City of Fayetteville, Arkansas

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

Planning Commission Final Agenda

Monday, June 10, 2024

5:30 PM

City Hall Room 219

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 28, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. ADM-2024-0026: Administrative Item (3081 N. HWY 112/SAM'S CLUB RECYCLING CONTAINER, 248):

Submitted by BRR ARCHITECTURE INC for property located at 3081 N. HWY 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 7.51 acres. The request is to extend a request for a community recycling drop-off facility. - Donna Wonsower, Planner

3. VAR-2024-0022: Planning Commission Variance (1722 N. STARR DR/SAINT JOSEPH CATHOLIC CHURCH, 373):

Submitted by CRAFTON TULL for property located at 1722 N. STARR DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 25.40 acres. The request is for a variance to parking lot standards. - Kylee Cole, Planner

Unfinished Business

New Business

4. CUP-2024-0022: Conditional Use Permit (NORTHEAST OF E. WAR EAGLE ST. & S. BLACK OAK RD./RIVERSIDE VILLAGE PH 2, 683):

Submitted by CRAFTON TULL for property located NORTHEAST OF E. WAR EAGLE ST. & S. BLACK OAK RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 93.98 acres. The request is for off-site parking.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Gretchen Harrison, Senior Planner

5. VAR-2024-0025: Planning Commission Variance (2201 N. MARK MILL LN/MENOTTI, 329):

Submitted by DAVID MENOTTI for property located at 2201 N. MARKS MILL LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.16 acres. The request is for a variance to tree preservation

requirements.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Jessica Masters, Development Review Manager

6. ADM-2024-0025: Administrative Item (Amend UDC Chapters 170.02, 170.06, 170.08 And 170.09 Stormwater Management And Drainage):

Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to UDC 170.02, 170.06, 170.08 and 170.09 Stormwater Management and Drainage. The proposed code changes would clarify the maintenance responsibilities of private and public drainage systems as well as illicit discharges into the drainage system. - Alan Pugh, Staff Engineer

7. ADM-2024-0023: Administrative Item (NORTHEAST OF E. WAR EAGLE ST. & S. BLACK OAK RD./RIVERSIDE VILLAGE PH 2, 683):

Submitted by CRAFTON TULL for property located NORTHEAST OF E. WAR EAGLE ST. & S. BLACK OAK RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 93.98 acres. The request is for a major modification to an approved large scale development. - Gretchen Harrison, Senior Planner

8. VAR-2024-0021: Planning Commission Variance (NORTHWEST OF W. DRAKE ST & N. GREGG AVE/1155 PROPERTIES LLC, 250):

Submitted by ECOLOGICAL DESIGN GROUP for property located NORTHWEST OF W. DRAKE ST & N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 49.13 acres. The request is for a variance to block length, access management, nonresidential design, and commercial design standards. - Gretchen Harrison, Senior Planner

9. VAR-2024-0023: Planning Commission Variance (1469 & 1501 N. STARR DR/PARKER INVESTMENTS, LLC, 412):

Submitted by ALAN REID & ASSOCIATES for property located at 1469 & 1501 N. STARR DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and in the FAYETTEVILLE PLANNING AREA and contains eight lots with approximately 22.45, 1.31, 1.33, 0.65, 1.19, 2.63, 1.76 and 0.71 acres. The request is for a variance to street frontage requirements. - Donna Wonsower, Planner

10. VAR-2024-0024: Planning Commission Variance (N. FUTRALL DR & N. MARINONI DR/HOME2 SUITES, 441):

Submitted by CRAFTON TULL for property located at N. FUTRALL DR & N. MARINONI DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 5.41 acres. The request is for a variance to commercial

and nonresidential design standards. - Gretchen Harrison, Senior Planner

11. CUP-2024-0021: Conditional Use Permit (3450 N. HEMLOCK AVE/WASHINGTON MASONIC LODGE #1, 213):

Submitted by SMITH COMMUNICATIONS for property located at 3450 N. HEMLOCK AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.13 acres. The request is for a wireless communications facility. - Kylee Cole, Planner

12. RZN-2024-0024: Rezoning (3145 E. JOYCE BLVD/FAYETTEVILLE PUBLIC SCHOOLS, 177):

Submitted by JORGENSEN & ASSOCIATES for property located at 3145 E. JOYCE BLVD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 31.86 acres. The request is to rezone the property to P-1, INSTITUTIONAL. - Jessica Masters, Development Review Manager

13. RZN-2024-0025: Rezoning (4260 W. MARTIN LUTHER KING JR BLVD/CLUB CAR WASH, 595):

Submitted by JARED BRUEMMER for property located at 4260 W. MARTIN LUTHER KING JR BLVD. The property is split-zoned R-A, RESIDENTIAL – AGRICULTURAL and UT, URBAN THOROUGHFARE and contains approximately 1.44 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE. - Kylee Cole, Planner

Items Administratively Approved by Staff

14. LSP-2024-0013: Lot Split (2367 N. WINDSWEPT LN/LINDENMUTH, 329):

Submitted by BATES & ASSOCIATES for property located at 2367 N. WINDSWEPT LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to divide the property into two lots containing approximately 0.30 and 0.30 acres. - Gretchen Harrison, Senior Planner

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name

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

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

(pg. 1) Planning Commission	Monday, 05/28/2024					
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 (05/13/2024)**	**2) CCP-2024-0005 (REEVES)**	**3) LSD-2024-0008 (HALF MOON ORAL SURGERY)**	**4) CUP-2024-0018 (BRASS POLE PROPERTIES LLC)**	**5) ADM-2024-0022 (MENOTTI)**
Gulley	**0**					
Cabe	**1**	**1**	**1**	**1**	**1**	
Werner	**1**	**1**	**1**	**1**	**1**	
Garlock	**1**	**1**	**1**	**1**	**1**	
Madden	**1**	**1**	**1**	**1**	**1**	
McGetrick	**1**	**1**	**1**	**1**	**1**	
Brink	**1**	**1**	**1**	**1**	**1**	
Payne	**1**	**1**	**1**	**1**	**1**	
Castin	**1**	**1**	**1**	**1**	**1**	
Agenda		**Consent**	**Consent**	**Consent**	**New**	**New**
Motion By		Werner	Werner	Werner	Werner	
Motion 2nd		Cabe	Cabe	Cabe	Madden	
Vote		8-0-0	8-0-0	8-0-0	8-0-0	
Action		Approve	Approve	Approve	Table	Withdrawn
Time		5:34 PM	5:34 PM	5:34 PM	5:36 PM	
Motion Detail					Until the June 24th, Planning Commission meeting.	
Public Comment		0	0	0	0	

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/8412?site=1

	6) RZN-2024-0021 (CATHCART RENTAL LLC)	7) RZN-2024-0022 (R & D PROPERTY HOLDINGS LLC)	8) RZN-2024-0023 (ADORIS HOSPITALITY LLC)			
Gulley						
Cabe	1	1	1			
Werner	1	1	1			
Garlock	1	1	1			
Madden	1	1	1			
McGetrick	1	1	1			
Brink	1	1	1			
Payne	1	1	1			
Castin	1	1	1			
Agenda	**New**	**New**	**New**			
Motion By	Garlock	Werner	Werner			
Motion 2nd	Castin	Cabe	Madden			
Vote	8-0-0	8-0-0	8-0-0			
Action	Forward	Forward	Forward			
Time	5:46 PM	5:54 PM	6:06 PM			
Motion Detail	With a recommendation of approval.	With a recommendation of approval.	With a recommendation of approval.			
Public Comment	0	0	0			

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 10, 2024

SUBJECT: **ADM-2024-0026: Administrative Item (3081 N. HWY 112/SAM'S CLUB, 248):** Submitted by BRR ARCHITECTURE INC for property located at 3081 N. HWY 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 7.51 acres. The request is to extend a request for a community recycling drop-off facility.

RECOMMENDATION:
Staff recommends approval of **ADM-2024-0026** with conditions as outlined by staff.

RECOMMENDED MOTION:
"I move to approve **ADM-2024-0026***, determining:*

- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville, at the southeast corner of N. HWY 112 and W. Truckers Drive. The property is zoned C-2, Thoroughfare Commercial, and is currently developed with Sam's Club, and associated parking, built around 2007. Most of the property lies within the I-540 Overlay District. A conditional use permit for a community recycling drop-off facility was approved on May 22, 2023. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Industrial	R-A, Residential-Agricultural, I-1, Heavy Commercial and Light Industrial
South	Wilson Springs Preserve	CPZD, Commercial Planned Zoning District
East	Car Dealership	C-2, Thoroughfare Commercial
West	Wilson Springs Preserve	CPZD, Commercial Planned Zoning District

City Plan 2040 Future Land Use Designation: **Urban Center**

Request: The applicant requests a one-year extension to CUP-2023-0053. The conditional use permit originally received approval on May 22, 2023. The conditional use permit was set to expire on May 22, 2024, with any extensions requiring an amended conditional use permit. Under 166.20(B)(4), an applicant may request the Planning Commission to extend the approval prior to the expiration of any allowed extension period (maximum of 2 years from the date of original approval). This extension request was received prior to the expiration deadline.

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

DISCUSSION:
Staff supports the applicant's request to extend their conditional use permit. The applicant has requested a one-year extension with no modifications indicated in the applicant's request letter. Staff does not find any records of complaints about the recycling drop-off and recommends that the Planning Commission extend the conditional use permit indefinitely.

RECOMMENDATION: Staff recommends approval of **ADM-2024-0026** with the following conditions:

Conditions of Approval:

1. CUP-2023-0053 shall be extended indefinitely, subject to requirements of §163.14: Revocation or Change of Conditional Use and §163.02(E): Expiration if Discontinued.

2. All other conditions of the associated conditional use permit (CUP-2023-0053) not affected by this extension shall remain in effect; and

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 10, 2024	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- CUP-2023-0053 Conditions of Approval
- Applicant Exhibits
  - Request Letter
  - Site Plan
  - Detail
- One Mile Map
- Close-Up Map
- Current Land Use Map

CUP-2023-0053
Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed use to be compatible with surrounding properties for the reasons outlined in this report;*

2. **Planning Commission determination of a variance to 166.25(D)(3)(b)(ii), which requires that all recycling and trash containers be screened with materials that are compatible and complementary to the principal structure.** *Staff recommends in favor for the reasons outlined above, and recommends an added condition that trash and debris must not be permitted to collect around the proposed container.*

3. This conditional use permit is limited to the use as described in the applicant's request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:

   - Size of the business: *200 sq. ft.*
   - Number of employees: *None, excluding maintenance staff*
   - Hours of operation: *24 hours per day, seven days per week*
   - Parking: *None additional required; existing Sam' Club parking lot to serve the patrons.*

4. Approval of the conditional use permit does not grant development entitlement for any necessary site improvements. Improvements shall be considered for compliance with applicable zoning and development standards as required by the Unified Development Code;

5. Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein

6. Pursuant to 166.20, conditional use permit approval will expire after one year beyond the approval date; should the applicant choose to extend this use beyond the one-year time limit, an amendment to the conditional use permit shall be required;

7. All site improvements shall comply with the Americans with Disabilities Act, as applicable, and;

8. Any future expansion or change in the use shall require Planning Commission approval.

brr

May 31, 2024

Ms. Jessica Masters, AICP
Fayetteville Planning Division
125 West Mountain Street
Fayetteville, AR, 72701
479.575.8239

Re: **Sam's Club 8209 – Proposed Recycling Container**

Ms. Masters,

On behalf of Sam's Club, BRR Architecture, Inc. is requesting a 1- year extension of a Conditional Use Permit for placement of a prefabricated community recycling container on the existing Sam's Club parking lot. Site is located at 3081 AR State Hwy 112, Fayetteville, AR 72704. The container is roughly 10 foot x 20 foot in dimension; the footprint and placement of which would use approximately (8) existing parking spaces. The proposed location for the container is in the southeastern quadrant of the existing parking field, furthest from the entry vestibule, and just west of the existing fueling station. A site plan is enclosed for reference. This location is preferred for the visibility it provides to customers while not utilizing parking spaces that are in high demand for members.

This letter of intent also requests a variance from screening requirements as the container will have graphics and instructions to customers on how the container operates. Refer to example image attached to enclosed site plan.

The unit will be locked at all times, only access to the door is through the QR code and will unlock for 30 seconds. There aren't set operation hours, it's available to the community throughout the day and week. It will also be emptied up on a weekly schedule.

We hope that this submittal package contains all necessary information in consideration of the request. Thank you for your time.

Sincerely,

Dennis Wilson, AIA

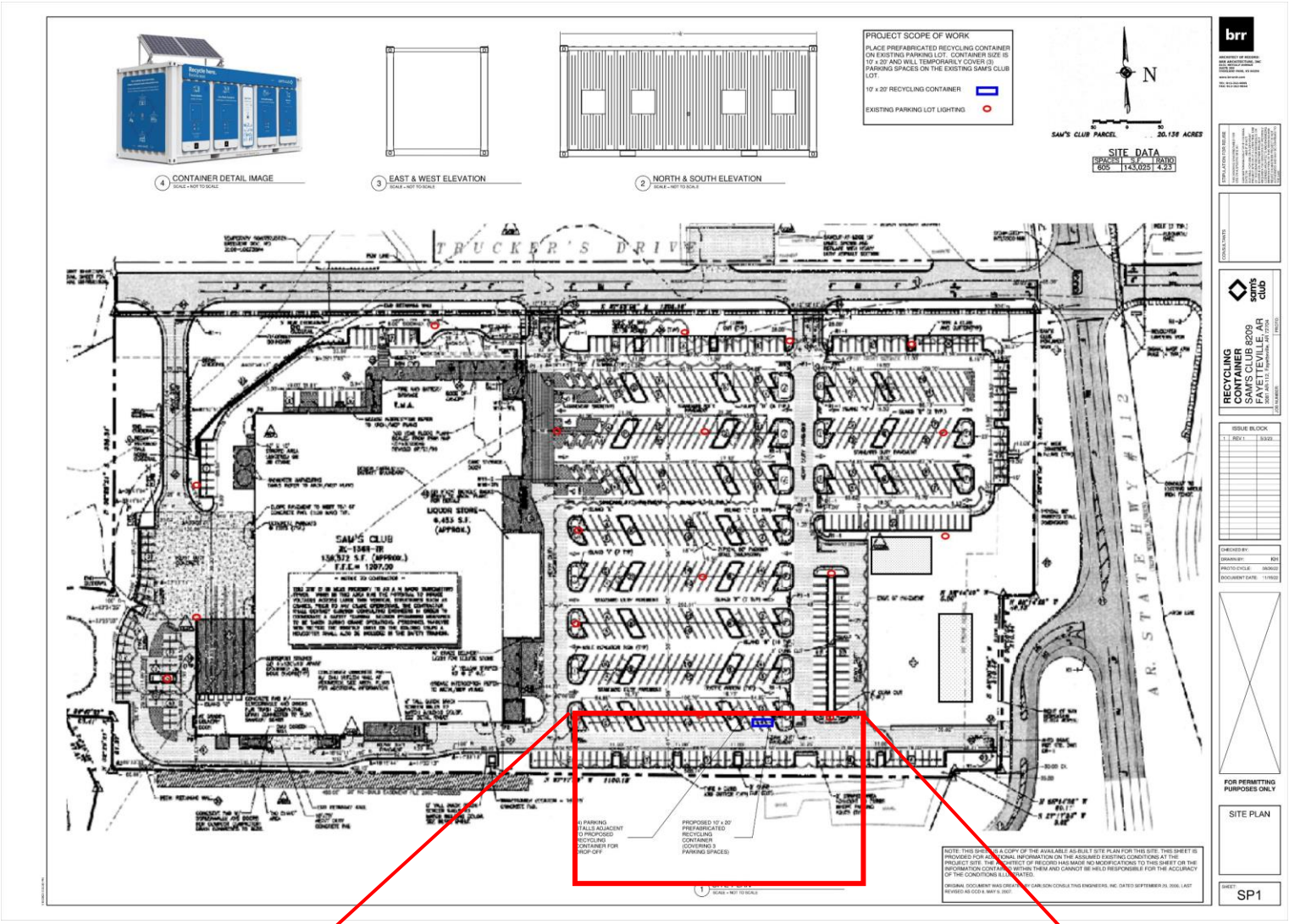
BRR Architecture, Inc.

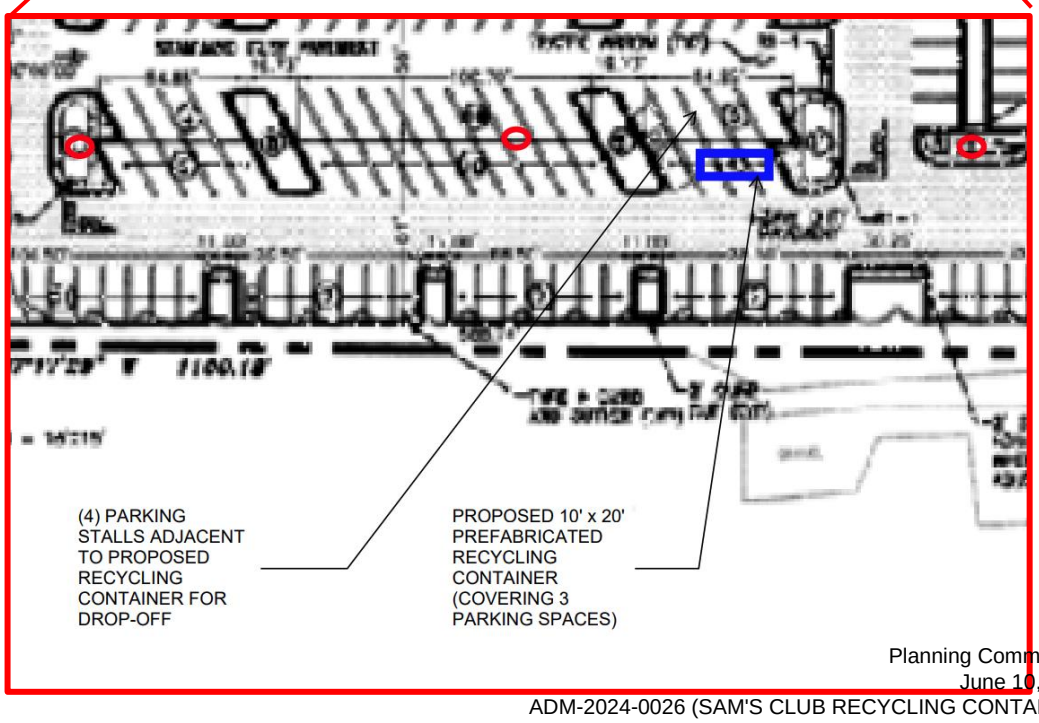
www.brrarch.com

700 SE 5th Street, Suite 104, Bentonville, AR 72712 MAIN 479.286.2900

Kansas City – Bentonville – Phoenix – San Francisco – Philadelphia – Atlanta – Austin – Seattle – Dallas – Los Angeles

SITE PLAN


PROJECT SCOPE OF WORK
PLACE PREFABRICATED RECYCLING CONTAINER ON EXISTING PARKING LOT. CONTAINER SIZE IS 10' x 20' AND WILL TEMPORARILY COVER (3) PARKING SPACES ON THE EXISTING SAM'S CLUB LOT.
10' x 20' RECYCLING CONTAINER
EXISTING PARKING LOT LIGHTING
CONTAINER DETAIL IMAGE
EAST & WEST ELEVATION
NORTH & SOUTH ELEVATION
SITE DATA
SPACES | S.F. | RATIO
605 | 143,025 | 4.23
SAM'S CLUB PARCEL 20.138 ACRES
TRUCKER'S DRIVE
AR. STATE HWY #112
SAM'S CLUB
LIQUOR STORE
RECYCLING CONTAINER
SAM'S CLUB 8209
FAYETTEVILLE, AR
FOR PERMITTING PURPOSES ONLY
SITE PLAN
SP1


(4) PARKING STALLS ADJACENT TO PROPOSED RECYCLING CONTAINER FOR DROP-OFF
PROPOSED 10' x 20' PREFABRICATED RECYCLING CONTAINER (COVERING 3 PARKING SPACES)

RECYCLING DETAIL

4 CONTAINER DETAIL IMAGE

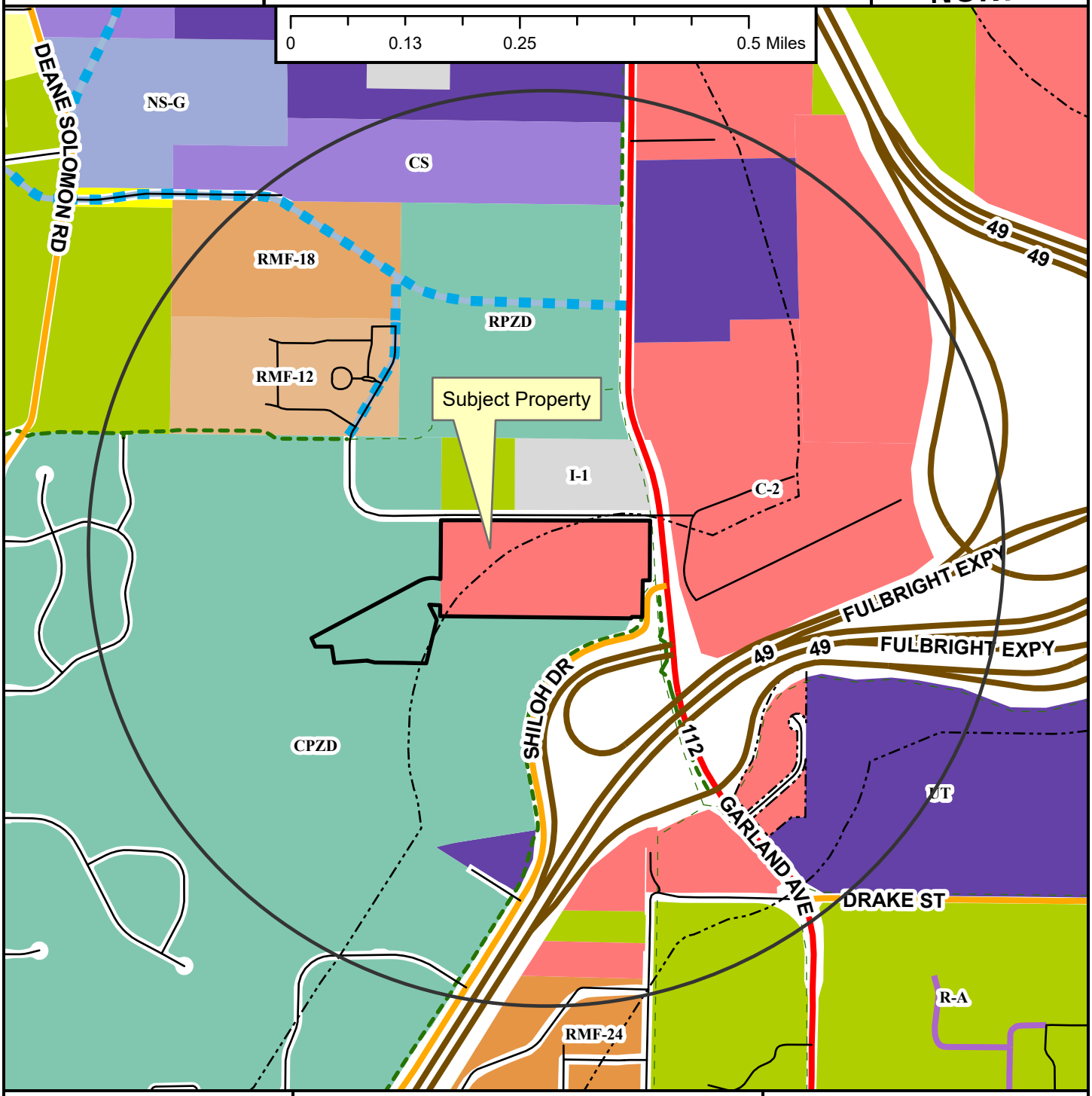
SCALE = NOT TO SCALE

ADM-2024-0026

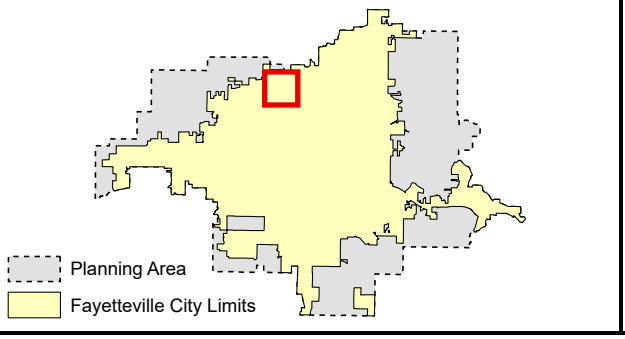
One Mile View

3081 N. HWY 112

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

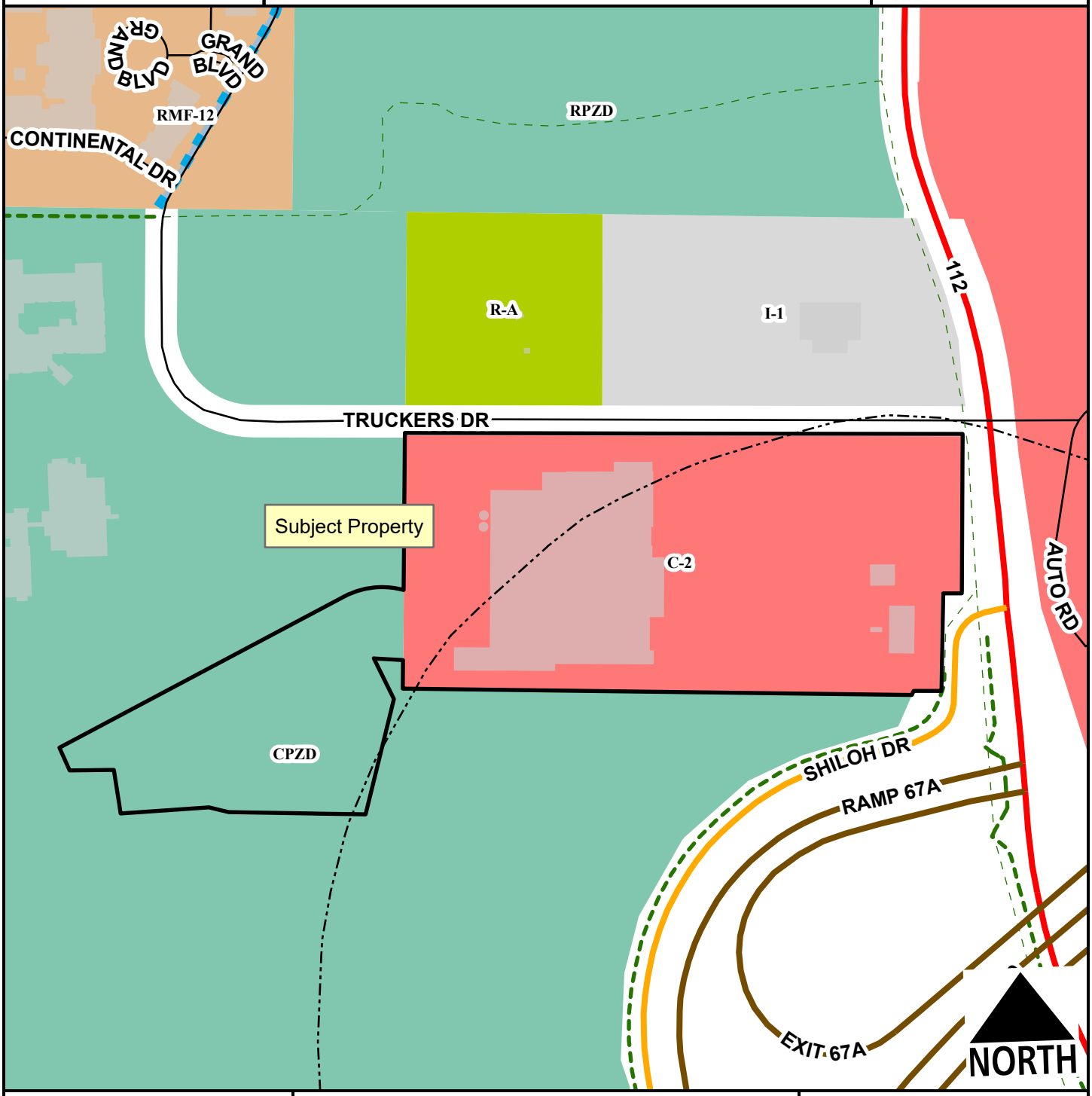
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2024-0026

Close Up View

3081 N. HWY 112



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

Feet

0 115 230 460 690 920

1:3,750

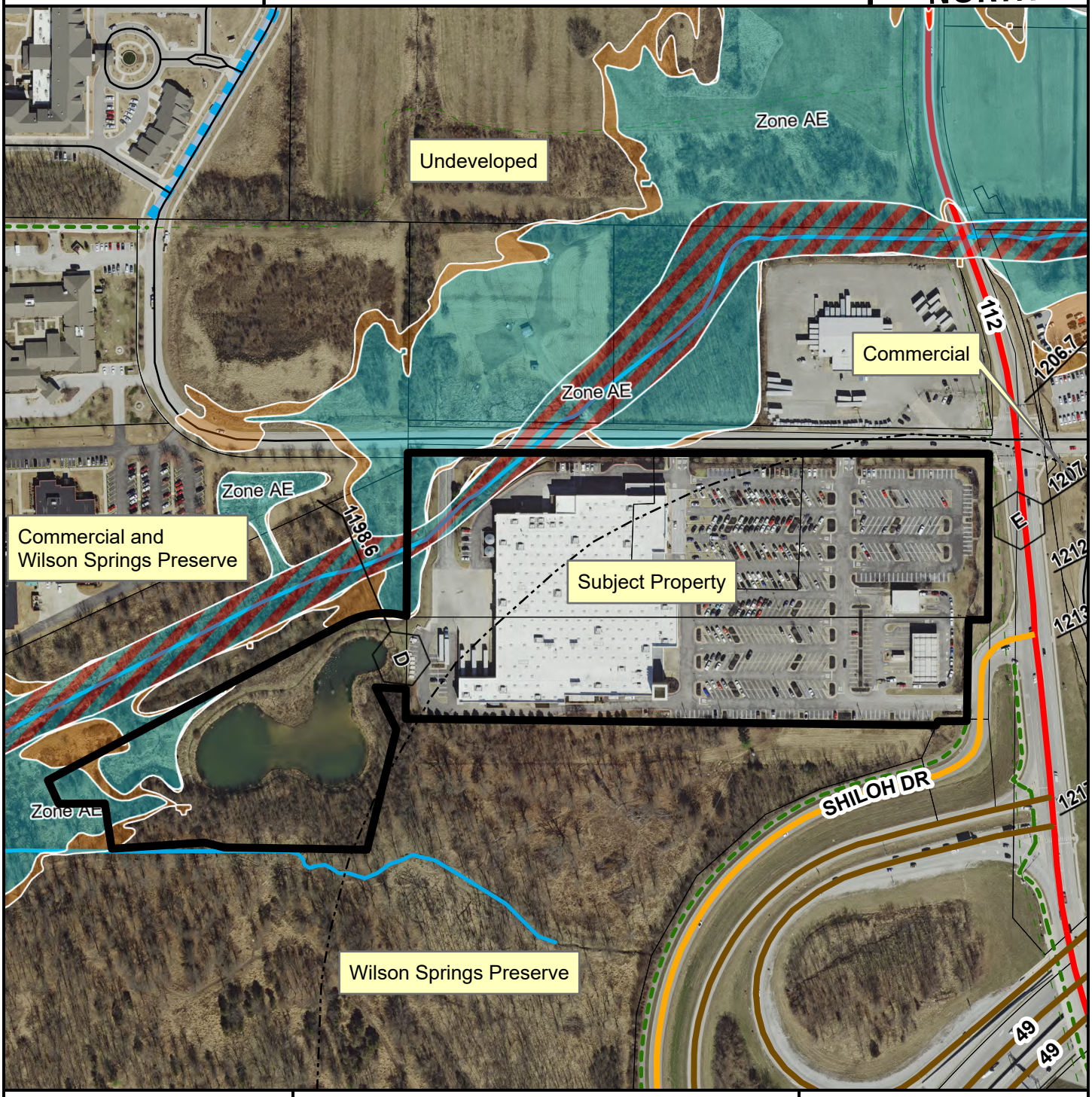
- Residential-Agricultural
- RMF-12
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential

ADM-2024-0026

Current Land Use

3081 N. HWY 112

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: June 10, 2024

SUBJECT: **VAR-2024-0022: Planning Commission Variance (1722 N. STARR RD/ST. JOSEPH CATHOLIC CHURCH, 373):** Submitted by CRAFTON TULL for property located at 1722 N. STARR DR. The property is zoned P-1 INSTITUTIONAL and contains approximately 25.40 acres. The request is for a variance to parking lot standards.

RECOMMENDATION:
Staff recommends approving **VAR-2024-0022**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0022**, recommending:*

- *In favor of the requested variance to §172.08 Nonconforming Parking Lots; and*
- *In favor of all conditions as recommended by staff."*

BACKGROUND:
The subject property is in northeast Fayetteville, approximately 0.24 miles south of the intersection of N. Starr Dr. and E. Mission Blvd. The 25.40-acre property is zoned P-1, Institutional and is currently developed with the 68,000-square-foot St. Joseph Catholic Church, school, amenities, and associated parking. The property is also the site of a proposed expansion which includes the addition of a 17,000 square foot sanctuary. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	Washington County, Agriculture/Single-Family Residential, 1 Unit per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The applicant is requesting a variance to parking lot design standards in association with a grading permit application to construct an approximately 17,000-square foot sanctuary building and associated parking.

DISCUSSION
Variance #1:
§172.08 Nonconforming Parking Lots. All parking lots with non-conforming features are to be brought into conformance with typical standards with the enlargement of a structure exceeding

10% of the existing gross floor area. The applicant is requesting to not bring a portion of the existing parking lot into conformance with drive aisle width requirements.

- *Staff recommendation* Staff recommends approval of the request. Typically, for parking lots containing nine (9) or more parking spaces, all parking lots with 90-degree parking are required to have two-way aisle widths of 24 feet unless additional width is required for fire apparatus access. Portions of the site at the northeast corner of the parking area where the proposed northern access drive transitions into the parking lot exceed 24 feet. The applicant notes that the existing drive aisles that exceed 24 feet in width are necessary for after school pick up, where cars park in the perimeter spaces and stack along the highlighted route. Additional width is needed to support the high-volume of vehicles and permit safe pedestrian access to cars for students and for staff directing traffic. It appears that although the wider-than-typical drive aisles would typically be required to come into conformance due to the extent of planned development, the specific use pattern on this property warrants a variance.

Public Comment: Staff has received one phone call in support of the request.

RECOMMENDATION: Staff recommends approval of VAR-2024-0022, with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.08(B) Nonconforming Parking Lots.** *Staff recommends approval of the requested variance for the reasons outlined above.*

2. Approval of this variance does not constitute approval of the associated grading permit, any associated building permits, or other variances that may not have been reviewed for at this stage.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 10, 2024	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:
- Unified Developed Code:
  - §172.04 Parking Lot Design Standards
  - §172.08 Nonconforming Parking Lots
- Request Letter
- Site Plans
- One Mile Map

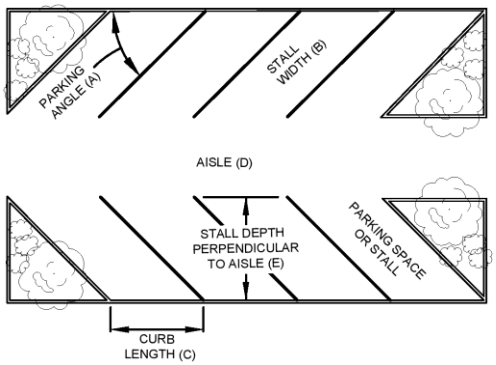
- Close-up Map
- Current Land Use Map

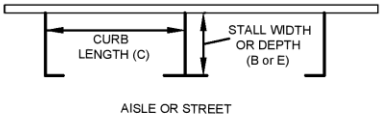
172.04 Parking Lot Design Standards

(E) *Dimensional Requirements*. (See Table 1)

TABLE 1
DIMENSIONAL REQUIREMENTS

Angle (A)	Type	Width (in ft.) (B)	Curb length (in ft.) (C)	One-way aisle width (in ft.) (D)	Two-way aisle width (in ft.) (D)	Stall depth (in ft.) E)
0°	Standard	8	22.5	12	24	8
Parallel	Compact	7.5	19.5	12	24	7.5
30°	Standard	9	18	12	24	17
	Compact	7.5	15	12	24	14
45°	Standard	9	12.5	12	24	19
	Compact	7.5	10.5	12	24	16
60°	Standard	9	10.5	18	24	20
	Compact	7.5	8.5	15	24	16.5
90°	Standard	9	9	24	24	19
	Compact	7.5	7.5	22	24	15
	Motorcycle/Scooter	3	3	12-24	24	7.5 - 9





PARALLEL PARKING

(…)

(4) *Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces.* The driveway width into parking lots shall meet the following requirements:

(a) *Entrances.*

(i) *One-Way Access to Parking Lots.* If the driveway is a one-way in or one-way out, then the driveway width shall be a minimum of 12 feet and a maximum of 16 feet.

(ii) *Two-Way Access to Parking Lots.* For two (2) way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.

(iii) *Neighborhood and Regional Links.* Driveways that enter neighborhood and regional link streets may be required to have two (2) outbound lanes (one (1) for each turning direction) and one (1) inbound lane for a maximum total driveway width of 39 feet.

(iv) *Effective Curb Radius.* All driveways serving nine (9) or more parking spaces shall have an effective curb radius of 15 feet for curb cuts on residential link streets and an effective curb cut radius of 20 feet for neighborhood and regional link streets.

(b) *Internal Aisle Design.*

(i) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.

(ii) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.

(iii) Aisles shall conform to the dimensional requirements of §172.04(C).

Parking Lots With Nine (9) Spaces or More	
	Driveway Dimensional Requirement
One Way Access	12 feet Minimum - 16 feet Maximum
Two Way Access	2 Drive Lanes 10 feet Minimum Each - 24 feet Maximum Total Driveway Width
Neighborhood/Regional Link	3 Drive Lanes - Maximum of 39 feet
Effective Curb Radius - Residential Link	15 feet
Effective Curb Radius - Neighborhood/Regional Link	20 feet

(…)

172.08 - Nonconforming Parking Lots

All parking lots and/or parking areas which were in existence prior to the effective date of this ordinance may continue in a nonconforming state until such time as the following shall occur:

(A) *Rehabilitation.* A building permit is granted to rehabilitate a structure on the property exceeding 50% of the current replacement cost of the structure. At such time, 50% of the existing parking lot use area shall be required to be brought into compliance with the provisions of this ordinance. This shall continue on a graduated scale in accordance with the percentage of rehabilitation cost; and/or

(B) *Enlargement or Reconstruction.* A building permit is granted to enlarge or reconstruct a structure on the property exceeding 10% of its existing gross floor area. At such time 10% of the existing parking lot and/or parking lot area shall be brought into compliance with the provisions of this section. This shall be on a graduated scale until reaching 100% of the required landscaping; and/or

(C) *New Curb Cut.* A new curb cut permit is granted for the nonconforming parking lot. At such time the parking lot and/or parking area shall be required to be brought into compliance with the provisions of this ordinance.

Crafton Tull
architecture | engineering | surveying

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

May 14, 2024

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

RE: Variance Request
Saint Joseph Catholic Church
CT Job #: 21303700, GRD 2023-0109

Planning Staff,

On behalf of our client, Roman Catholic Diocese of Little Rock, we are submitting the above referenced variance request for your consideration.

St Joseph Catholic Church is proposing a new chapel in a proportion of the existing parking lot. We are requesting a variance from the City of Fayetteville's UDC 172.08 B, nonconforming parking lots. The existing parking lot conforms to parking lot standard except for the eastern drive aisle and a portion of the north. Their widths vary from 25'-29'. See highlighted area on site plan for aisle in reference. The school has over 400 students to pick up at the end of each school day. Early arrivals will back into the perimeter parking spaces as shown on site plan. These spaces are north and east of highlighted drive aisles. Then a double line of cars bumper to bumper form down the drive. The extra space is to accommodate teacher and administrative staff directing traffic in the highlighted drive, and the parked cars that overhang into the highlighted drive lane. There are many parents with oversized trucks and vans that attend this school. We are requesting to leave the existing parking lot as is.

We appreciate your consideration on the matter.

Thank you,

Caroline Gardner

Caroline Gardner, P.E.
Project Engineer.

CONSULTING ARCHITECT:

CORE ARCHITECTS
1800 S. OSAGE SPRINGS DR. - SUITE 100 - ROGERS, AR 72758
PH - 479.631.2673 FX - 479.631.2674 www.core-architects.com

CONSULTANT:

Crafton Tull
300 N College Ave., Suite 3
Fayetteville Arkansas 72
479.636.48
www.craftontull.com

REVISION

NO.	ISSUE	DATE
1	ADDENDUM 01	05.08.24

ST. JOSEPH CATHOLIC CHURCH
1768 N. STARR DR.
FAYETTEVILLE, AR

DRAWN BY:

CHECKED BY:

PROJECT #:
21-058

ISSUE FOR BID

DRAWING:
C-101
OVERALL SITE PLAN (C)

DATE:
4.17.24

STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 20676
CAROLINE H. GARDNER

SAINT JOSEPH CATHOLIC CHURCH
FAYETTEVILLE, ARKANSAS

ARCHITECT OF RECORD:
MICHAEL G. IMBER ARCHITECTS
111 WEST EL PRADO
SAN ANTONIO, TEXAS 78121
(210) 824-7703 FAX (210) 824-7706

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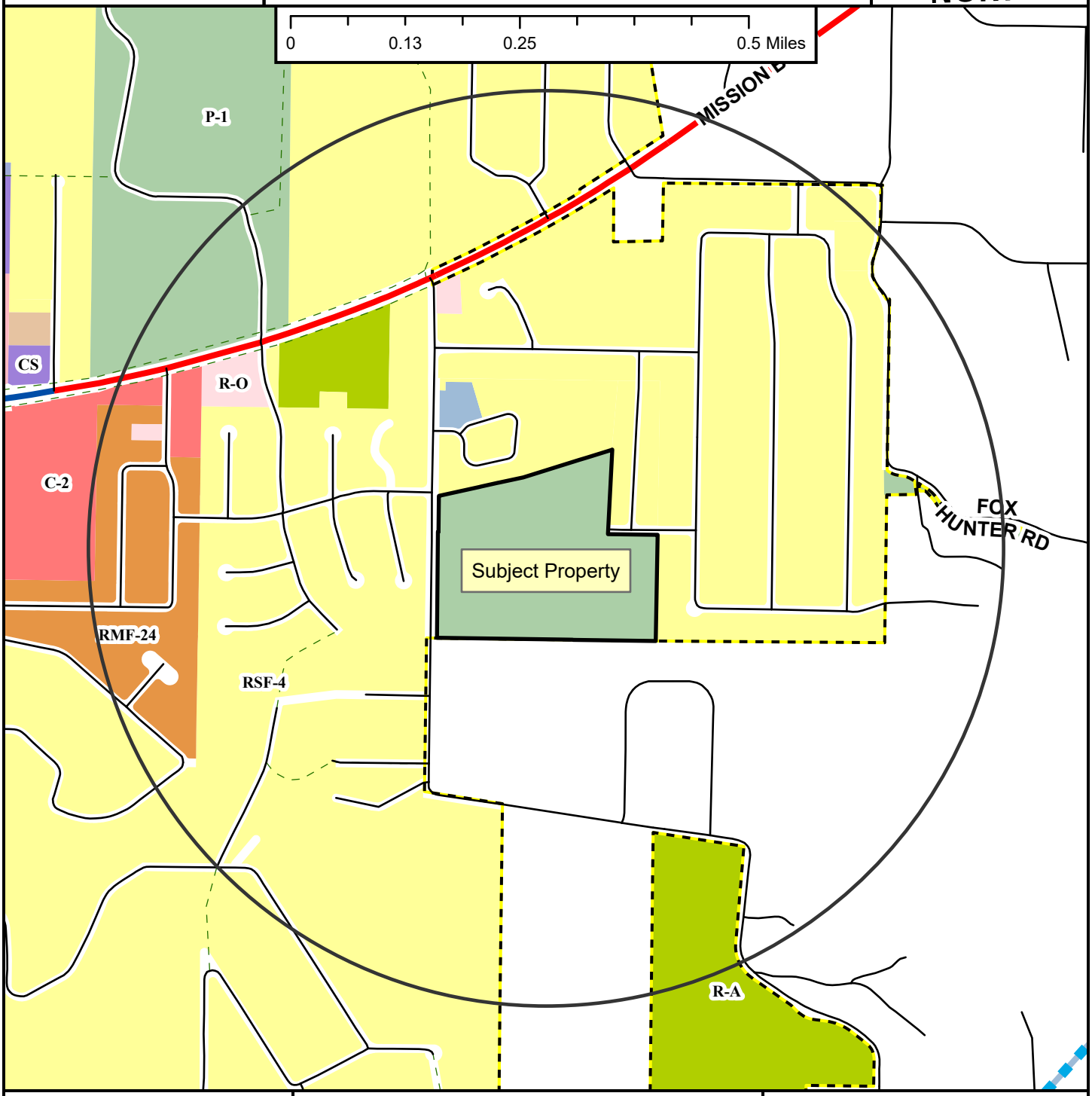
VAR-2024-0022

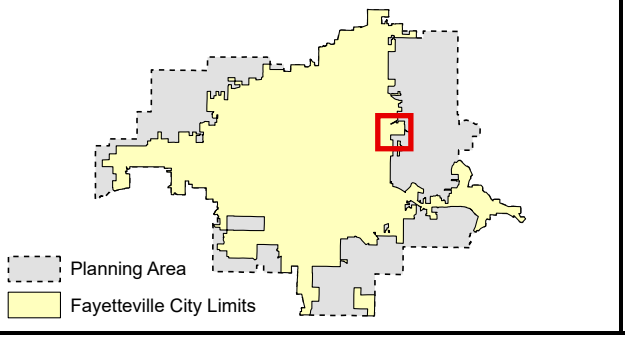
One Mile View

1722 N. STARR DR

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

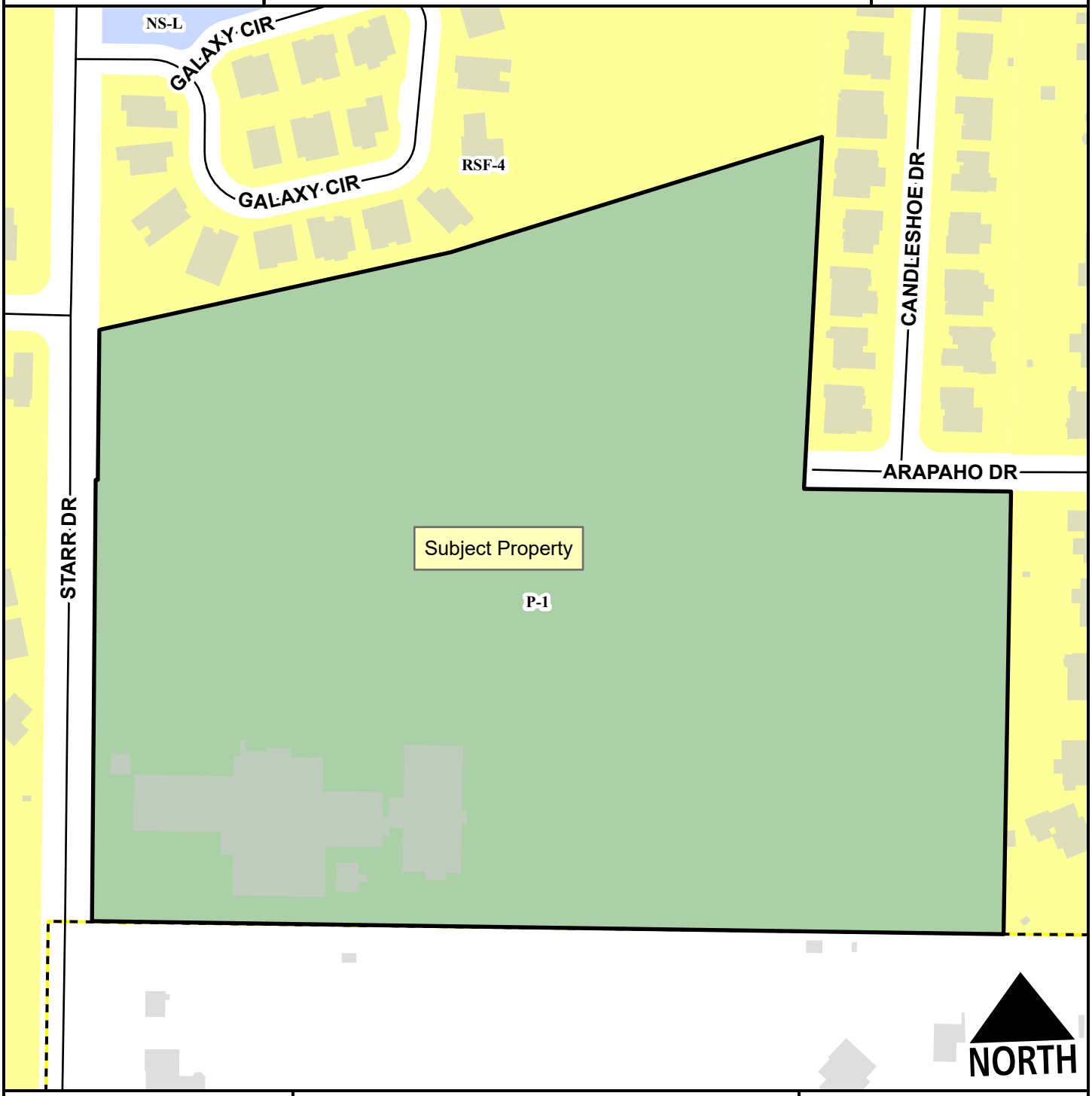
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0022

Close Up View

1722 N. STARR DR



Residential Link
Planning Area
Fayetteville City Limits

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

RSF-4
Neighborhood Services - Ltd.
P-1

VAR-2024-0022

Current Land Use

1722 N. STARR DR

NORTH

Unclassified

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Alan Pugh, Staff Engineer

MEETING DATE: June 10, 2024

SUBJECT: **ADM-2024-0025: Administrative Item (Amend UDC Chapters 170.02, 170.06, 170.08 and 170.09 Stormwater Management and Drainage):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 170.02, 170.06, 170.08 and 170.09 Stormwater Management and Drainage. The proposed code changes would clarify the maintenance responsibility of private and public drainage systems as well as illicit discharges into the drainage system.

