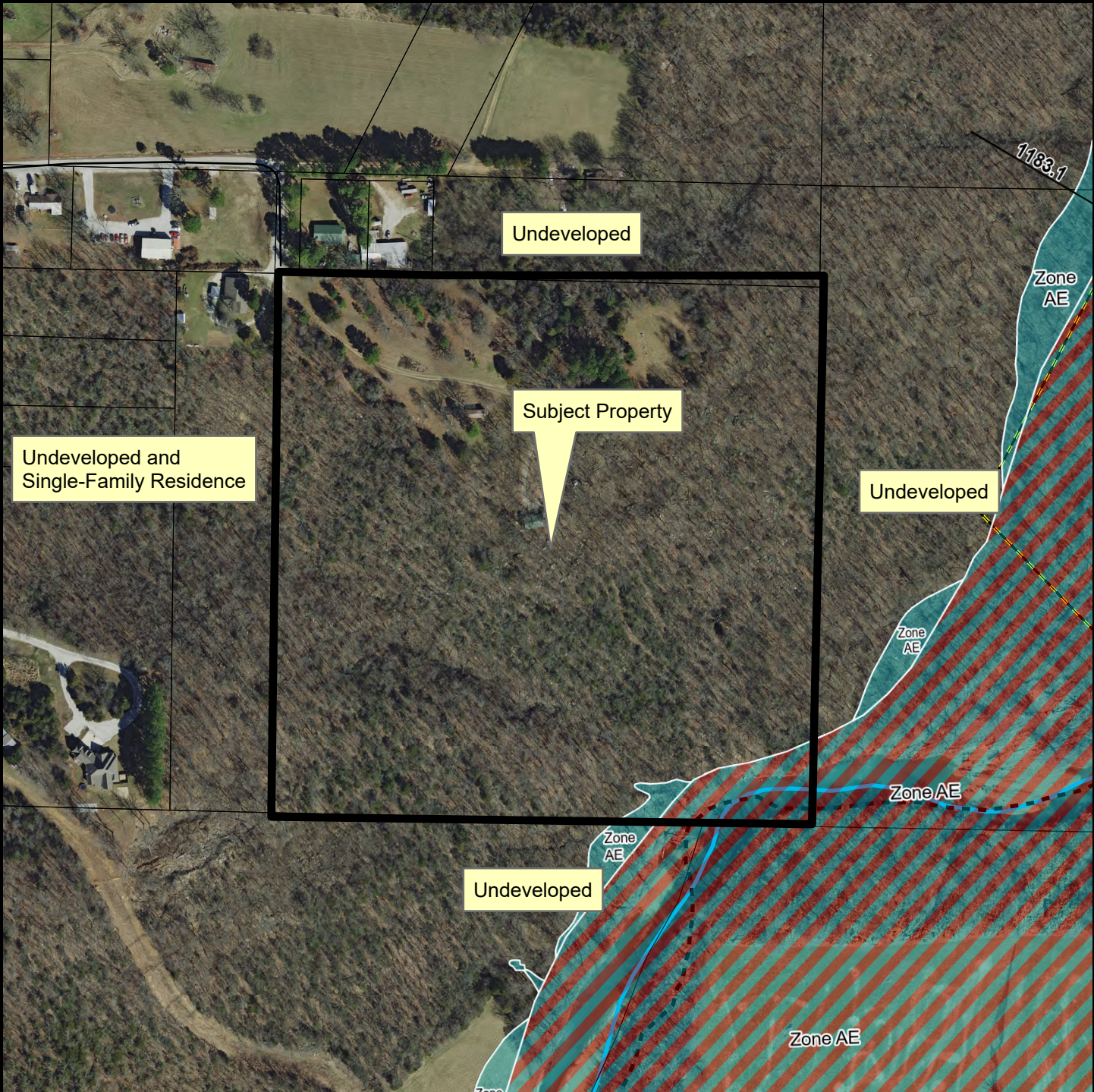
— Unclassified
Hillside-Hilltop Overlay District
--- Planning Area

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

VAR-2024-0013
<i>Current Land Use</i>

Current Land Use

6691 E. HAHNDO LN



 Unclassified
 Planning Area
 Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

 100-Year Floodplain
 Floodway



TO: Fayetteville Planning Commission

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

MEETING: March 25, 2024

SUBJECT: **CCP-2024-0001: Concurrent Plat (2205 E. BUFFALO BND/RIVERSIDE VILLAGE PH 1.2, 683):** Submitted by CRAFTON TULL for property located at 2205 E. BUFFALO BND. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 38.50 acres. The request is for the concurrent plat of 25 residential lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2024-0001** with conditions.

RECOMMENDED MOTION: *"I move to approve CCP-2024-0001, recommending:*

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

BACKGROUND:

The subject property is in south Fayetteville off S. Black Oak Road and is the site of the Riverside Village residential development. The property was annexed into the City limits and rezoned as a Planned Zoning District in 2021. A large-scale development was approved in 2022. As a portion of a larger, 94.00 acre site, this area contains approximately 38.50 acres, and represents the platting of the first phase of the approved large-scale development. A concurrent plat for Phase 1.1. was approved by the Planning Commission on January 22, 2024. An unnamed protected tributary of the West Fork White River is present in the northeast quadrant of the property. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Superior Industries Combs Park	I-2, General Industrial P-1, Institutional
South	Undeveloped	Washington County
East	Undeveloped	Washington County
West	Undeveloped	Washington County

Proposal: The applicant intends to plat 25 residential lots, or the second half of the first phase of the Riverside Village subdivision. No variances are being requested with this proposal.

Water and Sewer System: The applicant has installed water mains to provide necessary domestic water and fire protection for the subdivision. Sewer mains have been installed to provide sewer service. Drainage infrastructure has been installed that meets the 4 Minimum Standards outlined

in the Drainage Criteria Manual. No additional water or sewer infrastructure is required to be extended to this site.

Right-of-way to be dedicated:

S. Black Oak Road: S. Black Oak Road is designated as a Neighborhood Link Street per the Master Street Plan. Planning Commission required right-of-way dedication in the amount of 33.5 feet from street centerline to accommodate this street classification, in line with the original large-scale development proposal.

Internal Streets (Buffalo Bend, Ouachita Drive, E. War Eagle Drive): Planning Commission required 52-feet of right-of-way dedication in line with the typical Residential Link Street classification from the Master Street Plan for these proposed internal streets. These are the only internal streets being platted at this time.

Internal Alleys (E. Illinois Alley): Staff is recommending 20 feet of right-of-way to meet the Master Street Plan standard cross-section for residential alleys for S. Saline Alley. Planning Commission required this with the associated large-scale development.

Street Improvements: Staff does not recommend any additional street improvements in association with this request. Planning Commission required standard Master Street Plan improvements and approved a proposed 90-degree parking variance for spaces shown on Buffalo Street.

Tree Preservation: N/A; tree preservation requirements were met with the initial large-scale development. No additional tree preservation is required.

Parkland Fees: N/A; parkland dedication requirements were met with the initial large-scale development. The applicant dedicated 2.44 acres of land, which is equivalent to 106 single-family lots. Only 25 residential lots are being platted with this phase of development, and 0.58 acres of land dedication have been accommodated to meet this requirement.

Public Comment: Staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends approval of CCP-2024-0001, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Right-of-way to be dedicated with concurrent plat in alignment with large-scale development approval.*
2. **Planning Commission determination of street improvements.** *No additional street improvements required.*
3. All remaining comments from City divisions, whether Urban Forestry, Fire, or Engineering shall be addressed prior to Planning Commission.

Standard conditions of approval:

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

5. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).
6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

PLANNING COMMISSION ACTION

☐ Tabled ☐ Denied ☐ Approved

Meeting Date: March 25, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Urban Forestry Memos
- Parks Memo
- Conditions of Approval – LSD-2022-0008
- Applicant Cover Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Taylor Lindley, P.E., Crafton Tull
From: Melissa Evans, Urban Forestry
CC: Jessie Masters, Development Review Manager
Meeting Date: February 28, 2024
Subject: CCP-2024-0001: Riverside Village Ph. 1.2: 2205 E. Buffalo Bend

1. General Landscape Plan Checklist	Yes	No	N/A
a. Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03A7g, 177.04B3a</i>	X		
b. Species of plant material identified <i>UDC Chapter 177.03A7d,e</i>	X		
c. Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03A7b,c</i>	X		
d. Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e. Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f. LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g. Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h. Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i. Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2e</i>	X		

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

c.	Tree Island (8' min. width, 18.7' min length OR 150 square feet) <i>UDC Chapter 177.04C</i>	X		
d.	Placement of Trees (either side at entrances and exits) <i>UDC Chapter 177.04C2</i>			X
3. Perimeter Landscaping Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' wide landscaped area) <i>UDC Chapter 177.04D2a</i>	X		
b.	Front Property Line (15' wide landscape) <i>UDC Chapter 177.04C2a</i>	X		
c.	Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>	X		
d.	50% Evergreen shrubs if parking lot adjacent to ROW <i>UDC Chapter 177.04D4a</i>			X
4. Street Tree Planting Requirements		Yes	No	N/A
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05</i>	X		
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05</i>			X
c.	Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>			X
d.	Structured Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan <i>UDC Chapter 177.05B3a-f</i>			X
e.	Residential Subdivisions Timing of planting indicated on plans <i>UDC Chapter 177.05A4</i>			X
f.	Residential Subdivisions Written description for method of tracking planting <i>UDC Chapter 177.05A4e</i>			X

5. Landscape Requirement Totals	Amount
Mitigation Trees	0
Parking Lot Trees	2
Street Trees	58
Detention Pond – Large Trees (1 Tree/3,000 square feet)	28
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	111
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	168

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	2-26-24		
Approved			
Tabled			
Denied			

Comments
1. Address items above marked “No” and all Redlines provided. 2. The City of Fayetteville landscape requirements as per Ch. 177.03 (A)(1) of the Code, have been met with the associated Large Scale Development for the project (as is reflected in the above comments/checklist). Please include the overall Landscape Plan with the CCP plan set.



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Taylor Lindley, P.E., Crafton Tull
From: Melissa Evans, Urban Forestry
CC: Jessie Masters, Development Review Manager
Meeting Date: February 28, 2024
Subject: CCP-2024-0001: Riverside Village Ph. 1.2: 2205 E. Buffalo Bend

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 were provided per Ch. 167.04(A)(6) of Code with the Large Scale Development review and approval of this project.

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority		
Low Priority		
Total Mitigation Trees Required*	0	0

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

5. Tree Preservation Plan Checklist	Tech Plat	Subdivision Committee	Planning Commission
<i>UDC Chapter 167.04H1</i>			
a. 5 year Aerial Check on Existing Trees	Yes		
b. Property Boundary	Yes		
c. Natural Features (100ft beyond limits of disturbance)	Yes		

- | | |
|---|-----|
| d. Existing Topography and Proposed Grading | Yes |
| e. Soil Types | No |
| f. Significant Trees | No |
| g. Groupings of Trees | No |
| h. Table Inventory List (species, size, health, priority) | No |
| i. All Existing and Proposed Utilities | No |
| j. All Existing and Proposed Utility Easements and ROW's | No |
| k. All Streams (with approximate center line) | Yes |
| l. Floodplains and floodways | Yes |
| m. Existing Street, Sidewalk or Bike Path ROW | Yes |
| n. Submitted Site Analysis Plan (if required) | N/A |
| o. Shows ALL Proposed Site Improvements | Yes |
| p. Delineates trees/canopy to be preserved and removed | No |

Tree Protection Methods

- | | |
|---|-----|
| a. Tree Protection Fencing | No |
| b. Limits of Root Pruning | No |
| c. Traffic flow on work site | N/A |
| d. Location of material storage | N/A |
| e. Location of concrete wash out | No |
| f. Location of construction entrance/exit | No |

0

- | | | | |
|--|-----|----|-----|
| 6. Site Analysis Report (if required) | Yes | No | N/A |
| <i>UDC Chapter 167.04H4</i> | | | |

- | | | | |
|--|--|--|---|
| 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 | 2-26-24 | | |
| Approved | | | |
| Tabled | | | |
| Denied | | | |

Comments

- Address items above marked "No" and all Redlines provided.
- The proposed Tree Preservation Easements will be dedicated with the Easement Plat recording. Please let Urban Forestry know when it is recorded.
- A Tree Preservation Plan is required per Ch 167.04(A)(6) and was submitted and approved with the associated large scale development of the project (and will take care of most of the "no" comments listed above if submitted). **Please include it with this CCP plan set.**



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: February 26, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: October 4, 2021

Project Title: Riverside Village (Phase 1.2)

Project Number: CCP-2024-0001

Project Location: 2936 S Black Oak Rd

Plat Page: 682

Park Quadrant: SE

Billing Name & Address: Don Draper, NWA LD, LLC, 4058 N College Ave, Ste 300, Box 9
Fayetteville, AR 72703

☒ **Land Dedication**

☐ **Fee-in-Lieu**

☐ **Combination**

LAND DEDICATION

Single Family: 25 units x 0.023 acres per unit = 0.58 acres

Multi Family: units x 0.020 acres per unit = 0.00 acres

**TOTAL
Acres**

0.58

FEE-IN-LIEU

Single Family: units x \$1,089 per unit = \$ 0

Multi Family: units x \$952 per unit = \$ 0

**TOTAL
Fees**

\$ 0

SUMMARY:

- Project proposes **25** SF units and **0** MF units.
- Developer dedicated 2.44ac of land to meet Parkland Dedication Requirements for Phase 1 (Deed# 2023-00023649). The 2.44ac land dedication is equal to 106 single-family lots.
 - Phase 1.1 (CCP-2023-0007) created 81 single-family lots (equal to 1.86ac).
 - Phase 1.2 (CCP-2023-0001) will create 25 single-family lots (equal to 0.58ac).
- Fees are assessed for the additional lot(s) created and are due upon project's approval.

- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB. All fees must be paid prior to final receipt by the city.
- 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.

ASSOCIATED PROJECTS:

- LSD-2022-0008
- CCP-2023-0007

LSD-2022-0008
Conditions of Approval

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends 33.5 feet from street centerline for S. Black Oak Road, 52 feet for internal streets, and 20 feet for proposed alleys, as outlined above.*

Subdivision Committee recommended in favor of proposed right-of-way dedication.

2. **Planning Commission determination of street improvements.** *Staff recommends Master Street Plan Standards with a recommendation of approval for proposed 90-degree parking variance as outlined above.*

Subdivision Committee recommended in favor of proposed street improvements.

3. **Planning Commission determination of block length variance request for 166.08(E)(1)(c).** *Staff recommends in support as outlined above.*

Subdivision Committee recommended in favor of the block length variance, with two added conditions that a traffic-calming component be added mid-block between lots 62 and 63 in conjunction with the proposed pedestrian path, and that the proposed pedestrian path be paved and constructed to an accessible width.

4. Plat comments from the Planning Division shall be addressed, including the following:
 - a. Provide information about vehicular access to lots 73-81. Garages are proposed in the rear based on the elevations provided, but there is not currently a visible drive.
5. A separate Conditional Use Permit will need to be applied for and approved for proposed off-site parking lots prior to subdivision of land under 172.06(C);
6. Parkland dedication in the minimum amount of 2.44 acres for 106 single-family dwellings must be received prior to building permits;
7. Streetlights must be installed at intersections and at a linear spacing distance of no more than 300 feet;
8. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

Standard conditions of approval:

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);

Conditions of Approval

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;
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.



February 12, 2024

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

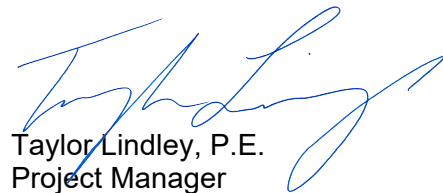
RE: Riverside Village Phase 1.2
CTA Job No. 21108400

To whom it may concern,

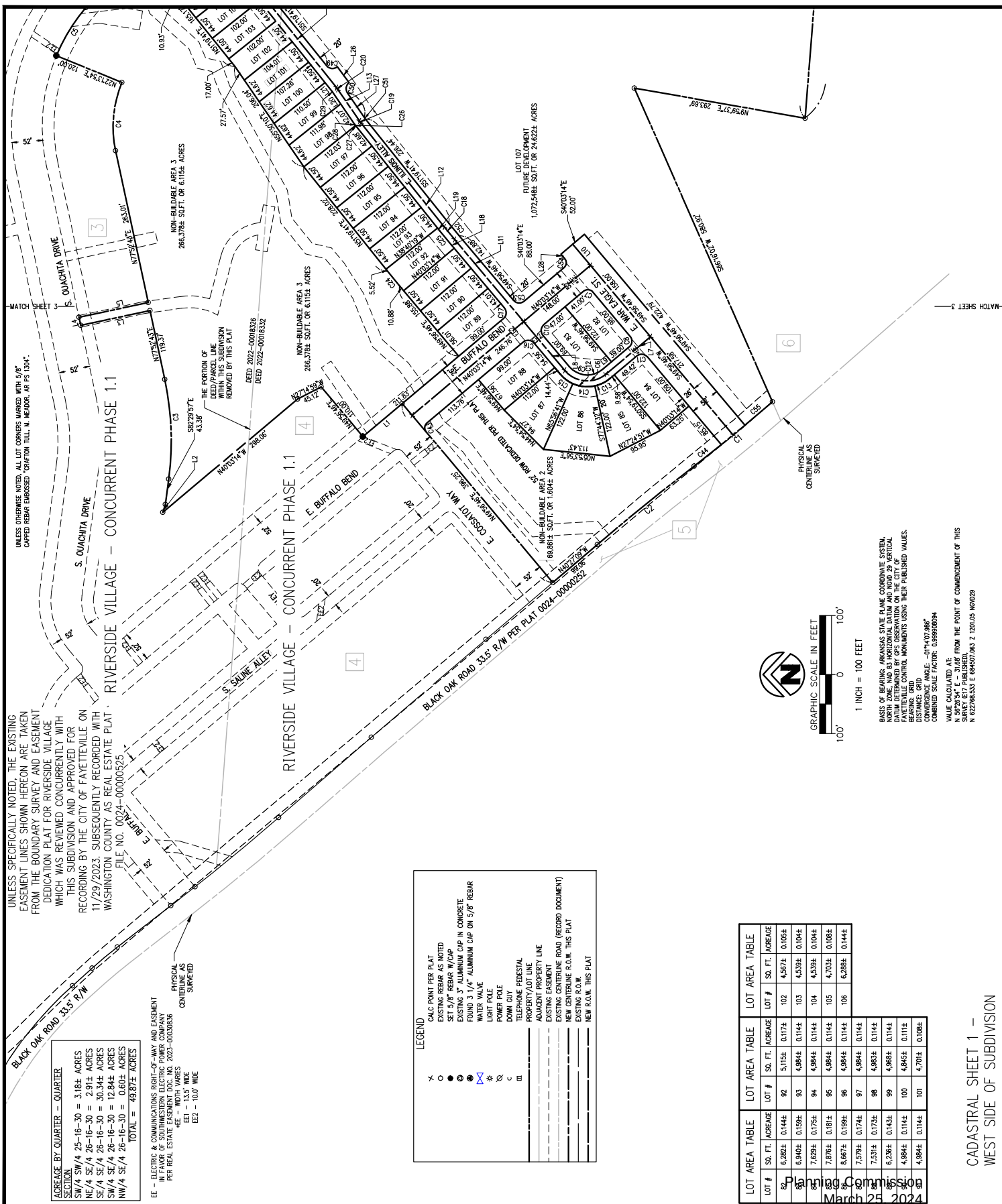
This submittal is for a concurrent plat for a portion of Riverside Village Phase 1. The development is a single-family residential subdivision with an open lot in the NE corner dedicated as commercial space. The total area of the site is approximately 94 acres and includes 106 residential lots in Phase 1. A portion of this phase has been platted already, including 84 residential lots and the commercial lot. This concurrent plat includes the remaining 25 lots of Riverside Village Phase 1. All public infrastructure pertaining to these lots has been installed including public streets, utility extensions, and drainage improvements.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,



Taylor Lindley, P.E.
Project Manager



UNLESS SPECIFICALLY NOTED, THE EXISTING EASEMENT LINES SHOWN HEREON ARE TAKEN FROM THE BOUNDARY SURVEY AND EASEMENT DEDICATION PLAT FOR RIVERSIDE VILLAGE WHICH WAS REVIEWED CONCURRENTLY WITH THIS SUBDIVISION AND APPROVED FOR RECORDING BY THE CITY OF FAYETTEVILLE ON 11/29/2023. SUBSEQUENTLY RECORDED WITH WASHINGTON COUNTY AS REAL ESTATE PLAT FILE NO. 0014-00000525

ACREAGE BY QUARTER - QUARTER SECTION

SW 1/4 SW 1/4	25-16-30 = 3.18± ACRES
NE 1/4 SE 1/4	26-16-30 = 2.91± ACRES
SE 1/4 SE 1/4	26-16-30 = 30.34± ACRES
SW 1/4 SE 1/4	26-16-30 = 12.84± ACRES
NW 1/4 SE 1/4	26-16-30 = 0.60± ACRES
TOTAL	49.87± ACRES

EE - ELECTRIC & COMMUNICATIONS RIGHT-OF-WAY AND EASEMENT PER REAL ESTATE EASEMENT DOC. NO. 2022-00000656
EET - 15.5' WIDE
EEZ - 10.0' WIDE

LEGEND

- × CALC POINT PER PLAT
- EXISTING REBAR AS PLATED
- EXISTING 3" ALUMINUM CAP IN CONCRETE
- FOUND 3 1/4" ALUMINUM CAP ON 5/8" REBAR
- ⊗ WATER POLE
- ⊗ LIGHT POLE
- ⊗ POWER POLE
- ⊗ DOWN GUY
- ⊗ TELEPHONE PEDESTAL
- ⊗ PROPERTY LOT LINE
- ⊗ ADJACENT PROPERTY LINE
- ⊗ EXISTING EASEMENT
- ⊗ EXISTING CENTERLINE ROAD (RECORD DOCUMENT)
- ⊗ EXISTING E.O.W. (THIS PLAT)
- ⊗ EXISTING E.O.W.
- ⊗ NEW E.O.W. THIS PLAT

LOT AREA TABLE		LOT AREA TABLE		LOT AREA TABLE	
LOT #	SQ. FT. ACREAGE	LOT #	SQ. FT. ACREAGE	LOT #	SQ. FT. ACREAGE
80	6,282± 0.144±	92	5,152± 0.117±	102	4,587± 0.105±
81	6,403± 0.150±	93	4,984± 0.114±	103	4,539± 0.104±
82	7,699± 0.175±	94	4,984± 0.114±	104	4,539± 0.104±
83	7,676± 0.181±	95	4,984± 0.114±	105	4,703± 0.108±
84	8,667± 0.199±	96	4,984± 0.114±	106	6,288± 0.144±
85	7,599± 0.174±	97	4,984± 0.114±		
86	7,531± 0.173±	98	4,983± 0.114±		
87	6,286± 0.143±	99	4,986± 0.114±		
88	4,984± 0.114±	100	4,945± 0.111±		
89	4,984± 0.114±	101	4,701± 0.108±		

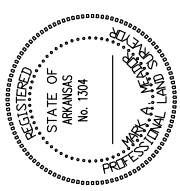


GRAPHIC SCALE IN FEET
1" = 100 FEET

BASED ON BEARING ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE AND 83 HORIZONAL DATUM AND 2011 ADJUSTED DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF FAYETTEVILLE CONTROL MONUMENTS USING THEIR PUBLISHED VALUES. DISTANCE: GRID
CONVERGENCE ANGLE: -01°40'28.86"
COMBINED SCALE FACTOR: 0.999998094
VALUE CALCULATED AT:
N 29°29'45.15" E 1.515± FEET FROM THE POINT OF COMMENCEMENT OF THIS SURVEY
N 62°29'48.533" E 684507.083 ± 1201.05 NAD83

CADASTRAL SHEET 1 -
WEST SIDE OF SUBDIVISION

STATE PLAT CODE:
500-16N-30W-0-25-300-72-1304
500-16N-30W-0-26-200-72-1304



CONCURRENT PLAT PHASE 1.2 OF
RIVERSIDE VILLAGE SUBDIVISION
PART OF THE SW 1/4 SECTION 25 & SE 1/4 SECTION 26,
TOWNSHIP 16 NORTH, RANGE 30 WEST
CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS
PREPARED FOR:
NWA LD, LLC

DATE: 02/07/2024
PROJECT NO.: 21108401
CONTACT: N. MADDOX
Crofton Tull
901 N. 4th St., Suite 400
Rogers, Arkansas 72716
479.636.4081 | 479.631.0244
www.croftontull.com



DATE	DESCRIPTION

CORNER REFERENCES

CORNER REFERENCES
 REF 1 - A 3" ALUMINUM, CITY OF FAYETTEVILLE GEODEIC CONTROL
 EMBOSSMENT "E-17" HAVING A PUBLISHED NORTH LATITUDE
 OF 36°01'32.51056" AND PUBLISHED WEST LONGITUDE OF
 97°40'32.91304" AND PUBLISHED NGVD29 ELEVATION OF 1201.05'
 REF 2 - AN UN-PUBLISHED 3" ALUMINUM, CITY OF FAYETTEVILLE
 GEODEIC CONTROL, MONUMENT EMBOSSMENT "E-17"
 REF 3 - A 3 1/4" ALUMINUM CAP ON 5/8" REBAR FOUND FOR THE
 SECTION 3 CORNER ON LINE OF SECTIONS 25 & 36, TOWNSHIP 16
 NORTH, RANGE 30 WEST AT RIGHT BANK (EAST) OF WEST FORK OF
 WHITE RIVER (HISTORIC CHANNEL, BANK DRY)

POC —
COMMON CORNER
SECTIONS 25, 26, 35 & 36
TOWNSHIP 16 NORTH,
RANGE 30 WEST
EMBOSSED PER B.L.M.
MARKING STANDARDS

REF 3
WITNESS CORNER
SECTIONS 25 & 36
TOWNSHIP 16 NORTH,
RANGE 30 WEST
PER G.L.O. FIELD NOTES
EMBOSSED PER B.L.M.
MARKING STANDARDS

[illegible]

 **Crafton Tull**
architecture | engineering | surveying
479.636.4838 | 479.631.6224 | www.craftontull.com
Rogers, Arkansas 72756

DATE: 02/07/2024

PROJECT NO: 21108401

CONCURRENT PHASE 1: OF
RIVERCHASE VILLAGE SUBDIVISION
PART OF THE SW 1/4 SECTION 25 & SE 1/4 SECTION 26,
TOWNSHIP 16 NORTH, RANGE 30 WEST
CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS
PREPARED FOR:
NWMA LD, LLC

STATE PLAT CODE:
500-16N-30W-0-25-300-72-1304
500-16N-30W-0-26-200-72-1304

RECORD INFORMATION

LEGEND	
X	CALC. POINT PER PLAT
○	EXISTING REBAR AS NOTED
●	SET 5/8" REBAR W/CAP
⊙	EXISTING 3" ALUMINUM CAP IN CONCRETE
⊗	FOUND 3 1/4" ALUMINUM CAP ON 5/8" REBAR
⊕	WATER VALVE
⊖	LIGHT POLE
⊗	POWER POLE
⊘	DOWN GUY
⊙	TELEPHONE FEEDSTAL
⊙	PROPERTY/LOT LINE
⊙	ADJACENT PROPERTY LINE
⊙	EXISTING EASEMENT
⊙	EXISTING CENTRELINE ROAD (RECORD DOCUMENT)
⊙	NEW CENTRELINE R.O.W. THIS PLAT
⊙	EXISTING R.O.W.
⊙	NEW R.O.W. THIS PLAT

UNLESS SPECIFICALLY NOTED, THE EXISTING EASEMENT LINES SHOWN HEREON ARE TAKEN FROM THE BOUNDARY SURVEY AND EASEMENT DEDICATION PLAT FOR RIVERSIDE VILLAGE WHICH WAS REVIEWED CONCURRENTLY WITH THIS SUBDIVISION AND APPROVED FOR RECORDING BY THE CITY OF FAYETTEVILLE ON 11/17/29/2023. SUBSEQUENTLY RECORDED WITH WASHINGTON COUNTY AS REAL ESTATE PLAT FILE NO. 0024-000003525

SEE - ELECTRIC & COMMUNICATIONS RIGHT-OF-WAY AND EASEMENT
IN FAVOR OF SOUTHWESTERN ELECTRIC POWER COMPANY
PER REAL ESTATE EASEMENT DOC. NO. 2023-00030836

RIVERSIDE
VILLAGE –
CONCURRENT
PHASE 1.1



1 INCH = 100 FEET

BASES OF BEARING: ARIZONA STATE PLANE COORDINATE SYSTEM,
 NORTH ZONE, NAD 83, HORIZONTAL DATUM AND NAD 83 VERTICAL
 DATUM. DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF
 FAYETTEVILLE CONTROL MONUMENTS USING THEIR PUBLISHED VALUES.
 BEARING: GRID
 DISTANCE: GRID
 CONVERGENCE ANGLE: $-01^{\circ}07'08''$
 COMBINED SCALE FACTOR: 0.999900094
 VALUE CALCULATED AT:
 IN 30750.54 E = 31.68 FROM THE POINT OF COMMENCEMENT OF THIS
 SURVEY
 32728.58 N 151.6 E 46407.063 7 1201 05 000709

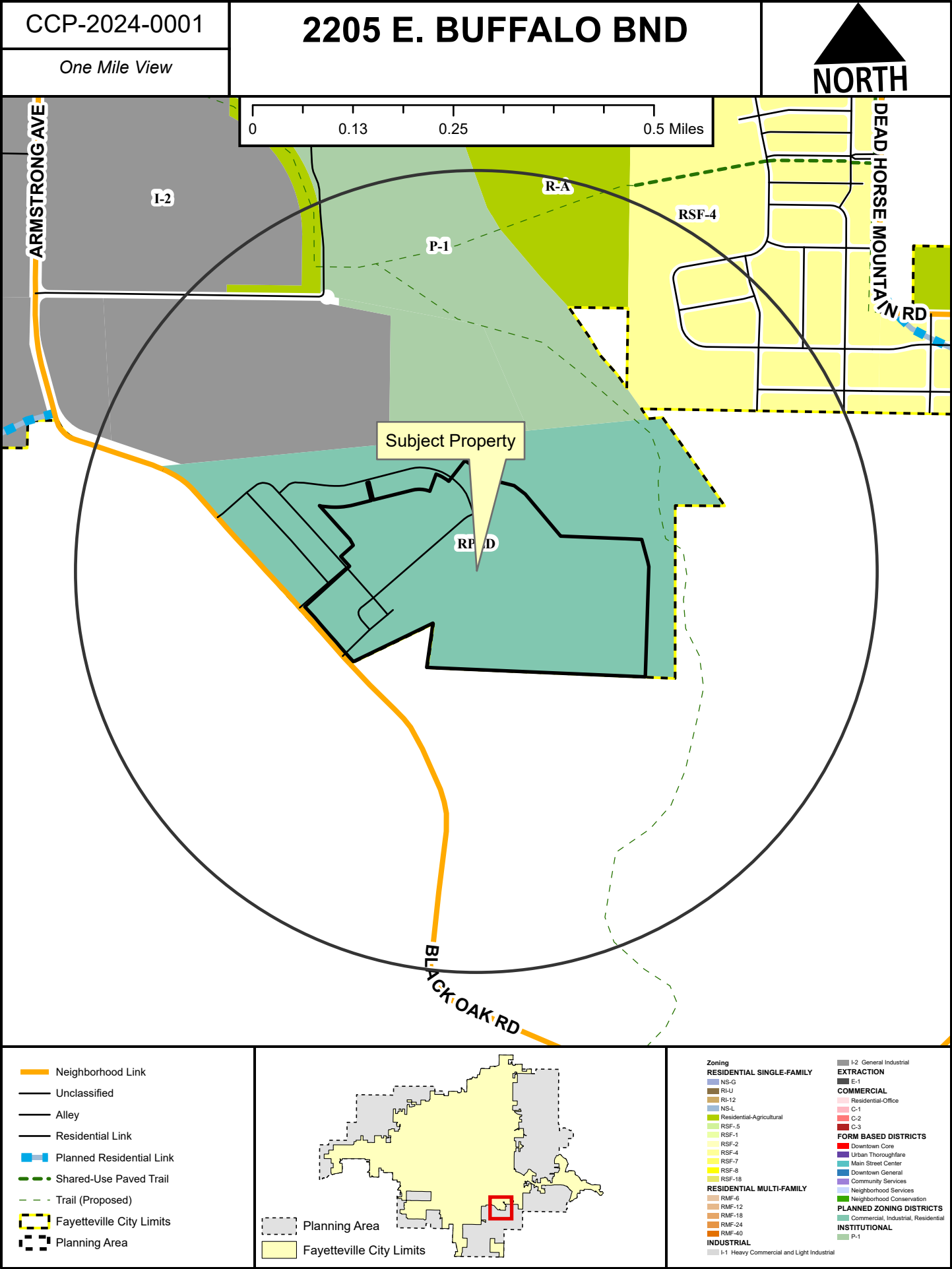
PART OF 765-19956-200
NWA LD, LLC
WARRANTY DEED FILE NO. 2022-00018332
37.62 ACRES--
2024-01-01

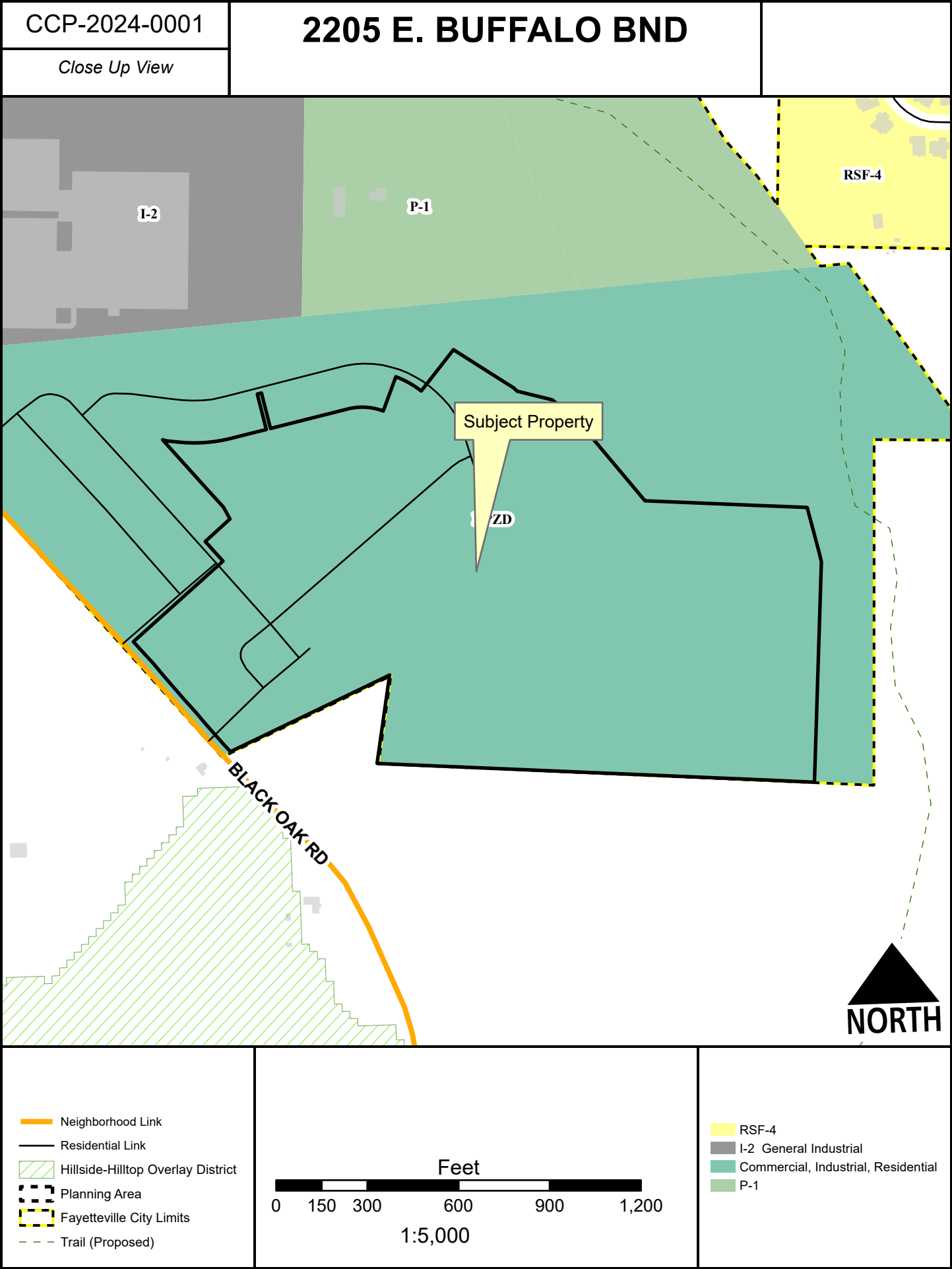
LOT 107
FUTURE DEVELOPMENT
1,072,548± SQ.FT. OR 24.622± ACRES

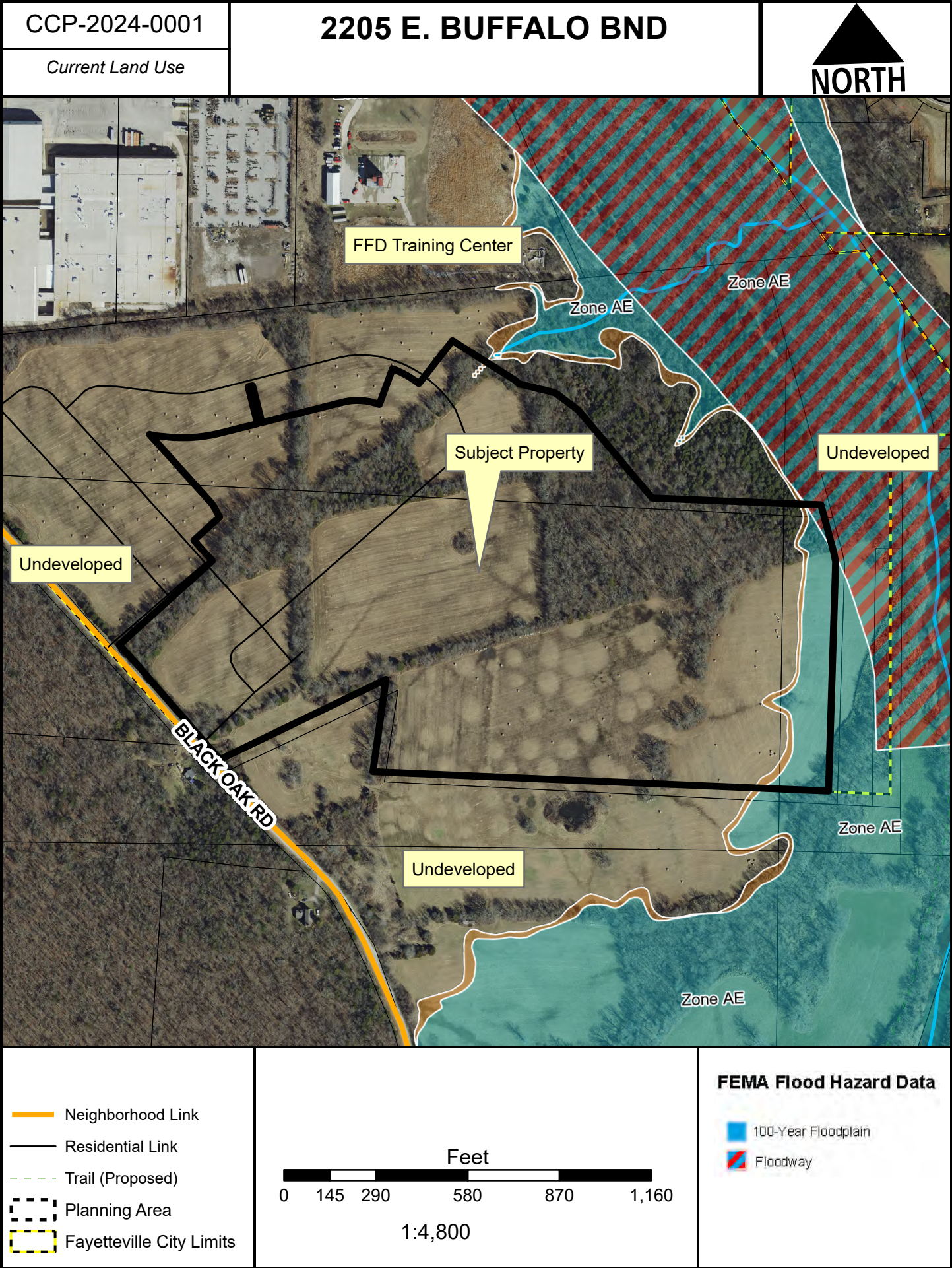
NON-BUILDABLE AREA 3
78± SQ.FT. OR 6.115± ACRES

NON-BUILDABLE AREA 3
78± SQ.FT. OR 6.115± ACRES

NON-BUILDABLE AREA 3
78± SQ.FT. OR 6.115± ACRES









TO: Fayetteville Planning Commission

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

MEETING: March 25, 2024

SUBJECT: **CCP-2024-0002: Concurrent Plat (SOUTH OF 2801 W. MCMILLAN DR/MARINONI INC & PAM ANGUS LTD, 441):** Submitted by CRAFTON TULL for property located SOUTH OF 2801 W. MCMILLAN DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 25.65 acres. The request is for the concurrent plat of two mixed-use lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2024-0002** with conditions.

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

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

BACKGROUND:

The subject property is southeast of W. Wedington Drive and I-49, and south of Cross Church. The property is zoned UT, Urban Thoroughfare, and contains approximately 25.65 acres. Several development items have been submitted on the site recently, including administrative lot splits, property line adjustments, and most recently a large-site improvement plan to install new street improvements to match the master street plan in the area. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Under construction; Planned Marinoni Drive	UT, Urban Thoroughfare
South	Forested Area/Trails (City of Fayetteville)	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped	UT, Urban Thoroughfare; CS, Community Services
West	Futrall Drive/I-49	N/A (Interstate)

Proposal: The applicant intends to plat 2 mixed-use lots, at 13.78 acres and 11.87 acres. Having exhausted the number of administrative lot splits permitted from the parent tract, this proposal is required to be reviewed as a concurrent plat.

Water and Sewer System: The Engineering Division has approved this proposed subdivision of land, finding that all relevant water and sewer system criteria have been met.

Right-of-way to be dedicated:

N. O'Connor Drive: The applicant intends to dedicate right-of-way in the width of 52 feet for N. O'Connor Drive that runs north and south. No additional ROW dedication is recommended for N. Futrall Drive.

Street Improvements: Staff does not recommend any additional street improvements in association with this request. Lot 5A will have street frontage along N. Futrall Drive, and proposed Lot 5B will have street frontage along the proposed N. O'Connor Drive. Street improvements for N. O'Connor Drive are currently under review with a separate proposal.

Tree Preservation: N/A; tree preservation requirements were met with the initial large-scale development. No additional tree preservation is required.

Parkland Fees: N/A; parkland dedication will be applied when these developments contain a residential project.

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

RECOMMENDATION: Staff recommends approval of CCP-2024-0002, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Right-of-way to be dedicated with concurrent plat in alignment with large-scale development approval.*
2. **Planning Commission determination of street improvements.** *No additional street improvements required.*
3. All remaining comments from City divisions, whether Urban Forestry, Fire, or Engineering shall be addressed prior to plat signature.

Standard conditions of approval:

4. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat (if applicable).
5. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).
6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

PLANNING COMMISSION ACTION

☐ Tabled ☐ Denied ☐ Approved

Meeting Date: March 25, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

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



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Trent Woessner, EI, Crafton Tull
From: Melissa Evans, Urban Forestry
CC: Jessie Masters, Development Review Manager
Meeting Date: March 20, 2024
Subject: CCP-2024-0002: Marinoni Inc. and Pam Angus Ltd.: S. of 2801 W. McMillan Dr.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03A7g, 177.04B3a</i>			X
b.	Species of plant material identified <i>UDC Chapter 177.03A7d,e</i>			X
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03A7b,c</i>			X
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>			X
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>			X
f.	LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>			X
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>			X
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>			X
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2e</i>			X
2. Parking Lot Requirements		Yes	No	N/A
a.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>			X
b.	Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>			X

- | | | | | |
|----|--|--|--|---|
| c. | Tree Island (8' min. width, 18.7' min length OR 150 square feet)
<i>UDC Chapter 177.04C</i> | | | X |
| d. | Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | | | X |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | | |
|----|---|--|--|---|
| a. | Side and Rear Property Lines (5' wide landscaped area)
<i>UDC Chapter 177.04D2a</i> | | | X |
| b. | Front Property Line (15' wide landscape)
<i>UDC Chapter 177.04C2a</i> | | | X |
| c. | Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | | | X |
| d. | 50% Evergreen shrubs if parking lot adjacent to ROW
<i>UDC Chapter 177.04D4a</i> | | | X |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | | |
|----|---|--|--|---|
| a. | Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05</i> | | | X |
| b. | Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05</i> | | | X |
| c. | Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. | Structured Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. | Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | X |
| f. | Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | X |



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Trent Woessner, EI, Crafton Tull

From: Melissa Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: March 20, 2024

Subject: CCP-2024-0002: Marinoni Inc. and Pam Angus Ltd.: S. of 2801 W. McMillan Dr.

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 per Ch. 167.04(A)(6) of Code will likely be required when each lot develops.

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority		
Low Priority		
Total Mitigation Trees Required*	0	0

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

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1</i>	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)	No	No	No
d. Existing Topography and Proposed Grading	No	No	No
e. Soil Types	No	No	No
f. Significant Trees	No	No	No
g. Groupings of Trees	No	No	No
h. Table Inventory List (species, size, health, priority)	No	No	No
i. All Existing and Proposed Utilities	No	No	No
j. All Existing and Proposed Utility Easements and ROW's	No	No	No
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)	N/A	N/A	N/A
o. Shows ALL Proposed Site Improvements	No	No	No
p. Delineates trees/canopy to be preserved and removed	No	No	No

Tree Protection Methods			
a. Tree Protection Fencing	No	No	No
b. Limits of Root Pruning	No	No	No
c. Traffic flow on work site	No	No	No
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

6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	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	2-26-24	3-13-24	3-20-24
Approved			
Tabled			
Denied			

Comments

1. Address items above marked "No" and all Redlines provided.
2. **Please carefully check the wording/heading of the Urban Forestry signature block on the plat:**

Certificate of Approval of Tree Protection and Preservation

I Hereby Certify That This Plat Has Complied With The Requirements Of The Tree Preservation Ordinance Of The City Of Fayetteville Unified Development Code.

Date

City Of Fayetteville Urban Forester

3. A Tree Preservation Plan will be required per Ch 167.04(A)(6) with the associated development of the lots.



February 14, 2023
Concurrent Plat Cover Letter

City of Fayetteville
Attn: Planning Department
113 West Mountain St
Fayetteville, AR 72701

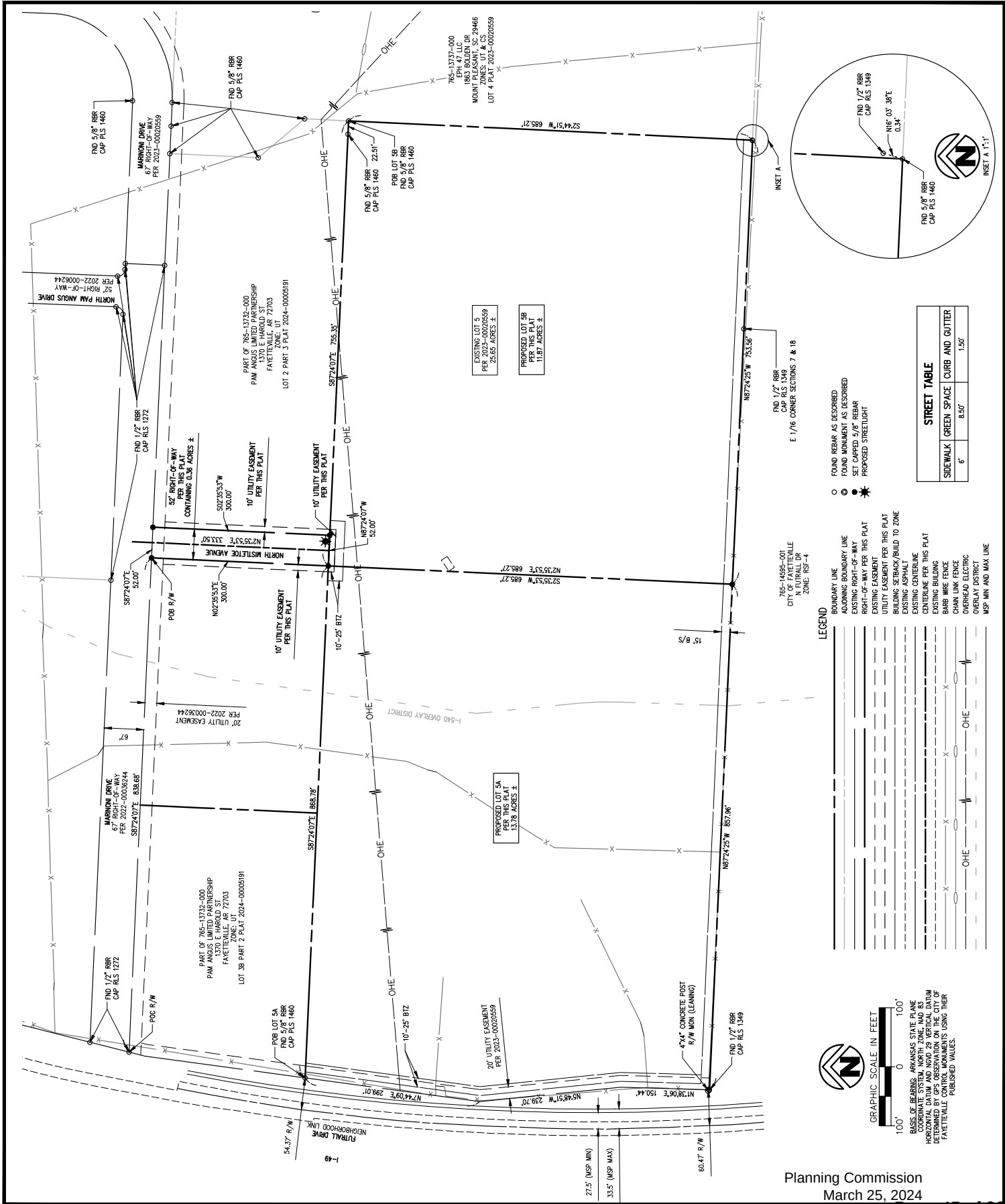
Re: Marinoni Development, Concurrent Plat (CCP # not assigned yet)

Dear Jessie Masters,

After discussions between the owner and City of Fayetteville Planning Staff, it was agreed that a concurrent plat be submitted to finalize the lot splits and property line adjustments into one single concurrent plat. The concurrent plat being submitted is a replat of the latest lot split plat into a concurrent plat. This concurrent plat will split Lot 5 (per plat record 2023-00020559) into two separate lots. Lot 5A being 13.78 acres and Lot 5B being 11.87 acres. ROW and utility easement dedication for S Pam Angus Drive is also included. No variances are being requested for this concurrent plat.

Sincerely,

Trent Woessner, E.I.
Civil Engineer II



GRAPHIC SCALE IN FEET
0 100' 200'

BASED ON BEARING, ARKANSAS STATE PLAT
COORDINATE SYSTEM, NORTH ZONE, NAD 83
HORIZONTAL DATUM AND NAD 29 VERTICAL DATUM
DETERMINED BY GPS OBSERVATION ON THE CITY OF
FAYETTEVILLE. PUBLISHED VALUES.

Planning Commission
March 25, 2024

RECORD INFORMATION

STATE PLAT CODE:
500-16N-30W-0-07-300-72-1460



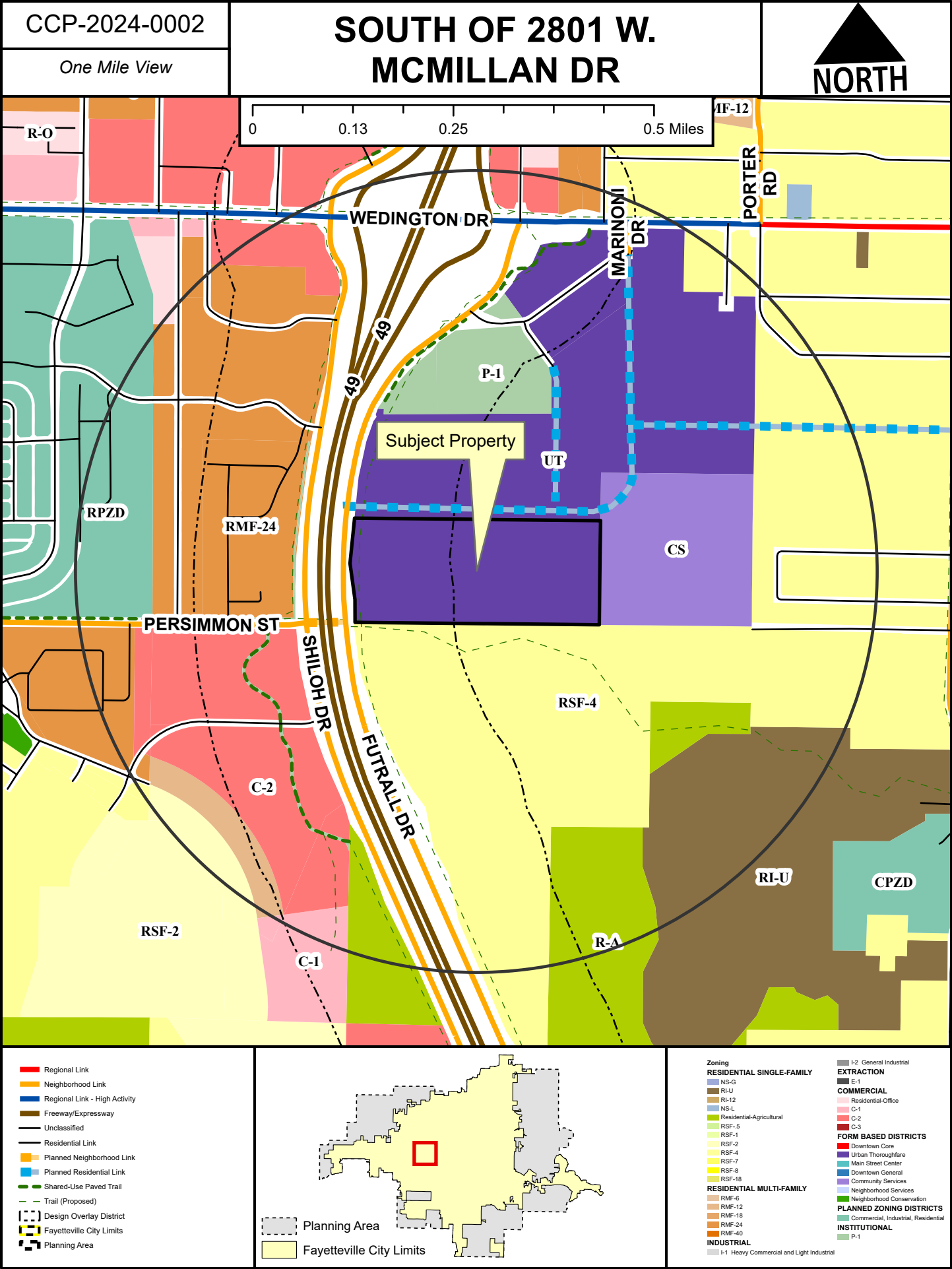
CONCURRENT PLAT
PART OF THE S1/2, SE1/4
SEC. 7, T-16-N, R-30-W
PREPARED FOR:
PAM ANGUS LIMITED PARTNERSHIP
FAYETTEVILLE, ARKANSAS

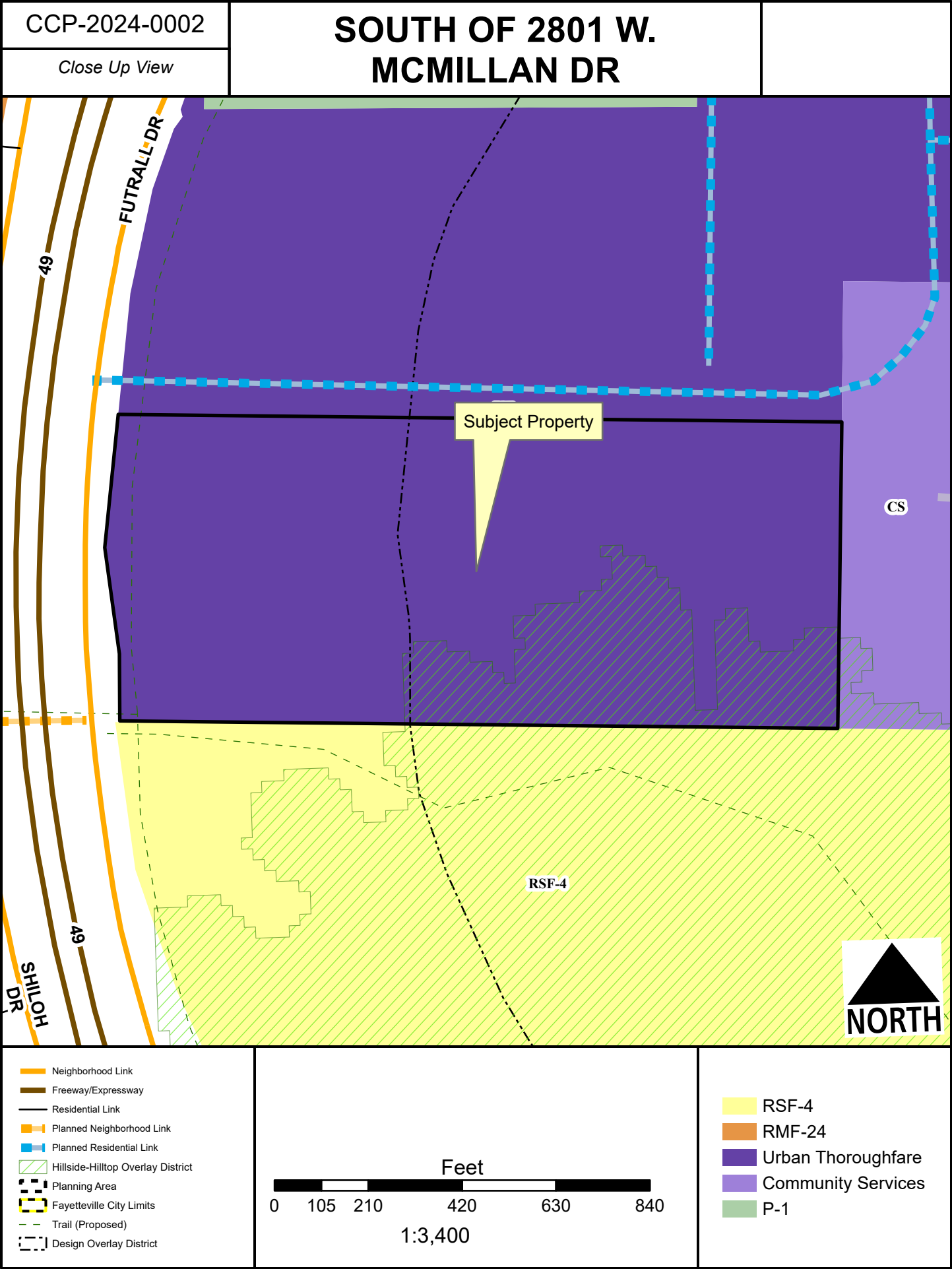
DATE: 12/11/2023
PROJECT NO.: 2301600
CONTACT: K. MONTGOMERY



DATE	DESCRIPTION
03/04/2024	1. REVISIONS PER CITY COMMENTS
03/18/2024	2. REVISIONS PER CITY COMMENTS

SHEET NO.: 2 OF 2





CCP-2024-0002

**SOUTH OF 2801 W. MCMILLAN
DR**

Current Land Use



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

FEMA Flood Hazard Data

-  100-Year Floodplain
 Floodway

Feet

0	112.5	225	450	675	900
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1:3,600



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 25, 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 UT, Urban Thoroughfare DISTRICT and contains approximately 2.43 acres. The request is for Use Unit 38: mini storage units in UT zoning.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0175**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0175** with conditions, determining:*

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

BACKGROUND:

The subject property is in northeast Fayetteville, just west of I-49 and approximately 0.33 miles south of the intersection of N. Shiloh Dr. and N. Hwy 112. It is south of the Wilson Springs Preserve. A rezone of the property was recently approved by City Council to UT, Urban Thoroughfare with an attached Bill of Assurance (Ord. 6721, March 5, 2024). It is currently undeveloped. The Shiloh Trail runs along the property's southeastern side. It is included in the Enduring Green Network and I-540 Overlay. Surrounding land use and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Wilson Springs Preserve	Springwoods CPZD
South	Commercial/Interstate	Springwoods CPZD
East	Interstate	Arkansas DOT
West	Commercial/Wilson Springs Preserve	Springwoods CPZD

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

Proposal: The applicant requests conditional use permit approval to develop the property with a four-story mini storage facility with ground-level flex office space. Use Unit 38, Mini-Storage is a

conditional use in the UT, Urban Thoroughfare zoning district. The applicant has described the use as follows:

- Four-story contemporary building totaling 91,080 square feet. The building will be both mini storage facilities and flex office space. 4,375 square feet of flex office space for tenants, 625 square feet for the mini storage office, and the remaining 86,080 square feet will be climate-controlled storage.
- The facility will be accessible from 6AM to 5 PM with staff on site between 8 AM and 5 PM.
- They are proposing 19 parking spaces and a drive-through loading and unloading area (see site plan).

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0175**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed storage and office space to be compatible with the surrounding area and uses for the reasons described in this report;*
2. This conditional use permit is limited to the use for a mini-storage facility as described in the applicant's request letter. This conditional use permit is non-transferable to a different business or property owner. The following specifications apply:
 - a. Size of building: Four-story building totaling 91,080 square feet.
 - b. Hours of operation: Accessible from 6AM to 5PM with staff on site between 8 AM and 5 PM.
 - c. Parking: 19 spaces.
 - d. Number of Employees: One on site at a time.
3. The structure will be subject to the Commercial, Office and Mixed Use Design and Development Standards outlined in §166.25, including a prominent entryway;
4. A forested buffer, at least 8-feet-wide shall be maintained along the extent of the northern property boundary exclusive of the existing utility easement. This forested buffer shall be reviewed and approved by the Urban Forester;
5. Improvements to the Shiloh Trail meeting the Active Transportation Plan requirements shall be completed with development of the site;
6. Pedestrian connectivity between the site and the Shiloh Trail will be facilitated and pedestrian oriented elements as outlined in §166.24(E);
7. Commercial dumpster will be provided on site. This should be screened from public view and may be secured to prevent illegal dumping;
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. Conditional use permit approval does not constitute development approval. The project as proposed shall also be submitted, reviewed, and approved for building permit;
11. Per §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is for one year.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>March 25, 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. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting a conditional use permit for Use Unit 38 in the UT zoning district at parcel 725-25766-000.

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 §161.24 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 will not negatively affect the public interest, particularly given the surrounding land uses. The proposed structure is of a scale comparable to the existing office and retail spaces to the northeast and southwest. Although the subject property borders the Wilson Springs Preserve, the applicant's site plan is sensitive to the preservation of trees to create a wooded barrier between the development and the Preserve. The Future Land Use Map designates the property as a City Neighborhood, and the proposed development's focus on being partially a flex office space is compatible with this designation. Conditions of approval that emphasize the pedestrian experience and urban design standards as outlined in Code can minimize the less desirable characteristics often associated with mini-storage facilities.

(c.) The Planning Commission shall certify:

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

Finding: There are not specific rules governing the proposed use.

(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: Access to the site is available from W. Chicory Place which is a fully improved Residential Link Street with asphalt paving, curb and gutter, 6-foot greenspace, and 6-foot sidewalks. The subject area also has frontage along N. Shiloh Dr., which is a fully improved Neighborhood Link Street with asphalt paving, curb and gutter, and the Shiloh Trail along its eastern side. The applicant is proposing one driveway accessing the site from W. Chicory Place. Staff recommends conditions of approval to include requirements for a prominent entryway and a pedestrian connection to the Shiloh Trail.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: Parking is provided below the ratio permitted for the warehouse and office space which would allow a maximum of 26 spaces. The applicant proposes 19 parking spaces with an additional drive-through loading zone for the mini-storage customers located at the rear of the building (north side) outside of the build-to zone.

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

Finding: The applicant proposes residential trash service, but a commercial dumpster is likely necessary. Staff recommends a screened, commercial dumpster be a condition of approval. If the applicant is concerned about illegal dumping, the dumpster storage area could remain locked or be in an area only accessible by mini-storage employees and office space tenants.

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

Finding: Adequate utilities are currently available on the site. Public water is available to the subject area. An existing 12-inch water main is present on the west side of N. Shiloh Dr. An existing 8-inch water main is present on the south side of W. Chicory Pl. Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present on the southwest corner of the subject property.

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

Finding: A vegetation screen along the sides of the building with frontage along W. Chicory Pl. and N. Shiloh Dr. meeting the requirements in UDC 166.25(D)(6) Mini-Storage is required. Staff also recommends a condition of approval requiring a forested buffer with a minimum 8-foot-width along the northern property boundary, outside of the existing utility easement, to provide a buffer between the site and the Wilson Springs Preserve.

- (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 the regulations therein. Of note, this property is within the I-540 overlay district and pole signs are not permitted.

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

Finding: The proposed development meets setback and landscaping requirements for the district.

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

Finding: Staff finds the proposed use to be compatible with the surrounding uses. As noted above, the applicant's proposal for a four-story storage and office building is similar to the existing office building to the southwest, but is larger in scale. To the north is the Wilson Springs Preserve. Although any additional development may have some effect on the Preserve, the proposal is sensitive to preserving the tree line along the north side of the property to create a barrier between the storage facility and the Preserve. Other properties along N. Shiloh Drive are similar in scale and use including the Sam's Club to the northeast and several car dealerships to the south.

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

Finding: Staff finds the proposed use to be compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. Specifically, City Plan 2040 established the area as a City Neighborhood area in its Future Land Use Map. A City Neighborhood area is meant to allow for intense and dense development with a variety of buildings types and uses. Non-residential and commercial uses are focused along major corridors. This subject property is near I-49, which may be less-suited to residential development. Additionally, the proposed development is designed to be a flex space, providing space for a variety of uses that is ultimately compatible with the future land use designation.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.24, UT, Urban Thoroughfare
- Applicant Request Letter
- Bill of Assurance associated with RZN-2023-0035
- Site Plan
- Sample Elevations
- One Mile Map*
- Close-Up Map*
- Current Land Use Map

*Maps do not reflect the recent rezoning from CPZD to UT.

