

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, May 23, 2024

4:30 PM

City Hall Room 111

Planning Commission Members

Andrew Brink, Chair

Mary McGetrick, Vice Chair

Brad Payne, Secretary

Matthew Cabe

Nick Castin

Jimm Garlock

Fred Gulley

Mary Madden

Nick Werner

Senior Assistant City Attorney Blake Pennington

Call to Order**Roll Call****Consent****1. MINUTES:**

Approval of the minutes from the May 13, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. CCP-2024-0005: Concurrent Plat (6106 E. GUY TERRY RD/REEVES, 143):

Submitted by BATES & ASSOCIATES for property located at 6106 E. GUY TERRY RD. The property is located within the FAYETTEVILLE PLANNING AREA and contains approximately 7.19 acres. The request is for the concurrent plat of two residential lots. - Donna Wonsower, Planner

3. LSD-2024-0008: Large Scale Development (NORTHEAST OF N. MANA CT & E. LONGVIEW ST/HALF MOON ORAL SURGERY, 212):

Submitted by ENGINEERING SERVICES INC for property located NORTHEAST OF N. MANA CT & E. LONGVIEW ST. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 2.62 acres. The request is for a 18,270-square-foot, three story commercial building and associated parking. - Donna Wonsower, Planner

Unfinished Business**New Business****4. CUP-2024-0018: Conditional Use Permit (1607 N. COLLEGE AVE/BRASS POLE PROPERTIES LLC, 407):**

Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 1607 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.74 acres. The request is for a wireless communications facility.

APPLICANT HAS REQUESTED TO TABLE UNTIL THE JUNE 24, 2024 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

5. ADM-2024-0022: Administrative Item (2201 N. MARKS MILL LN, CONSERVATION EASEMENT APPEAL, MENOTTI, 329):

Submitted by TODD MENOTTI for property located at 2201 N. MARKS MILL

LANE. The property is zoned NC, NEIGHBORHOOD CONSERVATION, and contains approximately 0.2 acres. The request is to appeal to the urban forestry interpretation of a conservation easement. - Melissa Evans, Urban Forester

6. RZN-2024-0021: Rezoning (3390 W. MARTIN LUTHER KING JR BLVD/CATHCART RENTALS LLC, 557):

Submitted by HALL ESTILL for property located at 3390 W. MARTIN LUTHER KING JR BLVD. The property is zoned R-O, RESIDENTIAL-OFFICE, C-2, THOROUGHFARE COMMERCIAL, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.62 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE. - Kylee Cole, Planner

7. RZN-2024-0022: Rezoning (951 N. DOUBLE SPRINGS RD/R & D PROPERTY HOLDINGS LLC, 435):

Submitted by DUSTIN DAVIS for property located at 951 N. DOUBLE SPRINGS RD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 0.56 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL. - Kylee Cole, Planner

8. RZN-2024-0023: Rezoning (1000 S. FUTRALL DR/ADROIS HOSPITALITY LLC, 559):

Submitted by BRANDON SCALLION for property located at 1000 S. FUTRALL DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.75 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name and address. Address 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, 05/13/2024				
Time:	5:30 PM					
Staff :	⌘ Melissa Evans □ John Scott ⌘ Jessie Masters ⌘ Gretchen Harrison ⌘ Donna Wonsower ⌘ Kylee Cole					
	□ Britin Bostick ⌘ Josh Boccaccio □ Melissa Boyd ⌘ Fire Marshal/Andrew Horton □ Chris Brown □ Alan Pugh					
	Roll Call	1) Minutes (04/22/2024)	2) VAR-2024-0018 (MADEWELL)	3) ADM-2024-0013 (AMEND UDC CHAPTERS & APPEALS)	4) VAR-2024-0019 (KOSKI)	5) VAR-2024-0020 (LEWIS BROTHERS LEASING CO. INC.)
Castin	0					
Gulley	0					
Cabe	1	1	1	0	1	1
Werner	1	1	1	1	1	0
Garlock	1	1	1	0	1	0
Madden	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Payne	1	1	1	1	1	1
Agenda		Consent	Consent	New	New	New
Motion By		Madden	Madden	Payne	Werner	Payne
Motion 2nd		Cabe	Cabe	McGetrick	Brink	Cabe
Vote		7-0-0	7-0-0	5-2-0	7-0-0	5-2-0
Action		Approve	Approve	Table	Approve	Approve
Time		5:35 PM	5:35 PM	6:24 PM	6:30 PM	6:44 PM
Motion Detail				Table indefinitely.	With all conditions as recommended by staff.	With no conditions.
Public Comment				5	0	0

(pg. 2) Planning Commission		Monday, 05/13/2024				
	8) CUP-2024-0017 (BEYKIRCH)	9) RZN-2024-0019 (KELLAR)	10) CUP-2024-0015 (THE GARDEN ROOM AT PURITAN)	11) CUP-2024-0016 (SMYTH REVIVAL LLC)	6) CUP-2024-0013 (SRBINOVSKI)	7) CUP-2024-0014 (HENDLEY)
Castin						
Gulley						
Cabe	1	1	1	1	1	1
Werner	1	1	1	1	1	1
Garlock	1	1	1	0	1	1
Madden	0	1	1	1	1	1
McGetrick	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Payne	1	1	1	1	1	1
Agenda	New	New	New	New	New	New
Motion By	Cabe	Cabe	Cabe	McGetrick	McGetrick	Brink
Motion 2nd	McGetrick	Brink	Garlock	Werner	Cabe	Cabe
Vote	6-1-0	7-0-0	7-0-0	6-1-0	7-0-0	7-0-0
Action	Approve	Forward	Approve	Approve	Approve	Approve
Time	7:44 PM	7:50 PM	7:59 PM	8:40 PM	8:44 PM	8:48 PM
Motion Detail	With all conditions as recommended by staff.	With a recommendation of approval.	With all conditions as recommended by staff.	Motion to add a condition to require the Smyth House be maintained as a non-residential use. With all other conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.
Public Comment	11	0	0	5	0	0



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING: May 28, 2024

SUBJECT: **CCP-2024-0005: Concurrent Plat (6106 E. GUY TERRY RD RD/REEVES, 143):**
Submitted by BATES & ASSOCIATES for property located at 6106 E. GUY TERRY RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 7.19 acres. The request is for the concurrent plat of two residential lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2024-0005** with conditions.

RECOMMENDED MOTION: *"I move to approve CCP-2024-0005, recommending:*

- In favor of recommended right-of-way dedication and street improvements; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is northeast of the City limits in Washington County. It is approximately 350 feet south of the intersection of E. Guy Terry Rd. and N. Tom Perry Rd. Containing approximately 7.19 acres, the property is largely undeveloped with one 3,794 square-foot single-family home constructed in 2000 per the Washington County Assessor. A portion of the property is within the Hillside-Hilltop Overlay District and a stream bisects the property. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

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

Proposal: The applicant intends to plat two residential lots with 3.29 acres and 3.90 acres. Having exhausted the number of administrative lot splits permitted from the parent tract, this proposal is required to be reviewed as a concurrent plat.

Water and Sewer System: No additional water or sewer infrastructure is required with this proposal. Each proposed lot will have the required access to water; however, a portion of the water line is located within the easement but less than four feet from the edge. Utility easements must extend ten feet on either side of the main; therefore, additional easement dedication shall be required where this distance is not being met. No access to sewer is provided to properties outside of the City of Fayetteville limits.

Right-of-way to be dedicated: The property in question has access from E. Guy Terry Rd, a public county road, and both proposed tracts will maintain access once split. The existing right-of-way (60 feet) exceeds the required Master Street Plan right-of-way (52 feet). Staff does not recommend any additional right-of-way dedication.

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

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

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

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

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

Conditions of Approval:

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

Subdivision Committee recommended approval.

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

Subdivision Committee recommended approval.

3. Utility easements must extend ten feet on either side of the water main. Additional easement dedication shall be required where this width is not being met.
4. All remaining comments from City divisions, whether Planning, Urban Forestry, Fire, or Engineering shall be addressed prior to recording, including:
 - a. Show and dimension master street plan right-of-way.
 - b. Remove duplicate and/or inapplicable signature blocks.

Standard conditions of approval:

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

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

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
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Date: <u>May 28, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
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Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

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



BATES

Engineers · Surveyors

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

April 15, 2024

To the City of Fayetteville Planning Staff:

Our client, Doug & Holly Reeves, are proposing a tract split within the City of Fayetteville's Planning Area. The subject parcel involved is #001-15296-001 (6106 E. Guy Terry Rd owned by Douglas & Holly Reeves) and contains 7.19 acres. Due to the number of splits that already occurred out of this parcel, this project is being submitted as a Concurrent Plat.

The subject parcel will be split into two tracts with the new property line being the surveyed centerline of a creek. One tract to contain 3.29 acres, and the other to contain 3.90 acres. This property has an existing home and septic system on it. Water is available to this property by a 3" water line along the entire front side of it.

There is no large-scale development planned on any of this subject property. Tree preservation areas are not being dedicated and there are no proposed utility extensions, buffer areas, or public areas being proposed. The intended use for the property is residential.

If you have any questions, comments, or concerns, please contact us.

Sincerely,

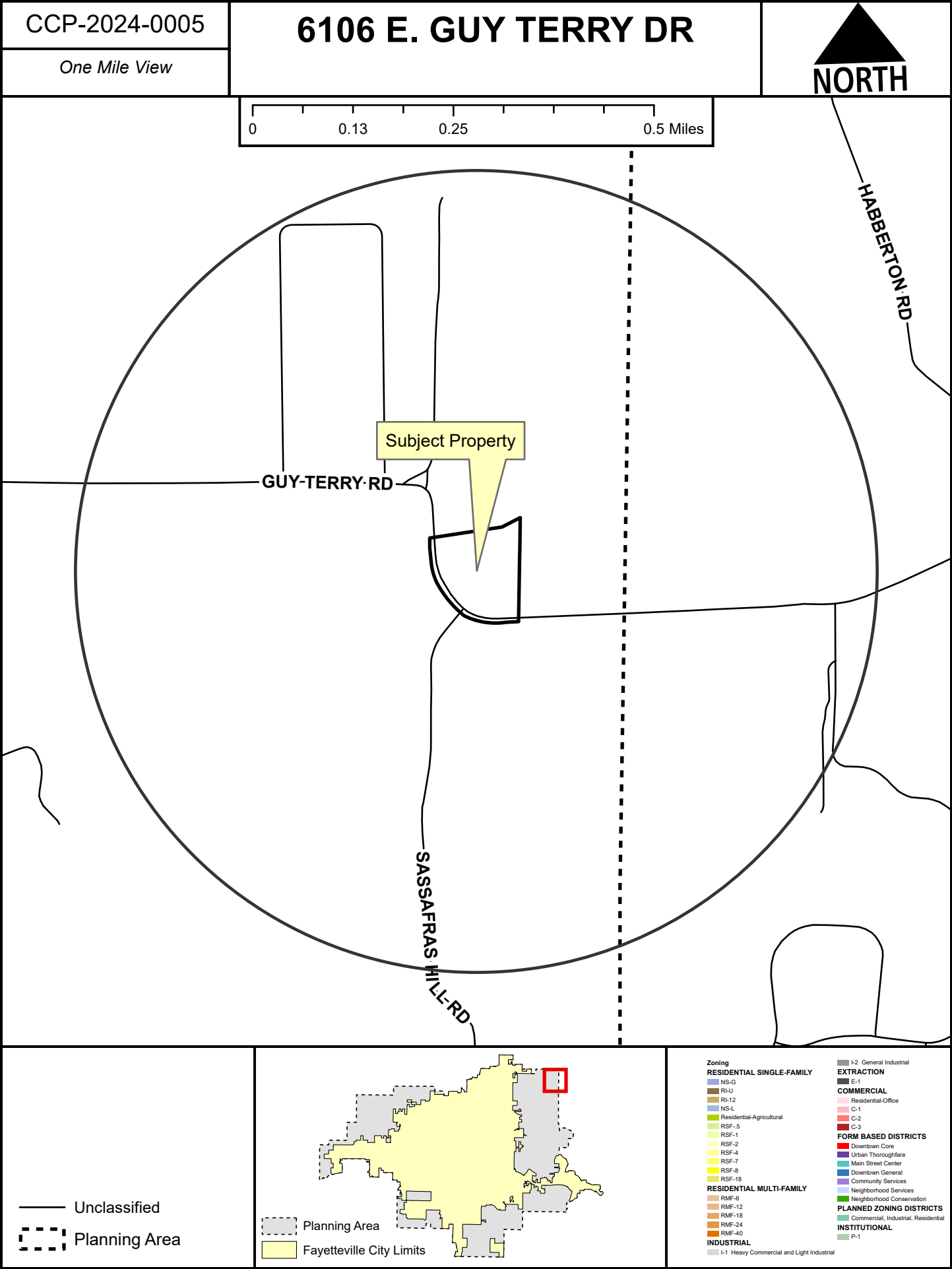
Blaine Atchley

Project Manager

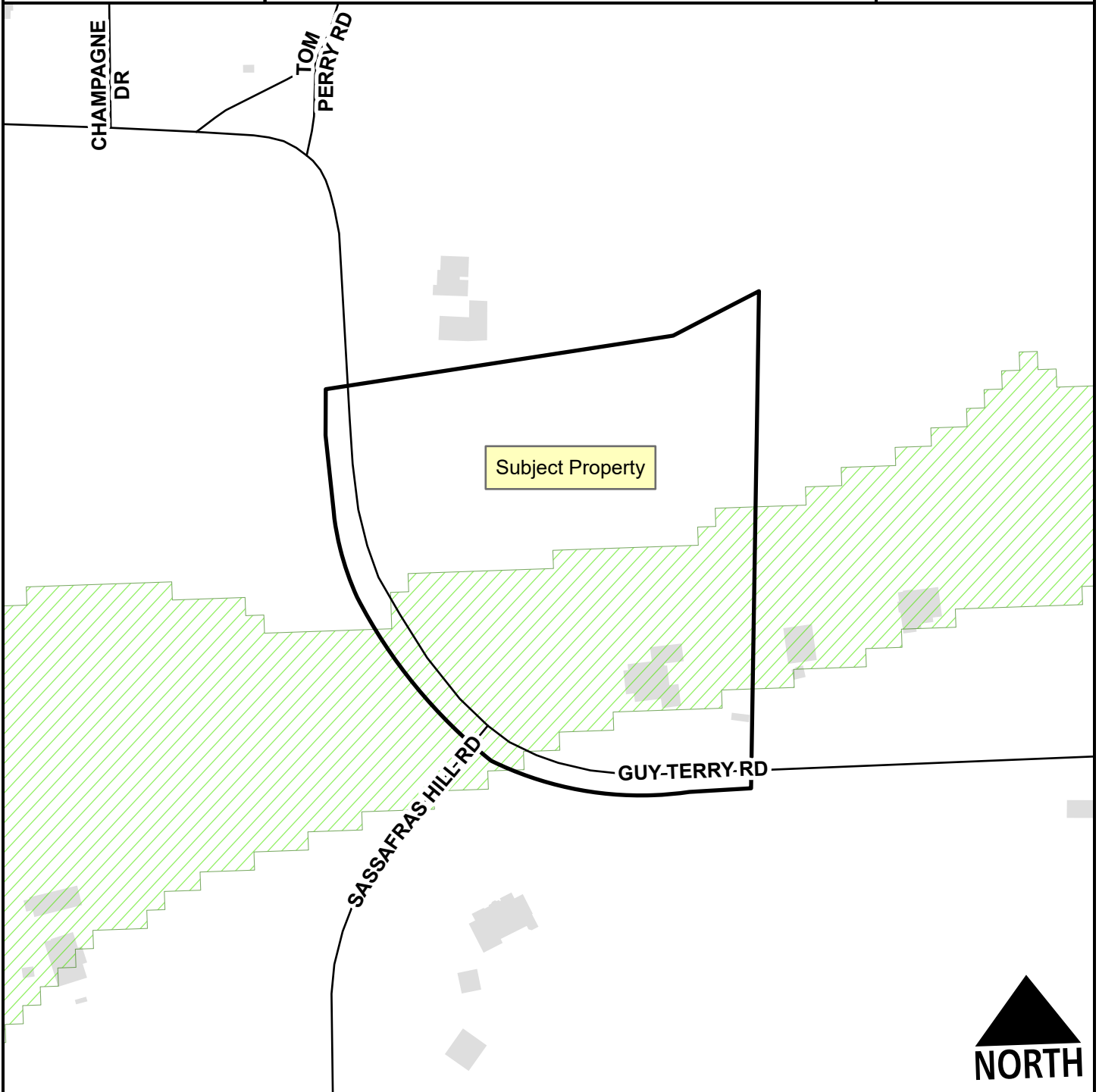
Phone: 479-442-9350

Email: blaine@batesnwa.com

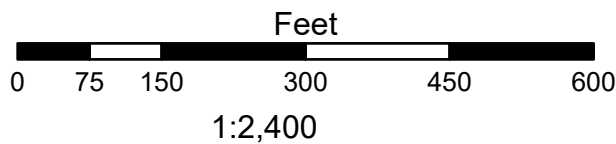
7230 S Pleasant Ridge Drive
Fayetteville, AR 72704



Close Up View



- Unclassified
-  Hillside-Hilltop Overlay District
-  Planning Area



CCP-2024-0005

6106 E. GUY TERRY DR

Current Land Use



— Unclassified
--- Planning Area



FEMA Flood Hazard Data

100-Year Floodplain
Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner
Melissa Boyd, Staff Engineer
Melissa Evans, Urban Forester

MEETING: May 28, 2024

SUBJECT: **LSD-2024-0008: Large Scale Development (NORTHEAST OF N. MANA CT. & E. LONGVIEW ST./HALF MOON ORAL SURGERY, 212):** Submitted by ENGINEERING SERVICES INC for property located NORTHEAST OF N. MANA CT. & E. LONGVIEW ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 2.62 acres. The request is for an 18,270 square-foot, three-story commercial building and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2024-0008**, subject to conditions.

RECOMMENDED MOTION: *"I move to approve LSD-2024-0008, recommending:*

- 1. In favor of variance to §166.25(D)(2), Cross Access;*
- 2. In favor of variance to §177.04(D)(1), Side and Rear Property Line Screening;*
- 3. In favor of the recommended street improvements;*
- 4. In favor of the recommended right-of-way dedication, and*
- 5. In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in north Fayetteville approximately ¼ mile east of the intersection of N. Futrall Dr. and N. Fullbright Expressway. The property has been partially constructed with an existing parking lot but is otherwise undeveloped and includes a substantial tree canopy. No portion of the property is within the Hillside Hilltop Overlay District, though the property is partially encumbered by Streamside Protection Zones, Floodway/Floodplain, and the I-540 Sign Overlay District. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial / Medical Offices	R-O, Residential Office
South	Hospice Care Facility	P-1, Institutional
East	Medical Office	R-O, Residential Office
West	Commercial / Medical	R-O, Residential Office

Proposal: The applicant requests Large Scale Development approval to develop the subject property with an 18,270 square-foot medical building and associated parking. Two variances have been requested.

Variance #1: UDC §166.25(D)(2), Cross Access. Cross access shall be required to adjacent developed and undeveloped properties.

The parcel is bound to the south by E. Longview St., a public Residential Link. Cross access is proposed to the west and north via an existing shared-drive off of E. Longview St. and the existing parking lot. The applicant has requested a variance to cross access to the east.

- a. *Staff recommendation: Staff recommends approval of the applicant's request. Staff finds that cross access has been substantially provided and that the entire eastern portion of the property is bound by an existing tree preservation easement, streamside protections, and FEMA regulated floodplain/floodway. These impediments create significant hurdles in creating a connection to the east, including the requirement that the geographic extent and location of tree preservation easements, once recorded, may only be modified or abolished with the express approval of the City Council. Further, staff finds that encroachment into the tree preservation and streamside areas runs counter to goals to limit development in sensitive conservation areas. Staff recommends a condition that an access easement shall be provided from the existing access easement along vehicle travel lanes to ensure continued access between parcels.*

Variance #2: UDC §177.04(D)(1), Side and Rear Property Lines. All parking lots shall have 5 feet of landscaped area between the property line and parking lot.

The parcel has been partially developed with an existing parking lot and sidewalk system, and the design of the additional parking lot would locate the northwest corner of the addition approximately four feet from an existing sidewalk.

