

**Planning Commission
Officers**

Porter Winston, Chair
Kyle Cook, Vice-Chair
Sarah Bunch, Secretary



Planning Commissioners

Blake Pennington
William Chesser
Matthew Cabe
Ryan Noble
Craig Honchell
Tracy Hoskins

**Tentative Agenda
City of Fayetteville, Arkansas
Planning Commission Meeting
March 25, 2013**

A meeting of the Fayetteville Planning Commission will be held on March 25, 2013 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Agenda Session Presentations, Reports and Discussion Items

- **Presentation of Service Award to Matthew Cabe**

Consent:

1. Approval of the minutes from the March 11, 2013 meeting.
2. **ADM 13-4354: Administrative Item (800 W MAPLE ST./KAPPA KAPPA GAMMA, 444):** Submitted by RETAIL REALTY GROUP, LLC for property located at 800 W MAPLE STREET. The property is zoned RMF-40, MULTI-FAMILY RESIDENTIAL, 40 UNITS PER ACRE and contains approximately 6 acres. The request is for a variance from chapter 166.23 Urban Residential Design Standards.

Planner: Quin Thompson

Old Business:

3. **PPL 13-4312: Preliminary Plat (S. OF GULLEY RD. AND E. OF N. OAKLAND-ZION RD./BUFFINGTON S/D, 176):** Submitted by JORGENSEN AND ASSOCIATES for property located SOUTH OF GULLEY ROAD AND EAST OF NORTH OAKLAND-ZION ROAD. The property is in the PLANNING AREA and contains approximately 26.51 acres. The request is for a residential subdivision with 43 single family units and a community septic system.

Planner: Andrew Garner

New Business:

4. **ADM 13-4330: Administrative Item (SW CORNER 15TH STREET AND RAZORBACK ROAD, 599):** Submitted by Crafton & Tull for property located at the SW CORNER OF 15TH STREET AND RAZORBACK ROAD. The property is zoned Urban Thoroughfare and contains approximately 4.42 acres. The request is for a variance of the Streamside Protection Zones.

Floodplain Administrator: Sarah Wrede

Planner: Andrew Garner

5. ADM 13-4345: Administrative Item (1326 N. TRINITY DR./HAWG DWELLINGS, 399): Submitted by ELY CONSTRUCTION SERVICES LLC for property located at 1326 NORTH TRINITY DRIVE. The property is zoned RT-12, RESIDENTIAL TWO AND THREE FAMILY and contains approximately 0.25 acres. The request is for a variance to chapter 166.23 Urban Residential Design Standards.

Planner: Quin Thompson

6. CUP 13-4333: Conditional Use Permit (1650 N. WHEELER RD./MCNAIR, 407): Submitted by BLEW AND ASSOCIATES for property located at 1650 NORTH WHEELER ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 8.93 acres. The request is for a tandem lot associated with LSP 13-4326.

Planner: Quin Thompson

7. ADM 13-4353: (FORM BASED CODE AMENDMENTS): Submitted by CITY PLANNING STAFF. The request is to amend Chapters 151, 161, 164 and 172 to clarify build-to zone requirements, modify building height in certain zoning districts, and provide design requirements for auto-oriented commercial facilities.

Planning Staff

The following item has been approved administratively by City staff:

LSP 13-4324: Lot Split (330 E. MARTIN LUTHER KING BLVD./NIEDERMAN, 524): Submitted by BATES AND ASSOCIATES for property located at 330 EAST MARTIN LUTHER KING BOULEVARD. The property is zoned NC, NEIGHBORHOOD and contain one lot totaling 0.31 acres. The request is for a lot split resulting into two tracts of approximately 0.22 and 0.09 acres.

Planner: Jesse Fulcher

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 or TDD, Telecommunication 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.

A copy of the Planning Commission agenda and other pertinent data are open and available for inspection in the office of City Planning (575-8267), 125 West Mountain Street, Fayetteville, Arkansas. All interested parties are invited to review the petitions.

**MINUTES OF A MEETING OF THE
PLANNING COMMISSION**

A regular meeting of the Fayetteville Planning Commission was held on March 11, 2013 at 5:30 p.m. in Room 219, City Administration Building in Fayetteville, Arkansas.

ITEMS DISCUSSED

ACTION TAKEN

Consent:

**MINUTES: February 25, 2013
Page 3**

Approved

Old Business:

LSD 12-4295: Large Scale Development (2530 W. WEDINGTON RD./CASEY GENERAL STORE, 402): Page 4

Denied

**PPL 13-4304: Preliminary Plat (INTERSECTION OF N. HUGHMOUNT RD. & W. MT. COMFORT RD./HUGHMOUNT VILLAGE, 282):
Page 6**

Approved

New Business:

**ADM 13-4332: Administrative Item (4149 W. BRADSTREET LN./RUPPLE ROW POA, 439):
Page 7**

Approved

**RZN 13-4310: Rezone (N. OF THE INTERSECTION OF N. GREGG AVE. AND W. VAN ASCHE DR./HAAS HALL, 172):
Page 8**

Approved

**PPL 13-4312: Preliminary Plat (S. OF GULLEY RD. AND E. OF N. OAKLAND-ZION RD./BUFFINGTON S/D, 176):
Page 9**

Tabled

**CUP 13-4311: Conditional Use Permit (2220 E. HUNTSVILLE RD./DOLLAR GENERAL, 566):
Page 12**

Denied

MEMBERS PRESENT

Tracy Hoskins
Kyle Cook
Craig Honchell
William Chesser (present after Casey's)
Blake Pennington
Porter Winston
Ryan Noble
Sarah Bunch (present after consent)
Matthew Cabe

MEMBERS ABSENT

STAFF PRESENT

Quin Thompson
Jesse Fulcher
Glenn Newman

Andrew Garner

Sarah Wrede

CITY ATTORNEY

Kit Williams, City Attorney

5:30 PM - Planning Commission Chairman Craig Honchell called the meeting to order.

Chairman Honchell requested all cell phones to be turned off and informed the audience that listening devices were available.

Upon roll call all members except Chesser and Bunch were present.

Consent:

Approval of the minutes from the February 25, 2013 meeting.

Motion:

Commissioner Cook made a motion to approve the consent agenda. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 7-0-0.**

Old Business:

LSD 12-4295: Large Scale Development (2530 W. WEDINGTON RD./CASEY GENERAL STORE, 402): Submitted by BATES AND ASSOCIATES for property located at 2530 WEST WEDINGTON ROAD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.54 acres. The request is for 4,223 square foot convenience store with associated parking.

Jesse Fulcher, Current Planner, read the staff report.

Megan Dale, Urban Forester, discussed the recommendation for denial and discussions with applicant during review process.

Glenn Newman, Staff Engineer, stated that staff is opposed to the right-in access design based on previous traffic study.

Geoff Bates, applicant, stated that Casey's has to have the right-in access and the project won't go forward without it. AHTD has said no to constructing a raised median on Wedington. Casey's doesn't want to move the building closer to the apartments, so we weren't able to save the cluster of trees by the building.

Commission Hoskins asked if staff could support a right-in design similar to what Kum & Go proposed.

Newman stated that staff is a little hesitant at this location, but possibly could with a restrictive design.

Commissioner Hoskins asked staff if there was a design that could work.

Newman stated that the traffic engineer hired by Kum & Go recommended a different design. I'm not a traffic engineer.

Bates stated they can't build a median as recommended by the previous traffic engineer.

Fulcher stated that a full access can be approved by AHTD. They don't have regulation that denies access, only the design of the access. However, the state did agree with restricting access when we reviewed the Kum & Go project in 2011. If the applicant wants to redesign the driveway then it needs to be presented to the Planning Commission at a future meeting.

Commissioner Hoskins stated he was going to ask the applicant if he wanted to table and come back with a new design and tree preservation plan.

Dale stated that the site is relatively flat and the applicant could save additional trees with site changes.

Bates stated that Casey's won't move the building. There is 5 feet of hill on the east side, so the site isn't necessarily flat.

Commissioner Cabe stated he agreed with staff and the traffic engineer. Access on to Wedington in this location won't be safe and the trees should be preserved.

Commissioner Winston stated he agreed with Commissioner Cabe's comments.

Motion 1:

Commission Hoskins made a motion to approve a right-in only driveway on Wedington with final design approval required by AHTD and the City Engineer, as a separate motion. **Commission Noble** seconded the motion. **Upon roll call the motion to allow a limited access on Wedington failed with a vote of 3-5-0.**

Commission Honchell asked if the decision could be postponed until the final highway design was complete.

Kit Williams, City Attorney, stated that it would be too long to wait.

Commissioner Cook stated that we aren't limiting access to this site. It has full access through a signalized intersection. Part of the issue with access is the intensity of traffic generated by this business type.

Commission Hoskins stated he didn't see the point in tabling the request.

Motion 2:

Commissioner Hoskins made a motion to approve **LSD 12-4295 finding in favor of the driveway access and tree preservation plan, and agreeing with staff on the remaining conditions.** **Commissioner Cabe** seconded the motion. **Upon roll call the motion failed with a vote of 3-5-0 with Commissioners Winston, Bunch, Cabe, Pennington and Cook voting 'no'.**

PPL 13-4304: Preliminary Plat (INTERSECTION OF N. HUGHMOUNT RD. & W. MT. COMFORT RD./HUGHMOUNT VILLAGE, 282): Submitted by ENGINEERING DESIGN ASSOCIATES for property located on NORTH HUGHMOUNT ROAD, NORTH OF WHEELER ROAD (FORMERLY CHERRY HILLS SUBDIVISION). The property is in the PLANNING AREA and contains approximately 54.13 acres. The request is for a residential subdivision with 129 single family lots and 9 common property lots.

Jesse Fulcher, Current Planner, read the staff report.

Glenn Newman, Staff Engineer, described the utility improvements.

Kim Hesse, applicant, described the history of the project and communication with neighboring property owners.

Commission Winston asked staff to clarify the street improvements.

Fulcher described the recommended street improvements from the City and those required by the County.

Motion #1:

Commissioner Cabe made a motion to approve **PPL 13-4304** with all conditions. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 with Commissioner Hoskins voting 'no'.**

New Business:

ADM 13-4332: Administrative Item (4149 W. BRADSTREET LN./RUPPLE ROW POA, 439): Submitted by GENE DRESEL for the RUPPLE ROW SUBDIVISION. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONNING DISTRICT. The request is for a variance of the Urban Residential Design Standards.

Jesse Fulcher, Current Planner, gave the staff report.

Gene Dressell, applicant, stated that the POA is trying to keep a cohesive feel to the neighborhood.

Motion:

Commissioner Chesser made a motion to approve **ADM 13-4332** with all conditions. **Commissioner Cook** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

RZN 13-4310: Rezone (N. OF THE INTERSECTION OF N. GREGG AVE. AND W. VAN ASCHE DR./HAAS HALL, 172): Submitted by MCCLELLAND CONSULTING ENGINEERS, INC. for property located NORTH OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 17.28 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

Quin Thompson, Current Planner, gave the staff report..

Ryan Gill, Applicant, introduced himself and offered that he would answer any questions the Commission might pose concerning the rezone or proposed project.

Commissioner Chesser said that the proposed rezone to P-1 was a good use of the land, in his opinion.

Motion:

Commissioner Chesser made a motion to table **LSD 12-4295 until 3-11-13**. **Commissioner Cook** seconded the motion. **Upon roll call the motion passed with a vote of 7-0-1**. **Commissioner Hoskins did not vote.**

PPL 13-4312: Preliminary Plat (S. OF GULLEY RD. AND E. OF N. OAKLAND-ZION RD./BUFFINGTON S/D, 176): Submitted by JORGENSEN AND ASSOCIATES for property located SOUTH OF GULLEY ROAD AND EAST OF NORTH OAKLAND-ZION ROAD. The property is in the PLANNING AREA and contains approximately 26.51 acres. The request is for a residential subdivision with 43 single family units and a community septic system.

Jesse Fulcher, Current Planner, read the staff report.

Glenn Newman, Staff Engineer, discussed the gravity sewer system and creek crossing.

Jared Inman, applicant, stated that they disagree with three of the conditions. In their opinion there didn't need to be a crossing over the creek. The streamside ordinance wants to limit the number of creek crossings. Additionally, the County wants the riparian area to be preserved. Secondly, the stub-out to the east shouldn't be required. They are within the block length requirements in this area. The house on the adjacent property is very large and the remaining land is too small for a subdivision. Lastly, the developer doesn't want to build the sidewalk up front. The developer and home builder are the same in this case, so the sidewalks will be completed as each house is completed. Sidewalks will have to be torn out during house construction if they are installed with the streets. The developer will bond for the sidewalks to ensure they are constructed.

Commission Chesser asked about the eastern stub-out.

Fulcher stated it was between Lots 14 and 15 and the property could be developed if the pond were filled.

Commissioner Chesser asked about streamside crossings.

Fulcher stated that there should be at least one crossing in this area.

Commissioner Winston asked the lot by the creek could be developed.

Fulcher stated it was unlikely.

Commissioner Hoskins asked if it would be easier to connect over the creek if the street were shifted ease.

Newman stated the cost would be approximately the same.

Commissioner Hoskins stated the connection through Bridgewater subdivision will be difficult, since it wasn't constructed, only right-of-way dedicated. Don't want to see that happen here as well. Why didn't staff recommend similar street improvements for the previous project (Hughmount Village) as this project, both are in the County.

Fulcher stated that the County was required the developer for Hughmount to overlay and widen Hughmount Road for approximately 3,300 linear feet at a cost of several hundred thousand dollars. Adding additional street improvements were not likely proportional to the development impact, all things considered.

Kit Williams, City Attorney, stated there are other properties that may benefit from a stream crossing and this land should be incorporated into a ratio to determine the amount of improvements. Given the amount of surrounding property that may benefit this developer should be responsible for approximately 27% of the crossing costs.

Commissioner Cabe discussed the recommendations made by the Subdivision Committee. Agreed with Kit's rational.

Motion 1:

Commissioner Winston made a motion to approve the project finding in favor of condition #1, recommending an assessment for 27% of the estimated cost for the stream crossing, no stub-out to the east, and in favor of all recommended street improvements except sidewalk construction. Sidewalks may be bonded and constructed with the houses. Commissioner Cook seconded the motion.

Commissioner Chesser stated that he thought the assessment should be for 33% based on the benefits to surrounding properties.

Commissioner Winston amended his recommendation to 30%.

Cook seconded the amendment.

Clay Carlton, applicant, stated that he wasn't against the southern connection. We will dedicate right-of-way. We are already making street improvements to existing streets. Please consider the assessment is on top of these other improvements.

Commissioner Hoskins discussed the amount of the assessment based on surrounding properties.

Commissioner Chesser stated he agreed with bonding the sidewalk.

Motion 2:

Commissioner Chesser made a motion to amend the assessment amount to 40% based on the amount of surrounding land. Commissioner Cabe seconded the motion.

Commissioner Hoskins asked if the city will have to inspect the sidewalks.

Newman stated that staff reviews sidewalk construction for each subdivision once per year, but there is no quality control in the County, because we don't inspect sidewalk construction as the homes are built and inspected.

Commission Hoskins stated that is one of the minuses of building in the County.

Commission Honchell stated there are too many assessment figures being thrown around and it makes light of a serious discussion.

Commissioner Chesser stated that he thought the first percentage was based on acreage, whereas his recommendation was based on the number of properties. It didn't seem like this development was bearing much of the cost.

Inman asked if they could be tabled.

Commissioner Chesser withdrew his motion.

Commissioner Winston stated he could agree with no assessment. Will withdraw motion.

Motion 3:

Commissioner Chesser made a motion to remove the condition for the eastern stub-out. **Commissioner Winston** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion 4:

Commissioner Chesser made a motion to table PPL 13-4312 till the next meeting. **Commissioner Winston** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

CUP 13-4311: Conditional Use Permit (2220 E. HUNTSVILLE RD./DOLLAR GENERAL, 566):
Submitted by COOVER CONSULTANTS for property located at 2220 EAST HUNTSVILLE ROAD.
The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.89 acres. The request is for a conditional use permit for a Dollar General Store (Use Unit 15).

Jesse Fulcher, Current Planner, gave the staff report.

Gary Coover, applicant, stated this was the old Mhoon Beef building with a gas station across the street.

Commissioner Hoskins stated he tended to agree with staff. A rezoning to a formed based code might be a good idea here.

Coover stated the thought about rezoning, but staff said they wouldn't support.

Commissioner Hoskins asked staff to explain.

Fulcher stated that the developer asked about rezoning the property to C-1 or C-2 commercial. Staff's recommendation was that a conditional use application would be a better option than a rezoning to one of these commercial districts.

Kit Williams, City Attorney, stated that the building would be moved closer to the street in a form based district.

Coover stated that most of the houses sit back from the road.

Commissioner Hoskins stated that the development needs to be integrated with the surrounding houses.

Commissioner Cabe stated he agreed with Commissioner Hoskin's comments.

Motion:

Commissioner Cabe made a motion to deny CUP13-4311. **Commissioner Winston** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 with Noble voting 'no'.**

There being no further business, the meeting was adjourned at 7:50 PM.



PC Meeting of March 25, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: March 21, 2013

ADM 13-4354: Administrative Item (800 W Maple St, 444): Submitted by RETAIL REALTY GROUP, LLC for property located at 800 W MAPLE STREET. The property is zoned RMF-40, MULTI-FAMILY RESIDENTIAL, 40 UNITS PER ACRE and contains approximately 6 acres. The request is for a variance from chapter 166.23 Urban Residential Design Standards.

Planner: Quin Thompson

Findings:

Property description and background: This property contains approximately 6 acres, located on the northwest corner of Maple and Leverett Streets. The Property is zoned RMF-40, Multi-family Residential, 40 units per acre, and contains the Kappa Kappa Gamma Sorority house and associated parking which are currently being renovated under LSD 12-4104.

The applicant wishes to build a 6' black, 'wrought iron style' security fence along the east side of the property, in part in order to control access across the private parking lot and to protect an outdoor patio area, both of which the applicant are security concerns for residents of the house.

In staff's opinion, the proposed fence will not adversely impact adjoining or neighboring property owners, and will have the effect of directing pedestrian traffic from nearby parking lots to the public sidewalk rather than across private property.

Request: The applicant requests that the Planning Commission grant a variance from Unified Development Code Section 166.23, Urban Residential Design Standards UDC 166.23 C 6 c, the requirement that fences in the front yard area may not be more than 42" in height.

Recommendation: Staff recommends **approval** of ADM 13-4354, with the following conditions.

Conditions of Approval:

1. The fence must be constructed in accordance with the documents and fence type submitted with this request, and may be no more than 72" in height.

PLANNING COMMISSION ACTION: Required

Approved

Denied

Tabled

Motion:

Second:

Vote:

Date: March 25, 2013

Comments:

166.23 Urban Residential Design Standards

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

(6) Fencing. The following types, height, and location of fences shall be prohibited:

- (a) Razor and/or barbed wire. Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
- (b) Chain link. Chain link fence is prohibited if closer to the street than the front of the building.
- (c) Height of fences in front of buildings. Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(E) Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. 5118, 3-18-08; Ord. 5262, 8-4-09)

The Gamma Nu House Corporation of
The Kappa Kappa Gamma Fraternity, Inc.
800 West Maple St.
Fayetteville, AR 72712

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

Re: Kappa Kappa Gamma House
800 West Maple St.
Fayetteville, AR 72712
University of Arkansas Campus
Fence Height Variance

March 15, 2013

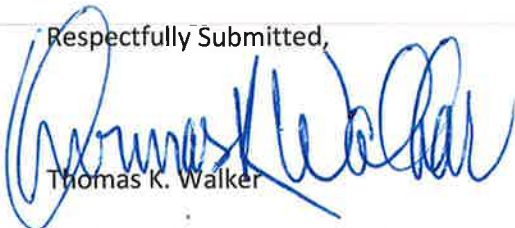
Members of the Planning Staff,

We hereby request that you allow us to raise the height of the fencing along our eastern boundary (all along Leverett St.) to six feet (72") vs. the 42" as called for within the RMF-40 zoning classification.

We feel this change is warranted due to our obvious concern for security.

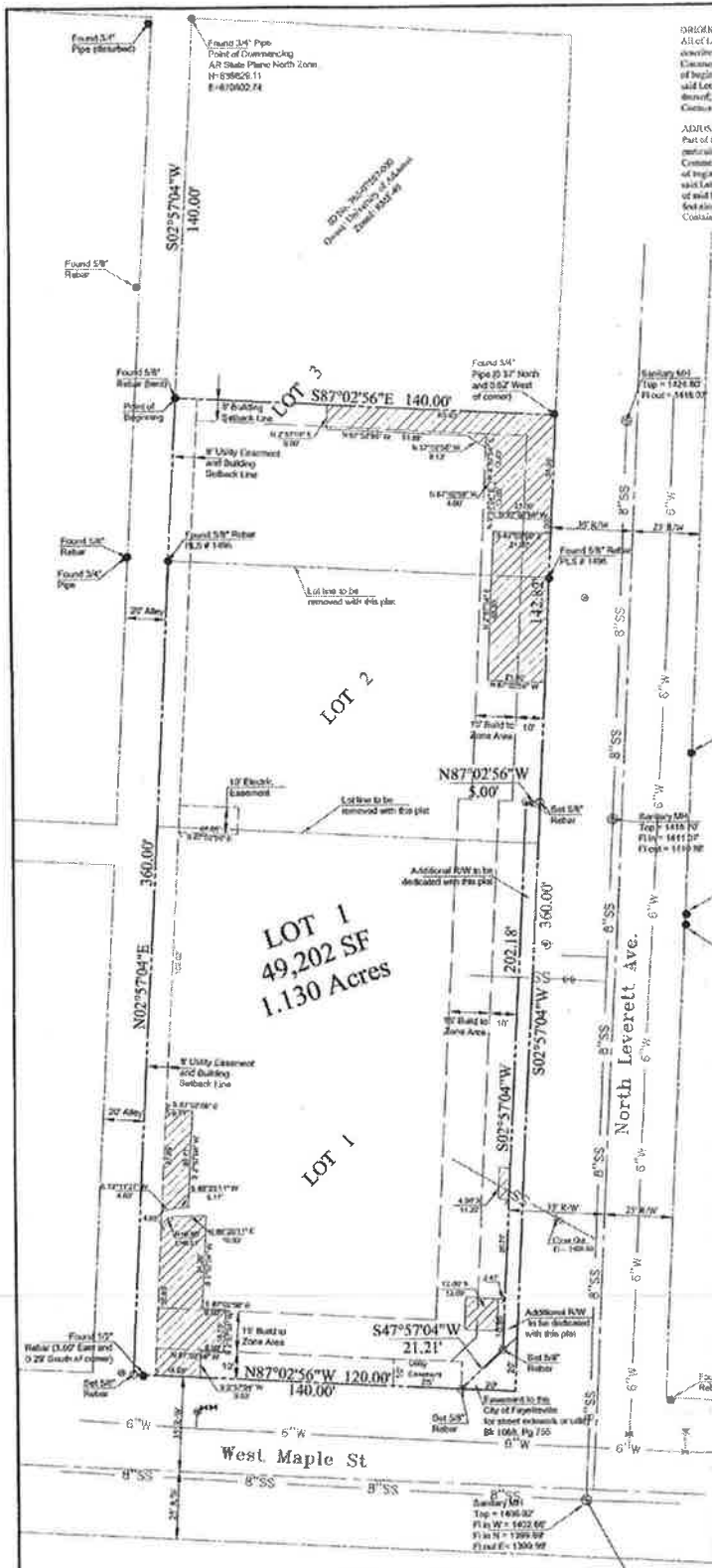
Should you have any questions or comments, please feel free to contact my office at 314-275-7000.

Respectfully Submitted,



Thomas K. Walker

Authorized Representative for the
Gamma Nu House Corporation of the
Kappa Kappa Gamma Fraternity, Inc.



ORIGINAL TRACT:
 All of Lots 1 and 2 and the South 60 feet of Lot 3, all in Block 1, Leverett's Third Addition to the City of Fayetteville, Washington County, Arkansas, was conveyed by deed and location to the City of Fayetteville, Arkansas, as follows:
 Commencing at a Found 1/2" pipe being the Northeast corner of said Lot 3; thence South 2°57'04" West, 140.00 feet along the West line of said Lot 3 to the point of beginning; thence South 87°02'56" East, 140.00 feet to a point on the East line of said Lot 3; thence South 2°57'04" West, 140.00 feet along the East line of said Lot 3 to the Southwest corner of said Lot 1; thence North 87°02'56" East, 140.00 feet to a point on the West line of said Lot 1; and in the point of beginning. Containing 30,490 square feet or 1.137 acres of land, more or less.

ADJUSTED TRACT:
 Part of Lots 1 and 2 and the South 60 feet of Lot 3, all in Block 1, Leverett's Third Addition to the City of Fayetteville, Washington County, Arkansas, being that portion of the original tract as follows:
 Commencing at a Found 1/2" pipe being the Northeast corner of said Lot 3; thence South 2°57'04" West, 140.00 feet along the West line of said Lot 3 to the point of beginning; thence South 87°02'56" East, 140.00 feet to a point on the East line of said Lot 3; thence South 2°57'04" West, 140.00 feet along the East line of said Lot 3 to the Southwest corner of said Lot 1; thence North 87°02'56" East, 140.00 feet to a point on the West line of said Lot 1; and in the point of beginning. Containing 49,202 square feet or 1.130 acres of land, more or less.

