

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, August 22, 2024

4:30 PM

City Hall Room 111

Planning Commission Members

Andrew Brink, Chair

Mary McGetrick, Vice Chair

Brad Payne, Secretary

Matthew Cabe

Nick Castin

Jimm Garlock

Fred Gulley

Mary Madden

Nick Werner

Senior Assistant City Attorney Blake Pennington

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

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

2. VAR-2024-0033: Planning Commission Variance (2678 E. TULIP CT/GILLESPIE, 371):

Submitted by JAY AND LAURA GILLESPIE for property located at 2678 E. TULIP CT. The property is zoned RSF-4, RESIDENTIAL SINGLEFAMILY, FOUR UNITS PER ACRE and contains approximately 0.32 acres. The request is for a variance to floodplain requirements. - Alan Pugh, Staff Engineer

3. LSD-2024-0007: Large Scale Development (2888 N. MCCONNELL AVE/COUNTRY INN & SUITES, 248):

Submitted by JORGENSEN & ASSOCIATES for property located at 2888 N. MCCONNELL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.18 acres. The request is for a 51,200-square-foot hotel and associated parking. - Kylee Cole, Planner

4. LSD-2024-0016: Large Scale Development (1166 W. VAN ASCHE DR/LISA ACADEMY, 171):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1166 W. VAN ASCHE DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 9.18 acres. The request is for an approximately 71,800-square-foot school facility and associated parking. - Kylee Cole, Planner

Unfinished Business**5. 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.

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

6. 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.

THIS ITEM WAS TABLED AT THE AUGUST 12, 2024 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

7. 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 AND AUGUST 12, 2024 PLANNING COMMISSION MEETINGS. - Gretchen Harrison, Senior Planner

New Business**8. VAR-2024-0035: Planning Commission Variance (615 W. CHESHIRE CT/SZ FAYETTEVILLE APARTMENTS LLC, 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 a variance to lighting requirements. - Gretchen Harrison, Senior Planner

9. ADM-2024-0039: Administrative Item (UDC CHAPTER 161):

Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to UDC Chapter 161 to create a new zoning district section 161.36 called Urban Corridor and set zoning regulations for the new district including permitted and conditional uses, lot dimensional standards, setbacks, and building height. Additionally, amendments are proposed to section 160.01 – Establishment of Districts to add the new district, section 163.11 – Sexually Oriented Business to allow sexually oriented businesses as a conditional use, section 164.25 – Tandem Lot Development to establish building setbacks for tandem lots, section 167.04 – Tree Preservation and Protection During Development to establish a minimum canopy requirement, and chapter 174 – Signs to establish sign regulations for the new zoning district. - Britin Bostick, Long Range Planning/Special Projects Manager

10. VAR-2024-0034: Planning Commission Variance (2837 N. DEANE SOLOMON RD/UNDERWOOD PARK, 246 & 247):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 2837 N. DEANE SOLOMON RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 34.59 acres. The request is for a variance to the master street plan and sidewalk requirements. - Donna Wonsower, Planner

11. VAR-2024-0036: Planning Commission Variance (765 N. OAKLAND AVE/SARKIN, 444):

Submitted by DEVELOPMENT CONSULTANTS INC for property located at 765 N. OAKLAND AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.24 acres. The request is for a variance to the master street plan requirements. - Kylee Cole, Planner

12. PPL-2024-0004: Preliminary Plat (NORTHEAST OF N. OLD MISSOURI RD & E. ROLLING HILLS DR/STAGE STATION PH 2, 253 & 254):

Submitted by JORGENSEN & ASSOCIATES for property located NORTHEAST OF N. OLD MISSOURI RD & E. ROLLING HILLS DR. The property is zoned NS-G, NEIGHBORHOOD SERVICES-GENERAL, RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, R-A, RESIDENTIAL AGRICULTURAL, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 32.80 acres. The request is for the preliminary plat of 136 residential lots and 12 non-buildable lots. - Jessica Masters, Development Review Manager

13. CUP-2024-0030: Conditional Use Permit (2801 W. MCMILLAN DR/CROSS CHURCH, 441):

Submitted by CRAFTON TULL for property located at 2801 W. MCMILLAN DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 11.72 acres. The request is for an off-site parking lot. - Kylee Cole, Planner

14. LSD-2024-0017: Large Scale Development (2801 W. MCMILLIAN DR/CROSS CHURCH, 441):

Submitted by CRAFTON TULL for property located at 2801 W. MCMILLIAN DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 8.92 acres. The request is for three additional parking areas. - Kylee Cole, Planner

15. CUP-2024-0031: Conditional Use Permit (2380 N. JANE AVE, UNIT 130/5 DOGS INVESTMENTS LLC, 329):

Submitted by CARCAMO INVESTMENTS for property located at 2380 N. JANE AVE, UNIT 130. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.41 acres. The request is for a temporary storage building.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Kylee Cole, Planner

16. CUP-2024-0032: Conditional Use Permit (224 E. ADOBE ST/KING, 290):

Submitted by JILL & JASON KING for property located at 224 E. ADOBE ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.14 acres. The request is to use the property as a short-term rental. - Gretchen Harrison, Senior Planner

17. CUP-2024-0033: Conditional Use Permit (3345 W. ESSEX DR/HAWKINS, 362):

Submitted by MATTHEW HAWKINS for property located at 3345 W. ESSEX DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.22 acres. The request is to use the property as a limited business. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff

18. LSP-2024-0017: Lot Split (3861 N. SASSAFRAS HILL RD/BALTZ, 182):

Submitted by BLEW & ASSOCIATES for property located at 3861 N. SASSAFRAS HILL RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 4.27 acres. The request is to split the property into two lots containing approximately 2.27 and 2.00 acres. - Donna Wonsower, Planner

19. LSP-2024-0022: Lot Split (6481 W. WHEELER RD/SHULTS, 240):

Submitted by ALAN REID & ASSOCIATES for property located at 6481 W. WHEELER RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 4.17 acres. The request is to split the property into two lots containing 2.92 and 1.25 acres. - Donna Wonsower, Planner

20. SIP-2024-0001: Site Improvement Plan (4392 N. WATERSIDE CT/MYERS & WOODS LAW FIRM PLLC, 135):

Submitted by JORGENSEN & ASSOCIATES for property located at 4392 N. WATERSIDE CT. The property is zoned R-O, RESIDENTIAL – OFFICE and contains approximately 0.45 acres. The proposal is for the addition of 4,374-square-foot office building with associated parking. - Kylee Cole, Planner

21. FPL-2024-0005: Final Plat (NORTH OF W. BITTERSWEET DR & N. GREY SQUIRREL DR/HUGHMOUNT NORTH PH II, 243):

Submitted by JORGENSEN & ASSOCIATES for property located NORTH OF W. BITTERSWEET DR & N. GREY SQUIRREL DR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains

approximately 15.10 acres. The request is for the final plat of 41 residential lots. -
Kylee Cole, Planner

22. FPL-2024-0008: Final Plat (S. BENCHMARK LN & W. BRONCO DR/TOWNE WEST PH 5, 516 & 517):

Submitted by ENGINEERING SERVICES INC. for property located at S. BENCHMARK LN & W. BRONCO DR. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and contains approximately 4.70 acres. The request is for the final plat of 28 residential lots. -
Kylee Cole, 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, 08/12/2024				
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 (07/22/2024)	2) VAR-2024-0032 (12TH STREET TOWNHOMES)	3) VAC-2024-0014 (WILLIAMS)	4) VAC-2024-0015 (STARR)	5) ADM-2024-0031 (ALIGHT FAYETTEVILLE)
McGetrick	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Payne	1	1	1	1	1	1
Castin	1	1	1	1	1	1
Gulley	0					
Cabe	1	1	1	1	1	1
Werner	1	1	1	1	1	1
Garlock	0					
Madden	1	1	1	1	1	1
Agenda		Consent	Consent	Consent	Consent	Old
Motion By		Werner	Werner	Werner	Werner	Payne
Motion 2nd		Payne	Payne	Payne	Payne	Castin
Vote		7-0-0	7-0-0	7-0-0	7-0-0	7-0-0
Action		Approve	Approve	Approve	Approve	Table
Time		5:34 PM	5:35 PM	5:34 PM	5:34 PM	5:34 PM
Motion Detail						Until August 26, 2024 Planning Commission Meeting.
Public Comment		0	0	0	0	0

(pg. 2) Planning Commission				Monday, 08/12/2024								
	6) LSD-2024-0005 (THE LENNON)		7) CUP-2024-0018 (BRASS POLE PROPERTIES)		8) ADM-2024-0033 (PC RULES OF ORDER & PROCEDURE)		9) CUP-2024-0028 (DOMINO'S PIZZA)		10) LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)		11) PPL-2024-0001 (CHANDLER CROSSING)	
McGetrick	1	1	1	1	1	1	1	0	1	1		
Brink	1	1	1	1	1	1	1	0	1	1		
Payne	0	0	1	1	1	1	1	0	1	1		
Castin	1	1	1	1	1	1	1	0	1	1		
Gulley												
Cabe	1	0	1	0	1	1	1	0	1	0		
Werner	1	1	1	1	1	1	1	0	1	0		
Garlock												
Madden	1	1	1	1	1	1	1	0	1	0		
Agenda	Old		Old		New		New		New		New	
Motion By	Payne	Werner	Payne	Payne	Brink		Werner		Castin		Cabe	Brink
Motion 2nd	Cabe	McGetrick	Werner	Werner	Castin		Madden		Brink		McGetrick	Payne
Vote	6-1-0	5-2-0	7-0-0	6-1-0	7-0-0		7-0-0		0-7-0		7-0-0	4-3-0
Action	Approve	Amend	Approve	Divide	Approve		Table		Approve		Approve	Amend
Time	6:17 PM		6:51 PM		6:55 PM		7:04 PM		8:30 PM		9:12 PM	
Motion Detail	In favor of variances. With all conditions as recommended by staff and the \$94,223.52 fee in-lieu.	To adjust fee in-lieu to \$79,304.79.	With all conditions as recommended by staff with a monopine tower.	The question of camouflaging technology.			Untill August 26, 2024 Planning Commission Meeting.				In favor of variances. With all conditions as recommended by staff.	To require fees-in-lieu instead for parkland dedication.
Public Comment	0		0		0		0		18		3	

(pg. 3) Planning Commission			Monday, 08/12/2024		
	12) VAR-2024-0030 (BIOLIFE PLASMA SERVICES)	13) CUP-2024-0001 (HAVENS FAMILY REVOCABLE TRUST)	14) CUP-2024-0029 (OZARK NATURAL FOODS)	15) RZN-2024-0036 (WEBB)	16) RZN-2024-0037 (HEAD)
McGetrick	1	0	1	1	1
Brink	1	0	1	1	1
Payne	1	0	1	1	1
Castin	1	0	1	1	1
Gulley					
Cabe	0	0	1	1	1
Werner	1	0	1	1	1
Garlock					
Madden	1	0	1	1	1
Agenda	New	New	New	New	New
Motion By	Werner	Payne	McGetrick	Brink	Castin
Motion 2nd	McGetrick	Castin	Payne	Castin	Cabe
Vote	6-1-0	0-7-0	7-0-0	7-0-0	7-0-0
Action	Deny	Approve	Approve	Table	Forward
Time	9:25 PM	9:37 PM	10:03 PM	10:23 PM	10:31 PM
Motion Detail		In favor of all conditions as recommended by staff.	With all conditions as recommended by staff. -Add condition for maximum of 12 events per year. With amended motion for reconsideration after 12 months.	Untill August 26, 2024 Planning Commission Meeting.	
Public Comment	0	0	5	1	1



TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: August 26, 2024

SUBJECT: **VAR-2024-0033: Planning Commission Variance (2678 E Tulip Ct; Jay and Laura Gillespie, 371):** Submitted by Jay and Laura Gillespie for property located at 2678 E Tulip Ct. The property is zoned RSF-4, Residential Single Family-four units per acre and contains approximately 0.3 acres. The request is for a variance to the flood damage protection ordinance.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0033**, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0033** with conditions, determining:*

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

BACKGROUND:

The subject property is located at the end of E Tulip Ct. and backs up to Flynn Creek. The property totals approximately 0.3 acres and contains one single-family residence. Flynn Creek flows generally south to north across the eastern side of the property. The creek is currently indicated as Zone AE, base flood elevation determined, according to the 2024 Flood Insurance Study (FIS). The creek is further on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	RSF-4, C-1, C-2 and P-1, see attached project maps
South	Institutional	
East	Commercial/Institutional	
West	Residential	

Request: The applicant is requesting a variance from §168.10, which requires a flood study indicating if there are any impacts to the floodplain.

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

DISCUSSION:

This home was partially brought into the floodplain after FEMA approved a Letter of Map Revision (LOMR) for a property adjacent to N Crossover Road. The presences of the Zone AE floodplain on the property would trigger the requirement for a flood study per Chapter 168 of the Unified Development Code. However, in this instance, the project is extremely small in nature and includes the addition of a small, raised porch that could potentially remove the structure from the floodplain by raising the lowest adjacent grade. The improvements are largely within the conveyance shadow of existing obstructions which would generally not require a flood study to be performed per the Guidance for Flood Risk Analysis and Mapping dated issued by FEMA and dated November 2021.

RECOMMENDATION: Staff recommends approval of **VAR-2024-0033** with the following conditions of approval:

Conditions of Approval:

1. Applicant shall limit the project to that presented within this variance application.
2. Applicant shall obtain a floodplain permit.

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

FINDINGS OF THE STAFF

Section §156.03 Development Variances: Certain variances of the development regulations may be applied for as follows:

(7) Flood Damage Prevention Code. The Planning Commission shall hear and decide requests for variances from the requirement of this ordinance.

(a) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in [§168.05\(B\)\(4\)](#) have been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.

(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Floodplain variances shall only be issued if:

(i) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;

As stated, the project is extremely small in nature and will take place almost entirely within the conveyance shadow of existing structures.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

Staff finds that, for a project of this size and the noted guidance given by FEMA for projects within the conveyance shadow, a full flood study may be considered a hardship for the applicant. However, the determination of a hardship is ultimately up to the planning commission.

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the other provisions of the Code of Fayetteville.

As stated previously, due to the size of the project and the existing floodplain obstructions in the area, staff does not anticipate an increase in base flood heights or any additional threats to public safety.

(g) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of [§168.05\(B\)\(4\)](#) are considered and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

As stated previously, due to the size of the project and the existing floodplain obstructions in the area, staff does not anticipate an increase in base flood heights or any additional threats to public safety.

(h) Upon consideration of the factors in this section, and the purpose of this ordinance, the Planning Commission may impose conditions to the granting of floodplain variances as it deems necessary to further the purpose of this ordinance.

See staff recommended conditions listed above

(i) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation surcharge and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Washington County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Not applicable

Attachments:

- Applicant Request Letter
- FEMA Floodplain Mapping
- Proposed variance request exhibit
- One Mile Map
- Close Up Map
- Current Land Use Map

July 15, 2024

From: Jay Gillespie
2678 E Tulip Court
Fayetteville, AR 72701

To: City of Fayetteville Planning Commission
113 West Mountain
Fayetteville, AR 72701

RE: Request for Planning Commission Variance, 2678 E Tulip Court, Glennbrook Subdivision

Dear Planning Commission,

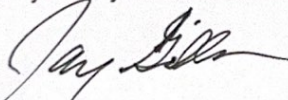
My wife, Cynthia Gillespie, and I have lived in our home at 2678 Tulip since 1997. On August 1, 2023, we received a letter in the mail regarding the flood hazard revision that impacted our home and as a result our Mortgage lender required us to take out flood insurance policy. The annual cost of the flood insurance policy is \$800.

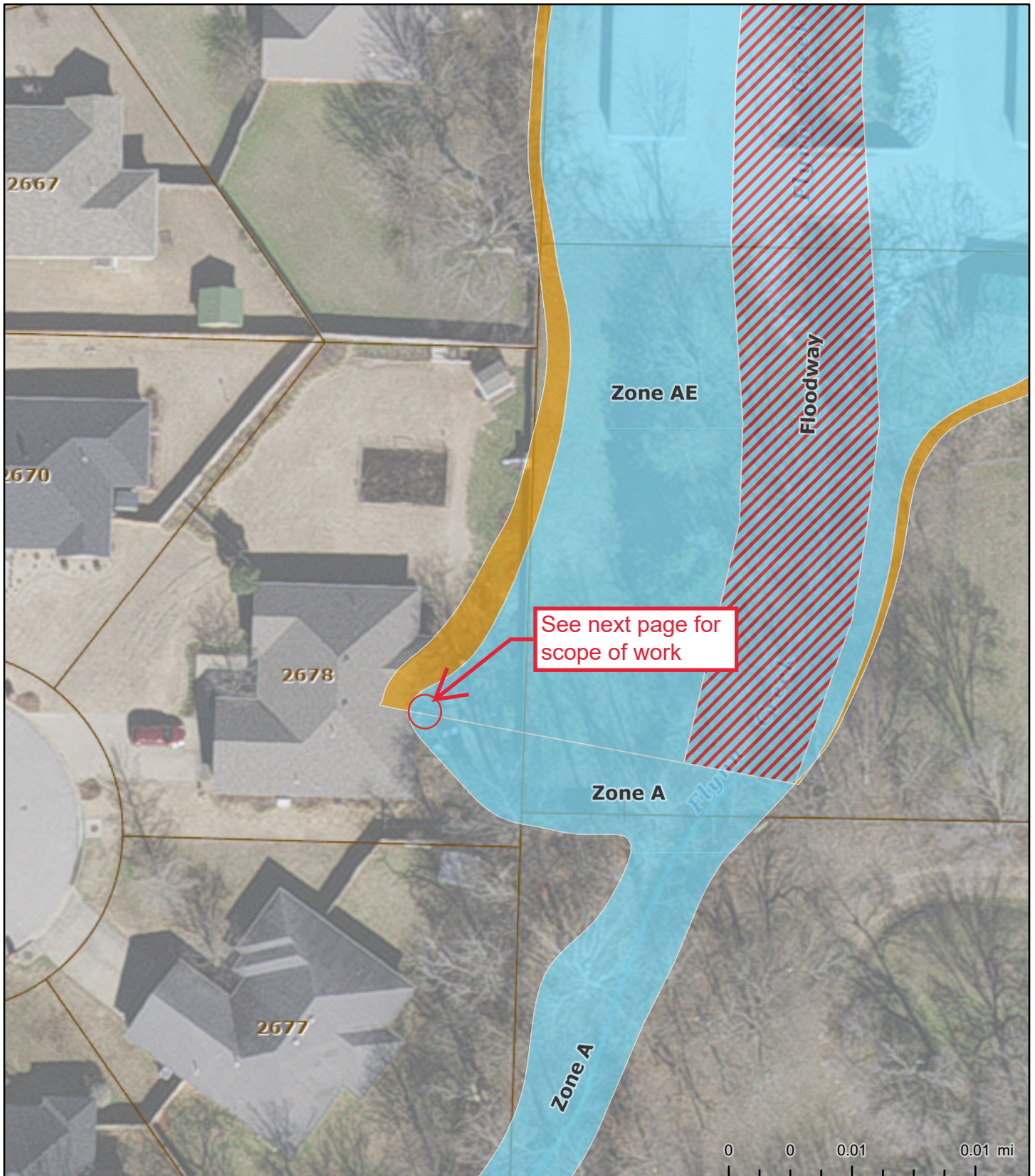
My wife is retired, and I will be retiring next year. Like most retired individuals, our income is fixed, and the additional cost of flood insurance is a strain on our finances.

We desire to file a LOMR-F request with FEMA to remove the structure (our home) from the floodplain and as a result will no longer be required to carry flood insurance policy.

We have applied for a FloodPlain Development Permit to make a few small modifications to our back porch and raise the lowest adjacent grade above the Base Flood Elevation. We are requesting the planning commission approve the permit without the requirement of a flood study.

Thank you for your time and consideration.


Jay Gillespie



- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard

2678 E Tulip Ct

Fayetteville, AR

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

Created: 6/14/2024
 Credits: FEMA, City of Fayetteville, AR, 2024 Imagery | EagleView Technologies | Surdex Corporation
 Map Author:

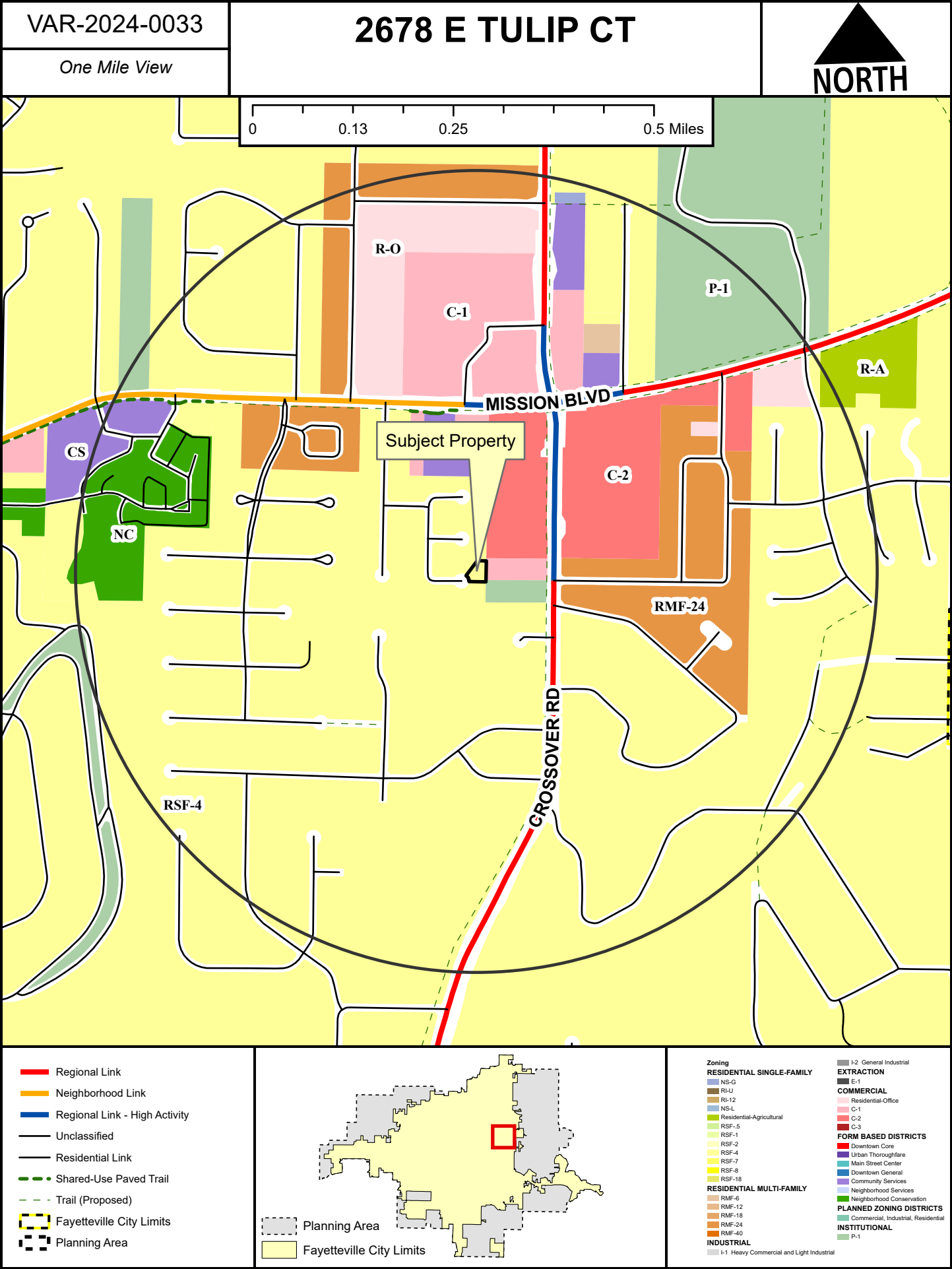


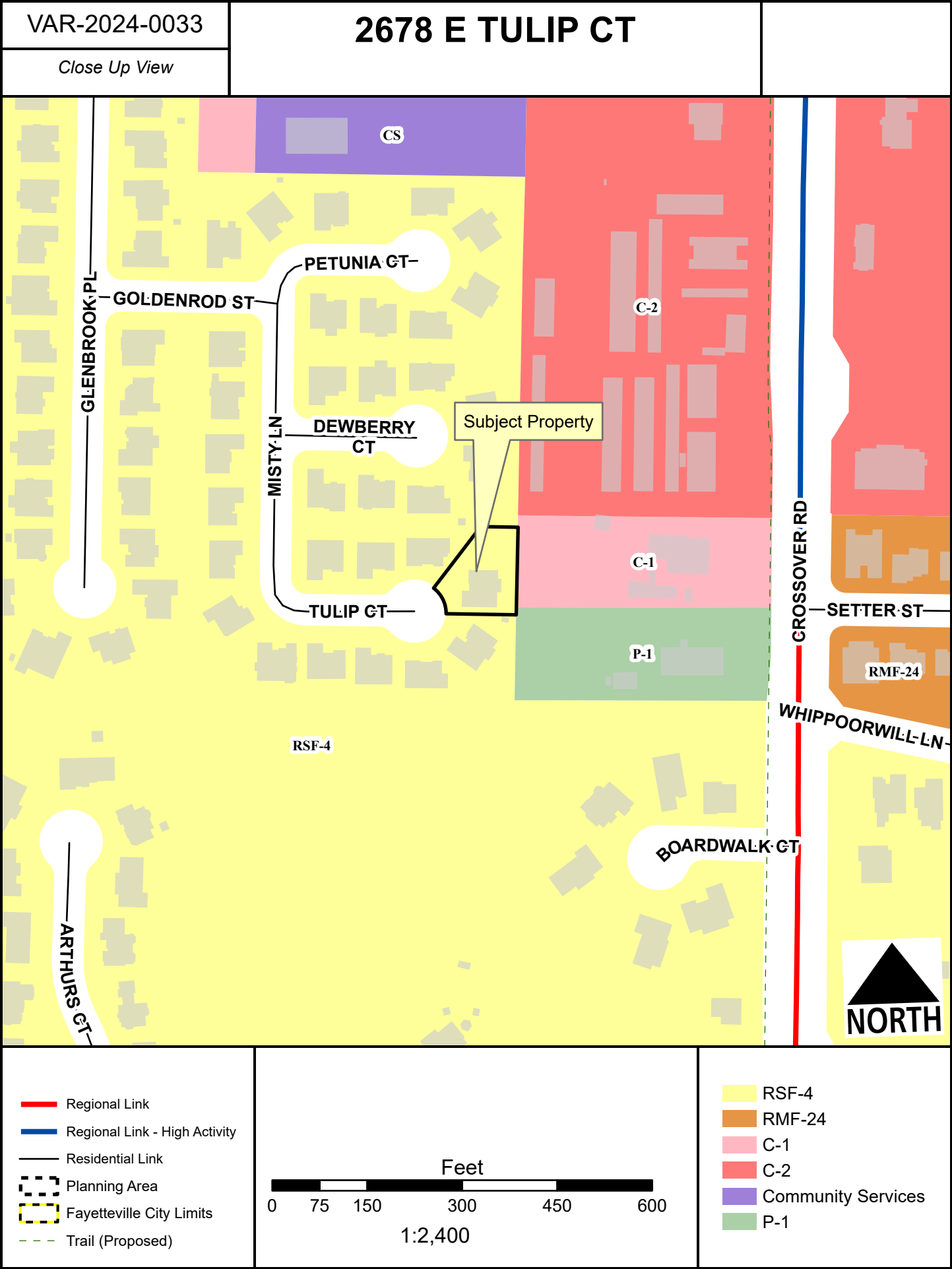
New staircase and handrail to be installed with (2) concrete pad

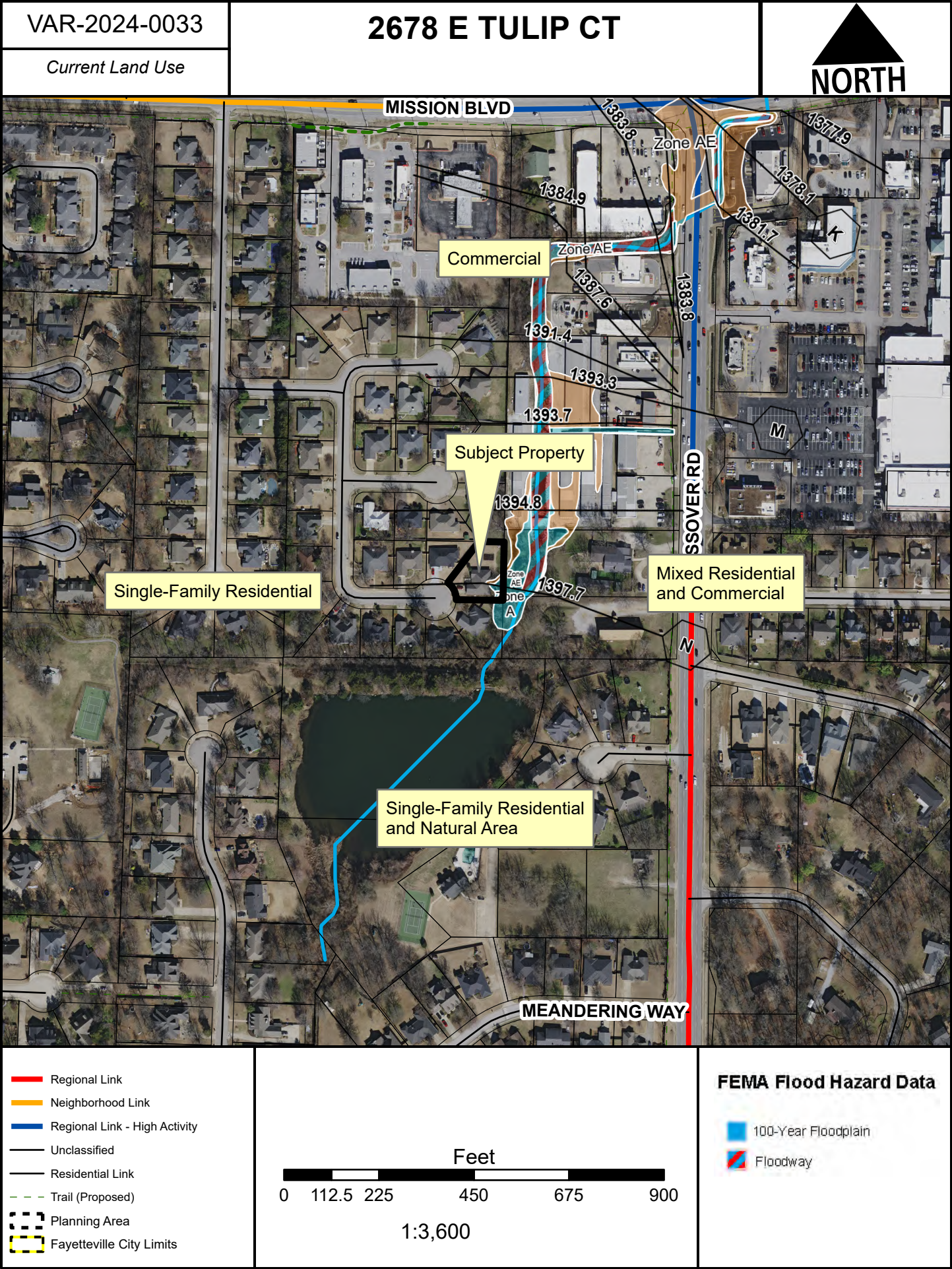
Existing drain to be replaced with french drain

Remove border stones and pavers to expand flower bed. Fill with 6" of top soil, level with existing flower bed. Finish with same border stones and native plants.

Demo existing 50" x 72" concrete pad. Replace with new concrete pad 6" higher to meet bottom of new staircase (indicated by yellow line) and edge of new flower bed.









TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: August 26, 2024

SUBJECT: **LSD-2024-0007: Large Scale Development (2888 N. MCCONNELL AVE/ COUNTRY INN & SUITES, 248):** Submitted by JORGENSEN & ASSOCIATES for property located at 2888 N. MCCONNELL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.18 acres. The request is for a 51,200 square-foot hotel and associated parking.

RECOMMENDATION:

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

RECOMMENDED MOTION:

*"I move to approve **LSD-2024-0007** with conditions:*

- In favor of recommended right-of-way dedication and street improvements;*
- In favor of variance to UDC §166.25(D)(2); and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in north Fayetteville at the southwest corner of the intersection of N. Garland Ave. and I-49. The property is zoned C-2, Thoroughfare Commercial, and contains approximately 3.18 acres. It is currently undeveloped. The property is bordered by W. Drake St., a MSP-designated Residential Link Street to the south, a trail easement along the western property line, and ArDOT right-of-way to the north. Land uses and zoning surrounding the property are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Interstate (I-49)	ArDOT
South	University of Arkansas Agricultural Research & Extension Center	R-A, Residential-Agricultural
East	Commercial (Gas Station/Liquor store/office)	C-2, Thoroughfare Commercial
West	Commercial (Machine Rental)	C-2, Thoroughfare Commercial

Proposal: The applicant requests large-scale development approval to develop the property with a 51,200-square-foot hotel and associated parking. The hotel will contain 100 guest rooms. One variance from the Unified Development Code has been requested as part of this proposal.

Variance #1: §164.25(D)(2) Cross Access. Cross access shall be required to adjacent developed and undeveloped properties. The applicant is requesting a variance from this requirement along the property's western boundary due to the proposed trail connection in this area.

- *Staff recommendation: Staff is supportive of this variance request finding that the applicant is proposing to construct a planned trail connection along the western boundary. Removing the cross access requirement in this area will create a safer pedestrian environment on the trail. Vehicular access to the adjacent property is provided approximately 46 feet to the west of the proposed development's western-most access.*

Right-of-Way to be Dedicated: The existing right-of-way along W. Drake St. is variable, and does not meet the Residential Link requirement of 26 feet minimum from centerline along the entire frontage. Accordingly, staff recommends additional right-of-way be dedicated to meet the Master Street Plan standards along the property's W. Drake St. frontage, a variable additional dedication of approximately 0-32 feet as indicated on the plans.

Street Improvements: Staff recommends that the property's Drake St. frontage be improved to meet the typical requirements for a Residential Link street, including a six-foot sidewalk, six-foot greenspace, and 1.5-foot curb and gutter. These improvements are reflected in the applicant's civil plans.

Access Management/Connectivity: Staff has determined that the proposed development is not compliant with the City's access management and connectivity standards. Variance requested to these standards is discussed above for the properties north and west boundaries.

Design Standards: Staff finds that the project meets UDC §166.25, Commercial, Office and Mixed Use Design and Development Standards with the exception of the variance request as noted above.

Water and Sewer System: Water is available to the development. The applicant will be installing a fire line, fire hydrant, and domestic/irrigation meters during construction. The applicant shall provide the max sprinkler demand for the fire suppression system and the max demand for the domestic and irrigation meters. Sewer is available to the site. The applicant is proposing a 6" sewer service line. This line must connect at a manhole.

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

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 2.8%

Preserved canopy: 0.7%

Mitigation required: 12 2-inch caliper trees.

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

RECOMMENDATION: Staff recommends approval of **LSD-2024-0007** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends additional right-of-way dedication along W. Drake St. to meet the minimum Master Street Plan standards for a Residential Link Street of 26 feet measured from the street centerline.*

Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *Staff recommends that W. Drake St. be improved to meet typical standards for a Residential Link street, including a six-foot sidewalk, six-foot greenspace, and 1.5-foot curb and gutter*

Subdivision Committee recommended in favor.

3. **Planning Commission determination of a variance to UDC §164.22(D)(2) Cross access.** *Staff recommends approval of the request as detailed above.*

Subdivision Committee recommended in favor.

4. All remaining comments from City division, whether Urban Forestry, Fire, or Engineering shall be addressed.

Standard Conditions of Approval:

5. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;
6. 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);
7. All mechanical and utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;
8. Trash containers must be stored out of public view and may be screened by the principal structure or vegetation. Container locations for trash pick-up will be submitted to the Planning and Recycling & Trash Collection divisions for review prior to building permit;
9. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
10. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;
11. All exterior lighting shall comply with city ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;

12. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation;
13. Large scale development approval shall be valid for one year;
14. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
15. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and
16. Prior to the issuance of a building permit, the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include 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; and
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission action:	☐ Denied	☐ Tabled	☐ Approved
Meeting Date: <u>August 26, 2024</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §166.25 Commercial, Office and Mixed Use Design and Development Standards
- Engineering Memo
- Urban Forestry Comments
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Elevations

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

166.25 Commercial, Office and Mixed Use Design And Development Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.
- (3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.
- (4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.
- (5) To address the issues of traffic, safety, and crime prevention.
- (6) To preserve property values of surrounding property.
- (7) To provide good civic design and arrangement.

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

(...)

(D) *Site Development and Design Standards.*

- (1) *Site Coverage.* A maximum of 80% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Properties located within the Downtown Master Plan boundary are exempt from this requirement.
- (2) **Cross Access.** Cross access shall be required to adjacent developed and undeveloped properties.



TO: Kylee Cole, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: August 21, 2024

SUBJECT: **Planning Commission Engineering Comments for
LSD-2024-0007 Country Inn**

Water: Water is available to the development. The applicant will be installing a fire line, fire hydrant, and domestic/irrigation meters during construction. The applicant shall provide the max sprinkler demand for the fire suppression system and the max demand for the domestic and irrigation meters.

Sewer: Sewer is available to the site. The applicant is proposing a 6" sewer service line. This line must connect at a manhole.

Streets: The applicant is improving W Drake St according to the Master Street Plan and installing a trail based on the Active Transportation Plan.

Drainage: The development is required to meet the 4 Minimum Standards outlined in the Drainage Criteria Manual. The standards are proposed to be met through the use of a bioretention facility and detention pond. Additional reviews of the drainage design will occur with the grading permit.

Plan Comments:

1. Additional comments will be provided during grading permit review.

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: Justin Jorgensen, PE, Jorgensen + Associates
From: Melissa Evans, Urban Forester
CC: Kylee Cole, Planner
Meeting Date: August 26, 2024
Subject: LSD-2024-0007: Country Inn & Suites: 2888 N. McConnell Ave.

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

Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	94,293	100%
Zoning Designation * Select Below with drop down arrow		
C-2, Thoroughfare Commercial	14,144	15%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	14,144	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	2,664	2.8%
Tree Canopy Preserved	629	0.7%
Tree Canopy Removed *On Site	2,035	2.2%
Tree Canopy Removed *Off Site	629	
Tree Canopy Removed Total	2,664	2.8%
Removed Below Minimum	13,515	
Mitigation Requirements	2,664	

*Please account for offsite tree canopy removal along the east side of the property line.

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	2,644	12
Low Priority		
Total Mitigation Trees Required	2,644	12

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	No	No	Yes
e. Soil Types	No	No	Yes
f. Significant Trees	No	N/A	N/A
g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	No	No	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	N/A	N/A	N/A
l. Floodplains and floodways	N/A	N/A	N/A
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	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	No	No
b. Limits of Root Pruning	No	No	No
c. Traffic flow on work site	N/A	N/A	N/A
d. Location of material storage	N/A	N/A	N/A
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		8-9-24	8-21-24
Approved			
Tabled	3-26-24		
	5-29-24		
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. Please address previous comments **(some of which seem to have been addressed in the opposite direction with the current plan set):**
2. Existing trees #2 and #3 need to have tree preservation fence placed between them and the construction. **These trees are now being shown as removed and they are off-site. Do you have permission from the adjacent property owner to remove them?**
3. Please hatch the trees to be preserved green like on the Site Analysis C1.01 sheet. **They have all been hatched red. Are they all being removed now?**
4. Please tighten up grading adjacent existing trees to be preserved.
5. Please include off-site tree canopy to be removed and adjust the mitigation requirements number.



To: Justin Jorgensen, PE, Jorgensen + Associates

From: Melissa Evans, Urban Forester

CC: Kylee, Cole, Planner

Meeting Date: August 26, 2024

Subject: LSD-2024-0007: Country Inn & Suites: 2888 N. McConnell Ave.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) UDC Chapter 177.03C7g, 177.04B3a	X		
b.	Species of plant material identified UDC Chapter 177.03C7d,e	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) UDC Chapter 177.03C7b,c	X		
d.	Soil amendments notes include that soil is amended and sod removed UDC Chapter 177.03C6b	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds UDC Chapter 177.03C6c,d	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer UDC Chapter 177.03B		X	
g.	Planting bed contained by edging UDC Chapter 177.03C6f	X		
h.	Planting details according to Fayetteville's Landscape Manual UDC Chapter 177.03C6g	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. UDC Chapter 177.05 A2g	X		
2. Parking Lot Requirements		Yes	No	N/A
1 Tree : 12 Parking Spaces				
a.	Side and Rear Property Lines (5' Wide Landscape Area) UDC Chapter 177D1	X		
b.	Wheel Stops/Curbs UDC Chapter 177.04B1	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	12 required, 13 provided
Parking Lot Trees	10 provided 9 required, 10 provided
Street Trees	7
Detention Pond – Large Trees (1 Tree/3,000 square feet)	4
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	16
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	24

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved		8-9-24	8-21-24
Approved			
Tabled	3-26-24		
	5-29-24		
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
- Address items above marked “No” and all Redlines provided. - Please double check tree preservation calculations to be sure the mitigation trees account for the loss of on and off-site tree canopy.



August 9, 2024

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Attn: Development Services

Re: Cross Access Variance Per Unified Development Code 166.25(D)(2) – West Side of County Inn & Suites LSD

This letter is a narrative to serve as a variance request of required cross access to the west of the proposed Country Inn & Suites Large Scale Development site located at the northeast corner of the intersection W Drake Street and N McConnell Ave known as Washington County Parcel No. 765-15846-000. The proposed site is comprised of 3.11 acres of undeveloped land between the existing United Rentals development to the west and WelsCo Gas, Liquor to Go, & Mini Mart Gas Station to the East.

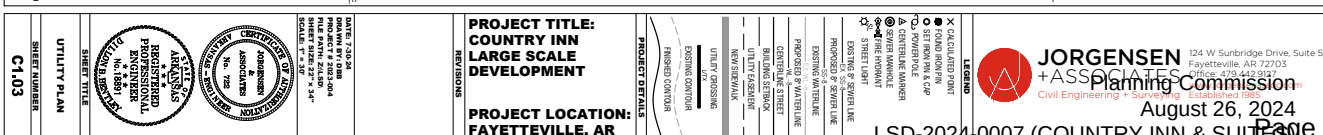
The proposed Country Inn & Suites Large Scale Development is comprised of a four story 100 guest room hotel with a building area of 51,200 square feet, hotel site amenities including a fenced in pool area, outdoor fire pit and seating area under two separate pergolas, associated parking, utility connections, an on-site detention pond, and portion of a 12' wide multi-use trail per the city's master trail plan. Along with the above-described Large Scale Development plan is two 26' wide access easements to the eastern properties off the drive isle for future connections to the WelsCo site or the Liquor to Go/ Mini Mart if they ever to redeveloped. Currently these developments have no stubs to tie any cross access to as they've been in place for more than 20 years.

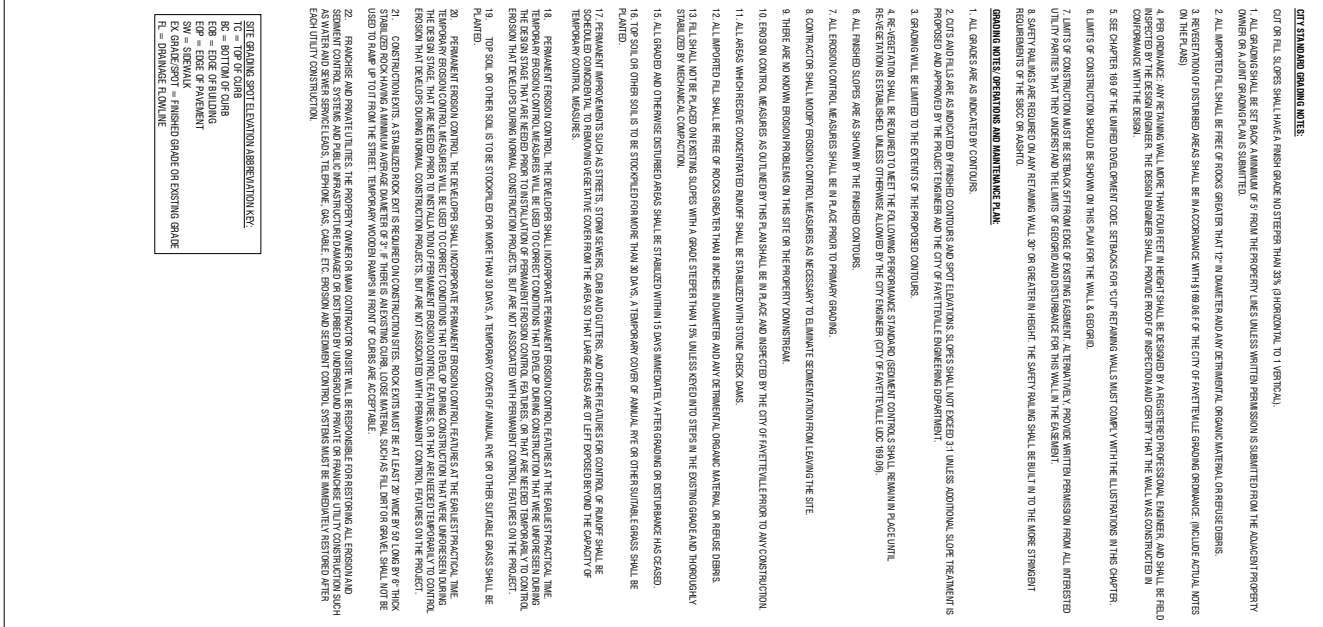
A variance is being requested for the cross access to the west, more known as the United Rentals development since the proposed 12' wide multi-use trail is being proposed along the west side of the Country Inn & Suites site. This layout has been coordinated with Matt Mihalevich, the city's trail coordinator, and is the best possible option to align with the rest of the city's master trail plan through this area. The United Rentals development has also been in place for more than 20 years.

We thank you for your consideration of this proposed variance and please call with any questions.

Sincerely,

Dillon B. Bentley
Dillon B. Bentley, P.E.





PROJECT TITLE:
COUNTRY INN
LARGE SCALE
DEVELOPMENT

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 5-15-24
 DRAWN BY: JRG
 PROJECT NO: 2024-04
 SHEET NAME: 2024-04-34
 SCALE: 1" = 30'

124 W Sunbridge Drive, Suite 500
 Fayetteville, AR 72703
JORGENSEN + ASSOCIATES
 Planning Commission
 Civil Engineering • Surveying • Easements • Title
 August 26, 2024

PROJECT DETAILS

EXISTING CONTROLLER
 EXISTING CURB
 EXISTING SIDEWALK
 EXISTING DRIVEWAY
 EXISTING DRIVEWAY

PROJECT DETAILS

EXISTING CONTROLLER
 EXISTING CURB
 EXISTING SIDEWALK
 EXISTING DRIVEWAY
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PROJECT DETAILS

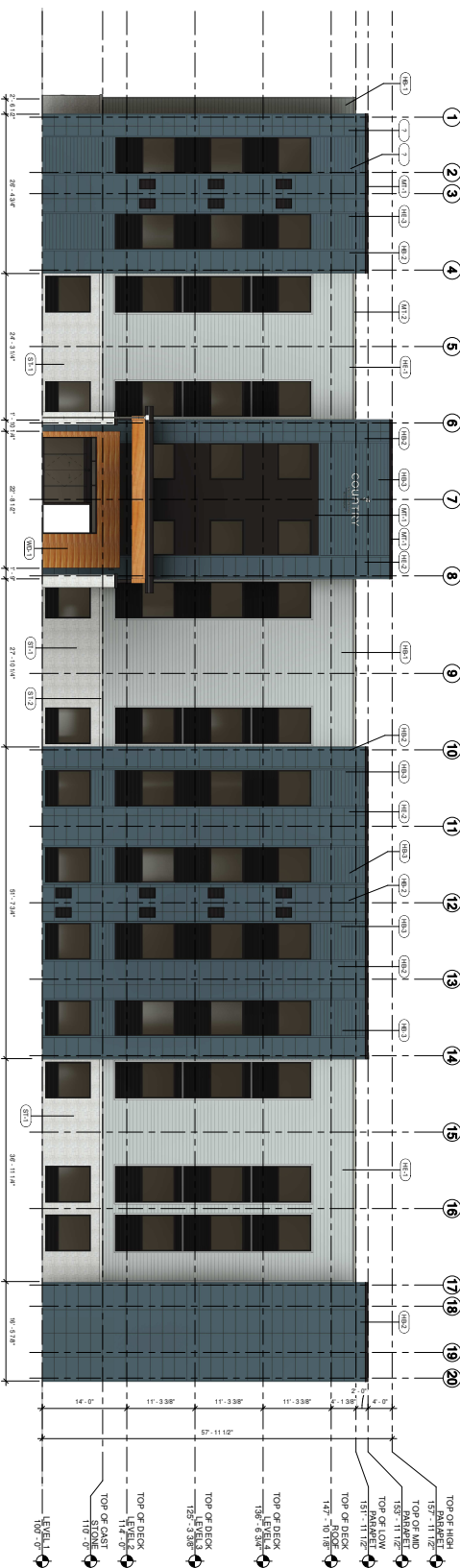
EXISTING CONTROLLER
 EXISTING CURB
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 EXISTING DRIVEWAY
 EXISTING DRIVEWAY

PROJECT DETAILS

EXISTING CONTROLLER
 EXISTING CURB
 EXISTING SIDEWALK
 EXISTING DRIVEWAY
 EXISTING DRIVEWAY

C4. SOUTH BUILDING ELEVATION - ENTRY

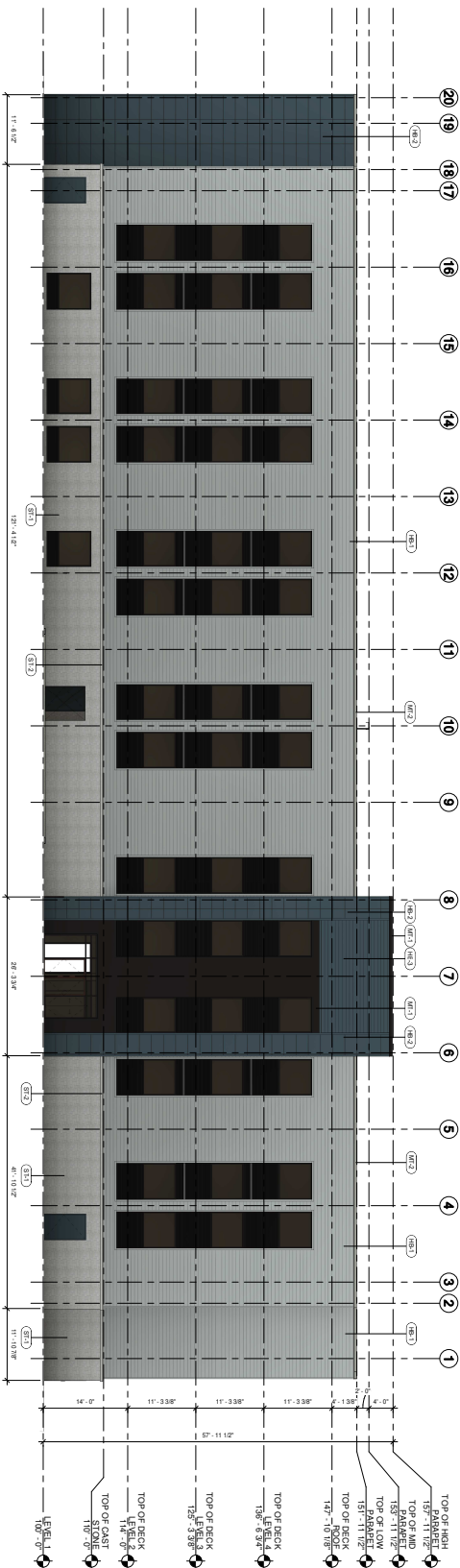
1/8" = 1'-0"



1/8" = 1'-0"

A4. NORTH BUILDING ELEVATION - REAR

1/8" = 1'-0"



GENERAL NOTES

1. ALL EXTERIOR FINISH MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
2. ALL EXTERIOR FINISH MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
3. ALL EXTERIOR FINISH MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
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6. ALL EXTERIOR FINISH MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
7. ALL EXTERIOR FINISH MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

Ronald K Smith, AIA
Architect

SCALE

Planning Commission
August 26, 2024

COUNTRY INN
& SUITES
PARCEL #765 - 13546 - 000
W. DRINK ST
FAYETTEVILLE, AR 72701

COUNTRY
INN & SUITES

DPN PROPERTIES, LLC

Architect:
L.A. No.

08/01/2024
23131

A3.0X



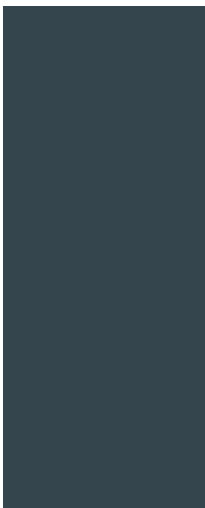
EXTERIOR WALL MATERIALS



INTERIOR WALL MATERIALS
WALL
MANUFACTURER: JAMES HARDIE
COLOR: CHRYSLER
COATING: MASONRY
COATING: MASONRY



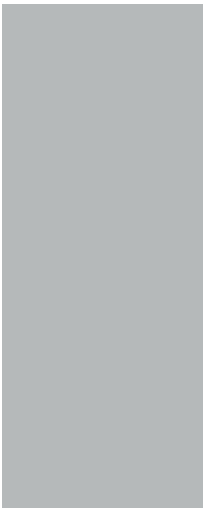
INTERIOR WALL MATERIALS
WALL
MANUFACTURER: JAMES HARDIE
COLOR: CHRYSLER
COATING: MASONRY
COATING: MASONRY



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COLOR: CHRYSLER
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COATING: MASONRY
COATING: MASONRY



INTERIOR WALL MATERIALS
WALL
MANUFACTURER: JAMES HARDIE
COLOR: CHRYSLER
COATING: MASONRY
COATING: MASONRY

EXTERIOR PAVING MATERIALS



INTERIOR PAVING MATERIALS
PAVING
MANUFACTURER: JAMES HARDIE
COLOR: CHRYSLER
COATING: MASONRY
COATING: MASONRY



INTERIOR PAVING MATERIALS
PAVING
MANUFACTURER: JAMES HARDIE
COLOR: CHRYSLER
COATING: MASONRY
COATING: MASONRY



INTERIOR PAVING MATERIALS
PAVING
MANUFACTURER: JAMES HARDIE
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Ronald K Smith, AIA
Architect

1-800-255-5555
ARCHITECT

SCALE

Planning Commission
August 26, 2024

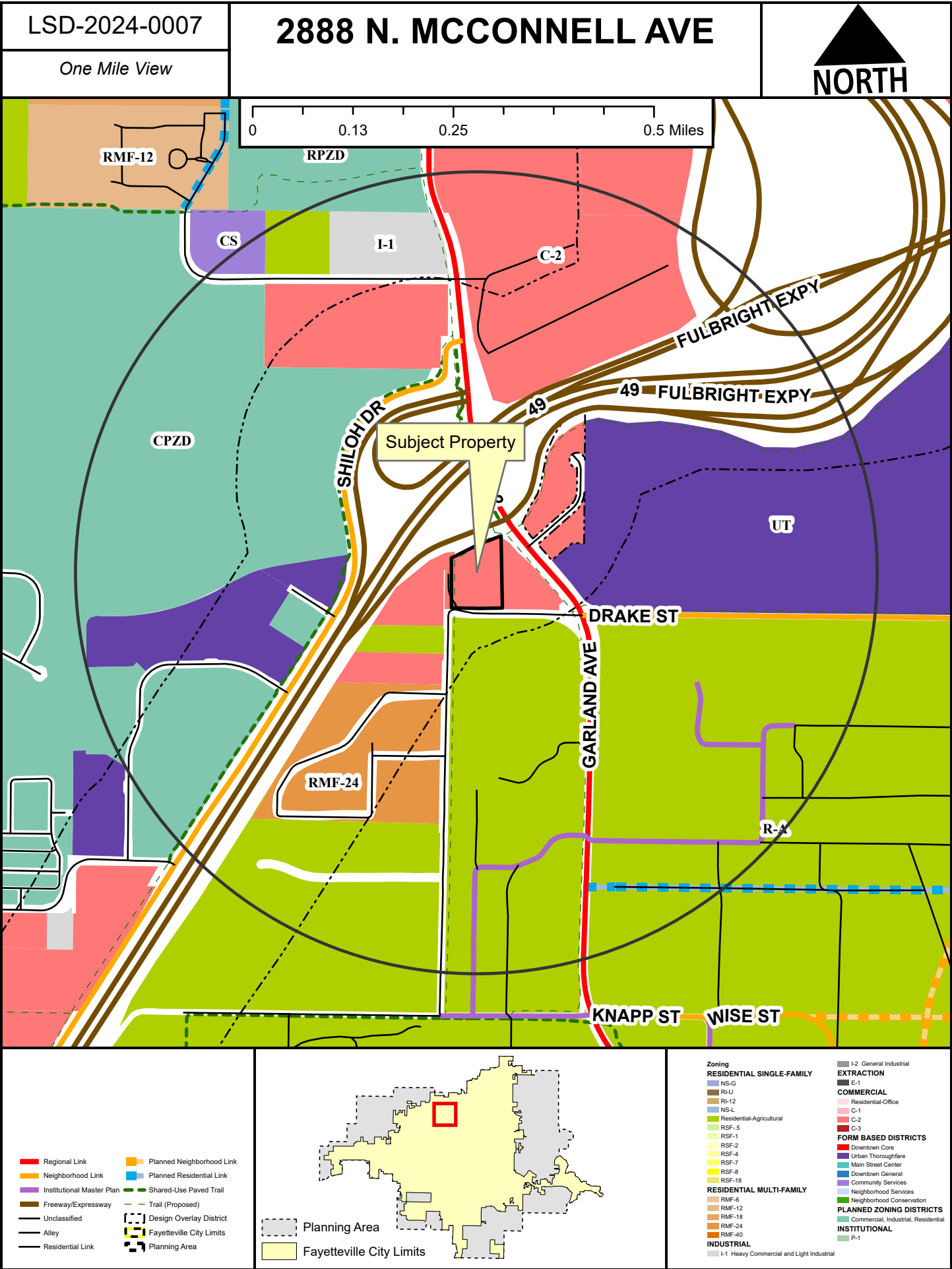
COUNTRY INN
& SUITES
PARCEL #705 - 15846 - 000
FAVETTESVILLE, AR 72701

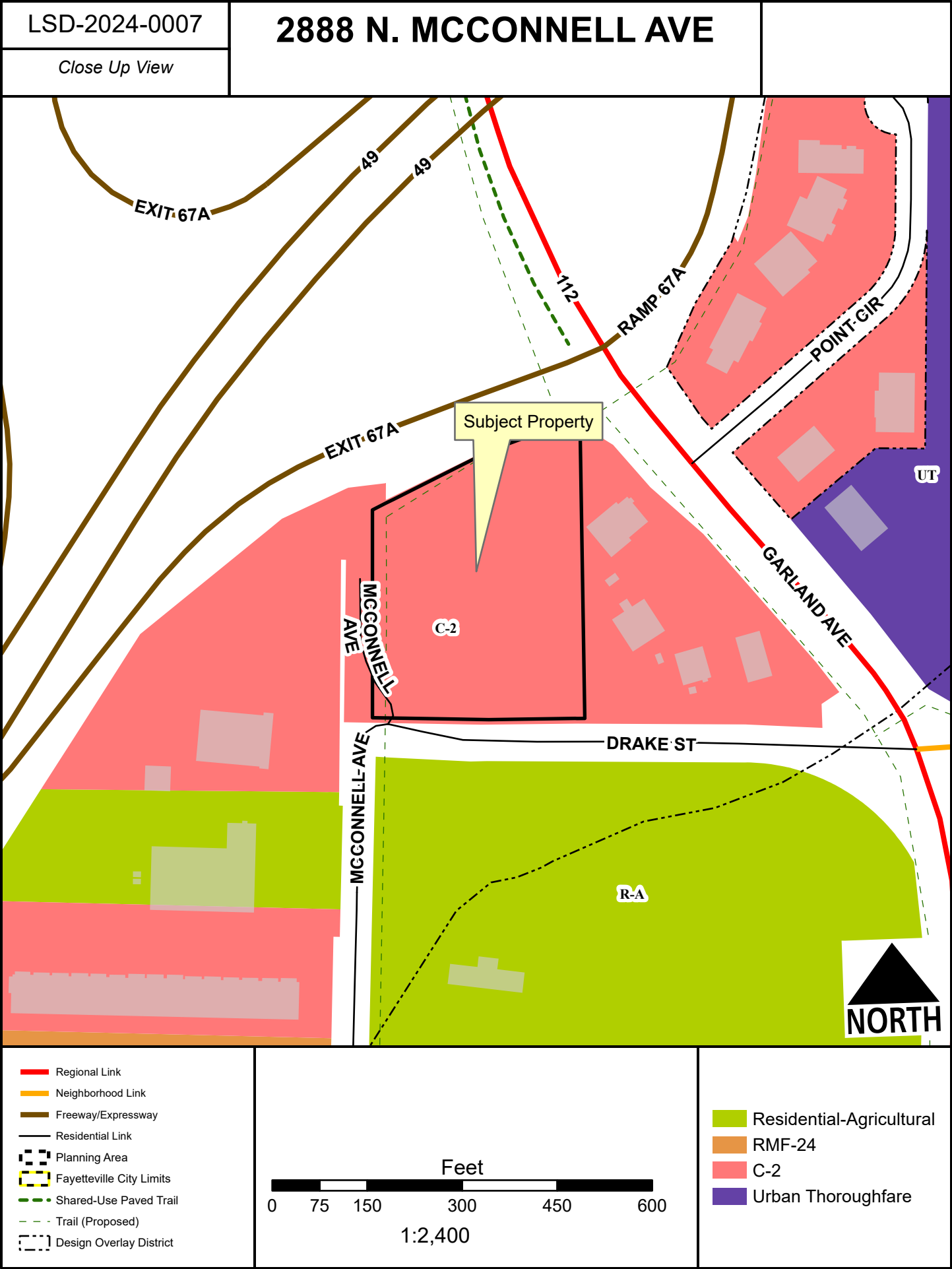
COUNTRY
INN & SUITES
15846

DPN PROPERTIES LLC
15846
15846

08/01/2024
23131
MATERIAL BOARD

A3.2





LSD-2024-0007
<i>Current Land Use</i>

Current Land Use

2888 N. MCCONNELL AVE



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

Feet

0 112.5 225 450 675 900

1:3,600

0	112.5	225	450	675	900
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1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

- 100-Year Floodplain
 Floodway



TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

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

MEETING: August 26, 2024

SUBJECT: **LSD-2024-0016: Large Scale Development (1166 W. VAN ASCHE DR./LISA ACADEMY HIGH SCHOOL, 171):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1166 W. VAN ASCHE DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 9.18 acres. The request is for an approximately 71,800-square-foot school facility and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2024-0016** with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2024-0016** with conditions:*

- In favor of recommended right-of-way dedication and street improvements;*
- In favor of variance to UDC §166.04(B)(4)(f);*
- In favor of variance to UDC §172.04(C)(1)(b); and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in north Fayetteville, northeast of the intersection of S. McGuire St. and W. Van Asche Dr. The property is zoned C-2, Thoroughfare Commercial, and contains approximately 9.18 acres. It is currently developed with a 46,000 sq. ft. elementary school and associated parking (Lisa Academy – LSD-2021-000044). Land uses and zoning surrounding the property are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	C-3, Central Commercial
South	Single-Family Residential; Undeveloped	R-A, Residential-Agricultural
East	Undeveloped	C-2, Thoroughfare Commercial
West	Warehouse	LI, Light Industrial (City of Johnson)

Proposal: The applicant requests large-scale development approval to develop the property with a 71,800-square-foot middle and high school and associated parking. Two variances from the Unified Development Code has been requested as part of this proposal.

Variance #1: §166.04(B)(4)(f) Sidewalk. Sidewalks should meet the requirements outlined in the Master Street Plan. The applicant is requesting a variance from this requirement along the property's southern boundary to keep the existing 5-foot-wide sidewalk installed with the first phase of site development rather than widening to 8-feet wide to meet the MSP requirement for a Regional Link Street.

- *Staff recommendation: Staff is supportive of this variance request finding that the applicant is proposing to construct a signalized mid-block crossing across W. Van Asche Dr. in lieu of these improvements. The existing 5-foot-wide sidewalk is in good condition. In collaboration with Planning, Active Transportation, and Mobility all parties agreed that the signalized street crossing is a higher priority to provide pedestrians an accessible and safe crossing to the existing trail on the south side of W. Van Asche Dr. As a condition of approval, staff recommends that any sections of sidewalk damaged during construction shall be replaced and the signalized mid-block crossing and pedestrian refuge be provided across W. Van Asche Dr.*

Variance #2: §177.04(C)(1)(b) Tree Island. One tree shall be planted in a tree island for every twelve parking spaces. The applicant is requesting a variance from this requirement to provide four tree islands on the east side of the site without street trees due to an existing underground detention facility.

- *Staff recommendation: Staff is supportive of this variance request finding that the applicant is proposing to construct a parking lot to serve the middle and high school over an existing underground detention pond that was installed with the first phase of development. Due to the existing underground detention, it is not feasible to plant trees on top of the pond. As a condition of approval, staff recommends that the four parking lot trees that would be required in this area be installed elsewhere on the site and appropriate landscaping be installed.*

Right-of-Way to be Dedicated: The existing right-of-way along W. Van Asche Dr. meets the MSP right-of-way for a Regional Link Street. Staff does not recommend additional right-of-way be dedicated. W. McGuire St. is City of Johnson right-of-way, so staff makes no recommendation for that street.

Street Improvements: Staff recommends that the property's W. Van Asche Dr. frontage be improved to meet the typical requirements for a Regional Link street, including ten-foot greenspace, and 1.5-foot curb and gutter. As discussed above, staff is supportive of a variance to the sidewalk width to allow the existing five-foot sidewalk to remain. These improvements are reflected in the applicant's civil plans.

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 that the project is not subject to UDC §166.25, Commercial, Office and Mixed Use Design and Development Standards as it is an institutional use.

Water and Sewer System: The applicant is proposing to extend new water mains from an existing waterline present along the east side of McGuire and from an existing line that was installed with Lisa Academy Phase 1 to provide domestic service and fire protection. The applicant is proposing to extend a new sewer main from an existing manhole that was installed as part of Lisa Academy Phase 1 to provide sanitary sewer service to the new building.