- a. *Staff recommendation: Staff recommends approval of the applicant's request. The property is largely encumbered by existing tree preservation easements as well as streamside protection zones and FEMA regulated floodplain and floodway. The applicant cites the previous lot split cutting through the parking lot and the small size of the resultant lot. These encumbrances substantially limit the portion of the parcel which may be further (re)developed. The applicant does not intend to fully eliminate the greenspace and shows approximately four feet between the edge of the parking lot and existing sidewalk. Given the encroachment occurs only at the northwest corner of the parking lot and the small size of the encroachment, staff finds the applicant has site-specific hardships and is still meeting the intent of the ordinance to provide for vegetation to reduce storm water runoff and the potential damage it may create, and to enhance the appearance of parking lots in all zoning districts.*

Right-of-Way to be Dedicated: The overall property has frontage along E. Longview St., an existing Residential Link with either 70 or 110 feet of right-of-way along the property's frontage. As Residential Links require a maximum of 52 feet of right-of-way, staff recommends no additional dedication.

Street Improvements: E. Longview St., an existing Residential Link, has been fully improved with curb and gutter, 6' sidewalks, and green space. Staff recommends no additional street improvements.

Access Management/Connectivity: Staff has determined that the project currently meets access management standards through the use of an existing shared driveway.

Design Standards: The development is subject to 166.25 – Commercial, Office, and Mixed-Use Design Standards. Staff finds the design is substantially compliant with these standards. Parking

lot design standards also appear to be met with this request. A variance has been requested to the city's connectivity standards (discussed above). Staff recommends approval of this variance with an added condition.

Water and Sewer System: The subject property has access to an existing 8" water main on the north side of Longview Street that the applicant is proposing to connect to for domestic service. They are also proposing to extend a fire line from an existing 8" water main present on the east side of Mana Court. There is an existing sanitary sewer main present to the north of the proposed building. The applicant is proposing to pour a new manhole over the existing sewer main to connect to with a 6" sanitary sewer service because the proposed building and underground detention conflict with the location of the existing sewer main and manhole. The sewer work must be installed and accepted, and the existing utility easement for the sewer being abandoned must be vacated prior to Engineering approving the building permit.

Parkland dedication or fee in-lieu: Commercial developments are not subject to parkland dedication.

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 1.5%

Preserved canopy: 1.5%

Mitigation required: Zero 2-inch caliper trees.

Public Comment: Staff has not received any public comment on the item to date.

RECOMMENDATION: Staff recommends approval of **LSD-2024-0008** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of variance to UDC §166.25(D)(2), Cross Access.** *Staff recommends approval of the requested variance with conditions.*
 - a. An access easement shall be provided from the existing access easement along vehicle travel lanes to ensure continued access between parcels.

Subdivision Committee recommended approval.

2. **Planning Commission determination of variance to UDC §177.04(D)(1), Side and Rear Property Lines.** *Staff recommends approval of the requested variance with no added conditions.*

Subdivision Committee recommended approval.

3. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*

Subdivision Committee recommended approval.

4. **Planning Commission determination of street improvements.** *Staff recommends no additional street improvements.*

Subdivision Committee recommended approval.

5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto, and including:
 - a. Prior to building permit approval, the applicant must complete any required utility easement vacations, including the proposed easement vacation associated with the removal/relocation of an existing sanitary sewer manhole and main line currently indicated within the building footprint.

Standard conditions of approval:

1. Development review 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);
2. 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 development 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;
3. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
4. 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. 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;
 - e. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - f. Project Disk with all final revisions; and
 - 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.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 28, 2024</u>		☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Engineering Memo
- Urban Forestry Memo
- Applicant Exhibits
 - Request Letter
 - Variance Request Letters
 - Site Plan Excerpts
 - Elevations
- One Mile Map
- Close Up Map
- Current Land Use Map



TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: May 21, 2024

SUBJECT: **Planning Commission Engineering Comments for
LSD-2024-0008 HALF MOON ORAL SURGERY**

Water: The subject property has access to an existing 8" water main on the north side of Longview Street that the applicant is proposing to connect to for domestic service. They are also proposing to extend a fire line from an existing 8" water main present on the east side of Mana Court.

Sewer: There is an existing sanitary sewer main present to the north of the proposed building. The applicant is proposing to pour a new manhole over the existing sewer main to connect to with a 6" sanitary sewer service because the proposed building and underground detention conflict with the location of the existing sewer main and manhole. The sewer work must be installed and accepted, and the existing utility easement for the sewer being abandoned must be vacated prior to Engineering approving the building permit.

Streets: The applicant is proposing to access the site using an existing driveway on Longview Street.

Natural Features: An unnamed tributary of Mud Creek flows south to north on the east side of the project area that lies within a FEMA Zone AE floodplain. No work is proposed in the Streamside Protection Zones or floodplain.

Drainage: This development is required to meet the 4 Minimum Standards of the Drainage Criteria Manual. Drainage requirements are proposed to be met using underground detention. Isolator Rows in the underground detention system will be used to meet water quality requirements of Minimum Standard 1. The discharge from the 1-year, 24-hour storm is shown to be less than 2.0 cfs to meet Minimum Standard 2 channel protection. They are showing to meet overbank flood protection and extreme flood protection requirements of Minimum Standards 3 and 4 by sizing the outlet structure so peak flows post-development do not exceed pre-development peak flows. Further review of the proposed design will be conducted during the grading permit review.

Plan Comments:

1. Provide underground hydraulic calculations from fire line designer with grading permit submittal to ensure velocities will not exceed 10 fps under fire flow conditions.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all

proposed improvements are subject to further review at the time construction plans are submitted.

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



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Noah Geels, EI, ESI

From: Donna Wonsower, Planner and Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 16, 2024

Subject: LSD-2024-0008: Half Moon Oral Surgery: Northeast of Mana Ct. and E. Longview St., 212

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,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, LSIP, and Subdivisions (PPL & FPL) 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 A2g</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>		X	
1 Tree : 12 Parking Spaces				

b. Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	Yes		
c. Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>			X
d. Tree Island (8' min. width, 18.7' min length, 150 square feet) <i>UDC Chapter 177.04C</i>	X		
e. 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. Front Property Line (15' wide landscape) and 5' on sides and rear. <i>UDC Chapter 177.04D2a</i>	X		
b. Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>	X		
c. Screening of parking lot from adjacent residential properties.	X		
4. Street Tree Planting Requirements	Yes	No	N/A
a. Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05B1a</i>			X
b. Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05B2a</i>			X
c. Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>			X
d. Structural 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 required, 7 proposed
Street Trees	5 existing, 5 proposed
Detention Pond – Large Trees (1 Tree/3,000 square feet)	0
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	0
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	0

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	5-1-24	5-16-2024	
Approved			5-28-2024
Tabled	3-26-24		
Denied			

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

Comments
1. Thank you for providing the variance request seeking 5' from the parking lot to the side and rear property line. Urban Forestry will likely support this request.
2. No additional comments. Plans will be further reviewed with grading permit submittal.



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Noah Geels, EI, ESI

From: Donna Wonsower, Planner and Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 28, 2024

Subject: LSD-2024-0008: Half Moon Oral Surgery: Northeast of Mana Ct. and E. Longview St., 212

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

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
UDC Chapter 167.04H1and 167.04L1			
a. 5 year Aerial Check on Existing Trees	Yes	Yes	Yes
b. Property Boundary	Yes	Yes	Yes
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	Yes
d. Existing Topography and Proposed Grading	Yes	Yes	Yes
e. Soil Types	Yes	Yes	Yes
f. Significant Trees	Yes	Yes	Yes

g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	Yes	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	Yes	Yes	Yes
l. Floodplains and floodways	Yes	Yes	Yes
m. Existing Street, Sidewalk or Bike Path ROW	No	Yes	Yes
n. Submitted Site Analysis Plan (if required)	No	N/A	N/A
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	N/A	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	Yes	N/A	N/A

Tree Protection Methods

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

6. Site Analysis Report (if required)	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	5-1-2024	5-16-2024	
Approved			5-28-2024
Tabled	3-26-24		
Denied			

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

Comments

Urban Forestry Comments addressed. Plans will be further reviewed with grading permit.

March 13, 2024

City of Fayetteville
Development Services Building
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Large Scale Development Application
Half Moon Oral Surgery
3337 N Mana Way
Fayetteville, AR 72704

Planning Staff:

Please accept this letter as a narrative accompanying a large-scale development application for Half Moon Oral Surgery at the referenced address. This project will include a 6,090 sf, 2 story office building, along with all necessary parking lot, storm, and utility improvements.

This property was platted by the Brookstone Subdivision and is currently zoned R-O. The owner is requesting a variance on cross access & perimeter landscaping.

A tributary of Mud Creek runs through the site and is within the streamside protection zone. Attached is a map with the slopes at 100 foot intervals in the waterside zone showing the additional 20 foot waterside zone isn't required.

Very truly yours,

Noah Geels

Enclosures
Streamside Slope Map

Z:\Engineers\00 - Engineer Projects\23945 - Meadowview LSD\03 Pre-Construction Plan Submittals\2024-02-14
Submittal #1\Transmittal Letter.docx

April 17th, 2024

City of Fayetteville
c/o Sarah Sparkman
Development Services Building
125 West Mountain Street
Fayetteville, AR 72701

Re: Variance Request
Half Moon Oral Surgery (LSD-2024-0008)
3337 N Mana Way
Fayetteville, Arkansas

Ms. Sparkman:

Please accept this letter as a variance request to waive cross access required under UDC Chapter 166.25(D)(2) Commercial Design Standard "Cross Access. Cross access shall be required to adjacent developed and undeveloped properties". The Half Moon property is part of the Brookstone Subdivision. In 2008 improvements were added to the property including a parking lot that is currently providing cross access to the north, south, and west. As a part of that development the east side of the property was dedicated as a tree preservation easement. Within the tree preservation easement is a stream that is also a FEMA floodway and has 50-foot streamside protection zones on each side of the stream. The adjacent lot to the east has been developed since 2003 and has no stub outs that can be connected to.

We believe that requiring Half Moon to provide cross access to the east provides an undue hardship, as that access drive would have to cross through 100 linear feet of streamside protection zone, remove several trees from inside the tree preservation easement, and build a bridge to span the FEMA floodway/floodplain. This is a very large expenditure that provides a limited public benefit since protected landscaping would be destroyed and the lot to the east has already been developed for 2 decades.

While we understand the need for developments to provide cross access, we are meeting the intent of the code by providing cross access where feasible.

Very truly yours,

Noah Geels, E.I.

Z:\Engineers\00 - Engineer Projects\24901- Half Moon Oral Surgery\03 Pre-Construction Plan Submittals\2024-03-13 Submittal #1\parts\Variance Request cross access.docx

April 17, 2024

City of Fayetteville
c/o Sarah Sparkman
Development Services Building
125 West Mountain Street
Fayetteville, AR 72701

Re: Variance Request
Half Moon Oral Surgery (LSD-2024-0008)
3337 N Mana Way
Fayetteville, Arkansas

Ms. Sparkman:

Please accept this letter as a variance request to waive perimeter landscaping requirements under UDC Chapter 177.04(D)(1) Site Development & Parking Lot Landscape Standards. The lot for Half Moon is part of Brookstone Subdivision. In 2008 improvements were added to the property including a parking lot. In 2016 the city approved the lot split (file no. 2016-26618) for this property with the property line less than 5 feet off the existing parking lot and in some areas through the parking lot.

Due to the lot split, to efficiently utilize the small amount of buildable space on an infill lot, a small section of proposed parking will be within 5 feet of the property line. Enclosed with this letter is an exhibit showing the negligible amount of parking within the 5 feet of perimeter landscaping.

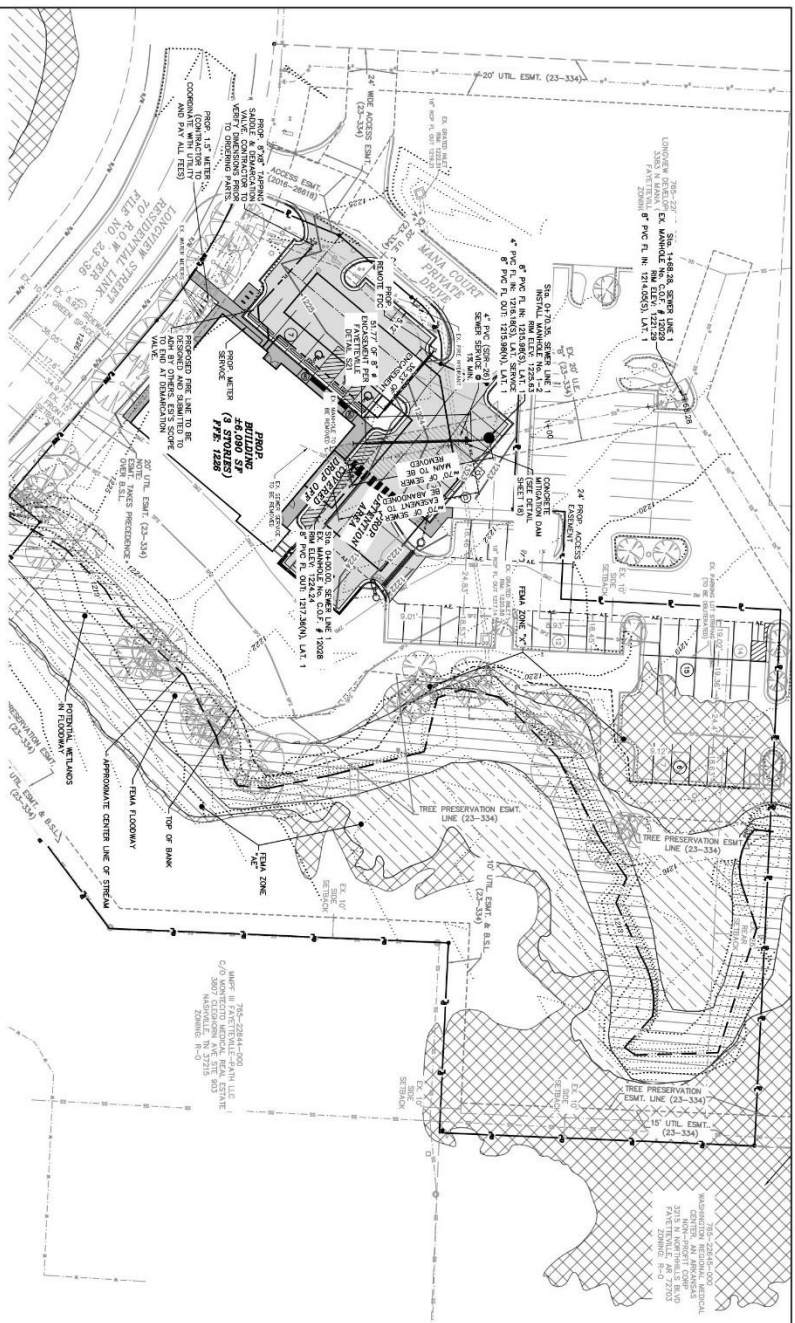
We believe that requiring Half Moon to provide a continuous 5-foot landscaped perimeter presents an undue hardship while providing limited public benefit. Half Moon is meeting the intent of the code by providing perimeter landscaping everywhere except the existing parking lot and approximately 29 square feet of the proposed parking lot.

While we understand the need for developments to provide perimeter landscaping, we are meeting the intent of the code by providing perimeter landscaping where feasible.

Very truly yours,

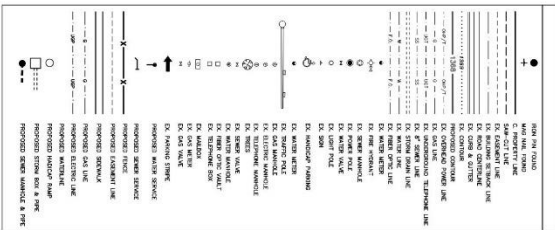
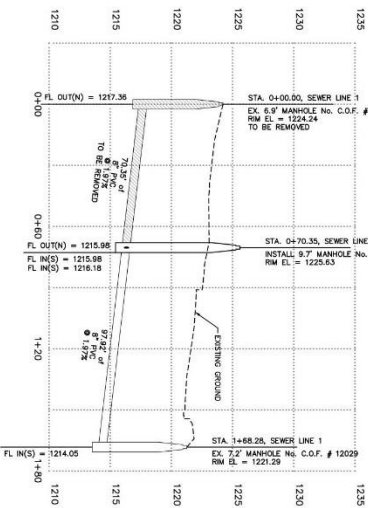
Noah Geels, E.I.

Z:\Engineers\00 - Engineer Projects\24901- Half Moon Oral Surgery\03 Pre-Construction Plan Submittals\2024-03-13 Submittal #1\parts\Variance Request parking lot.docx

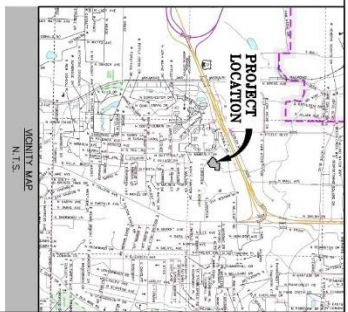


SEWER LINE 1

SCALE: 1" = 30'



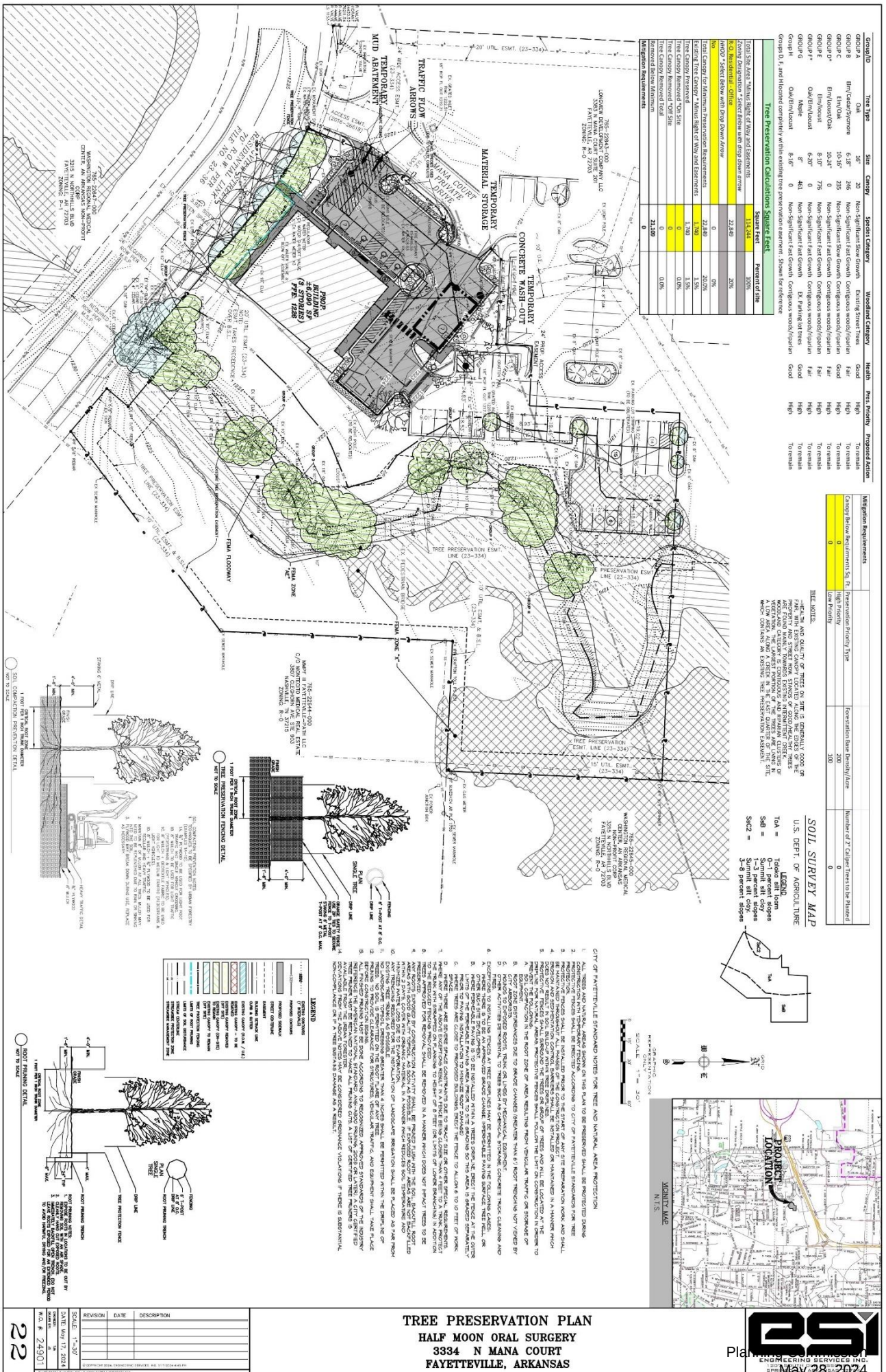
- NOTES:**
1. ALL WATER AND SEWER MAINS AND SERVICES SHALL BE INSTALLED PER THE FAYETTEVILLE, ARKANSAS WATER AND SEWER SPECIFICATIONS DATED 01/2018.
 2. ALL WATER MAINS SHALL BE 8" C900 PVC UNLESS OTHERWISE SPECIFIED ON THE PLAN.
 3. THE FAYETTEVILLE, ARKANSAS WATER AND SEWER SPECIFICATIONS DATED 01/2018 SHALL BE USED FOR ALL OTHER DETAILS.
 4. ALL SEWER SERVICE LINES SHALL BE 4" SCHEDULE 40 PVC @ 15 UNLESS OTHERWISE SPECIFIED.
 5. ALL SEWER SERVICE LINES SHALL BE 4" SCHEDULE 40 PVC @ 15 UNLESS OTHERWISE SPECIFIED.
 6. ALL FIRE LINE TAPES SHALL BE PAINTED RED AND HAVE THE WORD "FIRE" ON THEM.
 7. ALL SEWER SERVICE LINES SHALL BE SUBMITTED TO ALL CITY ENGINEERS FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
 8. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FAYETTEVILLE, ARKANSAS SPECIFICATIONS FOR WATER AND SEWER CONSTRUCTION.
 9. ANY CHANGES TO THE PLAN SHALL BE SUBMITTED TO THE CITY OF FAYETTEVILLE, ARKANSAS FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.