CERTIFICATE OF SURVEY AND ACCURACY:
 I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SURVEYOR'S REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

8-24-12
 DATE
 [Signature]
 REGISTERED PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF APPROVAL FOR RECORDING:
 I HEREBY CERTIFY THAT THE LARGE SCALE DEVELOPMENT PLAN FOR THIS PROJECT WAS APPROVED BY THE FAYETTEVILLE PLANNING COMMISSION AT A MEETING HELD ON:

May 14, 2012

DATE
 ZONING AND DEVELOPMENT ADMINISTRATOR

CERTIFICATE OF OWNERSHIP & DISPOSITION:
 WE THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON DO HEREBY INDICATE FOR PUBLIC OWNERSHIP ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAN FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DISCLOSE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE THE EASEMENTS AS SHOWN ON THIS PLAN FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF ingress and egress to said easements, the right to prohibit the erection of buildings, structures, or fixtures within said easements, and the right to remove or trim trees within said easements.

9/29/10
 DATE
 [Signature]
 OWNER

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:
 WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS PLATED IN THIS DEVELOPMENT ARE SHOWN AS REQUESTED AND WERE APPROVED BY THE UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE, ARKANSAS.

9/29/10
 DATE
 [Signature]
 ELECTRIC

8/24/12
 DATE
 [Signature]
 GAS SERVICE

8/24/12
 DATE
 [Signature]
 TELEPHONE

8/24/12
 DATE
 [Signature]
 CABLE TELEVISION

8/24/12
 DATE
 [Signature]
 CITY OF FAYETTEVILLE

Doc ID: 0147888001 Type: REL
 Kind: PLAN
 Received: 09/08/2012 at 01:26:30 PM
 Fee Amt: Page 3 of 1
 Washington County, AR
 Betty Braxton Circuit Clerk
 File: 0024-0000006

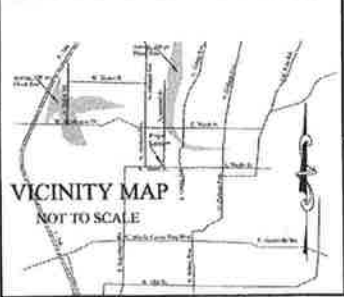
Tree Preservation Area
 The Tree Preservation Areas as indicated on this statement plat constitute a compact dealing with the title of the subject property and are created for the present owners and their future successors, assigns or transferees to create, protect and maintain existing tree canopy. No one contractor shall undertake as defined within the City of Fayetteville Land Development Ordinance any work within the Tree Preservation Area unless approved by the City of Fayetteville. Persons seeking removal of such Tree Preservation Area, or regarding to modify the property in such a way as to affect the canopy within, need such approval from the City Council through a request made by the Landscape Administrator of the City of Fayetteville.

Approved by: [Signature]
 City of Fayetteville Urban Forestry
 Date: 8 Aug 2012

PRESIDENT PROPERTY OWNER:
 Gamma Nu House Corporation
 of the Kappa Gamma Fraternity, Inc.
 800 W. Maple Street
 Fayetteville, AR 72701

DEVELOPER:
 Retail Realty Group, LLC
 1790 Olive Blvd, Ste 202
 Chesapeake, MO 63017
 314-273-7000

ENGINEER/SURVEYOR:
 Ozark Civil Engineering, Inc.
 3214 NW Asglen Way, Suite 4
 Bentonville, AR 72712
 479-464-8830



EASEMENT PLAT AND PROPERTY LINE ADJUSTMENT

KAPPA KAPPA GAMMA SORORITY

LEGEND:
 ○ SET IRON PIN (OR OTHER TYPE OF MONUMENT AS NOTED)
 ● FOUND IRON PIN (OR OTHER MONUMENT AS NOTED)
 — PROPERTY LINE
 — STREET CENTER LINE

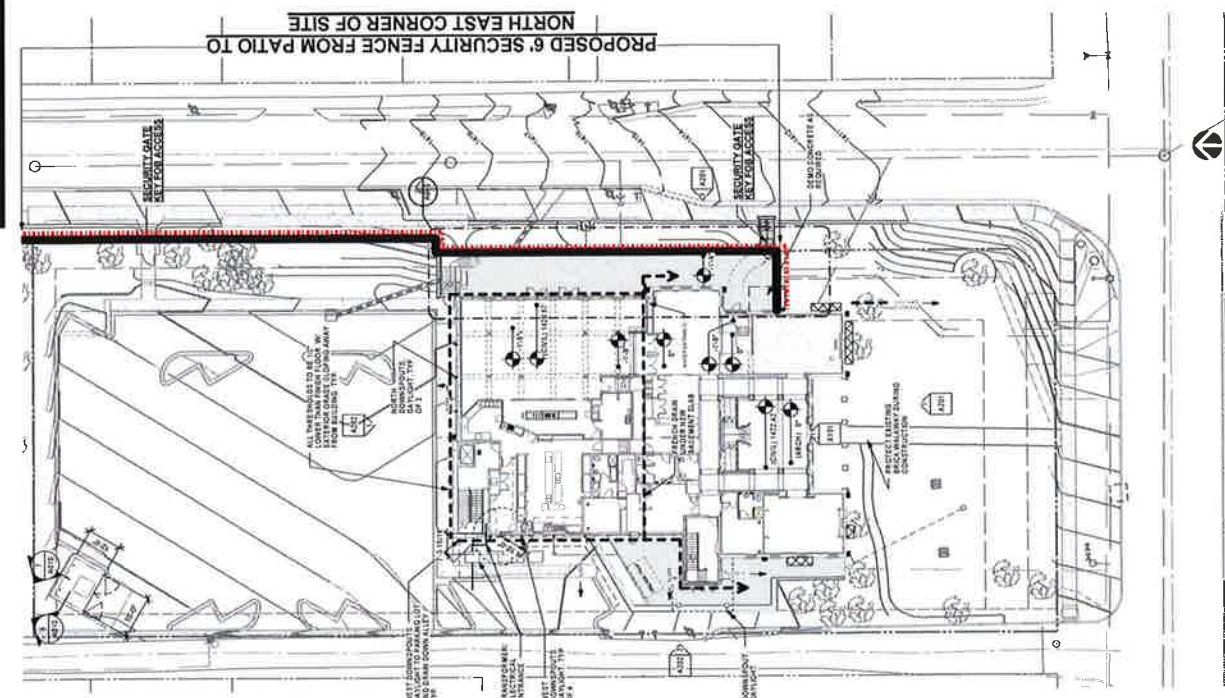
GENERAL NOTES:
 SURVEY IS VALID ONLY IF PRINT HAS SEAL AND ORIGINAL SIGNATURE OF SURVEYOR PRESENT
 THIS SURVEY MEETS CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" IN THE STATE OF ARKANSAS

LAT: 36°04'15" N
LONG: 94°10'17" W

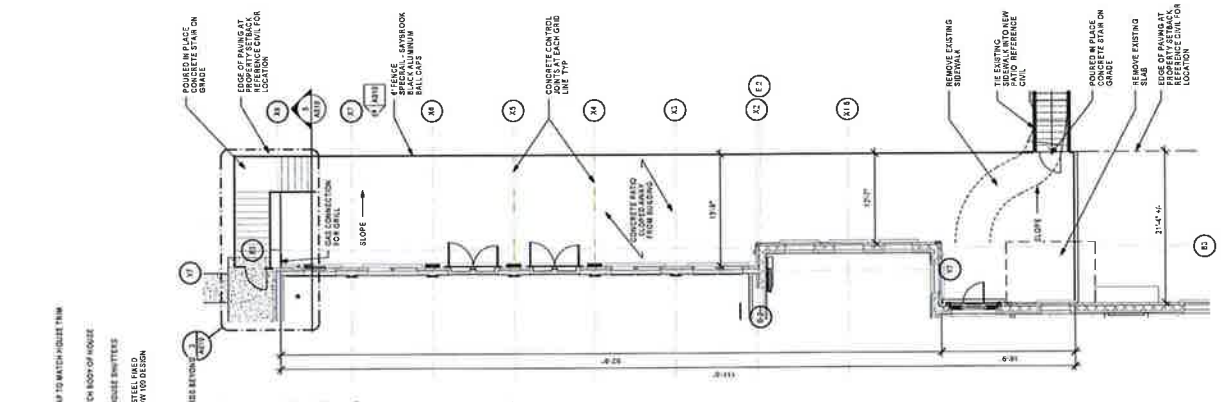
FIRM NOTE:
 By geotech analysis only this property is located within Flood Zone "X" (areas determined to be outside 500 year floodplain) as determined from the 2010-2012 Flood Insurance Program. Flood Insurance Line Map, MapNo. 014802160, Map Revised: May 16, 2008

Zark Civil Engineering Inc.
 Bentonville • Kansas City

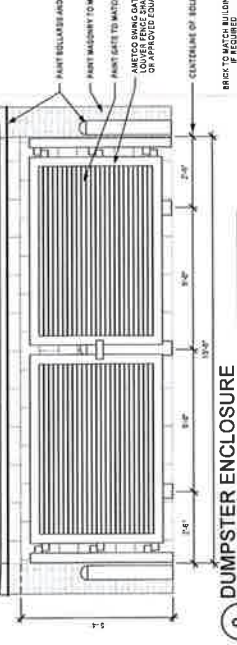
DATE OF FIELD SURVEY - DECEMBER 8, 2011
 SCALE 1"=30'
 DRAWN BY: RD
 FIELD CREW: SANDY CREEK
 CHECKED BY: RD
 DATE: JUNE 12, 2012
 PROJECT NO. 8089149



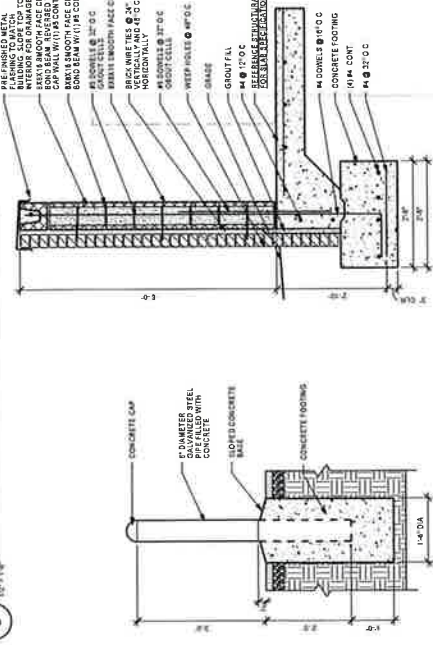
1 SITE PLAN
 1" = 20'



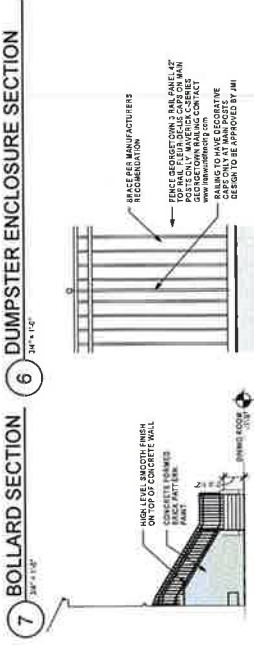
2 PATIO
 1/8" = 1'-0"



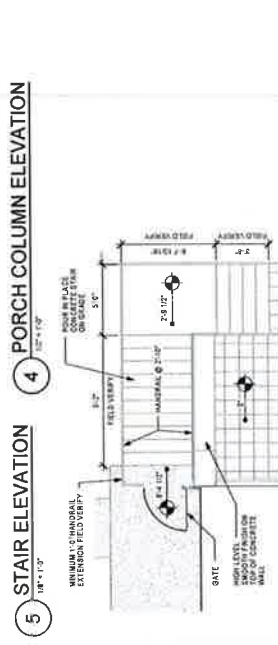
3 DUMPSTER ENCLOSURE
 1/8" = 1'-0"



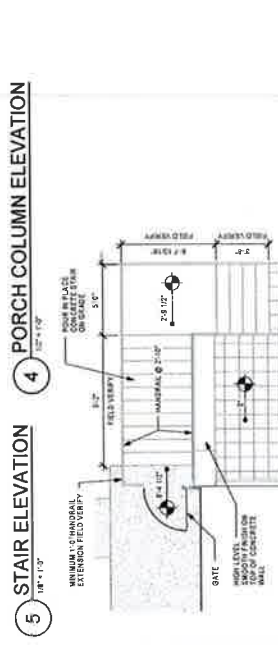
4 BOLLARD SECTION
 3/8" = 1'-0"



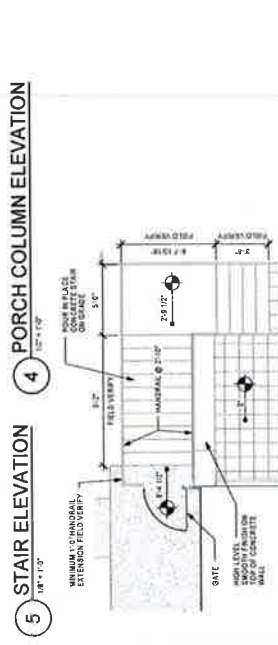
5 DUMPSTER ENCLOSURE SECTION
 3/8" = 1'-0"



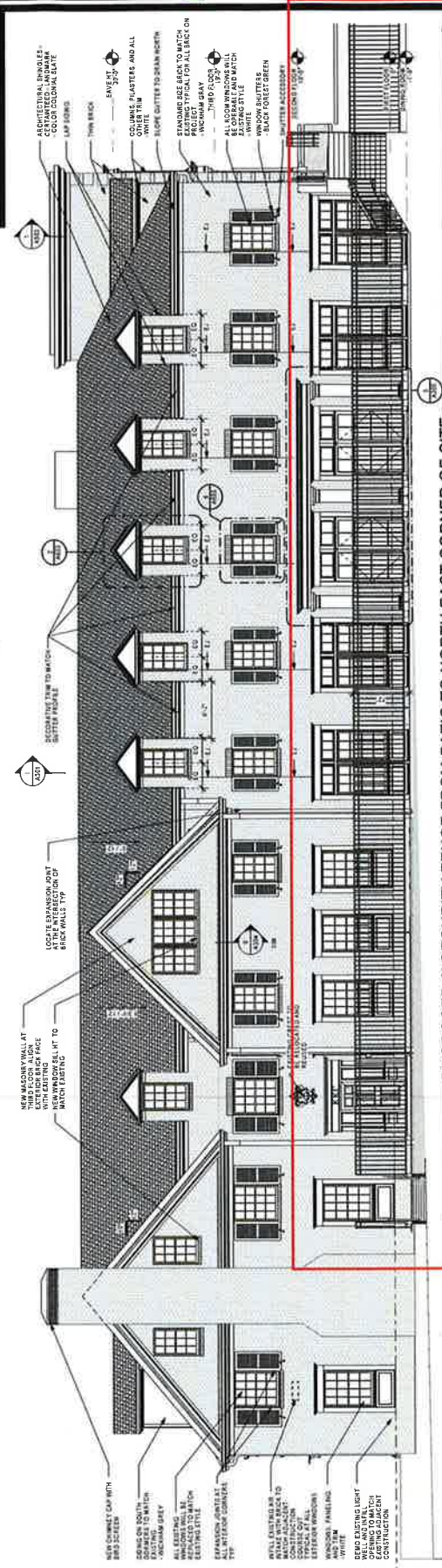
6 PORCH COLUMN ELEVATION
 1/8" = 1'-0"



7 STAIR ELEVATION
 1/8" = 1'-0"

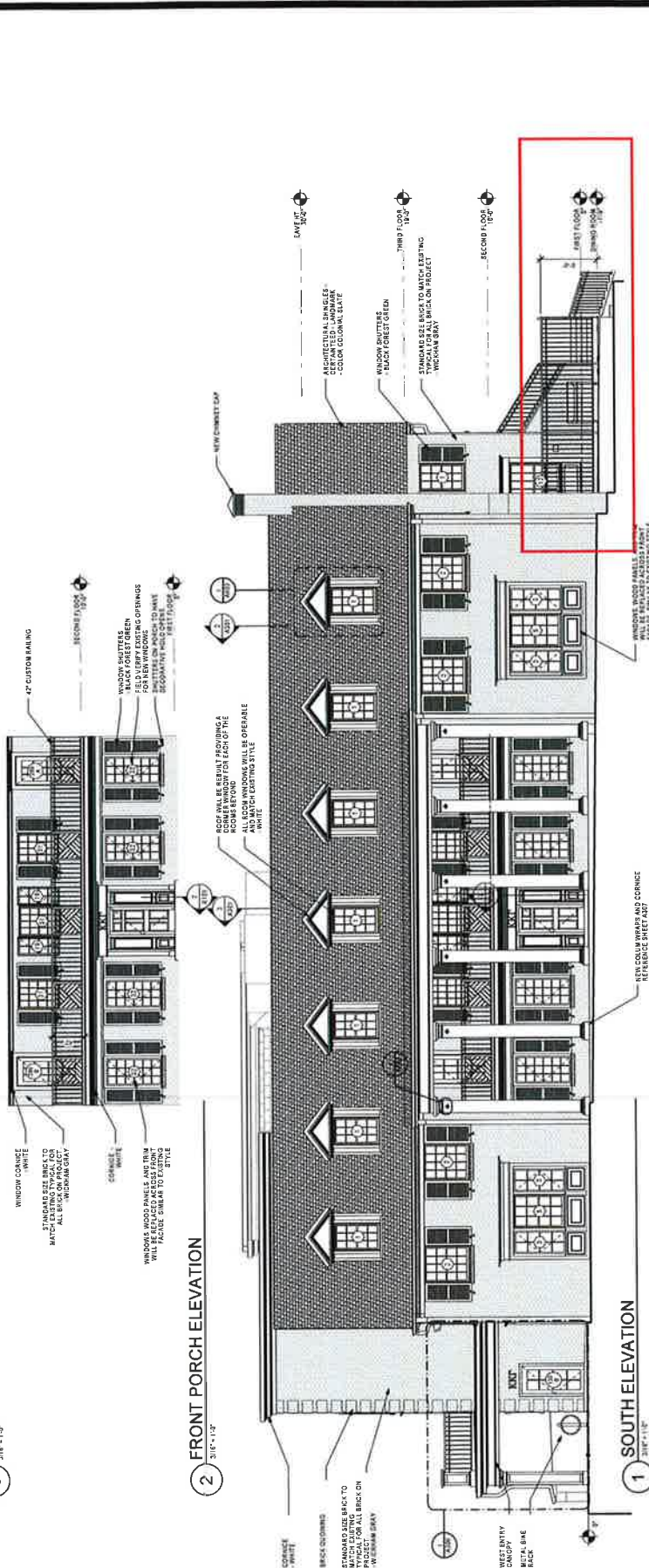


8 STAIR DETAIL
 1/8" = 1'-0"



PROPOSED 6\"/>

3 EAST ELEVATION
 31'6\"/>

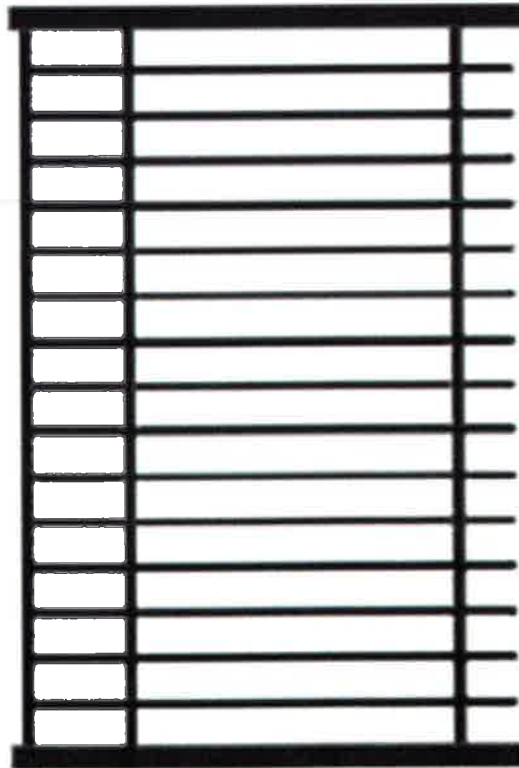


2 FRONT PORCH ELEVATION
 31'6\"/>

1 SOUTH ELEVATION
 31'6\"/>

**Kappa Kappa Gamma
800 West Maple St.
Fence Style**

STYLE-4 SAYBROOK



This classic design with smooth rail top reflects the mood of a late spring evening.

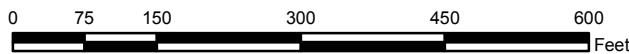
KAPPA KAPPA GAMMA

Close Up View



Legend

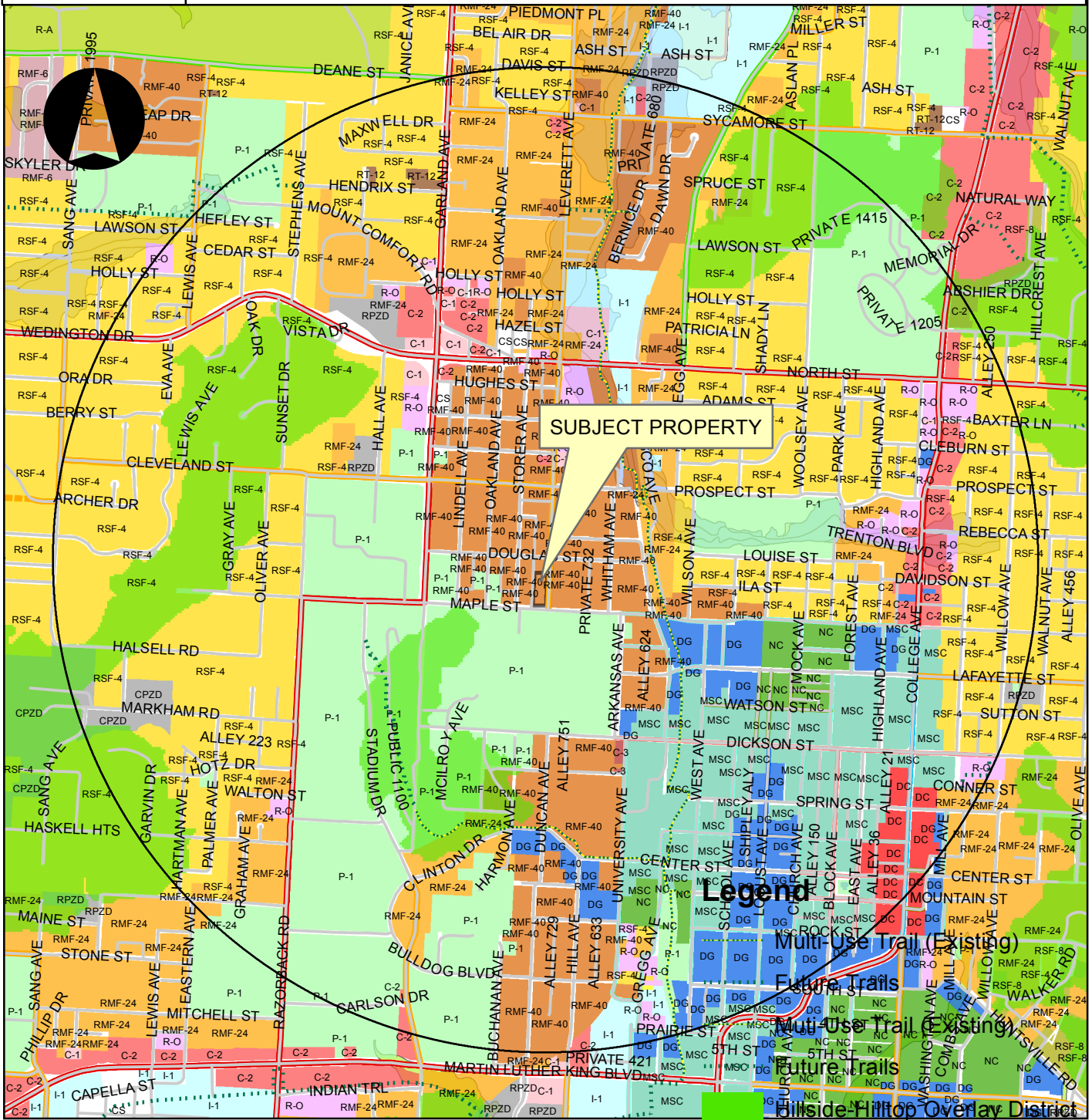
- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits
- Overview ADM13-4354
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



ADM13-4354

One Mile View

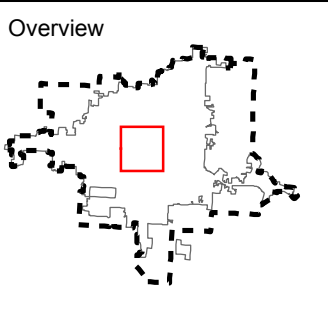
KAPPA KAPPA GAMMA



SUBJECT PROPERTY

Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District



Legend

- Subject Property
- ADM13-4354
- Boundary
- ADM13-4354
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles



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, Senior Planner
 Glenn Newman, Staff Engineer
 THRU: Jeremy Pate, Development Services Director
 DATE: March 18, 2013

PPL 13-4312: Preliminary Plat (S. OF GULLEY RD. AND E. OF N. OAKLAND-ZION RD./BUFFINGTON S/D, 176): Submitted by JORGENSEN AND ASSOCIATES for property located SOUTH OF GULLEY ROAD AND EAST OF NORTH OAKLAND-ZION ROAD. The property is in the PLANNING AREA and contains approximately 26.51 acres. The request is for a residential subdivision with 43 single family units and a community septic system.
 Planner: Andrew Garner

Findings:

Background: The property contains approximately 26.51 acres located south and east of the intersection of Oakland Zion Road and Gulley Road/Joyce Boulevard. Oakland Zion Road is a Principal Arterial and Gulley Road is a Collector on the Master Street Plan. The southern portion of the site contains an unnamed creek and riparian corridor. This creek is not an official floodplain or floodway but appears to be a creek that typically carries water year round. The surrounding zoning and land uses are depicted in *Table 1*.

