

**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

**Draft Agenda  
City of Fayetteville, Arkansas  
Planning Commission Meeting  
August 27, 2012**

A meeting of the Fayetteville Planning Commission will be held on August 27, 2012 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**

**Consent:**

1. Approval of the minutes from the August 13, 2012 meeting.
2. **VAC 12-4201: Vacation (NANTUCKET PH. IV, 563):** Submitted by CIVIL DESIGN ENGINEERING for property located WEST OF MORNINGSIDE DRIVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 3.76 acres. The request is to vacate a utility easement. Planner: Andrew Garner

**Old Business:**

3. **ADM 12-4175: Administrative Item (OAKBROOKE PHASE III/JOYCE, 361):** Submitted by JEB JOYCE for property located at OAKBROOKE PHASE III. The property is zoned Oakbrooke III R-PZD 09-3439 and contains a total of 20.88 acres. The request is to modify Oakbrooke Phase III, RPZD 09-3439, by reducing the density of Planning Areas 1, 3, & 4 from 129 dwelling units to 68 dwelling units. Planner: Jesse Fulcher  
**STAFF RECOMMENDS THAT THIS ITEM BE TABLED INDEFINITELY.**

4. **ADM 12-4182 Administrative Item (2518 MLK/AAF CAR SALES, 558)** Submitted by KIM FUGITT for property located at 2518 MARTIN LUTHER KING BOULEVARD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.70 acres. The applicant requests a variance of the I-540 Design Overlay District standards to allow direct lighting for a sign (electronic message board sign). Planner: Andrew Garner

**New Business:**

5. **PPL 12-4140: Preliminary Plat (1730 N. OLD WIRE RD./COTTAGES AT OLD WIRE, 369):** Submitted by BATES AND ASSOCIATES for property located at 1730 NORTH OLD WIRE ROAD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 13.64 acres. The request is for a residential subdivision with 53 single family lots. Planner: Andrew Garner  
**STAFF RECOMMENDS THAT THIS ITEM BE TABLED UNTIL SEPTEMBER 10, 2012.**

6. **CUP 12-4176: Conditional Use Permit (3845 E. SKILLERN/HARTSFIELD, 295):** Submitted by ALAN REID for property located at 3845 E. SKILLERN. The property is zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contains approximately 1.54 acres. The request is for a tandem lot associated with PPL 12-4177. Planner: Quin Thompson

**7. PPL 12-4177: Preliminary Plat (3845 E. SKILLERN/HARTSFIELD, 295):** Submitted by ALAN REID for property located at 3845 E. SKILLERN. The property is zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contains approximately 1.54 acres. The request is for a residential subdivision with two single family lots.  
Planner: Quin Thompson

**8. CUP 12-4185: Conditional use Permit (3825 N. SHILOH DR./BUCK NEKKID BBQ, 174):** Submitted by JOE BROOKS for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.61 acres. The request is for a dance hall in an existing restaurant.  
Planner: Quin Thompson

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*The following items have been approved administratively by City staff:*

- **LSP 12-4193: Lot Split (DEAD HORSE MOUNTAIN RD/RIVERWALK, 645):** Submitted by JORGENSEN & ASSOCIATES for property located at DEAD HORSE MOUNTAIN RD. The property is zoned RSF-4, RESIDENTIAL/4 SINGLE-FAMILY UNITS PER ACRE, and contains a total of 83.75 acres. The request is to divide the property into two tracts of 18.92 and 64.83 acres. Planner: Andrew Garner
  - **LSP 12-4180: Lot Split (SOUTH SIDE OF HALSELL RD./PRATT PLACE INN, 481):** Submitted by JULIAN ARCHER for property located at the SOUTH SIDE OF HALSELL RD. The property is zoned RSF-4 and contains a total of 2.37 acres. The request is to divide the subject property into four tracts of approximately 0.56, 0.53, 0.53, and 0.53 acres. Planner: Jesse Fulcher
  - **FPL 12-4192: Final Plat (DEAD HORSE MOUNTAIN RD/RIVERWALK, 645):** Submitted by JORGENSEN & ASSOCIATES for property located at DEAD HORSE MOUNTAIN RD. The property is zoned RSF-4, RESIDENTIAL/4 UNITS PER ACRE, and contains a total of 18.92 acres. The request is for a final plat for 56 single family homes. Planner: Andrew Garner
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***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 August 13, 2012 at 5:30 p.m. in Room 219, City Administration Building in Fayetteville, Arkansas.

**ITEMS DISCUSSED**

**ACTION TAKEN**

**Consent:**

**MINUTES: July 23, 2012  
Page 3**

Approved

**ADM 12-4195: Administrative Item (1637 DEANE STREET/DEANE STREET COTTAGES, 365):  
Page 3**

Approved

**ADM 12-4206: Administrative Item (PROJECT MAPLE/555 MAPLE, 484):  
Page 3**

Approved

**Old Business:**

**ADM 12-4168: Administrative Item (3825 N. SHILOH DR./BUCK NEKKID BBQ, 174):  
Page 4**

Approved

**ADM 12-4182 Administrative Item (2518 MLK/AAF CAR SALES, 558):  
Page 5**

Tabled

**New Business:**

**ADM 12-4208: Administrative Item (262 N. SCHOOL/KINGFISH, 484):  
Page 6**

Approved

**ADM 12-4175: Administrative Item (OAKBROOKE PHASE III/JOYCE, 361):  
Page 7**

Tabled

**CUP 12-4178: Conditional Use Permit (5513 GEORGE ANDERSON RD./MOORE, 101):  
Page 8**

Approved

**CUP 12-4179: Conditional Use Permit (2536 MCCONNELL/WASHINGTON COUNTY  
FAIRGROUNDS, 287):  
Page 9**

Approved

**MEMBERS PRESENT**

William Chesser  
Tracy Hoskins  
Craig Honchell  
Porter Winston  
Kyle Cook  
Ryan Noble  
Matthew Cabe  
Blake Pennington  
Sarah Bunch

**MEMBERS ABSENT**

**STAFF PRESENT**

Andrew Garner  
Quin Thompson

**CITY ATTORNEY**

Kit Williams, City Attorney

*5:30 PM - Planning Commission Chairman Porter Winston called the meeting to order.*

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

**Upon roll call all members were present.**

**Consent:**

**Approval of the minutes from the July 23, 2012 meeting.**

**ADM 12-4195: Administrative Item (1637 DEANE STREET/DEANE STREET COTTAGES, 365):** Submitted by TIM BRISIEL for property located at 1637 DEANE STREET. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.88 acre. The request is to modify condition of approval #2 for ADM 12-4130 to allow the existing home at 1637 Deane Street to receive a certificate of occupancy without the driveway being paved.

**ADM 12-4206: Administrative Item (PROJECT MAPLE/555 MAPLE, 484):** Submitted by MODUS STUDIO for property located at the northwest corner of West Street and Lafayette Street. The property is zoned DG, Downtown General and contains approximately 2.96 acres. The request is for a variance from the Downtown Design Overlay District standards to allow the stoop length to exceed 25% of the principal façade and for a perforated metal fence configuration along the west and south side of the building.

**Motion:**

**Commissioner Cook** made a motion to approve the consent agenda. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0**

**Old Business:**

**ADM 12-4168: Administrative Item (3825 N. SHILOH DR./BUCK NEKKID BBQ, 174):** Submitted by DEVELOPMENT SERVICES STAFF for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.61 acres. The request is to revoke the approval of CUP 12-4084 due to violations of the conditional use permit.

**Quin Thompson**, Associate Planner, gave the staff report.

**Joe Brooks**, applicant, was present for any questions.

**No public comment was presented.**

**Commissioner Winston** asked if the handrail was required to be below 30 inches in height to allow the structure in the setback.

**Andrew Garner**, Senior Planner, responded that the handrail was not required to be below 30 inches in height.

**Commissioner Cook** asked the applicant if he agreed to the conditions of approval.

**Joe Brooks**, applicant, indicated that yes they agree.

**Commissioner Chesser** asked if a separate permit was required for dancing in the outdoor concert areas.

**Garner** responded that dancing was permitted in the outdoor concert areas. There is a separate permit for an indoor dance hall or night club.

**Motion:**

**Commissioner Cook** made a motion to approve **ADM 12-4168 with conditions as stated by staff.** **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0, with Commissioner Cabe voting no.**

**ADM 12-4182 Administrative Item (2518 MLK/AAF CAR SALES, 558)** Submitted by KIM FUGITT for property located at 2518 MARTIN LUTHER KING BOULEVARD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.70 acres. The applicant requests a variance of the I-540 Design Overlay District standards to allow direct lighting for a sign (message board sign).

**Andrew Garner**, Senior Planner, gave the staff report.

**Kim Fugitt**, applicant gave an introduction.

**Don Cobb**, applicant's sign company representative, discussed the specifications of the sign.

**Monte Johnston**, owner, discussed the background of the project, the widening of the highway that affected them losing area for a monument sign, and reasons they feel the variance is justified.

**Kim Fugitt**, applicant, discussed the overall scope of the changes to the building that are underway and that the point is to modernize the building, including the need to update the sign to be contemporary and fit the building. He discussed confusion with the ordinance.

**No public comment was presented.**

**Commissioner Chesser** asked about the ordinance applying to freestanding signs.

**Garner** discussed that the direct lighting in the I-540 DOD applies to all signs, monument and free-standing.

**Commissioner Hoskins** asked about the location of the signs and where they would be located on the elevations.

**Kim Fugitt**, applicant, discussed the sign location and that they would be slightly larger than shown on the elevations.

**Commissioner Hoskins** asked about a message board sign that changes letters.

**Garner** discussed that could be permitted, it is the direct lighting that is the issue.

**Commissioner Hoskins** asked about direct versus indirect lighting.

**Garner** read the definitions from the UDC.

**Kit Williams**, City Attorney discussed sign lighting and the potential changes to the I-540 Design Overlay District.

**Kim Fugitt**, applicant, asked about putting a lens over the electronic message board to make it indirect lighting.

**Commissioner Chesser** stated that if a translucent cover is placed over the sign it would make it indirect.

**Commissioner Honchell** discussed that sign technology is being updated and it may be time to update the ordinance.

**Kit Williams**, discussed the history of the I-540 Design Overlay District.

**Commissioner Winston** discussed that he thinks there is a difference in translucent and transparent being that a lens that is translucent is something that light passes through but images do not pass through. The intent is to discourage these types of signs in the I-540 DOD. He also discussed that he was in favor of the sign ordinance and that it is part of what makes Fayetteville what it is.

**Monte Johnston**, owner, discussed that their intent is to keep up with technology when they are upgrading the building and for the sign to be attractive with the building.

**Motion:**

**Commissioner Chesser** made a motion to table **ADM 12-4182 until the August 27, 2012 Planning Commission meeting**. **Commissioner Honchell** seconded the motion. **Upon roll call the motion passed with a vote of 5-4-0, with Commissioners Cabe, Hoskins, Cook, and Winston voting 'no'.**



**New Business:**

**ADM 12-4208: Administrative Item (262 N. SCHOOL/KINGFISH, 484):** Submitted by KINGFISH BAR for property located at 262 N. SCHOOL AVENUE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.15 acre. The request is to modify the hours of operation approved with conditional use permit for outdoor music (CUP 11-3770).

**Andrew Garner**, Senior Planner, gave the staff report.

**Mike Rohbach**, applicant, was present for any questions.

**No public comment was presented.**

**Motion:**

**Commissioner Cabe** made a motion to approve **ADM 12-4208 with conditions as recommended by staff.**  
**Commissioner Hoskins** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

**ADM 12-4175: Administrative Item (OAKBROOKE PHASE III/JOYCE, 361):** Submitted by JEB JOYCE for property located at OAKBROOKE PHASE III. The property is zoned Oakbrooke III R-PZD 09-3439 and contains a total of 20.88 acres. The request is to modify Oakbrooke Phase III, RPZD 09-3439, by reducing the density of Planning Areas 1, 3, & 4 from 129 dwelling units to 68 dwelling units.

**No staff report or public comment was presented.**

**Motion:**

**Commissioner Cook** made a motion to table **ADM 12-4175 until August 27, 2012**. **Commissioner Pennington** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-1, Commissioner Hoskins recused.**

**CUP 12-4178: Conditional Use Permit (5513 GEORGE ANDERSON RD./MOORE, 101):** Submitted by ALAN REID for property located at 5513 GEORGE ANDERSON RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 17.95 acres. The request is for the continued use of an accessory structure without a principal structure on the same lot due to a lot split.

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

**Alan Reid**, applicant gave background for the request and was present for any questions.

**Public Comment:**

**Aubrey Shepherd**, citizen of Fayetteville, stated that he thought it was wonderful to allow for the agricultural use to remain as long as possible.

**No more public comment was presented.**

**Motion:**

**Commissioner Chesser** made a motion to approve **CUP 12-4178** as recommended by staff. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

**CUP 12-4179: Conditional Use Permit (2536 MCCONNELL/WASHINGTON CO. FAIRGROUNDS, 287):** Submitted by NATALIE BARTHOLOMEW for property located at 2536 MCCONNELL. The property is zoned R-A, RESIDENTIAL AGRICULTURE and contains approximately 30 acres. The request is for a temporary campground during Bikes, Blues, & BBQ at the Washington County Fairgrounds.

**Andrew Garner**, Senior Planner, gave the staff report.

**Ken Pendergraft**, applicant, was present for any questions.

**No public comment was provided.**

**Motion:**

**Commissioner Chesser** made a motion to approve **CUP 12-4179** as recommended by staff. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

***There being no further business, the meeting was adjourned at 6:45 PM.***



PC Meeting of August 27, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Andrew Garner, Senior Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: August 21, 2012

**12-4201: Vacation (NANTUCKET PH. IV, 563):** Submitted by CIVIL DESIGN ENGINEERING for property located WEST OF MORNINGSIDE DRIVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 3.76 acres. The request is to vacate a utility easement. Planner: Andrew Garner

**Findings:**

*Property:* The subject property contains approximately 3.76 acres on the west side of Morningside Drive and north of Chesapeake Way, adjacent to the existing Nantucket Phases I-III project which is a senior living development. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North, South, West	Nantucket Senior Living Complex	DG, Downtown General
East	Undeveloped pasture	RSF-4

*Background:* On April 12, 2012 the Fayetteville Subdivision Committee approved the Large Scale Development for Nantucket Phase 4 (LSD 12-4009) for 47 new multi-family dwellings on the subject property.

*Request:* The applicant's request is to vacate approximately 0.24 acres of water and sewer easement and general utility easement located in the northern portion of the site in the location of the new proposed development.

*Easement Vacation Approval:* The applicant has submitted the required sewer easement notification forms to the City Utilities Department with no objections. At the time of publication of this report the applicant has not submitted responses from the other utility companies that have a right to the general utility easement.

**UTILITIES**

**RESPONSE**

Ozarks Electric	Not provided
Cox Communications	Not provided
Southwestern Electric Power Company	Not provided
Arkansas Western Gas	Not provided
AT&T	Not provided

**CITY OF FAYETTEVILLE:**

**RESPONSE**

Water/Sewer	No objections
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**Public Comment:** No public comment has been received.

**Recommendation:** Staff recommends forwarding **VAC 12-4201** to the City Council with a recommendation for approval subject to the following conditions:

1. The applicant shall provide all of the utility approval forms prior to staff submitting the City Council agenda request.
2. New easements to serve the Nantucket IV development shall be dedicated by easement plat prior to issuance of a building permit.

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**CITY COUNCIL ACTION: Required**

**PLANNING COMMISSION ACTION: Required**

**Planning Commission Action:**     Forwarded     Denied     Tabled

**Date:** August 27 2012

**Motion:** \_\_\_\_\_

**Second:** \_\_\_\_\_

**Vote:** \_\_\_\_\_

**Notes:** \_\_\_\_\_

August 1, 2012  
City of Fayetteville Planning Commission  
125 W. Mountain Street  
Fayetteville, AR 72701  
Phone (479) 575-8267  
Fax (479) 575-8202

**Re: Request to Vacate Existing Easement  
Nantucket Senior Citizen Residential Homes – Phase 4  
Fayetteville, AR  
CDE Project No. 1036**

Dear Planning Commission,

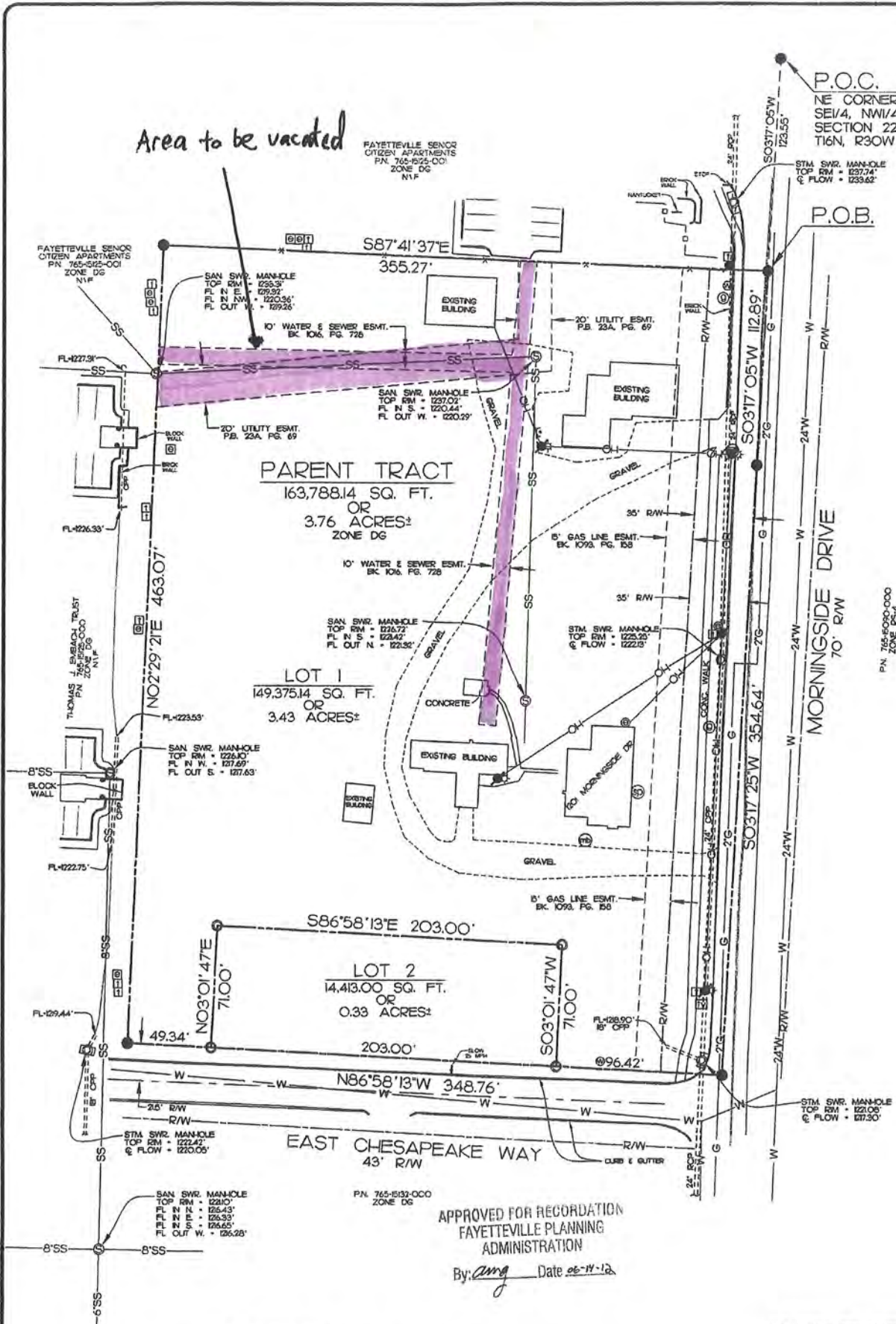
A request is hereby made to vacate an existing water and sewer easement at 1201 S. Morningside Drive, where the approved Large Scale Development for the Nantucket Phase 4 Senior Citizen Residential Homes is proposed. A part of the existing sewer line will be demolished as part of this project, and new easements will be recorded for the proposed public sewer line and other utilities under a new easement plat.

