# City of Fayetteville Staff Review Form

C. 3 ADM 12-4136 (2768 E. Shagbark Bend/Zweig) Page 1 of 14

## City Council Agenda Items and Contracts, Leases or Agreements

8/7/2012
City Council Meeting Date

	Agenda Items Only	1		
Jesse Fulcher	Planning		Development Services	
Submitted By			Department	
	Action Required	d:		
DM 12-4136: Administrative Item (2 SSOCIATES for property located a LANNED ZONING DISTRICT (R-P equest is to amend the setbacks of	t 2768 EAST SHAGBARK BE ZD 04-05.00 HICKORY PARI	ND. The property	is zoned R-PZD, RESIDENTIA	
	\$	¥		
Cost of this request	Category / Project Bu	ıdget	Program Category / Project Name	
	\$			
Account Number	Funds Used to Da	te	Program / Project Category Name	
	\$	끝		
Project Number	Remaining Balanc	ee	Fund Name	
y Attorney	7-20-2012 Date	Original Contract	\ <del></del>	
ance and Internal Services Director	1 7-20-2012 Date	Received in City Clerk's Office	y07-20-12 A09:39 RCVD	
ief of Staff Jordan	7-20-17 Date 7/20/12	Received in Mayor's Office	ENTERED 7/20/12	
mments:				



### CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director

From: Jesse Fulcher, Current Planner

**Date:** July 19, 2012

Subject: ADM 12-4136 (Hickory Park R-PZD 04-05.00, Modification No. 1)

#### **RECOMMENDATION**

Planning staff and the Planning Commission recommend approval of an ordinance amending the setbacks of Lot 14 in the approved R-PZD 04-05.00 Hickory Park Subdivision.

#### BACKGROUND

The Hickory Park Subdivision was approved in 2004 with 14 single-family lots (see plat attached). As a custom zoning district, the developer was responsible for proposing bulk and area regulations, including building setbacks, for each lot. A setback table was included on the final plat and outlines the requirements for each lot.

A building permit was approved for Lot 14 in 2011 and construction was completed in 2012. The site plan submitted with the building permit (attached) shows that construction will be compliant with the required building setbacks. However, a survey completed this year shows that a corner of the roof overhang encroaches slightly into the east 20 foot building setback. Additionally, the survey reveals that a wood deck, which was added to the design after the permits were approved, also extends into the same building setback.

The encroachments were discovered after the home was constructed and after the property was sold to the current owner.

*Proposal:* The applicant proposes to change the Hickory Park R-PZD zoning criteria for Lot 14, to reduce the rear (east) setback from 20 feet to 8 feet. The applicant has requested this change to resolve the building encroachments discussed herein.

#### **DISCUSSION**

On June 25, 2012 the Planning Commission voted 9-0-0 to forward this request to the City Council with a recommendation for approval.

### **BUDGET IMPACT**

None.

#### ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 04-05.00, HICKORY PARK SUBDIVISION, LOCATED NORTH OF 2730 EAST TOWNSHIP STREET, CONTAINING APPROXIMATELY 4.4 ACRES, TO REFLECT REVISED BUILDING SETBACKS FOR LOT 14.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That R-PZD 04-05.00 (Hickory Park Subdivision) as passed and approved by the City Council on March 16, 2004 with Ordinance No. 4549 is hereby amended by reducing the rear (east) setback for Lot 14 from 20 feet to 8 feet.

By: LIONELD JORDAN, Mayor	By:SONDRA E. SMITH. City Clerk/Treasurer
APPROVED:	ATTEST:
PASSED and APPROVED this	day or , 2012.



PC Meeting of June 25, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St. Fayetteville, AR 72701 Telephone: (479) 575-8267

## PLANNING DIVISION CORRESPONDENCE

TO:

Fayetteville Planning Commission

FROM:

Jesse Fulcher, Current Planner

THRU:

Jeremy Pate, Development Services Director

DATE:

June 18, 2012 Updated June 26, 2012

**ADM 12-4136:** Administrative Item (2768 E. SHAGBARK BEND/ZWEIG, 294): Submitted by ALAN REID AND ASSOCIATES for property located at 2768 EAST SHAGBARK BEND. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT (R-PZD 04-05.00 HICKORY PARK SD) and contains approximately 0.23 acres. The request is to amend the setbacks of Lot 14 in the approved R-PZD 04-05.00 Hickory Park Subdivision. Planner: Jesse Fulcher

### **BACKGROUND**

The Hickory Park Subdivision was approved in 2004 with 14 single-family lots (see plat attached). As a custom zoning district, the developer was responsible for proposing bulk and area regulations, including building setbacks, for each lot. A setback table was included on the final plat and outlines the requirements for each lot.