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

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 5.1%

Preserved canopy: 4.3%

Mitigation required: 5 2-inch caliper trees.

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

RECOMMENDATION: Staff recommends approval of **LSD-2024-0016** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff does not recommend additional right-of-way dedication.*
2. **Planning Commission determination of street improvements.** *Staff recommends that W. Van Asche Dr. be improved to meet the typical requirements for a Regional Link street, including ten-foot greenspace and 1.5-foot curb and gutter. As discussed above, staff is supportive of a variance to the sidewalk width to allow the existing five-foot sidewalk to remain.*

Subdivision Committee recommended in favor.

3. **Planning Commission determination of a variance to UDC §166.04(B)(4)(f) Sidewalks, which requires sidewalks along the street frontage as outlined in the Master Street Plan.** Staff recommends approval of the request as detailed above, and subject to the following conditions of approval:
 - a. *Any sections of sidewalk damaged during construction shall be replaced; and*
 - b. *A signalized mid-block crossing and pedestrian refuge shall be provided across W. Van Asche Dr., subject to review and approval by the Engineering division.*

Subdivision Committee recommended in favor.

4. **Planning Commission determination of a variance to §177.04(C)(1)(b) Tree Island, which requires one tree in a tree island for every twelve parking spaces.** Staff recommends approval of the request as detailed above, and subject to the following conditions of approval:
 - a. *The four parking lot trees that would be required in this area be installed elsewhere on the site; and*
 - b. *Appropriate landscaping shall be installed in the tree islands, subject to review and approval by the Urban Forester.*

Subdivision Committee recommended in favor.

5. All remaining comments from City division, whether Urban Forestry, Fire, or Engineering shall be addressed.

Standard Conditions of Approval:

6. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;
7. 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);
8. All mechanical and utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;
9. Trash containers must be stored out of public view and may be screened by the principal structure or vegetation. Container locations for trash pick-up will be submitted to the Planning and Recycling & Trash Collection divisions for review prior to building permit;
10. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
11. 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;
12. 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;
13. 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;
14. Large scale development approval shall be valid for one year;
15. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
16. 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
17. 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; and

- e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 “Guarantees in Lieu of Installed Improvements” to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission action: ☐ Denied ☐ Tabled ☐ Approved

Meeting Date: August 26, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §166.04(B)(4)(f) Sidewalks
 - §177.04(C)(1)(b) Tree Island
- Engineering Memo
- Urban Forestry Comments
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.04 Required Infrastructure Improvements — Development In City Limits

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

...

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

...

(f) Sidewalks.

- (i) *On-Site.* Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council.
- (ii) *Off-Site.* Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.

177.04 Site Development And Parking Lot Landscape Standards

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

(...)

- (C) *Interior Landscaping Requirements.*

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

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

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



TO: Kylee Cole, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: August 20, 2024

SUBJECT: **Planning Commission Engineering Comments for
LSD-2024-0016 Lisa Academy Phase 2**

Water: The applicant is proposing to extend new water mains from an existing waterline present along the east side of McGuire and from an existing line that was installed with Lisa Academy Phase 1 to provide domestic service and fire protection.

Sewer: The applicant is proposing to extend a new sewer main from an existing manhole that was installed as part of Lisa Academy Phase 1 to provide sanitary sewer service to the new building.

Streets: Staff recommends a mid-block crosswalk be installed on Van Asche Drive just east of this property at the west end of the existing median to provide access to the trail on the south side of Van Asche. Staff's recommendation includes what the applicant has shown on C2.01 and C2.02 of the plans, with the exception that the existing trees in the median should remain and be trimmed as needed to provide adequate sight lines. Specific location and full design will be reviewed with the grading permit.

Drainage: This project is required to meet the 4 Minimum Standards of Fayetteville's Drainage Criteria Manual. The applicant is proposing two Aqua Swirl hydrodynamic separators at the two inlets to the underground detention to meet water quality requirements. Channel protection is shown to be met by sizing the outlet structure to detain and release the runoff from the 1-year, 24-hour storm over a period of 40 hours. Similarly, overbank flood protection and extreme flood protection are proposed to be met by sizing the outlet structure to keep peak flows post-development below pre-development peak flows. Detailed review of the drainage design will be done with the grading permit review.

Plan Comments:

1. Stairs may not be located in sewer easement.
2. Provide alternative design for storm alignment outside of 36" waterline easement and sewer easement. Private storm may not run parallel within public easements.

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: James Dibble, McClelland Consulting Engineers, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Kylee Cole, Planner

Meeting Date: August 26, 2024

Subject: LSD-2024-0016: Lisa Academy: 1166 W. Van Asche Dr., 171

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		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	400,841	100%
Zoning Designation * Select Below with drop down arrow		
C-2, Thoroughfare Commercial	60,126	15%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	60,126	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	20,437	5.1%
Tree Canopy Preserved	19,158	4.3%
Tree Canopy Removed *On Site	1,079	0.8%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	1,079	0.8%
Removed Below Minimum	40,968	
Mitigation Requirements	1,079	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	1,079	5

Total Mitigation Trees Required		1,079	5	
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)		N/A		
d. Existing Topography and Proposed Grading		Yes		
e. Soil Types.		Yes		
f. Significant Trees		Yes		
g. Groupings of Trees		Yes		
h. Table Inventory List (species, size, health, priority)		Yes		
i. All Existing and Proposed Utilities		Yes		
j. All Existing and Proposed Utility Easements and ROW's		Yes		
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		Yes		
e. Location of concrete wash out		Yes		
f. Location of construction entrance/exit		Yes		
6. Site Analysis Report (if required)		Yes	No	N/A
<i>UDC Chapter 167.04H4</i>				
a. Provide graphic examples of multiple options used to minimize removal of existing canopy		X		

- b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy. X

7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	7-31-24	8-15-24	8-26-24
Approved			
Tabled	6-25-24		
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. No additional comments on tree preservation plan. Urban Forestry recommends approval of the proposed development.



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: James Dibble, McClelland Consulting Engineers, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Kylee Cole, Planner

Meeting Date: August 26, 2024

Subject: LSD-2024-0016: Lisa Academy: 1166 W. Van Asche Dr., 171

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
1 Tree : 12 Parking Spaces				
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

June 12, 2024

Development Services
City of Fayetteville
125 West Mountain Street
Fayetteville, AR. 72701

RE: Lisa Academy (Phase 2) High School Building

Development Services Staff,

On behalf of KLS Leasing II, LLC, McClelland Consulting Engineers, Inc. submits Large Scale Development plans for Phase 2 of the Lisa Academy, Fayetteville Campus.

Phase 2 of the Lisa Academy will include a +/- 71,800 sf high school building on the southern portion of the property, including parking, fire lane, landscaping, and underground stormwater detention.

Please contact me if you should have any questions or concerns regarding this project.

Sincerely,

James Dibble
McClelland Consulting Engineers, Inc.
Project Manager
479-443-2377
jdibble@mce.us.com

August 15, 2024

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

RE: Lisa Academy Variance Application (LSD 2024-000016)

Planning Commission,

Please accept this variance application request for the development located at 1166 W. Van Asche Drive, Fayetteville, AR. This second phase of development will be for the construction of the second half of Lisa Academy's Fayetteville campus, which consists of a 2-story middle & high school building of approximately 71,800 SF along with associated parking and underground stormwater detention.

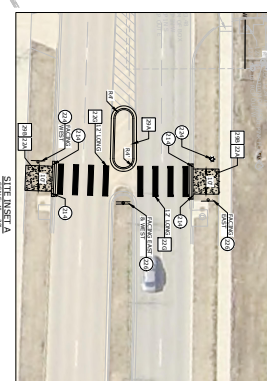
We are requesting two (2) variances from City code for the development with the Planning Department's support. The first variance being requested is from City code **166.04(B)(4)(f) Sidewalks**, which has to do with meeting all street requirements as set forth in the City's adopted Master Street Plan (MSP) for Van Asche Drive (Regional Link Street). While the MSP requires an 8' sidewalk with a 10' LID/Green/Furniture Zone, what is currently existing is a 5' sidewalk with a 10' LID/Green/Furniture Zone. In exchange for supporting a variance from widening the sidewalk from 5' to 8', Planning Department reviewer Kylee Cole, Active Transportation Manager Matt Mihalevich, and Mobility Coordinator Dane Eifling inquired if Lisa Academy would install a mid-block crossing adjacent to an existing median along Van Asche. All parties involved feel this is a more significant upgrade to the public infrastructure which will facilitate a greater volume of foot traffic to be able to cross Van Asche in conjunction with existing crossings at Van Asche Drive & Gregg Avenue and Van Asche Drive & Hwy. 112 intersections.

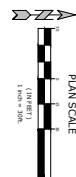
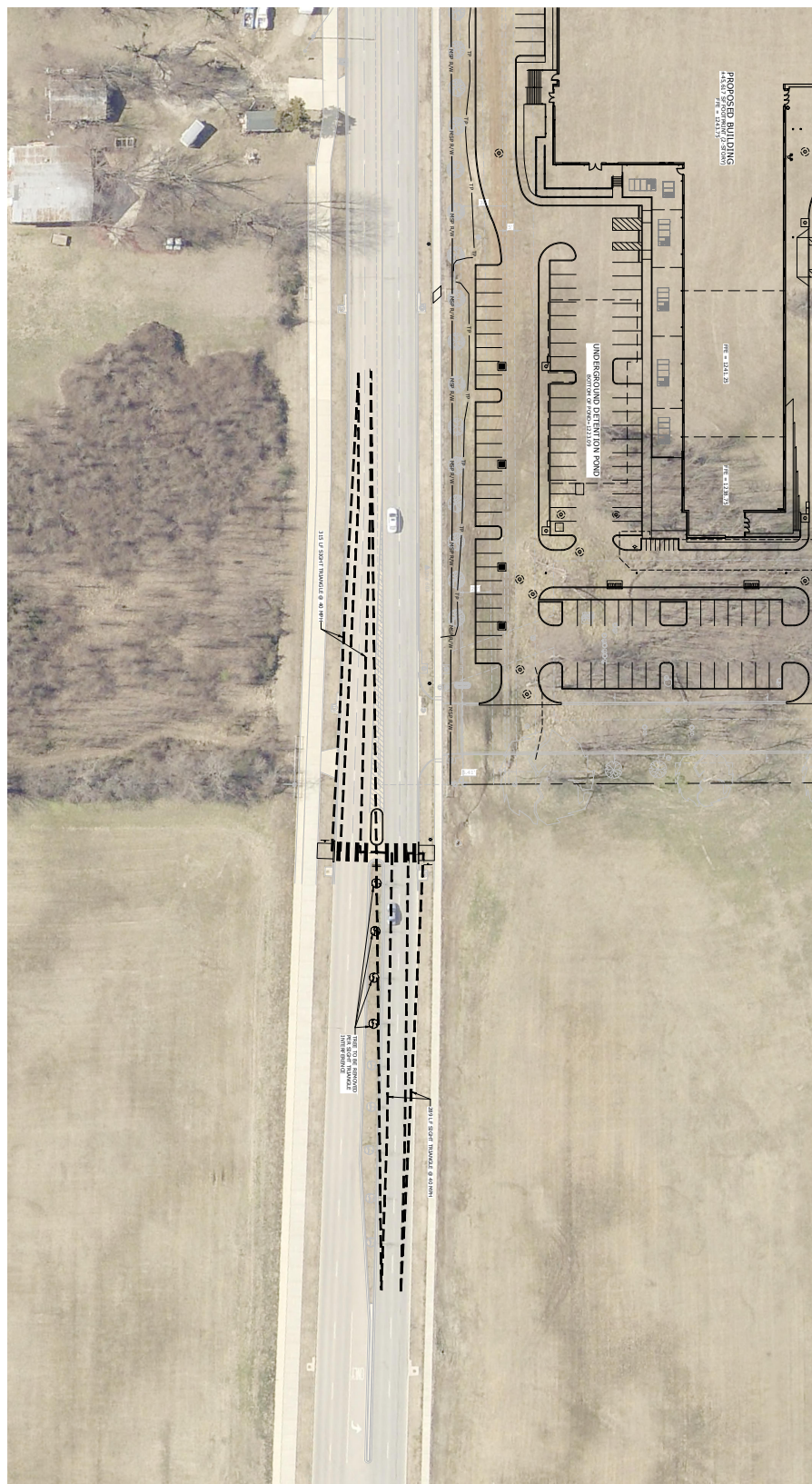
The second variance being requested is from City code 177.04(C)(1)(b), which has to do with providing a tree island for every twelve (12) parking spaces with a maximum run of twelve (12) parking spaces permitted without a tree island. The area in question pertains to the eastern parking stalls and not providing trees within the proposed tree islands; we are proposing this parking area over the top of an existing underground detention pond installed with the 1st phase of development. Due to the existing underground detention, it is not feasible to plant trees on top of the pond. The size of the existing underground detention pond is roughly 67'x195' with the proposed parking lot over the top roughly 59'x149', making the existing underground detention significantly larger than the proposed parking lot. Furthermore, we feel the intent of the code is being met by providing, in exchange of trees in the parking lot islands, a tree lawn on the east side of the proposed parking lot / existing underground detention. This, along with parking lot trees in the southern endcaps of the proposed parking lot, and filling the tree islands in the middle and north endcaps of the proposed parking lot with shrubs will make the proposed parking area an attractive area still.

Should you have any questions, please do not hesitate to contact me. We appreciate your continued support of this project.

Sincerely,
McClelland Consulting Engineers, Inc.


James Dibble
Assistant Project Manager
(479) 443-2377
jdibble@mce.us.com



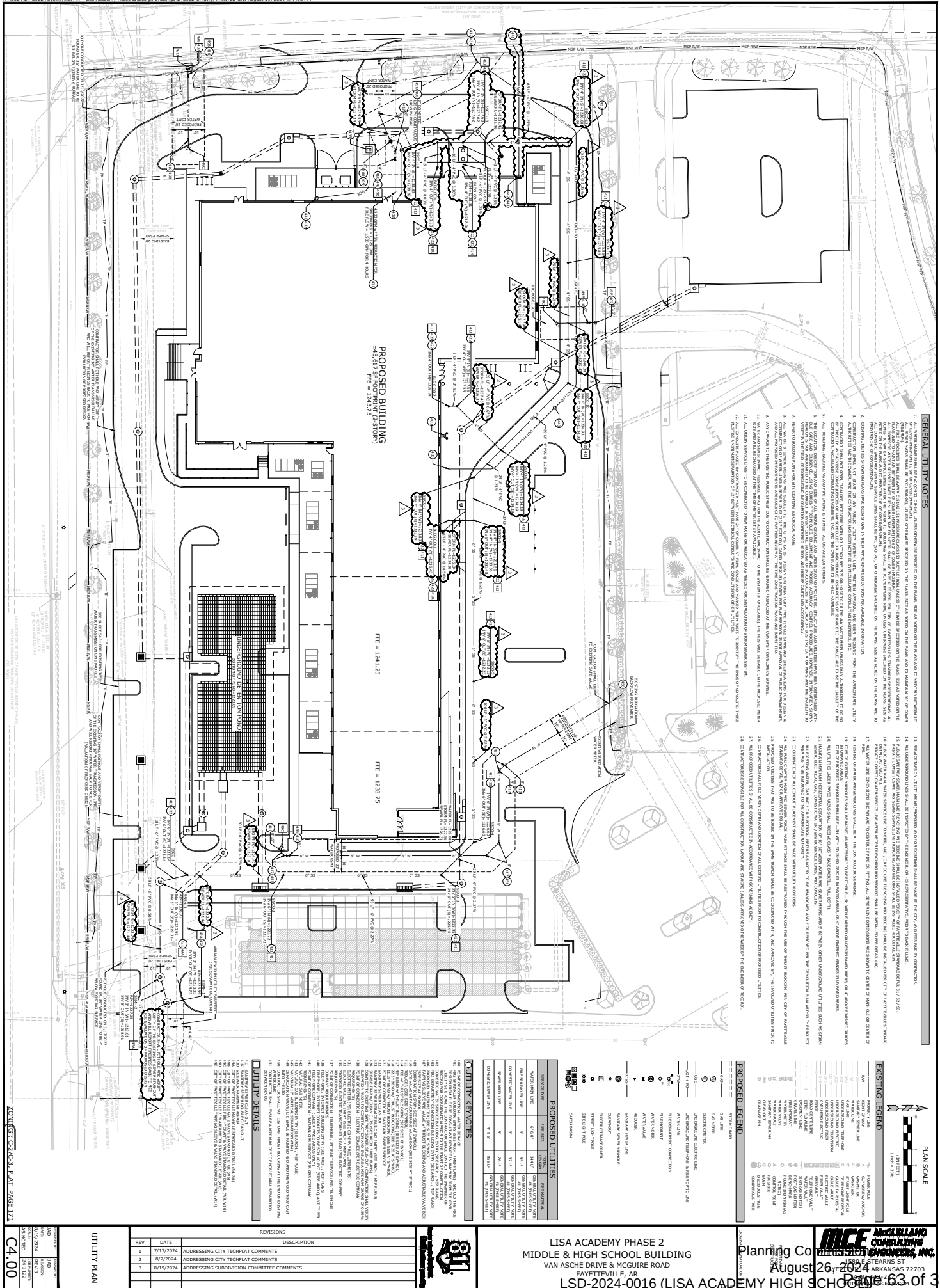


REVISIONS		
REV	DATE	DESCRIPTION
1	7/17/2024	ADDRESSING CITY TECHPLAT COMMENTS

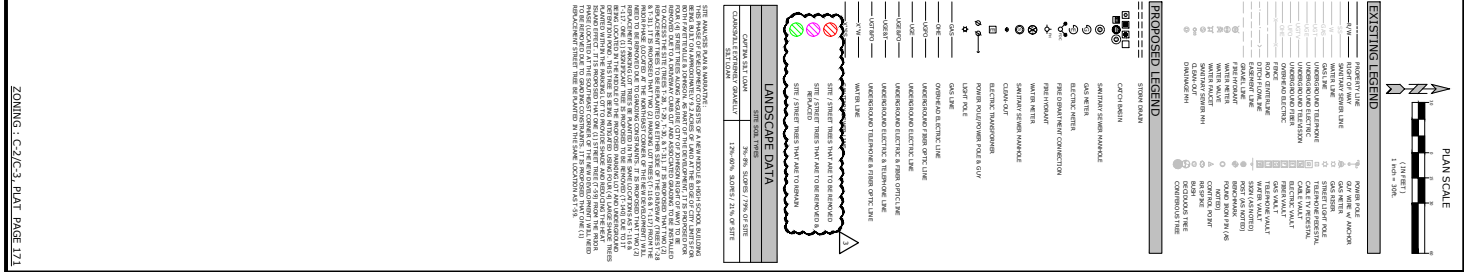
LISA ACADEMY PHASE 2
MIDDLE & HIGH SCHOOL BUILDING
VAN ASCHE DRIVE & MCGUIRE ROAD
FAYETTEVILLE, AR
LSD-2024-0016 (LISA


MCE CONSULTING ENGINEERS, INC.
 1580 E STEARNS ST
 RAYZEVILLE, ARKANSAS 72703
 (501) 443-2400
 OFFICE: MCE-CONS.COM

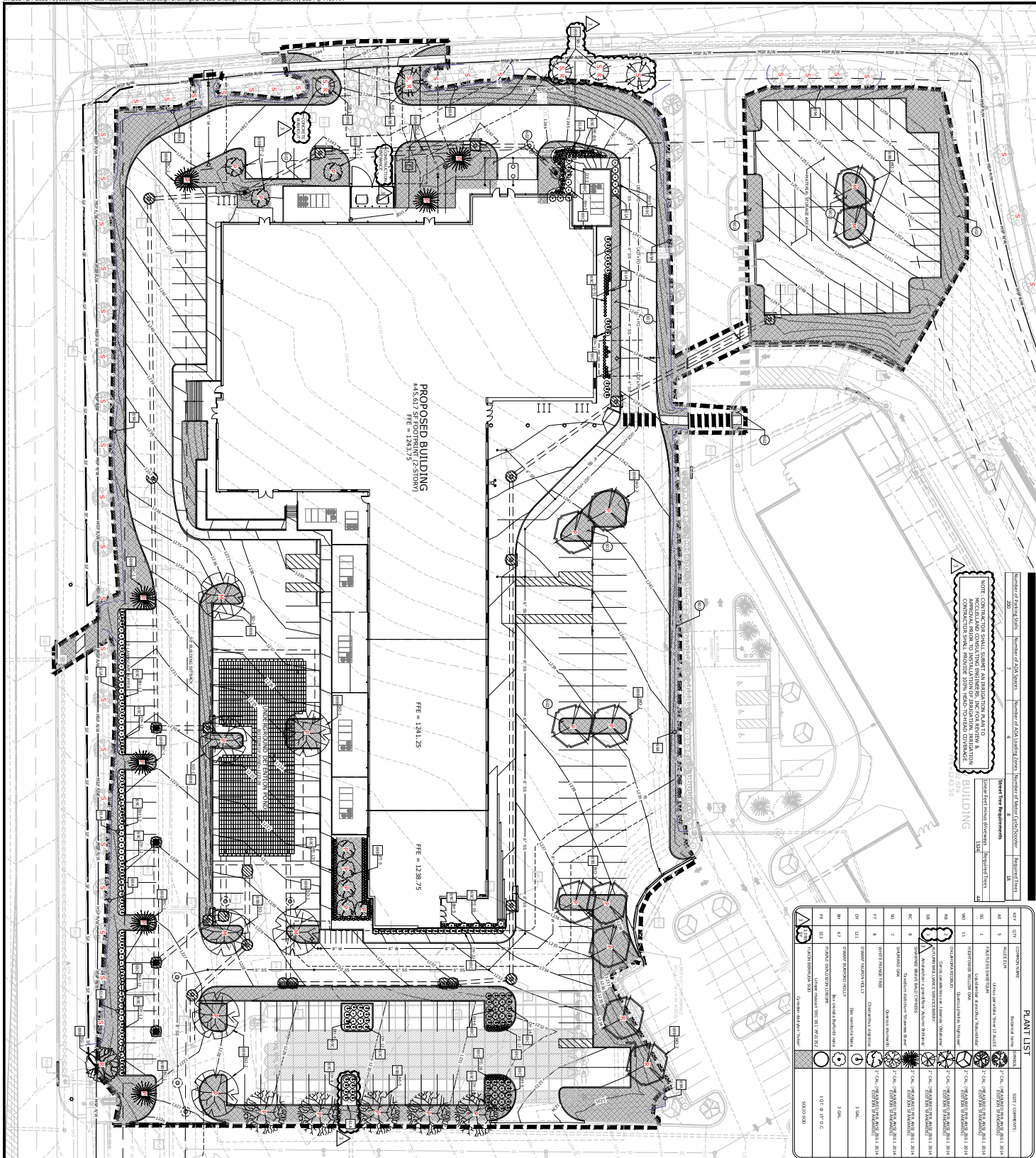




JACO 08/19/2024 REV 3 24-2122 C6.00	TREE MITIGATION PLAN	REVISIONS				LISA ACADEMY PHASE 2 MIDDLE & HIGH SCHOOL BUILDING VAN ASCHIE DRIVE & MCGUIRE ROAD FAYETTEVILLE, AR LSD-2024-0016 (LISA ACADEMY HIGH SCHOOL)		
		REV	DATE	DESCRIPTION				
		1	7/17/2024	ADDRESSING CITY TECHPLAN COMMENTS				
		2	8/7/2024	ADDRESSING CITY TECHPLAN COMMENTS				
		3	8/19/2024	ADDRESSING SUBDIVISION COMMITTEE COMMENTS				



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 Planning Commission
 August 26, 2024
 1580 E STEARNS ST
 LITTLE ROCK, ARKANSAS 72703
 (501) 221-2200
 Page 65 of

ZONING: C-2/C-3, PLAT PAGE 171

TO.9

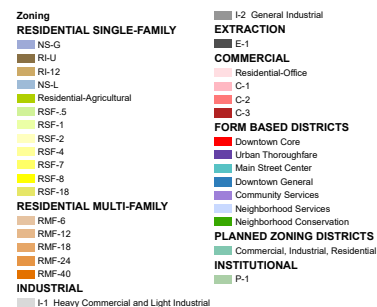
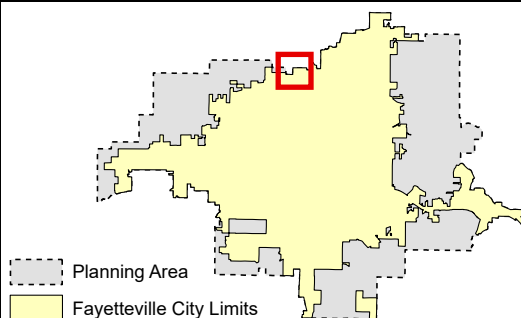
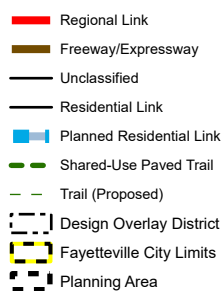
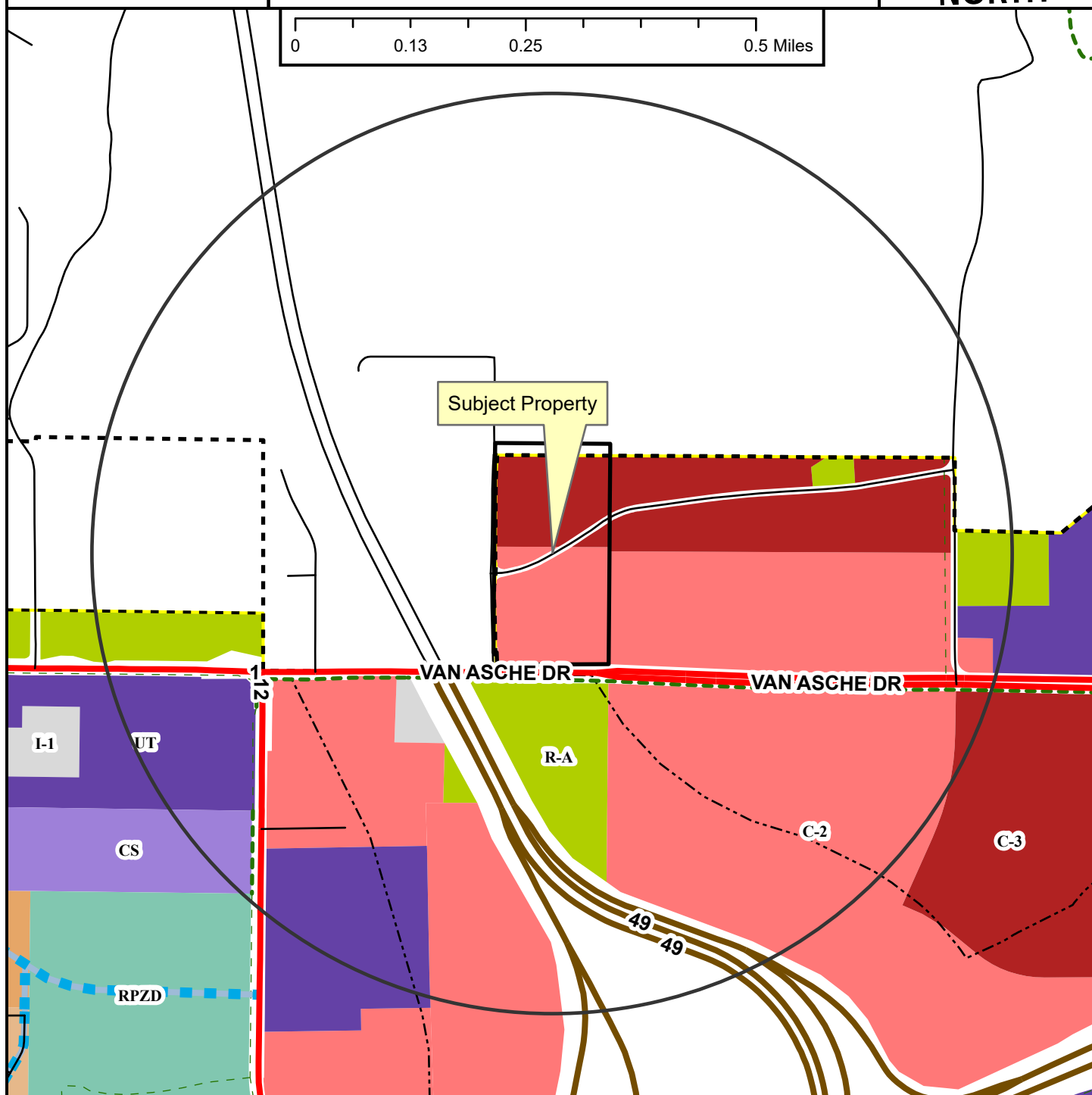
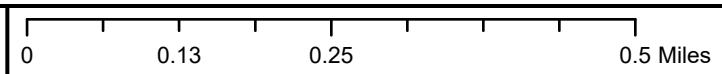
REVISIONS		
REV	DATE	DESCRIPTION
1	7/17/2024	ADDRESSING CITY TECHPLAT COMMENTS
2	8/7/2024	ADDRESSING CITY TECHPLAT COMMENTS
3	8/19/2024	ADDRESSING SUBDIVISION COMMITTEE COMMENTS

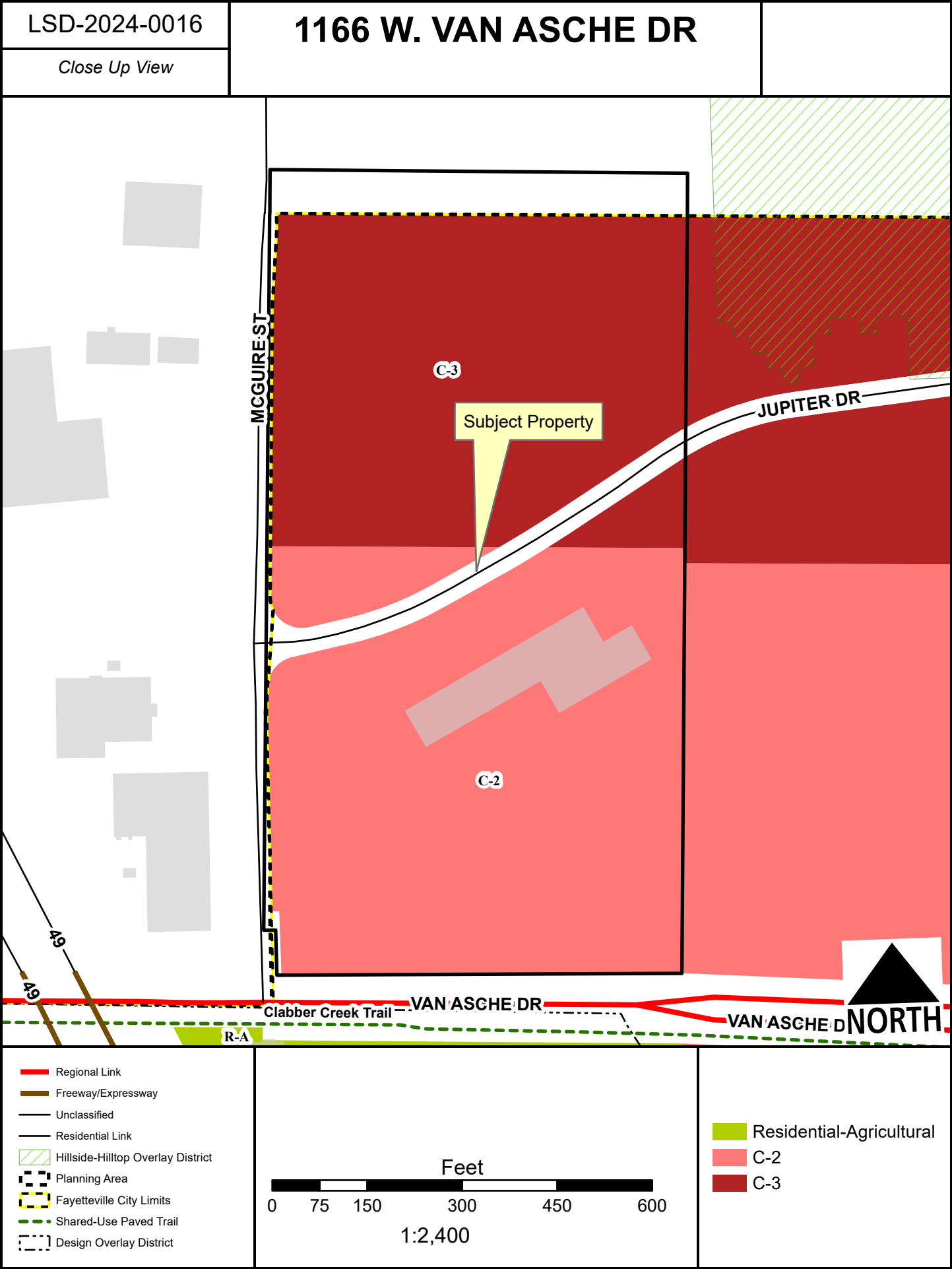
LISA ACADEMY PHASE 2
MIDDLE & HIGH SCHOOL BUILDING
VAN ASCHE DRIVE & MCGUIRE ROAD
FAYETTEVILLE, AR
LSD-2024-0016 (LISA

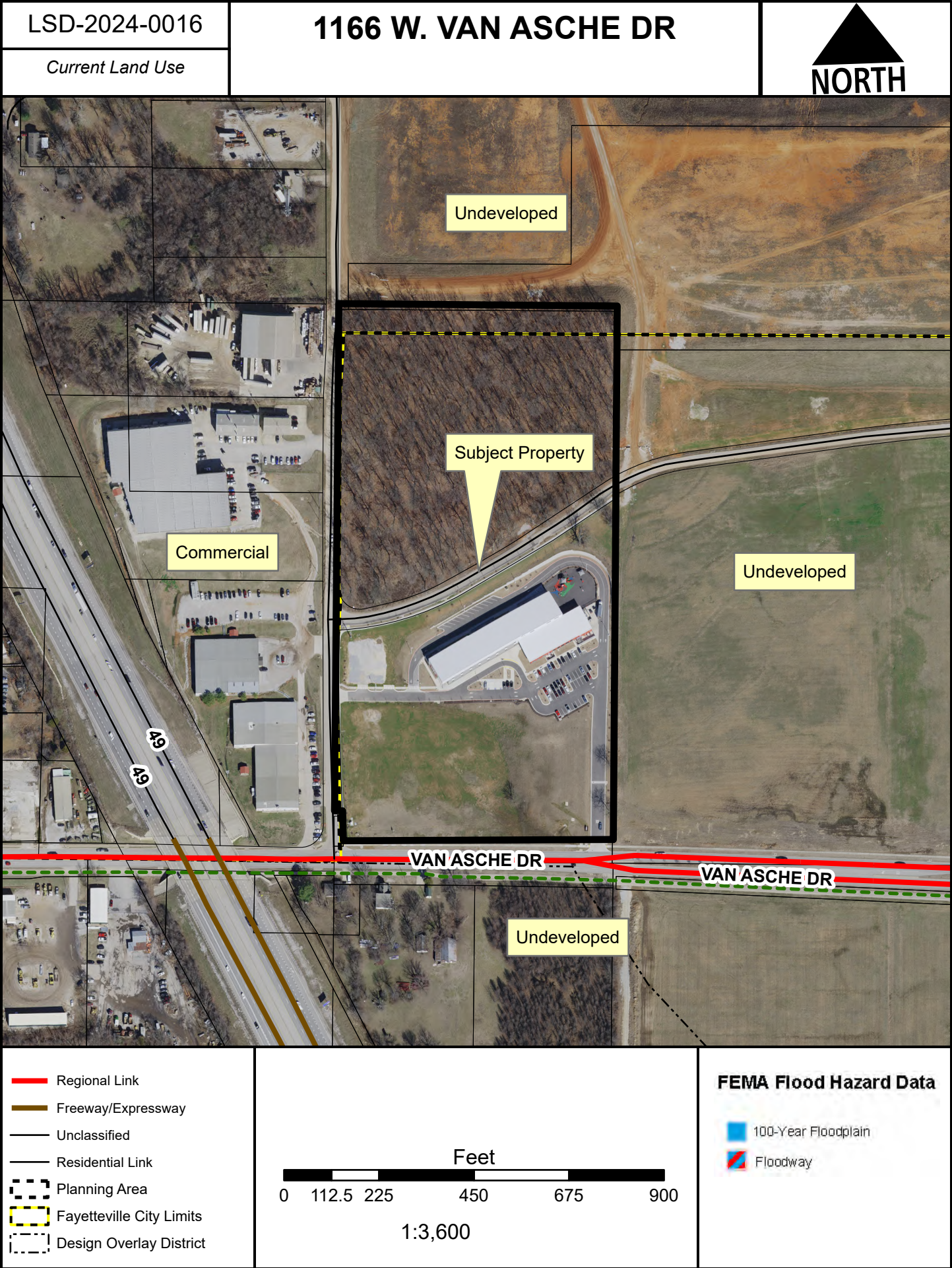
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ORIGINAL FILED IN
PLANNING COMMISSION
2024 AUG 26 PM 4:23
JIMMY HIGH SCHOOL

MCE McCELLAND CONSULTING ENGINEERS, INC.
1580 E STEARNS ST
ARLINGTON, ARKANSAS 72703
501-223-1432
WWW.MCE-ENGINEERS.COM

August 26, 2024
Page 65 of









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner
Alan Pugh, Staff Engineer

MEETING DATE: August 26, 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 approval of **CUP-2024-0028**.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0028**, determining:*

- In favor of compatibility with adjacent properties;*
- Against a variance to UDC §172.04(C)(4) Parking Lot Design Standards;*
- In favor of a variance to UDC §168.12(E) Regulated Uses, Structures and Activities Within the Streamside Protection Zones; and*
- In favor of all other conditions as recommended by staff."*

August 12, 2024 Planning Commission Meeting: The Commission voted to table the item to allow time for the applicant to provide additional information on the streamside protection zone and explore design alternatives for the site plan.

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: 9
- 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 are alternative design options for the site that would mitigate or remove the need for the variance. Since the August 12th Planning Commission meeting, the applicant provided an alternative site design that places the drive-thru aisle at the rear of the building. Due to the intent of this zoning district and the feasibility of a site design that meets code, staff is not in favor of this variance.

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: Staff is supportive of the variance request. As illustrated in the applicant's site plan avoidance of the streamside zones in their entirety is not possible. The proposed building is outside of the streamside protection zones, but the parking lot is within zones 1 and 2. Given the other site limitations due to the existing utility easements and ArDOT right-of-way, staff is in support of the request for variance from the streamside provisions.

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

RECOMMENDATION: Staff recommends approval of **CUP-2024-0028**, with 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: 9
 - 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 are feasible. If Planning Commission recommends in favor of this variance, staff recommends the following conditions of approval:*
 - a. A hedge row, between 32 and 42 inches in height, shall be planted between drive-thru aisle and public sidewalk; and
 - b. A maintenance guarantee shall be provided to cover the installation and care of the hedge until it is grown to sufficient height and density to screen the drive-thru aisle as intended.
4. **Planning Commission determination of variance to UDC §168.12(E) Regulated Uses, Structures and Activities Within the Streamside Protection Zones.** *Staff recommends in favor of the variance, with the following conditions of approval:*
 - a. *The encroachment shall not exceed what is shown on the exhibit; and*
 - b. *All other provisions of Streamside Protection still apply.*
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. **Compliance with relevant design standards will be reviewed for at the time of building permit. Approval of this conditional use permit does not ensure approval of the architectural design or elevations provided;**
7. **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;**
8. **A business license shall be obtained for the proposed business at this location prior to occupancy of the property;**
9. **Any future expansion or change in the use shall require Planning Commission approval; and**
10. **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 26, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 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 §161.22 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 like CS. However, proposed use of the site does act to densify the area and provide goods to the surrounding residential area, and the alternative site plan provided by the applicant is largely compatible with an urban-oriented district.

(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. 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 drive-thru uses have been determined to be somewhat incompatible with the CS zoning district and the applicant is requesting a variance from the drive-thru location standards, staff is not supportive of the variance. The applicant has provided an alternative site plan which eliminates the need for the variance. If Planning Commission elects to support the variance, staff recommends a condition that that landscape screening shall be provided between the drive-thru aisle 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: Staff recommends 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. If the Planning Commission finds in favor of the drive-thru aisle as proposed in the original site plan, staff recommends a landscape buffer and hedge row screening 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 original 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's alternative site plan is appropriately oriented for an urban-oriented district, but is still unable to meet the typical build-to zone requirement due to existing easements. 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 as shown in the alternative site plan is compatible with adjacent properties. The property is located near residentially zoned properties to the north, east, and west and buffered by a stream and mature trees to the 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, such as right-in/right out only, which 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 and alternative 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:

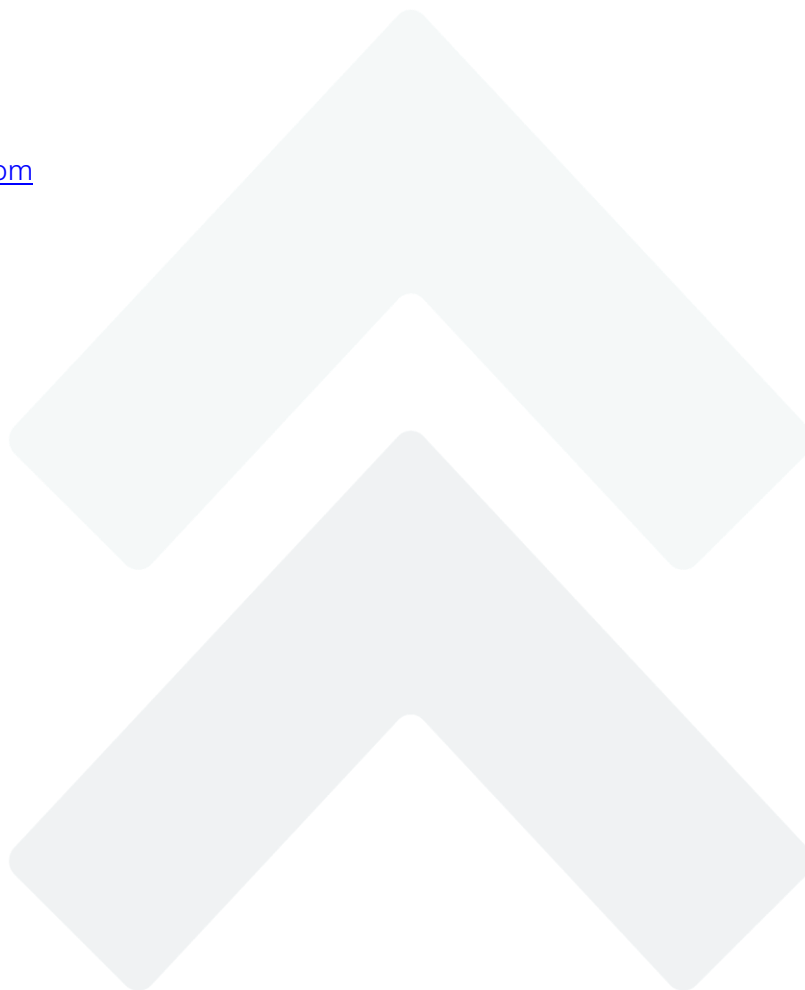
Due to the narrow width of the lot and existing easements along the west side of the property, the development cannot be placed outside the required 25-foot streamside buffer from the top of the bank. The proposed edge of the parking area will be a minimum of 5 feet from the top of the bank of the stream 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.

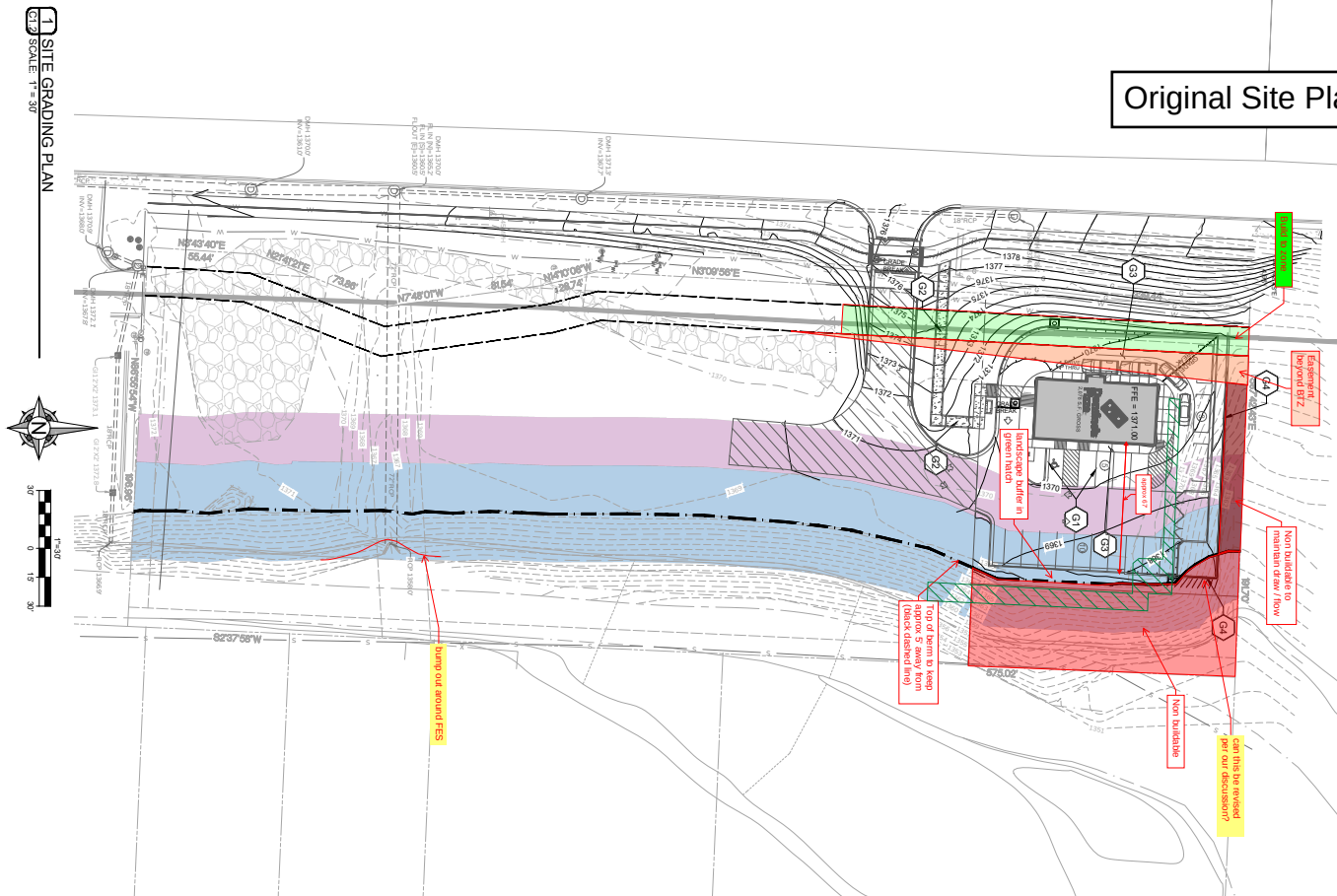
We appreciate your consideration of these requests and look forward to working with you.

Respectfully,

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



Original Site Plan



STORMWATER SUMMARY:

TOTAL PROPERTY AREA = 0.61 ACRES
TOTAL DISTURBED AREA = 1.42 ACRES
EXISTING IMPERVIOUS COVER = 0.30 ACRES
PROPOSED IMPERVIOUS COVER = 0.63 ACRES
SITE WILL MODEL EXISTING DRAINAGE PATTERNS AND REDUCE FLOW TO THE CREEK ONSITE BY PROVIDING ON-SITE DETENTION.

GENERAL NOTES:

- A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
B. SITE CONDITIONS BASED UPON SURVEY SUBMITTED BY OWNER.
FIELD VERIFY EXISTING CONDITIONS BY DETAILED SITE INSPECTION
PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION.
C. FIELD VERIFY SANITARY SEWER SERVICE CONNECTION INVERT
PRIOR TO ESTABLISHING FINAL FLOOR ELEVATION.
D. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT
DRAWINGS.

KEY NOTES:

- (G1) AIR PARKING AREA SLOPE SHOULD NOT EXCEED 2% IN ANY DIRECTION. REFER TO DETAIL 2C1.2.
- (G2) AIR PLY TO FLOW. RUNNING SLOPE MUST BE LESS THAN 3% IN ALL DIRECTIONS. LANDING AREA, 30 INCHES OF DEPTH. CROSS SLOPE MUST BE LESS THAN 2% IN ALL DIRECTIONS. RUNNING SLOPE MUST BE LESS THAN 2% IN BOTH DIRECTIONS.
- (G3) CONTRACTION TO ENSURE AREA IS GRADED AWAY FROM THE BUILDING AND ENSURE POINING DOES NOT OCCUR.
- (G4) RETAINING WALL. SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION.

GRADING SUMMARY:

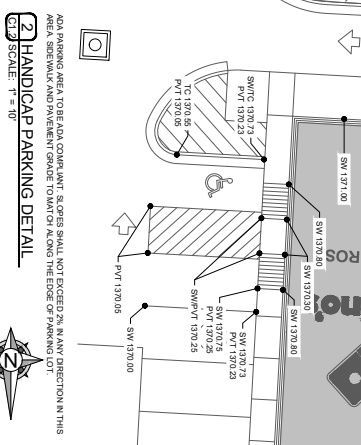
CUT/FILL FACTOR = 1.00
TOTAL CUT VOLUME = 341.4 CU. YD.
TOTAL FILL VOLUME = 1840.8 CU. YD.
TOTAL NET VOLUME = 1499.4 CU. YD. (FILL)
AUTOCAD GRADING TOOLS WERE USED TO CALCULATE CUT/FILL QUANTITIES..

STREAMSIDE ZONES

-
- ZONE 1 STREAMSIDE PROTECTION ZONE
- ZONE 2 STREAMSIDE MANAGEMENT ZONE

SPECIAL NOTE

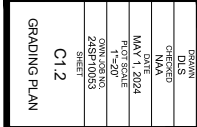
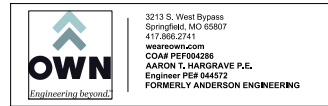
CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING PAVEMENT AT DRIVEWAY ENTRANCES, SIDEWALK CONNECTIONS, AND ALL CONNECTION POINTS PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

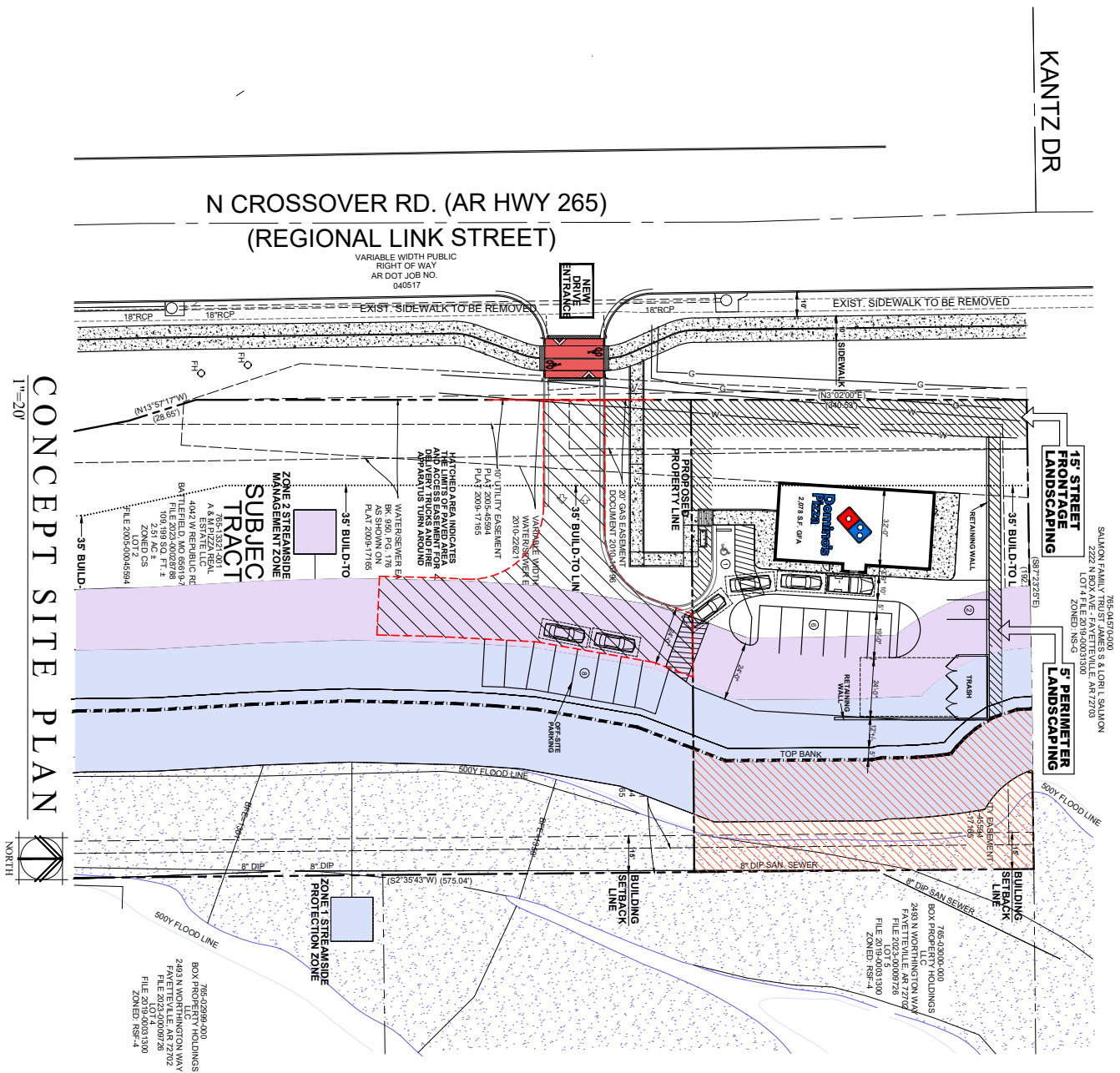


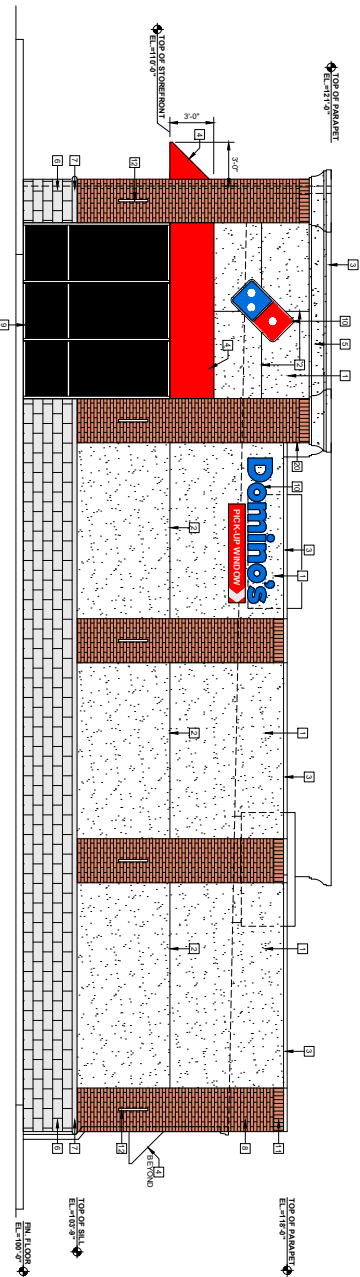
2 HANDICAP PARKING DETAIL
C1.2 SCALE: 1" = 10'



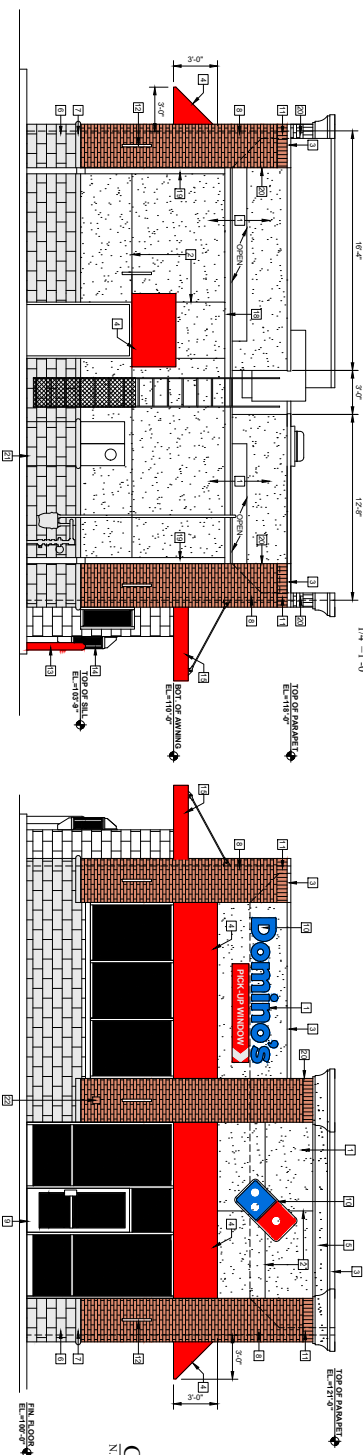
LEGEND	
REFER TO SURVEY FOR EXISTING CONDITION SYMBOLS LEGEND AND SITE CONTROL.	
— 13-30 —	EXISTING GRADE LINES
13-36	PROPOSED NEW GRADE LINES
	NEW BUILDING CONSTRUCTION
— — — — —	DRAINAGE SWALE
NEW SPD ELEVATIONS	
LIST	ABREVIATION
GRADE	NONE
TOP OF CURB	TC
TOP OF WALL	BW
BOTTOM OF WALL	BT
TOP OF CURB	TC
NEW GRADE	CG
CONCRETE	CNC
EXISTING TOP OF CURB	ETC
EXISTING GRADE	ECD
EXISTING SPIDWALK	ESW
LABOT PAVEMENT (+3.5')	NPVT
FLOW LINE	FL
TOP OF REBM	TOP
BMA # 1	
6646037 ST	
EL: 1389.00	
6646038 ST	
EL: 1389.00	
6646039 ST	
EL: 1389.00	
6646040 ST	
EL: 1389.00	



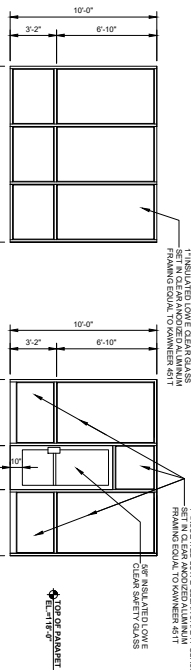




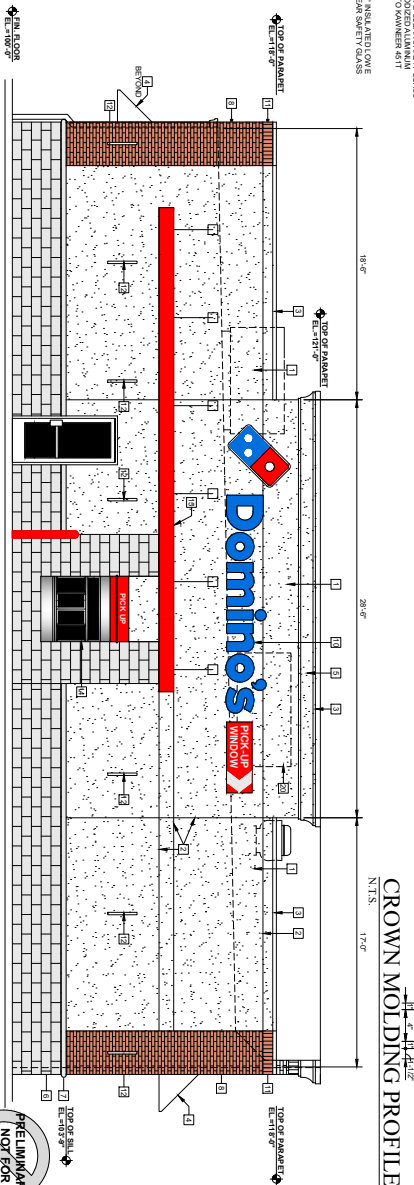
EAST ELEVATION



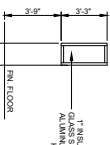
NORTH ELEVATION



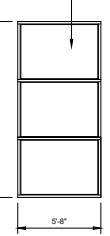
SOUTH ELEVATION



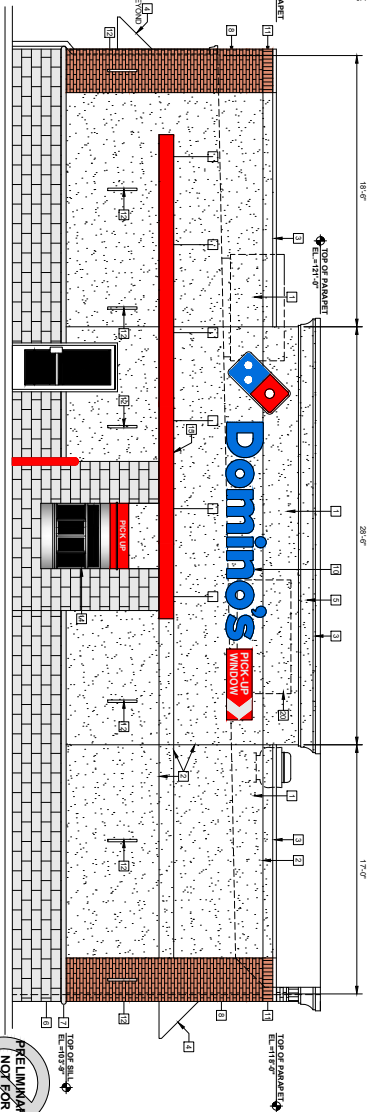
ELEVATION



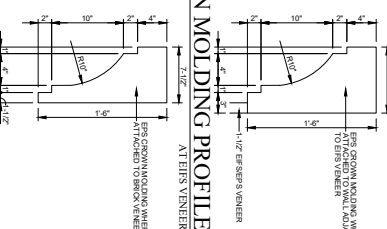
3
ELEVATION
1/4"=1'-0"



WEST ELEVATION



CROWN MOLDING PROFILE
N.T.S.

