

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, August 12, 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 July 22, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. VAR-2024-0032: Planning Commission Variance (203, 205, 207, 209, 239, 241, 243, 245, 283, 285, 287, & 289 E. 12TH ST/12TH STREET TOWNHOMES OF FAYETTEVILLE LLC, 563):

Submitted by RH ARCHITECTURAL DESIGNS for property located at 203, 205, 207, 209, 239, 241, 243, 245, 283, 285, 287, & 289 E. 12TH ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.68 acres. The request is for a variance to urban residential design standards. - Kylee Cole, Planner

3. VAC-2024-0014: Vacation (1215 N. KINGS DR/WILLIAMS, 408):

Submitted by TOMMY WISE-EHLERS for property located at 1215 N. KINGS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.61 acres. The request is to vacate 0.07 acres of street right-of-way. - Jessica Masters, Development Review Manager

4. VAC-2024-0015: Vacation (210 W. RAVENSWOOD LN/STARR, 640):

Submitted by SITEWISE CIVIL ENGINEERING PLLC for property located at 210 W. RAVENSWOOD LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.02 acres. The request is to vacate 0.26 acres of street right-of-way. - Jessica Masters, Development Review Manager

Unfinished Business**5. ADM-2024-0031: Administrative Item (615 W. CHESHIRE CT/ALIGHT FAYETTEVILLE, 561 562):**

Submitted by CROUCH, HARWELL, FRYAR & FERNER, PLLC for property located at 615 W. CHESHIRE CT. The property is zoned CS, COMMUNITY SERVICES and contains approximately 12.10 acres. The request is for an appeal to an administrative determination of a violation of UDC Section 176.05.

THIS ITEM WAS TABLED AT THE JULY 8, 2024 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

6. LSD-2024-0005: Large Scale Development (NORTH OF N. TRUCKERS DR/THE LENNON, 208):

Submitted by ENGINEERING SERVICES INC for property located NORTH OF N. TRUCKERS DR. The property is zoned RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE and contains approximately 20.23 acres. The request is for a 324-unit multi-family residential development and associated parking and for an addition to the Fellowship Bible Church parking lot.

THIS ITEM WAS TABLED AT THE JULY 8, 2024 PLANNING COMMISSION MEETING. - Donna Wonsower, Planner

7. CUP-2024-0018: Conditional Use Permit (1607 N. COLLEGE AVE/BRASS POLE PROPERTIES LLC, 407):

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

THIS ITEM WAS TABLED AT MAY 28, 2024, JUNE 24, 2024 AND THE JULY 8, 2024 PLANNING COMMISSION MEETINGS. - Jessica Masters, Development Review Manager

New Business

8. ADM-2024-0033: Administrative Item (PLANNING COMMISSION RULES OF ORDER AND PROCEDURE):

Submitted by City Staff. The request is to amend the Planning Commission Rules of Order and Procedure to allow staff and applicants to answer questions during the presentation period. - Britin Bostick, Long Range Planning/Special Projects Manager

9. CUP-2024-0028: Conditional Use Permit (2160 N. CROSSOVER RD/DOMINO'S PIZZA, 372):

Submitted by OWN INC. for property located at 2160 N. CROSSOVER RD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 2.51 acres. The request is for a drive-thru restaurant. - Kylee Cole, Planner

10. LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523):

Submitted by DEVELOPMENT CONSULTANTS INC for property located

SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 163-unit multi-family residential development with associated parking. - Donna Wonsower, Planner

11. PPL-2024-0001: Preliminary Plat (SOUTHEAST OF N. CROSSOVER RD & E. ZION RD/CHANDLER CROSSING, 138):

Submitted by ENGINEERING SERVICES INC for property located SOUTHEAST OF N. CROSSOVER RD & E. ZION RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 82.09 acres. The request is for the preliminary plat of 321 residential lots. - Jessica Masters, Development Review Manager

12. VAR-2024-0030: Planning Commission Variance (435 E. MILLSAP RD/BIO LIFE PLASMA SERVICES, 212):

Submitted by ONYX CREATIVE for property located at 435 E. MILLSAP RD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.65 acres. The request is for a variance to parking lot requirements. - Donna Wonsower, Planner

13. CUP-2024-0001: Conditional Use Permit (461 N. OLIVER AVE/HAVENS FAMILY REVOCABLE TRUST, 482):

Submitted by SPENCE WALKER for property located at 461 N. OLIVER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the property as a short-term rental. - Donna Wonsower, Planner

14. CUP-2024-0029: Conditional Use Permit (380 N. COLLEGE AVE/OZARK NATURAL FOODS, 485):

Submitted by OZARK NATURAL FOODS for property located at 380 N. COLLEGE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.35 acres. The request is for an outdoor music establishment. - Gretchen Harrison, Senior Planner

15. RZN-2024-0036: Rezoning (820 W. MONTGOMERY ST/WEBB, 678):

Submitted by REBECCA WEBB for property located at 820 W. MONTGOMERY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Gretchen Harrison, Senior Planner

16. RZN-2024-0037: Rezoning (402 W. ILA ST/HEAD, 445):

Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 402 W.

ILA ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.32 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. - Kylee Cole, Planner

Items Administratively Approved by Staff

17. LSP-2024-0020: Lot Split (2695 N. OAKLAND ZION RD/ROGERS, 296):

Submitted by BATES & ASSOCIATES for property located at 2695 N. OAKLAND ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 21.80 acres. The request is to split the property into two lots containing 19.71 and 2.00 acres. - Donna Wonsower, Planner

18. LSP-2024-0023: Lot Split (415 N. BLUE JAY LN/ARNEY, 473):

Submitted by BATES & ASSOCIATES for property located at 415 N. BLUE JAY LN. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains two lots with approximately 23.00 and 39.85 acres. The request is to split the property into five lots containing 10.00, 4.75, 4.75, 3.50 and 36.85 acres. - Donna Wonsower, Planner

19. LSIP-2024-0006: Large Site Improvement Plan (W. DRAKE ST AND N. GREGG AVE/DRAKE FARMS, 250):

Submitted by ECOLOGICAL DESIGN GROUP for property located at W. DRAKE ST AND N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 49.13 acres. The request is for a mixed-use development with 180 multi-family residential units, 13,000 square feet of commercial space, and associated parking. - Gretchen Harrison, Senior Planner

20. LSIP-2024-0007: Large Site Improvement Plan (2580 W. JUDGE CUMMINGS RD/SOUTH CATO SPRINGS ROAD EXTENSION, 675):

Submitted by CRAFTON TULL for property located at 2580 W. JUDGE CUMMINGS RD. The property is zoned CS, COMMUNITY SERVICES and UT, URBAN THOROUGHFARE and contains approximately 117.19 acres. The request is for a planned street connection. - Gretchen Harrison, Senior Planner

21. FPL-2024-0006: Final Plat (4114 W. HURON LOOP/THE COURTYARDS AT OWL CREEK, 477 & 478):

Submitted by JORGENSEN & ASSOCIATES for property located at 4114 W. HURON LOOP. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 20.0 acres. The request is for the final plat of 51 residential lots. - Jessica Masters, Development Review Manager

22. FPL-2024-0007: Final Plat (E. ALBRIGHT RD. & E. GREYSTONE DR./HENDERSON PARK PH. 2, 061):

Submitted by ENGINEERING SERVICES INC. for property located at E. ALBRIGHT RD & E. GREYSTONE LEXUS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY - FOUR UNITS PER ACRE and contains approximately 4.52 acres. The request is for the final plat of 32 residential lots. - 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, Telecommunications Device for the Deaf, are available for all public hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

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

(pg. 1) Planning Commission		Monday, 07/22/2024				
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/Clint Price □ Chris Brown □ Alan Pugh					
	Roll Call	1) Minutes (07/08/2024)	2) PPL-2024-0005 (IRISH BEND)	3) LSD-2024-0005 (THE LENNON)	4) RZN-2024-0030 (WATSON)	5) ADM-2024-0036 (AMEND UDC CHAPTERS 166.01, 166.02 AND 169.03)
Madden	1	1	1	1	0	1
McGetrick	0			1	1	1
Brink	1	1	1	1	1	1
Payne	0					
Castin	1	1	1	1	1	1
Gulley	1	1	1	1	0	1
Cabe	1	1	1	1	1	1
Werner	1	1	1	1	0	1
Garlock	1	1	1	1	0	1
Agenda		Consent	Consent	Old	Old	New
Motion By		Garlock	Garlock	Garlock	Cabe	Gulley
Motion 2nd		Werner	Werner	Madden	McGetrick	Werner
Vote		7-0-0	7-0-0	8-0-0	4-4-0	8-0-0
Action		Approve	Approve	Table	Forward	Forward
Time		5:33 PM	5:33 PM	6:27 PM	6:53 PM	7:31 PM
Motion Detail				Until August 12th Planning Commission Meeting.	Denied; motion to forward failed for lack of majority	With a recommendation of approval.

(pg. 2) Planning Commission		Monday, 07/22/2024				
	6) VAR-2024-0029 (MYERS & WOODS LAW FIRM)	7) VAR-2024-0030 (BIOLIFE PLASMA SERVICES)	8) VAR-2024-0031 (THE BELGIAN ADDITION)	9) CUP-2024-0025 (BUTLER)	10) CUP-2024-0026 (GETZENDANER)	
Madden	1		1	1	1	
McGetrick	1		1	1	1	
Brink	1		1	1	1	
Payne						
Castin	1		1	1	1	
Gulley	1		1	1	1	
Cabe	1		1	1	1	
Werner	1		1	1	1	
Garlock	1		1	1	1	
Agenda	New	New	New	New	New	
Motion By	Madden		Werner	Garlock	Werner	
Motion 2nd	Cabe		Castin	Gulley	Cabe	
Vote	8-0-0		8-0-0	8-0-0	8-0-0	
Action	Approve	Withdrawn	Approve	Approve	Approve	
Time	7:35 PM		7:40 PM	7:46 PM	7:51 PM	
Motion Detail	With all conditions as recommended by staff.		With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	
Public Comment	0		0	0	0	



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: August 12, 2024

SUBJECT: **VAR-2024-0032: Planning Commission Variance (203, 205, 207, 209, 239, 241, 243, 245, 283, 285, 287, & 289 E. 12TH ST. /12th ST. TOWNHOMES, 563):** Submitted by RH ARCHITECTURAL DESIGNS for property located at 203, 205, 207, 209, 239, 241, 243, 245, 283, 285, 287, & 289 E. 12TH ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.68 acres. The request is for a variance to urban residential design standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0032** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0032**, determining:*

- In favor of a variance to UDC §166.23(C)(4), Pedestrian Circulation; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in south Fayetteville on the southeast corner of E. 12th St. and S. Washington Ave. The property is zoned RI-U, Residential Intermediate-Urban and contains approximately 0.68 acres. It is currently developed with three four-family dwellings. In June 2024, an application for a residential building permit was submitted to renovate the buildings and add a second story. During staff review, it was determined that a variance to Urban Residential Design Standards was needed. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	NC, Neighborhood Conservation RI-U, Residential Intermediate-Urban
South	Mixed-Density Residential	NC, Neighborhood Conservation RI-U, Residential Intermediate-Urban
East	Fayetteville Housing Authority - Residential	DG, Downtown General
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The applicant is requesting one variance from the Unified Development Code in association with a planned residential remodel.

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

DISCUSSION:

Variance: UDC §166.23(C)(4), Pedestrian Circulation. Ground floor units adjacent to a public street shall have a primary pedestrian entry and a sidewalk connection that doesn't exceed 12 feet before connecting to the public sidewalk. The applicant is requesting to vary from this standard for pedestrian connections that run adjacent to the building in excess of 12' in length before connecting directly to the sidewalk.

Staff recommendation: Staff supports the applicant's request finding that the location of the existing non-conforming building and parking requires connections that range from around 43' to 70' adjacent to the building before connecting to the public sidewalk. Since this project is associated with a major remodel of the existing buildings, the Urban Residential Design Standards are applied, however, with the existing site layout, facilitating these connections in 12' or less is not possible.

RECOMMENDATION: Staff recommends approval of VAR-2024-0032 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.23(C)(4), Pedestrian Circulation. Ground floor units adjacent to a public street shall have a primary pedestrian entry and a sidewalk connection that doesn't exceed 12 feet before connecting to the public sidewalk.** *Staff recommends approval of this request for the reasons stated above.*
2. Common pedestrian connections as shown on the included site plan shall be constructed prior to issuance of a Certificate of Occupancy.
3. Approval of this item does not constitute approval of any associated permits, including grading permits or building permits, nor does it constitute approval for any variances that may not have been requested or reviewed for at this stage. Review and approval of the overall project shall be required in accordance with city code.

Planning Commission Action:	☐ Approved	☐ Tabled	☐ Denied
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Meeting Date: August 12, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.23 – Urban Residential Design Standards
- Applicant Exhibits

- Request Letter
- Site Plan
- Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

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

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.

(...)

(4) **Pedestrian Circulation.**

- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.

July 2, 2024

Andrew Brink
City of Fayetteville Planning Commission
113 W Mountain St.
Fayetteville, AR 72701

Re: 203 – 289 E 12th St Townhome Remodels – Sidewalk Variance

Mr. Brink,

Thank you for taking time to consider the following variance. I am writing on behalf of the property owner, Paul Schmidt, and we are requesting a variance to item 166.23(4)(a), stating that *ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.* We are specifically asking for a variance of the last portion of this requirement for sidewalk connections that are in excess of 12'. As you will see on the included site plan, the existing buildings sit on the site with parking between the units and the street, so we are proposing to provide common sidewalks that connect to the sidewalks in front of the buildings to make this connection, but the sidewalks exceed that 12' requirement. We feel that we are doing our best to accommodate the connections in a well designed and efficient manner and would appreciate your approval of this variance. Please reach out if there are any further questions and/or potential alternatives that the commission sees could better meet the development standards.

Thank you,



Randall Hurban, AIA

Exterior Materials

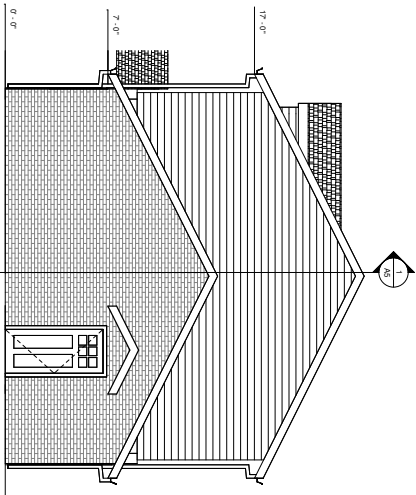
Brick Veneer
Fiber Cement Siding (Vertical Board & Batten)
Fiber Cement Siding (Horizontal Lap Siding)

Architectural

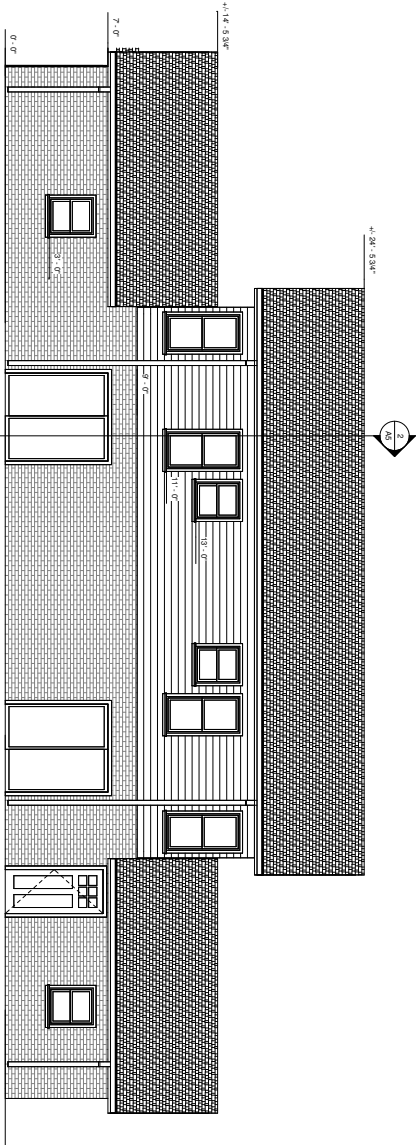
Planning Commission

August 12, 2024

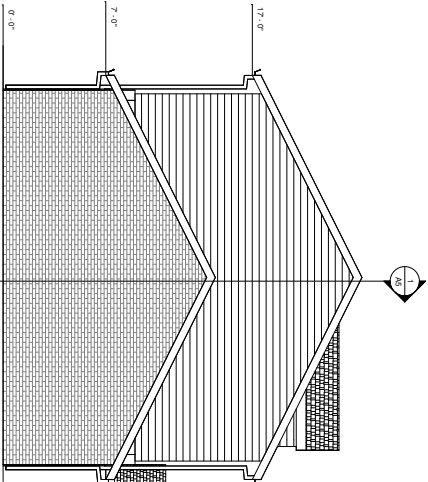
5413 Fairlawn Dr.
Fayetteville, AR 72704
937-535-5588



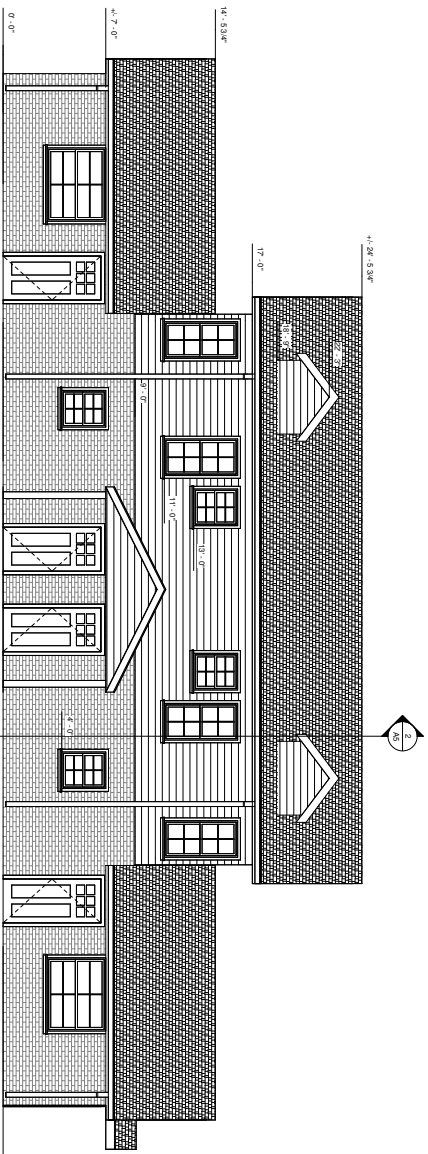
4 West Elevation
1/4" = 1'-0"



3 South Elevation
1/4" = 1'-0"



2 East Elevation
1/4" = 1'-0"



1 North Elevation
1/4" = 1'-0"

12th Street Remodels

203-289 E 12th St., Fayetteville, AR

2024.09

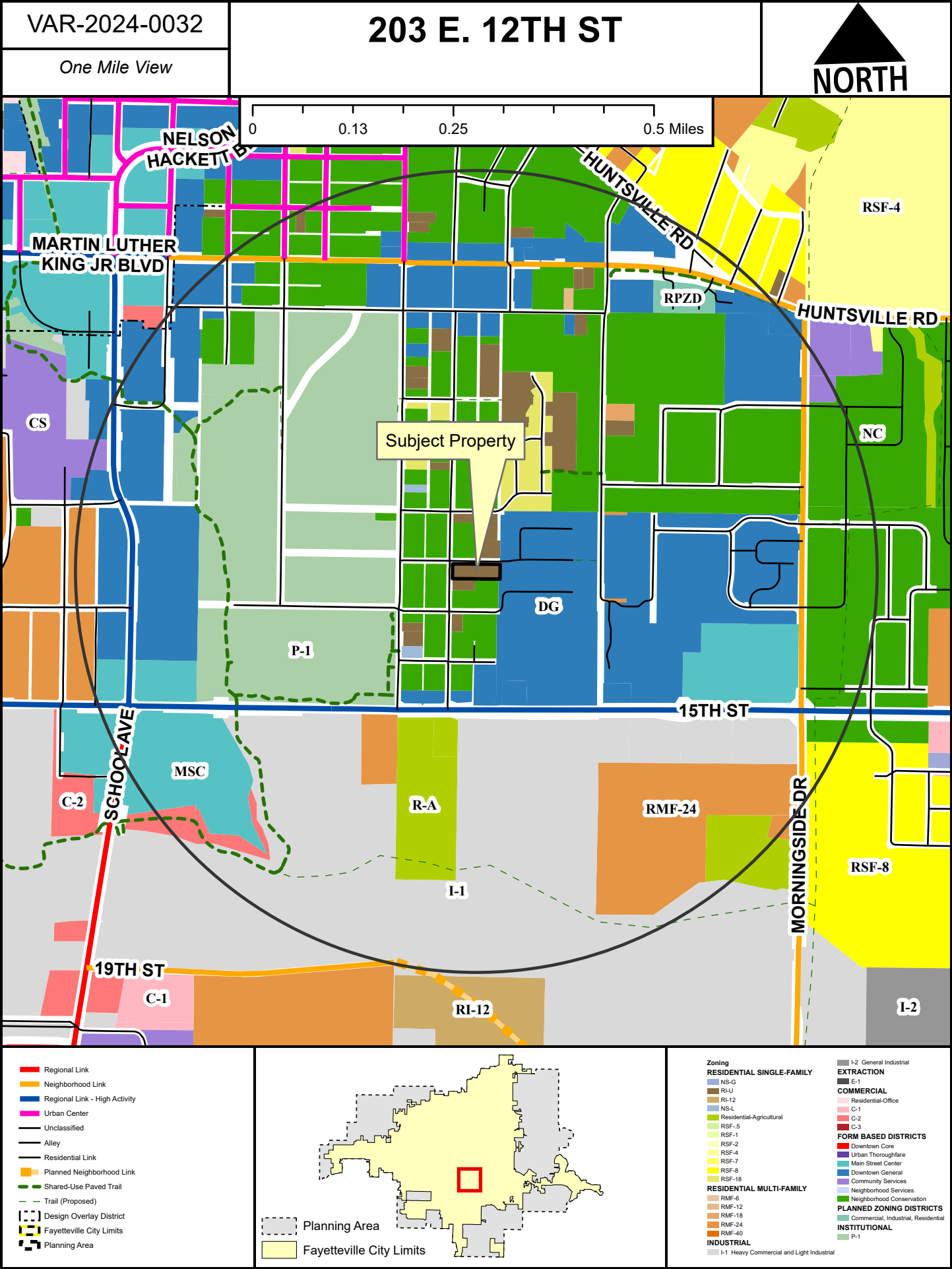
07.09.2024

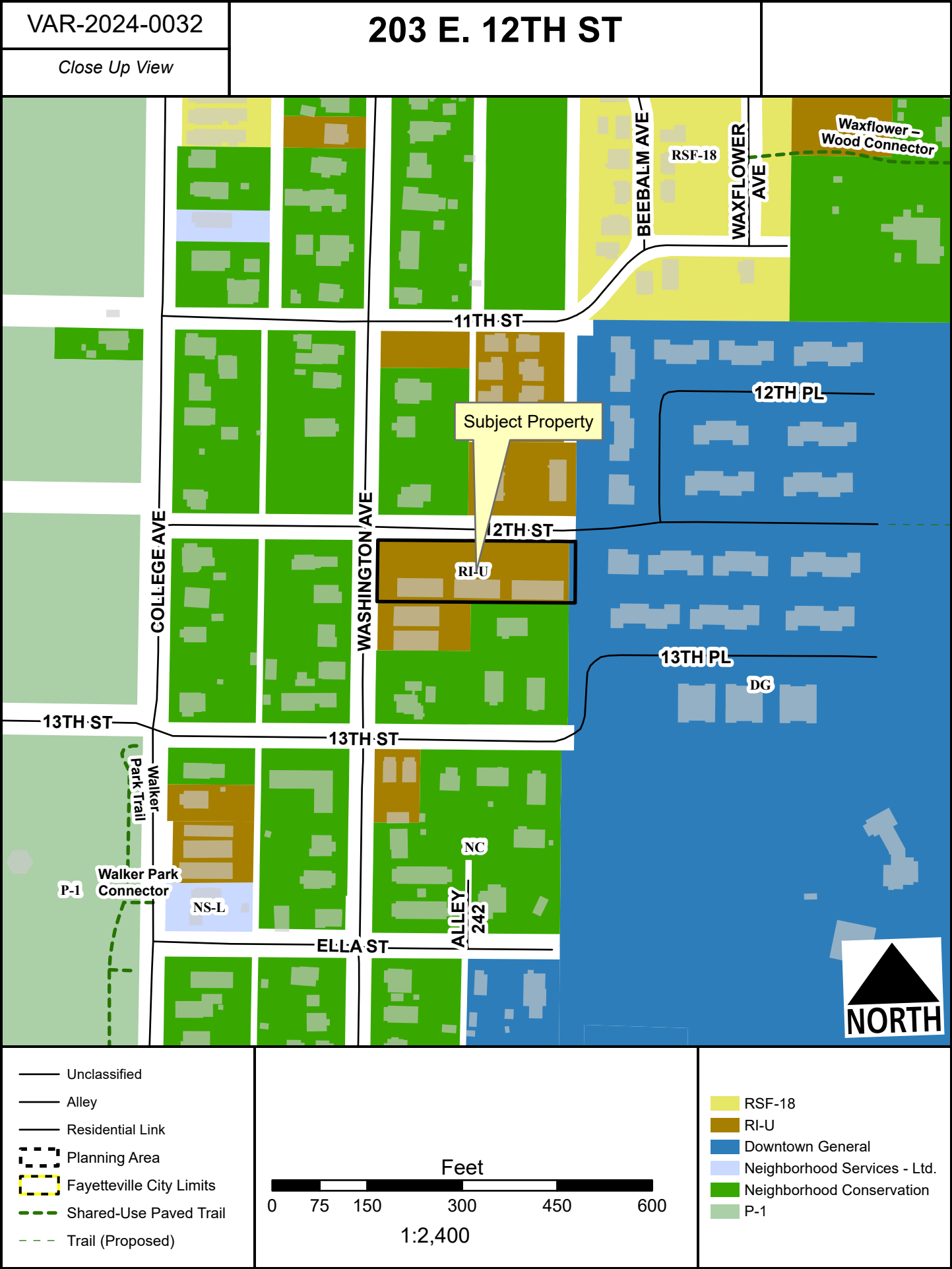
Revisions

Exterior Elevations

A4.0

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TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: August 12, 2024

SUBJECT: **VAC-2024-0014: Vacation (1215 N. KINGS DR/WILLIAMS, 408):**
Submitted by TOMMY WISE-EHLERS for property located at 1215 N. KINGS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.61 acres. The request is to vacate 0.07 acres of street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2024-0014** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0014** to the City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:

The subject property is in east Fayetteville on N. Kings Drive and is currently developed with a single-family home that County records indicate was constructed in 1961. The property is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre, and appears to have been platted in 1954 with the Edgewood Addition. The property is within the Hillside-Hilltop Overlay District. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

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

Proposal: The applicant proposes to vacate 0.07 acres of right-of-way that was platted with a replat in 1954 of the Edgewood Addition subdivision. The applicant requests its vacation to apply for a building permit for a front porch with associated improvements.

DISCUSSION:

City of Fayetteville staff recommends in favor of the requested right-of-way vacation, since all final documents have been received by City staff with no objections or issues identified. Though originally platted in the mid-1950s, the right-of-way also appears to have been platted in excess of current master street plan standards for Residential Link Streets, which typically requires 26 feet from street centerline. Currently, there is a varying width of between 50.7 and 50.8 feet of

right-of-way from the street centerline. The applicant is requesting to vacate the right-of-way to align with typical master street plan standards and leave 26-feet from the street centerline in place. The vacation would also relieve the property owner of an existing, non-conforming, front setback encroachment. Where 15-foot setbacks are currently required, portions of the structure, including the front staircase, are currently encroaching into that dimension.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided any damage or relocation of existing facilities will be at the property owner/developer's expense.
AEP/SWEPCO	No objections and no comment.
Black Hills Energy AR	No objections, provided a 10-foot utility easement is dedicated to remain with existing gas line being center of said easement.
AT&T	No objections, finding that based on provided data, the power pole and down guys at the northeast corner area of the property are outside the right-of-way being vacated.
Ozarks Electric	No objections and no comment.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comment.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

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

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0014** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. A 10-foot utility easement is dedicated or remains with existing gas line being center of said easement;
3. The power pole and down guys at the northeast corner area of the property remain outside of the right-of-way being vacated.

PLANNING COMMISSION ACTION: Required YES

Date: August 12, 2024

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

Street Right of Way Vacation Request

Address: 1215 N. Kings Dr.

Owners: Jennie and Brandon Williams

Dear Planning Commission and City Council members,

The intent of this right of way vacation request is to enable the property owners at 1215 N. Kings Dr. to renovate and add a front porch to their existing home. The home currently sits on the front building setback line; however, this is approximately 26' back from the current MSP right of way. We are proposing that the area between the current building setback line and MSP right of way be vacated so the property owners can utilize this area for their home renovation. They intend to add an approximately 10' x 10' covered front porch which would encroach upon the current front setback line. They also intend to complete other exterior renovations such as landscaping, painting, and window replacement, along with interior renovations. Adjusting the right of way to the current MSP right of way would allow them to accomplish these renovations.

Thank you for your consideration,



Tommy Wise-Ehlers, AIA

Architect

PETITION TO VACATE A STREET RIGHT-OF-WAY LOCATED IN LOT 7, EDGEWOOD ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereinafter sought to be abandoned and vacated, lying in (lot 7, Edgewood Addition), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

A PART OF THE PLATTED RIGHT-OF-WAY OF NORTH KINGS DRIVE, WHICH IS ADJACENT TO THE EAST SIDE OF LOT 7 OF EDGEWOOD ADDITION, FAYETTEVILLE, ARKANSAS AS PER THE FINAL PLAT OF SAID ADDITION FILED IN BOOK 1 AT PAGE 173 AND BOOK 413 AT PAGE 390, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING PIPE MARKING THE NORTHEAST CORNER OF SAID LOT 7 AND RUNNING THENCE S87°46'12"E 24.75' TO THE WEST MASTER STREET PLAN RIGHT-OF-WAY OF NORTH KINGS DRIVE, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S02°21'34"W 78.20', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 729.14' FOR A CHORD BEARING AND DISTANCE OF S01°20'55"W 36.52', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 147.00' FOR A CHORD BEARING AND DISTANCE OF S02°23'15"E 9.53', THENCE LEAVING SAID RIGHT OF WAY N87°56'27"W 26.05' TO AN EXISTING PIPE MARKING THE SOUTHEAST CORNER OF SAID LOT 7, THENCE ALONG THE EAST LINE THEREOF N02°17'55"E 124.29' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the street right of way are lot 6, Edgewood Addition and lot 2, block 3, Virginia Hills Addition City of Fayetteville interest and welfare would not be adversely affected by the abandonment of the portion of the above described street right-of-way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

Dated this 9 day of June, 2024.

Jennie McCain Williams

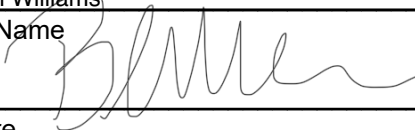
Printed Name



Signature

Brandon Williams

Printed Name



Signature

THE PROPERTY

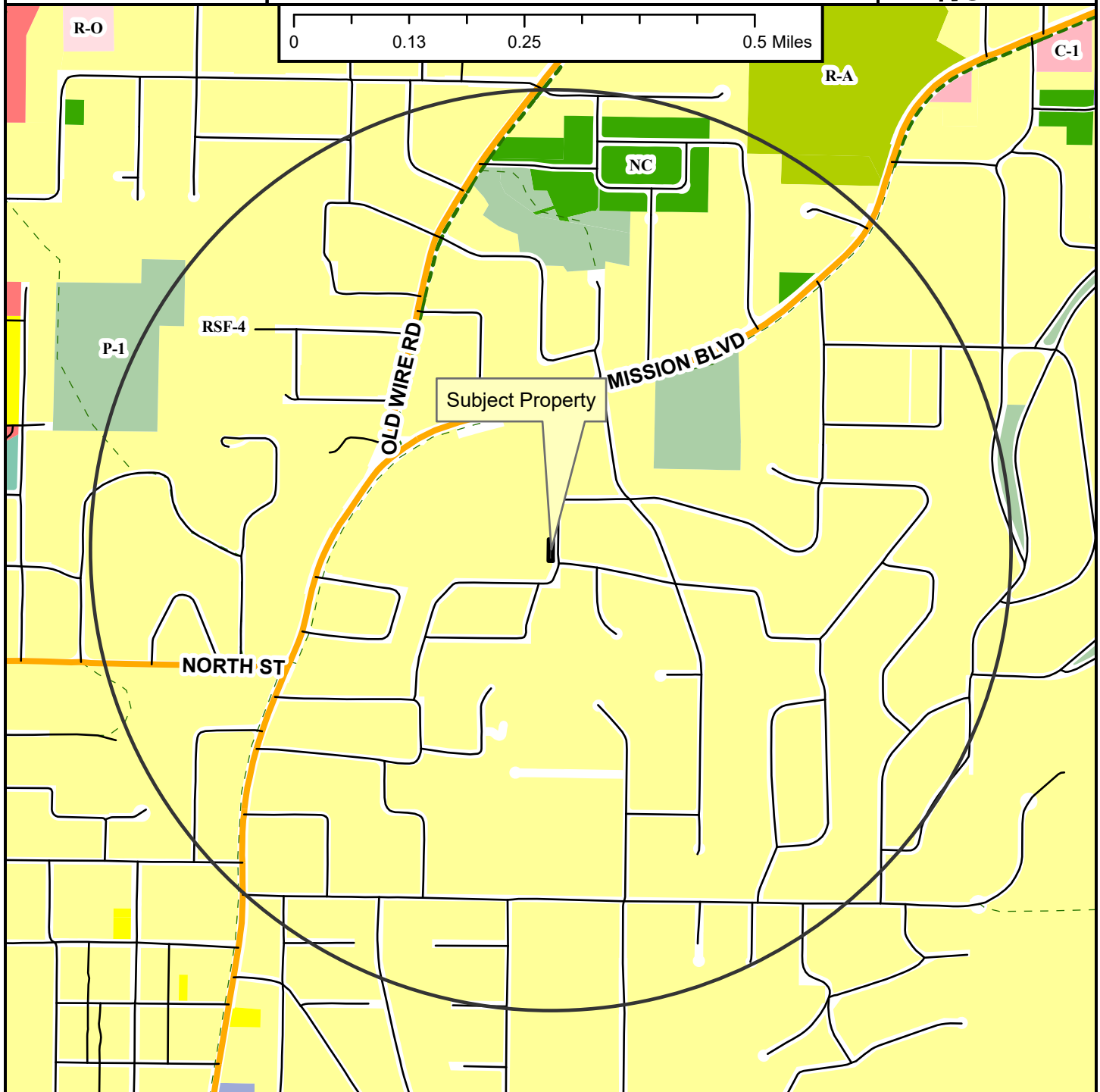
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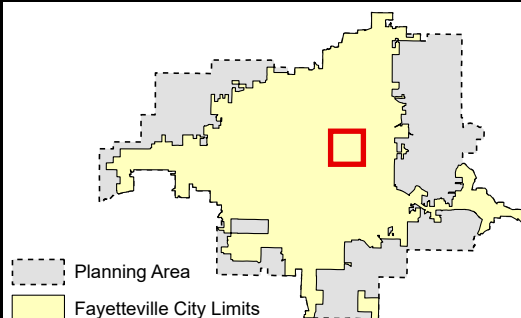
1215 N. KINGS DR

One Mile View

NORTH



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

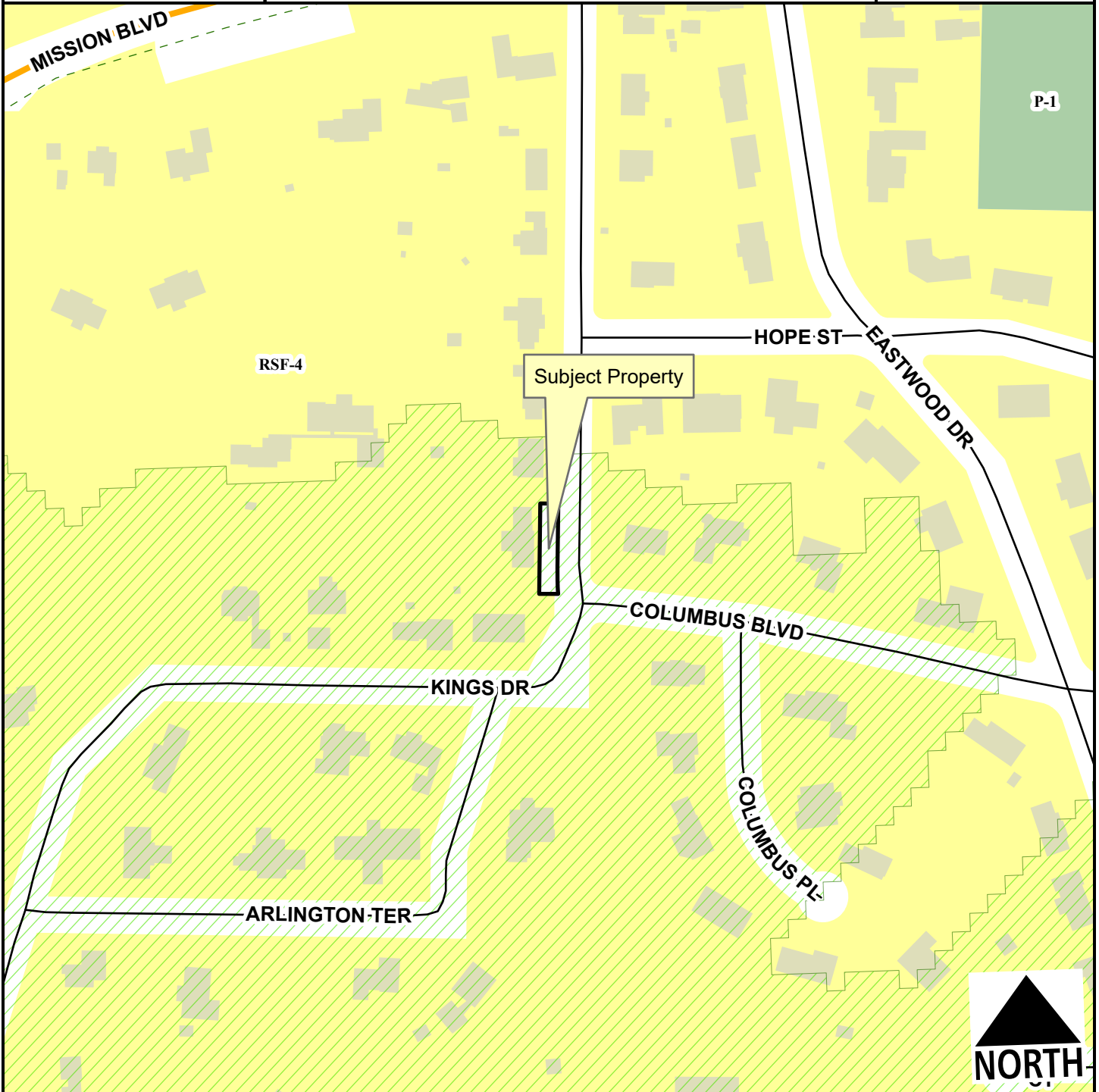


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- Zoning**
- I-2 General Industrial
 - I-1 Heavy Commercial and Light Industrial
 - I-3 Medium Density Industrial
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- COMMERCIAL**
- E-1
 - 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
- INDUSTRIAL**
- I-2 General Industrial
 - I-1 Heavy Commercial and Light Industrial
 - I-3 Medium Density Industrial

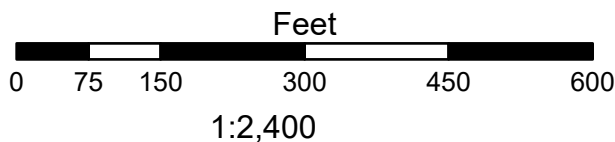
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1215 N. KINGS DR

Close Up View



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



- RSF-4
- P-1

VAC-2024-0014

1215 N. KINGS DR

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: August 12, 2024

SUBJECT: **VAC-2024-0015: Vacation (210 W. RAVENSWOOD LN/STARR, 640):**
Submitted by SITEWISE CIVIL ENGINEERING PLLC for property located at 210 W. RAVENSWOOD LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.02 acres. The request is to vacate 0.26 acres of street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2024-0015** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0015** to the City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:

The subject property is in south Fayetteville, approximately 0.30 mile northwest of the Fayetteville Country Club, and approximately 0.30 mile east of S. School Avenue. The property is zoned RSF-4 and encompasses lots 145, 146, 147, and 148 that were platted with the County Club Estates Subdivision in 1970. The entire property is located within the Hillside Hilltop Overlay District. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Undeveloped/Rural Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
West	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre

Proposal: The applicant proposes to vacate 0.26 acres of right-of-way that was platted in 1970 with the Country Club Estates, Phase 1 subdivision. The right-of-way is a cul-de-sac that was never developed and is currently functioning as the adjacent property owner's front yard.

DISCUSSION:

City of Fayetteville staff recommends in favor of the requested right-of-way vacation, since all final documents have been received by City staff with no objections or issues identified. Staff finds that while the right-of-way in question technically serves 4 lots that are still legal lots of record since they do not appear to have been formally combined through a property line adjustment, the

County assessor would have to finalize how the right-of-way would get redistributed to the adjacent property.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided any damage or relocation of existing facilities will be at the property owner/developer's expense.
AEP/SWEPCO	No objections and no comment.
Black Hills Energy AR	No objections and no comment.
AT&T	No objections and no comment.
Ozarks Electric	No objections and no comment.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comment.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

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

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0015** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

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

Date: <u>August 12, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
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Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

June 24, 2024

Planning Commission
c/o Jessica Masters - Development Review Manager
125 W Mountain Street
Fayetteville, AR 72701



RE: 210 W. Ravenswood Ln. – Right-of-Way Vacation

The property owner of 210 W. Ravenswood Ln. is requesting to vacate the right of way of an undeveloped and obsolete cul-de-sac totaling 11,323 SF, or 0.26 acres, that is functioning as the front yard of 210 W. Ravenswood Lane (Parcel # 765-04231-000). Please refer to Exhibits 1 and 2 for images. The right-of-way in question was dedicated in 1968 via the Country Club Addition Plat and has not been developed since that time. The intent of this vacation request is to relieve the subject parcel of the encumbrance of a cul-de-sac that has never been constructed and that is no longer necessary. Vacation of the ROW would allow the property owner the ability to make enhancements to an area of the property that currently functions as the property's front lawn. Should the right-of-way be vacated, what remains is an existing platted 25' wide right-of-way along the southern boundary of the parcel consistent with the connectivity goals of the City.

Thank you for your consideration. If I can be of any further assistance, please contact me at zhixson@sitewisecivil.com.

Respectfully submitted,

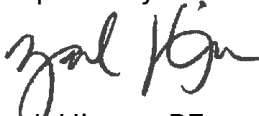

Zach Hixson, PE



Exhibit 1: Photo of existing right-of-way/front lawn of subject parcel.



Exhibit 2: Aerial image of proposed right-of-way/front lawn of subject parcel.

**PETITION TO VACATE RIGHT-OF-WAY LOCATED IN COUNTRY CLUB ESTATES ADDITION,
CITY OF FAYETTEVILLE, ARKANSAS**

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying in Country Club Estates Addition Phase I, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

PARCEL #765-04231-000:

LOTS 145, 146, 147 & 148, AS SHOWN ON FINAL PLAT OF COUNTRY CLUB ESTATES ADDITION, PHASE 1, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS PER PLAT OF SAID ADDITION FILED IN PLAT BOOK 3, PAGE 460, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

RIGHT OF WAY TO BE VACATED:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 28, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 145, AS SHOWN ON FINAL PLAT OF COUNTRY CLUB ESTATES, PHASE I, PLAT BOOK 3, PAGE 460, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND RUNNING S87°18'50"E 133.53 FEET TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AND WHOSE LONG CHORD BEARS N47°41'10"E 35.36 FEET; THENCE N02°41'10"E 20.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET, AND WHOSE LONG CHORD BEARS S87°18'50"E 120.00 FEET; THENCE S02°41'10"W 20.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AND WHOSE LONG CHORD BEARS S42°18'50"E 35.36 FEET; THENCE N87°18'50"W 170.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.26 ACRES, OR 11,323 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the right-of-way within Country Club Estates Addition, City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described right-of-way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said right-of-way.

Dated this 16th day of may, 2024.

Printed Name

JOE F. STARR, JR., TRUSTEE
WILMA J. STARR REV TRUST

Signature



Printed Name

Signature

NOTES:

1. PARCEL #765-04231-000
2. CURRENT ZONING: RSF-4
3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83
4. BOUNDARY BASED ON:
 - I. WARRANTY DEED, FILE #2019-00016078
 - II. FINAL PLAT OF COUNTRY CLUB ESTATES, PHASE 1, BOOK 3, PAGE 480
5. PER GRAPHIC PLOTTING ONLY. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE 2X AS SHOWN ON FEMA FIRM PANEL #49543C02165 BEARING AN EFFECTIVE DATE OF 1/25/2024 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

ZONING & SETBACKS:

ZONED: RSF-4

SETBACKS:

FRONT: 15'
SIDE: 5'
REAR: 15'

PARCEL #765-04231-000:

LOTS 145, 146, 147 & 148, AS SHOWN ON FINAL PLAT OF COUNTRY CLUB ESTATES ADDITION, PHASE 1, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS PER PLAT OF SAID ADDITION FILED IN PLAT BOOK 3, PAGE 480, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

RIGHT OF WAY TO BE VACATED:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 28, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COUNTRY CLUB ESTATES, PHASE 1, PLAT BOOK 3, PAGE 480, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND RUNNING S87°18'50"E 133.13 FEET TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AND WHOSE LONG CHORD BEARS N47°41'10"E 35.36 FEET; THENCE N02°41'10"E 20.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 80.00 FEET, AND WHOSE LONG CHORD BEARS S87°18'50"E 120.00 FEET; THENCE S02°41'10"W 20.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AND WHOSE LONG CHORD BEARS S42°18'50"E 35.36 FEET; THENCE N87°18'50"W 170.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.28 ACRES, OR 11,323 SQUARE FEET, MORE OR LESS.

SURVEYORS CERTIFICATION:

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.

DAVID L. JORGENSEN, ARLS #1118

DATE



Planning Commission

August 12, 2024

VAC-2024-0015 (STAFF REPORT) Page 35 of 461

Page 9 of 12

LEGEND	PROPERTY LINE	RIGHT OF WAY
● FOUND MONUMENT AS NOTED	—	—
○ SET FROM PIN WITH CAP	—	—
× CALCULATED POINT	—	—
	— FORTY LINE / PROPERTY LINE —	— BUILDING SETBACK —
	— ADJOINING PROPERTY LINE —	— UTILITY EASEMENT —
	— CENTERLINE OF ROAD —	— EDGE OF GRAVEL —



JORGENSEN & ASSOCIATES
Civil Engineering • Surveying

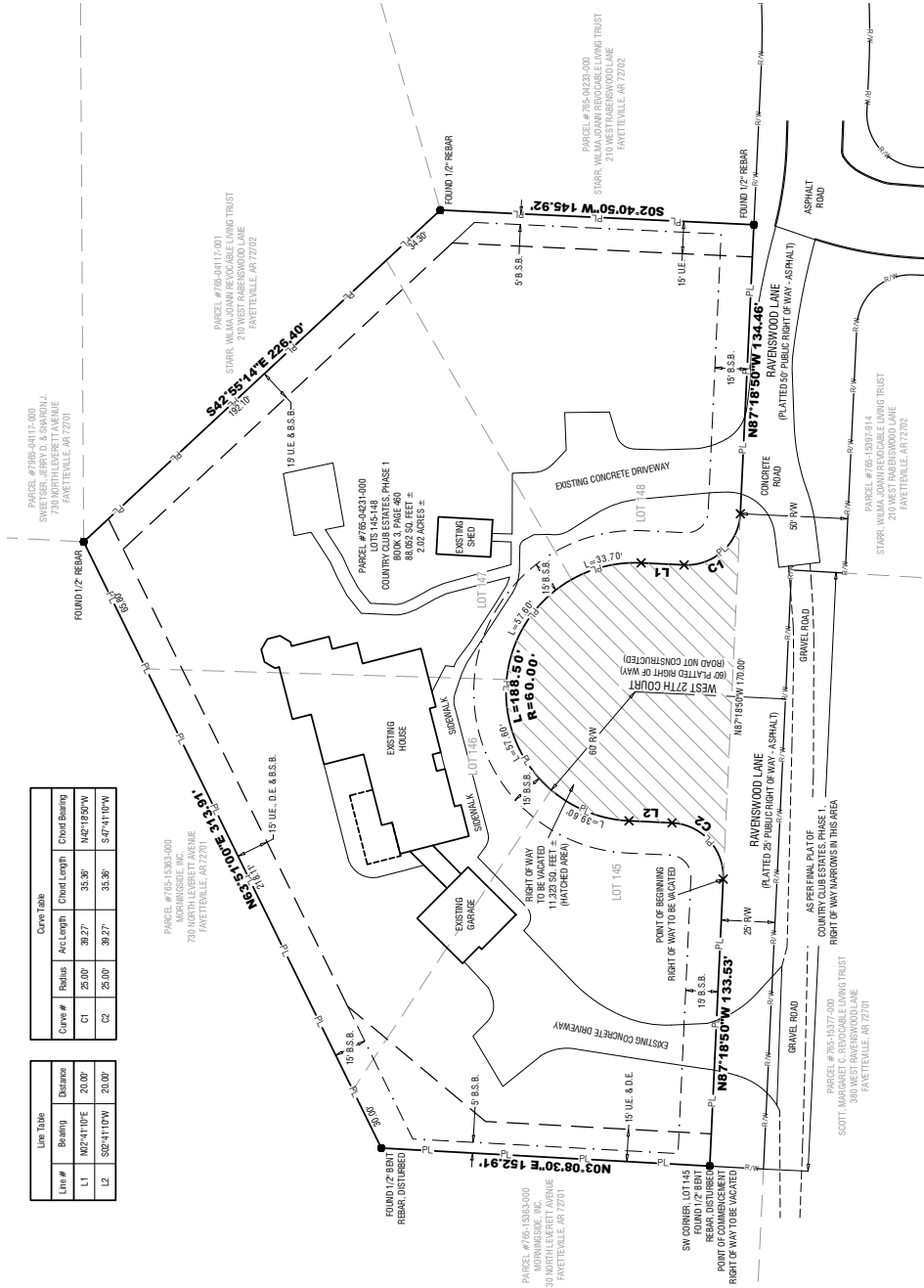
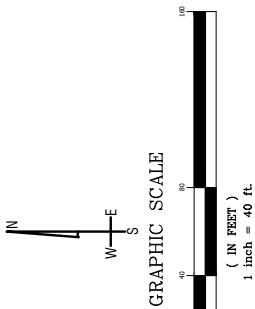
324 W. Superdome Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

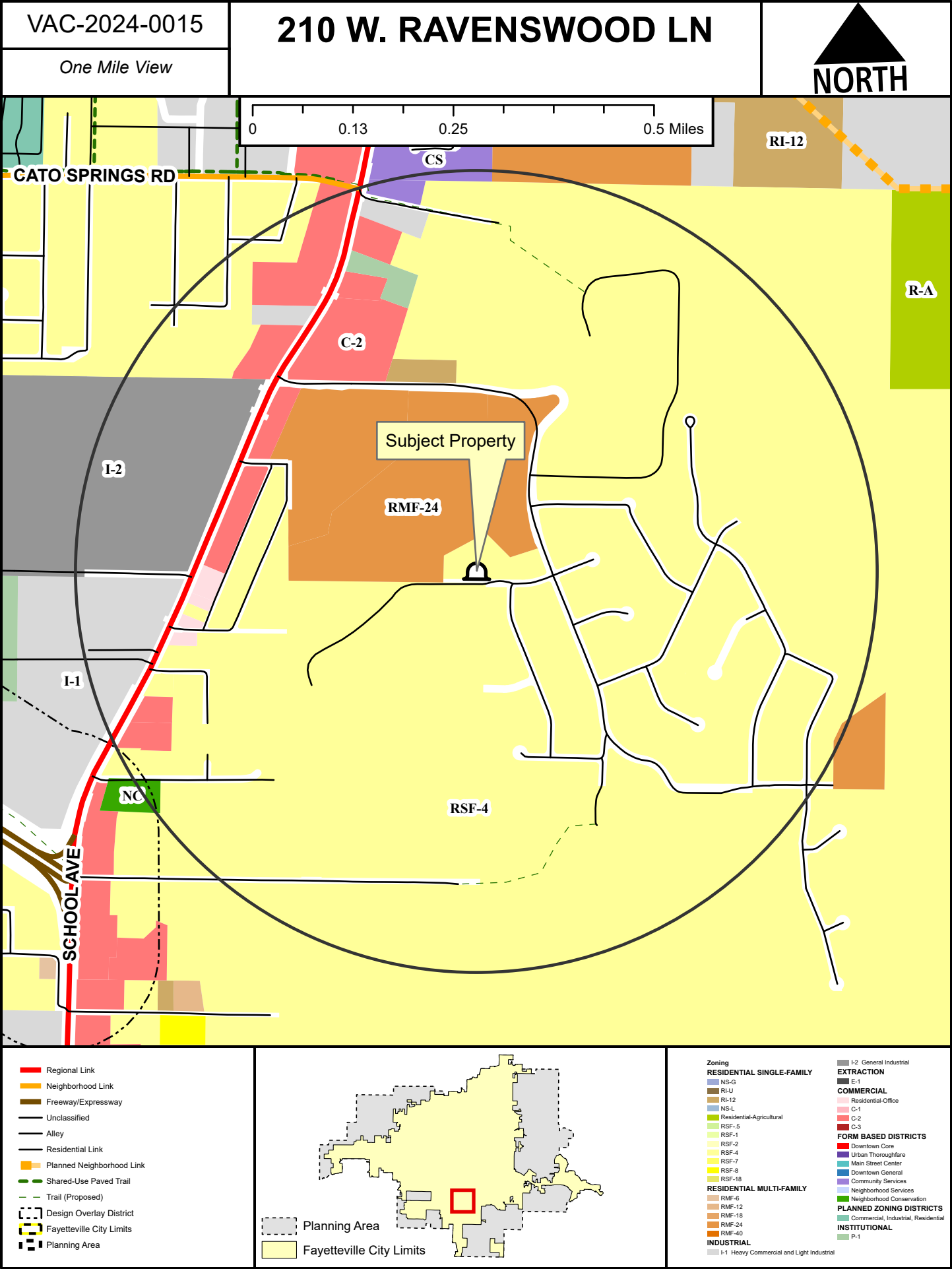
PROJECT TITLE: RAVENSWOOD RIGHT OF WAY VACATION
LOCATION: 210 RAVENSWOOD LANE, FAYETTEVILLE, AR
SHEET TITLE: RIGHT OF WAY EXHIBIT

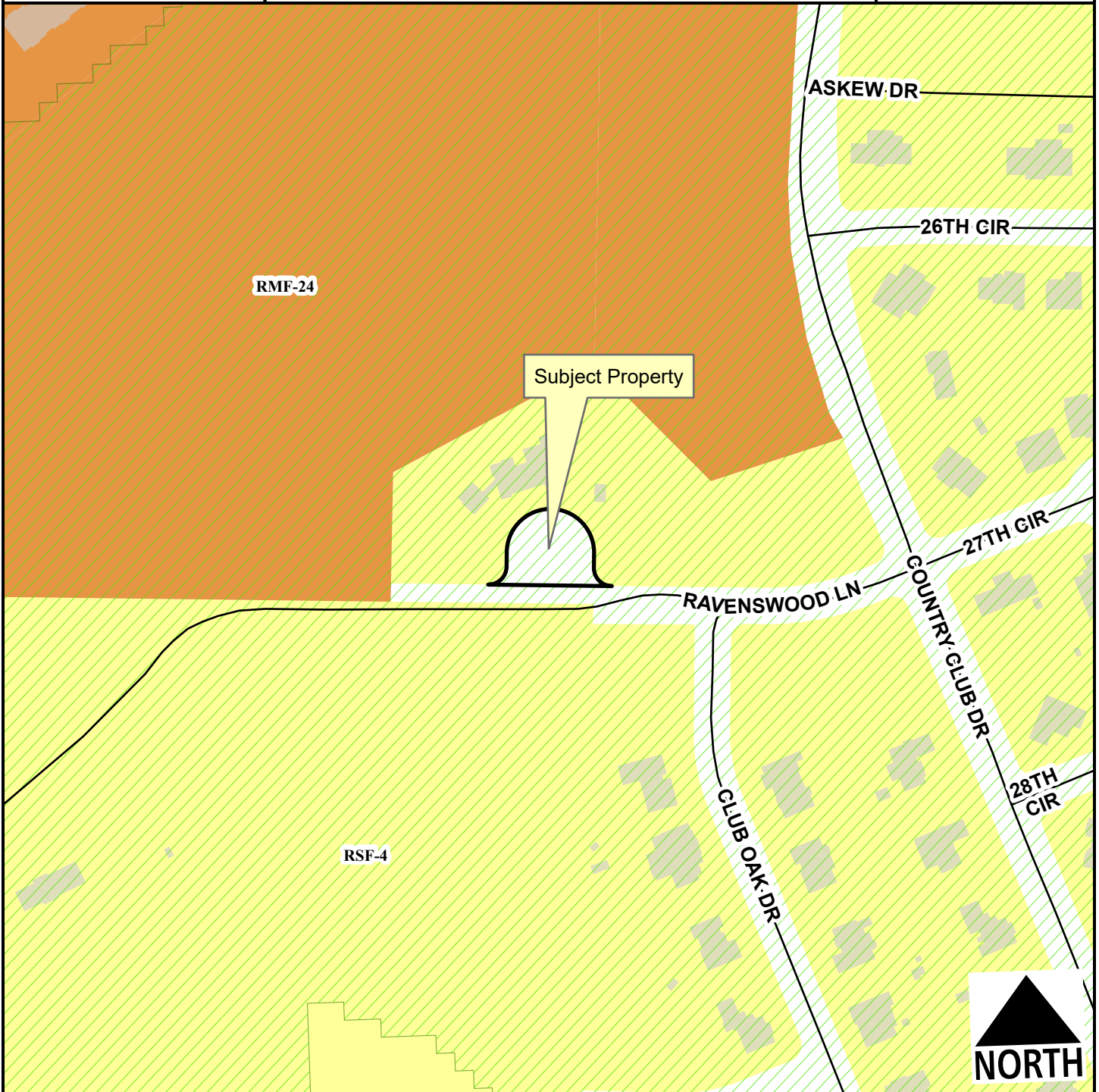


DATE: 8/8/2024
DRAWN BY: JH
SHEET SCALE: P = 40'
PROJECT FILE: E:\480 202403 - WATE STREET (RAVENSWOOD) DWG\WATE STREET - RAVENSWOOD LANE.dwg

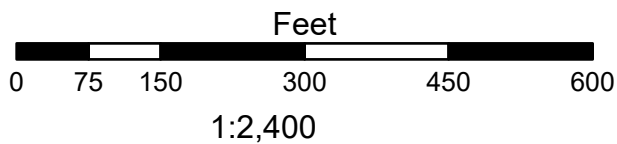
SHEET # 1



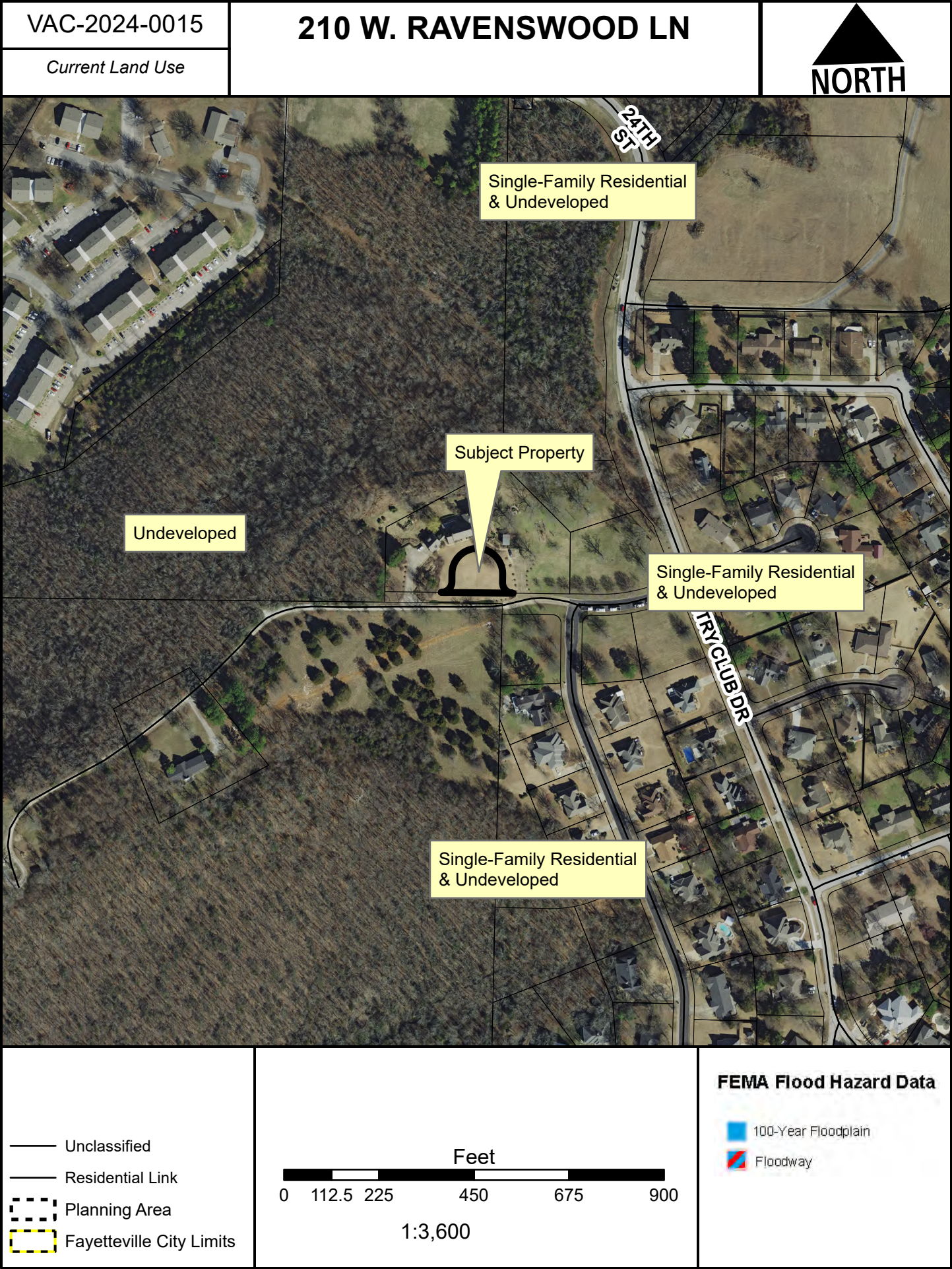




- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



- RSF-4
- RMF-24





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 12, 2024

SUBJECT: **ADM-2024-0031: Administrative Item (615 W. CHESHIRE CT./ALIGHT FAYETTEVILLE, 561 562):** Submitted by CROUCH, HARWELL, FRYAR & FERNER, PLLC for property located at 615 W. CHESHIRE CT. The property is zoned CS, COMMUNITY SERVICES and contains approximately 12.10 acres. The request is for an appeal to an administrative determination of a violation of UDC Section 176.05.

RECOMMENDATION:

Staff recommends denial of **ADM-2024-0031**.

RECOMMENDED MOTION:

"I move to deny **ADM-2024-0031**, upholding planning staff's determination of a violation of the City's outdoor lighting ordinance."

JULY 8, 2024 PLANNING COMMISSION MEETING:

The Planning Commission voted to table this item until the August 8, 2024 meeting to give the applicant time to submit a request for a variance to the City's outdoor lighting ordinance. In the interim, the applicant submitted a variance request, though it is not scheduled to be heard until the August 26, 2024 Planning Commission meeting.

BACKGROUND:

The subject property is the site of Alight Fayetteville, an apartment complex in south Fayetteville located on the west side of School Avenue about a quarter of a mile south of the street's intersection with Martin Luther King Jr. Boulevard. The property is zoned CS, Community Services and is comprised of multiple parcels totaling 12.10 acres. The property was developed with apartments in 2012. In April 2023, city staff received a complaint that light fixtures had been installed on the property which did not appear to be meeting the City's outdoor lighting ordinance and were directly illuminating adjacent properties. Staff completed their investigation in May 2024 and confirmed that light fixtures had been installed which were not properly hooded, shielded, or aimed downward and sent a violation notice to the property owner on May 14, 2024. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Industrial	I-1, Heavy Commercial and Light Industrial
South	Fayetteville National Cemetery	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Multi-Family Residential	CS, Community Services

West	Multi-Family Residential Fayetteville National Cemetery	RMF-24, Residential Multi-Family, 24 Units per Acre R-A, Residential-Agricultural
------	--	--

Proposal: The applicant requests to appeal an administrative determination of a violation of UDC §176.05 – Outdoor Lighting, General Standards.

DISCUSSION:

The applicant has provided an attached letter which describes why they are requesting an appeal and why they would like to keep the lighting on the property as-is. They stated that the fixtures were installed in response to safety concerns arising from criminal activity on adjacent properties. However, staff finds that a violation of the City's lighting ordinance is still present and not necessary. City code exempts security lighting of any wattage from having to comply with the hooding/shielding provisions of the outdoor lighting ordinance, so long as the lights are controlled by a motion-sensor switch and do not remain on longer than 12 minutes after activation. Staff finds that lighting could still be installed on the property for security purposes so long as the fixtures that are installed comply with those standards. Staff has determined that the parking lot and wall pack fixtures shown in the attached images and currently installed on the property do not comply with the City's outdoor lighting ordinance since they are not controlled by a motion sensor, hooded or shielded to mask the horizontal surface of the light source, or aimed downward onto the ground surface. Staff recommends that the Planning Commission uphold staff's determination that the fixtures installed are in violation of the City's outdoor lighting ordinance for those reasons. The applicant may petition the Planning Commission for a variance from the requirements of that ordinance if they believe that the strict application of it would cause undue hardship and may adversely affect the public interest.

Public Comment: Staff received a phone call from one member of the public who shared their support for the applicant's request and stated that the light fixtures that were installed are necessary for security purposes.

RECOMMENDATION: Staff recommends denial of ADM-2024-0031.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - Chapter 176: Outdoor Lighting
- Notice of Violation Letter
- Photos of Light Fixtures
- Applicant's Appeal Letter

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

CHAPTER 176: OUTDOOR LIGHTING

176.01 Purpose

This chapter is intended to:

- (A) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
- (B) Protect drivers, pedestrians, senior citizens, and the visually impaired from the glare of non-vehicular light sources that can impair safe travel;
- (C) Promote efficient and cost effective lighting;
- (D) Allow for flexibility in the style of light fixtures;
- (E) Reduce atmospheric light pollution.

176.02 Applicability

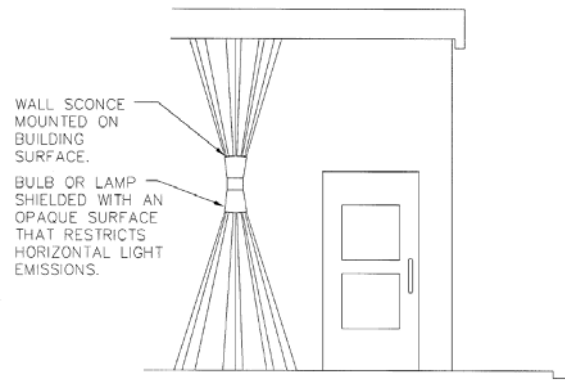
- (A) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two (2) family residential dwellings.
- (B) All outdoor lighting fixtures existing and legally installed and operative before the adoption of Ord. #4714, June 21, 2005, are exempt from these requirements unless they are determined to create a disabling glare as defined by this ordinance.
- (C) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article.
- (D) Compliance with this ordinance shall be administered by the City of Fayetteville Planning Department.
- (E) In the event of a conflict with any other section of this article, the more stringent requirement shall apply.
- (F) Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.
- (G) A developer may petition the Planning Commission for a variance from the requirements of this chapter pursuant to the Unified Development Code, Chapter 156 Variances.

176.03 Exemptions

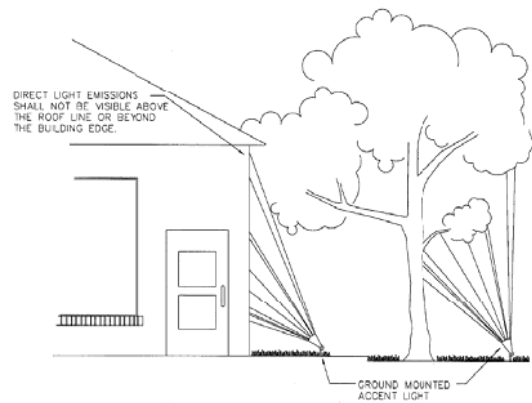
The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

- (A) Single and two (2) family residential uses.
- (B) Navigation lights (i.e. airports, heliports, radio/television towers).
- (C) Seasonal decorations with individual lights in place no longer than sixty (60) days.
- (D) Other special situations approved by the city for temporary or periodic events (i.e. parades, festivals, etc.)
- (E) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than twelve (12) minutes after activation.
- (F) Emergency lighting only as necessary and required by the adopted Building Code of the City of Fayetteville.
- (G) Flags displaying national, state, or local governmental bodies. Flags advertising businesses are not exempt from the provisions of this ordinance.
- (H) Decorative street lighting located within the Downtown Master Plan boundary.
- (I) Fossil fuel lighting.
- (J) Accent lighting.
 - (1) Landscape Elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaires shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that

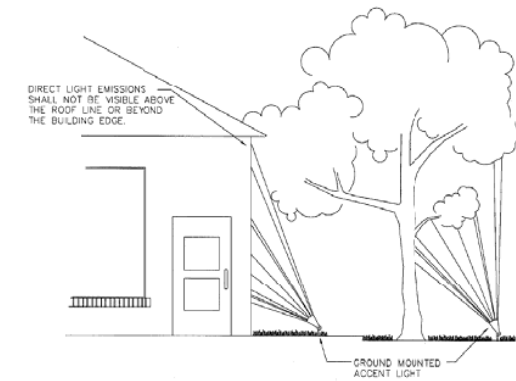
they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.



- (2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.



- (3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.



- (4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.
- (5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.
- (6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:
 - (a) Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.
 - (b) Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
 - (c) Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
 - (d) Neon or LED used in signs shall be regulated pursuant to the sign ordinance.
 - (e) Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.
- (7) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.

(Ord. No. 5483, 2-21-12)

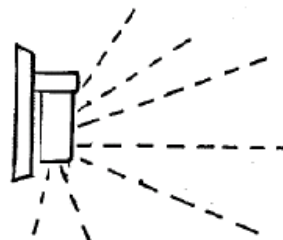
176.04 Submittals

- (A) Applications for building permits or applications for review by the Planning Commission which include the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this ordinance. The submittal shall contain the following information and shall be submitted as part of the site plan to the Planning Department.

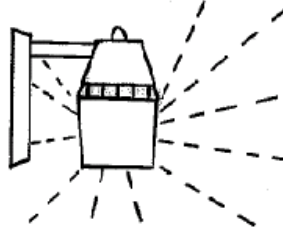
Outdoor Lighting Plan

- (1) Plans indicating the location, type, and height of the luminary including both building and ground mounted fixtures;
- (2) A description of the luminary, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
- (3) Photometric data, such as that furnished by the manufacturer; and
- (4) Any additional information as may be required by the City Planning Department in order to determine compliance with this Ordinance.

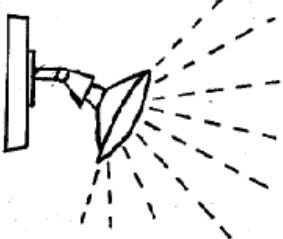
NOT PERMITTED



Typical "Wall Pack Fixture"

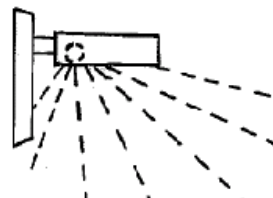


Typical "Barn Light"

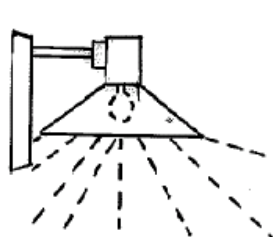


Area Flood Light

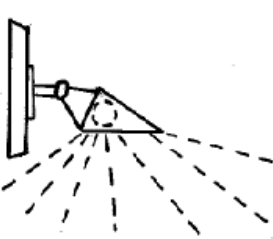
PERMITTED



Typical "Shoe Box Fixture"



Opaque Reflector (lamp inside)



Area Flood Light with Hood/Shield

176.05 General Standards

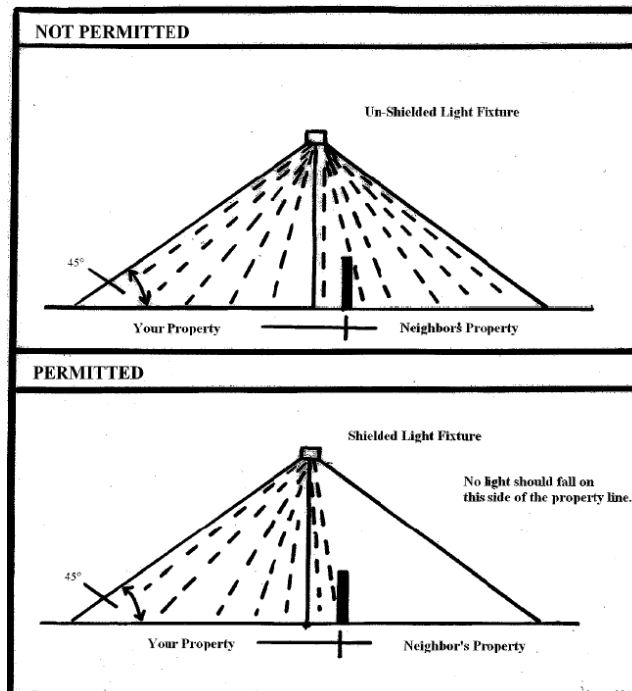
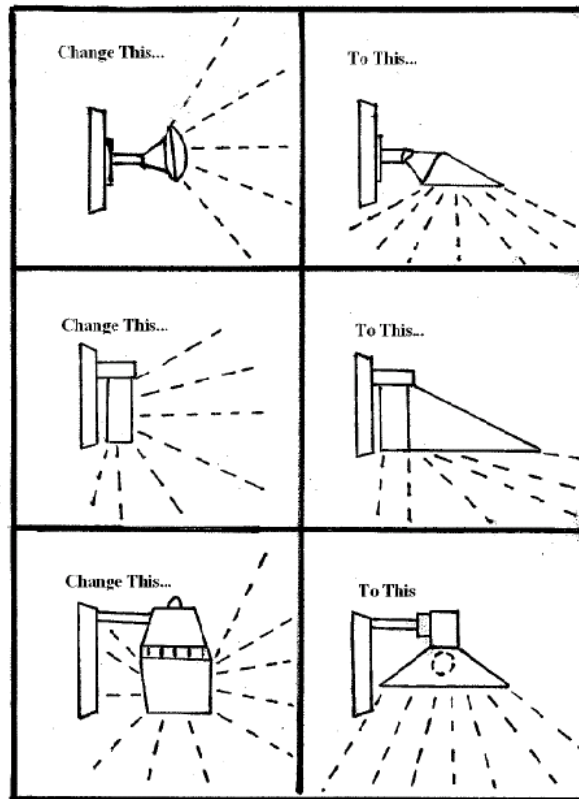
The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

- (A) Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding are shown in exhibit "C," attached herein. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.
- (B) The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to insure that the illumination is only pointing downward onto the ground surface.
- (C) Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
- (D) All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
- (E) This section may be enforced on the basis of a formal complaint filed in with the Planning Department.
- (F) Sports field lighting shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting."

176.06 Prohibited Outdoor Lighting Installations

- (A) Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.

MODIFYING EXISTING FIXTURES



(Ord. No. 4714, 6-21-05; Ord. No. 4981, 2-06-07)



CITY OF
FAYETTEVILLE
ARKANSAS

VIOLATION NOTICE

5/14/2024

SZ FAYETTEVILLE APARTMENTS
C/O CARISSA ZIDELL, ROBERT BRONSTEIN, or other responsible party
444 N MICHIGAN AVE STE 2600
CHICAGO, IL 60611

RE: ZONING VIOLATION CVZD-2023-0262

Dear Property Owner,

It appears that your property (Alight Fayetteville AKA Varsity House Apartments) located at 1005 S SCHOOL AVE contains violations of the Fayetteville Code of Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. If you need clarification of this notice or advice on how to correct these problems, please call our office at 479-444-3443 or email ztamijani@fayetteville-ar.gov.

Violations:

§176.05 of the City of Fayetteville Unified Development Code.

Remedial Action(s) needed for compliance:

1. Exterior lighting highlighted is shining into neighboring properties and must be hooded, shielded, and aimed downward to prevent this condition; or
2. Remove any light fixture which substantially casts its beam beyond the bounds of the property.

See the reverse side of this letter for reference pictures.

Penalty:

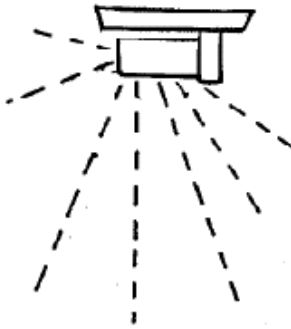
If this violation is not corrected within ten (10) days from the service of this notice, this notice and all documents related to this case shall be turned over to the City Prosecutor's Office. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to an appeal. Please see Chapter 155 of the Unified Development Code.

The City of Fayetteville is a truly beautiful and unique place to live and work and we rely on all our citizens and the business community to help us to maintain the high quality of life we have all come to expect. Thank you for your contributions to that quality of life and for resolving the violation in a timely manner.

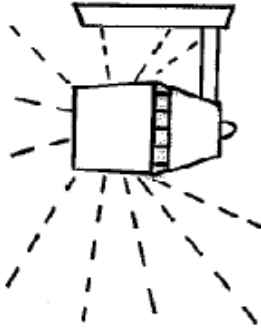
Sincerely,

Zak Tamijani
Planning Technician

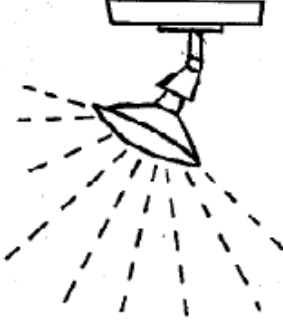
NOT PERMITTED



Typical "Wall Pack Fixture"

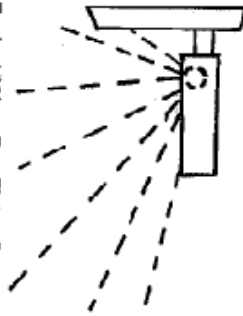


Typical "Barn Light"

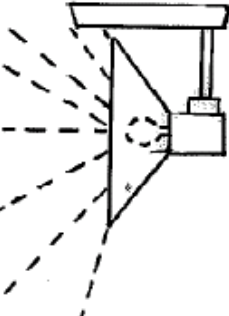


Area Flood Light

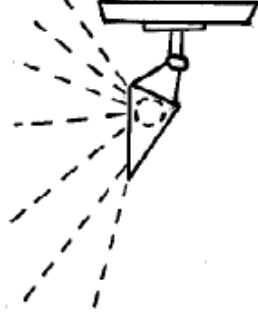
PERMITTED



Typical "Shoe Box Fixture"

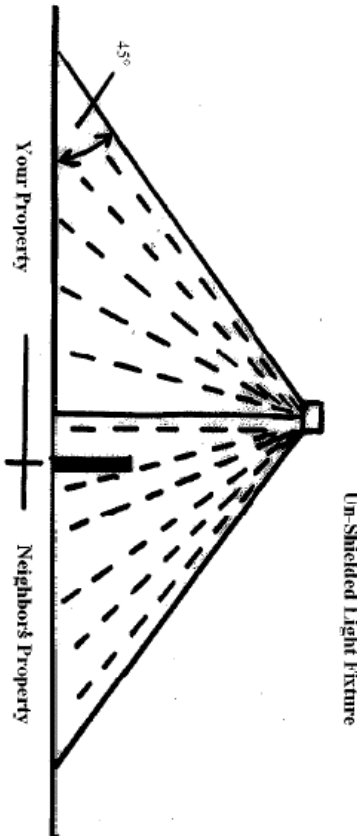


Opaque Reflector (lamp inside)



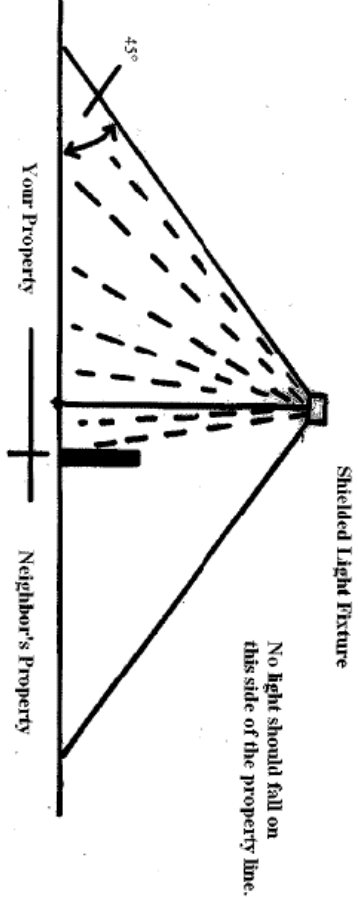
Area Flood Light with Hood/Shield

NOT PERMITTED



Un-Shielded Light Fixture

PERMITTED



Shielded Light Fixture

No light should fall on this side of the property line.





CROUCH | HARWELL | FRYAR | FERNER

ESTABLISHED 1947

June 6, 2024

City of Fayetteville

ATTN: Development Services

SUBMITTED VIA City Government Portal: https://egov.fayetteville-ar.gov/energov_prod/selfservice#/plan/apply/159/0/0

RE: APPEAL CVZD 2023-0262

To Whom It May Concern:

My name is Steve Zega. I am an attorney and I represent SZ Fayetteville Apartments, LLC, the owner of Alight Fayetteville. My client received a Notice of Violation received on May 17, 2024. Pursuant to the Fayetteville Unified Development Code, Section 155.06, my client wishes to appeal the staff determination that the lighting in question mentioned in the violation notice is, in fact, in violation of UDC Section 176.05.

I include the following statement from my client's Regional Manager, Esther Sanford, in support of the appeal.

Thank you.

In response to the violation notice received on 5/17/2024 regarding violations of the lighting on property.

In regard to the complaint about the wall pack lights facing west on building 615 and the "light tree" at the northwest corner of the property; we are electing to dispute this violation. We have had multiple safety concerns from the house across the street from where these lights are located. As a result of the activity from this house we have had vehicles broken into, vandalism to our property, resident and staff have been assaulted, and several other safety concerns due to the trespassers from traffic coming and going to this property. We feel that though these lights may shine out onto the road they are crucial to providing a well-lit area near this home of constant criminal activity. Based on the conversation we had in my office today, you yourself stated that even city inspectors will not enter that property without police presence due to safety concerns and even with police there it's very unsafe. We have also contacted the property owner next door to the white house, Denise Youngblood, who is in full support of these lights staying as it adds additional safety for her property. That being said, until the city is willing to do more to ensure the safety of the

James E. Crouch
Charles L. Harwell
Matthew L. Fryar
Laura K. Ferner
Steven S. Zega †
James M. Graves ☐
Michael A. Moats, Jr.

P.O. Box 1400 • 111 Holcomb Street Courtney C. Crouch (1912-1975)
Springdale, AR 72765-1400 James D. Cypert (1934-2020)
479-751-5222 tel • 479-751-5777 fax
www.nwa.law
szega@nwa.law

† Licensed in AR and OK
☐ Licensed in AR and MO

CROUCH, HARWELL, FRYAR & FERNER, PLLC

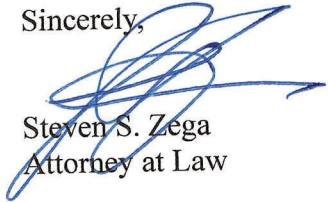
residents surrounding this property, it is our request that the city make an exception based on extenuating circumstances of safety concerns and continuous criminal activity to allow us to keep the lighting as-is in this area.

Additionally, we have spoken to the Mad Rooster and Farmer's Table Café who are also fighting the same safety concerns and continuous criminal activity stemming from the white house. They too are asking that all the lighting on our property remain as-is, until the known criminal activity is stopped by the city.

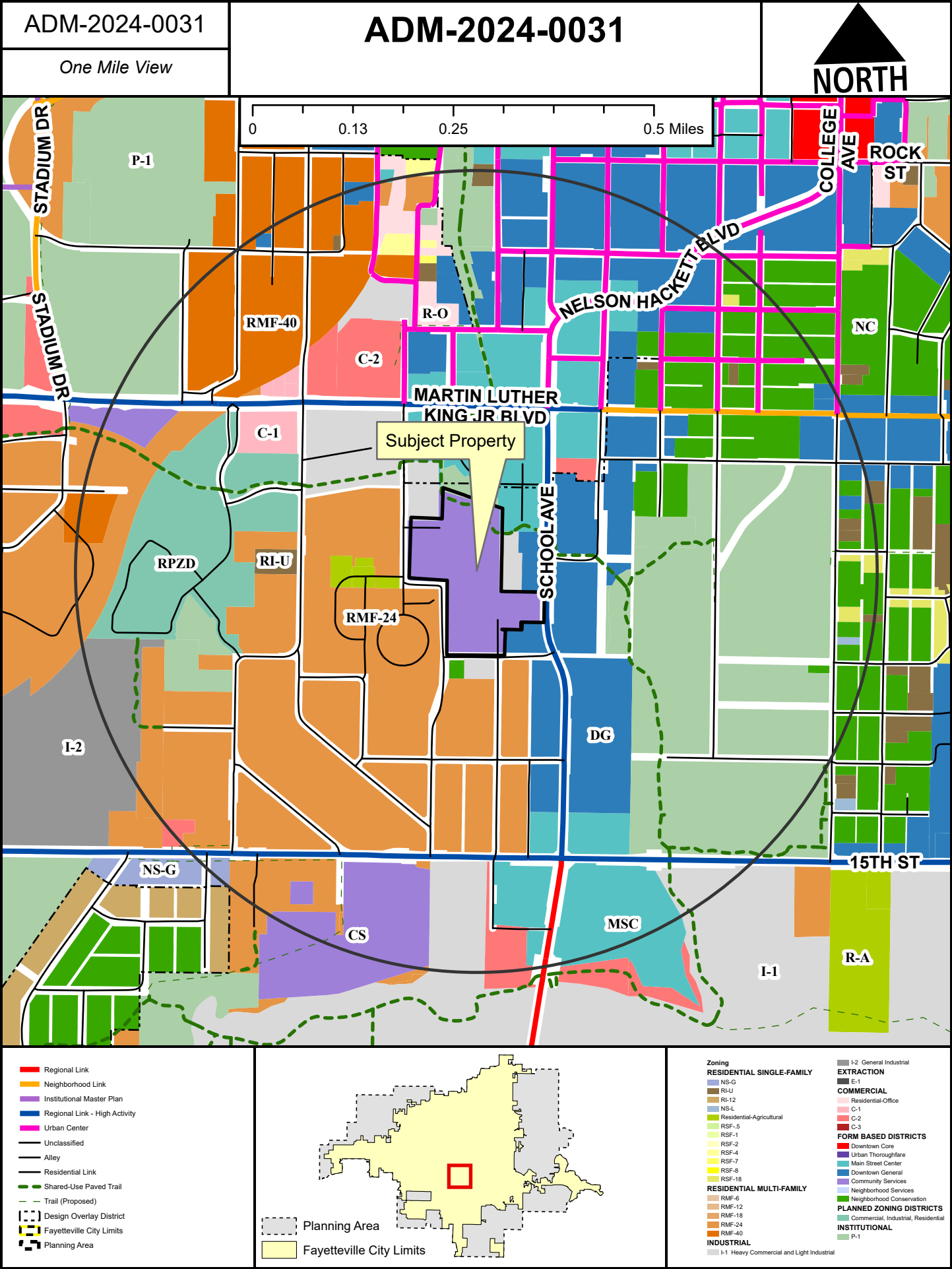
Our property has recently had to invest almost a half a million dollars in installing security features for our property due to the extensive level of crime from the nearby property and high level of foot traffic from the homeless community to and from that property. We feel our request to approve this exception is well within our rights as residents of this city to expect safety features such as well-lit areas in proximity of properties with safety concerns of this level and we would like to believe the city would equally be concerned with its citizens' safety.

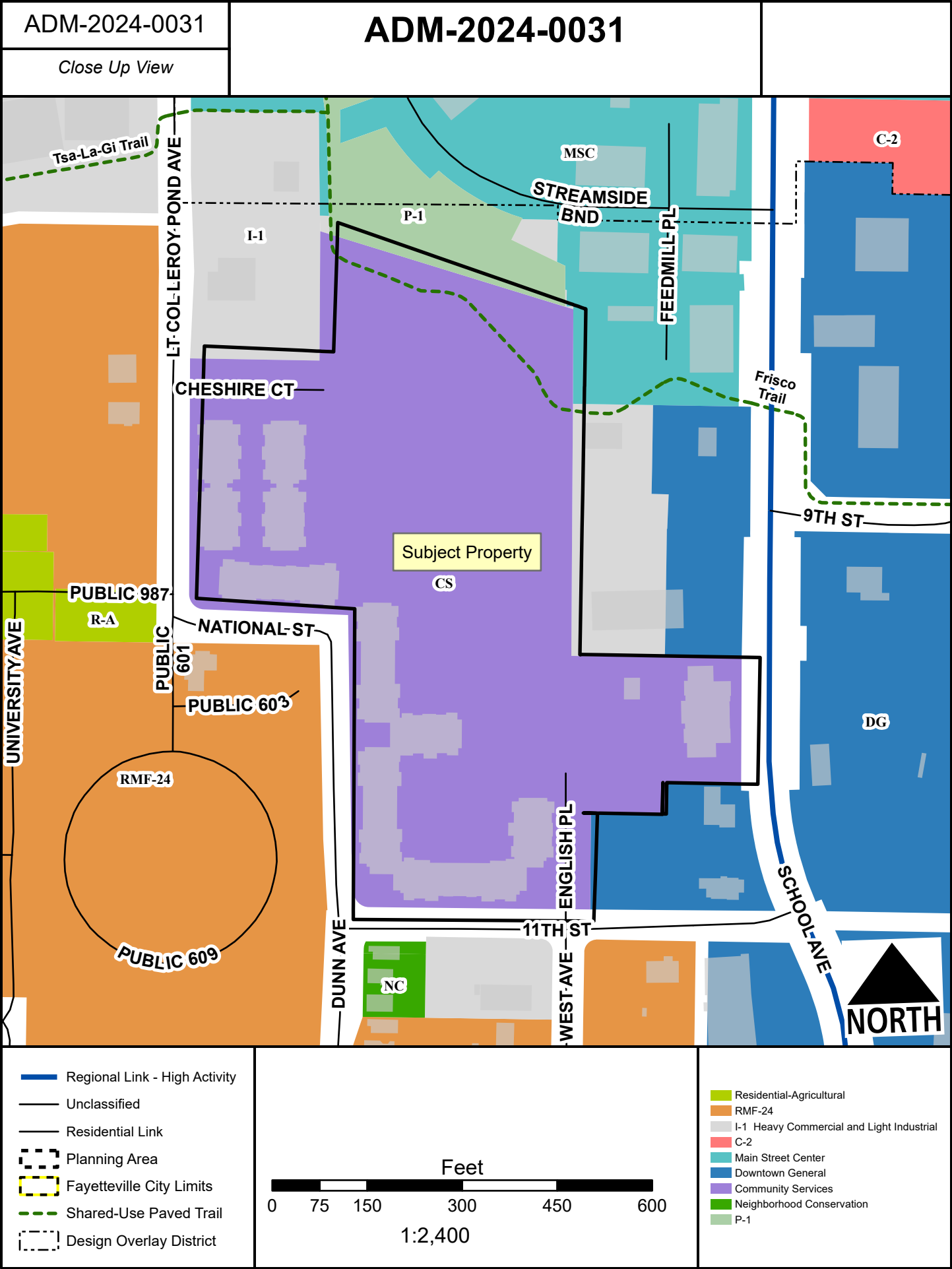
Thank you for your time and attention to this.

Sincerely,



Steven S. Zega
Attorney at Law





ADM-2024-0031

ADM-2024-0031

Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

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

MEETING: August 12, 2024

SUBJECT: **LSD-2024-0005: Large Scale Development (NORTH OF N. TRUCKERS DR/THE LENNON, 208):** Submitted by ENGINEERING SERVICES INC for property located NORTH OF N. TRUCKERS DR. The property is zoned RMF-18, RESIDENTIAL MULTI-FAMILY, EIGHTEEN UNITS PER ACRE and contains approximately 20.23 acres. The request is for a 324-unit multi-family residential development and associated parking and for an addition to the Fellowship Bible Church parking lot.

RECOMMENDATION:

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

RECOMMENDED MOTION:

*"I move to approve **LSD-2024-0005**, finding:*

- In favor of requested variance to §166.11(A), Conformance to Plans and Regulations,*
- In favor of requested variance to §166.23(C)(4), Pedestrian Connections,*
- In favor of requested variance to §168.21(E): Regulated Uses, Structures and Activities Within the Streamside Protection Zones,*
- In favor of requested variance to §177.03(D)(2)(a), Landscape Area Required for Property Lines Adjacent to Street Right-of-Way,*
- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements, and*
- In favor of all other conditions as recommended by staff."*

JULY 8 AND JULY 22, 2024 PLANNING COMMISSION MEETINGS:

At the July 8, 2024 Planning Commission meeting, the item was tabled due outstanding consent of owner signatures, which were provided prior to the July 22, 2024 Planning Commission meeting. At that meeting, the project was tabled again to provide time for the applicant to establish a cost estimate to install a secondary water main connection and for city engineering to determine a proportional assessment. In the interim weeks, staff received the requested cost estimate. No other updated plans were provided.

BACKGROUND:

The subject property is located in north Fayetteville between Hwy 112 and Deane Solomon Road and contains one 20.23-acre parcel that was originally part of the mixed-use Park West RPZD, Residential Planned Zoning District approved by the City Council in 2006 (ORD 4820). The RPZD zoning expired in 2011 without development and the property was successfully rezoned from RPZD, Residential Planned Zoning District to RMF-18, Residential Multi-Family, 18 Units per Acre

in late 2023. A protected stream bisects the property approximately 275 feet from the western property line. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Religious Facility	CS, Community Services
South	Assisted Living Facility	RMF-12, Residential Multi-Family, 12 Units per Acre
East	Undeveloped	RPZD, Residential Planned Zoning District
West	Undeveloped Single-family Residential	R-A, Residential Agricultural

Proposal: The applicant requests large scale development approval to develop the subject property with nine multifamily structures totaling 324 residential units. Also proposed are a clubhouse and six garage structures, with various off-site improvements proposed to properties directly north and east. Four variances have been requested with the proposal, though staff notes that additional variances may be required as discussed in the report.

Variance #1: §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.

N. Salem Rd. and N. Truckers Dr. are partially improved Residential Link streets, which typically includes a six-foot greenspace. The existing portion of N. Salem Rd. includes approximately sixteen feet of green space between the proposed sidewalk and existing asphalt road.

Staff recommendation: Staff recommends in favor of the variance. The variance request is needed solely where the development abuts an existing portion of N. Salem Rd. as the existing green space exceeds that which is required by a typical Residential Link. Given the amount of required infrastructure improvements required on this property given the presence of two planned street connections, staff finds that requiring the existing portion of N. Salem Dr. to be widened to meet master street plan could exceed the impact of the proposed development.

Variance #2: §166.23(C)(4), The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk. The proposal includes three pedestrian crossings to the public sidewalk along W. Salem Rd. with separations of approximately 141 feet, 308 feet, and 308 feet. The applicant states that their intent is to minimize crossings of the 48" water main to be installed by the city.

Staff recommendation: Staff recommends in favor of the variance with an added condition. While these distances are significantly greater than those permitted by ordinance, staff finds that minimizing impact to the 48" water main by large numbers of pedestrian crossings also serves a public benefit. A parallel sidewalk is located between nineteen feet to forty feet (19'-40') from the public sidewalk, which can also serve as open space for the residents. Staff recommends a condition that the grading permit plans shall include this parallel sidewalk.

Variance #3: §168.21(E): Regulated Uses, Structures and Activities Within the Streamside Protection Zones. The proposal includes two retention ponds located to the east and west of the streamside protection zone as well as a private street crossing. Proposed grading impacts both the streamside protection and streamside management zones. The applicant states that their intent is to install drainage improvements to permit flow between detention ponds.

Staff recommendation: Staff recommends in favor of the variance with the added condition that the applicant provide a revegetation plan for staff to review and

approve during the grading permit process. The revegetation plan shall include native plants and shrubs typically seen in a riparian area as outlined in the Streamside Protection Best Management Practices Manual.

Variance #4: §177.03(D)(2)(a), Landscape Area Required for Property Lines Adjacent to Street Right-of-Way. Residential developments are required to be landscaped for a uniform width of fifteen feet (15') parallel to and adjacent to the right-of-way with the exception of permitted entry drives. The southeast corner of Building 1 includes 10'-9" of green space between the building and the right-of-way. The applicant has indicated that the site is constrained by tying into the existing road with a smooth transition creating the pinch point for greenspace.

Staff recommendation: Staff recommends approval of the variance. The area requiring a variance is located where the curvature of the road and the building configuration create a pinch point of 10'-9" between the building corner and ROW, rather than the required 15' to accommodate all of the greenspace. Street trees are not located in that area and there is an additional twelve feet (12') of greenspace located interior to the sidewalk. Staff finds the request meets the intent of the ordinance.

Right-of-Way to be Dedicated: The subject property currently has partial street frontage along N. Truckers Dr. and N. Salem Rd., both of which are Residential Links requiring fifty-two feet (52') of total right-of-way. The master street plan calls for extensions to both streets, which the applicant proposes to coordinate with adjacent property owners along the northern and eastern property boundaries in line with Residential Link typical standards.

Street Improvements: N. Salem Rd. is a partially constructed public street currently being used as a private driveway for the Fellowship Baptist Church, with gated access from N. Deane Solomon Rd. As the applicant proposes to extend both N. Salem Rd. and N. Truckers Dr., this gate must be removed to enable full use of the public right-of-way.

N. Salem Road:

- **Existing Street:** The applicant intends to install a 6-foot sidewalk at the back of the right-of-way, streetlights and street trees in line with typical requirements for a Residential Link. The proposed green space exceeds the typical 6-foot requirement, requiring a variance as discussed above. An existing headwall shall be relocated south of the proposed sidewalk.
- **Extension per Master Street Plan:** The applicant proposes to extend N. Salem Rd. from the existing pavement to the northeast corner of the property where it will intersect with the extension of N. Truckers Dr. The applicant proposes a 6-foot sidewalk, 6-foot green space, street trees, and streetlights in line with typical requirements for a Residential Link. A 20-foot drive area with curb and gutter on both sides is proposed.

N. Truckers Drive: The existing portion of N. Truckers Dr. ends at the southern boundary of the property. The applicant proposes a street extension to the north in line with master street plan requirements, including a 6-foot sidewalk, 6-foot green space, streetlights, and street trees in line with typical requirements for a Residential Link. Two ten-foot drive lanes and one seven-foot parallel parking lane are proposed.

