



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2023-1555

APPEAL: ADM-2023-0048: Administrative Item (1110 N. GARLAND AVENUE, ROADRUNNER APPEAL/FAYETTEVILLE STRONG, BARTLETT, 405): Submitted by DELANI BARTLETTE for property located at 1110 N. GARLAND AVENUE in WARD 2. The properties are zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.3 acres. The request is for an appeal to approved variances for an associated gas station.

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBERS SARAH MOORE AND TERESA TURK AND DENY VARIANCES VAR-2023-029 AND VAR-2023-030 FOR A GAS STATION DEVELOPMENT AT 1110 NORTH GARLAND AVENUE

WHEREAS, on July 24, 2023, the Fayetteville Planning Commission voted to approve variances to commercial design standards, driveway width, drive aisle width, throat length, and access management standards for a Road Runner gas station that is proposed to be developed at 1110 North Garland Avenue; and

WHEREAS, City Council Members Sarah Moore and Teresa Turk timely appealed this approval by their emails to City Clerk Kara Paxton on December 18, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that variances VAR-2023-029 and VAR-2023-030 submitted by Ecological Design Group for a gas station development at 1110 North Garland Avenue are denied.



MEETING OF JANUARY 18, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

DATE:

SUBJECT: **APPEAL: ADM-2023-0048: Administrative Item (1110 N. GARLAND AVENUE, ROADRUNNER APPEAL/FAYETTEVILLE STRONG, BARTLETT, 405): Submitted by DELANI BARTLETTE for property located at 1110 N. GARLAND AVENUE in WARD 2. The properties are zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.3 acres. The request is for an appeal to approved variances for an associated gas station.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend denial of the request to appeal the approved grading permit and associated variances at the subject property.

BACKGROUND:

The subject property is located at the northeast corner of N. Garland Avenue and W. North Street, and is bordered by N. Lindell Avenue to the east and W. Mount Comfort Road to the north. The property consists of two parcels which, prior to recent demolitions, were developed with commercial structures and associated parking that previously served as a restaurant, drive-thru, and gas station among other uses. In July 2023, two separate items, VAR-2023-0029 and VAR-2023-0030, were heard and approved by the Fayetteville Planning Commission. These items granted variances to commercial design standards, driveway width, drive aisle width, throat length, and access management standards to develop the property as a Road Runner gas station. Following approval of these variances, a grading permit was administratively approved on November 6, 2023 (GRD-2023-0051). Subsequently, the Planning Commission denied an appeal of the grading permit's approval on December 11, 2023. Public improvements are proposed at the intersection of North and Garland and along the property's frontage, which include medians and the addition of sidewalks in the area. Project timeline, request, site plan, and building design information are included in the attached Planning Commission memo.

Proposal: The request is to appeal the variances approved by the Fayetteville Planning Commission on July 24, 2023 (VAR-2023-0029 and VAR-2023-0030) in association with a gas station.

Public Comment: Staff has received public comment in support of the appeal, and is included in staff's Planning Commission memo on the item, as well as within the enclosed appeal letter. No public comment was made at the July 24, 2023 Planning Commission where variances were considered.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

DISCUSSION:

At the December 11, 2023 Planning Commission meeting, a vote of 6-2-0 voted to deny the requested appeal. Commissioners Garlock and Madden voted in opposition and Commissioner Winston was absent. Commissioners in opposition reiterated their initial vote to deny the variance requests. Three members of the public spoke at the hearing in opposition to the overall development, stating concerns about lack of compatibility with the long-term land use plans for the area including its location within a Tier 2 center as defined by City Plan 2040's growth concept map. Additional concerns included those regarding process along with potential traffic and safety impacts of the proposed project. Written public comment is included in staff's Planning Commission packet.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: APPEAL LETTER (#3), COUNCIL SUPPORT OF APPEAL (#4), ADM-2023-0048 PC Report (#5)

Mailing address:

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Attention:

- City Clerk Kara Paxton, cityclerk@fayetteville-ar.gov
- Councilmember Sarah Moore, Ward 2, Position 1, sarah.moore@fayetteville-ar.gov
- Councilmember Mike Wiederkehr, Ward 2, Position 2, mike.wiederkehr@fayetteville-ar.gov
- Councilmember Teresa Turk, Ward 4, Position 1, teresa.turk@fayetteville-ar.gov
- Mayor Lioneld Jordan, mayor@fayetteville-ar.gov

Re: Appeal of **VAR-2023-0029** and **VAR-2023-0030**

I am writing on behalf of Fayetteville Strong and our more than 700 members. The membership of Fayetteville Strong wishes urge our City Council members to appeal the granting of variances [VAR-2023-0029](#) and [VAR-2023-0030](#), associated with grading permit [GRD-2023-0051](#) for the Roadrunner Gas Station on the parcels (765-14032-000 and 765-14055-000) bounded by North Street, Garland Avenue, Lindell Avenue, and Mt. Comfort Road.

The applicant requested and received a number of exceptions to the development code so the site will have wider drive aisles and driveways than would usually be allowed to accommodate the large tanker trucks entering the site. Additionally, they were granted an exception from the usual requirement for pedestrian access and front building facades on all street frontages. These exceptions were packaged into the two separate variance requests identified above.

As instructed by Planning Staff, we previously appealed the grading permit to the Planning Commission. That appeal was heard and denied on Monday, December 11, 2023. [UDC §155.04](#) allows a Council Member to bring an appeal of Planning Commission decisions on behalf of a resident. **We respectfully request your support in appealing these variances for the reasons we will outline below.**

Grounds for Appeal:

In setting out the standards for variances to the Parking and Loading standards of the UDC, [§156.03](#) says, “the City Planning Commission may grant a variance... so that substantial justice may be done and the public interest secured” (emphasis added). This is clearly discretionary; not mandatory. We assert that in this instance, granting these variances undermines a variety of public interests which the development codes are intended to protect. Among these interests are creating walkable environments and passive security through appropriate facade design, protection of public infrastructure, the promotion of the City’s unanimously approved long-range planning goals, and pursuing our Vision Zero goals by preventing dangerous traffic situations - for both drivers and pedestrians.

We struggle to describe the missed potential that this project represents better than Commissioner Madden did when she said, “I’m concerned about this proposal on multiple levels. One of the first things I always think is, if a project needs seven variances, and the applicant has told us what a unique site this is, it makes my first question: is this the wrong site for a gas station of this scale?”

She went on to raise concerns which we share about the project’s deviations from the intent of the UDC:

- [VAR-2023-0029](#)
 - The building is in no way oriented to any of the four streets.
 - The City is about to construct a new multi-use trail on North Street. The blank wall facing North Street has only a fire exit, presenting a blank wall to the public realm.
- Not an appropriate neighborhood-scale commercial service:

- In the city's most densely pedestrian and best transit-served neighborhood, traffic entering and exiting for eight (8) gas pumps at an already-busy intersection doesn't contribute to the walkability goals of the Growth Concept Map and City Plan 2040.
- There is already a full grocery store across the street, another gas station 250 feet north, and another convenience store and gas station about three blocks east.
- [VAR-2023-0030](#)
 - This intersection is already extremely congested.
 - The applicant tells us that the site design is "crazy" with people walking around and the cars maneuvering.
 - Neither Mt Comfort nor Lindell have signalized intersections with Garland and North, so all the traffic from the gas station goes to those two awkward intersections to turn out within 300 feet of the traffic light. *In both cases crossing five (5) lanes to turn left, including turn lanes that are transitioning directions and sometimes queue from the light to the next intersection.*

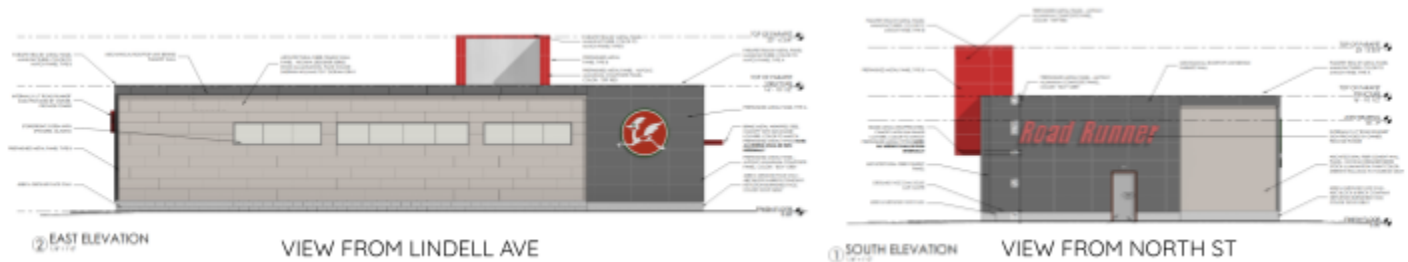
During the Planning Commission meeting, Assistant City Attorney Pennington described the burden of establishing that standards in the city code pose undue hardship as applied to development does indeed mean that Commissioners can consider the suitability of the proposed use when deciding to grant or deny a variance.

Madden reminded us, we don't have any parking requirements for commercial development in Fayetteville, so that gives this site *a lot* of flexibility. A gas station is going to need these variances. But there are a lot of other things that could be here, and a variance is not by right. So while gas stations are an allowed use in this zoning district, that doesn't mean that we want gas stations everywhere that C-1 zoning exists. The City is not obligated to grant variances to enable the peculiar requirements of a gas station, and we believe the Planning Commission erred by not considering the City Council's adopted goals when granting these exceptions to the development regulations.

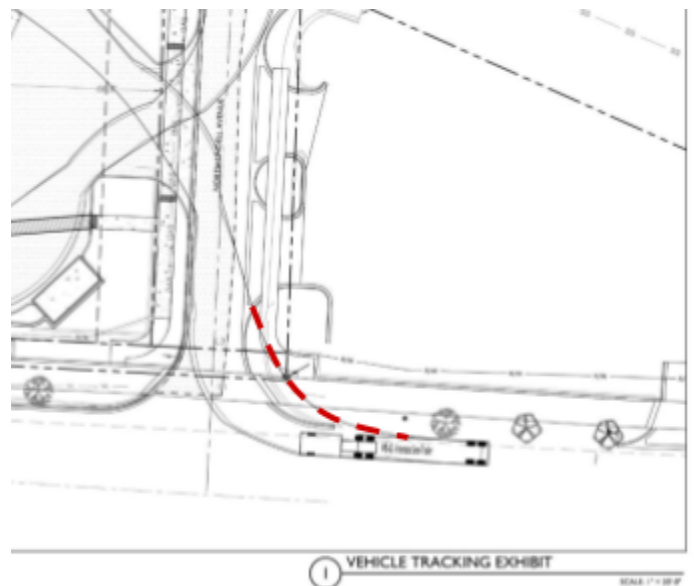
Again, according to Madden: "I understand that it feels to Roadrunner like this is the best development for this site. But I doubt Roadrunner considered the suitability of student housing, or offices, or many other things besides a Roadrunner gas station." We, the members of Fayetteville Strong, agree with her, and hope that we can work together to encourage a more suitable use that feels like the highest and best use for this neighborhood at the gateway to the University of Arkansas.

Issues & Objections

VAR-2023-0029 Variance #1 removes the requirement that the building present front facades and pedestrian access to all public streets. The applicant proposed facades as shown below facing Lindell Ave and North St. Notably, the door that would face the planned multi-use trail on North Street is an emergency exit. The lack of required windows robs the future public infrastructure of the benefits of passive security in accordance with CPTED (Crime Prevention Through Environmental Design) principles. This variance undermines the entire purpose of the Commercial Design and Development standards expressed in [§166.25](#), especially “(5) To address the issues of traffic, safety, and crime prevention.” and “(7) To provide good civic design and arrangement.”



VAR-2023-0030 Variance #1 increases the driveway width on North Lindell Avenue beyond the maximum 24 feet as required in [§172.04\(F\)\(4\)\(a\)\(ii\)](#) to 41 feet 3 inches (a 72% increase) to accommodate fuel delivery tanker trucks. However, these trucks will still be required to turn across the future shared-use trail on the north side of North St. Furthermore, the applicant’s vehicle track exhibit indicates that even with the wider driveway on Lindell Ave, the tanker trucks will still need to mount the curb very close to the retaining wall at the property to the east across Lindell Ave while turning across the multi-use trail.



We believe this creates life-threatening traffic conditions for pedestrians and cyclists. There are additional dangers to drivers who may be in the left lane when a truck driver attempts a wide turn, and to the public infrastructure should the driver fail to do so.

VAR-2023-0030 Variance #2 extends the maximum internal aisle width in several areas beyond the 24 feet allowed by §172.04(F)(4)(b)(iii). Staff recommended that the applicant be required to meet the maximum aisle width between the fuel station pumps and convenience store where higher pedestrian traffic is likely. Unfortunately, the Planning Commission removed that safety consideration.

We believe the Planning Commission erred in overruling Staff's recommendation, and that inconsistent site layout combined with the high turnover traffic generation of a gas station will create unsafe conditions for pedestrians as they approach the convenience store.

Nearby Traffic Safety Context Not Adequately Considered. The staff report did not address the broader traffic pattern in the surrounding blocks of this property. Commissioner Garlock raised the issue, but there was no substantive conversation about the issue among the rest of the Planning Commission.

We believe the failure to consider this context is a grave oversight, and we ask the City Council to consider the cost (in human lives) of inadequate planning and infrastructure.

Numerous dangerous traffic conditions already exist in this area, as evidenced by the city's pedestrian and vehicular traffic accident data. This segment of Mount Comfort Road is notorious for awkward intersections without signals at both ends, creating dangerous situations for pedestrians and drivers alike. The incomplete pedestrian infrastructure at the Garland and North/Wedington intersection leaves people stranded on crosswalk islands between dangerous slip lanes and the main traffic lanes, forcing people to take unsafe actions to navigate this intersection. Intentionally attracting a high volume of quick automobile visits to this already dangerous area without comprehensive plans to improve these known issues compounds the existing dangers and directly conflicts with the city's duty to protect public safety.



★ Conclusion

The applicant's representative told the Planning Commission that "this is a very odd site" and that gas stations "get kind of crazy when you have people walking through and people pulling out of parking spaces and gas pumps." This should reinforce the need to adhere to our pedestrian safety standards, rather than weaken them as the Planning Commission did with the removal of staff conditions. Because this site requires four variances to accommodate the ingress and egress of tanker trucks through this future pedestrian-oriented trail corridor, this site is inadequate for the proposed gas station use, and the development should not move forward. We eagerly await the opportunity to work together to encourage a more suitable use that would develop this parcel to the highest and best use for this neighborhood so that this highly visible corner becomes a signature gateway to the University. For these reasons, we ask your support to sponsor, support, and vote to grant this appeal and deny [VAR-2023-0029](#) and [VAR-2023-0030](#).

DeLani Bartlette, Founder
Fayetteville Strong

Appendix A: Additional Comments from [Change.Org Petition](#) Signers

- [Sherrilyn Goff](#), Fayetteville, AR
There's not room for a large gas station in that location. The fueling trucks can't come and go as needed. It will encourage congestion.
- [Paul Waddell](#), Fayetteville, AR
This property is an ideal location for a mixed-use building that would allow multiple stories for residential on top and commercial on street level. It would be a missed opportunity to not get this particular property right. Walkable to a lot of amenities and has existing infrastructure.
- [Josh Moody](#), Fayetteville, AR, United States
We need more walkable housing, not another gas station.
- [Gina Smith](#), Fayetteville, AR
As a long-time Fayetteville resident, I understand that the traffic patterns at this intersection do not support the additional high-volume traffic that a gas station would bring to that location.
- [Thomas Brown](#), Fayetteville, AR
The location and design of the proposed 10 to 15 foot retaining wall creates a unsafe pedestrian condition associated with the excessive height and design treatment of the retaining wall in a part of the filling station site that is adjacent to the intersection of North Street and Garland Avenue between the street right-of-ways and the store facades facing the intersecting streets.
- [Nick Thorn, AIA](#), Fayetteville, AR
I oppose this development because it is not the highest and best use for this land and the number of variances (for simple things like basic access to the site) granted for this project means that this site is inadequate for the proposed gas station use.

Appendix B: Additional Comments from [Reddit](#)

- [u/Ok-Lack-5172](#)
"Dang had high hopes a development that actually added value would go here."
- [/uCowboy_Bill_B_Bilson](#)
"Another gas station? There are already 2 others in the vicinity! I had high hopes for something of value to the neighborhood at that spot"
- [u/zakats](#)
"Gross, another gas station that adds nothing but more ultra-commercial junk and crime."
- [u/AmbientDrizzle](#)
"Especially on this particular site that could really have used something with more character or flavor in a section of town that seems slightly neglected in favor of other parts."
- [u/DorianGre](#)
"It also goes against the planned trail expansion on North and the redo of this intersection to be more walkable."
- [u/ceckels](#)
"Is it too late to oppose this development?"
 - [u/MuchaAgua](#)
"I don't know...but your councilmember should know this plan sucks."
- [u/Outrageous_Day_5529](#)
"How disappointing. Does anyone know if the city can deny this?"

Appendix C: 2023.07.23 Comments from [Fayetteville Flyer Facebook](#)





- Matthew Petty
We are in the middle of a housing crisis and this is prime location for walkable, dense development. What a shame. This is only becoming a gas station because the outdated zoning was never addressed.
- Sarah Marsh
There's already a gas station one block away. This proposal is a huge missed opportunity and waste of valuable urban land. This site would be better utilized with a four to six story mixed-use building with retail and restaurants on the first floor and apartments above. Redeveloping this site is an opportunity to create a place to be instead of exacerbating the car sewer that is that intersection. The bus stop across the street has one of the highest utilization rates in the region. Imagine if we actually infilled the area to make it more pedestrian friendly instead of inserting a use that will make it even more hostile to pedestrians.
- Shelley Mouber
Seriously?! We have enough gas stations per capita. Affordable housing is a priority- but I guess 3 gas stations within one block is much more important. 🙄
- Stephen Ironside
What a shame. City of Fayetteville Arkansas Government, we're better than this. Do better.
- Olivia Trimble
You can literally see another gas station in this picture. What a missed opportunity.
- Gelynda Johnson
we need more affordable housing that isn't student housing. Not more gas stations
- Katie Kiki
So many better options than this. So many more
- Deborah Sabo
I've lived in this neighborhood for over 30 years, it could use strenuous advocacy for more affordable housing. Affordable as in, could university staff employees manage to pay the rent?
- Morgan Large
I am beyond tired of all the gas stations and oil change & car washes. Come on, Fayetteville. Use our real estate better than this.
- Shawna Bell
I hope they don't put that there. There is already a place to get gas just a few yards away!!
- Rick Miller
The area could be revitalized into a new entertainment district. More live music, good food, pubs. Free parking.
- Zachariah Duran Coger
Oh thank god. I was worried we might get something awesome.
- Jules Taylor
Another gas station?!! There are 3 stations in a mile radius of that space. Disappointing choice for such a green and bike friendly community.
- Eryn Brothers
🙄🙄🙄 keeping it funky 🙄🙄🙄
- Chris Pleimann
But that's how they do it in Dallas....

Appendix C: 2023.11.13 Comments from [Fayetteville Flyer](#) Facebook

- Mariah Knauf
Yet another logistical nightmare for an already horrible area for traffic.
- Logan Thomas
Isn't there already a gas station literally right next to this lot?
- Taylor Starr
Great just what we need. A gas station right next door to a gas station that's right down the street from a gas station
- Allison Schick Scott
UGH. a gas station? what a waste
- Tami Smith
Another iconic building gone and replacing with a block building! What a shame!
- Greg Sher
Every time I ate at Mr. Burger, I secretly hoped that it would one day be replaced by a Road Runner gas station
- Melissa Upchurch
Ew. Just what Fayetteville needs; another trashy gas station. 🙄 Does the planning board actually do any planning or just throw stuff anywhere?
- Deborah Sabo
This neighborhood keeps getting the short end of the stick.
- Angie Patterson
All we need is another f'n gas station! There's one right there and another less than a mile down the road.
- Matt Keedy
Will the gas station have a smoke shop and a car wash? Let's hit the trifecta if we are going to keep approving unneeded new businesses.
- Mei Ziegler
How many gas stations do we need? Bad idea
- Jordan Cinqmars
They aren't even properly maintaining their current location!
- Sarah Paschal
Disappointed, but not surprised
- Mason Coe
We need to vote out all the stupids putting this stuff in around nwa it literally makes no sense
- Jim Greenwald
What a crappy replacement. 🤡
- Brian Napier
we should be (like everyone else...) phasing out gasoline infrastructure.
- Summer Stevens
Dumb

Appendix E: History & Timeline

- June 22, 2023:
 - [GRD-2023-0051](#) submitted.
- July 17, 2023:
 - [GRD-2023-0051](#) permit review not passed.
- July 21, 2023:
 - [Fayetteville Flyer article](#) alerted the public to the Road Runner proposal, but did not indicate the timing of the hearing.
- July 24, 2023 7:41 am:
 - Fayetteville Flyer [shared the article to their Facebook](#) where it garnered 322 comments, including some included above in Appendix C, and 62 shares.
Public reactions were: 👍 276 😬 94 😡 52 😱 15 😄 6 ❤️ 2 🤔 1
- July 24, 2023 11:08 am:
 - The Fayetteville Flyer article was [shared to reddit](#) where it received 26 comments, including some listed above in Appendix B.
- July 24, 2023 5:30 pm:
 - [VAR-2023-0030](#) was approved by the Planning Commission 6-2 with no public comment.
 - Motion to approve by Commissioner Winston, seconded by Commissioner Holcomb
 - Voting in favor of approval: Payne, Gulley, Holcomb, Winston, McGetrick, Brink
 - Voting against approval: Garlock, Madden
 - Absent: Sparkman
- August 25, 2023:
 - [GRD-2023-0051](#) permit review not passed.
- August 30, 2023:
 - Fayetteville Strong meeting (Council Member Wiederkehr present)
 - Discussed updated status on permit
 - Presentation of zoning proposal to implement Growth Concept Map at Garland & North
 - Twenty-one (21) Fayetteville Strong members in attendance voted unanimously to support effort for city-initiated rezoning to encourage more productive development
- September 27, 2023:
 - Fayetteville Strong meeting.
 - Discussed Transportation Committee/Roadrunner cost-share proposal for North St trail
 - Update on status of permit.
 - Revisited efforts for better zoning aligned to city plans, advocacy strategies
- September 29, 2023:
 - [GRD-2023-0051](#) permit review not passed.
- October 25, 2023:
 - [Change.org Petition launched](#)
- **November 6, 2023:**
 - [GRD-2023-0051](#) permit review passed with VAR-2023-0030 conditions of approval confirmed.
- November 13, 2023:
 - [Change.org petition](#) launched
 - As of Monday, Dec 18, it has received 168 signatures.
- November 20, 2023:
 - Fayetteville Strong submitted [ADM-2023-0048](#) appealing [GRD-2023-0051](#).

