



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-51

Appeal: CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483): Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking.

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, D'ANDRE JONES, AND BOB STAFFORD AND APPROVE CONDITIONAL USE PERMIT CUP 2024-011 TO ALLOW THE INSTALLATION OF AN OFFSITE PARKING LOT AT 155 NORTH POWERHOUSE AVENUE AND UNIVERSITY AVENUE TO SERVE THE APPLICANT'S PROPOSED APARTMENT BUILDING ON CENTER STREET

WHEREAS, in June of 2023, the Powerhouse Seafood restaurant situated approximately halfway between W. Dickson Street and W. Center Street closed permanently; and

WHEREAS, Fayetteville's *Unified Development Code* § 172.06 – Parking Lot Location Standards, stipulates that parking lots that are not located on the same lot as the principal use require a conditional use permit approval from the Planning Commission; and

WHEREAS, the proposed parking lot is within a nearby vicinity to the proposed housing development that it intends to serve and should reduce potential illegal parking by residents and guests; and

WHEREAS, on April 8, 2024, the Planning Commission voted 4-4 and so did not approve the applicant's requested Conditional Use for an offsite parking lot; and

WHEREAS, Council Members Scott Berna, D'Andre Jones, and Bob Stafford have properly appealed the decision of the Planning Commission pursuant to §155.05(A)(3) of the *Unified Development Code*.

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 grants the appeal of Council Members Scott Berna, D'Andre Jones, and Bob Stafford, finds that the proposed conditional use is compatible with adjacent properties and other property in the zoning district, and approves Conditional Use Permit CUP 2024-011 for offsite parking at 155 N. Powerhouse Avenue and N. University Avenue with all conditions proposed by Staff.



MEETING OF MAY 7, 2024

TO: Mayor Jordan and City Council

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

FROM: Jessica Masters, Development Review Manager

SUBJECT: **Appeal: CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483): Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking.**

RECOMMENDATION:

City Planning staff recommend approval of a conditional use permit for an off-site parking lot as described below and with the conditions outlined in the attached Planning Commission staff report.

A Planning Commission vote to approve the request failed.

BACKGROUND:

The subject property is in downtown Fayetteville with street frontage along N. University Avenue. Situated approximately halfway between W. Dickson Street and W. Center Street, the site sits just south of the downtown SWEPCO electric substation and was the former site of the Powerhouse Seafood restaurant that permanently closed in June 2023. The property is zoned MSC, Main Street/Center, contains approximately 2.5 acres, and slopes downward to the east at an approximately 12% grade change.

Request: The applicant requests conditional use permit approval to install an off-site parking lot in the Main Street/Center zoning district to provide parking for a proposed student housing project on W. Center Street. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, stipulates that parking lots that are not located on the same lot as the principal use require conditional use permit approval from the Planning Commission.

Public Comment: Staff received inquiries from the public regarding this request, but no comments in opposition or support. One member of the public indicated a preference for fencing along the southern and eastern property lines.

Findings: Staff finds that granting the requested conditional use is unlikely to negatively impact the public interest and is compatible with the current land use surroundings and future land use plans. The proposed parking lot is within a nearby vicinity to the proposed housing development that it intends to serve and should in some manner prevent residents and guests parking illegally in this area. Given the natural borders to the site (a cemetery to the west, a substation to the north, and a railroad to the east), staff finds that the parking lot will have limited visual impact to the surrounding neighborhood characteristics. Though a sidewalk is present, staff recommends the improvement of the sidewalk along the property's frontage on N. University Avenue to be

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improved to meet the Neighborhood Link Street requirements for sidewalks, street trees, and greenspace. Further, to reduce the visual impact of the parking lot, staff recommends a hedge row to be constructed along the N. University Avenue frontage to provide additional screening. While infill is cited as a top priority in City Plan 2040, staff also finds that the illustrative Fayetteville Downtown Master Plan does not identify this specific site as an infill opportunity. Given existing physical constraints on this property, including both slope and overhead power lines, a parking lot is a generally suitable option for the near-term future of this site.

DISCUSSION:

At the April 8, 2024 Planning Commission meeting, the request failed to receive approval after receiving a vote of 4-4-0 following a motion to approve by Commissioner Brink with a second by Commissioner Payne; Commissioners Castin, Garlock, Gulley, and McGetrick were opposed. Commissioners in favor of the request found that the site's location and existing features made the development of a parking lot a reasonable request and would support the need for additional housing in the area; the parking lot is tied to the development of a proposed student housing project. Commissioners' main concerns and opposition to the proposal included the lack of preservation or redevelopment of the former Powerhouse structure, the length of the proposed 55-year lease and whether a parking lot would need to remain on this site for that length of time, and potential street and lighting improvements along N. University Avenue. Commissioners had questions about upgrading sidewalk, trees, streetlights, and greenspace not only along the property's frontage, but expressed a desire to continue the improvements to the intersection of N. University Avenue to W. Center Street. An initial motion was made but was ultimately withdrawn regarding extending improvements south along University to W. Center Street, given the lack of the feasibility of the request and constructability without additional land acquisition. Further, Commissioners had concerns about the indefinite, or 55-year future of the land, ultimately finding, based on staff and City Attorney's office feedback, that an amendment or formal abandonment to the CUP would be required to decouple the parking lot from the housing development in the future. Commissioners in opposition also found a general lack of compatibility with future land use plans for the area, and the City's nearby investment in the Cultural Arts Corridor. No members of the public spoke during the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Appeal Request Letter (#3), Council Member Berna - Affirmation of Appeal (#4), Council Member Jones - Affirmation of Appeal (#5), Council Member Stafford - Affirmation of Appeal (#6), Planning Commission Staff Report (#7)

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TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: April 8, 2024

SUBJECT: **CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483):** Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0011**.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0011**, determining:*

- *In favor of compatibility for an off-site parking lot serving a residential use;*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in downtown Fayetteville with street frontage along N. University Avenue. Situated approximately halfway between W. Dickson Street and W. Center Street, the site sits just south of the downtown SWEPCO electric substation, and was the former site of the Powerhouse Seafood restaurant that permanently closed in June 2023. The property is zoned MSC, Main Street Center and contains approximately 2.5 acres. The site slopes downward to the east at an approximately 12% grade change. Surrounding land uses and zoning are depicted in Table 1.