Please let me know if you have any questions.

Sincerely,



Ferdi Fourie, P.E.  
Project Engineer  
FF/FF



Area to be vacated

P.O.C.  
NE CORNER,  
SE1/4, NW1/4,  
SECTION 22,  
T16N, R30W

P.O.B.

PARENT TRACT  
163,788.14 SQ. FT.  
OR  
3.76 ACRES±  
ZONE DG

LOT 1  
149,375.14 SQ. FT.  
OR  
3.43 ACRES±

LOT 2  
14,413.00 SQ. FT.  
OR  
0.33 ACRES±

EAST CHESAPEAKE WAY  
43' R/W

MORNINGSIDE DRIVE  
70' R/W

APPROVED FOR RECORDATION  
FAYETTEVILLE PLANNING  
ADMINISTRATION

By: *[Signature]* Date 06-11-12

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE F.I.A. OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 054500220F (EFFECTIVE DATE MAY 16, 2008) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARD.

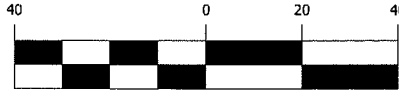
SURVEYOR'S CERTIFICATE:

I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY. THE PROPERTY LINES AND CORNERS ARE AS SHOWN ON THIS PLAT. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT REQUIREMENTS OF THE SURVEYING ACT, PER THE STATE OF ARKANSAS.

- NOTES:
1. BASIS OF SURVEY IS THE 1983 SURVEY OF THE NE CORNER, SE1/4, NW1/4, SECTION 22, T16N, R30W.
  2. DECLARATIONS OF THE SURVEY ARE AS SHOWN ON THIS PLAT.
  3. THIS SURVEY IS A FINAL SURVEY AND SHALL BE FINAL AND UNALTERABLE.
  4. THE PLAT GENERAL NOTES AND SPECIFICATIONS ARE AS SHOWN ON THIS PLAT.
  5. SURVEY SEARCH HAS BEEN MADE AND NO RESTRICTIVE COVENANTS OR OTHER FAULTS HAVE BEEN FOUND.
- PART OF NORTHWEST NORTH R. COUNTY, AS DESCRIBED IN THE POINT THENCE S 87°41'37" E 355.27' SAID NORTH THENCE N 70°00'00" E 70' TO ALL R. COVENANT
- PART OF NORTHWEST NORTH R. COUNTY, AS DESCRIBED IN THE POINT THENCE S 87°41'37" E 355.27' SAID NORTH THENCE N 70°00'00" E 70' TO ALL R. COVENANT
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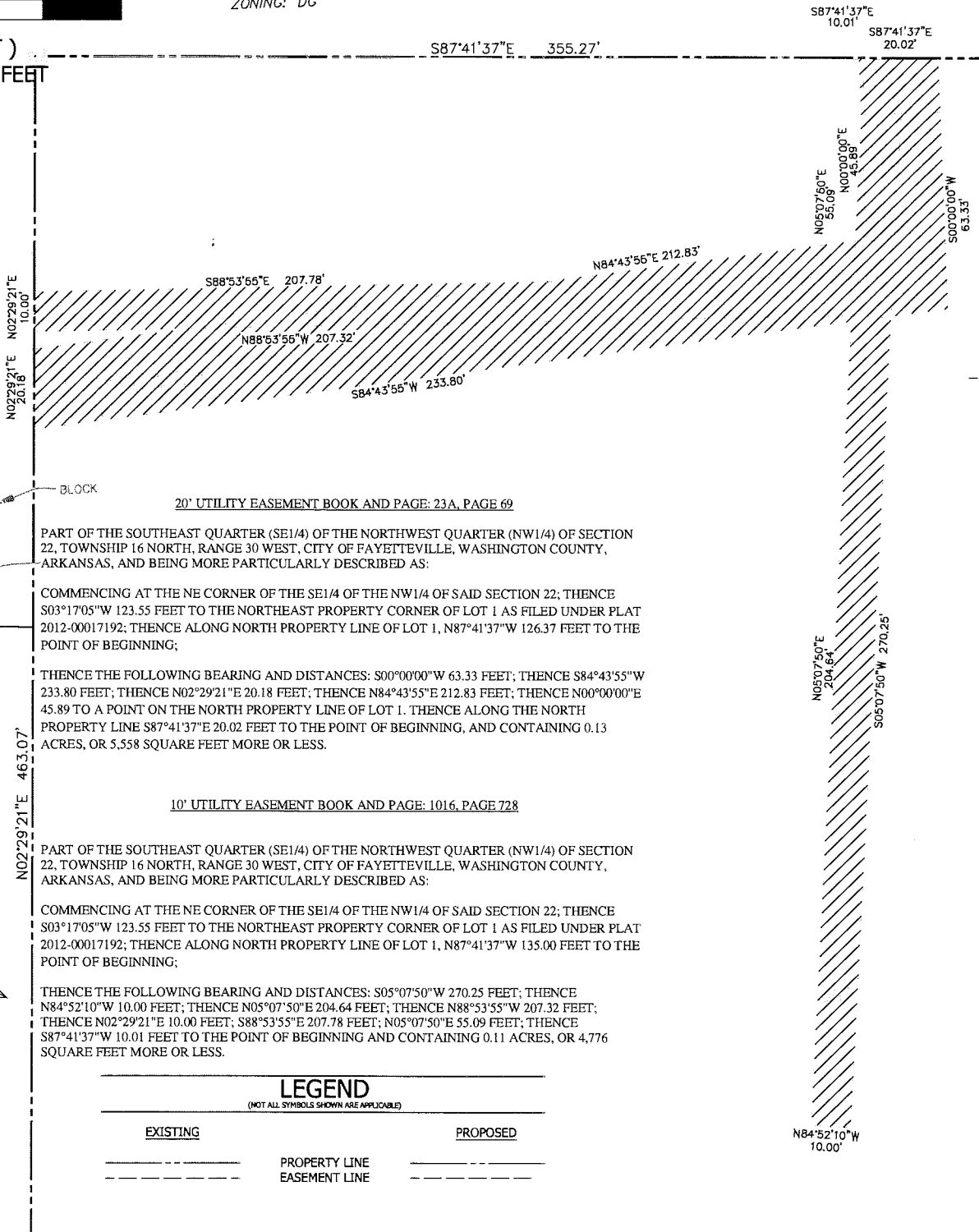
**GRAPHIC SCALE**



( IN FEET )  
1 INCH = 40 FEET

765-15125-001  
FAYETTEVILLE SENIOR CITIZEN APARTMENTS  
351 E. 4TH ST, SUITE 1  
MOUNTAIN HOME, AR 72653-3802  
DEED #98-101716

ZONING: DG



**20' UTILITY EASEMENT BOOK AND PAGE: 23A, PAGE 69**

PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 22; THENCE S03°17'05\"/>

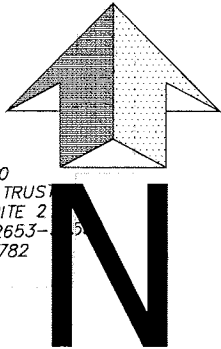
**10' UTILITY EASEMENT BOOK AND PAGE: 1016, PAGE 728**

PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 22; THENCE S03°17'05\"/>

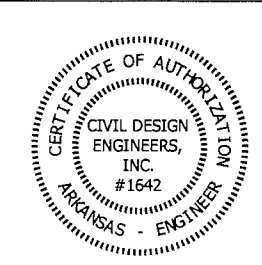
**LEGEND**

(NOT ALL SYMBOLS SHOWN ARE APPLICABLE)



5-000  
BACH TRUST  
ST, SUITE 2  
AR 72653-  
4-32782

DG



NO.	DATE	REVISION	INIT

SHEET:  
EXHIBIT - EASEMENT VACATION



**CIVIL DESIGN ENGINEERS, INC.**

4285 N. SHILOH DRIVE SUITE 110  
FAYETTEVILLE, AR 72703  
PHONE : (479) 856-6111  
<http://www.civilde.com>

NANTUCKET PHASE 4  
FAYETTEVILLE, AR

DRAWN BY: FERDI FOURIE	CHECKED BY: FERDI FOURIE
Planning Commission August 1, 2012 Agenda Item # 2	DATE: AUGUST 1, 2012

**PETITION TO VACATE AN EASEMENT LOCATED AT 1149 and 1201 S. MORNINGSIDE DRIVE, CITY OF FAYETTEVILLE, ARKANSAS**

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in 1149 and 1201 S. Morningside Drive, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

20' UTILITY EASEMENT BOOK AND PAGE: 23A, PAGE 69

PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 22; THENCE S03°17'05"W 123.55 FEET TO THE NORTHEAST PROPERTY CORNER OF LOT 1 AS FILED UNDER PLAT 2012-00017192; THENCE ALONG NORTH PROPERTY LINE OF LOT 1, N87°41'37"W 126.37 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING BEARING AND DISTANCES: S00°00'00"W 63.33 FEET; THENCE S84°43'55"W 233.80 FEET; THENCE N02°29'21"E 20.18 FEET; THENCE N84°43'55"E 212.83 FEET; THENCE N00°00'00"E 45.89 TO A POINT ON THE NORTH PROPERTY LINE OF LOT 1. THENCE ALONG THE NORTH PROPERTY LINE S87°41'37"E 20.02 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.13 ACRES, OR 5,558 SQUARE FEET MORE OR LESS.

10' UTILITY EASEMENT BOOK AND PAGE: 1016, PAGE 728

PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 22; THENCE S03°17'05"W 123.55 FEET TO THE NORTHEAST PROPERTY CORNER OF LOT 1 AS FILED UNDER PLAT 2012-00017192; THENCE ALONG NORTH PROPERTY LINE OF LOT 1, N87°41'37"W 135.00 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING BEARING AND DISTANCES: S05°07'50"W 270.25 FEET; THENCE N84°52'10"W 10.00 FEET; THENCE N05°07'50"E 204.64 FEET; THENCE N88°53'55"W 207.32 FEET; THENCE N02°29'21"E 10.00 FEET; S88°53'55"E 207.78 FEET; N05°07'50"E 55.09 FEET; THENCE S87°41'37"W 10.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.11 ACRES, OR 4,776 SQUARE FEET MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are at 1149 and 1201 S. Morningside Drive City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

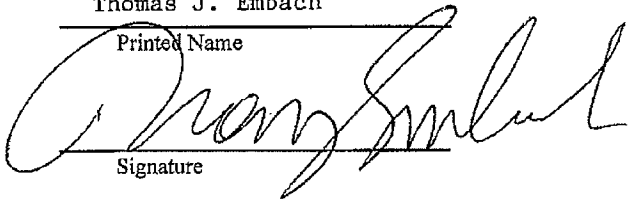
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 10 day of August, 2012.

Thomas J. Embach

Printed Name

A handwritten signature in black ink, appearing to read 'Thomas J. Embach', written over a horizontal line.

Signature

**UTILITY APPROVAL FORM**  
**FOR RIGHT- OF- WAY, ALLEY, AND**  
**UTILITY EASEMENT VACATIONS**

DATE: 10 August, 2012

UTILITY COMPANY: City Water and Sewer

APPLICANT NAME: Civil Design Engineers, Inc. APPLICANT PHONE: 479-856-6111

REQUESTED VACATION (*applicant must check all that apply*):

- ~  Utility Easement
- ~  Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ~  Alley
- ~  Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:


**General location / Address** (referring to attached document- must be completed\*\*)

\*\* 1149 and 1201 S. Morningside Drive, Fayetteville, AR

*(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)  
\_\_\_\_\_  
\_\_\_\_\_
- No objections provided the following conditions are met:  
\_\_\_\_\_  
\_\_\_\_\_

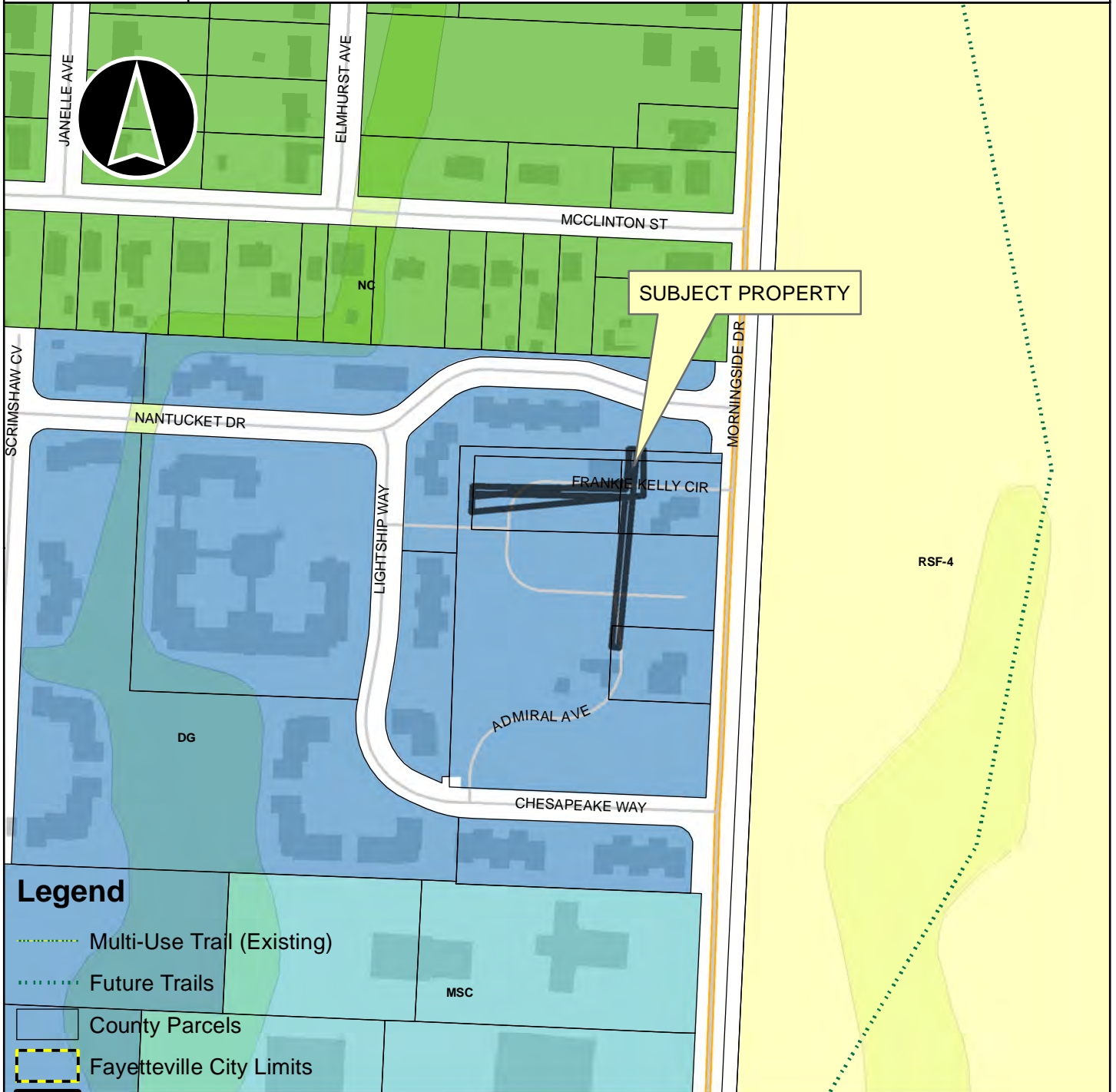
  
\_\_\_\_\_  
Signature of Utility Company Representative

Utilities Engineer  
\_\_\_\_\_  
Title

VAC12-4201

# NANTUCKET PHASE IV

Close Up View



## Legend

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

..... Future Trails

County Parcels

Fayetteville City Limits

**Overview** VAC12-4201

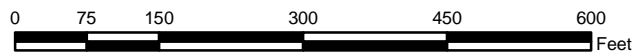
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



Planning Commission  
August 27, 2012

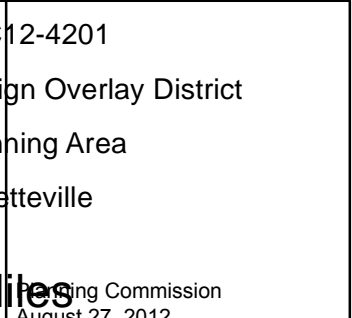
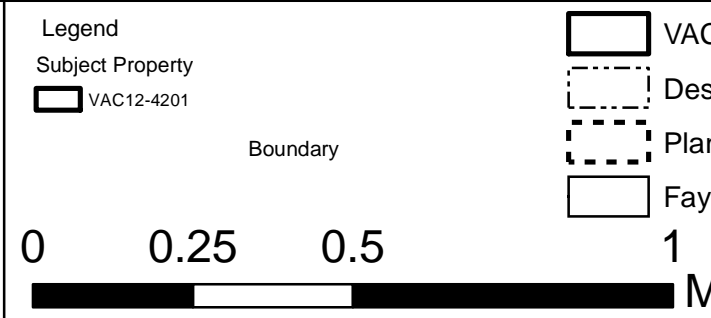
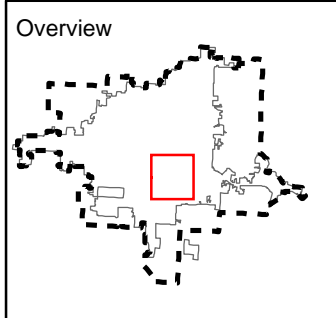
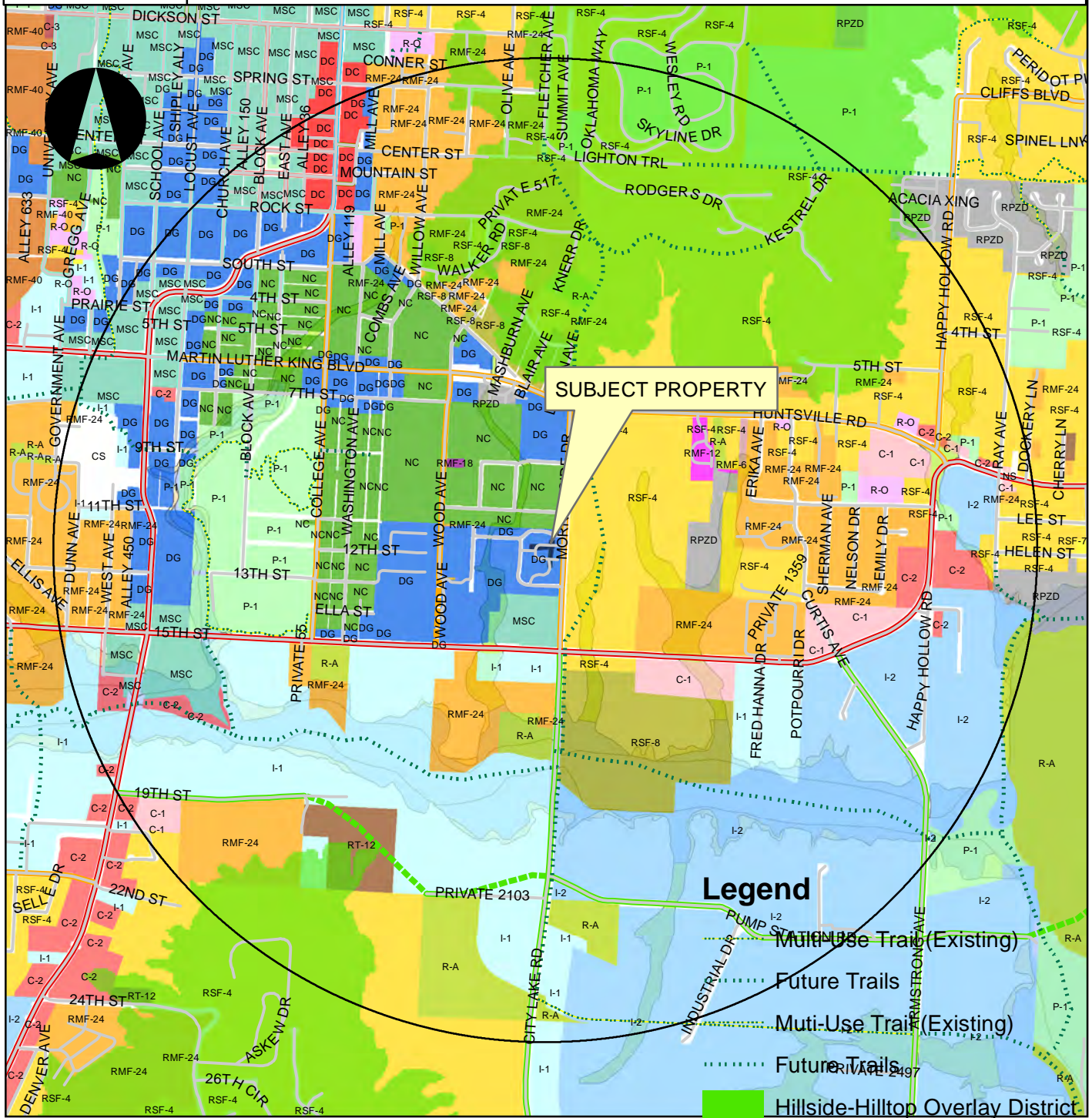
Agenda Item 2  
VAC12-4201 Nantucket IV  
Page 9 of 10



VAC12-4201

# NANTUCKET PHASE IV

One Mile View





PC Meeting of August 27, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

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TO: Fayetteville Planning Commission  
FROM: Jesse Fulcher, Current Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: August 22, 2012

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**ADM 12-4175: Administrative Item (OAKBROOKE PHASE III/JOYCE, 361):** Submitted by JEB JOYCE for property located at OAKBROOKE PHASE III. The property is zoned Oakbrooke III R-PZD 09-3439 and contains a total of 20.88 acres. The request is to modify Oakbrooke Phase III, RPZD 09-3439, by reducing the density of Planning Areas 1, 3, & 4 from 129 dwelling units to 68 dwelling units. Planner: Jesse Fulcher

**STAFF RECOMMENDS THAT THIS ITEM BE TABLED INDEFINITELY.**







PC Meeting of August 27, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Andrew Garner, Senior Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: August 21, 2012

**ADM 12-4182 Administrative Item (2518 MLK/AAF CAR SALES, 558)** Submitted by KIM FUGITT for property located at 2518 MARTIN LUTHER KING BOULEVARD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.70 acres. The applicant requests a variance of the I-540 Design Overlay District standards to allow direct lighting for a sign (message board sign). Planner: Andrew Garner

**Findings:**

August 13, 2012 Planning Commission: At the August 13, 2012 Planning Commission meeting this request was tabled as the applicant indicated they may submit a slightly revised request with a shield or lens over their proposed electronic message board sign. Staff has not received any additional information from the applicant.

