February 2, 2021 Planning Commission Agendas

Please note that there are two agendas in this packet. The one titled "Presentation" is the format that we will be using at the Planning Commission.

The other agenda or "Common" agenda is the format that we normally use, but due to Covid-19 and the limited number of people that can be admitted we will defer to the "Presentation" agenda and allow the representatives to present all their items at one time.
SPRINGDALE PLANNING COMMISSION
COUNCIL CHAMBERS
201 SPRING STREET
5:00 P.M.
FEBRUARY 2, 2021
Presentation Agenda

I. Pre-Meeting Activities
   Pledge of Allegiance
   Invocation

II. Call to Order

III. Roll Call

IV. Approval of Minutes January 5, 2021

V. Election of Officers

VI. Tabled Items
   A. C21-01 Adan Soto Rivera
      1210-1218 South Thompson Street
      Conditional Use for Unit 52 (food truck court) in a C-5
      Presented by Adan Soto Rivera
   
   B. L21-03 Stronghold NWA
      3095 Wagon Wheel Road
      B21-02 Variance for deviation of Commercial Design Standards
          (A) Multiple Buildings in Commercial Centers
          (B) Entryways & Architectural Features
          Presented by Gavin Smith, Civil Engineering
   
   C. W21-01 Trey Thompson
      4078 Carriage Crossing Lane
      Waiver of Sidewalk Requirement
      Presented by Trey Thompson and Conner Homes

VII. Public Hearing – Rezoning
   A. R21-03 Merry Lee Phillips Trust (Starbucks)
      408 South Thompson Street
      From C-2 to C-5
      B21-12 Variance for deviation of Commercial Design Standards
          (A) Entrances
B. R21-04  **Brian & Melanie Moore Trust (Cadence Crossing)**
7655 West Gibbs Road
From A-1 to PUD
PP21-01  West side of Gibbs Road, between Har-Ber Avenue and Nichols Road
B21-16  Variance for deviation of PUD size from 10 acres to 5 acres
Presented by Engineering Services, Inc.

C. R21-05  **Chancad, LLC (Rosedale Heights)**
529 East Don Tyson Parkway
From A-1 to SF-3
PP21-02  SW Corner of Don Tyson and S. Powell Street
Presented by Engineering Services, Inc.

D. R21-06  **Saul and Deris Calderon**
3161 North Thompson Street
From A-1 to C-2
Presented by A Million Miracles Surveying, Eric Heller

E. R21-07  **David & Natasha Harris**
964 North Maestri Road
From A-1 to C-2
Presented by Tyler Carter and Bob Downum

F. R21-08  **Bryan and Shannon Passmore**
7132 Bur Oak Road
From A-1 to SF-1
C21-04  Tandem Lot in SF-1
B21-15  Variance for deviation of paved driveway requirement
Presented by Bryan and Shannon Passmore

G. R21-09  **Jackie and Sherry Moore**
3300 Clyde Lane
From A-1 to SF-2
Presented by Engineering Services, Inc.

VIII. **Public Hearing – Conditional Use**

A. C21-02  **Isabelle and Dominik Maerki**
8727 East Wagon Wheel Road
Conditional Use for Unit 36 (horses kept in residential area) in a SF-1
B21-11  Variance for deviation of fence and acreage
Presented by Isabelle and Dominik Maerki
B. C21-03 **Maria Hernandez**  
4409 South Thompson Street  
Use Unit 44 (Mobile Vending) in a C-2  
**B21-14** Variance for deviation of Food Truck size  
Presented by Carla Himenez

IX. Preliminary Plats, Replats, & Final Plats

A. RP21-03 **Nancy Hagen**  
Lots 14 & 15, Block 2, Carter Addition  
Presented by Steve Butcher

B. PP21-01 **Cadence Crossing**  
West side of Gibbs Road between  
Har-Ber Avenue and Nichols Road  
Presented by Engineering Services, Inc.

C. PP22-02 **Rosedale Heights**  
SW corner of Don Tyson and &  
South Powell Street  
Presented by Engineering Services, Inc.

X. Large Scale Developments

A. L21-05 **Electric Avenue Townhomes**  
NW Corner of Electric Avenue and Oriole Street  
Presented by Engineering Services, Inc.

B. L21-07 **Springdale Moose Lodge #877 (Ritter Fiber Shelter)**  
215 West Apple Blossom Avenue  
Presented by Ritter Communications & 356 Solutions

C. L21-08 **Luther George Park**  
300 Park Street  
Presented by Spackman Mossop Michaels / City of Springdale

D. L21-09 **Edwards & J Landscaping, Inc.**  
1186 Bulldog Avenue  
Presented by James Geurtz

XI. Board of Adjustment

A. B21-06 **Allen Hart**  
365 Old Wire Road  
Variance for deviation of minimum lot width in a SF-2  
Presented by Allen Hart
B. B21-10  **Karina Garcia Chavez** *(Gus Roofing)*  
4211 Dixie Industrial Avenue  
Variance for deviation of pavement requirement  
Presented by Expedient Civil Engineering

C. B21-13  **Juan Araujo**  
3187 Julio Road  
Variance for deviation of the rear setback from 35' to 3'  
Presented by Fransisca and Juan Araujo

XII. **Planning Director's Report**

XIII. **Adjourn**
SPRINGDALE PLANNING COMMISSION
COUNCIL CHAMBERS
201 SPRING
5:00 P.M.
FEBRUARY 2, 2021
Common Agenda

I. Pre-Meeting Activities
   Pledge of Allegiance
   Invocation

II. Call to Order

III. Roll Call

IV. Approval of Minutes (1-5-2021)

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VI. Tabled Items

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      1210-1218 South Thompson Street
      Conditional Use for Unit 52 (Food Truck Court)
      In C-5
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      4078 Crossing Lane
      Waiver of sidewalk requirement
      Presented by Trey Thompson and Conner Homes

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   A. R21-03 Merry Lee Phillips Trust (Starbucks)
      408 S. Thompson
      From C-2 to C-5
      Presented by Engineering Services, Inc.
B. R21-04  **Brian and Melanie Moore Trust (Cadence Crossing)**  
529 E. Don Tyson Parkway  
From A-1 to PUD  
Presented by Engineering Services, Inc.

C. R21-05  **Chancad, LLC (Rosedale Heights)**  
529 E. Don Tyson Parkway  
From A-1 to SF-3  
Presented by Engineering Services, Inc.

D. R21-06  **Saul and Deris Calderon**  
3161 N. Thompson Street  
From A-1 to C-2  
Presented by A Million Miracles Surveying

E. R21-07  **David & Natasha Harris**  
964 N. Maestri Road  
From A-1 to C-2  
Presented by Tyler Carter/Bob Downum

F. R21-08  **Bryan and Shannon Passmore**  
7132 Bur Oak Road  
From A-1 to SF-1  
Presented by Bryan and Shannon Passmore

G. R21-09  **Jackie and Sherry Moore**  
3300 Clyde Lane  
From A-1 to SF-2  
Presented by Engineering Services, Inc.

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Presented by Carla Himenez

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Tandem Lot Split in SF-1  
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C. RP21-03 Nancy Hagan
   Lots 14 & 15, Block 2, Carter Addition
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   NW corner of Electric Ave. and Oriole St.
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   215 W. Apple Blossom Avenue
   Presented by Ritter Communications & 356 Solutions

C. L21-08 Luther George Park
   300 Park Street
   Presented by Spackman Mossop Michaels/City of Springdale

D. L21-09 Edwards & J Landscaping, Inc.
   1186 Bulldog Avenue
   Presented by James Guertz

E. L21-11 Saul and Deris Calderon
   3161 N. Thompson Street
   Presented by A Million Miracles Surveying

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(A) Entrances  
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E. B21-13  **Juan Araujo**  
3187 Julio Road  
Variance for deviation of rear setback from 35' to 3'  
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Variance for deviation of Food Truck size  
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Variance for deviation of paved driveway requirement  
Presented by Bryan and Shannon Passmore

H. B21-16  **Brian & Melanie Moore Trust (Cadence Crossing)**  
7655 West Gibbs Road  
Variance for deviation of PUD size from 10 acres to 5 acres  
Presented by Engineering Services, Inc.

XII.  **Planning Director's Report**

XIII.  **Adjourn**
The Springdale Planning Commission met in regular session on Tuesday, January 5, 2021 at 5:00 p.m. in Council Chambers. It should be noted at this time that the meeting was also via Zoom.

Prior to the meeting being called to order, Chairman Parsley led the Pledge of Allegiance and Commissioner Dale Tyler gave the invocation.

The meeting was called to order by Chairman Parsley at 5:00 p.m.

Roll call was answered by: Howard Austin
Gary Compton
Roy Covert – Vice-chairman
James David
Shannon Mueller
Peyton Parker – via Zoom
Kevin Parsley – Chairman
Ben Peters – Secretary via Zoom
Dale Tyler

Also in attendance was Patsy Christie, Director of Planning and Community Development via Zoom, Austin Thomas, Assistant Director of Planning and Community Development, Rick Berry, Senior Planner and Ryan Renauro, Assistant City Attorney.

Mr. Covert moved to approve the December 1, 2020 Planning Commission minutes. Mr. Compton seconded the motion. By a voice vote of all ayes and no nays the December minutes were approved unanimously.

Other

A. Amendment to the Springdale Code of Ordinance, Chapter 56 Landscape and Buffers by amending Sec. 56.31.(3) Perimeter Landscaping other than street frontage and Sec. 56—37

Presented by Patsy Christie

Ms. Christie said that Mr. Thomas would present this item.

Mr. Thomas said that Staff has talked with the commissioners regarding an amendment to Chapter 56. He said they are making the definitions better match some of the diagrams that are provided.

He said that change number five to preserve desirable trees has been changed to preserve new life were existing to cut down on the redundancy within that section.

They updated the definitions for irrigation systems and landscape architect adding State of Arkansas to that.

They removed the Bradford Pear from tree choices.

Mr. Parsley asked if there were those in the audience with questions or comments.
There were none.

Mr. Covert moved to forward to Council with a recommendation for approval. Mr. David seconded the motion.

VOTE:

YES: Austin, Compton, Covert, David, Mueller, Parker, Parsley, Peters, Tyler

NO: None

The motion to forward to Council with a recommendation for approval was approved by a unanimous vote.

Tabled Items

A. B20-67 Smith and Walker Enterprises, LLC
   1386 E. Emma Avenue
   A. Variance for deviation to increase hours of operation to 24/7
   B. Variance for deviation from utility requirement
   Presented by Victor Smith

Mr. Victor Smith and Mr. Joel Walker were present to answer any questions or comments. He said it is a self-service pet wash. He said it is basically a vending machine to wash your pets.

Mr. Parsley asked for Staff comments.

B. C20-23 Conditional Use for Use Unit 44 (Mobile Vending)
in a C-2 zone
   1386 E. Emma
   Presented by Victor Smith

Ms. Christie read the Staff comments.

Acceptable 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.

Acceptable Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district. with condition Access are to be paved

Acceptable Refuse and service areas, with particular reference to the item in 1 and 2 above.
Acceptable Utilities, with reference to locations, availability and compatibility.

N/A Screening and buffering with reference to type, dimension and character.

Acceptable Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety economic effect, and compatibility and harmony with properties in the district.

on structure only

Acceptable Yard requirements and other open space requirements.

Acceptable The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.

N/A Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect.

Acceptable General compatibility with adjacent properties and other property in the general district.

with condition
- Extended hours of operation approved
- Utility connection approved
- Paving completed
- List attached

Mobile Vending – conditions for approval

- If a health certificate is required, display the health certificate in a manner visible to customers
- No obstruction of pedestrian or motor vehicle traffic flow
- No obstruction of traffic signals or regulatory signs
- No vending upon a public way
- No sound device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation
- Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating within twenty (20) feet of any vending stand to be collected and deposited into a trash container.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Christie said the Commission needs to vote on the variances first.

It was decided to take the variances together.

Mr. Covert called for the vote.
VOTE:
YES: Compton, Covert, David, Mueller, Parker, Parsley, Peters, Tyler, Austin
NO: None

The variances were approved by a unanimous vote.

Ms. Mueller called for the vote for the Conditional Use.

VOTE:
YES: Covert, David, Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton
NO: None

The Conditional Use was approved by a unanimous vote.

Ms. Christie stated that Staff will prepare the Resolution that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

Rezoning

A. R20-49 Dilpreet Singh
   Approximately 600' south of the intersection of Elm Springs Road
   40th Street, located behind 700 N. 40th Street
   From A-1 to C-2
   Presented by Morrison Shipley

Mr. Aaron St. Amant with Morrison Shipley was present on behalf of his client to answer any questions or comments.

Mr. St. Amant was not aware of this rezoning and was caught totally off guard.

Ms. Christie said that this rezoning is with a large scale that was approved in December and said she would read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Commercial.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

Assure adequate land allocation for commercial areas of sufficient size and in proper locations

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.
Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert called for the vote.

VOTE:

YES: David, Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton, Covert

NO: None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff would prepare the Ordinance that would go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

B. R20-50 Almaraz SPC, LLC
1300 N. Thompson
From C-2 to C-5
Presented by Antonio Almaraz

Mr. Alondro Almaraz was present on behalf of Mr. Antonio Almaraz, who was also present, to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates commercial.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

Assure adequate land allocation for commercial areas of sufficient size and in proper locations

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

She further stated that the applicant has been told that in order to make changes, there has to be adequate parking. She said any new uses introduced for this building, the parking will have to be looked at closely.

Mr. Danny Wright, with the Springdale Police Department, said his only comment that if it is rezoned to C-5 you can't change what some of the Use Units would be such as bars and taverns which is a Use Unit 18.
Mr. Parsley asked if there were those in the audience with questions or comments

There were none.

Ms. Mueller called for the vote.

**VOTE:**

**YES:** Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton, Covert, David

**NO:** None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff would prepare the Ordinance that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

C. **R20-51**  
**Dream Structures, LLC**  
North side of County Line Rd and between Lowell Road and North Oak Street  
From A-1, SF-1 to MF-12  
Presented by Steve Fisher/ Watkins, Boyer, Gray & Curry PLLC

Mr. Steve Fisher was present along with Will Kelser who was present via Zoom. Mr. Kelser said the subject property is 4.7 acres. He said they would like to rezone it to MF-12.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Medium Density Residential.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

Stabilize property values and maintain the integrity of neighborhoods by protecting residential neighborhoods from non-residential influences and providing buffers between residential and non-residential uses.

Mr. Parsley asked if there were those in the audience with questions or comments.
There were none.

Mr. Covert called for the vote.

**VOTE:**

**YES:** Parker, Parsley, Tyler, Austin, Compton, Covert, David, Mueller  
**NO:** None  
**RECUSE:** Peters

The rezoning was approved by a vote of eight (8) yes and one (1) recusal.

Ms. Christie stated for the record that Staff would prepare the Ordinance that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

D. **R20-52 Metaphase 1, LLC**  
Southwest corner of Don Tyson Blvd. & Parkway Circle  
From A-1 & C-2 to C-5  
Presented by Crafton Tull

Mr. Tom Henley with Crafton Tull was present via Zoom on behalf of his client to answer any questions or comments.

He said that this property is just North of Highlands Oncology Clinic. He said Highlands purchased it so that they can provide additional parking.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Regional Commercial.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

Assure adequate land allocation for commercial areas of sufficient size and in proper locations

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert called for the vote.
VOTE:

YES:  Parsley, Peters, Tyler, Austin, Compton, Covert, David, Mueller, Parker
NO: None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff will prepare the Ordinance that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

E. R20-53 PSAC, LLC (Pure Springdale)
NW intersection of Gene George Blvd. & Dearing Road
From PUD to revised PUD
Presented by Crafton Tull

Mr. Bradley Bridges with Crafton Tull was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Ms. Christie said that she did not have any problems with the changes. They are staying with the original intent and density of PUD. She further stated that all the covenant requirements remain as is.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Compton called for the vote.

VOTE:

YES:  Peters, Tyler, Austin, Compton, Covert, David, Mueller, Parker, Parsley
NO: None

The revised rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff will prepare the Ordinance that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

F. R21-01 Parkway Boulevard, LLC
Between 4022 S. 56th Street & 4200 S. 56th Street
From A-1 to MF-24
Presented by Engineering Services, Inc.

Mr. Brandon Rush with Engineering Services, Inc. was present via Zoom, on behalf of his client.

Mr. Parsley asked for Staff comments.
Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Medium Density Residential and Commercial.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Multi-family housing should be developed at a density and scale that is compatible with the surrounding neighborhood and available utilities and roadway capacity.

Larger multi-family developments should be located on sites with adequate space for off-street parking, accessory structures and recreational activity and toward the edge of single-family residential areas where higher traffic generation and taller building heights can be better accommodated.

Ms. Christie said Staff received one written comment from Travel and Transportation, LLC.

I am writing to express my concern over the rezoning of the property adjacent to my property which is located at 4200 S. 55th Street. Although I do not object to the high density multi-family residential district being proposed I do wish to request a commercial zone setback of approximately 300' to protect the property values that are frontage to 55th Street allowing the 300' of frontage to zone commercial to allow for long term business success due to both visibility and ease of access of features storefronts and the significance of values and commercial property frontage as valued nationally and allows for the adjacent property to maintain and to increase their future value. I want to reiterate my support for the rezoning of the 7.2 acres along the west side of south 56th Street situated between 4022 S. 56th and my property located at 4200 S. 56th Street to high density residential district the highway frontage 300' setback commercial use in order to maintain and grow the property values.

John B. Backus,
Travel and Transportation, LLC

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Parsley asked Mr. Brian Moore if his client would be interested in Mr. Backus' request.

Mr. Moore said that they are not as this owner is the same owner of the property to the north. He said it will end up being one big development.
Mr. Covert called for the vote.

**VOTE:**

**YES:** Tyler, Austin, Compton, Covert, David, Mueller, Parker, Parsley, Peters  
**NO:** None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff would prepare the Ordinance that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

G.  R21-02  Nancy Hagan  
901 Young Street  
From SF-2 to MF-4  
Presented by Steve Butcher

Mr. Steve Butcher was present on behalf of Ms. Hagan to answer any questions or comments. He said that Ms. Hagan and her husband own the duplex to the north and own the property to the south. He said they want to put in a couple of duplexes on the property to be rezoned.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Commercial.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Encourage the development of a variety of housing types appropriate to the size and income of all households living and working in Springdale.

Mr. Parsley asked if there were those in the audience with questions or comments.

A gentleman spoke but did not give his name. He said they have lived in the neighborhood for thirteen years and have witnessed crime in the area. He said he felt that another duplex would be detrimental to the area.

Mr. Marvin (could not understand his last name). He lives at 809A Young Street. He said he has lived there for about 18 years. He said that they have had to call the police on several occasions.
Mr. Parsley said he understood what he is saying but this is not the forum to discuss these types of problems.

Ms. Shauna Weisman who lives at 1000 Shipley; she is in agreement with what the two previous speakers have had to say. She said that the actual landowners are very disrespectful to their tenants.

Mr. Butcher asked to address the comments. He said that he is aware of some dispute between the landlord and tenants. He said that the Hagans plan to fence their duplexes.

Mr. Covert called for the vote.

**VOTE:**

**YES:** Austin, Compton, Covert, Mueller, Parker, Parsley, Peters, Tyler

**NO:** David

The rezoning was approved by a vote of seven (7) yes and one (1) no.

Ms. Christie stated for the record that Staff would prepare the Ordinance that will go to Council on Tuesday, January 26, 2021 at 6:00 p.m. in Council Chambers.

**Public Hearing – Conditional Use**

A. **C20-23**  
   Smith and Walker Enterprises, LLC  
   1386 E. Emma Avenue  
   Conditional Use for Unit 44 (Mobile Vending) in a C-2  
   Presented by Victor Smith

This was heard under the Tabled Items at the beginning of the meeting and was approved by a unanimous vote.

B. **C21-01**  
   Adan Soto Rivera  
   1210-1218 S. Thompson Street  
   Conditional Use for Unit 52 (Food truck court) in a C-5  
   Presented by Adan Soto Rivera

No one was present so this item was tabled to the February 2, 2021 meeting.

**Preliminary Plats, Replats, & Final Plats**

A. **RP21-01**  
   Casey's  
   2100 E. Robinson Avenue  
   Presented by Morrison Shipley

Mr. Aaron St. Armant with Morrison Shipley was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.
Mr. Thomas stated that Staff has no further comments regarding this replat.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert moved to approve the replat subject to Staff comments. Mr. Compton seconded the motion.

**VOTE:**

**YES:** Compton, Covert, David, Mueller, Parker, Parsley, Peters, Tyler, Austin  
**NO:** None

The replat was approved subject to Staff comments by a unanimous vote.

Ms. Christie stated for the record that if they want this replat to go to Council on Tuesday, January 12, 2021, they need to have the Ordinance into the Planning office no later than noon on Thursday, January 7, 2021.

B. RP21-02  NWA Holdings, LLC (Har-Ber Meadows)  
Hwy. 412 & South 64th Street  
Presented by Engineering Services, Inc.

Mr. Brandon Rush with Engineering Services, Inc. was present via Zoom on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Thomas said there some minor adjustments that need to be made to the acceptance and that Staff will be glad to work with Engineering Services, Inc. to work that out.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. David moved to approve the replat subject to Staff comments. Mr. Covert seconded the motion.

**VOTE:**

**YES:** Covert, David, Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton  
**NO:** None

The replat was approved by a unanimous vote.
Ms. Christie said that if Engineering Services, Inc. wants this replat to go to Council on Tuesday, January 12, 2021, the Ordinance needs to be in the Planning office by noon on Thursday, January 7, 2021.

Large Scale Developments

A. L21-01 The Steelyard
   North of E. Mountain Road & directly across from Gray Drive
B21-04 Variance for deviation of paved parking requirements
   Presented by Engineering Services, Inc.

Mr. Brandon Rush with Engineering Services, Inc. was present via Zoom, on behalf of his client to answer any questions or comments. He said his client is proposing a 39,000 square foot building. It will be a metal fabrication and cutting shop.

Mr. Parsley asked for Staff comments.

Mr. Austin read the Staff comments.

Planning Comments

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)

2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

3. Will the developer bond for the sidewalk improvements along Mountain Rd. pending completion of the shown multi-use trail?

4. Taking into consideration the proposed future buildings and the likelihood that any perimeter plantings placed on the East of the building would be damaged during construction it seems reasonable to request a two year bond on the landscaping for this portion.

Engineering Comments

1. Chapter 106 – Stormwater Drainage
   (Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
   - 106.1 - The Grading Plan & SWPPP and Specifications shall be prepared by the Engineer of Record, who is a licensed professional engineer of the State of Arkansas.
     - Requires a 1"=200’ minimum scale 2-foot contour map.
     - Show existing and proposed contours.
   - 106.1.3.3

P22
• Minimum floor elevations for other areas shall be a minimum of 1-foot above the calculated 100-year WSE of open channels, swales, or overland flow. (Show Minimum Finished Floor Elevation [FFE] on proposed structures)
• Show FFE on all proposed structures. Remove the future building layouts that don't have a FFE listed or show how the grading will accommodate them and include the FFE.

2. Chapter 107 – Stormwater Pollution
(Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
- 107.3
  o The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

3. Chapter 110 – Streets, Sidewalks and Other Public Places
(Ord. No. 3258, § 1, 11-12-02)
- 110.31 - Sidewalks are required one-foot (1') inside the right-of-way line.
  • Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
  • The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
  • The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
  • Need to show details of sidewalks on the right-of-way.
    ▪ If the trail is being built as a replacement for a public sidewalk, it needs to be within the R.O.W. or within an easement.

- 110.111 - The developer is required to improve the abutting street to the City of Springdale standards and in accordance with the Master Street Plan, including constructing sidewalks, curb and gutter, pave or widen the existing street, or install or construct drainage facilities.
  ▪ Street improvements should extend the entire property boundary that abuts the street.

4. Chapter 112 – Subdivisions
(Code 1973, § 30-1)
- 112-4 - Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
The minimum initial rating for the streetlight shall be 6,800 lumens for a local street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial street.

- Label all lights as Proposed or Existing
- Show the direction of the mast arm
- Show the size and type of lights based on the location and classification of the street
- Add note to determine if the light is designed for area parking lot lights or as a street illuminator
- Include a note stating if the lights are public or private lights and who will be responsible for maintenance and billing
  - Any lighting that is to be maintained by the City needs to be within the R.O.W.

5. Chapter 130 – Zoning Ordinance

(Ord. No. 3307, 3-25-03)

- ADA requirements.
  - Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
    - This note is left in place throughout the design process to insure that access is maintained.

6. Other:

- Permitting - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- Construct-ability Review - At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.

Mr. Thomas asked Mr. Rush to speak to Planning comment three regarding bonding for the sidewalk pending completion of the multi-use trail.

Mr. Rush said the property owner has spoken with the NWA Trailblazers and they want to help however they can and if bonding is the best way then they will and they have also talked about grading for the trail to help.
Mr. Austin also asked about bonding for planting for two years.

Mr. Rush said that was reasonable and that he felt that his client would agree.

Mr. Parsley asked if Mr. Rush could talk about the variance for the paved parking.

Mr. Rush said that the variance is for gravel in the rear as it is essentially a storage area for steel products until they are used.

Mr. Mark Broadway who is a representative for the Steelyard spoke. He said the purpose for the gravel lot in the rear is for storage of product. He said that the trucks will enter the front of the building and will load and unload those trucks and exit by the rear. He said there are no plans for parking along the edge of the building at this time.

Mr. Austin asked Mr. Stith if there were any fire issues that they are concerned with.

Mr. Stith stated that he had talked with the Fire Marshall and that they had agreed to a geo grid with gravel.

Mr. Broadway said they are looking to installing geo grid under the gravel and under the main building because they determined that because of the soil that is what is needed.

Mr. Blake Holte with SFD said that in this particular case the gravel would be acceptable with a geo grid underlay with the understanding that if maintenance becomes a problem the Fire Department will exercise their ability to require an improved surface in the future.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert called for the vote on the variance.

**VOTE:**

**YES:** David, Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton, Covert

**NO:** None

The variance was approved by a unanimous vote.

Mr. Covert moved to approve the large scale development subject to Staff comments.

Mr. David seconded the motion.

**VOTE:**

**YES:** Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton, Covert, David

**NO:** None

The large scale development was approved subject to Staff comments by a unanimous vote.
Mr. Jason Ingalls was present on behalf of his client to answer any questions or comments. He said his client is looking to put in 5,800 and 2,400 sq. foot buildings. He will occupy one of the spaces and he will have three tenant spaces.

Mr. Parsley asked for Staff comments.

Mr. Thomas read the Staff comments.

Mr. Thomas asked about the perimeter landscaping.

Mr. Ingalls said that there are some existing plantings that they thought they could take credit for on the adjacent lot to the west. He said they realized that they will have to have plantings along there and they will get that shown on the revised drawings.

Mr. Ingalls said that the architect of record showed canopies on all windows and doors that face both the frontage to the street and along the customer parking side. There are planters and benches shown on the elevations.

Mr. Thomas asked if the building is a predominately prefabricated metal construction.

Mr. Ingalls said that it is.

Mr. Thomas asked Ms. Hollingshead with the Engineering Department if she had any comments.

Ms. Hollingshead said that the radius of the entrance curb should be contained on the property or within an easement. It looks like it encroaches on the next property.

Mr. Ingalls said that the property owner also owns the adjacent lot and will get that shown on the site plan.

Mr. Parsley asked if there were those in the audience that questions or comments.

There were none.

Mr. Peters asked if there were reasons other than cost that they can't meet the design standards.
Mr. Ingalls said that the building is only 112 feet long. He said he thought the architect of record tried to meet the standards by adding the canopies on the windows and doors. And he added that it is a relatively small building at 5800 square feet.

Mr. Parsley said he thought Mr. Peters was asking if there some additional items that could possibly be a part of the design standards.

Mr. Ingalls said there probably are and if Mr. Thomas could speak to that it would be helpful.

Ms. Christie stated that it is a commercial building not an industrial building.