- December 11, 2023:
 - Planning Commission denied [ADM-2023-0048](#), our request for appeal 6-2. On advice from Senior Assistant City Attorney Blake Pennington, they limited their consideration to procedural compliance with the grading permit process and acknowledged that they were but “a stop along the way” to City Council reconsidering the variances.
 - Motion to approve by Commissioner Sparkman, seconded by Commissioner Brink
 - Voting in favor of approval: Payne, Gulley, Holcomb, McGetrick, Sparkman, Brink
 - Voting against approval: Garlock, Madden
 - Absent: Winston
- December 13, 2023 8:22 am:
 - Fayetteville Flyer [shared to their Facebook](#) their reporting on the Dec 11 Planning Commission Meeting, where it again garnered significant attention in the form of 168 comments, including some included above in Appendix D, and 20 shares.
Public reactions were:  103  76  21  6  3  2  1
- **December, 27, 2023:**
 - Council Members’ deadline to appeal [VAR-2023-0029](#) and [VAR-2023-0030](#) per Blake Pennington.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
Josh Boccaccio, Staff Engineer

MEETING DATE: December 11, 2023 **Updated with results from 12/11/2023 PC Meeting**

SUBJECT: **ADM-2023-0048: Administrative Item (1110 N. GARLAND AVENUE, ROADRUNNER APPEAL/FAYETTEVILLE STRONG, BARTLETT, 405):** Submitted by DELANI BARTLETTE for property located at 1110 N. GARLAND AVENUE. The properties are zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.3 acres. The request is for an appeal to an approved grading permit.

RECOMMENDATION:
Staff recommends denial of **ADM-2023-0048**.

RECOMMENDED MOTION:
"I move to deny **ADM-2023-0048**, recognizing the applicant's approved grading permit."

BACKGROUND:
The subject property is located at the northeast corner of N. Garland Avenue and W. North Street and is bordered by N. Lindell Avenue to the east and Mount Comfort Road to the north. The property currently consists of two parcels, which, until recently demolished, were developed with a commercial structures and associated parking. Two separate items were heard and approved by the Fayetteville Planning Commission on Monday, July 24 (VAR-2023-0029 and VAR-2023-0030) which covered variances to commercial design standards, driveway width, drive aisle width, throat length, and access management standards. A grading permit was administratively approved on November 6, 2023 (GRD-2023-0051). Public improvements are proposed at the intersection of North and Garland and along the property's frontage, which include medians and the addition of sidewalks in the area. Surrounding land use and zoning is depicted in Table 1.

**Table 1:
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Mixed Retail / Restaurant	C-2, Thoroughfare Commercial
South	Mixed Retail / Multifamily Residential	C-2, Thoroughfare Commercial RMF-40, Residential Multifamily (40 units / acre)
West	Bank / Grocer	C-1, Neighborhood Commercial C-2, Thoroughfare Commercial
East	Restaurant	C-2, Thoroughfare Commercial

Request: The applicant seeks to appeal staff's issuance of a grading permit for a gas station. The applicant has cited 169.01(B) as the reason why the grading permit should be denied, arguing that it runs counter to the intent of the chapter and that the existing scenic character and quality of the neighborhood and city as a whole would be diminished by the permit's approval.

The applicant also contests the variances that were previously-approved by the Planning Commission. Code requires that variances can only be appealed to the City Council once an approval or denial of an overall project is first granted by the Planning Commission, which is why the staff approval of the grading permit is being appealed first to the Planning Commission.

DISCUSSION:

In July 2023, Planning Commission heard two separate variance applications, VAR-2023-0029 and VAR-2023-0030, which in total represented six separate variances for the proposed development of a gas station, Use Unit 18, in C-1 zoning. Gas stations are a by-right, permitted use in the C-1 zoning district. The variances that were under consideration were split into two separate items at the applicant's request, but the Planning Commission chose to hear them together.

- **VAR-2023-0029:**
 - §166.25(C)(4), Commercial, Office, and Mixed-use Design and Development Standards, to allow a principal façade facing a street without a prominent entrance. Staff recommended approval given the site's unique characteristic of having 4 street frontages.

- **VAR-2023-0030:**
 - §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces, to allow wider than typical driveway entrances. Staff recommended partial approval, recommending that the driveway along Mount Comfort Road be narrowed to 24 feet wide, but recommended in favor of the driveway along N. Lindell Avenue to be a maximum of 41 feet 3 inches wide based on the necessity of accommodating turning radii of large fuel trucks.

 - §172.04(F)(4)(b)(iii) Internal Aisle Design, to allow for wider than typical drive aisles. Staff recommended in favor of expanding the drive aisles for this use, finding that there was a necessity of accommodating the routing of larger vehicles throughout the site. Staff recommended a condition of approval narrowing the drive aisle between the fuel stations and the convenience store (that Planning Commission ultimately struck).

 - §172.04(F)(1) Throat Length, to allow for a shorter than typical throat length. Staff recommended in favor of this variance, finding that adequate stacking space for vehicles could be found on-site, even with the shortened throat length.

 - §166.08(F) Access Management, to allow for two driveway entrances where typically only one would be permitted by right. Staff recommended in favor of the request, since the proposal was reducing the number of curb cuts on the overall site from three to two, and providing a higher priority on access to the lower classification street.

 - §166.08(F)(2)(a) Curb Cut Separation, to allow for a curb cut to be less than 50 feet from an intersection. Staff recommended in favor of the request since the applicant's proposal was reducing the amount of non-conformity of the proposed curb.

Commissioners opposed to the request expressed issues about the proposal, including the concern about the number of variances that were being requested, the scale of the gas station being proposed, the number of pedestrian and bike accidents that have occurred in the area, the

number of vehicle crashes that have occurred in the area, and potential to negatively affect traffic. Commissioners in favor of the proposal found that the variances were appropriate for the location and the proposed development, found that the applicant made a good effort to reduce the number of variances, and understood that it was an allowable use in the zoning district. Senior Assistant City Attorney indicated that the Planning Commission had discretionary authority to grant conditions to variances. A member of the applicant’s team indicated that most of these variances would be required for any development on-site, minus the requirement for wider interior drive aisles.

One phone call in opposition to the requests was received and reported by City staff prior to the July 24 Planning Commission meeting. No members of the public spoke at the meeting. Public comment was received by City staff following the Planning Commission determination in opposition to the Planning Commission’s approval.

On June 22, 2023, the applicant submitted grading permit GRD-2023-0051 for staff review. The grading permit, after 3 rounds of review and staff comment, was issued a conditional approval letter by the Engineering Division, the Utilities Division, and Urban Forestry September 29, 2023. On November 6, 2023, the project was approved after a fourth and final review. Staff comments include mention that all conditions of approval as outlined by VAR-2023-0030 were met with this request, and that those conditions of approval as outlined by VAR-2023-0029 would be further evaluated with the application of a building permit. The Engineering Division has provided a summary of review comments, as well as a copy of the conditional approval letter.

During grading permit review, Engineering staff also identified an opportunity for a cost share with the development, wherein the developer would install the planned improvements along their frontage above and beyond what would typically be required, and the City would reimburse for those additional improvements. A cost share requires City Council approval, which has not yet been in front of that body for consideration.

Public Comment: Written public comment has been received by City staff in opposition to the request and it is attached to this report for the Commission’s consideration.

RECOMMENDATION: Staff recommends denial of ADM-2023-0048.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: December 11, 2023	<input type="checkbox"/> Tabled	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied		
Motion: Sparkman				Commission upheld staff's approval of grading permit.	
Second: Brink					
Vote: 6-2-0 (Commissioners Garlock and Madden in favor of the appeal)					

BUDGET/STAFF IMPACT:

None

Attachments:

- Planning Commission staff reports:
 - VAR-2023-0029
 - VAR-2023-0030
- Engineering Memo
- Urban Forestry Memo
- Appeal Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: July 24, 2023 (UPDATED WITH MEETING RESULTS)

SUBJECT: **VAR-2023-0029: Planning Commission Variance (W. MT COMFORT RD & N LINDELL AVE/ ROAD RUNNER, 405):** Submitted by FINNEL PURIFOY ARCHITECTS for property located at W. MT. COMFORT RD & N. LINDELL AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.62 acres. The request is for variances to Building Exterior Appearance and Design Standards.

RECOMMENDATION:

Staff recommends approving **VAR-2023-0029**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2023-0029**, recommending:*

- *In favor of the requested commercial, office and mixed-use development standards variance; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located at the northeast corner of N. Garland Ave and W. North St and is bordered by N. Lindell Ave to the east and Mount Comfort Rd to the north. The property currently consists of two parcels, each developed with a commercial structure and associated parking. These buildings are intended to be demolished with the new construction. A separate variance request has been submitted by Ecological Design group for multiple parking lot design and access management variances (VAR-2023-0030). Surrounding land use and zoning is depicted in Table 1.

**Table 1:
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Mixed Retail / Restaurant	C-2, Thoroughfare Commercial
South	Mixed Retail / Multifamily Residential	C-2, Thoroughfare Commercial RMF-40, Residential Multifamily (40 units / acre)
West	Bank / Grocer	C-1, Neighborhood Commercial C-2, Thoroughfare Commercial
East	Restaurant	C-2, Thoroughfare Commercial

Request: The applicant requests building permit approval to construct an approximately 3,500-square foot convenience store, associated parking, EV chargers, and gas pump canopy for 8 pumps. As a part of this proposal, the architect has submitted a request for a variance from one

chapter of the Unified Development Code as outlined below alongside staff's recommendations. A separate application was submitted for site design variance requests:

DISCUSSION

Variance #1: §166.25(C)(4), Commercial, Office, and Mixed-Use Design and Development Standards. For nonresidential development that occurs along a public street, all structures are required to include a front façade with a prominent entry facing the right-of-way. Given the subject property fronts existing or proposed public streets on all sides, a principal façade and entrance is required for each building elevation. The applicant's proposed structure includes an entrance to the northwest and southwest, facing N. Garland Ave and W. North St. respectively.

- *Staff recommendation:* Staff supports the request for two primary reasons and subject to conditions of approval. As noted, the subject property will include street frontage on all sides, which is a unique condition. Although multiple street frontages benefit the development through increased accessibility, it does not eliminate the realities of building design wherein back-of-house and support programming is necessary and not conducive to through traffic from the public. With these issues in mind, staff has reviewed the site and floor plans and supports the request with conditions, including the addition of a pedestrian access to the building from the south, west, and north. Staff also recommends increasing the prominence of the entry on the southern façade through techniques such as the use of glazing along the south façade in support areas, extending the covered walking area over the doorway, outdoor planters or other features. Windows may be reflective for security considerations associated with cash handling but should increase visibility to the south of the building.

Public Comment: Staff received one phone call expressing general opposition to the proposed variance request.

RECOMMENDATION: Staff recommends approval of VAR-2023-0029, with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.25(C)(4), Commercial, Office, and Mixed-use Design and Development Standards, to allow a principal façade facing a street without a prominent entrance.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
 - a. *A pedestrian route will be provided from the public sidewalk along W. North St., Mount Comfort Rd, and N. Lindell Ave.*
 - b. *Prominence of southern entry shall be increased through additional glazing, extension of covered walkway, outdoor planters or other architectural features.*
2. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>July 24, 2023</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied
Motion: WINSTON With Conditions as recommended by staff
Second: HOLCOMB
Vote: 6-2-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Developed Code:
 - §166.25, Commercial, Office, and Mixed-use Design and Development Standards
- Request Letter
- Site Plan
- Building Elevations
- Floor Plan
- Building Materials Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

166.25 - Commercial, Office and Mixed-Use Design And Development Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.
- (3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.
- (4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.
- (5) To address the issues of traffic, safety, and crime prevention.
- (6) To preserve property values of surrounding property.
- (7) To provide good civic design and arrangement.

(B) *Applicability.* These design and development standards apply to commercial developments, office developments, small scale production, those parts of a planned zoning district or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

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

...

- (4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).

...

(F) *Variances.* (See Chapter 156.)

(Ord. No. 5526, 9-18-12; Ord. No. 5735, 1-20-15; Ord. No. [6091](#), §1, 9-18-18)

June 26th, 2023,

Attn: Jessica Masters
City of Fayetteville, AR
City Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Road Runner Fayetteville
Building Exterior Appearance and Design Standards Variance Request

Ms. Masters,

Fennell Purifoy Architects, on behalf of Coulson Oil the owner of Road Runner, is requesting a variance be permitted for a decrease in number of principal facades that require a prominent entryway for front facades facing adjacent street and highway rights-of-way. Per the City's Unified Development Code, Section 166.25 (C) (4) Commercial, Office, and Mixed Use Design and Development Standards; FPA is requesting an approval for a decrease in number of principal facades which require a prominent entryway on facades that façade adjacent streets.

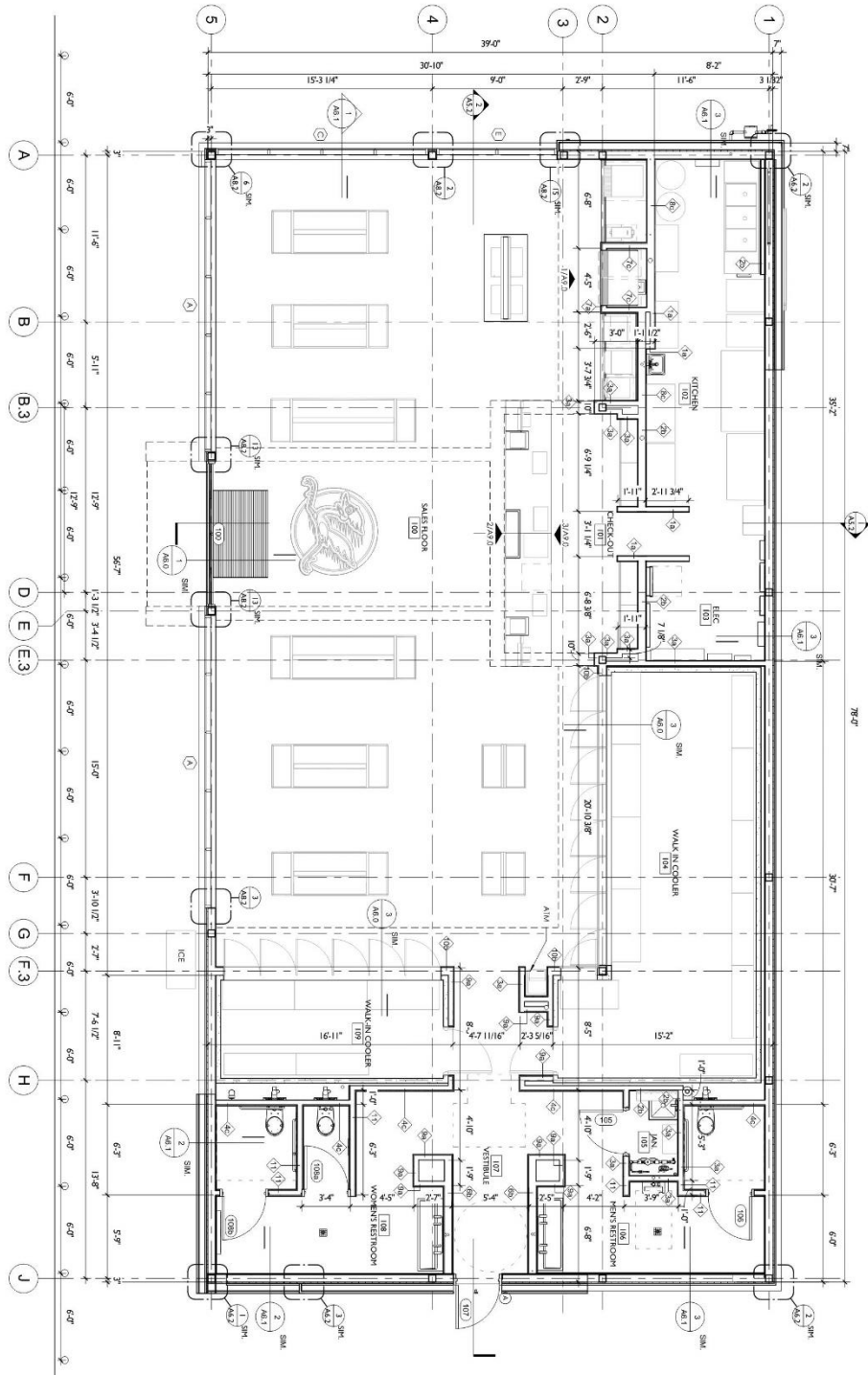
This site is located at the corner of Garland Avenue and North Street and has street frontage along Mt. Comfort Street and Lindell Avenue, making this a unique site which fronts streets on all sides. Another site element which makes the site unique is the steep slope that drops from the southwest to northeast, limiting the site access to the as well as constraining the building and fuel canopy location and orientation on the site. The site topography and building setback determined the best location for the main entry, fuel pumps, and primary parking spaces was along the western side. Due to the programmatic nature, typical daily usage, sight control of fuel pumps, and limited staff visual surveillance of the site and building of the Road Runner convenience store it would not be feasible to require entrances on the other facades.

We have developed each of the facades to have a combination clear glazing, spandrel glazing, ACM panels, fiber cement siding and standard Road Runner signage within the Building Exterior Appearance and Design Standards. There will be pedestrian access and vehicular access to the prominent entry on the west façade from all sides of the building and site. We respectfully request, on behalf of Coulson Oil, that the variance be approved for a reduction in the number of principal facades along street frontages that require a prominent entryway.

Sincerely,

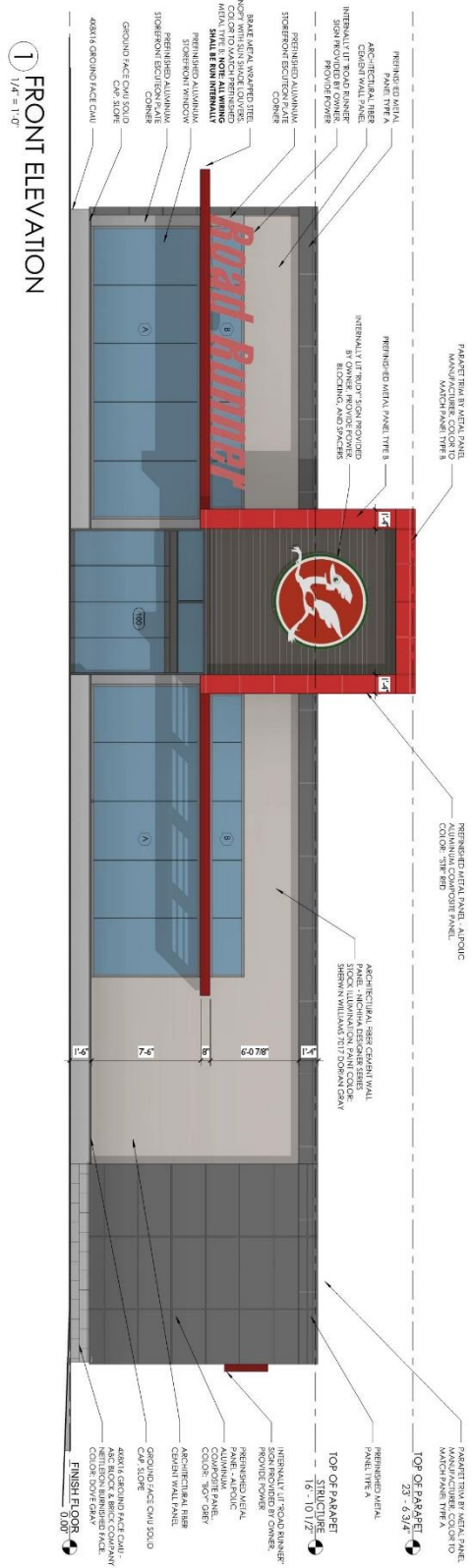
Phil Purifoy, AIA
Fennell Purifoy Architects

1 FLOOR PLAN
1/8" = 1'-0"

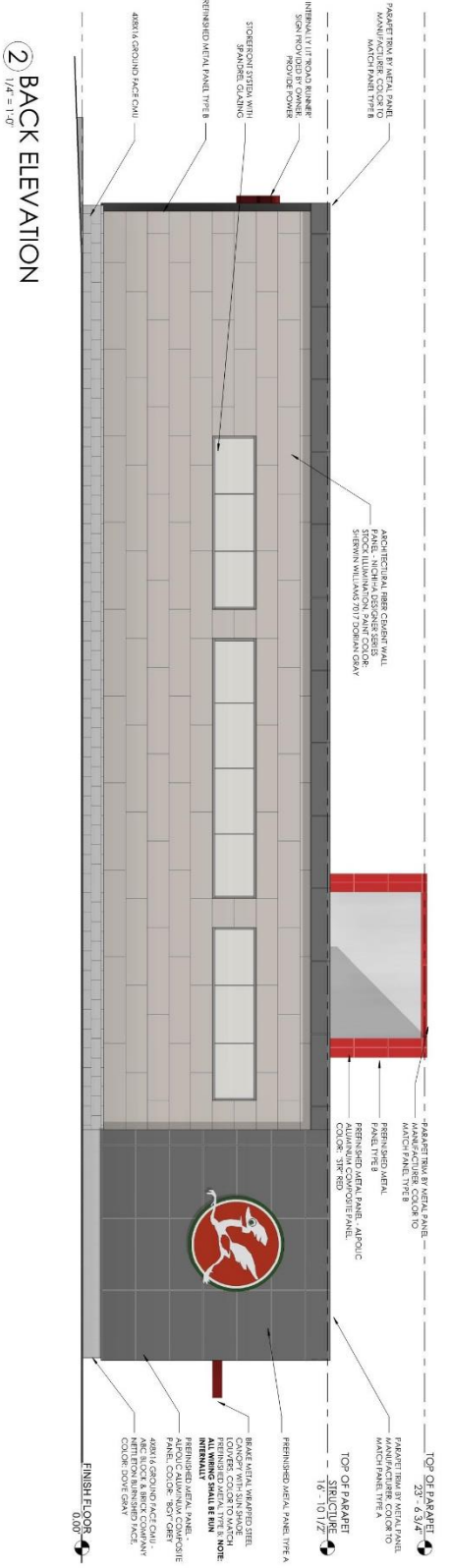


FENNEL PURIFOY
ARCHITECTS
100 RIVER BLVD, DRIVE, SUITE 200, LITTLE ROCK, AR 72602
T: 501.372.6734 F: 501.372.6734

WEST ELEVATION (GARLAND AVENUE)



EAST ELEVATION (LINDELL AVENUE)



FENNEL PURIFOY
ARCHITECTS
 100 RIVER BLVD, SUITE 230, LITTLE ROCK, AR 72202
 501.325.4534

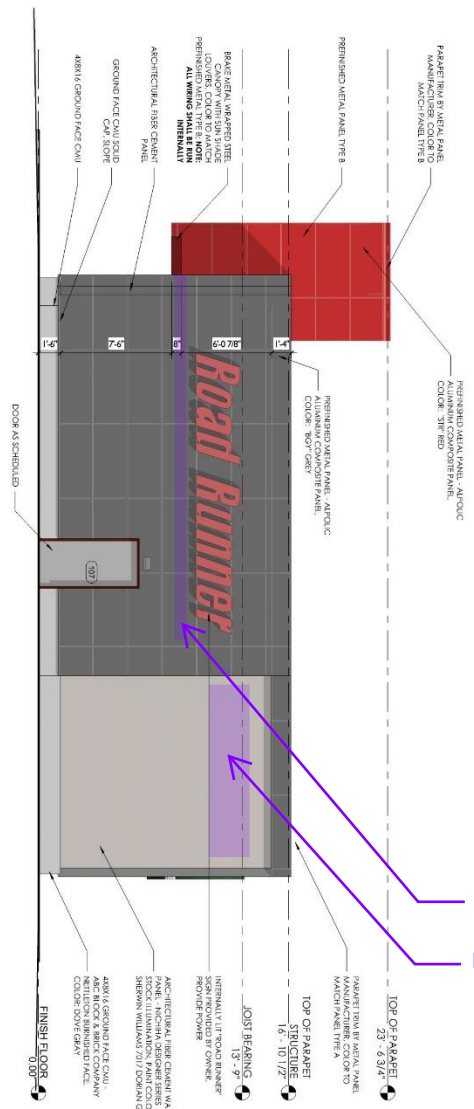
ELEVATIONS
 A5.0

CHECK SET
 05.30.23

REVISIONS:

SOUTH ELEVATION (NORTH STREET)

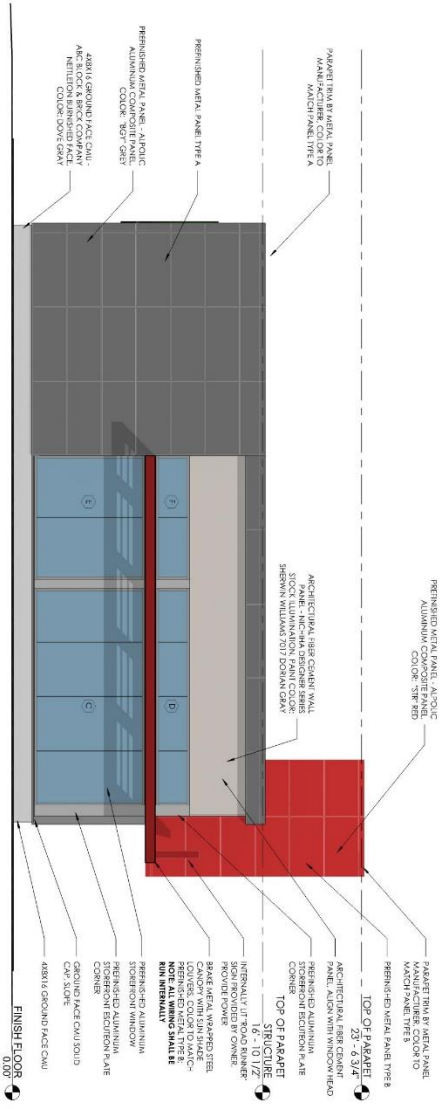
1 SIDE ELEVATION
1/4" = 1'-0"



Possible canopy over secondary purple
Possible window location

NORTH ELEVATION (MOUNT COMFORT ROAD)

2 SIDE ELEVATION
1/4" = 1'-0"



FENNEL PURIFOY
ARCHITECTS
100 RIVER BLUFF DRIVE, SUITE 200 - LITTLE ROCK, AR 72202
1.501.372.4234 F. 501.372.4734

MATERIALS EXHIBIT



Wonsower, Donna

From: Development Services
Sent: Tuesday, July 25, 2023 8:29 AM
To: Wonsower, Donna
Subject: FW: The RoadRunner on Garland/North Street

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Please see below.

Thanks

From: Micah Chaney <micahvonchaney@gmail.com>
Sent: Tuesday, July 25, 2023 7:52 AM
To: Development Services <developmentservices@fayetteville-ar.gov>
Subject: The RoadRunner on Garland/North Street

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am writing to express my strong disapproval of the proposed "Roadrunner" gas station development on the corner of North Street and Garland. As a concerned resident and active member of the local community, I feel compelled to voice my concerns regarding this project.

The corner of North Street and Garland holds untapped potential to enhance the community's future appeal. Instead of a gas station, we need projects that align with our neighborhood's essence and contribute positively to its growth and prosperity.

Adding another gas station, "Roadrunner," in close proximity to existing ones is unnecessary and redundant. It will not add any significant cultural or aesthetic value, but rather create an eyesore that detracts from the neighborhood's appeal and potential for future development.

Furthermore, this gas station would hinder walkability and discourage potential residential development opportunities, which are essential for fostering a close-knit community. It begs the question: Who does this development serve? Surely not the community it's in.

The hardworking families in our neighborhood seek a vibrant and sustainable community to call home. A new gas station, "Roadrunner," without any added value, will not cater to the needs of local people seeking a better quality of life.

I kindly request that the Development Department and relevant authorities reconsider the approval of the "Roadrunner" gas station project. Let's prioritize the long-term interests of our community over short-sighted gains and explore alternative development opportunities that truly contribute to the future appeal and prosperity of our neighborhood.

Thank you for your consideration. I am open to further discussion on this matter.

Yours sincerely,

--

-Micah Chaney

Wonsower, Donna

From: Development Services
Sent: Tuesday, July 25, 2023 8:29 AM
To: Wonsower, Donna
Subject: FW: Roadrunner North Street/Garland

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Donna,

Please see below.
Thanks

-----Original Message-----

From: Danielle Otranto <dotranto92@gmail.com>
Sent: Tuesday, July 25, 2023 7:37 AM
To: Development Services <developmentservices@fayetteville-ar.gov>
Subject: Roadrunner North Street/Garland

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my strong disapproval of the proposed "Roadrunner" gas station development on the corner of North Street and Garland. As a concerned resident and active member of the local community, I feel compelled to voice my concerns regarding this project.

The corner of North Street and Garland holds untapped potential to enhance the community's future appeal. Instead of a gas station, we need projects that align with our neighborhood's essence and contribute positively to its growth and prosperity.

Adding another gas station, "Roadrunner," in close proximity to existing ones is unnecessary and redundant. It will not add any significant cultural or aesthetic value, but rather create an eyesore that detracts from the neighborhood's appeal and potential for future development.

Furthermore, this gas station would hinder walkability and discourage potential residential development opportunities, which are essential for fostering a close-knit community. It begs the question: Who does this development serve? Surely not the community it's in.

The hardworking families in our neighborhood seek a vibrant and sustainable community to call home. A new gas station, "Roadrunner," without any added value, will not cater to the needs of local people seeking a better quality of life.

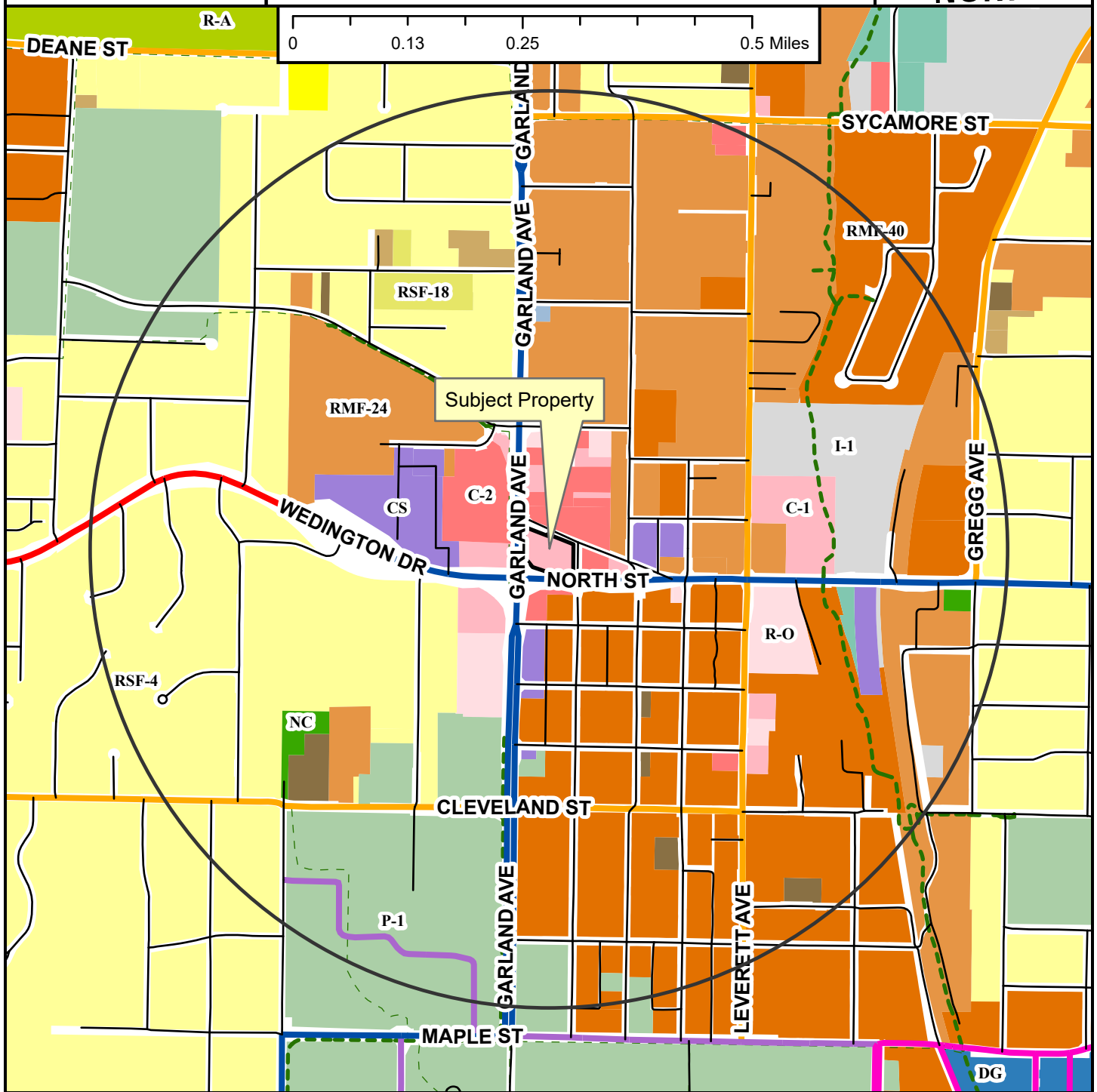
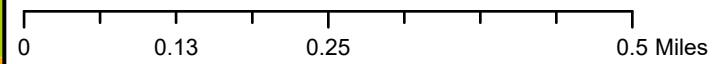
I kindly request that the Development Department and relevant authorities reconsider the approval of the "Roadrunner" gas station project. Let's prioritize the long-term interests of our community over short-sighted gains and explore alternative development opportunities that truly contribute to the future appeal and prosperity of our neighborhood.

Thank you for your consideration. I am open to further discussion on this matter.

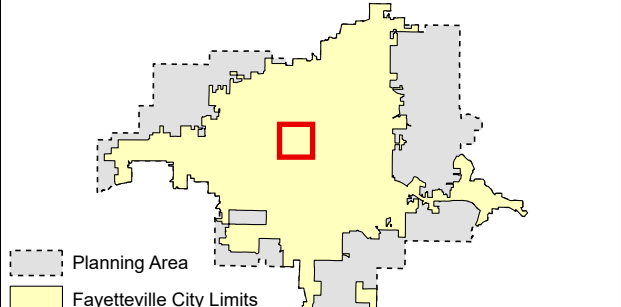
Yours sincerely,
Danielle Otranto

W. MT COMFORT RD & N. LINDELL AVE

One Mile View



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

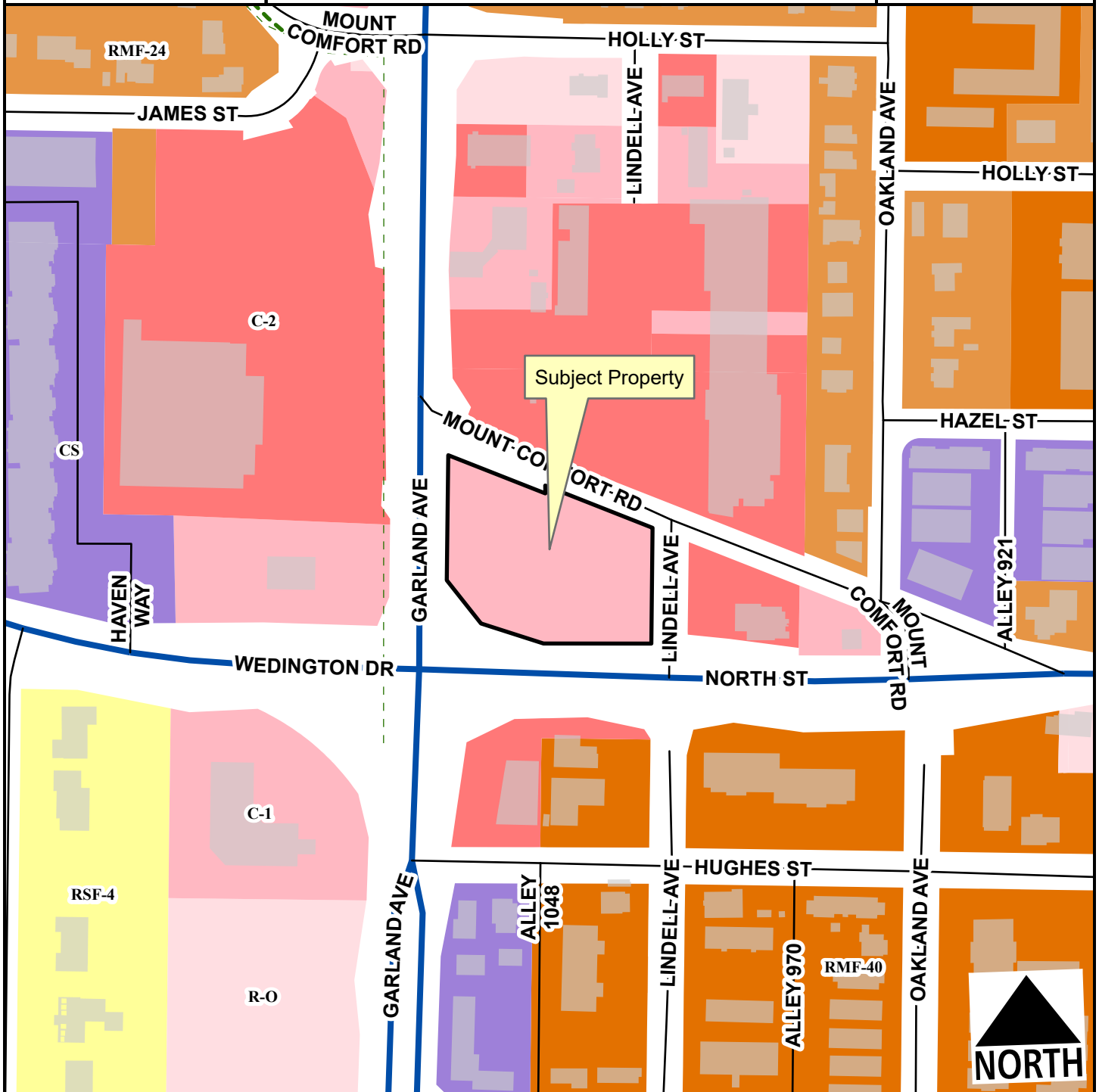


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

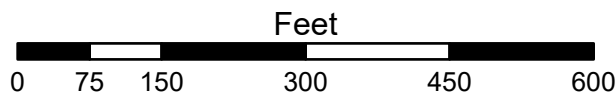
VAR-2023-0029

W. MT COMFORT RD & N. LINDELL AVE

Close Up View



- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



1:2,400

- RSF-4
- RMF-24
- RMF-40
- Residential-Office
- C-1
- C-2
- Community Services



VAR-2023-0029

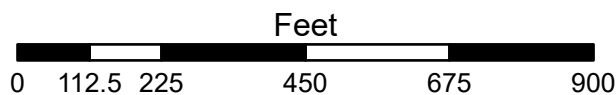
W. MT COMFORT RD & N. LINDELL AVE



Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: July 24, 2023 (UPDATED WITH MEETING RESULTS)

SUBJECT: **VAR-2023-0030: Planning Commission Variance (W. MT COMFORT RD & N LINDELL AVE/ ROAD RUNNER, 405):** Submitted by ECOLOGICAL DESIGN GROUP for property located at W. MT. COMFORT RD & N. LINDELL AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.62 acres. The request is for variances to driveway width, drive aisle width, throat length, and access management standards.

RECOMMENDATION:
Staff recommends approving **VAR-2023-0030**, with conditions.

RECOMMENDED MOTION:
"I move to approve VAR-2023-0030, recommending:

- *In favor of the requested variance to §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces;*
- *In favor of the requested variance to §172.04(F)(4)(b)(iii) Internal Aisle Design;*
- *In favor of the requested variance to §172.04(F)(1) Throat Length;*
- *In favor of the requested variance to §166.08(F) Access Management;*
- *In favor of the requested variance to §166.08(F)(2)(a) Curb Cut Separation; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located at the northeast corner of N. Garland Ave and W. North St and is bordered by N. Lindell Ave to the east and Mount Comfort Rd to the north. The property currently consists of two parcels, each developed with a commercial structure and associated parking. These buildings are intended to be demolished with the new construction. The architects have submitted a separate variance request for architectural requirements (VAR-2023-0029). Surrounding land use and zoning is depicted in Table 1.