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
-------------------------	----------------------

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

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7, 8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

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

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

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

November 27, 2023

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

**RE: Application for Conditional Use Permit for Use Unit 38—Mini-Storage Units
on Parcel No. 765-25766-000**

Dear Planning Staff:

The Applicant, Focal Point Investments, LLC, is seeking approval for a conditional use permit for Use Unit 38—Mini-Storage on approximately 2.44 acres located north of the intersection of W. Chicory Place and N. Shiloh Drive ("the Property"). This application is being submitted simultaneously with an application for a rezoning of the Property to UT—Urban Thoroughfare, which, if approved, would allow for Use Unit 38—Mini-Storage Units, by conditional use permit. A complete description of the conditional use permit, and a statement of compatibility with surrounding properties, has been attached hereto.

Thank you for considering this request for rezoning. If you need anything further on this application, all communication should be sent to both:

Will A. Kellstrom
Watkins, Boyer, Gray & Curry PLLC
479-636-2168
wkellstrom@watkinslawoffice.com

Kyle Ham
Focal Point Investments, LLC
901-326-3158
kham@sstower.com

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

CONDITIONAL USE DESCRIPTION

1. The fee is attached with this application.
2. The legal description is attached with this application package.
3. Focal Point Investments, LLC. is seeking conditional use approval for a climate-controlled storage facility located at a property at the intersection of N. Shiloh Drive and Chicory Place. Below are the project description points based on the conditional use checklist:
 - (a) The proposed building will be 91,080 square feet total. There will be 4,375 square feet of flex office, 625 square feet of storage office, and the remaining 86,080 square feet will be climate controlled storage. The intent of the flex office is to allow a space for individuals to have set office space or to allow office space for a start up company.
 - (b) The exterior of the building will be of contemporary design,
 - (c) The maximum allowed number of off-street parking is 21 spaces and we are proposing 13 total spaces. The climate controlled storage use does not generate high traffic therefore does not require many parking spaces.
 - (d) The hours of operation for the storage will be 6 A.M. to 5 P.M with staff present between 8 A.M. to 5 P.M. The storage facility will have one employee staffed at a time. An estimate of cars per day that will be utilizing the climate controlled storage is between 10 and 20. There is no estimate at this time of the number of patrons that will occupy the flex office space.
 - (e) The outdoor lighting will be designed similar to all commercial uses. There is no outdoor storage proposed for this project so there is no need for any extraordinary outdoor lighting. An example lighting plan for a similar storage facility is attached with this application.
 - (f) The noise associated with this development will be no greater than any other standard commercial building. This use is a low impact use, so the noise impact will be very low.
 - (g) The site is bordered to the north by the nature preserve and is bordered at all other boundaries by public roadways. The site will be designed in a way to disturb as little existing treed area at the north of the property as possible. This will allow for the existing trees to be a natural border between this project and the nature preserve.
 - (h) The trash service for this project will be residential trash service. There is not a proposed commercial dumpster proposed for this development and this is to avoid the possibility of unwanted trash dumping on site.

- (i) The site is accessed from Chicory Place and will have a traffic flow within the site to allow easy thoroughfare access. The trip generation report for this facility is attached to this application.
 - (j) The existing businesses located along N. Shiloh Drive are mostly car dealerships and directly across Interstate 49 from this site is industrial type businesses. This proposed use will present a similar impact to the existing surrounding businesses, if not less, and provide an added benefit that is lacking in this area. There is a need for quality climate-controlled storage in Fayetteville, with a great number of single family and college residents. This project will also provide quality office space for the surrounding citizens.
- 4. The proposed Site Plan is attached to this application package. The site is designed based on the Urban Thoroughfare build to lines, while also taking into consideration the existing utility easements.
 - 5. N/A
 - 6. A copy of the county parcel map is attached with this application package.
 - 7. Owner consent form attached with this application package.
 - 8. The sample notification letter and required neighboring addresses are attached with this application package.

TRIP GENERATION REPORT

Needspace Shiloh
Trip Generation Report

November 27th, 2023

The Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* was used to determine the number of trips expected to be generated by the proposed development. The trip generation rates are based on the ITE rates for a self-storage facility (ITE Land Use Code 151). The total proposed number of storage units for this facility is approximately 650.

A summary of the land use and intensity planned for this development is shown in the table below.

Trip Generation Table									
ITE Code	Land Use	Size	Average Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Trip Rates									
151	ITE Rates for Self-Storage	1 trip per 100 storage units	17.96	0.10	0.60	0.40	0.17	0.47	0.53
Project Trip Generation									
151	Needspace Shiloh	650 storage units	117	12	7	5	20	9	11

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Springwoods Investments, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The following uses shall be prohibited from being developed on the Property:

Use Unit 17 – Transportation Trades and Services; and

Use Unit 18 – Gasoline service stations and drive-in/drive-through restaurants.

2. The Petitioner agrees, in the event that a conditional use permit for Use Unit 38 – Mini-storage units is granted by the Fayetteville Planning Commission, that:

a. The Petitioner shall provide an access easement to NWA Land Trust for purposes of accessing the adjacent Wilson Springs Preserve, on terms and conditions to be agreed upon by the Petitioner and NWA Land Trust;

b. The Petitioner shall donate any and all native plants to the NWA Land Trust, which are desired by the NWA Land Trust which are not otherwise required to remain by the provisions of Fayetteville UDC for development of the Petitioner's proposed project; and

c. The site plan shall be substantially similar to the site plan attached hereto as Exhibit A, in terms of layout, tree preservation, parking, and uses depicted on said site plan.

d. The elevations shall be substantially similar to the elevations attached hereto as Exhibit A in terms of quality of exterior materials and percentages of materials used

3. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Springwoods Investments, LLC, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

3/5/24

Date

Jason Bailey for Springwoods Investments, LLC

Printed Name

2821 Alliance Place, Suite 1 Springdale, AR 72764

Address

Jason Bailey
Signature

NOTARY OATH

STATE OF Arkansas }
COUNTY OF Washington } ss.

And now on this the 5th day of March, 2024 appeared before me, Jason Bailey, Manager of Springwoods Investments, LLC, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Kelli D. Stevens
NOTARY PUBLIC

My Commission Expires:

3/30/2029

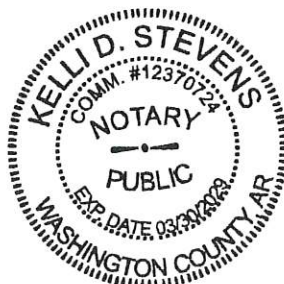
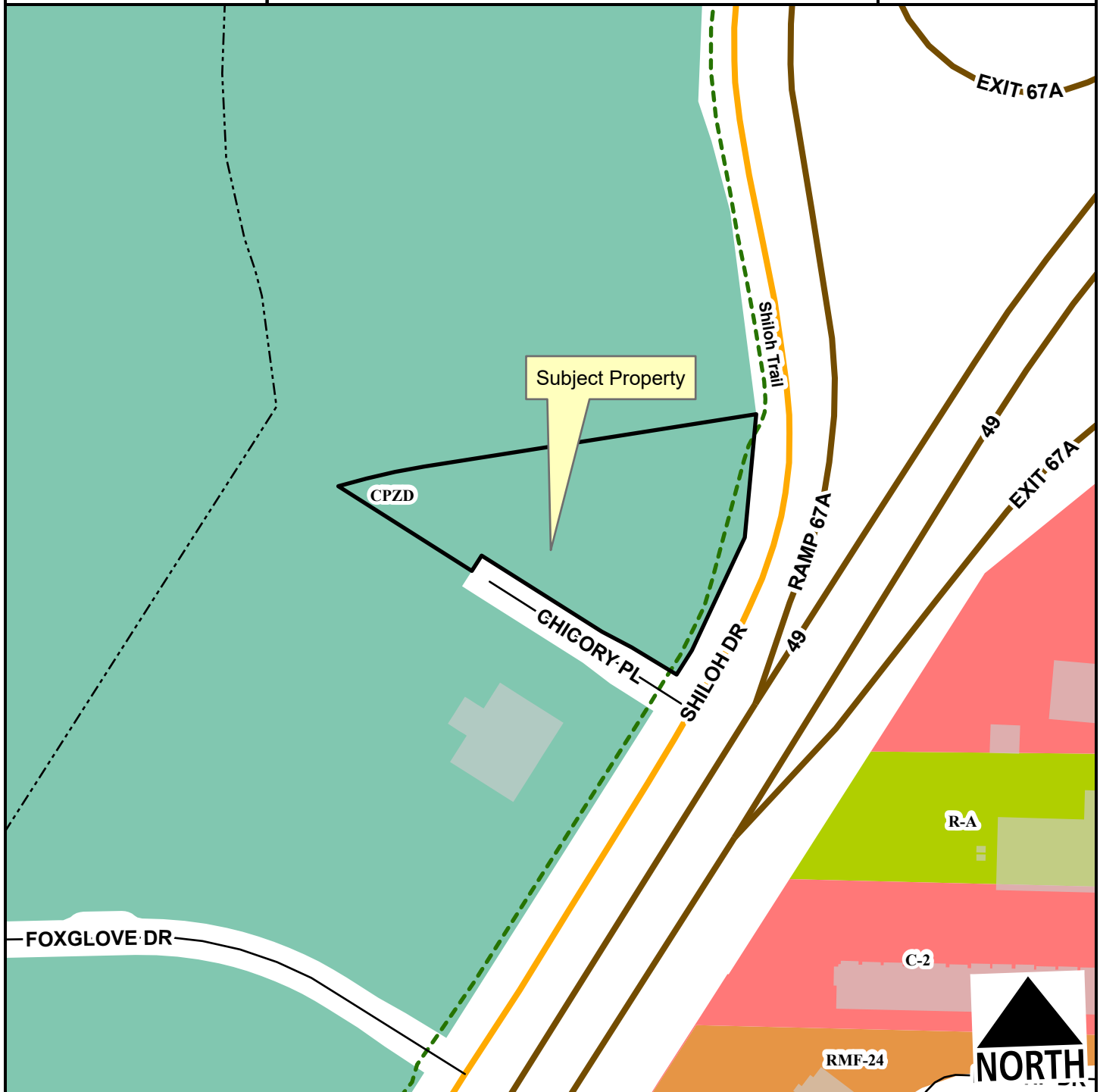


EXHIBIT A

Site Plan and Elevations

[Insert Site Plan and Elevations]

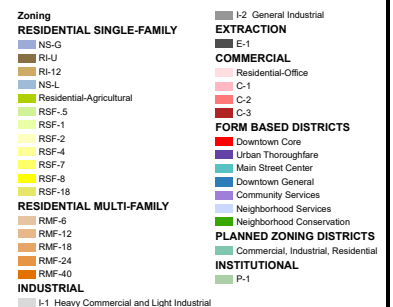
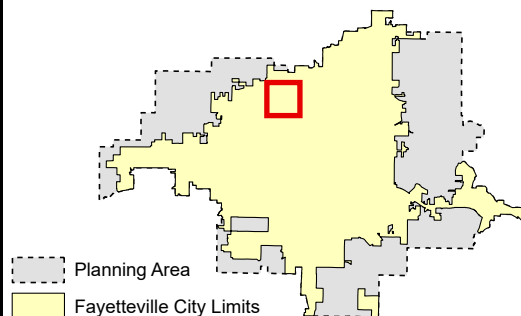
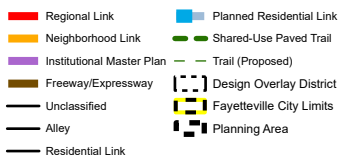
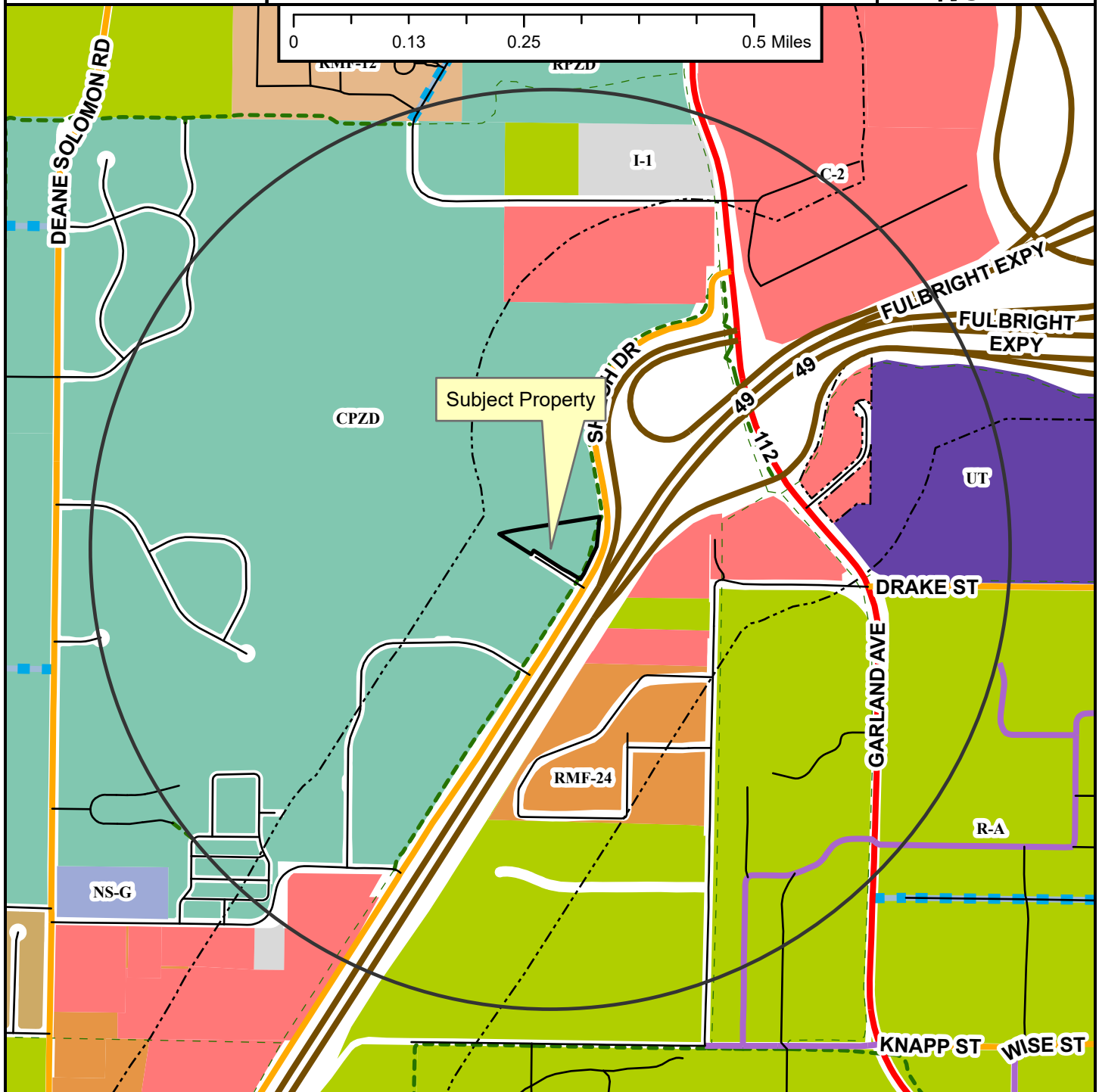




- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- - - Shared-Use Paved Trail
- Design Overlay District



- Residential-Agricultural
- RMF-24
- C-2
- Commercial, Industrial, Residential



CUP-2023-0175

W. CHICORY PL

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: March 25, 2024

SUBJECT: **RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR./LEGACY VENTURES NWA, INC., 397):** Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0006** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0008** to City Council with a recommendation of approval."*

MARCH 11, 2024, PLANNING COMMISSION MEETING:

At the March 11, 2024, Planning Commission meeting, the item was tabled to provide time for the applicant to coordinate with staff after it was determined that a lower-intensity zoning classification would be likely to garner staff support while still meeting the needs of the applicant. Since that meeting, the applicant revised their zoning request from CS, Community Services to NS-G, Neighborhood Services- General after discussing options with staff.

BACKGROUND:

The subject property is in west Fayetteville along W. Wedington Dr, at the northwest corner of the intersection with N. 59th Ave. The property contains roughly 1.28 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The southern portion of the property is currently developed with a 1,549 sq. ft. single-family home, constructed in 1959. The property also contains an existing non-confirming 28'x43' garage that appears to be within the front setbacks and an 8'x10' outbuilding. Nearly all of the property falls within the Enduring Green Network. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped / Single-Family Residential	R-A, Residential Agricultural RSF-4, Residential Single-Family, 4 Units per Acre
South	Undeveloped / Agricultural	RI-U, Residential-Intermediate Urban
East	Single-Family Residential	R-A, Residential Agricultural
West	Undeveloped / Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to NS-G, Neighborhood Services-General.

Public Comment: One member of the public spoke at the March 11, 2024 Planning Commission meeting, stating that while she would be opposed to a high-density residential development, she would be supportive of commercial uses. She also stated that the applicant has maintained the property well since they purchased it, which had been an issue with the previous owner.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Wedington Dr., a fully improved regional link street with asphalt paving, sidewalk, and curb and gutter. The subject area also has frontage along N. 59th Ave., a partially improved residential link street with asphalt paving, and open ditches. Any street or drainage improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. An existing 2-inch water main is present on the north side of W. Wedington Dr. and an existing 18-inch water main is present on the south side of W. Wedington Dr.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present on the north side of W. Wedington Dr. and an existing 6-inch sewer main is present on the east side of N. 59th Ave.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1.8 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 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 expressed no concerns with this request.

Drainage: No portion of the property is within a FEMA floodplain or the Hillside-Hilltop Overlay District. The property does not have hydric soil and a protected stream is not present in the area.

Tree Preservation:

The proposed zoning district of NS-G, Neighborhood Services-General requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezoned area as **Residential Neighborhood**.

Residential Neighborhoods 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 a ranging score of 4-5 for this site, with a weighted score of 4.5. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #7, 835 N. Ruppel Rd.)
- Near Sewer Main (6-inch main, W. Wedington Dr. & N. 59th Ave.)
- Near Water Main (2-inch main & 18-inch main, W. Wedington Dr.)
- Near City Park (Bundrick Park)
- Near Paved Trail (W. Wedington Dr. Side-Path Trail)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the request to be compatible with the surrounding context. The surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural or RSF-4, Residential Single-Family, Four Units per Acre. Additional residential development appears to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, RI-12, Residential Intermediate, 12 Units per Acre to the northeast, and an RI-U development recently submitted for review to the south. There are few non-residential services available in the area, especially within close walking distance. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff does find that a rezoning to a higher density and potential for mixed uses is merited at the site. NS-G has a stated density maximum of 18 units per acre and allows up to three- and four-family dwellings by-right. Given by right allowances in the development to the south and the property's location along a major corridor, staff finds that three- and four-family dwellings are likely compatible in this location. Additionally, NS-G allows for an incremental infusion of commercial uses of a limited size. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding areas dedicated to residential uses. Other permitted commercial uses include Use Unit 24: Home Occupations and Use Unit 40: Sidewalk Cafes, both of which are limited in scale and impact.

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals

of City Plan 2040. The area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types as well as low-intensity nonresidential uses on corners and along connecting corridors. The property is approximately 1,700 feet east of a Tier 3 Center, which the City Plan 2040 describes as “intended to serve the immediately surrounding residential areas” with a variety of development patterns. All centers are intended to be mixed-use nodes that are pedestrian-friendly areas served by current or future transit service. It is worth noting that the infill score for this neighborhood is low; however, the area is experiencing growth as shown by numerous recent rezoning requests. Additionally, staff finds the proposed zoning of NS-G could likely fill both roles of providing additional variety of housing types with by-right allowances up to three- and four-family dwellings while also permitting limited commercial in an area of the city that is currently lacking nonresidential services within a walkable or bikeable distance.

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

Finding: A rezone to a higher density than RSF-4, Residential Single-Family, Four Units per Acre is justified, given its proximity to a Tier 3 center, and the future land use plans designating this area as Residential Neighborhood. Staff finds the current request to be an incremental increase that could facilitate needed nonresidential services in the area.

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

Finding: Rezoning the property to NS-G at this site would increase traffic at this site, though staff finds that it may not be out of scale or create a dangerous traffic condition in the area. W. Wedington Drive has a typical vehicle count of 13,000 vehicles per day, and is an improved Regional Link with a design service volume of 17,600 vehicles per day. Staff also finds that the site is located 1000 feet east of a Tier 3 center (W. Wedington Drive and N. Double Springs Road). Additionally, only four traffic accidents were reported within 250 feet of this intersection based on traffic records from 2011-2021.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from RSF-4 to NS-G could certainly have the potential to increase population density in this area as permitted maximum density would increase from four units per acre to eighteen units per acre. However, the available infrastructure, water and sewer, and the service volume of W. Wedington Drive, would likely support an increase in population density. 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-2024-0006 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>March 25, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.19 District NS-G, Neighborhood Services- General
- Applicant Request Letter
- Staff Exhibit
 - Traffic Accident Maps
 - Proximity to Tier Centers
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area*. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

161.19 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
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945 , §7(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

March 14, 2024

City of Fayetteville Planning Commission / City Council
125 West Mountain Street
Fayetteville, AR 72701

RE: 5916 W Wedington | Rezone Request

Dear Planning Commission, City Council and City Staff;

Please accept this written request to rezone parcel 765-16188-002 comprised of approximately 1.2976 acres and more commonly referred to 5916 W Wedington Drive. The subject property is currently zoned Residential Single Family Four (4) Units per Acre and our desire is to rezone to Neighborhood Services – General (NS-G).

There is no disputing the Wedington corridor has experienced tremendous growth! With the current, and planned, infrastructure improvements in this area, this will continue to be the case for the foreseeable future. With the subject property being located on the northwest corner of N 59th Street and W Wedington Drive, this property is positioned well to become a commercial use. The business exposure resulting from a high traffic count with frontage on Wedington make this a viable commercial space now and highly desirable in the near future based on growth models.

All of the same reasons that make it a highly desirable commercial location, make it very undesirable for a residence as the current residential single family four units per acre zoning dictates.

We are currently seeking a commercial tenant to occupy the newly remodeled 1600 square foot structure on the property. This structure was originally built as a home, but the layout lends itself more to a childcare facility, therapist, attorney's office or other small professional office use. Our plan is to lease the existing space to a use like this, continue to clean up the property, and ultimately develop further plans for the property to bring before the City.

This zoning request is compatible with current deployment trends in the area. Immediately to the south of this property is a large portion of RI-U property soon to be developed. Slightly to the west is the commercial intersection of N Double Springs and Wedington Drive with C2 zoning. Slightly to the east is a portion of Community Services property being developed into townhomes and they do not even have the hard corner that the subject property does. There are many other parcels with CS, RI-U and other zonings popping up in this area in various new developments.

With the explosion of rooftops in this area, we feel the need for commercial services to support such extreme growth is necessary. Along with the high traffic count associated with direct frontage on Wedington make the Neighborhood Services – General zoning the best choice. This zoning designation will not in any way negatively impact adjoining property owners but on the contrary pave the way for future development at this growing corner location.



We are looking forward to developing this commercial corner in a way that exemplifies urban planning and together leaving our **Legacy** one **Venture** at a time.

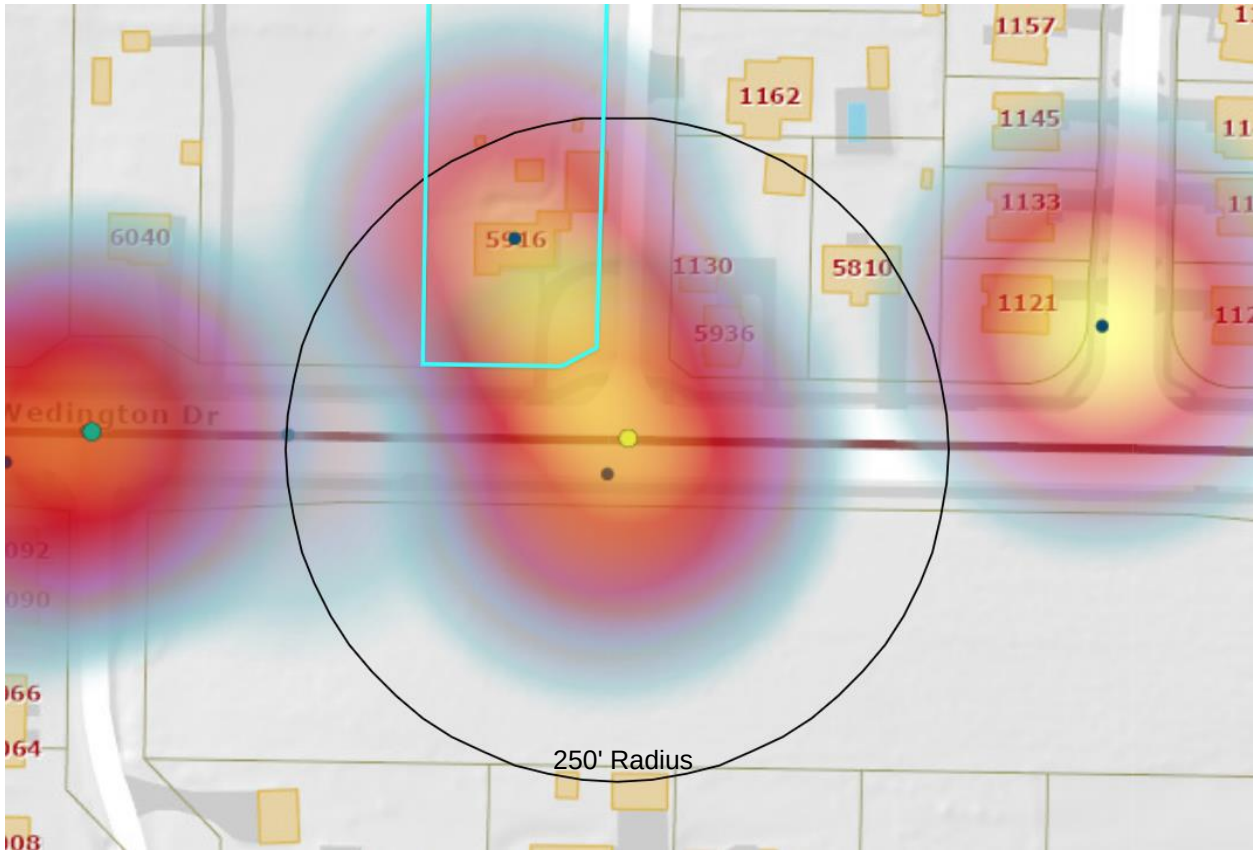
Sincerely,



Tim Brisiel



STAFF EXHIBIT: TRAFFIC ACCIDENT MAPS



Crash

Severity No apparent injury
Date/Time 6/14/2013, 7:00 PM
Non-Motorist Involved? No

Crash

Severity Non-incapacitating injury
Date/Time 6/3/2013, 7:00 PM
Non-Motorist Involved? No

Crash

Severity No apparent injury
Date/Time 5/11/2016, 5:10 AM
Non-Motorist Involved? No

Crash

Severity No apparent injury
Date/Time 7/2/2018, 3:11 PM
Non-Motorist Involved? Unknown

Traffic Crashes

2017-2021 Crashes

Crash (2017-2021)

- ✚ Fatal injury
- Incapacitating Injury
- Non-incapacitating injury
- Possible injury
- No apparent injury

Crash Density (2017-2021)



High Injury Network Corridor

Average Daily Traffic

Current ADT	13,000
Truck %	
2022 ADT	13,000
2021 ADT	12,000
2020 ADT	11,000
2019 ADT	11,000
2018 ADT	11,000
2017 ADT	11,000
2016 ADT	12,000
2015 ADT	10,000
2014 ADT	9,800
2013 ADT	10,000

***Map shows traffic accident data from 2011-2021**

STAFF EXHIBIT: PROXIMITY TO TIER CENTER

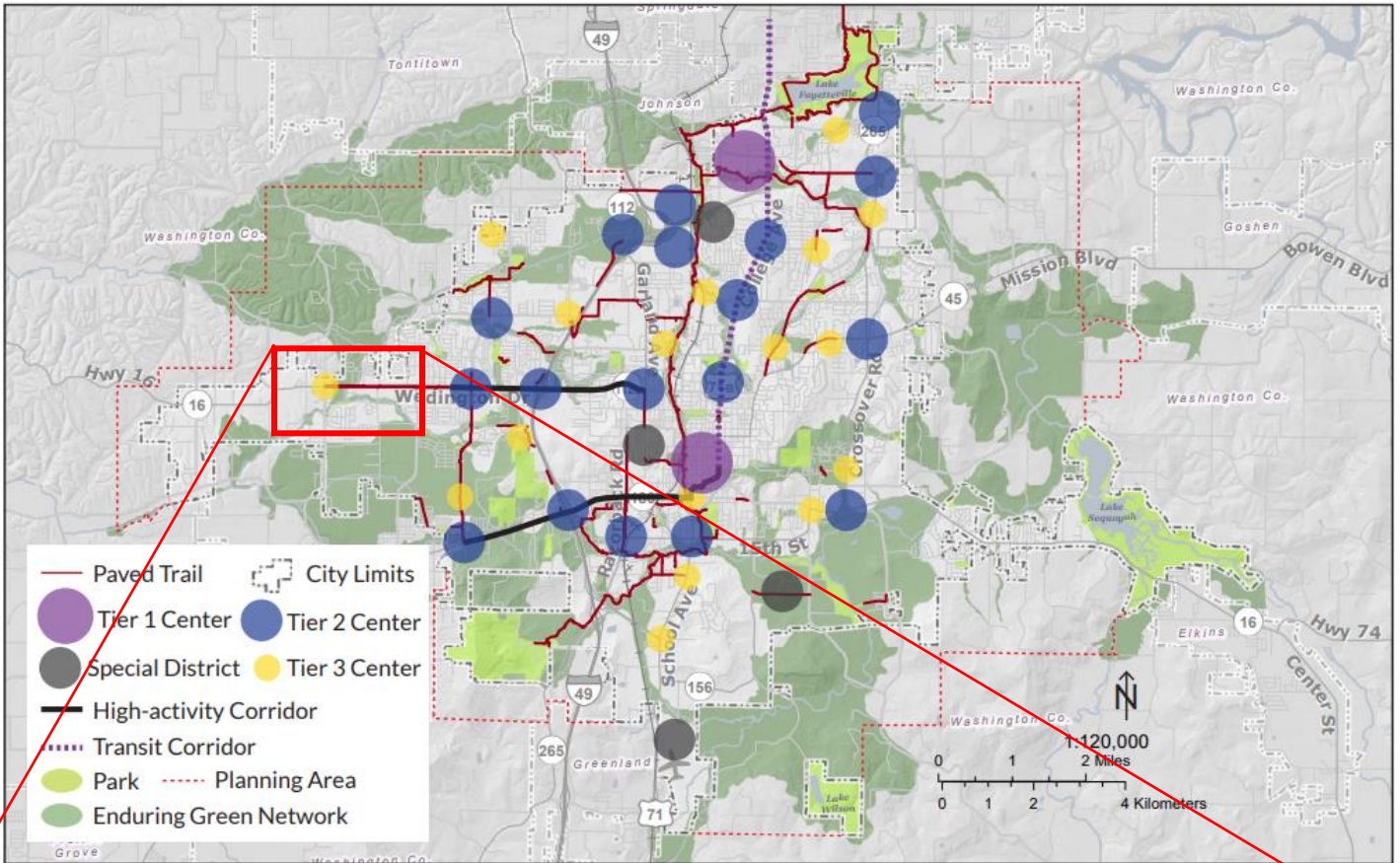
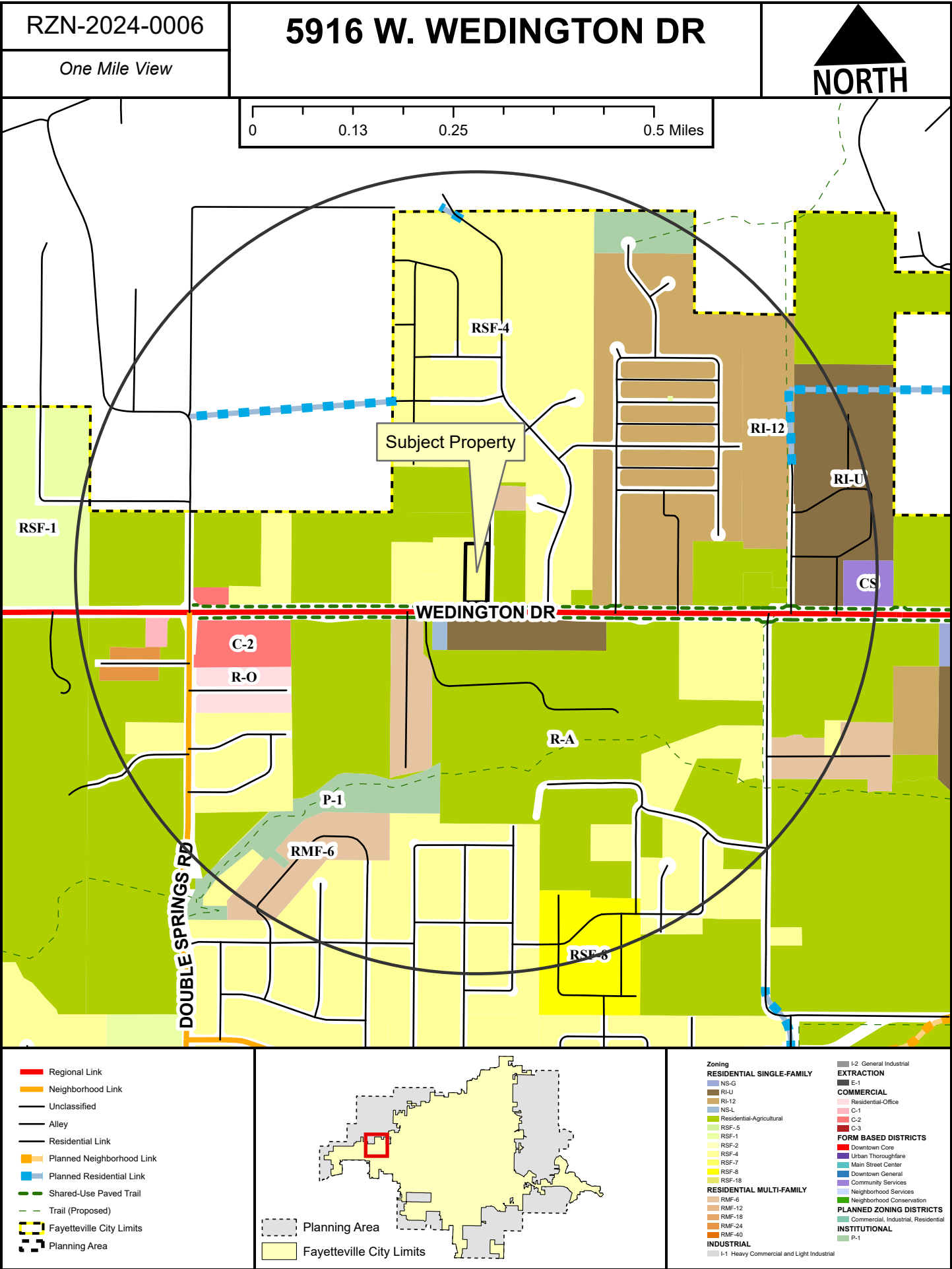
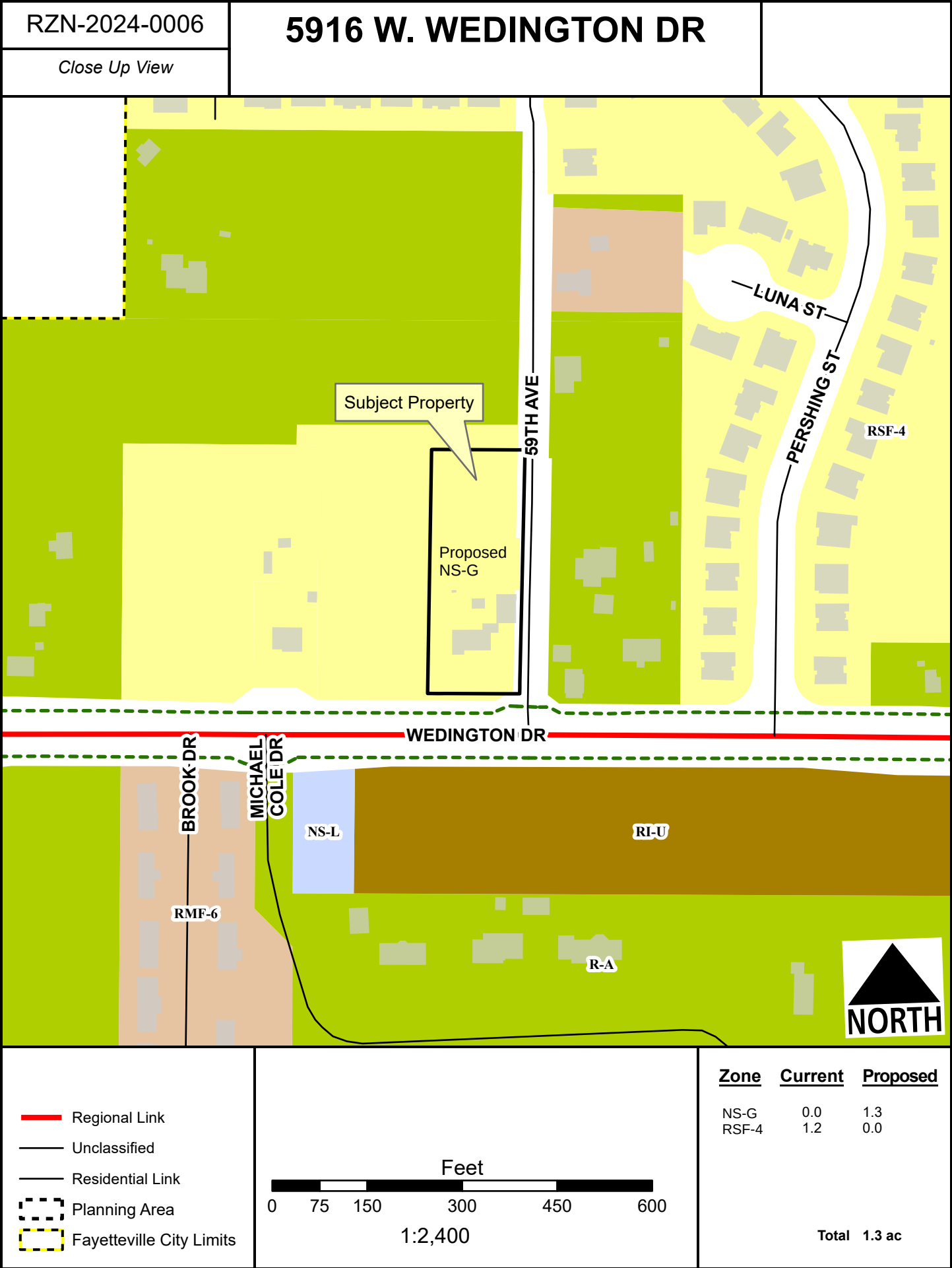
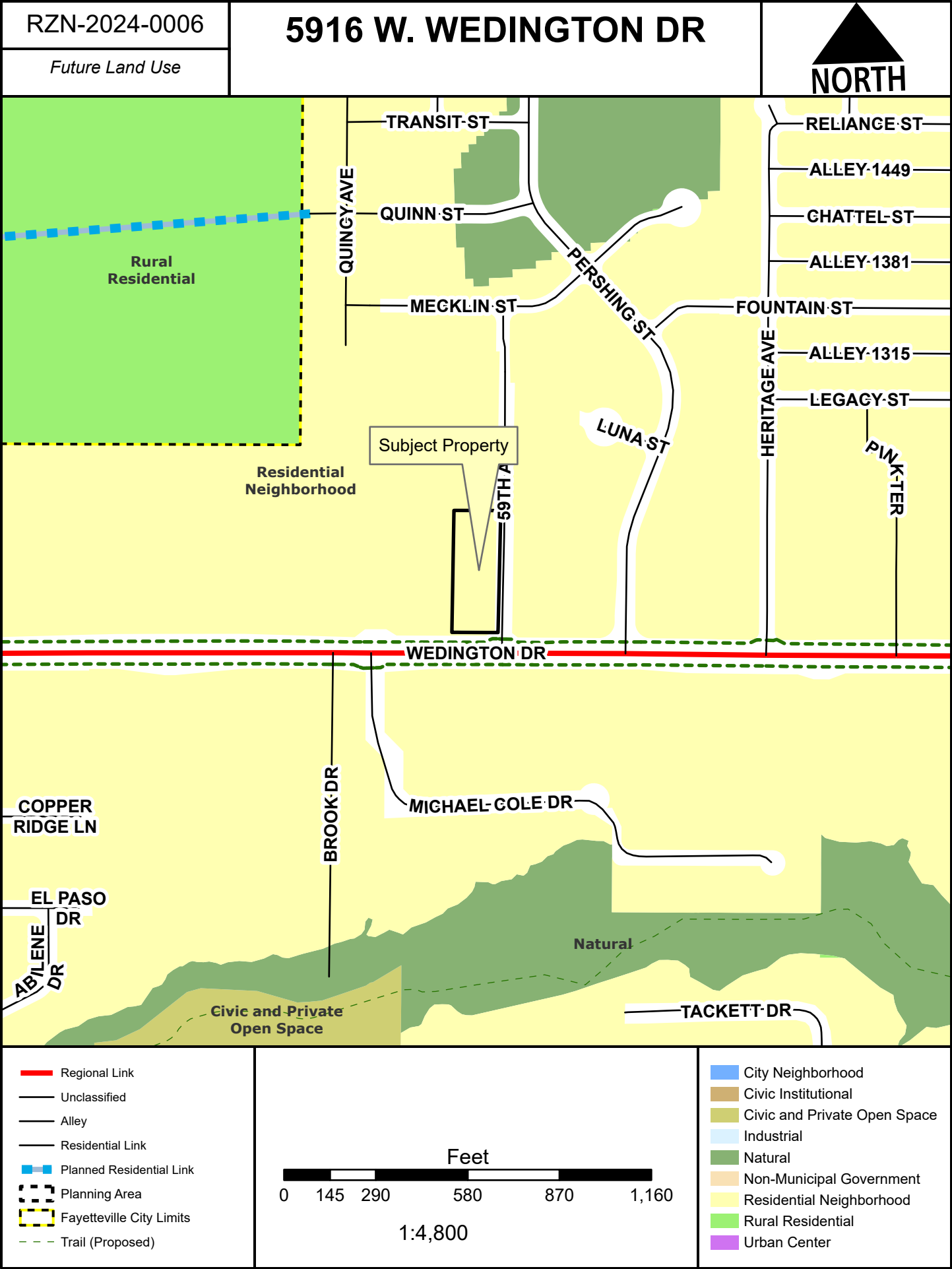


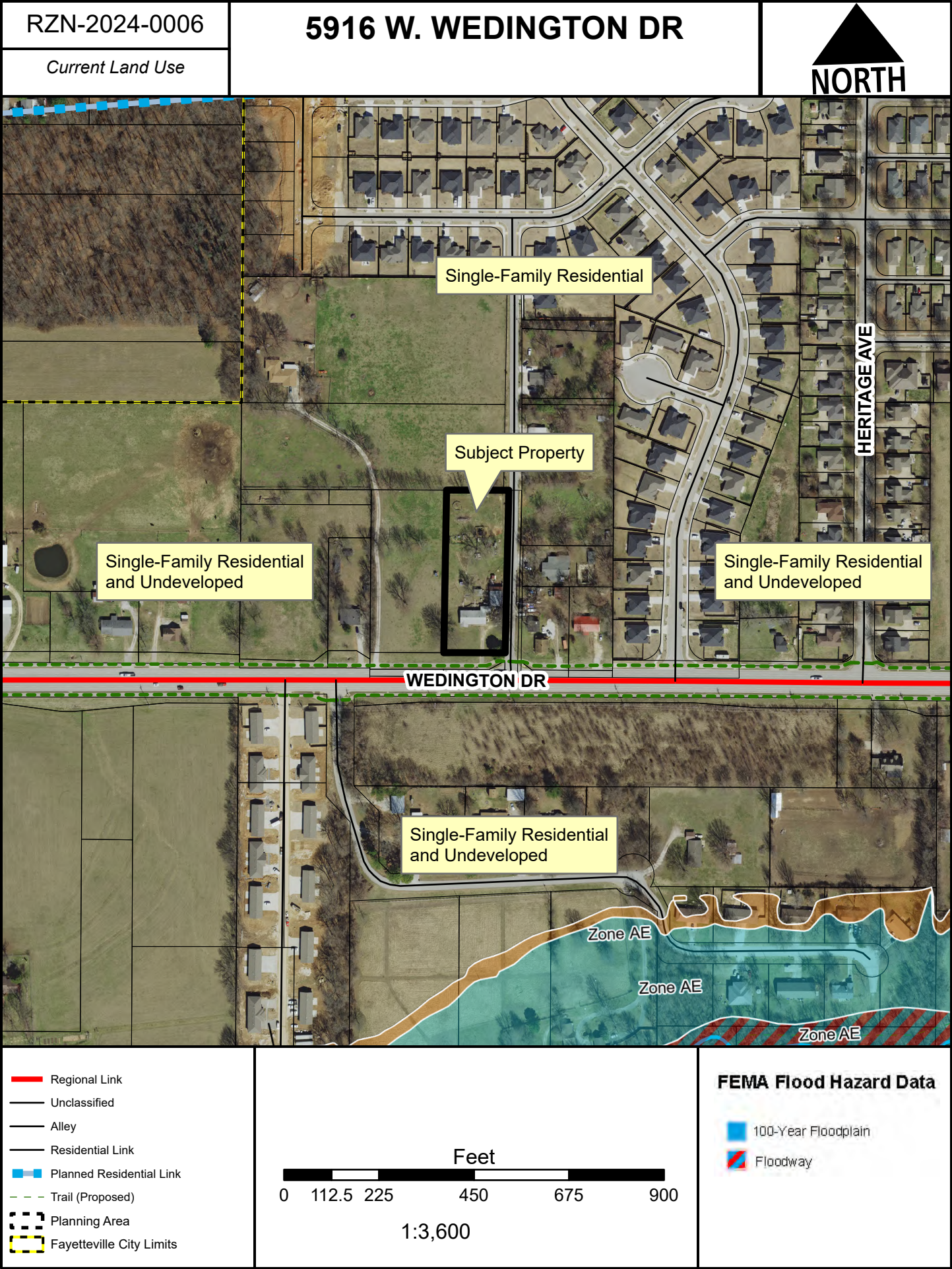
Figure 2.0 - Growth Concept Map













TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 25, 2024

SUBJECT: **ADM-2024-0010 (251 W. 19th ST./NEW BEGINNINGS SHELTER, 601):**
Submitted by JURNI DESIGN GROUP for property located at 251 W. 19th St. The property is split-zoned C-1, NEIGHBORHOOD COMMERCIAL and C-2, THOROUGHFARE COMMERCIAL and contains approx. 4.80 acres. The request is to expand a previously approved conditional use permit for a campground facility.

RECOMMENDATION:
Staff recommends approval of **ADM-2024-0010**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2024-0010** with conditions as recommended by staff."*

BACKGROUND:
The subject property contains approximately 4.80 acres at the southeast corner of School Avenue and 19th Street. The property is zoned a combination of C-2, Commercial Thoroughfare and C-1, Neighborhood Commercial. A timeline of development proposals and approvals on the property includes:

- **November 13, 2017:** Planning Commission approves a 5-year conditional use permit for a homeless shelter and campground (CUP 17-5938)
- **October 9, 2018:** Staff administratively grants a one-year extension for CUP 17-5938.
- **February 28, 2019:** Subdivision Committee approves a large scale development (LSD 19-6537)
- **November 25, 2019:** Planning Commission approves a second, and final, one-year extension for CUP 17-5938. Approval includes amendment for project changes and a conditional use permit expiration determined from the time of certificate of occupancy issuance.
- **December 27, 2019:** Conditional grading permit approval granted.
- **February 28, 2020:** Staff administratively grants a one-year extension for LSD 19-6537.
- **October 22, 2020:** Building permit issued.
- **June 30, 2021:** Certificate of occupancy inspections requested.
- **July 26, 2021:** Planning commission approves an amendment to the conditional use permit and large scale development.
- **September 10, 2021:** Certificate of occupancy issued (COMM-2020-000009).

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

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

Direction	Land Use	Zoning
North	7hills Homeless Center; Industrial	I-1, Heavy Commercial and Light Industrial
South	Commercial	I-1, Heavy Commercial and Light Industrial; C-1, Neighborhood Commercial
East	Undeveloped/U of A	RMF-24, Residential Multi-family, 24 Unit per Acre
West	Residential and Undeveloped/ U of A	C-2, Commercial Thoroughfare

Request: The applicant requests an amendment to CUP 17-5938 for the addition of four overnight units and one restroom facility.

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

DISCUSSION:

Staff is supportive of the applicant's request to amend their conditional use permit. The original conditional use permit limited the campground to no more than 20 shelters of 200 square feet or less and occupancy of no more than 30 individuals at one time. Staff finds that this amendment is compatible with the existing land-use and would increase service capabilities to 25 shelters and add a restroom/shower facility. The additional square footage of these buildings totals 354 square feet. The proposed 100-square-foot shelter matched previously approved units. The 70-square-foot shelters and restroom/shower facility are also pre-fabricated 'pallet shelters'. The applicant indicates that this addition would allow them to serve up to 28 residents. Staff finds the proposed use to be compatible with the existing uses on site and the adjacent industrial and undeveloped properties. Current setbacks for the subject area of the property includes a 15-foot side setback. In addition to this, the applicant is proposing approximately 5 additional feet of separation and a fence to enclose the use. The applicant is not proposing any additional parking, citing that the homeless community this is intended to serve do not have vehicles, and existing parking is adequate for staff. The applicant proposes to continue using existing trash service on the site. Water and sewer lines to support the additional restroom facility will tie into existing utilizes at the site. In reviewing the request, staff did not find any zoning or code violations for the property.

RECOMMENDATION: Staff recommends approval of **ADM-2024-0010** with the following conditions:

Conditions of Approval:

1. Planning Commission determination of compatibility. Staff finds the proposed expansion to the existing conditional use permit for a camping facility to be compatible with the surrounding area and uses for the reasons described in this report;
2. The conditional use permit is limited to the use for a camping facility as described in the applicant's request letter. The conditional use permit is non-transferable to a different business or property owner. The following specifications apply:
 - a. Number of shelters: 4 shelters and one restroom facility.
 - b. Size: Total area of new structures not to exceed 355 square feet.
3. All conditions of approval of CUP 17-5938 and its subsequent amendment, and LSD 19-6537 not affected by this modification shall remain in effect; and
4. Approval of this conditional use permit extension does not constitute approval of associated permits or development entitlements not fully reviewed at this time.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>March 25, 2024</u> ☐ Tabled ☐ Approved ☐ Denied
Motion:
Second:
Vote:

BUDGET/STAFF IMPACT:
None

- ATTACHMENTS:**
- Conditions of Approval:
 - CUP 17-5938
 - LSD 19-6537
 - ADM 19-6923
 - ADM 2021-000053
 - Request Letter
 - Site Plan
 - Elevations
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map

Conditions of Approval

1. **Planning Commission determination of compatibility with adjacent properties,** *Staff recommends approval of the proposed campground facility, finding that the use is compatible with surrounding properties in this largely industrial area of Fayetteville.*
2. **Planning Commission determination of sidewalk improvement pursuant to UDC Section 171.13 (B).** This section of code requires sidewalk to be installed along abutting public street frontages with a conditional use permit. It is anticipated that many of the residents will be accessing the property on foot and 19th Street does not have a sidewalk. However, because this street is a low volume, dead-end street and this campground is installing a minimal amount of infrastructure, staff does not recommend new sidewalk. It is safe for residents to walk in 19th Street.
3. The Conditional Use Permit approval shall be valid for five (5) years from the date of approval, to expire on November 13, 2022.
4. The project may only be expanded by amendment to this Condition Use Permit approval; this approval does not include any future phases.
5. The project shall be submitted for standard Large Scale Development review, according to the requirements of UDC Chapter 166.
6. This conditional use permit is limited to a campground containing no more than 20 wood shelters of 200 square feet or less, a common building/office of 3,000 square feet or less, and occupancy of no more than 30 individuals at one time.
7. The property owner shall be responsible for ensuring that the maximum approved occupancy allowed by this Conditional Use Permit is not exceeded for the entire acreage.
8. The campground shall be operated consistent with the materials submitted by the applicant (attached to this packet), including compliance with "Appendix C: Governance Handbook" which provides rules for residents.
9. Basic sanitation shall be maintained at all times, including adequate potable water, facilities such as sinks and tubs for washing dishes and clothes, trash, bathing, and toilet facilities. Failure to maintain a safe and clean campground shall constitute grounds for revocation of the Conditional Use Permit.
10. A maximum of 6 fire rings shall be allowed subject to Fire Marshal review and approval.
11. Site lighting shall be provided as proposed by the applicant, at public spaces and outside each unit. All lighting must meet the requirements of UDC 176, Outdoor Lighting.
12. Solid Waste and Recycling Department and the City Planning Division shall have final approval regarding trash service type and placement.

13. City staff shall reserve to right to enter the property to conduct noise measurements or ensure compliance with conditions of approval.
14. Driveway access shall be limited to West 19th Street and shall be further reviewed at the time of development to ensure compliance with the City's Access Management Code (UDC 166.08).
15. An informational sign shall be conspicuously posted listing the campground rules and regulations.
16. All lighting shall comply with the City's exterior lighting code (UDC Chapter 176).
17. Music that could be audible at the site's property boundaries shall not be permitted.
18. Vehicle camping is not proposed or permitted with this conditional use permit. Such a proposal would require additional review and approval by the planning commission.
19. The applicant shall provide emergency contact information for the campground to the City. This contact information shall be maintained current at all times.

Added by the Planning Commission with November 13, 2017 Approval

20. The Planning Commission encourages the applicant to work with the Northwest Arkansas Continuum of Care on a regional solution to homelessness.

Conditions of Approval

1. **Subdivision Committee recommendation of street improvements.** *Staff recommends no street improvements as dictated by the associated CUP.*
2. No vehicle parking is to be permitted in front of the building and in the fire lane.
3. Bicycle racks must be given adequate clearance of 8-feet by 9-feet for two bike racks.
4. Conditions of approval from Engineering, Fire, and Urban Forestry (attached) are included in the official conditions of approval.
5. All conditions from the associated Conditional Use Permit (CUP 17-5938) must be met.
6. All building and construction permits for this project must be obtained by the CUP expiration date of November 13, 2019.

Standard conditions of approval:

7. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
8. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
9. Any proposed signs shall be permitted by a separate sign permit application prior to installation.
10. Add the following standard notes to the site plan and all construction documents:
 - a. 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.
 - b. If visible from the street, trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principal structure. An elevation depicting the materials and colors of the screen will be required to be approved by Planning Division prior to building permit.
11. Large scale development shall be valid for one calendar year.
12. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Urban Forester of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area, right-of-way dedication, and all utility easements.

- d. If applicable, a business license shall be obtained.
- e. Project Disk with all final revisions.
- f. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
- g. 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.

ADM 19-6923

Conditions of Approval

1. A one-year extension for CUP 17-5938 will expire on November 13, 2020
2. The Conditional Use Permit approval shall be valid for five (5) years from the date of certificate of occupancy.
3. All other conditions of approval of the associated large scale development (LSD 19-6537) and conditional use permit (CUP 17-5938) will remain in effect.

ADM-2021-000053

Conditions of Approval

1. All conditions of approval of CUP 17-5938 and its subsequent amendment, and LSD 19-6537 not affected by this modification shall remain in effect; and
2. Approval of this amendment does not represent resolution of outstanding matters associated with certificate of occupancy issuance.



Serve Northwest Arkansas Inc.
dba New Beginnings NWA
251 W. 19th St.
Fayetteville, AR 72701

02/29/2024

Request for Public Hearing

City of Fayetteville Staff,

Please accept this letter as a formal request for public hearing regarding a proposed expansion of the New Beginnings Homeless Shelter in Fayetteville at the above address. This expansion project is being proposed as an amendment to CUP 17-5938 as previously modified by ADM 2021-00053.

Please refer to the enclosed Exhibit A for additional information regarding this request.

Regards,

A handwritten signature in blue ink, appearing to read "Tyler Avery".

Tyler Avery, P.E. – Owners Authorized Project Representative
Director of Engineering - Jurni Design Group



Exhibit A – CUP Checklist

New Beginnings Homeless Shelter NWA Expansion

1. Legal description of property (may be found on deed or current survey of property). A survey may be required if the deed cannot be platted accurately.

PT SW SE 4.69 AC FURTHER DESCRIBED FROM 2018-28968 AS: Part of the Southwest Quarter of the Southeast Quarter of Section Twenty-one (21), Township Sixteen (16) North, Range Thirty (30) West of the 5th P.M., Washington County, Arkansas, described as beginning at a point 447.52 feet South of the Northeast corner of said forty acre tract, said point being on the South right of way line of 19th Street, which is 25 feet South of the centerline of said street; thence South 308.45 feet; thence South 89°35'35" West 518.36 feet; thence North 09°04'00" East 65.00 feet; thence North 88°58'00" West 184.15 feet to the East right of way line of U.S. Highway 71B; thence along said East right of way line North 07°25'39" East 261.54 feet to the South right of way line of 19th Street; thence along the South right of way line of 19th Street South 88°43'09" East 658.58 feet to the point of beginning, containing 4.69 acres, more or less. LESS AND EXCEPT Part of the SW of the SE of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as beginning at a point which is 715.81 feet South and N88°58'00"W 482.56 feet from the Northeast corner of said forty acre tract; and running thence S09°04'00"W 65.00 feet; thence N88°58'00"W 200.00 feet to the East right-of-way line of U.S. Highway No. 71; thence N09°04'00"E along said right-of-way line 65.00 feet; thence S88°58'00"E 200.00 feet to the point of beginning, containing 0.30 acres, more or less.

Parcel ID 765-15023-000

2. Complete description of this request (what is proposed by the applicant) to include all applicable items below (indicate N/A if it does not apply to your project):

New Beginnings Homeless Shelter is proposing an expansion at above property location. This is the current location of New Beginnings Homeless Shelter. The facility currently operates under original CUP 17-5938 as modified by ADM 2021-00053. This minor expansion would add (4) standalone overnight units and (1) standalone restroom facility to serve the (4) overnight units. In response to city staff comment on previous revision, there will be no fire rings as part of the proposed expansion.

- a. Building size in square feet; existing and proposed

Existing structures on property consist of (20) 100sf. ea and (1) multiuse building for operations/administration/cafeteria/restrooms of 2236sf totaling 4236sf of existing structures on site. The expansion would consist of (3) pre-fab overnight units at 70sf, (1) pre-fab overnight unit at 100sf, and (1) pre-fab restroom/shower facility at 44sf totaling 354sf of new structures proposed.

- b. Color elevations of all exterior sides of the structure

Submittal drawings and literature for all proposed pre-fab structures provided as a miscellaneous attachment in egov application. The (1) 100sf unit is identical to the existing previously approved 100sf units on site. In response to city staff comment on previous revision, additional literature is being provided included at the end of the misc. attachment on the restroom facility. It is not manufactured by Pallet. It is being provided by a company named Chery Industrial.

Exhibit A – CUP Checklist

- c. Number of off-street parking spaces to be provided / number required

Residents of New Beginnings are homeless individuals and do not have vehicles. Existing off street parking is for employees and vendors only. There will be no material increase to employees associated with the proposed expansion. Potential for one additional part time employee. Existing parking is adequate.

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

- i. Hours of operation

1. New Beginnings operates as a campground and is not a business open to the public. There are staff members and residents on site 24/7.

- ii. -Number of employees

1. 12

- iii. -Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)

1. Current resident occupancy is 24, 28 residents at full expanded capacity.

- e. Outdoor lighting

- i. It is our intent to make minimal (potentially zero) modifications to existing outdoor lighting. The existing pole mounted fixtures on sight provide area lighting. If necessary for safe access around the units, we would propose to add one fixture to the existing pole nearest the expansion area. The fixture would primarily provide downlight and would minimize any light trespass. It should be noted there is not a neighbor to the East which is the area of the expansion.

- f. Noise

- i. Noise levels would be maintained at or below requirements of UDC standards for campgrounds.

- g. Screening or buffering from adjacent properties

- i. As noted above, the adjacent property to the expansion area is vacant woods. The trees both on property and on adjacent property provide excellent natural screening. Additionally, it is our intent to fence the expansion area with fencing to match the existing fencing on site.

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

- i. Trash and refuse service for the expansion will utilize current trash service on site.

- i. Ingress and egress to the property; traffic impacts

- i. Ingress and egress to property will remain as is. There are no foreseen traffic impacts related to the proposed expansion.

- j. A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood

- i. Proposed use of the expansion at New Beginnings is the same use as the current facilities on site. The expansion does not propose to increase the property area or construct beyond the property boundary (including

Exhibit A – CUP Checklist

appropriate setbacks). As such there are no foreseen issues with compatibility with adjacent properties in the neighborhood.

3. Site plan drawn to scale (if applicable), based on the deed or survey, showing all proposed structures dimensioned from the overhang to the property line, parking, driveways, Master Street Plan right-of-way, required setbacks.
 - a. Site plan attached as supplement information attachment to egov application.
4. A copy of the county parcel map from the Washington County Assessor's office website (www.co.washington.ar.us) or the Fayetteville Address Point File (website instructions). The subject property and all parcels within 200 feet should be identified on this parcel map. (Applications for special conditional uses that require notification within 500 feet should show all properties within 500 feet of the project site. See the notification requirements section of this application.)



Exhibit A – CUP Checklist

5. Preliminary floor plans drawn to scale (if applicable)
 - a. Submittal drawings and literature for all proposed pre-fab structures provided as a miscellaneous attachment in egov application. The (1) 100sf unit is identical to the existing previously approved 100sf units on site.
6. Signature by current property owner of record on consent of owner form or written verification signed by such owner designating a project representative.
 - a. Owner authorization letter attached to egov application.

OVERALL SITE PLAN
Scale: 1" = 30'-0"



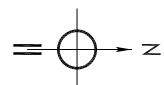
24005
NEW BEGINNINGS EXPANSION
OVERALL
OVERALL SITE PLAN
DWS: LNC
DWS SCALE: 1" = 30'-0"

JURNI
Jurni Design Group
1102 S. HAPPY HOLLOW RD.
FAYETTEVILLE, AR 72704
Tel: (479) 251-1161
DRAWN BY: TBA
CHECKED BY: _____
APPROVED BY: _____

REVISIONS				
REV.	DATE	BY	REMARKS	
A	02/26/2024	TRA	ISSUED FOR REVIEW	
B	02/29/2024	TRA	REVISED PER STAFF COMMENTS	

C.R. CRAWFORD
CONSTRUCTION
C.R. CRAWFORD
FAYETTEVILLE, AR

New Beginnings
BRIDGE HOUSING COMMUNITY
Planning Commission
NEW BEGINNINGS NWA
FAYETTEVILLE, AR
March 25, 2024



Parcel #: 765-14990-000
University of Arkansas
Zoning: RMF-24
WD Doc #2003-00015522

TQ: 1246.97
N: 629366.83
E: 672901.38

New Beginnings
BRIDGE HOUSING COMMUNITY
Planning Commission
March 25, 2024

C.R. CRAWFORD
CONSTRUCTION
C.R. CRAWFORD
FAYETTEVILLE, AR

REVISIONS				
REV.	DATE	BY	REMARKS	
A	02/26/2024	TRA	ISSUED FOR REVIEW	
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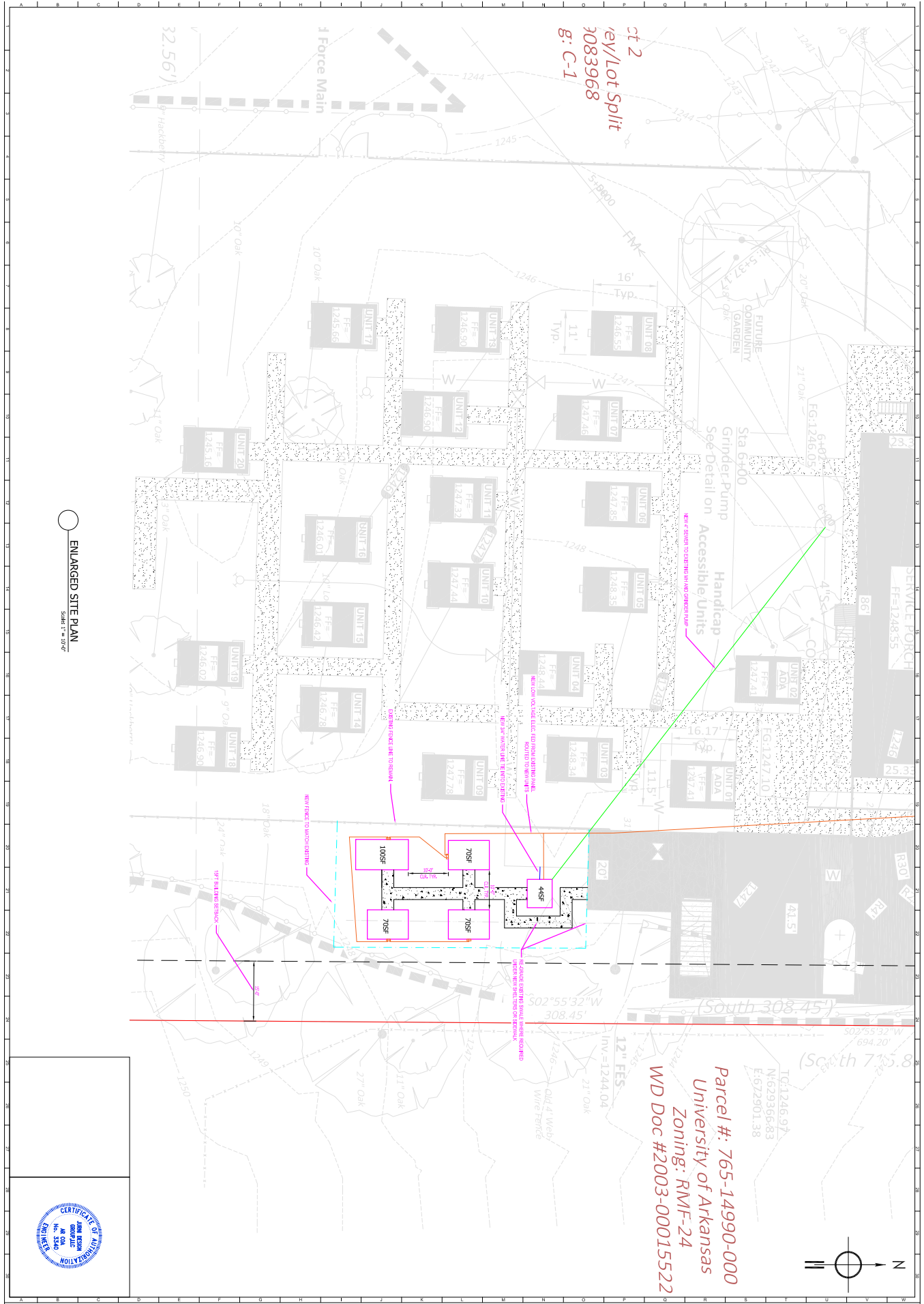
Jurni Design Group
1102 S. HAPPY HOLLOW RD.
FAYETTEVILLE, AR 72704
Tel: (479) 251-1161
DRAWN BY: TRA
CHECKED BY: _____
APPROVED BY: _____



24005
NEW BEGINNINGS EXPANSION
OVERALL
ENLARGED SITE PLAN
DWG SCALE: 1" = 10'-0"

DXWG INC.
CX.01

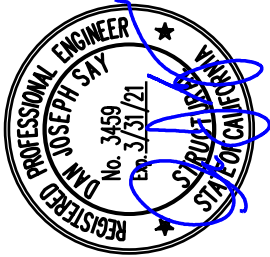
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ADM-2021-000053

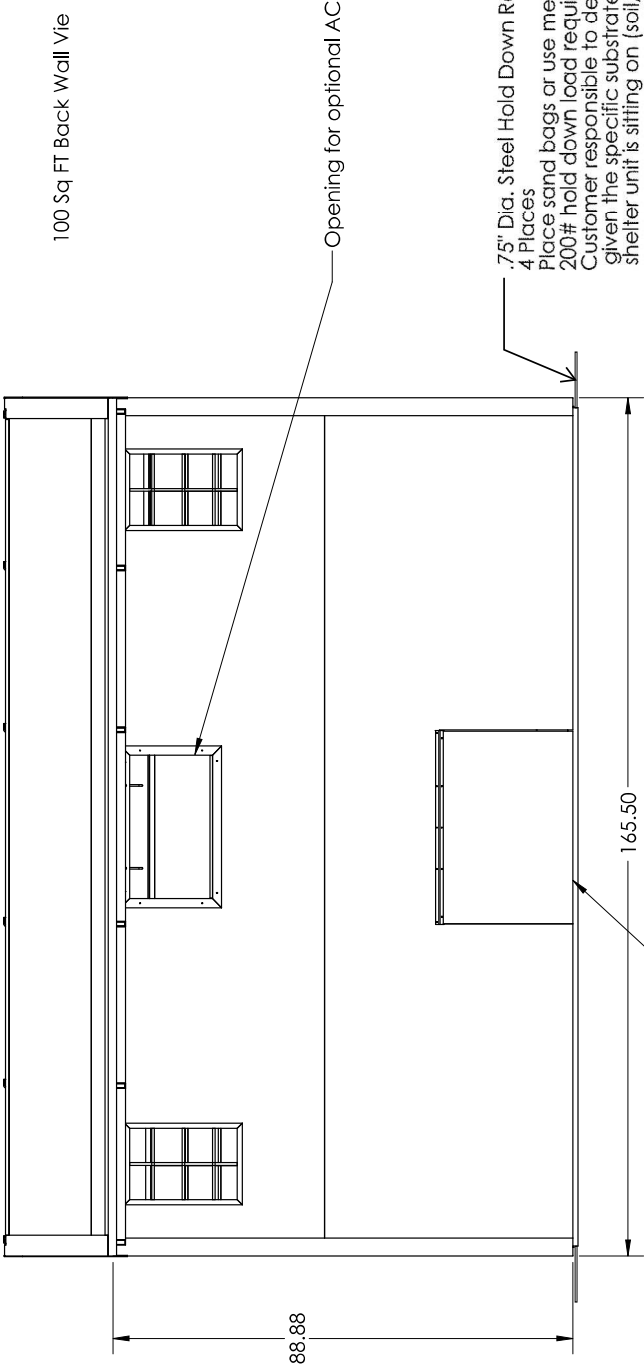
Proposed Shelters

REVISIONS			DATE
ZONE	REV.	DESCRIPTION	



100 Sq FT Back Wall Vie

Structural Only
9/17/20



Emergency Egress Panel

.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)



Approved by Quality
Signature _____
Date _____

Approved by Production
Signature _____
Date _____

PROPRIETARY AND CONFIDENTIAL
THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF Pallet SPC LLC. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF Pallet SPC IS PROHIBITED.