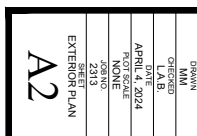
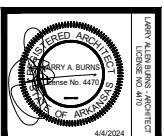


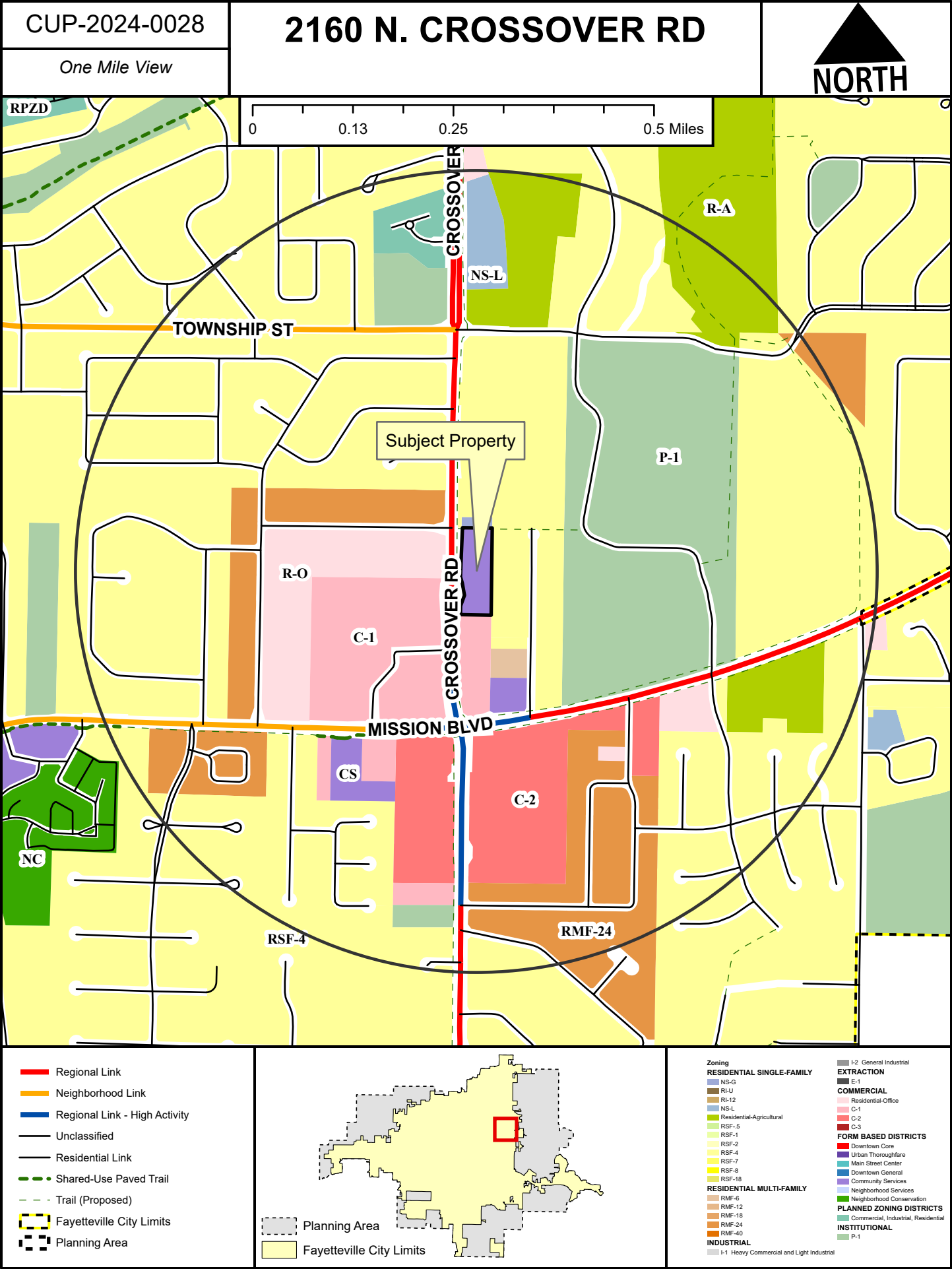
KEYED NOTES

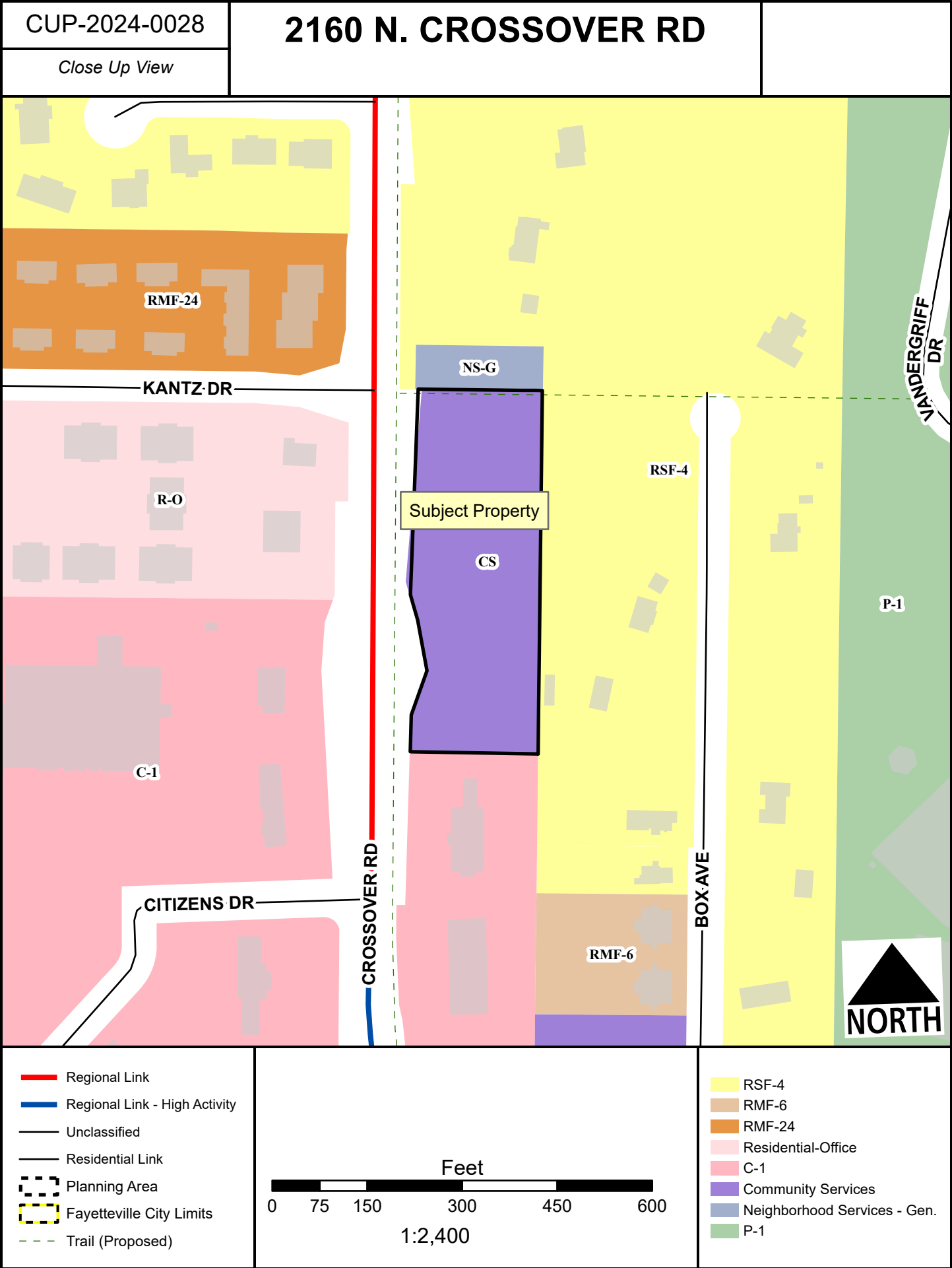
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								REVISIONS
								BY

Planning Commission
August 26, 2024







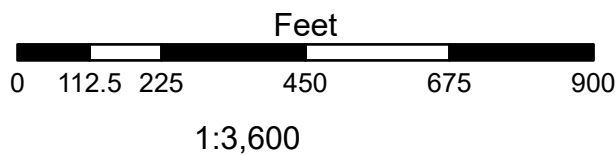
CUP-2024-0028

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: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 26, 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**."*

AUGUST 12, 2024 PLANNING COMMISSION MEETING:

The Planning Commission voted to table this item until the August 26, 2024, meeting to give the applicant time to meet with staff and discuss other rezoning options. In the interim, the applicant talked with staff about changing their request to rezone their property NS-L, NS-G, or DG, though no updated request has been formally provided so their request remains the same.

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 26, 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
-------------------------	-----------

(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
-------------------------	-----------

(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

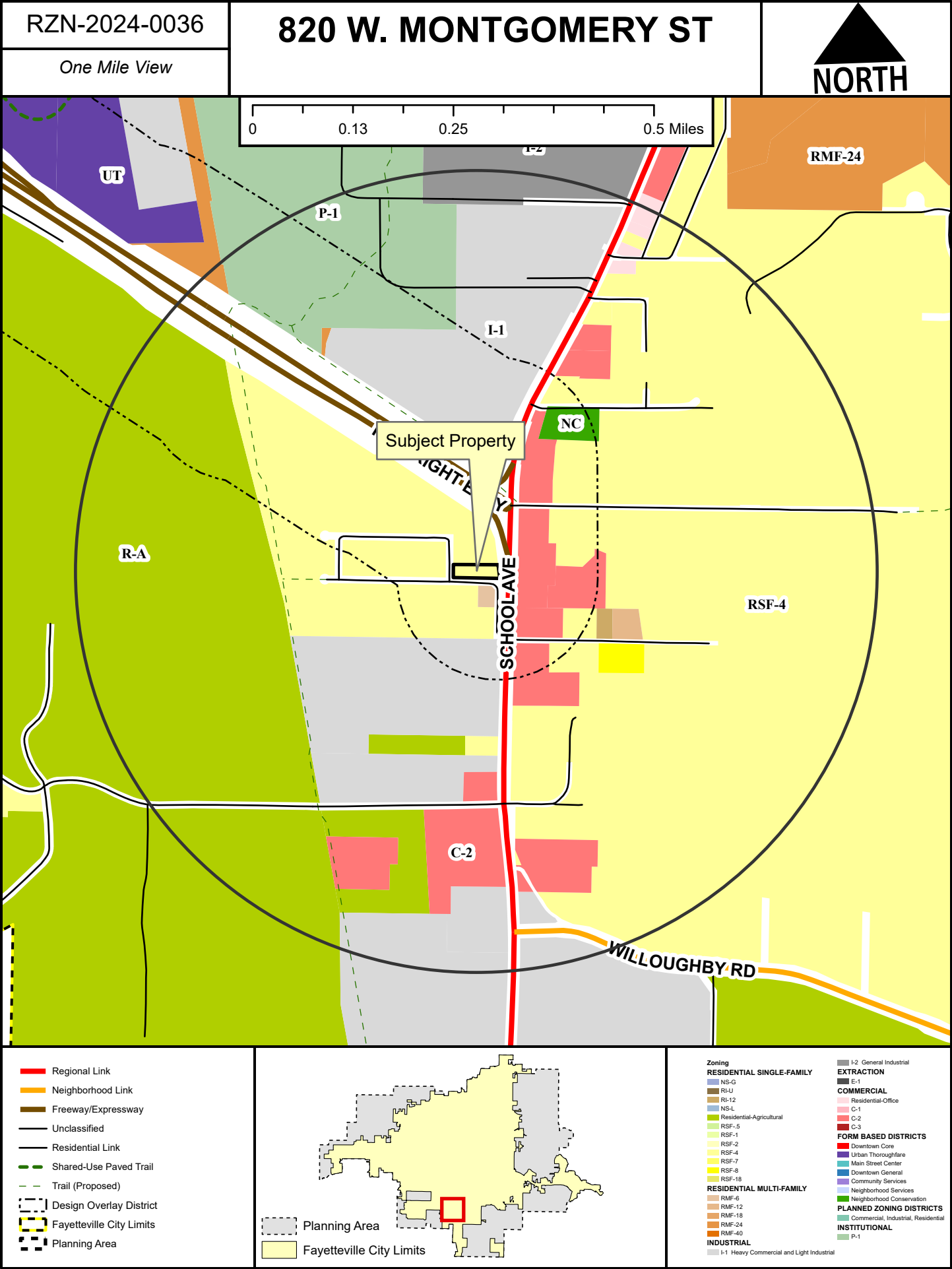
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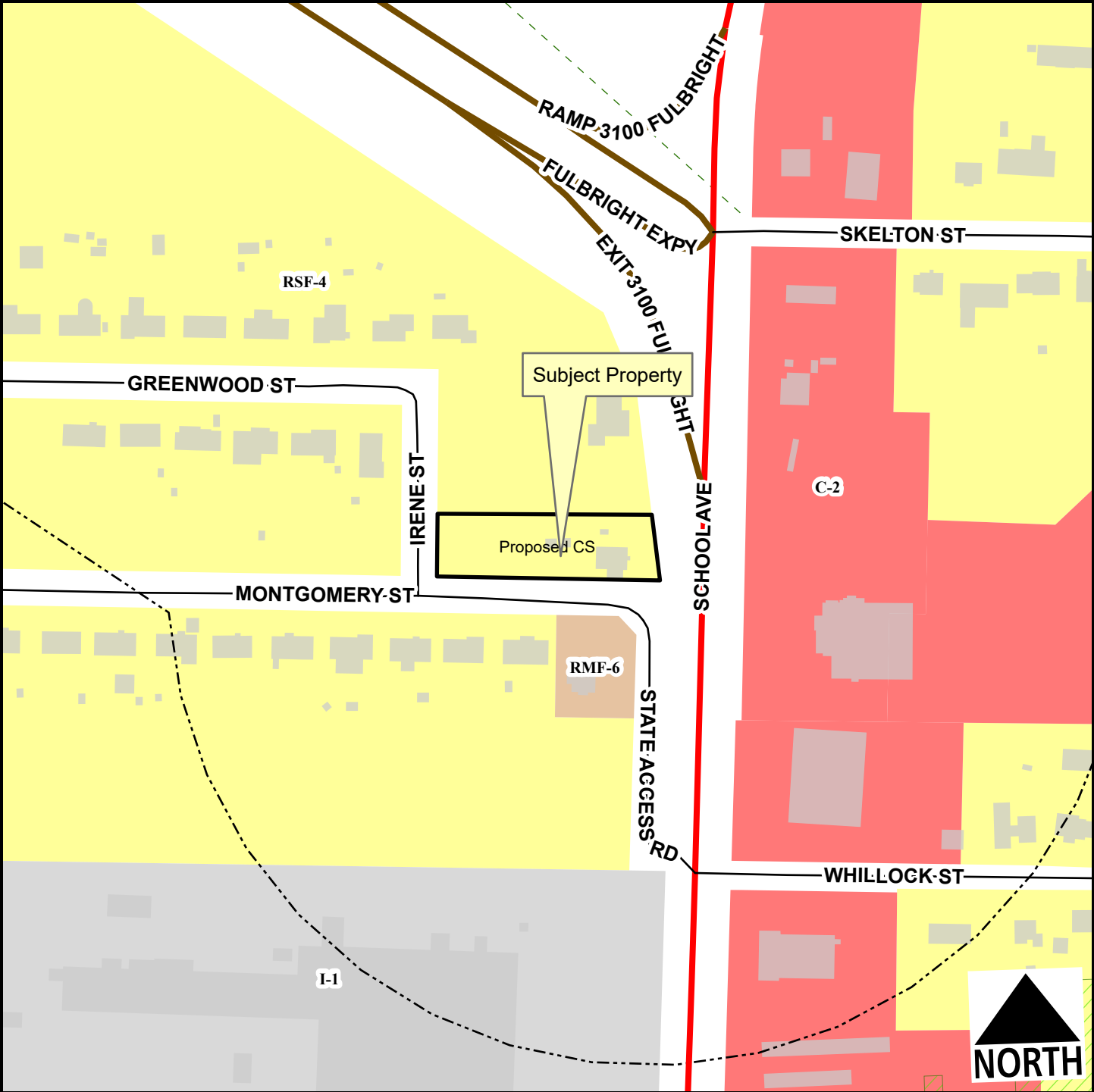
512/658-6808

3442 N. Sweet Osage Lane

Fayetteville, AR 72704

<Plan for 820 W Montgomery St (1)Origin.pdf>





Regional Link

Freeway/Expressway

Residential Link

Hillside-Hilltop Overlay District

Trail (Proposed)

Design Overlay District

Planning Area

Fayetteville City Limits

Feet

0

75

150

300

450

600

1:2,400

Zone	Current	Proposed
CS	0.0	0.6
RSF-4	0.6	0.0
Total 0.6 ac		

RZN-2024-0036

820 W. MONTGOMERY ST

Current Land Use

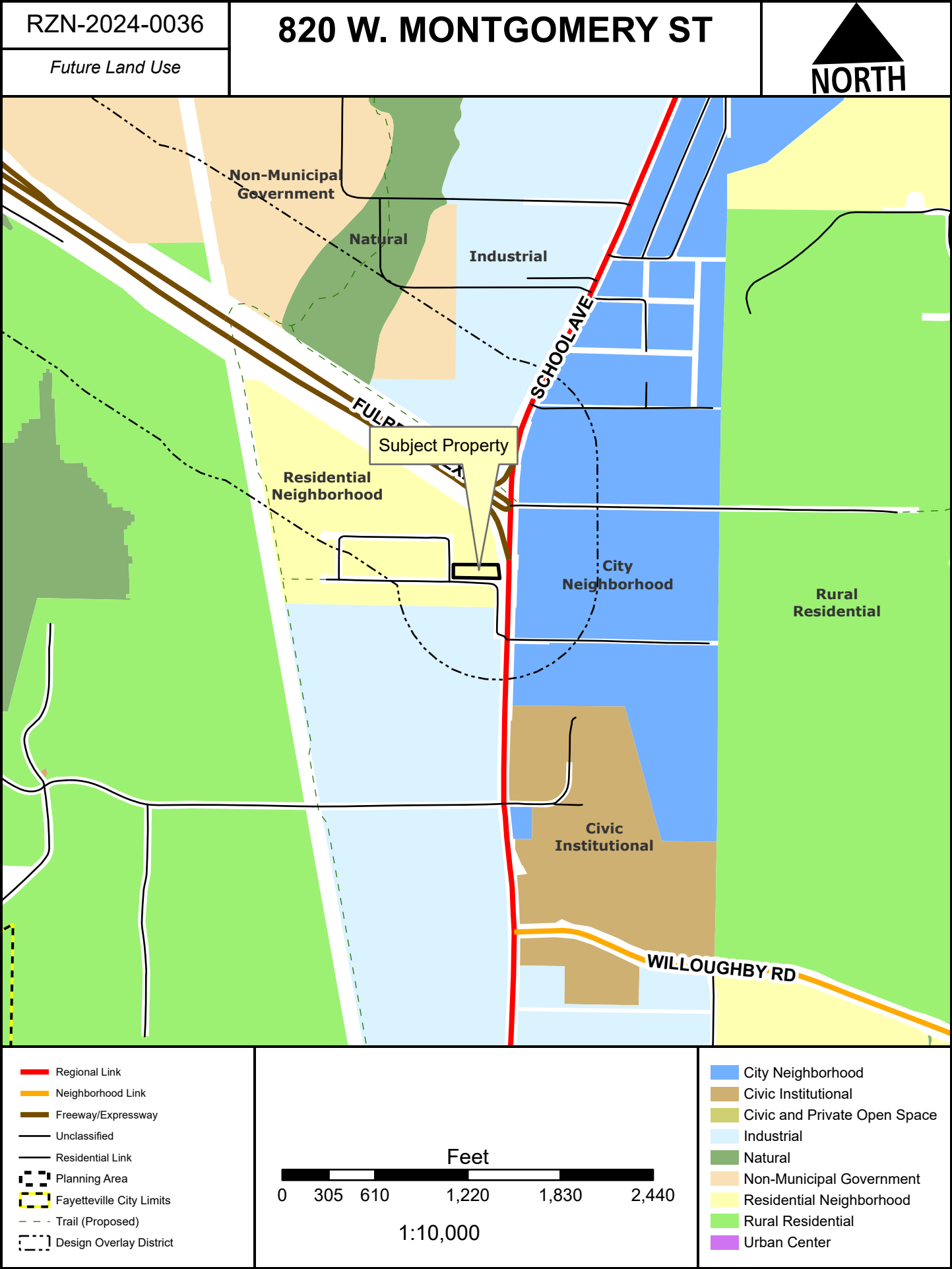


- Regional Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 26, 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 12, 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 which will be heard at the August 26, 2024 Planning Commission meeting.

AUGUST 12, 2024 PLANNING COMMISSION MEETING:

The Planning Commission voted to table this item until the August 26, 2024 meeting at the request of the applicant so that their appeal and variance requests could be discussed at the same 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 26, 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

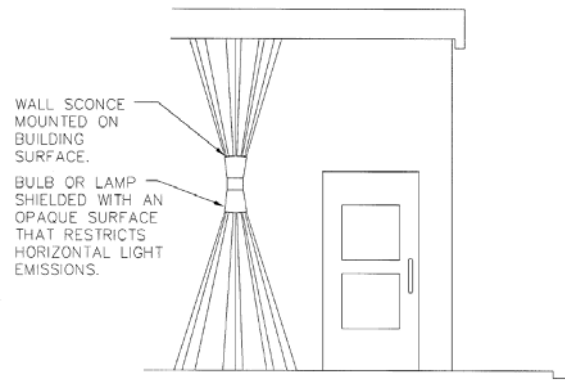
- (A) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two (2) family residential dwellings.
- (B) All outdoor lighting fixtures existing and legally installed and operative before 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

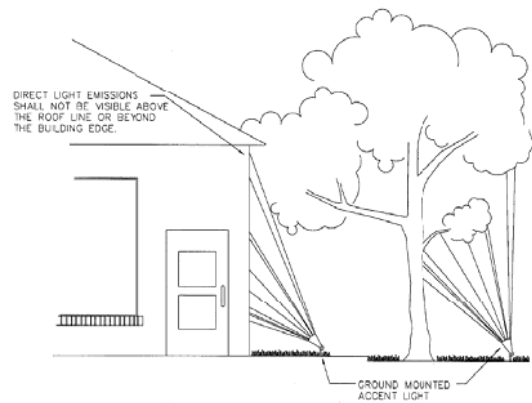
The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

- (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 luminaries 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

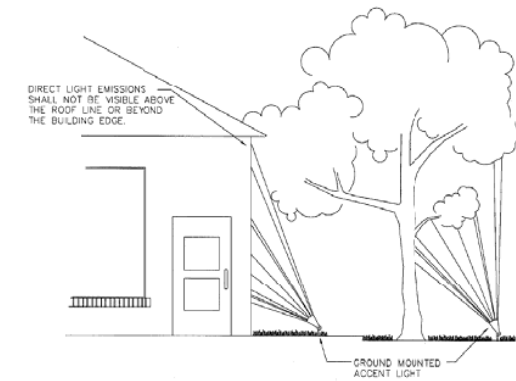
they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.



- (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.

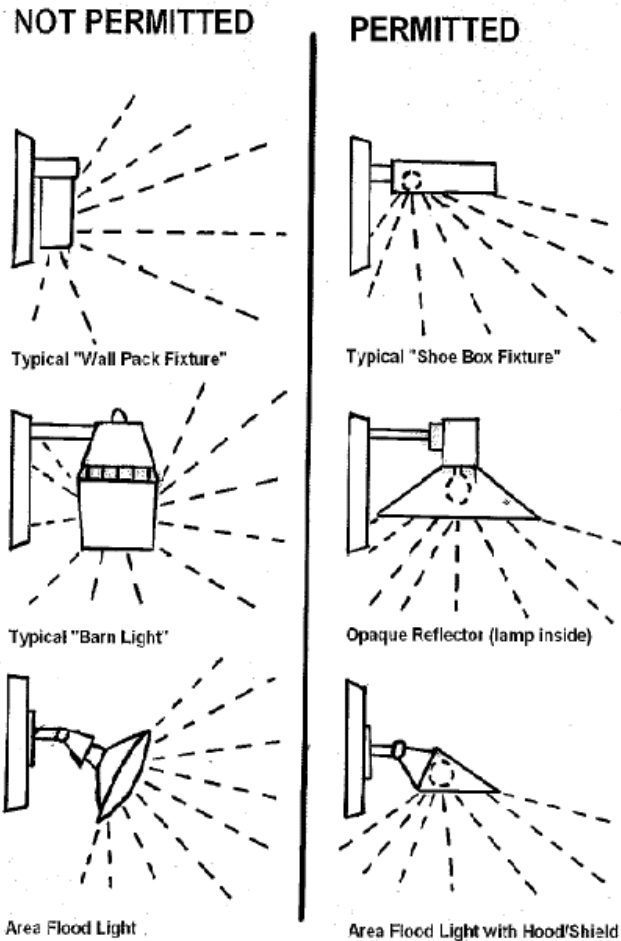
(Ord. No. 5483, 2-21-12)

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.



176.05 General Standards

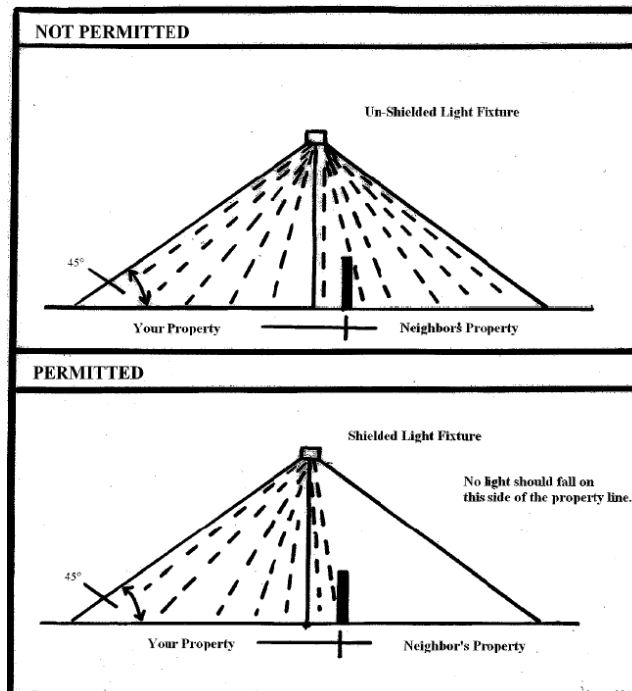
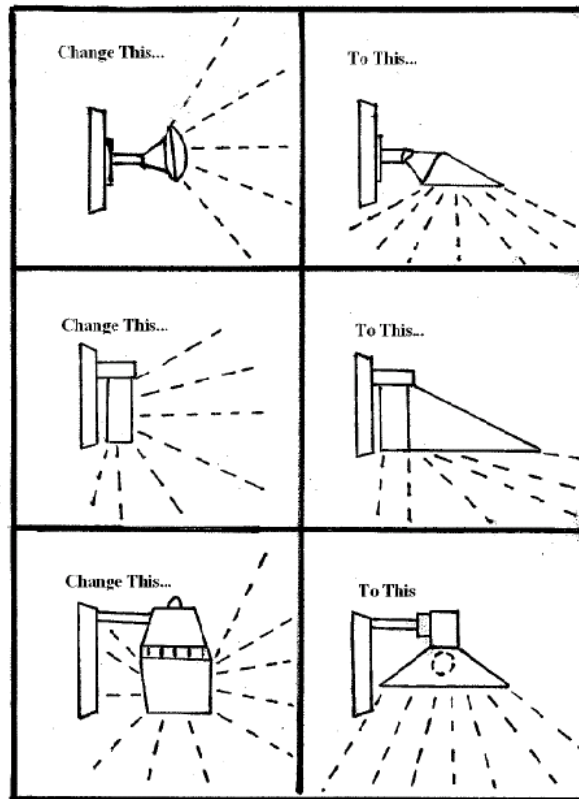
The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

- (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)



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.

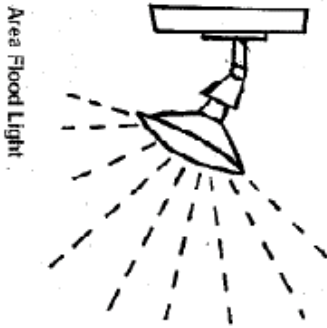
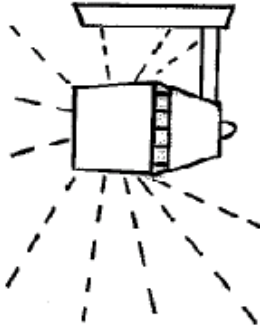
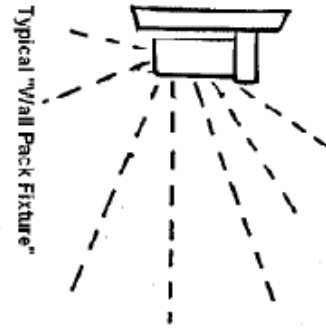
The City of Fayetteville is a truly beautiful and unique place to live and work and we rely on all our citizens and the business community to help us to maintain the high quality of life we have all come to expect. Thank you for your contributions to that quality of life and for resolving the violation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

Sincerely,

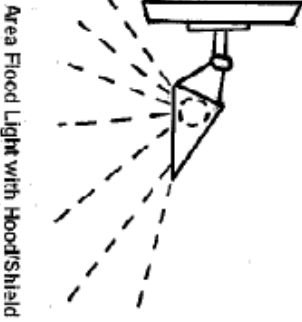
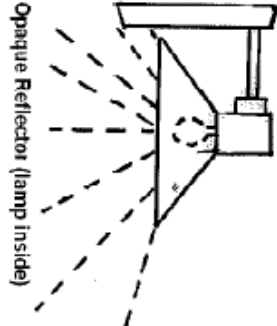
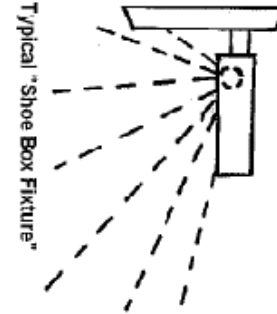
A handwritten signature in black ink, appearing to read "ZT", is written over a light blue horizontal line.

Zak Tamijani
Planning Technician

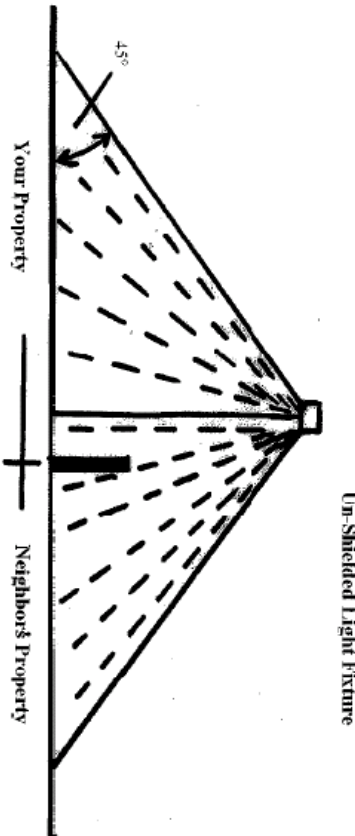
NOT PERMITTED



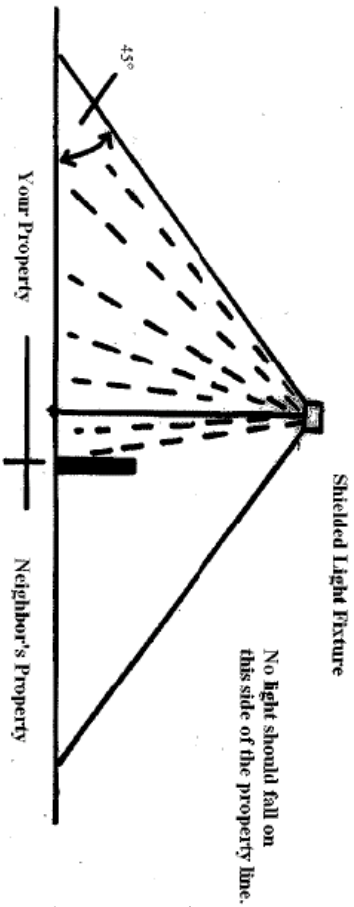
PERMITTED



NOT PERMITTED



PERMITTED







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

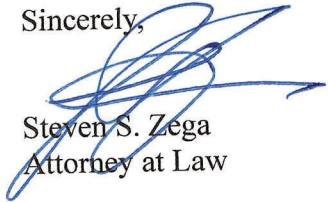
residents surrounding this property, it is our request that the city make an exception based on extenuating circumstances of safety concerns and continuous criminal activity to allow us to keep the lighting as-is in this area.

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.

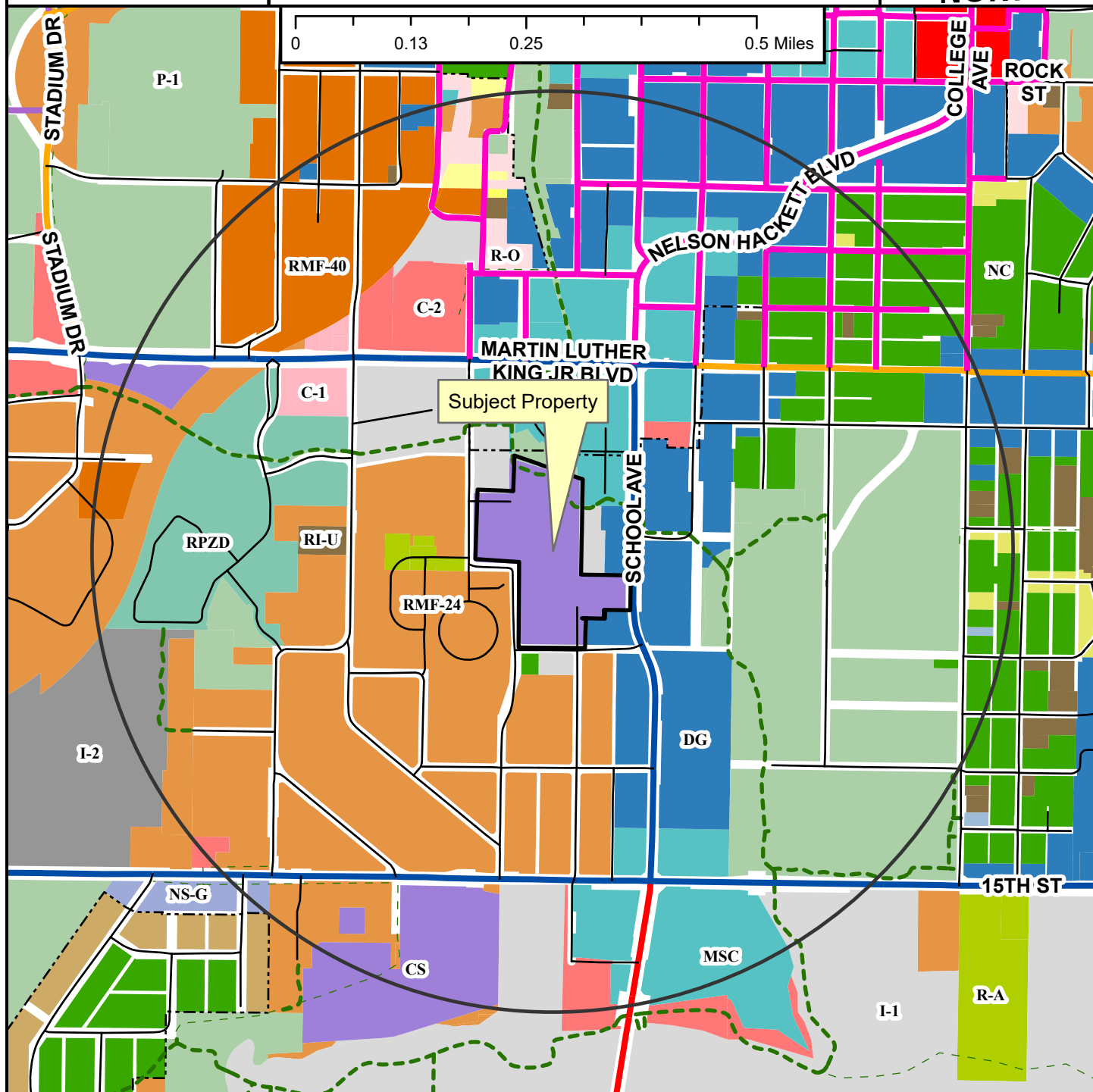
Sincerely,



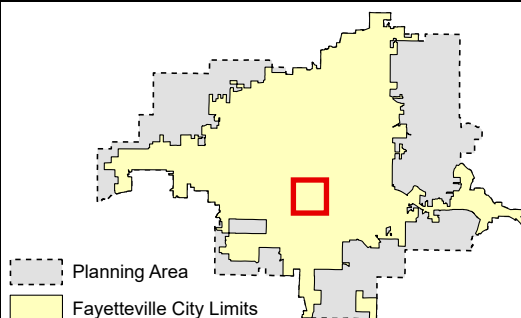
Steven S. Zega
Attorney at Law

ADM-2024-0031

One Mile View



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



- Zoning**

 - RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial

EXTRACTION

 - 1-2 General Industrial
 - E-1

COMMERCIAL

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

FORM BASED DISTRICTS

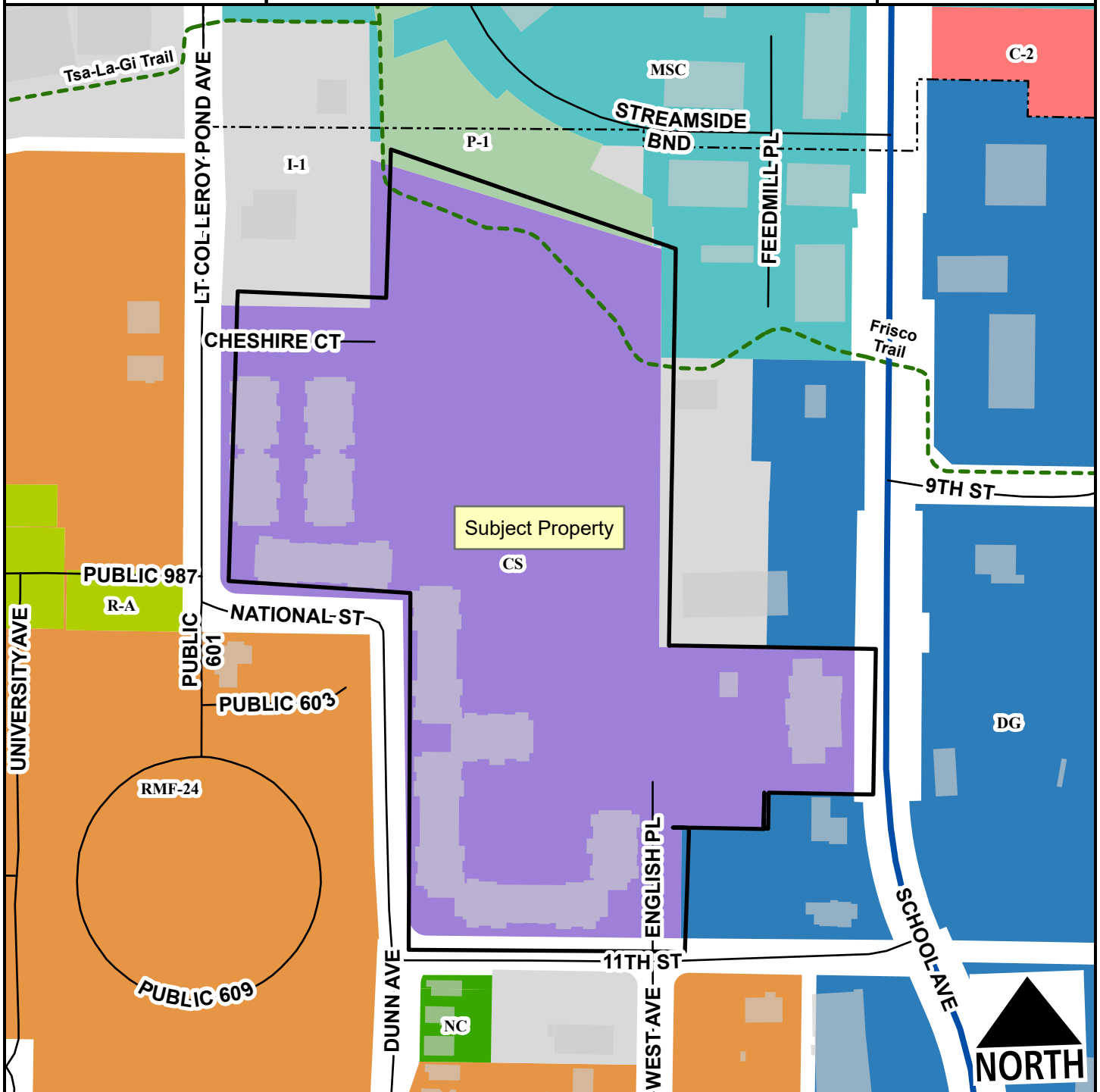
 - Downtown Core
 - Urban Thighfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

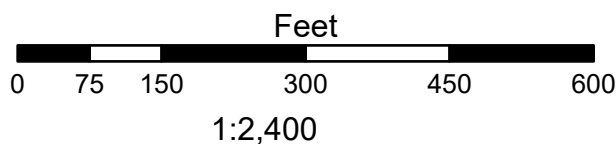
 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1



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



- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Conservation
- P-1

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: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 26, 2024

SUBJECT: **VAR-2024-0035: Planning Commission Variance (615 W. CHESHIRE CT./SZ FAYETTEVILLE APARTMENTS LLC, 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 a variance to lighting requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0035** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0035**, determining:*

- In favor of a variance to UDC §176.05 and*
- In favor of all conditions as recommended by staff."*

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. The owner has requested to appeal staff's determination of a violation to the City's outdoor lighting ordinance (ADM-2024-0031), and the Planning Commission tabled their request to the August 26, 2024, to give them time to submit this variance request. Surrounding land use and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use 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

Request: The applicant requests a variance to UDC §176.05 – Outdoor Lighting, General Standards, to keep light fixtures on the property that are not fully shielded and aimed downward.

Public Comment: Prior to the variance request, staff received public comment from multiple residents who expressed their support for keeping the exterior light fixtures on the property as-is due to safety concerns.

DISCUSSION:

Staff supports the applicant's request for a variance from the requirements of the City's outdoor lighting ordinance. The purpose of that ordinance is to protect the privacy of adjacent property owners, reduce atmospheric light pollution, and improve safety for drivers and pedestrians. Compliance with that ordinance requires light fixtures to be hooded, shielded, and aimed downward, or exempted due to the use of the property or function of the fixture. While an exemption does exist for security lights of any wattage, so long as they are controlled by a motion-sensor switch and do not remain on longer than 12 minutes after activation, staff finds that the applicant has demonstrated evidence of an undue hardship which may necessitate a variance. In their request letter, the applicant stated that Alight Fayetteville has invested nearly \$500,000 in additional security features due to the frequency of criminal activity on their property and others nearby. The applicant has claimed that the existing light fixtures are necessary to help deter crime and ensure the safety of residents and staff on their property and stated that strict enforcement of the outdoor lighting ordinance may result in an undue hardship by increasing the risk of more incidents of criminal activity. Staff is supportive of the applicant's request since they have demonstrated that granting the variance would help secure the public interest. However, in order to protect the privacy of adjacent property owners, staff recommends that light fixtures be shielded to limit the intensity of illumination on adjacent properties to no more than 0.5 footcandles.

RECOMMENDATION: Staff recommends approval of VAR-2024-0035 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC 166.05(A)(3), requiring all lots in the Fayetteville Planning Area to have direct street frontage pursuant to residential lot and block standards set by Washington County.** *Staff is supportive of this request based on the findings herein, and*
2. Light fixtures shall be shielded to limit the intensity of illumination on adjacent properties to no more than 0.5 footcandles.

Planning Commission Action:	☐ Approved	☐ Tabled	☐ Denied
Meeting Date: <u>August 26, 2024</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- UDC §176.05 – Outdoor Lighting, General Standards
- Applicant Request Letter
- Photos of Light Fixtures
- One Mile Map
- Close-Up Map
- Current Land Use Map

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."



CROUCH | HARWELL | FRYAR | FERNER

ESTABLISHED 1947

July 24, 2024

City of Fayetteville
ATTN: Chair, Planning Commission
SUBMITTED VIA City Government Portal

RE: Variance Request, 1615 S Chesihre Ct, Fayetteville, Arkansas

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. That is an apartment complex with a street address of 615 S. Cheshire Ct. However, this variance application concerns that portion of my client's property that is adjacent to South Lt Col Leroy Pond Avenue.

My client received a Notice of Violation received on May 17, 2024. The notice alleged that our safety lighting, visible from Lt Col Leroy Pond Avenue, violates UDC Section 176.05. We filed an appeal of that violation notice to the Fayetteville Planning Commission. At the Planning Commission meeting on July 8, 2024, the Commission tabled our appeal and invited us to file a request for a variance.

In accordance with City variance procedures, we submit the following information with this variance application:

1. Legal description of property:

SITUATED IN THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AND DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, IN TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS ALL OF LOTS NUMBERED FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8} AND A PART OF LOTS NUMBERED SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), AND TWENTY (20} ALL IN BLOCK NUMBERED SEVENTEEN (17} IN FERGUSON'S ADDITION TO THE CIT Y OF FAYETTEVILLE, WASHINGTON COUNTY , ARKANSAS, ALL DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBERED FIVE (5) ON THE WEST LINE OF SCHOOL

James E. Crouch
Charles L. Harwell
Matthew L. Fryar
Laura K. Ferner
Steven S. Zega †
James M. Graves ☐

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

Michael A. Moats, Jr.

STREET IN SAID BLOCK, AND RUNNING THENCE WEST TWO HUNDRED SIXTY-NINE (269) FEET TO A POINT SIXTEEN (16) FEET EAST OF THE NORTHWEST CORNER OF LOT NUMBERED TWENTY (20) IN SAID BLOCK; THENCE SOUTH TWO HUNDRED FIFTY (250) FEET TO THE SOUTH LINE OF SAID LOT NUMBERED SIXTEEN (16) AT A POINT SIXTEEN (16) FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT; THENCE EAST ALONG SAID SOUTH LINE ONE HUNDRED THIRTY-FOUR (134) FEET; THENCE NORTH FIFTY (50) FEET, THENCE EAST ONE HUNDRED THIRTY-FIVE (135) FEET TO THE SOUTHEAST CORNER OF SAID LOT EIGHT (8) AT A POINT ON THE WEST LINE OF SCHOOL STREET THENCE NORTH ALONG THE WEST LINE OF SAID STREET TWO HUNDRED FEET TO THE PLACE OF BEGINNING

CONTAINING 1.39 ACRES MORE OR LESS.

AND

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, IN TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN FAYETTEVILLE, WASHINGTON COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER THENCE SOUTH $02^{\circ}54'10''$ WEST A DISTANCE OF 230 FEET; THENCE SOUTH $70^{\circ}20'15''$ EAST A DISTANCE OF 18.86 FEET TO A FOUND $1/2$ " REBAR WITH CAP, P.S. # 1298, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH $70^{\circ}53'26''$ EAST A DISTANCE OF 418.31 FEET TO A POINT THAT IS 16 FEET EAST OF THE NORTHWEST CORNER OF LOT 7, BLOCK 16 OF FERGUSON'S ADDITION; THENCE SOUTH $02^{\circ}19'48''$ WEST A DISTANCE OF 797.12 FEET TO THE SOUTH LINE OF LOT 16, BLOCK 17 OF SAID ADDITION, SAID POINT BEING 16 FEET EAST OF THE SOUTHWEST CORNER OF LOT 16; THENCE SOUTH $87^{\circ}23'38''$ EAST A DISTANCE OF 32.00 FEET ALONG THE SOUTH LINE OF LOT 16; THENCE SOUTH $02^{\circ}19'48''$ WEST A DISTANCE OF 150 FEET TO THE NORTH RIGHT OF WAY OF ELEVENTH STREET; THENCE ALONG SAID RIGHT OF WAY NORTH $87^{\circ}23'38''$ WEST A DISTANCE OF 385.97 FEET TO A POINT THAT IS 40 FEET EAST OF THE EAST BOUNDARY LINE OF THE NATIONAL CEMETERY; THENCE NORTH $02^{\circ}10'34''$ EAST A DISTANCE OF 455.67 FEET; THENCE NORTH $85^{\circ}43'14''$ WEST A DISTANCE OF 249.03 FEET TO THE EAST LINE OF GOVERNMENT ROAD AS ESTABLISHED BY PREVIOUS GORE SURVEY, DATED MAY 9TH 2006; THENCE NORTH $02^{\circ}13'39''$ EAST ALONG SAID EAST LINE A DISTANCE OF 400.25 FEET, SAID POINT BEARS NORTH $87^{\circ}02'16''$ WEST A DISTANCE OF 4.97 FEET OF AN EXISTING $1\frac{1}{2}$ " REBAR WITH CAP, P.S. #1298; THENCE SOUTH $87^{\circ}02'16''$ EAST A DISTANCE OF 204.31 FEET TO A FOUND $1/2$ " REBAR WITH CAP, P.S. #1298; THENCE NORTH $02^{\circ}19'33''$ EAST A DISTANCE OF 204.05 FEET BACK TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT CERTAIN PROPERTY DEDICATED BY PROPERTY LINE ADJUSTMENT AND RIGHT OF WAY DEDICATION RECORDED AS LAND DOCUMENT NO. 2011-33075.

ALSO DESCRIBED AS FOLLOWS:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AND IS DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21., IN TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTI-I PRJNCIPAL MERIDIAN IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND All OF LOTS NUMBERED FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8) AND A PART OF LOTS NUMBERED SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), AND TWENTY (20) ALL IN BLOCK NUMBERED SEVENTEEN {17} IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICIPLA.RLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER THENCE SOUTH 02°54'10" WEST A DISTANCE OF 230 FEET; THENCE S 70°20'15" EA DISTANCE OF 18.86 FEET TO A 5/8" REBAR W/CAP RODNEY YOUNG AR PLS 1510, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 70°53'29" E 418.26 FEET TO A 1/2" REBAR W/CAP; THENCE S 02°19'31" W 547.19 FEET TO A POINT, SAID POINT BEING WITNESSED BY A 1/2" REBAR BENT 2" I.JP N 87°03'44" E 4.86 FEET FROM RECORD CORNER; THENCE S 87°00'58" E 268.85 FIEH TO A 5/8" REBAR W/CAP RODNEY YOUNG AR PLS 1510, SAID POJNT BEING ON THE WESTERLY RIGHT-OF-WAY OF SOUTH SCHOOL AVE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE ALONG THE RIGHT-OF-WAY OF SOUTH SCHOOL AVE S 02°13'36" W 198.80 FEET TO A 5/8" REBAR W/CAP RODNEY YOUNG AR PLS 1510; THENCE LEAVING SAID SOUTH SCHOOL AVE N 87°23'38" W 135.20 FEET TO A 1/2" REBAR W/CAP COA 281; THENCE S 02°27'18" W 50.02 FEET TO A 1/2" REBAR W/CAP COA 281; THENCE N 87°22'24" W 10.2.00 FEET TO A 1/2" REBAR W/CAP COA 281; THENCE S 02°17'19" W 150.02 FEET TO A 5/8" REBAR W/CAP RODNEY YOUNG AR PLS J.510, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF WEST 11TH ST (50' PUBLIC RIGHT-OF-WAY); THENCE ALONG THE RIGHT-OF-WAY OF WEST 11TH ST N 87°23'38" W 349.46 FEET TO A 5/8" REBAR W/CAP RODNEY YOUNG AR PLS 1510 AT THE BEGINNING OF A DRIVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING AND DISTANCE OF N 44°57'16" W 32.37 FEET TO A 1/2" REBAR W/CAP COA 2.81, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF DUNN AVE (VARIABLE WIDTH PUBLIC RJGHT-OF-WAY); THENCE ALONG DUNN AVE N 02°35'26" W 27.57 FEET TO A 1/2" REBAR W/CAP COA 281; THENCE N 00°19'14" W 38.01 FEET TO A 1/2" REBAR W/CAP COA 281; THENCE N 01°10'23" E 325.21 FEET TO A 1/2" REBAR W/CAP COA 281 AT THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 51.00 FEET AND A CHORD BEARING AND DISTANCE OF N 42°11'37" W 70.0B FEET TO A 1/2" REBAR W/CAP CO.A 281, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF NATIONAL ST (45' PUBLIC RIGHT-OF-WAY); THENCE ALONG NATIONAL ST N 85°46'21" W 179.94 FEET TO A FOUND X MARK WITH DRILL HOLE, SAID POINT BEING AT THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 24.00 FEE AND A CHORD BEARING AND DISTANCE OF N 41°40'48" W 33.35 FEET TO A 1/2" REBAR W/CAP COA 281, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF S IT COL LEROY POND AVE AKA GOVERNMENT AVE (45' PUBLIC RIGHT-OF-WAY); THENCE ALONG LT COL LEROY POND AVE N 02°14'21"

E 372.09 FEET TO A FOUND X MARK W:m-i DRILL HOLE; THENCE LEAVING SAID LT COL LEROY POND AVE S 871102'25" E 204.20 FEET TO A POINT BEING WITNESSED BY A 6' CHAIN LINK FENCE POST S 04°43'20" W 0.67' FROM RECORD CORNER; THENCE N 02°19'33" E 204.05 FEET TO THE POINT OF BEGINNING, CONTAINING 12.06 ACRES, MORE OR LESS, ACCORDING TO A SURVEY BY RODNEY K. YOUNG, AR PLS 1510 DATED OCTOBER 26, 2021.

2. Justification for variance:

The property immediately across Lt Col Leroy Pond Avenue, 887 S. Lt Col Leroy Pond Avenue, is a haven for criminal and drug activity that is a constant nuisance, and has often posed an outright threat to, the more than 650 student residents and staff that call Alight Fayetteville home. For the time period from April 13, 2021 to June 6, 2024, just over three years, the Fayetteville Police Department has responded to incidents at the house across the street (887 S. Lt Col LeRoy Pond Avenue) more than 250 times. That is an average of more than one police response to that one home every ten (10) days. I enclose with this variance application a copy of the spreadsheet summarizing those responses that the Fayetteville Police Department produced in response to a Freedom of Information Request. As the Commission can see, the responses vary from petty vandalism to theft, burglary, vehicular breaking and entering, trespassing and harassment of neighbors. We actually believe this particular spreadsheet is incomplete, because it does not include Fayetteville PD responses to numerous incidents at other addresses involving persons who were staying at 887 S. Lt Col LeRoy Pond but were observed or committed crimes off of that particular premises.

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

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 asking the Planning Commission to give favorable consideration to a variance. 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. While these lights may shine partly out onto the road, they are crucial to providing a well-lit area at the perimeter of our community near this source of constant criminal activity that has frequently spilled over directly onto our property. City officials have 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 keeping our lights in place, as it adds additional safety for her property as well. Until there is a permanent change in the severe safety issue emanating from the property across the street from our community, we request that the city make an exception based on extenuating circumstances of our safety concerns 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 suffering from the same safety concerns and continuous criminal activity stemming from the white house at 887 Leroy Pond. They too have asked that all the lighting on our property remain as-is, until the criminal activity is permanently addressed.

Our property has recently had to invest nearly \$500,000 providing additional security features due to the extensive level of crime and threats from the home at 887 Leroy Pond, including homeless persons and those wrestling with substance abuse issues who come from that property onto ours or who have accosted our residents and staff in the area covered by our lighting. We feel our request to approve this exception is entirely appropriate and we would hope the City would equally be concerned with its citizens' safety.

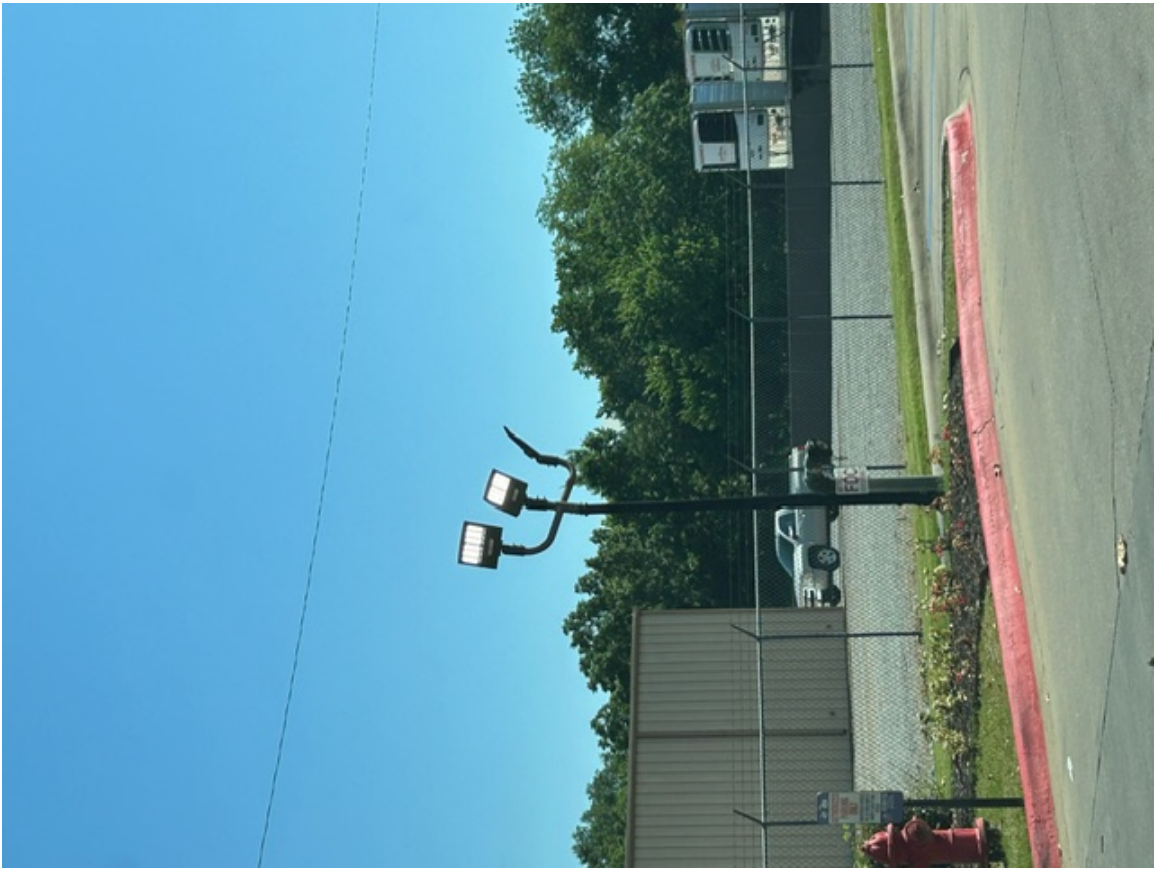
Remarkably, because of the nearly-constant calls for service, the Fayetteville Police Department has actually asked us to stop calling them except in cases of "true emergencies" regarding the people who camp at 887 S. Lt Col LeRoy Pond. While we try to honor this request, it makes it even more critical that we are allowed to use passive security measures like the lighting in question to help deter crime and to ensure the safety of our residents and protect our staff.

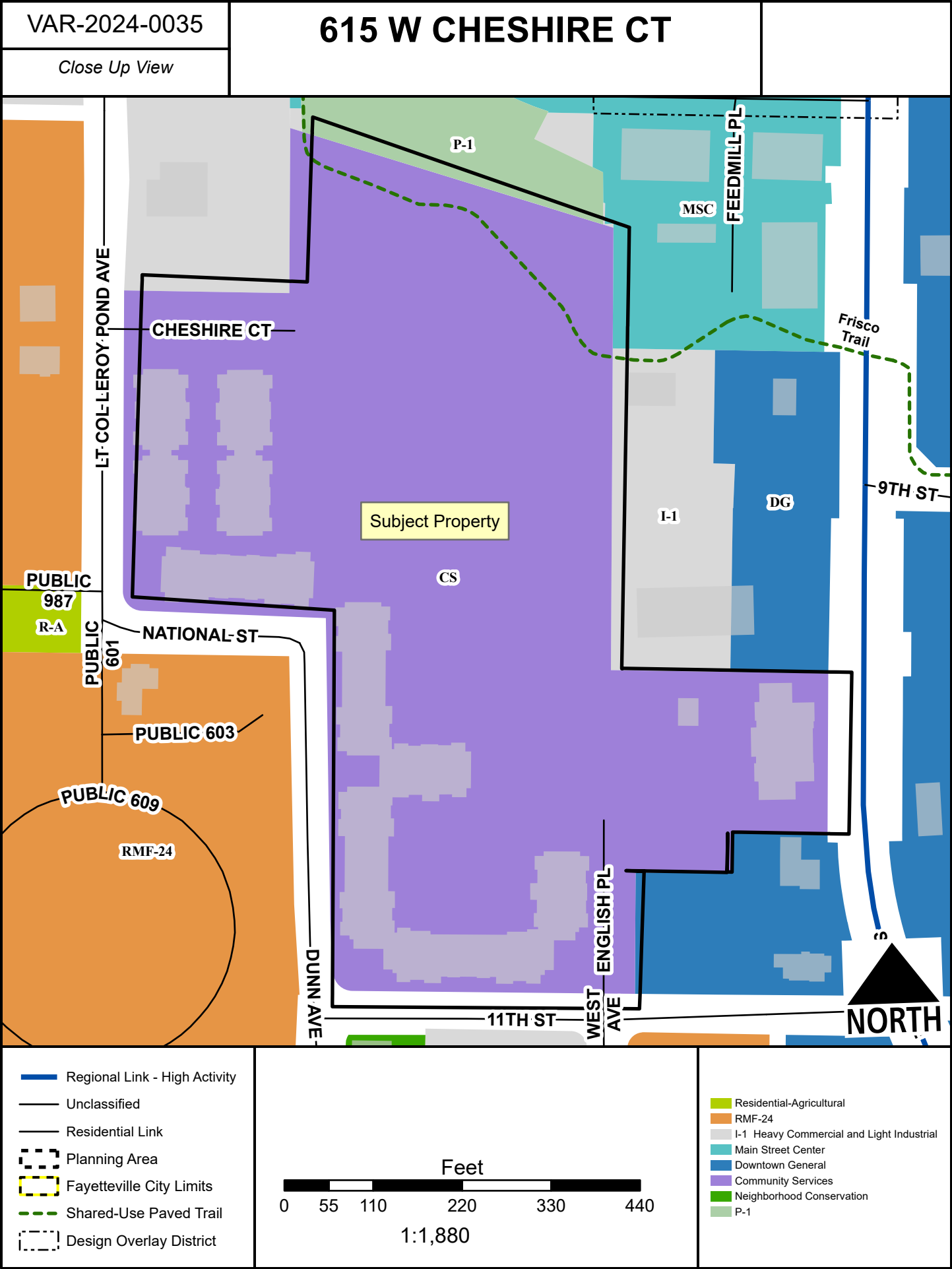
Strict enforcement of the Uniform Development Code, specifically, those provisions in Section 176.05, would work an undue hardship on our property and our residents and staff by significantly increasing the risk of more incidents and more severe incidents of property crime and crimes of violence at and near our property. We assert that the spirit and intent of Fayetteville's zoning ordinances-quoting UDC Section 150.02(A): " [the UDC] furthers the health, safety and general welfare of the people of the community," would be squarely met by the Commission granting this variance.

We respectfully ask the Commission to vote in favor of this variance.

Respectfully submitted,

/s/ Steven S. Zega
Steven S. Zega
Attorney for SZ Fayetteville Apartments LLC





VAR-2024-0035

615 W CHESHIRE CT

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: Fayetteville Planning Commission

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

MEETING DATE: August 26, 2024

SUBJECT: **ADM-2024-0039: Administrative Item (Amend UDC Chapter 161 – Zoning Regulations):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to UDC Chapter 161 to create a new zoning district section 161.36 called Urban Corridor and set zoning regulations for the new district including permitted and conditional uses, lot dimensional standards, setbacks, and building height. Additionally, amendments are proposed to section 160.01 – Establishment of Districts to add the new district, section 163.11 – Sexually Oriented Business to allow sexually oriented businesses as a conditional use, section 164.25 – Tandem Lot Development to establish building setbacks for tandem lots, section 167.04 – Tree Preservation and Protection During Development to establish a minimum canopy requirement, and chapter 174 – Signs to establish sign regulations for the new zoning district.

RECOMMENDATION:

Staff recommends forwarding **ADM-2024-0039** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

“I move to forward **ADM-2024-0039** to the City Council with a recommendation of approval.”

BACKGROUND:

Following delivery of the Fayetteville Housing Assessment in October 2023, the Fayetteville City Council passed Resolution 278-23 on December 5, 2023 affirming their support for the 71B Corridor Regulating Plan and Work Program. The resolution referenced prior actions to further the vision captured in the 71B Corridor Plan, including:

- transfer of ownership of the 71B right-of-way from the Arkansas Department of Transportation to the City of Fayetteville,
- authorization of planning work for the reconstruction of the streetscape, and
- streetscape improvements underway or complete for portions of the 71B corridor.

On approval of Resolution 278-23, City of Fayetteville Planning staff began project work to study and ultimately make a recommendation to the City Council on a rezoning of the 71B Corridor to allow for the construction of housing, as recommended by the 2023 Housing Assessment. In May and June of this year planning staff facilitated a series of seven public meetings and exhibits that communicated the intent of a proposed rezoning and sought input on aspects of zoning that would be preferred, including permitted and disallowed uses, building height, setbacks, and tree protection. Approximately 100 people attended these in-person events, with approximately 75

people taking the in-person survey. An online survey on the city's Speak Up survey platform was available in the month of June, with 799 respondents. Planning staff reviewed those comments as well as public comments made in public hearings on development applications at both Planning Commission and City Council meetings over the course of the past year and compared the input to the city's existing zoning districts. Ultimately the input received did not entirely align with an existing zoning district, and staff began working on a draft of a new zoning district that responded more directly to the public input received.

Planning staff presented public input to the Planning Commission at their annual retreat held on June 8, 2024 and solicited feedback from the commissioners on whether to approach a proposed rezoning using existing zoning district(s) or with a new zoning district created in response to the feedback received. Commissioners expressed an interest in evaluating a new zoning district in addition to options using existing zoning districts. Staff subsequently brought three separate draft proposals to the Planning Commission in their Long Range Planning Committee meetings in the months of June and July: one that proposed rezoning the parcels in the project study area to Urban Thoroughfare (UT) only, one that proposed rezoning the parcels in the project study area to a combination of UT and Main Street Center (MSC) zoning, with the MSC zoning applied at or near major intersections, and one that proposed a new zoning district, which began as "Urban General" but has been renamed to "Urban Corridor" in the course of the project. Downtown General (DG) zoning was also considered as it was proposed at the in-person meetings and in the online survey, however, as staff evaluated the various zoning districts in consideration side by side, the DG zoning district would have provided the most restrictive reduction in permitted uses, with several existing uses not being permitted or conditional in the DG zoning district.

DISCUSSION:

The purpose of this amendment is to establish a new zoning district titled "Urban Corridor" (UC). Through discussion with the Planning Commission in June and July staff developed UC in response to community input that leaned toward reducing instances of vehicle-oriented uses and site design in favor of zoning that supports walkable urban environments and that permits a mix of housing and commercial uses. The UC zoning district is intended to acknowledge the legacy of highway-oriented development and commercial-only zoning prominent along N. College Ave. and S. School Ave. and bridge existing zoning districts (primarily the UT and DG zoning districts) by adding higher-density housing types as permitted uses and requiring approval of a Conditional Use Permit for many vehicle-oriented uses rather than excluding them entirely. One goal for the corridor is facilitating a transit-supportive minimum density of 10 dwelling units per acre. As a result, single and two-family dwellings require a Conditional Use Permit as those housing types are typically constructed at a lower density than a goal transit-supportive minimum density for the corridor of 10 dwelling units per acre.

A site design advantage to the proposed UC zoning district is that no minimum lot size or lot width is proposed, meaning lots would not have a zoning requirement to have street frontage, although street frontage may be required for utility connections depending on the lot, site, and utility configuration. The zoning district is not proposed to have a front setback, usually associated with large front parking lots and buildings set back from the street. Instead a 0'-30' front build-to zone is proposed, meaning future buildings would need to be located within the front 30' of the property where it abuts a public right-of-way. Siting buildings closer to the street creates shorter connections to building entrances for cyclists and pedestrians and creates a more urban streetscape when fully built out. Buildings would need to be built across a minimum of 50% of the lot frontage but could still utilize up to half of the frontage for vehicle circulation and site design elements. No side or rear setbacks are proposed unless the property is contiguous to a single-family residential zoning district, in which case the setback would be 15 feet. The building height

maximum is proposed to be 8 stories. The proposed UC zoning district is attached, as well as a detailed listing of permitted uses, uses that would require approval of a Conditional Use Permit, and uses that would not be permitted.

With the addition of a new zoning district comes amendments to other sections of the Unified Development Code (UDC). In this instance amendments are also needed to:

- Section 160.01 – Establishment of Zoning Districts to add UC to the list of zoning districts.
- Section 163.11 – Sexually Oriented Business to allow sexually oriented businesses in the UC zoning district as a conditional use.
- Section 164.25 – Tandem Lot Development to establish building setbacks of 5 feet from all property lines for tandem lots, the same as for the mixed use zoning districts listed in Section 164.25(B)(5)(e).
- Section 167.04 – Tree Preservation and Protection During Development to establish a minimum canopy requirement for the UC zoning district in Section 167.04(C) Table 1. This is proposed to be 20%, similar to some of the higher-intensity residential zoning districts and lower intensity commercial districts, and in acknowledgement of public input favoring tree canopy and the large amount of existing wooded hillside and intact tree canopy area along portions of the corridor.
- Chapter 174 – Signs to establish sign regulations for the new zoning district:
 - 174.03(C) – Exemptions to add UC to the table of signs in the row permitted to be illuminated and 32” in area.
 - 174.10(A)(4), 174.10(B)(2)(f), 174.10(C)(3), and 174.10(D)(2) to add the UC zoning district to the list of commercial and mixed use zoning districts to define which sign regulations are applicable for the new district.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: August 26, 2024	☐ Tabled	☐ Forwarded	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed Ordinance §161.36, Urban Corridor
- §160.01, Establishment of Zoning Districts, Strikethrough
- §163.11, Sexually Oriented Business, Strikethrough
- §164.25, Tandem Lot Development, Strikethrough
- §167.04, Tree Preservation and Protection During Development, Strikethrough
- §174.03, Exemptions, Strikethrough
- §174.10, On Site Freestanding Signs, Strikethrough
- §174.12, Wall Signs, Strikethrough

- §160.01, Establishment of Zoning Districts, Clean
- §163.11, Sexually Oriented Business, Clean
- §164.25, Tandem Lot Development, Clean
- §167.04, Tree Preservation and Protection During Development, Clean
- §174.03, Exemptions, Clean
- §174.10, On Site Freestanding Signs, Clean
- §174.12, Wall Signs, Clean

161.36 Urban Corridor

(A) *Purpose.* The Urban Corridor District is designed to provide a mix of commercial uses and housing along corridors that provide multi-modal transportation options. The district encourages walkable commercial, residential, and mixed-use developments in urban form that enhance function, economic vitality, and appearance along major urban thoroughfares.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 10	Three- and Four-Family Dwellings
Unit 13	Eating places
Unit 14	Hotel, Motel, and Amusement Facilities
Unit 16	Shopping Goods
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 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 8	Single-Family Dwellings
Unit 9	Two-Family Dwellings
Unit 17	Transportation trades and services
Unit 18	Gasoline Service Stations and Drive-Thru Restaurants
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 29	Dance Halls
Unit 32	Sexually Oriented Business
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communication facilities
Unit 42	Clean Technologies
Unit 43	Animal Boarding and Training
Unit 44	Cluster Housing Development

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum*. None.