PROPOSED WATER & SEWER MAIN
SUMMARY TABLE
 WATER - 6" OF 8" PVC
 SEWER - 4" OF 8" PVC
 FIRE - 70 LF OF 8" DI

UTILITY PLAN
HALF MOON ORAL SURGERY
3334 N MANA COURT
FAYETTEVILLE, ARKANSAS



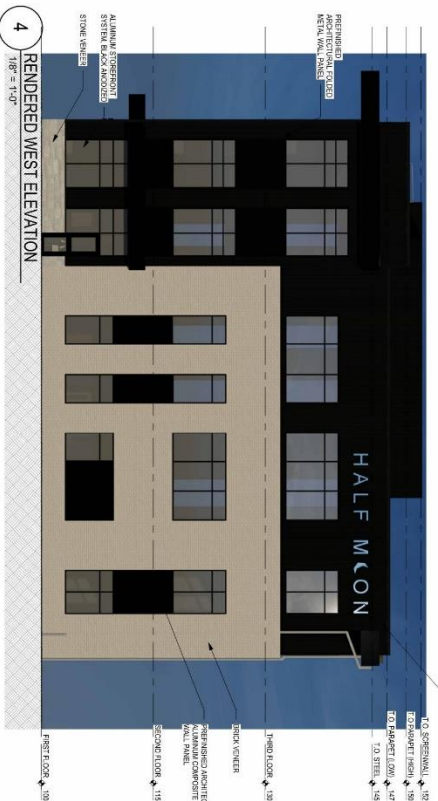


MATERIALS LEGEND

MATERIAL / FINISH	PRODUCT
1. STONE VENEER	MASONRY WHITE GRAY Limestone
2. STONE VENEER	MASONRY WHITE GRAY Limestone
3. PREPARED ARCHITECTURAL POLYMER METAL WALL PANEL	ALUMINUM POLYMER METAL WALL PANEL, 1/2" THICK, 1/4" RIB
4. ALUMINUM POLYMER METAL WALL PANEL	ALUMINUM POLYMER METAL WALL PANEL, 1/2" THICK, 1/4" RIB
5. STONE VENEER CLAS	STONE VENEER CLAS, 1/2" THICK, 1/4" RIB
6. PREPARED ARCHITECTURAL ALUMINUM COMPOSITE WALL PANEL	ALUMINUM COMPOSITE WALL PANEL, 1/2" THICK, 1/4" RIB
7. ALUMINUM METAL SOFFIT PANEL	ALUMINUM METAL SOFFIT PANEL, 1/2" THICK, 1/4" RIB



SITE PLAN KEY



A NEW FACILITY FOR
HALF MOON ORAL SURGERY
LONGVIEW ST AND MANA COURT, FAYETTEVILLE, AR

REVIEW
05/03/2024

Planning Commission
May 2, 2024

BUILD

A4.3

COMMITMENT 2024

REVISION
05/03/2024

2024-001



NORTHEAST CORNER



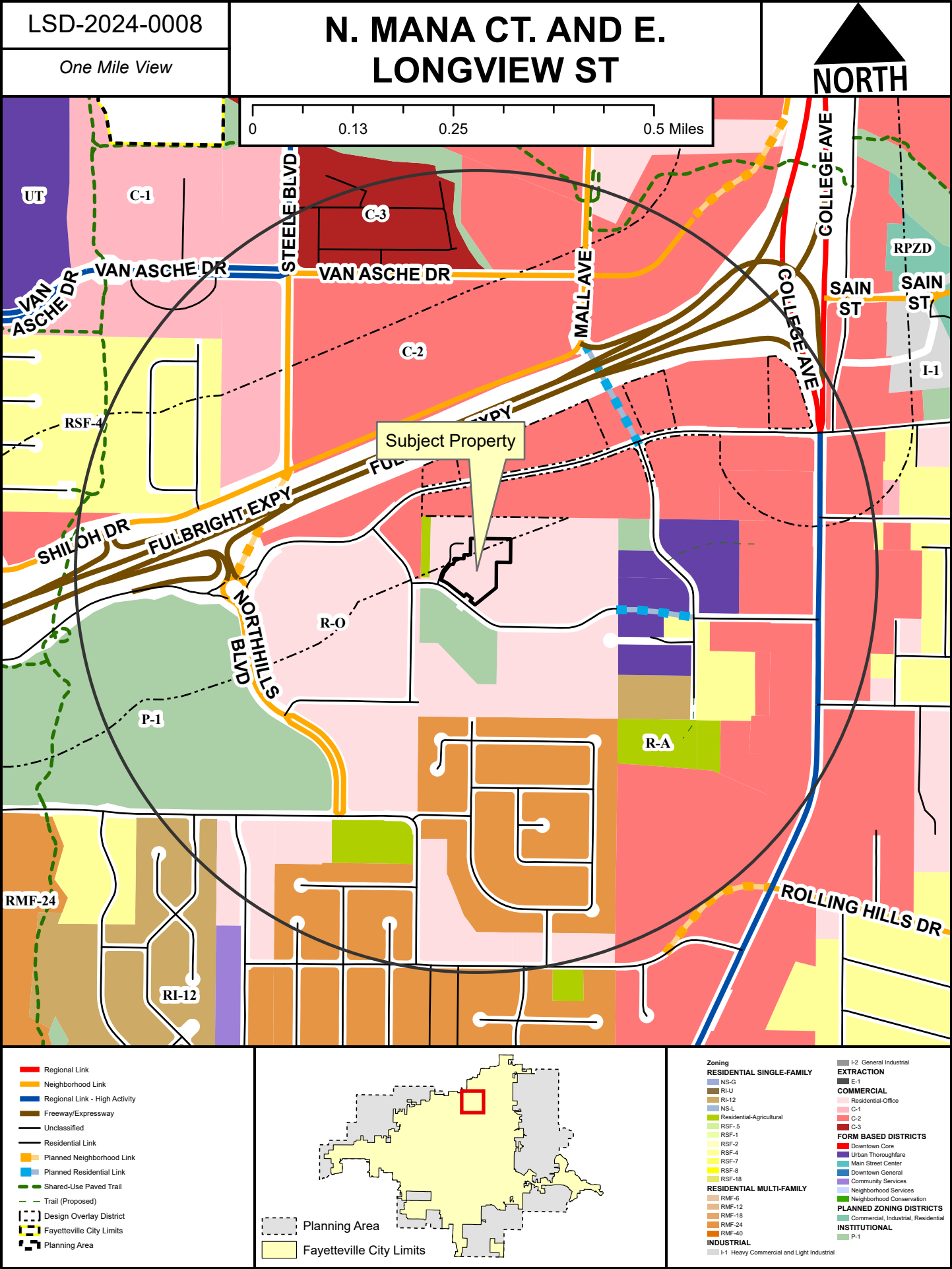
NORTHWEST CORNER

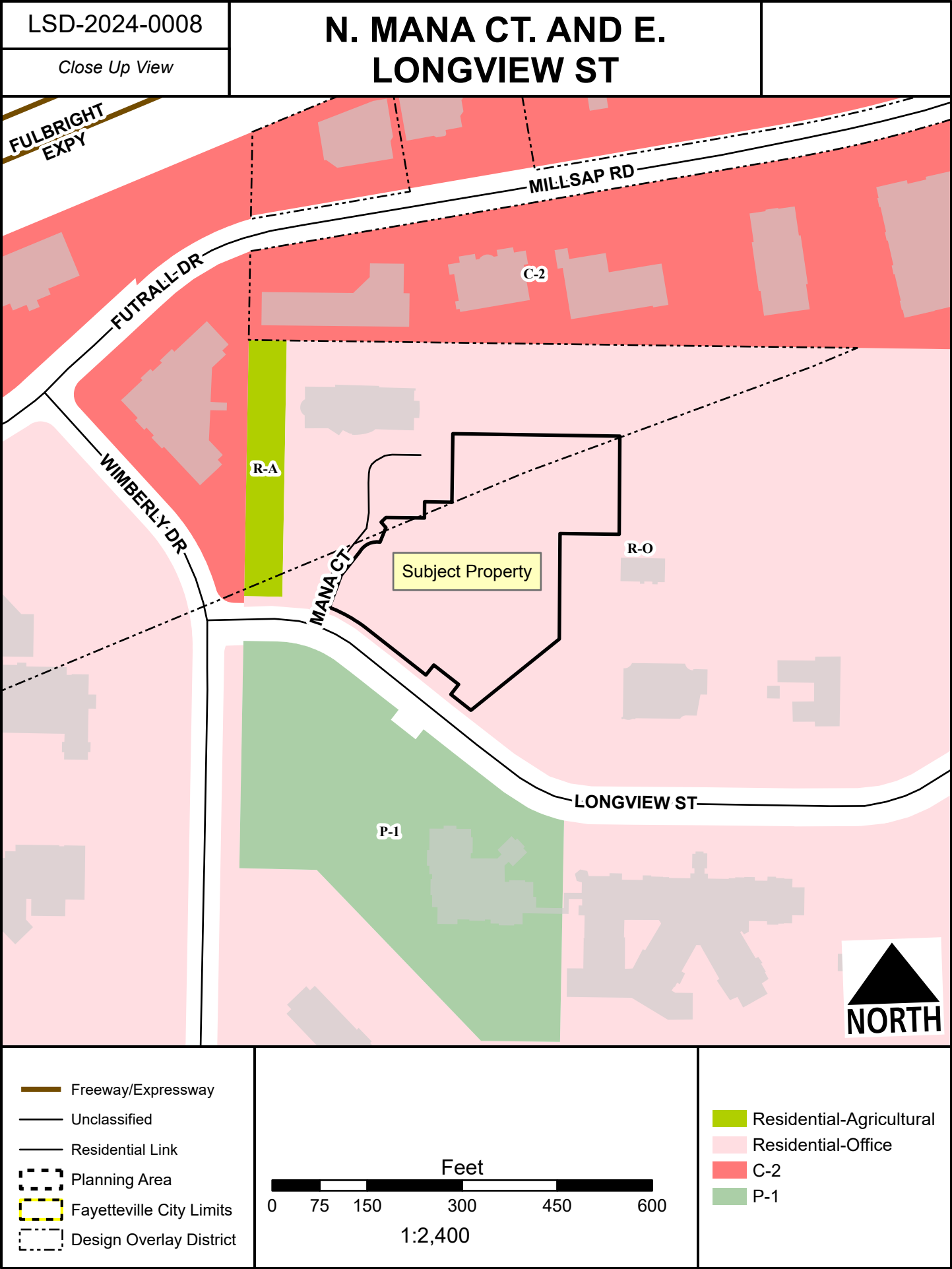


SOUTHEAST CORNER



SOUTHWEST CORNER









TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 28, 2024

SUBJECT: **CUP-2024-0018: Conditional Use Permit (1607 N. COLLEGE AVE/BRASS POLE PROPERTIES LLC, 407):** Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 1607 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.74 acres. The request is for a wireless communications facility.

RECOMMENDATION:

Staff recommends tabling **CUP-2024-0018** until the June 24 Planning Commission meeting at the applicant's request.

RECOMMENDED MOTION:

"I move to table **CUP-2024-0018** until the June 24, 2024 Planning Commission meeting."

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 28, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: John Scott, Urban Forester and Melissa Evans, Urban Forester
Josh Boccaccio, Staff Engineer

MEETING DATE: May 28, 2024

SUBJECT: **ADM-2024-0022: Administrative Item (2201 N. MARKS MILL LANE, CONSERVATION EASEMENT APPEAL, MENOTTI, 329):** Submitted by TODD MENOTTI for property located at 2201 N. MARKS MILL LANE. The property is zoned NC, NEIGHBORHOOD CONSERVATION, and contains approximately 0.2 acres. The request is to appeal the Urban Forestry interpretation of a Conservation Easement.

RECOMMENDATION:
Staff recommends denial of **ADM-2024-0022**.

RECOMMENDED MOTION:
"I move to deny **ADM-2024-0022**, upholding Urban Forestry staff's interpretation of the platted conservation easement."

BACKGROUND:
The subject property is located at the west side of the south end of Marks Mill Lane in the Summit Place Subdivision. This phase received final plat approval and signature in 2017. The property is zoned NC, Neighborhood Conservation, and is adjacent to the temporary fire turnaround cul-de-sac at the end of Marks Mill Lane. On the west side of the parcel in question is a platted conservation easement with an existing stand of trees. A residential building permit was applied for in 2023 to construct a single-family home (RESI-2023-1090). Building Safety, Engineering, and Urban Forestry reviewed the building permit for the first time in December 2023, and as of April 2024 those divisions still had open or unaddressed comments. Urban Forestry denied the permit on April 22 after four rounds of review with unaddressed comments and finding that the tree preservation requirements for a conservation easement were not being met. Surrounding land uses and zoning are depicted in *Table 1*:

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Single-Family Residential	NC, Neighborhood Conservation
South	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped/Single-Family Residential	NC, Neighborhood Conservation
West	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre; C-2, Thoroughfare Commercial

Request: The applicant is requesting an appeal to an interpretation by Urban Forestry staff regarding the removal of tree canopy within a platted conservation easement. The easement was dedicated with the recordation of a final plat in 2017. More history on the easement is included in the discussion section below.

Public comment: One member of the public contacted staff about water runoff at this property, with concerns regarding drainage and necessary requirements for a berm to be located at the western end of the property, or the bottom of the hill. Written public comment by the same member of the public is attached to this report for the Commission's consideration, and they are opposed to the applicant's request to remove vegetation in the conservation easement.

DISCUSSION:

The Summit Place subdivision was originally platted with 50 lots in 2008 and was approved to be re-platted to increase that number to 123 single-family lots in 2011 (PPL 11-3902, Exhibit 4). A condition of that plat's approval was the dedication of a conservation easement meant to address stormwater detention requirements and was proposed by the developer as an unbuildable area to avoid upsizing the existing pond. The easement was crafted to not permit any impervious surface, including sheds, patios, or porches, though does have allowances for pervious projecting decks that do not disturb the vegetation. Further, the tree preservation requirements for the site were met with the preservation of 1.79 acres of canopy to be maintained by the POA, and an additional 14 acres were indicated as to be preserved by the proposed conservation easement. In 2015, the lot in question received approval through another modification to the preliminary plat (PPL 15-4988, Exhibit 6), where it was shown with a 47-foot conservation easement, a continuation of the same conservation easement that was approved in 2011. In 2016, a final plat was approved, and in 2017, it was recorded which officially dedicated the required conservation easement in question (FPL 16-5522, Exhibit 7).

In 2023, the current property owner applied for two residential building permits on adjacent lots on December 19, 2023 (RESI 2023-1090 & RESI-2023-1091). Staff approved one of the permits (2213 N. Marks Mill Ln., RESI-2023-1091) with no objection from Urban Forestry because there was no proposed tree removal in the conservation easement adjacent to the building.

Staff requested that the permit in question (2201 N Marks Mill Ln., RESI-2023-1090) be resubmitted noting that "the tree preservation fence needed to be at the conservation line, you cannot build or use the conservation easement in construction. Ideally, you need to be five feet away from the conservation easement, this line is too far." (Comments on Exhibit 8). A timeline of the subsequent submittal and comment process can be seen below:

- 12/19/2023: 1st Submittal - Staff noted the conservation easement and other issues and asked for a resubmittal.
- 2/9/2024: Applicant resubmitted but did not address Urban Forestry comments. The staff asked for the project to be resubmitted and noted "The conservation easement is being encroached and this needs to be corrected."
- 2/19/2024: Applicant resubmitted but did not address Urban Forestry comments. The staff asked for a resubmission.
- 2/28/2024: Staff met with the applicant and stated again that the building would encroach on the conservation easement which has Oak and Hickory trees that would be affected by the house construction.
- 4/17/2024: The applicant resubmitted and did not address Urban Forestry Comments. Urban Forestry denied the permit.

The proposed structure is shown to be directly adjacent to a conservation easement, with a 1st floor and a 2nd floor deck within the conservation easement. The proposed construction would potentially remove two healthy oak trees and remove all vegetation approximately 20 feet into the easement. After two submittal rounds, the applicant requested an on-site meeting, and Urban Forestry staff met with them on February 28, 2024 to examine the site. The Urban Forester showed them the trees that would be impacted and asked them to consider design alternatives for the home; no design alternatives were provided, but the applicant proposed planting five trees for the one tree that would be impacted. The applicant did not address the concerns about the removal of vegetation from the easement. On April 17, 2024, Urban Forestry staff denied the permit after no changes were made to the plan.

Based on the platting history of the conservation easement and the assumptions for tree preservation that were made along with the platting and dedication of that easement, Urban Forestry staff interprets the conservation easement has having the same level of typical preservation requirements as a tree preservation easement. Chapter 167.05(B) Tree Protection of the UDC states, "No filling, excavating, or other land disturbance shall occur in areas with preserved trees." The two trees closest to the building being impacted are an 8" DBH (Diameter at Breast Height, standard measurement of trees), Bur Oak, *Quercus macrocarpa*, and an 18" DBH Mockernut Hickory, *Carya tomentosa*. Both trees are healthy and show no signs of damage or failure. These are considered high priority trees per 167.04(E)(3), and the code states, "The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation." To construct the building, as shown on the plan, excavation is needed for the foundation, requiring soil disturbance of two significant healthy trees ideal for protection. The foundation construction would impact the critical root zone for the trees and would likely kill the trees. If these trees were not in the protected area, staff would consider them to be high priority and urge the applicant to preserve them because they are young and in optimal health. These trees will continue to grow and provide more ecosystem services as they mature.

In evaluating the appeal, staff also engaged with City Engineering staff, since the conservation easement in question was originally dedicated with the intention to address stormwater detention requirements and was proposed by the developer as an unbuildable area to avoid upsizing the existing pond. Based on provided curve numbers (CN) in the original drainage design, City Engineering found that the applicant's proposed structure size, encroachment, and planned vegetation removal would not be consistent with the original design, resulting in more stormwater coming off this lot than was assumed in the most recent drainage report. The lot in question was designed for the entire conservation easement to remain undisturbed without tree removal and for less impervious area than is proposed with the applicant's request. City Engineering also recommends denial of the applicant's appeal of staff's determination finding that any tree removal would negatively affect the assumed drainage calculations for the approved final plat.

RECOMMENDATION: Staff recommends denial of ADM-2024-0022.