Access Management/Connectivity: Staff has determined that the proposed development is compliant with the City's access management and connectivity standards. Access is proposed

via one driveway onto N. Truckers Dr. and one driveway onto N. Salem Rd. The existing driveway for Fellowship Bible Church is being relocated along N. Salem Rd.

Design Standards: Staff finds that one of the driveways off of N. Truckers Dr. exceeds the required aerial apparatus access. Either this driveway must be reduced to 26 feet or a variance to §172.04 Parking Lot Design Standards must be requested. Additionally, multiple locations within the development exceed the permitted runs of 12 spaces permitted between parking lot trees per §177.04(C)(1)(b). Proposed off-site improvements to the Fellowship Bible Church parking lot substantially comply with applicable parking standards.

Color elevations were provided in the most recent resubmittal; however, these elevations do not include information on proposed building materials or specific colors. Based on the elevations, the same color palette appears to be proposed for all structures but staff is unable to confirm without additional information. Staff does find that §166.23(D)(2)(a)(i) Architectural Design Standards, including architectural variation standards are not being met for the proposed eleven-car garages as no change in material is indicated between the four structures. Either material changes must be proposed or a variance to these design standards must be requested.

Of note, a variance request for minimum buildable street frontage was included within one of the Planning Commission variance requests. This request is subject to administrative approval; thus, no Planning Commission determination is needed.

Water and Sewer System: The applicant is proposing to install 8" sewer lines and an 8" water line through the development to provide sewer access, domestic water service and fire protection. This water line only has one point of connection to the overall water distribution system. With the addition of 324 units across nine buildings and multiple accessory structures, Engineering recommends the developer install an offsite water line to add a second point of connection to the overall water distribution system. This second connection will maintain water quality and service in the event of a water line break. A cost estimate was provided for the secondary water connection totaling \$130,866.00. Engineering is currently determining a proportional assessment of this cost.

The Water and Sewer Division is currently working on a major capital improvement project that will see a 48" water line installed across a 50' easement near the northern property line of this development. No water connections to this transmission main will be permitted from the pump station to its connection to the existing distribution system.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on March 11, 2024. The Parks and Recreation Advisory Board recommended a fee-in-lieu of parkland dedication. Based on current information, fees for 324 multifamily residential units would be required in the amount of \$308,448, with final fees to be determined and paid prior to the issuance of any building permits.

Tree Preservation:

PID 765-15830-007 (Lennon Property)

Canopy minimum requirement: 20.0%

Existing Canopy: 6.9%

Preserved canopy: 4.6%

Mitigation required: 98 two-inch caliper trees

PID 765-15830-004 (Fellowship Bible Church of Northwest Arkansas)

Canopy minimum requirement: 25.0%
Existing Canopy: 13.4%
Preserved canopy: 12.8%
Mitigation required: 12 two-inch caliper trees

Public Comment: Staff has received two phone inquiries regarding the proposed development but no comments specifically opposed or in favor of the request.

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

Conditions of Approval:

1. **Planning Commission determination of variance to §166.11(A), Conformance to Plans and Regulations.** *Staff recommends approval of the requested variance with no added conditions:*

Subdivision Committee recommended in favor.

2. **Planning Commission determination of variance to §166.23(C)(4), Pedestrian Connections.** *Staff recommends approval of the requested variance with one added conditions:*
 - a. The grading permit plans shall include parallel sidewalk along N. Salem Dr as shown in the large-scale-development plans.

Subdivision Committee had no recommendation.

3. **Planning Commission determination of variance to §168.21(E): Regulated Uses, Structures and Activities Within the Streamside Protection Zones.** *Staff recommends approval of the requested variance with the following conditions:*
 - a. The applicant shall provide a revegetation plan for staff to review and approve during the grading permit process. The revegetation plan shall include native plants and shrubs typically seen in a riparian area as outlined in the Streamside Protection Best Management Practices Manual.

Subdivision Committee recommended in favor.

4. **Planning Commission determination of variance to §177.03(D)(2)(a), Landscape Area Required for Property Lines Adjacent to Street Right-of-Way.** *Staff recommends approval of the requested variance with no added conditions.*

Subdivision Committee had no recommendation.

5. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the following amounts.:*
 - a. Fifty-two feet (52') of right-of-way dedication for N. Salem Rd.
 - b. Fifty-two feet (52') of right-of-way dedication for N. Truckers Dr.

Subdivision Committee recommended in favor.

6. **Planning Commission determination of street improvements.** *Staff recommends street improvements as described below:*

- a. N. Salem Rd. (existing): 6-foot sidewalk and variable width greenspace.
- b. N. Salem Rd. (extension): 6-foot sidewalk and 6-foot green space per typical Residential Link section. Twenty-foot asphalt paving with curb and gutter.
- c. N. Truckers Dr.: 6-foot sidewalk and 6-foot green space per typical Residential Link section. Twenty-foot-wide street with 7-foot parallel parking lane.
- d. The existing gate across N. Salem Rd. adjacent to N. Deane Solomon shall be removed to enable full use of the public right-of-way.
- e. The existing headwall on N. Salem Rd. shall be relocated south of the sidewalk.
- f. An assessment for the installation of an offsite water line to add a second point of connection to the overall water distribution system. A proportional assessment shall be determined based on a cost estimate of \$130,866.00 to complete the installation.
- g. Streetlights and street trees are required for all public streets.

Subdivision Committee recommended in favor.

- 7. Parks fees shall be determined and paid prior to building permit issuance. Based on current information, fees for 324 multifamily residential units would be required in the amount of \$308,448.
- 8. Remaining comments from Planning shall be addressed, including:
 - a. Address remaining plan comments
 - b. Driveway exceeding aerial apparatus required width must be reduced to 26 feet of a variance must be requested to §172.04 Parking Lot Design Standards or a variance must be requested. This shall be required prior to grading permit approval.
 - c. Update garage elevations to provide required material, color, and roof form elevation or request variance to §166.23 Urban Residential Design Standards. This shall be required prior to building permit approval.
- 9. Conditions of approval from Engineering, Fire, and Urban Forestry are included in the official conditions of approval, attached hereto;
 - a. Address remaining plan comments
 - b. The geometry of the Truckers Dr. connection to the south shall be required to meet minimum street standards. The transition from the previous section to the current should be smooth and consistent.
 - c. Sidewalk along Salem Rd currently shown below street grade must be installed per the City's standard detail. If this is desired an administrative variance must be submitted and the City Engineer will evaluate the request.
 - d. Applicant shall provide verification of coordination with adjacent property owner regarding potential impact to off-site trees.
 - e. Parking lot trees must be installed where parking space runs exceed 12 or more spaces.

Standard Conditions of Approval:

- 10. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;
- 11. Technical Plat Review and Subdivision Committee comments (to include written staff comments provided to the applicant or their representative, and all comments from utility

representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;
13. Large scale development approval shall be valid for one year;
14. Prior to the issuance of a building permit, the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include any tree preservation areas and all utility and access easements;
 - c. Exterior lighting package must be provided to the Planning Division;
 - d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - e. A cost estimate for all required landscaping shall be submitted to the Landscape Administrator. 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 which will be held until the improvements are installed and inspected; and
 - f. Project Disk with all final revisions; and
 - g. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: ☐ **Approved** ☐ **Tabled** ☐ **Denied**

Meeting Date: August 12, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Memos
 - Engineering Memo
 - Urban Forestry Memos
 - Fire Marshal's Office Memo
 - Parks Memo
- Applicant Exhibits
 - Cover Letter
 - Planning Variance Request Letters #1 and #2
 - Streamside Variance Request Letter
 - Water Line Cost Estimate
 - Site Plans
 - Architectural Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map



TO: Donna Wonsower, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: July 17, 2024

SUBJECT: **Planning Commission Engineering Comments for
LSD-2024-0005 The Lennon**

Water: The applicant is proposing to extend an 8" water line through the development to provide domestic service and fire protection. This water line only has one point of connection to the overall water distribution system. There have been 2 developments that have occurred along Truckers over the past 15 years that did not have to make a second connection. However, the most recent development, Grand Village was approved with an offsite water connection to Warbler. That connection appears to not have been made with the first phase of construction. The second phase was approved with LSD-2021-000017 and a grading permit submitted in 2022. The permit eventually expired having only gone through one review.

With the addition of 324 units, across 10 buildings, Engineering staff is recommending the developer install an offsite water line to add a second point of connection to the overall water distribution system to maintain water quality and maintain water service in the event of a water line break.

The Water and Sewer Division is currently working on a major capital improvement project that will see a 48" water line installed from Hwy 112, across a 50' easement near the northern property line of this development and ultimately tying into a new Beaver Water District pump station. There will be no water connections made to this transmission main from the pump station to its connection to the existing distribution system.

Sewer: The applicant is proposing to install 8" sewer lines to provide sanitary sewer to the development.

Natural Features: The property is located in an area where hydric soils appear to be present. Based on this, a wetland delineation will have to be provided at or before grading permit submittal to determine if there may be wetlands on-site. If there appear to be wetlands on-site a wetland determination will have to be made by the US Army Corps of Engineers.

There is a protected stream that runs through the western portion of the site. A variance to grade within the streamside protection zones (SPZ) in order to provide an outflow of the 2 ponds has been received. Staff is supportive of this variance with the following condition:

1. The applicant provide a revegetation plan for staff to review and approve during the grading permit process. The revegetation plan shall include native plants and shrubs

typically seen in a riparian area as outlined in the Streamside Protection Best Management Practices Manual.

A “no feasible alternative” determination was made by the City Engineer for the proposed crossing of the stream. A 3-side box is proposed for use to span the stream and allow for some dry ground or an artificial ledge beneath the structure. Staff is agreeable to this type of crossing based on the Streamside Protection Best Management Practices Manual.

Drainage: The proposed development is increasing impervious area by more than 10,000 square feet and must meet the 4 minimum standards outlined in the Drainage Criteria Manual. The applicant has proposed 2 ponds to meet these standards. The east pond will be a wet pond which will provide water quality through its permanent pool. The west pond will use a proprietary device to meet water quality. There is an additional study point that will also use a proprietary device for water quality. Channel protection and peak flow attenuation are proposed to be met through the sizing of the outlet structures for the ponds and the change in drainage area for the southeastern study point.

Plan Comments:

1. Sidewalk along Salem Rd must be installed per the City’s standard detail. Currently it is shown below street grade. If this is desired an administrative variance must be submitted and the City Engineer will evaluate the request.
2. Walls over 4’ in height must be designed, inspected, and certified by an Arkansas licensed professional engineer.
3. Update headwall details and culvert to be consistent with the 3-sided box culvert that is proposed for use in the “Streamside Protection Zone – Waiver Request” letter, dated July 1, 2024.

Standard Comments:

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



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Jonathan Schmitz, Engineering Services, Inc.

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: July 22, 2024

Subject: LSD-2024-0005 Lennon Apartments (North of N. Truckers Dr., 208)

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

2. Tree Preservation Calculations

Tree Preservation Calculations		
The Lennon Property	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	839,723	100%
Zoning Designation * Select Below with drop down arrow		
RMF-18 Multi-Family Residential-Eighteen Units Per Acre	167,945	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	167,945	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	57,830	6.9%
Tree Canopy Preserved	38,595	4.6%
Tree Canopy Removed *On Site	19,798	2.4%
Tree Canopy Removed *Off Site	5,602	
Tree Canopy Removed Total	24,907	3.0%
Removed Below Minimum	129,350	
Mitigation Requirements	25,400	

Tree Preservation Calculations		
Fellowship Church Parking Lot	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	514,297	100%
Zoning Designation * Select Below with drop down arrow		
P-1, Institutional	128,574	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	128,574	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	68,740	13.4%
Tree Canopy Preserved	66,080	12.8%
Tree Canopy Removed *On Site	2,660	0.5%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	2,660	0.5%
Removed Below Minimum	62,494	
Mitigation Requirements	2,660	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	20,677	79
Low Priority	8,124	19
Total Mitigation Trees Required	28,801	98

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

5. Tree Preservation Plan Checklist UDC Chapter 167.04H1 and 167.04L1	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	Yes
b. Property Boundary	Yes	Yes	Yes
c. Natural Features (100ft beyond limits of disturbance)	No	Yes	Yes
d. Existing Topography and Proposed Grading	Yes	Yes	Yes
e. Soil Types	Yes	Yes	Yes
f. Significant Trees	Yes	Yes	Yes
g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	Yes	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes

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

Tree Protection Methods

a. Tree Protection Fencing	Yes	Yes	Yes
b. Limits of Root Pruning	Yes	Yes	Yes
c. Traffic flow on work site	Yes	Yes	Yes
d. Location of material storage	Yes	Yes	Yes
e. Location of concrete wash out	Yes	Yes	Yes
f. Location of construction entrance/exit	Yes	Yes	Yes

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

- | | |
|--|---|
| a. Provide graphic examples of multiple options used to minimize removal of existing canopy | X |
| b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy. | X |

7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	03-13-24	06-25-24	07/08/2024
	05-29-24		07/22/2024
Approved			
Tabled	04/17/24		
Denied			

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

Comments

1. Address items above marked "No" and all Redlines provided.
2. Have adjacent property owners will need to be notified about potential impacts to trees on their lots?
3. Why is group E2 now shown to be removed?
4. Why has streamside protection boundary changed between submittals?



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Jonathan Schmitz, Engineering Services, Inc.

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: July 22, 2024

Subject: LSD-2024-0005 Lennon Apartments (North of N. Truckers Dr., 208)

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b.</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements 1 Tree : 12 Parking Spaces		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>	X		
b.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	X		

- | | | | | |
|---|--|---|---|---|
| c. Narrow Tree Lawn (8' min. width, 37.5' length)
<i>UDC Chapter 177.04C</i> | | | | X |
| d. Tree Island (8' min. width, 18.7' min length, 150 square feet)
<i>UDC Chapter 177.04C</i> | | | X | |
| e. Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | | X | | |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | | |
|---|---|--|--|--|
| a. Front Property Line (15' wide landscape) and 5' on sides and rear.
<i>UDC Chapter 177.04D2a</i> | X | | | |
| b. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | X | | | |
| c. Screening of parking lot from adjacent residential properties. | X | | | |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | | |
|--|---|--|--|---|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | X | | | |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | | | | X |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | | X |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | | X |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | | X |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | | X |

5. Landscape Requirement Totals	Amount
Mitigation Trees	98 required, 98 provided
Parking Lot Trees	39 required, 45 provided
Street Trees	61 required, 61 provided
Detention Pond – Large Trees (1 Tree/3,000 square feet)	36 required, 36 provided
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	142 required, 142 provided
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	212 required, 212 provided

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	5-29-24	6-25-24	7-08-2024 07-22-2024
Approved			
Tabled	03-12-24 04-17-24		
Denied			

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

Comments
1. Address items above marked “No” and all Redlines provided. 2. Please specify understory trees for any required aerial apparatus routes. Trees shall not be taller than a mature height of 15' there. Indicate aerial apparatus route in plans. 3. Verify tree counts. 4. One (1) tree shall be planted for every twelve (12) parking spaces with this option, <u>with a maximum run of twelve (12) parking spaces permitted without a tree island.</u> Several runs exceed this maximum allowance. Additionally, required parking lot trees may not be double-counted as mitigation trees. 5. Tree island shown northwest of building 6 does not meet minimum size requirements.



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Donna Wonsower, Planner

FROM: Melissa Evans, Urban Forester

MEETING DATE: July 22, 2024

SUBJECT: **LSD-2024-0005: Variance (The Lennon Apartments, North of N. Truckers Drive):** Submitted by ESI for property located North of N. Truckers Dr. The property is zoned RMF-18, Multi-family Residential, and contains approximately 20.2 acres. The request is for a variance to the perimeter landscaping requirement along property lines adjoining street right-of-way.

RECOMMENDATION:

Urban Forestry Staff recommends approval of VAR-2022-0042 which would allow the property owner to have less than the required 15' of greenspace along the property line adjacent N. Truckers Drive. Per Chapter 177.04(D)(2)(a) of the UDC, Property Lines Adjoining Street Right-of-Way, "A 15-foot wide landscape area shall be provided along the front property line exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives) and sidewalks area allowed to cross the 15' landscaped area provided the integrity of the landscaped area is maintained." This is located in an area where the curvature of the road and the building configuration create a pinch point of 10'-9" between the building corner and ROW, rather than the required 15' to accommodate all of the greenspace, and no trees are required to be planted directly in that area.

BACKGROUND:

The southeast corner of Building 1 at the southeast corner of the site has 10'-9" to the ROW line which is greenspace. From that point there is a 6' sidewalk and almost 12' of greenspace from the sidewalk to street curb that is in the ROW. The applicant has indicated that the site is constrained by tying into the existing road with a smooth transition creating the pinch point for greenspace. Street trees are not located in that area as they have been located north between the sidewalk and street curb so there is no conflict, hence Staff supports the variance request.





CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division
FROM: Zach Foster, Parks Planning
DATE: March 11, 2024
SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: March 4, 2024
Project Title: The Lennon
Project Number: LSD-2024-0005
Project Location: North of N Truckers Dr and S of Fellowship Bible Church
Plat Page: 208
Park Quadrant: NW
Billing Name & Address: Willow Bend Optionco LLC
1207 S Old Missouri Rd, Springdale, AR 72762

☐ Land Dedication ☒ Fee-in-Lieu ☐ Combination

LAND DEDICATION

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

**TOTAL
Acres**

0.0

FEE-IN-LIEU

Single Family: _____ units x \$1,089 per unit = \$ 0
Multi Family: 522 units x \$952 per unit = \$496,944

**TOTAL
Fees**

\$496,944

SUMMARY:

- Project proposes 0 SF units and 522 MF units.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
 - Approved by the City's Land Agent in the Engineering Division.
 - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

April 2, 2024

**APPLICANT EXHIBIT
COVER LETTER**

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

RE: Overall Narrative
The Lennon
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a narrative to accompany the complete submittal for The Lennon. The proposed development is located just south of Fayetteville's Fellowship Church and north of Grand Retirement Village. It is Washington County Parcel Number 765-15830-007. This property is owned by Willow Bend Optionco LLC and is currently zoned RMF-18. No change in zoning is requested. There are 9 apartment buildings, 1 management building, and a mix of multifamily family units, totaling up to 324 residential units, and two retention pond areas. In addition, an extension to Fayetteville's Fellowship church's parking lot is being proposed in tandem with the multi-family development. This extension will include an additional 70 parking spaces, including all street and storm improvements.

Utilities

This site has access to public 8" water main and access to 10" and 12" sewer mains.

Traffic

It is not anticipated that this development will cause any traffic issues as ArDOT is improving Highway 112 to have additional lanes and roundabouts. This project will also provide street improvements to N Truckers Drive and connect to the existing drive on the north of the property, thus providing access to N Deane Solomon Rd.

This submittal includes the following items:

- No submittal fee is included. Once the invoice is generated, this will be paid by the developer.
- Preliminary Plat Plans
- Preliminary Drainage Report
- Warranty Deed
- Legal Description

Please let me know if I can answer any questions.



Keren Ramirez

Project Engineer

July 1, 2024

**APPLICANT EXHIBIT
VARIANCE REQUEST LETTER #1**

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

RE: Variance Requests
The Lennon – LSD 2024-0005
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a variance request to serve The Lennon, given the Large Scale Development identifier LSD 2024-0005, which is an approximately 20.23 acre residential development on parcel number 765-15830-007. The development is located west of Arkansas highway 112, off Truckers Lane, in Fayetteville.

Variance

With the revised plans, a variance is needed for greater open space along W Salem Rd. UDC, Chapter 166.23 – Urban Residential Design Standards, Paragraph (C) Site Development Standards, (4) Pedestrian Circulation – states that, “Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.”

This variance is requested for the following reason:

1. There is a proposed 50-foot utility easement for the City of Fayetteville’s watermain improvement which does not allow our development to meet with the maximum 12 feet of pedestrian connection to the public sidewalk. In discussion with the City’s Utility Department, we are trying to limit the amount of sidewalk crossings over the proposed 48” watermain.

Variance

With the revised plans, a variance is needed for the landscaped area along the public Right-of-Way along N Truckers Dr. UDC, Chapter 177.04 – Site Development and Parking Lot Landscape Standards, Paragraph (D) Perimeter Landscaping Requirement, (2) Property Lines Adjoining Street Right-of-Way, (a) Landscape Area Required – states that, “A 15-foot wide landscaped area shall be provided along the front property line exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives) and sidewalks are allowed to cross the 15-foot landscaped area provided the integrity of the landscaped area is maintained.”

This variance is requested for the following reason:

1. N Truckers Drive has an existing Right-of-Way of 59-feet (24A-168), with the proposed improvements we are meeting the current MSP requirements for a residential link street section, which requires 52-feet of Right-of-Way. Based on this, the street layout has been modified to provide a smooth transition to tie into the existing road and thus limit the available greenspace area along the southeast corner of Building 1.

Please let me know if I can answer any questions.



Jason Appel, P.E.

Secretary / Treasurer

June 5, 2024

**APPLICANT EXHIBIT
VARIANCE REQUEST LETTER #2**

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

RE: Variance Requests
The Lennon – LSD 2024-0005
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a variance request to serve The Lennon, given the Large Scale Development identifier LSD 2024-0005, which is an approximately 20.23 acre residential development on parcel number 765-15830-007. The development is located west of Arkansas highway 112, off Truckers Lane, in Fayetteville.

Variance

With the revised plans, a variance is needed for greater open space along W Salem Rd. UDC, Chapter 166.11 – Conformance to Plans and Regulations, Paragraph (A) – states that, “The subdivision shall conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Future Land Use Plan, the Master Street Plan, access control, setback ordinances, the Community Facilities Plan and Zoning, Chapters 160 through 164.”

This variance is requested for the following reason:

1. Per the MSP’s Residential Link Street section cannot be met as our project is tying into an existing street with an existing R.O.W of 62’ (BK & PG 2018-27931) and is constrained by the existing pond on Fellowship Church. Our development is proposing the 52’ R.O.W, as stated on the MSP street section, and extending the existing street to the east along our property line. We are also providing the necessary improvements to the existing street, drainage infrastructure and sidewalks within the north boundary line of our property.

Variance

With the revised plans, a variance is needed for the reduction and supplemental elements along a build-to-zone. UDC, Chapter 164.06 – Minimum Buildable Street Frontage, Paragraph (D) Corner Lot, (1)-(3).

This variance is requested for the following reason:

1. The 718’ of frontage along W. Salem Rd is unable to be located within the 25’ B.T.Z due to a 50’

proposed utility easement required by the City of Fayetteville for their watermain improvements.

Please let me know if I can answer any questions.



Jason Appel, P.E.

Secretary / Treasurer

June 5, 2024

**APPLICANT EXHIBIT
VARIANCE REQUEST LETTER
STREAMSIDE PROTECTION**

Mr. Josh Boccaccio, P.E.
City Engineer, City of Fayetteville
Development Services Building
125 W. Mountain Street
Fayetteville, AR 72701

RE: Graded Channel within Streamside Protection Zone
The Lennon – LSD 2024-0005

Dear Mr. Boccaccio,

On behalf of our client, we are submitting revised plans for a proposed Large Scale Development on Washington County Parcel Number 765-15830-007, which is a 20.23 acre tract located north of Truckers Lane in north Fayetteville, west of Arkansas Highway 112.

A stream qualifying for streamside protection zone regulations runs north to south through the subject property. The proposed development will include a streamside protection zone buffer area along this stream, as well as numerous other features, such as bio retention ponds, intended to ensure stormwater quality meets the requirements set forth in the City of Fayetteville's ordinances. However, in order to discharge the water from the ponds we are requesting authorization from you to install small channels within the streamside protection zone to allow for discharge into the stream at 1 foot above its flowline. The proposed grading will be around the 36" flared end section that discharges from the east retention pond and an 18" flared end section that discharges from the west pond. Without installation of these small channels, or installation of pipe in the same alignment which would also require your authorization, it would be necessary to raise the grade of much of the subject property by several feet.

By ordinance, these improvements can not be installed unless it is determined that there is no practical and feasible alternative. Although there are alternatives to the precise design/configuration of the channel shown (grass-lined, concrete-lined, underground pipe, etc.), all would qualify as new stormwater conveyances within the streamside protection zone and require your authorization.

If possible, I would like to meet with you to discuss this request and answer any questions you may have regarding the proposed project and the need to install the proposed conveyances within the streamside protection zone.

Please do not hesitate to contact me if you have any questions regarding this application or need anything further.

Thank you,



Jason Appel, P.E.
Project Engineer

July 1, 2024

**APPLICANT EXHIBIT
APPEAL LETTER**

Mr. Josh Boccaccio, P.E.
City Engineer, City of Fayetteville
Development Services Building
125 W. Mountain Street
Fayetteville, AR 72701

RE: Streamside Protection Zone - Waiver Request
The Lennon
LSD 2024-0005
Fayetteville, AR

Dear Mr. Boccaccio,

Willow Bend Optionco, LLC would like to request a waiver of the Streamside Protection Zone to install a Reinforced Box Culvert Crossing and provide minimal grading to a tributary of Clabber Creek, as shown on the development LSD 2024-0005. The said tributary runs north and south across the full width of the multifamily development's property; therefore, a crossing is required to make the connection.

The proposed box culvert crossing is designed to be 1 - 12'X3' (3-sided box culvert), we are proposing this culvert to be a bottomless pipe to represent a natural channel bottom.

The alternative option is to install a free span bridge at crossing spanning the protection zone. This option would create undue hardship to The Lennon by increasing the cost of the total crossing cost by approximately 50% to install the bridge structure.

We respectfully request a waiver to the Streamside Protection Zone Ordinance to install the pre-cast box culvert because there is no other feasible alternative.

If you have any questions, please let me know.

Sincerely,



Jason Appel, P.E.
Secretary/Treasurer

MEMORANDUM

TO: Fayetteville City Planning Commission & Blake Pennington
FROM: Steve Brooks
DATE: August 5, 2024
RE: Secondary water line connection for The Lennon – City of Fayetteville

BACKGROUND & DISCUSSION:

For purposes of this memorandum, we will examine:

- (1) The law per the Uniform Development Code of the City of Fayetteville
- (2) The City Planning Commission Meeting on July 22, 2024
- (3) Cost Analysis
- (4) The Lennon Property Developer’s Unaddressed Easement Concerns
- (5) Conclusion

I. City of Fayetteville Uniform Development Code

The law governing the Lennon Property’s approval is the City of Fayetteville’s Uniform Development Code (UDC). The relevant sections of the UDC are (1) 166.02(C)(a)(iii)(f); (2) 166.04(B)(4)(i); and (3) 158.05.

1. Conditions to Approval – UDC 166.02(C)(a)(iii)(f)¹

This section grants the City of Fayetteville (the City) Planning Commission the authority to deny a building permit or condition the approval of a building permit based on an offsite improvement.

2. Required Infrastructure Improvements – UDC 166.04(B)(4)(i)²

Under this statute, the City requires a system of water mains, therefore more than one shut-off subject to the approval of the City Engineer. However, the “system of water mains,” is only in the context of subdivisions.

3. Impact Fees for Necessitated Specific Infrastructure Improvements – UDC 158.05³

¹https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH166DE_166.02DEREPR

²https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH166DE_166.04REINIMDELI

³https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH158BOGU_158.05OTEIMDEIMFESPINIMNEPADE

This portion of the UDC indicates that the cost must be directly apportioned to the development's share. Therefore, the Lennon Property developers cannot bear the entire cost of the water connection and it will only be responsible for its direct portion as determined by the City Planning Commission.

II. City Planning Commission Meeting July 22, 2024

The City Planning Commission Meeting indicated the following:

1. The UDC 166.04(B)(4)(i)'s "system of water mains" language that would require two water line connections only applies to subdivisions. However, the City Engineer may still require two connections to the City waterlines at their discretion.
 - a. Commissioners and City Engineer acknowledged that this subsection only applies to subdivisions.
 - b. City Engineer argued that due to the size of this development, it warrants a second connection, however, some Commissioners acknowledged that by requiring the developers of the Lennon Property to bear this cost it may create an undue burden.
2. The Planning Commission recognized the undue burden this would create for the developers of the Lennon property. The Commissioners inquired about ways that the cost could be shared.
 - a. The City Engineer acknowledged that this is a unique issue, and there is no precedent he is aware of since his employment began with the City.
 - b. City Planning Commission seemed to indicate a cost-sharing arrangement will be put in place per UDC 158.05.
3. The City Planning Commission suggested a special assessment be based on a cost analysis that ESI is to prepare, where the cost would be shared by the ultimate users of the line.

In conclusion, the City Planning Commission ultimately moved to table the issue until the August 12th Planning Commission meeting after a cost analysis of this request had been performed.

III. Cost Analysis

The developers of the Lennon Property have obtained the requested cost analysis for 'hard costs' which includes labor and installation but excludes easement costs, tap fees, legal fees, etc. The developers of the Lennon Property assert that this requirement of the second water connection will create an undue and significant burden on the development.

The estimated cost of \$130,866.00, per the estimate below, is based upon specifications prepared by Jason Appel of ESI and is a 'hard bid' number from Buffalo Builders, a local General Contracting firm that will be building the project.

1	8x8 tap valve and saddle complete	6,500ea	\$6,500.00
1	FH assembly complete	8,834ea	\$8,834.00
1	8" gate valve complete	3,200ea	\$3,200.00
10	8" 45's complete	1,200ea	\$12,000.00
1,360'	8" PVC water main	75per ft	\$102,000.00

Total \$130,866.00

The Lennon Property developers indicate that the requirement to satisfy the City Engineer's request for a secondary connection is an undue burden, as the secondary connection will not solely benefit the Lennon Property and is not necessary to serve the interests of the residents of the development. The additional off-site construction requirement to install pipe over an approximate distance of one thousand three hundred sixty (1,360) feet is unreasonable and creates a significant additional cost to the development.

IV. The Lennon Property Developer's Unaddressed Easement Concerns

The Lennon Property developers hold serious concerns about the secondary water connection regarding the easement that will be necessitated by this request. The City Planning Commission to date has yet to give any formal guidance on if an easement will be granted, what terms and conditions would be applicable, and if there will be a cost associated with the easement.

The City Planning Commission in their most recent meeting on July 22, 2024 did acknowledge that the current easement would have to be expanded to accommodate this request but did not indicate how the Lennon Property's developers would acquire the easement.

The Lennon Property's developers request that the City not require the secondary connection as it is not required per the City's UDC and furthermore imposes an undue burden on the development. However, if the City does require the secondary connection as a precondition for development, then the City should acquire the easement at its sole cost as it is not a requirement per the UDC.

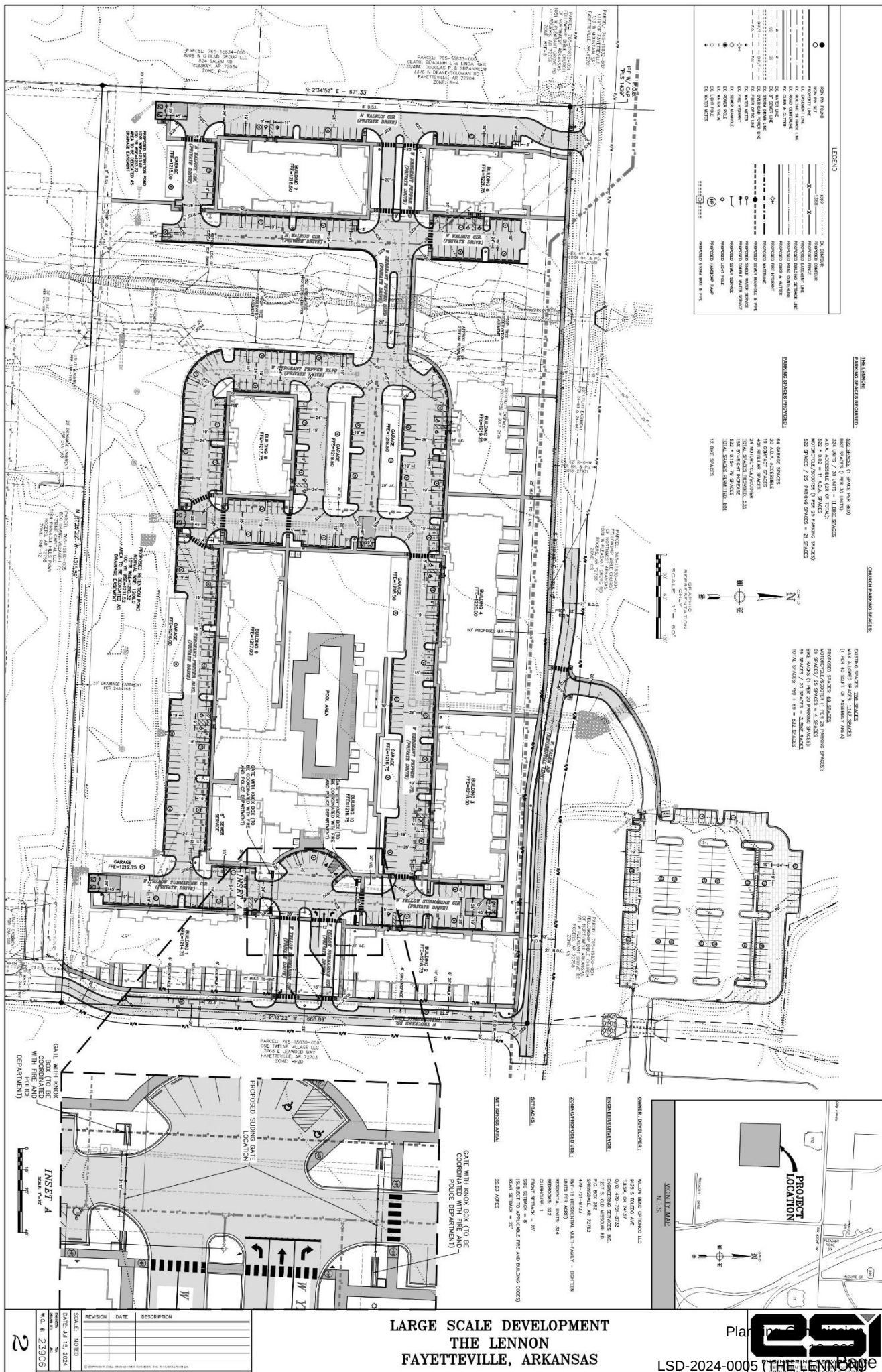
If the City is unable to acquire the easement at its sole cost, the Lennon Property developers request that they bear no more than one-third (1/3) of the attributable cost as the City and adjoining landowners should bear the remainder per the direct apportionment language found in UDC 158.05. The developers of the Lennon Property are prepared to place in escrow no more than one-third (1/3) of the total cost.

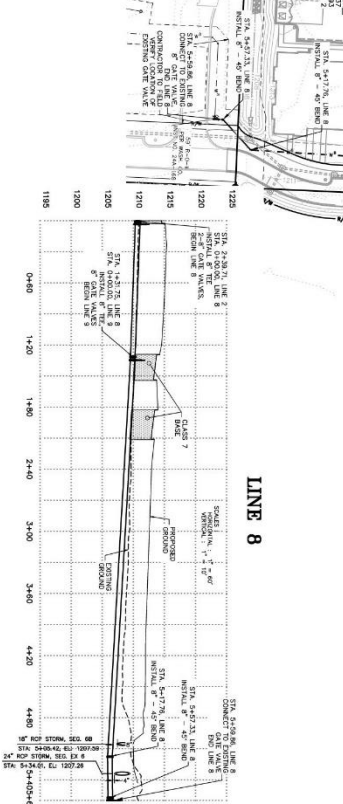
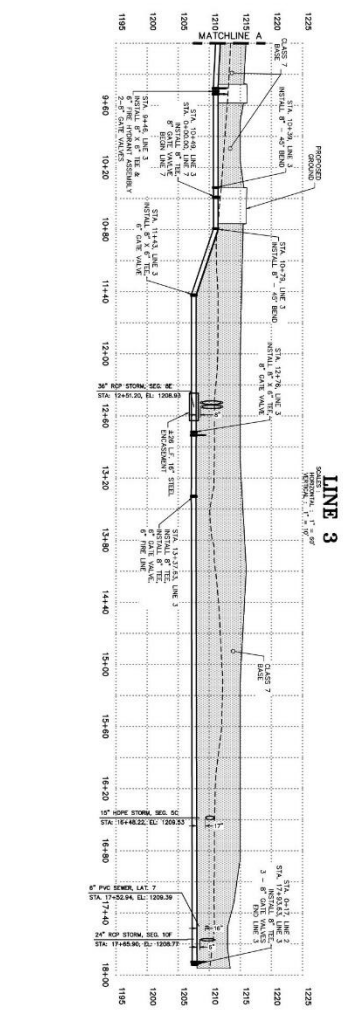
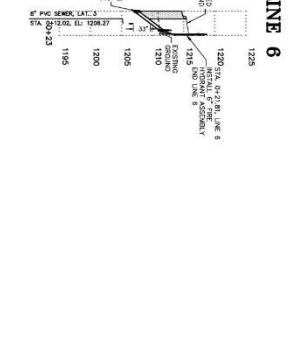
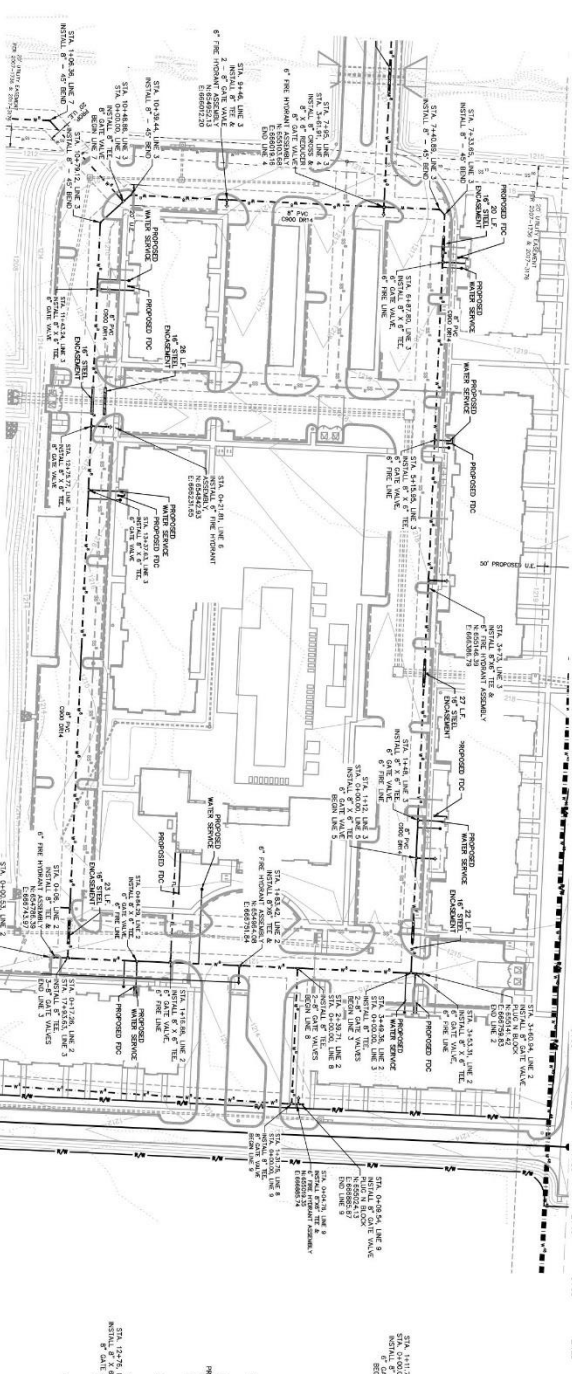
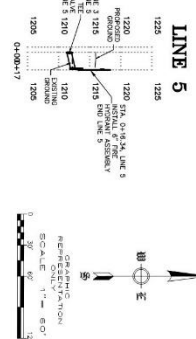
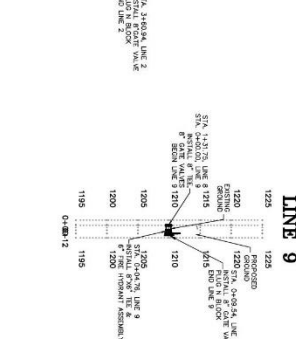
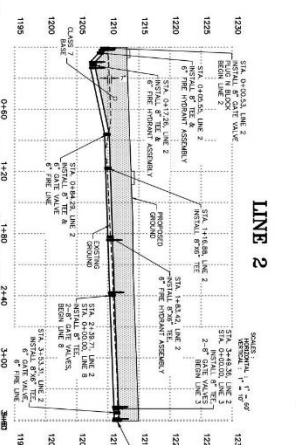
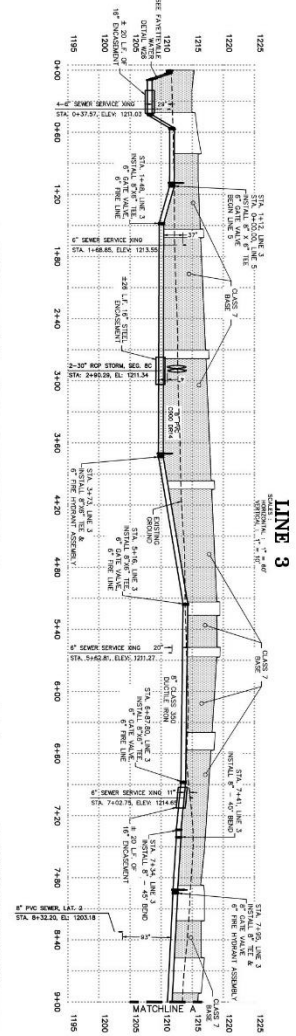
V. Conclusion

In summary, the developers of the Lennon Property respectfully request that the Planning Commission conclude that the secondary water connection creates an undue burden on the developers of the Lennon Property as it is not a requirement for developments other than subdivisions as indicated by UDC 166.04(B)(4)(i).

If the Planning Commission does require the secondary connection, the developers of the Lennon Property request that the Planning Commission give serious consideration to the necessary easement and the cost associated with obtaining the easement. As the UDC does not require this secondary connection, the Lennon Property developers pose that the city should obtain the easement at its sole cost as this will create an undue burden on the developers.

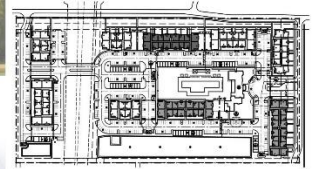
The Lennon Property developers do expect the costs of the secondary connection to be reasonably apportioned in accordance with UDC 158.05 to mitigate this undue burden the developers of the Lennon Property would otherwise be forced to take on, assuming the City Planning Commission does require a secondary connection.



[illegible]



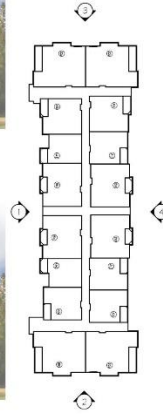
REAR ELEVATION



LEFT ELEVATION

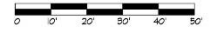


RIGHT ELEVATION



FRONT ELEVATION

①



EXTERIOR ELEVATIONS
BUILDING #1, 4, 9 - TYPE I

THE LENNON
THE GILCO GROUP LLC
FAYETTEVILLE, ARKANSAS

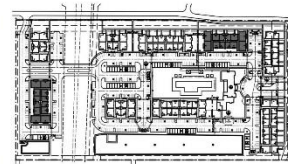
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REAR ELEVATION

④



LEFT ELEVATION

③



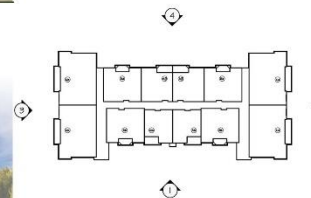
RIGHT ELEVATION

②



FRONT ELEVATION

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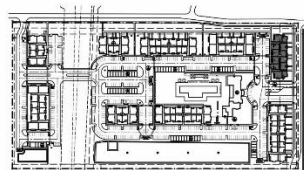
EXTERIOR ELEVATIONS
BUILDING #3, 7 - TYPE 2

THE LENNON
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Planning Commission
August 12, 2024



REAR ELEVATION ④



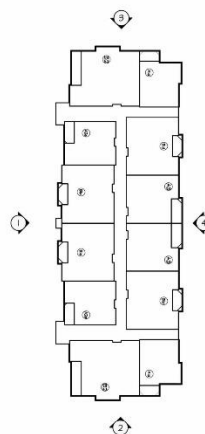
LEFT ELEVATION ⑤



RIGHT ELEVATION ②



FRONT ELEVATION ①



EXTERIOR ELEVATIONS
BUILDING #2 - TYPE 3

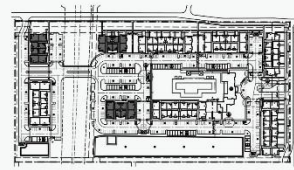
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REAR ELEVATION ④



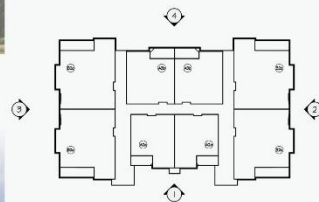
LEFT ELEVATION ⑤



RIGHT ELEVATION ②



FRONT ELEVATION ①



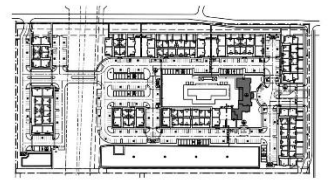
EXTERIOR ELEVATIONS
BUILDING #5, 6, 8 - TYPE 4

THE LENNON
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Planning Commission August 12, 2024
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REAR ELEVATION



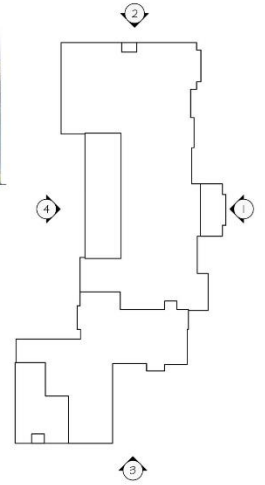
LEFT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



EXTERIOR ELEVATIONS
BUILDING #10 - CLUBHOUSE

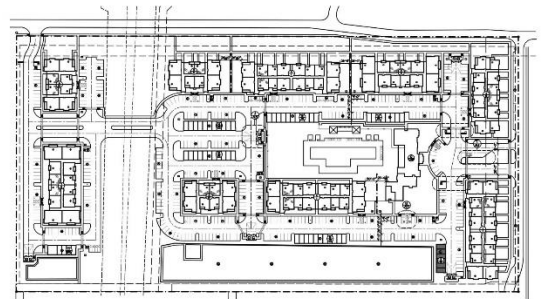
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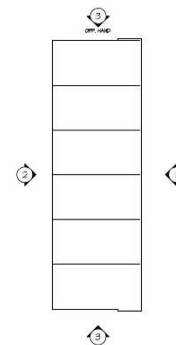
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



EXTERIOR ELEVATIONS
BUILDING #11 - 6 CAR GARAGE

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August 12, 2024

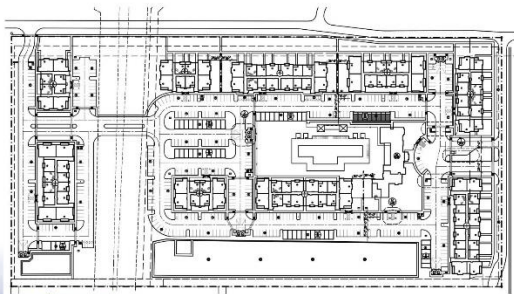
LSD-2024-0005 (THE LENNON) Page 93 of 461

Page 39 of 44



SIDE ELEVATION

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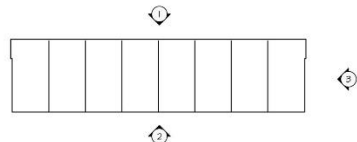
REAR ELEVATION

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FRONT ELEVATION

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EXTERIOR ELEVATIONS
BUILDING #12 - 8 CAR GARAGE

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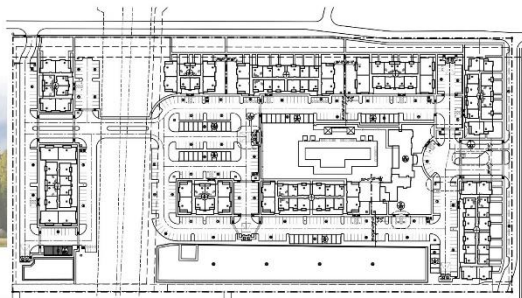
LEFT ELEVATION

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RIGHT ELEVATION

⑤



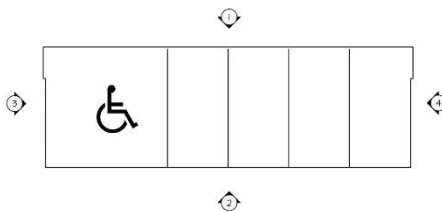
REAR ELEVATION

②



FRONT ELEVATION

①



EXTERIOR ELEVATIONS
BUILDING #17 - 6 CAR GARAGE W/ HC

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SIDE ELEVATIONS

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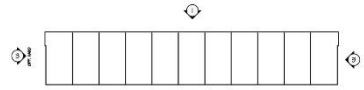
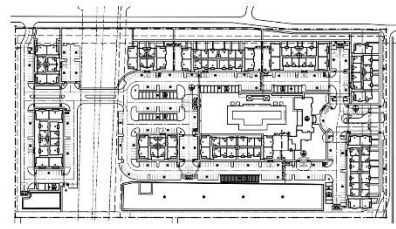


REAR ELEVATION



FRONT ELEVATION

①



EXTERIOR ELEVATIONS
BUILDING #16 - 11 CAR GARAGE

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SIDE ELEVATIONS

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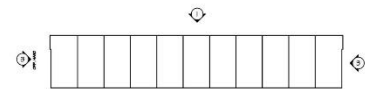
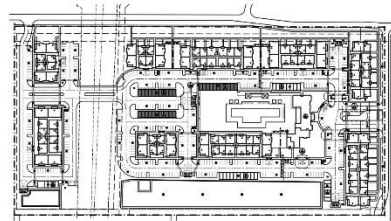


REAR ELEVATION



FRONT ELEVATION

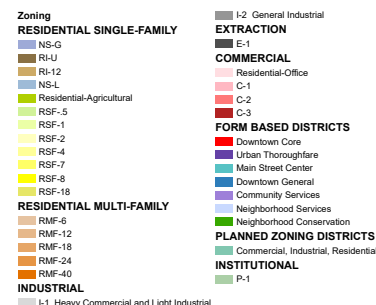
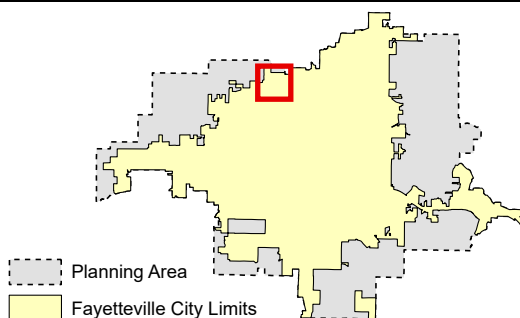
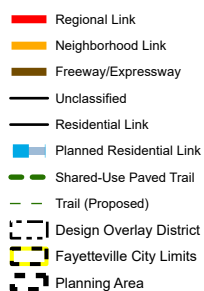
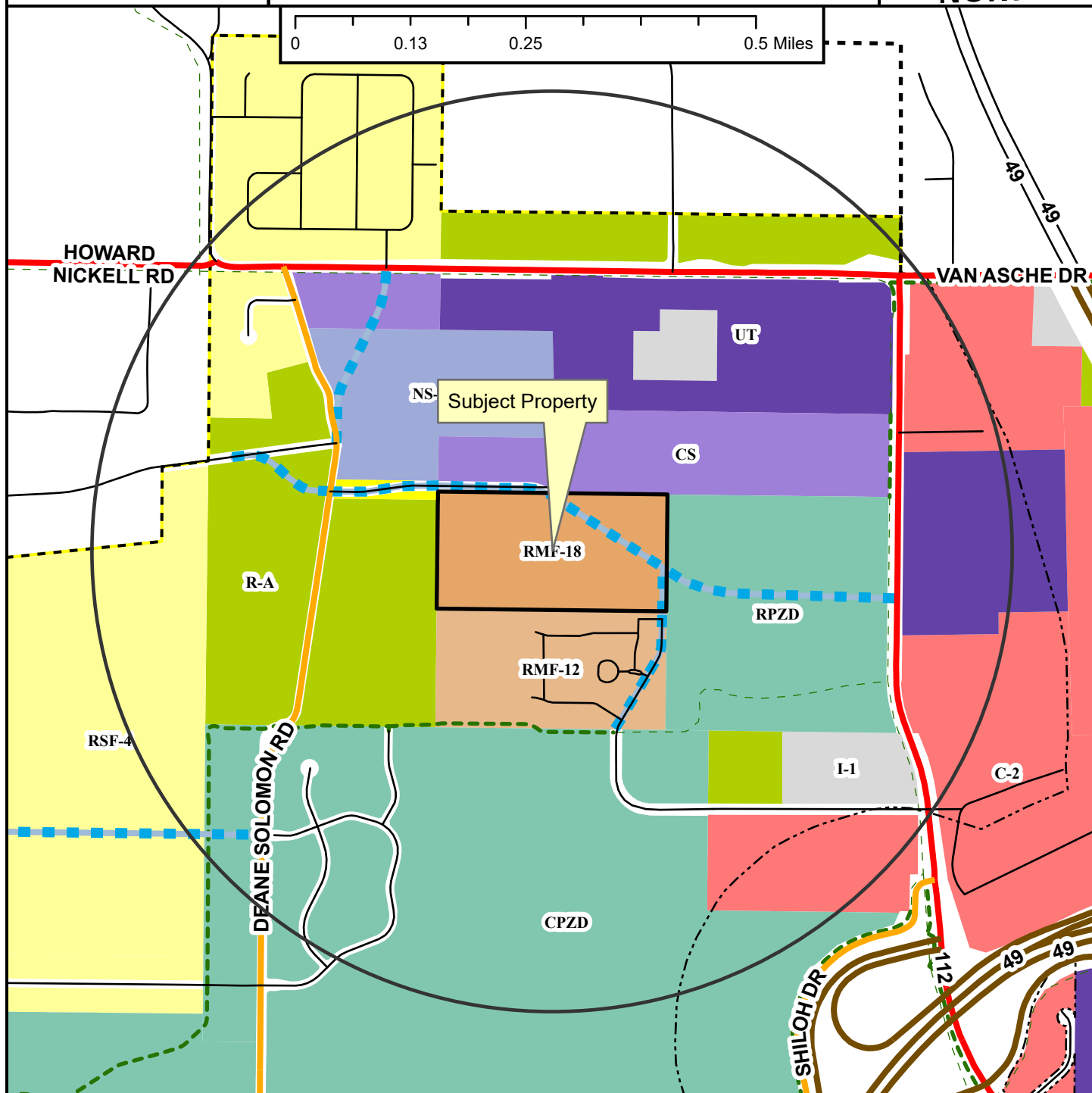
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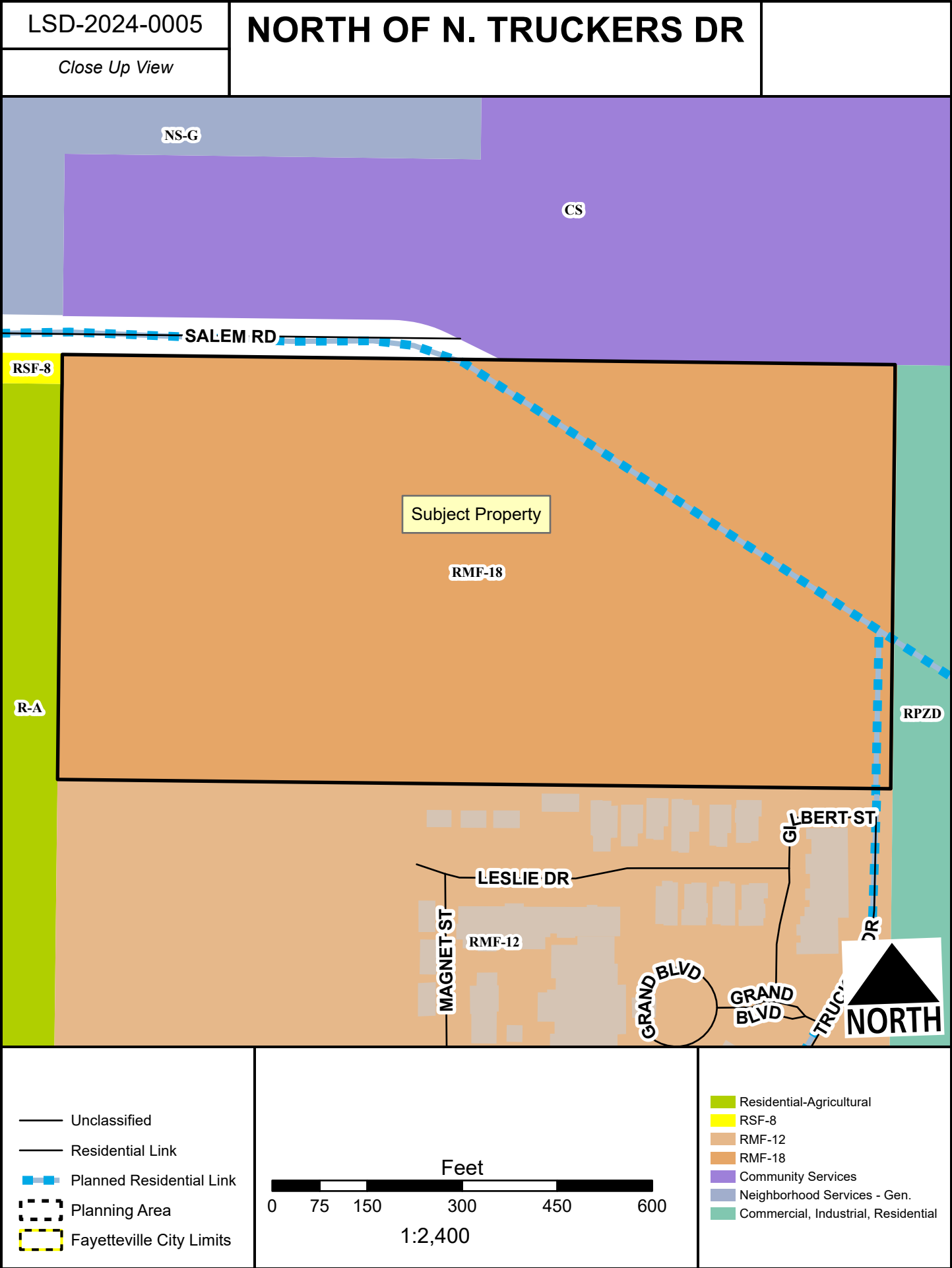


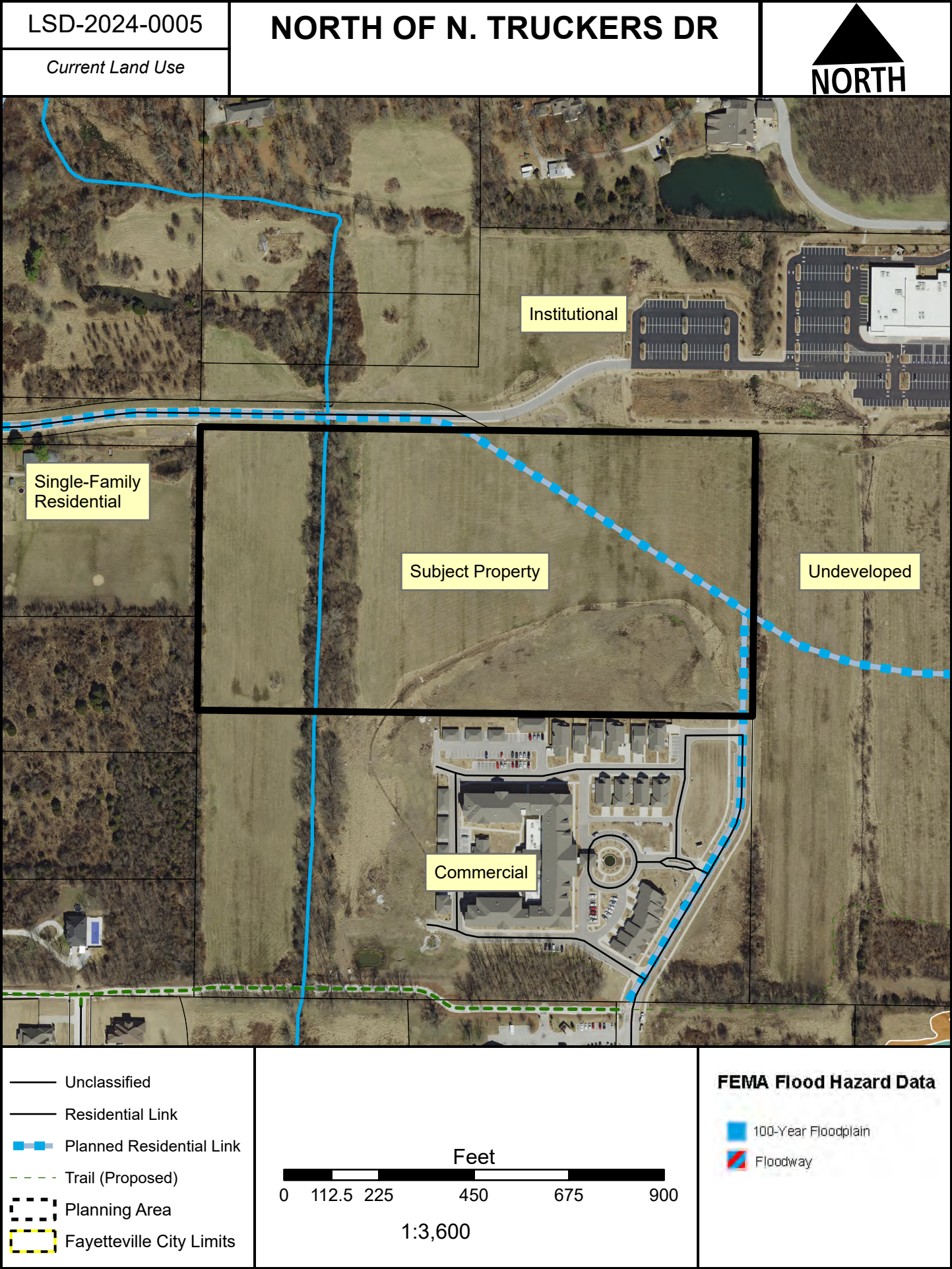
EXTERIOR ELEVATIONS
BUILDING #13, 14, 15 - 11 CAR GARAGE

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TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: August 12, 2024

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

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0018** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0018** with conditions, determining:*

- In favor of compatibility of the proposed wireless communications facility;*
- Denial of the applicant's request to vary from 163.13(B)(4) for stealth technology;*
- In favor of all other conditions as recommended by staff.*

MAY 28, JUNE 24, AND JULY 8 PLANNING COMMISSION MEETING

At the above-listed Planning Commission meetings, the applicant requested to table themselves to ensure a complete application submittal and that all documents were provided and complete according to code. They were tabled to August 12 at the July 8 Planning Commission meeting. In the interim, the applicant has submitted additional documentation regarding the proposal, and staff's findings are reported below.

BACKGROUND:

The subject property is located at 1607 N. College Avenue, immediately to the east of Gregory Park. Although part of a larger 1.74-acre parcel currently developed with two commercial structures that were constructed in the mid-1960s, the subject area involves a 962 square-foot lease area, or approximately 0.022 acre in the property's rear. The property is within the Hillside-Hilltop Overlay District, as well as within the 71B Corridor Plan area. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial (Drive-thru restaurant)	C-2, Thoroughfare Commercial
South	Commercial (Auto service facility)	C-2, Thoroughfare Commercial
East	Commercial (Retail)	C-2, Thoroughfare Commercial
West	Gregory Park	P-1, Institutional

FUTURE LAND USE DESIGNATION: City Neighborhood/Urban Center

Request: 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 site area is 962 square feet.

Public Comment: Staff has not received any public comment on the request.

DISCUSSION:

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 150 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).

The applicant has stated in their submittal that the tower is required since their existing co-located facilities on the VA Hospital water tower are being removed within the calendar year.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0018**, subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility of the proposed wireless communications facility.** *Staff recommends in favor of the applicant's proposal to install a 150-foot tower at 1607 N. College Avenue.*
2. **Planning Commission determination of a variance to 163.13(B)(4), which requires camouflaging or stealth technology for new towers.** *Staff recommends denial of the applicant's request to vary from this standard, due to reasons outlined in report.*
3. **Planning Commission determination of adequate screening for the facility.** *Staff recommends that the equipment shelter, and base of the tower be screened from view on all four sides with a privacy fence and vegetative screening;*
4. 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;
5. 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;
6. 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;

7. The applicant shall comply with all applicable federal regulations;
8. Equipment used in conjunction with the tower shall not generate noise which can be heard beyond the site per Chapter 163.14 (A)(1);
9. 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;
10. Unless otherwise permitted by Chapter 163.14, the tower shall be no taller than 150' (including all antennas, arrays, or other appurtenances), or no taller than permitted with an approved height variance from the Board of Adjustment, whichever is greater;
11. 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);
12. 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;
13. 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);
14. 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;
15. Pursuant to the attached co-location agreement letter, co-location shall be permitted for additional carriers, allowing other wireless providers to locate on the facility;
16. 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;
17. 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);
18. 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
19. The tower and supporting equipment shelter shall be located outside of the required building setbacks for the C-2, Thoroughfare Commercial, zoning district.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

Section 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 C-2, Thoroughfare Commercial.**

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 §161.23 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 tower and surrounding base equipment will be located approximately 150 feet from the nearest public street and over 350 feet from the nearest residential use. The equipment shelter associated with the tower will be screened from public view by a privacy fence and vegetative screen, as well as an existing structure, 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. With no tower or structure of sufficient height located within one mile of the location, the proposed structure is necessary for adequate provision of service. The applicant has submitted a variance request letter for the camouflaging requirement, which is discussed in a later section in this report. Staff recommends that the tower be constructed as a stealth tower design, rather than a monopole design.

(c.) The Planning Commission shall certify:

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

Finding: The applicant has complied with specific rules governing this individual conditional use request, which are listed below under 163.13 Wireless Communications Facilities.

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 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 Chapter 163.13. The applicant has noted that noise generation will be compliant with ordinance.

(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 traditional monopole structure without the required camouflaging or stealth requirement.

(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 145-foot tall tower with an apparent 5-foot lightning rod. The proposed height appears to meet ordinance.

(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'.**

- (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 has indicated in the application documents that there are no suitable locations for co-location within one mile. The applicant's proposal is for a monopole-style tower with externally-mounted antennae. Staff finds that the applicant has not proposed a tower that meets the requirements of camouflaging or stealth technology, though they have submitted a variance request. On the balance of considerations, staff recommends denial of the request to vary from the requirement. The applicant is requesting to vary from the standard due to the loss of height of existing antennae required of their relocation, and an associated decrease in service provision. While indicating that they would not be able to accommodate any additional carriers at this proposed tower under a stealth design, the applicant has not submitted an alternative design that would accommodate additional height and the stealth requirement.**

- (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: **Staff recommends that if the monopole as submitted is approved, that it is painted in a neutral color to blend in above the existing tree canopy.**

- (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.

Finding: **Item (a) and item (b) are attached to this packet as items submitted by the applicant for consideration.**

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

Finding: **Chapter 163.13 (F) of the Unified Development Code states that the City of Fayetteville should actively market its own property and existing structures as suitable co-location sites. There are no suitable nearby City-owned properties; the applicant has indicated that this new tower is necessary since the existing water tower that facilities are currently located on will be demolished by the VA within the next calendar year, which is forcing the relocation of the proposed services. The applicant has examined other locations for a tower as indicated in the application materials, including a tower located at the border of Gregory Park, which does not have the available capacity needed by AT&T.**

(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

Finding **Item (d) is reflected within the report as items submitted by the applicant for consideration.**

(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.

Finding: **Co-locating new carriers on existing cellular towers or existing structures is the first and best option available from a community perspective. However, there are no structures within one mile that are available for co-location or adequate for coverage. Further, allowing a tower in this location will fill a gap in service that will be created by a planned removal of the VA Hospital water tank antennas that are currently used by AT&T. On the balance of considerations, however, it should be noted that the City of Fayetteville's Long Range Planning Division issued comments regarding the presence of historic properties in the area. While no formal recommendation was offered by that Division, one statement in the response to the Environmental Corporation of America indicated that the height of the tower would be prominent against the view of the nearby Gregory Park. Staff recommends in response that the monopole tower shall be camouflaged to the extent possible through the use of a stealth tower design, rather than the proposed monopole design.**

(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.

Finding: **There are currently no other available structures for co-location in the immediate vicinity, as indicated by the applicant.**

(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: This facility as proposed would allow co-location for additional carriers beyond solving the primary issue for AT&T, and would prevent additional towers from being built, according to the applicant. The applicant has stated that if a stealth tower were provided, they would not be able to accommodate other carriers, thus necessitating additional towers in the area.

(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 provided this information and it is attached to the packet.

(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 provided this information and it is attached to the packet.

(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 and experience so that they are reasonably capable of identifying functional problems with the facilities.

Finding: **The applicant has provided this information, and it will be further evaluated with the submittal of building permits.**

(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. Barbed wire fencing or razor wire shall be prohibited.

Finding: **The applicant shall construct a 6-foot tall wood privacy fence with an evergreen buffer around the equipment at the base of the tower. The applicant shall install a “No Trespassing” sign and a signage indicating ownership of the facility.**

(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 west side of the proposed site is vegetated and likely to remain so due to steep topography that begins as the property moves west. That said, additional screening and landscaping 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 C-2 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: An access easement is proposed from the adjacent N. College Avenue 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 required in the form of a 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 C-2 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. Staff finds that on the balance of considerations, a wireless facility is acceptable and compatible at this location, but would recommend that the applicant be required to build a stealth tower to minimize visual impact, especially considering that the tower is proposed within proximity of several historic structures, and along a corridor that is currently under consideration for redevelopment and rezoning.

(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
- Request letter and supplemental documents
 - Site Plan and Elevations
 - Site Line/Crane Test Images
 - Geographic representations of other towers and service
 - Feasibility of co-location documentation
- Variance request letter
- Historic property analysis
- 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.
- ...
- (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.

April 17, 2024

VIA PORTAL DELIVERY

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

RE: Conditional Use Permit Application of Branch Communications
On Behalf of AT&T and Landowners for a Cellular Tower
On 1607 North College Ave.

To whom it may concern:

Please accept this letter and its accompanying attachments as an application for a Conditional Use Permit for the authorization of a Wireless Communication Facility, here and after, "WCF." We look forward to you reviewing our application and believe that the planning staff and Planning Commission will find that the proposed WCF to be a valued asset for the citizens of Fayetteville. This cellular tower will serve the public by providing critical wireless communication services to the residents of Fayetteville. The wireless services provided by our WCF will enable business, emergency, and personal wireless communications.

The WCF will utilize a 150-foot monopole tower. Which will be carefully selected with respect to the city of Fayetteville's zoning scheme and the immediate surrounding structures.

The property on which the applicant seeks to build this tower is owned by Brass Hole Properties, LLC. and is currently zoned C-2 which allows Use Number 36, Cellular Towers, as a conditional use.

The applicant has every intention with complying with Fayetteville Ordinance 163.13, and specifically be fully compliant with the noise requirements and the federal regulations. Further regarding lighting, the applicant has always followed any lighting and/or marking requests from the FFA and certainly will do so in this case. As far as the signs, again the applicant will be fully compliant.

The following numbered items correspond to those numbers in section (B) of 163.13.

- (1) See the attached drawings of the proposed monopole design.
- (2) The tower is proposed to be 150 feet including appurtenances.

- (3) The tower and base structure of the tower will not be within 150 feet of any residence.
- (4) The tower will be in monopole design which will blend with the surrounding development in this area. The applicant believes a stealth design in this area will stand out much more than the monopole design.
- (5) Applicant will comply with color.
- (6) New towers:
 - (a) Propagation maps have been requested from AT&T;
 - (b) Applicant will provide this map;
 - (c) Applicant will supply this map;
 - (d) See attachments;
 - (e) Applicant believes this to be the only viable location that meets the elevation needed to maintain coverages in the area that also has adequate ground space for the leased area. The applicant's new tower is proposed to fill a gap from the planned removal of the VA Hospital water tank antennas currently used by AT&T;
 - (f) The applicant contacted ATC as to the RAD Center and determined those not feasible for AT&T's coverages;
 - (i) Applicant will provide map from Tower Source;
 - (ii) ATC has the only tower close and it's not feasible to co-locate;
 - (iii) Applicant will supply specs on AT&T's equipment and why the structure and height of that tower is not feasible;
 - (iv) ATC was contacted and the RAD Center that was available is not feasible as AT&T's equipment cannot be sustained on a "slick stick." Further it should be noted that this true monopole tower will substantially help the city solve issues for the future with growth and other wireless carriers coming into the city. If AT&T has to use the ATC tower the highest RAD availability is only 115 feet which will cause a substantial drop in AT&T's proposed coverages.
 - (g) The applicant's tower will be designed to hold a set of antennas at 4 different RAD Centers. This will not only resolve the issue for AT&T, but other carriers as well, as the existing tower being a slick stick/stealth design cannot support the same needs.

(7) This test will be conducted with the results given to the city.

Further, the applicant certifies that the construction of the tower will meet all the applicable building code requirements for the tower and its facility.

On behalf of the applicant, the undersigned stands ready, willing, and able to help answer any questions and provide further information and documentation as requested.

Very truly yours,

/s/ Robert K. Rhoads

Robert K. Rhoads

P.S.: Filing fee and sign notice shall be paid by check and hand delivered.

RKR:yn
20270288.1:013172.00001

June 6, 2024

VIA PORTAL DELIVERY

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

RE: Conditional Use Permit Application of Branch Communications
On Behalf of AT&T and Landowners for a Cellular Tower
On 1607 North College Ave.

To whom it may concern:

Please accept this letter and its accompanying attachments as an application for a Conditional Use Permit for the authorization of a Wireless Communication Facility, here and after, "WCF." We look forward to you reviewing our application and believe that the planning staff and Planning Commission will find that the proposed WCF to be a valued asset for the citizens of Fayetteville. This cellular tower will serve the public by providing critical wireless communication services to the residents of Fayetteville. The wireless services provided by our WCF will enable business, emergency, and personal wireless communications.

The WCF will utilize a 150-foot monopole tower. Which will be carefully selected with respect to the city of Fayetteville's zoning scheme and the immediate surrounding structures.

The property on which the applicant seeks to build this tower is owned by Brass Hole Properties, LLC. and is currently zoned C-2 which allows Use Number 36, Cellular Towers, as a conditional use.

The applicant has every intention with complying with Fayetteville Ordinance 163.13, and specifically be fully compliant with the noise requirements and the federal regulations. Further regarding lighting, the applicant has always followed any lighting and/or marking requests from the FFA and certainly will do so in this case. As far as the signs, again the applicant will be fully compliant.

The following numbered items correspond to those numbers in section (B) of 163.13.

- (1) See the attached drawings of the proposed monopole design.
- (2) The tower is proposed to be 150 feet including appurtenances.

- (3) The tower and base structure of the tower will not be within 150 feet of any residence.
- (4) The tower will be in monopole design which will blend with the surrounding development in this area. The applicant believes a stealth design in this area will stand out much more than the monopole design.
- (5) Applicant will comply with color.
- (6) New towers:
 - (a) Propagation maps have been requested from AT&T;
 - (b) Applicant will provide this map;
 - (c) Applicant will supply this map;
 - (d) See attachments;
 - (e) Applicant believes this to be the only viable location that meets the elevation needed to maintain coverages in the area that also has adequate ground space for the leased area. The applicant's new tower is proposed to fill a gap from the planned removal of the VA Hospital water tank antennas currently used by AT&T;
 - (f) The applicant contacted ATC as to the RAD Center and determined those not feasible for AT&T's coverages;
 - (i) Applicant will provide map from Tower Source;
 - (ii) ATC has the only tower close and it's not feasible to co-locate;
 - (iii) Applicant will supply specs on AT&T's equipment and why the structure and height of that tower is not feasible;
 - (iv) ATC was contacted and the RAD Center that was available is not feasible as AT&T's equipment cannot be sustained on a "slick stick." Further it should be noted that this true monopole tower will substantially help the city solve issues for the future with growth and other wireless carriers coming into the city. If AT&T has to use the ATC tower the highest RAD availability is only 115 feet which will cause a substantial drop in AT&T's proposed coverages.
 - (g) The applicant's tower will be designed to hold a set of antennas at 4 different RAD Centers. This will not only resolve the issue for AT&T, but other carriers as well, as the existing tower being a slick stick/stealth design cannot support the same needs.

(7) This test will be conducted with the results given to the city.

Further, the applicant certifies that the construction of the tower will meet all the applicable building code requirements for the tower and its facility.

On behalf of the applicant, the undersigned stands ready, willing, and able to help answer any questions and provide further information and documentation as requested.

Very truly yours,

/s/ Robert K. Rhoads

Robert K. Rhoads

P.S.: Filing fee and sign notice shall be paid by check and hand delivered.

RKR:yn
20362627.1:013172.00001

July 24, 2024

VIA ELECTRONIC MAIL

City of Fayetteville Planning Commission and
Planning Department
c/o Jessica Masters

Dear Jessie,

Pursuant to our meeting of June 25, 2024, allow this letter and attachments to serve as what I hope to be a complete submission supplementing our original submission of April 17, 2024. Please note that April 17th letter providing reasons and rationale for this request still stand, but this current letter is to add clarification and respond directly to your request for additional information.

The first twelve-page attachment is in response to Code Section 163.13(B)(6)(a) and (b) and each page is so marked showing maps of areas served and of existing sites. The second two-page attachment covers 163.13(B)(6)(c) which shows other towers and locations considered in our search area. The third one-page attachment covers section 163.13(B)(6)(f)(i) which is a survey of all existing structures that may be feasible for co-location. The fourth two-page attachment covers 163.13 (B)(6)(f)(ii)(iii) which displays our contact with other wireless communication facilities sharing information to determine if co-location is feasible. The fifth five-page attachment covers 163.13(B)(7) balloon test and crane test photographs. The sixth ten-page attachment covers 163.13 (B)(8) showing site line representations at 90-degree locations.

I have also attached a seventh three-page attachment document from AT&T showing and explaining their partnership with FirstNet. This is an excellent public safety benefit as it will work hand and hand with the city's first responders. This FirstNet platform can utilize the 150-foot monopole we are requesting. Also note by prior email or upload to the portal, we have verified our 500-foot notification and appropriate signage. Further, we believe the monopole versus the stealth will allow not just the FirstNet but can accommodate other carriers thereby eliminating the need for three other towers.

Lastly, the eighth sixteen-page attachment showing revised (as of 06-25-2024) drawings depicting the 145-foot tower, site location, fencing, etc.

Again, I thank you for your attention to this matter as well as your patience. We stand ready, willing, and able to answer any of your questions.

July 24, 2024
Page 2

Sincerely yours,

Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.

Robert K. Rhoads

RKR:yn
20439931.1.

SITE NAME: VA HOSPITAL
BRANCH TOWERS SITE NUMBER: AR-0044
FCC NUMBER: TBD
SITE ADDRESS: 1607 N COLLEGE AVE UNIT E
FAYETTEVILLE AR 72703-1919
NEW EQUIPMENT AND ANTENNAS ON:
PROPOSED 145' MONOPOLE

7335 SOUTH LEWIS AVE. STE. 300, TULSA, OKLAHOMA 74136

SITE INFORMATION

SITE TYPE: MONOPOLE
SITE NAME: VA HOSPITAL
SITE NUMBER: AR-0044
SITE ADDRESS: 1607 N COLLEGE AVE UNIT E
FAYETTEVILLE, AR 72703-1919
COUNTY: WASHINGTON COUNTY
JURISDICTION: CITY OF FAYETTEVILLE
OCCUPANCY TYPE: UNMANNED
A.D.A. COMPLIANCE: FACILITY IS UNMANNED AND NOT FOR
HUMAN HABITATION.
APPLICANT: BRANCH TOWERS
7335 S LEWIS AVE STE 300
TULSA, OK 74136
LYNN STEWARD
1-918-986-6000
PROPERTY OWNER:
ARMY
NUMBER

SITE COORDINATES (NAD 83):
LATITUDE: N 36° 04' 59.355"
LONGITUDE: W 96° 04' 08.11"
GROUND ELEVATION: 0000' (AMSL)

SURVEYOR:
KEEN SURVEYING, LLC
1-918-693-3660

TOWER OWNER:
BRANCH TOWERS
7335 S LEWIS AVE STE 300
TULSA, OK 74136
949-4551 X 200
SITE NAME: VA HOSPITAL
SITE NUMBER: AR-0044

DESIGNER:
BRANCH COMMUNICATIONS, LLC
7335 S LEWIS AVE. STE. 300
TULSA, OK 74136
CONTACT: JAMES W MCCOY
PHONE: (918) 281-1875

ARCHITECT/ENGINEER:
BRANCH ENGINEERING, LLC
7335 S LEWIS AVE., SUITE 300
TULSA, OK 74136 DOTSON
PROJECT REVIEW
PHONE: (918) 949-4551

TELEPHONE COMPANY:
TULSA
TBD
POWER COMPANY:
TULSA
TBD

VICINITY MAP

N.T.S. LOCATION MAP

N.T.S.

DRIVING DIRECTIONS

CODE COMPLIANCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN
ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES
AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN
THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT
CONFORMING TO THESE CODES.

BUILDING/DWELLING CODE: IBC 2021

STRUCTURAL CODE: IBC 2021

PLUMBING CODE: IPC 2018

MECHANICAL CODE: IMC 2021

ELECTRIC CODE: NEC 2020

FIRE/LIFE SAFETY CODE: IBC 2018, IFC 2021, NFPA 101

DRAWING INDEX

NO	DESCRIPTION
T1	TITLE SHEET
GN1	GENERAL NOTES
GN2	GENERAL NOTES
2	PAGES SURVEY
A1	AERIAL SITE PLAN
A2	SITE PLAN & TOWER ELEVATION
A3	COMPOUND DETAILS
A4	CIVIL DETAILS
A5	SITE SIGNAGE
A6	SITE SIGNAGE
E1	UTILITY ROUTING PLAN
E2	UTILITY RACK DETAILS
G1	GROUNDING SITE PLAN
G2	GROUNDING DETAILS
G3	GROUNDING DETAILS

SCOPE OF WORK

1. INSTALL 145' PROPOSED MONOPOLE
2. INSTALL SITE GROUNDING SYSTEM
3. INSTALL MULTI-TENANT I-FRAME RACK
4. INSTALL POWER AND TELCO CONDUITS
5. INSTALL CONDUIT RACKING
6. INSTALL COMPOUND GRAVEL
7. INSTALL ACCESS ROAD

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND
CONDITIONS OF THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER
OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK ON THE
JOB. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SAME.

GENERAL CONSTRUCTION NOTES:

- GENERAL CONSTRUCTION, ELECTRICAL AND ANTENNA DRAWINGS ARE INTERRELATED IN PERFORMANCE OF THE WORK. EACH CONTRACTOR MUST REFER TO ALL DRAWINGS. ALL COORDINATION TO BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- DRAWING PROVIDED HERE ARE N.T.S. & ARE INTENDED TO SHOW OUTLINE ONLY.
- PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING CONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE CELL SITE LOCATION AND PRELIMINARY DESIGNATION IS THE INTENTION OF THE ENGINEER. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
- ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES. SUBCONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES. THE BIDDING CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES. THE BIDDING CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES. THE BIDDING CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES.
- IF THE SPECIFIED EQUIPMENT CAN NOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.
- THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
- THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVERS, CURBS, LANDSCAPING, AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
- CONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
- "KITTING LIST" SUPPLIED WITH THE BID PACKAGE IDENTIFIES ITEMS THAT WILL BE SUPPLIED BY CONTRACTOR. ITEMS NOT INCLUDED IN THE BILL OF MATERIALS AND KITTING LIST SHALL BE SUPPLIED BY SUBCONTRACTOR.
- SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWINGS.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND INCURRING THE COST OF ALL REQUIRED PERMITS, INSPECTIONS, CERTIFICATES, ETC.
- ALL CONSTRUCTION SHALL CONFORM TO CURRENT LOCAL, STATE, & FEDERAL CODES.
- THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING STRUCTURES, UTILITIES, WALKWAYS, PAVEMENT AND OTHER FACILITIES FROM UNNECESSARY EXPOSURE TO DAMAGE. ALL NEW UNDERGROUND TRENCHING SHALL BE HAND DUG WHEN NECESSARY.
- THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES, PIPES, AND GROUND WIRES PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES. EXCAVATION IS TO BE CONDUCTED IN SUCH A MANNER THAT NO DAMAGE TO SAID FACILITIES IS LIKELY TO OCCUR.
- THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE SAFETY AND IF NECESSARY THE REPAIR OF ALL PUBLIC UTILITIES SERVICES SUCH AS GAS, TELEPHONE, ELECTRIC CABLE AND WATER.
- DO NOT INTERRUPT SERVICE TO ADJACENT STRUCTURES OR FACILITIES WITHOUT WRITTEN PERMISSION FROM THE PROPERTY OWNER.
- EROSION CONTROL MEASURES SUCH AS SILT FENCING AND/OR SOD BALES SHALL BE UTILIZED TO PREVENT AND DEBRIS FROM CONTAMINATING ADJACENT PROPERTIES, ROADS AND AREAS.
- COMMENCEMENT OF CONSTRUCTION SHALL BEGIN ONLY WITH THE WRITTEN APPROVAL OF THE OWNER. THE SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES. THE BIDDING CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES. THE BIDDING CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND ORDINANCES FROM ALL LOCAL, STATE, AND FEDERAL AGENCIES.
- NO DUMPING SOILS ON SITE OR LEASE AREA. DEBRIS MUST BE HAULED OFF. NO BURNING OF TRASH ON SITE WITHOUT APPROVAL FROM CONTRACTOR.
- THE CONTRACTOR IS CAUTIONED THAT MINOR OMISSIONS OR ERRORS IN THE DRAWINGS SHALL NOT EXCUSE THE CONTRACTOR FROM COMPLETING THE WORK IN ACCORDANCE WITH THE INTENT OF THE DRAWINGS, SO AS TO RESULT IN A SYSTEM THAT FUNCTIONS FULL AS INTENDED BY THE DRAWINGS.
- ALL SAFETY HAZARDS MUST BE MARKED WITH WARNING TAPE OR SAFETY FENCE.
- ANY ACCIDENTS ON SITE MUST BE REPORTED TO WITHIN 2 HOURS OF THE EVENT.
- THE SUBCONTRACTOR SHALL PROVIDE AND INSTALL SIGNAGE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATION AND OSHA FOR SITE SIGNAGE.
- SEED AND MULCH ALL DISTURBED AREAS NOT COVERED BY OTHER MATERIALS IN ACCORDANCE WITH LOCAL SPECIFICATIONS, AS REQUIRED BY LOCAL ORDINANCES.

CHAINLINK FENCE NOTES:

- PART 1 - GENERAL
- 4.01 INSTALLATION
- A. IF THE SITE AREA HAS BEEN BROUGHT UP TO SURFACE FENCE CONSTRUCTION, FENCE CONSTRUCTION SHALL BE CONTROLLED TO PRECLUDE CONTAMINATION OF SAND SURFACE COURSE.
- 4.02 APPLICABLE STANDARDS
- ATSM-A120
- SPECIFICATION FOR FENCE, STEEL BLACK AND GALVANIZED, HOT-DIP GALVANIZED, WELDED AND SEAMLESS FOR ORDINARY USES.
- ATSM-A123
- ZINC (HOT-DIP GALVANIZED) COATING ON IRON AND STEEL PRODUCTS.
- ATSM-A525
- STANDARD SPECIFICATION FOR STEEL SHEET ZINC COATING, HOT-DIP GALVANIZED, WELDED AND SEAMLESS FOR ORDINARY USES.
- RR-F-191 FENCING, WIRE AND POST METAL (AND ACCESSORIES).
- CHAIN LINK FENCE FABRIC AND FENCES.
- PART 2 - PRODUCTS
- 4.03 FENCE MATERIALS
- A. ALL FABRIC WIRE, RAILS, POLES, HARDWARE AND OTHER MATERIALS SHALL BE HOT-DIP GALVANIZED.
- B. FABRIC SHALL BE 2" CHAIN LINK MESH OF NO. 9 GAUGE (0.148) WIRE. THE FABRIC SHALL HAVE A TWISTED AND BARBED FINISH FOR FENCE APPLICATIONS. THE FABRIC SHALL CONFORM TO THE SPECIFICATIONS OF ASTM A-392 CLASS 1.
- C. BARBED WIRE SHALL BE DOUBLE-STRAND, 12 GAUGE TWISTED WIRE, WITH 14 GAUGE 4 POINT ROUND BARS SPACED AT 5" O.C.
- D. TYPE 153 SHALL BE DOUBLE-STRAND, 12 GAUGE TWISTED WIRE, WITH 14 GAUGE 4 POINT ROUND BARS SPACED AT 5" O.C.
- E. EXTEND GATE AND CORNER POSTS 12" INCLUDING DOME CAP, TO ALL TOP AND BARBED RAIL SHALL BE 1 5/8" DIAMETER SCHEDULE CORNERS MECHANICAL - SERVICE PIPE. FRAMES SHALL HAVE WELDED GATE FRAMES SHALL HAVE A FULL-HEIGHT VERTICAL BRACE AND A FULL-WIDTH HORIZONTAL BRACE, SECURED IN PLACE BY USE OF GATE BRACE CLAMPS.
- H. ADAPTER WITH MODE 6409, 180 DEGREE ATTACHMENT, OR EQUAL.
- I. THE GUIDE (LATCH ASSEMBLY) SHALL BE TAMPER PROOF.
- J. LATCHES, STOPS AND KEEPERS SHALL BE PROVIDED FOR ALL GATES.
- K. ALL STOPS SHALL HAVE A FULL-HEIGHT PLUNGER BAR WITH DOME DOUB CAP.
- L. DOUBLE GATES SHALL HAVE A FULL-HEIGHT PLUNGER BAR WITH DOME CAP.
- M. A NO. 7 GAUGE, ZINC COATED, TENSION WIRE SHALL BE USED AT THE BOTTOM OF THE FABRIC, TERMINATED WITH BAND CLIPS AT 10' INTERVALS.
- N. A 6"x1/2" EYE-BOLT TO HOLD TENSION WIRE WILL BE PLACED AT LINE POST.
- O. STRETCHER BARS SHALL BE 3/16"x3/4" OR HAVE EQUIVALENT SECTIONAL AREA.
- P. ALL CORNER, GATE AND END PANELS SHALL HAVE A 3/8" TRUSS WITH TURNBUCKLES AND BE PROVIDED WITH ONE 7/8" HORIZONTAL COMPRESSION MEMBER, SECURELY ATTACHED WITH IRON FITTINGS.
- Q. PROVIDE OTHER HARDWARE INCLUDING BUT NOT LIMITED TO THE CLIPS, BAND CLIPS AND TENSION BAND CLIPS, WITH DOME CAPS, BARBED WIRE SUPPORT ARMS SHALL BE CAST IRON WITH SET BOLT AND LOCK WIRE IN THE ARM.
- T. AL CAPS SHALL BE CAST STEEL.
- U. INSTALL SLATING BETWEEN ALL FABRIC WIRE - FULL HEIGHT, AS REQUIRED.

CHAINLINK FENCE NOTES CONT:

- PART 3 - EXECUTION
- 4.04 INSPECTION: EXCAVATE POST HOLES WITH MECHANICAL AUGER EQUIPMENT. CONFIRM PROPER DEPTH AND DIAMETER OF POST HOLE EXCAVATIONS.
- 4.05 INSPECTION: EXCAVATE POST HOLES PER CONSTRUCTION DOCUMENTS.
- 4.06 INSTALLATION
- A. POST FOUNDATIONS SHALL HAVE A MINIMUM 4" CONCRETE COVER UNDER POST.
- B. ALL POST CONCRETE TO BE MIXED PRIOR TO INSERTION.
- C. ALL FENCE POST SHALL BE VERTICALLY PLUMB WITHIN 1/4" IN 10'-0".
- D. AT CORNER POSTS, GATE POST AND SIDES OF GATE FRAME, FABRIC SHALL BE ATTACHED WITH STRETCHER AND TENSION BAND-CLIP AT 1'-3" INTERVALS.
- E. AT LINE POSTS, FABRIC SHALL BE ATTACHED WITH BAND CLIPS AT 1'-3" INTERVALS.
- F. ATTACH FABRIC TO BRACE RAILS, TENSION WIRE AND TRUSS RODS WITH TIE CLIPS AT 2'-0" INTERVALS.
- G. A MAXIMUM GAP OF 1" WILL BE PERMITTED BETWEEN THE CHAIN LINK FABRIC AND THE FINAL GRADE.
- H. GATES SHALL BE INSTALLED SO LOCKS ARE ACCESSIBLE FROM BOTH SIDES.
- I. GATES SHALL BE INSTALLED WITH THEIR THREADS FLANGED OR WELDED TO PREVENT UNAUTHORIZED REMOVE.
- 4.07 PROTECTION: UPON COMPLETION OF ERECTION, INSPECT FENCE MATERIAL AND FINISH. IF DEFECTS ARE FOUND, REPAIR OR REPLACE DEFECTIVE MATERIAL. MATCH THE GALVANIZING PROCESS.

STRUCTURAL STEEL NOTES:

- ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM A36 UNLESS OTHERWISE NOTED.
- ALL WELDING SHALL BE PERFORMED USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC, WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINTED SURFACES SHALL BE TOUCHED UP.
- CONNECTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (3/4") CONNECTIONS AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
- NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" ASTM A307 BOLTS UNLESS NOTED OTHERWISE.
- INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR SHALL BE CUT WITHOUT PRIOR CONTRACTOR APPROVAL WHEN DRILLING HOLES IN CONCRETE. SPECIAL INSPECTIONS, REQUIRED BY GOVERNING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

ABBREVIATIONS AND SYMBOLS:

ABBREVIATIONS:	SYMBOLS:
ACL ABOVE GROUND LEVEL	[S/G] SOLID GROUND BUS BAR
BTS BASE TRANSFORMER STATION	[S/N] SOLID NEUTRAL BUSS BAR
BW BASE COPPER WIRE	[S/N] SUPPLEMENTAL GROUND CONDUCTOR
EGR EQUIPMENT GROUND RING	[S/N] 2-POLE THERMAL-MAGNETIC CIRCUIT BREAKER
EG EQUIPMENT GROUND	[S/N] SINGLE-POLE THERMAL-MAGNETIC CIRCUIT BREAKER
GEN GENERATOR	[S/N] CHEMICAL GROUND ROD
IGR INTERIOR GROUND RING (HALO)	[S/N] TEST WELL
MIN MINIMUM	[S/N] DISCONNECT SWITCH
MBG MASTER GROUND BUS	[S/N] METER
NLS NOT TO SCALE	[S/N] EXOTHERMIC WELD (CAD WELD)
REQ REQUIRED	[S/N] (UNLESS OTHERWISE NOTED)
REF REFERENCE	[S/N] 5/8"-0" COPPER CLAD STEEL GROUND ROD
RS RADIO FREQUENCY	[S/N] 5/8"-0" COPPER CLAD STEEL GROUND ROD W/ INSPECTION SLEEVE
RS RADIO FREQUENCY	[S/N] INSPECTION SLEEVE
SAD SMART INTEGRATED ACCESS DEVICE	[S/N] EXOTHERMIC WELD (CAD WELD) WITH INSPECTION SLEEVE
T.B.D. TO BE DETERMINED	[S/N] GROUNDING WIRE
T.B.R. TO BE RESOLVED	[S/N] TYPICAL

PRODUCED BY:

Branch

ENGINEERING LLC

BRANCH TOWERS
BRANCH TOWERS VI
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch

COMMUNICATIONS

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TULSA, OKLAHOMA 74136
(918) 949-4551
COA-3804 EXP. 12/31/2024

SITE NAME:

VA HOSPITAL

SITE NUMBER:

AR-0044

SITE ADDRESS:

1807 N. COLLEGE AVE UNIT E
FAIRFETTERVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION, IF I AM A LICENSED PROFESSIONAL ENGINEER, AND I AM IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION

6/25/24

NO.	DATE	DESCRIPTION	BY
1	4/30/24	PRELIMINARY ISSUE	JMW
2	5/3/24	CONST. ISSUE	JMW
3	5/17/24	CONST. ISSUE	JMW
4	6/25/24	BR. CONST. ISSUE	JMW

SHEET TITLE:

GENERAL NOTES

SHEET NUMBER/PROJECT #:

GN1

REVISION:

BY: AR-0044

DATE: 1

VENDOR:

Branch
BRANCH TOWERS
A SOURCE OF PEASERS

BRANCH TOWERS VI
7335 SOUTH LEWIS AVE., STE. 300
TULSA, OKLAHOMA 74136
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Branch
COMMUNICATIONS
A QUALITY SERVICE PROVIDER

BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE., STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY

Branch
ENGINEERING LLC.
A TULSA COMPANY

BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE., STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4351
COA. 3804 EXP. 12/31/2024

SITE NAME:	VA HOSPITAL
SITE NUMBER:	AR-0044
SITE ADDRESS:	1607 N COLLEGE AVE UNIT E FAYETTEVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION, IF FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THESE PLANS AND SPECIFICATIONS ARE AS REQUIRED BY LAW AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION

6/25/24

NO	DATE	DESCRIPTION	BY
A	4/30/74	PRELIMINARY ISSUE	JWM
D	5/3/74	CONST. ISSUE	JWM
1	5/14/74	CONST. ISSUE	JWM
2	6/25/74	BH CONST. ISSUE	JWM

SHEET TITLE:	
GENERAL NOTES	

SHEET NUMBER:	PROJECT #:	REVISION:
GN2	AR-0044	1
	BY: CKD	BY: JWM
	DATE: 10/1/74	DATE: 10/1/74

SERVICE AND DISTRIBUTION NOTES:

1. WIRE AND CABLE CONDUCTORS SHALL COPIERS, 800V, TYPE THIN OR THIN, WITH A MIN. SIZE OF 92 AWG. COLOR CODED. ALL RECTIFIER DROPS SHALL BE STRANDED TO ACCEPT CRIMP CONNECTORS.
 2. ALL CHEMICAL GROUND RODS SHALL BE "UL" APPROVED.
 3. METER SOCKET WAPERS, VOLTAGE, NUMBER OF PHASES SHALL BE AS NOTED ON DRAWINGS AND SHALL BE MANUFACTURED BY MILLBANK OR APPROVED EQUIV. AND SHALL BE UTILITY COMPANY APPROVED.
- CONDUIT:

CONC. AND REINFORCING STEEL NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.
2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.
3. REINFORCING STEEL SHALL CONFORM TO ASTM A615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. ALL STEEL SHALL BE EPOXY COATED AND SHALL BE WELDED TO STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS 'B' AND ALL HOOPS SHALL BE STANDARD, UNO.
4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS OTHERWISE NOTED:

CONCRETE CAST AGAINST EARTH.....	3 IN.
CONCRETE EXPOSED TO EARTH OR WEATHER.....	2 IN.
#6 AND LARGER.....	2 IN.
#5 AND SMALLER & W/F.....	1 1/2 IN.
CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND.....	1 1/2 IN.
SLAB AND WALLS.....	3/4 IN.
BEAMS AND COLUMNS.....	1 1/2 IN.
5. A CHAMFER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4. ALL EXPOSED EDGES SHALL BE RUBBED SMOOTH.
6. ALL EXPOSED CONCRETE SURFACES SHALL BE RUBBED SMOOTH AFTER REMOVAL OF FORMS.
7. A 6-MIL. POLYETHYLENE VAPOR BARRIER SHALL BE INSTALLED BETWEEN GRADE AND FOUNDATION.