**Table 1
 Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North, South, East, and West	Rural residential	Unincorporated Washington County Residential 1 unit per acre

City of Fayetteville Development Regulations: The property is outside, but within, one mile of the City of Fayetteville, within the Fayetteville Planning Area. In accordance with Section 166.05(A)(1) of the Fayetteville Unified Development Code, this subdivision is therefore subject to all on and off-site improvements and subdivision regulations for development within the city limits, with the exception of tree preservation and park land dedication requirements, which are not required. This includes requirements for block length and street connectivity.

Washington County. The property is in unincorporated Washington County and is zoned Agricultural/Single-family residential one dwelling unit per acre. The developer received a conditional use permit on December 7, 2012 from Washington County to develop the Buffington

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Subdivision for lots less than one acre in a configuration generally as proposed. The conditions of approval associated with the conditional use permit are attached.

Proposal: The applicant proposes a preliminary plat with 43 residential lots and a community septic system.

Block Length: The City's development code has a maximum block length of 800 feet for Local Streets (see UDC Section 166.08(E)). The applicant is requesting a variance to exceed of the maximum block length for Street 2 with a proposed length of 833 feet. *Staff recommends in favor of this variance finding that the proposed internal street system provides an alternative street connection to this same parcel with a street stub-out of Street #1, and also given that the extent of the variance is minimal at approximately 33 feet.*

Street Connectivity: The city has a strong policy for connectivity in street design and street connections between neighborhoods to provide many choices of routes to destinations. The intent is that there should be opportunities for continuous movement within neighborhoods and that the street system should be as direct as possible to prevent circuitous travel and unnecessary congestion on thoroughfares. This development provides connection to Oakland Zion Road to the west and Gulley Road to the north. This development also provides a street stub-out in the southwest corner of the site to an undeveloped approximately 20-acre parcel. *Staff recommends a street stub-out to the undeveloped 4.5-acre parcel adjacent to the northeast. This parcel and the next adjacent 7.4-acre parcel to the east are currently owned by the applicant and contain a 6,277 square foot residence constructed in 1982. There is an existing stock pond on a large portion of this parcel that could feasibly be filled and the property subdivided in a similar density as that proposed in this preliminary plat. A lack of street connection would require all traffic on this parcel to utilize Gulley Road, a Collector street, as the sole means of access. [AT THE MARCH 11, 2013 PLANNING COMMISSION MEETING THE PLANNING COMMISSION MADE A MOTION AND DETERMINED AGAINST THIS CONNECTION TO THE NORTHEAST.]*

Staff is recommending a partial assessment for a future street connection to the south. Connection over the creek will provide an important street connection between key arterial and collector roadways in this area of the County, eventually resulting in connectivity between neighborhoods, avoiding circuitous and time-consuming vehicular trips, increasing public safety, emergency response times and convenience.

THE APPLICANT DOES NOT WISH TO CONSTRUCT THE STREET STUB-OUT TO THE SOUTH OR PAY AN ASSESSMENT FOR THE CONNECTION. HOWEVER, IF THE PLANNING COMMISSION CHOOSES TO REQUIRE THE CONNECTION, THE APPLICANT HAS PRESENTED A DIAGRAM AND COST BREAKDOWN BETWEEN FIVE OFF-STE PROPERTIES THAT WOULD RESULT IN THE BUFFINGTON SUBDIVISION PAYING 30% (\$18,216.00) OF THE COST (SEE ATTACHED).

Street improvements: Staff recommends the following street improvements:

- Oakland Zion Road shall be improved along the project's street frontage and all the way north to the intersection with Gulley Road on both sides of the road for a total 28 feet street width, and the 5' sidewalk at the back of right-of-way.
- Gulley Road shall be improved along the project's street frontage and along the out-lot not a part of this subdivision (APN 001-15535-003, 4207 E. gulley Rd.) with 14 feet from

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centerline, curb, gutter, storm drainage and 5-foot sidewalk within and at the back of right-of-way.

- The intersection of Oakland Zion Road and Gulley Road shall be realigned to improve traffic safety, as indicated on the plat.
- Internal streets to be constructed in accordance with all Master Street Plan and City standards including pavement, curb, gutter, storm drainage, sidewalks on both sides, and streetlights in accord with code. Future street extension signs installed at all street stub-out location to indicate future through streets.
- Street lights are required at all street intersections and spaced every 300 including the off-site street areas and the intersection of Oakland-Zion Road and Gulley Road.

Water and Sewer System: Water lines shall be extended through the development as required by the City Engineering Division. The community septic system is required to be approved by the State Health Department and appropriate signatures applied to the final plat indicating approval of the septic system.

Right-of-way to be dedicated: Oakland Zion Road is a Principal Arterial and requires a minimum of 43.5 feet right-of-way dedication from centerline along the project frontage. Gulley Road is a Collector Road and requires a minimum of 29.5 feet right-of-way dedication from centerline along the project frontage. Right-of-way dedication for all internal streets is required in accordance with the Master Street Plan for local streets with a total of 50-foot right-of-way, as indicated on the plat.

Public Comment: Staff has not received any public comment.

Recommendation: Staff recommends approval of PPL 13-4312 with the following conditions:

Conditions of Approval:

1. Planning Commission determination of a variance of Fayetteville Unified Development Code Section 166.08(e) to allow a block length of 833 feet for Street #2 when the maximum is 800 feet. *Staff recommends in favor of this variance finding that the proposed internal street system provides an alternative street connection to this same parcel with a street stub-out of Street#1, and also given that the extent of the variance is minimal at approximately 33 feet.*
SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THIS VARIANCE (02/28/2013).
2. Planning Commission determination of appropriate street connectivity. This development provides connection to Oakland Zion Road to the west, Gulley Road to the north, and a street stub-out in the southwest corner of the site to an undeveloped approximately 20-acre parcel.
 - a. *Staff recommends payment of an assessment for the cost of the street connection across the creek, to be paid prior to final plat. When the property to the south is developed, this work would be accomplished at that time. A cost estimate for the assessment is attached to this report estimating \$60,720.00 for the total construction of the creek crossing and stub-out. Due to the high cost of the improvements (which includes several box culverts) and direct positive benefits of this connection to the adjacent property to the south, staff does not recommend a full assessment for the improvements. Staff recommends that the total assessment for the creek crossing*

connection be equally divided between the subject property and the adjacent property to the south, for a total payment of \$30,360.00 (50% of the total cost) prior to final plat. At such time as the property to the south develops, the developer of the property to the south would be required to construct the entire connection and this assessment would be provided to them by the City to contribute to their construction cost. Right-of-way shall be dedicated to the south property line on the final plat.

Staff evaluated the possibility of dividing this assessment further between other off-site surrounding properties, however, because this is an entirely onsite improvement, is not a costly bridge that would merit an off-site bridge assessment district, and would not get constructed unless the property to the south were developed, staff feels this assessment meets both the rational nexus and rough proportionality test required for the City to require public improvements.

As shown on the attached regional aerial photo exhibits, connection over the creek will provide an important street connection between key arterial and collector roadways in this area of the County, eventually resulting in connectivity between neighborhoods, avoiding circuitous and time-consuming vehicular trips, increasing public safety, emergency response times and convenience. **SUBDIVISION COMMITTEE RECOMMENDED A CONNECTION TO THE SOUTH WITH THE APPLICANT PAYING AN ASSESSMENT FOR THE CONNECTION (02/28/2013).**

PLANNING COMMISSION MADE NO FINAL RECOMMENDATION 03/11/2013).

~~b. — Staff also recommends a street stub out to the undeveloped 4.5 acre parcel adjacent to the northeast. This parcel and the next adjacent 7.4 acre parcel to the east are currently owned by the applicant and contain a 6,277 square foot residence constructed in 1982. There is an existing stock pond on a large portion of this parcel that could feasibly be filled and the property subdivided in a similar density as that proposed in this preliminary plat. A lack of street connection would require all traffic on this parcel to utilize Gulley Road, a Collector street, as the sole means of access.~~

PLANNING COMMISSION REMOVED THIS CONDITION (03/11/2013).

3. Planning Commission determination of street improvements. Staff recommends the following:

- Oakland Zion Road shall be improved along the project's street frontage and all the way north to the intersection with Gulley Road on both sides of the road for a total 28 feet street width, and the 5' sidewalk at the back of right-of-way.
- Gulley Road shall be improved along the project's street frontage and along the outlot not a part of this subdivision (APN 001-15535-003, 4207 E. gulley Rd.) with 14 feet from centerline, curb, gutter, storm drainage and 5-foot sidewalk within and at the back of right-of-way.
- The intersection of Oakland Zion Road and Gulley Road shall be realigned to improve traffic safety, as indicated on the plat.
- Internal streets to be constructed in accordance with all Master Street Plan and City standards including pavement, curb, gutter, storm drainage, sidewalks on both sides, and streetlights in accord with code. Future street extension signs installed at all street

stub-out location to indicate future through streets. *Staff recommends that all sidewalks be constructed, not guaranteed prior to final plat. This is because the subdivision is located outside of the City and there is not an enforcement mechanism for sidewalk installation after final plat, and there have been several subdivisions in the Planning Area where sidewalks have been required but not constructed.*

- Street lights are required at all street intersections and spaced every 300 including the off-site street areas and the intersection of Oakland-Zion Road and Gulley Road.

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THIS CONDITION (02/28/2013).

4. Direct driveway access to Oakland Zion Road and Gulley Road shall not be permitted, except for Lot #6. Add a note to the plat indicating as such.
5. Prior to final plat approval signs shall be posted at all street stub-outs indicating future extension of the street.
6. Conditions of approval from Engineering are included in the official conditions of approval.
7. Prior to final plat the property line adjustment/lot split to create the legal lot for this subdivision shall be filed of record, or the remaining undeveloped portion shall be included in this subdivision and assign a lot number(s).

Standard Conditions of Approval:

8. All street names and addresses shall be approved by the 911 coordinator.
9. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
10. Preliminary plat approval is valid for one year. All permits to complete construction of this preliminary plat are required to be obtained within one year, subject to extensions in accordance with the Unified Development Code.
11. 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.
12. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.
13. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet. Street lights shall be installed or proof of payment for installation to the power company provided prior to final plat.
14. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

Planning Commission Action: Approved Denied Tabled

Motion: _____

Second: _____

Vote _____

Meeting Date: March 25, 2013

Fayetteville Unified Development Code

166.05 Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area

(A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

- (1) *Within One Mile of City Limits.* On and off-site improvements and subdivision regulations for development outside the City limits and within one mile of the City are the same as for those developments within the City limits, with the exception of park land dedication requirement which is not required.
- (2) *Beyond One Mile of City Limits.* On and off- site improvements and subdivision regulations for development outside one mile of the City limits shall meet Washington County standards.
- (3) All lots in the Planning Area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential Lot and Block Standards.

(B) *Developments Outside City Developed to all Inside the City Standards.* If the City Council grants access to the City's sewer system pursuant to §51.115. (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District or as otherwise designated by the City Council rather than those within the planning area.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§ 159.54, 160.120; Ord. No. 3925, § 6, 10-3-95; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. 4753, 9-6-05; Ord. 5215, 1-20-09; Ord. 5270, 9-1-09; Ord. 5296, 12-15-09; Ord. 5546, 12-04-12)

166.08 Street Design And Access Management Standards

(D) Street design principles.

- (1) Extensions. All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
- (2) Substandard widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
- (3) Street names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

- (4) Tangents. A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.
- (5) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
- (6) Street standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street 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) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.
 - (b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.
 - (c) Locals. Intersections shall occur at a minimum of one every 800 feet.
 - (d) Residential. Intersections shall occur at a minimum of one every 600 feet.
 - (e) 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) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
 - (3) 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.
-

From: "Jared Inman" <jared@jorgensenassoc.com>
To: <agarner@ci.fayetteville.ar.us>
CC: <justin@jorgensenassoc.com>, "Glenn Newman" <gnewman@ci.fayetteville.a...>
Date: 3/20/2013 5:14 PM
Subject: Buffington Creek Cost Assessment and Percentage
Attachments: Buffington Creek Assessment Percentage.pdf

Andrew - see attached and below. Call me in the morning to discuss if you have any questions.

Buffington Subdivision Creek Crossing Cost Assessment

Item #

Description

Quantity

Unit

Unit Price

Amount

1

Install Curb & Gutter

230

L.F.

\$8.50

\$1,955.00

2

2"/3"/6" Asphalt

306

S.Y.

\$17.50

\$5,355.00

3

5' Sidewalk

230

L.F.

\$15.00

\$3,450.00

4

5'x5'x6' Box Culvert (3 rows of 60 LF)

180

L.F.

\$222.00

\$39,960.00

5

Concrete Wingwalls

1

L.S.

\$10,000.00

\$10,000.00

Total =

\$60,720.00

Jared S. Inman, P.E.

Project Manager

J&Alogo

Jorgensen & Associates

CIVIL ENGINEERS - SURVEYORS

124 W. Sunbridge Dr., Ste. 5

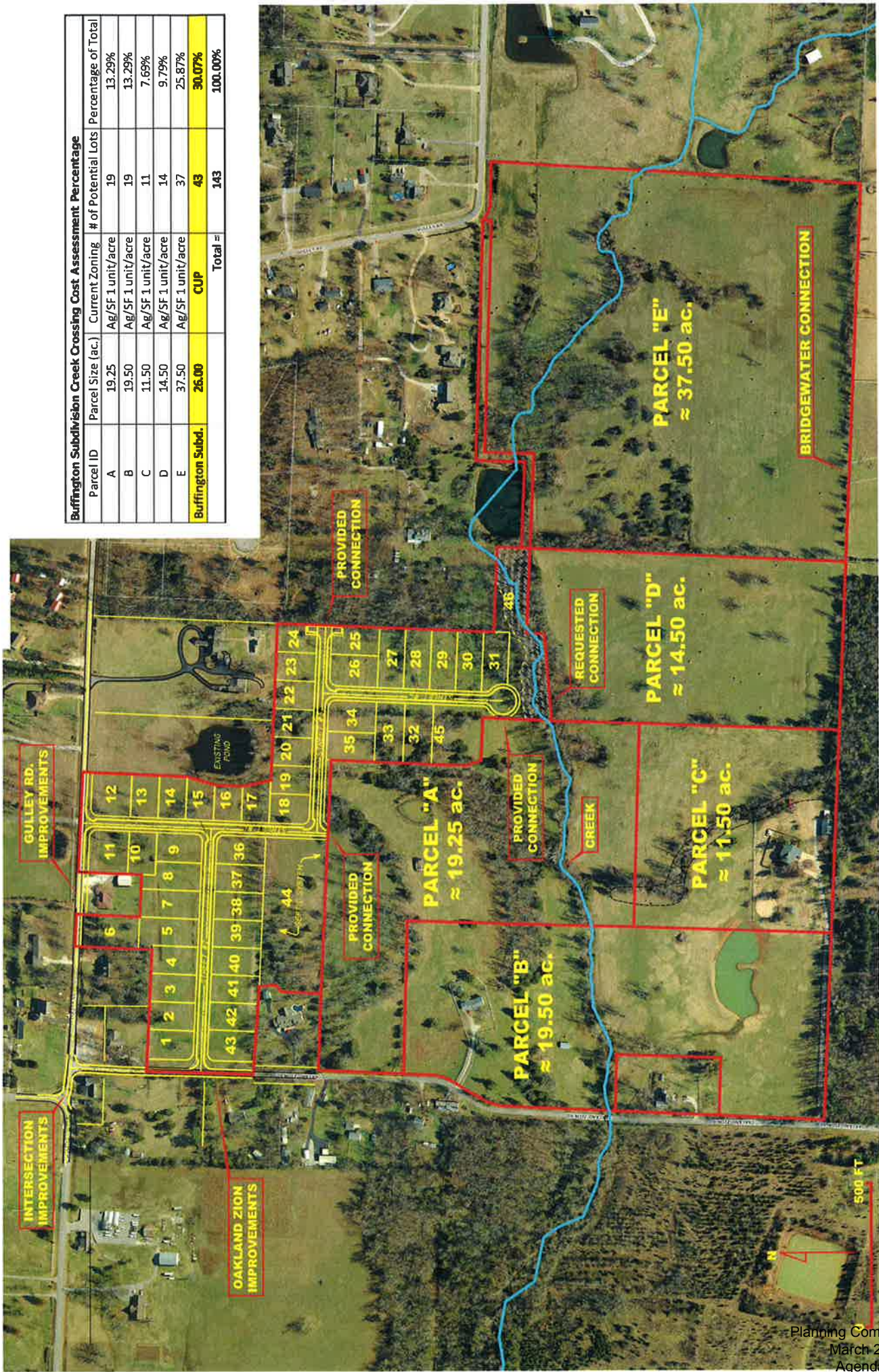
Fayetteville, AR 72703

Office: 479-442-9127

Fax: (479) 582-4807

<<http://www.jorgensenassoc.com/>> www.jorgensenassoc.com

Buffington Subdivision Creek Crossing Cost Assessment Percentage				
Parcel ID	Parcel Size (ac.)	Current Zoning	# of Potential Lots	Percentage of Total
A	19.25	Ag/SF 1 unit/acre	19	13.29%
B	19.50	Ag/SF 1 unit/acre	19	13.29%
C	11.50	Ag/SF 1 unit/acre	11	7.69%
D	14.50	Ag/SF 1 unit/acre	14	9.79%
E	37.50	Ag/SF 1 unit/acre	37	25.87%
Buffington Subd.	26.00	CUP	43	30.07%
			Total =	143
				100.00%



To: Andrew Garner, Current Planner

February 25, 2013

From: Glenn Newman, P.E.
Staff Engineer

Re: Plat Review Comments (February 28, 2013 Subdivision Committee)

Development: PPL 13-4312 Buffington Subdivision

Engineer: Jorgensen & Associates

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. 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.
3. The engineer of record shall provide "Full Time" inspection for utilities and "Part Time" inspection for the storm drainage and roadway construction for this project. The engineer of record shall also review and approve material submittals (approved submittals shall be submitted to the City for concurrence before material is ordered)– weekly inspection reports should be submitted to the City of Fayetteville's public works inspector.
4. 2012 Standard Water & Sanitary Sewer Specifications & Details apply. (Document available at www.accessfayetteville.org/government/engineering)
5. Prior to request for approval of construction drawings for the preliminary plat, provide a master residential lot grading plan (MRLGP) for review and approval to ensure positive drainage of each lot at time of development. Utility and drainage easements shall be graded to MRLGP prior to final plat.
 - o Add note to final plat: The site development will follow the approved master residential lot grading plan
6. Performance bonds in the amount of 100% of the total cost to install the approved erosion and sediment control plan (Hydromulch with seed all proposed disturbed areas, including area of improvements) to ensure the continuation of the proper maintenance of the plan must be provided. The bond shall remain in place until permanent stabilization has been achieved for the development site, including all on and off-site franchise utilities. (Projects greater than 5 acres.).

Plan Comments:

1. All sidewalks and ADA ramps will be constructed before final plat.
2. Additional storm drainage may be required along the adjacent county roads as curb and gutter is added with this development.
3. A Floodplain Development Permit is required for the proposed construction within the FEMA regulated floodplain prior to issuance of the Grading Permit. Contact Sarah Wrede 575-8208 for additional information.

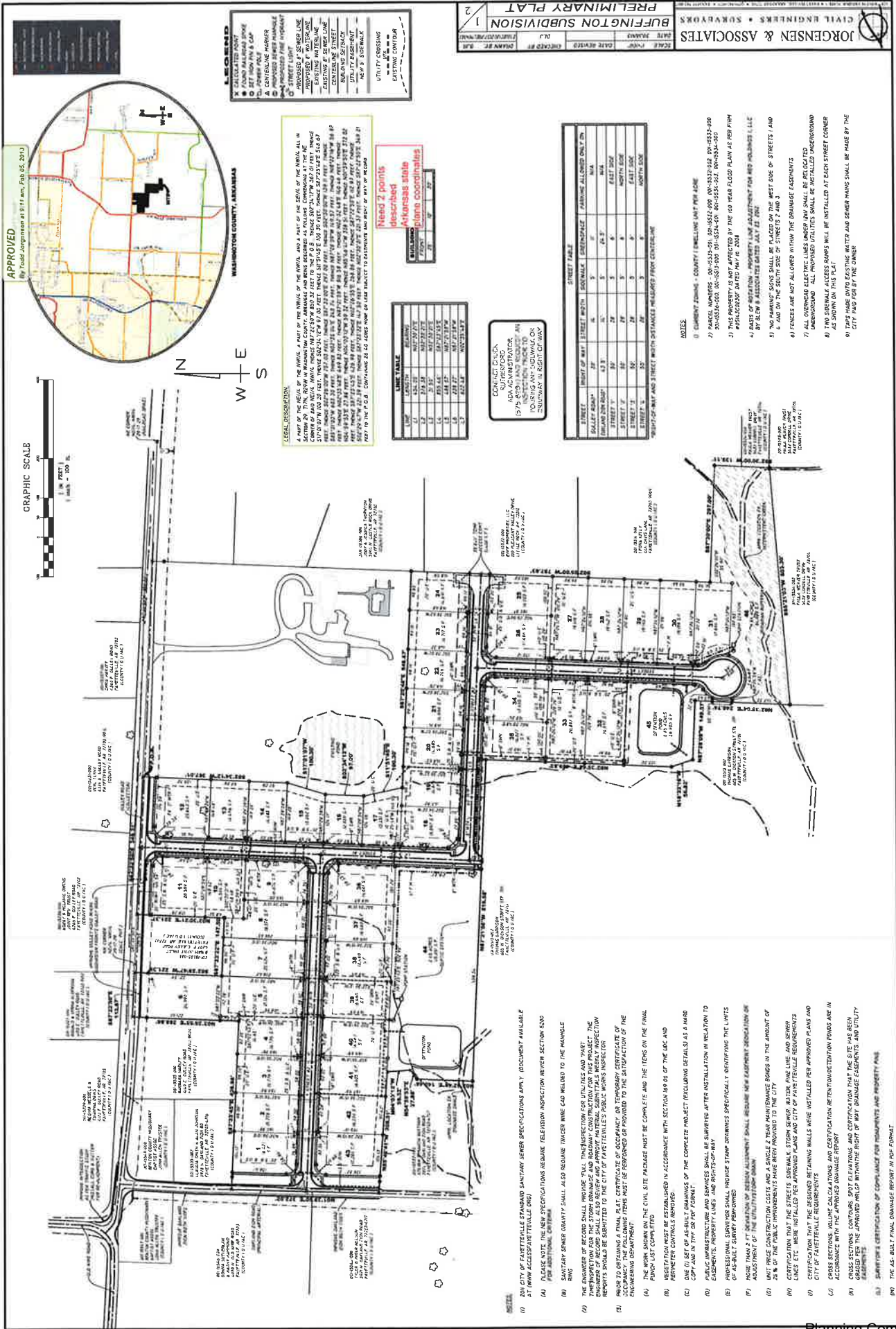
4. The project limits include Hydric Soils, either limit construction activities in this area or provide a wetland determination.
5. Areas with concentrated offsite flow will require a drainage easement and designed conveyance.
6. Add stone forebay in each detention structure around the inflow pipes and outfall structure.
7. Show design contours for all drainage and utility easements, which shall be graded out prior to final plat, per the MRLGP.

Drainage Report Comments:

1. Indicate CN values used. (circle on charts and provide back up spreadsheet).
2. Review the Outfall structure and discharge pipe for both new detention ponds.
 - a. The Mannings' n does not agree with the pipe description.
 - b. The Weir (top of box) should be included in the outlet design to see impact to discharge pipe.
 - c. Velocities of discharge pipe appear excessive (10 fps max allowed per DCM)
3. Velocity Reduction will be required for each outfall pipe to ensure the receiving creek banks area stabilized.
4. Verify the condition and capacity of the existing channel. Provide an engineered solution to stabilize channel if necessary, and prevent scour velocity, up to 10 yr design event. The channel should also be cleaned prior to acceptance by removal of any brush, deadfall, obstruction, etc to the satisfaction of the engineering division. Scour protection must be installed at the outfall into the floodway.

Standard Construction Comments:

- I. Prior to obtaining a Final Plat, the following items must be performed or provided to the satisfaction of the Engineering Department:
 - o The work shown on the civil site package must be complete and the items on the final punch list completed.
 - o Vegetation must be established in accordance with Section 169.06 of the UDC and perimeter controls removed.
 - o One (1) set of as-built drawings of the complete project (excluding details) as a hard copy and in Tiff or PDF format;
 - Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
 - Professional surveyor shall provide stamp drawings specifically identifying the limits of as-built survey performed.
 - More than 2 ft deviation of design alignment shall require new easement dedication or adjustment of the utility/storm drain.
 - o Unit price construction costs and a single 2 year maintenance bonds in the amount of 25% of the public improvements have been provided to the city;
 - o Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - o Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements;
 - o Cross Sections, Volume Calculations, and Certification Retention/Retention Ponds are in accordance with the approved Drainage Report.
 - o Surveyor's Certification of Compliance for monuments and property pins.
 - o The As- Built Final Drainage Report in PDF format.
 - o Cross Sections, contours, spot elevations, and Certification that the site has been graded per the approved MRLGP within the right of way, drainage easements, and utility easements.





JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
 JUSTIN L. JORGENSEN, P.E.
 BLAKE E. JORGENSEN, P.E.
 JARED S. INMAN, P.E.

February 26, 2013

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

Attn: Andrew Garner
 Re: Variance of Block Length Requirement for Buffington Subdivision

Dear Andrew;

Please find the following variance requests for Buffington Subdivision, to allow for the excess block length and connectivity, which do not meet current design standards. The current 2030 plan has newer street cross sections; in particular, we are requesting the following variances:

Street #2
 (Local Streets)

Variance Requested	Code/Requirement
Block Length (Street #2): 832.54' (+32.54' variance)	Max Block Length: 800'

The reason for the variance request on Street #2 stubbing out to the south property line is that we are providing connectivity to the southern boundary via Street #1 directly to the east. Also, the community septic field requires a certain amount of land area and a street crossing through lot 46 would adversely affect this requirement.


Street #4
 (Local Streets)

Variance Requested	Code/Requirement
Requirement to connect to south property line across creek	UDC 166.08(E) for connectivity

Connectivity over this creek would effectively disturb an existing riparian buffer that contains mature trees, as well as an ecological habitat that would be beneficial to preserve. The topography of this riparian area is such that the extents of grading required to make the connection would expand over a large area. This connection is not warranted or necessary and we feel that it is an environmental advantage to keep this area preserved. By providing a north/south connection via Street #1, a future connection over this stream further to the west of this cul-de-sac, would be less invasive. We are dedicating right-of-way to the west property line (from the cul-de-sac) for future connectivity to the west.

Please take the time to consider this variance.

Sincerely;


 Jared S. Inman, P.E.



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W. Mountain
Fayetteville, AR. 72701

1/29/13

Att: Jesse Fulcher
Re : Buffington Subdivision

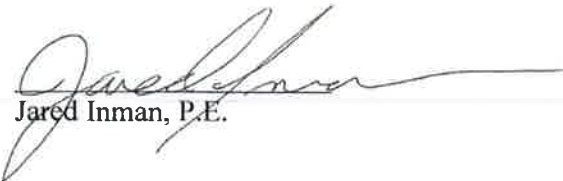
Attached please find information pertaining to the Buffington Subdivision. This project is in the City growth area but in Washington County. We have had a conditional use approved by the County for lots less than 1 acres. This project has access from Gulley Rd and Oakland Zion Rd. We will be connecting to an existing waterline on Gulley Rd and also on Oakland Zion Rd. There is no sewer so we will provide a drip system for use by all lots. A gravity sewer will be installed as per City of Fayetteville specifications.

We will be providing a riparian buffer along the intermittent creek on the south side.

A traffic study has been performed and we will provide improvements to the intersection at Old Wire Rd and Gulley Rd as per this study.

Please review and call concerning any questions you may have.

Thank you.



Jared Inman, P.E.

MARILYN EDWARDS
County Judge



JULIET RICHEY
Planning Director

WASHINGTON COUNTY, ARKANSAS
Planning Office

Date: December 7, 2012

Project number: 2012-111

To: Clay Carlton & Mike Lamberth,
Buffington Homes of Arkansas, LLC
ClayCarlton@BuffingtonHomesAR.com
mike.lamberth@buffingtonhomesar.com

Dave Jorgensen
Jorgensen and Associates
dave@jorgensenassoc.com

Reo Holdings I, LLC & Metropolitan National Bank
CElkins@MetBank.com

Cc/ Washington County Road Department
Cc/ Melissa Wonnacott-Center, Health Department
Cc/ Fayetteville Schools Superintendent, Vicki Thomas
Cc/ Goshen Fire Department, Nathan Wood
Cc/ Fayetteville Fire Department, Terry Lawson
Cc/ Fayetteville Planning Office

From: Sarah Geurtz, Washington County Planner

Re: Conditional Use Permit 2012-111, Buffington Homes Subdivision – Gulley Road CUP

This letter is your official notification that the Conditional Use Permit application for the development known as **Buffington Homes Subdivision – Gulley Road CUP** located in Section 29, T - 17 - N, R - 29 - W, was approved by the Washington County Planning Board / Zoning Board of Adjustments on December 6, 2012, with the below stated conditions.

Water/Plumbing/Fire/ Engineering Conditions:

1. Fire flow gpm will determine how far apart hydrants must be located (and hence how many hydrants will be required).
2. The eastern road spur must terminate in a hammerhead, "Y", or cul-de-sac or other approved Fire Code-compliant turn-around.

Sewer/Septic/Decentralized Sewer Conditions:

1. The community sewer system(s) must be approved, installed and inspected by the Arkansas State Health Department/ ADEQ prior to occupation of the residence(s).
2. No parking is allowed on any portion of the sewer system including the alternate area.

Drainage Conditions:

1. Drainage report must be provided at Preliminary Subdivision Plat.
2. The south detention pond's outfall should be above the 100 year water surface elevation of the stream. Address this issue by Preliminary Subdivision Plat.
3. Detention ponds, that would affect the Stream Protection Zones, shall follow Fayetteville's Streamside Protection Best Management Practices Manual to prevent undue pollution of water run-off, as determined by Planning Staff.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
2. The southern-most road shall terminate at a temporary cul-de-sac at the south-western property boundary as agreed upon by Planning Staff and the applicant. This configuration would require a Variance from Washington County during Preliminary Subdivision Plat, as it is in conflict with Washington County Road Department regulations regarding allowable cul-de-sac length.
3. The southern detention pond must be located in the general location agreed upon by Planning Staff and the Buffington Homes representative.
4. East Gulley Road does not have to be improved on the northern side of the road.
5. The intersection of East Gulley Road (WC#345) and Old Wire Road (WC# 87) shall be improved as per option A of the submitted traffic study. However, the realignment should be achieved with some sort of curbing or other 3-dimensional design feature in place of the proposed striping.

6. At the proposed density, the County requires improvements made to both sides of Oakland Zion Road (WC# 83) from the southern property line to the intersection of Gulley Rd., as per County regulations
7. 43.5 feet of ROW from the centerline of Oakland Zion shall be dedicated on the subdivision side from the southern property line to the northern property line.
8. 30 feet of Right Of Way (ROW) from the centerline along East Gulley Road must be dedicated on the subdivision side only where the road touches the subdivision property.
9. If approved by the adjoining Church, a crossing sign shall be placed on Oakland Zion Road (WC#83) near the Oakland Zion Road (WC# 83) and East Gulley Road (WC# 345) intersection. The Washington County Road Department shall determine the sign's placement.

Public Utility Conditions:

1. When you need further information regarding Sewer System Requirements, contact Renee Biby at 444-1896.
2. For Subdivision review:
 - Provide specs for wastewater treatment facility.
 - Include a note on the Plat and in Covenants concerning a community sewer system.
 - Know that there are financial requirements per Washington County Rules and Regulations.
 - ADEQ approval will be required.
3. Please contact Renee Biby when you plan on ordering the equipment (she will need specifications, etc. of the equipment).

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Ozarks Electric requires utility easements in this subdivision.
2. Any damage or relocation of Cox Cable's existing facilities will be at the owner's/developer's expense.

Signage/Lighting/Screening Conditions:

1. Any fencing and signage must be located outside of the Right of Way and must be approved by Planning Staff.
2. Any outdoor lighting must be shielded from neighboring properties and must be approved by Planning Staff. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
3. Opaque privacy fencing shall be installed along parcel 001-15537-000's eastern boundary, and along its northern property boundaries (with construction of homes on lots) prior to final subdivision plat.

City of Fayetteville's Conditions:

1. Subdivision frontages onto Gulley Rd (southern side only) shall be improved to 20 feet of driving surface with full improvements (curb and gutter, sidewalks, and storm drains). The southern side of Gulley Rd. between lots 6 & 12 must also be improved to these standards.
2. All subdivision frontages onto both Oakland Zion Road and East Gulley Road (including the road length between lots 6 & 12) shall require the standard subdivision improvements: sidewalks, curb and gutter, etc.
3. All vehicular turn-around configurations must be constructed all the way to the property line with a "Future Street Extension" sign posted. For cul-de-sacs (or hammerheads) an assessment shall be provided for the cost to remove the outside of the cul-de-sac when the street is extended in the future.
4. Washington County Planning's alternative for the southern road termination location at a south-western property boundary is acceptable to Fayetteville Planning Staff assuming the detention pond and land disturbance are also relocated away from the creek.

Stream Protection Conditions:

1. Fayetteville's Streamside Protection Zone code (as stated in the City of Fayetteville's Flood Damage Prevention Code, Chapter 168.12) shall apply to the stream located on the south-east portion of this property and shall be adhered in all instances by the developer and current and future owners of the lots containing this stream and its bordering land. The term "County Contract Engineer" shall replace all references to the "City Engineer" in this code.
2. Prior to any land clearing or soil disturbing activity, the Streamside Protection Zone boundaries shall be clearly delineated on site by the applicant/developer and such delineation shall be maintained throughout construction activities.
3. Before commencing any construction activity, the applicant shall install silt fencing on the site at the outer edge of the Streamside Protection Zone, or as directed by the County Contract Engineer.

4. Water quality protection measures shall be followed according to Fayetteville's Streamside Protection Best Management Practices Manual for new stormwater conveyances through the Streamside Protection Zones and involving the detention ponds.
5. On the Preliminary and Final Subdivision plats, show the location and type of surface water, the top of bank, Zone 1 Waterside Zone and Zone 2 Management Zone boundaries, and slope, when any portion of the property being developed falls within the Streamside Protection Zones. The same shall also be identified for building, moving, demolition and grading permits.
6. There shall be general adherence to the newest plan/layout received on 12.06.2012 and presented to the Board.

Tree Protection Conditions:

1. The tree and preservation areas indicated in the Tree Preservation Plan shall act as a guide to the developer. At (or before) the Preliminary Subdivision Plat stage, County Planning Staff will work with the developer onsite to identify trees or groupings of trees in these areas that should be preserved during the subdivision development.
2. The addition of two street trees per lot (Approx 2" in caliper) and one tree per yard should be standard for this subdivision.
3. Utility routing: at Preliminary Subdivision Plat, the developer shall avoid placing utility easements in tree preservation areas when possible.
4. Lots including proposed tree preservation areas should show a home footprint (comparable to the footprints of proposed home products) at Preliminary Subdivision plat. Final lot line placement and home positioning should be worked out at that time.
5. *Site inspection.* Prior to any construction, a preliminary site inspection followed by periodic inspections will be conducted by the County Planning Staff forester to ensure compliance with the tree preservation plan.
6. *Tree protection.* Tree preservation areas shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in tree preservation areas. No filling, excavating or other land disturbance shall take place in tree preservation areas. Before commencing any construction activity, the applicant shall construct tree protection barriers, by a method approved by Planning Staff, on the site along the tree drip line or 10 feet from the trunk, whichever is greater.
7. County Planning Staff may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, the roots of which extend onto the site of the proposed construction.

8. If the required barriers surrounding the tree preservation areas are not adequately maintained during construction, County Planning Staff shall prescribe remedial measures, and may issue a stop work order or revoke the Conditional Use Permit.

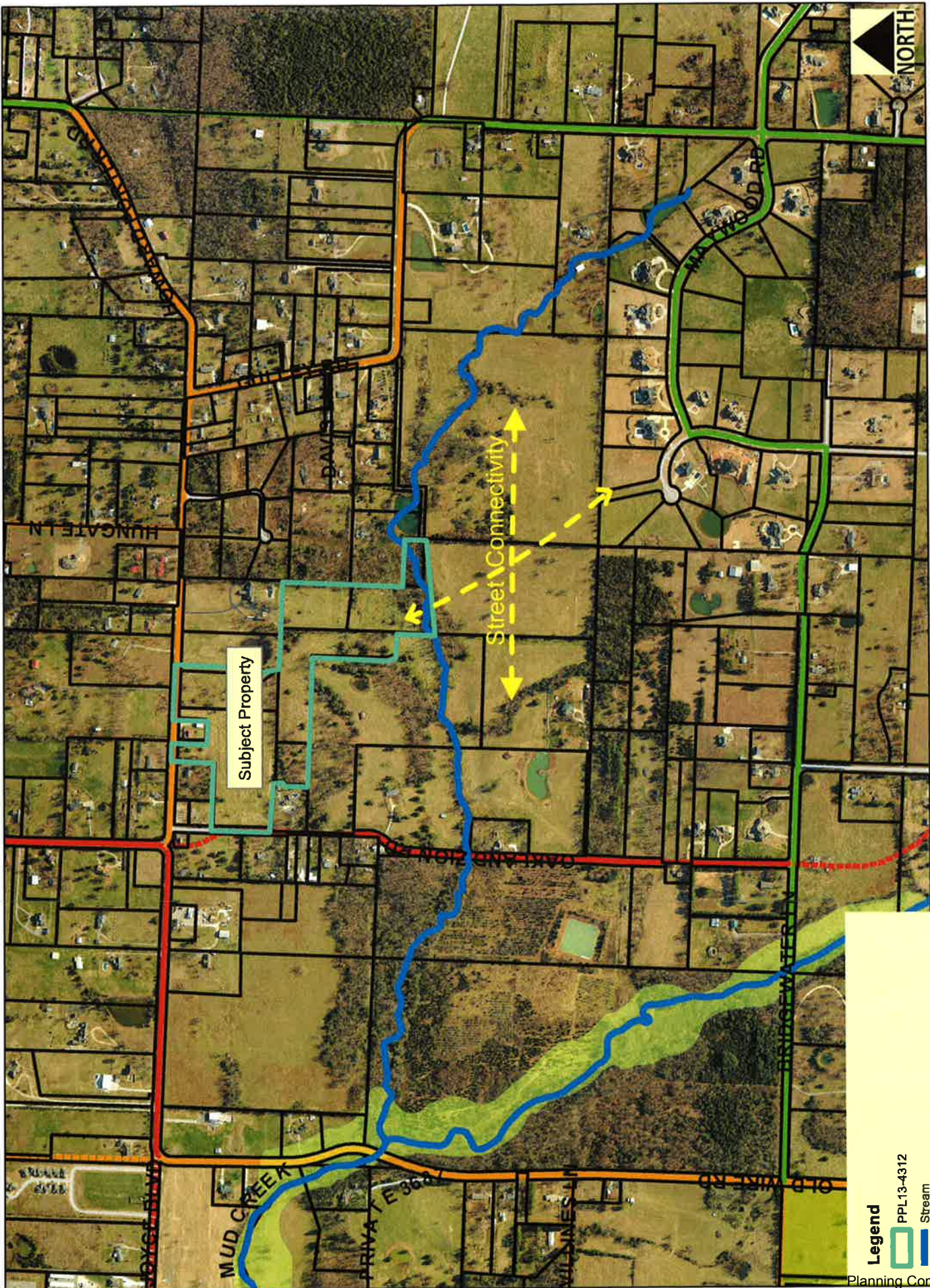
Standard Conditions:

1. Pay neighbor notification mailing fees (\$105.00) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 11/26/12).
2. Pay engineering fees of \$325 within 30 days of project approval. Any extension must be approved by the Planning Office.
3. The lot line adjustments needed for the proposed subdivision configuration must process through the City of Fayetteville first, then through Washington County Planning Department before this project could be approved as a Preliminary Subdivision.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. This CUP must be ratified by the Quorum Court.
6. All conditions shall be adhered and completed in the appropriate time period set out by ordinance.
 - This project requires additional review (Preliminary and Final Subdivision), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

Please note that no CUP is final until the 30-day appeal period has run (and no appeal has been filed), and the CUP has been ratified by the Quorum Court.



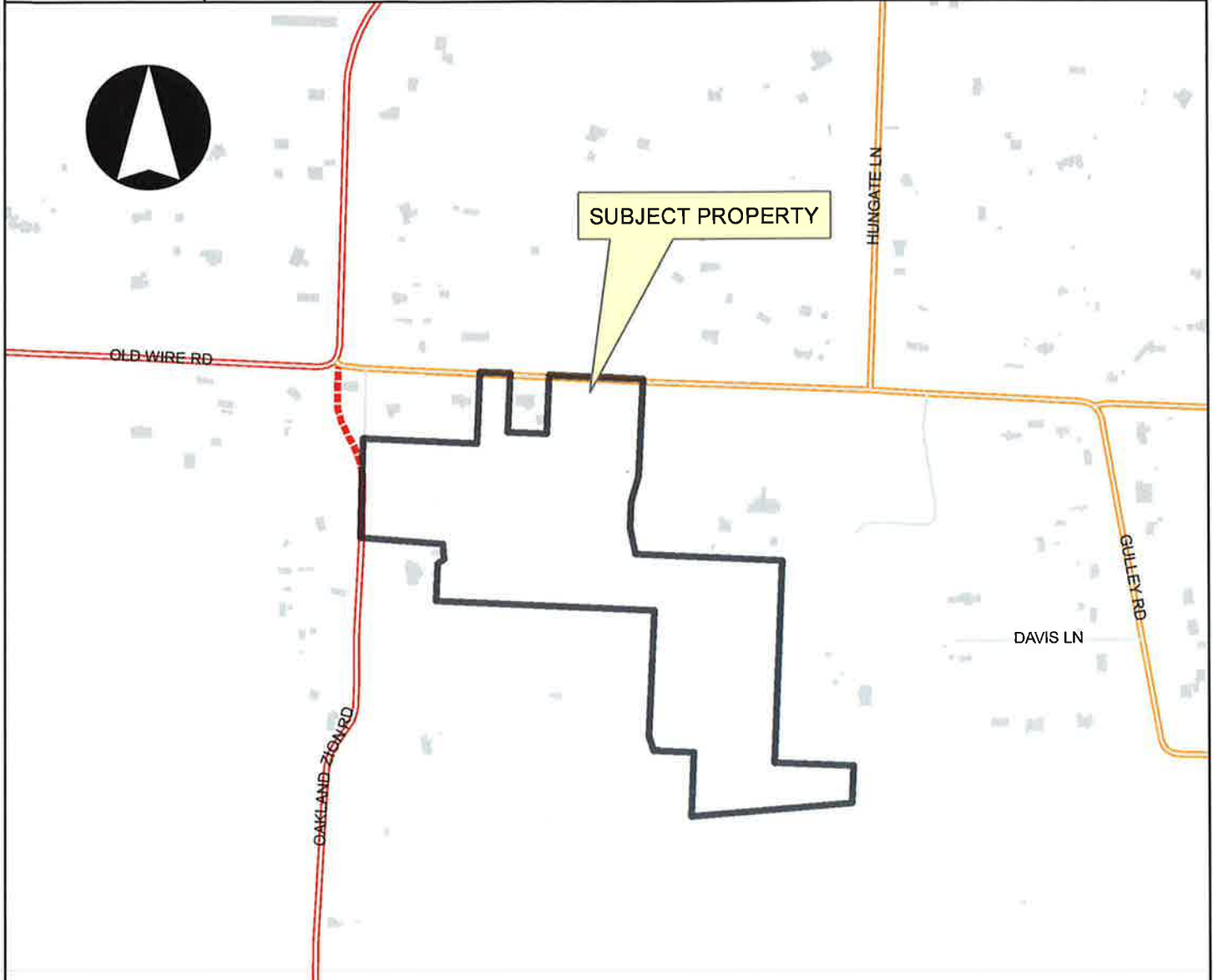
Sarah Geurtz, Washington County Planner
sgeurtz@co.washington.ar.us



Legend

- PPL13-4312
- Stream
- 0.2% Chance Floodplain (500 - yr Floodplain)
- Zone A, 1% Chance Floodplain (100 - yr Floodplain)
- Zone AE, 1% Chance Floodplain (100 - yr Floodplain)

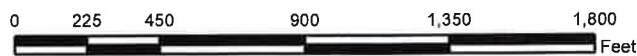
Close Up View



Legend

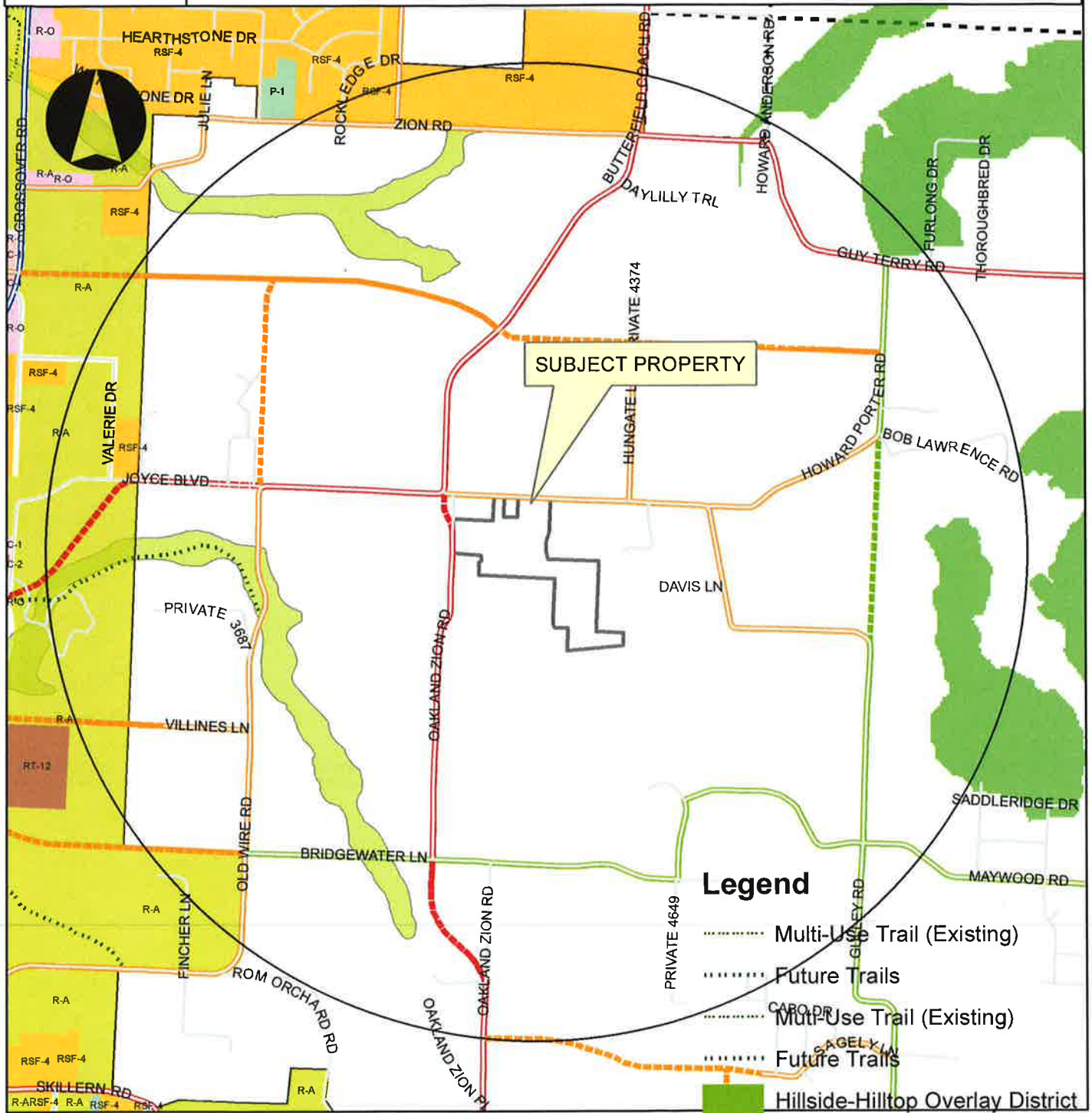
- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

- Overview PPL13-4312
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



BUFFINGTON S/D

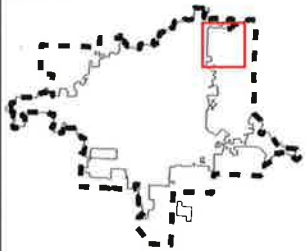
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

Overview



Legend

- Subject Property
- PPL13-4312
- Boundary
- Design Overlay District
- Planning Area
- Fayetteville





PC Meeting of March 25, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Sarah Wrede, Flood Plain Administrator
THRU: Jeremy Pate, Development Services Director
Chris Brown, City Engineer
DATE: March 19, 2013

ADM 13-4330: Administrative Item (SW CORNER 15TH STREET AND RAZORBACK ROAD, 599): Submitted by Crafton & Tull for property located at the SW CORNER OF 15TH STREET AND RAZORBACK ROAD. The property is zoned UT, URBAN THOROUGHFARE COMMERCIAL, and contains approximately 4.42 acres. The request is for a variance of the Streamside Protection Zones.

Planner: Andrew Garner
Floodplain Administrator: Sarah Wrede

Findings:

Request: The applicant is requesting that the Planning Commission grant a variance from Section 168.12 Streamside Protection Zones (SPZ) of the Unified Development Code in order to construct the parking lot and perform site grading associated with the development (see attached conceptual site plan).

Property description and background: This property borders a tributary stream to Town Branch which runs the length of the west property line. The Streamside Protection Zone (SPZ) on this property currently is poor quality with mowed grass, few trees beyond the top of bank and appears to have had fill material placed towards the north end in the past.