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCES:
FRACTIONS: 1/32
ANGULAR: MACH: 1° BEND: 1°
THREE PLACE DECIMAL: ±.03
DO NOT SCALE DRAWING

DRAWN BY
DATE

Don Bender
7-27-2020

TITLE:
100 Sq FT Pallet Shelter
Back Wall View

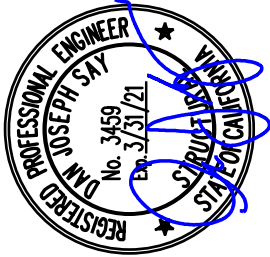
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REV
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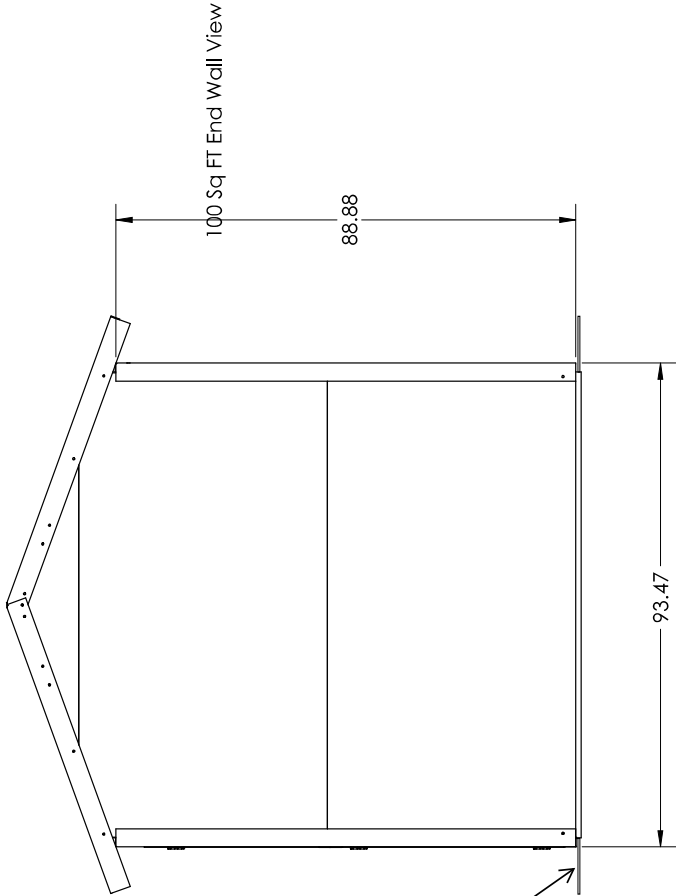
WEIGHT:

SHEET 1 OF 1

REVISIONS		
ZONE	REV.	DESCRIPTION
		DATE



Structural Only
9/17/20



.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)



Approved by Quality
Signature _____
Date _____

Approved by Production
Signature _____
Date _____

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UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCES:
FRACTIONS: ±.03
ANGULAR: MACH ±1° BEND ±1°
THREE PLACE DECIMAL: ±.01
DO NOT SCALE DRAWING

DRAWN BY
Don Bender
DATE
7-27-2020

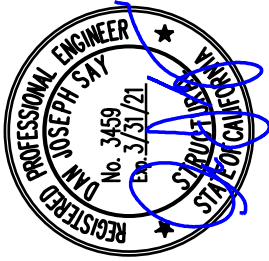
TITLE:
100 Sq FT Pallet Shelter
End Wall View

Part Number
10370
REV
A

WEIGHT:

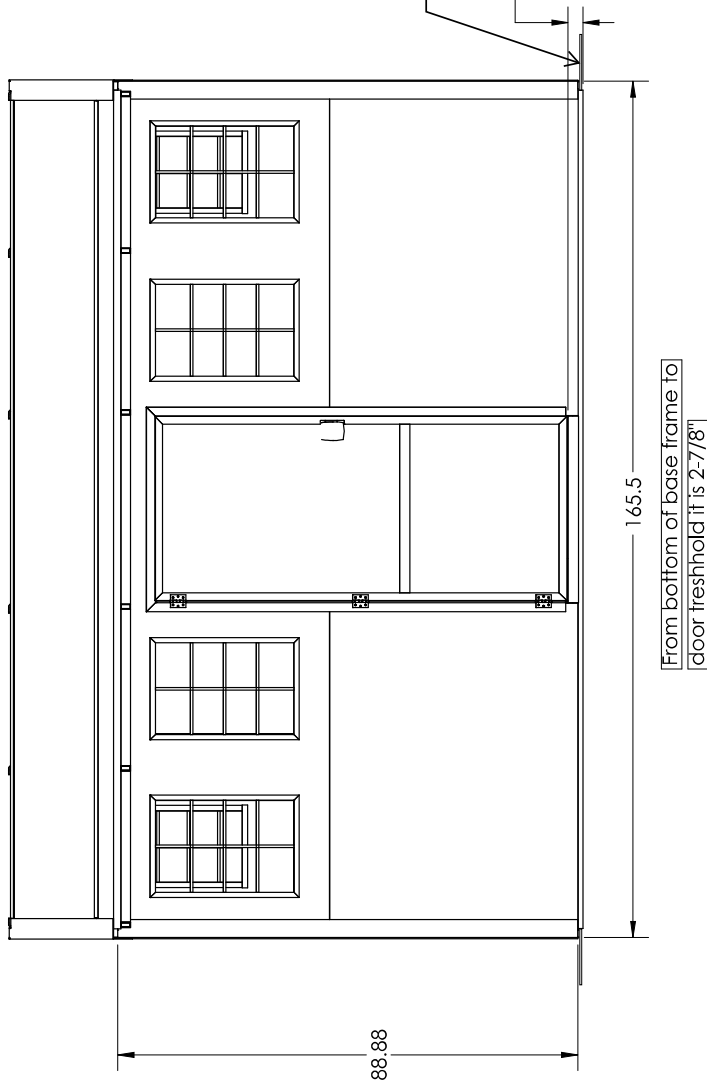
SHEET 1 OF 1

REVISIONS		
ZONE	REV.	DESCRIPTION
	A	Original Release
		DATE
		7/27/2020



Structural Only
9/17/20

100 Sq Ft Front View



.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)



Approved by Quality
Signature _____
Date _____

Approved by Production
Signature _____
Date _____

PROPRIETARY AND CONFIDENTIAL
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WRITTEN PERMISSION OF Pallet SPC IS
PROHIBITED.

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCES:
FRACTIONS: 1/32
ANGULAR: MACH 1
TWO PLACE DECIMAL: .03
THREE PLACE DECIMAL: .01
DO NOT SCALE DRAWING

DRAWN BY
DATE
Don Bender
7-27-2020

TITLE:
100 SQFT Pallet Shelter
Front View

Part Number
10370
REV
A

WEIGHT:

SHEET 1 OF 1

S2 Sleeper 70

Standard Product Specifications



Dimensions

DESCRIPTION	STANDARD SPECIFICATIONS	
Exterior Dimensions, Eve-to-Eve	10'6¼" W x 7'6 1/2" D	320.7 cm W x 229.9 cm D
Exterior Dimensions, Wall-to-Wall	10'3" W x 7'3" D	312.4 cm W x 221 cm D
Interior Dimensions, Wall-to-Wall	10' W x 7' D	304.8 cm W x 213.4 cm D
Overall Height	8'7½" H	262.9cm H
Min/Max Ceiling Height	6'9½" to 7'8" H	207 cm to 233.7 cm
Interior Square Footage	70 sq. ft.	6.5 m2

Means of Egress & Ventilation

DESCRIPTION	STANDARD SPECIFICATIONS	
Solid Core Door	1 @ 36" x 80"	1 @ 91.4 cm x 203.2 cm
Casement Egress Window	1 @ 36" x 36"	1 @ 91.4 cm x 91.4 cm
Additional Double Pane Insulated Windows	1 @ 24" x 30"	1 @ 61 cm x 76.2 cm

Weights & Ratings

DESCRIPTION	STANDARD SPECIFICATIONS	
Weight of Unit (Including Standard Features & Max Occupancy Beds)	900 lb.	408 kg
Sustained Wind Rating	Up to 155 mph	Up to 250 kmh
Tie Down Requirement per Corner	Up to 1,500 lb.	Up to 680 kg
Roof Snowload Rating	40 lb. per sq. ft.	1.9kPa
Floor Live Load Rating	40 lb. per sq. ft.	1.9kPa
Fire Rating	ASTEM-E84 Class B Surface Class C Full System	
Max # of Beds and Size (Twins, Fulls, etc)	1 Twin XL	
Twin XL Bed Weight Limit	1,500 lbs	680 kg
Shelves Weight Limit	No single point greater than 45 lb. / 20.4 kg	

Delta T

DESCRIPTION	STANDARD SPECIFICATIONS	
120V 2,750W Heater	90F	50C
240V 4,500W Heater	120	66C

Materials and Construction

DESCRIPTION	STANDARD MATERIALS OF CONSTRUCTION
Floor/Base	Welded aluminum frame with foam core composite SIP panel
Roof & Wall Panel	Foam core composite SIP panel
Windows	Vinyl frame with dual pane Low-E glass

Panel Thickness

DESCRIPTION		STANDARD MATERIALS OF CONSTRUCTION	
	Walls	1.5"	3.8 cm
	Roof	2"	5.1 cm
	Floor	0.5"	1.3 cm

Infrastructure Requirements

DESCRIPTION		STANDARD SPECIFICATIONS
	Electrical Connection	120V or 240V Service Options Available
	Tie Down Requirement per Corner	Up to 1,500 lb. / 680 kg (Depends on local wind rating)

Standard Features

- Locking solid core door w/ master key
- Emergency egress casement window
- Vinyl frame with dual pane Low-E glass windows
- Adjustable shelving
- Three 120V outlets
- Interior LED lighting
- Hardwired CO/smoke detector with battery backup
- Wall-mounted fire extinguisher
- Exterior-mounted breaker box
- Wall mounted Pic-A-Watt 1,250W-2,750W or 2,250W-4,500W heater
- Thru-wall 8,000 BTU A/C unit

Optional Accessory Features

- Desk
- Twin XL bed frame
- Twin XL 'Relief Bed' 38"x 80" (96.5cm x 203.2cm) mattress
- Programmable digital keypad entry
- Exterior light

Description

The Bastone Portable Restroom with Shower is perfect for outdoor camping and activities. This stand-alone mobile bathroom unit is very practical and easy to use. The compact design provides multiple functions all in one: toilet, sink, and shower. 110V power source, a water supply, and a septic system to tie in the waste from the toilet are needed for the proper operation of the complete unit. The modern interior design also adds more beauty to the unit.

If this Bastone Portable Restroom w/ Showers is used on a construction site, we recommend you connecting toilets to the sanitary sewer system, and connecting cold water to the pipe system, hot water to the heating burner. If not, you may need tanks outside the structure for waste.

All pipe connection needs thread seal tape, instead of glue, to seal.

Set up

If it's a concrete floor, please use twist-n-lock anchors on 4 corners of the portable restroom, and use wire rope to connect the anchor and top corner of the portable restroom.



If it's a soil floor, please use 20 inches - 28 inches ground nail on 4 corners and use wire rope to connect the anchor and top corner of the portable restroom.



Specification

Exterior Dimensions(LxWxH)	85"x75"x94.5"
Weight	1941 lbs
Door Dimensions(WxH)	33"x78"
Window Dimensions(WxH)	27"x20"
Frame	Steel structure frame
Wall	flame-retardant high-density polyurethane foam with a heat insulation layer
Material	High-Temperature Resistant Paint
Floor	Insulated and moisture-resistant PVC floor and floor leather
Color	Black, Brown
Door	Security Door
Type	Customizable
Condition	New
Metal frame color	RAL7015
Wall panel color	GZ101
Distance between forklift pocket	28" (Please make sure the forklift is wide enough to unload it)
Dimension of forklift pocket	7"W x 3"H

Toilet	1.6 gpf
Wind Load	56 miles per hour
Snow Load	125 lb/sq.ft
Country of Origin	China

Feature

- Toilet w/Ceramic Bowl & Tank, Ceramic Vanity Sink w/Faucet
- Shower Fixtures, Shower Curtain, Paper Dispenser
- Power Outlet w/Dual USB, 110V Electric Vent Fan, Internal Light
- 1/2" female inlet ports for hot & cold water
- 3" black water/waste exhaust flexible hose (easily slide your 3" PVC pipe onto flex fitting for waste)
- 1" PVC water outlet exhaust port (for sink & shower water)
- Power Breaker, Locking Door w/ set of keys, Hinged Window
- Visual Men / Women Signage, Lifting Eyes, Forklift Pockets

Package Size

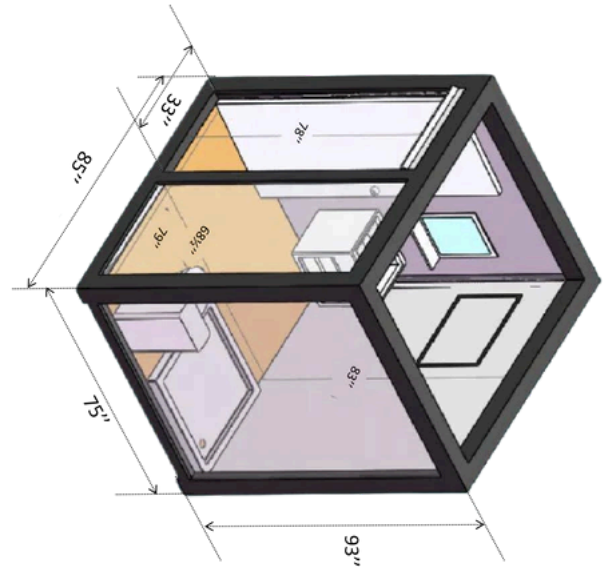
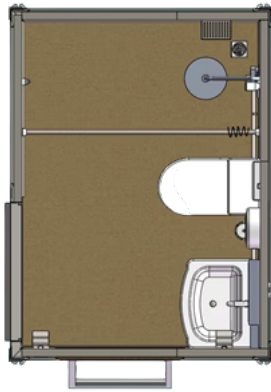
L*W*H (inch): 75x85x95

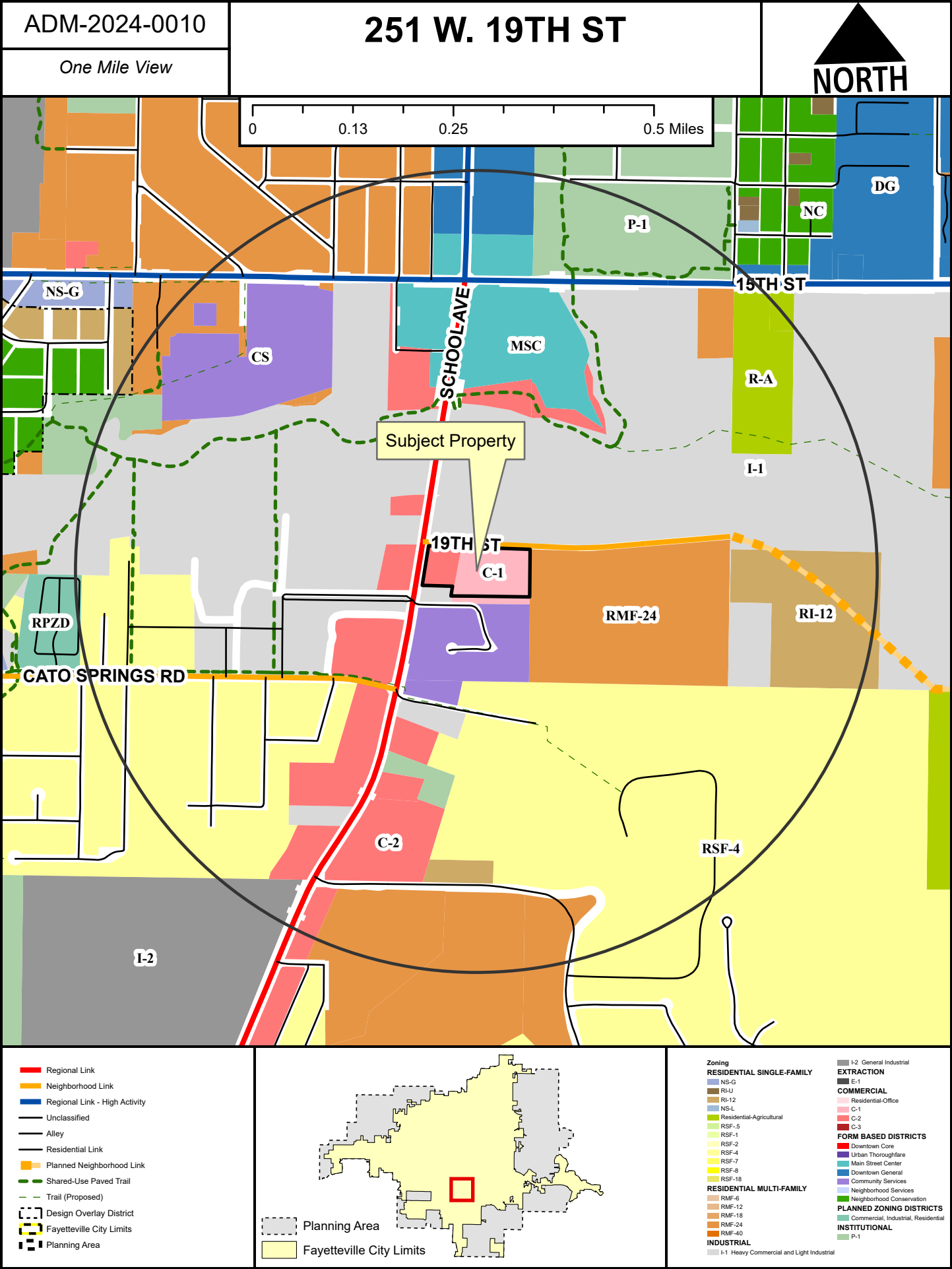
Weight (lb): 1941

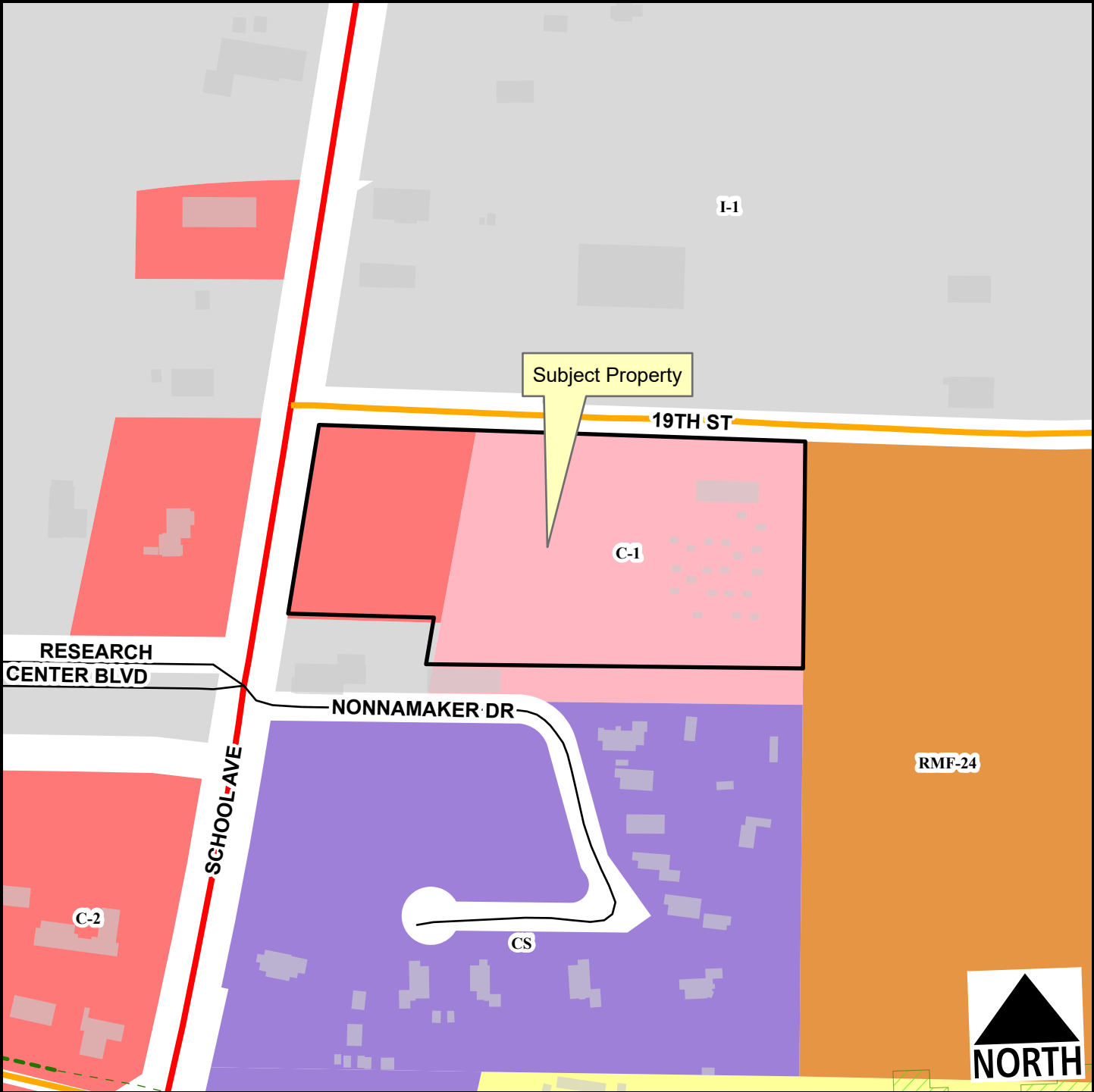
Forklift or equivalent is required for unloading

Parts Service

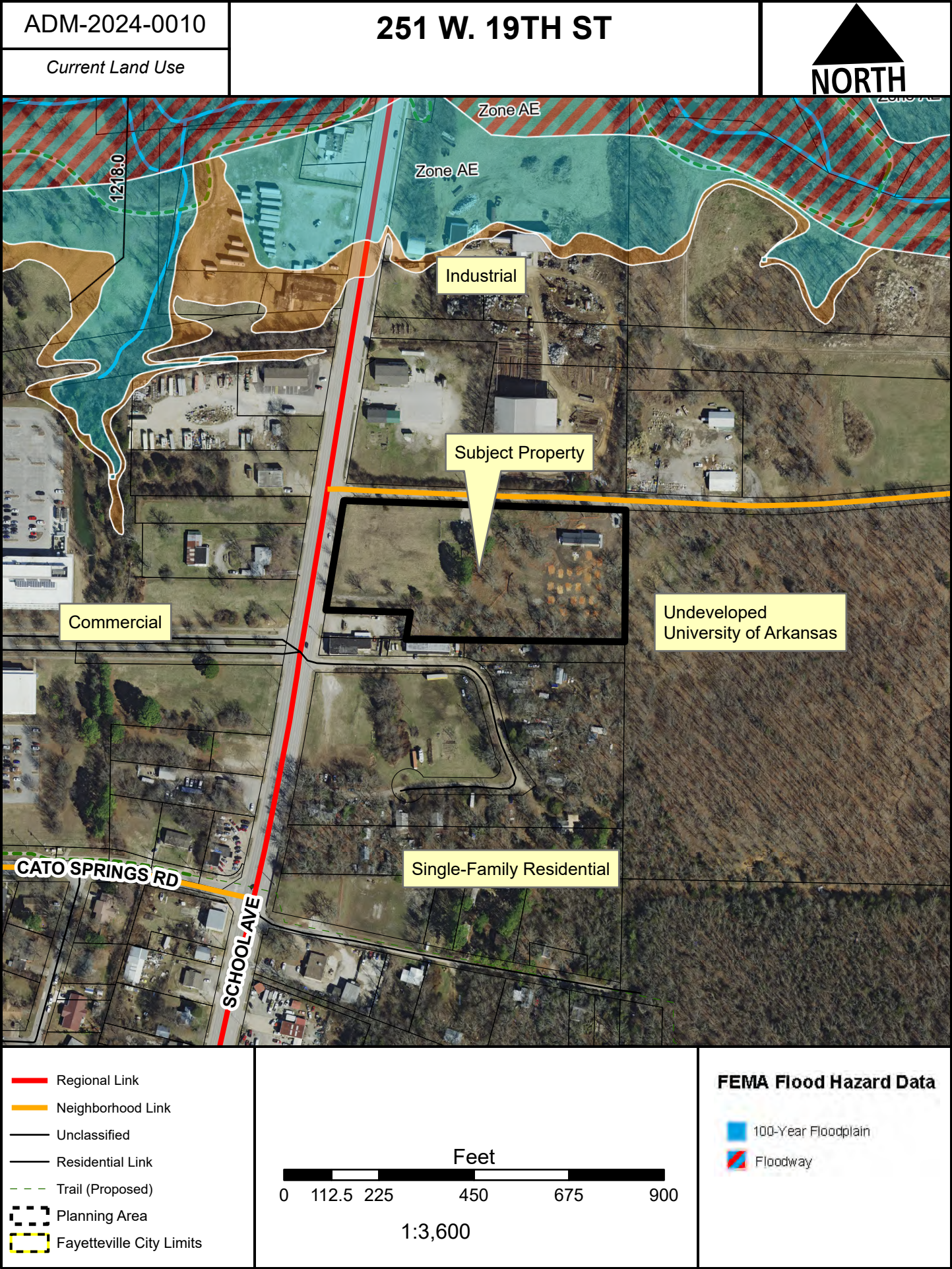
- [Lock](#)
- [Faucet](#)
- [Grey Water Outlet](#)
- [Toilet Seal](#)
- [Fan](#)
- [Light Switch](#)
- [Door Vent](#)
- [Shower Diverter](#)







— Regional Link — Neighborhood Link — Unclassified — Residential Link Hillside-Hilltop Overlay District Planning Area Fayetteville City Limits - - - Shared-Use Paved Trail - - - Trail (Proposed)	Feet 0 75 150 300 450 600 1:2,400	 RSF-4 RMF-24 I-1 Heavy Commercial and Light Industrial C-1 C-2 Community Services
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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner
Melissa Evans, Urban Forester
Josh Boccaccio, Engineering Development Review Manager

MEETING DATE: March 25, 2024

SUBJECT: **VAR-2024-0009: Planning Commission Variance (NORTHWEST OF W. DRAKE ST. & N. GREGG AVE./DRAKE FARMS, 249):** Submitted by ECOLOGICAL DESIGN GROUP for property located NORTHWEST OF W. DRAKE ST. & N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 49.13 acres. The request is for a variance from master street plan, block length, parking lot, and landscaping standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0009** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0009**, determining:*

- In favor of a variance to UDC §166.04(B)(4)(c),*
- In favor of a variance to UDC §166.08(E),*
- In favor of a variance to UDC §172.02(B),*
- In favor of a variance to UDC §177.04(C), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located northwest of the intersection of Gregg Avenue and Drake Street in north Fayetteville. Railroad right-of-way held by the Arkansas and Missouri Railway borders the property to the east. The property is largely undeveloped, though a small portion of the site near Drake Street was developed with a 19,000-square-foot office building, referred to as The Pendergraft Building, in 2021. That development was considered the first phase of a larger project called Drake Farms. The second phase of that project is currently under review by staff as a large site improvement plan (LSIP-2024-0006) and it includes a mixed-use development with six buildings and associated parking. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Agricultural Medical Offices	R-A, Residential-Agricultural CS, Community Services
East	Washington Regional Medical Center Multi-Family Residential Gordon Long Park	P-1, Institutional RMF-24, Residential Multi-Family, 24 Units per Acre
West	Rural Residential	UT, Urban Thoroughfare

Request: The applicant is requesting four variances from the Unified Development Code in association with a large site improvement plan that is currently in review (LSIP-2024-0006). Each variance is described further below alongside staff's recommendations.

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

DISCUSSION:

Variance #1: UDC §166.04(B)(4)(c), Required Infrastructure Improvements, Development in City Limits – Streets. Construction of all interior streets to meet Master Street Plan standards. The applicant is requesting to vary from this standard to allow for an atypical Residential Link Street section along all interior streets to include an additional parking lane.

Staff recommendation: Staff is supportive of this variance request. The addition of a second parking lane would allow for additional on-street parking while creating a more urban streetscape throughout the development. Staff finds this to be suitable given the development proposal and the property's current zoning of UT, Urban Thoroughfare. The applicant intends to utilize the optional street tree planting plan for urban streetscapes, as described in UDC §177.05(B)(3). Right-of-way dedication is proposed in the amount of 52 feet along all internal streets to correspond with the typical street section for Residential Link Streets, though the sidewalk along all streets is proposed to be partially outside of the right-of-way. Portions of sidewalk outside of the right-of-way are shown to be located within pedestrian easements.

Variance #2: UDC §166.08(E), Street Design and Access Management Standards – Block Layout/Connectivity. Intersections shall occur at a minimum of one (1) every 660 feet along Residential Link Streets. The applicant is requesting to vary from this standard to provide a block length of approximately 810 feet along the east side of a proposed Residential Link Street, Mansfield Avenue.

Staff recommendation: Staff is supportive of this variance request. While shorter blocks are typically preferred to improve the pedestrian realm and provide greater connectivity along public streets, staff finds the applicant's request to provide a longer block along the east side of Mansfield Avenue to be justified in this instance. The subject property is bordered to the east by the Arkansas & Missouri Railroad. Any street stub out provided to the east is not likely to connect to Gregg Avenue in the future since completing that connection would require approval of a railroad crossing, and new crossings were recently approved just north of this site. The applicant has stated that, in lieu of providing a street stub out to meet block length requirements, they will prioritize pedestrian access and connectivity throughout their site. Pathways and common gathering spaces have been included along Mansfield Avenue to create a primary corridor through the property.

Variance #3: UDC §172.02(B), Parking Lot Construction Standards – Surfacing. Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures. The applicant is requesting to vary from this standard to use gravel pave for various driveways and parking areas throughout the site.

Staff recommendation: Staff is supportive of this variance request. The applicant has stated that the intent of the gravel pave system is to allow for more infiltration into the ground, noting that it will be maintained by the property owner. Since all parking areas containing the gravel pave are located on private property at least 18 feet away from public right-of-way, staff does not have concerns about potential adverse impacts, particularly gravel track out onto public streets.

Variance #4: UDC §177.04(C), Site Development And Parking Lot Landscape Standards – Interior Landscaping Requirements. Parking lots containing 10 or more spaces are required to be landscaped with a narrow tree lawn or tree islands. The applicant is requesting that the parking area delineated in their exhibit be exempted from meeting interior landscaping requirements.

Staff recommendation: Staff is supportive of this variance request. The applicant has stated that this parking area sits on top of an underground stormwater detention pond which would be compromised by the installation of tree wells. They also stated that additional trees will be planted along exterior property lines to bring shade to the parking lot. Staff is supportive of this variance request with the condition that those additional trees be planted to meet the intent of the City's parking lot landscaping requirements, which is to break up large expanses of pavement and provide shade to mitigate urban heat island effect. Urban Forestry staff is recommending approval of this variance with the condition that five large canopy parking lot trees be planted as shown on the attached plans.

RECOMMENDATION: Staff recommends approval of VAR-2024-0009 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.04(B)(4)(c), Required Infrastructure Improvements, Development in City Limits – Streets.** *Staff recommends approval of this variance for the reasons stated above.*
2. **Planning Commission determination of a variance to UDC §166.08(E), Street Design and Access Management Standards – Block Layout/Connectivity.** *Staff recommends approval of this request for the reasons stated above.*
3. **Planning Commission determination of a variance to UDC §172.02(B), Parking Lot Construction Standards – Surfacing.** *Staff recommends approval of this request for the reasons stated above.*
4. **Planning Commission determination of a variance to UDC §177.04(C), Site Development And Parking Lot Landscape Standards – Interior Landscaping Requirements.** *Staff recommends approval of this request for the reasons stated above with the following condition:*
 - a. Five large shade canopy parking lot trees shall be planted as shown on the landscape plans dated 03-10-2024.
5. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: March 25, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.04 Required Infrastructure Improvements – Development in City Limits
 - §166.08 Street Design and Access Management Standards
 - §172.02 Parking Lot Construction Standards
 - §177.04 Site Development and Parking Lot Landscape Standards
- Urban Forestry Memo
- Engineering Memo
- Applicant Request Letter
- Applicant Exhibits
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.04 Required Infrastructure Improvements — Development In City Limits

...

(B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.

...

(4) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*

...

(c) *Streets.*

- (i) *On-Site.* Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.
- (ii) *Off-Site.* Street widening and/or new street construction off-site may be required to address traffic impacts based on the rough proportion and rational nexus of the impacts of the project. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.
- (iii) *Private Street Name Signs.* Where a structure is addressed on a private street or drive, the developer or property owner(s) shall be required to install, maintain, repair and replace all private street name signs. Any private street name sign existing at the time of passage of this ordinance shall be maintained, repaired and replaced as required by this section. Signs shall meet the standards of the Manual on Uniform Traffic Control Devices (MUTCD) and shall be installed at all street/drive intersections. Unless approved otherwise, all signs shall be retroreflective and utilize a white legend on a green background.

...

(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21)

166.08 Street Design And Access Management Standards

- (A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
- (C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

...

(E) *Block Layout/Connectivity.*

- (1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
 - (b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
 - (c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
 - (d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.
- (2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways. Alleys are not considered as frontage. Double frontage lots may be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots. Unless otherwise approved by the Planning Commission, all primary structures shall be oriented toward the higher functional classification street.
- (3) *Connectivity.* 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.
- (4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
- (5) *Dead-End Streets.* Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §§1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-20; Ord. No. 6658, §9, 5-2-23)

172.02 Parking Lot Construction Standards

- (A) *Permits and Plan.* For parking lots containing five (5) or more spaces, building, and grading permits and site and grading plans shall be required prior to any initiation of work.
- (B) *Surfacing.* Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures.
- (C) *Barriers.* Parking lots shall be provided with wheel guards or curbs so located that no part of a parked vehicle will extend into or over the sidewalks, property lines, or street right-of-way.
- (D) *Striping and Marking.* Parking lots spaces shall be striped to indicate the location of the individual spaces, directional arrows shall be provided at the entrance of aisles and entry drives, and accessible spaces shall be marked meeting current Americans with Disabilities Act (ADA) requirements. Such striping and marking shall be in accordance with the Manual on Uniform Traffic Control Devices.

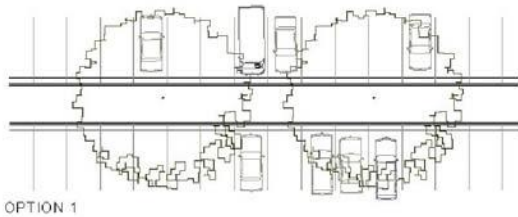
177.04 Site Development And Parking Lot Landscape Standards

- (A) *Applicability.* A detailed landscape plan is required to be submitted for all development when either new development or expansion of 25% of the existing building square footage occurs and for all new or expanded parking lots containing five (5) or more spaces. Landscape plans shall be submitted with the application for building permit or parking lot permit. Submittals shall conform to the standards established within this chapter.

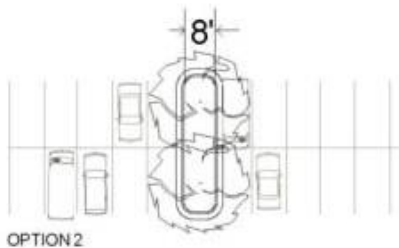
...

(C) Interior Landscaping Requirements.

- (1) *Amount of Landscaping.* Parking lots containing ten (10) or more spaces shall be landscaped with one of the following options:



- (a) *Option 1. Narrow Tree Lawn.* A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be 8 feet ; the minimum area shall be 300 square feet. One (1) tree every twelve (12) parking spaces or one tree every 30 linear feet, whichever provides more canopy, shall be planted with this option. Trees may be grouped or spaced within the lawn area.



- (b) *Option 2. Tree Island.* The minimum width of a tree island shall be 8 feet; the minimum area shall be 150 square feet. One (1) tree shall be planted for every twelve (12) parking spaces with this option, with a maximum run of twelve (12) parking spaces permitted without a tree island.
- (2) *Placement of Trees.* Interior trees shall be placed on either side of points of access (entrance drives, exit drives) within tree islands, as indicated in the Landscape Manual.
- (3) *Tree Planting.* All trees planted to meet these requirements shall be deciduous shade trees. Species selection shall be chosen from the approved list of trees found in the appendices of the *City of Fayetteville Landscape Manual*. Alternate tree species selections may be approved by the Urban Forester.
- (4) *Calculation of Area.* Required perimeter landscaping may not be substituted for interior landscaping. However, it is recognized that interior landscaping may join perimeter landscaping. In such cases, landscaping which extends 4 feet or more into the parking area may be included in the calculation of interior landscaped area.
- (5) *Exceptions.* All parking lots used solely for the purpose of providing areas for the display and storage of motor vehicles for sale, lease, and rental shall be exempt from the interior landscaping requirements.

...

(Ord. No. 4917, 9-05-06; Ord. No. 5312, 4-20-10; Ord. No. 5337, 8-3-10; Ord. No. 5859 , §3(Exh. B), 3-15-16; Ord. No. 6090 , §1, 9-18-18)

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

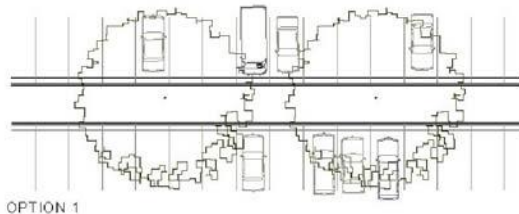
MEETING DATE: March 25, 2024

SUBJECT: **VAR-2024-0009: Variance (Drake Farms Phase 1B)** Submitted by EDG for property located at W. Drake St. and N. Mansfield Ave. The property is zoned UT, URBAN THOROUGHFARE, and contains approximately 6.76 acres. The request is for a variance to Section 177.04(C) of the Unified Development Code.

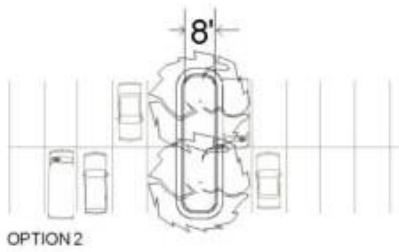
RECOMMENDATION:

Urban Forestry Staff has reviewed VAR-2024-0009 which would allow the property owner to not follow sections of Code regarding Interior Landscape Requirements. According to Chapter 177.04(C)(1):

- (1) *Amount of Landscaping.* Parking lots containing ten (10) or more spaces shall be landscaped with one of the following options:



- (a) *Option 1. Narrow Tree Lawn.* A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be 8 feet ; the minimum area shall be 300 square feet. One (1) tree every twelve (12) parking spaces or one tree every 30 linear feet, whichever provides more canopy, shall be planted with this option. Trees may be grouped or spaced within the lawn area.



- (b) *Option 2. Tree Island.* The minimum width of a tree island shall be 8 feet; the minimum area shall be 150 square feet. One (1) tree shall be planted for every twelve (12) parking spaces with this option, with a maximum run of twelve (12) parking spaces permitted without a tree island.

The applicant states that “The parking area in question sits on top of an underground stormwater detention pond that would be compromised by the installation of tree wells.” They also state that trees that would be planted in the parking lot will be planted along the exterior of the project to bring shade to the parking area. The intent of requiring parking island trees is to break up large expanses of pavement and give shade to help mitigate urban heat island effect.

Urban Forestry Staff recommends approval of this variance with the following condition:

1. Five large shade canopy parking lot trees be planted as shown on the 03-10-2024 dated Landscape Plans.



TO: Gretchen Harrison, Senior Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: March 21, 2024

SUBJECT: **Planning Commission Engineering Comments for
VAR-2024-0009**

Engineering Comments: Variance to UDC 166.04(B)(4)(c): Streets

Engineering supports the applicant's request for parking lanes on either side of the proposed street. Additionally, we support the request for the atypical street section for the existing condition of Mansfield Ave.

Street alignment and compliance with the Minimum Street Standards must be met and will be reviewed during the entitlement process as well as the permitting process.

March 15, 2024

City of Fayetteville

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

EDG #: 23-021
PROJECT NAME: Drake Farms 1B/1C, Fayetteville, AR 72701
DEVELOPER: PO Box 4245 Fayetteville, AR 72702

Project Narrative

The Drake Farms – Phase 1B and 1C project will consist of three (3) multi-family residential buildings, three (3) buildings consisting of attached townhomes, and 2 commercial buildings. Site features include right-of-way dedication and improvements, parking, courtyards, trail extension, and bike infrastructure. The site is approximately 6.76 acres.

Variance Request

EDG is requesting the following variance:

1. Variance to Unified Development Code Chapter 177, Section 177.04, Item C: *Interior Landscaping Requirements*.
 - (1) *Amount of Landscaping*. Parking lots containing ten (10) or more spaces shall be landscaped with one of the following options:
 - (a) *Option 1. Narrow Tree Lawn*. A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be 8 feet; the minimum area shall be 300 square feet. One (1) tree every twelve (12) parking spaces or one tree every 30 linear feet, whichever provides more canopy, shall be planted with this option. Trees may be grouped or spaced within the lawn area.
 - (b) *Option 2. Tree Island*. The minimum width of a tree island shall be 8 feet; the minimum area shall be 150 square feet. One (1) tree shall be planted for every twelve (12) parking spaces with this option, with a maximum run of twelve (12) parking spaces permitted without a tree island.
 - (2) *Placement of Trees*. Interior trees shall be placed on either side of points of access (entrance drives, exit drives) within tree islands, as indicated in the Landscape Manual.

- (3) *Tree Planting.* All trees planted to meet these requirements shall be deciduous shade trees. Species selection shall be chosen from the approved list of trees found in the appendices of the *City of Fayetteville Landscape Manual*. Alternate tree species selections may be approved by the Urban Forester.
- (4) *Calculation of Area.* Required perimeter landscaping may not be substituted for interior landscaping. However, it is recognized that interior landscaping may join perimeter landscaping. In such cases, landscaping which extends 4 feet or more into the parking area may be included in the calculation of interior landscaped area.
- (5) *Exceptions.* All parking lots used solely for the purpose of providing areas for the display and storage of motor vehicles for sale, lease, and rental shall be exempt from the interior landscaping requirements.

EDG requests that the parking area delineated in the attached exhibit be exempted from the requirements outlined above.

- a. Justification: The parking area in question sits on top of an existing underground stormwater detention pond that would be compromised by the installation of tree wells. Trees that would be normally planted within the parking lot will be planted along the exterior of the project, in an effort to meet the intent of the code to bring shade to the parking area.

2. Variance to Unified Development Code Chapter 166, Section 166.04, Item (B)(4)(c): *Streets*

(c) *Streets.*

- i. *On-Site.* Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

EDG requests that the Planning Commission grant a variance to the code requirement to meet the Master Street Plan for interior streets to allow for a Residential Link to have for two 7' parallel parking lanes instead of one.

- a. Justification: Two parallel parking lanes are proposed to maintain a continuous street section from the existing Pendergraft project into the remainder of the development. The intention is to add on-street parallel parking to slow down vehicular traffic and to create an urban environment with the commercial and residential portions of the development.

Additionally, this project is requesting that the Planning Commission grant an atypical street section variance for N. Mansfield Ave. This request would allow for the existing condition of Mansfield Ave. and would only require this development to dedicate the amount of ROW required to meet the MSP section of 52' wide. The sidewalk would not be included in this ROW dedication and would be placed in a pedestrian easement. Since this is an existing condition, we believe that intent of the MSP is for the City to obtain ROW sufficient for future growth and expansion if needed.

3. Variance to Unified Development Code Chapter 166, Section 166.08, Item (E): *Block Layout/Connectivity*.

(D) *Block Layout/Connectivity*.

- (1) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
- (2) Regional and Regional High Activity Links. Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
- (3) Neighborhood Links. Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
- (4) Residential Link and Downtown/Urban Street. Intersections shall occur at a minimum of one (1) every 660 feet.
- (5) Variances. Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

EDG requests that the Planning Commission grant a variance to the block layout/connectivity requirements for the east side of Mansfield Drive.

- a. Justification: The intent of this ordinance is to maintain connectivity within developments and to protect connectivity to future developments. With the development of this property, the eastern edge of the property (between Mansfield and Gregg Ave) is undevelopable due to the steep topography and the existing railroad. Since there is currently an existing approved crossing of the railroad, it is unlikely that another connection would be authorized. In lieu of providing vehicular connection, pedestrian access and connectivity will be prioritized. Pathways and common gathering spaces will create a corridor through the property.

4. Variance to Unified Development Code Chapter 172, Section 172.02, Item (B): *Parking Lot Construction Standards*

- (B) *Surfacing*. Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures.

EDG requests that the Planning Commission grant a variance to parking lot construction standards for parking stalls located within the private parking lots within this property.

- a. Justification: The intent of this ordinance is to maintain continuity for parking lots within the City. This portion of code allows for the application is permeable pavers, enforcing the idea that the City of Fayetteville is a proponent of permeable surfacing. The gravel pave system will be completely encompassed and maintained by the property owner. The intention of the gravel pave system is to allow for more infiltration into the natural ground than concrete or asphalt would.

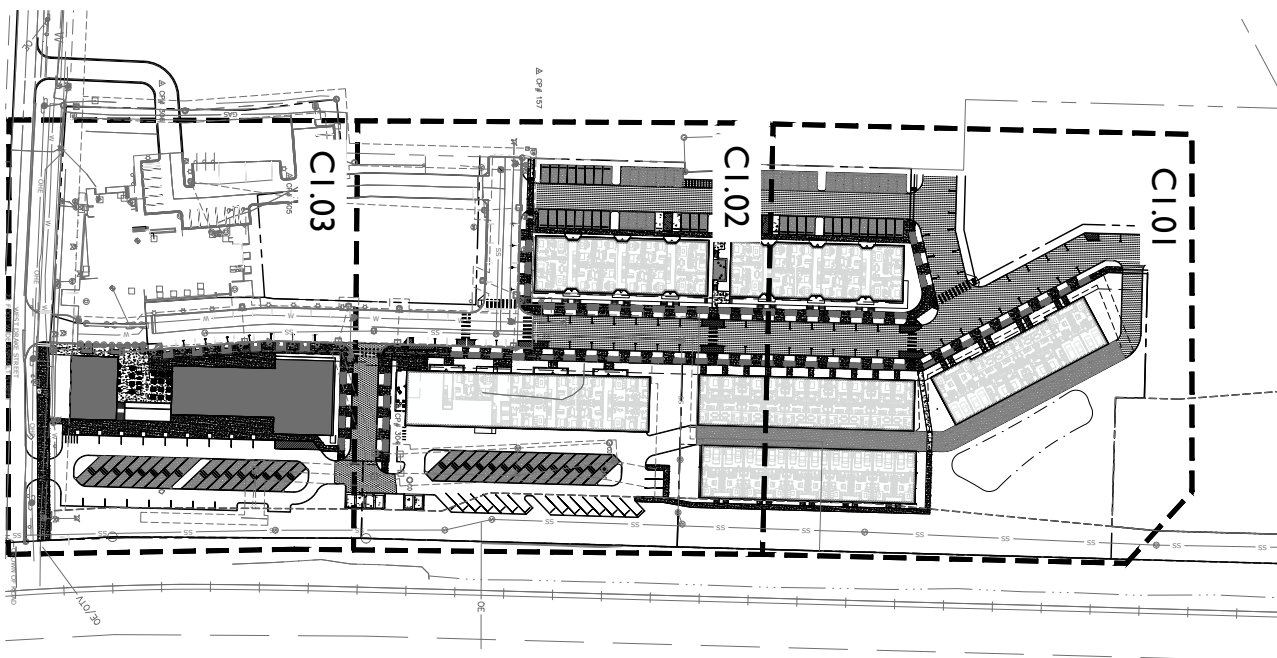
We kindly request that the City Planning Department consider this variance request and grant approval. We are prepared to work closely with the city to ensure that the proposed changes are implemented safely and efficiently

Sincerely,

A handwritten signature in blue ink, appearing to read "Brahm Driver", with a long horizontal flourish extending to the right.

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

OVERALL SITE PLAN



ZONING		SITE INFORMATION	
		URBAN THOROLD/PHASE	
PROPOSED USE			
MULTI-UNIT RESIDENTIAL (PHASE B)			
SITE AREA	27,198 sq'	4.3 AC	
BUILDING COVERAGE	64,738 sq'	1.3 AC	
COMBINED (PHASE C)			
SITE AREA	4,277 sq'	1.4 AC	
BUILDING COVERAGE	13,037 sq'	0.9 AC	
MINIMUM BUILDABLE STREET FRONTAGE			
PHASE C BUILDING	STREET / TOTAL FRONTAGE	BUILDING LENGTH	
PHASE C RETAIL	FRONTAGE (FEET)	121.7753	
PHASE B BUILDING 1 & 2	N UNBUILT AVE 206	134.6933	
PHASE B BUILDING 3	N UNBUILT AVE 206	152.6633	
PHASE B BUILDING 4 & 5	N UNBUILT AVE 487	407.8933	
PARKING CALCULATIONS			
PHASE BUILDING	REQUIRED	PROVIDED	
PHASE C RETAIL			
VEHICLE PARKING	NO MINIMUM	51 TOTAL 11 OFF STREET (2 ADA), 40 ON STREET (1 ADA)	
HOV/TOURIST PARKING	NO MINIMUM	5	
BIKE/DIACKS	NO MINIMUM	24	
PHASE B BUILDING 1			
VEHICLE PARKING	1 PER 80 (2 MULTIVALEN/VEH)	42 TOTAL 13 OFF STREET (2 ADA), 29 ON STREET	
HOV/TOURIST PARKING	NO MINIMUM	5	
BIKE/DIACKS	1 PER 30 DOVBLING UNITS (2)	6	
PHASE B BUILDING 2			
VEHICLE PARKING	1 PER 80 (2 MULTIVALEN/VEH)	48 TOTAL 13 OFF STREET (2 ADA), 35 ON STREET	
HOV/TOURIST PARKING	NO MINIMUM	6	
BIKE/DIACKS	1 PER 30 DOVBLING UNITS (2)	6	
PHASE B BUILDING 3			
VEHICLE PARKING	1 PER 80 (3 MULTIVALEN/VEH)	79 TOTAL 13 OFF STREET (6 ADA), 66 ON STREET	
HOV/TOURIST PARKING	NO MINIMUM	4	
BIKE/DIACKS	1 PER 30 DOVBLING UNITS (2)	6	
PHASE B BUILDING 4 SINGLE FAMILY TOWNHOUSES WITH CAR GARAGES			
PHASE B BUILDING 5 SINGLE FAMILY TOWNHOUSES WITH CAR GARAGES			
PHASE B BUILDING 6 SINGLE FAMILY TOWNHOUSES WITH CAR GARAGES			

GENERAL NOTES

- [illegible]

EXISTING LEGEND

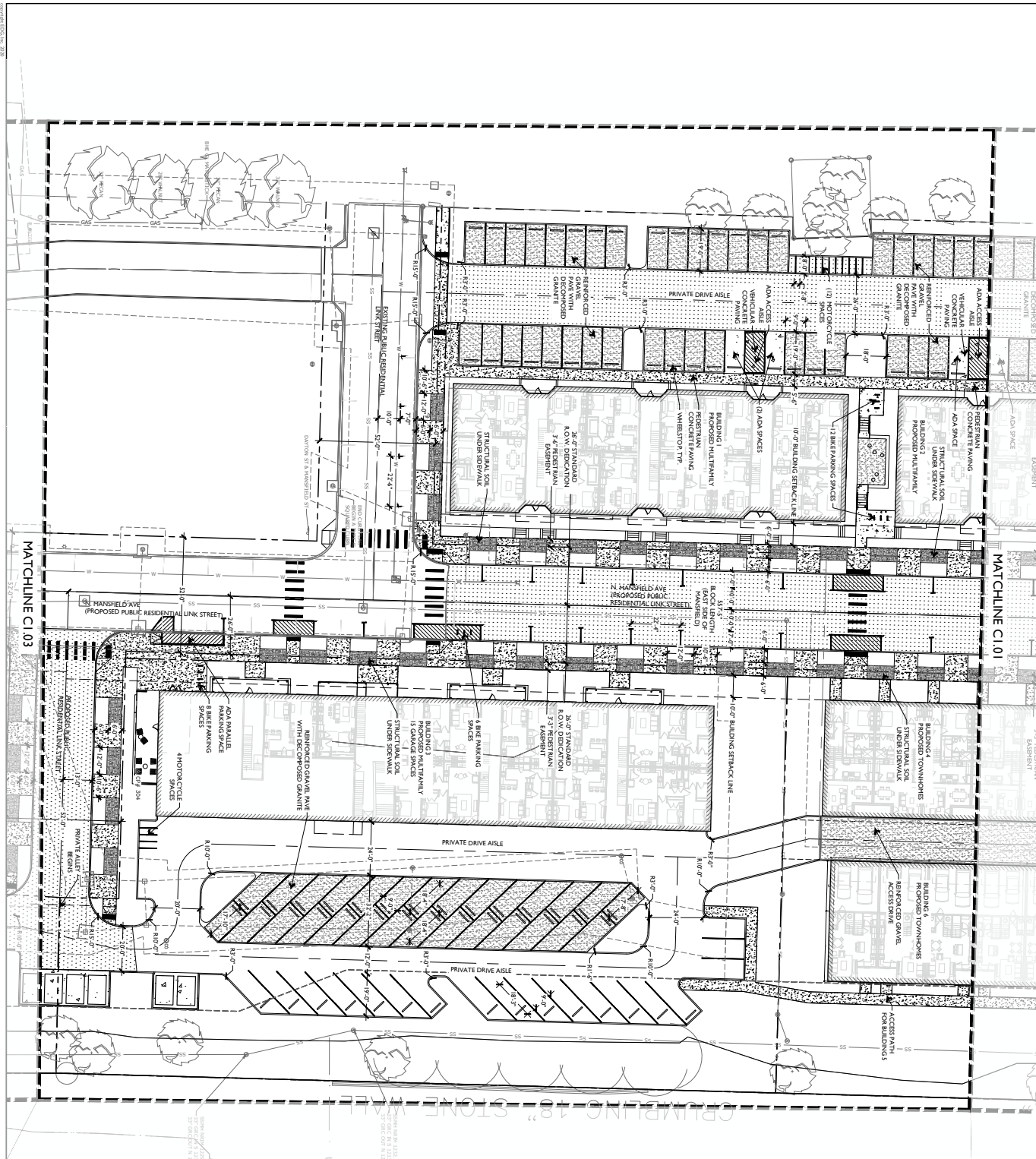
- | | |
|-------|--|
| ***** | WOOD FENCE |
| □ | CHAIN LINK FENCE |
| ○ | PAINTED FENCE |
| — | PAINTED STREET |
| — | TELEPHONE LINE |
| — | OVERHEAD ELECTRIC LINE |
| — | UNDERGROUND ELECTRIC LINE |
| — | GAS LINE |
| — | PROPERTY LINES |
| — | RAILROAD |
| — | BUILDING SECTIONS |
| — | ADDITIONAL BUILDING SECTIONS (GIVE NAME) |
| — | MINORITIES SET (AS NOTED) |
| — | ADDITIONAL MINORITIES SET (AS NOTED) |
| — | BRANCHES |
| — | UTILITY PIPES |
| — | TELEPHONE PIPES |
| — | ELECTRICAL PIPES |
| — | CABLE PIPES |
| — | SEWER |
| — | WATER METERS |
| — | FIRE HYDRANT |
| — | WATER SHOOT |
| — | DRAINAGE MANHOLE |
| — | RECORD SERVICE |
| — | RECORD SERVICE |
| — | SAINTARY SEWER MANHOLE |
| — | DISPOSABLE TRAIL |
| — | DISPOSABLE TRAIL |
| — | LIGHT PAVEMENT |

PROPOSED SITE PLAN LEGEND

- | | |
|--|--|
| | PROPOSED CURB AND GUTTER
(REF PLANS FOR TYPE) |
| | SAWCUT PAVEMENT LINE |
| | MILL AND OVERLAY BOUNDARY |
| | VEHICLE LANE CONCRETE |

DRAKE FARMS - PHASE 1B
Fayetteville, Arkansas

[illegible]



1 SITE PLAN

SCALE 1" = 20'

NORTH

0' 10' 20' 40' 60' 80'

DRILLING NO. 20-200 DATE 2024.03.25

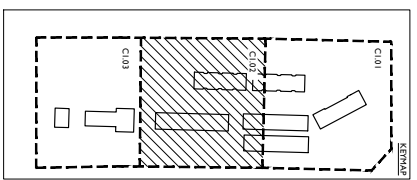
REVISIONS

DATE 2024.03.25

PROJECT NAME DRILLING NO. 20-200

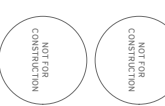
TITLE SITE PLAN

SHEET NO. C1.02



DRAKE FARMS - PHASE 1B
Fayetteville, Arkansas

- PROPOSED SITE PLAN LEGEND**
- PROPOSED C1.02 AND C1.01 (REF. PLAN FOR T11)
 - SAVING/PAVING LINE
 - W/ LAND/GRASS BOUNDARY
 - VEHICULAR CONCERTE
 - PEDESTRIAN CONCERTE
 - DECOMPOSED GRANITE
 - ASPHALT PAVEMENT
 - PLANTING AREA
 - HILL AND DRAINAGE
 - SCORING COLORED CONCERTE



Ecological Design
www.ecologicaldesign.com
11111 N. HANFIELD AVE
FAYETTEVILLE, AR 72704

PLANT SCHEDULE									
ITEM NO.	COMMON NAME	THREAT	PLANT TYPE	PLANT HEIGHT	PLANT SPREAD	PLANT COLOR	PLANT TYPE	PLANT HEIGHT	PLANT SPREAD
10	RETTA NIGRA	RIVER BIRCH	7' CAL	BALL & BURLAPED	AS SHOWN	8' X 5'	10' X 4'	10' X 4'	10' X 4'
9	CLADONIA KENTUEA	AMERICAN YELLOWWOOD	7' CAL	BALL & BURLAPED	8' X 4'	10' X 4'	10' X 4'	10' X 4'	10' X 4'
14	UNODENDRON TULIPARIA	TULIP POPLAR	7' CAL	BALL & BURLAPED	AS SHOWN	8' X 5'	10' X 4'	10' X 4'	10' X 4'
10	NYSSA SYLVATICA	TULAREO	7' CAL	BALL & BURLAPED	AS SHOWN	8' X 5'	10' X 4'	10' X 4'	10' X 4'
43	PAVANUS OCCIDENTALS	AMERICAN HYCONE	7' CAL	BALL & BURLAPED	8' X 5'	10' X 4'	10' X 4'	10' X 4'	10' X 4'
10	QUERCUS NIGRA	WATER OAK	7' CAL	BALL & BURLAPED	10' X 4'	10' X 4'	10' X 4'	10' X 4'	10' X 4'
16	TAXODIUM DISTICHUM	BALD CYPRESS	7' CAL	BALL & BURLAPED	10' X 4'	10' X 4'	10' X 4'	10' X 4'	10' X 4'
Q17	BOERHAAVEA	COMMON NAME	7' CAL	CONF. SHIRAZ	10' X 4'	10' X 4'	10' X 4'	10' X 4'	10' X 4'
53	CEPHALANTHUS OCCIDENTALE	BUTTERFLY	7' CAL	CONF. SHIRAZ	10' X 4'	10' X 4'	10' X 4'	10' X 4'	10' X 4'
54	LEX. VIRENCELLA	WINTERBERRY	7' CAL	CONF. SHIRAZ	10' X 4'	10' X 4'	10' X 4'	10' X 4'	10' X 4'

	Social Net	Predicted Res
Total Size and Volume, Significance of Effects and Elements	17,086	100%
Using Disposition - Select below with drop down arrow		
UT - Urban		
HQDQ - Select below with Drop Down Arrow	56,488	15%
Total Group for Minimum Prediction Requirements	56,488	15%
Excluding The Canyon - Main Significance and Elements	104,788	27.2%
The Group Private and	8,179	2.3%
The Group Public and	56,090	15.6%
The Group Reserved City/Side	96,009	25.6%
The Group Reserved Total	48,669	13.3%
Minimum Below Minimum		
Maximum Requirements	48,669	13.3%

Navigation Requirements				
City/State Block Requirements: St. L.	Preservation Priority Type	Foundation Base Density/Area	Number of 2" Copper Trees to be Planted	
48-469	High Priority	200	222	
	Low Priority	100	0	
Sheet Title Requirements				
Linear Feet: Main Driveways	Required Trees	MITIGATION TREE PLANTED: 45 180 INCH DBH TO BE AC COMPOUND FOR IN TREE PRESERVATION DENSITY: 14,126 SQ		
2192	54			
Number of Parking Spots				
171	Number of ADA Spaces	Number of ADA Loading Zones	Number of Motorist Cycle/Storage	Required Trees
	0	0		14

	Total Size	% Male	Right of Way and Easements	Zoning Designation	Select Review with drop down arrow	Precinct Size
No	0	0%				
Partial Overlay for Minimum Precinct Requirements	1.30	15.6%				
Existing Precinct Category: Right of Way and Easements	8.79	27.9%				
Existing Precinct Category: Zoning Designation	6.16	20.6%				
Time Strongly Reviewed: No Site	2.72	24.6%				
Time Strongly Reviewed: Yes	0.00					
Time Weakly Reviewed: Total	1.72	25.6%				
Mitigation Requirements in Square Feet	1.11					
	48,459					

Area of Storm Water Facility: SQ. FT. * (Tons Required (Decks/ons or Emergenc))	Shrubs (Large Shrubs or Small Trees 3 gal.)	Grasses (Shrubs or Grasses 1 gal.)
79319	3	11
		16

LANDSCAPE NOTES:

- [illegible]

IRRIGATION NOTE

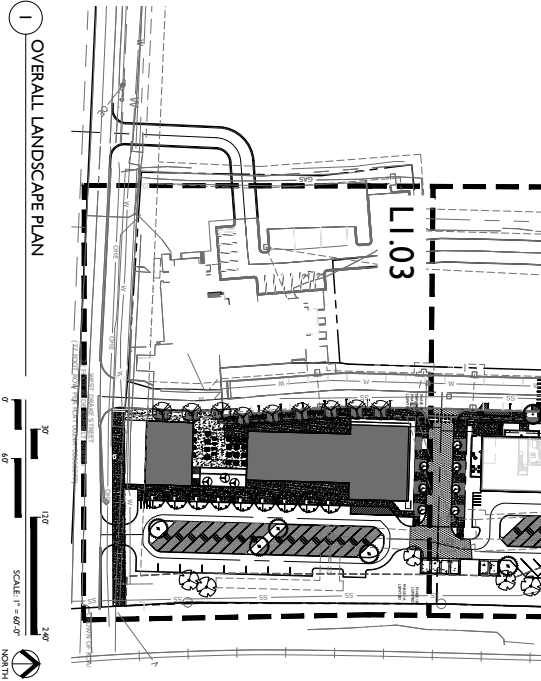
THE IRRIGATION CONTRACTOR SHALL PROVIDE SHOP DRAWINGS FOR REVIEW AND APPROVAL.

THE IRRIGATION CONTRACTOR SHALL PROVIDE A FULLY AUTOMATIC LOW-EMISSION IRRIGATION SYSTEM FOR TREES LOCATED IN THE RIGHT-OF-WAY ONLY.