RECOMMENDATION:
Staff recommend tabling **ADM-2024-0025** to the next-scheduled Planning Commission meeting on June 24, 2024.

RECOMMENDED MOTION:
*"I move to table **ADM-2024-0025** to the June 24 Planning Commission meeting."*

BACKGROUND
In conferring with the City Attorney's office prior to this meeting, advice from their office indicates that the proposed ordinance changes require additional attention that necessitate a tabling until the next-scheduled Planning Commission meeting. Staff plans on having finalized ordinance changes and recommendations prepared in advance of that meeting.

RECOMMENDATION: Staff recommend tabling ADM-2024-0025 to the June 24, 2024 Planning Commission meeting.

PLANNING COMMISSION ACTION:	**Required**	**YES**		
Date: June 10, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**	
Motion:				
Second:				
Vote:				

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 10, 2024

SUBJECT: **ADM-2024-0023: Administrative Item (NORTHEAST OF E. WAR EAGLE ST. & S. BLACK OAK RD./RIVERSIDE VILLAGE PH. 2, 683):** Submitted by CRAFTON TULL for property located NORTHEAST OF E. WAR EAGLE ST. & S. BLACK OAK RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 93.98 acres. The request is for a major modification to an approved large scale development.

RECOMMENDATION:
Staff recommends approval of **ADM-2024-0023**.

RECOMMENDED MOTION:
"I move to approve **ADM-2024-0023***, determining:*

- *In favor of the request to modify LSD-2023-0008, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in south Fayetteville on the east side of Black Oak Road just within city limits. The property contains approximately 93.98 acres and was annexed in late 2021. Following the property's annexation, it was rezoned to a Residential Planned Zoning District (Ord. 6511). In terms of natural features, the property is undeveloped and largely covered by mature tree canopy with hydric soils and jurisdictional wetlands and waterways present on site. A portion of the West Fork of the White River forms the eastern boundary of the property, and a large portion of the east side of the site contains floodway and floodplain associated with the river. A large scale development (LSD) for the first phase of the project, which contains 106 residential units, was approved by the Planning Commission in 2022 (LSD-2022-0008). A large scale development for the second phase of the project, which contains 128 residential units, was approved by the Planning Commission in 2023 (LSD-2023-0008). Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Industrial; Combs Park	I-2, General Industrial; P-1, Institutional
South	Natural Area	AG/SF-1, Agricultural/Single-Family Residential, One Unit per Acre (Washington County)
East	Natural Area	AG/SF-1, Agricultural/Single-Family Residential, One Unit per Acre (Washington County)

West	Natural Area	AG/SF-1, Agricultural/Single-Family Residential, One Unit per Acre (Washington County)

Request: The request is for a major modification to an approved large scale development (LSD-2023-0008). The applicant has indicated that they are primarily requesting to modify their large scale development approval in order to increase the number of residential units by 10. In addition to that modification, they are requesting to remove a common area (Area 7) and increase the size of the residential lot adjacent to it. UDC §166.01(D)(2) requires that major modifications be submitted to the body that originally approved the project for their consideration and approval, which in this case is the Planning Commission.

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

DISCUSSION:
Staff supports the applicant's request to amend their large scale development as proposed. The additional housing units were originally proposed to be part of a cluster housing development and included in the second phase of the development. However, when reviewing that phase of the development, staff discovered that cluster housing was not included as a permitted or conditional use in the underlying planned zoning district (PZD) and advised the applicant that they would need to amend the PZD to include Use Unit 44: Cluster Housing Development, before they received their development entitlement for that portion of the project. Staff later discovered that the lots and units within the cluster housing area conform with the zoning requirements associated with single-family residences in the underlying PZD and advised the applicant that they could request a major modification to their LSD approval to include those additional units and classify them as single-family residences without having to amend their PZD to include cluster housing as a permitted use. Staff is supportive of their request to include those units in the second phase of the development as proposed since that would be consistent with the underlying planned zoning district. The City Fire Marshal has reviewed the proposed modification and verified that fire access requirements are still being met. Staff is also supportive of the applicant's request to remove a common area and increase the size of the residential lot adjacent to it since that change would not conflict with the underlying PZD.

RECOMMENDATION: Staff recommends approval of **ADM-2024-0023** subject to the following conditions:

Conditions of Approval:

1. All other conditions of the associated large scale development (LSD-2023-0008) not affected by this modification shall remain in effect.

PLANNING COMMISSION ACTION: Required YES

Date: June 10, 2024 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- LSD-2023-0008 Conditions of Approval
- LSD-2023-0008 Approved Site Plan
- Applicant Request Letter
- Revised Site Exhibits
- One Mile Map
- Close-up Map
- Current Land Use Map

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication as follows:*
    a. *Internal Streets: Staff recommends right-of-way dedication in the amount of 52 feet along all internal streets.*
    b. *Alley 5: Staff recommends right-of-way dedication in the amount of 24 feet along Alley 5.*
    c. *Alleys 4 & 6: Staff recommends right-of-way dedication in the amount of 38.5 feet along Alleys 4 and 6, as proposed on the provided civil plans.*

Planning Commission approved this right-of-way dedication.

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
    a. *Internal Streets: Staff recommends that all internal streets be improved to meet typical standards for a Residential Link street.*
    b. *Alley 5: Staff recommends that Alley 5 be improved to meet the typical standards for a Commercial Rear Alley and/or designed in a way that meets Arkansas Fire Code.*
    c. *Alleys 4 & 6: Staff recommends that Alleys 4 and 6 be improved as proposed by the applicant, though with 6.5-foot sidewalk at the back of curb.*

Planning Commission approved these street improvements.

1. **Planning Commission determination of a variance to UDC §166.08(E): Street Design and Access Management Standards – Block Length/Connectivity.** *Staff recommends approval of this variance for the reasons stated above;*

Planning Commission approved this variance.

2. **Planning Commission determination of a variance to UDC §166.11: Conformance to Plans and Regulations.** *Staff recommends in favor of this variance for the reasons stated above;*

Planning Commission approved this variance.

3. Remaining comments from the Planning Division shall be addressed, including:
    a. The development entitlement for the first phase of Riverside Village (LSD-2022-0008) recently expired on April 14, 2023. Please confirm whether an administrative extension was approved for that project. If not, a one-year extension will need to be requested from the Planning Commission.

3. A separate conditional use permit will need to be applied for and approved for all proposed off-site parking lots prior to subdivision under UDC §172.06(C);

4. Parkland dedication in the minimum amount of 2.94 acres for 128 single-family dwellings must be received prior to building permit issuance;

5. Streetlights must be installed at intersections and at intervals not to exceed 300 feet along all streets;

6. A tree preservation easement and a trail easement shall be dedicated at the time of easement plat with language as shown in the attached exhibit;

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

Standard Conditions of Approval:

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

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

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

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

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

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

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

15. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;

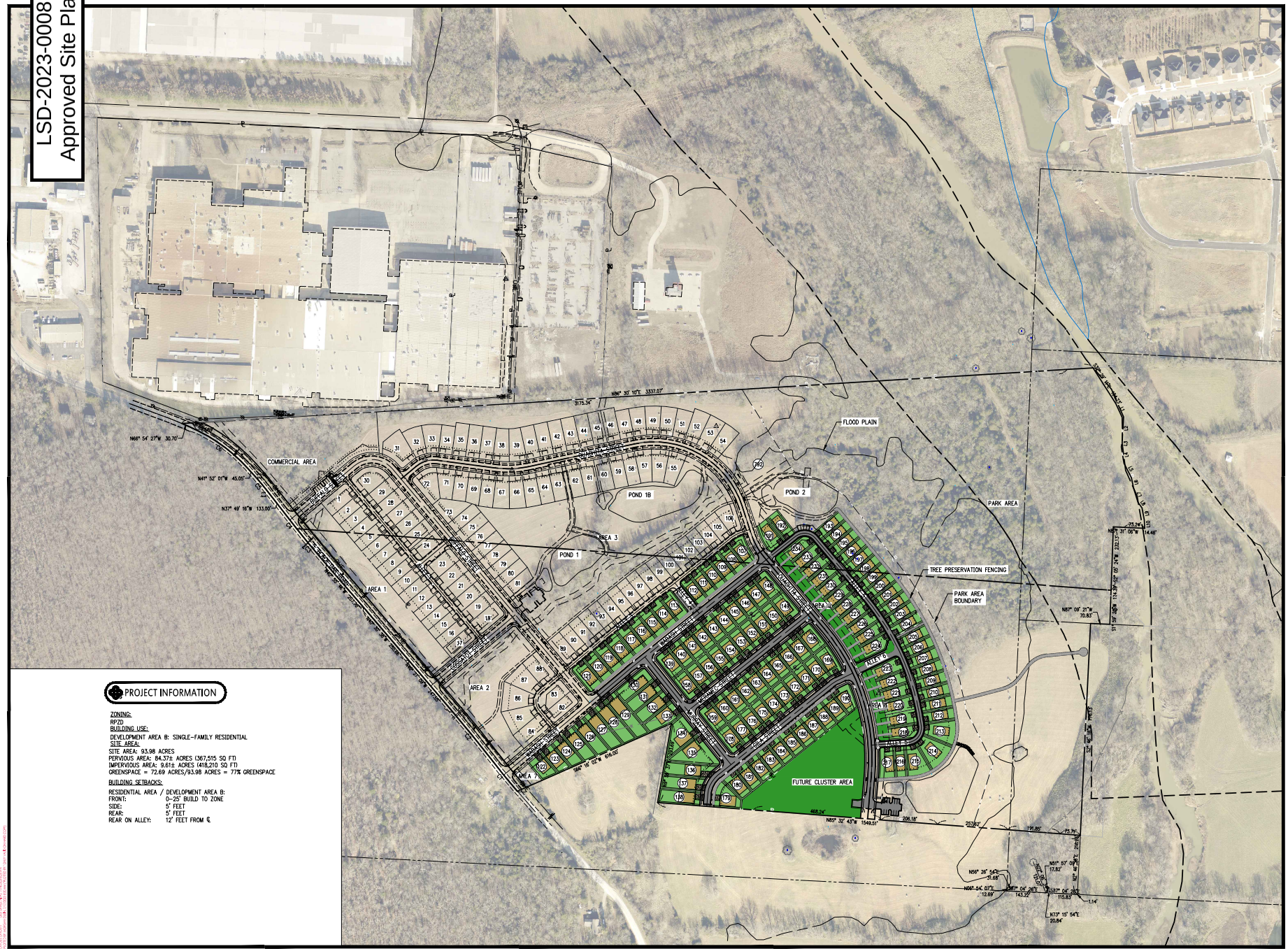
16. Large scale development approval shall be valid for one year;

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

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

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

LSD-2023-0008
Approved Site Plan



PROJECT INFORMATION

ZONING:
RPZD
BUILDING USE:
DEVELOPMENT AREA B: SINGLE-FAMILY RESIDENTIAL
SITE AREA:
SITE AREA: 93.98 ACRES
PERVIOUS AREA: 84.37± ACRES (367,515 SQ FT)
IMPERVIOUS AREA: 9.61± ACRES (418,210 SQ FT)
GREENSPACE = 72.69 ACRES/93.98 ACRES = 77% GREENSPACE

BUILDING SETBACKS:

RESIDENTIAL AREA / DEVELOPMENT AREA B:

FRONT:	0-25' BUILD TO ZONE
SIDE:	5' FEET
REAR:	5' FEET
REAR ON ALLEY:	12' FEET FROM ℄

Crafton Tull
architecture | engineering | surveying
901 N. 47th St., Suite 1
Rogers, Arkansas 72756
479.636.4838 | 800.763.2648
www.craftontull.com

CERTIFICATE OF AUTHORIZATION:

GRAPHIC SCALE IN FEET
150' 0 150'

RIVERSIDE VILLAGE
PHASE 2
FAYETTEVILLE, AR

KEY PLAN

No.	Description	Date

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

PROJECT NO: 2.11.08.402
ISSUE DATE: 05/14/2023
DRAWN BY: T. LINDLEY
QC by:
QC date:

PRELIMINARY PLANS

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

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OVERALL SITE PLAN (C)

C-101

Applicant Request Letter

April 30, 2024

Jessie Masters
City of Fayetteville

RE: Riverside Village Major Modification Request

Please accept this letter as a request for a Major Modification to the Riverside Village Subdivision Plans. The Original PUD plans included a cluster housing area on what is now shown as lot 237. The large scale development plans that were submitted and approved by staff did not include a layout for the cluster area.

We now have a layout for the cluster housing lot and are requesting a modification to the plans to include 10 cluster housing units on approximately 2 acres. The development will include a common seating area and a large common green along the West side of the cluster area. All units will be rear loaded from a public alley way. A common sidewalk will connect all units to the public sidewalk along the street.

The development will comply with all required cluster regulation, including at least 750 square feet of lot area per unit; 500 square feet of common open space per unit; 250 square feet of private open space per unit; and at least 10-feet of separation between each unit. All units will front onto a common open space and have a 2-car garage with additional parking on the driveway, as well as on-street parking. The cluster area will provide 2 parking spaces per unit as all units are over 1,000 square feet. Residents will store trash bins in garage or on driveway and roll them to the alley or street as required by solid waste for trash pick-up.

All buildings will also comply with the building design standards, using varying building materials and finishes, variations in roof form, as well as other distinguishing factors. Images of the types and styles of units proposed are attached.

In addition to the above modification, we are also requesting to slightly change the configuration of Lots 122 and Area 7. Simply, Lot 122 will become a larger lot for a future homeowner and the common area lot that must be maintained by the POA will become smaller, reducing overall maintenance costs to residents.

Sincerely,

Jesse Fulcher

Rausch Coleman
4058 N. College Avenue – Fayetteville, AR 72703 – Office: 479-455-9090 – Fax: 479-455-2026
www.rauschcolemanhomes.com

SITE NOTES

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

LEGEND (EXISTING SYMBOLS)

SYMBOLS	LINEWORK
○ FOUND IRON PIN	CURB
☼ LIGHT POLE	RIGHT OF WAY
	ROAD CENTERLINE
	ASPHALT

NOTE:
- ALL SIGNAGE MUST BE INSTALLED BY CONTRACTOR AS PART OF CONSTRUCTION PER MINIMUM STREET STANDARDS.
- INSTALL STOP SIGN (R1-1) (PER CITY OF FAYETTEVILLE MINIMUM STREET STANDARDS 7.3.2 & 7.3.3)
- ALL LOTS 50' OR LESS IN WIDTH ARE ARE SUBJECT TO SMALL LOT DESIGN STANDARDS
- SIDEWALKS ALONG COMMON AREA AND PUBLIC SPACES TO BE CONSTRUCTED IN THIS CONTRACT.
- SIDEWALKS ALONG LOT FRONTAGE TO BE CONSTRUCTED LATER WITH INDIVIDUAL HOME CONSTRUCTION.
- FOR ADJACENT PROPERTY OWNERS SEE OVERALL PRELIMINARY PLAT
- PER CITY ORDINANCE 72.19,PARKING BLOCKING MAILBOX IS PROHIBITED. CONTRACTOR TO ENSURE THAT MAILBOX PLACEMENT DOES NOT CONFLICT WITH ON STREET PARKING.
- EASEMENT PLAT IS TYPICALLY REQUIRED PRIOR TO BUILDING PERMITS FOR LARGE SCALE DEVELOPMENTS (INCLUDING PARKLAND DEDICATION, RIGHT OF WAY, UTILITY EASEMENTS, ETC.)

LEGEND (CONSTRUCT)

SYMBOLS	LINEWORK
● SET IRON PIN	CURB & GUTTER
✱ LIGHT POLE	BUILDING SET BACK
	BUILD TO ZONE
	RIGHT OF WAY
	PROPERTY LINE
	ROAD CENTERLINE
	TOP OF POND
	SIDEWALK TO BE CONSTRUCTED BY EACH INDIVIDUAL LOT OWNER
	SIDEWALK CONSTRUCTED AS A PART OF THIS CONTRACT
	DRIVEWAYS TO BE CONSTRUCTED BY EACH INDIVIDUAL LOT OWNER

BOUNDARY
PARCEL LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S25° 01' 30"E	55.55'
L2	S0° 30' 28"E	79.67'
L3	S7° 21' 36"W	28.25'
L4	S9° 07' 07"E	61.86'
L5	S27° 16' 35"E	57.82'
L6	S11° 56' 51"E	40.45'
L7	S17° 22' 48"E	53.16'
L8	S35° 00' 55"E	26.01'
L9	S10° 47' 13"E	44.94'
L10	S2° 23' 40"E	29.55'

BOUNDARY
CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	163.31'	2880.00'	3°14'56"	N39° 15' 47"W	163.29'
C2	209.57'	4266.99'	2°48'50"	N39° 02' 43"W	209.54'
C3	170.59'	4044.41'	2°25'00"	N39° 43' 16"W	170.57'
C4	48.83'	4044.41'	0°41'31"	N38° 10' 01"W	48.83'
C5	53.16'	752.81'	4°02'45"	N39° 50' 38"W	53.15'
C6	266.96'	610.83'	25°02'26"	N54° 23' 14"W	264.84'

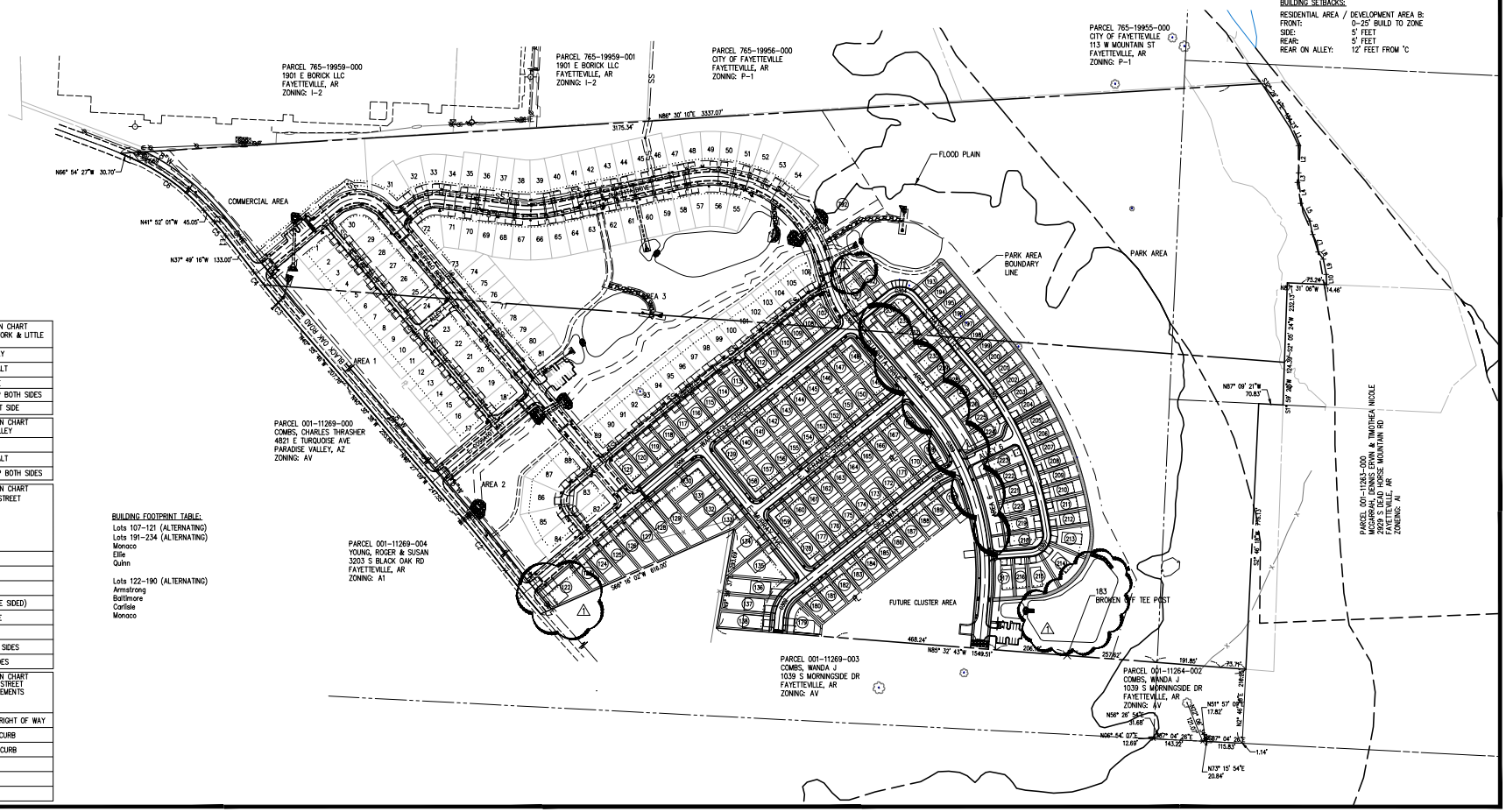
PROJECT INFORMATION

ZONING:
RPZD

BUILDING USE:
DEVELOPMENT AREA B: SINGLE FAMILY RESIDENTIAL

SITE AREA:
SITE AREA: 93.98 ACRES
PERVIOUS AREA: 79.35± ACRES (367,515 SQ FT) 84%
IMPERVIOUS AREA: 14.63± ACRES (637,386 SQ FT) 16%
GREENSPACE = 72.69 ACRES/93.98 ACRES = 77% GREENSPACE

BUILDING SETBACKS:
RESIDENTIAL AREA / DEVELOPMENT AREA B:
FRONT: 0-25' BUILD TO ZONE
SIDE: 5' FEET
REAR: 5' FEET
REAR ON ALLEY: 12' FEET FROM "C"



BUILDING FOOTPRINT TABLE:

Lots 107-121 (ALTERNATING)
Lots 191-234 (ALTERNATING)
Monaco
Ellie
Quinn

Lots 122-190 (ALTERNATING)
Armstrong
Baltimore
Carlisle
Monaco

STREET CROSS SECTION CHART TWO-WAY ALLEY NORFORK & LITTLE SUGAR ALLEY
38.5' RIGHT OF WAY
20' 2 LANE ASPHALT
7.5' PARKING LANE
1' CONCRETE STRIP BOTH SIDES
6.5' SIDEWALK LEFT SIDE

STREET CROSS SECTION CHART TWO-WAY ELK ALLEY
24' RIGHT OF WAY
20' 2 LANE ASPHALT
1' CONCRETE STRIP BOTH SIDES

STREET CROSS SECTION CHART RESIDENTIAL LINK STREET WAR EAGLE MERAMEC STREET GILA STREET MURRAY STREET OUACHITA DRIVE
52' RIGHT OF WAY
26' FACE TO FACE
28' BACK TO BACK
7' PARKING LANE (ONE SIDED)
10' & 9' DRIVING LANE
2' CURB AND GUTTER
6' GREENSPACE BOTH SIDES
6' SIDEWALK BOTH SIDES

STREET CROSS SECTION CHART NEIGHBORHOOD LINK STREET HALF STREET IMPROVEMENTS BLACK OAK ROAD
33'-6" HALF STREET RIGHT OF WAY
16.5' 'C TO FACE OF CURB
17.5' 'C TO BACK OF CURB
2' CURB AND GUTTER
10' GREENSPACE SIDE
6' SIDEWALK SIDE

901 N. 47th St., Suite 105
Rogers, Arkansas 72756
Crafton Tull
architecture | engineering | surveying
479.636.4838 | www.craftontull.com

CERTIFICATE OF AUTHORIZATION

GRAPHIC SCALE IN FEET
150' 0 150'

RIVERSIDE VILLAGE
PHASE 2
FAYETTEVILLE, AR

KEY PLAN

No.	Description	Date
1	COMBINE LOT 122 AND AREA 7	04/08/2024
1	SIDEWALK REVISION	04/08/2024
1	REMOVE POND FENCE & AERATOR	04/08/2024

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PROJECT No: 211.08402
ISSUE Date: 05/16/2023
CONTRACT: 1.UNIQUE
QC By:
QC Date:

ISSUED FOR CONSTRUCTION

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 19309
TAYLOR A. LINDLEY

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OVERALL PRELIMINARY PLAT

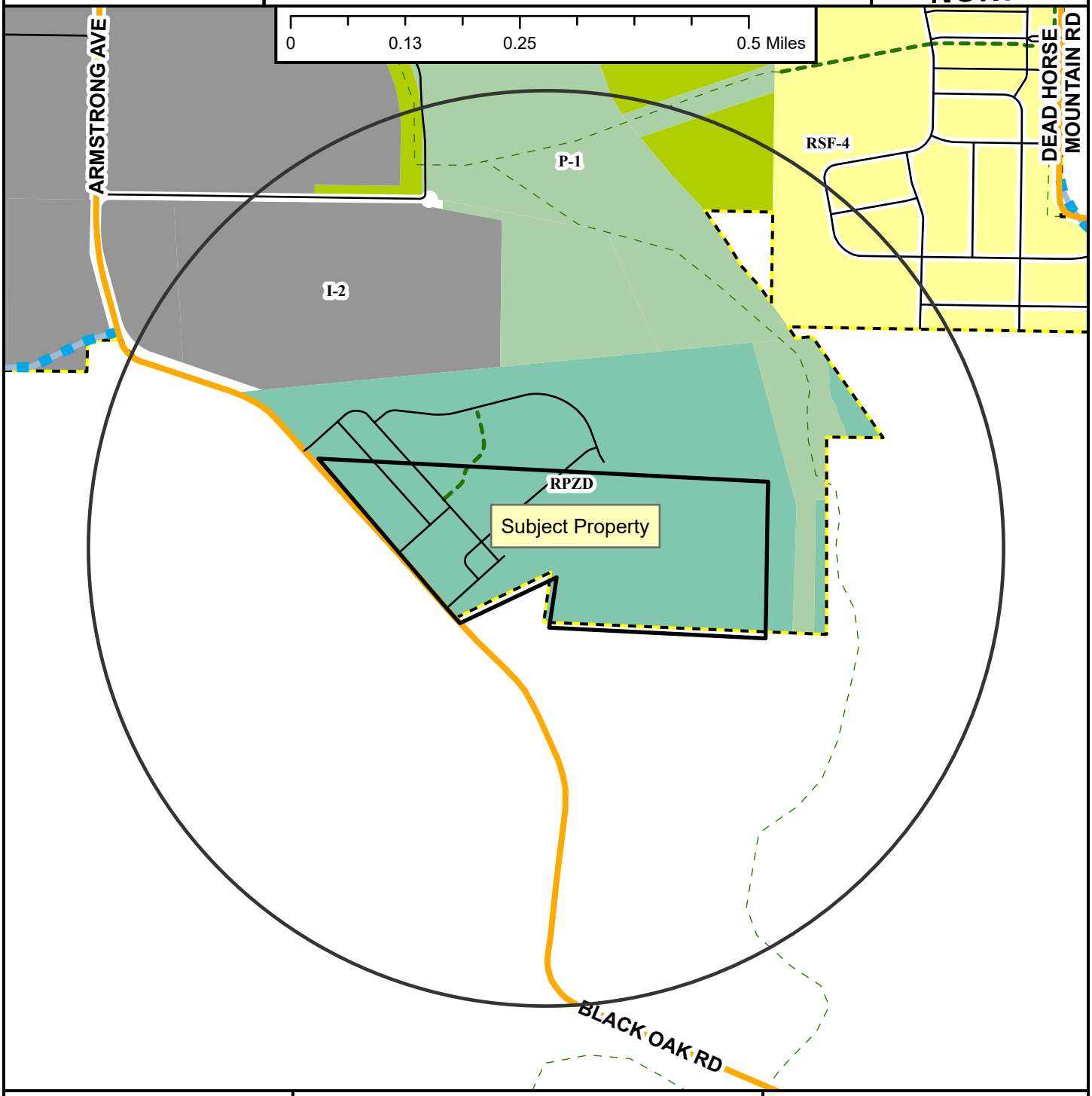
C-102 R-1

Revised Site Exhibit

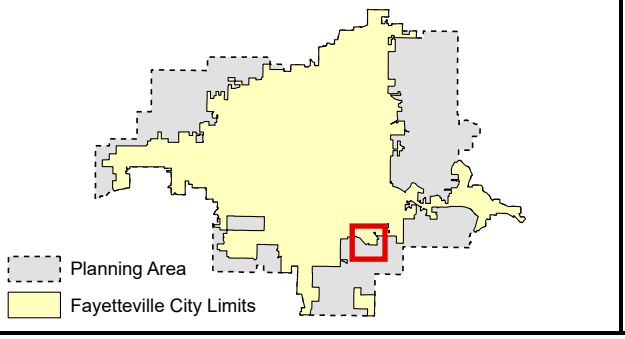
ADM-2024-0023

One Mile View

2504 E. ILLINOIS ALY



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

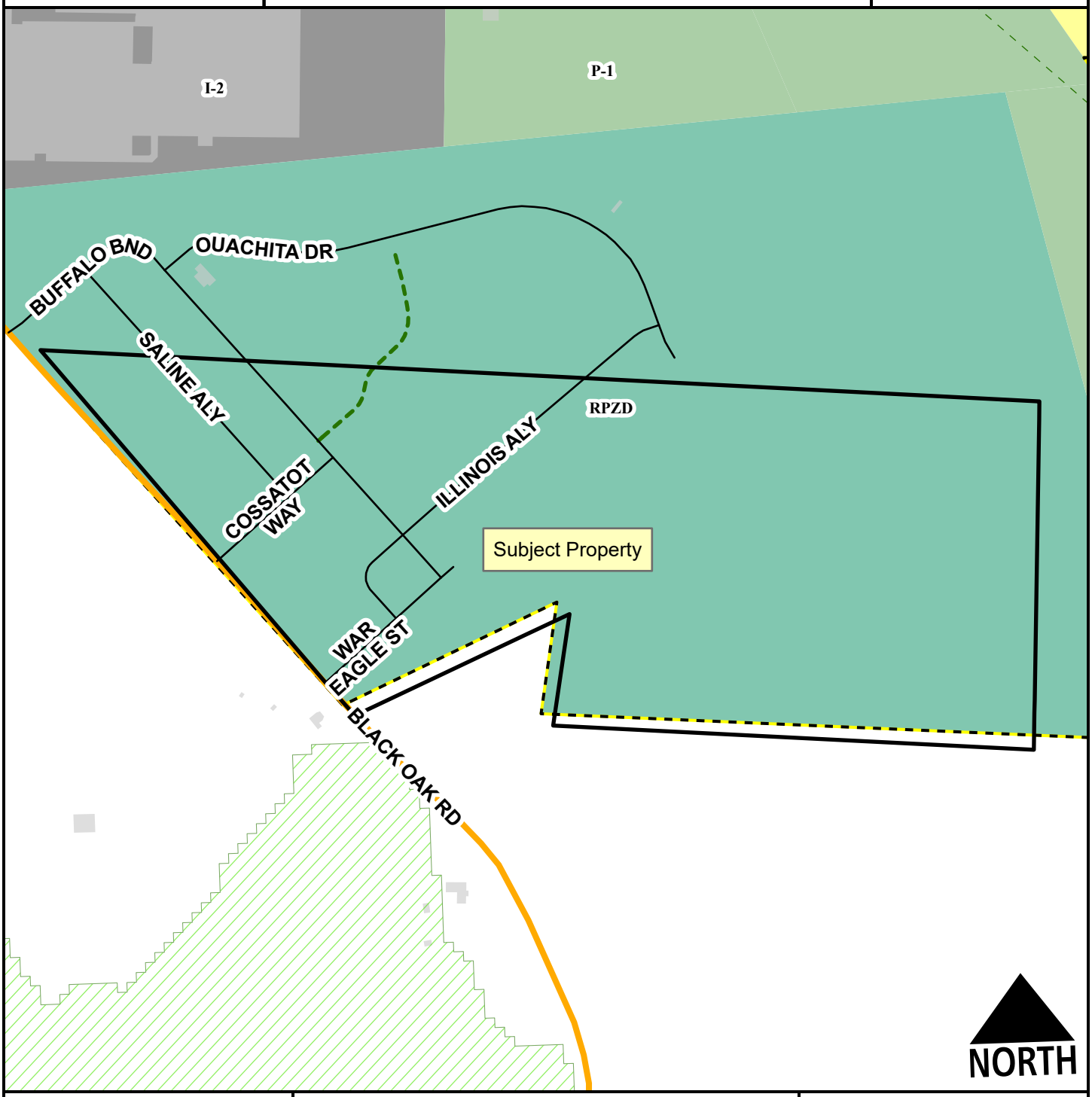
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2024-0023

Close Up View

2504 E. ILLINOIS ALY



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

Feet

0 137.5 275 550 825 1,100

1:4,500

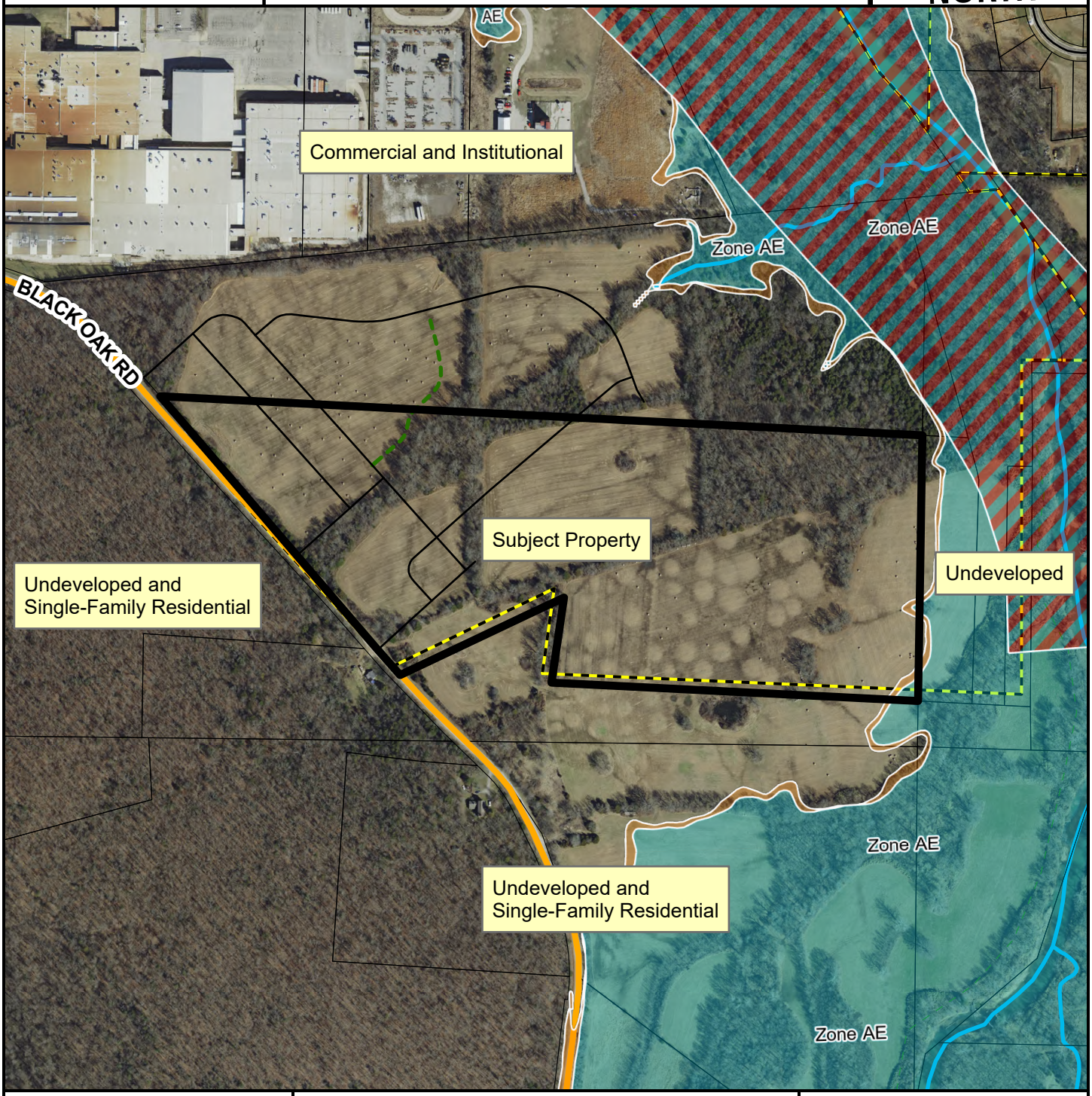
- RSF-4
- I-2 General Industrial
- Commercial, Industrial, Residential
- P-1

ADM-2024-0023

Current Land Use

2504 E. ILLINOIS ALY

NORTH



Neighborhood Link

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 180 360 720 1,080 1,440

1:5,900

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner
Josh Boccaccio, Engineering Development Review Manager

MEETING DATE: June 10, 2024

SUBJECT: **VAR-2024-0021: Planning Commission Variance (NORTHWEST OF W. DRAKE ST. & N. GREGG AVE./1155 PROPERTIES LLC, 250):** Submitted by ECOLOGICAL DESIGN GROUP for property located at W. DRAKE ST. & N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 49.13 acres. The request is for a variance to block length, access management, nonresidential design, and commercial design standards.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0021** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0021**, determining:*

- *In favor of a variance to UDC §166.08(E),*
- *In favor of a variance to UDC §166.08(F),*
- *In favor of a variance to UDC §166.24(D)(2),*
- *In favor of a variance to UDC §166.24(D)(3),*
- *In favor of a variance to UDC §166.24(D)(5)(a),*
- *In favor of a variance to UDC §166.25(C)(4), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located northwest of the intersection of Gregg Avenue and Drake Street in north Fayetteville. Railroad right-of-way held by the Arkansas and Missouri Railway borders the property to the east. The property is largely undeveloped, though a small portion of the site near Drake Street was developed with a 19,000-square-foot office building, referred to as The Pendergraft Building, in 2021. That development was considered the first phase of a larger project called Drake Farms. The second phase of that project is currently under review by staff as a large site improvement plan (LSIP-2024-0006) and it includes a mixed-use development with six buildings and associated parking. Earlier this year, the Planning Commission approved four variances associated with the project to master street plan, block length, parking lot, and landscaping standards (VAR-2024-0009). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare

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

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

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

DISCUSSION:

Variance #1: UDC §166.08(E), Street Design and Access Management Standards – Block Layout/Connectivity. Intersections shall occur at a minimum of one (1) every 660 feet along Residential Link Streets. The applicant is requesting to vary from this standard to provide a block length of approximately 1,100 feet along the east side of a proposed Residential Link Street, Mansfield Avenue. The Planning Commission previously approved a variance to allow a block length of 810 feet. However, a street stub out to the east that was previously proposed to be public is now shown to be private and, as a result, the width of the block on the east side of Mansfield has increased.

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

Variance #2: UDC §166.08(F), Access Management. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification. The applicant is requesting to vary from this standard to allow a new curb cut on a Neighborhood Link Street on a property that also has access to a Residential Link Street.

> *Staff recommendation: Staff is partially supportive of this variance request. The proposed driveway onto Drake Street is approximately 120 feet east of the street's intersection with Mansfield Avenue and 118 feet west of the railroad. The opening of the driveway appears to overlap with a portion of the bay taper and end of storage length for the left turn lane on Drake Street. Staff finds that constructing the drive as proposed may pose safety risks for vehicles and pedestrians. A vehicle turning left into the property from Drake Street would likely encroach into both the left turn lane and right turn lane on Drake Street due to the approach and bay tapers for the left turn lane. In addition, another full access point results in additional conflict points for bicycles and pedestrians that will use the future trail along Drake. As a condition of approval, engineering staff recommends that the driveway be constructed as right-in, right-out only, or the left turn lane on Drake Street be extended so*

that left turn movements into the development occur entirely within the lane and not in conflict with the bay taper.

Variance #3: UDC §166.24(D)(2), Nonresidential Design Standards – Building Mass, Scale, and Articulation. The mass of a building exceeding 100 feet in length shall be delineated into no more than 40-foot-wide segments utilizing changes in height and depth of the wall plane of no less than 24 inches. The applicant is requesting to vary from this standard along the principal façade of Building 7 which is the proposed retail building on Mansfield Avenue. The mass of the building has a length of about 165 feet, and its principal façade is broken into two primary segments which have a width of about 45 and 98 feet.

Staff recommendation: Staff is supportive of this variance request. This design standard is intended to help break down the mass of large structures and produce a visually interesting and high quality development. While Building 7 does not meet with the letter of the code, staff finds that the current design of the structure is aligned with its intent. Architectural features, such as pilasters and awnings, and changes in material are provided along the building's principal façade to help further break down the mass of the structure. Strict adherence to this design standard, which would require additional changes to wall height and depth, may adversely affect the use and design of the space since it would require reducing the size of the seating area and other pedestrian-oriented elements between the building and the street.

Variance #4: UDC §166.24(D)(3), Nonresidential Design Standards – Building Mass, Scale, and Articulation. No less than 70% of the building length shall be broken into a minimum of two horizontal shifts in material, texture, and/or wall plane to provide distinction between segments. The applicant is requesting to vary from this standard along the principal façade of Building 8, which is the proposed retail building at the intersection of Mansfield Avenue and Drake Street. As proposed, there are no shifts in the wall plane and minimal changes in material and texture are provided along the building's principal façade.

Staff recommendation: Staff is supportive of this variance request. While the applicant has not clearly demonstrated evidence of a hardship, staff finds that the strict application of this design standard could negatively impact the design of the building. The applicant has stated that the building has been carefully composed to create visual interest through the use of substantial materials (brick), decorative elements, and a varied roof geometry. While the composition of the building does not meet the letter of the code, staff finds that elements have been incorporated into the design of the structure that are aligned with its intent. The diagrams provided in code and in the City's non-residential design manual illustrate how this specific standard should be applied to longer buildings with flat roofs while the structure in question is a smaller building with a pitched roof. Staff finds that the intent of this standard is being met through the use of a pitched roof and trim along the southern portion of the façade, which both help to further articulate the mass of the structure.

Variance #5: UDC §166.24(D)(5)(a), Nonresidential Design Standards – Building Mass, Scale and Articulation. Building facades located within a build-to zone shall incorporate changes in plan with a depth of at least 24 inches, either horizontally or vertically at intervals not less than 10 feet and not more than 40 feet. The applicant is requesting to vary from this standard along the principal facades of Building 7 and Building 8. Building 7 has a length of approximately 165 feet and its principal façade is broken into two primary segments which have a width of about 45 and 98 feet. Building 8 has a length of approximately 65 feet and no changes in wall plane depth are provided along its principal façade.

Staff recommendation: Staff is supportive of this variance request. This design standard is intended to help break down the mass of large structures and produce a visually

interesting and high quality development. While Buildings 7 and 8 do not comply with this standard, staff finds that the current design of the structures is aligned with its intent. Architectural features, such as pilasters and awnings, large windows, and changes in material are provided along each building's principal façade to help further break down the mass of the structures. Strict adherence to this design standard, which would require additional changes to the depth of the wall plane, may adversely affect the use and design of the buildings since it would require reducing the size of the structures or the pedestrian-oriented elements next to them. It may also affect compliance with build-to requirements since Building 7 is located along a portion of Mansfield Avenue that has an angled build-to zone and Building 8 is located along a portion of Drake Street with a build-to zone that is largely encumbered by existing easements.

Variance #6: UDC §166.25(C)(4), Commercial, Office and Mixed Use Design and Development Standards – Building Exterior Appearance and Design Standards. All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way and shall include at least one prominent entryway on the principal façade(s). The applicant is requesting to vary from this standard to not include an entryway on the principal façade of Building 8.

Staff recommendation: Staff is supportive of this request. The applicant has stated that there are site-specific constraints which have impacted their ability to provide an entryway on the building's principal façade. The south side of the building which faces Drake Street sits along a steep slope and retaining walls would be necessary to create a level space for entry. Since there is an existing 20-foot-wide utility easement along the front of the property, and the building is proposed to be located as close as possible to that easement, requiring a primary entryway along the building's principal façade may result in a wall needing to be built within a utility easement which would require utility approval, or requiring that a portion of the building be moved further back away from the street. Prominent entryways are currently proposed along the west side of the building, which faces a portion of Mansfield Avenue which is classified as a private street, and along the east side of the building, which abuts a parking lot. As a condition of approval, staff recommends that the awning shown on the provided elevations be a required architectural element to draw attention to the entrance on the east side of the building and better meet the intent of the code.

RECOMMENDATION: Staff recommends approval of VAR-2024-0021 with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to UDC §166.08(E), Street Design and Access Management Standards – Block Layout/Connectivity.** *Staff recommends approval of this variance for the reasons stated above.*

2. **Planning Commission determination of a variance to UDC §166.08(F), Access Management.** *Staff recommends approval of this variance for the reasons stated above and with the following conditions:*

    a. *The driveway shall be constructed as right-in, right-out only, OR*
    b. *The left turn lane on Drake Street shall be extended so that left turn movements into the development occur entirely within the lane and not in conflict with the bay taper.*

3. **Planning Commission determination of a variance to UDC §166.24(D)(2), Nonresidential Design Standards – Building Mass, Scale, and Articulation.** *Staff recommends approval of this variance for the reasons stated above.*

4. **Planning Commission determination of a variance to UDC §166.24(D)(3), Nonresidential Design Standards – Building Mass, Scale, and Articulation.** *Staff recommends approval of this variance for the reasons stated above.*

5. **Planning Commission determination of a variance to UDC §166.24(D)(5)(a), Nonresidential Design Standards – Building Mass, Scale, and Articulation.** *Staff recommends approval of this variance for the reasons stated above.*

6. **Planning Commission determination of a variance to UDC §166.25(C)(4), Commercial, Office and Mixed Use Design and Development Standards – Building Exterior Appearance and Design Standards.** *Staff recommends approval of this request for the reasons stated above with the following condition:*
    a. The awning shown on the provided elevations for Building 8 shall be a required architectural element.

7. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: <u>June 10, 2024</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code:
    - §166.08 Street Design and Access Management Standards
    - §166.24 Nonresidential Design Standards
    - §166.25 Commercial, Office and Mixed Use Design and Development Standards
- Engineering Memo
- Applicant Request Letter
- Site Plans
- Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

(D) *Street Design Principles.*

(1) *Extensions.* All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) *Substandard Widths.* Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) *Street Names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(5) *Street Standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

(1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.

(a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
(b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
(c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
(d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

(2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways. Alleys are not considered as frontage. Double frontage lots may be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots. Unless otherwise approved by the Planning Commission, all primary structures shall be oriented toward the higher functional classification street.

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

(4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(5) *Dead-End Streets.* Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

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

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

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

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

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

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

(3) *Separation for Single-Family Homes.*

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood links streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.

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

(5) *Speed.* All streets should be designed to discourage excessive speeds.

(G) *Non-Conforming Access Features.*

(1) *Existing.* Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion greater than 50% of the property's appraised or market value as established by the Washington County Assessor; or

(c) As roadway improvements allow.

(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

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

166.24 Nonresidential Design Standards

(A) *Purpose.* It is the intent of these standards to provide the methods and means by which designers and developers may achieve the city's adopted goals to produce quality development and to manage growth within the City of Fayetteville. These regulations complement the city's urban zoning districts and those districts that allow development in urban form, with site and architectural design regulations to produce a visually interesting and high quality development that responds to the needs of pedestrians, cyclists and vehicular traffic.

(B) *Applicability.* These design standards shall apply to all non-residential development located in urban or form-based zoning districts that require a build-to zone, as well as non-residential development in conventional districts when built in an urban form allowing administrative approval, with the exception of those districts located within the Downtown Master Plan boundary. In addition to the city's Commercial Design and Development Standards, the standards apply when either new development occurs or expansion of 25% or more of the existing nonresidential building square footage occurs. All sides of a building that are visible from the public right-of-way shall be subject to design review.

(C) *General Intent.* The following shall apply to all developments:

(1) Developments with multiple buildings should be arranged to enclose and define space in the public realm (see Image 1).

Image 1: Development form

Figure 1: Encouraged compact and connected development form with buildings arranged to define the street and enclose internal parking lots.

Figure 2: Discouraged sprawling, disconnected development form with parking surrounding the building.

(2) Multiple buildings located on the same lot should be articulated distinctly and separately so as to not provide an identical building on the same lot.

(3) New construction should show respect for horizontal articulation established by existing buildings within the immediate area.

(4) Application of building material and façade articulation of the building wall should encourage design, reinforce rhythm, increase visual impact, and create pedestrian interest.

(D) *Building Mass, Scale, and Articulation.* The following regulations shall apply to break down the mass of large structures:

(1) Structures shall not exceed 200 feet in length adjacent to the street, within a build-to-zone.

(2) The mass of a building exceeding 100 feet in length shall be delineated into no more than 40-foot-wide segments utilizing changes in height and depth of the wall plane of no less than 24 inches.

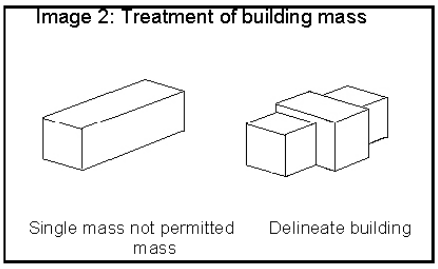


Image 2: Treatment of building mass

(3) No less than 70% of the building length shall be broken into a minimum of two (2) horizontal shifts in material, texture, and/or wall plane to provide distinction between segments (see Image 3)

(a) The middle segment shall be of greater height than the bottom and top segments.

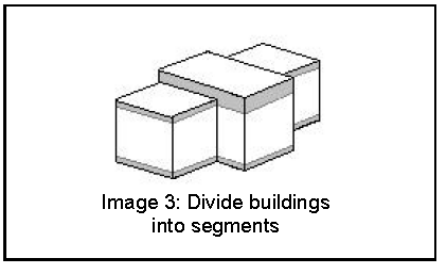


Image 3: Divide buildings into segments

(4) Buildings shall be constructed with high quality building materials. The following materials shall be prohibited:

(a) Untreated Concrete Masonry Unit (CMU)
(b) Wood fiber board
(c) Unfinished pressure treated wood
(d) Exterior Insulation Finish System (EIFS)
(e) Vinyl siding
(f) Reflective glass

(5) Building façades located within a build-to zone shall incorporate the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically at intervals not less than 10 feet and not more than 40 feet; and
(b) Changes in color, texture, and material, either horizontally or vertically, at intervals of not less than 10 feet and not more than 40 feet.