Mr. Ingalls said that is correct.

Ms. Christie said that they are talking about a commercial building and not an industrial building. She said as a standard commercial building, it could have offices, retail or anything else as a standard commercial building.

Mr. Ingalls said that they do show a masonry wainscoting and efis and above that are the metal panels.

Ms. Christie asked about the south or rear of the building.

Mr. Ingalls said that the south side faces the backside of some duplexes and there are several existing trees that are in the ditch on the south side and they are also putting in a six foot wooden fence.

Mr. Peters said that if they put up a six foot fence in the rear, the residents will only see a metal building that is 112 feet long.

Mr. Ingalls said that if the commission's request is to look at the south wall, his client can certainly look into putting something different back there.

Mr. Parker said that we typically approve variances when there is a hardship and not when cost is a factor.

Mr. Parker asked to take the variances separately.

Mr. Covert called for the vote on variance A-facades and exteriors walls.
VOTE:
YES: None
NO: Parker, Parsley, Peters, Tyler, Austin, Compton, Covert, David, Mueller

The variance for deviation of facades and exterior wall was denied by a unanimous vote.

Mr. Covert called for the vote for Variance B roof lines.

VOTE:
YES: None
NO: Parsley, Peters, Tyler, Austin, Compton, Covert, David, Mueller, Parker

The variance for deviation of roof lines was denied by a unanimous vote.

Mr. David moved to approve the large scale development subject to Staff comments and with no variances. Mr. Covert seconded the motion.

VOTE:
YES: Peters, Tyler, Austin, Compton, Covert, David, Mueller, Parker, Parsley
NO: None

The large scale development was approved subject to Staff comments and with no variances attached by a unanimous vote.

C. L21-03 Stronghold NWA
3095 Wagon Wheel Road
B21-02 Variance for deviation of Commercial Design Standards
A. Entrances
B. Parking Lot Orientation
C. Pedestrian Flow
D. Central Features & Community Spaces
E. Multiple Buildings in Commercial Centers
F. Outdoor Storage, Trash Collection and Loading Areas
G. Detail Features
H. Entryways
I. Landscaping
J. Screening
Presented by Gavin Smith, Civil Engineering

Mr. Gavin Smith with Civil Engineering was present on behalf of his client and Brett
Park, Architect, via Zoom.

Mr. Parsley asked for Staff comments.

Mr. Thomas read the comments.

**Planning Comments**

**Large-Scale Comments:**

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)

2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

3. This development has been given the number L21-03. This number should be placed on the plans and all future correspondence and plats pertaining to this development. (standard comment)

**Landscaping Comments**

1. Frontage Landscaping per Chapter 56. *(Variance Item)*

2. Existing canopy used to satisfy vegetative screening requirements on the Southern property line will be inspected at time of COO to confirm compliance with minimum standards.

**Commercial Design Comments (Site)**

1. Amenities *(Variance Item)*

**Commercial Design Comments (Architectural)**

1. Predominate Materials *(Variance Item)*

2. Building façades shall include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. o Color change o Texture change o Material module change o Expressions of architectural or structural bay through a change
in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib. (Variance Item)

3. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring any three (3) of the following: o Canopies or porticos o Overhangs o Recesses/projections o Arcades o Raised corniced parapets over the door o Peaked roof forms o Arches o Outdoor patios o Display windows o Architectural details such as tile work and moldings which are integrated into the building structure and design o Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

(Variance Item)

Engineering Comments

1. Chapter 107 – Stormwater Pollution
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - 107.3
     o The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

2. Chapter 130 – Zoning Ordinance
   (Ord. No. 3307, 3-25-03)
   - 130.7.6.1 ADA requirements.
     - Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
       - This note is left in place throughout the design process to insure that access is maintained.

3. Other:
   - Permitting - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.
- **Construct-ability Review** – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Peters wanted to know what the hardship other than cost for all the variances.

Mr. Smith said that they would be out of public view behind two buildings and they have screening on all the other sides and because of that he said that the money would be ill spent on the Design Standards.

Mr. David said specifically to the building itself speaking to the landscaping components.

Mr. Smith said that the buildings are not necessarily for commerce but boutique spaces for cabinet making. He said that the special amenities that would be offered to the public would not be used by the public.

Mr. David said he thought the frontage landscaping would have a significant impact in terms of public view.

Mr. Austin asked if they were saying that there is existing frontage landscaping on the northern side of this property that abuts Wagon Wheel.

Mr. Smith said that there a couple of bushes that were planted on either side of the entrance door.

Mr. Parsley said that there is no way that that won't be seen by the public. He further stated that he is struggling with the hardship as far as complying with the landscaping requirements. He said he has a problem with the building materials on a commercial lot. He noted that Mr. Smith is asking for a lot of variances.

Mr. Parker said that the number of variances go from A to J. He said normally a variance or two is within reason. He said he felt that they are not trying hard enough to be compliant. He further stated if it were one or two, he could at least understand what they were wanting, but to have ten (10) just isn't acceptable.

Mr. Dale Tyler agreed. He said that if they do vote on the variances, he wants to take them one at a time.
Mr. Compton said that he thinks submitting this many variances make all the work that has been put into the Commercial Design Standards go away.

Ms. Christie said that she wanted to caution the Commission about taking the variances one at time as that becomes designing at the table and that isn't the Commission's job.

After much discussion, it was decided to table the large scale and meet with Staff to decide how to proceed.

D. L21-04  
Casey's  
2100 East Robinson Ave.

B21-01  
Variance for deviation of Commercial Design Standards  
A. Entrances  
B. Parking lot orientation  
C. Pedestrian flow  
D. Landscaping  
Presented by Morrison Shipley

Mr. Doug Melton with Morrison Shipley was present on behalf of his client to answer any questions or comments. He said that they have worked with Staff with the site plan and the variances.

He said that the first variance speaks to the entrance. He said that the requirement for a secondary entrance creates issues when dealing with a convenience store which is safety and security. They try to keep one entrance only, so that all the traffic and pedestrian traffic enters from the front of the store. The staff can look out the front and see the pumps and people coming into the store.

He said that the second variance pertains to the proposed parking. They have exceeded the 60 per cent as they try to keep the parking in the front of the store so that staff can see and have visibility of the main street (U.S. 412).

The third variance in regard to the sidewalk connection; whereby they have a requirement of connecting to the City of Springdale public right-of-way sidewalk. There is a sidewalk on Oriole and on U.S. 412. His client doesn't like to place the sidewalk across the parking lot because of the amount of vehicular traffic in the parking lot. He said they worked with Staff and they are proposing an accessible ramp and sidewalk on the backside of the store which connect with the greenway trail.

He said on the last variance regarding landscaping. There is no foundation landscaping proposed. This is typical of convenience store. They try to keep the
sidewalks around the building clear as possible as it helps with vermin control and being able to keep the site cleaned and maintained as well as having vending machines, i.e., ice machines along the sidewalks.

Mr. Parsley said that in the past regarding the perimeter landscaping, the Commission has had the landscaping moved to different areas.

Mr. Thomas said that it has be addressed in the past and reassigned the landscaping to other parts of the site.

Mr. Parsley asked for Staff comments.

Mr. Thomas read the Staff comments.

**Planning Comments**

**Large-Scale Comments:**

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)

2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

**Landscaping Comments**

1. No parking island landscaping shown. (Variance Item)

**Commercial Design Standards (Site)**

1. No pedestrian connection provided to 412 or Oriole. (Variance Item)

2. No building foundation landscaping shown. (Variance Item)

**Engineering Comments**

1. Chapter 106 – Stormwater Drainage

   - Please ensure discharge from pond and 24" RCP makes it to the gutter at Oriole through use of swale and under sidewalk drain
   - Example: Sidewalk underdrain added to plans. Capacity analysis attached on separate document.
2. Chapter 107 – Stormwater Pollution
(Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)

- **107.1** - Show & Label all temporary construction stockpiles, parking, entrances, egress, roads, or access as "Temporary" on the Grading or Erosion Control Plan.
  - Add the word "Temporary" to all the items listed above, that are included in this project. Noted and added where appropriate on plans.

- **107.3**
  - The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval. Noted.

- **107.3** - The following note is required as a General Note on the Site Plan:
  "Stockpiling of construction spoil material at particular locations shall only be allowed for a limited time period, not to exceed (6) months. Prior to a final inspection of the Grading Permit, the following standards shall be achieved for Completion of Construction:
  a) development and grading within the disturbed area is complete and matches plans as approved by the Planning Commission, and
  b) the disturbed soil area is observed to have 80% grass coverage and 100% stability, and
  c) No slopes steeper than a 3:1 pitch unless otherwise approved in writing by the Director of Engineering, and
  d) Notice of Violations issued have all corrective actions approved with an inspection report signed by a representative of the Director of Engineering, and
  e) all heavy equipment, stockpiles, and construction site materials have been removed from the Construction Site."
  - Please add this note to the site plan. Added to Erosion Control plan sheet.
3. **Chapter 110 – Streets, Sidewalks and Other Public Places**

(Ord. No. 3258, § 1, 11-12-02)

- Could the site drainage at the corner of the bike trail and Oriole Street, cause a potential for moisture to form across the trail causing a slick or hazardous condition on the trail? Addressed by addition of sidewalk underdrain.

- Please ensure that the hand rails on the sidewalk connection, to Dean's Trail from the building, stop at least 3' from the trail edge. Appropriate note added to ramp detail.

- Any trail repair should be completed from one existing joint to the next existing joint. The City can provide a detail for the repair. Noted on plans where appropriate.

4. **Chapter 112 – Subdivisions**

(Code 1973, § 30-1)

- **112-4** - Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.

  - The minimum initial rating for the streetlight shall be 6,800 lumens for a local street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial street.

    - Label all lights as Proposed or Existing
    - Show the direction of the mast arm
    - Show the size and type of lights based on the location and classification of the street
    - Add note to determine if the light is designed for area parking lot lights or as a street illuminator
    - Include a note stating if the lights are public or private lights and who will be responsible for maintenance and billing

- Are there existing streetlights? Yes. They are labeled on the site plan and utility plan. Noted on plans as “Existing Street Lights”. Look at NE corner of intersection of Oriole Street and Robinson Avenue.

5. **Chapter 130 – Zoning Ordinance**

(Ord. No. 3307, 3-25-03)

- **130.7.6.1** ADA requirements.

  - Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.

    - This note is left in place throughout the design process to insure that access is maintained. Noted and added to cover sheet.
6. Other:

- **Permitting** - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws. **Noted.**

- **Construct-ability Review** - At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments. **Noted.**

Mr. Thomas spoke to the variance for no pedestrian connection provided to 412 or Oriole. He said that in the past those Casey's that they have done this that were abutting state highways and were able to keep some specific sight constraints on this site based on the size. However, they have been able to achieve that on some of the other Casey's in Springdale.

Mr. Melton said that that was correct. He said the unique nature of this site they are winding up with at least 60 percent of the site will remain greenspace because it is such an odd piece of property.

Mr. Thomas asked on that specific item if the developer would consider updating the plans to possibly accommodate a pedestrian connection internally on the site to Oriole or 412.

Mr. Melton said that if they bring anything back out on the east side they will be coming into a dead end sidewalk and they would be spinning them around back into the driveway. He said that possibly the only way would be to bring them out on the southeast corner of the site; then they would have to bring them across the driveway. He said that ADAG really discourages bring accessible pathways back out across the parking lot.

Mr. Thomas wanted to know with the trail connection on the north if it would be possible to have a walkway connection going to the west and tying on to Oriole.

Mr. Melton said that they couldn't make the grade back there.

Mr. Thomas asked if there could be some sort of canopies along the east and west façade.
Mr. Melton said that he would run it past his client.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert called for the vote on all the variances.

**VOTE:**

**YES:** Tyler, Austin, Compton, Convert, David, Mueller, Parker, Parsley, Peters

**NO:** None

The variances were approved by a unanimous vote.

Mr. Covert moved to approve the large scale development subject to Staff comments. Ms. Mueller seconded the motion.

**VOTE:**

**YES:** Austin, Compton, Covert, David, Mueller Parker, Parsley, Peters, Tyler

**NO:** None

The large scale was approved subject to Staff comments by a unanimous vote.

E. L21-06 **Har-Ber Meadows Townhomes**
Southside of Lynch's Prairie Cove
Presented by Engineering Services, Inc.

Mr. Brandon Rush with Engineering Services, Inc. was present via Zoom on behalf of his client to answer any questions or comments. He said that they are proposing 33 townhomes in 7 buildings ranging from 3 to 7 units each on 2.8 acres.

Mr. Parsley asked for Staff comments.

Mr. Thomas asked if there was anyone present from the ARC at Har-Ber Meadows.

No one from the ARC was present.

Mr. Thomas read the Staff comments.
Large-Scale Comments:

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)

2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

3. Coordinate with adjacent property owner to the West to provide pedestrian crosswalk striping where internal walkway aligns.

Engineering Comments

1. **Chapter 106 – Stormwater Drainage**
   (Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
   - The Grading Plan & SWPPP and Specifications shall be prepared by the Engineer of Record, who is a licensed professional engineer of the State of Arkansas. Requires a 1" = 200' minimum scale 2-foot contour map. Show existing and proposed contours.

2. **Chapter 107 – Stormwater Pollution**
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

3. **Chapter 130 – Zoning Ordinance**
   (Ord. No. 3307, 3-25-03)
   - ADA requirements.
   - Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
   "This note is left in place throughout the design process to insure that access is maintained.

4. Other:
- **Permitting** - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- **Construct-ability Review** - At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Constructability review. Comments from the Large Scale Inspector will be provided in a future round of comments.

Ms. Christie asked if Staff had something in writing from the staff of the ARC of Har-Ber Meadows approving the look of the buildings.

Mr. Brian Moore with Engineering Services, Inc. addressed Ms. Christie. He said that he has the approval from the ARC subject to their attorney looking at the documents. He said he has a verbal o.k. but he could get Mr. Duke to send Patsy an email in the morning verifying the approval.

Ms. Christie said that Staff will need something in writing from the ARC stating that they have approved the designs of the buildings.

Mr. Parsley asked if there were those in the audience with questions or comments.

Mr. Curtis Lyster (?) said he had no problem with the development going in. He said that he is speaking for the lake. In the future, to prevent sediment from flowing into during construction and afterwards with the driveway with impervious surfaces and for future development across Sunset; it is all part of Har-Ber Lake watershed and is not one of the priorities watersheds for the IRW like Spring Creek or Clear Creek.

Mr. Peters moved to approve the large scale subject to Staff comments. Mr. Covert seconded the motion.

**VOTE:**

- **YES:** Compton, Covert, David, Mueller, Parker, Parsley, Peters, Tyler, Covert
- **NO:** None

The large scale was approved subject to Staff comments by a unanimous vote.
Board of Adjustment

A. B21-01 Casey's
2100 E. Robinson Avenue
Variance for deviation of Commercial Design Standards
A. Entrances
B. Parking lot Orientation
C. Pedestrian Flow
D. Landscaping
Presented by Morrison Shipley

This variance was approved by a unanimous vote in conjunction the large scale development.

B. B21-02 Stronghold NWA
3095 Wagon Wheel Road
Variance for deviation of Commercial Design Standards
A. Entrances
B. Parking lot Orientation
C. Pedestrian Flow
D. Central Features & Community Spaces
E. Multiple Building in Commercial Centers
F. Outdoor Storage, Trash Collection & Loading Areas
G. Detail Features
H. Entryways
I. Landscaping
J. Screening
Presented by Gavin Smith, Civil Engineering

This variance was tabled in conjunction with the large scale development.

C. B21-03 Peaks at Springdale
1300 Cooper Drive
Variance for deviation of standard parking space size
Presented by Crafton Tull

This variance was withdrawn per the applicant.
D. B21-04 The Steel Yard  
North of East Mountain Road & directly across from gray Drive  
Variance for deviation of paved parking requirements  
Presented by Engineering Services, Inc.

This variance was approved by a unanimous vote in conjunction with the large scale development.

E. B21-08 ESS Properties, LLC  
5180 North Oak Street  
Variance for deviation of drainage criteria for detention pond  
Presented by Crafton Tull

Mr. Daniel Ellis with Crafton Tull was present via Zoom on behalf of his client to answer any questions or comments. He said that the request for a variance for the structure two feet above the current water surface elevation for detention pond. He said this is a part of a previously approved large scale and there is a shop building that is located west of the proposed detention. He said due to the topography and other existing structures and concrete slabs at this location it is not feasible to actually get the shop building raised up where it would be two feet above the 100 year water surface elevation for the detention that will be constructed for the office building.

Mr. Parsley asked for Staff comments.

Ms. Holingshead said that they have been working with Crafton Tull and that they, engineering, support this variance. She said that they came up with a compromise where a trickle channel will be developed.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Mueller called for the vote.

VOTE:  
YES: Covert, David, Mueller, Parker, Parsley, Peters, Tyler, Austin, Compton  
NO: None

The variance was approved by a unanimous vote.
Planning Commission Minutes

January 5, 2021

F. B21-09 Karina Garcia Chavez (Gus Roofing)
4211 Dixie Industrial Avenue
Variance for deviation of Commercial Design Standards
A. Facades & Exterior Walls
B. Roofs
Presented by Expedient Civil Engineering

This variance was heard previously with the large scale. The large scale was approved but the variance was denied by a unanimous vote.

Waivers

A. W21-01 Trey Thompson
4078 Carriage Crossing Lane
Waiver of sidewalk requirement
Presented by Trey Thompson

Mr. Thompson was not present therefore this request will be forwarded to the February 2, 2021 Planning Commission meeting.

Planning Director Report 1-5-21

✓ Council actions in December

  o Approved
    ▪ Replat – Lots 1A & 2 Parkway Plaza Block 9
    ▪ Final Plat – West Elm Estates

  o Approved Sidewalk Waiver – Hwy 112 West Elm Estates

  o Up held the Planning Commission’s denial of the sidewalk waiver Bill Adams – 1000 Lowell Rd & 204 & 206 Sanders Ave

  o Vacated utility easement – Lot 2 Elm Springs Center Subdivision

  o Vacated alley – Part of Block 5 Holcomb Addition

  o Approved island annexation for 3 tract is Benton County (areas in around former Bethel Heights)

  o 2021 Budget approved – new inspector position approved, $50 monthly addition for PC members
✓ Work Session

Work Session – Regular date would be January 19th – possibility of rescheduling to Monday January 28th to meet in joint session with City Council to discuss optional form based for the two areas adjacent to the downtown areas – Mill Street area and Powell Street Area

Adjourn

There being no further business the meeting was adjourned at 7:20 p.m.

__________________________________________
Kevin Parsley, Chairman

__________________________________________
Ben Peters, Secretary

__________________________________________
Patsy Christie, Director
Planning and Community Development

__________________________________________
Sharon Tromburg, Recording Secretary
PLANNING & COMMUNITY DEVELOPMENT DIVISION

Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: January 5, 2021
Re: C21-01 Conditional Use

A request by Adan Soto Rivera for a Conditional Use Permitted on Appeal as a Use Unit 52 (Food Truck Court) in a Thoroughfare Commercial District (C-5) zoning district.

LOCATION
1210-1218 S. Thompson Street

EXISTING CONDITION
Undeveloped site. Commercial uses surround the tract in C-2 zoning.

SITE PLAN REVIEW REQUIRED:  X Yes ___ No

Site plan does not address all issues as outlined Chapter 130, Article 6, Section 3.18.

DEVELOPMENT STANDARDS AND REVIEW GUIDELINES

The following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the planning commission and for each specific conditional use location.

Unknown

Unknown

Unknown

Unknown

Unknown

Unknown

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.

Off-street parking and loading areas where required, with particular attention to items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.

Refuse and service areas, with particular reference to the item in 1 and 2 above.

Utilities, with reference to locations, availability and compatibility.
| Unknown | Screening and buffering with reference to type, dimension and character. |
| Unknown | Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district. |
| Unknown | Yard requirements and other open space requirements. |
| Unknown | The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter. |
| Not shown On site plan | Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect. |
| Unacceptable | General compatibility with adjacent properties and other property in the general district: |

**With conditions as follows:**
The location chosen is acceptable but the lack of required information on the site plan makes the conditional use unacceptable at this time.
FILE NO. C21-01
APPLICANT: Adan Soto Rivera
REQUEST: Conditional Use for a
Use Unit 52 (Food Truck Court) located in C-5
APPLICATION FOR CONDITIONAL USE
CITY OF SPRINGDALE, ARKANSAS

1. APPLICANT:
   Adam Soto Rivera
   Address: 2001 Chadwick St
   Phone: (479) 752-1073
   Profit: ✓ Non-Profit

2. Property Location (street address or layman's description):
   1210-1218 S Thompson St
   Springdale, AR 72764

3. Record Title Holder of Property: Adam Soto Rivera
   (A copy of the warranty deed should be attached as Exhibit "A")

4. Use Unit requested 4% 62 in C5 Zoning District.

5. Description of the conditional use sought and the reasons why it should be approved:
   Site for food trucks. This will provide additional dining options for people that live or work near this area. It will also allow for job creation and entrepreneurs to start a new business here. These types of set-ups have been successful in other NWA cities. I feel it would be a great addition to our town.

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?
   I think it would be a welcome addition to the area.

7. If the conditional use is to only a portion of the land described on the warranty deed, then an accurate legal description provided by a copy of a recent survey certified by a registered land surveyor will be required.

8. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days.

9. All adjacent property owners are to be notified by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. The applicant must provide evidence in the form of a signed affidavit, that notice has been given to all adjacent property owners subject to the conditional use.
10. Attach a site plan for the proposed conditional use. A site plan shall apply to all conditional uses as specified in each of the zoning districts.

Signature of Record Property Owner(s)  

[Signature]

Date: 12-3-20

Signature of Applicant  

[Signature]

Date: 12-3-20

VERIFICATION

I/we, the undersigned, herewith state on solemn oath that we have read the attached application for a conditional use permit and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

________________________________________

State of Arkansas  )

County of Washington  ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the _____ day of _____, 20____ .

My commission expires: ______________________

VICTOR VELAZQUEZ
Notary Public-Arkansas
Washington County
My Commission Expires 06-27-2025
Commission# 12690258

N:\Planning\Sue\Hand Outs-Forms to copy\APPLICATION FOR CONDITIONAL USE.doc

Revised 3/24/05

P48
Basis of bearings: Arkansas—North State Plane Grid

Survey Description

Part of the NE/4 of the SE/4 of Section 2, Township 17, Range 30, West, Washington County, Arkansas, being more particularly described as follows:

Beginning at the NE corner of said NE/4 of the SE/4, thence along the approximate centerline of U.S. Highway 71 S 02°01'53" W 1076.68 feet to the point of beginning, thence leaving said centerline E 89°34'47" W 210.32 feet, thence leaving said centerline N 87°34'47" W 332.05 feet along the line common with the Burger King property to a found iron pin, thence N 89°05'06" W 84.97 feet to a found iron pin, thence N 02°01'54" E 208.97 feet to a found iron pin, thence S 89°05'06" W 417.04 feet to the point of beginning, containing 2.01 acres and subject to the right-of-way of U.S. Highway 71 and subject to any and all easements of record or fact.

This property includes all of parcels 15-28942-000, 15-28940-000, 15-28937-000, and the 20 foot alley (Mockingbird Lane) which runs along the north side of said parcel.

This property is not in the 100 year flood zone according to F.E.M.A. Map 051430070F, dated May 16, 2008.

This survey was completed June 21, 2014 and is for the sole use of the party stated hereon.

Surveyor:

Adan Soto Rivera
Surveys, Inc.
2620 Melody Lane, Springdale, Arkansas 72762
Tel: 479-750-1608 Fax: 479-750-1029
Gene E. Buescher R.L.S. #1181

W.O. 14091 DRAWN BY: MBD DATE: AUG. 22, 2014
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: L21-03 Large Scale Development Stronghold NWA

Variance (B21-02) for deviation of Commercial Design Standards
(A) Multiple Buildings in Commercial Centers
(B) Entryways & Architectural Features

Planning Comments

Large-Scale Comments:

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)
2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

Landscaping Comments

Existing canopy used to satisfy vegetative screening requirements on the Southern property line will be inspected at time of COO to confirm compliance with minimum standards. (standard comment)
Commercial Design Comments (Architectural)

1. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring any three (3) of the following: o Canopies or porticos o Overhangs o Recesses/projections o Arcades o Raised corniced parapets over the door o Peaked roof forms o Arches o Outdoor patios o Display windows o Architectural details such as tile work and moldings which are integrated into the building structure and design o Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(Variances Item)

Engineering Comments

1. Chapter 107 – Stormwater Pollution

(Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)

- 107.3
  o The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

2. Chapter 130 – Zoning Ordinance

(Ord. No. 3307, 3-25-03)

- 130.7.6.1 ADA requirements.
  o Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
    ▪ This note is left in place throughout the design process to insure that access is maintained.

3. Other:

- Permitting - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.
- **Construct-ability Review** – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
X. Large Scale Developments

A. L21-03 Stronghold NWA
3095 Wagon Wheel Road
Presented by Gavin Smith, Civil Engineering

Engineering Comments:
- Submit grading permit application
1. Locations of the existing utilities are approximate. The contractors shall be responsible for determining actual location.
2. Contractor to uncover and mark utility lines before construction.
3. Contractor shall bear all responsibility and cost of repair or replacement of existing utilities, damaged or interrupted as a result of this construction project.
4. Contractor shall notify the project engineer and the owner of any damaged or interrupted utilities immediately.
5. Contractor shall notify project engineer prior to beginning work.
6. All disturbed areas not within the paved area are to receive loose straw to provide erosion control if work is not progressing in an orderly manner. A rate of 1.5 tons/acre is to be applied within two weeks of final grading.
7. Contractor will control and prevent off-site tracking of construction runoff and sediment to adjacent property and public roads.
8. Contractor is to protect existing storm drainage system.
9. Contractor shall locate all existing utilities in accordance with the Arkansas Underground Facilities Damage Prevention Act. This law requires that the contractor make a telephone call to the Arkansas One-Call System at 1-800-482-8898 at least two working days prior to excavation to ensure that any existing utilities can be located.
10. All disturbed materials disturbed by this work are to be returned to similar or better condition.
LOCATION OF SEPTIC BOX

BOX TOP ELEVATION: 1296

CONNECTION ELEVATION: 1295

DETENTION POND

PROPOSED PRIVATE SEWER LINE TO SEPTIC APX. 294 LF

SHOP A
PHASE 1
2,492 SQFT

SHOP B
PHASE 1
2,492 SQFT

SHOP C
PHASE 2
2,492 SQFT

SHOP D
PHASE 2
2,492 SQFT

1250 GAL. SEPTIC TANK RUNS TO SEPTIC DRAIN FIELD VIA FORCE MAIN

PROPOSED 8" CLASS 50 D.I.P. WATER LINE APX. 356 LF CONNECT TO EXISTING 24" WATER MAIN

24" X 8" TAPPING SADDLE AND VALVE APX. 80' 16" DIAMETER 35 KSI STEEL CASING PIPE. EXTEND CASING PIPE PAST SIDEWALK HYDRANT AND ASSEMBLY - 8" TO 6" REDUCER UPSTREAM OF ASSEMBLY - HYDRANT LOCATED 8' FROM EDGE OF PAVEMENT.

INSTALL FIRE HYDRANT W/ GUARD POSTS REF: S-2, SHEET C502

PROVIDE 20' UTILITY EASEMENT CENTERED ON PROPOSED WATERLINE

DOUBLE 5/8" METER SET WATER SERVICE LINES SLEEVED BENEATH PAVEMENT WATER OVER SEWER: 18" SEPARATION

FFE 1290.5 FFE 1292.27 M M

CURRENT EXTENTS OF SEPTIC DRAIN FIELD PROPOSED EXPANSION OF DRAIN FIELD FOR CURRENT DEVELOPMENT. A DESIGNATED REPRESENTATIVE HAS BEEN RETAINED AND AN APPLICATION FOR SYSTEM EXPANSION TO SERVE THE PROPOSED NEW BUILDINGS HAS BEEN SUBMITTED TO THE DEPARTMENT OF HEALTH AND IS PENDING.