July 23, 2012 Planning Commission: At the July 23, 2012 Planning Commission meeting this request was tabled at the applicant's request. On July 25, 2012 City staff met with the applicant and the property owner to discuss their request. Staff has not received any additional information from the applicant.

Property and background: The subject property contains approximately 0.70 acres and is located at the northwest corner of Shiloh Drive and Martin Luther King Drive, adjacent to I-540 and within the I-540 Design Overlay District. The property is zoned C-2, Thoroughfare Commercial. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1  
Surrounding Land Use/Zoning**

Direction from Site	Land Use	Zoning
North	Shopping Center (Firehouse Subs, etc.)	C-2 and RMF-24
South	Payless Shoe Store	C-2
West	First Security Bank/Shopping center	C-2
East	I-540 Corridor	N/A

Proposal: The applicant is redeveloping the building for a car sales business. As part of the redevelopment of this building the applicant proposes the following variance of the Fayetteville Unified Development Code:

**I-540 Design Overlay District (DOD)**

UDC 161.31(D)(2)(a).

“The only permitted free standing signs shall be monument signs. Only indirect lighting may be used for illumination of all signs.”

*The applicant proposes to install an electronic message board sign on the renovated building as indicated on the submitted architectural elevations. This is considered direct lighting and is not allowed under the code section noted above.*

**FINDINGS:**

**Fayetteville UDC Section 156.02 Zoning Regulations**

**Certain variances of the zoning regulations may be applied for as follows:**

**(A) General regulations. A variance shall not be granted unless and until an application demonstrates:**

**(1) Special conditions. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.**

*Finding: This is a typical commercial property located along within the I-540 DOD. It is proposed to be utilized for a used car business. The site is directly adjacent to the I-540 transportation corridor and is highly visible. There are no special conditions or circumstances that exist that are peculiar to the land structure, or building involved that are not applicable to other properties within the I-540 DOD.*

**(2) Deprivation of rights. That literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning regulations.**

*Finding: The I-540 DOD sign restriction does not prevent the applicant from installing four wall signs, and a monument sign, a right enjoyed by all properties in this zoning district.*

**(3) Resulting actions. That the special conditions and circumstances do not result from the actions of the applicant.**

*Finding: The request to have an electronic message board is a result of the desire of the applicant, and not a result of special conditions.*

**(4) No special privileges. That granting the variance requested will not confer**

on the applicant any special privilege that is denied by Zoning, Chapters 160 through 165, to other lands, structures, or building in the same district.

*Finding:* Granting the variance would confer special privilege on this applicant that has been denied to all other lands, structures, or buildings in the I-540 DOD. To staff's knowledge there are no electronic message board signs for any of the businesses in the I-540 DOD, and there are no electronic message board signs for any of the car dealerships in the city of Fayetteville.

- (5) **Nonconforming uses.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

*Finding:* Existing nonconformities were not considered as a basis of the findings stated in this staff report.

- (B) **Consideration by the Planning Commission.** Applications for variances of the following shall be considered by the Planning Commission.

- (1) **Design Overlay District.**

- (a) **Special conditions.** The purpose of this section is to authorize in specific cases such variances from the regulations of the Design Overlay District as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Design Overlay District regulations would result in unnecessary hardship.

*Finding:* As discussed in Finding A(1) and A(2) above, there are not any special conditions unique to this typical commercial site or the business. It is staff's understanding that there are no businesses within the I-540 DOD and no car sales business in the entire city of Fayetteville that utilize electronic message board signs. The variance would be contrary to the public interest and the intent of the I-540 DOD to "...protect and enhance the distinctive scenic quality of the I-540 Highway Corridor...". It is staff's opinion that an electronic message board sign as proposed would result in adverse impacts to the scenic quality of the corridor.

- (b) **Variance requested.** A variance from the terms of the Design Overlay District regulations shall not be granted by the Planning Commission unless and until the applicant provides from what section a variance is requested. This shall be submitted along with the large scale development plan.

*Finding:* The applicant has submitted a written request describing the variance request. This project is not subject to large scale development review as it is a renovation of an existing structure.

(c) **Findings.** The Planning Commission shall make the following findings:

(i) **Requirements met.** That the requirements of §156.02(A) have been met by the applicant for a variance.

*Finding:* The requirements of Section 156.02(A) have not been met. See findings described above.

(ii) **Minimum variance.** That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

*Finding:* The reasons set forth in the application do not justify the granting of the variance.

(iii) **Harmony with general purpose.** That the granting of the variance will be in harmony with the general purpose and intent of the Design Overlay District, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

*Finding:* The variance would be contrary to the public interest and the intent of the I-540 DOD to "...protect and enhance the distinctive scenic quality of the I-540 Highway Corridor...". It is staff's opinion that an electronic message board sign as proposed would result in adverse impacts to the scenic quality of the corridor.

(d) **Conditions and safeguards.** In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this section.

*Finding:* Should the Planning Commission approve the variance staff does not recommend any conditions of approval.

**Recommendation:** Based on the findings described herein, staff recommends denial of ADM 12-4182 (AAF Car Sales I-540 Sign Variance).

---

**Planning Commission Action:**  Approved  Denied  Tabled (*until 08/13/2012*)  
**Meeting Date:** July 23, 2012  
**Motion:** Cook  
**Second:** Chesser  
**Vote:** 9-0-0

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**Planning Commission Action:**  Approved  Denied  Tabled (*until 08/27/2012*)  
**Meeting Date:** August 13, 2012  
**Motion:** Chesser  
**Second:** Honchell  
**Vote:** 5-4-0 (Commissioners Cabe, Hoskins, Cook, and Winston voting 'no')

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**Planning Commission Action:**  Approved  Denied  Tabled  
**Meeting Date:** August 27, 2012  
**Motion:** \_\_\_\_\_  
**Second:** \_\_\_\_\_  
**Vote:** \_\_\_\_\_

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### 161.31 Design Overlay District (I-540 Highway Corridor)

(A) *Purpose.* The purpose of establishing a Design Overlay District for the I-540 Highway Corridor is as follows:

- (1) To protect and enhance the distinctive scenic quality of the I-540 Highway Corridor by providing for nonresidential developments which will maximize preservation and enhancement of the natural, rural, and open character of the terrain and foliage.
- (2) To address the issues of traffic and safety.
- (3) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, drainage and heat islands.
- (4) To preserve and enhance the economic value and viability of property within and near the Overlay District for the I-540 Highway Corridor.

(B) *Overlay District boundaries.* The Overlay District encompasses all lands lying within 660 feet of each side of the right-of-way of I-540 from the intersection of I-540 and State Highway 471 (a/k/a 71B) north to the city limits of Fayetteville, (a/k/a the 71 Bypass and/or John Paul Hammerschmidt Expressway), and also that portion known as State Highway 471S described more fully as that portion of State Highway 471 which connects I-540 to State Highway 471 (a/k/a North College) and all future extensions of I-540 within the City of Fayetteville. Said boundaries are set out on the official plat pages along with a legal description of such boundaries located in the Planning Division.

(C) *Application of Overlay District: Regulations and standards.* The regulations and standards contained herein shall apply to all nonresidential properties, (including, but not limited to new development), located within the Overlay District boundaries. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including, but not limited to nonresidential zoning district and signage regulations and standards. Should the regulations and standards of the underlying and Overlay District conflict, the Overlay District regulations and standards shall control.

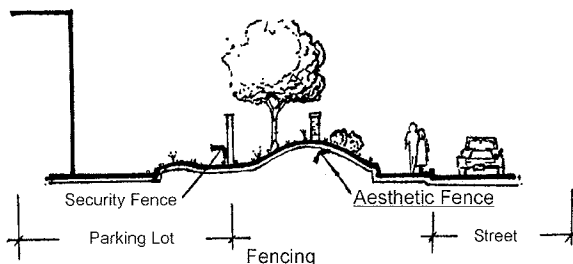
(D) *Nonresidential site design and development standards.*

(1) *Greenspace.* A minimum of 25 feet of landscaped greenspace exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the greenspace and shall be screened when abutting a required greenspace area. Trees shall be planted at the interval of one tree per 30 linear feet of greenspace area when practicable.

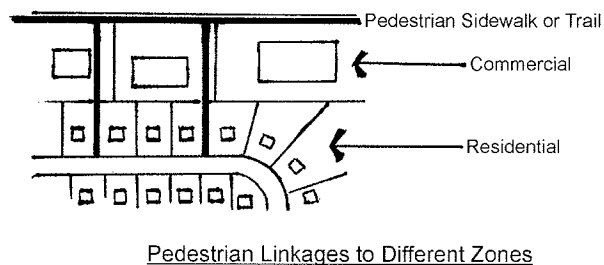
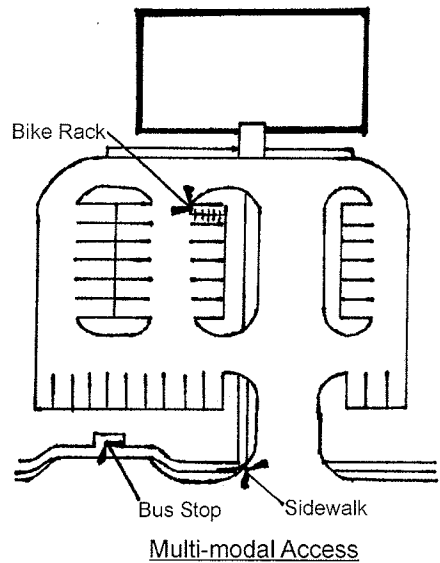
(2) *Signs*

(a) The only permitted free standing signs shall be monument signs. Only indirect lighting may be used for illumination of all signs.

- (b) All signs shall otherwise comply with *Chapter 174 Signs* and any variance shall be considered pursuant to § 156.06 of the *Unified Development Code*.
- (3) *Exterior appearance.* All structures shall be architecturally designed to have front facades facing all street and highway right-of-way. An elevation drawing shall be submitted for each side of the building that faces a street or highway.
- (4) *Building material.* Buildings shall be constructed of wood, masonry, or natural looking materials. No structures shall be allowed that have metal side walls UNLESS such metal siding is similar in appearance to wood, masonry, or natural looking material.
- (5) *Site coverage.* Twenty-five percent (25%) of the site shall be left in open space. Eighty percent (80%) of the open space shall be landscaped which may include ponds and fountains.
- (6) *Optional fencing.* All fencing shall be constructed of wood, masonry, or natural looking materials. No optional fencing shall be located within the greenspace required by Section (D)(1). No metal fencing shall be allowed except in the following cases:
- (a) Wrought iron fencing.
- (b) If other types of metal fencing are necessary, for security purposes, they may be used if the area is first fenced off with a view obscuring natural or natural looking fencing material. The metal fencing shall be placed inside the view obscuring fencing, and the view obscuring fencing shall be at least the height of the metal fencing.



- (7) *Outdoor storage of material and equipment.* All outdoor storage of material and equipment shall be screened with natural vegetation.
- (8) *Access.*
- (a) *Multi-modal.* Multi-modal access may be required on nonresidential sites within the Design Overlay District. (For example: The provision of bus stops, bicycle racks, parking stalls for car pools, and bicycle and pedestrian walks and trails).



(E) *Nonresidential developments and multiple building sites.* In the case of nonresidential development involving multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot.

(F) *Exemptions.*

- (1) Undeveloped or partially developed lots in nonresidential subdivisions lying within the Design Overlay District for I-540 Highway Corridor which have received preliminary or final approval as nonresidential subdivision prior to June 28, 1994, are hereby exempt from compliance with Ordinance No. 3806 (§ 161.21).
- (2) Owners of lots within nonresidential subdivisions which obtained preliminary or final approval as nonresidential subdivisions prior to June 28, 1994, and not included in the specifically exempted properties may apply for an exemption to the Fayetteville Zoning and Development Administrator. The Zoning and Development Administrator shall respond to the application in writing within 10 working days of the receipt of the application.



(3) Completed development upon property subject to such exemption not in compliance with the standards set forth in Ordinance No. 3806 (§ 161.21) shall be considered pre-existing conforming structures.

(4) Nothing contained herein shall limit or prohibit property owners from utilizing the variance provisions contained in Ordinance No. 3806 (§ 161.21).

(Code 1991, §160.048; Ord. No. 3821, §1, 3-5,8-9-94; Ord. No. 38-06, 6-28-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4128, §1, 12-15-98; Ord. 4725, 7-19-05; Ord. 4784, 10-18-05; Ord. 5312, 4-20-10)

**Cross reference(s)--**Appeals, Ch. 155; Variances, Ch. 156.

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# WILLIAM KIM FUGITT, AIA

JULY 03, 2012

PLANNING COMMISSION CHAIR  
CITY OF FAYETTEVILLE  
113 W. MOUNTAIN  
FAYETTEVILLE, AR. 72701

RE: 2518 W. MARTIN LUTHER KING BLVD., FAYETTEVILLE, AR.

MR. CHAIRMAN,

PLEASE FIND THIS LETTER ACCOMPANYING AN APPLICATION FOR VARIANCES IN REFERENCE TO THE SUBJECT PROPERTY. THE OWNER OF THE PROPERTY INTENDS TO MAKE MAJOR USE AND COSMETIC ENHANCEMENTS TO THE EXISTING PROPERTY. ONE SUCH ENHANCEMENT PERTAINS TO THE SIGNAGE INDICATED IN THE ATTACHED EXTERIOR DRAWINGS.

THE INTENDED USE IS FOR AN "AUTOMATIC AUTO FINANCE" BRANCH SALES FACILITY. IT IS THE INTENT OF THE OWNER TO RAIZE A PORTION OF THE EXISTING STRUCTURE AND MAKE MAJOR EXTERIOR RENOVATIONS WHICH WILL GREATLY ENHANCE THE EXISTING PROPERTY AS WELL AS THE IMAGE OF THE GENERAL AREA. A BUILDING PERMIT HAS BEEN ISSUED.

CURRENT ZONING IS "C2" AND THE PROPERTY IS LOCATED IN THE *I-540 OVERLAY DISTRCT.*

THE VARIANCE REQUESTED PERTAINS TO A DIGITAL MESSAGE BOARD TO BE LOCATED ON TWO FRONTS OF THE NEW BUILDING PER ATTACHED ELEVATION.. SECTION 161.31(D)(2)(b) OF THE UNIFIED DEVELOPMENT CODE REFERS TO SIGNAGE IN THE *I-540 OVERLAY DISTRICT* WHICH THEN REFERS TO CHAPTER 174.08 OF THE U.D.C. "*FLUCTUATING ILLUMINATION SIGNS*" ARE PROHIBITED IN SECTION 174.08(B) OF THE U.D.C. HOWEVER, THE SAME SECTION STATES THAT; "*ELECTRONIC MESSAGE BOARDS MAY CHANGE THEIR MESSAGE EVERY THREE HOURS WITHOUT VIOLATING THE PROHIBITION OF FLASHING OR BLINKING.*" IT IS THE APPLICANTS INTENT AND PURPOSE TO INSTALL SUCH A MESSAGE BOARD TO INDICATE

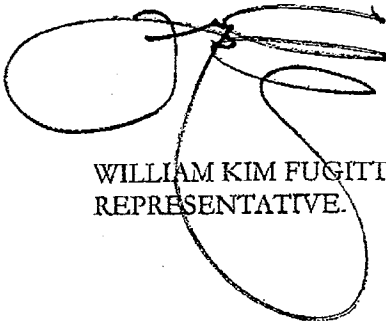
July 3, 2012

SPECIAL TIME SENSITIVE MESSAGES BUT WILL NOT ALTER THE MESSAGE AT A FREQUENCY OF MORE THAN THREE HOURS.

AS SUCH, IT IS OUR HOPE AND UNDERSTANDING THAT SUCH A "MESSAGE BOARD" WILL BE ALLOWED AT THIS LOCATION AND UNDER THESE TERMS.

PLEASE FIND THE ENCLOSED INFORMATION REQUIRED FOR YOUR CONSIDERATION.

RESPECTFULLY,

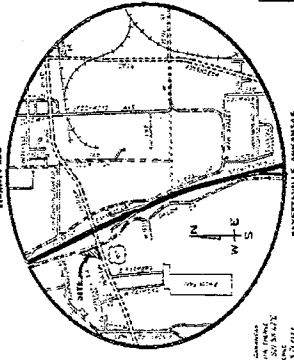
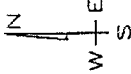
A handwritten signature in black ink, appearing to read "WILLIAM KIM FUGITT". The signature is stylized with several loops and a long horizontal stroke at the end.

WILLIAM KIM FUGITT, AIA  
REPRESENTATIVE.

1200 E. JOYCE BLVD., FAYETTEVILLE, AR., 72703  
479-466-8079, 479-521-6686, kim.fugitt@fugittarc.com



DATE	BY	DESCRIPTION
12/11/11	JL	ISSUED FOR PERMITS
01/12/12	JL	REVISED PER COMMENTS



**LEGEND**

- PROPOSED DRIVE
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING UTILITY
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING ELECTRICAL
- EXISTING FENCE ROW
- EXISTING EASEMENT
- EXISTING ROAD RIGHT-OF-WAY
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING UTILITY
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING ELECTRICAL
- EXISTING FENCE ROW
- EXISTING EASEMENT
- EXISTING ROAD RIGHT-OF-WAY

**PROPERTY INFORMATION**

OWNER	PARCEL	AREA	REMARKS
68 C FAMILY LLC	1	1.17	PROJECT SITE
68 C FAMILY LLC	2	1.17	PROJECT SITE
68 C FAMILY LLC	3	1.17	PROJECT SITE

**REVISIONS**

1. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND AND ALL EXISTING UTILITIES SHALL BE AS SHOWN ON ATTACHED INFORMATION. SHALL BE PLACED UNDERGROUND AND ALL EXISTING UTILITIES SHALL BE AS SHOWN ON ATTACHED INFORMATION.

**LOCAL REGULATIONS**

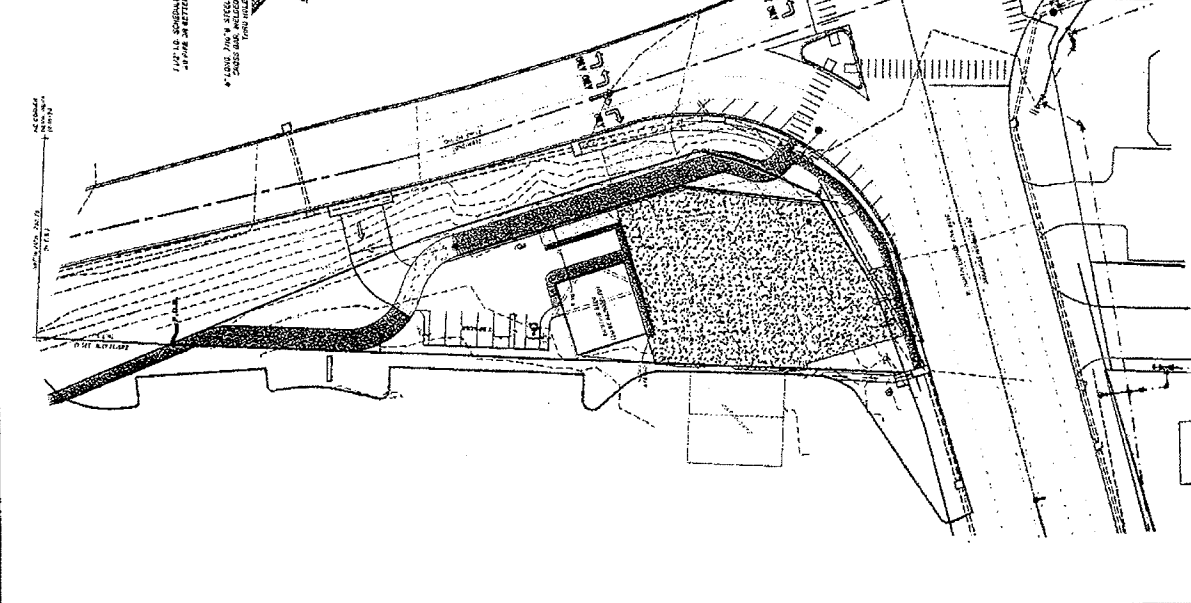
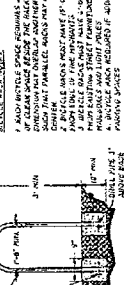
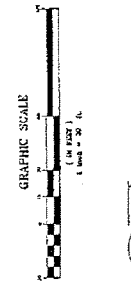
ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PATTERVILLE, MISSISSIPPI. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PATTERVILLE, MISSISSIPPI.

**TRAFFIC COUNTER TABLE**

SECTION	DATE	TIME	VEHICLES	PEAK HOUR
1	7/23/12	7:00-8:00 AM	15	15
1	7/23/12	8:00-9:00 AM	20	20
1	7/23/12	9:00-10:00 AM	18	18
1	7/23/12	10:00-11:00 AM	12	12
1	7/23/12	11:00-12:00 PM	10	10
1	7/23/12	12:00-1:00 PM	15	15
1	7/23/12	1:00-2:00 PM	18	18
1	7/23/12	2:00-3:00 PM	22	22
1	7/23/12	3:00-4:00 PM	25	25
1	7/23/12	4:00-5:00 PM	20	20
1	7/23/12	5:00-6:00 PM	15	15
1	7/23/12	6:00-7:00 PM	10	10
1	7/23/12	7:00-8:00 PM	8	8

**NOTES**

1. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND AND ALL EXISTING UTILITIES SHALL BE AS SHOWN ON ATTACHED INFORMATION.



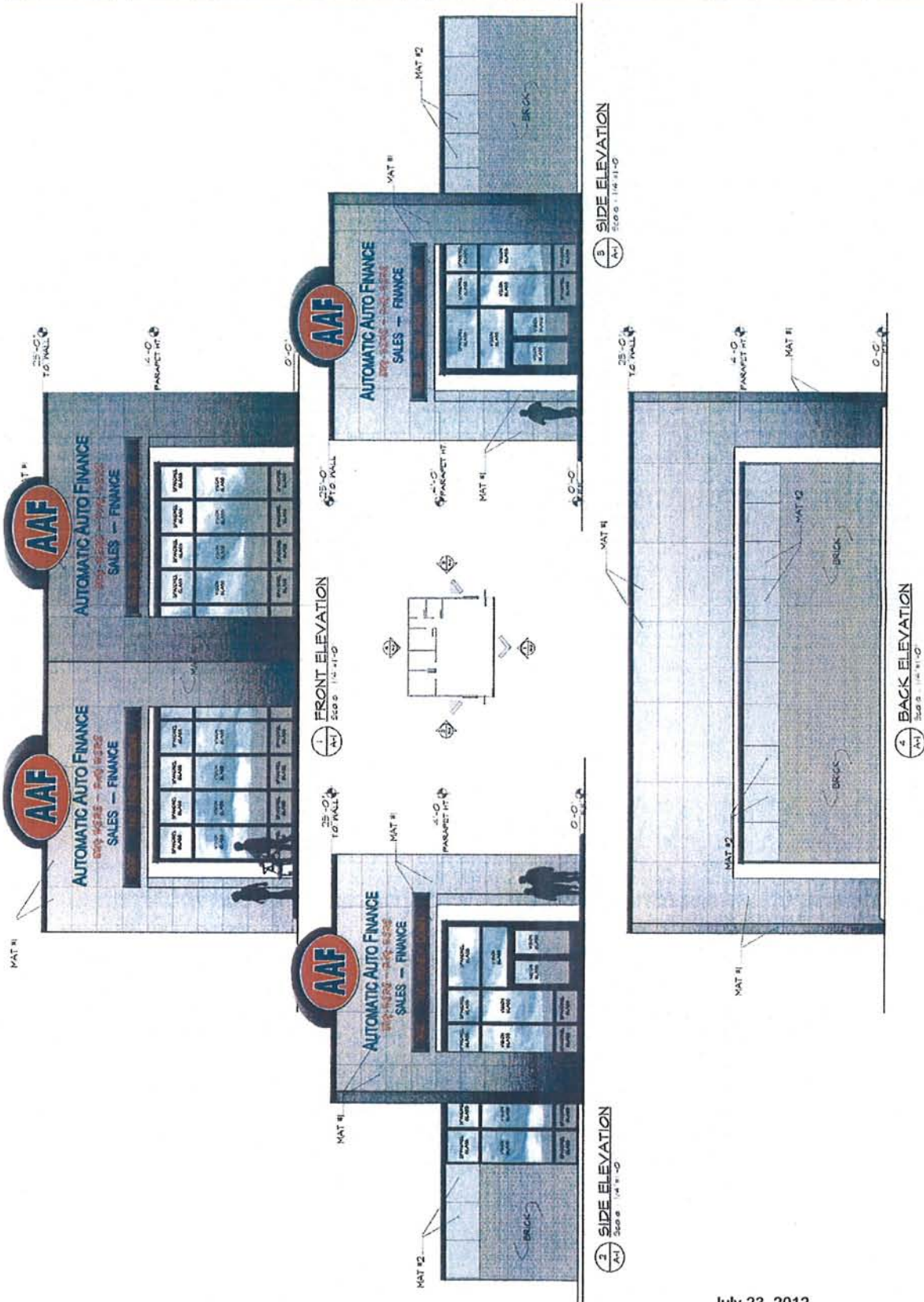
NO.	DATE	DESCRIPTION

William Kim Fugitt, a.i.a.  
 Architect  
 1165 Hugo Drive Fayetteville, AR 72703  
 Phone: 479-924-6660 email: wkimfugitt@williamkimfugitt.com

AUTOMATIC AUTO FINANCE  
 2518 W MARTIN LUTHER KING BLVD.  
 FAYETTEVILLE, ARKANSAS

GRID PLAN

SHEET  
 A-2  
 JANUARY 17, 2012



# WILLIAM KIM FUGITT, AIA

JULY 03, 2012

PLANNING COMMISSION CHAIR  
CITY OF FAYETTEVILLE  
113 W. MOUNTAIN  
FAYETTEVILLE, AR. 72701

RE: 2518 W. MARTIN LUTHER KING BLVD., FAYETTEVILLE, AR.

MR. CHAIRMAN,

PLEASE FIND THIS LETTER ACCOMPANYING AN APPLICATION FOR VARIANCES IN REFERENCE TO THE SUBJECT PROPERTY. THE OWNER OF THE PROPERTY INTENDS TO MAKE MAJOR USE AND COSMETIC ENHANCEMENTS TO THE EXISTING PROPERTY. ONE SUCH ENHANCEMENT PERTAINS TO THE SIGNAGE INDICATED IN THE ATTACHED EXTERIOR DRAWINGS.

THE INTENDED USE IS FOR AN "AUTOMATIC AUTO FINANCE" BRANCH SALES FACILITY. IT IS THE INTENT OF THE OWNER TO RAIZE A PORTION OF THE EXISTING STRUCTURE AND MAKE MAJOR EXTERIOR RENOVATIONS WHICH WILL GREATLY ENHANCE THE EXISTING PROPERTY AS WELL AS THE IMAGE OF THE GENERAL AREA. A BUILDING PERMIT HAS BEEN ISSUED.

CURRENT ZONING IS "C2" AND THE PROPERTY IS LOCATED IN THE *I-540 OVERLAY DISTRICT*.

THE VARIANCE REQUESTED PERTAINS TO A DIGITAL MESSAGE BOARD TO BE LOCATED ON TWO FRONTS OF THE NEW BUILDING PER ATTACHED ELEVATION.. SECTION 161.31(D)(2)(b) OF THE UNIFIED DEVELOPMENT CODE REFERS TO SIGNAGE IN THE *I-540 OVERLAY DISTRICT* WHICH THEN REFERS TO CHAPTER 174.08 OF THE U.D.C. "FLUCTUATING ILLUMINATION SIGNS" ARE PROHIBITED IN SECTION 174.08(B) OF THE U.D.C. HOWEVER, THE SAME SECTION STATES THAT; "ELECTRONIC MESSAGE BOARDS MAY CHANGE THEIR MESSAGE EVERY THREE HOURS WITHOUT VIOLATING THE PROHIBITION OF FLASHING OR BLINKING." IT IS THE APPLICANTS INTENT AND PURPOSE TO INSTALL SUCH A MESSAGE BOARD TO INDICATE

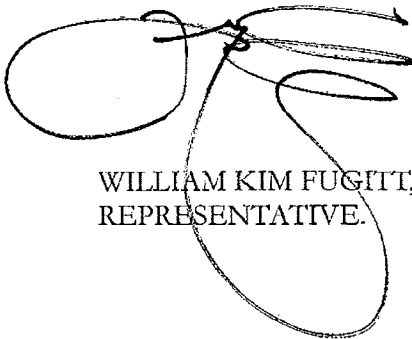
July 3, 2012

SPECIAL TIME SENSITIVE MESSAGES BUT WILL NOT ALTER THE MESSAGE AT A FREQUENCY OF MORE THAN THREE HOURS.

AS SUCH, IT IS OUR HOPE AND UNDERSTANDING THAT SUCH A "MESSAGE BOARD" WILL BE ALLOWED AT THIS LOCATION AND UNDER THESE TERMS.

PLEASE FIND THE ENCLOSED INFORMATION REQUIRED FOR YOUR CONSIDERATION.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "WILLIAM KIM FUGITT". The signature is stylized with several loops and a long horizontal stroke extending to the right.

WILLIAM KIM FUGITT, AIA  
REPRESENTATIVE.

1200 E. JOYCE BLVD., FAYETTEVILLE, AR., 72703  
479-466-8079, 479-521-6686, kim.fugitt@fugittarc.com



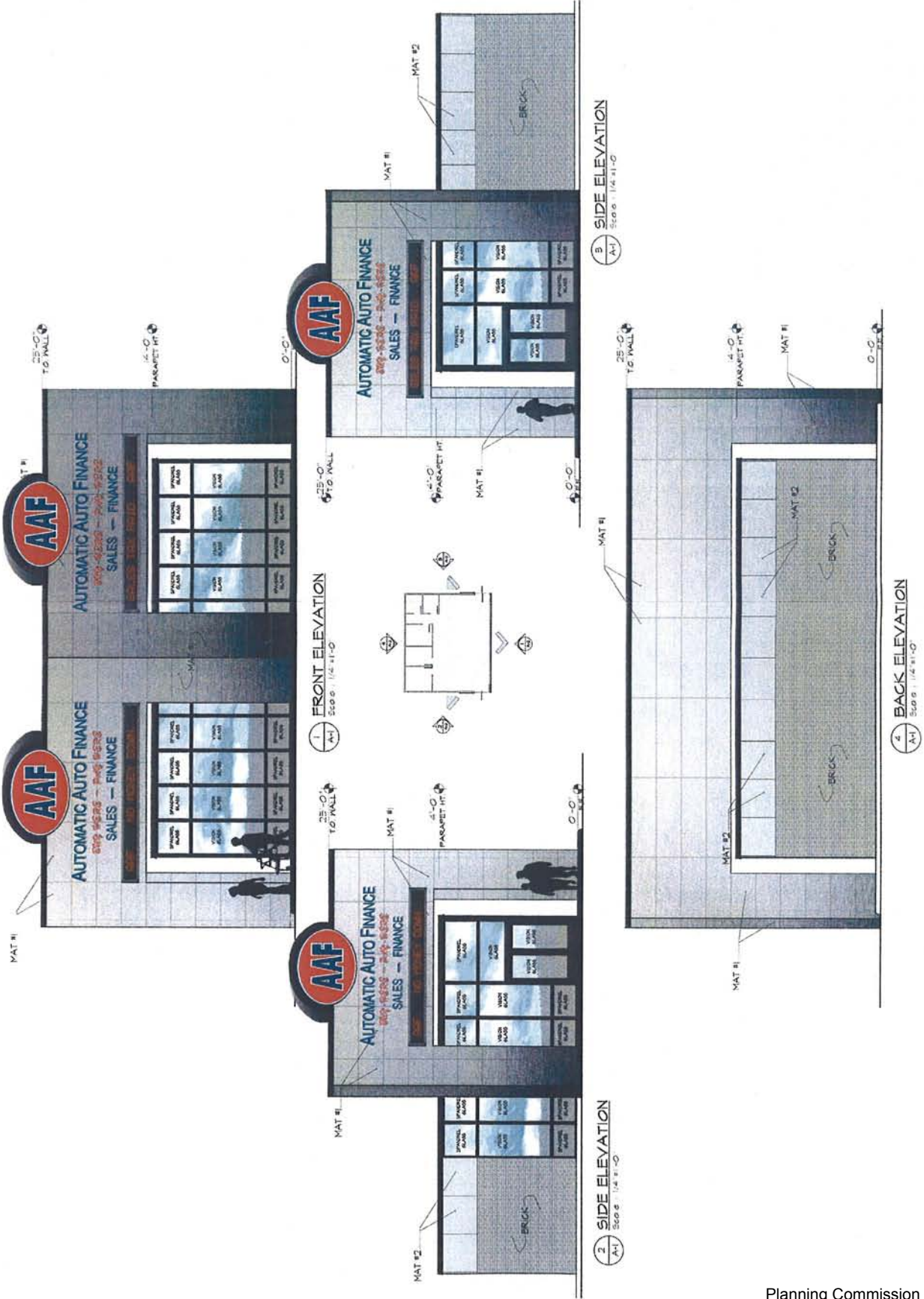


NO.	DATE	DESCRIPTION	BY	CHKD.
1	11/13/12	ISSUED		
2				
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William Kim Fugitt, O.I.O.  
 Architect  
 165 Lodge Blvd Fayetteville AR 72703  
 Phone: 479-221-8828 Email: k.fugitt@williamkimfugitt.com

**AUTOMATIC AUTO FINANCE**  
 2518 N MARTIN LUTHER KING BLVD,  
 FAYETTEVILLE, ARKANSAS

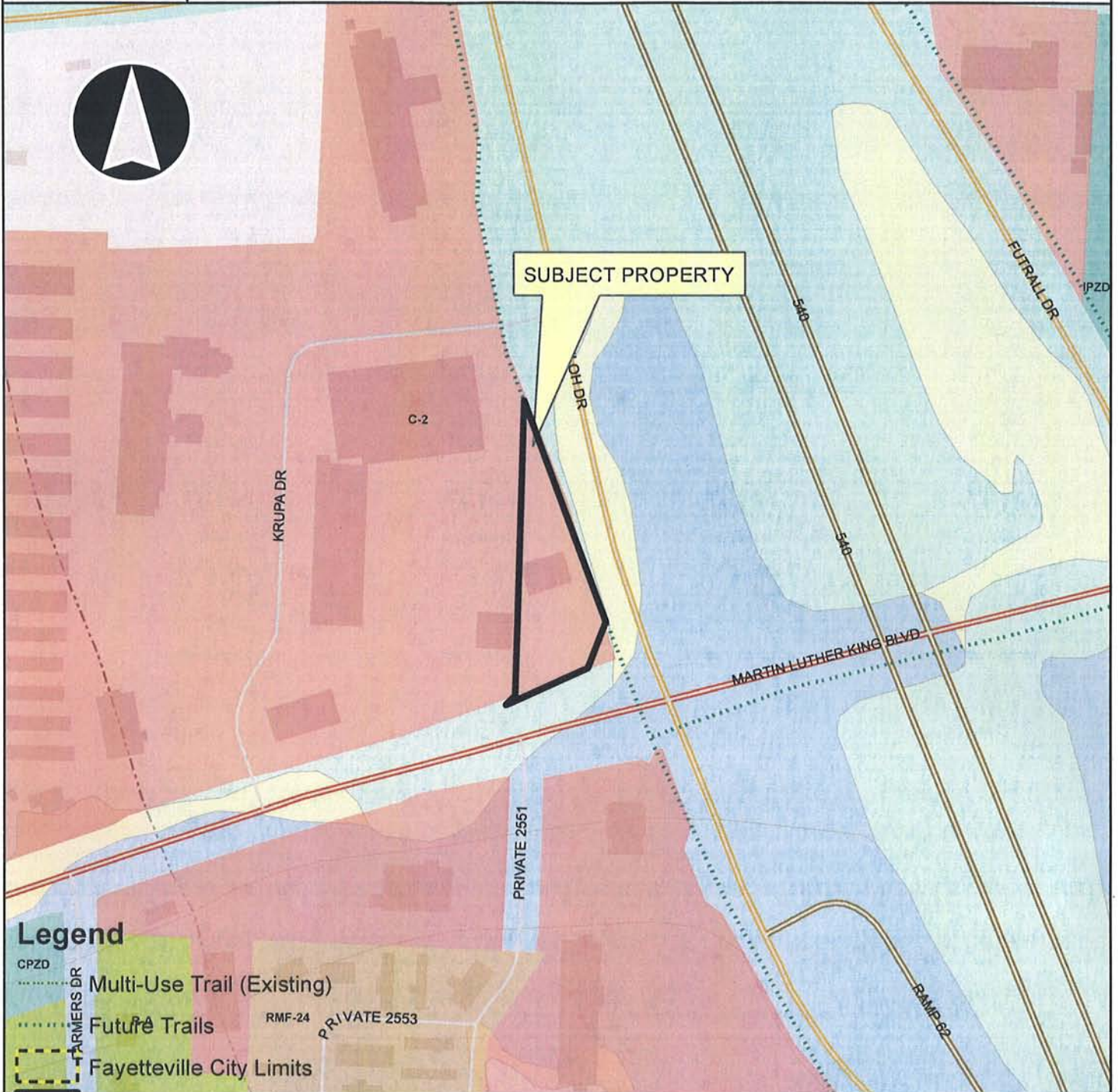
012 R.R. PLAN  
 SHEET  
**A-2**  
 JANUARY 17, 2012



ADM12-4182

# AAF CAR SALES

Close Up View



## Legend

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

Overview ADM12-4182

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







PC Meeting of August 27, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS  
PLANNING DIVISION CORRESPONDENCE

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

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TO: Fayetteville Subdivision Committee  
FROM: Andrew Garner, Senior Planner  
Glenn Newman, Staff Engineer  
THRU: Jeremy Pate, Development Services Director  
DATE: August 22, 2012

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**PPL 12-4140: Preliminary Plat (1730 N. OLD WIRE RD./COTTAGES AT OLD WIRE, 369):** Submitted by BATES AND ASSOCIATES for property located at 1730 N. OLD WIRE RD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 13.64 acres. The request is for a residential subdivision with 53 single family lots.

Planner: Andrew Garner

**STAFF RECOMMENDS THIS ITEM BE TABLED UNTIL THE SEPTEMBER 10, 2012 PLANNING COMMISSION MEETING TO ADDRESS REVISIONS REQUIRED BY THE URBAN FORESTER TO THE TREE PRESERVATION PLAN AND LANDSCAPE PLAN. THESE REQUIRED REVISIONS HAVE BEEN COMMUNICATED TO THE APPLICANT.**





THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 27, 2012

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: August 22, 2012

**CUP 12-4176: Conditional Use Permit (3845 E. SKILLERN/HARTSFIELD, 295):**  
Submitted by ALAN REID for property located at 3845 E. SKILLERN. The property is zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contains approximately 3.0 acres. The request is for a tandem lot associated with PPL 12-4177.

Planner: Quin Thompson

**Findings:**

*Background:* The property is zoned Residential Single-Family Two Units Per Acre (RSF-2), and contains 3.0 acres located at 3845 N. Skillern Road. The existing lot contains one residence and associated garage/ADU with access from a private drive to Skillern Road that also provides access to two additional residential properties to the south in unincorporated Washington County. 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 and rural residential	Planning Area
South	Single family and rural residential	Planning Area
East	Single family and rural residential	Planning Area
West	Single family residential	RSF-4

*Proposal:* As indicated on the submitted preliminary plat included in this packet, the applicant proposes to divide the subject property into two tracts of 1.54 and 1.46 acres respectively. The requested conditional use permit would allow for the creation of Lot 2, a tandem lot as indicated on the preliminary plat (PPL 12-4177).

*Request:* The applicant has requested a conditional use permit to allow for a tandem lot in the RSF-2 zoning district.

*Public Comment:* Staff has not received public comment.

*Water/Sewer:* Water and sewer lines shall be extended through the development as required by the City Engineering Division as part of the preliminary plat. The final plat shall not be recorded until staff receives documentation that the existing home is connected to public sewer.

**Recommendation:** Staff recommends approval of **CUP 12-4176 (Hartsfield)**, subject to the

following conditions of approval:

**Conditions of Approval:**

1. This conditional use permit is subject to the conditions of approval for PPL 12-4177.
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:**  
**Meeting Date:** August 27, 2012

**Approved**

**Denied**

**Tabled**

**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 Chapter 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 would not adversely affect the public interest. The proposed lot layout and lot size is consistent with the existing development pattern along the existing private road, which is not uncommon in this area on the fringe of the City. 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 three homes. 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 four 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 Skillern Road in this case. It is not anticipated that solid waste service for the proposed tandem lot would affect the existing service for the three homes 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 PPL 12-4177.

(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 of a similar size of other single family lots in the neighborhood. The proposed lot size would be compatible.**

## **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. There are two existing tandem lots located to the south of the subject property that are accessed off of the same shared driveway. However, these lots are located in unincorporated Washington County and were created prior to current subdivision regulations. The addition of the proposed tandem lot is located directly behind a lot that has adequate street frontage. The tandem lot has access to Skillern Road off of a shared driveway along their western property line.**

(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 1.54-acre and a 1.46-acre tandem lot. The surrounding lot sizes are as follows:**

**The lots to the west in the Crestmont Estates neighborhood are zoned RSF-4**

and are approximately 0.30-acre lots. The lot adjacent to the south is approximately 2.8 acres, the lot adjacent to the north across Skillern Road is approximately 1.7 acre and the lot to the west is a 21.5-acre rural residential property. Staff does not feel that the tandem lot would adversely affect the property values of these lots because it is a similar lot size and development pattern.

(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 flat, rectangular-shaped parcel with 3.0 acres and 330 feet of street frontage. The applicant could feasibly develop existing private drive that is within a 60-access easement with a street into a standard subdivision. However, because of the existing condition with three homes currently utilizing this drive under a private access easement, staff does not feel it is reasonable to require the applicant go through the legal and physical process of converting this drive into a public road for one additional single family residential lot. Staff does not feel that the time and expense required for such a proposal would be proportional for one additional single family residence.

(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 1.46 acres square feet and the minimum lot size is 0.5-acre.**

(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 Skillern Road 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.**

**161.06 District RSF-2, Residential Single-Family – Two Units Per Acre**

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and 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.*

(C) *Permitted uses.*

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

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
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(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *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).

(I) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; 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. 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)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS  
SOLID WASTE AND RECYCLING  
1560 S. Happy Hollow Road  
Fayetteville, AR 72701  
P (479) 575-8398 F (479) 444-3478

July 26th, 2012

Alan Reid P.E.  
Alan Reid and Associates  
118 S. College Ave.  
Fayetteville, AR. 72701  
(479) 444-8784

RE: 12-4177 3845 E. SKILLERN / HARTSFIELD

Mr. Reid,

The residential solid waste and recycling service includes trash cart, recycling, and yard waste collection. The site plan for this development shows one residence positioned behind another with a private drive. Residential collection will occur curbside on Skillern so provisions for collection of both residences will need to be made at the front location.

Please contact me at 479-718-7685 or [bpugh@ci.fayetteville.ar.us](mailto:bpugh@ci.fayetteville.ar.us) if you have any questions.

Sincerely,

Brian Pugh  
Waste Reduction Coordinator  
Fayetteville Solid Waste and Recycling



Alan Reid  
& ASSOCIATES  
PROFESSIONAL  
LAND  
SURVEYORS

AUGUST 7, 2012

Hartsfield Subdivision – Plat Approval

Dear Adjacent Property Owner,

Billy and Marilyn Hartsfield are proposing to subdivide their property at 3845 E. Skillern Road, Fayetteville, Arkansas. The property is currently zoned RSF-4 and contains 3.00 acres. The resulting lots would be 1.54 and 1.46 acres. Their home is on the 1.54 acre tract.

The newly created property is proposed to be used as single family residence.

This project is scheduled to be heard at a public hearing as follows:

Public Hearings:

Subdivision Committee: 9:00 A.M.; August 16, 2012; 113 West Mountain Street, (City Administration Building Room 326), Fayetteville, Arkansas.

Planning Commission: 5:30 P.M.; August 27, 2012; 113 West Mountain Street, (City Administration Building, Room 219), Fayetteville, Arkansas.

If you should have any questions regarding this project, please contact myself or the City of Fayetteville at the contact information listed below.

Sincerely,

Alan Reid

Alan Reid, Professional Land Surveyor, 479.444.8784

Review Location:

The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, Arkansas, Monday-Friday 8AM-5PM; 479.575.8267



Alan Reid  
& ASSOCIATES  
PROFESSIONAL  
LAND  
SURVEYORS

August 22, 2012

City of Fayetteville  
Planning Commission  
113 W. Mountain St.  
Fayetteville, Arkansas 72701

Dear Planning Chairman,

On behalf of my clients, Billy and Marilyn Hartsfield, I am submitting for your review a proposed Conditional Use Permit for Washington County Parcel 765-21241-300 to allow for an additional lot without road frontage on a public street (tandem lot). The parcel is an existing three acre tract located at 3845 e. Skillern Road which the Hartsfield's are in the process of subdividing into two tracts. The new tract would be 1.46 acres in size. There is an existing sixty (60) foot wide access and utility easement along the West boundary which connects to Skillern Road. This would be utilized as access to the rear lot. If you should have any questions, please feel free to contact me at 444.8784.

Sincerely,

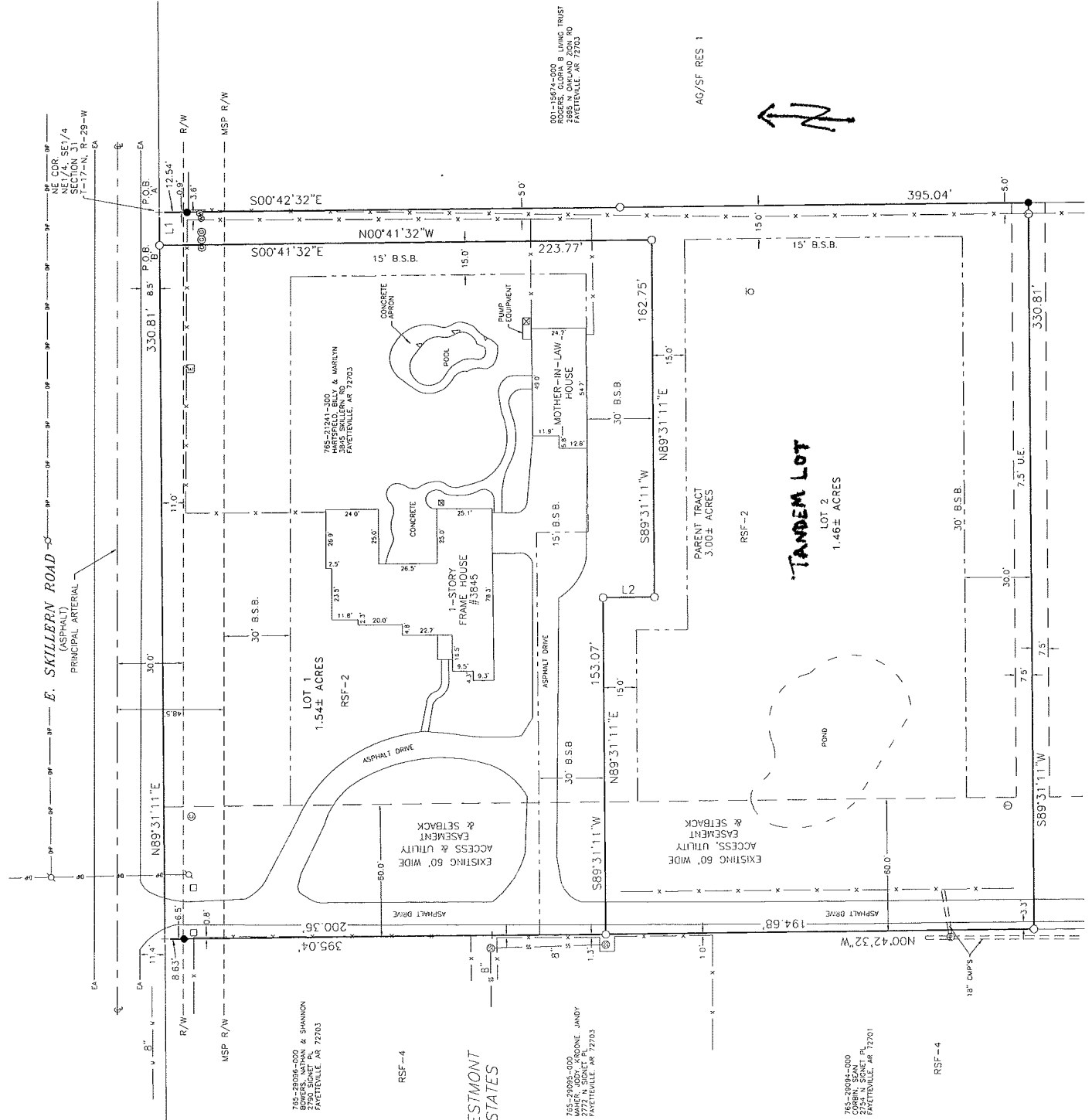
Alan Reid  
Professional Land Surveyor  
Arkansas Registration 1005



NOT BE MADE TO THE ORIGINAL ARCHIVES OF THE SURVEY BEING TRANSFERRED TO ADDITIONAL ARCHIVES OR SUBSEQUENT EDITIONS OF THE ARCHIVES. ANY SUCH ARCHIVES OR EDITIONS SHALL BE CONSIDERED AS A PART OF THIS SURVEY.

**FLOOD DESIGNATION**  
 FLOOD DESIGNATION MUST BE IN TONE 'A' (SPECIAL FLOOD HAZARD AREAS INDICATED BY 100-YEAR FLOOD) AS DETERMINED FROM THE F.I.R.M. MAP OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 0514300230 F, EFFECTIVE DATE MAY 16, 2006.

PARENT TRACT - PARCEL #765-21241-300  
 A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, TO A SET 1/2" IRON REBAR, THENCE N00°42'32"W 398.00 OF SAID 40 ACRE TRACT; THENCE N89°31'02"E 330.80 CONTAINING 3.00 ACRES, MORE OR LESS, THE ABOVE ( SUBJECT TO THE RIGHT-OF-WAY OF SKILLERN ROAD AS SHOWN ON MAP NUMBER 0514300230 F, EFFECTIVE DATE MAY 16, 2006) SEVEN AND ONE -HALF (7.5) FOOT WIDE UTILITY EASEMENT




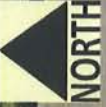
**SURVEYOR CERTIFICATION**  
 I HEREBY CERTIFY, THAT THIS PLAT, REVISED ON MAY 6, 2012, WAS MADE BY ALAN REID AND ASSOCIATES AND THAT SAID SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1907 AND THE SURVEYING ACT OF 1932.



**Legend**

 Fayetteville City Limits

 Subject Property



1 inch = 200 feet  
0 50 100 200 300 400 Feet





CUP12-4176

# HARTSFIELD

Current Land Use



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

- Overview**
- CUP12-4176
  - Footprints 2010
  - Hillside-Hilltop Overlay District
  - Design Overlay District
  - Design Overlay District
  - Planning Area





CUP12-4176

# HARTSFIELD

Close Up View



ROM ORCHARD RD

SUBJECT PROPERTY

SKILLET RD

NATCHEZ TRCE

SIGNET PL

RSF-2

RSF-4

PRIVATE 2680

## Legend

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

Overview

CUP12-4176

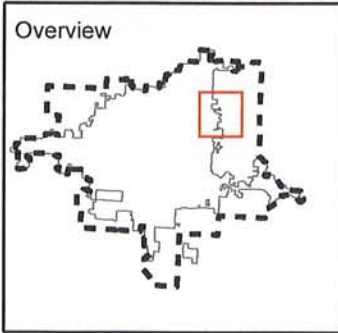
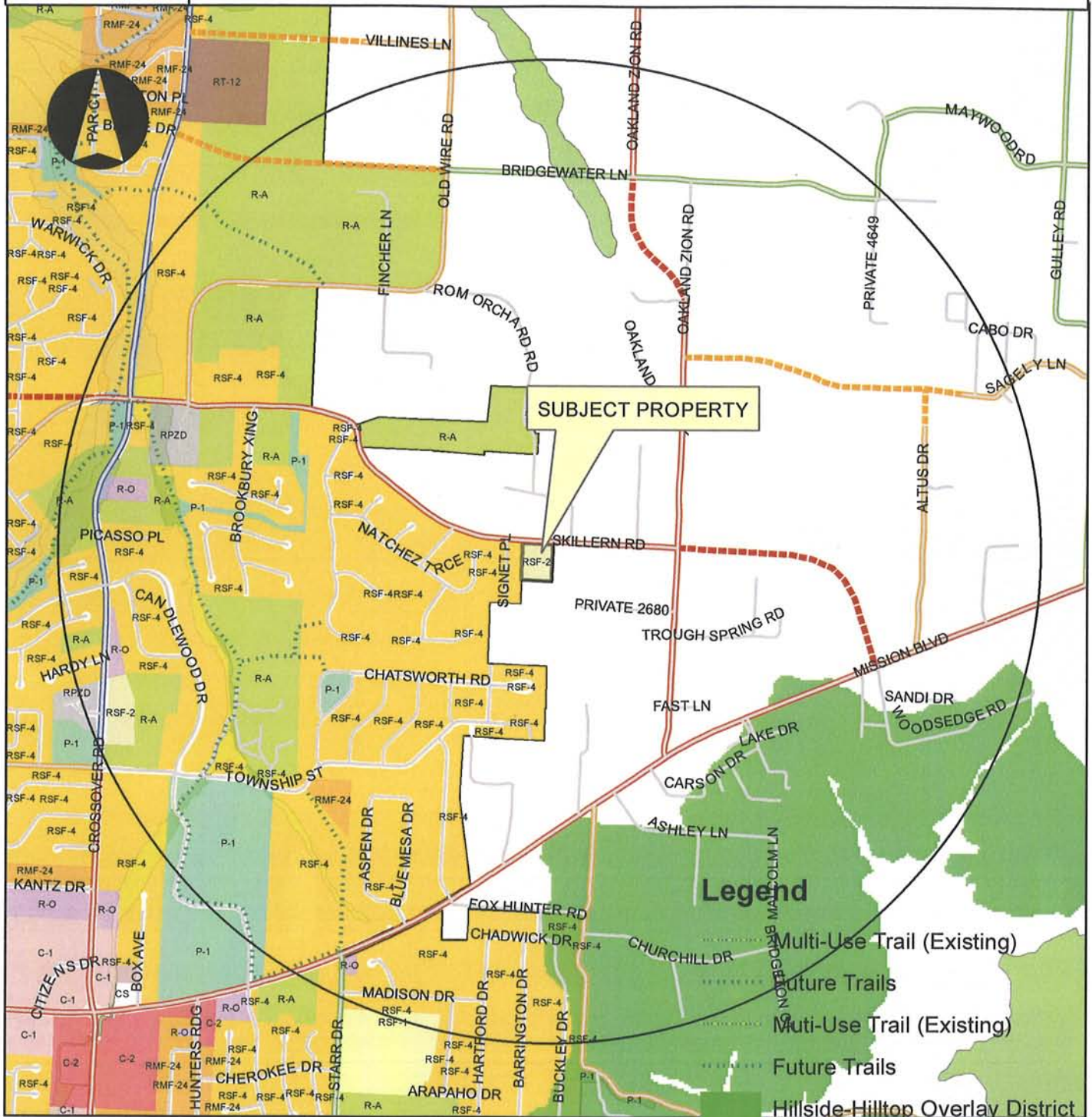
- Footprints 2010
- Hillside-Hilltop Overlay District
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- Design Overlay District
- Planning Area



CUP12-4176

# HARTSFIELD

One Mile View



**Legend**

- Subject Property
- CUP12-4176
- Boundary
- CUP12-4176
- Design Overlay District
- Planning Area
- Fayetteville
- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

Planning Commission  
August 27, 2012  
Agenda Item 6  
CUP12-4176 Hartsfield  
Page 17 of 18





PC Meeting of August 27, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS  
 PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Subdivision Committee  
 FROM: Quin Thompson, Current Planner  
 Glenn Newman, Staff Engineer  
 THRU: Jeremy Pate, Development Services Director  
 DATE: August 22, 2012

**PPL 12-4177: Preliminary Plat (3845 N. SKILLERN ROAD/HARTSFIELD, 295):**  
 Submitted by ALAN REID AND ASSOCIATES for property located at 3845 N. SKILLERN ROAD The property is zoned RSF-2, SINGLE-FAMILY/2 UNITS PER ACRE and contains approximately 3 acres. The request is for a residential subdivision with 2 single family lots.

Planner: Quin Thompson

**Findings:**

*Background:* The property is zoned Residential Single-Family Two Units Per Acre (RSF-2), and contains 3 acres located at 3845 N. Skillern Road The existing lot contains one residence and associated garage/ADU with access from a private drive to Skillern Road that also provides access to two additional residential properties to the south. 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 and rural residential	Planning Area
South	Single family and rural residential	Planning Area
East	Single family and rural residential	Planning Area
West	Single family residential	RSF-4

*Proposal:* The applicant proposes a preliminary plat with 2 residential lots. The property is not eligible for a lot split application, since the parent tract has been previously subdivided the maximum number of times.

*Access Management and Connectivity:* Access to the property is provided by an existing private drive.

*Street improvements:* Payment in lieu of sidewalk construction is due in the amount of \$630 at the time of building permit.

*Water and Sewer System:* Water and sewer lines shall be extended through the development as required by the City Engineering Division. The final plat shall not be recorded until staff receives

G:\ETC\Development Services Review\2012\Development Review\12-4140 PPL 1730 N. Old Wire Road (Cottages at Old Wire)\02 Subdivision Committee\08-16-2012\Comments and Redlines

documentation that the existing home is connected to public sewer.

*Right-of-way to be dedicated:* Right-of-way shall be dedicated in the amount of 43.5 feet from centerline along Skillern Road, a Minor Arterial street.

*Parks:* On July 2, 2012, the Park and Recreation Advisory Board (PRAB) reviewed the project and recommended accepting money in lieu of land in the amount of \$960.

*Tree Preservation:* Existing: 11.7%  
Proposed: 11.1%  
Required: 20%  
Mitigation: 3 trees on-site mitigation

*Public Comment:* Staff has received no public comment.

**Recommendation: Staff recommends approval of PPL 12-4177 subject to the following conditions:**

**Conditions of Approval:**

1. Planning Commission determination of street improvements. *Staff recommends accepting money in lieu of sidewalk construction in the amount of \$630.00 prior to issuance of a building permit for a new single family residence on the new lot.*

**SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THESE IMPROVEMENTS**

2. Water and sewer mains shall be extended to provide legal service for each lot. Additionally, the existing home shall connect to the public sewer system directly adjacent to the site.
3. Right-of-way in the amount of 43.5 feet from centerline shall be dedicated along the project's Skillern Road street frontage
4. The following revisions shall be made to the plat:
  - a. Show mitigation trees on plan.
  - b. Show approximate location of existing septic system.
5. Fees in-lieu of parkland dedication are due in the amount of \$960.00 for the one new residential unit prior to recordation of the final plat.
6. Conditions of approval from Engineering, Solid Waste, Urban Forester, and the Parks Departments are included in the official conditions of approval, attached herein.

**Standard Conditions of Approval:**

7. All street names and addresses shall be approved by the 911 coordinator.
8. 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).

9. 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.
10. 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.
11. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.
12. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

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

**Motion:** \_\_\_\_\_

**Second:** \_\_\_\_\_

**Vote:** \_\_\_\_\_

**Meeting Date:** August 27, 2012

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www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

TO: Planning Division
FROM: Carole Jones, Park Planner II
DATE: August 13, 2012
SUBJECT: Parks & Recreation Subdivision Committee Review Comments

\*\*\*\*\*

Meeting Date: August 16, 2012
Item: PPL 12-4177 (3845 Skillern Road, 295)
Park District: NE
Zoned: RSF-2
Billing Name & Address: Billy and Marilyn Hartsfield
3845 Skillern Road
Fayetteville, AR 72703

Current Land Dedication Requirement Money in Lieu
Single Family \_\_\_\_\_ @ 0.024 acre per unit = \_\_\_\_\_ acres 1 @ \$960 per unit = \$960
Multi Family \_\_\_\_\_ @ 0.017 acre per unit = \_\_\_\_\_ acres \_\_\_\_\_ @ \$680 per unit = \$\_\_\_\_\_

COMMENTS:

- On July 2, 2012, PRAB reviewed the project and recommended accepting money in lieu for 1 single family unit to satisfy the park land dedication ordinance due to the project's proximity to Braden Park.
Fees in the amount of \$960 are due for the proposed single family unit.
The actual amount of fees will be based on the type (single family or multi-family) and number of units. Fees must be paid prior to signing of final plat or issuing of building permits.

July 26th, 2012

Alan Reid P.E.  
Alan Reid and Associates  
118 S. College Ave.  
Fayetteville, AR. 72701  
(479) 444-8784

RE: 12-4177 3845 E. SKILLERN / HARTSFIELD

Mr. Reid,

The residential solid waste and recycling service includes trash cart, recycling, and yard waste collection. The site plan for this development shows one residence positioned behind another with a private drive. Residential collection will occur curbside on Skillern so provisions for collection of both residences will need to be made at the front location.

Please contact me at 479-718-7685 or [bpugh@ci.fayetteville.ar.us](mailto:bpugh@ci.fayetteville.ar.us) if you have any questions.

Sincerely,



Brian Pugh  
Waste Reduction Coordinator  
Fayetteville Solid Waste and Recycling



TREE PRESERVATION AND PROTECTION – Chapter 167

To: Alan Reid  
 CC: Jesse Fulcher, Current Planner  
 From: Megan Dale, Urban Forester/Landscape Administrator  
 Date: 16 August 2012  
 Subject: PPL 12-4177: Skillern Subdivision Review Comments

Requirements Submitted:

N	Initial Review with the Urban Forester
N	Site Analysis Map Submitted
N	Site Analysis Written Report Submitted
Y	Complete Tree Preservation Plan Submitted
Y	Tree Mitigation Form Submitted
N/A	Tree Preservation Wavier Submitted

Canopy Measurements:

<b>Total Site Area (minus Master Street Plan ROW, existing easements, and Dedicated Parkland)</b>	
acres	
square feet	97,244
<b>Existing Tree Canopy (minus existing easements)</b>	
acres	
square feet	11,405
percent of site area	11.7%
<b>Tree Canopy Preserved</b>	
acres	
square feet	10,790
percent of total site area	11.1%
<b>Tree Canopy Removed (including off-site canopy)</b>	
square feet	615
percent of total site area	0.6%
<b>Site Percent Min. Canopy Required – Zoning RSF-2</b>	<b>20%</b>

**Mitigation: Choose One -**

Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
615 ft2	High Priority	218	3
ft2	Mid Priority	290	
ft2	Low Priority	436	
<b>Total Mitigation</b>			<b>3</b>

Tree Escrow (at \$675 per tree) equivalent of \$

Mitigation Type Requested:

On-Site     Off-Site     Tree Escrow     Not Requested Yet

Mitigation Type Requested Approved:  YES     NO

**TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:**

*Plan Checklist:*

*NA = not applicable*

*Yes = submitted by applicant*

*No = required by City Code but not included on submitted plan*

**The Site Analysis Plan [167.04(H)(1)]**

Tech Plat	SD	PC	Site Analysis Plan Components
Y	N/A	N/A	5 year aerial check on existing trees
Y	N/A	N/A	Property Boundary
Y	N/A	N/A	Natural Features 100ft beyond property line shown
N/A	N/A	N/A	Existing Topography with slopes ≤ 15% highlighted
N/A	N/A	N/A	Soils
Y	N/A	N/A	Significant Tree(s): 24", 18" and 8" DBH
Y	N/A	N/A	Table listing Sig. Trees with species, size, health, priority
N/A	N/A	N/A	Grouping of Trees: all other trees that do not meet significant requirements
N/A	N/A	N/A	Table listing Grouped Trees with average species, size, health, priority
Y	N/A	N/A	All existing utilities
N/A	N/A	N/A	All perennial and intermittent streams with approximate center line
N/A	N/A	N/A	Floodplains/Floodways
Y	N/A	N/A	Existing street, sidewalk or bike path ROW
N/A	N/A	N/A	Submitted Site Analysis Plan



**The Analysis Plan Report [167.04(H)(4)]**

Tech Plat	SD	PC	Analysis Plan Report Components
Y	N/A	N/A	Detail Design Approaches used to minimize damage to OR removal of existing canopy
Y	N/A	N/A	Justification for removal of individual or groupings of trees/canopy
N	N/A	N/A	Details providing information on on-site mitigation OR off-site alternatives
N/A	N/A	N/A	Submitted Analysis Report

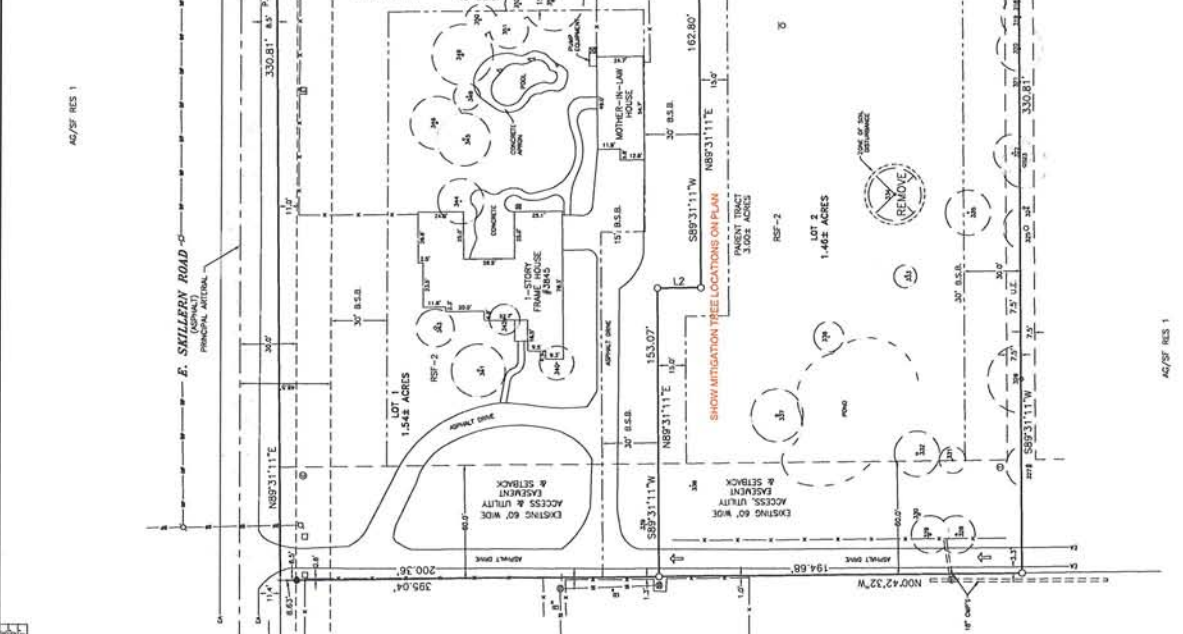
**Tree Preservation Plan [167.04(H)(2)]**

Tech Plat	SD	PC	Tree Preservation Plan Components
Y	N/A	N/A	Shows ALL Proposed Site Improvements
Y	N/A	N/A	Delineates trees/canopy to be preserved and removed
N	N/A	N/A	Delineates existing and proposed grading
N/A	N/A	N/A	Depict limits of soil disturbance
			Detail methods that will be used to protect trees during construction:
N	N/A	N/A	1. Tree Protection Fencing
N/A	N/A	N/A	2. Limits of Root Pruning
N	N/A	N/A	3. Traffic flow on work site
N	N/A	N/A	4. Location of material storage
N	N/A	N/A	5. Location of concrete wash out
N	N/A	N/A	6. Location of construction entrance/exit
Y	N/A	N/A	Location of ALL existing and new utility/drainage easements

**Conditions of Approval:**

1. Address items above marked with "N" and all redlines.
2. Show mitigation on plan.
3. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form. Submit a landscape estimate for review at time of construction plan review.
4. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form.

ASU	BLOCK	132	1
U	SECTION	18	1
U	TRACT	35	1



**DANIEL TRACT - PARCEL #26522121-200**  
 A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 18, T18N, R18W, RANGE 18W, TOWNSHIP 18N, RANGE 18W, COUNTY WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, THENCE S00°42'32"E 395.04' FEET ALONG THE EAST LINE OF SAID SECTION, TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE S89°31'17"W 330.81' FEET ALONG THE EAST LINE OF SAID SECTION TO A SET 1/2" HIGH REBAR THENCE N07°42'32"W 395.04' FEET TO A POINT ON THE NORTH LINE OF SAID 40 ACRE TRACT, THENCE N89°31'17"W 330.81' FEET TO THE POINT OF BEGINNING. CONTAINING THEREIN 3.0046 ACRES OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: SUBJECT TO THE RIGHT-OF-WAY OF SKILLERN ROAD ALONG THE ENTIRE NORTH BOUNDARY, A SEVEN AND ONE-HALF (7 1/2) FOOT WIDE UTILITY EASEMENT ALONG THE ENTIRE SOUTH SIDE.

DRAFTSMAN  
 DATE 07/17/2012  
 CHECKED  
 SCALE 1" = 30'  
 SHEET SIZE 24" x 36"

### TREE PRESERVATION PLAN

HARTSFIELD, BILLY & MARILYN  
 3845 E SKILLERN RD, FAYETTEVILLE, AR 72703

CITY PLAT PAGE 295

1" = 30'

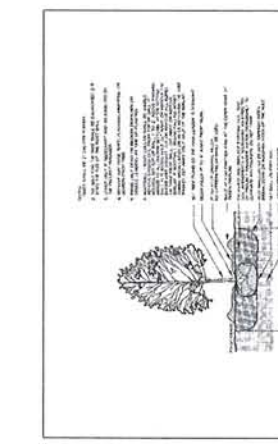
FIELD SURVEYING SETBACKS:  
 REAR - 30 FEET  
 SIDE - 15 FEET

**PROPERTY MEASUREMENT TABLE**

AREA (SQUARE FEET)	111,000
AREA (ACRES)	2.54
PERIMETER (FEET)	1,170
PERIMETER (METERS)	336
PERIMETER (MILES)	0.21

REMARKS - 3 TREES OVER LARGE SPECIES TO BE ESTIMATED AFTER CONSTRUCTION. **PROVIDE SPECIES NOW**

DATE THIS PLAN IS DRAWN: MAY 16, 2002



NOTE: THESE TREE SPECIES ARE NOT TO BE REMOVED UNLESS NECESSARY FOR THE CONSTRUCTION OF THE PROJECT. THESE SPECIES ARE TO BE MAINTAINED FOR THE LIFE OF THE PROJECT.

**ALAN REID & ASSOCIATES**

113 S. GUYTON AVENUE, FAYETTEVILLE, AR 72703  
 (501) 848-4811  
 (501) 848-4812  
 (501) 848-4813

## LEGEND

These standard symbols will be found in the drawing:

- TELEPHONE PEDESTAL
- SANITARY SEWER MANHOLE
- WATER METER
- GAS METER
- CABLE PEDESTAL
- AIR CONDITIONER
- ⊕ COMPUTED POINT
- STORM DRAIN MANHOLE
- FOUND IRON REBAR
- WATER SPOUT
- CHISELED "X"
- POWER POLE
- SET 1/2" IRON
- BENT-UP DRIVEWAY LINE
- OVERHEAD ELECTRIC LINE
- SANITARY SEWER LINE
- WATER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- PROPERTY LINE

**UNLAWFUL TO SIGN, SEAL, REVIEW COMMENTS, URBAN FORESTER**

**SURVEYOR CERTIFICATION**  
 I HEREBY CERTIFY, THAT THIS PLAN, REVISED ON MAY 6, 2002, REPRESENTS A SURVEY MADE BY ALAN REID AND ASSOCIATES AND THAT SAID SURVEY MEETS OR EXCEEDS THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS.

G. ALAN REID  
 PROFESSIONAL SURVEYOR  
 ARKANSAS REGISTRATION 1008

**SHOW MITIGATION TREE LOCATIONS ON PLAN**

LOT 1  
 1.542 ACRES

LOT 2  
 1.462 ACRES

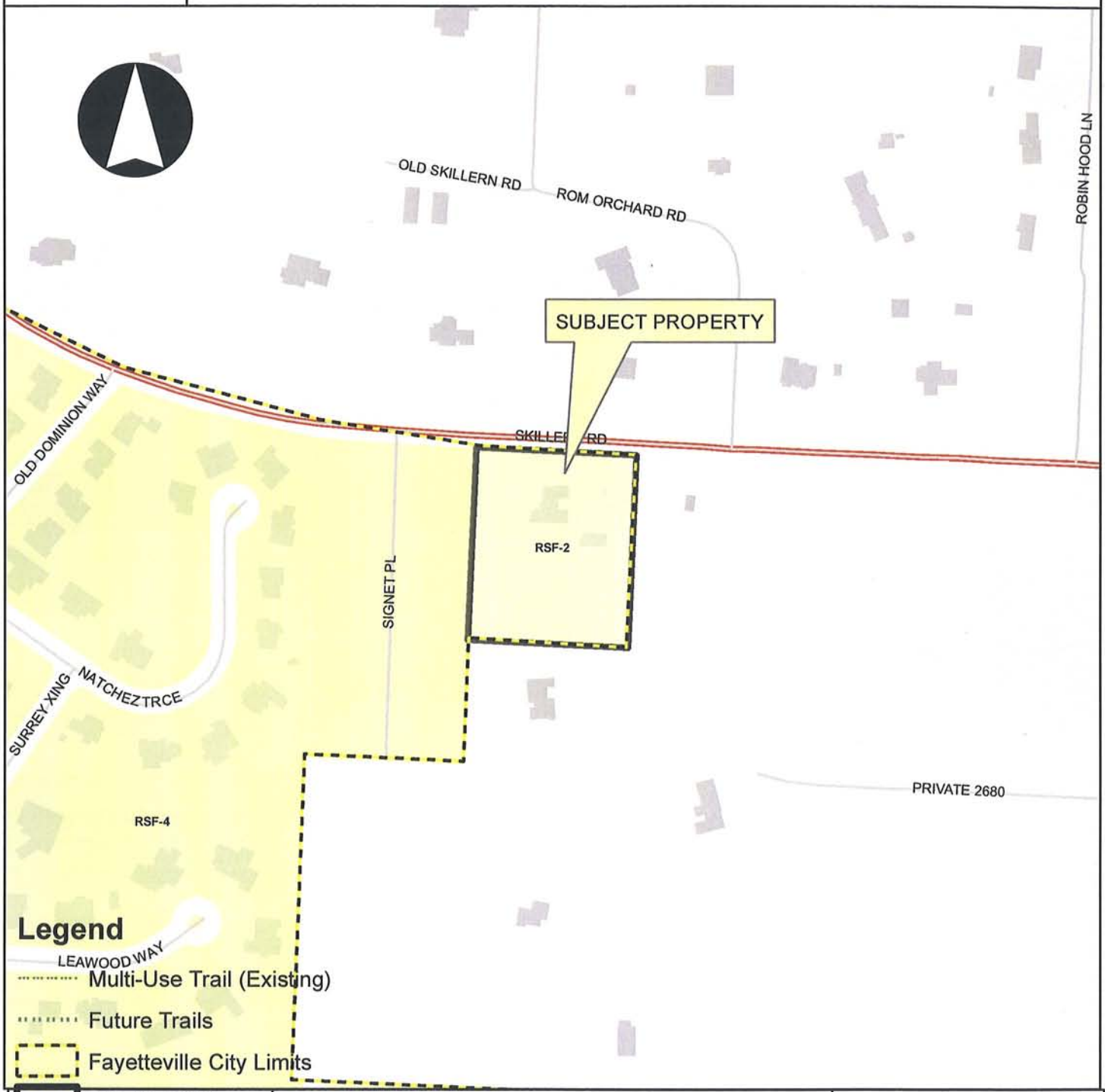
CRESTMONT ESTATES

E. SKILLERN ROAD

PPL12-4177

# HARTSFIELD

Close Up View



### Legend

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

**Overview** PPL12-4177

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

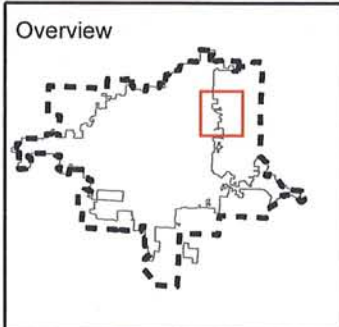
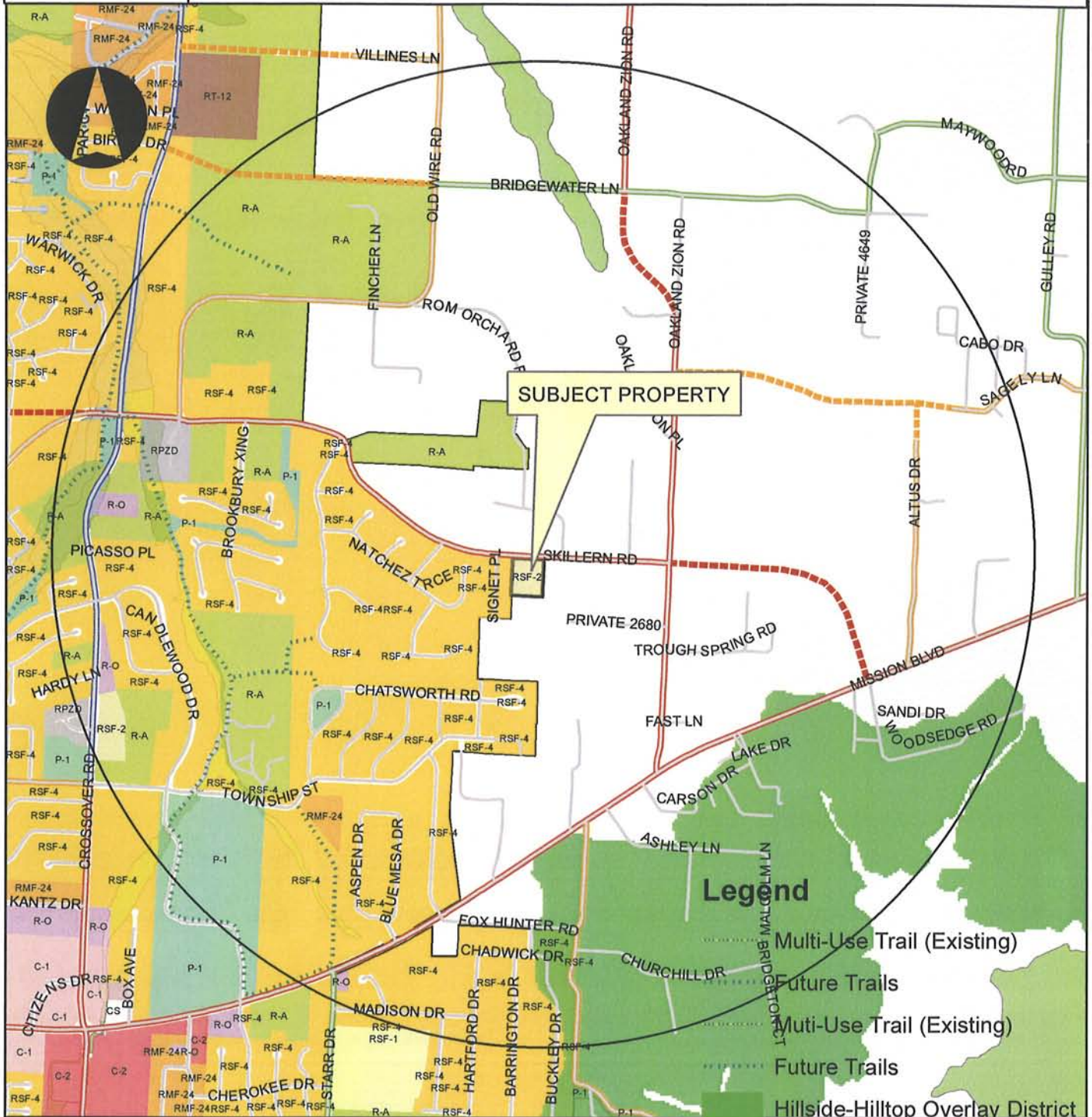




PPL12-4177

# HARTSFIELD

One Mile View



<p>Legend</p> <p>Subject Property</p> <p>PPL12-4177</p> <p>Boundary</p>	<p>0      0.25      0.5      1</p> <p>Miles</p>	<p> PPL12-4177</p> <p> Design Overlay District</p> <p> Planning Area</p> <p> Fayetteville</p>
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PC Meeting of August 27, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

**TO:** Fayetteville Subdivision Committee  
**FROM:** Quin Thompson, Current Planner  
**THRU:** Jeremy Pate, Development Services Director  
**DATE:** August 23, 2012

**CUP 12-4185: Conditional use Permit (3825 N. SHILOH DR./BUCK NEKKID BBQ, 174):**  
Submitted by JOE BROOKS for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.61 acres. The request is for a dance hall in an existing restaurant. Planner: Quin Thompson

**Findings:**

*Property Description:* The subject property is located at 3825 N Shiloh Drive, is zoned C-2, Thoroughfare Commercial, and contains approximately 2.62 acres. The property is currently utilized for the Buck Nekkid BBQ restaurant. The surrounding land use and zoning is listed below in *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Commercial (restaurants)	C-2
South	Undeveloped (Mud Creek)	R-O
East	Hwy 71 N	N/A
West	The Home Depot	C-2

*Background:* Buck Nekkid BBQ recently received approval for a conditional use permit for outdoor music including a raised stage area to the east of the building (CUP 12-4084). The outdoor music venue area was limited to a total of 252 occupants which would max out the total number of available parking spaces (170) on the property when combined with the restaurant use.

*Proposal:* The applicant proposes to utilize the 10,625 square-foot restaurant for a night club with live music between the hours of 9:00 p.m. and 2:00 a.m. Tables would be pushed back from the dining areas to create space for the dance floor. The average number of employees is expected to be three full-time and up to 15 employees for large events.

*Request:* The applicant has requested a conditional use permit to operate Use Unit 29, a Dance Hall, on the subject property.

*Parking:* As shown on the attached site plan approved with SIP 11-3847, there are 170 parking spaces. With the outdoor music venue having a maximum of 252 occupants, and a City parking

ratio of one space per four occupants, the outdoor music requires 63 parking spaces. When the restaurant is used for a night club, the parking ratio changes from 1/100 SF to 1/50 SF (minus the kitchen), requiring a substantial increase in the number of parking spaces. At the time of publication of this report staff has not received a parking ratio from the applicant that indicates there is adequate parking for the outdoor music and the night club use.

**Recommendation:** *Staff recommends tabling CUP 12-4189 until the September 10, 2012 Planning Commission meeting to allow the applicant time to provide updated parking numbers for staff and the commission to verify that there is enough parking for the outdoor music and the night club uses, in accordance with City ordinance.*

Should the Planning Commission choose to approve CUP 12-4189, staff would recommend the following conditions:

**Conditions of Approval:**

- 1. Planning Commission determination of adequate parking in accordance with Fayetteville Unified Development Code Chapter 172.**
- 2. Hours of operation for the dance hall shall be limited between the hours of 9:00 p.m. and 2:00 a.m. seven (7) days a week.**
- 3. Maximum occupancy shall be determined by the Building Inspector and Fire Marshal.**
- 4. Prior to operation of the night club an inspection shall be conducted by the Fire Marshal and any required improvements (such as a sprinkler system) to the building shall completed in accordance with building code and fire code.**
- 5. Any expansion or change in use shall be subject to Planning Commission approval of a new conditional use permit.**
- 6. All signage shall comply with the requirements of the Downtown Core zoning district and shall be permitted separately by a sign permit application.**
- 7. Compliance with the City's noise ordinance, as enforced by the Police Department. All music (acoustic or electronically amplified) shall be subject the regulations as follows:**
  - (A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

**TABLE 1**

Use Districts	Maximum Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

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**Planning Commission Action:**     **Approved**         **Denied**         **Tabled**  
**Motion:**  
**Second:**  
**Meeting Date:** August 27, 2012

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**FUTURE LAND USE PLAN DESIGNATION:**  
*Urban Center Area*

**163.02.        AUTHORITY; CONDITIONS; PROCEDURES.**

**B. Authority; Conditions.** The Planning Commission shall:

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

of this chapter.

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

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

**Finding: The applicant has submitted a written application requesting a conditional use permit for the Dance Hall in the C-2, Commercial Thoroughfare zoning district.**

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

**Finding: The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

**Finding: The Planning Commission is empowered under § 161.20 to grant the requested conditional use permit.**

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

**Finding: In staff's opinion granting the requested conditional use should not adversely affect the public interest. The proposed location is located in a busy commercial neighborhood consisting entirely of commercial uses that would not be affected by the after hours entertainment venue. Staff does not find that permitting an area for dancing in the nightclub will not adversely impact the adjacent and surrounding uses.**

(c.) The Planning Commission shall certify:

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

**Finding: There are specific rules governing this individual conditional use request with which the applicant has complied (see page 6).**

(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 building is located on Shiloh Drive, with appropriate infrastructure to safely accommodate traffic loads generated by this use.**

(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:** *As discussed in the background section of this report, staff has not been able to confirm that there is an adequate number of parking spaces for the proposed night club in addition to the recently approved outdoor music venue. Staff recommends this item be tabled until it has been confirmed that the parking numbers meet City ordinance.*

**The off-street and loading areas should not pose economic, noise, glare, or odor effects on adjoining properties which include restaurants and retail to the north and west, a busy transportation corridor to the east, and a riparian multi-use trail corridor to the south.**

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

**Finding:** **The applicant has coordinated with the Solid Waste division for appropriate solid waste disposal.**

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

**Finding:** **The subject use does not require additional connections to utilities.**

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

**Finding:** **N/A**

(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: All signage shall comply with the requirements of the Thoroughfare Commercial zoning districts and shall be permitted separately by a sign permit application.**

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

**Finding: N/A**

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

**Finding: Staff finds that a nightclub with a dance floor in this location is very compatible with the surrounding land uses, which are entirely commercial and non-residential.**

#### **163.06 Dance Halls**

Dance halls may be allowed as conditional uses where they are permitted subject to the following conditions:

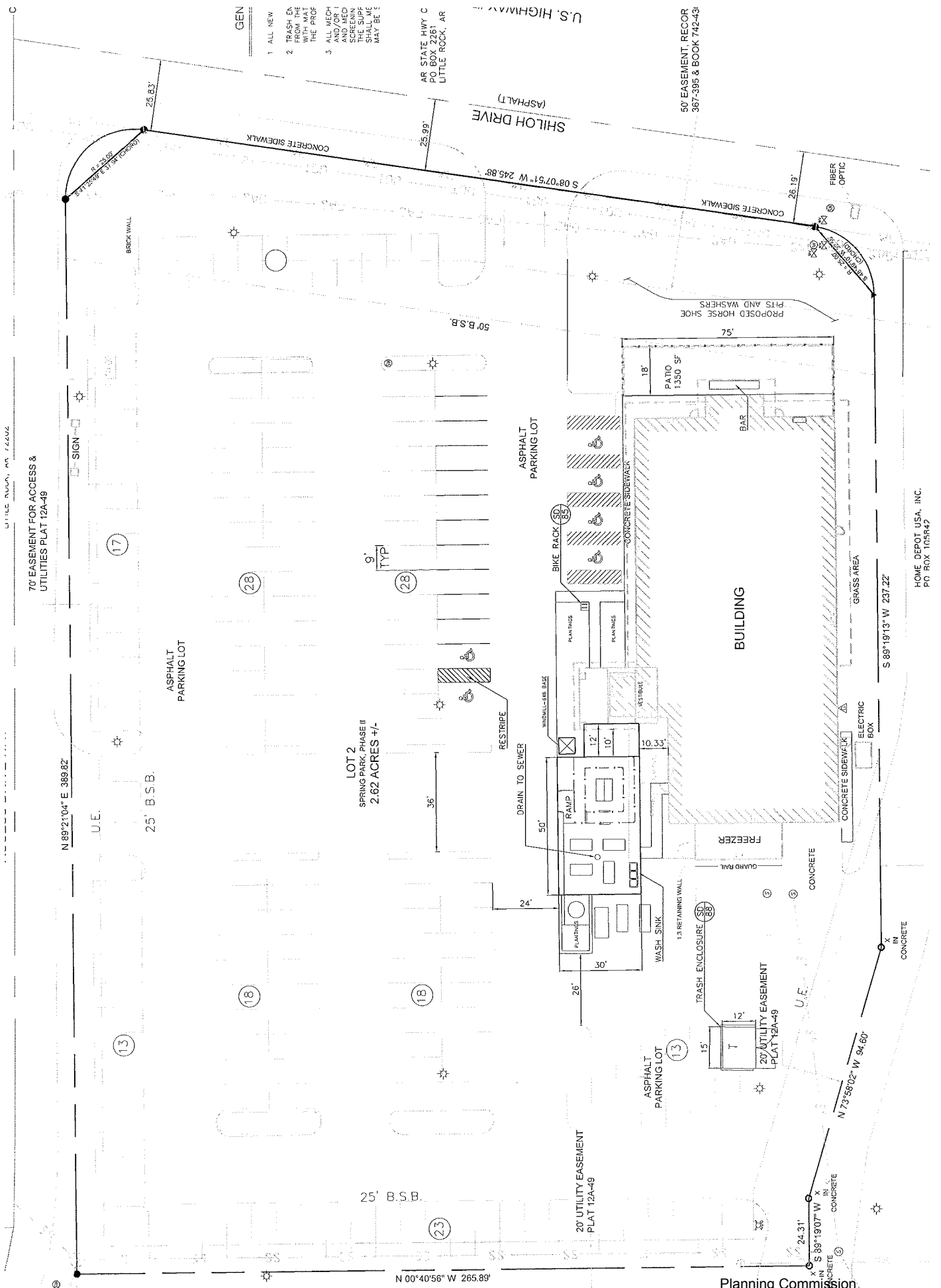
(A) *Site plan.* A site plan showing the property lines, structures on the property, driveways and parking spaces shall be filed with the Planning Division at least 15 days before the Planning Commission meeting at which the conditional use application will be considered.

**Finding: The applicant submitted the required information within the established timeframe.**

(B) *Inspection.* Before a conditional use permit is issued for a dance hall, the building must be inspected by the fire marshal and building inspector to assure compliance with the Arkansas State Fire Code and to assure that no significant safety hazards exist. No conditional use permit shall be issued for a dance hall facility if the building does not pass inspection.

**Finding: The Fire Marshal and Building Inspector have been in contact with the applicant regarding the requirements to improve the building to meet fire code for a nightclub. Accordingly, the applicant has been installing a sprinkler system over the past few months to address some of these issues. Staff recommends a condition of approval requiring a final inspection and approval of occupancy by the City Building Official and Fire Marshall prior to use of this building for a nightclub.**





- GEN**
1. ALL NEW
  2. TRASH EN FROM THE WITH MAT THE PROF
  3. ALL MECH AND/OR I SCREEN THE SUPP SHALL ME MAY BE 3

AR STATE HWY C  
PO BOX 2261  
LITTLE ROCK, AR

SHILOH DRIVE  
(ASPHALT)

50' EASEMENT, RECOR  
367-396 & BOOK 742-43

70' EASEMENT FOR ACCESS &  
UTILITIES PLAT 12A-49

N 89°21'04" E 389.82'

U.E.

25' B.S.B.

ASPHALT  
PARKING LOT

LOT 2  
SPRING PARK PHASE II  
2.62 ACRES +/-

N 00°40'56" W 265.89'

25' B.S.B.

20' UTILITY EASEMENT  
PLAT 12A-49

ASPHALT  
PARKING LOT

20' UTILITY EASEMENT  
PLAT 12A-49

N 73°58'02" W 94.60'

S 89°19'13" W 237.22'

HOME DEPOT USA, INC.  
PO BOX 105647

HOME DEPOT USA, INC.  
842  
A 30348

Planning Commission  
August 27, 2012  
Agenda Item 8  
CUP12-4185 Buck Nekkid  
Page 7 of 18

## PARKING REQUIREMENTS

PARKING REQUIRED (10,600 SF/100 )

106 SPACES

PARKING PROVIDED

170 SPACES

COMPACT SPACES

23 SPACES

HANDICAP PARKING REQUIRED

6 SPACES

HANDICAP PARKING PROVIDED

5 SPACES

TOTAL PARKING SPACES PROVIDED

170 SPACES

Buck Nekkid BBQ  
3825 North Shiloh Drive  
Fayetteville, AR 72703

Tuesday, July 11, 2012

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

Dear Committee:

Buck Nekkid BBQ, located at 3825 N. Shiloh Drive comes before this committee with the request of granting a dance hall conditional use permit, allowing live music and dancing in an indoor nightclub setting on premises.

Buck Nekkid is proposing to offer live music indoors between the hours of 9:00 p.m. and 2:00 a.m. Monday through Saturday. Buck Nekkid is not proposing any remodel of facilities at this time other than transforming current Wait Station #1 into a space available for Disc Jockey equipment. In addition, Buck Nekkid has obtained the services of Freedom Fire Pro and has received approval and permitting to install the necessary sprinkler/fire suppressant system for such a venue. The total square footage of the building is approximately 10,625 and at its peak, it is anticipated that the occupancy may reach 200-300 people on Monday –Thursday nights and 700-800 persons on Friday and Saturday events. On average the venue plans to maintain employment of 3 full time managers and 15 part- time associates. In addition, adequate security will be scheduled on premises during all activities in an effort to maintain a fun, yet safe, environment for all.

Currently, there are 181 parking spaces provided in addition to late night parking at Home Depot. Most adjacent businesses are day part driven and closed by the time nightclub activities are scheduled to begin. Moreover, Buck Nekkid enjoys a semi-secluded portion of real estate at the end of a dead end frontage road that is closed to thru traffic. Multiple areas of ingress and egress are available and the venue itself is totally surrounded by an enormous parking lot on three sides with wooded/vacant open land to the rear.

Buck Nekkid would continue to be open to the public as a family restaurant during the following hours of operation: Tuesday –Thursday 11:00-9:00, Fri-Sat 11:00-9:00 and Sunday 11:00-3:00. During this time, the venue seeks to establish itself as not only an interactive family dining alternative but as a large corporate banquet facility as well. It is realized that the property has been the home of several unsuccessful “dining-only” establishments in the past and is committed to solidifying itself as a true “destination”

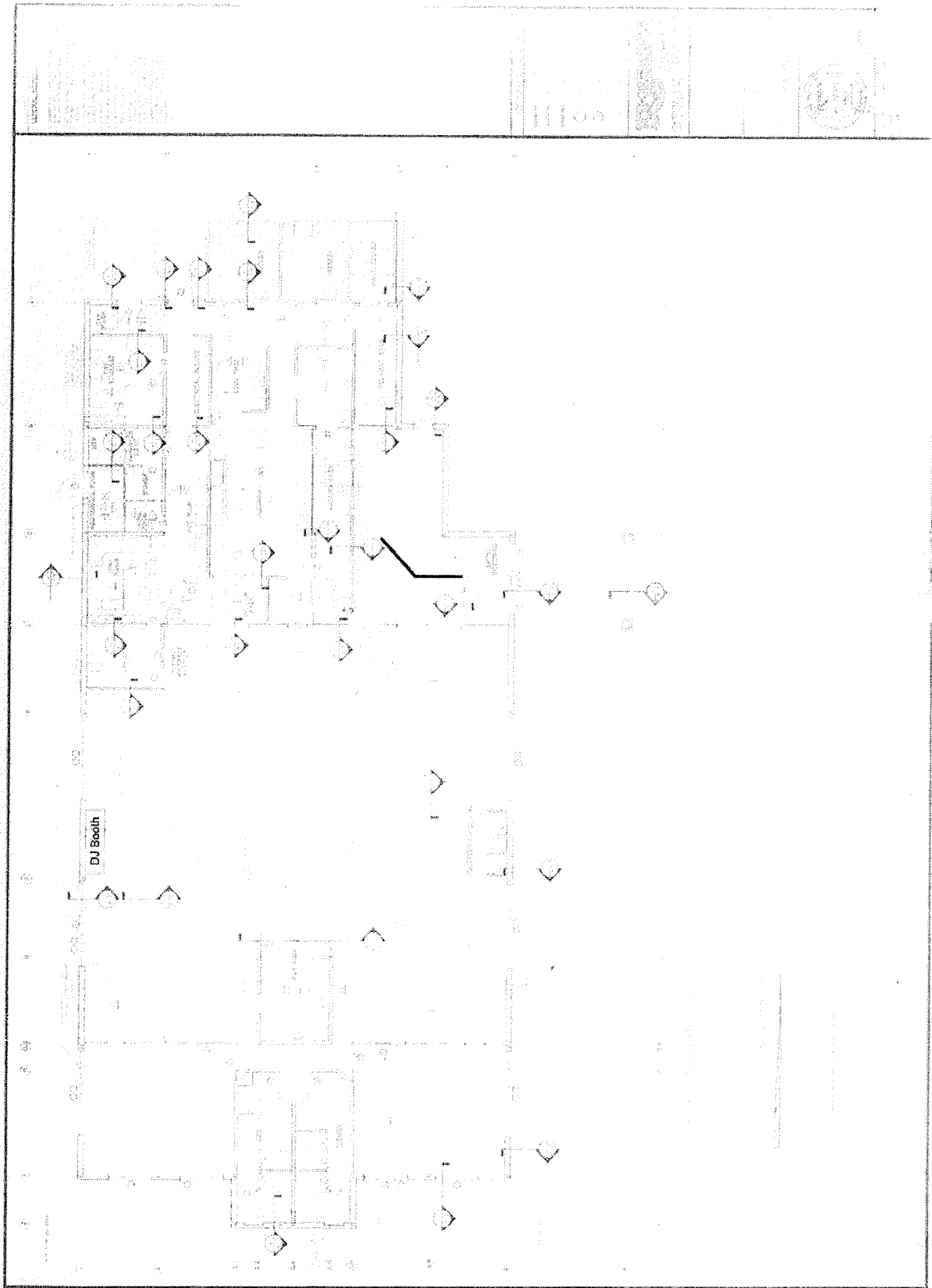
rather than just another dining option similar to many of its competitors. Adding this nighttime entertainment element allows Buck Nekkid the opportunity to not only cross market to another demographic, but greatly improve its chances of overcoming the immense overhead of such a large property all the while increasing its likelihood of survival and continued occupancy of a building that has set vacant for so many years before Buck Nekkid's inception.