PLANNING COMMISSION ACTION: Required YES

Date: May 28, 2024 ☐ Tabled ☐ Approved ☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §167.05 Tree Protection Measures And Construction
- Applicant request letter and materials
- Urban Forestry Staff Materials:
 - Exhibit 1: Property Location
 - Exhibit 2: Current Conditions 2024
 - Exhibit 3: Conditions in 2020
 - Exhibit 4: Summit Place Subdivision Preliminary Plat (PPL 11-3902)
 - Exhibit 5: Summit Place Subdivision Final Plat Phase 1 (FPL 11-3995)
 - Exhibit 6: Summit Place Subdivision Preliminary Plat (PPL 15-4988)
 - Exhibit 7: Summit Place Subdivision Final Plat Phase 2 (FPL 16-5522)
 - Exhibit 8: Proposed Residential Site Plan and comments from staff
 - Exhibit 9: Proposed Tree Preservation Plan and comments from staff
 - Exhibit 10: Proposed Tree Preservation Plan Info showing the red hatch on the previous plan is “Tree Canopy to be Removed”.
- Engineering Memo
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map

167.05 Tree Protection Measures And Construction

- (A) *Site Inspection.* A preliminary site inspection followed by periodic inspections will be conducted by the Urban Forester to ensure compliance with the tree preservation plan.
- (B) *Tree Protection.* Trees illustrated as preserved on tree preservation plans shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in areas with preserved trees. No filling, excavating or other land disturbance shall take place in areas with preserved trees. Before commencing any construction activity, the applicant shall construct tree protection barriers on the site along the tree dripline or 10 feet from the trunk, whichever is greater. The applicant shall also post signs [at] areas with preserved trees in accordance with the details, standards, specifications and guidelines provided in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*. The Urban Forester may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, and the roots of which extend onto the site of the proposed construction. Any applicant damaging or destroying an off-site tree shall be required to mitigate such damage or destruction as prescribed by the Urban Forester. If the required

barriers surrounding the areas with preserved trees are not adequately maintained during construction, the Urban Forester shall prescribe remedial measures, and may issue a stop work order in accordance with §153.07(C). All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy.

(Code 1991, §162.11; Ord. No. 3699, §11, 4-20-93; Ord. No. 3925, §8, 10-3-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §7, 4-16-96; Ord. No. 4008, §1, 12-17-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 5986, §36, 7-6-17)

Subject: Lot 141, 2201 N. Marks Mill Lane, Fayetteville, AR

Appeal: Urban Foresters staff interpretation under 155.06 (C) (5) Urban Forester – Landscape and Tree Preservation and Protection Requirements

Interpretation in Question: Urban Foresters staff interpretation of a tree preservation easement requirement on Lot 141.

Summary: Based on the available Plats (and multiple replats) for Lot 141, extensive inquiries with stakeholders in the Fayetteville government, and observable building practices in the Summit Place subdivision, there is no definitive argument for a tree preservation easement for Lot 141.

- 1) **The available Plats** utilized for designing the proposed home on Lot 141 (attached) clearly identifies an easement area but does not designate a tree easement area on the lot. The proposed home design does not propose encroaching on the conservation easement in any event, although like nearly all the homes in the Subdivision, given the small lot sizes, the proposed build comes near the easement line.

The City acknowledges there have been multiple rounds of platting and replatting in the Subdivision, and according to the City Attorney's office, one of the replats specifically indicated the easement in the area of Lot 141 was intended to provide for storm water control, not tree preservation. In sum, there is no clear-cut justification for the Forester's interpretation and subsequent requirement that the conservation easement line be expanded (resulting in a loss of buildable land for the Owners).

- 2) **City government stakeholders** have been engaged by the Owners and Builder on the question of the easement, including the Urban Forester, the Development Services Department, and City Attorney's office. These discussions have made clear that there is, at best, ambiguity in the nature of the easement for Lot 141. In fact, based on the Development Service Department's own opinion of the question, it is reasonable to conclude there is no tree preservation easement on Lot 141. We understand this to be the view of the Development Department's Director:

"In practice, tree preservation easements are intended to include the trees, their roots, and their canopy. This however, is not a tree preservation easement. The purpose of its platting as a conservation easement was two-fold: preserve vegetation and to limit imperviousness with a replat for denser lots, thereby ensuring the flow to the existing pond did not exceed capacity."

It is the Owner's understanding that they should not be required to arbitrarily adjust the easement line (resulting in a loss of buildable land for the Owners and a redesign) given the City's own opinion that this is not a tree preservation easement issue. At best, there are contradictory views on this question among city government stakeholders.

- 3) **Observable building practices** in Summit Place also provide a practical view of the question of a tree preservation easement. A recent build and two ongoing builds not only were allowed to engage in construction up to, and perhaps beyond, the conservation easement lines, but in one of the cases a deck was allowed to extend into the conservation easement area because, as Development Services noted, "...its primary intent is preserving pervious areas."

In the case of the other two lots, clearing (*including of trees*) occurred into the easement areas. This was likely done as a practical matter so that houses could be built, because again these are small lots.

Please see attached for summary/photos. Easement lines were hand-measured based on the available Plats.

Conclusion:

We respectfully ask the Planning Commission to grant our appeal of the Urban Forester's interpretation of a tree preservation easement on Lot 141 based on 1) the Plat information available; 2) the contradictory views within the City government on the existence, and application, of a tree preservation easement; and 3) the observable building practices and handling of easement requirements in the Subdivision.

The Owners, native Arkansans who are moving back to the state, fully support conservation policies in Fayetteville and worked with the Builder in good faith to design a home on Lot 141 that conforms with the aesthetics of the neighborhood and complies with all understood conservation easement requirements.

The Urban Forester's interpretation, which goes against the general understanding of other government stakeholders and the precedent used for home construction in the Subdivision, would force the easement line to arbitrarily be moved in, resulting in a significant redesign of the proposed home. This will do nothing to advance conservation in Summit Place but only add more cost and additional delays to the building process on Lot 141.

Building Practices in Summit Place Subdivision

Below is some information on recent and ongoing builds in the Subdivision.

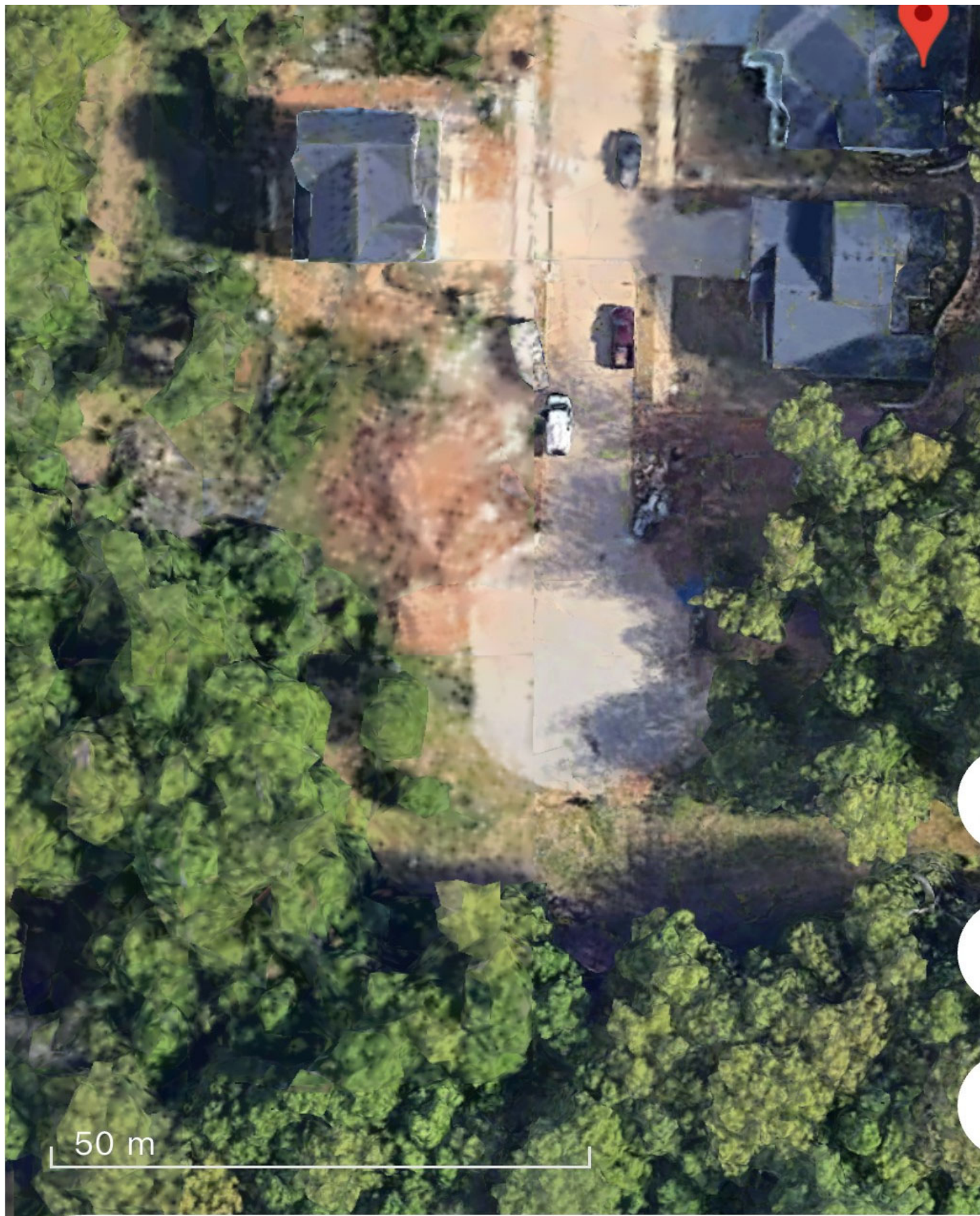
The below pictures are of builds underway for lots 139 and 140, across the street from Lot 141. The easement line is in blue from hand measurements based on the Plats. Tree removal has occurred in the easements and retaining wall construction will likely be necessary in the easements. **Our only purpose here is to show that in practice these easements are not being treated as tree preservation easements.**

We reiterate the proposed house plan for Lot 141 does NOT propose tree removal beyond the easement.





As a point of comparison for Lots 139 and 140 – here is a google earth picture (circa 2023) – shows how much tree removal occurred into the easement area on these lots.

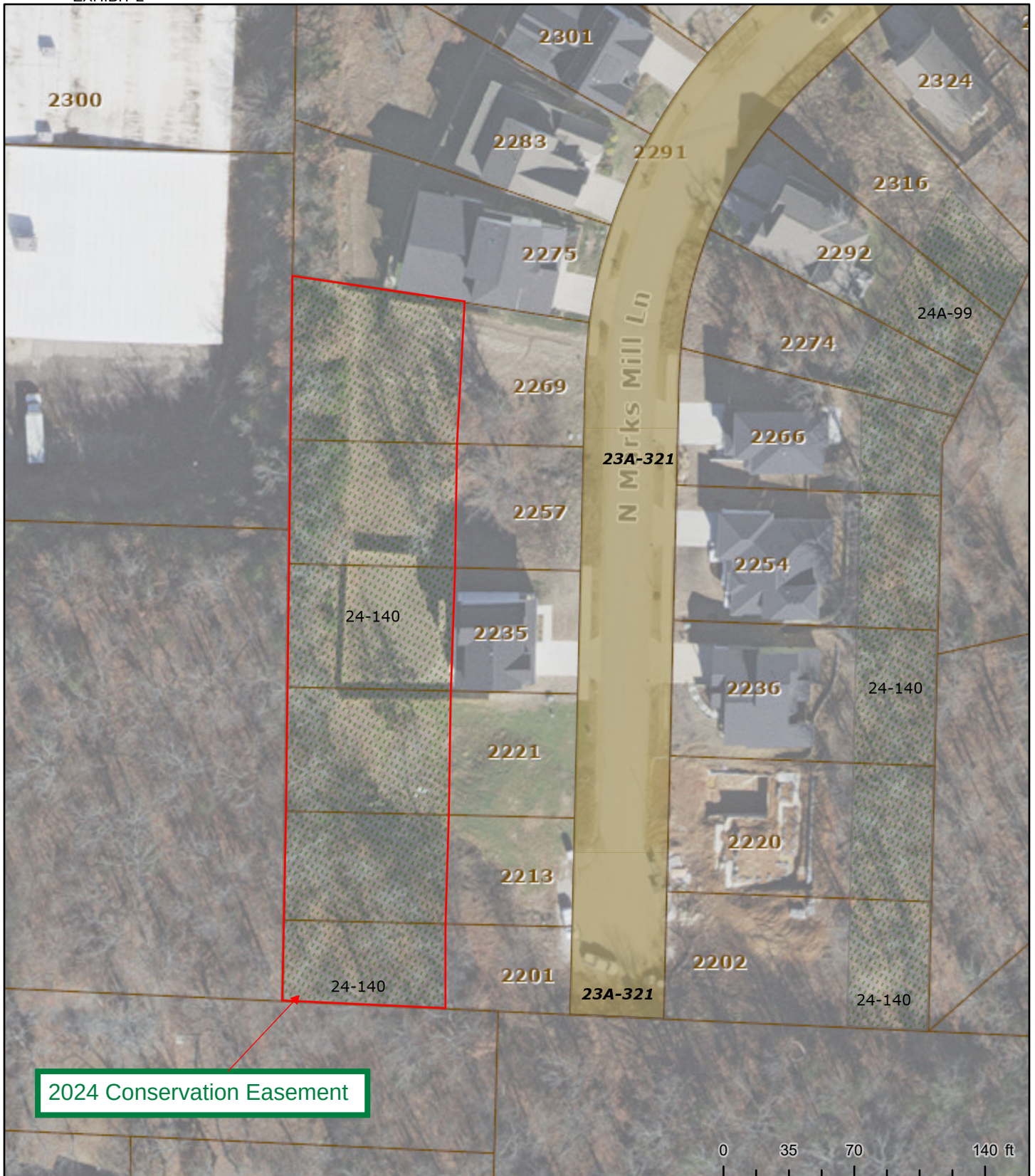


The other comp is lot 144, two lots north of Lot 141. As the picture below demonstrates, the house goes up to the easement line, and the deck was allowed to extend into the easement. The sound rationale for this accommodation was laid out by the Development Department's Director -

"In practice, tree preservation easements are intended to include the trees, their roots, and their canopy. This however, is not a tree preservation easement. The purpose of its platting as a conservation easement was two-fold: preserve vegetation and to limit imperviousness with a replat for denser lots, thereby ensuring the flow to the existing pond did not exceed capacity. Only one of these was captured in the 2011 plat though (see note from the attached below).

*If a shy distance is something that Forestry consistently applies, it could be reasonable that it be done here as well given the canopy component. **That said, the conservation easement is extensive, and it does give me pause to require additional setting aside of land beyond that already committed. In fact, and circling-back to the to the note below, we allow decks to extend into the conservation easement since its primary intent is preserving pervious areas.***"





2024 Conservation Easement



Conservation Easement



Fayetteville

Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 5/7/2024
Credits: City of Fayetteville, AR, 2024 Imagery | EagleView Technologies | Surdex Corporation
Map Author:



2020 Conservation Easement



Conservation Easement



Fayetteville

Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 5/7/2024
Credits: City of Fayetteville, AR, 2020 Imagery | Surdex Corporation | Pictometry International | Kucera International
Map Author:

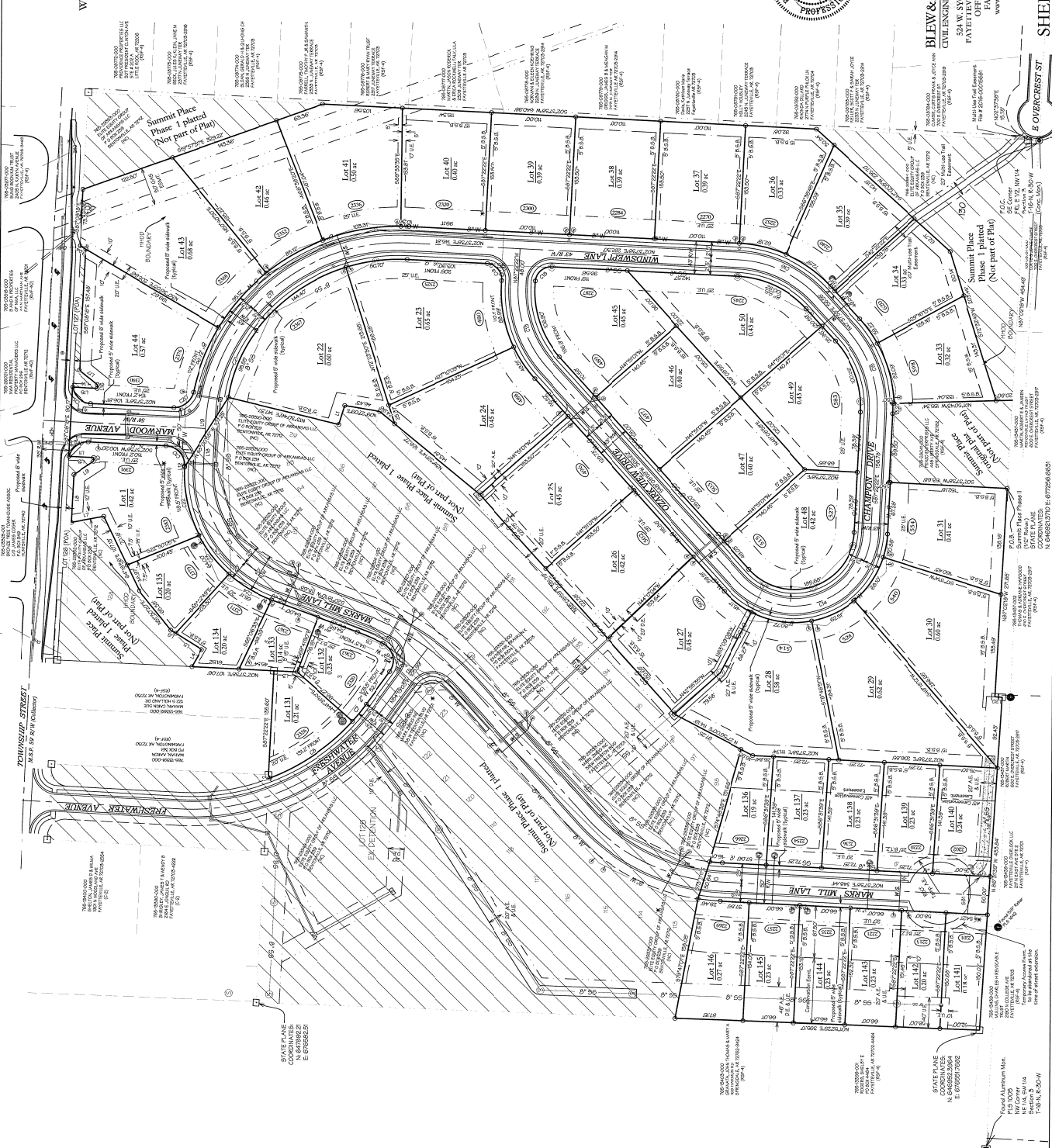


EXHIBIT '7'



BLAW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
524 W. SYCAMORE ST. SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4500
FAX: 479.582.1883
WWW.BLAUINC.COM

SHEET 2 OF 4



FINAL PLAN
SUMMIT PLACE, PHASE II
FAYETTEVILLE, ARKANSAS
PREPARED: OCTOBER 10, 2016
GRAPHIC SCALE
(IN FEET)
1 inch = 60.0'

Fayetteville Notes:

- All designs are subject to the City's latest design criteria (water, sewer, storm, and drainage). Known for past approval is not approval of public works and drainage. Known for past approval is not approval of public works and drainage. Known for past approval is not approval of public works and drainage.
- At the time of construction, the City of Fayetteville shall be responsible for the construction and completion of all drainage facilities for the site.
- City of Fayetteville shall be responsible for the construction and completion of all drainage facilities for the site.

SITE BENCHMARKS:
TOP OF SANITARY SEWER MANHOLE 10M
N 64.8501° E 100.0000' (NAD 83 DATUM)
E 67.7540° S 100.0000' (NAD 83 DATUM)

STANDARD LEGEND

	SURVEYING FEATURES
	RIGHT-OF-WAY
	EASEMENT
	UTILITY SYMBOLS
	SURVEY FEATURE HATCHES

STATION	CHORD BEARING	CHORD DISTANCE	CHORD BEARING	CHORD DISTANCE
1	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
2	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
3	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
4	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
5	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
6	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
7	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
8	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
9	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
10	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
11	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
12	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
13	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
14	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
15	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
16	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
17	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
18	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
19	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
20	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
21	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
22	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
23	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
24	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
25	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
26	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
27	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
28	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
29	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
30	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
31	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
32	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
33	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
34	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
35	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
36	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
37	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
38	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
39	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
40	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
41	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
42	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
43	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
44	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
45	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
46	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
47	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
48	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
49	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000
50	N 0° 0' 0" E	0.0000	N 0° 0' 0" E	0.0000

Temporary Access Esmt.
to be abandoned at the
time of street extension.

John Scott
Redlines and Comments
Urban Forestry Review
02/12/2024 8:13:09 AM

Lot 141
0.18 ac

Site Information:

Street Address:

Property Information:

Master Street Plan Information:

2201 Marks Mill Lane, Fayetteville, AR 72703

Lot 141 Summit Place Subdivision

k" (Minimum R/W: 45', Maximum R/W: 52")

Residential Site Plan

1 inch = 20 ft

Certificate of Authorization № 1534

3825 N. Shiloh Drive • Fayetteville, Arkansas / 2/03 • 4/9.443.4506 Office • 4/9.582.1883 Fax

Project Number: 24-0053

Date: 02/01/2024



Know what's below.