ALTERNATE LOCATION FOR COMBINATION OF EXISTING APPROVED AND PROPOSED IMPROVED.

CARRIER PIPE SHALL BE 8" CLASS 50 D.I.P. 80' R/W EXISTING 24" WATER MAIN EXISTING 20' WATER LINE EASEMENT THRUST BLOCK REF: S-1, SHEET C502 THRUST BLOCK REF: S-5, SHEET C502 ONLY SPRINGDALE WATER UTILITY PERSONNEL SHALL BE PERMITTED TO OPERATE EXISTING SYSTEM VALVES.

EXISTING SHED WITHIN THE PROPOSED UTILITY EASEMENT TO BE DEMOLISHED BEFORE CONSTRUCTION OF WATERLINE.

CONTRACTOR SHALL ENSURE GROUND SURFACE IS RETURNED TO EXISTING GRADES AFTER INSTILLATION OF WATERLINE AND BACK-FILL.

UTILITY PLAN

Gavin R Smith
Civil Engineering
31 E Center Street Fayetteville AR
(479) 935-0644
www.grsmithcivilengineering.com
gavin@grsmithcivilengineering.com

11/25/20 LSD SUBMISSION

1/21/21 LSD RESUBMISSION

UTILITY PLAN NOTES

1. CONTRACTOR SHALL PROTECT EXISTING UTILITIES NOT DEEMED FOR REMOVAL FROM DAMAGE.

2. ALL UTILITIES SHALL BE FURNISHED AND INSTALLED PER THE REQUIREMENTS OF THE SPECIFICATIONS, AND APPLICABLE REGULATORY AGENCIES.

3. SEE THE DETAILS SHEET AND CONTRACT SPECIFICATIONS FOR SPECIFIC UTILITY DETAILS AND UTILITY SERVICE DETAILS.

4. ALL UTILITIES SHALL TERMINATE 4' FROM THE BUILDING UNLESS OTHERWISE NOTED.

5. SEE THE MECHANICAL PLANS FOR WATER AND SANITARY CONNECTION 4' FROM THE BUILDING.

6. ALL UTILITY PIPE BEDDING SHALL BE CONSTRUCTED PER THE REQUIREMENTS OF THE CITY.

7. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE PERFORMED PER THE REQUIREMENTS OF SPRINGDALE WATER UTILITY. SPRINGDALE WATER UTILITY DEPARTMENT OF ENGINEERING MUST BE NOTIFIED 48 HOURS PRIOR TO ANY WORK WITHIN THE PUBLIC RIGHT-OFT-WAY, OR WORK IMPACTING UTILITIES.

8. THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL PERMITS FROM AUTHORITIES AND REGULATORY AGENCIES HAVING JURISDICTION OVER THE SITE, AS REQUIRED, PRIOR TO BEGINNING WORK.

9. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF SPRINGDALE WATER UTILITY.

ALL WATER LINE, FIRE LINE AND SEWER LINE DESIGN AND CONSTRUCTION ASSOCIATED WITH THIS PROJECT SHALL BE IN ACCORDANCE WITH THE SPRINGDALE WATER UTILITY'S SPECIFICATION REQUIREMENTS FOR THE CONSTRUCTION OF WATER AND SEWER FACILITIES ADOPTED MARCH 10TH 1987 BY ORDINANCE NO. 1640 AMENDED AUGUST 27TH, 2014 BY RESOLUTION NO. 15-14 OF THE SPRINGDALE WATER AND SEWER COMMISSION
GRAVING PLAN

1. ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 4-INCHES OF TOPSOIL MIXED WITH 2-INCHES OF COMPOST (FOR A TOTAL OF 6-INCHES), AND SOD OR SEED. THESE AREAS SHALL BE WATERED BY DAILY RISKS TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THE PROJECT. THE CONTRACTOR WILL BE REQUIRED TO OBTAIN ALL PERMITS FROM THE APPROPRIATE AUTHORITIES HAVING JURISDICTION.

2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO MINIMIZE INTERFERENCE WITH ADJOINING ROADS, STREETS, SERVICES AND OTHER CONSTRUCTION, AND FOR INSPECTIONS. EXCAVATIONS A SUFFICIENT DISTANCE FROM STRUCTURES FOR SATISFACTORY SOIL MATERIALS.

3. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT, AND OTHER HAZARDS OCCURRING DURING THE CONSTRUCTION PHASE OF THE PROJECT.

4. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY LIABLE FOR THE COMPLIANCE WITH THE ON-SITE EROSION AND SEDIMENTATION CONTROL REQUIREMENTS.

5. USE ALKALI-RESISTANT, POLYETHYLENE FILM WARNING TAPE CONTINUOUSLY INSCRIBED WITH A DESCRIPTION OF THE UTILITY, MANUFACTURED FOR MARKING AND IDENTIFYING UNDERGROUND EQUIPMENT THAT RIPS, TEARS, OR PULLS ROOTS. DO NOT USE MECHANICAL OR ELECTRICAL UTILITY STRUCTURES: EXCAVATE OR CHOP EXPOSED ROOTS. DO NOT BREAK, TEAR, DISTURB BOTTOM OF EXCAVATION. EXCAVATE BY HAND TO FINAL GRADES AND NEW GRADES.

6. THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL PERMITS FROM THE APPROPRIATE AUTHORITIES HAVING JURISDICTION.


8. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND ELEVATIONS FROM THE PLANS.

9. TRAFFIC: MINIMIZE INTERFERENCE WITH ADJOINING ROADS, STREETS, SERVICES AND OTHER CONSTRUCTION, AND FOR INSPECTIONS. EXCAVATIONS A SUFFICIENT DISTANCE FROM STRUCTURES FOR SATISFACTORY SOIL MATERIALS.

10. IF EXCAVATED MATERIALS INTENDED FOR FILL AND BACKFILL INCLUDE UNDERGROUND TANKS, BASINS, AND FOR INSPECTIONS. EXCAVATIONS A SUFFICIENT DISTANCE FROM STRUCTURES FOR SATISFACTORY SOIL MATERIALS.

11. DO NOT COMMENCE EARTH-MOVING OPERATIONS UNTIL TEMPORARY PROTECTION AND MAINTAIN EROSION AND SEDIMENTATION CONTROLS DURING EARTH MOVING OPERATIONS.

12. PROTECT SUBGRADES AND FOUNDATION SOILS FROM FREEZING OR IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION ELEVATIONS, AND SUBGRADES. USE NARROW-TINE SPADING FOR LOCATION. DOWNSPOUTS GUTTER DOWN SPOUTS.

13. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT, AND OTHER HAZARDS OCCURRING DURING THE CONSTRUCTION PHASE OF THE PROJECT.

14. PROTECT AND MAINTAIN EROSION AND SEDIMENTATION CONTROLS DURING EARTH MOVING OPERATIONS.

15. PROTECT SUBGRADES AND FOUNDATION SOILS FROM FREEZING OR IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION ELEVATIONS, AND SUBGRADES. USE NARROW-TINE SPADING FOR LOCATION. DOWNSPOUTS GUTTER DOWN SPOUTS.

16. IF EXCAVATED MATERIALS INTENDED FOR FILL AND BACKFILL INCLUDE UNDERGROUND TANKS, BASINS, AND FOR INSPECTIONS. EXCAVATIONS A SUFFICIENT DISTANCE FROM STRUCTURES FOR SATISFACTORY SOIL MATERIALS.

17. EXCAVATE TO INDICATED ELEVATIONS AND DIMENSIONS WITHIN A TOLERANCE OF PLUS OR MINUS 1 INCH. IF APPLICABLE, EXTEND EXCAVATIONS AT EDGES OF TREE- AND PLANT-PROTECTION ZONES: EXCAVATE BOTTOM OF EXCAVATIONS INTENDED AS BEARING SURFACES. GRADES AND NEW GRADES.

18. EXCAVATIONS AT EDGES OF TREE- AND PLANT-PROTECTION ZONES: EXCAVATE BOTTOM OF EXCAVATIONS INTENDED AS BEARING SURFACES. GRADES AND NEW GRADES. EXCAVATE BY HAND TO FINAL GRADES AND NEW GRADES.

19. IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION TOLERANCE OF PLUS OR MINUS 1 INCH. IF APPLICABLE, EXTEND EXCAVATIONS AT EDGES OF TREE- AND PLANT-PROTECTION ZONES: EXCAVATE BOTTOM OF EXCAVATIONS INTENDED AS BEARING SURFACES. GRADES AND NEW GRADES. EXCAVATE BY HAND TO FINAL GRADES AND NEW GRADES.

20. USE ALKALI-RESISTANT, POLYETHYLENE FILM WARNING TAPE CONTINUOUSLY INSCRIBED WITH A DESCRIPTION OF THE UTILITY, MANUFACTURED FOR MARKING AND IDENTIFYING UNDERGROUND EQUIPMENT THAT RIPS, TEARS, OR PULLS ROOTS. DO NOT USE MECHANICAL OR ELECTRICAL UTILITY STRUCTURES: EXCAVATE OR CHOP EXPOSED ROOTS. DO NOT BREAK, TEAR, DISTURB BOTTOM OF EXCAVATION. EXCAVATE BY HAND TO FINAL GRADES AND NEW GRADES.

21. EXCAVATION FOR UNDERGROUND TANKS, BASINS, AND FOR INSPECTIONS. EXCAVATIONS A SUFFICIENT DISTANCE FROM STRUCTURES FOR SATISFACTORY SOIL MATERIALS.

22. IF EXCAVATED MATERIALS INTENDED FOR FILL AND BACKFILL INCLUDE UNDERGROUND TANKS, BASINS, AND FOR INSPECTIONS. EXCAVATIONS A SUFFICIENT DISTANCE FROM STRUCTURES FOR SATISFACTORY SOIL MATERIALS.

23. PROTECT SUBGRADES AND FOUNDATION SOILS FROM FREEZING OR IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION ELEVATIONS, AND SUBGRADES. USE NARROW-TINE SPADING FOR LOCATION. DOWNSPOUTS GUTTER DOWN SPOUTS.

24. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT, AND OTHER HAZARDS OCCURRING DURING THE CONSTRUCTION PHASE OF THE PROJECT.

25. PROTECT AND MAINTAIN EROSION AND SEDIMENTATION CONTROLS DURING EARTH MOVING OPERATIONS.

26. PROTECT SUBGRADES AND FOUNDATION SOILS FROM FREEZING OR IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION ELEVATIONS, AND SUBGRADES. USE NARROW-TINE SPADING FOR LOCATION. DOWNSPOUTS GUTTER DOWN SPOUTS.

27. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT, AND OTHER HAZARDS OCCURRING DURING THE CONSTRUCTION PHASE OF THE PROJECT.

28. PROTECT AND MAINTAIN EROSION AND SEDIMENTATION CONTROLS DURING EARTH MOVING OPERATIONS.

29. PROTECT SUBGRADES AND FOUNDATION SOILS FROM FREEZING OR IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION ELEVATIONS, AND SUBGRADES. USE NARROW-TINE SPADING FOR LOCATION. DOWNSPOUTS GUTTER DOWN SPOUTS.

30. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT, AND OTHER HAZARDS OCCURRING DURING THE CONSTRUCTION PHASE OF THE PROJECT.

31. PROTECT AND MAINTAIN EROSION AND SEDIMENTATION CONTROLS DURING EARTH MOVING OPERATIONS.
1. BEFORE BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL INSTALL A TEMPORARY ROCK ENTRANCE PAD AT ALL POINTS OF VEHICLE EXIT FROM THE SITE. SAID ROCK ENTRANCE PADS SHALL BE MAINTAINED BY THE CONTRACTOR FOR THE DURATION OF THE PROJECT.

2. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE ESTABLISHED AROUND THE ENTIRE SITE PERIMETER AND IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES AND THE PROJECT DETAILS.

3. EROSION CONTROL MEASURES SHALL BE IMMEDIATELY ESTABLISHED UPON COMPLETION OF CLEARING AND GRUBBING.

4. THE INTENDED SEQUENCE OF MAJOR CONSTRUCTION ACTIVITIES IS AS FOLLOWS:
   a. INSTALL SILT FENCE AROUND THE PERIMETER OF THE SITE, AND THE ROCK CONSTRUCTION ENTRANCE(S).
   b. INSTALL SILT FENCE AND INLET PROTECTION AROUND, AND WITHIN, ALL STRUCTURES.
   c. CLEAR AND GRUB.
   d. SURFACE FEATURE REMOVALS.
   e. ROUGH GRADING OF THE SITE.
   f. STABILIZE DENUDED AREAS AND STOCKPILES.
   g. FINE GRADING OF THE SITE
   h. INSTALL TOPSOIL, COMPOST AND SEED.
   i. REMOVE ACCUMULATED SEDIMENT FROM STRUCTURES.

j. WHEN ALL CONSTRUCTION ACTIVITIES ARE COMPLETE AND THE SITE IS STABILIZED, REMOVE SILT FENCE AND RESEED ANY AREAS DISTURBED BY THE REMOVAL WITHIN 30-DAYS OF FINAL STABILIZATION.

10. THE LOCATION OF THE AREAS NOT TO BE DISTURBED MUST BE IDENTIFIED WITH FLAGS, STAKES, SIGNS, SILT FENCE, ETC. BEFORE CONSTRUCTION BEGINS.

11. ALL STORM DRAINS AND INLETS MUST BE PROTECTED UNTIL ALL SOURCES OF POTENTIAL DISCHARGE ARE STABILIZED.

12. SOLID WASTE MUST BE DISPOSED OF PROPERLY AND COMPLY WITH THE GOVERNING AGENCY'S DISPOSAL REQUIREMENTS.

13. THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL PERMITS FROM AUTHORITIES AND REGULATORY AGENCIES HAVING JURISDICTION OVER THIS SITE, AS REQUIRED, PRIOR TO BEGINNING WORK.

14. AFTER CONSTRUCTION BEGINS, SOIL SURFACE STABILIZATION SHALL BE APPLIED WITHIN 7-DAYS TO ALL DISTURBED AREAS THAT MAY NOT BE AT FINAL GRADE, BUT WILL REMAIN UNDISTURBED FOR PERIODS LONGER THAN AN ADDITIONAL 21 CALENDAR DAYS.

15. WITHIN 7-DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE, PERMANENT OR TEMPORARY SOIL SURFACE STABILIZATION SHALL BE APPLIED TO DISTURBED AREAS AND SOIL STOCKPILES.

16. ALL DISTURBED GROUND LEFT INACTIVE FOR 7 DAYS OR MORE MUST BE STABILIZED BY SEEDING, SODDING OR MULCHING. TYPE OF SLOPE DAYS TO STABILIZE STEEPER THAN 3:1 7 DAYS 10:1 TO 3:1 7 DAYS FLATTER THAN 10:1 7 DAYS

17. WHEN STABILIZATION MEASURES ARE STOPPED DUE TO SNOW COVER OR ARID CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS POSSIBLE. SOIL STABILIZATION MEASURES SHALL INCLUDE, BUT ARE NOT LIMITED TO SURFACE ROUGHENING, TEMPORARY OR PERMANENT VEGETATION, MULCHING, SODDING, LANDSCAPING AND EROSION CONTROL BLANKETS.

18. STABILIZATION MEASURES TO BE USED SHALL BE APPROPRIATE FOR THE TIME OF YEAR, SITE CONDITIONS AND ESTIMATED DURATION OF USE.

19. EXISTING TURF OUTSIDE OF THE CONSTRUCTION LIMITS SHALL NOT BE DISTURBED. ANY TURF SHALL BE RE-ESTABLISHED.

20. ALL STREETS AND PARKING LOTS ADJACENT TO THE SITE SHALL BE CLEANED AND/OR SWEPT AT THE END OF EACH WORKING DAY.
5' MINIMUM COVER EXISTING 24" WATER LINE
16" DIAMETER 4" 35 KSI STEEL CASING PIPE
PROPOSED 8" WATER MAIN SHALL BE CLASS 50 D.I.P.

CONTRACTOR SHALL REPLACE SIDEWALK PER ARDOT SIDEWALK STANDARD WHERE SIDEWALK IS REMOVED FOR BORING.

CONTRACTOR SHALL FIELD VERIFY DEPTH OF EXISTING 24" WATER MAIN PRIOR TO CONSTRUCTION. SWU SHALL BE ON-SITE DURING EXCAVATION.

VERTICAL SCALE 1" = 2'
HORIZONTAL SCALE 1" = 20'

JACK AND BORE PROFILE
1. **STANDARD DUTY ASPHALT PAVING**
   - 3" ASPHALT
   - 6" GRAVEL BASE
   - 12" COMPACTED SUBGRADE (MIN. CBR 8)

   **NOTES:**
   1. ASPHALT SHALL BE HMAC TYPE II.
   2. GRAVEL BASE SHALL BE ARDOT CLASS 7 MATERIAL COMPACTED TO 95% STANDARD PROCTOR.

2. **HEAVY DUTY ASPHALT PAVING**
   - 4" ASPHALT
   - 8" GRAVEL BASE
   - 12" COMPACTED SUBGRADE (MIN. CBR 8)

   **NOTES:**
   1. ASPHALT SHALL BE HMAC TYPE II.
   2. GRAVEL BASE SHALL BE ARDOT CLASS 7 MATERIAL COMPACTED TO 95% STANDARD PROCTOR.

3. **PRIVACY FENCE DETAIL**
   - 6"X1"X8' DOG EARED FENCE BOARD
   - 4"X4" TREATED PINE POST @ 8' ON CENTER
   - TREATED 2"X4" RAILS - 3 PER SECTION

   **NOTES:**
   1. USE HOT DIPPED GALVANIZED FASTENERS FOR ALL ATTACHMENTS
   2. BOARD SIDE TO FACE ADJACENT PROPERTY

4. **ACCESSIBLE PAVING GLYPH**
   - 6" ACCESSIBLE BLUE STRIPING

   **NOTES:**
   1. SEE SITE PLAN FOR LAYOUT
   2. ALL DIMENSIONS ARE TO CENTER LINE OF STRIPE UNLESS OTHERWISE INDICATED.

5. **TYPICAL PARKING STRIPING**
   - 4" TRAFFIC YELLOW STRIPING
   - 4" ACCESSIBLE BLUE STRIPING

6. **ACCESSIBLE SIGN DETAIL**
   - 2" STEEL TUBE FRAME

7. **CUSTOM STEEL & CYPRESS BENCH**
   - 2" STEEL TUBE FRAME
   - CYPRESS BENCH TOP

8. **CUSTOM STEEL BIKE-RACK**
   - 2" STEEL TUBE FRAME

**SITE DETAILS**

- STRONGHOLD SHOP
- SPRINGDALE ARKANSAS
- ISSUE DATE: 11/25/20
- PROJECT #L21-03
- GAVIN R. SMITH
- CIVIL ENGINEERING
- 31 E CENTER STREET FAYETTEVILLE AR
- (479) 935-0644
- www.grsmithcivilengineering.com
- gavin@grsmithcivilengineering.com

**NOTES:**

- 3,000 PSI CONCRETE
- 12/16/20 LSD RE-SUBMISSION
- 5'-7 5/16" X 7'-1 5/16"
- CUSTOM STEEL BIKE-RACK
1. ARMORED DRAINAGE CHANNEL

2. CONCRETE TRICKLE CHANNEL

3. POND OUTFALL STRUCTURE

NOTES:

1. Alocate channel for positive drainage to
   outlet.
2. Provide expansion joint every 100'
3. Use unweathered #4 rebar concrete compressive
   strength.
4. Channel shall have a minimum longitudinal
   slope of 0.4%.
5. Channel shall be reinforced at outlet structure at
   2' intervals.
6. Design low point of channel to low point of
   inlet

REINFORCEMENT:
1. Vertical #4 @ 9" G4G18, Center Horizontal
2. #4 @ 10" G4G18, Center Vertical
3. #4 @ 6" G4G18, Center Horizontal
4. #4 @ 6" G4G18, Central Vertical

NOTES:

1. Sway wire mesh placed at center
2. 4" thick concrete trickle channel
3. Natural ground
4. 3" thick concrete trickle channel

11/25/20 LSD SUBMISSION
12/16/20 LSD RE-SUBMISSION
1/21/21 LSD RE-SUBMISSION
STABILIZED CONSTRUCTION ENTRANCE

CONCRETE WASHOUT

ROCK CHECKDAM

SOIL ROUGHENING

STRAW WATTLE

INLET PROTECTION

SILT FENCE

LEVEL SPREADER

SILT FENCE

HARD SURFACE
PUBLIC ROAD
75' MINIMUM
20' MINIMUM
8" MIMIMUM
3"-6" CLEAN STONE
FILTER FABRIC

SECTION A-A

INSTALLATION:
1. EXCAVATE KEY-WAY (IF REQUIRED)
2. A GEOTEXTILE FABRIC SHALL BE INSTALLED OVER THE SOIL SURFACE WHERE THE ROCK IS TO BE PLACED (IF REQUIRED)
3. ROCK DIAMETERS SHOULD BE 2" TO 15" IN DIAMETER
4. ROCK DITCH CHECKS SHOULD NOT EXCEED 3 FEET
5. STONES SHOULD BE PLACED UP THE CHANNEL BANKS TO PREVENT WATER FROM CUTTING AROUND THE DITCH CHECK
6. INSTALLATION SHALL BE PLACED EITHER BY HAND OR MECHANICALLY AND NOT JUST DUMPED TO ACHIEVE COMPLETE COVERAGE OF THE DITCH AND ENSURE THE CENTER OF THE DAMN IS LOWER THAN THE EDGES
7. MAXIMUM SPACING BETWEEN MULTIPLE DAMS SHOULD BE SUCH THAT THE TOE OF THE UPSTREAM CHECK IS THE SAME AS THE TOP OF THE DOWNSTREAM CHECK

INSPECTION:
· INSPECT ROCK DITCH CHECKS EVERY (7) CALENDAR DAYS AND WITH-IN 24 HOURS AFTER EACH RAINFALL EVENT THAT PRODUCES 1/2" PRECIPITATION.
· SEDIMENT SHOULD BE REMOVED WHEN IT REACHES 1/2 THE ORIGINAL CHECK HEIGHT
· IN THE CASE OF GRASS-LINED DITCHES OR SWALES, ROCK DITCH CHECKS SHOULD BE REMOVED WHEN THE GRASS HAS MATURED SUFFICIENTLY TO PROTECT THE DITCH OR SWALE, IF THE SLOPE IS 4% OR LESS.
· THE AREA BENEATH THE ROCK DITCH CHECKS SHOULD BE SEEDED AND MULCHED IMMEDIATELY AFTER THE CHECK DAM REMOVAL

PIPE IN/DRAIN OUTSIDE OF ROADWAY

GAVIN R SMITH
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gavin@grsmithcivilengineering.com
PLANT ROOT DEVELOPMENT.

2. PRIOR TO THE INSTALLATION OF THE LANDSCAPE AND IRRIGATION SYSTEM, CONTRACTOR TO PREPARE SOIL TO ENSURE A PROPER ENVIRONMENT FOR PLANT ROOT DEVELOPMENT.

3. CONTRACTOR TO DE-COMPACT SOILS IN PLANTING AREAS BY ROTO-TILLING, DISKING OR RIPPING TO A DEPTH OF 6 -8" MINIMUM AND PREFERABLY A UPRIGHT ANGLES TO ENSURE ADEQUATE COVERAGE. WHEN USING DISC OR RIPPING EQUIPMENT, IT IS REQUIRED THAT THE FINAL PASSES OVER THE AREA BE MADE WITH A ROTO-TILLER TO BREAK UP ANY LARGE CLUMPS TO MAKE FINAL GRADING EASIER.

4. WHEN PERFORMING SOIL DE-COMPACTION, MULTIPLE PASSES ACROSS THE AREA WILL BE REQUIRED AND, WHEN POSSIBLE, SHOULD BE AT VARYING ANGLES TO ENSURE ADEQUATE COVERAGE. WHEN USING DISC OR RIPPING EQUIPMENT, IT IS REQUIRED THAT THE FINAL PASSES OVER THE AREA BE MADE WITH A ROTO-TILLER TO BREAK UP ANY LARGE CLUMPS TO MAKE FINAL GRADING EASIER.

5. AFTER INITIAL SOIL DE-COMPACTION PROCEDURES ARE PERFORMED, SOIL AMENDMENTS SHOULD BE ADDED. THE ADDITION OF SOIL AMENDMENTS IS DETERMINED FROM SOIL TESTS CONDUCTED PRIOR TO WORK COMMENCING. SOIL AMENDMENT MAY INCLUDE INORGANIC MATERIAL SUCH AS SAND, ORGANIC MATERIAL WITH A PH LEVEL NEAR SEVEN.

6. TREES SHALL BEAR SAME RELATION TO FINISHED GRADE AS IT BORE TO EXISTING. RESPONSIBILITY FOR THIS WORK AND DISRUPTION OR DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AT NO EXPENSE TO THE OWNER.

7. TREES TO BE PLANTED A MINIMUM OF 4 FEET FROM FACE OF BUILDING.

8. PROVIDE MATCHING FORMS AND SIZES FOR PLANT MATERIALS WITHIN EACH SPECIES AND SIZE DESIGNATED ON THE DRAWINGS. PRUNE NEWLY PLANTED TREES ONLY AS DIRECTED BY LANDSCAPE ARCHITECT.

9. CONTRACTOR IS TO PROTECT EXISTING STORM DRAINAGE SYSTEM FROM GRAPHIC INDICATIONS, THEN GRAPHICS SHALL PREVAIL.

10. CONTRACTOR SHALL NOTIFY PROJECT ENGINEER PRIOR TO BEGINNING WORK.

11. CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER AND THE OWNER OF ANY DAMAGED OR INTERRUPTED UTILITIES IMMEDIATELY.

12. CONTRACTOR WILL CONTROL AND PREVENT OFF-SITE TRACKING OF CONSTRUCTION RUNOFF AND SEDIMENT TO ADJACENT PROPERTY.

13. CUT AND REMOVE BURLAP FROM TOP 1/3 OF BALL.

14. CONTACT THE LOCAL UNDERGROUND UTILITY SERVICES FOR UTILITY LOCATION AND IDENTIFICATION.

15. REFER TO CIVIL UTILITY AND GRADING AND DRAINAGE PLANS FOR UTILITY LOCATION AND DRAINAGE INFORMATION. REFER TO CIVIL GRADING PLANS FOR GRADING INFORMATION.
EXISTING TREES TO BE PRESERVED
1. 30" OAK
2. 30" OAK
3. 30" OAK
4. 48" OAK
5. 30" OAK
6. 30" OAK
7. 24" OAK
8. 24" DOUBLE TRUNK OAK
9. 32" OAK
10. 30" OAK
11. 16" OAK
12. 28" OAK
13. 30" OAK
14. 30" OAK
15. 16" DOUBLE TRUNK OAK
16. 30" OAK
17. 30" OAK
18. 30" OAK
19. 36" OAK
20. 30" OAK
21. 36" SYCAMORE

TREE PRESERVATION FENCING
1. SET PLANTS SO THAT THE TOP OF ROOT BALL IS RAISED 1" ABOVE EXISTING GRADE OF SOIL TO ALLOW FOR SETTLING OF EXCAVATED SOIL.

2. GROUND COVER OR PERENNIAL

3. PLANTING MIX

4. ROOTBALL SPLITS

5. UNDISTURBED SOIL

6. HARDWOOD MULCH (3" MINIMUM DEPTH)

7. HARDWOOD MULCH (12" MINIMUM DEPTH)

8. GITLER MULCH (3" MINIMUM DEPTH)

1. SET TREE PLANTS PLUMB AND LEVEL.
2. ROTATE TREE TO ALIGN AS GROWN IN FIELD, NORTH FACE TO FACE NORTH.
3. PRUNE DEAD, DAMAGED, AND CROSSING BRANCHES. DO NOT CUT BRANCH TIPS OR CENTRAL LEADER.
4. REMOVE ALL STAKES AND GUYS AFTER 12 MONTHS.