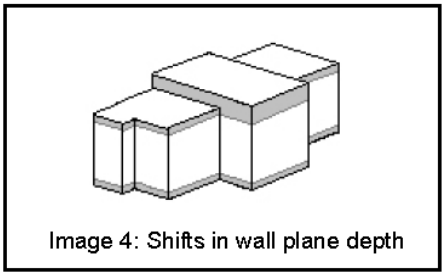


Image 4: Shifts in wall plane depth

(6) Building façades located outside of the build-to zone and that are visible from a public right-of-way shall consist of the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically; and
(b) Changes in color, texture, and material, either horizontally or vertically.

(7) *Fenestration.* Fenestration patterns should encourage design, reinforce rhythm, and create shadows. The following shall be met to satisfy the fenestration requirements for a principal façade:

(a) Entryways. A primary entrance for buildings located in a build-to zone shall face the public street. When a structure is not in a build-to zone, the primary entrance shall be well-defined from access drives, sidewalks, and/or major parking areas.
    (i) Multiple entryways are encouraged for all structures; however, a building entrance shall occur at a minimum of every 100 feet of building façade length that is within the build-to zone.

(ii) Each primary entrance shall be made visible and prominent by using special architectural treatment that signifies the entrances, such as large entry doors, porches, or protruding or recessed entrances.

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

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

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

(iii) Glazing above the first story shall not exceed 80% of the total building wall area.

(E) *Pedestrian Oriented Elements.* Developments that are subject to these standards shall meet and should exceed the basic needs of pedestrian accessibility and contribute to a unique sense of place and community. The following requirements are intended to define and articulate space at the street level in order to encourage the use and function for active and/or passive social interaction.

(1) Buildings exceeding 50 feet in length or width within the build-to zone shall incorporate spatially defining building elements and/or landscaping at a minimum separation of 100 feet of façade length in order to create public or semi-private space, such as a courtyard, garden, patio, etc.

(2) Each public space shall include seating opportunities, such as table and chairs or benches, and a combination of at least of two (2) of the following elements:

(a) Planters;
(b) A planting bed;
(c) Public art;
(d) A water feature;
(e) A shift in pavement material between the public right-of-way and the structure;
(f) A covering for seating, such as a canopy, awning, arcade, or portico spanning the width of the building; or
(g) Other elements approved by the Zoning and Development Administrator that are not included in other sections of the design standards and meet the intent of this requirement.

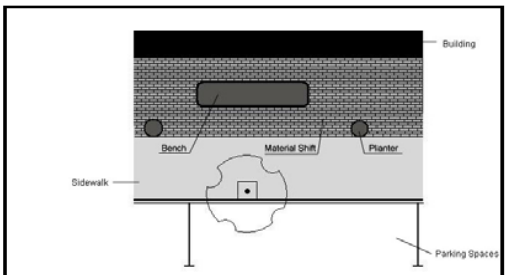


Image 5: Pedestrian Oriented Elements

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

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

166.25 Commercial, Office and Mixed Use Design And Development Standards

(A) *Purposes.*

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

(2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.

(3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.

(4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.

(5) To address the issues of traffic, safety, and crime prevention.

(6) To preserve property values of surrounding property.

(7) To provide good civic design and arrangement.

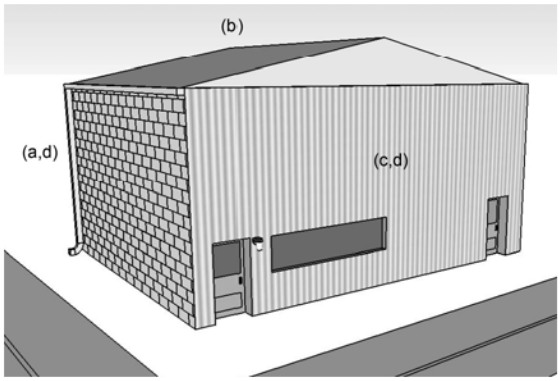
(B) *Applicability.* These design and development standards apply to commercial developments, office developments, small scale production, those parts of a planned zoning district or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

(C) *Building Exterior Appearance and Design Standards.* The following exterior development standards and design element guidelines shall be followed:

(1) The elements to avoid or minimize include:

(a) Unpainted concrete precision block walls;
(b) Square "boxlike" structures;
(c) Metal siding which dominates the principal facade;
(d) Large blank, unarticulated wall surfaces;

Elements to Avoid



(2) A development which contains more than one (1) building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.

(3) A development should provide compatibility and transition between adjoining developments.

(4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).

(5) All buildings should be constructed of wood, masonry, or other similar durable material.

(D) *Site Development and Design Standards.*

(1) *Site Coverage.* A maximum of 80% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Properties located within the Downtown Master Plan boundary are exempt from this requirement.

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

(3) Mechanical and utility equipment and refuse containers shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:

(a) *Mechanical and Utility Equipment.*

(i) All mechanical and utility equipment located on the wall and/or on the ground shall be screened with vegetation, by incorporating screening into the structure, or by utilizing paint schemes that complement the building and screen the equipment.

(ii) All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the principal structure utilizing materials and colors compatible with the supporting building.

(b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in commercial, office, and mixed-use developments.

(i) Commercial, office, and mixed-use developments are required to provide adequate space for the placement of two (2) front-end load dumpsters, easily accessible for collection services. The minimum free and clear dimensional requirements for placing two (2) front-end load dumpsters in an enclosure is 24 feet wide and 12 feet deep. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure if the applicant can demonstrate that a smaller enclosure is adequate for the development's anticipated needs due to the nature of the proposed business, the modest size or scale of the development or site access, or if they have the ability to share trash and recycling enclosure facilities with adjoining or nearby properties that have additional trash and recycling storage capacity.

(ii) Recycling and trash containers shall be screened by enclosures with materials that are compatible with and complementary to the principal structure, with access to the refuse containers not visible from the street. Containers may be screened from view by the principal structure; by a permanent walled or fenced enclosure; or with appropriate vegetation, planted at a density and size sufficient to be view obscuring immediately from the date of planting; so long as the screening is maintained and loose trash does not litter the ground or become an environmental nuisance.

(4) Outdoor storage of material and equipment shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:

(a) At the expense of the owner or lessee of the property, and in all zones, the following uses shall be completely surrounded by a view obscuring fence or by view obscuring vegetation, or a combination of the two, of sufficient height to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets: outdoor storage yards, including but not limited to, auto salvage yards, scrap metal yards, used furniture yard and garbage dumps.

(b) Where vegetation is used to meet the requirements of this subsection, the vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting. If vegetation planted under this subsection does not become view-obscuring within two years, a view-obscuring fence shall be installed.

(c) *Exceptions:* The outdoor display of materials or equipment solely for sale or lease, such as automobiles, seasonal garden supplies, etc. shall not be required to be screened as set forth in subsection (a) above.

(5) *Non-Residential Uses Adjacent to Residential Uses.* The Planning Commission or Planning Division may require non-residential uses, including parking lots associated with said uses, to be screened from adjacent residential uses, as set forth below:

(a) A buffer strip, fence, or screen wall that is required shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with provisions of this chapter.

(b) *Buffer Strip.* The purpose of the buffer strip is to provide separation and enclosure of uses. The landscaped buffer strip shall consist of a strip of land at least 8 feet wide adequately landscaped with approval of the Urban Forester, entirely on the zoning lot which is required to provide the buffer strip, and so located as to serve as an effective buffer between the use required to provide the buffer strip and other property for whose protection the buffer strip is required. The buffer strip should extend along the full length of the boundary separating the zoning lot from such other property, or from the street, as the case may be.

(c) *Fence Required.* The purpose of the fence is to enclose uses. Required fences shall not be less than 6 feet high, constructed of good, substantial material, of first-class workmanship, and so erected as to resist wind pressure, ensure public safety, and present a neat, attractive uniform appearance.

(d) *Screen Required.* The purpose of the screen is to conceal uses. Screening shall mean a view obscuring fence, view obscuring berm, view obscuring architectural treatment, or view obscuring vegetation, or combination thereof, of sufficient height to prevent the view of the screened items from vehicular and pedestrian traffic on adjacent streets, and from residential property. Vegetation shall be planted at a density sufficient to become view obscuring within two (2) years from the date of planting.

(6) *Mini-Storage.* At the expense of the owner of the property, all storage units and storage yards for mini-storage created under Use Unit 38 shall be required to be screened by view obscuring vegetation when the storage yards or the storage units have common property lines with any residential use or zone and when they have frontage on any public street. Vegetation used for screening purposes shall be planted at a density sufficient to become view obscuring within two (2) years from the date of planting and it shall be the responsibility of the property owner to maintain the screening throughout the life of the use of the property as mini-storage.

(E) *Design Review.*

(1) *Submittals.* The following drawings, information, and plans shall be submitted to the Planning Commission or Planning Division for design review and approval with the associated development application, when applicable;

(a) *Elevations.* Color rendered elevation drawings of all building facades and a description of external building materials. Labels and dimensions, where applicable, shall accompany changes in texture, plane, material or color.

(b) *Materials Sample.* A sample of exterior materials to be used for the proposed structure that indicates texture, color and type of materials.

(c) *Landscaping.* Proposed landscaping to be used as screening shall be shown on the tree preservation plan and landscape plan.

(2) *Build Out.* Upon approval of a development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.

(a) *Amendments.* Amendments to the drawings, information, and plans shall be submitted to the Planning Division. Amendments which are determined to be insignificant or minor may be approved by the Planning Division. Significant amendment shall be approved by the Planning Commission when approval was given through the large scale development process, or by the Planning Division when approval was given through the building permit process.

(b) *Review.* Amendments shall be considered using the same standards as the initial design approval.

(c) *Noncompliance.* Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large scale development approval, or the building permit approval void.

(F) *Variances.* (See Chapter 156.)

(Ord. No. 5526, 9-18-12; Ord. No. 5735, 1-20-15; Ord. No. 6091 , §1, 9-18-18; Ord. No. 6667 , §1, 6-6-23)

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Gretchen Harrison, Senior Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: May 16, 2024

SUBJECT: **Planning Commission Engineering Comments for VAR-2024-0021**

RECOMMENDATION:
Engineering recommends approval of the requested variance with the following conditions:

1. The connection be constructed as a right-in, right-out only.
2. Or, the left turn lane on W Drake St be extended so that left turn movements into the development occur entirely within the lane and not in conflict with the bay taper.

BACKGROUND:
The proposed access drive onto W Drake St is approximately 120' east of the intersection of W Drake St and N Mansfield Ave and 118' west of the railroad. The drive appears to be located where its opening overlaps a portion of the bay taper and end of storage length for the left turn lane on W Drake St.

DISCUSSION:
Staff finds that constructing the drive as shown on the site plan may pose safety risks for vehicles as well as pedestrians. A vehicle turning left into the development from Drake would likely encroach into both the left turn lane and right turn lane on W Drake St due to the approach and bay tapers for the left turn lane. In addition, another full access point results in additional conflict points for bicycles and pedestrians that will use the future trail/sidewalk along Drake.

E | D | G

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

May 30, 2024

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

LSIP#	2024-0006
EDG #:	23-021
PROJECT NAME:	Drake Farms 1B/1C, Fayetteville, AR 72701
DEVELOPER:	PO Box 4245 Fayetteville, AR 72702

Project Narrative

The Drake Farms – Phase 1B and 1C project will consist of three (3) multi-family residential buildings, three (3) buildings consisting of attached townhomes, and 2 commercial buildings. Site features include right-of-way dedication and improvements, parking, courtyards, trail extension, and bike infrastructure. The site is approximately 32.98 acres.

Variance Request

EDG is requesting the following variance:

1. **Variance to Unified Development Code Chapter 166, Section 166.08, Item F:** ***Access Management***

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

EDG requests that an additional access point be granted on to Drake St. in addition to the access from the private street to the north.

> Justification: Access to the site is severely limited by the rail line to the east. This additional entry point onto Drake would help to spread traffic flow and create a more connected road network. This is in line with the stated goals of the City of Fayetteville's 2030 plan which calls for compact and connected neighborhoods.

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

(D) *Block Layout/Connectivity.*

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

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

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

3. **Variance to Unified Development Code Chapter 166,**

   a. **Section 166.24 (D) (2-3)**

(2) The mass of a building exceeding 100 feet in length shall be delineated into no more than 40-foot-wide segments utilizing changes in height and depth of the wall plane of no less than 24 inches.

(3) No less than 70% of the building length shall be broken into a minimum of two (2) horizontal shifts in material, texture, and/or wall plane to provide distinction between segments

   b. **Section 166.24 (D) (5) (a)**

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically at intervals not less than 10 feet and not more than 40 feet;

EDG requests that the Planning Commission grant a variance to these requirements for the two commercial buildings on site (buildings 7 & 8).

> Justification: The composition of the facades facing Drake Street and Gregg Avenue have been carefully composed to create visual interest through the use of substantial materials (primarily brick), decorative elements (egg and dart moldings under the roof eaves and at the primary opening on the east façade), and a varied roof geometry (gables facing south and a pyramidal dormer facing south). While these elements and materials do not exactly match the minimum compositional requirements of the code, they are a sincere and effective attempt to create an architectural design that would be attractive, durable, and well-proportioned. Visual variety and design quality have been addressed and we ask that you find that the proposed design meets the intent of the code.

4. Variance to Unified Development Code Chapter 166, Section 166.25 (C) (4)

(4) *All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).*

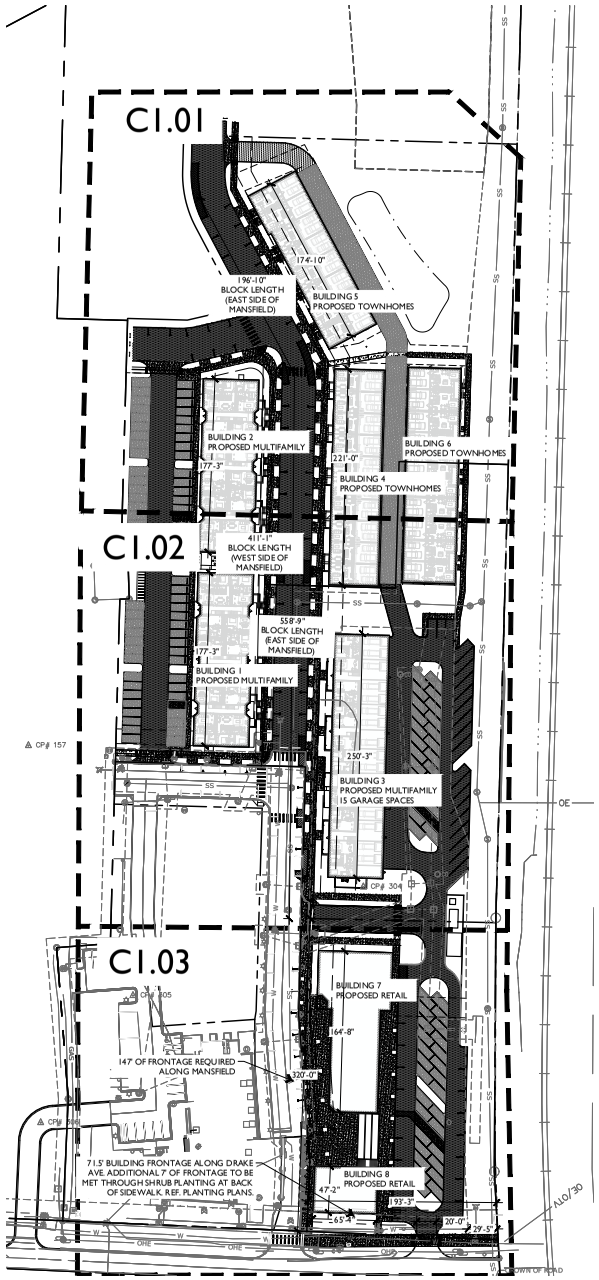
EDG requests that the Planning Commission grant a variance to front facade requirements for the southernmost commercial building on site (building 8).

> Justification: It is our understanding that the purpose of this code requirement is to focus energy toward the more traffic heavy, higher order streets. However, the intent of this development is to create a pedestrian centric, mixed-use street along Mansfield Ave, precisely because it is a lower order street and therefore more friendly to pedestrian traffic. The university farmland on the south side of Drake ensures that regardless of the changes made to this site, Drake St. will remain a car centric connector road.
>
> Furthermore; the south edge of building 8 sits along a steep slope. Retaining walls would be necessary to create a level space for entry but this area is encumbered by an existing utility easement.

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

Sincerely,

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



1 OVERALL SITE PLAN (PHASE 1B+1C)

SCALE: 1" = 60'-0"

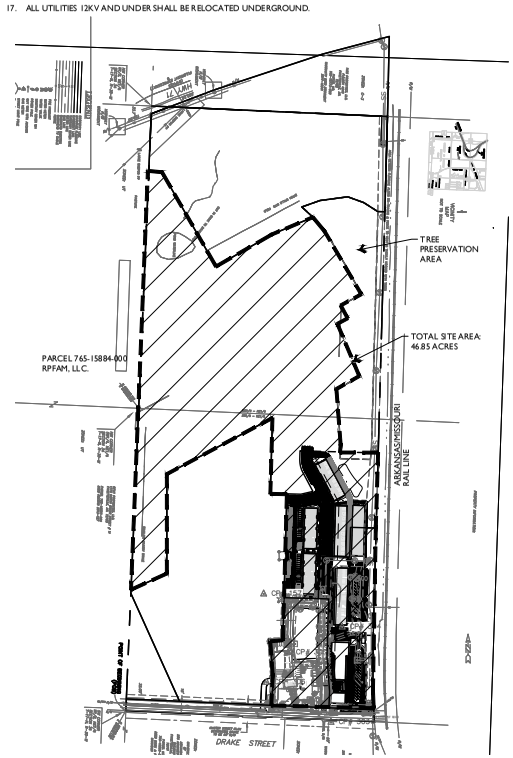
0' 60' 120' 280'

NORTH

SITE INFORMATION		
ZONING	URBAN THOROUGHFARE	
PROPOSED USE		
TOTAL SITE AREA	2,029,230 SF	46.58 AC
RESIDENTIAL (BUILDINGS 1-6)		
SITE AREA	275,380 SF	6.32 AC
BUILDING COVERAGE	66,759 SF	1.53 AC
COMMERCIAL (BUILDINGS 7 & 8)		
SITE AREA	62,273 SF	1.42 AC
BUILDING COVERAGE	13,207 SF	0.30 AC
MINIMUM BUILDABLE STREET FRONTAGE		
BUILDING	STREET / TOTAL FRONTAGE (MINUS EASEMENTS)	BUILDING LENGTH
BUILDING 1 & 2	N. MANSFIELD AVE = 411' 50% FRONTAGE = 205.5'	BUILDING 1: 177' BUILDING 2: 177' TOTAL FRONTAGE: 354'
BUILDINGS 3, 4, 5	N MANSFIELD AVE: 197' + 559' = 756' - 35' (EASEMENT) - 20' (EASEMENT) - 13' (DRIVEWAY) = 688' 50% FRONTAGE = 344'	BUILDING 3: 250' BUILDING 4: 221' BUILDING 5: 175' TOTAL FRONTAGE: 646'
BUILDINGS 7 & 8	N MANSFIELD AVE: 320' - 13" (DRIVEWAY) = 307' 50% FRONTAGE = 153.5'	BUILDING 7: 165' BUILDING 8: 47' TOTAL FRONTAGE: 212'
BUILDING 8	DRAKE AVE 193' - 20' (DRIVEWAY) - 30' (EASEMENT) = 143 50% FRONTAGE = 71.5'	BUILDING 8: 65' REMAINING FRONTAGE TO BE ACCOUNTED FOR WITH SCREENING SHRUBS (SUPPLEMENTAL ELEMENTS)
PARKING CALCULATIONS		
BUILDING	REQUIRED	PROVIDED
BUILDINGS 7 & 8 RETAIL		
VEHICLE PARKING	NO MINIMUM MAXIMUM: 1 SPACE PER 250 SQFT 24,800 SQFT = 99 MAX SPACES	53 TOTAL 45 OFF-STREET (2 ADA) 8 ON-STREET (1 ADA)
MOTORCYCLE PARKING	NO MINIMUM	5
BICYCLE RACKS	NO MINIMUM	24
BUILDING 1 MULTIFAMILY		
VEHICLE PARKING	1 PER BED (42 MULTIFAMILY BEDS) - STUDIO UNITS - 12 - 1 BED UNITS - 18 - 2 BED UNITS - 6	42 TOTAL 32 OFF-STREET (2 ADA) 10 ON-STREET
MOTORCYCLE PARKING	1 PER 25 PARKING SPACES PROVIDED (2)	6
BICYCLE RACKS	1 PER 30 DWELLING UNITS (2)	6
BUILDING 2 MULTIFAMILY		
VEHICLE PARKING	1 PER BED (42 MULTIFAMILY BEDS) - STUDIO UNITS - 12 - 1 BED UNITS - 18 - 2 BED UNITS - 6	48 TOTAL 38 OFF-STREET (2 ADA) 10 ON-STREET
MOTORCYCLE PARKING	1 PER 25 PARKING SPACES PROVIDED (2)	6
BICYCLE RACKS	1 PER 30 DWELLING UNITS (2)	6
BUILDING 3 MULTIFAMILY		
VEHICLE PARKING	1 PER BED (51 MULTIFAMILY BEDS) - STUDIO UNITS - 9 - 1 BED UNITS - 18 - 2 BED UNITS - 12	73 TOTAL 47 OFF-STREET (2 ADA) 16 GARAGE 10 ON-STREET (1 ADA)
MOTORCYCLE PARKING	1 PER 25 PARKING SPACES PROVIDED (4)	4
BICYCLE RACKS	1 PER 30 DWELLING UNITS (2)	6
BUILDING 4 TOWNHOME		
VEHICLE PARKING	1 PER BED - 2 BED UNITS: 0 - 3 BED UNITS: 10 SPACES REQUIRED: 30	GARAGE SPACES: 20 ON STREET: 10 (2 SPACES IN FRONT OF BUILDING 5)
BUILDING 5 TOWNHOME		
VEHICLE PARKING	1 PER BED - 2 BED UNITS: 4 - 3 BED UNITS: 4 SPACES REQUIRED: 20	GARAGE SPACES: 16 ON STREET: 5
BUILDING 6 TOWNHOME		
VEHICLE PARKING	1 PER BED - 2 BED UNITS: 10 - 3 BED UNITS: 0 SPACES REQUIRED: 20	GARAGE SPACES: 20

GENERAL NOTES:

1. EXISTING SURVEY DATA WAS OBTAINED FROM A TOPOGRAPHIC & BOUNDARY SURVEY PERFORMED BY MCLELLAND CONSULTING ENGINEERS, LLC AND DATED 05-18.
2. SURVEY DATA IS BASED UPON NAD 83, STATE STATE PLANE, ARKANSAS NORTH FEET COORDINATE SYSTEM.
3. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM.
4. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY, COUNTY, STATE, AND FEDERAL REGULATIONS AND CODES AS WELL AS OSHA STANDARDS. SITE CONTRACTOR SHALL MEET OR EXCEED ALL LOCAL, STATE, AND FEDERAL EROSION CONTROL MEASURES
5. THE APPROXIMATE LOCATION OF KNOWN UTILITIES & SUBSURFACE STRUCTURES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND VISIBLE STRUCTURES & RECORD DRAWINGS PROVIDED. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF THESE & ALL OTHER SUBSURFACE AND/OR LATENT FACILITIES PRIOR TO BEGINNING WORK. ALL REPAIRS OR RELOCATIONS NECESSARY SHALL BE MADE AS REQUIRED BY THE OWNER OF THE UTILITY OR STRUCTURE & THE COST OF SUCH REPAIRS NECESSARY SHALL BE BORNE BY THE CONTRACTOR.
6. ALL WORK PERFORMED WITHIN THE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE ENGINEERING DEPARTMENT AND TRAFFIC DEPARTMENT.
7. ALL STREETS, DRIVES, WALKS, DRAINAGE STRUCTURES, FENCES, ETC. THAT ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL OR BETTER CONDITION USING LIKE MATERIALS COST OF SUCH REPAIRS SHALL BE BORNE BY THE CONTRACTOR UNLESS PROVISION FOR PAYMENT IS MADE IN THE PROPOSAL.
8. THE CONTRACTOR IS REQUIRED TO NOTIFY THE ONE CALL CENTER AT 1-800-482-8998 48 HOURS PRIOR TO DIGGING IN ORDER THAT UNDERGROUND UTILITIES IN THE AREA CAN BE LOCATED.
9. THE CONTRACTOR SHALL NOT BEGIN WORK UNTIL THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN IMPLEMENTED, AND THE SWPPP, EROSION CONTROL PLAN, AND SIGNED AUTOMATIC NOTICE OF COVERAGE IS POSTED ON SITE.
10. CONTRACTOR IS RESPONSIBLE FOR ALL FIELD TESTING AS DESCRIBED IN THE SPECIFICATIONS (INCLUDING BUT NOT LIMITED TO COMPACTION DENSITY TESTING, ETC.), AND SHALL PROVIDE RESULTS TO ENGINEER, AND MAINTAIN RECORDS AND RESULTS OF ALL TESTS PERFORMED DURING CONSTRUCTION. TESTING BY THE CONTRACTOR SHALL BE INCLUDED IN THE BID.
11. EXISTING FACILITIES AND FEATURES ARE SHOWN LIGHT-LINED AND/OR SCREENED. NEW FACILITIES AND FEATURES ARE SHOWN SOLID AND HEAVY-LINED.
12. SLOPES AND GRADES SHOWN ARE IN UNITS OF FT/FT UNLESS OTHERWISE NOTED.
13. ALL PAVEMENT AND CURB MEASUREMENTS ARE TAKEN FROM FACE OF CURB OR EDGE OF PAVEMENT.
14. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
15. CONSTRUCTION OF ANY FUTURE FREESTANDING SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
16. CITY PLAT P.250
17. ALL UTILITIES 12KV AND UNDER SHALL BE RELOCATED UNDERGROUND.



1 OVERALL SITE EXTENTS PLAN

NOT TO SCALE

NORTH

EXISTING LEGEND

- TREE LINE
- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- PAINTED STRIPE
- TELEPHONE LINE
- EXISTING WATER LINE
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- GAS LINE
- TELEVISION CABLE
- PROPERTY LINES
- BUILDING SETBACK
- UTILITY POLE (WITH GUY WIRE)
- MONUMENT FOUND (AS NOTED)
- MONUMENT SET (AS NOTED)
- AHTD R-O-W MONUMENT
- BENCHMARK
- GUARD POST
- UTILITY POLE
- TELEPHONE RISER
- FIBER OPTIC TELEPHONE RISER
- ELECTRICAL RISER
- CABLE RISER
- TRAFFIC SIGNAL
- SIGN
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- WATER SPIGOT
- GAS METER
- DRAINAGE MANHOLE
- (00.00'/C) RECORD DISTANCE
- (N/C00W/C) RECORD BEARING
- SANITARY SEWER MANHOLE
- DECIDUOUS TREE
- EVERGREEN TREE
- FIRE VALVE
- LIGHT POLE

PROPOSED SITE PLAN LEGEND

- PROPOSED CURB AND GUTTER (REF. PLANS FOR TYPE)
- VEHICULAR CONCRETE
- PEDESTRIAN CONCRETE
- DECOMPOSED GRANITE
- ASPHALT PAVEMENT
- PLANTING AREA
- STRUCTURAL SOIL UNDER SIDEWALK

E | D | G
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www.ecologicaldesign.com
phone: 501 [illegible]
LITTLE ROCK | ROGERS | [illegible]

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811 Know what's below. Call before you dig.

DRAKE FARMS - PHASE 1B/1C

Fayetteville, Arkansas

EDG PROJECT NO.	23-021
DATE	2024.05.03

REVISIONS

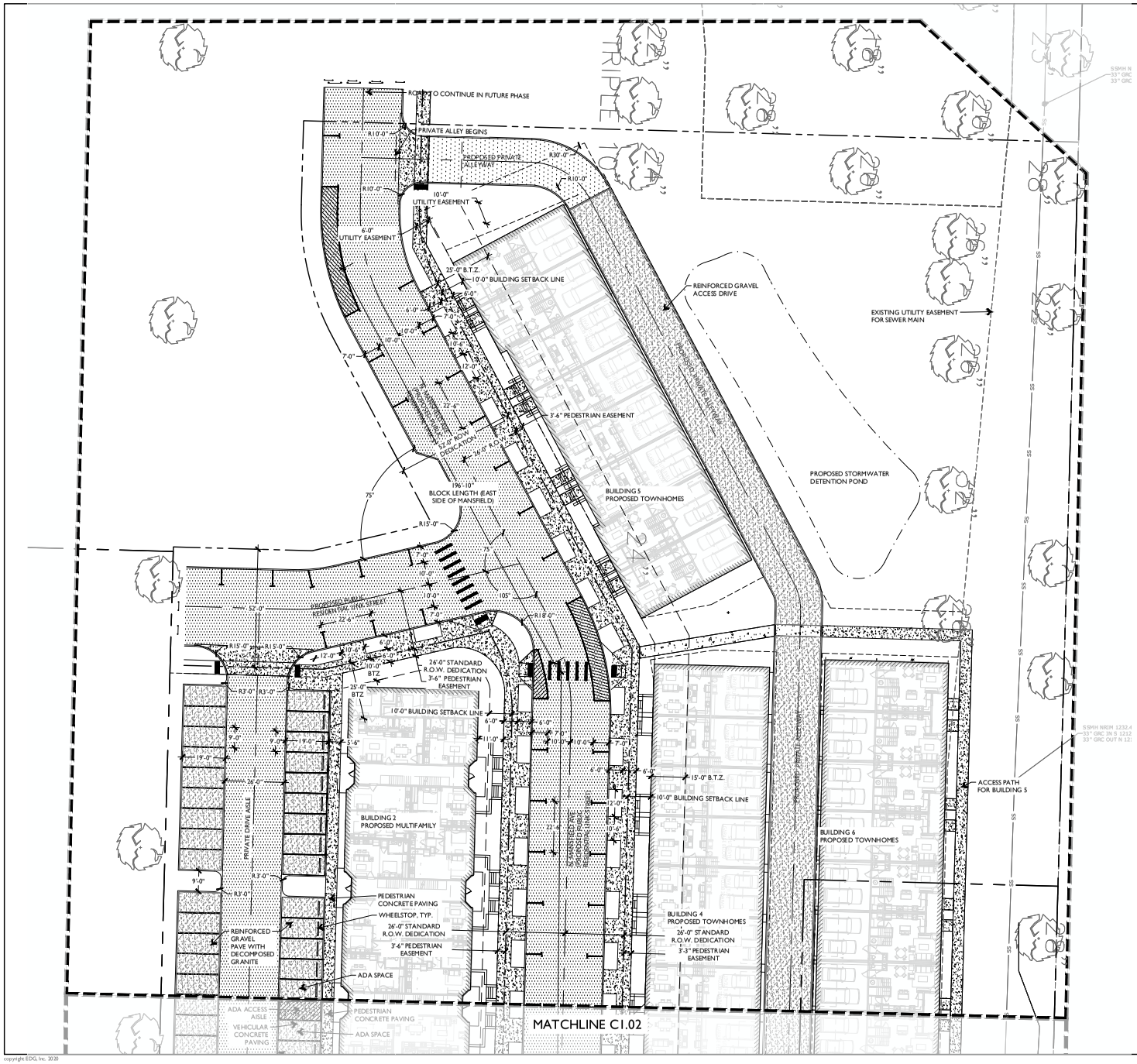
Mark	Date	Description

PHASE CONSTRUCTION DOCUMENTS

TITLE

SHEET NO.

copyright EDG, Inc. 2020



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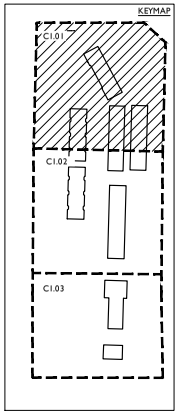
KEYMAP



DRAKE FARMS - PHASE 1B/1C

Fayetteville, Arkansas

1 SITE PLAN

SCALE: 1" = 20'-0"

NORTH

0' 20' 10' 40' 80'

EDG PROJECT NO.	23-021
DATE	2024.05.03

REVISIONS

Mark	Date	Description

PHASE CONSTRUCTION DOCUMENTS

TITLE

SHEET NO.

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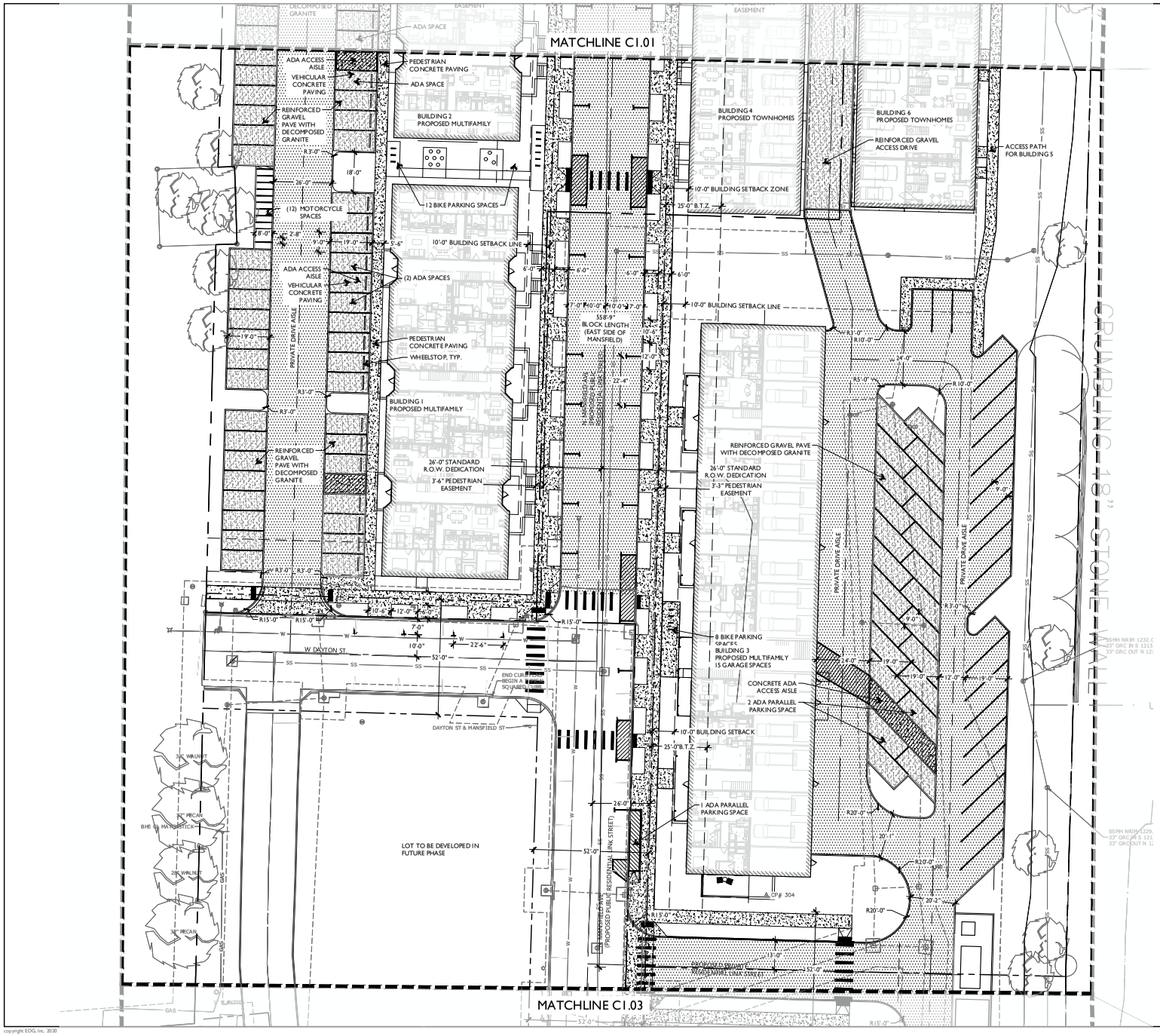

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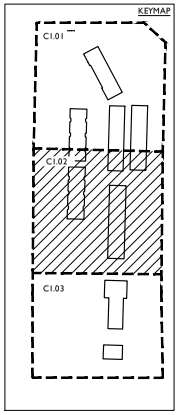

DRAKE FARMS - PHASE 1B/1C

Fayetteville, Arkansas

1 SITE PLAN

SCALE: 1" = 20'-0"

NORTH

0' 20' 40' 80'

EDG PROJECT NO.	23-021
DATE	2024.05.03

REVISIONS

Mark	Date	Description

PHASE: CONSTRUCTION DOCUMENTS

TITLE

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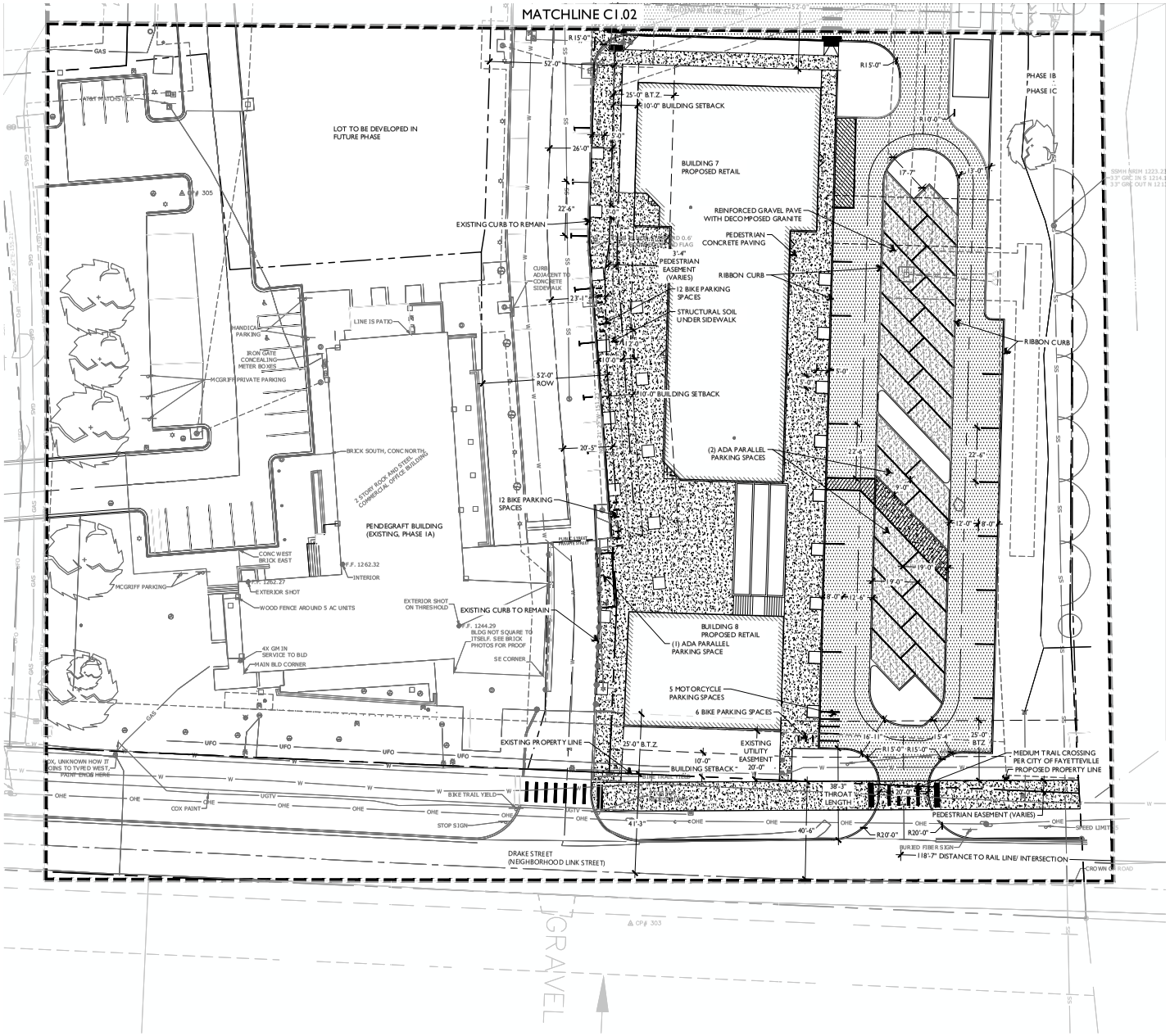

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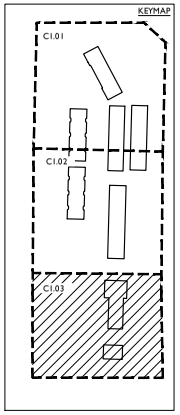

DRAKE FARMS - PHASE 1B/1C

Fayetteville, Arkansas

1 SITE PLAN

SCALE: 1" = 20'-0"

NORTH

0' 20' 10' 40' 80'

EDG PROJECT NO.	23-021
DATE	2024.05.03

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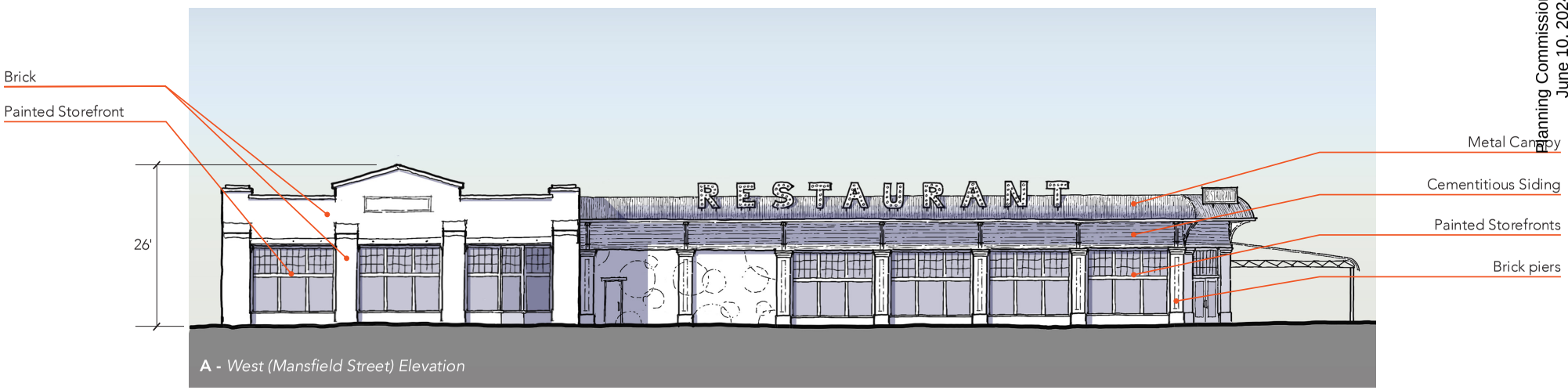

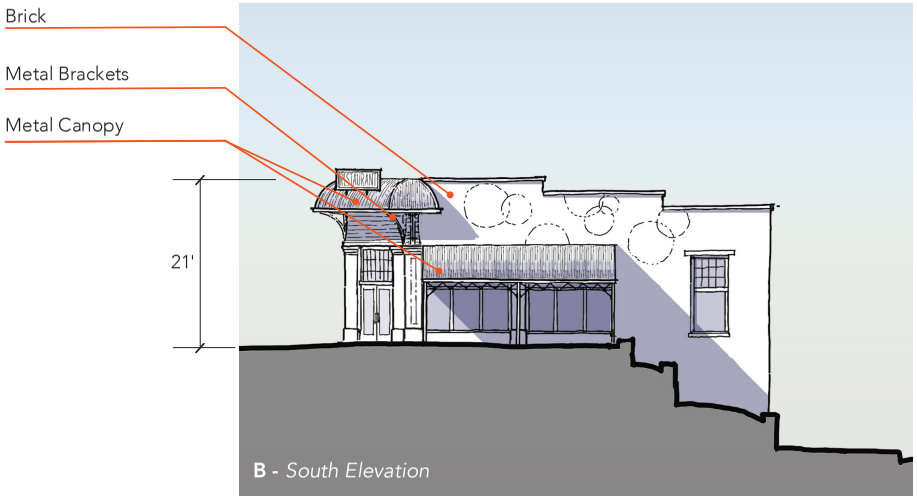

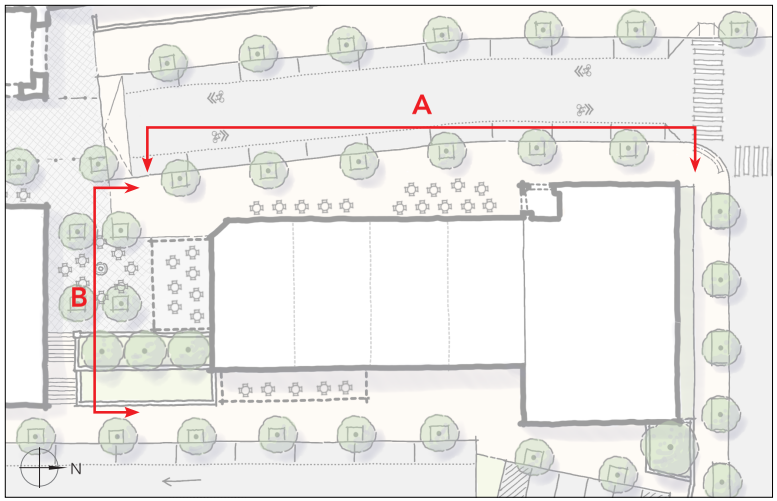

0' 8' 16' 32'

CONCEPTUAL ELEVATIONS

NOTE: These drawings are intended to be illustrative and are NOT FOR CONSTRUCTION.

April 2, 2024

AMC ARCHITECTURE & DESIGN LLC
412.638.4685 | anthony@amcplans.com

Drake Farms - Phase 1C Commercial Building
Fayetteville, Arkansas

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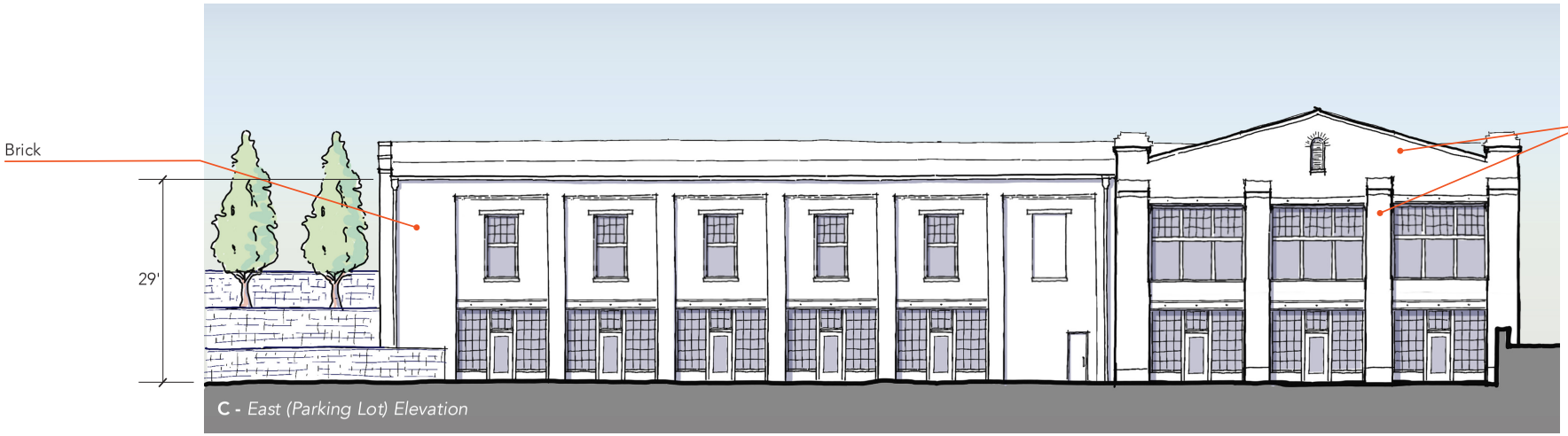

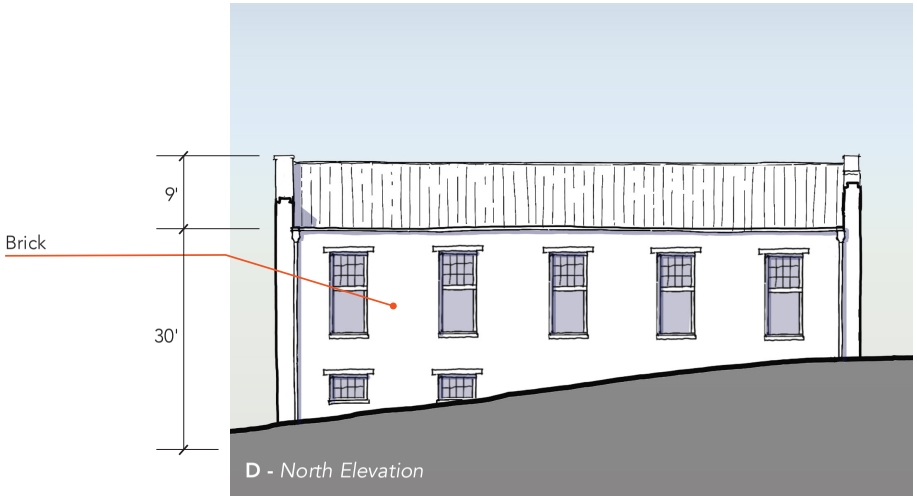

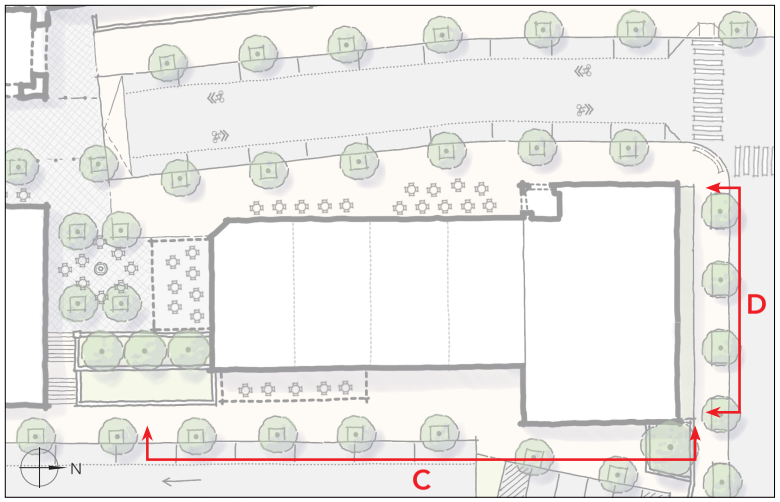

0' 8' 16' 32'

CONCEPTUAL ELEVATIONS

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April 2, 2024

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Drake Farms - Phase 1C Commercial Building
Fayetteville, Arkansas

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Composition Shingle Roof. Color to be "Slate Black"

Sheet Metal Coping. Color to be "Stone Grey"

Brick. Color to be "Bourbon Trail"

Brick Herringbone Inset with Cast Stone Surround.