TE PLAN
 $\delta^* = 1.0^\circ$

Reviewed by Ryan Trenholm
Engineering Division
rtrenholm@lafayetteville-ar.gov
479-601-3512

1) Sidewalk Fee is not required. —
5/4/2015 2:27:05 PM — 5/4/2015 2:25
2) Residence is in the HHOD due to this
plans must be stamped by a registered
Arkansas professional
engineer/architect/landscape architect
3) Provide grading plan showing contours
at every 1' —
4) Labor night of way. —
5) Show all utilities on site.
6) Provide City of Fayetteville Erosion
control details.
7) Provide City of Fayetteville Driveway
Details

BLEW

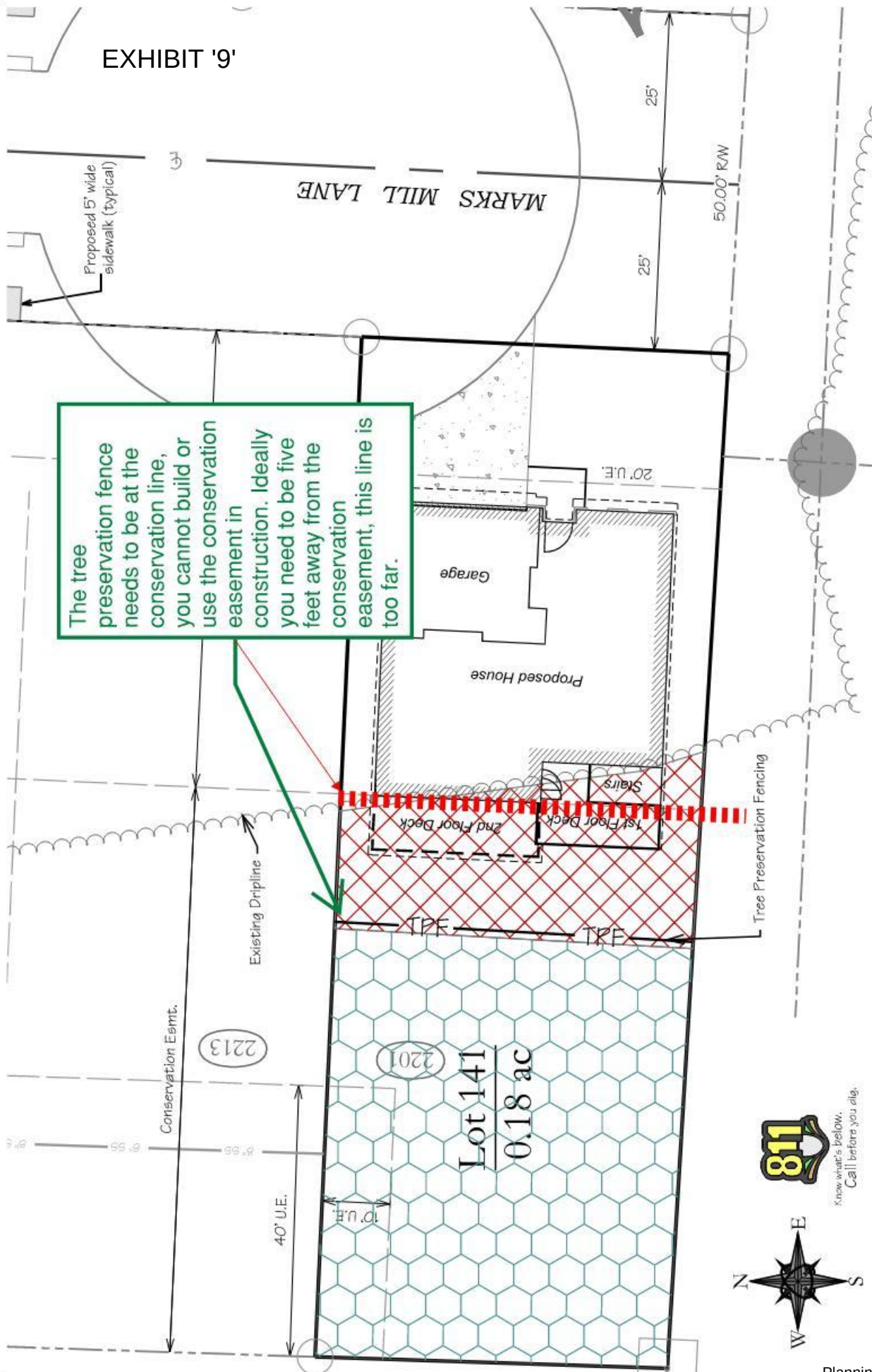
Surveying | Engineering | Environmental

Planning Commission

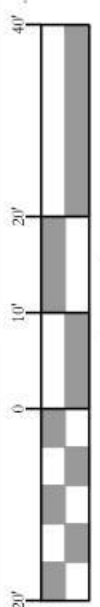
May 28, 2024

Page 61 of 116

Page 23 of 33



Tree Preservation Plan



Certificate of Authorization No 1534

Project Number: 24-0053

Date: 02/07/2024

3825 N. Shiloh Drive • Fayetteville, Arkansas 72703 • 479.443.4506 Office • 479.582.1883 Fax



BLEW

Surveying | Engineering | Environmental

Tree Preservation

TREE PRESERVATION CALCULATIONS:

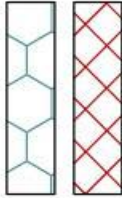
Total Site Area (less R/W and Easements):	6,503 sf	100%
NC-Neighborhood Conservation	1,301 sf	20%
HHOD: No	0 sf	0%
Total Canopy for Min. Preserv. Req'ments:	1,301 sf	20.0%
Existing Tree Canopy (less R/W & Easements):	4,086 sf	62.8%
Tree Canopy Preserved:	2,888 sf	44.4%
Tree Canopy Removed (Onsite):	1,198 sf	18.4%
Tree Canopy Removed (Offsite):		
Tree Canopy Removed Total:	1,198 sf	18.4%
Removed Below Minimum:	0 sf	
Mitigation Requirements:	0 sf	

Tree Mitigation

MITIGATION REQUIREMENTS:

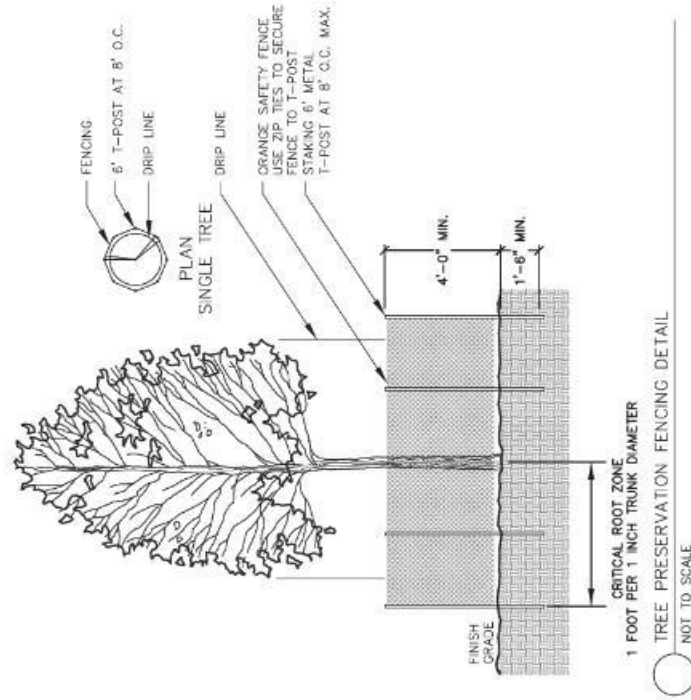
Canopy Below Requirements (High Priority):	0 sf
Canopy Below Requirements (Low Priority):	0 sf
Required High (Forestation @ 200 trees/ac):	0 Tree(s)
Required Low (Forestation @ 100 trees/ac):	0 Tree(s)
Provided:	0 Tree(s)

Tree Canopy Legend



Tree Canopy to be Preserved
Tree Protection / Undisturbed Area
Tree Canopy to be Removed

EXHIBIT '10'



Tree Preservation Plan Info



Project Number: 24-0053

Certificate of Authorization № 1534

Date: 02/07/2024

3825 N. Shiloh Drive • Fayetteville, Arkansas 72703 • 479.443.4506 Office • 479.582.1883 Fax



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: May 22, 2024

SUBJECT: ADM-2024-0022

RECOMMENDATION:

Engineering recommends denial of the applicant's appeal of staff's determination finding that the proposed conservation easement cannot have trees removed from it without negatively impacting the assumed drainage calculations used for Summit Place Phase II.

BACKGROUND:

It appears that the drainage design for the Summit Place subdivision has undergone a number of revisions. The original design, based on a drainage report by Jorgensen & Associates dated September 2005, had a CN value of 80 corresponding to residential $\frac{1}{2}$ to $\frac{1}{3}$ acre lots. There was a total of 50 residential lots proposed in the original development.

In 2011, Coover Consultants proposed changes to the subdivision to increase the number of lots. In order to not cause an increase in flow or modify the already installed detention pond, it appears they proposed a conservation easement on the lots in Phase 1 that would be "an unbuildable area that functions for purposes of stormwater control in relation to the detention pond size". The areas in which houses would be built were considered to have a CN of 90 and areas where the conservation easement was dedicated would have a CN of 70. Weighting these areas together provided a CN value of 79.34.

In 2016 a number of lots in the subdivision were replatted. As a result, the drainage design was reviewed/analyzed by Blew & Associates. Blew considered the original drainage design completed by Jorgensen and lots 1, 22-31, and 33-50 were platted back to what was originally analyzed.

Lots 131-146 were analyzed using a weighted CN. A CN value of 70 was used for woods with good cover, 74 was used for open space and lawns in good condition, and 98 was used for impervious area. 30% of the site area on these lots was considered to remain undisturbed due to HHOD regulations (this appears to correspond with the boundary of the conservation easement). The weighted CN on these lots was calculated to be 80. It's important to note that some of these lots may have a CN higher or lower than 80. For this to be true after development, each lot would need to meet the assumptions made for it during design.

DISCUSSION:

Based on the replat Summit Place, Phase II in October 2016, the CN value of Lot 141 is 78. This drainage calculation assumed woods, good cover in the entirety of the conservation easement on Lot 141 or roughly 4,360 square feet. In addition, the drainage calculation assumed impervious area of around 1,900 square feet and approximately 1,730 square feet of open space.

The current site plan removes approximately 1,055 square feet of good, wooded cover and the house and driveway appear to have an impervious area of approximately 2,722 square feet. The impervious area was measured at the roof eave. The following areas and cover are proposed with this house:

Woods, good cover (undisturbed area): 3,290 square feet

Open Space: 1,981 square feet

Impervious area: 2,722 square feet

The weighted CN of Lot 141 after the proposed construction would be 81.

This would not be consistent with the assumed cover and drainage design and would result in a higher amount of stormwater coming off this lot than assumed in the most recent drainage report. The lot was designed for the entire conservation easement to remain undisturbed (no tree removal) and for less impervious area than what is proposed.

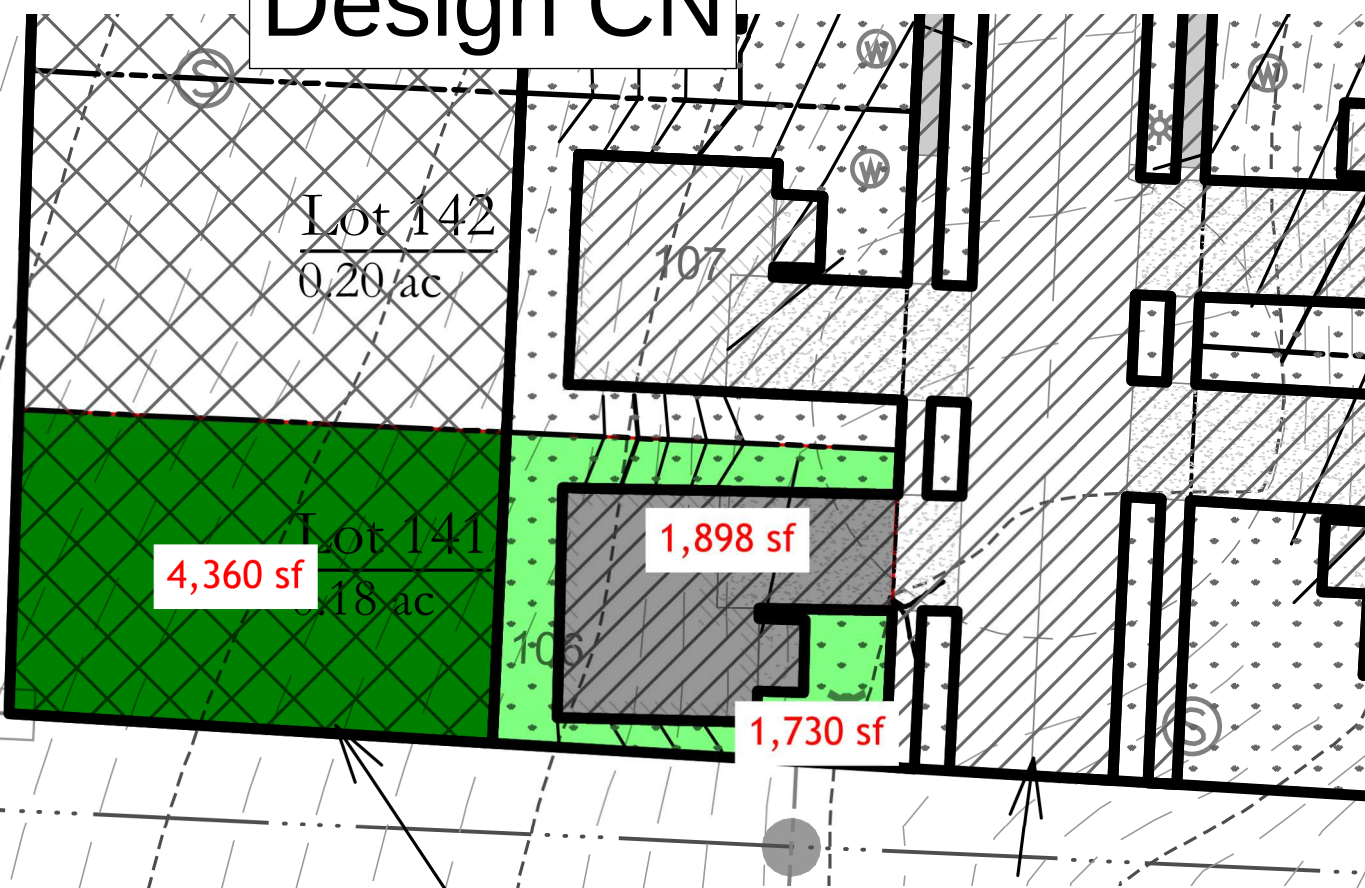
Attachments:

Design CN

Proposed CN

Design CN

ANE
TES:
964
682



Lot 141 Weighted CN:

$$\frac{4,360(70) + 1,730(74) + 1,898(98)}{7993} = 78$$

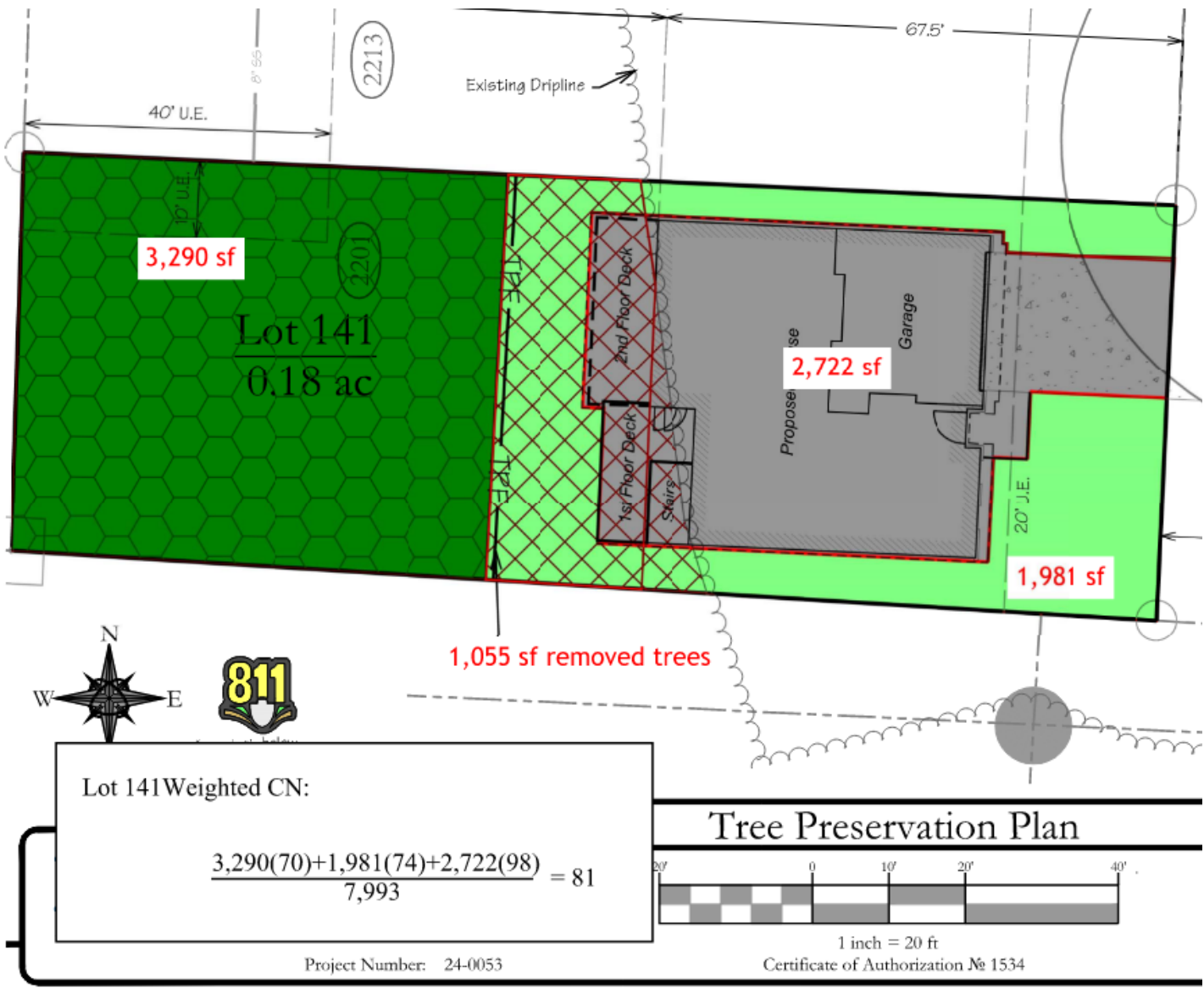
ous Area

64.71 SF
37 AC

woods, Good Cover

47901.84 SF
1.10 AC

Proposed CN



May 22, 2024

To: Jessie Masters

Development Review Manager

From: Shelby E Rogers

Property owner adjacent to **Subject Lot 141, 2201 N Marks Mill Lane**

Re: Against any changes to existing Preservation Easements

Dear Jessie Masters and any other Committee Member or Board Member:

I have the property adjacent to the west of the above property. There is quite a bit of history on the subdivision containing the above property and many City of Fayetteville meetings for changes to the tree ordinances, Preservation Easements, and lot sizes. I have been involved and attended meetings March 12, 2015, May 30, 2019, and June 10, 2019.

The bottom line on my concerns, as I have previously submitted in all the above dates, is that the water runoff from the above properties has nowhere to run to if there is no land, trees, or vegetation to help slow down the runoff and/or absorb within the soil.

The answer in 2015, was that the owners of the subdivision were required to place a 'water berm' within the preservation easement, along the west side of lots on Marks Mill Lane. The 'water berm' acts as a funnel for water to move toward the retention area to the north of the above lots. That water berm runs the length of the property line along the west side BUT it stops at lots 140 and 141. In 2019, after several meetings the City of Fayetteville said that until the 'water berm' is extended there could not be any development of the lots.

If development is now going to be allowed, without the berm being extended, the preservation easement should NOT be minimized by any fashion or means.

I have personally had to bear the cost of having my past house removed as the foundation was ruined by water filtration from the runoff coming down from the above properties. I would like to rebuild at some point, but this will be problematic if the above properties are not held to the preservation easements for water runoff.

I respectfully request that the above Project be denied.

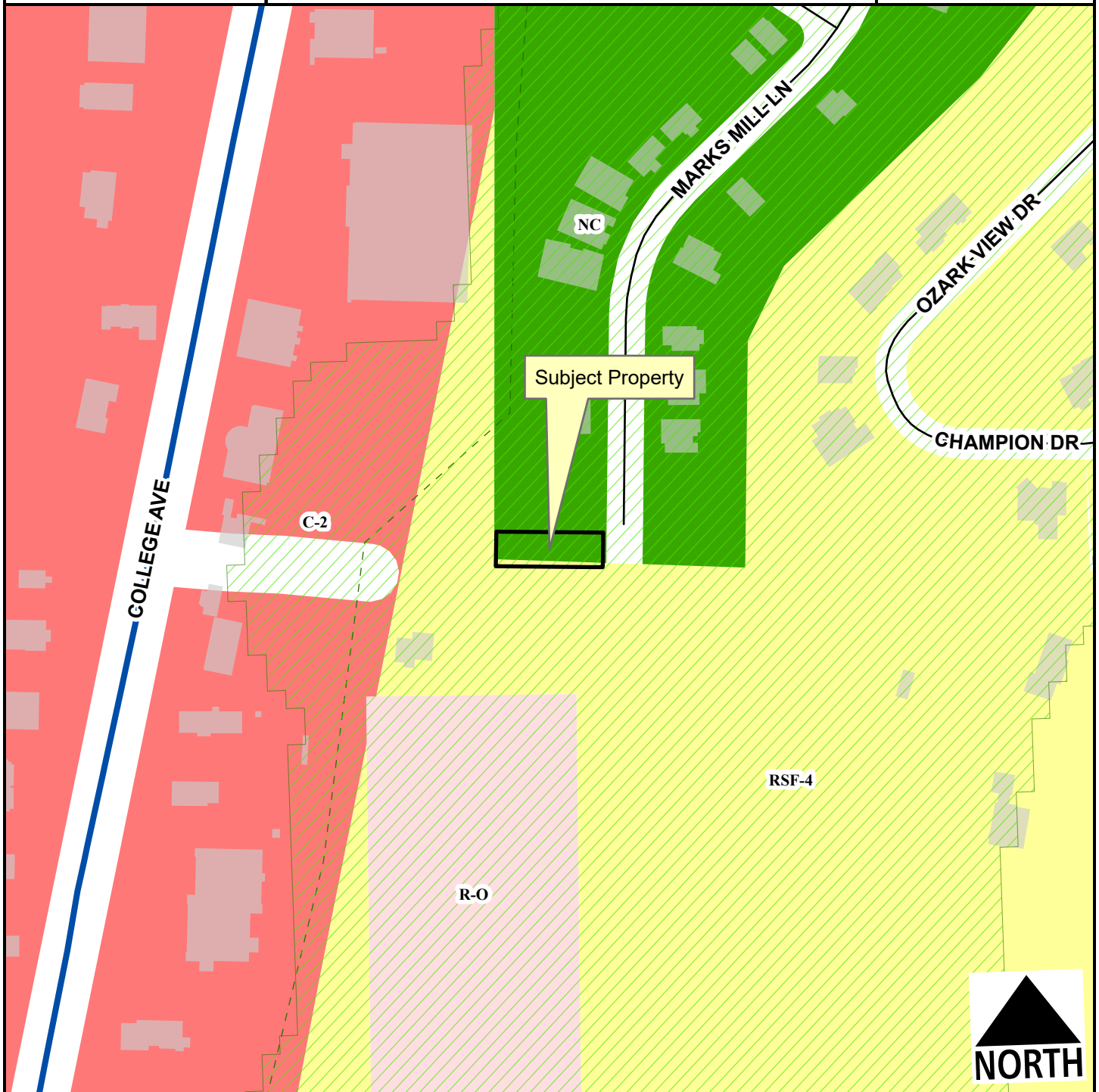
Sincerely,

Shelby Rogers

P.O. Box 4464

Fayetteville, AR 72702

Shelby@5ypc.com



- Regional Link - High Activity
- Residential Link
- ▨ Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- - - Trail (Proposed)



- RSF-4
- Residential-Office
- C-2
- Neighborhood Conservation

ADM-2024-0022

2201 N. MARKS MILL LN

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: May 28, 2024

SUBJECT: **RZN-2024-0021: Rezoning (3390 W. MARTIN LUTHER KING JR BLVD/CATHCART RENTALS LLC, 557):** Submitted by HALL ESTILL for property located at 3390 W. MARTIN LUTHER KING JR BLVD. The property is zoned R-O, RESIDENTIAL-OFFICE and C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.62 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0021** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0021** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in southwest Fayetteville approximately 0.77 miles west of I-49 along W. Martin Luther King Jr. Blvd. The property contains three parcels totaling approximately 1.62 acres and is developed with a 1,984-square-foot commercial structure constructed in 1975, according to Washington County Assessor records. The property is zoned a mixture of R-O, Residential-Office and C-2, Thoroughfare Commercial which it received in 2003 with the adoption of a new city-wide zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Centennial Park	P-1, Institutional
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Commercial; Single-Family Residential	C-2, Thoroughfare Commercial; RSF-4, Residential Single-Family, 4 Units per Acre
West	Undeveloped	C-2, Thoroughfare Commercial

Request: The request is to rezone the subject property from R-O, Residential-Office and C-2, Thoroughfare Commercial to UT, Urban Thoroughfare.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject area has frontage along W. Martin Luther King Jr. Blvd. and W. Old Farmington Rd. W. Martin Luther King Jr. Blvd. is a partially improved Regional Link – High Activity Street with asphalt paving, curb and gutter, and noncontiguous sidewalks along the north and south sides. W. Old Farmington Rd. is a partially improved Neighborhood Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject area. Existing 8-inch water main is present on the west side of W. Old Farmington Rd. Existing 6-inch water main is present on the north side of W. Old Farmington Rd.
- Sewer:** Sanitary Sewer is available to the subject area. Existing 8-inch sewer main is present on the subject property.
- Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District. A portion of the subject property is within a FEMA-designated floodplain. A floodplain review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA. A protected stream runs along the southern portion of the property. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This “protected area” is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. Hydric soils are also present on the site, which is a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It’s important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. Any improvements or requirements for drainage would be determined at the time of development submittal.
- Fire:** Station 6, located at 990 S. Hollywood Ave. protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out

time. Within the city limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The current zoning districts of R-O, Residential-Office and C-2, Thoroughfare Commercial require **20% and 15% minimum canopy preservation, respectively.** The proposed zoning district of UT, Urban Thoroughfare 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 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 score range of **8** for this site with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (8-inch main, on subject property)
- Near Water Main (8-inch water main, west side of W. Old Farmington Rd.; 6-inch water main, north side of W. Old Farmington Rd.)
- Near Grocery Store (Aldi)
- Near City Park (Centennial Park)
- Near Paved Trail (Old Farmington Trail)
- Near Razorback Bus Stop (Walmart MLK)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

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

Finding: **Land Use Compatibility:** Staff finds the proposed rezoning from R-O, Residential-Office and C-2, Thoroughfare Commercial to UT, Urban Thoroughfare, to be compatible with the surrounding area. The subject property is adjacent to a variety of commercially-zoned properties to the east and west. To the south, across W. Martin Luther King Jr. is a large tract zoned UT, Urban Thoroughfare. To the north and northeast, there are several single-family homes along the south side of W. Old Farmington Rd. and Centennial Park along the north side. A rezoning to UT would allow for

a wider variety of commercial and residential uses, than those permitted under the property's current zoning designation. Specifically, a rezoning to UT would permit the development of a greater variety of dwellings, including the by-right development of two-family, three and four-family dwellings, and multi-family dwellings. The portion of the property currently zoned R-O has variable bulk and area requirements depending on the development type. A rezoning to UT would have no bulk and area requirements, which is consistent with the C-2 zoning for a portion of the property. R-O and C-2 districts permit a building height of five and six stories, respectively, with additional setback requirements for portions of a building that exceed two stories in height and are adjacent to single-family districts. UT provides a similar height limitation for proximity to single-family districts but permits up to seven-story development. While both R-O and C-2 provide an Urban Form option, UT would require future development in Urban Form. The existing structure is meeting the Urban Form setbacks (with the addition of right-of-way dedication along W. Old Farmington Rd. to meet the MSP requirements) and height limitations for the proposed UT district. Further, the property's location along a Regional Link – High Activity Street and a corner lot is an ideal location for mixed use or commercial development in Urban Form. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a City Neighborhood area in the City Plan 2040 Future Land Use Map and is located approximately midway between two Tier Two Centers, one at the intersection of I-49 and W. Martin Luther King Jr. Blvd. and the other at the intersection of S. Ruppel Rd. and W. Martin Luther King Jr. Blvd. as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to UT would support those designations as both City Neighborhoods and Tier Two Centers exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 1(infill), 2 (discourage urban sprawl), 3 (compact, complete development), and potentially 6 (opportunities for attainable housing).

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

Finding: Staff finds that there is sufficient justification to rezone the property from R-O and C-2 to UT since it would provide the opportunity for a variety of commercial and housing development options which support multiple goals of City Plan 2040. Further, the proposed rezoning is consistent with the property's future land use designation.

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

Finding: A rezoning from R-O and C-2 to UT has some potential to increase traffic danger and congestion due to the addition of denser residential uses. The

property has frontage along both W. Martin Luther King Jr. Blvd. and W. Old Farmington Rd. and is near a paved trail and bus stop which may mitigate some of the potential for increased traffic. Any street improvements in the area would be determined at the time of development review.

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: A rezoning from R-O and C-2 to UT has some potential to increase population density due to the addition of denser residential uses up to multi-family dwellings with no density limitation. The property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development.

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 recommend forwarding RZN-2024-0021 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 28, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
 - §161.20 – District R-O, Residential Office
 - §161.23 – District C-2, Thoroughfare Commercial
 - §161.24 – Urban Thoroughfare
- Request Letter

- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
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Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form 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
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of

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

- (G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

161.23 District C-2, Thoroughfare Commercial

- (A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

- (C) *Density.* None.

- (D) *Bulk and Area Regulations.* None.

- (E) *Setback Regulations.*

Front	15 feet
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Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form Setback Regulations:

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

(F) *Building Height Regulations.*

Building Height Maximum	6 stories*
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* If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

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*
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* 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.

April 30, 2024

VIA PORTAL DELIVERY

City of Fayetteville Planning Commission and Planning Department
125 West Mountain St.
Fayetteville, AR 72701

RE: RZN '24-21 **AMENDED** Petition for Rezoning of Parcels No. 765-14796-001,
3399 & 3425 W. Old Farmington Rd. & 765-14797-000, 3390 W. Martin Luther
King, Jr. Blvd. From R-O and C-2 to UT (both)

To whom it may concern:

Please consider this letter as an Amended Petition to request the rezoning of the above referenced parcels from their current designation of R-O and C-2 to UT. The UT district is designated to provide areas for commercial enterprise surrounding communities and encourages concentration of commercial and mixed-used development along major thoroughfares which would include automobile-oriented development with a wide range of commercial uses permitted.

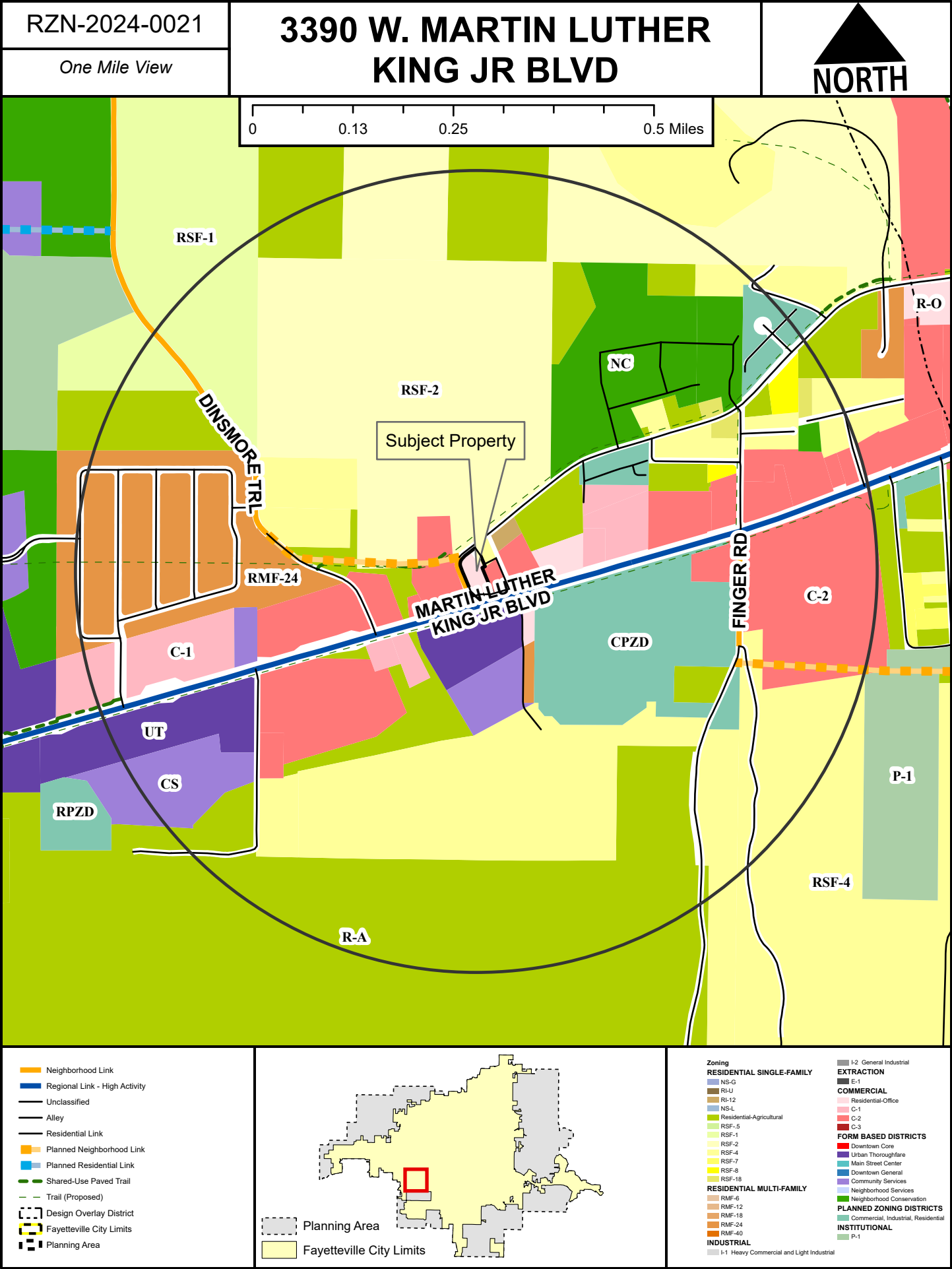
Further, UT is compatible with the surrounding properties. Further, UT would fit into the future land use of this area. Lastly, this rezoning will not unreasonably affect in any adverse way the surrounding land uses.