ELECTRICAL NOTES:

1. THE SUBCONTRACTOR SHALL CONTRACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
2. CONDUCTOR SPACING SHALL BE IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE, ARTICLE 250, AND THE 2017 NATIONAL ELECTRICAL CODE, ARTICLE 252.
3. CONDUCTOR SPACING SHALL BE AS REQUESTED BY THE POWER COMPANY. CONDUCTOR SPACING SHALL BE VERIFIED BY OBSERVATIONS TESTS AND EXAMINATION WORK PRIOR TO THE ORDERING OF THE ELECTRICAL EQUIPMENT AND MATERIALS.
4. THE ACTUAL CONSTRUCTION CONTRACTOR SHALL ISSUE A WRITTEN NOTICE OF ALL DISCREPANCIES TO THE ENGINEER LISTING ALL MALFUNCTIONS, FAULTY EQUIPMENT AND DISCREPANCIES.
5. ELECTRICAL PLANS, DETAILS AND DIAGRAMS ARE DIAGRAMMATIC ONLY. VERIFY EXACT LOCATIONS AND MOUNTING HEIGHTS OF ELECTRICAL EQUIPMENT WITH OWNER PRIOR TO INSTALLATION.
6. THE CONSTRUCTION OF EVERY SYSTEM SHALL BE PERMANENTLY TAGGED IN EACH PANEL BOARD, PULL BOX, JUNCTION BOX, SWITCH BOX, ETC. THE TYPE OF TAGGING SHALL BE IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE, ARTICLE 250.
7. ALL MATERIALS AND EQUIPMENT SHALL BE NEW AND IN GOOD WORKING CONDITION WHEN INSTALLED AND SHALL BE OF THE BEST GRADE AND QUALITY AVAILABLE.
8. THE CONSTRUCTION CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL MATERIALS. MATERIALS SHALL MEET THE REQUIREMENTS OF ALL GOVERNING BODIES HAVING JURISDICTION. MATERIALS SHALL BE MANUFACTURED IN ACCORDANCE WITH APPLICABLE STANDARDS ESTABLISHED BY ANSI, NEMA, NFPA AND UL.
9. ALL CONDUIT SHALL HAVE A METALLIC UNFINISHED SURFACE.
10. THE CONSTRUCTION CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL "AS BUILT" DRAWINGS AT THE COMPLETION OF THE PROJECT, SHOWING ACTUAL DIMENSIONS, ROUTINGS AND CIRCUITS.
11. ALL CIRCUIT BREAKERS, FUSES AND ELECTRICAL EQUIPMENT SHALL HAVE AN IDENTIFICATION TAG. ALL CIRCUIT CURRENT TO WHICH THEY MAY BE SUBJECTED AND A MINIMUM OF 1000V.
12. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY UBC, NEC AND ALL OTHER APPLICABLE CODES.
13. PATCH, REPAIR AND PAINT ANY AREA THAT HAS BEEN DAMAGED IN THE COURSE OF THE PROJECT.
14. THE CONSTRUCTION CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS, APPROVALS, AND NOTICES OF DISCREPANCIES (WHERE APPLICABLE).

GROUNDING ELECTRODE SYSTEM

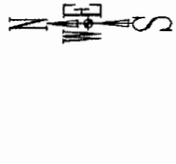
- A. PREPARATION: ALL CONNECTIONS SHALL BE MADE TO BARE METAL. ALL PAINTED SURFACES SHALL BE FIELD INSPECTED AND MODIFIED TO ENSURE PROPER CONTACT. NO WASHERS ARE ALLOWED BETWEEN THE ITEMS BEING GROUNDED. ALL CONNECTIONS ARE TO HAVE A NON-OXIDIZING AGENT APPLIED PRIOR TO GROUND BAR PREPARATION: ALL COPPER GROUND BARS SHALL BE CLEANED AND POLISHED AND A NON-OXIDIZING AGENT APPLIED. NO FINGER PRINTS OR DISCOLORED COPPER WILL BE PERMITTED.
- B. OVERLAP: OVERLAP CONDUCTORS RUN THROUGH WALLS, FLOORS OR CEILINGS. IF CONDUCTORS MUST RUN THROUGH EMT, BOTH ENDS OF CONDUIT SHALL BE GROUNDED. SEAL BOTH ENDS OF CONDUIT WITH SILICONE CAULK.
- B. GROUND BARS: ALL GROUND BARS SHALL BE 1/4" THICK TINNED COPPER PLATE AND OF SIZE INDICATED ON DRAWINGS.
- C. CONNECTIONS TO THE GROUND BAR SHALL OBSERVE THE FOLLOWING SEQUENCE:
1. BOLT-HEAD
 2. BOLT LUG
 3. STAR WASHER
 4. NUT
 5. NUT
- D. EXTERNAL CONNECTIONS
- E. ALL CONNECTIONS SHALL BE MADE BY EXOTHERMIC WELD PROCESS. ALL CONNECTIONS SHALL INCLUDE ALL CABLE TO CABLE, SPLICES, TEE'S, X'S, ALL CABLE TO GROUND RODS, GROUND ROD SPLICES AND LIGHTNING PROTECTION SYSTEM. ALL NOTED OTHERWISE NOTED ALL MATERIALS USED (MOLDS, WELDING MATERIALS, ETC.) SHALL BE FIELD INSPECTED AND APPROVED PRIOR TO INSTALLATION. ALL CONNECTIONS SHALL BE FIELD INSPECTED AND APPROVED PRIOR TO INSTALLATION.

COAXIAL ANTENNA CABLE NOTES:

1. ALL MATERIALS, PRODUCTS OR PROCEDURES INCORPORATED INTO WORK SHALL BE NEW AND OF STANDARD COMMERCIAL QUALITY.
2. CERTAIN MATERIALS AND PRODUCTS WILL BE SUPPLIED BY THE OWNER (REFER TO SPECIFICATIONS FOR LISTING OF THESE ITEMS). THE CONTRACTOR IS RESPONSIBLE FOR PICKUP AND DELIVERY TO SITE ALL OWNER FURNISHED MATERIALS.
3. ALL OTHER MATERIALS AND PRODUCTS SHOWN IN THE SPECIFICATIONS, DRAWINGS, GENERAL CONTRACT DOCUMENTS, ADDENDUM, AMENDMENTS AND/OR INSTRUCTIONS, SHALL BE SUPPLIED BY THE CONTRACTOR.
4. MATERIALS:
 - A. ANTENNAS: ANTENNAS AND ASSOCIATED MOUNTING HARDWARE SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDED STANDARDS OF PRACTICE FOR EACH ANTENNA TYPE.
 - B. ANTENNAS AND MOUNTED ELECTRONIC EQUIPMENT PER MANUFACTURERS RECOMMENDED STANDARDS OF PRACTICE. WEATHERPROOF ALL CONNECTORS BETWEEN THE ANTENNA AND ELECTRONIC EQUIPMENT PER MANUFACTURER'S REQUIREMENTS. TERMINATE ALL COAXIAL CABLE ONE FOOT IN EXCESS OF EQUIPMENT RECOMMENDED LENGTHS OTHERWISE DISCARD EXCESS CABLE.
 - C. COAXIAL CABLE REFER TO SHEET AS FOR MANUFACTURER SIZE AND LENGTH.
5. ANTENNA AND COAXIAL CABLE GROUNDING:
 - A. ALL EXTERIOR #6 GREEN GROUND WIRE, "DAISY CHAIN" CONNECTIONS ARE TO BE WEATHER SEALED WITH CONNECTOR/SPICE WEATHERPROOFING KITS.
6. COAXIAL CABLE IDENTIFICATION:
 - A. CABLEING, COLOR TAPE SHALL BE USED AT THE FOLLOWING LOCATIONS:
TESTING: PROVIDE THREE (3) SETS OF HARD COPIES AND ONE (1) SOFT COPY (CD OR 3.5 DISK) OF ALL SWEEP TESTS AND F.D.R. TEST RESULTS TO THE OWNER. ALL TEST REPORTS AND PROCEDURES REPORTS SHALL BE BOUND AND SUBMITTED WITHIN ONE WEEK OF WORK COMPLETION.

GROUNDING GENERAL NOTES

- ALL DETAILS ARE SHOWN DIAGRAMMATIC. ACTUAL GROUNDING INSTALLATION AND CONSTRUCTION MAY VARY DUE TO SITE SPECIFIC CONDITIONS.
- ALL EXTERIORS GROUNDING AND TOP OF GROUNDING RODS SHALL BE BURIED TO A MINIMUM DEPTH OF 36" BELOW FINISH GRADE AND BELOW FROST LINE. ELECTRIC METER GROUND ROD EXCEPTED.
- ALL GROUNDING SYSTEM MUST BE TESTED AND SHALL HAVE A RESISTANCE OF 5 OHMS OR LESS. SUBMIT AN INDEPENDENT FALL OF POTENTIAL TESTING REPORT.
- NOTIFY CONSTRUCTION ENGINEER IF THERE ARE ANY DIFFICULTIES INSTALLING GROUNDING SYSTEM DUE TO SITE SOIL CONDITIONS.
- CHEMICAL GROUNDS SHALL BE XIT, CHEM-ROD OR APPROVED EQUAL, WHEN REQUIRED.
- ALL UNDERGROUND CONNECTIONS SHALL BE CAD WELDED, ABOVE GROUND CONNECTIONS SHALL BE AS SPECIFIED ON DRAWINGS & COLD GALVANIZED.
- GROUNDS ARE TO BE INSTALLED A MINIMUM OF 2'-0" FROM SHELTER OR TOWER.
- GATE/POST GROUNDING SHALL BE WITH A FLEX CONNECTOR.
- CONTRACTOR SHALL NOT PERFORM CAD WELDING INSIDE SHELTER BUILDING.
- WHEN SILICONE SEALANT WILL CONTACT BARE COPPER, IT SHALL BE ELECTRICALLY INSULATED. USE ELECTRONIC GRADE SILICONE RUBBER, DOW-CORNING 5140 OR



SCALE: 1"=40'

BASIS OF BEARINGS
STATE PLANE COORDINATES
ARKANSAS NORTH CENTRAL ZONE
NAD 83 (2011)
ARNDT VERN
LAT: N 35° 04' 58.365"
LONG: W 94° 09' 23.911"
CONVERGENCE ANGLE:
N 01° 15' 18" E
COMBINED SCALE FACTOR:
0.99990788446
BASIS OF ELEVATIONS
ARNDT VERN
NAVD 88

GENERAL NOTES
1. NO SEARCH OF PUBLIC RECORDS HAD BEEN COMPLETED BY KEEN SURVEYING, LLC TO DETERMINE ANY DEFECTS AND/OR ENCUMBRANCES IN THE RECORDS OF THIS PROPERTY.
2. THIS PROPERTY IS SUBJECT TO ANY RECORDED EASEMENTS AND/OR RIGHT OF WAYS SHOWN HERE OR NOT

SITE ADDRESS
1807 NORTH COLLEGE AVENUE
FAYETTEVILLE, AR 72703

ZONING INFORMATION
ZONED C2
SETBACKS:
FRONT: 16'
SIDE: 0'
REAR: 20'

FLOOD INFORMATION
THIS PROPERTY IS LOCATED IN ZONE X AND IS NOT ELIGIBLE FOR THE 100 YEAR FLOOD PLAIN ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS 05143C0208G AND 05143C0208G DATED 1/26/24

REFERENCE DEED
DEED BOOK 95 PAGE 60198
REFERENCE SURVEY
SURVEY 2023-00013392

SCHEDULE B II ITEMS
AS SHOWN ON
REPORT OF TITLE
BY TOWER TITLE AND CLOSING
FILE NO: BRN-1711151
DATED 3/19/24

10. Temporary Construction and Grading Easement between Brass Pole Properties, LLC, an Arkansas limited liability company, and City of Fayetteville, Arkansas, a municipal corporation, dated February 13, 2024 and recorded March 11, 2024 in (Instrument) 2024-00006620, in Washington County, Arkansas.
SHOWN ON SURVEY

SITE NAME: VA HOSPITAL

LEGEND

- LEASE BOUNDARY LINE
- SURVEY TIE LINES
- EASEMENT LINE
- TREE LINE
- OVERHEAD ELECTRIC LINE
- COMPUTED CORNER
- FOUND AS NOTED
- SET 1/2" REBAR
- POWER POLE
- POWER POLE WITH TRANSFORMER
- SET 1/2" REBAR WITH CAP
- TELEPHONE PEDESTAL
- BACK OF CURB
- PO

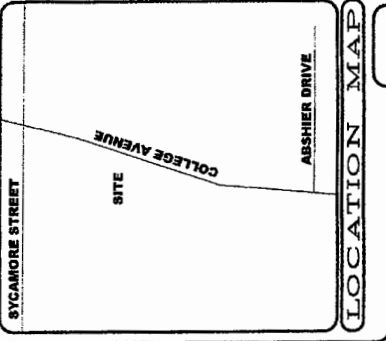
Parent Parcel (as per Deed)
Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section Ten (10) in Township Sixteen (16) North of Range Thirty (30) West, described as beginning at a point for hundred nineteen (419) feet South of the Northwest Corner of said Section 10, and running, thence South two hundred forty seven (247) feet, thence East one hundred seventy three (173) feet, thence North 14 Degrees 08 minutes East sixty-nine and fifty hundredths (69.50) feet; thence East one hundred (100) feet; thence North 66 degrees 04 minutes East sixty and thirty two hundredths (60.32) feet to the West right-of-way line of U.S. Highway No. 71; thence East to the center line of said Highway; thence North 20 degrees East with the center of said Highway one hundred sixty eight and sixty hundredths (168.60) feet, more or less to a point due East of the point of beginning, thence West four hundred eighty four and twelve hundredths (484.12) feet, more or less to the point of beginning.

Branch Towers Lease Parcel

Part of the Northwest Quarter of the Northwest Quarter, Section 10, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:
Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 02°43'09" West, a distance of 553.37 feet; thence South 87°09'00" East, a distance of 175.77 feet to the Point of Beginning; thence South 86°43'42" East, a distance of 26.00 feet; thence South 03°16'18" West, a distance of 37.00 feet; thence North 86°43'42" West, a distance of 26.00 feet; thence North 03°16'18" East, a distance of 37.00 feet to the Point of Beginning, containing 982 Square Feet or 0.022 of an Acre.

28' Wide Access and Utility Easement

Part of the Northwest Quarter of the Northwest Quarter, Section 10, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:
Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 02°43'09" West, a distance of 553.37 feet; thence South 87°09'00" East, a distance of 188.77 feet to the Point of Beginning of a 28 Foot Wide Access and Utility Easement lying 13 feet each side of the following described Centerline; thence North 03°16'18" East, a distance of 46.96 feet; thence South 85°43'20" East, a distance of 115.79 feet; thence South 52°15'17" East, a distance of 53.94 feet to a point on the West Right of Way line of North College Avenue and the Point of Termination, containing 5,634 Square Feet of 0.128 of an Acre.



MAP PREPARED FOR
BRANCH TOWERS LLC
RAW LAND SITE
PAGE 2 OF 2

KEEN SURVEYING, LLC
200 SOUTH MAIN STREET, P.O. BOX 240
GALATHEA, ARKANSAS 72706
TEL (501) 862-1800 FAX (501) 862-1804
WWW.KEENSURVEYING.COM

DATE: 3-23-24
SCALE: 1"=40'
DRAWN BY: B. KERN
CHECKED BY: B. KERN
JOB #1354.298



500-18N-30W-0-10-440-72-1415

VENDOR:

Branch
TOWERS
BRANCH TOWERS VI
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

Branch
COMMUNICATIONS
BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch
ENGINEERING LLC.
BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA. 3804 EXP. 12/31/2024

SITE NAME:
VA HOSPITAL

SITE NUMBER:
AR-0044

SITE ADDRESS:
1607 N COLLEGE AVE UNIT E
FAYETTEVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION, IF I AM A PROFESSIONAL ENGINEER, I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THESE PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION

6/25/24

NO.	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JWM
D	5/3/24	CONST. ISSUE	JWM
1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

SHEET TITLE:	AERIAL SITE PLAN
SHEET NUMBER:	PROJECT #
BY:	AR-0044
CHKD BY:	JWM
JD	1



VENDOR:

Branch
TOWERS
BRANCH TOWERS
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

Branch
COMMUNICATIONS
BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch
ENGINEERING LLC
BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA. 3804 EXP. 12/31/2024

SITE NAME:
VA HOSPITAL

SITE NUMBER:
AR-0044

SITE ADDRESS:
1807 N. COLLEGE AVE UNIT E
FAYETTEVILLE, AR 72703-1919

STATE OF ARKANSAS

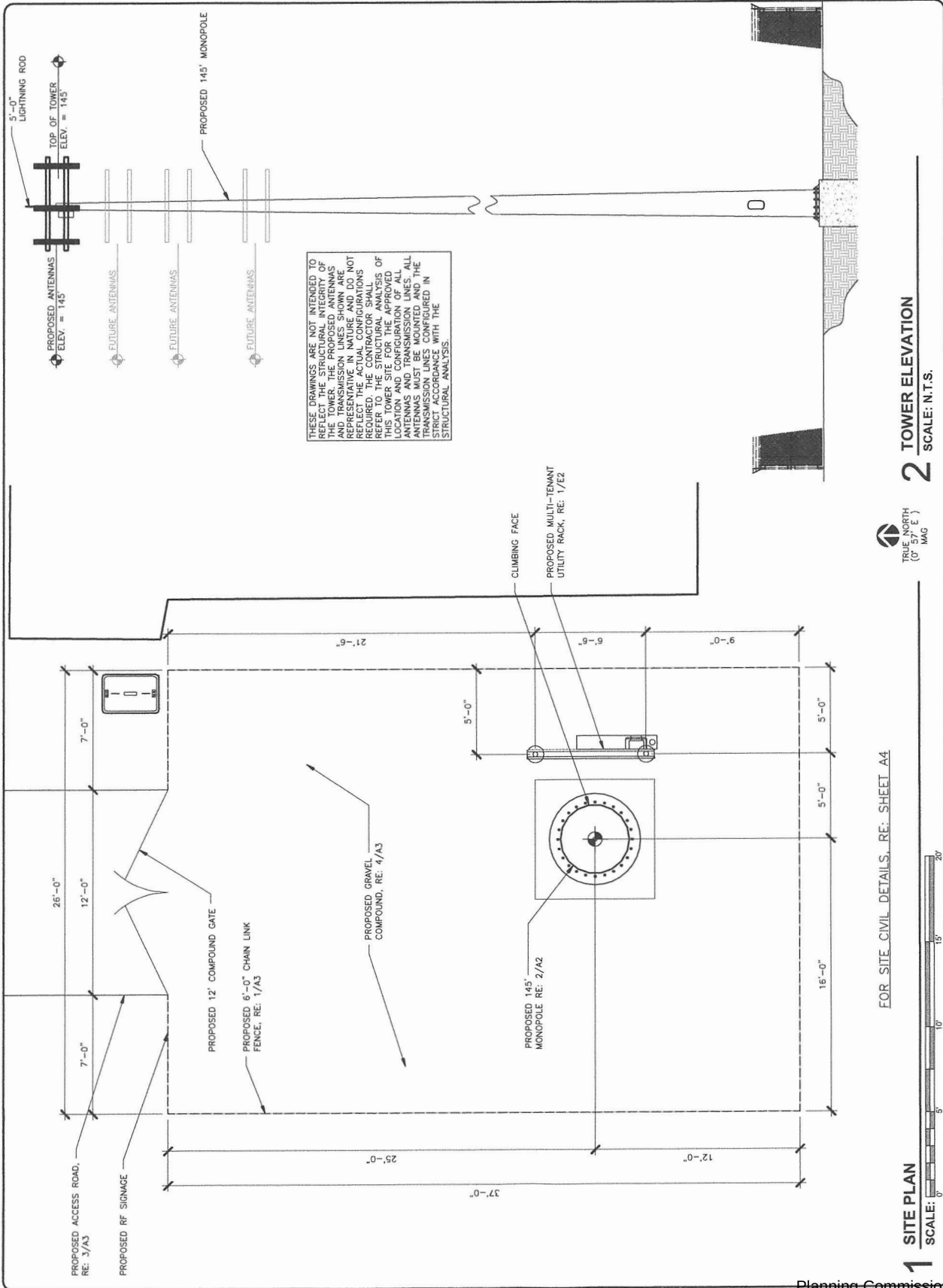
PROFESSIONAL ENGINEER

6/25/24

PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
0	4/30/24	PRELIMINARY ISSUE	WM
1	5/14/24	CONST. ISSUE	WM
2	6/25/24	B4 CONST. ISSUE	WM

SHEET TITLE: SITE PLAN AND TOWER ELEVATION	
SHEET NUMBER: A2	REVISION: 1



[illegible]

VENDOR:

Branch Towers

BRANCH TOWERS, LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

Branch Communications

BRANCH COMMUNICATIONS, LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch Engineering, LLC

BRANCH ENGINEERING, LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA: 3804 EXP. 12/31/2024

SITE NAME:

VA HOSPITAL

SITE NUMBER:

AR-0044

SITE ADDRESS:

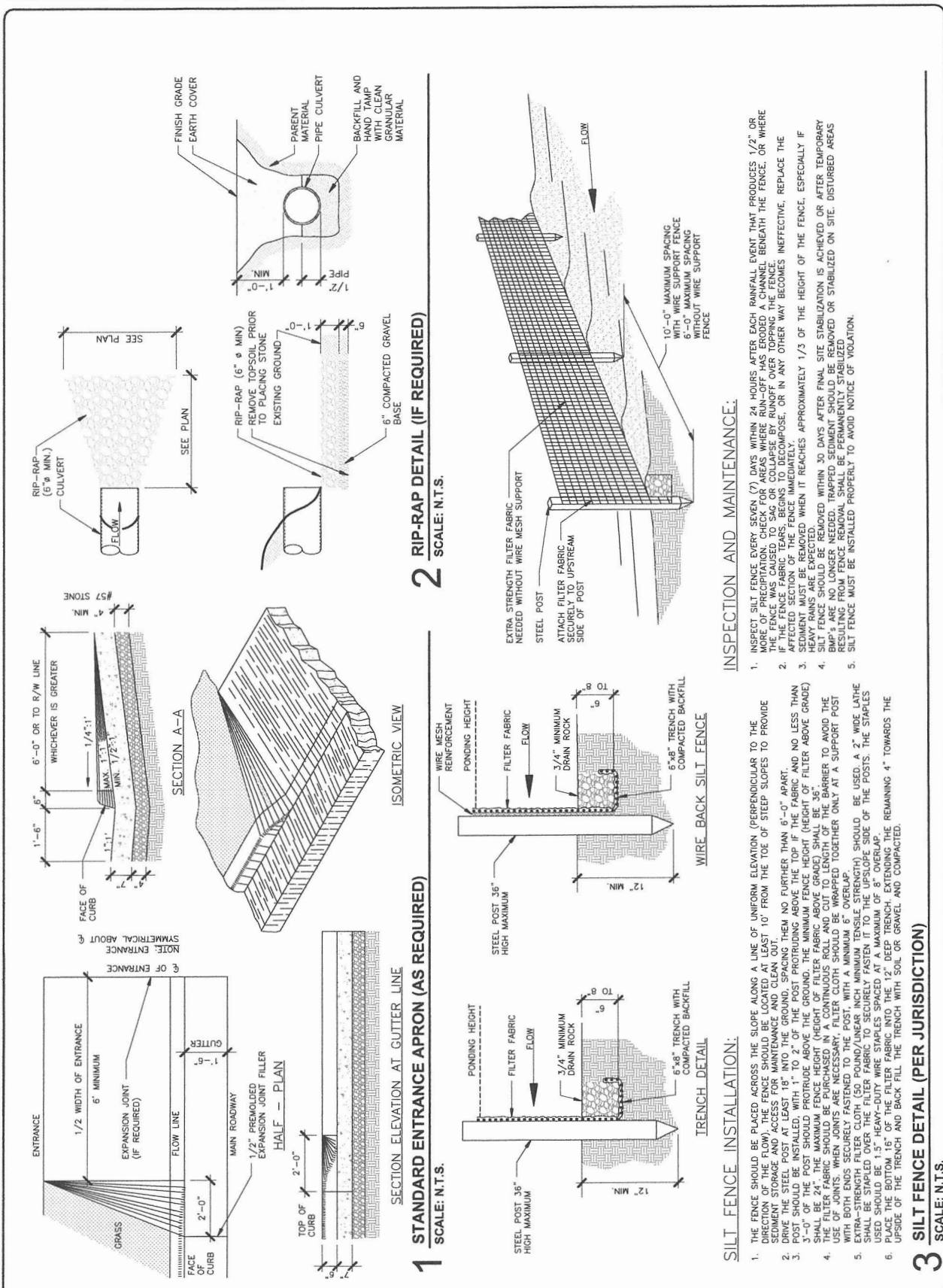
1607 N. COLLEGE AVE. UNIT E
FAYETTEVILLE, AR 72703-1919

FLATTERY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION, IF MY KNOWLEDGE OF THESE PLANS AND SPECIFICATIONS IS BASED ON MY PERSONAL AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

6/25/24

NO.	DATE	DESCRIPTION	BY
1	4/30/24	PRELIMINARY ISSUE	JWM
2	5/3/24	CONST. ISSUE	JWM
3	5/14/24	CONST. ISSUE	JWM
4	6/25/24	CONST. ISSUE	JWM

CIVIL DETAILS	
SHEET NUMBER	PROJECT #
A4	AR-0044
BY: JWM	CHKD BY: JWM
REVISION: 1	



VENDOR:
Branch
BRANCH TOWERS
 BRANCH TOWERS VI
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551

Branch
COMMUNICATIONS
 BRANCH COMMUNICATIONS
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551

PRODUCED BY:
Branch
ENGINEERING LLC.
 A DIVISION OF BRANCH TOWERS
 BRANCH ENGINEERING LLC
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551
 COA-3804 EXP. 12/31/2024

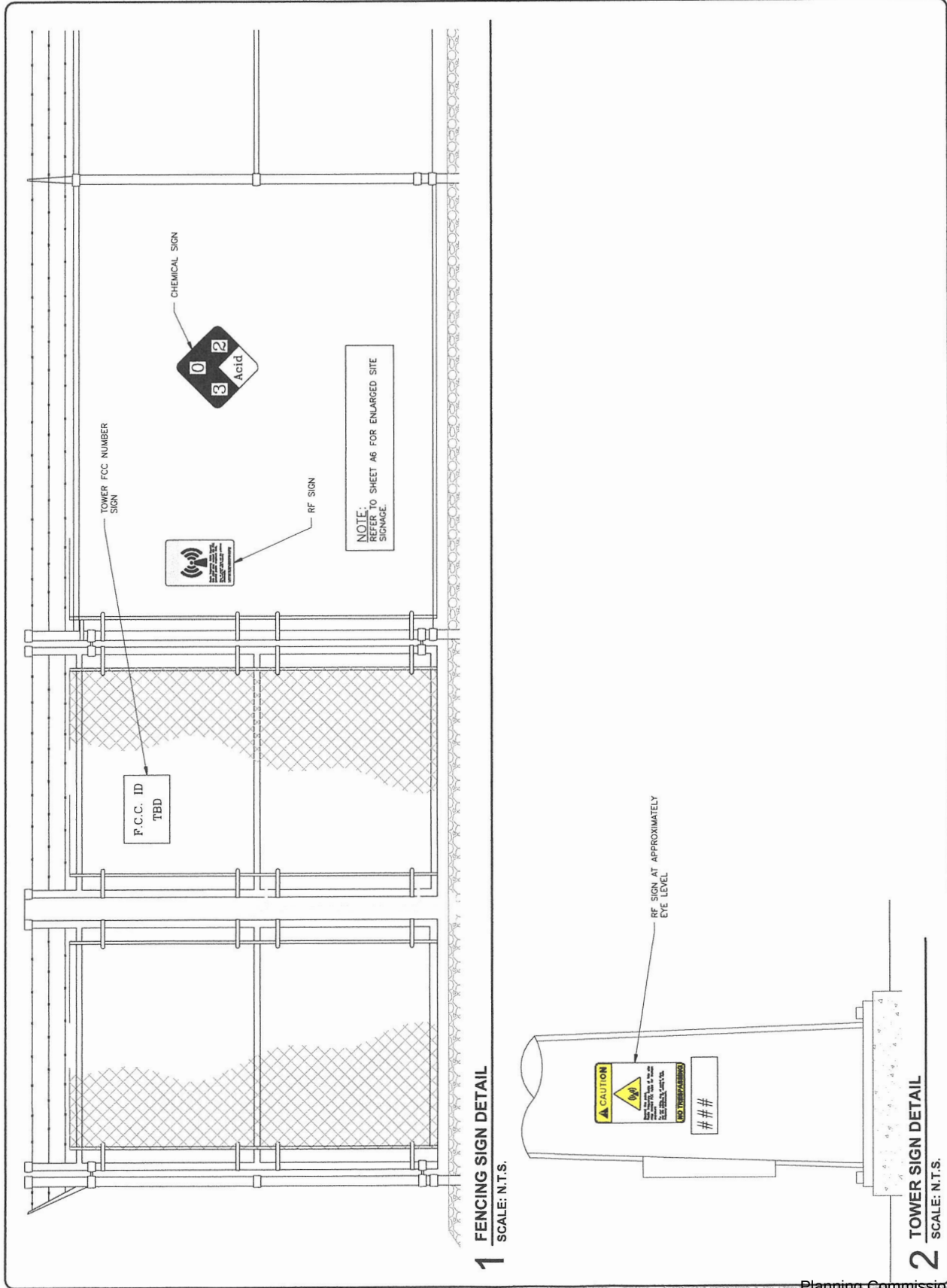
SITE NAME:
VA HOSPITAL
SITE NUMBER:
AR-0044
SITE ADDRESS:
 1607 N. COLLEGE AVE UNIT E
 FAYETTEVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION, IF FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION
 6/25/24

NO.	DATE	DESCRIPTION	BY
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1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

SHEET TITLE:		SITE SIGNAGE	
SHEET NUMBER:	PROJECT #:	REVISION:	
A5	AR-0044	BY:	1
		CHKD BY:	
		JWM	JD



1 FENCING SIGN DETAIL
 SCALE: N.T.S.

2 TOWER SIGN DETAIL
 SCALE: N.T.S.

VENDOR:

Branch

BRANCH TOWERS

BRANCH TOWERS VI
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

Branch

COMMUNICATIONS

BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch

ENGINEERING LLC.

BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA: 3804 EXP: 12/31/2024

SITE NAME:

VA HOSPITAL

SITE NUMBER:

AR-0044

SITE ADDRESS:

1607 N. COLLEGE AVE UNIT E
FAYETTEVILLE, AR 72703-1919

1. I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION, IF FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS, AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION

6/25/24

NO	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JMW
D	5/3/24	CONST ISSUE	JMW
1	5/14/24	CONST ISSUE	JMW
2	6/25/24	B4 CONST ISSUE	JMW

SHEET TITLE:

SITE SIGNAGE

SHEET NUMBER: PROJECT #

AR-0044

REVISION:

1

A6

BY: JMW

CHKD BY: JMW

JD

1'-6"

Branch

VA HOSPITAL

Site Name: VA HOSPITAL

Site Number: AR-0044

FCC# TBD

Address: 1607 N COLLEGE AVE UNIT E

866-797-1356

www.branchcomm.net

FOR EMERGENCY & LEASING CONTACT

1 SIGNAGE DETAIL
SCALE: N.T.S.

11"

NOTICE

RF-CONTROLLED AREA BEYOND THIS POINT

Radio frequency ("RF") emissions may exceed FCC Standards for general public exposure. Only authorized workers permitted to enter.

FOR YOUR SAFETY:
Do not step in front of antennas.
Minimum distance of 7 feet from all antennas.
For further information, please call (877)611-5868
and reference site number: AR-0044

RF NOTICE SIGN
(WHITE METAL SIGN W/ BLACK LETTERING)

3 SIGNAGE DETAIL
SCALE: N.T.S.

PRIVATE PROPERTY

NO TRESPASSING

VIOLATORS WILL BE PROSECUTED

2 SIGNAGE DETAIL
SCALE: N.T.S.

F.C.C. ID

TBD

5 FCC FENCE SIGNAGE DETAIL
SCALE: N.T.S.

CAUTION

Beyond this point,
Radio frequency fields at this site may exceed FCC rules for human exposure

NO TRESPASSING

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

7 SIGNAGE DETAIL
SCALE: N.T.S.

NOTICE

Radio frequency fields beyond this point may exceed the FCC general public exposure limit.
Obey all posted signs and site guidelines for working in radio frequency environments.
In accordance with Federal Communications Commission rules on radio frequency emissions 47 CFR 1.1307 (b)

8 TOWER SIGNAGE DETAIL
SCALE: N.T.S.

4 NOT USED
SCALE: N.T.S.

6 TOWER SIGNAGE DETAIL
SCALE: N.T.S.

Planning Commission

August 12, 2024

CUP-2024-0018 (BRASS POLE PROPERTY) Page 132 of 461

Page 34 of 86

VENDOR:
Branch Towers
 BRANCH TOWERS, LLC
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551

Branch Communications
 BRANCH COMMUNICATIONS
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551

PRODUCED BY:
Branch Engineering LLC
 BRANCH ENGINEERING LLC
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551
 COA: 3804 EXP. 12/31/2024

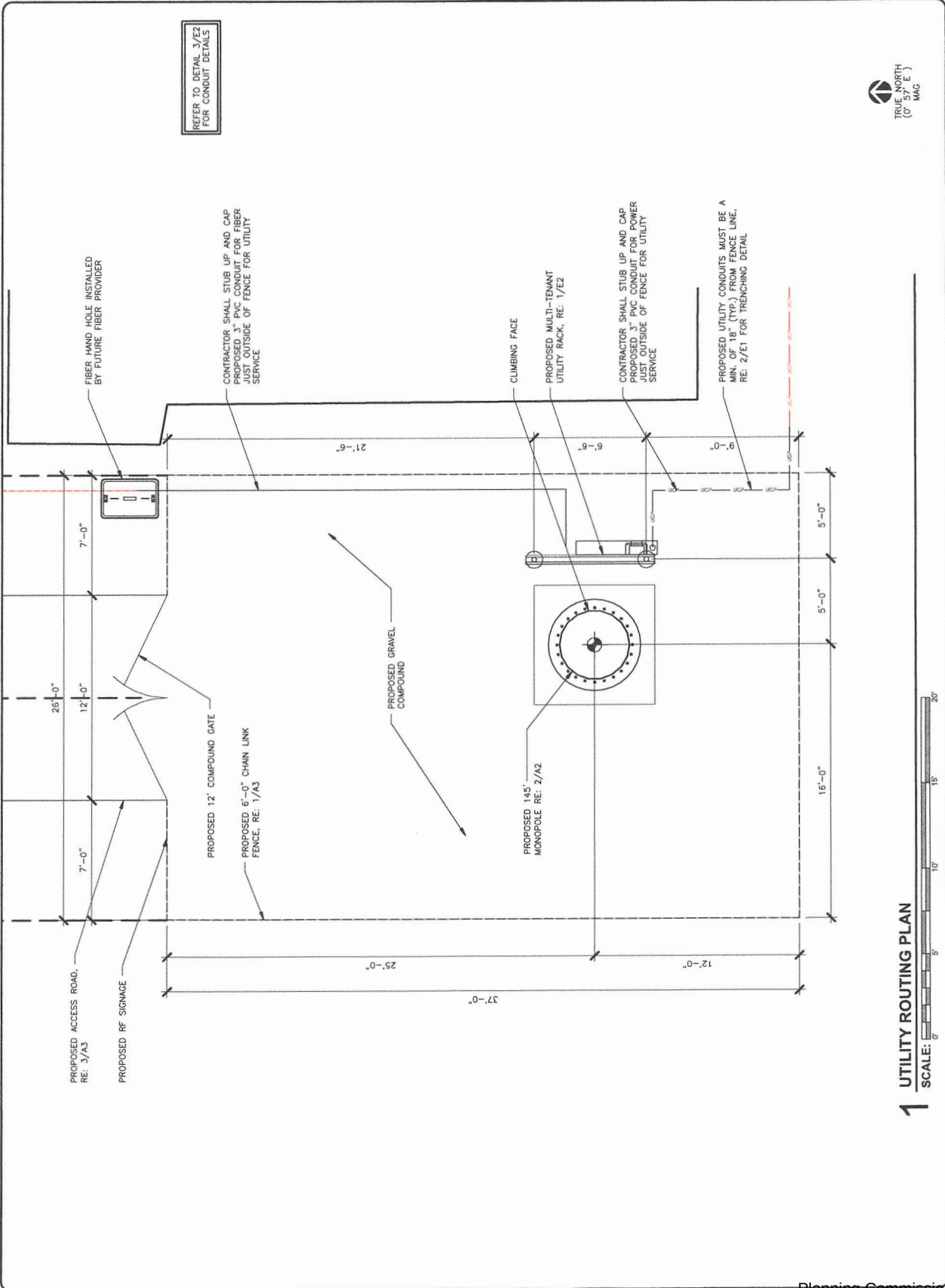
SITE NAME:
VA HOSPITAL
SITE NUMBER:
AR-0044
SITE ADDRESS:
 1607 N. COLLEGE AVE UNIT E
 FAYETTEVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION, IF I AM A LICENSED PROFESSIONAL ENGINEER. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION
 6/25/24

NO.	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JWM
D	5/3/24	CONST. ISSUE	JWM
1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

SHEET TITLE:		UTILITY ROUTING PLAN	
SHEET NUMBER:	PROJECT #:	REVISION:	
E1	AR-0044	BY: JWM	DATE: 6/25/24
		CHKD BY: JWM	DATE: 6/25/24
		JD	1



1 UTILITY ROUTING PLAN
 SCALE: 1" = 20'

VENDOR:

Branch
TOWERS
BRANCH TOWERS, INC.
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch
COMMUNICATIONS
BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch
ENGINEERING LLC.
BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA 3804 EXP. 12/31/2024

SITE NAME:
VA HOSPITAL

SITE NUMBER:
AR-0044

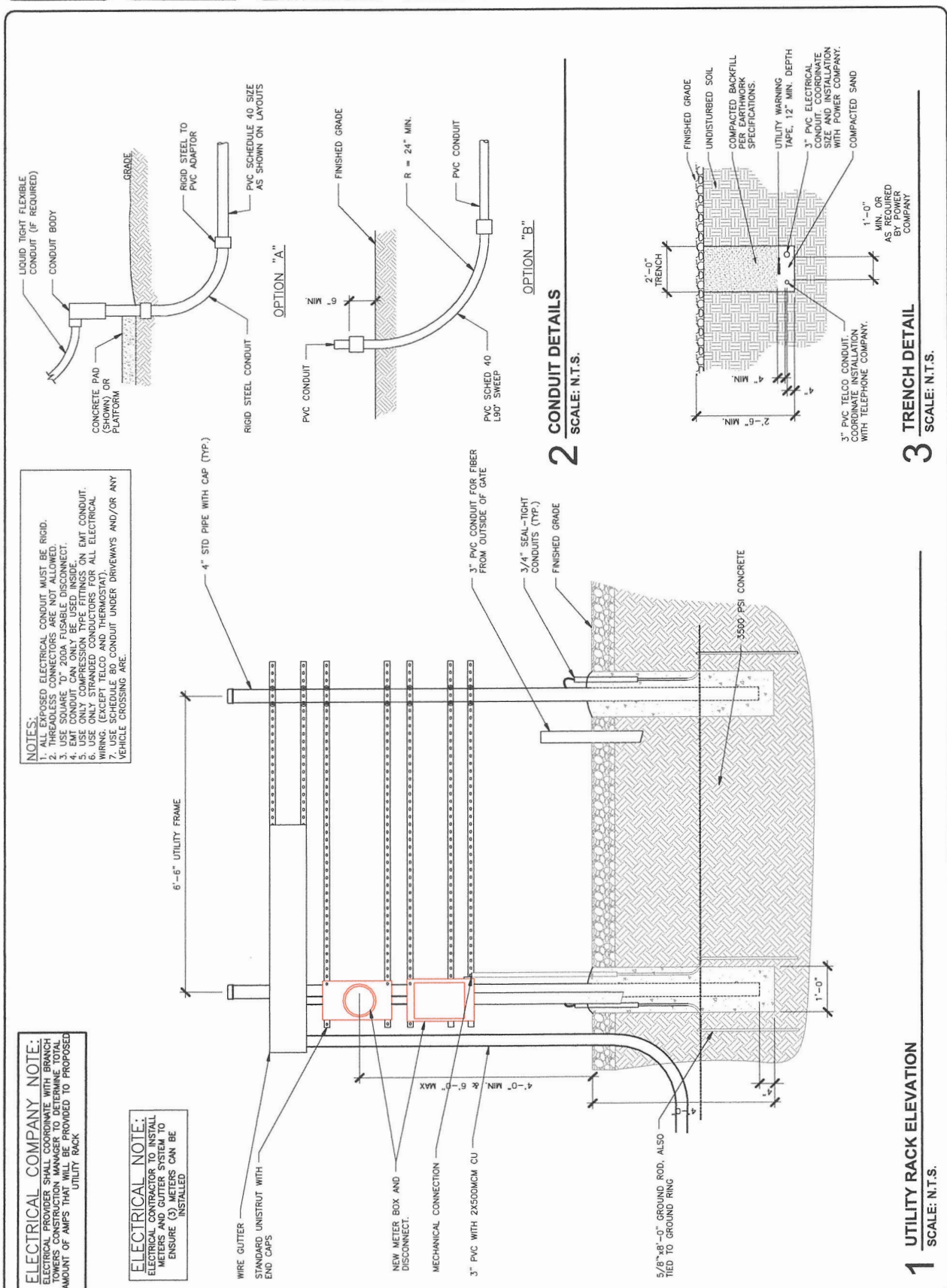
SITE ADDRESS:
1607 N. COLLEGE AVE UNIT E
FAYETTEVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION, IF I AM A PROFESSIONAL ENGINEER, AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF ARKANSAS. I AM NOT PROVIDING ANY DESIGN OR SPECIFICATIONS THAT ARE IN VIOLATION OF ANY APPLICABLE CODES, ORDINANCES, AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

6/25/24

NO.	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JWM
D	5/3/24	CONST. ISSUE	JWM
1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

SHEET TITLE:	
UTILITY RACK DETAILS	
SHEET NUMBER: PROJECT #	AR-0044
BY: CRD	BY: JWM
JD	JD
E2	
REVISION: 1	



VENDOR:

Branch

BRANCH TOWERS

BRANCH TOWERS VI
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

Branch

COMMUNICATIONS

BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch

ENGINEERING LLC.

BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE. STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA 3804 EXP. 12/31/2024

SITE NAME:

VA HOSPITAL

SITE NUMBER:

AR-0044

SITE ADDRESS:

1607 N COLLEGE AVE UNIT E
FAYETTEVILLE, AR 72703-1919

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6/25/24

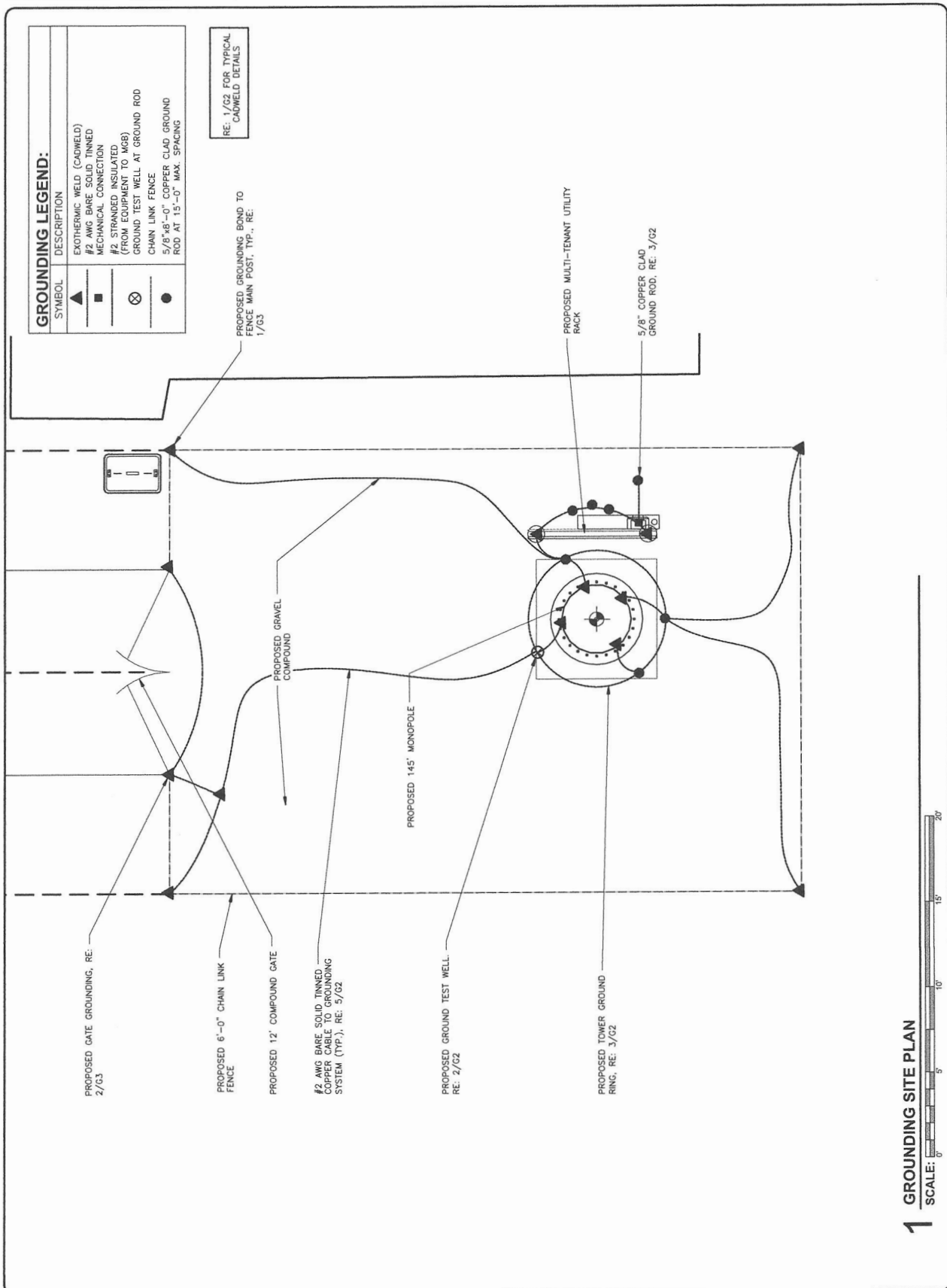
NO.	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JWM
O	5/3/24	CONST. ISSUE	JWM
1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

SHEET TITLE:

GROUNDING SITE PLAN

SHEET NUMBER: PROJECT #1
BY: JWM
JWM JD

REVISION:
G1



VENDOR:
Branch
BRANCH TOWERS
 BRANCH TOWERS VI
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551

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 TULSA, OKLAHOMA 74136
 (918) 949-4551

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 BRANCH ENGINEERING LLC
 7335 SOUTH LEWIS AVE. STE. 300
 TULSA, OKLAHOMA 74136
 (918) 949-4551
 COA: 3804 EXP. 12/31/2024

SITE NAME:
VA HOSPITAL
SITE NUMBER:
AR-0044
SITE ADDRESS:
 1607 N COLLEGE AVE UNIT E
 FAYETTEVILLE, AR 72703-1919

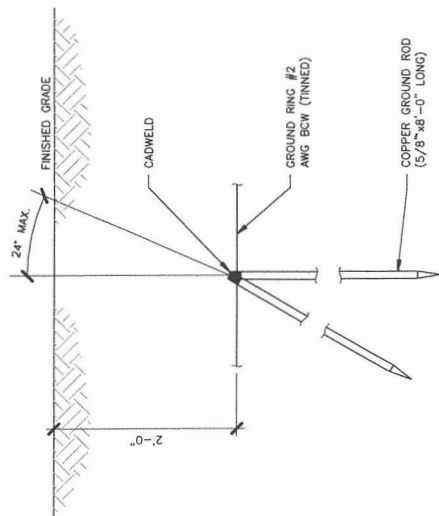
I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION, IF FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS COMPLY WITH ALL CITY, STATE AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

6/25/24

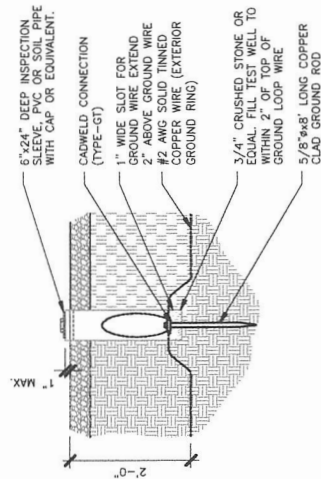
PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JWM
D	5/3/24	CONST. ISSUE	JWM
1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

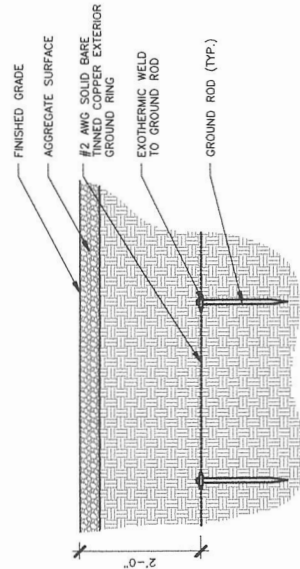
SHEET TITLE:	
GROUNDING DETAILS	
SHEET NUMBER	PROJECT #
G2	AR-0044
BY:	CKD BY:
JWM	JD
REVISION	
1	



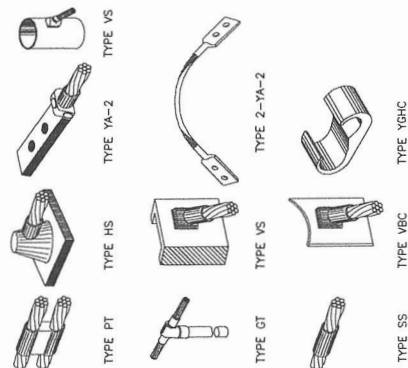
1 ANTENNA CABLE GROUNDING DETAIL
 SCALE: N.T.S.



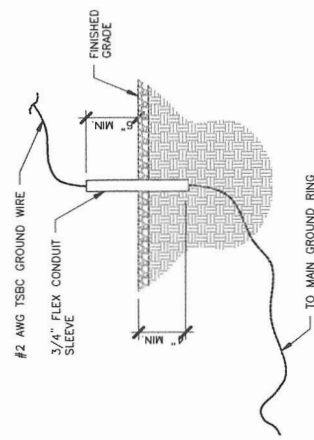
2 GROUND TEST WELL DETAIL
 SCALE: N.T.S.



3 GROUND RING DETAIL
 SCALE: N.T.S.



5 TYPICAL CADWELD DETAILS
 SCALE: N.T.S.



4 STUB UP DETAIL
 SCALE: N.T.S.

VENDOR:

Branch
TOWERS

BRANCH TOWERS, VI
7335 SOUTH LEWIS AVE., STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

Branch
COMMUNICATIONS

BRANCH COMMUNICATIONS
7335 SOUTH LEWIS AVE., STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551

PRODUCED BY:

Branch
ENGINEERING LLC.

BRANCH ENGINEERING LLC
7335 SOUTH LEWIS AVE., STE. 300
TULSA, OKLAHOMA 74136
(918) 949-4551
COA. 3804 EXP. 12/31/2024

SITE NAME:
VA HOSPITAL

SITE NUMBER:
AR-0044

SITE ADDRESS:
1607 N. COLLEGE AVE. UNIT E
FAYETTEVILLE, AR 72703-1919

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION, IF FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

PRELIMINARY - NOT FOR CONSTRUCTION

6/25/24

NO.	DATE	DESCRIPTION	BY
A	4/30/24	PRELIMINARY ISSUE	JWM
O	5/3/24	CONST. ISSUE	JWM
1	5/14/24	CONST. ISSUE	JWM
2	6/25/24	B4 CONST. ISSUE	JWM

SHEET TITLE:
GROUNDING DETAILS

SHEET NUMBER: PROJECT #
AR-0044

BY: JWM **CHKD BY:** JWM **ID:** 1

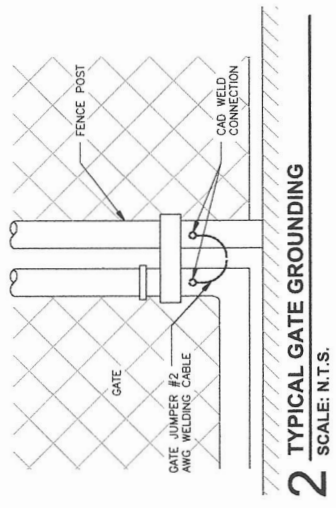
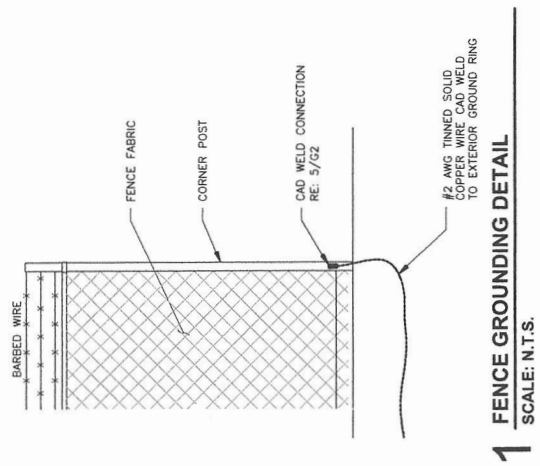




Photo Simulations for

Conditional Use Permit Application for Branch Communications

On Behalf of AT&T and Land Owners for a Cellular Tower

On 1607 North College Ave.

163.13 (B)(7) Required (After Condition) Balloon Test and Crane Test Photographs.

Photo locations



Photo location A



Before



After

North of proposed
location, facing
south

Not to scale, for simulation purposes only

Photo location B



Before



After

East of proposed
location, facing
west

Not to scale, for simulation purposes only

Photo location C



Before



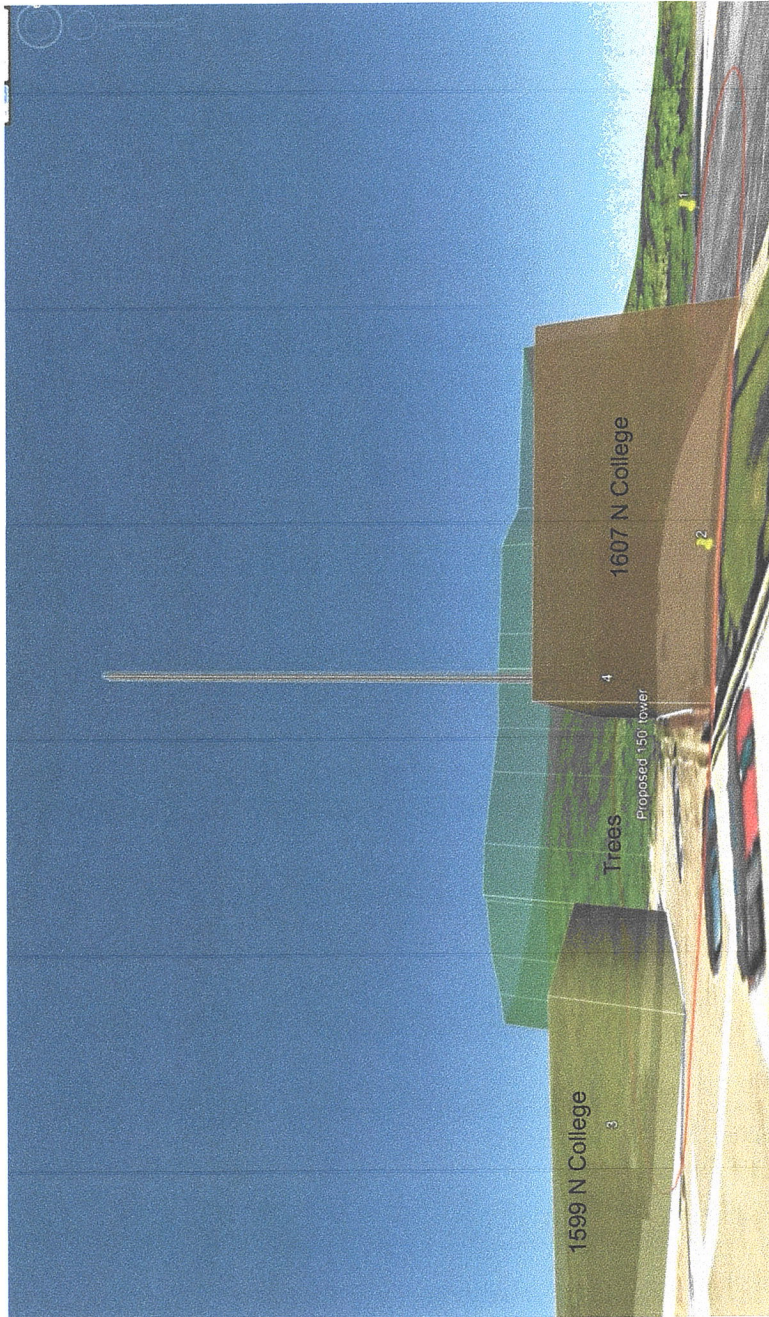
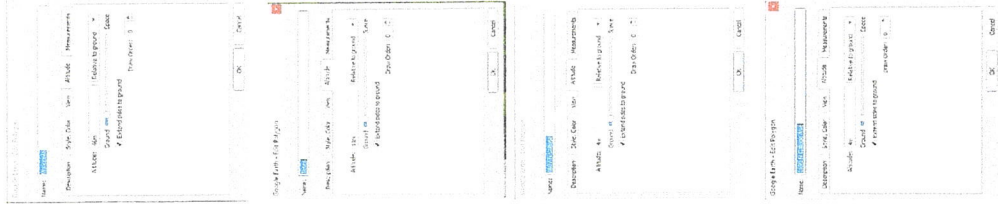
After

South of proposed
location, facing north

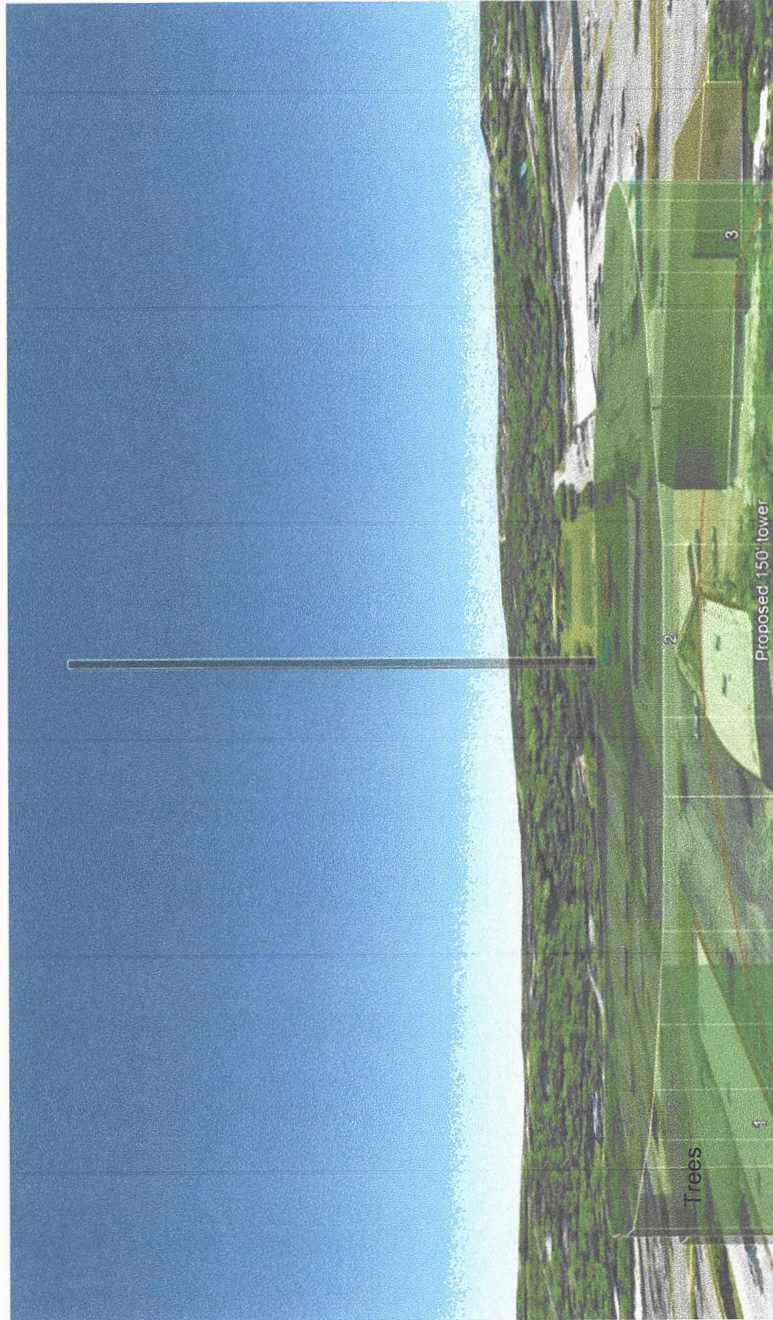
Not to scale, for simulation purposes only

163.13 (B)(8)Sight Line Representation 90° Locations





Location 2
Facing west

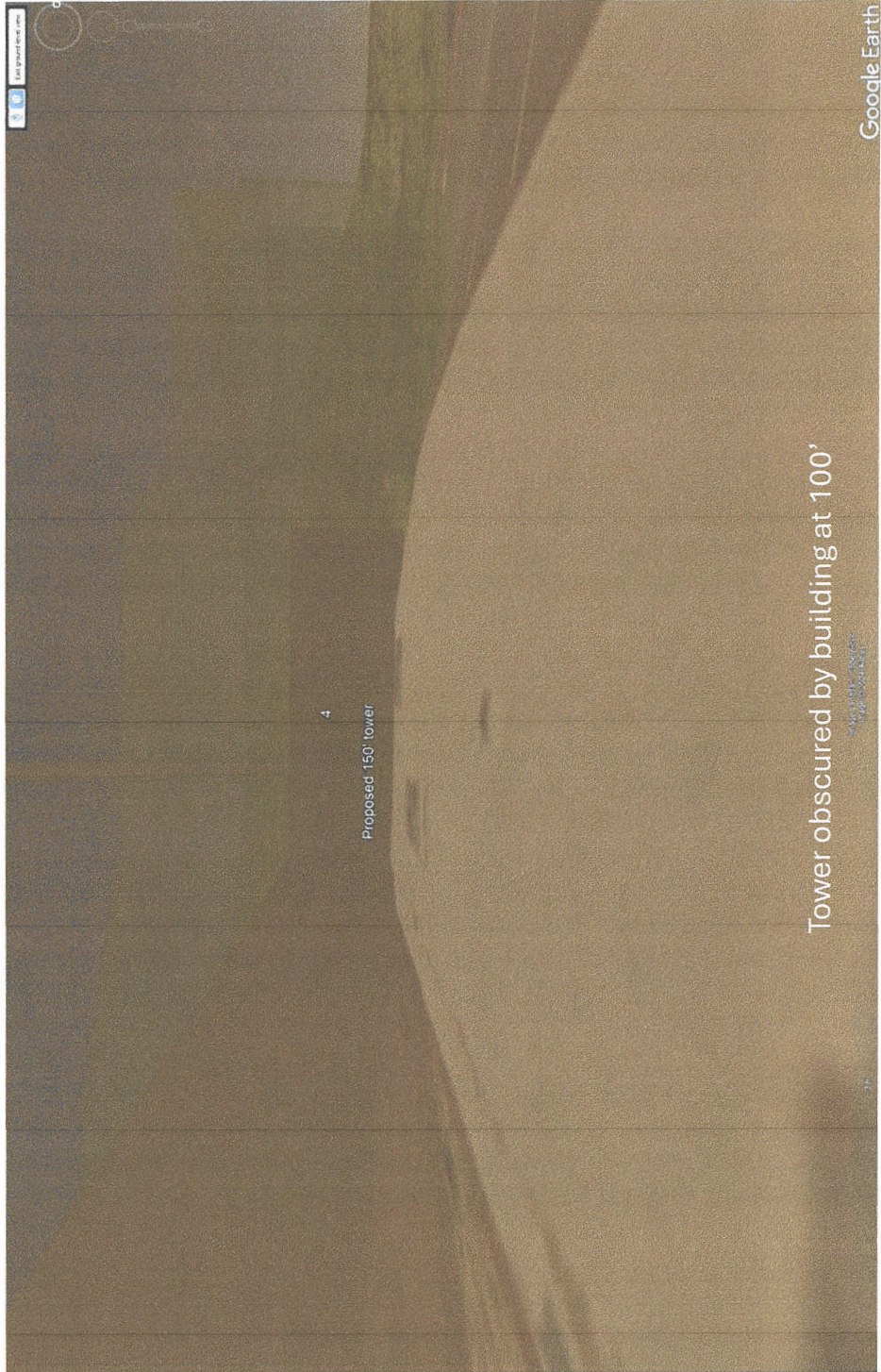


Location 4
Facing east

163.13 (B)(8)Sight Line Representation 90° Locations



Location 2



Location 4

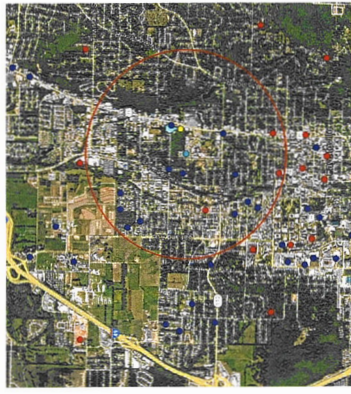
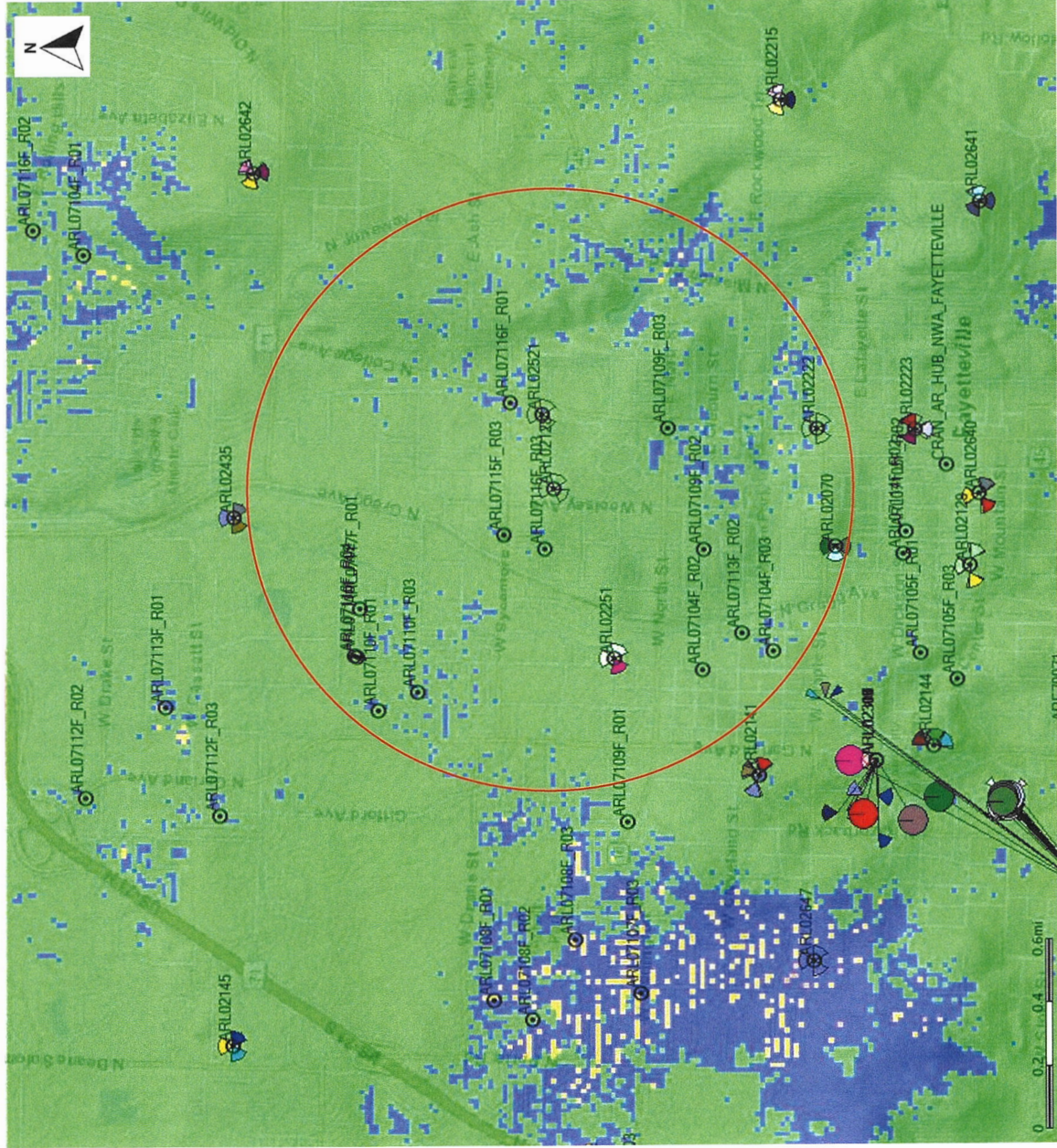


163.13 (B)(6)(a)
Map of Area Served
and
163.13 (B)(6)(b)
Map of Existing Sites

Coverage map

Baseline_700 MHz

(prior to watertank demolition)



Existing sites
Tower
Small Cell or CRAN

Legend

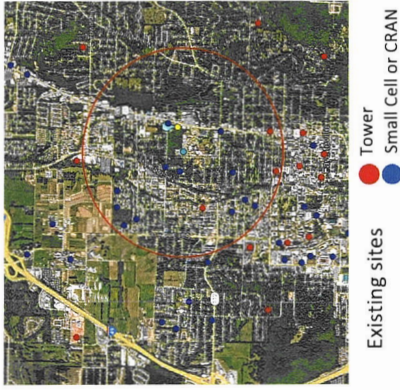
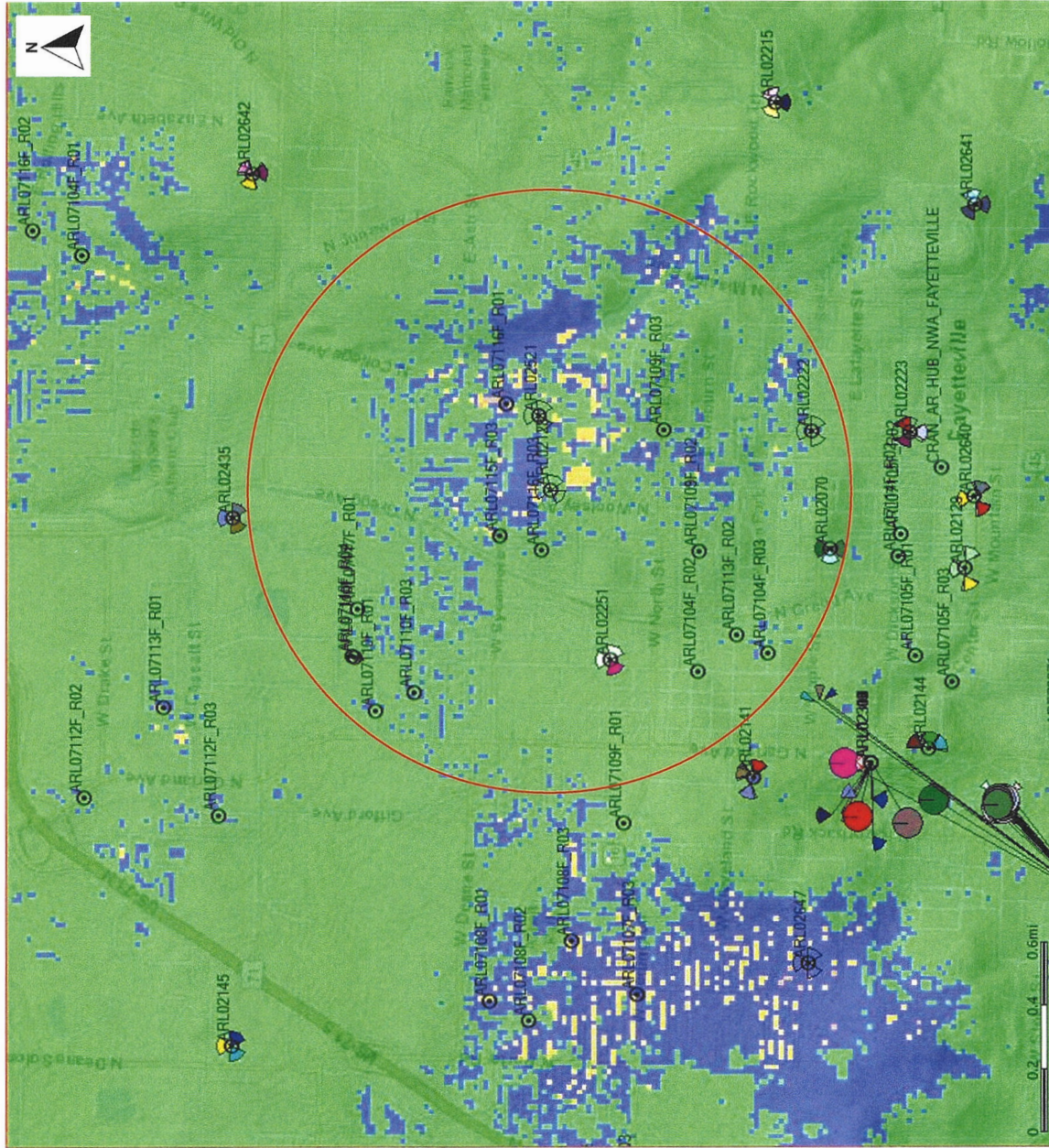
LTE: RSRP (dBm) - Indoor

Excellent	Good	Fair	Marginal	Poor
Best RSRP (RS EPRE) Level (dBm) >= 90	Best RSRP (RS EPRE) Level (dBm) >= 86	Best RSRP (RS EPRE) Level (dBm) >= 82	Best RSRP (RS EPRE) Level (dBm) >= 78	Best RSRP (RS EPRE) Level (dBm) >= 74

163.13 (B)(6)(a)
Map of Area Served
and
163.13 (B)(6)(a)
Map of Existing Sites

Coverage map

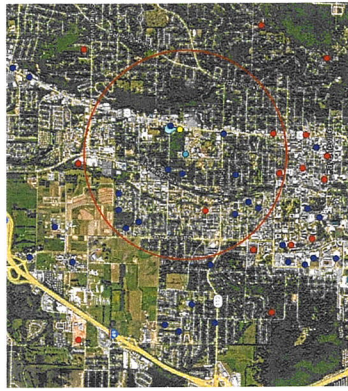
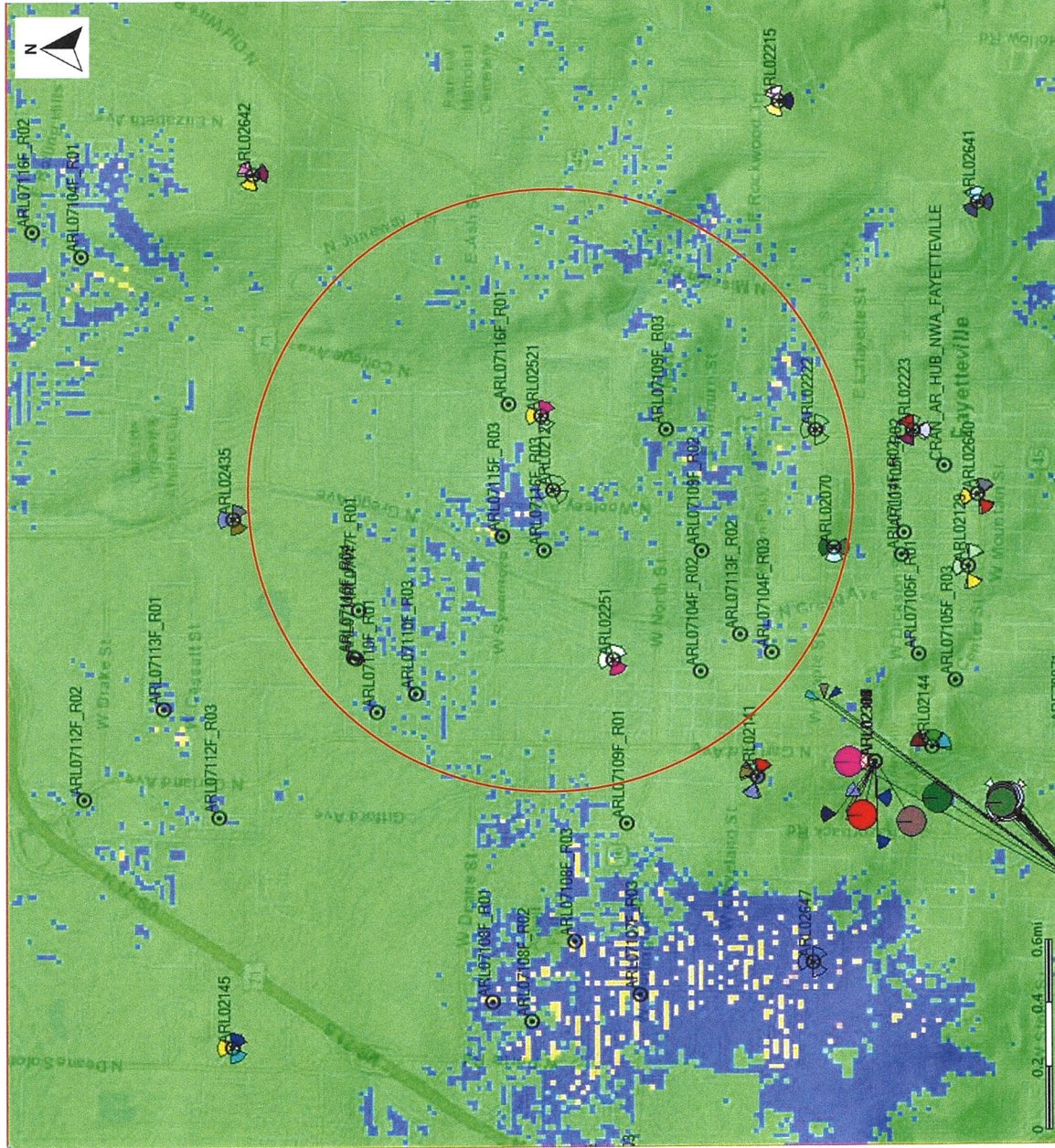
Without site_700 MHz
(Before)



163.13 (B)(6)(a)
Map of Area Served
and
163.13 (B)(6)(a)
Map of Existing Sites

Coverage map

New site_700 MHz
(After)

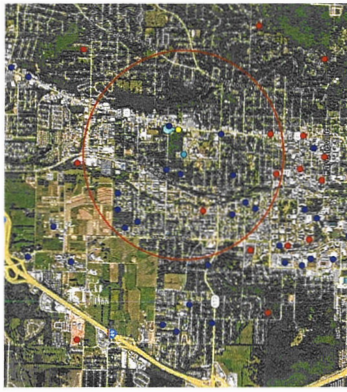
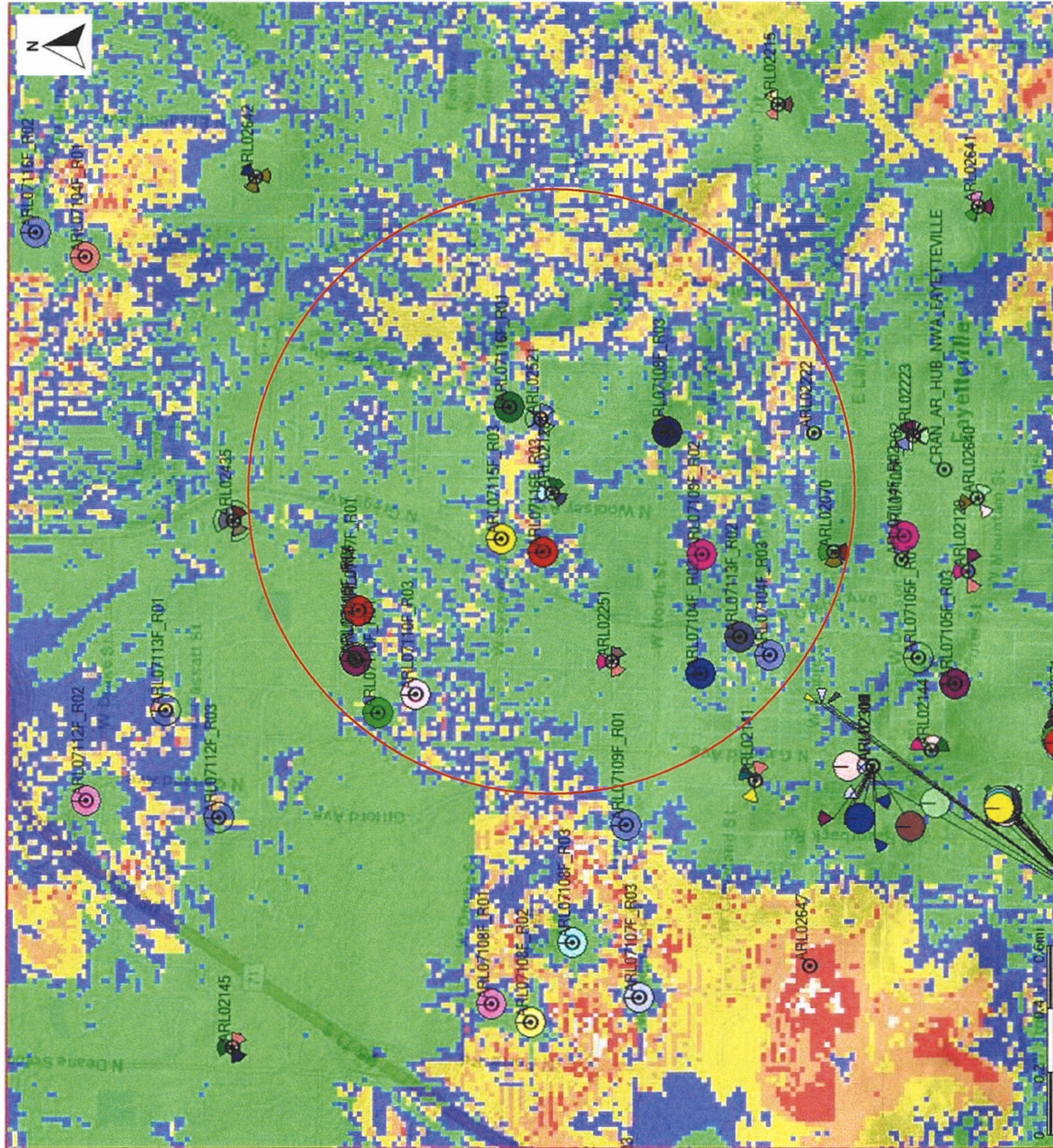


Existing sites
Tower
Small Cell or CRAN



163.13 (B)(6)(a)
Map of Area Served
and
163.13 (B)(6)(a)
Map of Existing Sites

Coverage map
Baseline_1900 MHz
(prior to watertank demolition)



Existing sites
Tower
Small Cell or CRAN

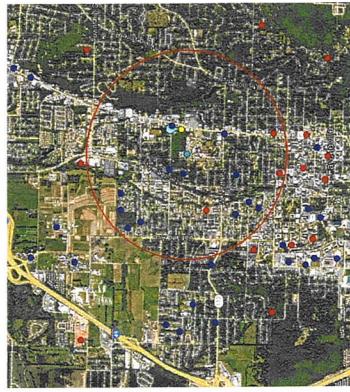
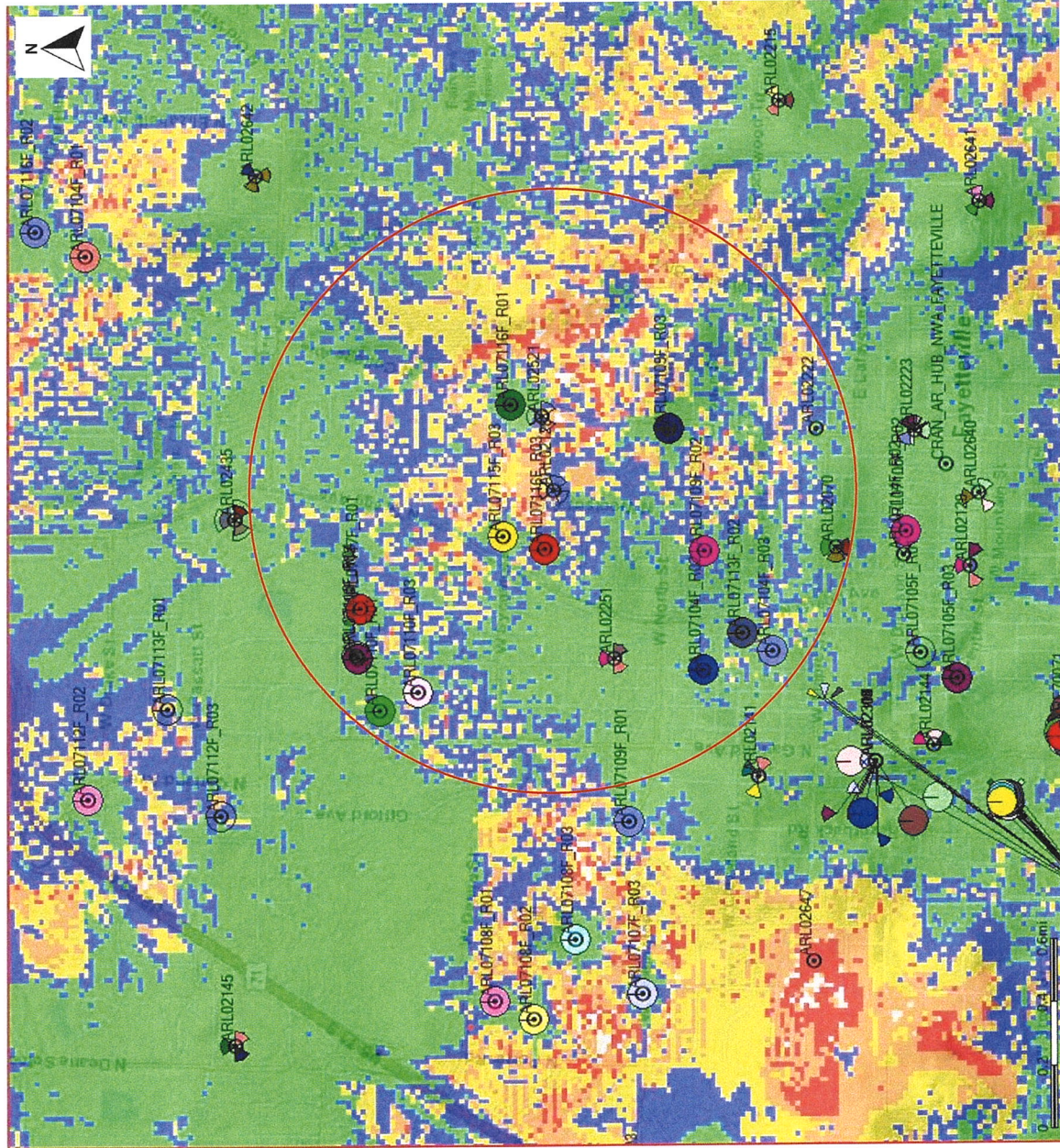
Legend

Color	Best RSRP / RS EPRE Level (dBm)
Green	Best RSRP / RS EPRE Level (dBm) >= -90
Yellow	Best RSRP / RS EPRE Level (dBm) >= -96
Orange	Best RSRP / RS EPRE Level (dBm) >= -103
Red	Best RSRP / RS EPRE Level (dBm) >= -108
Dark Red	Best RSRP / RS EPRE Level (dBm) >= -113

163.13 (B)(6)(a)
Map of Area Served
and
163.13 (B)(6)(b)
Map of Existing Sites

Coverage map

Without_1900 MHz
(Before)



Existing sites
Tower
Small Cell or CRAN

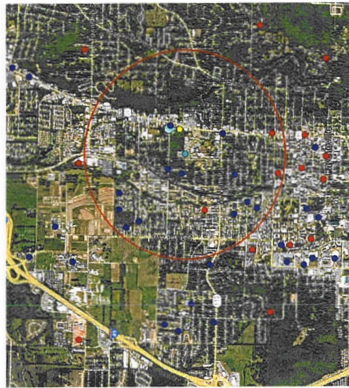
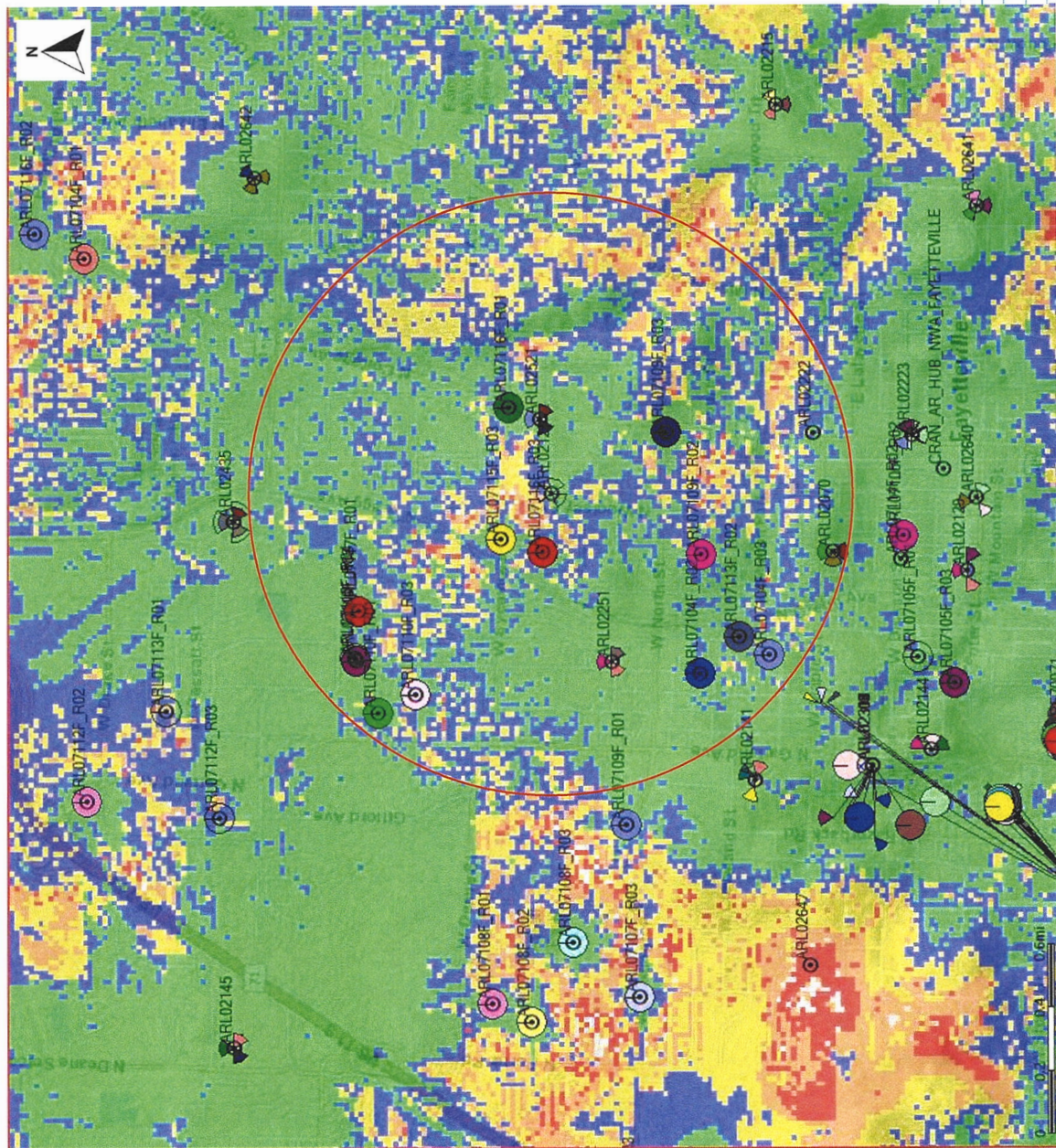
Legend

LTE: RSRP (dBm) - Indoor

Excellent	Good	Fair	Marginal	Poor
Best RSRP (RS EPRE) Level (dBm) >= -90	Best RSRP (RS EPRE) Level (dBm) >= -98	Best RSRP (RS EPRE) Level (dBm) >= -103	Best RSRP (RS EPRE) Level (dBm) >= -108	Best RSRP (RS EPRE) Level (dBm) >= -113

163.13 (B)(6)(a)
Map of Area Served
and
163.13 (B)(6)(a)
Map of Existing Sites

Coverage map
AR2521_1900 MHz
(After)



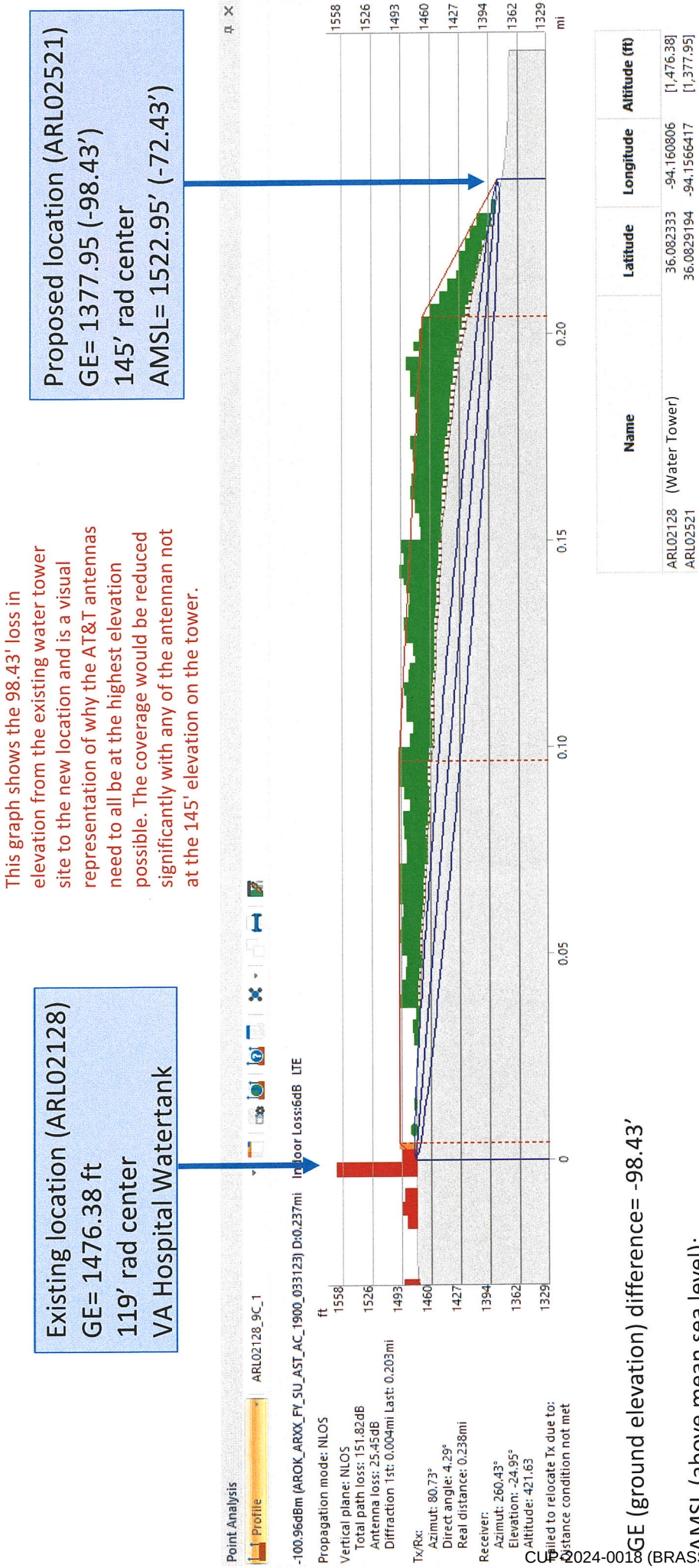
Existing sites
Tower
Small Cell or CRAN

Legend

LTE: RSRP (dBm) - Indoor

Excellent	Good	Fair	Marginal	Poor
Best RSRP (RS EPRE) Level (dBm) >= -90	Best RSRP (RS EPRE) Level (dBm) >= -98	Best RSRP (RS EPRE) Level (dBm) >= -103	Best RSRP (RS EPRE) Level (dBm) >= -108	Best RSRP (RS EPRE) Level (dBm) >= -113

Graph showing elevation difference between existing antennas and proposed location

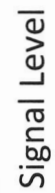
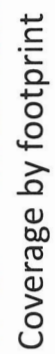


GE (ground elevation) difference= -98.43'

AMSL (above mean sea level):

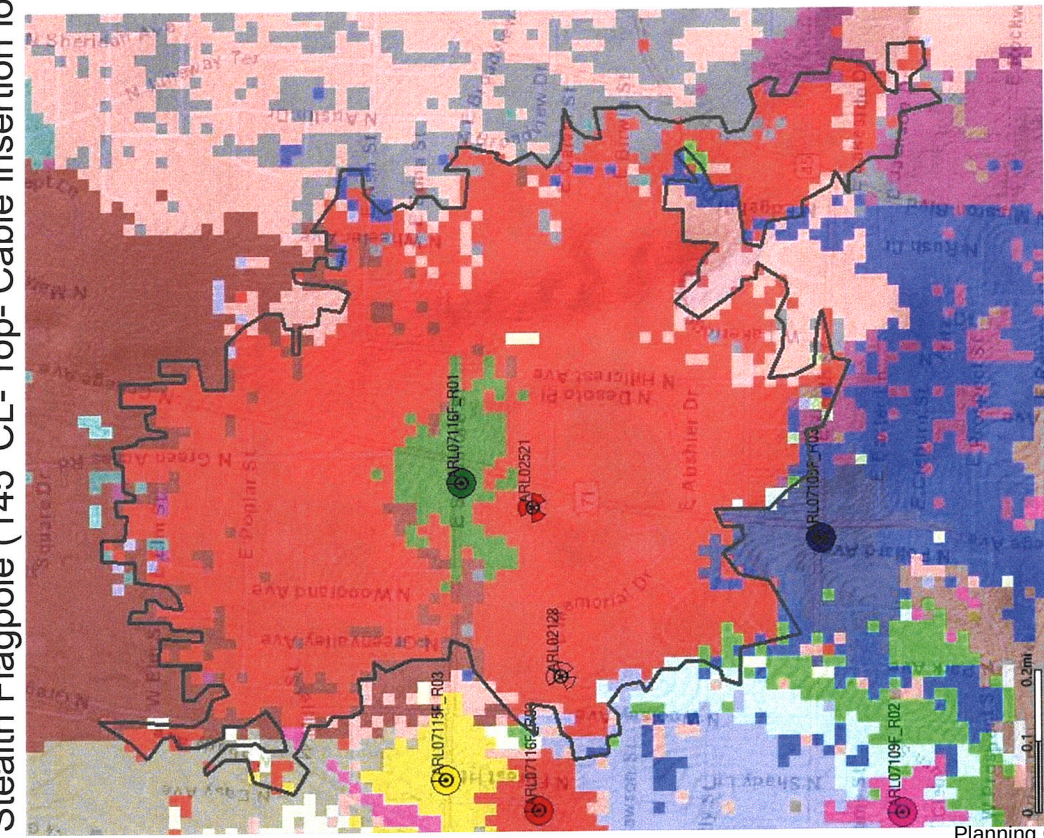
Existing 1595.38'
Proposed 1522.95'
Difference = -72.43'

163.13 (B)(6)(a)
Map of Area
Served

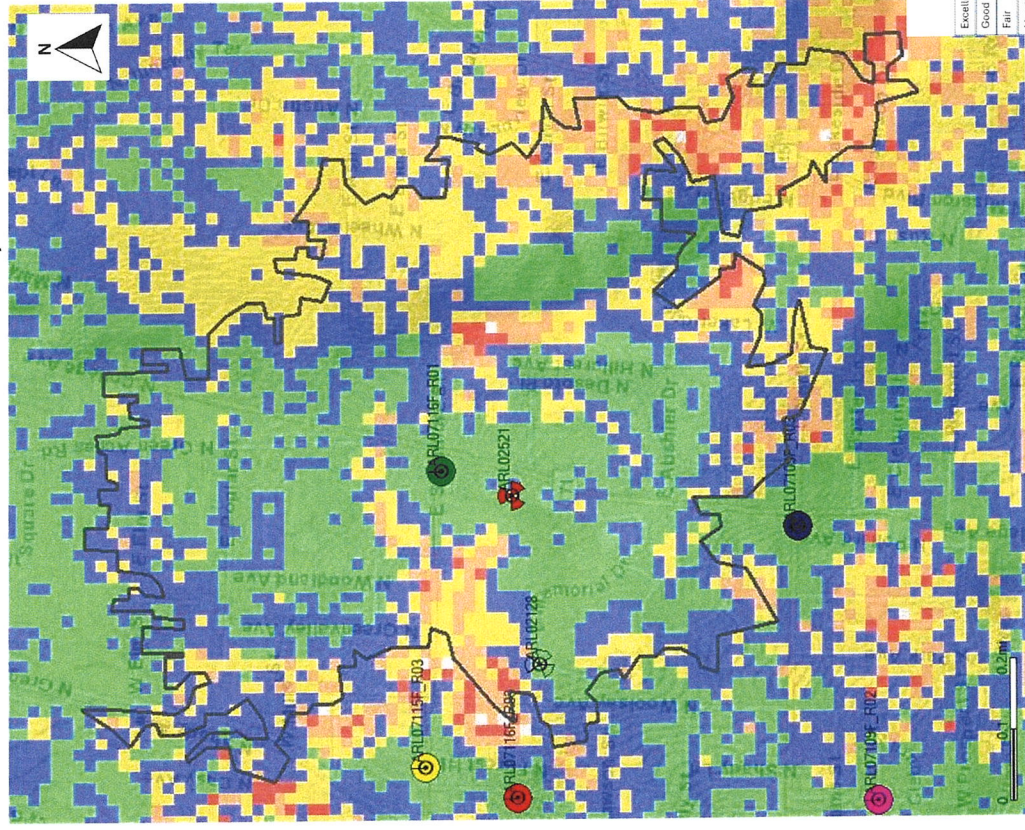


Page 58 of 86

Stealth Flagpole (145' CL- Top- Cable insertion loss due to bottom-mounted radios)



Coverage by footprint



Signal Level

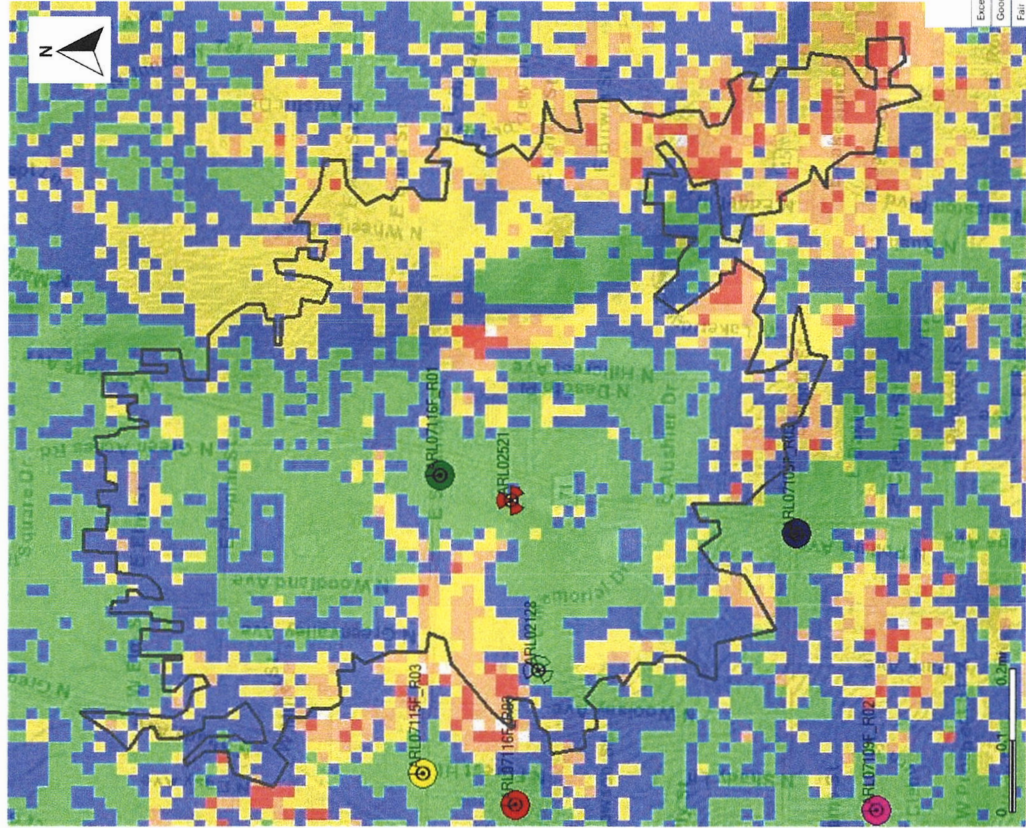
163.13 (B)(6)(a)
Map of Area
Served

Legend

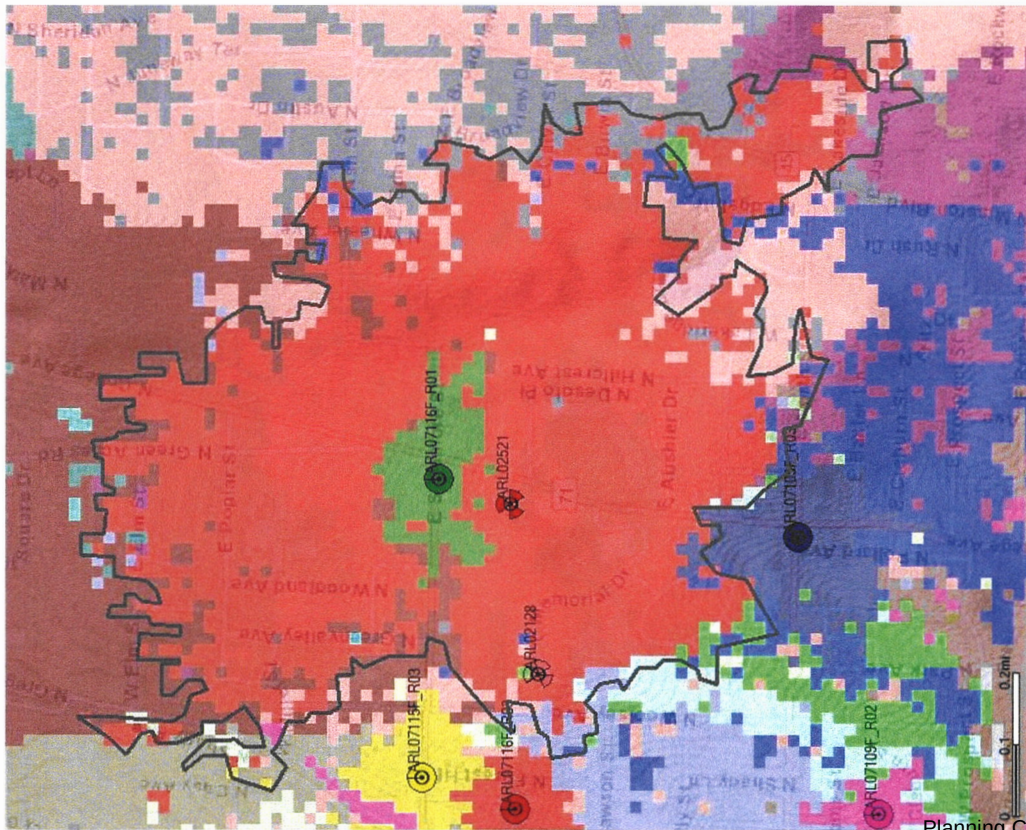
LTE: RSRP (dBm) - Indoor	
Excellent	Best RSRP (RS EPRE) Level (dBm) >= -90
Good	Best RSRP (RS EPRE) Level (dBm) >= -98
Fair	Best RSRP (RS EPRE) Level (dBm) >= -103
Marginal	Best RSRP (RS EPRE) Level (dBm) >= -108
Poor	Best RSRP (RS EPRE) Level (dBm) >= -113

Stealth Flagpole (135' CL- Middle- Cable insertion loss due to bottom-mounted radios plus 10' height reduction)

163.13 (B)(6)(a)
Map of Area
Served



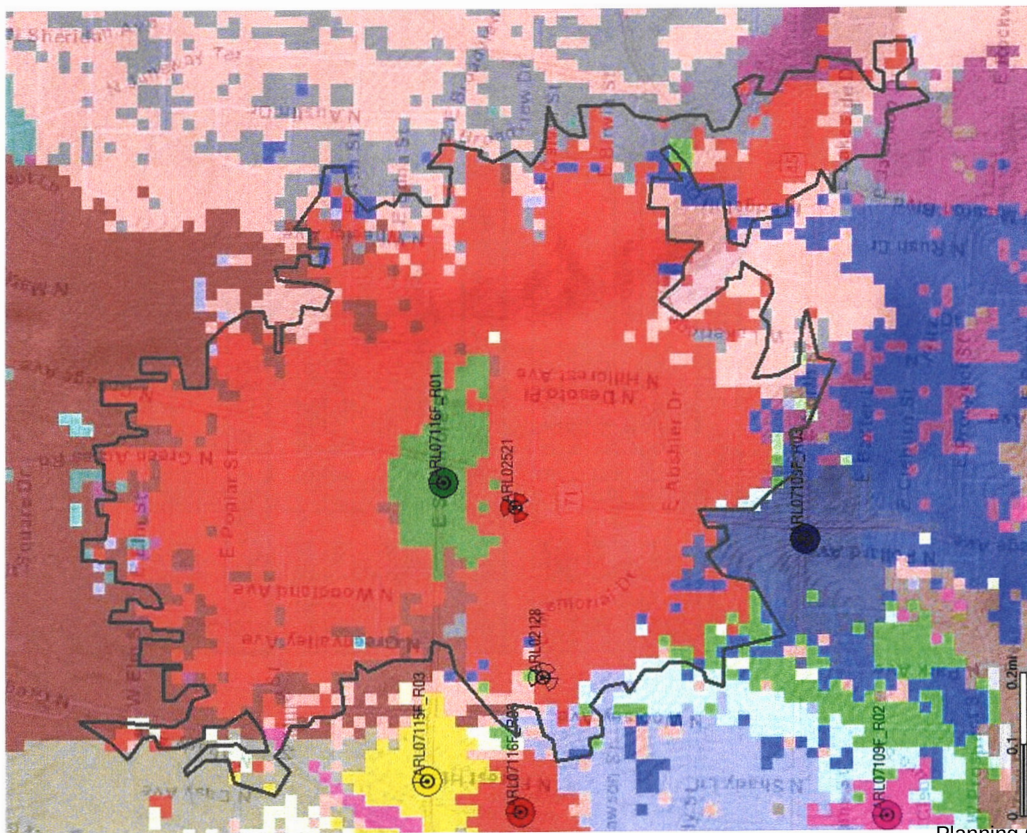
Signal Level



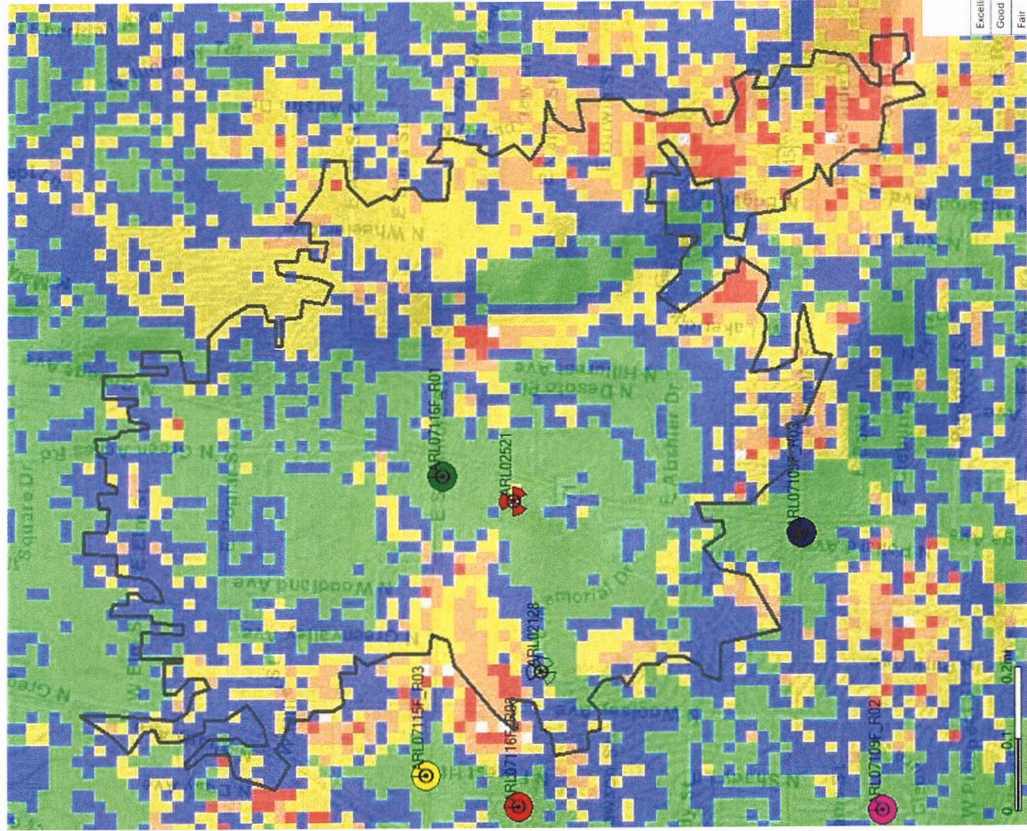
Coverage by footprint

Legend		LTE: RSRP (dBm) - Indoor	
Excellent	Green	Best RSRP (RS EPRE) Level (dBm)	>= -90
Good	Yellow	Best RSRP (RS EPRE) Level (dBm)	>= -96
Fair	Orange	Best RSRP (RS EPRE) Level (dBm)	>= -103
Marginal	Red	Best RSRP (RS EPRE) Level (dBm)	>= -108
Poor	Dark Red	Best RSRP (RS EPRE) Level (dBm)	>= -113

Stealth Flagpole (125' CL- Bottom-Cable insertion loss due to bottom-mounted radios plus 20' height reduction)



Coverage by footprint



Signal Level

163.13 (B)(6)(a)
Map of Area
Served

Signal Level Comparison- Traditional Monopole vs Flagpole with Multiple Antenna Centerlines

Traditional Monopole (145' CL- single antenna centerline and top-mounted radios)						
Zone	Prediction	Legend	Zone Surface (km²)	Surface (km²)	% Focus Zone	
Focus Zone	BL LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -90	1.610742159	0.737500012	45.79	
Focus Zone	BL LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -98	1.610742159	1.266875029	78.65	
Focus Zone	BL LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -103	1.610742159	1.496875048	92.93	
Focus Zone	BL LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -108	1.610742159	1.592500091	98.87	
Focus Zone	BL LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -113	1.610742159	1.608749986	99.88	

Stealth Flagpole (145' CL- Top- Cable insertion loss due to bottom-mounted radios)						
Zone	Prediction	Legend	Zone Surface (km²)	Surface (km²)	% Focus Zone	% degradation
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -90	1.610742159	0.559374988	34.73	-11.06
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -98	1.610742159	1.098124981	68.18	-10.47
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -103	1.610742159	1.421250105	88.24	-4.69
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -108	1.610742159	1.571874976	97.59	-1.28
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -113	1.610742159	1.608125091	99.84	-0.04

Stealth Flagpole (135' CL- Middle- Cable insertion loss due to bottom-mounted radios plus 10' height reduction)						
Zone	Prediction	Legend	Zone Surface (km²)	Surface (km²)	% Focus Zone	% degradation
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -90	1.610742159	0.553125024	34.34	-11.45
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -98	1.610742159	1.077500105	66.89	-11.76
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -103	1.610742159	1.413125038	87.73	-5.2
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -108	1.610742159	1.560624957	96.89	-1.98
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -113	1.610742159	1.608125091	99.84	-0.04

Stealth Flagpole (125' CL- Bottom- Cable insertion loss due to bottom-mounted radios plus 20' height reduction)						
Zone	Prediction	Legend	Zone Surface (km²)	Surface (km²)	% Focus Zone	% degradation
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -90	1.610742159	0.537500024	33.37	-12.42
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -98	1.610742159	1.05687511	65.61	-13.04
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -103	1.610742159	1.398750067	86.84	-6.09
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -108	1.610742159	1.552500129	96.38	-2.49
Focus Zone	LTE: RSRP (dBm) - Indoor	Best RSRP (RS EPRE) Level (dBm) >= -113	1.610742159	1.606875062	99.76	-0.12

* Focus Zone defined as Coverage by Footprint Polygon

163.13 (B)(6)(c)
Other towers &
locations
considered in
search area



Proposed site

ATC 415380
No capacity



163.13 (B)(6)(c)
Other towers &
locations
considered in
search area

X – Existing water tank

A – ATC flagpole

36.0825600 -94.1577000

Height-Insufficient for RF Design

B – Hoppman Rawland

36.0832472 -94.1551778

Height-Insufficient for RF Design

C – Arthurs Rawland

36.0815889 -94.1578111

Potentially Viable but Not Considered

LL declined to lease for long term

D – Brass Pole Rawland

36.0829194 -94.1566417

Viable candidate

E – Smith Comm Colo (not constructed)

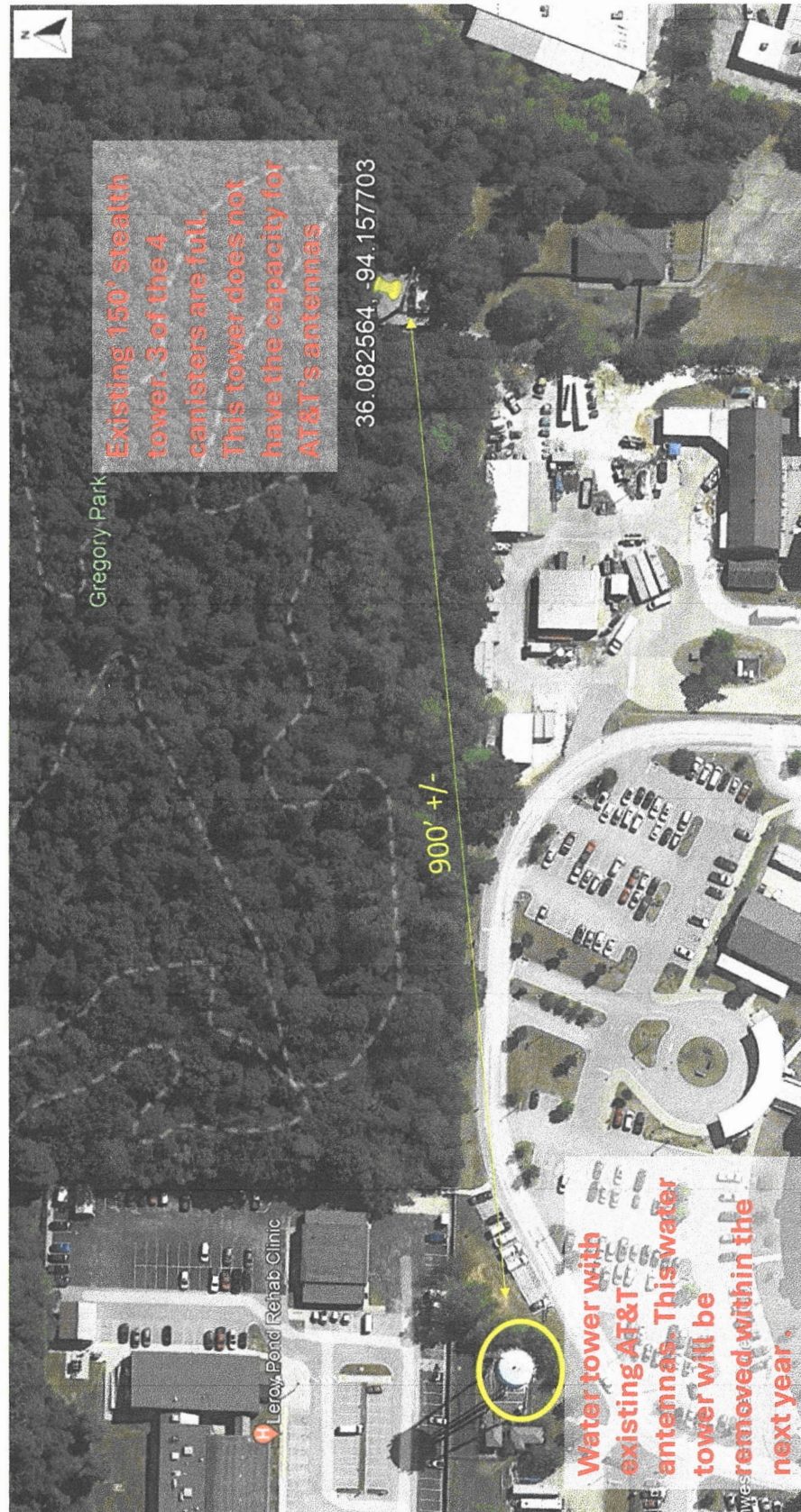
36.0789444 -94.1612222

Location - Insufficient for RF Design

F – Sharp

Landowner contacted, not interested

163.13 (B)(6)(f)(i) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities



163.13 (B)(6)(f)(ii) & (iii)
Contact with all other wireless communications facilities;
Sharing information necessary to determine if co-location is
feasible under the design configuration most accommodating
to co-location;

From: [Belinda Derzapf](#)
To: [Kayla Kramer](#)
Subject: FW: Coverage Map Request for AR2521
Date: Tuesday, July 23, 2024 10:18:03 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[VA Hospital ARL02521 16196858.msg](#)

From: Jordan Page <Jordan.page@branchcomm.net>
Sent: Tuesday, July 23, 2024 10:17 AM
To: Belinda Derzapf <belinda.derzapf@branchcomm.net>; Kole Talbott <kole.talbott@branchcomm.net>
Subject: FW: Coverage Map Request for AR2521

From: ALLBRITTON, DANIEL C <da2774@att.com>
Sent: Tuesday, July 23, 2024 9:56 AM
To: Jordan Page <Jordan.page@branchcomm.net>
Cc: ASHLEY, MATTHEW D <ma6375@att.com>; Jordan Page <Jordan.page@branchcomm.net>
Subject: RE: Coverage Map Request for AR2521

OUTSIDE SOURCE

Concerning the ATC stealth flagpole located at 36.082575, -94.157734- the location was evaluated but found unsuitable due to the number of vacant canisters. Only one canister/ Centerline (CL) was available. Based on AT&T's spectrum landscape (licensed spectrum bands), some of the spectrum blocks have to be separated, horizontally or vertically. Therefore, multiple centerlines (minimum of 2 - 3 is preferred) are required to avoid Passive Intermodulation (PIM) while also addressing network capacity requirements for throughput, quality, and dependability.

A prime example of spectrum interoperability constraints due to PIM concerns is with the 700 MHz (B12/17) and 700 MHz (B14 aka FirstNet) combination. Another example, based on the spectrum landscape in Fayetteville, AR is the combination of our PCS (1900 MHz) A4 and F blocks which cannot be combined on the same radio, coax feeder, or antenna due to PIM concerns.

Below is a website that provides a relatively simple explanation of PIM:

[Passive Intermodulation \(PIM\): What You Need To Know | Electronic Design](#)

Daniel Allbritton

Lead-RAN Engineer

Access Construction and Engineering



AT&T Mobility Services

17000 Cantrell Rd, Little Rock, AR 72223

m 501.258.0059 | o 501.235.2102 | daniel.allbritton@att.com

From: [Kole Talbott](#)
To: [Kayla Kramer](#)
Subject: RE: ARL02521 / MANDATORY RELO / VA HOSPITAL MANDATORY RELO / 10007229 (OLD) / 16196858 (NEW)
Date: Monday, June 5, 2023 8:45:55 AM
Attachments: [image001.png](#)
[image002.png](#)

Kayla,

The ATC contact finally got back to me on Friday.

He said their stealth tower has a RAD available at 115' and plenty of ground space.

Verizon has the top 3 RAD's currently.

Do you want me to proceed with SCIP's on everything here or do you want to see if AT&T is interested in pursuing the Collo?



From: Kole Talbott

Sent: Tuesday, May 23, 2023 4:11 PM

To: Kayla Kramer <kayla.kramer@branchcomm.net>

Subject: RE: ARL02521 / MANDATORY RELO / VA HOSPITAL MANDATORY RELO / 10007229 (OLD) / 16196858 (NEW)

I am waiting on a response from Justin Stout. That's who I was told would know more about it.

I sent him the site # and all other information I had.

THE HISTORY & FUTURE OF FIRSTNET®

FirstNet®, Built with AT&T is the only nationwide, high-speed wireless broadband network built *with* public safety, *for* public safety.

NEED FOR A PURPOSE-BUILT NETWORK

The tragic events of 9/11 underscored the need for a dedicated, purpose-built solution for public safety. First responders experienced widespread communication failures from congested commercial cellular networks and radio systems that were inoperable with other agencies and jurisdictions. In 2004, the 9/11 Commission recommended several actions that led to the creation of a single, nationwide public safety network.

In response, Congress passed bipartisan legislation to create the federal First Responder Network Authority (the FirstNet Authority). The law set aside a band of spectrum (Band 14) and \$6.5 billion for buildout raised through spectrum auction proceeds.

Despite other competition, AT&T was the only nationwide wireless carrier to submit a bid for the RFP, which was issued by the FirstNet Authority in 2016. After a rigorous process, the federal government selected AT&T as its private sector partner to build, operate and evolve America's public safety network.

INNOVATIVE PARTNERSHIP

The result is FirstNet, a successful public-private partnership serving over 28,000 public safety agencies and direct-support organizations—representing over 6 million network connections.

The dedicated, physically separate and highly secure FirstNet core gives public safety command and control over their network. Users also enjoy expanded wireless coverage and capacity by leveraging AT&T's existing network—valued at over \$180 billion—which allowed for Band 14's swift nationwide deployment. The congressionally-mandated approach to leverage existing infrastructure saved the government additional expense and expedited network deployment—freeing resources to further expand coverage, including in rural and tribal areas.

In December 2023, the FirstNet Authority validated the completion of the initial phase of FirstNet buildout as “done on time, on budget and on task.” Today, FirstNet covers over 2.97 million square miles—250,000 more than commercial networks.



28K+

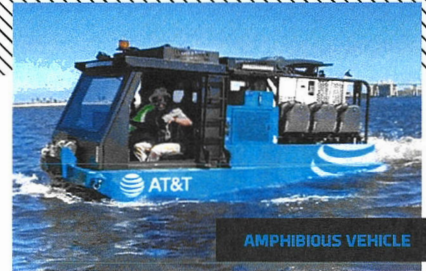
Public Safety
Agencies & Organizations



6M+

Network Connections





FIRSTNET VS. COMMERCIAL OFFERINGS

Unlike commercial networks, FirstNet meets the specific needs of first responders with unique features like always-on priority and preemption on both Band 14 and AT&T commercial spectrum. This means communication lines remain open during emergencies, when every second counts.

From spotty coverage in rural areas to saturated bandwidth during wildfires or crowded events, communications failures on commercial offerings have hampered first responders. But with FirstNet, public safety has dedicated connectivity when and where they need it most.



RESPONSIBLE FUNDING

FirstNet operates without relying on taxpayer dollars or annual appropriations from Congress.

The FirstNet Authority has a legislative mandate and self-sustaining business model that requires it to leverage existing spectrum capacity and invest funds back into the network. These requirements support a long-term, cost-sustainable public-private arrangement.

AT&T will make \$18 billion in sustainability payments to the FirstNet Authority over the life of the contract.

TRANSFORMATION FOR THE FUTURE

The next phase of FirstNet is already in motion. In February 2024, the FirstNet Authority and AT&T announced a 10-year, \$6.3 billion investment for the network's evolution and expansion, with an additional \$2 billion expected from the FirstNet Authority for ongoing investments.

This will enhance 5G functionality, support the transition of Band 14 spectrum from LTE to 5G, expand mission-critical services, upgrade the dedicated fleet of deployable network assets with 5G connectivity and further expand FirstNet coverage.

From FirstNet's inception, AT&T has worked closely with public safety and the FirstNet Authority to drive innovation in emergency communications. This commitment to the partnership endures—today and for decades to come.

FirstNet in Action

FIRSTNET HAS PROVED PIVOTAL during natural disasters, as seen during Hurricane Ian. FirstNet Response Operations worked alongside first responders to maintain wireless communications. The team prepared for the storm, deployed dedicated assets and enabled a coordinated response.

In 2023, FirstNet deployed and triaged more than 1,800 solutions in support of public safety.

LEARN MORE



[FirstNet.gov](https://www.firstnet.gov)

Learn more about the
First Responder Network Authority



[FirstNet.com](https://www.firstnet.com)

Learn more about
FirstNet®, Built with AT&T



FIRSTNET®
Built with AT&T



BY THE NUMBERS

The **only** dedicated communications platform in the country that brings first responders:



Always-on, 24x7 priority and preemption across voice and data communications



A physically separate network core **fully dedicated** to public safety



Government oversight and accountability from the **FirstNet Authority**

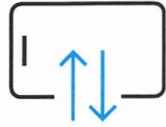
Updated: 04/24/2024

*Since the start of the FirstNet Build

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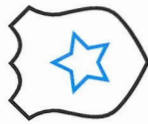
~5.9M

FirstNet connections



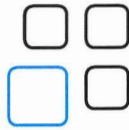
~28K

Public safety agencies and organizations subscribed



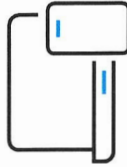
210+

Apps in the FirstNet App Catalog



755

FirstNet Ready® devices



AMERICA'S PUBLIC SAFETY NETWORK

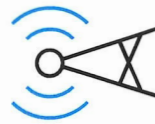
2.97M+

Square miles of coverage



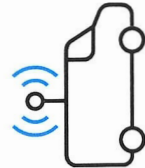
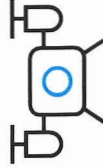
250K+

Square miles more than commercial networks



180+

Dedicated assets, including Flying COWs® and CRDs™



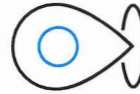
64%

Increase in Tribal Land coverage*



500+

Solutions triaged and deployed this year



Masters, Jessica

From: Robert K. Rhoads <rrhoads@hallestill.com>
Sent: Wednesday, August 7, 2024 5:29 PM
To: Masters, Jessica
Subject: CUP 24-0018 Cell Tower Request for variance from stealth requirements

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie,

Allow this email/letter to serve as the owners and applicant's formal request to vary from City Code requirement that they use camouflaging or stealth techniques (163.13(B)(4)).

AT&T has been on the VA Water tank for approximately 25 years and is being forced to relocate. Moving the cell site from the top of the existing water tower with an AMSL (Above Mean Sea Level) of 1595 feet to a new location with an AMSL of 1522 feet results in a 72.43-foot reduction in elevation for the antennas if they were all at one RAD center. The applicant will face an undue hardship on this site with a drastic loss of signal (see the previously submitted 12 documents for Service Area (163.13 (B)(a)). This decrease in elevation poses significant challenges for the cell site's performance and overall network efficiency. The requirement for the new cell site to adopt a stealth flagpole design exacerbates these challenges, as AT&T's full inventory of antennas cannot fit at the same RAD center and must be placed into separate canisters at progressively lower elevations, each 10 feet apart, introducing further hardships:

1. Reduced Coverage Area:

- **Signal Reach:** Higher elevation antennas provide a larger geographic coverage area. Lowering the antennas by 72.43 feet reduces their line of sight, decreasing the signal's reach.
- **Obstructions:** Lower elevation increases the likelihood of signal obstruction by buildings, trees, and terrain, further diminishing coverage.

2. Decreased Capacity and Performance:

- **Signal Strength:** Lowering the elevation weakens signal strength, leading to reduced data throughput and poorer overall performance for users.
- **Hand-off Efficiency:** Lower elevation can negatively impact hand-offs between cell sites, increasing the likelihood of dropped calls and interrupted data sessions.

3. Additional Infrastructure Requirements:

- **Canisters for Lower Elevation Antennas:** Placing additional antennas into canisters at lower elevations introduces further challenges. Canisters can attenuate the signal, reducing its strength and quality.
- **Additional Towers:** The number of canisters each carrier requires with this tower design effectively makes each stealth tower a one-carrier tower with colocation unlikely. The reduced signal capacity will likely necessitate the construction of additional towers to maintain high performance.

Further, substantial justice will be done in the interest of the public as the variance will provide far greater signal strength for the general public and our emergency provider partners. Thx for your consideration. RKR

Robert Rhoads
Shareholder

This e-mail message and any attachment thereto is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the recipient or reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail communication in error, please notify us immediately by sending a reply e-mail message to the sender. Thank you.

From: Griffith, Sherry <shgriffith@fayetteville-ar.gov>

Sent: Wednesday, April 3, 2024 8:51 AM

To: Delana Gilmore <Delana.Gilmore@eca-usa.com>; publicnotice@eca-usa.com

Cc: Bostick, Britin <bbostick@fayetteville-ar.gov>

Subject: RE: Proposed Telecommunications Structure in Fayetteville, Washington County, Arkansas (ECA# 24-000678)

Good morning, Ms. Annamarie Howell,

There are several identified historic properties that would potentially be impacted by the proposed project as their date of construction or period of significance reference the historic context of the hills to the south and east of the proposed site. A map of identified historic sites is available at <https://maps.fayetteville-ar.gov/HistoricSites/>. They are:

- Veteran's Administration Hospital District (Parcel ID 765-13905-000, 1100 N. College Ave.) listed on the National Register of Historic Places in 2012. Per the National Register nomination form, "The historic district is situated on the crest of a rise historically known as Watermelon Hill." And "The Fayetteville VA Hospital Historic District is located on a rise within a campus setting. The campus originally consisted of approximately 82 acres but has been reduced over the years to its current size of approximately 46 acres. Second Generation Veterans Hospitals originally constructed as general medical and surgical hospitals, such as the Fayetteville VA Hospital, were located on smaller tracts of land and closer to communities than other sub-types of veterans hospitals." The period of significance is listed as 1932-1950, and the district was submitted under Criteria A and C. The elliptical lawn and main drive were identified as contributing sites to the historic district. https://www.arkansasheritage.com/docs/default-source/national-registry/fayetteville-va-hospital-pdf.pdf?sfvrsn=c0e1ff02_0
- E. Fay and Gus Jones House (Parcel ID 765-05197-000, 1330 N. Hillcrest Ave.) was successfully nominated to the National Register of Historic Places in 2000, before the Joneses passed. Completed in May 1956, it was designed by Jones upon his return to Fayetteville after a short period of employment in the office of Frank Lloyd Wright. It was the first Fay Jones design to be constructed. A skillful composition of stone, wood, and glass, sheltered by a deeply overhanging roof, the Jones house is emblematic of the organic principles Jones sought in his work and shows the influence of his experiences with Wright. Jones selected a lot adjacent to a wooded area at the northern edge of town, situating the house with the main façade facing west. All major interior spaces faced east, where they would capture the rising sun. The period of significance is 1956 and the house was submitted under Criterion C. Per the National Register nomination form, "Completed in 1956, the E. Fay and Gus Jones House was the first constructed design of architect Fay Jones, and in many ways it set the standard for all that followed. Not only did the Jones House incorporate numerous features that became well-known characteristics of Jones's work but its well-received design, a successful translation of the principles of organic architecture, literally launching his career as a practicing architect. As a seminal design and the launching pad for Fay Jones's practice, the Jones House is of exceptional importance and falls into the category of Criteria Consideration G. The house is being submitted as part

of the multiple property nomination The Arkansas Designs of E. Fay Jones, Architect and is eligible under Criterion C with statewide significance.”

https://www.arkansasheritage.com/docs/default-source/national-registry/wa0830-pdf.pdf?sfvrsn=ae1f08a5_0

- A second house designed by Jones and constructed in 1956 is located at 1216 E. Lakeridge Dr.
- The property at 1160 N. College Ave. was evaluated for significance as part of a recently designed transportation project and was determined to be eligible for listing on the National Register under Criterion C (evaluation attached).
- The property at 1108 N. College Ave. is a Tudor/Richardsonian Romanesque style building constructed in 1895. This interesting example is more Tudor style in form with its steeply pitched gabled roof and prominent chimney. The rough faced, squared stonework, arched window and door surrounds and the deeply recessed windows are distinctly Richardsonian.
- The property at 1108 N. Washington Ave. is an altered, side-gabled house constructed circa 1920. This two-story house has a symmetrical façade with a central chimney and may have originally been built in the hall-and-parlor configuration. The exterior is described as a "masonry veneer" indicating this material was a later modification.
- The Skelton Family Cemetery (Parcel ID 765-14107-000) is named for John T. Skelton. Per a sign on the property, “Lafayette Gregg deeded this land in 1878 to Washington County – 2 acres.” Per the website Find A Grave, “Washington County has owned a cemetery since 1878 when Lafayette Gregg deeded the two acre Skelton Cemetery to the county. The cemetery was then deeded to the Washington County Historical Society. In the Arkansas Democrat Gazette, Northwest Arkansas, Section B Saturday, November 25, 2000 appears an article about descendants cleaning up the cemetery. It is a two acre, overgrown cemetery located near Edna and Wheeler Streets. Great grandchildren of John Thaddeus Skelton, Gordon William Skelton and Ann Skelton Deemer spearheaded the cleanup. In March, 2009, Ann Skelton Deemer and her son, Marc Alan Fentress cleaned up the Skelton plot again. A Southern Cross was placed on John T.'s grave to memorialize his Confederate service.” A sign previously posted at the cemetery read, “The John T. Skelton Cemetery est. 1878. Here lie pioneers and Civil War veterans.”

According to the City’s contour map, the proposed site has an elevation between 1370 and 1380 feet above sea level, meaning a 150 ft. tall pole would reach an elevation of 1,520 to 1,530 feet above sea level. That is higher than the elevation of the properties of the identified historic properties in the nearby vicinity, and prominent again the view of Watermelon Hill from the north approach along N. College Ave. Additionally, the proposed site abuts Gregory Park, which was donated to the City of Fayetteville by the United States Veterans Affairs in 1964. Gregory Park is a 19-acre wooded parcel located off College Avenue (U.S. Highway 71B) on Sycamore Street. The park was called Veterans Park until 1978 when it was changed to Gregory Park in honor of James K. Gregory, a pioneer businessman in the community who helped start the Drake Field Airport. The

park is heavily wooded on the north slope of Watermelon Hill and features a bicycle pump track, bicycle skills course, downhill bicycle course, hiking trail, mountain bike trails, nature area, pavilion, and picnic area <https://www.fayetteville-ar.gov/facilities/facility/details/gregorypark-44>. The proposed tower would be prominent against the view of the park.

Sherry Marie Griffith

Long Range & Preservation Planner

City of Fayetteville, Arkansas

479.575.8265

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Delana Gilmore <Delana.Gilmore@eca-usa.com>

Sent: Thursday, March 28, 2024 1:32 PM

To: Griffith, Sherry <shgriffith@fayetteville-ar.gov>

Subject: Proposed Telecommunications Structure in Fayetteville, Washington County, Arkansas (ECA# 24-000678)

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Subject: Proposed 150-Foot Monopole Telecommunications Structure

(Overall Height with Appurtenances)

Branch Towers Site VA Hospital (AR-0044)

Off North College Avenue

Fayetteville, Washington County, Arkansas

ECA Project #: 24-000678

Dear Ms. Smith:

Branch Towers VI, LLC is proposing to construct a 150-foot overall height monopole telecommunications structure located off North College Avenue, Fayetteville, Washington County, Arkansas (36° 4' 58.4" N, 94° 9' 23.9" W). **A map is attached for your reference.** In accordance with the Federal Communications Commission (FCC) regulation at 47 C.F.R. 1.1307(a)(4), we are providing notice to you and seeking any comments that you may have regarding the effect of the proposed action described above on **Historic Properties** in your community. Please note that a **historic property** is defined in Section II.A.9. of the FCC's 2004 Nationwide Programmatic Agreement as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the **National Register of Historic Places (NRHP)**. Based on your level of interest in the project, you may wish to become a consulting party. ***This notice is not intended to supplant any local zoning or permitting requirements but is necessary before we can request review of the action by the State Historic Preservation Office (SHPO).***

We welcome any comments that you may have regarding any **Historic Properties listed on or eligible for listing on the NRHP** that may be affected by the undertaking. Please direct your comments to Annamarie Howell, Environmental Corporation of America, 1375 Union Hill Industrial Court, Suite A, Alpharetta, Georgia 30004, 770-667-2040 ext. 108, or via email to publicnotice@eca-usa.com. As we would like to submit the project to the SHPO for review as soon as possible, we request that you provide any documents that you may have within 30 days. Thank you for your cooperation.

Best regards,

Delana Gilmore, MA, RPA

Environmental Corporation of America (ECA)

470-328-9219 (mobile)

770-667-2040 (office)

770-667-2041 (fax)

delana.gilmore@eca-usa.com

www.eca-usa.com



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Structure 3 - Architectural Description

Structure 3, located at 1160 N College Avenue in Fayetteville, Arkansas, was designed by an unknown architect and constructed by an unknown builder in 1935 (Figures 53 through 56). The surrounding environment is characterized by residential development to the west and commercial development to the north and south. The two-story structure with detached two-story garage contains a total of 2,656 square feet of space divided. The Structure has a closed pier foundation as indicated by the by the Washington County Assessor's Parcel Data Sheet. The building is accessible via East Oakland Drive and has a concrete paved parking pad.

Structure 3 is a two-story stonework residential structure with a closed pier foundation. uncut, irregular laid courses cover the entire exterior of the building. An asphalt shingle end gabled roof abuts a half-hipped roof covering the rear, eastern section of the house. The west facing facade has a covered porch with a front gabled roof, constructed of the same style and stonework as the rest of the Structure. A total of eight 6/6 wood framed double hung windows are systematically mirrored on the first and second levels. The northwestern corner has a stone constructed covered porch with arched entryways. Two stone chimney stack are on the north and south gabled ends of the west facing facade. Two small rectangular wooden vents are on either side of the chimney. The north facade does not continue with the symmetrical window placement of an additional eight 6/6 wooden framed double hung windows. The lower level extends past the upper level on the east facing side of the building. The upper level has two evenly spaced pairs of 6/6 wooden framed double hung windows. The rear, east facing facade's lower level has two 6/6 wood framed double hung windows on either side of a screened in porch, covered with a flat roof.

Structure 3a is a detached two-story garage facing East Oakwood Street, located east of the main building constructed in 1935. It is set on an unknown foundation, and the exterior is covered with uncut stones of the same style as the main building. It has a three individually set, overhead single car garage doors. The upper level has a 6/6 wooden framed double hung window located over each garage door. There is an end gabled asphalt shingled roof. The Structure's southern and eastern facades along with the interior of the building were inaccessible during the current investigation.

Significance - Criterion A

Structure 3 is a two-story stone residential building with two-story detached garage. A land patent was granted to Troy Washington Gordon August 20th, 1838, for the west half of the northwest quarter of Section 10 of Township 16 North, Range 30 West. Sanborn Fire Insurance Maps fail to identify the Structure prior to the 1950s, as the Wahneetah Heights Addition where the Structure is located remained outside of the city limits until after this point in time. Newspaper articles in the Northwest Arkansas Times of Fayetteville, Arkansas indicate that the Wahneetah Heights Addition was a "restricted suburban subdivision" from the late 1920s. A total of 42 lots compromised the addition to the city. In 1948 the city constructed a 2,600,000-gallon water reservoir for the city's water supply in Wahneetah Heights. No association between Structure 3 to any specific historic event or period was determined. **Flat Earth Archeology recommends the Structure at 1160 N College Ave as not eligible for inclusion in the NRHP under Criterion A for association with events that have made a significant contribution to the broad patterns of our history as promulgated in 36 CFR 60.4.**

Significance - Criterion B

Flat Earth Archeology found no persons significant in our past associated with 1160 N College Avenue. Therefore, the Structure at 1160 N College Avenue does not meet Criterion B as promulgated in 36 CFR 60.4. **Flat Earth Archeology recommends 1160 N College Avenue as not eligible for the NRHP under Criterion B.**

Significance - Criterion C

Structure 3 was designed and has been used primarily as a residential structure during the early 20th and 21st century. The building displays a vernacular uncut native stonework masonry style referred to as "Ozark Giraffe". During the early 20th century, the style became popular due to the availability of, and low price point of the native sandstone used. Agricultural extension programs and the Federal Government promoted the easily constructed and affordable style during the 1920s and 1930s.

Simplified architectural elements on Structure 3 and 3a appear to be influenced by the Federal style. The side gabled roof, simplistic decorative additions, and symmetrical placement of windows and chimney stacks invoke the Federal style. The building deviates from the Federal style with the off centered entry and covered porch, lack of a pediment, prominent cornices, and shutters. Structure 3 is an example of vernacular native stonework and a utilitarian approach to design in residential architecture from the 1930s in Arkansas.

The Structure and associated landscape features retain its integrity of setting, location, design, materials, feeling, and aspects associated with the original 1935s design. Structure 3 and 3a retain the integrity, location, setting, design, materials, feeling, and aspects associated with the original 1935 architectural design. Repairs have not significantly impacted the original design of Structure 3 and 3a. **Flat Earth Archeology recommends 1108 N College Avenue and associated landscaping (including retaining wall) as eligible for inclusion in the NRHP under Criterion C as promulgated in 36 CFR 60.4 as an example of early 20th century vernacular native stonework architecture. The boundary for the eligible structure is based off of current setting and arial imagery. From the beginning point of 395832mE, 3993272mN move east 45.5 meters along the edge of the grass yard to 395878mE, 3993271mN. From there, turn north for 17.6 meters to 395879mE, 3993289mN. Turn west and move 45 meters along the rock wall to 395833mE, 3993289mN, then turn south and move 17 meters along the rock wall to the beginning point.**

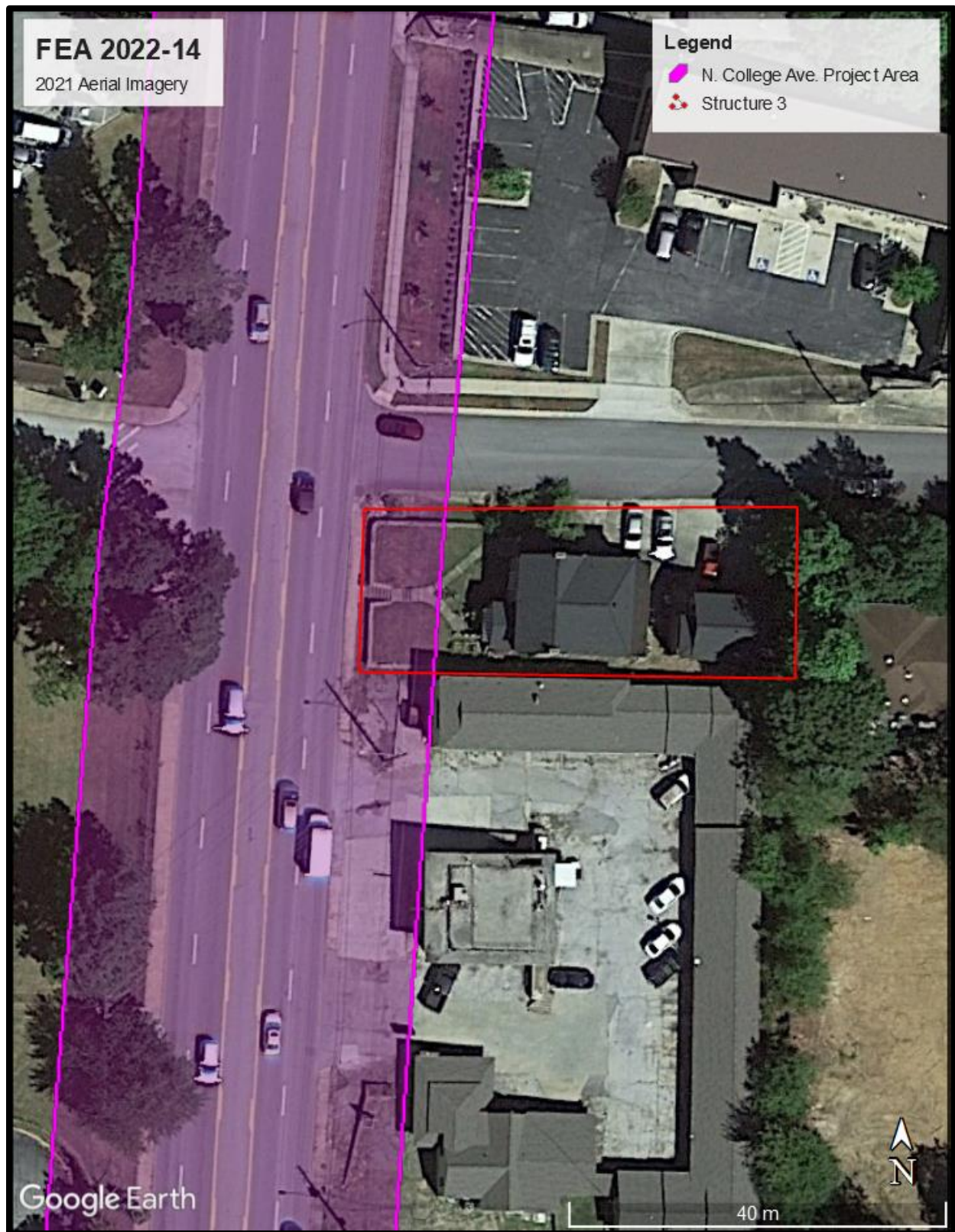


Figure 53. Structure 3 and associated landscape in relation to Project Area



Figure 54. 1160 N College Ave building (facing east)



Figure 55. 1160 N College Ave building (facing northeast)



Figure 56. 1160 N College Ave building (facing southeast)

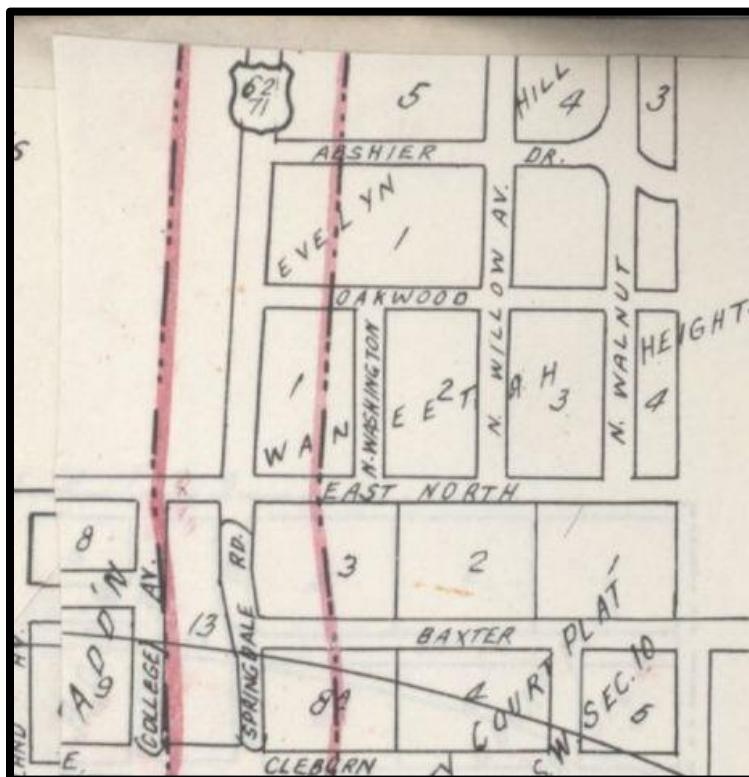
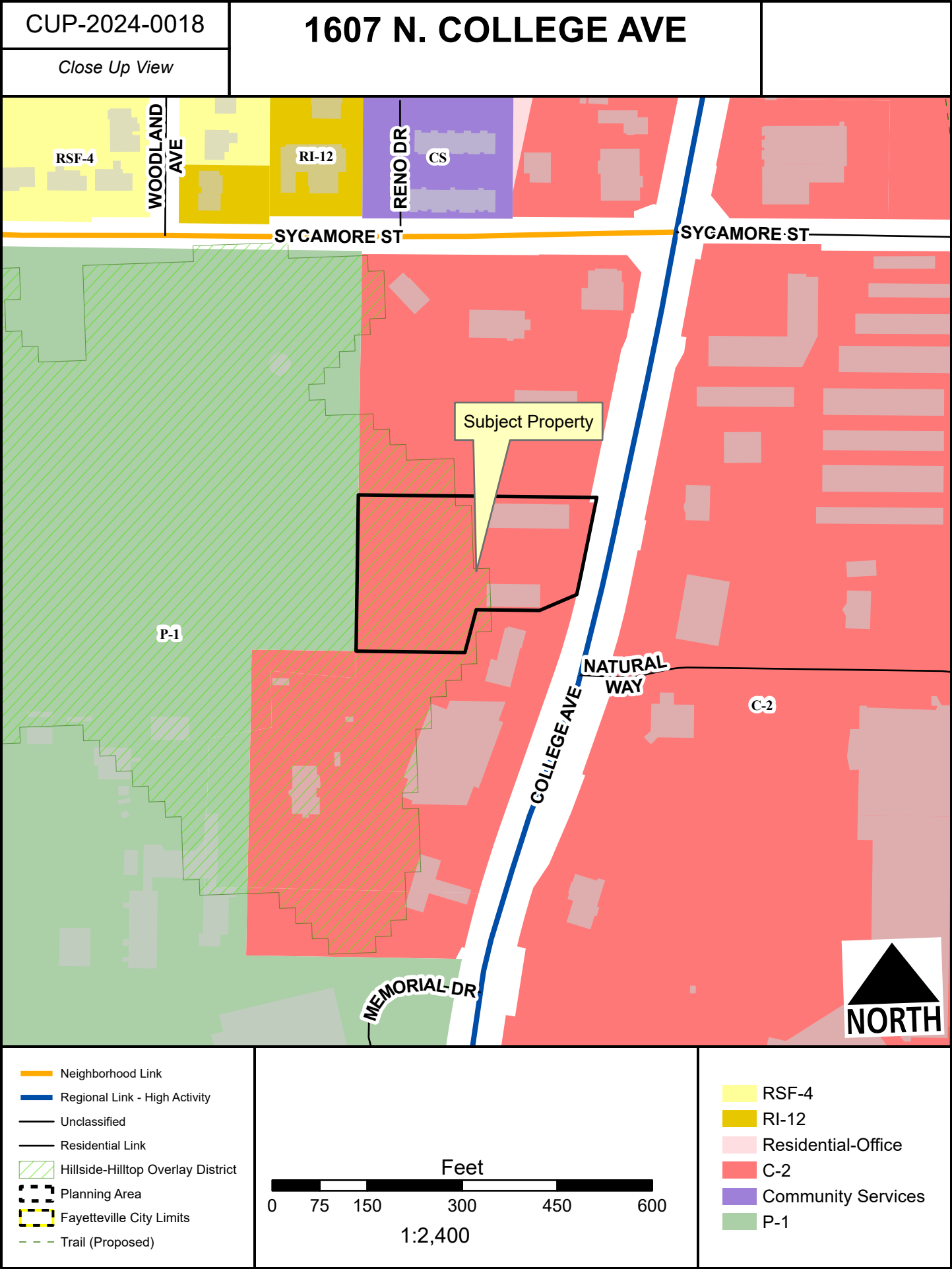


Figure 57. Wahneetah Heights Addition to the City of Fayetteville on 1948 Sanborn Fire Insurance Map (Sanborn Map Company 1948)



Figure 58. 1160 N College Ave depicted on 1968 Aerial Imagery







TO: Fayetteville Planning Commission

FROM: Long Range Planning Committee
Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: August 12, 2024

SUBJECT: **ADM-2024-0033: Administrative Item (PLANNING COMMISSION RULES OF ORDER AND PROCEDURE):** Submitted by City Staff. The request is to amend the Planning Commission Rules of Order and Procedure to allow staff and applicants to answer questions during the presentation period.

MOTION FOR APPROVAL:

"I move to approve **ADM-2024-0033**."

BACKGROUND:

At their May 16, 2024 meeting the Long Range Planning Committee discussed an amendment to the Planning Commission Bylaws regarding the order in which staff and applicants may be asked questions by the Commission following the staff and applicant presentations. Commissioner Brink proposed the item to provide an option to ask questions and seek clarification from staff or applicants prior to receiving public comment, similar to what is allowed per the Fayetteville City Council's Rules of Order and Procedure. The proposed amendment adds language in Section A.7.b.(1) to allow staff and applicants to answer questions from Planning Commission Members during the presentation period. Motion for the amendment to be placed on the next available agenda made by Commissioner Werner and seconded by Commissioner McGetrick. Vote in favor was unanimous with none opposed.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Amended Planning Commission Rules of Order and Procedure Section A.7.b.(1) – Strikethrough
- Amended Planning Commission Rules of Order and Procedure Section A.7.b.(1) – Clean

**RULES OF ORDER AND PROCEDURE
OF THE FAYETTEVILLE PLANNING COMMISSION**

A. PLANNING COMMISSION MEETINGS

1. Regular Meetings

The Planning Commission shall meet in regular session on the second and fourth Monday of each month at 5:30 P.M. except for December when there shall not be a second meeting. When a holiday occurs on any such Monday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Planning Commission in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of Planning Commission meetings shall be in the Council Chambers (Room 219) in the City Hall unless another place has been previously set by the Planning Commission.

3. Special Meetings

Special meetings may be called by three or more members of the Planning Commission or by the Chair. Notification of a special meeting, including specific items to be considered, should be at least four days prior to the meeting, but under extraordinary circumstances may be called as soon as legally permissible pursuant to the Freedom of Information Act and any other legal notice requirements. Such notification shall be by personal service to each commissioner or by telephone, specifying time and place of meeting. The public shall be notified as soon as possible.

4. Virtual Planning Commission Meetings Authorized

After proper notice has been provided to the public, Planning Commissioners are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include Planning Commission meetings and agenda sessions as well as Planning Commission Committee meetings.

5. Quorum

A majority of the Planning Commission (five commissioners of the nine authorized for appointment) shall be necessary to constitute a quorum to do business at a Planning Commission meeting. The concurring vote of a majority of those attending a meeting shall be sufficient to pass all motions except for Amendments to the Master Street Plan, Conditional Uses and any changes or revocation thereof, and Amendments to these Rules, which all require five affirmative votes to pass.

6. Public Notification

The City will go further than legally required in order to inform citizens of the items to be considered by the Planning Commission. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, Government Channel announcements and presentation, and agenda copies available at Planning Commission meetings

7. Presentation of Agenda Items at Planning Commission Meetings

a. **Consent Agenda.** Consent Agenda items shall be read by the Chair and voted upon as a group without discussion by the Planning Commission. If a Planning Commission Member wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

b. Unfinished Business and New Business.

(1) **Presentations by Staff and Applicants.** Agenda items at a Planning Commission meeting shall be introduced by the Chair. City staff shall then present a report. An agenda applicant (person seeking vacation or variance, rezoning or development applicant, etc.) may present their proposal only during this presentation period, ~~but may be recalled by a Planning Commission Member later to answer questions.~~ City staff and applicants may use electronic visual aids in the Planning Commission meeting as part of the presentation of the agenda item. An Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the Planning Commission by unanimous consent or majority vote allows additional time. Planning Commissioners may ask questions of staff or the applicant after their presentations and during the Planning Commission discussion following the public comment period.

(2) **Public Comments.** Public comment at a Planning Commission meeting shall be allowed for all members of the audience on all items of unfinished and new business and subjects of public hearings. Speakers shall be limited to a maximum of (3) three minutes so that all other citizens desiring to speak on

that agenda item or a later item will not be unnecessarily inconvenienced. By a majority vote of the Planning Commission Members present and voting, this time limitation may be altered for a specific agenda item.

A simple majority of the Planning Commission Members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the development, rezoning or other matter to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed. However, the public may submit photos, petitions, etc. to be distributed to the Planning Commission.

Any member of the public desiring to speak shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously in earlier Planning Commission meetings. All remarks shall be addressed to the Chair or the Planning Commission as a whole and not to any particular member of the Planning Commission. No person other than the Planning Commission Member and the person having the floor shall be permitted to enter into any discussions without permission of the Chair. No questions shall be directed to a Planning Commission Member or city staff member except through the Chair.

- c. **Courtesy and Respect.** All members of the public, all city staff and all Planning Commissioners shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Citizens, city staff and Planning Commissioners shall confine their questions and comments to the particular agenda matter and issue before the Planning Commission at that time. Any member of the public who violates these standards or rules shall be ruled out of order by the Chair and must immediately cease speaking. The Chair may order that the speaker must immediately leave the podium or that the speaker may continue after promising to obey all the standards and rules in all further comments and questions.

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Members shall occupy the respective seats in the Council Chambers assigned by city staff. The chair shall be seated near the center of the Council table.

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Every member of the Planning Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A commissioner once recognized shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another commissioner or unless the commissioner chooses to yield to questions from another commissioner.

If a commissioner is called to order while he or she is speaking, the commissioner shall cease speaking immediately until the question of order is determined. If ruled to be not in order, the commissioner shall remain silent or shall alter his or her remark so as to comply with those rules.

3. Financial Interest

No member of the Planning Commission with a direct or indirect financial interest in any items before the Planning Commission shall participate in the discussion of or voting on such matter.

4. Voting

Every member present when a question is put to a vote shall vote either "yes" or "no", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and if that member has previously stated the reason for the abstention. Except for a question necessary to clarify the meaning of the motion being voted upon, no questions or comments by members of the Planning Commission including the Chair shall be made during the voting on the pending motion. The Planning Commission will vote at the Planning Commission meetings in the order they are called, but with a progressively different position voting first at each meeting.

5. Roll Call

Upon every vote the affirmative and negative votes shall be called and shall be recorded on every motion, however, items which may be approved by motion, may be grouped together and approved simultaneously with one roll call, under a Consent Agenda.

C. PROCEDURES AND PARLIAMENTARY RULES

1. Agenda

All items for discussion or action at the regular Planning Commission meeting shall be included in a Tentative Agenda provided to Planning Commission prior to an Agenda Session where the Planning Commission shall determine the final arrangement of the Agenda. At the regular meeting of the Planning Commission, the Planning Commission, by majority vote, may rearrange the order of the Agenda.

2. Precedence of Motions

The Planning Commission shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's *Procedural Rules for Arkansas Municipal Officials*. In the event a matter is not covered by the *Procedural Rules for Arkansas Municipal Officials*, the most recent edition of Robert's Rules of Order shall apply. On questions of appeal, a majority of those present is required to overturn a ruling by the chair.

3. Motions to be Stated by the Chair/Withdrawal

When a motion is made and seconded, it shall be stated by the Chair before debate. After being stated by the Chair, a motion may not be withdrawn by the mover without the consent of the member seconding it.

4. Reconsideration

After the decision of any question, any member of the prevailing side may request a reconsideration of any action at the same or the next succeeding meeting. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

5. Items Tabled Indefinitely

Any item tabled indefinitely may be taken from the table by majority vote of the Planning Commission during the calendar year in which it was tabled indefinitely. All items tabled

indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the Planning Commission in the future unless brought forward as a new item.

D. OFFICERS

1. Nominations and Elections

The Chair shall appoint three (3) members from the Planning Commission to serve as a nominating committee for the positions of Chair, Vice-chair and Secretary. The nominating committee shall present its slate to the Planning Commission who shall elect the Chair, Vice-chair and Secretary annually no later than the first regular meeting in the month of April. An officer of the Planning Commission may serve in any one position for no more than two consecutive terms.

2. Powers of the Chair

The Chair shall preside at all meetings and public hearings of the Planning Commission and shall decide all points of order or procedure. All plans, plats, etc., requiring the signature of the Planning Commission shall be signed by the Chair, Vice-chair or the Secretary; when authorized by the Planning Commission. These officers or any of them shall sign all other documents on behalf of the Commission.

3. Vice-Chair

The Vice-chair shall assume the duties of the Chair in the Chair's absence. In the event of the absence or disability of both the Chair and Vice-chair at any meeting, the Secretary shall assume the duties of the Chair. The longest serving commissioner shall act as Chair if no officer is present during such meeting. Should any unusual circumstance prevent the election of officers at the regular annual meeting, officers shall serve until their successors are elected.

4. Removal from Office

An Officer may be removed from their position with a two-thirds affirmative vote of all currently appointed Planning Commission members. A motion to remove an officer may be made at any regularly scheduled Commission meeting or Special Session of the Planning Commission and need not be placed on the agenda prior to the meeting. The vote shall be taken in the same manner as described in Section B.4.

5. Replacement of Officers

The Commission may fill a permanent Officer vacancy as soon as the next regularly scheduled Commission meeting or Special Session. An Officer vacancy may be filled with a majority affirmative vote of all commissioners present.

E. COMMITTEES

1. Special Committees

The Planning Commission may establish such standing, special or advisory committees as it deems advisable, and may assign to each committee specific duties or functions and establish the terms of members of each such committee. Members of such committees may be persons other than members of the Planning Commission, but a member of the Planning Commission shall be named as chair, either active or ex-officio, of each such committee.

2. Appointments by Chair

The Chair of the Planning Commission shall name the chair and members of each such committee subject to approval of the Planning Commission and any vacancies on such committee shall be filled in the same manner.

3. Subdivision Committee

A Subdivision Committee consisting of at least three Planning Commissioners shall serve as a standing committee that reviews development items after Technical Plat Review and makes recommendations to the Planning Commission. The Chair shall designate three (3) teams of three (3) Planning Commissioners to alternate as Subdivision Committee members, along with a chair of each Subdivision Committee. All members of the Planning Commission shall be eligible as alternates who shall sit with full voting rights in lieu of a regular member or members who are absent from the meeting. The Chair shall designate the order of alternates.

- a. The Subdivision Committee shall approve, disapprove, refer back to the developer for more information, or refer to the Planning Commission development items.
- b. A unanimous vote of the Subdivision Committee is required for final approval of a Large Scale Development. An applicant has the right to have a rehearing before the full Planning Commission.
- c. No development item can receive final approval at Subdivision Committee level if waivers or variances are being sought. Any development with a waiver or variance request must be forwarded to the Planning Commission. All preliminary plats shall be referred to the Planning Commission for action.
- d. In order to conduct the business of the Subdivision Committee, at least one (1) member shall be present. No item may be approved, however, unless at least two members present vote in favor of the request. Should two or more members of the committee abstain from an item or be absent, the item shall be forwarded for consideration by the Planning Commission. Should two members of the Subdivision Committee not agree on the recommended action for an item, the item shall be automatically forwarded to the full Planning Commission for consideration.

4. Long Range Planning Committee

A Long Range Planning Committee consisting of all nine Planning Commissioners shall be a standing committee of the Fayetteville Planning Commission. The Chair of the Planning Commission shall designate a chair of the Long Range Planning Committee. All members of the Planning Commission shall have full voting rights.

- a. The Long Range Planning Committee may review master plans and amendments, Unified Development Code amendments, and planning project items as well as planning and development initiatives and make recommendations to the Planning Commission.
- b. The Long Range Planning Committee shall meet after the second agenda session of each month, or at such other times designated by the Chair of the Long Range Planning Committee provided sufficient time is available to meet public notification requirements.
- c. In order to conduct the business of the Long Range Planning Committee, at least three (3) members shall be present. No motion to recommend an item may be approved, however, unless a simple majority of Commissioners present vote in favor of making a recommendation to the Planning Commission.
- d. Items may be placed on the Long Range Planning Committee agenda by the Chair, by any of the Commissioners, or by Staff. Requests for agenda additions must be made with sufficient time to meet public notification requirements.
- e. Items recommended to the Planning Commission for consideration may include, but are not limited to, proposed new master plans or amendments to existing master plans, proposed amendments to the Unified Development Code, proposed City-initiated rezonings, or other administrative items. The recommendations on such items may be for approval, disapproval, or recommendation of approval with revisions. Motions to make a recommendation on items do not require a roll call vote, but a roll call vote may be taken at the request of any Commissioner.
- f. The Long Range Planning Committee may seek consultation on general issues or specific initiatives. Consulted parties may have knowledge or experience including but not limited to former Planning Commissioners, planning professionals, architects, engineers, and other design professionals or persons knowledgeable on the topic being considered.

F. AMENDMENTS

These Rules of Order and Procedure may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Planning Commission. Any proposed amendment shall first be presented in writing at a regular meeting and placed on the agenda of a subsequent regular meeting for action unless ten (10) days' written notice of the proposal has been given to all Commissioners, in which case action may be taken at any regular or called meeting. However, an amendment may be made without notice if passed by a unanimous vote.

Revised and adopted by the Planning Commission of the City of Fayetteville, Arkansas, on the 128th day of August, 20242.

APPROVED:

ATTEST:

~~Sarah Sparkman~~ Andrew Brink
Chair

~~Quintin Canada~~ Mary McGetrick
Secretary

**RULES OF ORDER AND PROCEDURE
OF THE FAYETTEVILLE PLANNING COMMISSION**

A. PLANNING COMMISSION MEETINGS

1. Regular Meetings

The Planning Commission shall meet in regular session on the second and fourth Monday of each month at 5:30 P.M. except for December when there shall not be a second meeting. When a holiday occurs on any such Monday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Planning Commission in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of Planning Commission meetings shall be in the Council Chambers (Room 219) in the City Hall unless another place has been previously set by the Planning Commission.

3. Special Meetings

Special meetings may be called by three or more members of the Planning Commission or by the Chair. Notification of a special meeting, including specific items to be considered, should be at least four days prior to the meeting, but under extraordinary circumstances may be called as soon as legally permissible pursuant to the Freedom of Information Act and any other legal notice requirements. Such notification shall be by personal service to each commissioner or by telephone, specifying time and place of meeting. The public shall be notified as soon as possible.

4. Virtual Planning Commission Meetings Authorized

After proper notice has been provided to the public, Planning Commissioners are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include Planning Commission meetings and agenda sessions as well as Planning Commission Committee meetings.

5. Quorum

A majority of the Planning Commission (five commissioners of the nine authorized for appointment) shall be necessary to constitute a quorum to do business at a Planning Commission meeting. The concurring vote of a majority of those attending a meeting shall be sufficient to pass all motions except for Amendments to the Master Street Plan, Conditional Uses and any changes or revocation thereof, and Amendments to these Rules, which all require five affirmative votes to pass.

6. Public Notification

The City will go further than legally required in order to inform citizens of the items to be considered by the Planning Commission. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, Government Channel announcements and presentation, and agenda copies available at Planning Commission meetings

7. Presentation of Agenda Items at Planning Commission Meetings

a. **Consent Agenda.** Consent Agenda items shall be read by the Chair and voted upon as a group without discussion by the Planning Commission. If a Planning Commission Member wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

b. Unfinished Business and New Business.

(1) **Presentations by Staff and Applicants.** Agenda items at a Planning Commission meeting shall be introduced by the Chair. City staff shall then present a report. An agenda applicant (person seeking vacation or variance, rezoning or development applicant, etc.) may present their proposal only during this presentation period. City staff and applicants may use electronic visual aids in the Planning Commission meeting as part of the presentation of the agenda item. An Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the Planning Commission by unanimous consent or majority vote allows additional time. Planning Commissioners may ask questions of staff or the applicant after their presentations and during the Planning Commission discussion following the public comment period.

(2) **Public Comments.** Public comment at a Planning Commission meeting shall be allowed for all members of the audience on all items of unfinished and new business and subjects of public hearings. Speakers shall be limited to a maximum of (3) three minutes so that all other citizens desiring to speak on that agenda item or a later item will not be unnecessarily inconvenienced. By

a majority vote of the Planning Commission Members present and voting, this time limitation may be altered for a specific agenda item.

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- d. Items may be placed on the Long Range Planning Committee agenda by the Chair, by any of the Commissioners, or by Staff. Requests for agenda additions must be made with sufficient time to meet public notification requirements.
- e. Items recommended to the Planning Commission for consideration may include, but are not limited to, proposed new master plans or amendments to existing master plans, proposed amendments to the Unified Development Code, proposed City-initiated rezonings, or other administrative items. The recommendations on such items may be for approval, disapproval, or recommendation of approval with revisions. Motions to make a recommendation on items do not require a roll call vote, but a roll call vote may be taken at the request of any Commissioner.
- f. The Long Range Planning Committee may seek consultation on general issues or specific initiatives. Consulted parties may have knowledge or experience including but not limited to former Planning Commissioners, planning professionals, architects, engineers, and other design professionals or persons knowledgeable on the topic being considered.

F. AMENDMENTS

These Rules of Order and Procedure may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Planning Commission. Any proposed amendment shall first be presented in writing at a regular meeting and placed on the agenda of a subsequent regular meeting for action unless ten (10) days' written notice of the proposal has been given to all Commissioners, in which case action may be taken at any regular or called meeting. However, an amendment may be made without notice if passed by a unanimous vote.

Revised and adopted by the Planning Commission of the City of Fayetteville, Arkansas, on the 12th day of August, 2024.

APPROVED:

ATTEST:

Andrew Brink
Chair

Mary McGetrick
Secretary



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: August 12, 2024

SUBJECT: **CUP-2024-0028: Conditional Use Permit (2160 N. CROSSOVER RD./DOMINO'S PIZZA, 372):** Submitted by ENGINEERING, OWN INC. for property located at 2160 N. CROSSOVER RD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 2.51 acres. The request is for a drive-thru restaurant.

RECOMMENDATION:

Staff recommends tabling **CUP-2024-0028** to the August 26, 2024 Planning Commission Meeting for the applicant to provide additional information on the streamside protection zone and explore design alternatives.

RECOMMENDED MOTION:

"I move to table **CUP-2024-0028** to the August 26, 2024 Planning Commission Meeting."

BACKGROUND:

The subject property is in east Fayetteville, approximately 0.21 miles north of the intersection of N. Crossover Rd. and E. Mission Blvd. The 2.51-acre property is undeveloped and zoned CS, Community Services. Flynn Creek runs along the eastern property line. Surrounding land uses and zoning are provided 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	Bank	C-1, Neighborhood Commercial
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Offices / Commercial	R-O, Residential-Office

City Plan 2040 Future Land Use Designation: City Neighborhood Area

Request: The applicant requests a conditional use permit to construct a drive-through restaurant on the property. Drive-in/drive-through restaurants are classified as Use Unit 18, which is a conditional use in the CS, Community Services zoning district. Two variances to the UDC are included with this report and are discussed throughout. The following specifications were included with the request:

- Size of the business: Approximately 2,078 square feet
- Hours of operation: 10:00 AM - 1:00 AM Daily
- Parking: 18

- Number of employees: Approximately 10 employees

DISCUSSION:

Variance #1: UDC §172.04(C)(4) Parking Lot Design Standards. In urban zoning districts, a drive-thru lane, parking lot drive aisle, or parking spaces are not permitted to be located in the front yard directly between a building and the MSP right-of-way. The applicant is requesting a variance to place a drive-thru lane between the proposed building and MSP right-of-way.

Staff recommendation: Staff is not in favor of the variance as requested, finding that there may be alternative design options for the site that would mitigate or remove the need for the variance. The applicant did not provide information regarding dine-in options, or whether all business would be via pickup, drive-thru, and delivery. It is possible that the number of parking spaces could be reduced to allow for a reconfiguration of the site that relocates the drive-thru to a location permitted by code. Additional information and exploration of alternative designs is needed to fully evaluate this request.

Variance #2: UDC §168.12(E) Regulated Uses, Structures and Activities Within the Streamside Protection Zones. The applicant is requesting to place a building and parking lot within Zones 1 and 2 of the Streamside Protection Zone.

Staff recommendation: Clarification of the Streamside Protection Zones is needed for staff to fully evaluate this request. The most recent site plan revision appears to have the Streamside Protection Zones drawn incorrectly.

Public Comment: To date staff has received one comment in opposition to the request citing the increased traffic and impact on aesthetics of an auto-centric development.

RECOMMENDATION: Staff recommends tabling **CUP-2024-0028**, should Planning Commission choose to approve the request, staff recommends the following conditions of approval:

Conditions of Approval:

- 1. Planning Commission determination of compatibility.** *Staff finds the proposed drive-through restaurant to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*
- 2. This conditional use permit is limited to the use for Domino's Pizza as described in the applicant's request letter. The following specifications apply:**
 - Size of the business: Approximately 2,078 square feet
 - Hours of operation: 10:00 AM - 1:00 AM Daily
 - Parking: 18
 - Number of employees: Approximately 10 employees
- 3. Planning Commission determination of variance to UDC §172.04(C)(4) Parking Lot Design Standards.** Staff is not in favor of the variance as alternative site designs may be feasible. If Planning Commission recommends in favor of this variance, staff recommends a condition that landscape screening (a hedge row 32 to 42 inches in height) shall be provided between drive-thru aisle and public sidewalk.
- 4. Planning Commission determination of variance to UDC §168.12(E) Regulated Uses, Structures and Activities Within the Streamside Protection Zones.** Staff is not in favor of the variance until additional information is provided.

5. An official zoning determination on the build-to-zone must be on file prior to building permit, either administratively from the Zoning and Development Administrator, or if necessary, through the Board of Adjustment.
 6. Address all comments from City Divisions on proposed plans before the issuance of a building permit, including but not limited to:
 - a. The site plan shows four (4) vehicles stacked adjacent to the building and parallel parking spaces along the northern boundary of the site, which is not in compliance with the code. This configuration shall be modified so there is no conflict between vehicle stacking and parallel parking access before a building permit is issued.
 7. Landscape screening of the parking along the northern and western property boundary is required to reduce visual impact of vehicles.
 8. Compliance with relevant design standards will be reviewed for at the time of building permit.
 9. Approval of this conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant rights to submit a development proposal based on the conceptual layout included herein. The applicant shall comply with all other development requirements, including but not limited to, tree preservation, drainage, exterior lighting, utility installation, and Fire Department access standards. These details shall be reviewed with the development application;
 10. A business license shall be obtained for the proposed business at this location prior to occupancy of the property;
 11. Any future expansion or change in the use shall require Planning Commission approval; and
 12. Signs shall be limited to those permitted by UDC §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation.
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for Use Unit 18 in the CS zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under Unified Development Code §161.21 to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest. The CS zoning district is designed primarily to provide convenience goods and services for the surrounding residential areas. Establishments that fall under Use Unit 18 are designed to fulfill recurrent needs of nearby residents but are typically incompatible with

more urban-oriented districts; however, the proposed use of the site does act to densify the area and provide goods to the surrounding residential area. In addition, the proposed design provides a shared curb cut with future development to the site. Given the proposed use and layout of this site, this request may be compatible with the City's land use plans and goals.

(c.) The Planning Commission shall certify:

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

Finding: Chapter 172.04 covers parking lot design standards specific to drive-through facilities. Drive-through restaurants are required to meet a minimum of four (4) stacking spaces as measured from the drive through window. The site plan shows four (4) vehicles stacked adjacent to the building and parallel parking spaces along the northern boundary of the site, which is not in compliance with the code. As a condition of approval, staff recommends that this configuration be modified so there is no conflict between vehicle stacking and parallel parking access before a building permit is issued. A variance is required to the drive-thru aisle design as it is located between the building and street, which is not permitted under 172.04(C)(4). Given that a design has been provided meeting the both the parking and driveway standards, staff is not in support of the variance as presented. If Planning Commission elects to support the variance, staff recommends a condition that that landscape screening shall be provided between vehicle stacking lanes and public right-of-way.

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

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

Finding: Per the submitted site plan, access to the property is proposed via improvements to an existing two-way access drive on N. Crossover Rd. which would be shared with future development to the south. The curb cut appears to meet separation distance requirements.

(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: Eighteen off-street parking spaces are proposed with this development including one ADA accessible parking spot, plus four (4) stacking spots adjacent to the drive-through window. Staff does recommend a condition requiring landscape screening of the parking along the northern and western property boundary to reduce visual impact of the vehicles.

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

Finding: Refuse enclosures are shown on the plans including screening. Applicant to coordinate with waste services to verify service vehicle access.

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

Finding: The property has access to City water and sewer.

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

Finding: The subject property is surrounded by residential properties to the north and east, separated by mature trees and vegetation. Staff recommends perimeter landscaping along the northern and eastern boundary and a landscape buffer be installed adjacent to the vehicle stacking lanes between the stacking lane and ROW.

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

Finding: Any proposed signage will be subject to UDC §174 and all the regulations therein.

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

Finding: Based on the applicant's submittal, the development is not meeting the build-to zone requirements of the Community Services zoning district. Per Chapter 166, the building shall be located facing the public ROW and must be in front of all driving and queuing lanes; however, the proposed site layout has placed the drive-thru aisle between the building and ROW due to streamside protection zones to the east and utility easements that encumber the build-to zone. The applicant has requested a build-to zone determination from the Zoning and Development Administrator. Compliance with zoning regulations will be fully reviewed at the time of development review.

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

Finding: Staff finds that the proposed drive-thru restaurant facility is somewhat incompatible with adjacent properties. The property is located near residentially zoned properties to the north, east, and west. The project is located along a high-volume road and a planned side-path trail, granting potential access to both vehicles and pedestrians. Staff finds that limiting how vehicles access N. Crossover Dr. has the potential to mitigate the generation of additional traffic hazards, and that the use will provide

conveniences goods and personal services for persons living in the surrounding residential areas. Limited access, such as right-in/right out only, will be reviewed at the time of development review.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.21 – CS, Community Services
 - §168.12(E) Regulated Uses, Structures and Activities Within the Streamside Protection Zones
 - §172.04 Parking Lot Design Standards
- Applicant Exhibits
 - Request and Variance Request Letter
 - Site Plan
 - Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.22 Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
-------------------------	-----------

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

168.12 Streamside Protection Zones

(A) *Streamside Best Management Practices Manual.* The City of Fayetteville's *Streamside Best Management Practices Manual*, which may be administratively changed by the City Engineer, shall be used in support of this chapter to explain specific objectives and principles.

(B) *Applicability.* This ordinance shall apply to all land within the streamside protection zones.

(...)

(E) *Regulated Uses, Structures and Activities Within the Streamside Protection Zones.*

(1) The following are permitted within the designated streamside zone, subject to the requirements of this section, the Flood Damage Prevention Code, and all applicable requirements of the City of Fayetteville. Where a use is not listed, but is similar to a permitted use and is in keeping with the purpose of the streamside protection zones, the City Engineer may determine the use to be allowed. All other uses shall be prohibited.

- (a) **Zone 1: Waterside Zone.** The following may be permitted in the waterside zone, provided the standards of the *Streamside Best Management Practices Manual* shall be followed where applicable and that these uses and any necessary construction is designed and built to minimize the impact upon streamside areas and minimize any excavation or filling that will only be allowed by express authorization of the City Engineer. All construction, grading, excavation or filling must also fully comply with all necessary local, state and federal permits.
- (i) Open space uses that are primarily passive in character including: preserves, fishing areas and docks, parkland, and natural trails.
 - (ii) Streambank restoration or stabilization.
 - (iii) Water quality monitoring, education and scientific studies.
 - (iv) Revegetation and reforestation.
 - (v) Dam maintenance.
 - (vi) Paved trails or other impervious surfaces not exceeding 12 feet in width when the City Engineer determines that there is no practical and feasible alternative. Such area may not be used to park vehicles.
 - (vii) Stream crossings, including driveways, roadways, trails, or railroads when the City Engineer determines there is no practical and feasible alternative.
 - (viii) Maintenance and upgrades of existing utility facilities.
 - (ix) New utility facilities when the City Engineer determines there is no practical and feasible alternative.
 - (x) Management of lawns and gardens.
 - (xi) Removal of dead vegetation, pruning for reasons of public safety, removal of invasive species.

- (xii) Application of any fertilizer, herbicide, pesticide, or insecticide shall be allowed only if their harmful effect on water quality is prevented by ensuring no over-application or misapplication occurs.
- (xiii) Maintenance of drainage capacity in the channel including tree and sediment removal.
- (xiv) New stormwater conveyances when the City Engineer determines that there is no practical and feasible alternative.
- (b) **Zone 2: Management Zone.**
 - (i) New stormwater conveyances when the City Engineer determines that there is no practical and feasible alternative and provided the standards of the *Streamside Best Management Practices Manual* shall be followed.
 - (ii) All uses within the waterside zone with the exception of stormwater conveyances, provided that compliance with the standards of the *Streamside Best Management Practices Manual* are not required but encouraged.
 - (iii) Accessory structures without a foundation and no larger than 150 square feet, including storage sheds, playground equipment, gazebos, decks, etc.
 - (iv) Active recreational uses.
- (2) Establishment of the following uses/activities after the effective date of this ordinance shall be prohibited in both streamside protection zones, except where necessary to allow an activity permitted by subsection (E)(1).
 - (a) Grading, dredging, dumping, filling, or similar construction activities.
 - (b) Landfills, junkyards, salvage yards.
 - (c) Clearing of non-invasive woody vegetation.
 - (d) Storage of hazardous materials or chemicals unless within waterproof containers and within a structure.
 - (e) Parking lots.
 - (f) Buildings and accessory structures with a building footprint larger than 150 square feet.
 - (g) Parking or storage of motor vehicles.
 - (h) Septic systems and/or lateral lines.
 - (i) In-ground pools.
 - (j) Animal feedlots or kennels.
 - (k) Housing, grazing or other maintenance of livestock.
 - (l) Land application of biosolids.

172.04 Parking Lot Design Standards

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

....

June 24, 2024

Domino's Pizza
2160 N Crossover Rd. Fayetteville, AR 72703

Conditional Use Permit and Variance(s) Requests

To whom it may concern,

This letter and its accompanying attachments pertain to the proposed Domino's Pizza at 2160 N Crossover Rd. The proposed development will consist of a 2,078 square foot building with 17 parking stalls, including 2 ADA spaces, a loading zone, and 1 scooter parking spot (with a maximum of 21 stalls allowed). The conditional use request is to permit a fast-food drive-thru restaurant in the C-S zone. The operating hours will be from 10 AM to 1 AM, and there will be approximately 10 employees. We anticipate an average of 80 customers per day, with a peak of 20 customers per hour. Outdoor lighting will be provided (see attached photometric plan), and outdoor noise is expected to be minimal as there will be no outdoor audible devices. Landscaping will comply with city code to meet screening and buffer requirements. The trash pad will be located in the northeast corner of the parking area and will be screened from public view. Access to the development will be provided by a new driveway along N. Crossover Rd. Traffic impacts from this development are anticipated to be minimal.

There are currently multiple fast-food establishments and commercial businesses in the neighborhood of this development. Therefore, we believe that the development will be cohesive with the neighboring properties along N. Crossover Rd.

Per our conversation with city staff, we are also requesting the following two variances:

(1) Drive-Thru Aisle Variance:

To create a more maneuverable drive-thru, we request a variance to the Drive-Thru Aisle requirements listed in the Fayetteville Unified Development Code 172.04 - Parking Lot Design Standards. According to 172.04(C)(4), a drive-thru is not permitted to be located in the front yard directly between a building and the Master Street Plan right of way. Due to the build-to-zone requirements, parking will need to be located behind the building, leaving no room for the driveway on that side. To minimize the impact of the drive-thru, it will be placed in an easement area that the building can't be located within so the building can be closer to the R.O.W., meeting the spirit and intent of the code.

(2) Streamside Protection Zone Variance:

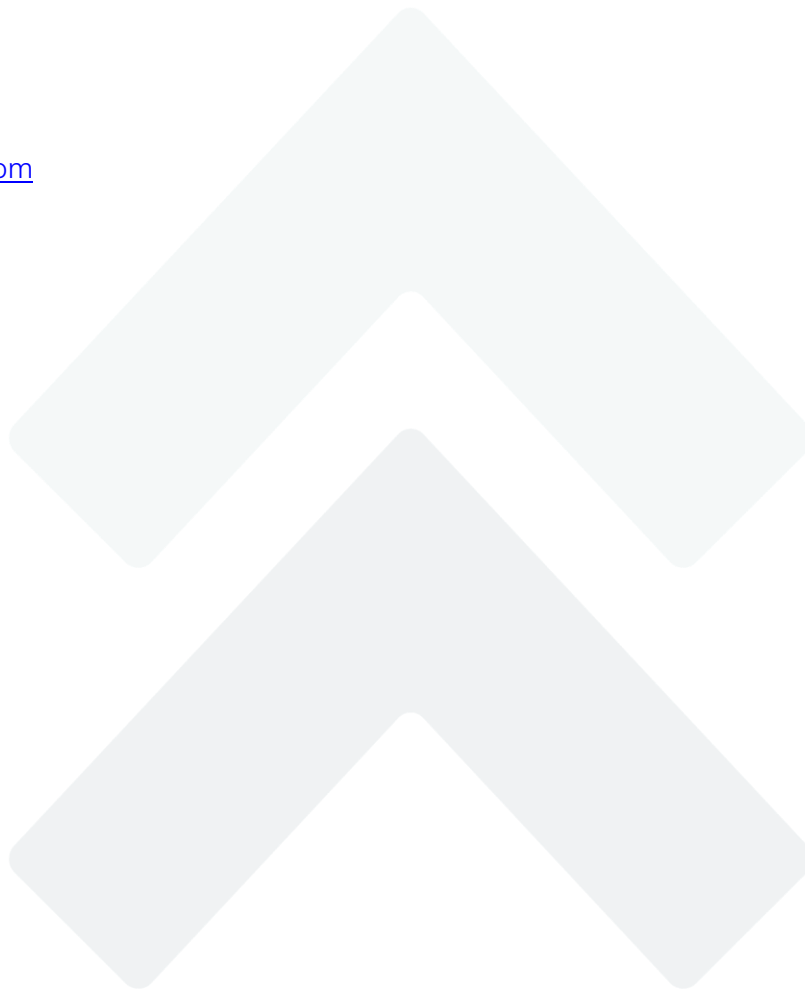
Due to the narrow width of the lot and existing easements along the west side of the property, the development cannot be placed outside the required 25-foot streamside buffer from the top of the bank. The proposed edge of the parking area will be a minimum of 5 feet from the top of the bank of the stream running north and south along the east side of the property, as discussed during our conversations with staff. The proposed building and parking area have been shifted as far west as possible to minimize the amount of development occurring near the stream. We believe this adjustment allows us to meet the spirit and intent of the code.

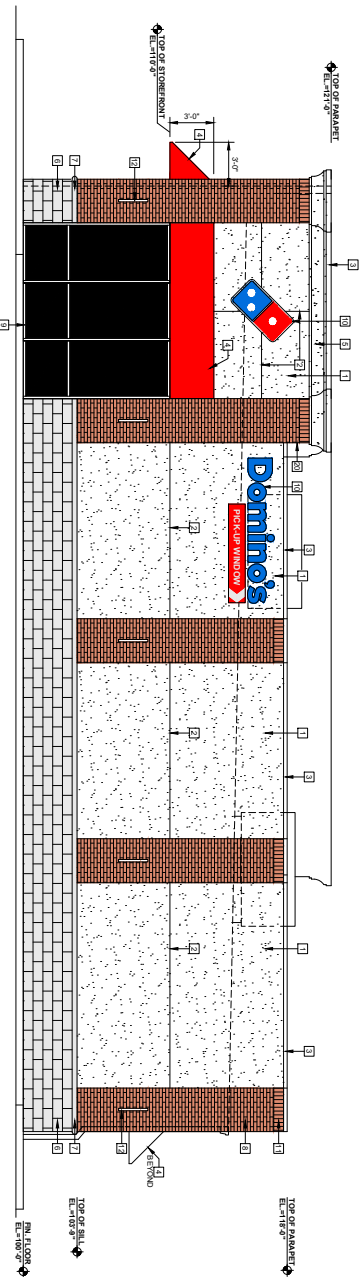
Attached to this submittal are the site plan, preliminary floor plans, colored elevations, photometric plan, legal description, and survey for your reference.

We appreciate your consideration of these requests and look forward to working with you.

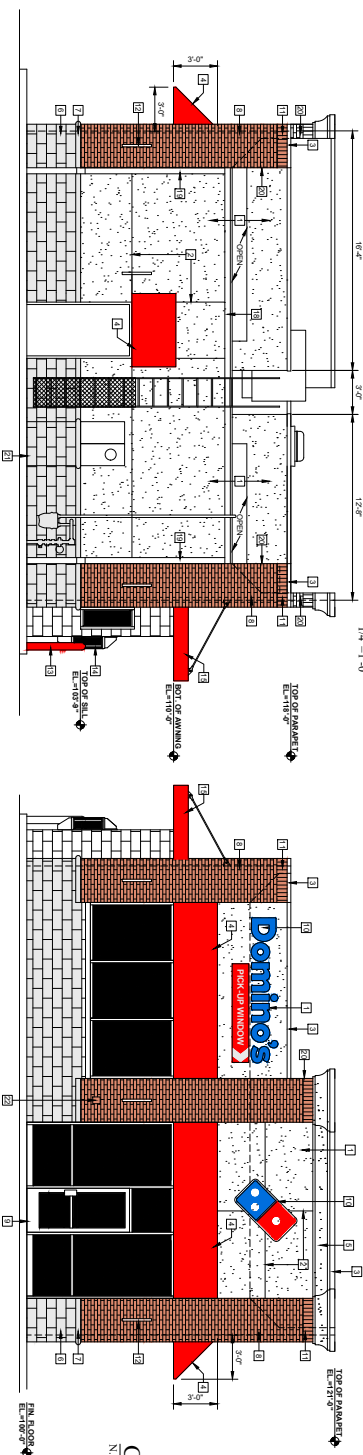
Respectfully,

Kip Williams
Project Engineer
479-286-8181
kwilliams@weareown.com

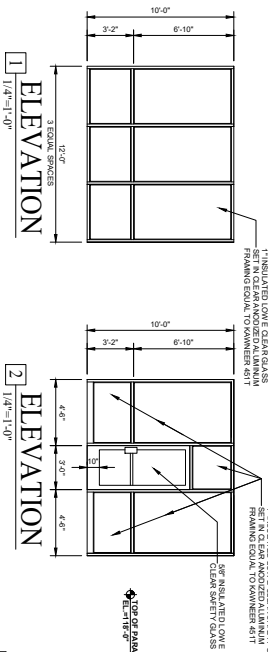




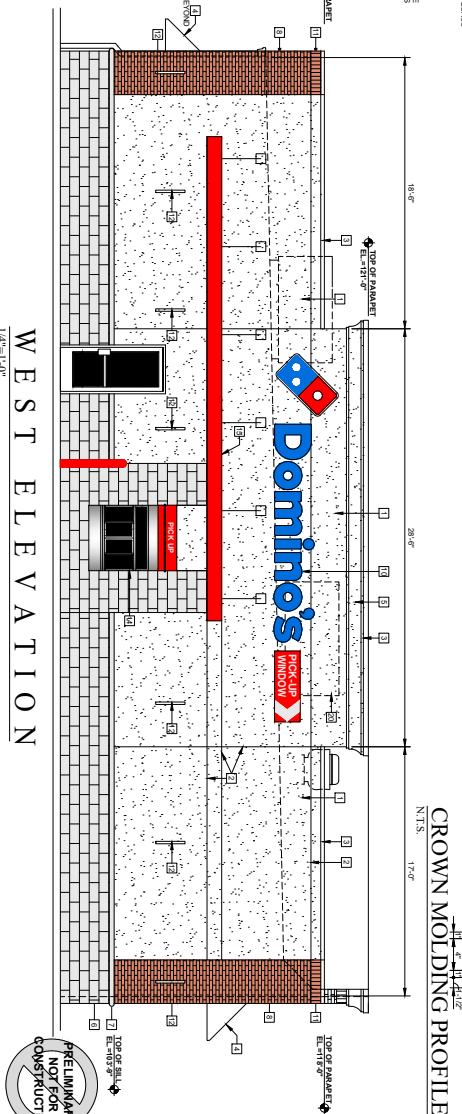
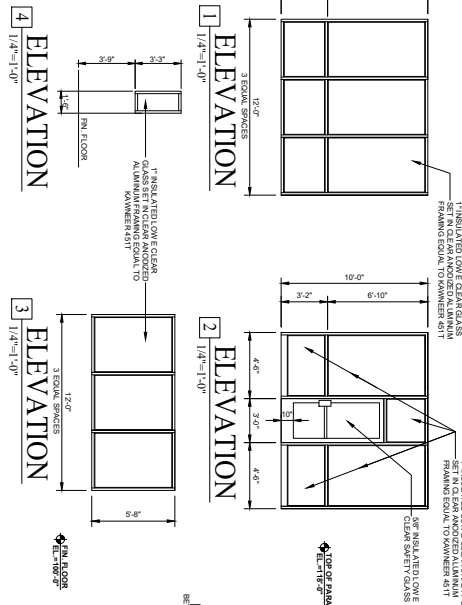
EAST ELEVATION



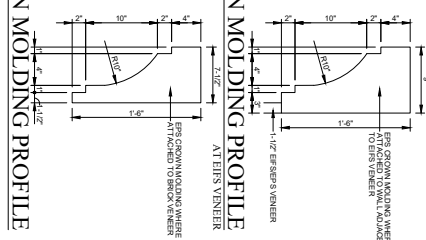
NORTH ELEVATION



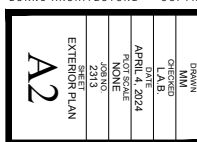
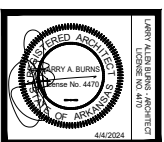
SOUTH ELEVATION



CROWN MOLDING PROFILE

[illegible]

									REVISIONS
Planning Commission									BY
August 12, 2024									



BUILDING SIZE	2078 SQ. FT.
BUILDING TYPE	STREET VENDING
NUMBER OF EMPLOYEES	20
NUMBER OF PATRONS/CLIENTS/CUSTOMERS	10-20
NUMBER OF HOURS OF OPERATION	10 AM TO 10 PM
ANTICIPATED NUMBER OF PATRONS/CLIENTS/CUSTOMERS PER DAY	10 (IN BUILDING)
NOISE	80 AVERAGE PER DAY
OUTDOOR LIGHTING	20 PER HOUR
SCREENING & BUFFERING	LOW NOISE AND EXTERIOR AUDIBLE DEVICES
PRELIMINARY FLOOR PLAN & EXTERIOR ELEVATIONS	YES SEE ATTACHED SHEET PH1
	NORTH, NEW LANDSCAPING AND/OR EXISTING VEGETATION
	WEST, 15' STREET FRONTAGE LANDSCAPING VEGETATION
	TRASH ENCLOSURE ON NORTH SIDE
	SEE ATTACHED SHEETS 1 & 2

- 1 CONCRETE PAVEMENT
- 2 CONCRETE CURB AND GUTTER
- 3 8 INCH WIDE YELLOW ARMOSEDGEMARK STRIPS
- 4 24" WIDE X 4' TALL SIGN ON CURB SEE SHEET A-2
- 5 HANDICAP PARKING SIGN
- 6 INTENTIONAL HANDICAP SYMBOL PAINTED ON PAVEMENT
- 7 NEW 8" WIDE CONNECTING CONCRETE SIDEWALK SEE CHAL
- 8 NEW 8" WIDE CONCRETE SIDEWALK PER CITY OF FAYETTEVILLE STANDARD DETAILS
- 9 8" X 9" AREA FOR TWO BICYCLE RACKS
- 10 PARK BENCH
- 11 24" WIDE X 4' LONG CLEAN AREA FOR TRASH TRUCK
- 12 PROPOSED RETAINING WALL

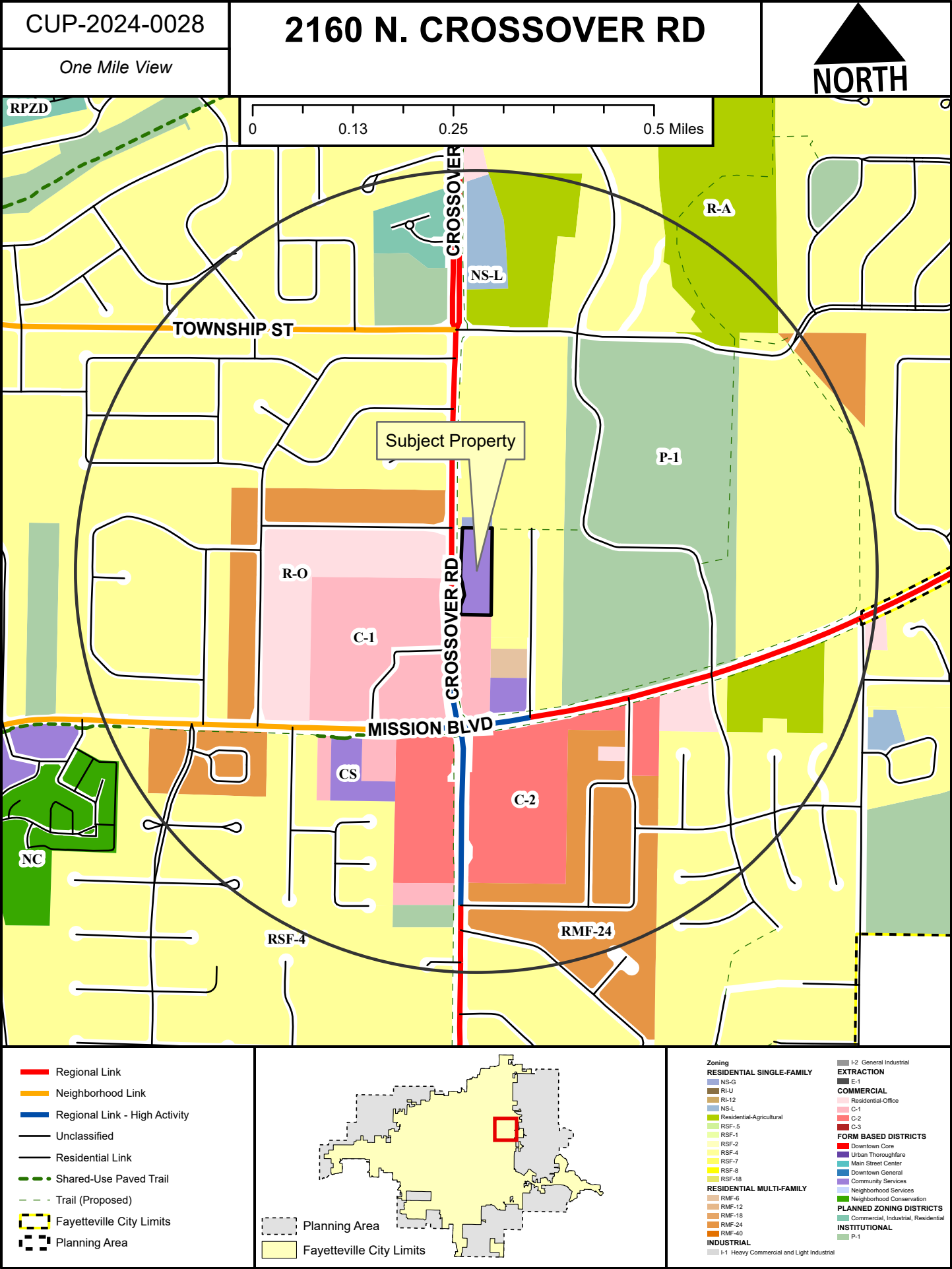


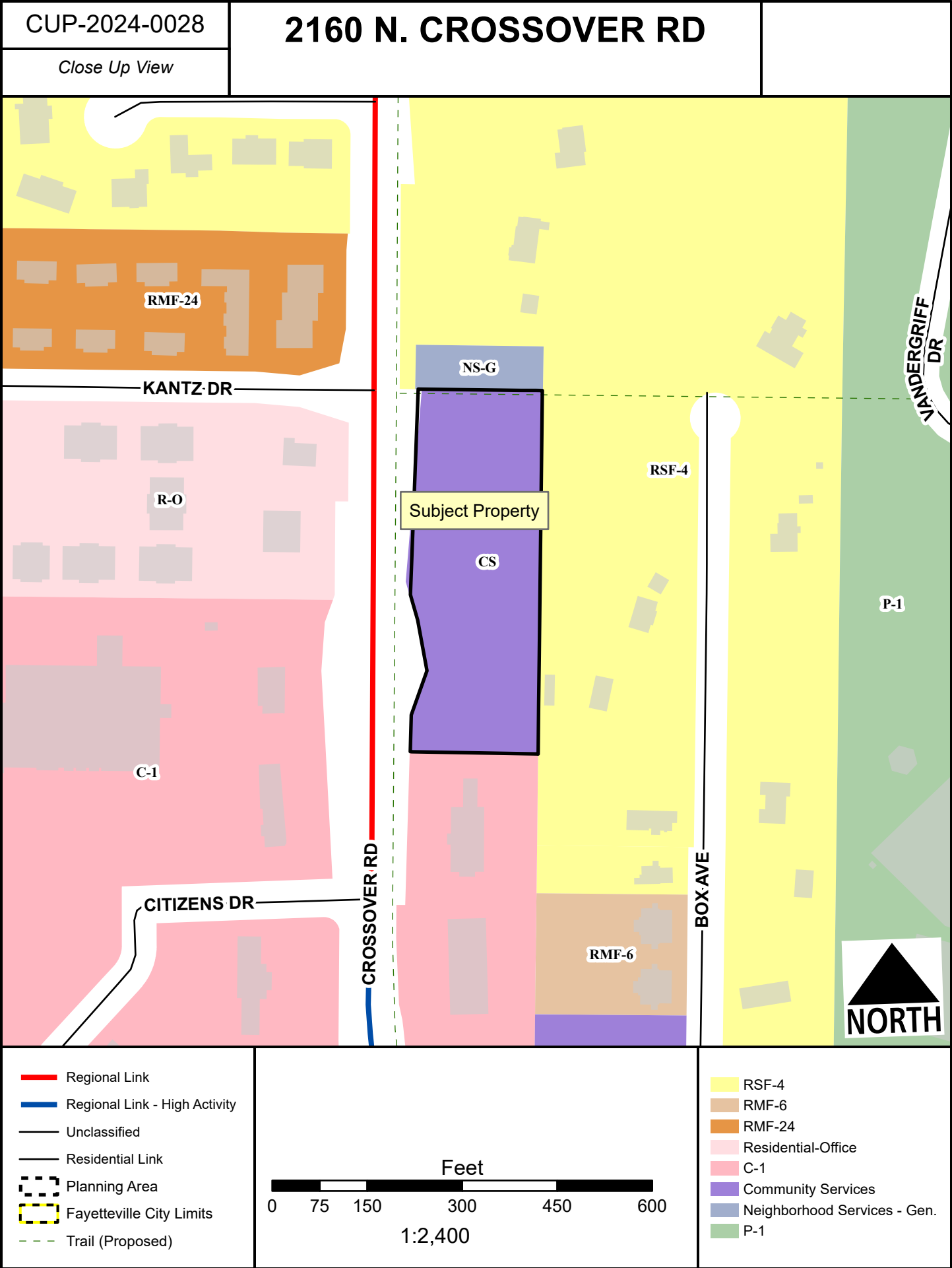
CONCEPT SITE PLAN



									REVISIONS
									BY

Planning Commission
August 12, 2024





CUP-2024-0028

2160 N. CROSSOVER RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

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

MEETING: August 12, 2024

SUBJECT: **LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523):** Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 163-unit multi-family residential development and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2024-0011** with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2024-0011**, determining"*

- *In favor of variance to §166.11(A), Conformance to Plans and Regulations;*
- *In favor of variance to §166.05(F), Access Management;*
- *In favor of variance to §166.21(E)(1), Dumpster Location;*
- *In favor of variance to §166.22(C)(2): Pedestrian Entries for Parking Garages in the Build-to-Zone;*
- *In favor of variance to §172.04(C)(4): Parking Lot Location Standards;*
- *In favor of variance to §172.04(E): Dimensional Standards;*
- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject area contains one 1.28-acre parcel which is bound by W. South St. to the north, S. Nelson Hackett Blvd. to the west, W. 4th St. to the south, and S. Block Ave. to the east. The parcel received its current zoning designation in 2006 with the implementation of the Downtown Master Plan (ORD 4930). The parcel was previously developed with four residential structures, each of which contained four residential dwelling units. These fourplexes were demolished in 2022 and the site is currently undeveloped. The property is within the Downtown Master Plan area and 71B Corridor Plan. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Retail, Mixed-Density Residential	DG, Downtown General
South	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation RSF-18, Residential Single Family, 18 Units per Acre
West	Single-family Residential	DG, Downtown General

Proposal: The applicant requests large scale development approval to develop the subject property with two multifamily structures totaling 163 residential units. Six variances have been requested with this project.

Variance #1: §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.

S. Nelson Hackett Blvd. is an Urban Center Street, which typically requires two ten-foot drive lanes, two eight-foot parking lanes, two four-foot furniture zones and an eight-foot sidewalk on each side of the street. The applicant has proposed a street section in line with administratively approvable design elements, with the exception of a proposed ten-foot slip lane between the drive lanes and parallel parking.

Staff recommendation: Staff recommends in favor of the variance. The stated intent of the slip lane is to provide additional area for vehicles utilizing on-street parking to safely maneuver while entering or existing the parallel parking spots. Given the curve and slope of S. Nelson Hackett Blvd., staff finds that this slip lane will serve the public benefit by improving safety. Staff recommends a condition that the slip lane shall include raised pavement markers, rumble strips, or other safety features similar to those used adjacent to the on-street bike lane.

Variance #2 §166.08(F): Access Management. Per ordinance, properties 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. The proposal includes one driveway onto S. Block Ave. and one driveway onto W. 4th St. approximately mid-block.

Staff recommendation: Staff recommends in favor of the variance with no added conditions. The ordinance is intended to promote safety by reducing the number of driveways onto higher classification streets. All adjacent streets are designated as Urban Centers with S. Nelson Hackett as the highest traffic street. Per the applicant's letter, two entries are required to meet the fire code and that both entries could not be located on S. Block Ave. while still meeting separation requirements. Given this, staff finds driveways on two separate streets to be necessary.

Variance #3 §166.21(E)(1): Dumpster Location. Per the Downtown Design Overlay District regulations, dumpsters may only be located within the rear yard of a parcel. The dumpster is currently proposed along the southern property line adjacent to E. 4th St.

Staff recommendation: Staff recommends in favor of the variance. The parcel is bounded on all sides by a public street, meaning that there are effectively no rear yards in which an exterior dumpster could be placed. However, staff finds that the intent of the ordinance is still being met. S. Nelson Hackett Blvd. and W. South St. are functioning as the principal facades, with an additional building located at the

corner of E. 4th St. and S. Block Ave. Staff finds that the proposed location is largely screened by adjacent buildings to the east and west and that impact is likely to be minimal. Staff recommends a condition that the dumpster screening enclosure shall be constructed of high-quality materials such as the proposed CMU with a brick façade and with either vegetative screening or public art to minimize visual impact from the south.

Variance #4 §166.22(C)(2): Pedestrian Entries for Parking Garages in the Build-to-Zone.

Ordinance requires that entrances or pedestrian door openings shall be no greater than 50 feet apart for parking garages located within a build-to-zone. The parking garage along S. Nelson Hackett Blvd. and W. South St. is fully underground, with the topography sloping down to the south and east. The only above ground portion of the parking garage within the build-to-zone is located adjacent to W. 4th Ave with only a small portion level with the exterior ground plane.

Staff recommendation: Staff recommends in favor of the variance. The applicant notes that providing a pedestrian entry to this area would involve a six-foot grade change between the interior and exterior of the garage. Further, the portion of the garage that is level with the ground plane is blocked by the proposed dumpster enclosure. As both the stairs and elevator access to the upper floors of the building are located in the building's northeast corner, staff finds that the inclusion of a pedestrian entry on the south side of the building could result in more vehicle / pedestrian conflicts within the parking garage. Additionally, both a green façade and green roof are proposed along this façade, which staff finds provides architectural and pedestrian interest to the streetscape. Staff recommends conditions that a clear pedestrian path be provided from S. Block Ave. across the drive aisles to the proposed elevator/staircase in the northern portion of the parking garage in line with the attached exhibit, and that the green roof and green façade are provided as shown in the plans.

Variance #5 §172.04(C)(4): Parking Lot Location Standards. In urban zoning districts, a drive-thru lane, parking lot drive aisle, or parking spaces are not permitted to be located in the front yard directly between a building and the Master Street Plan right-of-way. The proposal includes a parking lot with access from S. Block Ave. and E. 4th St., with portions located between the building and ROW.

Staff recommendation: Staff recommends in favor of the variance. As noted in the applicant's request letter, the parcel has frontage on four sides meaning that there are effectively no rear or side setbacks. The parking is not visible from either E. Nelson Hackett Blvd. or W. South St., the two principal facades. A large portion of the parking lot is also screened from both S. Block Ave. and E. 4th St. by the second residential building. Staff finds that the parking within the build-to-zone is meeting screening requirements of §172.04(C)(1) and that fully locating all parking behind a building façade is not practical given the site's shape and topography changes.

Variance #6 §172.04(E): Dimensional Standards. Per ordinance, a two-way drive aisle shall be twenty-four feet (24') when adjacent to 90-degree parking stalls unless greater distance is required to meet fire code. The north end of the parking garage exceeds this drive aisle requirement, ranging from approximately 23 feet to 37 feet where the drive aisles curve around the staircase and elevator access to the upper floors.

Staff recommendation: Staff recommends in favor of the variance, finding that the building shape of the structure containing the parking garage is a result of minimum buildable street frontage requirements. As the applicant notes, the proposed

parking follows the edge of the building with drive aisles internal to the proposed spaces. The areas that do not meet ordinances fall primarily along the edges of the edges of the parking garage where the drive path changes direction. Staff recommends a condition that a crosswalk be provided from the ADA spaces to the elevator access to provide a designated space for pedestrians to cross the larger drive aisles.

Right-of-Way to be Dedicated: The subject property currently has street frontage along S. Nelson Hackett Blvd., W. South St., S. Block Ave., and W. 4th St., all of which are designated as Urban Center Streets with typical right-of-way dedication of 30.5 feet from centerline. Per a right-of-way determination by the Zoning and Development Administrator, forty-six feet of dedication shall be required for S. Nelson Hackett Blvd. The remaining three streets were each determined to require 26.5 feet of right-of-way from the centerline.

Street Improvements: All adjacent streets are Urban Center. The Zoning and Development Administrator, completed a right-of-way determination on July 2, 2024, for several alternative design elements that may be administratively approved. These requirements are described below.

S. Nelson Hackett Blvd: The applicant proposes for the existing turn lane and ten-foot drive to remain. A portion of the road is proposed to be widened to accommodate a ten-foot slip lane and eight-foot parallel parking lane with 0.5-foot curb. A four-foot furniture zone and eight-foot sidewalk are proposed following the curb. As the ten-foot slip lane is not an administratively approvable item, a variance to §166.11(A), Conformance to Plans and Regulations has been requested with this application.

W. South St., S. Block Ave., and W. 4th St.: The remaining three streets are proposed to include a 10-foot drive lane, 8-foot parallel parking lane with bump-outs, 0.5-foot curb, and eight-foot sidewalk including three-foot deep urban tree wells. The typical furniture zone requirement was permitted to be administratively removed along these streets.

Access Management/Connectivity: Staff has determined that the proposed development is compliant with the City's access management and connectivity standards.

Design Standards: Staff finds the proposed development is substantially in compliance with §166.21 Downtown Design Overlay District, §166.22 Parking Garages, §166.23 Urban Residential Design Standards, and 172.04 Parking Lot Design Standards except where variances are specifically requested above. Final plans will be reviewed with grading and building permits.

Water and Sewer System: The applicant is proposing to install a fire hydrant, fire lines, and water meters to provide domestic service and fire protection to the development, and to install a new sanitary sewer main in E 4th St to provide sanitary sewer service to the development.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on March 7, 2022. The Parks and Recreation Advisory Board recommended fee-in-lieu of parkland dedication. Final park fees shall be determined and paid prior to the issuance of any building permits. Based on current information, fees for 163 new multifamily residential units minus the previous 16 multifamily units previously located on site would result in a fee of \$139,944.

Tree Preservation:

Canopy minimum requirement: 10.0%

Existing Canopy: 48.0%

Preserved canopy: 5.0%

Mitigation required: 56 two-inch caliper trees

While a large number of trees are proposed to be removed, staff finds that most of these would be heavily impacted by required street improvements or the construction of buildings within the build-to-zone and would likely not survive. Tree preservation is proposed in the southwest corner of the property that will also serve as a communal outdoor space. 39 on-site mitigation trees and 10 off-site mitigation trees are proposed. Green facades and green roofs are also proposed on the site, which may take the place of an additional 3 mitigation trees. Three additional mitigation trees shall be required.

Public Comment: Staff has received multiple comments opposed to the development, with multiple members of the public providing both written comment and speaking at the August 1 Subdivision Committee meeting. Six people spoke at Subdivision Committee and 18 written comments were received as of the packet finalization. Concerns generally cited include increased traffic danger and congestion, insufficient or dangerous parking, conflicts with the existing neighborhood character, a high number of children and walkers, inadequate existing infrastructure, opposition to small “efficiency” units, and density. Multiple people stated that they felt the previous zoning density of forty units per acre was a more appropriate scale and density and that the proposal was too much for this location.

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

Conditions of Approval:

1. **Planning Commission determination of variance to §166.11(A), Conformance to Plans and Regulations.** *Staff recommends approval of the requested variance with the following condition:*
 - a. The slip lane shall include raised pavement markers, rumble strips, or other safety features similar to those used adjacent to the on-street bike lane.

Subdivision Committee recommended in favor.

2. **Planning Commission determination of variance to §166.08(F): Access Management.** *Staff recommends approval of the requested variance with no added conditions.*

Subdivision Committee recommended in favor.

3. **Planning Commission determination of variance §166.21(E)(1): Dumpster Location.** *Staff recommends approval of the requested variance with the following conditions:*
 - a. The dumpster screening enclosure shall be constructed of high-quality materials such as the proposed CMU with a brick façade and with either vegetative screening or public art to minimize visual impact from the south.

Subdivision Committee recommended in favor.

4. **Planning Commission determination of variance to §166.22(C)(2): Pedestrian Entries for Parking Garages in the Build-to-Zone.** *Staff recommends approval of the requested variance with the following conditions:*
- The proposed green roof and green façade shall be provided substantially as shown in the provided plans.*
 - A clear pedestrian path be provided from S. Block Ave. across the drive aisles to the proposed elevator/staircase in the northern portion of the parking garage in line with the attached exhibit.*

Subdivision Committee recommended in favor.

5. **Planning Commission determination of variance to §172.04(C)(4): Parking Lot Location Standards.** *Staff recommends approval of the requested variance with no added conditions:*

Subdivision Committee recommended in favor.

6. **Planning Commission determination of variance to §172.04(E): Dimensional Standards.** *Staff recommends approval of the requested variance with the following conditions:*
- A crosswalk shall be provided from the ADA spaces to the elevator access to provide a designated space for pedestrians to cross the larger drive aisles.*

Subdivision Committee recommended in favor.

7. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the following amounts.:*
- Forty-six feet (46') of right-of-way dedication for N. Nelson Hackett Blvd from street centerline.*
 - Twenty-six and a half feet (26.5') of right-of-way dedication for E. South St. from street centerline.*
 - Twenty-six and a half feet (26.5') of right-of-way dedication for S. Block Ave. from street centerline.*
 - Twenty-six and a half feet (26.5') of right-of-way dedication for W. 4th St. from street centerline.*

Subdivision Committee recommended in favor.

8. **Planning Commission determination of street improvements.** *Staff recommends street improvements as described below:*
- S. Nelson Hackett Blvd: 5.5-foot left turn lane (half), 10-foot drive lane, 10-foot alternative slip lane, 8-foot parallel parking lane, 0.5-foot curb, 4-foot furniture zone, and 8-foot sidewalk*
 - W. South St., S. Block Ave., and W. 4th St.: 10-foot drive lane, 8-foot parallel parking lane, 0.5-foot curb, 0-foot furniture zone, and 8-foot sidewalk*

Subdivision Committee recommended in favor.

9. Parks fees shall be determined and paid prior to building permit issuance. Based on current information, fees for 163 new multifamily residential units would be required in the amount of \$139,944.
10. Remaining comments from Planning shall be addressed, including:
 - a. Review motorcycle parking locations within garage for safety.
 - b. Review access to proposed mailbox location within parking garage.
11. Conditions of approval from Engineering, Fire, and Urban Forestry are included in the official conditions of approval, attached hereto;
 - a. Address remaining plan comments
 - b. Review and correct green facade calculations.
 - c. Add three mitigation trees to meet mitigation requirements.
 - d. Provide domestic flow demands and fire flow calculations to ensure water meters and fire lines are sized appropriately.
 - e. Retaining walls over 4 feet in height shall be designed by a professional engineer licensed in Arkansas. Safety railings are required for the retaining wall proposed along S. Nelson Hackett Blvd. Limits of wall construction must be shown on plans. Geogrid cannot be in right-of-way.
 - f. Existing curb inlets to be converted to grate inlets must perform how existing curb inlets function- spread, depth, capture, etc. Include calculations in drainage report.

Standard Conditions of Approval:

12. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;
13. Technical Plat Review and Subdivision Committee comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);
14. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
15. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;
16. All exterior lighting shall comply with city ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;
17. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation;
18. Large scale development approval shall be valid for one year;
19. 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

20. Prior to the issuance of a building permit, the following is required:

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

PLANNING COMMISSION ACTION: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: August 12, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Staff Memos
 - Engineering Memo
 - Urban Forestry Memo
 - Parks Memo
 - Parking District Process
- Applicant Exhibits
 - Cover Letter
 - ROW Determination Letter
 - Planning Variance Request Letter
 - Engineering Determination Variance Request Letter
 - Renderings
 - Architectural Elevations
 - Site Plans
- Staff Exhibits
 - Recommended Conditions of Approval
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map



TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: July 30, 2024

SUBJECT: **Subdivision Committee Engineering Comments for
LSD-2024-0011 Urban Lofts at Nelson Hackett**

Water: The applicant is proposing to install a fire hydrant, fire lines, and water meters to provide domestic service and fire protection to the development.

Sewer: The applicant is proposing to install a new sanitary sewer main in E 4th St to provide sanitary sewer service to the development.

Streets: The applicant is proposing to widen S Nelson Hackett Blvd, W South St, S Block Ave, and W 4th St along the project's frontage to provide on-street parking. The applicant has also requested two City Engineer determinations. The first request is to install a portion of a retaining wall within right-of-way at the south end of the sidewalk improvements along S Nelson Hackett Blvd. The second request is for on-street parking spaces to encroach within sight triangles on W South St, S Block Ave, and W 4th St. Both requests as shown on the exhibits included with the request dated July 3, 2024, have been approved by the City Engineer.

Drainage: This development is required to meet the 4 Minimum Standards for water quality, channel protection, overbank flood protection, and extreme flood protection of the Drainage Criteria Manual. The drainage report is still being reviewed for compliance with these requirements.

Plan Comments:

1. Provide domestic flow demands and fire flow calculations to ensure water meters and fire lines are sized appropriately.
2. Retaining walls over 4 feet in height shall be designed by a professional engineer licensed in Arkansas. Safety railings are required for the retaining wall proposed along S. Nelson Hackett Blvd. Limits of wall construction must be shown on plans. Geogrid cannot be in right-of-way.
3. Existing curb inlets to be converted to grate inlets must perform how existing curb inlets function- spread, depth, capture, etc. Include calculations in drainage report.
4. Address comments on plans and drainage report.

Standard Comments:

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

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



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Allen Young, Development Consultants, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Donna Wonsower, Planner

Meeting Date: August 12, 2024

Subject: LSD-2024-0011: S. Nelson Hackett & W. 4th St. (Urban Lofts at Nelson Hackett) 523

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

Tree Preservation Calculations <u>Square Feet</u>		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	55,186	100%
<i>Zoning Designation * Select Below with drop down arrow</i>		
Downtown General	5,519	10%
<i>HHOD * Select Below with Drop Down Arrow</i>		
No	0	0%
Total Canopy for Minimum Preservation Requirements	5,519	10.0%
Existing Tree Canopy * Minus Right of Way and Easements	26,500	48.0%
Tree Canopy Preserved	2,752	5.0%
Tree Canopy Removed *On Site	23,748	43.0%
Tree Canopy Removed *Off Site	9,508	
Tree Canopy Removed Total	33,256	60.3%
Removed Below Minimum	2,767	
Mitigation Requirements	12,275	

3. Mitigation Requirements		Canopy below requirement	Number of 2” caliper trees to be planted	
High Priority * See comments below		12,275	56	
Low Priority				
Total Mitigation Trees Required		12,275	56	
4. Mitigation Type		Yes	No	N/A
On-Site Mitigation		X		
Off-Site Mitigation		X		
Tree Escrow (See Conditions of Approval)				X

5. Tree Preservation Plan Checklist	Tech Plat	Subdivision Committee	Planning Commission
<i>UDC Chapter 167.04H1 and 167.04L1</i>			
a. 5 year Aerial Check on Existing Trees	Yes		
b. Property Boundary	Yes		
c. Natural Features (100ft beyond limits of disturbance)	Yes		
d. Existing Topography and Proposed Grading	Yes		
e. Soil Types	Yes		
f. Significant Trees	Yes		
g. Groupings of Trees	N/A		
h. Table Inventory List (species, size, health, priority)	Yes		
i. All Existing and Proposed Utilities	No		
j. All Existing and Proposed Utility Easements and ROW's	No		
k. All Streams (with approximate center line)	N/A		
l. Floodplains and floodways	N/A		
m. Existing Street, Sidewalk or Bike Path ROW	Yes		
n. Submitted Site Analysis Plan (if required)	Yes		
o. Shows ALL Proposed Site Improvements	Yes		
p. Delineates trees/canopy to be preserved and removed	Yes		
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	Yes		

Tree Protection Methods

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

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

Comments
1. Address items above marked “No” and all Redlines provided.
2. Update mitigation and tree preservation tables. Every 2.5 square feet of green façade counts towards mitigation tree canopy not directly against removed canopy as shown on the plans.



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Allen Young, Development Consultants, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Donna Wonsower, Planner

Meeting Date: August 12, 2024

Subject: LSD-2024-0011: S. Nelson Hackett & W. 4th St. (Urban Lofts at Nelson Hackett) 523

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>			X
2. Parking Lot Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
b.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	Yes		

- | | | | | |
|---|--|---|--|---|
| c. Narrow Tree Lawn (8' min. width, 37.5' length)
<i>UDC Chapter 177.04C</i> | | | | X |
| d. Tree Island (8' min. width, 18.7' min length, 150 square feet)
<i>UDC Chapter 177.04C</i> | | X | | |
| e. Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | | X | | |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | | |
|---|---|--|--|---|
| a. Front Property Line (15' wide landscape) and 5' on sides and rear.
<i>UDC Chapter 177.04D2a</i> | | | | X |
| b. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | X | | | |
| c. Screening of parking lot from adjacent residential properties. | X | | | |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | | |
|--|---|--|--|---|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | | | | X |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | | | | X |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | X | | | |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | X | | | |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | | X |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | | X |

5. Landscape Requirement Totals	Amount
Mitigation Trees	56 required, 39 On-site 10 Off-site 3 (Green Façade)
Parking Lot Trees	10 Required, 10 provided
Street Trees.	35 required, 35 provided
Detention Pond – Large Trees (1 Tree/3,000 square feet)	0
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	0
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	0

6.	Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
	Conditionally Approved	7/17/24	8/01/24	8/12/2024
	Approved			
	Tabled	5/15/24		
		6/13/24		
	Denied			

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

Comments	
1.	Urban Forestry recommends the project be forwarded from Subdivision Committee.
2.	Address items above marked “No” and all Redlines provided.
3.	Please correct green façade calculations, as these are not a one-to-one replacement. With 1,575 square feet of green façade, this will count as three mitigation trees.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: May 9, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: March 7, 2022

Project Title: Urban Lofts at Nelson Hackett

Project Number: LSD-2024-0011

Project Location: NW of S Block Ave and W 4th St

Plat Page: 523

Park Quadrant: SE

Billing Name & Address: Osment Investments LLC, 204 SE 6th St, STE 102
Bentonville, AR 72712

☐ Land Dedication

☒ Fee-in-Lieu

☐ Combination

FEE-IN-LIEU

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

Multi Family: 148 units x \$952 per unit = \$140,896

**TOTAL
Fees**

\$140,896

SUMMARY:

- Project proposes 0 SF units and 164 MF units.
- The project will be charged for 148 MF units since there were 16 MF units previously on site.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
 - Approved by the City's Land Agent in the Engineering Division.
 - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

Wonsower, Donna

From: Clay, Justin
Sent: Friday, August 9, 2024 8:13 AM
To: Masters, Jessica
Cc: Wonsower, Donna; Curth, Jonathan; Brown, Chris
Subject: Re: Planning Commission - Monday, August 12 - Establishing Neighborhood Parking District

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jessie,

Thanks for passing this along. There's no process per se. City Council approval is required to establish or alter any paid parking boundaries and the area in question would require a new district to be established, the regulations of which would ultimately be determined/approved by City Council.

The only neighborhood district that has been established (Wilson Park area) was a result of a Council Member bringing it forward followed by several months of meetings with neighbors and Council members to fine-tune the details.

There is no turn-key approach. We (or someone) based on input from the neighbors would have to determine:

1. who is eligible to receive parking permits and how many per residence;
2. what is the cost for residential permits;
3. what will the parking rates be for non-permit holders;
4. are residents of the new development eligible for permits, and if not, why not; and
5. what additional staff resources are necessary to administer and enforce the program

If we do go down this road my recommendation would be to make any of the regulated parking "mixed-use" meaning anyone can park there with either a residential permit or by paying a parking rate. Experience has shown that making certain on-street spaces exclusive for residential permit-holders only has resulted in low utilization.

Lastly, is there a tool to require a parking impact study for this type of development? If it is perceived that the development is going to create a parking problem are there other tools or variance denials that can be used to mitigate?

Sorry, I know that's a bit of rambling, but those are my initial thoughts – I'm not sure if any of it's helpful but please let me know what additional info or clarification I can provide.

Thanks,

Justin Clay

Parking Manager

Parking Management Division

City of Fayetteville, Arkansas

jclay@fayetteville-ar.gov

T 479.575.8277

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

**Written request and narrative to accompany petition packet for the
URBAN LOFTS AT NELSON HACKETT at 309 S BLOCK AVE, City of Fayetteville, Arkansas.**

To: The Fayetteville City Planning Commission

On behalf of the landowners, I am petitioning the Fayetteville City Planning Commission to accept the included Large Site Improvement Plan of the property located at 309 S Block Ave, parcel number 765-07087-000, in the City of Fayetteville, Arkansas.

This property was previously an apartment complex with associated parking..

Current zoning is DG, downtown general, encouraging dense urban design. The proposed multi-family development will include 163 micro-loft units within one four-story structure and one three-story structure. Improvements to water, sewer, and drainage are included with this project. The proposed development intends to have two vehicular accesses located along the east and south sides of the property from S Block Ave and W 4th Street.

A fee-in-lieu has been approved for the Park Land Dedication requirement. The fee-in-lieu totals \$123,760.00 for 130 multi-family units. Additional fee will be requested for the 33 additional units.

Additionally, street, drainage, and mitigation trees are being planted per City ordinance.

A variance letter has also been included outlining four variance requests.

By accepting this large site improvement request, the current owners would benefit, and no other landowner would be adversely affected.

The public interest and welfare would not be adversely affected by accepting this large site improvement request.



Chase Henrichs, Development Consultants, Inc.



CITY OF
FAYETTEVILLE
ARKANSAS

July 2, 2024

Chase Henrichs, PE
DCI

VIA EMAIL

**Re: LSD-2024-0011 SE of S. Nelson Hackett & E. South St (Urban Lofts at Nelson Hackett)
523 – Downtown/Urban Street Master Street Plan ROW Determination**

Mr. Henrichs,

Thank you for submitting a request for an administrative determination of the right-of-way necessary to meet the Urban Center Master Street Plan classification for the subject project.

The Zoning and Development Administrator has the authority to approve alternative design elements within the Downtown/Urban Street Classification as outlined in the Master Street Plan. The applicant's proposed project will have four street frontages that will be required to meet the standard Master Street Plan Standards: S. Nelson Hackett Boulevard, E. South Street, S. Block Avenue, and W. 4th Street.

FINDINGS:

Typical Master Street Plan Requirements:

- 10-foot drive lane
- 8-foot parking lane
- .5-foot curb
- 4-foot furniture zone/greenspace
- 8-foot sidewalk
- 30.5 feet right-of-way from street centerline

Allowable administrative alternatives:

- 11-foot drive lane for a transit route
- Removal of on-street parking lane
- .5-foot curb
- 3-foot furniture zone/greenspace
- 10-foot trail in alignment with Active Transportation Plan

S. NELSON HACKETT BOULEVARD:

Applicant's Request:

- 5.5-foot (one half of) two-way left turn lane
- 10-foot drive lane
- 10-foot alternative slip lane
- 7.5-foot parallel parking lane
- .5-foot curb
- 4-foot furniture zone
- 8-foot sidewalk
- 45.5 feet from street centerline

Staff determines that the following right-of-way dedication would allow for the following street improvements, which would ultimately require a Planning Commission determination of a variance from typical Master Street Plan standards; staff will support the request, provided the design will be reviewed and approved by Engineering as part of the grading permit.

Staff's findings:

- 5.5-foot (one half of) two-way left turn lane
- 10-foot drive lane
- 10-foot alternative slip lane
- 8-foot parallel parking lane
- .5-foot curb
- 4-foot furniture zone
- 8-foot sidewalk
- 46 feet right-of-way from street centerline

E. SOUTH STREET:

Applicant's Request:

- 10-foot drive lane
- 8-foot parking lane with bump out
- .5-foot curb
- 0-foot furniture zone
- 8-foot sidewalk (including 4-foot tree wells)
- 26.5 feet from street centerline

Staff determines that the following right-of-way dedication would allow for the following street improvements, which could be approved administratively.

Staff's findings:

- 10-foot drive lane
- 8-foot parking lane with bump out
- .5-foot curb
- 0-foot furniture zone
- 8-foot sidewalk (including 3-foot tree wells, to accommodate 5-foot sidewalk)
- 26.5 feet from street centerline

S. BLOCK AVENUE:

Applicant's Request:

- 10-foot drive lane
- 8-foot parking lane with bump out
- .5-foot curb
- 0-foot furniture zone
- 8-foot sidewalk (including 4-foot tree wells)
- 26.5 feet from street centerline

Staff determines that the following right-of-way dedication would allow for the following street improvements, which could be approved administratively.

Staff's findings:

- 10-foot drive lane
- 8-foot parking lane with bump out
- .5-foot curb

0-foot furniture zone
8-foot sidewalk (including 3-foot tree wells, to accommodate 5-foot sidewalk)
26.5 feet from street centerline

W. 4TH STREET:

Applicant's Request:

10-foot drive lane
8-foot parking lane with bump out
.5-foot curb
0-foot furniture zone
8-foot sidewalk (including 4-foot tree wells)
26.5 feet from street centerline

Staff determines that the following right-of-way dedication would allow for the following street improvements, which could be approved administratively.

Staff's findings:

10-foot drive lane
8-foot parking lane with bump out
.5-foot curb
0-foot furniture zone
8-foot sidewalk (including 3-foot tree wells, to accommodate 5-foot sidewalk)
26.5 feet from street centerline

DETERMINATION:

Per the requirements outlined in the Downtown/Urban Street requirements, staff can administratively grant the items as listed above. A variance from the Planning Commission will be required for the added slip lane along Nelson Hackett, which will be supported by staff.

This determination is only for the request to modify to the typical master street plan and determine any necessary right-of-way dedication and establishment of building setbacks, and is not a review or determination of any other requests to vary from either zoning or development standards.

Best Regards,



Jessie Masters, AICP
Development Review Manager

Att:
Applicant Request Letter
Marked Up Site Plan

23 July 2024

City of Fayetteville

Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

LSD Number: 2024-0011
DCI Job Number: 2023-196
Project Name: Urban Lofts at Nelson Hackett
Owner: The Dallas Collection, LLC
215 Union St. STE 400
Jonesboro, AR 72401

Project Narrative:

The Urban Lofts at Nelson Hackett Multi-Family development is located at 309 S Block Ave, Parcel 765-07087-000, and consists of approximately 1.25 acres. This parcel fronts four streets, Nelson Hackett for approximately 376', W. South Street for approximately 113', S Block Ave for approximately 300', and E 4th Street for approximately 321'. The project is a multifamily development consisting of 163 micro-loft units contained in two buildings: a four-story structure with basement level parking and a three-story structure.

Variance Request:

On behalf of the owner, DCI is requesting variances to the following sections of the Unified Development Code.

1. Variance to UDC Section 166.08.F. Code requires properties fronted by more than one public street to place access off the lowest functional classification or volume of traffic. Fire Code requires buildings in excess of 3 stories or 30' to have two separate approved entries. As this site is fronted by streets on all four sides with Downtown General classification, the lowest volume streets were chosen for the fire access. Additionally, the Access Management Standards (UDC 166.08.F) require curb cut separations of 100' for Neighborhood Links (the closest street section to Downtown General) from all intersections and other curb cuts. It is not possible to achieve two curb cuts on S. Block Street that would both be 100' from an intersection and one another as S. Block Street has a total distance of 327 linear feet fronting this property. Similarly, E. 4th Street is only 320 linear feet in frontage, which would not allow for two entries that meet the above criteria. Therefore, the site requires the two fire apparatus entries to be located on separate streets.
2. Variance to UDC Section 166.11, Conformance to Plans and Regulations, for Van Buren Ave. Code requires the development to conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Master Street Plan. The Master Street Plan requires Nelson Hackett BLVD to provide an 8' parallel parking lane adjacent to the traveled way. DCI is

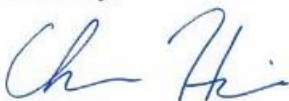
Engineering • Planning • Land Surveying • Landscape Architecture

requesting a variance to the Master Street Plan on the owner's behalf to allow the construction of a slip lane, providing additional room for northbound traffic on Nelson Hackett to decelerate and safely maneuver into the parallel parking spaces. Requiring strict adherence to the Master Street Plan would require users to access their vehicles immediately adjacent to the traveled way of Nelson Hackett, which had an average daily traffic of 1,000 vehicles per day in 2023 (latest data).

3. Variance to UDC Section 166.21.E.1. Code requires trash dumpsters to be in the rear yard of a development that is located within the Downtown Design Overlay District. As this site is fronted by streets on all four sides, no "rear" yard exists. The dumpster location has been placed such that it is on the "rear" side of the primary building, hidden from view of Nelson Hackett and W South Street, which are considered the primary streets for this development.
4. Variance to UDC Section 166.22.C. Code requires entrances or pedestrian door openings to be no greater than 50' apart for all garages visible at street level for any portion of a parking garage located within the build-to-zone (BTZ). The vast majority of the basement parking that is located within the BTZ is subterranean, with only a small portion of the garage facing E. 4th Street not being subterranean. Additionally, the dumpster enclosure is placed immediately adjacent to this portion of the garage that is not subterranean. In order to provide pedestrian access to this portion of the basement parking, steps would be required to grading down 6' the parking grade, creating a basement access that is below the surrounding grades on the south side of the basement. Additionally, in the area immediately south of the exposed portion of the basement parking is a tree preservation area and minimizing grading within this zone is ideal.
5. Variance to UDC Section 172.04.C.4. Code requires all parking lots in urban zones to be located behind or on the side of a building. DCI is requesting a variance for portions of the parking lot adjacent to Block Ave. With this property being surrounded by streets and designed to be an intense, dense urban project, all usable space not being utilized for buildings or required green space is being utilized for parking. Portions of the parking lot are located behind the "front" of the building fronting Nelson, but are visible from Block Ave. Requiring all parking to be behind a building would require more building space or the removal of parking below allowable limits.
6. Variance to UDC Section 172.04.E. Code requires a maximum width of 24' for two way drive aisles. There are two locations on site that exceed the 24' drive aisle width. The second location is in the north end of the basement parking. Due to the location of the handicap access elevator in the basement parking, the drive aisle widens beyond the 24' maximum to safely turn a corner and provide clearance from the accessible elevator. This is a result of the parking configuration being in a rectangular shape following the building edges and the shape of the turn being radial which creates a space in the corner that is greater than 24' from the edge of the parking stall to the drive aisle.

Thank you for your consideration and we look forward to working with the City moving forward.

Sincerely,



Chase Henrichs, P.E.
ChaseH@DCIUS.PRO
479.444.7880
Development Consultants

03 July 2024

City of Fayetteville
ATTN: Chris Brown
Engineering Department
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

LSD Number: 2024-0011
DCI Job Number: 2023-196
Project Name: Urban Lofts at Nelson Hackett
Owner: The Dallas Collection, LLC
215 Union St. STE 400
Jonesboro, AR 72401

Project Narrative:

The Urban Lofts at Nelson Hackett Multi-Family development is located at 309 S Block Ave, Parcel 765-07087-000, and consists of approximately 1.25 acres. This parcel fronts four streets, Nelson Hackett for approximately 376', W. South Street for approximately 113', S Block Ave for approximately 300', and E 4th Street for approximately 321'. The project is a multifamily development consisting of 163 micro-loft units contained in two buildings: a four-story structure with basement level parking and a three-story structure.

Engineering Determination Request:

On behalf of the owner, DCI is requesting engineering determinations to the following portions of the LSD plans.

1. Engineering determination to allow retaining wall within City right of way.
 - a. On the south end of Nelson Hackett, the City trail ends at the property corner. With the trail being at the City standard of 2% above the back of curb, and the topography of site dropping rapidly from the existing curb to the southeast, a retaining wall is required adjacent to the City trail. The retaining wall allows the site to meet the City master street plan requirements of a trail and parallel parking, however the grades along the trail are greatly above the grades to the east. To provide a clear stopping point that does not interfere with the grades to the south, DCI is requesting a retaining wall be allowed within City right of way at the termination of the City trail. See included Exhibit 1.
2. Engineering determination to allow parallel parking that are partially located within site distance triangles.
 - a. The site is surrounded by off-site parallel parking to increase availability to tenants and guests, as well as meet the City master street plan. The spaces in question are partially obstructing site triangles at the intersections of South and Block, Block and the east drive entry, Block

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2200 North Rodney Parham, Suite 220 • Little Rock, Arkansas 72212 • Tel 501-221-7880 • Fax 501-221-7882
1 East Center Street, Suite 290 • Fayetteville, Arkansas 72701 • Tel 479-444-7880

and 4th, and 4th and the south drive entry. The amount of obstruction is considered normal for urban environments. See Exhibit 2.

Thank you for your consideration and we look forward to working with the City moving forward.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ch Henrichs', is positioned above the printed name.

Chase Henrichs, P.E.

ChaseH@DCIUS.PRO

479.444.7880

Development Consultants



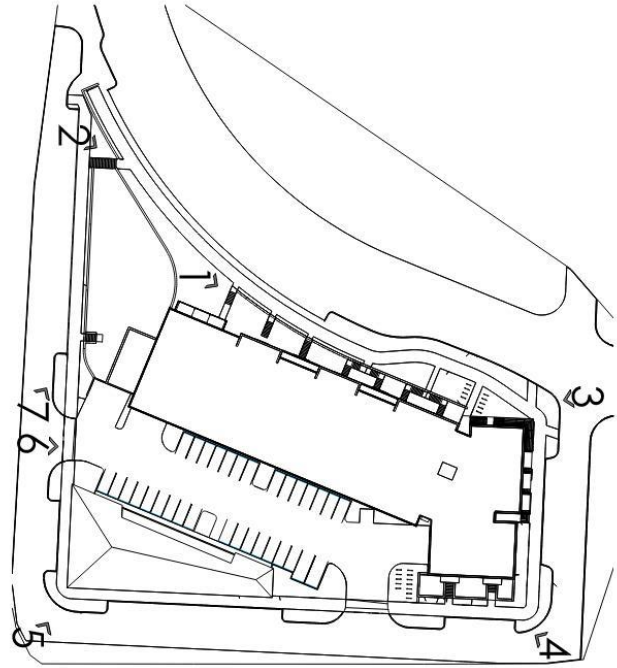
PRIVATE COURTYARDS @ LEVEL 01 ALONG NELSON HACKETT



TREE PRESERVATION @ SW CORNER



NELSON HACKETT AND WEST SOUTH STREET



07.03.2024
X9.01

PERSPECTIVES

UNIVERSITY LOFTS AT NELSON HACKETT

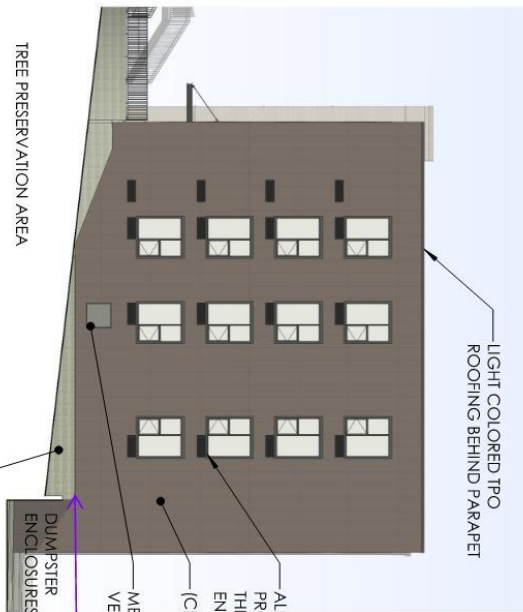


PATIO GARDENS @ WEST SOUTH STREET AND SOUTH BLOCK AVENUE



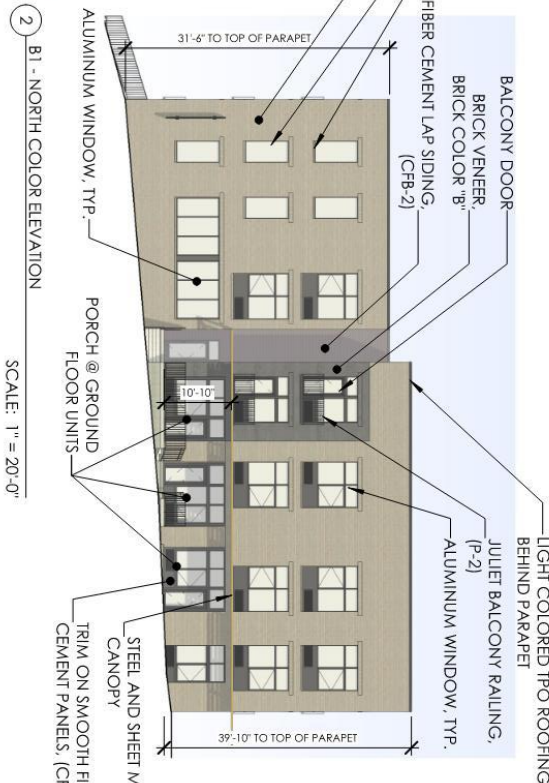
WEST 4TH STREET AND SOUTH BLOCK AVENUE





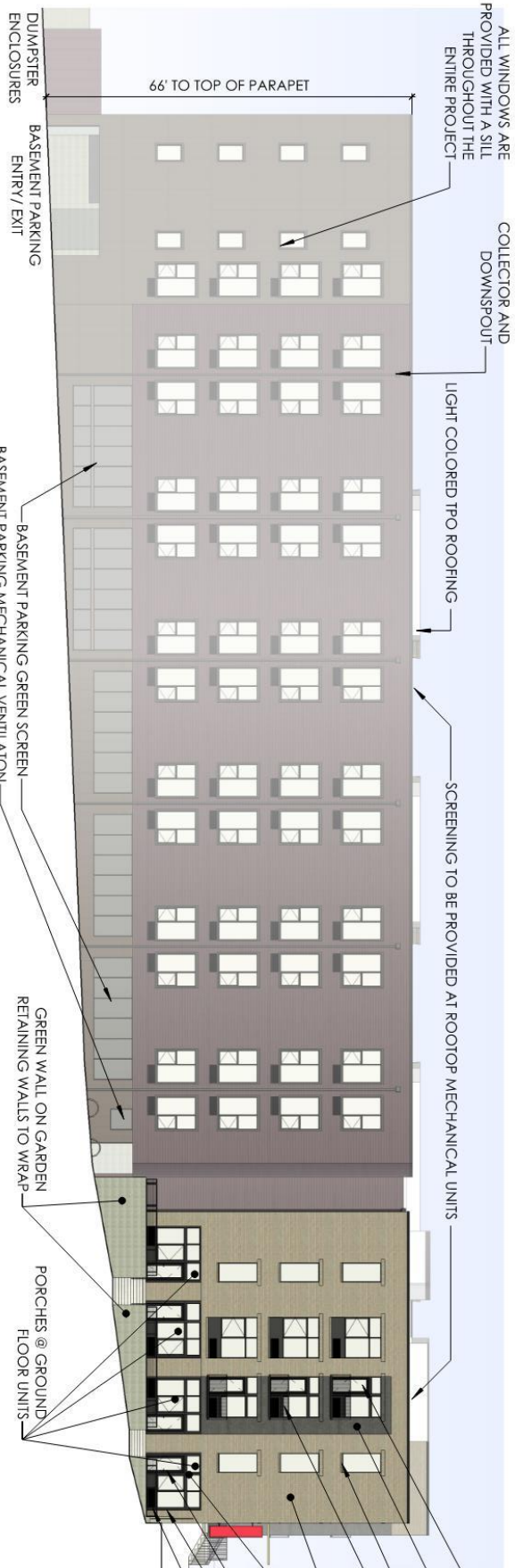
1 B1 - SOUTH COLOR ELEVATION

SCALE: 1" = 20'-0"



2 B1 - NORTH COLOR ELEVATION

SCALE: 1" = 20'-0"



3 B1 - EAST COLOR ELEVATION

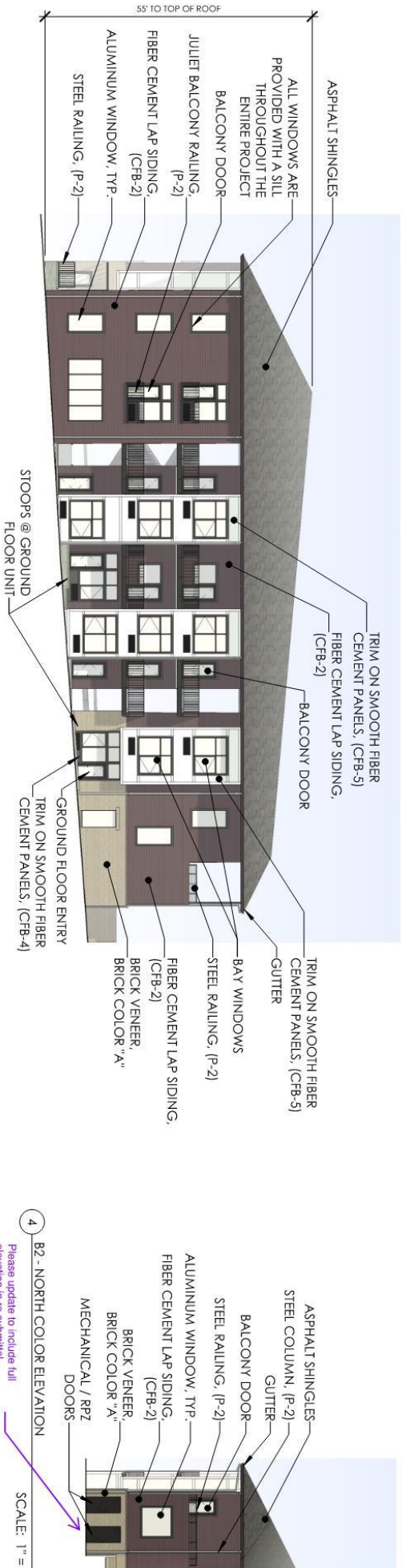
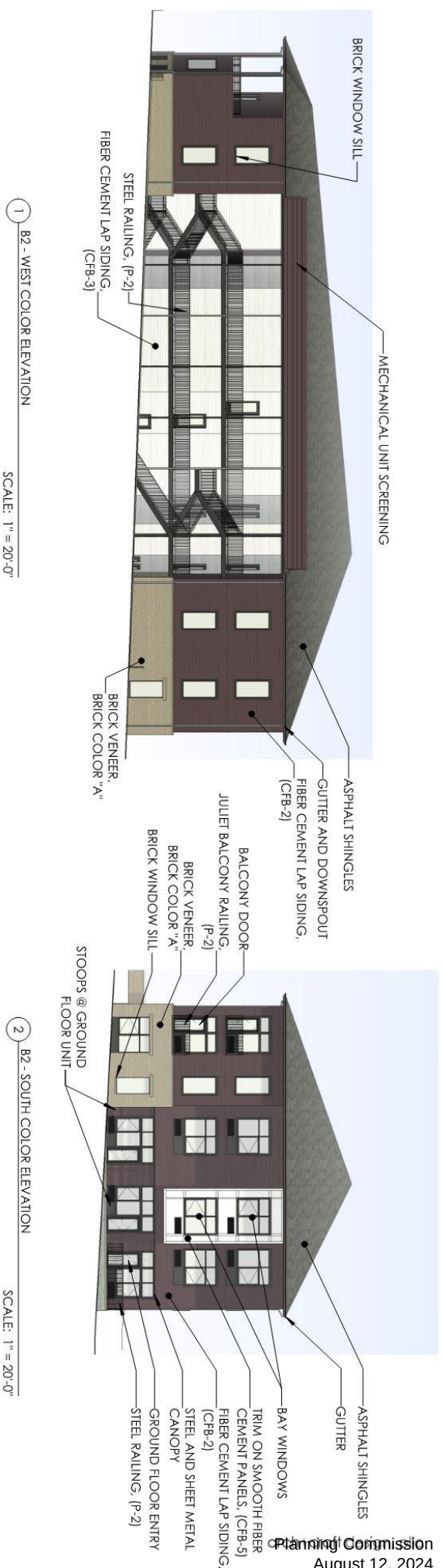
SCALE: 1" = 20'-0"

COLOR ELEVATIONS

X0.11

07.03.2024

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02



THIS IS THE FULL ELEVATION
@ THE WEDGE SHAPED BUILDING.
REFER TO SHEET A1.22

07.03.2024
COLOR ELEVATIONS
X0.12

UNIVERSITY LOFTS AT NELSON HACKETT

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02



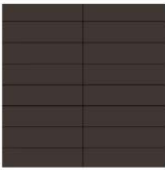
B-1
ACME BRICK
MUSHROOM BROWN, BRICK TYPE "A"
BANDING, HEADER, SILL



B-2
ACME BRICK
SLATE GRAY, BRICK TYPE "B"
HEADER, SILL



AS-1
ASPHALT SHINGLE ROOFING
SLATE GRAY



CFB-1
FIBER CEMENT PANEL
VERTICAL PATTERN
PANEL COLOR - PA944



C-1
CAST-IN-PLACE
CONCRETE STEPS



CFB-2
FIBER CEMENT LAP SIDING



P-2
GREEN SCREEN
@ SELECTED CONCRETE
RETAINING WALLS



CFB-3
FIBER CEMENT LAP SIDING



P-2
METAL RAILINGS AND TRIM
ALUMINUM WINDOWS
SHERWIN WILLIAMS
IRON ORE SW7069



CFB-4
FIBER CEMENT PANEL w/ TRIM
SOLID GRAY



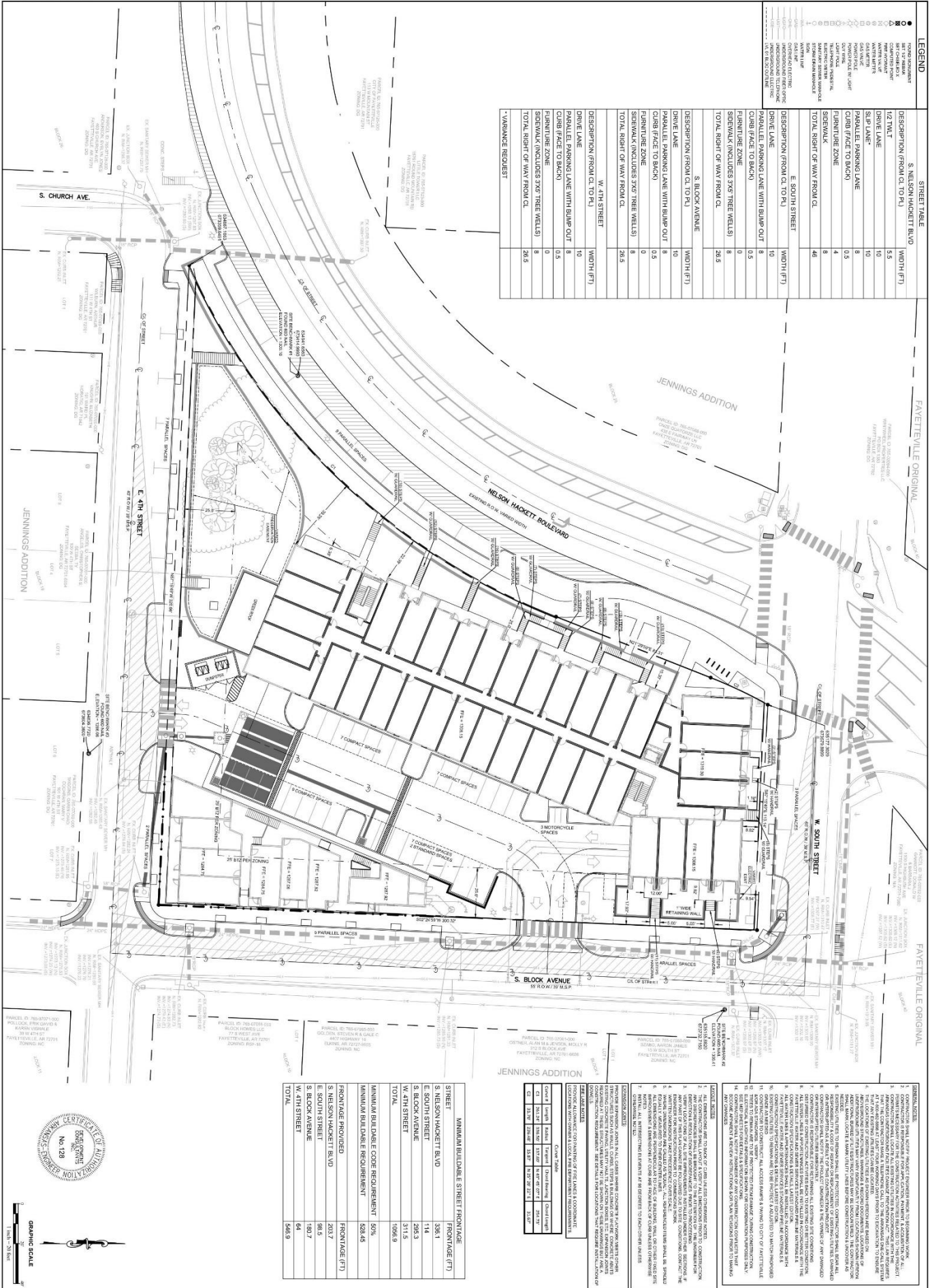
P-3
ACCENT COLOR 01
SHERWIN WILLIAMS
NUGGET SW6697



CFB-5
FIBER CEMENT PANEL w/ TRIM
WHITE



TPO -1
LIGHT COLORED TPO



LEGEND

●	EXISTING BUILDING
○	NEW BUILDING
○	EXISTING DRIVE
○	NEW DRIVE
○	EXISTING SIDEWALK
○	NEW SIDEWALK
○	EXISTING PARKING
○	NEW PARKING
○	EXISTING FURNITURE
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○	NEW TOUCH

STREET TABLE

STREET NAME	WIDTH (FT)
S. NELSON HACKETT BLVD	55
E. 4TH STREET	10
S. BLOCK AVENUE	10
W. SOUTH STREET	10
JENNINGS ADDITION	0.5
TOTAL RIGHT OF WAY FROM CL	46

STREET NAME	WIDTH (FT)
E. 4TH STREET	10
S. BLOCK AVENUE	10
W. SOUTH STREET	10
JENNINGS ADDITION	0.5
TOTAL RIGHT OF WAY FROM CL	46

STREET NAME	WIDTH (FT)
S. NELSON HACKETT BLVD	55
E. 4TH STREET	10
S. BLOCK AVENUE	10
W. SOUTH STREET	10
JENNINGS ADDITION	0.5
TOTAL RIGHT OF WAY FROM CL	46

MINIMUM BUILDABLE STREET FRONTAGE

STREET	FRONTAGE (FT)
S. NELSON HACKETT BLVD	336.1
E. 4TH STREET	114
S. BLOCK AVENUE	296.3
W. SOUTH STREET	311.5
TOTAL	1058.9

MINIMUM BUILDABLE CODE REQUIREMENT

FRONTAGE PROVIDED	FRONTAGE (FT)
S. NELSON HACKETT BLVD	203.7
E. 4TH STREET	98.5
S. BLOCK AVENUE	180.7
W. SOUTH STREET	64
TOTAL	546.9

DEVELOPMENT

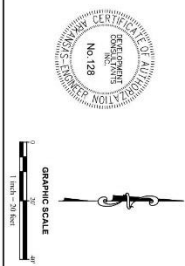
STREET	FRONTAGE (FT)
S. NELSON HACKETT BLVD	336.1
E. 4TH STREET	114
S. BLOCK AVENUE	296.3
W. SOUTH STREET	311.5
TOTAL	1058.9

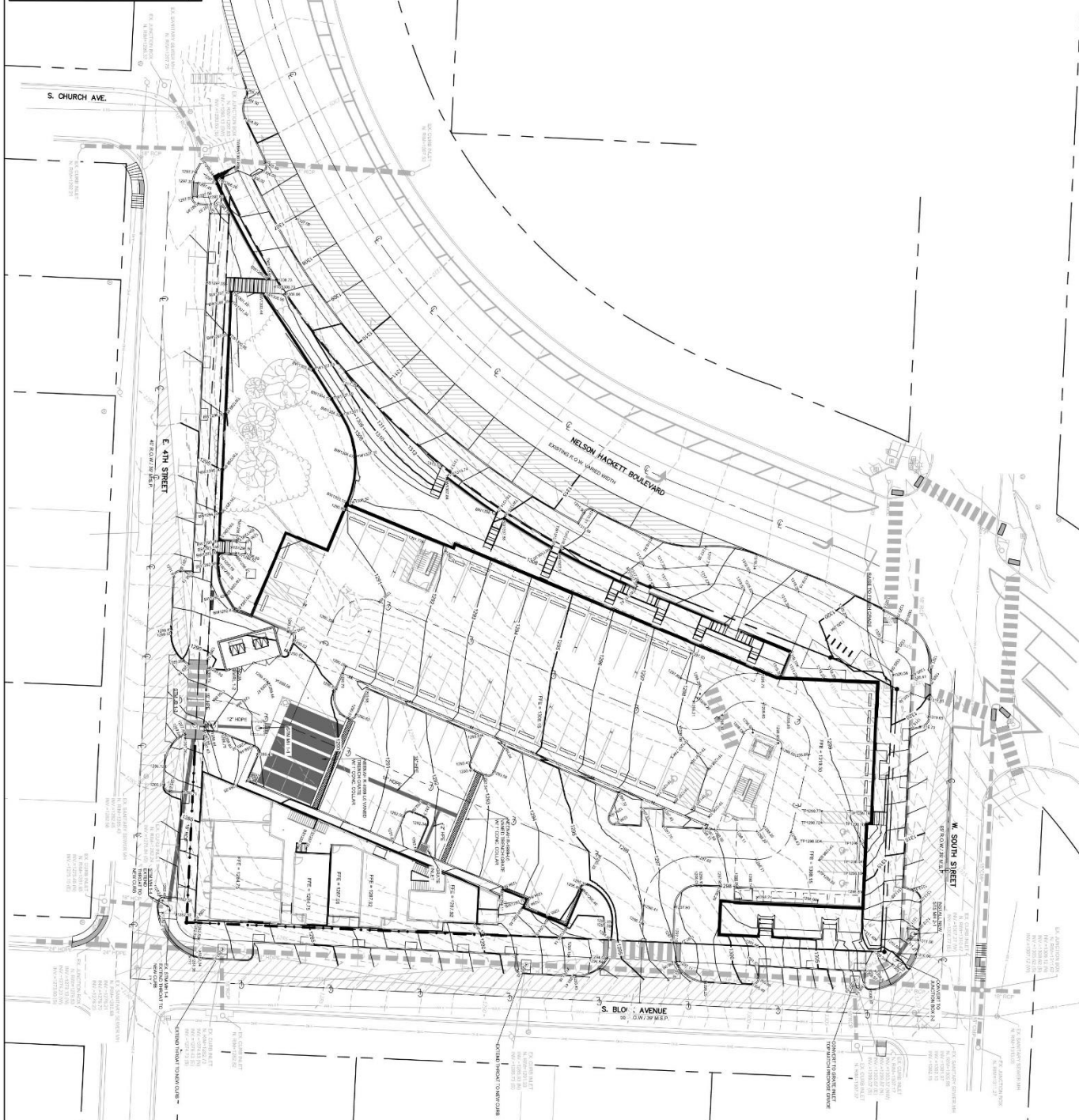
CONSULTANTS

STREET	FRONTAGE (FT)
S. NELSON HACKETT BLVD	203.7
E. 4TH STREET	98.5
S. BLOCK AVENUE	180.7
W. SOUTH STREET	64
TOTAL	546.9

INCORPORATED

STREET	FRONTAGE (FT)
S. NELSON HACKETT BLVD	203.7
E. 4TH STREET	98.5
S. BLOCK AVENUE	180.7
W. SOUTH STREET	64
TOTAL	546.9





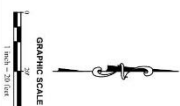
E. 4TH STREET

S. BLO : AVENUE
10 - C.W. / 30 M.S.

W. SOUTH STREET
E31 R.O.W. / 31' N.E.S.P.

(XX) - MATCH EXISTING
TP - TOP OF PAVEMENT
TS - TOP STEP
BS - BOTTOM STEP
TW - TOP WALL
BW - BOTTOM WALL

12. **GENERAL INFORMATION**
13. **PROFESSIONAL INFORMATION**
14. **PROFESSIONAL ACTIVITIES**
15. **TECHNICAL INFORMATION**
16. **TECHNICAL ACTIVITIES**
17. **TECHNICAL SERVICES UNIT AND SERVICES**
18. **TECHNICAL APPROVED**
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99. **TECHNICAL APPROVED**
100. **TECHNICAL APPROVED**

[illegible]



CITY OF FAYETTEVILLE - WATER LINE	
MATERIAL	LENGTH
6" PVC C-900, CLASS 36	36
6" PVC C-900, CLASS 110	110
4" PVC C-900, CLASS 80	80
305 DR 14	80
CITY OF FAYETTEVILLE - SEWER LINE	
MATERIAL	LENGTH
6" SDR 26 PVC	79
6" SDR 26 PVC	71

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, AS ADOPTED BY THE BOARD OF SUPERVISORS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPE.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPE.
11. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
13. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPE.
15. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
17. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPE.
19. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.

Mitigation Requirements		
Canopy Below Requirements 56.1c	Preservation Priority Type	Forestation Base Density/Acre
10/30	High Priority	300
0	Low Priority	100
		Number of 2" Caliper Trees to be Planted
		49
		0

High priority trees are alive, healthy, greater than or equal to an eighth-inch diameter at breast height for large and medium species of trees, high priority for small species, greater than or equal to a fourth diameter, fourth diameter.	Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to 167.07. Low priority trees are less than an eighth-inch diameter at breast height for large and medium species, less than a fourth diameter at breast height for smaller trees species.
--	--

The Preservation Calculations Square Feet			Percent of total
		Square Feet	
Total for Area - Minor History of Way and Encasements		51,180	100%
DC - Domesticon General		120%	
HEAD - Special Place with Drying Down Area		5,519	
HEAD - CHART for 14 Years Domestic Requirements		0	29%
Existing Tree Canopy - Minor History of Way and Encasements		26,520	46.0%
The Canopy Preferred		2,792	5.6%
The Canopy Preferred - 50 Sq		23,948	41.0%
The Canopy Preferred - 100 Sq		23,456	40.3%
Preservation of the Area		2,787	
Majoration Requirements		12,275	
Current Area - 100 Sq		1,275	
Current Area - 100 Sq		16,780	

[illegible]

Architectural site plan of the 'Kiln' building complex. The plan shows a large rectangular building with a central courtyard, surrounded by smaller structures and parking areas. Dimensions are provided for various sections, and a north arrow is present.

Parcel ID: 786-0068-01
 100' N.E. CORNER OF LOT
 100' W. LINE OF LOT
 100' E. LINE OF LOT
 100' S.W. CORNER OF LOT

NELSON HACKETT BOULEVARD
 100' B.O.M. 61'

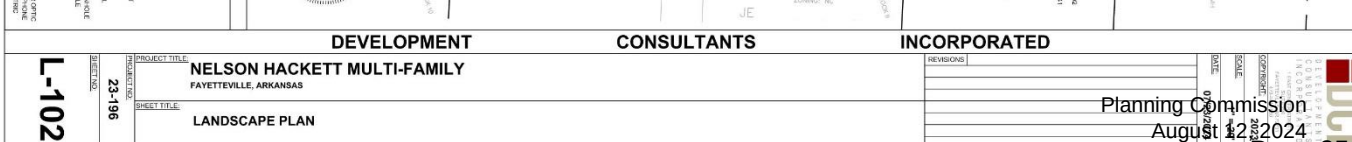
STEEL TOWER
 WOODEN WALL
 CONCRETE DRIVEWAY
 PARKING SPACES
 MOTORCYCLE SPACES
 LANDSCAPED
 55' B.O.M. / 39' U.S.A.

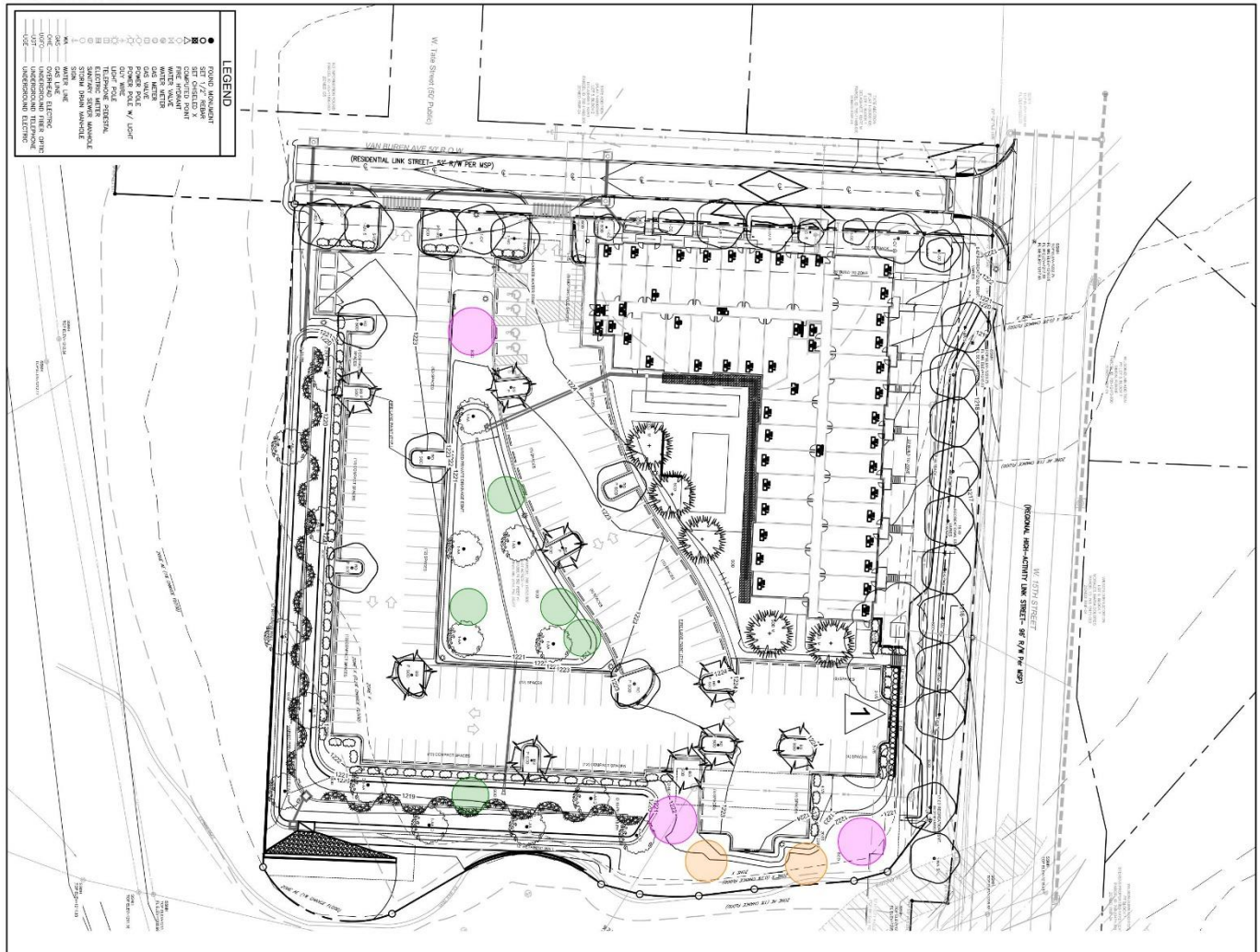
S. BLOCK AVENUE

Parcel ID: 786-0068-02
 100' N.E. CORNER OF LOT
 100' W. LINE OF LOT
 100' E. LINE OF LOT
 100' S.W. CORNER OF LOT

Parcel ID: 786-0068-03
 100' N.E. CORNER OF LOT
 100' W. LINE OF LOT
 100' E. LINE OF LOT
 100' S.W. CORNER OF LOT

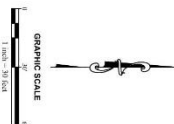
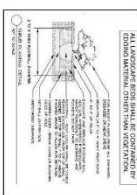
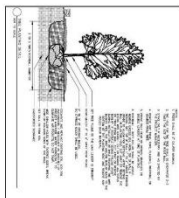
Parcel ID: 786-0068-04
 100' N.E. CORNER OF LOT
 100' W. LINE OF LOT
 100' E. LINE OF LOT
 100' S.W. CORNER OF LOT



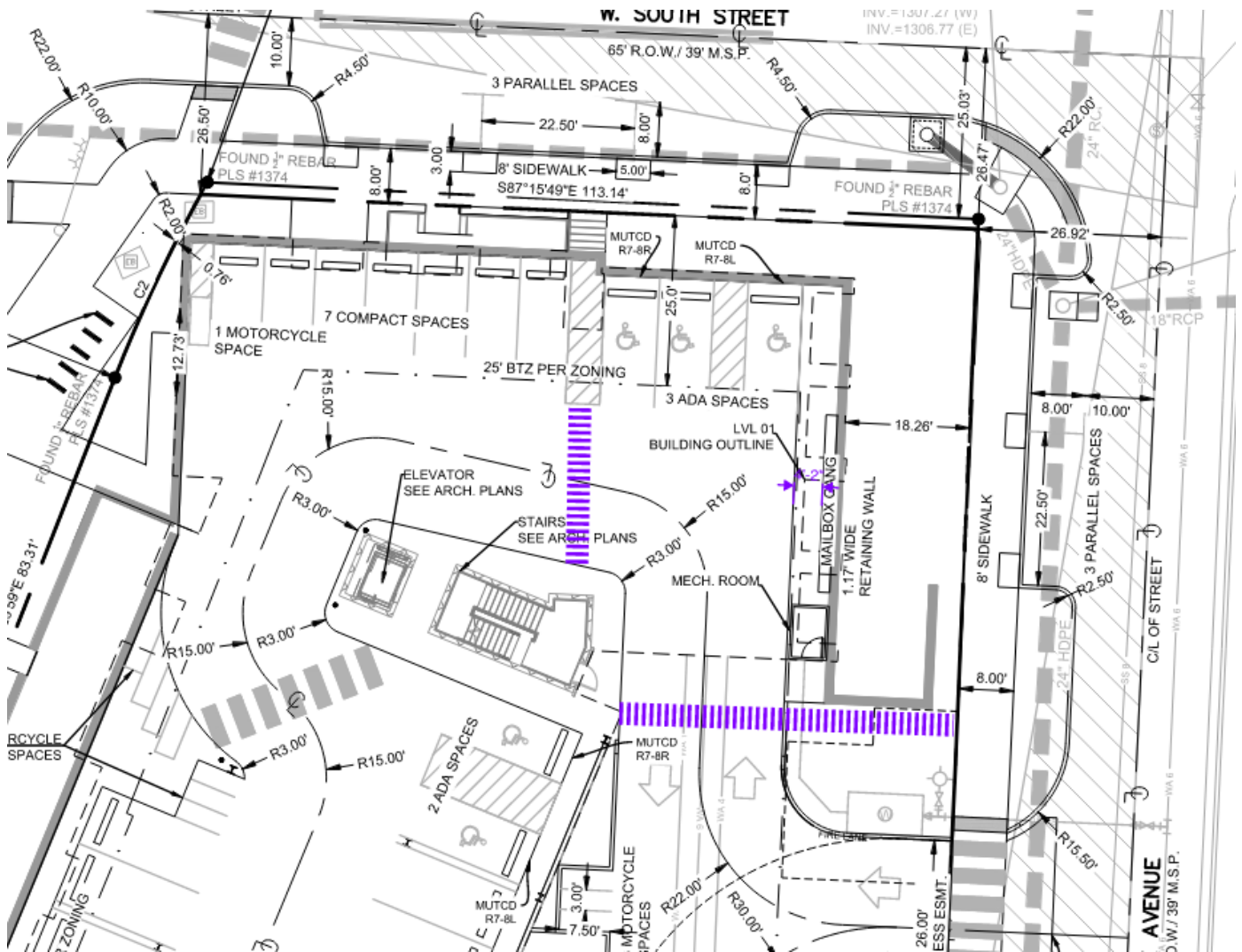


Landscape Requirements for Stormwater Facilities (Detention Ponds)																	
Area of Storm Water Facility 50 Ft - This area is measured from the top corner plus 10 feet				Trees Required (Deciduous or Evergreen)		Shrubs (Large Shrubs or Small Trees 3 gal)		Grasses (Shrubs or Grasses 1 gal)									
34,138				11		46		69									
Landscape Requirements for Parking Lot Trees																	
Number of Parking Stalls	Number of ADA Spaces	Number of ADA Loading Zones	Number of Motor Cycle/Scooter	Required Trees													
149	6	3	9	13													
Mitigation Requirements																	
Canopy Below Requirements 5g		Preservation Priority Type		Forestation Base Density/Acre		Number of 2" Caliper Trees to be Planted											
1,166		High Priority		200		5											
		Low Priority		100		0											
High priority trees are alkive, healthy, greater than or equal to 10" dbh, greater than 10' in height, or large and medium species of trees. High priority trees are less than four" dbh greater than or equal to 8' and 60" diameter.		Low priority trees are invasive species or unhealthily as determined by a tree professional. Low priority trees are less than an eight-inch diameter at breast height for trees less than four-inch diameter at breast height for smaller trees species.															
Street Tree Requirements																	
Linear Feet minus driveway	Required Trees																
661.41	22																
<table><tr><th>TYPE</th><th>COMPLEMENTARY NAME</th><th>ROW</th><th>REMARKS</th></tr><tr><td>320</td><td>COMMON BERTILLA</td><td>50' TO</td><td>SHOULD BE PLANTED ALONG WITH LARGE AND 20' FEET.</td></tr></table>										TYPE	COMPLEMENTARY NAME	ROW	REMARKS	320	COMMON BERTILLA	50' TO	SHOULD BE PLANTED ALONG WITH LARGE AND 20' FEET.
TYPE	COMPLEMENTARY NAME	ROW	REMARKS														
320	COMMON BERTILLA	50' TO	SHOULD BE PLANTED ALONG WITH LARGE AND 20' FEET.														

SYMBOL	COMMON/SCIENTIFIC NAME	SPECIES LIST	REMARKS
CO	TULIP TREE LIRIODENDRON FLORIDANA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
BO	BLACK GUM NYCTAGINUS SPICATA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
NO	NORTHERN RED OAK QUERCUS RUBRA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
AA	BALD CYPRESS TAXODIUM DISTICHUM	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
QF	SOUTHERN RED OAK QUERCUS FALCATA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
WA	WHITE OAK WITH GRAY QUERCUS ALBA + QUERCUS VIGOR	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
UP	PANICUM FLAM UNDO'S AMERICAN PINEAPPLE	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
AS	NORTHERN RED OAK QUERCUS RUBRA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
QI	STURGEON OAK QUERCUS IMBRICARIA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
CC	RED BIRD CECAUS CAUCASUS	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
CV	FRINGE TREE CORDONAUTUS VINCIGRUS	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
MY	BREITENY AMORPHA MAGNOLIA VIRGINIANA	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
AP	RED BUCKEYE ASHLEAFY	2" CAL.	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
PH	SANICIA GRASS PANDICUS INFLATA	6 GALLON	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
VS	VIRGINICA SHEET STRE FLA VIRGINICA	5 GALLON	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.
DB	SWAMP BURGEED LILY CORNUS	3 GALLON	PHOTOS TO BE SUBMITTED FOR NINTA APPROVAL. 1TP.



**STAFF EXHIBIT:
RECOMEMNED CONDITIONS OF APPROVAL**



Wonsower, Donna

From: Wonsower, Donna
Sent: Wednesday, August 7, 2024 2:53 PM
To: Roselyn Cicerone
Cc: Horton, Andrew; Boyd, Melissa
Subject: RE: Parking Examples (LSD-2024-0011)

Good Afternoon,

I recommend reaching out to engineering and/or the fire marshal's office for any questions specific to fire access or street turning (copied here). Both have reviewed the request for compliance with street standards and fire access and would be better equipped to discuss how the proposed development may impact adjacent streets. What I can say is that the development appears to be meeting ordinances and that, if approved, the plans will also go through a more detailed review by all departments with grading permit.

Best Regards,

Donna Wonsower, AICP
Planner, Development Services



479-575-8358

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Roselyn Cicerone <ciceroner@gmail.com>
Sent: Wednesday, August 7, 2024 2:47 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Re: Parking Examples

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

None of these examples are as extreme as what you're proposing for this project. None of them are relying on narrow neighborhood streets for overflow. Your proposed fix for the streets doesn't actually add parking. As it is, it's questionab;e as to whether a fire truck could get through these streets without wiping out a parked car.

On Tue, Aug 6, 2024 at 5:17 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Good Afternoon,

Please see below for some examples of other large multi-family developments. Please note that parking counts for multifamily dwellings are calculated by bedrooms, not the number of units. I have used that metric below for a more direct comparison. The proposed development on Nelson Hackett has 163 bedrooms on 1.3 acres, or roughly 125 bedrooms per acre.

Examples

- Atmosphere Apartments
 - 640 bedrooms on 3.41 acres (~188 bedrooms per acre)
 - 382 vehicle spaces + 42 motorcycle + 120 bike racks
- Cardinal Apartments
 - 480 bedrooms on 2.75 acres (~174 bedrooms per acre)
 - 391 parking spaces + 33 motorcycle spaces + 100 bike racks
- The Academy at Frisco Apartments
 - 673 Bedrooms on 2.96 acres (~227 bedrooms per acre)
 - 625 vehicle spaces + 72 motorcycle/scooter
 - Plus 8,800 square feet of commercial space

Each of these examples includes a parking garage, as does the proposed developmetn on Nelson Hackett. Please feel free to contact me with any questions.

Best Regards,

Donna Wonsower, AICP

Planner, Development Services



479-575-8358

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Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 8:33 AM
To: Wonsower, Donna
Subject: FW: Large scale apartment project on South Block street. LSD 2024-001.

Concerning LSD-2024-0011?

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, August 7, 2024 9:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: Large scale apartment project on South Block street. LSD 2024-001.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I have lived at 11, West South Street for nearly 40 years. In this time we have seen many changes, and quite a bit of new development and growth in our neighborhood, the majority of it being good and well thought out. Twenty years ago there were hardly any children around and a good percentage of the properties were rentals. Now there are many families buying properties because of the unique eclectic, friendly, diverse qualities of our little neighborhood. There are families walking with strollers and many kids playing in the streets. We are firstly concerned about safety, especially for the neighborhood children and then our own personal property. The apartment proposal is much too large as is. South street, which the development will border, was the main thoroughfare from Nelson Hackett and South College while all the traffic calming work was being done and there was so much traffic, and cars constantly were traveling way too fast. That was temporary. Many of the homes on South street have no driveways so street parking is our only choice; this makes the street even more narrow. When there are cars parked across from each other only one car can pass through at a time. I am very concerned about the safety of the pedestrians especially kids that are always on the street. There is a sidewalk on only one side of the street, and we are very concerned about such a large increase in traffic and potential overflow parking. We worry about the infrastructure of the neighborhood. The water main lines and sewage lines are repeatedly being repaired. The streets are too small and narrow to accommodate a large influx of new traffic. We understand that neighborhoods

change. The proposed development is much too large and will negatively change our and many of our neighbors lives dramatically. Louise and I want to go on record to say we are not against safe, thought out, practical development.

Please consider these concerns when making your decision.

Thank you very much for your time and work for the city.

Sincerely,
Franklin Evarts and Louise Rozier

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 8:34 AM
To: Wonsower, Donna
Subject: FW: Nelson Hackett micro efficiency lofts

Also concerning LSD-2024-0011

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: darlene graf <grafhouse7@gmail.com>
Sent: Wednesday, August 7, 2024 11:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Nelson Hackett micro efficiency lofts

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am writing in regards to this proposed project that borders Nelson Hackett, Block, 4th, and South St.

I live on South Street. I am concerned about the size of this project and the influx of traffic thereof and lack of consideration for adequate parking.

Where will that many residents (163 apartments) park their cars? The proposed plan for parking is minimal leaving the residents of these streets having to navigate the overspill of apartment parking. This will also affect the swift movement of emergency vehicles when needed and trash pick-up, postal delivery: cars blocking every available curb space.

I am also concerned about infrastructure: mainly water. Will the city be proactive in replacing the old pipes with newer ones that could sustain the stress of that much more added use?

The pipes in front of my house have broken twice in the last two years, flooding my crawlspace.

The size of this project, without measured thought into the logistics of parking and traffic safety, is very short sighted. This needs to be addressed or this addition will be detrimental to the function/safety of our neighborhood.

Sincerely, Darlene Graf (7 E. South St.)

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 4:58 PM
To: Wonsower, Donna
Subject: FW: Property LSD-2024-011/Donna Wonsower

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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CITY OF
FAYETTEVILLE
ARKANSAS

From: Deborah Griffin <marigoldpgtc@gmail.com>
Sent: Thursday, August 8, 2024 4:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property LSD-2024-011/Donna Wonsower

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Fayetteville Arkansas Planning Commission Members

I am writing in reference to a proposed development (LSD 2024-011) in my neighborhood, located one block from my home. I am **strongly opposed** to this! This development offers only monetary gain for the property owner. It in no way fits into our neighborhood. 163 micro units, 106 parking spaces (not all for cars) in NO way fulfills the need for housing. It only services the University's students and does not benefit our neighborhood. In fact, it adversely affects our neighborhood and does not meet the Downtown Master Plan's objectives. This neighborhood is old...the infrastructure is old. We have narrow streets and when cars are parked on both sides of the street (which this development would necessitate) emergency vehicles, fire trucks and ambulances cannot pass, putting us all at risk. Our neighborhood has older people and children, lots pets....the increased traffic would pose a danger to us all! With all those cars parked in our streets, the residents would lose space for visitors, or an extra vehicle, and mail service, trash and recycling pick up, street cleaning would be next to impossible.

Our neighborhood needs homes for residents not just for students. I do not understand why the trend in development favors only students. There is a loss of quality, beauty and neighborliness in the

development trends in this town. The housing of University students is the University's issue if they are not going to cap enrollment each year. Please don't let this trend to provide student housing ruin our city. Older people who want to be in town and downsize and young families who have jobs here, and people with lower income levels have no where to go because the current building trends do not provide appropriate housing for them! The infrastructure needs to be updated and addressed to meet the city's increasing population....a population that does not just consist of students. Our city is greatly impacted by the increasing number of cars on our streets.

We do have rental houses in our neighborhood that are rented by students and they benefit by having a neighborhood where we know each other if only to wave because we recognize each other. It fosters good will and a positive quality of life for all. The proposed development would diminish our quality of life. There has already been a code change of a property to RI-U just a block or so from this proposed development. That is going to change things dramatically....we DO NOT NEED this 163 unit "dormitory" with no parking to further ruin our neighborhood. I ask you to please consider the people of this neighborhood. Please do not allow this development!

Thank you.

Sincerely,

Deborah Griffin, M.Ed., L.P.C.

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 5:27 PM
To: Wonsower, Donna
Subject: FW: Please take the time to reconsider the Urban Lofts apartments on Nelson Hackett!

LSD-2024-0011

From: ron@fayettevilledoordoctor.com <ron@fayettevilledoordoctor.com>
Sent: Thursday, August 8, 2024 4:59 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Please take the time to reconsider the Urban Lofts apartments on Nelson Hackett!

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,
My name is Ron Hollingshead and I'm writing on behalf of my daughter, son-in-law, and their infant daughter who live in the house that we own at 24 E. Fifth Street. I'm also speaking on behalf of the many neighbors who are also concerned about this project.

Before it's too late, please take another (and much more careful look) at the plans for the Urban Lofts project on Nelson Hackett Boulevard before this Monday's Planning Commission meeting.

Be sure to consider the harmful effects that a project of this size will have on the surrounding fragile neighborhood.

The Fayetteville Planning Department, including Donna Wonsower, who is the planner for this project, needs to ask more questions and reconsider the approval of this LSD.

We request that for several safety and health reasons **the development needs to be scaled back or modified so that there is at least 1 on-site full-size parking space for each bedroom of each unit.** (This can't include compact parking spaces, motorcycle parking spaces, on street parking spaces, nor waivers for bicycle parking/racks, or for bus stops that are more than a quarter mile away)

Please look again at the plans- they contain many problems with parking.

Everyone who lives in that neighborhood knows this development would be a terrible mistake. We all agree that the city needs more affordable housing, but let's not sacrifice a functioning, cohesive, desirable, and affordable neighborhood in the process.

In its current form this project is certain to create serious ongoing safety, traffic, and health issues. The city and its residents will be forced to deal with these problems over and over.

This is because the project is at least 100 parking spaces short of what it needs.

The housing lots and streets in this old neighborhood were never designed for that much on street parking.

There isn't any way that the neighborhood can accommodate an additional 100 or more cars parking on the street.

It's already not easy to find on street parking in the neighborhood. This is because residents are already using a lot of the on-street parking spots, and there are so many driveways and other curb cuts that there aren't many additional on street spots left.

We ask that both the city staff and the Planning Commissioners put the project on hold until the neighborhood's concerns can be investigated and addressed.

We also ask that both the city staff and the Planning Commission go visit the neighborhood and see where these additional 100 plus vehicles parking on the street can fit without causing these problems:

***Safety- too many vehicles (especially newer pickups and SUV's) parked on both sides of narrow streets will make it impossible for our large fire trucks to get where they need to go.**

***Safety- ambulances may not be able to get where they need to go**

***Safety-driveways may often be blocked which prevents people from leaving home and may also contribute to accidents**

***Safety- streets clogged with cars will contribute to pedestrian, bicycle, and pet accidents**

***Safety-how will streets be cleaned?**

***Health-is the existing water and sewer infrastructure up to this new load?**

***Health- How will the garbage truck be able to reach its carts if most of them are blocked by parked cars?**

***Health- Collecting recycled materials will be much more difficult**

Also- mail carriers won't be able to reach the mailboxes

My wife, Martha and I have lived in and owned property in this neighborhood for 30 years now. My two children grew up there and now my baby granddaughter is growing up there. We've watched it change and improve into an affordable place where people are happy and eager to live.

Let's not risk ruining it with a development that isn't appropriate. I remember that many years ago one of the developers of this project got his start in that very neighborhood by building nice and appropriate housing there. That housing was helpful in getting this neighborhood onto the right path.

We're grateful for what he did then and are hoping that he can see that if this project is modified properly everyone can benefit.

Thanks for taking the time to consider this,

Ron Hollingshead

479-236-0842

Wonsower, Donna

From: Jack, Ted
Sent: Monday, July 15, 2024 3:00 PM
To: Masters, Jessica
Cc: Boyd, Melissa; Wonsower, Donna
Subject: RE: Objection!

Follow Up Flag: Follow up
Flag Status: Completed

Ok. Note there is also a lot of vertical change.
Ted

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Monday, July 15, 2024 2:53 PM
To: Jack, Ted <tjack@fayetteville-ar.gov>
Cc: Boyd, Melissa <mboyd@fayetteville-ar.gov>; Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RE: Objection!

Ted,

Thank you for the input! I have copied Donna Wonsower and Melissa Boyd who are reviewing this project. I know there have been conversations regarding site lines at this location with respect to parallel parking. At the end of the day, if it is meeting Engineering standards, it is likely approvable.

Jessie

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Jack, Ted <tjack@fayetteville-ar.gov>
Sent: Monday, July 15, 2024 2:51 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Objection!

Hi Jessie,

I was looking at the site plan for the lofts at Nelson Hacket. I go through that intersection frequently and think it is a bad idea to put the three parallel parking spaces where I indicate below. There is a lot going on at that intersection with drivers having to pay attention. Someone trying to park and then getting out of the car seems dangerous for all parties.

Thanks,

Ted

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 8:38 AM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave LSD-2024-011 Project Concern

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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From: Shawn Morris <shdmorris@gmail.com>
Sent: Thursday, August 8, 2024 7:48 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S Block Ave LSD-2024-011 Project Concern

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

My name is Shawn Morris, I live at 114 W 5th Street, Fayetteville, AR 72701. I'm reaching out to voice my concerns about the 309 S Block Ave LSD-2024-011 Project.

I love Fayetteville and my neighborhood and I'm excited to see all the new construction that is happening in the region. I believe we need to build more houses in greater density to keep up with demand and keep prices affordable. However, the decisions we make to achieve this need to be smart and thoughtful. The proposed project off of Nelson Hackett is neither.

The builders are trying to fit too many units on too small of a lot leading to my concerns about parking, traffic, and trash. Fayetteville is still a car-dependent city and that is not changing any time soon which means every resident will have a car and that will spill onto multiple streets in the neighborhood. Additionally, our neighborhood already has a rat/mouse problem and the amount of waste that would be generated on the plot will exacerbate the issue.

I would welcome a project that is downsized, but as it stands today it is too many units and will have a negative impact on the neighborhood. I'm excited to attend the planning commission meeting on this topic on 8/12.

Thanks

Shawn Morris

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 12:57 PM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave LSD-2024-001 Project Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Also for you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----

From: Karen Mueller <karen@karenmueller.net>
Sent: Thursday, August 8, 2024 12:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S Block Ave LSD-2024-001 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing about the project planned at Block Street/Nelson Hackett/4th Street.

I live at 321 S. East Ave, one block west of Block Street. I bought my house almost 10 years ago. I'm a retired nurse and plan to live here until I die.

My neighborhood is a diverse, family-friendly place. I walk my dog at least 2 times a day and know many of the neighbors. People are frequently out and about walking dogs, jogging or walking. And there are a number of young children who play in the streets. There are two basketball hoops up and the children use them a lot.

I love this neighborhood and am horrified with the plan and how it will change the lives of everyone who lives here. I've spoken to many of the neighbors and none of them are in favor of this plan.

The number of units is shocking, knowing that traffic already is a big problem in our neighborhood. Cars racing up my street and Block Street frequently is very scary! I have to be careful with my dog, even though she is on a leash. And of course there are cats in the neighborhood that are at risk of being hit or run over.

Parking is also a problem. Some residents don't even have a driveway and need to park on the street. When Crisis Brewery has an event, every street is crowded and neighbors sometimes have no place to park. Adding 163 units (and people and probably cars) doesn't make sense!

I understand that there are only 106 total car parking spaces and overflow would be on our already busy streets. It sometimes is already a problem going down some streets where cars are parked on both sides. We have to think of safety - what if an ambulance needs to get through? And it will be harder for trash pickup and street cleaning.

Another problem is we have frequent water line breaks because of old pipes. Some of my neighbors have had flooding because of this. Right now there is a patch at the intersection of S. East Ave and 4th St. The patch has sunk, creating a fairly large hole that everyone has to drive around.

Because the planned units are so small, the population will probably be students or temporary people looking for something more appropriate and the turnover will be constant. I believe the units will degrade over time and this will affect or property values. Why not build fewer luxury apartments or small homes where folks will want to STAY and become part of our wonderful neighborhood? Or build fewer decent-sized apartments with retail underneath such as a coffee house, a wine bar, etc. that neighbors would enjoy going to?

Of course they will take down most of the old trees (we will miss that shade). I don't understand why this is not a priority when we are worried about climate change and everything that goes along with diverse nature.

All in all, I hope the planning folks take a better look at this and do what they would want in their OWN neighborhoods, which is a change in plan with fewer, larger apartments or small houses.

Thank you,
Karen Mueller

Wonsower, Donna

From: Curth, Jonathan
Sent: Thursday, August 8, 2024 8:16 AM
To: Wonsower, Donna
Cc: Masters, Jessica
Subject: FW: Large scale apartment project on South Block street. LSD 2024-001.

Fyi, regarding LSD-2024-0011

Jonathan Curth, AICP
Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: Mayor <Mayor@fayetteville-ar.gov>
Sent: Thursday, August 8, 2024 7:51 AM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Cc: Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>
Subject: FW: Large scale apartment project on South Block street. LSD 2024-001.

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, August 7, 2024 9:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: Large scale apartment project on South Block street. LSD 2024-001.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I have lived at 11, West South Street for nearly 40 years. In this time we have seen many changes, and quite a bit of new development and growth in our neighborhood, the majority of it being good and well thought out. Twenty years ago there were hardly any children around and a good percentage of the properties were rentals. Now there are many families buying properties because of the unique eclectic, friendly, diverse qualities of our little neighborhood. There are families walking with strollers and many kids playing in the streets. We are firstly concerned about safety, especially for the neighborhood children and then our own personal property. The apartment proposal is much too large as is. South street, which the development will border, was the main thoroughfare from Nelson Hackett and South College while all the traffic calming work was being done and there was so much traffic, and cars constantly were traveling way too fast. That was temporary. Many of the homes on South street have no driveways so street parking is our only choice; this makes the street even more narrow. When there are cars parked across from each other only one car can pass through at a time. I am very concerned about the safety of the pedestrians especially kids that

are always on the street. There is a sidewalk on only one side of the street, and we are very concerned about such a large increase in traffic and potential overflow parking. We worry about the infrastructure of the neighborhood. The water main lines and sewage lines are repeatedly being repaired. The streets are too small and narrow to accommodate a large influx of new traffic. We understand that neighborhoods change. The proposed development is much too large and will negatively change our and many of our neighbors lives dramatically. Louise and I want to go on record to say we are not against safe, thought out, practical development.

Please consider these concerns when making your decision.

Thank you very much for your time and work for the city.

Sincerely,
Franklin Evarts and Louise Rozier

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 1, 2024 8:29 AM
To: Wonsower, Donna
Subject: FW: Multi Family Development at 309 S. Block Ave. LSD-2024-011

Importance: High

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Wednesday, July 31, 2024 11:08 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Multi Family Development at 309 S. Block Ave. LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission and Subdivision Board Members,

I live 1 block from this proposed project (160' away) and object to the size and density of it. The proposal of this many units, 162, on this small of a lot, 1.24 acres, is crazy for our family oriented neighborhood. With the possibility of 2 tenants to a unit, this development could add an additional 324 cars to our small neighborhood streets because the entrance to these units is through our neighborhood. Also, we do not feel there is enough parking on this small lot to accommodate this many units when adding potential roommates and visiting friends. This will most definitely overflow to the neighboring streets.

Our neighborhood is full of families with small children and very active residents, enjoying strolling and playing in their front yards and street. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to [apartments.com](#) are about 500 - 600 SF. These are about half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA not in a South Fayetteville neighborhood of single-family homes and families. You may also

find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.

This proposal does not meet the Unified Development Code Chapter 161.28(E) Setbacks. 25' Build To Zone (BTZ). It encroaches on 3 of the 4 sides. The 25' setback is the requirement that the building's street facing facade must be located at a set distance from the property line.

I urge the Commission to reject this proposal due to the fact:

1) the application does not comply with the zoning and development requirements of the Unified Development Code including:

a) setback requirements, density of the buildable area, required parking and compounding a dangerous traffic condition.

The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant due to the high traffic volume and nature of the traffic pattern.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors. That is why we have regulations for the design, establishment and maintenance of spaces impacted by developmental practices.

Sincerely,
Schuyler and Kelley Schwarting
324 S. East Ave.
Fayetteville, AR 72701
schuylerschwarting@gmail.com

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 1:54 PM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 Planning Commission Meeting Aug 12, 2024

Follow Up Flag: Follow up
Flag Status: Flagged

Yours

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Thursday, August 8, 2024 1:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 Planning Commission Meeting Aug 12, 2024

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URBAN LOFTS at NELSON HACKETT

309 South Block Ave. Fayetteville, AR. Project # LSD-2024-0011

Dear Donna Wonsower, AICP,

I live 1 block from this proposed project (160' away) and object to the size and density of it. The proposal of 163 units on 1.24 acres, which is very dense at 131 units/acre, is crazy for our family-oriented neighborhood. These are not lofts but micro-units. With the possibility of 2 tenants to a unit, this development could add an additional 326 cars to our small neighborhood streets because the entrance to these micro units is through our neighborhood. The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant because of the high traffic volume and nature of the traffic pattern.

Due to the work on Nelson Hackett and E. Rock St, where there are now no turns from the south or going south, all residents living on Rock St, Mill Ave, S. Willow Ave, S Walker Rd, S Barton Ave wanting to travel to or from the Southwest now must traverse through this neighborhood on South St. right next to this proposed

development. Also, just down the street at 439 S. Church a new zoning was approved to add 12 more units. Hopefully they will have driveways and their own parking.

Also, there is not enough parking on this small lot to accommodate this many units when adding potential roommates and visiting friends. With 163 units and the potential for 326 residents and only 104 car spots. WOW! In fact, out of the 104 car spots, there are only 63 that are standard sized parking spots, 34 standard sized parking spots on site and 28 left on the street. That is not very many for 163 units if statistics are accurate.

SUV's, overwhelmingly, are the #1 car type sold in the United States. 2 of 3 vehicles sold last year were SUV's. These types of vehicles will not fit in a compact space. This will most definitely overflow to the neighboring streets. At the South Yard Lofts down the street on S School Ave, they all have assigned parking spaces.

Our neighborhood is full of families with small children and very active residents, who enjoy daily strolls and playing in their front yards and streets. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to [apartments.com](https://www.apartments.com) are about 500 - 600 SF. These are almost half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA, not in a South Fayetteville neighborhood of single-family homes and families. You may also find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.

The site is going from 16 units and 48% tree canopy to 163 units and 5% tree canopy. You should not justify the removal of this many large trees (50) by saying the development would have killed the trees anyway. (5) over 30", (12) 20-29", (19) 10-19", (13) 5-10".

Previous impervious cover for this site was 19% and they are proposing 79% impervious cover which will lead to increased storm run-off and taxing of our storm inlets. The storm inlets have a tendency to fill with leaves and debris with some inlets growing vegetation and small trees out of them. Having more cars on the street will reduce the efficiency of the street sweeper who tries to maintain our streets and drainage issues.

I urge the Commission to reject this proposal due to the fact:

- 1) It does not meet the Downtown Master Plan Strategies 3, 4, 5 or 6.
- 2) The plans do not reflect the correct number of parking spots.
 - a) On Block Ave, it shows 3 on street parallel spots where there are only 2.
 - b) The plans show 39 Compact Spaces where there are only 37 spaces.
- 3) This site is not eligible for parking space reductions of 40 spaces because:
 - a) They are further than 0.25 miles from the bus stop. They are 0.3 miles uphill with a 100' elevation ascent. Over an 11-minute walk on a small sidewalk for a bus that stops there once per hour. 24 spaces should not be reduced and should be added back.
 - b) Increased bicycle racks inside the apartments does not qualify for a reduction of 16 parking spaces.
- 4) It would create and increase traffic danger and congestion due to its increased density.
- 5) It would alter the population density and thereby undesirably increase the load on public services including water and sewer services on our old lines. We are already having to adjust our water usage along Huntsville Rd due to the City experiencing increased demand resulting in reduced or no water pressure for some customers. An ordinance was just approved that includes a 6 month moratorium on new water service connections.

6) the application does not comply with the development requirements of the Unified Development Code including:

- a) density of the buildable area, required parking and
- b) compounding a dangerous traffic condition.

Once the units are decreased to match the parking availability, we request:

- 1) if the AC units are on the roof, I urge the Commission to request siding to block these units.
- 2) Only have the construction equipment access off of Nelson Hackett and South St.
- 3) The variance requested in UDC Chapter 166.21(E)(1). Dumpsters, we request approval with conditions 1) that this dumpster only gets serviced during normal wake periods meeting the Quiet Hours ordinance and 2) that the dumpster is sized appropriately to only be serviced once per week.
- 4) Upgrade the old water line in the neighborhood that has broken over 10 times in the past couple of years and is currently leaking.
- 5) Repair the sink holes where the leaks have occurred.
- 6) Off-site tree mitigation, plant all of the tree caliper inches on this site with larger diameter trees.
- 7) The ability to have more reviews and comments from our neighborhood.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors. That is why we have regulations for the design, establishment and maintenance of spaces impacted by developmental practices.

We are in favor of some form of SMART development on this site but not without enough parking.

Sincerely,

Schuyler and Kelley Schwarting

324 S. East Ave.

Fayetteville, AR 72701

schuylerschwarting@gmail.com

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 2:24 PM
To: Wonsower, Donna
Subject: FW: 309 South Block Avenue LSD-2024-011

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Kelley Schwarting <adorned@me.com>
Sent: Thursday, August 8, 2024 1:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Mayor <Mayor@fayetteville-ar.gov>
Subject: 309 South Block Avenue LSD-2024-011

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City Of Fayetteville
Donna Wonsower
planning@fayetteville-ar.gov

First let me say, myself and many of the neighbors were excited to have a new development on this property. We were told it would be 3 - 4 story multi family, 60-80 units with a wine bar and retail on the street level. A beautiful entry to the neighborhood.

This was perfectly in line with the City's Downtown Master plan and a vision for healthy, happy living. More housing where people could live comfortably and work inner city.

We assumed they would be nice units and the residents would have amenities like a pool, weight room and common areas to congregate.

I've surveyed young professionals in our area about living in micro units with no amenities and it was a resounding NO, a cuss word with NO and it sounds like a prison. This is just a few of their comments, all were negative.

Lets call it what it is, STUDENT HOUSING. Dormitory micro sized units 300-400 sqft no private bedrooms. 163 units and only 106 car spaces. Leaving 57+ (57 units without spaces on site PLUS guest) cars to fill the neighborhood driving around looking for street parking. Crowding our already busy streets, as many neighbors park on the street hindering assessable roads for Fire, Ambulances, Trash pick up, mailboxes and street and gutter cleaning.

It will be dangerous for the many kids we have who play in the streets.

It's not the infill Fayetteville desperately needs. It's student housing without the support of the University of Arkansas for busy traffic times like move in and move out, parent weekends, football games, etc.

The developer is trying to maximize his dollar without taking into consideration the surrounding landowners of single family homes. We are being adversely affected.

I ask the City to have the developer reduce the number of units and at a minimum match parking spaces to units/bedrooms.

I ask that the address of the property be changed to Nelson Hackett so all deliveries, Ubers drivers, Veorides, pick up/drop offs, waiting areas be done at the front of the property instead of through the neighborhood.

I ask the City do a traffic / parking study to the immediate 5 streets for the overflow parking and guest.

I ask the City to change the immediate 5 streets (Block, South, East, 4th and 5th) to no parking on one side for emergency vehicle access, mail delivery and trash pick up.

I ask the City to notify all residents of street cleaning days so cars can be moved so our drainage areas stay clear.

I ask the City to give all single family housing Resident Reserve Parking like was implemented in the Wilson Neighborhood, prior to street parking becoming a problem.

I also ask the City evaluate our failing infrastructure, water lines and sewer for needed upgrades on all streets before allowing a huge development that will further tax our system.

We understand we live on the edge of downtown of a thriving city. We welcome thoughtful infill and development for residents. We hope the City will hear our concerns so we can grow Fayetteville in a positive way.

Kelley Schwarting
324 S East Ave

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 4:12 PM
To: Wonsower, Donna
Subject: FW: Project at the corner of Block and South St.

Follow Up Flag: Follow up
Flag Status: Flagged

LSD-2024-0011

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Joann Southern <joannsouthern40@icloud.com>
Sent: Thursday, August 8, 2024 3:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project at the corner of Block and South St.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do not want 163 units on block Street. The traffic is bad enough already without 163 more people and their vehicles! I'm 84 years old and have lived here most of my life. This is not the Fayetteville I grew up with.

Thank you
Joann Southern



Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 9:14 AM
To: Wonsower, Donna
Subject: FW: LSD 2023-011 Project at 309 S Block

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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From: Tony <twappel@gmail.com>
Sent: Thursday, August 8, 2024 9:09 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD 2023-011 Project at 309 S Block

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Donna Wonsower
Fayetteville Planning Department

Good Morning Donna,

I hope this email finds you well.

This email pertains to the proposed large micro unit housing project proposed for the corner of Nelson Hackett Boulevard and South Street. I am opposed to the plan as it now stands.

There will be way too much traffic and too many parked cars on South Street. I have lived on South Street since 1997. As this street has many restored older homes that do not have driveways, we have had to park on the street. On at least 2 occasions since 1997, my car has been hit by oncoming traffic. I have tried parking off the street in an area of my yard that could be developed into a driveway, but when cars are parked on the street (most of the time even now), I cannot see oncoming traffic until I am off of my driveway space and in the street. This is an EXTREMELY DANGEROUS situation in which I feel like I could be hit anytime I pulled into the street. Having even more parked cars on South Street will make situations like this even more dangerous.

Also, since I have lived here, there have been 2 neighbors who have had heart attacks. One neighbor died and because of too many cars parked on the street, I could not get to my house for nearly an hour; the fire truck, ambulance, police, and coroner vehicles were blocking access, as they were parked in the middle of the street.

All of the excess cars that will have to park on an already busy South Street because there is no room at the nearby apartment complex parking lot will make it even more difficult for emergency vehicles to go down South Street.

One other concern related to excess traffic is that we have many more children living on the street. Too many cars parked on the street will obscure the view of these children.

There are many other issues with this proposed project, including very old water lines (that continue to break and flood our yards and houses) that will not support this project.

I do not oppose an apartment complex, as Fayette Village was our neighbor for many years and parking was never a problem. Yes, Fayetteville could use more housing, BUT a project of this magnitude at this location will prove to be a big mistake.

Please consider suggesting that the developer reduce the size of their project so that the number of units matches the number of ON-SITE parking spots.

Thank you.

Tony Wappel
11 E South Street

Sent from my iPhone

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:17 AM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave / LSD-2024-011 Project Meeting

LSD-2024-0011

From: Richard Berquist <berquist@mac.com>
Sent: Thursday, August 8, 2024 6:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Gina Berquist <ginaberquist@mac.com>; Marriah Berquist <marriahcorrinne08@gmail.com>
Subject: 309 S Block Ave / LSD-2024-011 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planner Donna Wonsower ... this communication is in regard to the 163 unit Large Scale Development at 309 S Block, awaiting approval by the Planning Commission.

I was unable to attend the first meeting of the City Council about this project but I most definitely wish my comments to be heard.

We have owned the property at 33 E 4th Street since 1982. We are two blocks away from the development, on a street most certainly will become a thoroughfare to the 163 units. Our family has lived in that house since then and still does. My wife's parents retired their in the early nineties and have since passed on. My wife and I lived there with our first daughter. My wife's disabled brother lived there until his passing. Currently, our daughter and 3 young grandchildren live there. Their ages are 12, 8 and 6 years old.

This place has been a true neighborhood for my family and our many neighbors. This neighborhood includes a very diverse group of people of all ages; professionals, working class, students and retired citizens of Fayetteville, i.e., educators, artists, musicians, dance and martial art instructors, bankers, city employees, craftsman and tradesman, University of Arkansas staff etc.

We believe that this Large Scale Development, as described in the plans, in our neighborhood will not be an improvement or enhancement in any way. Quite the contrary, we believe it will introduce many unnecessary problems. The FIRST and PRIMARY problem my family has with this project is TRAFFIC SAFETY. The likelihood of an enormous increase in traffic puts my three granddaughters and their many friends at great risk. With 300-400 sq ft units, this 163 unit dormitory-like housing will most likely attract student tenants and their friends and acquaintances without benefit of University oversight.

The increase in traffic will be very threatening to the children in this neighborhood. They are accustomed and habituated to living with, traveling thru, playing in and accommodating a neighborhood with far fewer cars than will arrive with the construction of this 163 unit development... by a factor of at least 4. And the addition, to this neighborhood, of so many new young drivers will add another dimension of risk as well.

Also, Emergency, Fire and Ambulance services will be impacted gravely, as will other services like Trash Pick-up, Street Cleaning and Mail Delivery. And much additional street parking will be required to accommodate a doubling or tripling of street side parking. Then consider the increase in toilet / sewer services on a very old City Sewer system. That would be a tripling or more of sewer capacity. ...

In summary, I can not think of single benefit this dormitory-like project will bring to this neighborhood. But it is very clear to me and my other neighbors that GREAT TRAFFIC RISK will arrive in our neighborhood with the arrival of this 163 micro efficiency Large Scale Development.

Thank you for your consideration. I hope to see you on Monday.

Richard and Gina Berquist

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:17 AM
To: Wonsower, Donna
Subject: FW: comments re: 309 S Block Avenue proposed project

LSD-2024-0011

From: Gwyn Hill <gahill7777@gmail.com>
Sent: Thursday, August 8, 2024 7:42 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: comments re: 309 S Block Avenue proposed project

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Dear planning committee,

I am a Fayetteville resident living near the proposed building at 309 S Block Ave and I am very concerned about the project. The proposal shows that there are 162 units but only 106 parking spaces, which means there aren't even enough spaces for all the people who live there, let alone any visitors they might have. I live only a block away, at 108 W 5th St., and my house doesn't have a driveway, so I have to rely on street parking. If residents from this new building don't have enough spaces for their cars in their parking lot, they will park in the street and I may not have a place to park my car in front of my own home if I get home late in the evening. The streets are also very narrow and I am worried about traffic safety and the safety of the neighborhood children. My next door neighbors both have kids who skateboard and play ball in the street because they are used to very little street traffic, and they aren't used to having so many cars around. Our street currently has very few cars that drive by and these kids have gotten used to being able to play in the street. I am worried that they will still go out there to play even with increased traffic because they have been able to do so for their whole lives and it's habit for them, but they won't be as safe anymore. There are also several places with lots of shrub overgrowth that grows right up to the edge of the street and creates blind corners and the increase in traffic with so many new residents will make these blind corners much more dangerous. This project should be scaled back so that there is room for more parking on site and there are at least as many parking spaces as there are units, if not more, to account for visitors to the building. This will also lead to less overflow parking and traffic into the neighboring streets.

Thank you for taking time to listen to my concerns!

Warmly,
Gwyn Hill
108 W 5th St.

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 12:57 PM
To: Wonsower, Donna
Subject: FW: 309 S. Block Avenue LSD-2024-011

Follow Up Flag: Follow up
Flag Status: Completed

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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**CITY OF
FAYETTEVILLE
ARKANSAS**

From: Bruce Welsh <bwelsh01@gmail.com>
Sent: Thursday, August 8, 2024 12:23 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S. Block Avenue LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower:

I'm writing out of concern that the construction project at 309 S. Block Avenue will negatively impact emergency fire and ambulance services, trash/recycling pick-up, mail delivery, street cleaning/repair, water and sewer infrastructure, existing resident street parking, traffic flow, and overall traffic safety in the south Fayetteville neighborhood near the project. The project, for many reasons, appears to fall short of meeting the criteria of Fayetteville's Downtown Master Plan.

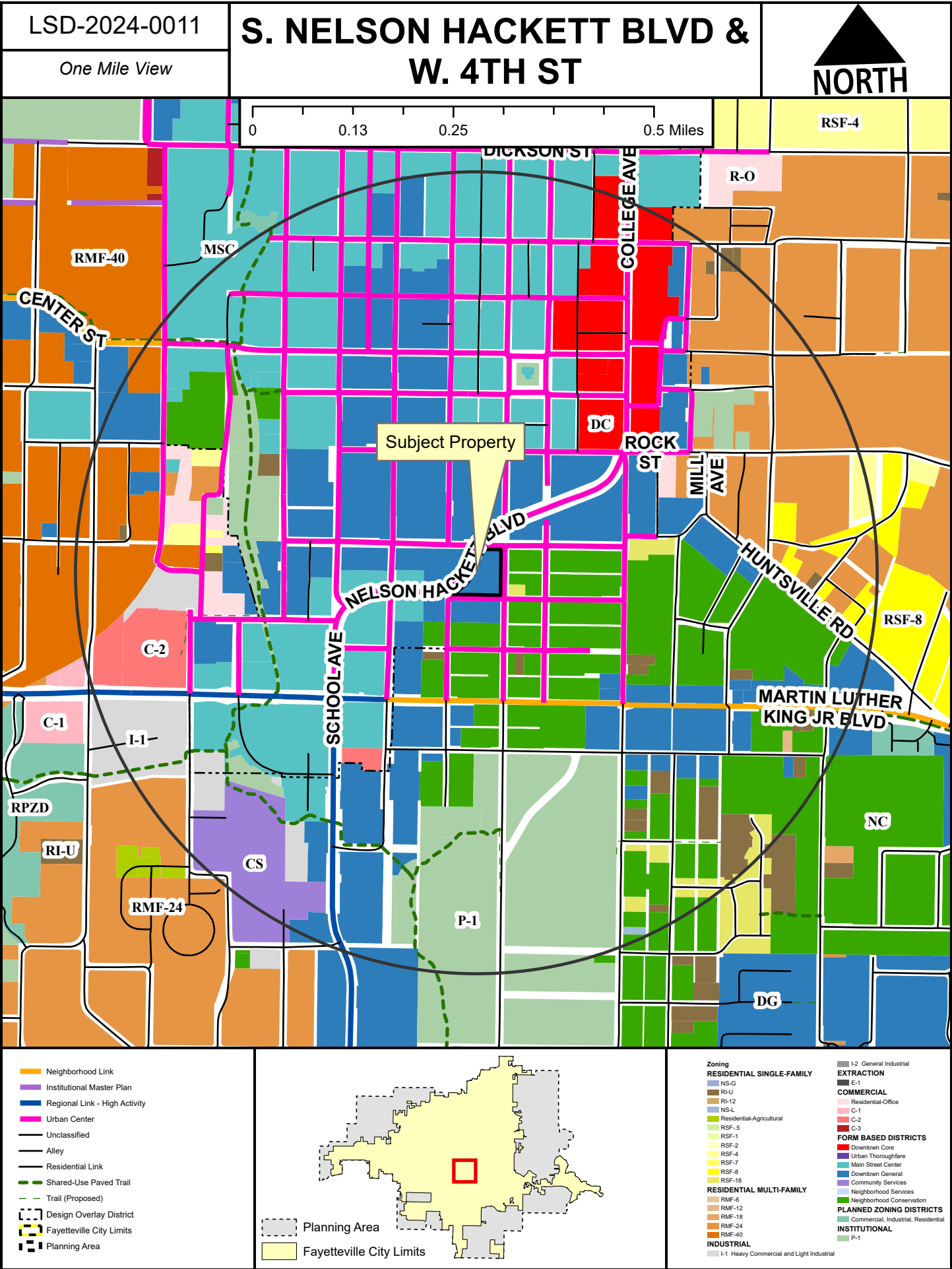
I expect to see the above-stated concerns addressed in detail by the City Planning Commission at the upcoming Monday meeting. Thank you.

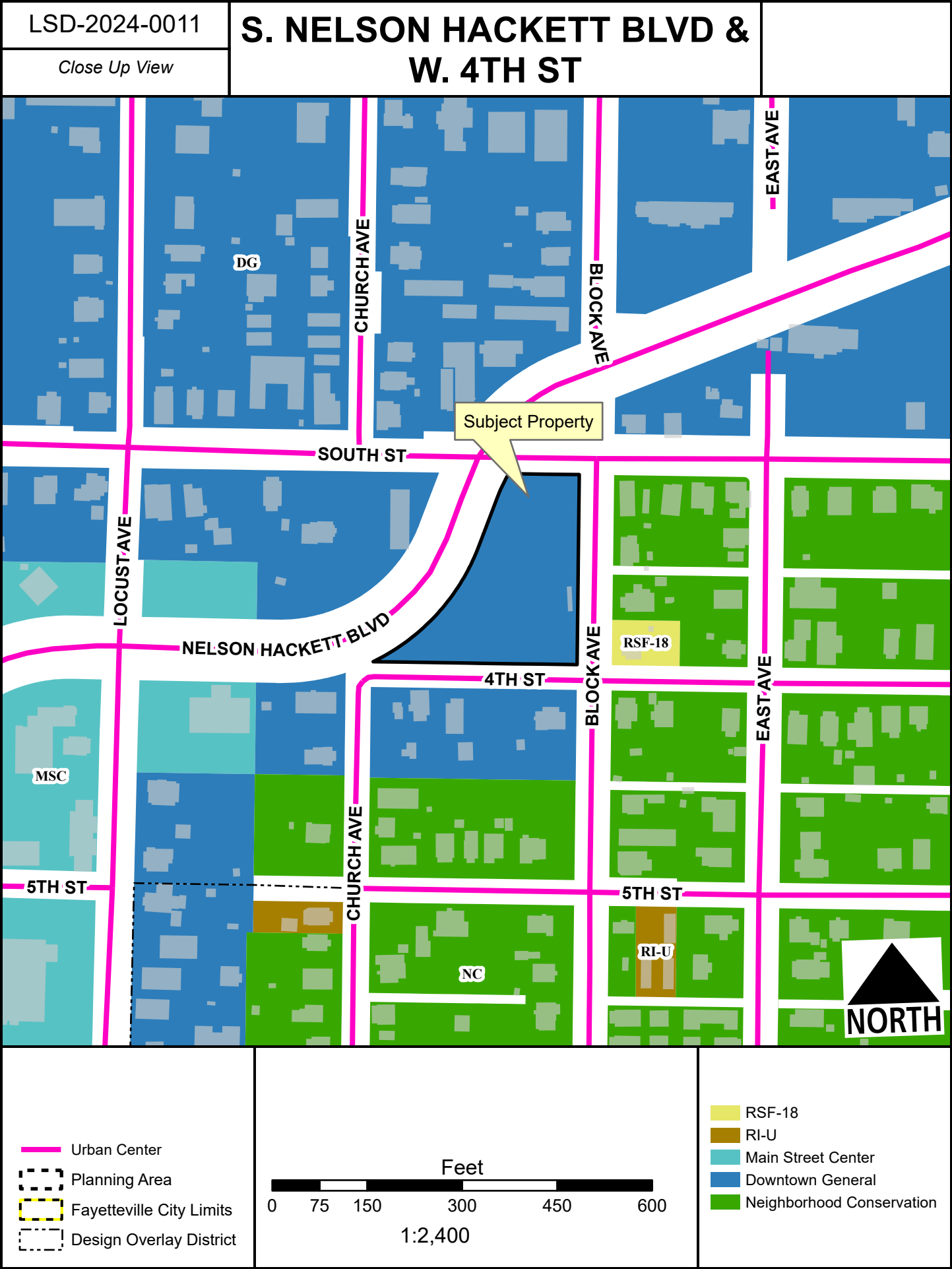
Sincerely,

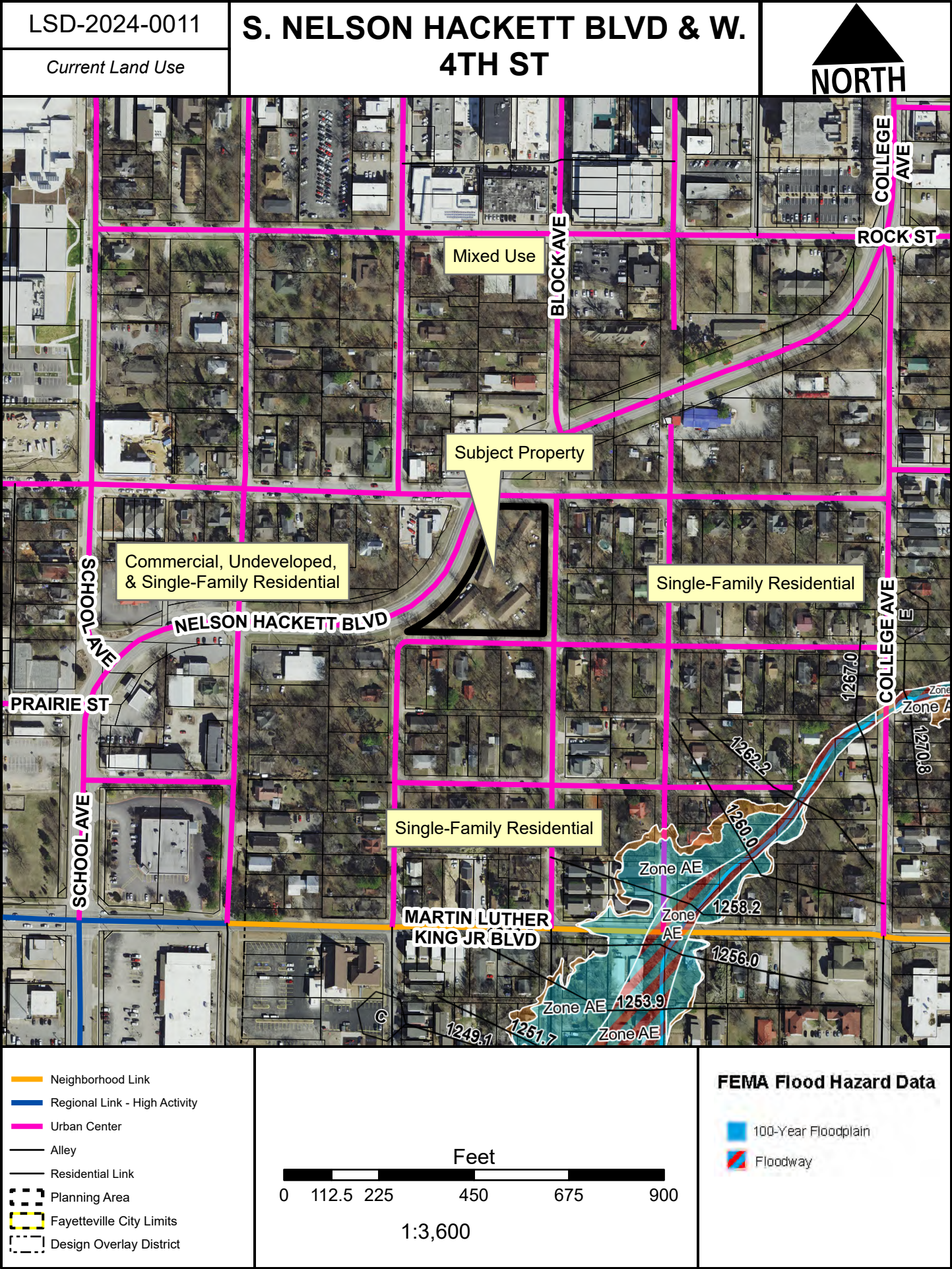
Bruce L. Welsh, DDS

50 East 5th Street

Fayetteville, AR 72701









TO: Fayetteville Planning Commission

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

MEETING: August 12, 2024

SUBJECT: **PPL-2024-0001: Preliminary Plat (SOUTHEAST OF N. CROSSOVER RD AND E. ZION RD/CHANDLER CROSSING, 138):** Submitted by ENGINEERING SERVICES INC for property located SOUTHEAST OF N. CROSSOVER RD AND E. ZION RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 82.09 acres. The request is for the preliminary plat of 321 residential lots.

RECOMMENDATION:

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

RECOMMENDED MOTION:

*"I move to approve **PPL-2024-0001** to the full Planning Commission, recommending:*

- In favor of the requested variance to §166.04(B)(3)(c) – Streets;*
- In favor of the requested variance to §166.08(E)(1) – Block Length;*
- In favor of recommended street improvements;*
- All other conditions as outlined by staff."*

BACKGROUND:

The subject property is in northeast Fayetteville, east of N. Crossover Road and south of E. Zion Road. The property encompasses two parcels, 765-13219-000, and the majority of parcel 765-13219-100, which was annexed into the City limits in 2021 (ANX-2020-000001). The properties are currently both rural and agricultural in nature and were subsequently rezoned to a Residential Planned Zoning District (Ordinance 6421). The property currently has a single-family dwelling, which county records indicate was built in 1947, and associated outbuildings for what has long been an agricultural use. Hilton Creek runs east and west through the site, and the area surrounding the creek is designated as a flood plain. A preliminary plat, Chandler Crossing (PPL-2021-000010) was approved on this site in 2021; it has since expired. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Elks Lodge	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre; Washington County, Ag/Single-Family Residential
South	Single-Family Residential; Arkansas Electric Cooperative; Recreational Facility	R-A, Residential-Agricultural; Washington County, Ag/Single-Family Residential
East	Agricultural	Washington County, Ag/Single-Family Residential

West	Commercial; Fayetteville Athletic Club; Single-Family Residential	C-1, Neighborhood Commercial; R-O, Residential-Office; Washington County, Agricultural Single-Family Residential
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Proposal: The applicant is proposing a subdivision with 321 mixed-use lots, ranging from single-family residential, townhomes, duplex, triplex, and commercial lots, over three approved Planning Areas associated with the PZD ordinance, as shown in Table 2.

Table 2:
Proposed Unit/Lot Count

Planning Area	Acreage	Lot Count/ Unit Count	Proposed Density	Required Density
1	6.2	6/0	N/A	N/A
2	39.63	310/336	8.45 units per acre	8.5 units per acre
3	36.06	7/0	N/A	N/A

The applicant has requested variances to the Unified Development Code in association with this request.

- **§166.04(B)(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The applicant is requesting to vary from Master Street Plan standards for several streets throughout the development. Further discussion of the request is in the “Street Improvements” section of this report.
- **§166.08(E)(1) – Block Length. Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet.** The applicant is requesting a variance to this standard for four streets: N. Emperor Avenue (approximately 750’), N. Rolling Meadows (approximately 890’), N. Gaylor Drive (approximately 900’) and N. Alamo Boulevard (approximately 675’). Further discussion of this request is included in the “Access/Connectivity” section of this report.

Street Improvements:

N. Crossover Road: The portion of N. Crossover Road that is north of the proposed E. Zion Road extension is designated as a Regional Link Street, typically requiring 92 feet of right-of-way width, with 46 feet from centerline, 8-foot sidewalk, and 10-foot greenspace. The Active Transportation Plan indicates a future trail in this location, so the applicant proposes a 12-foot sidewalk and 10-foot greenspace in this location. An excess of right-of-way (ARDOT) appears to be already existing at this location, so staff is not recommending any additional right-of-way dedication.

The portion of S. Crossover Road that is south of the proposed E. Zion Road is designated as a Regional Link – High Activity Street, typically requiring 96 feet of right-of-way width, with 48 feet of right-of-way width from centerline, with 10-foot sidewalk and 10-foot greenspace. The Active Transportation Plan indicates a future trail in this location, so that applicant proposes a 12-foot sidewalk and 10-foot greenspace at this location. An excess of right-of-way (ARDOT) appears to be already existing at this location, so staff is not recommending any additional right-of-way dedication.

Following information received from a Traffic Study, staff also recommend intersection improvements to the intersection of E. Zion Road and N. Crossover Road. Those improvements are outlined below in the conditions of approval.

Internal Streets:

E. Zion Road: E. Zion Road is classified on the Master Street Plan as a Neighborhood Link Street, which typically requires 67-feet of right-of-way width dedication, 8-foot sidewalks, 10-foot greenspace, 1.5' curb and gutter, 10-foot drive lane, 9-foot drive lane, and a 10-foot parking lane on one side of the street. The applicant has requested a variance to the Neighborhood Link Street standards, in two parts.

- **§166.04(B)(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The applicant is requesting to vary from Master Street Plan standards. The first, from the intersection with N. Crossover to the intersection with N. Amazon Avenue, a distance of just over 500 feet, the applicant is requesting 72 feet of right-of-way width to accommodate 8-foot sidewalk, 10-foot greenspace, and a left turn lane at the intersection with N. Crossover. From N. Amazon Avenue until the easternmost boundary of the development, the applicant is requesting to construct 8-foot sidewalks, 10-foot greenspace, and 36-feet of paved road, with a desire to construct parking on both sides of the street.
 - *Staff recommends in favor of the request, finding that narrowing of streets where needed and providing on-street parking on both side of the street will help ensure adequate parking for the proposed development, as well as potentially help calm traffic throughout the site. The Fire Department will also require at least 20-feet of width in between traffic calming measures at the intersections, which the applicant is indicating on their plans.*

N. Alamo Boulevard: The applicant proposes a non-standard street section for a Boulevard which surrounds two linear drainage parks; those parks are called out as Planning Area 3. A variance has been requested for this proposed street section.

- **§166.04(B)(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The ROW varies, but will typically provide 6-foot sidewalks, 6-foot greenspace, 1-foot curbs, and 20-foot one-way drive aisles.
 - *Staff supports the request, finding that the proposed streets line a linear park as outlined in the approved PZD. The applicant is also showing pedestrian access to the linear parks, as required per Planning Area 3.*

All other internal streets (Anser, Dexter, Emperor, Fresno, Gaylord, Jersey, Lima, Mariposa, Memphis, Oracle, Rolling Meadows): These streets are proposed Residential Link Streets, with 52-foot right-of-way width, 26 feet from centerline, 6-foot sidewalk, 6-foot greenspace, and space for a 7-foot parking lane on one side of the street. Staff is recommending in favor of these improvements, since they are in line with the Master Street Plan requirements. The applicant also proposes to neck down the Residential Link Streets at intersections to minimize pedestrian crossing width.

Alleys AA through II, Alleys O through V, Alleys Y and Z: Two-way Residential Rear Alleys are proposed throughout the development for these alleys, indicating 20-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 7-foot drive lanes, per the Master Street Plan.

Alleys W and X: Two-way Commercial Rear Alleys are proposed for these alleys, indicating 24-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 9-foot drive lanes, per the Master Street Plan.

Design Standards: Staff finds that the applicant is proposing two-family units and above in various locations throughout the site. Staff finds that 166.21, Downtown Architectural Design Standards

will apply to all buildings in Planning Area 2, per the PZD ordinance. 166.23, Urban Residential Design Standards will apply to two-family dwellings and above. Commercial Design standards will apply to any proposed commercial structures. No proposed buildings are currently under review with this preliminary plat, and these standards would be reviewed for at the building permit level.

Block Length/Connectivity: The applicant has requested variances to these standards.

- **§166.08(E)(1) – Block Length. Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet.** The applicant is requesting a variance to this standard for four streets: N. Emperor Avenue (approximately 750'), N. Rolling Meadows (approximately 890'), N. Gaylor Drive (approximately 900') and N. Alamo Boulevard (approximately 675').
 - *Staff recommends in favor of this request, in all locations. With the extensive alley network that serves this development, staff finds that traffic (both pedestrian and vehicular) will typically have many options for connectivity and access throughout the site. The majority of the intersections throughout the development are also typically much shorter than the 660-foot length requirement. Staff also finds that while Gaylord Drive does not propose any additional stub-outs to the north, staff finds that development is not likely to be feasible in that location given the existence of the proposed detention pond, proposed parkland dedication, the Hilton Creek floodway, and reduced development capacity per the PZD ordinance. Staff recommends an added condition that those streets with alley-loaded lots shall be accessed from the alley.*

Water and Sewer System: Water and sewer is required to be extended throughout the site, and the applicant is proposing an additional lift station at the northeast corner of Planning Area 2 to serve the development.

A significant amount of the overall property is also within floodplain and floodway. Engineering staff has been working with the applicant to ensure all drainage and floodplain criteria are met. The applicant will be required to have an approved CLOMR prior to fill being placed within Zone A areas, provide compensatory storage and no lot can be platted with less than 6000 sq. ft. outside the floodplain, or shall be a minimum of 1 acre in size.

Tree Preservation:

Canopy minimum requirement: 25%

Existing canopy: 2.2%

Preserved canopy: 0.9%

Mitigation required: 211 2" caliper trees

Parks: A PRAB meeting was held on this proposal in January 4, 2021. PRAB recommended fees-in-lieu for this development in the amount of \$315,515 based on the number of proposed single-family and multi-family lots proposed. PRAB indicated this preference given its proximity to Lake Fayetteville and to David Lashley Park. The applicant is alternatively requesting to dedicate land; should land dedication ultimately be approved, the required amount would be 6.66 acres. Planning Commission serves as the determining body when PRAB and the applicant are unable to agree.

Public Comment: Staff received public comment on this proposal with its original approval in 2021 and received inquiries prior to the June 27 Subdivision Committee meeting. At the June 27 meeting, members of the public spoke with a request for the developer to install fencing or screening along the northern property line that borders an existing non-residential use (Elks

Lodge). Staff noted at the meeting that residential properties are not typically required to screen to adjacent residential properties, or to provide screening when adjacent to existing commercial or non-residential properties. No members of the public spoke at the August 1 Subdivision Committee meeting.

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

Conditions of Approval:

1. Planning Commission determination of street improvements:

Intersection improvements: Zion and Crossover Road: *As a result of the traffic study provided, Staff recommends the following as conditions of approval for the project:*

- 1. Restripe the west leg (Zion Rd to accommodate an eastbound left-turn lane, an eastbound thru / right-turn lane and a westbound receiving lane*
- 2. The new east leg (Chandler Crossing) be constructed to align with Zion Road and to accommodate a westbound left-turn lane, a westbound thru / right-turn lane and an eastbound receiving lane.*
- 3. There is an existing southbound left-turn lane on the north leg of N Crossover Road and Zion that currently serves southbound u-turns without a protected left-turn signal head. This lane shall be converted to accommodate southbound to eastbound left-turns, and new signal head installed with protective-permissive signal phasing. In addition, the "U-Turn" swing out lane shall be removed on northbound side of Crossover Rd. (Subject to review and approval by ARDOT)*
- 4. Eastbound and westbound left turn movements at the traffic signal be protective-permissive with flashing yellow arrow 4-section signal heads.*
- 5. Developer shall be responsible for all necessary upgrades to the existing traffic signal resulting from the addition of the new extension of Zion Rd East into Chandler Crossing.*

N. Crossover Road: *The portion of N. Crossover Road that is north of the proposed E. Zion Road extension is designated as a Regional Link Street, typically requiring 92 feet of right-of-way width, with 46 feet from centerline, 8-foot sidewalk, and 10-foot greenspace. The Active Transportation Plan indicates a future trail in this location, so the applicant proposes a 12-foot sidewalk and 10-foot greenspace in this location. An excess of right-of-way (ARDOT) appears to be already existing at this location, so staff is not recommending any additional right-of-way dedication.*

Zion Road: *From N. Crossover Road to the intersection with N. Amazon Avenue, Zion Road shall be constructed with 72 feet of right-of-way width to accommodate 8-foot sidewalk, 10-foot greenspace, and a left turn lane at the intersection with N. Crossover. From N. Amazon Avenue until the easternmost boundary of the development, the applicant is requesting to construct 8-foot sidewalks, 10-foot greenspace, and 36-feet of paved road, with parking on both sides of the street.*

N. Alamo Boulevard: *The applicant proposes a non-standard street section for a Boulevard which surrounds two linear drainage parks; those parks are called out as Planning Area 3. The Boulevard shall be constructed with 6-foot sidewalks, 6-*

foot greenspace, 1-foot curbs, and 20-foot one-way drive aisles, with proposed pedestrian crossings as indicated.

All other internal streets (Anser, Dexter, Emperor, Fresno, Gaylord, Jersey, Lima, Mariposa, Memphis, Oracle, Rolling Meadows): These streets shall be constructed as indicated on the plan as Residential Link Streets, with 52-foot right-of-way width, 26 feet from centerline, 6-foot sidewalk, 6-foot greenspace, and space for a 7-foot parking lane on one side of the street. The applicant also proposes to neck down the Residential Link Streets at intersections to minimize pedestrian crossing width. The Fire Department will require 20-foot width at the neck down points.

Alleys AA through II, Alleys O through V, Alleys Y and Z: Two-way Residential Rear Alleys are proposed throughout the development for these alleys, indicating 20-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 7-foot drive lanes, per the Master Street Plan.

Alleys W and X: Two-way Commercial Rear Alleys are proposed for these alleys, indicating 24-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 9-foot drive lanes, per the Master Street Plan.

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF STREET IMPROVEMENTS.

2. Planning Commission determination of requested variances:

- a. **§166.04(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** Staff recommends in favor of this request, as outlined in comments above;
- b. **§166.08(E)(1) – Block Length. Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet.** Staff recommends in favor of this request, as outlined in comments above, with an added condition that those lots that are accessible via a proposed alley shall be accessed from alley;

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF STREET IMPROVEMENTS.

3. Right-of-way width dedication in the following amounts will be required:
 - a. Zion Road – 72 feet
 - b. N. Alamo Boulevard – Varying, provided 6-foot greenspace, 6-foot sidewalk, 2 20-foot drive aisles, and linear park are adequately supplied.
 - c. All other internal streets – 52 feet
 - d. Alleys AA through II, Alleys O through V, Alleys Y and Z – 20 feet
 - e. Alleys W and X – 24 feet
4. Parkland dedication in the minimum amount of 6.66 acres is required prior to final plat. Alternatively, if Parkland Dedication is not approved by Planning Commission, Parkland fees-in-lieu in the amount of \$315,515 shall be paid prior to final plat approval. Final unit and lot count will be determined by final Planning Commission approval.
5. All plat comments shall be addressed as indicated and distributed through Energov portal prior to Planning Commission submission.

6. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet;
7. Conditions of approval from Engineering, Urban Forestry, and Parks Department are included in the official conditions of approval;

Standard conditions of approval:

8. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
9. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;
10. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;
11. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;
12. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
13. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, SWBT, Ozarks, SWEPCO, Cox Communication)
14. 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; and
15. Preliminary Plat approval shall be valid for one calendar year.

Planning Commission Action: ☐ Tabled ☐ Approved ☐ Denied

Meeting Date: August 12, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code:
 - 166.08 Street Design And Access Management Standards
 - 166.04 Required Infrastructure Improvements — Development In City Limits
 - City Engineering comments
 - Urban Forestry comments
 - Parks and Recreation Advisory Board comments
 - Request Letter
 - Site Plan
 - Public Comment
 - 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.

...

- (E) *Block Layout/Connectivity.*

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

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-2020)

166.04 Required Infrastructure Improvements — Development In City Limits

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

(a) *Dedication of Right-of-Way.*

- (i) *On-Site.* Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission or Subdivision Committee; provided, the Planning Commission or Subdivision Committee may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.
- (ii) *Council Acceptance of Streets and Alleys.* The City Council accepts all streets and alleys located in Fayetteville that have been previously approved and accepted as dedications by the Fayetteville Planning Commission/Subdivision Committee. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Fayetteville Planning Commission/Subdivision Committee.

(b) *Monuments and Lot Stakes.* The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, General Procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

(c) *Streets.*

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

...

(C) *Other Infrastructure Improvements.* Other infrastructure improvements may be required where the need for such improvements is created in whole or in part by the proposed development as determined by the City Engineer.

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



TO: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: August 7, 2024

SUBJECT: **Planning Commission Engineering Comments for
PPL-2024-0001 Chandler Crossing**

Water: New water mains will be extended throughout the development to provide water service and fire protection to all lots. Two points of connection will be provided. One to the existing 12" water main along Crossover Road, and another to the existing 12" water main along E Zion Rd. A "No Feasible Alternative" determination was made by the City Engineer for the proposed water line crossing Hilton Creek.

Sewer: A large portion of this development will be served by a new sanitary sewer lift station, which will be located north of Hilton Creek along Zion Rd. Gravity sewer mains will be installed to collect sewer from all new lots and direct it to the new lift station, which will pump the sewer to existing sewer mains along Crossover Road. A "No Feasible Alternative" determination was made by the City Engineer for the proposed gravity sewer and force main crossing Hilton Creek.

Streets: The applicant has provided a traffic study for the development that estimates 5,643 daily vehicle trips to be generated from this development. Assumed distribution of traffic from this report is approximately 40% north on Crossover Rd, 40% south on Crossover Rd, and 20% west on Zion.

Natural Features: The applicant has provided a wetlands delineation for the site, and an Approved Jurisdictional Determination from USACE confirming that while there are some wetland areas on site, they are not jurisdictional. However, Hilton Creek, a tributary to Clear Creek and Lake Fayetteville would be regulated, and subject to the Clean Water Act.

Hilton Creek is a protected stream and therefore subject to the streamside protection ordinance. The applicant is proposing to include stream restoration as a part of this project.

Floodplain: A portion of the proposed development lies within Zone A floodplain. The project must have an approved CLOMR prior to placing additional fill these areas. There can be no lot platted with less than 6,000 square feet of buildable area outside of the floodplain and if the entire lot is within the floodplain it must be a minimum of 1 acre.

The applicant has provided a flood study which appears to meets the City's "No Adverse Impact" requirement for development within the floodplain. Additional reviews will be completed with the grading permit submittal.

Drainage: New storm sewer piping and inlets will be installed across the development to collect stormwater from new impervious areas and drain this runoff into one of two new detention ponds. Both detention ponds are located along the northern side of the property. The ponds will be stormwater ponds with a permanent pool of water that will provide water quality treatment. Upon preliminary review of the drainage design and improvements, the development appears to be meeting all 4 minimum drainage criteria standards.

Required Improvements to intersection of Zion and Crossover Rd.

As a result of the traffic study provided, Engineering Staff recommends the following as conditions of approval for the project:

1. Restripe the west leg (Zion Rd to accommodate an eastbound left-turn lane, an eastbound thru / right-turn lane and a westbound receiving lane
2. The new east leg (Chandler Crossing) be constructed to align with Zion Road and to accommodate a westbound left-turn lane, a westbound thru / right-turn lane and an eastbound receiving lane.
3. There is an existing southbound left-turn lane on the north leg of N Crossover Road and Zion that currently serves southbound u-turns without a protected left-turn signal head. This lane shall be converted to accommodate southbound to eastbound left-turns, and new signal head installed with protective-permissive signal phasing. In addition, the "U-Turn" swing out lane shall be removed on northbound side of Crossover Rd.(Subject to review and approval by ARDOT)
4. Eastbound and westbound left turn movements at the traffic signal be protective-permissive with flashing yellow arrow 4-section signal heads.
5. Developer shall be responsible for all necessary upgrades to the existing traffic signal resulting from the addition of the new extension of Zion Rd East into Chandler Crossing.

Standard Comments:

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



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Joshua Haley, EI, ESI
From: Melissa Evans, Urban Forester
CC: Jessie Masters, Development Review Manager
Meeting Date: August 12, 2024
Subject: PPL- 2024-0001: Chandler Crossing: Southeast of N. Crossover Rd. and E. Zion Rd.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
1 Tree : 12 Parking Spaces				

- | | | | |
|---|-----|--|---|
| b. Wheel Stops/Curbs
<i>UDC Chapter 177.04B1</i> | N/A | | |
| c. Narrow Tree Lawn (8' min. width, 37.5' length)
<i>DC Chapter 177.04C</i> | | | X |
| d. Tree Island (8' min. width, 18.7' min length, 150 square feet)
<i>UDC Chapter 177.04C</i> | | | X |
| e. Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | | | X |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | |
|---|--|--|---|
| a. Front Property Line (15' wide landscape) and 5' on sides and rear.
<i>UDC Chapter 177.04D2a</i> | | | X |
| b. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | | | X |
| c. Screening of parking lot from adjacent residential properties. | | | X |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | |
|--|---|--|---|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | X | | |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | | | X |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | X | | |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | X | | |

5. Landscape Requirement Totals	Amount
Mitigation Trees	211 required, 222 provided
Parking Lot Trees	0
Street Trees	365
Detention Pond – Large Trees (1 Tree/3,000 square feet)	61
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	244
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	366

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	5-14-24 6-11-24	6-26-24 7-31-24	8-12-24
Approved			
Tabled			
Denied			

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

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please make sure there are no stop sign/street tree conflicts.



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Joshua Haley, EI, ESI
From: Melissa Evans, Urban Forester
CC: Jessie Masters, Development Review Manager
Meeting Date: August 12, 2024
Subject: PPL-2024-0001: Chandler Crossing: Southeast of N. Crossover Rd. and E. Zion Rd.

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

2. Tree Preservation Calculations

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	3,398,319	100%
Zoning Designation * Select Below with drop down arrow		
PZD, Planned Zoning District	849,580	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	849,580	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	75,613	2.2%
Tree Canopy Preserved	29,892	0.9%
Tree Canopy Removed *On Site	45,721	1.3%
Tree Canopy Removed *Off Site	358	
Tree Canopy Removed Total	46,079	1.4%
Removed Below Minimum	819,688	
Mitigation Requirements	46,079	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	46,079	211
Low Priority		
Total Mitigation Trees Required	46,079	211

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

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1 and 167.04L1</i>	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	Yes
b. Property Boundary	Yes	Yes	Yes
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	Yes
d. Existing Topography and Proposed Grading	Yes	Yes	Yes
e. Soil Types	Yes	Yes	Yes
f. Significant Trees	Yes	Yes	Yes
g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	Yes	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	Yes	Yes	Yes
l. Floodplains and floodways	Yes	Yes	Yes
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	N/A	N/A	N/A
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	N/A	N/A	N/A

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

6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X		
7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	5-14-24 6-11-24	6-25-24 7-31-24	8-6-24
Approved			
Tabled			
Denied			

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

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please ensure there is no grading or utility work that will compromise the roots of preserved trees 1007, N, M and 1012. It is understood that some of these issues have been remedied for Tree 1007 and every effort will be made to preserve the other trees successfully.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: July 30, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: January 4, 2021

Project Title: Chandler Crossing

Project Number: PPL-2024-0001

Project Location: E of Zion Rd and Crossover Rd Intersection

Plat Page: 138,139

Park Quadrant: NE

Billing Name & Address: Chandler Crossing LLC, PO Box 773, Springdale, AR 72765

☐ Land Dedication ☒ Fee-in-Lieu ☐ Combination

LAND DEDICATION					TOTAL Acres
Single Family:	_____	units	x 0.023	acres per unit =	<u>0.00</u> acres
Multi Family:	_____	units	x 0.020	acres per unit =	<u>0.00</u> acres

FEE-IN-LIEU					TOTAL Fees
Single Family:	<u>267</u>	units	x \$1,089	per unit =	<u>\$290,763</u>
Multi Family:	<u>26</u>	units	x \$952	per unit =	<u>\$24,752</u>

- SUMMARY:
- Project proposes 267 SF units and 26 MF units.
 - 267 SF Units = Cottage (144), Duplex (20), and Single Family (103)
 - 26 MF Units = Tri-Plex (3) and Townhome (23)
 - January 4, 2001 PRAB meeting:
 - The developer requested land dedication
 - Parks staff recommended fees-in-lieu of land dedication since the development is already adequately served with ~600 acres of park land within a one mile radius. David Lashley Park is 420 feet away and Lake Fayetteville is 0.4 miles away.

Summary continued on next page...

- Parks staff also asked the Parks Board to consider the problems and inefficiencies that occur from having redundant parks as well as the high maintenance costs that may be incurred on this site.
- Parks Board passed a motion in favor of fees-in-lieu with a vote of 8-0-0.
- The developer expressed their intention have the Parks Board and Parks Staff recommendations overturned by the Planning Commission.
- If land dedication were to be accepted, the required dedication would total 6.66 acres.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of the Final Plat.
- Land dedication and/or fee-in-lieu must be recorded prior to the issuance of building permits.

ASSOCIATED PROJECTS:

- PPL-2021-000010 (Expired)

March 26, 2024

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

RE: Overall Narrative
Chandler Crossing
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a narrative to accompany the complete submittal for Chandler Crossing Subdivision. The proposed subdivision is located at the intersection of Highway 265 and E Zion Road. It is Washington County parcel numbers 765-13219-000 and 765-13219-100, which is currently owned by Chandler Crossing, LLC. The property was recently annexed into the city, and zoned as a planned zoning district, allowing commercial, residential, and undevelopable areas. The proposed development will consist of a mixed-use development, with mixed residential building styles, commercial outlots, and interior office lots.

Pre-Application Meeting

There have been multiple meetings with staff on this project while it was going through the annexation and planned zoning district process. These development plans further detail what was originally submitted to staff during the annexation and planned zoning district process.

Parks and Recreation Advisory Board Meeting

This project has been to the Parks and Recreation Advisory Board Meeting, where the board requested a fee-in-lieu of parkland dedication. The developer has requested parkland dedication instead of this fee-in-lieu due to the environmental impacts related to Hilton Creek, which City Council and City Staff appeared to support during the annexation process. We appeal the decision of the PRAB meeting to the planning commission.

External Studies

Multiple studies are included with this submittal, as outlined below.

1. Delineation of Potential Section 404 Issues – FTN
2. Hilton Branch Drainage Analysis – FTN
3. Traffic Study – Peters & Associates

No substantial 404 issues were found, and no regulatory waterbodies apart from Hilton Creek were determined. FTN supplied a draft drainage study of Hilton Creek with this first submittal, which analyzes the existing condition of Hilton Creek. The proposed pond associated with Chandler Crossing utilized these base flood elevations as the tailwater constraint. Lastly, a draft traffic study has been included, which does not show any issues with the proposed development.

Utilities

This site currently has access to existing Fayetteville water and sewer infrastructure. There is an existing 12" water main located at the northwest corner of the property, which the development will connect into for water service. For sewer, this site will gravity drain to a proposed lift station, near Hilton Creek, which will then be pumped back west to an existing 10" sewer main along the east side of Highway 265. There are no known capacity issues with these existing lines.

This submittal includes the following items:

- Preliminary Plat Plans
- Preliminary Drainage Report
- PRAB Documentation
- Owner Consent Form
- County Parcel Map

Please let me know if I can answer any questions.


Joshua Haley, E.I.
Project Engineer



June 26, 2024

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

RE: Overall Narrative
Chandler Crossing
Fayetteville, AR

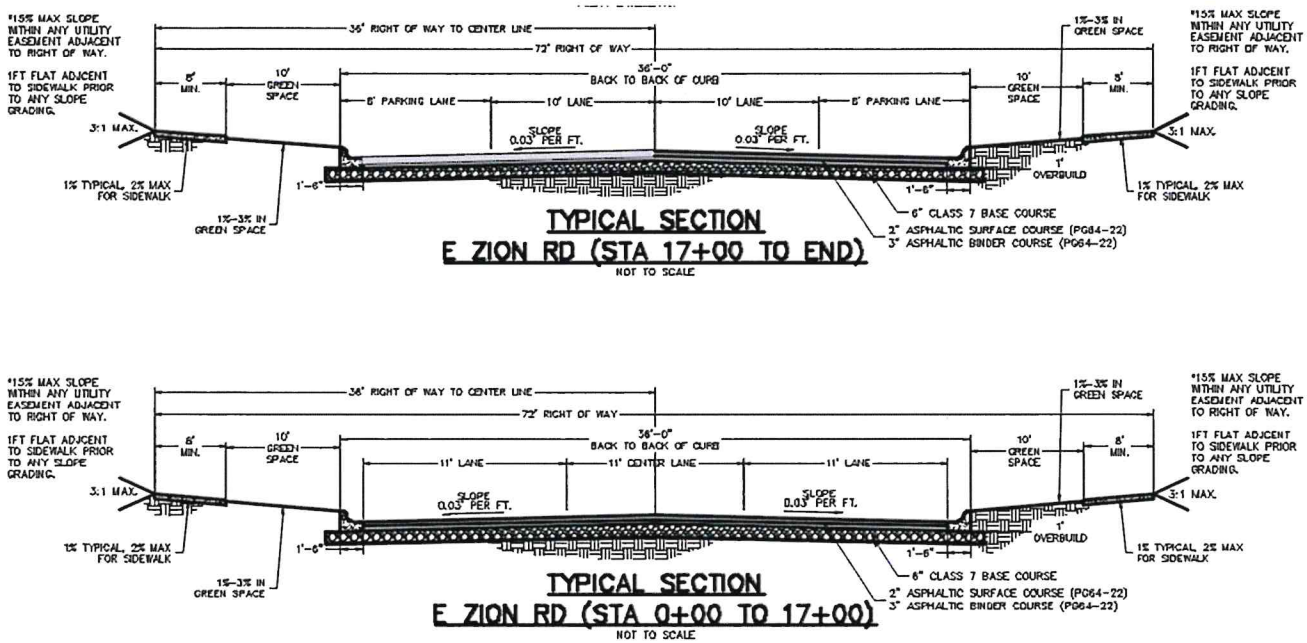
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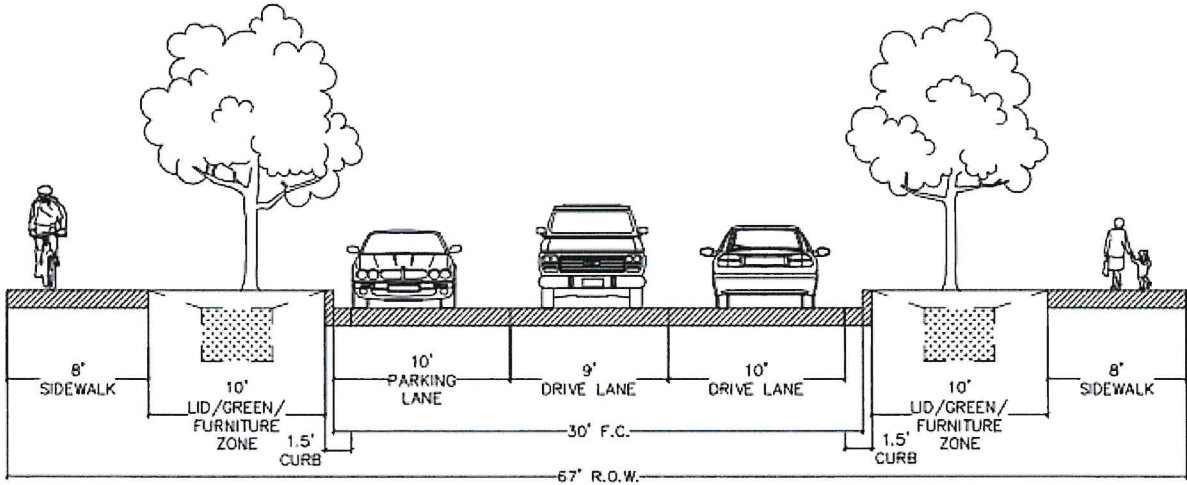
Variances Requested

1. A variance to the master street plan's typical sections are requested for E Zion Road and for N Alamo Boulevard. For E Zion Road, two different street sections are being utilized. On the west side, a three lane configuration is proposed, with the middle lane being a turning lane. This is requested for turning movements associated with the future commercial lots, but also to queue vehicles which desire to turn left onto Highway 265, in accordance with the submitted traffic study. As this street progresses east, it is converted to a standard street section, but which has parking on both sides of the street. This is also not a standard street section, and a variance is requested for this as well, to provide as much on-street parking as possible on this street.

Desired Street Section (Requiring Variance)

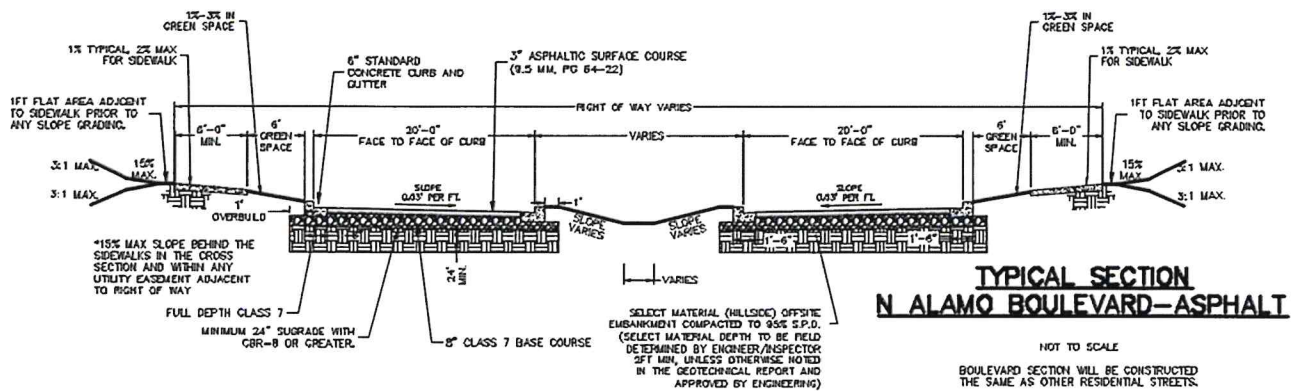


2040 Neighborhood Link Street Section

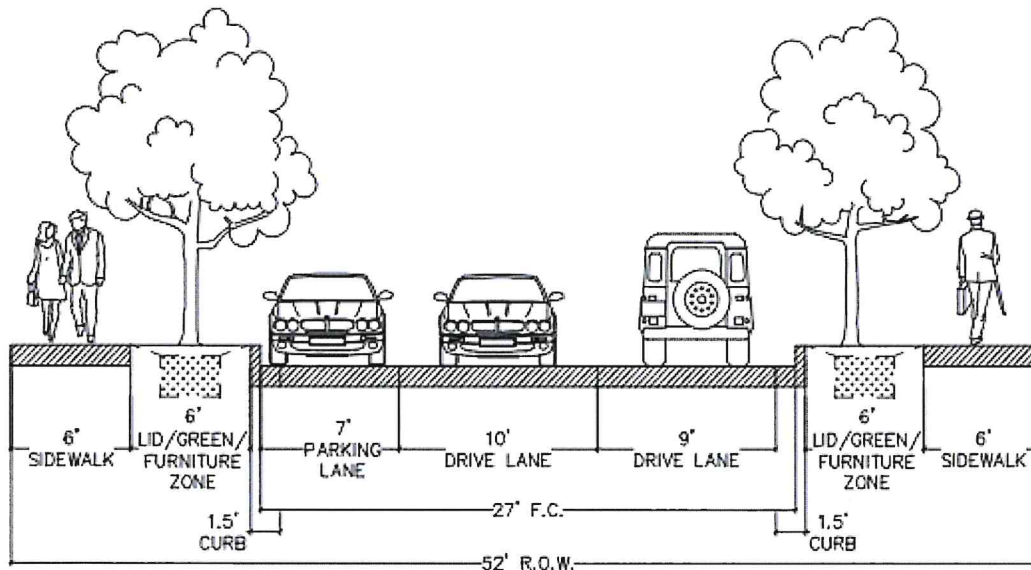


Additionally, the N Alamo Boulevard section does not conform to the master street plan. As proposed, there is a large linear drainage park area proposed between the two one-way lanes of the boulevard. This street section was shown on the approved Planned Zoning district, but because it does not conform to the master street plan, a variance is requested for the desired street section.

Desired Street Section (Requiring Variance)



2040 Residential Link Street Section



2. A variance to the block length (166.08e) is requested for any streets which exceed 660 linear feet on this project. The project has many street intersections, curved streets, and on-street parking, which will greatly reduce the ability for any vehicle to speed in the subdivision. Additionally, chicanes have been added on stretches which exceed 660 linear feet, in order to further slow traffic speeds throughout the subdivision.
 - The west side of N Emperor Ave exceeds 660 linear feet, at approximately 750 linear feet. Multiple chicanes have been added as well as a mid-block pedestrian crossing, adjacent to the linear park on lot 276, which will greatly reduce vehicular traveling speeds through this area.
 - N Rolling Meadows Ave exceeds 660 linear feet on both the west and east side. This street has multiple alley intersections which break up this block length on the west side (total block length is 685 on west side). On the east side, multiple chicanes were added to break up the block length. There is

also a larger drainage basin that drains through this area, with a large existing pond where any potential additional stub-out would occur. Because of this, it is requested that a variance be allowed to exceed 660 linear feet on this stretch (totaling approximately 900). The street configuration has changed on the south side at Staff's request to better conform with the master street plan future street connections.

- The north side of N Gaylord Dr exceeds 660 linear feet, at approximately 900 linear feet. Stubbing out a street to the north is not ideal, due to Hilton Creek, proposed lift station, and the proposed detention pond. Because of this, a variance is requested for the block length.
 - Both the east and west side of the N Alamo Boulevard exceed 660 linear feet. It is requested that a variance be granted for this without additional street connectivity. The main reason in requesting this is that the drainage swale in the middle of the boulevard will be utilized to treat the phosphorus of this drainage basin, so it is desired to not reduce this area. We have also added a mid-block crossing for pedestrian connectivity to this street, which will reduce traveling speeds in this area. None of these block lengths exceed 700 linear feet.
3. A variance is requested for the Streamside Protection Ordinance. The intent is to add a wetland shelf on both the north and south side of the creek, and to plant this shelf with vegetation conducting to removing phosphorus from Hilton Creek. A variance is requested to modify the creek to be improved per City of Fayetteville Engineering recommendations. The proposed wetland shelf would be 1' above the bottom of the creek. This variance is not needed for the development, but to try and improve Hilton Creek.

Pre-Application Meeting

There have been multiple meetings with staff on this project while it was going through the annexation and planned zoning district process. These development plans further detail what was originally submitted to staff during the annexation and planned zoning district process.

Parks and Recreation Advisory Board Meeting

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Utilities

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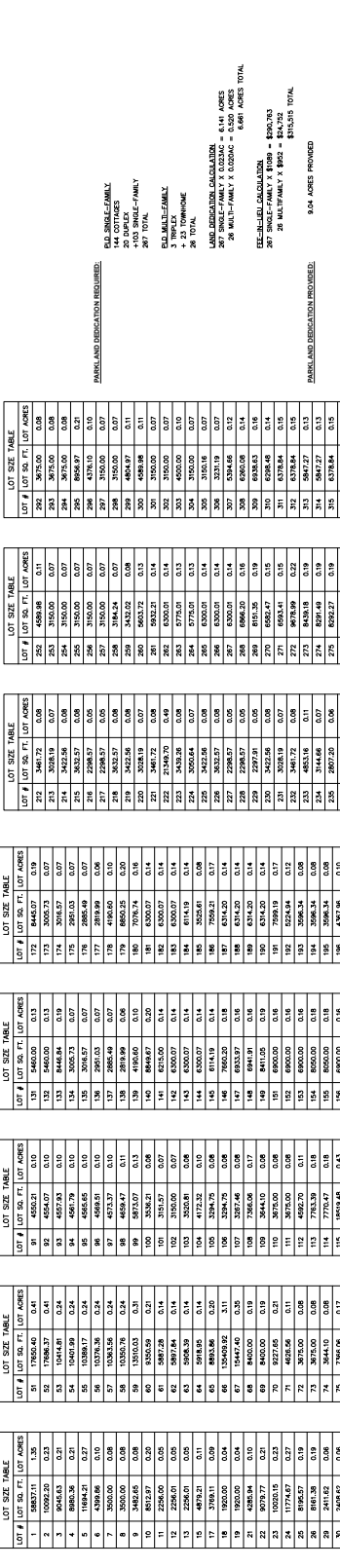
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- PRAB Documentation
- Owner Consent Form
- County Parcel Map

Please let me know if I can answer any questions.



Joshua Haley, E.I.
Project Engineer

[illegible]

LOT SIZE TABLE	LOT SIZE, FT. (SQ. FT.)	LOT AREA
1	5883.11	1.36
2	11766.22	2.72
3	17649.33	4.08
4	23532.44	5.44
5	29415.55	6.80
6	35298.66	8.16
7	41181.77	9.52
8	47064.88	10.88
9	52947.99	12.24
10	58831.10	13.60
11	64714.21	14.96
12	70597.32	16.32
13	76480.43	17.68
14	82363.54	19.04
15	88246.65	20.40
16	94129.76	21.76
17	100012.87	23.12
18	105895.98	24.48
19	111779.09	25.84
20	117662.20	27.20
21	123545.31	28.56
22	129428.42	29.92
23	135311.53	31.28
24	141194.64	32.64
25	147077.75	34.00
26	152960.86	35.36
27	158843.97	36.72
28	164727.08	38.08
29	170610.19	39.44
30	176493.30	40.80
31	182376.41	42.16
32	188259.52	43.52
33	194142.63	44.88
34	200025.74	46.24
35	205908.85	47.60
36	211791.96	48.96
37	217675.07	50.32
38	223558.18	51.68
39	229441.29	53.04
40	235324.40	54.40
41	241207.51	55.76
42	247090.62	57.12
43	252973.73	58.48
44	258856.84	59.84
45	264739.95	61.20
46	270623.06	62.56
47	276506.17	63.92
48	282389.28	65.28
49	288272.39	66.64
50	294155.50	68.00
51	300038.61	69.36
52	305921.72	70.72
53	311804.83	72.08
54	317687.94	73.44
55	323571.05	74.80
56	329454.16	76.16
57	335337.27	77.52
58	341220.38	78.88
59	347103.49	80.24
60	352986.60	81.60
61	358869.71	82.96
62	364752.82	84.32
63	370635.93	85.68
64	376519.04	87.04
65	382402.15	88.40
66	388285.26	89.76
67	394168.37	91.12
68	400051.48	92.48
69	405934.59	93.84
70	411817.70	95.20
71	417700.81	96.56
72	423583.92	97.92
73	429467.03	99.28
74	435350.14	100.64
75	441233.25	102.00
76	447116.36	103.36
77	453000.47	104.72
78	458883.58	106.08
79	464766.69	107.44
80	470649.80	108.80
81	476532.91	110.16
82	482416.02	111.52
83	488299.13	112.88
84	494182.24	114.24
85	500065.35	115.60
86	505948.46	116.96
87	511831.57	118.32
88	517714.68	119.68
89	523597.79	121.04
90	529480.90	122.40
91	535364.01	123.76
92	541247.12	125.12
93	547130.23	126.48
94	553013.34	127.84
95	558896.45	129.20
96	564779.56	130.56
97	570662.67	131.92
98	576545.78	133.28
99	582428.89	13

ROAD CENTRALINE CURVE DATA				
	R	Δ	T	L
C1	124.0'	27°30'54"	30.4390'	89.8900'
C2	124.0'	27°30'54"	43.2508'	84.7334'
C3	35.0'	16°33'32"	2.8602'	7.7210'
C4	35.0'	16°33'32"	2.8602'	7.7210'
C5	35.0'	16°33'32"	2.8602'	7.7210'
C6	35.0'	16°33'32"	2.8602'	7.7210'
C7	40.0'	16°33'32"	2.7604'	11.4431'
C8	40.0'	16°33'32"	2.7604'	11.4431'
C9	40.0'	16°33'32"	2.7604'	11.4431'
C10	40.0'	16°33'32"	2.7604'	11.4431'
C11	80.0'	30°05'05"	90.0000'	141.3717'
C12	100.0'	44°30'50"	49.3375'	78.3967'
C13	100.0'	47°30'50"	58.3531'	58.1264'

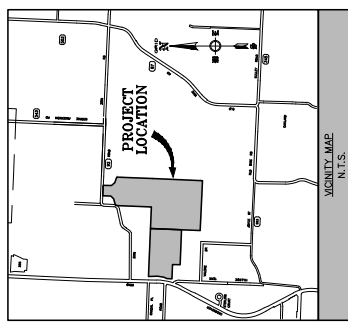
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321
1
4
4
2
4
103
144
20
3
40
1
1
6
336 UNITS/(38.63 AC)
=8.48 UNITS/ACRE
8.04 UNITS/ACRE

TOTAL LOTS: _____
PARK AND DEDICATION LOT: _____
NEIGHBORHOOD SQUARE: _____
PLANNING AREA 1: _____
COMMERCIAL LOTS: _____
OFFICE LOTS: _____
PLANNING AREA 2: _____
SINGLE FAMILY LOTS: _____
COTTAGE LOTS: _____
DUPLICATE LOTS: _____
TRIPLE LOTS: _____
TOWNSHIP LOTS: _____
LIFT STATION LOT: _____
PLANNING AREA 3: _____
RURAL LOT: _____
UNBUILDABLE POA LOTS: _____
PLANNING AREA 2 DENSITY: _____
OVERALL DENSITY: _____

PPL-2024-0001 (CHANDLER CROSSING) Page 321 of 461

NOTES:
1) LOTS 84-89 SHALL BE REAR LOADED



PANEL NO.	765-13219-000
OWNER/DEVELOPER	CHANDLER CROSSING LLC
PROJECT NO.	765-13219-100
ENGINEER/SURVEYOR	ENGINEERING SERVICES, INC. 1007 S. OLD MISSOURI RD. SPRINGDALE, AR 72762
EXISTING ZONING	PD
NET GROSS AREA	81.49 ACRES
TOTAL LOTS	321
NEIGHBORHOOD SQUARE	4
PLANNING AREA 1	2
OFFICE LOTS	4
PLANNING AREA 2	103
COFFEE LOTS	144
DIAPY LOTS	20
LOWHOUSE LOTS	40
APT. BATHING LOTS	1
APT. BATHING LOTS	1
APT. BATHING LOTS	1
PLANNING AREA 3 DENSITY	336 UNITS/20.63 AC
OVERALL DENSITY	4.06 UNITS/ACRE

PANEL AND DESCRIPTION REQUIRED

PANEL AND DESCRIPTION REQUIRED

0.025914014-071-0270-1-EX (TOWNHOME)

0.025914014-071-0270-1-EX (TOWNHOME)

0.025914014-071-0270-1-EX (TOWNHOME)

0.025914014-071-0270-1-EX (TOWNHOME)

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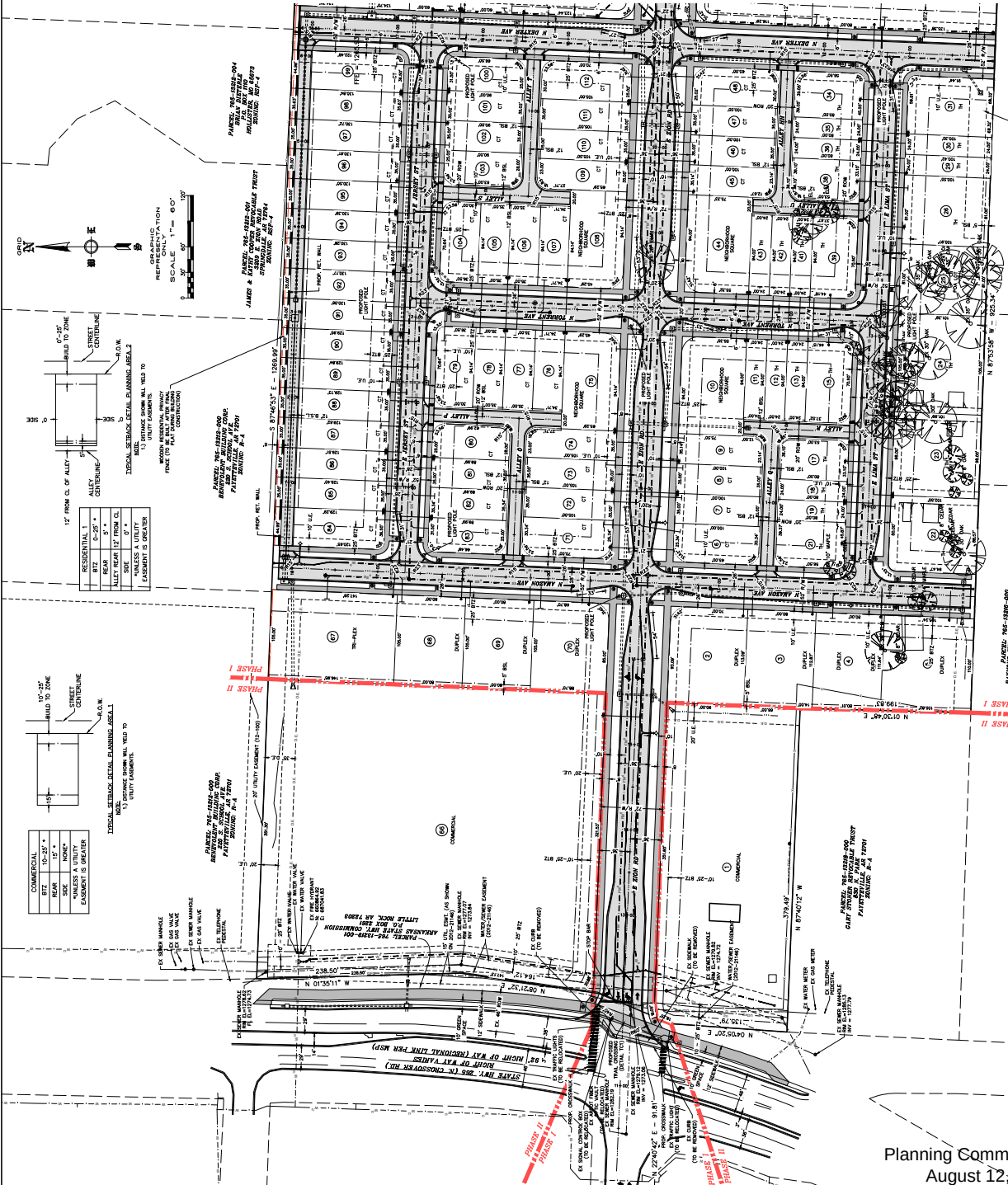
REVISION	DATE	DESCRIPTION

PRELIMINARY PLAT
CHANDLER CROSSING SUBD
FAYETTEVILLE, ARKANSAS
SCALE: 1"=20'
DATE: August 2, 2024
DRAWN BY: JRC
ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

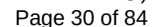
W.O.# 20949
SHEET 4



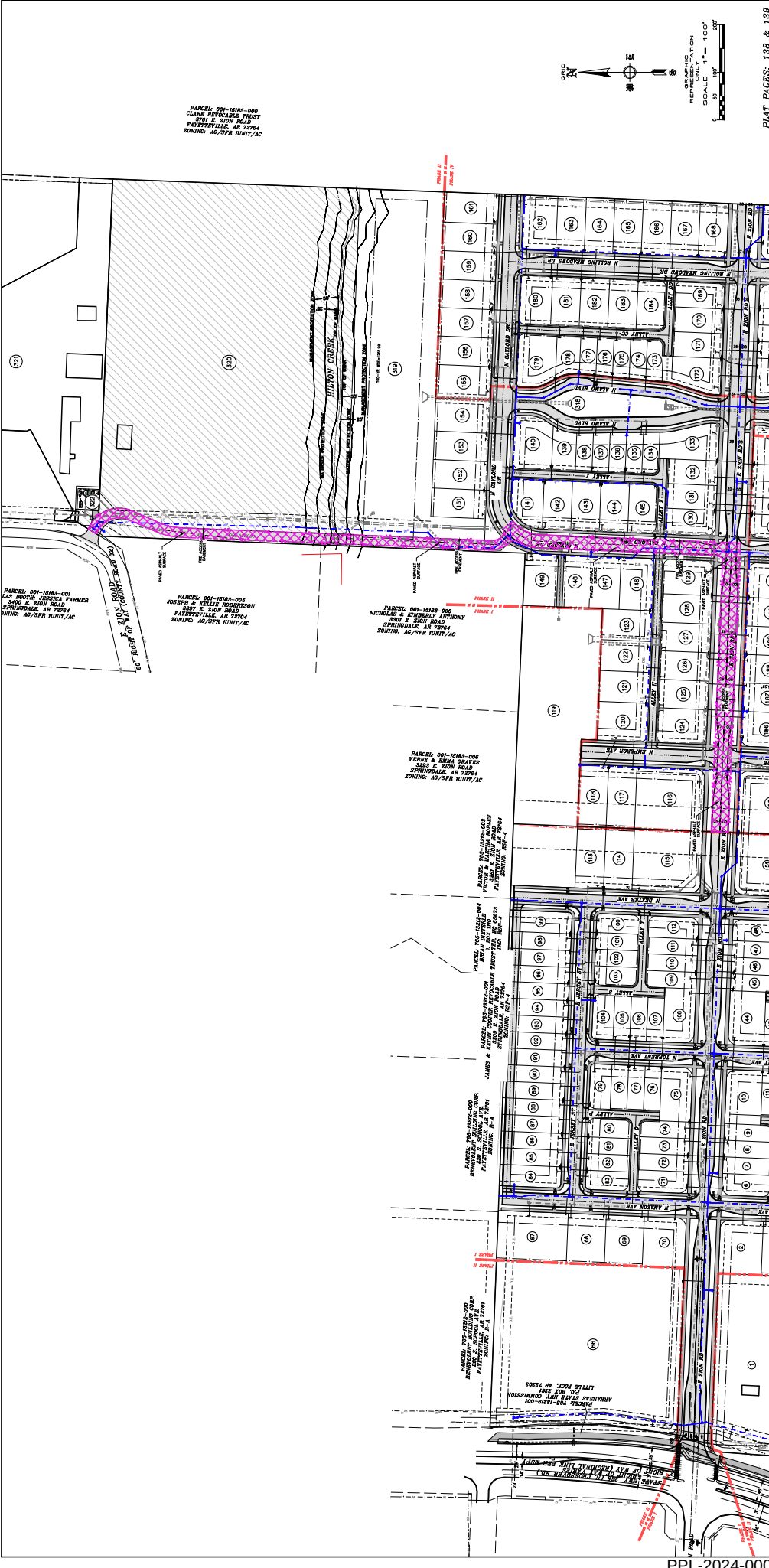
PLAT PAGES: 138 & 139



Planning Commission
August 12, 2024



REVISION	DATE	DESCRIPTION
1	10/27	
2	11/27	
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4	01/28	
5	02/28	
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PLAT PAGES: 138 & 139

REVISION	DATE	DESCRIPTION

PHASE 1 FIRE ACCESS
CHANDLER CROSSING SUBD
FAYETTEVILLE, ARKANSAS

SCALE: 1"=100'
DATE: August 2, 2024
DRAWN BY: JDW

ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

W.O.# 20949
SHEET 9



NOTES:
1. ALL FIRE ACCESS DESIGNED TO MEET 7,000 SQ. FT.

FIRE ACCESS EXHIBIT

Compiled public comment
PPL-2024-0001

From: Lance Weatherton <lanceweatherton@yahoo.com>
Sent: Wednesday, July 31, 2024 8:42 AM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Cc: Elks Lodge #1987 <pat@elks-lodge.com>
Subject: Re: Subdivision Committee Meeting - Agenda Request

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mirinda,

Thank you, again, for sharing the information from the last Subdivision Committee meeting, especially in regards to the proposed Chandler Crossing development.

Upon review of the information, I didn't see any "Public Comments" documented. It listed in the bullet point summary, but nothing was included in the report.

I attended the last SC meeting, and expressed a few concerns (on behalf of the Elks Lodge; directly north of the proposed Chandler Crossing) regarding the development, and asked a few questions. I don't see these recorded.

Am I missing something?

We just want to ensure our questions and concerns are addressed.

Finally, I don't see the Agenda posted online yet.

Do you mind sending me a copy once it's available?

Subdivision Committee Action: ☐ Tabled ☐ Forwarded ☐ Denied
Meeting Date: <u>June 27, 2024</u>
Motion:
Second:
Vote

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - 166.08 Street Design And Access Management Standards
 - 166.04 Required Infrastructure Improvements — Development In City Limits
- City Engineering comments -
- Urban Forestry comments
- Parks and Recreation Advisory Board comments
- Request Letter
- Site Plan
- **Public Comment**
- 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.

has long been an agricultural use. Hilton Creek runs east and west through the site, and the area surrounding the creek is designated as a flood plain. A preliminary plat, Chandler Crossing (PPL-2021-000010) was approved on this site in 2021; it has since expired. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning			Elks Lodge #1987
Direction	Land Use	Zoning	
North	Single-Family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre; Washington County, Ag/Single-Family Residential	

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

Subdivision Committee
June 27, 2024
www.fayetteville-ar.gov/Item 2
PPL-2024-0001 (CHANDLER CROSSING)
Page 1 of 30

South	Single-Family Residential; Arkansas Electric Cooperative; Recreational Facility	R-A, Residential-Agricultural; Washington County, Ag/Single-Family Residential
East	Agricultural	Washington County, Ag/Single-Family Residential
West	Commercial; Fayetteville Athletic Club; Single-Family Residential	C-1, Neighborhood Commercial; R-O, Residential-Office; Washington County, Agricultural Single-Family Residential

Proposal: The applicant is proposing a subdivision with 321 mixed-use lots, ranging from single-family residential, townhomes, duplex, triplex, and commercial lots, over three approved Planning Areas associated with the PZD ordinance, as shown in Table 2.

Table 2: Proposed Unit/Lot Count				
Planning Area	Acreage	Lot Count/ Unit Count	Proposed Density	Required Density

Thank you,

Lance Weatherton

From: Harrison, Gretchen <gharrison@fayetteville-ar.gov>
Sent: Wednesday, July 31, 2024 9:31 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fw: Chandler Crossing

Jessie - see below for public comment on Chandler Crossing (PPL-2024-0001).

Gretchen Harrison

Senior Planner
City of Fayetteville, Arkansas
(479) 575-8263

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Dave Jorgensen <dave@jorgensenassoc.com>
Sent: Wednesday, July 31, 2024 9:09 AM
To: Harrison, Gretchen <gharrison@fayetteville-ar.gov>
Subject: Chandler Crossing

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Gretchen; I was wanting to comment on the Chandler Crossing project because we border this on the south side. I would like to request that a privacy fence be installed on our common property line (about 200'). I would appreciate it very much if you could add this to the review process. Thank you very much.

From: Michele Lang <mlang9669@gmail.com>
Sent: Monday, June 17, 2024 8:31 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: PPL-2024-0001 Chandler Crossing

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for replying to my email. Will any revised documents from the applicant be posted for the public to see before the Subdivision Committee meeting?

Compiled public comment
PPL-2024-0001

Michele Lang

On Jun 17, 2024, at 12:46 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Michele,

Thank you for the inquiry. The original Preliminary Plat approval for Chandler Crossing expired prior to their finalizing of permits, so they are requesting a new approval. The development plans are more or less the same, though with updated flood information that was released by FEMA in January 2024, some information may have shifted.

The most-recently submitted site plan can be found at the dropbox link below. The project number is PPL-2024-0001. Please plan to download the site plan from dropbox, as this is a temporary folder that is subject to change. If necessary, staff can forward along in another manner. The applicant has not yet submitted revised documents for the June 27 Subdivision Committee meeting, though will be required to do so by Wednesday, June 19.

The item (PPL-2024-0001) is currently scheduled to be heard at the June 27 Subdivision Committee meeting, which will take place at 9 AM in room 326 in City Hall, and/or virtually through [zoom](#). Members of the public are invited to attend the meeting, and it is a public hearing so public comment will be heard.

Please let me know if you have any additional questions. Thank you!

<https://www.dropbox.com/scl/fo/1p6m1cpwdqq1ih6kmxvkp/AKZeXvqSqtzJF6by7lwU9Qw?rlkey=d a82xd042hobbthdc8m6sl1r5&st=wmb20861&dl=0>

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Compiled public comment
PPL-2024-0001

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image001.png>

From: Michele <mlang9669@gmail.com>
Sent: Sunday, June 16, 2024 2:34 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: PPL-2024-0001 Chandler Crossing

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

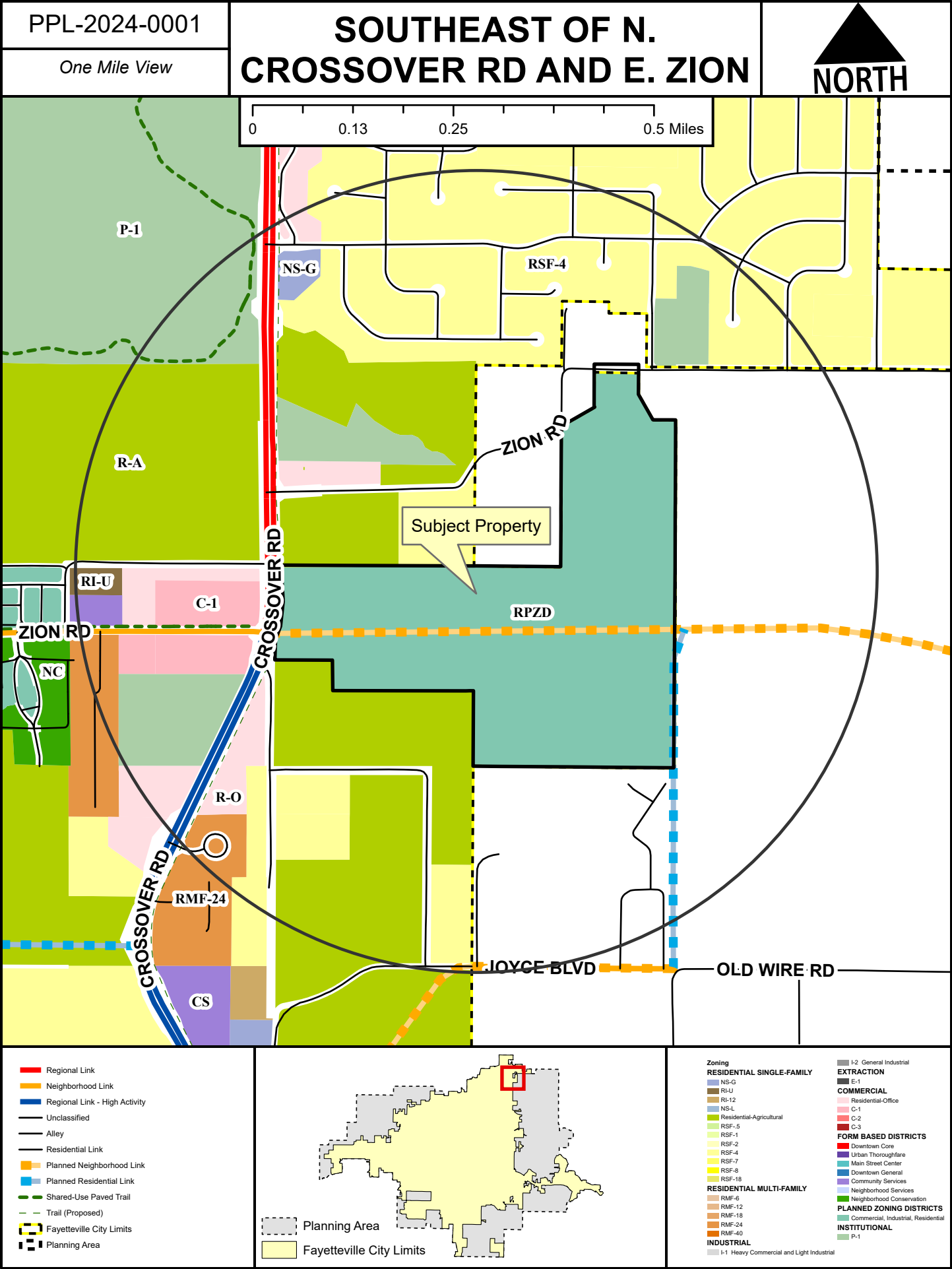
We in the neighborhood noticed the new public hearing sign for a preliminary plat of Chandler Crossing. Is this a request for renewal of the previous plat, or is this a completely new plat? If so, what is the new proposal?

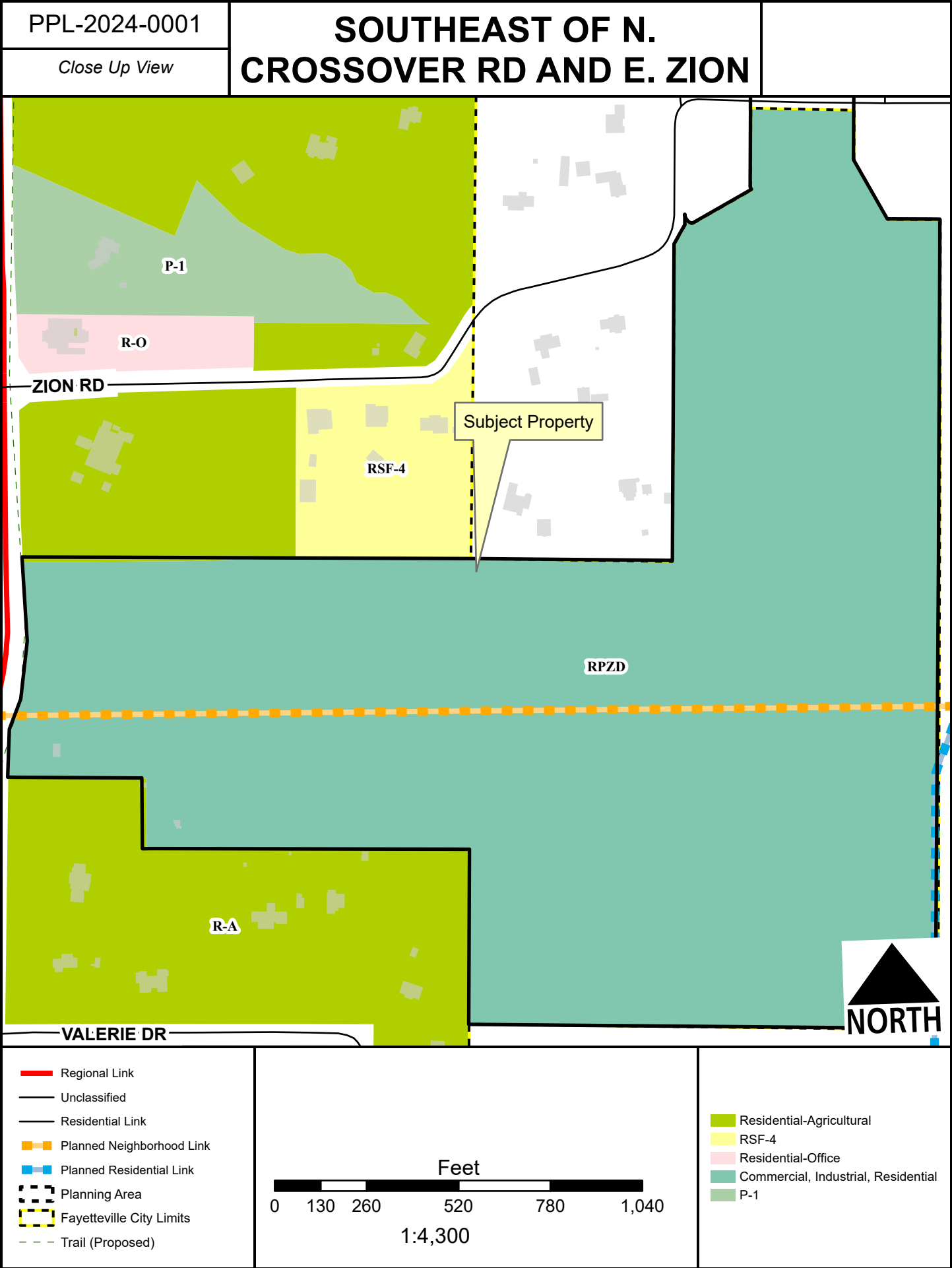
We appreciate any information you can provide.

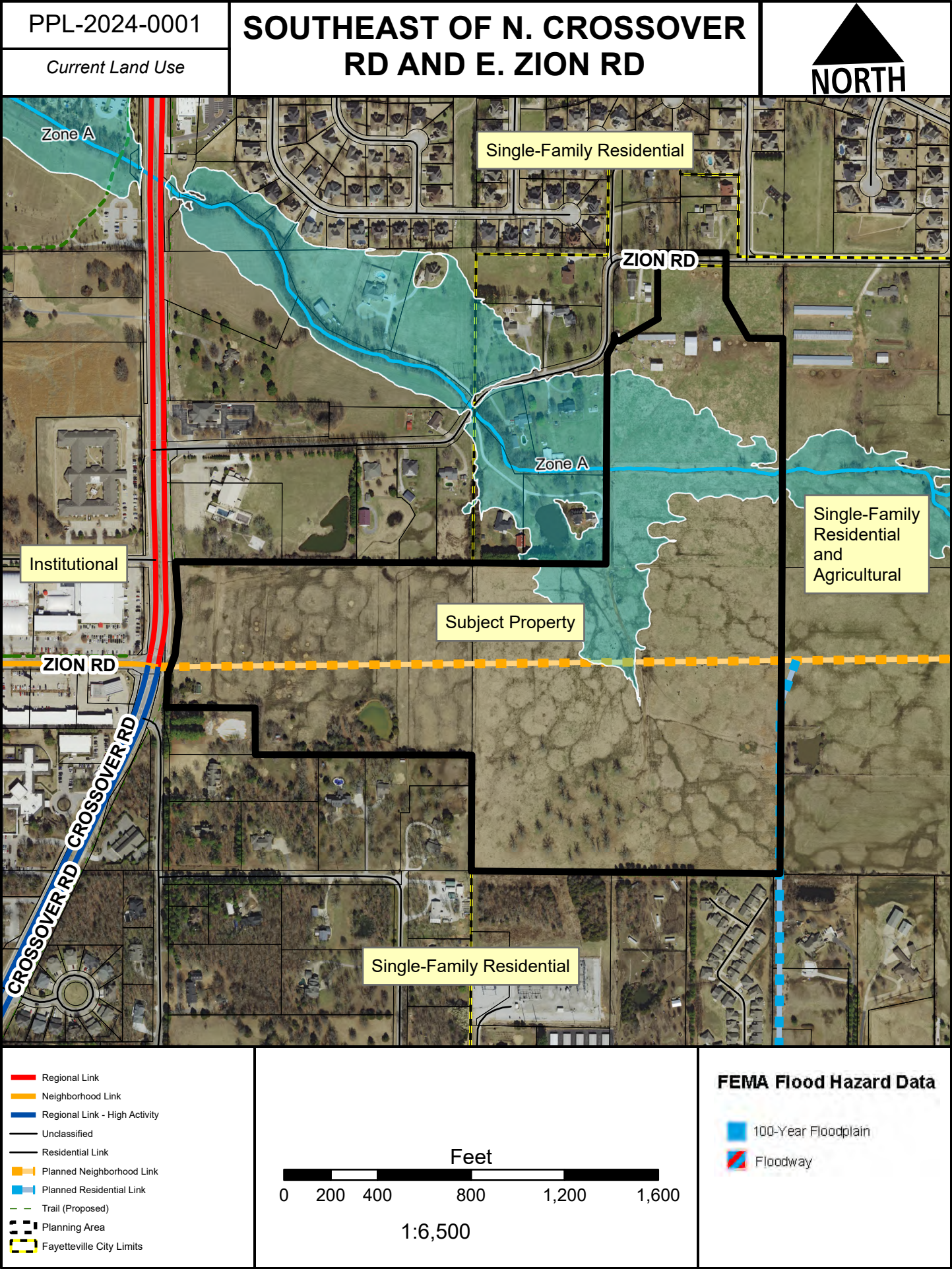
Thank you,

Michele Lang
3322 E Zion Road
Fayetteville

Mlang9669@gmail.com









TO: Fayetteville Planning Commission

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

MEETING: August 12, 2024

SUBJECT: **PPL-2024-0001: Preliminary Plat (SOUTHEAST OF N. CROSSOVER RD AND E. ZION RD/CHANDLER CROSSING, 138):** Submitted by ENGINEERING SERVICES INC for property located SOUTHEAST OF N. CROSSOVER RD AND E. ZION RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 82.09 acres. The request is for the preliminary plat of 321 residential lots.