Signage by Tenant. Will meet Fayetteville's Signage Regulations.

Canvas Awning on Tubular Steel Frame. Any signage on awning will meet Fayetteville's Signage Regulations.

Trim Around Glazing to be Fiberglass and Fiber Cement, Painted. Color to be selected by Tenant.

Cast Stone Water Table. Profiled Horizontal Running Trim.

PRELIMINARY SKETCH OF WEST FACADE

PRELIMINARY SKETCH OF EAST FACADE

Turbinado Building at Drake Farms

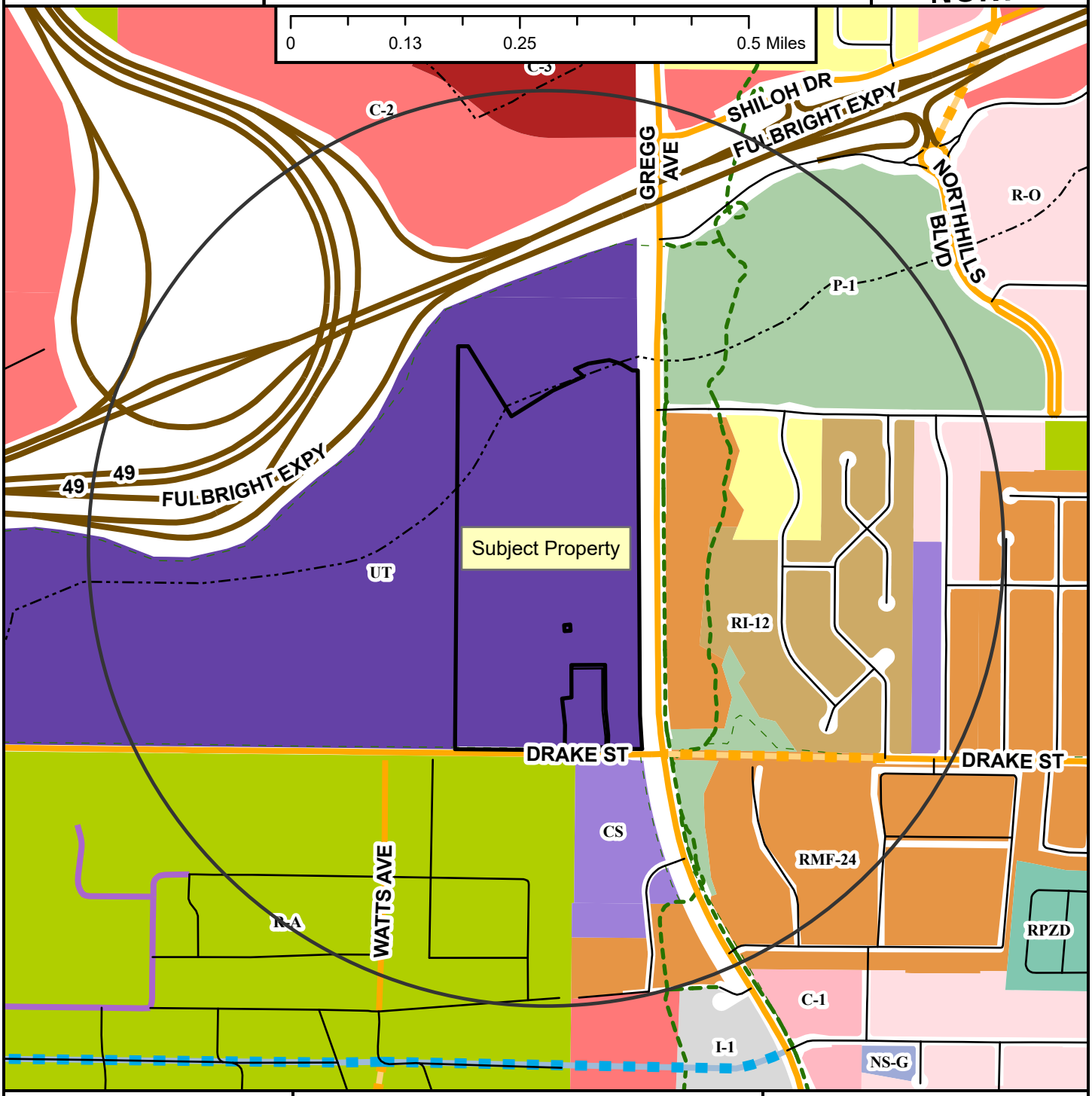
PRELIMINARY SKETCH OF SOUTH FACADE

VAR-2024-0021

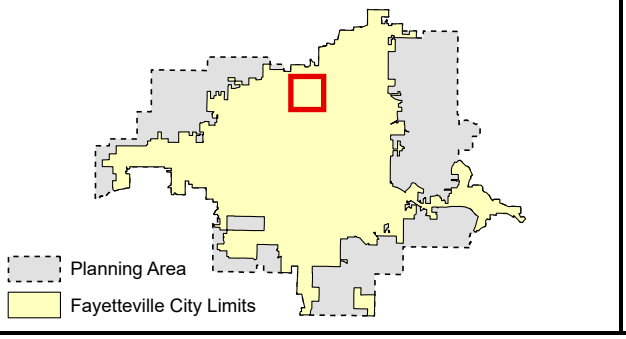
One Mile View

W. DRAKE STREET AND N. GREGG AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

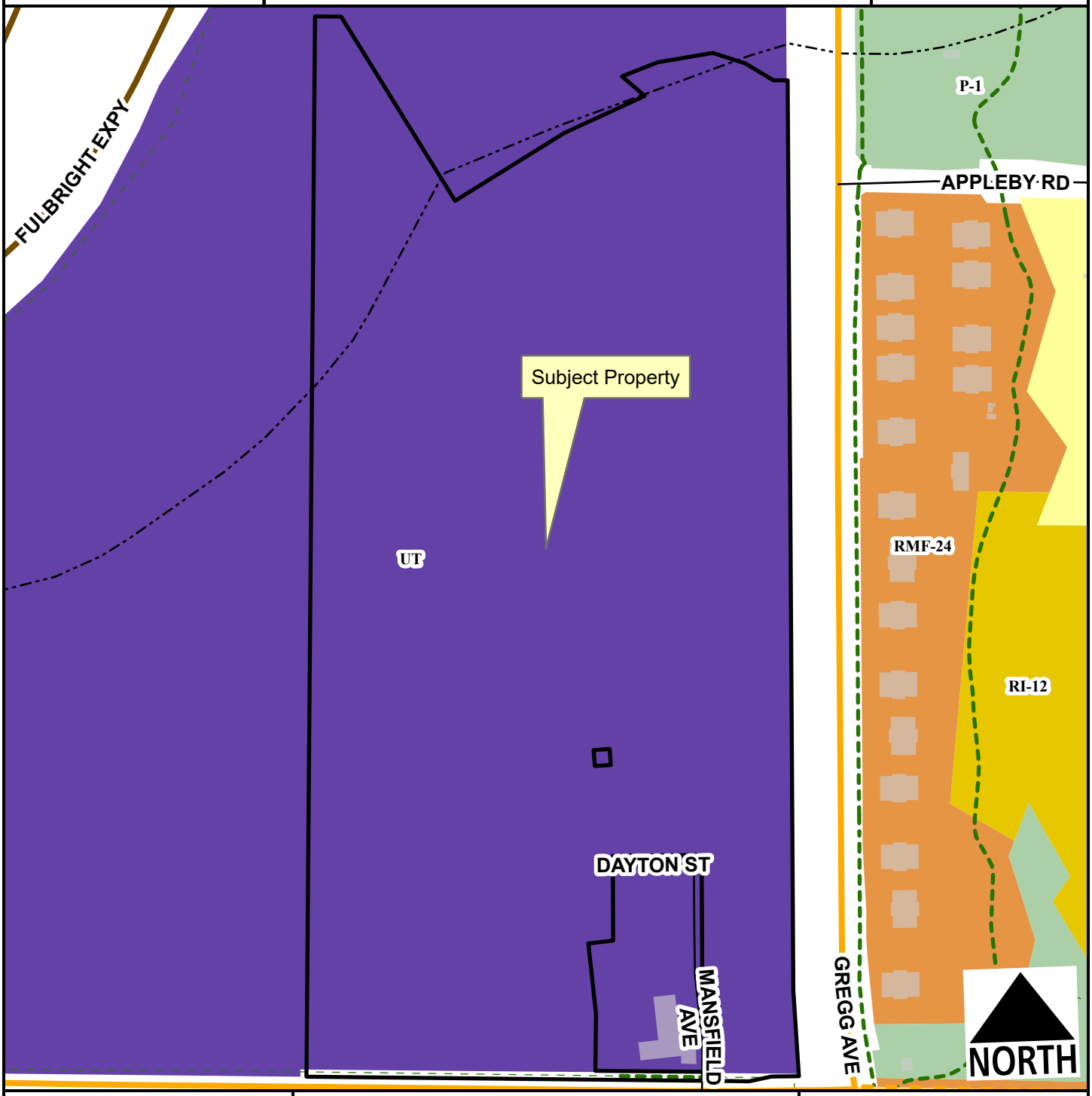
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0021

Close Up View

W. DRAKE STREET AND N. GREGG AVE



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

Feet
0 115 230 460 690 920
1:3,800

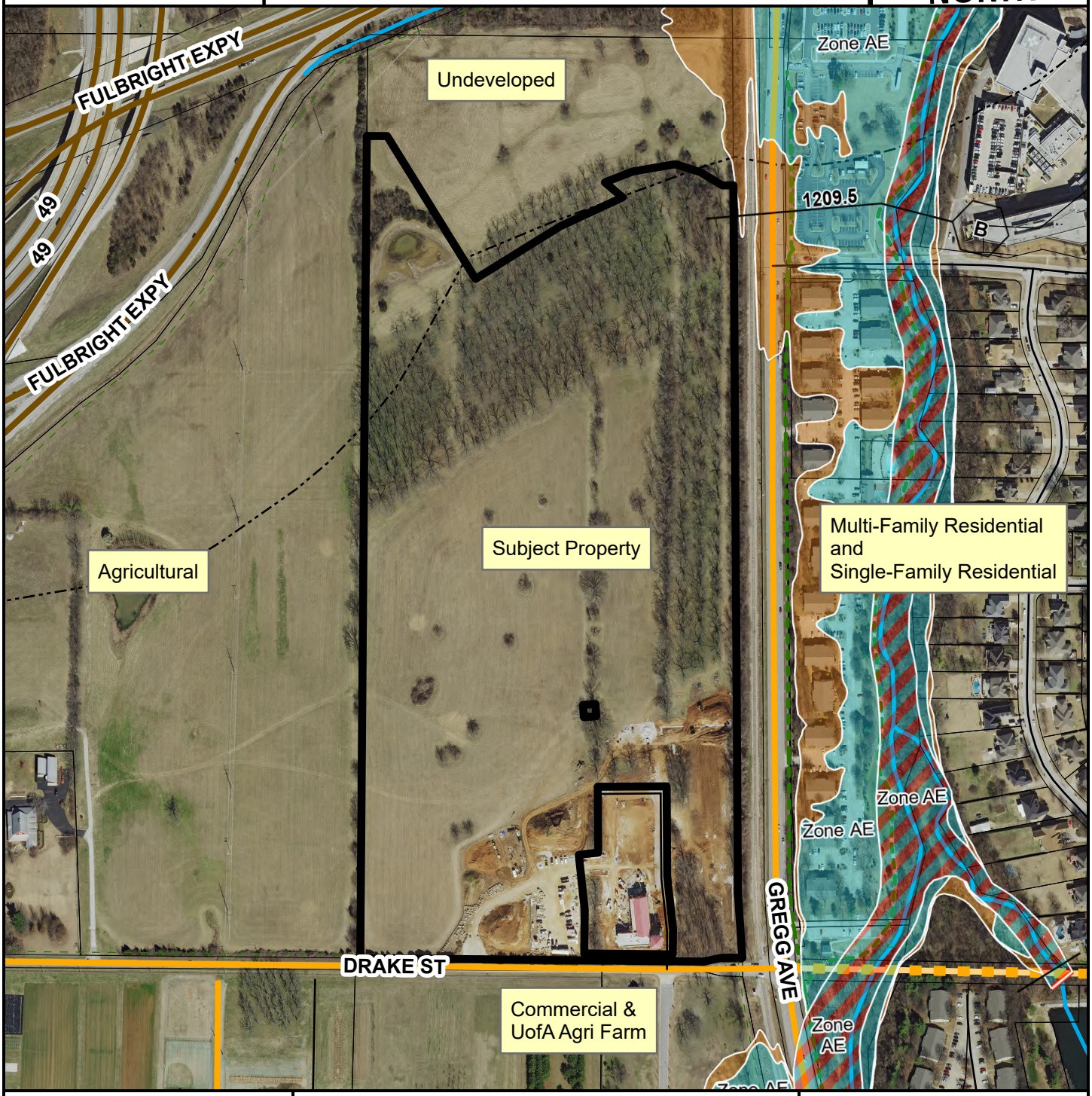
RSF-4
RI-12
RMF-24
Urban Thoroughfare
P-1

VAR-2024-0021

Current Land Use

W. DRAKE STREET AND N. GREGG AVE

NORTH



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

Feet

0 150 300 600 900 1,200

1:4,900

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 10, 2024

SUBJECT: **VAR-2024-0023: Variance (1469 & 1501 N. STARR DR/PARKER INVESTMENTS LLC, 441):** Submitted by ALAN REID & ASSOCIATES for property located at 1469 & 1501 N. STARR DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and FAYETTEVILLE PLANNING AREA and contains eight lots with approximately 22.45, 1.31, 1.33, 0.65, 1.19, 2.63, 1.76 and 0.71 acres. The request is for a variance to street frontage requirements.

RECOMMENDATION:
Staff recommends tabling of **VAR-2024-0023** based on the findings herein.

RECOMMENDED MOTION:
*"I move to table **VAR-2024-0023** to the June 24, 2024 Planning Commission meeting."*

BACKGROUND:
The subject property is in far east Fayetteville approximately 3/4 miles southeast of E. Mission Blvd. and N. Crossover Rd. The subject area contains eight lots with approximately 22.45, 1.31, 1.33, 0.65, 1.19, 2.63, 1.76 and 0.71 acres. A property line adjustment has been submitted to adjust the lots to contain 6.92, 3.00, 3.03, 3.01, 3.00, 3.10, 4.45 and 5.55 acres. The parcels are split between the Fayetteville Planning Area and R-A, Residential Agricultural. The subject area has been minimally developed with agricultural structures such as barns and an existing nonconforming kennel. Approximately ½ an acre in the southwest corner of the subject area is within the Hillside Hilltop Overlay District. A Board of Adjustments request was heard on Monday, June 3 regarding a proposed tract within city limits that did not meet the street frontage requirements for the R-A, Residential Agricultural zoning district. That request was tabled at the July 1 BOA meeting in order to provide time for the applicant to work through outstanding comments with staff. Surrounding land uses and zoning are listed in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Agricultural	R-A, Residential-Agricultural
South	Rural Residential	R-A, Residential-Agricultural
East	Rural Residential	Fayetteville Planning Area
West	Rural Residential	Fayetteville Planning Area

Request: The applicant is requesting a variance from minimum lot width requirements as part of an associated property line adjustment of eight tracts with a proposed reduction to seven tracts. Of these seven proposed tracts, six are fully within Fayetteville's planning area and are subject to

UDC §166.05(A)(3), which requires all lots in the Fayetteville Planning Area to have direct street frontage pursuant to residential lot and block standards set by Washington County. Proposed Tracts 2, 4, 5, and 6 include no street frontage and are intended to be accessed through proposed access easements. The requested lot adjustment and associated variances are described below in *Table 2*.

Table 2:
Variance Request

Tract Number	Variance Issue	Requirement	Existing Lot Width	Proposed Lot Width	Variance	Approving Body
1	Lot Width (County)	75 feet	442 feet	367 feet	NA	NA
2	Lot Width (County)	75 feet	212.06 feet	0 feet	75 feet	Planning Commission
3	Lot Width (County)	75 feet	208.28 feet	75 feet	NA	NA
4	Lot Width (County)	75 feet	66.71 feet	0 feet	75 feet	Planning Commission
5	Lot Width (County)	75 feet	75.42 feet	0 feet	75 feet	Planning Commission
6	Lot Width (City/County)	200 feet	163.03 feet	0 feet	36.97 feet	Planning Commission
7	Lot Width (City/County)	200 feet	0 feet	438.02 feet	NA	NA
8	Lot Width (City/County)	200 feet	0 feet	NA (Tract Proposed to be Removed)	NA	NA

Public Comment: Staff has received multiple requests for additional information on the proposal. One caller expressed concern regarding potential development plans, drainage, and poor suitability for septic systems in the area.

DISCUSSION:
Staff recommends the request be tabled to the June 24, 2024, Planning Commission. A revised plat was received on Wednesday, June 4, that staff has not had sufficient time to review. In a preliminary review, Planning staff determined that an additional variance would be required to UDC 166.08(E)(2) Double Frontage Lots for the creation of a double frontage lot (proposed Tract 7), which has not yet been received.

The subject property currently contains two tracts with no street frontage along public right-of-way; however, the proposed property line adjustment would increase this number to four. §166.04(B)(1) lists the required minimum improvements for property line adjustments, stating that "No improvements are required <u>unless the action would create or exacerbate a nonconforming infrastructure situation such as cutting off a lot from public water, sewer, or street frontage.</u>" The applicant cites the long depth of the parcel, no increase in the number of parcels, and the use of tandem lots in the area as a hardship. Staff finds that, given the subject area's proximity to city limits, it is likely that these parcels could be annexed into city limits at which time the parcels could be served by both city water and sewer lines. As the proposed layout includes four tracts without any street frontage, staff finds that the approval of this variance could contribute to difficulty providing utility services for these tracts since service lines are not permitted to cross property lines even within an easement. Further, the proposed layout would create two tracts with driveways exceeding 1,000 linear feet and an additional two with a driveway of almost 800 linear feet. City ordinances require all structures to have access to a public street in order to "ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of

traffic and pedestrian movements" and to "provide safe and convenient access for servicing, fire protection, and required off-street parking."

RECOMMENDATION: Staff recommends VAR-2024-0023 be tabled to the June 24, 2024, Planning Commission meeting. If approved, staff recommends the following conditions:

Conditions of Approval:

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

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

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: June 10, 2024			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- UDC §166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area
- Applicant Exhibits
  - Request Letter
  - Site Plan
- Staff Exhibits
  - Proposed Lot Alignment
  - Lots without Street Frontage
  - Proposed Double Frontage Lot
- One Mile Map
- Close-Up Map
- Current Land Use Map

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

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

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

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

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

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

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

ARA

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS

June 4th, 2024

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

Re: Planning Commission-Variance from road frontage requirements (VAR-2024-0023)
Address 1473 N. Starr Drive, Fayetteville, AR 72701
Owner, Parker Investments LLC
ARA job 23154-IV (with revision date 06/04/2024)
Revised Letter of Request due to new layout on the east side of property

Dear Planners / Planning Commission.

On behalf of my client, Parker Investments LLC., I am submitting a request for a variance on public road frontage requirement in conjunction with a property line adjustment project which involves eight (8) parcels: 001-11184-006, 001-11184-002, 001-11184-001, 765-14226-000, 765-14226-001, 765-14223-000, 001-11184-003, and 001-11184-004. The parcels are located predominately in Fayetteville's Growth/ Planning Area which is zoned Agri./SF (1 acre min.); however, some of the proposed adjusted tracts are partially located within the city limits of Fayetteville, which is zoned R-A. The property line adjustment and variance request are being submitted to the City of Fayetteville at the same time for review / approval request.

Below are the proposed adjusted tracts and corresponding acreages with additional notes which outline which tracts are shy of road frontage. As per Fayetteville Planning staff comments on previous job in Fayetteville Growth Area, *"UDC 166.05 (A)(3) "All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot block standards."* While the lot block standard for Washington County is 75' of road frontage, they do allow for 30' ingress/egress from subject property to a public road when appropriate.

118 S. College Avenue Fayetteville, Arkansas 72701 479 444 8784 arasurveyhq@sbcglobal.net

Adjusted Tract 1 = 6.92+/- Ac., 430.96 ft. of road frontage onto N. Starr Dr. The subject property is located within the Fayetteville Growth Area.

Adjusted Tract 2 = 3.00 +/- Ac., tandem tract to Tract 1. *A Fayetteville Planning Commission variance on road frontage requested (VAR-2024-0023)*; it is connected to N. Starr Dr. via an ingress/ egress easement. The subject property is located within the Fayetteville Growth Area.

Adjusted Tract 3 = 3.03 +/- Ac., 75ft of road frontage onto N. Starr Dr. The subject property is located within the Fayetteville Growth Area.

Adjusted Tract 4 = 3.01 +/- Ac., tandem tract to Tract 3. A Fayetteville Planning Commission *variance on road frontage is requested (VAR-2024-0023)*; it is connected to N. Starr Dr. via an ingress/ egress easement. The subject property is located within the Fayetteville Growth Area.

Adjusted Tract 5 = 3.03 +/- Ac., tandem tract to Tract 6 and Tract 7. A Fayetteville Planning Commission *variance on road frontage is requested (VAR-2024-0023); it is* connected to N. Starr Dr. via an ingress/ egress easement. The subject property is located within the Fayetteville Growth Area.

Adjusted Tract 6 = 3.01 +/- Ac., tandem to tract 7. A Fayetteville Planning Commission *variance on road frontage is requested (VAR-2024-0023);* The subject property is located within the Fayetteville Growth Area.

Adjusted Tract 7 = 10.05 +/- Ac., 567.58 ft. of road frontage onto N. Starr Dr. (WC #350) which runs East/ West and an additional 163ft of road front onto N. Starr Dr. (WC #350) which runs North/ South along the east side of the tract. The east portion of the tract is located within the city limits of Fayetteville and the western portion is located within Fayetteville's Growth Area (unincorporated Washington County.)

Granting a variance would allow the owner of the property to proceed with the property line adjustment as proposed (ARA job #23154-III, revision 06/04/2024), bringing the acreages up to County zoning acreage minimums, and access would be accommodated via ingress/ egress easements. The number of tracts would be reduced from eight (8) to seven (7). The property, as a whole (all parcels combined), runs 1,659.05' in the North/ South directions, which is quite deep and unique to this property. It is a hardship when it comes to utilizing the property efficiently. In order to access some of the south proposed Adjusted Tracts 2, 4, 5, and 6 considerations for a variances are needed. No new lots are being created; the proposal eliminates one tract. The owner/ developer is working with the parcels at hand to reconfigure the lines in a more usable fashion. Tandem lots, when not done in excess, are an efficient means of providing buildable tracts while connecting properties to a public road with efficient access. These tandem lots with ingress/ egress easements connecting them to public roads are rights that other property owners in the surrounding area currently use. This is a situation that is unique to this property. Thank you for your consideration.

**Refer to drafted plat (ARA job 23154-IV with revision date 06/04/2024) for further details.*

Best regards,

Alan Reid & Associates

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

PLAT NOTES:

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

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

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

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

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

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

A PROPERTY INVOLVED IN THIS PROPERTY LINE ADJUSTMENT LIES PARTIALLY WITHIN THE HILLSIDE/HILLTOP OVERLAY DISTRICT.

OWNER: PARKER INVESTMENTS LLC
MIKE PARKER
(479)530-1515

PHYSICAL ADDRESS: 1485 & 1473 N. STARR DR (WC 350), FAYETTEVILLE, AR 72701
PARCEL NO: 001-11184-005, 001-11184-002, 001-11184-003, 001-11184-004, 001-11184-001, 765-14226-000, 765-14226-001, & 765-14223-000

MAILING ADDRESS: 4790 CASTLEWOOD LN, FAYETTEVILLE, AR 72703

PROPOSED USE: RESIDENTIAL

PLAT PAGE INDEX: 412

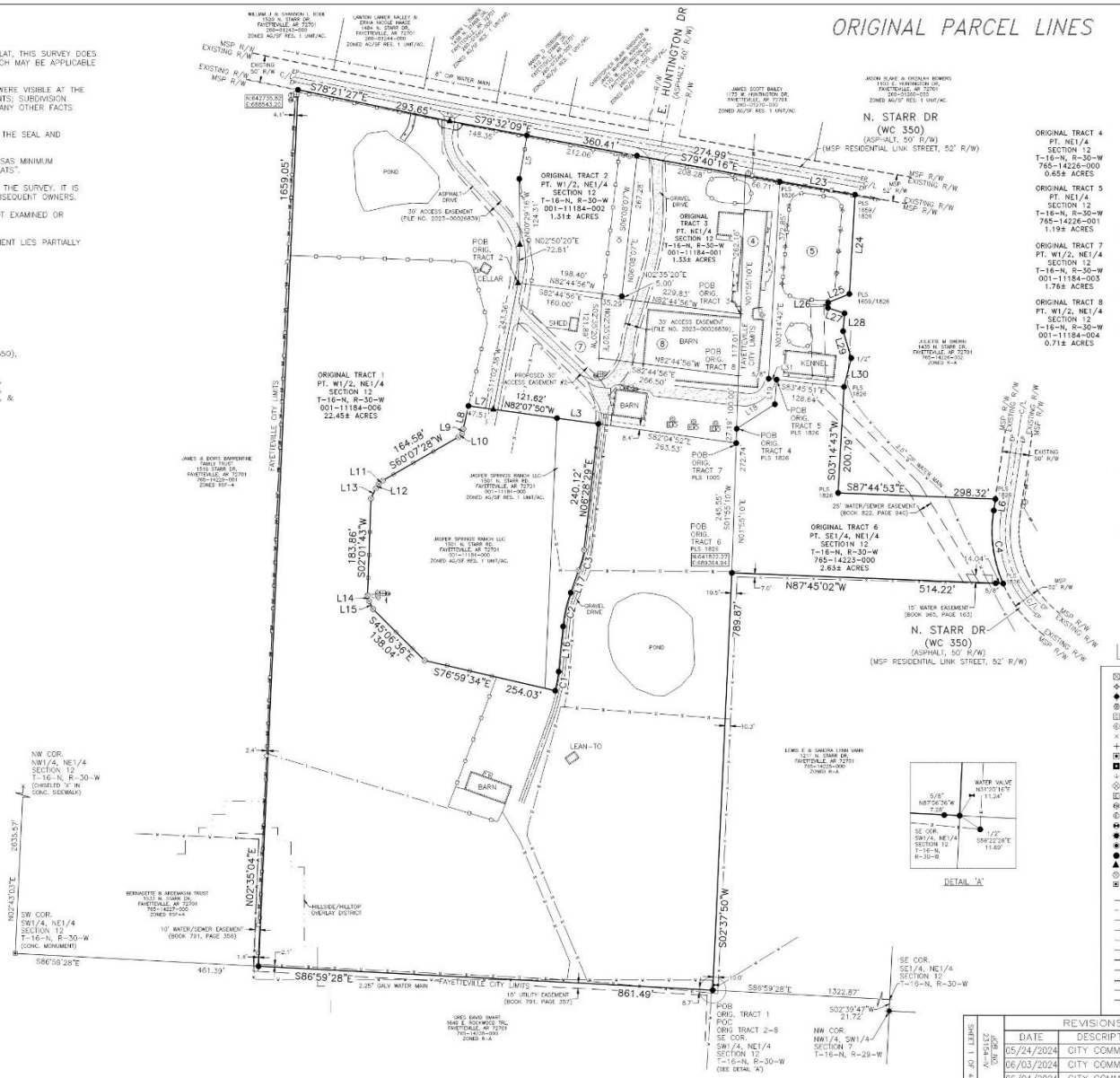
ZONED: AG/SF RES. 1 UNIT/AC. & R-A

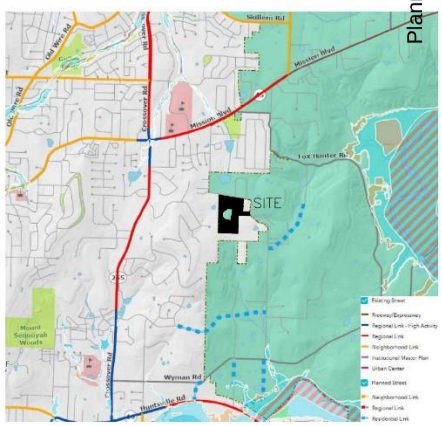
AG/SF RES. 1 UNIT/AC. SETBACKS:
FRONT...25 FEET + UTILITY EASEMENT
SIDE...10 FEET
REAR...20 FEET

R-A SETBACKS:
FRONT...35 FEET
SIDE...20 FEET
REAR...35 FEET

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

STATE LAND SURVEYOR FILE CODE
500-16N-30W-0-12-100-72-1005





VICINITY MAP

LEGEND

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

CENTERLINE ROAD	EASEMENT LINE
RIGHT-OF-WAY LINE	BUILDING SETBACK LINE
BARBED-WIRE FENCE	OVERHEAD ELECTRIC LINE
HOG-WIRE PANEL FENCE	UNDERGROUND ELECTRIC LINE
WOOD RAIL FENCE	GAS LINE
METAL RAIL FENCE	SANITARY SEWER LINE
MAJOR CONTOUR INTERVAL	STORM SEWER LINE
MINOR CONTOUR INTERVAL	TELEPHONE LINE
BUILDING LINE	WATER LINE
FIBER-OPTICS LINE	PROPERTY LINE
FAYETTEVILLE ZONING OVERLAY	

LINE	BEARING	DISTANCE
L1	S02°35'04"W	26.33'
L2	N78°21'27"W	44.62'
L3	S82°04'52"E	79.20'
L5	N09°51'51"E	83.43'
L6	S08°27'34"W	21.70'
L7	N82°07'50"W	47.51'
L8	S12°47'51"W	44.57'
L9	S14°52'19"W	9.34'
L10	S47°16'06"W	9.95'
L11	S49°15'27"W	10.10'
L12	S33°03'47"W	10.25'
L13	S26°21'24"W	20.75'
L14	S15°07'07"E	10.62'
L15	S26°05'06"E	16.67'
L16	N05°40'07"E	85.79'
L17	N18°51'12"E	44.51'
L18	N57°18'34"E	85.76'
L19	N04°02'13"E	46.90'
L20	S15°21'20"W	116.51'
L21	S03°36'09"W	15.57'
L23	S86°59'28"E	75.42'
L23	S80°19'20"E	144.48'
L24	S03°15'18"W	188.05'
L25	S67°48'11"W	43.45'
L26	S02°52'49"W	9.84'
L27	S71°37'16"E	33.07'
L28	S04°19'23"W	33.88'
L29	S16°54'42"E	53.07'
L30	S14°01'02"W	56.23'
L31	N83°54'29"W	14.98'
L32	N31°58'47"E	38.83'
L33	S02°37'50"W	45.00'
L34	S82°08'39"E	30.01'
L35	S06°28'29"W	239.57'
L36	S18°51'12"W	43.79'
L37	S05°40'07"W	86.76'
L38	S19°41'56"W	150.52'
L39	S15°17'54"W	29.95'
L40	N74°36'45"W	30.03'
L41	N15°30'31"E	32.27'
L42	N19°41'56"E	115.40'
L43	N76°59'34"W	191.11'
L44	S02°35'04"W	294.60'
L45	N87°24'56"W	30.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	476.91'	36.76'	36.75'	N10°21'09"E	4°24'57"
C2	224.51'	65.58'	65.34'	N12°47'11"E	16°44'08"
C3	134.73'	40.20'	40.05'	N15°41'46"E	17°05'39"
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C8	505.91'	38.57'	38.56'	S10°15'00"W	4°21'34"

REVISIONS			
DATE	DESCRIPTION	BY	
05/24/2024	CITY COMMENTS	DF	
06/03/2024	CITY COMMENTS	DF	
06/04/2024	CITY COMMENTS	DF	

ARA
1114 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479.444.0294
1.866.549.8764
arkansasdesignsurvey@gmail.com

Alan Reid & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
BOUNDARY
TOPO

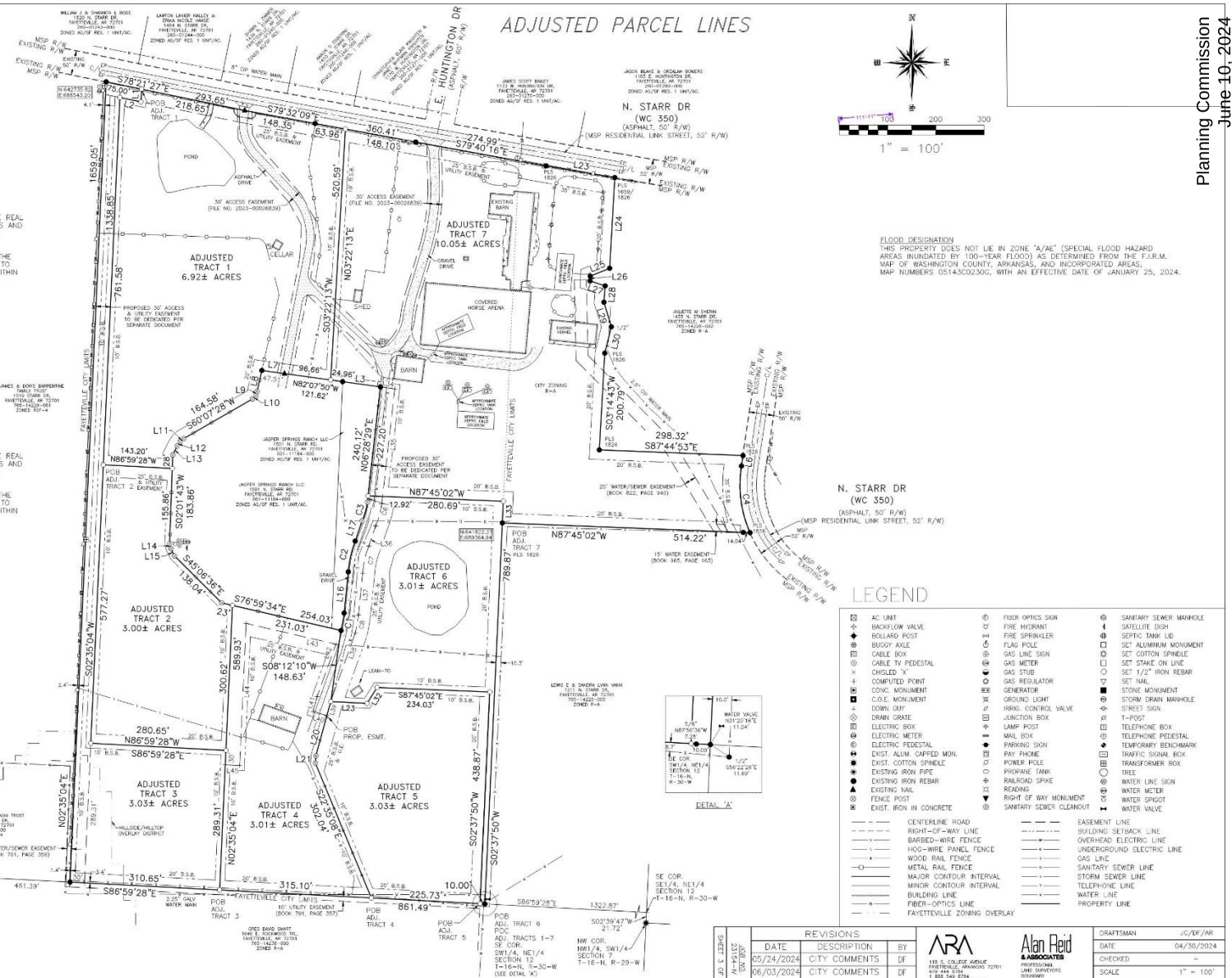
DRAFTSMAN	JC/DF/AR
DATE	04/30/2024
CHECKED	-
SCALE	1" = 100'
SHEET SIZE	24"x 36"

SHEET 1 OF 1
JOB NO. 2315-A

PARKER INVESTMENTS LLC
1485 & 1473 N. STARR DR (WC 350), FAYETTEVILLE, AR 72701
PARCEL NO. 001-11184-006, 001-11184-003, 001-11184-002, 001-11184-004, 001-11184-001, 765-14226-000, 765-14226-001 & 765-14223-000

PROPERTY LINE ADJUSTMENT – FAYETTEVILLE, ARKANSAS

ADJUSTED PARCEL LINES



CERTIFICATE OF SURVEY AND ACCURACY:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF WASHINGTON COUNTY, ARKANSAS.

DATE — REGISTERED LAND SURVEYOR/ PROFESSIONAL LAND SURVEYOR

WASHINGTON COUNTY
CERTIFICATE OF OWNERSHIP & DEDICATION:

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

DATE — OWNER

CITY OF FAYETTEVILLE
CERTIFICATE OF OWNERSHIP & DEDICATION:

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

DATE — OWNER

FLOOD DESIGNATION
THIS PROPERTY DOES NOT LIE IN ZONE 'A/AE' (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD) AS DETERMINED FROM THE F.I.R.M. MAP OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBERS 05143C0230C, WITH AN EFFECTIVE DATE OF JANUARY 25, 2024.

LEGEND

AC UNIT	FIBER OPTICS SIGN	SANITARY SEWER MANHOLE
BACKFLOW VALVE	FIRE HYDRANT	SATELLITE DISH
BOLLARD POST	FIRE SPRINKLER	SEPTIC TANK LID
BUGGY AXLE	FLAG POLE	SET ALUMINUM MONUMENT
CABLE BOX	GAS LINE SIGN	SET COTTON SPINDLE
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C8	506.91'	38.57'	38.56'	S10°15'00"W	4°21'34"

NOTE:
AS OF THE DATE OF THIS PLAT ALL WATER FOR TRACT 2 WILL BE SUPPLIED BY A WELL.

REVISIONS		
DATE	DESCRIPTION	BY
05/24/2024	CITY COMMENTS	DF
06/03/2024	CITY COMMENTS	DF
06/04/2024	CITY COMMENTS	DF

SHEET 3 OF 3
A-POLICY ON 8½"

ARA
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479 444 5784
T 888 549 8784
aradesignarch@gmail.com

Alan Reid & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
ROGERS/AR
TOPO

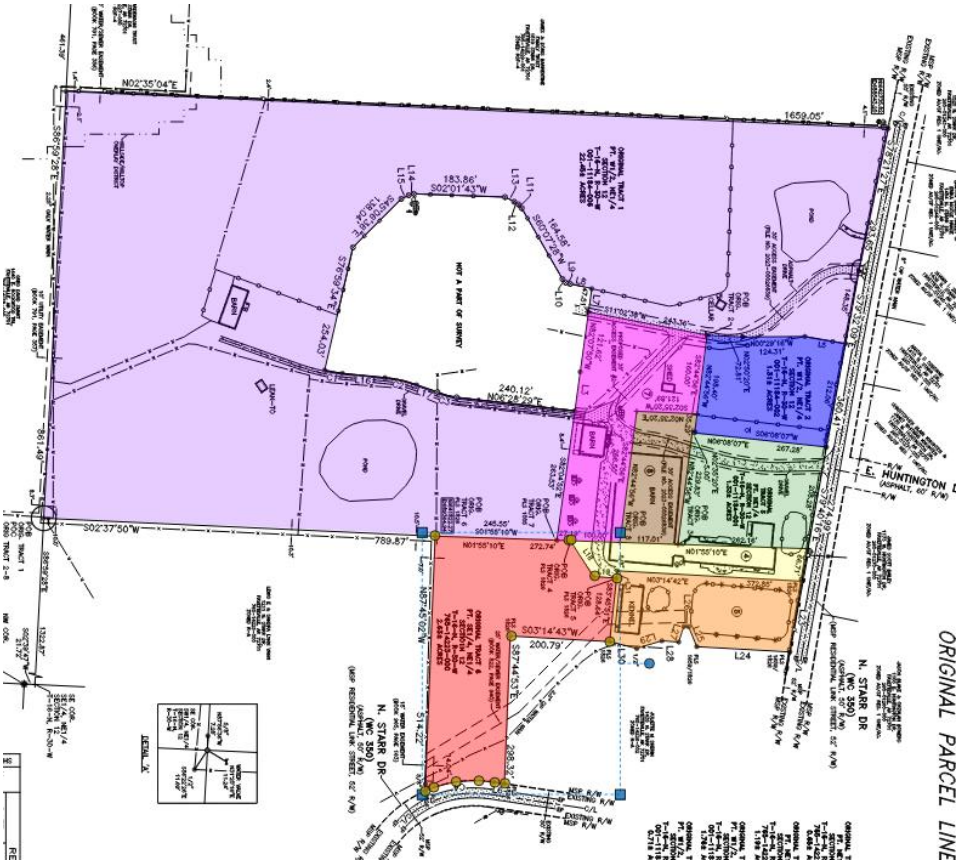
DRAFTSMAN	JC/DF/AR
DATE	04/30/2024
CHECKED	–
SCALE	1" = 100'
SHEET SIZE	24"x 36"

PARKER INVESTMENTS LLC
1485 & 1473 N. STARR DR (WC 350), FAYETTEVILLE, AR 72701
PARCEL NO. 001-11184-006, 001-11184-003, 001-11184-002, 001-11184-004, 001-11184-001, 765-14226-000, 765-14226-001 & 765-14223-000