**Table 1:
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Mixed Retail / Restaurant	C-2, Thoroughfare Commercial
South	Mixed Retail / Multifamily Residential	C-2, Thoroughfare Commercial RMF-40, Residential Multifamily (40 units / acre)
West	Bank / Grocer	C-1, Neighborhood Commercial C-2, Thoroughfare Commercial
East	Restaurant	C-2, Thoroughfare Commercial

Request: The applicant requests building permit approval to construct an approximately 3,500-square foot convenience store, associated parking, EV chargers, and gas pump canopy for eight pumps. As a part of this proposal, the engineers have submitted requests for five variances as outlined below alongside staff's recommendations.

DISCUSSION

Variance #1: §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces. For parking lots containing nine (9) or more parking spaces, two-way entrances shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department. The applicant proposes one entrance onto Mount Comfort Rd. that is 42 feet in width and one entrance onto N. Lindell Ave. that is 41 feet 3 inches in width. A vehicle turning radius exhibit has been provided indicating delivery vehicle access throughout the site.

- *Staff recommendation:* Staff recommends in partial favor of the request subject to conditions of approval. Fuel stations require deliveries from large vehicles with substantial turning radii as indicated by the provided exhibit. The driveway width provided for N. Lindell Ave. appears to be the minimum necessary to meet the required access for these large vehicles. As the Mount Comfort Rd. entry is not affected in the vehicle turning radius exhibit, meeting ordinance for this entry would better align with the intent of the code. In summary, staff recommends in favor of the request for the N. Lindell Ave. driveway but that the Mount Comfort Rd. driveway be required to meet ordinance.

Variance #2: §172.04(F)(4)(b)(iii) Internal Aisle Design. For parking lots containing nine (9) or more parking spaces, all parking lots with 90-degree parking are required to have two-way aisle widths of 24 feet. Portions of the site at the northwest and southeast corners have aisle widths exceeding 100 feet, and the aisle width between the convenience store and fuel pumps exceeds 30 feet. Additionally, the northwest corner of the parking lot adjacent to the fuel station is only 17 feet wide.

- *Staff recommendation:* Staff supports the request subject to conditions of approval. As noted, the subject property is a fuel station with frontage on all four sides, which is a unique condition. Although multiple street frontages benefit the development through increased accessibility, it does not eliminate the realities of routing large vehicles through the site particularly noting the steep slopes on the southern portion of the property. Staff recommends ~~that the applicant be required to meet the maximum aisle width between the fuel station pumps and convenience store where higher pedestrian traffic is likely,~~ the pedestrian path on the southeast corner of the site be straightened to minimize the length of pedestrian vehicle conflict zone, and that tree islands shall be placed on either side of the pedestrian path at the southeast corner to minimize the length of pedestrian travel in exposed vehicle travel lanes. **Commission removed condition for aisle width between store / fuel pumps**

Variance #3: §172.04(F)(1) Throat Length. The required throat length for unsignalized driveways is 40-60 feet. The proposed throat length for the driveway entry onto Mount Comfort Rd is approximately 24 feet and the throat length onto N. Lindell Ave is approximately 25 feet in length. The applicant notes that the throat lengths have been shortened to provide large enough turning radii for larger delivery vehicles as indicated on the provided exhibit.

- *Staff recommendation:* Staff supports the request for two primary reasons and subject to conditions of approval. As noted, the subject property will include street frontage on all sides, which is a unique condition. While multiple frontages benefit

the site through increased accessibility, steep slopes and minimum driveway distance requirements limit use of the west and southern portions of the property for access, requiring larger delivery vehicles to route through the property. With these issues in mind and considering that throat length requirements are intended to assure adequate stacking space within parking lots, staff has reviewed the site plans and supports the request with conditions, including the provision of a striping plan for staff review clearly indicating direction of travel lanes, and indicating any aisle widths that do not meet the minimum for two-way travel as one-way only.

Variance #4: §166.08(F) Access Management. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer. The applicant's proposed development includes access onto Mount Comfort Rd and N. Lindell Ave, both residential link streets, for truck access.

- *Staff recommendation:* Staff supports the request. There are currently three driveways in this portion of W. Mount Comfort Rd. and the proposal would reduce this to one. There is also an existing driveway onto N. Lindell Ave in approximately the same location as the proposed development. The property is sited on the northeast corner of N. Garland Ave. and W. North St, both High Activity Regional Links. While both streets have a turning lane, limiting access to a single street could potentially create increased traffic congestion due to the proximity of the development to a major intersection. No additional conditions are recommended.

Variance #5: §166.08(F)(2)(a) Curb Cut Separation. For nonresidential development that occurs along residential links, curb cuts shall be located a minimum of 50 feet from an intersection or driveway. The applicant's proposed development includes a driveway onto N. Lindell Ave that is approximately 48 feet from the intersection of N. Lindell Ave and W. Mount Comfort Rd.

- *Staff recommendation:* Staff supports the request, for two primary reasons. An existing driveway is currently located in approximately the same location; however, it is smaller in size and thus meets the separation requirements for curb cuts. Due to the increase in size to meet turning radii, the driveway no longer meets separation requirements though it is close. Additionally, the proposed driveway location aligns with an existing driveway across the street.

Public Comment: Staff received one phone call expressing general opposition to the proposed variances.

RECOMMENDATION: Staff recommends approval of VAR-2023-0030, with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces.** *Staff recommends partial approval of the requested variance for the reasons outlined above and subject to the following conditions:*
 - a. The driveway onto N. Lindell Ave. may be a maximum of 41 feet 3 inches wide as indicated on the plans.
 - b. The driveway on Mount Comfort Rd. may be a maximum of 24 feet wide.

2. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(4)(b)(iii) Internal Aisle Design.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
 - ~~a. The applicant be required to meet the maximum aisle width between the fuel station pumps and convenience store where higher pedestrian traffic is likely; Removed~~
 - b. The pedestrian path on the southeast corner of the site be straightened to minimize the length of pedestrian vehicle conflict zone;
 - c. One tree island shall be placed on either side of the pedestrian path on the east building façade.

3. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(1) Throat Length.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
 - a. A striping plan be provided for staff review clearly indicating direction of travel lanes; and
 - b. Any aisle widths that do not meet the minimum for two-way travel be marked as one-way only.

4. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.08(F) Access Management.** *Staff recommends approval of the requested variance for the reasons outlined above. No additional conditions are recommended by staff.*

5. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.08(F)(2)(a) Curb Cut Separation.** *Staff recommends approval of the requested variance for the reasons outlined above. No additional conditions are recommended by staff.*

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>July 24, 2023</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Motion: WINSTON	Approved with all staff recommended conditions, except condition 2a limiting drive aisle width between the convenience store and fuel pumps. Width approved as shown on plans.		
Second: HOLCOMB			
Vote: 5-3-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Developed Code:
 - §166.08, Street Design and Access Management Standards
 - §172.04 Parking Lot Design Standards
- Request Letter
- Site Plans
- Vehicle Turning Radius Exhibit
- Staff Recommended Conditions Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

166.08 Street Design and Access Management Standards

...

- (F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.
- (1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.
- (2) Separation for two (2) family, three (3) family, multi-family and nonresidential development.
- (a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.
- (b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.
- (c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §§1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-20)

172.04 Parking Lot Design Standards

...

(E) *Dimensional Requirements.* (See Table 1)

TABLE 1
DIMENSIONAL REQUIREMENTS

Angle (A)	Type	Width (in ft.) (B)	Curb length (in ft.) (C)	One-way aisle width (in ft.) (D)	Two-way aisle width (in ft.) (D)	Stall depth (in ft.) E)
0°	Standard	8	22.5	12	24	8
Parallel	Compact	7.5	19.5	12	24	7.5
30°	Standard	9	18	12	24	17
	Compact	7.5	15	12	24	14
45°	Standard	9	12.5	12	24	19
	Compact	7.5	10.5	12	24	16
60°	Standard	9	10.5	18	24	20
	Compact	7.5	8.5	15	24	16.5
90°	Standard	9	9	24	24	19
	Compact	7.5	7.5	22	24	15
	Motorcycle/Scooter	3	3	12-24	24	7.5 - 9

...

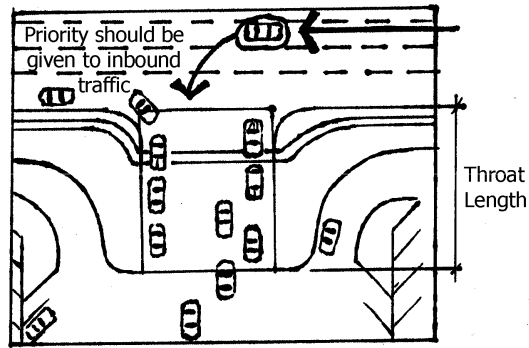
(F) *Parking Lot Circulation.*

- (1) *Throat Length.* The length of driveways or "throat length" shall be designed in accordance with the anticipated storage length for vehicles to prevent them from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear below, but these requirements may vary according to the project volume of the individual driveway. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways. Variation from these standards may be permitted for good cause upon approval of the Zoning and Development Administrator and City Engineer.

TABLE 2
GENERALLY ADEQUATE DRIVEWAY THROAT LENGTHS

Shopping Centers (Signalized)	>200,000 GLA* (800) spaces	200 ft.
Smaller Developments (Signalized)	<200,000 GLA*	75—95 ft.
Unsignalized Driveways	—	40—60 ft.

*GLA-Gross leaseable area



Commentary: The throat lengths in Table 2 are provided to assure adequate stacking space within parking lot driveways for general land use intensities. This helps prevent vehicles from stacking into the thoroughfare as they attempt to enter the parking lot. High traffic generators, such as large shopping plazas, need much greater throat length than smaller developments or those with unsignalized driveways. The guidelines here for larger developments refer to the primary access drive. Reduced throat lengths may be permitted for secondary access drives serving large developments.

...

(4) *Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces.* The driveway width into parking lots shall meet the following requirements:

(a) *Entrances.*

- (i) *One-Way Access to Parking Lots.* If the driveway is a one-way in or one-way out, then the driveway width shall be a minimum of 12 feet and a maximum of 16 feet.
- (ii) *Two-Way Access to Parking Lots.* For two (2) way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.
- (iii) *Neighborhood and Regional Links.* Driveways that enter neighborhood and regional link streets may be required to have two (2) outbound lanes (one (1) for each turning direction) and one (1) inbound lane for a maximum total driveway width of 39 feet.
- (iv) *Effective Curb Radius.* All driveways serving nine (9) or more parking spaces shall have an effective curb radius of 15 feet for curb cuts on residential link streets and an effective curb cut radius of 20 feet for neighborhood and regional link streets.

(b) *Internal Aisle Design.*

- (i) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.
- (ii) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.
- (iii) Aisles shall conform to the dimensional requirements of §172.04(C).

Parking Lots With Nine (9) Spaces or More	
	Driveway Dimensional Requirement
One Way Access	12 feet Minimum - 16 feet Maximum
Two Way Access	2 Drive Lanes 10 feet Minimum Each - 24 feet Maximum Total Driveway Width
Neighborhood/Regional Link	3 Drive Lanes - Maximum of 39 feet
Effective Curb Radius - Residential Link	15 feet
Effective Curb Radius - Neighborhood/Regional Link	20 feet

....

(Ord. No. 4725, 7-19-05; Ord. No. 4855, 4-18-06; Ord. No. 4917, 9-05-06; Ord. No. 5044, 8-07-07; Ord. No. 5079, 11-20-07; Ord. No. 5297, 12-15-09; Ord. No. 5592, 06-18-13; Ord. No. 5680, 4-15-14; Ord. No. 5841, §§1—3, 1-5-16; Ord. No. 5859, §2, 3-15-16; Ord. No. 6325, §1, 6-16-20; Ord. No. 6350, §9(Exh. G), 8-18-20)

June 21, 2023

City of Fayetteville
Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.535.8233

EDG #: 22-077
PROJECT NAME: Road Runner, Fayetteville, AR 72701
DEVELOPER: Coulson Oil, 5101 Northshore Lane Little Rock, AR 72118

Project Narrative

The Road Runner – Fayetteville is located at 1130 and 1139 N Lindell Avenue and consists of 2 parcels, totaling approximately 1.18 acres. Site features include an asphalt parking lot, EV chargers, gas pumps, and bike infrastructure.

EDG is requesting variances to Sections 172.04(F)(4)(a)(ii), 172.04(D), 172.04(F), 166.08(F) of the Unified Development Code. The main goal of this request is to provide adequate turning radii for tanker trucks to enter, traverse, and exit the project site safely while providing adequate room for pedestrians and vehicular traffic.

A vehicle tracking exhibit of the site shows that a singular larger tanker truck requires a substantial amount of pavement to be able to enter, traverse, and exit the site. The additional driveway on Mount Comfort drive is intended to serve the average vehicle traffic.

Variance Request

EDG is requesting the following variances:

1. Variance to Unified Development Code Chapter 172, 172.04(F)(4)(a)(ii), for the Road Runner – Fayetteville project to not require a 24-foot-wide maximum driveway width.
 - a. Justification: This site has been laid out so that tanker trucks and other vehicular traffic are able to enter and exit the site safely. Since these trucks require a wider turning radius, the driveway widths have been widened to 42' along Mount Comfort Road and 41' 3" along Lindell Avenue.

2. Variance to Unified Development Code Chapter 172, 172.04(D) for the Roadrunner - Fayetteville to not require a maximum 24' wide drive aisle throughout the site.
 - a. Justification: This site has been laid out to account for tanker trucks and other vehicular traffic to be able to traverse the site without interruptions to site activity. Since this service station will have tanker trucks on site frequently to unload into the gas tanks, an adequate space has been created for them to park and for a vehicle to be able to always travel to all portions of the site. Similarly, to the justification for wider driveway widths, these trucks have larger turning radii and will need extra space for their wheel paths to be able to enter and exit the site.

3. Variance to Unified Development Code Chapter 172, 172.04(F) for the Roadrunner - Fayetteville to not require a throat length of 40-60'.
 - a. Justification: Similarly, to the variances above, this site will need adequate room for tanker trucks to be able to navigate the site. Since this site will need to be accessed by Mount Comfort Road and N Lindell Avenue, trucks will need to quickly turn to be able to navigate to the tanks on site. The throat length has been shortened to prevent wheel paths from these trucks from crossing over curbs and landscaping.
4. Variance to Unified Development Code Chapter 172, 166.08(F) for the Roadrunner - Fayetteville to not require that only one access drive be constructed and curb cuts be located a minimum of 100 feet from an intersection or driveway for the Neighborhood links (Mount Comfort Road and N Lindell Ave). Since this site must be accessed from Mount Comfort and N Lindell Ave and larger trucks must be able to enter and exit the site, the driveway accesses will need to be located closer than 100 feet to an intersection, specifically the entrance along Lindell Avenue. The additional driveway is necessary for the development to ensure that larger trucks and cars have a feasible entrance and exit into the site.

Code Sections:

1) 172.04(F)(4)(a)(ii) Driveway Widths

4. Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces. The driveway width into parking lots shall meet the following requirements:
 - a. Entrances
 - i. One-Way Access to Parking Lots. If the driveway is a one-way in or one-way out, then the driveway width shall be a minimum of 12 feet and a maximum of 16 feet.
 - ii. Two-Way Access to Parking Lots. For two (2) way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.
 - iii. Neighborhood and Regional Links. Driveways that enter neighborhood and regional link streets may be required to have two (2) outbound lanes (one (1) for each turning direction) and one (1) inbound lane for a maximum total driveway width of 39 feet.
 - iv. Effective Curb Radius. All driveways serving nine (9) or more parking spaces shall have an effective curb radius of 15 feet for curb cuts on residential link streets and an effective curb cut radius of 20 feet for neighborhood and regional link streets.

1) 172.04(D) Internal Aisle Width

- a) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.
- b) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.
- c) Aisles shall conform to the dimensional requirements of §172.04(C).0

Parking Lots With Nine (9) Spaces or More	
	Driveway Dimensional Requirement
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Effective Curb Radius - Residential Link	15 feet
Effective Curb Radius - Neighborhood/Regional Link	20 feet

2) 172.04(F) Parking Lot Circulation

- a) **Throat Length.** The length of driveways or "throat length" shall be designed in accordance with the anticipated storage length for vehicles to prevent them from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear below, but these requirements may vary according to the project volume of the individual driveway. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways. Variation from these standards may be permitted for good cause upon approval of the Zoning and Development Administrator and City Engineer.

Shopping Centers (Signalized)	>200,000 GLA* (800) spaces	200 ft.
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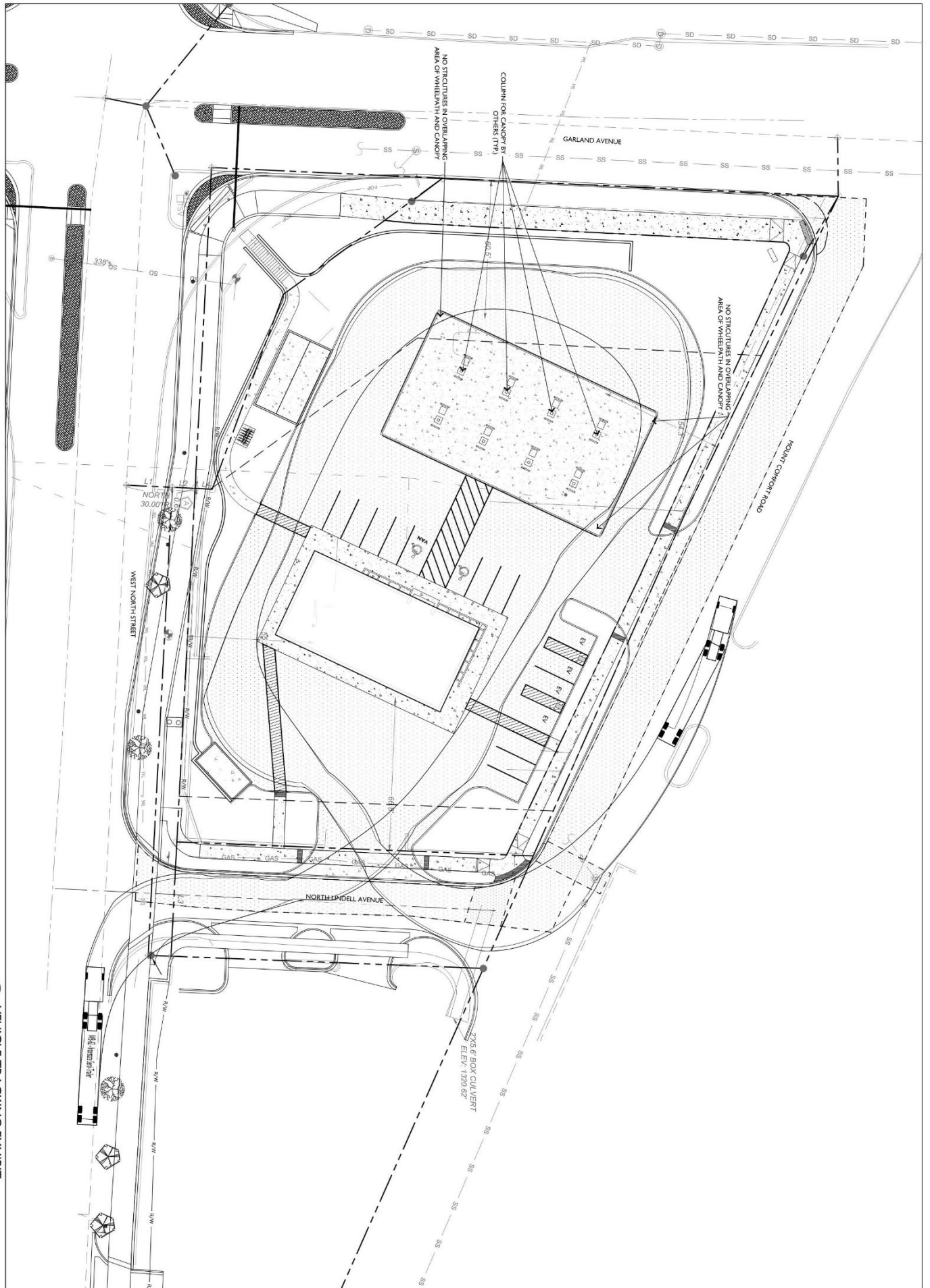
I) 166.08(F) Access Management, Access onto Multiple Streets

- b) **Access Management.** Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.
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- (1) **Regional and Regional High Activity Links.** Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.
 - (2) **Neighborhood Links.** Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.
 - (3) **Residential Links.** Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

Sincerely,



Brahm Driver, PE
Ecological Design Group, Inc. | 501.944.3090 | bdriver@ecologicaldg.com



1 VEHICLE TRACKING EXHIBIT

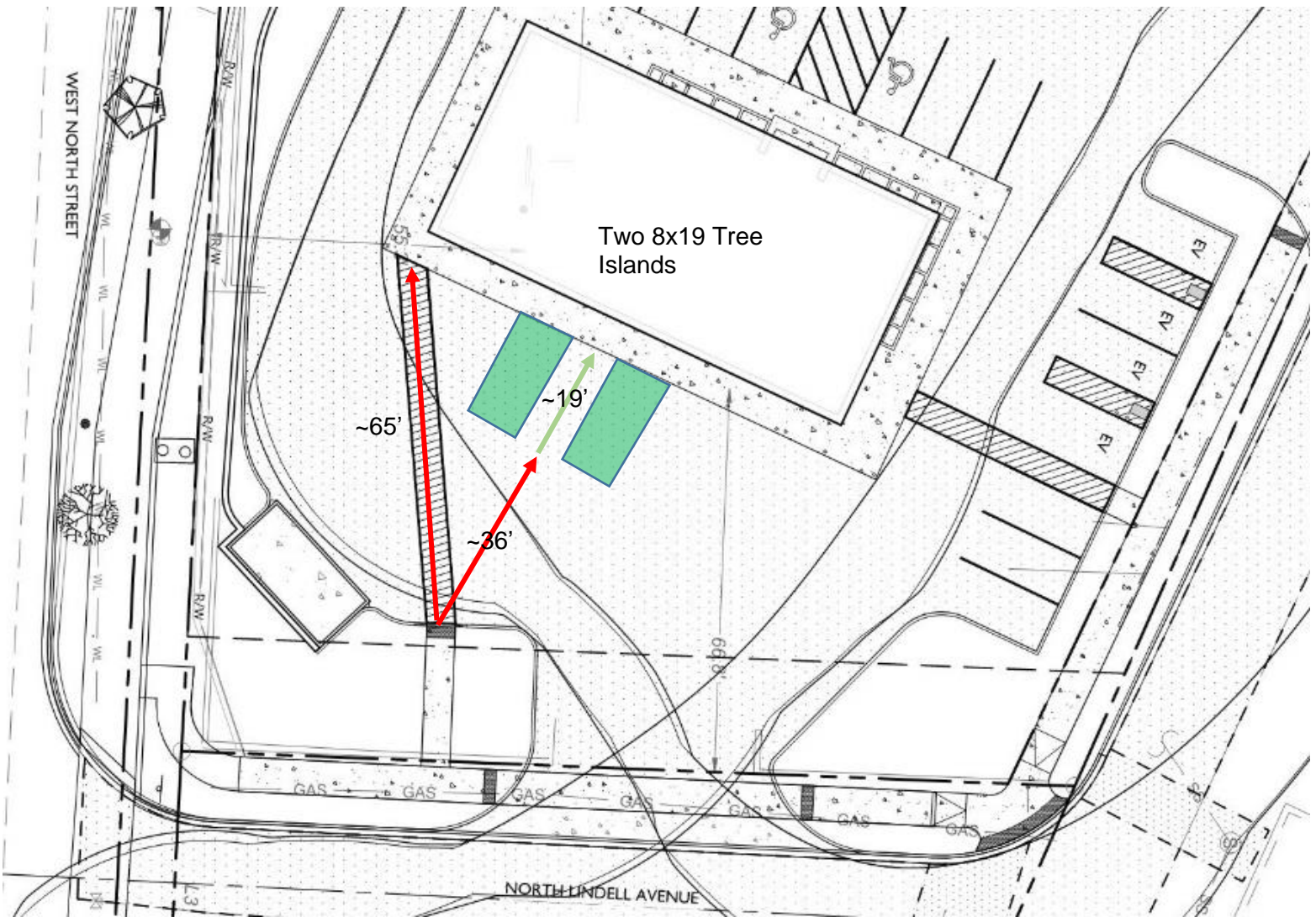
SCALE 1" = 20'-0"



NORTH



STAFF RECOMMENDED CONDITION EXHIBIT



Wonsower, Donna

From: Development Services
Sent: Tuesday, July 25, 2023 8:29 AM
To: Wonsower, Donna
Subject: FW: The RoadRunner on Garland/North Street

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Please see below.

Thanks

From: Micah Chaney <micahvonchaney@gmail.com>
Sent: Tuesday, July 25, 2023 7:52 AM
To: Development Services <developmentservices@fayetteville-ar.gov>
Subject: The RoadRunner on Garland/North Street

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am writing to express my strong disapproval of the proposed "Roadrunner" gas station development on the corner of North Street and Garland. As a concerned resident and active member of the local community, I feel compelled to voice my concerns regarding this project.

The corner of North Street and Garland holds untapped potential to enhance the community's future appeal. Instead of a gas station, we need projects that align with our neighborhood's essence and contribute positively to its growth and prosperity.

Adding another gas station, "Roadrunner," in close proximity to existing ones is unnecessary and redundant. It will not add any significant cultural or aesthetic value, but rather create an eyesore that detracts from the neighborhood's appeal and potential for future development.

Furthermore, this gas station would hinder walkability and discourage potential residential development opportunities, which are essential for fostering a close-knit community. It begs the question: Who does this development serve? Surely not the community it's in.

The hardworking families in our neighborhood seek a vibrant and sustainable community to call home. A new gas station, "Roadrunner," without any added value, will not cater to the needs of local people seeking a better quality of life.

I kindly request that the Development Department and relevant authorities reconsider the approval of the "Roadrunner" gas station project. Let's prioritize the long-term interests of our community over short-sighted gains and explore alternative development opportunities that truly contribute to the future appeal and prosperity of our neighborhood.

Thank you for your consideration. I am open to further discussion on this matter.

Yours sincerely,

--

-Micah Chaney

Wonsower, Donna

From: Development Services
Sent: Tuesday, July 25, 2023 8:29 AM
To: Wonsower, Donna
Subject: FW: Roadrunner North Street/Garland

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Donna,

Please see below.
Thanks

-----Original Message-----

From: Danielle Otranto <dotranto92@gmail.com>
Sent: Tuesday, July 25, 2023 7:37 AM
To: Development Services <developmentsservices@fayetteville-ar.gov>
Subject: Roadrunner North Street/Garland

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my strong disapproval of the proposed "Roadrunner" gas station development on the corner of North Street and Garland. As a concerned resident and active member of the local community, I feel compelled to voice my concerns regarding this project.

The corner of North Street and Garland holds untapped potential to enhance the community's future appeal. Instead of a gas station, we need projects that align with our neighborhood's essence and contribute positively to its growth and prosperity.

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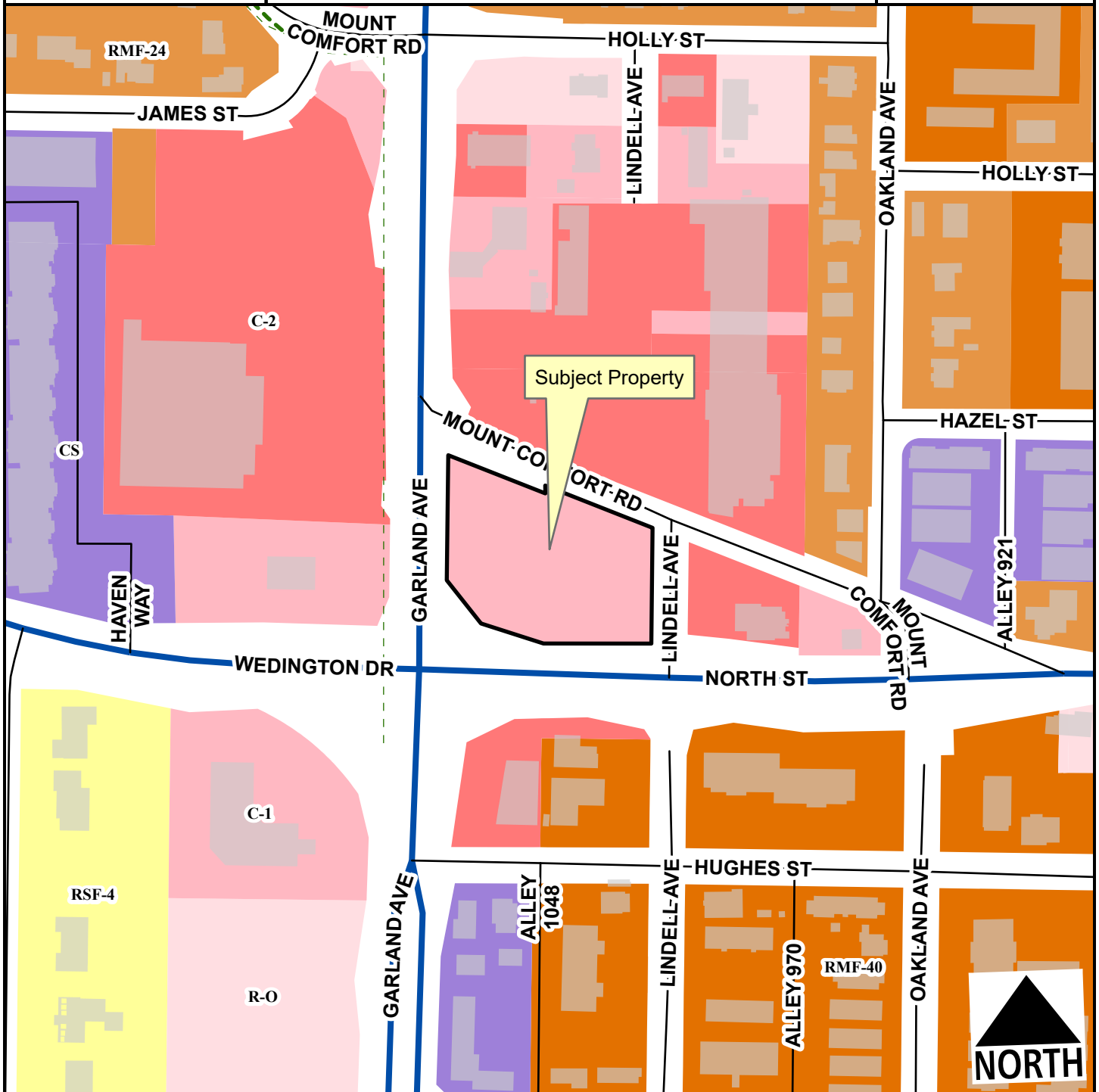
Thank you for your consideration. I am open to further discussion on this matter.

Yours sincerely,
Danielle Otranto

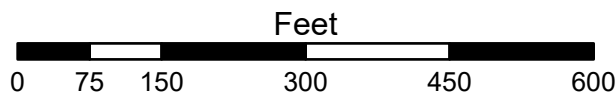
VAR-2023-0030

W. MT COMFORT RD & N. LINDELL AVE

Close Up View



- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



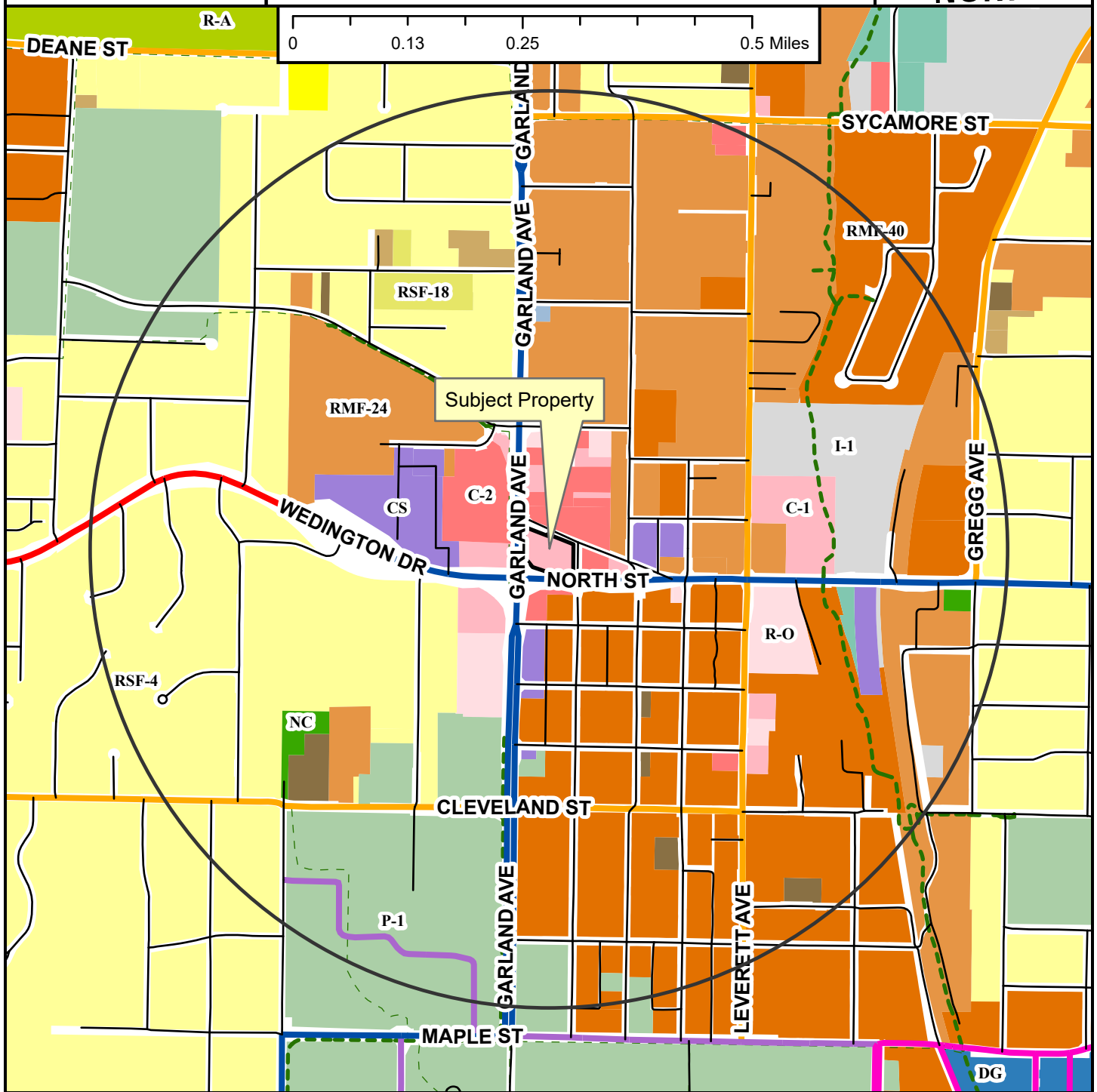
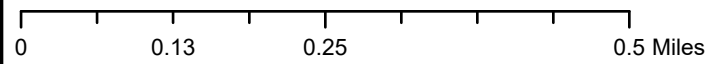
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- RSF-4
- RMF-24
- RMF-40
- Residential-Office
- C-1
- C-2
- Community Services

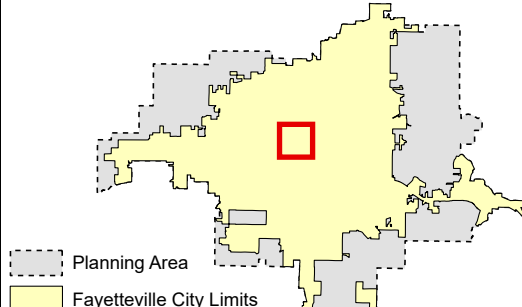


W. MT COMFORT RD & N. LINDELL AVE

One Mile View



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RS-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

VAR-2023-0030

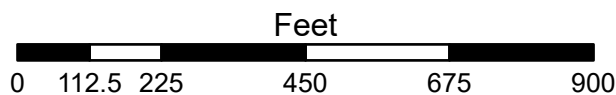
W. MT COMFORT RD & N. LINDELL AVE



Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: December 6, 2023

**SUBJECT: Planning Commission Engineering Comments for
ADM-2023-0048 Appeal of Approved Grading Permit GRD-2023-0051**

Recommendation: Engineering Staff recommends denial of the appeal of the administrative approval of GRD-2023-0051.

Background: GRD-2023-0051 is the grading permit associated with a proposed Road Runner service station on the parcels bounded by Garland Ave, North St, Lindell Ave, and Mt. Comfort Rd. The site was previously developed with 2 separate buildings before being razed for redevelopment. Impervious area is proposed to be reduced with the redevelopment, so the project was able to go straight to permitting.

Discussion: As a typical grading permit, GRD-2023-0051 was reviewed by city staff members from the Engineering Division, Planning Division, and Urban Forestry Division. Construction documents went through 4 rounds of review and approved at that time. The following is a timeline of the reviews:

Round 1: Submitted 6/22/23, Review completed 6/17/23

Round 2: Submitted 8/7/23, Review completed 8/24/23

Round 3: Submitted 9/11/23, Review completed 9/28/23

Round 4: Submitted 10/27/23, Review completed 11/6/23

The first review round included comments from Engineering and Planning. Urban Forestry determined the project was meeting their requirements at that time and approved their review of the project.

The second round included comments from Engineering and Planning. During the second round the possibility of a cost share was brought forward by Engineering staff for portions of the North St Corridor Bond project. The cost share would have to be approved by city council in which the developer would construct improvements above and beyond what would typically be required, and the city would reimburse for these improvements, these improvements would include aspects of the bond project along the project's frontage.

The third round included comments from Planning. Engineering determined the project was meeting their requirements and approved their review of the project.

The fourth round and final round was approved by Planning.

The project is meeting applicable codes and associated site variances approved by the Planning Commission under VAR-2023-0030 as reviewed by staff.

Comments associated with each review are provided in the "Submittal Summary Report". These comments were addressed on each subsequent review.

ATTACHMENTS:

Submittal Summary Report
Conditional Approval Letter



SUBMITTAL SUMMARY REPORT (GRD-2023-0051) FOR CITY OF FAYETTEVILLE

PERMIT ADDRESS:

PARCEL: 765-14055-000

APPLICATION DATE: 06/22/2023
EXPIRATION DATE:

SQUARE FEET: 0
VALUATION: \$0.00

DESCRIPTION: The Road Runner - Fayetteville project will consist of one proposed service station. Site features include an asphalt parking lot, EV chargers, gas pumps, and bike infrastructure.

CONTACTS	NAME	COMPANY	ADDRESS
Design Professional	Brahm Driver	Ecological Design Group, Inc.	216 W Birch ST Rogers, AR 72756
	Katelynn Morgan	Ecological Design Group	3482 W Vassar St Fayetteville, AR 72704
Owner		Coulson Oil Company, Inc.	1434 Pike AVE 38 North Little Rock, AR 72114-4077

SUBMITTAL	STARTED	DUE	COMPLETE	STATUS
Permit Review v.1	06/22/2023	07/07/2023	07/19/2023	Requires Re-submit
Permit Review v.2	08/07/2023	08/21/2023	08/25/2023	Requires Re-submit
Permit Review v.3	09/11/2023	09/25/2023	09/29/2023	Requires Re-submit
Permit Review v.4	10/27/2023	11/13/2023	11/06/2023	Approved
Closeout Document Review v.1				Not Received

SUBMITTAL DETAILS

Permit Review v.1

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Engineering (Engineering) <i>Comments</i> See engineering comments on plans and drainage letter	Josh Boccaccio	07/07/2023	07/17/2023	Requires Re-submit
Planning - Grading Review (Planning Division) <i>Comments</i> See document comments	Donna Wonsower	07/07/2023	06/27/2023	Requires Re-submit
Urban Forestry (Urban Forestry) <i>Comments</i> approved please use less red oaks and more of the other two oaks.	John Scott	07/07/2023	06/29/2023	Approved

REVIEW SESSION FILES: 2023 06 21 Drainage Report.pdf
2023 06 21 Grading Permit Plans.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Donna	Property line adjustment will be required to combine lots	06/24/2023 10:03 am	2023 06 21 Grading Permit Plans.pdf	3
Donna	The following Planning Commission variances shall be required based on the current site plan designs. Revise or request variances with submittal. 1. UDC 172.04(F)(4)(a)(ii): Driveway widths 2. UDC 172.04(D): Internal Aisle Width 3. UDC 172.04(F): Throat Length 4. UDC 166.08(F): Access Management, Access onto Multiple Streets 5. Any architectural variances required.	06/24/2023 10:04 am	2023 06 21 Grading Permit Plans.pdf	4

SUBMITTAL SUMMARY REPORT (GRD-2023-0051)

Donna	1. Show and label all building setbacks. All setbacks shall be treated as front setbacks due to street frontages. If parking is located between the building and a street frontage, setback shall be 50'. Otherwise, frontage is 15'. 2. Label existing and proposed ROW 3. Any work within ARDOT ROW will require ARDOT permits. 4. Where will utility and mechanical equipment be located? Chapter 166.25 requires screening. 5. Streetlights required at all intersections and a maximum of every 300 feet along all public ROW 6. Be consistent with whether plans are showing proposed city improvements or not.	06/24/2023	10:08 am	2023 06 21	Grading Permit Plans.pdf	4
Donna	Lot Building Coverage Maximum 40% ? Lot Impervious Surface Maximum 80% ?	06/24/2023	10:10 am	2023 06 21	Grading Permit Plans.pdf	1
Donna	Recommend including pedestrian connection for interim between project construction and city street improvements.	06/24/2023	10:19 am	2023 06 21	Grading Permit Plans.pdf	4
Donna	Recommend reducing length of pedestrian path	06/24/2023	10:23 am	2023 06 21	Grading Permit Plans.pdf	4
Donna	The following must be provided prior to building permit approval. 1. A photometric plan showing all requirements of 176.04(A) and manufacturer's cut sheets of all outdoor lighting fixtures must be provided to planning staff for review. 2. Any variances must be approved by Planning Commission. 3. Supply a PDF copy of recorded easement / ROW dedication plat. Plat must be reviewed by city staff prior to recording. Property line adjustment will be required to remove property line prior to certificate of occupancy.	06/24/2023	10:26 am	2023 06 21	Grading Permit Plans.pdf	4
jboccaccio	Code requires the radii to be 15'	07/13/2023	8:07 am	2023 06 21	Grading Permit Plans.pdf	4
jboccaccio	Code requires the radii to be 15'	07/13/2023	8:08 am	2023 06 21	Grading Permit Plans.pdf	4
jboccaccio	Ensure box top is constructed as a level landing. Ring and lid cannot be in ramp.	07/13/2023	8:08 am	2023 06 21	Grading Permit Plans.pdf	4
jboccaccio	Please confirm location of water line. It looks like it may be where the storm is proposed to be installed.	07/13/2023	8:15 am	2023 06 21	Grading Permit Plans.pdf	5
jboccaccio	This will likely just be a service saddle, installed by our water/sewer crews. Coordinate with water dept. on tap fee.	07/13/2023	8:19 am	2023 06 21	Grading Permit Plans.pdf	5
jboccaccio	Utility contractor hired by owner must complete this work.	07/13/2023	8:20 am	2023 06 21	Grading Permit Plans.pdf	5
jboccaccio	Walls over 4' in height must be designed, inspected, and certified by and Arkansas PE.	07/13/2023	8:22 am	2023 06 21	Grading Permit Plans.pdf	6
jboccaccio	TYPICAL	07/13/2023	8:22 am	2023 06 21	Grading Permit Plans.pdf	6
jboccaccio	Provide profile and calculations for storm network.	07/13/2023	8:23 am	2023 06 21	Grading Permit Plans.pdf	6
jboccaccio	It be preferred if this was not a 90.	07/13/2023	8:23 am	2023 06 21	Grading Permit Plans.pdf	6
jboccaccio	This connection will have to occur at a junction box.	07/13/2023	8:25 am	2023 06 21	Grading Permit Plans.pdf	6
jboccaccio	Include street repair.	07/13/2023	8:29 am	2023 06 21	Grading Permit Plans.pdf	5
jboccaccio	This would have to be a drop connection	07/13/2023	8:29 am	2023 06 21	Grading Permit Plans.pdf	5
jboccaccio	If a 6" service is proposed, this detail is not applicable.	07/13/2023	8:31 am	2023 06 21	Grading Permit Plans.pdf	14
jboccaccio	Cleanouts in pavement must be installed in a cast iron box. Provide applicable detail.	07/13/2023	8:32 am	2023 06 21	Grading Permit Plans.pdf	5

SUBMITTAL SUMMARY REPORT (GRD-2023-0051)

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Engineering (Engineering)	Josh Boccaccio	08/21/2023	08/24/2023	Requires Re-submit
<i>Comments</i>	Please see comments on plans and drainage report. Provide comment response.			
Planning - Grading Review (Planning Division)	Donna Wonsower	08/21/2023	08/17/2023	Requires Re-submit
<i>Comments</i>	See document comments.			

REVIEW SESSION FILES:
 2023 06 21 Drainage Report.pdf
 2023 06 21 Grading Permit Plans.pdf
 2023 08 04 Civil Plans.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Donna Wonsower	The interactive map does not have a jog in the property line here. Verify property line locations.	08/12/2023 5:23 am	2023 08 04 Civil Plans.pdf	4
Donna Wonsower	What is this line?	08/12/2023 5:26 am	2023 08 04 Civil Plans.pdf	4
Donna Wonsower	All mechanical and utility equipment mounted on a building shall be screened per UDC166.25. How is this being accomplished?	08/12/2023 5:27 am	2023 08 04 Civil Plans.pdf	5
Donna Wonsower	1. Streetlights are required at all intersections and a maximum distance of 300 feet. 2. A photometric plan showing all requirements of 176.04(A) must be provided to planning staff for review. Provide manufacturer's cut sheets for all parking lot lights prior to grading permit approval. Outdoor building lights will be reviewed with the building permit. 3. Property line adjustment required to remove property line.	08/12/2023 5:30 am	2023 08 04 Civil Plans.pdf	4
Donna Wonsower	Variance conditions of approval: 1. The driveway onto N. Lindell Ave. may be a maximum of 41 feet, 3 inches wide. 2. The driveway on Mount Comfort Rd. may be a maximum of 24 feet wide. 3. The pedestrian path on the southeast corner of the site shall be straightened to minimize the length of pedestrian/vehicle conflict zone. 4. One tree island shall be placed on either side of the pedestrian path on the east building facade. 5. A striping plan must be provided for staff review clearly indicating direction of travel lanes 6. Any aisle widths that do not meet the minimum for two-way travel shall be marked as one-way only. Conditions 1, 4, 5, and 6 are not met with this plan set.	08/12/2023 5:35 am	2023 08 04 Civil Plans.pdf	4
Donna Wonsower	Approved driveway variance is a maximum of 41 feet, 3 inches as shown on previous plans. To increase driveway width beyond this, variance will need to be amended.	08/12/2023 5:35 am	2023 08 04 Civil Plans.pdf	4
Josh Boccaccio	The city would like to explore cost sharing to get the street improvements along North and Garland constructed with this development. An email has been sent to set up a meeting to discuss this.	08/25/2023 3:29 am	2023 08 04 Civil Plans.pdf	4
Josh Boccaccio	Ensure lids are placed as close to the wall as possible.	08/25/2023 5:29 am	2023 08 04 Civil Plans.pdf	8
Josh Boccaccio	Ensure lids are placed as close to the wall as possible.	08/25/2023 5:30 am	2023 08 04 Civil Plans.pdf	8
jboccaccio	Box culvert alignment will have to be modeled in Hydraflow.	08/25/2023 5:41 am	2023 06 21 Drainage Report.pdf	8
jboccaccio	Maps show an increase in impervious area between pre and post. Please confirm calculations.	08/25/2023 5:44 am	2023 06 21 Drainage Report.pdf	2
Josh Boccaccio	Ensure sidewalk carries through driveway per DW4.	08/25/2023 7:58 am	2023 08 04 Civil Plans.pdf	7
Josh Boccaccio	Provide City of Fayetteville typical section	08/25/2023 8:01 am	2023 08 04 Civil Plans.pdf	11
Josh Boccaccio	Provide most recent detail	08/25/2023 8:04 am	2023 08 04 Civil Plans.pdf	18

SUBMITTAL SUMMARY REPORT (GRD-2023-0051)

Josh Boccaccio	Stairs located in r/w. Please confirm with ArDOT this is acceptable.	08/25/2023	8:05 am	2023 08 04 Civil Plans.pdf	4
Josh Boccaccio	Meters appear like they will interfere with future trail.	08/25/2023	8:13 am	2023 08 04 Civil Plans.pdf	5
Josh Boccaccio	Provide safety railing detail.	08/25/2023	8:18 am	2023 08 04 Civil Plans.pdf	13
Josh Boccaccio	TYPICAL	08/25/2023	8:18 am	2023 08 04 Civil Plans.pdf	13
Josh Boccaccio	Does storm drain impact footer and wall design?	08/25/2023	8:20 am	2023 08 04 Civil Plans.pdf	7

Permit Review v.3

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Engineering (Engineering)	Josh Boccaccio	09/25/2023	09/28/2023	Approved
<i>Comments</i>	See conditional approval letter in attachments.			
Planning - Grading Review (Planning Division)	Donna Wonsower	09/25/2023	09/26/2023	Requires Re-submit
<i>Comments</i>	See document comments			

eREVIEW SESSION FILES:

- 2023 06 21 Drainage Report.pdf
- 2023 06 21 Grading Permit Plans.pdf
- 2023 09 08 EDG Comment Response.pdf
- 2023-08-10_Road Runner Fayetteville_MEP Addendum 3.pdf
- Site Lighting Cutsheets.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
Donna	<ol style="list-style-type: none"> Review street light labels. Multiple labels are not pointing to the proposed street lights. Streetlights along Mount Comfort Rd exceed 300 foot maximum distance. One additional street light will be required if none are present on the north side of the street. Photometric plan indicates multiple lights not shown in the civil set. Revise plans for consistency. <p>For Information Only:</p> <ol style="list-style-type: none"> Property line adjustment required prior to building permit approval. 	09/20/2023 9:26 pm	2023 06 21 Grading Permit Plans.pdf	4
Donna	20'-0"	09/20/2023 9:29 pm	2023 06 21 Grading Permit Plans.pdf	4
Donna	Are any building mounted lights proposed? Provide cut sheets for all outdoor lighting fixtures with building permit (Note: Emergency lights exempt)	09/20/2023 9:33 pm	Site Lighting Cutsheets.pdf	1
Donna	Provide manufacturer's cut sheets for these lights as well	09/20/2023 9:39 pm	2023-08-10_Road Runner 3 Fayetteville_MEP Addendum 3.pdf	3
Donna	This plan shows several lights that are not shown on the civil drawings and does not appear to include streetlights. Revise plans for consistency.	09/20/2023 9:41 pm	2023-08-10_Road Runner 2 Fayetteville_MEP Addendum 3.pdf	2
Donna	Dimension distance from edge of trail to edge of wall	09/22/2023 12:50 am	2023 06 21 Grading Permit Plans.pdf	4
jboccaccio	Place lid near edge of structure where there is a full wall.	09/27/2023 1:48 am	2023 06 21 Grading Permit Plans.pdf	4
jboccaccio	Fire hydrant lead cannot go under retaining wall. Will have to propose a different location for the fire hydrant.	09/27/2023 2:19 am	2023 06 21 Grading Permit Plans.pdf	5

Permit Review v.4

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
Engineering (Engineering)	Josh Boccaccio	11/13/2023	11/06/2023	Approved
Planning - Grading Review (Planning Division)	Donna Wonsower	11/13/2023	11/06/2023	Approved
<i>Comments</i>	Compliance with VAR-2023-0030 conditions of approval confirmed. VAR-2023-0029 conditions of approval will be reviewed separately with building permit application. Ok for approval.			



CITY OF
FAYETTEVILLE
ARKANSAS

September 29, 2023

Uploaded via EnerGov

Brahm Driver, PE
Ecological Design Group, Inc.
216 W Birch St
Rogers, AR 72756

**Re: Road Runner
GRD-2023-0051
NE Corner of Garland and North Intersection**

Dear Mr. Driver:

The plans for the above project have been reviewed for general compliance and are approved subject to the following conditions:

Scope of Work Generally Consists of:

1. New service station, with EV chargers, gas pumps, and associated site improvements.
2. New hydrant placement
3. New 6" sewer service connection
4. Public storm drainage improvements
5. Public street, sidewalk and trail improvements

Plan Conditions:

1. **Please provide a PDF of the final construction plans once all outstanding comments have been addressed. The plans will be stamped by the City of Fayetteville and must be printed out for the preconstruction meeting.**
 - a. Place lid for large junction boxes near the edge of the structure where a full wall is located
 - b. Domestic water service and irrigation taps will be a 1" or 2" Romac tapping saddle as determined by the utility division
 - c. Tapping sleeve for new hydrant must be a 12"x6"
 - d. Include the city standard street widening detail
2. A cost share is currently being routed through City Council for the improvements associated with the North Street Bond Project along this project's frontage. These improvements include street widening/narrowing, curb and gutter, trail, streetlights, and a retaining wall. If, for some reason, the cost share is not approved, this project will have to construct only that which is required for its development.
3. Address remaining Planning Division comments

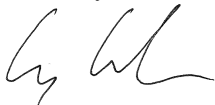
Standard Conditions:

1. Based on the scope of work shown above, this project is eligible for review by the City of Fayetteville under the Memorandum of Agreement with the Arkansas Department of Health (ADH). Therefore, no further review is required by ADH for this project.
2. This approval is valid for 1 year from the date above. If permit is not issued within 1 year this approval is void.
3. The review was for general compliance and does not warrant your design or relieve the owner from any items discovered during construction deemed necessary to comply with city ordinances and criteria.
4. Ecological Design Group, Inc. as engineer of record (EOR) shall be responsible for review and approval of all material submittals. Prior to placement of soils, aggregate, concrete or asphalt for public infrastructure, EOR shall review, approve and forward material submittals to the city engineering office. All materials and construction shall comply with the City of Fayetteville's requirements. In the case of conflicts, the City's criteria shall govern.
5. Periodic inspection of SWPPP contractor inspection logs will be made. These must be kept up to date and neat, accessible, and on-site.
6. Prior to permit issuance, the Engineer of Record shall provide a PE-sealed letter stating that the design of water and sewer improvements meet all requirements of the City's Standard Specifications and details, Ten States Standards, ADH Rules Pertaining to Public Water Systems, ADH plastic pipe policies, and ADH Rules Pertaining to General Sanitation. No variance to any standard is given or implied unless specifically requested by the Engineer of Record and approved in writing by the City of Fayetteville prior to permit issuance, regardless of conflicts in the Engineer's plans or details.
7. The engineer of record shall provide comprehensive construction observation services for utilities, storm drainage and roadway construction for this project – weekly inspection reports should be submitted to the City of Fayetteville's public works inspector.
8. The City of Fayetteville relied upon the statements and representations made in the plans and specifications. In case any statement or representation in the aforementioned documents is found to be incorrect, this approval may be revoked.
9. There shall be no deviation from the plans and specifications unless revised plans and specifications have been first submitted for review and written consent given.
10. The review and approval of the drawings and specifications in no way constitute an analysis of the structural design.

Please provide one full size and one half size paper copies of the approved plans. One set of approved plans must remain onsite at all times during construction.

If you have any questions, please email me at cgranderson@fayetteville-ar.gov or call me at 444-3452.

Sincerely,



Corey Granderson, PE
Utilities Engineer

Josh Boccaccio, PE
Engineering Development Review Manager

Supplementary Permit Information

Grading Permit:

The following is required prior to issuing of the Grading Permit:

1. A signed copy of the SWPPP is provided to the city. The SWPPP should include a copy of the NOC, and will become part of the grading and drainage permit. (In PDF format)
2. A preconstruction conference has taken place with the following people:
 - a. Engineer of Record (or appropriate design professional)
 - b. Inspector for Engineer of Record
 - c. Contractor(s):
 - i. Superintendent who will be on-site daily during all phases of construction.
 - ii. All subcontractors responsible for installation of public infrastructure.
3. The perimeter erosion controls, construction exit, and SWPPP/Grading permit box have been inspected and approved by the Engineering Division. (Applicant is responsible for contacting and scheduling the erosion control inspection by calling the assigned Public Works Inspector)
4. The tree preservation fencing has been installed and inspected by Urban Foresters (Applicant is responsible for contacting and scheduling the tree preservation fence inspection by calling the assigned Urban Forester)

Building Permit:

The following is required prior to Engineering and Urban Forestry issuing of the Building Permit:

1. The grading permit must be issued, and with no outstanding erosion control violations.
2. Public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division
3. All easements must be dedicated and or vacated.
4. Provide a performance for 150% of the estimated amount to install required landscaping. The estimate shall be provided by a landscape installation company, please contact urban forester for instructions/information.



Planning Commission Memo

TO: Fayetteville Planning Commission and City Council

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

MEETING DATE: November 27, 2023

SUBJECT: **ADM-2023-0048: Administrative Item (1110 N. Garland/Road Runner):** Submitted by FAYETTEVILLE STRONG for property located at N. GARLAND AVE, W. HOLLY ST. AND N. LINDELL AVE. The property is currently zoned R-O, C-1 and C-2 and contains approximately 1 acre. The request is for an appeal of GRD-2023-0051 and VAR-2023-0030.

RECOMMENDATION:

Urban Forestry Staff cannot make a recommendation for the approval of ADM-2023-0048 since the plans are meeting Code requirements for Tree Preservation and Landscape Regulations. The Chapter 167 Tree Preservation & Protection and Chapter 177 Landscape Regulations requirements are being met with the proposed plans.

There are no existing trees on the property, therefore Tree Preservation is not applicable.

Chapter 177 Landscape Regulations must be met, including one street tree per 30 linear feet of street frontage and one tree island per 12 parking spaces. This has been shown on the proposed landscape plan.

Attention:

- City Clerk Kara Paxton, cityclerk@fayetteville-ar.gov
- Zoning & Development Administrator Jesie Masters, jmasters@fayetteville-ar.gov
- Councilmember-Elect Bob Stafford, Ward 1, Position 1, bobforward1@gmail.com
- Councilmember D'Andre Jones, Ward 1 Position 2, dandre.jones@fayetteville-ar.gov
- Councilmember Sarah Moore, Ward 2, Position 1, sarah.moore@fayetteville-ar.gov
- Councilmember Mike Wiederkehr, Ward 2, Position 2, mike.wiederkehr@fayetteville-ar.gov
- Councilmember Scott Berna, Ward 3, Position 1, scott.berna@fayetteville-ar.gov
- Councilmember Sarah Bunch, Ward 3, Position 2, sarah.bunch@fayetteville-ar.gov
- Councilmember Teresa Turk, Ward 4, Position 1, teresa.turk@fayetteville-ar.gov
- Councilmember Holly Hertzberg, Ward 4, Position 2, holly.hertzberg@fayetteville-ar.gov
- Mayor Lioneld Jordan, mayor@fayetteville-ar.gov

Re: Appeal of [GRD-2023-0051](#) and [VAR-2023-0030](#)

I am writing on behalf of Fayetteville Strong and our more than 700 members. The membership of Fayetteville Strong wishes urge our City Council members to appeal the granting of grading permit GRD-2023-0051 for the Roadrunner Gas Station on the parcels (765-14032-000 and 765-14055-000) bounded by North Street, Garland Avenue, Lindell Avenue, and Mt. Comfort Road.

Process Concern:

We have been instructed to appeal the staff issuance of the [GRD-2023-0051](#) according to UDC [§155.06\(C\)\(3\)\(a\)](#). This would require us to challenge the City Engineer's interpretation of the grading application before the Planning Commission. We do not contend that the staff made any procedural errors with regard to administering the standards of UDC [§169](#), and believe the instructions to pursue a [§155.06](#) appeal to be in error.

Instead, it is the variance [VAR-2023-0030](#) (in accordance with which [GRD-2023-0051](#) was granted) that we believe was wrongly decided. As that was a decision of the Planning Commission, it would be more appropriate to request an appeal to the City Council under UDC [§155.04](#), which allows a Council Member to bring an appeal of Planning Commission decisions on behalf of a resident. Upon the approval of [VAR-2023-0030](#), several of us communicated our requests for appeal to various City Council Members who received the requests favorably. They were instructed, however, to wait until the grading permit was approved before they could raise the issue because of the way UDC [§155.04](#) treats variances: "Variances... and conditions of approval for any development shall be appealed as part of the approval of a development proposal" (emphasis added).

★ Appeal Requests:

If we *must* assert a violation of staff interpretation of the grading permit for our appeal to be heard, then it is that the grading plan violates the intent expressed in UDC [§169.01\(B\)](#) that "the existing scenic character and quality of the neighborhood and city as a whole not be diminished." This violation is a direct result of the associated variance approved by the Planning Commission, and so we contend that directing this appeal back to the same Planning Commission is wasteful of staff's and the public's time and resources.

Instead, the members of Fayetteville Strong respectfully request that one (or more) of our Council Members appeal [VAR-2023-0030](#) on our behalf so the City Council may review the Planning Commission's July 24, 2023, decision, which we believe to have been in error for the reasons described below.

Discussion:

In setting out the standards for variances to the Parking and Loading standards of the UDC, §156.03 says, “the City Planning Commission may grant a variance... so that substantial justice may be done and the public interest secured” (emphasis added). This is clearly discretionary; not mandatory. We assert that in this instance, granting these variances undermines a variety of public interests, though for the purposes of this request, we will confine our objections primarily to those concerning the dangerous traffic conditions this development will create and compound.

We struggle to describe the missed potential that this project represents better than Commissioner Madden did when she said, “I’m concerned about this proposal on multiple levels. One of the first things I always think is, if a project needs seven variances, and the applicant has told us what a unique site this is, it makes my first question: is this the wrong site for a gas station of this scale?”

She went on to raise concerns which we share about the project’s deviations from the intent of the UDC:

- [VAR-2023-0029](#)
 - The building is in no way oriented to any of the four streets.
 - The City is about to construct a new multi-use trail on North Street. The blank wall facing North Street has only a fire exit, presenting a blank wall to the public realm.
- Not an appropriate neighborhood-scale commercial service:
 - In the city’s most densely pedestrian and best transit-served neighborhood, traffic entering and exiting for eight (8) gas pumps at an already-busy intersection doesn’t contribute to the walkability goals of the Growth Concept Map and City Plan 2040.
 - There is already a full grocery store across the street, another gas station 250 feet north, and another convenience store and gas station about three blocks east.
- [VAR-2023-0030](#)
 - This intersection is already extremely congested.
 - The applicant tells us that the site design is “crazy” with people walking around and the cars maneuvering.
 - Neither Mt Comfort nor Lindell have signalized intersections with Garland and North, so all the traffic from the gas station goes to those two awkward intersections to turn out within 300 feet of the traffic light. *In both cases crossing five (5) lanes to turn left, including turn lanes that are transitioning directions and sometimes queue from the light to the next intersection.*

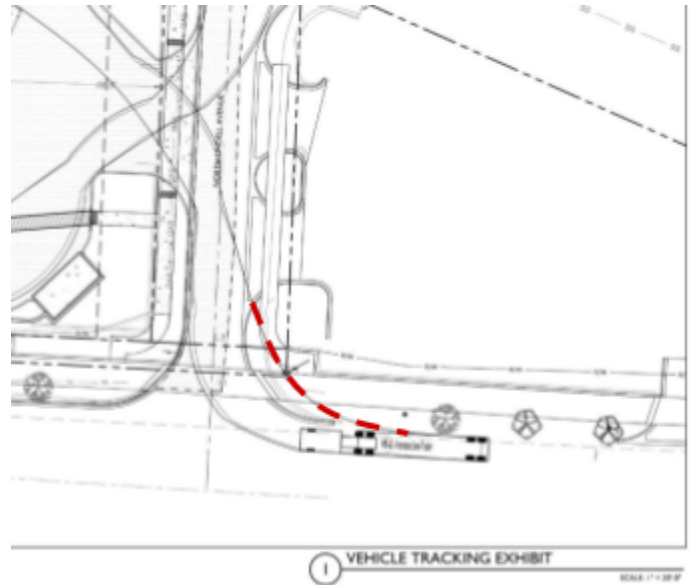
During the Planning Commission meeting, Assistant City Attorney Pennington described the burden of establishing that standards in the city code pose undue hardship as applied to development does indeed mean that Commissioners can consider the suitability of the proposed use when deciding to grant or deny a variance.

Madden reminded us, we don't have any parking requirements for commercial development in Fayetteville, so that gives this site *a lot* of flexibility. A gas station is going to need these variances. But there are a lot of other things that could be here, and a variance is not by right. So while gas stations are allowed in this zoning district, that doesn't mean that we want gas stations everywhere that C-1 zoning exists or that we are obligated to grant variances to enable their peculiar requirements.

Again, according to Madden: “I understand that it feels to Roadrunner like this is the best development for this site. But I doubt Roadrunner considered the suitability of student housing, or offices, or many other things besides a Roadrunner gas station.” We, the members of Fayetteville Strong, agree with her, and hope that we can work together to encourage a more suitable use that feels like the highest and best use for this neighborhood at the gateway to the University of Arkansas.

Issues & Objections

Variance #1 increases the driveway width on North Lindell Avenue beyond the maximum 24 feet as required in §172.04(F)(4)(a)(ii) to 41 feet 3 inches (a 72% increase) to accommodate fuel delivery tanker trucks. However, these trucks will still be required to turn across the future shared-use trail on the north side of North St. Furthermore, the applicant's vehicle track exhibit indicates that even with the wider driveway on Lindell Ave, the tanker trucks will still need to mount the curb very close to the retaining wall at the property to the east across Lindell Ave while turning across the multi-use trail.



We believe this creates life-threatening traffic conditions for pedestrians and cyclists. There are additional dangers to drivers who may be in the left lane when a truck driver attempts a wide turn, and to the public infrastructure should the driver fail to do so.

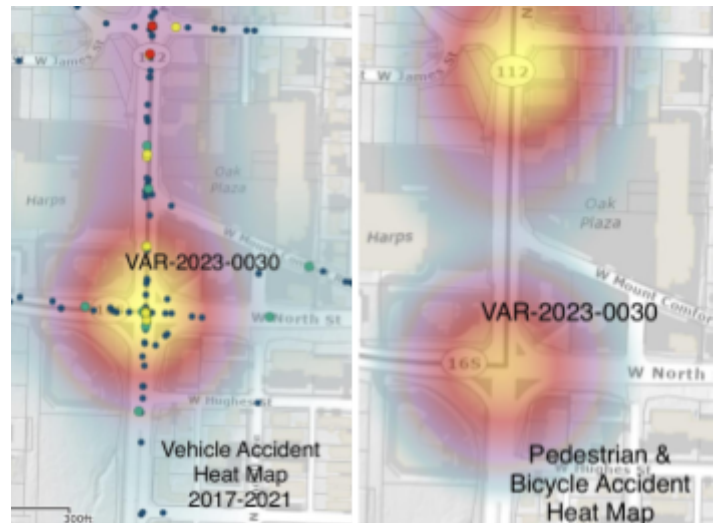
Variance #2 extends the maximum internal aisle width in several areas beyond the 24 feet allowed by §172.04(F)(4)(b)(iii). Staff recommended that the applicant be required to meet the maximum aisle width between the fuel station pumps and convenience store where higher pedestrian traffic is likely. Unfortunately, the Planning Commission removed that safety consideration.

We believe the Planning Commission erred in overruling Staff's recommendation, and that inconsistent site layout combined with the high turnover traffic generation of a gas station will create unsafe conditions for pedestrians as they approach the convenience store.

Nearby Traffic Safety Context Not Adequately Considered. The staff report did not address the broader traffic pattern in the surrounding blocks of this property. Commissioner Garlock raised the issue, but there was no substantive conversation about the issue among the rest of the Planning Commission.

We believe the failure to consider this context is a grave oversight, and we ask the City Council to consider the cost (in human lives) of inadequate planning and infrastructure.

Numerous dangerous traffic conditions already exist in this area, as evidenced by the city's pedestrian and vehicular traffic accident data. This segment of Mount Comfort Road is notorious for awkward intersections without signals at both ends, creating dangerous situations for pedestrians and drivers alike. The incomplete pedestrian infrastructure at the Garland and North/Wedington intersection leaves people stranded on crosswalk islands between dangerous slip lanes and the main traffic lanes, forcing people to take unsafe actions to navigate this intersection. Intentionally attracting a high volume of quick automobile visits to this already dangerous area without comprehensive plans to improve these known issues compounds the existing dangers and directly conflicts with the city's duty to protect public safety.



★ Conclusion

This serves as my notice of appeal of the administrative approval of [GRD-2023-0051](#) to the Planning Commission. However, if a City Council Member chooses to sponsor our appeal of [VAR-2023-0030](#), then I will withdraw the appeal of the grading permit as moot.

The applicant's representative told the Planning Commission that "this is a very odd site" and that gas stations "get kind of crazy when you have people walking through and people pulling out of parking spaces and gas pumps." This should reinforce the need to adhere to our pedestrian safety standards, rather than weaken them as the Planning Commission did with the removal of staff conditions. Because this site requires four variances to accommodate the ingress and egress of tanker trucks through this future pedestrian-oriented trail corridor, this site is inadequate for the proposed gas station use, and the development should not move forward. We eagerly await the opportunity to work together to encourage a more suitable use that would develop this parcel to the highest and best use for this neighborhood so that this highly visible corner becomes a signature gateway to the University. For these reasons, we ask your support to uphold this appeal and deny [VAR-2023-0030](#) and the associated permit [GRD-2023-0051](#).

DeLani Bartlette, Founder
Fayetteville Strong

Appendix A: Additional Comments from [Change.Org Petition](#) Signers

- [Sherrilyn Goff](#), Fayetteville, AR
There's not room for a large gas station in that location. The fueling trucks can't come and go as needed. It will encourage congestion.
- [Paul Waddell](#), Fayetteville, AR
This property is an ideal location for a mixed-use building that would allow multiple stories for residential on top and commercial on street level. It would be a missed opportunity to not get this particular property right. Walkable to a lot of amenities and has existing infrastructure.
- [Josh Moody](#), Fayetteville, AR, United States
We need more walkable housing, not another gas station.
- [Gina Smith](#), Fayetteville, AR
As a long-time Fayetteville resident, I understand that the traffic patterns at this intersection do not support the additional high-volume traffic that a gas station would bring to that location.
- [Thomas Brown](#), Fayetteville, AR
The location and design of the proposed 10 to 15 foot retaining wall creates a unsafe pedestrian condition associated with the excessive height and design treatment of the retaining wall in a part of the filling station site that is adjacent to the intersection of North Street and Garland Avenue between the street right-of-ways and the store facades facing the intersecting streets.
- [Nick Thorn, AIA](#), Fayetteville, AR
I oppose this development because it is not the highest and best use for this land and the number of variances (for simple things like basic access to the site) granted for this project means that this site is inadequate for the proposed gas station use.

Appendix B: Additional Comments from [Reddit](#)

- [u/Ok-Lack-5172](#)
"Dang had high hopes a development that actually added value would go here."
- [/uCowboy_Bill_B_Bilson](#)
"Another gas station? There are already 2 others in the vicinity! I had high hopes for something of value to the neighborhood at that spot"
- [u/zakats](#)
"Gross, another gas station that adds nothing but more ultra-commercial junk and crime."
- [u/AmbientDrizzle](#)
"Especially on this particular site that could really have used something with more character or flavor in a section of town that seems slightly neglected in favor of other parts."
- [u/DorianGre](#)
"It also goes against the planned trail expansion on North and the redo of this intersection to be more walkable."
- [u/ceckels](#)
"Is it too late to oppose this development?"
 - [u/MuchaAgua](#)
"I don't know...but your councilmember should know this plan sucks."
- [u/Outrageous_Day_5529](#)
"How disappointing. Does anyone know if the city can deny this?"

Appendix C: Additional Comments from [Fayetteville Flyer](#) Facebook

- Matthew Petty
We are in the middle of a housing crisis and this is prime location for walkable, dense development. What a shame. This is only becoming a gas station because the outdated zoning was never addressed.
- Sarah Marsh
There's already a gas station one block away. This proposal is a huge missed opportunity and waste of valuable urban land. This site would be better utilized with a four to six story mixed-use building with retail and restaurants on the first floor and apartments above. Redeveloping this site is an opportunity to create a place to be instead of exacerbating the car sewer that is that intersection. The bus stop across the street has one of the highest utilization rates in the region. Imagine if we actually infilled the area to make it more pedestrian friendly instead of inserting a use that will make it even more hostile to pedestrians.
- Shelley Moubert
Seriously?! We have enough gas stations per capita. Affordable housing is a priority- but I guess 3 gas stations within one block is much more important. 🙄
- Stephen Ironside
What a shame. City of Fayetteville Arkansas Government, we're better than this. Do better.
- Olivia Trimble
You can literally see another gas station in this picture. What a missed opportunity.
- Gelynda Johnson
we need more affordable housing that isn't student housing. Not more gas stations
- Katie Kiki
So many better options than this. So many more
- Deborah Sabo
I've lived in this neighborhood for over 30 years, it could use strenuous advocacy for more affordable housing. Affordable as in, could university staff employees manage to pay the rent?
- Morgan Large
I am beyond tired of all the gas stations and oil change & car washes. Come on, Fayetteville. Use our real estate better than this.
- Shawna Bell
I hope they don't put that there. There is already a place to get gas just a few yards away!!
- Rick Miller
The area could be revitalized into a new entertainment district. More live music, good food, pubs. Free parking.
- Zachariah Duran Coger
Oh thank god. I was worried we might get something awesome.
- Jules Taylor
Another gas station?!! There are 3 stations in a mile radius of that space. Disappointing choice for such a green and bike friendly community.
- Eryn Brothers
🙄🙄🙄 keeping it funky 🙄🙄🙄
- Chris Pleimann
But that's how they do it in Dallas....

Appendix D: History & Timeline

- June 22, 2023:
 - [GRD-2023-0051](#) submitted.
- July 17, 2023:
 - [GRD-2023-0051](#) permit review not passed.
- July 21, 2023:
 - [Fayetteville Flyer article](#) alerted the public to the Road Runner proposal, but did not indicate the timing of the hearing.
- July 24, 2023 7:41 am:
 - Fayetteville Flyer [shared the article to their Facebook](#) where it garnered 322 comments, including some included above in Appendix C, and 62 shares.
Public reactions were: 👍 276 😬 94 😡 52 😱 15 😄 6 ❤️ 2 🤔 1
- July 24, 2023 11:08 am:
 - The Fayetteville Flyer article was [shared to reddit](#) where it received 26 comments, including some listed above in Appendix B.
- July 24, 2023 5:30 pm:
 - [VAR-2023-0030](#) was approved by the Planning Commission 6-2 with no public comment.
 - Motion to approve by Commissioner Winston, seconded by Commissioner Holcomb
 - Voting in favor of approval: Payne, Gulley, Holcomb, Winston, McGetrick, Brink
 - Voting against approval: Garlock, Madden
 - Absent: Sparkman
- August 25, 2023:
 - [GRD-2023-0051](#) permit review not passed.
- August 30, 2023:
 - Fayetteville Strong meeting (Council Member Wiederkehr present)
 - Discussed updated status on permit
 - Presentation of zoning proposal to implement Growth Concept Map at Garland & North
 - Twenty-one (21) Fayetteville Strong members in attendance voted unanimously to support effort for city-initiated rezoning to encourage more productive development
- September 27, 2023:
 - Fayetteville Strong meeting.
 - Discussed Transportation Committee/Roadrunner cost-share proposal for North St trail
 - Update on status of permit.
 - Revisited efforts for better zoning aligned to city plans, advocacy strategies
- September 29, 2023:
 - [GRD-2023-0051](#) permit review not passed.
- October 25, 2023:
 - [Change.org Petition launched](#)
- **November 6, 2023:**
 - [GRD-2023-0051](#) permit review passed with VAR-2023-0030 conditions of approval confirmed.
- November 13, 2023:
 - [Change.org petition](#) launched
 - As of Thursday, Nov 16, it has received 96 signatures.
- **Tuesday, November 21, 2023:**
 - 10 business-day deadline to appeal

**Compiled Public Comment
ADM-2023-0048**

From: Lisa Orton <lisa_m_orton@yahoo.com>

Sent: Thursday, November 16, 2023 10:44 AM

To: CityClerk <cityclerk@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>

Cc: Lisa Orton <lisa_m_orton@yahoo.com>

Subject: Oppose Roadrunner Gas Station

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Jordan, City Council, Kara, and Jessica,

I want to express my opposition to the Roadrunner Gas Station near the intersection of North and Garland. There are already two gas stations nearby in this already busy location. I shop at Harps there, go to the Karas Clinic nearby, use those two gas stations, drop off clothing at the Peace At Home thrift store, visit the Dollar Store, etc. University, neighborhood, and passing-through traffic already congests this area, causing safety issues.

Please deny variances and permits, and this Roadrunner Gas Station project as a whole.

Thank you for your consideration.

Sincerely,

Lisa Orton

1663 W Halsell Rd

Ward 4

[Lisa_m_orton@yahoo.com](mailto:lisa_m_orton@yahoo.com)

410-674-8440

[Sent from Yahoo Mail for iPad](#)

**Compiled Public Comment
ADM-2023-0048**

From: Sun Flower <sunflowerwiks@gmail.com>
Sent: Monday, November 27, 2023 11:00 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Please forward

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please forward to Mayor Jordan, Jesie Masters, and all members of the City Council:

I am opposed to the construction of a gas station on the corner of North, Garland, and Mt Comfort.

- The variances needed to permit this gas station will create and exacerbate dangerous conditions that already exist for pedestrians, cyclists, and automobiles, especially considering upcoming multi-use trail on North Street.
- A gas station already exists a few hundred feet from this location, as well as others within a half mile or so, one to the north and another to the east.
- This location would be far better utilized for housing, given the desperate need for such in our community, and the walkability of so many services, including shopping, grocery store, restaurants, and a public school.
- We a walkable, safe, and attractive addition to our community, NOT another gas station, most especially at this location.

Please immediately reconsider and deny the variances and thus the permit for this gas station.

Margaret Holcomb

From: Ethel C. Simpson <esimpson@uark.edu>
Sent: Wednesday, November 22, 2023 9:27 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Cc: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Subject: RE: Road Runner Approval (GRD-2023-0051) Appeal Options

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Can you tell me the status of appeals against the grading permit for the Road Runner project? I could not determine from the report in the *Fayetteville Flyer* whether the project referred to was the RoadRunner project or something else. Here is the text of the *Flyer's* report

[A resolution to waive the appeal fees for DeLani Bartlette's grading permit.](#)

**Compiled Public Comment
ADM-2023-0048**

Background:

Councilmember Moore said she wants to waive the \$100 appeal fee for Bartlette, who is appealing a grading permit that was recently issued for a project.

Discussion:

There was no public comment.

Decision:

The council voted 8-0 to approve the resolution.

Thank you for the clarification.

Ethel C. Simpson

**409 N. Oliver Avenue
Fayetteville, AR 72701
(479) 841-0023 (cell)
(479) 442-2925 (home)**

From: Thomas Brown <tbrownii@icloud.com>

Sent: Thursday, December 7, 2023 11:18 AM

To: Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Holcomb, Joseph <joseph.holcomb@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Winston, Porter <porter.winston@fayetteville-ar.gov>; Sparkman, Sarah <sarah.sparkman@fayetteville-ar.gov>

Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>

Subject: ADM 2023-0048 (VAR-2023-0030 Appeal Statement)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners

The appeal addresses the heightened safety hazards associated with operating a high activity auto-centric pedestrian hostel use, like a filling station, at an intersection currently experiencing high levels of vehicle, bicycle and pedestrian accidents.

Therefore, I want to address an equally disqualifying issue. This is the conflicting nature of the proposed filling station use verses the pedestrian friendly mixed-use urban design objectives of the core of a Tier 2 Center.

As a previous Planning Commissioner involved in developing the 2040 City Plan, I am aware of eight features of the Growth Concept Map, addressed in Section 2.2 of the Plan, that are relevant to our appeal.

- First, the Growth Concept Map depicts in broad graphic terms how Fayetteville should grow over the next 20 years.

Compiled Public Comment ADM-2023-0048

- Second the Map identifies key growth nodes, corridors and major areas that should be conserved for natural resources and open space.
- Third, the Map graphically depicts the location of:
 - 40 Tier 1, 2, 3 and Special Centers.
 - 2 High Activity Corridors.
 - The North College Transit Corridor.
 - The Enduring Green Network.
- Fourth, the map reflects city-wide policies to create diverse, efficient, and well-connected communities that are affordable, rich in local employment, and access to transportation, services, and culture.
- Fifth, the Map helps form the basis for strategic Planning Policies across the city. *(An example of this Map feature can be seen in how the Map can be used in guiding future updates to the City's Zoning Map and Future Land Use Map.)*
- Sixth, the Map is intended to provide a more certain environment for making public and private investment decisions. *(An example of this Map feature can be seen in its ability to guide the Development Community to where higher density mixed-use project opportunities are available across the City.)*
- Seventh, the Map is a tool to help guide in evaluating development proposals. *(An example of this Map feature can be seen in its potential to help guide the City Council when considering the compatibility of a rezoning proposal or potentially guide the Planning Commission when evaluating the appropriateness of a variance proposal.)*
- Finally, The Map identifies the intersection of North Street and Garland Avenue as the core of a Tier 2 Center.