(2) *Lot Area Minimum*. None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 30 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

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

(G) *Building Height Regulations*.

Building Height Maximum	8 stories
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160.01 Establishment Of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

R-A	Residential - Agricultural
RSF-.5	Residential Single-family - One-Half (½) Unit per Acre
RSF-1	Residential Single-family - One (1) Unit per Acre
RSF-2	Residential Single-family - Two (2) Units per Acre
RSF-4	Residential Single-family - Four (4) Units per Acre
RSF-7	Residential Single-family - Seven (7) Units per Acre
RSF-8	Residential Single-family - Eight (8) Units per Acre
RSF-18	Residential Single-family - Eighteen (18) Units per Acre
RI	Residential Intermediate, Twelve (12) Units Per Acre
RI-U	Residential Intermediate - Urban
RMF-6	Residential Multi-family - Six (6) Units per Acre
RMF-12	Residential Multi-family - Twelve (12) Units per Acre
RMF-18	Residential Multi-family - Eighteen (18) Units per Acre
RMF-24	Residential Multi-family - Twenty-Four (24) Units per Acre
RMF-40	Residential Multi-family - Forty (40) Units per Acre
R-O	Residential-Office
NS-L	Neighborhood Services - Limited
NS-G	Neighborhood Services - General
C-1	Neighborhood Commercial
CS	Community Services
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
<u>UC</u>	<u>Urban Corridor</u>
UT	Urban Thoroughfare
DC	Downtown Core
MSC	Main Street Center
DG	Downtown General
NC	Neighborhood Conservation
I-1	Heavy Commercial and Light Industrial
I-2	General Industrial
P-1	Institutional
E-1	Extraction
DOD	Design Overlay District
PZD	Planned Zoning District

163.11 Sexually Oriented Business

(A) *Classification.* Sexually oriented businesses are classified as follows:

- (1) Adult arcade;
- (2) Adult bookstores and adult video stores;
- (3) Adult cabarets;
- (4) Adult motion picture theaters; and
- (5) Adult theaters.

(B) *Conditional Use.* Sexually oriented businesses shall not be allowed in any zoning district except UC and C-2 where they may be allowed as conditional uses subject to the following:

- (1) No sexually oriented business may be operated within 500 feet of:
 - (a) A church;
 - (b) A public or private elementary, secondary, or post-secondary school, pre-school or child care facility;
 - (c) A public park.
- (2) No sexually oriented business may be operated:
 - (a) Within 200 feet of a boundary of a residential zone or any residential use;
 - (b) Within 400 feet of a residential zone or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line or the residential zone or use;
- (3) No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.
- (4) For the purpose of this subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

164.25 Tandem Lot Development

- (A) *Where Allowed.* Tandem lot development shall be permitted for a single-family dwelling and customary accessory structure and/or dwelling unit only and shall be permitted in all districts where single-family dwellings are permitted. The development of one (1) tandem lot behind another tandem lot shall be prohibited.
- (B) *Requirements.* Development of a tandem lot shall be subject to the following requirements:
- (1) The tandem lot shall have access to a public street by way of a private drive with a minimum width and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said private drive so that emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of 18 feet from said right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.
 - (2) The distance between the private drive of a tandem lot and any adjacent driveway shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards.
 - (3) Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20(B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than twelve (12) hours before or after regular trash pickup in accordance with Chapter 50.20(B).
 - (4) *Lot Width and Area.* The tandem lot, excluding the private drive, shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Board of Adjustment.
 - (5) *Setback.* Each tandem lot shall have a minimum building setback requirement as follows:
 - (a) Tandem lots shall have a minimum building setback requirement of 35 feet from all property lines in the R-A, RSF-5, and RSF-1 zoning districts.
 - (b) Tandem lots shall have a minimum building setback requirement of 30 feet from all property lines in the RSF-2 zoning district.
 - (c) Tandem lots shall have a minimum building setback requirement of 15 feet from all property lines in the RSF-4 and RSF-7 zoning districts.
 - (d) Tandem lots shall have a minimum building setback requirement of 10 feet from all property lines in the R-O zoning district.
 - (e) Tandem lots shall have a minimum building setback requirement of 5 feet from all property lines in the RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NS-L, NS-G, CS, UC, UT, DC, MSC, DG, and NC zoning districts.
 - (f) Any variance to the minimum building setback requirement may only be granted by the Board of Adjustment.
- (C) *Variances.* Variances to the requirements in (B)(1)—(B)(3) of this section shall be administered as development regulations to be considered by the Planning Commission. All other variances to zoning
-

regulations, including those in (8)(4) and (B)(5), shall be administered as zoning regulations for variance purposes.

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 6,000 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 6,000 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.
 - (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
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- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%
RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%

RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
<u>UC, Urban Corridor</u>	<u>20%</u>
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

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- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch 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 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.
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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
 - (j) Any other factors that may impact the design of the site.
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- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
 - (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 6,001 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
 - (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
 - (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
 - (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
 - (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (I) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
 - (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
 - (a) The number of trees requested for removal;
 - (b) The percentage below the percent minimum canopy requirement they represent; and
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- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
- (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
- (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
- (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
- (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.
- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the
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applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.

- (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
 - (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.
- (J) *Request for Off-Site Alternatives.*
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- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
 - (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
 - (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
 - (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (b) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (c) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
 - (ii) Shall not revert to the general fund for ongoing operations.
 - (d) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
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- (e) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (f) Refunds shall be paid to the applicant who made the original contribution.
 - (g) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (h) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (i) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large scale site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
 - (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
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- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

174.03 Exemptions

Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. The exemptions shall apply to the requirement for a sign permit. No sign permit shall be required for the erection of the following signs which are hereby authorized to be erected in compliance with the listed conditions:

- (A) *Professional Name Plates.* Professional name plates erected flat on walls of building and not exceeding four (4) square feet of display surface area.
- (B) *Building Construction Signs.* One (1) on-site building construction sign on each construction site in any zoning district, provided that maximum display surface area shall be 8 square feet or less in R zoning districts: 32 square feet or less in other zoning districts.
- (C) *Real Estate Signs.* On a lot in any district, there may be erected one (1) on-site unanimated real estate sign while the lot is for sale. Provided further, such signs shall be limited to wall signs, freestanding signs or platform signs; and freestanding signs or platform signs shall be set back a minimum of 10 feet from the street. Real estate signs shall be removed within seventy-two (72) hours following the closing (sale) of the property on which it is located. The permitted illumination and maximum display surface area for a real estate sign shall be as follows:

District	Permitted Illumination	Area (Square Footage)
RA	Non-illuminated	32"
P-1, C, I, <u>UC</u> , UT, DC, MSC, CPZD	Illuminated	32"
All other districts	Non-illuminated	8"

- (D) *Home Occupation Signs.* Home occupation signs erected flat against the wall and not exceeding 3 square feet.
- (E) *Memorial Signs, Name Signs.* Memorial signs or tables, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (F) *Traffic Signs, Etc.* Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or nonadvertising signs as may be approved by the City Council.
- (G) *Posting Bills, Repainting Signs.* Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purposes.
- (H) *Non-Commercial Signs.* Non-commercial signs are permitted to be placed on private property by the land owner or lawful tenant in any zoned district subject to the following conditions:
 - (1) *Districts Where Most Signs Are Not Permitted.* In districts where most signs are not permitted (primarily residential districts), one (1) non-commercial sign may be erected subject to the limitations stated in §174.03 (C) for real estate signs.
 - (2) *Districts Where Signs Are Permitted.* In districts where signs are otherwise permitted, non-commercial signs may be placed over or substituted for the permitted commercial sign.
 - (3) *All Districts.* In addition to the non-commercial sign allowed above, sixty (60) days prior to any general, primary, runoff or special election, a property owner may display additional non-illuminated, temporary non-commercial signs of the same size allowed for real estate signs allowed in §174.03 (C). All such signs (not authorized for further display by an upcoming election such as a run-off) must be

removed by the property owner within three (3) days of the election which authorized the signs' installation.

- (I) *Time and Temperature Displays.* Time and temperature displays without advertising matter, may change their illuminated time and temperature displays as often as reasonably necessary to provide accurate and convenient information to observers without being considered to be in violation of §174.08 B. Fluctuating Illumination.
- (J) *Banners.* Public event, special sales event and non-commercial banners (not to exceed 3 feet by 30 feet) and large non-commercial signs (not to exceed 32 square feet) may be temporarily installed under the following terms and conditions:
 - (1) *Non-Commercial Banners and Large Signs.*
 - (a) *Residential Zones Including Neighborhood Conservation, Residential Office, Residential Agriculture and RPZD.* In addition to the non-commercial sign allowed in subsection (H), the owner of a residentially zoned parcel may install one (1) large temporary non-commercial sign of up to 32 square feet no more than sixty (60) days prior to (and to be removed within three (3) days following) an election.
 - (b) *All Other Zones.* The owner of a parcel may install one (1) large temporary non-commercial sign of up to 32 square feet no more than sixty (60) days prior to (and to be removed within three (3) days following) an election. If the parcel has more than 100 feet of frontage on a street, the owner may install one (1) large temporary non-commercial sign per hundred feet of frontage. No more than once a year, an owner may substitute and install a non-commercial banner for an allowed special sales event banner no more than two (2) weeks prior to (and to be removed within three (3) days following) the election.
 - (2) *Special Sales Event Banner.* In Commercial, Downtown Core, Downtown General, Main Street Central, and C-PZD zones, a commercial retail business may advertise a special sales event by installing a special sales event banner on its property at least 40 feet from the street right of way and no higher than 30 feet above street level for a total display time of no more than ten (10) days, no more than one (1) time a year.
 - (3) *Public Event Banners.* Nonprofit organizations and government entities may install public event banners under the following conditions:
 - (a) In order to notify or invite the public to attend a public festival or event sponsored by the nonprofit organization or government entity, this organization may install a public event banner (that may not contain advertising or commercial logos) on its property at least 20 feet from the street right of way or on the building's facade and no more than 30 feet above the street for a total display time of no more than fourteen (14) days six (6) times a year.
 - (b) In order to notify or invite the public to attend a public festival or event within the Downtown Master Plan area or the University of Arkansas campus sponsored by the nonprofit organization or government entity, that organization may pay the costs of the CITY to install one (1), two (2), or three (3) cross street public event banners (with no advertising or commercial logos) at one or more city authorized sites {intersections of Dickson and Block, and Dickson and Arkansas, and on Block between Dickson and Meadow} for no more than fourteen (14) days once a year. When more than one nonprofit organization or government entity would qualify and timely requests to pay for the installation of cross street banners during the same period, the number of cross street banners for each organization may be reduced to one (1) and/or the length of display may be shortened to one (1) week so that each qualified applicant is treated equally.
- (K) *Signs Located in Buildings.* Any sign located within a building that is not visible to the public outside said building is exempt from all regulations in this chapter.

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- (L) *Signs on Windows.* Signs painted, affixed to or clearly visible through windows and doors are exempt from the permit requirement. However, such signs are considered wall signs and must conform to all requirements and limitations for wall signs pursuant to §174.12, Wall signs.
- (M) *Directional Identification and Informational Signs.* Directional, identification, and informational signs; provided such signs shall be limited to wall and freestanding signs with a maximum of 4 square feet of display surface area. Notwithstanding the restrictions on the location and number of freestanding signs prescribed by §174.10, one (1) freestanding sign not exceeding 4 square feet in display surface area shall be permitted at each entrance or exit on a lot or parcel to identify such entrance or exit and to encourage the use of motor vehicle seatbelts, subject to the following restrictions.
- (1) *Traffic Hazard.* No such sign shall be erected which would create a traffic hazard.
 - (2) *Seat Belt Sign.* Any words or symbols encouraging the use of seatbelts shall face the interior of the lot or parcel on which the sign is located and shall not face the street.
 - (3) *Advertising.* No advertising or commercial logos may be incorporated into the sign.
- (N) *Collection Boxes.* Collection boxes for charitable or nonprofit organizations containing no commercial advertising and located on private property in any commercial or industrial zoning districts.
- (O) *Subdivision Signs.* In any district, one temporary subdivision identification sign indirectly illuminated, not to exceed 50 square feet in area per surface may be erected at any principal entrance to a subdivision, provided that in no event shall such sign remain for more than six (6) months within 50 feet of a dwelling in a R district occupied as a dwelling.
- (P) *Freestanding Bulletin Board.* A church or other religious institution and a school serving primary and/or secondary education Fayetteville students may install one (1) freestanding bulletin board (not an electronic message board) on its campus to communicate non-commercial information and events at such church or school. The bulletin board may be 10 square feet and must be set back a minimum of 15 feet from the street right-of-way. The school or church may enlarge the bulletin board up to maximum of 24 square feet by moving it back from street right-of-way 1 additional foot for each 2 square feet of display surface area in excess of the normal 10 square feet allowed. This bulletin board sign shall be in addition to any other signs authorized in this chapter.
- (Q) *Fuel Price Informational Signs.* In any district, signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted, subject to the following conditions:
- (1) *Price.* Only one (1) fuel price informational sign shall be permitted per fuel pump.
 - (2) *Size.* Fuel price informational signs shall be limited in size to an area of 216 square inches.
 - (3) *Stationary.* Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
 - (4) *Other Locations.* Nothing herein shall be construed as to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this chapter.
 - (5) *Sign Faces.* Only one (1) two (2) faced, or two (2) one (1) faced, self-service/full service signs not exceeding four (4) square feet in display surface area shall be permitted at each pump island.
- (R) *Fences and Scoreboards in City Parks.* Signs may be permitted on baseball/softball fences and scoreboards in city parks as provided for in §97.088(B).
- (S) *Pedicabs.* Pedicabs not operating on city trails may be allowed one advertising sign placed upon the rear of the pedicab and extending no higher than the stock body of the pedicab. The sign shall not be illuminated and shall not exceed 6 square feet (2 feet $\times$ 3 feet). Prior to displaying this sign publicly, such sign as attached to the pedicab must be presented to the Zoning and Development Administrator for permitting and, if the sign is in full compliance with this subsection, approval.
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174.10 On-Site Freestanding Signs

On-Site Freestanding signs shall be permitted to be erected in the city subject to the following:

Only one (1) freestanding sign shall be permitted on a lot, except where otherwise described herein. It shall be unlawful to erect any off-site freestanding sign or any freestanding sign that does not meet the sign type, size, display surface area, setback, height, or illumination as described herein.

- (A) *Pole Signs.* The following regulations pertain to signs identified as "pole signs". It shall be unlawful to erect any pole sign which total height is greater than 17.5 feet, unless further limited herein, above the level of the street upon which the sign faces; provided the pole supported sign may be increased in height ½ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet. On-site pole signs shall be permitted to be erected in the city subject to the following:
- (1) *R-A District.*
 - (a) *Number of Signs.* Only one (1) pole sign shall be permitted at an agricultural or permitted business located on one (1) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 16 square feet.
 - (c) *Illumination.* Sign may be illuminated by indirect illumination only.
 - (d) *Setback from Right-of-Way.* Sign shall be setback 35 feet from street right-of-way and 25 feet from any R or R-O District.
 - (2) *RSF and RT Districts.* Except pursuant to §174.03, pole signs shall be prohibited and no pole signs shall be erected in RSF and RT Districts of the City.
 - (3) *RMF, R-O, NC, and NS Districts.*
 - (a) *Number of Signs.* Only one (1) on-site freestanding sign shall be permitted on a lot or at a business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 4 square feet;
 - (c) *Setback from Right-of-Way.* The sign shall be setback a minimum of 15 feet from street right-of-way.
 - (d) *Setback from Adjoining Property.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF District and 15 feet from all other zoning districts.
 - (e) *Height.* The height of the sign shall not be greater than six (6) feet above the level of the street upon which the sign faces.
 - (f) *Illumination.* The sign shall be illuminated by indirect illumination only.
 - (4) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
 - (a) *Number of signs.* Only one (1) pole sign shall be permitted on a lot, at a shopping center, or at a mall; provided only one (1) on-site pole sign shall be permitted for any business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area and Setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.

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- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.
- (B) *Monument Sign.* The following regulations pertain to signs identified as "monument signs", which are freestanding signs whose entire base is in contact with and supported by the ground.
- (1) *Number of Signs.* Where a monument sign is permitted, only one (1) sign shall be erected on a lot or at a business operating on two (2) or more adjoining lots.
- (2) *Display Surface Area.*
- (a) *RSF and RT Districts.* Prohibited on individual lots.
- (b) *NC District.* Where a conditional use permit has been approved for a nonresidential use within the Neighborhood Conservation zoning district the display surface area of the monument sign shall not exceed 10 square feet.
- (c) *NS and RMF Districts.* The display surface area shall not exceed 16 square feet.
- (d) *R-A District.* The display surface area shall not exceed 32 square feet.
- (e) *R-O Districts.* The display surface area shall not exceed 50 square feet.
- (f) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.* The display surface area shall not exceed 75 square feet.
- (3) *Setback from right-of-way.* The sign shall be setback a minimum of 10 feet from the right-of-way.
- (4) *Setback from Adjoining Property Lines.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
- (5) *Height.* The maximum height of a sign shall be 6 feet from the surrounding grade.
- (C) *Joint Identification Sign.* The following regulations pertain to signs identified as joint identification signs:
- Joint identification signs must provide area for the display of a minimum of two (2) person(s) or business(s) and may be located at no more than two (2) remote entrance locations, as approved by the Planning Division. The permit applicant shall provide a recorded legal document as approved by the Planning Division indicating ownership and responsibility for maintenance of sign and subject to the following:
- (1) *R-A, RSF, RT, RMF, P, NC, and NS Districts.* Prohibited.
- (2) *R-O District.* Monument joint identification sign permitted only.
- (a) *Display Surface Area.* Display surface area shall not exceed 50 square feet.
- (b) *Setback from Right-of-Way.* Signs shall be setback a minimum of 10 feet from the right-of-way.
- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 10 feet from adjoining non-residential property and 25 feet from adjoining residential property.
- (d) *Height.* The maximum height of a sign shall be six (6) feet from the surrounding grade.
- (3) *C, I, DG, MSC, DC, CS, UC, and UT Districts.*
- (a) *Monument.* The following regulations apply to a monument joint identification sign, whose entire base is in contact with and supported by the ground:
- (i) *Multi-tenant Building Containing 37,500 Square Feet or Less of Leasable Tenant Space:*
- a. *Display Surface Area and Setback from Right-of-Way.* Display surface area shall not exceed 75 square feet and the sign shall be setback 10 feet or more from the right-of-way.
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- b. *Height.* The maximum height of a sign shall be six (6) feet above the level of the surrounding grade.
- (ii) *Multi-Tenant Building Containing More Than 37,500 Square Feet:*
- a. *Display Surface Area.* Display surface area shall not exceed 75 square feet; provided the display surface area of a joint identification signs may be increased one additional square foot per 500 square feet of gross leaseable building area over 37,500 square feet, as approved by the Planning Division. Total display surface area shall not exceed 300 square feet.
- b. *Height and Setback from Right-of-Way.* The maximum height of the sign shall be 6 feet above the level of the surrounding grade when setback 10 feet or more from the right-of-way; provided, the maximum height of the sign may increase to 10 feet above the surrounding grade when setback 20 feet or more from the right-of-way.
- c. *Setback from Adjoining Property.* Signs shall be setback a minimum of 25 feet from the boundary of any adjoining property.
- (b) *Pole.* The following regulations apply to pole-mounted joint identification signs:
- (i) *Display Surface Area and setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.
- a. *Exception.* Display surface area shall not exceed 75 square feet, provided the display surface area of joint identification signs may be increased one additional square foot per 500 square feet of gross leaseable building area over 37,500 square feet, as approved by the Planning Division. Total display surface area shall not exceed 300 square feet.
- (ii) *Setback from Adjoining Property.* Signs shall be setback a minimum of 25 feet from the boundary of any adjoining property.
- (iii) *Height.* The height of a sign shall be a maximum of 17.5 feet, provided the pole-mounted sign may be increased in height $\frac{1}{2}$ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet.
- (D) *Area signs.* The location of the fence, wall, or other structure which will contain the area identification sign must be approved by the Planning Division, which will approve such structure upon the criterion of traffic safety sight lines. Area signs shall not be located within the Master Street Plan right-of-way.
- (1) *R-A, RSF, RT, RMF, NC, NS, and R-O Districts.*
- (a) *Number of Signs.* Areas with one (1) entrance may not have more than one (1) sign. Areas with more than one (1) entrance may not have a sign at more than two (2) locations.
- (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 32 square feet.
- (2) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
- (a) *Number of Signs.* Areas with one (1) entrance may not have more than one (1) sign. Areas with more than one (1) entrance may not have a sign at more than two (2) locations.
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- (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 75 square feet.
- (E) *Bulletin Boards.* The following regulations pertain to signs identified as "bulletin boards", which are erected for the purposes of announcing events which are held on the premises:
- (1) *RSF, RT, and NC Districts.* Where a conditional use permit has been approved for a charitable, educational, or religious institution or a public body within these districts, the following limitations shall apply:
- (a) *Number of Signs.* Only one (1) on-site bulletin board shall be permitted on a lot or for a use operating on two (2) or more adjoining lots.
- (b) *Display Surface Area.* Monument sign only, with a display surface area not to exceed 16 square feet.
- (c) *Setback from Right-of-Way.* The bulletin board shall be setback a minimum of 10 feet from the street right-of-way.
- (d) *Setback from Adjoining Properties.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
- (e) *Height.* The height of the bulletin board shall not be greater than 6 feet above the level of the street upon which the sign faces.
- (f) *Illumination.* Electronic message boards shall be prohibited.

174.12 Wall Signs

Wall signs shall not project more than 18 inches from the surface upon which they are mounted. The upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground. The allowable display surface area of a wall sign is determined by the wall on which it is located.

- (A) *NC, RSF and RT Districts.* Where a conditional use permit has been approved for a nonresidential use within these zoning districts, the following limitations shall apply:
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one wall sign on any one (1) wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 8 square feet.
 - (3) *Illumination.* The color of the sign shall be compatible with the colors of the structure, and only indirect external lighting is permitted.
 - (4) *Exceptions:*
 - (a) *Home Occupations.* Signage for a home occupation in an RSF districts shall be prohibited except where it is required by the applicable licensing board, subject to proof of said requirement.
- (B) *RMF Districts.*
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one (1) street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 16 square feet.
- (C) *R-A, R-O, and NS Districts.*
- (1) *Number of signs.* Limit of two (2) on-site wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* The display surface area of a sign shall not exceed 16 square feet where the wall adjoins a residential land use, or 50 square feet where the wall adjoins a nonresidential land use, or street right-of-way.
- (D) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
- (1) *Number of Signs.*
 - (a) *Single Tenant.* Where a building houses only one (1) business, a maximum of four (4) wall signs may be placed on one wall, but no more than four (4) wall signs may be placed on the building.
 - (b) *Multiple Tenants.* Where a building houses more than one business, each business shall be entitled to a maximum of one (1) wall sign per business on each wall of the building, with a maximum of four (4) total wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.*
 - (a) *Single Tenant.* The display surface area shall not exceed 20% of the first 1,000 square feet of wall area and 5% of any additional wall area.

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- (b) *Multiple Tenants.* Where a building houses more than one (1) business, the display surface area of each tenant's allowable wall sign(s) shall not exceed 150 square feet. Furthermore, the display surface area for all wall signs on any one wall may not exceed 20% of that total wall area.
- (E) *Off-Site Wall Signs.* Off-site wall signs shall be prohibited in all zoning districts.

160.01 Establishment Of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

R-A	Residential - Agricultural
RSF-.5	Residential Single-family - One-Half (½) Unit per Acre
RSF-1	Residential Single-family - One (1) Unit per Acre
RSF-2	Residential Single-family - Two (2) Units per Acre
RSF-4	Residential Single-family - Four (4) Units per Acre
RSF-7	Residential Single-family - Seven (7) Units per Acre
RSF-8	Residential Single-family - Eight (8) Units per Acre
RSF-18	Residential Single-family - Eighteen (18) Units per Acre
RI	Residential Intermediate, Twelve (12) Units Per Acre
RI-U	Residential Intermediate - Urban
RMF-6	Residential Multi-family - Six (6) Units per Acre
RMF-12	Residential Multi-family - Twelve (12) Units per Acre
RMF-18	Residential Multi-family - Eighteen (18) Units per Acre
RMF-24	Residential Multi-family - Twenty-Four (24) Units per Acre
RMF-40	Residential Multi-family - Forty (40) Units per Acre
R-O	Residential-Office
NS-L	Neighborhood Services - Limited
NS-G	Neighborhood Services - General
C-1	Neighborhood Commercial
CS	Community Services
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
UC	Urban Corridor
UT	Urban Thoroughfare
DC	Downtown Core
MSC	Main Street Center
DG	Downtown General
NC	Neighborhood Conservation
I-1	Heavy Commercial and Light Industrial
I-2	General Industrial
P-1	Institutional
E-1	Extraction
DOD	Design Overlay District
PZD	Planned Zoning District

163.11 Sexually Oriented Business

- (A) *Classification.* Sexually oriented businesses are classified as follows:
- (1) Adult arcade;
 - (2) Adult bookstores and adult video stores;
 - (3) Adult cabarets;
 - (4) Adult motion picture theaters; and
 - (5) Adult theaters.
- (B) *Conditional Use.* Sexually oriented businesses shall not be allowed in any zoning district except UC and C-2 where they may be allowed as conditional uses subject to the following:
- (1) No sexually oriented business may be operated within 500 feet of:
 - (a) A church;
 - (b) A public or private elementary, secondary, or post-secondary school, pre-school or child care facility;
 - (c) A public park.
 - (2) No sexually oriented business may be operated:
 - (a) Within 200 feet of a boundary of a residential zone or any residential use;
 - (b) Within 400 feet of a residential zone or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line or the residential zone or use;
 - (3) No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.
 - (4) For the purpose of this subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

164.25 Tandem Lot Development

- (A) *Where Allowed.* Tandem lot development shall be permitted for a single-family dwelling and customary accessory structure and/or dwelling unit only and shall be permitted in all districts where single-family dwellings are permitted. The development of one (1) tandem lot behind another tandem lot shall be prohibited.
- (B) *Requirements.* Development of a tandem lot shall be subject to the following requirements:
- (1) The tandem lot shall have access to a public street by way of a private drive with a minimum width and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said private drive so that emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of 18 feet from said right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.
 - (2) The distance between the private drive of a tandem lot and any adjacent driveway shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards.
 - (3) Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20(B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than twelve (12) hours before or after regular trash pickup in accordance with Chapter 50.20(B).
 - (4) *Lot Width and Area.* The tandem lot, excluding the private drive, shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Board of Adjustment.
 - (5) *Setback.* Each tandem lot shall have a minimum building setback requirement as follows:
 - (a) Tandem lots shall have a minimum building setback requirement of 35 feet from all property lines in the R-A, RSF-5, and RSF-1 zoning districts.
 - (b) Tandem lots shall have a minimum building setback requirement of 30 feet from all property lines in the RSF-2 zoning district.
 - (c) Tandem lots shall have a minimum building setback requirement of 15 feet from all property lines in the RSF-4 and RSF-7 zoning districts.
 - (d) Tandem lots shall have a minimum building setback requirement of 10 feet from all property lines in the R-O zoning district.
 - (e) Tandem lots shall have a minimum building setback requirement of 5 feet from all property lines in the RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NS-L, NS-G, CS, UC, UT, DC, MSC, DG, and NC zoning districts.
 - (f) Any variance to the minimum building setback requirement may only be granted by the Board of Adjustment.
- (C) *Variances.* Variances to the requirements in (B)(1)—(B)(3) of this section shall be administered as development regulations to be considered by the Planning Commission. All other variances to zoning
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regulations, including those in (8)(4) and (B)(5), shall be administered as zoning regulations for variance purposes.

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 6,000 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 6,000 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.
 - (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
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- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%
RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%

RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UC, Urban Corridor	20%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

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- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch 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 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.
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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
 - (j) Any other factors that may impact the design of the site.
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- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
 - (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 6,001 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
 - (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
 - (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
 - (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
 - (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (I) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
 - (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
 - (a) The number of trees requested for removal;
 - (b) The percentage below the percent minimum canopy requirement they represent; and
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- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
- (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
- (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
- (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
- (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.
- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the
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applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.

- (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
 - (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

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- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
 - (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
 - (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
 - (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (b) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (c) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
 - (ii) Shall not revert to the general fund for ongoing operations.
 - (d) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
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- (e) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (f) Refunds shall be paid to the applicant who made the original contribution.
 - (g) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (h) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (i) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large scale site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
 - (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
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- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

174.03 Exemptions

Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. The exemptions shall apply to the requirement for a sign permit. No sign permit shall be required for the erection of the following signs which are hereby authorized to be erected in compliance with the listed conditions:

- (A) *Professional Name Plates.* Professional name plates erected flat on walls of building and not exceeding four (4) square feet of display surface area.
- (B) *Building Construction Signs.* One (1) on-site building construction sign on each construction site in any zoning district, provided that maximum display surface area shall be 8 square feet or less in R zoning districts: 32 square feet or less in other zoning districts.
- (C) *Real Estate Signs.* On a lot in any district, there may be erected one (1) on-site unanimated real estate sign while the lot is for sale. Provided further, such signs shall be limited to wall signs, freestanding signs or platform signs; and freestanding signs or platform signs shall be set back a minimum of 10 feet from the street. Real estate signs shall be removed within seventy-two (72) hours following the closing (sale) of the property on which it is located. The permitted illumination and maximum display surface area for a real estate sign shall be as follows:

District	Permitted Illumination	Area (Square Footage)
RA	Non-illuminated	32"
P-1, C, I, UC, UT, DC, MSC, CPZD	Illuminated	32"
All other districts	Non-illuminated	8"

- (D) *Home Occupation Signs.* Home occupation signs erected flat against the wall and not exceeding 3 square feet.
- (E) *Memorial Signs, Name Signs.* Memorial signs or tables, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (F) *Traffic Signs, Etc.* Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or nonadvertising signs as may be approved by the City Council.
- (G) *Posting Bills, Repainting Signs.* Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purposes.
- (H) *Non-Commercial Signs.* Non-commercial signs are permitted to be placed on private property by the land owner or lawful tenant in any zoned district subject to the following conditions:
 - (1) *Districts Where Most Signs Are Not Permitted.* In districts where most signs are not permitted (primarily residential districts), one (1) non-commercial sign may be erected subject to the limitations stated in §174.03 (C) for real estate signs.
 - (2) *Districts Where Signs Are Permitted.* In districts where signs are otherwise permitted, non-commercial signs may be placed over or substituted for the permitted commercial sign.
 - (3) *All Districts.* In addition to the non-commercial sign allowed above, sixty (60) days prior to any general, primary, runoff or special election, a property owner may display additional non-illuminated, temporary non-commercial signs of the same size allowed for real estate signs allowed in §174.03 (C). All such signs (not authorized for further display by an upcoming election such as a run-off) must be

removed by the property owner within three (3) days of the election which authorized the signs' installation.

- (I) *Time and Temperature Displays.* Time and temperature displays without advertising matter, may change their illuminated time and temperature displays as often as reasonably necessary to provide accurate and convenient information to observers without being considered to be in violation of §174.08 B. Fluctuating Illumination.
- (J) *Banners.* Public event, special sales event and non-commercial banners (not to exceed 3 feet by 30 feet) and large non-commercial signs (not to exceed 32 square feet) may be temporarily installed under the following terms and conditions:
 - (1) *Non-Commercial Banners and Large Signs.*
 - (a) *Residential Zones Including Neighborhood Conservation, Residential Office, Residential Agriculture and RPZD.* In addition to the non-commercial sign allowed in subsection (H), the owner of a residentially zoned parcel may install one (1) large temporary non-commercial sign of up to 32 square feet no more than sixty (60) days prior to (and to be removed within three (3) days following) an election.
 - (b) *All Other Zones.* The owner of a parcel may install one (1) large temporary non-commercial sign of up to 32 square feet no more than sixty (60) days prior to (and to be removed within three (3) days following) an election. If the parcel has more than 100 feet of frontage on a street, the owner may install one (1) large temporary non-commercial sign per hundred feet of frontage. No more than once a year, an owner may substitute and install a non-commercial banner for an allowed special sales event banner no more than two (2) weeks prior to (and to be removed within three (3) days following) the election.
 - (2) *Special Sales Event Banner.* In Commercial, Downtown Core, Downtown General, Main Street Central, and C-PZD zones, a commercial retail business may advertise a special sales event by installing a special sales event banner on its property at least 40 feet from the street right of way and no higher than 30 feet above street level for a total display time of no more than ten (10) days, no more than one (1) time a year.
 - (3) *Public Event Banners.* Nonprofit organizations and government entities may install public event banners under the following conditions:
 - (a) In order to notify or invite the public to attend a public festival or event sponsored by the nonprofit organization or government entity, this organization may install a public event banner (that may not contain advertising or commercial logos) on its property at least 20 feet from the street right of way or on the building's facade and no more than 30 feet above the street for a total display time of no more than fourteen (14) days six (6) times a year.
 - (b) In order to notify or invite the public to attend a public festival or event within the Downtown Master Plan area or the University of Arkansas campus sponsored by the nonprofit organization or government entity, that organization may pay the costs of the CITY to install one (1), two (2), or three (3) cross street public event banners (with no advertising or commercial logos) at one or more city authorized sites {intersections of Dickson and Block, and Dickson and Arkansas, and on Block between Dickson and Meadow} for no more than fourteen (14) days once a year. When more than one nonprofit organization or government entity would qualify and timely requests to pay for the installation of cross street banners during the same period, the number of cross street banners for each organization may be reduced to one (1) and/or the length of display may be shortened to one (1) week so that each qualified applicant is treated equally.
- (K) *Signs Located in Buildings.* Any sign located within a building that is not visible to the public outside said building is exempt from all regulations in this chapter.

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- (L) *Signs on Windows.* Signs painted, affixed to or clearly visible through windows and doors are exempt from the permit requirement. However, such signs are considered wall signs and must conform to all requirements and limitations for wall signs pursuant to §174.12, Wall signs.
- (M) *Directional Identification and Informational Signs.* Directional, identification, and informational signs; provided such signs shall be limited to wall and freestanding signs with a maximum of 4 square feet of display surface area. Notwithstanding the restrictions on the location and number of freestanding signs prescribed by §174.10, one (1) freestanding sign not exceeding 4 square feet in display surface area shall be permitted at each entrance or exit on a lot or parcel to identify such entrance or exit and to encourage the use of motor vehicle seatbelts, subject to the following restrictions.
- (1) *Traffic Hazard.* No such sign shall be erected which would create a traffic hazard.
 - (2) *Seat Belt Sign.* Any words or symbols encouraging the use of seatbelts shall face the interior of the lot or parcel on which the sign is located and shall not face the street.
 - (3) *Advertising.* No advertising or commercial logos may be incorporated into the sign.
- (N) *Collection Boxes.* Collection boxes for charitable or nonprofit organizations containing no commercial advertising and located on private property in any commercial or industrial zoning districts.
- (O) *Subdivision Signs.* In any district, one temporary subdivision identification sign indirectly illuminated, not to exceed 50 square feet in area per surface may be erected at any principal entrance to a subdivision, provided that in no event shall such sign remain for more than six (6) months within 50 feet of a dwelling in a R district occupied as a dwelling.
- (P) *Freestanding Bulletin Board.* A church or other religious institution and a school serving primary and/or secondary education Fayetteville students may install one (1) freestanding bulletin board (not an electronic message board) on its campus to communicate non-commercial information and events at such church or school. The bulletin board may be 10 square feet and must be set back a minimum of 15 feet from the street right-of-way. The school or church may enlarge the bulletin board up to maximum of 24 square feet by moving it back from street right-of-way 1 additional foot for each 2 square feet of display surface area in excess of the normal 10 square feet allowed. This bulletin board sign shall be in addition to any other signs authorized in this chapter.
- (Q) *Fuel Price Informational Signs.* In any district, signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted, subject to the following conditions:
- (1) *Price.* Only one (1) fuel price informational sign shall be permitted per fuel pump.
 - (2) *Size.* Fuel price informational signs shall be limited in size to an area of 216 square inches.
 - (3) *Stationary.* Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
 - (4) *Other Locations.* Nothing herein shall be construed as to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this chapter.
 - (5) *Sign Faces.* Only one (1) two (2) faced, or two (2) one (1) faced, self-service/full service signs not exceeding four (4) square feet in display surface area shall be permitted at each pump island.
- (R) *Fences and Scoreboards in City Parks.* Signs may be permitted on baseball/softball fences and scoreboards in city parks as provided for in §97.088(B).
- (S) *Pedicabs.* Pedicabs not operating on city trails may be allowed one advertising sign placed upon the rear of the pedicab and extending no higher than the stock body of the pedicab. The sign shall not be illuminated and shall not exceed 6 square feet (2 feet $\times$ 3 feet). Prior to displaying this sign publicly, such sign as attached to the pedicab must be presented to the Zoning and Development Administrator for permitting and, if the sign is in full compliance with this subsection, approval.
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174.10 On-Site Freestanding Signs

On-Site Freestanding signs shall be permitted to be erected in the city subject to the following:

Only one (1) freestanding sign shall be permitted on a lot, except where otherwise described herein. It shall be unlawful to erect any off-site freestanding sign or any freestanding sign that does not meet the sign type, size, display surface area, setback, height, or illumination as described herein.

- (A) *Pole Signs.* The following regulations pertain to signs identified as "pole signs". It shall be unlawful to erect any pole sign which total height is greater than 17.5 feet, unless further limited herein, above the level of the street upon which the sign faces; provided the pole supported sign may be increased in height ½ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet. On-site pole signs shall be permitted to be erected in the city subject to the following:
- (1) *R-A District.*
 - (a) *Number of Signs.* Only one (1) pole sign shall be permitted at an agricultural or permitted business located on one (1) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 16 square feet.
 - (c) *Illumination.* Sign may be illuminated by indirect illumination only.
 - (d) *Setback from Right-of-Way.* Sign shall be setback 35 feet from street right-of-way and 25 feet from any R or R-O District.
 - (2) *RSF and RT Districts.* Except pursuant to §174.03, pole signs shall be prohibited and no pole signs shall be erected in RSF and RT Districts of the City.
 - (3) *RMF, R-O, NC, and NS Districts.*
 - (a) *Number of Signs.* Only one (1) on-site freestanding sign shall be permitted on a lot or at a business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area.* The maximum display surface area shall not exceed 4 square feet;
 - (c) *Setback from Right-of-Way.* The sign shall be setback a minimum of 15 feet from street right-of-way.
 - (d) *Setback from Adjoining Property.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF District and 15 feet from all other zoning districts.
 - (e) *Height.* The height of the sign shall not be greater than six (6) feet above the level of the street upon which the sign faces.
 - (f) *Illumination.* The sign shall be illuminated by indirect illumination only.
 - (4) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
 - (a) *Number of signs.* Only one (1) pole sign shall be permitted on a lot, at a shopping center, or at a mall; provided only one (1) on-site pole sign shall be permitted for any business operating on two (2) or more adjoining lots.
 - (b) *Display Surface Area and Setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.

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- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.
- (B) *Monument Sign.* The following regulations pertain to signs identified as "monument signs", which are freestanding signs whose entire base is in contact with and supported by the ground.
- (1) *Number of Signs.* Where a monument sign is permitted, only one (1) sign shall be erected on a lot or at a business operating on two (2) or more adjoining lots.
- (2) *Display Surface Area.*
- (a) *RSF and RT Districts.* Prohibited on individual lots.
- (b) *NC District.* Where a conditional use permit has been approved for a nonresidential use within the Neighborhood Conservation zoning district the display surface area of the monument sign shall not exceed 10 square feet.
- (c) *NS and RMF Districts.* The display surface area shall not exceed 16 square feet.
- (d) *R-A District.* The display surface area shall not exceed 32 square feet.
- (e) *R-O Districts.* The display surface area shall not exceed 50 square feet.
- (f) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.* The display surface area shall not exceed 75 square feet.
- (3) *Setback from right-of-way.* The sign shall be setback a minimum of 10 feet from the right-of-way.
- (4) *Setback from Adjoining Property Lines.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
- (5) *Height.* The maximum height of a sign shall be 6 feet from the surrounding grade.
- (C) *Joint Identification Sign.* The following regulations pertain to signs identified as joint identification signs:
- Joint identification signs must provide area for the display of a minimum of two (2) person(s) or business(s) and may be located at no more than two (2) remote entrance locations, as approved by the Planning Division. The permit applicant shall provide a recorded legal document as approved by the Planning Division indicating ownership and responsibility for maintenance of sign and subject to the following:
- (1) *R-A, RSF, RT, RMF, P, NC, and NS Districts.* Prohibited.
- (2) *R-O District.* Monument joint identification sign permitted only.
- (a) *Display Surface Area.* Display surface area shall not exceed 50 square feet.
- (b) *Setback from Right-of-Way.* Signs shall be setback a minimum of 10 feet from the right-of-way.
- (c) *Setback from Adjoining Property.* Setback shall be a minimum of 10 feet from adjoining non-residential property and 25 feet from adjoining residential property.
- (d) *Height.* The maximum height of a sign shall be six (6) feet from the surrounding grade.
- (3) *C, I, DG, MSC, DC, CS, UC, and UT Districts.*
- (a) *Monument.* The following regulations apply to a monument joint identification sign, whose entire base is in contact with and supported by the ground:
- (i) *Multi-tenant Building Containing 37,500 Square Feet or Less of Leasable Tenant Space:*
- a. *Display Surface Area and Setback from Right-of-Way.* Display surface area shall not exceed 75 square feet and the sign shall be setback 10 feet or more from the right-of-way.
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- b *Height.* The maximum height of a sign shall be six (6) feet above the level of the surrounding grade.
- (ii) *Multi-Tenant Building Containing More Than 37,500 Square Feet:*
- a. *Display Surface Area.* Display surface area shall not exceed 75 square feet; provided the display surface area of a joint identification signs may be increased one additional square foot per 500 square feet of gross leaseable building area over 37,500 square feet, as approved by the Planning Division. Total display surface area shall not exceed 300 square feet.
- b. *Height and Setback from Right-of-Way.* The maximum height of the sign shall be 6 feet above the level of the surrounding grade when setback 10 feet or more from the right-of-way; provided, the maximum height of the sign may increase to 10 feet above the surrounding grade when setback 20 feet or more from the right-of-way.
- c. *Setback from Adjoining Property.* Signs shall be setback a minimum of 25 feet from the boundary of any adjoining property.
- (b) *Pole.* The following regulations apply to pole-mounted joint identification signs:
- (i) *Display Surface Area and setback from Right-of-Way.* The display surface area shall not exceed 10 square feet and shall be setback 15 feet or more from the right-of-way; provided, the display surface area may be increased 2 square feet for each 1 foot of additional setback from the right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which is setback from the street right-of-way 40 feet or more shall be 75 square feet.
- a. *Exception.* Display surface area shall not exceed 75 square feet, provided the display surface area of joint identification signs may be increased one additional square foot per 500 square feet of gross leaseable building area over 37,500 square feet, as approved by the Planning Division. Total display surface area shall not exceed 300 square feet.
- (ii) *Setback from Adjoining Property.* Signs shall be setback a minimum of 25 feet from the boundary of any adjoining property.
- (iii) *Height.* The height of a sign shall be a maximum of 17.5 feet, provided the pole-mounted sign may be increased in height $\frac{1}{2}$ foot for every foot of additional setback beyond the required 15 feet from the right-of-way with a maximum height of 30 feet.
- (D) *Area signs.* The location of the fence, wall, or other structure which will contain the area identification sign must be approved by the Planning Division, which will approve such structure upon the criterion of traffic safety sight lines. Area signs shall not be located within the Master Street Plan right-of-way.
- (1) *R-A, RSF, RT, RMF, NC, NS, and R-O Districts.*
- (a) *Number of Signs.* Areas with one (1) entrance may not have more than one (1) sign. Areas with more than one (1) entrance may not have a sign at more than two (2) locations.
- (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 32 square feet.
- (2) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
- (a) *Number of Signs.* Areas with one (1) entrance may not have more than one (1) sign. Areas with more than one (1) entrance may not have a sign at more than two (2) locations.
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- (b) *Display Surface Area.* An area sign with display on one (1) side located on each side of an entrance street may be substituted for a single sign with display on both sides. The display surface area shall not exceed 75 square feet.
- (E) *Bulletin Boards.* The following regulations pertain to signs identified as "bulletin boards", which are erected for the purposes of announcing events which are held on the premises:
- (1) *RSF, RT, and NC Districts.* Where a conditional use permit has been approved for a charitable, educational, or religious institution or a public body within these districts, the following limitations shall apply:
- (a) *Number of Signs.* Only one (1) on-site bulletin board shall be permitted on a lot or for a use operating on two (2) or more adjoining lots.
- (b) *Display Surface Area.* Monument sign only, with a display surface area not to exceed 16 square feet.
- (c) *Setback from Right-of-Way.* The bulletin board shall be setback a minimum of 10 feet from the street right-of-way.
- (d) *Setback from Adjoining Properties.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF district and 15 feet from all other zoning districts.
- (e) *Height.* The height of the bulletin board shall not be greater than 6 feet above the level of the street upon which the sign faces.
- (f) *Illumination.* Electronic message boards shall be prohibited.

174.12 Wall Signs

Wall signs shall not project more than 18 inches from the surface upon which they are mounted. The upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground. The allowable display surface area of a wall sign is determined by the wall on which it is located.

- (A) *NC, RSF and RT Districts.* Where a conditional use permit has been approved for a nonresidential use within these zoning districts, the following limitations shall apply:
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one wall sign on any one (1) wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 8 square feet.
 - (3) *Illumination.* The color of the sign shall be compatible with the colors of the structure, and only indirect external lighting is permitted.
 - (4) *Exceptions:*
 - (a) *Home Occupations.* Signage for a home occupation in an RSF districts shall be prohibited except where it is required by the applicable licensing board, subject to proof of said requirement.
- (B) *RMF Districts.*
- (1) *Number of Signs.* Limit of one (1) on-site wall sign per business per building; provided, when a building abuts more than one (1) street, the limit shall be one (1) on-site wall sign per business per building for each wall which faces an abutting street. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* Display surfaces of each sign shall not exceed 16 square feet.
- (C) *R-A, R-O, and NS Districts.*
- (1) *Number of signs.* Limit of two (2) on-site wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.* The display surface area of a sign shall not exceed 16 square feet where the wall adjoins a residential land use, or 50 square feet where the wall adjoins a nonresidential land use, or street right-of-way.
- (D) *C, I, DG, MSC, DC, CS, P-1, UC, and UT Districts.*
- (1) *Number of Signs.*
 - (a) *Single Tenant.* Where a building houses only one (1) business, a maximum of four (4) wall signs may be placed on one wall, but no more than four (4) wall signs may be placed on the building.
 - (b) *Multiple Tenants.* Where a building houses more than one business, each business shall be entitled to a maximum of one (1) wall sign per business on each wall of the building, with a maximum of four (4) total wall signs per business per building. In no case shall a business have more than one (1) wall sign on any wall.
 - (2) *Display Surface Area.*
 - (a) *Single Tenant.* The display surface area shall not exceed 20% of the first 1,000 square feet of wall area and 5% of any additional wall area.
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- (b) *Multiple Tenants.* Where a building houses more than one (1) business, the display surface area of each tenant's allowable wall sign(s) shall not exceed 150 square feet. Furthermore, the display surface area for all wall signs on any one wall may not exceed 20% of that total wall area.
- (E) *Off-Site Wall Signs.* Off-site wall signs shall be prohibited in all zoning districts.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

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

MEETING DATE: August 26, 2024

SUBJECT: **VAR-2024-0034: Planning Commission Variance (2837 N. DEANE SOLOMON RD./UNDERWOOD PARK, 246):** Submitted by ECOLOGICAL DESIGN GROUP for property located at 2837 N. DEANE SOLOMON RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 34.59 acres. The request is for a variance from the master street plan and sidewalk requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0034** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0034**, determining:*

- In favor of a variance to UDC §172.04(E),*
- In favor of a variance to UDC §166.04(B)(4)(f)(i),*
- In favor of a variance to UDC §166.04(A)(6), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is approximately 300 feet south of the intersection of N. Deane Solomon Rd. and W. Van Ike Dr. in north Fayetteville directly west of the Wilson Springs Preserve. Directly north is a mitigated wetland owned by the NWA Land Trust, as well as over 50-acres of land owned by the Fayetteville School District.

The site, a new Fayetteville park known as Underwood Park, is largely undeveloped and currently includes a portion of the Clabber Creek Trail, unimproved walking trails, as well as Clabber Creek, multiple ponds, streamside protection zones and floodplain. The current park entrance is located on the northeast side of the park with no access to the park from the south. The Underwood Park Master Plan was adopted by the Parks Board on Jan. 3, 2024, with construction to be paid for through funding from the 2019 parks bond. Development plans for park improvements are currently under review by staff as a large-scale development (LSD-2024-0020) and include improvements around the entry drive and parking areas north of the creek, as well as playgrounds, pickleball courts, a basketball court, related walking paths, restroom, pavilion, landscaping, utilities and other infrastructure. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Single-Family Dwellings	RSF-4, Residential Single-Family, Four Units per Acre
South	Undeveloped	CPZD, Commercial Planned Zoning District
East	Wilson Springs Preserve	CPZD, Commercial Planned Zoning District
West	Single-Family Dwellings Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre CPZD, Commercial Planned Zoning District

Request: The applicant is requesting three variances from the Unified Development Code in association with a large-scale development plan that is currently in review (LSD-2024-0020). Each variance is described further below alongside staff's recommendations.

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

DISCUSSION:

Variance #1: §172.04(E), Parking Lot Dimensional Standards. Standard Parking spots shall have a width of 9 feet and a length of 19 feet. The applicant is requesting to vary from this standard to allow for parking spaces with a depth of 20.5 feet.

Staff recommendation: Staff is supportive of this variance request. The applicant indicates the intent for the longer spaces is to accommodate the safe parking of vehicles with attached bike racks without impeding the drive aisles. Staff finds this to be suitable given the development proposal and the active recreational use of the parkland and associated trails. The additional length is minor, and the additional impervious surface is unlikely to be substantial enough to result in a negative drainage impact. Further, minimizing conflicts between parked vehicles and those navigating the site serves a public benefit by improving public safety.

Variance #2: §166.04(B)(4)(f)(i), Minimum Improvements by Application Type. Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council. The applicant is requesting to vary from this standard to install sidewalk 33.5 feet from the edge of the curb rather than the typical ten feet, and to only install sidewalk along a portion of the property.

Staff recommendation: Staff is supportive of this variance request. The applicant states that the intent in pushing the sidewalk further from the street is to preserve several large existing trees and to minimize impact to the existing drainage systems. Both FEMA floodplain/floodway and the city's streamside management zones extend across the property's street frontage. Given that the city is currently analyzing potential improvements to the Deane Solomon bridge crossing Clabber Creek, staff agrees with the applicant that minimizing impacts to the drainage until a cohesive improvement plan for all city projects in the area can be coordinated is warranted.

Variance #3: §166.04(A)(6), Delayed Improvements. The Planning Commission or Planning Division may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC. The applicant is requesting to vary from this standard for sidewalk connections along the property frontage and recommended off-site sidewalk connections.

Staff recommendation: Staff is supportive of this variance request. For the reasons outlined above in variance #2, staff agrees that installing the full portion of sidewalk along the property's frontage prior to a coordinated plan with proposed bridge improvements is warranted. Staff also recommended a sidewalk connection be extended to the existing

sidewalk system at the Deane Solomon and Van Ike intersection. As the property directly to the north is a restricted mitigated wetland per the Army Corps of Engineers, the applicant states that this sidewalk connection would likely not be permitted and have proposed a pedestrian crossing to the sidewalk on the east side of N. Deane Solomon Rd. Staff finds this connection meets the intent of facilitating a complete and connected pedestrian system, and that it further serves to provide a secondary access point to Wilson Springs Preserve directly east.

In review of the construction plans for Underwood Park City of Fayetteville Engineering Staff is recommending enhancements to the proposed crosswalk at Deane Solomon Rd. and Floral Ct. Deane Solomon Rd is classified as a Neighborhood Link Street and has a posted speed limit of 35 MPH and the proposed crosswalk is in a mid-block non-stop-controlled location. Vehicular speeds on the roadway combined with anticipated pedestrian activity associated with the addition of the park amenities represent a significant pedestrian safety risk. Based on guidance from FHWA and MUTCD an Rectangular Rapid Flash Beacon (RRFB) is appropriate to reduce risks for pedestrians and improve yielding compliance from drivers at the crosswalk; therefore Engineering Staff is recommending an RRFB at this location.

RECOMMENDATION: Staff recommends approval of VAR-2024-0034 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §172.04(E), Parking Lot Dimensional Standards.** *Staff recommends approval of this variance for the reasons stated above.*
2. **Planning Commission determination of a variance to §166.04(B)(4)(f)(i), Minimum Improvements by Application Type.** *Staff recommends approval of this request for the reasons stated above.*
3. **Planning Commission determination of a variance to §166.04(A)(6), Delayed Improvements.** *Staff recommends approval of this request for the reasons stated above with the following condition:*
 - a. A Rectangular Rapid Flash Beacon (RRFB) shall be installed at the proposed N. Deane Solomon Rd. pedestrian crossing.
4. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

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

Meeting Date: August 26, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.04 Required Infrastructure Improvements – Development in City Limits
 - §172.04 Parking Lot Design Standards
- Staff Exhibit: Underwood Park Master Plan
- Applicant Request Letter
- Applicant Exhibits
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.04 Required Infrastructure Improvements — Development In City Limits

(A) *Generally.* Required of developer.

- (1) *On and Off-Site Improvements.* On-site improvements are adjacent to or within a project site; such as widening the street along the project street frontage, constructing interior streets and utilities, etc. Off-site improvements are not adjacent to a project; such as the extension of an off-site sewer line to the property boundary, off-site storm drainage improvements, or an off-site intersection improvement, etc.
- (2) *Standards Applicable.* Any required on or off-site improvements in the city and within one (1) mile of the city limits shall be installed according to the city's standards; provided on or off-site improvements to roads located outside one mile of the city limits shall be installed to the county's standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the development.
- (3) *Required Infrastructure Improvements.* On and off-site improvements that are roughly proportional and bear a rational nexus to the impact of the development are required for all development within the City of Fayetteville. The developer shall be required to install on and off-site improvements where the need for such improvements is created in whole or in part by the proposed development.
- (4) *Planning Commission and Planning Division.* At the time the Planning Commission or Planning Division (where applicable for administrative approval) grants development approval, the Planning Commission or Planning Division shall determine whether the proposed development creates a need for off-site improvements and the portion of the cost of any needed off-site improvements which the developer shall be required to bear; provided, that portion of the cost of off-site improvements to roads located outside the city's corporate limits but within the city's planning area shall be determined by the county. In determining that portion of the cost of off-site improvements which the developer shall be required to bear, the Planning Commission or Planning Division (where applicable for administrative approval) shall consider the acreage within the proposed development as a percentage of all the acreage which, when fully developed, will benefit from the off-site improvements; provided, the Planning Commission or Planning Division may use a different method of measurement if it determines that use of the acreage standard will not result in the developer bearing that portion of the cost which bears a rational nexus to the needs created by the development.
- (5) *Determining Necessity for Off-Site Improvements.*
 - (a) When a proposed development has access to paved streets or roads only by way of substandard or unimproved roads or streets leading from the development to the paved streets or roads, the developer shall be responsible for contributing this proportionate share of the cost of improving the substandard access roads or streets to existing city or county standards. The developer's proportionate share of said costs shall be determined by the Planning Commission or Planning Division (where applicable for administrative approval) in accordance with the provisions of 166.04(A) above.
 - (b) When a proposed development has direct access to, or fronts on an existing road or street, which is below current standards, the developer shall be responsible for contributing his/her proportionate share of the cost of improving said street or road to existing city or county standards. The Planning Commission or Planning Division (where applicable for administrative approval) shall determine the developer's proportionate share of said costs in accordance with the provisions of 166.04(A) above.
 - (c) Off-site drainage improvements shall be required whenever a proposed development causes the need for such improvements.
- (6) *Delayed Improvements.* The Planning Commission or Planning Division may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC.
- (7) *Variances.* A variance of off-site improvements may be granted in accordance with Chapter 156 Variances.

(8) *State Highways.* The developer shall be required to dedicate sufficient right-of-way to bring those state highways which the Master Street Plan shows to abut or intersect the proposed subdivision into conformance with the right-of-way requirements of the Master Street Plan. The developer shall be required to install a sidewalk adjacent to that portion of a state highway abutting the proposed development; and provided that the Planning Commission or Engineering Division (where applicable for administrative approval) may waive the sidewalk requirement prescribed by this subsection upon application by the developer and a determination by the Planning Commission or Engineering Division (where applicable for administrative approval) that the topography of the proposed development where it abuts a state highway is such that installation of a sidewalk is not practical. Any other improvements required of the developer by the Planning Commission or Engineering Division (where applicable for administrative approval) shall be coordinated with the Arkansas Highway and Transportation Department.

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

...

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

...

(f) *Sidewalks.*

(i) *On-Site.* Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council.

(ii) *Off-Site.* Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.

...

(k) *Trail Linkages/Corridor/Easements.* The developer may be required to construct a trail linkage or corridor or grant a multi-use trail easement for trails shown on the Master Transportation Plan that abut, intersect, or traverse the project site, if it is determined that the improvements bear a rational nexus and rough proportionality to the needs created by the development.

...

(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)

172.04 Parking Lot Design Standards

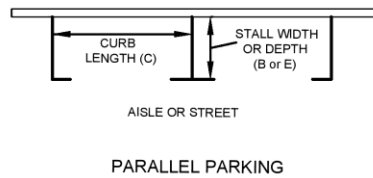
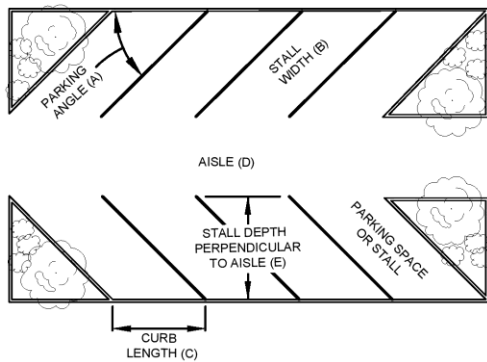
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(E) *Dimensional Requirements.* (See Table 1)

TABLE 1

DIMENSIONAL REQUIREMENTS

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



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



PHASE 1 DEVELOPMENT AREA

UNDERWOOD PARK VISION PLAN PROGRAM

- 1 Nature Trails
- 2 Playground
- 3 Walking / Jogging Paths
- 4 Open Multi-Use Green Space
- 5 Ecological Restoration Areas
- 6 Entrance + Parking
- 7 Pickleball Courts
- 8 Wetland Boardwalk
- 9 Creek Play Access
- 10 Splashpad
- 11 Pavilion + Rest Rooms (RR)
- 12 Dog Park
- 13 Fishing Piers
- 14 Disc Golf (Partial)
- 15 Entry Plaza + Picnic Area
- 16 Kayak + Paddle Board Access
- 17 City Planted + Cared for Gardens
- 18 Enlarged Pond
- 19 Bird Watching Wildlife Blind
- 20 Art Infused Bridge
- 21 Food Truck Court
- 22 Hammock Pole Area
- 23 Basketball Court
- 24 Performance Space + RR
- 25 Lake Deck
- 26 Buffer Area
- 27 Possible Lake Access
- 28 Historic Interpretation Area
- 29 Possible Access Points
- 30 Sitting / Social Area

July 23, 2024

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

EDG #: 22-045
PROJECT NAME: Underwood Park, Fayetteville, AR 72701
DEVELOPER: City of Fayetteville

Project Narrative

The Underwood Park project will be utilized as a public park for the City of Fayetteville. Site features include drive entry, parking, pavilion, water play activities, playground, pickleball and basketball courts, and innovative Low Impact Development elements integrating stormwater management and native plantings that provide multiple ecosystem services from habitat to stormwater quality improvements to aesthetics. The site is approximately 37 acres. Due to particular site conditions, variances are requested from the following UDC Code section; 172.04 and 166.04.

Variance Request

EDG is requesting the following variances:

- I. Variance to Unified Development Code Chapter 172, 172.04(E - Dimensional Requirements) for 2 banks of future phase parking, deviating from the standard 9'x19', 90 degree parking space to 9x20.5'.
 - a. Justification: This deviation from the standard would allow for the safe parking of vehicles with attached bike racks without impeding the proposed 26' drive lane width. Since this park and associated parking is located in proximity to the Razorback Greenway, it would be beneficial to prepare for the number of vehicles with bike racks parking in this area.
2. Variance to Unified Development Code Chapter 166.04(B)(4)(f)(i) "Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council."
 - a. Justification: This deviation from the standard would allow for the partial construction of the required sidewalk along property street frontage, where the sidewalk is most fitting for construction, out. If the sidewalk were to extend from property line to property line, in the City's standard location, a significant number of trees would need to be removed as well as significant intervention of existing drainage conditions. The city also has plans for upgrades to the Deane Solomon bridge crossing Clabber Creek. Without the fully vetted plans, it makes sense to keep the sidewalk away from the proposed construction so that pedestrian connectivity is not interrupted.

3. Variance to Unified Development Code Chapter 166.04(A)(6) "Delayed Improvements. The Planning Commission or Planning Division may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC."
 - a. Justification: This deviation from the standard would allow all interested parties to come together to determine the most appropriate sidewalk connection to the Van Ike intersection to the north. Placing the sidewalk through the NWALT parcel to the north is problematic due to its designation as restricted mitigated wetland as well as the property not being owned by the City of Fayetteville. The Underwood Park project is proposing a pedestrian connection across Deane Solomon near the park drive entry.

Code Sections:

Unified Development Code Chapter 172, 172.04(E - Dimensional Requirements)

DIMENSIONAL REQUIREMENTS

[EXPAND](#)

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

Unified Development Code Chapter 166.04(B)(4)(f)(i)

(f) *Sidewalks.*(i) *On-Site.* Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council.

Unified Development Code Chapter 166.04(A)(6) "Delayed Improvements"

(6) *Delayed Improvements.* The Planning Commission or Planning Division may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC.