Proposal: The applicant is proposing to construct two multi-family buildings containing approximately 68 units, 232 beds and 234 parking spaces.

Recommendation: Staff does not find that a hardship exists in which to support this variance request due to the following potential design modifications which could reduce the encroachment into the SPZ down to none or very little:

- The proposed site plan includes 232 bedrooms. The requested parking is 206 standard spaces, 21 motorcycle spaces, and 7 handicap spaces for a total of 234 spaces. City code allows for a 15% percent reduction in parking due to proximity to public transit and a 10% reduction for providing bicycle racks and an additional 10% reduction for scooter/motorcycle spaces. In total, parking

spaces could be reduced to 151 standard spaces (6 being handicap accessible), 23 motorcycle spaces and 23 bicycle spaces.

- Using retaining walls along the Razorback right-of-way could allow the buildings to move further east.
- The buildings could be elevated with parking spaces located underneath.
- One-way angled parking could be used to reduce the drive aisle to a 12 foot one way drive aisle.
- There is more than the required amount of tree islands proposed within the parking lot.
- The overall number of bedrooms and parking could be reduced.
- The development lay-out could be generally more compact to avoid the SPZ. This could be accomplished with various options including but not limited to: going more vertical with the building(s), utilizing a parking structure, requesting parking ratio variances, requesting landscape variances to reduce the amount of greenspace or tree islands, or requesting a building setback variance to place the building(s) closer to the street.

Staff recognizes that some relief may be appropriate for this site because of the large area impacted by the SPZ and the poor condition of the existing SPZ. Staff believes the attached stream and riparian enhancement plan and the proposed bioretention areas within the landscape areas proposed will meet the intent of the ordinance if the total SPZ encroachment can be limited to the Management Zone and existing utility easement areas only.

PLANNING COMMISSION ACTION: Required

Approved

Denied

Tabled

Motion:

Second:

Vote:

Date: March 25, 2013

Comments:

UDC CHAPTER 168: FLOOD DAMAGE PREVENTION CODE

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, except for as provided below:
- (1) Undeveloped lots created by a lot split, concurrent, or final plat application, which was submitted or approved prior to the effective date of this ordinance, are exempt from the requirements of this section for the following time periods:
 - (a) 24 months from the effective date of this ordinance for lots one half (½) acre or less;
 - (b) 18 months from the effective date of this ordinance for lots greater than one half (1/2) acre but less than 1 acre; or
 - (c) 12 months from the effective date of this ordinance for lots one (1) acre or greater.
 - (2) A preliminary plat which was submitted or approved prior to the effective date of this ordinance shall be exempt from the requirements of this section, provided the time periods listed herein shall be in force from the date of final plat approval.
 - (3) A use and/or activity permitted by an unexpired building permit, which was approved prior to the effective date of this ordinance, is exempt from this ordinance.
- (C) *Establishment of Designated Surface Waters.* The Streamside Protection Zones shall apply to all surface waters meeting any one of the following criteria:
- (1) All surface waters identified on the adopted Protected Streams map, including any pond, lake or reservoir located within the natural drainage way of said surface water; or
 - (2) Any surface water where a floodway has been established by the Federal Emergency Management Agency (FEMA).
- (D) *Streamside Protection Requirements.* The Streamside Protection Zones shall be established as follows:

- (1) *Zone 1: Waterside Zone.* The Waterside Zone shall extend a minimum of 25 feet landward from the top of bank in each direction, measured horizontally on a line perpendicular to the top of bank and includes the surface water.
 - (a) *Steep slope.* Slope shall be calculated at the upstream and downstream property lines for every property. Properties with more than 100 feet of stream frontage shall require additional slope calculations at 100 foot increments, beginning at the upstream property line and ending at the downstream property line. When slope calculations are equal to or greater than 15%, the width of the Waterside Zone shall be extended by an additional 20 feet at that point. The boundary width determined at each designated slope measurement point shall be connected by a continuous line to form the boundary of the Waterside Zone (illustrations available in the Best Management Practices Manual).
 - (2) *Zone 2: Management Zone.* The Management Zone shall begin at the outer edge of the Waterside Zone and extend landward 25 feet as measured horizontally on a line perpendicular to Zone 1. The combined width of Zones 1 and 2 shall be no less than 50 feet from the top of bank on all sides of the surface water.
 - (a) *Floodway.* Where the floodway extends beyond the edge of the Management Zone boundary, said boundary shall be adjusted so that the zone consists of the extent of the floodway as designated by the most recently adopted FEMA Flood Insurance Rate Map (FIRM).
 - (3) *Piped streams.* When reviewing any development, grading or building permit application, the City Engineer may determine that normal streamside protection regulations shall not be applicable to that portion of a stream that has been piped or enclosed within a culvert or similar conduit prior to the adoption of this ordinance.
 - (4) *Daylighting.* Streams enclosed prior to the effective date of this ordinance and subsequently daylighted shall only require a 5-foot setback measured from the established top of bank. Daylighted streams shall be maintained in a natural state by the property owner, who shall also be responsible for monitoring and controlling trash, litter and pollutants.
- (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 Section (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.

(F) *Existing land use exemptions.* The following activities and structures are allowed to continue within the Streamside Protection Zones, provided that the provisions of the Flood Damage Prevention Code and all other applicable regulations shall be enforced.

(1) *Existing uses.* Existing uses shall be permitted to continue in their present state, but may not be enlarged, extended, or moved within the streamside protection zones. A use or activity shall be

existing if it is present and ongoing within the Streamside Protection Zones as of the effective date of this ordinance. Uses and activities cease to be existing under the following conditions:

- (a) *Agricultural and animal husbandry activities.* The activities cease to be existing when the area on which they were conducted has been converted to a nonagricultural use or has lain idle for more than eighteen (18) consecutive months.
- (b) *All other uses.* This ordinance shall apply when an existing use is converted to another use.

(2) *Existing principal structures.*

- (a) *Reconstruction within existing footprint.* Existing principal structures as of the effective date of this ordinance may be redeveloped or reconstructed within the same footprint.
- (b) *Minor alterations.* Minor alterations or additions to an existing structure, such as an awning or deck, shall also be permitted, provided the modifications do not extend more than ten (10) feet further toward the surface water than the original foundation of the principal structure, and do not extend into the Waterside Zone.
- (c) *Berm to prevent flooding.* If a principal structure has suffered flooding from a stream, the owner may construct a berm to protect the principal structure if approved by the City Engineer as to the berm's location, size and composition. Revegetation of the disturbed area and berm shall be in accordance with the Best Management Practices Manual.

(3) *Emergencies.* Actions taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards.

(G) *Development Application Procedures.*

- (1) All persons required to submit an application pursuant to Chapter 166 of the City's Unified Development Code shall also show the location and type of surface water, the top of bank, Zone 1: Waterside Zone and Zone 2: Management Zone boundaries, and slope, when any portion of the property being developed falls within the Streamside Protection Zones. The same shall also be identified for building, moving, demolition and grading permits.
- (2) An applicant may request that the City's Floodplain Administrator perform a site visit to view conditions on site with the applicant to assist in making a determination of top of bank location and widths of the Waterside Zone and Management Zone.
- (3) A final determination of any boundary shall be made by the City Engineer or designated representative, where there is question as to its location or width.

(H) *Streamside protection measures and construction.*

- (1) Prior to any land clearing or soil disturbing activity, the Streamside Protection Zone boundaries shall

be clearly delineated on site by the applicant, and such delineation shall be maintained throughout construction activities.

- (2) A site inspection followed by periodic inspections during construction will be conducted by the City Engineer or designated representative to ensure compliance with the Streamside Protection Zone ordinance.
- (3) Streamside protection zones shall be protected from construction activity except where necessary to allow an activity permitted by Section (E)(1). To prevent impacts, construction vehicle access is prohibited in the Streamside Protection Zones except at permitted crossings. Storage of construction vehicles, materials, debris, spoils or equipment is prohibited in the Streamside Protection Zones. Before commencing any construction activity, the applicant shall install silt fencing on the site at the outer edge of the Management Zone or as directed by the City Engineer. The City Engineer may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. If the required barriers surrounding the Streamside Protection Zones are not adequately maintained during construction, the City Engineer shall prescribe remedial measures, and may issue a stop work order in accordance with §153.07. All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy.

(Ord. 5390, 3-1-11)

UDC CHAPTER 156: VARIANCES

156.03 Development

(C) *Consideration by the Planning Commission.*

(9) *Streamside Protection Zones*

(a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

(b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.

(c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

(Ord. 4714, 6-21-05; Ord. 4930, 10-3-06; Ord. 5296, 12-15-09; Ord. 5372, 12-7-10; Ord. 5390, 3-1-11)



Crafton Tull

architecture | engineering | surveying

Conway
Little Rock
Oklahoma City
Rogers
Russellville
Tulsa

March 8, 2013

Mr. Jeremy Pate
City of Fayetteville Development Services
113 W. Mountain Street
Fayetteville, AR 72701

RE: University Housing Group Variance Request

Dear Jeremy:

On behalf of University Housing Group, we are submitting for your consideration a variance request to support development at the southwest corner of Razorback and 15th Street, the site of the former Champions Club Condos project. The same developer would like to develop a similar, but scaled down, project to open in 2014.

We are requesting reprieve from the stream side protection ordinance due to the hardship the adoption of this ordinance has placed on the project. The application of the ordinance, given the property layout relative to the stream, takes a total of 1.56 acres (35%) of the site out of development potential. Leaving only a very narrow developable portion significantly hinders the use of the property for anything that resembles what was previously approved.

We have developed a Conceptual Site & Grading Plan that shows our desired development intentions. With this development plan, our disturbance with the two protected zones total 0.76 acres, 0.34 acres of which lies within the streamside zone. The proposed development maintains adequate separation from the top of bank to avoid degradation of the stability of the stream as a result of this project. In fact, it includes more separation than exists on the west side of the stream. In order to address any storm water quality concerns that a vegetated buffer within the waterside and management zones would routinely address, we propose to include storm water quality best management practices that include porous, depressed landscape islands and porous pavement in the parking spaces. These measures could create over 40,000 square feet of pervious engineered storm water quality management practices on the site.

Given that the top of bank is protected, the floodway is maintained for flood conveyance, and alternative storm water quality measures will be employed, we feel the intent of the ordinance is met and respectfully request your support. If you have any questions or need additional information, please feel free to call or email me at 479-878-2475 or steven.beam@craftontull.com.

Sincerely,
Crafton Tull

Steven Beam, P.E., LEED AP
Vice-president

Wes Bradley Site: Summary of Stream and Riparian Enhancement

A stream-side vegetation management plan will be developed for site that focuses on improving the terrestrial and aquatic habitat. Invasive vegetation will be removed and native vegetation will be planted. Ongoing maintenance of the streamside vegetation will be continued for five years.

An unnamed tributary runs along the west side of the property and flows into Town Branch at the southern edge of the site. The stream channel is stable and distinct floodplains were observed on both sides of the channel (Figure 1). On the north side of the property, there is a tall embankment that restricts flood waters, but it tapers down to the floodplain elevation on the southern end of the property. The stream corridor is overrun with invasive plants including, bush honeysuckle, privet, and Japanese honeysuckle. The riparian area will be improved through the removal and management of invasive plants at the site. Removal of plants holding the streambanks would be phased, to prevent the initiation of streambank erosion. The terrestrial habitat will be improved by selecting and planting native grasses, wildflowers, shrubs, and trees based on the growing zones associated with the stream channel, Ecoregion, and sunlight.



Figure 1 Distinct floodplains run along the channel. Photo shows a riffle and part of a pool feature.

Riffle and pool features were observed, especially on the north side of the property (Figure 1). On the downstream (southern) end of the property, the riffle/pool features dimension and there is little woody riparian vegetation near the confluence with Town Branch (Figure 2). Some erosion was observed and pool depth appeared shallower. Stream features throughout the site will be surveyed, to determine if the installation of low-gradient rock structures will help to enhance the pool features and improve the aquatic habitat. Also, native wetland vegetation will be incorporated into the lower section of the channel, to help stabilize the area and enhance the wildlife habitat. This area is owned by the City of Fayetteville; therefore, any habitat enhancement will be based on City review and approval.



Figure 2 Left Photo shows downstream section of unnamed tributary, just before confluence with Town Branch. The photo above shows area where the unnamed tributary meets Town Branch.

INTEROFFICE MEMORANDUM

TO: STEVEN BEAM
FROM: ZAK JOHNSTON
SUBJECT: RUNOFF ESTIMATION FOR RAZORBACK STUDENT HOUSING (12108000)
DATE: MARCH 19, 2013

Below is a table summarizing the runoff differential between two potential design alternatives for the Razorback Student Housing project in Fayetteville, AR. Scenario 1 represents a condition in which conventional parking structures and landscaping are used, in conjunction with a reduced development area due to the City of Fayetteville's Streamside Ordinance. Scenario 2 represents a condition in which the developer is allowed to develop within the Streamside Ordinance boundary, with the addition of two LID techniques, porous pavement and landscaping, used throughout the proposed site, excluding the drive isles. Preliminary calculations indicate that not only will Scenario 2 produce less runoff when compared to Scenario 1, but will also reduce runoff rates when compared to present conditions.

Return Period (yr)	2	5	10	25	50	100
Depth (in)	4.11	5.26	6.12	7.20	7.98	8.80
Pre-Developed Runoff (in)	2.40	3.43	4.22	5.24	5.98	6.77
Scenario 1 Runoff (in)	2.77	3.85	4.67	5.71	6.47	7.27
Difference from Pre-Development (%)	15.47%	12.22%	10.57%	9.04%	8.19%	7.45%
Scenario 2, LID Runoff (in)	2.28	3.32	4.12	5.14	5.89	6.68
Difference from Pre-Development (%)	-4.85%	-3.13%	-2.39%	-1.80%	-1.50%	-1.26%

Scenario 1 calculations were based on conventional SCS methodology. Scenario 2 calculations were based on the City of Fayetteville's Drainage Criteria Manual guidelines for calculating Adjusted Curve Numbers (Chapter 5).

Zak Johnston, E.I.

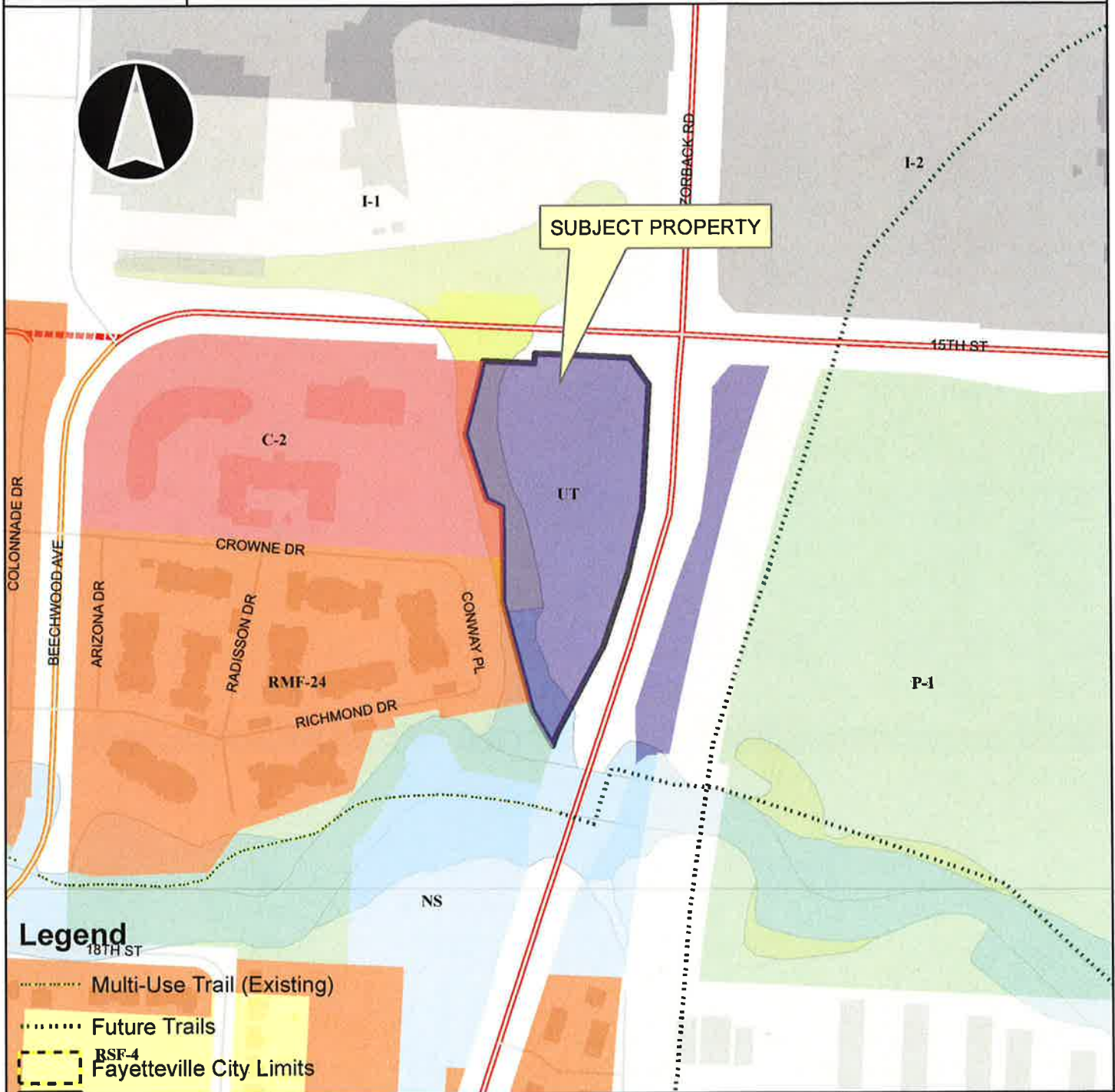


LOW IMPACT DEVELOPMENT PRACTICES PROPOSED TO MIMIC UNDEVELOPED SITE HYDROLOGY:
 1. BIO RETENTION BASINS IN PARKING ISLANDS AND ALONG EDGE OF PARKING
 2. PERMEABLE PAVEMENT IN PARKING SPACES
 (SEE ATTACHED ANALYSIS OF STORMWATER SCENARIOS)

STREAM ENHANCEMENT PRACTICES PROPOSED:
 SEE WCRG RECOMMENDATIONS.

15TH AND RAZORBACK

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits
- Planning Area

Overview ADM13-4330

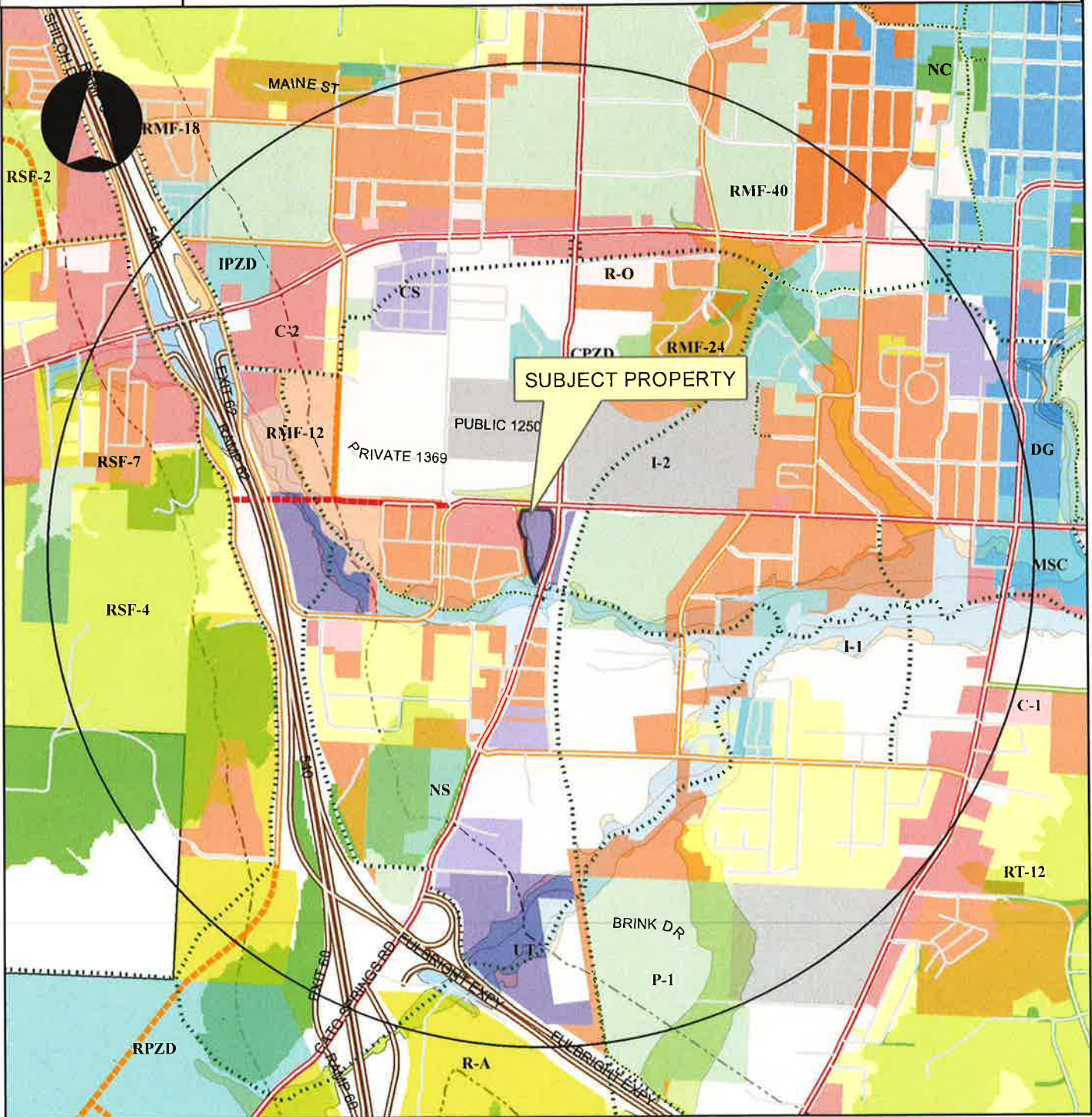
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District



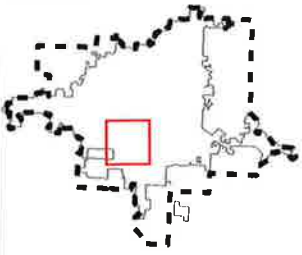
ADM13-4330

15TH AND RAZORBACK

One Mile View



Overview



Legend

Subject Property
 ADM13-4330

Boundary



Planning Commission

March 25, 2013

Agenda Item 4

ADM13-4330 Razorback&15th

Page 15 of 18

ADM13-4330

15TH AND RAZORBACK

Current Land Use



Legend

- Streams
- Streams (Major)
- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview ADM13-4330

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area





LOW IMPACT DEVELOPMENT PRACTICES PROPOSED TO MIMIC UNDEVELOPED SITE HYDROLOGY:
 1. BIO RETENTION BASINS IN PARKING ISLANDS AND ALONG EDGE OF PARKING
 2. PERMEABLE PAVEMENT IN PARKING SPACES
 (SEE ATTACHED ANALYSIS OF STORMWATER SCENARIOS)
STREAM ENHANCEMENT PRACTICES PROPOSED:
 SEE WCRS RECOMMENDATIONS.



PC Meeting of March 25, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: March 19, 2013

ADM 13-4345: Administrative Item (1326 N. TRINITY PL./HAWG DWELLINGS, 399):
Submitted by ELY CONSTRUCTION SERVICES LLC for property located at 1326 NORTH TRINITY DRIVE. The property is zoned RT-12, RESIDENTIAL TWO AND THREE FAMILY and contains approximately 0.8 acres. The request is for a variance from chapter 166.23 Urban Residential Design Standards.

Planner: Quin Thompson

Findings:

Property description and background: This property contains approximately 0.8 acres, located on Trinity Place north of Franciscan Trail, which is north of Wedington Drive near 46th Avenue in west Fayetteville. The Property is zoned RT-12, Residential Two and Three Family.

On January 27, 2003 the Planning Commission approved a Large Scale Development for construction of six three-family units on a 2.355 acres parcel with access to Franciscan Trail via a private drive.

On May 23, 2005, the Planning Commission approved, with conditions, Concurrent Plat (CCP 05-1492) subdividing the property into 6 discrete lots for sale and making Trinity Place a public street. At this time three tri-plex units and associated parking have been constructed.

The applicant (not the original developer) has since acquired the property (May 2012, deed ref. 2012-15681), and has recently submitted for building permits to construct three du-plex units on three lots as shown on the site plans included in this report. The applicant was unaware of City of Fayetteville design standards as required by UDC section 166.23, Urban Residential Design Standards, which was not in force when the original LSD was approved in 2003.

G:\ETC\Development Services Review\2013\Development Review\13-4345 ADM 1326 Trinity Dr. (Trinity Place)\03 Planning Commission\03-25-2013\Comments and Redlines

Request: The applicant requests that the Planning Commission grant a variance from Unified Development Code Section 166.23, Urban Residential Design Standards UDC 166.23 D 2 a iii c, the requirement that buildings must have a front facade that faces the public street right-of-way.

The design submitted with the building permits does not meet several requirements of the standards, however, the applicant feels that all standards can be reasonably met but one before building permit approval. The remaining design standard (UDC 166.23 D 2 a iii c) requires:

A front façade that faces onto the public street right-of-way and at least one primary entry that is visible from the street.

At this time, the building permits are holding until all design standards are met, or determination of the variance by the Planning Commission.

Recommendation: Staff recommends **denial** of ADM 13-4345, as hardship has not been adequately demonstrated. Although a variance from the UDC is not likely to adversely impact adjoining or neighboring property owners, in staff's opinion there is adequate area contained in each of the three lots to meet all required design standards and provide adequate parking.

Should the Planning Commission elect to approve this request, staff recommend the following conditions:

Conditions of Approval:

1. The development must meet requirements of all portions of the Urban Residential Design Standards save the requirement that the building have 'a front facade that faces the public street right-of-way and at least one primary entry that is visible from the street.'

PLANNING COMMISSION ACTION: Required

Approved

Denied

Tabled

Motion:

Second:

Vote:

Date: March 25, 2013

Comments:

166.23 Urban Residential Design Standards

(2) Construction and appearance design standards for urban residential development.

G:\ETC\Development Services Review\2013\Development Review\13-4345 ADM 1326 Trinity Dr. (Trinity Place)\03 Planning Commission\03-25-2013\Comments and Redlines

(a) Building Form and Design.

- (i) In order to provide a variety in form and design, one building type may not be utilized more than three times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal facades:
 - a. Variations in materials;
 - b. Insets or other relief in the wall plane;
 - c. A front façade that faces onto the public street right-of-way and at least one primary entry that is visible from the street.
 - d. Incorporation of two or more of the following:
 - 1. Balconies;
 - 2. Bays or bay windows;
 - 3. Variations in roof forms.
 - 4. Porches;
 - 5. Dormers;
 - 6. Porticoes;
 - 7. Turrets; or
 - 8. Consistent and complementary fenestration patterns.

(E) Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. 5118, 3-18-08; Ord. 5262, 8-4-09)

To whom it may concern,

2/25/2013

We are proposing a 1742 square foot duplex at the address of 1326/1330 North Trinity Drive in the Trinity Place Triplex subdivision. Currently there are 3 empty lots in the subdivision that we have plans for building on. This subdivision consists of 6 lots and has three triplexes already built on lot 1-3.

The variance that we are looking for is dealing with 166.23 Urban Residential Design Standards, specifically:

D. Architectural Design Standards

2.) Construction and appearance design standards for urban residential development

a.) Building Form and Design

iii.) The following architectural elements shall be required of all principal facades:

c. A front façade that faces onto the public street right of way and at least one primary

Entry that is visible from the street.

We feel that a variance should be requested based on the fact that the lot was platted before this code was established with the design intent to be the housing facing the north and south versus the east and west. If the housing was required to be facing the public street the proposed plan would not fit in with existing buildings and the current infrastructure that has already been put in with the original development. Also, with the current design of the lot parking is not an issue and we feel that if the building is required to face the street less space would be available for parking spots.

The goal of this project is to build housing that will mix in with the current triplexes that have already been built and to eliminate overgrown lots on a dead end street. We are just looking to build a quality product that goes with the initial infrastructure and lot layout that was originally done.

Thank you for your time.

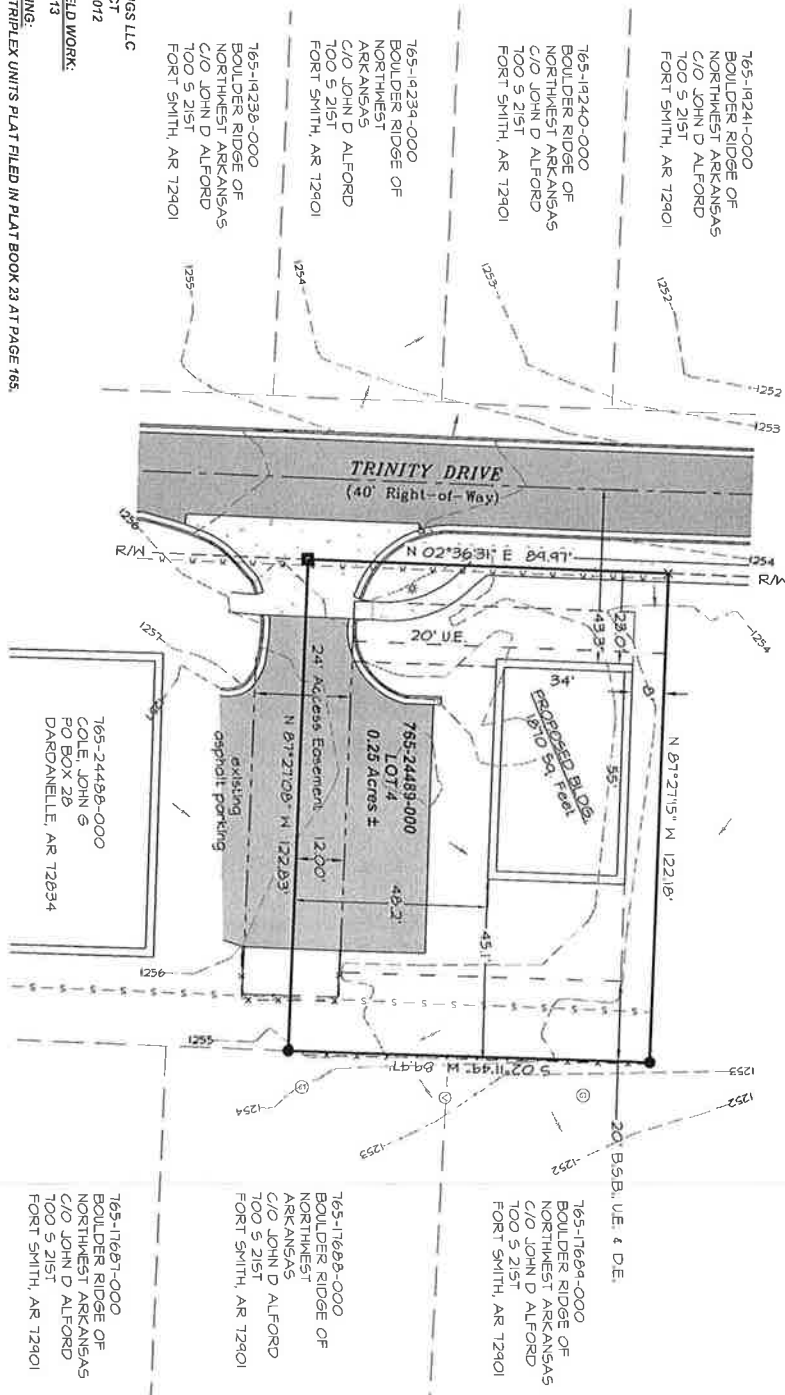
Sincerely



Jeremy Ellison

Ely Construction Services, LLC

1330 NORTH TRINITY DR. TRINITY PLACE TRIPLEX UNITS



STANDARD LEGEND

- BOUNDARY LINE
- CENTERLINE OF ROAD
- ENCLOSURE
- FENCE
- INGRESS & EGRESS EASEMENT
- BUILDING SET BACK
- UTILITY EASEMENT
- MATER LINE
- SEWER LINE
- SET/FORND NAIL
- CHISELED X
- GAS METER
- TELEPHONE PEDESTAL
- MATER METER
- WATER METER
- WALT



OWNER:
HAWG DWELLINGS LLC
17301 BOREAL CT
EDMOND OK, 73012

COMPLETED FIELD WORK:
JANUARY 15, 2013

BASIS OF BEARING:
TRINITY PLACE TRIPLEX UNITS PLAT FILED IN PLAT BOOK 23 AT PAGE 165.

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN BOOK 2012 AT PAGE 15687.
2. TRINITY PLACE TRIPLEX UNITS PLAT FILED IN PLAT BOOK 23 AT PAGE 165.

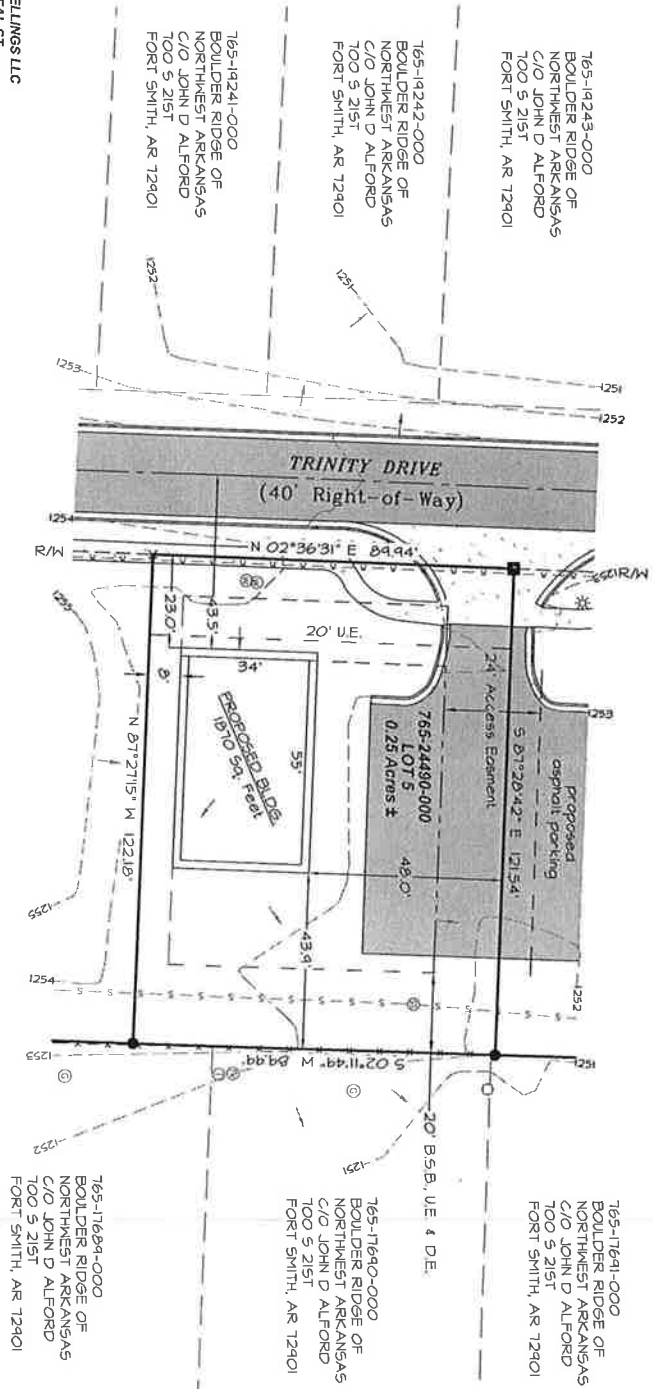
BUILDING SETBACKS (RT-13):
PROPOSED SETBACKS:
FRONT - BUILD TO ZONE 10 TO 25' REAR - 20' SIDE - 8' FRONT - 23' SIDE - 8' SIDE - 48.20' REAR - 45.10'

SURVEY DESCRIPTION:
LOTS 4, 5 AND 6, TRINITY PLACE TRIPLEXES, A MULTI-FAMILY SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 23 AT PAGE 165.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE 'A' OR 'AE' AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS (FIRM PANEL #05143C0205F DATED 05/16/2008)

	BLEW & ASSOCIATES	FOR THE USE AND BENEFIT OF
	PROFESSIONAL LAND SURVEYORS 524 W. SYCAMORE ST. SUITE 4 FAYETTEVILLE, AR 72703 PH. (479) 443-4506 FAX (479) 582-1883 http://www.blewinc.com	JEREMY ELLISON JOB # 13-024 DRAWN BY W.L. SURVEYED BY N.R. SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST WASHINGTON COUNTY, ARKANSAS DATE: 01/28/2013

1354 NORTH TRINITY DR. TRINITY PLACE TRIPLEX UNITS



STANDARD LEGEND

—	BOUNDARY LINE
—	CENTRAL LINE OF ROAD
—	RIGHT-OF-WAY
-X-X-X-	FENCE
- - - -	INGRESS & EGRESS EASEMENT
- - - -	BUILDING SET BACK
- - - -	TITLE LINE
- - - -	UTILITY LINE
- - - -	SEWER LINE
○	SET/FORD 1/2" REBAR
□	SET/FORD NAIL
⊗	CHISEL END X
⊕	SANITARY SEWER
⊖	GAS METER
⊙	ELECTRICAL BOX
⊗	TELEPHONE PEDestal
⊕	WATER METER
⊙	Light
⊗	CABLE PEDestal



OWNER:
HAWG DWELLINGS LLC
17301 AOREAL CT
EDMOND OK, 73012

COMPLETED FIELD WORK:
JANUARY 15, 2013


BASIS OF BEARING:
TRINITY PLACE TRIPLEX UNITS PLAT FILED IN PLAT BOOK 23 AT PAGE 165.

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN BOOK 2012 AT PAGE 15681.
2. TRINITY PLACE TRIPLEX UNITS PLAT FILED IN PLAT BOOK 23 AT PAGE 165.

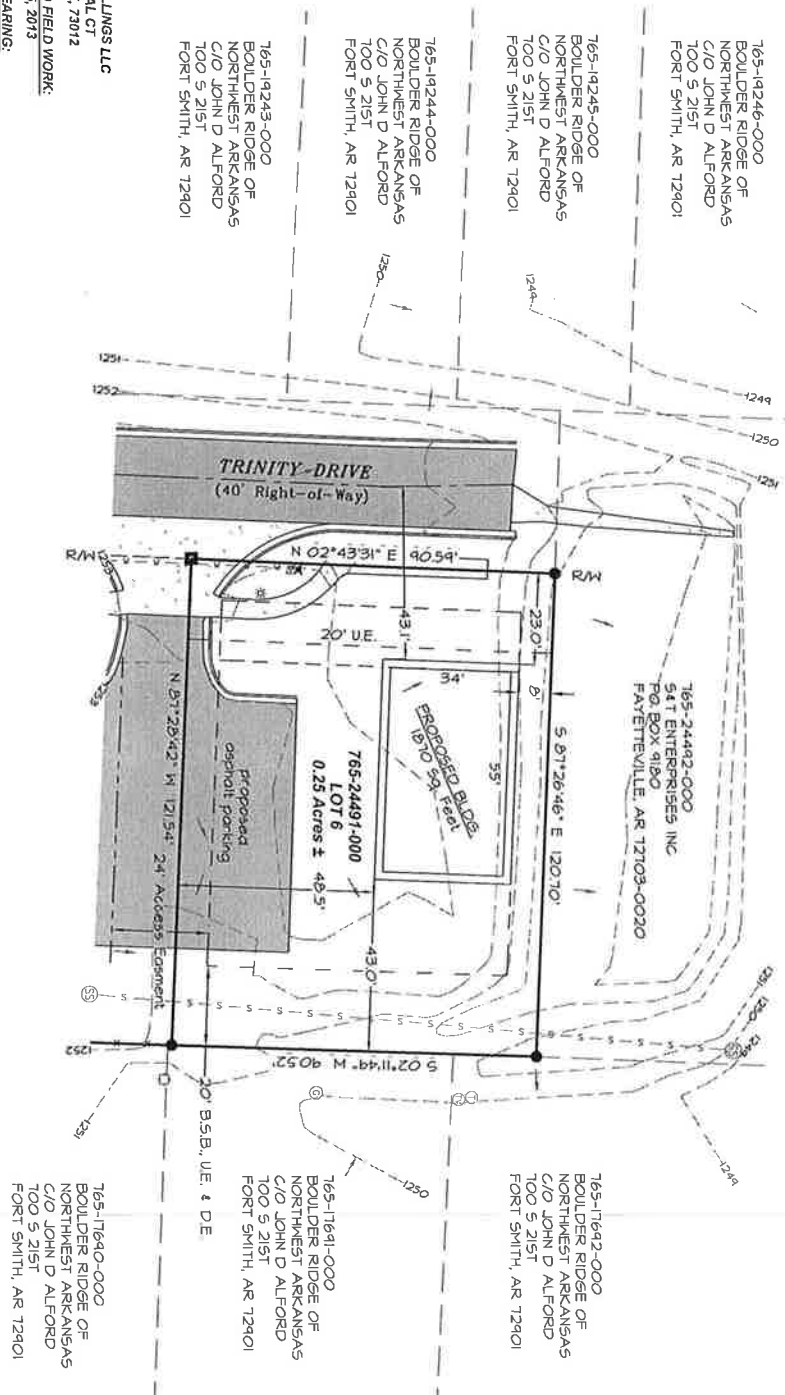
BUILDING SETBACKS (RT-12):
FRONT - BUILD TO ZONE 10 TO 25' REAR - 20' SIDE - 8' PROPOSED SETBACKS:
FRONT - 23' SIDE - 8' REAR - 43.9'

SURVEY DESCRIPTION:
LOTS 4, 5 AND 6, TRINITY PLACE TRIPLEXES, A MULTI-FAMILY SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 23 AT PAGE 165.

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	BLEW & ASSOCIATES PROFESSIONAL LAND SURVEYORS 524 W. SYCAMORE ST., SUITE 4 FAYETTEVILLE, AR 72703 PH. (479) 443-4506 FAX (479) 582-1883 http://www.blewinc.com	FOR THE USE AND BENEFIT OF JEREMY ELLISON
LOCATION: WASHINGTON COUNTY, ARKANSAS	SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST	JOB # 13-024 DRAWN BY W.L. SURVEYED BY N.R. DATE: 01/28/2013

**1374 NORTH TRINITY DR.
TRINITY PLACE TRIPLEX UNITS**



STANDARD LEGEND

- BOUNDARY LINE ROAD
- - - - - RIGHT-OF-WAY
- x - x - FENCE
- . . . INGRESS & EGRESS EASEMENT
- - - - - BUILDING SET BACK
- - - - - UTILITY EASEMENT
- - - - - WATER LINE
- - - - - SEWER LINE
- - - - - SET/ROAD 1/2" REBAR
- SET/ROAD RAIL
- SANITARY SEWER
- WATER MAIN
- GAS METER
- ELECTRICAL BOX
- TELEPHONE RECEPTAL
- FIRE HYDRANT
- LIGHT
- CABLE PEDESTAL



OWNER:
HAWG DWELLINGS LLC
17301 BOREAL CT
EDMOND OK, 73012

COMPLETED FIELD WORK:
JANUARY 15, 2013

BASIS OF BEARING:
TRINITY PLACE TRIPLEX UNITS PLAT FILED IN PLAT BOOK 23 AT PAGE 165.

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN BOOK 2012 AT PAGE 15681,
2. TRINITY PLACE TRIPLEX UNITS PLAT FILED IN PLAT BOOK 23 AT PAGE 165.

BUILDING SETBACKS (RT-12):
FRONT - BUILD TO ZONE 10' TO 25' REAR - 20' SIDE - 8' PROPOSED SETBACKS:
FRONT - BUILD TO ZONE 10' TO 25' REAR - 20' SIDE - 8' SIDE - 48.5' REAR - 43.0'

SURVEY DESCRIPTION:
LOTS 4, 5 AND 6, TRINITY PLACE TRIPLEXES, A MULTI-FAMILY SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 23 AT PAGE 165.

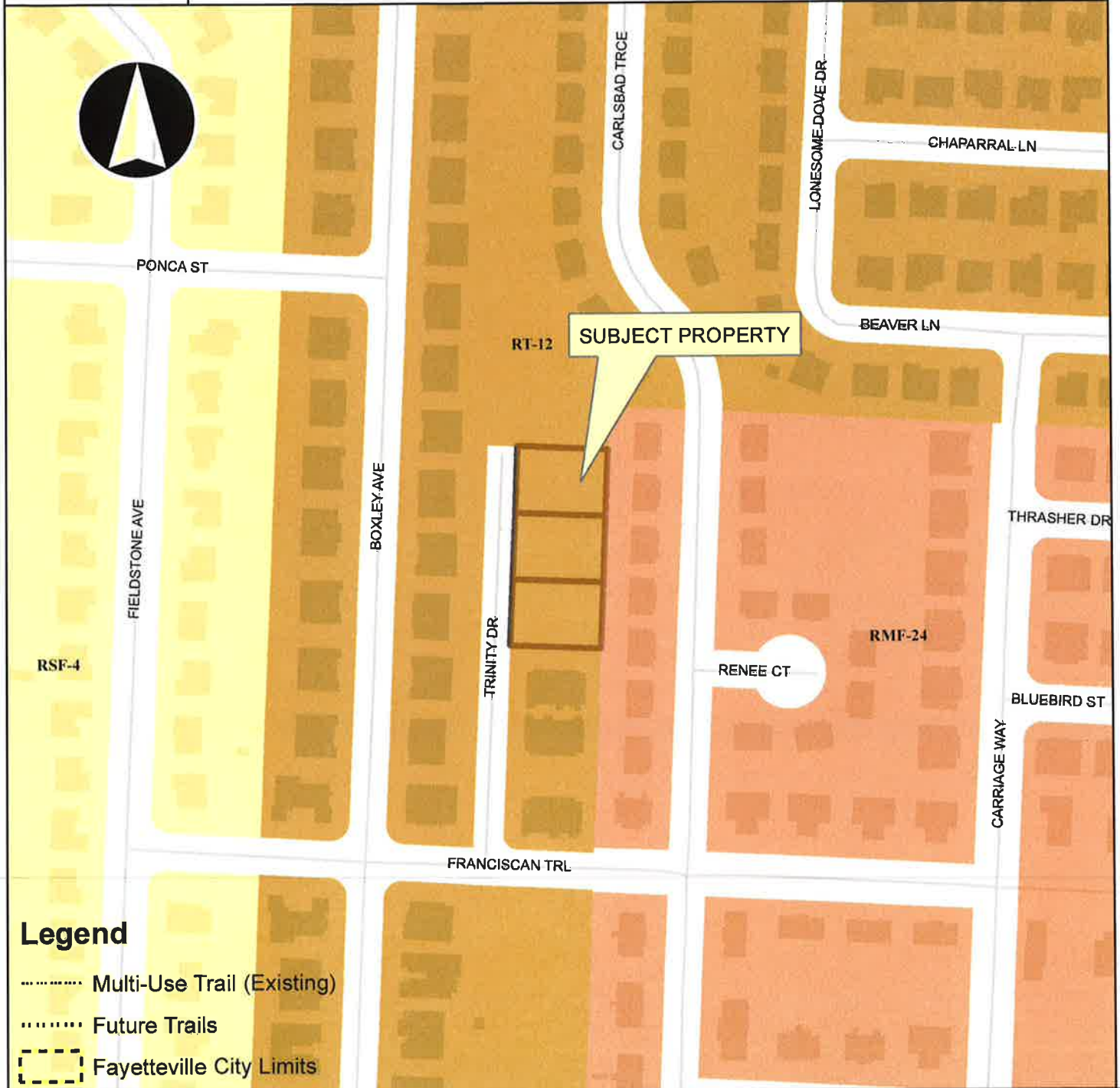
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	BLEW & ASSOCIATES PROFESSIONAL LAND SURVEYORS 524 W. SYCAMORE ST, SUITE 4 FAYETTEVILLE, AR 72703 PH. (479) 443-4506 FAX (479) 582-1883 http://www.blewinc.com	FOR THE USE AND BENEFIT OF JEREMY ELLISON
	JOB # 13-024 DRAWN BY W.L. SURVEYED BY N.R. DATE: 01/28/2013	LOCATION: SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST COUNTY/STATE: WASHINGTON COUNTY, ARKANSAS

ADM13-4345

HAWG DWELLINGS

Close Up View



Legend

..... Multi-Use Trail (Existing)

..... Future Trails

----- Fayetteville City Limits

Overview ADM13-4345

■ Footprints 2010

■ Hillside-Hilltop Overlay District

□ Design Overlay District

□ Design Overlay District

--- Planning Area



Planning Commission

March 25, 2013

Agenda Item 5

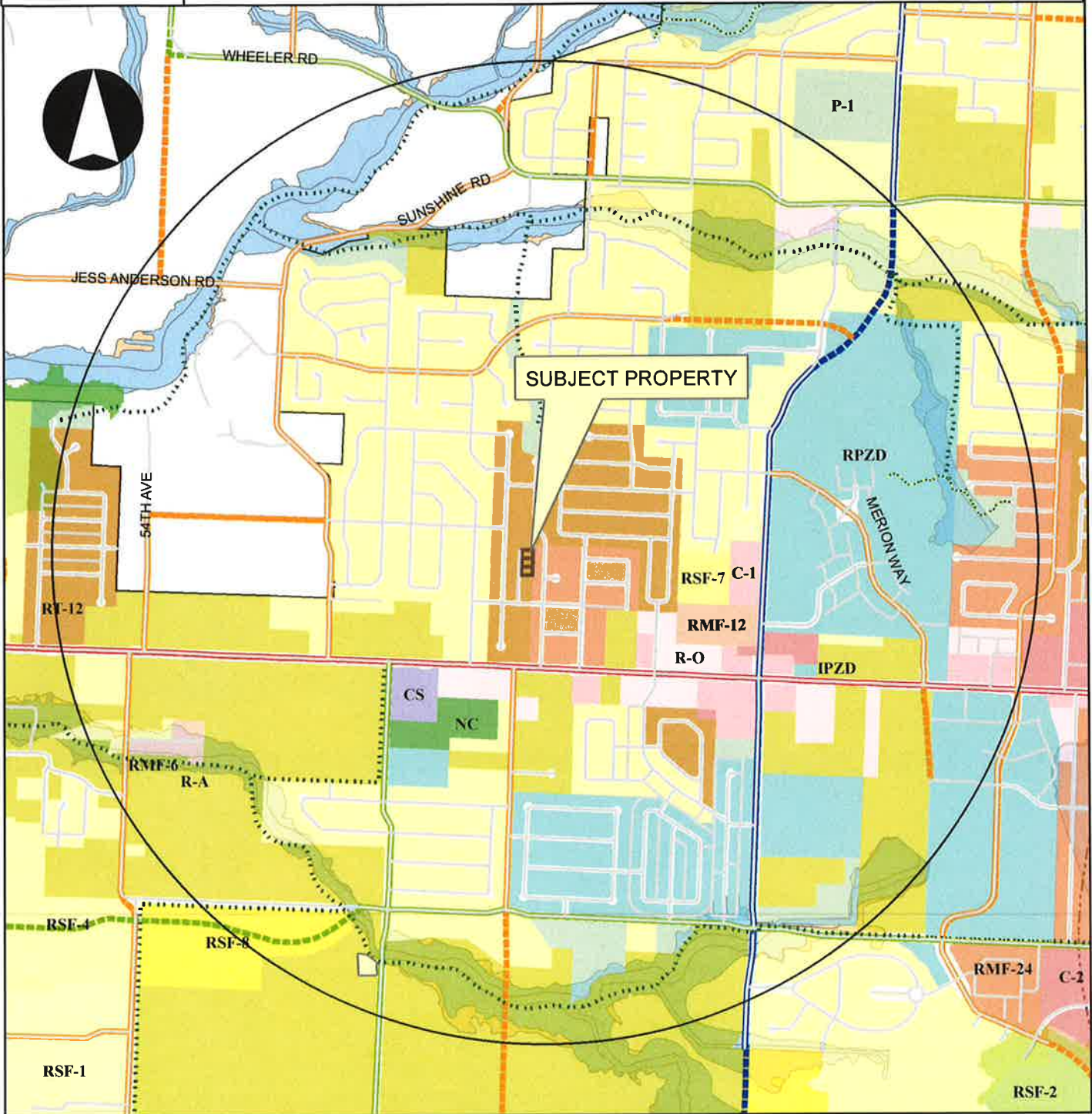
ADM13-4345 Hawg Dwellings

Page 8 of 10

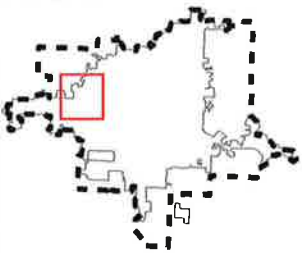
ADM13-4345

HAWG DWELLINGS

One Mile View



Overview



Legend

Subject Property
 ADM13-4345

Boundary



Planning Commission

March 25, 2013

Agenda Item 5

ADM13-4345 Hawg Dwellings

Page 9 of 10



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 25, 2013

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Associate Planner
THRU: Jeremy Pate, Development Services Director
DATE: March 19, 2013

CUP 13-4333: Conditional Use Permit (1650 N. WHEELER AVE./MCNAIR, 407):
Submitted by BLEW AND ASSOCIATES for property located at 1650 NORTH WHEELER ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 8.93 acres. The request is for a tandem lot associated with LSP 13-4326. Planner: Quin

Thompson

Findings:

Background: The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains approximately 9 acres located at 1650 Wheeler Ave. The existing lot contains one residence and associated garage with access from a private drive to Wheeler Avenue. The surrounding zoning and land uses are depicted in *Table 1*.

**Table 1
Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North	Single family Residential	RSF-4
South	Church, Pre-school	RSF-4
East	Single family Residential	RSF-4
West	Cemetery, Undeveloped	RSF-4

Proposal: As indicated on the plat included in this packet, the applicant proposes to divide the subject property into two tracts of 6.34 and 2.59 acres respectively. The requested conditional use permit would allow for the creation of Lot 2, a tandem lot as indicated on the plat (LSP 13-4326), on which the property owner’s son would then build his own home.

Request: The applicant has requested a conditional use permit to allow for a tandem lot in the RSF-4 zoning district.

Public Comment: Staff has not received public comment.

Water/Sewer: Water and sewer main shall be extended to the development as required by the City Engineering Division as part of LSP 13-4326.

Recommendation: Staff recommends approval of **CUP 13-4333**, subject to the following conditions of approval:

Conditions of Approval:

1. This conditional use permit is subject to the conditions of approval for LSP 13-4326.
2. Tandem lot setbacks shall be 15 feet from each property line.
3. The entire property, including the tandem lot, shall be accessed from the existing shared drive that is within a private access easement.
4. The applicant shall coordinate with the Solid Waste Division for appropriate solid waste disposal.

Planning Commission Action:

Approved

Denied

Tabled

Meeting Date: March 25, 2013

Motion: _____

Second: _____

Vote: _____

Notes: _____

FUTURE LAND USE PLAN DESIGNATION: Residential Area. *These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses.*

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 conditional use approval for a tandem 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; and

Finding: The Planning Commission is empowered under UDC Section 163.12 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 will not adversely affect the public interest. The proposed lot layout and lot size will not adversely impact the neighborhood. The existing lot is very large for the area, and the addition of one residence will not have a noticeable impact on the neighborhood, in staff's opinion.

The addition of one lot as proposed along this private drive should not have a substantial adverse impact to the provision of public services such as mail, solid waste, or emergency response.

(c.) The Planning Commission shall certify:

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

Finding: The applicant has complied with specific rules governing this individual conditional use request.

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

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

Finding: The proposed tandem lot would be accessed off of a shared driveway that is located within a private access easement and currently provides access to one single-family residence. The proposed access complies with the Access Management Standards of Chapter 166.

(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 proposed development with two homes accessed off of a shared driveway should not result in adverse impacts related to parking, economic, noise, glare, or odor effects. The proposed tandem lot and the driveway length should provide adequate room for parking and maneuverability for vehicles into and out of the site on these large estate lots.

(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 Solid Waste division for appropriate solid waste disposal. In a tandem lot situation, such as proposed, the tandem lot is typically required to place their trash cart out at the street, which is Wheeler Avenue in this case. It is not anticipated that solid waste service for the proposed tandem lot would affect the existing service for the existing home on this private driveway.

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

Finding: Public utilities currently exist to serve the proposed development with some minor improvements to sewer service as discussed in the staff report for LSP 13-4326.

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

Finding: Residential uses are not required to be screened.

- (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: No signage is being proposed.

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

Finding: The proposed tandem lot shall meet all setbacks for a single-family dwelling on a tandem lot.

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

Finding: The two resulting lots would be compatible with other property in the district. Adjacent and nearby lots range from 2 acres to 13 (City owned) acres. The proposed lot will be adjacent to a ten acre site directly south, owned by First Presbyterian Church.

CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE

CHAPTER 163: USE CONDITIONS

163.12 Tandem Lot Development

- (A) **Where allowed.** Tandem lot development shall be permitted for single-family dwellings only and shall be a conditional use in all districts where single-family dwellings are permitted. The development of one tandem lot behind another tandem lot shall be prohibited.

Finding: The proposed lot is not located behind another tandem lot. The addition of the proposed tandem lot is located directly behind a lot that has adequate street frontage. The tandem lot has access to Wheeler Avenue via a shared private driveway.

- (B) **Findings.** Before any conditional use for tandem lot development shall be granted, the Planning Commission shall determine that:
 - a. Tandem lot development will not significantly reduce property values in the neighborhood. In determining whether property values will be significantly

reduced, the Planning Commission shall consider the size of nearby lots in comparison with the proposed tandem lot or lots.

Finding: **The subject property will consist of a 2.59-acre and a 6.34-acre tandem lot. The surrounding lot sizes are as follows:**

The lots to the north vary from 2.5 acres to .3 and .5 acres. The lot adjacent to the south is approximately 10 acres, the lots adjacent to the west are approximately 1.8 acres and 13 acres. The lots to the east are approximately .5 acres. Staff does not feel that the tandem lot will adversely affect the property values of adjacent and nearby lots, as they development pattern is extremely varied, and the proposed lots will remain larger than many nearby.

(2) The terrain of the area in which the tandem lot is proposed is such that subdivision of said area into a standard block in accordance with Development, Chapter 166 is not feasible.

Finding: **The property does not have unique topography or terrain that would prevent the subdivision of the land into a standard block. The tract is a gently sloping, rectangular-shaped parcel with approximately 9 acres and 70 feet of street frontage. The existing lot, however, does not have adequate frontage to allow development in accordance with the UDC.**

(C) **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.

Finding: **Future access to the subject tracts shall be provided within the existing access easement, as indicated on the plat. The exact dimensions of the driveway and easement may need to be modified at the time of development to meet the minimum fire code requirements.**

(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.

Finding: **The subject property shall be accessed from a single drive located within a shared access easement, as indicated on the plat. No portion of any structure shall be located within the proposed access easement. The proposed layout meets the requirements of the Access Management Ordinance.**

(3) 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 Fayetteville Board of Adjustment.

Finding: **The tandem lot on which the conditional use is requested exceeds the minimum lot area as the proposed lot is approximately 2.59 acres and the minimum lot size is 0.18 acres (8,000 SF).**

(4) 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 12 hours before or after regular trash pickup in accordance with Chapter 50.20 (B)

Finding: **The applicant shall coordinate with the Solid Waste Division regarding solid waste disposal to ensure that the intent of this ordinance is met. The trash cart for the tandem lot will be pushed to Wheeler Avenue on trash day in accordance with code.**

(5) *Setback.* Each tandem lot shall have a minimum building setback requirement of 15 feet from all property lines unless a variance is granted by the Fayetteville Board of Adjustment.

Finding: **The tandem lot shall have a minimum building setback requirement of 15 feet from all property lines.**

161.07 District RSF-4, Residential Single-Family – Four 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

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

163.12 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 a conditional use in all districts where single-family dwellings are permitted. The development of one tandem lot behind another tandem lot shall be prohibited.
- (B) *Findings.* Before any conditional use for tandem lot development shall be granted, the Planning Commission shall make the following findings:
- (1) Tandem lot development will not be inconsistent with the size and development pattern in comparison with other lots in the neighborhood and the underlying zoning district.
 - (2) The configuration of the property, existing surrounding development, and/or terrain of the area in which the tandem lot is proposed is such that subdivision of said area into a standard block in accordance with Development, Chapter 166 is not feasible.
- (C) *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) 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 Fayetteville Board of Adjustment.
 - (4) 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 12 hours before or after regular trash pickup in accordance with Chapter 50.20 (B)
 - (5) *Setback.* Each tandem lot shall have a minimum building setback requirement of 15 feet from all property lines unless a variance is granted by the Fayetteville Board of Adjustment.

(Ord. 5313, 4-20-10)

February 19, 2013

Will McNair
1880 N Austin Drive
Fayetteville, AR 72703

City of Fayetteville
Planning Division
125 W. Mountain St.
Fayetteville, AR 72703

RE: Parcel 765-14109-000 located at 1650 Wheeler Ave CONDITIONAL USE

To Whom It May Concern:

I want to take this opportunity to explain the purpose of our requested lot split for parcel 765-14109-000.

My father, Rick McNair, owns and resides on the current 8.93 acre property located in central Fayetteville. He has offered my wife and me some of his land to build a home. My wife, Marisol, and I have been renting a house in the neighborhood and we are truly excited about the opportunity because, quite frankly, we have had trouble finding a home that fits our pocketbook and our needs. The home we hope to build is 2535 square feet; which includes home offices as my wife and I both work from home.

In addition, we think it would be neat to raise our son (due in about 4 weeks!) on the same land where I was raised. We also are excited about the prospect of our son growing up next to his grandfather. Near family, near schools, great trees, places to hike, on the same family land where I played as a child... this is our Fayetteville dream.

We want to maintain the natural landscape and feel of the land, which is why we are seeking a variance for street frontage. The property is only touched by two dead ends (Wheeler Ave to the NW and E Calvin Street to the SE). Our hope is that you will conclude that a variance in these circumstances is justifiable and reasonable.

I have hired Blew and Associates to help with process of splitting the lot and working to ensure we complete the process in accordance with the expectation of the city. We want to do everything possible to help make sure the intent of the project is well understood so it can be considered appropriately.

Should you have any questions, concerns or details you would like to share, please feel free to contact me anytime: 479-287-4354 or willmc925@aol.com

Best Regards,



Will McNair

SURVEYING NOTES

STATE RECORDING NUMBER:
505-108-000-1, 10-10-72-1532

COMPLETED FIELD WORK:
FEBRUARY 12, 2013

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD83

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2008 AT PAGE 10537
2. EASEMENT PLAT FOR FIRST UNITED PRESBYTERIAN CHURCH BY CARTER & HODGES, P.L.S. #1320, DATED 1/17/2001

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FSM PANEL #05143C0210F DATED 05/16/2008)

LINE	BEARING	DISTANCE
L1	N 88°44'59"W	30.80'
L2	S 02°28'01"W	36.99'

ADJACENT LAND OWNERS:

- | | |
|--|--|
| 1 PARKER, CRAIG H & DECKY D
1707 N WHEELER DR
FAYETTEVILLE, AR 72703
PARCEL #785-0718-000
ZONED: RSF-4 | BRUNCH, ROSE M TRUST
PO BOX 278
ELKINS, AR 72727
PARCEL #785-0077-000
ZONED: RSF-4 |
| 2 PARKER, ELMER E & LILLIAN
1710 N WHEELER AVE
FAYETTEVILLE, AR 72703
PARCEL #785-0717-15-000
ZONED: RSF-4 | MAYS, C KENLEY & NANCY LEE COLE
729 E CALVIN ST
FAYETTEVILLE, AR 72703
PARCEL #785-1238-000
ZONED: RSF-4 |
| 3 NEASE, DAVID B & SAMANTHA
1626 N BROADVIEW DR
FAYETTEVILLE, AR 72703
PARCEL #785-0704-000
ZONED: RSF-4 | CITY OF FAYETTEVILLE, ARKANSAS
113 W MOUNTAIN
FAYETTEVILLE, AR 72701
PARCEL #785-1110-010
ZONED: RSF-4 |
| 4 BRAMMER, KIM R & CECILY A
1887 BROADVIEW DR
FAYETTEVILLE, AR 72703
PARCEL #785-08519-000
ZONED: RSF-4 | FIRST PRESBYTERIAN CHURCH USA
243 WEDGINGTON DR
FAYETTEVILLE, AR 72701
PARCEL #785-1110-002
ZONED: RSF-4 |
| 5 BRAMMER, KIM R & CECILY A
1887 BROADVIEW DR
FAYETTEVILLE, AR 72703
PARCEL #785-08518-000
ZONED: RSF-4 | CITY OF FAYETTEVILLE,
113 W MOUNTAIN
FAYETTEVILLE, AR 72701
PARCEL #785-1110-000
ZONED: RSF-4 |
| 6 FRASCA, LOUIS F
1825 N BROADVIEW DR
FAYETTEVILLE, AR 72703
PARCEL #785-08517-000
ZONED: RSF-4 | CEMETERY AKA SKELTON CEMETARY
PARCEL #785-4107-000
ZONED: RSF-4 |

CERTIFICATE OF OWNERSHIP & DEDICATION:
WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY WASHINGTON COUNTY) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREIN IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE: _____ OWNER: _____

OWNER:
MCNAIR, WILLIAM RICHARD
1659 N WHEELER AVENUE
FAYETTEVILLE, AR 72703
PARCEL #785-14109-000
PLAT PAGE: 407

CURRENT ZONING AND BUILDING SETBACKS:

ZONED: RSF-4 / HHOD
FRONT: 15'
SIDE: 5'
REAR: 15'

HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 12TH DAY OF FEBRUARY, 2013.



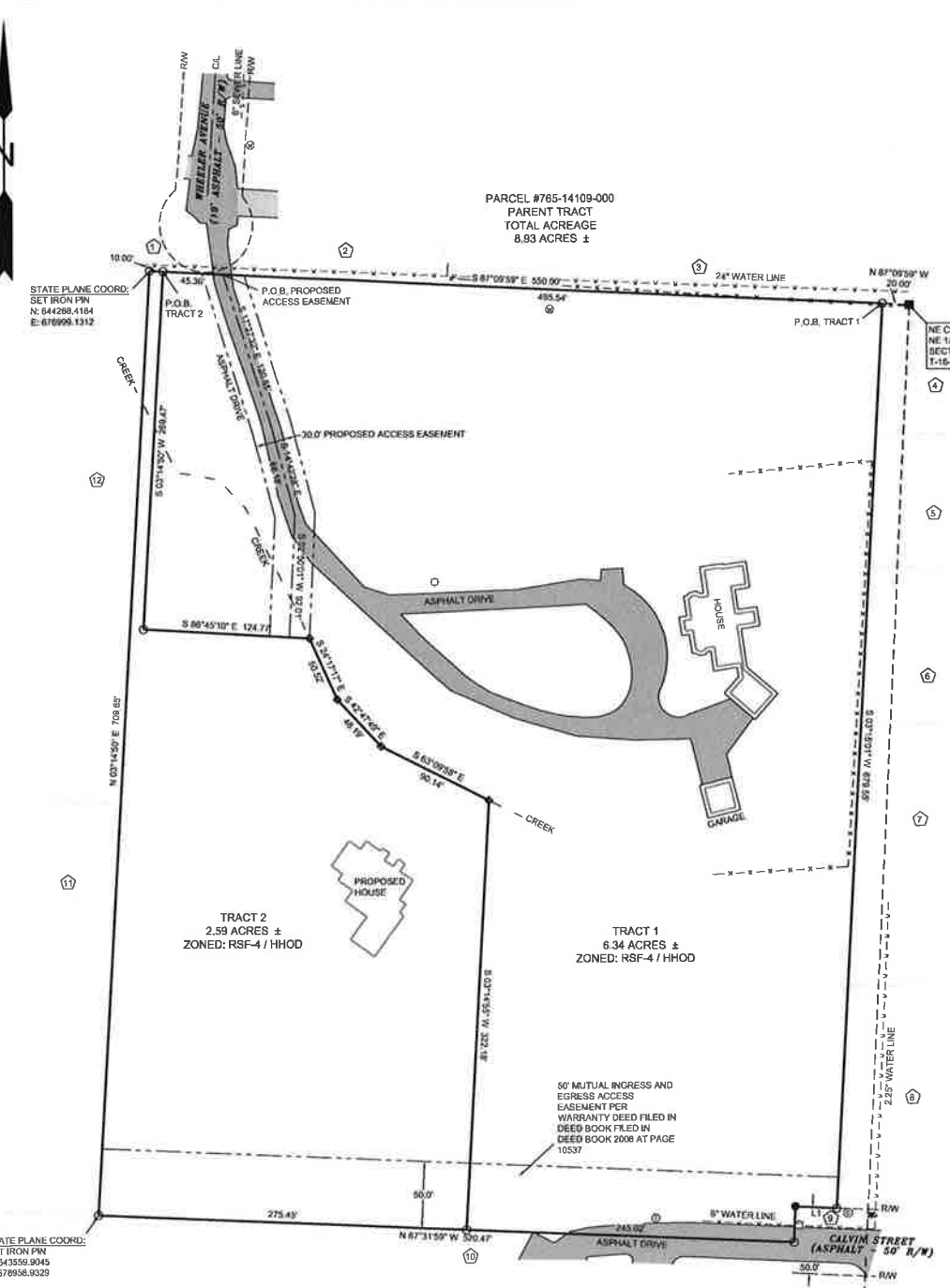
IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSURED THAT THE PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
324 W. BLYCAMORE ST. SUITE 4
FAYETTEVILLE, AR 72703
PH: (478) 443-4508 FAX: (478) 582-1883
http://www.blew.com

FOR THE USE AND BENEFIT OF
WILLIAM MCNAIR
SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS

LOCATION: _____ COUNTY/STATE: _____

DATE: _____



SURVEY DESCRIPTION PARENT TRACT: (PARCEL #785-14109-000)
A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°09'59"W 20.00' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE S03°15'01"W 670.85', THENCE N87°45'50"W 30.80', THENCE S02°28'01"W 26.99', THENCE N87°31'53"W 520.47', THENCE N03°14'50"E 706.65', THENCE S87°09'59"E 650.90' TO THE POINT OF BEGINNING, CONTAINING 8.93 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

SURVEY DESCRIPTION TRACT 1:
A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°09'59"W 20.00' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE S03°15'01"W 670.85' TO A SET IRON PIN, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY OF CALVIN STREET, THENCE ALONG SAID RIGHT-OF-WAY N87°45'50"W 30.80' TO A SET IRON PIN, THENCE S02°28'01"W 26.99' TO A SET IRON PIN, THENCE N87°31'53"W 245.02' TO A SET IRON PIN, THENCE N03°14'50"E 322.18' TO THE CENTERLINE OF AN EXISTING CREEK, THENCE ALONG SAID CREEK CENTERLINE THE FOLLOWING 3 COURSES: N87°09'59"W 90.14', N42°47'04"W 48.19', N2°11'11"W 50.52', THENCE LEAVING SAID CREEK AND RUNNING N88°09'59"W 124.77' TO A SET IRON PIN, THENCE N03°14'50"E 283.47' TO A SET IRON PIN, THENCE S87°09'59"E 540.80' TO THE POINT OF BEGINNING, CONTAINING 6.34 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

SURVEY DESCRIPTION TRACT 2:
A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°09'59"W 200.90' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE S03°14'50"W 289.47' TO A SET IRON PIN, THENCE S88°45'10"E 124.77' TO THE CENTERLINE OF AN EXISTING CREEK, THENCE ALONG SAID CREEK THE FOLLOWING 3 COURSES: S24°17'17"E 68.52', S42°47'49"E 48.19', S63°09'58"E 90.14', THENCE LEAVING SAID CREEK AND RUNNING S03°14'50"W 322.18' TO A SET IRON PIN, THENCE N87°31'53"W 275.49' TO A SET IRON PIN, THENCE N03°14'50"E 709.65' TO A SET IRON PIN, THENCE S87°09'59"E 10.00' TO THE POINT OF BEGINNING, CONTAINING 2.53 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

PROPOSED ACCESS EASEMENT DESCRIPTION:
A 30' WIDE INGRESS AND EGRESS ACCESS EASEMENT, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°09'59"W 515.54' FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND RUNNING THENCE S17°27'32"E 120.85', THENCE S14°42'28"E 68.18', THENCE S02°50'01"W 82.01' TO THE POINT OF TERMINATION.

