

City of Fayetteville Item Review Form

2013-0231

Registar File Number

January 7, 2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

ADM 13-4565: Administrative Item (UDC AMENDMENT: LARGE SCALE DEVELOPMENT/PARKLAND DEDICATION APPLICABILITY): Submitted by CITY PLANNING AND PARKS DEPARTMENT STAFF for revisions to the Unified Development Code, Chapters 151, 166 and the City Code §94.06 to amend the definition of and applicability for parkland dedication for certain large scale development applications.

Does this item have a cost? No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date \$0.00	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

WMS/PAE

Paul A. Beher 12-19-13

Paul A. Beher for Don Mann

Paul A. Beher 12-20-2013

Franklin Jackson 1/3/14

12-20-2013


dmw



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Andrew Garner, City Planning Director 

Date: December 16, 2013

Subject: ADM 13-4565 (UDC Amendment: Large Scale Development/Parkland Dedication Applicability)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the definition of and applicability for parkland dedication for certain large scale development application.

BACKGROUND

The Fayetteville Unified Development Code Section 166.04 (L) currently requires certain development proposals to dedicate land or contribute money in lieu for City Parks, to offset the impact of new residents on the park system. The determination of acceptance of land or money is determined by the Planning Commission upon recommendation from the Parks and Recreation Advisory Board.

These types of developments, as defined by Chapter 151 and 166 of the Unified Development Code, are generally more than one acre in size. With the continued growth of the University of Arkansas and general population, there are many more infill projects, particularly in the downtown area, that are on smaller lots and are more dense and vertical, than the more sprawling suburban development patterns seen in the past. These projects have a significant impact on the park system increasing wear and tear on existing facilities and increasing demand for new facilities. Currently, if a project is less than one acre, it is not reviewed for Park Land Dedication requirements.

For example, a project was recently reviewed through the planning process that proposed to build 152 units on 0.98 acres. This project was not required to be reviewed for Park Land Dedication requirements due to its size of less than one acre; however it will add significant demand on the park system. Wilson Park is the closest park to this development and already experiences heavy use, wear and tear. If another residential project were proposing the same number of units on a 1.1 acre parcel, it would have to pay \$85,120 or dedicate 2.13 acres of land. These funds could be used to replace and/or add new amenities to the park that serves the residents.

As the City continues to see and encourage urban infill, these types of developments will likely increase and potentially add hundreds of new residents to the city and, specifically, the downtown area. The Parks and Recreation Department prides itself on providing the the best facilities possible; however they will be at a disadvantage if these types of development continue to be exempt from the ordinance.

PROPOSAL

Staff proposes changes to the Fayetteville Unified Development code as follows:

- Change the definition of Large Scale Development in UDC Chapter 151 and Chapter 166.01 to include, "...the construction of a multi-family building or buildings with 24 or more units..." as a Large Scale Development.
- Clarify the public notification and development review process in UDC Chapters 157 Public Notification and 166.02 for developments that are subject to administrative approval. Certain types of developments in form-based zoning districts are currently exempted from the Large Scale Development review, but with this proposal are now considered Large Scale Developments. This proposal specifies that Large Scale Developments subject to administrative approval shall follow the same public notification and development review process as a Large Site Improvement Plan, but will now be subject to the parkland requirements. This will still exempt these types of projects in certain form-based zoning districts from the Subdivision Committee and Planning Commission review. This exemption was intended to encourage the use of traditional/urban development patterns over suburban development patterns in accordance with the City's adopted General Plan (City Plan 2030) and associated land use policies.

Staff also proposes to change City Code Chapter 94: Fire Prevention as follows:

- Remove an outdated requirement that the installation of all aboveground storage tanks for flammable and combustible liquids be required to go through the Large Scale Development process. This code change is not related to the park land requirements, but is simply outdated because our current building permit process requires these types of developments to obtain a building permit that is reviewed and approved by the Fire Department and other applicable City Divisions.