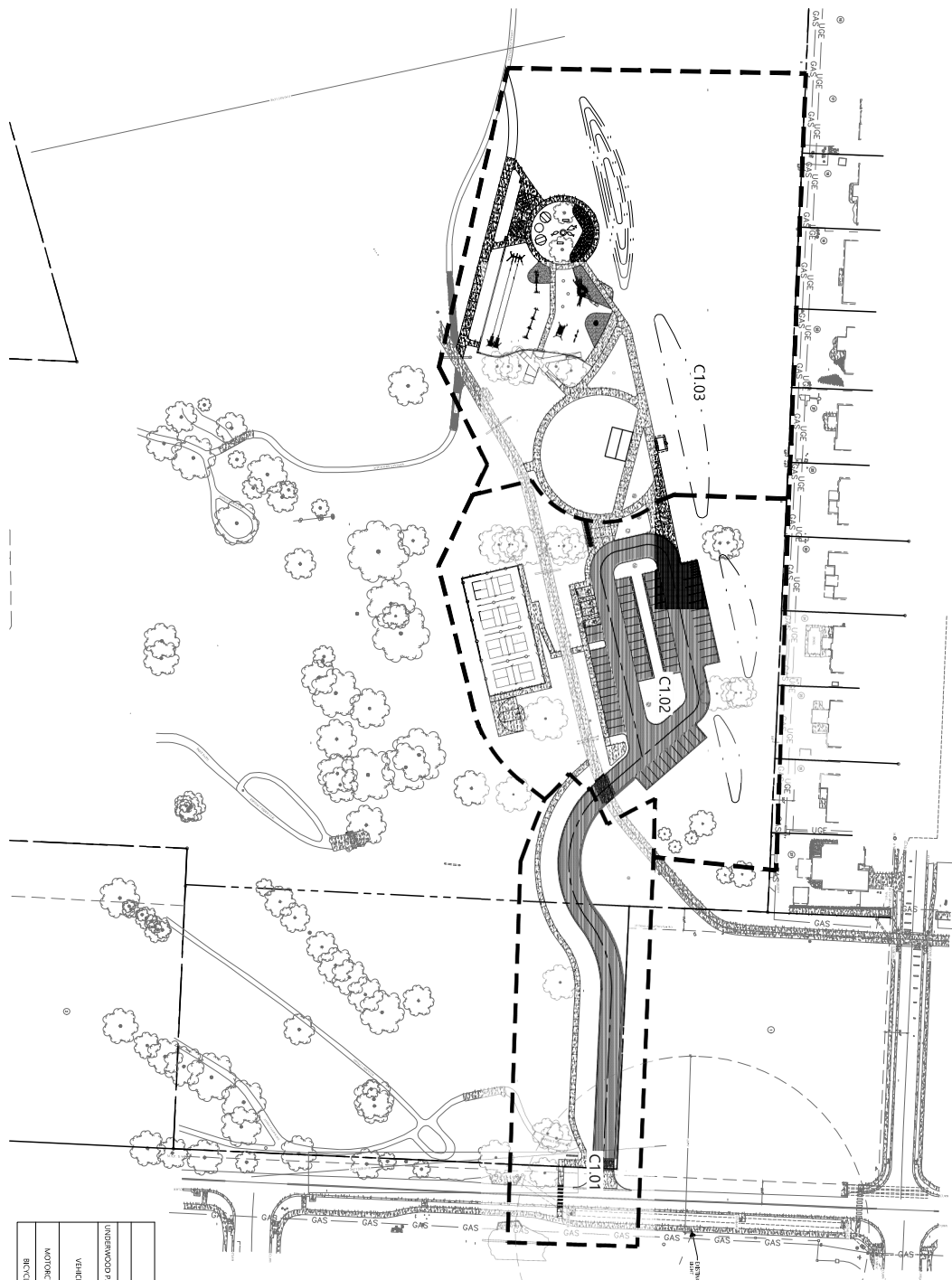
Sincerely,

Leslie Tabor, PLA

Ecological Design Group, Inc. | 870.715.9894 | ltabor@ecologicaldg.com

1 OVERALL SITE PLAN

SCALE 1" = 100'-0"



PARKING CALCULATIONS	
REQUIRED	PROVIDED
UNDERWOOD PARK 37.0 ACRES	
VEHICLE PARKING 2 PER AC	64 TOTAL
MOTORCYCLE PARKING 1 PER 25 PARKING SPACES	6
BICYCLE PARKING 1 PER 20 VEHICLES SPACES	9

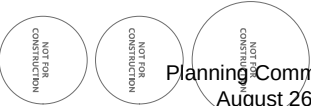
SETBACK STANDARDS	
FRONT YARD	REQUIRED
SIDE YARD NON-RESIDENTIAL	5'-0"
REAR YARD NON-RESIDENTIAL	5'-0"
REAR YARD RESIDENTIAL	10'-0"

SITE SUMMARY	
ZONING	COMMERCIAL PLANNED ZONING DISTRICT (CPZD)
EXISTING OPEN SPACE NETWORK	EXISTING OPEN SPACE NETWORK
STREAM SIDE PROTECTION ZONE/APPROPRIATE	STREAM SIDE PROTECTION ZONE/APPROPRIATE
CURRENT USE	PROPOSED USE
FOUNDED GOLF COURSE	PUBLIC PARK
AREA	37.0 AC

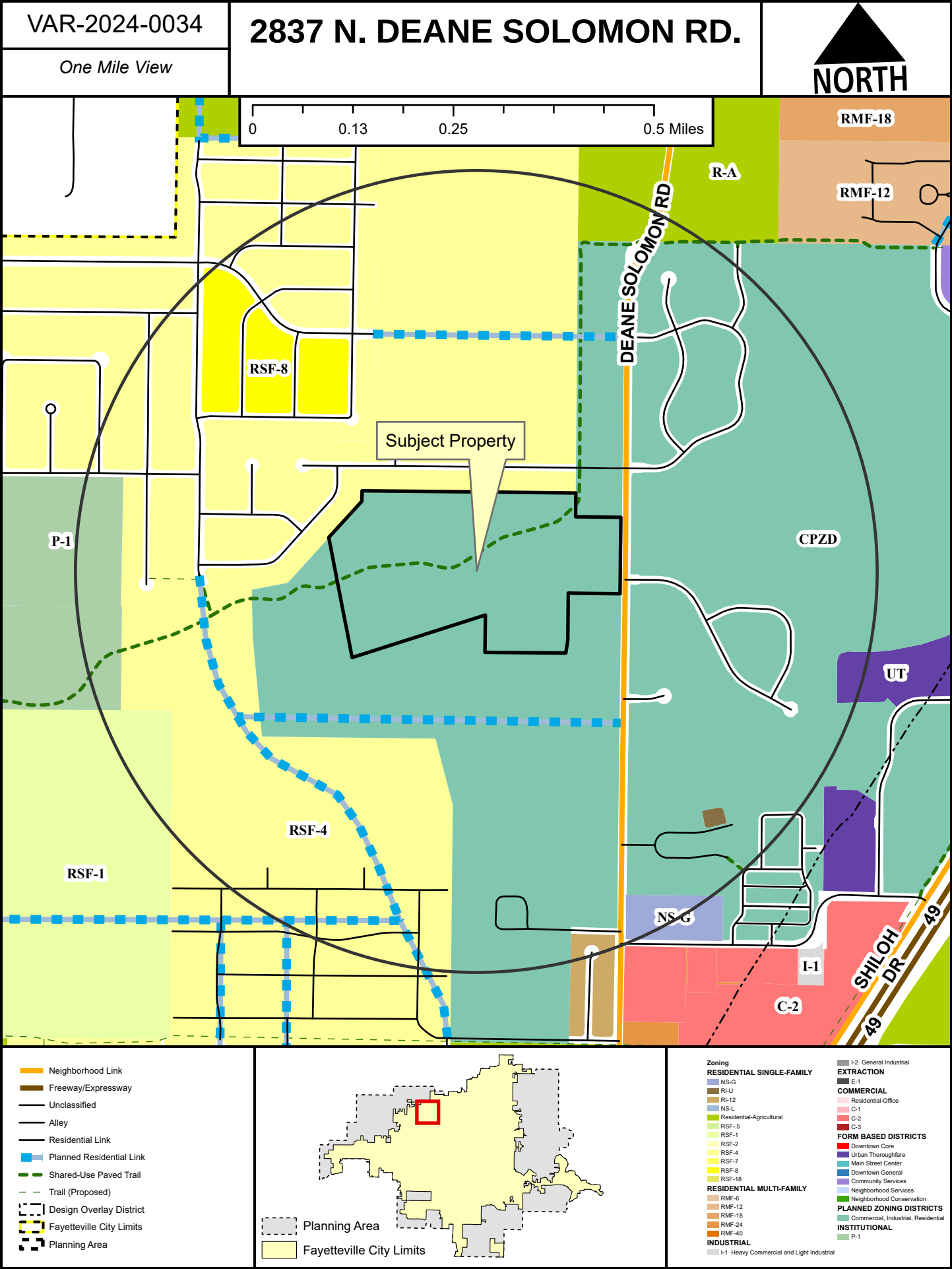
UNDERWOOD PARK Fayetteville, Arkansas

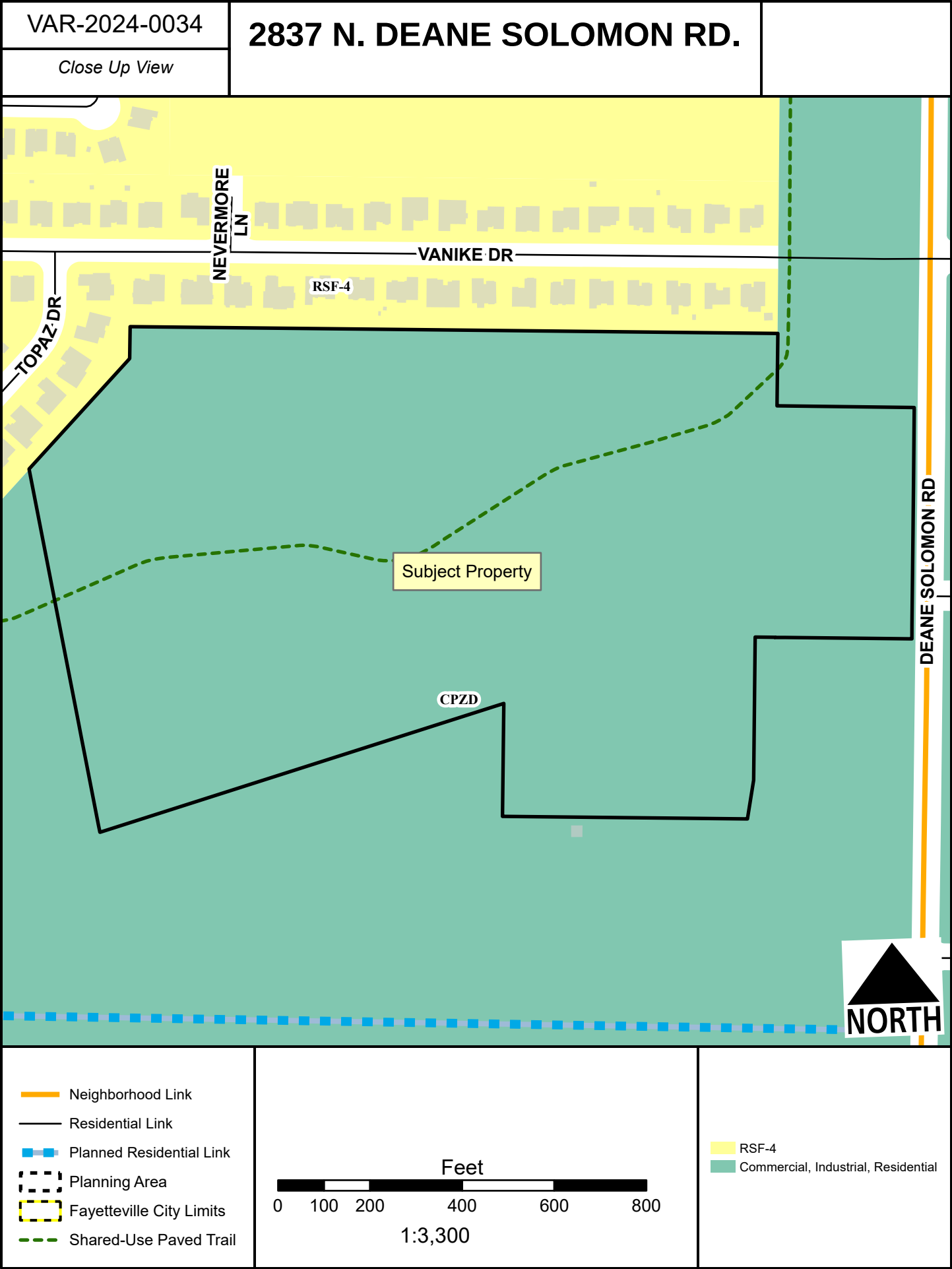
PROJECT NO.	20210814
DATE	20210814
DESIGNER	ECOLOGICAL DESIGN
CLIENT	PLANNING COMMISSION
PROJECT	CONSTRUCTION DRAWINGS

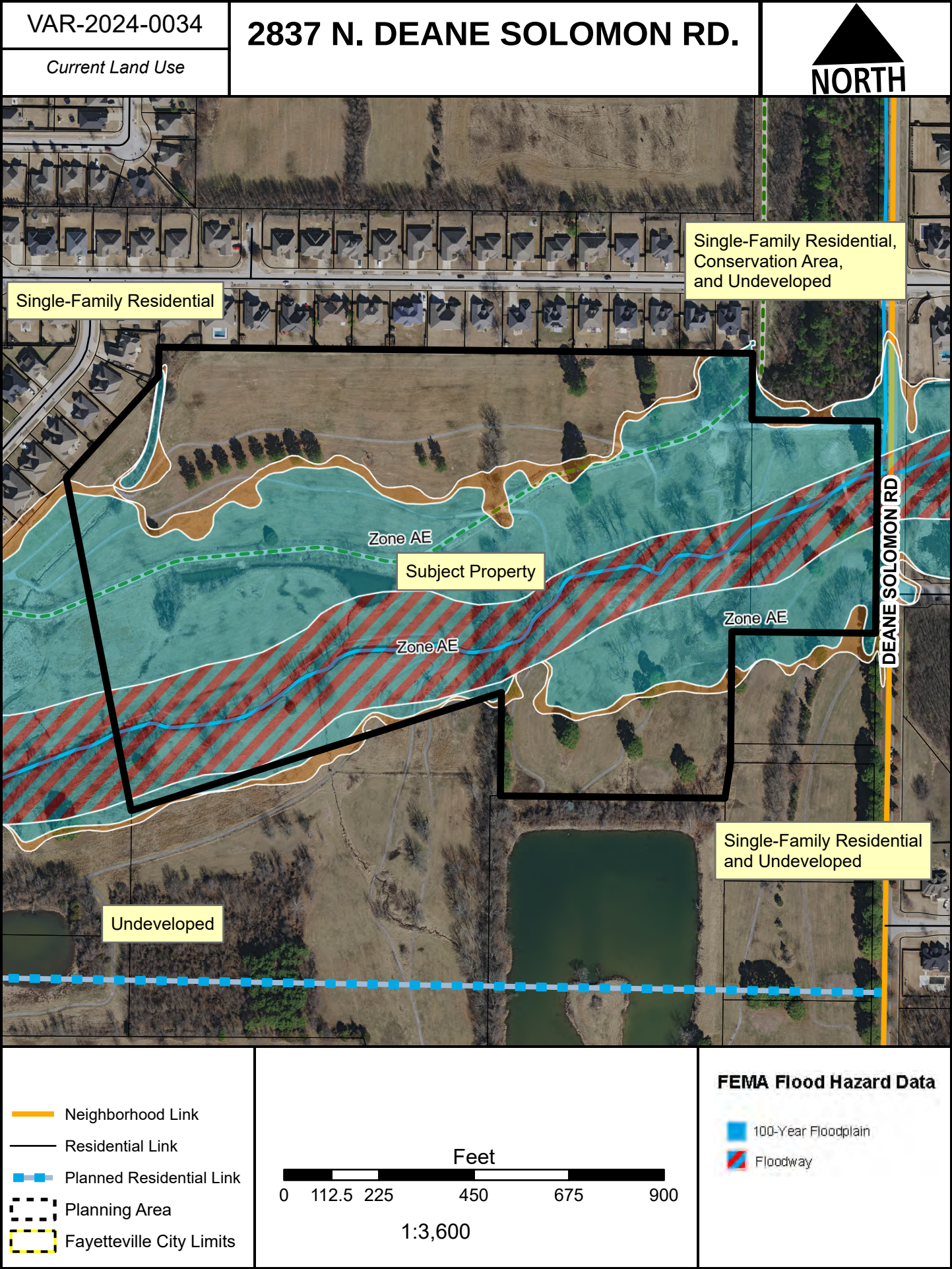
TITLE OVERALL SITE PLAN
SHEET NO. C1.00



Planning Commission
August 26, 2024









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner
Josh Boccaccio, Engineering Development Review Manager

MEETING DATE: August 26, 2024

SUBJECT: **VAR-2024-0036: Planning Commission Variance (765 N. OAKLAND AVE./SARKIN, 444):** Submitted by DEVELOPMENT CONSULTANTS INC for property located at 765 N. OAKLAND AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.24 acres. The request is for a variance to the master street plan requirements.

RECOMMENDATION:

Staff recommends denial of **VAR-2024-0036** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0036**, determining:*

- In favor of a variance to UDC §171.13 Property Owner to Construct Sidewalk or Contribute Cost of Sidewalk;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in central Fayetteville, just north of the University of Arkansas Campus, two blocks east of N. Garland Ave. The property is two parcels totaling approximately 0.24 acres and zoned RMF-40, Residential Multi-Family, Forty Units per Acre. In July, the applicant submitted building permits for two three-family dwellings on the site. During staff review, it was determined that a variance to typical Master Street Plan improvements for sidewalks 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	DG, Downtown General; MSC, Main Street Center
South	Commercial/Mixed-Density Residential	DG, Downtown General
East	Mixed-Density Residential	MSC, Main Street Center
West	Commercial/Mixed-Density Residential	DG, Downtown General

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

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

DISCUSSION:

Variance #1: UDC §171.13 Property Owner to Construct Sidewalk or Contribute Cost of Sidewalk. Typically, a residential development is required to improve the sidewalk to the full Master Street Plan Standards. The applicant is requesting to vary from this standard to not add the typical 6' greenspace and 6' sidewalk as required on a Residential Link Street.

Staff recommendation: Staff is not supportive the applicant's request to not improve this section of sidewalk. Under the UDC, either the full Residential Link Street improvements or the Urban Street improvements, which includes 3' for tree wells and a 5' sidewalk (8' overall). The City Engineer determined that the Urban Street option is preferred in this location, to correspond with the improvements across N. Oakland Ave., and is not recommending fee-in-lieu.

RECOMMENDATION: Staff recommends denial of VAR-2024-0036. Should the Planning Commission choose to approve the request, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §171.13 Property Owner to Construct Sidewalk or Contribute Cost of Sidewalk.** Typically, a residential development is required to improve the sidewalk to the full Master Street Plan Standards. *Staff recommends approval of this request for the reasons stated above and with the following conditions of approval:*
 - a. Any damaged portions of sidewalk will be replaced.
 - b. 2 required street trees will be planted between the property line and sidewalk, or as otherwise determined by the Urban Forester.
 - c. Any existing or proposed steps shall be relocated outside of the right-of-way.
2. 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
------------------------------------	--	--	--

Meeting Date: August 26, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §171.13 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk
- Applicant Request Letter
- Site Plan

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

171.13 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk

- (A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan shall construct a sidewalk in accordance with this chapter, along said street or highway upon the receipt of notice issued at the time a building permit is issued.
- (1) The property owner shall construct the sidewalk in accordance with the specifications provided in the Minimum Street Standards.
 - (2) The property owner may request a variance to §171.13(A)(1) requiring sidewalk construction. The City Engineer shall review the following factors to determine whether or not to grant the variance to allow payment of a fee in lieu of sidewalk construction:
 - (a) Pedestrian traffic generators such as parks and schools in the area.
 - (b) The existence of a sidewalk network in the area.
 - (c) The density of current and future development in the area.
 - (d) The amount of pedestrian traffic likely to be generated by the proposed development.
 - (e) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover and natural areas would be adversely impacted by the construction of the sidewalk.
 - (f) The overall need for a sidewalk to be constructed on the lot.
 - (3) A project being constructed pursuant to §166.28 Permit-Ready Building Design Program shall have the option to pay a fee in lieu of constructing the sidewalk without receiving a variance.
 - (4) If the City Engineer grants the variance, the owner shall have an option to construct the sidewalk, or to contribute money in lieu of construction as set forth below:
 - (a) The amount of money in lieu of construction to be dedicated shall be determined based upon the rough proportionality of the impact of the development upon the sidewalk infrastructure needs near the development including consideration of the persons served by the development and approximate pedestrian trip generation rates of the development.
 - (b) Unless the developer presents evidence that the number of persons served by the development and the pedestrian trip generation rates of the development justify a reduced contribution in lieu of the construction of sidewalks, all developments shall make a cash contribution in lieu of the construction of the sidewalk in an amount established by the City Engineer and based on current construction costs, as determined by a yearly bid for construction, Arkansas Department of Transportation published weighted averages, or similar data.
 - (c) Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before receiving final plat approval, or issuance of a certificate of occupancy.
 - (d) Contributions must be expended within seven (7) years to build a sidewalk close enough to serve the project being constructed.
 - (e) If the owner voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the City Engineer.
 - (5) An owner/builder may appeal the City Engineer's refusal to grant a variance or the administrator's determination of the amount of contribution in lieu of construction to the Planning Commission pursuant to §155.06(D).

07 August 2924

City of Fayetteville

Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

RESI Number: 2024-0591, 0592, 0593, 0594, 0595, & 0596
DCI Job Number: 2023-170
Project Name: The Six at Oakland Ave
Owner: Steffan B and Catherine Sarkin
2686 N Timberglen Ln
Fayetteville, AR 72701
479-263-9066

Project Narrative:

The Six at Oakland Avenue is a residential building development of two triplexes located at 761 and 765 N Oakland Avenue. The development is currently under the Residential Permit application review process and looking forward to providing additional housing opportunities for the City of Fayetteville. The property is located in the Rose Hill Addition which consists of lot widths of 50'. The west side of the street on Oakland Avenue where the development will be constructed currently has 300 feet of 5' sidewalks adjacent to the west curb with a 15" tall retaining wall on the west side of the sidewalk for the entire block ranging from Cleveland Street to Eagle Street.

Variance Request:

On behalf of the owner, DCI is requesting variances to the following section of the Unified Development Code.

1. Variance to UDC Section 166.11, Conformance to Plans and Regulations, for Oakland 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 a 6' greenspace and 6' sidewalk beyond the curb. Strict adherence to the MSP would create multiple hardships on the property while also creating a non-uniform segment of sidewalk on the west side of Oakland Avenue.
 - a. This non-uniformity results in a jog in the sidewalk towards the property for approximately half of the frontage to create a 6' strip between the sidewalk and curb where the existing sidewalk is. Since there are existing power poles at the north and south ends of this street frontage, the walls would need to jog inward about 2.5 feet beyond those poles to leave them in place. The end result would be an indented sidewalk wrapping a grass strip for only a short 21-foot stretch of a 300 foot existing cohesive sidewalk.
 - b. Not only does the MSP section create a non-uniform sidewalk condition, but it also puts additional hardships on the property. One of the hardships would be to remove and relocate the existing retaining wall that runs the full length of Oakland Avenue along the 50' of frontage. This would result in a significantly taller retaining wall than currently exists

Engineering • Planning • Land Surveying • Landscape Architecture

along Oakland as the grade increases further to the west. The existing retaining wall is approximately 15" tall and uniform with the neighboring properties. If the MSP section were enforced, an approximate 42" tall retaining wall would be required to be constructed at the cost of the owner.

- c. The jog in the sidewalk would also require the removal of existing street trees to build the new retaining wall, reducing the total tree preservation and requiring the owner to replace established trees with new ones.
- d. A jog in the sidewalk also puts undue hardship on the general public by introducing a change in sidewalk alignment for a short distance. Those whom are visually impaired, utilizing wheelchairs, just pushing a stroller would be required to deviate from the expected path of travel for a distance of approximately 21'.

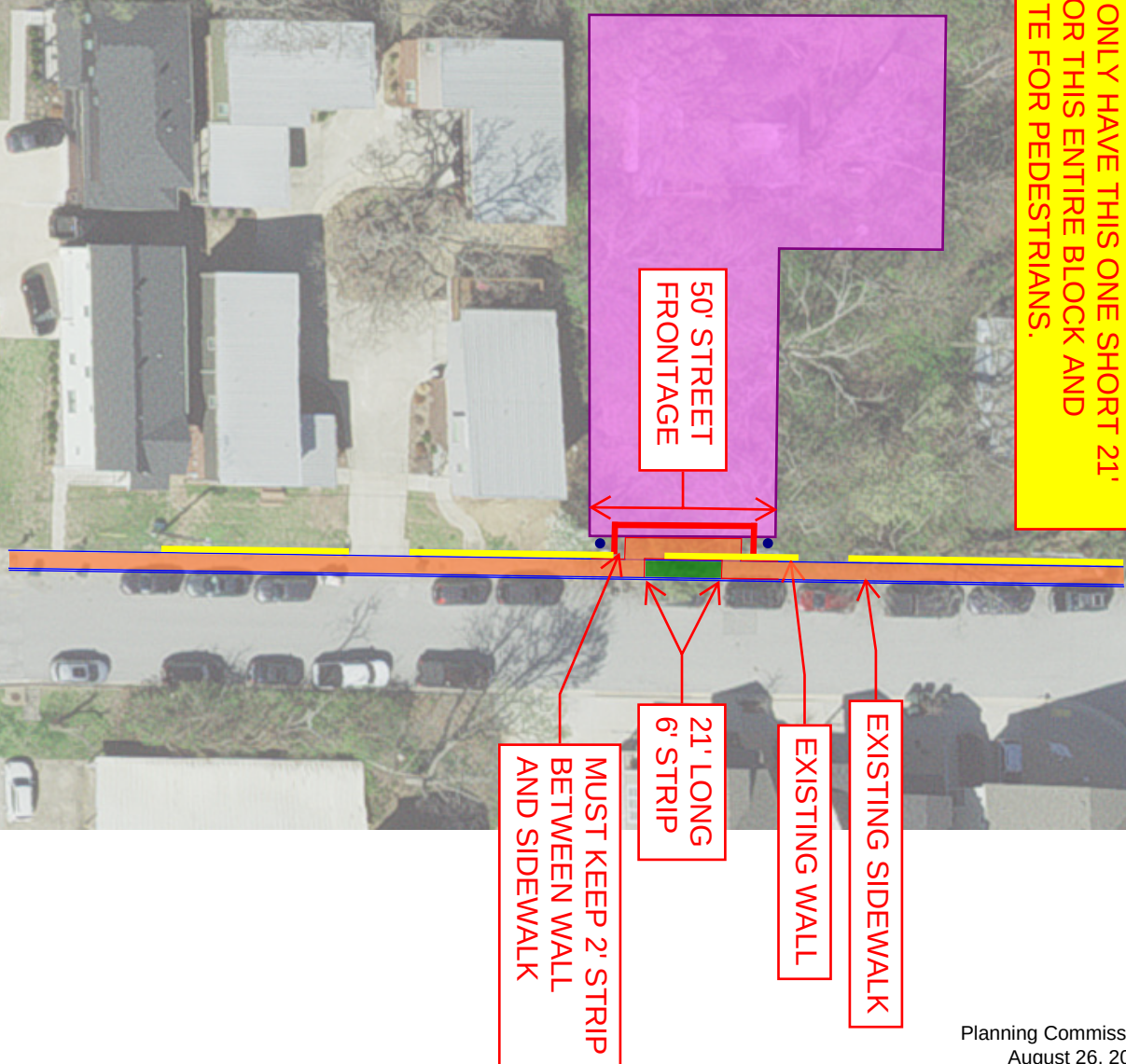
Thank you for your consideration and we look forward to working with the City moving forward.

Sincerely,



Chase Henrichs, P.E.
ChaseH@DCIUS.PRO
479.444.7880
Development Consultants

TO COMPLY WITH 6' GREEN STRIP AND 6' SIDEWALK ALONG FRONTAGE OF PROPERTY, WE WOULD NEED TO JOG THE RETAINING WALL (KEEPING IT 2.5' FROM POWER POLES) AND KEEP A 2' STRIP BETWEEN WALL AND SIDEWALK. THE RESULTING CONFIGURATION WOULD ONLY HAVE THIS ONE SHORT 21' STRIP OF FRONTAGE BEHIND THE CURB FOR THIS ENTIRE BLOCK AND CREATE AN INCONVENIENT WALKING ROUTE FOR PEDESTRIANS.

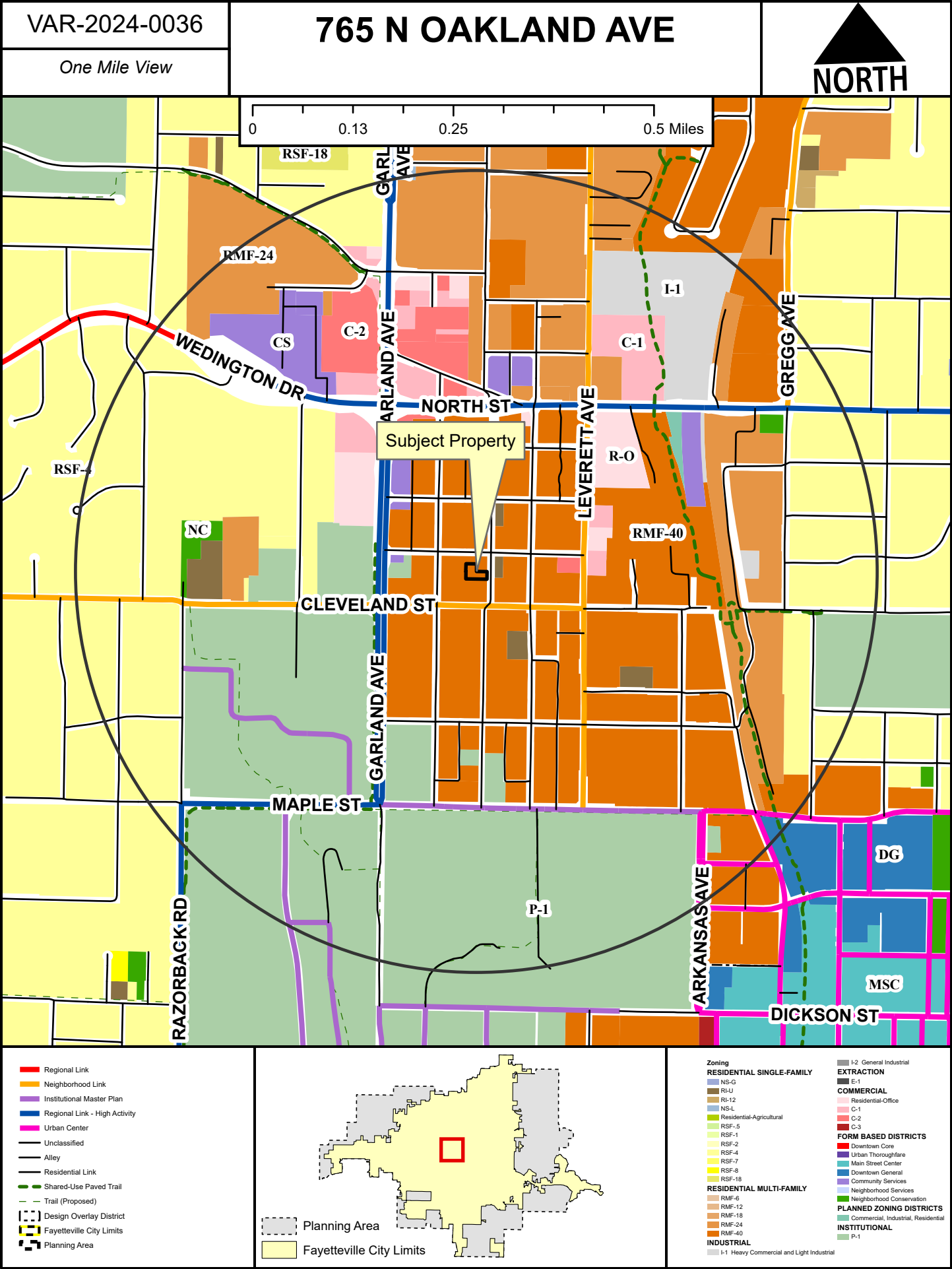


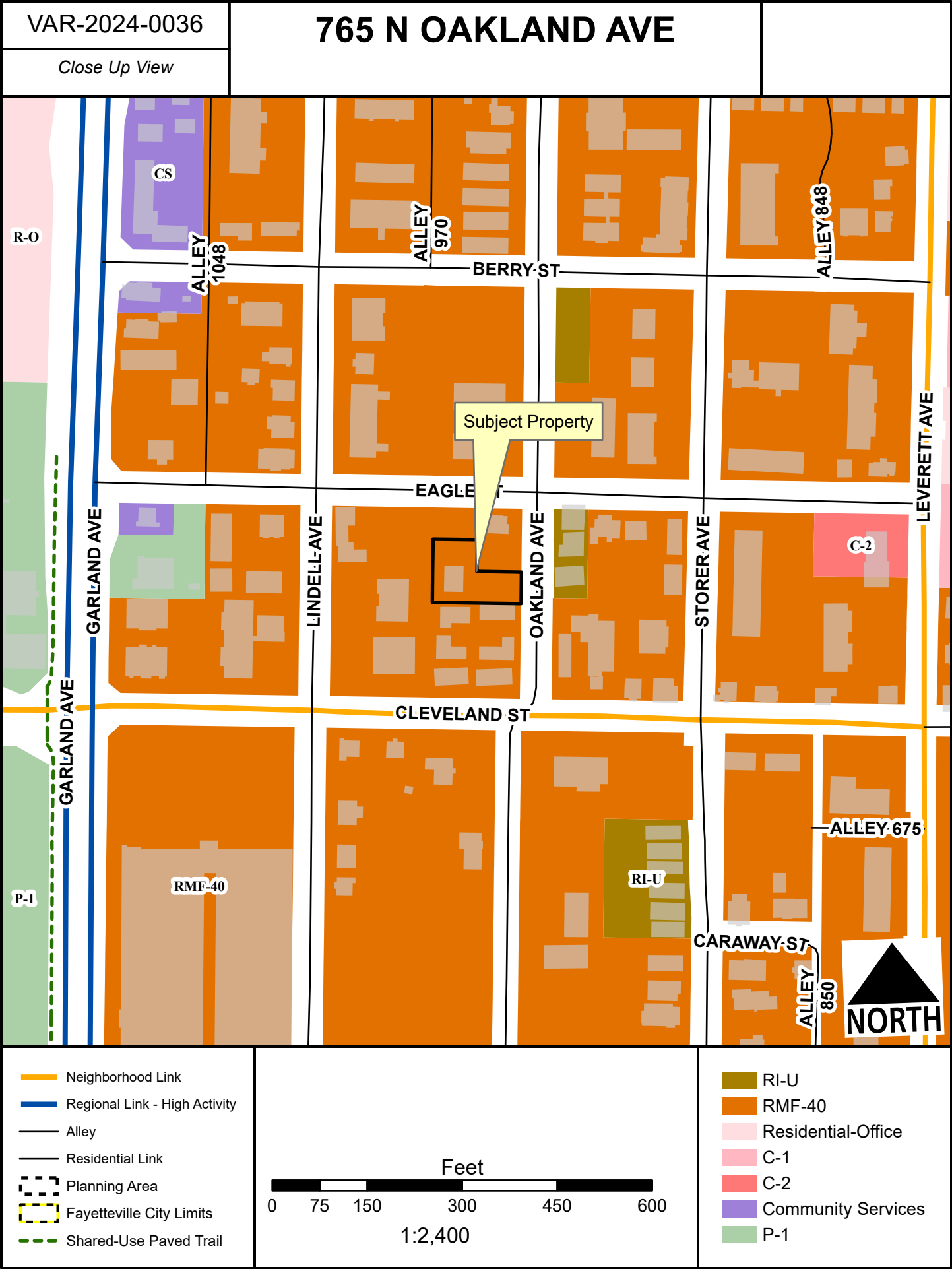
LOOKING SOUTH ALONG WEST SIDE OF OAKLAND AVE



LOOKING NORTH ALONG WEST SIDE OF OAKLAND AVE



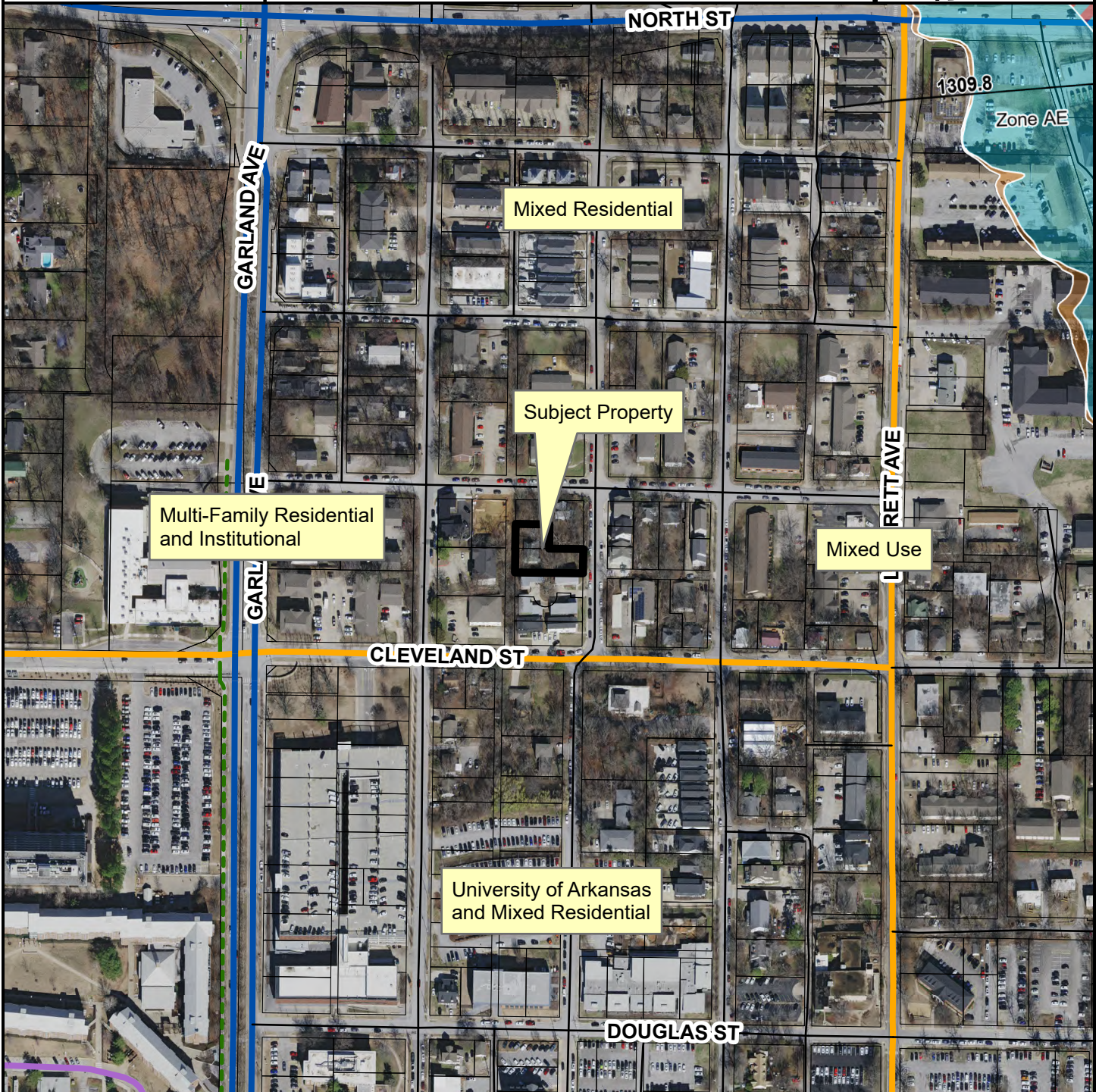




VAR-2024-0036

765 N OAKLAND AVE

Current Land Use



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- 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
Melissa Boyd, Staff Engineer
Melissa Evans, Urban Forester

MEETING: August 26, 2024

SUBJECT: **PPL-2024-0004: Preliminary Plat (NORTHEAST OF N. OLD MISSOURI RD & E. ROLLING HILLS DR/STAGE STATION PH 2, 253 & 254):** Submitted by JORGENSEN & ASSOCIATES for property located NORTHEAST OF N. OLD MISSOURI RD & E. ROLLING HILLS DR. The property is zoned NS-G, NEIGHBORHOOD SERVICES-GENERAL, RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, R-A, RESIDENTIAL AGRICULTURAL, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 32.80 acres. The request is for the preliminary plat of 136 residential lots and 12 non-buildable lots.

RECOMMENDATION:

Staff recommends approval of **PPL-2024-0004** with conditions.

RECOMMENDED MOTION:

"I move to approve PPL-2024-0004, determining:

- In favor of the recommended right-of-way dedication;*
- In favor of the recommended street improvements;*
- In favor of the variance to §166.08(E), Block Length;*
- In denial of the variance to §166.08(E)(3), Connectivity;*
- In favor of the variance to §166.04(B)(c), Required street improvements;*
- In favor of the applicant's requested use of the Alternative Residential Link Street;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in north Fayetteville, generally east/northeast of the intersection of N. Old Missouri Road and E. Rolling Hills Drive. It is immediately adjacent to Butterfield Trail Elementary School. The property totals approximately 32.80 acres and split-zoned NS-G, Neighborhood Services-General, RSF-4, Residential Single-Family, 4 Units per Acre, NC, Neighborhood Conservation, and R-A, Residential-Agricultural. The site is almost entirely undeveloped and covered with tree canopy. The property's frontage along N. Old Missouri Road is currently under development with Stage Station, Phase 1, a mixed-density residential development with multi-family townhomes fronting N. Old Missouri, and single-family residential as the property moves to the east. Surrounding land use and zoning is depicted on 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/Institutional (Fellowship of Champions Church)	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Office (Fayetteville Health and Rehab Center; Institutional (Butterfield Trail Elementary); Mixed Density Residential (Stage Station Phase 1)	R-A, Residential-Agricultural; P-1, Institutional; NS-G, Neighborhood Services – General.

Proposal: The applicant is proposing a subdivision with 136 residential lots and 12 non-buildable lots. Three variances and a Planning Commission determination regarding the use of the Alternative Residential Link Street were submitted with this request:

- **Variance: UDC §166.08(E)(1)(c): Block Length. Intersections along Residential Link Streets shall occur at a minimum of one (1) every 660 feet.** The applicant has requested a variance from this requirement for three internal Residential Link Streets, labeled as Street A (approximately 1600 feet), E. Roe Terrace (approximately 750 feet), and E. Little Crew Drive (approximately 1300 feet).
 - *Staff recommendation: Staff is generally supportive of the applicant's request for a variance to block length standards in the locations identified. For the north/south section of Street A, the applicant has few opportunities to stub out, given the narrowness of the property as it enters the site from E. Farr Lane. As the street moves east/west, an alley connection has been provided to connect Street A to E. Roe Terrace; staff finds the provision of alley connections helps the applicant meet the spirit and intent of connectivity within the site. A portion of E. Roe Terrace is a street that eventually ties into a proposed roundabout with an intersection to the E. Rolling Hills connection, which also provides access to alley-loaded lots. Staff is supportive of the request to extend the street length for E. Roe Terrace given the additional opportunity for connection. Finally, E. Little Crew Drive has little opportunity to provide connection to the southeast of the site, given the preexistence of a development to the southeast. Staff does point out, however, existing, adjacent right-of-way to Warwick Drive which the applicant proposes not to tie into. Further discussion on that connection is discussed in the second variance request.*
- **Variance: UDC §166.08(E)(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.** The applicant has requested a variance from this requirement to not connect to the existing Warwick Drive right-of-way to extend the street network.
 - *Staff recommendation: Staff does not recommend in favor of the applicant's request. While significant public comment from individuals and residents who live on Warwick Drive and surrounding areas has been received, staff does not find that there is a site-specific, topographic, or existing barrier preventing a possible connection to logically extend the street system at this location. Given no physical barriers or constraints to the provision of this connection, staff finds that to not require a connection to Warwick Drive with this development would not be meeting the spirit and intent of the connectivity ordinance. If Planning Commission chooses*

to approve the variance, staff would recommend that accommodation for a bike/pedestrian connection be made in between lots

- **Variance: UDC §166.04(B)(c): Required street improvements for a preliminary plat. Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards.** The applicant has requested a variance for a portion of Street A to dedicate 50 feet of right-of-way in association with an Alternative Residential Link Street cross section.
 - *Staff recommendation: Staff recommends in favor of the applicant's request. The north/south portion of Street A is a narrow strip of land (50 feet) that the applicant intends to dedicate fully as right-of-way. It is infeasible to dedicate additional right-of-way at this time to meet the typical master street plan requirements for a Residential Link Street. Staff recommends that the entire width is dedicated as right-of-way to allow for the potential for adjacent properties to tie into the street once completed.*
- **Alternative Residential Link Street Determination. The alternative Residential Link Street Section shall require Planning Commission approval in areas other than the Hilltop-Hillside Overlay District.** The applicant intends to use the Alternative Residential Link Street cross-section in three separate areas of the proposed development: Street A (North/South), a portion of E. Roe Terrace, and E. Little Crew Drive (west of E. Roe Terrace).
 - *Staff Recommendation: Staff supports the use of the Alternative Residential Link Street section in all three areas. Typically, appropriate use of the street section is limited to instances where block lengths are less than or equal to 400 feet, environmental reasons where no other street section is applicable, historic streets for small infill projects, streets with fewer than 250 vehicle trips per day, and/or alley loaded developments. Along Street A, the applicant could not feasibly dedicate enough right-of-way for the full master street plan section for the Residential Link Street; the placement of sidewalk along only the west side and two drive lanes is appropriate given that the applicant will not be developing either side of that street connection. Future development could feasibly install sidewalk or dedicate additional right-of-way if necessary. E. Roe Terrace is a small street section that is alley-loaded and not likely to see more than 250 vehicles per day given the number of lots that it is serving. And finally, staff supports the applicant's request to use the Alternative Residential Link Street where requested along E. Little Crew due to its continuation and connection Phase 1.*

Right-of-Way to be Dedicated:

E. Rolling Hills Drive: E. Rolling Hills Drive is a planned Neighborhood Link Street through the property per the 2040 Master Street Plan. The applicant proposes right-of-way dedication that meets the typical requirement for a Neighborhood Link Street. Total right-of-way dedication is proposed at 67 feet which aligns with the street section.

Street A: Street A is showing variable right-of-way dedication. In the north/south portion of the proposed street, the applicant is showing 50 feet of right-of-way dedication to accommodate an Alternative Residential Link Street. As Street A shifts east/west, the applicant is showing an intent to dedicate 40 feet of right-of-way in line with the typical standard for an alternative residential link street, and then 52 feet of right-of-way, in line with typical master street plan standards. Staff recommends in favor of the applicant's intention.

E. Roe Terrace (north of Rolling Hills): Staff recommends 40 feet of right-of-way dedication for E. Roe Terrace to accommodate an Alternative Residential Link Street section. Staff supports the applicant's request in this location, given that it meets the general criteria for consideration as outlined in the Master Street Plan.

E. Roe Terrace (south of Rolling Hills): Staff recommends 52 feet of right-of-way dedication for E. Roe Terrace to accommodate a typical Residential Link Street section.

E. Little Crew Drive (west of E. Roe Terrace): Staff recommends 40 feet of right-of-way dedication for E. Little Crew Drive to accommodate an Alternative Residential Link Street section. Staff supports the applicant's request in this location, given that it meets the general criteria for consideration as outlined in the Master Street Plan.

E. Little Crew Drive (east of E. Roe Terrace): Staff recommends in favor of 52 feet of right-of-way dedication for E. Little Crew Drive to accommodate the typical requirements for a Residential Link Street.

Street Improvements:

E. Rolling Hills Drive: E. Rolling Hills Drive is a planned Neighborhood Link Street through the property per the 2040 Master Street Plan. The applicant proposes 8-foot sidewalk and 10-foot greenspace, drive lanes and road width in line with typical requirements for a Neighborhood Link Street.

Street A: In the north/south portion of the proposed street, the applicant is showing 50 feet of right-of-way dedication to accommodate an Alternative Residential Link Street with 6-foot sidewalk and 6-foot greenspace on the west side of the street, and two drive lanes. The east/west portion of Street A is shown to be developed with typical master street plan standards for a Residential Link Street.

E. Roe Terrace (north of Rolling Hills): The applicant is requesting an Alternative Residential Link street cross section in this location, with 6-foot sidewalk and 6-foot greenspace on one side of the street, and road width to accommodate two drive lanes. Staff recommends in favor of this request.

E. Roe Terrace (south of Rolling Hills): The applicant is showing an intent to improve E. Roe Terrace to typical Master Street Plan standards for a Residential Link Street with 6-foot sidewalk, 6-foot greenspace, drive lanes and on-street parking.

E. Little Crew Drive (west of E. Roe Terrace): The applicant is requesting an Alternative Residential Link street cross section in this location, with 6-foot sidewalk and 6-foot greenspace on one side of the street, and road width to accommodate two drive lanes. Staff recommends in favor of this request.

E. Little Crew Drive (east of E. Roe Terrace): The applicant is requesting and staff recommends in favor of 52 feet of right-of-way dedication for E. Little Crew Drive to accommodate the typical requirements for a Residential Link Street, including 6-foot sidewalk, 6-foot greenspace, two drive lanes and space for on-street parking.

Block Length/Connectivity: The applicant has requested two variances to the City's block length and connectivity standards, as identified above. Staff recommends in favor of the block length request, but not in favor of the connectivity request.

Water and Sewer System: The applicant is proposing to connect to existing water mains in E. Farr Lane and stub outs that were installed with Stage Station Phase 1 to provide domestic service and fire protection throughout the subdivision. The applicant is proposing to connect to an existing manhole near E. Farr Lane and manholes that were installed with Stage Station Phase 1 to provide sanitary sewer service throughout the subdivision.

Tree Preservation:

Canopy minimum requirement: 20.7% (average of NS-G, NC, RSF-4, RSF-18, and R-A)

Existing canopy: 100%

Preserved canopy: 15.8%

Mitigation required: 306 two-inch caliper trees

Parks: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on November 1, 2021. The Parks and Recreation Advisory Board recommended fee-in-lieu for this development in the amount of \$158,453 based on 149 single-family lots. The final fee-in-lieu amount will be determined at the time of a final plat and final lot count.

Public Comment: To date, staff has received public comment on the item in opposition to the proposed or required connection to Warwick Drive, concerns about tree preservation, and inquiries and questions about the proposed development. All written public comment received has been attached to this report.

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

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 67 feet for E. Rolling Hills, 50 feet for the north-south portion of Street A, 40 feet for E. Roe Terrace north of Rolling Hills, 40 feet for E. Little Crew Drive West of E. Roe Terrace, and 52 feet for all other streets as shown on the site plan.*

Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
 - a. E. Rolling Hills Drive: *E. Rolling Hills Drive is a planned Neighborhood Link Street through the property per the 2040 Master Street Plan. The applicant proposes 8-foot sidewalk and 10-foot greenspace, drive lanes and road width in line with typical requirements for a Neighborhood Link Street.*
 - b. Street A: *In the north/south portion of the proposed street, the applicant is showing 50 feet of right-of-way dedication to accommodate an Alternative Residential Link Street with 6-foot sidewalk and 6-foot greenspace on the west side of the street, and two drive lanes. The east/west portion of Street A is shown to be developed with typical master street plan standards for a Residential Link Street.*
 - c. E. Roe Terrace (north of Rolling Hills): *The applicant is requesting an Alternative Residential Link street cross section in this location, with 6-foot sidewalk and 6-foot greenspace on one side of the street, and road width to accommodate two drive lanes. Staff recommends in favor of this request.*

- d. E. Roe Terrace (south of Rolling Hills): The applicant is showing an intent to improve E. Roe Terrace to typical Master Street Plan standards for a Residential Link Street with 6-foot sidewalk, 6-foot greenspace, drive lanes and on-street parking.
- e. E. Little Crew Drive (west of E. Roe Terrace): The applicant is requesting an Alternative Residential Link street cross section in this location, with 6-foot sidewalk and 6-foot greenspace on one side of the street, and road width to accommodate two drive lanes. Staff recommends in favor of this request.
- f. E. Little Crew Drive (east of E. Roe Terrace): The applicant is requesting and staff recommends in favor of 52 feet of right-of-way dedication for E. Little Crew Drive to accommodate the typical requirements for a Residential Link Street, including 6-foot sidewalk, 6-foot greenspace, two drive lanes and space for on-street parking.

Subdivision Committee recommended in favor.

3. **Planning Commission determination of a variance to UDC §166.08(E)(1)(c): Block Length.** Staff recommends approval of this variance, with the added condition that alley-loaded lots provide access solely from those alleys.

Subdivision Committee recommended in favor.

4. **Planning Commission determination of a variance to UDC §166.08(E)(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. Staff recommends denial of this variance as a request to not tie into the existing Warwick Drive.

Subdivision Committee did not make a recommendation.

5. **Planning Commission determination of a variance to UDC §166.04(B)(c): Street improvements for a preliminary plat.** Staff recommends in favor of the applicant's request to dedicate 50 feet of right-of-way for the north/south portion of Street A.

Subdivision Committee recommended in favor.

6. **Planning Commission determination of a request to use the Alternative Residential Link Street cross section.** Staff recommends approval of this request for the reasons outlined above.
7. Parkland fees in lieu of dedication are required in the amount of \$148,104 based on a proposed number of 136 single-family lots. The final amount will be based upon the final number of lots to be platted at the time of final plat.
8. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet.
9. All remaining comments from the Planning Division shall be addressed prior to Planning Commission, as submitted through the EnerGov portal.

10. Conditions of approval from Engineering, Urban Forestry, and Parks are included in the official conditions of approval.

Standard conditions of approval:

11. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
12. 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;
13. 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;
14. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;
15. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
16. 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)
17. 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
18. Preliminary Plat approval shall be valid for one calendar year.

Planning Commission Action:	☐ Tabled	☐ Approved	☐ Denied
Meeting Date: <u>August 26, 2024</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code:

- 166.04 Required Infrastructure Improvements — Development In City Limits
- 166.08 Street Design And Access Management Standards
- Engineering Comments
- Urban Forestry Comments
- Parks Comments
- Request Letter
- Variance Request Letter
- Site Plans
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.04 Required Infrastructure Improvements — Development In City Limits

- (B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.
- (4) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*
- (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.
- ...
- (g) *Streetlights.* Standard 8,000 lumen streetlights (or equal alternative approved by the Planning Division) shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at

intersections with collector streets or arterial streets. Developers are encouraged to utilize high-efficiency (LED or similar) streetlights where possible).

...

- (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)

166.08 Street Design And Access Management Standards

...

- (E) *Block Layout/Connectivity.*

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

...

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



TO: Jessie Masters, Development Review Manager

FROM: Melissa Boyd, Staff Engineer

DATE: August 20, 2024

SUBJECT: **Planning Commission Engineering Comments for
PPL-2024-0004 Stage Station Phase 2**

Water: The applicant is proposing to connect to existing water mains in E Farr Lane and stub outs that were installed with Stage Station Phase 1 to provide domestic service and fire protection throughout the subdivision.

Sewer: The applicant is proposing to connect to an existing manhole near E Farr Lane and manholes that were installed with Stage Station Phase 1 to provide sanitary sewer service throughout the subdivision.

Streets: Typical neighborhood link and residential link streets are proposed to be installed throughout the subdivision. Any variances to the Minimum Street Standards will be considered administratively during the grading permit review process.

If the Planning Commission requires a connection to N Warwick Drive, staff recommends the existing street be widened to 20 feet between this development and N Oak Bailey Drive.

Natural Features: GIS indicates hydric soils to be present near the north portion of the subject property, which are known indicators of potential wetlands. As part of the first phase of Stage Station, a wetland delineation for the overall property was performed in 2021. The findings did not indicate any streams, ponds, or wetlands to be present that would potentially warrant further jurisdictional determination or permitting from the U.S. Army Corps of Engineers.

Drainage: This development is required to meet Fayetteville's Drainage Criteria Manual. The applicant is proposing to meet water quality requirements by using AquaSwirl hydrodynamic separators and micropool extended detention. Channel protection is proposed to be met by sizing the pond outlet structure to detail and release the runoff from the 1-year, 24-hour storm over a period of 40 hours. Similarly, overbank flood protection and extreme flood protection requirements are proposed to be met by sizing the outlet structure so that peak flows post-development do not exceed pre-development peak flows. Detailed review of the drainage design will be done with grading permit review.

Plan Comments:

1. Provide truck turning exhibits for a single-unit truck (SU-30) and fire truck navigating the roundabout at E Rolling Hills Dr and E Roe Ter to determine if the truck apron is necessary or if the size can be reduced. Understood that the central island is sized to preserve an existing

tree. Per Roundabouts: An Informational Guide 6.2.4, both of these vehicles are ideally accommodated without using a truck apron. If the inscribed circle diameter can be decreased by removing or reducing the truck apron and both design vehicles are still able to navigate the roundabout, the overall size must be decreased.

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: Charles A. Zardin, PE, Jorgensen + Associates

From: Melissa Evans, Urban Forester

CC: Jessie Masters, Development Review Manager

Meeting Date: August 26, 2024

Subject: PPL-2024-0004: Stage Station Ph 2: Northeast of N. Old Missouri Rd. and E. Rolling Hills Dr.

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

Tree Preservation Calculations Acres		
	Acres	Percent of site
Total Site Area *Minus Right of Way and Easements	31.27	100%
Zoning Designation * Select Below with drop down arrow		
Averaged Zoning: NS-G, NC, RSF-4, RSF-18, & R-A	6.47	20.7%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	6.47	20.7%
Existing Tree Canopy * Minus Right of Way and Easements	31.27	100.0%
Tree Canopy Preserved	4.94	15.8%
Tree Canopy Removed *On Site	26.33	84%
Tree Canopy Removed *Off Site	0.00	
Tree Canopy Removed Total	26.33	84%
Removed Below Minimum	1.53	
Mitigation Requirements	1.53	
Mitigation Requirements in Square Feet	66,785	4.9%

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	66,785	306
Low Priority		
Total Mitigation Trees Required	66,785	306

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)	N/A	N/A	N/A
l. Floodplains and floodways	N/A	N/A	N/A
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	Yes	Yes	Yes
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	Yes	Yes	Yes

Tree Protection Methods			
a. Tree Protection Fencing	Yes	Yes	Yes
b. Limits of Root Pruning	No	Yes	Yes
c. Traffic flow on work site	N/A	N/A	N/A
d. Location of material storage	No	No	No
e. Location of concrete wash out	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	7-31-24	8-14-24	8-21-24
Approved			
Tabled	4/30/24		
	6/25/24		
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 keep trying to preserve more trees to get to the minimum percentage (since existing easement area does not officially count, but it is appreciated to know how much area it is and that the intent is to leave trees in place in those areas).
3. Where is the future clubhouse to be located? Where is lot 41?
4. Please provide any other design options you considered or studied to show that you have done everything possible to preserve trees.
5. Please see if you can wiggle the sidewalk toward the street to get it out of the critical root zone of Tree #507. There is too much impact on the roots with the current sidewalk layout.
6. Please provide a small retaining wall along the sidewalk adjacent Lot 42 in order to preserve Tree #260 at the southern end of the site toward the east side.
7. Please provide a small retaining wall along the sidewalk at the SE corner of Lot 47 to preserve Tree #292 at the southern end of the site toward the west side.



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Charles A. Zardin, PE, Jorgensen + Associates

From: Melissa Evans, Urban Forester

CC: Jessie Masters, Development Review Manager

Meeting Date: August 26, 2024

Subject: PPL-2024-0004: Stage Station Ph 2: Northeast of N. Old Missouri Rd. and E. Rolling Hills Dr.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 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
1 Tree : 12 Parking Spaces				
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
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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	306
Parking Lot Trees	0
Street Trees	149 Lot Trees + 45 Street Trees
Detention Pond – Large Trees (1 Tree/3,000 square feet)	14
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	58
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	86

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	7/31/24	8/14/24	8-21-24
Approved			
Tabled	4/30/24		
	6/25/24		
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
- Address items above marked “No” and all Redlines provided. Please address previous comments: - Are all the mitigation trees being planted on site? - Mitigation trees cannot count as required street trees. Street trees are required along public or private streets at 1/30 LF along common areas and 1 tree per house lot (2 for corner lots). Mitigation trees can be extra street trees. Please adjust your planting plan accordingly. - Street trees are required along lot 183 between the sidewalk and street curb at 1/30 L.F. - It is understood that the street/lot trees are not located along E. Roe Ter. Since that area is in the existing utility easement (those required trees are located on the other side of the houses along the alley).



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: April 25, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: November 1, 2021

Project Title: Stage Station (Phase 2)

Project Number: PPL-2024-0004

Project Location: 3006 N Old Missouri Rd

Plat Page: 253

Park Quadrant: NE

Billing Name & Address: Old Missouri Land Development LLD
POC Box 8878, Fayetteville, AR 72703

☐ Land Dedication ☒ Fee-in-Lieu ☐ Combination

Fee-In-Lieu Calculation					Banked Credit	TOTAL Fees
Single Family:	149	units	x	\$1,089 per unit =	\$162,261	
Multi Family:		units	x	\$952 per unit =	\$ 0	
					-\$3,808	\$158,453

- SUMMARY:
- Project proposes 149 SF units and 0 MF units.
 - A banked credit of \$3,808 from Phase 1 (CCP-2023-0006) is applied to this project to reduce its total payment from \$162,261 to \$158,453.
 - 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.
 - 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.

ASSOCIATED PROJECTS:

- LSD-2022-0012 Phase 1
- CCP-2023-0006 Phase 1 Revised

Expanded Timeline						
Phase	Project Number	SF	MF	Paid with Fee-in-Lieu or Land Dedication?	PLD Contribution	"Banked" Credit Forward
1	LSD-2022-0012	10	30	Fee-in-Lieu	\$39,450	0
1 Revised	CCP-2023-0006	10	26	None. Fees were paid for with LSD-2022-0012.	\$0	4 MF or \$3,808
2	PPL-2024-0004	149	0	Fee-in-Lieu	\$158,453	0



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

August 21, 2024

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Preliminary Plat for Stage Station Phase 2

This letter is in regards to a proposed Preliminary Plat for Stage Station Phase 2. This property is located just east of Stage Station Phase 1, at the eastern end of Rolling Hills Drive. Currently the site is undeveloped and tree covered. The property contains 32.80 acres and includes the following zones: NS-G (Neighborhood Services), RSF-18, RSF-4, NC (Neighborhood Conservation) & R-A (Residential – Agricultural). The proposed development includes 136 buildable single-family residential lots, as well as 12 non-buildable lots reserved for tree preservation, open space, and/or stormwater detention. Water, Sewer, Street and Drainage Improvements are proposed in order to serve these lots. There will be 5 detention ponds which will be utilized to meet the minimum drainage requirements.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Charles A. Zardin, PE



August 21, 2024

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services & Engineering Division
Re: Stage Station Phase 2 - Variance Requests

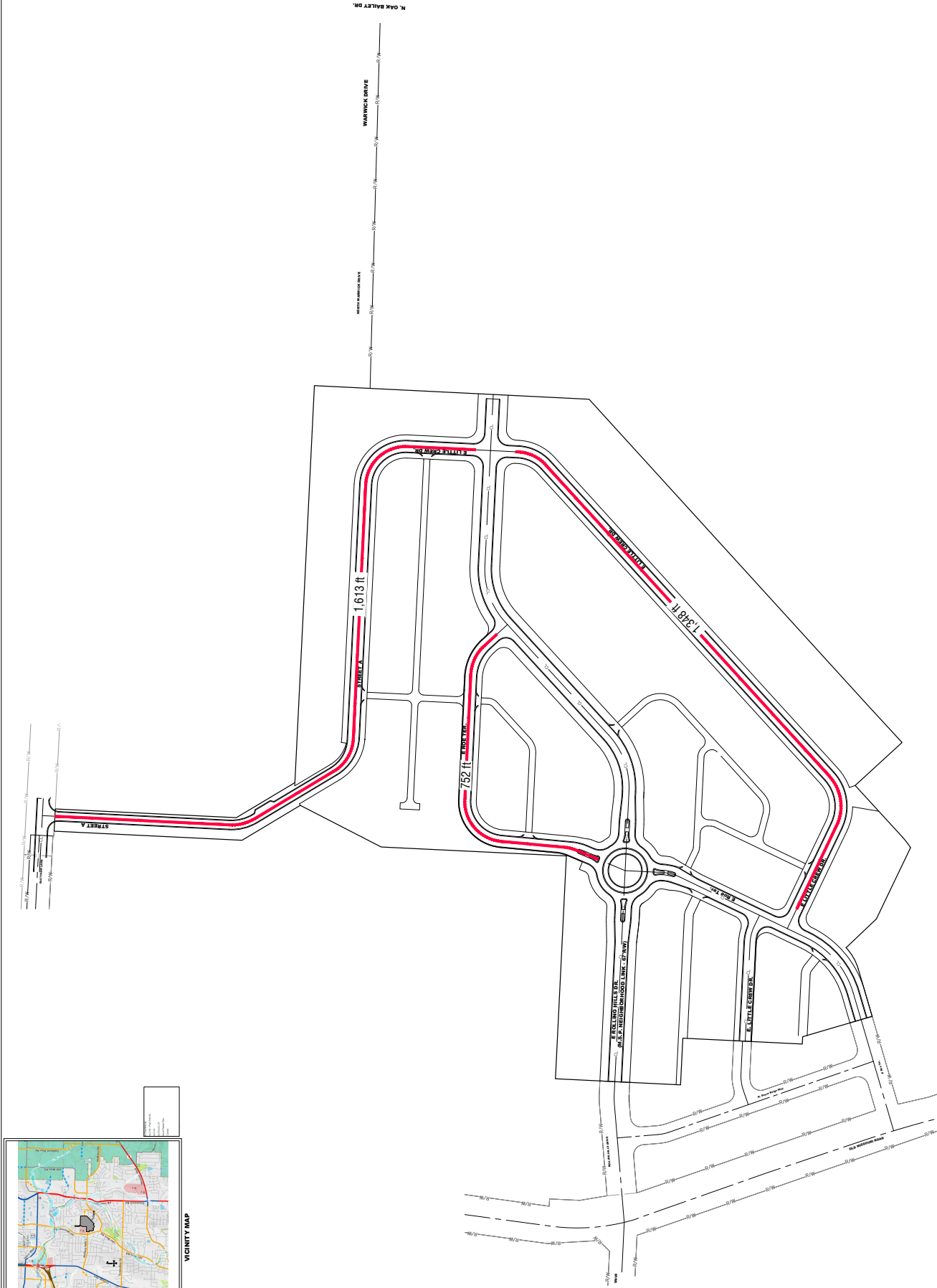
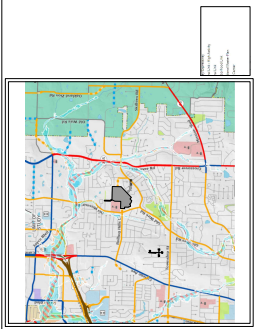
Please accept this request for a variance from the Unified Development Code section 166.08(E) Block Length, which states that intersections shall occur at a minimum of one every 660 feet for Residential Link Streets, and every 1,320 feet for Neighborhood Link Streets. Rolling Hills is a Neighborhood Link, and the remaining streets are Residential Links. The attached exhibit shows the proposed layout of the subdivision with the subject block lengths labeled. The need for blocks which exceed 660 feet is due to the lack of a street connection location to the west where Butterfield Trail Elementary School and Fayetteville Health and Rehab Center is location, as well as the existing houses to the southeast & northeast. Also, the block on the north side of Little Crew Dr. & Roe Ter. exceeds the length limit due to the steep grade in this area. However, alleys are being proposed in the rear of this block, and the development will be required to utilize these rear alleys for driveway access. Therefore, we would like to request a variance to allow for the block length to exceed 660 feet in these locations.

Please accept this request for a variance from the Unified Development Code section 166.04(B)(4)(c)(i) & the City of Fayetteville's Master Street Plan to allow the use of the Alternative Residential-Link street section. For Little Crew Drive, from its existing stub-out to its proposed intersection with Roe Ter., the street will match the previously approved variance from the Stage Station Large Scale Development which allowed for a 40' wide right-of-way and sidewalk on one side. This is due to the road being constructed on a hillside. To the east of Roe Ter., Little Crew Drive will conform to the Master Street Plan. For the portion of Roe Ter. on the north side of Rolling Hills Drive, a 40' right-of-way is being proposed with sidewalk on one side due to the roadway being constructed on a hillside. For the Street A roadway extension to the north, a 50' right-of-way with sidewalk on one side is being proposed due to the limited space available.

