

March 01,2007

**ITEM NO. 1 - C.B.C. 602 - NEW MATTERS**

Applicant: Hank Kelley, Owner  
Tim Heiple, agent  
Heiple Wiedower Architects and Planners  
Gaines & Garland Subdivision

Address: 700 Garland

Description: NW Corner of Garland & Gaines Streets

**ORDINANCE REQUIREMENTS:**

Section 15-96. (a) requires a perimeter planting strip, which abuts any street to be at least nine (9) feet wide. In the designated mature area of the City, that may be reduced to 6.75 feet.

Section 15-96. (b) requires that trees planted in the perimeter planting strip have an average linear spacing of not less than thirty (30) feet. Three (3) shrubs or vines for every thirty (30) linear feet shall be planted in the perimeter planting strip.

Section 15-105/ (c) up to twenty-five percent of the perimeter planter area and associated trees and shrubs may be shifted to another area of the site for the purpose of improving visual aesthetics or for other appropriate environmental concerns.

**VARIANCE REQUESTED:**

1. Variances are requested to allow a reduction in the width of the required nine (9) foot wide landscape strip along portions of the western property line.
2. Variances are requested to allow the perimeter landscape strip vegetation to be located in another area on the site due to be in an easement area that is planned to have extensive herbicide application and periodic removal for public safety.
3. Variances are requested to locate the required vegetation in another area on the site; out of the easement; highly volatile area.

**FINDINGS:**

The Urban Use (UU) zoned lot located at 700 Garland Street is currently occupied by a mixture of gravel, concrete, and is currently being used as a parking lot. To the north of the site is a railroad spur located on the banks of the Arkansas River. To the east of the site is a power substation. To the south of the site is LaHarpe Street and west of the site is an office use. Other uses in the area include the Police Department and City Hall located to the south and residential uses located to the northwest.

The applicant is proosing a three phase subdivision for the property in question. The first phase of the development will include construction of nine townhouses of traditional residential type structural composition of approximately 1,800 square feet each built adjacent to the Arkansas River with parking beneath each unit and to the south. Phase two will consist of an additional eight townhouses of the same size and structural composition. The final phase is being planned with parking for 48 automobiles on two levels and an additional 24 flats of 1,800 square feet each built on four levels on top of the parking structure. The development will be a gated community with access to the site from Garland Avenue.

The perimeter landscape strips do not comply with the typical minimum ordinance standard of six foot nine inches (6'-9") The side plan indicates the placement of a six foot nine inch landscape strip along the eastern and western perimeters but the landscape strip is reduced to one foot along the northeastern and northwestern perimeters. The applicant has also indicated Entergy will not allow the placement of vegetation within the easement or along the eastern perimeter due to concerns with lack of maintenance. The site plan indicates the placement of an eight foot screening fence along the eastern perimeter and a six foot screening fence along the western perimeter.

On January the 18<sup>th</sup>, 2007 the Planning Commission reviewed and approved this project under the site plan review process. This approval consisted of allowance for a reduction in the street buffer.

The limitations of the site will impact any development. With the likelihood of both poisoning and cutting of the trees staff feels like the site and city would benefit more with the relocation of the required trees and shrubs in other, safer locations on the site. Staff believes this infill project will be an asset to the Urban Use district. Staff recommends approval of the landscape variance request.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested variances.