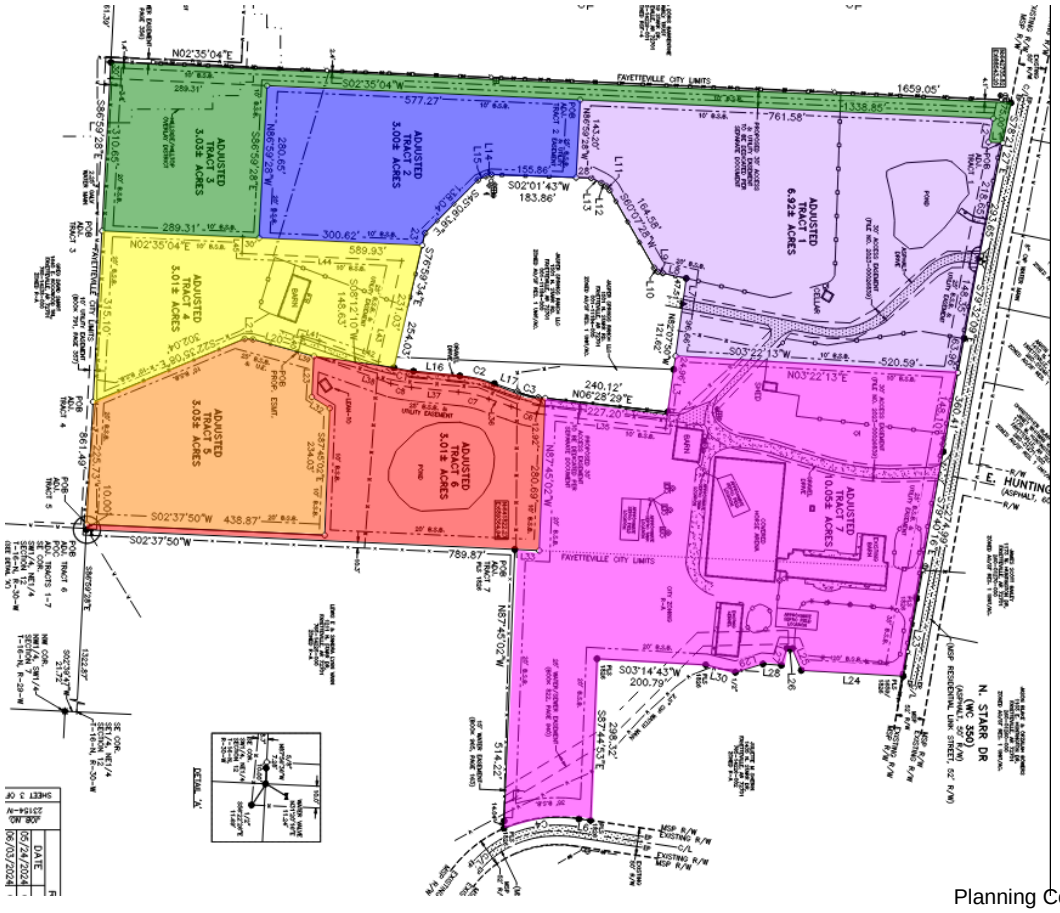
PROPERTY LINE ADJUSTMENT – FAYETTEVILLE, ARKANSAS

STAFF EXHIBIT: PROPOSED LOT ADJUSTMENTS

CURRENT ALIGNMENT

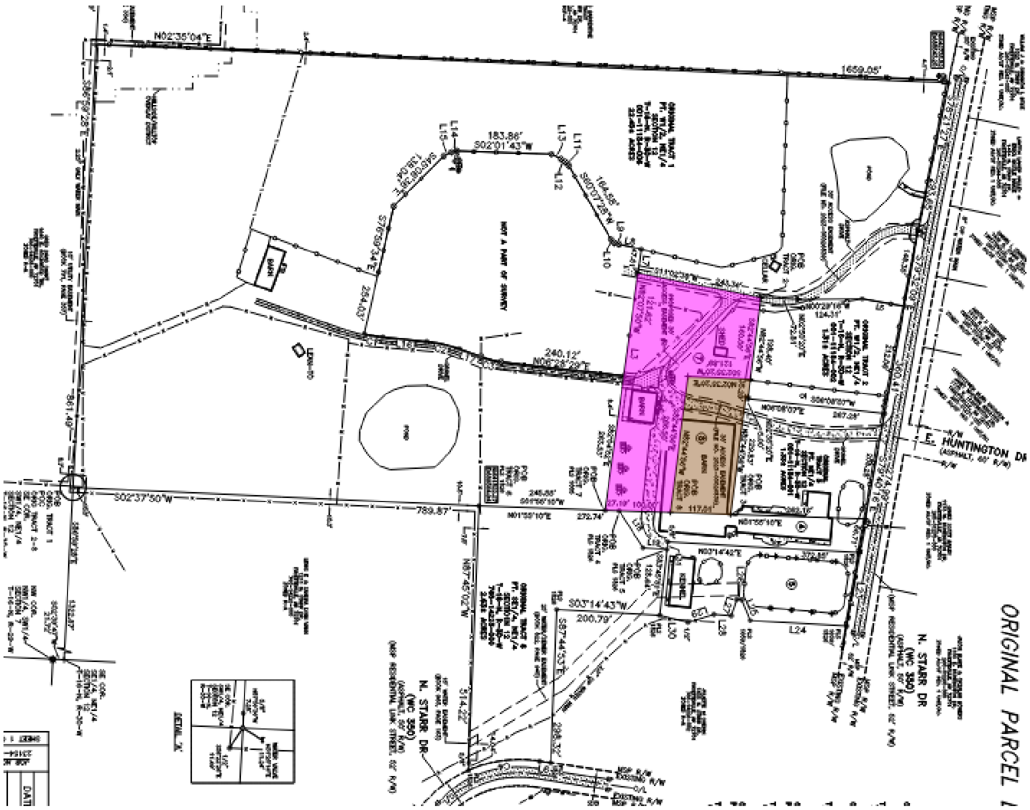


PROPOSED ALIGNMENT

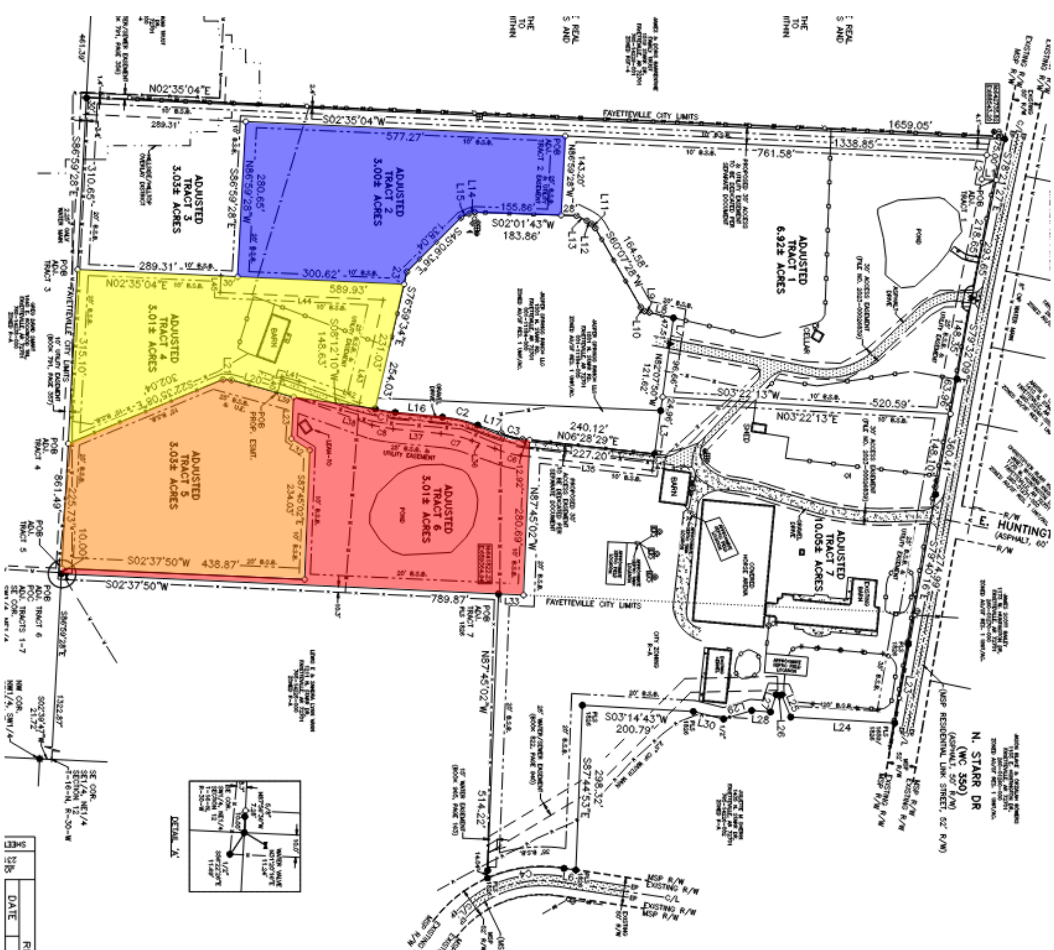


STAFF EXHIBIT: LOTS WITHOUT STREET FRONTAGE

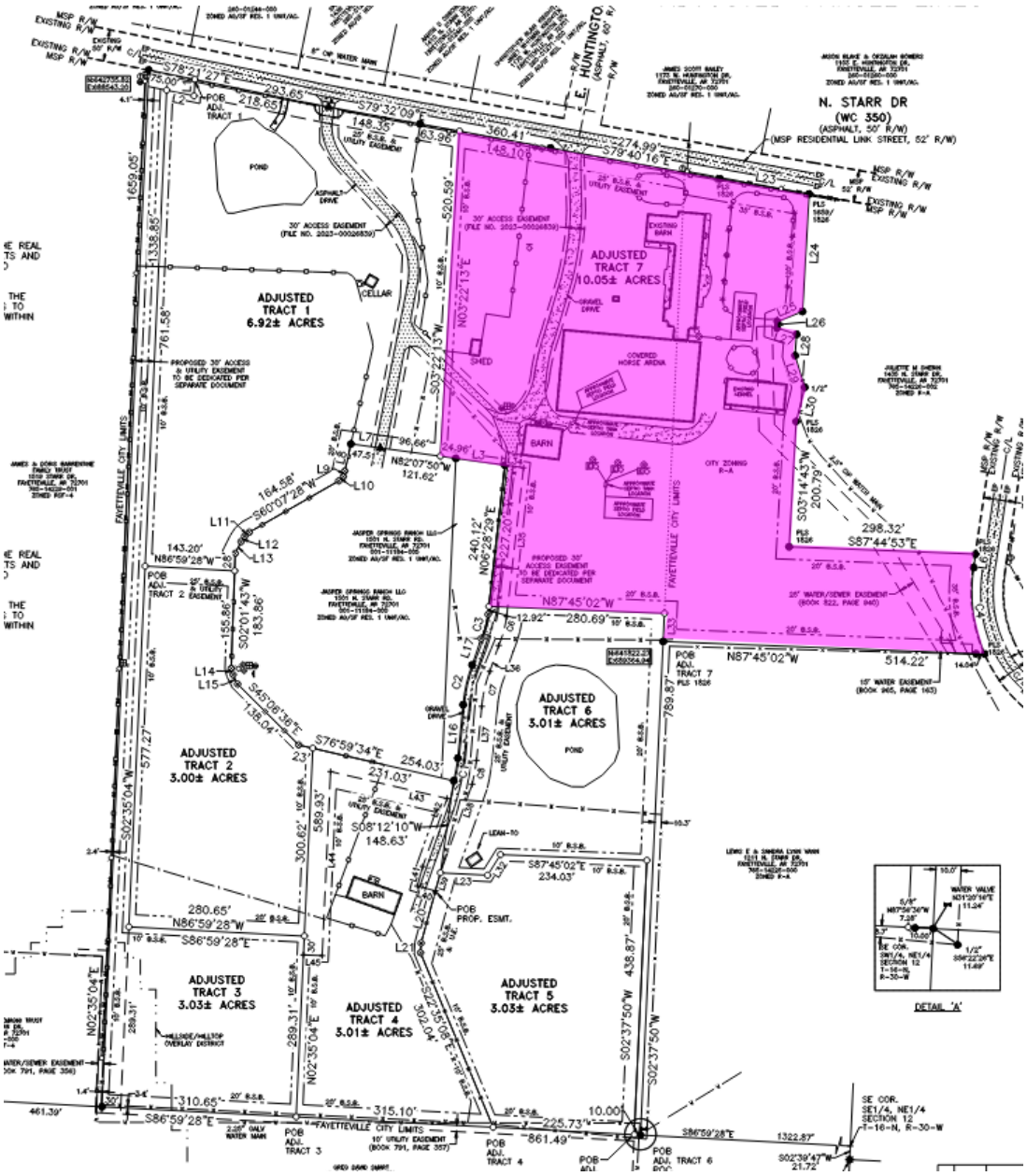
CURRENT ALIGNMENT



PROPOSED ALIGNMENT



PROPOSED DOUBLE FRONTAGE LOT

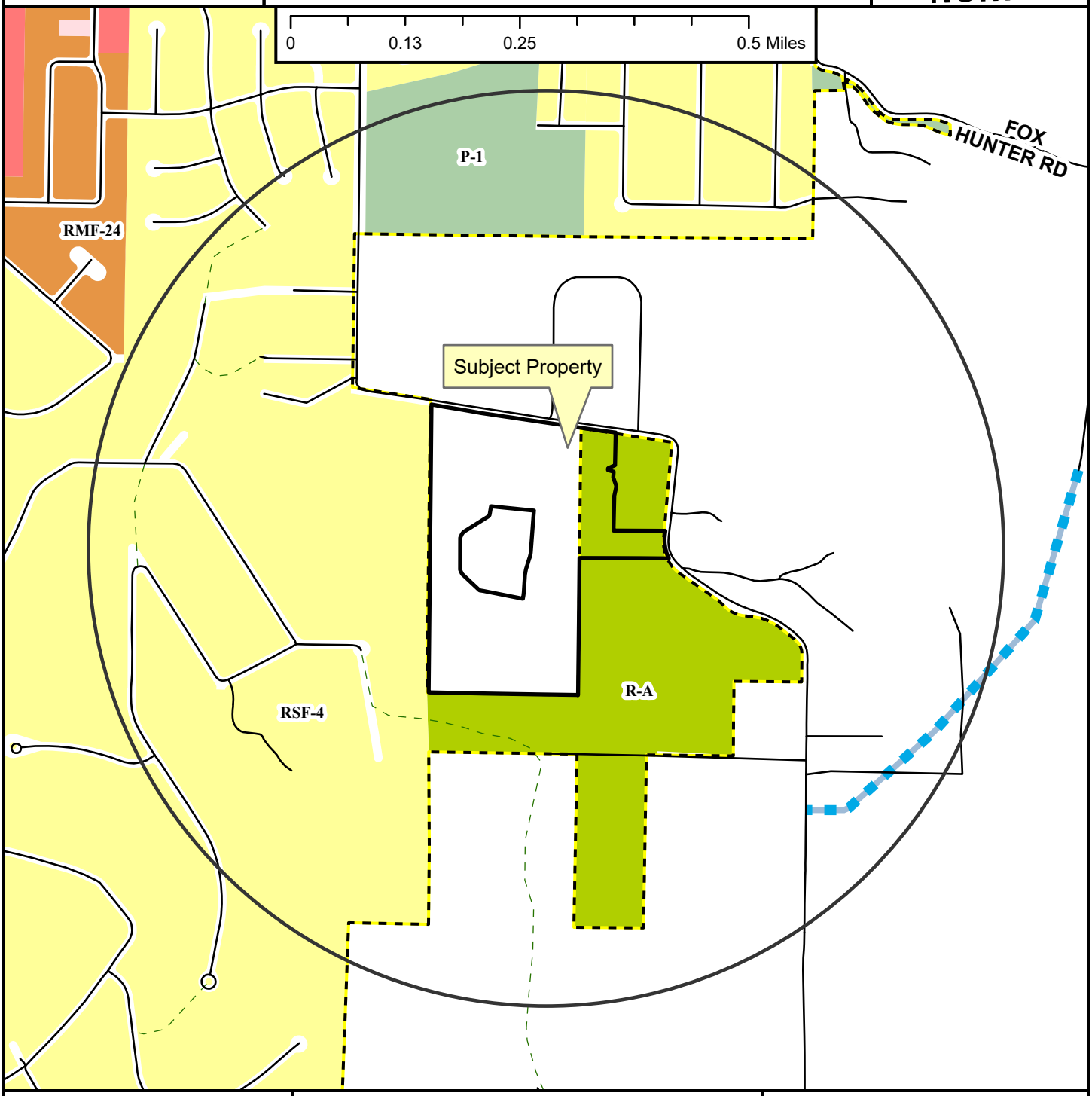


VAR-2024-0023

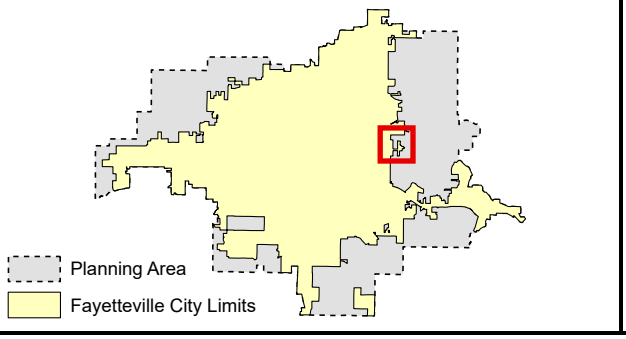
One Mile View

1469 & 1501 N. STARR DR

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

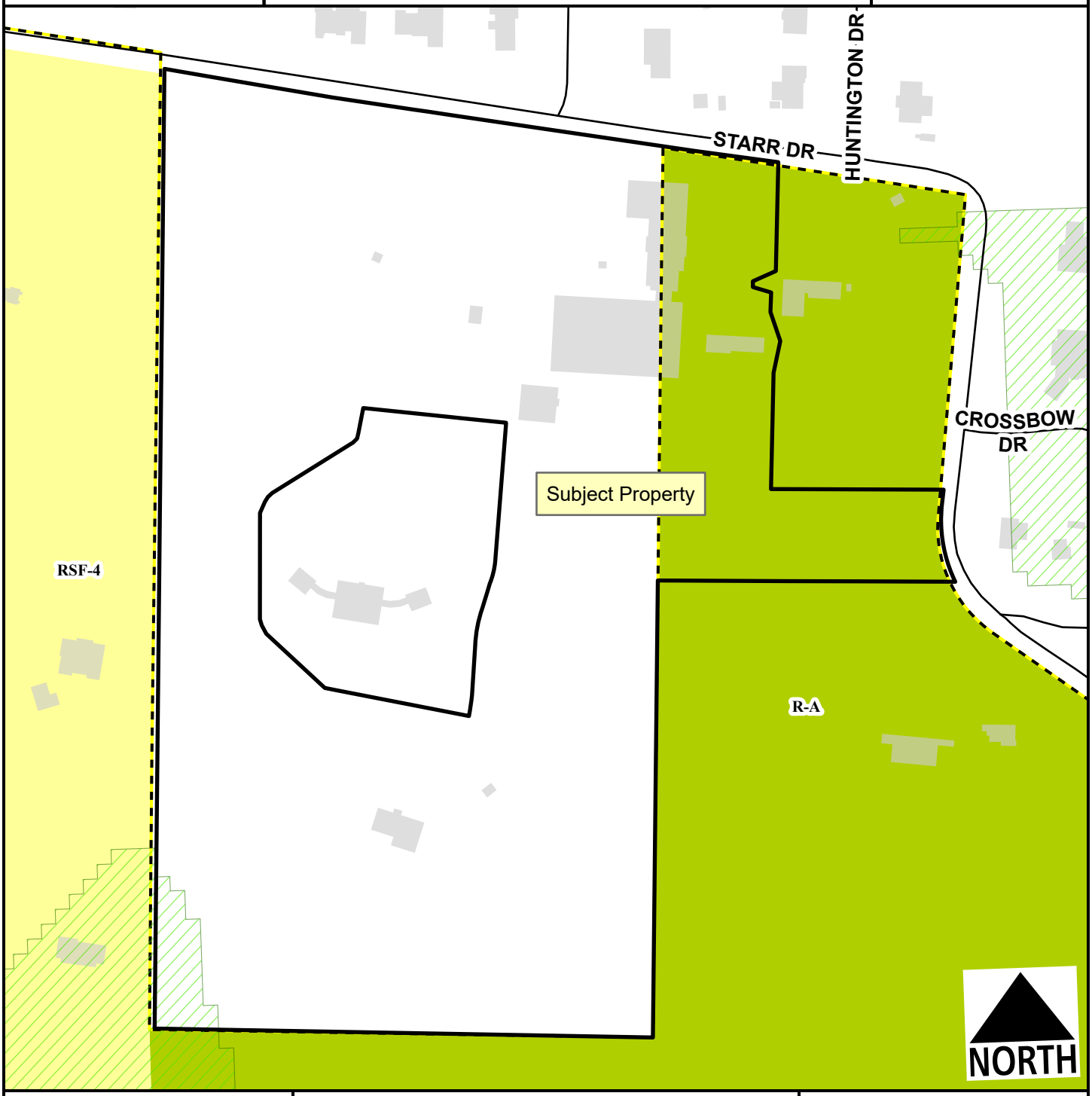
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0023

Close Up View

1469 & 1501 N. STARR DR



Unclassified
Residential Link
Hillside-Hilltop Overlay District
Planning Area
Fayetteville City Limits

Feet
0 90 180 360 540 720
1:3,000

Residential-Agricultural
RSF-4

VAR-2024-0023

Current Land Use

1469 & 1501 N. STARR DR

NORTH

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 10, 2024

SUBJECT: **VAR-2024-0024: Planning Commission Variance (N. FUTRALL DR. & N. MARINONI DR./HOME2 SUITES, 441):** Submitted by CRAFTON TULL for property located at N. FUTRALL DR. & N. MARINONI DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 5.41 acres. The request is for a variance to commercial and nonresidential design standards.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0024** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0024**, determining:*

- *In favor of a variance to UDC §166.24(D)(7)(b)(ii),*
- *In favor of a variance to UDC §166.25(D)(2), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located just east of I-49 and south of Cross Church. It contains one parcel totaling 5.41 acres which is undeveloped and zoned UT, Urban Thoroughfare. In September 2023, a large site improvement plan was approved which allowed for the extension of Marinoni Drive from where it currently terminates at its intersection with McMillan Drive to Futrall Drive, just south of the subject property (LSIP-2022-0010). Once that street extension is completed, the subject property will become a corner lot with frontage along Futrall Drive to the west and McMillan Drive to the south. Another large site improvement plan, which would allow the property to be developed with a hotel and associated parking, is currently in review (LSIP-2024-0008). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Cross Church	P-1, Institutional
South	Undeveloped	UT, Urban Thoroughfare
East	Undeveloped	UT, Urban Thoroughfare
West	I-49 Multi-Family Residential	N/A RMF-24, Residential Multi-Family – 24 Units per Acre

Request: The applicant is requesting two variances from the Unified Development Code in association with a large site improvement plan that is currently in review (LSIP-2024-0008). Each variance is described further below alongside staff's recommendations.

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

DISCUSSION:

Variance #1: UDC §166.24(D)(7)(b)(i), Nonresidential Design Standards – Glazing. A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk. The applicant is requesting to reduce this glazing requirement to 28.2% along the building's principal façade.

> *Staff recommendation: Staff is supportive of this variance request. While the amount of glazing provided on the ground floor of the proposed building does not meet the letter of the code, staff finds that the design of the building is consistent with the intent of the City's nonresidential design standards. Variations in building material and color and changes in wall plane depth are provided to further increase the visual impact of the structure and create pedestrian interest. The proposed project is a hotel and, as the applicant has stated, the size of windows on the first floor is limited to maintain guest comfort and livability and to limit the visibility of service-oriented areas such as the laundry room, kitchen, and storage and mechanical spaces. The requirement for greater glazing may have the effect of compromising guest privacy and the function of interior spaces.*

Variance #2: UDC §166.25(D)(2), Commercial, Office and Mixed Use Design and Development Standards – Cross Access. Cross access shall be required to adjacent developed and undeveloped properties. The applicant is requesting to not provide cross access to the adjacent property to the north.

> *Staff recommendation: Staff is supportive of this variance request. The subject property is proposed to be partially developed and driveway stub outs are proposed to an area reserved for future development to the west and to the adjacent property to the east. The applicant is requesting to not provide cross access to the north due to the location of existing and proposed stormwater detention infrastructure. Staff is supportive of the applicant's request since providing cross access to the north has the potential to adversely impact drainage and detention and, therefore, subsequently create an undue hardship on the property owner.*

RECOMMENDATION: Staff recommends approval of VAR-2024-0024 with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to UDC §166.24(D)(7)(b)(i), Nonresidential Design Standards – Glazing.** *Staff recommends approval of this variance for the reasons stated above.*

2. **Planning Commission determination of a variance to UDC §166.25(D)(2), Commercial, Office and Mixed Use Design and Development Standards – Cross Access.** *Staff recommends approval of this request for the reasons stated above.*

3. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

Planning Commission Action:	**❒ Approved**	**❒ Tabled**	**❒ Denied**
Meeting Date: <u>June 10, 2024</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code:
  - §166.24 Nonresidential Design Standards
  - §166.25 Commercial, Office and Mixed Use Design and Development Standards
- Applicant Request Letters
- Building Elevations
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.24 Nonresidential Design Standards

(A) *Purpose.* It is the intent of these standards to provide the methods and means by which designers and developers may achieve the city's adopted goals to produce quality development and to manage growth within the City of Fayetteville. These regulations complement the city's urban zoning districts and those districts that allow development in urban form, with site and architectural design regulations to produce a visually interesting and high quality development that responds to the needs of pedestrians, cyclists and vehicular traffic.

(B) *Applicability.* These design standards shall apply to all non-residential development located in urban or form-based zoning districts that require a build-to zone, as well as non-residential development in conventional districts when built in an urban form allowing administrative approval, with the exception of those districts located within the Downtown Master Plan boundary. In addition to the city's Commercial Design and Development Standards, the standards apply when either new development occurs or expansion of 25% or more of the existing nonresidential building square footage occurs. All sides of a building that are visible from the public right-of-way shall be subject to design review.

(C) *General Intent.* The following shall apply to all developments:

(1) Developments with multiple buildings should be arranged to enclose and define space in the public realm (see Image 1).

Image 1: Development form

Figure 1: Encouraged compact and connected development form with buildings arranged to define the street and enclose internal parking lots.

Figure 2: Discouraged sprawling, disconnected development form with parking surrounding the building.

(2) Multiple buildings located on the same lot should be articulated distinctly and separately so as to not provide an identical building on the same lot.

(3) New construction should show respect for horizontal articulation established by existing buildings within the immediate area.

(4) Application of building material and façade articulation of the building wall should encourage design, reinforce rhythm, increase visual impact, and create pedestrian interest.

(D) *Building Mass, Scale, and Articulation.* The following regulations shall apply to break down the mass of large structures:

(1) Structures shall not exceed 200 feet in length adjacent to the street, within a build-to-zone.

(2) The mass of a building exceeding 100 feet in length shall be delineated into no more than 40-foot-wide segments utilizing changes in height and depth of the wall plane of no less than 24 inches.

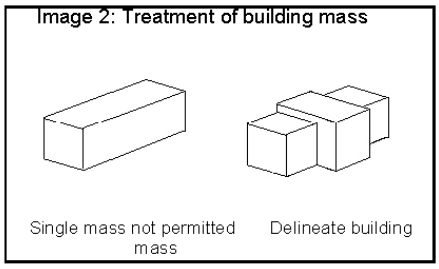


Image 2: Treatment of building mass

(3) No less than 70% of the building length shall be broken into a minimum of two (2) horizontal shifts in material, texture, and/or wall plane to provide distinction between segments (see Image 3)

(a) The middle segment shall be of greater height than the bottom and top segments.

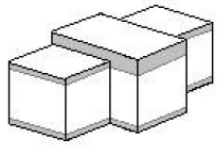


Image 3: Divide buildings into segments

(4) Buildings shall be constructed with high quality building materials. The following materials shall be prohibited:

(a) Untreated Concrete Masonry Unit (CMU)
(b) Wood fiber board
(c) Unfinished pressure treated wood
(d) Exterior Insulation Finish System (EIFS)
(e) Vinyl siding
(f) Reflective glass

(5) Building façades located within a build-to zone shall incorporate the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically at intervals not less than 10 feet and not more than 40 feet; and
(b) Changes in color, texture, and material, either horizontally or vertically, at intervals of not less than 10 feet and not more than 40 feet.

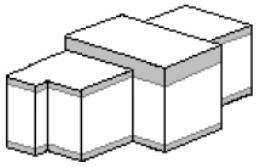


Image 4: Shifts in wall plane depth

(6) Building façades located outside of the build-to zone and that are visible from a public right-of-way shall consist of the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically; and
(b) Changes in color, texture, and material, either horizontally or vertically.

(7) *Fenestration.* Fenestration patterns should encourage design, reinforce rhythm, and create shadows. The following shall be met to satisfy the fenestration requirements for a principal façade:

(a) Entryways. A primary entrance for buildings located in a build-to zone shall face the public street. When a structure is not in a build-to zone, the primary entrance shall be well-defined from access drives, sidewalks, and/or major parking areas.
  (i) Multiple entryways are encouraged for all structures; however, a building entrance shall occur at a minimum of every 100 feet of building façade length that is within the build-to zone.

(ii) Each primary entrance shall be made visible and prominent by using special architectural treatment that signifies the entrances, such as large entry doors, porches, or protruding or recessed entrances.

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

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

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

(iii) Glazing above the first story shall not exceed 80% of the total building wall area.

(E) *Pedestrian Oriented Elements.* Developments that are subject to these standards shall meet and should exceed the basic needs of pedestrian accessibility and contribute to a unique sense of place and community. The following requirements are intended to define and articulate space at the street level in order to encourage the use and function for active and/or passive social interaction.

(1) Buildings exceeding 50 feet in length or width within the build-to zone shall incorporate spatially defining building elements and/or landscaping at a minimum separation of 100 feet of façade length in order to create public or semi-private space, such as a courtyard, garden, patio, etc.

(2) Each public space shall include seating opportunities, such as table and chairs or benches, and a combination of at least of two (2) of the following elements:

(a) Planters;
(b) A planting bed;
(c) Public art;
(d) A water feature;
(e) A shift in pavement material between the public right-of-way and the structure;
(f) A covering for seating, such as a canopy, awning, arcade, or portico spanning the width of the building; or
(g) Other elements approved by the Zoning and Development Administrator that are not included in other sections of the design standards and meet the intent of this requirement.

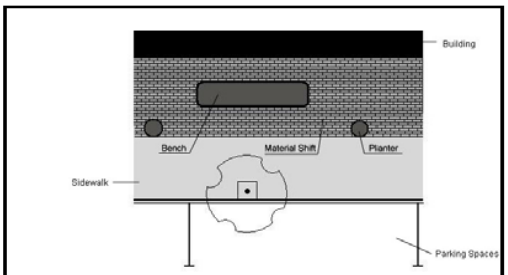


Image 5: Pedestrian Oriented Elements

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

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

166.25 Commercial, Office and Mixed Use Design And Development Standards

(A) *Purposes.*

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

(2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.

(3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.

(4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.

(5) To address the issues of traffic, safety, and crime prevention.

(6) To preserve property values of surrounding property.

(7) To provide good civic design and arrangement.

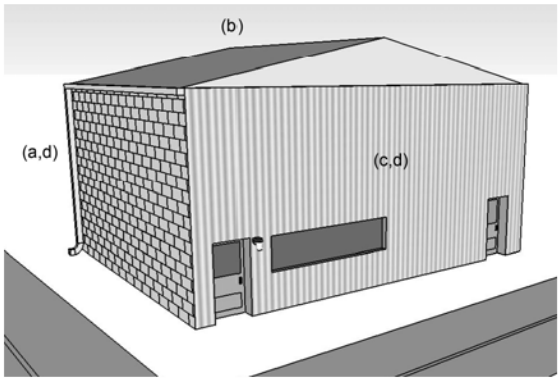
(B) *Applicability.* These design and development standards apply to commercial developments, office developments, small scale production, those parts of a planned zoning district or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

(C) *Building Exterior Appearance and Design Standards.* The following exterior development standards and design element guidelines shall be followed:

(1) The elements to avoid or minimize include:

(a) Unpainted concrete precision block walls;
(b) Square "boxlike" structures;
(c) Metal siding which dominates the principal facade;
(d) Large blank, unarticulated wall surfaces;

Elements to Avoid



(2) A development which contains more than one (1) building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.

(3) A development should provide compatibility and transition between adjoining developments.

(4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).

(5) All buildings should be constructed of wood, masonry, or other similar durable material.

(D) *Site Development and Design Standards.*

(1) *Site Coverage.* A maximum of 80% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Properties located within the Downtown Master Plan boundary are exempt from this requirement.

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

(3) Mechanical and utility equipment and refuse containers shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:

(a) *Mechanical and Utility Equipment.*

(i) All mechanical and utility equipment located on the wall and/or on the ground shall be screened with vegetation, by incorporating screening into the structure, or by utilizing paint schemes that complement the building and screen the equipment.

(ii) All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the principal structure utilizing materials and colors compatible with the supporting building.

(b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in commercial, office, and mixed-use developments.

(i) Commercial, office, and mixed-use developments are required to provide adequate space for the placement of two (2) front-end load dumpsters, easily accessible for collection services. The minimum free and clear dimensional requirements for placing two (2) front-end load dumpsters in an enclosure is 24 feet wide and 12 feet deep. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure if the applicant can demonstrate that a smaller enclosure is adequate for the development's anticipated needs due to the nature of the proposed business, the modest size or scale of the development or site access, or if they have the ability to share trash and recycling enclosure facilities with adjoining or nearby properties that have additional trash and recycling storage capacity.

(ii) Recycling and trash containers shall be screened by enclosures with materials that are compatible with and complementary to the principal structure, with access to the refuse containers not visible from the street. Containers may be screened from view by the principal structure; by a permanent walled or fenced enclosure; or with appropriate vegetation, planted at a density and size sufficient to be view obscuring immediately from the date of planting; so long as the screening is maintained and loose trash does not litter the ground or become an environmental nuisance.

(4) Outdoor storage of material and equipment shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:

(a) At the expense of the owner or lessee of the property, and in all zones, the following uses shall be completely surrounded by a view obscuring fence or by view obscuring vegetation, or a combination of the two, of sufficient height to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets: outdoor storage yards, including but not limited to, auto salvage yards, scrap metal yards, used furniture yard and garbage dumps.

(b) Where vegetation is used to meet the requirements of this subsection, the vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting. If vegetation planted under this subsection does not become view-obscuring within two years, a view-obscuring fence shall be installed.

(c) *Exceptions:* The outdoor display of materials or equipment solely for sale or lease, such as automobiles, seasonal garden supplies, etc. shall not be required to be screened as set forth in subsection (a) above.

(5) *Non-Residential Uses Adjacent to Residential Uses.* The Planning Commission or Planning Division may require non-residential uses, including parking lots associated with said uses, to be screened from adjacent residential uses, as set forth below:

(a) A buffer strip, fence, or screen wall that is required shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with provisions of this chapter.

(b) *Buffer Strip.* The purpose of the buffer strip is to provide separation and enclosure of uses. The landscaped buffer strip shall consist of a strip of land at least 8 feet wide adequately landscaped with approval of the Urban Forester, entirely on the zoning lot which is required to provide the buffer strip, and so located as to serve as an effective buffer between the use required to provide the buffer strip and other property for whose protection the buffer strip is required. The buffer strip should extend along the full length of the boundary separating the zoning lot from such other property, or from the street, as the case may be.

(c) *Fence Required.* The purpose of the fence is to enclose uses. Required fences shall not be less than 6 feet high, constructed of good, substantial material, of first-class workmanship, and so erected as to resist wind pressure, ensure public safety, and present a neat, attractive uniform appearance.

(d) *Screen Required.* The purpose of the screen is to conceal uses. Screening shall mean a view obscuring fence, view obscuring berm, view obscuring architectural treatment, or view obscuring vegetation, or combination thereof, of sufficient height to prevent the view of the screened items from vehicular and pedestrian traffic on adjacent streets, and from residential property. Vegetation shall be planted at a density sufficient to become view obscuring within two (2) years from the date of planting.

(6) *Mini-Storage.* At the expense of the owner of the property, all storage units and storage yards for mini-storage created under Use Unit 38 shall be required to be screened by view obscuring vegetation when the storage yards or the storage units have common property lines with any residential use or zone and when they have frontage on any public street. Vegetation used for screening purposes shall be planted at a density sufficient to become view obscuring within two (2) years from the date of planting and it shall be the responsibility of the property owner to maintain the screening throughout the life of the use of the property as mini-storage.

(E) *Design Review.*

(1) *Submittals.* The following drawings, information, and plans shall be submitted to the Planning Commission or Planning Division for design review and approval with the associated development application, when applicable;

(a) *Elevations.* Color rendered elevation drawings of all building facades and a description of external building materials. Labels and dimensions, where applicable, shall accompany changes in texture, plane, material or color.

(b) *Materials Sample.* A sample of exterior materials to be used for the proposed structure that indicates texture, color and type of materials.

(c) *Landscaping.* Proposed landscaping to be used as screening shall be shown on the tree preservation plan and landscape plan.

(2) *Build Out.* Upon approval of a development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.

(a) *Amendments.* Amendments to the drawings, information, and plans shall be submitted to the Planning Division. Amendments which are determined to be insignificant or minor may be approved by the Planning Division. Significant amendment shall be approved by the Planning Commission when approval was given through the large scale development process, or by the Planning Division when approval was given through the building permit process.

(b) *Review.* Amendments shall be considered using the same standards as the initial design approval.

(c) *Noncompliance.* Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large scale development approval, or the building permit approval void.

(F) *Variances.* (See Chapter 156.)

(Ord. No. 5526, 9-18-12; Ord. No. 5735, 1-20-15; Ord. No. 6091 , §1, 9-18-18; Ord. No. 6667 , §1, 6-6-23)

Crafton Tull
architecture | engineering | surveying

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June 05, 2024

City of Fayetteville
Planning Commission
113 W Mountain
Fayetteville, AR 72701

RE: Technical Plat Review - VAR 2024-0024 associated with LSIP 2024-0008
Request for Glazing Variance

Dear Gretchen Harrison,

We are writing to request a variance for a certain requirement of the Non-Residential Design Standards with regards to a project currently under LSIP review. The planned project is Home2 Suites / Tru by Hilton, located near Futrall Drive and Marinoni Drive. This site is zoned UT and has been submitted under LSIP 2024-008.

City of Fayetteville Zoning Code paragraph 166.24.D.7.b.i requires a building facade located within the build-to zone to be glazed no less than 50% of the ground floor at the pedestrian level between 2 and 12 feet above the sidewalk. Currently as designed, the percentage of glazing on the facade varies from 2% to 28%, depending on which facade is considered.

The UT zoning prioritizes the pedestrian experience while passing a building, and the 50% glazing requirement is entirely reasonable for most non-residential buildings (particularly retail and office buildings). However, 50% glazing is difficult to achieve in hotels without compromising guest safety and security concerns. There are many guests who are hesitant to stay in a first-floor room, and in fact, Hilton has limited prescribed window sizes in order to maintain guest comfort and security. It is unlikely that Hilton would approve a greater window size in the guestrooms. Meeting the 50% glazing requirement on the first floor would adversely affect the usability of the 8 guestrooms on the first floor, which is 5% of our total guestroom count.

In addition, there are numerous spaces in the first floor of a hotel that are service-oriented and not desirable for pedestrians to view. For example, the first floor of this hotel includes a full-service laundry, a prep kitchen, a catering kitchen, along with multiple storage and mechanical/plumbing spaces. While we could increase the glazing in these areas, their function as service areas makes it undesirable to do so.

We have provided the largest percentage of glazing on those portions of facades that house the public spaces in the hotel, such as the lobby, breakfast area, and meeting rooms. The building is oriented so that the facade of the building with the most glazing faces the potentially busiest pedestrian and traffic side. Please find attached building elevations, with the percentage of glazing on each facade indicated.

Finally, there is precedent for the Planning Commission to grant this variance. In 2019, my firm and the same hotel Owner were granted a variance by the City of Fayetteville for this glazing requirement for another hotel that is currently under construction at a nearby site. For reference, that variance is "VAR 19- 6847, approved October 19, 2019."

Crafton Tull
architecture | engineering | surveying

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

Thank you for considering our request that a variance for paragraph 166.24.D.7.b.i be granted, based on the private and/or service nature of the majority of the first-floor areas. Please contact me at (479) 878-2475 or the Architect, Carrie Shell, at (918) 814-3618 or carrie@sqdarchitects.com for questions or additional information.

Sincerely,

Trent Woessner

Trent Woessner, E.I.
Civil Engineer II

Crafton Tull
architecture | engineering | surveying

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

May 22, 2024

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

Re: Technical Plat Review – LSIP 2024-0008
VAR 2024-0024 for Glazing to include additional variance for cross access
CT Job #: 23302700

Dear Gretchen Harrison and Fayetteville Planning Commissioners,

Crafton Tull is seeking variance from the Fayetteville code of ordinances for cross access, regarding design standards for large scale development. A variance, VAR-2024-0024 has already been submitted for the glazing façade materials. The applicant is requesting to include a variance for cross access, to be lumped in with the existing variance for glazing. This letter is intended to be the narrative request for the cross-access portion of the combined variance application VAR-2024-0024.

The property is currently zoned UT for urban thoroughfare and falls under Fayetteville code of ordinances §166.25(D)(2), for site development and design standards for commercial development. The proposed development does not abide by the following section §166.25(D)(2):

Commercial, Office and Mixed Use Design and Development Standards:
D—Site Development & Design Standards
(2)—Cross Access: Cross access shall be required to adjacent developed and undeveloped properties.

There are only two sides to the property that require cross access, the east and north sides. The west and south sies of the property are street frontage. A cross access stub-out to the east has already been added to the plans per LSIP planning comments. The applicant is requesting to not provide cross access to the north, because of the existing and proposed stormwater detention infrastructure and grading that is located in between the proposed hotel building and the northern property line. Northern cross access would remove approximately 25% of proposed detention pond 2B's storage volume. There is no other area on the property that this volume can be relocated to because no other area is downstream/downhill of the contributing drainage area for detention pond 2B. The open area to the west of the parking lot cannot feasibly or realistically detain the runoff from the eastern half of the parking lot, due to the existing and proposed grading. Existing drainage patterns would be negatively impacted if there were to be northern cross access from the Hotel parking lot. Therefore, because of the issues with drainage and detention, cross access to the north would create an undue hardship on the property owner.

It should be mentioned, however, that in the future, the property owner intends to add a commercial development to the western portion of the property, which will include the addition of a cross-access connection to the north to better align with Cross Church's driveway. The location of this future northern cross access will be west of detention pond 2A and east of the easements along Futrall Dr. Contrary to detention pond 2B, there is room on the western portion of the site to relocate detention storage volume for pond 2A. And, relocating the storage volume to that location won't negatively impact the existing drainage patterns because the storage volume is still downstream/downhill of pond 2A's contributing drainage area.

Respectfully,

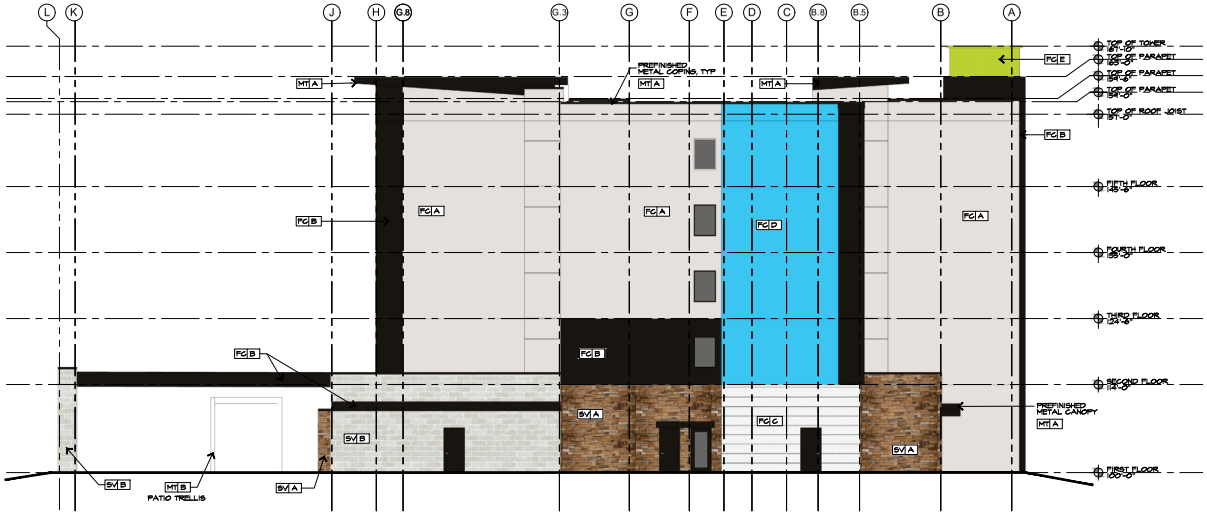
Trent Woessner, EI
Civil Engineer II at Crafton Tull

GENERAL NOTES

1. BUILDING SIGNS TO BE SURFACE MOUNTED, INTERNALLY ILLUMINATED CHANNEL LETTERS. SEE SIGNAGE PACKAGE FOR SPECIFICATION. PROVIDE REQUIRED BLOCKING BEHIND WALL FOR SIGNAGE. PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MAKING FINAL ELECTRICAL CONNECTIONS.
2. PROVIDE DEDICATED CIRCUITRY TO BUILDING SIGNS REFER ELECTRICAL.
3. PAINT ALL LOUVERS TO MATCH ADJACENT SURFACE.
4. REFLECTIVE GLAZING PROHIBITED BY CITY OF FAYETTEVILLE.

EXTERIOR FINISH KEY

FC A	FIBER CEMENT PANEL, COLOR A	MT A	METAL COLOR A
FC B	FIBER CEMENT PANEL, COLOR B	MT B	METAL COLOR B
FC C	FIBER CEMENT PANEL, COLOR C	SV A	STONE VENEER COLOR A
FC D	FIBER CEMENT PANEL, COLOR D	SV B	STONE VENEER COLOR V
FC E	FIBER CEMENT PANEL, COLOR E		
FC F	FIBER CEMENT SIDING, COLOR F		



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"
0 2 4 8 16 FEET

Confirm percentage of glazing on the ground floor. UDC §166.24(D)(7)(b) requires that the ground floor of a building facade within the build-to zone be glazed no less than 50% at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation.

Variance application (VAR-2024-0024) currently under City review to vary the glazing requirements.

1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"
0 2 4 8 16 FEET

sqd architects
Bentonville, AR 72712
918.872.4000

DOCUMENT INCOMPLETE
DO NOT USE FOR CONSTRUCTION, BIDDING, OR PERMITTING

carrie l shell
architect of record
license: #7989

project number:
22-024

Home2 Suites / Tru by Hilton
Fayetteville, Arkansas

issued/revision:
11.16.23
Schematic Design

EXTERIOR ELEVATIONS

sheet number:
A201

© sqd architects, llc 2023

GENERAL NOTES

1. BUILDING SIGNS TO BE SURFACE MOUNTED, INTERNALLY ILLUMINATED CHANNEL LETTERS. SEE SIGNAGE PACKAGE FOR SPECIFICATION. PROVIDE REQUIRED BLOCKING BEHIND WALL FOR SIGNAGE. PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MAKING FINAL ELECTRICAL CONNECTIONS.
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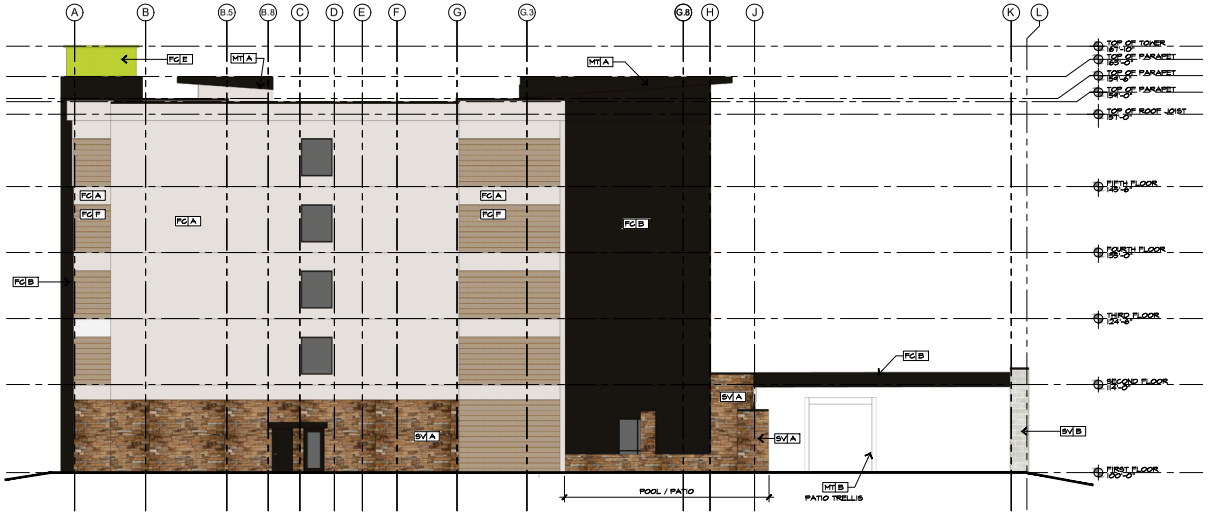
EXTERIOR FINISH KEY

FC A	FIBER CEMENT PANEL, COLOR A	MT A	METAL COLOR A
FC B	FIBER CEMENT PANEL, COLOR B	MT B	METAL COLOR B
FC C	FIBER CEMENT PANEL, COLOR C	SV A	STONE VENEER COLOR A
FC D	FIBER CEMENT PANEL, COLOR D	SV B	STONE VENEER COLOR V
FC E	FIBER CEMENT PANEL, COLOR E		
FC F	FIBER CEMENT SIDING, COLOR F		



2 EAST ELEVATION

SCALE: 1/8" = 1'-0"

0 2 4 8 16 FEET

1 NORTH ELEVATION

SCALE: 1/8" = 1'-0"

0 2 4 8 16 FEET

sqd architects
Bricktown, OK 74012
918.872.4000

DOCUMENT INCOMPLETE
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carrie i shell
architect of record
license: #9399

project number:
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Home2 Suites / Tru by Hilton
Fayetteville, Arkansas

EXTERIOR ELEVATIONS

issued/revision:
11.16.23
Schematic Design

sheet number:

A202

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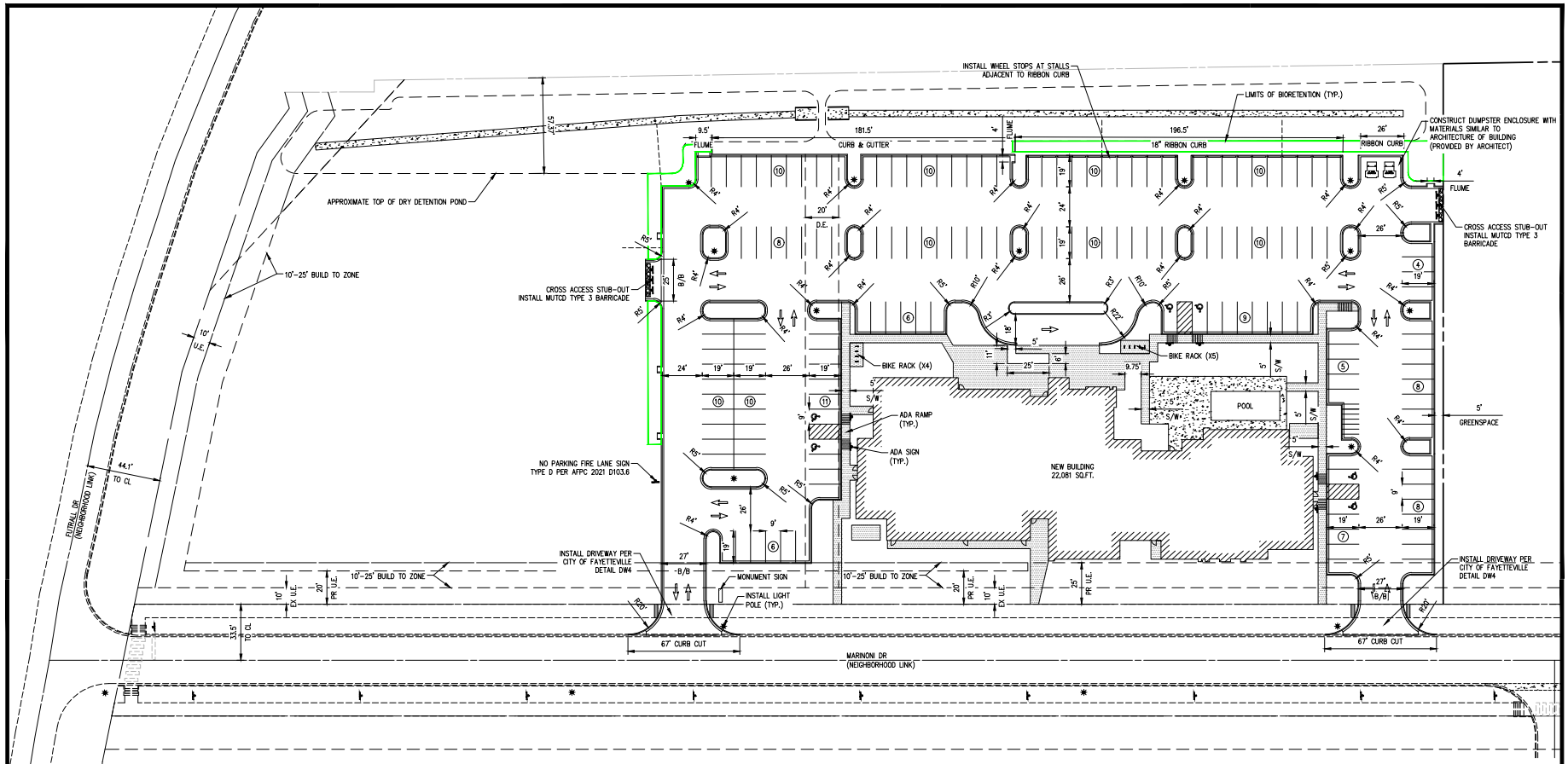

SITE NOTES

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

LEGEND (EXISTING SYMBOLS)

SYMBOLS	LINEWORK
BENCHMARK	EASEMENT
FOUND IRON PIPE/REBAR	CURB
PRIMARY CONTROL/SET MONUMENT	RIGHT OF WAY
FOUND MONUMENT/ROW	ROAD CENTERLINE
LIGHT POLE	
SIGN	

LEGEND (CONSTRUCT)

SYMBOLS	LINEWORK
SET IRON PIN	EASEMENT
LIGHT POLE	CURB
	BUILDING SET BACK
	RIGHT OF WAY
	PROPERTY LINE
	ROAD CENTERLINE

300 N. College Ave., Suite 310
Fayetteville, Arkansas 72701
Crafton Tull
architecture | engineering | surveying
www.craftontull.com

CERTIFICATE OF AUTHORIZATION:

TRUE / HOME2 BY HILTON

FAYETTEVILLE, AR

Key Plan

No.	Description	Date

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PROJECT NO: 23302/00
ISSUE DATE: 06/29/24
DRAWN BY: C. THIBET
QC by:
QC Date:

PRELIMINARY PLANS

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

FOR CONSTRUCTION · FOR BIDDING · FOR PERMIT · FOR REVIEW · FOR ESTIMATION · NOT FOR CONSTRUCTION

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SITE PLAN

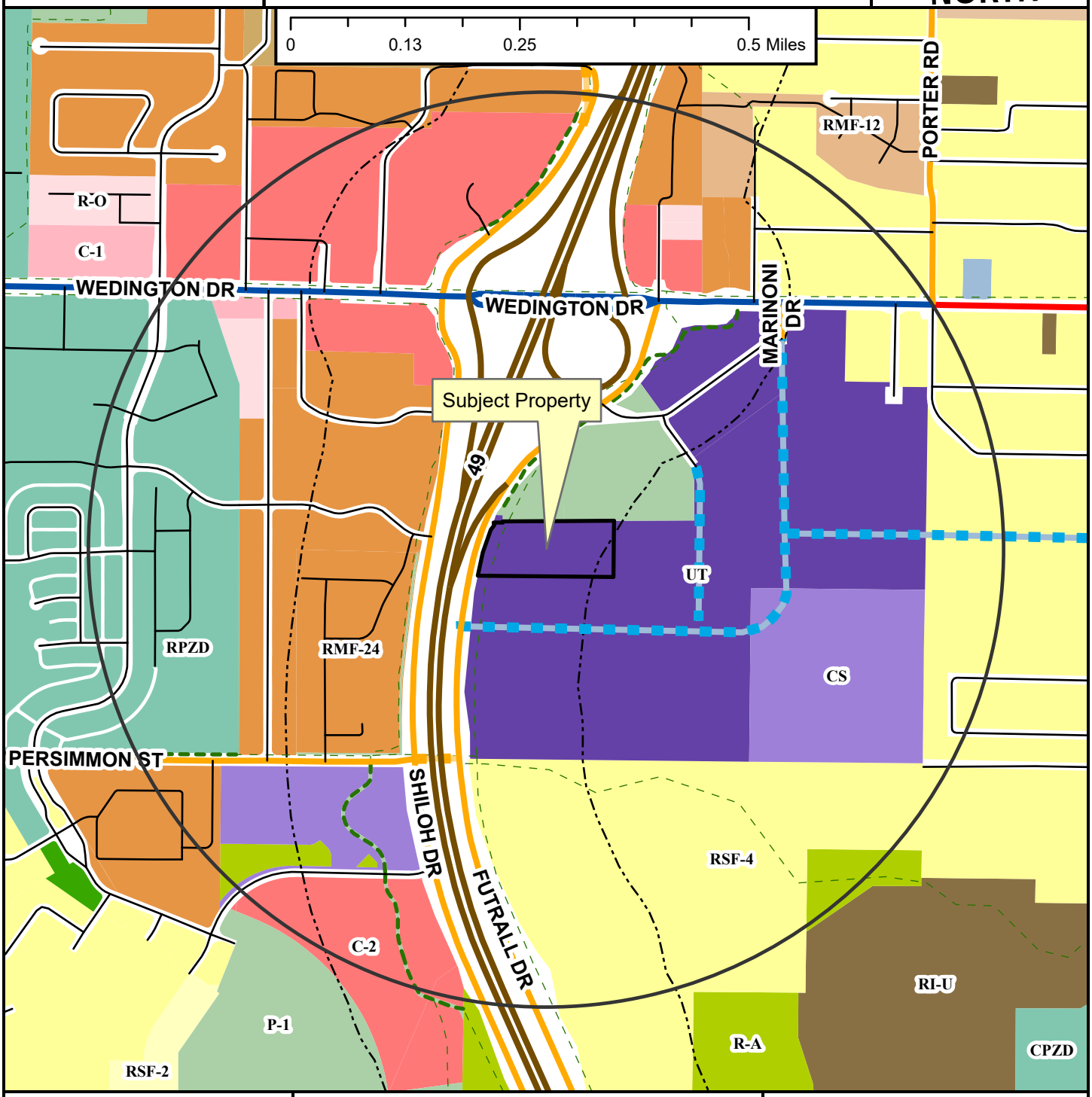
C-102

VAR-2024-0024

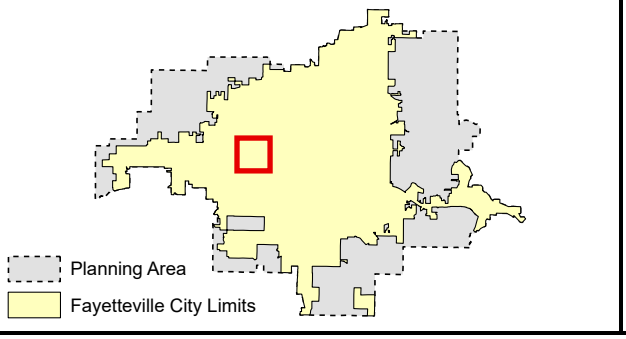
One Mile View

N. FUTRALL DR & N. MARINONI DR

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

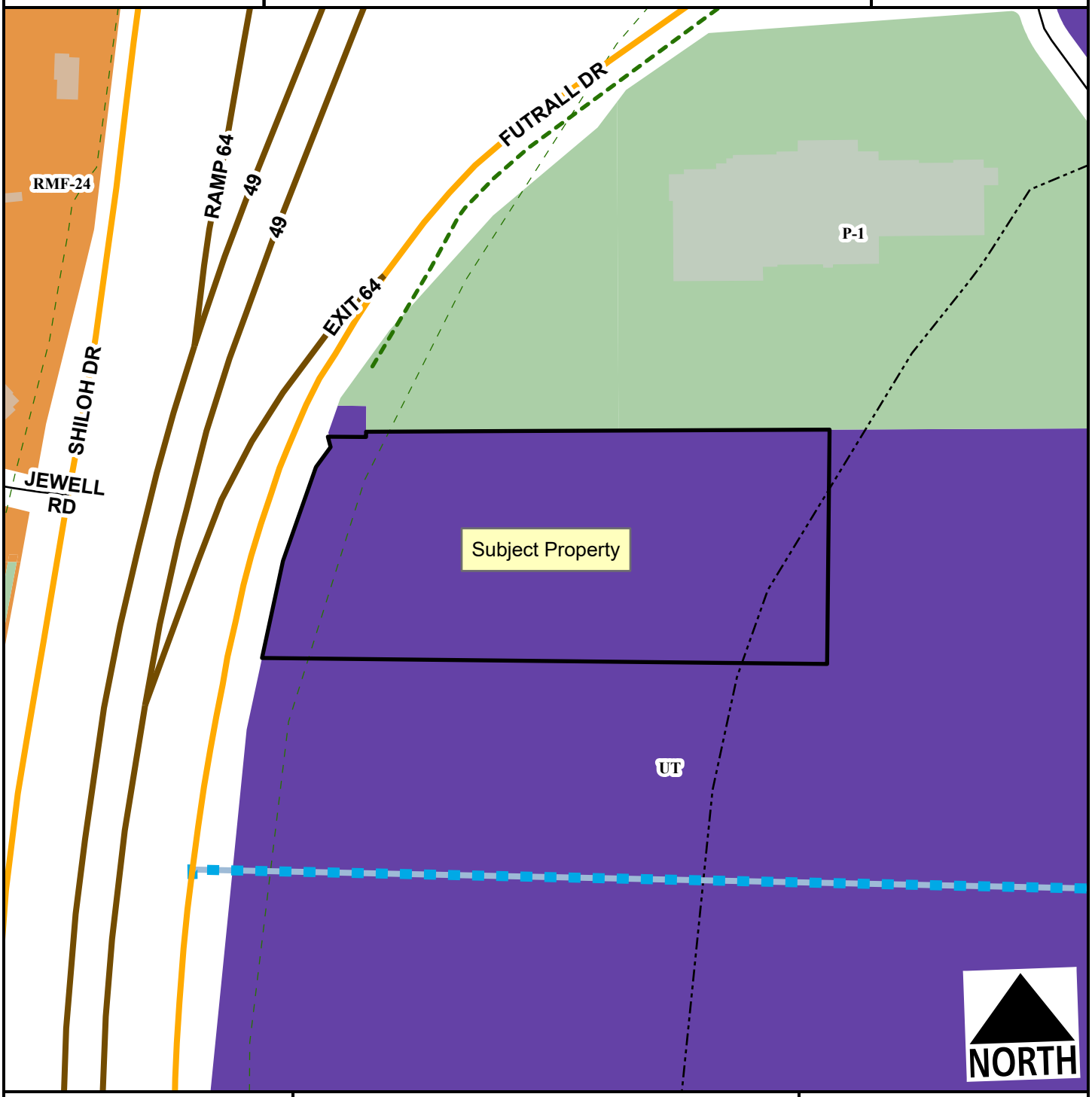
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAR-2024-0024

Close Up View

N. FUTRALL DR & N. MARINONI DR



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

Feet

0 75 150 300 450 600

1:2,400

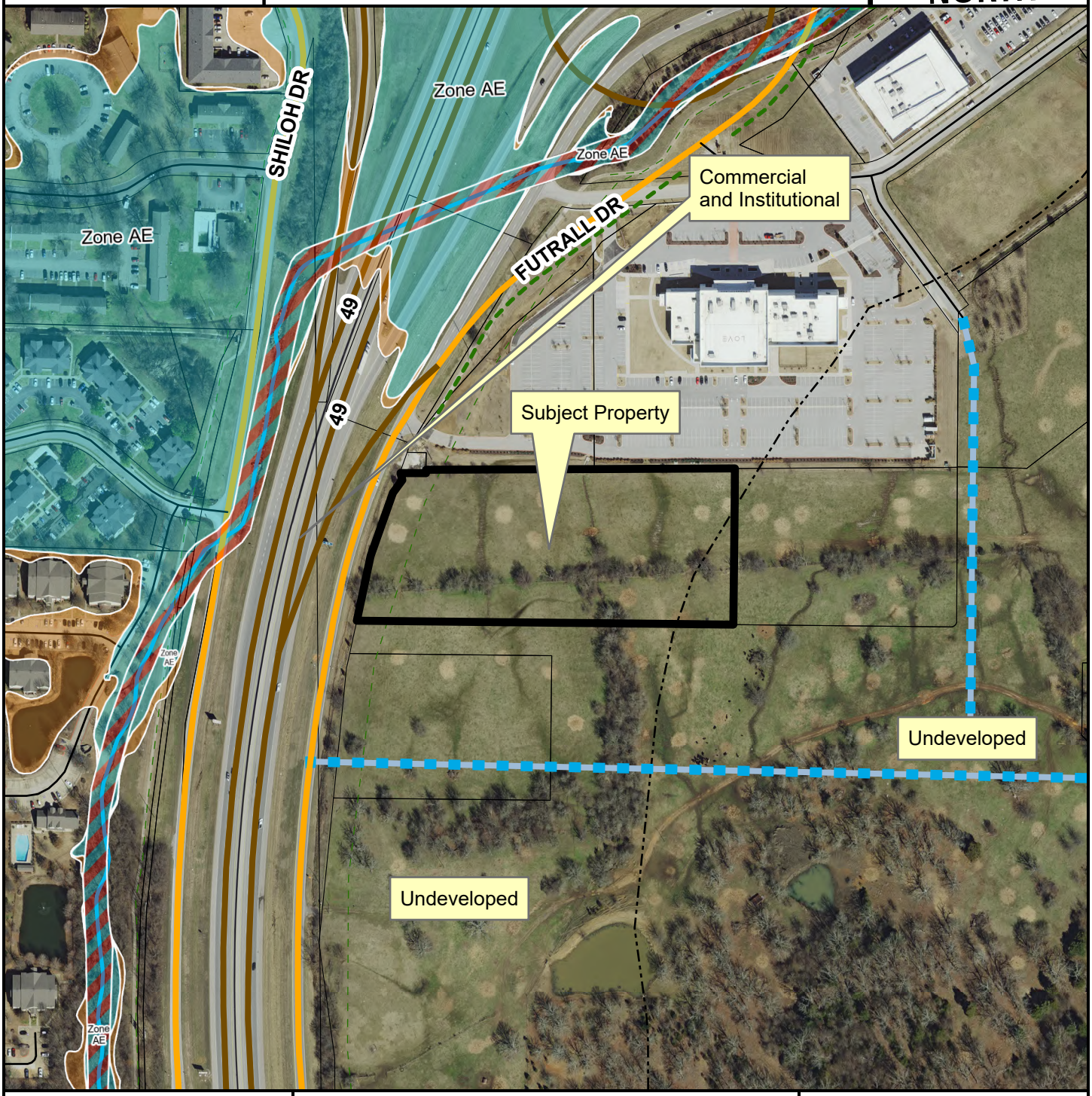
- RMF-24
- Urban Thoroughfare
- P-1

VAR-2024-0024

Current Land Use

N. FUTRALL DR & N. MARINONI DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: June 10, 2024

SUBJECT: **CUP-2024-0021: Conditional Use Permit (3450 N. HEMLOCK AVE./WASHINGTON LODGE #1, 213):** Submitted by SMITH COMMUNICATIONS for property located at 3450 N. HEMLOCK AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.13 acres. The request is for a wireless communications facility.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0021** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0021** with conditions, determining:*

- *In favor of compatibility of Use Unit 36: Wireless Communications Facilities;*
- *In favor of variances to UDC:*
  - *§163.13(B)(4) Camouflaging or Stealth Technology for New Towers;*
  - *§163.13(B)(6) Information Required to Process New Tower Requests;*
  - *§163.13(B)(7) Required (After Condition) Balloon Test and Crane Test Photographs;*
  - *§163.13(B)(8) Sight Line Representation; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in north Fayetteville, approximately 0.12 miles east of N. College Ave. between E. Millsap Rd. to the north and E. Masonic Dr. to the south. Although part of a larger 2.96-acre parcel developed with Washington Masonic Lodge #1, the subject area involves a 5,600-square-foot lease space in the northwest portion of the property, just southeast of N. Hemlock Ave.

A conditional use permit (CUP 09-3284) for the existing stealth cell tower located on the subject property was previously approved in May 2009. Citing technological advancements and capacity issues which have changed the size and configuration requirements for the antennas and associated equipment, the existing tower is no longer able to accommodate antennas within its 26" diameter. These changes have prompted the current request for a new monopole tower on the existing property.

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

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Institutional (Christian Life Cathedral)	R-O, Residential-Office
South	Single-family Residential	R-O Residential-Office; RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to erect a 150-foot monopole tower with an area at the base for equipment shelters and wireless equipment. The new monopole will replace an existing stealth pole located on the site in an approximately 5,600-square-foot lease space. The tower would support AT&T, T-Mobile, and the City's Emergency Dispatch Communications.

Following ordinance requirements, notification was provided to all property owners within a 500-foot radius of the center of the proposed tower. The type and height of the tower is in accordance with §163.13(B). The tower is not located within 140 feet of a residential structure and does not, as a result, require associated property owner approval. The applicant provided all documentation required by §163.13 to process a conditional use request (see attached), with the exception of four variances requested, below.

Variance #1: §163.13(B)(4) Camouflaging or Stealth Technology for New Towers. Towers shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees. The applicant requested to vary from this standard to not provide stealth technology or additional camouflaging.

Staff recommendation: Staff is supportive of this variance request. As outlined in the applicant's letter, larger antenna equipment is needed to meet current capacity requirements and no longer fit within the stealth concealment tower. Further, the proposed 140' monopole tower with additional 10' antenna meets the requirements of other portions of UDC 163.13(B) and would eliminate the need for additional towers nearby.

Variance #2: §163.13(B)(6) Information Required to Process New Tower Requests. This section is intended to outline the application requirements for a new tower. The applicant requested to vary from this requirement to not provide some of this information including a coverage map (a), map of other existing or planned carrier facilities (b), other locations explored (c), and description of colocation efforts (f).

Staff recommendation: Staff is supportive of this variance request finding that the information in this section is requested to evaluate proposals for new cell towers where none currently exists. As this request is to replace the existing tower with a new tower, staff finds that much of this information is duplicative and has been provided with the original conditional use permit for the site. Further, the proposed monopole is proposed to provide opportunities for future co-location of cellular facilities.

Variance #3: §163.13(B)(7) Required (After Condition) Balloon Test and Crane Test Photographs. This requirement is intended to illustrate the height of the proposed tower. The applicant requested to vary from this requirement and only provide photographic mock-ups of the proposed tower.

Staff recommendation: Staff is supportive of this variance request. Typically,the primary

intent of a balloon or crane test is to illustrate the height of a proposed tower. However, in this case, the existing tower is the best representation of the proposed tower height. Further, the applicant provided photographic simulations of the proposed tower to further illustrate the new design, which are included in this submittal. The second purpose of the balloon test is to notify the public during the test to provide a visual representation of the proposed tower. For the purposes of this application, the applicant was required to provide written notice and a public notice sign. This public notice and the existing tower meets the intent of this requirement.

Variance #4: §163.13(B)(8) Sight Line Representation. A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. The applicant requested a variance from this requirement and to only provide photographic mockups of the proposed tower.

Staff recommendation: Staff is supportive of this variance request finding that photographs of current site conditions and using the existing tower as a model for the proposed tower of the same height is the most accurate representation of the project.

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

RECOMMENDATION: Staff recommends approval of **CUP-2024-0021,** subject to the following conditions:

<u>Conditions of Approval</u>:

1. **Planning Commission determination of compatibility for Use Unit 26: Wireless Cellular Facilities.** *Staff finds the proposed wireless cellular facility to be compatible with the neighborhood based on the findings in this report;*

2. **Planning Commission determination of a variance to UDC §163.13(B)(4) Camouflaging or Stealth Technology for New Towers.** *Staff recommends in favor of this variance for the reasons stated above;*

3. **Planning Commission determination of a variance to UDC §163.13(B)(6) Information Required to Process New Tower Requests.** *Staff recommends in favor of this variance for the reasons stated above;*

4. **Planning Commission determination of a variance to UDC §163.13(B)(7) Required (After Condition) Balloon Test and Crane Test Photographs.** *Staff recommends in favor of this variance for the reasons stated above;*

5. **Planning Commission determination of a variance to UDC §163.13(B)(8) Sight Line Representation.** *Staff recommends in favor of this variance for the reasons stated above;*

6. The existing 6-foot wooden privacy fence and vegetation shall be retained for screening of the facility. If any portion of the privacy fence or vegetation is removed or damaged during construction, it shall be immediately replaced. Staff will determine if additional screening is needed after the facility has been constructed. The species and location shall be approved by the Urban Forester;

7. The applicant shall submit a copy of the proposed cellular tower to the Fayetteville Municipal Airport (Drake Field) administration for review and approval with Fayetteville

Airport Zoning law. Written verification from airport administration is required prior to issuance of a building permit. Should the proposal not comply with the Airport Zoning, the Conditional Use Permit shall be null and void;

8. The tower and associated equipment shall be located within the general area as shown on the attached site plans. Construction of the tower shall comply with Chapter 167, Tree Preservation and Protection;

9. A Commercial Building Permit shall be required to review the site development details and screening;

10. The structure and surrounding site should be designed to resist the forces of water. Any structure built along with the tower would be required to be elevated or flood-proofed (non-residential structures only) per Chapter 168. Any utilities below the base flood elevation would be required to be constructed per Chapter 168. Any construction within the Floodway in the area would require other requirements as enforced by the Floodplain Administrator;

11. The applicant shall comply with all applicable federal regulations;

12. Equipment used in conjunction with the tower shall not generate noise which can be heard beyond the site per Chapter 163.13 (A)(1);

13. Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower provided that that the lighting is compliant with Chapter 176 Outdoor Lighting of the Unified Development Code. No lighting shall be installed at a height greater than 6 feet above surrounding grade;

14. Unless otherwise permitted by Chapter 163.13, the tower shall be no taller than 150' (including all antennas, arrays, or other appurtenances);

15. The utility equipment at the base of the tower shall be surrounded by a 6-foot tall wooden security fence as required by 163.13(B)(10);

16. Any connection to existing utilities to provide power to this site shall be located underground. If additional electric lines are required to be extended to provide service to this development, they shall be extended and shall be placed underground at the cost of the applicant;

17. The minimum distance from the base of the tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in writing to the construction of the tower, pursuant to UDC Section 163.13(B)(3);

18. Only warning, site identification and FCC signs shall be permitted as provided by Chapter 163.13 (A)(3) and in no case shall any sign exceed 4 square feet. Signs shall be limited to the fence structure;

19. Co-location shall be permitted for additional carriers, allowing other wireless providers to locate on the facility;

20. When technology becomes available and economically viable to allow the height of cell tower to be reduced by 50 percent or more or to allow the site to be eliminated altogether, such facilities shall be upgraded or eliminated within 24 months of a request by the City;

21. At such time that the licensed carrier(s) abandons or discontinues operation of a wireless facility, the carrier(s) shall physically remove the wireless facility and all associated equipment within 90 days from the date of abandonment or discontinuation, pursuant to Chapter 163.13(G);

22. Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within 30 days to the Planning Department, pursuant to Chapter 163.13(H); and

23. The tower and supporting equipment shelter shall be located outside of the required building setbacks for the RSF-4, Residential Single-Family, Four Units per Acre, zoning district.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 10, 2024	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02, AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 36: Wireless Communications Facilities on property zoned RSF-4, Residential Single-Family, Four Units per Acre.**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: **The Planning Commission is empowered under §161.07 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit should not adversely affect public interest. The new tower and surrounding base equipment will be located approximately 60 feet from the nearest public street and over 245 feet from the nearest residential use. The existing privacy fence and vegetative screen around the existing equipment will be retained, reducing visual impact while providing an important service to the community.**

Pursuant to §163.13, where an applicant demonstrates that it is not feasible to co-locate on an existing structure, a new tower should be camouflaged to the greatest extent possible. Although there are other cell facilities within one mile of this location, the proposed location is the current site of an existing, but insufficient, 150-foot stealth tower. The applicant has requested a variance to §163.13(B)(4), as discussed above. Staff is supportive of this variance request, finding that the proposed tower will not be substantially more visually impactful than the existing tower facility.

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing Use Unit 36: Wireless Communication**

Facilities, as follows:

§163.13 WIRELESS COMMUNICATION FACILITIES

(A) The following general requirements shall apply to all new wireless communications facilities.

(1) Noise Requirements. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air condition units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

Finding: **Equipment used in connection with the tower shall not generate noise which can be heard beyond the site per §163.13. The applicant has noted that noise generation will be limited to that associated with commercial HVAC equipment.**

(2) Compliance with Federal Regulations. Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the City Planner.

Finding: **The applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided prior to issuance of a building permit.**

(3) Lighting and Signage.

(a) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communications facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or right-of-way.

(b) Signs shall be limited to those needed to identify the property and tower and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

Finding: **Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way. All outdoor lighting shall meet lighting ordinance requirements and shall not be located higher than 6' above surrounding grade.**

(B) New Towers. New wireless communications towers shall meet the following requirements:

(1) Type of Towers Allowed. New towers shall be limited to monopole type structures or alternative tower structures.

Finding: **The applicant is proposing a monopole.**

(2) Tower or antenna height limitations. Towers or alternative tower structures are permitted to a maximum height of 150 feet.

Finding: **The maximum tower height (including antenna, lighting rod, and all other appurtenances) permitted by the Unified Development Code is 150 feet. The applicant is currently proposing a 150-foot tall tower.**

(3) Fall Zone. The minimum distance from the base of any tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residences or the land on which said residences are located consent in a sign writing to the construction of said tower. This setback is considered a "fall zone." In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.

Finding: **There are no residential dwelling units located within 150' of the base of the tower, within the 'fall zone'. Although not regulated by ordinance, portions of buildings housing institutional uses, such as the Washington Masonic Lodge #1 and Christian Life Cathedral, are located within the 150' fall zone radius.**

(4) Camouflaging or Stealth Technology for New Towers. If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designated to be camouflaged to the greatest extent possible, including but not limited to: use of a compatible building materials and colors, screening, landscaping and placement within trees.

Finding: **The applicant's proposal is for typical monopole style tower with antenna externally mounted. Due to new technology and increased size of antenna, the antennas can no longer fit within the 26" diameter stealth tower. The applicant is requesting a variance from this requirement, as discussed above. Staff finds that the proposed facility is camouflaged to the greatest extent possible at this particular site with screening and trees.**

(5) Color of Towers. To the extent that any antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

Finding: **As proposed, the galvanized pole would have minimal visual impact to the area.**

(6) Information Required to Process New Tower Requests.
(a) Provide a map of the geographic area that your project will serve.
(b) Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider who is making the application.
(c) Provide a map that shows other potential stand-alone locations for your facility that have been explored.
(d) Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and

proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specification on proposed lighting of the facility

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks and proximity to single family residences.

(f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

(1) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;

(2) Contact with all the other wireless communications licensed carriers operating in the City and Washington County; and

(3) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

(4) Letter from tower owner stating why co-location is not feasible.

(g) Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

Finding: **The applicant has requested a variance to this requirement, as discussed above. Co-locating new carriers on existing cellular towers or existing structures is the first and best option available from a community perspective. Since the existing tower in this location can no longer accommodate the increasingly large cell antenna, the applicant is proposing a replacement tower in the same area. Staff finds that this would have minimal impacts from a community perspective as the community is accustomed to seeing a tower in this location. As stated within the applicant's request, this new tower would continue to support AT&T, T-Mobile, and City Emergency Dispatch services, permit the proposed Verizon co-location, and have capacity for a future fourth carrier.**

(7) Required (after condition) and Balloon Test or Crane Test Photographs. The proposed tower shall be photographed from four locations taken 90 degrees apart and 300' from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four locations. The time period, not to exceed one week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. The four locations shall be approved by the City Planner.

Finding: **The applicant has requested a variance to this requirement, as discussed above.**

(8) Sight Line Representation. A sight line representation shall be drawn from four points 90 degrees apart and 100 degrees from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

Finding: **The applicant has requested a variance to this requirement, as discussed above.**

(9) Structural Integrity and Inspection of Towers

(a) The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.
(b) If a tower fails to comply with the requirements and criteria above and constitutes a danger to person or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within thirty (30) days, the City may terminate that owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).
(c) By making an application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by the applicant which are located in the City. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education ad experience so that they are reasonably capable of identifying functional problems with the facilities.

Finding: **The applicant has provided this information.**

(10) Security Fencing and Anti-climbing Device. Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than six (6) feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing", "High Voltage" or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provision in a particular instance. <u>Barbed wire fencing or razor wire shall be prohibited.</u>

Finding: **The applicant shall retain the existing 6-foot tall wood privacy fence with an vegetative buffer around the equipment at the base of the tower. Staff recommends a condition of approval requiring the retention or replacement of all fencing and vegetative screening. The applicant has indicated in their application that existing signage will remain and indicates ownership and warnings.**

(11) Vegetative Screening Requirements. Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or combination of both.

Finding: **The location of the facility is within an area that is currently vegetated. Additional screening may be required to provide adequate screen between the facility and neighboring properties. Staff will determine if additional screening is needed after the facility has been constructed. The species and location shall be approved by the Urban Forester.**

(12) Setback from Property Lines. Wireless communications facilities shall meet current setbacks as required by zoning.

Finding: **The proposed facility and accessory structures shall comply with RSF-4 setback requirements.**

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

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

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

Finding: **Access is proposed via an existing gravel driveway from the adjacent N. Hemlock Ave. to the subject property to access the tower facility. Traffic and pedestrian access will not be adversely impacted given the minimal amount of traffic to the tower site.**

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

Finding: **No parking or loading areas are required for this use.**

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

Finding: **No refuse generation is anticipated with this use.**

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

Finding: **Utilities to the site shall be located underground and on-site utilities shall be screened from public view except for the proposed cellular tower. Any electric lines that must be extended or provided to the site shall be done so at the cost of the applicant, and all lines shall be located underground at the cost of the applicant.**

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

Finding: **Screening is proposed in the form of an existing 6-foot, wood privacy fence on all sides of the facility with extensive vegetative screening. Staff will evaluate the proposed screening after the site has been developed. Any additional screening shall be permitted by the Urban Forester and shall fully screen the facility from adjacent property boundaries.**

(f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: **Only warning, site identification, and FCC signs are permitted on the subject facility. All required signs shall be located on the fence structure.**

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

Finding: **The location for the proposed ground equipment is outside of the required setbacks for the RSF-4 zoning district.**

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

Finding: **Complete compatibility with adjacent uses is difficult to achieve when erecting any type of tall tower structure. However, to the extent possible the applicant has provided screening and chosen a location to reduce the visual impact on nearby residential areas. Staff finds that the color of the tower and location of the tower mentioned above result in general compatibility.**

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

Finding: **Staff finds that the proposal is compatible with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.**

BUDGET/STAFF IMPACT:
None

Attachments:
- Unified Development Code
  - §163.13, Wireless Communications Facilities
- Applicant Exhibits
  - Request Letter
  - Variance Request Letter
  - Site Plan and Construction Drawings

- Photo Simulations
- One Mile Map
- Close-Up Map
- Current Land Use Map

163.13 - Wireless Communications Facilities

(A) The following general requirements shall apply to all new wireless communications facilities.

(1) *Noise Requirements.* Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

(2) *Compliance with Federal Regulations.* Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator.

(3) *Lighting and Signage.*

(a) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

(b) Signs shall be limited to those needed to identify the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

(B) *New Towers.* New wireless communications towers shall meet the following requirements:

(1) *Type of Towers Allowed.* New towers shall be limited to monopole type structures or alternative tower structures.

(2) *Tower or Antenna Height Limitations.* Towers or alternative tower structures are permitted to a maximum height of 150 feet.

(3) *Fall Zone.* The minimum distance from the base of any tower to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a sign writing to the construction of said tower. This setback is considered a "fall zone." In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.

(4) *Camouflaging or Stealth Technology for New Towers.* If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees.

(5) *Color of Towers.* To the extent that any antenna extending above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

(6) *Information Required to Process New Tower Requests.*

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider who is making the application;

(c) Provide a map that shows other potential stand alone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other

carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

(i) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;

(ii) Contact with all other wireless communications facilities;

(iii) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and

(iv) Letter from tower owner stating why co-location is not feasible.

(g) Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

(7) *Required (After Condition) Balloon Test and Crane Test Photographs.* The proposed tower shall be photographed from four (4) locations taken 90° apart and 300 feet from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four (4) locations. The time period, not to exceed one (1) week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the city at least fourteen (14) days, but not more than twenty-one (21) days prior to the test. The four (4) locations shall be approved by the Zoning and Development Administrator.

(8) *Sight Line Representation.* A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

(9) *Structural Integrity and Inspections of Towers.*

(a) The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.

(b) If a tower fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within thirty (30) days, the city may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).

(c) By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the city. The applicant further agrees to conduct inspections of all such facilities not less frequently than every twelve (12) months. The applicant agrees that said inspections shall be conducted by one (1) or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

(10) *Security Fencing and Anti-Climbing Device.* Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than 6 feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing," "High Voltage," or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provisions in a particular instance. Barbed wire fencing or razor wire shall be prohibited.

(11) *Vegetative Screening Requirements.* Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both.

(12) *Setbacks from Property Lines.* Wireless communication facilities shall meet current setbacks as required by zoning.

...

(E) *Exemptions.*

…

(3) *Existing Towers.* All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with §163.14(A) and (B) regarding color of towers, structural integrity and inspections of towers, security fencing and anti-climbing device, and vegetative screening requirements. All existing guyed towers shall also be subject to the following conditions:

(a) A demolition permit shall be issued prior to a building permit being issued for the replacement tower;

(b) The demolition permit shall expire within ninety (90) days and shall require the existing tower to be demolished within ninety (90) days from issuance of the building permit for the replacement tower;

(c) The new tower shall be constructed as close as technically feasible to the existing tower;

(d) The replacement structure may be increased in width to a maximum of 36 inches. Existing guyed towers over 36 inches shall not be increased in width with a replacement tower.

…

(F) *Municipal Profits from Towers.* The City of Fayetteville should actively market its own property and existing structures as suitable co-location sites. As noted above, the review process is shortened and simplified when co-location on city property is submitted by applicant. An annual lease amount should be charged according to the fair market value of the location. In cases where the company no longer needs the tower, the city may require it to be removed. Applicants can provide co-location space for city-owned antenna.

(G) *Abandoned Antennas and Towers.* At such time that a licensed carrier abandons or discontinues operation of a wireless communication facility, such carrier will notify the city of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of antenna, equipment shelters and security barriers from the subject property;

(2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;

(3) Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(H) *Notification of Change of Ownership/Operator.* Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within thirty (30) days to the Zoning and Development Administrator.

…

Smith Communications, LLC.
520 N College Ave. Fayetteville, AR 72701
Ph 479-443-7777 Fax 479-443-5677

April 11, 2024

City of Fayetteville
Planning Commission & Staff

RE: Smith Communications Proposal to Replace Existing Tower at 3450 N Hemlock Ave

Smith Communications, LLC proposes to replace the existing 140-foot stealth (150-foot overall height including antenna) concealment tower with a new 140--foot monopole tower (150-foot overall height including antenna). The existing tower was constructed with the approval of Conditional Use Permit 09-3284 issued on May 26, 2009. Since then, technological advancements and growing capacity issues have changed the size and configuration requirements for the antennas and associated equipment. The carriers have Radio Frequency Licenses from the FCC for the State of Arkansas. The FCC requires its licensees to provide adequate and reliable service in the licensed area as specified in Title 47, Part 24.103 of the Code of Federal Regulations. In order to fulfill this requirement for their FCC licenses, the carriers need to provide continuous, uninterrupted wireless communication service in the area. Installing antennas and associated equipment designed for licensed frequencies must be allowed and accommodated. As the tower owner, we are contractually obligated to provide a structure that will allow the carriers to meet their FCC requirements. The antenna sections of the existing tower are only 26" in diameter which will no longer accommodate the new antennas required by the current carrier tenants to continue to provide quality service. Visual graphics and antenna specification sheets are attached as appendixes to this request letter to better depict the issue with the existing tower. The existing tower currently supports AT&T and T-Mobile as well as the City's Emergency Dispatch Communications. Verizon has recently inquired about also collocating equipment at this site. The one available elevation on the existing tower will not accommodate Verizon's proposed equipment for collocation.

This request letter will address each requirement of the Municipal Code for Wireless Communications Facilities. Relevant variance requests to requirements that do not apply to this tower replacement application are submitted in a separate letter.

Per Code 163.13(A)(1) Noise Requirements, the equipment at the site does not/will not generate noise that can be heard beyond the site and the air conditioning units are no noisier than ordinary residential units. The existing or any future generators which are used for emergency power situations where regular power supply for a facility is temporarily interrupted are or will be equipped with a functional residential muffler.

Per Code 163.13(A)(2) Compliance, the proposed monopole tower will be in compliance with all applicable federal regulations. The existing tower is currently registered with the FCC and this registration will be transferred to the proposed tower as a replacement.

Per Code 163.13(A)(3) Lighting and Signage, there are no proposed changes or to the current lighting and signage of the existing site or proposed tower. No security lights are required or warranted.

(a) Based on the aeronautical study No 2009-ASW-2542-OE by the FAA, the existing tower does not exceed obstruction standards and is not a hazard to air navigation. Based on the evaluation, marking and lighting are not necessary for aviation safety.

(b) The existing signs posted on the existing fence near the gate are limited to signs identifying the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags or banners are proposed.

Per Code 163.13(B)(1) Type of Towers Allowed, we are proposing a new monopole type tower to replace the existing concealment type tower. The proposed change in type of tower, will allow future equipment changes without interruption or restriction.

Per Code 163.13(B)(2) Tower or Antenna Height Limitations, the proposed tower is a 140-foot monopole which will have an overall maximum height of 150 feet once the city's antenna is installed at the top.

Per Code 163.13(B)(3) Fall Zone, the existing facility is positioned on the property so that it takes full advantage of distancing itself from street traffic. The base of the proposed tower will meet the setback requirement of 150 feet (100% of overall height including antennas) from all residential buildings. The nearest residential building is 306 feet to the northeast of the proposed tower.

Per Code 163.13(B)(4) Camouflaging or Stealth Technology, the existing site has the benefit of mature trees on all sides of the parent parcel as well as mature established landscape trees and shrubs to help camouflage the site.

Per Code 163.13(B)(5) Color of Towers, the proposed new 140-foot monopole tower will be neutral in color, unpainted, galvanized steel.

Per Code 163.13(B)(6) Information Required to Process New Tower Requests, we are proposing to upgrade this site with a new tower that will accommodate all proposed equipment and carriers. The proposed new 140-foot monopole tower (150-foot overall height) will be designed for the existing two carriers (AT&T & T-Mobile), the existing City of Fayetteville equipment, the proposed Verizon collocation and a fourth future carrier. The proposed monopole will allow the current tenants to upgrade their equipment and accommodate the proposed new Verizon equipment without the need to extend the tower in height or build an additional communications facility nearby. A scaled plan of the existing site has been submitted that identifies the new tower location within the existing fenced area. This is the best location as it is replacing an existing tower at this location. The area is already accustomed to seeing a tower structure at this location. It is in an area that has commercial or religious property to the west and north, and no zoned single-family residences nearby. There are many trees in the area that shield this location from a visual aspect. The location is well beyond the setback requirement from the street and residential property. The parent parcel is zoned RSF-4 and owned by the Washington County Masonic Building Corporation.

Per Code 163.13(B)(9) Structural Integrity and Inspections of Towers, the proposed tower has been designed by a state licensed professional engineer to meet or exceed all local, state and federal requirements regarding the construction, maintenance and operation of the tower. The preliminary proposed design is submitted as a separate document. If approved for conditional use permit, the design will be finalized and submitted during engineering review. Smith Communications will continue to inspect and maintain the communications facility.

Per Code 163.13(B)(9) Security Fencing and Anti-Climbing Device, the location is currently enclosed by a 6-foot wood privacy fence with chain and locks on the gate. Signs indicating owner contact information, FCC registration identification, and warning information are posted on the outside of the fence to the left of the gate. The proposed tower will include anti-climbing measures.

Per Code 163.13(B)(10) Vegetative Screening Requirements, the site is currently surrounded by mature landscape trees and shrubs as well as native mature trees including

oaks and pines along all parent parcel boundary lines. Any existing landscape plants that are disturbed during construction will be replaced with like kind or as required.

There are no new buildings planned for the site. This site will remain an unmanned facility with no requirement for trash or refuse service.

Minimal traffic is anticipated at one site visit per month with access off Hemlock Avenue. A parking space is located within the existing access drive.

Smith Communications is proud to be a local provider of wireless infrastructure. We are proud to bring this project forward with the strong belief that this tower proposal is compatible and consistent with the current and future land uses and is the best solution to meet these needs while providing an excellent piece of infrastructure so that the community may continue to depend on having the best possible wireless services while in the College Avenue-Fulbright Expressway interchange area of Fayetteville.

Respectfully,

Lisa Taylor

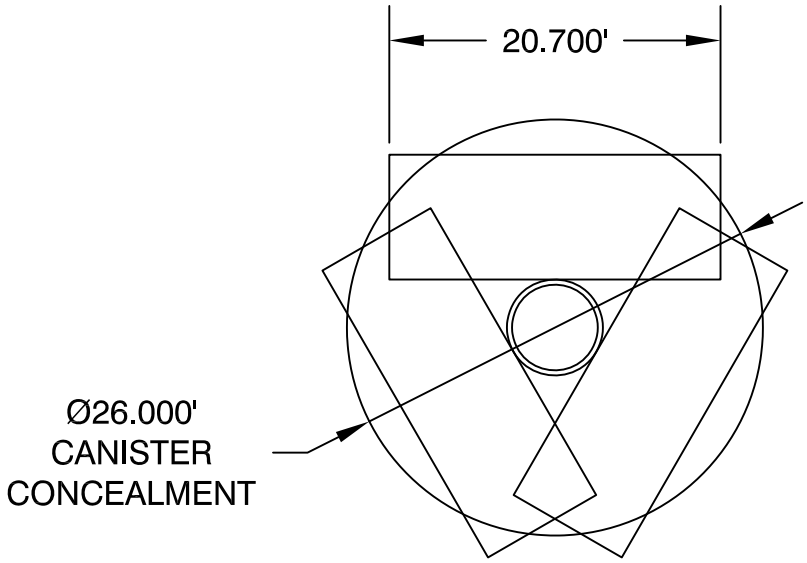
Lisa R. Taylor
Program Manager
Smith Communications
501-317-6851

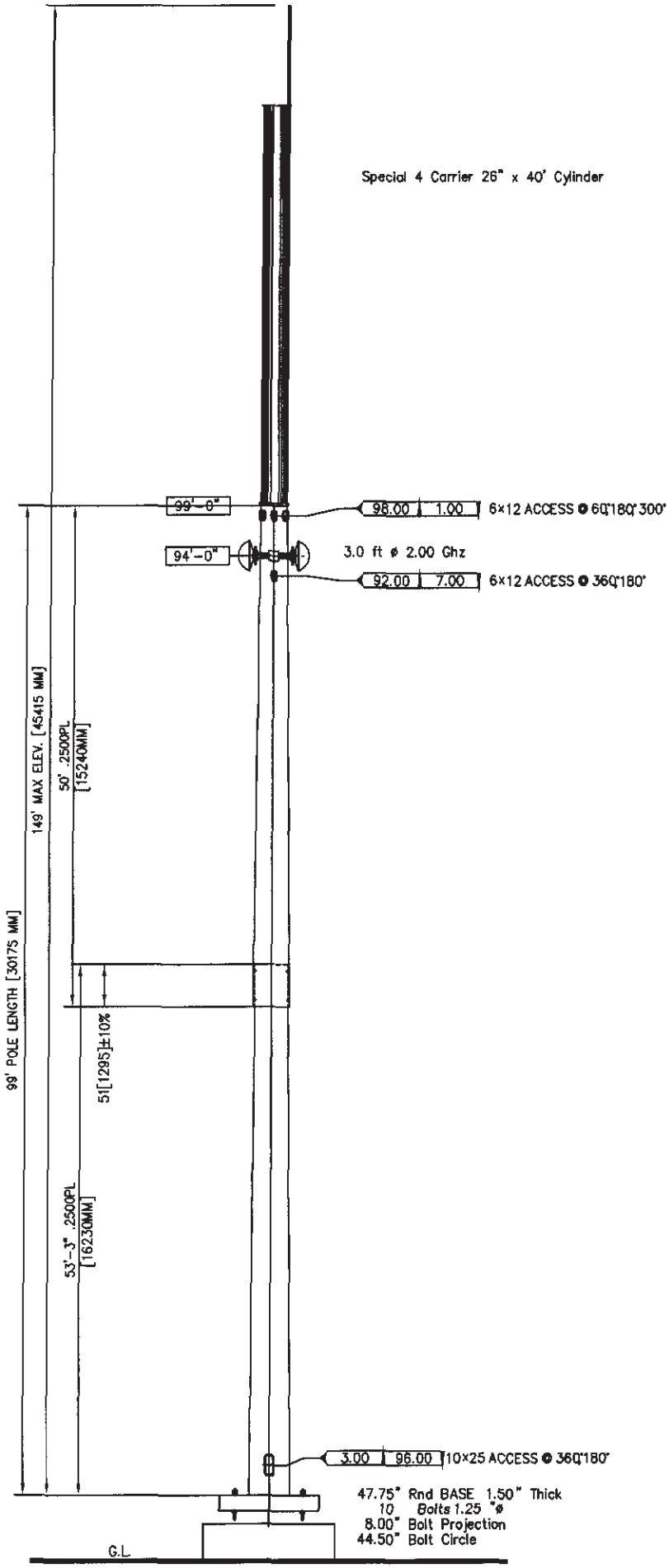
Smith Communications, LLC

520 N College Ave, Fayetteville, Arkansas 72701
(479)443-3222
ltaylor@smithradio.com

FULBRIGHT
Site Name

The antennas proposed by AT&T are 20.7" x 7.7" x 48.0" tall. The proposed antennas will not fit inside the canister. T-Mobile's proposed antennas are even larger at 25.2" x 9.23" x 95.5" tall.





POLE SPECIFICATIONS		
POLE HEIGHT	99.00	FEET
TAPER	.1500	IN/FT
POLE SHAPE	18	SIDED POLYGON
ORIENTATION	FLAT-FLAT	

Lev	Qty	Elev ft.	Future	DESCRIPTION APPURTENANCE / ANTENNA
1	1	99.00		Special 4 Carrier 26" x 40' Cylinder
	1	144.00		10' OMNI
	3	134.00		800 10123
	6	134.00		TMA
	3	124.00		800 10123
	6	124.00		TMA
	3	114.00		742 265
	3	104.00		742 265
2	2	94.00	F	Pipe Mount (up to 6' Dish)
	2	94.00	F	RAD 3' MICROWAVE 2.00 Ghz

Load Case DESCRIPTION	Wind (mph)	OLF Vert	Rad. Ice	Factors Gust	Cf	Wind (psf)
1) Max Wind	70.0	1.00		1.69	.65	21.2
2) Max Wind Load x.75	60.6	1.00	.50	1.69	.65	15.9
3) Everyday Operating	50.0	1.00		1.69	.65	10.8

Load Case DESCRIPTION	Res. Axial (kips)	Base React Shear (kips)	Mom (ft-k)	Disp DEFL. (ft)	⊙Top SWAY (deg)
1) Max Wind	16.0	6.3	462	1.5	1.47
2) Max Wind Load x.75	19.2	5.0	374	1.2	1.21
3) Everyday Operating	15.9	3.2	236	.8	.75

Sec	LENGTH (ft)	Flat-Flat TOPø	BOTø	THICK (in)	WEIGHT (lbs)	STEEL SPEC	FINISH
1	50.00	26.00	33.50	.2500	5000	A572-65	Galv/Paint
2	53.25	32.36	40.35	.2500	6500	A572-65	Galv/Paint
				TOTAL	11500		
ABolt Cluster		Boltø	Holeø				
AB	63.00	1.25	1.500		400	A449-81	Galv-18"

1) ANTENNA FEED LINES RUN INSIDE POLE
2) THE MONOPOLE WAS DESIGNED IN ACCORDANCE WITH EIA/TIA-222-F.

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 11161
STEPHEN YEO

JUL 16 2009

SMITH TWO-WAY RADIO, INC.
Fulbright, AR

Sabre Towers & Poles

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150.00 SLIMLINE

10-07033	SIZE A	DRAWING NO. 10-07033-PE		REV —
DATE 07Jul09				
DRAWN BY —	REFERENCE DRAWING	SCALE N.T.S.	PAGE 1	
CHECKED BY JDS				

FFVV-65C-R3-V1

8-port sector antenna, 4x 617-894 and 4x 1695–2690 MHz, 65° HPBW, 3x RET

- Meets -153dBc 3rd order PIM for 1695-2690MHz, using 2x40W carriers

General Specifications

Antenna Type	Sector
Band	Multiband
Color	Light Gray (RAL 7035)
Grounding Type	RF connector inner conductor and body grounded to reflector and mounting bracket
Performance Note	Outdoor usage
Radome Material	Fiberglass, UV resistant
Radiator Material	Low loss circuit board
Reflector Material	Aluminum
RF Connector Interface	4.3-10 Female
RF Connector Location	Bottom
RF Connector Quantity, mid band	4
RF Connector Quantity, low band	4
RF Connector Quantity, total	8

Remote Electrical Tilt (RET) Information

RET Interface	8-pin DIN Female | 8-pin DIN Male
RET Interface, quantity	1 female | 1 male
Input Voltage	10–30 Vdc
Internal RET	Low band (1) | Mid band (2)
Power Consumption, active state, maximum	10 W
Power Consumption, idle state, maximum	2 W
Protocol	3GPP/AISG 2.0 (Single RET)

Dimensions

Width	640 mm | 25.197 in

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FFVV-65C-R3-V1

Depth	235 mm | 9.252 in
Length	2437 mm | 95.945 in
Net Weight, without mounting kit	53.8 kg | 118.609 lb

Array Layout

Array	Freq (MHz)	Conns	RET (SRET)	AISG RET UID
R1	617-894	1-2	1	ANxxxxxxxxxxxxxxxx1
R2	617-894	3-4		
Y1	1695-2690	5-6	2	ANxxxxxxxxxxxxxxxx2
Y2	1695-2690	7-8	3	ANxxxxxxxxxxxxxxxx3

(Sizes of colored boxes are not true depictions of array sizes)

Port Configuration

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FFVV-65C-R3-V1

Electrical Specifications

Impedance	50 ohm
Operating Frequency Band	1695 – 2690 MHz | 617 – 894 MHz
Polarization	±45°
Total Input Power, maximum	900 W @ 50 °C

Electrical Specifications

Frequency Band, MHz	**617–698**	**698–894**	**1695–1880**	**1850–1990**	**1920–2200**	**2300–2500**	**2500–2690**
Gain, dBi	16	16.3	17.6	18	18.6	18.5	18.6
Beamwidth, Horizontal, degrees	65	63	68	65	61	57	61
Beamwidth, Vertical, degrees	10.2	8.5	5.6	5.4	5.1	4.4	4.1
Beam Tilt, degrees	2–13	2–13	2–12	2–12	2–12	2–12	2–12
USLS (First Lobe), dB	17	19	19	20	22	19	18
Front-to-Back Ratio at 180°, dB	30	33	34	38	36	31	32
Front-to-Back Total Power at 180° ± 30°, dB	22	22	28	30	27	26	27
CPR at Boresight, dB	15	15	20	22	19	16	23
CPR at Sector, dB	7	7	6	6	5	6	9
Isolation, Cross Polarization, dB	25	25	25	25	25	25	25
Isolation, Inter-band, dB	28	28	28	28	28	28	28
VSWR | Return loss, dB	1.5 | 14.0	1.5 | 14.0	1.5 | 14.0	1.5 | 14.0	1.5 | 14.0	1.5 | 14.0	1.5 | 14.0
PIM, 3rd Order, 2 x 20 W, dBc	-150	-153					
PIM, 3rd Order, 2 x 40 W, dBc			-153	-153	-153	-153	-153
Input Power per Port at 50°C, maximum, watts	250	250	200	200	200	200	200

Electrical Specifications, BASTA

Frequency Band, MHz	**617–698**	**698–894**	**1695–1880**	**1850–1990**	**1920–2200**	**2300–2500**	**2500–2690**
Gain by all Beam Tilts, average, dBi	15.5	15.8	17.3	17.7	18.2	18.2	18.2
Gain by all Beam Tilts Tolerance, dB	±0.5	±0.6	±0.3	±0.4	±0.6	±0.4	±0.5
Beamwidth, Horizontal Tolerance, degrees	±4	±5.9	±3.1	±3.9	±7	±7	±7.2

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DATA SHEET

Multi-Band Eight-Port Antenna

OPA65R-BU4D

- Four foot (1.2 m) multiband, eigth port antenna with a 65° azimuth beamwidth covering 698-896 MHz and 1695-2400 MHz frequencies
- Four high band ports covering 1695-2400 MHz and four low band ports covering 698-896 MHz in a single antenna enclosure
- Full Spectrum Compliance for WCS and AWS-3 frequencies and Band 14 Operations
- Array configuration allows for 4T4R (4X4 MIMO) on Low Band, essential for Band 14 Operations
- LTE Optimized FBR and SPR performance, providing for an efficient use of valuable radio capacity
- LTE Optimized Boresight and Sector XPD and USL performance, essential for LTE Performance
- Exceeds minimum PIM performance requirements
- Equipped with new 4.3-10 connector, which is 40% smaller than traditional 7/16 DIN connector
- Ordering options for External RET Controllers (Type 1) or Internally Integrated RET Controllers (Type 17)

Overview

The CCI Multi-Port multiband array is a eight port antenna, with four wide band ports covering 1695-2400 MHz and four low band ports covering 698-896 MHz. The antenna provides the capability to deploy 4×4 Multiple-input Multiple-output (MIMO) in the high band and 4X4 Multiple-input Multiple-output (MIMO) across low band ports. The CCI 8-Port allows independent tilt control between the low band ports and high band ports. In this two RET configuration, the 1st RET is dedicated for the four Low Band ports and the 2rd RET is for the four High Band ports.

CCI antennas are designed and produced to ISO 9001 certification standards for reliability and quality in our state-of-the-art manufacturing facilities.

Applications

- 4×4 MIMO for the High Band and 4X4 MIMO Low Band ports
- Ready for Network Standardization on 4.3-10 DIN connectors
- With CCI's multiband antennas, wireless providers can connect multiple platforms to a single antenna, reducing tower load, lease expense, deployment time and installation costs

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SPECIFICATIONS

Multi-Band Eight-Port Antenna

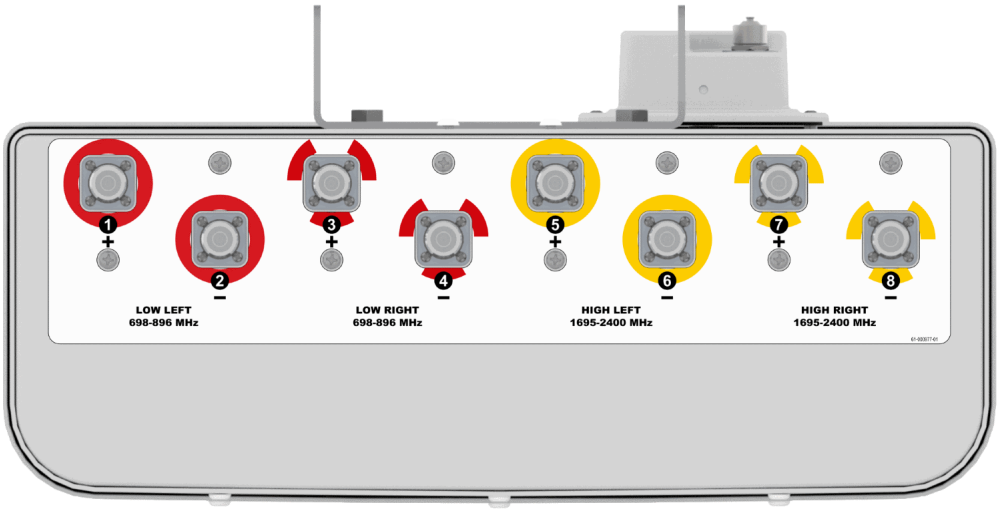
OPA65R-BU4D

Mechanical

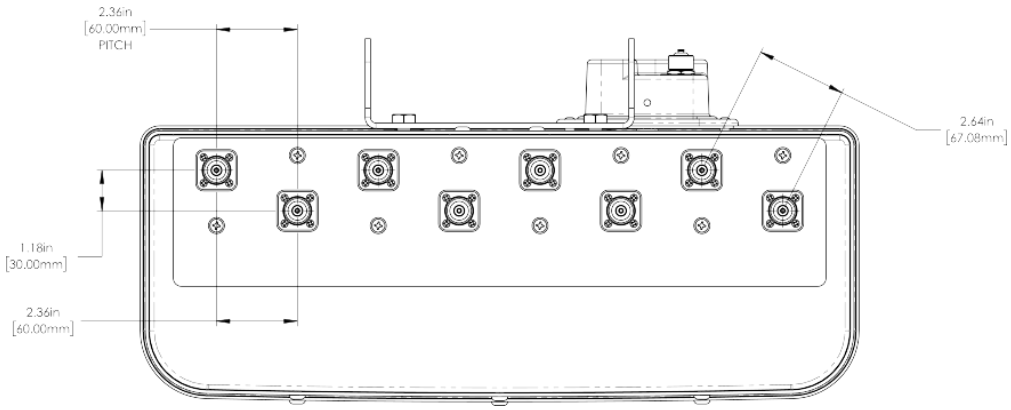
Dimensions (LxWxD)	48.0x20.7x7.7 in (1220x525x197 mm)
Survival Wind Speed	> 150 mph (> 241 kph)
Front Wind Load	212 lbs (943 N) @ 100 mph (161 kph)
Side Wind Load	90 lbs (402 N) @ 100 mph (161 kph)
Equivalent Flat Plate Area	8.3 ft^2 (0.8 m^2)
Weight *	46.3 lbs (21.0 kg)
Packaging Dimensions (LxWxD)	60.2x26.9x15.0 in (1530x683x381 mm)
Packaged Weight ~	79.4 lbs (36.0 kg)
Connector	8 x 4.3-10 female
Mounting Pole	2 to 5 in (5 to 12 cm)

** Weight excludes mounting*

Bottom View



Connector Spacing



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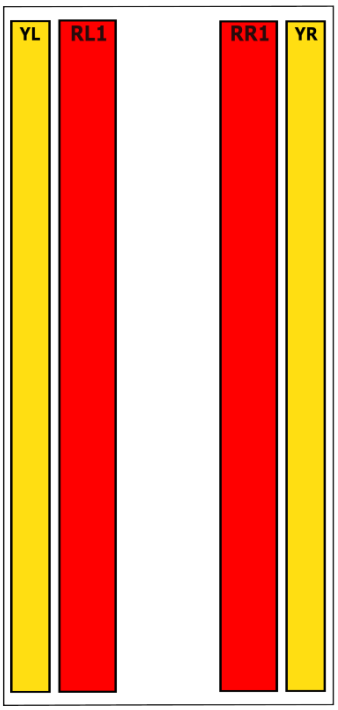
Mechanical

RET to Element Configuration

OPA65R-BU4DA Element and RET configuration (Type 1 External RET)

Top of antenna Viewed from rear



RET placement as viewed from rear of antenna

Top of antenna

698-896
Ports 1, 2, 3 & 4
(RR 1 & RL1)

1695-2400
Ports 5, 6, 7 & 8
(YL & YR)

Array	Ports	Freq (MHz)	Ports controlled by common RET
RL1	1, 2	698-896	1, 2, 3, 4
RR1	3, 4	698-896	
YL	5, 6	1695-2400	5, 6, 7, 8
YR	7, 8	1695-2400	

Mechanical

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Smith Communications, LLC.
520 N College Ave. Fayetteville, AR 72701
Ph 479-443-7777 Fax 479-443-5677

May 14, 2024

City of Fayetteville
Planning Commission & Staff

RE: Smith Communications Proposal to Replace Existing Tower at 3450 N Hemlock Ave

Smith Communications, LLC is requesting a variance from the following Use Conditions for Wireless Communications Facilities:

163.13(B)(4) *Camouflaging or Stealth Technology for New Towers.* If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees.

The existing stealth concealment tower was built in 2009 and was designed to accommodate four carriers per CUP requirement with the technology/antennas used at that time. Since then, advancing technology and increased demand requires much larger and more equipment for carrier to continue to provide quality service. The existing concealment tower currently supports AT&T and T-Mobile as well as the City's Emergency Dispatch Communications. Verizon has recently inquired about also adding equipment to this site. The current tower will not accommodate the new equipment the existing carriers need to install and there is not room for the proposed Verizon equipment. We request variance from the "Stealth Technology" requirement and allow us to replace this tower with a proposed 140' monopole as allowed by 163.13(B)(1) *Type of Towers Allowed.* "New towers shall be limited to monopole type structures or alternative towers structures." By allowing this variance, we will be able to eliminate the need for a second tower to be installed nearby.

163.13(B)(6) *Information Required to Process New Tower Requests.*

This section requests documentation to justify a brand new tower and why collocation is not feasible. This project submittal is to replace an existing tower that no longer meets the needs of the current carriers. The objective is to provide a new structure that will allow the continuation of current and future collocation.

163.13(B)(7) *Required (After Condition) Balloon Test and Crane Test Photographs.* The proposed tower shall be photographed from four (4) locations taken 90° apart and 300 feet from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of

the tower and photographed from the same four (4) locations. The time period, not to exceed one (1) week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the city at least fourteen (14) days, but not more than twenty-one (21) days prior to the test. The four (4) locations shall be approved by the Zoning and Development Administrator.

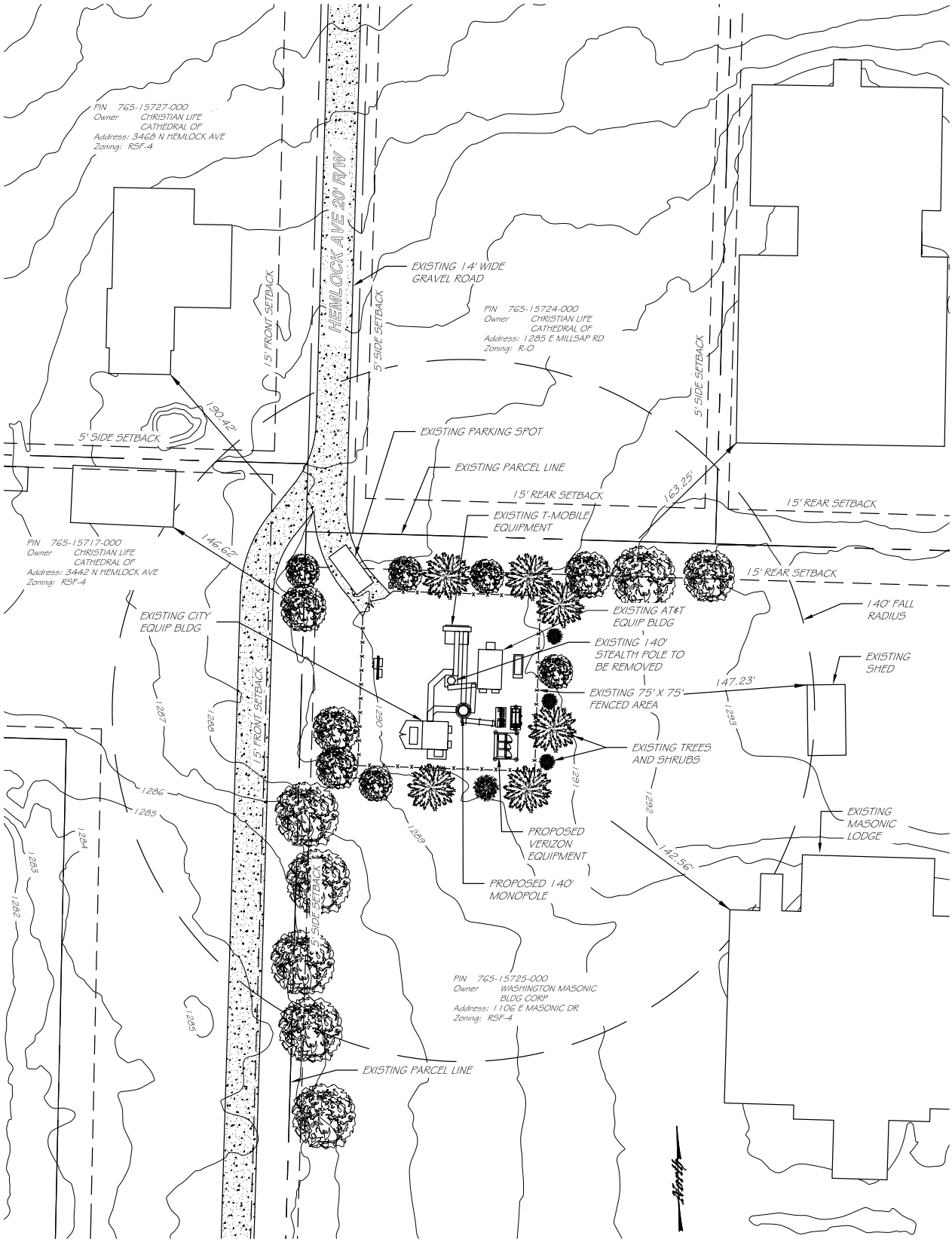
We are requesting a variance of the Balloon Test & Notification Requirement of this section. The purpose of the Balloon Test is to visually represent the height of a proposed new tower. In this circumstance, there is an existing tower at the location which accurately represents the height of the proposed replacement tower. We are not requesting to increase the tower in height. To address the advertisement requirement, this should not be necessary as we will not need to float a balloon to simulate the tower height. Public Notification of the tower replacement will be sent out required for a public hearing. The photographs and simulations are submitted per requirement.

163.13(B)(8) *Sight Line Representation.* A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

We are requesting a variance of the site line representation drawings. The site line representation drawings were submitted with the original conditional use application. The photos of the existing tower and the photo simulations of proposed tower provide a more accurate depiction of the proposed tower, and profile of intervening trees, buildings, existing fence, and landscaping.

Respectfully,

Lisa R. Taylor
Program Manager
Smith Communications
501-317-6851



OVERALL SITE PLAN

SCALE: 1" = 40'

SHEET NUMBER: OSP

REVISION: A

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

REV	DATE	DRWN	DESCRIPTION
A	04/17/24	LRT	CUP REVIEW

ISSUED FOR:

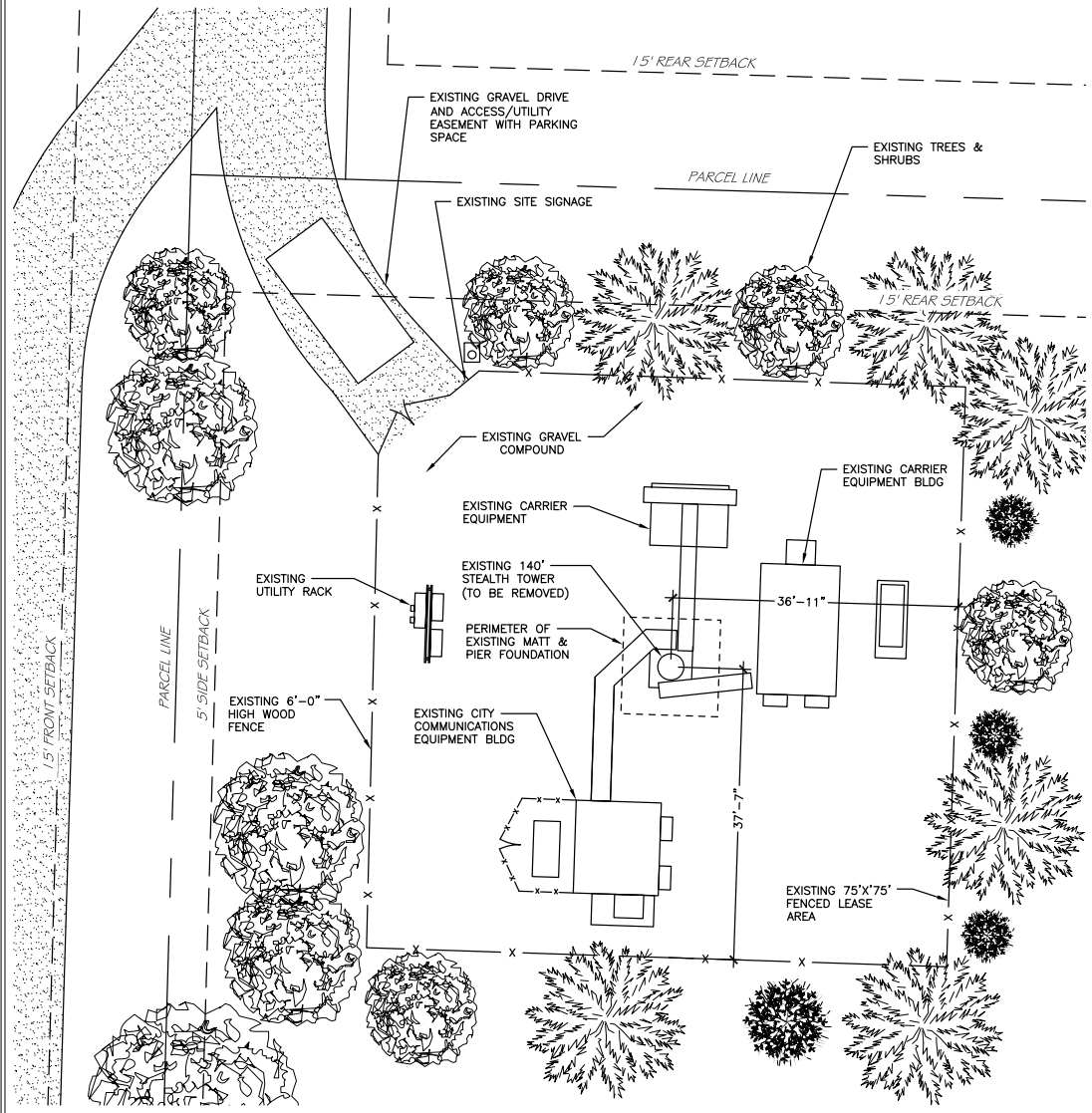
CHECKED BY: LRT

FULBRIGHT

3450 HEMLOCK AVE
FAYETTEVILLE, AR 72701

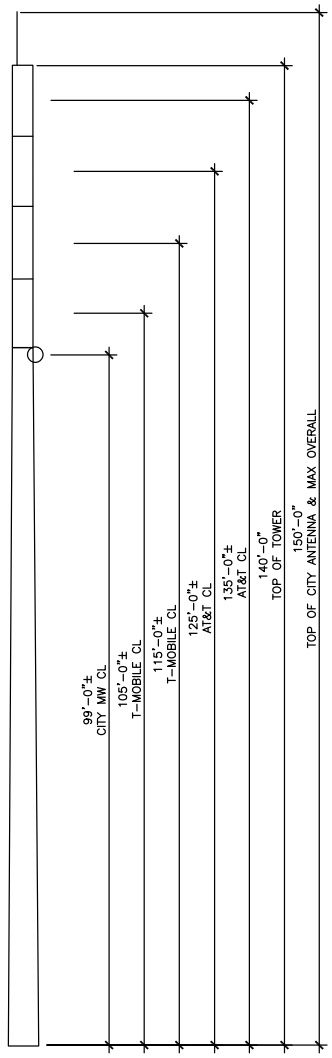
140' MONOPOLE

SMITH COMMUNICATIONS



1 EXISTING SITE PLAN
SCALE: 0' 5' 10' 20' 40'

N



1 EXISTING TOWER PROFILE
SCALE: NTS

SMITH COMMUNICATIONS

FULBRIGHT
3450 HEMLOCK AVE
FAYETTEVILLE, AR 72701

140' MONOPOLE

CHECKED BY: LRT

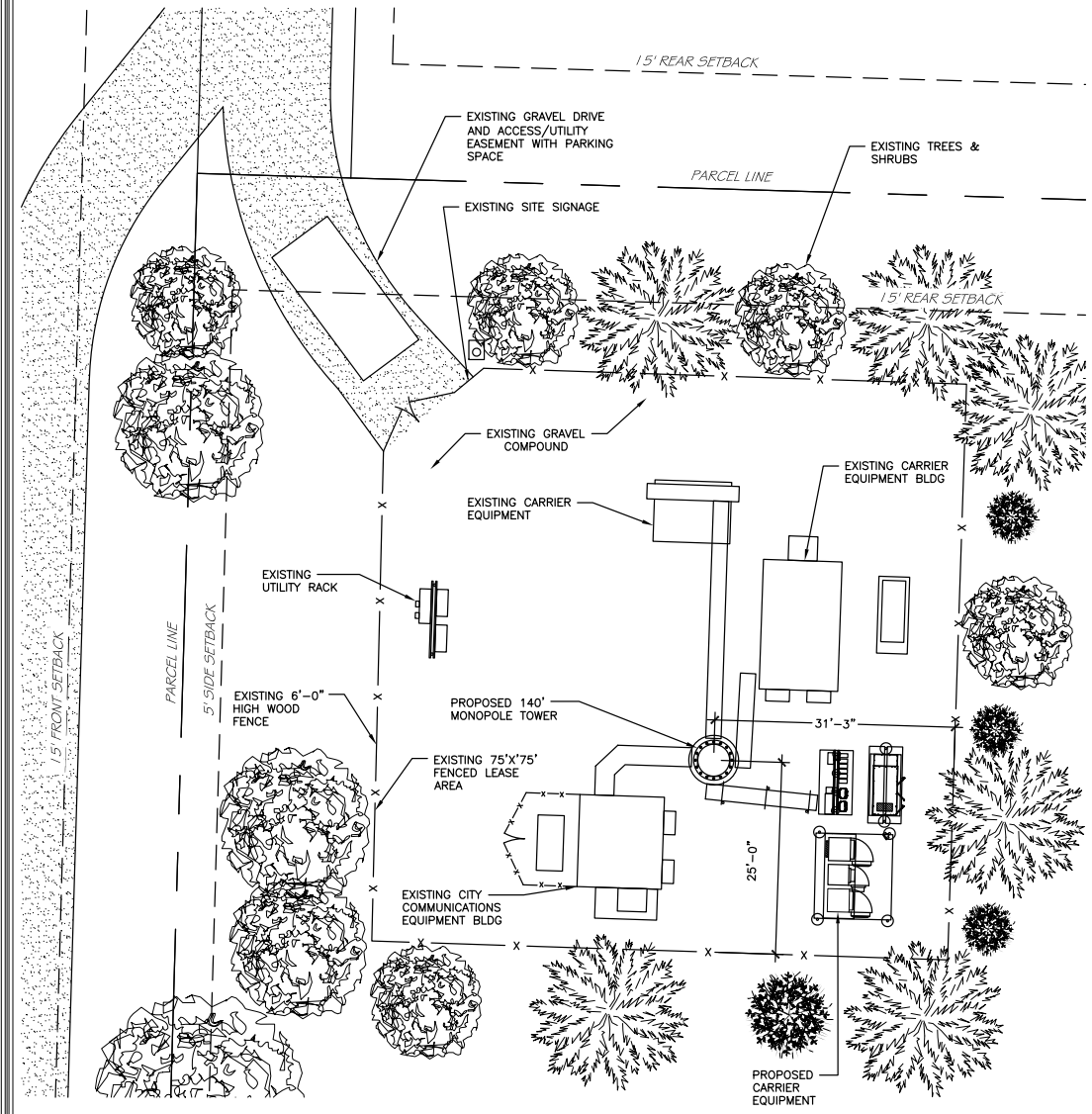
ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION
A	04/17/24	LRT	CUP REVIEW

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

SHEET NUMBER: SP-1

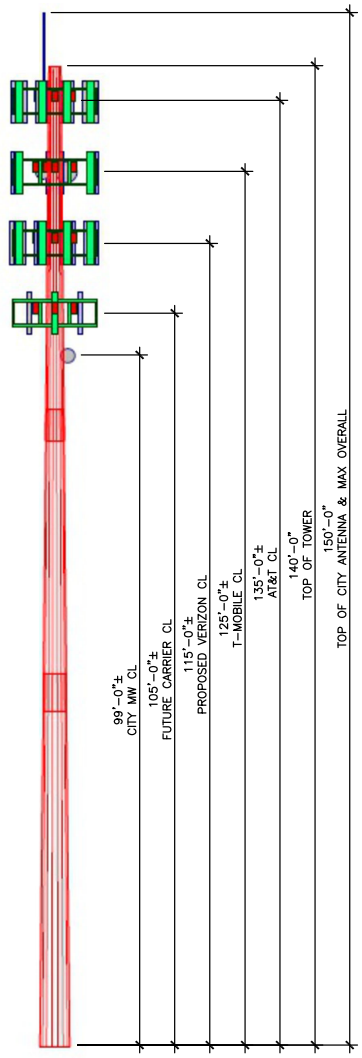
REVISION: A



1 PROPOSED SITE PLAN

SCALE: 0' 5' 10' 20' 40'

N



1 PROPOSED TOWER PROFILE

SCALE: NTS

SMITH COMMUNICATIONS

FULBRIGHT

3450 HEMLOCK AVE
FAYETTEVILLE, AR 72701

140' MONOPOLE

CHECKED BY: LRT

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION
A	04/17/24	LRT	CUP REVIEW

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

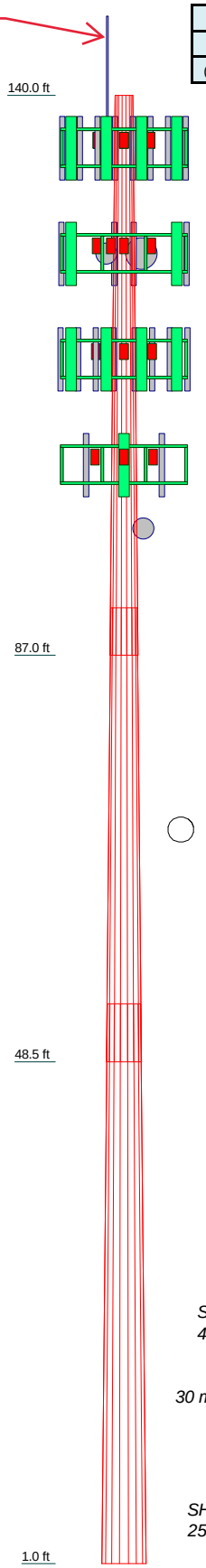
SHEET NUMBER: SP-2

REVISION: A

10' city antenna, overall height not to exceed 150' AGL

Structural Top Plate:
1.25" x 28" A572 Gr. 50
(12) 3/4" Bolts on a 24" B.C.

Section	Length (ft)	Number of Sides	Thickness (in)	Socket Length (ft)	Top Dia (in)	Bot Dia (in)	Grade	Weight (K)
1	53.00	18	0.1875	4.50	20.0000	31.7725		2.8
2	43.00	18	0.2500	5.50	30.3979	39.9492	A572-65	4.1
3	53.00	18	0.3125		38.2275	50.0000		7.8
								14.6



ALL REACTIONS ARE FACTORED

AXIAL 77 K

SHEAR 4 K

MOMENT 455 kip-ft

TORQUE 1 kip-ft
30 mph WIND - 2.0000 in ICE

AXIAL 38 K

SHEAR 25 K

MOMENT 2822 kip-ft

TORQUE 7 kip-ft
REACTIONS - 107 mph WIND

DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
Sinclair SC432D-HF6LDF	140	(3) Nokia AHLOA	125
Pipe Mounts	140	(2) Nokia HCS 2.0 Junction Box	125
(2) Kathrein 800-10798	135	Ceragon FibeAir RFU-C	125
Ericsson AIR6449 B77D/ C-Band w/ mount pipe	135	Ceragon FibeAir RFU-C	125
		PV-LPPGS-12M-HR2-AP2	125
Ericsson AIR6419 B77G w/ mount pipe	135	Commscope VHLP2-11PW	125
CCI TPA65R-BU8D	135	Commscope VHLP800-11	125
(2) Kathrein 800-10798	135	Samsung RT4423-48A / RF4423-48B	115
Ericsson AIR6449 B77D/ C-Band w/ mount pipe	135	(2) JMA MX10FRO660-xx w/ mount pipe	115
Ericsson AIR6419 B77G w/ mount pipe	135	Samsung MT6413-77A w/ mount pipe	115
CCI TPA65R-BU8D	135	Samsung RT4423-48A / RF4423-48B	115
(2) Kathrein 800-10798	135	(2) JMA MX10FRO660-xx w/ mount pipe	115
Ericsson AIR6449 B77D/ C-Band w/ mount pipe	135		
		Samsung MT6413-77A w/ mount pipe	115
Ericsson AIR6419 B77G w/ mount pipe	135	Samsung RT4423-48A / RF4423-48B	115
CCI TPA65R-BU8D	135	(6) Samsung RF4439d-25A	115
(6) Ericsson RRUS-32 B2	135	(3) Samsung RF4461d-13A	115
(3) Ericsson RRUS-32 B66A	135	(2) Raycap RVZDC-6627-PF-48	115
(3) Ericsson RRUS-32 B30	135	PV-LPPGS-12M-HR2-AP2	115
(3) Ericsson 4478 B14	135	(2) JMA MX10FRO660-xx w/ mount pipe	115
(3) Ericsson 4449 B5/B12	135		
(3) Ericsson RRUS-32	135	Samsung MT6413-77A w/ mount pipe	115
(3) Raycap DC9-48-60-24-8C-EV	135	JMA MX08FRO665-21 w/ mount pipe	105
PV-LPPGS-12M-HR2-AP2	135	(3) Fujitsu TA08025-B604	105
Commscope FFHH-65C-R3	125	(3) Fujitsu TA08025-B605	105
Nokia AEHC w/ mount pipe	125	Raycap RDIDC-9181-PF-48	105
Commscope FFHH-65C-R3	125	PV-LPPGS-12M-HR2-AP2	105
Nokia AEHC w/ mount pipe	125	JMA MX08FRO665-21 w/ mount pipe	105
Commscope FFHH-65C-R3	125	JMA MX08FRO665-21 w/ mount pipe	105
Nokia AEHC w/ mount pipe	125	Pipe Mounts	99
(3) Nokia AHFIG	125	2 ft standard	99

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-65	65 ksi	80 ksi			

TOWER DESIGN NOTES

1. Tower designed for Exposure C to the TIA-222-H Standard.
2. Tower designed for a 107 mph basic wind in accordance with the TIA-222-H Standard.
3. Tower is also designed for a 30 mph basic wind with 2.00 in ice. Ice is considered to increase in thickness with height.
4. Deflections are based upon a 60 mph wind.
5. Tower Risk Category II.
6. Topographic Category 1 with Crest Height of 0.00 ft
7. TOWER RATING: 99.7%

Preliminary Design

Not For Fabrication

Estimated Total Structure Wt. = 15571 lbs

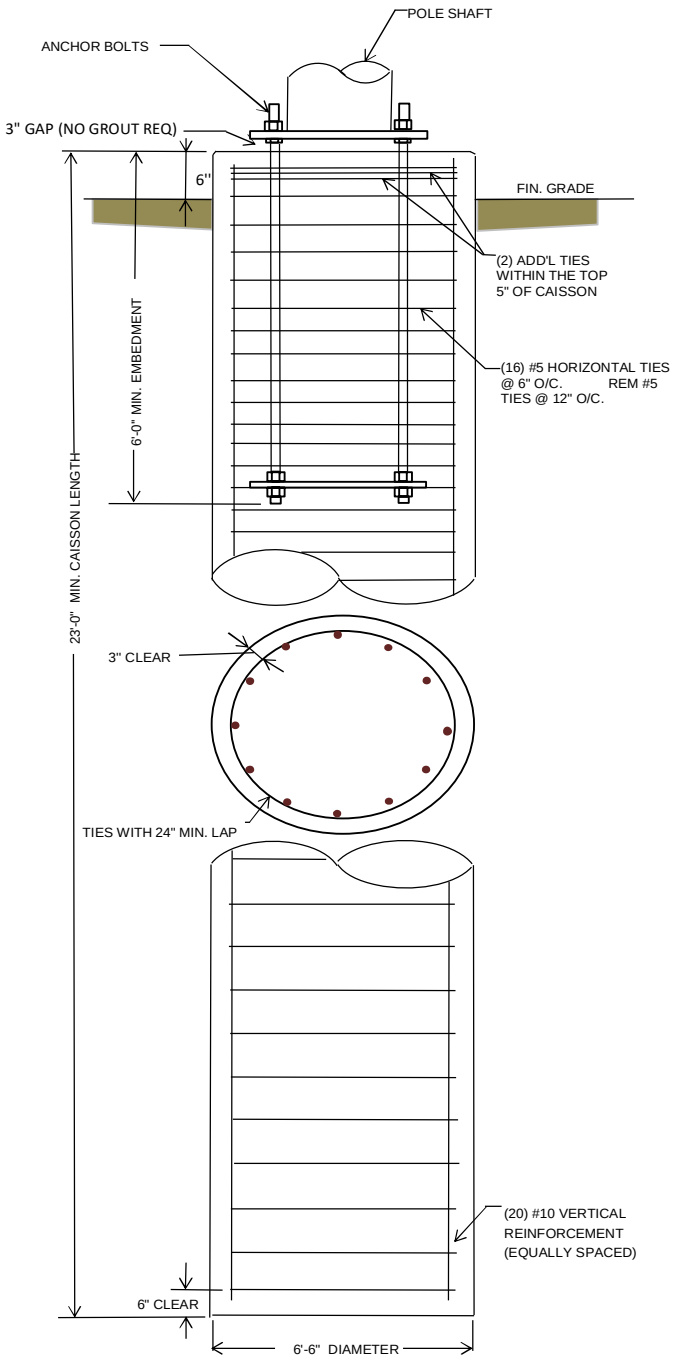
TAPP
QUALITY STEEL POLES. DELIVERED.

Design may not be used without written permission from Michael F. Plahovinsak, PE

BASE PLATE:	1.75" x 63" ROUND (55 KSI)
ANCHOR BOLTS:	(16) ANCHORS ON 57" B.C
	2.25 in. A615 GR. 75 X 7'-0"

Michael Plahovinsak, P.E.
18301 State Route 161
Plain City, OH 43064
Phone: 614-398-6250
FAX: mike@mfpeng.com

Job: *140-ft Monopole - MFP #23524-159*		
Project: *AR201001 Fulbright*		
Client: 24-0344	Drawn by: Mike	App'd:
Code: TIA-222-H	Date: 04/04/24	Scale: NTS
Path: C:\Users\Mike\Dropbox\MFP Engineering Files\Projects\23-TAPP\23524-159\23524-159.eng		Dwg No. E-1



FOUNDATION NOTES:

1. FOUNDATION DESIGN IS BASED ON GEOTECHNICAL REPORT PROVIDED BY:

GEOTECH:	KLEINFELDER
REPORT NO.:	84764-17
REPORT DATE:	7/13/09

2. FOUNDATION CONCRETE STRENGTH SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4500 PSI .

3. ESTIMATED CONCRETE VOLUME = 28 CUBIC YARDS.

4. ANCHOR RODS: 2 1/4"ø x 7'-0" LONG, WITH MIN.6'-0" EMBEDMENT INTO CONCRETE.

5. THE FOUNDATION WAS DESIGNED FOR THE FOLLOWING LOADS:

MOMENT:	2822	FT-KIPS
SHEAR:	25	KIPS
AXIAL:	38	KIPS

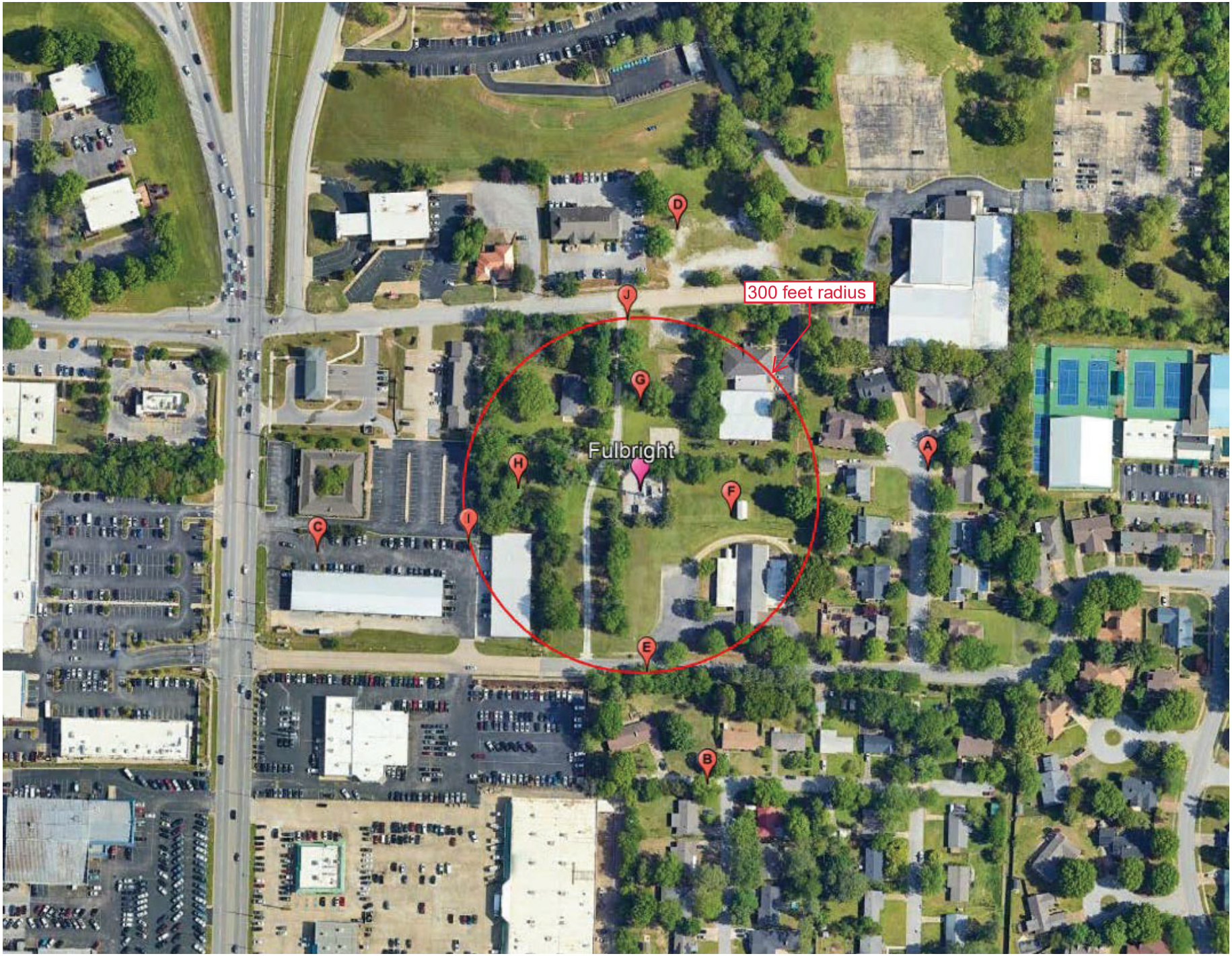
6. GEOTECHNICAL REPORT INDICATES GROUNDWATER MAY BE ENCOUNTERED AT 26.9 FT BELOW GRADE.

- PRELIMINARY FOUNDATION DESIGN -
NOT FOR CONSTRUCTION

Michael F. Plahovinsak, P.E.
18301 State Route 161 W
Plain City, OH 43064
Phone: 614-398-6250
email: mike@mfpeng.com

140-ft monopole - MFP #23524-159		
AR201001 Fulbright		
TAPP	Mike	
TIA-222-H	04/01/2024	
PRELIMINARY FOUNDATION		

Photo Location Map



Existing tower was not visible from the north at 300 feet so additional photos were taken at 500 feet and 150 feet.

Location J - Existing tower - North @ 300'

Location D - Existing tower - North @ 500'

Proposed monopole tower - North @ 500'

Location G - Existing tower - North @ 150'

Proposed monopole tower - North @ 150'

Unable to take photo from the east at 300 feet as that location was inside the fence of a private residence. Additional photos were taken at 500 feet and 150 feet.

Location A - Existing tower - East @ 500'

Proposed monopole tower - East @ 500'

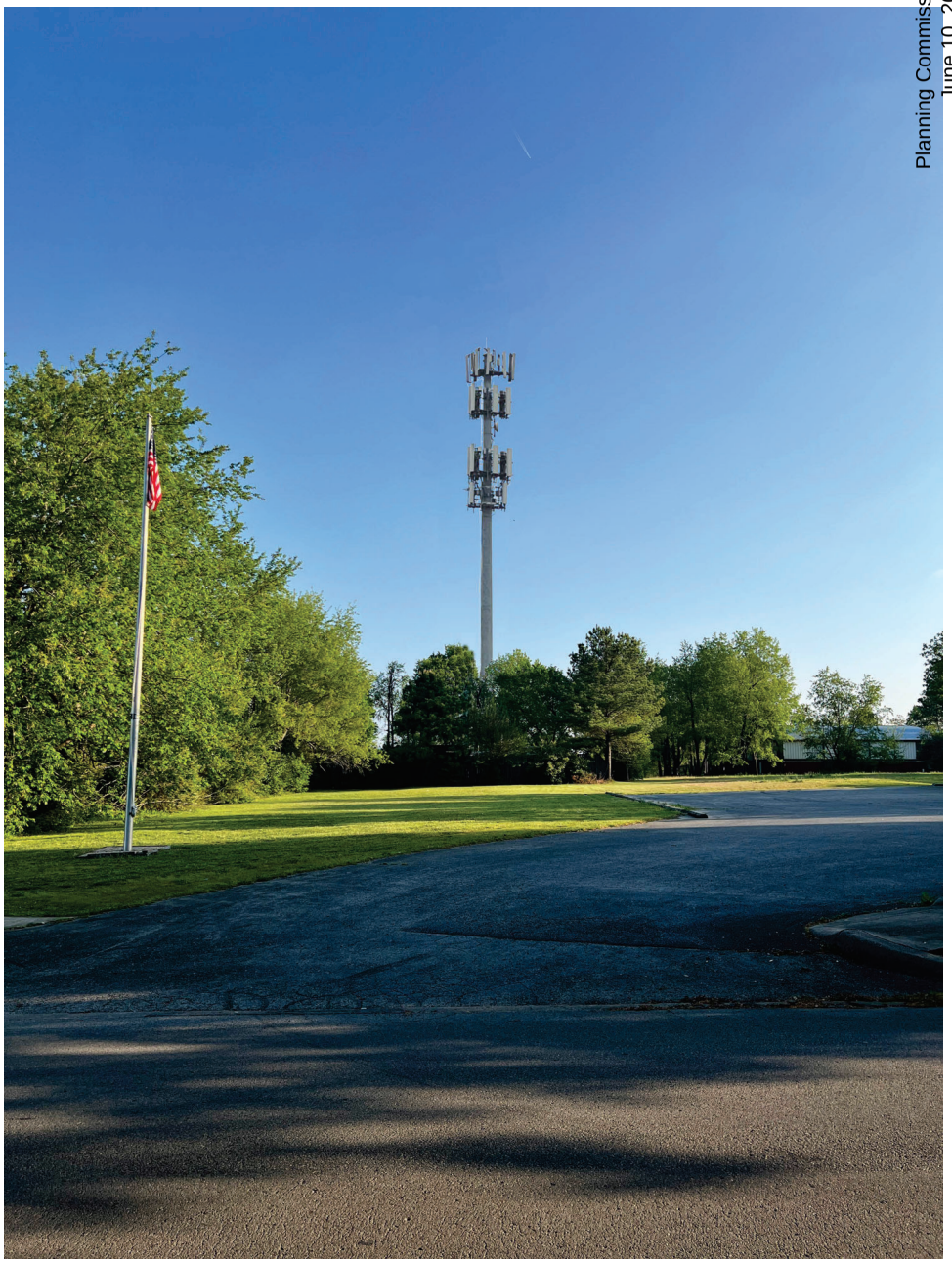
Location F - Existing tower - East @ 150'

Proposed monopole tower - East @ 150'

Photo taken from the south at 300 feet shows existing tower clearly. Additional photo taken from 500 feet to keep in context with other views.

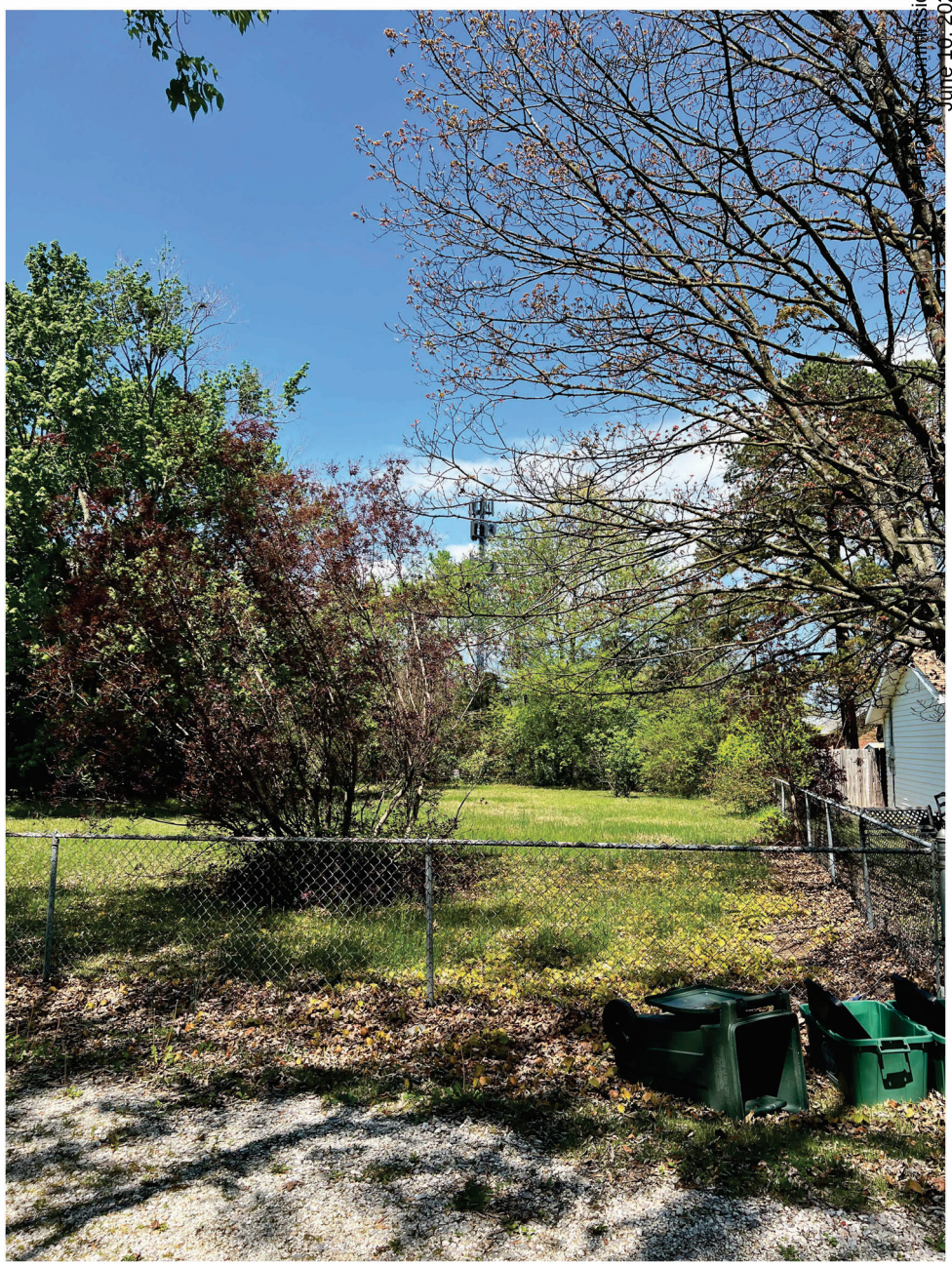
Location E - Existing tower - South @ 300'

Proposed monopole tower - South @ 300'



Location B - Existing tower - South @ 500'

Proposed monopole tower - South @ 500'



Existing tower was not visible from the west at 300 feet so additional photos were taken at 500 feet and 200 feet.

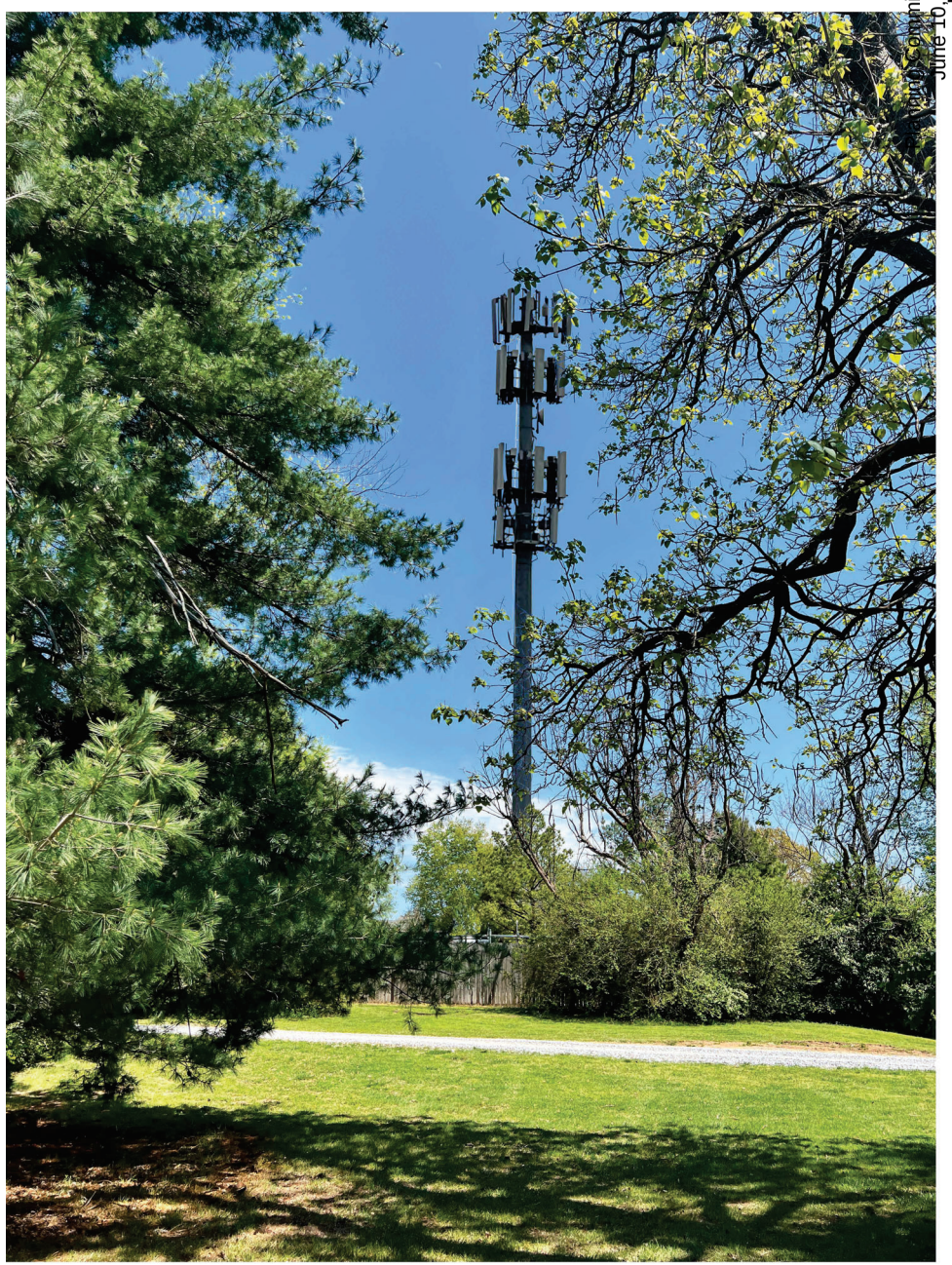
Location I - Existing tower - West @ 300'

Location C - Existing tower - West @ 500'

Proposed monopole tower - West @ 500'

Location H - Existing tower - West @ 200'

Proposed monopole tower - West @ 200'

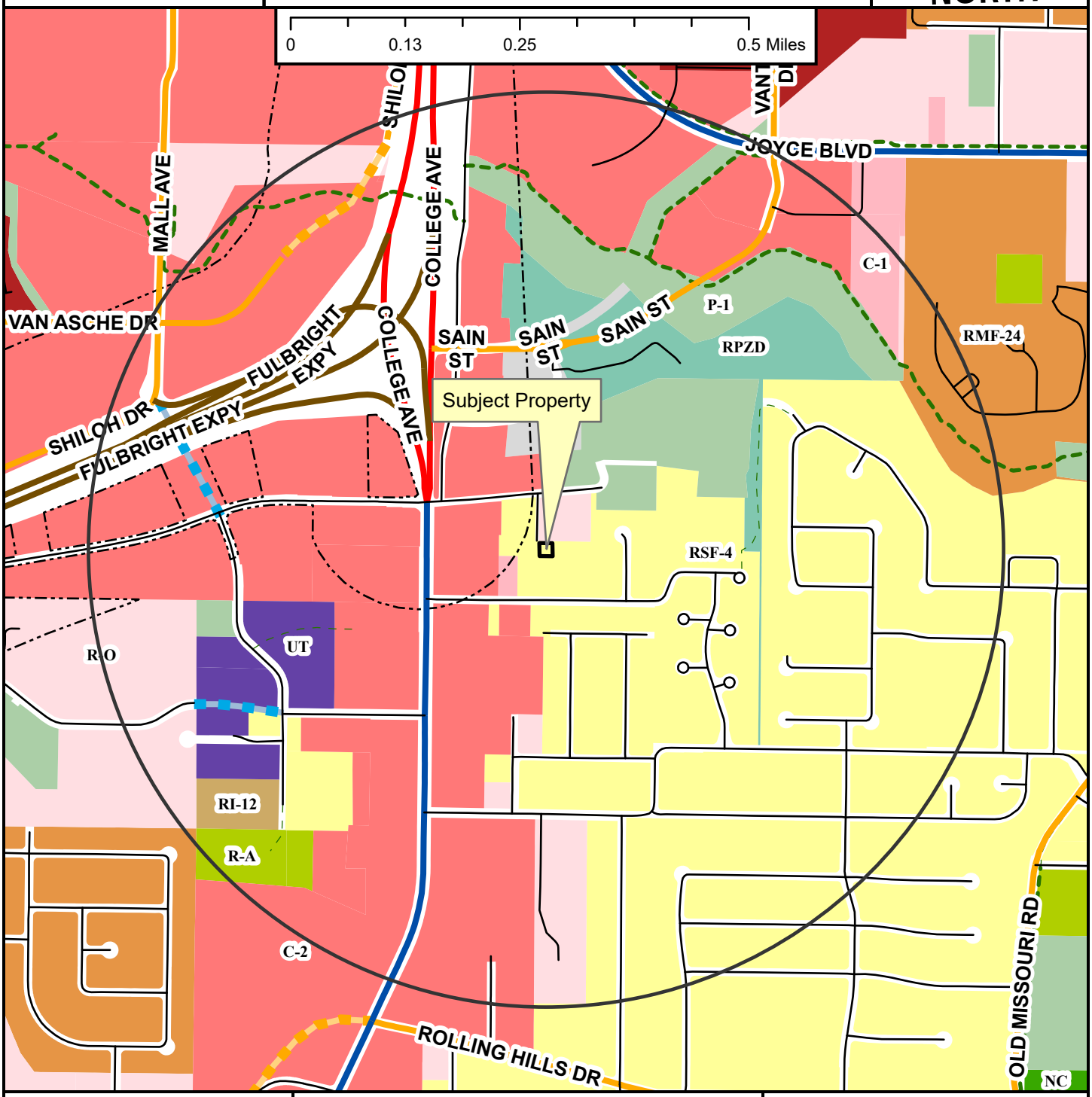


CUP-2024-0021

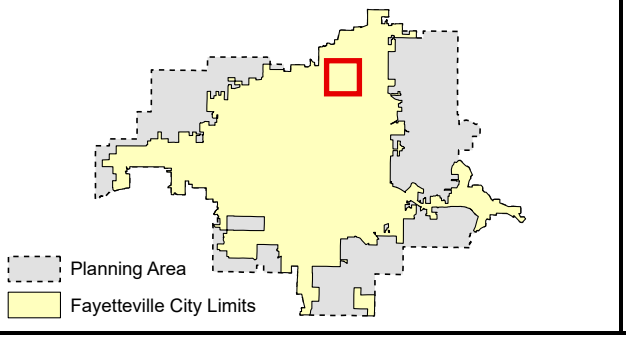
One Mile View

3450 N. HEMLOCK AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

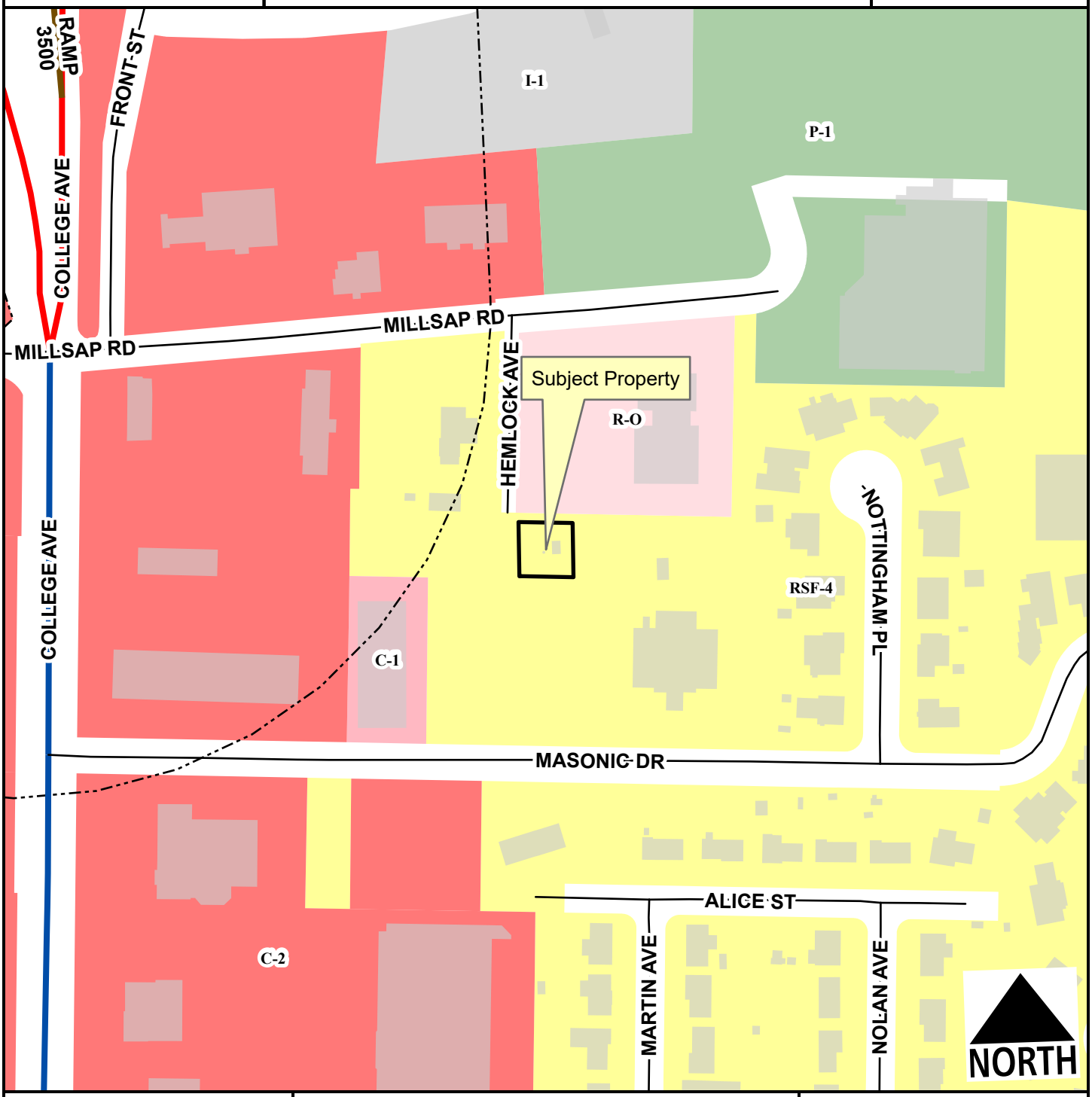
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2024-0021

Close Up View

3450 N. HEMLOCK AVE



Regional Link
Regional Link - High Activity
Freeway/Expressway
Residential Link
Planning Area
Fayetteville City Limits
Design Overlay District

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

RSF-4
I-1 Heavy Commercial and Light Industrial
Residential-Office
C-1
C-2
P-1

CUP-2024-0021

Current Land Use

3450 N. HEMLOCK AVE

NORTH

- Regional Link
- Regional Link - High Activity
- Freeway/Expressway
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: June 10, 2024

SUBJECT: **RZN-2024-0024: Rezoning (3145 E. JOYCE BLVD/FAYETTEVILLE PUBLIC SCHOOLS, 177):** Submitted by JORGENSEN & ASSOCIATES for property located at 3145 E. JOYCE BLVD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 27.77 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0024** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0024** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located northeast of E. Joyce Boulevard's intersection with N. Crossover Road. The property contains one parcel totaling 27.77 acres which is currently zoned R-A, Residential-Agricultural and is developed with a single-family home and associated agricultural outbuildings that were constructed in the late 1970s. The property was purchased in 2024 by Fayetteville Public Schools. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential/Rural Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-Family – Four Units per Acre
South	Rural Residential	R-A, Residential-Agricultural;
East	Rural Residential/Undeveloped	Washington County 1 Res. Unit per Acre/Agricultural
West	Commercial/Undeveloped	C-2, Thoroughfare Commercial; C-1, Neighborhood Commercial; NS-G, Neighborhood Services – General; RI-12, Residential Intermediate, 12 Units per Acre

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to P-1, Institutional. The applicant has indicated that they are requesting the rezoning to construct a new public school.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along E. Joyce Boulevard which is a partially improved Residential Link street with asphalt paving and open ditches. Any street

improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 2-inch water main is present on the southwest side of the property along E. Joyce Boulevard. An existing 8-inch water main is present on the west side of the property along E. Joyce Boulevard. An existing 42-inch transmission water main is present along the south property line, and an existing 36-inch transmission water main is present on the south property line.

Sewer: Sanitary sewer is not available to the subject area.

Drainage: A portion of the property lies within a FEMA Floodplain, there is a protected stream, and hydric soils are present in the area. A floodplain development 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. 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 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. No portion of the property lies within the Hillside-Hilltop Overlay District.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district, P-1, Institutional, requires **25% minimum canopy preservation**. The current zoning district, R-A, Residential-Agricultural, requires **25% minimum canopy preservation**.

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

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

Natural Areas consist of lands approximating or reverting to wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **3-4** for this site with a weighted score of **9**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Crossover Road)
- Near Water Main (E. Joyce Blvd. and south property line)
- Near Paved Trail (Sidepath Trail on Joyce Blvd.)
- Near ORT Bus Stop (Millenium and Joyce)

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 the surrounding area and current land uses. R-A zoning allows for agricultural uses and a rezoning to P-1 would allow for institutional uses such as schools, parks, and government facilities. The property is on the border of the City limits and is adjacent to Washington County. Given the property's proximity to commercial and residential uses to the west, staff finds that rezoning to P-1 provides for good compatibility and transition to the more rural residential nature of the area to the east. The lot widths, areas, and building height requirements in P-1 are compatible as well; while R-A requires 200-foot lot widths and minimum acreages of 2 per dwelling unit, P-1 is a strictly institutional zoning district, which, after new regulations were approved by City Council earlier in 2024, now also allows for a form-based**

option. There is no maximum building height in the R-A district, and P-1 allows for a maximum building height of 6 stories. Staff finds that given the acreage of the site, it is unlikely, though, that a 6-story facility would be built on the property. Staff also recognizes that the site has a significant amount of floodplain and a protected stream that will limit the developability of the site, and is likely to shift the development away from the Mud Creek natural area.

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from R-A to P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development throughout the area by affording the ability to develop additional amenities and services to this area, rather than the existing R-A zoning designation. This site is walkable to the intersection of N. Crossover Road and E. Joyce Boulevard, an area that is called out in the Future Land Use Map as a City Neighborhood, and identified as a Tier 2 Center in City Plan 2040. While not a site identified as encouraging a high amount of infill, the proximity to an ORT transit stop weights the infill score much higher at a 9. Further, there is a planned Master Street Plan connection, classified as a Neighborhood Link Street, that runs the length of the property from east to west. Development of this planned connection would be evaluated and is likely to occur with the redevelopment of this property.**

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

Finding: **Staff finds there is sufficient justification to rezone the property from R-A to P-1. This request will allow for the development of institutional uses in the area, bring a necessary institution to serve Fayetteville's residents, and the request is consistent with the Future Land Use plans for the area. Schools and other cultural and recreational facilities are a vital service and while not strictly residential, are a necessary neighborhood amenity.**

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 P-1 has the potential to increase traffic to this location, though staff does not find that this would be to a dangerous degree. The intersection of Joyce and Crossover has been identified by Public Works as an intersection that requires improvement, and coordination with any new facility that is to be constructed at this site would be needed to determine the necessity for off-site improvements to be borne by the developer. Staff finds that any new development on the site would be subject to the typical development review process and infrastructure evaluation that would be roughly proportional to the proposal; the property has a proposed Master Street Plan connection that runs through the site, which would likely be developed with the development of the overall site.**

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

Finding: **The P-1 zoning district does not permit by-right residential uses and is therefore unlikely to increase the population density in this area. The overall property has access to existing water, but not sanitary sewer. Lack of sanitary sewer access remains a common condition for properties on both in this area, with development in the area gradually extending public mains. Any development on this site will be responsible for increasing sewer capacity as needed. As for the project's impact on school capacity, the proposal is a response to increasing attendance in the Fayetteville Public School District and the growing load on school facilities that mirrors development in the area.**

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-2024-0024 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 10, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - §161.32 District P-1, Institutional
- 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)

(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.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945 , §3, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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

161.32 District P-1, Institutional

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

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback

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

(G) *Building Area.* 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.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §8, 1-18-22)

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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

April 19, 2024

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: FPS-NJH (Joyce Street) Rezoning

Please accept this request to rezone parcel 765-13237-006. This tract of land has a current zoning of R-A and our request is to to rezone all of this land to P-1. This requested zoning is appropriate and compatible with the surrounding properties and uses. To the immediate south, the zoning is R-A, towards the west there is a variety of zonings (C-2, C-1, NS-G, and RI-12), towards the north is R-A, and a small portion of RSF-4. With the Fayetteville Public School purchasing this particular property, the sustained growth in the area supports the need for the School to be built. By rezoning this property, the School will be able to develop by-right in a fashion appropriate for its end use.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

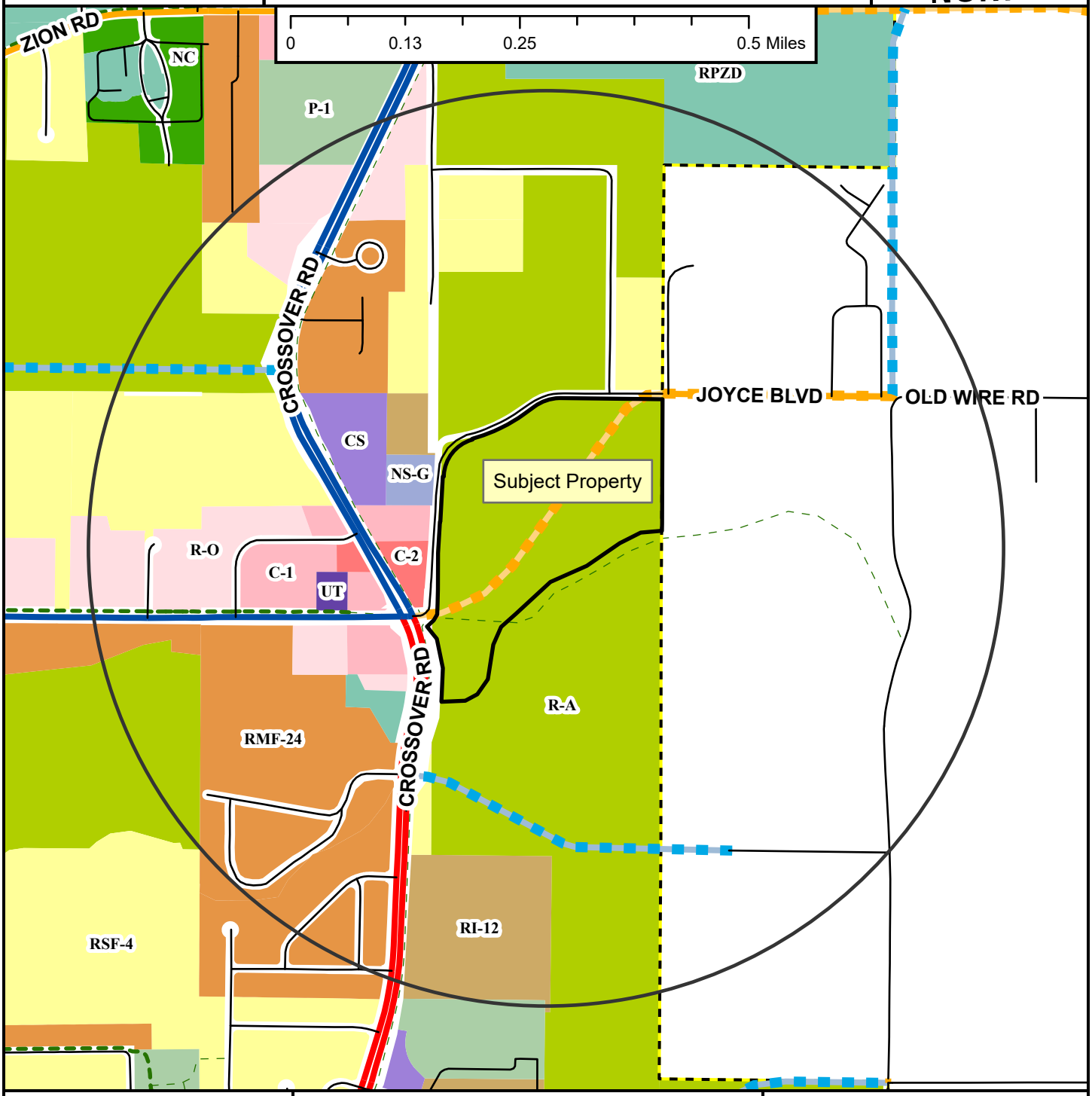
Blake Jorgensen, PE
Jorgensen + Associates

RZN-2024-0024

One Mile View

3145 E. JOYCE BLVD

NORTH



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- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
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- Shared-Use Paved Trail
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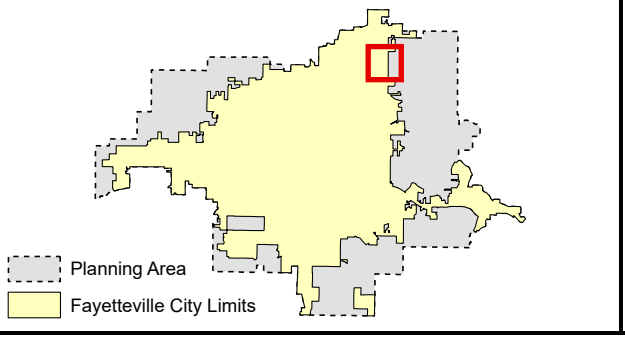


Zoning

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

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

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

EXTRACTION
- E-1

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

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

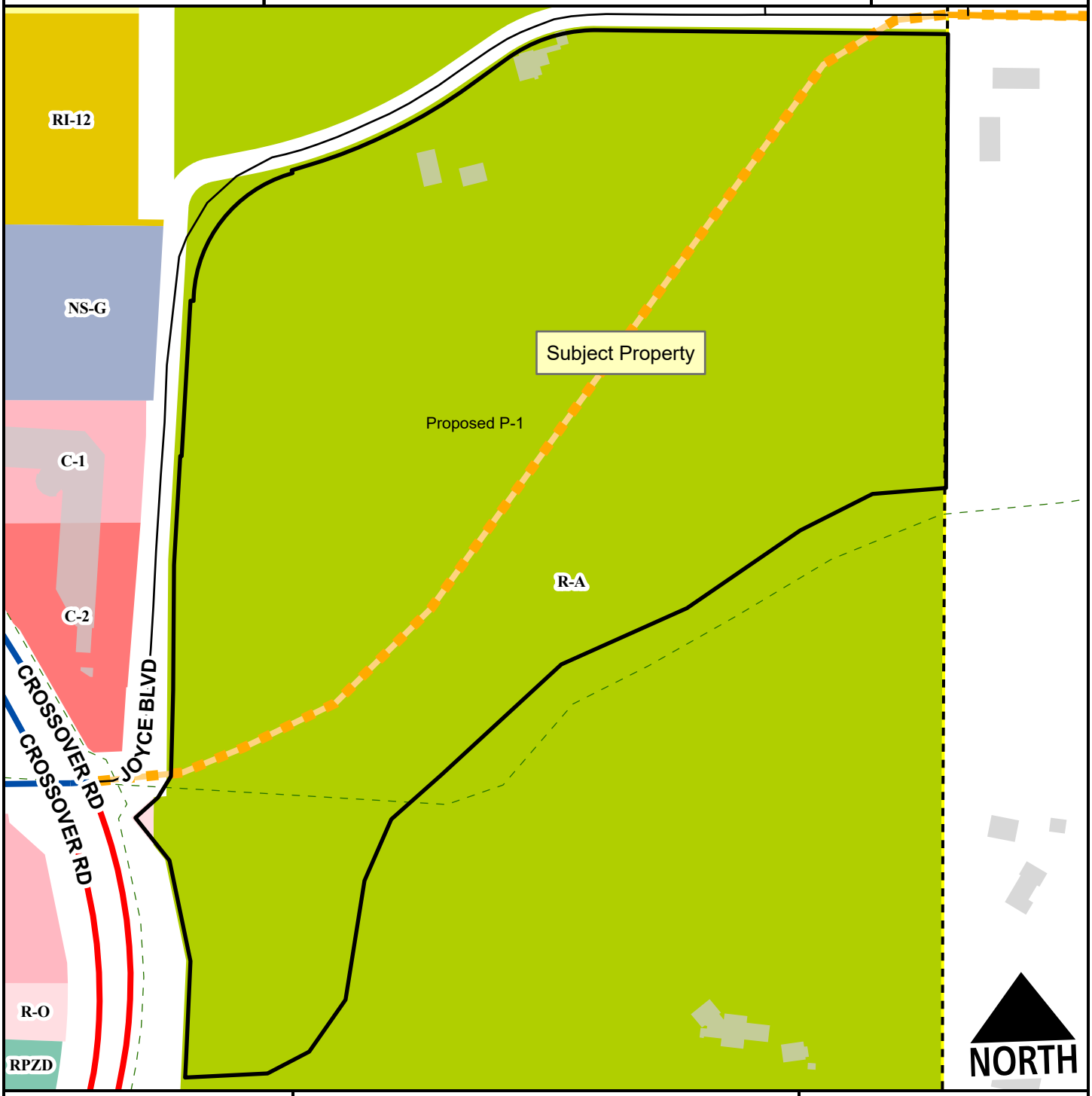
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0024

Close Up View

3145 E. JOYCE BLVD



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

Feet

0 90 180 360 540 720

1:2,900

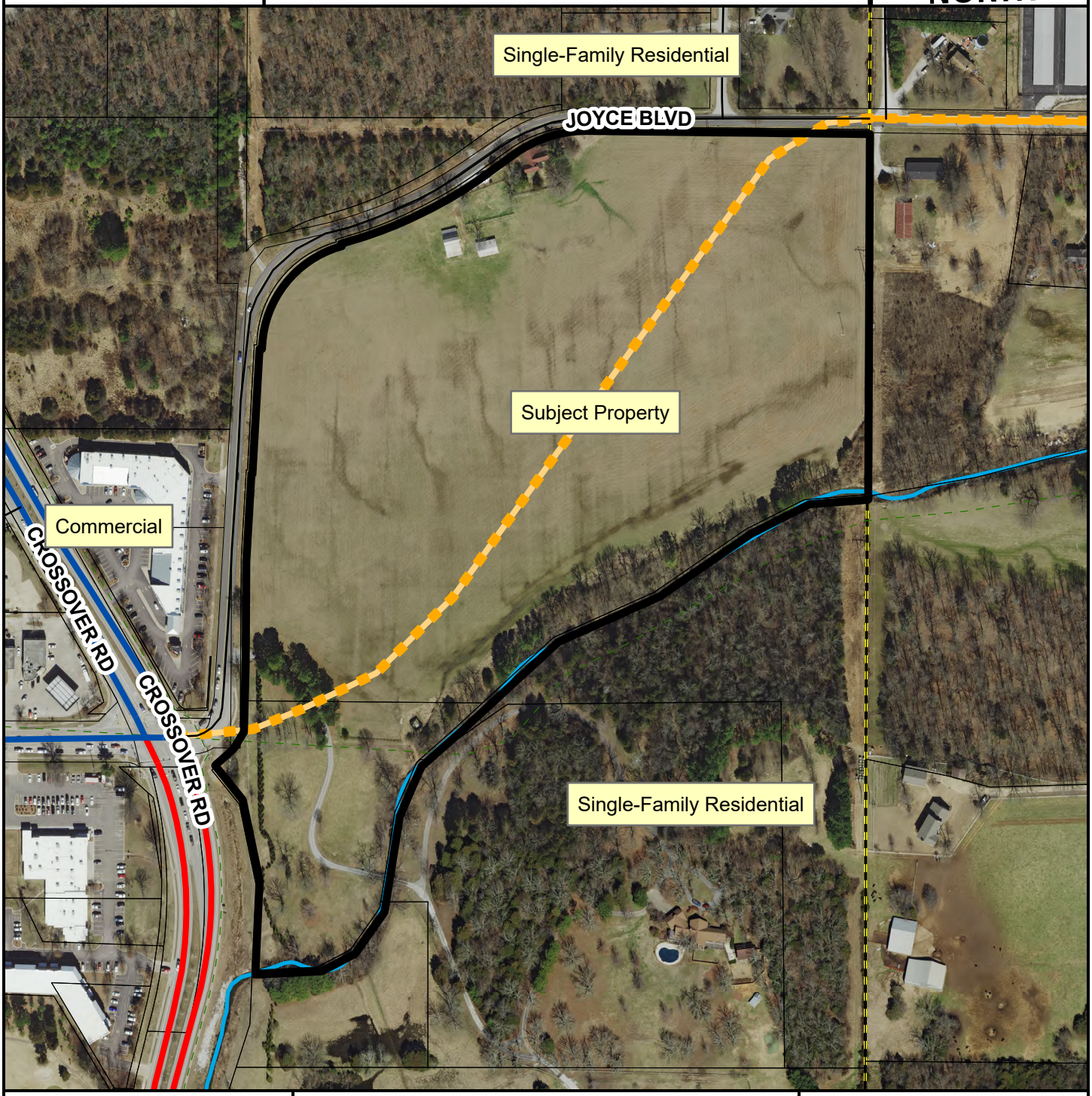
Zone	Current	Proposed
P-1	0.0	31.9
R-A	31.8	0.0
R-O	0.0	0.0
Total	**31.9 ac**	

RZN-2024-0024

Current Land Use

3145 E. JOYCE BLVD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

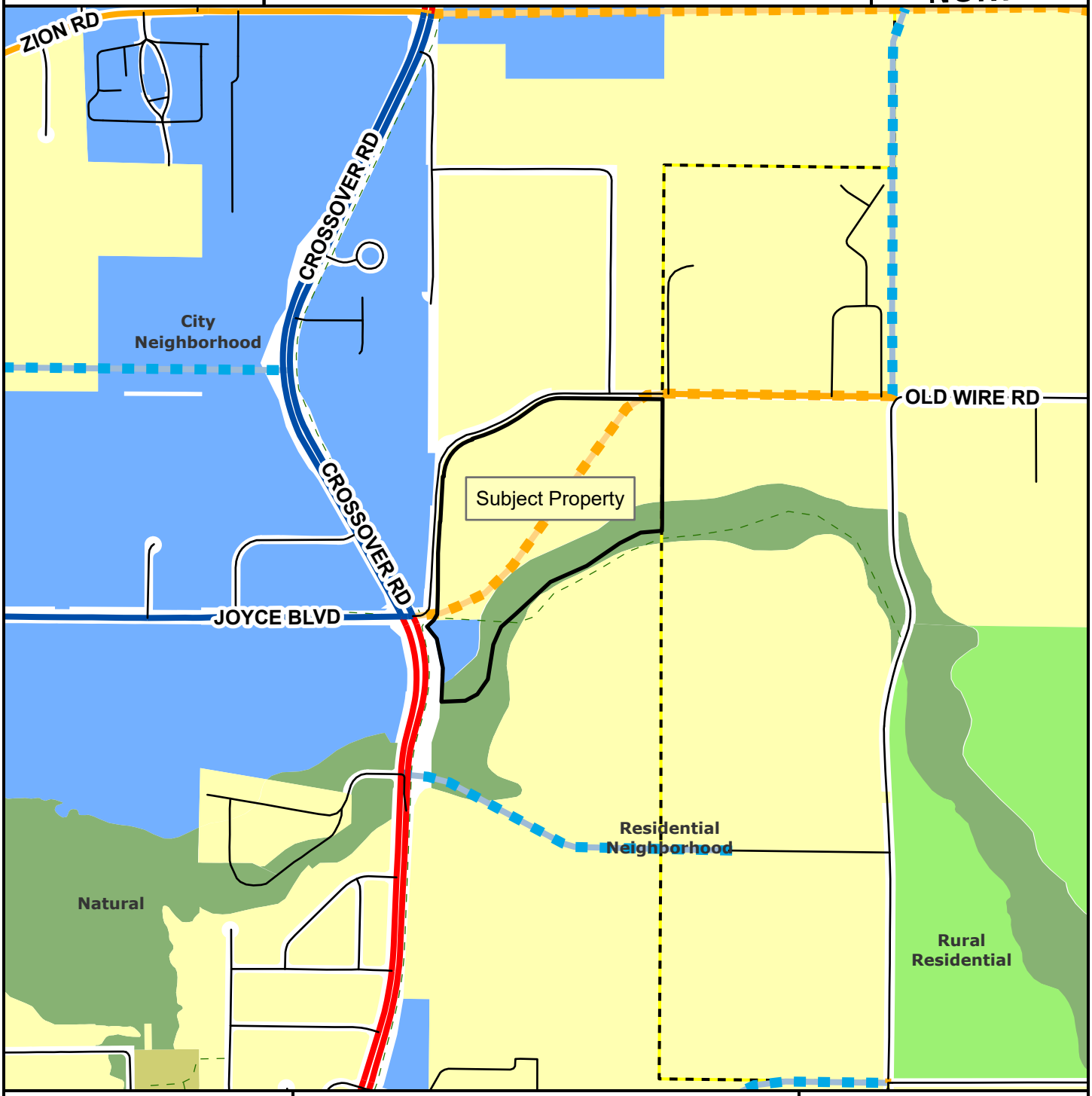
- 100-Year Floodplain
- Floodway

RZN-2024-0024

Future Land Use

3145 E. JOYCE BLVD

NORTH



- Regional Link
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- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: June 10, 2024

SUBJECT: **RZN-2024-0025: Rezoning (4260 W. MARTIN LUTHER KING JR BLVD/CLUB CARWASH, 595):** Submitted by JARED BRUEMMER for property located at 4260 W. MARTIN LUTHER KING JR BLVD. The property is split-zoned R-A, RESIDENTIAL – AGRICULTURAL and UT, URBAN THOROUGHFARE and contains approximately 1.44 acres. The request is to rezone a portion of the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0025** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0025** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in southwest Fayetteville approximately 0.10 miles west of the intersection of S. Rupple Rd. and W. Martin Luther King Jr. Blvd. The property contains approximately 1.44 acres and is developed with a 3,066-square-foot commercial carwash constructed in 2020, according to Washington County Assessor records. The property is split-zoned R-A, Residential-Agriculture and UT, Urban Thoroughfare which it received in 2018 when the southern portion of the property was rezoned from R-A, Residential-Agricultural to UT, Urban Thoroughfare. At the time of that rezone, the northern portion of the property was within the 100-year floodplain of North Fork Farmington Creek and remained zoned R-A. The FEMA floodplain has since adjusted and only approximately 46-square-feet of the northwest corner of the subject property is still within the floodplain (FIRM 05143C0215G effective 1/25/2024). Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	UT, Urban Thoroughfare; NC, Neighborhood Conservation
South	Undeveloped	UT, Urban Thoroughfare; RMF-24, Residential Multi-Family, 24 Units per Acre
East	Commercial	UT, Urban Thoroughfare
West	Commercial	UT, Urban Thoroughfare; R-A, Residential-Agricultural

Request: The request is to rezone a portion of the subject property from R-A, Residential-Agricultural 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. W. Martin Luther King Jr. Blvd. is a fully improved Regional Link – High Activity Street with asphalt paving, curb and gutter, and sidewalks. 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 north side of W. Martin Luther King Jr. Blvd. Existing 12-inch water main is present on the south side of W. Martin Luther King Jr. Blvd.

Sewer: Sanitary Sewer is available to the subject area. Existing 12-inch sewer main is present on the north side of W. Martin Luther King Jr. Blvd. Existing 6-inch water main is present on the south side of W. Martin Luther King Jr. Blvd.

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. No protected stream is present on the subject property. 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 2 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 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 require **25% minimum canopy preservation.** 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 **5-7** for this site with a weighted score of **7.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (12-inch sewer main, north side of W. Martin Luther King Jr. Blvd.; 6-inch water main, south side of W. Martin Luther King Jr. Blvd)
- Near Water Main (8-inch water main, north side of W. Martin Luther King Jr. Blvd.; 12-inch water main, south side of W. Martin Luther King Jr. Blvd.)
- Near Public School (John L. Colbert Middle School)
- Near City Park (Holland Park and Kessler Mountain Regional Park)
- Near Paved Trail (Side-Path Trail; S. Smokehouse Trail)
- 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-A, Residential-Agricultural 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, west, and south, all similarly zoned UT, Urban Thoroughfare. To the north is a single-family dwelling that is split-zoned NC, Neighborhood Conservation and UT, Urban Thoroughfare. A rezoning of a portion of the subject property to UT would allow for a wider variety of commercial and residential uses than those permitted under the property's current zoning designation. The portion of the property currently zoned R-A has significantly larger bulk and area requirements than the proposed zone of UT. A rezoning to UT would have no bulk and area requirements, which is consistent with the UT zoning for the remainder of the property. There is no maximum height limit in the R-A district 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. R-A provides for standard setbacks, but UT would require future development in Urban Form. Further, the property's location along a Regional Link – High Activity Street and surrounded by other UT-zoned properties strengthens the compatibility of this request. 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 just 0.10-miles from a two Tier Two Center, at the intersection of W. Martin Luther King Jr. Blvd. and S. Rupple Rd. Staff finds that a rezoning to UT would support those designations as both City Neighborhoods and a Tier Two Center which 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-A 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. The northern portion of the property subject to this rezoning request is no longer within a FEMA floodplain and may now be appropriate for development. 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-A to UT has some potential to increase traffic danger and congestion due to the addition of denser residential and intense commercial uses. The property has frontage along W. Martin Luther King Jr. Blvd. and is near a paved trail and sidewalks 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 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-2024-0025 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 10, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.03 – District R-A, Residential-Agricultural
  - §161.24 – Urban Thoroughfare
- 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)

(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.

161.24 Urban Thoroughfare

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

(B) *Uses*.

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

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

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot area minimum.* None

(E) *Setback regulations.*

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

(F) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*

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

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

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

Statement of Compatibility

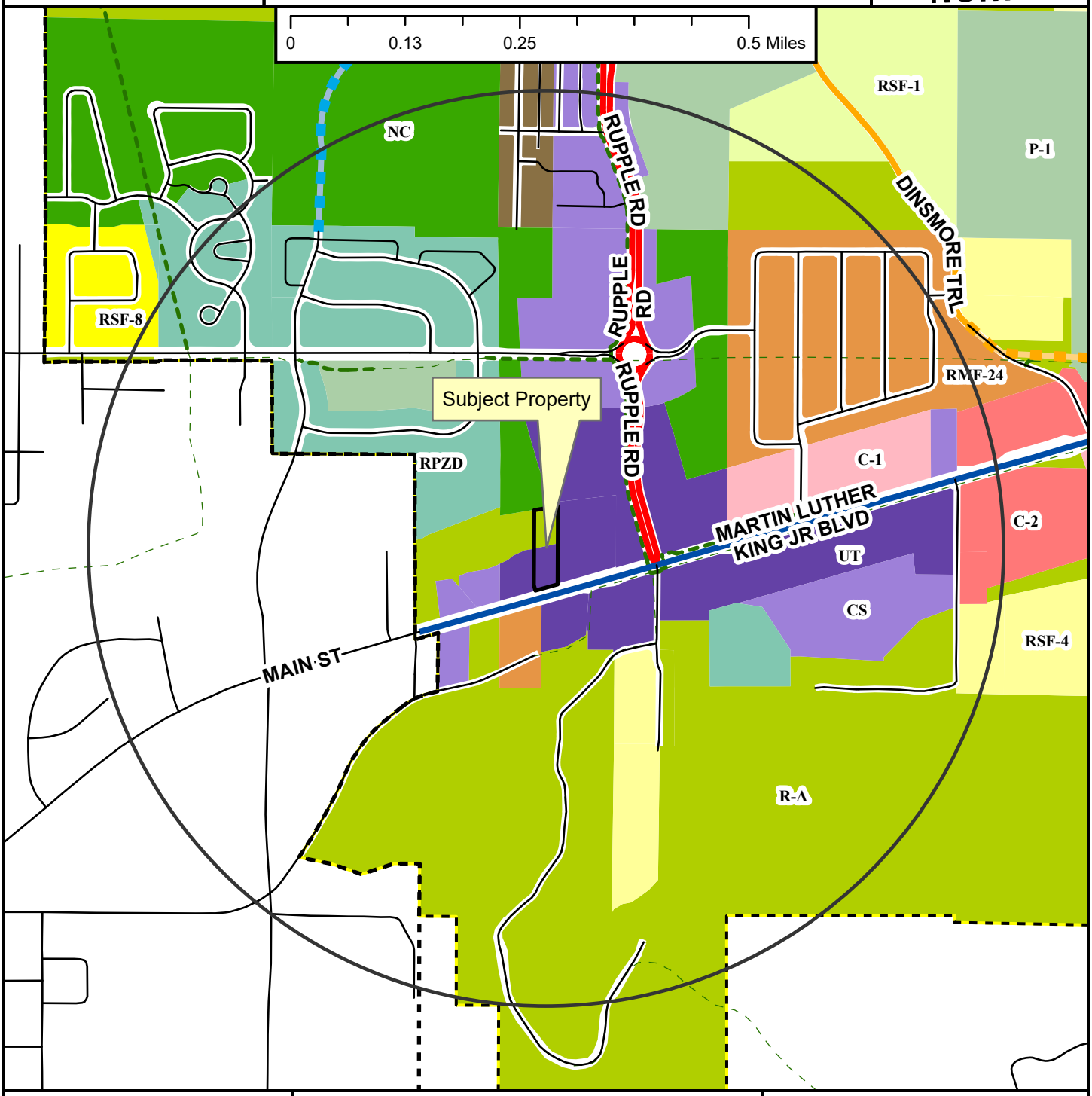
The rezoning of this property is compatible with the area as it will match the front portion of the parcel which is already zoned UT. Since the front portion of the property is already zoned UT and contains an operating carwash the rezoning of the rear portion of the property to UT will not unreasonably adversely affect or conflict with surrounding land uses.

RZN-2024-0025

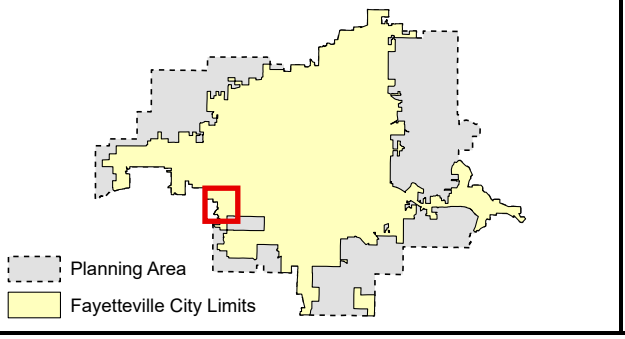
One Mile View

4260 W. MARTIN LUTHER KING JR BLVD

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0025

Close Up View

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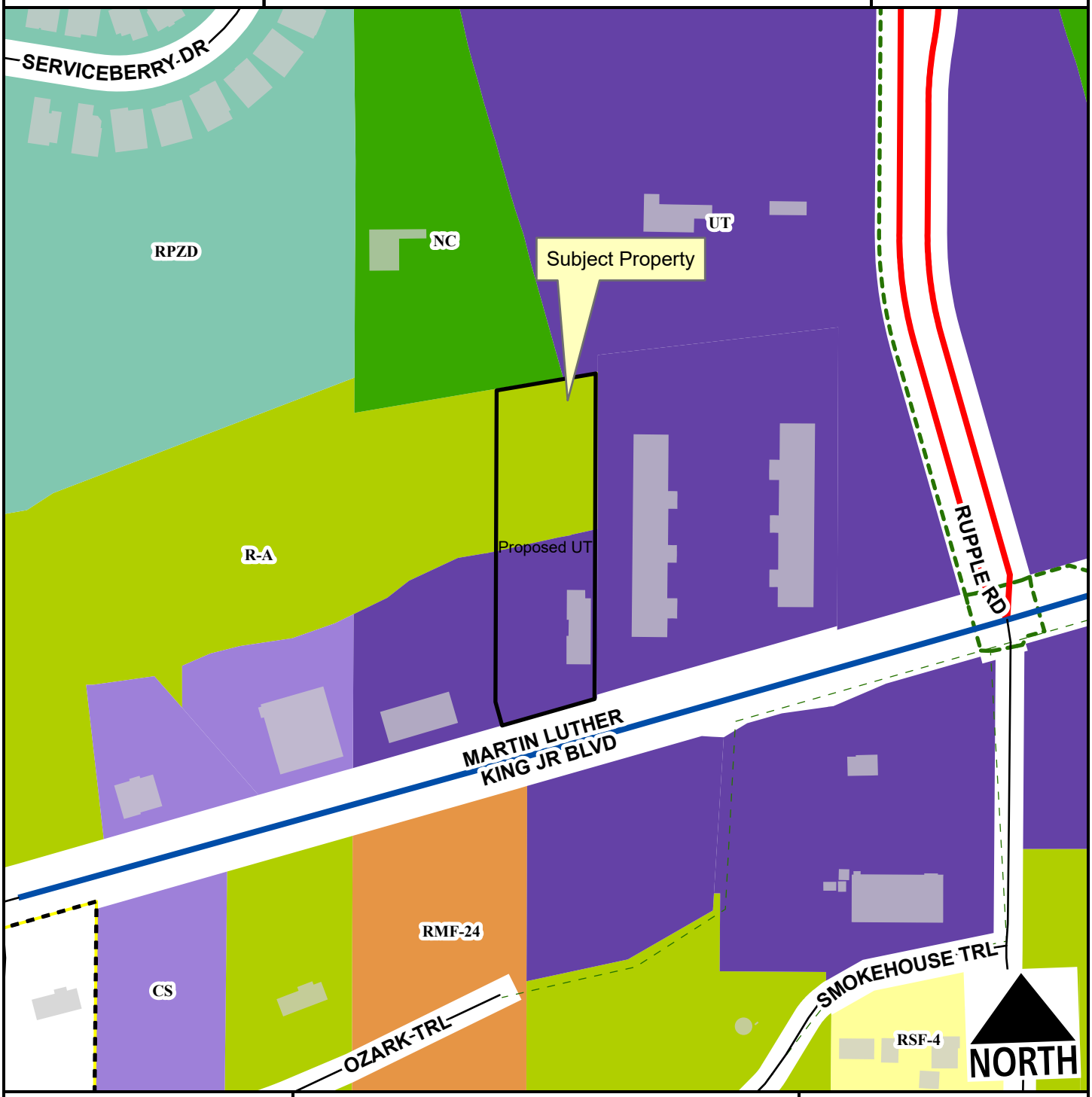

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Feet

0 75 150 300 450 600

1:2,400

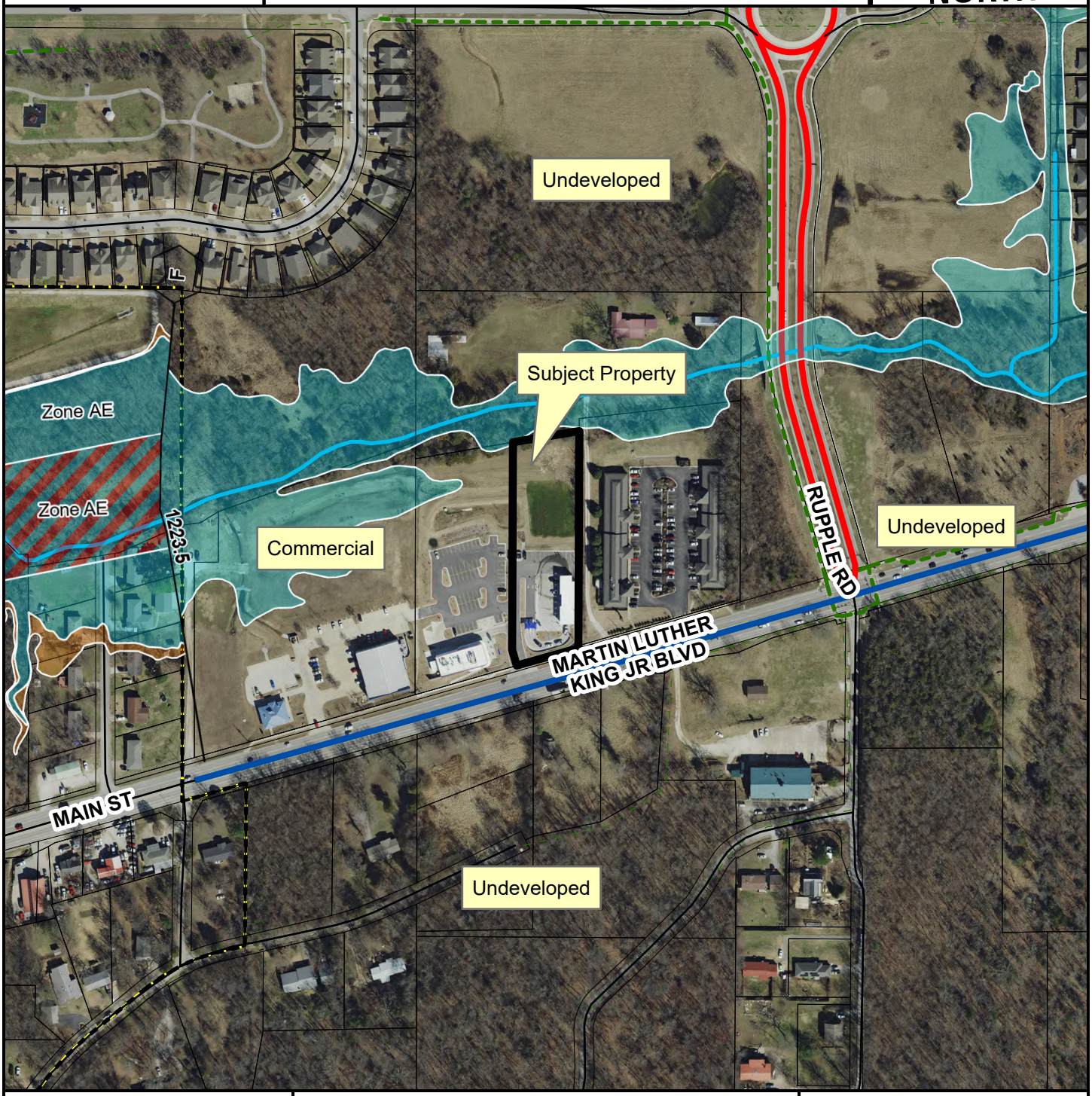
Zone	Current	Proposed
R-A	0.7	0.0
UT	0.7	1.4
Total	**1.4 ac**	

RZN-2024-0025

Current Land Use

4260 W. MARTIN LUTHER KING JR BLVD

NORTH



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1:3,600

FEMA Flood Hazard Data

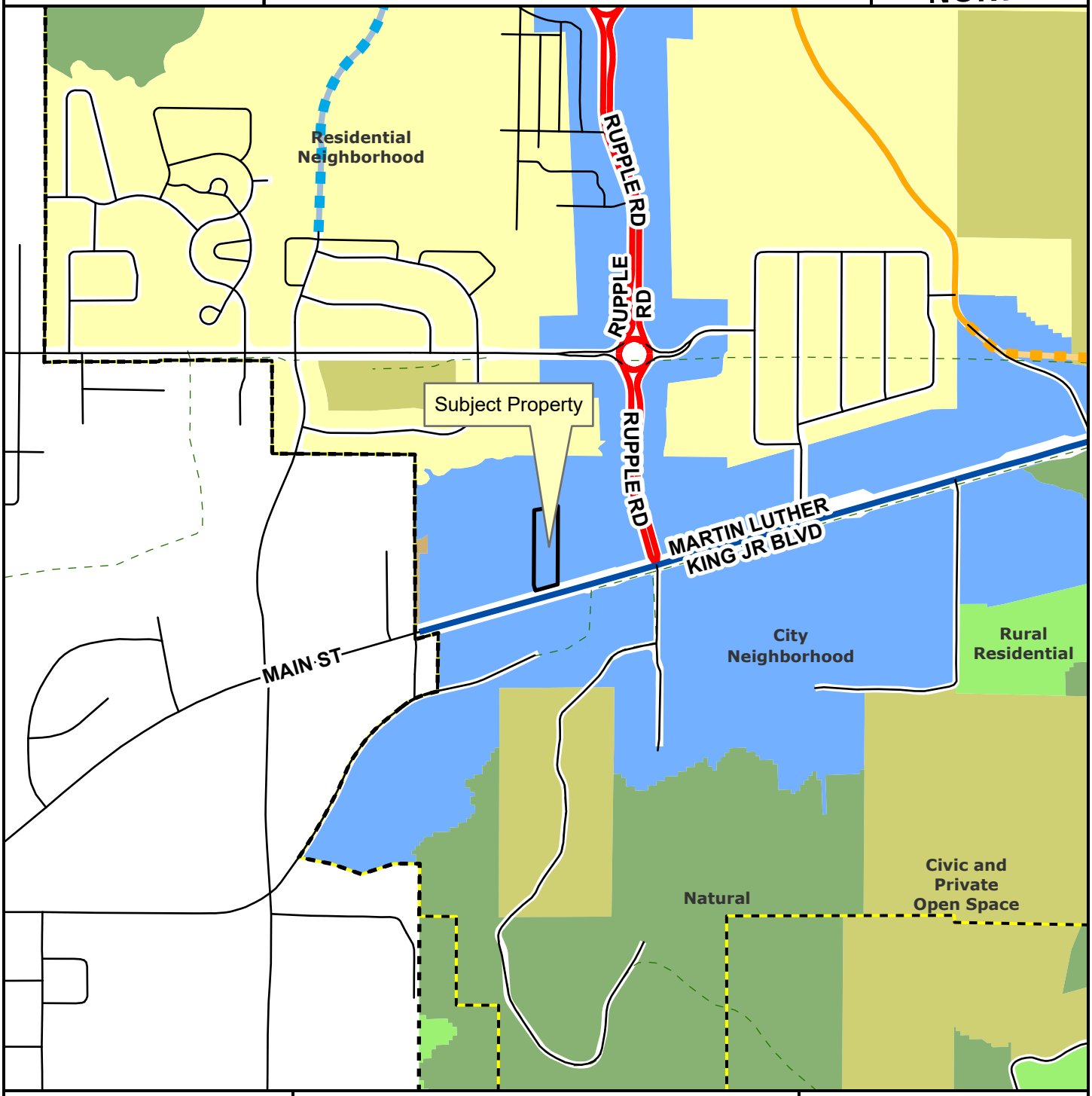
- 100-Year Floodplain
- Floodway

RZN-2024-0025

Future Land Use

4260 W. MARTIN LUTHER KING JR BLVD

NORTH



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