1. SET TREE PLANTS SO THAT THE TOP OF ROOT BALL IS RAISED 1" ABOVE EXISTING GRADE OF SOIL TO ALLOW FOR SETTLING OF EXCAVATED SOIL.

2. GROUND COVER OR PERENNIAL

3. PLANTING MIX

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1. SET TREE PLANTS AND LEVEL.
2. ROTATE TREE TO ALIGN AS GROWN IN FIELD. NORTH FACE TO FACE NORTH.
3. PRUNE DEAD, DAMAGED, AND CROSSING BRANCHES. DO NOT CUT BRANCH TIPS OR CENTRAL LEADER.
4. REMOVE ALL STAKES AND GUYS AFTER 12 MONTHS.
APPLICATION FOR VARIANCE
COMMERCIAL DESIGN STANDARDS
BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Street Address/Location of Request: 3095 WAGON WHEEL RD

Applicant Name: Stronghold NWA

Address: 3095 WAGON WHEEL RD

City: SPRINGDALE State: AR Zip: 72701

Phone: 479 871 9213 Fax: — Email: —

[ ] Property Owner [ ] Owner's Representative [ ] Contract Purchaser

Represented by: Gavin Smith, PE

Address: 31 E Central St suite 207

City: FAYETTEVILLE State: AR Zip: 72701

Phone: 479 933 0649 Fax: — Email: gavin@gsmithcivilengineering.com

Legal Description: [ ] (Check if attached)
The Planning Commission may approve variances to depart from the literal requirements of the Commercial Design Standards where strict enforcement of said requirements would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of the design standards.

Check item(s) for which variance is requested:

- **ENTRANCES** – one customer entrance on all sides of principal building directly facing abutting public right-of-way

- **PARKING LOT ORIENTATION** – no more than 60% of off-street parking area located between the front façade within the front yard of the principal building

- **STRUCTURE BACK AND SIDES**
  - Minimum setback according to zoning district requirements
  - Earthen berm installed with trees and landscaping for façade facing adjacent residential uses or area on Comprehensive Land Use Plan

- **PEDESTRIAN FLOW**
  - 5' sidewalk along all sides of lot abutting public right-of-way
  - 5' continuous internal pedestrian walkways from public sidewalk to principal customer entrance of all principal building on site
  - 5' sidewalk along the full length of building on façade featuring customer entrance an façade abutting public parking areas 6' from façade of building
  - Weather protection features within 30' of all customer entrances, constructed parallel to building façade
  - Internal walkway distinguished from driving surface through use of durable, low maintenance surface materials to enhance safety and comfort

- **CENTRAL FEATURES AND COMMUNITY SPACES**
  - Provision of at least 2 central features
  - Direct access to public sidewalk network

- **MULTIPLE BUILDINGS IN COMMERCIAL CENTERS**
  - Use of similar building materials
  - Use of similar architectural styles or theme

- **OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS**
  - Not visible from public right-of-way, located within 20' of any public street, sidewalk or internal pedestrian way
  - Incorporated into the overall design of the building
  - Screening material similar to principal materials of the building and landscape
  - Landscaped so that visual and acoustic impacts fully contained and out of view of adjacent property and public streets
  - Landscaped so not attention is attached to the function by the use of screening material an no attention is attached to the function by the use
N/A

□ FACADES AND EXTERIOR WALLS – face over 100' in linear length incorporate wall projections or recesses
  □ Minimum 3' depth
  □ Minimum of 20 contiguous feet within each 100' of façade length
  □ Extends 20% of the façade

✓ DETAIL FEATURES
  ✓ Facades include a repeating pattern with no less than 3 elements (color change, texture change, material change)
  ✓ At least one element repeating horizontally
  ✓ Elements repeat at intervals of more than 30' horizontally or vertically
  ✓ Change in plane no less than 12" in width (offset, reveal or projecting rib)

□ ROOFS – change in height every 100 liner feet in building length

□ MATERIALS AND COLORS
  □ Predominate exterior materials high quality materials
  □ Façade color – low reflectance, subtle, neutral or earth tone

✓ ENTRYWAYS – 3 defined, highly visible customer entrances

✓ LANDSCAPING
  ✓ Entryway landscaping
  ✓ Parking lot landscaping
  ✓ Perimeter parking area landscaping
  □ Building foundation landscaping

✓ SCREENING
  □ Trash containers, trash compactor, and recycling bins screened from public view 4 sides
  □ Exterior ground-mounted or building-mounted equipment
  □ Rooftop equipment
  □ Solid fence or wall not less than 6' in height along all rear and side property lines common to property zoned for residential purposes
  ✓ Required screening fence or wall maximum height 8', high quality materials
  ✓ Required screening fence or wall maximum continuous length of 50'

□ LIGHTING
  □ Pedestrian walkway lighting – 4' maximum height for bollard-type lighting, pedestrian areas illuminated a minimum of 1 footcandle
  □ Parking lot lighting – 35' maximum mounting fixture height with all parking areas maintaining 3 footcandles
  □ Parking lot lighting – maximum maintained vertical footcandle at any adjoining residential property line 0.5 footcandle measured at 5' above grade
  □ Uniformity ratios throughout parking l – not more than a 6:1 ratio of average to minimum illumination and not more than 20:1 maximum to minimum
  □ Canopy lighting – 35 footcandles maximum average maintained footcandles under canopy
  □ Canopy lighting fixtures lens cover recessed or flush with bottom surface (ceiling) of canopy
Canopy indirect light beamed upward and then reflected down shielded focused exclusively on the underside of canopy

FOR EACH ITEM CHECKED

Variance requested: (attach visual representation of request)

SEVERAL REQUESTED: This is a shop building space for boutique crafts such as cabinetry. This area is not for sales and is not for the general public to access.

Difficulty or hardship: (why strict application of the provision would prohibit or unreasonably restrict the use of the property)

This is a setting for the industrial arts, especially wood working, that needs solid/ durable finishes and natural light. It is not feasible to match the existing house or not feasible to create site elements that invite the public from the row.

Effect of variance: (how variance would alleviate a demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant)

The proposed site & much improvements meet & exceed the spirit of the ordinance. The intended use is slightly outside of the uses targeted by ordinance.

Harmony with intended purpose of the standards: (how the proposed develop will remain in harmony with the intended purpose of the commercial design standards with the approval of the variance)

This is the rear & landlocked portion of a larger property. This is isolated from the public's eye. This increases employment & specialization of industry, while not creating visual blight in the community.
The Applicant understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Applicant.

The Applicant understands that he/she must be present at the meeting to present the variance request and to answer questions. If the Applicant is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the applicant.

APPLICANT SIGNATURE(S) _______________________

DATE: 11/25/2020

P71
FILE NO. B21-02
APPLICANT: Stronghold NWA
REQUEST: Variance for deviation of commercial design standards
Please let this email serve as a request to waive the sidewalk requirements for address 4078 Carriage Crossing Lane. Also let me know if you need another copy of the plot plan showing the setbacks.

Trey Thompson
Project Manager
Cell: 479-287-2903
Trey.connerhomesllc@gmail.com
Memo

To:      PLANNING COMMISSION MEMBERS
From:    Patsy Christie, Planning Director
Date:    February 2, 2021
Re:      R21-03 Rezone

A request by Merry Lee Phillips Revocable Trust for Planning Commission approval of a zone change from General Commercial District (C-1) to Thoroughfare Commercial District (C-5) for a tract of land containing .665 acres.

LOT LOCATION AND SIZE

The .665 acre tract is located at 408 N. Thompson, northwest corner of the intersection of Thompson Street and Maple Avenue.

A vicinity map is attached.

EXISTING ZONING

The existing zoning of this tract is a C-2 General Commercial District. The District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

Uses permitted:  - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33
ACCESSORY USES
   See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW
   When a conditional use is proposed in a C-2 district, except for home occupation a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS
   There shall be no maximum height limits in C-2 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS
   SETBACKS:
      Front setback 30'
      Front setback if parking is allowed between R-O-W 50'
      and the building
      Side setback 0
      (subject to applicable fire and building codes)
      Side setback when contiguous to a residential district 20'
      Rear setback 20'

GREENSPACE
   Each developed lot shall provide and maintain:
      1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
      2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING
   See Article 7 of this chapter.

REQUESTED ZONING
   The requested zoning of this tract is a C-5 thoroughfare commercial district. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, transient sleeping accommodations, and eating and drinking establishments. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping center since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

Uses permitted: - 1, 4, 5, 16, 17, 18, 19, 20, 21, 22, 27, 31, 38
Conditional Uses Permitted on Appeal: - 2, 3, 12, 23,24, 30, 33, 35
Temporary Uses: - 32
DEVELOPMENT CRITERIA

i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.

ii. All of the lot used for the parking of vehicles, for the storage and display of merchandise shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

iii. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed herein shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the C-5 open display district:

   b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.

   c. No permanent open display will be permitted on sidewalks, or public right-of-way.

   d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.

   e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.

i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

When a conditional use is proposed in a C-5 district a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

There shall be no maximum height limits in C-5 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

SETBACKS:

Front setback 30'
Front setback if parking is allowed between R-O-W and the building 50'
Side setback 0 (subject to applicable fire and building codes)
Side setback when contiguous to a residential district 20'
Rear setback 20'

GREENSPACE
Each developed lot shall provide and maintain:
1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING
See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a commercial use. The area to the north, south and east contain commercial uses in C-2 zoning. The area to the east contains a commercial use in the Form Based Code District Neighborhood Center Type 2.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Downtown District.

The Master Street Plan indicates Thompson Street as an arterial and Maple Avenue as a minor collector.

STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.
APPLICANT: Merry Lee Phillips
REQUEST: Rezone parcels from C-2 to C-5
PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by the Meay Lee Phillips Revocable Trust.

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-Five (35), in Township Eighteen (18) North, of Range Thirty (30) West, described as follows:

Commencing at the Southwest corner of said forty-acre tract and running thence East on the South line of said forty acre tract 60 1/2 rods or 998 1/4 feet to a Walnut tree on said line where a cement post is placed for a marker for a beginning corner of the lands hereby conveyed; thence running North 115 feet; thence East to the middle of Thompson Street on the West boundary line of Deaver's Addition to Springdale; thence South 2 degrees west with the middle of said Street or Highway to the South line of said forty-acre tract; thence West 315 feet or to the place of beginning. LESS AND EXCEPT the South twenty (20) feet thereof, and also EXCEPT that portion on the East side of the said tract now in U. S. Highway 71.

408 S. Thompson St.

Layman's Description: Northwest corner of Maple Avenue & US 71B (Thompson Street)

The Petitioner hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classification:

FROM (current zoning) C-2
TO (proposed zoning) C-5
The Petitioner's immediate intentions are to:

1. **Sell** the property **No** (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title **N/A** (Yes or No).

2. **Develop** the property **Yes** (Yes or No), and if so, the proposed use is coffee restaurant with drive-through.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: **Effects are expected to be minimal. Stormwater will not be increased to adjoining properties. Traffic impacts will be minimal, as Thompson Street already sees 21000 vehicles per day pre-development (per Arkansas DOT).**

The Petitioner understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The Petitioner understands that he/she should be present at the meeting in order to answer questions. If the Petitioner is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: Engineering Services, Inc.
Address: 1207 S. Old Missouri Road / PO Box 282, Springdale, AR 72765-0282

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS: 4137 N. Bentwood Ln Fayetteville, AR 72703-4568

TELEPHONE: 479-530-2000 DATE: ______________
VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Merry Lee Phillips Revocable Trust

[Signature]

James A. "Jim" Phillips, Co-Trustee

[Signature]

Merry Lee Phillips, Co-Trustee

Acknowledgements

State of Arkansas ) ss
County of Washington )

EMILY HARRISON
MY COMMISSION # 12388756
EXPIRES: September 8, 2024
Washington County

SUBSCRIBED AND SWORN TO before me, a Notary Public, appeared James A. "Jim" Phillips this 22nd day of December, 2020.

Notary Public

State of Arkansas ) ss
County of Washington )

EMILY HARRISON
MY COMMISSION # 12388756
EXPIRES: September 8, 2024
Washington County

SUBSCRIBED AND SWORN TO before me, a Notary Public, appeared Merry Lee Phillips this 22nd day of December, 2020.

Notary Public
APPLICATION FOR VARIANCE
COMMERCIAL DESIGN STANDARDS
BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Street Address/Location of Request: 408 S. Thompson Street

Applicant Name: Merry Lee Phillips Revocable Trust

Address: 4137 N. Bentwood Lane

City: Fayetteville State: AR Zip: 72703-4568

Phone: 479-530-2000 Fax: Email: jim@slausa.com

☒ Property Owner ☐ Owner's Representative ☐ Contract Purchaser

Represented by: Brandon Rush, Engineering Services, Inc.

Address: 1207 S. Old Missouri Road / PO Box 282

City: Springdale State: AR Zip: 72765-0282

Phone: 479-751-8733 Fax: Email: brush@engineeringervices.com

Legal Description: ☐ (Check if attached)

A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-Five (35), in Township Eighteen (18) North, of Range Thirty (30) West, described as follows:

Commencing at the Southwest corner of said forty-acre tract and running thence East on the South line of said forty acre tract 60 1/2 rods or 998 1/4 feet to a Walnut tree on said line where a cement post is placed for a marker for a beginning corner of the lands hereby conveyed; thence running North 115 feet, thence East to the middle of Thompson Street on the West boundary line of Deaver's Addition to Springdale; thence South 2 degrees west with the middle of said Street or Highway to the South line of said forty-acre tract; thence West 315 feet or to the place of beginning. LESS AND EXCEPT the South twenty (20) feet thereof, and also EXCEPT that portion on the East side of the said tract now in U. S. Highway 71.
The Planning Commission may approve variances to depart from the literal requirements of the Commercial Design Standards where strict enforcement of said requirements would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of the design standards.

Check item(s) for which variance is requested:

- **ENTRANCES** – one customer entrance on all sides of principal building directly facing abutting public right-of-way

- **PARKING LOT ORIENTATION** – no more than 60% of off-street parking area located between the front façade within the front yard of the principal building

- **STRUCTURE BACK AND SIDES**
  - Minimum setback according to zoning district requirements
  - Earthen berm installed with trees and landscaping for façade facing adjacent residential uses or area on Comprehensive Land Use Plan

- **PEDESTRIAN FLOW**
  - 5' sidewalk along all sides of lot abutting public right-of-way
  - 5' continuous internal pedestrian walkways from public sidewalk to principal customer entrance of all principal building on site
  - 5' sidewalk along the full length of building on façade featuring customer entrance an façade abutting public parking areas 6' from façade of building
  - Weather protection features within 30' of all customer entrances, constructed parallel to building façade
  - Internal walkway distinguished from driving surface through use of durable, low maintenance surface materials to enhance safety and comfort

- **CENTRAL FEATURES AND COMMUNITY SPACES**
  - Provision of at least 2 central features
  - Direct access to public sidewalk network

- **MULTIPLE BUILDINGS IN COMMERCIAL CENTERS**
  - Use of similar building materials
  - Use of similar architectural styles or theme

- **OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS**
  - Not visible from public right-of-way, located within 20' of any public street, sidewalk or internal pedestrian way
  - Incorporated into the overall design of the building
  - Screening material similar to principal materials of the building and landscape
  - Landscaped so that visual and acoustic impacts fully contained and out of view of adjacent property and public streets
  - Landscaped so not attention is attached to the function by the use of screening material and no attention is attached to the function by the use
☐ FACADES AND EXTERIOR WALLS – face over 100' in linear length incorporate wall projections or recesses
  ☐ Minimum 3' depth
  ☐ Minimum of 20 contiguous feet within each 100' of façade length
  ☐ Extends 20% of the façade

☐ DETAIL FEATURES
  ☐ Facades include a repeating pattern with no less than 3 elements (color change, texture change, material change)
  ☐ At least one element repeating horizontally
  ☐ Elements repeat at intervals of more than 30' horizontally or vertically
  ☐ Change in plane no less than 12" in width (offset, reveal or projecting rib)

☐ ROOFS – change in height every 100 liner feet in building length

☐ MATERIALS AND COLORS
  ☐ Predominate exterior materials high quality materials
  ☐ Façade color – low reflectance, subtle, neutral or earth tone

☐ ENTRYWAYS – 3 defined, highly visible customer entrances

☐ LANDSCAPING
  ☐ Entryway landscaping
  ☐ Parking lot landscaping
  ☐ Perimeter parking area landscaping
  ☐ Building foundation landscaping

☐ SCREENING
  ☐ Trash containers, trash compactor, and recycling bins screened from public view 4 sides
  ☐ Exterior ground-mounted or building-mounted equipment
  ☐ Rooftop equipment
  ☐ Solid fence or wall not less than 6' in height along all rear and side property lines common to property zoned for residential purposes
  ☐ Required screening fence or wall maximum height 8', high quality materials
  ☐ Required screening fence or wall maximum continuous length of 50'

☐ LIGHTING
  ☐ Pedestrian walkway lighting – 4' maximum height for bollard-type lighting, pedestrian areas illuminated a minimum of 1 footcandle
  ☐ Parking lot lighting – 35' maximum mounting fixture height with all parking areas maintaining 3 footcandles
  ☐ Parking lot lighting – maximum maintained vertical footcandle at any adjoining residential property line 0.5 footcandle measured at 5' above grade
  ☐ Uniformity ratios throughout parking lot – not more than a 6:1 ratio of average to minimum illumination and not more than 20:1 maximum to minimum
  ☐ Canopy lighting – 35 footcandles maximum average maintained footcandles under canopy
  ☐ Canopy lighting fixtures lens cover recessed or flush with bottom surface (ceiling) of canopy
☐ Canopy indirect light beamed upward and then reflected down shielded focused exclusively on the underside of canopy

FOR EACH ITEM CHECKED

Variance requested: (attach visual representation of request)

Requesting to have single public entrance rather than the two dictated by the frontage of a corner lot. See architectural elevations for single entrance.

Difficulty or hardship: (why strict application of the provision would prohibit or unreasonably restrict the use of the property)

The proposed development is designed as a drive-through with only limited outdoor seating for customers on a small site. Almost all indoor space is dedicated to food and drink preparation for drive-through customers. Installing a second door will provide almost no benefit to customers while reducing available space for food/drink preparation in favor of a vestigial doorway.

Effect of variance: (how variance would alleviate a demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant)

Granting this variance will allow the same customer access (since almost all will be drive-through traffic) without requiring a vestigial door simply because this is a corner lot, allowing the developer to make full use of the indoor space for food and drink preparation for drive-through customers.

Harmony with intended purpose of the standards: (how the proposed develop will remain in harmony with the intended purpose of the commercial design standards with the approval of the variance)

See attached page
Harmony with intended purpose of the standards: (how the proposed develop will remain in
harmony with the intended purpose of the commercial design standards with the approval of the
variance)

Intent per CDS is, "Large retail buildings should feature multiple entrances. Multiple building
entrances reduce walking distance from cars, facilitate pedestrian and bicycle access from public
sidewalks, and provide convenience where certain entrances offer access to individual stores, or
identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls
and neglected areas that often characterize building façades that face bordering land uses."

This is not a large retail building.
The small site already offers good access to pedestrian and bicycle traffic - a second door will not
appreciably reduce travel time or distance from the public sidewalk.
This building will not have departments, and is a single enterprise wholly occupying the building.
Other architectural elements are provided intending to add visual interest and mitigate the effects
of unbroken walls. These elements are intended to provide better mitigation than a rarely-used
doorway would.
The Applicant understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Applicant.

The Applicant understands that he/she must be present at the meeting to present the variance request and to answer questions. If the Applicant is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the applicant.

APPLICANT SIGNATURE(S)  

DATE: 1/13/2021
Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: February 2, 2021
Re: R21-04 Rezone

A request by Brian and Melonie Moore Trust for Planning Commission approval of a zone change from Agricultural District (A-1) to Planned Unit Development (PUD) for a tract of land containing 4.95 acres.

LOT LOCATION AND SIZE

The 4.95 acre tract is located at 7655 W. Gibbs Road, west side of Gibbs Road, north of Har-Ber Avenue.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37
Temporary Uses – 32, 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:
(1) Accessory buildings, including private garages, storage facilities and children's playhouses.
(2) Private greenhouses.
(3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW

When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS

(1) LOT AREA. There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

<table>
<thead>
<tr>
<th>LOT MINIMUMS</th>
<th>SIDE</th>
</tr>
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<tbody>
<tr>
<td>Widths</td>
<td>Area</td>
</tr>
<tr>
<td>One Family</td>
<td>200</td>
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</tbody>
</table>

REQUESTED ZONING

The rezoning application requests a PUD Planned Unit Development district. The District is established to permit the subdivision of land and zoning review into one process. The combination review permits a development proposal to be acted upon simultaneously by the developer and the city. This system is advantageous when the developer that plats the land and provides access and utilities also provides the amenities that make the overall project marketable. An additional advantage is that the approved PUD plan remains intact even if transfer in ownership occurs. The approved PUD plan represents a commitment by both the developer and the city.

The PUD process permits more flexibility in the choice of building types, the arrangement of varied land uses, and the use of generalized rather than specific development regulation. By permitting and encouraging the use of such procedures the planning commission and the city council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the city. The PUD should:

(1) Facilitate and encourage a maximum of social and community interactions and activity among those who live, shop, play and work there.
(2) Provide open space not only for traditional private use in setbacks and yards surrounding structures, but also conveniently located with respect to points of residential and commercial concentration for the general benefit of the community and public as places for relaxation, recreation and social activity.

(3) Provide a comprehensive, multi-modal circulation system separated from vehicular roadways which links residential, non-residential and open space areas.

(4) Preserve the natural environment by minimizing the grading necessary for construction.

(5) Achieve a maximum of safety, convenience and amenity for both the residents of the PUD and the residents of neighboring areas and assure compatibility with existing and proposed surrounding land uses.

The development plan may be submitted in conjunction with the rezoning of the site or prior to the development of the site.

Uses permitted: - 1, 4, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 27, 29
Conditional Uses Permitted on Appeal: - 2, 3, 6, 7, 15, 28

ACCESSORY USES
See Article 6, Section 2.7 of this chapter for residential uses and Article 6, Section 3.1 for commercial uses.

SITE PLAN REVIEW
When a proposal is made to develop a Planned Unit Development, a PUD Site Plan review shall be required. See Article 6, Section 5 of this chapter for the Planned Unit Development application review procedure.

DENSITY, BULK, AREA AND YARD REGULATIONS
Density. PUD densities may be determined on the basis of any and all of the following considerations; the densities designated by the land use plan, the densities of surrounding development, the densities allowed under the various zoning districts, the urban development goals and other policies of the city, topography and character of the natural environment and the impact of a given density on the specific site and adjacent properties. The city also has the discretion to consider any other relevant factors.

Lot size. There shall be no minimum standards for lot size although existing standards of zoning and subdivision regulations may be used as a guide.

Setback. There shall be no minimum standard although existing standards of the zoning and subdivision regulations will be used as a guide.

OFF-STREET PARKING
See Article 7 of this chapter.

ENCLOSURE OF USES
All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, temporary farmers markets and craft fairs, promotional events, and normal pump island fuel services. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed structure after normal working hours.
SCREENING AND LANDSCAPING

In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the planning commission shall require landscaping and screening as part of a PUD. The nature and extent of screening and landscaping shall be determined by the planning commission in relation to the overall character of the development and its specific location. The required screening shall be submitted to the planning commission as part of the final development plan. Landscape plans shall show the general location, type and quality (size/age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

OPEN SPACE

Due to the flexibility allowed in development density, well-designed open space is an important factor in providing for innovative design and visual attractiveness. A minimum of fifteen (15) percent of gross residential areas shall be designated as common usable open space.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a single family dwelling The area to the north, east and west contains single family dwellings in A-1 zoning. The area to the south is being developed into a single family subdivision in SF-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates medium density residential.

The Master Street Plan indicates Gibbs Road as a local street.

STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

Encourage the development of a variety of housing types appropriate to the size and income of all households living and working in Springdale.
Development Plan for
CADENCE CROSSING P.U.D.
Planned Unit Development
December 30, 2020

NOTE: The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in Chapter 130 of the Springdale Code of Ordinances.

General Eligibility and Staging Requirements

1. Location: The intent is to apply the PUD district to the approximately 5.0 acres included in the project, all of which are within the municipal limits of Springdale. The Comprehensive Land Use Plan designates this area for Medium Density Residential.

2. Ownership: The property is owned by the Brian and Melonie Moore Trust, u/t/d March 5, 2010. Warranty deed 2014-14026 establishing current ownership is included in the application materials.

3. Project size: The subject property is 5.0 acres in size. A variance of the required 10 acre minimum size for a PUD is requested.

4. Staging: The 5.0 acres shown in the attached plans represents the entirety of the project. The developer does not anticipate bringing any additional/other properties into the PUD.

Project will be constructed as a single phase.

Developer intends to begin construction as quickly as is practical once construction plans are approved by all appropriate regulatory entities. Anticipated timeframe to complete infrastructure construction is eighteen months from City Council PUD approval.

APPLICATION REVIEW PROCEDURES

1. Three Phases:

a. A preapplication conference with planning and community development staff. – A pre-application conference has been held with the planning department staff.

b. The preliminary development plan is submitted for review and approval by the planning department staff along with the preliminary plat, rezoning application, and other supporting materials. Following staff review and revisions, revised application materials will be reviewed and potentially approved by Planning Commission and City
c. Final development plan approved as a whole or in phases by the planning commission and city council following its review for conformity with the preliminary development plan.

The final development plan shall be approved prior to the issuance of any building permits within any portion of the planned unit development and shall be recorded prior to the issuance of a building permit.

5. Civil Engineer & Land Surveyor: Engineering Services, Inc., 1207 South Old Missouri Road, Springdale, AR 72764, (479) 751-8733, bmurray@engineeringservices.com.

6. Size: Subject property is 5.0 acres in size. Legal description of the property is included below:

SURVEY DESCRIPTION PARCEL NO. 815-33683-120:

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 31; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N03°08’21”E A DISTANCE OF 659.28 FEET TO A FOUND 5/8 INCH REBAR IN WEST GIBBS ROAD AND THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE AND WEST GIBBS ROAD, N86°26’38”W A DISTANCE OF 550.19 FEET TO A FOUND IRON PIN WITH UNREADABLE CAP; THENCE N03°50’22”E A DISTANCE OF 394.00 FEET TO A FOUND 5/8 INCH REBAR; THENCE S86°26’00”E A DISTANCE OF 545.38 FEET TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4 IN SAID WEST GIBBS ROAD; THENCE ALONG SAID EAST LINE AND WEST GIBBS ROAD, S03°08’21”W A DISTANCE OF 393.91 FEET TO THE POINT OF BEGINNING, CONTAINING 4.95 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF WEST GIBBS ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

7. Project Name: Cadence Crossing Planned Unit Development

8. Site Plan: Drawings are attached illustrating the subdivision layout, typical setbacks, connectivity, green space, and landscaping.

1. Development Strategy – Intent is to develop a 5.0 acre site as a PUD with twenty-six single-family residential lots. The entire subdivision will be residential with no commercial uses proposed or allowed. Developer intends to build and sell or lease homes on all lots. However, developer reserves the right to sell lots as market conditions warrant.

All homes will face either the central primary street or toward Gibbs Road and all will include
rear load garages with driveway access from the alleyways which run along the rear of the lots.

Typical lot size is 35' wide by 100'-110' feet long.

2. Permitted Uses: The entire development will be strictly residential in nature. No commercial or industrial uses are proposed or allowed for this development. Specific Use Units allowed in Cadence Crossing PUD are:

- Use Unit 1 – Citywide Public Uses by Right
- Use Unit 4 – Cultural, Recreational, and Health Facilities
- Use Unit 8 – Single Family Dwellings
- Use Unit 9 – Zero Lot Line
- Use Unit 34 – Model Home/Temporary Marketing Office

3. Site Development Requirements

A) Density, Bulk, Area and Yard Regulations

Density – 26 Single Family Lots / 5.0 Acres = 5.2 Units / Acre

Green Space (15% Minimum by City Code)
1.0 Acres Provided / 5.0 Acres = 20% Provided

Lot size - Single Family Residential: 35' Wide x 100'-110' Deep Typical

B) Building Setbacks

- Front Setback: 10 Feet
- Side Setback: 0 Feet
- Rear: 15 Feet
Applicant proposes a Planned Unit Development (PUD) with 26 single family residential lots on 5.0 acres in northwest Springdale. The subject property is 7655 West Gibbs Road, Washington County Parcel 815-33683-120, which is situated along the west side of West Gibbs Road and approximately 600 feet north of Har-Ber Avenue.

This property is designated for Medium Density Residential use on the City's Comprehensive Land Use Plan.

The intent of the development is to provide twenty-six rear load, single family homes along a central, primary street. The development includes a large open green space area at the south end with a play structure and pavilion.

The project is being proposed as a Planned Unit Development to provide a style of housing not widely available in the area. The lots and houses in this development will be similar to those found along the west end of Har-Ber Meadows PUD between Jones Road and JTL Parkway. These houses feature an attractive streetscape due to the reduced front building setback and absence of front load garages, with utility pedestals, trash collection, and driveways out of sight behind the homes. Developer is seeking to create a similar aesthetic in the proposed development. The proposed PUD will include zero lot line houses with rear load garages accessing rear alleyways in a similar configuration to the Har-Ber Meadows houses. The spacing of houses, reduced front yards, and absence of driveways along the primary street will create an inviting space with a strong sense of community. It is difficult to achieve this concept within the City's standard zoning districts.

It is not anticipated the development will strain public services or infrastructure in the area. This area includes multiple schools, shopping, eating, health care, and other services a short distance from the proposed development. Fire Station 7 is located less than half a mile from the subject property. Har-Ber Avenue, Jones Road, Highway 112, and Highway 412 are all major vehicular corridors near the development. An existing 8" gravity sewer main is located at the southeast corner of the development, and an existing 6" water main runs along the east side of Gibbs Road. Due to the relatively small number of new homes proposed, the abundance of services available in the area, and level of infrastructure present, the proposed development is not anticipated to strain City services or adversely impact surrounding properties.

Proposed building setbacks within the PUD are not typical of standard residential zoning districts in the City. The proposed setbacks will allow the single family homes to be built on the lots as shown in the Preliminary Plat with small side and front yards to emulate the look and feel of the Har-Ber Meadows homes discussed above.

The front building setback is proposed to be ten feet, which is significantly less than the typical Springdale residential setback of thirty feet. However, since the homes all feature rear load garages, one of the primary reasons for needing a large front setback (sufficient driveway length to avoid vehicles in driveways blocking sidewalks/streets) is removed in this development. The
proposed setbacks will still allow for a substantial front yard and landscaping for these units and provide space for water and sewer infrastructure.

Side setbacks are proposed to be zero feet from interior lot lines rather than the eight foot setback more common for Springdale residential zoning districts. This will allow for homes to be built on the proposed lots in a zero lot line configuration which is an important element of the overall concept for this development.

Rear setbacks are proposed to be fifteen feet, which is identical to the rear setback for lots 24 through 35 in Har-Ber Meadows, Phase XVIII.

Each home is required to have a rear load garage with capacity for at least two vehicles. Front loading garages or direct driveway access to West Gibbs Road or the central street are prohibited. The covenants will provide requirements regarding any accessory structures to be placed on the lots.

Primary use of the development is single family homes, with no commercial or industrial use units allowed in the development. The following specific use units will be allowed in the development:

- Use Unit 1 – Citywide Public Uses by Right
- Use Unit 4 – Cultural, Recreational, and Health Facilities
- Use Unit 8 – Single Family Dwellings
- Use Unit 9 – Zero Lot Line
- Use Unit 34 – Model Home/Temporary Marketing Office

Covenants shall specify exterior building material requirements, all of which will be required to be high quality materials. Primary building materials will include brick, stone, manufactured stone, wood, and concrete siding (such as Hardy brand).

Developer intends to build then sell or lease homes on all lots. However, depending on market demand, developer reserves the right to sell lots. Plans and elevations of sample single family homes, duplexes, and townhouses which are similar in appearance/materials to the types of homes developer will build in this subdivision are enclosed with this development plan. To facilitate marketing and selling homes, developer may operate a temporary sales office and up to two model homes at a time in the development.

Covenants shall include various provisions to ensure the pleasing appearance of the neighborhood is maintained and which are typical of many developments. These shall include, but not be limited to, requirements related to fences, yard maintenance, and storing trash cans out of sight from the road.

The residents of the PUD will have access to several amenities. The development will have sidewalks along the central street and along Gibbs Road. 20% of the property will be reserved as a large open POA lot with parking, a tot-lot with play structure, and a pavilion with picnic benches and barbecue grill. An access easement between lots mid-block will allow pedestrians...
to access the POA lot from the central street without having to walk to the end of the
development.

Home builder will be responsible for installation of one tree per lot during house construction. Installation of the tree is a requirement prior to issuance of Certificate of Occupancy. Developer will install trees and landscaping in common areas as shown on landscape plans. Builder and developer shall provide a standard one year warranty for each tree they install. All trees installed by developer and/or home builder shall be one of the following species:

- Alle Elm (Ulmus americana)
- Northern Red Oak (Quercus rubra)
- Shumard Oak (Quercus shumardii)
- Sugar Maples (Acer saccharum)
- Chinese Pistache (Pistachia chinensis)

There are three types of street sections proposed to be constructed in the subdivision.

A) East Section of Street A: The portion of Street A between Gibbs Road and the first intersection with the alleyways has no lots fronting it and includes a median with curb and gutter through the middle of the street. This portion of the street will have a 60' wide right-of-way and measure 50' from back of curb to back of curb. Sidewalk will be installed along both sides of the street.

B) West Section of Street A: The portion of Street A between the two intersections with alleyways has lots fronting the street and does not include a median. This portion of the street will have a 51' wide right-of-way and measure 29' from back of curb to back of curb. Sidewalk will be installed along both sides of the street.

C) Alley A and Alley B: The proposed alleys will be 15' wide and have a 20' wide right-of-way. No curb and gutter or sidewalks are proposed for the alleys.

In addition to the interior streets, the project will also include improving the west side of West Gibbs Road to master street plan requirements. This will include dedicating right-of-way, widening the street, adding curb and gutter, installing sidewalk, and installing drainage improvements where necessary.

Project includes a single street connection to West Gibbs Road.

Signage for the subdivision will consist of a single monument sign at the intersection of Street A with Gibbs Road. The exterior of the sign will be constructed with primarily stone, brick, and/or metal and developer will install landscaping along the sign in accordance with the landscape plan.

Developer intends to begin construction as quickly as possible once the PUD and construction plans are approved. It is anticipated that construction of subdivision infrastructure will be complete within eighteen months of City Council approval of the PUD.
The property is in the A-1 zoning district, as are the adjacent properties to the west, north, and east. The adjacent property to the south is SF-2, and the adjacent property diagonally to the southeast is SF-1.

The proposed development is compatible with existing and future land uses in this area. The development consists of single family residential lots, which is the dominant land use in this area. There are several existing residential developments in the vicinity, most of which are in the SF-2 district. It is compatible with the nearby institutional uses, which include Hellstern Middle School and Har-Ber High School. Other nearby properties that have not been developed and remain in the A-1 district appear to be primarily single family as well.
KNOW ALL MEN BY THE PRESENTS:

WITNESS:

WHEREAS, the undersigned is the owner of all of property referenced in Exhibit A, attached hereto and incorporated herein, which property has been subdivided into the lots of Cadence Crossing Subdivision to the City of Springdale and is reflected upon a plat of said subdivision which plat, on _________, ______ was recorded and filed in the Plat Records of Washington County, Arkansas, in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and bears document number ________, and which plat is made a part of this Declaration, by reference, and this Declaration is likewise made a part by reference of said plat; and,

NOW, THEREFORE, the Developer declares that the real property described herein, and the soon-to-be-created lots on such property and in said Cadence Crossing Subdivision, are and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth or as hereinafter changed or amended.

ARTICLE I

PROPERTY SUBJECT TO THIS DECLARATION

1.1. The real property which is, and shall be held, transferred, sold, conveyed and occupied subject to this Declaration, is located and situated in Washington County, Arkansas, and which subdivision is located on the following lands, to-wit:

SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN.

ARTICLE II

DEFINITIONS

2.1. The following terms as used in this Declaration of Covenants of Assurance and Restrictions are defined as follows:

a. "Declaration" means this Declaration of Covenants of Assurance and Restrictions for Cadence Crossing Subdivision to the City of Springdale, Arkansas.

b. "Property" means the Cadence Crossing Subdivision to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Washington County, Arkansas.
c. "Lot" means any numbered Lot designated on the Plat of the property, except as may be herein excepted.

d. "Plat" means the map of the plat of Cadence Crossing Subdivision to the City of Springdale, Arkansas, as it is recorded.

e. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot subject to this Declaration, except that such term shall not mean Developer regardless of whether Developer has a fee simple interest in any lot.

f. "Developer" shall mean and refer to Chancad, LLC.

g. "Subdivision" shall mean Cadence Crossing Subdivision to the City of Springdale, Arkansas, as per plat on file in the office of the Circuit Clerk, and Ex-Officio Recorder of Washington County, Arkansas.

h. "Association" shall mean and refer to Cadence Crossing Homeowners Association, organized and existing pursuant to the laws of the State of Arkansas.

i. "Common Properties" shall mean and refer to those real properties owned by or hereafter acquired by the Association including, but not limited to, the Detention Basins, as the same are shown on the Plat. Common properties are intended to be devoted to the common use and enjoyment of owners of the properties. The Association shall maintain all Common Properties.

j. "ARC" shall mean and refer to the Architectural Review Committee as established and maintained by the Association. Initially, the ARC shall consist of members of Chancad, LLC, who shall serve until their resignation. Should anyone from Chancad, LLC resign, the person to replace them shall be determined by a majority vote of Lot Owners with Developer having votes as provided in Section 3.18. The Association may change the number and composition of the ARC by a majority vote of Lot Owners with Developer having votes as provided in Section 3.18.

ARTICLE III

RESTRICTIONS ON RESIDENTIAL LOTS

3.1. Fences: Only fences constructed of wood or wrought iron may be installed. There shall be no other fences allowed. In no event shall any fence be built which would detract from the appearance or obstruct visibility of the entry signs to the Property. All privacy fences
shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest.

3.2. **Nuisances:** No noxious or offensive activities or nuisances shall be permitted on any Lot or Parcel.

3.3. **Signs:** No person shall erect or maintain upon any Lot, or improvement thereto, any sign or advertisement, except a real estate sign when the property is listed for sale, provided, however, that this restriction shall not apply to Developer during development and construction of the Subdivision.

3.4. **Animals:** No animals shall be kept or maintained on any Lot except the usual household pets which shall be kept reasonably confined so as not to become a nuisance and all Owners shall comply with applicable laws, ordinances and regulations concerning animals.

3.5. **Garbage and Refuse Disposal:** No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick up as provided or required by the City of Springdale, Arkansas.

3.6. **Limited Access:** There shall be no access to any Lot on the perimeter except from designated streets or roads within the Subdivision.

3.7. **Drilling and Mining:** No drilling, refining, quarrying or mining operations of any kind shall be permitted on any Lot.

3.8. **Communication Towers and Satellite Dishes:** No communications mast, tower, or structure may be installed on any Lot, except that satellite dishes may be installed only on the rear roof of a dwelling and shall not exceed the height of the lowest roof ridge line of such dwelling.

3.9. **Parking on the Streets:** Parking on the street is allowed, but only on one side, as indicated on the Plat.

3.10. **Recreational Vehicles and Boats:** Recreational and camping vehicles, trailers and boats may not be stored or parked on the Lots.

3.11. **Minimum Square Footage:** All Dwellings in the Subdivision shall have a minimum of eight hundred (800) square feet of heated area on the first floor, and thirteen hundred (1300) square feet overall, for all floors. The minimum square footage requirements is exclusive of garages, porches, patios and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer.

3.12. **Restriction of Type of Dwelling:** There shall be no Dwellings erected on any Lot other than a detached single family dwelling having an enclosed garage.
3.13. Approval of Plans by ARC: All plans for improvements to be constructed on each Lot shall be first submitted for review and approval by the ARC. Approval by the ARC must be obtained in writing before construction of any improvement on any Lot begins and any variances to the improvement initially approved must be authorized in writing by the chairman of the ARC. Developer is exempt from this requirement to obtain written approval from the ARC.

3.14. Exterior of Dwellings: All exterior walls of all Dwellings erected on the Lots shall be finished with high quality materials. Primary building materials will include brick, stone, manufactured stone, wood, and concrete siding (such as Hardy brand). Soffits and fascia may be covered with steel, aluminum or concrete composition materials. All roof pitches shall be a minimum of 6/12 pitch. No metal roofs shall be permitted. Roofs shall be covered with shingles using architectural composition or better.

3.15. Lot maintenance and sod: All Lots shall be maintained, mowed and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall sod the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Subdivision. If Owner allows grass to grow such that it is more than 4 inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge Seventy Five Dollars ($75.00) or the amount it costs Developer or Association to have it mowed, whichever is greater.

3.16. Platted easements: All Lots are subject to easements that are shown on the Plat, including, but not limited to, easements for fences and entry signs.

3.17. Covenants to Run with the Land: All covenants and restrictions set forth in this Declaration are to run with the land and shall be binding on all parties, their successors, heirs and assigns, for a period of thirty (30) years from the date this Declaration is recorded; provided, however, that any time after the date this Declaration is recorded, the covenants and restrictions may be amended at any time by the record owners of at least sixty (60) percent of the total Lots in the Subdivision. The Developer shall have four (4) votes per Lot which Developer owns. All other Lot owners shall have one (1) vote per Lot. Such amendments shall be made and executed by said record owners so as to be recorded with the registrar of deeds of Washington County, Arkansas.

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Washington County, Arkansas, that they no longer care for the covenants, and the same shall then be terminated. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten year period, said covenants may be terminated in accordance with the terms for the original termination.

It is further provided that this Declaration may be amended after its execution, either by adding to or taking from said Declaration in their present form, providing that said amendment or amendments shall be incorporated in a written instrument executed by no less than a majority of the Lots, through their record owners, and which instrument shall be capable of being recorded as
above referred to under the same terms and conditions thereof.

3.18. **Sex Offender Restriction:** No person who is required to register as a sex offender pursuant to the Sex Offender Registration Act of 1997, Arkansas Code Ann. §§12-12-901, et seq., as amended from time to time or any other similar federal, state or local law, regulation, or ordinance may rent, reside in, own or occupy any Lot or Dwelling in the subdivision either permanently or temporarily.

ARTICLE IV

HOMEOWNERS ASSOCIATION AND COVENANT AND PLAN FOR MAINTENANCE AND OTHER ASSESSMENTS

4.1. **Homeowners Association:** Cadence Crossing Homeowners Association (referred to herein as "Association") has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association and each shall automatically become a member of the Association upon the conveyance of a lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association.

All association memberships will pass with Lot ownership in the Subdivision. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

4.2. **Creation of Lien:** Each Owner of any Lot of the Subdivision, by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed, contract of purchase, or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) Annual assessments or charges; (2) special assessments for capital improvements and other
purposes, such assessments to be fixed, established and corrected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. In no event shall an annual or special assessment be applicable at any time to any lot owned by the Developer and the Developer shall not be obligated to pay any annual or special assessment.

4.3. **Purpose of Assessments:** The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Subdivision.

4.4. **Basis and Maximum of Annual Assessments:** The annual assessment for each lot shall be $50.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

4.5. **Special Assessments for Capital Improvements:** In addition to the annual assessments authorized hereinabove, the Association may levy in any assessment year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the common properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of 2/3 of the votes entitled to be cast by members of the Association who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be mailed to all members at the last known address of each member at least fifteen (15) days in advance and shall set forth the purpose of the meeting.

4.6. **Change in Basis of Maximum of Annual Assessments:** Subject to the limitations of other sections of this Article, and for the purposes therein specified, the Association may change the maximum and basis of the assessments fixed by this Article prospectively for any such period, provided that any such change shall have the assent of 2/3 of the votes entitled to be cast by members who are voting in person or by proxy, at a meeting duly called for this purpose, where a quorum is present, written notice of which shall be mailed to all members at the last known mailing address of each voting member at least fifteen (15) days in
advance and shall set forth the purpose of the meeting.

4.7. **Quorum for any Action Authorized Under This Article:** The quorum of any action authorized by this Article, the presence at the meeting of members, or of proxies, entitled to cast fifty percent (50%) of all votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in this Article.

4.8. **Late Payment of Assessments:** As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorney’s fees therefor, shall also be assessed.

The due date of any special assessment under this Article shall be fixed in the resolution of the members of the Association authorizing such assessments, with the same option on the part of the Association in the event of default.

4.9. **Duties of the Board of Directors:** In addition to the other duties of the Board of Directors as may be set forth herein or in the By-laws of the Association, the said Board of Directors shall fix the date of any special assessment against each lot for any special assessment period at least thirty (30) days in advance of such special assessment, written notice of the special assessment shall thereupon be sent to every member subject thereto at the last known mailing address of such member.

The Secretary of the Association, upon demand at any reasonable time, shall furnish to any member liable for said assessment a certificate in writing signed by an officer of the Association, setting forth whether said assessments have been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

4.10. **Effect of Non-Payment of Assessment and the Lien Remedies of the Association:** If the assessments (annual or special) are not paid on the date when due, then such assessment shall be come delinquent as provided in this Article and shall, together with such interest, late charges thereon and costs of collection thereof as herein provided, thereupon become a continuing lien on the lot which shall bind such lot in the hands of the then owner, its successors, heirs, devisees, personal representatives and assigns. If the assessment is not paid as provided herein, it shall bear interest from date of delinquency at the maximum rate of interest allowed by law, not to exceed ten percent (10%) per annum, and the Association may foreclose the lien against said lot, and there shall be added to the amount of such assessment the cost of attorney fees in connection with any court proceedings arising therefrom, together with all court costs, late charges and expenses incurred by the Association.

4.11. **Subordination of the Lien or Mortgages:** The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or first deed of trust now or
hereafter placed upon the lots subject to assessment; provided however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such lot pursuant to a Decree of Foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such lot from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

4.12. Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

4.13. Cancellation and Hearing: The said Board of Directors may elect to permanently cancel the membership and all membership rights of any member who is delinquent in any payment due to the Association for more than ninety (90) days or when such member, family of the member, or guest of the member are guilty of repeated or flagrant violation(s) after a hearing conducted by said Board of Directors, which notice of such hearing mailed to such member at least thirty (30) days in advance of said hearing date, and further provided that such member may appeal any such decision of said Board of Directors to the membership of the Association by such affected member calling a special meeting of the membership of the Association by notice mailed to each member at least ten (10) days in advance of the desired special meeting date, and said notice setting forth the time, date, place and purpose of said meeting. A majority vote of the votes entitled to be cast by the members of the Association attending such special meeting shall be necessary to override the decision of the Board of Directors, and all votes shall be by secret ballot. Notice shall be mailed by the member via U.S. Certified mail, postage prepaid, return receipt requested.

4.14 Detention Ponds: The Association shall have the responsibility of maintaining the Detention Ponds situated on the Common Properties and shall use assessments as provided in this Article IV for such purpose.

ARTICLE V

PROPERTY RIGHTS OF THE COMMON PROPERTIES

5.1. Members' Easement for Enjoyment: Subject to the provision of this article and related provisions set forth elsewhere herein, every member shall have a right of enjoyment in and to the Common Properties, subject to the rules and regulations governing such use as promulgated, from time to time, by the Association. Such right and easement shall be appurtenant to and shall pass with the conveyance of title to every lot.

52. Extent of Members' Rights of Enjoyment: The rights of easements of
enjoyment created hereby shall be subject to the following:

a. The right of the Association to borrow money for the purpose of acquiring, constructing, improving and maintaining the common properties and in aid thereof to mortgage said properties or execute a deed of trust or other instrument covering said properties. In the event of default upon any such mortgage, the lender shall have a right, after taking possession of such properties, to charge service or use charges, admission and other fees as a condition to continued enjoyment by the members, and if necessary to have other relief as permitted by law; and,

b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure; and,

c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association; and,

d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties; and,

e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot; and

f. The right of individual members to have exclusive use of any of the common properties as from time to time may be granted by the Board or its designate;

g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VI

MISCELLANEOUS

6.1. Violations: If the parties hereto, or their heirs, successors or assigns or any other person shall violate or attempt to violate any of the covenants or restrictions herein while said covenants or restrictions are still in force, it shall be lawful for any person or persons owning any interest in any Lot or Lots in the Subdivision, as well as the Association, to prosecute any violation or attempted violation of any such covenant or restriction, either to prevent the person from doing so or to recover damages or other penalties and costs, including reasonable attorney's fees for such violation.

6.2 Notices: Any notice required to be sent to any Owner under the provisions
of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last
known address of the person who appears as Owner on the records of the Association at the time
of such mailing.

6.3 Additional Phases: The Developer reserves, unto itself, the right, without
joinder, vote or consent of any Owner, Builder or Mortgagee, to file additional plats in the office
of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas to add additional
phases which shall be subject to this Declaration. With regard to such additional phases,
Developer further reserves, unto itself, in its sole discretion, the right, without joinder, vote or
consent of any Owner, Builder or Mortgagee, to change the minimum square footage as stated in
Section 3.12 herein.

6.4. Severance: Invalidation of any one of these covenants by judgment or court
order shall, in no way, affect any other provisions herein contained.

6.5. Waiver: Failure of any of the parties, their heirs, successors or assigns, to
exercise any of the options contained herein upon breach by the other party, its heirs, successors
or assigns, subject to this Declaration, shall not constitute a waiver of that party's right to exercise
such option upon future breach.

6.6. Any changes to these covenants shall require City Council approval.

IN WITNESS WHEREOF, the undersigned has set its hand and seal this _____ day of
April, 2020.

DEVELOPER:

____________________________________

By: _________________________________
                      _______________________, Member
STATE OF ARKANSAS  
)  
) ss.  
COUNTY OF WASHINGTON  
)  

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, appeared in person the within named______________, to me personally known, who stated that he was a Member of___________________, an Arkansas limited liability company, and was duly authorized in such capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this______day of April, 2020.

My Commission Expires: ________________________________

______________________________
Notary Public
SURVEY DESCRIPTION PARCEL NO. 815-33683-120:
PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 31; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N03°08'21"E A DISTANCE OF 659.28 FEET TO A FOUND 5/8 INCH REBAR IN WEST GIBBS ROAD AND THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE AND WEST GIBBS ROAD, N86°26'38"W A DISTANCE OF 550.19 FEET TO A FOUND IRON PIN WITH UNREADABLE CAP; THENCE N03°50'22"E A DISTANCE OF 394.00 FEET TO A FOUND 5/8 INCH REBAR; THENCE S86°26'00"E A DISTANCE OF 545.38 FEET TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4 IN SAID WEST GIBBS ROAD; THENCE ALONG SAID EAST LINE AND WEST GIBBS ROAD, S03°08'21"W A DISTANCE OF 393.91 FEET TO THE POINT OF BEGINNING, CONTAINING 4.95 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF WEST GIBBS ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.
FILE NO. R21-04
APPLICANT: Brian and Melonie Moore
REQUEST: Rezone parcels from A-1 to PUD
PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by Brian Moore & Melonie Trust

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

SURVEY DESCRIPTION PARCEL NO. 815-33683-120:
PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 31; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N03°08'21"E A DISTANCE OF 659.28 FEET TO A FOUND 5/8 INCH REBAR IN WEST GIBBS ROAD AND THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE AND WEST GIBBS ROAD, N86°26'38"W A DISTANCE OF 550.19 FEET TO A FOUND IRON PIN WITH UNREADABLE CAP; THENCE N03°50'22"E A DISTANCE OF 394.00 FEET TO A FOUND 5/8 INCH REBAR; THENCE S86°26'00"E A DISTANCE OF 545.38 FEET TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4 IN SAID WEST GIBBS ROAD; THENCE ALONG SAID EAST LINE AND WEST GIBBS ROAD, S03°08'21"W A DISTANCE OF 393.91 FEET TO THE POINT OF BEGINNING, CONTAINING 4.95 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF WEST GIBBS ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

Layman's Description:

The Petitioner hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classification:

FROM (current zoning) A-1
TO (proposed zoning) PUD
The Petitioner's immediate intentions are to:

1. **Sell** the property (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title (Yes or No).

2. **Develop** the property (Yes or No), and if so, the proposed use is Single Family residential development.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: No effect is anticipated due to the small size of this development.

The Petitioner understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The Petitioner understands that he/she should be present at the meeting in order to answer questions. If the Petitioner is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: Engineering Services, Inc.

Address: P.O. Box 282, Springdale, AR 72765

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS: C/O P.O. Box 282, Springdale, AR 72765

TELEPHONE: C/O 479-318-7248 DATE: 12/24/2020
I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

STATE OF ARKANSAS

COUNTY OF WASHINGTON

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 24th day of December, 20__.
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: PP21-01 Preliminary Plat Cadence Crossing

Variance (B21-16) for deviation of PUD size from 10 acres to 5 acres

Planning Comments

1. This property will need to be rezoned from A-1 to PUD.
   • Please remove "proposed zoning"
2. Need to indicate/show any adjacent plats/parcels with ownership & addresses. If any of the adjacent properties are platted please indicate the subdivision/tract name.
3. Need a legend identifying all symbols used.
   • Please provide legend on green space map
4. Need to identify the zoning of all the adjacent properties.
5. Need to show the location and names of all streets.
   • Please provide names for streets
6. Need a certification of ownership and signature blanks with notary.
7. Note the total linear feet of street being dedicated per street classification.
8. Need dimensions of right-of-way sufficient to reproduce the plat on the ground.
   • Specifically, Gibbs Rd

Engineering Comments

1. Chapter 106 – Stormwater Drainage
   (Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
   - The Grading Plan & SWPPP and Specifications shall be prepared by the Engineer of Record, who is a licensed professional engineer of the State of Arkansas.
     o Requires a 1"=200' minimum scale 2-foot contour map.
     o Show existing and proposed contours.
- 106.1.3.3
  - Minimum floor elevations for other areas shall be a minimum of 1-foot above the calculated 100-year WSE of open channels, swales, or overland flow. (Show Minimum Finished Floor Elevation [FFE] on proposed structures)

2. Chapter 106 – Stormwater Drainage
   - 106.1.2** - Submit a preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual.
     - Revise drainage report and plan set to reflect the addition of a detention pond
   - 106.5.3** - A concrete trickle channel with a minimum width of 4 feet and a minimum slope of 0.40% shall be required for all detention ponds other than permanent lakes.
     - Add trickle channel to pond
   - 106.5.4.10** - "An easement shall be provided in Plans for detention facilities. A minimum 20' wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system." Ownership of the detention facility will remain with the land.
     - Show 20' drainage easement around pond
     - Easements shall be filed before acceptance and approval of plans.
   - 106.5.4.11.1** - A General Note is needed on the Site Plan stating that "A City of Springdale Detention/Retention Certification form must be completed, stamped, and signed by a Certified Professional Engineer, post-development and submitted to the City of Springdale Engineering Department."
     - Add note above
     - Show 100 Year WSE in pond
   - Check that adjacent lot is not too close to the pond, need 20’ of separation between top of pond and structures

- 107.3
  - The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.
  - Phasing on larger construction sites 5 acres or more must be utilized to allow only disturbance on near term construction areas. Construction sites requiring cutting and filling must be seeded once the cutting and filling activity is finished.

- 107.3.D.6 - A grading and drainage plan is required for all developments showing that each lot drains to the street right-of-way, a dedicated drainage easement with improvements, or an existing drainage way without flowing across a neighboring lot. No drainage from roof drains, landscaping, or lot runoff may be directed or diverted onto neighboring properties.

3. Chapter 110 – Streets, Sidewalks and Other Public Places
Sidewalks are required one foot (1') inside the right-of-way line.
- Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
- The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
- The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five foot (5') intervals.
- Need to show details of sidewalks on the right-of-way.

The developer is required to improve the abutting street to the City of Springdale standards and in accordance with the Master Street Plan, including constructing sidewalks, curb and gutter, pave or widen the existing street, or install or construct drainage facilities.

- At the end of the street where does a vehicle go if both alleys are one way toward the street?
- Can you flip the sidewalk and green space on the parking side of the street? If the sidewalk remains next to the curb, the sidewalk needs to be 6' wide.

### Chapter 112 – Subdivisions

(Ord. No. 3258, § 1, 11-12-02)

- **110.31** - Sidewalks are required one foot (1') inside the right-of-way line.
  - Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
  - The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
  - The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five foot (5') intervals.
  - Need to show details of sidewalks on the right-of-way.

- **110.11** - The developer is required to improve the abutting street to the City of Springdale standards and in accordance with the Master Street Plan, including constructing sidewalks, curb and gutter, pave or widen the existing street, or install or construct drainage facilities.

  - At the end of the street where does a vehicle go if both alleys are one way toward the street?
  - Can you flip the sidewalk and green space on the parking side of the street? If the sidewalk remains next to the curb, the sidewalk needs to be 6' wide.

### 4. Chapter 112 – Subdivisions

(Ord. No. 3258, § 1, 11-12-02)

- **112.3 (3)** - Plans and specifications: After the approval of the preliminary plat but before improvements are started, the subdivider shall submit engineering plans, a final drainage report, and specifications for the streets, grading, and storm drainage improvements including, but not limited to, profiles, specifications, and cross-sections along with grading and storm drainage plans and computations, pursuant to and in compliance with chapter 106, Stormwater Drainage and chapter 107, Physical Alteration of Land, of this Code, as adopted or amended hereafter, to the director of the planning and community development division for review and written approval prior to commencement of improvements. During the same period, the subdivider shall submit water and sewer plans and specifications to the water and sewer department. No work shall begin without prior approval of the director of the planning and community development division.
  - All streets within the subdivision boundaries shall be dedicated and constructed in conformance with the master street plan and chapter 110 of this Code, with right-of-way dedicated when such right-of-way is needed to conform to the master street plan.

- **112-4** - Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
  - The minimum initial rating for the streetlight shall be 6,800 lumens for a local street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial street.
    - Label all lights as Proposed or Existing
    - Show the direction of the mast arm
    - Show the size and type of lights based on the location and classification of the street
    - Add note to determine if the light is designed for area parking lot lights or as a street illuminator
    - Include a note stating if the lights are public or private lights and who will be responsible for maintenance and billing
Please add a note that the developer coordinates with the local utility provider for streetlight installation.

5. Chapter 130 – Zoning Ordinance  
(Ord. No. 3307, 3-25-03)  
- **130.7.6.1 ADA requirements.**  
  o Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.  
  ▪ This note is left in place throughout the design process to insure that access is maintained.

6. Other:  
- **Permitting** - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- **Construct-ability Review** – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
IX. Preliminary Plats, Replats, & Final Plats

A. PP21-01 Cadence Crossing
   West side of Gibbs Road, between Har-ber Avenue and Nichols Road
   B21-16 Variance for deviation of PUD size from 10 acres to 5 acres
   Presented by Engineering Services, Inc.

Engineering Comments:
- Revise drainage report to include addition of detention pond
- Show Drainage easement
- Revise radii to meet fire dept requirements
- Alley ROW width does not meet Master Street Plan
- Access Easement between lots 12 and 13 should extend to R/W line
- Additional street comments to follow with full set of street construction plans
- Submit Grading Permit application
PRELIMINARY PLAT PLANS
FOR
CADENCE CROSSING SUBDIVISION
IN THE CITY OF
SPRINGDALE, ARKANSAS

January 21, 2021

BY
ENGINEERING SERVICES INC.

CONSULTING ENGINEERS
SPRINGDALE, ARKANSAS
PHONE: 479-751-8733
FAX: 479-751-8746
WWW.ENGINEERINGSERVICES.COM
PART O.A.

DETAIL "A"

TOP OF PANEL

36.000

24.000

PART O.A.

DETAIL "B"

DETAIL "C"

27 - 27 EQUAL SPACES

1.670

1.434

13 - 13 EQUAL SPACES

1.160

FLANGE @ 3" C/C

(SEE PLAN FOR ORIENTATION)

6.000

STOP SIGN DETAIL

0.188

.450

.1875

TYP.

.250

0.750

EQUAL SPACES OF .750

.060

0.625" DIA. HOLE

EMBEDMENT FLANGES

AS SHOWN IN PLAN

0.900

.200

.0600

.090

0.045

0.045

0.1875

.900

3.000

+2° A/S DRAFT

0.090

0.090

.1875

90°

90°

DATE

DRAWING NO.

MATERIAL

TACTILE WARNING SURFACE

TRADE

2436IDPAV1_

PART NO.

PROJECT

CAST-IN-PLACE TACTILE WARNING SURFACE UNIT

1.670" IN LINE TRUNCATED DOME PATTERN

PART SIZE: 24" x 36"

PLANS AND DETAILS

ADA-CIP2436_1 06-11-12

SMC COMPOSITE

PHONE: (800)372-0519

EMAIL: INFO@ADATILE.COM

WWW.ADATILE.COM
APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Brian and Melonie Moore Trust, u/t/d March 5, 2010

Applicant's Mailing Address:

P.O. Box 282
Street Address or P.O. Box
Springdale, AR 72765
City, State & Zip Code

Property Owner's Name
(If different from Applicant): Brian and Melonie Moore Trust, u/t/d March 5, 2010

Property Owner's Mailing Address:
(If different from Applicant):

6033 Nancy's Vista Terrace
Street Address or P.O. Box
Springdale, AR 72762
City, State & Zip Code

Address of Variance Request: 7655 West Gibbs Road – Parcel No. 815-33683-120

Zoning District: Current: A-1 – Agricultural District. Proposed: PUD – Planned Unit Development

The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (if the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required:  
Front: _______ Side: _______ Back: _______  
(This is the minimum required by the Springdale Code of Ordinance)

Requested:  
Front: _______ Side: _______ Back: _______  
(if granted what the setback would be.)

Variance:  
Front: _______ Side: _______ Back: _______  
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed. Any attachments must be labeled as "Exhibit A, B, C" etc.

Applicant requests a variance requirement in Chapter 130, Article 6, Section 5.1, Item 3, that a minimum of 10 acres is required for a Planned Unit Development to allow proposed PUD on approximately 5.0 acre tract.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
*The Applicant must respond to items 1, 2, and 3.*

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):

   The proposed concept for this development would be extremely difficult to achieve through rezoning to a conventional zoning district. Property being developed is smaller than required for PUD. In all other respects the proposed development is in line with PUD requirements and will be an attractive, valuable addition to this portion of the City.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):

   The right to develop the property.

3. That the special conditions and circumstances do not result from the actions of the applicant. Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):

   Applicant has owned the property for several years and has not altered the size or shape of the property subsequent to purchasing it.
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that this person signing the application is authorized to do so.

State of Arkansas) ss.

County of (Washington) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13th day of January, 20__,

Notary Public
Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: February 2, 2021
Re: R21-05 Rezone

A request by Chancad, LLC (Brian Moore) for Planning Commission approval of a zone change from Agricultural District (A-1) to Medium Density Single Family Residential District (SF-3) for a tract of land containing 2.16 acres.

LOT LOCATION AND SIZE

The 2.16 acre tract is located at 529 E. Don Tyson Parkway, south side of E. Don Tyson Parkway west of Powell Street.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37
Temporary Uses - 32, 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:
(1) Accessory buildings, including private garages, storage facilities and children’s playhouses.
(2) Private greenhouses.
(3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW
When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS
(1) LOT AREA. There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

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<tr>
<th>LOT MINIMUMS</th>
<th>SETBACKS</th>
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<tr>
<td>Widths</td>
<td>Area</td>
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<td></td>
<td></td>
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<tr>
<td>One Family</td>
<td>200</td>
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<td>2 acre</td>
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REQUESTED ZONING
The rezoning application requests a SF-3 Medium Density Single Family Residential District. The district is designed to provide an appropriate district for existing developed areas occupied by smaller scale single-family dwellings and to provide more compact single family residential development, to promote more efficient use of land and utilities, and to promote the development of less expensive housing on smaller lots.

Uses permitted: - 1, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 9, 28, 36
Temporary Uses – 34

ACCESSORY USES
The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

(1) Accessory buildings, including private garages, storage facilities and children’s playhouses as set for in Article 6, Section 2.7 of this chapter.
(2) Private greenhouses and horticultural collections.
(3) Flower and vegetable gardens.
(4) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW
When a conditional use is proposed in an SF-3 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. For Use Unit 36, See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS
No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

AREA REGULATIONS
(1) LOT AREA. There shall be a lot area of not less than seven thousand (7,000) square feet. In addition, there shall be a minimum lot width of not less than sixty (60) feet on a public street at the front setback line.
(2) DENSITY. Six (6) units per acre
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than twenty (20) feet.

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<th>LOT MINIMUMS</th>
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<tr>
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<td><strong>Area</strong></td>
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<td></td>
<td>(sq.ft.)</td>
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<tr>
<td>One Family</td>
<td>60</td>
</tr>
<tr>
<td>Zero lot line</td>
<td>60</td>
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</tbody>
</table>

BUILDING AREA
On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of the lot.

SURROUNDING ZONING AND LAND USE
Zoning of the surrounded area is shown on the attached map. The tract is undeveloped. The area is surrounded by single family dwellings in SF-2 District.

LAND USE PLAN AND MASTER STREET PLAN
The adopted Comprehensive Land Use Plan indicates Low Density Residential use.

The Master Street Plan indicates Don Tyson Parkway as a major collector.
STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

Stabilize property values and maintain the integrity of neighborhoods by protecting residential neighborhoods from non-residential influences and providing buffers between residential and non-residential uses.
PLANNING COMMISSION MEETING
February 2, 2021

FILE NO. R21-05
APPLICANT: Chancad, LLC
REQUEST: Rezone parcels from A-1 to SF-3
Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by Chancad LLC.

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF WALNUT GROVE ADDITION AS SHOWN IN PLAT BOOK 14 AT PAGE 37 OF THE WASHINGTON COUNTY RECORDS, SAID POINT BEING A FOUND ALUMINUM CAP IN CONCRETE "PLS 969" ON THE WESTERLY RIGHT OF WAY LINE OF POWELL STREET; THENCE ALONG THE NORTH LINE OF SAID WALNUT GROVE ADDITION, N87°40'16"W A DISTANCE OF 620.07 FEET TO THE NORTHWEST CORNER OF SAID WALNUT GROVE ADDITION AND A FOUND 5/8 INCH REBAR; THENCE LEAVING SAID NORTH LINE, AND ALONG THE EAST OF RENAISSANCE SOUTH SUBDIVISION, N02°08'31"E A DISTANCE OF 194.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF EAST DON TYSON PARKWAY AND A SET "MAG" NAIL IN A CONCRETE WALK; THENCE LEAVING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE, S87°36'22"E A DISTANCE OF 68.71 FEET TO A SET "MAG" NAIL IN A CONCRETE WALK; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, S02°37'29"E A DISTANCE OF 109.84 FEET TO A FOUND 5/8 INCH REBAR; THENCE S87°54'10"E A DISTANCE OF 257.12 FEET TO THE WESTERLY RIGHT OF WAY LINE OF POWELL STREET AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S02°02'34"W A DISTANCE OF 89.86 FEET TO THE POINT OF BEGINNING, CONTAINING 2.16 ACRES (94,217 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

Layman's Description:

The Petitioner hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classification:

FROM (current zoning) A-1

TO (proposed zoning) SF-3
The Petitioner's immediate intentions are to:

1. **Sell** the property ________(Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title ________(Yes or No).

2. **Develop** the property ________(Yes or No), and if so, the proposed use is Single Family residential development.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: Due to the small size of the proposed development, it is not anticipated that there will be any substantial impacts.

The Petitioner understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The Petitioner understands that he/she should be present at the meeting in order to answer questions. If the Petitioner is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: Engineering Services, Inc.

Address: P.O. Box 282, Springdale, AR 72765

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS: C/O P.O. Box 282, Springdale, AR 72765

TELEPHONE: C/O 479-318-7248 DATE: December 24, 2020
VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

SIGNATURE
(Property Owner)

(Property Owner)

State of Arkansas )
) ss.
County of Washington )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 24th day of
December, 2016.

Notary Public

[Stamp]
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: PP21-02 Preliminary Plat Rosedale Heights

Planning Comments
1. Property will need to be rezoned accordingly (currently A-1; plat says SF-3 is intended).
   • Rezone is on February 2021 Planning Commission Agenda
2. Remove signature blocks on page 2.

Engineering Comments

1. Chapter 106 – Stormwater Drainage
   (Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
   - 106.1 - The Grading Plan & SWPPP and Specifications shall be prepared by the Engineer of Record, who is a licensed professional engineer of the State of Arkansas.
     o Requires a 1"=200' minimum scale 2-foot contour map.
     o Show existing and proposed contours.

2. Chapter 107 – Stormwater Pollution
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - 107.3
     o The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.
3. Chapter 112 – Subdivisions
   (Code 1973, § 30-1)
   o All streets within the subdivision boundaries shall be dedicated and constructed
     in conformance with the master street plan and chapter 110 of this Code, with
     right-of-way dedicated when such right-of-way is needed to conform to
     the master street plan.
   - § 112-4 - Streetlights are required at each intersection and along the street at intervals of
     300 to 350 feet as measured along the centerline of the street.
     o The minimum initial rating for the streetlight shall be 6,800 lumens for a local
       street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial
       street.
       ▪ Label all lights as Proposed or Existing
       ▪ Show the direction of the mast arm
       ▪ Show the size and type of lights based on the location and classification
         of the street
       ▪ Add note to determine if the light is designed for area parking lot lights or
         as a street illuminator
       ▪ Include a note stating if the lights are public or private lights and who will
         be responsible for maintenance and billing
   - § 112.7 - Street Design Standards
     o Sight Distance: 90 ft Ordinary / 70 ft hilly
     o Max grades within 100 ft of intersection: 4%
     o Min intersection angle: 75°
     o Min curb radius 25-ft 28-ft minor St / 50-ft collector St
     o The right-of-way must be graded so that the entire width slopes toward the street
       at a 2% slope toward the street centerline.

4. Chapter 130 – Zoning Ordinance
   (Ord. No. 3307, 3-25-03)
   - § 130.7.9 Entrance/Exit Drives
     o Need to note that modified curb is required at the drives and a modified curb
       detail.
   - § 130.7.6.1 ADA requirements.
     o Accessibility for persons with disabilities in parking lots and building approaches
       shall be as required by the current ADA and as may from time to time be
       amended.
       ▪ This note is left in place throughout the design process to insure
         that access is maintained.

5. Other:
   - Permitting - Some development within the City of Springdale may require additional state
     or federal permits not administered by the City of Springdale to be granted prior to
     approval of the project. This includes, but may not be limited to, any work that is being
     proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas
     Department of Transportation, the Arkansas Natural Resources Commission, the

• Page 2
Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- **Construct-ability Review** – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
B. PP21-02  Rosedale Heights
SW Corner of Don Tyson and S. Powell Street
Presented by Engineering Services, Inc.

Engineering Comments:
- Modified curb required at drive
- Determine whether a streetlight is needed
- Submit Grading Permit application
PRELIMINARY PLAT PLANS
TO SERVE
ROSEDALE HEIGHTS
IN THE CITY OF
SPRINGDALE, ARKANSAS

PP21–02

January 20, 2021

BY
ENGINEERING SERVICES INC.

CONSULTING ENGINEERS
SPRINGDALE, ARKANSAS
PHONE: 479-751-8733
FAX: 479-751-8746
WWW.ENGINEERINGSERVICES.COM
SURVEY DESCRIPTION PARCEL NO. 815-29339-270:

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTEEN (13), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING

AT THE NORTHEAST CORNER OF WALNUT GROVE ADDITION AS SHOWN IN PLAT BOOK 14 AT PAGE 37 OF THE WASHINGTON COUNTY RECORDS, SAID POINT BEING A FOUND ALUMINUM CAP IN CONCRETE "PLS 969" ON THE WESTERLY RIGHT OF WAY LINE OF POWELL STREET; THENCE ALONG THE NORTH LINE OF SAID WALNUT GROVE ADDITION, N87°40'16"W A DISTANCE OF 620.07 FEET TO THE NORTHWEST CORNER OF SAID WALNUT GROVE ADDITION AND A FOUND 5/8 INCH REBAR; THENCE LEAVING SAID NORTH LINE, AND ALONG THE EAST OF RENAISSANCE SOUTH SUBDIVISION, N02°08'31"E A DISTANCE OF 194.65 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF EAST DON TYSON PARKWAY AND A SET "MAG" NAIL IN A CONCRETE WALK; THENCE LEAVING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE, S87°36'22"E A DISTANCE OF 68.71 FEET TO A SET "MAG" NAIL IN A CONCRETE WALK; THENCE S88°27'49"E A DISTANCE OF 295.02 FEET TO A POINT IN SAID CONCRETE WALK FROM WHICH A FOUND 1/2 INCH REBAR FALLS S02°37'29"W A DISTANCE OF 1.71 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, S02°37'29"W A DISTANCE OF 109.84 FEET TO A FOUND 5/8 INCH REBAR; THENCE S87°54'10"E A DISTANCE OF 257.12 FEET TO THE WESTERLY RIGHT OF WAY LINE OF POWELL STREET AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S02°02'34"W A DISTANCE OF 89.86 FEET TO THE POINT OF BEGINNING,

CONTAINING 2.16 ACRES (94,217 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

CERTIFICATION OF TRANSMITTAL, OWNERSHIP, AND ORDINANCE:

THE UNDERSIGNED HEREBY TRANSMIT THIS PLAT TO THE CITY OF SPRINGDALE, FOR APPROVAL AND ACCEPTANCE AND CERTIFY TO BE THE OWNER OF THE PROPERTY DESCRIBED AND HEREBY DEDICATE ALL STREETS, ALLEYS, EASEMENTS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. THE UNDERSIGNED CERTIFY THAT THE PLATTING AS FILED ON RECORD CANNOT BE CHANGED UNLESS VACATED PURSUANT TO APPLICABLE LAW OR OTHER LAW. THE UNDERSIGNED FURTHER CERTIFY THAT THE REQUIRED ORDINANCE OF ACCEPTANCE IS IN ORDER HAVING BEEN APPROVED BY THE CITY ATTORNEY ON ___________________.

___________________________________________________
AUTHORIZED REPRESENTATIVE                DATE
FEMA FLOOD PLAIN ZONE:

THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE 'X', (NO SHADING) DESIGNATED AS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE F.I.R.M. MAP # 05143C0090 F, PANEL 90 OF 575, WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. MAP REVISED: MAY 16, 2008.

OWNER:
CHANCAD, LLC
P.O. BOX 773
SPRINGDALE, AR 72765

SURVEYOR:
ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI ROAD
P.O. BOX 282
SPRINGDALE, AR 72762

WORK ORDER #:
20969

CITY ZONING:
SF-3

LEGAL: 30-4-2-1

SECTION: 13
T: 17 N
R: 30 W
S 87°37'44" E
68.71' S 88°27'52" E - 294.77'

© COPYRIGHT 2021, ENGINEERING SERVICES, INC.

1/18/2021 4:50 PM

Z:\SUBD\20969 - Brockunier Subdivision\20969-SWPPP.dwg

POWER POLE

PHASE I

PHASE II

1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72764

ENGINEERING SERVICES INC.
Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: February 2, 2021
Re: R21-06 Rezone

A request by Saul and Deris Calderon for Planning Commission approval of a zone change from Agricultural District (A-1) to General Commercial District (C-2) for a tract of land containing 4.62 acres.

LOT LOCATION AND SIZE

The 4.62 acre tract is located at 3161 N. Thompson Street, east side of N. Thompson Street north of County Line Road.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: 1, 6, 7, 8, 29
Conditional Uses Permitted on Appeal: 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37
Temporary Uses – 32, 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:
(1) Accessory buildings, including private garages, storage facilities and children's playhouses.
(2) Private greenhouses.
(3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW
When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS
(1) LOT AREA. There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

<table>
<thead>
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<th>Widths</th>
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<th>Back</th>
<th>Side</th>
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<tr>
<td>Exterior</td>
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</tbody>
</table>

LOT MINIMUMS

REQUESTED ZONING
The requested zoning of this tract is a C-2 General Commercial District. The District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

Uses permitted: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33
ACCESSORY USES
   See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW
   When a conditional use is proposed in a C-2 district, except for home occupation
   a site plan review shall be required. See Article 2, Section 13 of this chapter for the
   procedure and requirements of a site plan review.

HEIGHT REGULATIONS
   There shall be no maximum height limits in C-2 district; provided, however, that
   any building which exceeds the height of twenty (20) feet shall be set back from any
   boundary line of any residential district a distance of one (1) foot for each foot of height
   in excess of twenty (20) feet.

AREA REGULATIONS
   SETBACKS:
   Front setback 30'
   Front setback if parking is allowed between R-O-W 50'
   and the building
   Side setback 0
   (subject to applicable fire and building codes)
   Side setback when contiguous to a residential district 20'
   Rear setback 20'

GREENSPACE
   Each developed lot shall provide and maintain:
   1. A landscaped buffer, not less than ten (10) feet wide, along the front property
      line. When adjacent to the property line of a residential use a 5’ landscaped
      area and a six (6) foot opaque screen shall be required.
   2. Landscaping, including grass, shrubs and trees, and without structure or
      pavement, of a minimum of ten percent of the total surface area of the lot or
      development.

OFF-STREET PARKING
   See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is undeveloped.
The areas to the north, east and west contains commercial uses in C-2 and C-6
Districts. The area to the south contains an undeveloped area and commercial uses in
C-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Regional Commercial use.

The Master Street Plan indicates Thompson Street as an arterial.
STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.
FILE NO. R21-06
APPLICANT: Saul & Deris Calderon
REQUEST: Rezone parcels from A-1 to C-2

PLANNING COMMISSION MEETING
February 2, 2021
PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by Saul and Daris Calderon

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

The S1/2 of the NW1/4 of the SW1/4 of SW1/4 of Section 24, Township 18 North of Range 30 West, Benton County, Arkansas.

Subject to a 14 foot wide easement over and across the SE corner of the above described land.

Subject to easements, rights-of-way, and protective covenants of record, if any.

Subject to all prior mineral reservations and oil and gas leases.

Layman's Description:

The Petitioner hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.

2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.

3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classification:

FROM (current zoning) A-1

TO (proposed zoning) C-2
The Petitioner's immediate intentions are to:

1. **Sell** the property ______ NO ______ (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title ______ NO ______ (Yes or No).

2. **Develop** the property ______ YES ______ (Yes or No), and if so, the proposed use is ________________________________.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: **Commercial Business of any kind.**

   A landscaping business as shown in attachment is the proposed project rezone request.

The Petitioner understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The Petitioner understands that he/she should be present at the meeting in order to answer questions. If the Petitioner is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: **A Million Miracles Surveying, C/o Eric Heller**

Address: **129 W Boles St, Ste A, Fayetteville Ar 72701**

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS: **129 W Boles St, Ste A, Fayetteville Ar 72701**

TELEPHONE: **1-479-387-4361** DATE: **12-31-2020**
VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

SIGNATURE
(Property Owner)

State of Arkansas )
County of ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this __________day of ___________________, 20_____.

Notary Public
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: L21-11 Large Scale Development

Planning Comments

Large-Scale Comments:

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)
2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

Landscaping Comments

1. Existing mature canopy shown to be preserved will be inspected at the time of COO to confirm compliance with minimum perimeter landscaping requirements. (standard comment)

Commercial Design (Site)

1. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenances surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways. No material change shown, provide stamped or scored concrete.
Commercial Design Comments (Architectural)

1. Provide overall material percentage calculations to accompany elevations. The building as shown appears to meet all of the required breaks and articulations but we will need to know what the predominate materials are prior to PC.

Engineering Comments

1. Chapter 107 – Stormwater Pollution
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - 107.3
     - The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

2. Chapter 110 – Streets, Sidewalks and Other Public Places
   (Ord. No. 3258, § 1, 11-12-02)
   - 110.31
     - Sidewalks are required one-foot (1') inside the right-of-way line.
     - Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
     - The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
     - The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
     - Need to show details of sidewalks on the right-of-way.
       - Coordinate with ARDOT for driveway, they may require a DR-1 instead of our standard.

3. Chapter 130 – Zoning Ordinance
   (Ord. No. 3307, 3-25-03)
   - 130.7.6.1 ADA requirements.
     - Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
       - This note is left in place throughout the design process to ensure that access is maintained.

4. Other:
   - Add this disclaimer statement to the title page
"Review of these plans is limited to compliance with City codes and regulations. By reviewing and approving these plans the reviewer and the City of Springdale assume no responsibility for any errors or omissions in the plans. The adequacy of the plans is the sole responsibility of the design engineer. The City of Springdale, however, reserves the right to require corrective action if any inadequacies are found after the improvements are constructed."

- The disclaimer that is to be added to the cover sheet is only the paragraph above.

- Permitting - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- Construct-ability Review - At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
E. L21-11  **Saul & Deris Calderon**  
3161 North Thompson Street  
Presented by A Million Miracles Surveying, Eric Heller  

Engineering Comments:  
- Coordinate driveway with ARDOT
LARGE SCALE DEVELOPMENT OF CALDERON LANDSCAPE HOME OFFICE & SHOP BUILDING
SPRINGDALE, AR

GENERAL NOTES

1. Before proceeding with any construction of this project, the Contractor shall review the plans, specifications, and other associated documents, and shall satisfy himself that the Contractor is familiar with the requirements thereof. The Contractor shall then complete and submit, in writing, to the Engineer, a Construction QA Piping Plan for review and approval. The Construction QA Piping Plan must be approved prior to any excavations or installations being performed. The Contractor shall ensure that any materials or equipment used are in compliance with the applicable codes, standards, and specifications. The Contractor shall be responsible for any errors or omissions in the Construction QA Piping Plan.

2. The Contractor shall also provide the necessary personnel, tools, and equipment to perform the work in a safe, efficient, and timely manner. The Contractor shall ensure that all work is performed in accordance with the applicable codes, standards, and specifications. The Contractor shall be responsible for the proper installation of all materials and equipment used in the project.

3. The Contractor shall provide a sufficient number of qualified and experienced personnel to accomplish the work in a timely and efficient manner. The Contractor shall ensure that all work is performed in accordance with the applicable codes, standards, and specifications. The Contractor shall be responsible for the proper installation of all materials and equipment used in the project.

4. The Contractor shall provide the necessary personnel, tools, and equipment to perform the work in a safe, efficient, and timely manner. The Contractor shall ensure that all work is performed in accordance with the applicable codes, standards, and specifications. The Contractor shall be responsible for the proper installation of all materials and equipment used in the project.

5. The Contractor shall also provide the necessary personnel, tools, and equipment to perform the work in a safe, efficient, and timely manner. The Contractor shall ensure that all work is performed in accordance with the applicable codes, standards, and specifications. The Contractor shall be responsible for the proper installation of all materials and equipment used in the project.

Typical Abbreviation List:

Abbr. | Description
--- | ---
RFP | Reimbursement For Project
CIP | Correction of Information Problems
EDP | Equipment Delivery Problems
PVC | Polyvinyl Chloride Pipe
HDPE | High Density Polyethylene Pipe
SFC | Steel Flexible Conduit
JHDPE | Jointed High Density Polyethylene Pipe
LF | Low Flow
PV | Pull Valve
ZI | Zone Inspiration
DE | Dry Entry
KE | Keypad
RE | Recessed
HOD | Head Of Door
SE | Suspension Ears
AT | Access Trunk
BD | Brushed Door
DS | Door Stopper

EXEMPTIONS AND LIMITATIONS OF LIABILITY:

The Contractor shall be liable for any damage or loss caused by the Contractor's negligence or breach of contract. The Contractor shall not be liable for any indirect, incidental, or consequential damages. The Contractor shall be responsible for the proper installation of all materials and equipment used in the project. The Contractor shall be responsible for any errors or omissions in the Construction QA Piping Plan.

PRIVATE UTILITY INFORMATION:

Sheet Set:

COVER SHEET C0.0
SITE UTILITY PLAN C0.1
LANDSCAPE PLAN C0.2
EROSION PLAN C0.3
GRADING PLAN C0.4
PROJECT DETAILS C0.5
CITY OF SPRINGDALE DETAILS DATES D0.6
ELEVATION VIEWS A3.0
ELECTRICAL SITE LIGHTING PHOTOMETRICS E1.0
ELECTRICAL SITE LIGHTING PHOTOMETRICS E1.1
ELECTRICAL SITE LIGHTING PHOTOMETRICS E1.2
NOTES, SCHEDULES AND RISER

Basis of Bearing:

NORTH IN IN.

Sheet Set:

COVER SHEET C0.0
SITE UTILITY PLAN C0.1
LANDSCAPE PLAN C0.2
EROSION PLAN C0.3
GRADING PLAN C0.4
PROJECT DETAILS C0.5
CITY OF SPRINGDALE DETAILS DATES D0.6
ELEVATION VIEWS A3.0
ELECTRICAL SITE LIGHTING PHOTOMETRICS E1.0
ELECTRICAL SITE LIGHTING PHOTOMETRICS E1.1
ELECTRICAL SITE LIGHTING PHOTOMETRICS E1.2
NOTES, SCHEDULES AND RISER

Basis of Bearing:

NORTH IN IN.

** DISCLAIMER **

"Review of these plans is limited to compliance with City codes and regulations. By reviewing and approving these plans the reviewer and the City of Springdale assume no responsibility for any errors or omissions in the plans. The adequacy of the plans is an responsibility of the design engineer. The City of Springdale, however, reserves the right to require corrective action if any disappointments are found after the improvements are constructed."

FLOOD CERTIFICATION


DATE: January 25, 2021

City of Springdale Authority

M. L. {mark}

1-25-2021
PLANT SCHEDULE

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<th>COMMON NAME</th>
<th>SIZE/SPACING</th>
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<td>12-14&quot; B&amp;B AS SHOWN</td>
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<td>Undecided, (must be approved by City)</td>
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<tr>
<td>Undecided, (must be approved by City)</td>
<td>4 GALLON 3&quot; O.C.</td>
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Tree Planting Detail

Tree Planting Detail

Site & Soil Requirements:

1. Trees shall be 2" caliper minimum.
2. Trees shall be live, healthy, vigorous and free of pests and disease.
3. Trees shall be properly staked and tied up at the soil line.
4. Trees shall have at least 3" from root collar at the soil line.
5. Trees shall be free from damage during installation.
6. Trees shall be planted promptly after delivery.
7. Trees shall be planted at least 2' from any structure.
8. Trees shall be planted at least 6' from any street.
9. Trees shall be planted no closer than 6' from any other tree.
10. Trees shall be planted in a single row.
11. Trees shall be planted in a staggered row.
12. Trees shall be planted in a random pattern.
13. Trees shall be planted in a grid pattern.
14. Trees shall be planted in a herringbone pattern.
15. Trees shall be planted in a chevron pattern.
16. Trees shall be planted in a circle.
17. Trees shall be planted in a square.
18. Trees shall be planted in a triangle.
19. Trees shall be planted in a star.
20. Trees shall be planted in a hexagon.
21. Trees shall be planted in a pentagon.
22. Trees shall be planted in a parallelogram.
23. Trees shall be planted in a rhombus.
24. Trees shall be planted in a trapezoid.
25. Trees shall be planted in a rectangle.
26. Trees shall be planted in a square.
27. Trees shall be planted in a circle.
28. Trees shall be planted in a sphere.
29. Trees shall be planted in a cylinder.
30. Trees shall be planted in a cone.
31. Trees shall be planted in a pyramid.
32. Trees shall be planted in a prism.
33. Trees shall be planted in a tetrahedron.
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**Erosion Control Notes:**

- Silt fences shall be repaired if damaged and maintained in good condition in accordance with the Erosion Control Plan.
- Any silt fence shall be replaced if it is damaged or destroyed.
- Silt fences shall be repaired to their original conditions if damaged.
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2. CLEAN STREETS DAILY WITH BROOM AND SHOVEL. THE USE OF WATER IS PROHIBITED.

CONSTRUCTION EXIT NOTES

1. WATTLES SHALL CONSIST OF STRAW, COMPOST, EXCELSIOR, OR COCONUT FIBER. REBAR IS ALSO ACCEPTABLE WITH A SAFETY CAP. BE SURE TO USE A STAKE THAT IS LONG ENOUGH TO PROTRUDE ABOVE THE WATTLE. WHEN INSTALLING WATTLES ON SLOPES, DRIVE THE STAKES PERPENDICULAR TO THE SLOPE. OVERLAP THE ENDS. STAKE THE WATTLES AT EACH END AND FOUR FOOT ON CENTER.

6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM RUNOFF.

5. REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.

4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH SUPPORT POST OR TO WOVEN WIRE, WHICH IN TURN IS ATTACHED TO THE SOURCE. POST MUST BE EMBEDDED A MINIMUM OF ONE FOOT.

3. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE SHALL TIGHTLY ABUT AND BACKFILL & COMPACT MATERIAL; THEN SEED IMMEDIATELY.

2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE SHALL TIGHTLY ABUT AND BACKFILL & COMPACT MATERIAL; THEN SEED IMMEDIATELY.

10. STAKING: THE CITY RECOMMENDS USING WOOD STAKES TO SECURE THE WATTLES. 1/2" TO 5/8" WOOD SEAT ON ALUMINUM FRAME. 68 1/4 - 73 1/4 MAX THEORETICAL DENSITY

11. THE CONTRACTOR SHALL INSPECT WATTLES EVERY TWO WEEKS AND AFTER ANY SIGNIFICANT STORM EVENT AND MAKE ANY REPAIRS NECESSARY.

12. SEDIMENT ACCUMULATED BEHIND WATTLE SHALL BE REMOVED WHEN THE SEDIMENT HAS ACCUMULATED TO ONE HALF THE WIDTH AS SHOWN ON SITE PLAN

13. WATTLES SHALL REMAIN IN PLACE UNTIL THE UPSTREAM DISTURBED AREA IS STABILIZED AND IS ACCEPTED BY THE CITY.

20' MINIMUM

50' MINIMUM

2. CLEAN STREETS DAILY WITH BROOM AND SHOVEL. THE USE OF WATER IS PROHIBITED.

CONSTRUCTION EXIT NOTES

1. WATTLES SHALL CONSIST OF STRAW, COMPOST, EXCELSIOR, OR COCONUT FIBER. REBAR IS ALSO ACCEPTABLE WITH A SAFETY CAP. BE SURE TO USE A STAKE THAT IS LONG ENOUGH TO PROTRUDE ABOVE THE WATTLE. WHEN INSTALLING WATTLES ON SLOPES, DRIVE THE STAKES PERPENDICULAR TO THE SLOPE. OVERLAP THE ENDS. STAKE THE WATTLES AT EACH END AND FOUR FOOT ON CENTER.
A request by David and Natasha Harris for Planning Commission approval of a zone change from Agricultural District (A-1) to General Commercial District (C-2) for a tract of land containing 4.78 acres.

LOT LOCATION AND SIZE

The 4.78 acre tract is located at 964 Maestri Road (Highway 112), ease side of Highway 112 on bother side of Har-Ber Avenue.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37
Temporary Uses – 32, 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:
(1) Accessory buildings, including private garages, storage facilities and children's playhouses.
(2) Private greenhouses.
(3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW
When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS
(1) LOT AREA. There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

<table>
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<tr>
<th>LOT MINIMUMS</th>
<th>SETBACKS</th>
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<tr>
<td>Widths</td>
<td>Area</td>
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<tr>
<td>One Family</td>
<td>200</td>
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REQUESTED ZONING
The requested zoning of this tract is a C-2 General Commercial District. The District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

Uses permitted: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33
ACCESSORY USES
See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW
When a conditional use is proposed in a C-2 district, except for home occupation a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS
There shall be no maximum height limits in C-2 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS
SETBACKS:
- Front setback: 30'
- Front setback if parking is allowed between R-O-W: 50'
- Side setback: 0
- (subject to applicable fire and building codes)
- Side setback when contiguous to a residential district: 20'
- Rear setback: 20'

GREENSPACE
Each developed lot shall provide and maintain:
1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING
See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE
Zoning of the surrounded area is shown on the attached map. The tract is undeveloped. The area to the north contains a residential use in A-1 zoning. The area to the east is undeveloped on the north side of Har-Ber Avenue. The tract to the east on the south side of Har-Ber Avenue is being developed as a single family subdivision in R-E zoning. The area to the west is in the City of Tontitown.

LAND USE PLAN AND MASTER STREET PLAN
The adopted Comprehensive Land Use Plan Low Density Residential Use.

The Master Street Plan indicates Maestri Road (Highway 112) as an arterial and Har-Ber Avenue as a major collector.
STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval:

A downgrade to an O-1 Neighborhood Office District would allow for the construction of a structure not to exceed 5000 square feet and in a design that compliments the surrounding developments and serves as a buffer. The rezoning of this property a commercial district would require concurrence by the City of Tontitown.
FILE NO. R21-07
APPLICANT: David & Natasha Harris
REQUEST: Rezone parcels from A-1 to C-2

PLANNING COMMISSION MEETING
February 2, 2021
PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by DAVID HARRIS & NATASHA HARRIS.

The record property owner(s), petitioning to rezone the following described area:

Legal Description: 3 PARCELS

- 815-30834-400 (1.76 ACRES)
- 815-30834-300 (1.50 ACRES)
- 815-30834-600 (1.52 ACRES)

See attached for legal description & survey.

Layman's Description: 964 N. MAESTRI RD (N. HWY. 112), SPRINGDALE, AR 72762

The Petitioner hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classification:

FROM (current zoning) A-1
TO (proposed zoning) C-2
The Petitioner's immediate intentions are to:

1. **Sell** the property **Yes** (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title **Yes** (Yes or No).

2. **Develop** the property **No** (Yes or No), and if so, the proposed use is

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: **Buyer is planning to build an office building with little effect to surrounding properties.**

The Petitioner understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The Petitioner understands that he/she should be present at the meeting in order to answer questions. If the Petitioner is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: **Tyler Carter**
Address: **1313 E. Rachel Lane, Rogers, AR 72758**

**PETITIONER/OWNER SIGNATURE**

**MAILING ADDRESS:**

**TELEPHONE:** 979 234 0220 **DATE:** 1/7/20
VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

SIGNATURE
(Property Owner) DAVID HARRIS

PROPERTY OWNER)

State of Arkansas )
County of Washington ) ss.
SUBSCRIBED AND SWORN TO before me, a Notary Public, this 11 day of January, 2021.

William Allen
Notary Public
Benton County, Arkansas
My Comm. Exp. August 16, 2026
Commission No. 12698670
Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: February 2, 2021
Re: R21-08 Rezone

A request by Bryan and Shannon Passmore for Planning Commission approval of a zone change from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) for a tract of land containing 5.1 acres.

LOT LOCATION AND SIZE

The 5.1 acre tract is located at 7132 Bur Oak Road, north west corner of Bur Oak Road and Jones Road.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

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SITE PLAN REVIEW
When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

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(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

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REQUESTED ZONING
The rezoning application requests a SF-1 Low Density Single Family Residential District. The district is established in order to provide areas in the city for development of single-family residences on lots not less than ten thousand (10,000) square feet in area with a minimum frontage on a public street of eighty (80) feet.
Uses permitted: - 1, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 9, 28, 36
Temporary Uses – 34

ACCESSORY USES
The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

(1) Accessory buildings, including private garages, storage facilities and children's playhouses as set for in Article 6, Section 2.7 of this chapter.
(2) Private greenhouses and horticultural collections.
(3) Flower and vegetable gardens.
(4) Swimming pools, tennis courts and similar recreation facilities.
SITE PLAN REVIEW

When a conditional use is proposed in an SF-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. For Use Unit 36, See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

AREA REGULATIONS

(1) LOT AREA. There shall be a lot area of not less than ten thousand (10,000) square feet. In addition, there shall be a minimum lot width of not less than eighty (80) feet on a public street at the front setback line.

(2) DENSITY. less than four (4) units per acre.

(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

(5) REAR SETBACK. There shall be a rear setback having a depth of not less than twenty (20) feet.

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BUILDING AREA

On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of the lot.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a single family dwelling. The area to the north and east contain residential uses in A-1 zoning. The area to the east and south contain single family dwellings in SF-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Low Density Residential Use.

The Master Street Plan indicates Bur Oak Road as a local street.
STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.
FILE NO. R21-08

APPLICANT: Bryan & Shannon Passmore

REQUEST: Rezone parcels from A-1 to SF-1
PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale code of Ordinances, as amended, by Bryan K. Passmore and Shannon R. Passmore the record property owners, petitioning to rezone the following described area:

Legal Description: See Attached Legal Description

Layman’s Description: 5.1 acres located at 7132 Bur Oak Road. Includes Washington County parcels 815-33683-030 and 815-33683-040.

The Petitioner hereby states by oath that:
1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and addresses of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classifications:

FROM (current zoning) _A-1 (Agricultural District)_

TO (proposed zoning) _SF-1 (Low Density Single Family Residential District)_

The Petitioner’s immediate intentions are to:

1. **Sell** the property **Yes (part of the property) **(Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, or other contract for conveyance of title **No** (Yes or No).

2. **Develop** the property **No** (Yes or No), and if so, the proposed use is ____________________
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: _No effects are anticipated._

Rezoning will allow owner to create a 1 acre tract to build a house on for a family member. Target zoning district and proposed use are compatible with surrounding existing uses.

The **Petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The **Petitioner** understands that he/she should be present at the meeting in order to answer questions. If the **Petitioner** is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: ________________________________________________

Address: ________________________________________________________________

**PETITIONER/OWNER:** [Signature]

(Bryan Passmore and Sharon Passmore)

**MAILING ADDRESS:** 7132 Bur Oak Road, Springdale, AR 72762

**TELEPHONE:** (479) 841-3210 **DATE:** ____________________________
VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

(Property Owner Signature – Bryan K. Passmore)

(Property Owner Signature – Shannon R. Passmore)

State of Arkansas  
) ss.
County of Washington  
)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15th day of January, 2021.

Notary Public

[Stamp]
APPLICATION FOR CONDITIONAL USE
CITY OF SPRINGDALE, ARKANSAS

1. APPLICANT: Bryan K. Passmore and Shannon R. Passmore
   Address: 7132 Bur Oak Road, Springdale, AR 72762
   Phone: (479) 841-3210 Profit: ✅ Non-Profit

2. Property Location (street address or layman's description):
   5.1 acres located at 7132 Bur Oak Road. Includes Washington County parcels 815-33683-030 and 815-33683-040.

3. Record Title Holder of Property: Bryan K. Passmore and Shannon R. Passmore
   (A copy of the warranty deed should be attached as Exhibit "A")

4. Use Unit requested: Tandem Lot in SF-1 Zoning District.

5. Description of the conditional use sought and the reasons why it should be approved:
   Applicant requests a conditional use allowing a 1 acre tandem lot as shown in the Informal Plat. Tandem lot will have access to Bur Oak Road via an access easement. Property is currently in the A-1 District, but a rezoning petition is being submitted concurrently to place it in the SF-1 District. Purpose of the request is to prepare the lot for construction of a home for a family member.

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?
   No adverse effects are anticipated. Request will not impact any adjacent properties. Proposed low density residential use of the tandem lot is compatible with surrounding existing land uses.

7. If the conditional use is to only a portion of the land described on the warranty deed, then an accurate legal description provided by a copy of a recent survey certified by a registered land surveyor will be required.

8. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days.

9. All adjacent property owners are to be notified by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. The applicant must provide evidence in the form of a signed affidavit, that notice has been given to all adjacent property owners subject to the conditional use.
10. Attach a site plan for the proposed conditional use. A site plan shall apply to all conditional uses as specified in each of the zoning districts.

Signature of Record Property Owner(s)          Signature of Applicant

__________________________  ______________________________
                                      
Date: 1/13/2021                  Date: __________________________

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for a conditional use permit and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Bryan Passmore

State of Arkansas    )
County of Washington ) ss.
SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 13th day of January, 2021.

Notary Public

My commission expires: 2-3-2025

Revised 3/24/05
FILE NO. C21-04
APPLICANT: Bryan & Shannon Passmore
REQUEST: Conditional Use for a
Tandem Lot Split in SF-1
APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Bryan K. Passmore and Shannon R. Passmore

Applicant's Mailing Address:
7132 Bur Oak Road 
Springdale, AR 72762
Street Address or P.O. Box
City, State & Zip Code

Property Owner's Name
(If different from Applicant): Same

Property Owner's Mailing Address:
(If different from Applicant):

Street Address or P.O. Box
City, State & Zip Code

Address of Variance Request: 7132 Bur Oak Road, Springdale, AR 72762


The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required: Front: __________ Side: __________ Back: __________
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: __________ Side: __________ Back: __________
(if granted what the setback would be.)

Variance: Front: __________ Side: __________ Back: __________
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed. Any attachments must be labeled as "Exhibit A, B, C" etc.

Applicant requests a variance deleting the paving requirement for the existing and proposed driveway access for proposed Tract 2B on the Informal Plat. Driveway will provide access for a proposed single family home.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
*The Applicant must respond to items 1, 2, and 3.*

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

The proposed home will be accessed from Bur Oak Road via an existing shared gravel driveway serving two existing homes. Approximately 150 feet of additional gravel driveway is proposed to be constructed to reach Tract 28 from the connection of the existing shared driveway. Use of an existing driveway already in use to access homes as well as the total length of the proposed driveway are the special circumstances.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

The right to develop the property.

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

Applicant proposed to use an existing shared driveway which is gravel. The existing gravel driveway has been used for residential access for approximately nine years.
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas )
County of Washington ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13th day of January, 2021.

Notary Public
Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: February 2, 2021
Re: R21-09 Rezone

A request by Jackie and Sherry Moore for Planning Commission approval of a zone change from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) for a tract of land containing 4.6 acres.

LOT LOCATION AND SIZE

The 4.6 acre tract is located at 3300 Clyde Lane, west side of Clyde Lane.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37
Temporary Uses – 32, 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:
(1) Accessory buildings, including private garages, storage facilities and children’s playhouses.
(2) Private greenhouses.
(3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW

When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS

(1) LOT AREA. There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

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<td>One Family</td>
<td>200</td>
<td>2 acre</td>
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REQUESTED ZONING

The rezoning application requests a SF-2 Low/Medium Density Single Family Residential District. The district is designed to permit and encourage the development of single-family detached dwellings on smaller lots to encourage flexibility in housing and lot sizes.

Uses permitted: - 1, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 9, 28, 36
Temporary Uses – 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

(1) Accessory buildings, including private garages, storage facilities and children’s playhouses as set for in Article 6, Section 2.7 of this chapter.
(2) Private greenhouses and horticultural collections.
(3) Flower and vegetable gardens.
(4) Swimming pools, tennis courts and similar recreation facilities.
SITE PLAN REVIEW

When a conditional use is proposed in an SF-2 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. For Use Unit 36, See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

AREA REGULATIONS

(1) LOT AREA. There shall be a lot area of not less than eight thousand (8,000) square feet. In addition, there shall be a minimum lot width of not less than seventy (70) feet on a public street at the front setback line.

(2) DENSITY. Four (4) units per acre.

(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

(5) REAR SETBACK. There shall be a rear setback having a depth of not less than twenty (20) feet.

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<td>One Family</td>
<td>70</td>
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<td>Zero-lot line</td>
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BUILDING AREA

On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of the lot.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a single family dwelling. The tract is surrounded contains single family dwellings in A-1 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Low Density Residential.

The Master Street Plan indicates Clyde Lane as a local street.

STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:
Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.
FILE NO. R21-09
APPLICANT: Jackie & Sherry Moore
REQUEST: Rezone parcels from A-1 to SF-2
PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by JACKIE MOORE AND SHERRY MOORE

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

Layman's Description:

The Petitioner hereby states by oath that:
1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor or licensed land surveyor within the past sixty (60) days are attached as evidenced by Exhibit C.

The Petitioner requests the following zoning classification:

FROM (current zoning) A-1

TO (proposed zoning) SF-2
The Petitioner's immediate intentions are to:

1. **Sell** the property **NO** (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title **NO** (Yes or No).

2. **Develop** the property **YES** (Yes or No), and if so, the proposed use is **SINGLE FAMILY RESIDENTIAL LOTS**.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: **THE EFFECT OF REZONING FROM A-1 TO SF-2 WOULD HAVE A MINIMAL EFFECT ON THE SURROUNDING PROPERTIES**.

The Petitioner understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The Petitioner understands that he/she should be present at the meeting in order to answer questions. If the Petitioner is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: (Handwritten signature)

Address: [Handwritten address]

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS: 3300 CLYDE LANE, SPRINGDALE, AR 72764

TELEPHONE: 479-263-1828 DATE: 1-13-2021
VERIFICATION

I/We, the undersigned, hereby state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

SIGNATURE
(Property Owner)  

State of Arkansas          )  ss.
County of Washington       )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this ________ day of 
                          
                                            , 20____.

Notary Public

BRANDON JAY BISH
NOTARY PUBLIC
ARKANSAS
WASHINGTON COUNTY
12/27/2012 EXPIRES 2/3/2025
A request by Dominik and Isabelle Maerki for a Conditional Use Permitted on Appeal as a Use Unit 36 (Horses kept in a residential area) in a Low Density Single Family Residential District (SF-1).

LOCATION
8727 E. Wagon Wheel Road

EXISTING CONDITIONS
Single family dwelling on a 1.49 acre tract

SITE PLAN REVIEW REQUIRED: ☑ Yes ☐ No

DEVELOPMENT STANDARDS AND REVIEW GUIDELINES
The following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the planning commission and for each specific conditional use location.

Acceptable 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.

Acceptable Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
| Acceptable | Refuse and service areas, with particular reference to the item in 1 and 2 above. |
| Acceptable | Utilities, with reference to locations, availability and compatibility. |
| N/A | Screening and buffering with reference to type, dimension and character. |
| N/A | Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district. |
| Acceptable | Yard requirements and other open space requirements. |
| Acceptable | The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter. **Size of tract does not Meet minimum requirements for keeping of horses; however the applicant has Entered into a lease agreement with the Springdale Water & Sewer Commission for use of 2.7 acres of the Benton Farm Property to meet the required minimum lot size of 3 acres.** |
| N/A | Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect. |
| Acceptable | General compatibility with adjacent properties and other property in the general district. **Subject to the terms of the lease agreement** |
FILE NO. C21-02
APPLICANT: Isabelle & Dominick Maerki
REQUEST: Conditional Use for a Use Unit 36 (Horses kept in a residential area) located in SF-1
APPLICATION FOR CONDITIONAL USE
RESPONSES TO QUESTIONS 1-10

1a. Dominik Maerki and Isabelle Maerki, husband and wife—(Isabelle Maerki primary contact)
1b. Address: P. O. Box 8068, Fayetteville, AR 72703. Phone: (479) 879-6258
   Address as of Hearing on Application: 8727 E. Wagon Wheel Road, Springdale, AR 72762
2. 8727 E. Wagon Wheel Road, Springdale, AR 72762
3. Marty Thiesse and Melanie Thiesse, husband and wife (Copy of the Warranty Deed where
   the Thiesses took title is attached as Exhibit “A”; Sale Contract is attached as Exhibit “B”)
4. Use Unit 36 (Horses kept in residential areas) in SF-1 Zoning District
5. We are applying for a conditional use permit to keep a horse at our new residence which we
   are taking title to on January 25, 2021. This particular conditional use fits well in this
   neighborhood, as the property is surrounded by neighbors with horses and cattle, all of which
   are zoned A-1. (This property was previously zoned A-1 prior to 2017 when the current title
   holder had it rezoned to SF-1 so that they could build a residence on a lot that was less than 2
   acres). Having a horse at this location would cause no disruption to the general area, as it is well-
   suited to the land. The property is 1.49 acres, at least 0.45 acres of which we would be using for
   grazing, in addition to the 2.7 acres of pastureland to the South which we are currently leasing
   from the Springdale Water Department (see lease attached at Exhibit “C”). There would be a
   total of 3.15 acres of grazing land, which is over the 3.0 acres required by zoning ordinances in
   this instance. (Please see the Variance Request submitted with this Application to permit the
   leased pasture to be counted towards the requisite 3.0 acres for this particular Use Unit. Also
   included in the same Variance application is a request related to fencing).
6. There would be no negative effects on the neighborhood and its residents. There are horses
   at the residence directly across the street, at the residence to the northeastern diagonal, and at
   the residence two houses over to the West. There are also cattle directly to the South on a
   separate piece of pastureland owned by the Water Department, which adjoins the land we are
   leasing. Allowing this particular use would leave the character of the neighborhood unchanged
   and only serve to allow productive use of the pastureland included in the described property.
   Applicant is proposing to build a horse/hay shelter (on the leased premises, which has already
   been approved by the Water Department) and a new fence safe for horses such that the
   property, animals, and neighbors are all kept secure.
7. N/A—However, a recent survey of 8727 E. Wagon Wheel Road is attached for informational
   purposes on Exhibit “D”
8. See certified list of adjacent property owners attached as Exhibit “E”

9. See Form of Notice to be mailed to adjacent property owners attached as Exhibit “F”—an actual copy with certified mailing receipts will be provided by applicant according to the normal procedures

10. See Site Plan for Fencing attached as Exhibit “G” (including both a large drawing and a separate aerial photo/sketch drawn to scale of 1 inch to 100 feet)

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for a conditional use permit and that all facts, statements, and allegations therein contained are true and correct to the best of my/our knowledge and belief and that complete disclosure of all material facts have been made.

Signature of Record Property Owner(s) 

Melanie Thuerse

Date: 1/14/21

Signature of Applicant 

D. Yen

Date: 1/11/2021

STATE OF ARKANSAS

) SS

COUNTY OF BENTON

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 14th day of January, 2021.

Miranda Reynolds
Notary Public
My Commission Expires: 9/12/2028
APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Dominik Maerki and Isabelle Maerki

Applicant's Mailing Address:
P.O. Box 5068
Fayetteville, AR 72703
(479) 874-6258

Property Owner's Name:
Marty Thiesse and Melanie Thiesse

Property Owner's Mailing Address:
8727 E. Wagon Wheel Rd.
Springdale, AR 72762
(479) 283-8833

Address of Variance Request: 8727 E. Wagon Wheel Rd., Springdale, AR 72762

Zoning District: SF-1

The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required: Front: Side: Back: 
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: Side: Back: 
(if granted what the setback would be)

Variance: Front: Side: Back: 
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

Chapter 130, Article 6 — Specifically:

1. Section 2.3: Requesting fencing in front yard be permitted to be over 3 feet tall (4.5 feet) for conditional use permit to have a horse.

2. Section 2.13: Requesting existing Long-Term Lease with City Water Dept. be counted towards the 3.0 acreage requirement, bringing property to 3.15 acres.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
"The Applicant must respond to items 1, 2, and 3."

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):

   SEE ATTACHED

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):

   SEE ATTACHED

3. That the special conditions and circumstances do not result from the actions of the applicant. Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):

   SEE ATTACHED
1. In order for a Conditional Use Permit to be granted for Use Unit 36 (horses kept in a residential district), which is being applied for contemporaneously with this application, the two requested variances are necessary—(a) for a horse to be safely kept on the property, the fencing must be over 3 feet high (4.5 feet); and (b) the 2.7 acres of leased property directly to the South must be considered as a part of the total acreage available for horse grazing on the property (amounting to 3.15 or more acres when considered with the available acreage from the applicant’s residential property itself). (A copy of the Lease is attached as Exhibit “C”). There are horses and cattle kept in this general area by many neighbors; thus, having a taller fence that is visible from the front/side yard would not be detrimental to the overall appearance of the area, as it would blend in well.

2. This property is the only one in the immediate area zoned SF-1, so it cannot be directly compared with “other properties in the same district” since the neighbors are all zoned A-1. Neighbors all around keep livestock on their property, and allowing the applicant to use this particular property in the same way would do no harm to others. If the applicant is not granted these particular variances, the applicant would be deprived of using the entire property (the residence plus the leased pastureland) for its highest and best use.

3. Applicant is seeking a Conditional Use Permit as is its right under the existing City Ordinances. For such Conditional Use to be granted, the two requested variances are necessary. The applicant’s Conditional Use application lays out the reasons the permit should be granted, and those same reasons are incorporated here. The variances requested in this application are the most limited exceptions necessary to allow for the applicant’s desired use of the property.
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature* (If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc.) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas )
County of Washington ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 14th day of January, 2021.

Notary Public
Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: February 2, 2021
Re: C21-03

A request by Dominik and Isabelle Maerki for a Conditional Use Permitted on Appeal as a Use Unit 36 (Horses kept in a residential area) in a Low Density Single Family Residential District (SF-1).

LOCATION

8727 E. Wagon Wheel Road

EXISTING CONDITIONS

Single family dwelling on a 1.49 acre tract

SITE PLAN REVIEW REQUIRED: X Yes No

DEVELOPMENT STANDARDS AND REVIEW GUIDELINES

The following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the planning commission and for each specific conditional use location.

Acceptable: 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.

Acceptable: Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
Refuse and service areas, with particular reference to the item in 1 and 2 above.

Utilities, with reference to locations, availability and compatibility.

Screening and buffering with reference to type, dimension and character.

Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

Yard requirements and other open space requirements.

The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.

Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect.

General compatibility with adjacent properties and other property in the general district with the following conditions:

a. Operate between the hours of 10:00 p.m. and 7:00 a.m.

b. No obstruction of parking spaces required for the operation of any other use on the site.

c. Maintain on the site a minimum of three parking spaces designated for their use.

d. If a health certificate is required, display the health certificate in a manner visible to customers.

e. No obstruction of pedestrian or motor vehicle traffic flow.

f. No obstruction of traffic signals or regulatory signs.

g. No vending upon a public way.

h. Sound any device that produces a loud and raucous noise in violation of city ordinance or violate any other city ordinances in connection with the vending operation.

i. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating with twenty (20) feet of any vending stand collect and deposit into a trash container.
FILE NO. C21-03
APPLICANT: Maria Hernandez
REQUEST: Conditional Use for a
Use Unit 44 (mobile vending site/food truck) located in C-2
SITE PLAN
NORTHWEST ATHLETIC CLUB
4409 SOUTH THOMPSON
SPRINGDALE, AR 72764
APPLICATION FOR CONDITIONAL USE
CITY OF SPRINGDALE, ARKANSAS

1. APPLICANT: Maria Hernandez
   Address: 114 Pierce St
   Phone: 479-835-1239
   Profit: Non-Profit

2. Property Location (street address or layman's description):
   4409 South Thompson St, Springdale, AR 72764

3. Record Title Holder of Property: Robert Slusarek, Lois Slusarek
   (A copy of the warranty deed should be attached as Exhibit "A")

4. Use Unit requested: Unit #44 in C2 Zoning District.

5. Description of the conditional use sought and the reasons why it should be approved:
   Mobile vending site, food truck

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?
   They would be able to drive by and pick up some good authentic Mexican/Salvadoran food, and go home, eat safely with their families.

7. If the conditional use is to only a portion of the land described on the warranty deed, then an accurate legal description provided by a copy of a recent survey certified by a registered land surveyor will be required.

8. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days.

9. All adjacent property owners are to be notified by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. The applicant must provide evidence in the form of a signed affidavit, that notice has been given to all adjacent property owners subject to the conditional use.
10. Attach a site plan for the proposed conditional use. A site plan shall apply to all conditional uses as specified in each of the zoning districts.

Signature of Record Property Owner(s)  

Signature of Applicant

Date: 12/12/2020  

Date: 12-12-2020

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for a conditional use permit and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

________________________________________

State of Arkansas  
County of Washington 

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 12 day of December, 2020.

Notary Public

My commission expires: May 27, 2024

Carla K Jimenez  
NOTARY PUBLIC  
Benton County, Arkansas  
Commission #12399254  
My Commission Expires May 27, 2024
APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant’s Name: Maria Hernandez

Applicant’s Mailing Address:
114 Pierce Ave
479-225-1739
Springdale AR 72764
Street Address or P.O. Box
Telephone Number
City, State & Zip Code

Property Owner’s Name
(If different from Applicant): Robert Siusarek, Lois Siusarek

Property Owner’s Mailing Address:
(If different from Applicant):
4409 S Thompson St
Springdale AR 72764
Street Address or P.O. Box
Telephone Number
City, State & Zip Code

Address of Variance Request: 4409 S Thompson St Springdale AR 72764

Zoning District: C2

The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required:  
Front: __________  Side: __________  Back: __________  
(This is the minimum required by the Springdale Code of Ordinance)

Requested:  
Front: __________  Side: __________  Back: __________  
(if granted what the setback would be.)

Variance:  
Front: __________  Side: __________  Back: __________  
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

Variance for deviation of measurements of food truck.

To increase size of structure.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board’s opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
*The Applicant must respond to items 1, 2, and 3.*

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

   This truck has a great storage area. The truck makes it out of size food materials. What would go into storage would be plates, cups, straws, etc. Materials that don't need refrigeration.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

   Would have to sell purchased truck investment and buy another.

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

   N/A
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas )
County of Washington ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 12 day of January, 2021.

Notary Public

P227
 Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: RP21-03 Replat Lots 14 & 15, Block 2 Carter Addition

Planning Comments
1. Please provide the legal description for all easements being dedicated via this plat.
2. Remove "Two Family" from the MF-4 building setbacks chart.
3. Submit a list of adjacent property owners certified by either a licensed abstractor or land surveyor within the past 60 days.
4. Need a resolution stating that _________ has authority to execute the Certificate of Transmittal, Ownership, and Ordinance.

Engineering Comments
- Add required Signatures.
-
NEW LOT 15A
0.35 ACRES+
15,076 SQ. FEET+,
OWNER: BELTHA YAHMET
SPRINGDALE, AR 72764
ZONE: SF-2

PARENT LOT 15
PARCEL: 815-20830-000
OWNED: CHARTERSHIRE PROPERTIES,
ADDRESS: 1000 SHIPLEY ST
SPRINGDALE, AR 72764
ZONE: SF-2

NEW LOT 14A
0.26 ACRES+
11,234 SQ. FEET+,
OWNER: HARPER LANE HOLDINGS LLC
SPRINGDALE, AR 72764
ZONE: C-2

PARENT LOT 14
PARCEL: 815-20829-000
OWNED: CHARTERSHIRE PROPERTIES,
ADDRESS: 1000 SHIPLEY ST
SPRINGDALE, AR 72764
ZONE: SF-2
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: L21-05 Large Scale Development

Planning Comments

Large-Scale Comments:

1. Provide pdf files at time of resubmission. (standard comment)
2. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)
3. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)
4. This development has been given the number L21-05. This number should be placed on the plans and all future correspondence and plats pertaining to this development. (standard comment)

Landscaping Comments

1. Existing vegetation shown to be preserved and utilized towards perimeter landscaping requirements will be inspected at the time of COO to confirm compliance. (standard comment)
2. Provide shrub plantings at seven for every 25' linear ft. along frontage per Chapter 56.
3. Provide dumpster foundation landscaping.
4. Building foundations shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground cover for a minimum width of three feet (3') to a hard surface with the exception of access points. (MFD)

**Multi-Family Design Comments**

1. Provide exhibit indicating which areas are being counted towards the provided common space percentage.
2. Provide sidewalk connectivity for the full length of Kingsley Circle.
3. Provide pedestrian connection to the ROW on the Eastern drive.
4. Minimum Width – all on-site pedestrian walkways and sidewalks shall be a minimum of five feet (5') wide, except walkways adjacent to a parking area, where cars may overhang the walkway, shall be a minimum of seven feet (7') wide. Provide dimensions.
5. Provide HVAC locations and screening methods.

**Engineering Comments**

1. Chapter 106 – Stormwater Drainage
   (Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
   - 106.1 - The Grading Plan & SWPPP and Specifications shall be prepared by the Engineer of Record, who is a licensed professional engineer of the State of Arkansas.
     - Requires a 1"=200' minimum scale 2-foot contour map.
     - Show existing and proposed contours.
   - 106.1.3.3
     - Minimum floor elevations for other areas shall be a minimum of 1-foot above the calculated 100-year WSE of open channels, swales, or overland flow. (Show Minimum Finished Floor Elevation [FFE] on proposed structures)

2. Chapter 106 – Stormwater Drainage
   - 4 ft of greenspace should be maintained between sidewalk and back of curb
   - Trickle channel note shows up, but trickle channel itself is not shown
   - Determine whether energy dissipation is needed at Line 2 outlet to pond due to slope

3. Chapter 107 – Stormwater Pollution
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - 107.1 - Show & Label all temporary construction stockpiles, parking, entrances, egress, roads, or access as "Temporary" on the Grading or Erosion Control Plan.
     - Add the word "Temporary" to all the items listed above, that are included in this project.
The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

Phasing on larger construction sites 5 acres or more must be utilized to allow only disturbance on near term construction areas. Construction sites requiring cutting and filling must be seeded once the cutting and filling activity is finished.

The following note is required as a General Note on the Site Plan:

"Stockpiling of construction spoil material at particular locations shall only be allowed for a limited time period, not to exceed (6) months. Prior to a final inspection of the Grading Permit, the following standards shall be achieved for Completion of Construction:

a) development and grading within the disturbed area is complete and matches plans as approved by the Planning Commission, and
b) the disturbed soil area is observed to have 80% grass coverage and 100% stability, and
c) No slopes steeper than a 3:1 pitch unless otherwise approved in writing by the Director of Engineering, and
d) Notice of Violations issued have all corrective actions approved with an inspection report signed by a representative of the Director of Engineering, and
e) all heavy equipment, stockpiles, and construction site materials have been removed from the Construction Site."

Note is repeated twice on the plan, remove one.

A grading and drainage plan is required for all developments showing that each lot drains to the street right-of-way, a dedicated drainage easement with improvements, or an existing drainage way without flowing across a neighboring lot. No drainage from roof drains, landscaping, or lot runoff may be directed or diverted onto neighboring properties.

4. Chapter 110 – Streets, Sidewalks and Other Public Places
(Ord. No. 3258, § 1, 11-12-02)

- 110.31 Sidewalks are required one-foot (1') inside the right-of-way line.
  o Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
  o The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
  o The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
  o Need to show details of sidewalks on the right-of-way.
• Sidewalks should extend the entire length of any property boundary that abuts a street R.O.W.
• Sidewalks should adhere to all the items listed above.

- 110.111 - The developer is required to improve the abutting street to the City of Springdale standards and in accordance with the Master Street Plan, including constructing sidewalks, curb and gutter, pave or widen the existing street, or install or construct drainage facilities.

5. Chapter 112 – Subdivisions
( Code 1973, § 30-1)
- All streets within the subdivision boundaries shall be dedicated and constructed in conformance with the master street plan and chapter 110 of this Code, with right-of-way dedicated when such right-of-way is needed to conform to the master street plan.

- 112.4 - Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
- The minimum initial rating for the streetlight shall be 6,800 lumens for a local street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial street.
  ▪ Label all lights as Proposed or Existing
  ▪ Show the direction of the mast arm
  ▪ Show the size and type of lights based on the location and classification of the street
  ▪ Add note to determine if the light is designed for area parking lot lights or as a street illuminator
  ▪ Include a note stating if the lights are public or private lights and who will be responsible for maintenance and billing

- 112.7 - Street Design Standards
  ▪ Sight Distance: 90 ft Ordinary / 70 ft hilly
  ▪ Max grades w/in 100 ft of intersection: 4%
  ▪ Min intersection angle: 75°
  ▪ Min curb radius 25-ft 28-ft minor St / 50-ft collector St
  ▪ The right-of-way must be graded so that the entire width slopes toward the street at a 2% slope toward the street centerline.
  ▪ Include a sheet with dimensions.

6. Chapter 130 – Zoning Ordinance
( Ord. No. 3307, 3-25-03)
- 130.7.6.1 ADA requirements.
  ▪ Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
7. Other:

- **Permitting** - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- **Construct-ability Review** – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
A. L21-05  **Electric Avenue Townhomes**  
NW Corner of Electric Avenue and Oriole Street  
Presented by Engineering Services, Inc.

Engineering Comments:
- 4 ft of greenspace should be maintained between sidewalk and back of curb  
- Trickle channel note shows up, but trickle channel itself is not shown  
- Determine whether energy dissipation is needed at Line 2 outlet to pond due to slope
PRELIMINARY PLANS FOR THE

ELECTRIC AVENUE APARTMENTS

LARGE SCALE DEVELOPMENT

IN

SPRINGDALE, ARKANSAS

L21-05

January 21, 2021

BY

ENGINEERING SERVICES INC.

CONSULTING ENGINEERS
SPRINGDALE, ARKANSAS
PHONE: 479-751-8733
FAX: 479-751-8746
WWW.ENGINEERINGSERVICES.COM

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NOTES:

1. ALL WORK AND DESIGN CONSTRUCTION MUST COMPLY WITH THE CODES AND REGULATIONS OF THE CITY OF SPRINGDALE, ARKANSAS, AS ENFORCED BY THE DEPARTMENT OF LAYOUT, CITY OF SPRINGDALE, CITY OF SPRINGDALE, ARKANSAS.

2. ALL WORK AND DESIGN CONSTRUCTION MUST COMPLY WITH THE SPECIFICATION REQUIREMENTS FOR THE CONSULTANTS OF WORK.

FOR THE CONSULTANTS OF WORK, CONTACT ENGINEERING SERVICES INC., PHONE: 479-751-8733, FAX: 479-751-8746, WWW.ENGINEERINGSERVICES.COM.
EX SEWER MANHOLE
RIM ELEVATION - 1,301.59'
WEST INVERT ELEVATION - 1,292.07'
EAST INVERT ELEVATION - 1,292.19'

*NOTE:
1) PAVING SCTIONS ARE TO BE DETERMINED BY A GEOTECHNICAL ENGINEER. SECTIONS SHOWN SHALL BE MODIFIED TO THE GEOTECHNICAL ENGINEER RECOMMENDATIONS.
2) ALL STRIPING AND SYMBOLS SHALL BE COORDINATED WITH OWNER PRIOR TO INSTALLATION.
3) CONTRACTOR IS TO SUBMIT A PLAN SHOWING JOINTS FOR OWNER APPROVAL AS PART OF THE PAVING SUBMITAL.
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: L21-07 Large Scale Development

Planning Comments

Large-Scale Comments:

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)
2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

Engineering Comments

1. Chapter 106 – Stormwater Drainage
(Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
- 106.1.3.3
  o Minimum floor elevations for other areas shall be a minimum of 1-foot above the calculated 100-year WSE of open channels, swales, or overland flow. (Show Minimum Finished Floor Elevation [FFE] on proposed structures)

2. Other:
   - *Permitting* - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being
proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

- **Construct-ability Review** – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
B. L21-07  **Springdale Moose Lodge #877 (Ritter Fiber Shelter)**
215 West Apple Blossom Avenue
Presented by Ritter Communications & 356 Solutions

Engineering Comments
- Show proposed finished floor elevation of structure
AMCS-14496104-RC
8X12 SHELTER

PRELIMINARY DRAWING

FLOOR CABLE ENTRANCE
FLOOR CABLE ENTRANCE

SECTION U-U

23" RACK RAIL (2 PLCS)

EXTERIOR GROUND BAR
GROUND TUBE

171

144

18.0

63.5

63.4

21.5

83.3

108

96

6.0

40.0

10.0

DOOR AWNING
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: L21-08 Large Scale Development Luther George Park

Planning Comments

Large-Scale Comments:

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)
2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

Engineering Comments

1. Chapter 107 – Stormwater Pollution
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - 107.3 - The following note is required as a General Note on the Site Plan:
   "Stockpiling of construction spoil material at particular locations shall only be allowed for a limited time period, not to exceed (6) months. Prior to a final inspection of the Grading Permit, the following standards shall be achieved for Completion of Construction:
   a) development and grading within the disturbed area is complete and matches plans as approved by the Planning Commission, and
   b) the disturbed soil area is observed to have 80% grass coverage and 100% stability, and
c) No slopes steeper than a 3:1 pitch unless otherwise approved in writing by the Director of Engineering, and
d) Notice of Violations issued have all corrective actions approved with an inspection report signed by a representative of the Director of Engineering, and
e) all heavy equipment, stockpiles, and construction site materials have been removed from the Construction Site."
  * I could not locate the note on Site Plan.

2. Chapter 130 – Zoning Ordinance
   (Ord. No. 3307, 3-25-03)
   - 130.7.6.1 ADA requirements.
     o Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
     ▪ This note is left in place throughout the design process to ensure that access is maintained.

3. Chapter 50 – Floods
   (Ord. No. 4110, § 1, 9-11-07)
   ▪ Is any work proposed in the floodway? If so, please submit a No-Rise Certification.

4. Other:
   - Permitting - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

   - Construct-ability Review – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
C. L21-08  Luther George Park  
300 Park Street  
Presented by Spackman Mossop Michaels / City of Springdale  

Engineering Comments:  
- Submit Grading permit application  
- Submit No-Rise Certification  
- Submit any Corps of Engineers permits
Memo

To: Planning Commission
From: Staff
Date: February 2, 2021
RE: L21-09 Large Scale Development

Planning Comments
Large-Scale Comments:

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans. (standard comment)
2. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above. (standard comment)

Commercial Design (Site)

1. Provide pedestrian sidewalk connection to ROW.

Engineering Comments

1. Chapter 106 – Stormwater Drainage
   (Ord. No. 2999, § 1, 6-27-00; Ord. No. 5245, § 1, 1-23-18)
   - 106.1.3.3
     o Minimum floor elevations for other areas shall be a minimum of 1-foot above the calculated 100-year WSE of open channels, swales, or overland flow. (Show Minimum Finished Floor Elevation [FFE] on proposed structures)
• Show the FFE.

2. Chapter 107 – Stormwater Pollution
   (Ord. No. 3673, § 1, 5-10-05; Ord. No. 4796, § 1, 6-10-14; Ord. No. 5220, § 1, 10-24-17)
   - 107.3
     o The site area of disturbance is greater than 0.5 acre. A Grading Permit Application, a SWPPP delineating all anticipated disturbed areas, a plan in those areas to achieve final stabilization (which at minimum must provide 80% grass coverage and 100% stabilization), a Dust Control Plan with appropriate BMPs designed to control dust, and an appropriate fee as shown on the application must be submitted to the City of Springdale Stormwater Manager for review prior to receiving final plan approval.

3. Chapter 130 – Zoning Ordinance
   (Ord. No. 3307, 3-25-03)
   - 130.7.6.1 ADA requirements.
     o Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.
       * This note is left in place throughout the design process to insure that access is maintained.

4. Other:
   - Permitting - Some development within the City of Springdale may require additional state or federal permits not administered by the City of Springdale to be granted prior to approval of the project. This includes, but may not be limited to, any work that is being proposed within rights-of-way and/or easements within the jurisdiction of the Arkansas Department of Transportation, the Arkansas Natural Resources Commission, the Arkansas Department of Environmental Quality, or the U.S. Army Corps of Engineers. Prior to final approval of this project, please provide a copy of any required Federal, State, and Local permits that are required. Final approval of this project does not waive or exempt any requirements by State or Federal laws.

   - Construct-ability Review – At the request of the Director of Engineering, this project has been submitted to the Large Scale Inspector for a Construct-ability review. Comments from the Large Scale Inspector will be provided in a future round of comments.
D. L21-09  Edwards & J Landscaping, Inc.
1186 Bulldog Avenue
Presented by James Geurtz

Engineering Comments:
- Submit Grading permit application
Edwards & J Landscaping Inc.

Large Scale Development

Springdale, AR

Project Address: 1186 Bulldog Ave

EDA Project No. 2261

December 30, 2020

Vicinity Map

INDEX SHEET
Survey V101
Site Plan C101
Utility Plan C102
Grading/Erosion Plan C103
Details C501
Erosion Control Details C502
Landscape Plan L101
Landscape Details L501

Call before you dig.
Call before you dig.
APPLICATION FOR VARIANCE  
ZONING BOARD OF ADJUSTMENT  
SPRINGDALE PLANNING COMMISSION  
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Allen Hart

Applicant's Mailing Address:

365 Old Wire Road 479-236-0846
Street Address or P.O. Box Telephone Number
Springdale, AR 72764 City, State & Zip Code

Property Owner's Name
(If different from Applicant): ___

Property Owner's Mailing Address:
(If different from Applicant):

___ Street Address or P.O. Box Telephone Number
___ City, State & Zip Code

Address of Variance Request: 365 Old Wire Road

Zoning District: SF-2

The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required: Front: 30 Side: 8 Back: 20
(This is the minimum required by the Springdale Code of Ordinance)

Requested: n/a Front: Side: Back:
(if granted what the setback would be.)

Variance: n/a Front: Side: Back:
(The difference between the “Required” and the “Requested” setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

We would like to replace a dilapidated accessory structure with a second principal structure on our 0.52 acre lot, for a garage with a second floor dwelling & home office. Article 6 - 2.4A says that each dwelling shall be treated as though as it is located on an individually platted lot, and each lot shall meet all the requirements of the zoning district in which the lot is located. We meet all of the requirement except for the lot width. The minimum lot width for SF-2 is seventy (70) feet on a public street at the front setback line. We do not have 140ft total of lot width at the street; we currently have 95'.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board’s opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
*The Applicant must respond to items 1, 2, and 3.*

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**
   Our 2-story 1,966sf house was built in the 1890's. We restored the interior of the house from 2012 to 2015. We need to add square footage for a guest room, garage and home office, but do not want to build an addition onto the house, in an effort retain its historic character and integrity.
   There is currently an accessory structure on the lot that is in disrepair (un-insurable) that we want to demolish and build a new structure for our garage in its place (albeit with a larger footprint to accommodate two vehicles, and a small workshop on the ground floor).

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**
   New construction of a 2-story garage is allowed for other properties as long as the garage is connected to the house. We do not want to damage the historic home and request that we be allowed to separate the structures. Therefore we need a variance from the requirement of a 140ft lot width to accommodate both structures (while still meeting side yard setbacks for both structures). We do not intend to separate the lots, the imaginary line exists only to comply with the requirements of adding a second primary structure on the existing lot.

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**
   The existing accessory structure was in disrepair when we bought the property in 2012. We have done what we can to maintain it, but have not been able to find an insurance company that will insure it. A new structure needs to be built.
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature* (If different from Applicant)

Property Owner Signature* (If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas

County of Washington ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public this 18th day of

Juan, 2021.

Luis Perez
Notary Public-Arkansas
Benton County
My Commission Expires 07-19-2029
Commission # 12708211
APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant’s Name: Jason Ingalls/Expedient Civil Engineering, PLLC

Applicant’s Mailing Address:
P.O. Box 5484
Bella Vista, AR 72714

Property Owner’s Name
(If different from Applicant): Karina Garcia Chavez

Property Owner’s Mailing Address:
(If different from Applicant):
3301 Gracie Circle
Lowell, AR 72745

Address of Variance Request: 4211 Dixie Industrial Ave.

Zoning District: C-2

The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required: Front: Side: Back: 
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: Side: Back: 
(if granted what the setback would be.)

Variance: Front: Side: Back: 
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):

We are requesting a variance for the requirement for detention. There is existing FEMA floodplain located about 80' to the east. Also, the increase in runoff is very minimal.

We are also requesting a variance to allow a gravel storage area. The nature of the business is for a roofing company with 3 other tenant spaces. The request is to allow gravel on the garage door sides of the building.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):

The adjacent hotel to the west did not provide detention. Instead, an 18" CMP culvert was piped across the southern boundary of the site. We are requesting to discharge the runoff from the site to an existing ditch that the culvert discharges to and ultimately discharges to the floodplain to the east.

The storage of roofing materials and other related items with turning movements from large trucks will damage asphalt pavement. We requesting to screen the gravel area with a 6' wooden fence.

3. That the special conditions and circumstances do not result from the actions of the applicant. Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):

The adjacent hotel to the west did not provide detention. Instead, an 18" CMP culvert was piped across the southern boundary of the site. We are requesting to discharge the runoff from the site to an existing ditch that the culvert discharges to and ultimately discharges to the floodplain to the east.

The storage of roofing materials and other related items with turning movements from large trucks will damage asphalt pavement. We requesting to screen the gravel area with a 6' wooden fence.
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**VERIFICATION**

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*

(If different from Applicant)

Applicant Signature*

Property Owner Signature*

(If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas )

County of Benton ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 16th day of


KATHERINE MADANA
Notary Public - Arkansas
Benton County
Commission # 12711323
My Commission Expires Jun 3, 2030

Notary Public
FILE NO. B21-10
APPLICANT: Gus Roofing Company
REQUEST: Variance of deviation of detention requirement
APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant’s Name: Juan C. Arago

Applicant’s Mailing Address:
3187 Julio Rd
Springdale AR 72764
(419) 409-7703

Property Owner’s Name
(If different from Applicant):

Property Owner’s Mailing Address:
(If different from Applicant):

Address of Variance Request: 3187 Julio Rd

Zoning District: A-1

The following information should be attached to this application:

1. $75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be
sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please contact staff to determine the required setback.

Required: Front: 35' Side: 20' Back: 35'
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 0' Side: 0' Back: 3'
(if granted what the setback would be.)

Variance: Front: 0' Side: 0' Back: 3'
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

Please see attachment

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:
*The Applicant must respond to items 1, 2, and 3.*

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

   Please see attachment

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

   Please see attachment

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

   Please see attachment
The purpose of this request is to reduce the rear setbacks to 3" ft asking for a variance of 32" ft for a structure that has already been built. As a human error with no knowledge of the rules and regulations of what is needed to build a structure. We acknowledge the fact that we did not get a permit to build the existing structure. In the attached photos there is clear view of what the structure looks like. The use of this structure is to store our mowing equipment and there is also a patio that sets right beside it with no electricity. Also, I misunderstood that my property was considered "rural" so to my understanding which I was wrong there was no permit needed. This structure that we are asking for a variance has been up for approximately 2 years which we were told by the building department that they had seen it but we were not notified until they received a complaint. It has been a project that I have been working on my free time which I would have liked for them to have notified me at a sooner time before it was complete. I also would like to mention that I have been through a challenging last couple months with the city a lot misinformation was given to me which lead to a civil lawsuit. I have included pictures of how it looked before the civil law suit our fence was where the neighbor's patios / porches exist now it would have decreased the amount of feet in the variance if we did have that old fence up. Just a brief reason for the law suit according to the people that bought the land our setbacks where never in the right place which was the reasoning why we were forced to get a lawyer. The major concern was that they had threatened us to destroy all the existing buildings that were in the disputed property line. I have attached a copy of the civil lawsuit if you would like to review it. The rear setbacks have changed after the civil law suit our fence was where the neighbor's patios are now. I also do want to mention that there is a total of 3 structures two old sheds and the one structure I built none of them are within the legal setbacks according to my zoning. Which is also my concern going forward with doing the proper things with the city. With all the misinformation given we were told by the building department that all the structures had to be destroyed and then they changed their mind after reviewing information that two of them had been up for years. Overall, there has been a lot of money spent and I would like for you to take in consideration the situation. Thank you Juan C. Araujo
4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**VERIFICATION**

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Applicant Signature*

Property Owner Signature*  
(If different from Applicant)

Property Owner Signature*  
(If different from Applicant)

*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas )

County of (Washington ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 11th day of January, 2021.

Notary Public
FILE NO. B21-13

APPLICANT: Juan Araujo

REQUEST: Variance of deviation of rear setback from 35' to 3' requirement