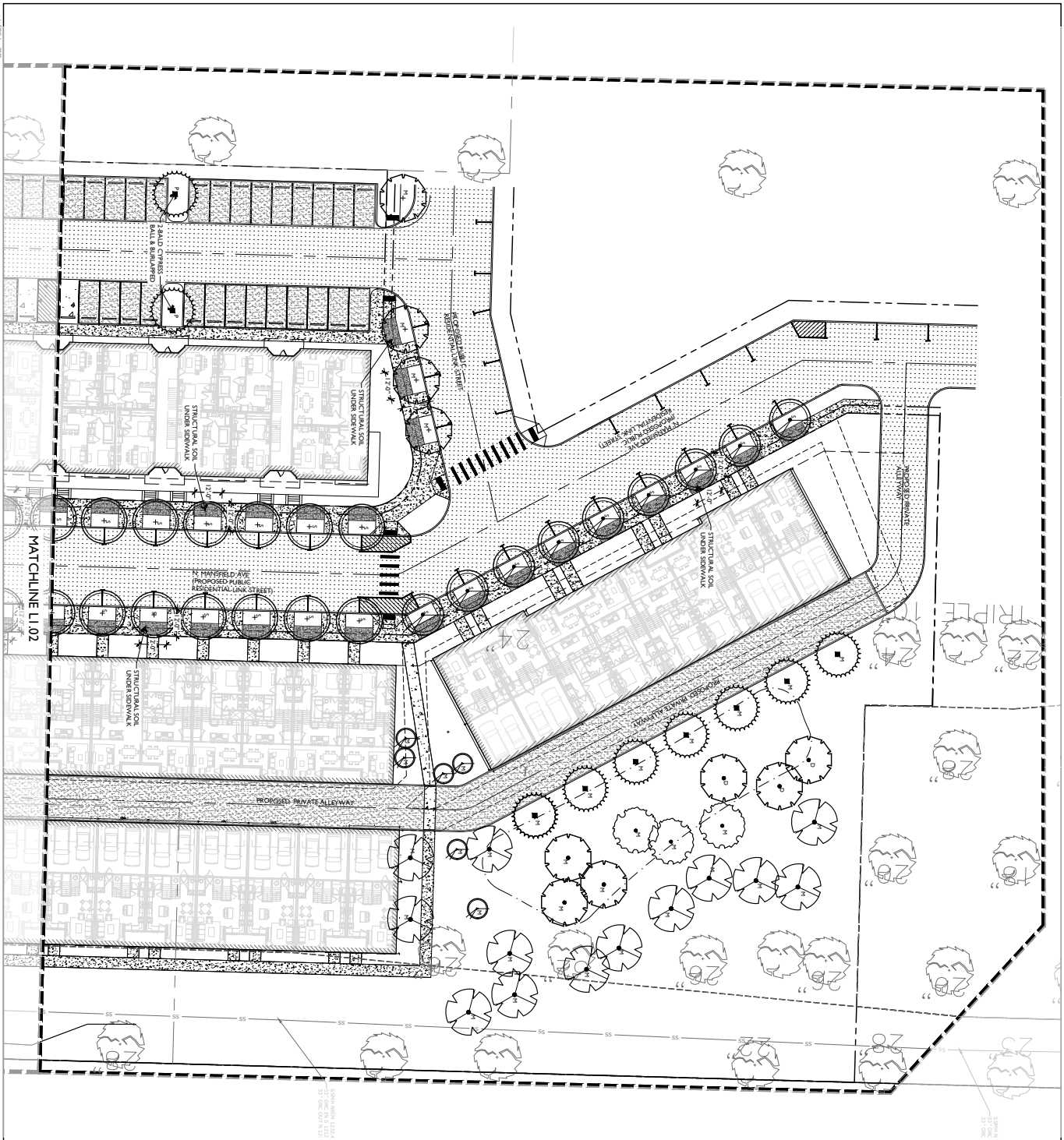
TREES LOCATED IN THE PUBLIC RIGHT OF WAY SHALL RECEIVE RUBBER ENDS.

SLEEVING NOTE

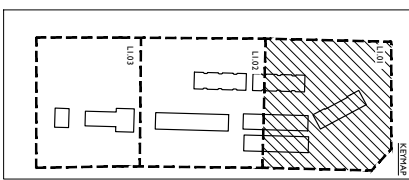
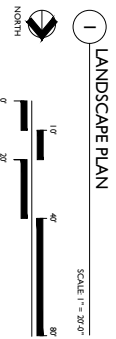
THE GENERAL CONTRACTOR SHALL PROVIDE SCH40 PVC SLEEVING BURIED AT A MINIMUM OF 18" AND MAXIMUM OF 24" DEPTH.



OVERALL LANDSCAPE PLAN



- PROPOSED PLANTING LEGEND**
- S STREET TREE - 98
 - P PARKING TREE - 15
 - D DETENTION POND - 3

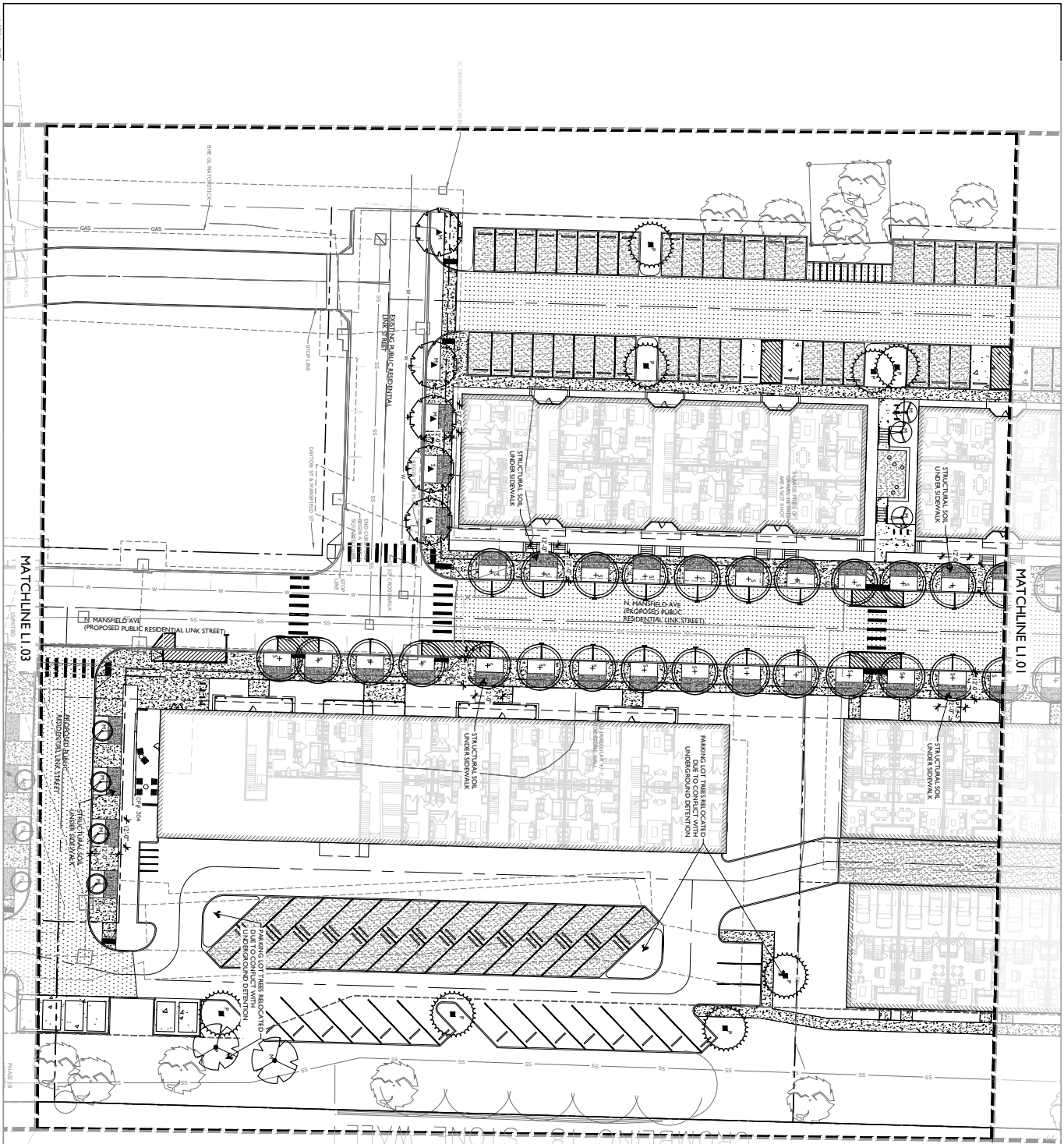


DRAKE FARMS - PHASE 1B
Fayetteville, Arkansas

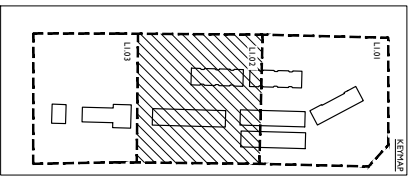
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100	2024.03.25	2024.03.25		



Planning Commission
March 25, 2024



- PROPOSED PLANTING LEGEND**
- S STREET TREE - 98
 - P PARKING TREE - 15
 - D DETENTION POND - 3



1 LANDSCAPE PLAN

SCALE 1" = 20'

NORTH

0' 10' 20' 40' 60' 80'

DRAKE FARMS - PHASE 1B
Fayetteville, Arkansas

EDG PROJECT NO.		23-021
DATE		2024.03.10
REVISIONS		
NO.	DATE	Description

811

Know what's below.
Call before you dig.

NOT FOR
CONSTRUCTION

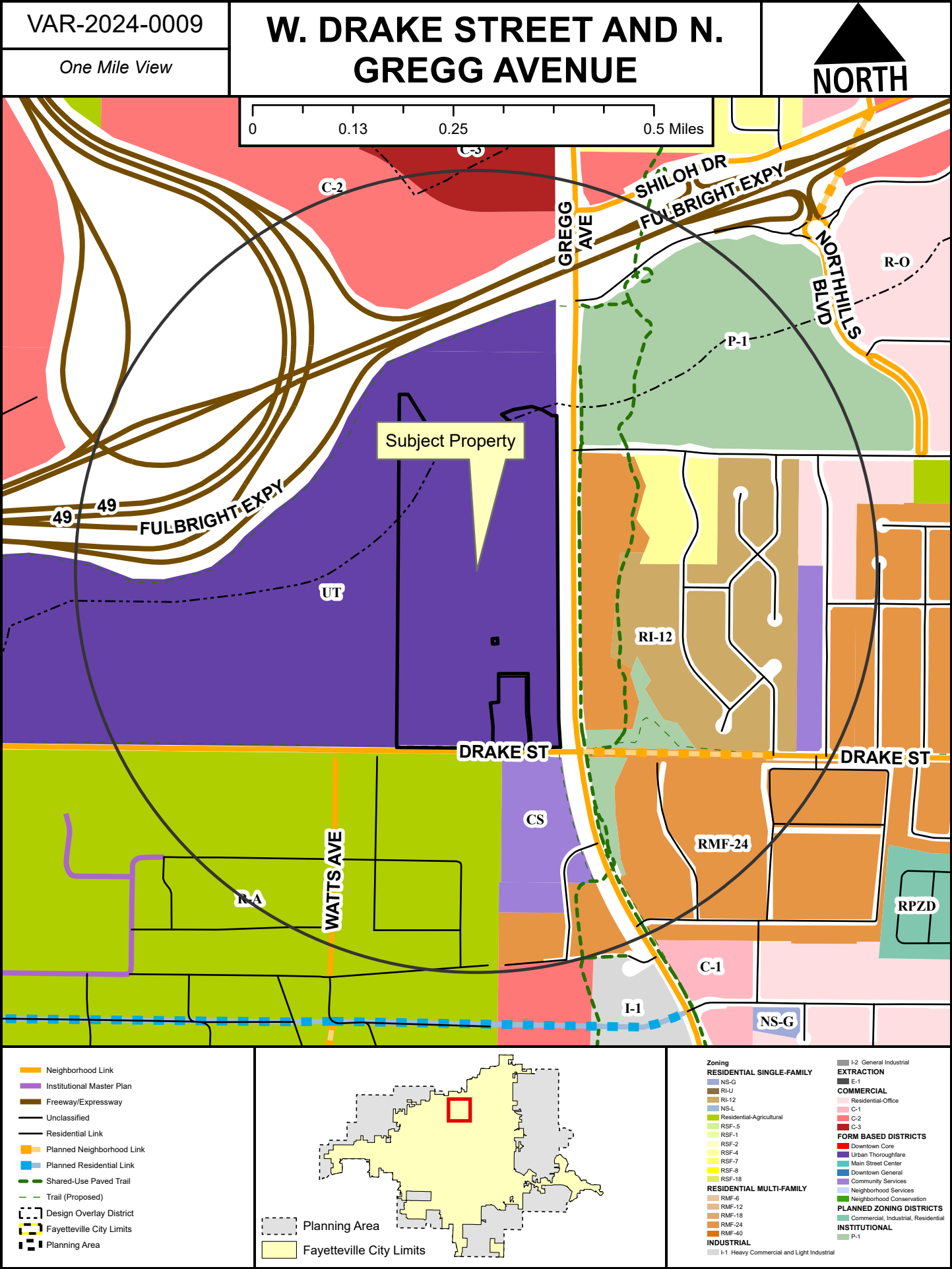
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Planning Commission

March 25, 2024

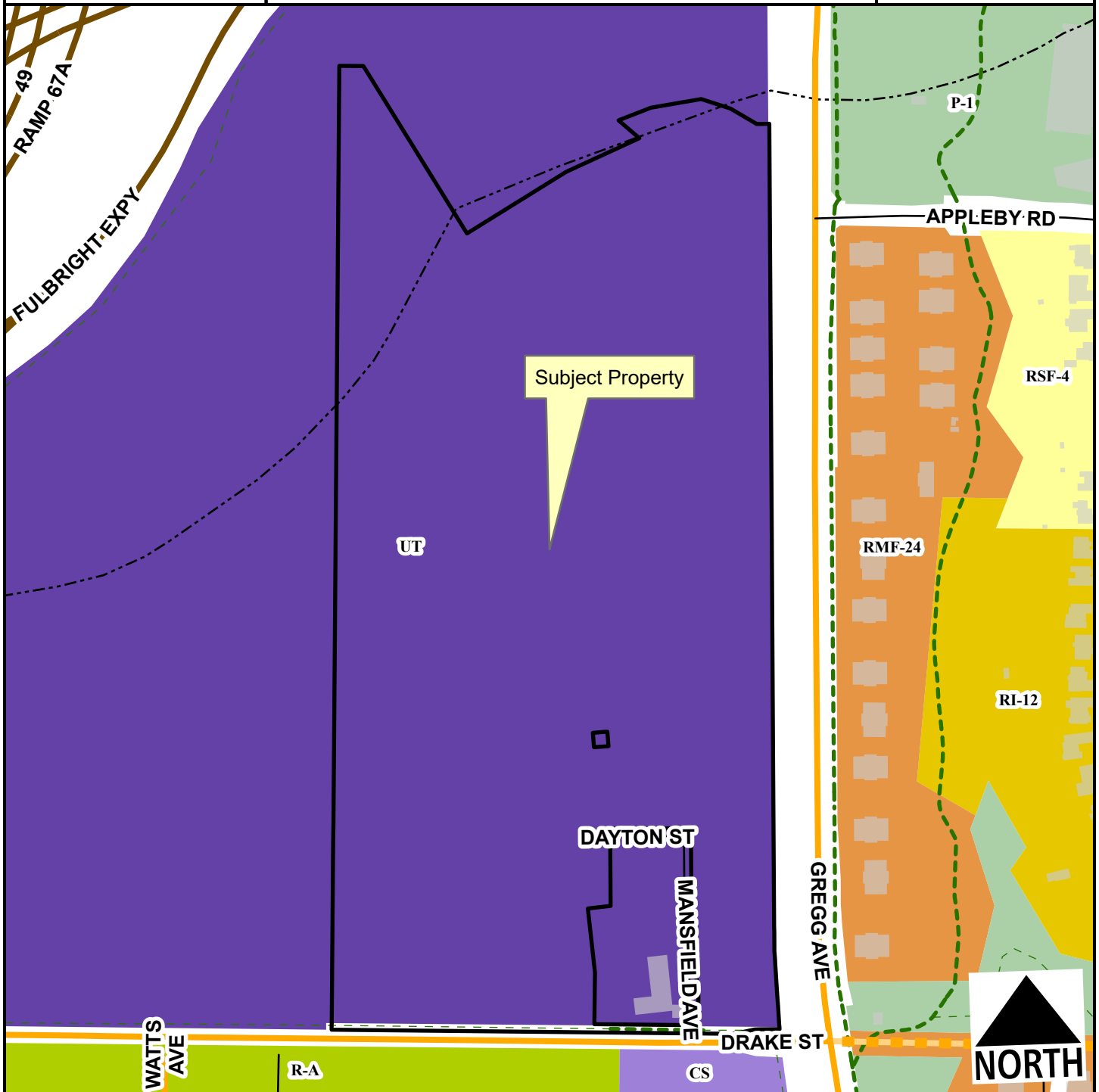
VAR-2024-0009 (DRAKE FARMS)



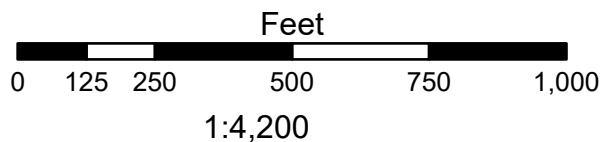
VAR-2024-0009

Close Up View

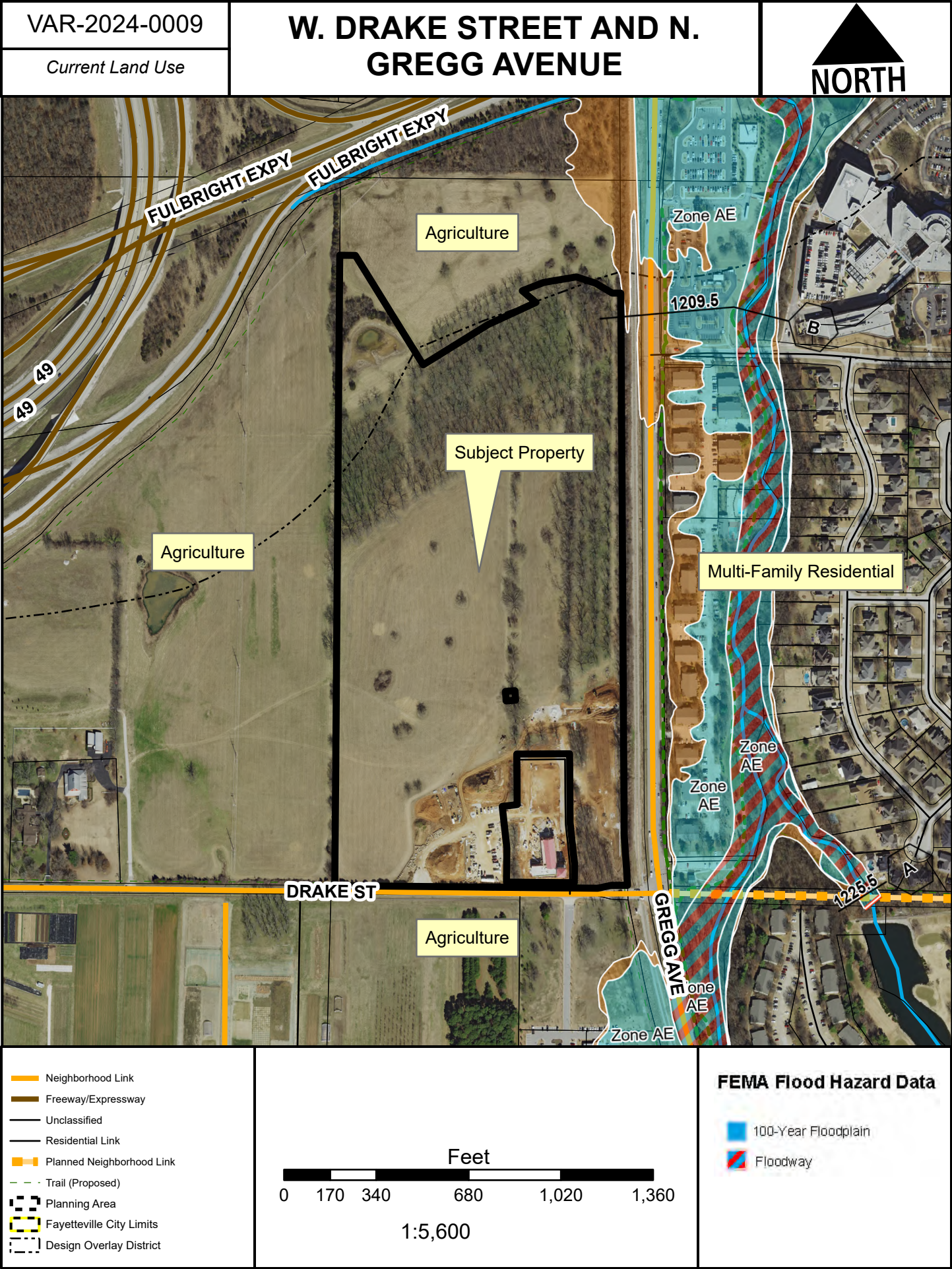
W. DRAKE STREET AND N. GREGG AVENUE



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



- Residential-Agricultural
- RSF-4
- RI-12
- RMF-24
- Urban Thoroughfare
- Community Services
- P-1





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 25, 2024

SUBJECT: **VAR-2024-0011: Planning Commission Variance (3420 W. MOUNT COMFORT RD./THE GODDARD SCHOOL, 323):** Submitted by BATES & ASSOCIATES for property located at 3420 W. MOUNT COMFORT RD. The property is zoned CS, COMMUNITY SERVICES and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.95 acres. The request is for a variance to parking lot requirements and nonresidential design standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0011** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0011**, determining:*

- In favor of a variance to UDC §166.24(D)(7)(b)(i),*
- In favor of a variance to UDC §172.04(C),*
- In favor of a variance to UDC §172.05, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located northwest of the intersection of Salem Road and Mount Comfort Road in northwest Fayetteville. The property contains two parcels totaling 2.95 acres which are primarily zoned CS, Community Services. A portion of the property is zoned R-A, Residential-Agricultural, though a request to rezone that portion of the property to CS is currently under review (RZN-2024-0008). The property is currently developed with a school building and parking area which are used by The Goddard School. A proposal to expand their parking lot and construct a second school building is currently under administrative review as a large site improvement plan (LSIP-2024-0003). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	CS, Community Services
South	Undeveloped	CS, Community Services
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Veterinarian Undeveloped	R-A, Residential-Agricultural

Request: The applicant is requesting three variances from the Unified Development Code in association with a planned expansion of The Goddard School, which is currently under

administrative review as a large site improvement plan (LSIP-2024-0003). Each variance is described further below alongside staff's recommendations.

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

DISCUSSION:

Variance #1: UDC §166.24(D)(7)(b)(i), Nonresidential Design Standards – Glazing. A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk. The applicant is requesting to vary from this standard to reduce the glazing requirement to roughly 8.7% to correspond with their current building elevations.

Staff recommendation: Staff is supportive of the applicant's request. The proposed building is intended to be used as a childcare facility and the applicant has stated that the safety of children is a primary concern which has affected its design. According to the applicant, reducing the glazing requirement as proposed would promote the safety of children while allowing for increased functionality in classrooms by providing more wall space for hanging items such as cubbies, closets, child enrichment activities, and classwork. The intent of the glazing requirement is to create a proportion of solids to voids and encourage pedestrian interest. Staff finds that there is adequate articulation on the principal façade, through shifts in wall plane depth and the addition of architectural features such as porticos and awnings, to meet the general intent of the glazing requirement if this variance is granted.

Variance #2: UDC §172.04(C)(1), Parking Lot Design Standards – Build-to Zone. A parking lot located within the build-to zone shall be screened with a masonry screen wall between 32 inches and 42 inches in height and 50% opaque minimum. The applicant is requesting a variance to screen the parking lot with a row of shrubs rather than a masonry screen wall.

Staff recommendation: Staff is supportive of the applicant's request. The applicant has stated that they are not able to place a masonry wall within the build-to zone as required by code due to the presence of existing utility easements and infrastructure, and staff is supportive of this variance for that reason. As a condition of approval, staff recommends that a hedge row, between 32 and 42 inches in height, be installed between the parking lot and the street, and that a maintenance guarantee be provided to cover the installation and care of the hedge until it is grown to sufficient height and density to screen the parking lot as intended.

Variance #3: UDC §172.05, Standards for the Number of Spaces by Use. The maximum number of permitted parking spaces for an elementary school is one per employee plus one per classroom with allowable increases. The applicant is requesting a variance to provide 82 total parking spaces. 40 spaces were allowed with the first phase of the development and 42 additional spaces are proposed with the second phase of the development. Only 37 additional spaces would be permitted with all increases utilized in the second phase of the development based on the allowances in code. The applicant is requesting a variance to provide five additional parking spaces.

Staff recommendation: Staff is supportive of the applicant's request. The applicant is utilizing all allowances permitted by code to increase the number of parking spaces. They have stated that additional parking beyond the maximum allowed is necessary due to The Goddard School's charter which requires that those dropping off or picking up children park their vehicles and meet their children at the school door. Adding more parking spaces would allow the school to enforce that policy while reducing traffic congestion on site and along nearby streets. Since granting this variance would allow the school to provide

adequate areas for off-street parking to accommodate school drop off and pick up, staff is supportive of the applicant's request and finds it to be aligned with the intent of the City's parking ordinance.

RECOMMENDATION: Staff recommends approval of VAR-2024-0011 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.24(D)(7)(b)(i), Nonresidential Design Standards – Glazing.** *Staff recommends approval of this request for the reasons stated above.*
2. **Planning Commission determination of a variance to UDC §172.04(C)(1), Parking Lot Design Standards – Build-to Zone.** *Staff recommends approval of this request for the reasons stated above and with the following condition:*
 - a. A hedge row, between 32 and 42 inches in height, shall be installed between the parking lot and the street, and a maintenance guarantee must be provided to cover the installation and care of the hedge until it is grown to sufficient height and density to screen the parking lot as intended.
3. **Planning Commission determination of a variance to UDC §172.05, Standards for the Number of Spaces by Use.** *Staff recommends approval of this request for the reasons stated above.*
4. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

Planning Commission Action:	☐ Approved	☐ Tabled	☐ Denied
Meeting Date: <u>March 25, 2024</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

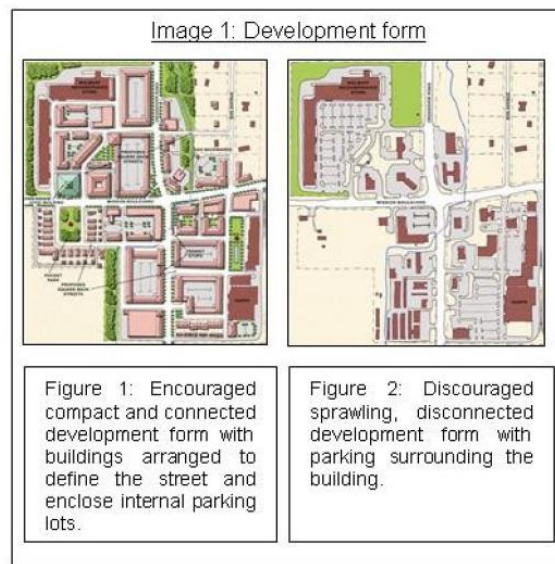
None

ATTACHMENTS:

- Unified Development Code:
 - §166.24 Nonresidential Design Standards
 - §172.04 Parking Lot Design Standards
 - §172.05 Standards For The Number Of Spaces By Use
- Applicant Request Letters
- Applicant Exhibits
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.24 Nonresidential Design Standards

- (A) *Purpose.* It is the intent of these standards to provide the methods and means by which designers and developers may achieve the city's adopted goals to produce quality development and to manage growth within the City of Fayetteville. These regulations complement the city's urban zoning districts and those districts that allow development in urban form, with site and architectural design regulations to produce a visually interesting and high quality development that responds to the needs of pedestrians, cyclists and vehicular traffic.
- (B) *Applicability.* These design standards shall apply to all non-residential development located in urban or form-based zoning districts that require a build-to zone, as well as non-residential development in conventional districts when built in an urban form allowing administrative approval, with the exception of those districts located within the Downtown Master Plan boundary. In addition to the city's Commercial Design and Development Standards, the standards apply when either new development occurs or expansion of 25% or more of the existing nonresidential building square footage occurs. All sides of a building that are visible from the public right-of-way shall be subject to design review.
- (C) *General Intent.* The following shall apply to all developments:
- (1) Developments with multiple buildings should be arranged to enclose and define space in the public realm (see Image 1).



- (2) Multiple buildings located on the same lot should be articulated distinctly and separately so as to not provide an identical building on the same lot.
- (3) New construction should show respect for horizontal articulation established by existing buildings within the immediate area.
- (4) Application of building material and façade articulation of the building wall should encourage design, reinforce rhythm, increase visual impact, and create pedestrian interest.
- (D) *Building Mass, Scale, and Articulation.* The following regulations shall apply to break down the mass of large structures:
- ...
- (7) *Fenestration.* Fenestration patterns should encourage design, reinforce rhythm, and create shadows. The following shall be met to satisfy the fenestration requirements for a principal façade:
- (a) Entryways. A primary entrance for buildings located in a build-to zone shall face the public street. When a structure is not in a build-to zone, the primary entrance shall be well-defined from access drives, sidewalks, and/or major parking areas.
- (i) Multiple entryways are encouraged for all structures; however, a building entrance shall occur at a minimum of every 100 feet of building façade length that is within the build-to zone.
- (ii) Each primary entrance shall be made visible and prominent by using special architectural treatment that signifies the entrances, such as large entry doors, porches, or protruding or recessed entrances.

(b) Glazing. In order to create a proportion of solids to voids and pedestrian interest the following standards shall apply:

- (i) A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk.
- (ii) A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).
- (iii) Glazing above the first story shall not exceed 80% of the total building wall area.

...

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

(Ord. No. 5312, 4-20-10; Ord. No. 5519, 8-21-12; Ord. No. 5859 , §1(Exh. A), 3-15-16; Ord. No. 6164 , §10, 4-2-19)

172.04 Parking Lot Design Standards

...

(C) *Build-to Zone.* A portion of a required parking lot may be located within the build-to zone, subject to the following:

- (1) A parking lot located within the build-to zone shall be screened with a masonry screen wall between 32 inches and 42 inches in height and 50% opaque minimum.
- (2) Parking lots that are located within the build-to zone shall comply with Chapter 177: Landscape Regulations, related to landscape setbacks.
- (3) Off-site parking lots shall be prohibited from being located within the build-to zone.
- (4) In urban zoning districts that specify urban form (i.e., a build-to zone) the intent is for drive-thru lanes, parking lot drive aisles, and parking spaces to be located to the side or rear of buildings. In urban zoning districts, a drive-thru lane, parking lot drive aisle, or parking spaces are not permitted to be located in the front yard directly between a building and the Master Street Plan right-of-way.

...

(Ord. No. 4725, 7-19-05; Ord. No. 4855, 4-18-06; Ord. No. 4917, 9-05-06; Ord. No. 5044, 8-07-07; Ord. No. 5079, 11-20-07; Ord. No. 5297, 12-15-09; Ord. No. 5592, 06-18-13; Ord. No. 5680, 4-15-14; Ord. No. 5841 , §§1—3, 1-5-16; Ord. No. 5859 , §2, 3-15-16; Ord. No. 6325 , §1, 6-16-20; Ord. No. 6350 , §9(Exh. G), 8-18-20)

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.
- ...
- (3) *Maximum Number Allowed for Residential and Non-Residential Uses.* Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:
 - (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.
 - (b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
 - (i) Bioswales
 - (ii) Constructed wetlands
 - (iii) Pervious pavement
 - (iv) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer
 - (c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), 2-inch caliper tree for every ten (10) additional parking spaces is planted on-site in addition to all other landscaping requirements.
- (4) *Parking Ratio Calculation.* The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:
 - (a) Rounded to the next higher whole number when the fraction is 0.5 or higher.
 - (b) Rounded to the next lower whole number when the fraction is less than 0.5.
- (5) *On-Street Parking.* Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.
- (6) *Motorcycle and Scooter Parking.* One (1) Motorcycle and scooter parking. In parking lots containing twenty-five (25) parking spaces or more, one (1) space for every twenty-five (25) parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.
- (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)

...

Public and Institutional Uses
Nonprofit Commercial

Art gallery, library, museum	1 per 1,000 sq. ft. of GFA
Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Child care center, nursery school	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated
Church/religious institution	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces
College auditorium	1 per 4 seats
College dormitory	1 per sleeping room

College or university	1 per 500 sq. ft. of classroom area
Community center	1 per 250 sq. ft. of GFA
Cooperative housing	1 per 2 occupants
Convalescent home, assisted living, nursing home	1 per 2 beds
Detention home	1 per 1,500 sq. ft. of GFA
Elderly Housing	1 per 2 units
Funeral homes	1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
School—elementary and junior high	1 per employee plus 1 space per classroom
School—senior high	1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater
Zoo	1 per 2,000 sq. ft. of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants

...

(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)



Burris Architecture

820 Tiger Blvd suite 4 Bentonville, AR 72712
479.319.6045

Date: February 13, 2024

To: Planning Commissioners

Ref: VAR 24-????

Goddard Fayetteville 2 - Annex
N. Salem Rd.

We respectfully request a variance from the design standards for non-residential building facades.

The architectural design intent for this building is to express a safe, secure, home like environment, while maintaining the look and feel of the original Goddard School on the adjacent parcel. The design meets the architectural articulation on all sides of the building; unfortunately we are unable to meet the 50% glazing requirement on the N. Salem facing façade of the building.

Facades in Build-To-Zone

Fenestration

(b) Glazing. In order to create a proportion of solids to voids and pedestrian interest the following standards shall apply:

(i) A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the finished floor elevation (FFE).

(ii) A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE)

Variance Requested: While the design does not meet the letter of the code, the design team does feel that this building is well designed to meet the needs of the buildings function while providing the neighborhood and the city with a building that it can appreciate. The percentage of glazing required by this code is written for down-town shopping area where pedestrians will be walking by and looking thru the windows of stores. This building is designed as a childcare facility where the safety of the children is a primary concern. There are also functional requirements that prevent us from meeting this section of the code. Wall space is needed for hanging things like cubbies, closets, child enrichment activities and classwork.

Dave P. Burris, AIA, NCARB
479-586-9400
dave@burrisarch.com

March 19th, 2024

Gretchen Harrison
Planning Department
125 West Mountain Street
Fayetteville, AR 72701

RE: The Goddard School

Dear Ms. Harrison,

We would like to request a waiver from the Unified Development Code 172.04(c) requiring a masonry wall to screen the parking lot. There are multiple utilities along Salem where the masonry wall should go that makes it difficult to install without disrupting the existing utilities. The previous development received this variance as well with the condition that the developers install a row of shrubs to screen the parking lot, and our clients intend to continue the same approach.

In Phase 1 of this development, we were allowed a total of 40 spaces. Additionally, we would like to request another variance regarding the maximum number of parking spaces presented in the Unified development code 172.05. per code, we are allowed a maximum of 29 spaces with an additional 8 spaces when adhering to the incentives laid out by the UDC. We are proposing a total of 49 standard spaces, 10 more than the maximum allowance. The purpose of this is that the charter for the school requires those dropping off or picking up children to park and meet their children at the school door. More parking spaces will allow the school to enforce this policy while keeping backed up traffic coming into the parking lot at a minimum.

These two requests were approved with the 1st phase of the development associated with VAR20-7097. I have included the original staff report in this request.

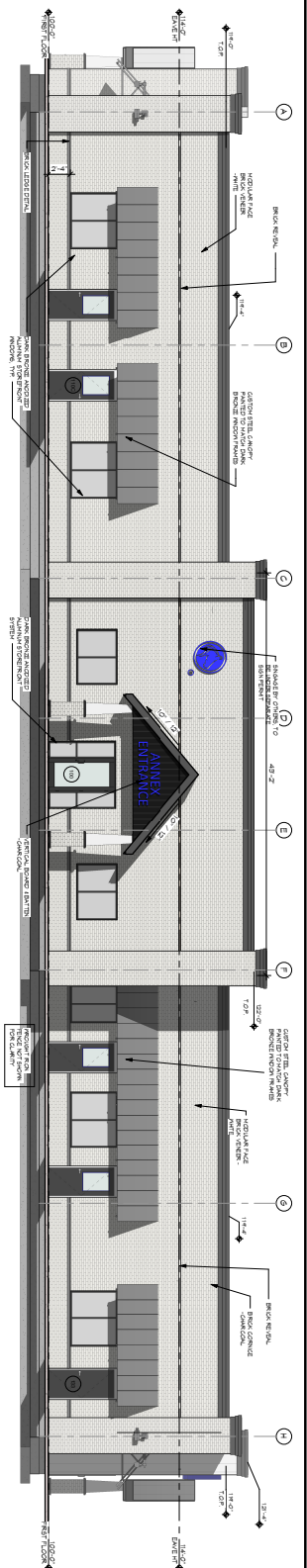
Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely

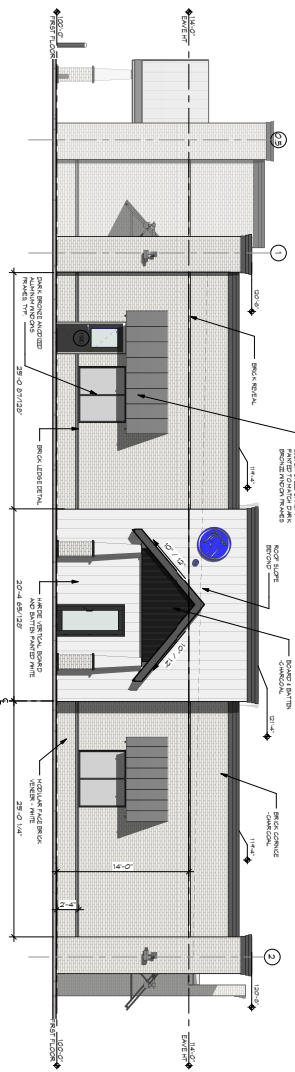
Bates & Associates, Inc.



Addie Manzi



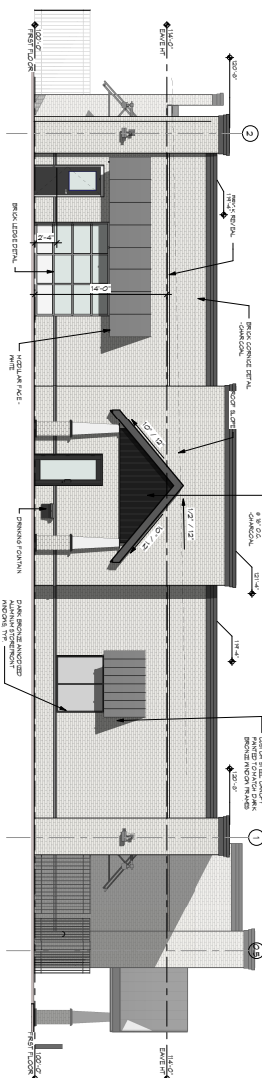
1 SOUTH ELEVATION - COLOR
3/10" = 1'-0"



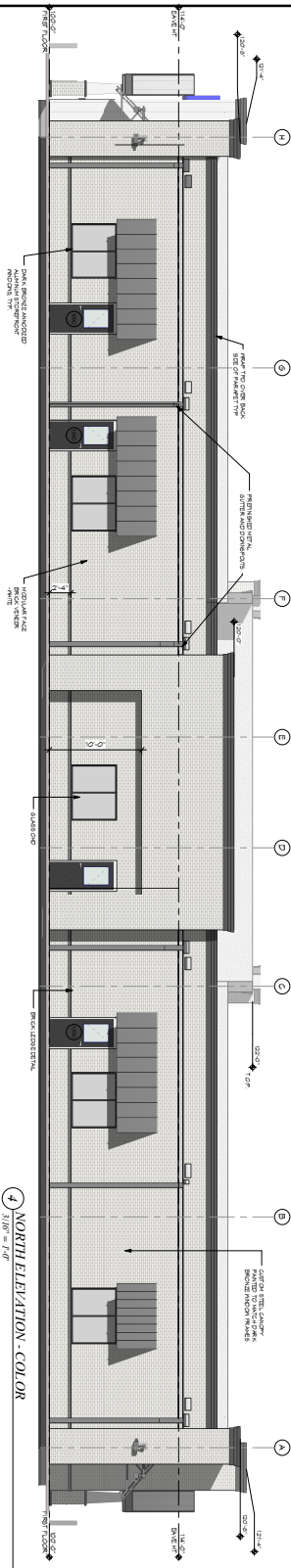
2 EAST ELEVATION - COLOR
3/10" = 1'-0"



EXTERIOR FINISH LEGEND	
	HORIZONTAL FACE BRICK
	WHITE
	HORIZONTAL FACE BRICK CORNICE
	BOARD & BATTEN - WHITE
	BOARD & BATTEN - COLONIAL
	SIDING
	TWO-TONE TO MATCH



3 WEST ELEVATION - COLOR
3/10" = 1'-0"

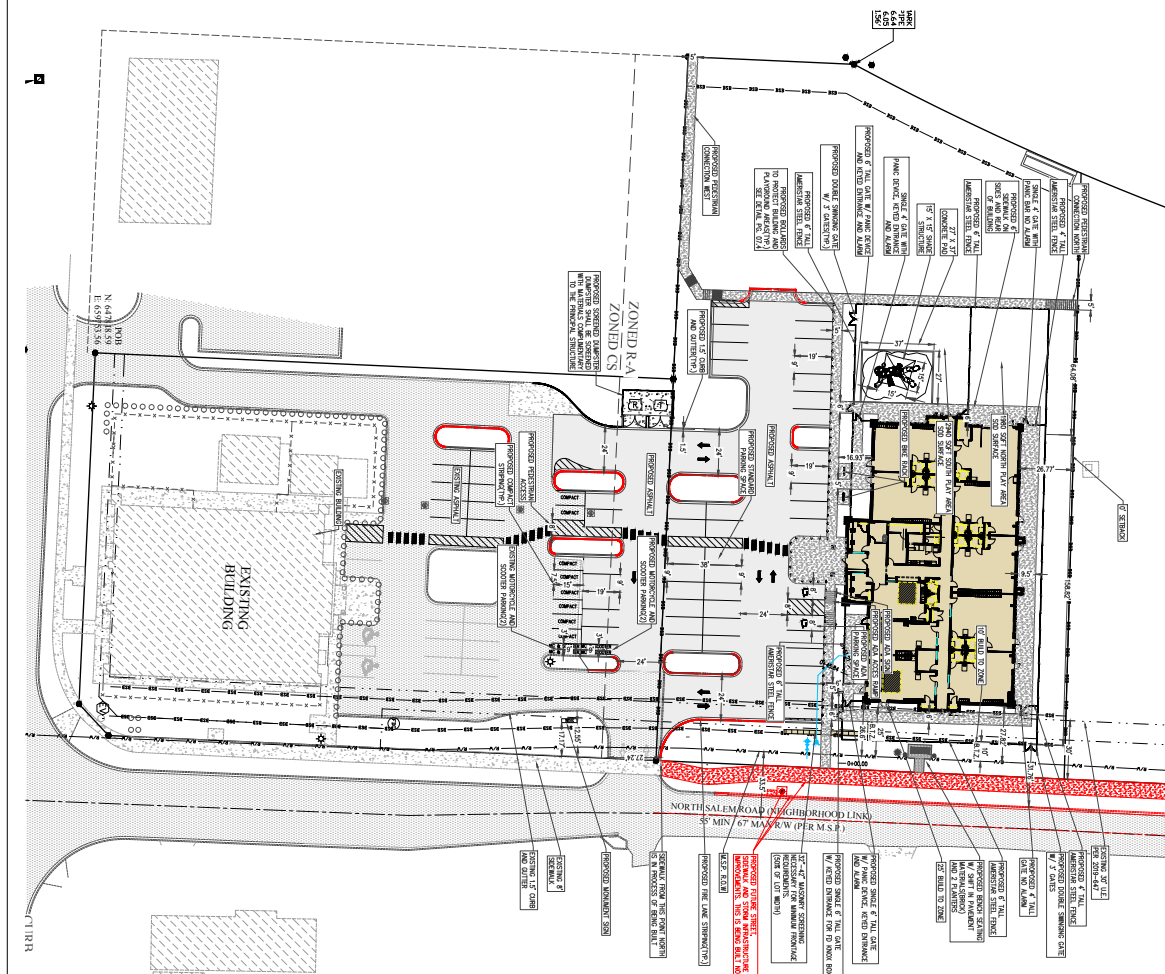
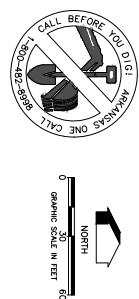


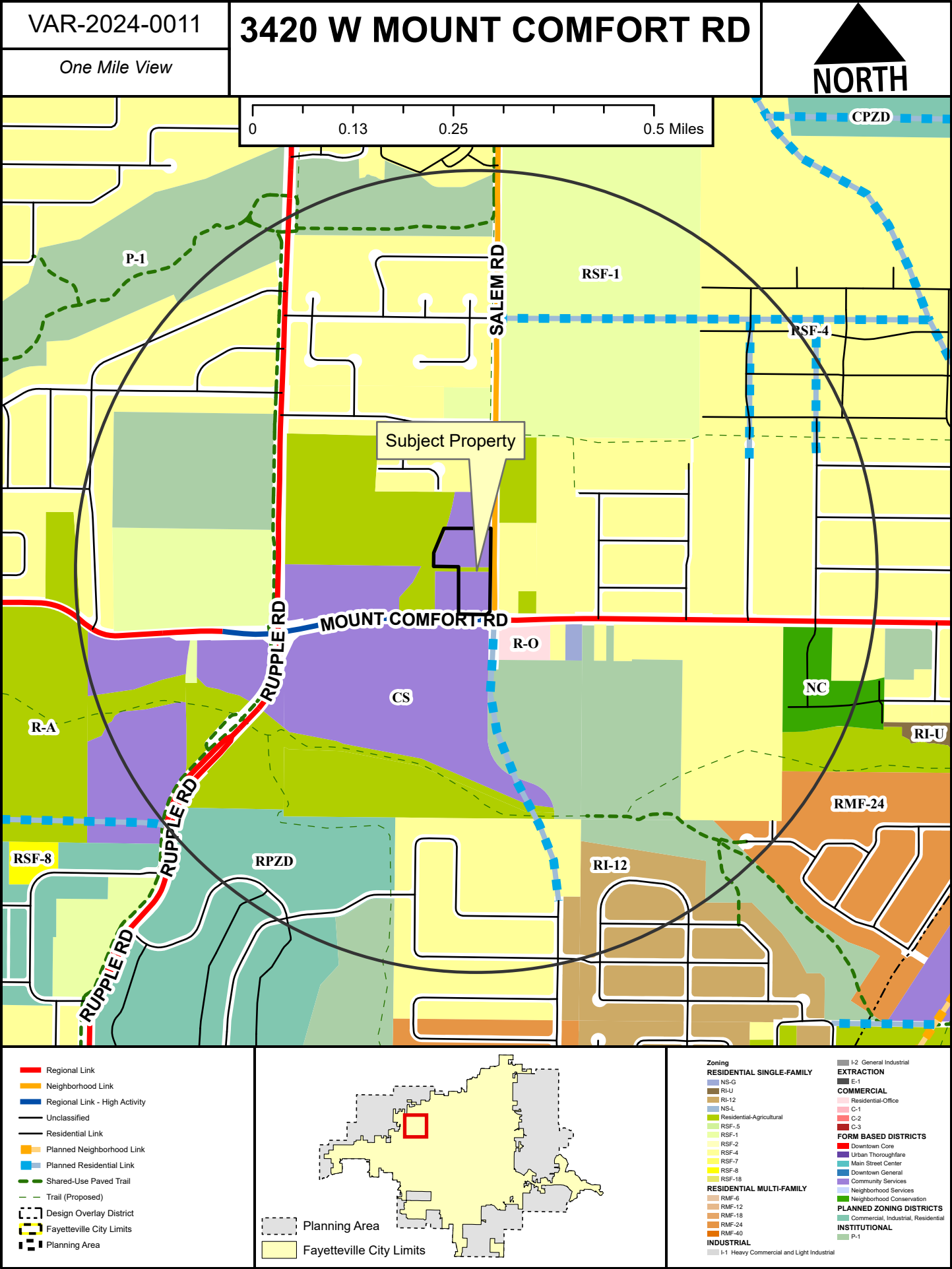
4 NORTH ELEVATION - COLOR
3/10" = 1'-0"

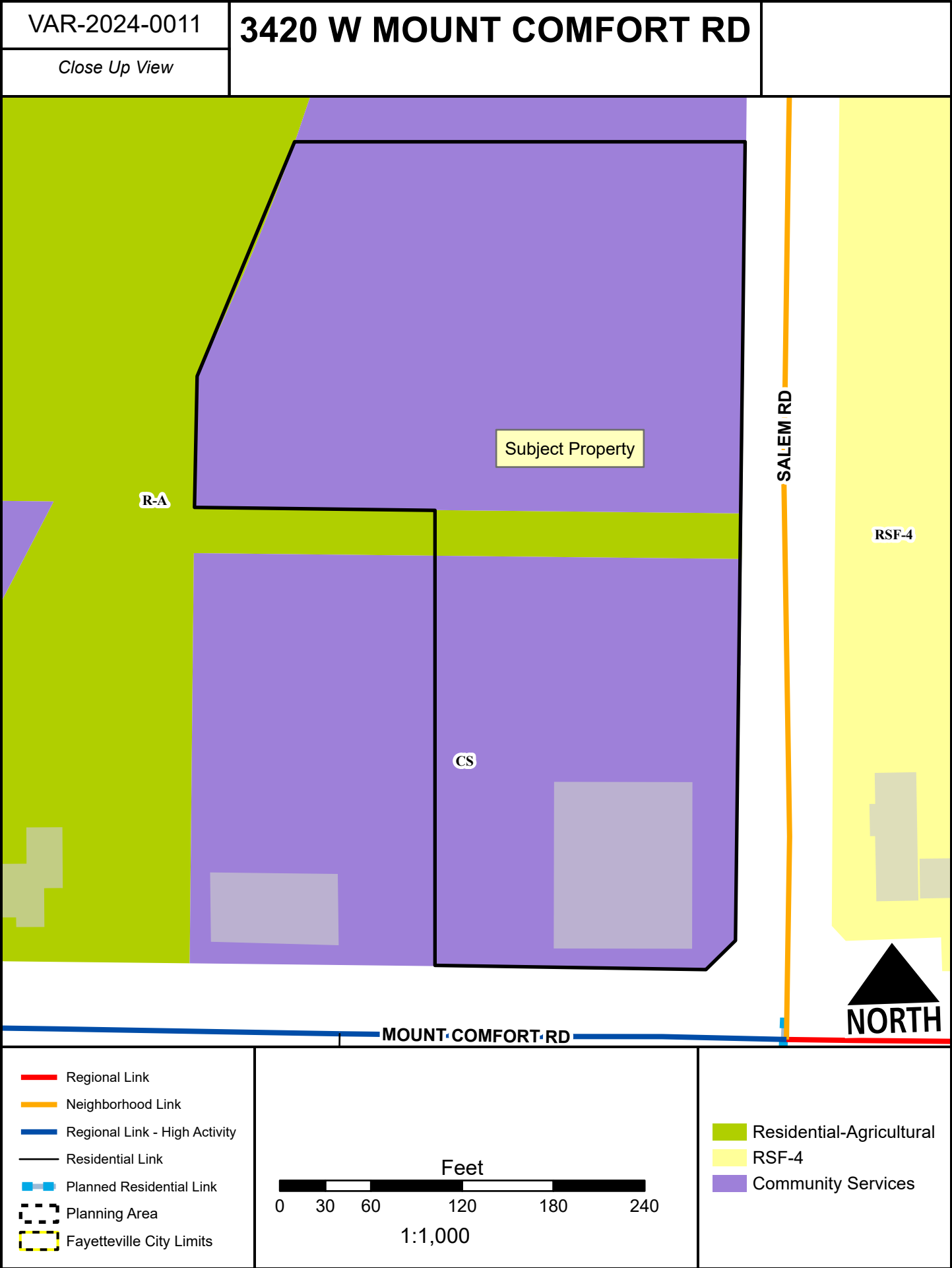
TOTAL AREA (LIGNINASE AND PERIODATE OXID.)	
PERIODATE OXID.	19851.1 S.D.T. (4.56 AC/-)
LIGNINASE OXID.	16328.8 S.D.T. (4.56 AC/-)
NET SIFT AREA AFTER N/2 REDUCTION	13176.7 S.D.T. (3.17 AC/-)
PERIODATE UNREACTIVE AREA	4657.6 S.D.T. (0.67 AC)
PERIODATE DISAPPEARANCE	12867.2 S.D.T. (0.67 AC)
PERIODATE CONSUMED	22467 S.D.T. (11.45 AC)
NET SIFT AREA AFTER N/2 REDUCTION	77002.8 (1.43 AC/-)
PERIODATE UNREACTIVE AREA	66522.3 (1.59 AC/-)
PERIODATE DISAPPEARANCE	24449.5 S.D.T. (0.53 AC)
PERIODATE CONSUMED	42023.8 S.D.T. (6.16 AC)
PERIODATE CONSUMED	11367 S.D.T. (1.64 AC)

[illegible]

TOTAL PGM AUTOMATIC: 15% INCREASE = 8 SPACES
TOTAL FOR 10% ALT. STORING/ENTER TECH. = 6 SPACES
TOTAL FOR 5% FOR 1 TREE PER 10 SPACES = 2 SPACES
56 SPACES + 16 ADDITIONAL = 74 TOTAL SPACES ALLOWED
TOTAL PROPOSED STANDARD PARKING = 64 SPACES* 10 SPACES
MOTORCYCLE (OR 5 SPACES)
TOTAL MOTORCYCLE/SCOOTER SPACES = 4
TOTAL ADA SPACES = 4
TOTAL PROPOSED PARKING = 92 SPACES
TOTAL EXISTING PARKING = 4

[illegible]









TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 25, 2024

SUBJECT: **VAR-2024-0014: Planning Commission Variance (4486 W. GLACIER STREET/DR HORTON HOMES, 282):** Submitted by DR HORTON for property located at 4486 W. GLACIER STREET. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.20 acres. The request is for a variance to typical driveway length requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0014**.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0014**."*

BACKGROUND:
The subject property is in northwest Fayetteville, east of N. Hughmont Road, in the Aiden's Place subdivision. Containing approximately 0.20 acres, the property is under construction with a single-family home and is zoned RSF-8, Residential Single-Family, 8 Units per Acre. No overlay districts currently govern the site. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Rural Residential	R-A, Residential-Agricultural
South	Single-Family Residential	RSF-8, Residential Single-Family, 8 Units per Acre
East	Single-Family Residential	RSF-8, Residential Single-Family, 8 Units per Acre
West	Single-Family Residential	RSF-8, Residential Single-Family, 8 Units per Acre

Request: The applicant is requesting a variance to typical driveway length standards after the construction of a driveway that does not meet typical standards. The applicant is requesting a variance to **§172.11(G)(2), Driveway And Parking Standards For Four (4) Or Less Parking Spaces, Driveway Length**. To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to provide at least 18 feet between the sidewalk or Master Street Plan right-of-way line and the garage or carport. The applicant has constructed a driveway that is approximately 16.5 feet in length.

DISCUSSION:
Staff recommends approval of the request, finding that the threshold for hardship is being met. The originally-approved building permit was submitted, reviewed, and approved by City staff, which showed a driveway that did not meet the minimum length requirement. The structure is at

a point of substantial completion, including interior finishes, and had passed several inspections by City officials starting in December 2023 before being caught at a final driveway inspection in February 2024. While Planning staff does not find that there is a site-specific reason to allow the structure to maintain its existing location without physical modification, staff recognizes that the applicant operated under a good faith effort to meet required ordinances. Further, the dimension at 16.5' is a minor encroachment, and not one that City staff finds is likely to undermine the City's requirement. That said, staff finds that vehicles will still not be permitted to park in a way that will block the public sidewalk, and vehicles parked in that manner may still be subject to a violation notice in the future. Staff recommends a condition of approval to that effect.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2024-0014, with the following conditions of approval:

Conditions of Approval:

1. **Planning Commission determination of a variance to §172.11(G)(2), Driveway and Parking Standards for Four or Less Parking Spaces, Driveway Length.** *Staff recommends approval of the request for the reasons stated above, but would recommend an added condition that vehicles are prohibited from parking in a manner that encroaches onto the public sidewalk or within the public right-of-way;*
2. Approval of these variances 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>March 25, 2024</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §172.11 Driveway And Parking Standards For Four (4) Or Less Parking Spaces
- Applicant Request letter
- Original Approved Plan
- Updated Plan
- Site Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

172.11 Driveway And Parking Standards For Four (4) Or Less Parking Spaces

- (A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.
- (B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located completely within or underneath garages or carports, nor to properties zoned Residential Agricultural.
- (C) *Maximum number of parking spaces permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.
- (D) *Use of Front Yard Area for a Driveway and Off-Street Parking.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area and shall meet the maintenance requirements as identified by this chapter.
- (E) *Parking of Non-Motorized Vehicles in Front Yard Area.* If parked within the front yard area of a property (including driveways), non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.
- (F) *Off-Street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.
- (G) *Driveway Standards.*
- (1) *Driveway approach to property line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with §171.13 Sidewalk and Driveway Specifications.
 - (2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property. To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to provide at least 18 feet between the sidewalk or Master Street Plan right-of-way line and the garage or carport.
 - (3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.
 - (4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.
- (H) *Driveway and Parking Area Maintenance Requirements.*
- (1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.
 - (2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being blown or washed away. If an unpaved driveway is not maintained and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.
- (I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.
- (J) *Maximum Driveway Width.* Driveway width shall be limited to:

Lot Width	Maximum Driveway Width
70 feet or more	24 feet
50 feet to 69 feet	20 feet
Less than 50 feet	18 feet

- (K) *Loop, Circle, and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as a 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, subject to other restrictions for driveway separations in the UDC.
- (L) *"Pay-to-Park" Operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.
- (M) *Exemptions.* The following exemptions to this ordinance section shall be permitted:
- (1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to park on private property for a period of twelve (12) hours before and twelve (12) hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.
 - (2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.
 - (3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.
 - (4) *Existing Driveways.* All existing driveways constructed prior to August 07, 2007 shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
 - (5) *Special Events.* Infrequent parking for special events which exceeds the normal maximum number of motor vehicles permitted on a property is excepted from this ordinance. Excessive parking which occurs more frequently than an average of one day a month may be determined by the Zoning and Development Administrator upon complaint by a nearby neighbor to be "frequent" and thus not excepted as "infrequent." The Zoning and Development Administrator shall notify an owner/tenant by regular mail or similar notice that the excessive parking has been determined to be "frequent" and in violation of this section prior to taking other enforcement measures.
 - (6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property

(Ord. No. 5044, 8-07-07; Ord. No. 5304, 1-19-10; Ord. No. 5800 , §5, 10-6-15)

2-22-2024

City of Fayetteville Planning Commission,

We are looking to apply for a variance on a property located at 4486 W. Glacier, Fayetteville AR. The new construction project was permitted through the City, and is built per plan, however we have discovered that the driveway is measuring 16'5", which is obviously shorter than the 18' required driveway. This puts us in violation of building standard 172.11 for driveway and parking standards. Unfortunately, we did not catch this early and this house is completely built, with interior finishes.

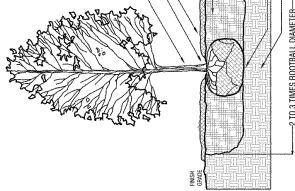
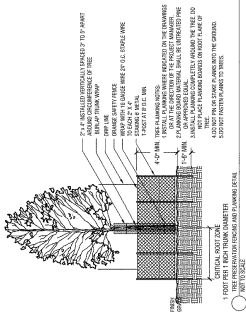
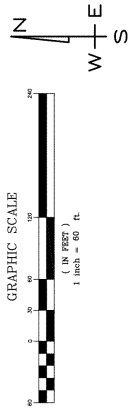
Any consideration for this variance would be greatly appreciated, since this house was permitted and is currently built as permitted. Neither our team or review caught it during the permitting phase.