VICINITY MAP



STANDARD LEGEND

SURVEY FEATURES	SURVEYING SYMBOLS
BOUNDARY LINE	SET FOUND 1" REBAR
FORTY LINE	SET FOUND NAIL
CENTERLINE OF ROAD	SET FOUND COTTON SPINDLE
RIGHT-OF-WAY	SET 7" FOUND PIN NAIL
FENCE	FOUND STONE
TREE LINE	STATE MONUMENT
(M) FIELD MEASUREMENT	FOUND PIPE
(D) RECORDED MEASUREMENT	COMPUTED POINT
EASEMENTS	UTILITY SYMBOLS
INGRESS & EGRESS EASEMENT	SANITARY SEWER
BUILDING SET BACK	WATER METER
UTILITY EASEMENT	POWER POLE
UTILITY LINES	WATER VALVE
WATER LINE	GAS METER
OVERHEAD POWER LINE	ELECTRICAL BOX
SEWER LINE	TELEPHONE PEDESTAL
FLOW LINE	WATER METER
GAS LINE	SEPTIC SPRING
FIBER OPTIC	#16 HYDRANT
TELEPHONE LINE	BURN/WATER
	LIGHT
	SURVEY FEATURE MATCHES
	ASPHALT
	CONCRETE
	PORE
	GRAVEL
	FLOOD ZONE

0 60 120 180
1 inch = 60 feet

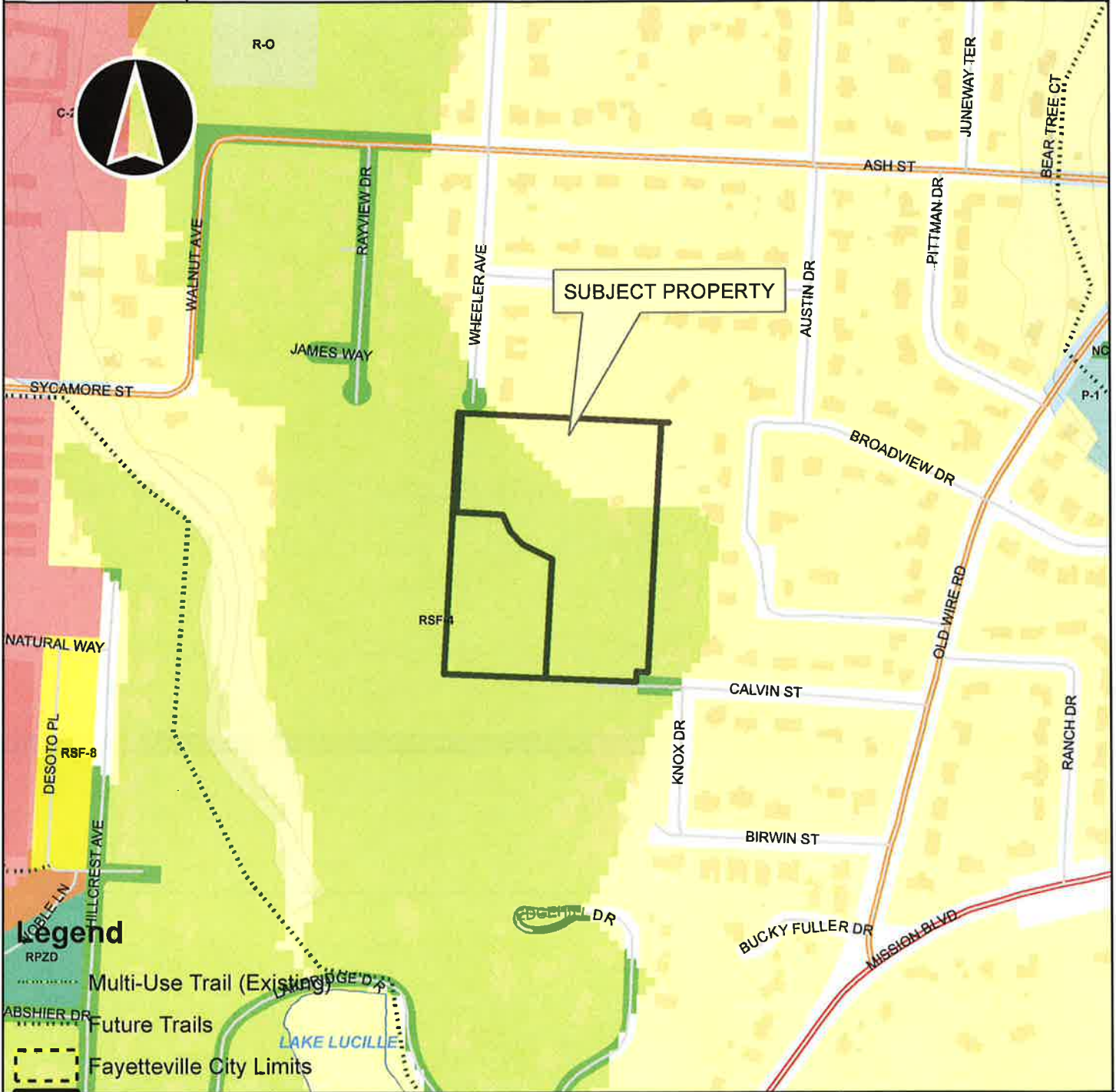
FOR THE USE AND BENEFIT OF
WILLIAM MCNAIR
SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS

DATE: _____






CUP13-4333

MCNAIR

Close Up View



Overview CUP13-4333

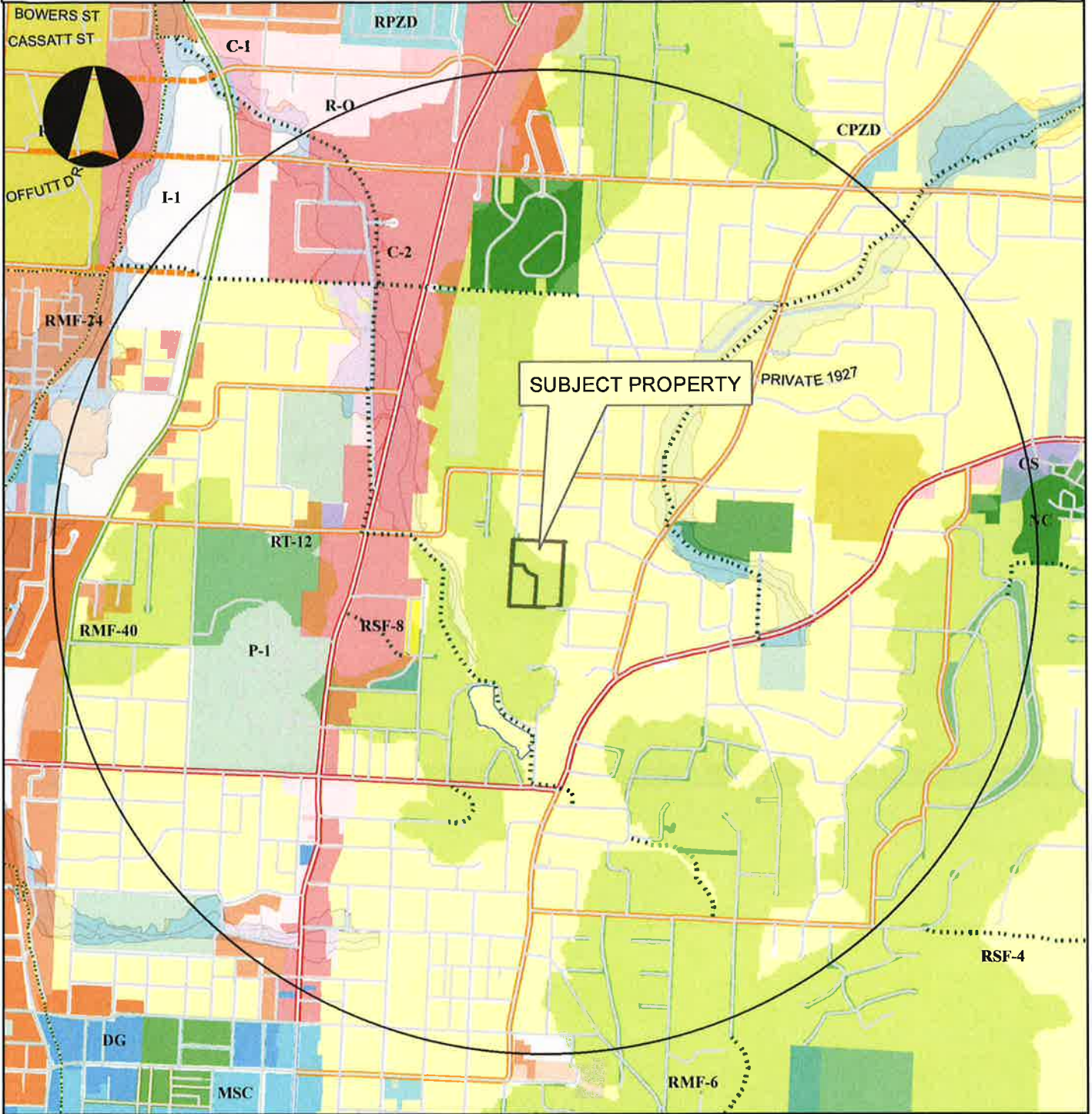
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area



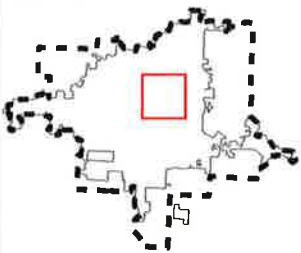
CUP13-4333

MCNAIR

One Mile View



Overview



Legend

Subject Property

□ CUP13-4333

Boundary



CUP13-4333

MCNAIR

Current Land Use




Overview

- Fayetteville City Limits
- CUP13-4333
- Footprints 2010
- Design Overlay District
- Design Overlay District
- Planning Area



DEVELOPMENT SERVICES DEPARTMENT MEMORANDUM

To: Planning Commission Members

From: Jeremy Pate, Development Services Director 

Date: March 21, 2013

Subject: Form Based Zoning Code Amendments

Background

Various planning staff members have been working since August 2011 on amendments to the Unified Development Code to address the use and function of the form based zoning districts and to clarify and add flexibility to some of these requirements. Now that we have seen several development projects utilize these standards, staff is able to better evaluate their strengths and weaknesses. When these form-based codes were adopted, staff committed to the Planning Commission and City Council that we would evaluate and bring back any issues for further consideration as needed. We have seen several of the standards clearly meet the intent and goals of the ordinance, and provide better, more meaningful public and private spaces as a result. However, some have not been as successful as intended. It is our intent to make this process clear and easy to implement so that the incentives of an administrative review process, albeit with higher design standards, remain attractive to property owners looking to rezone their property.

Staff requests that the Planning Commission take some time over the next few weeks to familiarize yourselves with the form-based codes and the amendments that are proposed herein to make them better and easier to administer. Please mark up your copies or simply contact us with any comments or questions. Our goal is to present the amendments for a formal recommendation to the City Council at either the April 08 or April 22 meeting, depending upon the level of comments received.

The following is a generalized list of the changes proposed:

Chapter 151: Definitions

- Amend the definition of “build to zone” and “minimum buildable street frontage”

Chapter 161: Zoning Districts

- Amend all of the multi-family zoning districts to restrict building height to 30’ for structures built close (0’ to 10’) to the street. Buildings may have larger building heights once a 10’ setback has been achieved, depending on the zoning district and stepback. This is to address numerous concerns with building height in close proximity to streets and sidewalks and to provide a “stepback” transition.
- Amend all of the multi-family zoning districts to have a build-to-zone beginning at the right-of-way line. Currently these zoning districts have build-to-zones that start at 10’ from the right-of-way.

- Reduce the maximum building height in the RMF-6 and RMF-12 zoning districts from 60' to 45'. These are lower density multifamily zones often in close proximity to single family neighborhoods and staff feels this is a more appropriate building height.
- Amend setback requirements in multiple zoning districts to be consistent with conflicting standards such as the Urban Residential Design Standards and Landscape Requirements.
- Amend any district's reference to the number of building stories allowed as a maximum building height. We often have questions about why there is a building height AND a story height, and there's not a very good answer. These sections now refer to an ultimate height limitation measured in vertical feet and do not reference any number of stories.
- Amend the C-1 Zoning District to add a building height maximum, at 56 feet (there is not one currently).
- Amend the Neighborhood Conservation Zoning District to move "Two family dwellings" from a Permitted Use to a Conditional Use. Many of the Neighborhood Conservation Zoning District areas that have been submitted and approved have had Bills of Assurance attached to restrict the new development from becoming strictly duplex development. While still a very desirable urban single family zoning district, staff feels it could be used even more effectively and with adequate protections for adjoining neighborhoods by removing the provision allowing two-family dwellings permitted by right.

Chapter 164: Supplementary District Regulations

- Exempt accessory structures from meeting build-to zone requirements (storage sheds, detached garages, barns, etc)
- Add a new section (164.06) that addresses the requirements of the "Minimum Buildable Street Frontage" requirement of the form based zoning districts. This section specifically addresses how the calculation is determined for lots with one street frontage, through lots and corner lots. Additionally, any supplementary elements (such as walls, hedges, patios, decks, etc) that may count towards the Minimum Buildable Street Frontage requirement of the zoning district are included. This was added to provide relief for developers that can not meet the entire minimum percent required by the underlying zone, while retaining the urban form of the development.
- Create separate standards for auto-oriented facilities, and specifically for drive-in/thru facilities and fueling stations/convenience stores. Include design standards for fueling station canopies, if they are to be placed within a build-to zone, but also a setback, so that these large canopies are not directly adjacent to the street or sidewalk.
- Add an "exception" section for single family uses, existing site constraints, and interstate highway frontage and for developments that only use a portion of their lot at the time of development.

Chapter 172: Parking and Loading. Specifically, 172.04 Parking Lot design Standards

- Added language allowing parking lots to be located in the Build-to Zone subject to providing a masonry screen wall.

Chapter 151: Definitions Amendments

Build-to Zone. A build-to zone is a range of allowable distances from a street right-of-way in which a building or structure shall be constructed in order to create a moderately uniform line of buildings along the street.

Minimum buildable street frontage. (Zoning). The minimum required percentage of a property's lot's street frontage, established by the underlying zoning district and measured in linear feet, that is met by constructing a portion or portions of the vertical side of a building or structure within the build-to zone, subject to Supplementary District Regulations. Buildings may be constructed outside of the build-to-zone after the minimum required percentage has been met.

161.10 District RT-12, Residential Two And Three Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	60 ft.	70 ft.	90 ft.
Lot area minimum	6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within	8 ft.	20 ft.

a A build-to zone that is located between 10 feet the front property line and a line 25 feet from the front property line.		
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(F) *Building height regulations.*

Building height maximum	45 ft. 30/45 ft.*
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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 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10)

Cross reference(s)--Variance, Ch. 156.

161.11 District RMF-6, Residential Multi-Family – Six Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(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 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse:	
•Development	10,000 sq. ft.
•Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall	8 ft.	25 ft.

be built within a A build-to zone that is located between 40 feet the front property line and a line 25 feet from the front property line.		
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Cross reference(s)--Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft. 30/45 ft.*
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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 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

1 Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(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 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal facade of a building shall be built within a A build-to zone that is located between 40 feet the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

Building Height Maximum	60 ft. 30/ 45 ft.*
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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 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10)

161.13 District RMF-18, Residential Multi-Family – Eighteen Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(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 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	18 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal facade of a building shall be built within a A build-to zone that is located between 10 feet the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s) --Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
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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 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four 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-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(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 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
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 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	

No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a A build-to zone that is located between 40 feet the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
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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 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet 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 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10)

161.15 District RMF-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	40 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	10,000 sq. ft. 2,500 sq. ft.

Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home park	3,000 sq. ft.
Townhouses & Apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a A build-to zone that is located between 10 feet the front property line and a line 25 feet from the front property line.	8 ft.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60 ft.*
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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 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet 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 60 feet.

Height regulations: Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10)

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	The principal façade of a building shall be built within a A build-to zone that is located between 10 feet the front property line and a line 15 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10)

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants

Unit 25	Offices, studios, and related services
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(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft. 15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
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~~Height regulations. There shall be no maximum height limits in C-1 District, provided, however, that~~ *Any building which exceeds the height of 40 20 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 40 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

161.19 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-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

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 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 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) Lot area minimum. None

(E) Setback regulations.

Front:	The principal façade of a building shall be built within a 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	56 ft.
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~~Height regulations. Maximum height is 4 stories or 56 feet which ever is less.~~

(G) Minimum buildable street frontage. ~~65~~ 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

161.20 District C-2, Thoroughfare Commercial

(A) Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
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 communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) Density. None.

(D) Bulk and area regulations. None.

(E) Setback regulations.

Front	50 ft. 15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) Building height regulations.

Building Height Maximum	75 ft.*
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~~Height regulations. In District C-2~~ *Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. ~~No building shall exceed six stories or 75 feet in height.~~

(G) Building area. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-

98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare 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-family dwellings
Unit 13	Eating places
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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls

Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum
None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a 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	56/84 ft.*
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~~Height regulations.~~ *A building or a portion of a building that is ~~closer than 15 feet~~ located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of ~~4 stories or 56 feet, whichever is less.~~ 4 stories or 56 feet, whichever is less. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of ~~6 stories or 84 feet, whichever is less.~~ 6 stories or 84 feet, whichever is less.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/168 ft.*
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~~Height regulations. Maximum height is 12 stories or 168 feet which ever is less. *A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.~~

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of	12 ft.

an alley	
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(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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Height Regulations. *A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~4 stories~~ or 56 feet, ~~whichever is less~~. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of ~~6 stories~~ or 84 feet, ~~which ever is less~~.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

161.25 Downtown General

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-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

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 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum. None.*

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage. 50% of lot width.*

(G) *Building height regulations.*

Building Height Maximum	56 ft.
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~~Height regulations. Maximum height is 4 stories or 56 feet which ever is less.~~

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10)

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density. 10 Units Per Acre.*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum. 4,000 Sq. Ft.*

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.

Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) ~~Minimum buildable street frontage, 40% of lot width.~~

(G) ~~Building height regulations.~~

Building Height Maximum	45 ft.
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~~Height regulations. Maximum height is 3 stories or 45 feet which ever is less.~~

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10)

164.02 Accessory Structures And Uses

Accessory Structures And Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) *Accessory structures.*

- (1) *When erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, UNLESS such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral part of principal structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures ten (10) feet or less in height shall maintain a minimum side setback of three (3) feet and a minimum rear setback of five (5) feet from the property lines. Accessory structures greater than ten (10) feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which is it located.
- (4) *Build-to zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of accessory structure(s).* An accessory structure(s) shall be 50% or less of the size of the principal structure. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory

structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.

- (B) *Swimming pools.* Swimming pools shall not be located in any required front setback.

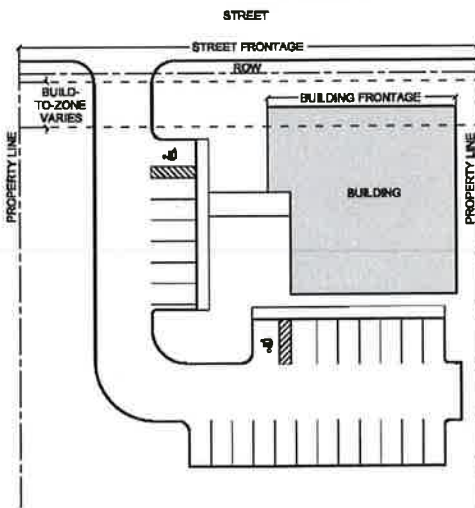
164.06 Reserved Minimum Buildable Street Frontage

(A) *Purpose.* The purpose of minimum buildable street frontage regulations is to ensure traditional town form by locating buildings and structures in the build-to zone adjacent to the street.

(B) *Lot with one street frontage.*

- (1) Calculated by measuring the linear distance of the street adjacent to the lot and applying the minimum buildable street frontage requirement of the underlying zoning district.
- (2) The minimum buildable street frontage requirement shall be met by locating the principal façade of the primary structure in the build-to zone.
- (3) If the minimum buildable street frontage requirement cannot be met by locating the principal façade of the primary structure in the build-to zone, supplemental elements shall be required and shall not exceed 10% of the minimum buildable street frontage requirement.

Street with One Frontage



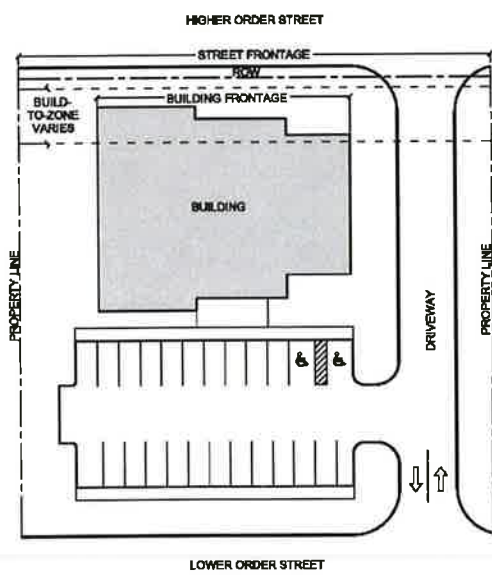
(C) *Through lot.*

- (1) Calculated by measuring the linear distance of the higher functional classification street adjacent to the lot and applying the minimum buildable

street frontage requirement of the underlying zoning district. When the two adjacent rights-of-way of a through lot are of an equal functional street classification, the applicable street frontage to be measured shall be established by the property owner.

- (2) The minimum buildable street frontage requirement shall be met by locating the principal façade of the primary structure in the build-to zone measured for the purposes of a through lot.
- (3) If the minimum buildable street frontage requirement cannot be met, supplemental elements shall be required and shall not exceed 10% of the minimum buildable street frontage requirement.

Through Lot

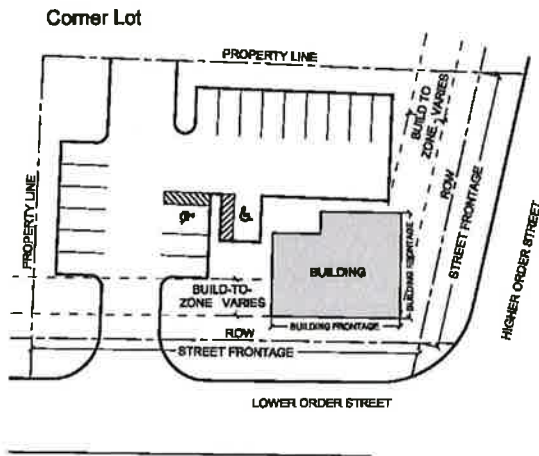


(D) *Corner Lot.*

- (1) Calculated by summing the linear distance of two intersecting streets adjacent to the lot and applying the minimum buildable street frontage requirement of the underlying zoning district to the total.
- (2) The minimum buildable street frontage requirement shall be met by locating the principal façades of the primary structure in the build-to zone at the

intersection of the two streets measured for the purposes of a corner lot.

- (3) If the minimum buildable street frontage requirement cannot be met supplemental elements shall be required and shall not exceed 25% of the minimum buildable street frontage requirement.



(E) *Standards for Auto-oriented facilities.* The intent of this section is to provide design standards for auto-oriented facilities in urban zoning districts. Auto-oriented developments such as fueling stations with convenience stores and drive-thru restaurants and banks utilize site development patterns that allocate a large percentage of the site area for vehicular movement and a necessarily smaller portion for the business structure. Urban zoning districts are designed to require traditional town form and the following standards are provided in an effort to achieve an improved development form for auto-oriented facilities.

(1) *Drive-thru facilities.*

- (a) Auto-oriented developments that generate the majority of their business from a drive-in/drive-thru format shall make every effort but shall not be required to meet the minimum buildable street frontage requirement of the underlying zoning district.
- (b) These facilities shall locate the building's principal façade within the build-to zone. Supplemental elements shall be utilized to make up the remaining minimum buildable street frontage

requirement for the development site.

(2) *Fueling stations with Convenience Stores.*

- (a) These facilities shall locate the convenience store's principal façade within the build-to zone, but shall not have to meet the minimum buildable street frontage requirement of the underlying zoning district with the building. Supplemental elements shall be utilized to make up the remaining minimum buildable street frontage requirement for the development site.
- (b) The preferred layout of a fueling station places the pumps near the rear of the lot while having the convenience store out in front near the street. This helps to highlight the building, shield the utilitarian pumps and canopy and pulls the curb cuts away from the intersection, creating safer and easier access.

(INSERT GRAPHIC)

(c) *Fueling station canopy.*

- (i) Fueling station canopies should be designed as an cohesive part of the station architecture whenever possible, and are encouraged to be integrated with the overall roof structure of the convenience store.
- (ii) The canopy structure shall be set back a minimum of 20 feet from the master street plan right-of-way; pump islands, compressed air connections and similar equipment shall be set back a minimum of 25 feet from the master street plan right-of-way line.
- (iii) The canopy structure and supports shall be consistent with the design of the primary structure with respect to materials and design. Metal support columns must be clad (with brick, stone, wood etc) to aesthetically complement the primary structure and provide

greater variety in materials, unless they are architecturally designed for aesthetic interest.

- (iv) Canopy supports shall have a minimum width to height ratio of 1:10.
- (v) Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, shall not exceed 13'-9".
- (vi) Canopy downspouts and related hardware shall be integrated into the structure to reduce visibility.
- (vii) Canopy ceiling shall be textured or have a flat finish; glossy or highly reflective materials are not permitted.
- (viii) Light fixtures mounted under canopies shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. The sides (fascias) of the canopy shall extend at least 12 inches below the lens of the fixture to block the direct view of the light sources and lenses from adjacent property line. Lights shall not be mounted on the top or sides of the canopy.
- (ix) When visible from the street, fueling station bays/pump islands shall be screened on the street side with articulated masonry walls 32"-42" in height, as least as wide as the pump island or bay; or
- (x) A masonry screen wall 32"-42" in height shall be constructed between the drive aisle serving the fueling station pumps and the public sidewalk, within the build-to zone; or
- (xi) A hedge row 32"-42" in height shall be installed between the drive aisle serving the fueling pumps and the public sidewalk, within the build-to zone, so long as a maintenance guarantee is provided that covers the installation and care

of the hedge until it is grown to sufficient height and density to screen as intended.

(F) *Supplemental Elements.* A supplemental element that is utilized for meeting the minimum buildable street frontage requirement shall consist of at least one of the following, in addition to other required open spaces or pedestrian-oriented elements:

- (1) A masonry screen wall between 32" and 42" in height constructed with materials similar to the principal structure and a 50% minimum opacity;
- (2) Functional outdoor space with an overhead structure and a minimum depth of six feet, such as a porch, outdoor dining area or courtyard;
- (3) A colonnade with a minimum depth of eight feet and a minimum height of 10 feet.

(G) *Exceptions.*

- (1) Single-family dwellings in all zoning districts shall be exempt from the minimum buildable street frontage requirement.
- (2) Portions of a lot's build-to zone determined by the Zoning and Development Administrator to be un-buildable due to the minimum requirements of another ordinance or special regulation may be excepted from the linear street length used to calculate the minimum buildable street frontage requirement, including but not limited to: required setbacks, easements, significant topography, tree preservation, floodway and required driveway access dimensions.
- (3) Street frontage onto an interstate highway shall be exempt from the minimum buildable street frontage percentage requirement.
- (4) For developments on lots that only disturb a portion of the original lot, thereby leaving buildable area for future development, the Zoning Development Administrator may allow consideration of only the portion adjacent to the proposed development when calculating the minimum buildable street frontage. The remaining area may be excluded from the calculation.

172.04 Parking Lot Design Standards

(See: Illustration: Parking Dimension Factors)

- (A) *Maneuvering.* Parking lots shall be designated, maintained, and regulated so that no parking or maneuvering incidental to parking will encroach into the areas designated for sidewalks, streets, or required landscaping. ~~except as provided for in §172.07(B)(2).~~ Parking lots shall be designed so that parking and un-parking can occur without moving other vehicles, unless a valet service has been approved as part of the development plans. Vehicles shall exit the parking lot in a forward motion.
- (B) *Pedestrian access.* Pedestrian access shall be provided from the street to the entrance of the structure by way of designated pathway or sidewalk.
- (C) *Build-to zone.* ~~No portion of any parking lot shall be located in a 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' and 42" 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 and screening.
 - (3) Off-site parking lots shall be prohibited from being located within the build-to zone.

