

City of Fayetteville Staff Review Form

2015-0435

Legistar File ID

10/6/2015

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

Jeremy Pate

9/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 15-5124: Administrative Item (UDC Chapter 156/VARIANCES): Submitted by CITY PLANNING STAFF for revisions to UDC Chapter 156 for clarification to the commercial design standards variance requirement.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF OCTOBER 6, 2015

TO: Fayetteville City Council
FROM: Andrew Garner, City Planning Director
DATE: September 15, 2015
SUBJECT: **ADM 15-5124: Administrative Item (UDC Chapter 156/VARIANCES):**
Submitted by CITY PLANNING STAFF for revisions to UDC Chapter 156
for clarification to the commercial design standards variance requirement.

RECOMMENDATION:

The Planning Commission and staff recommend approval to amend UDC Chapter 156 Variances.

BACKGROUND:

The City Attorney recently recommended that City Planning staff draft a minor clarification to the commercial design standards building entry requirement. The code change was presented and tabled at the July 27, 2015 Planning Commission meeting. At that meeting the commission advised that additional specifications and clarification be included. A second draft was presented to the Planning Commission at the August 24, 2015 meeting. The commission had further comments and tabled the item again. An ordinance review committee of the commission met on August 31, 2015 with staff to further refine the proposed language. The discussion centered around the requirement for commercial buildings to have a primary entry on all principal facades¹. The committee and staff propose to retain the primary entry requirement as written in Chapter 166 (Commercial Design Standards). However, the variance chapter is now revised to allow variances of the architectural design standards in unique situations. The intent is to provide flexibility to address the legal concerns of the City Attorney's office, while giving guidance in a variance situation to ensure buildings provide a well-designed façade facing adjacent streets.

DISCUSSION:

On September 14, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Planning Commission Staff Report

¹ UDC Chapter 151. *Principal Façade*. The front plane of a building that faces a public street including porches and balconies, but not including stoops, awnings or canopies (whether or not attached to the building).

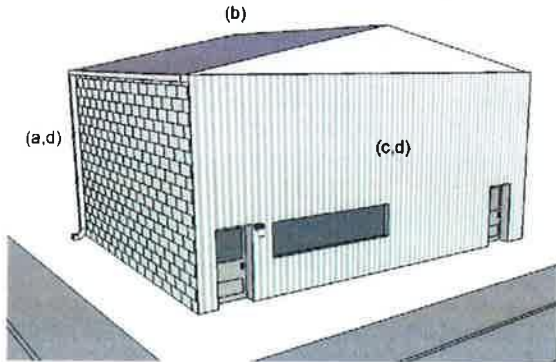
Proposed UDC Change

166.25 Commercial, Office and Mixed Use Design And Development Standards

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

- (1) The elements to avoid or minimize include:
 - (a) Unpainted concrete precision block walls;
 - (b) Square "boxlike" structures;
 - (c) Metal siding which dominates the principal facade;
 - (d) Large blank, unarticulated wall surfaces;

Elements to Avoid



- (2) A development which contains more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.
- (3) A development should provide compatibility and transition between adjoining developments.
- (4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).
- (5) All buildings should be constructed of wood, masonry, or other similar durable material.

156.03 Development, Parking and Loading

(C) *Consideration by the Planning Commission.*

(1) General Design standards.

- (a) *Undue hardship.* If the provisions of these standards are shown by the developer to cause undue hardship as they apply to his proposed development, the city Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.
- (b) *Conditions.* In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied.

(2) Commercial, Office and Mixed Use Design and Development Standards

- (a) A variance of the exterior appearance and design standards may be granted by the Planning Commission if it is determined that strict compliance with the code would result in an adverse safety impact, or if the standard should not apply due to a unique situation. In granting the variance the Planning Commission may require principal facades without a prominent entry-way to be designed with distinctive architectural details (such as changes in wall plane, glazing, human scale elements such as canopies, awnings, small scale lighting, or other features) to ensure the intent of the code is met.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 14, 2015 Updated with Planning Commission results

SUBJECT: **ADM 15-5124: Administrative Item (UDC Chapter 156/VARIANCES):**
Submitted by CITY PLANNING STAFF for revisions to UDC Chapter 156 for clarification to the commercial design standards variance requirement.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 15-5124** to the City Council with a recommendation for approval.

BACKGROUND:

The City Attorney recently recommended that City Planning staff draft a minor clarification to the commercial design standards building entry requirement. The code change was presented and tabled at the July 27, 2015 Planning Commission meeting. At that meeting the commission advised that additional specifications and clarification be included. A second draft was presented to the Planning Commission at the August 24, 2015 meeting. The commission had further comments and tabled the item again. A committee of the commission met on August 31, 2015 with staff to further refine the proposed language. The discussion centered around the requirement for commercial buildings to have a primary entry on all principal facades¹. The committee and staff propose to retain the primary entry requirement as written. However, the variance chapter is now revised to allow variances of the architectural design standards in unique situations. The intent is to provide flexibility to address the legal concerns of the City Attorney's office, while giving guidance in a variance situation to ensure buildings provide a well-designed façade facing adjacent streets. UDC Section 156.03(C) is proposed to be modified as follows:

(C) *Consideration by the Planning Commission.*

(1) General *Design standards.*

- (a) *Undue hardship.* If the provisions of these standards are shown by the developer to cause undue hardship as they apply to his proposed development, the city Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.
- (b) *Conditions.* In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied.

¹ UDC Chapter 151. *Principal Façade.* The front plane of a building that faces a public street including porches and balconies, but not including stoops, awnings or canopies (whether or not attached to the building).

(2) Commercial, Office and Mixed Use Design and Development Standards

- (a) A variance of the exterior appearance and design standards may be granted by the Planning Commission if it is determined that strict compliance with the code would result in an adverse safety impact, or if the standard should not apply due to a unique situation. In granting the variance the Planning Commission may require principal facades without a prominent entry-way to be designed with distinctive architectural details (such as changes in wall plane, glazing, human scale elements such as canopies, awnings, small scale lighting, or other features) to ensure the intent of the code is met.

DISCUSSION: The proposed code change provides a more legally defensible code at the City Attorney's advice, and includes more flexibility and clarity in a variance situation.

Staff recommends that ADM 15-5124 be forwarded to City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Tabled
<u>Date:</u> July 27, 2015			
<u>Motion:</u> Brown		<u>Vote:</u> 8-0-0	
<u>Second:</u> Selby			
<u>Note:</u> Tabled until August 24, 2015			
<u>Date:</u> August 24, 2015	<input checked="" type="checkbox"/> Tabled		
<u>Motion:</u> Chesser		<u>Vote:</u> 8-0-0	
<u>Second:</u> Hoffman			
<u>Note:</u> Tabled until September 14, 2015			
<u>Date:</u> September 14, 2015	<input checked="" type="checkbox"/> Forwarded		
<u>Motion:</u> Chesser		<u>Vote:</u> 8-0-0	
<u>Second:</u> Brown			
<u>Note:</u> Forwarded with a recommendation for approval as proposed.			

BUDGET/STAFF IMPACT:

None

Attachments:

- The proposed code changes to UDC Chapter 156 shown in strikeout-highlight.