RECOMMENDATION:

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

RECOMMENDED MOTION:

*"I move to approve **PPL-2024-0001** to the full Planning Commission, recommending:*

- In favor of the requested variance to §166.04(B)(3)(c) – Streets;*
- In favor of the requested variance to §166.08(E)(1) – Block Length;*
- In favor of recommended street improvements;*
- All other conditions as outlined by staff."*

BACKGROUND:

The subject property is in northeast Fayetteville, east of N. Crossover Road and south of E. Zion Road. The property encompasses two parcels, 765-13219-000, and the majority of parcel 765-13219-100, which was annexed into the City limits in 2021 (ANX-2020-000001). The properties are currently both rural and agricultural in nature and were subsequently rezoned to a Residential Planned Zoning District (Ordinance 6421). The property currently has a single-family dwelling, which county records indicate was built in 1947, and associated outbuildings for what has long been an agricultural use. Hilton Creek runs east and west through the site, and the area surrounding the creek is designated as a flood plain. A preliminary plat, Chandler Crossing (PPL-2021-000010) was approved on this site in 2021; it has since expired. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Elks Lodge	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre; Washington County, Ag/Single-Family Residential
South	Single-Family Residential; Arkansas Electric Cooperative; Recreational Facility	R-A, Residential-Agricultural; Washington County, Ag/Single-Family Residential
East	Agricultural	Washington County, Ag/Single-Family Residential

West	Commercial; Fayetteville Athletic Club; Single-Family Residential	C-1, Neighborhood Commercial; R-O, Residential-Office; Washington County, Agricultural Single-Family Residential
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Proposal: The applicant is proposing a subdivision with 321 mixed-use lots, ranging from single-family residential, townhomes, duplex, triplex, and commercial lots, over three approved Planning Areas associated with the PZD ordinance, as shown in Table 2.

Table 2:
Proposed Unit/Lot Count

Planning Area	Acreage	Lot Count/ Unit Count	Proposed Density	Required Density
1	6.2	6/0	N/A	N/A
2	39.63	310/336	8.45 units per acre	8.5 units per acre
3	36.06	7/0	N/A	N/A

The applicant has requested variances to the Unified Development Code in association with this request.

- **§166.04(B)(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The applicant is requesting to vary from Master Street Plan standards for several streets throughout the development. Further discussion of the request is in the “Street Improvements” section of this report.
- **§166.08(E)(1) – Block Length. Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet.** The applicant is requesting a variance to this standard for four streets: N. Emperor Avenue (approximately 750’), N. Rolling Meadows (approximately 890’), N. Gaylor Drive (approximately 900’) and N. Alamo Boulevard (approximately 675’). Further discussion of this request is included in the “Access/Connectivity” section of this report.

Street Improvements:

N. Crossover Road: The portion of N. Crossover Road that is north of the proposed E. Zion Road extension is designated as a Regional Link Street, typically requiring 92 feet of right-of-way width, with 46 feet from centerline, 8-foot sidewalk, and 10-foot greenspace. The Active Transportation Plan indicates a future trail in this location, so the applicant proposes a 12-foot sidewalk and 10-foot greenspace in this location. An excess of right-of-way (ARDOT) appears to be already existing at this location, so staff is not recommending any additional right-of-way dedication.

The portion of S. Crossover Road that is south of the proposed E. Zion Road is designated as a Regional Link – High Activity Street, typically requiring 96 feet of right-of-way width, with 48 feet of right-of-way width from centerline, with 10-foot sidewalk and 10-foot greenspace. The Active Transportation Plan indicates a future trail in this location, so that applicant proposes a 12-foot sidewalk and 10-foot greenspace at this location. An excess of right-of-way (ARDOT) appears to be already existing at this location, so staff is not recommending any additional right-of-way dedication.

Following information received from a Traffic Study, staff also recommend intersection improvements to the intersection of E. Zion Road and N. Crossover Road. Those improvements are outlined below in the conditions of approval.

Internal Streets:

E. Zion Road: E. Zion Road is classified on the Master Street Plan as a Neighborhood Link Street, which typically requires 67-feet of right-of-way width dedication, 8-foot sidewalks, 10-foot greenspace, 1.5' curb and gutter, 10-foot drive lane, 9-foot drive lane, and a 10-foot parking lane on one side of the street. The applicant has requested a variance to the Neighborhood Link Street standards, in two parts.

- **§166.04(B)(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The applicant is requesting to vary from Master Street Plan standards. The first, from the intersection with N. Crossover to the intersection with N. Amazon Avenue, a distance of just over 500 feet, the applicant is requesting 72 feet of right-of-way width to accommodate 8-foot sidewalk, 10-foot greenspace, and a left turn lane at the intersection with N. Crossover. From N. Amazon Avenue until the easternmost boundary of the development, the applicant is requesting to construct 8-foot sidewalks, 10-foot greenspace, and 36-feet of paved road, with a desire to construct parking on both sides of the street.
 - *Staff recommends in favor of the request, finding that narrowing of streets where needed and providing on-street parking on both side of the street will help ensure adequate parking for the proposed development, as well as potentially help calm traffic throughout the site. The Fire Department will also require at least 20-feet of width in between traffic calming measures at the intersections, which the applicant is indicating on their plans.*

N. Alamo Boulevard: The applicant proposes a non-standard street section for a Boulevard which surrounds two linear drainage parks; those parks are called out as Planning Area 3. A variance has been requested for this proposed street section.

- **§166.04(B)(3)(c) – Streets. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The ROW varies, but will typically provide 6-foot sidewalks, 6-foot greenspace, 1-foot curbs, and 20-foot one-way drive aisles.
 - *Staff supports the request, finding that the proposed streets line a linear park as outlined in the approved PZD. The applicant is also showing pedestrian access to the linear parks, as required per Planning Area 3.*

All other internal streets (Anser, Dexter, Emperor, Fresno, Gaylord, Jersey, Lima, Mariposa, Memphis, Oracle, Rolling Meadows): These streets are proposed Residential Link Streets, with 52-foot right-of-way width, 26 feet from centerline, 6-foot sidewalk, 6-foot greenspace, and space for a 7-foot parking lane on one side of the street. Staff is recommending in favor of these improvements, since they are in line with the Master Street Plan requirements. The applicant also proposes to neck down the Residential Link Streets at intersections to minimize pedestrian crossing width.

Alleys AA through II, Alleys O through V, Alleys Y and Z: Two-way Residential Rear Alleys are proposed throughout the development for these alleys, indicating 20-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 7-foot drive lanes, per the Master Street Plan.

Alleys W and X: Two-way Commercial Rear Alleys are proposed for these alleys, indicating 24-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 9-foot drive lanes, per the Master Street Plan.

Design Standards: Staff finds that the applicant is proposing two-family units and above in various locations throughout the site. Staff finds that 166.21, Downtown Architectural Design Standards

will apply to all buildings in Planning Area 2, per the PZD ordinance. 166.23, Urban Residential Design Standards will apply to two-family dwellings and above. Commercial Design standards will apply to any proposed commercial structures. No proposed buildings are currently under review with this preliminary plat, and these standards would be reviewed for at the building permit level.

Block Length/Connectivity: The applicant has requested variances to these standards.

- **§166.08(E)(1) – Block Length. Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet.** The applicant is requesting a variance to this standard for four streets: N. Emperor Avenue (approximately 750'), N. Rolling Meadows (approximately 890'), N. Gaylor Drive (approximately 900') and N. Alamo Boulevard (approximately 675').
 - *Staff recommends in favor of this request, in all locations. With the extensive alley network that serves this development, staff finds that traffic (both pedestrian and vehicular) will typically have many options for connectivity and access throughout the site. The majority of the intersections throughout the development are also typically much shorter than the 660-foot length requirement. Staff also finds that while Gaylord Drive does not propose any additional stub-outs to the north, staff finds that development is not likely to be feasible in that location given the existence of the proposed detention pond, proposed parkland dedication, the Hilton Creek floodway, and reduced development capacity per the PZD ordinance. Staff recommends an added condition that those streets with alley-loaded lots shall be accessed from the alley.*

Water and Sewer System: Water and sewer is required to be extended throughout the site, and the applicant is proposing an additional lift station at the northeast corner of Planning Area 2 to serve the development.

A significant amount of the overall property is also within floodplain and floodway. Engineering staff has been working with the applicant to ensure all drainage and floodplain criteria are met. The applicant will be required to have an approved CLOMR prior to fill being placed within Zone A areas, provide compensatory storage and no lot can be platted with less than 6000 sq. ft. outside the floodplain, or shall be a minimum of 1 acre in size.

Tree Preservation:

Canopy minimum requirement: 25%

Existing canopy: 2.2%

Preserved canopy: 0.9%

Mitigation required: 211 2" caliper trees

Parks: A PRAB meeting was held on this proposal in January 4, 2021. PRAB recommended fees-in-lieu for this development in the amount of \$315,515 based on the number of proposed single-family and multi-family lots proposed. PRAB indicated this preference given its proximity to Lake Fayetteville and to David Lashley Park. The applicant is alternatively requesting to dedicate land; should land dedication ultimately be approved, the required amount would be 6.66 acres. Planning Commission serves as the determining body when PRAB and the applicant are unable to agree.

Public Comment: Staff received public comment on this proposal with its original approval in 2021 and received inquiries prior to the June 27 Subdivision Committee meeting. At the June 27 meeting, members of the public spoke with a request for the developer to install fencing or screening along the northern property line that borders an existing non-residential use (Elks

Lodge). Staff noted at the meeting that residential properties are not typically required to screen to adjacent residential properties, or to provide screening when adjacent to existing commercial or non-residential properties. No members of the public spoke at the August 1 Subdivision Committee meeting.

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

Conditions of Approval:

1. Planning Commission determination of street improvements:

Intersection improvements: Zion and Crossover Road: *As a result of the traffic study provided, Staff recommends the following as conditions of approval for the project:*

- 1. Restripe the west leg (Zion Rd to accommodate an eastbound left-turn lane, an eastbound thru / right-turn lane and a westbound receiving lane*
- 2. The new east leg (Chandler Crossing) be constructed to align with Zion Road and to accommodate a westbound left-turn lane, a westbound thru / right-turn lane and an eastbound receiving lane.*
- 3. There is an existing southbound left-turn lane on the north leg of N Crossover Road and Zion that currently serves southbound u-turns without a protected left-turn signal head. This lane shall be converted to accommodate southbound to eastbound left-turns, and new signal head installed with protective-permissive signal phasing. In addition, the "U-Turn" swing out lane shall be removed on northbound side of Crossover Rd. (Subject to review and approval by ARDOT)*
- 4. Eastbound and westbound left turn movements at the traffic signal be protective-permissive with flashing yellow arrow 4-section signal heads.*
- 5. Developer shall be responsible for all necessary upgrades to the existing traffic signal resulting from the addition of the new extension of Zion Rd East into Chandler Crossing.*

N. Crossover Road: *The portion of N. Crossover Road that is north of the proposed E. Zion Road extension is designated as a Regional Link Street, typically requiring 92 feet of right-of-way width, with 46 feet from centerline, 8-foot sidewalk, and 10-foot greenspace. The Active Transportation Plan indicates a future trail in this location, so the applicant proposes a 12-foot sidewalk and 10-foot greenspace in this location. An excess of right-of-way (ARDOT) appears to be already existing at this location, so staff is not recommending any additional right-of-way dedication.*

Zion Road: *From N. Crossover Road to the intersection with N. Amazon Avenue, Zion Road shall be constructed with 72 feet of right-of-way width to accommodate 8-foot sidewalk, 10-foot greenspace, and a left turn lane at the intersection with N. Crossover. From N. Amazon Avenue until the easternmost boundary of the development, the applicant is requesting to construct 8-foot sidewalks, 10-foot greenspace, and 36-feet of paved road, with parking on both sides of the street.*

N. Alamo Boulevard: *The applicant proposes a non-standard street section for a Boulevard which surrounds two linear drainage parks; those parks are called out as Planning Area 3. The Boulevard shall be constructed with 6-foot sidewalks, 6-*

foot greenspace, 1-foot curbs, and 20-foot one-way drive aisles, with proposed pedestrian crossings as indicated.

All other internal streets (Anser, Dexter, Emperor, Fresno, Gaylord, Jersey, Lima, Mariposa, Memphis, Oracle, Rolling Meadows): *These streets shall be constructed as indicated on the plan as Residential Link Streets, with 52-foot right-of-way width, 26 feet from centerline, 6-foot sidewalk, 6-foot greenspace, and space for a 7-foot parking lane on one side of the street. The applicant also proposes to neck down the Residential Link Streets at intersections to minimize pedestrian crossing width. The Fire Department will require 20-foot width at the neck down points.*

Alleys AA through II, Alleys O through V, Alleys Y and Z: *Two-way Residential Rear Alleys are proposed throughout the development for these alleys, indicating 20-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 7-foot drive lanes, per the Master Street Plan.*

Alleys W and X: *Two-way Commercial Rear Alleys are proposed for these alleys, indicating 24-foot right-of-way width, 2-foot greenspace, 1-foot ribbon curb, and 9-foot drive lanes, per the Master Street Plan.*

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF STREET IMPROVEMENTS.

2. Planning Commission determination of requested variances:

- a. **\$166.04(3)(c) – Streets.** **Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** *Staff recommends in favor of this request, as outlined in comments above;*
- b. **\$166.08(E)(1) – Block Length.** **Residential Link Streets are required to provide an intersection at a minimum of 1 per 660 feet.** *Staff recommends in favor of this request, as outlined in comments above, with an added condition that those lots that are accessible via a proposed alley shall be accessed from alley;*

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF STREET IMPROVEMENTS.

3. Right-of-way width dedication in the following amounts will be required:

- a. *Zion Road – 72 feet*
- b. *N. Alamo Boulevard – Varying, provided 6-foot greenspace, 6-foot sidewalk, 2 20-foot drive aisles, and linear park are adequately supplied.*
- c. *All other internal streets – 52 feet*
- d. *Alleys AA through II, Alleys O through V, Alleys Y and Z – 20 feet*
- e. *Alleys W and X – 24 feet*

4. Parkland dedication in the minimum amount of 6.66 acres is required prior to final plat. Alternatively, if Parkland Dedication is not approved by Planning Commission, Parkland fees-in-lieu in the amount of \$315,515 shall be paid prior to final plat approval. Final unit and lot count will be determined by final Planning Commission approval.

5. All plat comments shall be addressed as indicated and distributed through Energov portal prior to Planning Commission submission.

6. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet;
7. Conditions of approval from Engineering, Urban Forestry, and Parks Department are included in the official conditions of approval;

Standard conditions of approval:

8. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
9. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;
10. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;
11. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;
12. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
13. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, SWBT, Ozarks, SWEPCO, Cox Communication)
14. 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; and
15. Preliminary Plat approval shall be valid for one calendar year.

Planning Commission Action: ☐ Tabled ☐ Approved ☐ Denied

Meeting Date: August 12, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code:
 - 166.08 Street Design And Access Management Standards
 - 166.04 Required Infrastructure Improvements — Development In City Limits
 - City Engineering comments
 - Urban Forestry comments
 - Parks and Recreation Advisory Board comments
 - Request Letter
 - Site Plan
 - Public Comment
 - 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.

...

- (E) *Block Layout/Connectivity.*

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

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-2020)

166.04 Required Infrastructure Improvements — Development In City Limits

...

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

(a) *Dedication of Right-of-Way.*

- (i) *On-Site.* Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission or Subdivision Committee; provided, the Planning Commission or Subdivision Committee may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.
- (ii) *Council Acceptance of Streets and Alleys.* The City Council accepts all streets and alleys located in Fayetteville that have been previously approved and accepted as dedications by the Fayetteville Planning Commission/Subdivision Committee. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Fayetteville Planning Commission/Subdivision Committee.

(b) *Monuments and Lot Stakes.* The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, General Procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

(c) *Streets.*

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

...

(C) *Other Infrastructure Improvements.* Other infrastructure improvements may be required where the need for such improvements is created in whole or in part by the proposed development as determined by the City Engineer.

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



TO: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: August 7, 2024

SUBJECT: **Planning Commission Engineering Comments for
PPL-2024-0001 Chandler Crossing**

Water: New water mains will be extended throughout the development to provide water service and fire protection to all lots. Two points of connection will be provided. One to the existing 12" water main along Crossover Road, and another to the existing 12" water main along E Zion Rd. A "No Feasible Alternative" determination was made by the City Engineer for the proposed water line crossing Hilton Creek.

Sewer: A large portion of this development will be served by a new sanitary sewer lift station, which will be located north of Hilton Creek along Zion Rd. Gravity sewer mains will be installed to collect sewer from all new lots and direct it to the new lift station, which will pump the sewer to existing sewer mains along Crossover Road. A "No Feasible Alternative" determination was made by the City Engineer for the proposed gravity sewer and force main crossing Hilton Creek.

Streets: The applicant has provided a traffic study for the development that estimates 5,643 daily vehicle trips to be generated from this development. Assumed distribution of traffic from this report is approximately 40% north on Crossover Rd, 40% south on Crossover Rd, and 20% west on Zion.

Natural Features: The applicant has provided a wetlands delineation for the site, and an Approved Jurisdictional Determination from USACE confirming that while there are some wetland areas on site, they are not jurisdictional. However, Hilton Creek, a tributary to Clear Creek and Lake Fayetteville would be regulated, and subject to the Clean Water Act.

Hilton Creek is a protected stream and therefore subject to the streamside protection ordinance. The applicant is proposing to include stream restoration as a part of this project.

Floodplain: A portion of the proposed development lies within Zone A floodplain. The project must have an approved CLOMR prior to placing additional fill these areas. There can be no lot platted with less than 6,000 square feet of buildable area outside of the floodplain and if the entire lot is within the floodplain it must be a minimum of 1 acre.

The applicant has provided a flood study which appears to meets the City's "No Adverse Impact" requirement for development within the floodplain. Additional reviews will be completed with the grading permit submittal.

Drainage: New storm sewer piping and inlets will be installed across the development to collect stormwater from new impervious areas and drain this runoff into one of two new detention ponds. Both detention ponds are located along the northern side of the property. The ponds will be stormwater ponds with a permanent pool of water that will provide water quality treatment. Upon preliminary review of the drainage design and improvements, the development appears to be meeting all 4 minimum drainage criteria standards.

Required Improvements to intersection of Zion and Crossover Rd.

As a result of the traffic study provided, Engineering Staff recommends the following as conditions of approval for the project:

1. Restripe the west leg (Zion Rd to accommodate an eastbound left-turn lane, an eastbound thru / right-turn lane and a westbound receiving lane
2. The new east leg (Chandler Crossing) be constructed to align with Zion Road and to accommodate a westbound left-turn lane, a westbound thru / right-turn lane and an eastbound receiving lane.
3. There is an existing southbound left-turn lane on the north leg of N Crossover Road and Zion that currently serves southbound u-turns without a protected left-turn signal head. This lane shall be converted to accommodate southbound to eastbound left-turns, and new signal head installed with protective-permissive signal phasing. In addition, the "U-Turn" swing out lane shall be removed on northbound side of Crossover Rd.(Subject to review and approval by ARDOT)
4. Eastbound and westbound left turn movements at the traffic signal be protective-permissive with flashing yellow arrow 4-section signal heads.
5. Developer shall be responsible for all necessary upgrades to the existing traffic signal resulting from the addition of the new extension of Zion Rd East into Chandler Crossing.

Standard Comments:

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



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Joshua Haley, EI, ESI
From: Melissa Evans, Urban Forester
CC: Jessie Masters, Development Review Manager
Meeting Date: August 12, 2024
Subject: PPL- 2024-0001: Chandler Crossing: Southeast of N. Crossover Rd. and E. Zion Rd.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
1 Tree : 12 Parking Spaces				

- | | | | |
|---|-----|--|---|
| b. Wheel Stops/Curbs
<i>UDC Chapter 177.04B1</i> | N/A | | |
| c. Narrow Tree Lawn (8' min. width, 37.5' length)
<i>DC Chapter 177.04C</i> | | | X |
| d. Tree Island (8' min. width, 18.7' min length, 150 square feet)
<i>UDC Chapter 177.04C</i> | | | X |
| e. Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | | | X |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | |
|---|--|--|---|
| a. Front Property Line (15' wide landscape) and 5' on sides and rear.
<i>UDC Chapter 177.04D2a</i> | | | X |
| b. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | | | X |
| c. Screening of parking lot from adjacent residential properties. | | | X |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | |
|--|---|--|---|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | X | | |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | | | X |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | X | | |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | X | | |

5. Landscape Requirement Totals	Amount
Mitigation Trees	211 required, 222 provided
Parking Lot Trees	0
Street Trees	365
Detention Pond – Large Trees (1 Tree/3,000 square feet)	61
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	244
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	366

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	5-14-24 6-11-24	6-26-24 7-31-24	8-12-24
Approved			
Tabled			
Denied			

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

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please make sure there are no stop sign/street tree conflicts.



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Joshua Haley, EI, ESI
From: Melissa Evans, Urban Forester
CC: Jessie Masters, Development Review Manager
Meeting Date: August 12, 2024
Subject: PPL-2024-0001: Chandler Crossing: Southeast of N. Crossover Rd. and E. Zion Rd.

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

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	3,398,319	100%
Zoning Designation * Select Below with drop down arrow		
PZD, Planned Zoning District	849,580	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	849,580	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	75,613	2.2%
Tree Canopy Preserved	29,892	0.9%
Tree Canopy Removed *On Site	45,721	1.3%
Tree Canopy Removed *Off Site	358	
Tree Canopy Removed Total	46,079	1.4%
Removed Below Minimum	819,688	
Mitigation Requirements	46,079	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	46,079	211
Low Priority		
Total Mitigation Trees Required	46,079	211

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

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1 and 167.04L1</i>	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	Yes
b. Property Boundary	Yes	Yes	Yes
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	Yes
d. Existing Topography and Proposed Grading	Yes	Yes	Yes
e. Soil Types	Yes	Yes	Yes
f. Significant Trees	Yes	Yes	Yes
g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	Yes	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	Yes	Yes	Yes
l. Floodplains and floodways	Yes	Yes	Yes
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	N/A	N/A	N/A
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	N/A	N/A	N/A

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

6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X		
7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	5-14-24 6-11-24	6-25-24 7-31-24	8-6-24
Approved			
Tabled			
Denied			

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

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please ensure there is no grading or utility work that will compromise the roots of preserved trees 1007, N, M and 1012. It is understood that some of these issues have been remedied for Tree 1007 and every effort will be made to preserve the other trees successfully.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: July 30, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: January 4, 2021

Project Title: Chandler Crossing

Project Number: PPL-2024-0001

Project Location: E of Zion Rd and Crossover Rd Intersection

Plat Page: 138,139

Park Quadrant: NE

Billing Name & Address: Chandler Crossing LLC, PO Box 773, Springdale, AR 72765

☐ Land Dedication ☒ Fee-in-Lieu ☐ Combination

LAND DEDICATION					TOTAL Acres
Single Family:	_____	units	x 0.023	acres per unit =	<u>0.00</u> acres
Multi Family:	_____	units	x 0.020	acres per unit =	<u>0.00</u> acres

FEE-IN-LIEU					TOTAL Fees
Single Family:	<u>267</u>	units	x \$1,089	per unit =	<u>\$290,763</u>
Multi Family:	<u>26</u>	units	x \$952	per unit =	<u>\$24,752</u>

- SUMMARY:
- Project proposes 267 SF units and 26 MF units.
 - 267 SF Units = Cottage (144), Duplex (20), and Single Family (103)
 - 26 MF Units = Tri-Plex (3) and Townhome (23)
 - January 4, 2001 PRAB meeting:
 - The developer requested land dedication
 - Parks staff recommended fees-in-lieu of land dedication since the development is already adequately served with ~600 acres of park land within a one mile radius. David Lashley Park is 420 feet away and Lake Fayetteville is 0.4 miles away.

Summary continued on next page...

- Parks staff also asked the Parks Board to consider the problems and inefficiencies that occur from having redundant parks as well as the high maintenance costs that may be incurred on this site.
- Parks Board passed a motion in favor of fees-in-lieu with a vote of 8-0-0.
- The developer expressed their intention have the Parks Board and Parks Staff recommendations overturned by the Planning Commission.
- If land dedication were to be accepted, the required dedication would total 6.66 acres.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of the Final Plat.
- Land dedication and/or fee-in-lieu must be recorded prior to the issuance of building permits.

ASSOCIATED PROJECTS:

- PPL-2021-000010 (Expired)

March 26, 2024

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

RE: Overall Narrative
Chandler Crossing
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a narrative to accompany the complete submittal for Chandler Crossing Subdivision. The proposed subdivision is located at the intersection of Highway 265 and E Zion Road. It is Washington County parcel numbers 765-13219-000 and 765-13219-100, which is currently owned by Chandler Crossing, LLC. The property was recently annexed into the city, and zoned as a planned zoning district, allowing commercial, residential, and undevelopable areas. The proposed development will consist of a mixed-use development, with mixed residential building styles, commercial outlots, and interior office lots.

Pre-Application Meeting

There have been multiple meetings with staff on this project while it was going through the annexation and planned zoning district process. These development plans further detail what was originally submitted to staff during the annexation and planned zoning district process.

Parks and Recreation Advisory Board Meeting

This project has been to the Parks and Recreation Advisory Board Meeting, where the board requested a fee-in-lieu of parkland dedication. The developer has requested parkland dedication instead of this fee-in-lieu due to the environmental impacts related to Hilton Creek, which City Council and City Staff appeared to support during the annexation process. We appeal the decision of the PRAB meeting to the planning commission.

External Studies

Multiple studies are included with this submittal, as outlined below.

1. Delineation of Potential Section 404 Issues – FTN
2. Hilton Branch Drainage Analysis – FTN
3. Traffic Study – Peters & Associates

No substantial 404 issues were found, and no regulatory waterbodies apart from Hilton Creek were determined. FTN supplied a draft drainage study of Hilton Creek with this first submittal, which analyzes the existing condition of Hilton Creek. The proposed pond associated with Chandler Crossing utilized these base flood elevations as the tailwater constraint. Lastly, a draft traffic study has been included, which does not show any issues with the proposed development.

Utilities

This site currently has access to existing Fayetteville water and sewer infrastructure. There is an existing 12" water main located at the northwest corner of the property, which the development will connect into for water service. For sewer, this site will gravity drain to a proposed lift station, near Hilton Creek, which will then be pumped back west to an existing 10" sewer main along the east side of Highway 265. There are no known capacity issues with these existing lines.

This submittal includes the following items:

- Preliminary Plat Plans
- Preliminary Drainage Report
- PRAB Documentation
- Owner Consent Form
- County Parcel Map

Please let me know if I can answer any questions.



Joshua Haley, E.I.
Project Engineer



June 26, 2024

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

RE: Overall Narrative
Chandler Crossing
Fayetteville, AR

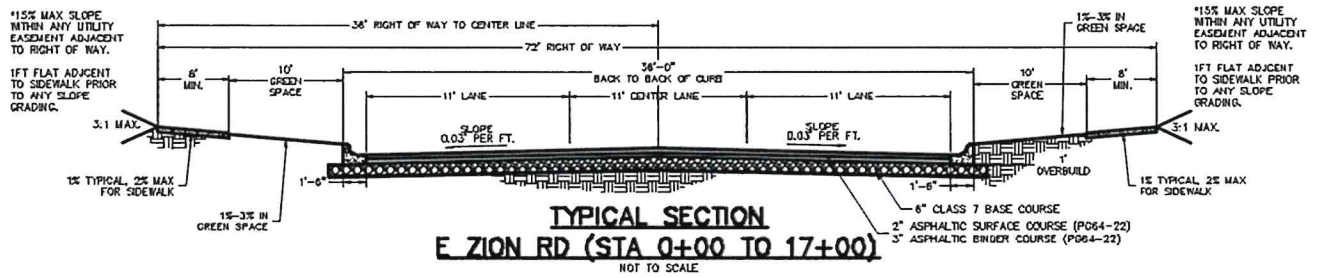
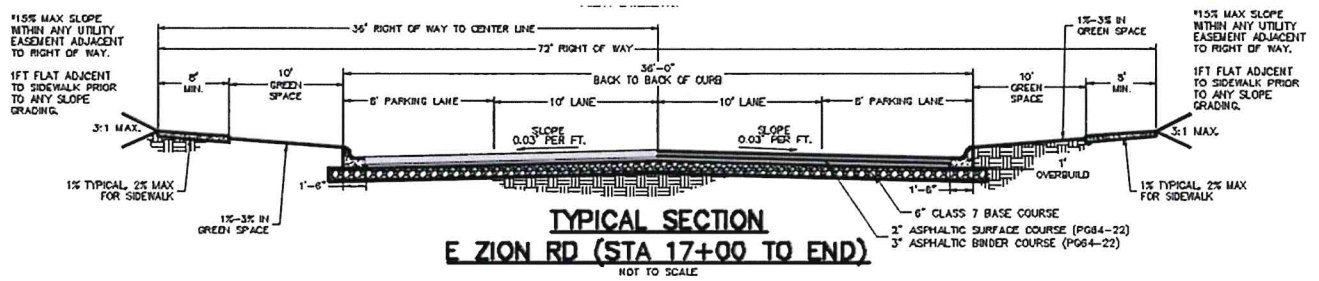
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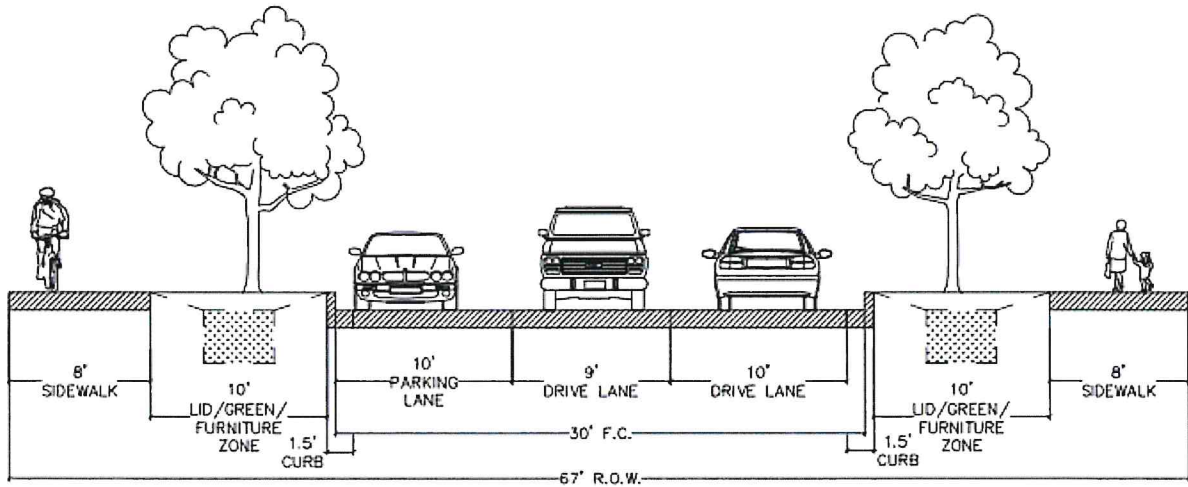
Variances Requested

1. A variance to the master street plan's typical sections are requested for E Zion Road and for N Alamo Boulevard. For E Zion Road, two different street sections are being utilized. On the west side, a three lane configuration is proposed, with the middle lane being a turning lane. This is requested for turning movements associated with the future commercial lots, but also to queue vehicles which desire to turn left onto Highway 265, in accordance with the submitted traffic study. As this street progresses east, it is converted to a standard street section, but which has parking on both sides of the street. This is also not a standard street section, and a variance is requested for this as well, to provide as much on-street parking as possible on this street.

Desired Street Section (Requiring Variance)

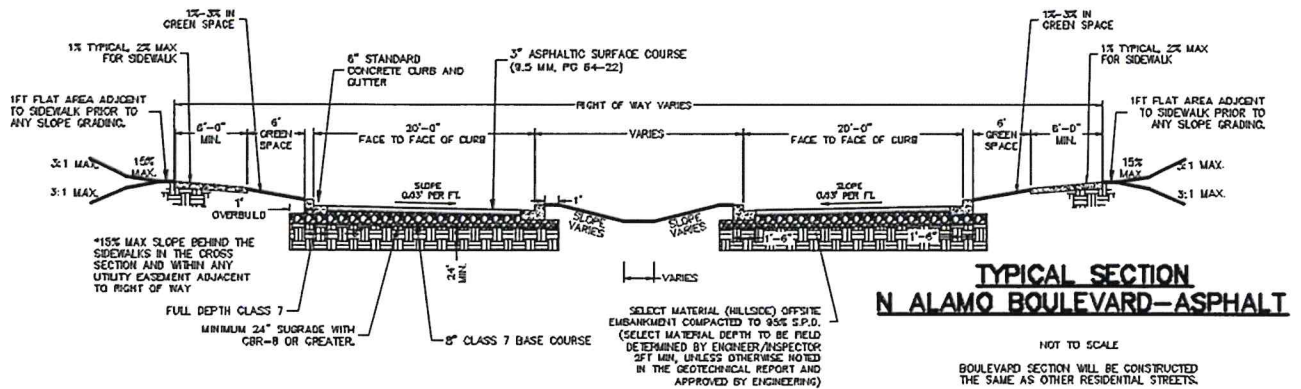


2040 Neighborhood Link Street Section

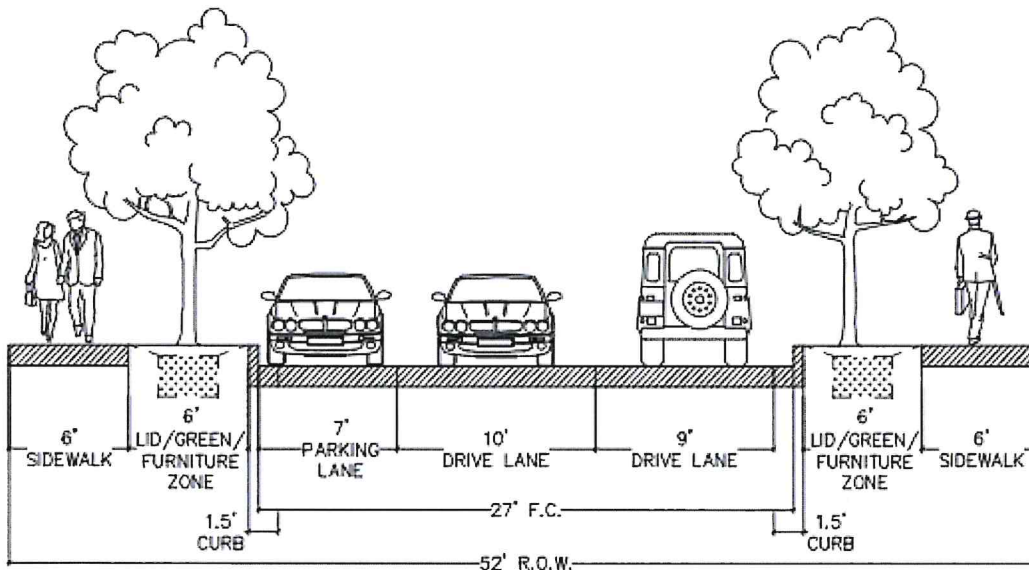


Additionally, the N Alamo Boulevard section does not conform to the master street plan. As proposed, there is a large linear drainage park area proposed between the two one-way lanes of the boulevard. This street section was shown on the approved Planned Zoning district, but because it does not conform to the master street plan, a variance is requested for the desired street section.

Desired Street Section (Requiring Variance)



2040 Residential Link Street Section



2. A variance to the block length (166.08e) is requested for any streets which exceed 660 linear feet on this project. The project has many street intersections, curved streets, and on-street parking, which will greatly reduce the ability for any vehicle to speed in the subdivision. Additionally, chicanes have been added on stretches which exceed 660 linear feet, in order to further slow traffic speeds throughout the subdivision.
 - The west side of N Emperor Ave exceeds 660 linear feet, at approximately 750 linear feet. Multiple chicanes have been added as well as a mid-block pedestrian crossing, adjacent to the linear park on lot 276, which will greatly reduce vehicular traveling speeds through this area.
 - N Rolling Meadows Ave exceeds 660 linear feet on both the west and east side. This street has multiple alley intersections which break up this block length on the west side (total block length is 685 on west side). On the east side, multiple chicanes were added to break up the block length. There is

also a larger drainage basin that drains through this area, with a large existing pond where any potential additional stub-out would occur. Because of this, it is requested that a variance be allowed to exceed 660 linear feet on this stretch (totaling approximately 900). The street configuration has changed on the south side at Staff's request to better conform with the master street plan future street connections.

- The north side of N Gaylord Dr exceeds 660 linear feet, at approximately 900 linear feet. Stubbing out a street to the north is not ideal, due to Hilton Creek, proposed lift station, and the proposed detention pond. Because of this, a variance is requested for the block length.
 - Both the east and west side of the N Alamo Boulevard exceed 660 linear feet. It is requested that a variance be granted for this without additional street connectivity. The main reason in requesting this is that the drainage swale in the middle of the boulevard will be utilized to treat the phosphorus of this drainage basin, so it is desired to not reduce this area. We have also added a mid-block crossing for pedestrian connectivity to this street, which will reduce traveling speeds in this area. None of these block lengths exceed 700 linear feet.
3. A variance is requested for the Streamside Protection Ordinance. The intent is to add a wetland shelf on both the north and south side of the creek, and to plant this shelf with vegetation conducting to removing phosphorus from Hilton Creek. A variance is requested to modify the creek to be improved per City of Fayetteville Engineering recommendations. The proposed wetland shelf would be 1' above the bottom of the creek. This variance is not needed for the development, but to try and improve Hilton Creek.

Pre-Application Meeting

There have been multiple meetings with staff on this project while it was going through the annexation and planned zoning district process. These development plans further detail what was originally submitted to staff during the annexation and planned zoning district process.

Parks and Recreation Advisory Board Meeting

This project has been to the Parks and Recreation Advisory Board Meeting, where the board requested a fee-in-lieu of parkland dedication. The developer has requested parkland dedication instead of this fee-in-lieu due to the environmental impacts related to Hilton Creek, which City Council and City Staff appeared to support during the annexation process. We appeal the decision of the PRAB meeting to the planning commission.

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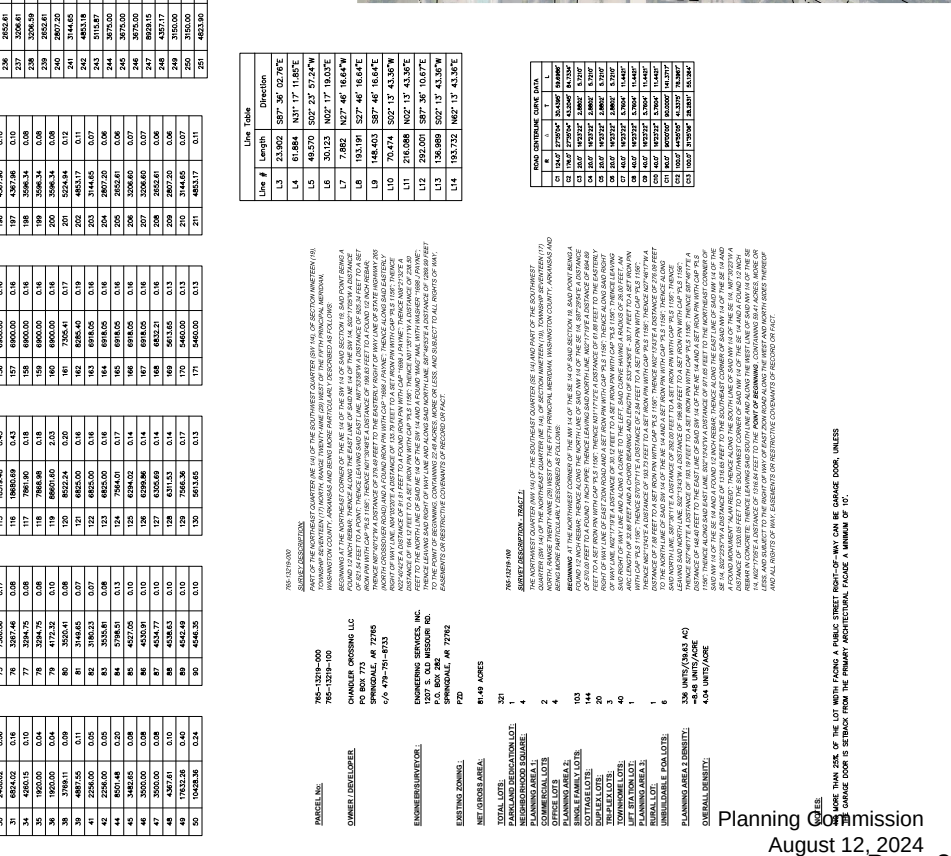
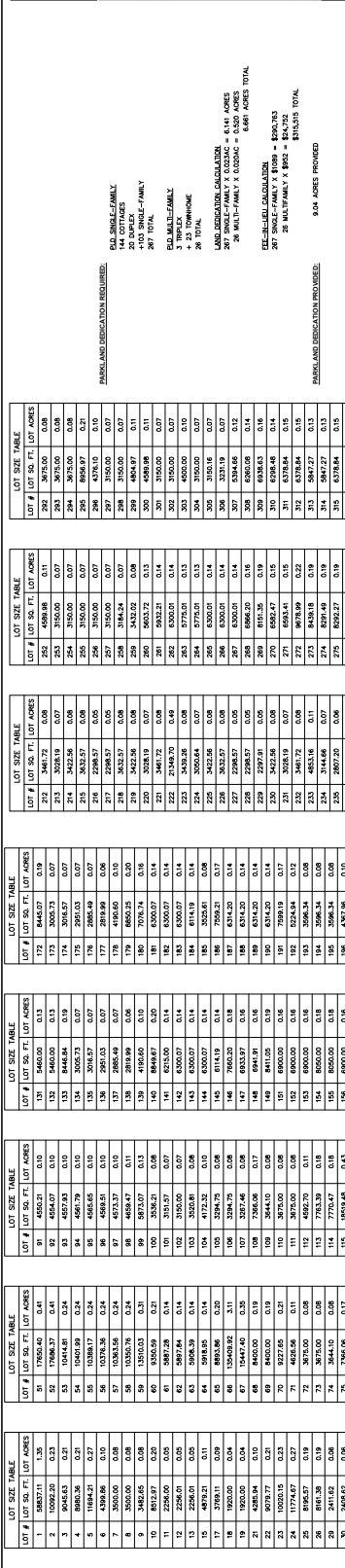
This submittal includes the following items:

- Preliminary Plat Plans
- Preliminary Drainage Report
- PRAB Documentation
- Owner Consent Form
- County Parcel Map

Please let me know if I can answer any questions.



Joshua Haley, E.I.
Project Engineer

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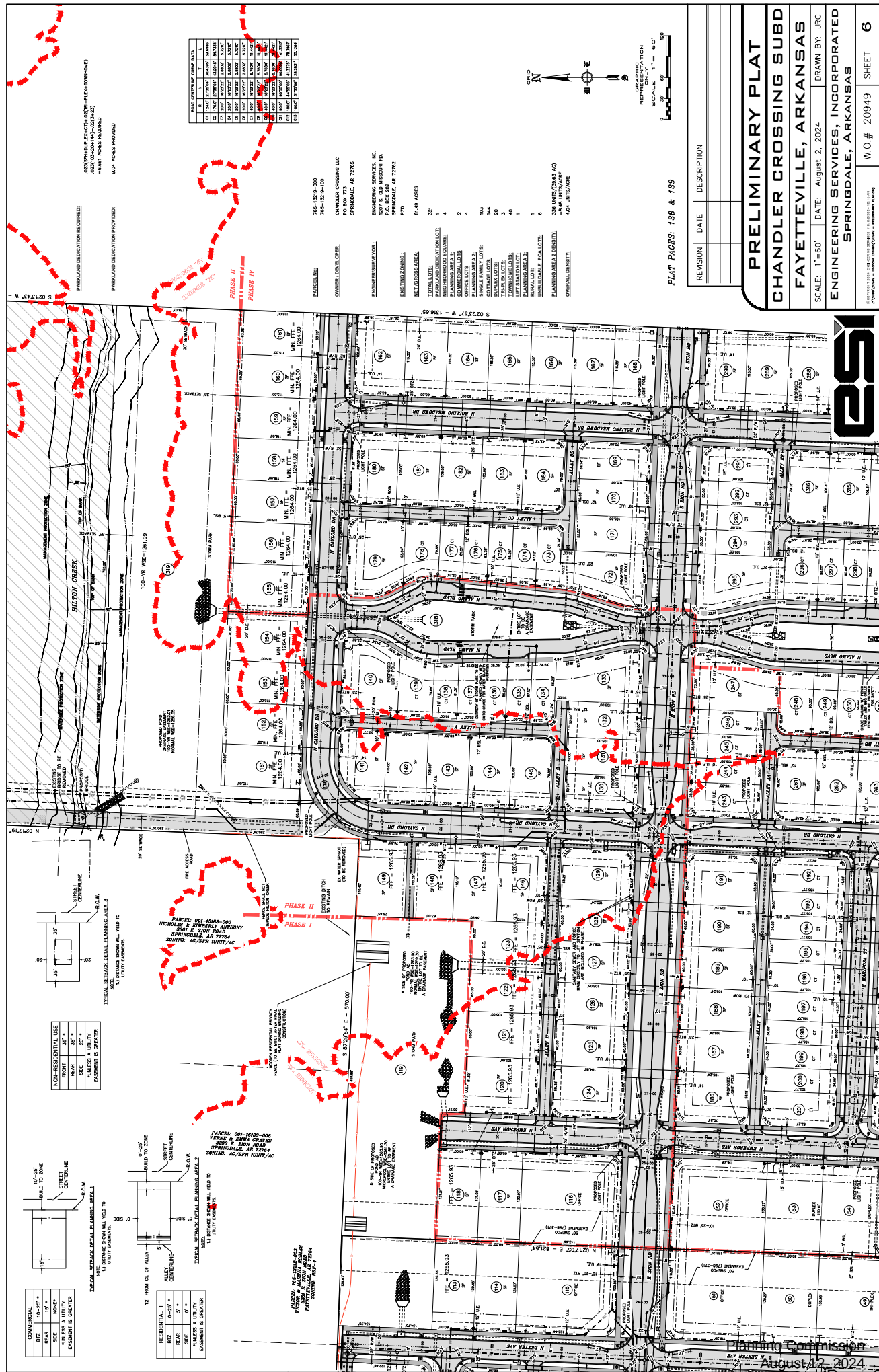
LOT	LOT SIZE	LOT AREA
51	5880.71	1.35
52	1000.25	0.23
53	9046.63	0.21
54	8931.36	0.21
55	9251.58	0.21
56	9251.58	0.21
57	4309.48	0.10
58	3500.00	0.08
59	3500.00	0.08
60	1484.65	0.03
61	8519.97	0.20
62	2298.00	0.05
63	2298.01	0.05
64	4796.21	0.11
65	3798.11	0.09
66	1900.00	0.04
67	1900.00	0.04
68	428.94	0.01
69	428.94	0.01
70	1000.19	0.23
71	1774.67	0.27
72	8186.57	0.19
73	8186.57	0.19
74	2416.62	0.06
75	2416.62	0.06
76	4985.15	0.11
77	4985.15	0.11
78	1900.00	0.04
79	1900.00	0.04
80	3798.11	0.09

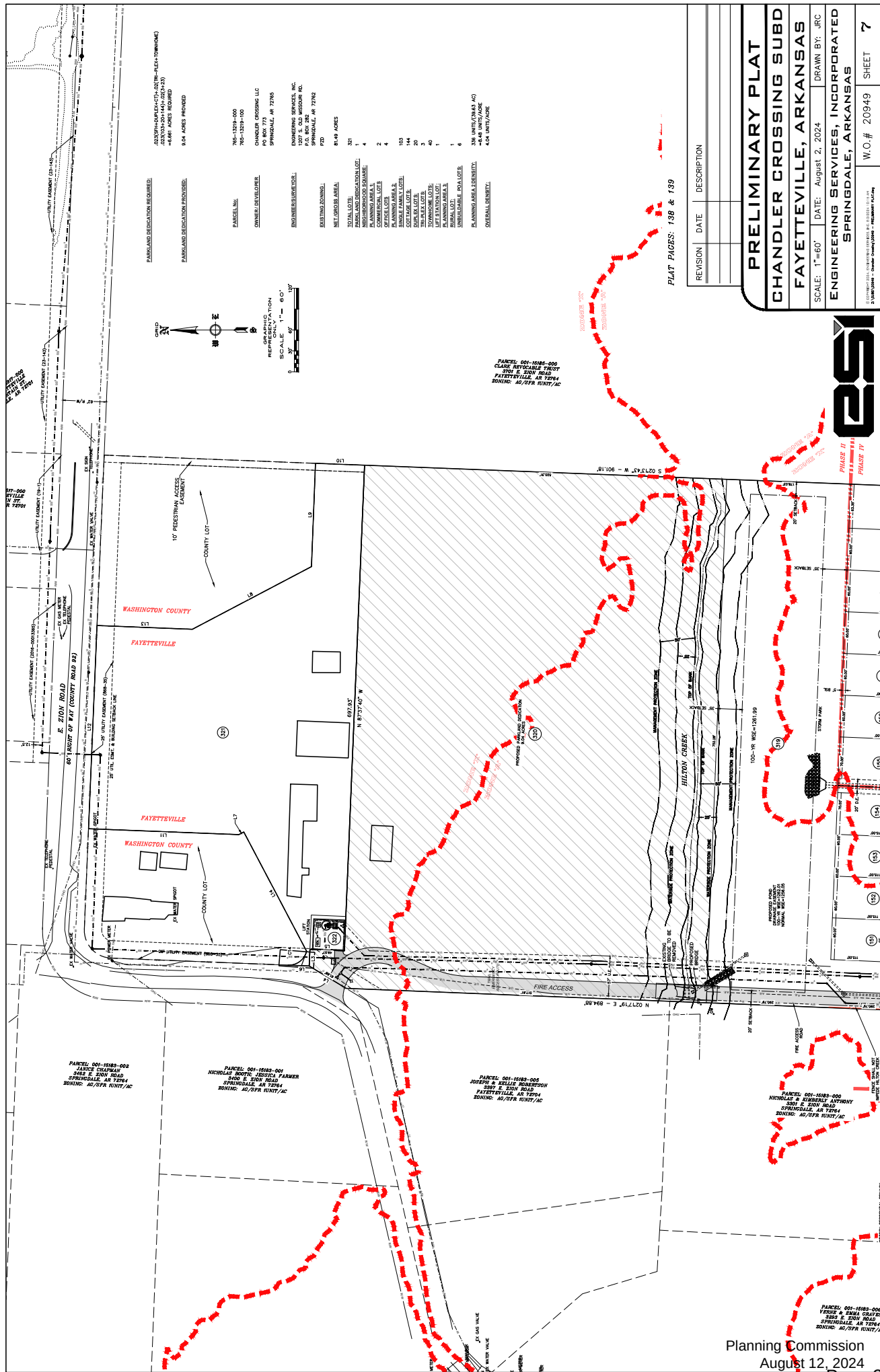
81	4887.55	0.11
82	2256.00	0.05
83	2256.00	0.05
84	8501.48	0.20
85	3482.65	0.08
86	3500.00	0.08
87	3500.00	0.08
88	4367.61	0.10
89	17632.26	0.40
90	10428.36	0.24

[illegible][illegible][illegible][illegible]

more than 25% of the lot width facing a public street. If the garage door is setback from the primary architectural

mission
2, 2024



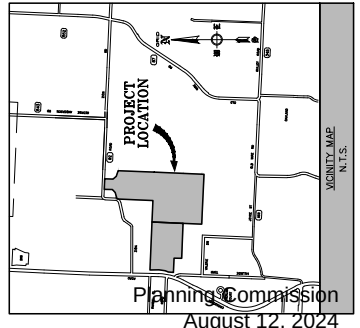
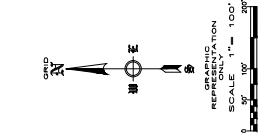
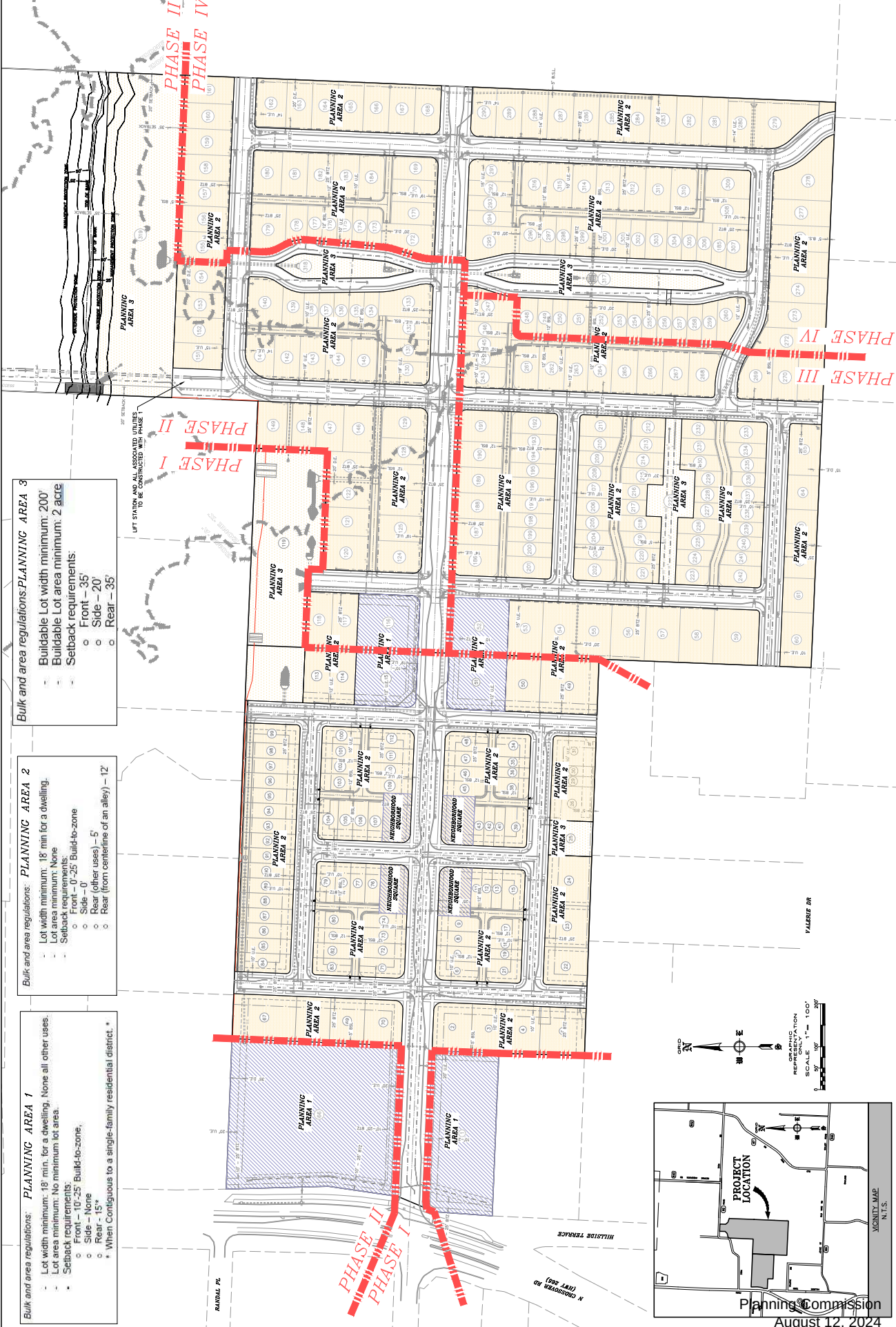


REVISION		DATE	DESCRIPTION

PRELIMINARY PLAT	
CHANDLER CROSSING SUBD	
FAYETTEVILLE, ARKANSAS	
SCALE: 1"=60'	DATE: August 2, 2024
DRAWN BY: JRC	
ENGINEERING SERVICES, INCORPORATED	
SPRINGDALE, ARKANSAS	
W.O.# 20949	SHEET 7



REVISION	DATE	DESCRIPTION
1	Aug 2, 2024	Initial
2		
3		
4		
5		
6		
7		
8		
9		
10		



Compiled public comment
PPL-2024-0001

From: Lance Weatherton <lanceweatherton@yahoo.com>
Sent: Wednesday, July 31, 2024 8:42 AM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Cc: Elks Lodge #1987 <pat@elks-lodge.com>
Subject: Re: Subdivision Committee Meeting - Agenda Request

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mirinda,

Thank you, again, for sharing the information from the last Subdivision Committee meeting, especially in regards to the proposed Chandler Crossing development.

Upon review of the information, I didn't see any "Public Comments" documented. It listed in the bullet point summary, but nothing was included in the report.

I attended the last SC meeting, and expressed a few concerns (on behalf of the Elks Lodge; directly north of the proposed Chandler Crossing) regarding the development, and asked a few questions. I don't see these recorded.

Am I missing something?

We just want to ensure our questions and concerns are addressed.

Finally, I don't see the Agenda posted online yet.

Do you mind sending me a copy once it's available?

Subdivision Committee Action: ☐ Tabled ☐ Forwarded ☐ Denied
Meeting Date: <u>June 27, 2024</u>
Motion:
Second:
Vote

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - 166.08 Street Design And Access Management Standards
 - 166.04 Required Infrastructure Improvements — Development In City Limits
- City Engineering comments -
- Urban Forestry comments
- Parks and Recreation Advisory Board comments
- Request Letter
- Site Plan
- **Public Comment**
- 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.

has long been an agricultural use. Hilton Creek runs east and west through the site, and the area surrounding the creek is designated as a flood plain. A preliminary plat, Chandler Crossing (PPL-2021-000010) was approved on this site in 2021; it has since expired. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning			Elks Lodge #1987
Direction	Land Use	Zoning	
North	Single-Family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre; Washington County, Ag/Single-Family Residential	

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

Subdivision Committee
June 27, 2024
www.fayetteville-ar.gov Item 2
PPL-2024-0001 (CHANDLER CROSSING)
Page 1 of 30

South	Single-Family Residential; Arkansas Electric Cooperative; Recreational Facility	R-A, Residential-Agricultural; Washington County, Ag/Single-Family Residential
East	Agricultural	Washington County, Ag/Single-Family Residential
West	Commercial; Fayetteville Athletic Club; Single-Family Residential	C-1, Neighborhood Commercial; R-O, Residential-Office; Washington County, Agricultural Single-Family Residential

Proposal: The applicant is proposing a subdivision with 321 mixed-use lots, ranging from single-family residential, townhomes, duplex, triplex, and commercial lots, over three approved Planning Areas associated with the PZD ordinance, as shown in Table 2.

Table 2: Proposed Unit/Lot Count				
Planning Area	Acreage	Lot Count/ Unit Count	Proposed Density	Required Density

Thank you,

Lance Weatherton

From: Harrison, Gretchen <gharrison@fayetteville-ar.gov>
Sent: Wednesday, July 31, 2024 9:31 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fw: Chandler Crossing

Jessie - see below for public comment on Chandler Crossing (PPL-2024-0001).

Gretchen Harrison

Senior Planner
City of Fayetteville, Arkansas
(479) 575-8263

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Dave Jorgensen <dave@jorgensenassoc.com>
Sent: Wednesday, July 31, 2024 9:09 AM
To: Harrison, Gretchen <gharrison@fayetteville-ar.gov>
Subject: Chandler Crossing

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Gretchen; I was wanting to comment on the Chandler Crossing project because we border this on the south side. I would like to request that a privacy fence be installed on our common property line (about 200'). I would appreciate it very much if you could add this to the review process. Thank you very much.

From: Michele Lang <mlang9669@gmail.com>
Sent: Monday, June 17, 2024 8:31 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: PPL-2024-0001 Chandler Crossing

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for replying to my email. Will any revised documents from the applicant be posted for the public to see before the Subdivision Committee meeting?

Compiled public comment
PPL-2024-0001

Michele Lang

On Jun 17, 2024, at 12:46 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Michele,

Thank you for the inquiry. The original Preliminary Plat approval for Chandler Crossing expired prior to their finalizing of permits, so they are requesting a new approval. The development plans are more or less the same, though with updated flood information that was released by FEMA in January 2024, some information may have shifted.

The most-recently submitted site plan can be found at the dropbox link below. The project number is PPL-2024-0001. Please plan to download the site plan from dropbox, as this is a temporary folder that is subject to change. If necessary, staff can forward along in another manner. The applicant has not yet submitted revised documents for the June 27 Subdivision Committee meeting, though will be required to do so by Wednesday, June 19.

The item (PPL-2024-0001) is currently scheduled to be heard at the June 27 Subdivision Committee meeting, which will take place at 9 AM in room 326 in City Hall, and/or virtually through [zoom](#). Members of the public are invited to attend the meeting, and it is a public hearing so public comment will be heard.

Please let me know if you have any additional questions. Thank you!

<https://www.dropbox.com/scl/fo/1p6m1cpwdqq1ih6kmxvvp/AKZeXvqSqtzJF6by7lwU9Qw?rlkey=d82xd042hobbthdc8m6sl1r5&st=wmb20861&dl=0>

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Compiled public comment
PPL-2024-0001

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image001.png>

From: Michele <mlang9669@gmail.com>
Sent: Sunday, June 16, 2024 2:34 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: PPL-2024-0001 Chandler Crossing

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

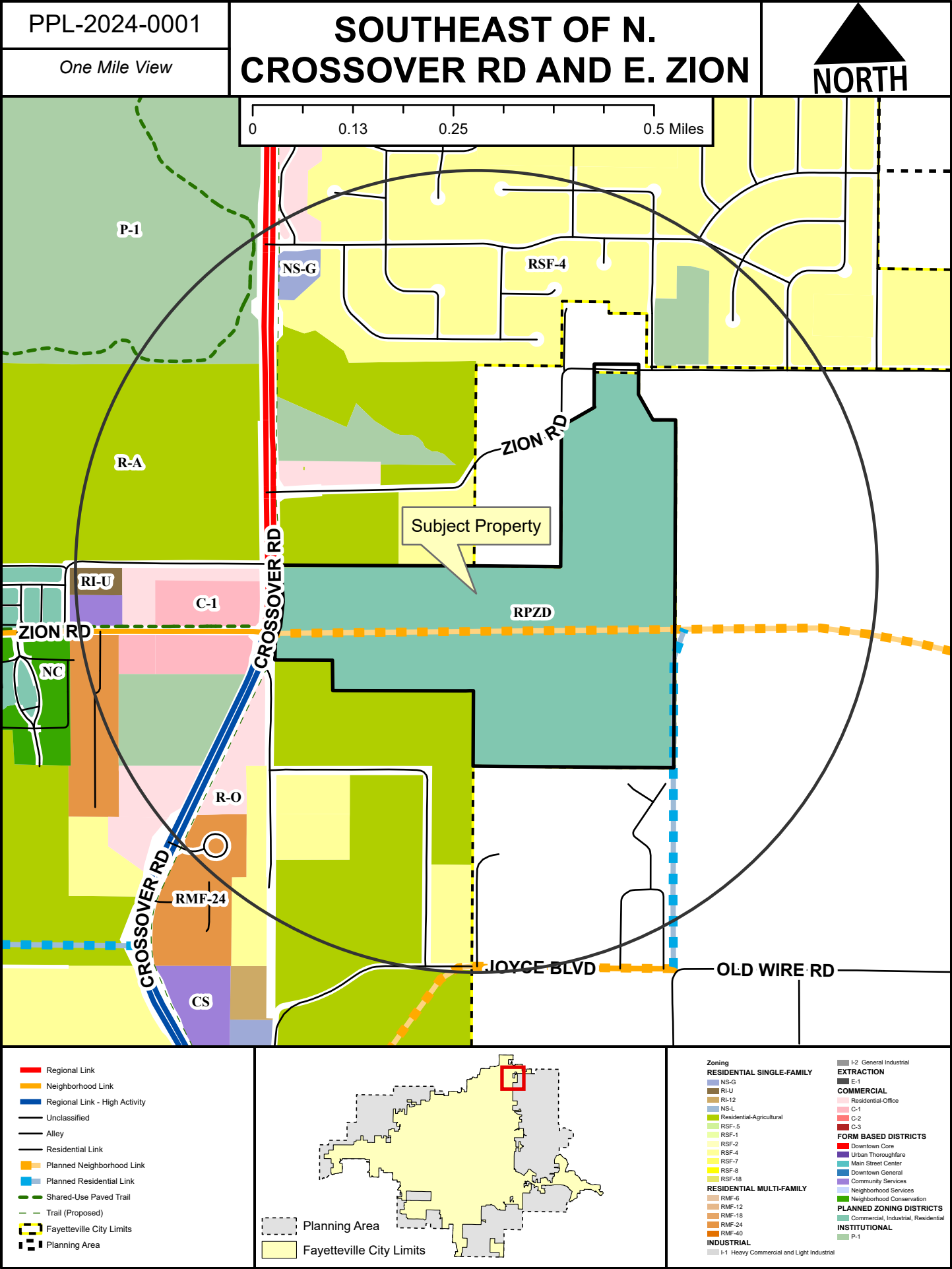
We in the neighborhood noticed the new public hearing sign for a preliminary plat of Chandler Crossing. Is this a request for renewal of the previous plat, or is this a completely new plat? If so, what is the new proposal?

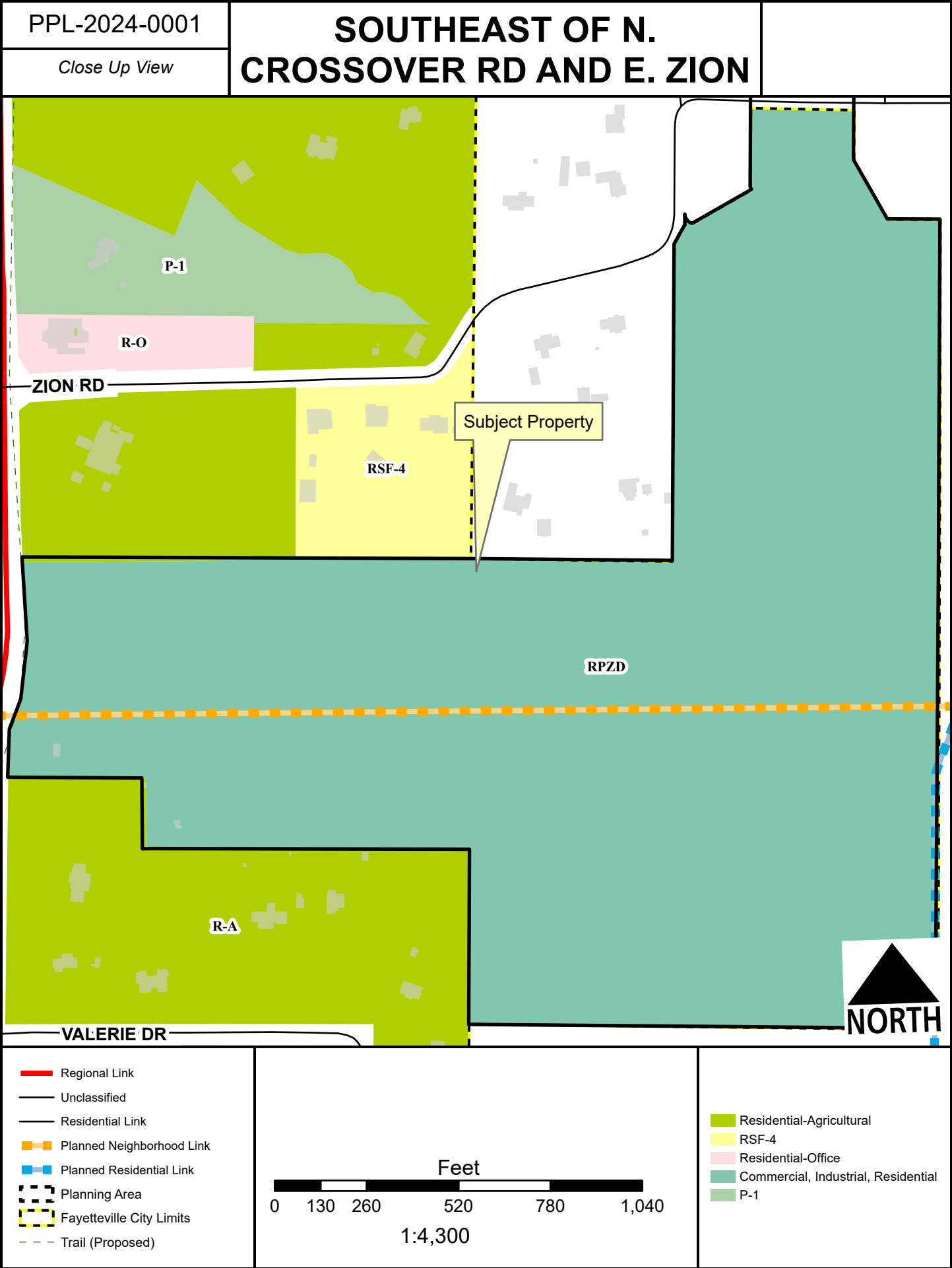
We appreciate any information you can provide.

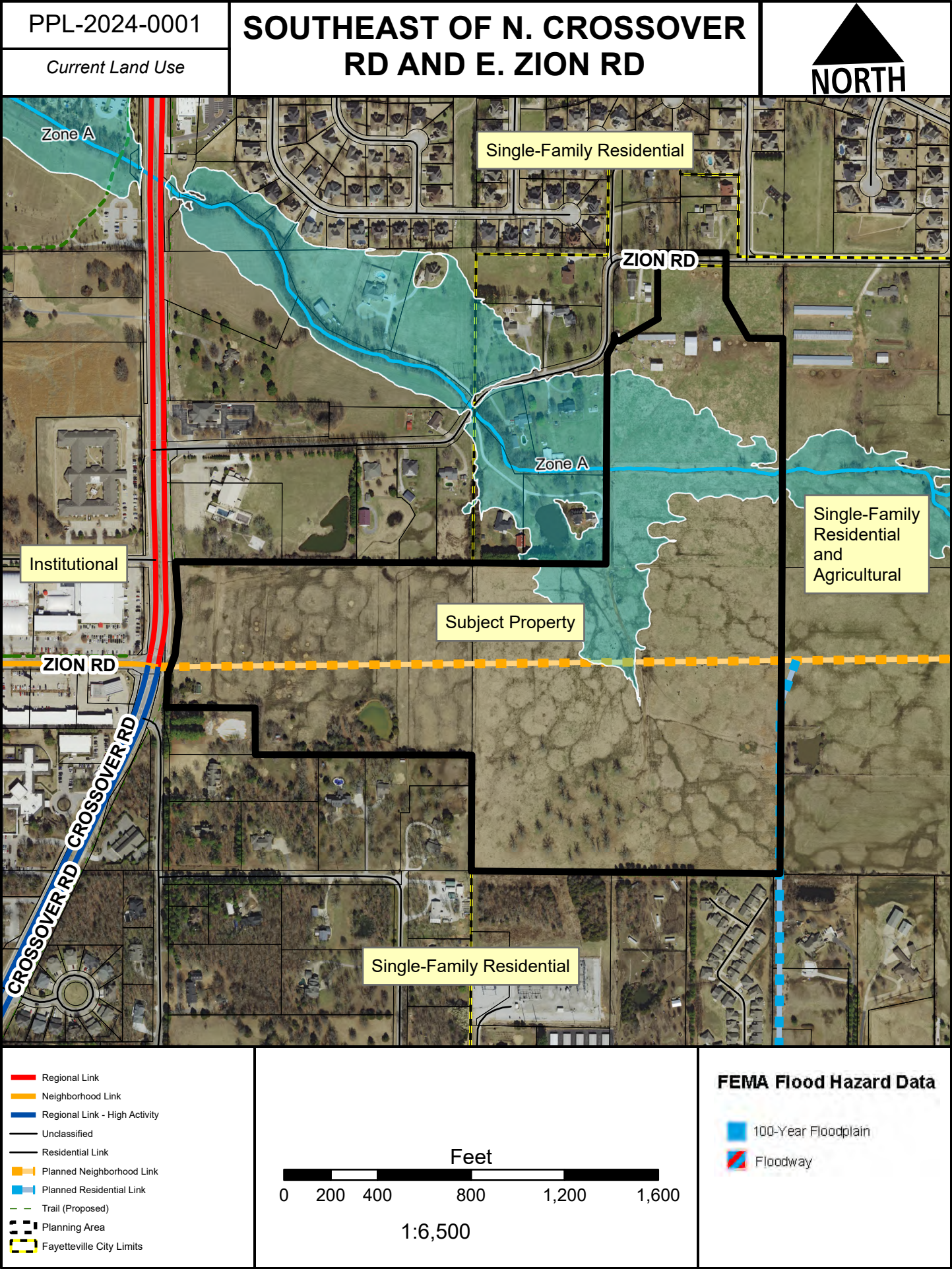
Thank you,

Michele Lang
3322 E Zion Road
Fayetteville

Mlang9669@gmail.com









TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: August 12, 2024

SUBJECT: **VAR-2024-0030: Planning Commission Variance (435 E. MILLSAP RD/BIOLIFE PLASMA SERVICES, 212):** Submitted by ONYX CREATIVE for property located at 435 E. MILLSAP RD The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.65 acres. The request is for a variance from parking lot standards.

RECOMMENDATION:

Staff recommends denial of **VAR-2024-0030**.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0030**, determining:*

- In favor of a variance to UDC §172.05(A)(1), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in north Fayetteville approximately 1/3 of a mile west of the E. Millsap Rd. and N. College Ave. intersection. The request contains one parcel zoned C-2, Thoroughfare Commercial totaling 1.65 acres. This parcel currently serves as the site of Biolife Plasma Services. The building and adjacent parking were originally constructed in 1995. The property is almost entirely encumbered by FEMA Floodplain and Floodway as well as streamside protection zones. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Medical Facilities and Offices	C-2, Thoroughfare Commercial
South	Medical Facilities and Tree Preservation	R-O, Residential Office
East	Medical Facilities	C-2, Thoroughfare Commercial
West	Medical Facilities	C-2, Thoroughfare Commercial

Request: The applicant is requesting a variance to **Unified Development Code §172.05(A)(1)**, which requires that the maximum number of spaces required for nonresidential use shall conform to the ratios listed in **Table 3**. For medical offices, the ratio is one space per every **250 gross square feet of floor area**. The applicant is requesting to construct 94 parking stalls where 57 would be required by-right after allowable increases outlined in §172.05.

DISCUSSION:

On the balance of considerations, city staff is recommending denial of the request. Fayetteville is a unique community in that for non-residential uses, Fayetteville enforces parking *maximums*, as opposed to typically required parking minimums that are more commonly seen in cities throughout the country. The evidence that supports the elimination of parking minimums more broadly is written about and researched widely in planning literature, probably most famously in Donald Shoup's "*The High Cost of Free Parking*," which was originally published in 2005. Reducing parking minimums (and charging appropriate fees for the use of land for vehicle storage) nudges communities into better walkability, promotes transit growth, and encourages infill development by allowing for a more efficient and productive use of land.

Overall, the applicant is requesting an increase to the parking maximums that apply to nonresidential developments, outlined below in Table 2.

Table 2
Parking Requirements (Multi-Family Residential)

Parking Requirements	Building Area	Maximum Number of Spaces
1 space per 250 GSF	12,308 GSF	49 spaces
+15% By-Right Increase		+8 spaces
	Total:	57 Allowed Spaces
	Requested Number of Vehicle Spaces:	94 Spaces
	Requested Variance	37 Spaces

The applicant states that during peak hours, their existing parking spaces are consistently full between 6-8 hours each day, with a full parking lot between 3-4 hours during slower portions of the year. The property currently has 76 parking spaces serving 60 donor beds, with approximately 25-30 parking spaces utilized by employees (~40% of the existing parking spaces). A typical donation process takes approximately one hour to complete meaning that turnover of the parking spaces is infrequent. Given that a large portion of the existing parking is utilized by staff, incentives to utilize alternative methods of addressing access needs such as carpooling, transit use, micromobility rideshares or cycling/walking could alleviate much of the parking demand and open additional customer parking. The property is located on Razorback Transit Route 26, which also runs during non-school months, and includes an unimproved bus top located approximately 600 feet to the east and 1,000 feet to the west. The Razorback Greenway is located about 2/3 of a mile to the west.

There is a large amount of parking in the vicinity within a well-connected sidewalk system, and it is unclear what kinds of shared parking might be available in the area that have not yet been explored. The applicant notes that interest in a shared parking agreement with adjacent properties is limited but does not specify what businesses have been approached or what measures have been taken to discuss a possible shared parking agreement with adjacent property owners. On-street parking is not available along E. Millsap Rd.

While staff finds that additional parking could be warranted given the high need for this particular business, staff also finds that nearly the entire property is within either FEMA regulated floodplain / floodway and/or streamside protection zones. The parking lot expansion is partially within Shaded Zone X (500-year floodplain) according to FIRM panel 05143C0207G and would not be required to perform a flood study per Chapter 168 of the UDC as the provision for a flood study applies to developments within the 100-year floodplain. However, staff also finds that additional impervious surface within flood-prone areas runs counter to the stated goals of Chapter 168 to protect human life and welfare and to minimize potential damage from flooding.

The number of existing spaces already exceeds parking maximums and the request for additional parking is nearly double the number of spaces permitted by right. Given the intent of the city's parking regulations to "protect adjoining properties from the adverse impacts associated with parking lots such as noise, lighting, appearance, drainage, and effect on property values and provide adequate areas for off-street parking and storage of motor vehicles, while at the same time preventing over-supply of parking...", staff finds that adding further parking spaces in a flood-prone area runs counter to the city's intent to minimize impervious surface within floodplains and could negatively contribute to stormwater management in the area.

Parking lot design requirements will be fully reviewed with grading; however, a preliminary review indicates that the plans are substantially compliant with §172.04 Parking Lot Design Standards. Drainage impacts would also be reviewed with a grading permit. If approved, staff recommends that bicycle racks be installed per 172.10 in order to accommodate active transportation options. For 97 parking spaces, five bicycle racks would be required.

RECOMMENDATION: Staff recommends Planning Commission deny VAR-2024-0030. If approved, staff recommends the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §172.05(1), which requires a maximum of one parking space per 250 gross square feet of floor area for medical offices.** *Staff recommends denial of the request.*
 - a. *A minimum of five bicycle racks shall be installed and shall meet design standards outlined in per §172.10.*
2. Approval of this variance request is only for the requests as stated above and does not extend approval to any variances not yet reviewed for at this stage or to overall development plans.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §172.05 Standards for The Number of Spaces by Use
 - Applicant Exhibits
 - Request Letter
 - Hardship Letter
 - Site Plan
 - Staff Exhibits
 - Razorback Transit Route
 - Proximity to Active Transportation
 - Micromobility Map
 - One Mile Map
 - Close-up Map
 - Current Land Use Map
-

172.05 Standards for The Number Of Spaces By Use

(A) Required Parking.

- (1) *Non-Residential Use.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.
- ...
- (3) *Maximum Number Allowed for Residential and Non-Residential Uses.* Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:
- (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.
 - (b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
 - (i) Bioswales
 - (ii) Constructed wetlands
 - (iii) Pervious pavement
 - (iv) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer
 - (c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), 2-inch caliper tree for every ten (10) additional parking spaces is planted on-site in addition to all other landscaping requirements.
- (4) *Parking Ratio Calculation.* The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:
- (a) Rounded to the next higher whole number when the fraction is 0.5 or higher.
 - (b) Rounded to the next lower whole number when the fraction is less than 0.5.
- (5) *On-Street Parking.* Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.
- (6) *Motorcycle and Scooter Parking.* One (1) Motorcycle and scooter parking. In parking lots containing twenty-five (25) parking spaces or more, one (1) space for every twenty-five (25) parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.
- (7) Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

TABLE 3
PARKING RATIOS
(Use/Required Spaces)

...

Office

Medical/Dental office	1 per 250 sq. ft. of GFA
Professional office	1 per 300 sq. ft. of GFA
Sales office	1 per 200 sq. ft. of GFA

...

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

Chair of Planning Commission
City of Fayetteville, AR
113 West Mountain St.
Fayetteville, AR 72701

RE: Parking Variance Request
Biolife Plasma Services
435 Millsap Rd,
Fayetteville, AR 72703

July 22, 2024

Dear Chair of Planning Commission,

Please accept this application for a parking variance request.

Biolife Plasma Services (Takeda Pharmaceutical) own and occupy the property on parcel 765-18528-000. Due to the nature of the daily operation of the medical office, we are requesting a variance to add parking spots at the back of the property as per included proposed layout. Referring to UDC 172.05 table 3 – the base allowance for medical office is 1 per 250 sq. ft. of GFA. Since Biolife is categorized as a medical office as closest definition based on the chart it allows for limited parking relative to the length of stay each donor utilizes a parking spot, often exceeding what a typical doctor office visit will be. The center has 60 donor beds that are at peak times occupied fully for an hour or more. This is in addition to the employees. In order to remedy the existing situation in which our customers utilize adjacent tenant parking, thus creating a burden for adjacent tenants, we are asking for a variance and allow us to increase the amount of parking spaces within the existing parcel boundaries, while reducing offsite parking.

We are petitioning this commission based on section 156.3.5 of the Unified Development Code, granting this Commission authority to grant said variation based on demonstrated hardship. Please reference included letter from the owner, detailing the reasons for the request.

Current impervious coverage is approximately 71%, impervious coverage with the proposed parking addition is approximately 75%

Sincerely



Donald Alexander
Direct – 440-669-3184
dalexander@onyxcreative.com

Onyx Creative, INC.
25001 Emery Road, Suite 400
Cleveland, OH 44128
216.223.3200 • 216.223.3210 fax
www.onyxcreative.com



Nathan Jenkins
435 Millsap Rd.
Fayetteville, Ar 72703
nathan.jenkins@takeda.com

Dear Chair of Planning Commission,

Currently, our parking lot lacks the proper number of parking spots to serve our facility adequately. This issue not only causes inconvenience but also discourages potential customers from visiting our facility, thereby affecting our business and the services we provide.

The limited parking space creates several hardships:

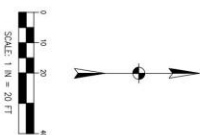
1. **Customer Inconvenience:** Customers often must park far from our facility, leading to frustration and inconvenience, especially for those with mobility challenges or with young children. We currently use 25-30 of the available parking spots for employees depending on the day and time.
2. **Safety Concerns:** Overflow parking often leads to cars being parked in unauthorized or unsafe areas, posing a safety risk to both pedestrians and drivers. There is limited interest in shared parking agreements from area business owners. We have explored these, even though shared parking does increase the risk of the safety of patrons or employees being that people are crossing streets and parking lots.
3. **Economic Impact:** The difficulty in accessing our facility results in a loss of business, which in turn affects our ability to sustain and expand our services to the community.

To address these issues and better serve our community, we are proposing an expansion of our parking lot. We believe that increasing the parking capacity will significantly alleviate the current hardships and enhance the overall customer experience.

We kindly request the county's support in facilitating this expansion. Specifically, we are seeking assistance with the necessary permits and guidance on complying with county regulations.

We are committed to working closely with the county to ensure that this project is executed smoothly and benefits both our customers and the broader community. We believe that this expansion is not only crucial for our facility's operations but also aligns with the county's goals of supporting local businesses and improving community infrastructure.

	— LEGEND — — R/W — — AP — — S — — Bike —
PROPOSED CONCRETE PAVEMENT	PROPERTY LINE
PARKING COUNT	RIGHT-OF-WAY LINE
PROPOSED BIKE LANE	PROPOSED ASPHALT PAVEMENT

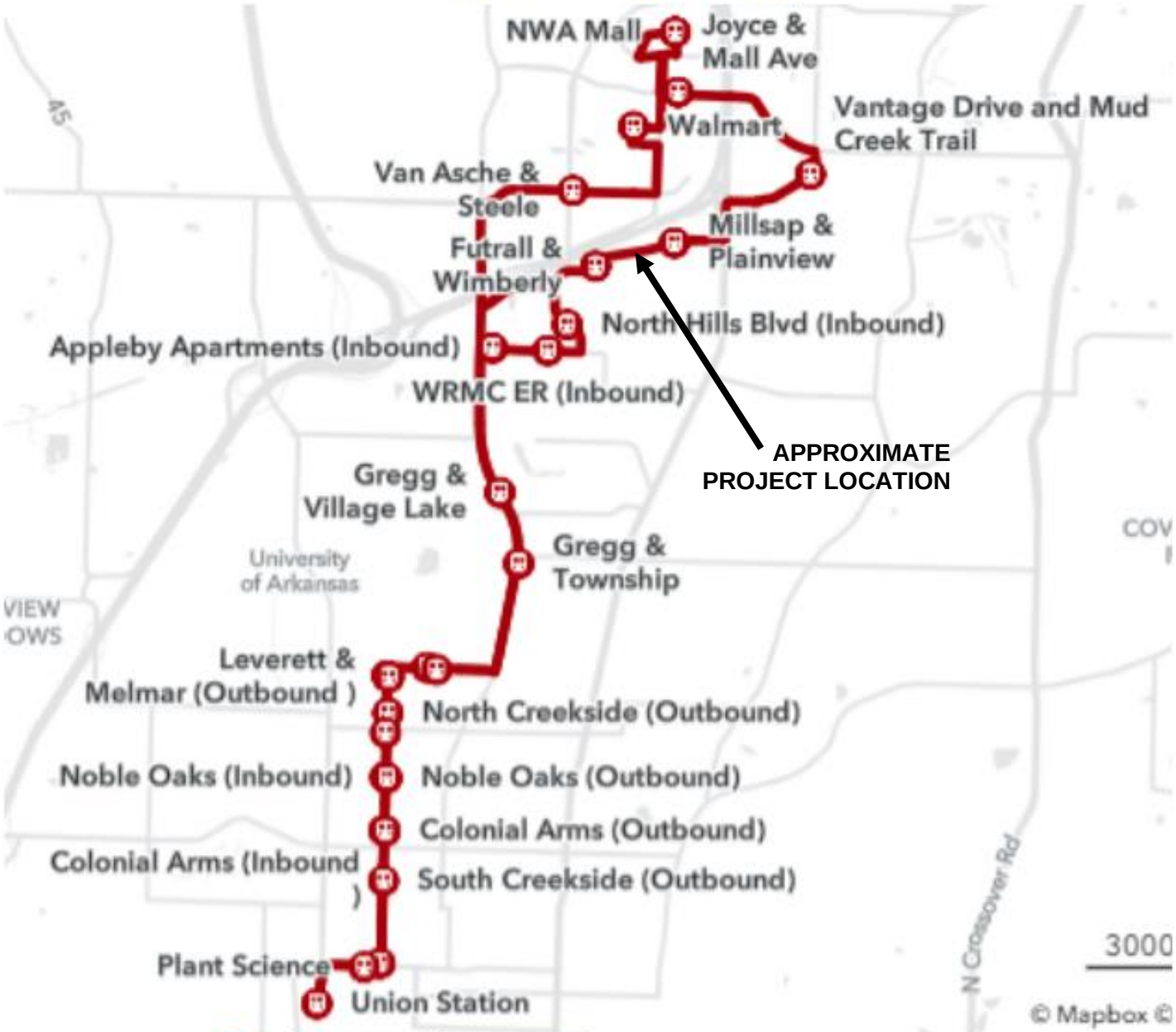


DRAWN BY: _____ MWF _____
 CHECKED BY: _____ SCH _____

Planning Commission
 August 12, 2024
 VAR-2024-0030 (BIOLIFE PLASMA SERVICES)
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Route 26 Non Peak



PassioGO!

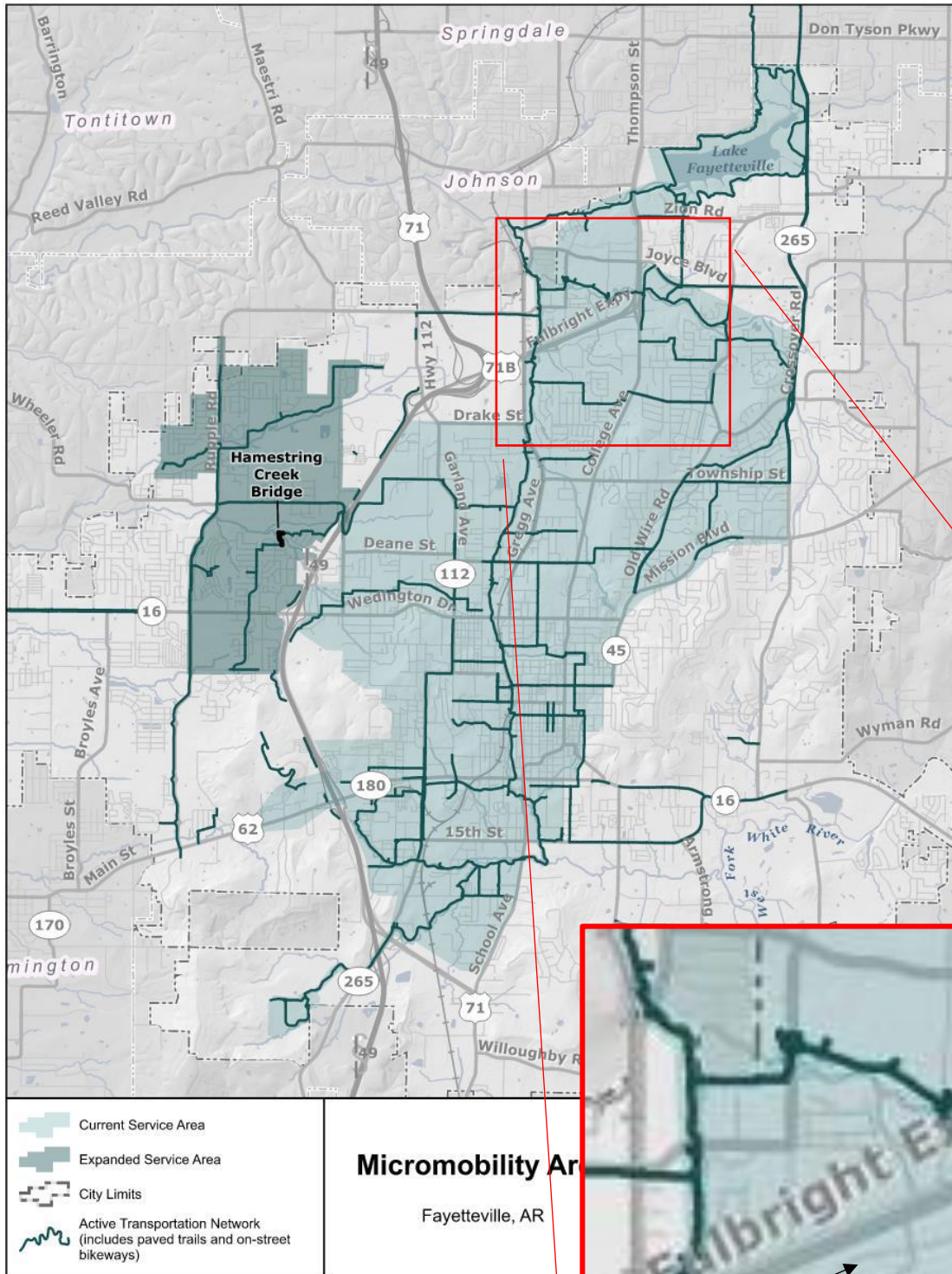
For Real Time Bus Tracking
visit: uark.passiogo.com or
search for "Passio Go" in your
mobile store.

Download on the
App Store

GET IT ON
Google Play

Department of Equal Opportunity, Compliance and Title IV
Website <https://oeoc.uark.edu/reporting/index.php>

STAFF EXHIBIT: MICROMOBILITY MAP



APPROXIMATE PROJECT
LOCATION

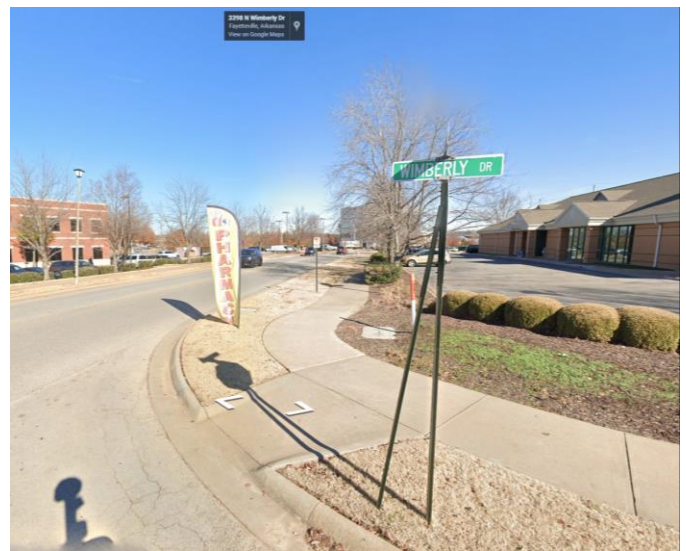
STAFF EXHIBIT: PROXIMITY TO ACTIVE TRANSPORTATION



EXISTING SIDEWALK & TRANSIT



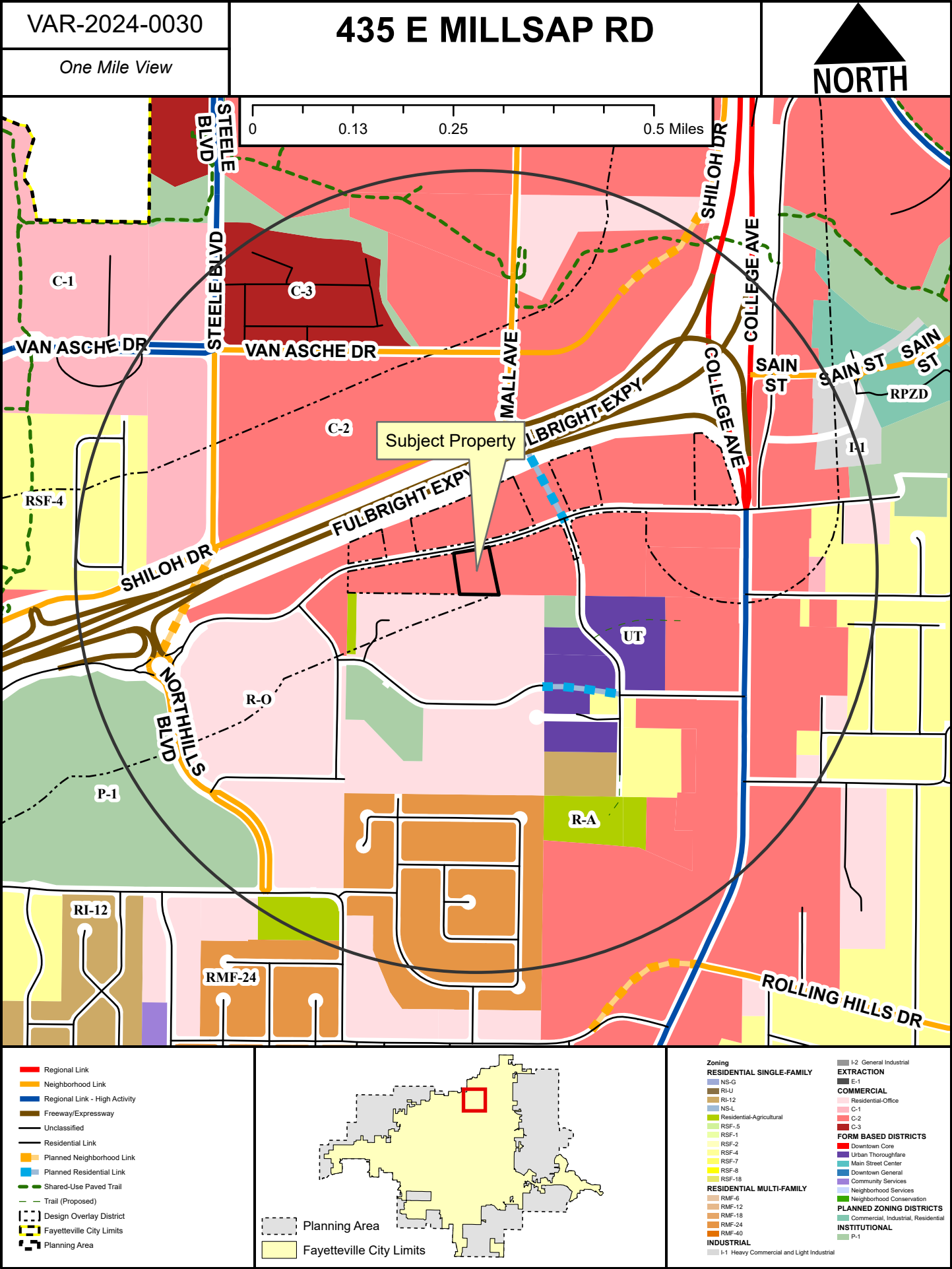
BUS STOP AT MILLSAP & PLAINVIEW



BUS STOP AT FUTTRALL & WIMBERLY



EXISTING SIDEWALK SYSTEM



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

Planning Area

Fayetteville City Limits

Zoning

RESIDENTIAL SINGLE-FAMILY

RESIDENTIAL MULTI-FAMILY

INDUSTRIAL

I-2 General Industrial

EXTRACTION

COMMERCIAL

FORM BASED DISTRICTS

PLANNED ZONING DISTRICTS

INSTITUTIONAL

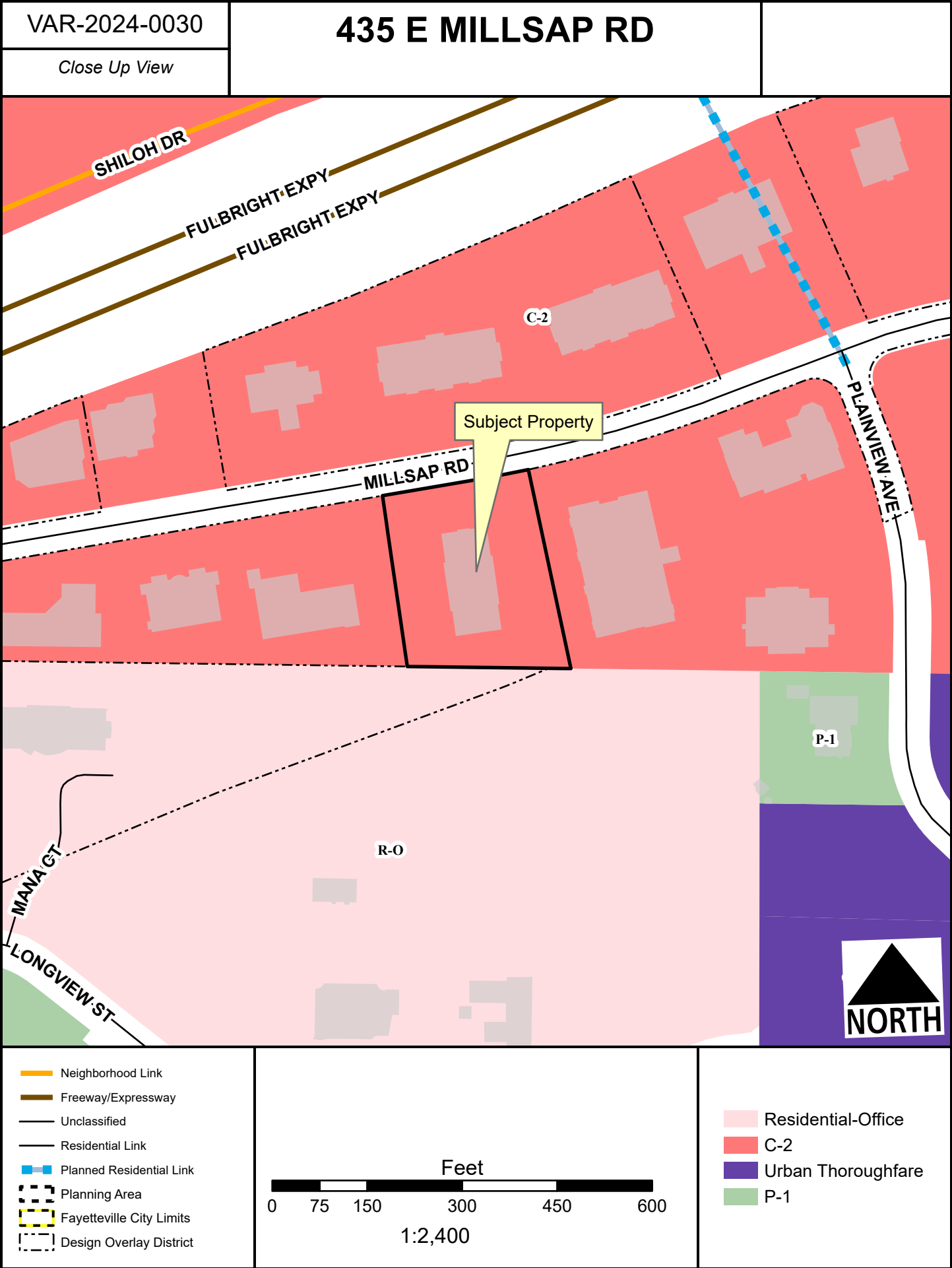
Planning Commission

August 12, 2024

VAR-2024-0030 (BIOLIFE PLASMA SERVICES)

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VAR-2024-0030

435 E MILLSAP RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: August 12, 2024

SUBJECT: **CUP-2024-0001: Conditional Use Permit (461 N. OLIVER AVE/HAVENS FAMILY REVOCABLE TRUST, 482):** Submitted by SPENCE WALKER for property located at 461 N. OLIVER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends denial of **CUP-2024-0001**.