DISCUSSION

On November 4, 2013 the Parks and Recreation Advisory Board recommended in favor of this request and on December 9, 2013 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DEFINITION OF LARGE SCALE DEVELOPMENT IN § 151.01, AMEND § 157.02, § 166.01 (D) AND § 166.02 (B)(2) AND (3) AND TO REPEAL § 94.06 **FLAMMABLE AND COMBUSTIBLE LIQUIDS** OF THE FAYETTEVILLE CODE TO CLARIFY WHAT DEVELOPMENTS ARE CONSIDERED LARGE SCALE DEVELOPMENTS

WHEREAS, § 94.06 Flammable and Combustible Liquids needlessly requires that installation of storage tanks for these liquids always be processed as Large Scale Developments; and

WHEREAS, the recent adoption of high or even unlimited residential density districts have permitted apartment buildings with extremely high numbers of apartments to be constructed upon less than one acre and so avoid paying parkland fees despite bringing in hundreds of new residents who will need access to city parks and should pay their fair share of park fees to purchase and develop such parks.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 **Definitions** of the Unified Development Code so that the definition of Large Scale Development shall read as follows:

“Large Scale Development. (Development) The development of a lot or parcel one acre or greater in size or the construction of a multi-family building or buildings with 24 or more units. The term development shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 157.02 **Development** by enacting a new subsection (D) as shown below:

“(D) Large Scale Development applications that are subject to administrative approval are exempt from the notification requirements of this code subsection, however, they are subject to and shall complete the public notification requirements for a Large Site Improvement Plan application.”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 166.01 **Development Categories (D) Large Scale Development** so that it will read as follows:

“(D) *Large Scale Development.* A Large Scale Development is generally intended for, but not limited to, a non-residential, mixed use, or multi-family development on a site of one acre or greater in size, or the construction of a multi-family building or buildings with 24 units where subdivisions of land is not proposed.”

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends § 166.02 **Development Review Process (B) Public Meetings (2) Subdivision Committee** and (3) *Planning Commission* so that these subsections shall read as follows:

“(2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large Scale Development, Planned Zoning District with Development, Preliminary Plat, and Concurrent Plat. From these applications, the Subdivision Committee may approve only Large Scale Developments. Large Scale Development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.

(3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary Plat, Concurrent Plat, and Planned Zoning District with Development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A Planned Zoning District cannot be approved by the Planning Commission, but may be forwarded to City Council. Large Scale Development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals in its entirety § **94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases** of the Fayetteville Code.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



PC Meeting of December 9, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Andrew Garner, City Planning Director
Alison Jumper, Park Planning Superintendent
DATE: December 4, 2013
ATT: Code changes shown in ~~strikeout~~-underline
Memorandum from the Parks and Recreation Division

ADM 13-4565: Administrative Item (UDC AMENDMENT: LARGE SCALE DEVELOPMENT/PARKLAND DEDICATION APPLICABILITY): Submitted by CITY PLANNING AND PARKS DEPARTMENT STAFF for revisions to the Unified Development Code, Chapters 151, 166 and the City Code §94.06 to amend the definition of and applicability for parkland dedication for certain large scale development applications.

City Planner: Andrew Garner
Park Planning: Alison Jumper

BACKGROUND

The Fayetteville Unified Development Code Section 166.04 (L) currently requires certain development proposals to dedicate land or contribute money in lieu for City Parks, to offset the impact of new residents on the park system. The determination of acceptance of land or money is determined by the Planning Commission upon recommendation from the Parks and Recreation Advisory Board.

These types of developments, as defined by Chapter 151 and 166 of the Unified Development Code, are generally more than one acre in size. With the continued growth of the University of Arkansas and general population, there are many more infill projects, particularly in the downtown area, that are on smaller lots and are more dense and vertical, than the more sprawling suburban development patterns seen in the past. These projects have a significant impact on the park system increasing wear and tear on existing facilities and increasing demand for new facilities. Currently, if a project is less than one acre, it is not reviewed for Park Land Dedication requirements.

For example, a project was recently reviewed through the planning process that proposed to build 152 units on 0.98 acres. This project was not required to be reviewed for Park Land Dedication requirements due to its size of less than one acre; however it will add significant demand on the park system. Wilson Park is the closest park to this development and already experiences heavy use, wear and tear. If another residential project were proposing the same number of units on a 1.1 acre parcel, it would have to pay \$85,120 or dedicate 2.13 acres of land. These funds could be used to replace and/or

add new amenities to the park that serves the residents.

As the City continues to see and encourage urban infill, these types of developments will likely increase and potentially add hundreds of new residents to the city and, specifically, the downtown area. The Parks and Recreation Department prides itself on providing the the best facilities possible; however they will be at a disadvantage if these types of development continue to be exempt from the ordinance.

City Parks Department staff discussed the idea of including these smaller development as being subject to the land dedication or money in lieu for parkland requirements with the Parks and Recreation Advisory Board on November 4, 2013 and received a recommendation for approval.

PROPOSAL

Staff proposes changes to the Fayetteville Unified Development code as follows:

- Change the definition of Large Scale Development in UDC Chapter 151 and Chapter 166.01 to include, "...the construction of a multi-family building or buildings with 24 or more units..." as a Large Scale Development.
- Clarify the public notification and development review process in UDC Chapters 157 Public Notification and 166.02 for developments that are subject to administrative approval. Certain types of developments in form-based zoning districts are currently exempted from the Large Scale Development review, but with this proposal are now considered Large Scale Developments. This proposal specifies that Large Scale Developments subject to administrative approval shall follow the same public notification and development review process as a Large Site Improvement Plan, but will now be subject to the parkland requirements. This will still exempt these types of projects in certain form-based zoning districts from the Subdivision Committee and Planning Commission review. This exemption was intended to encourage the use of traditional/urban development patterns over suburban development patterns in accordance with the City's adopted General Plan (City Plan 2030) and associated land use policies.

Staff also proposes to change City Code Chapter 94: Fire Prevention as follows:

- Remove an outdated requirement that the installation of all aboveground storage tanks for flammable and combustible liquids be required to go through the Large Scale Development process. This code change is not related to the park land requirements, but is simply outdated because our current building permit process requires these types of developments to obtain a building permit that is reviewed and approved by the Fire Department and other applicable City Divisions.

These code changes are shown in ~~strikeout~~underline in the attached document.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 13-4565** to the City Council with a recommendation for approval.

Planning Commission Action: **Forwarded** **Denied** **Tabled**
Motion: Chesser
Second: Pennington
Vote: 8-0-0
Meeting Date: December 9, 2013

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 151: DEFINITIONS

Large-scale development. (Development) The development of a lot or parcel one acre or greater in size or the construction of a multi-family building or buildings with 24 or more units. The term development shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.

CHAPTER 157: NOTIFICATION AND PUBLIC HEARINGS

157.02 Development

Notification of public hearings for development applications shall occur as follows:

- (A) Public hearing required. A public hearing shall be held at the meeting of the Subdivision Committee and/or Planning Commission, in accordance with the Unified Development Code the established bylaws of the Planning Commission.
- (B) Applicability: Development applications include, for the purpose of notification, preliminary plats, concurrent plats, and large scale developments. If an application does not require a public hearing, notification is not required.
- (C) Notice of public hearing. The applicant shall provide the following notice:
 - (1) Who gets notice. Notice of the proposed development shall be given to all adjacent landowners.
 - (2) Methods of notice. Notice shall be provided by the following methods, as required by this chapter:
 - (a) Written notice. Written notice shall be provided at least seven (7) days prior to Subdivision Committee and at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (b) Posted Notice. The applicant shall post notice at least seven (7) days prior to Subdivision Committee and at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
- (D) Large Scale Development applications that are subject to administrative approval are exempt from the notification requirements of this code subsection, however, they are subject to and shall complete the public notification requirements for a Large Site Improvement Plan application.

CHAPTER 166: DEVELOPMENT

166.01 Development Categories

- (D) *Large Scale Development.* A Large Scale Development is generally intended for, but not limited to, a non-residential, mixed use, or multi-family development on a site of one acre or greater in size, or the construction of a multi-family building or buildings with 24 or more units where subdivision of land is not proposed.

166.02 Development Review Process

- (B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot Split, Small Site Improvement Plans, Large Site Improvement Plans, Large Scale Development, Planned Zoning District, Preliminary Plat, Final Plat, and Concurrent Plat. After the Technical Plat Review Committee meeting staff may administratively approve Lot Splits, Final Plats, Small Site Improvement Plans, and Large Site Improvement Plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large Scale Development, Planned Zoning District with Development, Preliminary Plat, and Concurrent Plat. From these applications, the Subdivision Committee may approve only Large Scale Developments. Large Scale Development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission: Preliminary Plat, Concurrent Plat, and Planned Zoning District with Development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A Planned Zoning District cannot be approved by the Planning Commission, but may be forwarded to City Council. Large Scale Development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

TITLE IX GENERAL REGULATIONS CHAPTER 94: FIRE PREVENTION

94.06 Flammable And Combustible Liquids; Liquefied Petroleum Gases

~~(J) Review process.~~

- ~~(1) All proposals for the installation of permanent aboveground storage tanks for flammable and Class II combustible liquids shall go through the large scale development process of the City of Fayetteville.~~