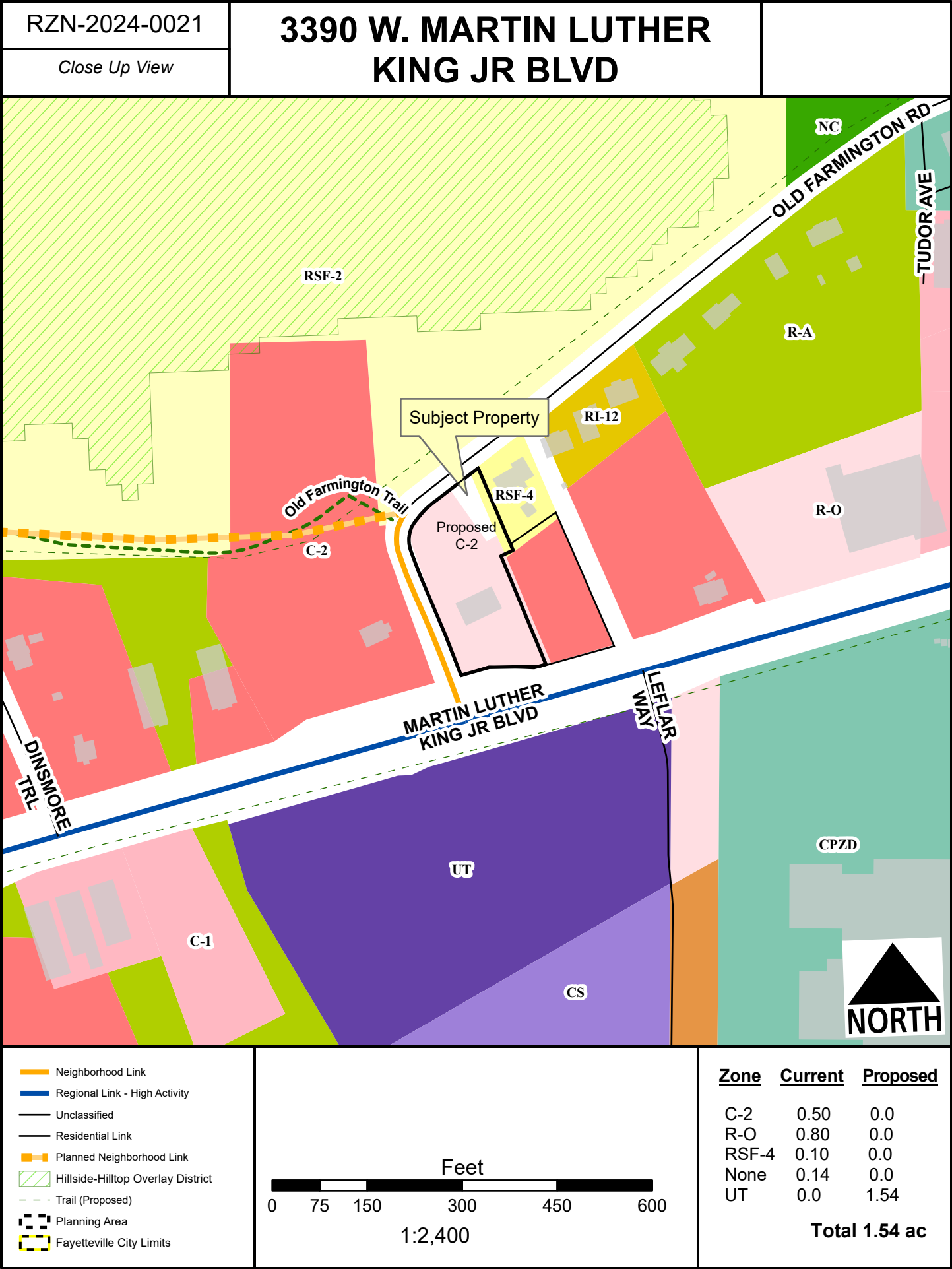
Sincerely,

/s/ Robert K. Rhoads

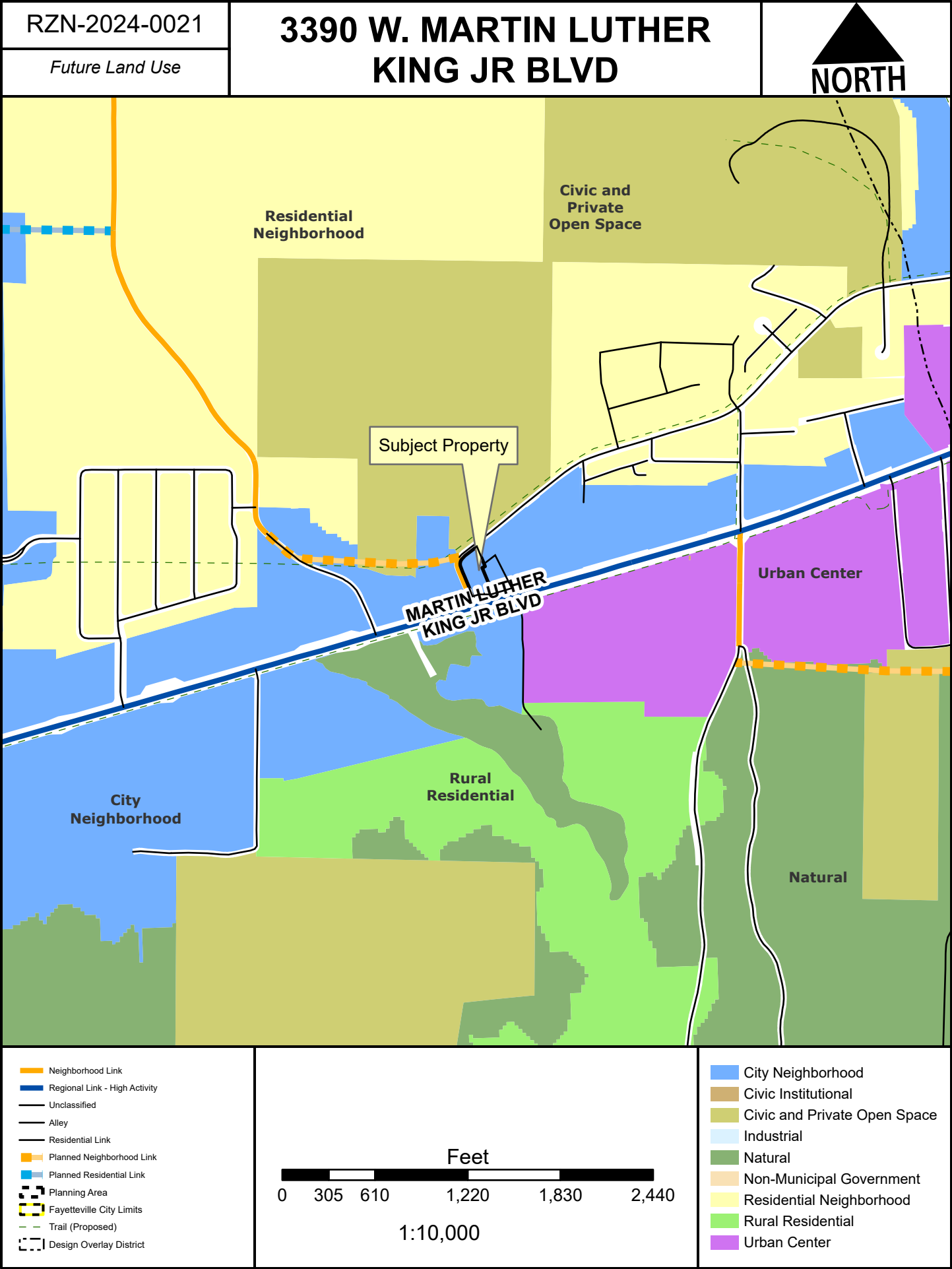
Robert K. Rhoads

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: May 28, 2024

SUBJECT: **RZN-2024-0022: Rezoning (951 N. DOUBLE SPRINGS RD/R&D PROPERTY HOLDINGS LLC, 435):** Submitted by DUSTIN DAVIS for property located at 951 N. DOUBLE SPRINGS RD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 0.56 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0022** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0022** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in west Fayetteville approximately 0.07 miles south of W. Wedington Dr. along N. Double Springs Rd. The property contains approximately 0.56 acres and is developed with a 2,200-square-foot single-family dwelling constructed in 1969, according to Washington County Assessor records. The property is zoned a mixture of R-A, Residential Agricultural which it received in 2003 with the adoption of a new city-wide zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	R-A, Residential-Agricultural
South	Single-Family Residential	R-A, Residential-Agricultural
East	Two-Family Residential	R-O, Residential-Office
West	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to NS-G, Neighborhood Services General.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject area has frontage along N. Double Springs Rd., a partially improved Neighborhood Link Street with asphalt paving, curb and gutter, and sidewalks along the east side and open ditches on the west side. The property also has frontage along W. Nicole Ln., a private street. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject area. An existing 4-inch water main is present on the west side of N. Double Springs Rd. An existing 8-inch water main is present on the east side of N. Double Springs Rd. An existing 2-inch water main is present on the north side of W. Nicole Ln.
- Sewer:** Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present on the west side of the property line in an existing sewer easement.
- Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District. No portion of the property is within a FEMA-designated floodplain and there are no protected streams or hydric soils present on the site. Any improvements or requirements for drainage would be determined at the time of development submittal.
- Fire:** Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 2.2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:**
The current zoning district of R-A, Residential-Agricultural requires **25% minimum canopy preservation**. The proposed zoning district of NS-G, Neighborhood Services - General requires **20% minimum canopy preservation**.

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

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **5** for this site with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)
- Near Sewer Main (6-inch main, adjacent to subject property)
- Near Water Main (4-inch water main, west side of N. Double Springs Rd.; 8-inch water main, east side of N. Double Springs Rd.; 2-inch water main, north side of W. Nicole Ln.)
- Near City Park (Harmony Pointe 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 proposed rezoning from R-A, Residential-Agricultural to NS-G, Neighborhood Services, to be compatible with the surrounding area. The subject property is near properties with commercial and mixed-use zoning districts to the north and east. To the west and east are two-family dwellings, and to the south are single-family residential dwellings. A rezoning to NS-G would allow for a wider variety of medium intensity commercial and residential uses than those permitted under the property's current zoning designation. Specifically, a rezoning to NS-G would permit the development of a greater variety of dwellings, including the by-right development of two-, three- and four-family dwellings. NS-G would also provide opportunities for small-scale commercial use. These uses would provide a logical transition between the higher-intensity C-1 and C-2 zoning at the intersection of W. Wedington Dr. and N. Double Springs Rd. (a Tier Three Center). Under the current R-A zoning, the property is non-conforming to bulk and area requirements. Typically, R-A requires a lot width minimum of 200 feet and an area requirement of 2 acres, but the subject property has a lot width of only 90 feet and an area of only 0.56 acres. The subject property exceeds the minimum bulk and area requirements for NS-G. R-A has no maximum height limit but does require additional setbacks for heights exceeding one story. NS-G has a maximum building height of three stories, which is compatible with surrounding development. R-A has typical setbacks, but NS-G provides for development in Urban Form. The existing structure does not meet the build-to zone requirement, but any non-conformities would be reviewed at the time of development review. Further, the property's location along a Neighborhood Link Street and a corner lot is an ideal location for mixed use or commercial development to serve the surrounding residential neighborhood. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map and is located just 0.07 miles south of a Tier Three Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to NS-G would support those designations as both Residential Neighborhood Areas and

Tier Three Centers exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 3 (compact, complete development) and potentially 6 (opportunities for attainable housing).

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

Finding: Staff finds that there is sufficient justification to rezone the property from R-A to NS-G since it would provide the opportunity for a variety of commercial and housing development options which support multiple goals of City Plan 2040. Further, the subject property is currently non-conforming to bulk and area requirements for R-A. The proposed rezoning is consistent with the property's future land use designation.

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

Finding: A rezoning from R-A to NS-G has some potential to increase traffic danger and congestion due to the addition of denser residential uses, however the limited size of the property would limit the amount of development and related traffic. The property has frontage along N. Double Springs Rd. and is near a paved trail which may mitigate some of the potential for increased traffic. Any street improvements in the area would be determined at the time of development review.

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: A rezoning from R-A to NS-G has some potential to increase population density due to the addition of denser residential uses up four-family dwellings at a density of up to 18 units per acre (up to ten units for the subject property). The property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0022 to City

Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 28, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 – District R-A, Residential-Agricultural
 - §161.19 – NS-G, Neighborhood Services - General
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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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.

161.19 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
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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
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(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

Dustin Davis
Owner
R&D Property Holdings, LLC
22014 Tower Rd. Elkins, AR
Dustin@RDPSAR.com
479-200-6535

16 April 2024

Fayetteville Planning Department
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Re: Rezoning Request for Parcel 765-16143-000

I am writing to formally submit a rezoning request on behalf of R&D Holdings, LLC. My request pertains to the property located on the NE Corner of W. Nicole and N Double Springs Rd, identified as Parcel 765-16143-000.

Parcel 765-16143-000: 951 N Double Springs Rd.

- Complete legal description provided separately.
- 0.56 acres
- Current zoning: R-A
- Requested zoning: NS-G

Current Adjacencies:

- North: C-1/R-A - Undeveloped
- South: R-A - Single Family
- East: R-O/C-2 - Duplexes and Retail Office Space
- West: RMF-24 - Duplexes

Statement of Compatibility:

The parcel is immediately adjacent to Commercial and Residential Office zoning. With this location being in a "Tier 3 Center" and will provide a fluid transition from the commercial area to residential. It is located on a main thoroughfare with higher traffic count and has road frontage on 2 sides making it ideal for a small office. The current development of the parcel consists of a residential structure designed to be a duplex and approximately 55 years old. The property owner's intention is not to redevelop this parcel at this time, but rather to renovate the existing structure and have flexibility in how it may be used during its remaining lifecycle. The requested zoning would allow for service-oriented uses or

development if needed in the future while providing a fluid transition from higher intensity use to residential areas.

Statement of Adverse Effect or Conflict with Surrounding Land Uses:

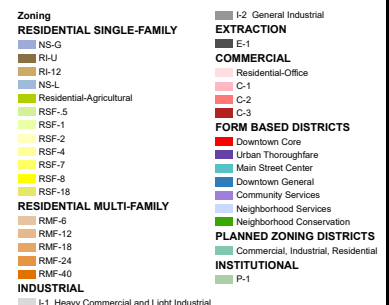
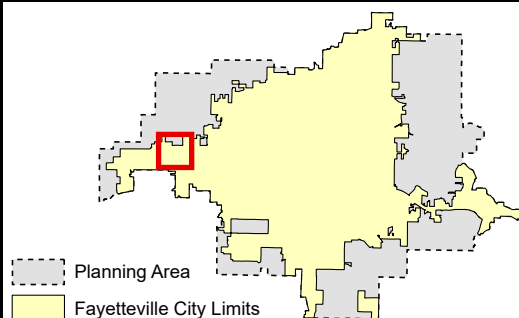
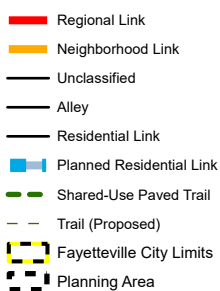
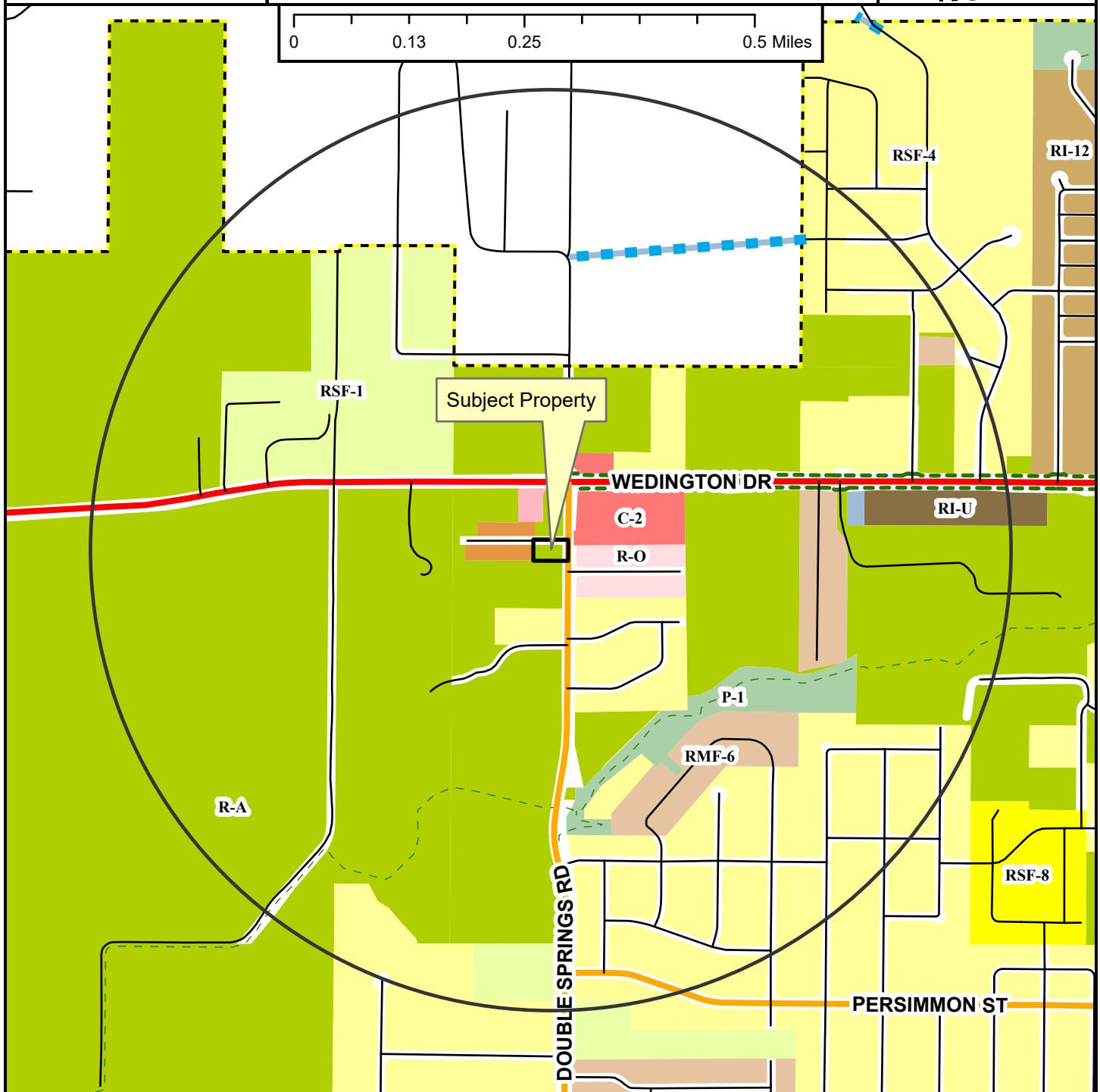
The permitted uses in NS-G zoning are similar to those permitted elsewhere throughout the existing neighborhood; however, it does contrast with some of the surrounding R-A zoning. The new NS-G could possibly increase traffic slightly but should be limited to the main thoroughfare and not intruding on any of the nearby neighborhoods.

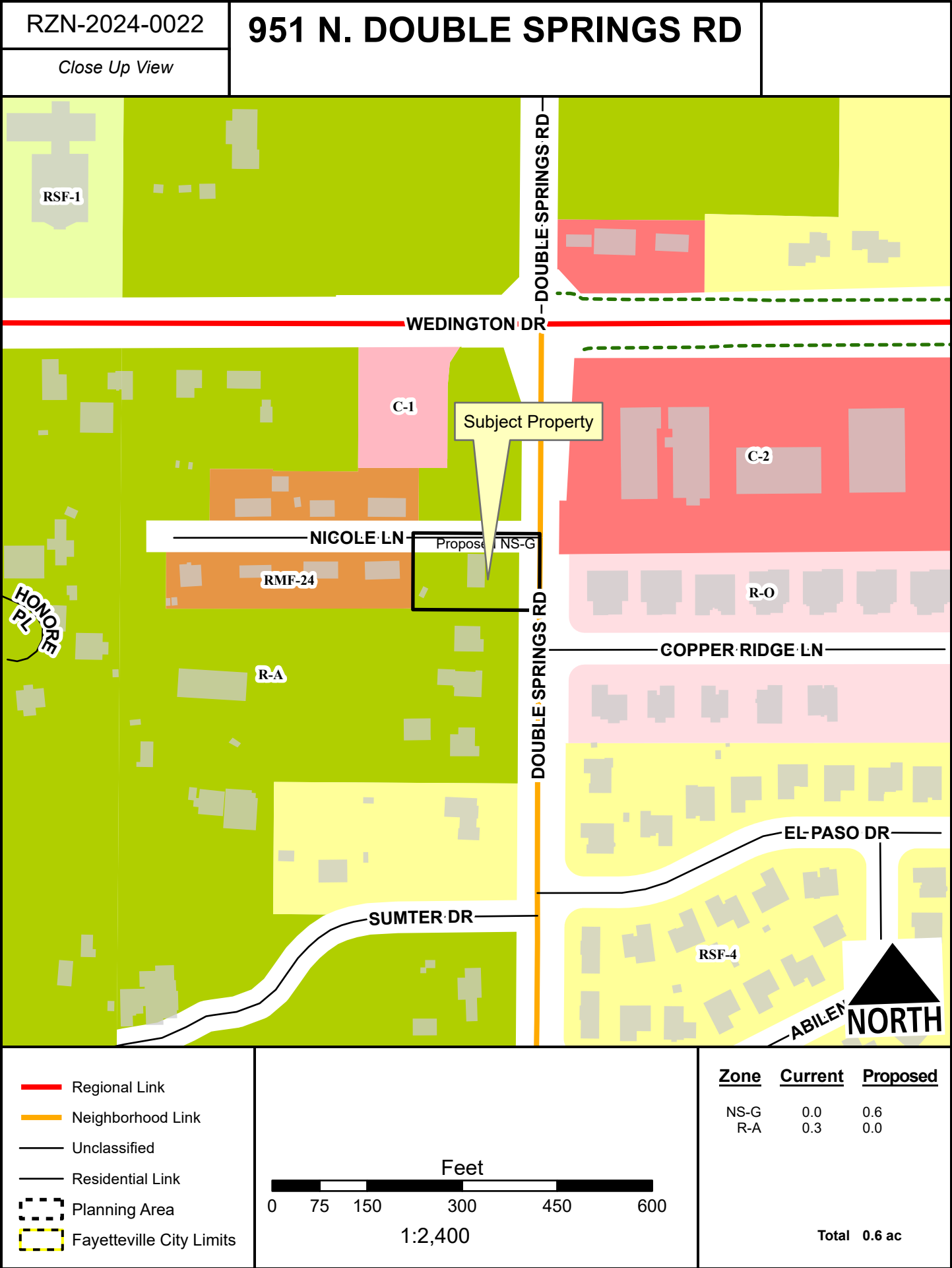
See Additional Exhibits:

- Zoning Map
- Parcel Map
- Extended Legal Description
- Consent of Owner Form

I appreciate your attention to this matter and look forward to discussing the rezoning request further. If additional information or clarification is needed, please do not hesitate to contact me. Thank you for your consideration.

Dustin Davis
Owner
R&D Property Holdings, LLC





RZN-2024-0022
<i>Current Land Use</i>

951 N. DOUBLE SPRINGS RD



An aerial photograph of a residential property. The main feature is a large, light-colored house with a dark, multi-gabled roof. To the left of the main house is a smaller, single-story building with a red roof. The property is surrounded by trees, some of which are bare, suggesting a cooler season. A driveway leads to the buildings. The property is bordered by other lots, some of which contain houses and trees.