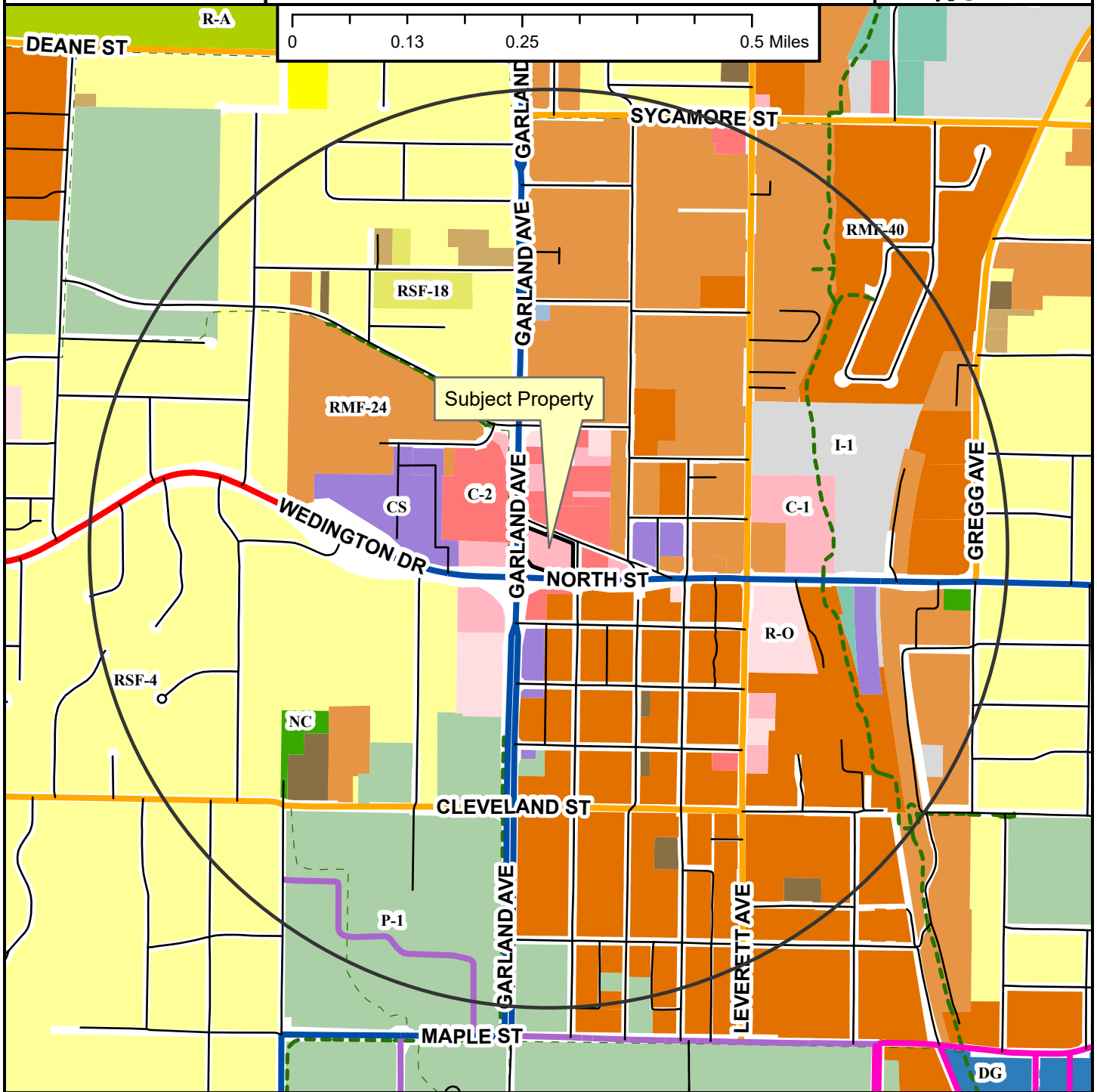
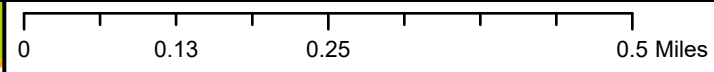
The 2040 City Plan states that all Tier Centers are intended to be mixed-use nodes that are pedestrian-friendly areas served by current or future transit services.

The 2040 City Plan additionally states that Tier 2 Centers are characterized by Commercial uses that are in mixed-use structures or office buildings.

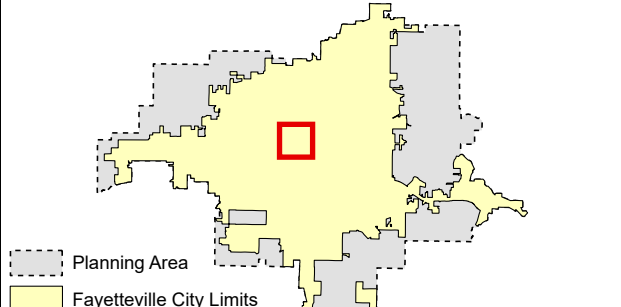
The development proposed by the variance applicant is not a pedestrian friendly use proposed in a mixed-use structure or office building. It is an auto-centric filling station that emphasizes vehicles over pedestrians and should therefore be denied.

Thomas Brown

Sent from my iPhone

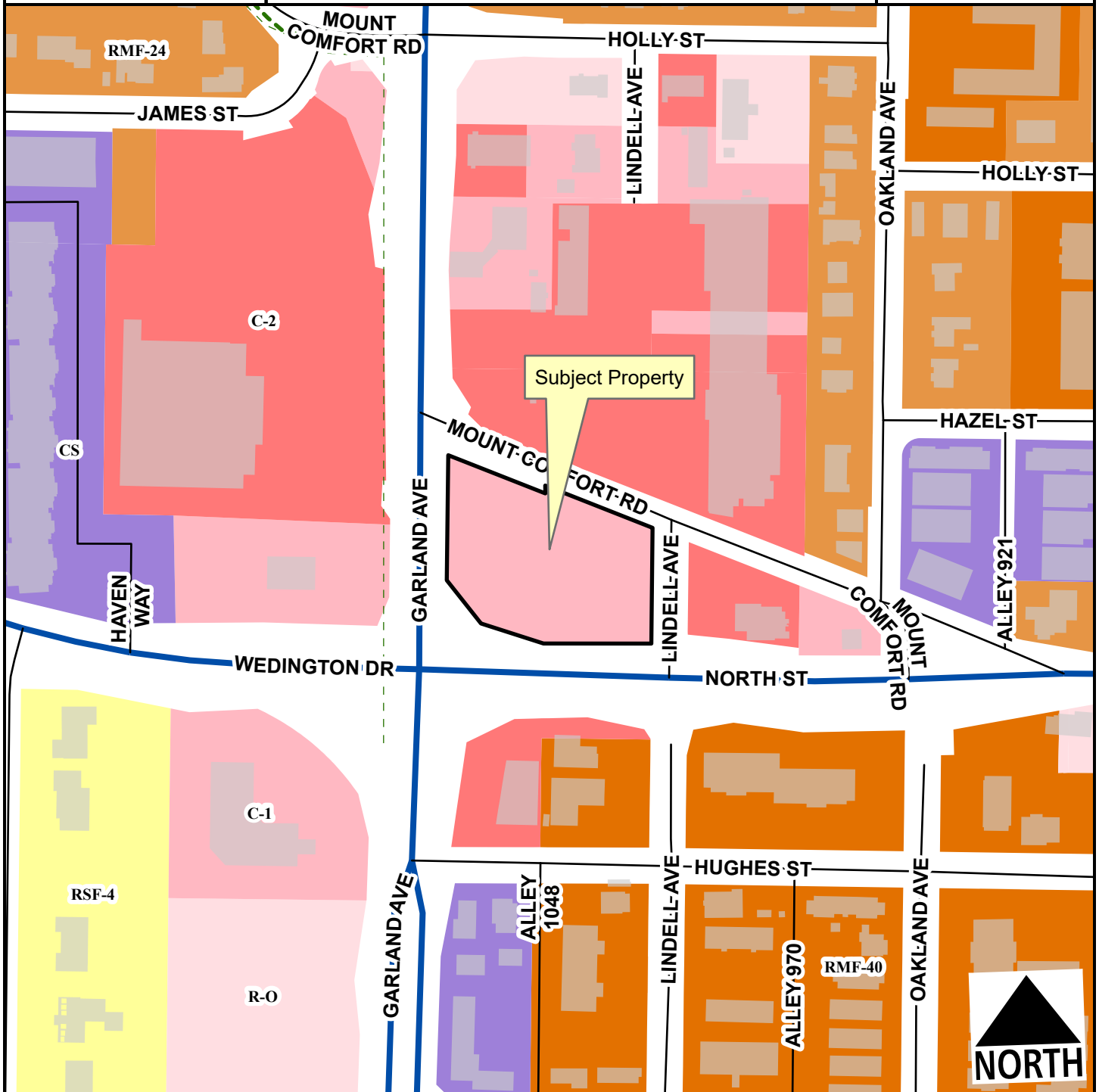


- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

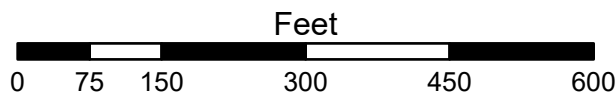


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RH-U
 - RSF-1
 - RSF-2
 - RSF-3
 - RSF-4
 - RSF-5
 - RSF-6
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

Close Up View



- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



1:2,400

- RSF-4
- RMF-24
- RMF-40
- Residential-Office
- C-1
- C-2
- Community Services

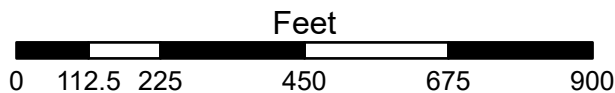
ADM-2023-0048

1110 N. GARLAND AVE

Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

01/12/2024

4:06 PM



Robert K. Rhoads
75 N. East Ave., Suite 500
Fayetteville, AR 72701-5388
Direct Dial: (479) 973-5202
rrhoads@hallestill.com

January 8, 2024

VIA E-MAIL

mayor@fayetteville-ar.gov

Lioneld Jordan, Mayor
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Fayetteville City Council

Kara Paxton, City Clerk
cityclerk@fayetteville-ar.gov

Re: Appeal of Road Runner Variances

Dear Mayor and Council Members:

I represent the Road Runner Company, who along with the owners of the property on Garland and North Street are desirous of building a convenience store/gas station that we believe will well serve the community in this area. As you may or may not know our company is Arkansas based with Road Runner gas stations in numerous locations. I've also included information on the company, and you will see that the Road Runner organization is quite involved with the communities they serve. Plus, I have also attached a preliminary site plan.

This appeal has been filed by an organization called Fayetteville Strong which is part of a national organization. We have asked to meet with their leadership three times and hope to soon. Although we respect their rights, as well as their efforts to build a better Fayetteville, this is a scenario where this property is zoned to completely allow us to build a Road Runner convenience store/gas station, which we can build even without the variances. Some of the things that members of Fayetteville Strong suggest would neither be allowed in the current zoning nor be feasible. Their efforts would be better served influencing Fayetteville Planning Department and Council Members to change zoning designations throughout the city. Further your City Attorney in his January 9th memo to you says, "I do not recommend that the City attempt to deny the owner's and applicant's requests for limited access easements presented to you as variance requests because such action could very well constitute unconstitutional takings for which our taxpayers would be liable."

These very same variances, have been granted for a Kum & Go gas station recently built on MLK. The City's Engineer specifically told the Planning Commission as well as my clients, that any business that is going to use this particular piece of property would need these variances.

Planning staff said at the Agenda Session that the City's current ordinances didn't cover gas stations very well hence the need for variances to improve safety.

We plan on building a very modern and efficient gas station/c-store here. We spent a year working hand in hand with the city and spent over \$1 million so far on this site. The EV charging stations we are putting in will cost \$1,000,000 as they are not slow chargers like you see elsewhere in Fayetteville; these are as fast as the Tesla superchargers, therefore they really will be used by people stopping to pick up snacks, or go to the restroom while their car charges for 10 minutes. And Road Runner will not charge the customer for the electricity. Building the gas station without these variances would eliminate these chargers as there wouldn't be room.

Again, we want to put a really good product on the street and by allowing these variances on something that we already have the absolute right to build, the City Planning Department and engineers realized it would make it safer, which is undoubtedly why they and the Planning Commission approved of these variances.

I know concerns have been raised by people saying that gas deliveries during the busy times of the day will be unsafe and inconvenient. Keep in mind that the Road Runner organization owns and operates its own gas trucks and has absolutely no desire to have gas tankers there during the busy hours. Therefore, at this location, as with all its locations, it schedules deliveries before 6 AM.

In conclusion, you have a piece of property zoned for gas station/C stores, and you have an Arkansas company wanting to put one there in a way that makes for the best fit, safest, and most convenient in the eyes of the planning staff and engineers. The fact that an organization has filed an appeal with its 700 members on Facebook shouldn't be the deciding factor, especially when there are other things that organization can do to influence the zoning laws of the city. I thank you in advance and would be willing to take any questions you might have and request that you deny this appeal.

Sincerely,

/s/ Robert K. Rhoads

Robert K. Rhoads

Cc w/attachments: Kit Williams
Jonathan Curth
Clients



COMMITTED TO COMMUNITY

For more than half a century, Coulson Oil has prioritized service, integrity, safety and innovation with a commitment to investing in our communities. Arkansas-based Coulson Oil purchased two Road Runner Stores in Texarkana in 2013. Since then, we have expanded to **more than 17 stores** across Arkansas and northeastern Texas. For our staff and Road Runner Stores, meeting essential human needs in the communities we live and serve is at the heart of what we do.

FAYETTEVILLE/GARLAND AVENUE LOCATION



Located less than a mile from the University of Arkansas campus at **1128 Garland Avenue**, our new Fayetteville location will offer our customers high-quality products with superior service, making this store the smart choice for anyone on the road or nearby students living full and busy lives. This location will cover **3,500 square feet** and include **four electric vehicle chargers** and up to **eight gas pumps**.



As a family-owned and operated convenience store, we recognize our responsibility to our customers. That's why we build food, service and store offerings that are representative of the communities we serve. To celebrate our deep roots in the state, we launched a curated **"Made in Arkansas"** gift collection featuring hand-selected locally-made products.

For us, **'Run Fast. Run Friendly.'** is more than a slogan. From pizza and an assortment of drink options to grab-and-go deli options, Road Runner Stores are dedicated to getting customers what they need with speed and a smile.



Road Runner
Run Fast. Run Friendly.™

OUR PRIORITIES: HOUSING, COMMUNITY WELL-BEING & FOOD INSECURITY

Investments by our Road Runner Stores have long prioritized housing, community well-being and food insecurity. Recent partners include **Habitat for Humanity** (\$47,000), **Our House** (\$200,000), **Arkansas Hunger Relief Alliance** (\$53,000) and **Court Appointed Special Advocates (CASA)** (\$31,000). We also encourage our employees to volunteer for charities across the state, including offering an annual paid day off for service, totaling up to **5,000 volunteer hours** annually.



FUEL GOOD, ONE GALLON AT A TIME



One of our favorite ways to support the community is through our **spirit and community pumps initiative**. To help support the initiative, customers are invited to pump gas at participating Road Runner Stores' community or spirit pumps, which are decorated with local school mascots and colors or nonprofit graphics.

By choosing these pumps, **up to three cents of every gallon** sold at branded spirit pumps is donated to support academic programming, athletic organizations, student projects or local nonprofits. Since its launch in 2019, we have donated more than **\$200,000 to local schools and area nonprofits**.

ENVIRONMENTAL IMPACT

Our commitment to prospering communities also includes investing in our environmental future. With four fast-charging stations, our Garland Avenue location will be the closest off-campus option for students and faculty with electric vehicles.

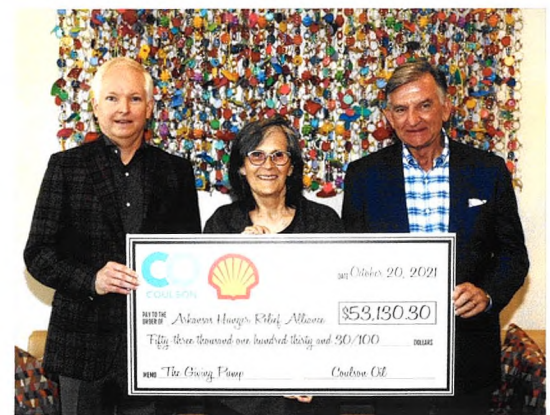
COMMUNITY IMPACT

“Few things are more fundamental to children’s well-being than having a safe and happy place to call home. [Road Runner Stores] Giving Pump brings us closer to building that reality.”

— Kelly Fleming, Executive Director of Habitat for Humanity of Central Arkansas

“COVID-19 exacerbated food insecurity challenges in our state. During these unprecedented times, we’re grateful to partners like [Road Runner Stores] for helping us reduce child hunger.”

— Kathy Webb, CEO of Arkansas Hunger Relief Alliance



Road Runner
Run Fast. Run Friendly.™

Received by: Anna Young
01/12/2024
4:23 PM



WRITER'S E-MAIL ADDRESS:
JNEWCOMB@DBTCFIRM.COM

SIDNEY P. DAVIS, JR.*
CONSTANCE G. CLARK*
WM. JACKSON BUTT II
WILLIAM F. CLARK
JACOB T. NEWCOMB
* *Of Counsel*
DON A. TAYLOR, RETIRED

January 12, 2024

RE: Appeal: ADM-2023-0048; 1110 N. Garland
Avenue

Via Email: mayor@fayetteville-ar.gov

Lioneld Jordan
Mayor of Fayetteville

Dear Mayor Jordan:

I hope this letter finds you well. My name is Jake Newcomb, and I am writing to you as the legal representative of the landowners underlying the development involved in the above-referenced appeal. I am reaching out to seek your support in urging the *denial* of that appeal which challenges the variances granted for this development.

The proposed project involves the construction of a gas station on two (2) parcels zoned C-1 for neighborhood commercial use. The local planning commission has already approved the development, granting several variances to the associated zoning requirements. These variances were granted based on the understanding that the planned use is allowed as a matter of right under the current zoning designation. The variances themselves are commonplace amongst similarly-situated developments and do not stray from the spirit of the underlying code. Rather, they accomplish the underlying goal of all variances: to provide for flexibility within our zoning regulations while otherwise promoting responsible land use and protecting property rights.

As you are aware, a local organization known as "Fayetteville Strong" opposes the development of this parcel as a gas station. After being denied an earlier appeal with the planning commission, the group has now garnered the required support to bring its appeal to the City Council. We believe that the appeal lacks merit and, if approved, would not only hinder a development that aligns with the existing zoning regulations and the character of similar developments in the area, but would ultimately result in a less safe and desirable project. We urge you to consider the following key points in your decision:

1. Matter of Right Development: The proposed gas station is consistent with the current zoning designation for the underlying parcels, and is allowed as a matter of right. The variances granted by the

planning commission were a result of comprehensive analysis, taking into consideration the unique characteristics of the property and its compatibility with the surrounding commercial uses. Denying the appeal preserves the right of property owners to utilize their land in accordance with established zoning regulations. In contrast, granting the appeal would have a chilling effect on future development both on this parcel and elsewhere. Existing landowners have a vested interest in the current zoning designations and allowable uses on their properties which they actively rely on. This is evidenced in this matter by the large capital expenditures my clients and their partners have made in reliance on the guarantees offered by the present zoning designation of this property. Any restrictions on these interests represent actionable damages with recourse at law. Although certain members of the community may oppose the development, there is no rational basis upon which this appeal should be granted. Perhaps most important is the fact that this development will move forward **with or without** the variances. Granting of the appeal and revocation of the variances will only result in a development in which the City and public's input are not accounted for, despite all best efforts by the owners and developers to do so.

2. Lack of Alternative Resolutions: The appellants, in seeking to deny the variances, have not presented viable alternative resolutions or proposed uses for the vacant property which would alleviate any of the concerns identified in their appeal letter. It is essential to note that the current zoning allows for commercial use, and the proposed gas station aligns with this permitted use. Without a reasonable alternative presented by the appellants, denying the variances would be based on completely arbitrary and capricious rationale. Such a decision would unnecessarily hinder the development potential of the property, limiting its contribution to the economic growth of the community. We fully understand that the appellants and other members of the public would like to see some form of affordable housing placed on this property. However, I would note that this is simply not a possibility given the location and value of the real estate. Any housing which might be constructed here would not be affordable and would likely result in another form of off campus living for non-resident students. In contrast, the developer (Road Runner) is an Arkansas company that is heavily invested in this State and each community which it operates in. I urge the you to see the immediate benefit of the proposed development to the City in contrast to the complete lack of alternatives otherwise ready and available for this parcel.

3. Safety Considerations: The variances granted were a result of careful consideration of safety measures associated with the gas station development. The planning commission recognized that these variances were necessary to enhance safety features, including proper traffic flow, and other security measures. As noted above, the underlying development is not reliant on the subject variances in order to proceed. In fact, this development has full legal authority to utilize both Garland and North Street for ingress and egress. They have chosen not to do so based upon safety considerations due to the level of traffic on those thoroughfares as part of their continued efforts toward safety. It must also be noted that the prior development of these parcels contained five (5) separate entrances and exits, **including one onto N Garland**. This development removes two (2) of those (including the N Garland entrance), reducing the total number of ingress/egress areas to two (2) on streets with far less traffic. The result of revoking the variances would actually cause – rather than alleviate – the very issues identified as a basis for the appeal itself: **safety**.

In conclusion, we implore you to consider the substantive arguments presented in favor of denying the appeal and approving the gas station development with the currently approved variances. The proposed development

Mayor Jordan
January 12, 2024
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is not only in full compliance with current zoning regulations, allowing it as a matter of right, but it is also a testament to a collaborative effort between the developers and city officials. The variances, while beneficial for addressing specific site characteristics and safety considerations, are not essential for the project's viability. The developers and city officials have worked in concert to strike a balance that accommodates the interests of all parties involved. Denying the appeal will not impede the development; rather, it will uphold the rightful use of the property, foster economic growth, and maintain a commitment to responsible land use in our community as evidenced by the joint effort of our citizens and city officials. Ultimately, there is **zero net benefit to the City of Fayetteville or its citizens in granting the appeal**. Instead, revocation of the variances will likely force the development to move forward with existing ingress/egress on N Garland and North Street which it can achieve at less expense.

Thank you for your time and consideration. If you have any questions or require additional information, please do not hesitate to contact me directly.

Sincerely,

DAVIS, BUTT, TAYLOR
& CLARK, PLC

/s/ Jacob T. Newcomb
Jacob T. Newcomb

JTN/ay

cc: Susan Norton (via email: snorton@fayetteville-ar.gov)