Sincerely,



Nye L. Carnahan
Construction Manager
DR Horton Homes
(479) 957-3954
NLCarnahan@drhorton.com

APPLICANT EXHIBIT



- NOTES:
- 1. THE CITY OF CLARK COUNTY HAS A TREE TRIMMING PROGRAM. TREE TRIMMING SHALL BE PERFORMED BY THE CITY OF CLARK COUNTY.
 - 2. THE CITY OF CLARK COUNTY HAS A TREE TRIMMING PROGRAM. TREE TRIMMING SHALL BE PERFORMED BY THE CITY OF CLARK COUNTY.
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JORGENSEN + ASSOCIATES
Civil Engineering, Land Surveying
247 W. Sandburg Drive, Suite 100
Fayetteville, AR 72703
Phone: (479) 444-9272
www.jorgensenassoc.com

LEGEND

- CALCULATED POINT
- SET FROM PVI & CAP
- POWER POLE
- SEWER MANHOLE
- SEWER INLET
- STREET LIGHT
- 8-1/2" FIRE HYDRANT
- EXISTING 6" SEWER LINE
- PROPOSED 6" SEWER LINE
- EXISTING WATER LINE
- PROPOSED 6" WATER LINE
- EXISTING STREET
- PROPOSED STREET
- BULKHEAD DETAIL
- NEW SIDEWALK
- UTILITY CROSSING
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT LOCATION:
FAYETTEVILLE, AR

AIDEN'S PLACE:

ADJACENT LOT:

REVISIONS

NO.	DATE	DESCRIPTION
1	03/25/2024	ISSUED FOR PERMIT

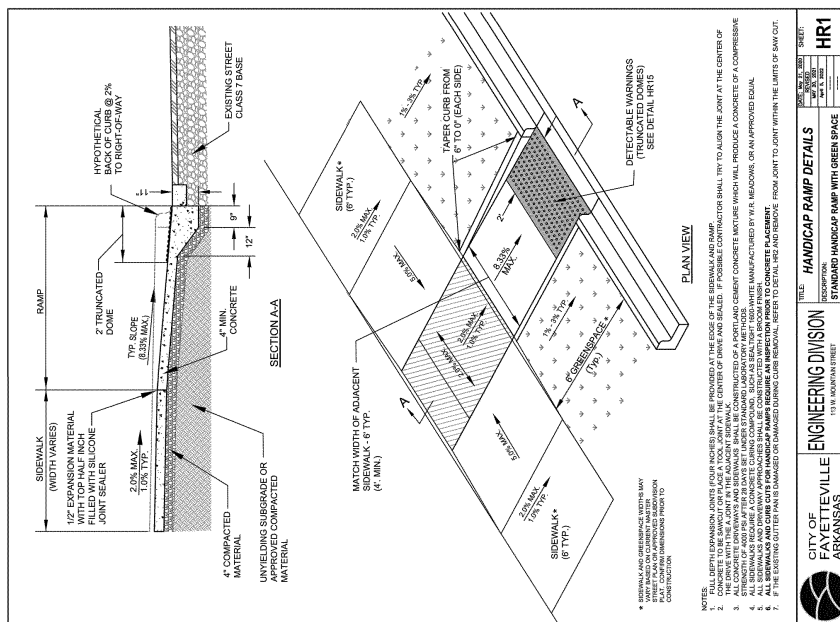
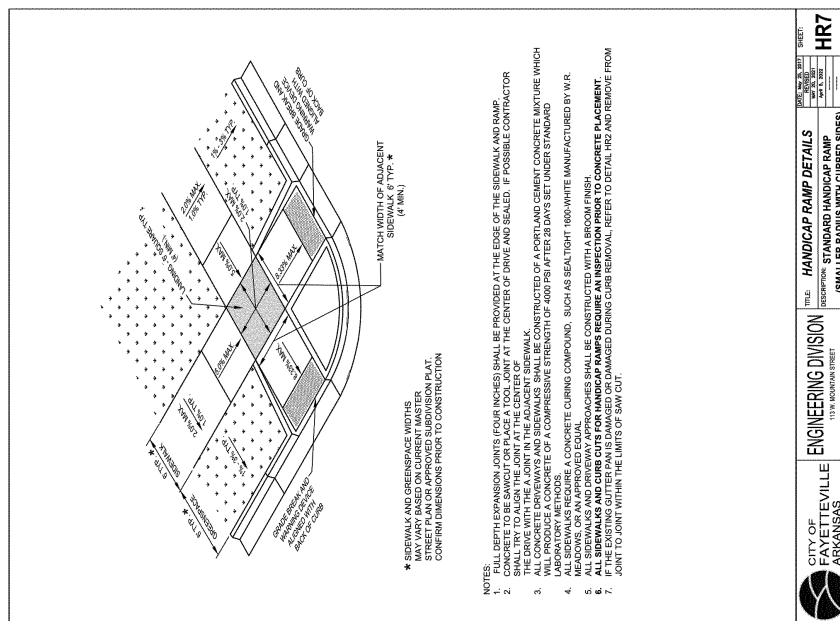
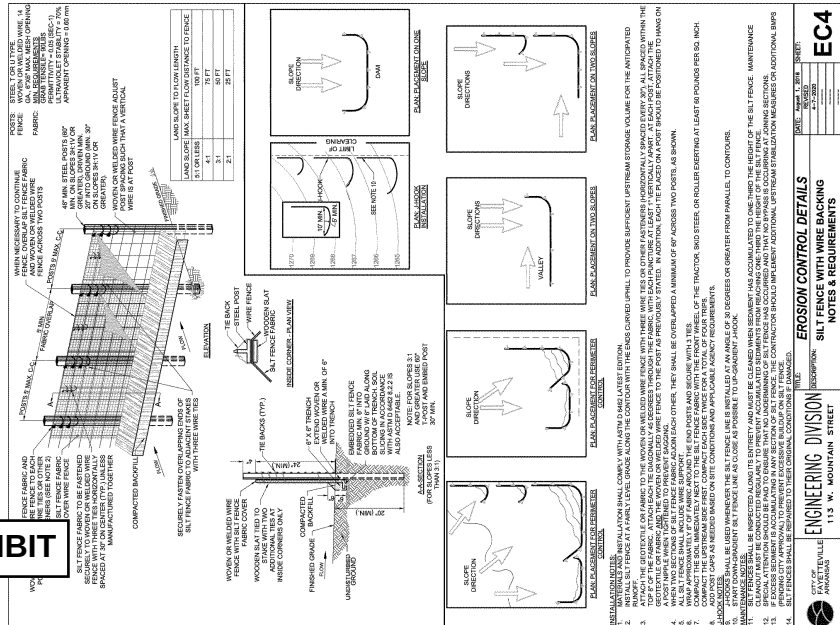
DATE: 03/25/2024
PROJECT: AIDEN'S PLACE
PROJECT NO.: 2434
SCALE: 1" = 40'

CITY OF CLARK COUNTY
DEPARTMENT OF PUBLIC WORKS
PLANNING & DEVELOPMENT
100 W. 10TH ST., SUITE 100
FAYETTEVILLE, AR 72703
PHONE: (479) 444-9272
FAX: (479) 444-9273
WWW.CLARKCOUNTY.AR.GOV

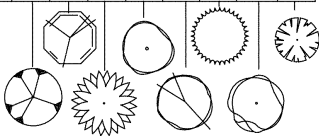
SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
1.0

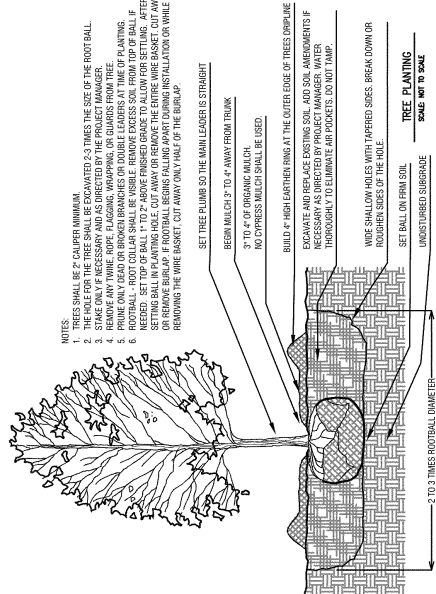
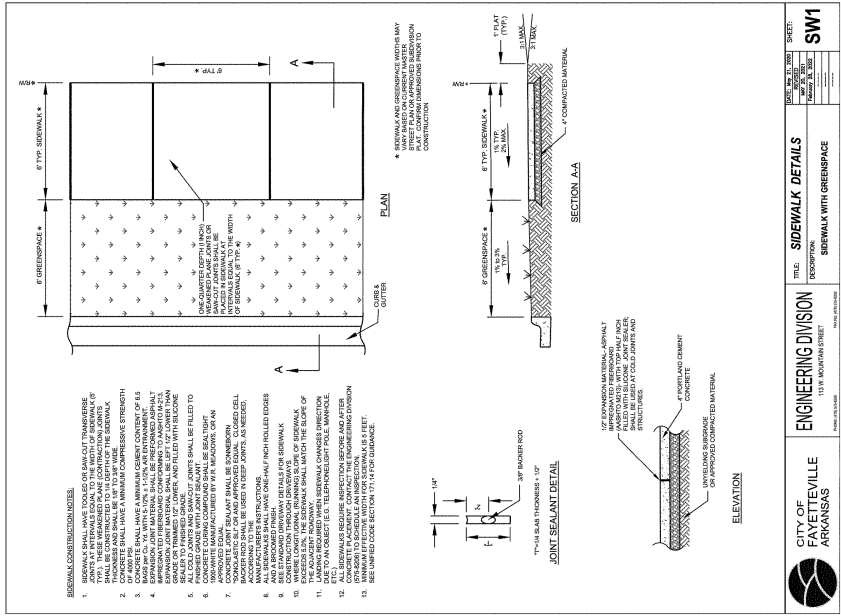
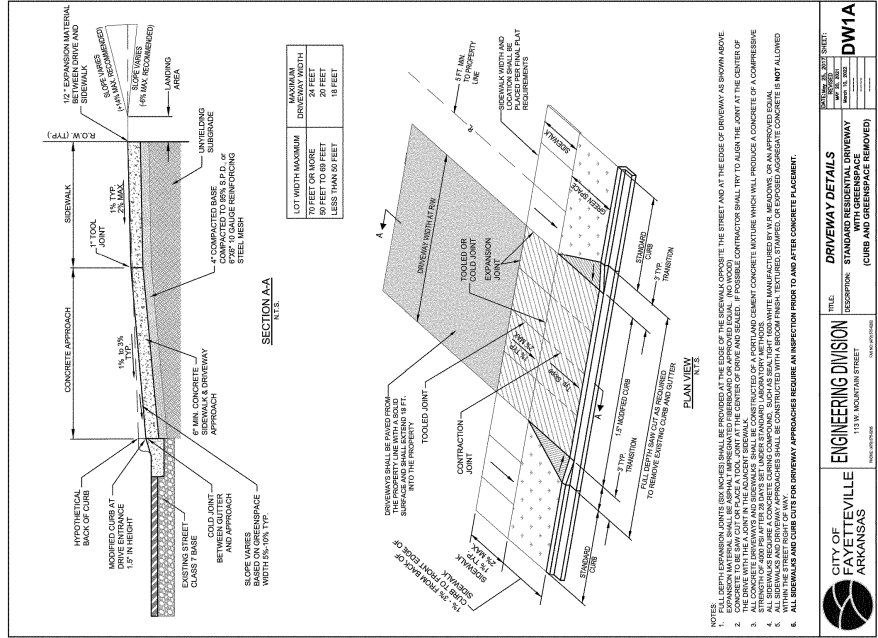
APPLICANT EXHIBIT



PLANT LIST				
QTY	SYM	COMMON NAME/ BOTANICAL NAME	ROOT MIN. SIZE	NOTES
40	P	THORNLESS HONEY LOCUST 'SHADEMASTER' <i>Gleditsia triacanthos 'Shademaster'</i>	B&B	2.5" CAL
54	S	LONDON PLANE TREE <i>Platanus x acerifolia</i>	B&B	2.5" CAL
35	TP	TULIP POLAR TREE <i>Liriodendron tulipifera</i>	B&B	2.5" CAL
34	LL	LITTLE LEAF LINDEN <i>Tilia cordata</i>	B&B	2.5" CAL
41	BG	BLACKGUM <i>Nyssa sylvatica</i>	B&B	2.5" CAL
31	BG	BAIRD CYPRESS <i>Taxodium distichum</i>	B&B	2.5" CAL
18	AE	AMERICAN ELM 'JEFFERSON' <i>Ulmus 'Jefferson'</i>	B&B	2.5" CAL
13	YC	YOSHINO CHERRY <i>Prunus yedoensis</i>	B&B	2.5" CAL



APPLICANT EXHIBIT



CITY OF FAYETTEVILLE ARKANSAS	
ENGINEERING DIVISION	DESIGNER: [Signature]
STANDARD RESIDENTIAL DRIVEWAY	DATE: 03/20/2024
(CURB AND GREENSPACE REMOVED)	
TITLE: DW1A	SCALE: NOT TO SCALE

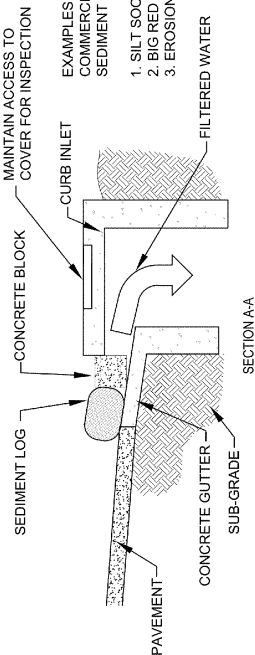
CITY OF FAYETTEVILLE ARKANSAS	
ENGINEERING DIVISION	DESIGNER: [Signature]
STANDARD RESIDENTIAL DRIVEWAY	DATE: 03/20/2024
(CURB AND GREENSPACE REMOVED)	
TITLE: DW1A	SCALE: NOT TO SCALE

CITY OF FAYETTEVILLE LANDSCAPE NOTES

1. Contractor shall confirm the location of all utilities prior to starting any work. The contractor is responsible for contacting Arkansas one-call to confirm all utilities.
2. All plants must be healthy, vigorous and free of pests and disease.
3. Standards set forth in "American Standard for Nursery Stock" represent guideline specifications only and shall constitute minimum quality requirements for plant material.
4. All plants must be container grown or balled and burlapped as indicated on the plant list.
5. All required trees shall be 2" minimum caliper, with a single dominate central 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.

APPLICANT EXHIBIT

15. The contractor shall completely guarantee all plant material for a period of one (1) year beginning on the date of total acceptance. The contractor shall promptly make all replacements before or at the end of the guarantee period.
16. Any plant material which dies, turns brown, or defoliates (prior to total acceptance of the work) shall be promptly removed from the site and replaced with material of the same species, quantity, and size and meeting all plant list specifications.
17. Notify landscape architect or designated representative of any layout discrepancies prior to any planting. Locate all utilities and site lighting conduits before construction begins.
18. All disturbed areas shall be seeded with a grass seed mix consisting of 70% turf type fescue, 20% perennial rye, and 10% Bermuda grass at 5 pounds per 1,000 square feet.
19. All areas to be seeded shall receive 4" of topsoil and be graded per the grading plan.
20. Irrigation shall be either an underground automatic system or shall utilize hose bibs every 100' as required by Fayetteville landscape ordinance.
21. Maintenance: the current owner of the property shall be responsible for the ongoing maintenance of required landscaping.
22. Replacement landscaping: required landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.
23. Three (3) year maintenance surety shall be deposited for each required street and mitigation tree.
24. 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. All planting details are according to Fayetteville Landscape Manual.



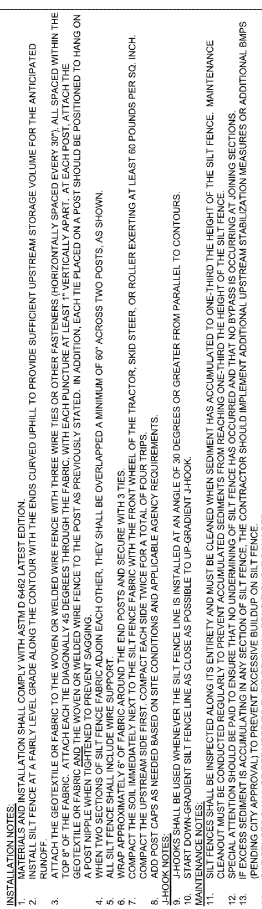
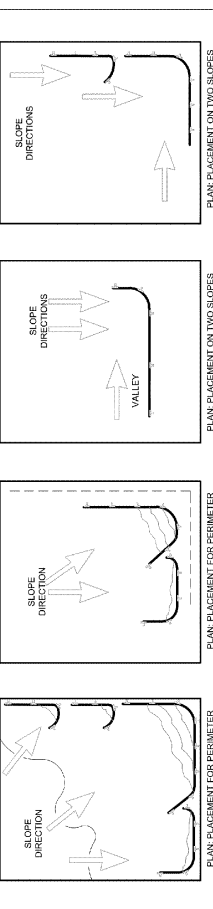
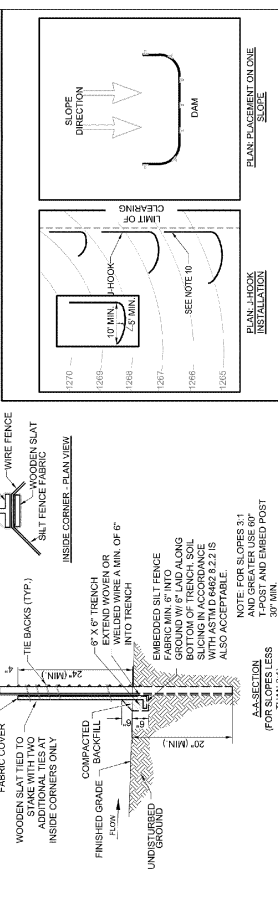
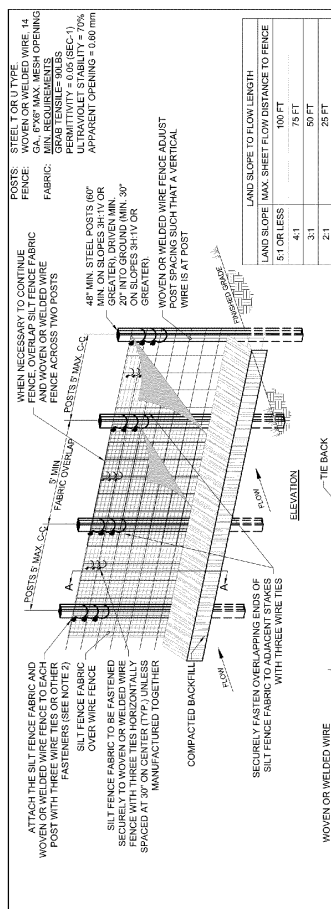
- NOTES:

1. PLACE DEVICES AROUND PERIMETER OF GRATE/AREA INLET, WITH ENDS OF ADJACENT SEDIMENT LOGS OVERLAPPING 12" MIN.
2. PLACEMENT OF DEVICES SHALL EXTEND 12" MIN BEYOND THE LIMITS OF THE CURB INLET STRUCTURE ON BOTH SIDES.
3. IF ROAD OR PARKING AREA IS OPEN TO PUBLIC, VERIFY SUITABILITY OF BMP WITH CITY OF FAYETTEVILLE ENGINEERING DIVISION.

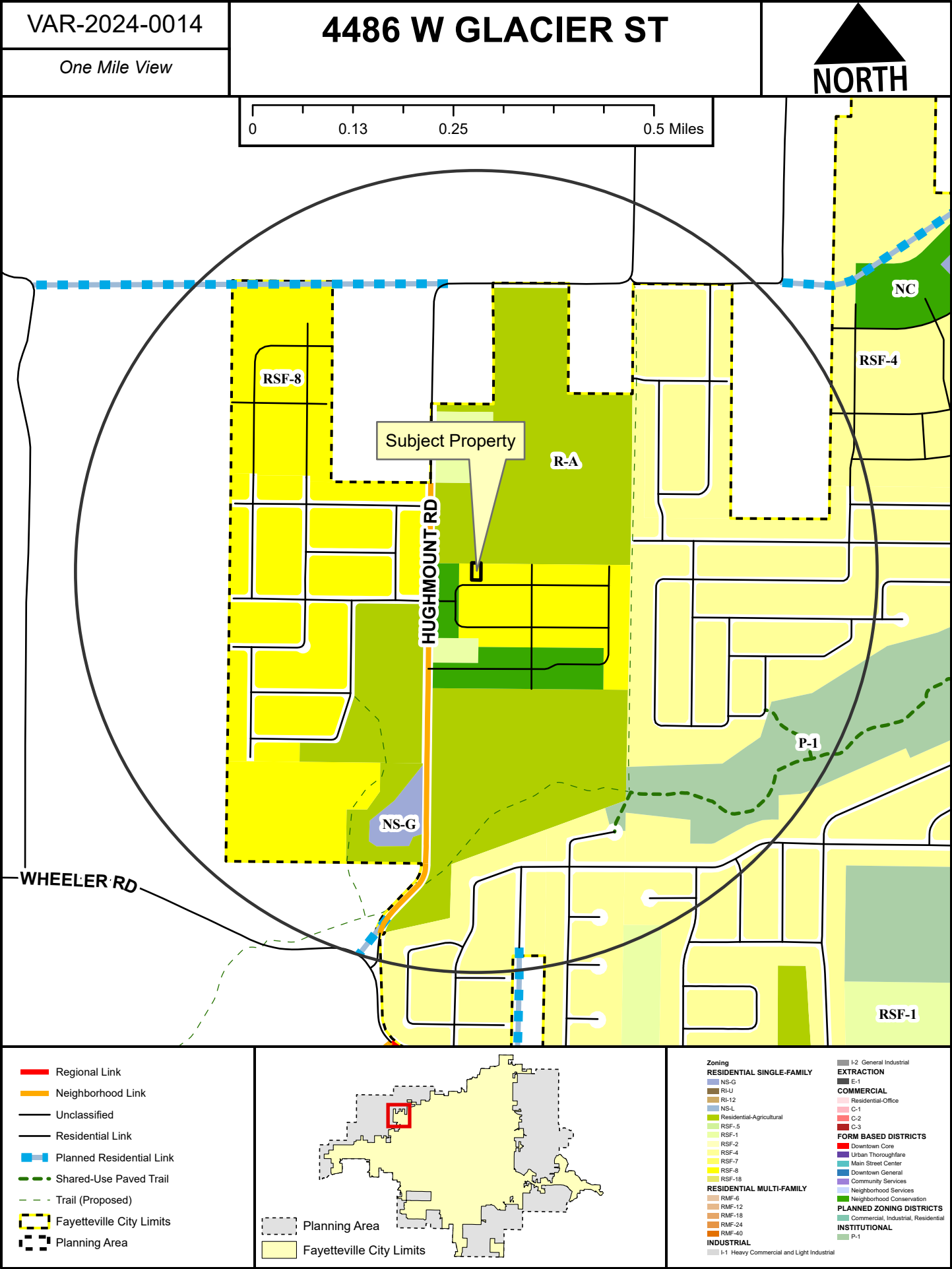
MAINTENANCE NOTES:

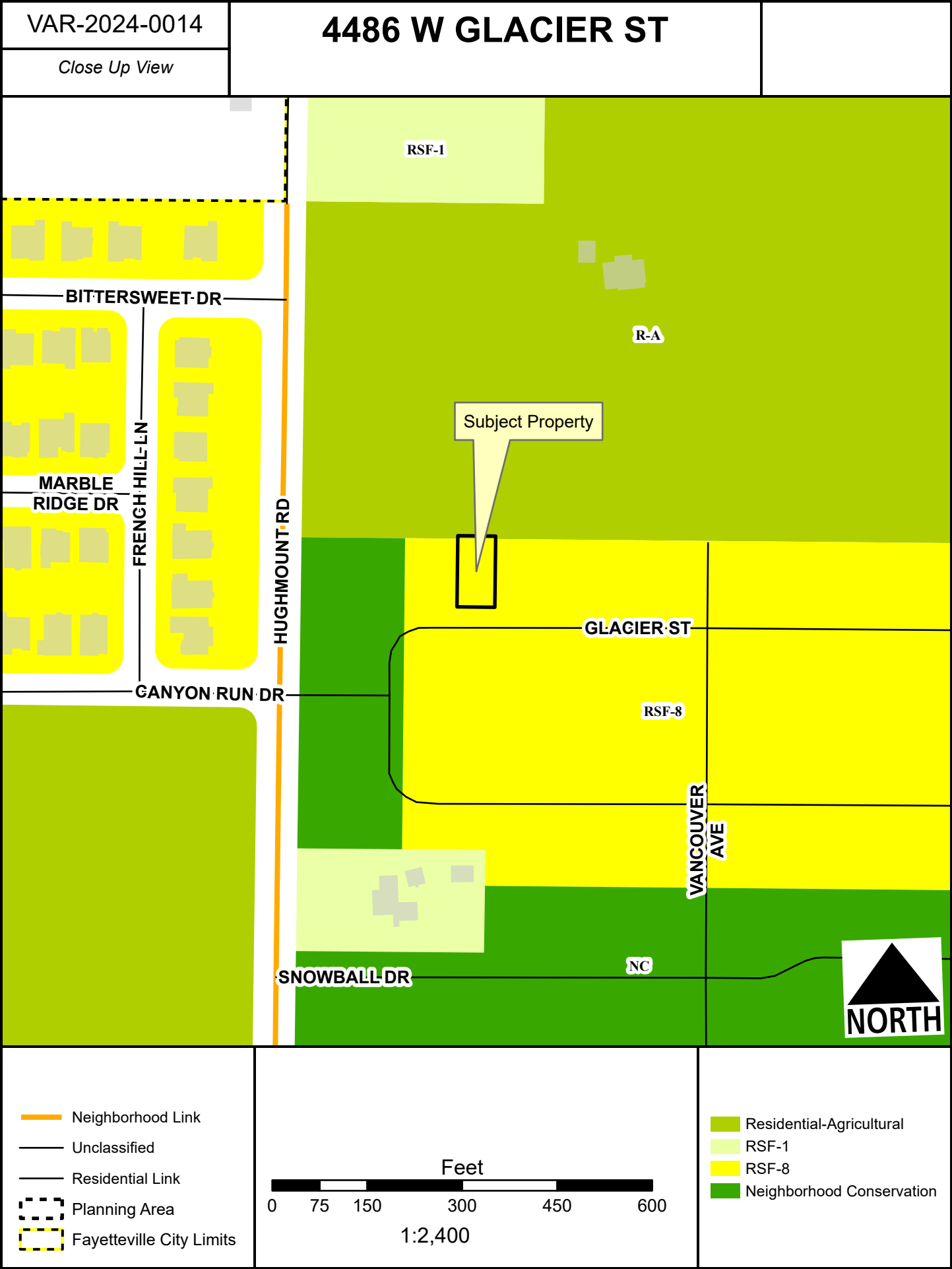
4. INLET PROTECTION DEVICES MUST BE INSPECTED FOR SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN OR UPGRADIENT OF THE INLET.
7. ANY SEDIMENT ACCUMULATED IN OR ADJACENT TO A STORM DRAIN INLET MUST BE REMOVED AS SOON AS PRACTICABLE BUT NOT LATER THAN 3 DAYS AFTER DISCOVERY.
8. INLET PROTECTION DEVICES SHALL BE INSPECTED FOR UNINTENDED BYPASS OR IMPROPER FLOW-RATES THAT MAY CAUSE DOWNSTREAM FLOODING.
9. CONTACT THE PUBLIC WORKS INSPECTOR AND/OR ENGINEER FOR ALTERNATE INLET PROTECTION IF THE DESIGNED PROTECTION MAY IMPACT DOWNSTREAM BMPs, ADJACENT SLOPES, ETC., DUE TO PONDING ISSUES. ENSURE THAT NO UNDERMINING OF INLET PROTECTION DEVICES HAS OCCURRED.
10. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING OR DETERIORATION.

 CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET	TITLE: EROSION CONTROL DETAILS	DATE: August 1, 2016	EC11 SHEET:
		DESCRIPTION: SEDIMENT LOG CURB INLET PROTECTION (ON GRADE) (N.T.S.)	PROJECT NO: 16-0026	
			DRAWN BY: W. J. BROWN	
			CHECKED BY: W. J. BROWN	
			DATE: 8/1/16	



 CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET		DATE: August 1, 2016 REVISED: 4-2020 BY: DATE:	PROJECT: NO.: SHEET:
	EROSION CONTROL DETAILS SILT FENCE WITH WIRE BACKING NOTES & REQUIREMENTS		EC4	





VAR-2024-0014
<i>Current Land Use</i>

Current Land Use

4486 W GLACIER ST



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

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

-  100-Year Floodplain
 Floodway

Feet

0 112.5 225 450 675 900

1:3,600

0	112.5	225	450	675	900
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1:3,600



TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 25, 2024

SUBJECT: **VAR-2024-0015: Planning Commission Variance (3128 E COOLRIDGE ST/DR HORTON HOMES, 684):** Submitted by DR HORTON for property located at 3126 E. COOLRIDGE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is for a variance to typical driveway length requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0015**.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0015**."*

BACKGROUND:
The subject property is in southeast Fayetteville, southwest of S. Dead Horse Mountain Road, in the Riverwalk subdivision. Containing approximately 0.40 acres, the property is under construction with a single-family home and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. No overlay districts currently govern the site. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

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

Request: The applicant is requesting a variance to typical driveway length standards after the construction of a driveway that does not meet typical standards. The applicant is requesting a variance to **§172.11(G)(2), Driveway And Parking Standards For Four (4) Or Less Parking Spaces, Driveway Length**. To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to provide at least 18 feet between the sidewalk or Master Street Plan right-of-way line and the garage or carport. The applicant has constructed a driveway that is approximately 16 feet, 2.5 inches in length.

DISCUSSION:
Staff recommends approval of the request, finding that the threshold for hardship is being met. The originally-approved building permit was submitted, reviewed, and approved by City staff,

which showed a driveway that did not meet the minimum length requirement. Along with the footings, the plumbing and foundation are completely installed. While Planning staff does not find that there is a site-specific reason to allow the structure to maintain its existing location without physical modification, staff recognizes that the applicant operated under a good faith effort to meet required ordinances; in other scenarios in this development, the driveway length issue was discovered early enough for the developer to reasonably make physical modification. In this instance. Further, the dimension at 16'2" is a minor encroachment, and not one that City staff finds is likely to undermine the City's requirement. That said, staff finds that vehicles will still not be permitted to park in a way that will block the public sidewalk, and vehicles parked in that manner may still be subject to a violation notice in the future.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2024-0015, with the following conditions of approval.

Conditions of Approval:

1. **Planning Commission determination of a variance to §172.11(G)(2), Driveway and Parking Standards for Four or Less Parking Spaces, Driveway Length.** *Staff recommends approval of the request for the reasons stated above, but would recommend an added condition that vehicles are prohibited from parking in a manner that encroaches onto the public sidewalk or within the public right-of-way;*
2. Approval of these variances 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>March 25, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §172.11 Driveway And Parking Standards For Four (4) Or Less Parking Spaces
- Applicant Request letter
- Original Approved Plan
- Site Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

172.11 Driveway And Parking Standards For Four (4) Or Less Parking Spaces

- (A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.
- (B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located completely within or underneath garages or carports, nor to properties zoned Residential Agricultural.
- (C) *Maximum number of parking spaces permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.
- (D) *Use of Front Yard Area for a Driveway and Off-Street Parking.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area and shall meet the maintenance requirements as identified by this chapter.
- (E) *Parking of Non-Motorized Vehicles in Front Yard Area.* If parked within the front yard area of a property (including driveways), non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.
- (F) *Off-Street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.
- (G) *Driveway Standards.*
- (1) *Driveway approach to property line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with §171.13 Sidewalk and Driveway Specifications.
 - (2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property. To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to provide at least 18 feet between the sidewalk or Master Street Plan right-of-way line and the garage or carport.
 - (3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.
 - (4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.
- (H) *Driveway and Parking Area Maintenance Requirements.*
- (1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.
 - (2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being blown or washed away. If an unpaved driveway is not maintained and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.
- (I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.
- (J) *Maximum Driveway Width.* Driveway width shall be limited to:

Lot Width	Maximum Driveway Width
70 feet or more	24 feet
50 feet to 69 feet	20 feet
Less than 50 feet	18 feet

- (K) *Loop, Circle, and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as a 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, subject to other restrictions for driveway separations in the UDC.
- (L) *"Pay-to-Park" Operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.
- (M) *Exemptions.* The following exemptions to this ordinance section shall be permitted:
- (1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to park on private property for a period of twelve (12) hours before and twelve (12) hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.
 - (2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.
 - (3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.
 - (4) *Existing Driveways.* All existing driveways constructed prior to August 07, 2007 shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
 - (5) *Special Events.* Infrequent parking for special events which exceeds the normal maximum number of motor vehicles permitted on a property is excepted from this ordinance. Excessive parking which occurs more frequently than an average of one day a month may be determined by the Zoning and Development Administrator upon complaint by a nearby neighbor to be "frequent" and thus not excepted as "infrequent." The Zoning and Development Administrator shall notify an owner/tenant by regular mail or similar notice that the excessive parking has been determined to be "frequent" and in violation of this section prior to taking other enforcement measures.
 - (6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property

(Ord. No. 5044, 8-07-07; Ord. No. 5304, 1-19-10; Ord. No. 5800 , §5, 10-6-15)

2-22-2024

City of Fayetteville Planning Commission,

We are looking to apply for a variance on a property located at 3128 E. Coolridge, Fayetteville AR. The new construction project was permitted through the City, and is built per plan, however we have discovered that the driveway is measuring 16'2", which is obviously shorter than the 18' required driveway. This puts us in violation of building standard 172.11 for driveway and parking standards. Since finding this issue, we have moved 2 other houses, in this neighborhood, at our expense, that had the footing poured. On this house the foundation and plumbing are complete, with this much already complete, this makes it a much more expensive move.

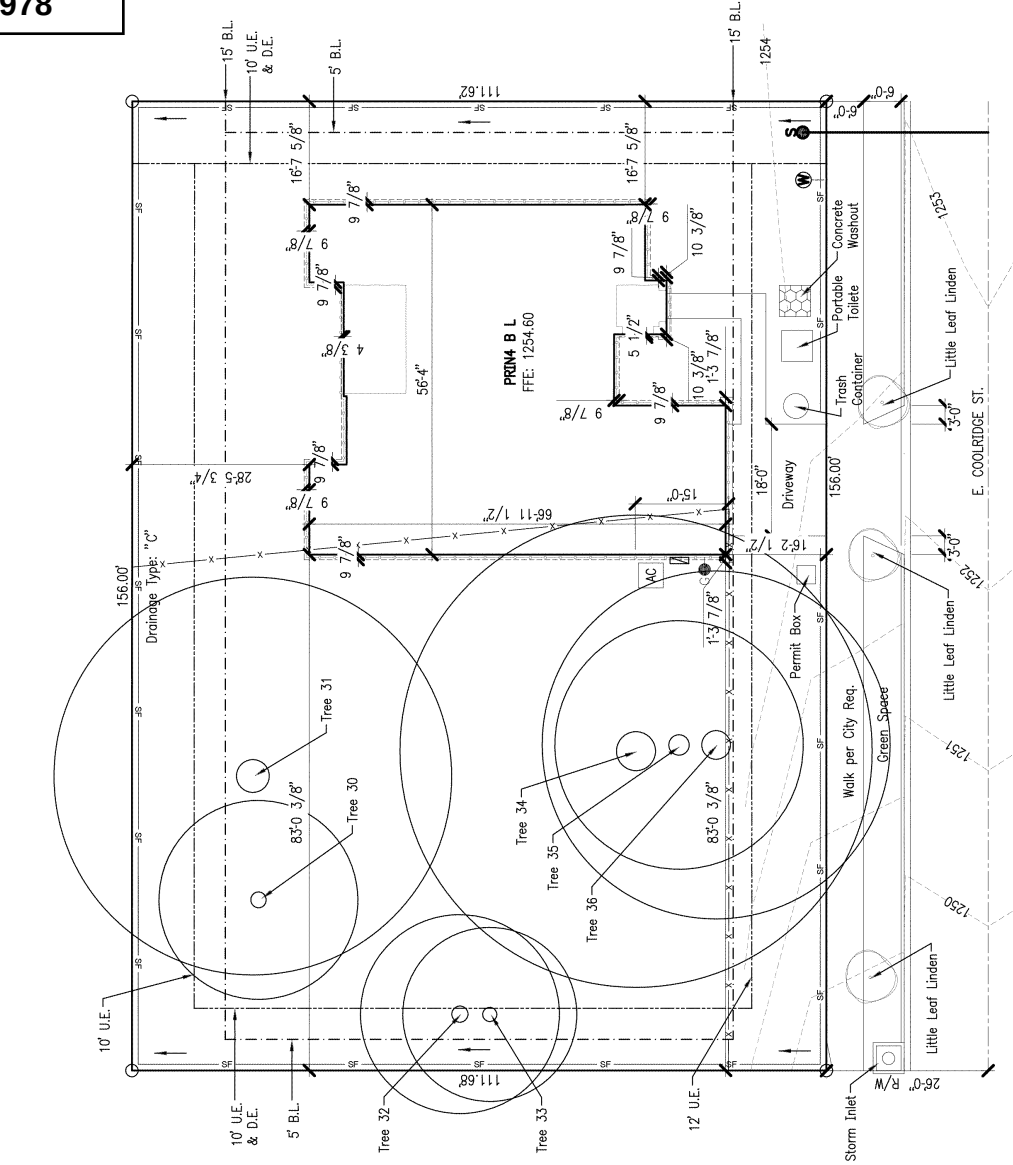
Any consideration for this variance would be greatly appreciated, since this house was permitted and is currently built as permitted. Neither our team or review caught it during the permitting phase.

Sincerely,

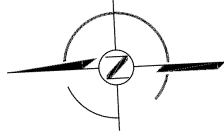


Nye L. Carnahan
Construction Manager
DR Horton Homes
(479) 957-3954
NLCarnahan@drhorton.com

APPROVED SITE PLAN
RESI-2023-0978



Lot Coverage Calculations:	
Lot Area:	17418 Sq.Ft.
Slab Area:	3158 Sq.Ft.
Coverage Ratio:	18 %
Silt Fence:	506 Ln.Ft.
Lead Walk:	132
Sidewalk:	826 Sq.Ft.
Driveway:	536 Sq.Ft.
Front & Side Sod:	9955 Sq.Ft.
Sod:	14575 Sq.Ft.
Additional Flatwork Areas:	
Trash Container:	13 Sq.Ft.
Permit Box:	9 Sq.Ft.
Portable Toilet:	25 Sq.Ft.
Concrete Washout:	25 Sq.Ft.
AC Pad:	16 Sq.Ft.
Legend:	
---	Silt Fence
---	Lot
---	Building Line
---	Easement
---	Driveway/Walk/Patio
---	Street Center
---	Roof Eaves
---	BLK Foundation
---	Topo
---	Electric Panel
---	Gas Meter
---	Water Meter
---	Sewer Service
General Notes:	
1. The purpose of this plan is to show the proposed building footprint as defined by the metes and bounds of the recorded plat.	
2. Dimensions, setbacks, easements, plan selection, and any other information shown here in shall be verified at permitting and prior to construction for accuracy and compliance with all applicable codes and ordinances.	
3. Builder is solely responsible for ensuring that the footprint is contained within the prepared building pad. The building pad shall be set high enough to allow for adequate drainage.	
4. Calculations are approximate. They must be verified prior to permitting, purchasing, and/or construction.	
5. Minimum underground foundation shall be constructed during construction as to not be affected into any utility easements or across any building setbacks.	



Legal Description:
A PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 25, T16N, R34W IN WASHINGTON COUNTY, ARKANSAS.

UTILITY HOUSE PLACEMENT TYPICAL:
ELECTRIC PANEL IS LOCATED WITHIN 15' FROM THE FRONT OF THE SLAB ON THE GARAGE SIDE. THE GAS METER IS 3' FROM THE ELECTRIC PANEL AS SHOWN BELOW.

SLAB OUTLINE

AC PAD NOTE:
ALL AC PADS WILL BE LOCATED BEHIND A PRIVACY SCREEN AS PER THE CITY OF FAYETTEVILLE REQUIREMENT.

FEMA FLOOD PLAIN ZONE:
THIS PROPERTY IS NOT SUBJECT TO THE 100-YEAR FLOODPLAIN AS PER FIRM #0514300240F DATED MAY 16, 2008.

STRAND

10003 Technology Blvd. West
Dallas, TX 75220
972-620-8204
Registration No. F-1340

STATE OF ARKANSAS
PROFESSIONAL ENGINEER
11/13/23
No. 17480
ANDREW E. JOHNSON

PLOT PLAN

VER. 1

PRD4 B L
Fayetteville, Arkansas
3128 E. Coolidge St
LOT 20 BLOCK X
SUBD. Riverwalk Phase 5
DR Horton Arkansas

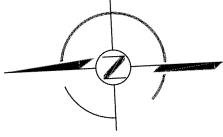
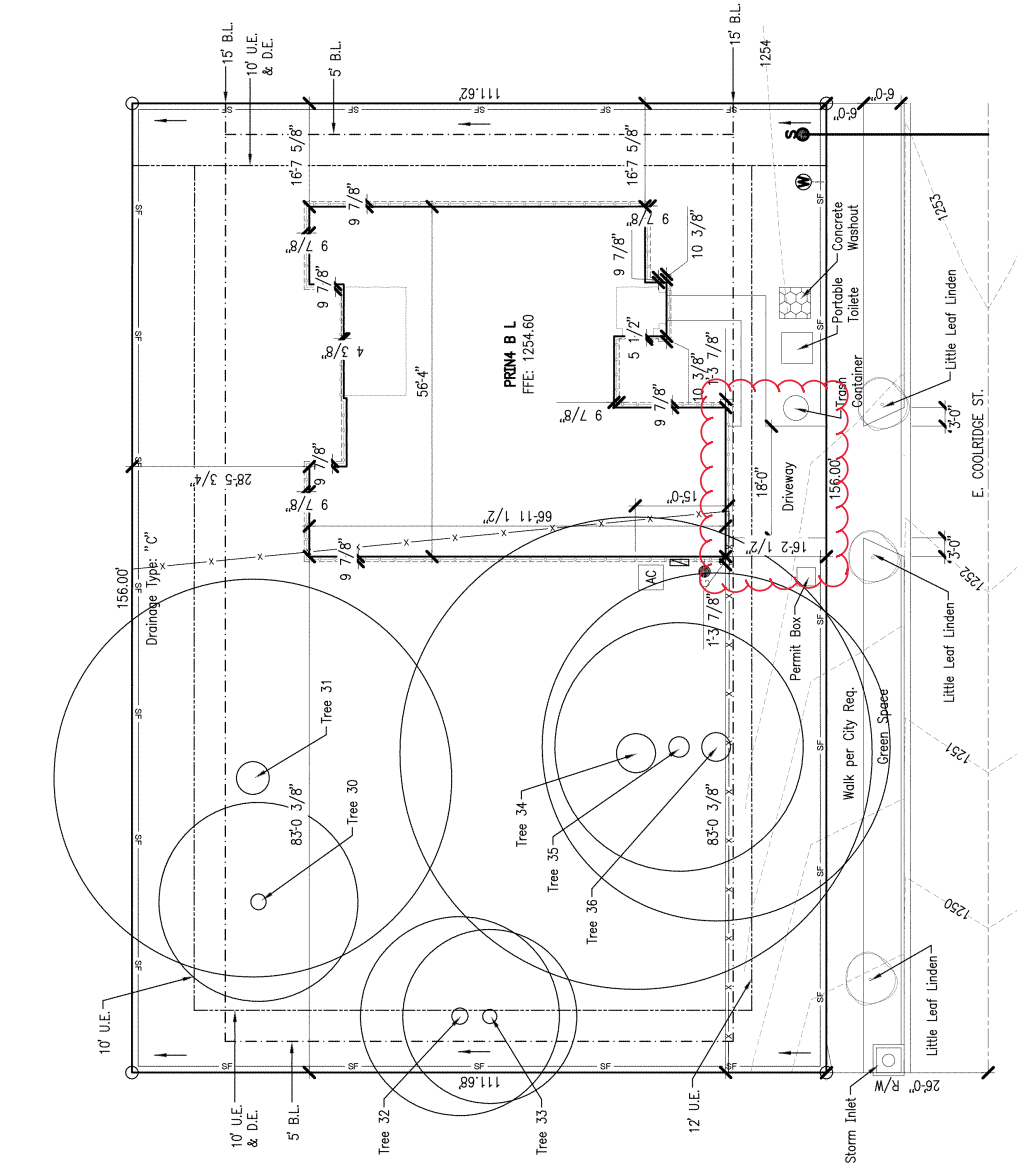
PLAN 11/07/23
SCALE 1"=20'
DRN M/L

PL1

STRAND 2348599

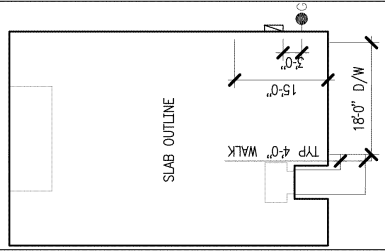
BUILDER DATE 11/07/23
CITY SCALE 1"=20'
ADDRESS 3128 E. Coolidge St
LOT 20 BLOCK X
SUBD. Riverwalk Phase 5
DR Horton Arkansas

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STRAND

10003 Technology Blvd. West
Dallas, TX 75220
972-620-8204
Registration No. F-1340



PLOT PLAN

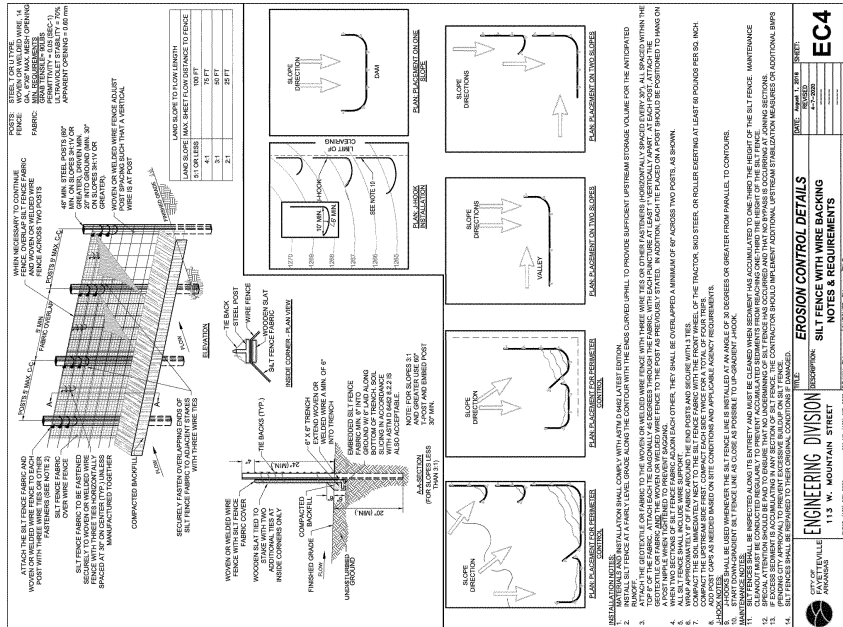
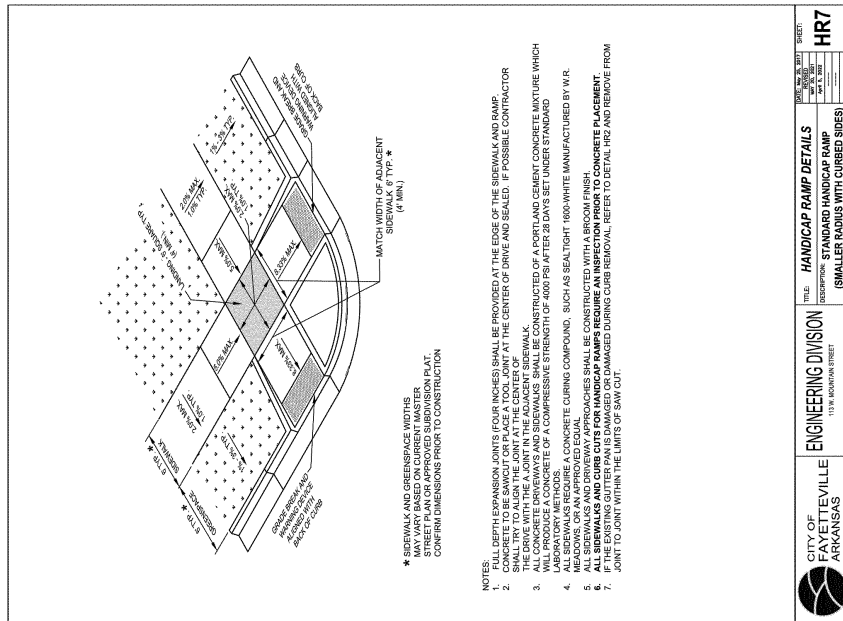
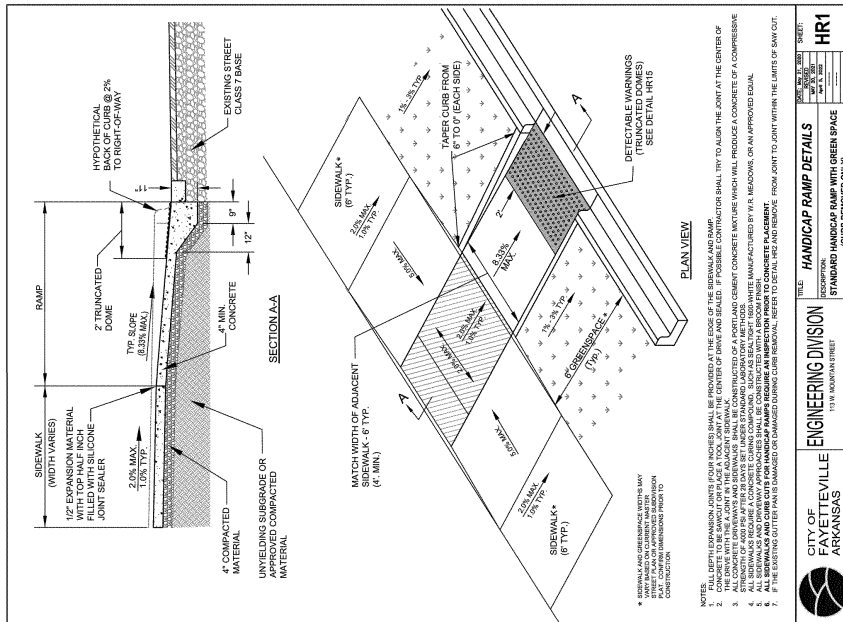
VER. 1

BUILDER: DR Horton Arkansas
SUBD.: Riverwalk Phase 5
LOT: 20 BLOCK X
CITY: Fayetteville, Arkansas
PLAN: PH14 B L

DATE: 11/07/23
SCALE: 1"=20'
DRN: M L

PL1

STRAND 2348599



CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, AR 72701	TITLE: HANDICAP RAMP DETAILS DESCRIPTION: STANDARD HANDICAP RAMP (SMALLER RADIUS WITH CURBED SIDES)	SHEET: HR1

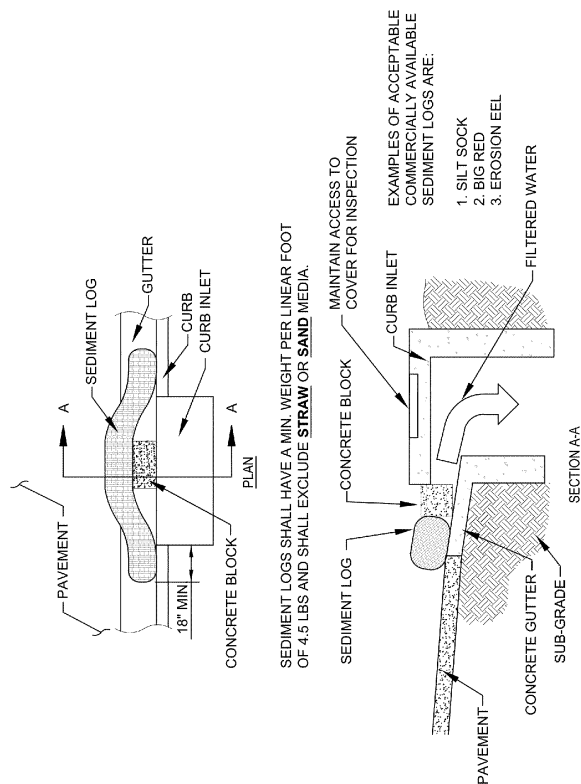
CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, AR 72701	TITLE: HANDICAP RAMP DETAILS DESCRIPTION: STANDARD HANDICAP RAMP (SMALLER RADIUS WITH CURBED SIDES)	SHEET: HR7

CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, AR 72701	TITLE: SILT FENCE WITH WIRE BACKING NOTES & REQUIREMENTS	SHEET: EC4

CITY OF FAYETTEVILLE LANDSCAPE NOTES

1. Contractor shall confirm the location of all utilities prior to starting any work. The contractor is responsible for contacting Arkansas one-call to confirm all utilities.
2. All plants must be healthy, vigorous and free of pests and disease.
3. Standards set forth in "American Standard for Nursery Stock" represent guideline specifications only and shall constitute minimum quality requirements for plant material.
4. All plants must be container grown or balled and burlapped as indicated on the plant list.
5. All required trees shall be 2" minimum caliper, with a single dominate central 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 work) shall be promptly removed from the site and replaced with material of the same species, quantity, and size and meeting all plant list specifications.
17. Notify landscape architect or designated representative of any layout discrepancies prior to any planting. Locate all utilities and site lighting conduits before construction begins.
18. All disturbed areas shall be seeded with a grass seed mix consisting of 70% turf type fescue, 20% perennial rye, and 10% Bermuda grass at 5 pounds per 1,000 square feet.
19. All areas to be seeded shall receive 4" of topsoil and be graded per the grading plan.
20. Irrigation shall be either an underground automatic system or shall utilize hose bibs every 100' as required by Fayetteville landscape ordinance.
21. Maintenance: the current owner of the property shall be responsible for the ongoing maintenance of required landscaping.
22. Replacement landscaping: required landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.
23. Three (3) year maintenance surety shall be deposited for each required street and mitigation tree.
24. 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. All planting details are according to Fayetteville Landscape Manual.



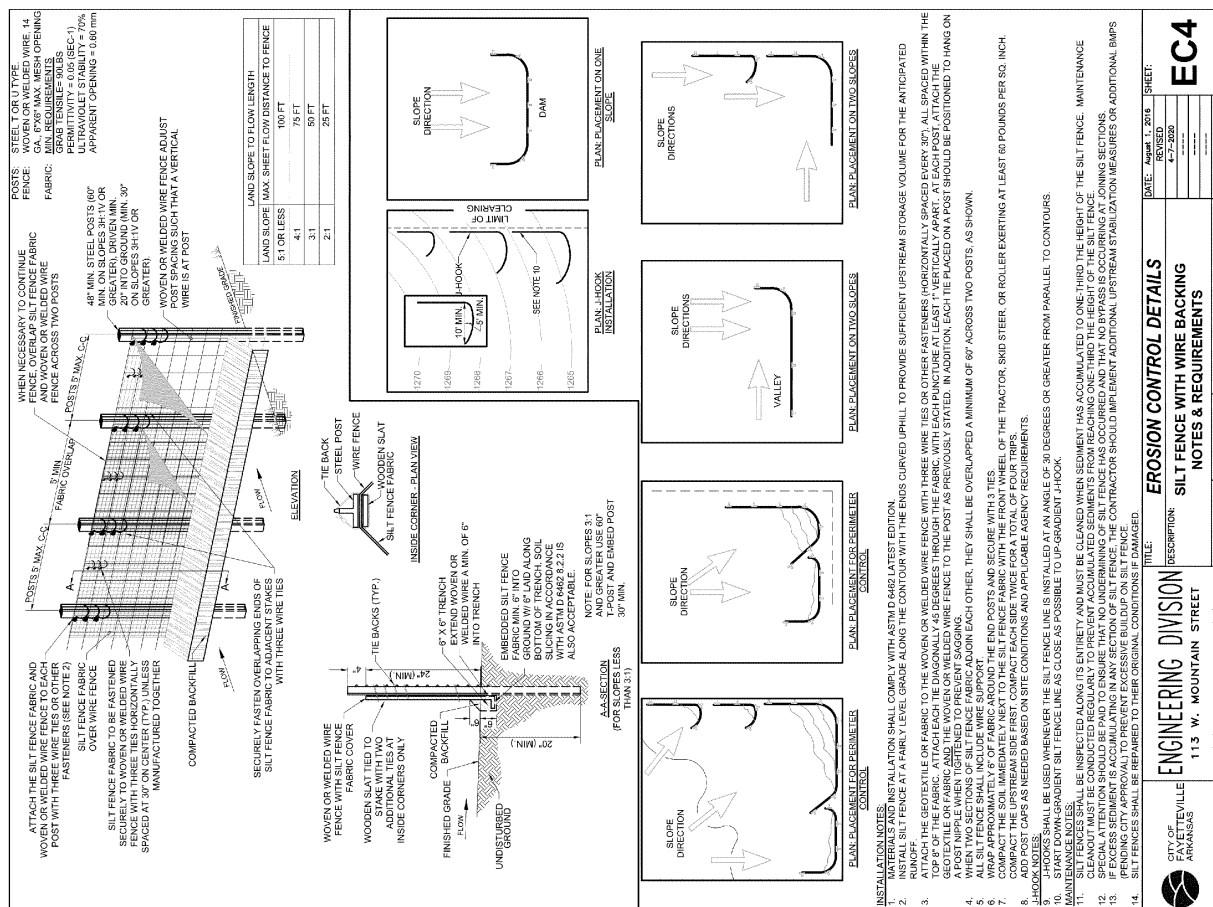
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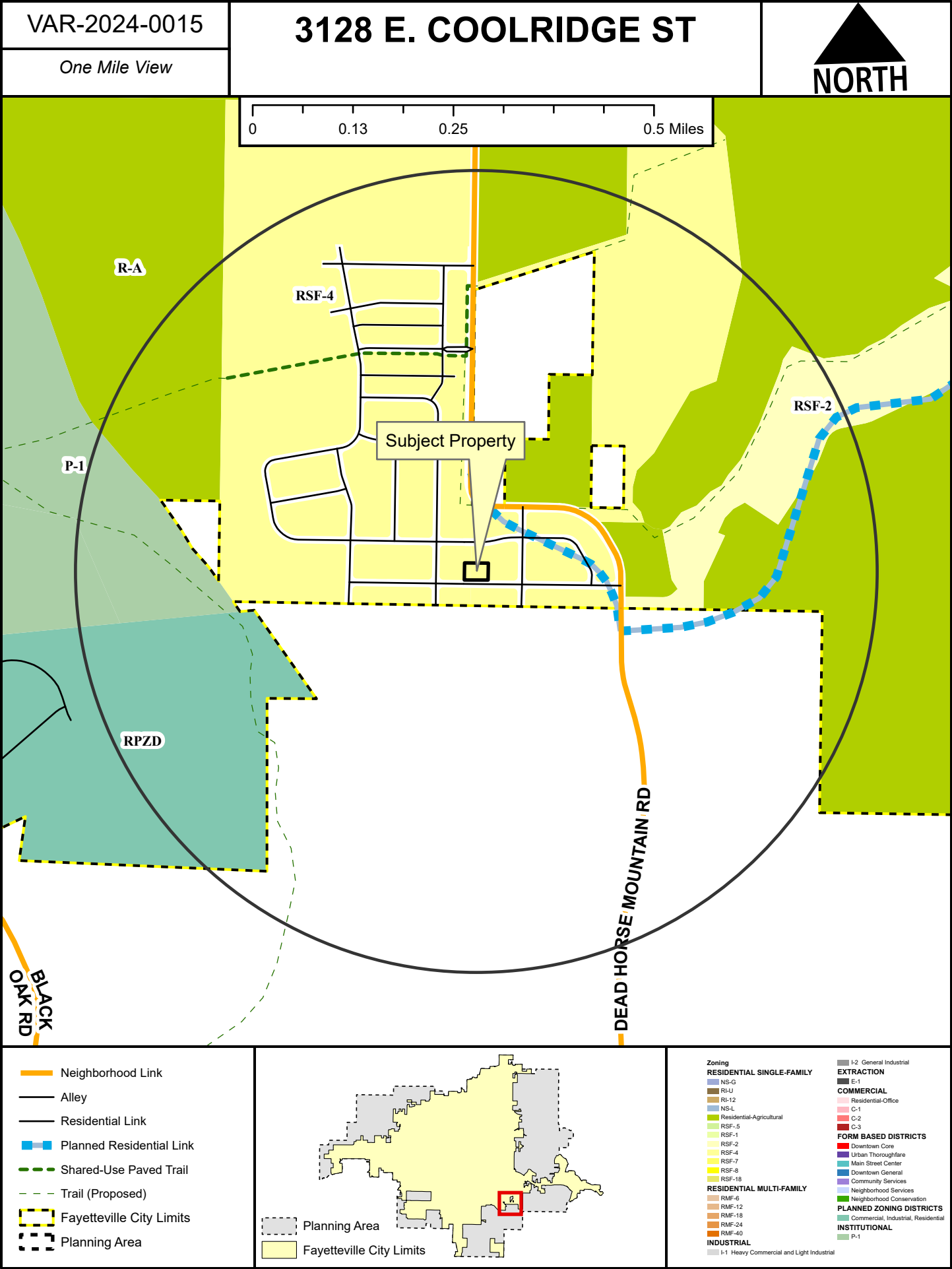
1. PLACE DEVICES AROUND PERIMETER OF GRATE/AREA INLET, WITH ENDS OF ADJACENT SEDIMENT LOGS OVERLAPPING 12" MIN.
2. PLACEMENT OF DEVICES SHALL EXTEND 12" MIN BEYOND THE LIMITS OF THE CURB INLET STRUCTURE ON BOTH SIDES.
3. IF ROAD OR PARKING AREA IS OPEN TO PUBLIC, VERIFY SUITABILITY OF BMP WITH CITY OF FAYETTEVILLE ENGINEERING DIVISION.

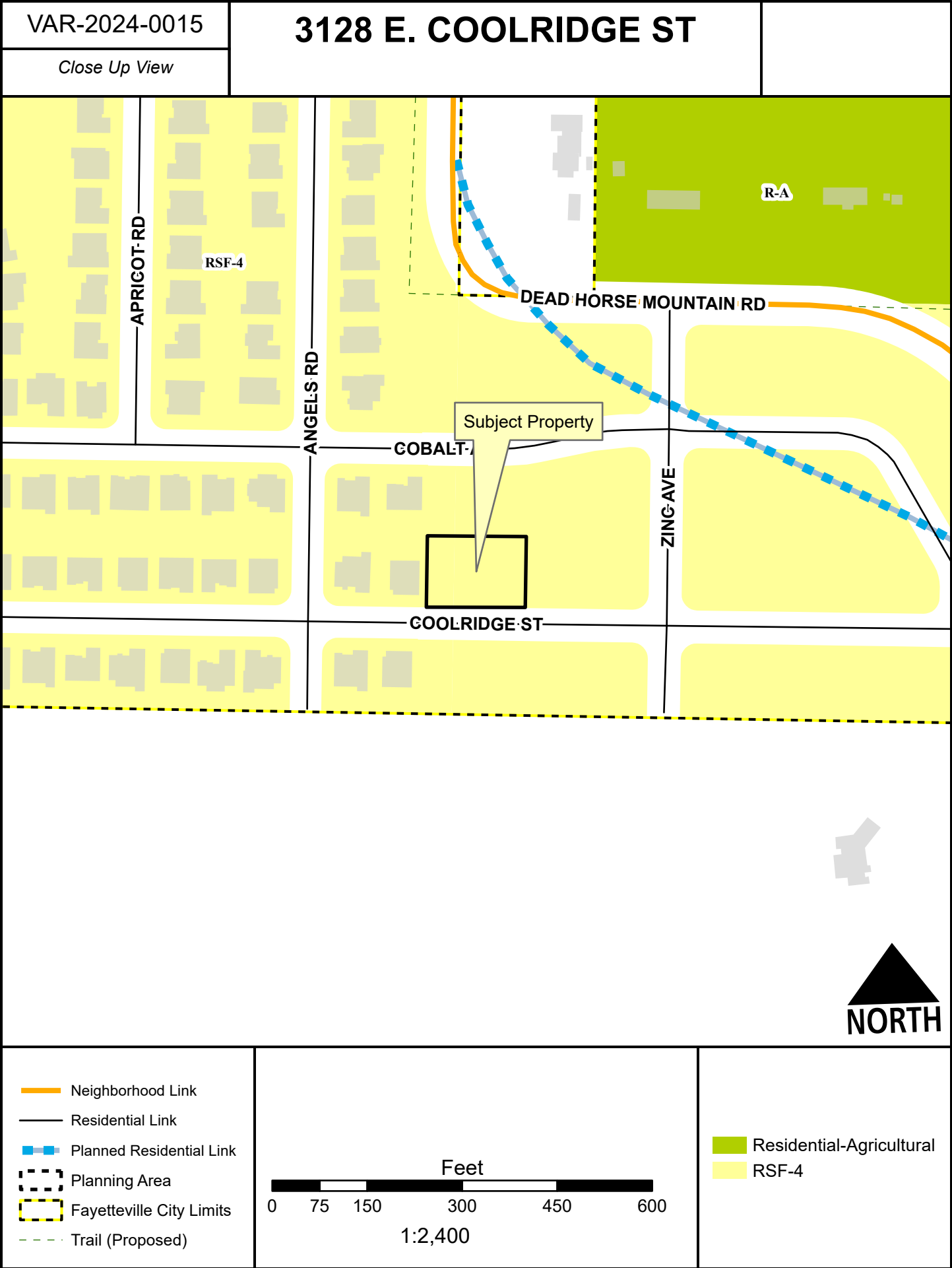
MAINTENANCE NOTES:

4. INLET PROTECTION DEVICES MUST BE INSPECTED FOR SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN OR GRADIENT OF THE INLET.
7. ANY SEDIMENT ACCUMULATED IN OR ADJACENT TO A STORM DRAIN INLET MUST BE REMOVED AS SOON AS PRACTICABLE BUT NOT LATER THAN 3 DAYS AFTER DISCOVERY.
8. INLET PROTECTION DEVICES SHALL BE INSPECTED FOR UNDETECTED BYPASS OR IMPROPER FLOW-RATES THAT MAY CAUSE DOWNSTREAM FLOODING.
9. CONTACT THE PUBLIC WORKS INSPECTOR AND/OR ENGINEER FOR ALTERNATE INLET PROTECTION IF THE DESIGNED PROTECTION MAY IMPACT DOWNSTREAM BMPs, ADJACENT SLOPES, ETC., DUE TO PONDING ISSUES. ENSURE THAT NO UNDERMINING OF INLET PROTECTION DEVICES HAS OCCURRED.
10. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING OR DETEIORATION.

 CITY OF FAYETTEVILLE ARKANSAS	ENGINEERING DIVISION 113 W. MOUNTAIN STREET		TITLE: EROSION CONTROL DETAILS	DATE: August 1, 2016	SHEET: EC11
	DESCRIPTION: SEDIMENT LOG CURB INLET PROTECTION (ON GRADE) (N.T.S.)		DESIGNED BY: [Signature]	REVIEWED BY: [Signature]	









 Neighborhood Link Alley Residential Link Planned Residential Link Trail (Proposed) Planning Area Fayetteville City Limits	Feet 0 112.5 225 450 675 900 1:3,600	FEMA Flood Hazard Data 100-Year Floodplain Floodway
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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 25, 2024

SUBJECT: **CUP-2024-0007: Conditional Use Permit (45 N. MANHATTAN WAY/BATES, 477):** Submitted by KENNETH BATES for property located at 45 N. MANHATTAN WAY. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0007** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0007**, determining:*

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

BACKGROUND:

The subject property is in west Fayetteville, just east of the Woolsey Wet Prairie and West Side Wastewater Treatment Facility. The property contains approximately 0.15 acres and is developed with a 1,550 square-foot single-family dwelling constructed in 2022. 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	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
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 received no public comment.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0007** 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. The applicant has limited occupancy to six guests;
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	<u>YES</u>		
Date: <u>March 25, 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. 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, which requires 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.

Finding: The property contains a total of three bedrooms which would limit occupancy to a maximum of eight guests per ordinance. However, the applicant has chosen to self-limit to a maximum of six guests.

- 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 homes is required to be provided at a rate of two spaces per unit. The applicant indicated in their submittal that there is space to park up to four vehicles on the property, two in an attached garage and two in the driveway.

- 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.

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 45 N. Manhattan Way. 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 March 19, 2024, the City had issued 461 Type 2 short-term rental licenses, and 13 remain in the queue for processing. An additional 19 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. Four off-street parking spaces will be available for guests on site. City records indicate that one other unit within a quarter-mile radius of the property has an active Type 2 short-term rental business license. There are no zoning or code violations for this property.

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

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: A driveway with access onto N. Manhattan Way is available to accommodate vehicular ingress and egress to the subject property. N. Manhattan Way is fully improved with sidewalks to facilitate pedestrian access on the east and west sides of the street. Staff finds that the proposal to use the property as a short-term rental will not adversely affect vehicular traffic flows considering the use of the property would be limited to a maximum of six 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: Four off-street parking spaces are available in a driveway and garage. 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 residential trash service.

- (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: No recommendation.

- (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 primarily surrounded by residential uses and there are ten other licensed Type 2 short-term rentals within a quarter-mile radius, including one in the same complex. 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
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.29 Neighborhood Conservation
- Applicant Request Letter
 - Building Elevations
 - Site Plan
 - Building Floor Plans
- 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.

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

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
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(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
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We are requesting a type 2 short term rental conditional use permit. The building is 1556 square feet with 4 off street parking spaces. 2 spaces in a garage and 2 spaces in the driveway. There is additional community street parking space as well. The building is 3 bedrooms with exterior lighting in both the front and back of the building. Occupancy will be limited to 6 people per stay. The home is in a planned subdivision with close proximity to other properties, but the property is fenced and private. In order to respect our neighbors, we will have a curfew of 10pm for any outside activity. Additionally, we will impose financial penalties to any guest that is reported for violating our noise policy. Trash and refuse service is weekly on Wednesdays and is curb side pickup. When not in use, trash and recycling bins will be stored in the home's garage. All homes in the neighborhood are on the same schedule for pickup. There is no impact to normal traffic flow for the use of the home as a rental, and several homes in the neighborhood are listed for both long term and short-term rental.

