



MEETING OF FEBRUARY 21, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

DATE:

SUBJECT: **Appeal: LSD-2022-0039: Large Scale Development (788 S. SHERMAN AVE./E. HUNTSVILLE RD. MULTI-FAMILY WEST, 565): Submitted by DCI for property located at 788 S. SHERMAN AVE. in WARD 1. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.21 acres. The request is for a residential development with seven triplexes, one single-family dwelling, and associated parking.**

RECOMMENDATION:

City staff recommends approval and the Planning Commission recommends denial of a request for a multi-family residential development as described and shown below. The Planning Commission denied the proposal at the January 9, 2023 Planning Commission meeting and the applicant has appealed the decision to City Council.

BACKGROUND:

The subject property is in southeast Fayetteville on the south side of Huntsville Road, about a quarter of a mile west of the street's intersection with Happy Hollow Road. The property contains roughly 1.21 acres and is currently undeveloped. Another multi-family residential development is planned just east of this site which is currently under review as a Large Site Improvement Plan (LSIP-2022-0009). The applicant has provided a combined drainage report that includes both proposed developments.

Request: The applicant requests Large Scale Development approval to develop the subject property with seven triplexes, one single-family dwelling, and associated parking. Four variances from the Unified Development Code have been requested. Each variance is described in detail alongside staff's recommendations in the attached Planning Commission staff report.

Public Comment: Staff received no public comment regarding this request.

DISCUSSION:

At the January 9, 2023 Planning Commission meeting, a vote to deny this request passed with a vote of 7-2-0; Commissioner Garlock made the motion with Commissioner McGetrick seconding. Commissioners Canada, Garlock, Holcomb, Johnson, Madden, McGetrick, and Sparkman voted in favor of the denial. Commissioners Johnson, McGetrick, and Sparkman expressed concerns about the requested variance from the City's access

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

management standards, stating that it may create or compound a dangerous traffic condition along Huntsville Road. Commissioners Garlock, Johnson, and Madden also expressed concerns about the design of the site, stating that it did not align with the City's goals for appropriate housing and infill and did not appear to meet the intent of several city ordinances. Those commissioners felt that reducing the number of units or creating a cluster housing development may be more appropriate on this site. Commissioners Brink and Winston voted against the denial. Those commissioners felt that the applicant had designed a difficult site to the best of their ability and were supportive of all requested variances. No public comment was offered at the meeting.

Conditions of Approval:

1. Planning Commission determination of right-of-way dedication. *Staff recommends no additional right-of-way dedication;*
2. Planning Commission determination of street improvements. *Staff recommends improvements along the property's Huntsville Road frontage in line with the typical Master Street Plan section for a Neighborhood Link street, including six-foot greenspace and 10-foot trail. Staff also recommends that an accessible pedestrian connection be provided to Doc Mashburn Park with additional tree plantings to be coordinated with the City's Parks Department;*
3. Planning Commission determination of a variance to UDC §166.08(F)(2)(b), Access Management – Neighborhood Links. *Staff recommends denial of this variance for reasons outlined in the attached staff report;*
4. Planning Commission determination of a variance to UDC §172.03(E), Minimum Number of Accessible Parking Spaces. *Staff recommends denial of this variance for reasons outlined in the attached staff report;*
5. Planning Commission determination of a variance to UDC §177.04(D)(1), Perimeter Landscaping Requirement – Side and Rear Property Lines. *Staff recommends approval of this variance for reasons outlined in the attached staff report;*
6. Planning Commission determination of a variance to UDC §177.04(D)(2)(f), Perimeter Landscaping Requirement – Screening. *Staff recommends approval of this variance for reasons outlined in the attached staff report;*
7. Remaining comments from the Planning Division shall be addressed, including:
 - a. Clarify how the architectural design requirements in our Urban Residential Design Standards will be met (UDC §166.23(D)). It is unclear what building materials will be used.
 - b. There may be a conflict between the four spaces in the turnaround and our vehicle maneuvering requirements (UDC §172.04). Those spaces may create a potential conflict in the event of a fire as well, since vehicles may be parked in a way that blocks the Fire Department's access. It's also unclear how cars will park in the two 'parallel' spaces.
 - c. Striping should be provided across the turnaround for a pedestrian crossing.
 - d. Shrubs should be provided for screening between the parking lot and the public right-of-way;
8. 10 feet of landscaped area should be maintained on the west side of the property to the east;
9. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval;
10. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
11. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, and Cox Communications);
12. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;
13. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Planning and Solid Waste Divisions for review prior to building permit;

14. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
15. 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;
16. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;
17. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;
18. Large scale development shall be valid for one calendar year;
19. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
20. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and
21. Prior to the issuance of a building permit, the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
 - c. Exterior lighting package must be provided to the Planning Division;
 - d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - e. Project Disk with all final revisions; and
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Appeal Letter, Exhibit A, Exhibit B, Planning Commission Staff Report

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

19 January 2023

City of Fayetteville

City Council
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

RE: Appeal of Planning Commission denial of LSD-2022-0039
Project Name: E. Huntsville Road Multi-Family West
Owner: Nicholas Corter, 3216 N Deane Solomon Rd, 479.445.8075

Mayor and Council Members:

I am requesting an opportunity to discuss an appeal of the Planning Commission decision to deny the above-referenced Large Scale Development application for the property located on E Huntsville Rd at the address of 786 S Sherman Ave (Parcel 765-15235-002).

Based on the conversation between the Commissioners on the night of the Planning Commission on January 9th, 2023, the Commissioners based their determination on 3 factors: 1) They stated that the number of Variances requested seemed excessive; 2) They perceived a possible safety issue related to the Access Management Variance requested for the additional driveway curb cut; & 3) They felt that if the Access Management Variance was denied that the entire project would need to be re-designed.

Planning Commission may not have had all of the facts needed to make a full review of the Large Scale Development application and Variance requests. This project may still be able to be approved with additional information regarding the 4 Variances requested, additional discussion regarding safety, and discussion of the ability of the Large Scale Development design to be slightly modified if it were to be approved with conditions or denial of one or more variance requests.

Thank you,



Allen Jay Young