Commercial, Undeveloped, and Single-Family Residential

DOUBLE

WEDINGTON DR

Subject Property

Mixed-Residential and Commercial

Commercial, Two-Family Residential,
and Single-Family Residential

Single-Family Residential

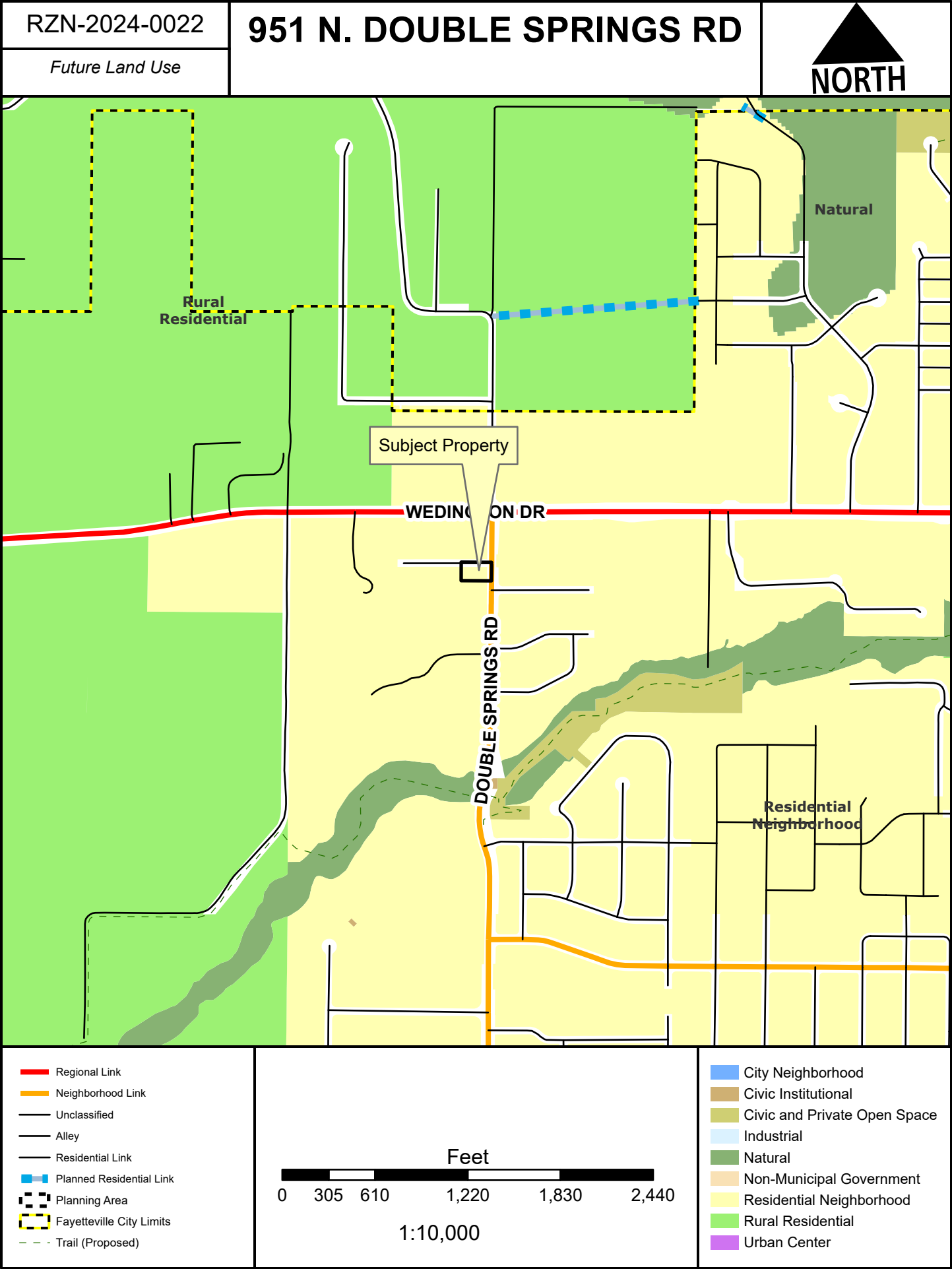
1172.8

175.5

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

FEMA Flood Hazard Data

 100-Year Floodplain
 Floodway





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: May 28, 2024

SUBJECT: **RZN-2024-0023: Rezoning (1000 S. FUTRALL DR./ADROIS HOSPITALITY LLC, 559):** Submitted by BRANDON SCALLION for property located at 1000 S. FUTRALL DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.75 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0023** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0023** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located southeast of the intersection of Futrall Drive and Martin Luther King Jr. Boulevard. The property contains one parcel totaling 1.75 acres which is developed with two motel buildings that were constructed in 1981, according to Washington County records, and zoned C-2, Thoroughfare Commercial. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Gas Station	I-1, Heavy Commercial and Light Industrial
South	Motel	C-2, Thoroughfare Commercial
East	Mixed Commercial	C-2, Thoroughfare Commercial
West	Interstate 49 Mixed Commercial	C-2, Thoroughfare Commercial

Request: The request is to rezone the subject property from C-2, Thoroughfare Commercial, to CS, Community Services.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Futrall Drive and Best Way Street. Futrall Drive is a fully improved Neighborhood Link Street with asphalt paving, curb,

gutter, and sidewalk along the east side of the street. Best Way Street is a partially improved Residential Link Street with asphalt paving, curb, gutter, and sidewalk along the south side of the street. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing six-inch water main is present on the east side of the subject property.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present in the center of the subject property.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 6, located at 990 S. Hollywood Ave., protects this site. The property is located approximately 0.3 miles from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district, CS, Community Services, requires **20% minimum canopy preservation**. The current zoning district, C-2, Thoroughfare Commercial, requires **15% 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 **Urban Center Area**.

Urban Center Areas contain the most intense and dense development patterns within the City and allow for the tallest and greatest variety of buildings. Urban Center accommodates rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same area. Additionally, infill of underperforming or undervalued existing big box and strip centers should be strongly encouraged since there is a greater return on investment for redevelopment of these areas that have existing public infrastructure such as streets, sidewalks, trails, water, sewer and parklands.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **9** for this site with a weighted score of **11**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 990 S. Hollywood Ave.)

- Near Sewer Main (six-inch main on site)
- Near Water Main (six-inch main on site)
- Near Public School (Ramay Junior High School)
- Near U of A Main Campus
- Near City Park (Centennial Park and Finger Park)
- Near Paved Trail (Town Branch Trail and Tsa-La-Gi Trail)
- Near Razorback Bus Stop (Route 44 and Route 48)
- Appropriate Future Land Use (Urban Center 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 requested rezoning to be compatible with surrounding land uses. The property is located near the intersection of Futrell Drive and Martin Luther King Jr. Boulevard in an area that contains a variety of land uses and is well served by city services. The property's existing zoning, C-2, Thoroughfare Commercial, is designed to encourage the grouping of commercial enterprises that cater to highway travelers while the proposed zoning, CS, Community Services, is intended to encourage adaptable mixed-use centers along commercial corridors. While C-2 zoning provides an urban form setback option, development in that zoning district typically follows a more traditional auto-oriented setback requirement with parking in front of structures, whereas CS requires an urban form setback with buildings addressing the street. Since the surrounding area is primarily developed with commercial buildings that are set far back from the street, staff finds that a rezoning to CS could encourage a different development pattern which would allow for the insertion of more residential uses and require buildings to be closer to the street. Residential uses are currently permitted in the C-2 zoning district though only as an accessory use. A rezoning to CS would allow all residential uses by right. The proposed rezoning would also make the current use of the property as a motel a conditional use.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates this property as Urban Center Area. Those areas contain the most intense and dense development patterns in the City and allow for the tallest and greatest variety of buildings. While CS is somewhat aligned with that designation, staff finds that a more intense mixed-use district, such as UT, Urban Thoroughfare, may be more compatible since it would allow for more intense and dense development. Nevertheless, staff is still supportive of the applicant's request to rezone the property to CS. since that rezoning would be aligned with several of the goals stated in City Plan 2040. A rezoning from C-2 to CS may encourage infill, discourage sprawl, and help grow a livable transportation network by allowing for mixed-use development in an area that is well served by city services, in close proximity to trails and bus routes, and near a variety of existing land uses.

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

Finding: Staff finds that there is sufficient justification for rezoning the property from C-2 to CS since the proposed rezoning would be consistent with the property's future land use designation as Urban Center Area and support several goals of City Plan 2040.

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

Finding: A rezoning from C-2 to CS has the potential to increase vehicular traffic in the area when considering that CS would allow for more dense residential development. However, staff finds that the property's proximity to nonresidential uses, bus routes, and public trails may help reduce the number of vehicle trips generated by future development and limit impacts on vehicular traffic congestion and danger. The Arkansas Department of Transportation is in the process of finalizing plans for improvements to the interchange of I-49 and Martin Luther King Jr. Boulevard which would include a trail connection that would tie together the Tsa-La-Gi Trail and Shiloh Trail. That future trail connection would further improve connectivity for pedestrians and cyclists between the subject property and nonresidential uses to the west of I-49.

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 C-2 to CS has the potential to alter the population density since CS would allow for increased residential development. Given the property's proximity to public streets, trails, water, sewer, and schools, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0023 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 28, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.22 Community Services
 - §161.23 District C-2, Thoroughfare Commercial
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form Setback Regulations:

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

(F) *Building Height Regulations.*

Building Height Maximum	6 stories*
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* If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6164, §§1, 6, 7, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §5, 1-18-22)

Brandon Scallion
Owner/Managing Member
Countdown LLC
273 Trout Water Drive, Jordan, AR 72519
bscalli@gmail.com
870-692-6430

April 15, 2024

Fayetteville Planning Department
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Re: Rezoning Request for Parcel 765-05364-000

I am writing to formally submit a rezoning request for the parcel listed above on behalf of Countdown LLC. We currently have the property under contract to buy. The property is currently a Quality Inn Motel located at 1000 S. Futrall in Fayetteville, AR.

Parcel 765-05364-000: 1000 S. Futrall Dr

- Complete legal description provided separately
- 1.75 Acres
- Current Zoning – C2
- Requested Zoning – CS

Current Adjacencies:

- North – I1
- South – C2
- East – C2
- West – Interstate 49

Statement of Compatibility

The parcel is near residential zoned parcels, CS zoned parcels, C2 zoned parcels. The proposed land use for this parcel is affordable multifamily. The property is currently a 105 unit motel with a pool. The current average occupancy rate for the motel is 70%.

Statement of Adverse Effect or Conflict with Surrounding Land Use:

The main adverse effect may be a slight increase in local traffic. This is mitigated by the availability of green transit nearby. Public transportation is 0.15 miles away and the Greenway Bike Trail is roughly 100 yards from the property in question.

See Additional Exhibits:

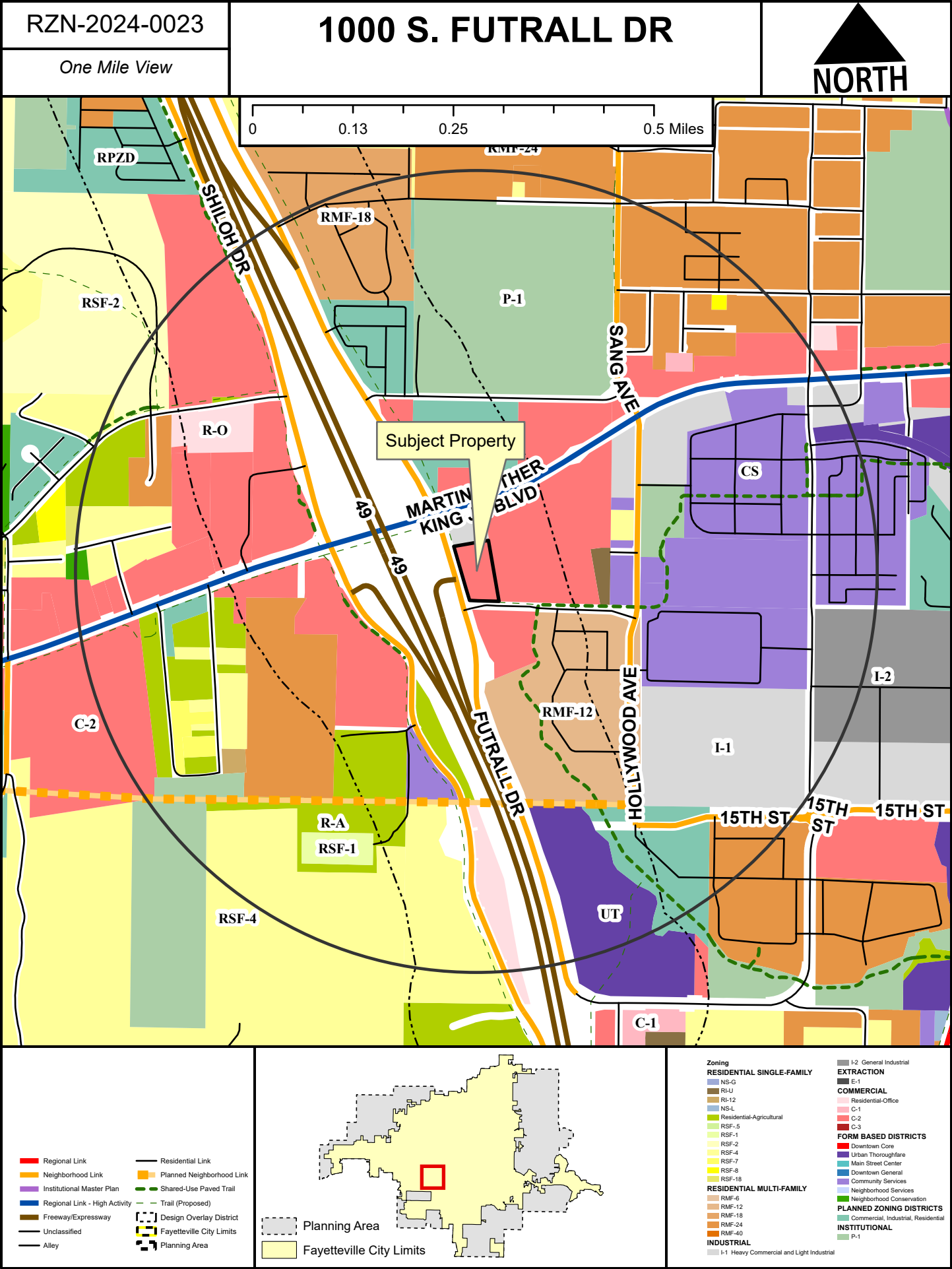
- Consent Owner Form
- Purchase Contract
- Extended Legal Description (Word Format)

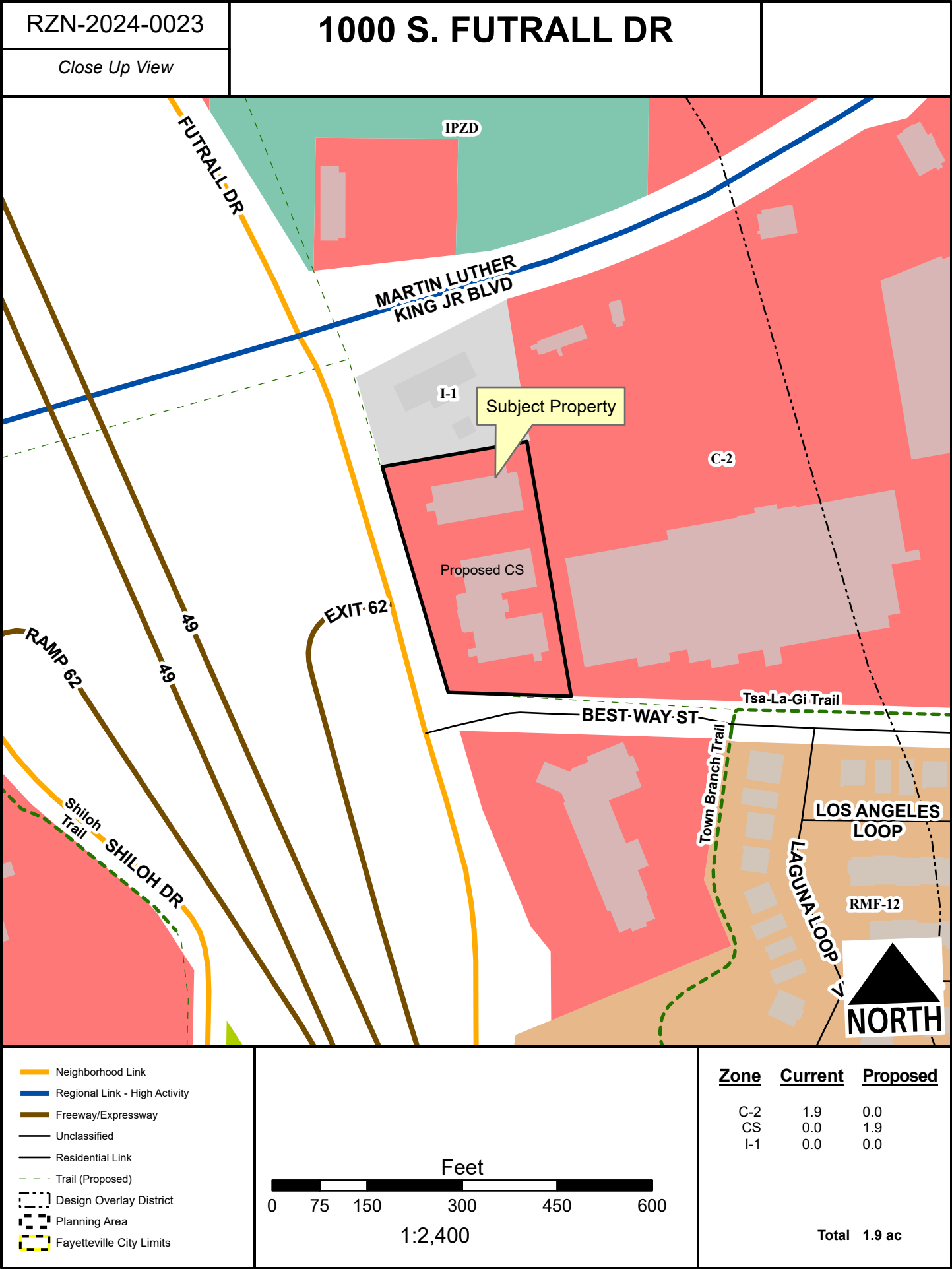
I appreciate your attention to this matter and look forward to discussing the rezoning request further. If additional information or clarification is needed, please do not hesitate to contact me. Thank you for your time and consideration.

Brandon Scallion

Owner/Managing Member

Countdown LLC





RZN-2024-0023

1000 S. FUTRALL DR

Current Land Use



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



FEMA Flood Hazard Data

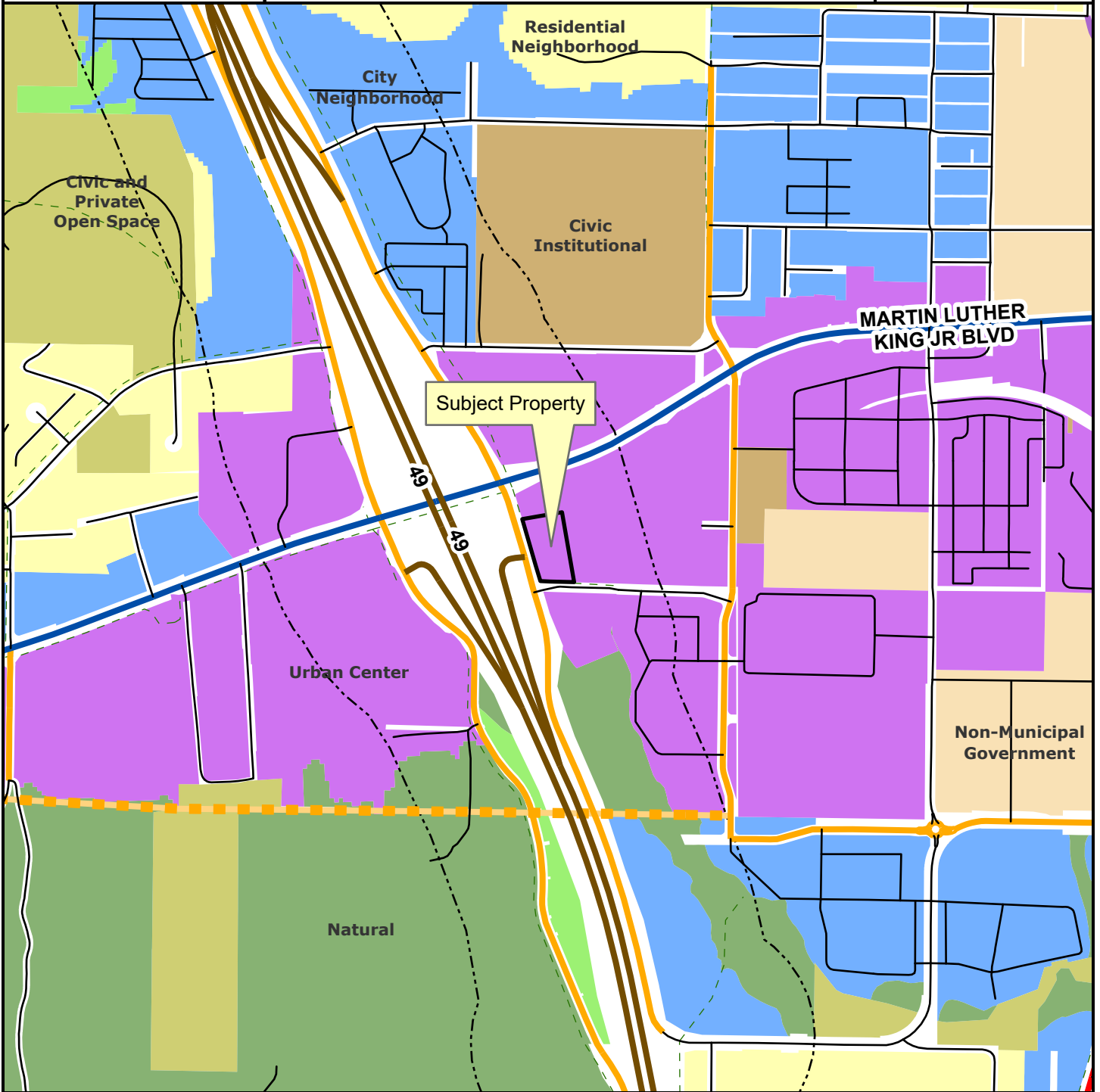
- 100-Year Floodplain
- Floodway

RZN-2024-0023

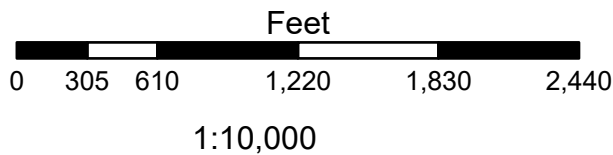
1000 S. FUTRALL DR



Future Land Use



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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center