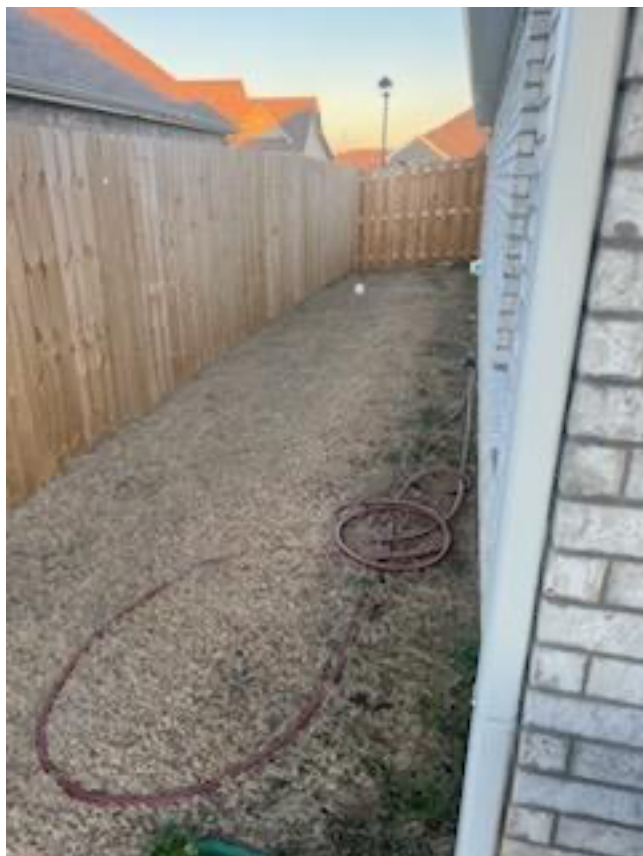
The legal description of the property is:

Physical Address:	45 N MANHATTAN WAY
Subdivision:	VILLAGES OF SLOANBROOKE PH 7 (THE)
Block/Lot:	N/A / 075
S-T-R:	13-16-31
Size (Acres):	0.15
Legal:	N/A

Thank you,
Kenneth and Kimberly Bates



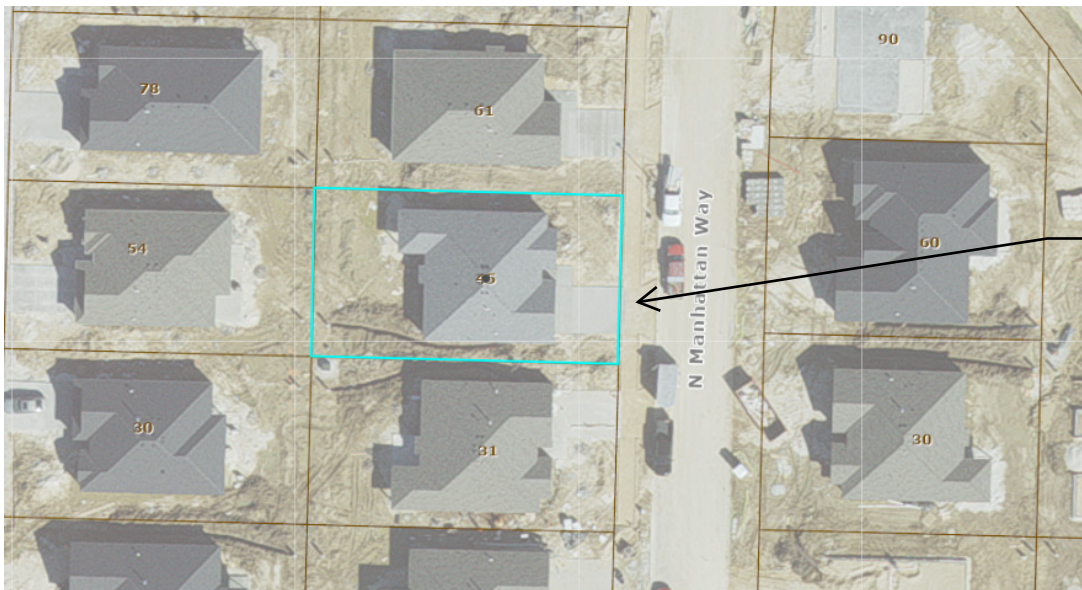






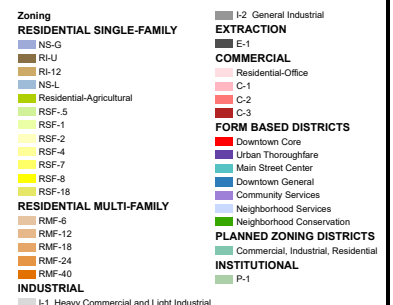
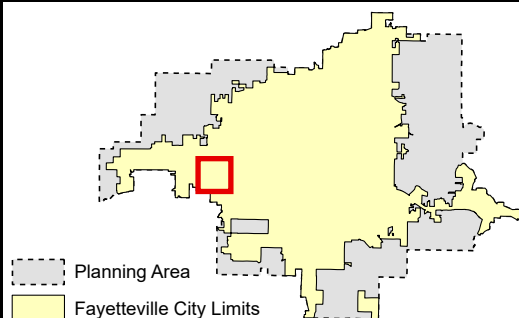
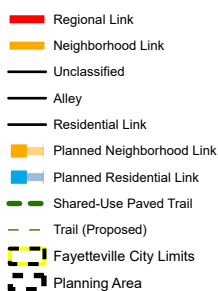
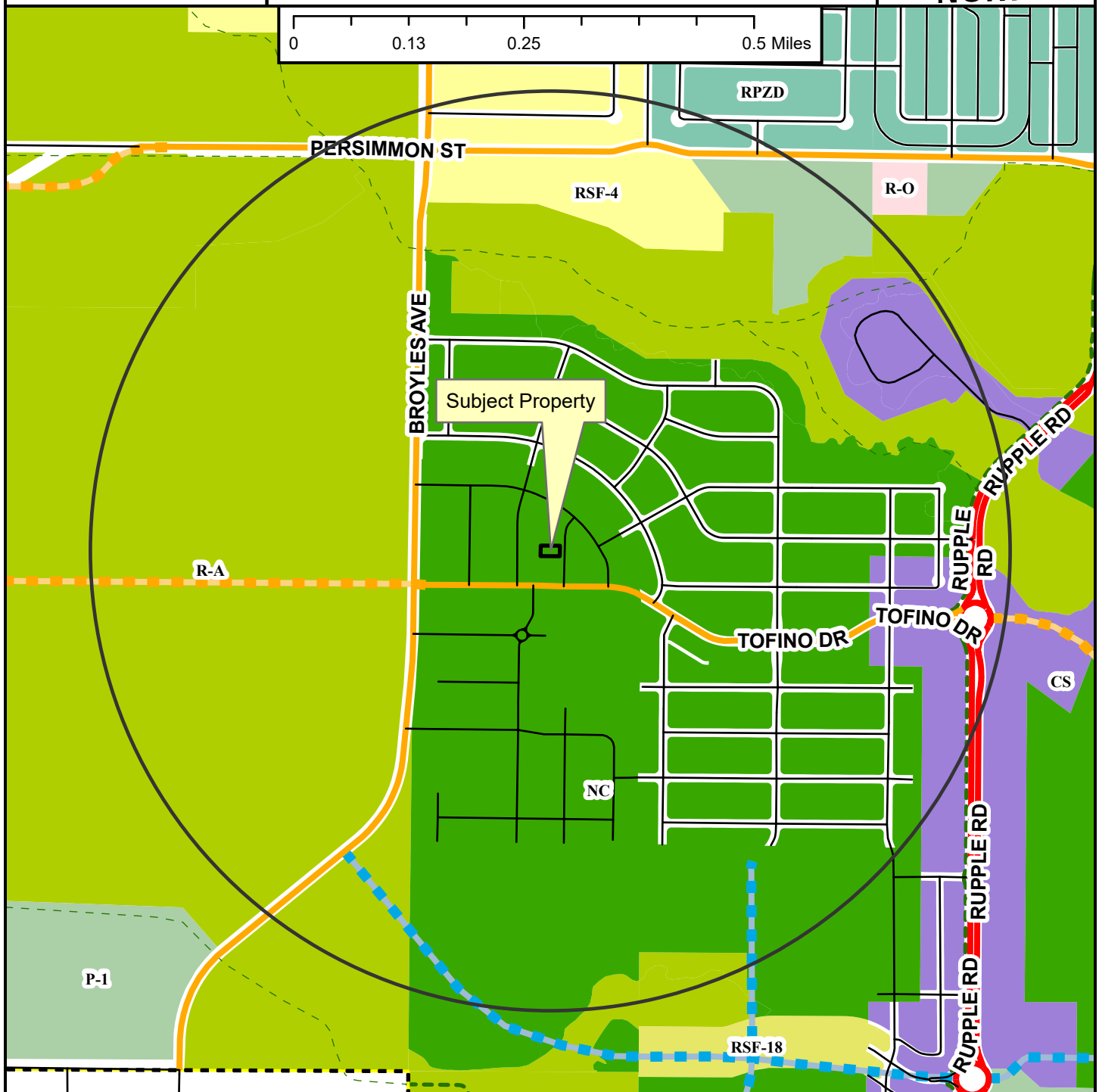


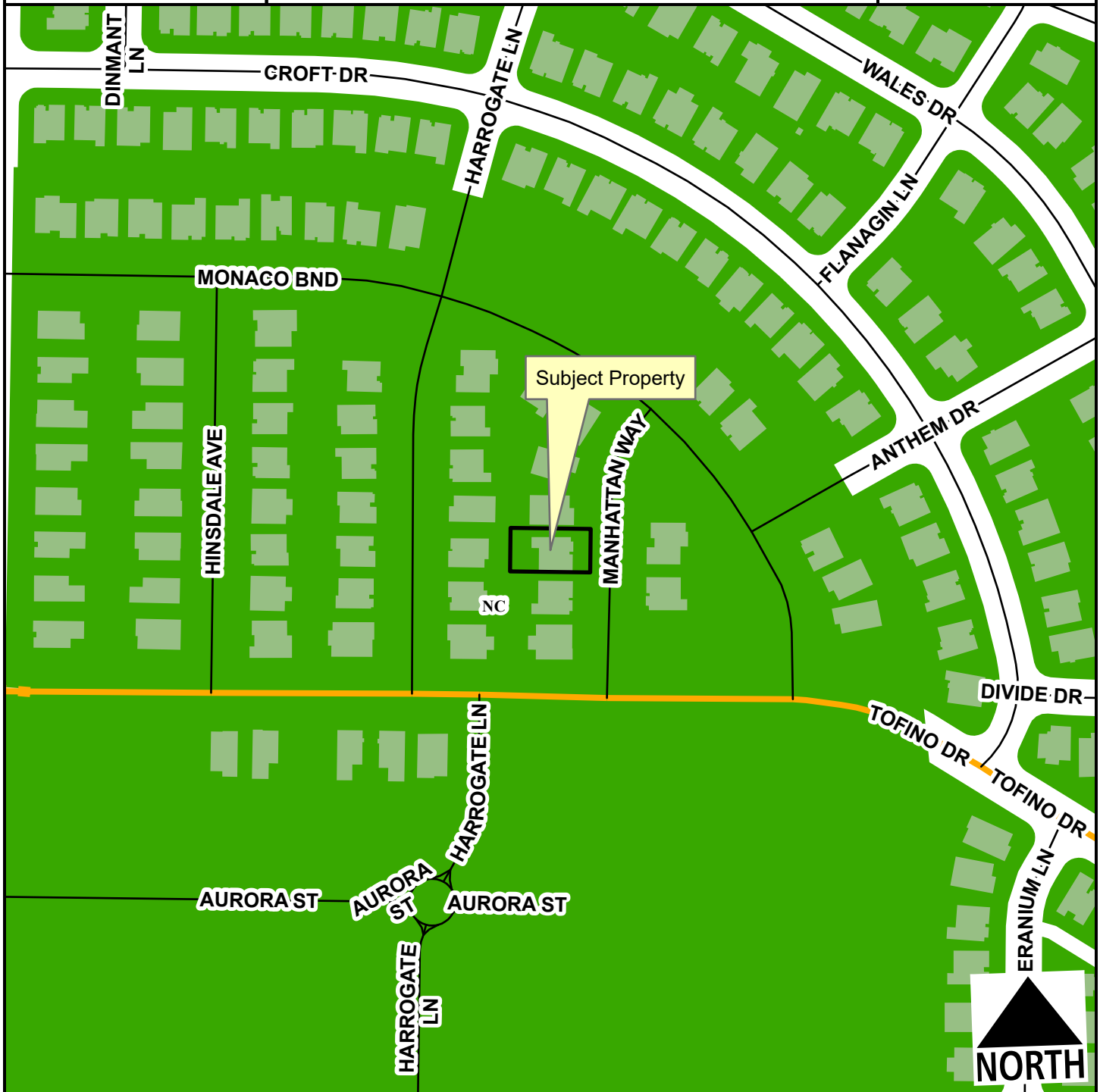
Site Plan:



Parking: 2 in
driveway, 2 in garage







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



■ Neighborhood Conservation

CUP-2024-0007

45 N. MANHATTAN WAY

Current Land Use



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



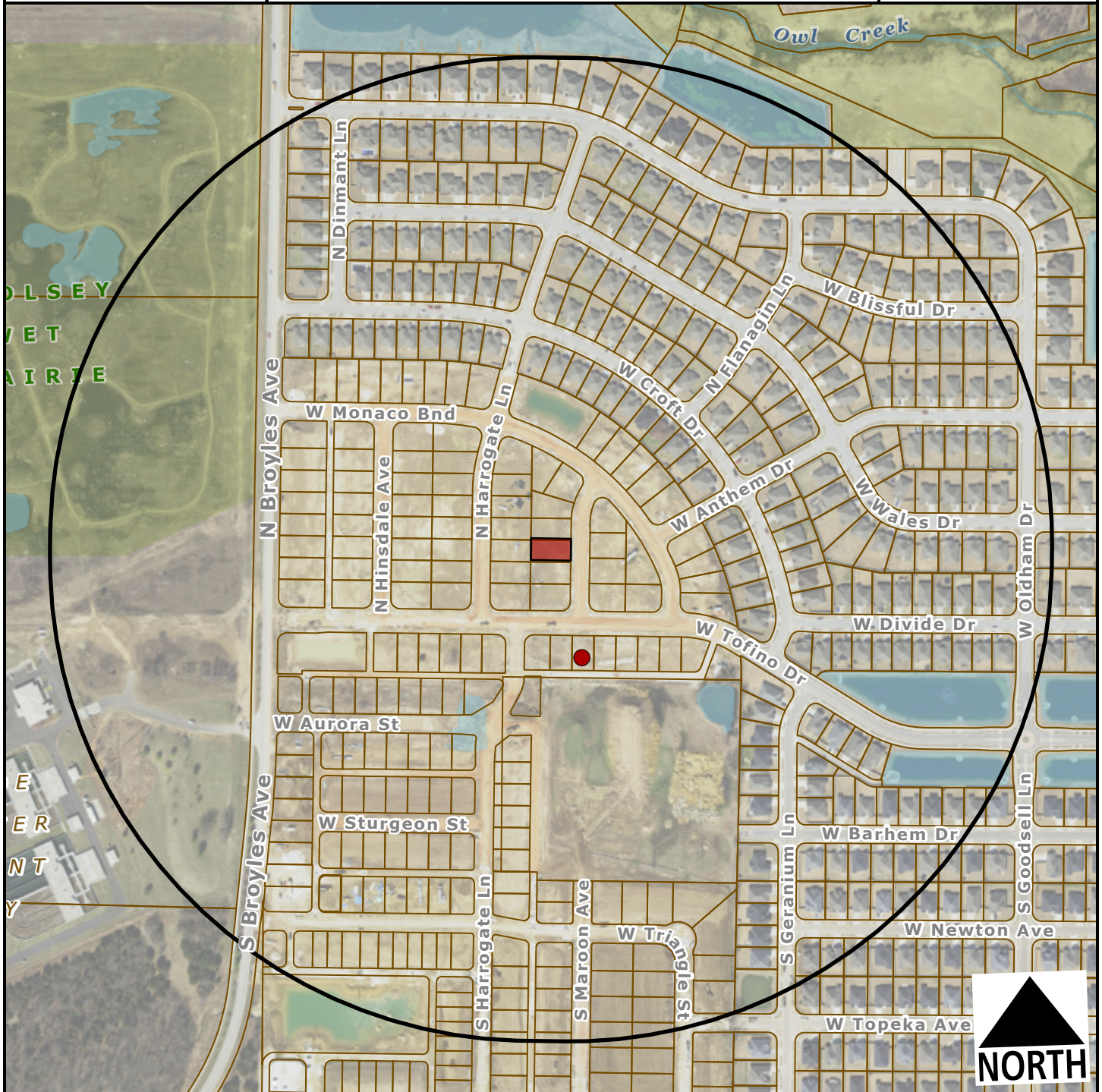
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2024-0007

45 N. MANHATTAN WAY

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 1

Occupiable
Residential
Addresses
(Estimated
Housing Units): 338



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 25, 2024

SUBJECT: **CUP-2024-0008: Conditional Use Permit (1518 W. CLEVELAND ST./KITSINGER, 443):** Submitted by ANTHONY KITSINGER for property located at 1518 W. CLEVELAND ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0008** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0008**, 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 on the north side of Cleveland Street about 600 feet west of Razorback Road. The property contains two parcels totaling 1.20 acres and is currently developed with a 925-square-foot single-family home. 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	RSF-4, Residential Single-Family – Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre

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-2024-0008** 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	<u>YES</u>		
Date: <u>March 25, 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. 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 RSF-4 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-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 RSF-4 zoning. Since RSF-4 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 house 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 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 indicated that there is space to park four vehicles on site. On-street parking does not appear to be available nearby.

- 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 1518 W. Cleveland St. 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 March 19, 2024, the City had issued 461 Type 2 short-term rental business licenses and 13 remain in the queue for processing. An additional 19 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. Four off-street parking spaces are available on site and a maximum of six guests would be permitted. On-street parking is not available nearby. City records indicate that nine other units, or roughly 3.8% of estimated housing units, within a quarter-mile radius of the property have a business license to operate as a Type 2 short-term rental. While the number of licensed Type 2 short-term rentals is high relative to the previously considered 2% city-wide density cap, staff finds the applicant's request to be suitable since there are no other licensed Type 2 short-term rentals along Cleveland Street and since the applicant has indicated that this property will become their permanent residence in the near future. Even if the property does not become their permanent residence, staff finds their request to use the property as a short-term rental to be compatible with the surrounding area. No prior or active zoning or code violations have been reported on the 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: Two shared driveways with access onto Cleveland Street are 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 six 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 four off-street parking spaces are available in a paved driveway and garage. 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. There are nine other licensed Type 2 short-term rental within a quarter-mile radius with none currently operating along Cleveland Street. There appears to be adequate parking to accommodate the number of permitted guests on site 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
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §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.

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

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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



February 11, 2024

Planner – City Planning Division
City of Fayetteville, Arkansas
125 W. Mountain Street
Fayetteville, Arkansas 72701

Re: S T R Conditional Use Permit Parcel # 765-02615-001 (1518 W. Cleveland Street)

This is a request letter for a STR Conditional Use Permit package, for parcel # 765-02615-001. We are also providing all required attachments this STR CUP application.

My wife Susan and I met and were married in Fayetteville but in the late 1980's moved away for more steady jobs. We are now working toward moving back to live permanently and have constructed a new carriage house as an initial structure to our future home at 1518 Cleveland Street.

1. We plan to spend part-time living in the carriage house and are requesting to use it as a short-term rental to rent to families on occasions, when we are out of town.
 - a.) The new two-bedroom carriage house has 925 square feet of living space plus a 1 and ½ car garage sits on over an acre lot.
 - b.) A color elevation as well as construction elevation drawings are provided.
 - c.) Two parking spaces are required by code, however four parking spaces are provided on-site.
 - d.) We provide four downlights mounted on exterior perimeter walls and one porch ceiling fan light.
 - e.) Our rental agreement will require that tenants meet all codes including local noise ordinances.
 - f.) The house sets back 400' off of Cleveland Street and is buffered from adjacent properties on each side with mature trees. It also has fencing on two sides.
 - g.) The property has City of Fayetteville residential cart service for trash pick-up like adjacent single-family properties along surrounding the property. Trash cart pickup occurs along Cleveland Street.
 - h.) Ingress and egress to the property is served by and existing private driveway and occurs of Cleveland Street. The addition of small two-bedroom single-family residential use will not impact traffic capacity in the area.

The proposed short-term rental residential unit is compatible with adjacent and other larger single-family properties in the neighborhood. This small 925 s.f. carriage house is secluded on the 1.18-acre site. The property's adjacency to the University of Arkansas campus is ideal for parents visiting students or walking to sporting events on Razorback Road.

2. The legal description for the property's parcel # 765-02615-001 is as follows:

PT NW SE 1.18 AC FURTHER DESCRIBED FROM 2018-23661 AS: Part of the NW 1/4 of the SE 1/4 of Section 8, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Beginning at a point which is located N86°55'01"W 660.00 feet and N02°40'49"E 17.79 feet from the Southeast corner of the said Forty acre tract, and running thence N02°40'14"E 418.98 feet to a found 5/8" rebar; thence N03°54'54"E 50.51 feet to a set iron pin; thence S87°13'23"E 201.49 feet to a set iron pin; thence S02°11'17"W 35.50 feet to a set iron pin; thence S87°22'27"E 2.27 feet to a set iron pin; thence S02°32'03"W 99.94 feet to a found 112" capped rebar; thence N86°56'36"W 134.61 feet to a found 1/2" capped rebar PLS #1005; thence S02°32'13"W 335.15 feet; thence N86°52'15"W 71.57 feet to the POINT OF BEGINNING, containing in all 1.18 acres, more or less.

3. See attached Site Plan

4. See attached Floor Plans

5. See attached the Washington County Parcel Map and Survey with the subject property and all adjacent parcels identified along with the owner's name, official mailing address, and the parcel number for every adjacent property shall be shown.

6. As the applicant will meet the Public Notification Requirements for a Conditional Use permit.

7. See attached signed Property Owner Authorization letter.

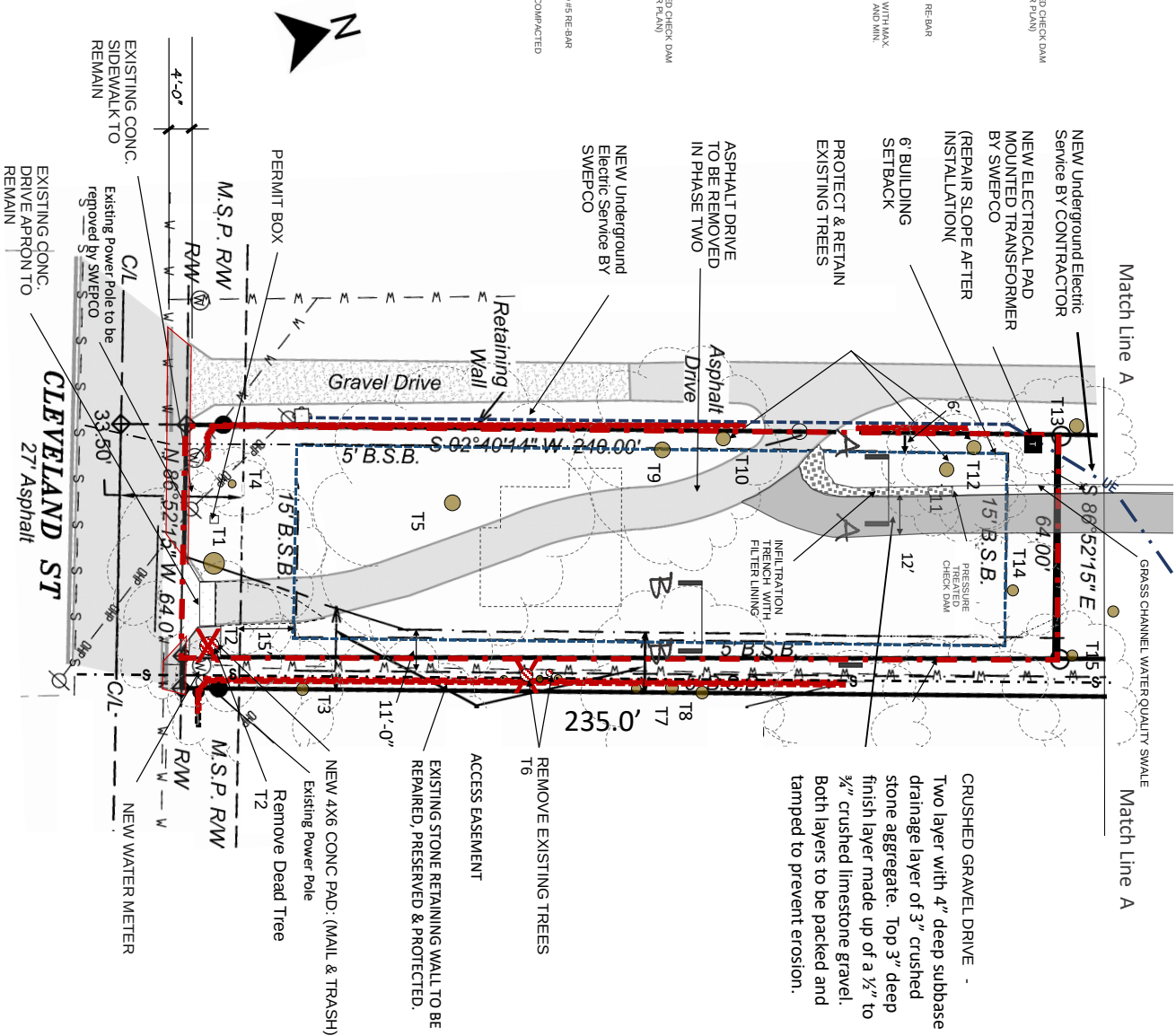
Please let me know, if everything seems to be in order and if you have any questions or comments, please do not hesitate to contact me.

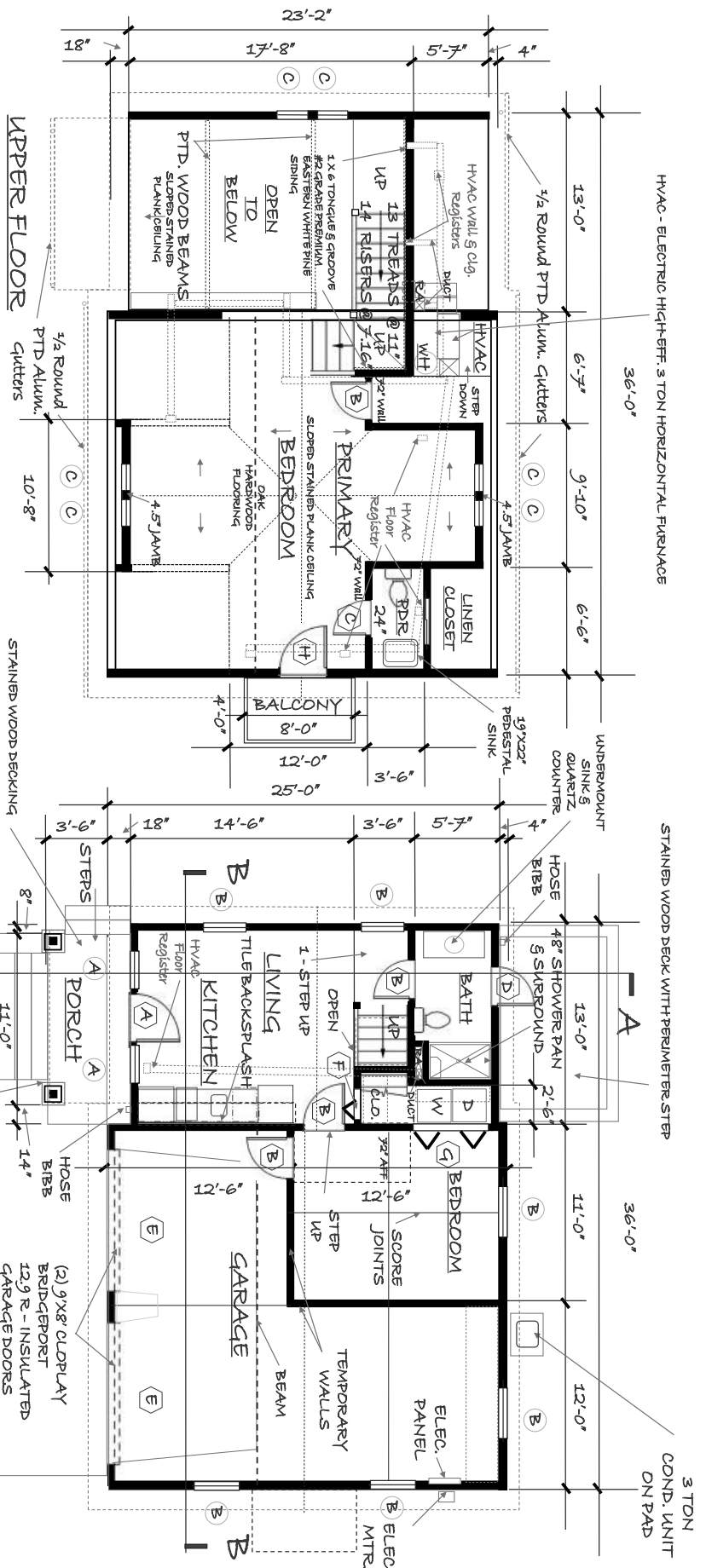
Sincerely,



Anthony "Andy" Kitsinger, AIA, AICP

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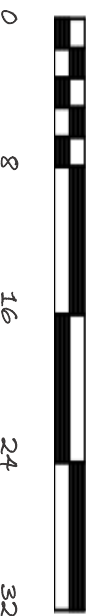




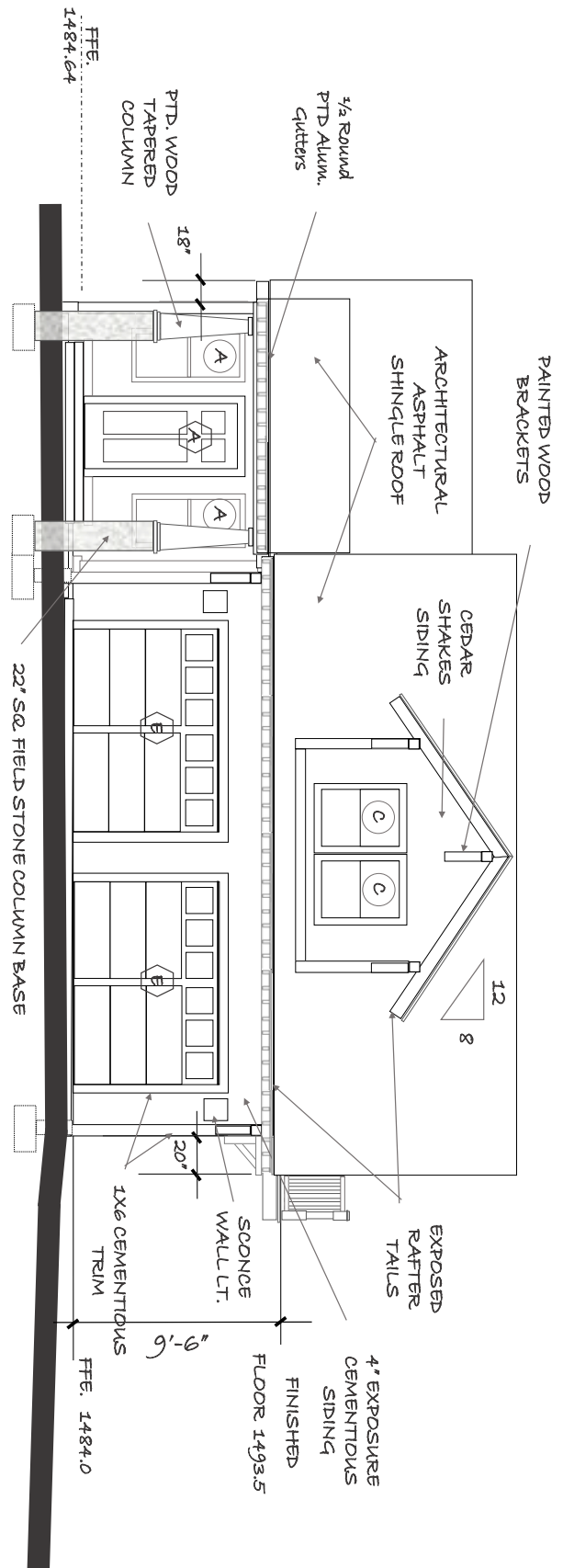
FINISH SCHEDULE										
ROOM	ROOM NAME	FLOOR FINISH	BASE FINISH		WALL FINISH				CEILING	REMARKS
			EAST	WEST	NORTH	SOUTH	HEIGHT	MATERIAL		
100	KITCHEN	OAK HARDWOOD	PTD WOOD	GYP. BD.	GYP. BD.	TILE	VAULTED	WD PLANK	STAIN T&G WD DECK CLG.	
101	LIVING	OAK HARDWOOD	PTD WOOD	GYP. BD.	WD PLANK	GYP. BD.	VAULTED	WD PLANK	STAIN T&G WD DECK CLG.	
102	BATHROOM	CERAMIC TILE	PTD WOOD	GYP.TILE	GYP.TILE	GYP.TILE	8'-0"	GYP. BD.	48" TILE WAINSCOT	
103	STAIRS & LANDING	OAK HARDWOOD	PTD WOOD	GYP. BD.	WD PLANK	GYP. BD.	VAULTED	WD PLANK	STAIN T&G WD DECK CLG.	
104	CLOSET	WYN. TILE (LTV)	RUBBER	GYP. BD.	GYP. BD.	GYP. BD.	4 to 5'	GYP. BD.		
105	UTILITY /W&D	WYN. TILE (LTV)	RUBBER	GYP. BD.	GYP. BD.	GYP. BD.	8'-0"	GYP. BD.		
106	STORAGE	STAINED CONC.	RUBBER	GYP. BD.	GYP. BD.	GYP. BD.	8'-4"	GYP. BD.	STAINED CONC. FLOOR	
107	GARAGE	STAINED CONC.	-	GYP. BD.	GYP. BD.	GYP. BD.	8'-4"	GYP. BD.		
108	ATTIC	OAK HARDWOOD	PTD WOOD	GYP. BD.	GYP. BD.	GYP. BD.	VAULTED	WD PLANK		
109	H/WC	WYN. TILE (LTV)	RUBBER	GYP. BD.	GYP. BD.	GYP. BD.	VAULTED	WD PLANK		
110	PDR ROOM	CERAMIC TILE	PTD WOOD	GYP.TILE	GYP.TILE	GYP.TILE	VAULTED	WD PLANK	36" TILE WAINSCOT	

FLOOR PLANS 3

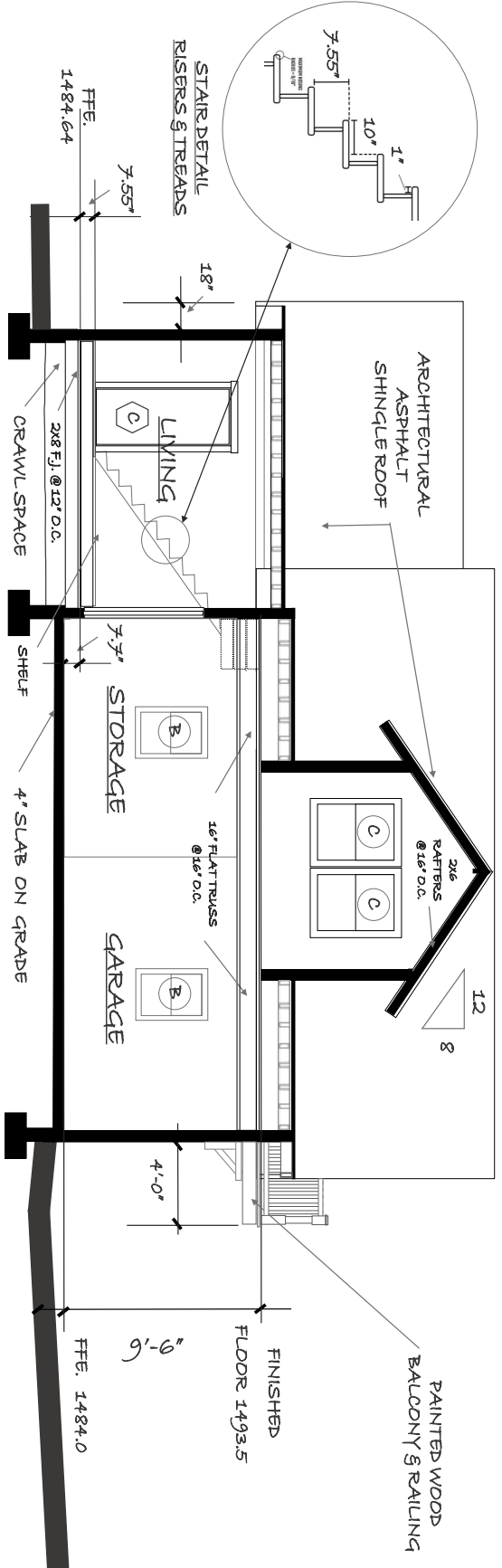
FINISH SCHEDULE





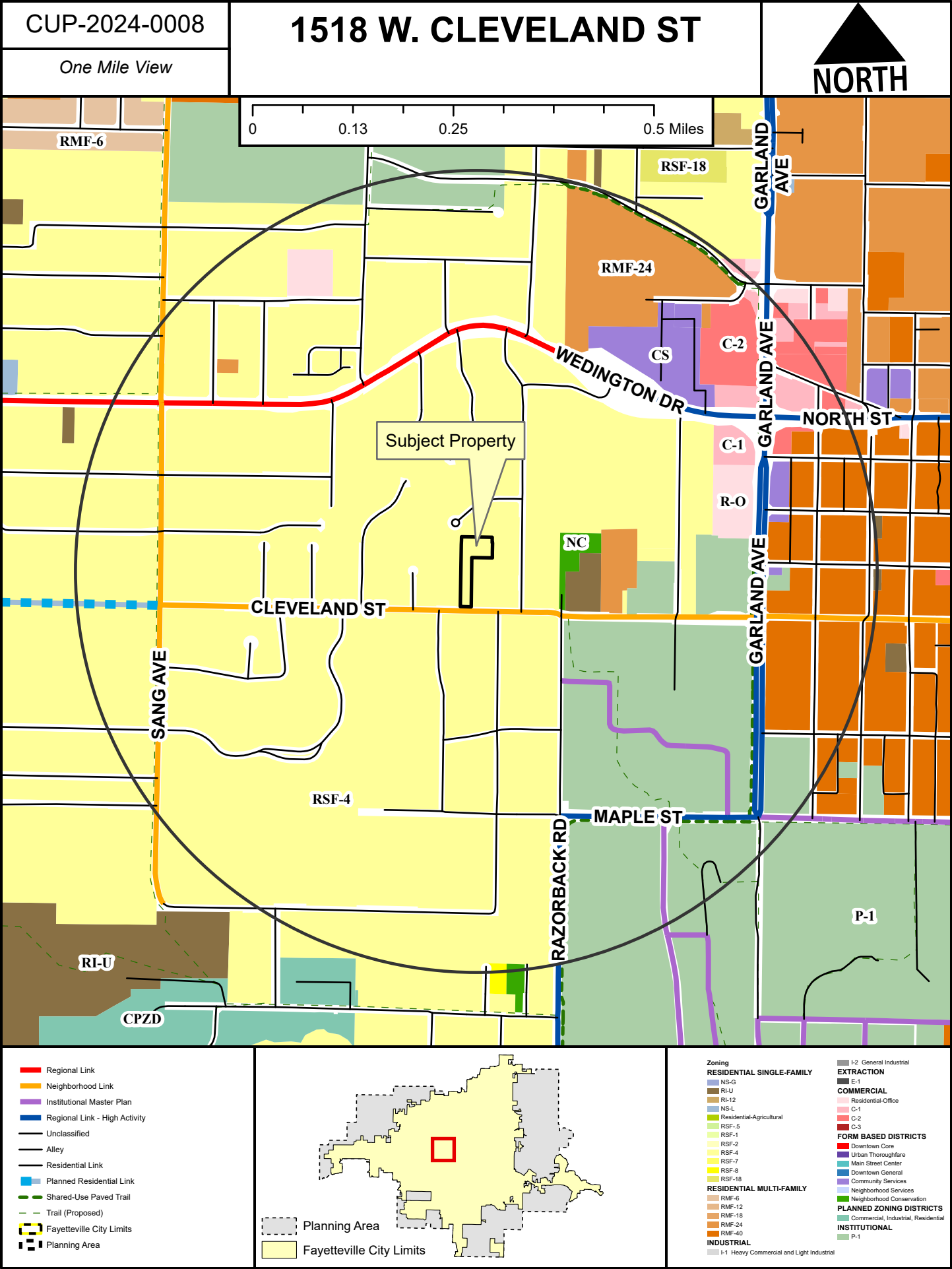


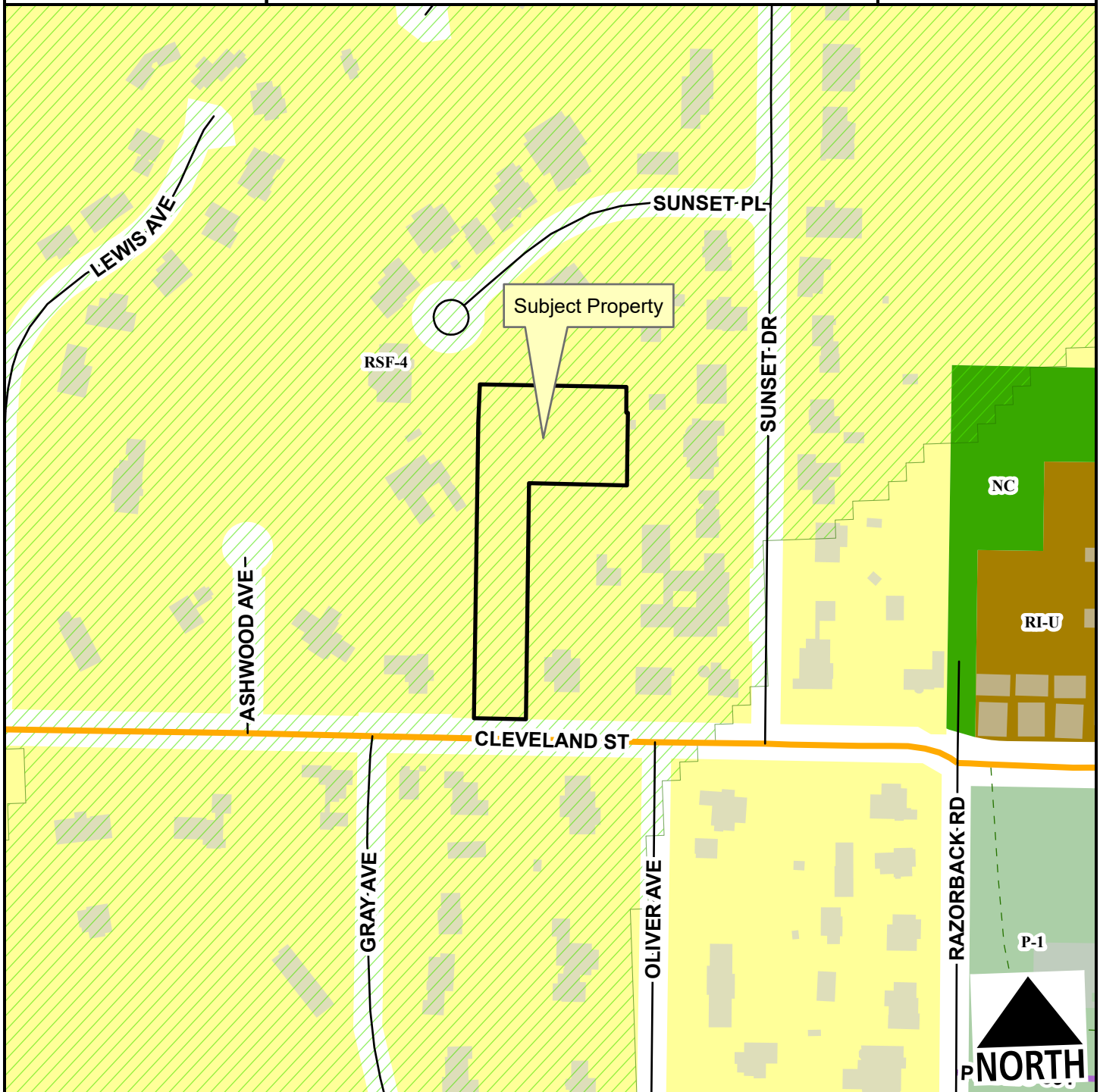
WEST ELEVATION



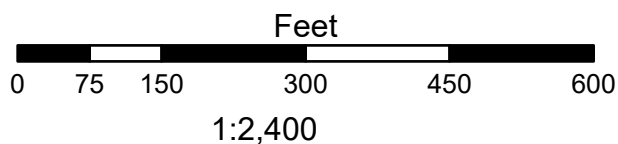
BUILDING SECTION B - B







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

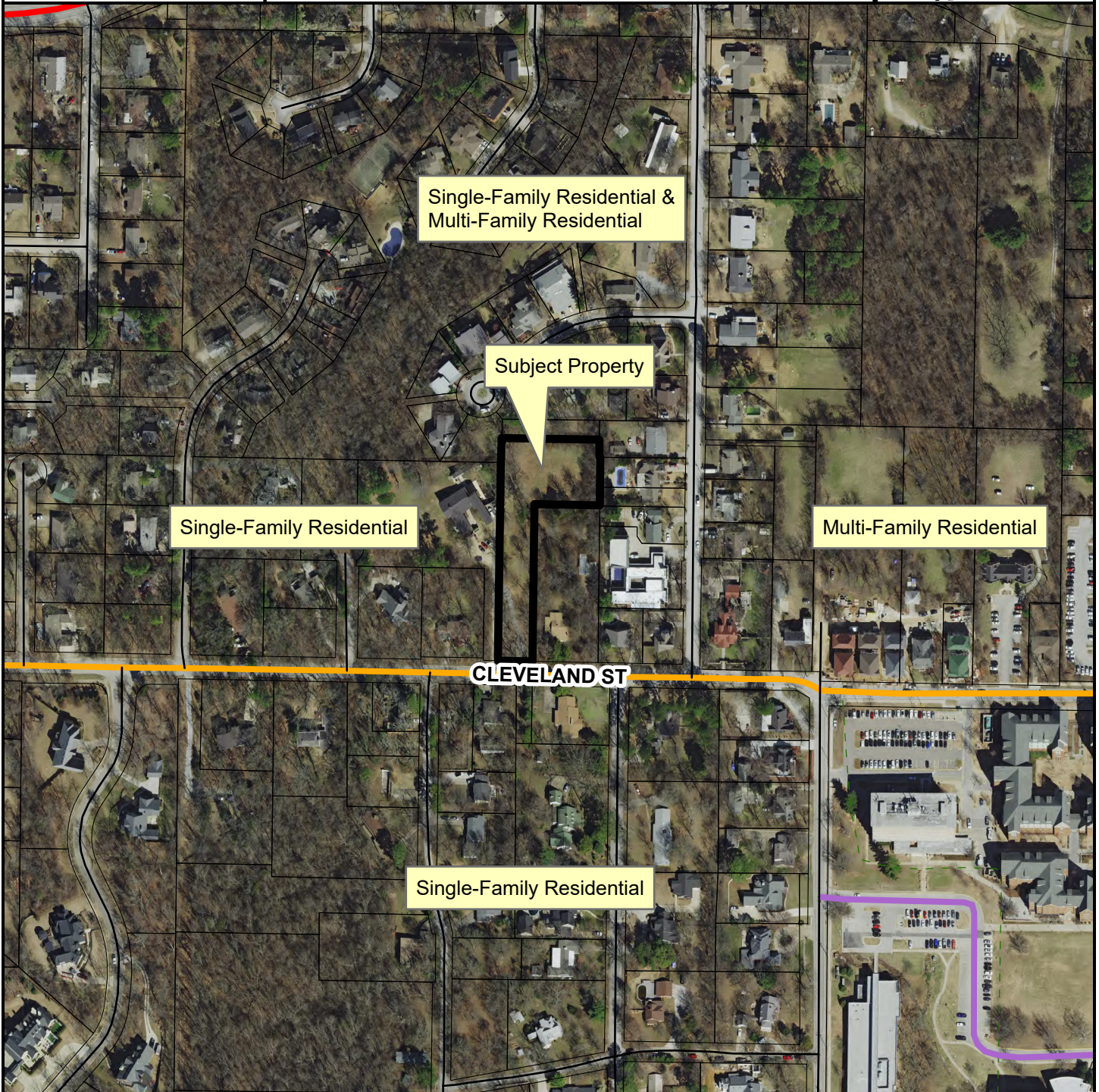


- RSF-4
- RI-U
- Neighborhood Conservation
- P-1

CUP-2024-0008

1518 W. CLEVELAND ST

Current Land Use



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



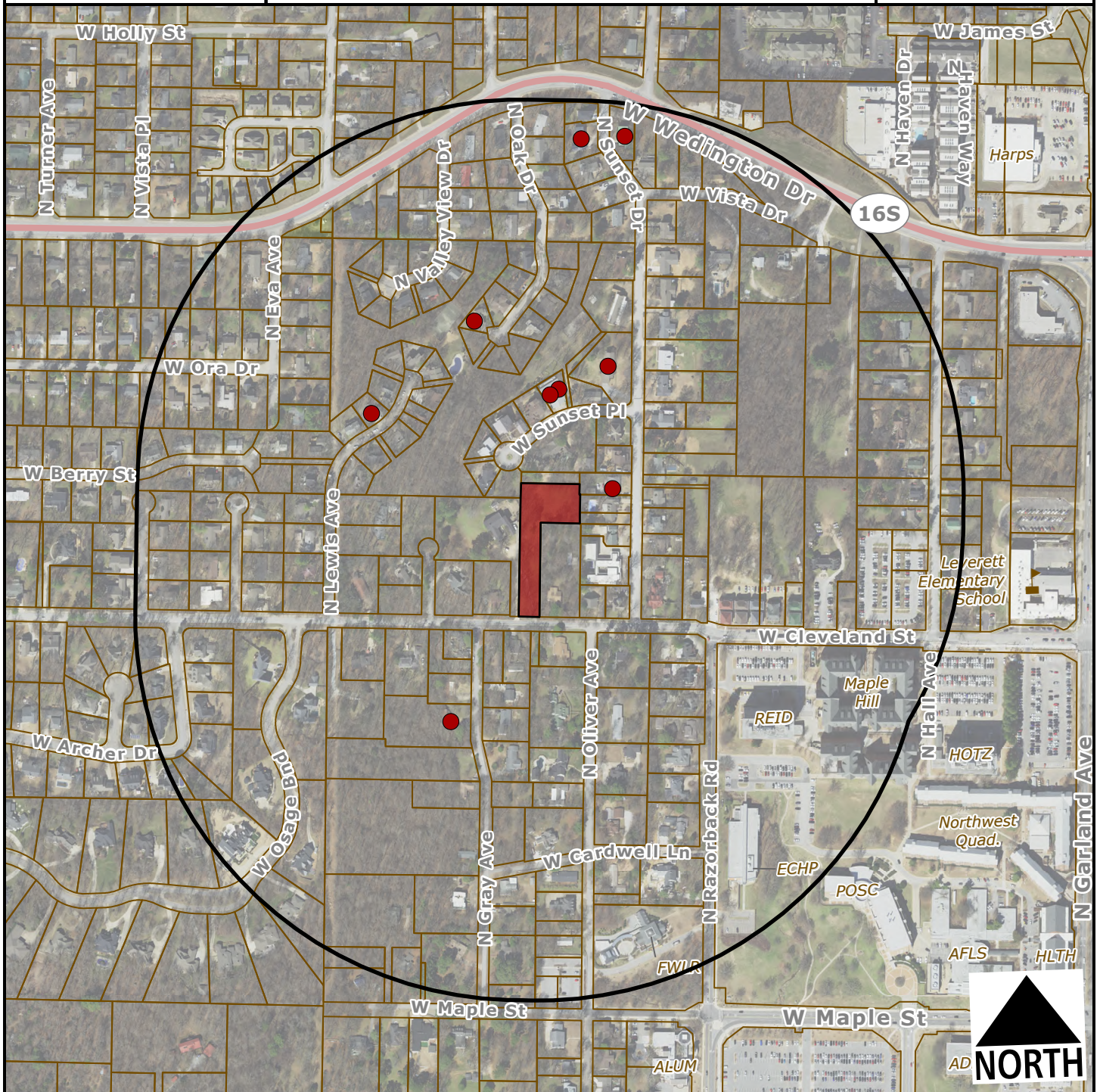
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

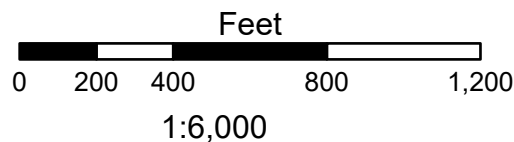
CUP-2024-0008

1518 W. CLEVELAND ST

STRs Within 1/4 Mile



- Subject Property
- Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 9

Occupiable
Residential
Addresses
(Estimated
Housing Units): 239



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING: March 25, 2024

SUBJECT: **PZD-2024-0001: Planned Zoning District (3568 W. MOUNT COMFORT ROAD/HOLT VILLAGE, 323):** Submitted by FLINTLOCK LTD CO. for property located at 3568 W. MOUNT COMFORT RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and CS, COMMUNITY SERVICES and contains approx. 16.72 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

RECOMMENDATION:

Staff recommend forwarding **PZD-2024-0001** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **PZD-2024-0001** to City Council with a recommendation of approval, with conditions as outlined by staff."

BACKGROUND:

The subject property is in northwest Fayetteville, northeast of the intersection of N. Ruppel Road and W. Mount Comfort Road and east of Holt Middle School. The site is largely undeveloped, but for one single-family home with associated outbuildings that were built in the late 1970s. In total, the property makes up approximately 18.4 acres, and is currently zoned R-A, Residential-Agricultural and CS, Community Services. The applicant is only pursuing a rezoning on 16.72 acres of the property. An access management variance was approved by the Planning Commission on March 11, 2024 for a reduced driveway separation distance along N. Ruppel Road. No overlay districts currently govern the site. Surrounding land use and zoning is depicted on *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	Commercial/Undeveloped	CS, Community Services
East	Undeveloped/Pending Goddard School	R-A, Residential Agricultural; CS, Community Services
West	Holt Middle School/Mount Comfort Cemetery	P-1, Institutional; RSF-1, Residential Single-Family, 1 Unit per Acre

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

- **Planning Area #1 – 9.9 acres:** Labeled as Neighborhood Zone A, the intention of this planning area is to provide primarily single- and two-family homes, with minimum lot widths

of 25 feet and an intention for homes to be oriented along common greenspace to provide frontage to some of these single-family homes, rather than typical public streets. Building heights are limited to a maximum of three stories.

- **Planning Area #2 – 6.9 acres:** Labeled as Neighborhood Zone B, this planning area is intended for higher intensity uses than single- and two-family structures, and allows for single-, two-, three- and four-family dwellings by right, as well as multi-family dwellings. There is no stated density maximum, and minimum lot widths are set at 24 feet for single-family dwellings, and no lot width minimum for all other uses. Building heights are limited to a maximum of three stories.

Public Comment: Staff have not received any public comment on this request.

INFRASTRUCTURE:

Streets: The request area has frontage along N. Ruppel Road, W. Lonoke Street, and N. Caney Drive. N. Ruppel Road is a partially improved regional link street with asphalt paving, having one lane in each direction with a two-way left turn lane, curb and gutter, drainage infrastructure, greenspace, and concrete paved trail along the west side of the street. W. Lonoke Street and N. Caney Drive are fully improved residential link streets with asphalt paving, curb and gutter, greenspace, and sidewalks on both sides. The portion of the overall subject property that is not part of this request has frontage to W. Mount Comfort Road. W. Mount Comfort Road is an improved regional high activity link street with asphalt paving, having two drive lanes in each direction, curb and gutter, drainage infrastructure, greenspace, and sidewalk on both sides of the street along this property's frontage. Any street improvements or required drainage improvements in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. There is an existing 8-inch water main present along the west side of North Ruppel Road with an 8-inch water main crossing extending to the southwest corner of the subject property. There are existing 8-inch water mains present in W. Lonoke Street and N. Caney Drive that future development may connect to with new water main extensions. The portion of the property that is not part of this request also has access to an existing 12-inch water main on the south side of W. Mount Comfort Road.

Sewer: Sanitary sewer is available to the subject area. There is an existing 8-inch sanitary sewer main on the west side of N. Ruppel Road at the northwest corner of the subject area. There are existing 8-inch sanitary sewer mains present in utility easements along W. Lonoke Street and N. Caney Drive that future development may connect to with new sewer main extensions. The portion of the property that is not part of this request also has access to an existing 8-inch sanitary sewer main on the north side of W. Mount Comfort Road. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines must be included with the development entitlement submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.

Drainage: No portion of the subject area lies within a FEMA floodplain, there is no protected stream present, and the property is outside of the Hillside-Hilltop Overlay District. No hydric soils are present in the area. Any additional improvements or requirements for drainage 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. Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 1.5 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

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

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging infill score for the subject property of 5-7, which translates to a weighted score of **7.5**. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station 8, 2266 W. Deane Street)
- Near Sewer Main (8-inch, N. Ruppel Road, W. Lonoke Street and N. Caney Drive)
- Near Water Main (8-inch, N. Ruppel Road, W. Lonoke Street, and N. Caney Drive)
- Near Public School (Holt Middle School)
- Near City Park (Clabber Creek, Bryce Davis Park)
- Near Paved Trail (Clabber Creek)
- Appropriate Future Land Use (City Neighborhood Area)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the applicant's request to be compatible with existing surrounding land uses. The property is surrounded by single-family to the north, a public school to the west, commercial development to the south and southeast, and another incoming school facility to the east. Staff finds the insertion of varying types of residential uses to be compatible with the surrounding area; the proposed Neighborhood Zones demonstrate a sensitivity to the existing development pattern by lining the northern side of the property with single-family residential and transitioning inward to more dense and compact development. The dense and compact development is also offset by the insertion of greenspace and shared common open space. Staff finds that the lack of a density limitation means that more units and lots than are shown on the illustrative plans could be built, but still finds that with other requirements such as public right-of-way dedication, parking, and drainage requirements, that the density is still likely to be limited in a manner that is compatible with surrounding uses. The limitation of building height to 3 stories also offers a good transition zone between the CS zoning to the south and east and the residential zoning to the north.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. Staff finds that the proposal meets City Plan 2040 goal by making appropriate infill a high priority; the infill score for the site is within the medium range, so inserting single-, two-family, and even some low intensity multi-family here is compatible with the infill score for the site. Further, N. Ruppel Road and W. Mount Comfort Road is identified as a Tier 2 Center, which are characterized by housing that ranges from one- to three- story detached dwellings, duplexes, row houses, and mid-rise apartments. The proposed PZD shows a sensitivity to the long-range land use plans for the area, and with the current land use surroundings that garners a recommendation of approval from staff.

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

Finding: Staff finds that the proposed rezoning is justified. Maintaining the R-A zoning at this site is not compatible with current land use surroundings, or with long-term City goals.

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

Finding: The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. The proposal intends to meet overall connectivity and access management requirements, and staff finds that the opportunities for connectivity allow for the general disbursement of traffic, rather than traffic funneling into one specific location.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed PZD would alter population density in the area as opposed to keeping the property zoned R-A, but staff does not find that this would be to an undesirable level. New sewer and water lines would be required to be extended to the proposed development, at a cost that would be borne by the developer. Additionally, a sewer capacity analysis may need to occur during an associated development plan. Fayetteville Public Schools did not comment on the request, though it is worth noting again that this site is directly across the street from Holt Middle School. The applicant has indicated (and a condition was approved by the Planning Commission requiring it) an enhanced pedestrian crossing from this development to the school across the street.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

Sec. 161.35. Planned Zoning Districts (PZD)

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

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

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

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

RECOMMENDATION: Staff recommends forwarding **PZD-2024-0001** to City Council, with a recommendation of approval, with conditions as outlined below.

Conditions of Approval:

1. Parkland dedication/proposed fees-in-lieu must be reviewed by Parks and Recreation Advisory Board with the associated development;
2. Any proposed lots without street frontage shall provide adequate access for water, sewer, and emergency services; and
3. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.

Planning Commission Action: ☐ Forwarded ☐ Tabled ☐ Denied Meeting Date: <u>March 25, 2024</u> Motion: Second: Vote:

BUDGET/STAFF IMPACT:
None

Attachments:

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

TO: Technical Plat Review

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

MEETING DATE: February 28, 2024

SUBJECT: **PZD-2024-0001: Holt Village:** Submitted by FLINTLOCK LTD CO. for property located at 3568 W. MOUNT COMFORT ROAD. The property is split zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 18.4 acres. The request is for the property to be zoned PZD, PLANNED ZONING DISTRICT.

RECOMMENDATION:

Urban Forestry Staff recommends the approval of PZD-2024-0001 since the PZD booklet essentially states that Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations requirements will be met. The required minimum existing tree canopy coverage is 25% for PZDs.

Though there are not many trees on the site with the exception of the perimeters, it is highly recommended that as many trees be preserved as possible to meet the requirement, and that buildings, parking, utilities, and other infrastructure elements be designed around the trees. According to the PZD booklet, this is the approach the developer and designer will take.

Chapter 177 Landscape Regulations must be met also, including street trees along public or private streets. The PZD booklet says that the project will comply with the landscape standards of the City of Fayetteville.

ATTENTION:

Fayetteville Planning Commission
Planning Staff
Development Services Staff

14 February, 2024

HOLT VILLAGE PZD SUBMISSION

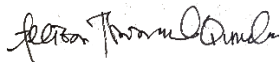
Dear Commissioners and Staff,

Flintlock LTD Co on behalf of Landmarc Custom Homes respectfully submits this Planned Zoning District (PZD) application for your consideration. The proposed +/- 125 residential unit development aims to provide a mix of housing types in a walkable neighborhood format that prioritizes common green space. This proposed development ideally serves the surrounding neighborhood and City goals by sensitively transitioning density from the north to the south through a mixture of unit types offering abundant green space, walkability, and community potential.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth which is intentional, sustainable, and mixed use. Transit ready and commercial supportive densities are provided, and housing is centered on low impact development stormwater features.

We believe, and hope you agree, that this development will contribute to the community of Fayetteville and its aspirations for the future.

Respectfully,
FLINTLOCK LTD CO



Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect

Holt Village Planned Zoning District

FEBRUARY 29, 2024

A

Ownership

Landmarc Custom Homes, LLC
1224 S Maetsri Rd, Springdale AR 72762

PREPARED BY FLINTLOCK LTD CO

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B

Project Summary

The proposed +/- 125 residential unit development aims to provide a mix of housing types in a variety of formats structured in a walkable neighborhood format, with a central linear storm park lined by park-facing townhomes. The development will include three parcels (765-13589-000, 765-13593-000, and 765-13593-002) totaling around 16.7 acres. The entire site is shown as City Neighborhood area on the Future Land Use Map with midrange infill score potentials across the site. The property is served by existing adequate water and sewer facilities in Mt Comfort Road to the south, Ruppel Road to the west, and W Lonoke to the north and northeast. This proposed development ideally serves the surrounding neighborhood and City goals by sensitively transitioning density from the north to the south through a mixture of unit types offering abundant green space, walkability, and community potential.



Site Location Approximate location as seen aerially from the southwest ; N Ruppel Rd and W Mount Comfort Rd seen in foreground



C

General Project Concept

Street and
Lot Layout

The project aims to connect N Ruppel Road more cohesively into the existing development north of the project site, providing an extension of Lonoke Drive to the west to Ruppel Road and south to a new east-west connection. To maximize site efficiency with odd geometries, a large linear storm park provides frontage for an interior set of alley loaded townhouses. This arrangement both faces public roads and existing single family homes with more traditional lower density single family homes while providing appropriate density and variety in housing type and price point. The linear storm park directs water downhill to the north, to the low point of the site, which is preserved as a tree preservation and landscape buffer around the storm park. The resulting large central block is compliant with maximum block sizes but is further bifurcated with a pedestrian path and enhanced crosswalk that provides safe interior block connection through the neighborhood to Holt Middle School across Ruppel Road from the project. The main north/south street connection provides a shared commercial access to the CS zoned commercial neighboring property along Mount Comfort, to minimize curb cuts and provide rational and safe access to the existing High Activity Corridor. With its mixture of units types, pedestrian alleys, and common greens, the site design builds community potential and encourages walking and biking both within the neighborhood and to adjacent schools.

Site Plan



Buffer Areas	The proposed development provides a landscape buffer along the northern boundary and residential lots similar in size and setback to the adjacent existing lots. Smaller home lots face Ruppel and the commercial development to the south, which transition to townhouses against the parcel to the southeast, which is intended to become a clustered massing of small multifamily along Mount Comfort concurrent with this development.
Tree Preservation Areas	The property's long-term use for intensive agriculture has left little existing tree canopy except at the edges of the property. The site plan's geometry aligns to tree preservation plans to respect these existing fence line trees and the site's natural topography.
Storm Water and Detention Areas	The site contains a large high point roughly in the center. Three stormwater facilities will be provided at the low points at the northwestern property boundary, the northeastern property corner, and adjacent the multifamily and townhouse properties along Mount Comfort. A linear storm park running north / south on the western half of the property directs storm flow through grassed swales as a landscape amenity to slow water flow and remove sediment in planting areas.
Undisturbed Natural Areas	The site is almost entirely previously disturbed by long term agricultural use and use as an airfield for a number of years. Some existing larger trees and more natural areas along the northern property line will be preserved.
Existing and Proposed Utility Connections and Extensions	Existing utilities are well provided and further discussed in Section M: Impacts to City Services

D

Proposed Planning Areas

The proposed Neighborhood Zones would replace existing Residential-Agriculture Zoning on approximately 16.2 acres of the site and Community Services Zoning on approximately ½ an acre of the site at the southwest corner adjacent to Kum and Go. Neighborhood Zone A accounts of approximately 9.9 acres of the site, and Neighborhood Zone B accounts for approximately 6.9 acres of the site.



E

Proposed Zoning Standards

Neighborhood Zone A

(A) *Purpose.*

- Provide an appropriately flexible neighborhood buffer to commercial, institutional, and single family residential uses
- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone A:

- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
- (2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
- (3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
- (4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
- (5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage
- (6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
- (7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 24	Home occupations

Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

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 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business
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 45	Small scale production
Unit 46	Short-term rentals

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.* 24 feet

* Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.

(2) *Lot Area Minimum.* None.

(F) *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

(G) *Building Height Maximum.* 3 stories

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

Neighborhood Zone B

(A) *Purpose.*

- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone B:

- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
- (2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
- (3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
- (4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
- (5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage
- (6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
- (7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

Proposed Zoning Standards

(C) *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 24	Home occupations
Unit 26	Multi-family dwellings
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

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 12a	Limited business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 45	Small scale production
Unit 46	Short-term rentals

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	24 feet
All other uses	None

* *Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(G) *Building Height Maximum.* 3 stories

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

F

Existing Property Zoning Standards

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)
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(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.