A building permit was approved for Lot 14 in 2011 and construction was completed in 2012. The site plan submitted with the building permit (attached) shows that construction will be compliant with the required building setbacks. However, a survey completed this year shows that a corner of the roof overhang encroaches slightly into the east 20 foot building setback. Additionally, the survey reveals that a wood deck, which was added to the design after the permits were approved, also extends into the same building setback.

The encroachments were discovered after the home was constructed and after the property was sold to the current owner.

*Proposal:* The applicant proposes to change the Hickory Park R-PZD zoning criteria for Lot 14, to reduce the rear (east) setback from 20 feet to 8 feet. The applicant has requested this change to resolve the building encroachments discussed herein.

#### RECOMMENDATION

**Recommendation:** In staff's opinion, the 20 foot setback requirement on the east side of this property is excessive. First, it is not a rear setback. By definition, the east side of this property is a side, and an 8 foot or 10 foot setback should have been established, consistent with other lots in the G:\[ETC\Development Services Review\2012\Development Review\12-4136 ADM 2768 Shagbark/Zweig\10-Planning Commission\6-25-12\Comments and Redlines

Planned Zoning District. In fact the side setback for Lot 13, adjacent to the east, is 8 feet. It should also be noted that the City of Fayetteville reduced the building setbacks for most of the residential single-family zoning districts several years ago, establishing a 5 foot side setback in most instances.

Staff recommends forwarding **ADM 12-4136 Hickory Park R-PZD Modification No. 1** to the City Council with a recommendation for approval, finding that the proposed 8 foot *side* setback is consistent with and appropriate for this development and surrounding residential developments.

Planning Commission Action:  $\sqrt{\text{Forwarded}}$  Denied

Motion: Chesser Second: Cook

Vote: 9-0-0 (Approved on consent)

Meeting Date: June 25, 2012



ADM 12-4136 (2768 E. Shagbark Bend/Zweig) Page 6 of 14 **PROFESSIONAL** LAND SURVEYORS

May 3, 2012

City of Fayetteville Planning & Engineering 125 West Mountain Street Favetteville, Arkansas 72701.

Re: Amendment request for Lot 14, Hickory Park Subdivision, Fayetteville, Arkansas

Dear Planners,

On behalf of my client, Mark Zweig, I am submitting for your review, a request for an amendment to the setback requirement of Lot 14, Hickory Park Subdivision, Fayetteville, Arkansas.

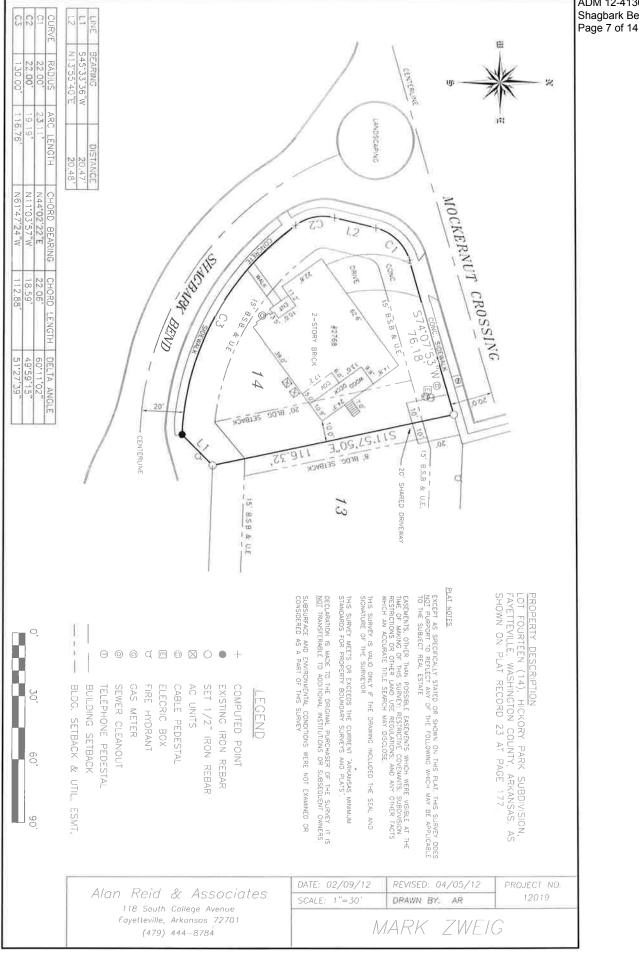
Mr. Zweig purchased the home from the builder, Riggins Construction, for his personal residence in February of this year. The home was an existing finished structure at the time of purchase. Upon completion of my survey for new fences, it became apparent that a small corner of the roof which sheltered a covered deck and a portion of the uncovered deck encroaches into the designated twenty (20) foot wide property setback

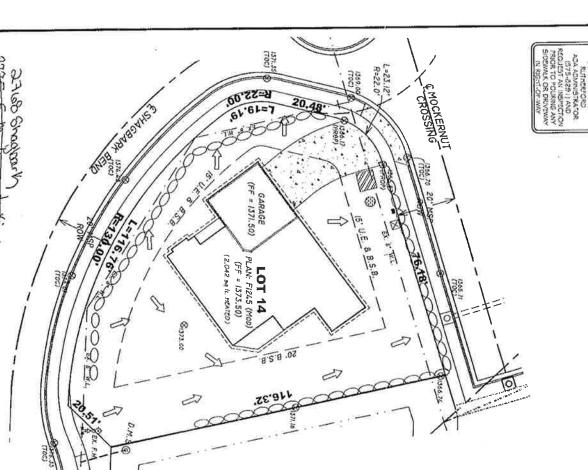
Hickory Park Subdivision was originally designed as a Planned Zoning Development (PZD) with specific homes predetermined for each of the lots. The subdivision did not make it through the slow economy to be developed as it was initially designed, and the majority of the lots were obtained by speculative builders. The speculative built homes by Riggins Construction, including the one owned by Mark Zweig, Inc., were permitted by the City of Fayetteville with a design not approved for the original PZD. In the original PZD, the designed home for the unusual 20' setback requirement on the east side of this property would not have been an issue. It appears from the original subdivision plat the plan was a double drive to be shared by adjacent owners along the 20' setback at issue in this letter. This double drive is no longer necessary with the driveway coming from a different area of the street, and not a shared drive. The issue which occurred at the result of Riggins Construction will be remedied by changing the unnecessary 20' setback to a typical 8' setback.

Mr. Zweig is requesting the approval of an amendment to Lot 14, reducing the setback from twenty (20) feet to eight (8) feet. If approved, the new setback along the East line of Lot 14 will mirror the existing setback along the West line of Lot 13, which is immediately adjacent to the East. This amendment will also allow him the continued use and benefit of the existing deck as it now exists.

Professional Land Surveyor Arkansas Registration 1005

C. 3 ADM 12-4136 (2768 E. Shagbark Bend/Zweig)





GRADING NOTES/ OPERATIONS AND MAINTENANCE PLAN-

OWNER:
RIGGINS CONSTRUCTION
FAYETTEVILLE, AR:
72703 SITE ADRESS: 2775 MOCKERNUT CROSSING FAYETTEVILLE,

72705

ä STATE OF THE PERSONS

AS STREET UGHT

THE ENDRANT

OTHER ENDRANT

OTHER HYDRANT

OTHER H

EXISTING SIDEWALK PROPOSED SIDEWALK BUILDING SETBACK FLOOD PLAIN NOTE

TO HOUSE SHALL DRAIN AWAY FROM HOUSE @ 5 % FOR 10".

LEGEND

THIS FROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0115D DATED FEBRUARY 5, 1997.

-PARCEL #:765-24592-000 -S-T-R: 31-17-29 -ZONING: RSF-4

SITE AREA: 0.24 ACRES

IREA DISTURBED: 0.21 ACRES

CONCRETE WASHOUT PERMIT BOX SILT FENCE

TRASH CONTAINER (32 CUBIC FT HIN) CONCRETE WASHOUT EXISTING SPOT ELEVATION

(PROP) PROPOSED SPOT ELEVATION PROPOSED DIRECTION OF DRAINAGE

FAYETTEVILLE, ARKANSAS

I) ALL GRADES ARE AS INDICATED BY SPOT ELEVATIONS ON PLAN. 2) IF EXCESSIVE DUST BECOMES A PROBLEM, A PLAN FOR WATERING HEAVILY TRAVELED AREAS WILL BE SUBMITTED TO THE CITY ENGINEER BY THE CONTRACTOR.

5) ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO PRIMARY GRADING. 4) CONTRACTOR SHALL MODIFY ERGSION CONTROL MEASURES AS NECESSARY TO ELIMINATE SEDIMINTATION FROM

S) THERE ARE NO KNOWN EROSION PROBLEMS ON THIS SITE OR THE PROPERTY DOWNSTREAM. 6) EROSION CONTROL MEASURES AS OUTLINED BY THIS PLAN SHALL BE IN PLACE AND INSPECTED BY THE CITY FAYETTEVILLE PRIOR TO ANY CONSTRUCTION. 7) ALL AREAS WHICH REGEIVE CONCENTRATED RUNOFF SHALL BE STABILIZED WITH STONE CHECK DAMS B) ALL IMPORTED FILL SHALL BE FREE OF ROCKS GREATER THAN 12 INCHES IN DIAMETER AND ANY DETRIMENTAL

ORGANIC MATERIAL DR REFUSE DERRIS.

9) FILL SHALL NOT BE PLACED ON EXISTING SLOPES WITH A GRADE STEEPER THAN 15 % UNLESS KEYED INTO STEPS IN 9) FILL SHALL NOT BE PLACED ON EXISTING GRADE AND THOROUGHLY STABILIZED BY MECHANICAL CONFACTION.

10) ALL DISTURBED AREAS SHALL HAVE 4: OF TORSOLL BETOR FREETTS BITH IF ANY DEBRIS, MID. OR SOIL FROM 11) DEBRIS, MID. AND SOIL SHALL NOT BE ALL UNDED IN PUBLIC STREETTS BITH IF ANY DEBRIS, MID. OR SOIL FROM DEVELOPMENT STEES REACHES THE FUBLIC STREET IT SHALL BE IMMEDIATELY REMOVED VIA SWEEDING OR DITHER DEVELOPMENT STEES REACHES THE SHOLLD STREET OR WASHED BY THE SHOLLD DEBRIS, MID. OR SOIL REACHES THE SHOLLD BY A STREET OR MISSIRE WASHED OFF THE STREET OR WASHED BY THE SHOLLD BY A STREET OR THE SHOLLD BY A STREET SHOLLD BY A STREET OR THE SHOLLD BY A

12) ALL GRADED AND OTHERWISE DISTURBED AREAS SHALL BE STABALIZED WITHIN IS DAYS IMMEDIATELY AFTER GRADING OR DISTURBANCE HAS CEASED.

GRADING OR DISTURBANCE HAS CEASED.

BY TOP SOIL OR OTHER SOIL IS TO BE STOCKPILED FOR THAN 30 DAYS, A TEMPORARY COVER OF ANNUAL RYE OR OTHER SISTEME GRASS SHALL BE FLANTED.

BY THE SISTEME GRASS SHALL BE FLANTED HITH THE CITY OF FAYETTEVILLE RESIDENTIAL EROSION CONTROL PLAN REQUIREMENTS. A MINIMUM OF A TO STOOD SHALL BE RECURDED. BITHER EXISTING OR INSTALLED, IN ALL AREAS TO BE RE-VEGETIATION SHALL, AT A HINHUM, CONSIST OF SEEDING AND HULCHING. ADDITIONAL PLANDERS MIST BE TAKEN FOR THE FOLLOWING CONDITIONS:

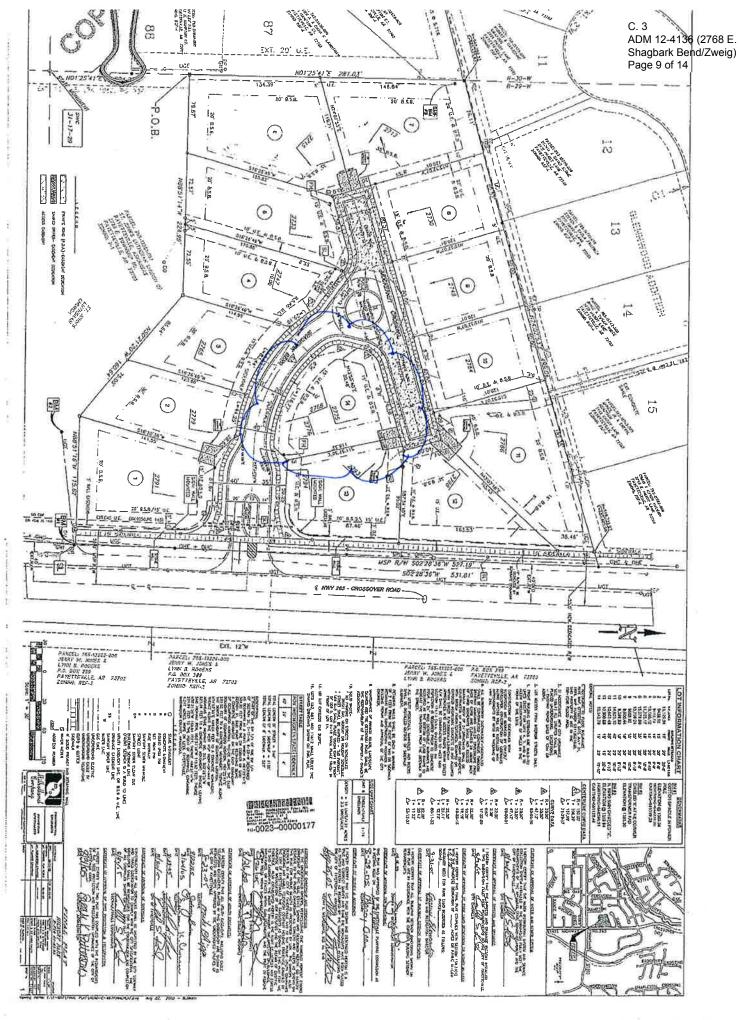
A) FOR SLOPES OF 103 TO 4.1 GRADE: RE-VEGETATION SHALL BE A MINIMUM OF HYDRO-SEEDING WITH MULCH AND FERTILLIZER, SOO, OR GROUNDCOVER.

B) FOR SLOPES OF 4.1 TO 3.1 GRADE: THE SLOPE SHALL BE COVERED WITH LANDSCAPE FABRIC AND HYDRO-SEEDED B) FOR SLOPES OF 4.1 TO 3.1 GRADE; THE SLOPE SHALL BE COVERED WITH LANDSCAPE FABRIC AND HYDRO-SEEDED B) FOR SLOPES OF 4.1 TO 3.1 GRADE; THE SLOPE SHALL BE COVERED WITH LANDSCAPE FABRIC AND HYDRO-SEEDED B) FOR ANY SLOPE WITH A GRADE IN EXCESS OF 3.1. THE FINISH GRADE IN EXCESS OF 3.1 MUST BE APPROVED BY THE CUTY ENGINEER.

JORGENSEN & ASSOCIATES \* SURVEYORS LOT IL OF HICKORY PARK SUBD.

CIVIL ENGINEERS

AP-146-813



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o' NE	W DEDICATE	D R/W	
		İ	1 60

#### LOT INFORMATION CHART **BUILDING SETBACKS** LOT No. S.F. AREA FRONT REAR LT-RT SIDE 1 13,129.34 15' 20' 20'-8' 2 9439,10 15' 30' 8'-8' 3 9112.73 15' 30' 8'-8' 4 10,156,12 15' 20' 8'-10' 5 11,703.17 15' 20' 10'-8' 6 15,279.00 35' 20' 8'-8' 7 13,709.24 35' 20' 8'-10' 8 9669,92 15' 20' 10'-8' 9 9,600.44 15' 20' 8'-8' 10 9,599.89 15' 201 8'-10' 11 14,655.10 40' 20' 10'-8' 12 10,603.49 35' 8'-10' 20' 13 10,900.89 15' 15' 20'-8' 10,343.79 15' 20' 15'-15'

GENERAL NOTES:

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65-12303-000 JONES 4

80

PARCEL: JERRY W

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JONES YOSERY

(1)