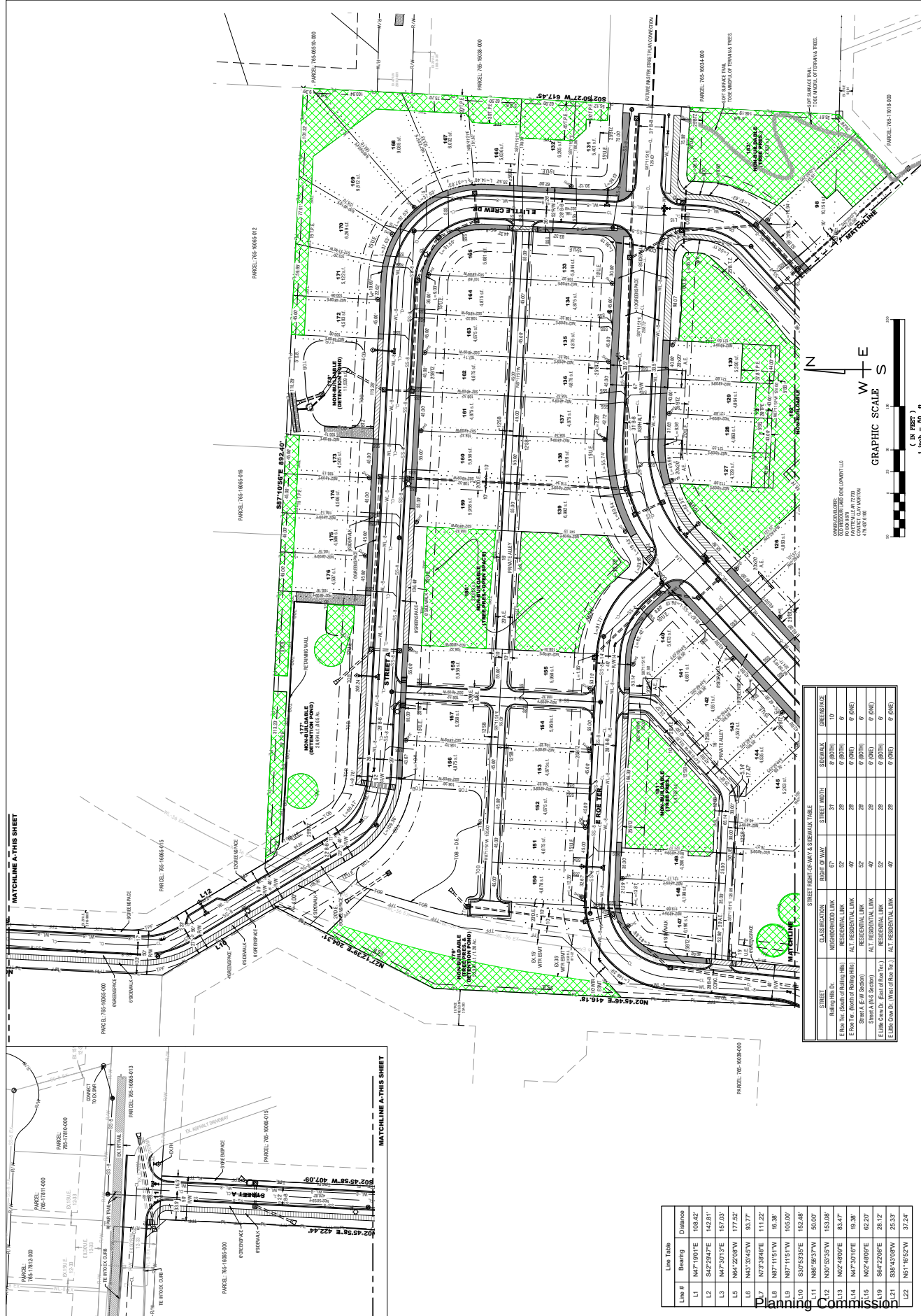
Also, please accept this request for a variance from the Unified Development Code section 166.08(E)(3) regarding connectivity, which states that wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system. Regarding the connection of the proposed development to Warwick Drive to the east, based on the conversations with the existing residents of Warwick Drive who seem to oppose the potential street connection, the developer is requesting a variance from the street connection / cross access requirement. The elimination of this street connection allows for additional large-growth significant trees to be preserved, which is a paramount objective of this development. We are hopeful that the increase in tree preservation, along with the voice of the adjacent neighbors, allow for this request to be considered.

We thank you for your consideration of this proposal and please call with any questions,

Thank you,
Charles A. Zardin, PE



PROJECT TITLE: STAGE STATION: PHASE 2		PROJECT LOCATION: FAYETTEVILLE, AR	
REVISIONS		LEGEND	
DATE: 08/26/2024 DRAWN BY: JAC PROJECT: P2024004 SHEET: 222 OF 247 SCALE: 1" = 40'		JORGENSEN + ASSOCIATES Civil Engineering + Surveying www.jorgensenassoc.com Office: 479.442.9127 Fayetteville, AR 72703 124 W Sunbridge Drive, Suite 5	
SHEET TITLE BLOCK LENGTH EXHIBIT		SHEET NUMBER 1	



From: Clay Erickson <ceric01@gmail.com>
Sent: Wednesday, May 29, 2024 2:11 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Cc: Clay Erickson <ceric01@gmail.com>
Subject: Extension of N Warwick Drive - Surveys being taken

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 Mayor Jordan,
I am a resident of Ward-3 residing at 3181 N Katherine Avenue. My property on the south borders N Warwick Drive. This morning I had surveyors from Jorgenson & Associates doing a survey for the "extension of N Warwick Drive" for a new development West of Old Missouri and Butterfield Elementary School.

Their work included them shooting site lines 30' from the current roadway inside my property line. Needed for "possible widening of the road" if it were extended.

I'm sure you can understand that this is a matter of concern. ***I am 100% against any such extension of N Warwick Road for any new sub-division.***

Such an extension and widening would greatly impact property values for all home owners along N Warwick Road on both the North and South side of the road. Beyond that it would ruin the tranquility of this part of the neighborhood and cause the removal/destruction of trees and green space.

I have not been able to find any information on this Warwick extension project on any of the City web sites. Can you shed some light on this project and where it stands as well as your position on this matter. We certainly do not want nor see the need to extend & widen N Warwick Road for this developer project.

I look forward to your reply
Thank you
Clay Erickson
3181 N Katherine Avenue
Fayetteville 72702
ceric01@gmail.com
479-616-6246

From: Nicole Claesen <nclaesen@hotmail.com>
Sent: Wednesday, May 29, 2024 1:59 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Warwick Drive/Old Missouri & Rolling Hills Development

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 afternoon,

I hope you had a nice holiday weekend!

I had a few questions for you. 😊 There were surveyors requesting access to some homeowner's backyards on Warwick today. They told said homeowners that "they" may be widening and extending Warwick Drive that would impact or go through their property. Could you please provide some clarity on this. Is this information accurate? If so, why would Warwick need to be widening and/or extended? Has this proposal gone before the transportation committee or planning commission? If so, would you please email me all of the submittals/applications/renderings etc.. for this plan?

Secondly, I saw that the developers plan to rezone a little over 6 acres of the Old Missouri development to RSF-18. When you have an opportunity would you please email me any updated development plans for the entire property? Also, would you please provide any update on where we are at on connecting Rolling Hills to Oak Bailey?

Thank you so much for your time.

Best,
Nicole Claesen



Virus-free. www.avast.com

-----Original Message-----

From: Emily J. Brickman <emjhollingsworth@yahoo.com>
Sent: Wednesday, May 29, 2024 2:26 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Warwick Drive Expansion and Extension

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.

Jonathan,

Today, I was enjoying my backyard when I noticed two surveyors from Jorgensen & Associates collecting survey data adjacent to my back fence line (Warwick Drive). They indicated they were surveying for the potential extension and expansion of Warwick Drive. They are collecting data for 30- feet from edge of asphalt both north and south of Warwick. I found them in a residence backyard without permission. They indicated they were planning to go in my yard. I had not been contacted previously and did not grant access (and denied them access to my yard).

This extension of Warwick would connect to the new development near BTE. This would significantly change the existing traffic patterns for Warwick and the surrounding neighborhood.

The expansion of Warwick would significantly impact many residential properties. For me, this could mean losing ~30 feet of my backyard and my precious garden. It may be an issue for our subdivision too.

The development adjacent to BTE was successful in rezoning most of the property for high density development. None of those plans (published so far that I have reviewed) have indicated an expansion/extension of Warwick Drive. The city initially proposed the extension of Rolling Hills Drive but there was much public pushback and that discussion seems to have been tabled. Now it seems like they may use a once quite dead end to facilitate their east west traffic connections.

I have contacted the city and left messages with the planning department (they have not been returned). I looked for plans on the website but have not identified them. Please provide plans as they relate to this topic or guidance on who to contact.

I would appreciate being informed and included on any discussions the city may be having with developers that relates to this extension and expansion (potentially into my backyard).

Thanks,

-Emily Brickman
3183 North Katherine Avenue

From: Clay Erickson <ceric01@gmail.com>
Sent: Wednesday, May 29, 2024 2:48 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Clay Erickson <ceric01@gmail.com>
Subject: Extension of N Warwick Drive - Surveys being taken

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 Planning Commission,
I am a resident of Ward-3 residing at 3181 N Katherine Avenue. My property on the south borders N Warwick Drive. This morning I had surveyors from Jorgenson & Associates doing a survey for the "extension of N Warwick Drive" for a new development West of Old Missouri and Butterfield Elementary School.

Their work included them shooting site lines 30' from the current roadway inside my property line. Needed for "possible widening of the road" if it were extended.

I'm sure you can understand that this is a matter of concern. ***I am 100% against any such extension of N Warwick Road for any new sub-division.***

Such an extension and widening would greatly impact property values for all home owners along N Warwick Road on both the North and South side of the road. Beyond that it would ruin the tranquility of this part of the neighborhood and cause the removal/destruction of trees and green space.

I have not been able to find any information on this Warwick extension project on any of the City web sites. ***Nothing shows under current projects on the planning map. Also the 2030 Master Street Plan does not show any petial of extending N Warwick on the Master Plan.*** Can you shed some light on this project and where it stands as well as your position on this matter. We certainly do not want nor see the need to extend & widen N Warwick Road for this developer project.

I look forward to your reply
Thank you
Clay Erickson
3181 N Katherine Avenue
Fayetteville 72702
ceric01@gmail.com
479-616-6246

-----Original Message-----

From: Madeline Wagon <mmwagnon@gmail.com>
Sent: Wednesday, May 29, 2024 2:41 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Expansion of Warwick Dr

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 reaching out because there were surveyors in my yard from Jorgensen and Associates today re: expanding the street behind my home (Warwick Dr). I would like to get more information about this expansion.

Thank you,
Madeline Mason

From: Ben Owen <benoweninc@gmail.com>

Sent: Wednesday, May 29, 2024 12:28 PM

To: Granderson, Corey <cgranderson@fayetteville-ar.gov>; Harrison, Gretchen <gharrison@fayetteville-ar.gov>; Boccaccio, Joshua <jboccaccio@fayetteville-ar.gov>

Subject: Re: Accessory Dwelling Unit

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.

Actually surveyors just showed up today. Could you fill me in on any plans to expand Warwick?

On Wed, May 29, 2024 at 12:15 PM Ben Owen <benoweninc@gmail.com> wrote:
It is our understanding that you are currently reviewing a five house development of the property at 3055 Oak Bailey 72703.

We live next to this property at 2427 N Warwick Dr 72703.

We wanted to get your thoughts on beginning the process of getting approval for an accessory dwelling unit close to the property line on that same side.

We currently have water, electric and gas that I think could supply the additional unit. We have a 6 or 8 inch water main.

We are on septic and wanted your thoughts on connecting this additional unit to our septic or if it is possible connecting the additional unit and possibly our home to the sewer that will be installed on 3055 Oak Bailey.

Ben Owen
479-841-0978

From: Brown, Chris <cbrown@fayetteville-ar.gov>

Sent: Wednesday, May 29, 2024 5:13 PM

To: Berna, Scott <scott.berna@fayetteville-ar.gov>

Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: FW: Extension of N Warwick Drive - Surveys being taken

Scott,

For your use-Jessie says it much better than I did.

Chris

From: Masters, Jessica <jmasters@fayetteville-ar.gov>

Sent: Wednesday, May 29, 2024 4:26 PM

To: Brown, Chris <cbrown@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>

Cc: Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>

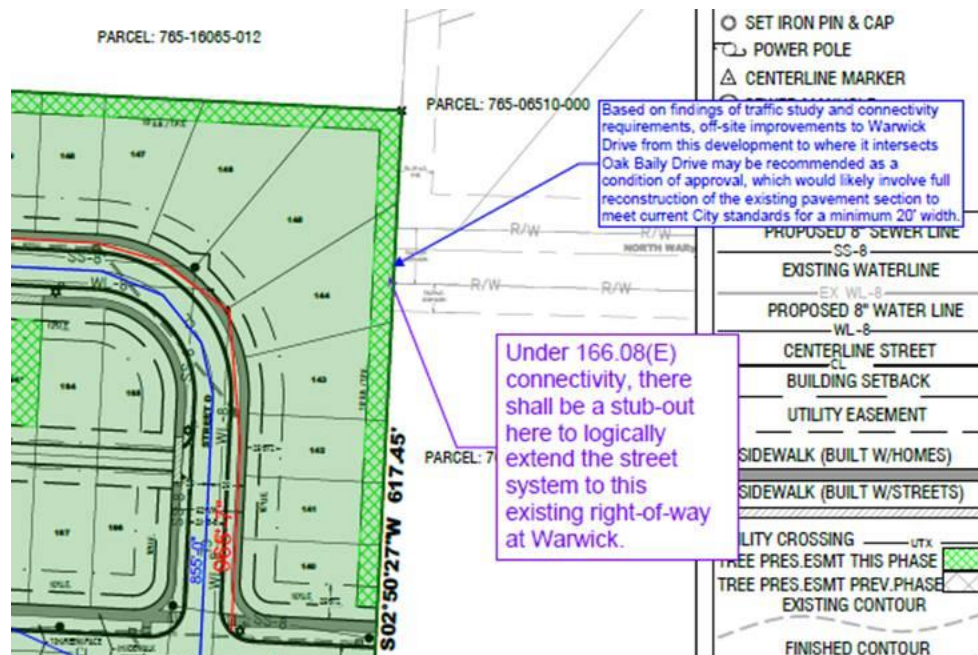
Subject: RE: Extension of N Warwick Drive - Surveys being taken

Good afternoon,

Yes, I am happy to provide some additional information on this item.

The developers for the Stage Station project, Phase 2, submitted a preliminary plat for review (PPL-2024-0004). The item was tabled at Tech Plat on May 1 for issues with drainage, tree preservation, and an unpaid application fee. There has been no resubmittal of the project, and it is not currently queued up or anticipated to be on an upcoming agenda at this point.

Regarding questions about the Warwick Drive expansion, City staff issued a comment that since the proposed development was adjacent to Warwick (a public street), code requires that the development connect to Warwick (under 166.08(E)). If the developer does NOT want to connect to Warwick, a variance to that portion of code would have to be sought from the Planning Commission. If the developer DOES choose to redesign their lot configuration and connect to Warwick, they would likely be required to improve it to a minimum standard of 20-foot paved width within the existing right-of-way for necessary emergency services access. Staff did not make any recommendation or requirement of additional right-of-way acquisition along Warwick Drive to meet this expectation. I've included a screen shot of staff's comments from Planning and Engineering below.



Please feel free to forward public comment on this item to me directly, as I am the main planner on this item; I'll want to make sure that we're addressing and recording all of the comments we receive.

Let me know if I can help answer anything additional in the meantime, and I will be responding to the individual below.

Jessie

From: Masters, Jessica
Sent: Monday, June 3, 2024 12:22 PM
To: Madeline Wagnon <mmwagnon@gmail.com>
Subject: RE: Expansion of Warwick Dr

Madeline,

Thank you for the follow-up. I recommend signing up for notifications through the City's website [at this link](#). You can receive copies of upcoming agendas this way. Further, once the item is getting ready for placement on a public hearing, public notification will be required to be completed by the developer. Signs will have to be posted, as well as letters to property owners and residents within 200 feet of the project's boundary. You can also track the project's status [at this link](#) by searching for the project number (PPL-2024-0004).

Happy to answer any additional questions you might have.

Thank you,

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Madeline Wagnon <mmwagnon@gmail.com>
Sent: Friday, May 31, 2024 8:47 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: Expansion of Warwick Dr

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 Jessie,

Thank you for this information and your candor. I will share this with the HOA to hopefully put some at ease for now.

Is there a way for us to know if or when this comes back up for discussion?

Best,
Madeline Mason

From: Masters, Jessica
Sent: Monday, June 3, 2024 12:18 PM
To: Clay Erickson <ceric01@gmail.com>
Cc: Brown, Chris <cbrown@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: RE: Extension of N Warwick Drive - Surveys being taken

Clay,

Thank you for the response, and for your patience in mine. I have answered your questions below in **RED**. Please let me know if you have any others.

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Clay Erickson <ceric01@gmail.com>
Sent: Thursday, May 30, 2024 1:13 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Brown, Chris <cbrown@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>; Clay Erickson <ceric01@gmail.com>
Subject: Re: Extension of N Warwick Drive - Surveys being taken

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,
thank you for the reply and the access to the dropbox link. a couple additional questions and comments.
- based on the embedded image with "city staff comment" is the developer's current plan NOT to connect to N Warwick Drive. The image seems to show lot/parcell 144 backing up

to the N Warwick right of way with no extension of Warwick. Am I correct in this interpretation? Right now, the development plans that the City has do not show the developer connecting to Warwick. The City's connectivity code would require that they do connect to the existing public right-of-way. We do not know if the developer intends to seek a variance to this requirement, or modify their plans.

- as plans for this project update will they continue to be posted to the dropbox link you have provided? Is a current plat map for phase 2 available? Or a more complete view of the embedded image? That specific dropbox link will not be updated; it was a temporary folder that was created to provide the available information at the time. All of the documents that the City has received were included in that Dropbox link, and the embedded image in full can also be found in that same link. You may follow the project's status [here](#) by searching for the project number (PPL-2024-0004), and you can sign up for agendas and other notifications from the City [here](#). You may also request documents or updates from City staff at any time and we will provide them to you.

Also I have concerns that 149 residential lots are being proposed for this project. Does Butterfield elementary have the space and resources that may/will be needed to meet that type of growth in their backyard? And this proposal projects to remove 80% of existing tree canopy on the 32 acre parcel of land, taking away habitat and tranquility from the neighborhood. We have not received any feedback from the School district at this time. The City of Fayetteville tree preservation requirements are also under review. Specific questions about how those are being met can be fielded by Urban Forestry Staff. Melissa Evans is the main point of contact for those requirements (mevans@fayetteville-ar.gov). She will be out of the office until tomorrow and will respond to an inquiry as soon as she is available.

I appreciate you taking the time to respond. It is a concern when I have surveyors shooting site lines 25-feet inside my fence line to understand right of way needs. ***I am against the extension of N Warwick and hope that the developer seeks the necessary code variance and that city staff grants them that approval.*** No extension or proposed extension shows on the 2030 Master Plan. Those of us living on Katherine Avenue already have "cut-thru" traffic and a thoroughfare in the front of our properties. We certainly do not need it nor want it in the back of our property with North Warwick too. Staff has received your comments and they will be provided to the Planning Commission for their consideration at that time. Again, there is no scheduled hearing for this item at this time, and the public will be notified by the developer when there is.

Sincerely
Clay Erickson
3181 N Katherine Avenue
Fayetteville, AR 72703
ceric01@gmail.com
479-616-6246

From: Masters, Jessica
Sent: Monday, June 3, 2024 12:07 PM
To: Nicole Claesen <nclaesen@hotmail.com>
Subject: RE: Warwick Drive/Old Missouri & Rolling Hills Development

Nicole,

Thank you for the response, and for your patience in mine. I have responded to your questions below in **RED**. Please let me know if you have others.

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Nicole Claesen <nclaesen@hotmail.com>
Sent: Thursday, May 30, 2024 11:29 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: Warwick Drive/Old Missouri & Rolling Hills Development

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 Jessica,

Thank you so much for taking the time to respond to my email. After a cursory view of the documents within Dropbox, I do have some questions.

To clarify, the city does NOT recommend that the developers connect to Warwick? From what I can see the developers have not requested a variance to not connect to Warwick. Are there any notes, emails, etc.. that indicate the developer plans to go ahead and connect to Warwick? Should the developers request a variance to not connect to Warwick, would it be correct to say the city would planners would not disagree with that request at a Planning Commission meeting? **The City's connectivity code would require a connection to Warwick since it is public right-of-way, and no variance has been submitted yet at this point. We have not heard anything from the development team on what their intent is at this time, so we have not weighed in on a specific request.**

Per my quick review of ROW lines, should the developers decide to proceed with a connection

it would require the developer and/or the city to buy sections of property from homeowners. In just one instance, it would require up to 30 feet of one homeowner's backyard. I'm going to presume that the city would not pursue eminent domain (please clarify if you believe the city would pursue eminent domain). How much notice is required by the city for the developers to contact the property owners? **The City does not typically require off-site right-of-way acquisition for a development. Any physical improvements that would be necessary along Warwick would have to be made within the existing ROW. The City would not pursue eminent domain on behalf of a private developer.**

Who would be the proper point of contact at Jorgenson to discuss why they instructed employees to access homeowner's backyards without knowledge or permission from the homeowners? **The point of contact on the application documents is Charles Zardin, charles@jorgensenassoc.com.**

As I am sure you have received several inquiries into this situation, you can imagine how concerning this potential connection and its impact could have.

Thank you again for your time and effort, I appreciate it very much.

Best,
Nicole Claesen

From: Chris Goering <chrisgoering@gmail.com>
Sent: Thursday, June 13, 2024 11:59 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Warwick Extension

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 Jessica,

I wanted to write as a resident at 3187 N. Katherine Avenue that backs up to an alleyway of Warwick Drive to let you know that we are very much against the idea of an extension coming from the eventual stage station subdivision.

I'm not a city planner but in walking around the area back there and adjacent to it, if an extension had to happen, there's a piece of property that runs parallel to Warwick that

would be a logical place to put something. Living in the Huntingdon POA that's been here since the mid 70's, I think clipping the backs of all of these properties would be very unfortunate and would make these yards different and less valuable than others in the rest of the subdivision.

Progress has to happen--I'm with you on that. More houses are needed, yes. But there are other better and more affordable options.

Chris Goering

From: Masters, Jessica
Sent: Monday, June 17, 2024 8:59 AM
To: 'Emily J. Brickman' <emjhollingsworth@yahoo.com>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: RE: Warwick Drive Expansion and Extension - 20240614

Emily,

Thank you for your comment regarding a possible connection to the existing Warwick Drive by the proposed development. Staff has received your comment, and when the item is scheduled for a public hearing, it will be included in staff's packet for the Planning Commission's consideration. As we discussed previously, Warwick Drive is currently public right-of-way, and [166.08\(E\)\(3\)](#) typically requires a new development to connect and extend the public street network to meet connectivity requirements.

The developer submitted new plans last week and the folder below has been updated to include that information. The Stage Station subdivision (PPL-2024-0004) is currently scheduled for the Tech Plat review meeting on June 26, 2024 at 9:00 AM. This is a public meeting, but not a public hearing, meaning that members of the public can attend either in-person in Room 326 in City Hall, or via [zoom](#), but no public comment is taken at the meeting itself. The meeting is also recorded and members of the public can [view it](#), typically 24 hours after the meeting. Staff will present comments to the applicant at that time that will need to be addressed, and it will be established whether or not the item will be forwarded to a public hearing.

Please let me know if you have any additional questions.

Sincerely,

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Emily J. Brickman <emjhollingsworth@yahoo.com>
Sent: Friday, June 14, 2024 10:21 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Re: Warwick Drive Expansion and Extension - 20240614

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 Jessica,

I wanted to thank you for this communication. I have spoken with the developers and they indicated they will apply for a variance so that they don't have to connect to Warwick Drive. I very much hope that they follow through with the variance request and that city planning and city council approve this request.

Please note that I am very much against the extension and expansion of Warwick Drive. Please keep me informed and update as the planning process moves forward.

I did notice that there were no developments plans included in the Dropbox link below, specifically the plan with city notes that you referenced below. Please provide if possible.

Thanks,

-Emily Brickman

From: Ben Owen <benoweninc@gmail.com>
Sent: Friday, June 14, 2024 1:35 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Warwick Extension

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 Jessica,
I am writing to express my opposition to the Warwick street expansion as part of the Stage Station project. As you know, this street has never been on the City of Fayetteville's master street plan. The Rolling Hills extension already provides an option to get east to oak bailey. The extension of Warwick does not make any sense. Doing so would only bring traffic into a residential neighborhood (Huntington) that the City has worked hard to make highly walkable. Please consider this my vote to

NOT approve the Warwick extension. I understand that public meetings will be held soon and I will also attend the meeting.

Thank you for your time and consideration.

Ben Owen

From: Masters, Jessica
Sent: Monday, June 17, 2024 10:40 AM
To: Tanya Owen <tanya@owenvocational.com>
Subject: RE: Warwick drive expansion

Tanya,

Thank you for reaching out with questions regarding a possible connection to the existing Warwick Drive by the proposed development. Warwick Drive is currently public right-of-way, and [166.08\(E\)\(3\)](#) typically requires a new development to connect and extend the public street network to meet connectivity requirements.

The developer submitted new plans last week and the dropbox folder below has been updated to include that information. The Stage Station subdivision (PPL-2024-0004) is currently scheduled for the Tech Plat review meeting on June 26, 2024 at 9:00 AM. This is a public meeting, but not a public hearing, meaning that members of the public can attend either in-person in Room 326 in City Hall, or via [zoom](#), but no public comment is taken at the meeting itself. The meeting is also recorded and members of the public can [view it](#), typically 24 hours after the meeting. Staff will present comments to the applicant at that time that will need to be addressed, and it will be established whether or not the item will be forwarded to a public hearing.

<https://www.dropbox.com/scl/fo/vipuekta57qgpdvf7mg1t/AGdqTPt6qZCXYzyG0y0Iy4?rlkey=p0h4vdmqmp3dlndgcgpe00xzl&st=myvneiww&dl=0>

Please let me know if you have any additional questions. I can also be reached at 479-575-8239 below.

Sincerely,

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Tanya Owen <tanya@owenvocational.com>
Sent: Friday, June 14, 2024 10:25 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Warwick drive expansion

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 Jessica
I would like to discuss the expansion on Warwick drive with you. What is a good time / date that we can discuss?

Tanya Rutherford Owen, Ph.D., CRC, CLCP, CDMS, LPC, FIALCP
Owen Vocational Services, Inc.
Co-Editor- *Life Care Planning & Case Management Across the Lifespan*
1706 E Joyce Blvd Suite 2
Fayetteville, AR 72703
(479) 718-6631
Fax (501) 421-6043



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From: Zachary Asbury <zasbury@gmail.com>
Sent: Friday, June 14, 2024 4:22 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Extension of Warwick Drive / Stage Station

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 whom it concerns,

I'm writing to let it known I am against extending/expanding Warwick Drive as part of the Stage Station subdivision.

Thanks for your time,

Zack Asbury
2625 N Warwick Dr

-----Original Message-----

From: Laura Ferrier <laura_ferrier@hotmail.com>
Sent: Saturday, June 15, 2024 3:15 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Warwick extension/expansion

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 Jessica,

My name is Laura Ferrier and I live on Tartan Way in Fayetteville, in the Huntingdon subdivision. I am writing you to let you know that I, along with many of my neighbors, am against the extension/expansion of Warwick Drive as we feel that such an expansion would increase traffic and congestion in our neighborhood. We are already experiencing increased congestion and traffic due to the increased development in our area, both with what has already been built and what is planned.

Thank you for your consideration!

Sincerely,

Laura Ferrier

Sent from my iPad

From: beverly rutherford <beverly@owenvocational.com>
Sent: Sunday, June 16, 2024 10:40 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Stage Station Project

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 am writing to let you know my opposition to the Warwick street expansion as part of the Stage Station project. As you know, this street has never been on the City of Fayetteville's master street plan. Additionally, because the Rolling Hills extension is already being stabbed in as part of this project, it makes no sense to stub in the Warwick expansion. This would only bring traffic into a residential neighborhood (Huntington) that the City has worked hard to make highly walkable. Please consider this my vote to **NOT** approve the Warwick extension. I understand that public meetings will be held soon and I will also attend the meeting.

--

Beverly Rutherford
1706 E Joyce Blvd Suite 2
Fayetteville, AR 72703
beverly@owenvocational.com
be448ruth@gmail.com

From: Haley Woodward <haleyrene12902@gmail.com>
Sent: Monday, June 17, 2024 8:38 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Stage Station 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,

I am writing to express my strong opposition to the proposed expansion of Warwick Street as part of the Stage Station project. Having grown up in this neighborhood, I have had the privilege of experiencing the diverse wildlife that Fayetteville has to offer. One of the city's true beauties is observing box turtles coming to eat compost, watching baby deer graze on our pear trees, seeing bunnies create their families, and so much more. This expansion will encroach on the land that has long served as a habitat for these animals, displacing them further than the Stage Station development already has.

As you know, Warwick Street has never been part of the City of Fayetteville's master street plan. Additionally, with the Rolling Hills extension already being incorporated into the project, it makes no sense to include the Warwick expansion. Doing so would only increase traffic in a residential neighborhood (Huntington) that the City has diligently worked to make highly walkable.

Please consider this my formal vote against approving the Warwick extension. I unfortunately will not be able to make the in person meeting due to being away in veterinary school, but I urge you all to consider the lives, both human and animals, that will be negatively affected by this expansion.

Thank you for your attention to this matter, and I hope you all will make the best decision for all residents of Fayetteville; the best city in the Natural State.

Haley Woodward

From: Masters, Jessica
Sent: Monday, June 17, 2024 5:20 PM
To: Emily J. Brickman <emjhollingsworth@yahoo.com>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Evans, Melissa <mevans@fayetteville-ar.gov>
Subject: RE: Warwick Drive Expansion and Extension - 20240614

Emily,

Thank you for the follow-up comment and questions. I have provided answers to the best of my ability below in **RED**.

Sincerely,

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Emily J. Brickman <emjhollingsworth@yahoo.com>
Sent: Monday, June 17, 2024 12:14 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Re: Warwick Drive Expansion and Extension - 20240614

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Also,

It looks like they will be taking 20 feet of our backyard by 150 feet long, ~3000 square feet.

How will the city or developer compensate for the taking of land? **Warwick Drive is constructed within existing public right-of-way. Any proposed improvements that may be ultimately required of the developer to connect to or extend Warwick will ultimately need to stay within the limits of any existing ROW, and no additional land acquisition will be**

required of the developer. The Planning Commission will ultimately determine the final off-site improvements that will be required of the development; these plans are preliminary and still under staff review. Comments will be issued at the Tech Plat meeting on June 26.

How will the city or developer compensate for the disturbance to our property? See above.

Will our land be paid for? See above.

Will our trees and garden be replaced? See above.

Are the trees on our property which will be torn down currently included in the tree survey or preservation plan? Any off-site removal on private property is typically required to be shown by the developer. Please note that Warwick Drive is currently existing right-of-way, and typically, trees that are within existing right-of-way are not counted as being preserved. Any questions involving tree preservation can be directed to Melissa Evans, our Urban Forester. Whether they are required to still be shown as removed, Melissa will be able to speak more specifically to.

Will our fencing that is taken down be replaced? Any fencing that is located within public utility easements or right-of-way are subject to removal at any time by those entities who could access the existing easement or right-of-way. I cannot speak to the specifics of any existing fencing, its location, or how it may be affected by any proposed improvements to the existing Warwick Drive right-of-way.

This is devastating and we need answers.

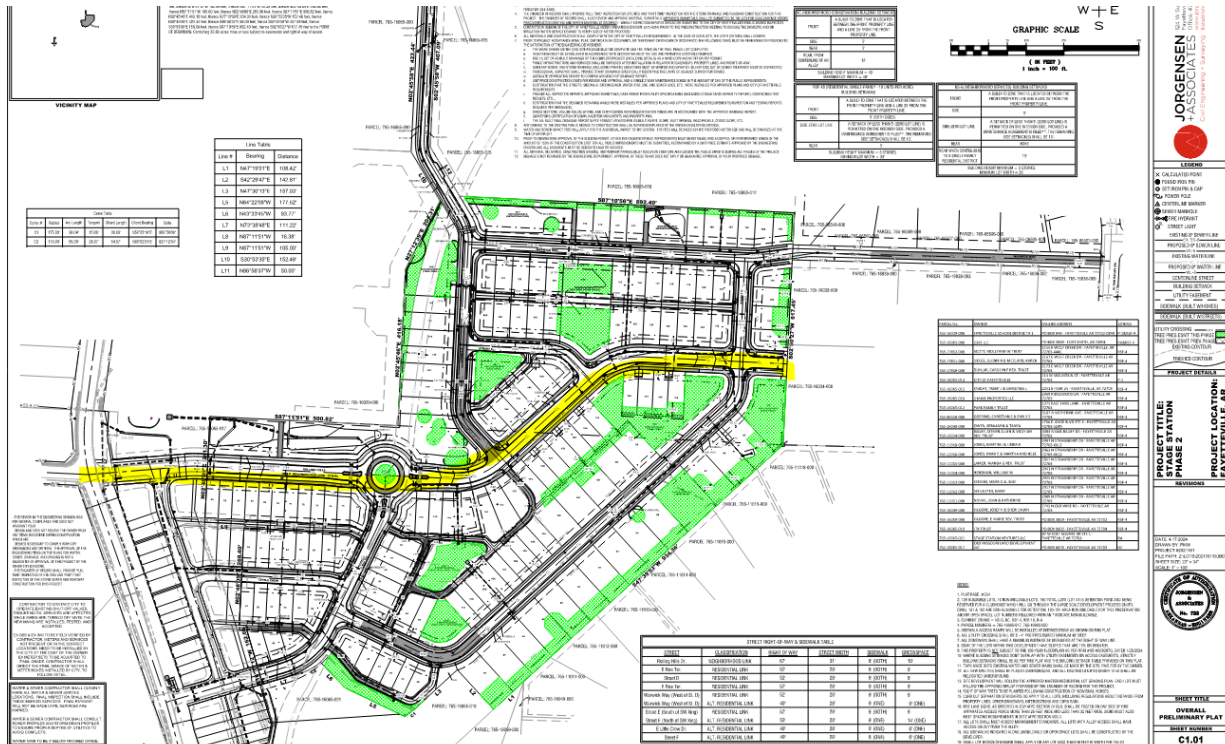
-Emily

On Jun 17, 2024, at 11:48 AM, Emily J. Brickman <emjhollingsworth@yahoo.com> wrote:

Hello,

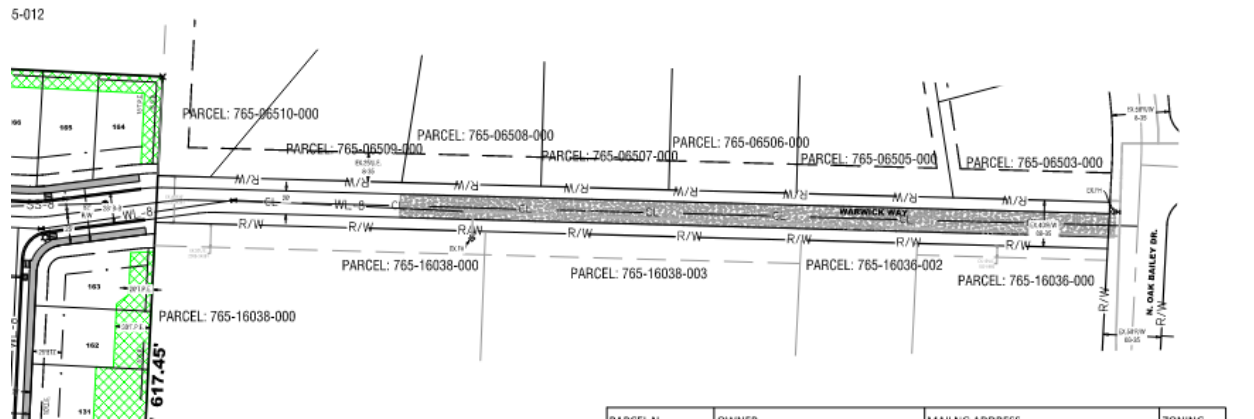
It seems like the city is turning Warwick Drive into the new Rolling Hills Drive. Warwick is currently a 15 foot wide driveway without any through traffic- you now intend to direct east west traffic through our backyards and have a 40 foot wide disturbance. This is devastating news as the city will take my backyard and many others. Warwick is not even on the master street plan, but RHD is. Why is RHD not surveyed for extension plans but instead Warwick has been? This seems like a huge shift in city priorities and contrary to established plans. A connection to Warwick Drive is required to meet a separate part of City ordinance from the completion of the Master Street Plan. A connection to Warwick Drive is required under 166.08. The developer is additionally showing the portion of the Rolling Hills development that runs through their affected property in line with that master street plan connection; they are not required to build the remainder to the east since that remains private property.

I've highlighted in the image below where the developer intends to meet the MSP standard for a Neighborhood Link Street for Rolling Hills.



Additionally, all residents adjacent to Warwick Drive have never been communicated with in the past and have not been formally notified of these plans. It seems like Warwick Drive expansion and extension is very much part of this proposed development and these residents and the subdivision should be notified. Residents adjacent to Warwick are not included on plans page 3 for future notification. Isn't this against city rules? **Public notification has not yet been required to be completed on this development, under the requirements in UDC chapter 157. Once the item is scheduled for a public hearing, public notification will be required to be completed. Once it is established that the project is ready for public hearing, full requirements for public notification will be required to be met. The proposed project will be required to be heard on a Fayetteville Subdivision Committee agenda, and the Fayetteville Planning Commission agenda.**

Plans page 4 inset road table has two mentions of West of St D but no mention of east of street D. Is this an error? What is intended for east of D? **It does not look like the developer has included the Warwick Drive connection on their street table yet. These plans are still under review, but the site plan appears to show a 20-foot paved width within existing 40-foot right-of-way.**



Has the developer not applied for a variance? What is the process for that? **They have not applied for any variances yet. Any variances will need to be submitted in writing prior to the item being forwarded to a public hearing; it is a request that would be incorporated with the overall project, and Planning Commission would make a determination on that item at the public hearing.**

Can we request that city planning and council take a trip to view and observe the current development of Warwick Drive and see how much this impacts current residents? **I would advise that this should be requested after the project has reached the Subdivision Committee and possibly the full Planning Commission and the developer's plans are more solidified, and any final recommendations are more concrete. The plans are still preliminary, and no formal recommendation has yet been made. City Council does not typically review or approve Subdivisions within the City of Fayetteville.**

I have called and left several messages and none have been returned. **I apologize – I have record of one voicemail from this morning from when I was away from my desk. Hopefully this email helps answer your questions.**

Thanks

-Emily Brickman

From: jacob brickman <jacobbrickman@gmail.com>
Sent: Wednesday, June 19, 2024 8:01 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: against the extension/expansion of Warwick Drive

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 Jessica,
I live at 3183 North Katherine Avenue, Fayetteville AR 72703. I am against the city plan to extent Warwick drive.
Thanks in advance for your consideration.
-Jacob

From: Jennifer O'Neal <jnoneal0626@gmail.com>
Sent: Thursday, June 20, 2024 12:49 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Warwick Drive Extension

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.

Jessica,
Hello! I am a member of the Huntingdon POA, live on Warwick Dr, and have a rental in the neighborhood as well.

I am adamantly opposed to extending Warwick Drive. We do not need any additional traffic in our neighborhood.

- The exit at Oak Baily cannot support this.
- There are MANY pedestrians in our neighborhood that this could endanger.
- The local wildlife (deer, coyote, fox, etc...) are already being driven from their homes by all of the surrounding construction.

Please let me know if you would like to discuss further. I see no merit in connecting or extending Warwick unless the intent is to lower our property value.

Thank you,
Jennifer O'Neal
Homeowner

From: Gmail <krwoodward1@gmail.com>
Sent: Monday, June 17, 2024 2:55 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Warwick

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 am writing to express my opposition to the Warwick street expansion as part of the Stage Station project. As you know, this street has never been on the City of Fayetteville's master street plan. Additionally, because the Rolling Hills extension is already being stubbed in as part of this project,

it makes no sense to stub in the Warwick expansion. Doing so would only bring traffic into a residential neighborhood (Huntington) that the City has worked hard to make highly walkable. Please consider this my vote to NOT approve the Warwick extension. I understand that public meetings will be held soon and I will also attend the meeting.

Thank you for your time and consideration.

Karen Woodward

-----Original Message-----

From: LESLIE Ray Britt <lrnurse@aol.com>
Sent: Tuesday, June 18, 2024 8:26 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Extension of Warwick

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, I just wanted to reach out as a Huntingdon resident and please ask that the extension of Warwick from the new housing addition off of Old Missouri not be something the city considers. Our neighborhood is already a cut thru that people use to get to Joyce and to access the bike trail. We have asked for an evaluation for speed bumps on Warwick and Katherine because of the increase in traffic. Our neighborhood is full of children that love to play outside and with the blind curves and hills it can be scary enough already. Added traffic will definitely cause a difference for safety. Thank you for your time Sincerely Leslie Ray-Britt
3133 N Warwick Dr
Sent from my iPhone

From: Haley Woodward <haleyrene12902@gmail.com>
Sent: Monday, June 17, 2024 8:38 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Stage Station 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,
I am writing to express my strong opposition to the proposed expansion of Warwick Street as part of the Stage Station project. Having grown up in this neighborhood, I have had the privilege of experiencing the diverse wildlife that Fayetteville has to offer. One of the city's true beauties is observing box turtles coming to eat compost, watching baby deer graze on our pear trees, seeing bunnies create their families, and so much more. This expansion will encroach on the land that has long served as a habitat for these animals, displacing them further than the Stage Station development already has.

As you know, Warwick Street has never been part of the City of Fayetteville's master street plan. Additionally, with the Rolling Hills extension already being incorporated into the project, it makes no sense to include the Warwick expansion. Doing so would only increase traffic in a residential neighborhood (Huntington) that the City has diligently worked to make highly walkable. Please consider this my formal vote against approving the Warwick extension. I unfortunately will not be able to make the in person meeting due to being away in veterinary school, but I urge you all to consider the lives, both human and animals, that will be negatively affected by this expansion. Thank you for your attention to this matter, and I hope you all will make the best decision for all residents of Fayetteville; the best city in the Natural State.
Haley Woodward

From: Planning Shared <planning@fayetteville-ar.gov>
Sent: Monday, August 12, 2024 9:29 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: FW: Stage Development and possible connectors

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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



From: Castin, Nick <nick.castin@fayetteville-ar.gov>
Sent: Sunday, August 11, 2024 2:20 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Fw: Stage Development and possible connectors

FYI

Nick Castin
Planning Commissioner
City of Fayetteville, Arkansas



From: Ben Owen <benoweninc@gmail.com>

Sent: Friday, August 9, 2024 12:27 PM

To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>

Subject: Stage Development and possible connectors

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 had a few questions about an item on the agenda this month, the variance requested by the builder of Stage development on Old Missouri.

I live at 2427 N Warwick and the Warwick extension would turn my driveway into a street connecting the new development to Huntingdon. The builder has requested a variance on the Warwick extension.

I understand that they would like to stub to Rolling Hills which is on the master street plan and is about 150 ft south of Warwick.

I do not think that a connector is necessary or useful, but if you do, I think that the master street plan is a better option.

Also, do you know if expanding Raven Trail into a street has been considered as an alternative connector? It is about 1/4 mile to the north of Warwick and is already a paved pedestrian connection between Old Missouri and Huntingdon.

Ben Owen

From: Christina Knight <cleeknight@gmail.com>

Sent: Thursday, August 15, 2024 4:41 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: Old Missouri development

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,

Thank you for contacting me to hear my concerns about the new development. Below is a detailed breakdown of my experience with the creeks on our property.

Our property at 2251 Farr Lane, is adjacent to the north west corner of the proposed Old Missouri/Rolling Hills development. I hope you will consider my perspective, which I believe is significantly supplemental to the information provided by the survey and drainage analysis. I would like to express my concern, about storm water. I am concerned about the retention ponds in the finished project, but more significantly, the impact of water during construction, before the ponds are operational. You should be aware of significant flooding and damage, we already experienced as a result of clearing by the developers.

We are the lowest point below this development, and the runoff flows into, and across, our yard. Prior to the work done by these developers, we managed seasonal drainage by grading our lot, deepening the existing creek beds to direct and contain flow, and adding underground, perforated drainage canals, to reduce surface water.

Trees and undergrowth absorb water, slowing the flow and volume of surface water. In order to access, and survey this property, developers cleared several trees. Newly cleared areas significantly increased the volume of runoff to our property. Compounding the added volume, the significant amount of wood chips, limbs, and other plant debris left on the surface of these new paths, flowed downhill into to the natural creeks during a spring storm. The debris then, dammed the creek at our fence, temporarily created a large lake, and finally pushed our fence over, unleashing that "lake" in a massive flash flood across our yard, engulfing our house and pool. Thousands of dollars were spent, and more than a month of work was required to remove silt and debris from our grass, pool equipment, washed-out driveway and flower beds.

I must also, inform you of some history, which impacted our property. The drainage study indicates it was based on data collected prior to construction of our home. Our land, Butterfield elementary, and Fayetteville Rehab are the headwaters of some mud creek tributaries, which have been gradually modified over many decades. The majority of drainage from the hill, leads to the ponds located on Raven Trail and another one north of it. Many years ago, before the expansion of Butterfield Elementary School, and long before we built our home, there was another pond near our southwest property corner. At some point, that pond was filled. Despite significant culvert improvements around the elementary school in more recent years, a significant amount of water from Butterfield property drains in a creek running along the entire west boundary of our property, and also through the Fayetteville Rehab parking lot. It's even evident in erosion of their blacktop. That water skirts our property, and flows back to the east at Raven Trail and under our driveway. The entire west side of our property and the easement, where the developers are proposing to insert a secondary egress, is actually wetland. It has been for decades, but is even more swampy in recent years, with the increased flow from Butterfield renovations. This wetland continues to the two ponds north of us, and into Mud Creek. Every neighborhood added to this area in the last 50 years, has slowly redirected the natural tributaries

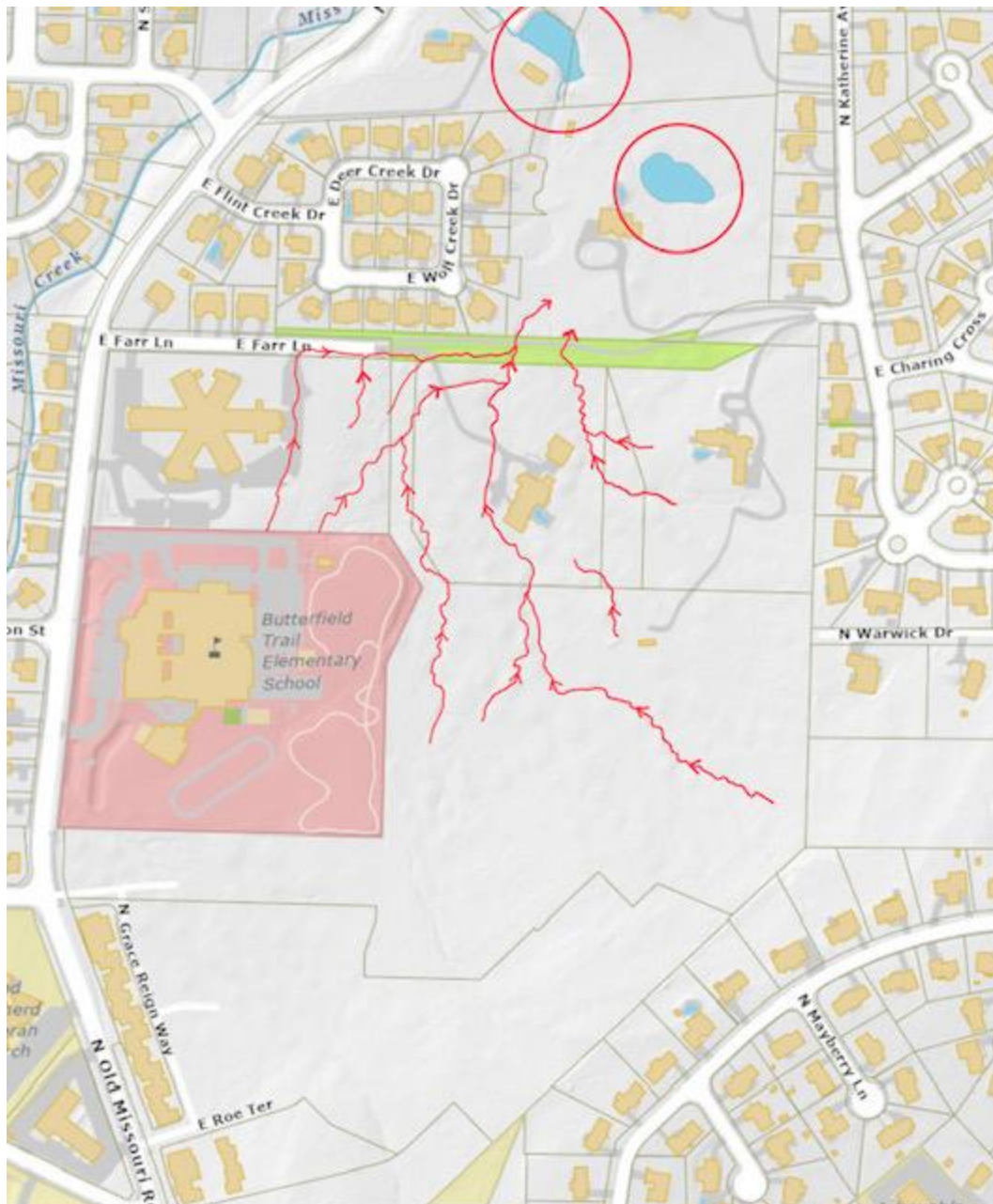
I am comfortable with the property being developed, but have concerns about the water management during construction and after.

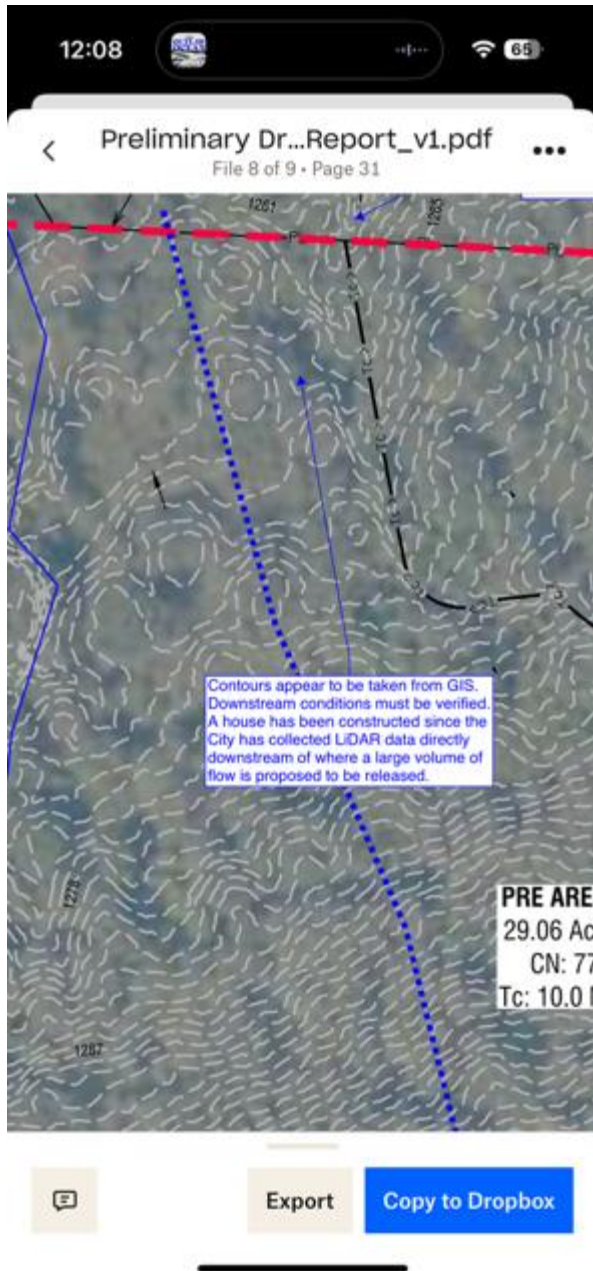
My first concern is reassurance the water, and debris, will be managed during construction, so we avoid another deluge. Secondly, I request the retention ponds be revised to release water AWAY

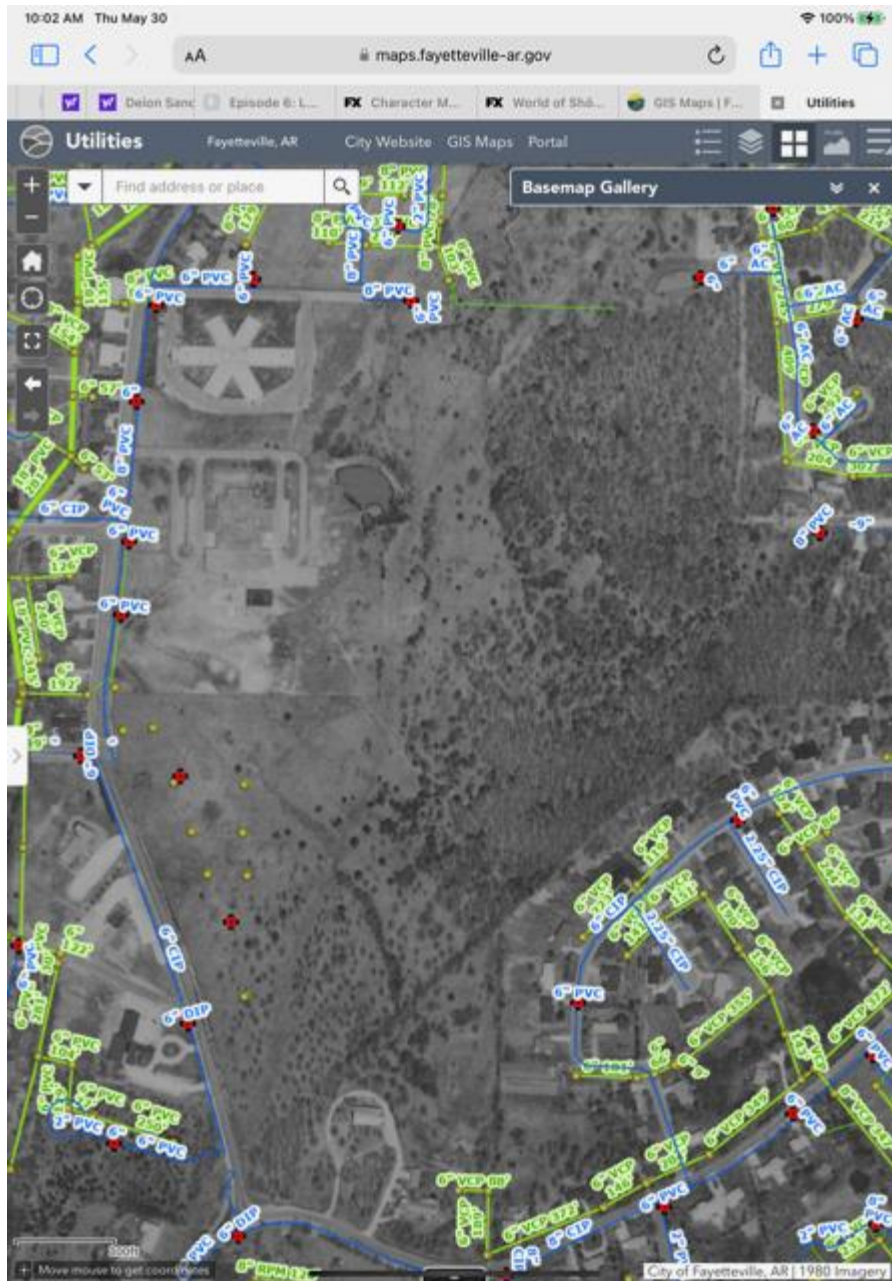
from our yard. We are not prepared to handle the full volume of potential runoff even if the retention ponds intend to meter the flow to “normal” rates. If the water is instead, directed to the proposed access road, it will protect our home, but we will still need the developers to address the increased flow this will inevitably cause at our driveway entrance, near raven trail. That runoff turns east, and crosses our driveway in two places, where we currently have culverts installed.

I’ve included several images, which should be helpful in illustrating my concerns. I have diligently observed our water situation, and studied the topography of our surroundings for the past several years, to make sure we have done everything we can to protect our home.

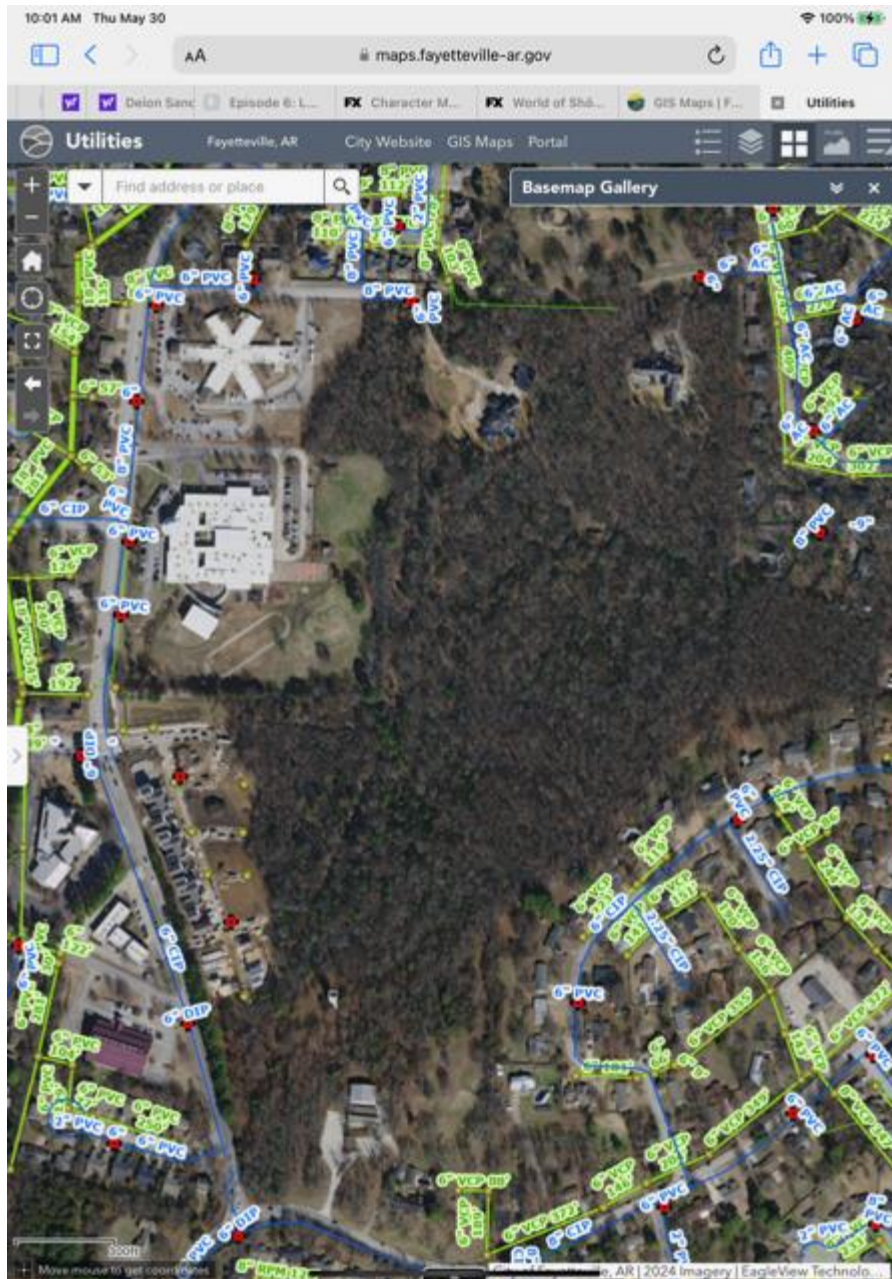
I am happy to explain any of the images more thoroughly, or clarify anything detailed above. Please feel free to reach out.







Compiled Public Comment
PPL-2024-0004



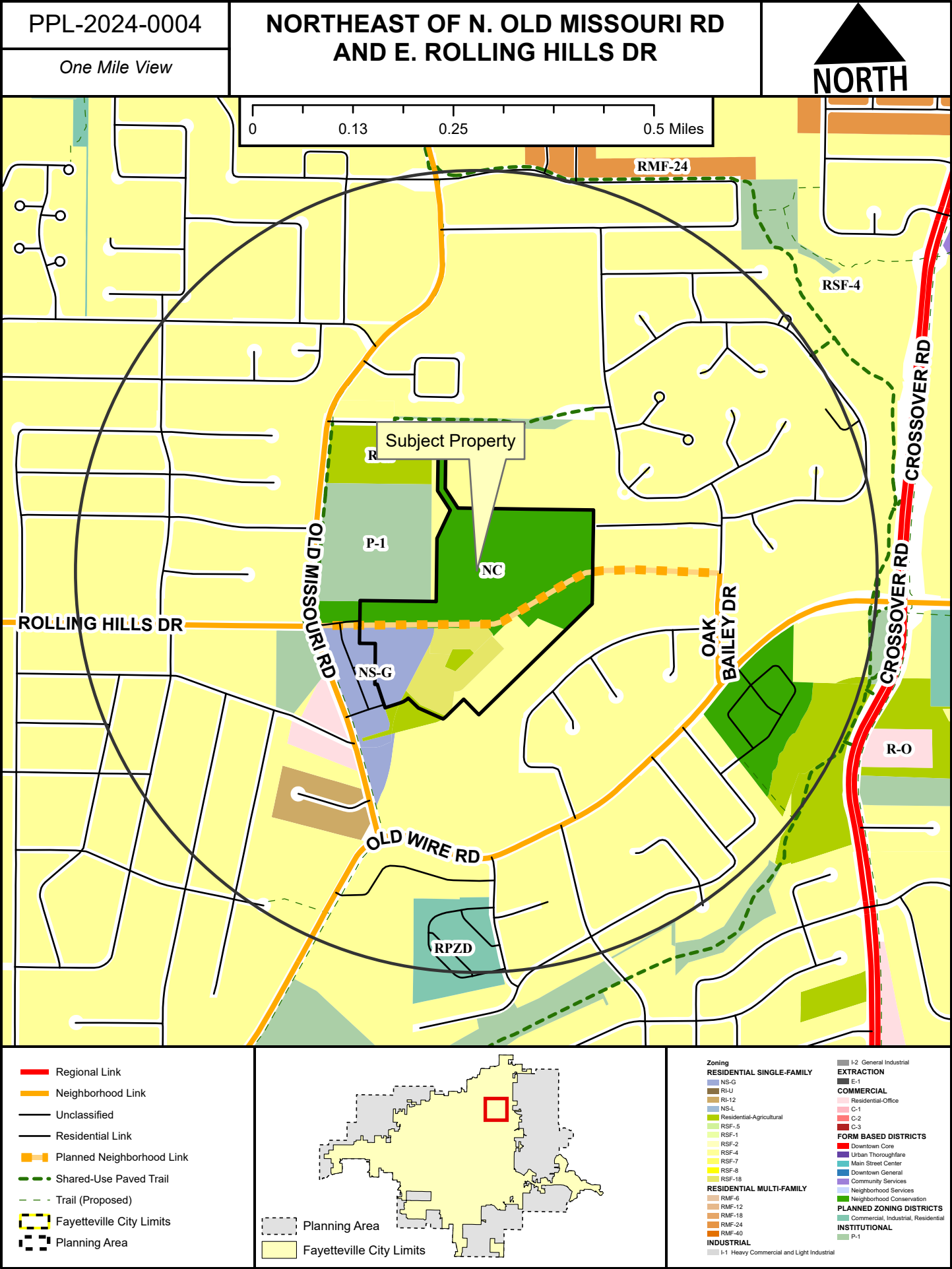


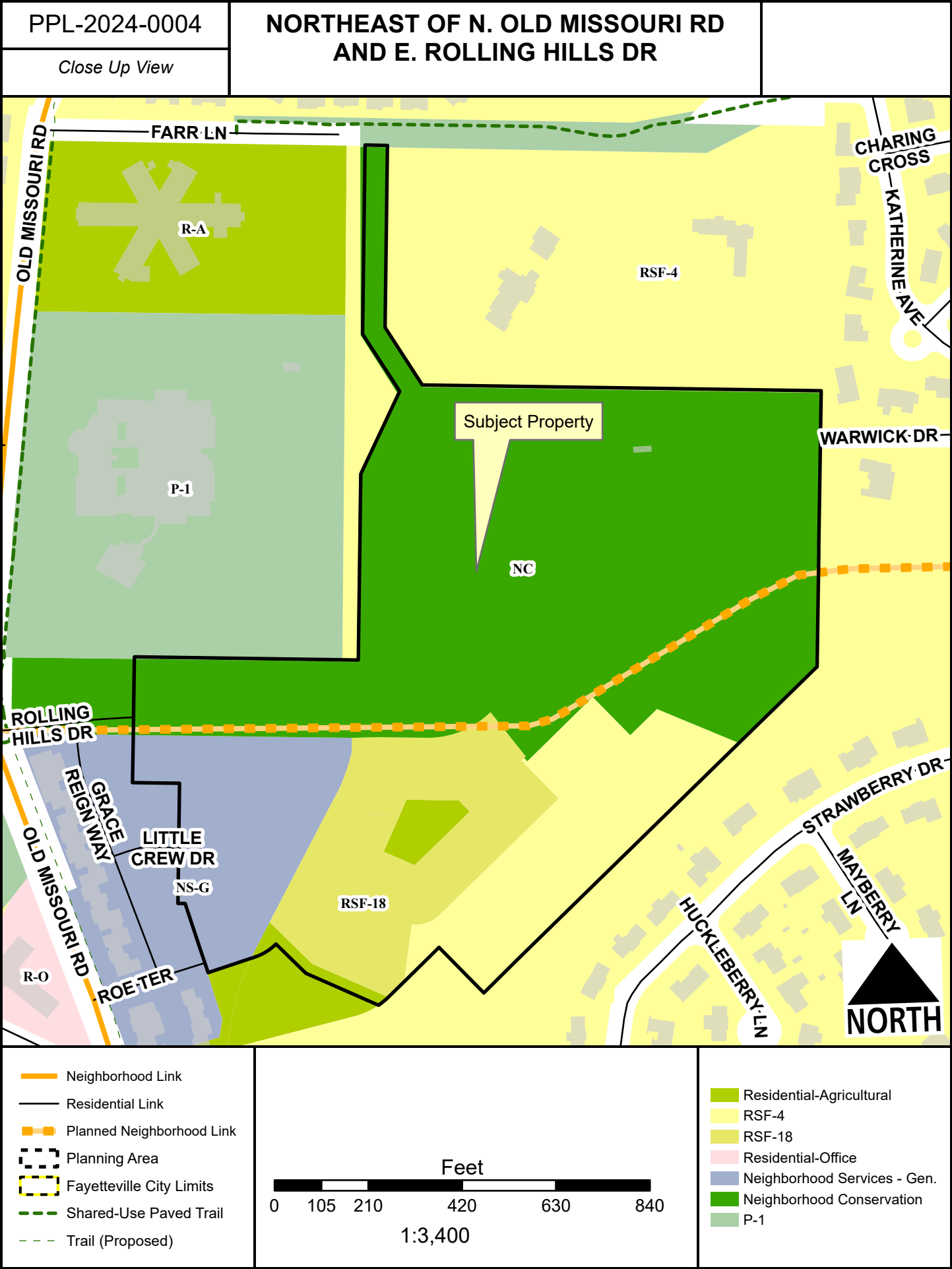


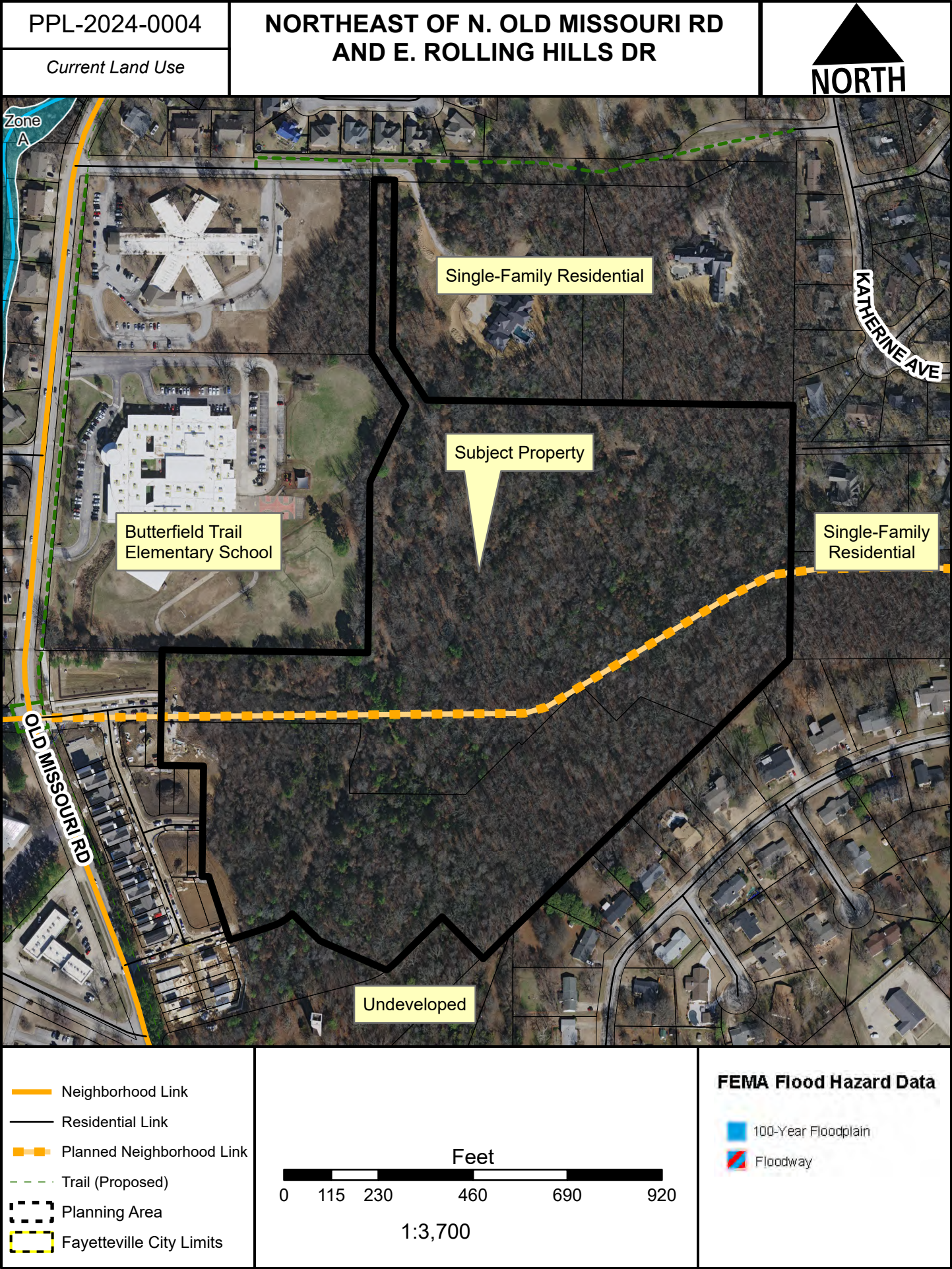


Regards,
Christina

Christina Knight
CLeeKnight@gmail.com
479-236-1545









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: August 26, 2024

SUBJECT: **CUP-2024-0030: Conditional Use Permit (2801 W. MCMILLAN DR./CROSS CHURCH, 441):** Submitted by CRAFTON TULL for property located at 2801 W. MCMILLAN DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 11.72 acres. The request is for an off-site parking lot.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0030**.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0030**, determining:*

- In favor of compatibility for an off-site parking lot serving an institutional use;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located southeast of the intersection of W. Wedington Dr. and I-49. The property is zoned P-1, Institutional, and contains three parcels totaling approximately 11.72 acres. It is currently developed with the 26,982 sq. ft. Cross Church, and 608 parking spaces. The applicant has also requested a Conditional Use Permit (CUP-2024-0030) for off-site parking in association with this LSD, as the proposed parking expansions are on separate parcels from the principal use. One additional parking area will be located on the 0.49-acre parcel at the intersection of N. Futrall Dr. and W. McMillan Dr. (Parcel ID: 765-22532-000). The other two parking areas will be located on the 2.33-acre parcel along N. Futrall Dr. (Parcel ID: 765-22533-000). Surrounding land uses and zoning are depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Office/Church; I-49	UT, Urban Thoroughfare; ArDOT ROW
South	Hotel (under development review); Undeveloped	UT, Urban Thoroughfare
East	Hotel (under development); Undeveloped	UT, Urban Thoroughfare
West	I-49	ArDOT ROW

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

Proposal: The applicant requests conditional use permit approval to install an off-site parking lot in the P-1, Institutional, zoning district. The purpose of this request is to provide an off-site parking lot for three additional parking areas containing 87 spaces to serve Cross Church. Fayetteville's

Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that parking lots that are not located on the same lot as the principal use, require conditional use permit approval from the Planning Commission.