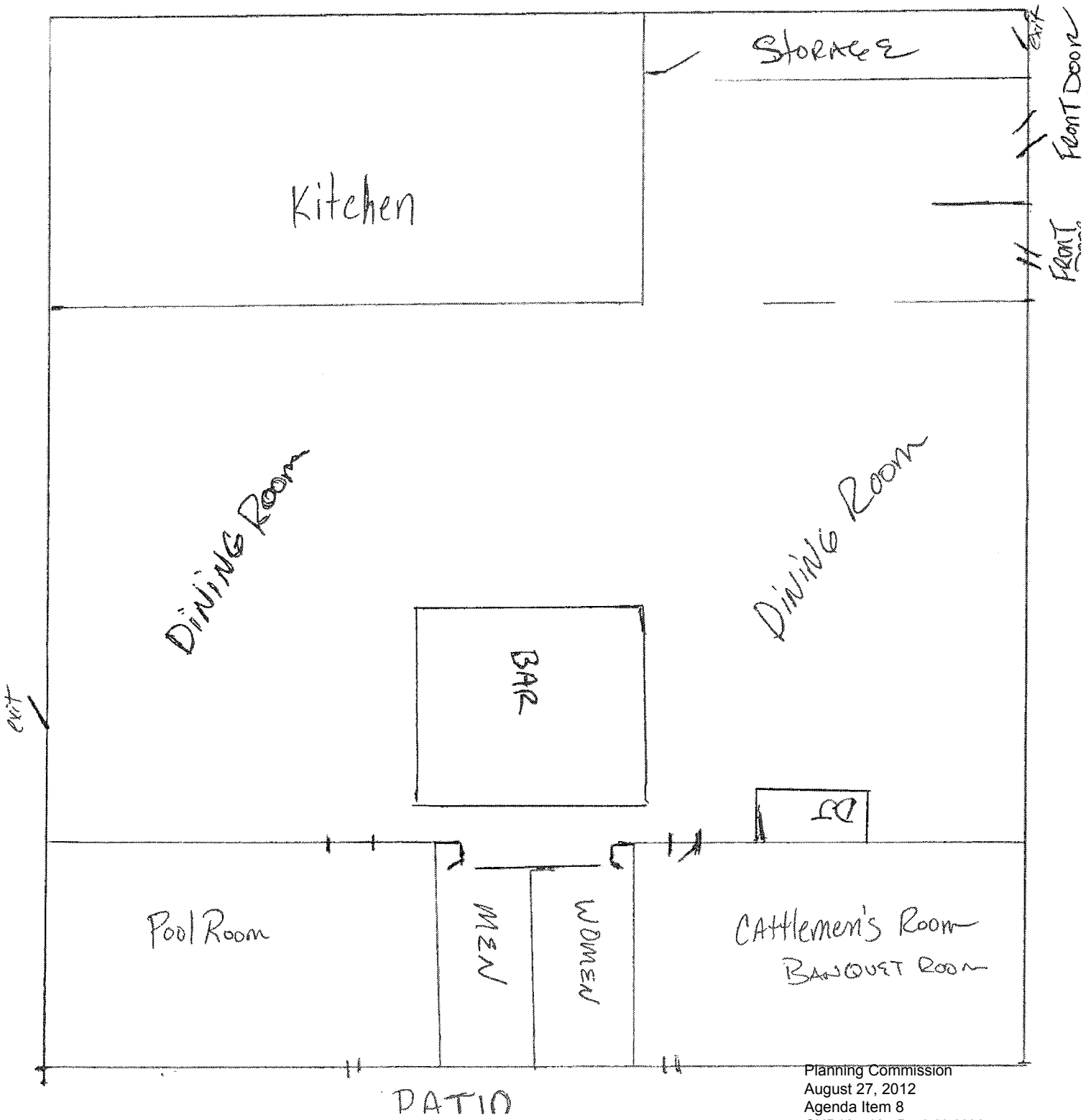
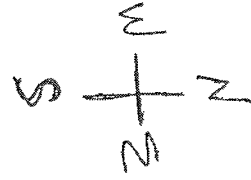
We appreciate your time and consideration to this request.

Sincerely,

Joe Brooks  
Owner  
Buck Nekkid BBQ

Macy Brooks  
Asst mgr/Owner  
Buck Nekkid BBQ







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  
Andrew Garner, Senior Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: July 18, 2012 Updated July 25, 2012 Updated August 8, 2012  
Updated August 13, 2012

**ADM 12-4168: Administrative Item (3825 N. SHILOH DR./BUCK NEKKID, 174):**  
Submitted by WILL HOUSTON for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.62 acres. The request is to modify the location of the stage and the size of the outdoor music area approved with CUP 12-4084.

Planner: Quin Thompson

*Property:* The subject property is located at 3825 N Shiloh Drive, is zoned C-2, Thoroughfare Commercial, and contains approximately 2.62 acres. The property is currently utilized for the Buck Nekkid BBQ.

*Surrounding Land Use:*

Direction from Site	Land Use	Zoning
North	Commercial (restaurants)	C-2
South	Undeveloped (Mud Creek)	R-O
East	Hwy 71 N	N/A
West	The Home Depot	C-2

**BACKGROUND:**

On Monday, April 23, 2012 the Planning Commission approved CUP 12-4084 to allow Buck Nekkid BBQ to have outdoor music on a small existing patio on the east side of the restaurant (see attached). A condition of this approval was that all outstanding building permits be finalized before the Conditional Use Permit would be valid.

*Update :* The applicant has obtained all of the required inspections and finalized the permits, with the exception of those associated with the east patio area. The patio has been disrupted significantly by a separate project (automatic sprinkler system installation) and has not been finalized for that reason.

G:\ETC\Development Services Review\2012\Development Review\12-4168 ADM 3825 N. Shiloh Dr. (Buck Nekkid BBQ)\03 Planning Commission\08-13-2012\Comments and Redlines

Within a few weeks of CUP 12-4084 being approved, the Planning Division became aware that a new large stage area was installed not only without a building permit, but in a building setback, and not in the area of the site that was approved for outdoor music by the Planning Commission.

On *Monday, July 09, 2012*, the *Planning Commission* heard ADM 12-4168 and, following discussion, agreed to table the item until the next meeting of the Planning Commission in order to allow the applicant time to resolve outstanding inspections and permits.

On *Thursday, July 12, 2012*, the applicant submitted a Board of Adjustment building setback variance request to allow the newly constructed stage to remain in the front building setback off Shiloh Drive.

On *Wednesday, July 18, 2012*, the applicant met with City staff and indicated that they would like to modify their conditional use permit for outdoor music to allow the stage to remain in its current location.

On *Monday, July 23, 2012*, the *Planning Commission* heard ADM 12-4168 and, following discussion, agreed to table the item pending a hearing of a variance request for the stage by the Board of Adjustment.

On *Monday, August 06, 2012*, the *Board of Adjustment* reviewed the applicant's request to allow the stage to remain within the front building setback. The board voted 5-0-0 to deny a request for a variance of the building setback that would have allowed the stage to remain in its current location. An alternative to removing the stage was discussed, in which the height of the stage would be reduced such that it would not meet the criteria for permanent structure, thereby removing the requirement to comply with building setback and building permit ordinances.

On *Wednesday, August 08, 2012*, staff received revised plans for the stage and patio site which would eliminate the need for a variance. Under this plan, the height of the stage will be reduced to less than 30 inches at its highest point making both a variance and a building permit unnecessary. However, the stage remains located in an area that is not approved for outdoor music under CUP 12-4084. If the Planning Commission grants the requested modification to CUP 12-4084 allowing the stage to remain in its current location, a building permit for the expanded patio area would still be required.

*Applicant's Proposal:* The applicant requests a modification to the original CUP 12-4084 allowing outdoor music to be provided in the location indicated on Sheet A02-02.

*Recommendation:* Staff finds that the location identified in the submittal materials as 'Venue 1' is compatible with surrounding development, and is not likely to adversely affect nearby residents or businesses. Staff recommends this item be approved with the following conditions:

### **Conditions of Approval:**

**1) The patio area (Venue 1) associated with the stage shall be limited to 252 occupants due**



to parking limitations. Maximum occupant load shall be permanently posted in a conspicuous location. If the applicant is able to provide a shared parking agreement, this limit could be removed by a future hearing before the Planning Commission. Staff has compiled a parking chart to support this limitation, see below:

**UDC Parking Requirements §172.05 (A) Table 3:**

1 parking space for every 100 SF of Restaurant.  
1 parking space for every 4 occupants

**Restaurant**

SF = 10,625 / 100 = 106.25 (107) parking spaces required for the restaurant.  
Existing parking on site = 170 spaces  
170 -107 = 63 spaces remaining

**Patio/outdoor music parking**

63 spaces x 4 occupants/space = 252 occupants

2) **A building permit application must be submitted for the enlarged patio area (Venue 1) as shown on the attached site plan (Sheet A02-02).** As a part of the building permit review, a Fire and life safety review of the new outdoor music area by the City Building Official and Fire Marshall with the applicant including occupancy, egress, and other typical issues must be completed before outdoor music may be provided.

**PLANNING COMMISSION ACTION:** yes Required  
       Revoke        Modify   X   Table (until July 23, 2012)

**Motion:** Chesser

**Second:** Honchell

**Vote:** 5-0-0

**Date:** July 9, 2012

**PLANNING COMMISSION ACTION:** yes Required  
       Revoke        Modify   X   Table (until August 13, 2012)

**Motion:** Cabe

**Second:** Chesser

**Vote:** 9-0-0

**Date:** July 23, 2012

**PLANNING COMMISSION ACTION:** yes Required  
       Revoke   X   Modify        Table (until August 13, 2012)

**Motion:** Cook

**Second:** Chesser

**Vote:** 8-1

**Date:** August 13, 2012

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CUP12-4185

# BUCK NEKKID BBQ

Current Land Use



### Legend

- Fayetteville City Limits
- CUP12-4185
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

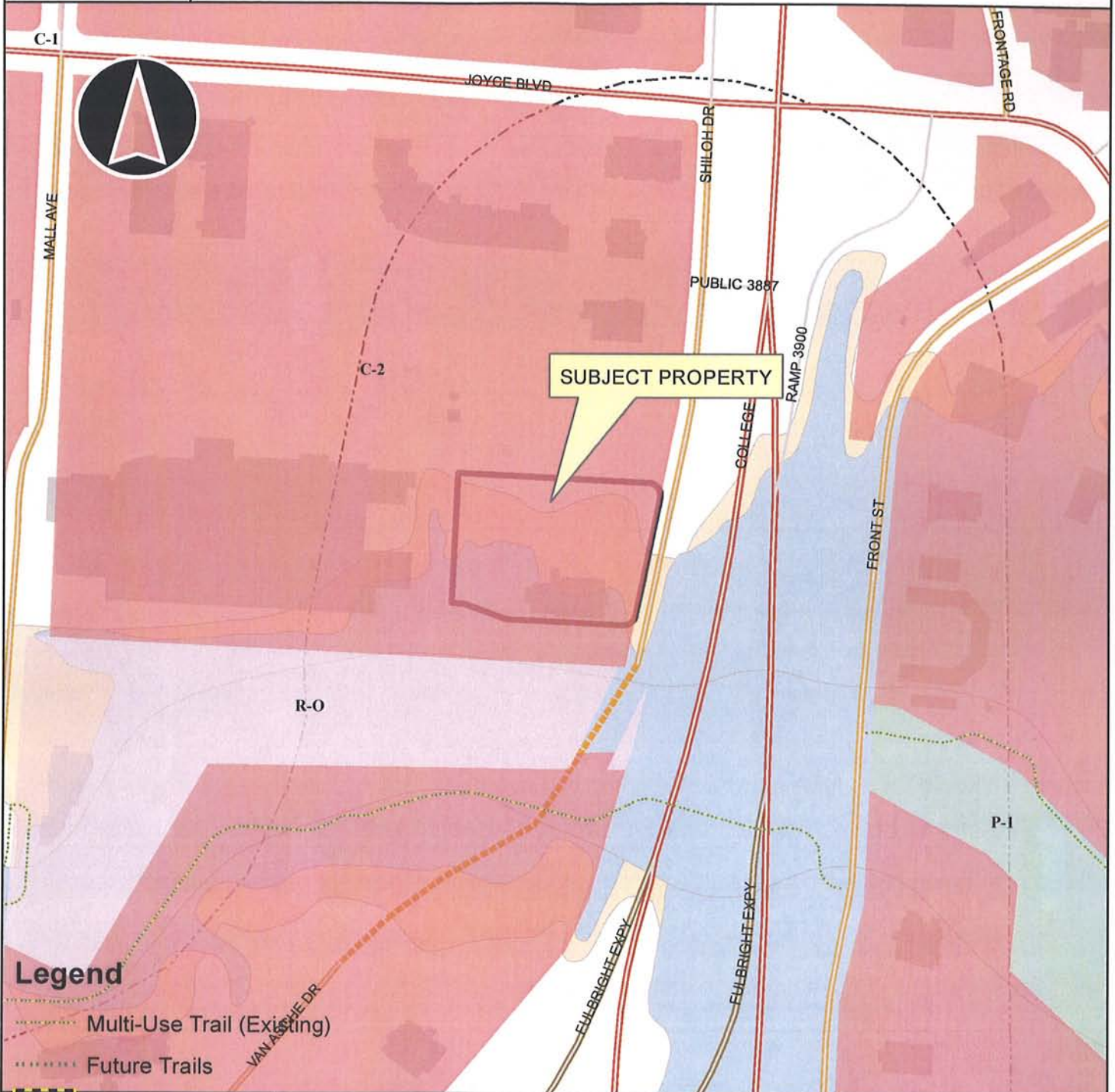




CUP12-4185

# BUCK NEKKID BBQ

Close Up View



### Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview Fayetteville City Limits

- CUP12-4185
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

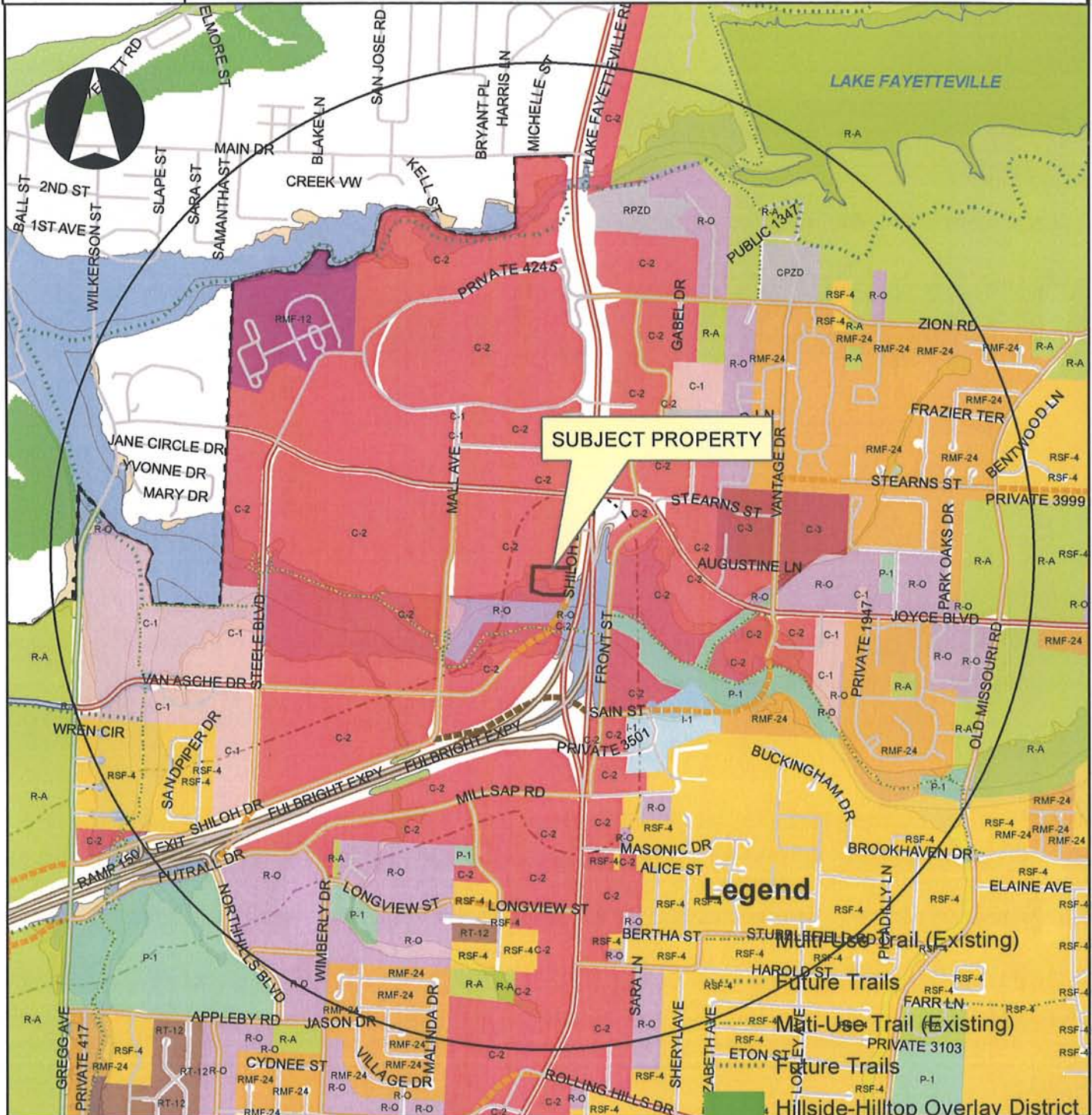




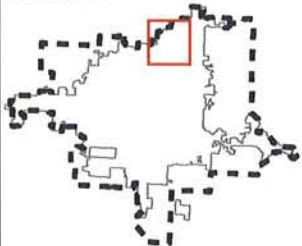
CUP12-4185

# BUCK NEKKID BBQ

One Mile View



Overview



Legend

Subject Property

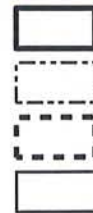


CUP12-4185

Boundary

0 0.25 0.5 1

Miles



CUP12-4185

Design Overlay District

Planning Area

Fayetteville

Planning Commission

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