RECOMMENDED MOTION:
"I move to deny CUP-2024-0001."

BACKGROUND:
The subject property is located in central Fayetteville approximately 500 feet northwest of Razorback Stadium. The property is zoned RSF-4 and is not part of any zoning overlays. It totals approximately 0.20 acres and has been developed with a 1,288 square foot, two-bedroom single-family structure built in 1951. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, the City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. On March 19, 2024, the City Council amended the ordinance to add additional considerations for conditional use approval. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

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

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term

rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff has received two public comments opposing this request, citing the density of existing short-term rentals in the neighborhood and ongoing issues with trash at the existing rentals.

RECOMMENDATION: Staff recommends denial of **CUP-2024-0001**. If approved, staff recommends the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be incompatible with the neighborhood based on the findings in this report;*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.
3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.
6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
7. All trash receptacles shall be screened from view of the right-of-way.
8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.
9. Any signage shall meet the requirements as outlined in §174, Signage.
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RSF-4 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use may negatively affect the public interest given the existing density of Type 2 short-term rentals in the surrounding area.

(c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

- A. Residential Zoning Districts.** Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: The request is to operate a Type 2 Short-Term Rental, Use Unit 46, in RSF-4 zoning, which requires a conditional use permit.

- B. Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: Occupancy is limited as described in UDC §163.18(A)(3). Occupancy limitations are confirmed by the applicant during licensing. Per the application, the structure has two bedrooms, which would limit guest count to six.

- C. Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: Staff recommends parking is limited as described in UDC §163.18(A)(4). For single-family structures parking is required to be provided at a rate of two vehicle spaces per dwelling unit. According to the applicant the main dwelling unit has two bedrooms, with up to four parking spaces permitted outside by ordinance. The detached garage will not be available for parking per the applicant.

- D.** Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.

- E.** Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 461 N. Oliver Ave. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

- F. Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of August 7, 2023, the City had issued 469 Type 2 short-term rental licenses with an additional five in review. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval. No exceptions are being requested.

- G.** Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.

- H.** Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations; and
5. Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

Finding: Staff finds there is likely adequate parking infrastructure to support the use of the property as a short-term rental. Up to four vehicles spaces are available within the existing driveway. Per the applicant, the detached garage will be for storage only. No on-street parking is permitted on N. Oliver Ave. No zoning or other code violations were found for this property, and the property is not within 1,000 feet of a K-12 school.

City business license records indicate six (6) other units within a quarter-mile radius of the property have an active Type 2 short-term rental business licenses (approximately 5.7% of the residences). Three of these licenses are for properties within 100 feet of the subject property with two directly abutting the subject property. Staff finds permitting an additional short-term rental within this area will likely place an undue burden on long-term residents of the neighborhood.

§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: **An existing driveway is available to accommodate vehicular ingress and egress. The property has frontage along N. Oliver Ave, a partially improved street with no existing sidewalks and no available on-street parking. Staff finds that the proposal to use the property as a short-term rental may adversely affect traffic flows given the density of Type 2 short term rentals within the neighborhood block, the narrow street, and lack of sidewalks.**

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

Finding: **A total of four off-street parking spaces are available in an existing driveway, which falls within the maximum permitted by ordinance. The existing garage is to be used for storage only per the applicant.**

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

Finding: **The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.**

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

Finding: **Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.**

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

Finding: Any proposed signage will be subject to Unified Development Code section 174 – Signs, and all the regulations therein.

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

Finding: Based on the applicant's submittal, the structure is meeting relevant setbacks.

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

Finding: Staff finds the use to be incompatible with the surrounding properties. If this property is approved, approximately 43% of the available parcels on the west side of W. Oliver Ave. between W. Maple St. and W. Halsell Rd. will be composed of Type 2 short term rentals. Staff finds that this density creates an undue burden on surrounding properties.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the City's adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a citywide density cap of 475 units and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
- Applicant Request Letter
- Site Plans
- Building Floor Plan
- Elevations
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map

118.01 Applicability

(A) *General Businesses.*

- (1) All businesses, institutions, corporations, LLCs, LLPs, partnerships, non-profit associations or corporations, sole proprietorships or other non-governmental entities with a physical address or which operates either a legally permitted home occupation or a short-term rental within the Fayetteville city limits shall be required to file for the City of Fayetteville Business Registry and License. A covered business or entity with multiple physical addresses in Fayetteville must obtain a separate business license for each such business address.
- (2) In addition, any person or non-governmental entity who has or should have a sales tax permit and operates out of a physical address within Fayetteville shall be required to file for the City of Fayetteville Business Registry and License.
- (3) In addition, any person or non-governmental entity who is engaged in any trade or occupation which requires federal or state licenses and who operates out of a physical address within Fayetteville shall be required to file for the City of Fayetteville Business Registry and License.

(B) *Religious Entities.* Churches and other religious institutions are exempt from this chapter unless they are performing functions like daycare that must be licensed by the state or that generate revenue upon which state sales or use taxes must be paid. The city business license shall not be required for the religious entity but only for those functions that require a state license or upon which state sales or use taxes must be paid.

(C) *Minors Exempt.* No individual under eighteen (18) years of age shall be required to register or obtain a business license. Minors are prohibited from leasing, advertising, managing or any other activity involved in STRs unless they are an emancipated minor.

(D) *Individual Landlords Renting Less Than Three (3) Dwelling Units Exempt.* An individual landlord, not operating as a corporation, LLC, LLP, or other business entity, who rents out less than three (3) dwelling units, and no commercial, industrial, or institutional unit, site or building shall be exempt from this chapter. However, a landlord that operates a short-term residential rental shall not be exempt and must apply for and obtain a business license for each individual short-term rental.

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty (30) consecutive days.

- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
- (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
- (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
- (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
- (5) Any change in ownership requires a new or amended business license.
- (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

- (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
- (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
- (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
- (9) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
- (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
- (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.
- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the city upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of four hundred seventy-five (475) dwelling units may be Type 2 rentals. A conditional use permit may not permit:

- (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with the Unified Development Code including the regulations contained in §163.18 and §164.26 and must successfully obtain a business license prior to operation.
- (Ord. No. 5347, 9-7-10; Ord. No. 6427, §§1(Exh. A), 2, 4-20-21; Ord. No. 6505, §1(Exh. A), 11-16-21; Ord. No. 6521, §§1, 2, 1-18-22; Ord. No. 6537, §1(Exh. A), 2-15-22; Ord. No. 6630, §1(Exh. A), 12-20-22; Ord. No. 6672, §1, 7-6-23)
- 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.

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

- (A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

- (1) R-A
- (2) RSF-.5
- (3) RSF-1
- (4) RSF-2
- (5) RSF-4
- (6) RSF-7
- (7) RSF-8
- (8) RSF-18
- (9) RI-12
- (10) RI-U
- (11) RMF-6
- (12) RMF-12
- (13) RMF-18
- (14) RMF-24
- (15) RMF-40
- (16) NC

Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
 - (1) Adequate parking infrastructure;
 - (2) Adequate adjoining or nearby streets for on-street parking;
 - (3) Frequency or concentration of nearby licensed Type 2 short-term rentals;
 - (4) Prior zoning or code violations; and
 - (5) Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

(Ord. No. 6630, §5(Exh. B), 12-20-22; Ord. No. 6726, §1, 3-19-24)

Editor's note(s)—Ord. No. 6630, §5(Exh. B), adopted December 20-2022, repealed the former §163.18, and enacted a new §163.18 as set out herein. The former §163.18 pertained to similar subject matter and derived from Ord. No. 6427, §§1(Exh. E), 2, adopted April 20, 2021; Ord. No. 6505, §2(Exh. B), adopted November 16, 2021; Ord. No. 6537, §2(Exh. B), adopted February 15, 2022.

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.

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

Conditional Use Permit Application Information

1. Proof of Payment

(See Attached CUP Application Details)

2. Legal Description

Part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Sixteen (16) North of Range Thirty (30) West, Washington County, Arkansas, being described as follows, to-wit: Beginning at a point which is 436 feet West and 170 feet South of the Northeast corner of said forty acre tract, thence South 60 feet, thence West 152 feet, thence North 60 feet, thence East 152 feet to the point of beginning, containing .20 of an acre, more or less.

3. Building Details

A. Building Size 1288

B. White Exterior Walls

C. 0 off street parking spaces required. 4 Cars can fit on driveway. The garage is used more for storage since it is small and no cars can fit inside it.

D. As this will be a short-term rental, the building could be in use 24 hours in a day. The building would not likely be occupied most weekdays, but it would likely be occupied during weekends when there is higher visitation to NWA for various events. There will not be more than 6 people in the house at one time due to its size and the rules put in place for people renting the property. The property has 2 bed rooms and 2 couches available for people to sleep on.

E. Motion sensor lighting on 4 corners of home

F. Limited noise due to the rules put in place for people renting the property.

G. Adjacent property to the north and south are Airbnb currently. Property to the east is on the lower side of the hill and not affected. No properties to the west.

H. Standard City Trash Service

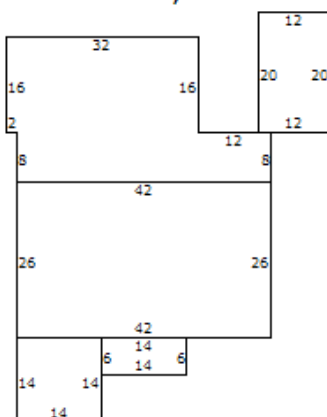
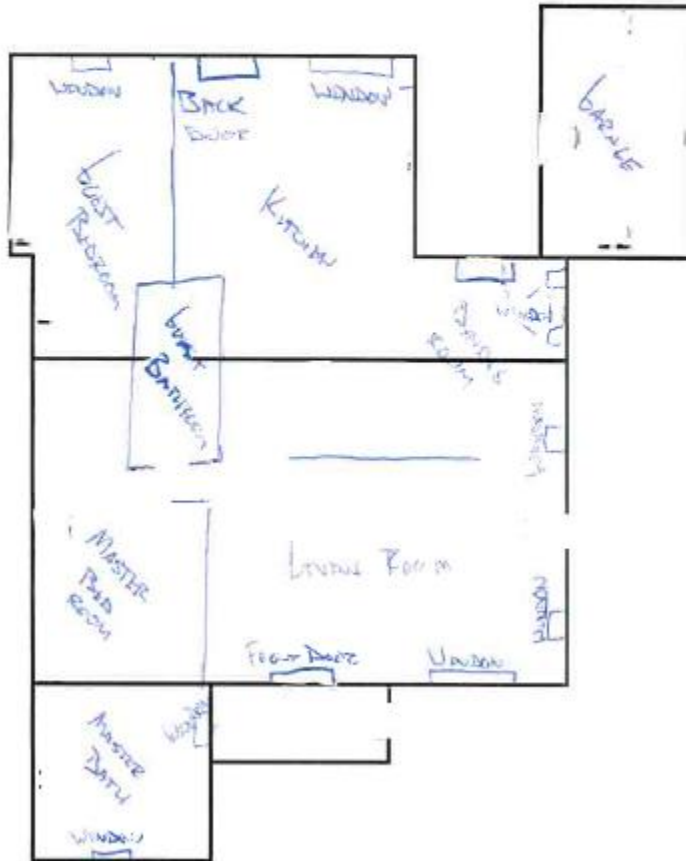
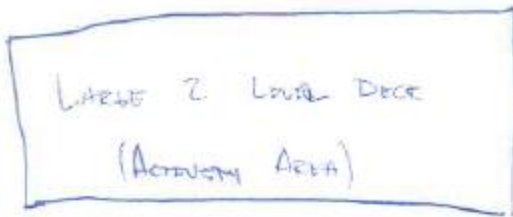
I. Ingress and Egress from N. Oliver Ave. There will be less traffic because the property will be used as a part time rental property rather than a full time residence. No one will live here when the property is not being used.

J. There are multiple Airbnb/ VRBO properties in the neighborhood/ street. This would be extremely compatible with neighboring properties

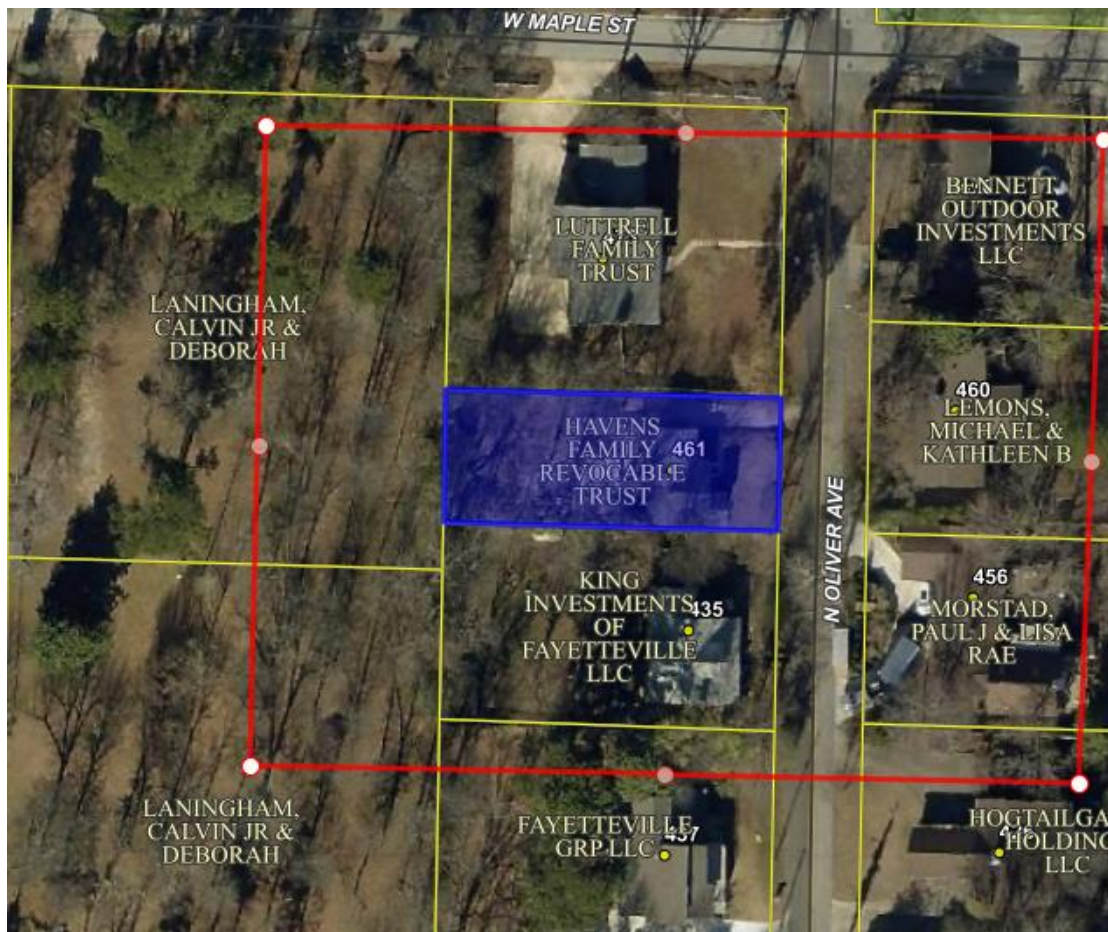
4. Site Plan



5. Floor Plan



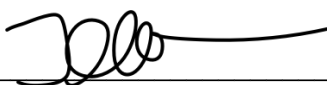
6. Parcel Map Showing Nearby Parcels



7. Owner's Consent for Spence Walker as Project Representative

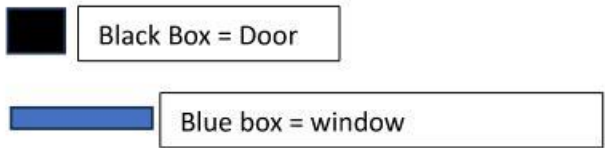
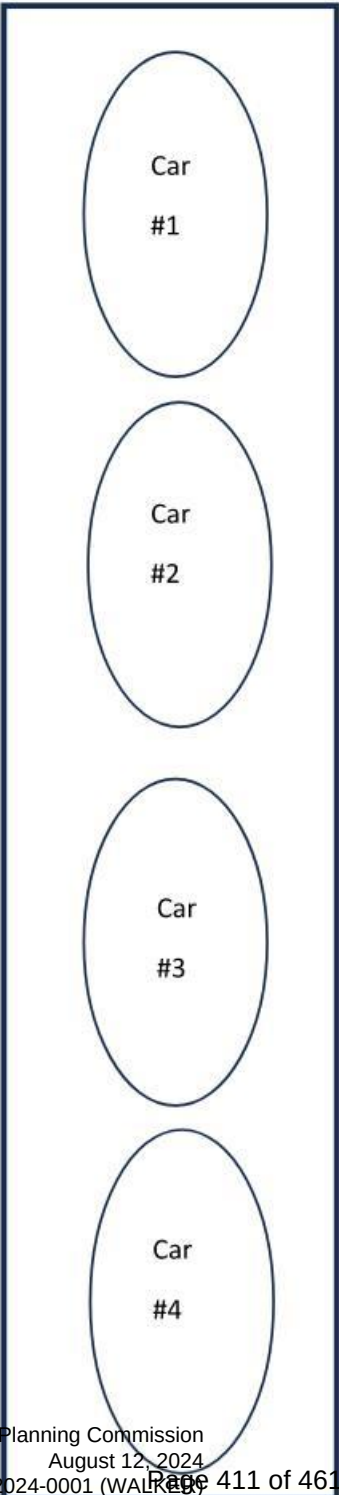
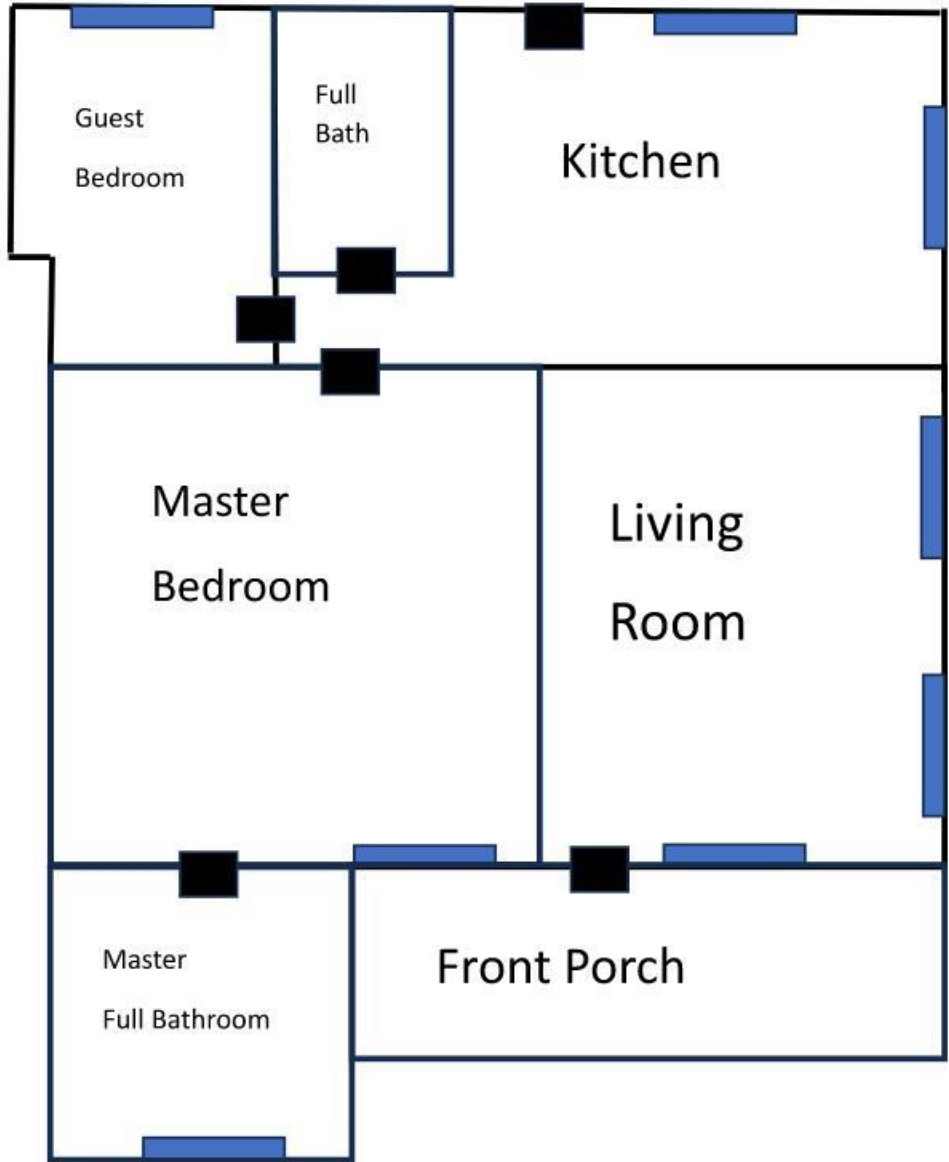
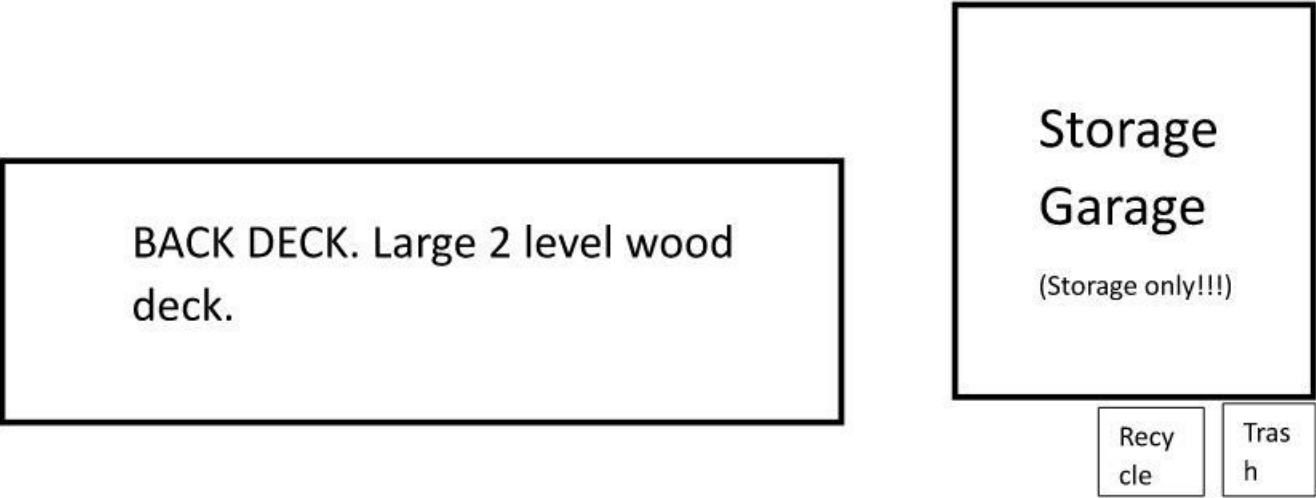
We, the undersigned, hereby designate Spence Walker as the project representative concerning the conditional use permit, business license, and/or short-term rental license.

HAVENS FAMILY REVOCABLE TRUST

By: 
Kenneth Havens, Co-Trustee

By: 
Callie Havens, Co-Trustee





North Oliver Street

Building Elevations



Front of House (East Side)



Driveway and Northside of House



- Back of house (West Side)



Wonsower, Donna

From: Planning Shared
Sent: Monday, August 5, 2024 8:33 AM
To: Wonsower, Donna
Subject: FW: short term rental

Concerning CUP-2024-0001

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Ethel C. Simpson <esimpson@uark.edu>
Sent: Saturday, August 3, 2024 11:02 AM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Cc: Planning Shared <planning@fayetteville-ar.gov>
Subject: short term rental

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Another request for a short-term rental on N Oliver has surfaced, this one at 461, the second house south of W Maple. I believe the Planning Commission should deny this request. As far as I can tell, only two properties on the west side of this block, including mine, are NOT occupied full time by the owners. In one case, I believe one of the "owners" is the son of a Little Rock resident; several college boys live and play there. Not counting the LaTour property, I believe there is only one property on the east side of the block still occupied by a resident owner. The registry shows that two Oliver properties on the west side are owned by Cohobnb.

In the news recently, it was reported that someone whose application for a variance was denied (in another city) complained that they had done everything the law required and so the denial was a form of unjust discrimination. So far I haven't heard of such a thing in FYV, but it does seem to be a common notion.

Please urge the Planning Commission to enforce the rules and deny this request. Not all of the STRs are poor neighbors, but when the occupants are just passing through they leave the garbage cans near the street regardless of the pickup days. If the bins are put there at midday on Wednesday, sometimes they stay there for the whole week. Recently, at one of the STRs, the day after the garbage can was emptied it was filled again and left at the street surrounded by another mess of bags and boxes. When that house was granted a variance the applicants indicated that one of their

family would be living there while attending the University. The garbage mess leads me to think that is not precisely the case. I spoke to someone who was about to enter to clean the house, but apparently she is not responsible for the garbage.

I am copying this email to the Planning Commission, but I think that your supporting voice is important in this issue. And I think that our neighborhood truly appreciates your service on our behalf.

Ethel Simpson

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:37 AM
To: Wonsower, Donna
Subject: FW: 461 Oliver STR request

Follow Up Flag: Follow up
Flag Status: Flagged

CUP-2024-0001

-----Original Message-----

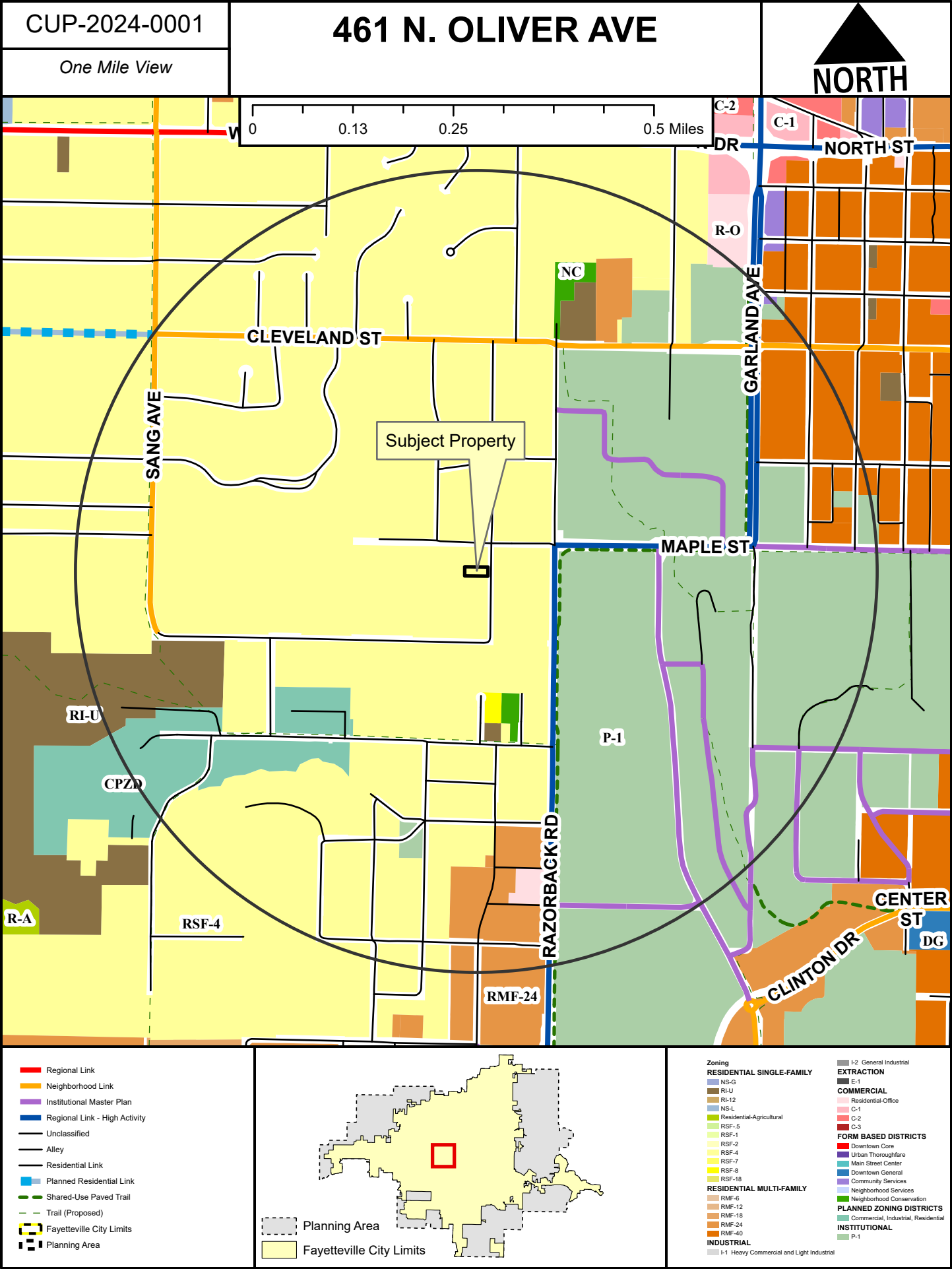
From: Kurt Reed <kkreed@swbell.net>
Sent: Friday, August 9, 2024 8:22 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 461 Oliver STR request

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to register my objection to the STR request for 461 Oliver. I live at 672 N Gray Ave and there are already way too many STR in our 1/4 mile radius.

Kurt Reed

Sent from my iPhone



Regional Link

Neighborhood Link

Institutional Master Plan

Regional Link - High Activity

Unclassified

Alley

Residential Link

Planned Residential Link

Shared-Use Paved Trail

Trail (Proposed)

Fayetteville City Limits

Planning Area

Planning Area

Fayetteville City Limits

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-13

RMF-24

RMF-40

INDUSTRIAL

I-1 Heavy Commercial and Light 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

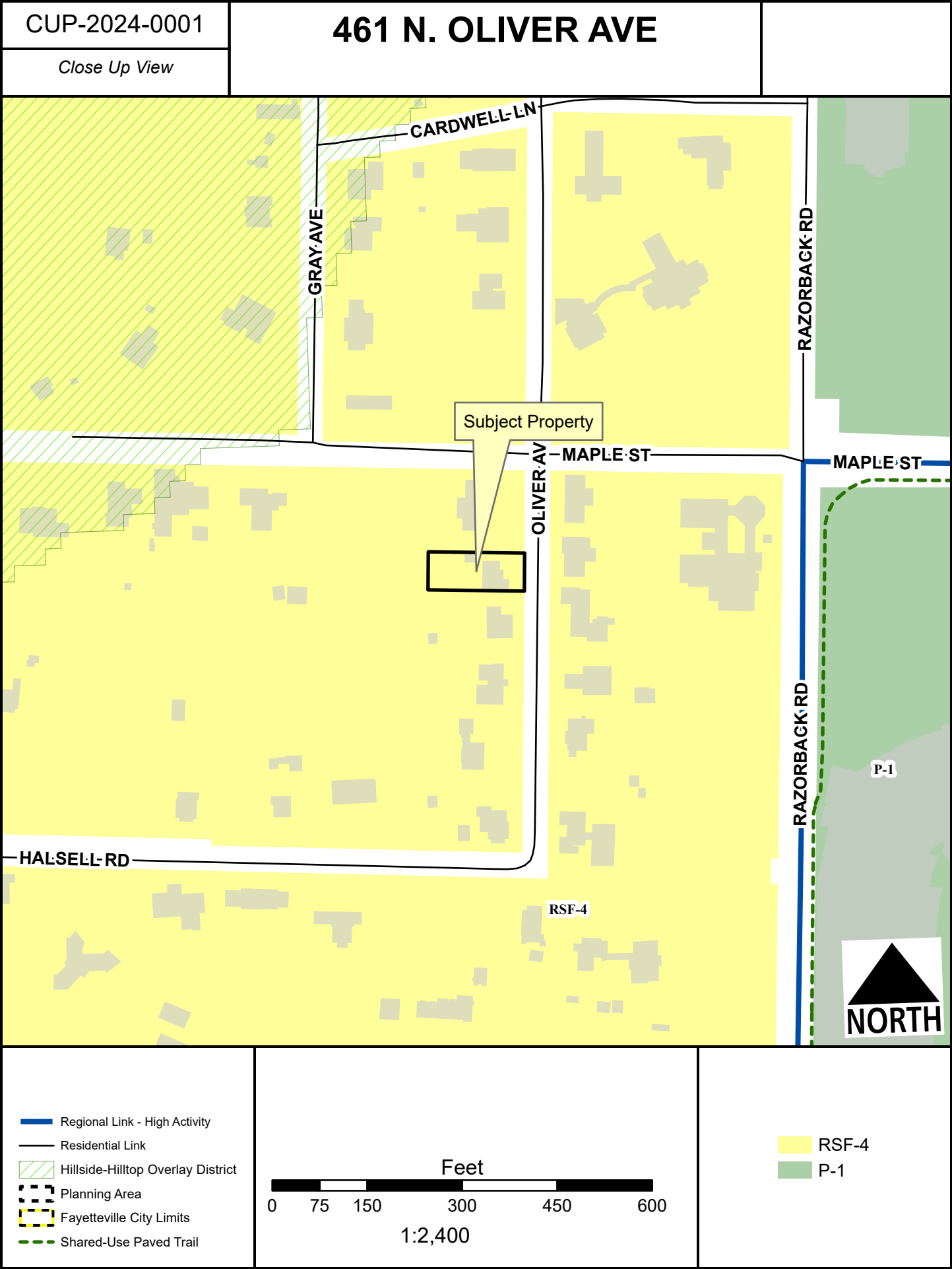
Planning Commission

August 12, 2024

CUP-2024-0001 (WALKER)

Page 23 of 26

Page 416 of 461



CUP-2024-0001

461 N. OLIVER AVE

Current Land Use



- Institutional Master Plan
- Regional Link - High Activity
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



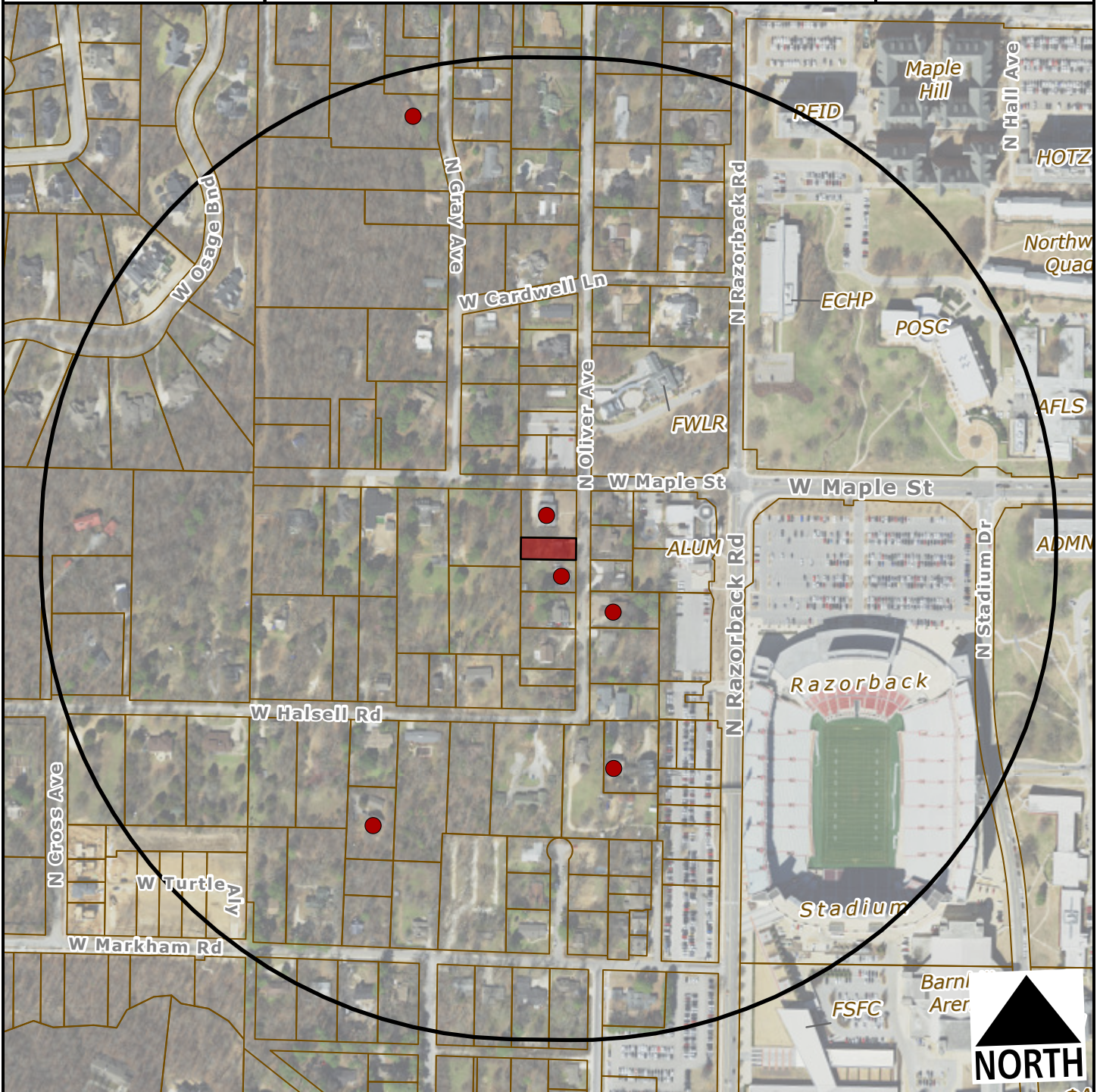
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2024-0001

461 N. OLIVER AVE

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 6

Occupiable
Residential
Addresses
(Estimated
Housing Units): 104



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 12, 2024

SUBJECT: **CUP-2024-0029: Conditional Use Permit (380 N. COLLEGE AVE./OZARK NATURAL FOODS, 485):** Submitted by OZARK NATURAL FOODS for property located at 380 N. COLLEGE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.35 acres. The request is for an outdoor music establishment.

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0029** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0029**, determining:*

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

BACKGROUND:

The subject property is the site of Ozark Natural Foods which is located at the southeast corner of College Avenue and Lafayette Street. The property contains approximately 2.35 acres and is zoned MSC, Main Street Center. Surrounding land use and zoning is depicted on *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Commercial and Residential	MSC, Main Street Center
South	Commercial	MSC, Main Street Center
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Commercial	MSC, Main Street Center

City Plan 2040 Future Land Use Designation: **City Neighborhood Area** within the **Downtown Master Plan** area.

Proposal: The applicant requests a conditional use permit to allow Use Unit 35: Outdoor Music Establishments within the MSC, Main Street Center zoning district. The applicant proposes to use the patio at Ozark Natural Foods as a venue for live music performances. While they have hosted those performances in the past, staff has advised the applicant that a conditional use permit would be needed to host multiple events a year. The applicant has described the outdoor music venue as follows:

- Approximately 7,000-square-foot patio*
- Number of employees: 86 (total for Ozark Natural Foods)*

- Number of guests per event: 100-200
- Off-street parking: 88 spaces
- Hours of operation: Monday – Saturday, 7:00 a.m. – 9:00 p.m.
Sunday, 8:00 a.m. – 9:00 p.m.

**Outdoor music events would only be held during the hours listed above which are Ozark Natural Foods normal hours of operation.*

Public Comment: Staff received public comment from one neighbor who expressed their opposition to the applicant's request. That individual said that past events have been loud and resulted in overparking on nearby residential streets. They also said that they do not want to see outdoor music establishments concentrated along College Avenue.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0029** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds that the proposed use to be compatible based on the findings contained herein;*
2. Hours of operation are limited to 8:00 a.m. to 9:00 p.m. on Sunday and 7:00 a.m. to 9:00 p.m. Monday thru Saturday as indicated in the applicant's request letter;
3. Three documented violations of the City's noise ordinance shall also be considered a violation of this conditional use permit subject to revocation by the Planning Commission. The project shall comply with the City's noise ordinance, as enforced by the Police Department. All music (acoustic or electronically amplified) shall be subject the commercial regulations as follows:
 - (A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 2 below which exceeds the maximum noise levels as set forth in Table 2 as measured at any point on the boundary of the property from which the sound or noise was emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

**Table 2:
Noise Limitations by Land Use Category**

Use Districts	Maximum Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

4. All outdoor lighting on site must comply the requirements of Unified Development Code Chapter 176, Outdoor Lighting.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 35: Outdoor Music Establishment in the MSC, Main Street Center zoning district. Outdoor music events would take place on the patio of Ozark Natural Foods. A conditional use permit is being requested since Ozark Natural Foods intends to hold multiple events a year; one-off events do not require conditional use approval.**

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

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

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

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

Finding: The Planning Commission is empowered under Unified Development Code §161.27 to grant the requested conditional use.

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

Finding: Staff finds that granting the requested conditional use is not likely to adversely affect the public interest. The patio associated with the proposed use is located along a major thoroughfare and is not directly adjacent to any residences. The City's Downtown Master Plan, which was adopted in 2004, established an entertainment district to encourage the concentration of outdoor music establishments downtown along Dickson Street between Block Avenue and Arkansas Avenue, and along West Avenue between Spring Street and Lafayette Street. While the subject property is located outside of that entertainment district, staff finds that the proposed use is not likely to adversely affect the public interest since it is located along a major thoroughfare and the property would continue to be used primarily as a grocery store. Any outdoor music events held there would be subject to compliance with the City's noise ordinance. If multiple violations are reported, the Planning Commission would have the opportunity to reconsider, and potentially revoke, this conditional use permit.

(c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing outdoor music establishments, as follows:

§163.10. OUTDOOR MUSIC ESTABLISHMENTS.

- A. Site Plan.** A site plan showing the proposed location and size of the outdoor music area; location and direction of the speakers; noise absorbing walls, structures or devices; proposed days and hours of operation of the outdoor music area; and measures proposed to lessen or eliminate any adverse affects upon nearby residences and businesses.

Finding: The applicant has submitted a site plan showing the general layout of the property indicating the location of the patio where outdoor music events will be held. The applicant has said that the location of speakers and other equipment, if used, will vary depending on how each event is set up.

- B. Planning Commission Review.** In addition to all normal considerations for a conditional use, the Planning Commission may require noise reducing measures and structures be incorporated into an outdoor music area, may limit the size,

power, number and direction of speakers, and may limit the hours of outdoor music generation from the establishment.

Finding: Should the Commission choose to approve the applicant's request, staff does not recommend that any additional measures be taken to reduce the impact of the proposed use on adjacent properties. Staff recommends that three violations of the City's noise ordinance be considered a violation of this conditional use permit.

C. Fayetteville Noise Ordinance Violation. If the establishment or any band or any person operating at such establishment is convicted of violating the Fayetteville noise ordinance (§96.06 of the *Code of Fayetteville*), such violation may constitute grounds for revocation of this conditional use to operate an outdoor music establishment.

Findings: All sound complaints are inspected and measured by the Fayetteville Police Department. Violations of the noise ordinance may result in the conditional use approval being brought back to the Planning Commission for review, amendment, or revocation. A condition has been included mandating compliance with the City's noise ordinance. Another condition has been included to recommend that three violations of the City's noise ordinance be considered a violation of this conditional use permit.

D. Fayetteville Entertainment District. The City Council's policy is to encourage outdoor music establishments along Dickson Street from Block Avenue to Arkansas Avenue and on West Avenue from Spring Street to Lafayette Street as long as such establishments are reasonably compatible with adjoining neighborhoods.

Findings: The subject property is not located within the entertainment district described above, though staff finds the proposed establishment to be reasonably compatible with adjoining properties. The property is located along College Avenue and the patio where outdoor music events will be held is not directly adjacent to any residential uses. A wooden privacy fence screens the property from adjacent residences to the east, and it is separated from residences to the west by College Avenue.

§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: The subject property has frontage along Lafayette Street and College Avenue. There are two parking lots on site with one to the north of the building and one to the south. The northern parking lot is accessed through two driveways, with one on College and the other on Lafayette, and the

southern parking lot is accessed through one driveway on College. Sidewalk is also available to accommodate pedestrian access to the 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: Two parking lots are available on site which contains a total of 88 spaces and on-street parking is available nearby. Both parking lots are screened from adjacent residential properties by wooden privacy fences.

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

Finding: The applicant indicated that they will utilize existing trash and recycling services. Dumpsters and recycling containers are located in the north parking lot and screened from view of the public right-of-way.

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

Finding: The property currently has access to public water and sewer and the addition of outdoor music is not expected to impact the provision of utilities.

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

Finding: Staff is not recommending additional screening for the proposed conditional use. The property is located along a major thoroughfare and is screened from residences to the east by wooden privacy fences.

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

Finding: Any proposed signage will be subject to permitting and compliance with Unified Development Code Chapter 174, Signs.

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

Finding: Staff finds that the existing development appears to meet the setback requirements associated with the underlying zoning district. The request to use the property as an outdoor music venue is not expected to affect the property's compliance with those requirements.

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

Finding: Staff finds the requested conditional use to be compatible with adjacent properties. The subject property is located downtown along College Avenue, and the applicant has indicated that the property will continue to be used primarily as a grocery store with outdoor music events happening occasionally. The patio is oriented towards College Avenue, away from adjacent residence, and the applicant indicated in their cover letter that the sound of traffic along College is often louder than any music played outside.

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

Finding: Staff finds the requested conditional use to be compatible with the goals and intent of the City's adopted plans. The City Plan 2040 Future Land Use Map also designates this site as City Neighborhood Area, and those areas are intended to support the widest spectrum of land uses with nonresidential uses primarily located along major corridors such as College Avenue.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.27 MSC, Main Street/Center
 - §163.10 Outdoor Music Establishments
- Applicant Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
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 stores
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 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line
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	and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 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 a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

163.10 Outdoor Music Establishments

Outdoor music establishments operating during May or June of 2002 may continue to operate at the same location without this conditional use even if the ownership or name of the outdoor music establishment changes in the future as long as the establishment does not terminate its outdoor music for twelve (12) consecutive months or longer. All other outdoor music establishments may be allowed as conditional uses where they are permitted subject to the following additional conditions:

- (A) *Site Plan.* A site plan showing the proposed location and size of the outdoor music area; location and direction of the speakers; noise absorbing walls, structures or devices; proposed days and hours of operation of the outdoor music area; and measures proposed to lessen or eliminate any adverse effects upon nearby residences and businesses.
- (B) *Planning Commission Review.* In addition to all normal considerations for a conditional use, the Planning Commission may require noise reducing measures and structures be incorporated into an outdoor music area, may limit the size, power, number and direction of speakers, and may limit the hours of outdoor music generation from the establishment.
- (C) *Fayetteville Noise Ordinance Violation.* If the establishment or any band or any person operating at such establishment is convicted of violating the Fayetteville noise ordinance (§96.06 of the *Code of Fayetteville*), such violation may constitute grounds for revocation of this conditional use to operate an outdoor music establishment.
- (D) *Fayetteville Entertainment District.* The City Council's policy is to encourage outdoor music establishments along Dickson Street from Block Avenue to Arkansas Avenue and on West Avenue from Spring Street to Lafayette Street as long as such establishments are reasonably compatible with adjoining neighborhoods.

(Ord. No. 4409, §2, 8-6-02; Ord. No. 5271, 9-1-09)



Keeping It Local Since 1971

6/17/2024

380 N College Ave. Fayetteville, AR 72701

RE: Conditional Use Permit

Project Description:

Ozark Natural Foods Co-Op proposes a conditional use permit at 380 N. College Ave. Fayetteville, AR 72701 to host live music on our patio.

Building Use: Live Music

Zoning: Main Street Center

Size of Property: 33262.24 Sq. Ft.

Density/Intensity: None

To Whom It May Concern,

This letter is to serve as an official record that Leon Randall Wilburn Jr is the President of the Board of Directors for Ozark Natural Foods and is requesting a conditional use permit. Ozark Natural foods has been in operation since 1971 and has a wonderful reputation with our community. We would like to have the ability to have live music on our patio.

Thank you,

Randy Wilburn
Board of Directors President

380 N College Avenue
Fayetteville, AR 72701

Phone: 479.521.7558

Fax: 479.521.5230

Planning Commission

August 12, 2024

CUP-2024-0029 (OZARK NATURAL FOODS) Page 430 of 461

Page 11 of 16

Items 3

- a. Building square footage is 32,500 and patio area where music area is proposed is 7,000 sq ft.
- b. The color of the building is gray and brick
- c. There are 88 parking spaces and public parking along streets in historic district and courthouse. We do not plan to exceed parking capabilities.
- d. Hours of operation
 - a. Monday – Saturday 7 a.m. – 9 p.m. Sunday 8 a.m. – 9 p.m. We would only host events during our hours of operation.
 - b. Number of employees = 86
 - c. Anticipated number of patrons is 100-200
- e. We currently have string lighting on the patio with no intention of installing additional fixtures.
- f. Noise; we will be in compliance with noise ordinance. The patio is along College Ave. with no impact to neighboring residents.
- g. The traffic along College Ave. is often louder than music played.
- h. We have two dumpsters on the Eastside of our store and trash/recycling is picked up by The City of Fayetteville
- i. There are entrances on the North, South, and West side of the property. Sidewalks follow the West side (where music will be played) and North side of the building.
- j. Outdoor music space is along College Ave. a road aligned with area of commercial uses/thoroughfare. It is close to downtown and not likely to impact residential areas. We would like to have the ability to have a band up to at least 12 times per year.

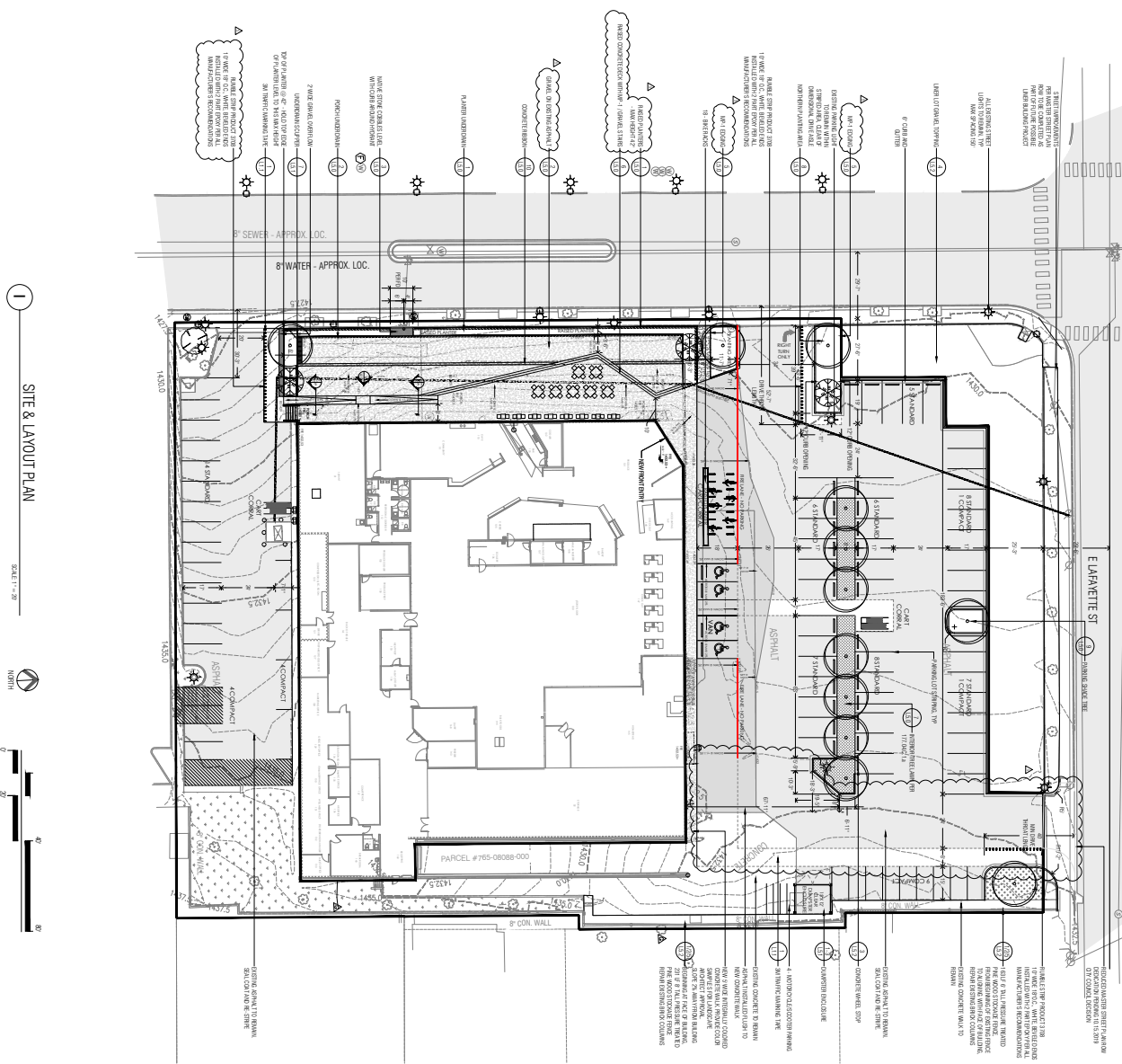
GENERAL CONDITIONS NOTES

1. Work is governed by the contract documents including:
 - A. Specifications
 - B. At applicable local, state and/or federal codes, ordinances and regulations
 - C. The Division of Transportation (DOT) Standard Specifications for Road and Bridge Construction
 - D. The Division of Transportation (DOT) Standard Specifications for Waterways and Harbors
 - E. The Division of Transportation (DOT) Standard Specifications for Airports
 - F. The Division of Transportation (DOT) Standard Specifications for Highways
 - G. The Division of Transportation (DOT) Standard Specifications for Bridges
 - H. The Division of Transportation (DOT) Standard Specifications for Structures
 - I. The Division of Transportation (DOT) Standard Specifications for Utilities
 - J. The Division of Transportation (DOT) Standard Specifications for Materials
 - K. The Division of Transportation (DOT) Standard Specifications for Construction Methods
 - L. The Division of Transportation (DOT) Standard Specifications for Construction Management
 - M. The Division of Transportation (DOT) Standard Specifications for Construction Safety
 - N. The Division of Transportation (DOT) Standard Specifications for Construction Quality
 - O. The Division of Transportation (DOT) Standard Specifications for Construction Environmental
 - P. The Division of Transportation (DOT) Standard Specifications for Construction Health and Safety
 - Q. The Division of Transportation (DOT) Standard Specifications for Construction Insurance
 - R. The Division of Transportation (DOT) Standard Specifications for Construction Bonds
 - S. The Division of Transportation (DOT) Standard Specifications for Construction Disputes
 - T. The Division of Transportation (DOT) Standard Specifications for Construction Arbitration
 - U. The Division of Transportation (DOT) Standard Specifications for Construction Litigation
 - V. The Division of Transportation (DOT) Standard Specifications for Construction Mediation
 - W. The Division of Transportation (DOT) Standard Specifications for Construction Conciliation
 - X. The Division of Transportation (DOT) Standard Specifications for Construction Arbitration
 - Y. The Division of Transportation (DOT) Standard Specifications for Construction Litigation
 - Z. The Division of Transportation (DOT) Standard Specifications for Construction Mediation
2. The Contractor shall be responsible for obtaining all necessary permits and licenses for the work.
3. The Contractor shall be responsible for obtaining all necessary insurance for the work.
4. The Contractor shall be responsible for obtaining all necessary bonds for the work.
5. The Contractor shall be responsible for obtaining all necessary approvals for the work.
6. The Contractor shall be responsible for obtaining all necessary clearances for the work.
7. The Contractor shall be responsible for obtaining all necessary easements for the work.
8. The Contractor shall be responsible for obtaining all necessary rights-of-way for the work.
9. The Contractor shall be responsible for obtaining all necessary encroachments for the work.
10. The Contractor shall be responsible for obtaining all necessary variances for the work.

NOTES

1. The Contractor shall be responsible for obtaining all necessary permits and licenses for the work.
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8. The Contractor shall be responsible for obtaining all necessary encroachments for the work.
9. The Contractor shall be responsible for obtaining all necessary variances for the work.
10. The Contractor shall be responsible for obtaining all necessary approvals for the work.

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1 SITE & LAYOUT PLAN SCALE: 1" = 20'

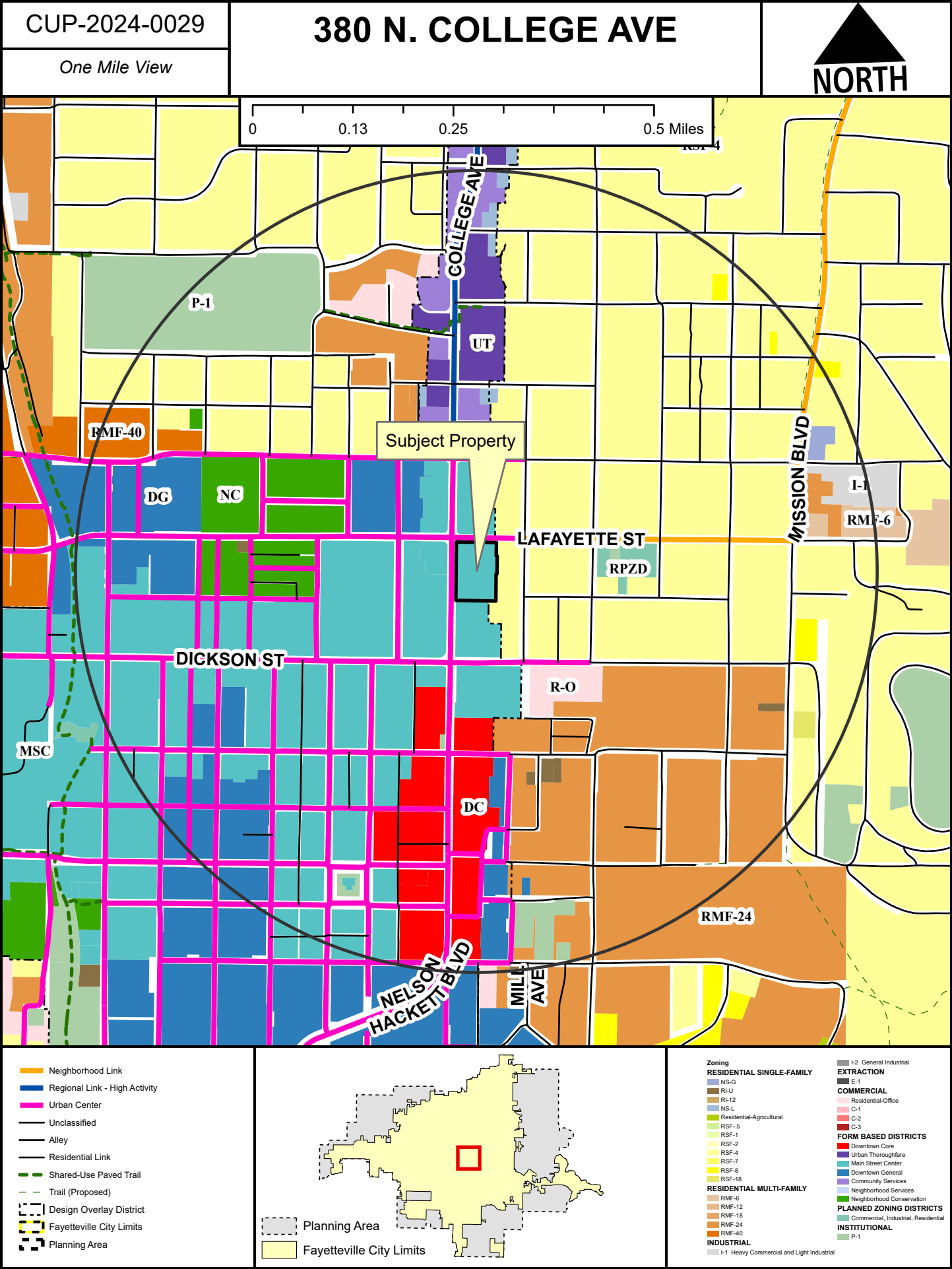


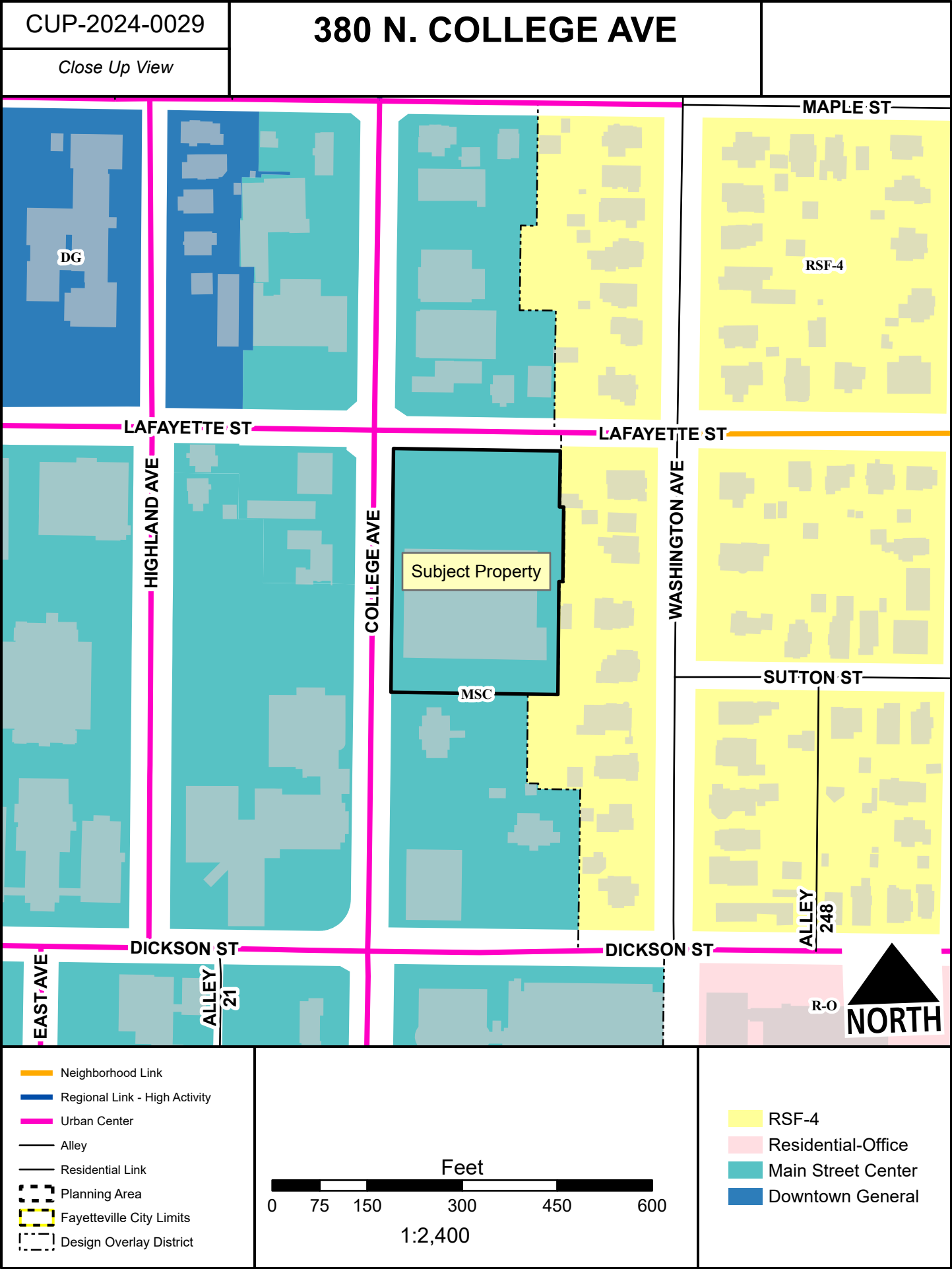
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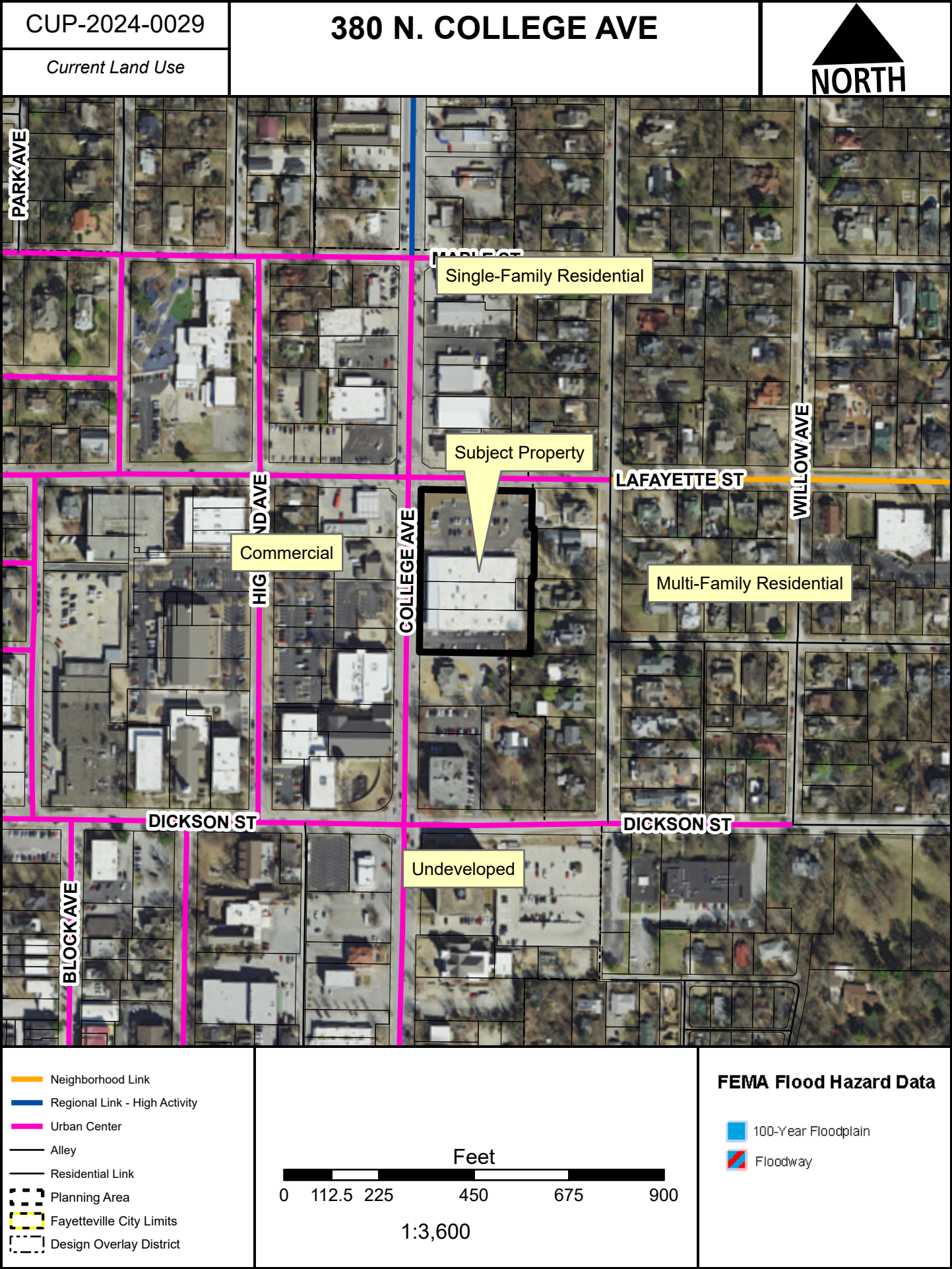


217 E. DICKSON, STE 106
Fayetteville AR 72701
479 305 4807 main
WWW.FLINTLOCKAR.COM

Planning Commission
August 12, 2024









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 12, 2024

SUBJECT: **RZN-2024-0036: Rezoning (820 W. MONTGOMERY ST./WEBB, 678):**
Submitted by REBECCA WEBB for property located at 820 W. MONTGOMERY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends denial of **RZN-2024-0036**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2024-0036**."*

BACKGROUND:
The subject property is located in south Fayetteville, just southwest of the intersection of School Avenue and the Fulbright Expressway on the north side of Montgomery Street. The property contains one parcel totaling 0.60 acres which is developed with a single-family dwelling and accessory structures and zoned RSF-4, Residential Single-Family, Four Units per Acre. A protected stream, hydric soils, and FEMA-designated floodplain are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre RMF-6, Residential Multi-Family, Six Units per Acre
East	Commercial	C-2, Thoroughfare Commercial
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to CS, Community Services.

Public Comment: Staff received public comment from one individual who expressed their opposition to the proposed rezoning. They said that rezoning to a district that allows commercial uses could reduce the tranquility of the residential neighborhood that the property is located in.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject property has frontage along Montgomery Street. Montgomery Street is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in the area would be determined at the time of development proposal.
- Water:** Public water is available to the subject property. An existing six-inch water main is present along Montgomery Street.
- Sewer:** Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present along Montgomery Street.
- Drainage:** The subject property lies within a FEMA-designated floodplain and a protected stream and hydric soils are present on site. 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 consist 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 is 50 feet 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 are issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. Any improvements or requirements for drainage will be determined at the time of development submittal.

- Fire:** Station 9, located at 2250 S. School Ave., protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately two minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district, CS, Community Services, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **3-4** for this site with a weighted score of **4.5** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 9, located at 2250 S. School Ave.)
- Near Sewer Main (8-inch main, Montgomery Street)
- Near Water Main (6-inch main, Montgomery Street)
- Near ORT Bus Stop (Route 20)

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 that the requested rezoning is not compatible with surrounding land uses. The subject property is located in a secluded residential subdivision just southwest of the intersection of School Avenue and the Fulbright Expressway. While School Avenue is classified as a Regional Link Street, the property has limited frontage along it and is accessed through Residential Link Streets which are partially improved with asphalt paving and open ditches. A rezoning to CS, Community Services, would allow more intense residential development and commercial uses in a subdivision that is only developed with low-density single-family residences. The property's current zoning, RSF-4, allows for development that staff finds to be consistent with current development and zoning patterns in that area.

The subject property is largely encumbered by the presence of a protected stream, which runs along the north side of the site, and a FEMA-designated floodplain. Any future development on the property would likely be limited by the presence of those features. While RSF-4 would allow less dense development when compared to CS, one potential advantage of CS zoning is that it has a 10- to 25-foot build-to zone, which would allow development

along the south side of the property further away from the stream. The existing house on the property appears to encroach into the front setback associated with the RSF-4 zoning district, so a rezoning could resolve that nonconformity. However, city code allows existing nonconforming structures to continue to exist, and be repaired or expanded, without requiring a rezoning action.

Land Use Plan Analysis: Staff finds that a rezoning to CS would not be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood Area. While those areas are intended to support a wide variety of housing types, they are also designed to recognize existing subdivisions and development patterns that respond to features of the natural environment. Staff finds that a rezoning to CS may run afoul with that designation since it would allow for increased development that may be out of character with surrounding properties and adversely impact natural features. The property also has a low infill score of 3-4 which indicates that it may not be a suitable location for infill development.

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 insufficient justification for rezoning the property from RSF-4 to CS. Staff finds that the proposed rezoning is not compatible with surrounding properties or consistent with the City's future land use plans.

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

Finding: A rezoning from RSF-4 to CS has the potential to increase vehicular traffic in the area when considering that CS would allow commercial uses and more dense residential development. Between 2019 and 2023, no traffic crashes were reported adjacent to the property and only one crash, with no apparent injury, was reported at the intersection of State Access Road and School Avenue.

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

Finding: Rezoning the property from RSF-4 to CS has the potential to alter the population density since CS would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

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

Finding: N/A

RECOMMENDATION: Planning staff denial of RZN-2024-0036.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §161.22 Community Services
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

161.22 Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

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

Plan for 820 W Montgomery St.

I purchased this property in June 2019. It's surrounded by mostly commercial properties. Due to the location being within minutes of the University, I had frequent requests to rent out my house.

As a single mom, and eventually foster mom, the additional income was helpful to supplement my teacher's salary. I had 2 sheds that I turned into Airbnbs.

They are rented every weekend. I believe these units benefit the community by supplying more places for people to stay while visiting Fayetteville. I had planned to eventually build 2 more units.

I would like to rezone the property from residential to Community Services.

Re: Rezoning of 820 W. Montgomery Street, Fayetteville, AR from RSF-4 to CS

Teresa Blakley <tablakley63@gmail.com>

Tue 8/6/2024 10:06 AM

To:Harrison, Gretchen <gharrison@fayetteville-ar.gov>

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Gretchen,

I appreciate the information. It seems her intent is to add more sheds to the property for AirBnB rentals. I'm not in favor of this. The property is beside the "creek/drainage" ditch and it is a flood zone. It is a small neighborhood that still has some of the original families residing there. It is quiet and peaceful and tucked in an area that feels safe for our daughter. Opening it up to commercial use would reduce the tranquility.

I am not familiar with the City of Fayetteville rules/laws regarding AirBnB operations nor do I know what it would really mean to multi-zone this neighborhood for the future. Would that mean it could open up the neighborhood homes for property "buy-outs" in the future for garden homes/multi-unit condo/apartment living? This is a new are of City Planning for me. I am so glad you shared the City Planning Staff's current opinion of the re-zoning.

Thank you all for the hard work you do to ensure our city is a great place to be and live.

Sincerely,

Teresa Blakley

On Aug 5, 2024, at 7:51 PM, Harrison, Gretchen <gharrison@fayetteville-ar.gov> wrote:

Hi Teresa,

Thank you for reaching out to ask about this and I apologize for the slow response from me.

I've attached a copy of the request letter that we received from the property owner for this rezoning. I am not sure how she intends to use the property, but her request is to rezone it to a mixed-use district that would allow residential uses and some commercial uses by right.

We (planning staff) have told the property owner that we will likely recommend denial of the rezoning since it would allow commercial uses, and increased density, in a residential neighborhood and on a site that is fully encumbered by floodplain.

Please let me know if you have any questions about the requested rezoning or would like more information.

Thanks again,

Gretchen Harrison

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8263

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<[Outlook-cid_image0.png](#)>

From: Teresa Blakley <tablakley63@gmail.com>
Sent: Wednesday, July 31, 2024 9:42 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Rezoning of 820 W. Montgomery Street, Fayetteville, AR from RSF-4 to CS

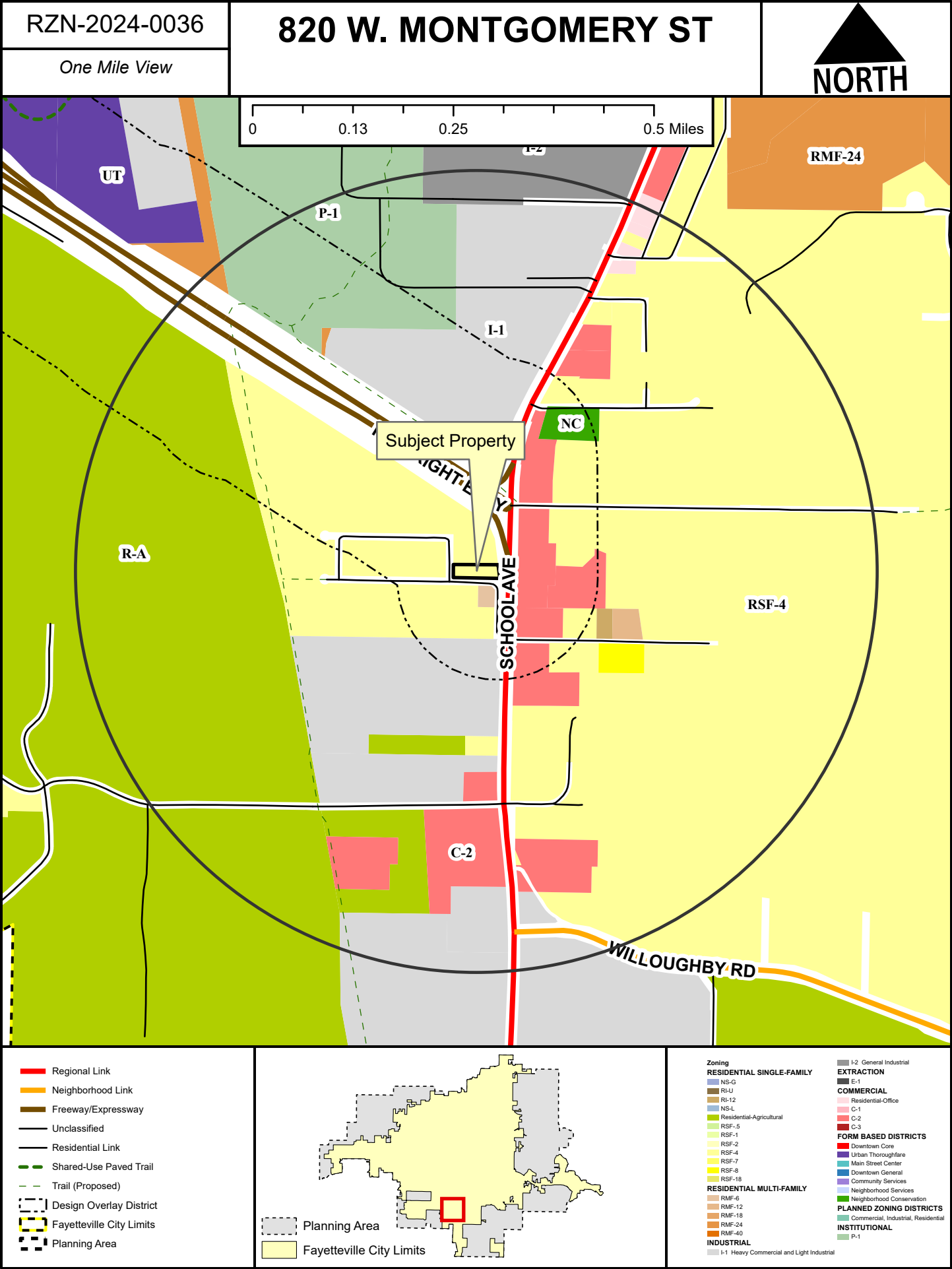
CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

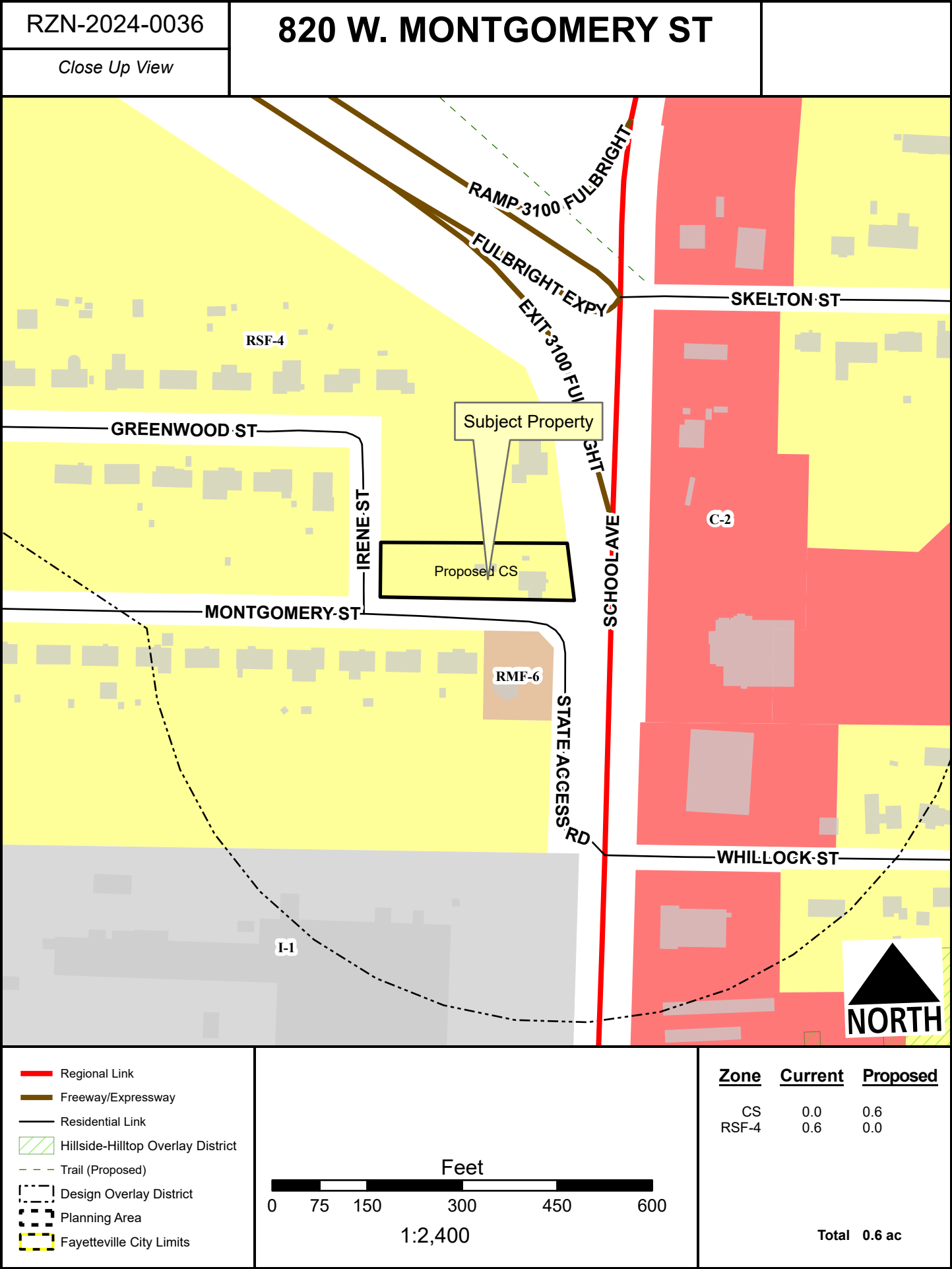
Good Morning,

My name is Teresa Blakley, Pixie Hollow, LLC who owns the property across the street from this rezoning request where my daughter currently lives. (3147 S. Irene Street, Fayetteville, AR). I am trying to locate the actual purpose for the rezoning to gain a better understanding of how the property will be used. Is there a document filed somewhere that I can read to gain a better understanding before the hearing takes place? The hearing is scheduled for August 12, 2024. I will be out of town that week, but could possibly join in online. I would just like to have more information ahead of time and don't know where to find any information.

I appreciate your assistance in Advance.

Thank you,
Teresa Blakley
tablakley63@gmail.com
512/658-6808
3442 N. Sweet Osage Lane
Fayetteville, AR 72704
<Plan for 820 W Montgomery St (1)Origin.pdf>





RZN-2024-0036

820 W. MONTGOMERY ST

Current Land Use

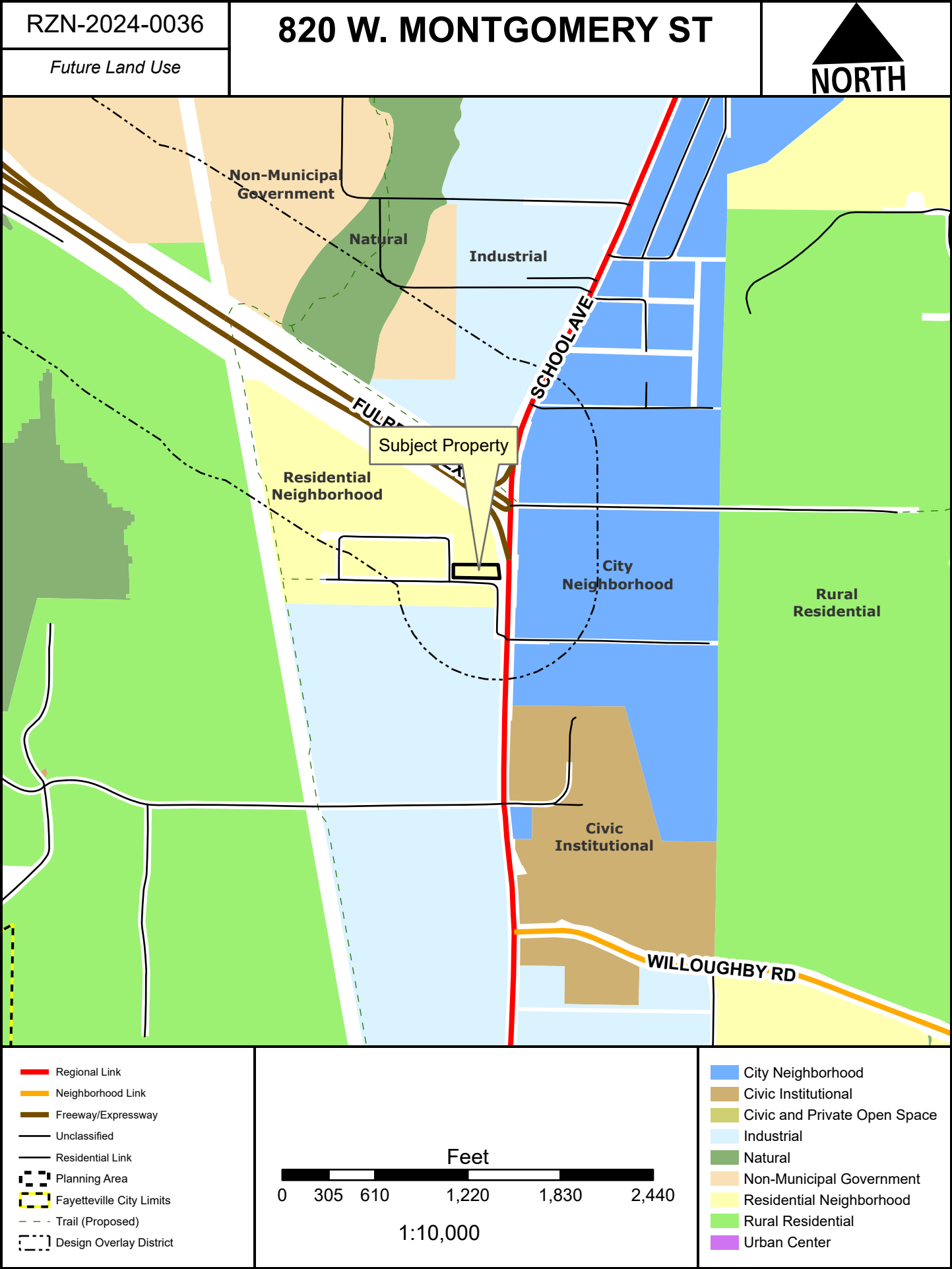


- Regional Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: August 12, 2024

SUBJECT: **RZN-2024-0037: Rezoning (402 W. ILA ST/HEAD, 445):** Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 402 W. ILA ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.32 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0037** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0037** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in downtown Fayetteville just south of Wilson Park. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre, and contains approximately 0.32 acres and is developed with a single-family dwelling constructed in 1941. 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	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre, to NC, Neighborhood Conservation.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along W. Ila St., a fully improved Residential Link Street with asphalt paving, curb and gutter, and sidewalks. The property also has frontage along N. Vandeventer Ave., a fully improved Residential Link 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. An existing 8-inch water main is present along W. Ila St. An existing 6-inch water main is present along N. Vandeventer Ave.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present at the along W. Ila St.

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

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.8 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**. The proposed zoning district of NC, Neighborhood Conservation, requires **20% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **11** for this site with a weighted score of **15.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (8-inch main, W. Ila St.)
- Near Water Main (8-inch main; W. Ila St.; 6-inch main, N. Vandeventer Ave.)
- Near Grocery Store (Ozark Natural Foods, 380 N. College Ave.)
- Near Public School (Washington Elementary School)
- Near UA Campus

- Near City Park (Wilson Park)
- Near Paved Trail (Wilson Park Trail, Razorback Greenway)
- Near ORT Bus Stop (Lafayette St. & Campbell Ave.)
- Near Razorback Bus Stop (Leverett & Maple)
- Sufficient Intersection Density

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 RSF-4 to NC to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family properties to the north, east, and west. To the south are RMF-40 single-family properties. A rezoning to NC would allow for the by-right development of single-family dwellings with a density of up to ten units per acre. NC could also permit some low-intensity commercial uses (less than 3,000 square feet in floor area) by conditional use permit. RSF-4 and NC have different bulk and area requirements. Lot width minimum in RSF-4 is 70 feet for single-family dwellings, but in NC is only 40 feet for all dwelling types. Lot area in RSF-4 is a minimum of 8,000 square feet, but in NC is 4,000 square feet. Staff finds the requested rezoning to be compatible with surrounding land use.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to NC could allow for the creation of single-family residential properties with reduced lot sizes. The property has a high infill score, with access to trails, parks, public schools, and grocery stores and other infill elements that make it appropriate for higher density infill development. Staff finds that the requested rezoning could allow for the creation of missing middle housing meets City Goals 1 (appropriate infill), 2 (discourage urban sprawl), and 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 RSF-4 to NC since the rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040.

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

Finding: A rezoning from RSF-4 to NC does have the potential to slightly increase traffic danger and congestion due to a minor increase in density, however the size of the parcel at 0.32 acres will limit the density on the site. Access management will be reviewed at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and

thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to slightly alter the population density since it would allow for additional single-family residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0037 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>August 12, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §161.29 Neighborhood Conservation
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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July 2, 2024

VIA PORTAL DELIVERY

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

RE: Rezoning of Parcel No. 765-12275-000 –
402 W. Ila St. & 621 N. Vandeventer Ave., Fayetteville, AR 72701
From RSF-4 to Neighborhood Conservation (NC)

To Whom It May Concern:

Please consider this letter as a Petition Requesting the rezoning of the above referenced property from its current designation of RSF-4 to Neighborhood Conservation.

The purpose of Neighborhood Conservation is to “serve to promote and protect neighborhood character.” As one of the most established neighborhoods in Fayetteville, this rezoning designation certainly is compatible now and will be compatible in the future.

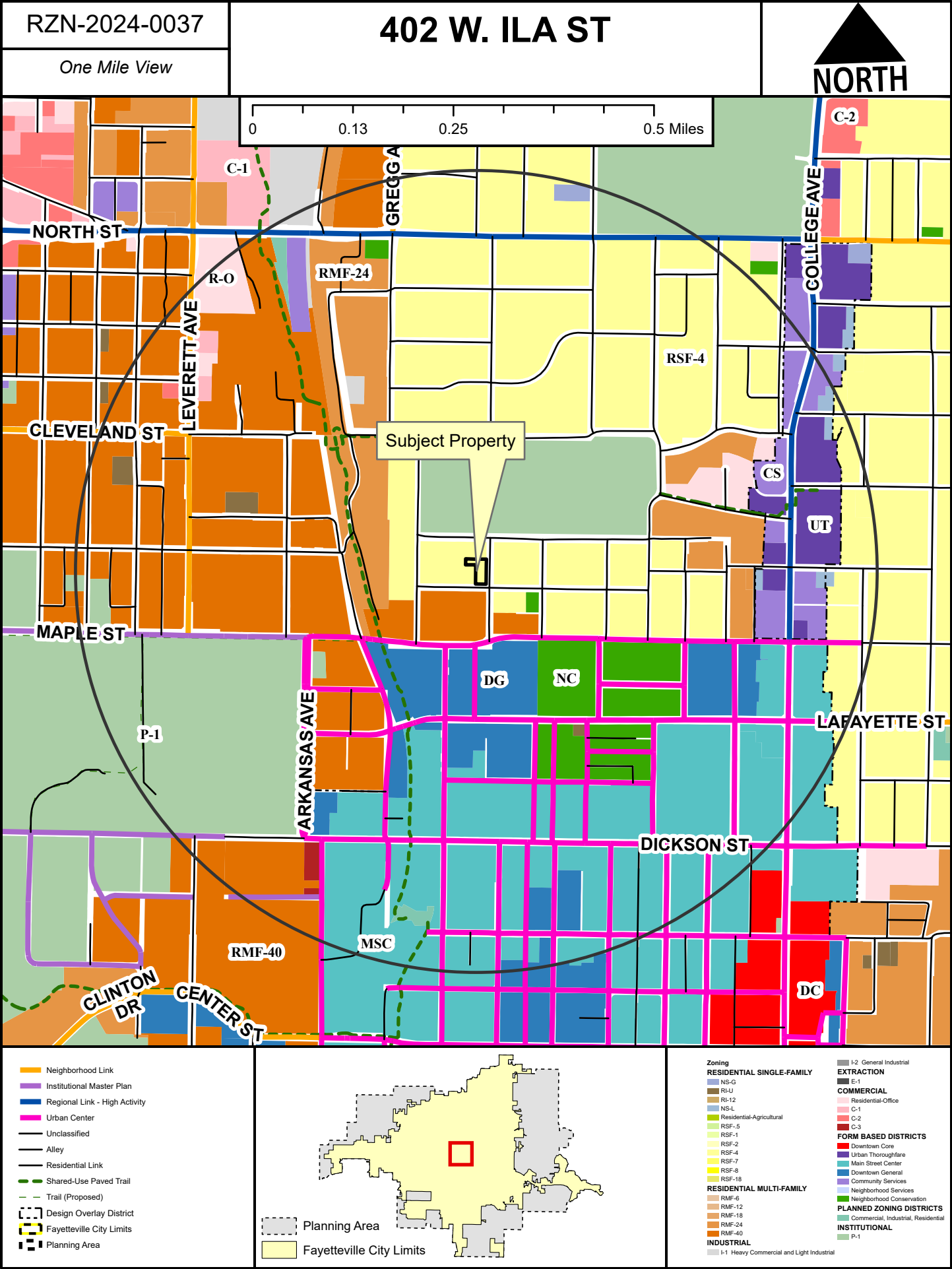
Lastly, this rezoning will not unreasonably affect in any adverse way the surrounding properties.

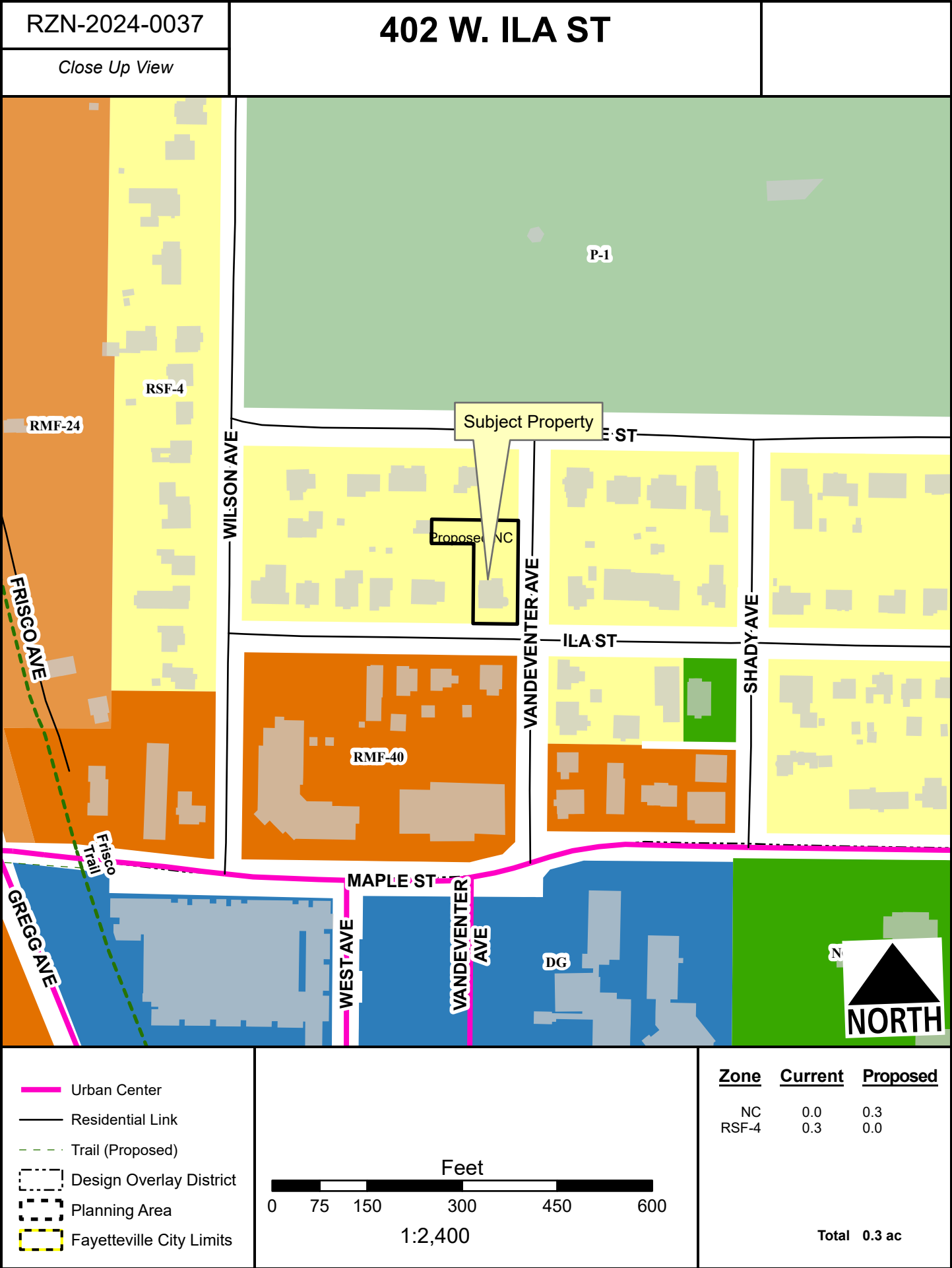
Sincerely,

Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.

Robert K. Rhoads

RKR:yn





RZN-2024-0037

402 W. ILA ST

Current Land Use



- Institutional Master Plan
- Urban Center
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