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

Direction	Land Use	Zoning
North	SWEPCO Substation	MSC, Main Street Center
South	University of Arkansas (Warehousing and Offices)	MSC, Main Street Center
East	Arkansas Missouri Railroad/Commercial/Multi-family	MSC, Main Street Center
West	Evergreen Cemetery	MSC, Main Street Center

City Plan 2040 Future Land Use Designation: City Neighborhood Area.

Proposal: The applicant requests conditional use permit approval to install an off-site parking lot in the Main Street/Center zoning district. The purpose of this request is to provide an off-site parking lot for a proposed student housing project on W. Center Street. Fayetteville’s Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that parking lots that are not located on the same lot as the principal use, require conditional use permit approval from the Planning Commission.

Public Comment: Staff have received inquiries from the public regarding this request, but no comments in opposition or support. One member of the public indicated a request for fencing along the southern and eastern property lines.

RECOMMENDATION: Staff recommends approval of CUP-2024-0011, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot serving a residential use.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. **Conditional use permit approval does not grant any necessary development entitlement approval for the associated parking lot, or for the related student housing project. For the purposes of development review, development entitlement for this parking lot and for the related proposed student housing project (parcels 765-12932-001 and 765-12934-000, 765-01886-000 respectively) shall be considered as one site and/or one project.**
3. **At the time of development entitlement, applicant shall supply adequate ownership or long-term lease information that ensures the property can be retained as a parking lot for a reasonable amount of time to serve the residential structure.**
4. **Sidewalk, greenspace, streetlights, and street trees shall be installed along the property's frontage along N. University Avenue in line with the typical master street plan requirements for Neighborhood Link streets.**
5. **A hedge row, between 32 and 42 inches in height, shall be installed between the parking lot and the street, and that a maintenance guarantee be provided to cover the installation and care of the hedge until it is grown to sufficient height and density to screen the parking lot as intended.**
6. **Off-site parking lots shall be prohibited from being located within the build-to-zone, per 172.04(C)3. Associated spaces shall not be located within 0-25 feet from the existing right-of-way, or master street plan right-of-way, whichever is greater.**
7. **Accessible parking requirements shall be evaluated for compliance with the Unified Development Code and the Americans with Disabilities Act;**
8. **Trash receptacles shall be provided for the convenience of the users, and shall be screened from view of the public right-of-way. The property owner shall be responsible for maintaining the property and keeping it free and clear of litter and debris;**
9. **Signage shall comply with the UDC Chapter 174, Signs;**
10. **Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting;**

11. Existing non-conforming access features shall be brought into conformity in line with the standard requirements in UDC Chapter 166.08(F);
12. Parking lot must meet all other standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 8, 2024</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied
Motion: <u>Brink</u>	Failed for a lack of 5 affirmative votes.		
Second: <u>Payne</u>			
Vote: <u>1-4-0 (Commissioners Castin, Garlock, Gulley, McGetrick opposed)</u>			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

- B. Authority; Conditions.** The Planning Commission shall:
1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
 2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
 3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
 4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.
- C. Procedures.** A conditional use shall not be granted by the Planning Commission unless and until:
1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting conditional use approval for an off-site parking lot.

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

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: The Planning Commission is empowered under Unified Development Code §172.06 to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use permit is not likely to negatively affect the public interest. By including this off-site parking lot within a nearby vicinity to the proposed housing development, staff finds that residents and guests of the proposed housing development are less likely to park in an illegal manner or in a way that would conflict with public safety or emergency services access.

- (c.) The Planning Commission shall certify:
 - (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing off-site parking locations in Unified Development Code §172.06, Parking Lot Location Standards.

§172.06. PARKING LOT LOCATION STANDARDS.

...

B. Permitted Locations as a Conditional Use.

1. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
2. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Finding: The request is for a parking lot located within the same zoning district as the principal use (both areas are zoned MSC). Staff finds that the proposed size and scale is unlikely to negatively affect the surrounding neighborhood characteristics.

- C. Off-Site Locations.** If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

Finding: The intent of the ordinance limiting the distance to 600 feet is meant to provide an off-site parking lot that is still within a convenient, walkable location for the proposed users. The proposed site is, as the crow flies, less than 200 feet away from the proposed principal use at its closest corners, but via a reasonable and legal walking distance, the parking lot is approximately 675 feet from the primary use. The applicant has not provided additional information about possible transportation or a shuttle service, but intends to use existing public sidewalk and existing public trail for transportation between the parking lot at the proposed housing use.

...

§163.02. AUTHORITY; CONDITIONS; PROCEDURES. (continued)

- (2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:
 - (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: N. University Avenue is classified as a Neighborhood Link Street, which typically requires a curb separation distance of 100 feet. The applicant is showing an intent to provide vehicular access through two proposed curb cuts, which are approximately 150 feet in separation. The site is currently served by what appear to be two existing non-conforming driveways, one to the south, and one to the north. The proposal would provide for safer and more predictable vehicular access to the site. The site also has an existing sidewalk and pedestrian crossing to the Razorback Greenway to the east; staff would recommend improvements to the pedestrian crossing here, since it is a likely desired path that individuals parking their vehicles in this site would take to access the proposed housing to the south.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: No substantial noise, glare, or odor effects on adjoining properties are anticipated, though staff recognizes that a stagnant use such as a parking lot may not provide necessary activation to the site that may help generate economic activity in this area. That said, a parking lot in this location may be one of the more reasonable uses that could be installed at this site; given the substation to the north, staff finds that the site is likely encumbered by many easements that could make building more vertically less likely. Further, the site has natural borders; the cemetery to the west, the substation to the north, and the railroad to the east limits access to the area. The site also slopes significantly to the east, so any negative visual impact from a parking lot is likely to be minimal. That said, staff recommend a

landscaped screen between 32 and 42 inches in height with a 50% opaque minimum be installed along the N. University Avenue frontage.

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

Finding: Minimal refuse generation is anticipated with the proposed off-site parking lot. The property owner is responsible for maintaining the lot. Staff recommends, however, that trash facilities be provided for and maintained at this location for the convenience of the individuals parked here.

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

Finding: No development is proposed on the subject property where water and sewer services are necessary. The adequacy of existing infrastructure would be evaluated at the time of any future development.

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

Finding: The off-site parking lot shall be subject to the City's landscaping requirements, and the applicant is showing an intent to provide required tree islands. Staff recommends that screening and buffering be installed per the requirements as outlined in chapter 177, Landscape Regulations. Staff also recommends that a landscaped screen between 32 and 42 inches in height with a 50% opaque minimum be installed along the N. University Avenue frontage to minimize the visual impact of the parking lot from the public right-of-way.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Any proposed signage must meet the requirements as outlined by chapter 174. The applicant has not currently indicated any signage to be placed on-site.

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

Finding: No structures are proposed with this conditional use permit. Staff finds that the proposal is generally meeting the landscape buffer requirements as outlined in chapter 177, Landscape Regulations.

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

Finding: Staff finds that the proposal is compatible with adjacent properties, though not necessarily compatible with other allowable uses in the Main Street/Center zoning district. Surface parking lots are becoming less

common in downtown Fayetteville, with the ongoing redevelopment of the Civic Plaza property to the east from a parking lot to a city public park and open space.

- (i) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds that the proposal is compatible with the goals and intent of the city's adopted land-use, transportation, and other strategic plans. The property in question was evaluated in 2004 with the adoption of the Fayetteville Downtown Master Plan. While this plan is 20 years old, staff recognizes that it is still the governing document for the area. The illustrative plan for this site did not call for any form or redevelopment or infill, where it did in other locations. There is no long-term plan for this site with this proposal to become redeveloped, or to transfer to a different use in the future, and approval of this conditional use permit would solidify its development as such for the long-term.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.27 Main Street/Center
 - §172.06 - Parking Lot Location Standards
- Location exhibit
- Fayetteville Downtown Master Plan (Excerpt)
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.27 Main Street/Center

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

172.06 - Parking Lot Location Standards

The location of all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

- (A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.
- (B) *Permitted Locations as a Conditional Use.*
- (1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
 - (2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

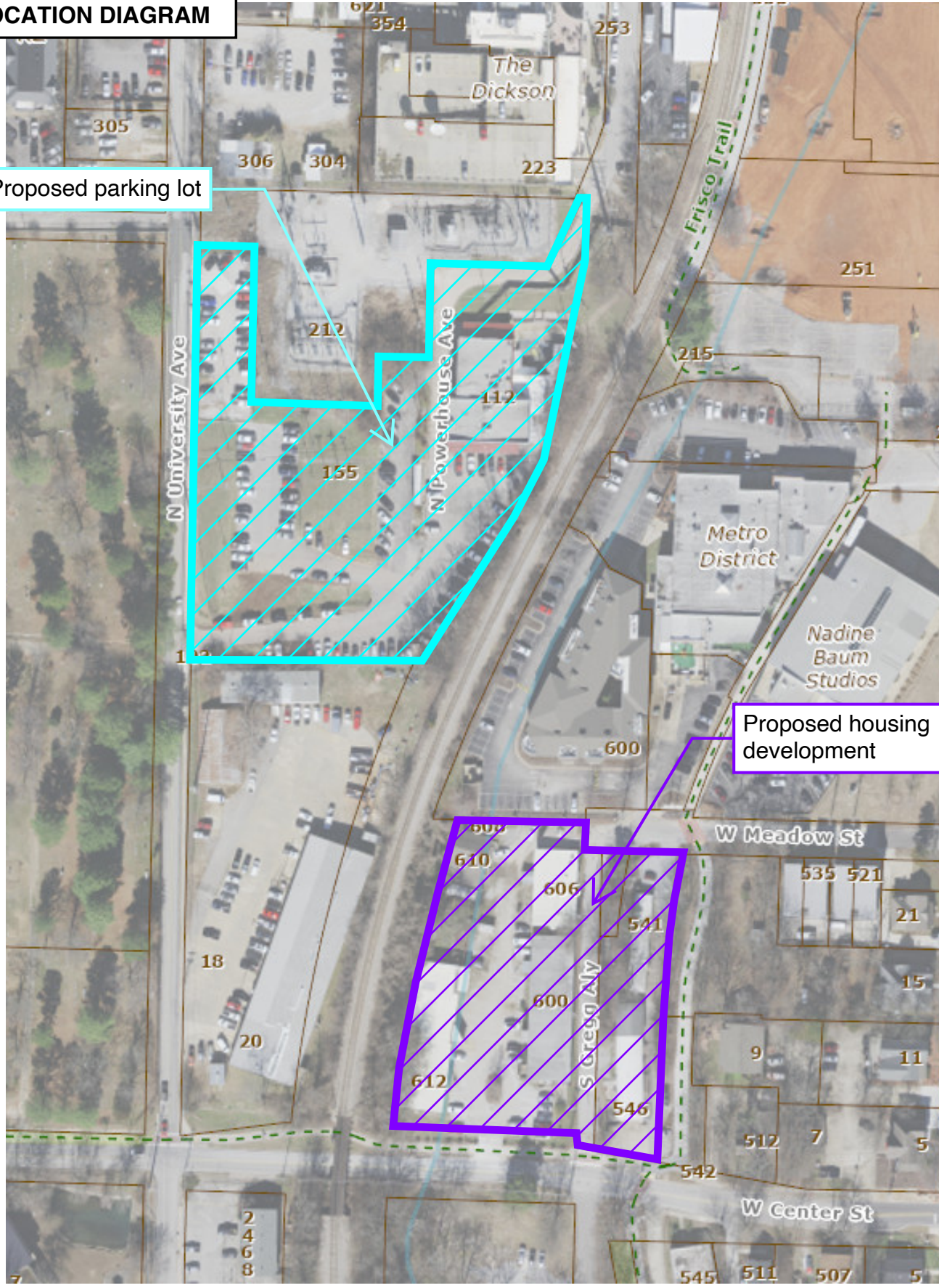
The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

- (C) *Off-Site Locations.* If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

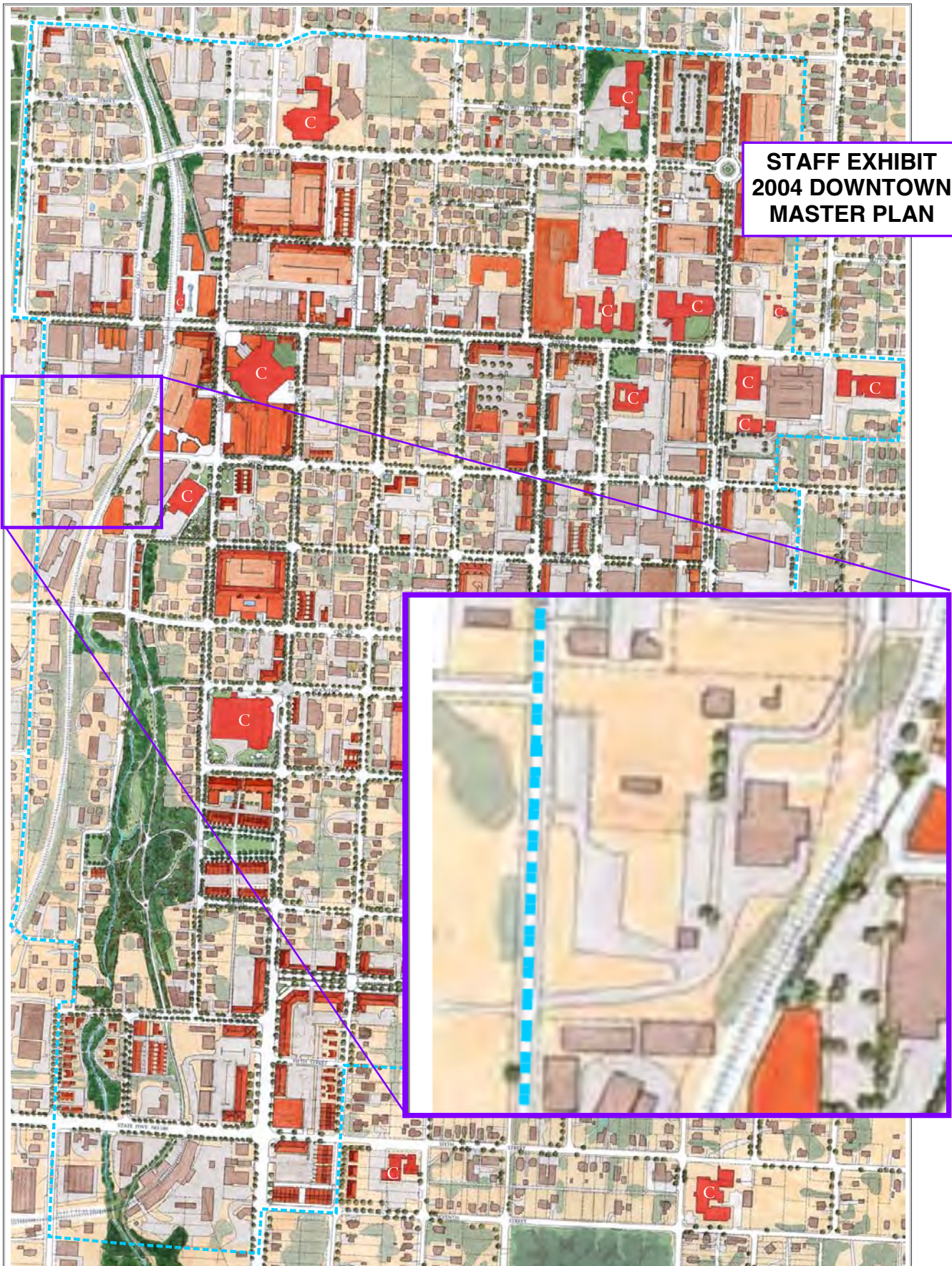
**STAFF EXHIBIT
OFF-SITE PARKING LOT
LOCATION DIAGRAM**

Proposed parking lot

Proposed housing development



**STAFF EXHIBIT
2004 DOWNTOWN
MASTER PLAN**



FAYETTEVILLE DOWNTOWN MASTER PLAN

City of Fayetteville, Arkansas

Fayetteville, Arkansas
Idealized Buildout
April 2004

DOVER, KUHIL & DORRIS
PLANNERS ARCHITECTS

- Existing Building
- Proposed Building
- Existing Civic Building
- Parking Structure
- Green Space
- Study Area Boundary

BLEW

Surveying | Engineering
Environmental

March 20, 2024

City of Fayetteville
125 W. Mountain Street
Fayetteville, Arkansas

SUBJECT: Conditional Use Permit
Parcel 765-12932-001

To Whom It May Concern:

Trinitas Development, LLC is submitting a Conditional Use Permit for Parcel 765-12932-001 to develop said parcel as a Parking Lot for use of the residents of the Trinitas Development properties. *The attached site plan is conceptual and may be modified based on site conditions.*

Building size in square feet; existing and proposed

N/A, No buildings are proposed for this site.

Color elevations of all exterior sides of the structure

N/A, No buildings are proposed for this site.

Number of off-street parking spaces to be provided / number required.

This will be an offsite parking area to be used by residents of the Trinitas Development properties. The number of parking spaces proposed will be a minimum of 194 spaces but no more than 221 spaces as required for the 612 Center Street Development. *194 spaces are needed to make up the difference for the principal use.* The parking lot will comply with the City of Fayetteville's Unified Development Code.

When request applies to a business or non-residential use: -Hours of operation -Number of employees -Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)

Hours of Operation: 24 hours per day, 7 days per week.

Number of Employees: 0

Anticipated number of patrons: 194 vehicles

Outdoor lighting

Outdoor lighting meeting City of Fayetteville's Unified Development Code will be provided for the purposes of security for the patrons of the parking lot.

Noise

Due to the nature of the project, the only expected noise would be generated from vehicular traffic on the site.

Screening or buffering from adjacent properties.

The parking lot will be placed outside of the build to zone, so the requirements of 172.04(C) are not applicable. The following will be provided: landscaping meeting the requirement of the municipal code; and a fence around the property.

Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

N/A, Trash and refuse service will not be provided at this site.

Ingress and egress to the property; traffic impacts

With 194 vehicles associated with this site, per the ITE Trip Generation Manual, we can expect 3.24 trips per Parking Space on a Weekday. For this site, that would generate 629 vehicle trips per day with 50% Entering, and 50% Exiting. Traffic would access N. University Avenue and N. Powerhouse Avenue (both being classified as an Urban Center Road) having enough capacity for the added vehicle trips.

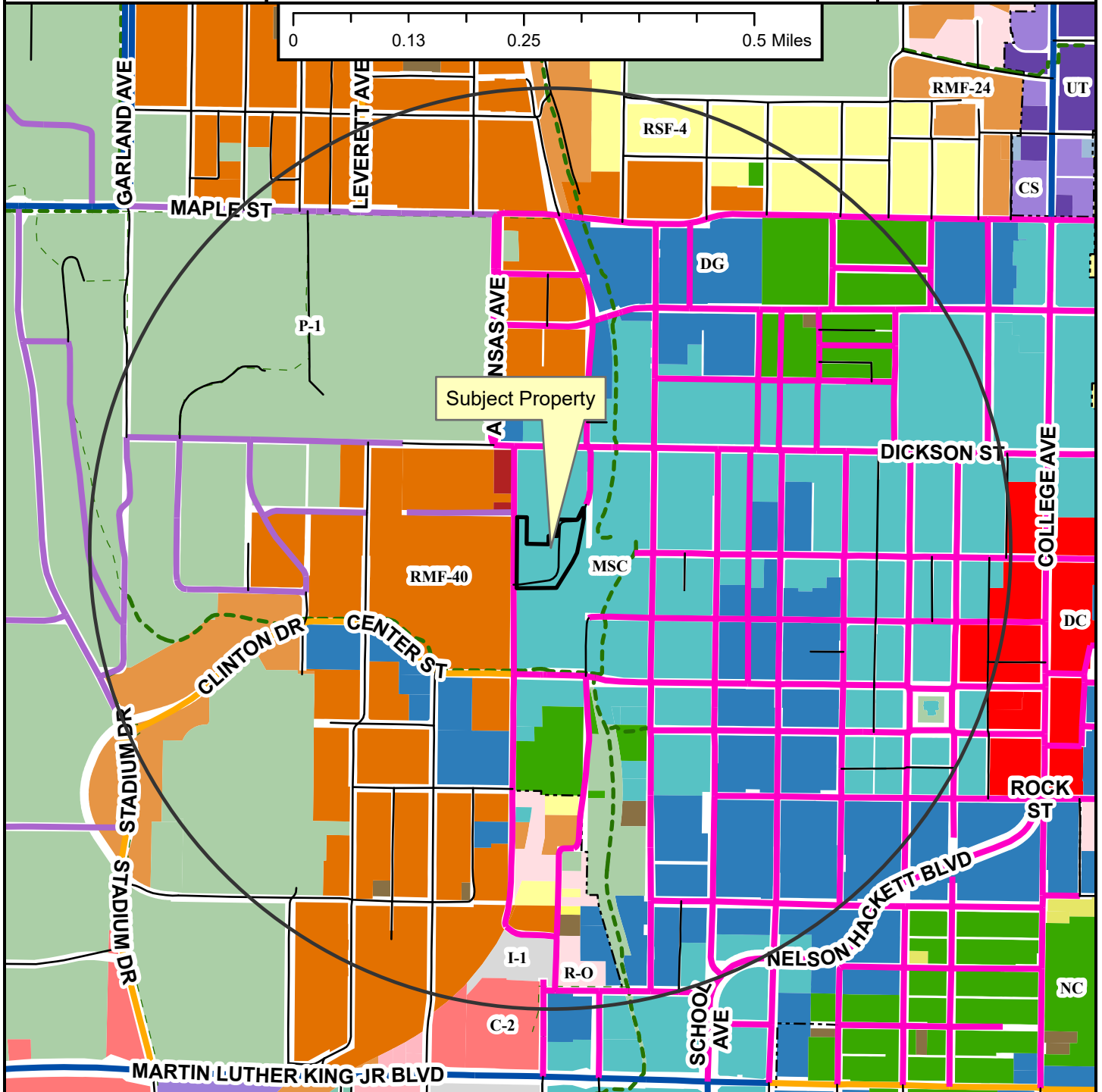
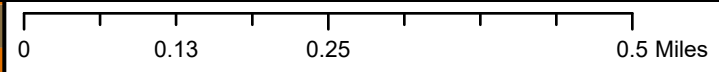
A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood.

To the north of the site is an electric substation controlled by Southwestern Electric Power Company. To the south of the property is what appears to be a maintenance building for the University of Arkansas. To the west is Evergreen Cemetery. To the east is the railroad and east of the railroad is mixed use building housing both residential uses and commercial uses. This site was where the Powerhouse Restaurant was located (now permanently closed). The proposed development will bring this site to current City Standards. The developer will be adding vegetation around and within the Site that does not currently exist helping to add shade and reduce heat-island affect.

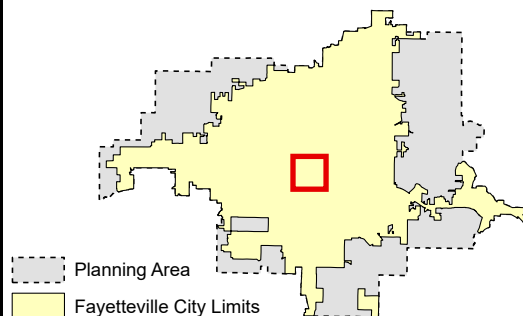
Sincerely,



Jorge Du Quesne
Blew & Associates, PA



- 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

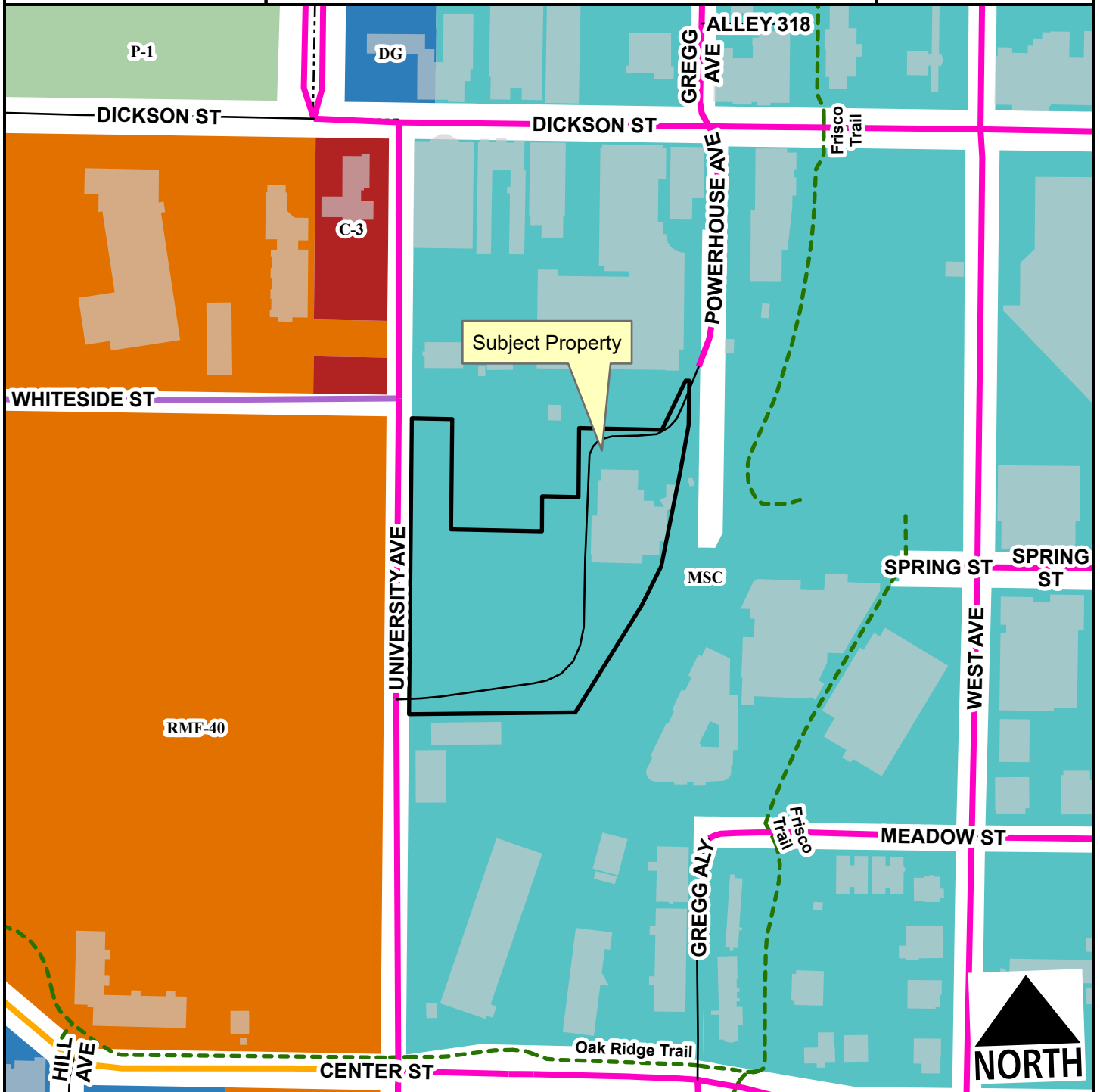


- | | |
|--|--|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RH-U RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial | <ul style="list-style-type: none"> I-2 General Industrial <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> C-1 Residential-Office C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|--|--|

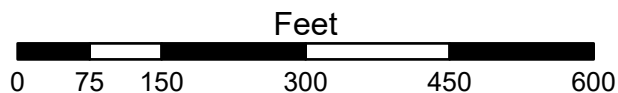
CUP-2024-0011

155 N. POWERHOUSE AVE

Close Up View



- Neighborhood Link
- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- - - Shared-Use Paved Trail
- Design Overlay District



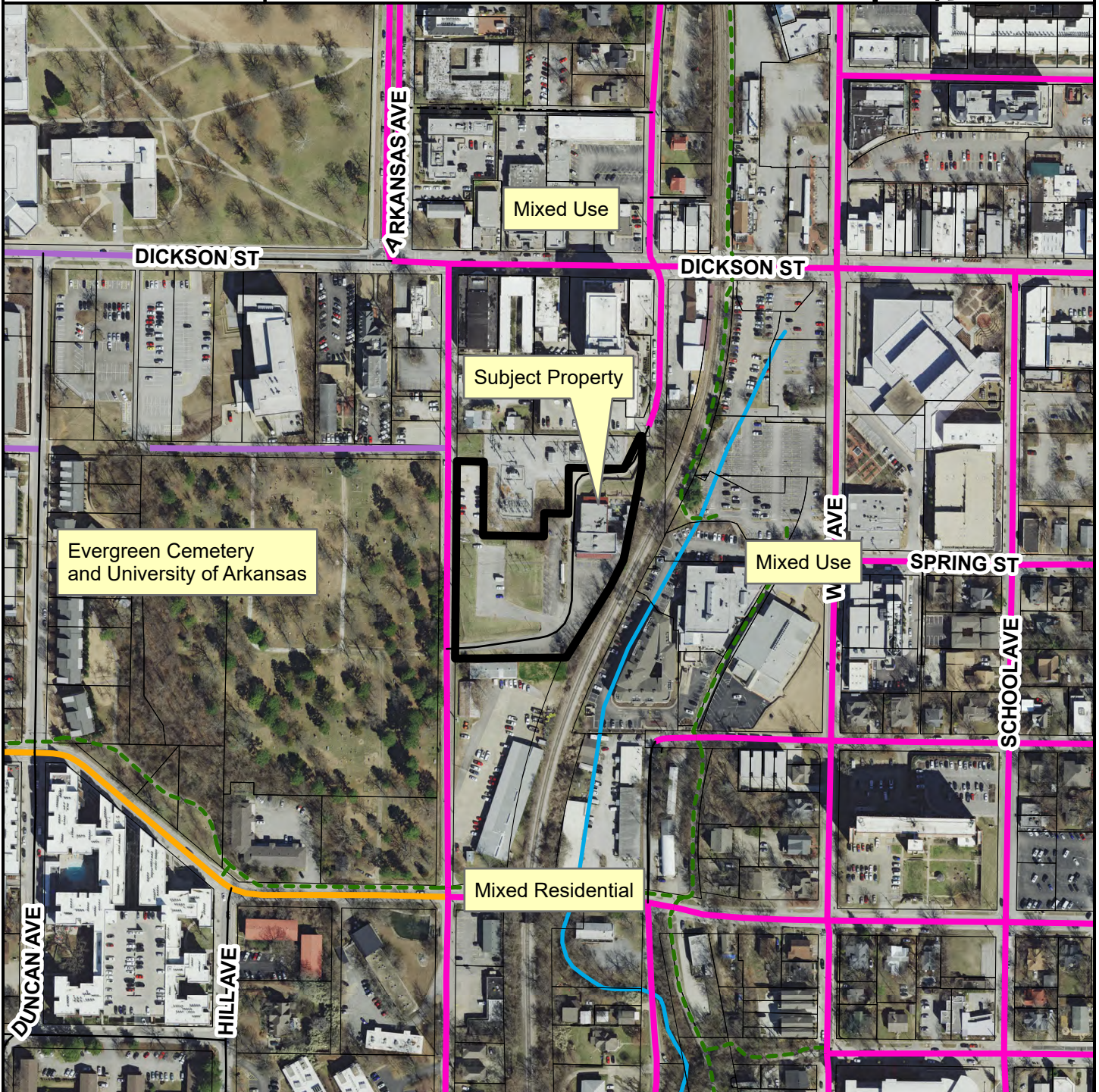
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- RMF-40
- C-3
- Main Street Center
- Downtown General
- P-1

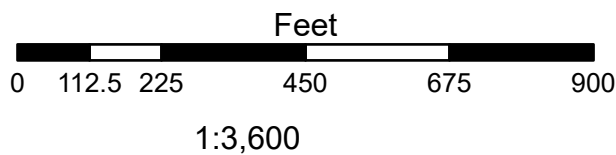
CUP-2024-0011

155 N. POWERHOUSE AVE

Current Land Use



- Neighborhood Link
- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Compiled public comment
CUP-2024-0011

From: Thomas Brown <tbrownii@icloud.com>

Sent: Sunday, April 7, 2024 12:59 PM

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>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>

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

Subject: CUP-2024-0011 The Development of the Powerhouse Property as an Offsite Parking Lot

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,

I took note of the referenced CUP case regarding the development of an Offsite Parking Lot on the Powerhouse property. As a resident of our Downtown Tier 1 Center and a supporter of the development of the Cultural Arts Corridor and Dickson Street Entertainment District, I feel compelled to voice my concern about the incompatibility of an expansive single use parking lot located along the border of the Cultural Arts Corridor. The Corridor having as one of its design objectives, the mixed-use (residential and commercial) development along its edges. I am especially concerned about the potential loss of several important opportunities that a creative mixed-use development on this historic Powerhouse property could mean for the City, including:

- The opportunity to continue to demonstrate the power of the Cultural Arts Corridor to attract successful mixed-use development around its edges. (*This was one of the Corridor Project's major investment objectives.*)
- The opportunity to explore the potential application of a parking incentive with the developer (*Offering a parking variance for their adjacent Student Housing Project for their willingness to support the Historic Preservation of the Powerhouse Building and development of the balance of the property as a creative mixed-use Project.*) and test the concept of eliminating Residential Parking Minimums in a Tier 1 Center.
- The opportunity to restore and preserve the Powerhouse Building through its continued adaptive use as a commercial establishment. (*Hopefully a restaurant which could become an historical culinary amenity for the Public Plaza Area of the Cultural Arts Corridor.*)
- The opportunity to explore a partnership with the University as a potential occupant in the ground level portion of a vertically oriented mixed-use high density residential building complex. (*This partnership could function as studio/instructional space that*

strengthens the art's orientation of the Corridor and potentially present an opportunity to justify the application of a parking reduction incentives by the City through the implementation of a shared parking concept with the University.) The mixed-use building complex could be located along University Avenue and the southern boundary of the property.

- The opportunity to develop a multimodal public plaza space between the Historic Powerhouse Building and an adjacent Mixed-use Building Complex that would be designed to integrate and connect Powerhouse Drive to Greg Avenue and Spring Street (*Pedestrian only*).
- The opportunity to explore the application of the City's affordable housing objectives as a component of a mixed-use high density residential building complex located along University Avenue and the southern boundary of the property.

I believe the potential to support the successful realization of these opportunities deserves the involvement of the City to include efforts in active coordination and support through the application of incentives (*parking, height, lot coverage, density, setbacks, fees, in kind construction equity, etc.*).

It is my hope that the Planning Commission and the City Management Team will play an active role in helping the Developer and Property Owner fully understand and explore the opportunities associated with the mixed-use development of the historic Powerhouse property. This action can become an important and meaningful effort to continue the implementation of the Cultural Arts Corridor Plan and test the concept of eliminating Residential Parking Minimums in a Tier 1 Center.

Thomas Brown

P. S. As a member of the Planning Commission that recommended the elimination of Commercial Parking Minimums, I feel it is important to let you know that during our discussions regarding the concepts, there was a general understanding that eliminating parking minimums was not eliminating all parking. It was making the decision, regarding the number of needed parking spaces, a business decision and responsibility of the developer.

From: Masters, Jessica
Sent: Wednesday, April 3, 2024 11:08 AM
To: t1tlott@gmail.com
Cc: Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Tech Plat - CUP 2024-0011 115 N. Powerhouse

Compiled public comment
CUP-2024-0011

Tom,

Thank you for the question, and thank you for the patience in my response. The reason why this item is being heard and considered by the Planning Commission is under [172.06\(C\)](#).

“(C)Off-Site Locations. **If off-street parking cannot be provided on the same lot as the principal use** due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, **subject to conditional use approval by the Planning Commission.**”

As far as pedestrian access, you are correct that pedestrians will likely use the existing sidewalk along N. University and connect to the site to W. Center. Further, there is also an existing pedestrian crossing on the railroad tracks that leads into the Powerhouse site and onto the Razorback Greenway. The applicant does not intend to make any changes to that existing path, and would likely connect to that for an additional pedestrian route. I’ve highlighted it below for reference.

Staff will make sure your comment is included in staff’s report on the item. If you have any additional comments, please let me know. We will be publishing our final reports on Thursday afternoon, ahead of the 4:30 PM agenda session. Further, any written comment forwarded along to staff after the published report will be forwarded to the Commission directly.

Thank you,

Jessie



Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



Compiled public comment
CUP-2024-0011

From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Monday, March 11, 2024 8:03 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Tech Plat - CUP 2024-0011 115 N. Powerhouse

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Jessie – this will be discussed on Wednesday. I have a question/observation. To me, this proposed off-site parking lot is far better than previous proposals. But does it meet the City Code requirements?

City Code 172.06(A) does not seem to apply since parking does not seem to be covered under City Code 161.27(B)(1).

City Code 172.06(C) permits it. But City Code 172.06(B) which governs CUPs seems to apply only to nonresidential zones. All references in it are to residential zones.

Or does City Code 161.27(B)(2) provide for the request as a Unit 2 use?

In addition, the proposed parking lot has no connection to the property at 612 Center Street. No access would be permitted across the railroad tracks. The two properties do not touch each other. So, the only access to 115 N Powerhouse will be for users of the parking lot to use the sidewalks to and from N. University Avenue and 612 Center Street. That would be permitted. But the users may attempt to cross the railroad tracks onto adjacent property and then to 612 Center Street. Is that a valid consideration in reviewing a CUP by Tech Plat or the Planning Commission? Could a fence along the East and South sides of 115 N Powerhouse be required?

Thanks.
Tom Overbey
T1TLOTT@gmail.com
479-871-2180