- 1. ACCORDING TO FLOOD INSURANCE RATE MAP, EFFECTIVE DATE JULY 21, 1999, MAP NUMBER 05143C0103D, SAID PROPERTY IS NOT IN THE 100-YEAR FLOOD AREA.
- 2. IN ACCORDANCE WITH CITY ORDINANCE SEC. 166.13 ALL UTILITIES SHALL BE PLACED UNDERGROUND. EXCEPTIONS - EXISTING POWER LINES OF 12kv OR ABOVE.
- 3. LOT ACCESS FROM INTERIOR STREETS ONLY.
- 4. FRONT BUILDING SETBACKS ARE BUILD-TO LINES EXCEPT FOR LOTS 4, 7, AND 8 TO ALLOW PRESERVATION OF TREES IN THE FRONT OF THE LOTS.
- 5. CONSTRUCTION OF SIDEWALKS WITH SUBDIVISION ARE BOUNDED BY OWNER/
- SUBDIVISION AKE BOUINDED DI CHILLING
  DEVELOPER. CONSTRUCTION OF SIDEWALKS
  ALONG HWY265 WILL BE INSTALLED WITH
  IMPROVEMENTS BY AHTD IN WIDENING OF
  HWY 265.

  6. ALL SUBDIVISION SIDEWALKS(4'-SIDEWALKS)
  SHALL BE CONSTRUCTED CONTINOUS THROU
  DRIVEWAY MAINTAING MAX.2% CROSSSLOPE I
  BACK OF CURB AND ELEVATED 2% ABOVE E
  OF CURB. DRIVFWAYS SHALL NOT EXCEED SHALL BE CONSTRUCTED CONTINOUS THROUGH DRIVEWAY MAINTAING MAX.2% CROSSSLOPE FROM BACK OF CURB AND ELEVATED 2% ABOVE BACK OF CURB; DRIVEWAYS SHALL NOT EXCEED MAXIMUM WIDTH OF 24'.DRIVEWAYS SHALL BE CONSTRUCTED OF PORTLAND CEMENT CONCRETE WITH BROOM FINISH.TEXTURED, STAMPED OR EXPOSED AGGREGATE CONCRETE IS NOT ALLOWED WITHIN STREET R/W.SIDEWALKS, DRIVEWAY APPROACHES AND ACCESS RAMPS WITHIN STREET R/W SHALL BE CONSTRUCTED TO MEET UDO SECTION 171.13 (a.k.a. Ord#4005). AN INSPECTION IS REQUIRED PRIOR TO CONCRETE POUR. A 24" WIDE DETECTABLE WARNINGS ARE REQUIRED AT THE BOTTOM OF CURB RAMPS TO INDICATE THE TRANSITION FROM THE SIDEWALK TO THE STREET.
  - 7. ALL UTILITY PEDESTALS, MANHOLES AND RISERS SHALL BE INSTALLED OUTSIDE OF SIDEWALK ALIGNMENT.
  - 8. RETAINING WALLS SHALL BE BACK A MINIMUM OF 2 FEET FROM THE RIGHT OF WAY OR SIDEWALK RETAINING WALL CONSTRUCTION REQUIRES A RITH DINC DEDINT AND ADDDOVAL

## BENCHMARKS

BM #1 COTTON SPINDLE IN POWER POLE

**ELEVATION @ 1389.04** NORTHING=648270.20 EASTING=685599,39

#### BM #2

CHISLED 'X' AT NE CORNER TRANSFORMER PAD **ELEVATION @ 1388.30** 

#### BM #3

N. RING SMH CHISELED "X". **ELEVATION @ 1359.84** NORTHING=648590.51 EASTING=685128.44

## CENTERLINE CURVE DATA

R = 150.00'T = 108.29

> L = 187.59'△= 71-39-17

## **CURVE DATA**

R = 30.00'/A\ T = 30.00'

L = 47.12'

 $\triangle$ = 89-59-59

R = 30.00'∕B\

T = 30.00'L = 47.12'

 $\triangle$ = 90-00-01

R = 22.00'<u>⟨</u>c\

T = 3.36

L = 6.67' $\triangle$ = 17-22-29

R = 22.00'**/D**\

T = 10.26L = 19.19'

 $\triangle$  = 49-59-15

R = 22.00'E L = 23.11'

T = 12.75'

 $\triangle$ = 60-11-02

R = 22.00'L = 20.43

T = 11.02'

△= 53-12-37