161.22 Community Services

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

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
--------	--

Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

Zoning Comparison Chart

	CURRENT		PROPOSED	
	R-A: Residential Agriculture	CS: Community Services	Neighborhood Zone Planning Area A	Neighborhood Zone Planning Area B
PERMITTED USES	1. City-wide uses by right 3. Public protection and utility facilities 6. Agriculture 7. Animal husbandry 8. Single-family dwellings 9. Two-family dwellings 37. Manufactured homes 41. Accessory dwellings 43. Animal boarding and training 46. Short-term rentals	1. City-wide uses by right 4. Cultural and recreational facilities 5. Government facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 13. Eating places 15. Neighborhood Shopping goods 24. Home occupations 25. Offices, studios and related services 26. Multi-family dwellings 40. Sidewalk Cafes 41. Accessory dwellings 44. Cluster Housing Development 45. Small scale production 46. Short-term rentals	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development
CONDITIONAL USES	2. City-wide uses by conditional use permit 4. Cultural and recreational facilities 5. Government facilities 20. Commercial recreation, large sites 24. Home occupations 35. Outdoor Music Establishments 36. Wireless communications facilities 42. Clean technologies	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 14. Hotel, motel and amusement services 16. Shopping goods 17. Transportation, trades and services 18. Gasoline service stations and drive-in/drive-through restaurants 19. Commercial recreation, small sites 28. Center for collecting recyclable materials 34. Liquor stores 35. Outdoor music establishments 36. Wireless communication facilities* 42. Clean technologies	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 10. Three (3) and four (4) family dwellings 12a. Limited business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 12a. Limited business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals
DENSITY	One-half (1/2)	None	None	None
LOT WIDTH MIN. (FT)	200	18 (Residential) None (all others)	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.
LOT AREA MIN. (SF)	2 acres	None	None	None
FRONT SETBACK (FT)	35	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
SIDE SETBACK (FT)	20	None	5	None
REAR SETBACK (FT)	35	None 15 (when contiguous to a single-family residential district)	5 12 (from center line of an alley)	5 12 (from center line of an alley)
BUILDING HEIGHT	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.	5 Stories	3 Stories	3 Stories
MAX. BUILDING AREA (%)	None	50% of lot width	50% of lot width	50% of lot width

G

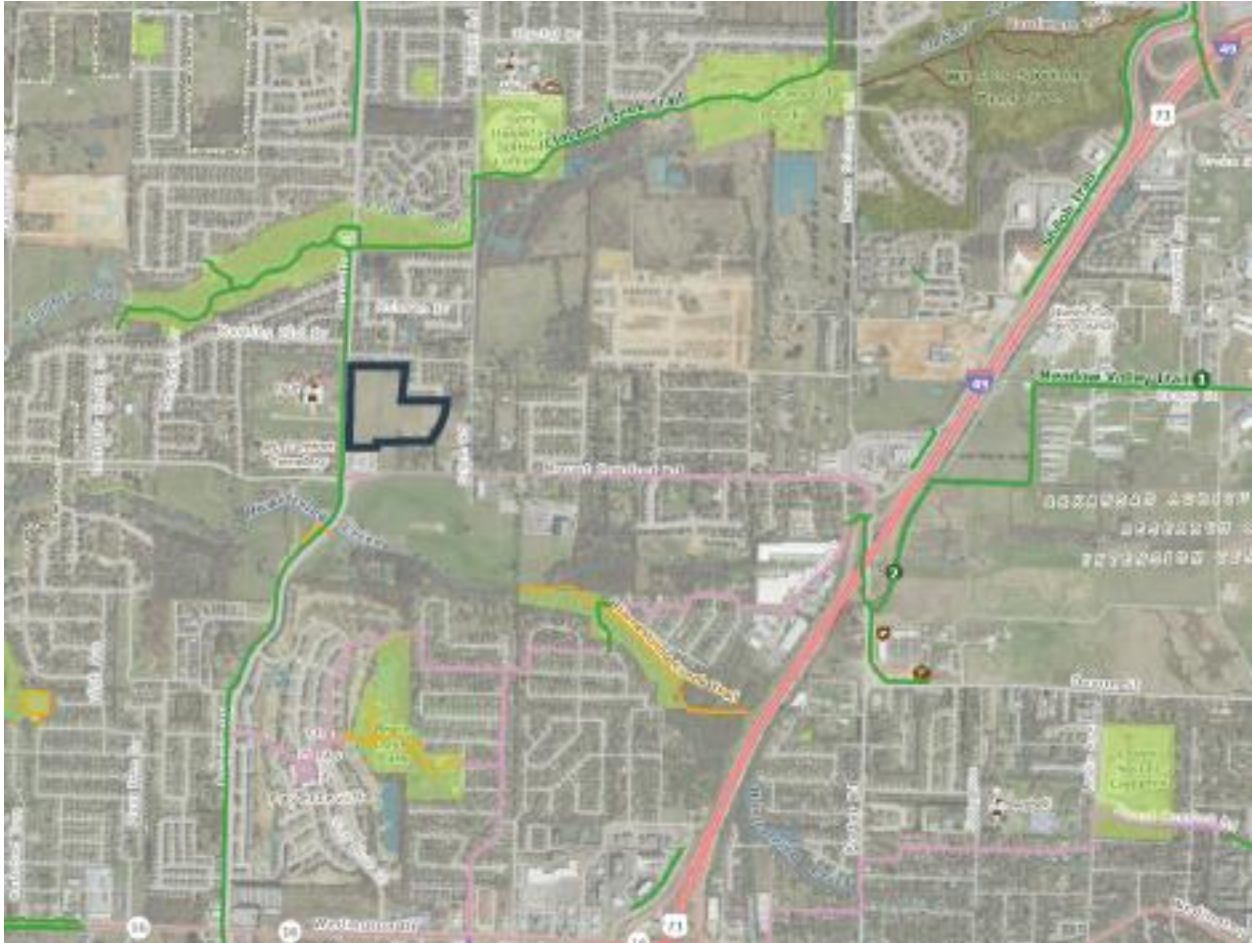
Analysis of Site Characteristics

The existing site contains a gentle high point roughly in the center, falling gradually away to Clabber Creek to the north and Hamstring Creek to the south. The property is relatively level for Fayetteville and has been cleared and intensively farmed since at least the middle of the last century based on aerial photos. The site does not include hydric soils, historic wet prairie, or other sensitive ecologies. It is also outside the floodway of both adjacent creeks.



H Recreational Facilities

The proposed development includes a large linear park for passive recreation and is walkable to the extensive Clabber Creek park and the future Underwood Park facilities. The site is located along the Clabber Creek trail connection to Mount Comfort. It is also walkable to both Holt Middle School (directly across the street) and Holcomb Elementary School ½ a mile to the north.



I

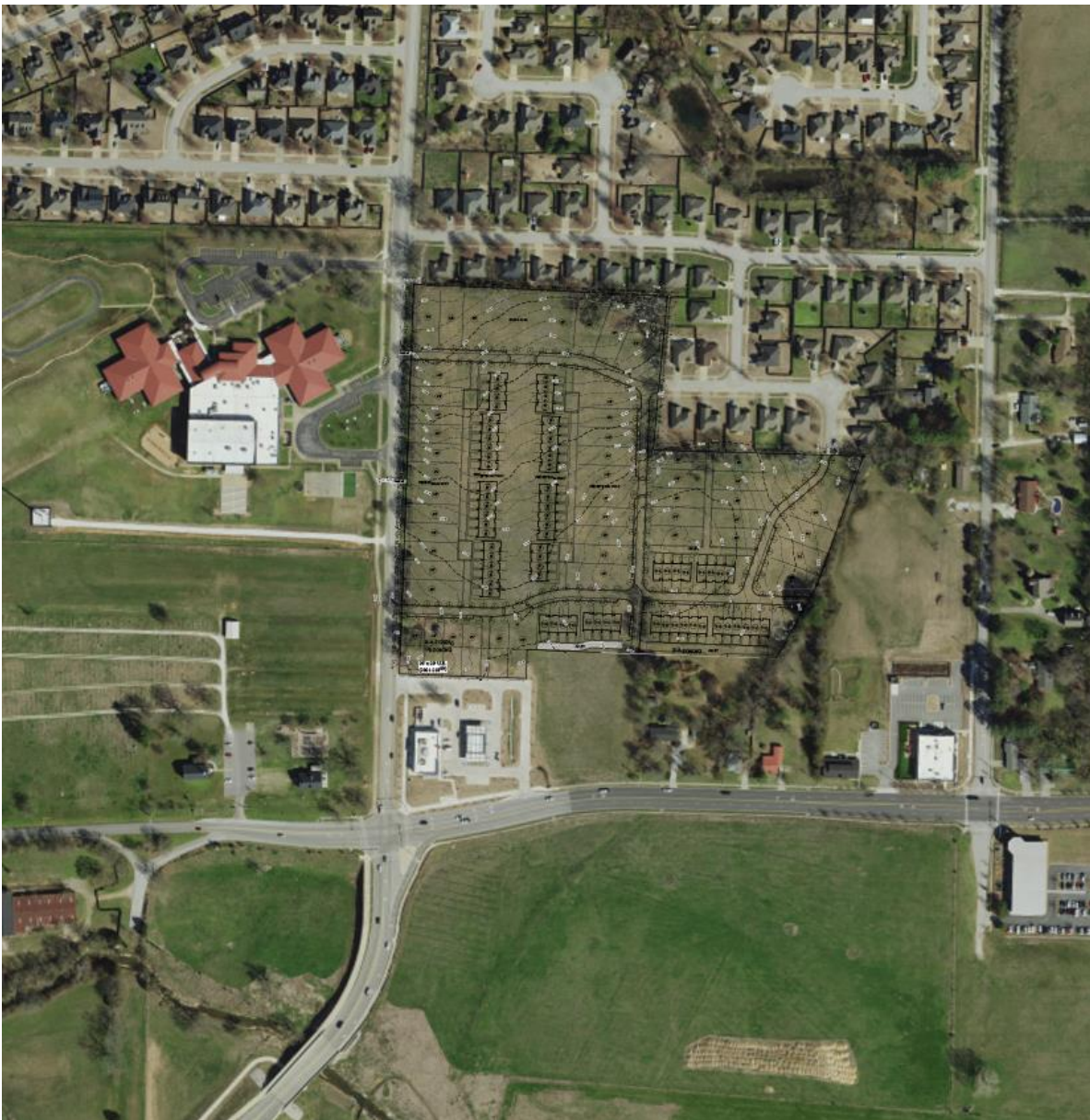
Reasons a Zoning Change is Required

The current zoning of Residential - Agriculture that governs most of the site (+/- 16.6 acres out of +/- 18.4 total acres) is not suitable to fulfill the City's needs for housing its rapidly increasing population or its goals for this specific area as a Tier 2 and Tier 3 center on Fayetteville's Growth Concept Map. Additionally, the walkable and mixed unit development proposed here is the kind of development described in the City Plan 2040 that creates livable communities that require less investment in infrastructure by the City. Refer to Sections J and K following this section for more discussion of these elements.

J

Relation to Existing and Surrounding Properties

The surrounding properties are a mix of single family residential to the north, commercial uses along the arterial Mount Comfort corridor, and institutional uses to the west with Holt Middle School and Mount Comfort Presbyterian Church. The proposed neighborhood lines the single-family adjacencies with traditional residential lots. Smaller home lots face the institutional uses to the west, while a small cluster of multifamily masses are located along Mount Comfort. The mixed unit type neighborhood provides a natural variety of housing product and price points with intensity stepped down from existing single family home lots to multifamily along Mount Comfort. Refer to Section K following this section for discussion of how this transition of density and use is ideally appropriate for both realizing City planning goals and providing services to the surrounding community.



K

Project Compliance with Fayetteville Comprehensive Land Use Plan + City Plan 2040

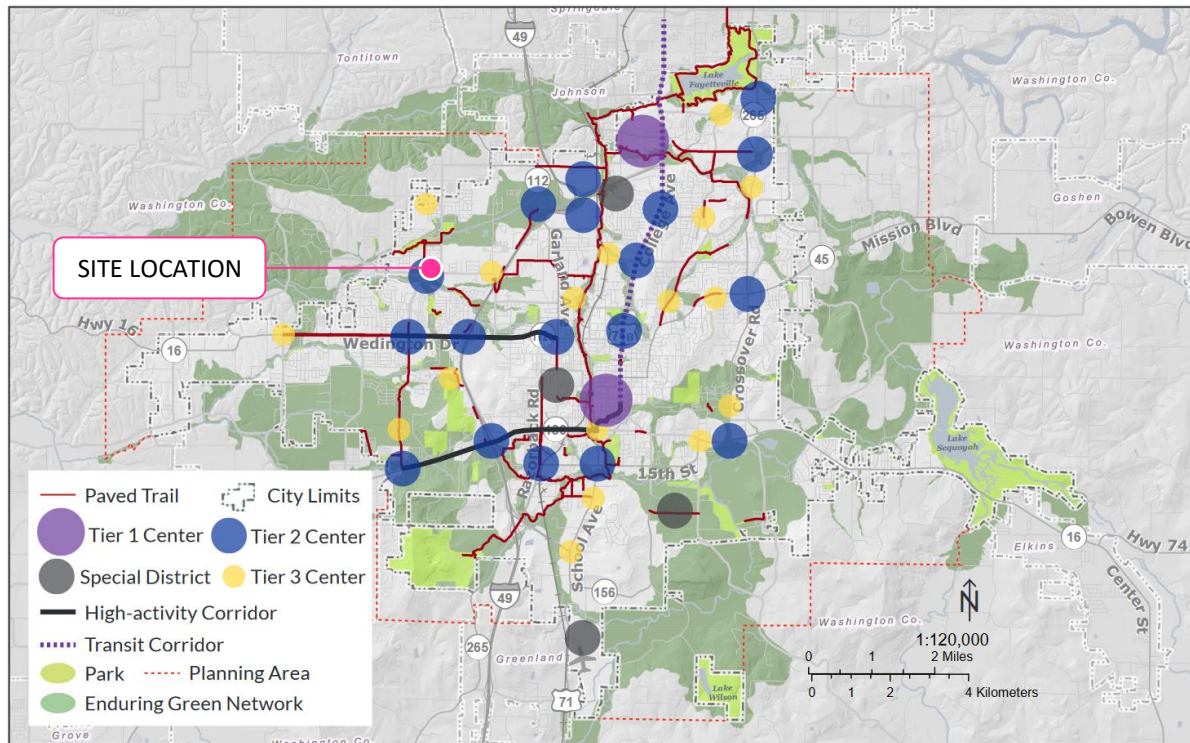


Figure 2.0 - Growth Concept Map

The project site is part of both a planned Tier 2 Center at Mount Comfort and Ruppel and a planned Tier 3 Center at Mount Comfort and Salem Road.

The project site is on the outside shoulder of a Tier Two center, a smaller scale urban with fewer services, residents, and jobs than Tier One Centers. Tier Two Centers largely exist to provide services and employment to residents within two to three miles. They are characterized by housing that ranges from one- to three-story detached dwellings, duplexes, row houses, and mid-rise apartments. Commercial uses will be mixed-use and office buildings. The adjacencies of Holt Middle School directly to the west and low density single-family to the north make commercial services and multifamily more jarring along the western edge of the site and render the moderate density residential use proposed here ideal.

Tier Three Centers are intended to serve the immediately surrounding residential areas and will cater to the specific needs of a small market. As a result, no two will be the same. Some may be characterized by one or two commercial and/or multi-family buildings located on a single intersection while others develop into a mixed-use core extending over multiple blocks and serving a broad mix of housing. The nodal nature of Tier Three Centers are important for providing a unique sense of place to a neighborhood. Tier Three Centers shown on The Growth Concept Map are not intended to be inclusive of all non-residential services that may be identified at a neighborhood-scale analysis. Neighborhood-scale and micro-retail locations are embedded within the general land use policies discussed throughout City Plan, not on the Growth Concept Map. The project site is also located with frontage on a High Activity Corridor along Mount Comfort.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth which is intentional, sustainable, and mixed use. Transit ready and commercial supportive densities are provided, and housing is centered on low impact development stormwater features.

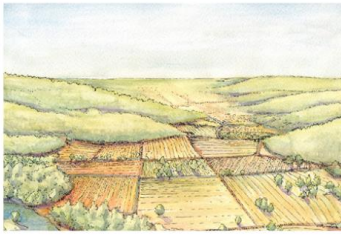


Figure 3.4 - Rural

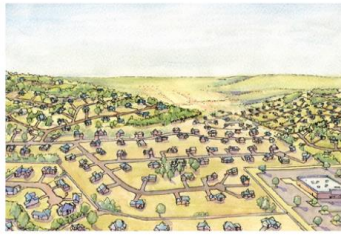


Figure 3.5 - Suburban Sprawl



Figure 3.6 - Traditional Development

Goal 3 Objectives

3.3.1 *Require new growth that results in neighborhoods, districts and corridors that are:*

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 *Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.*

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 *Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.*

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with \$2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of \$1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.



Figure 3.10 - Example Development Layout



Figure 3.11 - Example Development Layout

- Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- Encourage pedestrian-friendly mixed-use buildings with transparent glass for commercial uses at street level and building entrances that address and connect to the street and sidewalk.
- Encourage a block and street layout that promotes walkable, bicycle friendly street designs with slow design speeds
- Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- Encourage properties to redevelop in an urban form utilizing form-based zoning designations.
- Protect and restore Fayetteville’s outstanding residential architecture of all periods and styles.
- Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.

Additionally, this proposed development aligns with the City’s 2013 Wedington Corridor Plan by providing missing middle housing types, offering better pedestrian crossings within the neighborhood, enhancing walkability, providing infill housing and infill neighborhood services, and creating accessible open spaces.

EXAMPLES OF “MISSING MIDDLE” HOUSING



Duplex bungalow

Modern duplex



Rowhouse

Townhome



Fourplex

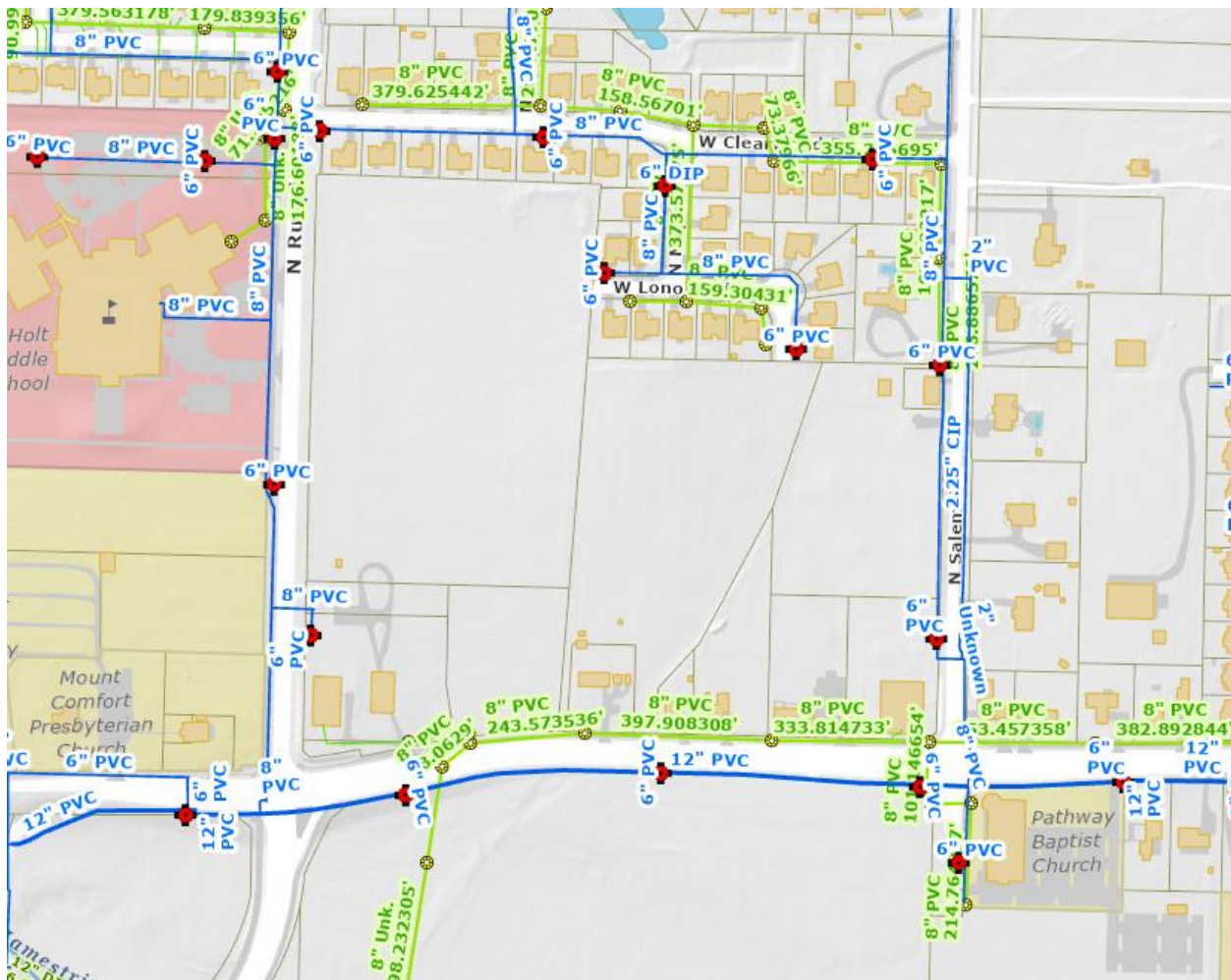
Bungalow court

L Traffic Study

A traffic study has not been deemed necessary at this time. Off Site Improvements will be determined at the time of development review.

M Impacts on City Services

The development in question would add public water, sewer and street improvements to the city as well as add to the sidewalk connectivity to the city's network. The project would also require trash service, fire department services, and police services. A local engineering firm, Bates and Associates, states that the city cannot provide a letter guaranteeing any project service until that project has been approved, but it is their opinion that the public sewer and water infrastructure has more than enough capacity to feed this proposed PZD. This is primarily because of the major upgrades in the sewer and water system in the area within the last decade, this area not being dense, and being close to town. Thus, it is reasonable to assume that there are no indicators of capacity issues. Existing utility connections are shown below.



N

Development Standards, Conditions, and Review Guidelines

Screening and Landscaping, Traffic and Circulation, Parking Standards, Perimeter Treatment, Sidewalks, Streetlights, Water, Sewer, Streets and Drainage, Construction of Non-Residential Facilities, Tree Preservation, Architectural Design Standards, Proposed Signage, and View Protection will follow City of Fayetteville Unified Development Code Standards, except as differentiated below.

Proposed Architectural Design Standards

Building Elevations will be submitted at the time of development and will meet the following requirements.

- (A) *Purpose.* The intent of this ordinance is to encourage timeless architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space.
- (B) *Applicability.* The Architectural Design Standards are applicable in the following instances:
 - (1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.
 - (2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.
 - (3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.
 - (4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.
 - (5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.
- (D) *Porches and Stoops.* If a building has a porch or stoop then it shall comply with the following regulations:
 - (1) *Front Porches.*
 - (a) *Standard.*
 - (i) *Depth.* 6 feet minimum from the principal façade to the inside of the column face.
 - (ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.
 - (b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.
 - (2) *Stoops.*
 - (a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.
 - (i) *Depth.* 4 feet minimum from the principal façade to the inside of the column face for stoops with a covered landing.

- (ii) *Height.* 96 inches maximum.
 - (iii) *Length.* Maximum 12-foot width for each individual building entrance or group of connected entrances. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.
 - (b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade and may extend into the right-of-way in accordance with the building code adopted by the City of Fayetteville.
 - (c) *Placement.* Sidewalks shall have a minimum 5 feet clear access for pedestrian movements. Stoops shall not be built within 18 inches of the side property line on attached unit types.
- (3) *Projected Bay.*
- (a) *Standard.* Bays shall consist of habitable space.
 - (i) *Depth.* 4 feet maximum from the principal facade.
 - (ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 feet clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 feet clear.
 - (iii) *Length.* 50% maximum of the principal façade length.
 - (b) *Second Story Right-of-Way Encroachment.* Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.
 - (c) *Placement.* Projected bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.
- (E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.
- (1) *Rear Yards Only.* The following shall only be located in the rear yard unless screened in a side yard by a durable and attractive screen or fence enclosure:
- (a) Trash dumpsters.
 - (b) Trash and recycling carts and bins.
- (2) *Exterior Prohibited Materials.* The following shall be prohibited:
- (a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.
 - (b) *Shutters made of plastic.*
 - (c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).
 - (d) *Plastic or PVC roof tiles.*
 - (e) *Aluminum siding.*
 - (f) *Vinyl siding.*
 - (g) *Wood fiber board.*
 - (h) *Unfinished pressure-treated wood.*

- (i) *EIFS* (Exterior Insulation Finish System) located on the first or ground floor.
- (3) *Columns, Arches, Pedestals, Railings and Balustrades.*
 - (a) *Permitted Configurations.*
 - (i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.
 - (ii) Round columns shall have a minimum 6-inch outer diameter with or without capitals and bases.
 - (iii) Pedestals shall have a minimum width of 8 inches.
 - (b) *Permitted Materials.*
 - (i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (ii) *Arches and Lintels.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.
- (4) *Windows, Skylights, and Doors.*
 - (a) *General Requirements.*
 - (i) Visible sills on the exterior of the building are required for all windows.
 - (ii) Windows shall have trim on the sides and top when the exterior of the building is fiber cement siding. Window trim shall have a minimum dimension of 0.75 inches × 3.5 inches (a normal 1×4).
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (b) *Permitted Configurations.*
 - (i) All window configurations are allowed.
 - (c) *Permitted Finish Materials*
 - (i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
 - (ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)
 - (iii) *Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(5) *Roofs and Gutters.*

(a) *General Requirements.*

- (i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
- (ii) Applied mansard roofs are not permitted.
- (iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

(b) *Permitted Configurations.*

- (i) Gutters may be rectangular, square, half-round, or Ogee sections.

(c) *Permitted Finish Materials*

- (i) *Metal Roofs.* Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
- (ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.
- (iii) *Gutters and Downspouts.* Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.

(6) *Garden Walls, Fences and Hedges.*

(a) *General Requirements.*

- (i) Fences, garden walls, or hedges are permitted along side yards, rear yards, and all property lines which abut public streets or alleys.
- (ii) Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 6 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.

(b) *Height.*

- (i) Front yard (in front of the primary structure) maximum height of 42 inches.
- (ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 8 feet.

(c) *Permitted Configurations.*

- (i) *Wood Fences.* Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.
- (ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum 5/8-inch diameter, and 4-inch maximum clear space between the pickets.
- (iii) *Brick and Stone.*

(d) *Permitted Finish Materials*

- (i) Wood.
- (ii) Wrought iron, steel and cast iron.
- (iii) Brick and stone.
- (iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.

- (v) Reinforced concrete with or without stucco as long as the primary structure corresponds.
- (7) *Opacity and Facades.*
- (a) *General Requirements.*
 - (i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal façade area.
 - (ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum setback of 15 feet from the principal façade.
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (iv) All glass shall have a Low-E coating.
 - (v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.
 - (b) *First or Ground Floor Requirements of Any Principal Façade.*
 - (i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.
 - (ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor.
 - (iii) Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.
 - (iv) Multi-family residential space shall have a minimum of 40% glass on the first or ground floor.
 - (v) Single family and two (2) family residential space shall have a minimum of 5% glass on the first or ground floor.
 - (vi) The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2—12 feet above the sidewalk. For a building façade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the finished floor elevation (FFE).
 - (vii) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

Proposed Landscape Standards

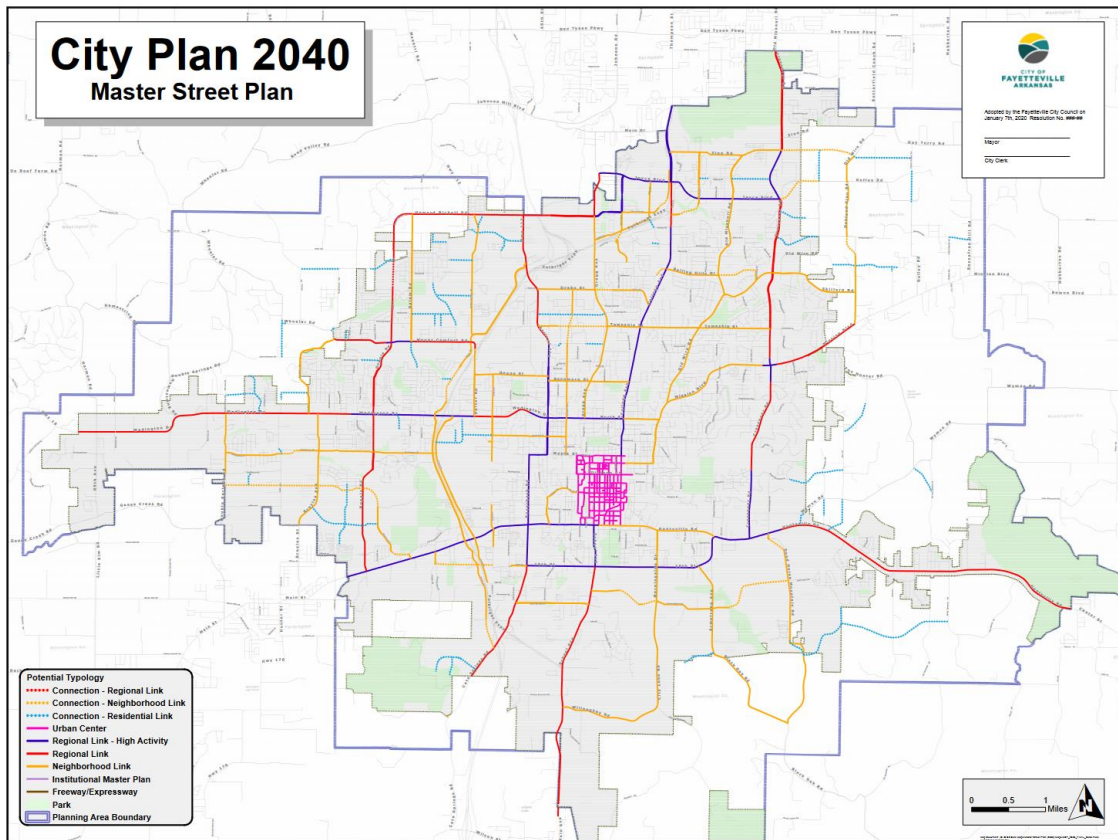
The project will comply with the standard Landscape Standards of the City of Fayetteville.

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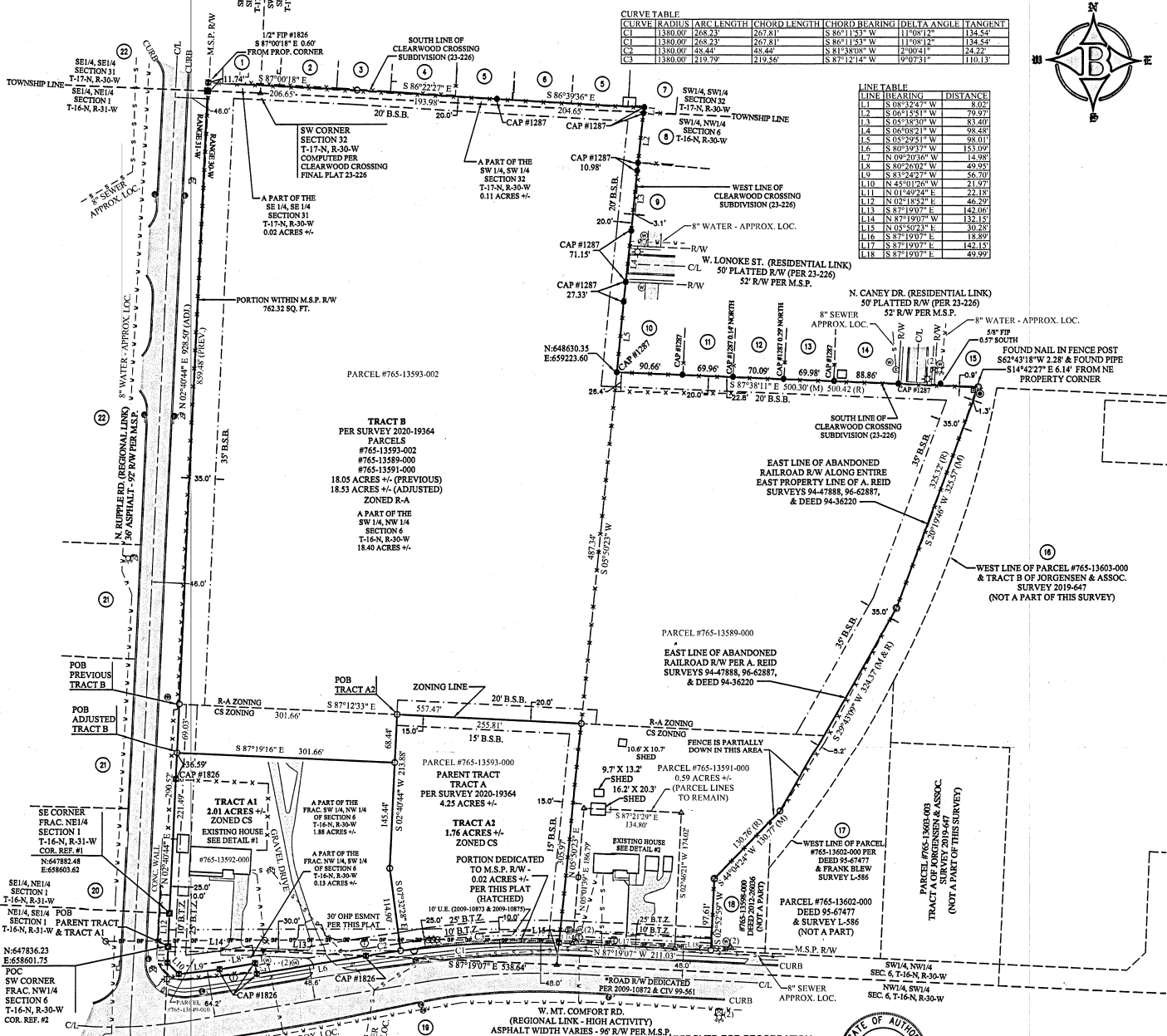
Planned Zoning District Intent Fulfillment

Flexibility	While this project's design and philosophy is wholly in line with the City of Fayetteville's City Plan 2040 goals, the project requires the flexibility of a Planned Zoning District to achieve two elements: townhouses in sets of more than 4 contiguous units and alley-loaded units facing a park rather than a street right of way. In all other ways, the project could be developed under typical existing form-based zones. The flexibility of a PZD provides the project with the opportunity to provide more traditional townhouse blocks of 5 and 6 contiguous units and platted fee simple lots facing green space. This arrangement allows for density more in line with the city's goals, demographic and housing cost needs of citizens, and provides the opportunity for additional common natural space. Units with front porches that face directly onto a park allow young children to safely play together in park space right outside the front door, without the danger of crossing the street, and within the safe view of parents sitting on front porches and stoops. The public "right of way" as park maintains all the pedestrian connectivity and social connection of a neighborhood street, but replaces the large space typically dedicated to cars in the right of way to playing children and low impact development stormwater storage.
Compatibility	The surrounding properties are a mix of single family residential to the north, commercial uses along the arterial Mount Comfort corridor, and institutional uses to the west with Holt Middle School and Mount Comfort Presbyterian Church. The proposed neighborhood lines the single-family adjacencies with traditional residential lots. Smaller home lots face the institutional uses to the west, while townhouses abut the more dense multifamily units intended along Mount Comfort as a concurrent part of this development but separate from this PZD. The mixed unit type neighborhood provides a natural variety of housing product and price points with a walkable community structure.
Harmony	The PZD allows for an orderly and creative provision of housing in a walkable format with densities appropriate to supporting infrastructure in the neighborhood.
Variety	The proposed neighborhood provides a variety of unit types, uses, and price points for residents not typically found in an exclusionary single family neighborhood. The denser multifamily cluster in the SE corner along Mt Comfort accompanies townhouses, cottages, and larger typical lots along the single-family residential neighborhoods to the north. The inclusion of multi-family housing by right in this PZD is purely a result of desiring to provide more traditional runs of townhouses of 5-6 contiguous buildings.
No Negative Impacts	The development provides no negative effect upon the future development of the area, providing a complete, compact, and connected street network and a flexible, traditional block structure that allows future flexibility and redevelopment within the neighborhood.
Coordination	The land surrounding the property is largely already developed, but connection and rational edge to the development have been provided to the undeveloped parcel to the east to allow the future urbanization of that parcel to occur in a coordinated and coherent manner.
Open Space	One of the primary benefits of the PZD approach for the development of this site is allowing the provision of more usable and suitably located open space for recreation than would otherwise be possible under typical zoning regulations.
Natural Features	The property's long term use for intensive agriculture has left little existing tree canopy except at the edges of the property. The site plan's geometry aligns to tree preservation plans to respect these existing fence line trees and the site's natural topography.

Future Land Use Plan	The PZD's innovative use definitions to respect mass of the buildings and impact of use, rather than household structure and number of kitchens in a building allows for a comprehensive plan and design for a mixed use yet harmonious development consistent with the guiding policies of the Future Land Use map.
Special Features	The site's geometry is challenging, with a diagonal eastern edge remaining from a historic train line easement. The geometry and dimensions of the site makes efficient, rear loaded units a challenge. The PZD's innovative approach to frontages allows for a reasonable density and unit mix that would be challenging under typical zoning regulations.
Recognized Zoning Consideration	The proposed zoning approach is novel and allows a degree of flexibility use designed to reduce car trips and increase the walkability and resilience of the neighborhood. It does allow several things not currently typical to the city's zoning regulations, as is appropriate and intentional to the concept of PZD's within the city.



TRACT SPLIT / PROPERTY LINE ADJUSTMENT (PAGE 1 OF 2)



HOUSE DETAIL #1 N.T.S.

HOUSE DETAIL #2 N.T.S.

VICINITY MAP

LEGEND:

- 1 TELEPHONE PEDESTAL
- 2 ELECTRICAL METER
- 3 POWER POLE
- 4 WATER METER
- 5 FIRE HYDRANT
- 6 GAS METER
- 7 VALVE
- 8 FORMER SEWER MH
- 9 STOP LIGHT
- 10 ELECTRICAL PEDESTAL
- 11 SANITARY SEWER MH
- 12 MANHOLE
- 13 FOUND PIPE
- 14 FOUND FENCE CORNER POST
- 15 FOUND NAIL
- 16 FOUND PIPE
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RECORDING NUMBER/DATE

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Kind: SURVEY

Recorded: 04/19/2021 at 03:36:30 PM

Fee Amt: \$20.00 Page 1 of 2

Washington County, AR

Kyle Sylvester Circuit Clerk

File # 2021-00014557

TRACT SPLIT & PROPERTY LINE ADJUSTMENT (PAGE 2 OF 2)

ADJACENT LAND OWNERS

1) DUPRE, KRISTOPHER L & CYNDIE A
12956 ROSE CEMETERY RD
PRAIRIE GROVE, AR 72753
PARCELS #765-25461-000
ZONED: RSF-4

2) EVULUCHI, BARRIS J & SONDEIRA L
TTES EVULUCHI 2000 FAMILY TRUST
1316 SURREY LN
SARATOGA, CA 95070
PARCELS #765-25462-000
ZONED: RSF-4

3) FISHER, KATHRYN
3661 W CLEARWOOD DR
FAYETTEVILLE, AR 72704
PARCELS #765-25463-000
ZONED: RSF-4

4) CARPENTER, RICK & BELINDA
REVOCABLE LIVING TRUST
4010 CEDAR RIDGE LN
FAYETTEVILLE, AR 72704
PARCELS #765-25464-000
ZONED: RSF-4

5) RED KITE PROPERTIES LLC
1708 E AMBER DR
FAYETTEVILLE, AR 72703
PARCELS #765-25465-000
ZONED: RSF-4

6) HANNAH, JAMES TODD & WENDY
3609 W CLEARWOOD DR
FAYETTEVILLE, AR 72704
PARCELS #765-25466-000
ZONED: RSF-4

7) WALKER, CARL W & LEIGH A
PO BOX 339
CENTERTON, AR 72719
PARCELS #765-25468-000
ZONED: RSF-4

8) MANGHAM, SCOTT C
2395 N MAJESTIC DR
FAYETTEVILLE, AR 72704
PARCELS #765-25470-000
ZONED: RSF-4

9) INGELKES, TYLER
3570 W LONKOE DR
FAYETTEVILLE, AR 72704
PARCELS #765-25472-000
ZONED: RSF-4

10) LONG, ABBY ELIZABETH
LONG SUSAN ROGERS
3569 W LONKOE DR
FAYETTEVILLE, AR 72704
PARCELS #765-25473-000
ZONED: RSF-4

11) HARRIS, NATHANIEL J
472 S WILDCRIST DR
FARMINGTON, AR 72730
PARCELS #765-25474-000
ZONED: RSF-4

12) MAYNARD, JOHNATHAN
ALRIGHT, JENNIFER
3543 W LONKOE DR
FAYETTEVILLE, AR 72704
PARCELS #765-25475-000
ZONED: RSF-4

13) VAUGHN, SPENCER A & EMILIE
3225 W LONKOE DR
FAYETTEVILLE, AR 72704
PARCELS #765-25476-000
ZONED: RSF-4

14) SCHULTZ, HOWARD & BONITA
3511 LONKOE ST
FAYETTEVILLE, AR 72704
PARCELS #765-25477-000
ZONED: RSF-4

15) MEISTER, JAMES TR & GINGER
2002 WALNUT GROVE RD
LITTLE ROCK, AR 72205
PARCELS #765-25478-000
ZONED: RSF-4

16) 501 E PARK LLC
4611 ROGERS AVE STE 201
FORT SMITH, AR 72903
PARCELS #765-13603-000
ZONED: RA

17) WEST, LARRY D
3504 W MT COMFORT RD
FAYETTEVILLE, AR 72704-5722
PARCELS #765-13602-000
ZONED: RA

18) FAUCETTE, GEORGE C JR REV TRUST
FAUCETTE, ROSEMARY REV TRUST
3593 N COLLEGE AVE
FAYETTEVILLE, AR 72703-5108
PARCELS #765-13598-000
ZONED: RA

19) WRDARE LAND LLC
1841 N BEST FRIEND LN
FAYETTEVILLE, AR 72704
PARCELS #765-13649-000
ZONED: RSF-4

20) MT COMFORT CONGREGATION OF
THE PRESBYTERIAN CHURCH, USA
3816 W MT COMFORT RD
FAYETTEVILLE, AR 72704
PARCELS #765-24057-000
ZONED: RSF-4

21) MT COMFORT CEMETERY
ASSOCIATION
3816 W MT COMFORT RD
FAYETTEVILLE, AR 72704
PARCELS #765-21236-000
ZONED: RSF-4

22) FAYETTEVILLE SCHOOL DISTRICT #1
PO BOX 849
FAYETTEVILLE, AR 72702-0849
PARCELS #765-21247-000
ZONED: P-1

FIELD WORK:

APRIL 6, 7, & 9,
MAY 4, 2020

BASIS OF BEARING:

GPS OBSERVATION - AR NORTH ZONE

REFERENCE DOCUMENTS:

- 1) PLAT OF SURVEY BY BLEW & ASSOCIATES JOB NO. 18-201 DATED JUNE 24, 2016
- 2) PLAT OF SURVEY BY BLEW & ASSOCIATES DATED FEBRUARY 13, 1989
- 3) FINAL PLAT CLEARCREEK CROSSING SUBDIVISION FILED IN BOOK 23 AT PAGE 226
- 4) WARRANTY DEED FILED IN BOOK 2017 AT PAGE 15552
- 5) WARRANTY DEED FILED IN BOOK 94 AT PAGE 3620
- 6) WARRANTY DEED FILED IN BOOK 908 AT PAGE 702
- 7) PLAT OF SURVEY FILED IN BOOK 2019 AT PAGE 647
- 8) PLAT OF SURVEY FILED IN BOOK 1 AT PAGE 586
- 9) PLAT OF SURVEY FILED IN BOOK 94 AT PAGE 47888
- 10) PLAT OF SURVEY FILED IN BOOK 2020 AT PAGE 19364
- 11) PLAT OF SURVEY FILED IN BOOK 96 AT PAGE 62887
- 12) DEEDS FOR PARCEL #765-13602-000
- 13) DEEDS FOR PARCEL #765-13598-000
- 14) WARRANTY DEED FILED IN BOOK 94 AT PAGE 3620
- 15) WARRANTY DEED FILED IN BOOK 908 AT PAGE 702
- 16) QUITCLAIM DEED FILED IN BOOK 928 AT PAGE 754
- 17) WARRANTY DEED FILED IN BOOK 2020 AT PAGE 20100

PROPERTY ZONED:

CS - COMMUNITY SERVICES (TRACT A1, TRACT A2, & A PART OF ADJUSTED TRACT B)
R-A (A PART OF ADJUSTED TRACT B)

BUILDING SETBACKS (PER CS ZONING):

FRONT: A BUILD-TO-ZONE THAT IS LOCATED 100' AND A LINE 250' FROM THE FRONT PROPERTY LINE
SIDE AND REAR: 00'
SIDE OR REAR: 150' (WHEN CONTIGUOUS TO A SINGLE-FAMILY RESIDENTIAL DISTRICT)

BUILDING SETBACKS (PER R-A ZONING):

FRONT: 350'
SIDE: 200'
REAR: 350'

SURVEY DESCRIPTIONS:

PARENT TRACT (TRACT A PER SURVEY 2020-19264):

A PART OF THE SOUTHWEST QUARTER AND A PART OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING ALUMINUM MONUMENT ON THE EAST RIGHT-OF-WAY OF NORTH RUPPLE ROAD MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°18'52"E 46.29' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N02°40'44"E 221.49' TO AN EXISTING REBAR, S08°23'27"W 153.09' TO AN EXISTING REBAR, N09°20'36"W 14.98' TO AN EXISTING REBAR, S02°20'27"W 49.57' TO AN EXISTING REBAR, S83°24'27"W 56.70' TO AN EXISTING REBAR, N45°01'26"W 21.97' TO AN EXISTING REBAR, N01°49'24"E 22.18' TO THE POINT OF BEGINNING, CONTAINING 0.425 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN WEST MOUNT COMFORT MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT A1:

A PART OF THE SOUTHWEST QUARTER AND A PART OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING ALUMINUM MONUMENT ON THE EAST RIGHT-OF-WAY OF NORTH RUPPLE ROAD MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°18'52"E 46.29' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N02°40'44"E 221.49' TO AN EXISTING REBAR, S08°23'27"W 153.09' TO AN EXISTING REBAR, N09°20'36"W 14.98' TO AN EXISTING REBAR, S02°20'27"W 49.57' TO AN EXISTING REBAR, S83°24'27"W 56.70' TO AN EXISTING REBAR, N45°01'26"W 21.97' TO AN EXISTING REBAR, N01°49'24"E 22.18' TO THE POINT OF BEGINNING, CONTAINING 2.01 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN WEST MOUNT COMFORT MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT A2:

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING ALUMINUM MONUMENT ON THE EAST RIGHT-OF-WAY OF NORTH RUPPLE ROAD MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°40'44"E 859.48' TO A POINT ON THE SOUTH LINE OF CLEARWOOD CROSSING SUBDIVISION TO THE CITY OF FAYETTEVILLE, AS PER THE RECORDED PLAT THEREOF, THENCE ALONG SAID SOUTH SUBDIVISION LINE THE FOLLOWING: S87°00'18"E 206.67', S86°22'27"E 193.98' TO AN EXISTING REBAR, S05°38'30"W 83.40' TO AN EXISTING REBAR, S06°08'21"W 98.48' TO AN EXISTING REBAR, S05°29'51"W 98.01' TO AN EXISTING REBAR ON THE SOUTH LINE OF SAID SUBDIVISION, THENCE ALONG SAID SOUTH SUBDIVISION LINE S87°38'11"E 500.30' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF AN ABANDONED RAILROAD RIGHT-OF-WAY, SAID ABANDONED RIGHT-OF-WAY BEING SHOWN ON A PLAT OF SURVEY BY ALAN REID AND ASSOCIATES RECORDED IN BOOK 94 AT PAGE 47888 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, THENCE LEAVING SAID SUBDIVISION LINE ALONG SAID ABANDONED RIGHT-OF-WAY THE FOLLOWING: S20°19'46"W 325.57' TO AN EXISTING FENCE CORNER POST, S29°43'09"W 324.37', S44°04'24"W 130.77' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF A TRIANGLE SHAPED PIECE OF LAND THAT WAS CONVEYED TO ELLIS H. WILSON AND MATTIE BELLE WILSON BY EDNA HENBEST, AS PER QUITCLAIM DEED RECORDED IN BOOK 928 AT PAGE 754, THENCE ALONG SAID EAST RIGHT-OF-WAY N05°50'23"E 305.97', THENCE N87°12'33"W 255.81', THENCE S02°40'44"E 88.44', THENCE N87°19'07"W 211.03' TO AN EXISTING REBAR, CONTAINING 18.53 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH RUPPLE ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE, SUBJECT TO THAT PORTION IN WEST MOUNT COMFORT ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PREVIOUS TRACT B (PER SURVEY 2020-19264):

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, AND ALSO A PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, AND ALSO A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, ALL BEING LOCATED IN RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF NORTH RUPPLE ROAD WHICH IS N02°18'52"E 46.29' AND N02°40'44"E 221.49' FROM AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER OF SECTION 6 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°40'44"E 859.48' TO A POINT ON THE SOUTH LINE OF CLEARWOOD CROSSING SUBDIVISION TO THE CITY OF FAYETTEVILLE, AS PER THE RECORDED PLAT THEREOF, THENCE ALONG SAID SOUTH SUBDIVISION LINE THE FOLLOWING: S87°00'18"E 206.67', S86°22'27"E 193.98' TO AN EXISTING REBAR, S05°38'30"W 83.40' TO AN EXISTING REBAR, S06°08'21"W 98.48' TO AN EXISTING REBAR, S05°29'51"W 98.01' TO AN EXISTING REBAR ON THE SOUTH LINE OF SAID SUBDIVISION, THENCE ALONG SAID SOUTH SUBDIVISION LINE S87°38'11"E 500.30' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF AN ABANDONED RAILROAD RIGHT-OF-WAY, SAID ABANDONED RIGHT-OF-WAY BEING SHOWN ON A PLAT OF SURVEY BY ALAN REID AND ASSOCIATES RECORDED IN BOOK 94 AT PAGE 47888 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, THENCE LEAVING SAID SUBDIVISION LINE ALONG SAID ABANDONED RIGHT-OF-WAY THE FOLLOWING: S20°19'46"W 325.57' TO AN EXISTING FENCE CORNER POST, S29°43'09"W 324.37', S44°04'24"W 130.77' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF A TRIANGLE SHAPED PIECE OF LAND THAT WAS CONVEYED TO ELLIS H. WILSON AND MATTIE BELLE WILSON BY EDNA HENBEST, AS PER QUITCLAIM DEED RECORDED IN BOOK 928 AT PAGE 754, THENCE ALONG SAID EAST RIGHT-OF-WAY N05°50'23"E 305.97', THENCE N87°12'33"W 255.81', THENCE S02°40'44"E 88.44', THENCE N87°19'07"W 211.03' TO AN EXISTING REBAR, CONTAINING 18.53 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH RUPPLE ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE, SUBJECT TO THAT PORTION IN WEST MOUNT COMFORT ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJUSTED TRACT B:

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, AND ALSO A PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, AND ALSO A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, ALL BEING LOCATED IN RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF NORTH RUPPLE ROAD WHICH IS N02°18'52"E 46.29' AND N02°40'44"E 221.49' FROM AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER OF SECTION 6 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°40'44"E 859.48' TO A POINT ON THE SOUTH LINE OF CLEARWOOD CROSSING SUBDIVISION TO THE CITY OF FAYETTEVILLE, AS PER THE RECORDED PLAT THEREOF, THENCE ALONG SAID SOUTH SUBDIVISION LINE THE FOLLOWING: S87°00'18"E 206.67', S86°22'27"E 193.98' TO AN EXISTING REBAR, S05°38'30"W 83.40' TO AN EXISTING REBAR, S06°08'21"W 98.48' TO AN EXISTING REBAR, S05°29'51"W 98.01' TO AN EXISTING REBAR ON THE SOUTH LINE OF SAID SUBDIVISION, THENCE ALONG SAID SOUTH SUBDIVISION LINE S87°38'11"E 500.30' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF AN ABANDONED RAILROAD RIGHT-OF-WAY, SAID ABANDONED RIGHT-OF-WAY BEING SHOWN ON A PLAT OF SURVEY BY ALAN REID AND ASSOCIATES RECORDED IN BOOK 94 AT PAGE 47888 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, THENCE LEAVING SAID SUBDIVISION LINE ALONG SAID ABANDONED RIGHT-OF-WAY THE FOLLOWING: S20°19'46"W 325.57' TO AN EXISTING FENCE CORNER POST, S29°43'09"W 324.37', S44°04'24"W 130.77' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF A TRIANGLE SHAPED PIECE OF LAND THAT WAS CONVEYED TO ELLIS H. WILSON AND MATTIE BELLE WILSON BY EDNA HENBEST, AS PER QUITCLAIM DEED RECORDED IN BOOK 928 AT PAGE 754, THENCE ALONG SAID EAST RIGHT-OF-WAY N05°50'23"E 305.97', THENCE N87°12'33"W 255.81', THENCE S02°40'44"E 88.44', THENCE N87°19'07"W 211.03' TO AN EXISTING REBAR, CONTAINING 18.53 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH RUPPLE ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE, SUBJECT TO THAT PORTION IN WEST MOUNT COMFORT ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

GIS Approved
02/21/2024 4:48:35 PM

Is the Adjusted Tract B
description the correct
description to use for this
project?

STATE RECORDING NUMBER:

500-17N-30W-0-33-320-72-1642

STATE RECORDING NUMBER:

500-17N-30W-0-31-220-72-1642

STATE RECORDING NUMBER:

500-16N-30W-0-06-304-72-1642

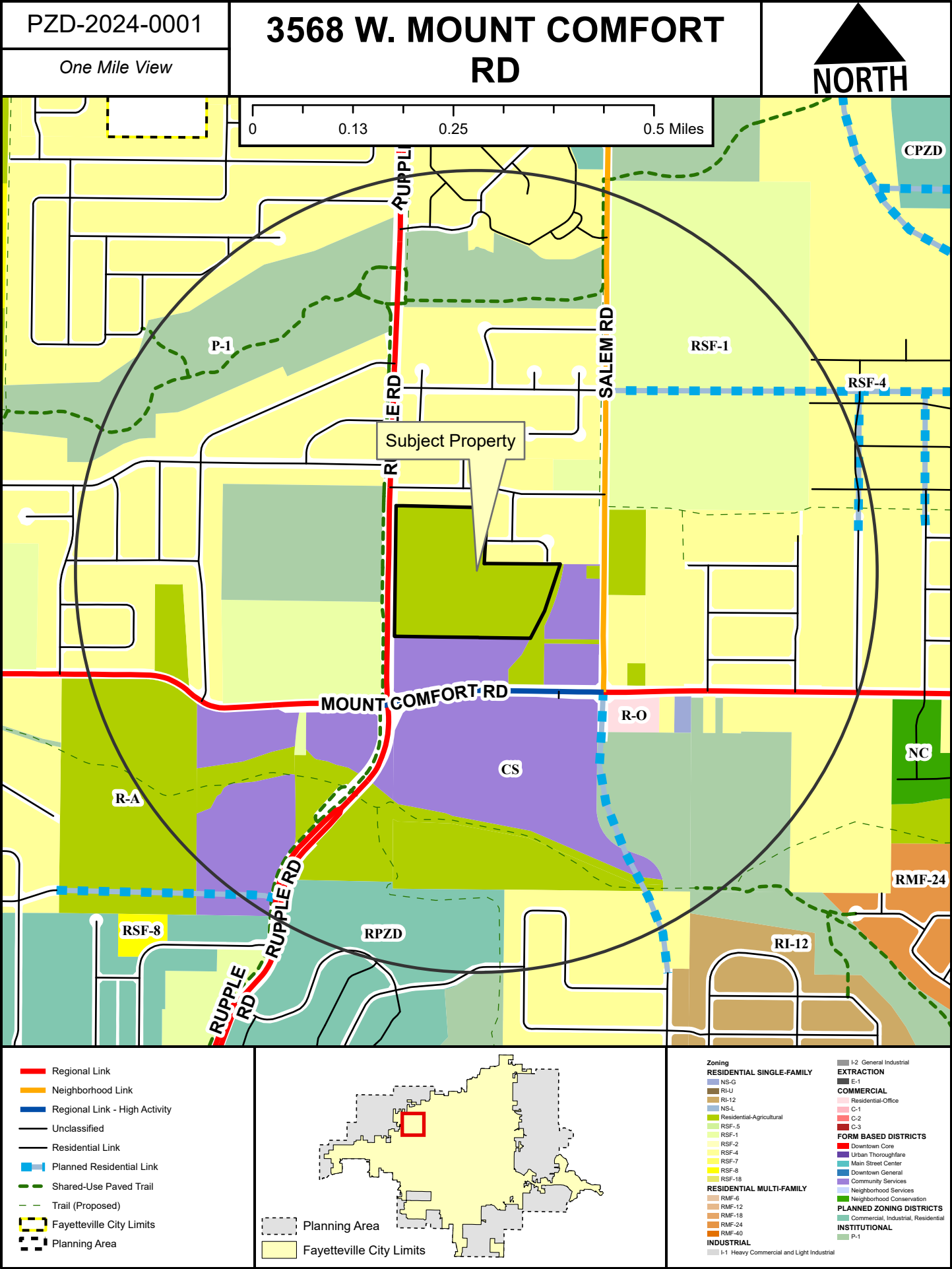
I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS 4TH DAY OF MAY, 2020.

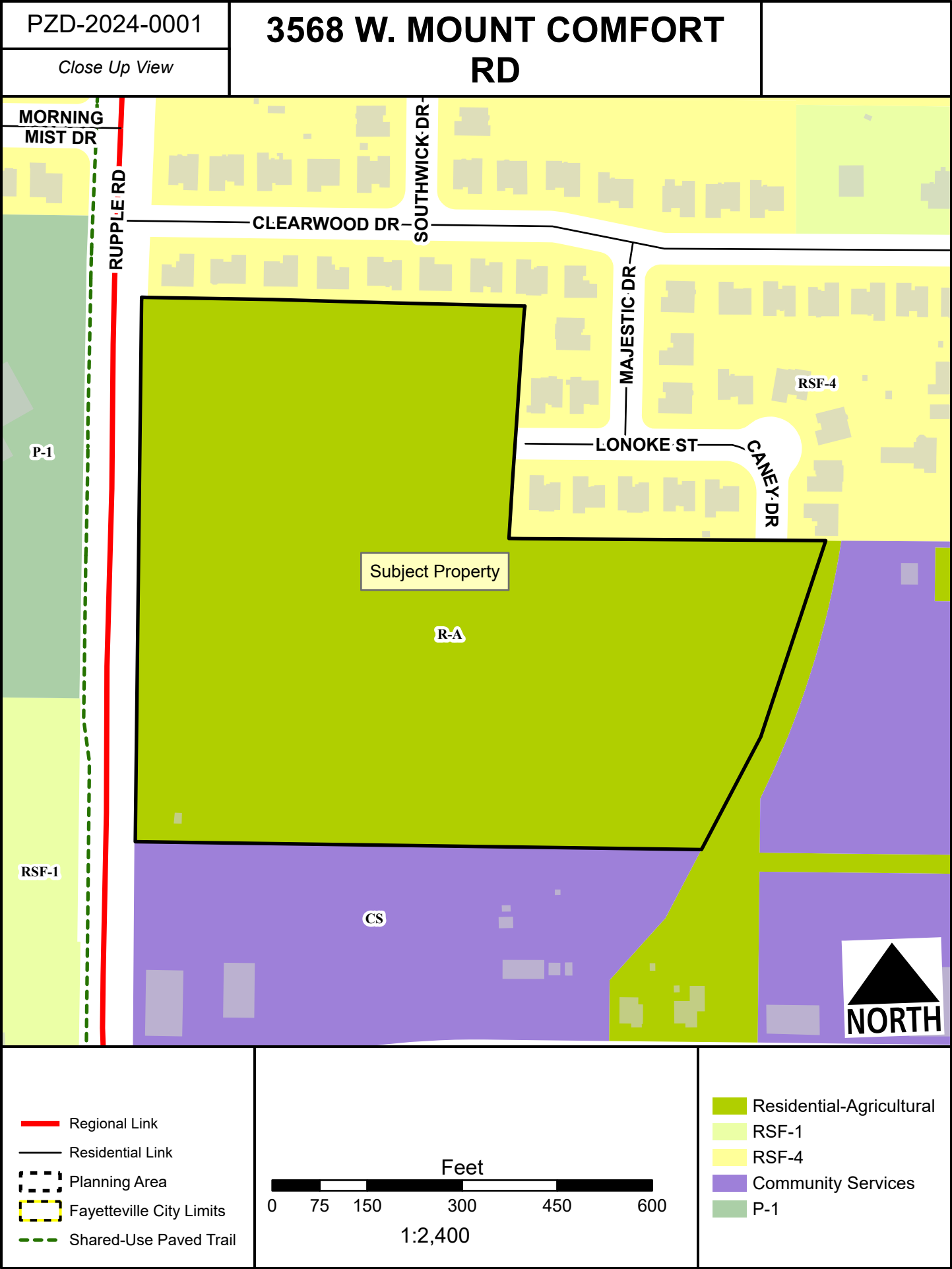


IF THE SIGNATURE ON THIS SEAL IS NOT AN
ORIGINAL AND NOT BLUE IN COLOR
THIS SEAL IS VOID. THIS SEAL MAY
HAVE BEEN ALTERED. THE ABOVE CERTIFICATION
SHALL NOT BE VALID UNLESS IT DOES NOT
BEAR AN ORIGINAL SEAL AND SIGNATURE.

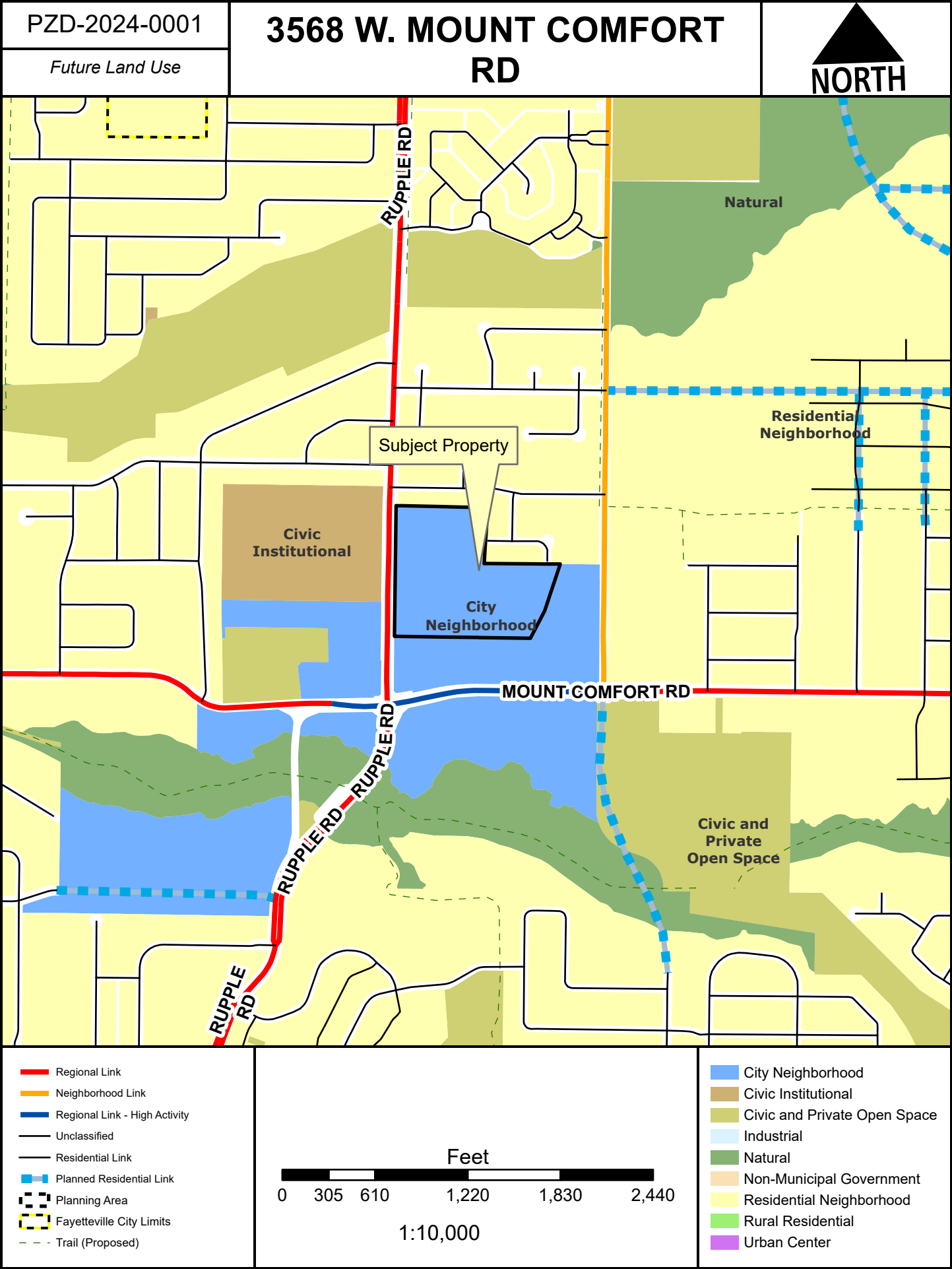
LEGEND:

- FOUND 12" REBAR
- FOUND 8" REBAR
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- FOUND 2" REBAR
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- FOUND 1/512" REBAR
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- FOUND 1/4096" REBAR
- FOUND 1/8192" REBAR
- FOUND 1/16384" REBAR
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- FOUND 1/2230073411224756116451402014734











TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: March 25, 2024

SUBJECT: **RZN 2024-0011: Rezone (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES):** Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned as PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts.

RECOMMENDATION:

Staff recommends **RZN 2024-0011** be forwarded to the City Council with a recommendation of approval.

BACKGROUND:

The subject properties consist of five Planned Zoning Districts (PZDs) that are located throughout the City limits of Fayetteville. Properties are a mix of fully undeveloped properties, partially developed neighborhoods and/or commercial blocks with sections of undeveloped lots, or part of a larger PZD that has been almost entirely rezoned. The original zoning of these properties, before they became PZDs, range from R-A, Residential-Agricultural to I-1, Heavy Commercial and Light Industrial. Prior to 2014, Fayetteville's PZD standards required all construction permits to be secured within a specific timeframe. If permits were not obtained, then the development rights were null and void. As a result, many of these properties are zoned PZD but since construction was not fully completed within a specific allotted timeframe, the planned zoning district has expired.

Additionally, because planned zoning districts are customized, they are inherently more complicated than the city's standard zoning districts. Many were established before many of the city's current development regulations such as the landscape and tree preservation code were passed, leading to complex zoning regulations that are hundreds of pages long and which are generally outdated. As such, staff propose to rezone the properties to various zoning districts as shown in *Table 1*.

Request: City Planning staff requests to rezone the properties from the expired PZD designation to one or more zoning districts as shown in *Table 1*.

Public Comment: Staff sent letters in late February to notify all affected property owners of the staff-initiated rezoning and provide opportunities for initial feedback. A second round of letters was sent with full public notice in March. Over this timeframe, staff have received numerous inquiries and comments which are summarized in a table in the attachments.

**TABLE 1
EXPIRED PZDs TO BE REZONED**

PZD Name	Ward	Location	PZD Approval Year	Prior Zoning District	Proposed Zoning	Acreage
Park West	2	N. Hwy 112	2006	R-A & RSF4	UT CS	23.70 (UT) 15.71 (CS)
Cliffside (AKA Timber Trails)	1	S. Pinyon Pt., S. Ray Ave., S. Woodsprings Dr., & E. Peppervine Dr.	2004	RSF-4	RI-U R-A	18.67 (RI-U) 7.44 (R-A)
Springwoods	2	W. Truckers Dr., W. Chicory Pl., W. Foxglove Dr., and W. Pinehills Dr.	2003	I-1	UT CS RI-U	17.05 (UT) 6.09 (CS) 0.37 (RI-U)
Westbrook Village Phase 2	4	W. Clabber Creek Blvd. and N. Salem Rd.	2007	RSF-4	RI-U	1.42
Paddock Road Subdivision	1	27 S. Happy Hollow Rd.	2005	RSF-4	NC	0.20

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan varies by property. Please see Table 2 below.