Public Comment: To date, staff has received one call with concerns about additional impervious surface and stormwater impacts on adjacent properties.

RECOMMENDATION: Staff recommends approval of CUP-2024-0030, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot serving an institutional use.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. **A painted pedestrian crossing across W. McMillan Dr. will be installed to provide safe access to the main church campus;**
3. **Sidewalk, greenspace, streetlights, and street trees shall be installed along the property's frontage along W. McMillan Dr. in line with the typical master street plan requirements for Residential Link streets;**
4. **Conditional use permit approval does not grant any necessary development entitlement approval for the associated parking lot;**
5. **Additional variances may be required and will be determined with the associated large-scale development;**
6. **Accessible parking requirements shall be evaluated for compliance with the Unified Development Code and the Americans with Disabilities Act;**
7. **Signage shall comply with the UDC Chapter 174, Signs;**
8. **Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting; and**
9. **Parking lot must meet all other standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements.**

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

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

C. 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 conditional use approval for an off-site parking lot.

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

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: The Planning Commission is empowered under Unified Development Code §172.06 to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use permit is not likely to negatively affect the public interest. Although the proposed parking areas are located on separate parcels from the principal use (Cross Church building), they are within the overall campus and adjacent to existing parking lots.

- (c.) The Planning Commission shall certify:
 - (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing off-site parking locations in Unified Development Code §172.06, Parking Lot Location Standards.

§172.06. PARKING LOT LOCATION STANDARDS.

...

B. Permitted Locations as a Conditional Use.

1. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
2. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Finding: The request is for a parking lot located within the same zoning district as the principal use (both areas are zoned P-1). Staff finds that the proposed size and scale is unlikely to negatively affect the surrounding neighborhood characteristics, and the area is not residentially zoned.

- C. Off-Site Locations.** If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

Finding: The intent of the ordinance limiting the distance to 600 feet is meant to provide an off-site parking lot that is still within a convenient, walkable location for the proposed users. The proposed sites are between approximately 120 and 255 feet from the proposed principal use at its closest corners, but via a reasonable and legal walking distance, the most distant parking area (at the corner of N. Futrall Dr. and W. McMillan Dr.) is approximately 335 feet from the primary use.

...

§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: W. McMillan Dr. is classified as a Residential Link Street, which typically requires a curb separation distance of 50 feet. At the northern parking lot (at

the corner of N. Futrall Dr. and W. McMillan Dr.), the applicant is showing an intent to provide vehicular access through one proposed curb cut, which meets separation distance from the existing driveway to the east and the intersection to the west. The two areas proposed on the main campus, are served by three existing driveways that access N. Futrall Dr. W. McMillan Dr., and N. Pam Angus Dr. The site also has an existing sidewalk or trails along the street frontages; staff would recommend a painted pedestrian crossing across W. McMillan Dr. to provide safe access to the main church campus. The applicant has shown this improvement on their civil plans.

- (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 substantial noise, glare, or odor effects on adjoining properties are anticipated. The proposed parking areas are extensions of existing parking lots adjacent to ArDOT right-of-way or adjacent to other parking areas serving the church and college ministry.

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

Finding: Minimal refuse generation is anticipated with the proposed off-site parking lot. The property owner is responsible for maintaining the lot.

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

Finding: No development is proposed on the subject property where water and sewer services are necessary. The adequacy of existing infrastructure would be evaluated at the time of any future development.

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

Finding: The off-site parking lot shall be subject to the City’s landscaping requirements, and the applicant is showing an intent to provide required tree islands. Staff recommends that screening and buffering be installed per the requirements as outlined in chapter 177, Landscape Regulations, with the exception of a variance to the 15-foot landscape area and shrub plantings. This variance request is evaluated in full with the large scale development proposal (LSD-2024-0017).

- (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 must meet the requirements as outlined by chapter 174. The applicant has not currently indicated any signage to be placed on-site.

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

Finding: No structures are proposed with this conditional use permit.

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

Finding: Staff finds that the proposal is compatible with adjacent properties.

(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
 - §161.32 District P-1, Institutional
 - §172.06 - Parking Lot Location Standards
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

172.06 - Parking Lot Location Standards

The location of all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

(A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

(B) *Permitted Locations as a Conditional Use.*

(1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.

(2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

(C) *Off-Site Locations.* If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.



July 15, 2024

City of Fayetteville
Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Cross Church Parking Lot Expansion
CTA Job #24101600

City of Fayetteville Planning,

Attached are the plans for the Cross Church Fayetteville Parking Lot Expansion large scale development. Three additional parking areas are proposed, totaling 90 additional stalls, along with associated drives and drainage structures. Parking standards suggest 1 parking stall per 40 sq.ft. of building area and a maximum of 15% additional stalls on top of the suggested amount. For the 26982 sq.ft. building, this results in a maximum of 775 stalls. There are 608 existing stalls, so with this expansion the parking lots will total 698 stalls and meet parking requirements. Proposed site plans including lighting are included with this submittal. No new buildings are proposed.

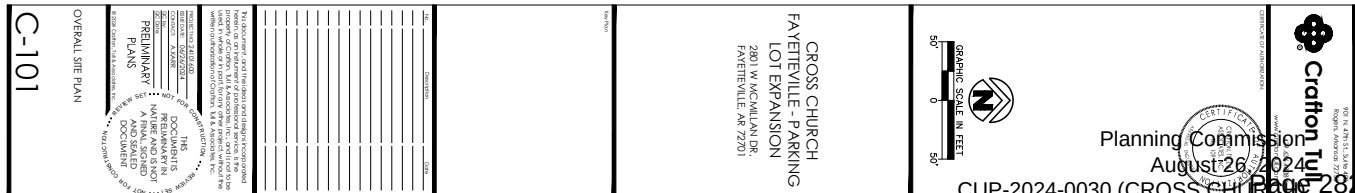
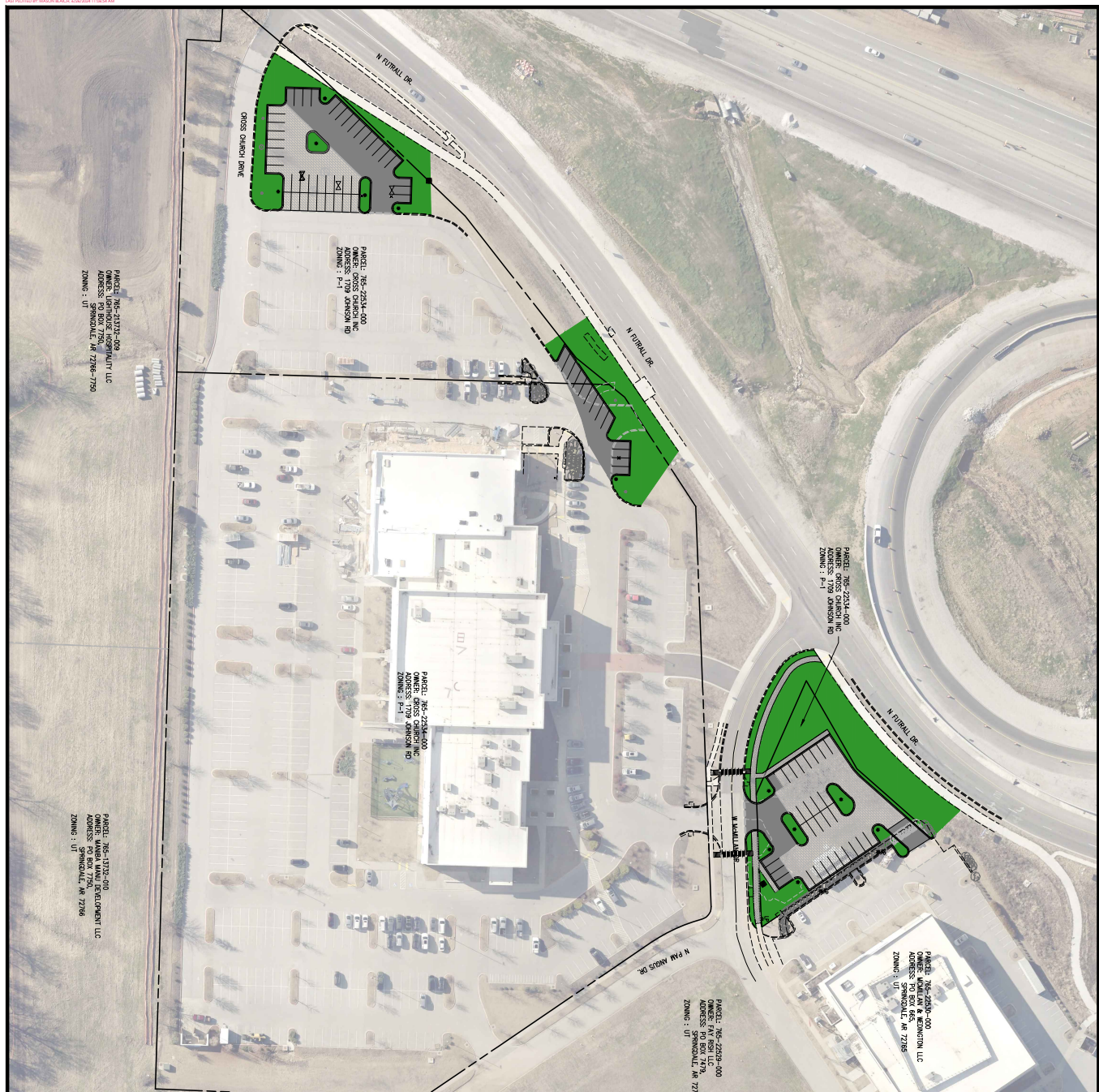
The main Cross Church building is located on parcel 765-22534-000 while the additional parking areas proposed are located primarily on parcels 765-22533-000 and 765-22532-000, immediately west and north of the main parcel, respectively. These added parking areas will provide additional parking for Cross Church services in addition to supporting activities at Cross Church's facility on parcel 765-22530.

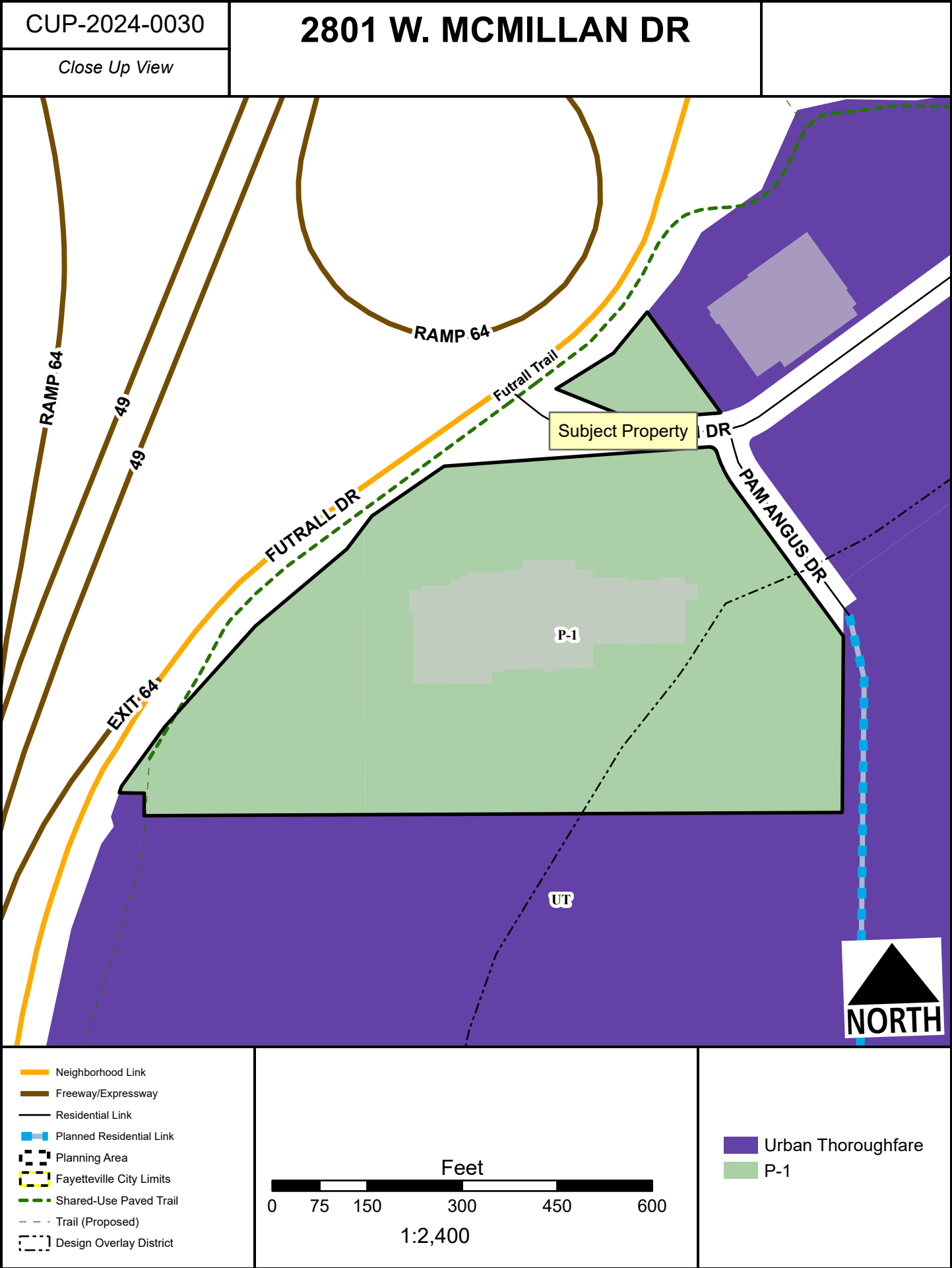
The addition of these parking lots is compatible with the surrounding area, which is mainly comprised of other Cross Church buildings and parking. No significant traffic impacts are anticipated since no additional entrances or exits are proposed from parking areas. Any extra traffic will be restricted to the parking lots themselves.

I hope this provides further insight into the project and the request for conditional use of the surrounding parcels for parking. Please let us know if you have any questions.

Thank you,

Kendele Boyce, E.I.
Project Engineer







- Neighborhood Link
- Regional Link - High Activity
- 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: Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: August 26, 2024

SUBJECT: **LSD-2024-0017: Large Scale Development (2801 W. MCMILLAN DR./CROSS CHURCH, 441):** Submitted by CRAFTON TULL for property located at 2801 W. MCMILLAN DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 8.92 acres. The request is for three additional parking areas.

RECOMMENDATION:

Staff recommends approval of **LSD-2024-0017** with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2024-0017** with conditions:*

- In favor of recommended right-of-way dedication and street improvements;*
- In favor of variance to UDC §177.04(D) Perimeter Landscaping Requirements;*
- In favor of a variance to UDC §177.05(A)(2) Street Tree Planting Requirements; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located southeast of the intersection of W. Wedington Dr. and I-49. The property is zoned P-1, Institutional, and contains approximately 8.92 acres. It is currently developed with the 26,982 sq. ft. Cross Church, and 608 parking spaces. The applicant has also requested a Conditional Use Permit (CUP-2024-0030) for off-site parking in association with this LSD, as the proposed parking expansions are on separate parcels from the principal use. Land uses and zoning surrounding the property are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Office/Church; I-49	UT, Urban Thoroughfare; ArDOT ROW
South	Hotel (under development review); Undeveloped	UT, Urban Thoroughfare
East	Hotel (under development); Undeveloped	UT, Urban Thoroughfare
West	I-49	ArDOT ROW

Proposal: The applicant requests large-scale development approval for the addition of three parking areas containing 87 spaces. Two variances from the Unified Development Code has been requested as part of this proposal.

Variance #1: §177.04(D) Perimeter Landscaping Requirements. A 15-foot wide landscaped area is required along front property lines adjacent to the right-of-way, and parking areas shall be screened with shrubs. The applicant is requesting a variance from these requirements along the property's N. Futrall Dr. frontage due to the existing ArDOT right-of-way.

- *Staff recommendation: Staff is supportive of this variance request finding that the existing ArDOT right-of-way exceeds what is typically required for a Neighborhood Link street in the Master Street Plan. Due to the excess right-of-way (as much as 36' in some locations), it is not feasible to meet the 15-foot landscaping requirement and meet the project's goals for increasing parking. Staff finds that the intent of the code is being met with the additional ArDOT right-of-way that functions as a greenspace buffer between the parking area and sidewalk. Due to the width and orientation of the ArDOT right-of-way, three parking spaces are unscreened with shrubs due to a lack of appropriate space. Staff finds that this area conflicts with the existing Futrall Trail, and to ensure user safety and meet trail shy distance requirements a variance is justified.*

Variance #2: §177.02(A)(2) Street Tree Planting Requirements. Typically, street trees are intended to be planted in greenspace between the curb and sidewalk. The applicant is requesting a variance from these requirements along the property's N. Futrall Dr. frontage due to the existing ArDOT right-of-way.

- *Staff recommendation: Staff is supportive of this variance request finding that the existing ArDOT right-of-way overlaps the typical greenspace set aside for planting street trees. Due to ArDOT's requirement to not place street trees within their right-of-way, it is necessary to move the trees elsewhere on site. Staff recommends a condition of approval that the street trees that would be required are planted elsewhere on the site.*

Right-of-Way to be Dedicated: The existing right-of-way along W. McMillan Dr. and N. Futrall Dr. meets or exceeds the MSP right-of-way for Residential Link Streets. Staff does not recommend additional right-of-way be dedicated.

Street Improvements: Staff recommends that the property's W. McMillan Dr. frontage be improved to meet the typical requirements for a Residential Link street, including six-foot sidewalk, 6-foot greenspace, and 1.5-foot curb and gutter. No additional improvements are recommended for the property's N. Futrall Dr. frontage.

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 that the project is meeting relevant design standards.

Water and Sewer System: Water and sewer have already been installed for this development.

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

Tree Preservation:

Canopy minimum requirement: 25%

Existing canopy: 0.8%

Preserved canopy: 0.6%

Mitigation required: 0 2-inch caliper trees.

Public Comment: To date, staff has received one call with concerns about additional impervious surface and stormwater impacts on adjacent properties.

RECOMMENDATION: Staff recommends approval of **LSD-2024-0017** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff does not recommend additional right-of-way dedication.*
2. **Planning Commission determination of street improvements.** *Staff recommends that W. McMillan Dr. be improved to meet the typical requirements for a Residential Link street, including six-foot sidewalk, 6-foot greenspace, and 1.5-foot curb and gutter. No additional improvements are recommended for the property's N. Futrell Dr. frontage.*

Subdivision Committee recommended in favor.

3. **Planning Commission determination of a variance to UDC §177.04(D) Perimeter Landscaping Requirements.** *Staff recommends approval of the request as detailed above, and subject to the following conditions of approval:*
 - a. *Additional interior plantings will be provided on site as proposed on the landscaping plan.*

Subdivision Committee recommended in favor.

4. **Planning Commission determination of a variance to UDC §177.02(A)(2) Street Tree Planting Requirements.** *Staff recommends approval of the request as detailed above, and subject to the following conditions of approval:*
 - a. *The required street trees will be planted elsewhere on the site as approved by the Urban Forester.*

Subdivision Committee did not make a recommendation on this item.

5. All remaining comments from City division, whether Urban Forestry, Fire, or Engineering shall be addressed.

Standard Conditions of Approval:

6. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;
7. 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);
8. All mechanical and utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;

9. Trash containers must be stored out of public view and may be screened by the principal structure or vegetation. Container locations for trash pick-up will be submitted to the Planning and Recycling & Trash Collection divisions for review prior to building permit;
 10. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
 11. 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;
 12. 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;
 13. 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;
 14. Large scale development approval shall be valid for one year;
 15. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
 16. 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
 17. 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; and
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
-

Planning Commission action: ☐ Denied ☐ Tabled ☐ Approved

Meeting Date: August 26, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §177.04(D) Perimeter Landscaping Requirements
 - §177.05 - Street Tree Planting Standards
- Engineering Memo
- Urban Forestry Comments
- Applicant Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

177.04 Site Development And Parking Lot Landscape Standards

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

(...)

- (D) *Perimeter Landscaping Requirement.* Proposed development shall be landscaped meeting the following requirements:

(2) *Property Lines Adjoining Street Right-of-Way.*

- (a) **Landscape Area Required.** 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.
- (b) *Urban Zoning Districts.* Zoning districts that prescribe urban building form (e.g., a build-to zone) permitting front setbacks of less than 15 feet may be permitted to eliminate the greenspace between the principal façade of a building and the Master Street Plan right-of-way and instead provide pedestrian oriented elements as referenced in 166.24(E).
- (c) *Residential Zones.* Except for permitted entrance drives, every development shall be landscaped for an equal and uniform width of 15 feet parallel to the front property line(s) street right-of-way. Single and two-family residential uses shall be exempt from this requirement.

- (d) *Nonresidential Zones.* Except for permitted entrance drives, every development shall be landscaped for an equal and uniform width of 15 feet parallel to the front property line(s) street right-of-way.
 - (e) *Shade.* All tree planting locations shall attempt to achieve shade for parking lots, cars, benches, pedestrian walkways, etc., by utilizing aspect and locating trees along the south and west boundary of these areas.
 - (f) **Screening.** Parking lots containing five (5) or more spaces shall be screened from the public right-of-way and adjacent properties, where said parking areas are adjacent to residential zones, with shrubs and/or graded berms. If graded berms are used, shrubs are also required.
 - (g) *Perimeter Planting Location.* Street trees shall be installed in the location identified under the street tree planting standards described herein, all other plantings noted herein shall be installed within the required landscape area. Subject to approval by the Urban Forester, required shrubs may be planted within the right-of-way or outside the required landscape area parallel to the street right-of-way only in extenuating circumstances.
- (3) *Tree Planting.*
- (a) Large species trees shall be planted in the location identified in the Street Tree Planting Standards containing one (1) tree per 30 linear feet along the front property line. Trees along the perimeter may be grouped to allow flexibility in design. The maximum allowed grouping may be up to 25% of the required number of street trees.
 - (b) Species selection shall be chosen from the approved list of trees for landscaping found in the appendices of the City of Fayetteville Landscape Manual. Alternate tree species selections may be approved by the Urban Forester. No more than 25% of trees planted to meet perimeter landscaping requirements may be evergreen.
 - (c) Planted trees shall have a 2-inch caliper (diameter) measured 6 inches above ground level at the time of planting.
 - (d) At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain, existing trees or other physical limitations make the planting of new trees impracticable. In cases of existing overhead power lines, small trees shall be planted that will not interfere with the existing power lines. Species selection shall be approved by the Urban Forester.
- (4) *Shrub Screening.* Parking lots that require screening shall have shrubs that are spaced so as to create a seamless row of hedging. A minimum of 50% of the shrubs shall be evergreen. Shrub size at the time of planting shall be in a minimum of 3-gallon containers with an expected height of three feet or more within two (2) years of planting.
- (5) *Perennial Groundcover.* All landscaped areas shall be vegetated or re-vegetated with appropriate perennial groundcover. Prior to the issuance of a certificate of occupancy, all bare soil shall be adequately covered.

177.05 Street Tree Planting Standards

- (A) *Applicability.* All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section and the adopted policies of the Landscape Manual and Fayetteville's Tree Ordinance.
- (1) All street tree planting plans shall follow the submittal criteria set forth in Ch. 177.03 Landscape Plan Requirements.
 - (2) *Street Tree Planting Requirements.*
 - (a) Street trees are intended to be planted in a greenspace strip between the curb and sidewalk or in urban tree wells in accordance with the Master Street Plan. The intent of the street tree planting location is to shade the sidewalk, provide a barrier between vehicles on the street and pedestrians, increase motorized traffic and pedestrian safety, and spatially frame the street. Existing trees within the build-to-zone shall be counted towards the required number of street trees. When there is not adequate greenspace between the curb and sidewalk and urban tree wells are not appropriate, or there are utilities or other structural conflicts in the greenspace strip between the curb and sidewalk, the Urban Forester may permit street trees in greenspace behind the sidewalk and on private property.



TO: Kylee Cole, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: August 21, 2024

SUBJECT: **Planning Commission Engineering Comments for
LSD-2024-0017 Cross Church Fayetteville – Parking Lot Expansion**

Drainage: The parking lot expansion is required to meet the 4 Minimum Standards outlined in the Drainage Criteria Manual. The applicant is proposing much of the parking expansion area to be installed as permeable pavers which will be used to meet the drainage requirements.

Plan Comments:

1. Work within ArDOT right-of-way must be reviewed and approved by ArDOT. Provide ArDOT permit to the City prior to grading permit issuance.
2. For Section 5: Physical Feasibility & Design Applications address each bolded item in that section (listed here): Available space, Soils, External Drainage Area, Pavement Slope, Minimum Hydraulic Head, Minimum Depth to water table, Setbacks, Informed Owner, High Loading Situations, Groundwater Protection, Limitations, and Design Scales. These should be outlined in the drainage report and explicitly stated how the design is meeting the requirements.
3. Ensure proposed curb ramps are not in the gutter depressions for existing curb inlets.

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. 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 Fine grading/spot elevations



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Kendele J. Boyce, EI, Crafton Tull
From: Melissa Evans, Urban Forester
CC: Kylee Cole, Planner
Meeting Date: August 26, 2024
Subject: LSD-2024-0017: Cross Church: 2801 W. McMillian Dr., 441

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		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	35,917	100%
Zoning Designation * Select Below with drop down arrow		
P-1, Institutional	8,979	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	8,979	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	285	0.8%
Tree Canopy Preserved	228	0.6%
Tree Canopy Removed *On Site	57	0.2%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	57	0.2%
Removed Below Minimum	8,751	
Mitigation Requirements	57	

3. Mitigation Requirements		Canopy below requirement	Number of 2" caliper trees to be planted	
High Priority		57	0	
Low Priority				
Total Mitigation Trees Required		57	0	
4. Mitigation Type		Yes	No	N/A
On-Site Mitigation				X
Off-Site Mitigation				X
Tree Escrow (See Conditions of Approval)				X

5. Tree Preservation Plan Checklist	Tech Plat	Subdivision Committee	Planning Commission
<i>UDC Chapter 167.04H1 and 167.04L1</i>			
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	No	Yes	Yes
e. Soil Types	No	Yes	Yes
f. Significant Trees	N/A	N/A	N/A
g. Groupings of Trees	No	Yes	Yes
h. Table Inventory List (species, size, health, priority)	No	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	N/A	N/A	N/A
l. Floodplains and floodways	N/A	N/A	N/A
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	No	N/A	N/A
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	No	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	No	N/A	N/A

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

6. Site Analysis Report (if required)		Yes	No	N/A
UDC Chapter 167.04H4				
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		7-17-24	8-15-24	8-21-24
Approved				
Tabled				
Denied				

Comments



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Kendele J. Boyce, EI, Crafton Tull
From: Melissa Evans, Urban Forester
CC: Kylee Cole, Planner
Meeting Date: August 26, 2024
Subject: LSD-2024-0017: Cross Church: 2801 W. McMillian Dr., 441

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	0
Parking Lot Trees	7
Street Trees	29
	(located in various areas due to ARDOT ROW)
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	8-15-24	8-21-24
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
- Address items above marked “No” and all Redlines provided. - Please provide 15’ of greenspace between the parking and ROW. Since this cannot be achieved, a variance is being requested from Planning Commission. Urban Forestry recommends approval of this variance request due to the additional greenspace in the ARDOT ROW that meets the intent of the Code. - Please provide street trees at 1/30 LF along the ROW as best possible, it is understood that there are some pinch points that will not allow this and the trees are being planted in other locations as close to the ROW as possible. - A variance is being requested from Planning Commission regarding the inability to place shrubs between the parking and ROW for a portion of that area. Urban Forestry recommends approval of this variance since additional shrubs are being planted in other locations on site.



August 6, 2024

City of Fayetteville
Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Cross Church Parking Lot Expansion
CTA Job #24101600

City of Fayetteville Planning,

Attached are the plans for the Cross Church Fayetteville Parking Lot Expansion large scale development. Three additional parking areas are proposed, totaling 87 additional stalls, along with associated drives and drainage structures. At this time, two waivers are requested from UDC requirements for landscaping requirements between parking and the ROW.

I hope this provides insight into the intent and scope of the project. Please let us know if you have any questions.

Thank you,

Kendele Boyce, E.I.
Project Engineer



August 20, 2024

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

RE: Cross Church Fayetteville Parking Expansion
CTA Job No. 24101600
LSD 2024-0017

To whom it may concern,

Cross Church Fayetteville Parking Lot Expansion is a development including three added parking areas to provide parking for Cross Church's services. We are requesting one variance from the City of Fayetteville's Unified Development Code. Currently, 86 additional parking spaces are proposed.

1. Variance from providing 15' of landscape area adjacent to ROW in areas where this is not feasible and from placing shrubs between the parking and ROW.

177.04 Site Development And Parking Lot Landscape Standards Section D-2

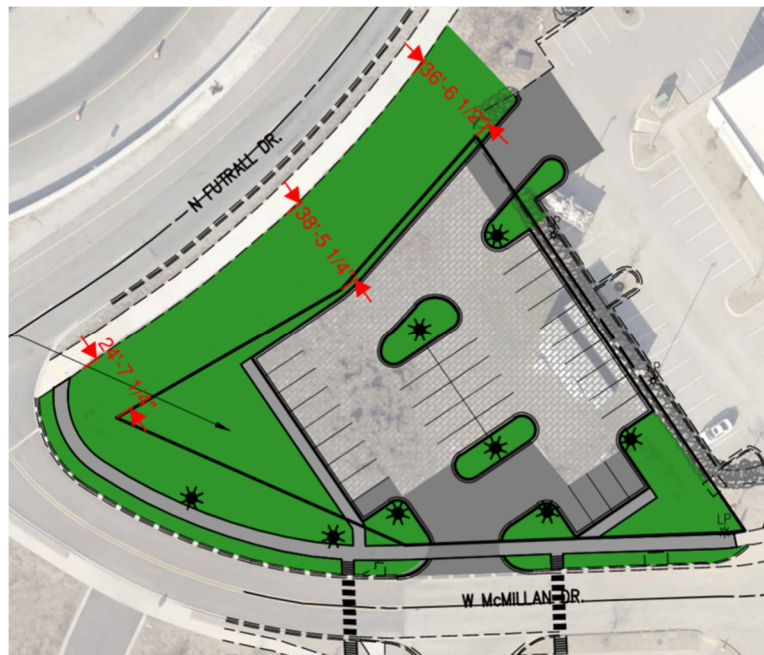
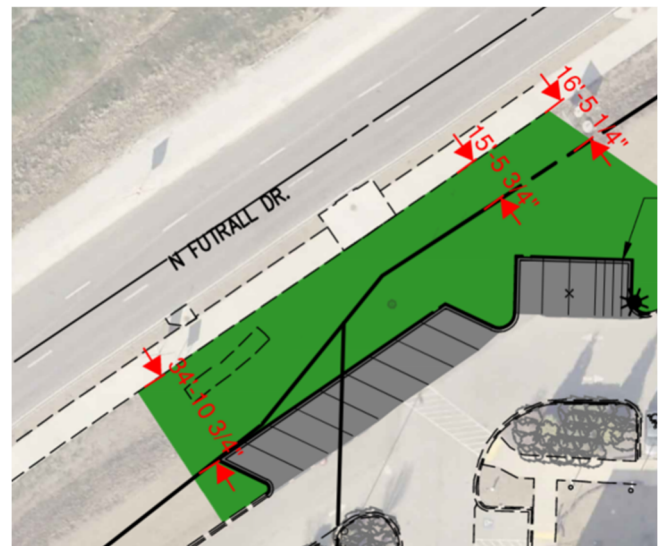
"A 15-foot wide landscaped area shall be provided along the front property line exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives) and sidewalks are allowed to cross the 15-foot landscaped area provided the integrity of the landscaped area is maintained."

"Parking lots containing five (5) or more spaces shall be screened from the public right-of-way and adjacent properties, where said parking areas are adjacent to residential zones, with shrubs and/or graded berms. If graded berms are used, shrubs are also required."

Our project seeks to add the maximum possible amount of parking to serve Cross Church Fayetteville for their Sunday services. However, ARDOT right-of-way on Futrall Drive does not match the City's typical street section for a Neighborhood Link. Traditionally the right-of-way would be directly on the back of the sidewalk/trail. The right-of-way along this property is anywhere from right on the sidewalk at a peculiar angle (first image) to over 36'.



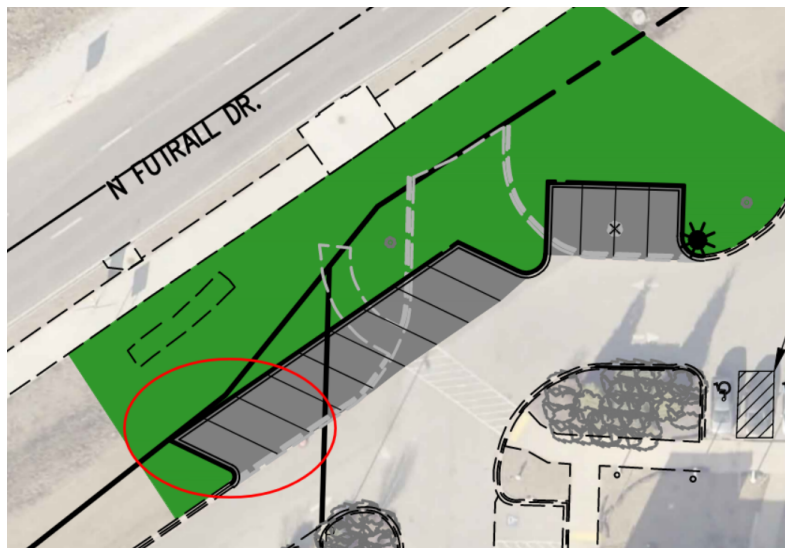
479.636.4838 (ph)
479.631.6224 (fax)





Due to this right-of-way encroachment into the property, this development is left with less area to use/develop than was intended per the Master Street plan. If the parking lot was redesigned to meet the 15' from the right-of-way the client would lose 25 stalls (over 29% of what is proposed) and will have increased the effective greenspace buffer to vary from 26'-51'. We believe this additional right-of-way already meets the spirit and intent of the code by providing a greenspace buffer at previously said dimensions between the trail and the parking areas. This area is mowed and maintained by ARDOT, and will remain a buffer. To better meet the intent of the code, additional landscaping beyond minimum requirements is provided in the interior of the site since the development is restricted from placing them within ARDOT's right-of-way.

The shrub planting requirement is being met for most of the site, but there is one small area where the distance between the parking area and the property lines are too close due to the peculiar angle that ARDOT right-of-way encroaches further towards the site at this specific location and cannot accommodate any shrubs. This is on the middle parking island on the last three parking stalls (see image below).



This section is 30 l.f. of unscreened parking for the development, which makes up less than 5% of the 616 l.f. of screening that should be provided per the code. Due to the drainage design of Futrall Drive and the additional right-of-way needed from ARDOT to maintain this stormwater ditch here, the right-of-way is closer to the proposed curb and we cannot plant for the remaining 30 l.f. To better meet the intent of the code, additional landscaping beyond minimum requirements is provided in the interior of the site.



2. Variance from street tree planting along Futrall ROW.

177.05 Street Tree Planting Standards Section A-2

"Street trees are intended to be planted in a greenspace strip between the curb and sidewalk or in urban tree wells in accordance with the Master Street Plan. The intent of the street tree planting location is to shade the sidewalk, provide a barrier between vehicles on the street and pedestrians, increase motorized traffic and pedestrian safety, and spatially frame the street.

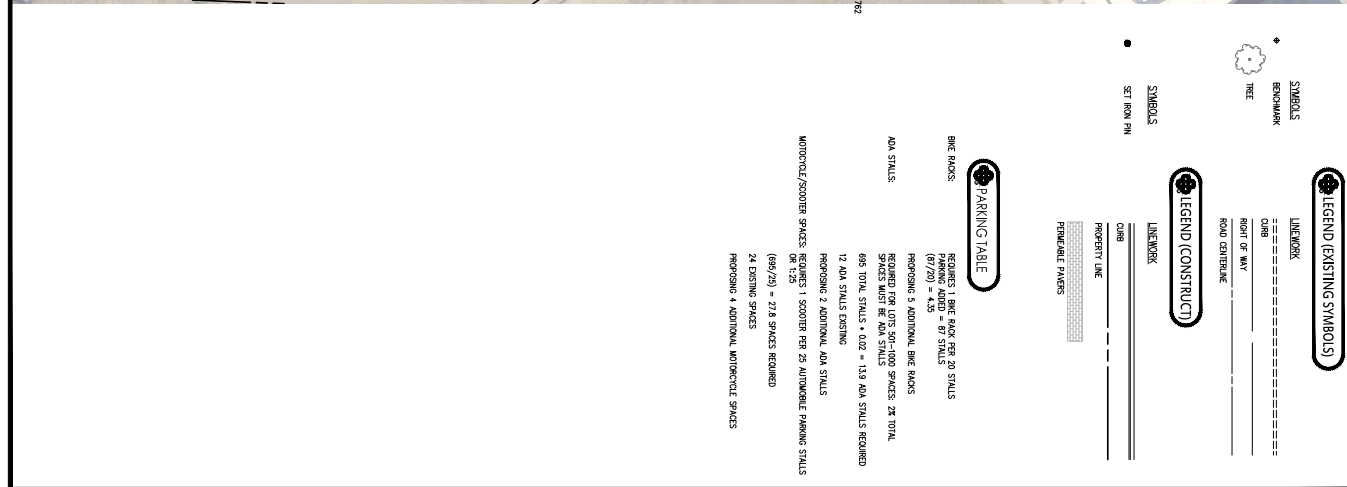
Plans shall indicate the spacing of trees along all newly created public and private streets within the development site. At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain or existing trees make the planting of new trees impracticable."

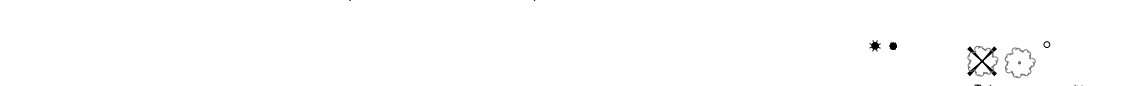
Due to the extended ARDOT ROW outlined previously, in which street trees are not allowed to be planted, the trees cannot be located directly adjacent to Futrall Drive. Instead, the required trees have been relocated to the interior of the site where necessary to continue to meet the intent of the code.

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

Sincerely,

Kendele Boyce, E.I.





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 UNIVERSITY OF CAMBRIDGE
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TREE PRESERVATION CALCULATIONS

Tree Preservation Calculations	Square Feet	Percent of Site
1. Total Area Within Limits of Work and Easements	55,917	30.0%
2. Total Area Within Limits of Work and Easements to be Preserved	8,970	25.0%
3. Total Area Within Limits of Work and Easements to be Preserved (Less Than 4" DBH)	0	0%
4. Total Area Within Limits of Work and Easements to be Preserved (Greater Than 4" DBH)	8,970	25.0%
5. Total Area Within Limits of Work and Easements to be Preserved (Greater Than 4" DBH and 10" DBH)	285	0.5%
6. Total Area Within Limits of Work and Easements to be Preserved (Greater Than 4" DBH and 10" DBH and 18" DBH)	0	0%
7. Total Area Within Limits of Work and Easements to be Preserved (Greater Than 4" DBH and 10" DBH and 18" DBH and 24" DBH)	0	0%
8. Total Area Within Limits of Work and Easements to be Preserved (Greater Than 4" DBH and 10" DBH and 18" DBH and 24" DBH and 30" DBH)	57	0.2%
9. Total Area Within Limits of Work and Easements to be Preserved (Greater Than 4" DBH and 10" DBH and 18" DBH and 24" DBH and 30" DBH and 36" DBH)	8,785	0.2%

*SEE SHEET T-104 FOR TREE INVENTORY
*NO MITIGATION TREES REQUIRED

Category Below Requirements	Preservation Priority Type	Forestation Best Density/Acre	Number of 2" Caliper Trees to be Planted
57	Low Priority	300	0

SOILS INFO



Soil Type	Map Unit Symbol	Area in A.C.	Percent of A.C.
SUA	Light Gray Coarsest texture, 1 to 2 percent of slopes	1.4	2.5%
SUA1	Light gray, medium textured soil	0.6	1.4%
SUA2	Shaded tan Soils with sandy, clay and silty textures	30.4	69.9%
SUA3	Shaded tan Soils with sandy, clay and silty textures	0.1	0.2%
SUA4	Shaded tan percent slopes	11.6	26.2%
SUA5	Shaded tan, medium textured soil	0.0	0.0%
Total (coarse, medium)		44.1	100.0%

LEGEND

- TREE PRESERVATION FENCE
- ON-SITE CANOPY REMOVED
- TREE CANOPY PRESERVED
- EXISTING TREE
- EXISTING SHRUB
- TREE TO BE REMOVED

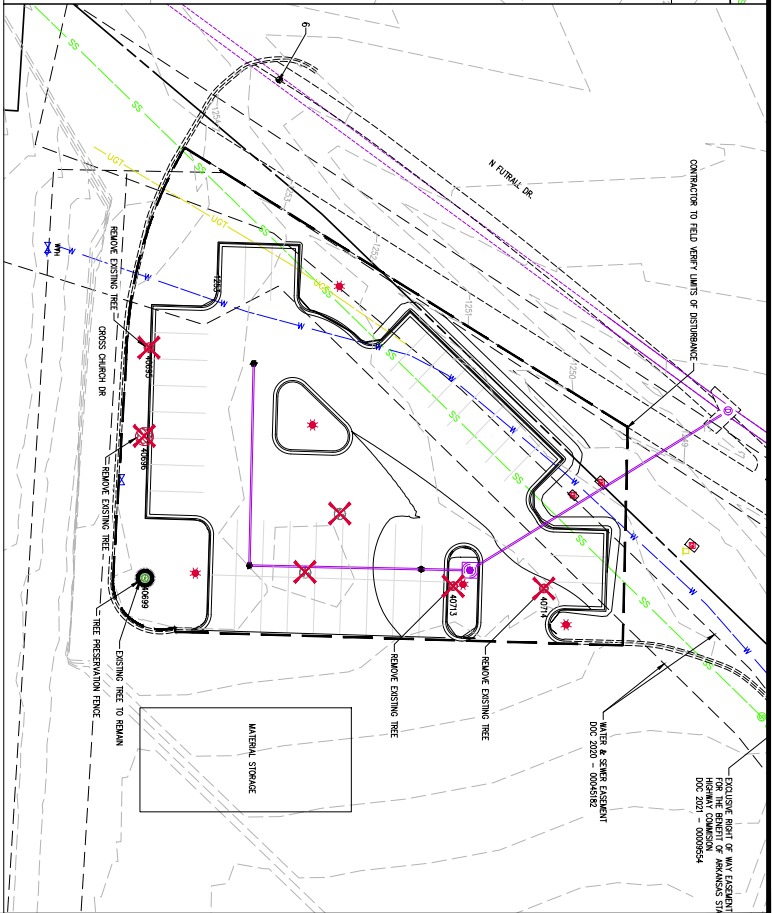
TREE PRESERVATION NOTES

- ALL TREES AND NATURAL AREAS SHOWN ON THIS PLAN TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING.
- PROTECTIVE FENCES SHALL BE SITUATED ACCORDING TO CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
- THROUGHOUT ALL PHASES OF THE CONSTRUCTION PROJECT, PROTECTIVE FENCES SHALL BE MAINTAINED IN A MANNER WHO DOES NOT RESULT IN SOIL BUILDUP WITHIN TREE PROTECTORS.
- PROTECTIVE FENCES SHALL SURROUND THE TREES OR GROUP OF TREES AND WILL BE LOCATED AT THE PERIMETER FOR NATURAL AREAS.
- A. SOIL COMPACTION IN THE ROOT ZONE MUST BE AVOIDED FROM VIBRATORY TRAFFIC OR STORAGE OF EQUIPMENT.
- B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (DEEPER THAN 6") OR REMOVAL NOT REMOVED BY CITY ARBORIST.
- C. WORKERS TO EXPOSE ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
- D. OTHER ACTIVITIES DETERMINED BY TREES SUCH AS CHEMICAL STORAGE, CRANE TRUCK CLEANING, & TRIMMING.
- E. EXCEPT FOR REMOVAL, TREES AT TREE DRAINAGE MAY BE REMOVED IN THE FOLLOWING CASES:
 - 1. IF THE TREE IS TO BE AN IMPROVED GRADE CHANGE, IMPROVED PAVING SURFACING, FILL, OR OTHER SITE DEVELOPMENT.
 - 2. IF THE TREE IS TO BE AN IMPROVED GRADE CHANGE, IMPROVED PAVING SURFACING, FILL, OR OTHER SITE DEVELOPMENT.
 - 3. IF THE TREE IS TO BE AN IMPROVED GRADE CHANGE, IMPROVED PAVING SURFACING, FILL, OR OTHER SITE DEVELOPMENT.
- F. WHERE REMOVAL FENCING IS TO BE INSTALLED WITHIN A TREE'S DRAINAGE, THE FENCE AT THE OUTER LIMITS OF THE REMOVAL FENCING SHALL BE SITUATED SO THAT THIS AREA IS SAVED SEPARATELY FROM TO PAVING.
- G. WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, THE FENCE TO ALLOW 8 TO 10 FEET OF WORK SPACE BETWEEN THE FENCE AND THE BUILDING.
- H. WHERE THERE ARE SEVERE SPACE CONSTRAINTS DUE TO TRUCK SIZE, OR OTHER SPECIAL REQUIREMENTS, WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE LINE CLOSER THAN 4 FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH A 4" X 4" POST AND RAIL FENCE OR OTHER PROTECTIVE MEASURES.
- I. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
- J. REMOVAL OF TREES SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - 1. QUALITY TOP SOIL, AS SOON AS POSSIBLE, IF EXPOSED ROOT AREAS ARE NOT REGRADED WITHIN 2 DAYS, COVER THEM WITH MULCH OR TOP SOIL.
 - 2. REMOVAL OF TREES SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - 1. QUALITY TOP SOIL, AS SOON AS POSSIBLE, IF EXPOSED ROOT AREAS ARE NOT REGRADED WITHIN 2 DAYS, COVER THEM WITH MULCH OR TOP SOIL.
 - 2. REMOVAL OF TREES SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
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Arkansas One Call
811
Know what's below.
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Arkansas One Call
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ENLARGEMENT B

ENLARGEMENT C

LEGEND

Tree Preservation Fence	Tree Canopy Preserved	Existing Tree	Existing Shrub	Tree to be Removed
				

Arkansas One Call
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 ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING
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DATE: 00/00/0000
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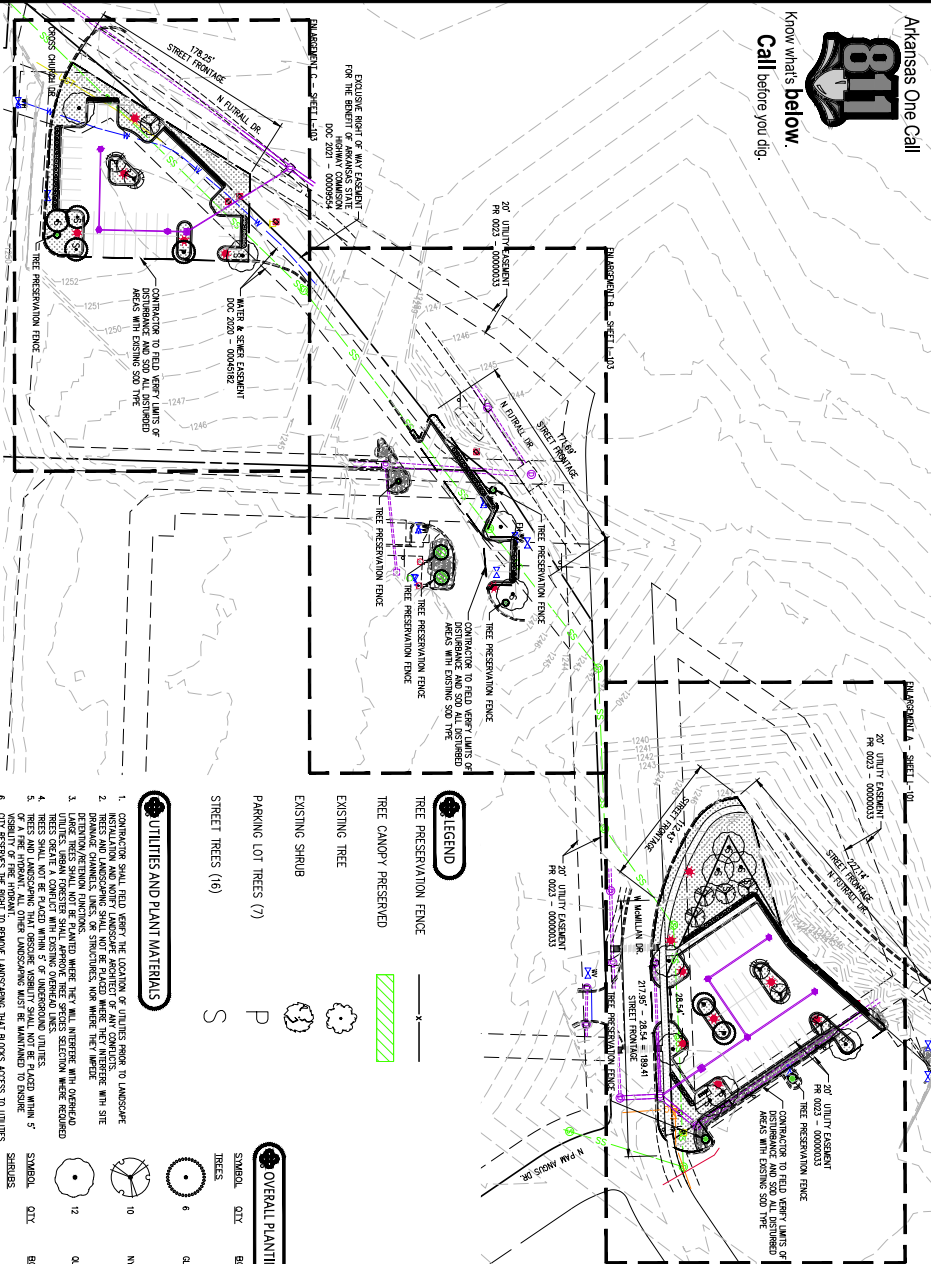
T-103

Planning Commission
August 26, 2024

LSD-2024-0017 (CROSS-CHILL) Page 309 of 358

Page 24 of 30

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



PLANTING REQUIREMENTS

[illegible]

MAINTENANCE NOTES

- [illegible]

UTILITIES AND PLANT MATERIALS

- PARKING LOT TREES (7) P
STREET TREES (16) S

OVERALL PLANTING SCHEDULE

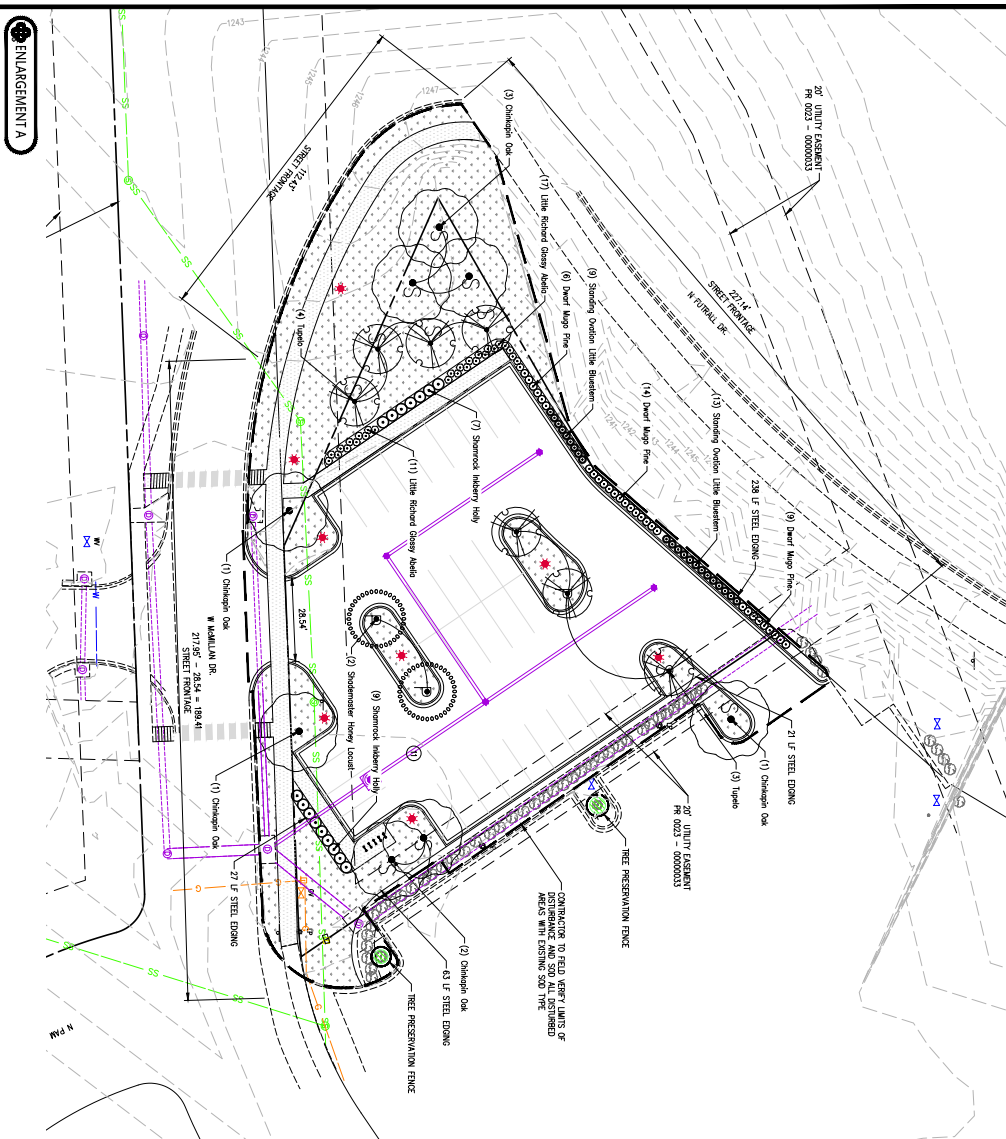
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CITY OF FAYETTEVILLE LANDSCAPE NOTES

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.