**TABLE 2
FUTURE LAND USE/ZONING COMPARISON**

PZD Name	Future Land Use Designation	Proposed Zoning	Infill Score	Overlay Districts
Park West	City Neighborhood	CS & UT	2-5 Weighted 6	Enduring Green Network
Cliffside (AKA Timber Trails)	Residential Neighborhood	RI-U & R-A	6-7 Weighted 8	Enduring Green Network
Springwoods	Urban Center & City Neighborhood	CS & UT	3-7 Weighted 8	Enduring Green Network, I-540 Overlay District
Westbrook Village Phase 2	Residential Neighborhood	RI-U	4-5 Weighted 5.5	Enduring Green Network
Paddock Road Subdivision	Residential Neighborhood	NC	6-7 Weighted 6	Enduring Green Network

**TABLE 3
INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

PZD Name	Water	Sewer	Drainage	Fire and Police* Response Goal in Minutes: Engine: 6 / Ladder: 8	Tree Preservation+ (Proposed Zonings)
Park West	8" (N. Truckers Dr.) 6" (N. Hwy. 112) 36" (N. Hwy. 112 & South Property Line)	8" (N. Hwy. 112) 48" (South Property Line)	Floodplain, Protected Stream Hydric Soils	Station #8 3 Minute Response	15% (UT) 20% (CS)
Cliffside (AKA Timber Trails)	8" (S. Happy Hollow Rd.) 6" & 8" (Throughout Neighborhood)	8" (S. Happy Hollow Rd.) 8" (Throughout Neighborhood)	Floodplain, Protected Stream, Hydric Soils	Station #3 2 Minute Response	15% (RI-U) 25% (R-A)
Springwoods	8" (W. Truckers Dr.) 8" (W. Foxglove Dr.) 12" (N. Shiloh Dr.) 8" (W. Moore Ln.) 8" (W. Pinehills Dr.)	8" (W. Truckers Dr.) 8" (Lot 1) 8" (W. Pinehills Dr.) 48" (Lot 6A)	Hydric Soils	Station #8 3 Minute Response	15% (UT) 20% (CS) 15% (RI-U)
Westbrook Village Phase 2	8" (N. Salem Rd.) 8" (Alley) 2" & 6" (W. Clabber Creek Blvd.)	15" (N. Salem Rd.) 10" (N. Westminster Dr.) 8" (Alley)	Floodplain	Station #8 4 Minute Response	15% (RI-U)
Paddock Road Sub.	8" (E. Paddock Loop) 8" (Alley 49) 8" (S. Happy Hollow Rd.)	8" (S. Happy Hollow Rd.)	NA	Station #3 2 Minute Response	20% (NC)

*Police did not comment on the proposed rezonings
+ All PZDs have a required tree preservation of 25%.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 2024-0011 be forwarded to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u> Date: <u>March 25, 2024</u> ☐ Tabled ☐ Forwarded ☐ Denied Motion: Second: Vote:

PLANNING COMMISSION ACTION: Required **YES**

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 zoning districts are compatible with the surrounding land uses. Staff evaluated permitted and conditional uses within the expired PZDs to determine the nature and intensity of the previously approved PZDs. Where developed or platted, staff evaluated the properties and proposed zoning districts that avoid or minimize nonconformance. For others, staff proposes zoning districts which are compatible with surrounding land uses to the greatest extents possible. See below for specific evaluations.

- **Park West:** Staff recommends rezoning the remaining Park West PZD to a combination of UT and CS. Staff finds the rezoning is consistent with the existing development patterns, including those currently in the development pipeline. All other parcels of the original Park West PZD have since been rezoned with a wide mix of uses, including the most recent rezoning for parcel 765-15830-007 to RMF-18 directly west, proposed to be developed with a multi-family residential development. Other developments originally included within the PZD boundaries include an existing retirement community known as Grand Village at Clear Creek directly west and the Fellowship Baptist Church directly north. Other portions of the Park West PZD to the north and northwest have been rezoned to a mix of CS, UT, and Neighborhood Services-General (NS-G) but have not yet been developed. Further, existing UT is located across Hwy 112 at the 112 Drive-In-Theatre location, which was recently approved for a mixed-use development titled “The Aronson.”

Staff finds that a split rezoning of CS and UT would be compatible in this area given the existing and planned multifamily developments and existing commercial uses. Limiting UT to a smaller portion of the property abutting Hwy 112 would restrict more intensive uses to the areas adjacent to the major thoroughfare, with more limited uses permitted adjacent to residential developments.

- **Cliffside:** Staff recommends rezoning the Cliffside PZD to a combination of RI-U and R-A. The approved PZD included approval for 15 single-family homes and 48 two-family homes. All residential lots were approved with front and rear setbacks of 20 feet. Single-family dwellings were approved with side setbacks of 8 feet on all side property lines, and two-family dwellings were approved to utilize a zero-lot line along a shared common wall. Lot sizes range from approximately 3,500 square feet to 10,600 square feet, with only three parcels meeting lot minimum requirements for the previous RSF-4 zoning. Six of the eight parcels that remain unbuilt have street frontage of approximately 16 feet to 22 feet, with the remaining corner lots having street frontages of nearly 200 feet. Because RI-U has a minimum lot width of 18 feet for residential uses, it is one of the few districts that would allow the existing lots to conform with existing

zoning requirements. RI-U would remain primarily residential in nature with a small number of conditional non-residential uses. While RI-U has no density limitations, staff finds that the zoning is unlikely to result in development that is out of scale with the surroundings as most parcels are small and do not have sufficient width to permit additional subdivision of land. Additionally, while RI-U permits up to three and four family dwellings by right, staff finds this is not likely to lead to development that is incompatible given the existing development patterns of the neighborhood. Further, most parcels are encumbered by utility or drainage easements. Staff proposes to rezone the entire Cliffside development rather than solely the undeveloped parcels in order to create consistent zoning entitlements and reduce administrative difficulty for staff and current/future property owners. Additionally, staff proposes to rezone the areas designated as common areas and tree preservation lots by the approved PZD as Residential Agricultural, R-A, in order to maintain these areas as communal green space. Staff also proposes to rezone PID 765-26323-000 (Lot 119) as R-A, as this lot is owned by the City of Fayetteville. R-A allows Use Unit 3: Public Protection and Utility Facilities by right, which would facilitate the lot's intended purpose.

- **Springwoods:** Staff recommends rezoning the undeveloped portions of the Springwoods PZD to a combination of UT, CS, and RI-U. Due to the overall scale of the PZD acreage, staff is not recommending a full rezoning of the Springwoods PZD at this time, choosing instead to focus on those properties that are either undeveloped or currently under development. Undeveloped lots are spread throughout the PZD in three primary sections further described below. Lot 1 of the Springwoods CPZD was replatted as the Meadow Field Commercial Subdivision in 2006. Lots 1-2, 5-9 & 12 of Meadow Field remain undeveloped and zoning entitlement for these parcels has since expired. Lot 6A of the original Springwoods CPZD and a portion of PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) also remain undeveloped.

Given the proximity of these parcels to the Wilson Springs Creek Preserve, staff finds that the original zoning of I-1 would be incompatible. However, staff notes the remaining parcels within the Meadow Field Commercial Subdivision and Lot 6A abut an I-49 entrance and exit and have the capacity to serve residents throughout the city with large commercial uses. As such, staff evaluated a mix of CS and UT to restore commercial and development rights. Both CS and UT allow a wide mix of residential and commercial uses, creating the opportunity for mixed-use developments rather than solely commercial uses.

Staff initially recommended CS on parcels 765-23604-000, 765-25746-000 and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district. Since the initial recommendation of CS, staff has

consulted extensively with the property owner of PID 765-25746-000 and 765-25745-000, who requested the city propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that since that the original PZD included this use unit by right and surrounding parcels have been extensively developed with auto-oriented developments, the inclusion of a district which permits Use Unit 17 by right is likely to be compatible in these locations. Staff finds UT, Urban Thoroughfare would be consistent for the requested parcels.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains and staff finds that RI-U would best facilitate development in a similar style given limited development area and the consistent development of four-family dwellings.

- **Westbrook Village Phase 2:** Staff recommends rezoning the Westbrook Village Phase 2 PZD to RI-U. The property was originally platted as part of the Salem Village Planned Unit Development (PUD) in 1997, most of which has since been rezoned to RSF-4. The original PUD designated these parcels as mixed-use village centers. A revised PZD was approved in 2006 that revised the permitted uses to either strictly single-family residential or greenspace. All but one parcel designated for development have since been constructed with single-family homes, and staff recommends rezoning to RI-U to bring these parcels to a standard zoning district. RI-U has a minimum lot width of 18 feet for residential uses, which would allow the existing lots to conform with existing zoning requirements. Internal parcels here have approximately 20 feet of street frontage. Given existing development patterns and existing lot sizes, staff finds the uses permitted in RI-U are not likely to create development that is out of sync on the remaining undeveloped parcel.
- **Paddock Road Subdivision:** Staff recommends rezoning the Paddock Road Subdivision PZD to NC. This parcel has been developed and has not expired; however, all other parcels within the original PZD have been rezoned in the years since its passage. Because of this and the complexity of the Paddock Road Subdivision PZD, staff recommends this parcel be rezoned to NC, Neighborhood Conservation. The parcels to the immediate west and south were successfully rezoned to NC, Neighborhood Conservation in 2014 and the rezoning of the remaining parcel would fully eliminate the remaining RPZD, creating consistent zoning entitlements and reducing administrative difficulty for staff and current/future property owners. The existing parcel meets bulk and area as well as minimum buildable street frontages required by the NC zoning. As the parcel is already constructed with a residence, staff finds a rezoning is unlikely to result in development that is inconsistent with the surrounding parcels.

Land Use Plan Analysis: The proposed zonings are compatible with the Future Land Use Map, which vary from property to property (see Table 2). Staff finds that the recommended zoning districts are generally compatible with goals to encourage infill and discourage suburban sprawl, create compact, complete and connected development, provide opportunities for attainable housing, and grow a livable transportation networks. Additionally, rezoning the remaining parcels will eliminate many planned zoning districts, simplifying the zoning regulations and bringing these areas into conformance with current zoning standards.

- **Park West:** Staff finds that rezoning the remaining Park West PZD to a combination of UT and CS will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. City Neighborhood Areas, encourage “complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population.” The expired PZD included a mixed-use district, commercial, condominiums, and a preserve/botanical/detention area. Staff finds that the reduced uses permitted by the CS district would be compatible adjacent to existing and proposed residential developments to the west with UT abutting the highway. Staff further finds that the additional pedestrian-oriented requirements of the form-based CS / UT zoning districts generally align the city 2040 Growth Plan, which calls for all centers to be “mixed-use nodes that are pedestrian friendly areas served by current or future transit.” The parcel is approximately 800 feet north of a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection.
- **Cliffside:** Staff finds that the split zoning of RI-U and R-A will bring the overall neighborhood into standard zoning districts that will simplify future city reviews, allow for infill, protect existing open space, and permit the city-owned parcel to be utilized for Use Unit 3: Public Protection and Utility Facilities. These units have a moderate infill score of 6-7, though staff notes that only eight parcels within the neighborhood remain undeveloped. The affected parcels are between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 Center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection.
- **Springwoods:** Staff finds that rezoning the undeveloped lots in the Springwoods PZD to a combination of UT, CS, and RI-U will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. Lot 6A is designated as Urban Center on the Future Land Use Map, which includes “the most intense and dense development patterns within the city and allow for the tallest and greatest variety of buildings.” Undeveloped parcels within the Meadow Field Commercial

Subdivision (lots 1-2, 5-9 & 12) and PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) are designated as City Neighborhood Areas, which encourage “complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population.” The affected parcels are between approximately $\frac{1}{4}$ to $\frac{3}{4}$ of a mile from a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection. Staff finds that the additional pedestrian-oriented requirements of the form-based CS / UT zoning districts generally align with the City 2040 Growth Plan, which calls for all centers to be “mixed-use nodes that are pedestrian friendly areas served by current or future transit,” a development style that would be facilitated by the proposed zoning districts.

Staff initially recommended CS on parcels 765-23604-000, 765-25746-000 and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district, which could be located on the remaining lots near or abutting I-49. Since the initial recommendation of CS, staff has consulted extensively with the property owner of PID 765-25746-000 and 765-25745-000, who requested the city propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that given that the original PZD included this use unit by right and that surrounding parcels have been extensively developed with automobile-oriented uses, auto-oriented uses are likely to be compatible in these locations. Additionally, given the presence of the Wilson Springs Preserve and limited access off N. Shiloh Dr., an existing one-way access road, staff finds that the only residential areas with easy access to future developments commercial developments are likely the neighborhood abutting W. Moore Ln. As such, staff finds most of the commercial developments will likely serve the city as a whole and that UT would be compatible in this case.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains, and staff finds that RI-U would best facilitate development in a similar style given the limited development area and consistent development of four-family dwellings.

- **Westbrook Village Phase 2:** Staff finds that the RI-U zoning district substantially aligns with previously permitted bulk and area requirements as well as land uses of the previously approved PZD. Many parcels are less than 30 feet in width, and RI-U would allow these narrower parcels to remain conforming while restoring development rights on the undeveloped parcel. The affected parcels are approximately $\frac{1}{2}$ of a mile south from a Tier 3 Center located north of the N. Ruppel Rd. and W. Country Meadows St. intersection, and approximately $\frac{3}{4}$ of a mile north of a Tier 2 Center located at the N. Ruppel Rd. and W. Mount Comfort Rd. intersection.

- **Paddock Rd. Subdivision:** Staff finds that rezoning this sole remaining parcel of the Paddock Road Subdivision to NC will eliminate complex requirements that may run counter to existing tree preservation and landscape requirements. While this PZD has not expired, it was approved during the adoption of the original HHOD and included several self-imposed tree preservation requirements. Today, site development standards are sufficiently addressed within current tree preservation codes and grading ordinances. The NC zoning district will permit development of a median density similar to the expired PZD, allowing an effective use of the existing infrastructure if the site is ever redeveloped. The affected parcel is between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 Center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection.

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

Finding: In staff's opinion, the recommended zoning districts are justified at this time as the properties are currently within either an expired PZD with no development rights or a PZD with outdated and complex requirements. This is a necessary measure to ensure and protect the rights of the existing property owners. Further, staff's recommendations are in line with the current surrounding land uses and the Future Land Use Map.

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

Finding: Rezoning the properties will not likely increase traffic danger or congestion. The proposed rezoning districts are substantially compatible with existing development patterns and/or previously approved entitlements. Staff finds that the grounds for these entitlements, including no appreciable increase in traffic congestion or danger, still stand.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the properties will not substantially increase the potential population density or load on public services. The proposed rezoning districts are substantially compatible with the existing development patterns and uses permitted under the expired PZDs, and existing utility and street infrastructure is present for all properties in this report. Police, Fire, and Fayetteville School District have expressed no 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

BUDGET/STAFF IMPACT:

None

Attachments:

- City Attorney Memo- Expired PZDs
- PZD Ordinances
 - ORD 4434 Excerpts (2002)
 - ORD 5675 Excerpts (2014)
- Request Letter
- Public Comment
 - Public Comment Summary Table
 - Written Public Comments
- Maps
 - Citywide Overall Map
 - Comparison Maps
 - Close-up Maps
 - Current Land Use Maps
 - Future Land Use Map



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Jonathan Curth**, Development Services Coordinator
Jessica Masters, Development Review Manager

CC: **Blake Pennington**, Senior Assistant City Attorney
Hannah Hungate, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **November 13, 2023**

RE: **Properties that have not yet been rezoned after their old PZDs with zoning/development rights have expired**

Properties such as the Park West PZD which rezoned almost 140 acres, but was never developed and now has no development rights, should be rezoned by the City to its original zoning. This would mean that all un-zoned remnants of the 140 acre Park West PZD should be returned to R-A.

R-A has always been used when annexing in new, un-zoned property. It is a proper initial zoning. It is also quite proper when a rezoning away from R-A which occurred in the Park West PZD failed due to lack of timely development. I know Planning looked at many of these expired old PZD's with initial development rights and requested and received rezoning approvals by the City Council.

It is now time to finish the job so no expired PZD property remains in undevelopable limbo. A simple return to the previous zoning is logical. A property owner then may seek rezoning to another appropriate zoning which may be approved by the City Council upon the owner's application.

It is not appropriate to allow any property with old PZD expired zoning with no development rights to remain anywhere in Fayetteville.



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TO: **Jonathan Curth**, Development Services Coordinator
Jessica Masters, Development Review Manager

CC: **Blake Pennington**, Senior Assistant City Attorney
Hannah Hungate, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **November 15, 2023**

RE: **"Expired Planned Zoning District Exhibit"**

Thank you for providing me a copy of your "Expired Planned Zoning District Exhibit." However, one of these has not and will not "expire." When the PZD Ordinance was amended on April 1, 2014 by Ordinance No. 5675 to become a normal rezoning decision by severing the construction rights from the rezoning decision, PZD rezonings like all other zoning decisions became permanent.

Final Plats, Large Scale Developments, and other development authorizing decisions do have time limitations and can expire if not developed. The original PZD joined the rezoning with development rights which led to a time limitation for the entire PZD including its zoning component. This unification of a rezoning and development entitlement into a single decision caused a major problem when a PZD was challenged in Court. The Judge decided not to use rezoning's normal "arbitrary and capricious" test which grants great discretion to the City Council. (The City Council has never had one of its rezoning decisions reversed in Court this century.) The Court instead used the land development test in which gives the Judge or jury great discretion to decide for themselves the rezoning issue.

The *U.D.C.* was amended so that new PZDs would become pure rezoning issues which ensured the proper "arbitrary and capricious" test would protect the City Council's rezoning decision. That amendment also removed the time limited component of development rights so that PZDs like all other rezonings became permanent (at least until future City Council amendment).

The title of the 2014 Ordinance stated the amendment was "TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS..." The Planning Department's Agenda Memo recommending the 2014 amendment to make a PZD exclusively a rezoning decision states: "One final change is to amend the modification requirements and remove PZD revocation...Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments."

Any PZD approved after April 2014 should have been a purely rezoning issue without the construction rights of a development approval. Accordingly, any PZD so adopted will not expire which includes the Underwood (R-PZD-20-7093) erroneously listed on your exhibit as expired. Any future development on this property would have to comply with the current PZD requirements or seek rezoning from the City Council.

The remnants of the Park West PZD can be rezoned to its original R-A zoning district or whatever the City Council deems appropriate. The Springwoods PZD is an unusual situation. This land was purchased by the City in the 1980's and zoned I-1, Heavy Commercial and Light Industrial to encourage Texas Instruments to locate in Fayetteville. When that did not happen, the Administration and City Council around 2002-2003 sought to sell this land while preserving a substantial area around Wilson Springs for conservation. Some parcels have been developed and the conservation area dedicated. Remnant parcels should be rezoned to R-A or other compatible zoning rather than spot zoned back to the incompatible I-1. Again, the City Council needs to promptly make its legislative decision on what the preferred zoning should be.

All City Council rezoning decisions will be accorded great deference by the Courts if challenged. I also do not believe that these decisions to rezone remnants of expired PZDs could be successfully challenged as takings even under the Private Property Protection Act since none would actually be downzonings or zonings providing fewer or less valuable development rights as were in existence in April of 2014.

ORD 4434 Excerpts



ORDINANCE NO. 4434

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO ESTABLISH A PROCESS FOR THE EVALUATION AND APPROVAL OF PLANNED ZONING DISTRICTS.

WHEREAS, flexible guidelines for the review of specific development plans are desirable; and,

WHEREAS, informed land use decisions can guide development more effectively in the best interest of the health, safety and welfare of the city; and

WHEREAS, developments that are compatible with the surrounding area, harmonious with the character of the neighborhood, do not have a negative effect upon the future development of the area and create a stable environment are desirable; and

WHEREAS, the development and zoning review process shall be enhanced when review and approval of development and zoning are addressed simultaneously;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Chapter 161 Zoning Regulations is amended by inserting §161.22 District PZD Planned Zoning District, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 166 Development is amended by inserting §166.18 Planned Zoning District Developments, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3. That Chapter 163 Use Conditions, Section §163.21 Limited Neighborhood Commercial Uses Within Residential Districts of the Code of Fayetteville is hereby repealed.

Section 4. That Chapter 159: Fees, Section §159.01 Fees/Schedule, subsection (B)(3) is amended by adding a fee for Planned Zoning District applications as follows:

§159.01 Fees/Schedule

- A. Fees
- B. Fee Schedule
 - 3. Development

Planned Zoning District	
Non-residential	\$1,125
Residential:	
10 units/lots or less	\$525
25 units/lots or less	\$725
25 units/lots or more	\$1,125

Section 5. That Chapter 151: Definitions is amended by deleting the definition of **Planned Unit Development** and adding the following definitions:

Common Open Space. Land within or related to a development, not individually owned or dedicated for public use, which is reserved for the exclusive use or enjoyment of the residents or occupants of the development and their guests.

Planned Zoning District. A zoning district that allows for comprehensively planned developments for either single-use or mixed-use and permits development and zoning review as a simultaneous process.

Private Open Space. The outdoor living area directly adjoining a dwelling unit or building, intended for the private enjoyment of the residents or occupants of the dwelling unit or building and defined in such a manner that its boundaries are evident.

Public Open Space. Open space, including but not limited to, any park, lake, stream, playground, or natural area, commonly open to the public.

Recreational Structures. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that has a primary use that is recreation in nature. Among other things, recreational structures include tennis courts, basketball courts, swimming pools and jogging trails.

Section 6. That §166.05 (A) Requirement is hereby repealed and replaced with the following:

§166.05 Large Scale Development

A. Requirement. The development of a lot or parcel larger than one acre or development of a Planned Zoning District must be processed in accordance with the requirements for a large-scale development.

Section 7. That §166.60 Planned Unit Development of the Unified Development Ordinance is hereby repealed.

PASSED and APPROVED this the 19th day of November, 2002.



By: 
HEATHER WOODRUFF, City Clerk

APPROVED

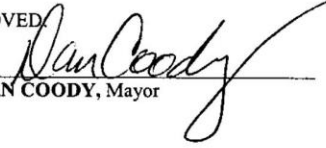
By: 
DAN COODY, Mayor

EXHIBIT "A"

To be inserted in Chapter 161 Zoning Regulations:

§161.22 District PZD Planned Zoning District.

A. Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

1. *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
2. *Compatibility.* Providing for compatibility with the surrounding land uses.
3. *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
4. *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
5. *No negative impact.* Does not have a negative effect upon the future development of the area;
6. *Coordination.* Permit coordination of the planning of the land surrounding the PZD and cooperation between the City and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
7. *Open Space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
8. *Natural Features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
9. *General Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
10. *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

B. Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166 Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

EXHIBIT "B"

To be inserted in Chapter 166: Development:

§166.18 Planned Zoning District Developments

- A. Applicability.** To be considered for a planned zoning district, the applicant shall meet all of the following criteria:
1. **Location.** Eligible properties include those located within the city limits.
 2. **Ownership.** Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved development plan shall be binding on all subsequent owners of the land until revised or modified.
 3. **Size.** There shall be no minimum tract size for a PZD application.
- B. Application.** The initial application for a PZD shall include the following items:
1. **Application.** Complete application form to request a PZD.
 2. **Copies.** Copies of a development plan in accordance with the submission requirements on the project application form. Copies of a preliminary plat if a subdivision of land is proposed in accordance with the preliminary plat application form.
 3. **Fee.** Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDO. If a subdivision of land is proposed, a fee for the preliminary plat shall also be paid.
- C. Review and Approval Procedures.**
1. **Pre-application meeting.** Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the development review process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys and other data required in a preliminary plan.
 2. **Planning Commission.** All planned zoning district applications shall follow the procedures for large scale development as set forth in §166.05 Large Scale Development. If a subdivision of land is proposed, the applicant shall obtain subdivision approval as set forth in 166.01 Subdivision Approval.
 3. **City Council.** If the development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed by the Planning Commission prior to City Council review. The City Council may direct Planning Commission to reconsider specific aspects of the plan. If the development plan is approved, an ordinance shall be prepared which incorporates the plan and conditions.
 4. **Appeals.** Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDO.

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (9). All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
 - (10.) There shall be no minimum building setback requirement from a private street.
 - (11). The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.
12. **Construction of Nonresidential Facilities.** Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.
13. **Tree Preservation.** All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.
14. **Commercial Design Standards.** All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.
15. **View Protection.** The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

E. Revocation.

1. **Causes for revocation as enforcement action.** The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- a. **Building permit.** If no building permit has been issued within the time allowed.
- b. **Phased development schedule.** If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- c. **Open space and recreational facilities.** If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of

construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

2. **Procedures.** Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
3. **Effect.** In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

F. Covenants, trusts and homeowner associations.

1. **Legal entities.** The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
2. **Common areas.** If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
 1. The homeowner's association must be legally established before building permits are granted.
 2. Membership and fees must be mandatory for each home buyer and successive buyer.
 3. The open space restrictions must be permanent, rather than for a period of years.
 4. The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 5. Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.
 6. The association must be able to adjust the assessment to meet changing needs.

ORD 5675 Excerpts

Doc ID: 015677290005 Type: REL
Kind: ORDINANCE
Recorded: 04/11/2014 at 09:07:54 AM
Fee Amt: \$35.00 Page 1 of 6
Washington County, AR
Kyle Sylvester Circuit Clerk
File **2014-00008557**

ORDINANCE NO. 5675

AN ORDINANCE TO AMEND § 161.32 **PLANNED ZONING DISTRICT** AND § 166.06 **PLANNED ZONING DISTRICT** OF THE UNIFIED DEVELOPMENT CODE TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS AND TO SIMPLIFY AND REDUCE CURRENT REGULATIONS AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, the Planned Zoning District ordinance was established to allow concurrent processing of zoning and development plans; and

WHEREAS, the City of Fayetteville Planning Commission may grant approval of development applications; and

WHEREAS, the City of Fayetteville City Council may approve and enact zoning amendments; and

WHEREAS, the City of Fayetteville desires to establish clear boundaries in the development and zoning review process of a Planned Zoning District request; and

WHEREAS, the Unified Development Code's regulations should be clarified, simplified and shortened whenever possible and feasible.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 161.32 **Planned Zoning District** in its entirety and enacts a replacement § 161.32 **Planned Zoning District** as shown in Exhibit "A."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.06 **Planned Zoning District** in its entirety and enacts a replacement § 166.06 **Planned Zoning District** as shown in Exhibit "B."



Section 3. EMERGENCY CLAUSE. That the City Council of the City of Fayetteville, Arkansas hereby determines that the need to immediately resolve the issue of how Planned Zoning Districts should be applied for and handled as a zoning issue is necessary for the public peace, health and safety. Therefore, the City Council of the City of Fayetteville, Arkansas hereby declares an emergency exists such that this ordinance shall be in full force and effect from the date of its passage.

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: 
LIONEL JORDAN, Mayor

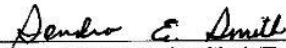
By: 
SONDRA E. SMITH, City Clerk/Treasurer



EXHIBIT "A"

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

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

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD

and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

CD161:1

- (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's Future Land Use Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

CD161:2

EXHIBIT "B"

166.06 Planned Zoning District (PZD)

(A) General Requirements.

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)

CD166:1



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director

From: Jesse Fulcher, Senior Planner

Date: February 28, 2014

Subject: ADM 13-4602 (UDC Amendment: Chapter 161.32 Planned Zoning District and Chapter 166.06 Planned Zoning District)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the Planned Zoning District (PZD) regulations. The amendments are significant; however, it is staff's opinion that the PZD remains a valuable tool to retain the ability for the Council to see a zoning and development item processed concurrently. The Council makes important legislative decisions related to zoning: building height, setbacks from adjacent properties, permitted and conditional uses, etc. A PZD proposal is a unique custom zoning district, allowing the City Council to review and approve or deny the proposal with neighborhood, staff and applicant input.

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.

A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a

development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and highlight in the attached document.

DISCUSSION

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-1 with Commission Chessser voting 'no'.

BUDGET IMPACT

None.



CITY OF
FAYETTEVILLE
ARKANSAS

CITY-INITIATED REZONING (PZDS)

February 21, 2024

Re: City-Initiated Rezoning of Planned Zoning Districts

Dear Planning Commission and City Council,

City staff recently completed a review of existing Planned Zoning Districts throughout the city and identified properties that would benefit from a rezoning due to outdated/expired zoning entitlement, including properties in Cliffside Subdivision, Paddock Road Subdivision, Westbrook Village II, Springwoods, and Park West. City staff will be initiating a rezoning to confirm land use rights, clean up City records, and bring these properties into consistency with City Plan 2040, Fayetteville's comprehensive land use plan.

For background, these parcels are zoned under a "Planned Zoning District (PZD)." This designation established custom zoning and development standards for these properties to allow for more specific permitted uses, setbacks, lot sizes, and other requirements with the approval of the Planning Commission and City Council. However, prior to changes to this ordinance in 2014, this zoning approval was tied to a development plan and was set to expire if all needed permits were not received in a timely manner. Due to the outdated nature of the existing zoning entitlement, this could create difficulties for any future construction, major renovations, efforts to revise property lines, subdivide parcels, or request other permits that require review of City's zoning code. In order to avoid those issues, staff is recommending that the property be rezoned to one of the City's standard zoning districts.

Staff has analyzed each PZD to determine what types of land uses, lot sizes, setbacks, and building heights were originally permitted in each district, and compared that with current land uses on the property or in the immediate vicinity. Staff used this information as well as comparisons with the City's Future Land Use map to identify recommendations for which of the city's existing zoning districts would be the best fit for each parcel. Those recommendations will be first heard by the Planning Commission on March 25, 2024, and will ultimately go to the City Council for final consideration.

If you have any questions, or would like more information about staff's recommendations, please feel free to contact me directly at (479) 575-8239. You may also reach out to the main City of Fayetteville Planning office at (479) 575-8267.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessie Masters'.

Jessie Masters, AICP
Development Review Manager

**EXHIBIT
PUBLIC COMMENTS**

PZD Name	Public Comment
Cliffside (AKA Timber Trails)	One phone inquiry requesting additional information on the proposed zoning districts. One email inquiry requesting additional information
Paddock Road Subdivision	No Comments Received
Westbrook Village Ph. 2	One inquiry regarding extent of proposal and expressing general support for proposed rezoning.
Springwoods	PID 765-25746-000 & PID 765-25745-000 (Lots 1 & 2): Extensive email and phone conversations with staff regarding expiration of PZD, rezoning process, and staff request. Owner is opposed if rezoning is forwarded with a recommendation of CS. Owner preference in favor of request with change to UT. PID 765-23604-000 (Lot 6A): Email / phone conversation with ownership team. Owner in support of staff-proposed rezoning PID 765-25752-000& 765-25756-000 (Lots 8 & 12): Slight concern about CS and UT, but owner may be looking at doing some form of warehouse use. PID 765-26552-000 (Pines at Springwood): Phone Inquiry from the POA board president clarifying the scope of the request. Caller expressed general support for the rezoning, acknowledging that RI-U aligns with what has been constructed in the neighborhood already.
Park West	Phone Inquiry from property owners: Minimal concern about split zoning of UT and CS as potential development could work in both districts, general support of request. Owners also working through other development issues such as easement and ROW acquisitions.

LEGEND

(See comments for details)

TEXT = Neither support nor opposition to request expressed

TEXT = Comment in support

TEXT = Comment in opposition

Wonsower, Donna

From: Masters, Jessica
Sent: Monday, March 18, 2024 1:22 PM
To: Don Nelms
Cc: David Nelms; Scott Price; Wonsower, Donna
Subject: RE: Proposed rezoning

Mr. Nelms,

Thank you for the follow up, and for taking the time to review the UT zoning district. We certainly appreciate the feedback, and we will get this accounted for in our forthcoming report.

Jessie

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Don Nelms <dnelms46@gmail.com>
Sent: Monday, March 18, 2024 11:52 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: David Nelms <daviddnelms@gmail.com>; Scott Price <gscottar@gmail.com>
Subject: Proposed rezoning

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

Dear Jessie,

I really appreciate you taking the time to visit with me about zone district PZD and the rezoning of Springwood. I am satisfied that changing this to UT will accommodate all of our needs. Thank you very much for agreeing to do this for us. That will eliminate my concerns and make our lives much easier.

--

Don Nelms
Jasper 870-446-6477
Gallery 870-446-5477
Fayetteville 479-521-3963
Cell 479-841-2886
dnelms46@gmail.com
www.nelmsgallery.com

Wonsower, Donna

From: Masters, Jessica
Sent: Thursday, February 29, 2024 8:09 AM
To: Tim Brisiel; Wonsower, Donna
Subject: RE: Timber Trails

Tim,

Thank you for the inquiry, and for clarifying the location. Staff is going to be recommending RI-U for those lots, and R-A for the lots that are greenspace.

Let me know if you have any comments that you would like for the Commission to consider!

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Tim Brisiel <Tim@Legacyventuresnwa.com>
Sent: Wednesday, February 28, 2024 5:17 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Tim Brisiel <Tim@Legacyventuresnwa.com>
Subject: Timber Trails

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

The lots I own are all of them clouded in red. It is a total of eight lots. please disregard any verbiage as this is an old sheet but at least you could see the lots in question.

Thank you!

Tim Brisiel
Legacy Ventures | Legacy Asset Management
PO Box 8216
Fayetteville, AR 72703
479-790-3315

Currently mobile so please forgive spelling and grammar!

Below is a snapshot of the Timber Trails subdivision. We have (6) lots under contract and they are 39, 40, 41, 42, 68, and 69. They are clouded in red below.



These are the two that I do not have under contract....they are sloping but might be a good play to purchase and use this dirt for fill on 68 and 69....

Wonsower, Donna

From: Masters, Jessica
Sent: Thursday, February 29, 2024 3:43 PM
To: Wonsower, Donna
Subject: Expired PZD - Inquiries

Follow Up Flag: Follow up
Flag Status: Flagged

Donna,

I have so far received two phone calls about the staff-initiated rezoning.

Foxglove: Slightly concerned about CS and UT, but it sounds like they may be wanting to do some form of warehousing use anyway. They may be following up with an email regarding this.

HWY 112 (east of Truckers Drive): Not terribly concerned about the split of UT and CS, since they are trying to do residential and the use schedule in both of those zoning districts would allow for it. They are also working out other issues such as easement acquisitions and ROW acquisitions.

Thanks!

Jessie

Jessie Masters, AICP

Development Review Manager

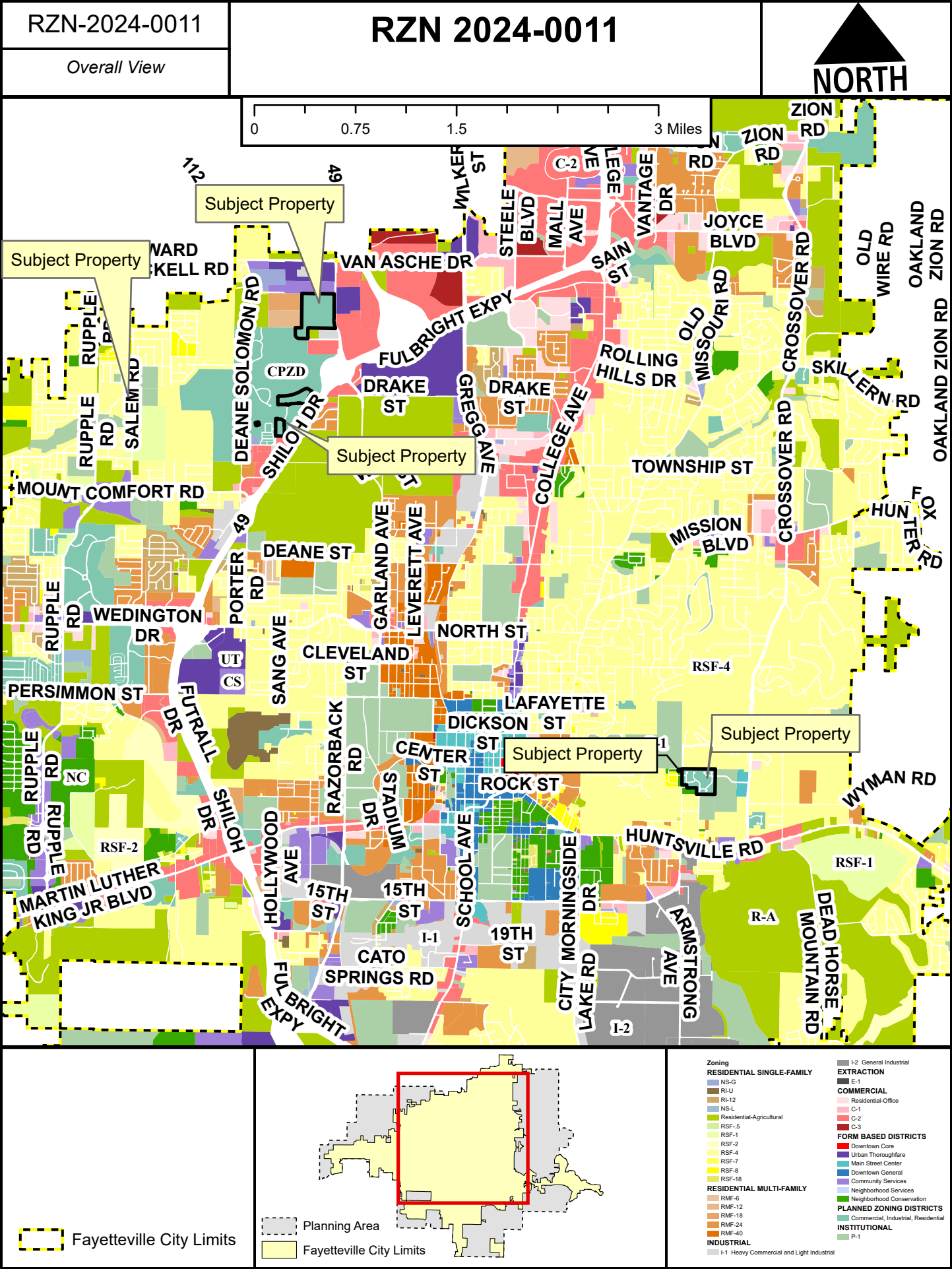
City of Fayetteville, Arkansas

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Planning Commission

March 25, 2024

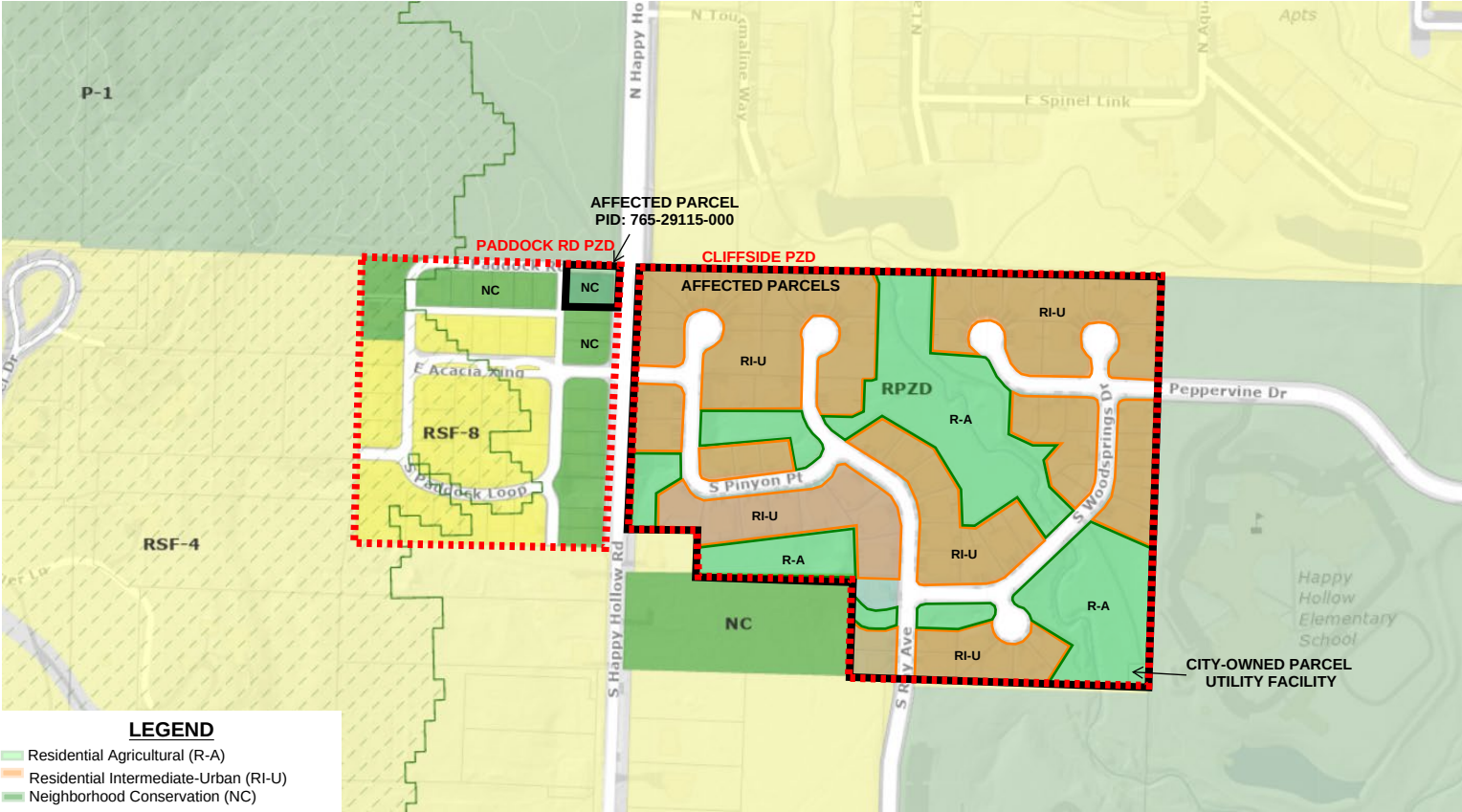
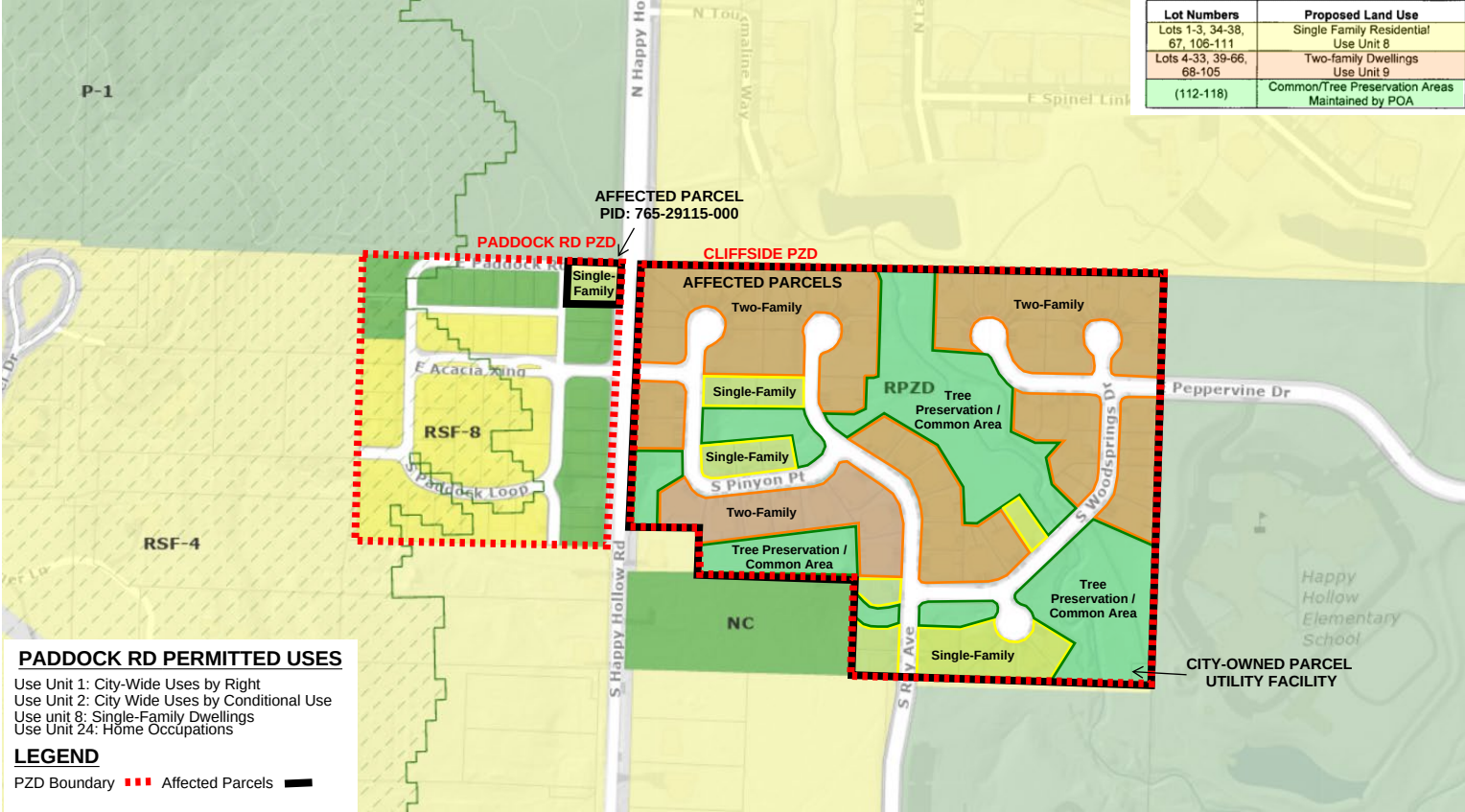
RZN-2024-0011 (CITY OF FAYETTEVILLE VARIOUS EXPIRED PLANS)

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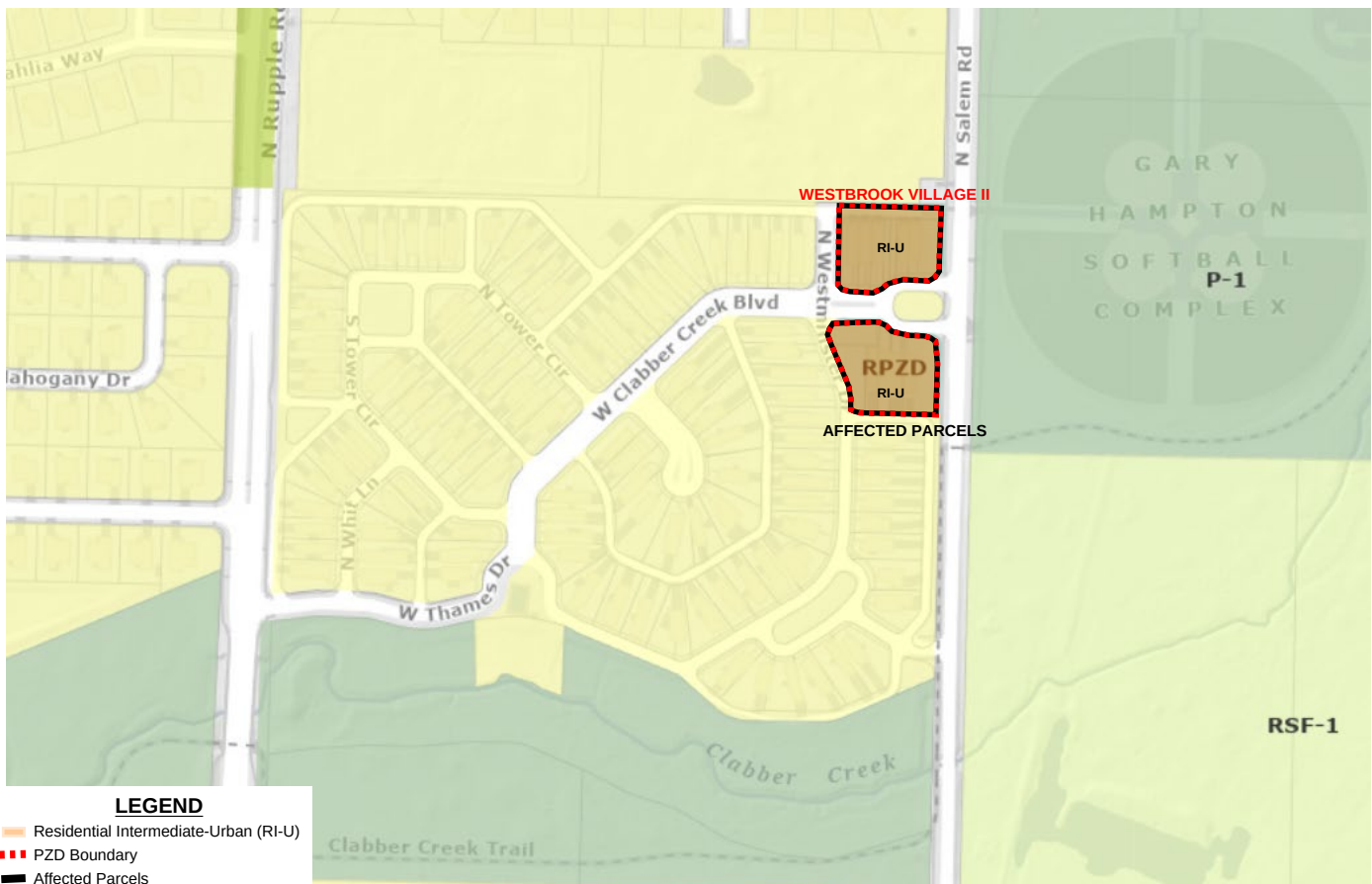
PZD AND ZONING COMPARISON CLIFFSIDE AND PADDOCK RD SUBDIVISION

CLIFFSIDE PERMITTED USES

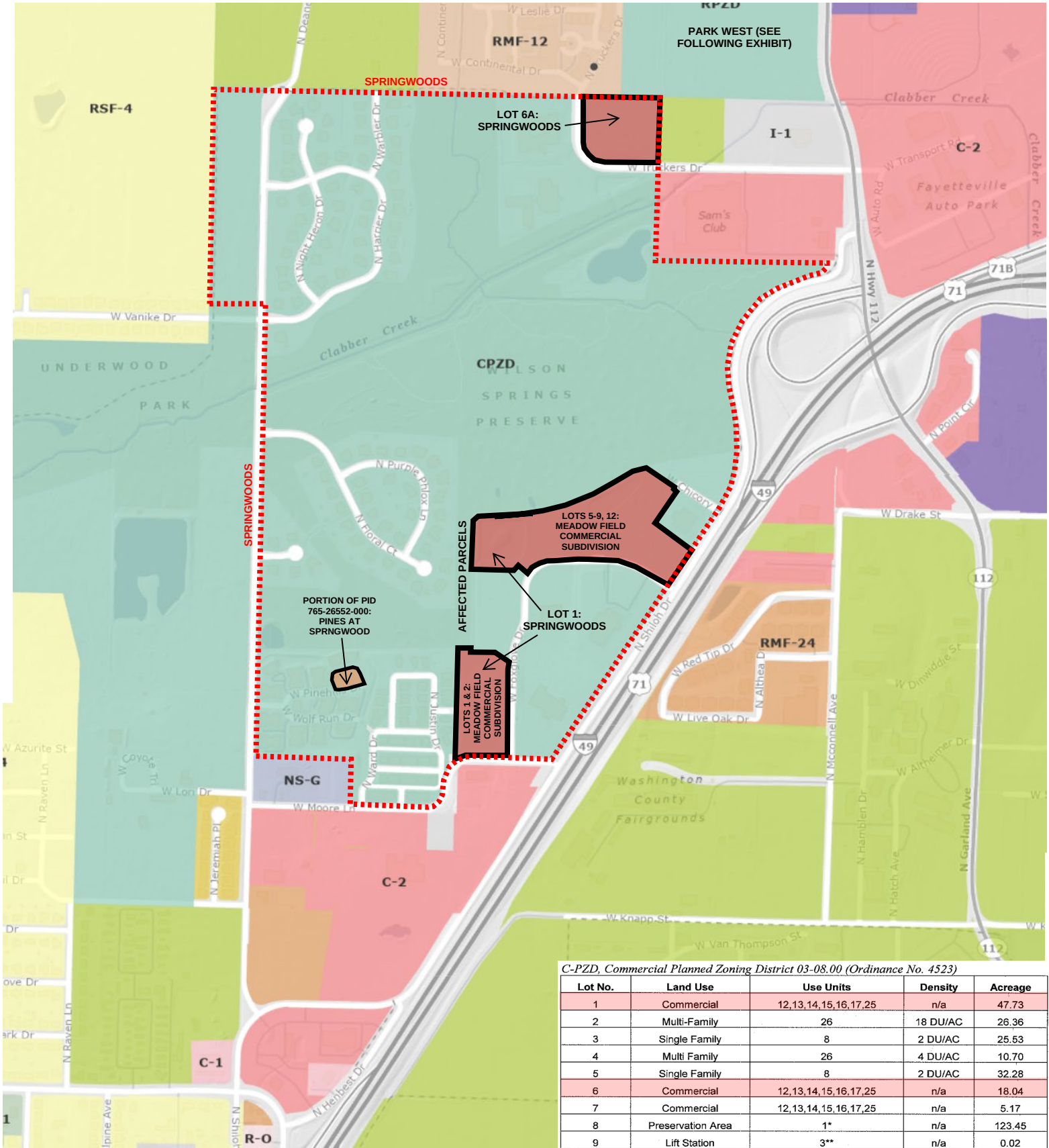
Lot Numbers	Proposed Land Use
Lots 1-3, 34-38, 67, 108-111	Single Family Residential Use Unit 8
Lots 4-33, 39-66, 68-105	Two-family Dwellings Use Unit 9
(112-118)	Common/Tree Preservation Areas Maintained by POA



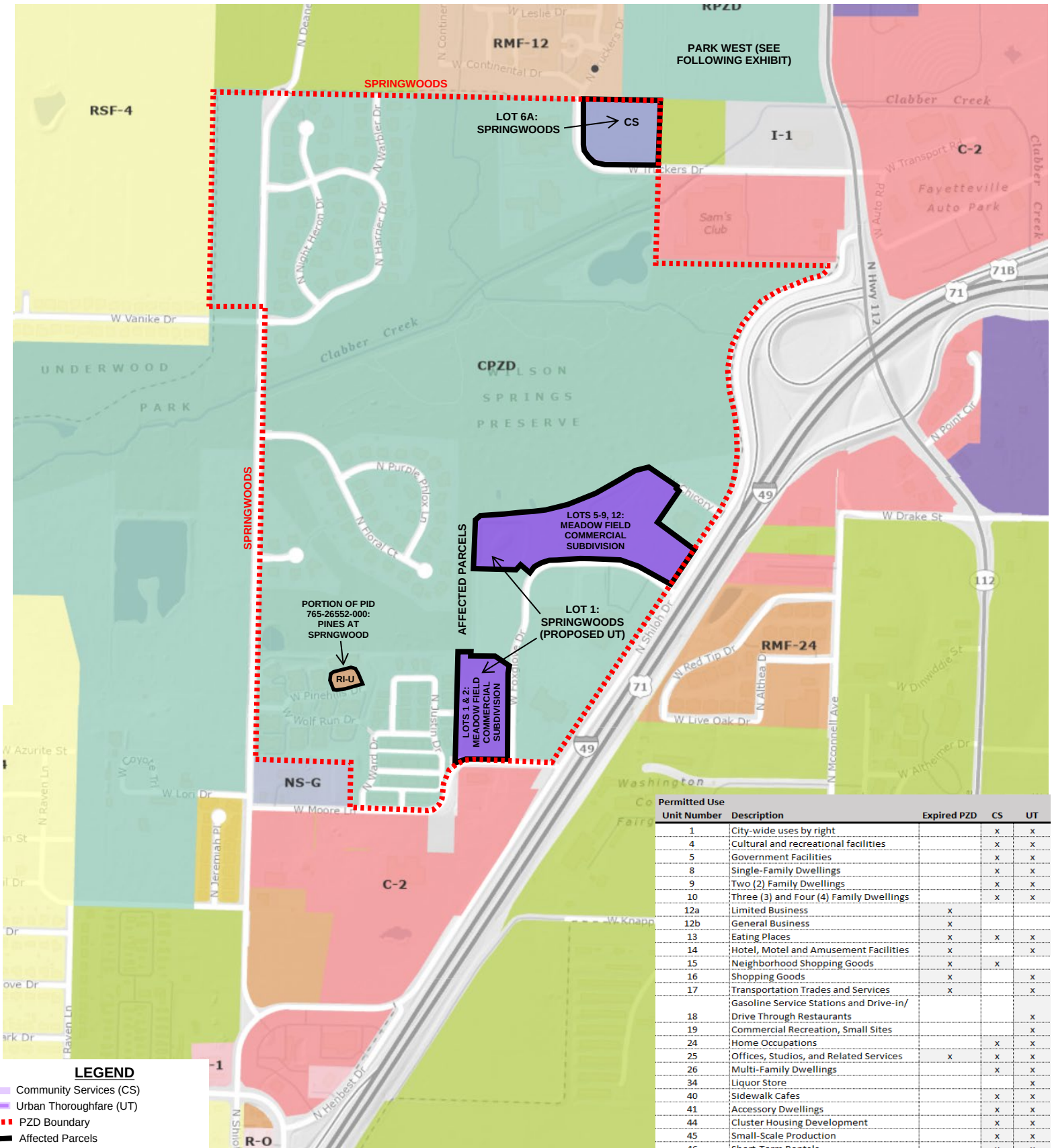
PZD AND ZONING COMPARISON WESTBROOK VILLAGE II



PZD AND ZONING COMPARISON SPRINGWOODS



PZD AND ZONING COMPARISON
SPRINGWOODS

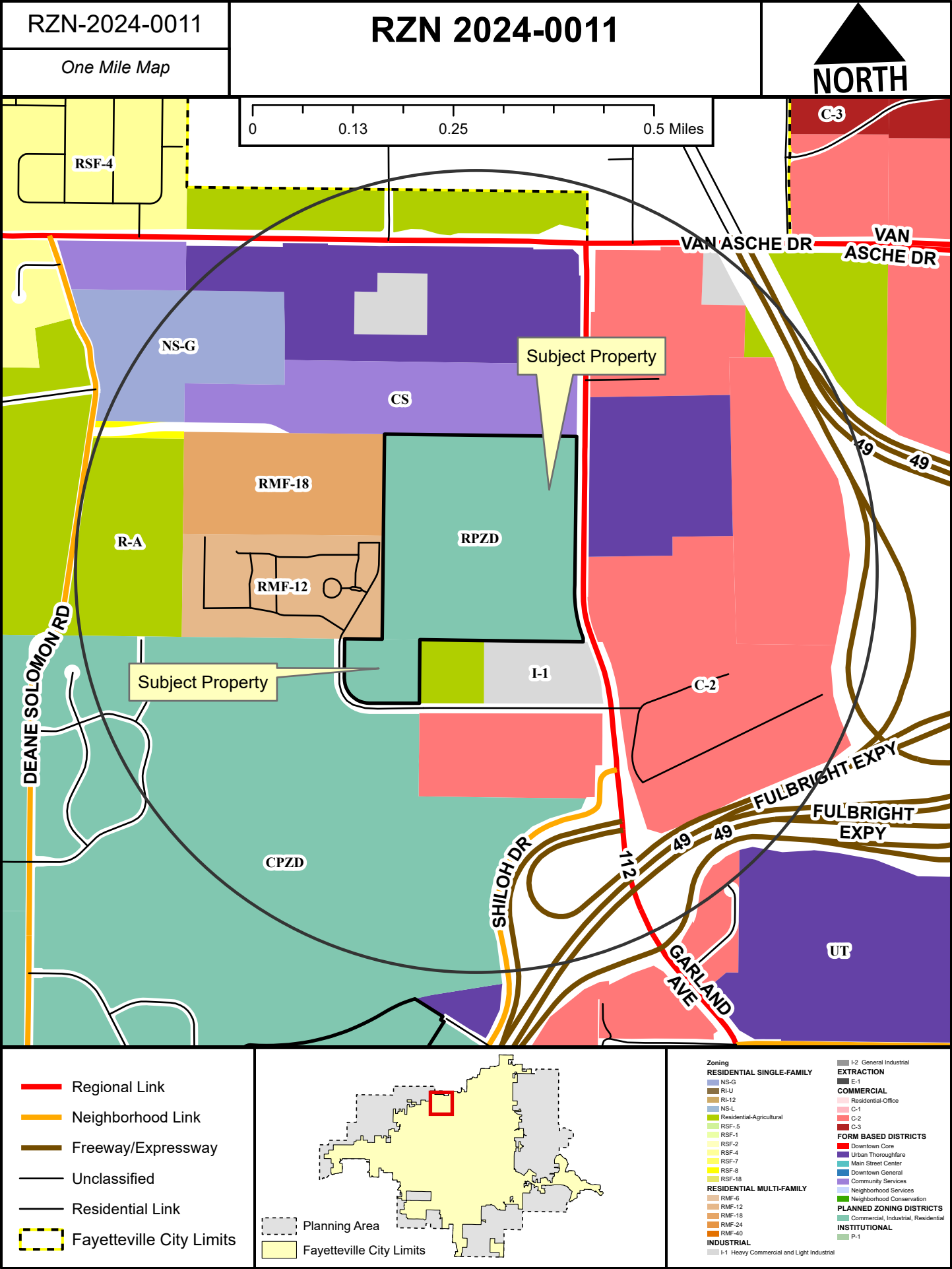


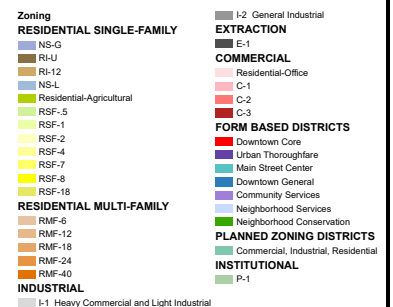
The map displays the Springwoods PZD area with various zoning districts and the affected parcel. The affected parcel is outlined in red and contains the following zoning districts: PA-11 MIXED-USE, PA-3 CONDO, and PA-8 PRESERVE/ BOTANICAL/DETENTION. The surrounding areas include NS-G, RMF-18, RMF-12, R-A, RSF-4, CPZD, I-1, C-2, and THOROUGHFARE COMMERCIAL. The map also shows the location of the Fellowship Bible Church and the 112 Drive-In Theatre. The affected parcel is located between W Hwy 112 and W Trunkers Dr, and between N Pin Oak St and N Deane Solomon Rd. The map includes a scale bar and a north arrow.



**PZD AND ZONING COMPARISON
PARK WEST**

Permitted Use Unit Number	Description	Park West PA-3	Park West PA-8	Park West PA-11 & 12	Park West PA-14	CS	UT
1	City-wide uses by right	x	x	x	x	x	x
3	Public Protection and Utility Facilities			x			
4	Cultural and recreational facilities		x	x	x	x	x
5	Government Facilities				x	x	x
8	Single-Family Dwellings	x		x		x	x
9	Two (2) Family Dwellings	x		x		x	x
10	Three (3) and Four (4) Family Dwellings	x		x		x	x
12a	Limited Business	x		x	x		
12b	General Business	x		x	x		
13	Eating Places	x		x	x	x	x
14	Hotel, Motel and Amusement Facilities			x	x		x
15	Neighborhood Shopping Goods	x		x	x	x	
16	Shopping Goods	x		x	x		x
17	Transportation Trades and Services			x	x		x
18	Gasoline Service Stations and Drive-in/ Drive Through Restaurants				x		x
19	Commercial Recreation, Small Sites			x	x		x
24	Home Occupations			x		x	x
25	Offices, Studios, and Related Services	x		x	x	x	x
26	Multi-Family Dwellings	x		x		x	x
34	Liquor Store			x	x		x
40	Sidewalk Cafes					x	x
41	Accessory Dwellings					x	x
44	Cluster Housing Development					x	x
45	Small-Scale Production					x	x
46	Short-Term Rentals					x	x

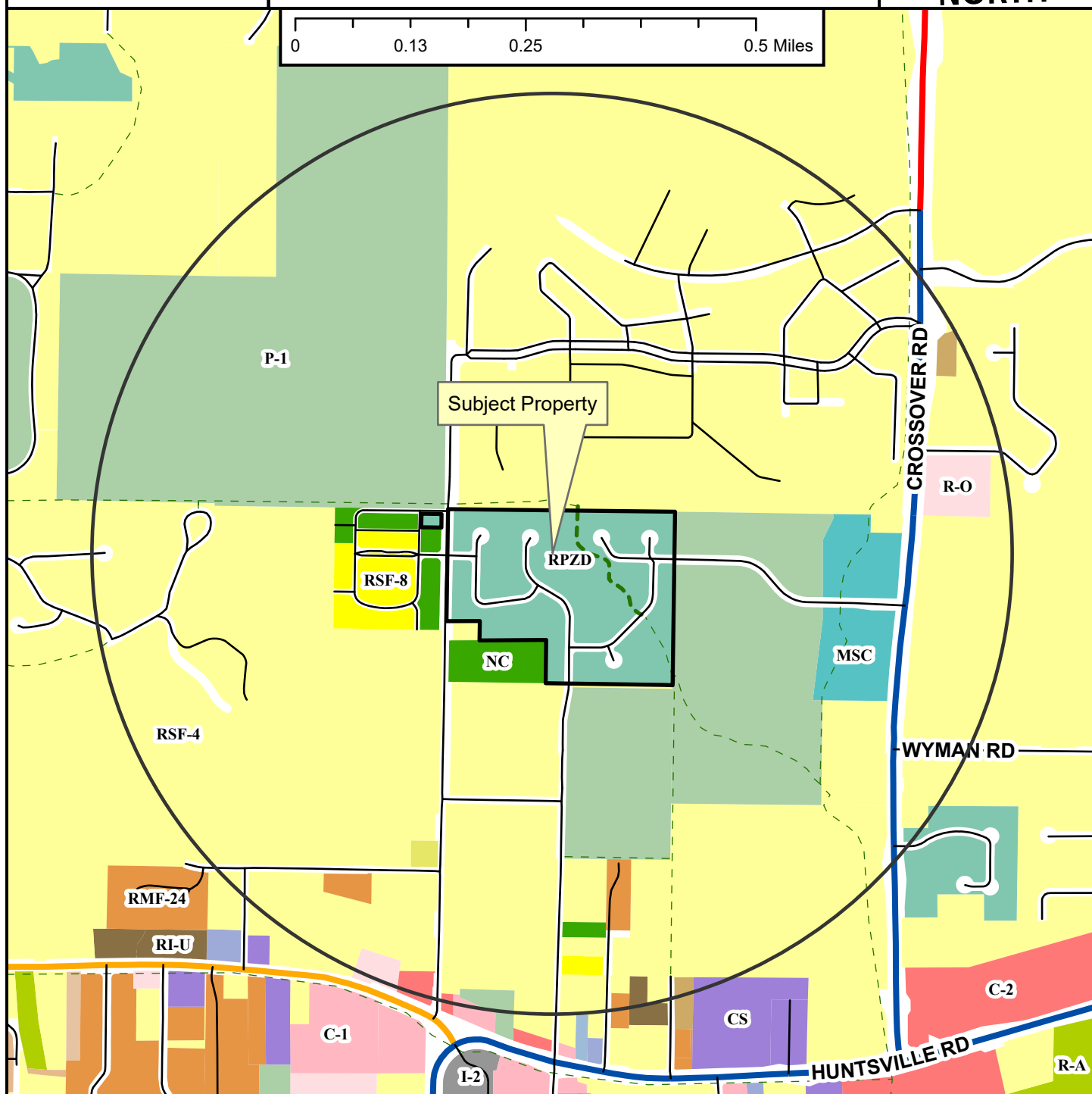
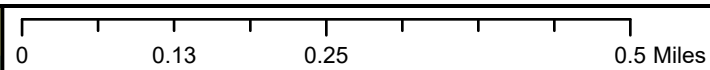




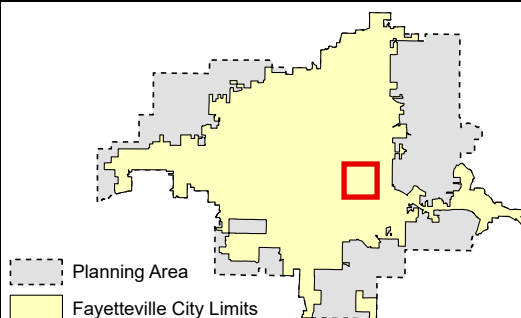
RZN-2024-0011

One Mile View

RZN 2024-0011



-  Regional Link
-  Neighborhood Link
-  Regional Link - High Activity
-  Unclassified
-  Alley
-  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**
- L-1 Heavy Commercial and Light Industrial
- EXTRACTION**
- I-2 General Industrial
 - 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