OVERALL PLANTING SCHEDULE

SAMPLE	QTY	BOTANICAL / COMMON NAME	COUNT	CAL.	HEIGHT	TEMP.
THRES.						
	6	CELESTIA TRACHANTIS INGENS "SHAGBUSTER" / SHAGBUSTER HONEY LOCUST	8 x 8	27 CAL.	6-10' HT. MIN.	SHADE
	10	NYSSA SYLVATICA / TURPELO	8 x 8	27 CAL.	6-10' HT. MIN.	SHADE
	12	OSYRIS MICHENERI / COMMON OAK	8 x 8	27 CAL.	6-10' HT. MIN.	SHADE
	12	ABELIA X SHANDONGA "LITTLE ROCK" / LITTLE ROCK GLOSSY ABELIA	3 CAL.	18" HT. MIN.	18" SPREAD MIN.	
	46	ARUNA MELANOPHYA "NOONWIND" / LOW SCAPE RED-EYED-BLACK CHOCHEBERRY	3 CAL.	18" HT. MIN.	18" SPREAD MIN.	
	5	DEBILIA X "SUNSHINE" / KODAKU-SHANE DEBILIA	3 CAL.	18" HT. MIN.	18" SPREAD MIN.	
	10	FESTUCA GLAUCA "CASCAD" / REDTOD BLUE-TRIFESQUE	1 CAL.			
	45	LEX GLABRA "SHAMROCK" / SHAMROCK INGENRY HELLY	3 CAL.	18" HT. MIN.	18" SPREAD MIN.	
	56	PANUS MISO TOMPAICH / DIVER MISO PINE	3 CAL.	18" HT. MIN.	18" SPREAD MIN.	
	22	SHOZOCYPRUM SCOPARIUM "SHANGING OAK" / SHANGING OAKMIN LITTLE BLUEBERRY	1 CAL.			
SAMPLE	QTY	BOTANICAL / COMMON NAME	COUNT			
GROUND COVERS						
	11,567 SF	ZONIA AFRICANA "VETER" / VETER ZONIA GRASS	SOLD 500			



PLANTING SCHEDULE - ENLARGEMENT A

SYMBOL	QTY	BOTANICAL / COMMON NAME	CNLT	CAL	HEIGHT	TRF
	2	OLEFRA TRICHOMIS NIMBUS 'SHOONESTER' / SHOONESTER HONEY LOCUST	8 & 8	2' CAL	6'-10' HT. MIN	SHADE
	7	NYSSA SYLVATICA / WHITELO	8 & 8	2' CAL	8'-10' HT. MIN	SHADE
	8	QUERCUS MUEHLERBERGII / CHICKEN OAK	8 & 8	2' CAL	6'-10' HT. MIN	SHADE
SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	HEIGHT	SPREAD	
	28	ARBUTIA X SPANANTHORA 'LITTLE RICHARD' / LITTLE RICHARD GLOSSY ARBUTIA	3 GAL	18" HT. MIN.	18" SPREAD MIN.	
	16	ILICIS GLABRA 'SHANOROCK' / SHANOROCK HEDGEWY HELLAY	3 GAL	18" HT. MIN.	18" SPREAD MIN.	
	29	PRUNUS MUCRO 'COMACTA' / DWARF MUSSO PRUNE	3 GAL	18" HT. MIN.	18" SPREAD MIN.	
	22	SCOTCHONIMA SCOPARIUM 'STANING OVALOR' / STANING OVALOR LITTLE BLUESTAR	1 GAL			
SYMBOL	QTY	BOTANICAL / COMMON NAME	CNLT			
	10,383 SF	ZOTISIA JAPONICA 'WATER' / WATER ZOTISIA GRASS	SOLID 500			

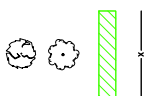
LEGEND

TREE PRESERVATION FENCE

TREE CANOPY PRESERVED

EXISTING TREE

EXISTING SHRUB



Know what's **below**.
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Planning Commission:
August 26, 2024

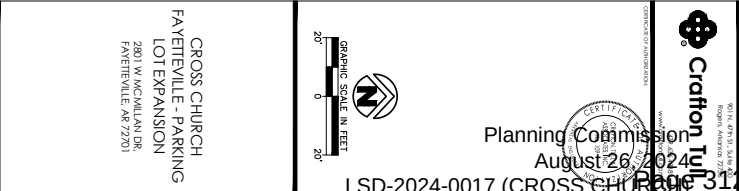
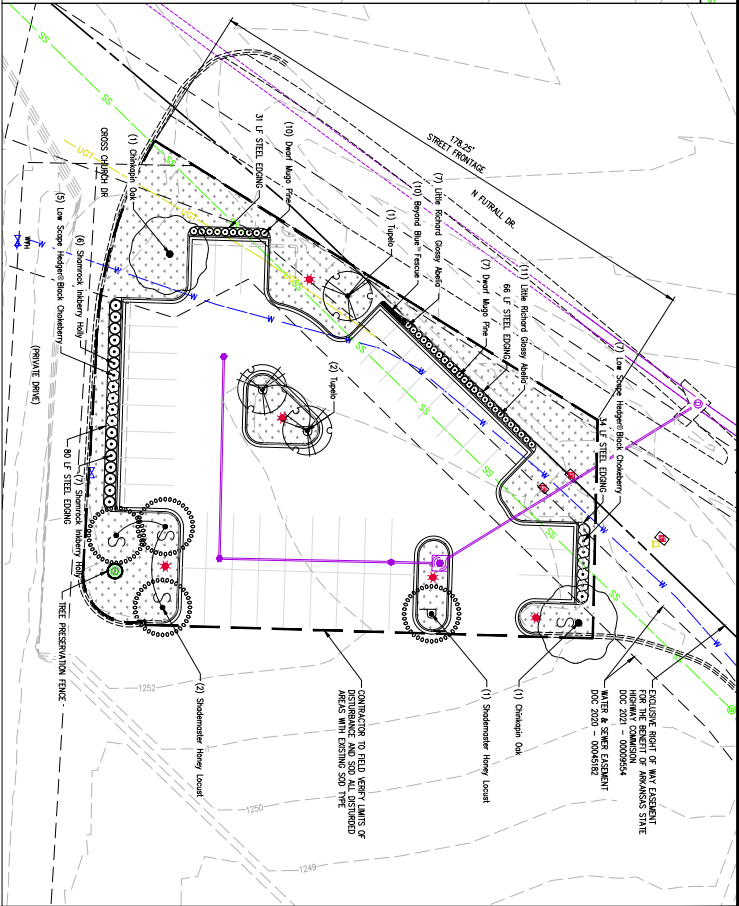
LSD-2024-0017 (CROSS CHURCH) Page 311 of 358

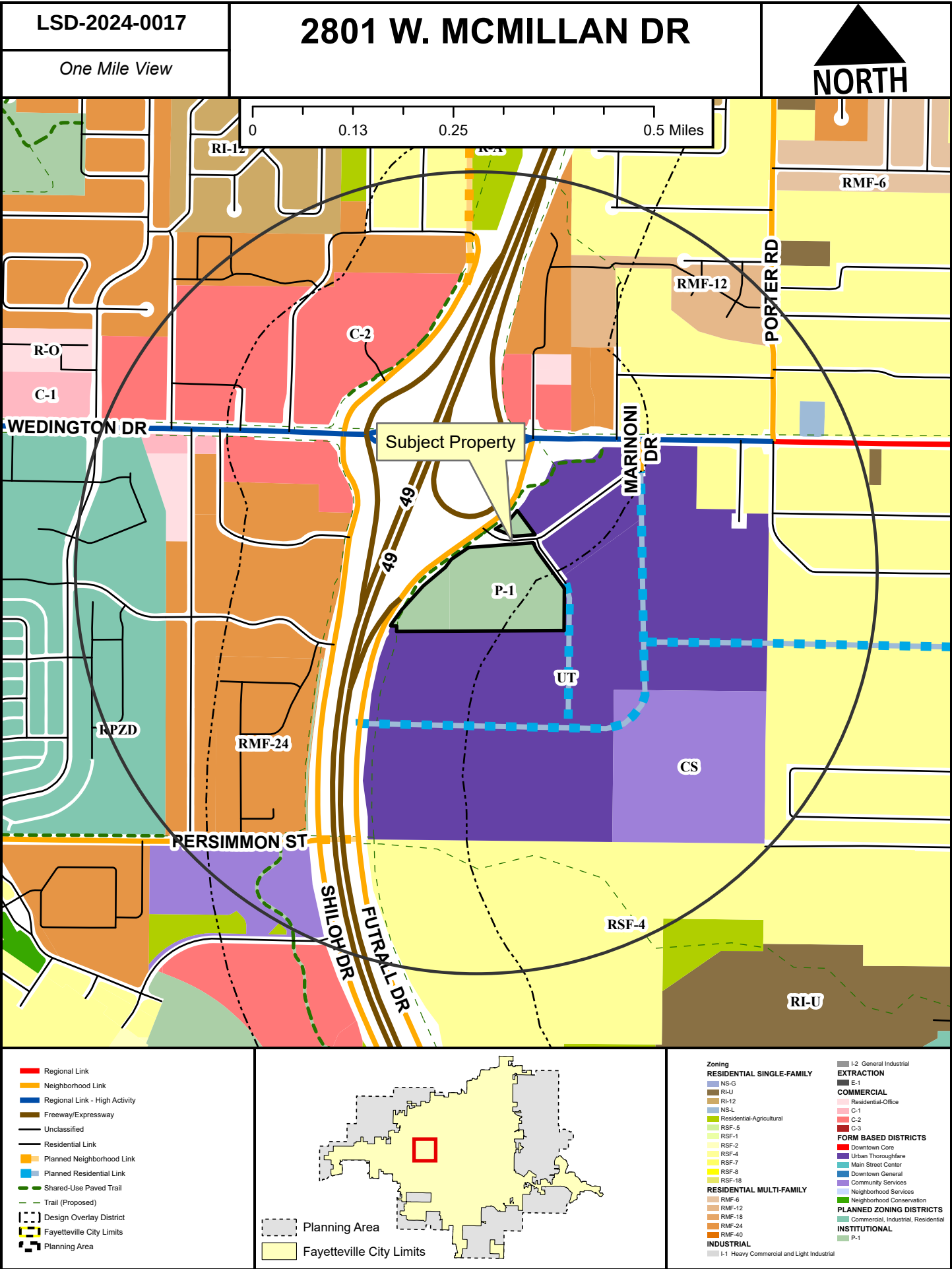
Page 26 of 30

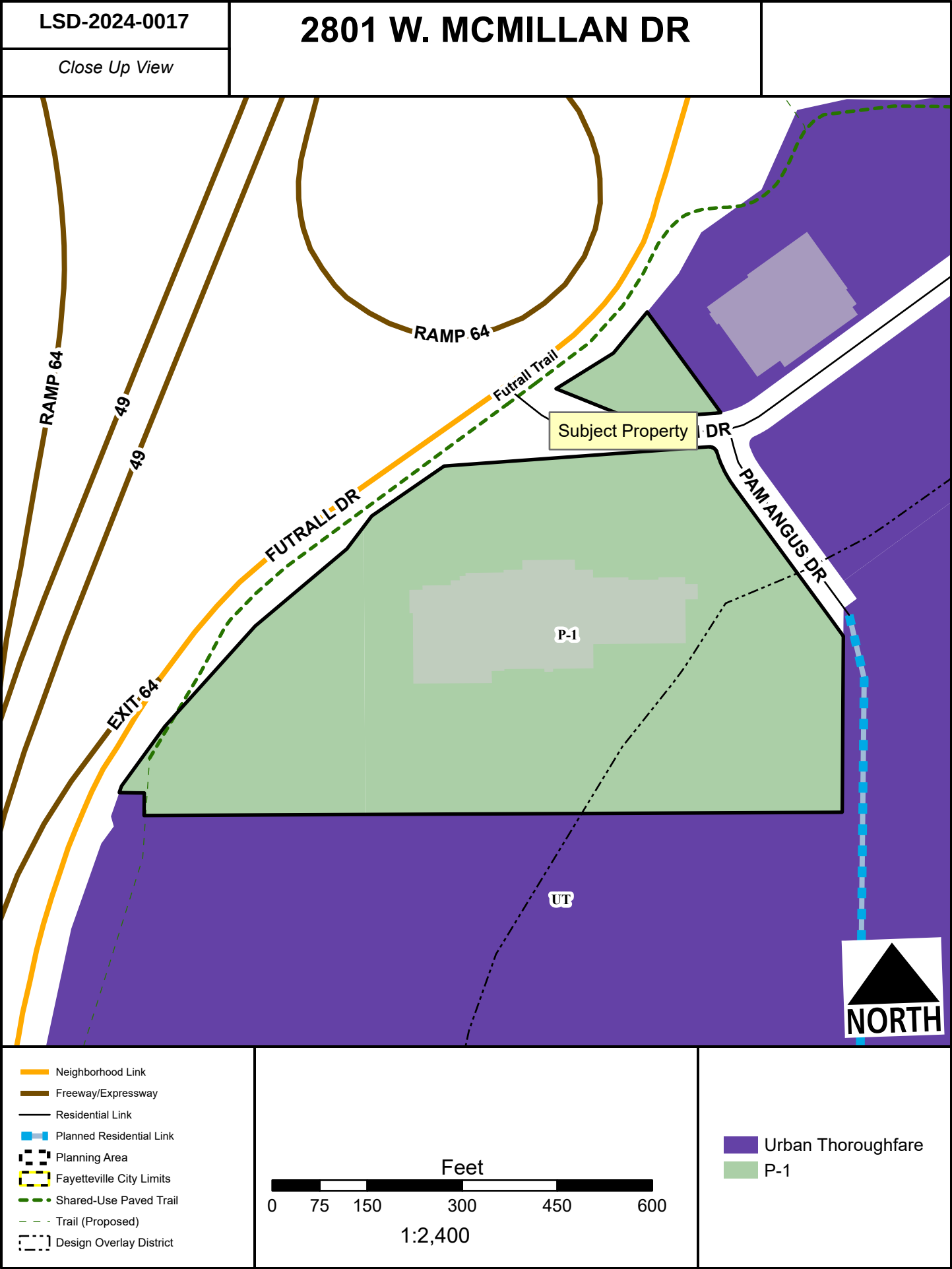
CROSS CHURCH
FAYETTEVILLE - PARKING
LOT EXPANSION
2801 W MC MILLAN DR.
FAYETTEVILLE, AR 72701

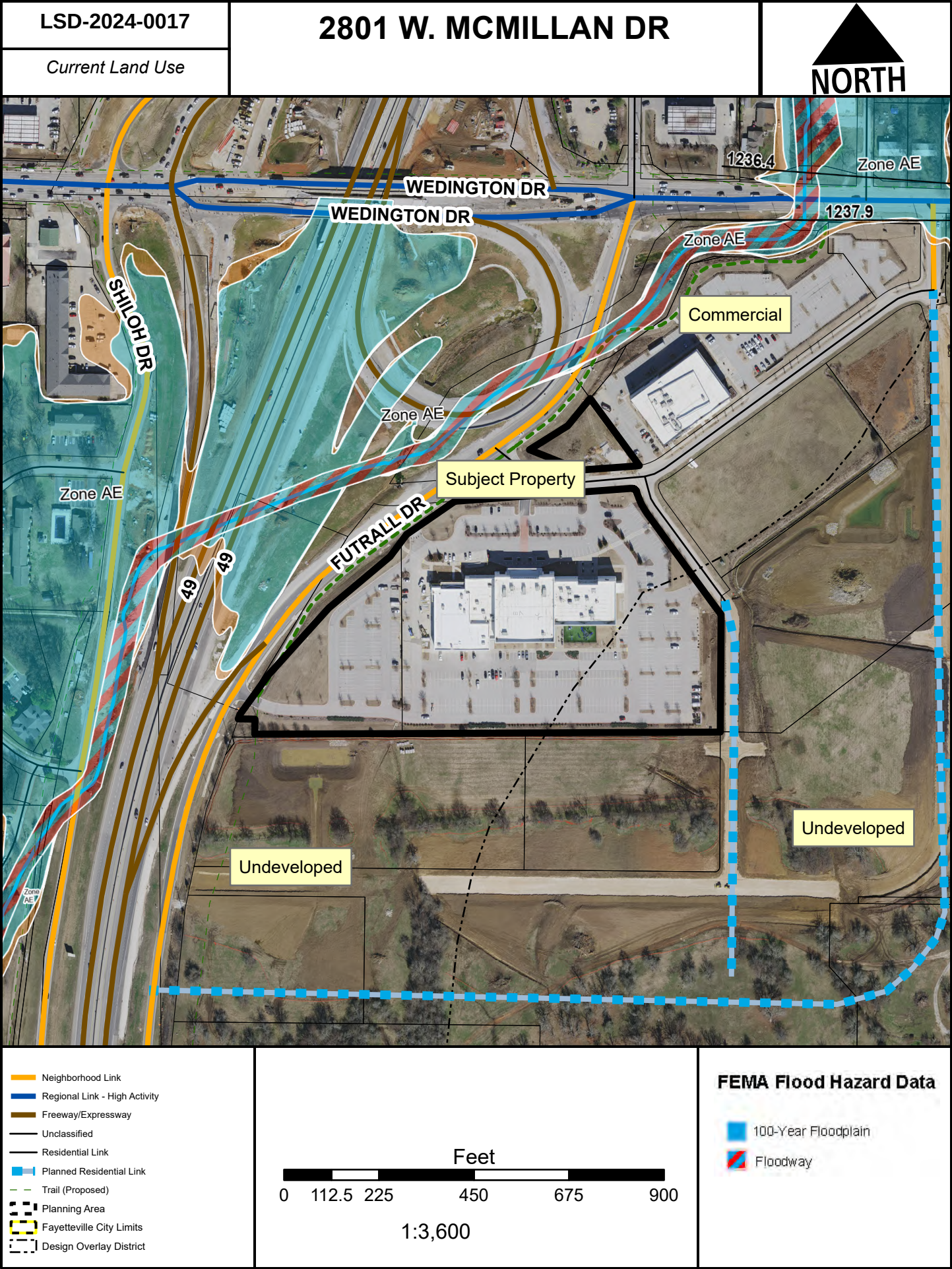
PLANNING PLAN (C) BURLEIGHMENT

L-102

[illegible]









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: August 26, 2024

SUBJECT: **CUP-2024-0031: Conditional Use Permit (2380 N. JANE AVE, UNIT 130/STELLAR PARTY RENTALS, 329):** Submitted by CARCAMO INVESTMENTS for property located at 2380 N. JANE AVE, UNIT 130. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.41 acres. The request is for a temporary storage building.

Planning Commission Meeting August 26, 2024:

This item has been withdrawn by staff due to lack of public notification.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 26, 2024

SUBJECT: **CUP-2024-0032: Conditional Use Permit (224 E. ADOBE ST/KING, 290):** Submitted by JILL & JASON KING for property located at 224 E. ADOBE ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.14 acres. The request is to use the property as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0032** with conditions.

RECOMMENDED MOTION:

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

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

BACKGROUND:

The subject property is located at the northwest corner of Adobe Street and Villa Boulevard in the Villa North Subdivision just west of the 71B Corridor. The property contains one parcel totaling 0.14 acres and is currently developed with a 1,075-square-foot single-family home which Washington County records indicate was built in 1980. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term

rentals are subject to density limitations, including a city-wide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: To date, staff has not received any public comment regarding this request.

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

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;
3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental;
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers, and business seminars are prohibited from occurring in the short-term rental;
6. No recreational vehicle, trailer, other vehicle, or structure not classified as a permanent residential dwelling may be used as a short-term rental;
7. All trash receptacles shall be screened from view of the right-of-way;
8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;
9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

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

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

- B. Authority; Conditions.** The Planning Commission shall:
1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;
 2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
 3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
 4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.
- C. 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 RMF-24 zoning.

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

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Business Regulations §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

- (c.) The Planning Commission shall certify:
 - (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing short-term rentals, as follows:

§163.18. SHORT-TERM RENTALS.

- A. Residential Zoning Districts.** Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: The request is to operate a Type 2 short-term rental in RMF-24 zoning. Since RMF-24 is a residential zoning district, a conditional use permit is required.

- B. Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: The house contains a total of three bedrooms which would limit occupancy to a maximum of eight guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.

- C. Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: Parking for single-family dwellings is required to be provided at a rate of two spaces per unit and up to four vehicles are permitted to be parked outdoors at any given time. The applicant indicated that there is space to park up to three vehicles on site with one space in an attached garage and two spaces in a driveway. On-street parking is also available throughout the neighborhood.

- D.** Special events are not permitted in a short-term rental. Examples of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: The applicant's request letter suggests that the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.

- E.** Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 224 E. Adobe St. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

- F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of August 19, 2024, the City had issued 469 Type 2 short-term rental business licenses and 5 remain in the queue for processing. An additional 34 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.

- G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.

- H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. Three off-street parking spaces are available on site and a maximum of eight guests would be permitted. On-street parking is also available nearby. City records indicate that eight other units, or roughly 1.4% of estimated housing units, within a quarter-mile radius of the property have a business license to operate as a Type 2 short-term rental. Six code violations, including five for overgrown grass and one for the storage of an inoperable vehicle, were reported at the property between 2013 and 2022 when the property was under different ownership. No violations have been reported since the current owners purchased the property earlier this year.

§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: One driveway with access onto Adobe Street is available to accommodate vehicular ingress and egress to the subject property. Staff finds that the proposal to use the property as a short-term rental would not adversely affect vehicular traffic flows considering the use of the property would be limited to a maximum of eight guests which would not be out of character with the use of the property for residential purposes.

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

Finding: A total of three off-street parking spaces are available in a paved driveway and garage. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.

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

Finding: The applicant proposes to utilize existing residential trash cart services, and they have stated that bins will be stored in the garage when not placed at the curb for pick-up. Staff recommends a condition confirming that the containers are stored in a location that is screened from public view when not placed at the curb for pick-up.

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

Finding: Utilities are currently available to the property and its use as a short-term rental is not expected to impact the provision of utilities.

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

Finding: Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.

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

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

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

Finding: Based on the applicant's submittal, the house appears to be meeting relevant setbacks.

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

Finding: Staff finds the proposed use to be compatible with surrounding properties. There are eight other licensed Type 2 short-term rental within a quarter-mile radius. There appears to be adequate parking to accommodate the number of permitted guests on site and along nearby public streets and staff does not anticipate any adverse traffic impacts with this request.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- Site and Building Floor Plan
- Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (9) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible

- by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.
- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
 - (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
 - (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
 - (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
 - (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
 - (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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

- (G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) *Minimum Buildable Street Frontage.* 50% of the lot width.

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

- (A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

- 1) R-A
- 2) RSF-.5
- 3) RSF-1
- 4) RSF-2
- 5) RSF-4
- 6) RSF-7
- 7) RSF-8
- 8) RSF-18
- 9) RI-12
- 10) RI-U
- 11) RMF-6
- 12) RMF-12
- 13) RMF-18
- 14) RMF-24
- 15) RMF-40
- 16) NC

Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
- 1) Adequate parking infrastructure;
 - 2) Adequate adjoining or nearby streets for on-street parking;
 - 3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
 - 4) Prior zoning or code violations

Request letter for Conditional Use Permit

To whom it may concern,

I am writing to apply for a conditional use permit in order to obtain a short-term rental license for the property located at 224 E Adobe in Fayetteville. I believe this property would be ideal for a short-term rental as described below:

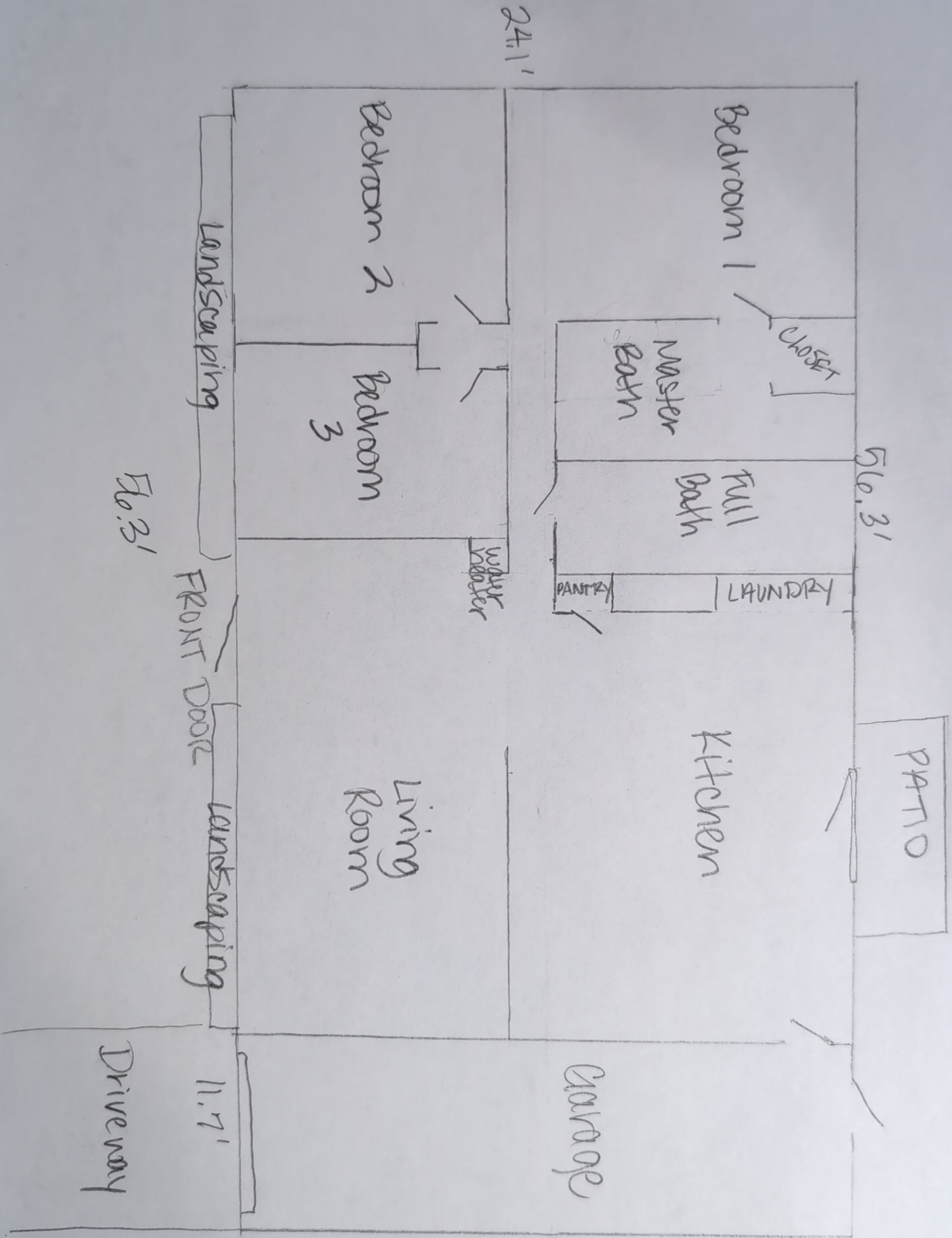
- Building size: The house is 1075 square feet.
- Exterior and curb appeal: The exterior has been freshly painted white on all sides, and the property is well-maintained.
- Parking: There is a one-car garage and a driveway that can accommodate two cars, ensuring guests have convenient parking options.
- Does not apply to business or non-residential use
- Outdoor lighting: The property features two exterior lights at the front door, one exterior light at the back door, and one motion light in the backyard, enhancing safety and security.
- Noise: There are no noise issues associated with the property.
- Privacy screening/ buffering: A fence covers the entire backyard and sides of the property, providing privacy for guests and neighbors.
- Trash and recycling: The property utilizes city trash services, with one large trash can and one recycling bin that will be kept in the garage except on collection days.
- Ingress and Egress: is an established home in a neighborhood with no traffic impacts.
- Compatibility with the neighborhood: This single-family home is located in a neighborhood with a mix of rental properties and owner-occupied homes. It is centrally located within the city, making it an attractive option for short-term renters.

I have previously lived in this home and can attest to its suitability for short-term rentals. The location is excellent, and the property offers the amenities and privacy that guests would expect.

Thank you for your time and consideration. Please let me know if you have any questions or require additional information.

Sincerely,
Jason & Jill King
2261 E Meandering Way Fayetteville, AR 72701
618-304-9444
jillking26@gmail.com

824 E Adobe
Payetteville, AR 72703



Building Elevations

Front (south)



Back (north)

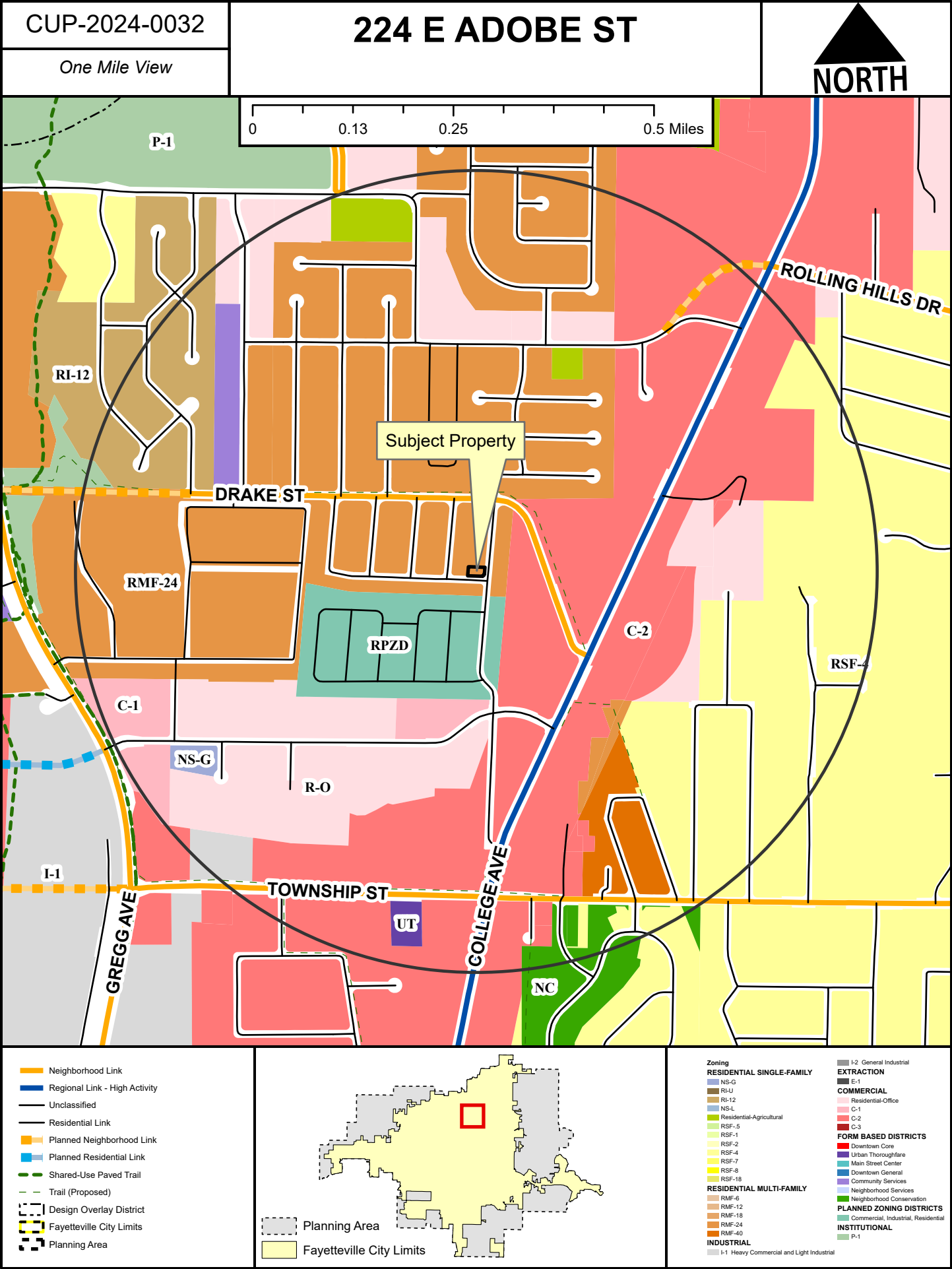


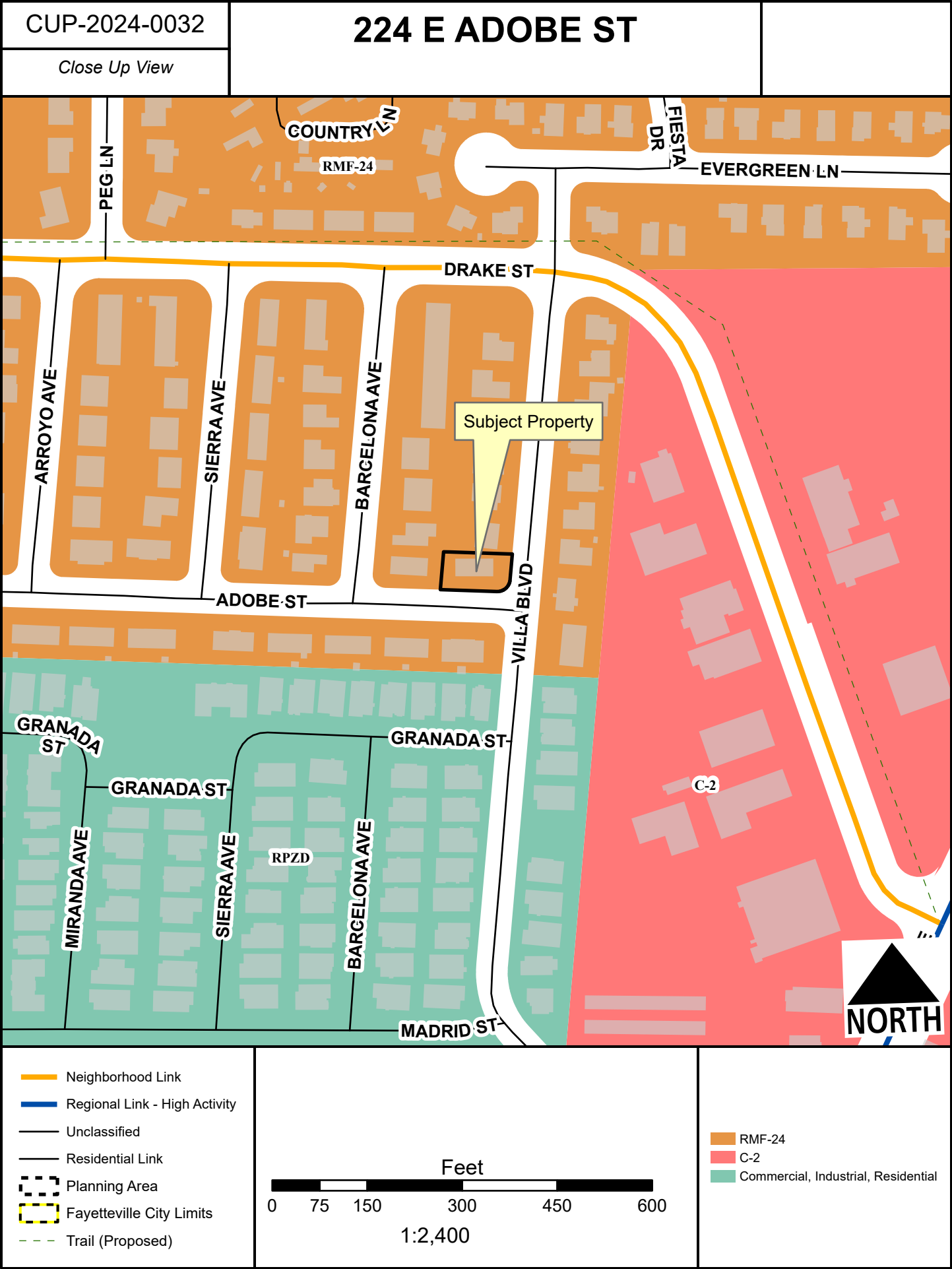
Side (west)



Side (east)



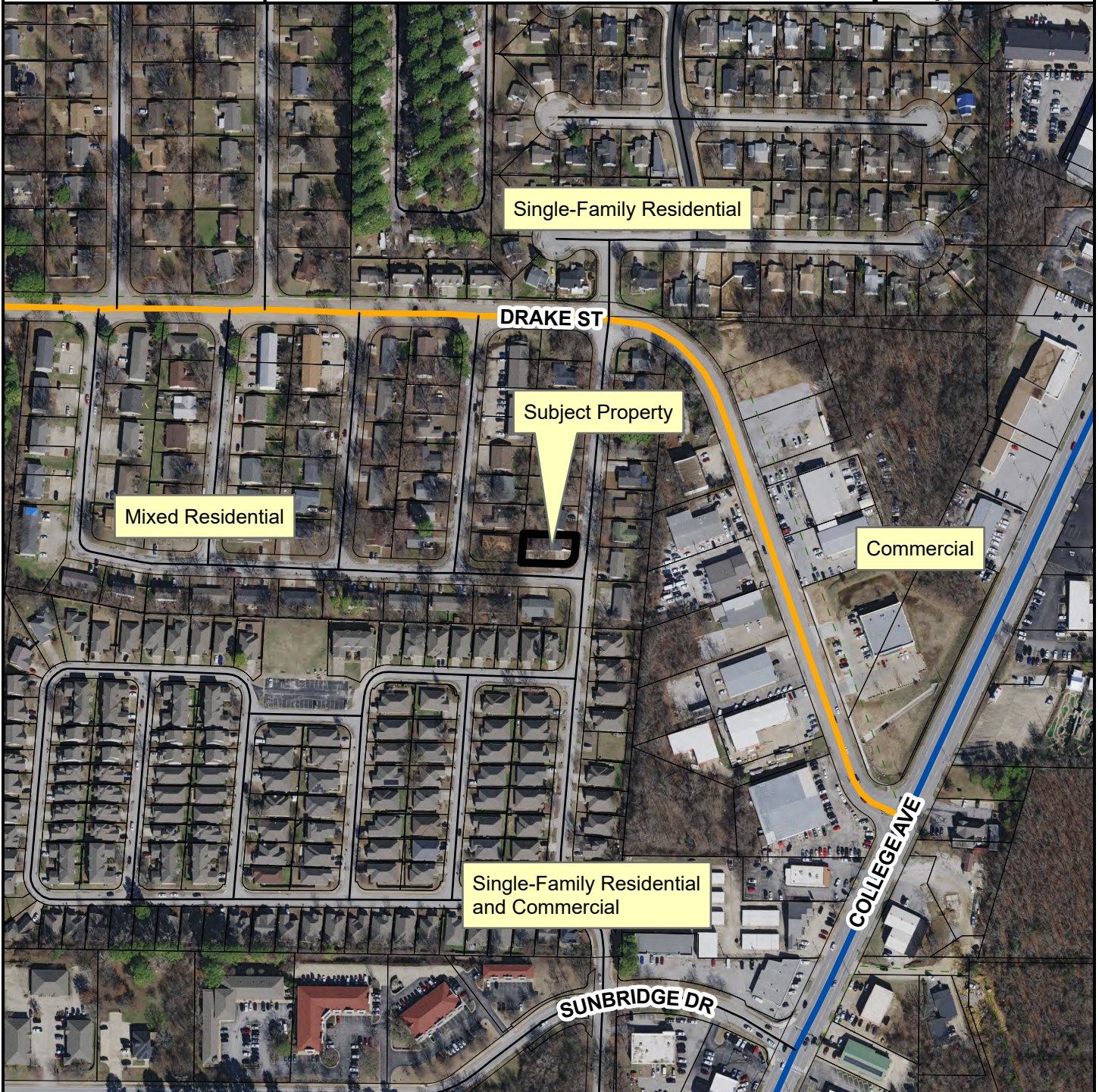




CUP-2024-0032

224 E ADOBE ST

Current Land Use



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



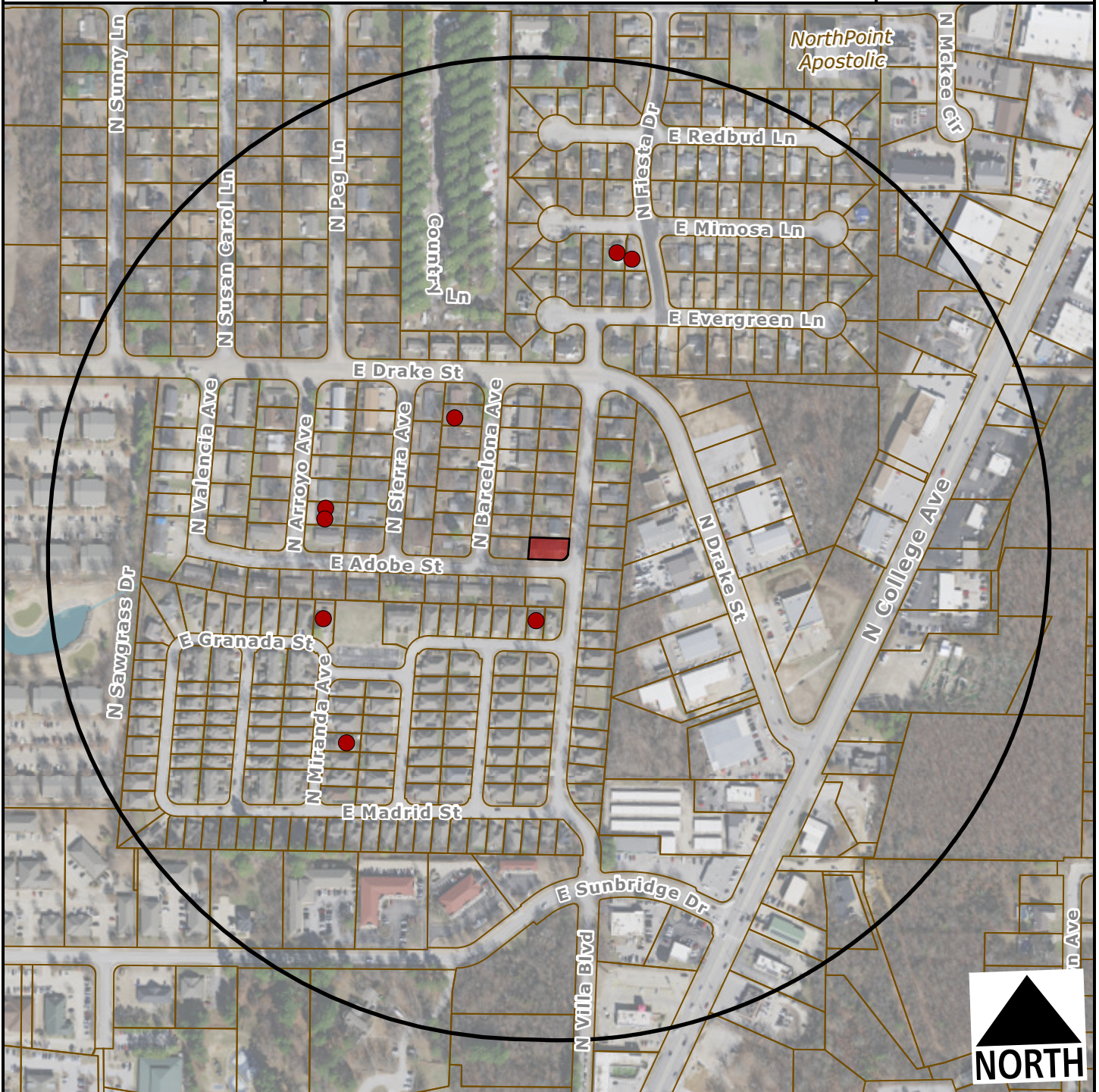
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2024-0032

224 E ADOBE ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 8

Occupiable
Residential
Addresses
(Estimated
Housing Units): 579



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: August 26, 2024

SUBJECT: **CUP-2024-0033: Conditional Use Permit (3345 W. ESSEX DR./HAWKINS, 362):** Submitted by MATTHEW HAWKINS for property located at 3345 W. ESSEX DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.22 acres. The request is to use the property as a limited business.

RECOMMENDATION:
Staff recommends denial of **CUP-2024-0033**.

RECOMMENDED MOTION:
"I move to deny CUP-2024-0033."

BACKGROUND:
The subject property is located in west Fayetteville at the southwest corner of Salem Road and Essex Drive about a half mile north of Wedington Drive. The property contains approximately 0.22 acres and is developed with a 1,927-square-foot single-family dwelling which was built in 1995. 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	RI-12, Residential Intermediate, 12 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Proposal: The applicant requests a conditional use permit to use the house on the subject property as a professional office and micro warehouse for their online business, Matthew B Hawkins LLC. Since no one would be living in the house, this use would be classified as Use Unit 12a: Limited Business, which is a conditional use in the RSF-4 zoning district. The applicant has described the business as follows:

- *Business will occur in approximately 1,927-square-foot house*
 - *There will be roughly 500 square feet of shelving to store products, and the rest of the house will be used as an office and packing space.*
- *Parking: 4 vehicle spaces in a driveway*
- *Number of employees: 2*
- *Number of customers: 0 on site. All business is completed online.*

- *Hours of operation:*
 - 8:00 a.m. to 6:00 p.m., Monday through Friday (excluding holidays)
- *Outdoor lighting:* No change from existing. Light fixtures remain off throughout the night.
- *Noise:* Some noise associated with lawn maintenance. No other noise will be audible.
- *Screening:* No change from existing. There is a privacy fence that screens the property's backyard from adjacent residences.
- *Trash:* Residential carts. There will not be unusual volumes of trash produced and carts will be stored behind the privacy fence when not in use.
- *Ingress/Egress:* No change from existing. There is a driveway on Essex Drive which will be used for vehicles to park in and enter/exit the property.

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

Public Comment: Staff received public comment from two neighbors who expressed their opposition to the applicant's request. They shared concerns about how the property owner has maintained the property in the past and how the proposed use may result in increased traffic in their neighborhood, stating that they would like to see the property maintained as a single-family home.

RECOMMENDATION: Staff recommends denial of **CUP-2024-0033**. Should the Planning Commission choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.** *Staff finds the proposed use to be incompatible with adjacent properties since it would allow for a commercial use in an established residential neighborhood.*
2. **This conditional use permit is limited to Matthew B Hawkins LLC as described in the applicant's request letter. The following specifications apply:**
 - Size of the business: Approximately 1,927 square feet
 - Hours of operation:
 - Monday - Friday, 8:00 a.m. - 6:00 p.m.
 - Parking: Maximum of 4 spaces on site in existing driveway
 - Number of employees: Maximum of 2 on site
3. A business license shall be obtained for the proposed business at this location prior to occupancy of the unit;
4. Any future expansion or change in the use shall require Planning Commission approval;
5. Trash collection shall be coordinated with the City's Trash and Recycling Division;
6. Signs shall be limited to those permitted by UDC Chapter 174, Signs. 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; and
7. Approval of this conditional use permit does not constitute approval of any associated building plans or permits. The applicant shall coordinate with the City's Building Safety and Engineering Divisions to ensure that all proposed building and site renovations are meeting applicable permitting requirements.

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

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. **Authority; Conditions.** The Planning Commission shall:

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

C. **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 conditional use approval for Use Unit 12a: Limited Business in RSF-4 zoning.**

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

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

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

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

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

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

Finding: Staff finds that granting the requested conditional use has the potential to adversely affect the public interest. While the applicant has stated that the property will retain its appearance as a residence, staff finds that the proposed use is not compatible with the surrounding residential area or the goals of the City's current land use regulations and future land use plans. Limited businesses are intended to be small-scale establishments that offer commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale, and appearance with surrounding neighborhoods. Staff finds that granting the requested conditional use may adversely affect the public interest since it would allow for a commercial use in an established residential area which does not directly serve those living nearby.

(c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing limited businesses, as follows:

§ 164.21. LIMITED BUSINESS.

D. Conditions for Approval. The uses listed may be allowed as a permitted use and shall meet the following conditions:

1. The proposed use shall not adversely affect local traffic conditions on the adjoining streets.

Finding: Staff finds that the proposed use is not likely to adversely affect local traffic conditions on adjoining streets. The property has frontage along Salem Road and Essex Drive which are both classified as Residential Link Streets. The applicant indicated in their request letter that the proposed use will not generate traffic that is out of character with the surrounding area. There are only two employees associated with the business, no customers would be coming to the site, and mail deliveries would be small.

2. New structures located within a residential zoning district shall incorporate design elements similar to and compatible with those found within the neighborhood, including materials, roof pitch, scale, etc.

Finding: No new structures are proposed. The applicant has indicated that they will use the existing house on the property as an office space and micro warehouse for their online business. Staff finds that approval of the requested conditional use would not compromise the residential appearance of the structure or the surrounding area.

3. New parking areas or lots, utility equipment and trash enclosures shall be designed to have minimal visual impact to adjacent property owners and to the street. Screening of these elements shall be accomplished with plantings, walls, architectural elements, and/or fencing.

Finding: No new parking areas or lots are proposed, and the applicant has indicated that trash bins will be screened behind the existing privacy fence when not placed at the curb for pick-up. Based on the provided pictures of the property, all utility equipment also appears to be screened from view by the privacy fence. As a condition of approval, staff recommends that utility equipment and trash containers be screened to have minimal visual impact to adjacent property owners and to the street.

4. Hours of operation shall be limited to Sunday through Thursday, 6:00 a.m. to 9:00 p.m., and Friday and Saturday, 6:00 a.m. to 11:00 p.m., unless otherwise further determined by the Planning Commission.

Finding: The applicant has requested hours of operation from Monday to Friday between 8:00 a.m. and 6:00 p.m. Should the Planning Commission choose to approve this request, staff recommends a condition limiting the hours of operation to align with what the applicant has requested.

5. All new or enlarged structures shall comply with the zoning requirements of the underlying district.

Finding: No new or enlarged structures are proposed with the requested conditional use. Any additions or alterations would be subject to subsequent permitting.

§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: Vehicular ingress and egress to the property is provided by way of an existing driveway with direct access onto Essex Drive. The driveway is located approximately 50 feet away from the intersection of Essex Drive and Salem Road, and 65 feet away from the driveway on the adjacent property to the west. Driveways along Residential Link Streets are required by code to be located a minimum of 50 feet from adjacent driveways and intersections. No major traffic issues were identified nearby, and staff finds that none would be created by the proposed use given its limited impact. Sidewalk is currently present along the east and west side of Salem Road and along the north side of Essex Drive.

- (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: The applicant has indicated that there is space to park up to four vehicles on site in an existing driveway with access onto Essex Drive. Given the residential appearance of the site, staff does not recommend any conditions requiring existing parking areas to be screened from adjacent residential properties.

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

Finding: The applicant shall coordinate with the Recycling and Trash Collection Division for appropriate solid waste disposal. As proposed, the applicant will utilize a residential trash cart and recycling containers in keeping with the previous residential use of the property.

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

Finding: Utilities are currently available to the property and the applicant's request to use the building as a limited business is not expected to impact the provision of utilities.

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

Finding: As a condition of approval, staff recommends that utility equipment and trash containers be screened from adjacent residential properties and the street by plantings, walls, architectural elements, and/or fencing, to align with UDC §164.21(D)(3).

(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 signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein. The applicant indicated in their request letter that they do not intend to install any signage on the property.

(g.) Required yards and other open space;

Finding: The existing structure on the property appears to comply with the setback regulations of the underlying RSF-4 zoning district. Any additions or alterations to the building would be subject to subsequent permitting and may require amending this conditional use permit.

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

Finding: Staff finds the proposed use to be somewhat compatible with surrounding properties. The applicant has indicated that it will not generate any customer traffic, and the property will retain its appearance as a single-family residence. Given the residential appearance of the property, the proposed hours of operation, and the limited traffic impacts associated with the proposed use, staff finds that it may be compatible with the surrounding area. However, the property is not located near any commercial uses and the proposed conditional use would likely be out of character with the surrounding residential area.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted plans. The City Plan 2040 Future Land Use Map designates the property as Residential Neighborhood Area, and commercial uses in those areas are intended to be concentrated at major intersections and along connecting corridors. Approval of the requested conditional use would allow a commercial use to be located in an established residential neighborhood, at the intersection of two local streets.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §164.21 Limited Business
- Request Letter
- Site Plan
- Building Elevations
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

164.21 - Limited Business

- (A) *Purpose.* These regulations are intended to mitigate the potential adverse impacts associated with commercial uses adjacent to or within residential areas by allowing limited neighborhood commercial uses that are compatible in size, scale, massing and residential appearance with adjoining and surrounding residential uses. The following standards shall apply:
- (1) Enhance and regulate the appearance of neighborhood commercial uses.
 - (2) Protect adjoining properties from the potential adverse impacts associated with commercial uses adjacent to residences such as traffic, noise, appearance, lighting, drainage, and effect on property values.
 - (3) Provide areas for off-street parking that will be appropriate in size, location and scale within residential areas.
 - (4) Provide commercial uses that are accessible for the convenience of individuals living in residential districts.
 - (5) Reduce the length and number of vehicle trips generated by residential development.
- (B) *Applicability.* These standards shall apply to all conditional use requests for Use Unit 12, Limited Business, in any zoning district.
- (C) *Similar Uses Allowed.* When a use is not specifically listed as a permitted use in Use Unit 12 (Limited Business), the use may be permitted if it is determined by the Zoning and Development Administrator that the use is similar to other uses listed. In determining "similarity," the Zoning and Development Administrator shall make all of the following findings:
- (1) The proposed use meets the purpose of this section and the goals and policies of the Comprehensive Land Use Plan.
 - (2) The proposed use shall not adversely impact the public health, safety and general welfare of the neighboring residents;
 - (3) The proposed use shall be similar to the uses listed above considering use intensity and characteristics.
- (D) *Conditions for Approval.* The uses listed may be allowed as a permitted use and shall meet the following conditions:
- (1) The proposed use shall not adversely affect local traffic conditions on the adjoining streets.
 - (2) New structures located within a residential zoning district shall incorporate design elements similar to and compatible with those found within the neighborhood, including materials, roof pitch, scale, etc.
 - (3) New parking areas or lots, utility equipment and trash enclosures shall be designed to have minimal visual impact to adjacent property owners and to the street. Screening of these elements shall be accomplished with plantings, walls, architectural elements, and/or fencing.
 - (4) Hours of operation shall be limited to Sunday through Thursday, 6:00 a.m. to 9:00 p.m., and Friday and Saturday, 6:00 a.m. to 11:00 p.m., unless otherwise further determined by the Planning Commission.
 - (5) All new or enlarged structures shall comply with the zoning requirements of the underlying district.
- (E) *Design Review.* The applicant shall submit the following information to the Planning Division for review, where applicable:
- (1) A site plan drawn to scale showing location of parking, building footprint, and all other improvements.
 - (2) Color elevation drawings of all sides of the structure, indicating the type of materials to be used on the exterior of the building, and proposed sign.
 - (3) Landscape plan showing the location of all proposed landscaping, size and species of plant material.
 - (4) Abbreviated tree preservation plan.

(Ord. No. 5312, 4-20-10; Ord. No. 5375, 12-21-10)

Matthew B Hawkins LLC – City of Fayetteville Conditional Use Permit Application

1. Request Letter

(a) Building size in square feet; existing and proposed

Existing – 1927, No proposed changes.

(b) Color elevations of all exterior sides of the structure

Please see attached.

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

Four spaces to be provided (driveway), two to three spaces required.

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

-Hours of operation

8 AM to 6 PM, Monday through Friday, excluding holidays.

-Number of employees

Two

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

0 (all business through website)

(e) Outdoor lighting

There are lights over the front and back doors. They remain off through out night.

(f) Noise

Noise associated with lawn maintenance. No other noises will be audible.

(g) Screening or buffering from adjacent properties

There is a fence in place that was used by previous tenants to screen three sides of the property.

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

Residential trash service will be used and placed at curb only on trash day. There will not be unusual volumes of trash or refuse produced. The trash can will be kept behind the fence when not in use.

(i) Ingress and egress to the property; traffic impacts

There is a driveway that will be used to park in and enter/leave the property.

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

My business is an online only fly tying material shop, primarily fly tying hooks and fly tying beads. I import the products from manufacturers and repackage them into smaller quantities and ship them direct to customers. Business activities will be quieter than the previous tenants that occupied the house. I do not require any signage or anything that would cause the house to appear different from a normal residential house. The mailman picks up small parcels and delivers mail as normal. The appearance of the property and lawn will be taken better care of than by the previous tenants and benefit the overall aesthetic of the area.

The house will serve as both an office space and micro warehouse. The goods will be packaged and shipped from the house. Average parcel size is 5 oz, with max parcel size being around 25 oz. The total area for storing and packaging product will be roughly 500 sq. ft of shelving. The rest of the area will be used as my office.

2. Legal Description

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

Lot 2, Walnut View Estates, Phase I to the City of Fayetteville, Washington County, Arkansas, as shows on final plat record 12 at page 82. Subject to covenants, easements and right-of-ways of record.

3. Site Plan

Site plan drawn to scale, based on the deed or survey, showing all proposed structures dimensioned from the overhang to the property line, parking, driveways, Master Street Plan right-of-way, required setbacks.

4. Preliminary Floor Plan

Floor Plan drawn to scale showing location of wall, windows, doors, and identification of activity areas.

5. County Parcel Map

A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map. (Applications for special conditional uses that require notification within 500 feet should show all properties and property owner information within 500 feet of the project site. See the notification requirements section of this application.)

6. Public Notification

The applicant is responsible for meeting the public notification requirements for a Conditional Use permit. Public notification is not required at time of plan submittal. Staff will contact applicant at a later date with notification details.

7. Property Owner Authorization

Authorization letter signed by current property owner of record or written verification signed by such owner designating a project representative.



1 inch = 22 feet

Created By actDataScout on 7/16/2024 5:20:40 PM

 via DataScout OneMap®



East side shown aboveS



South side shown above



East side shown above



North side shown above.

August 21, 2024

RE: CUP-2024-0033

Fayetteville City Council Members;

I recently received a "WRITTEN NOTIFICATION FORM" that a CUP is being applied for by Matthew B. Hawkins, owner of the property located at 3345 W Essex Dr., Fayetteville AR. This CUP is for the purpose of rezoning a residential home to a "LIMITED BUSINESS" use property. As a neighboring property owner of more than eighteen years, I **do not** support this.

Again, I have been a homeowner here on Essex since August 2006. I have seen a decline in the neighborhood due to many homeowners turning their previously homeowner occupied homes into rental properties. Tenants don't care for a home like a homeowner does. That shows throughout our once appealing little neighborhood. I understand that Mr. Hawkins wants to use this 3 bedroom, 2 bath home as an office for a web based mail order business. Mr. Hawkins' proposal and application sound very sweet; vehicles limited to the spaces available in the driveway, no noises after 6, exterior lights off after 6pm, no visible signage required, regular USPS postal employee would perform pickup and delivery, "the appearance of the property and lawn will be taken better care of than by previous tenants, and benefit the overall aesthetic of the area". Small package sizes (25oz) that take up 500 square feet is a LOT of shipments and traffic to our already overly trafficked street. As trivial as this is, I'd also like to point out that the house is only 1486 square feet with an additional 441 square feet of garage space. Mr. Hawkins claims the building site is 1927sf, that is combined living space and garage space.

I'll remind you once again that I have owned my home since summer 2006. During that time, I have seen his property (3345 W Essex Dr.) go from being a super cute, well-kept home on a corner lot by the previous owner to a minimally maintained rental after Mr. Hawkins took ownership. I have personally called Code Compliance for overgrown grass and shrubbery a few times since Mr. Hawkins became the owner of this corner property. Mr. Hawkins was responsible for the upkeep of this property during the entire time his tenants resided there. He allowed the grass to get too high and grow over the sidewalk, the Rose of Sharon bush on the NE corner of the outside corner of his privacy fence to block the sidewalk, the maple trees to hang too low over the sidewalk, another willow tree in the front yard (that is now gone) to block the view of the stop sign at the corner. He has had people working on his property since his tenants moved out over the summer. They have been repairing, painting and making this property look far more appealing. I would imagine it is to prepare it for whatever inspection the city might require or even to schmooze the neighbors for this proposal. Whatever the case, he could have made it better and more aesthetically appealing several years ago but chose not to. I do not believe his maintenance habits will change now being as he has owned it since 2017

and had not done anything regularly to it to maintenance it and nothing significant being visible from the outside until this last few weeks

This house sits on the corner of Salem and Essex. You see a street address on the application, but you may not have knowledge of where it sits on Essex. That is a **very** busy corner and is made worse by the traffic that The Links (on Ruppel) adds to it. Essex Drive is a 20MPH residential street, traffic is often in the 40-50MPH range! I have complained about that often. It falls on deaf ears. The potential pick-ups and deliveries to that corner address would block full view for safe passage by vehicles and pedestrians. I witnessed a vehicle slam into another vehicle that was parked on the street in front of another rental one afternoon a couple summers ago, breaking the front axle off the parked vehicle. We simply have too much traffic as it is. I believe Salem is on the master street plan to connect to Stephen Carr Memorial Blvd./Porter Rd in the very near future. The east side of the proposed property borders Salem (for reference, this is the Salem off Wedington). Once Salem connects to Stephen Carr Memorial Blvd/Porter Rd., the traffic will become exponentially worse than it currently is. While a rezoning would allow for a business to be operated from that address, it would also be a deterrent to any potential new owner that may have to change it back to residential should Mr. Hawkins decide to sell it in the future. There is definitely a significant shortage of starter homes available for first-time homebuyers in this city, it would be a shame to see a cute little house rezoned to accommodate the needs for an office when there is ample office space available all over the city.

I know that the City of Fayetteville, by their own admittance, is in the midst of a housing crisis. This is serious enough that there has been a task force formed to seek solutions to this growing problem. I can cite the many articles available online to stand behind this statement, but they are there if you just take the time to look. I'd be happy to link them for your convenience if you wish.

I would pray that the Fayetteville City Council would DENY this request and help the residents of this neighborhood save some integrity and sanity as the City grows by leaps and bounds around us and advise Mr. Hawkins to seek suitable space in an area that is ALREADY zoned for what his business and office needs are.

Thank you,

Carrie (Adams) Warren
3396 W Essex Dr
Fayetteville AR 72704
479-200-2214

From: Anita Bland <anita.bland@yahoo.com>
Sent: Sunday, August 18, 2024 10:36 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Concerns Regarding Business Rental on Essex Dr

Dear Gretchen,

I hope this message finds you well. I am writing to express some concerns regarding the potential rental of 3345 W. Essex Dr. for business purposes. As a neighbor deeply invested in the character and quality of our community, I believe it is important to share these thoughts with you.

Our street already has a high percentage of rental properties, and while a quiet neighbor is always welcome, the prospect of this home being used for business raises several concerns. There is no guarantee that the business would maintain the quiet, low-impact presence described. The increased traffic and potential for multiple vehicles coming and going at various hours could significantly alter the peaceful nature of our neighborhood.

Additionally, the property owner has a history of neglecting the upkeep of the house and yard. The previous tenants did not appear to maintain the yard, and the trees on the property were allowed to deteriorate due to disease. Given that this home is located on a street corner with already limited visibility, the appearance and maintenance of this property are crucial. It's one of the first homes people see when they turn onto our street, and it reflects on our entire community.

Furthermore, with a significant shortage of single-family homes in our area, it seems inappropriate to repurpose residential properties for business activities such as warehouse space or shipping and receiving. Our neighborhood is intended for families, and preserving that atmosphere should be a priority.

I urge you to consider the impact that converting this property into a business could have on our community. I believe it would be more beneficial for everyone if the property were maintained as a single-family home, contributing to the overall residential character and tranquility of our neighborhood.

Thank you for your attention to this matter.

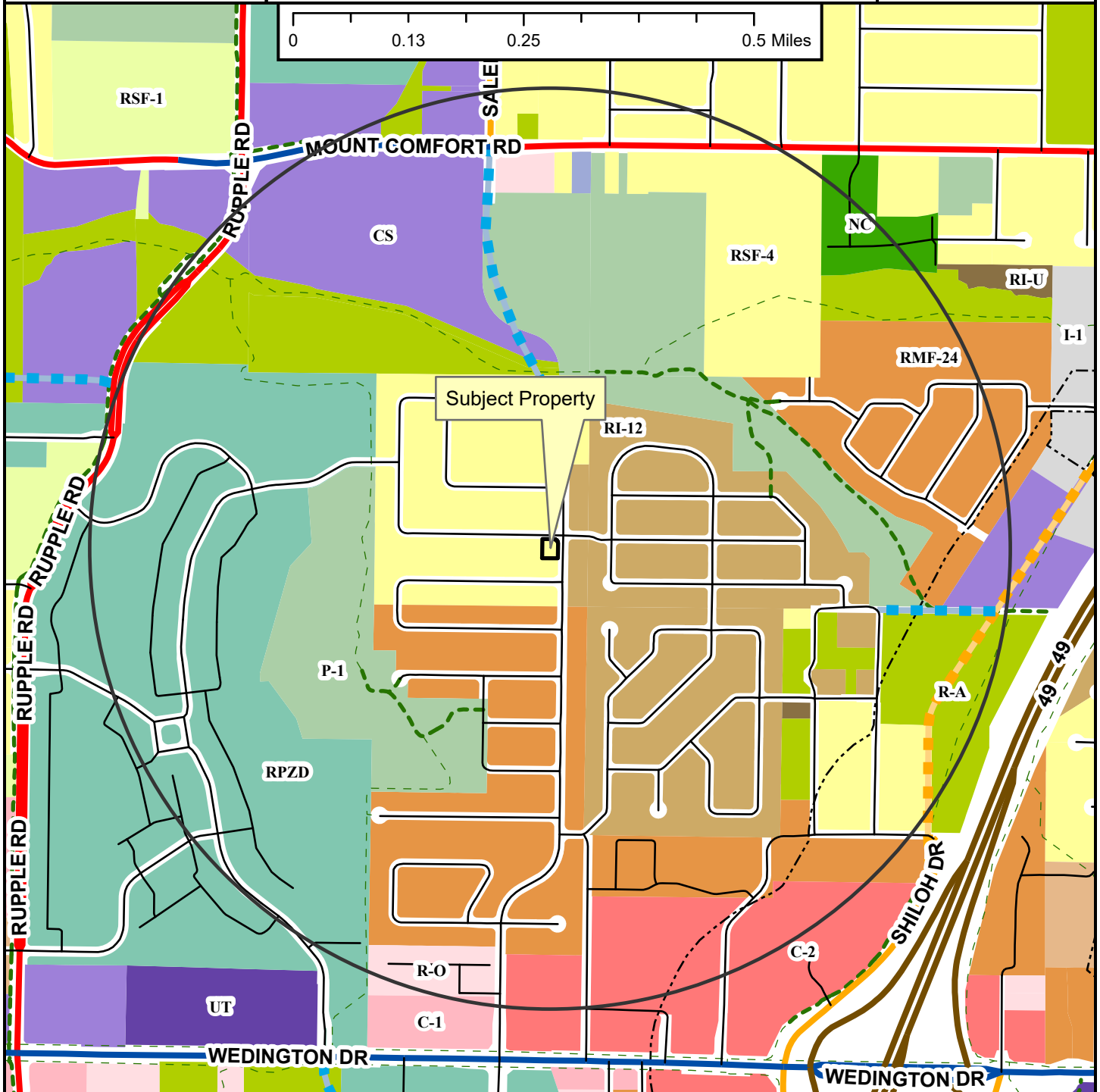
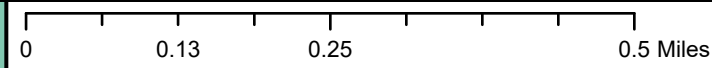
Best regards,

Anita Jackson

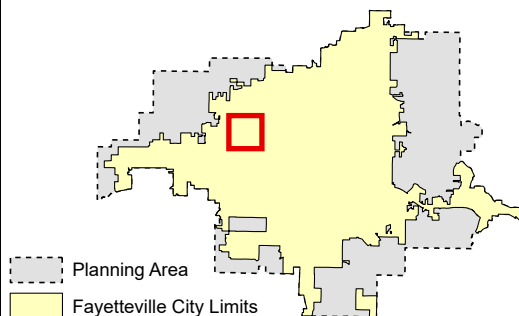
CUP-2024-0033

3345 W. ESSEX DR

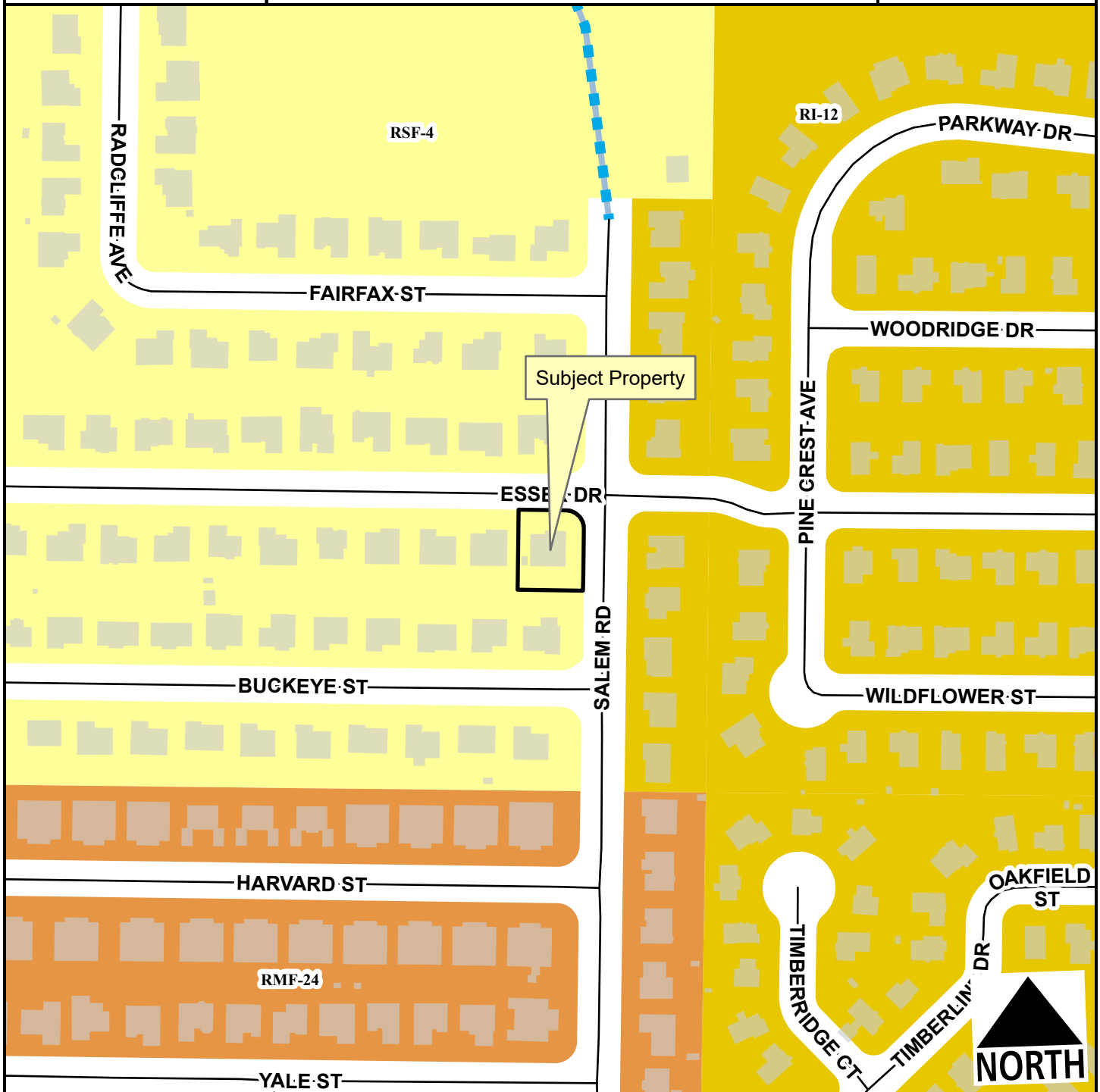
One Mile View



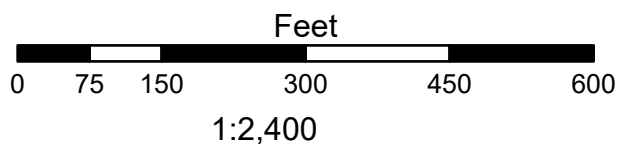
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-1
 - RSF-5
 - 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
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
 - P-1



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



- RSF-4
- RI-12
- RMF-24

CUP-2024-0033

3345 W. ESSEX DR

Current Land Use



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway