

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, October 10, 2024

4:30 PM

City Hall Room 111

Planning Commission Members

Andrew Brink, Chair

Mary McGetrick, Vice Chair

Brad Payne, Secretary

Matthew Cabe

Nick Castin

Jimm Garlock

Fred Gulley

Mary Madden

Nick Werner

Senior Assistant City Attorney Blake Pennington

Call to Order**Roll Call****Consent****1. MINUTES:**

Approval of the minutes from the September 23, 2024 Planning Commission. -
Mirinda Hopkins, Development Coordinator

Unfinished Business**2. LSD-2024-0020: Large Scale Development (2837 N. DEANE SOLOMON RD/UNDERWOOD PARK, 246):**

Submitted by ECOLOGICAL DESIGN GROUP for property located at 2837 N. DEANE SOLOMON RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 34.59 acres. The request is for new park facilities, including a pavilion, sport courts, water play amenities, and associated parking.

THIS ITEM WAS TABLED AT THE SEPTEMBER 23, 2024 PLANNING COMMISSION MEETING.

APPLICANT HAS REQUESTED TO TABLE UNTILL THE NOVEMBER 12, 2024 PLANNING COMMISSION MEETING.

- Donna Wonsower, Planner

3. CUP-2024-0037: Conditional Use Permit (3447 N. HWY 112/FELLOWSHIP BIBLE CHURCH OF NORTHWEST ARKANSAS, 209):

Submitted by ENGINEERING SERVICES INC for property located at 3447 N. HWY 112. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.16 acres. The request is for an off-site parking lot.

THIS ITEM WAS TABLED AT THE SEPTEMBER 9, 2024 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

4. PZD-2024-0006: Planned Zoning District (1875 W. HASKELL HTS/THE STATION AT FAYETTEVILLE, 520):

Submitted by CRAFTON TULL for property located at 1875 W. HASKELL HTS. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 34.86 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

*THIS ITEM WAS TABLED AT THE SEPTEMBER 23, 2024 PLANNING COMMISSION MEETING.
THE APPLICANT HAS REQUESTED TO TABLE UNTIL THE OCTOBER 28, 2024 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner*

New Business

5. VAR-2024-0040: Planning Commission Variance (1251 S. GENTLE VALLEY DR/MURILLO, 555):

Submitted by JOHN MURILLO for property located at 1251 S. GENTLE VALLEY DR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.17 acres. The request is for a variance to parking requirements. - Gretchen Harrison, Senior Planner

6. VAR-2024-0041: Planning Commission Variance (2534 W. WEDINGTON DR/PAGLIANI, 402):

Submitted by PABLO PAGLIANI for property located at 2534 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.35 acres. The request is for a variance to access management standards.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF. - Gretchen Harrison, Senior Planner

7. VAR-2024-0042: Planning Commission Variance (1764 N. COLLEGE AVE/HENDRIX, 368):

Submitted by JOE HENDRIX for property located at 1764 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.03 acres. The request is for a variance to the Streamside protection zone requirements. - Alan Pugh, Staff Engineer

8. CCP-2024-0007: Concurrent Plat (E. PANORAMA PL & N. GREENVIEW DR/NAZAR DEVELOPMENT, 370):

Submitted by ODYSSEY ENGINEERING LLC for property located on E. PANORAMA PL & N. GREENVIEW DR. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.97 acres. The request is for the concurrent plat of four residential lots. - Gretchen Harrison, Senior Planner

9. VAC-2024-0018: Vacation (314 W. LAFAYETTE ST/UNIVERSITY BAPTIST CHURCH, 484):

Submitted by CRAFTON TULL for property located at 314 W. LAFAYETTE ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 4.75 acres. The request is to vacate 0.34 acres of alley right-of-way. - Donna

Wonsower, Planner

10. VAC-2024-0020: Vacation (WEST END OF W. TREADWELL ST/SOUTH DUNCAN LLC, 522):

Submitted by MODUS STUDIO for property located at the WEST END OF W. TREADWELL ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.22 acres. The request is to vacate 0.22 acres of right-of-way. - Donna Wonsower, Planner

11. RZN-2024-0042: Rezoning (1055 N. POLLARD AVE/ANDONA PROPERTIES LLC, 445):

Submitted by ANDREA FOURNET for property located at 1055 N. POLLARD AVE. The property is zoned R-O, RESIDENTIAL OFFICE, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

- Britin Bostick, Long Range Planning/Special Projects Manager

12. RZN-2024-0043: Rezoning (1236 W. MOUNT COMFORT RD/SCHWARTING, 404):

Submitted by SCHUYLER SCHWARTING for property located at 1236 W. MOUNT COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Kylee Cole, Long Range & Preservation Planner

13. RZN-2024-0044: Rezoning (2001 W. 18TH ST/ARNOLD, 598):

Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2001 W. 18TH ST. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.90 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Britin Bostick, Long Range Planning/Special Projects Manager

14. RZN-2024-0045: Rezoning (2286 W. STONE ST/KJJ INVESTMENT GROUP OF NWA LLC, 520):

Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2286 W. STONE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

- Britin Bostick, Long Range Planning/Special Projects Manager

15. RZN-2024-0046: Rezoning (510 W. PRAIRIE ST/SCOTT, 523):

Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 510 W. PRAIRIE ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.16 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

- Britin Bostick, Long Range Planning/Special Projects Manager

16. RZN-2024-0047: Rezoning (653 N. GENEVIEVE AVE/FINELINE DEVELOPMENT LLC, 436):

Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 653 N. GENEVIEVE AVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.60 acres. The request is to rezone the property to RMF-6, RESIDENTIAL MULTI-FAMILY, SIX UNITS PER ACRE. - Donna Wonsower, Planner

17. RZN-2024-0048: Rezoning (N. MEADOWLANDS DR/MEADOWLAND HEIGHTS, 400):

Submitted by ODYSSEY ENGINEERING for property located on N. MEADOWLANDS DR. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

- Kylee Cole, Long Range & Preservation Planner

18. RZN-2024-0049: Rezoning (1893 N. RUPPLE RD/CONRAD, 361):

Submitted by CLINT PENZO for property located at 1893 N. RUPPLE RD. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNITS PER ACRE and contains approximately 1.04 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

- Kylee Cole, Long Range & Preservation Planner

19. ANX-2024-0001: Annexation (N. RUPPLE RD & W. SALEM RD/FOXTAIL MEADOWS, 205):

Submitted by FLINTLOCK LTD CO. for property located on N. RUPPLE RD & W. SALEM RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 7.90 acres. The request is to annex the property into the city limits of Fayetteville. - Gretchen Harrison, Senior Planner

20. PZD-2024-0005: Planned Zoning District (N. RUPPLE RD & W. SALEM RD/FOXTAIL MEADOWS, 205):

Submitted by FLINTLOCK LTD CO. for property located on N. RUPPLE RD & W. SALEM RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and located in the FAYETTEVILLE PLANNING AREA and contains approximately 44.00 acres. The request is to rezone the property to a PZD, PLANNED ZONING DISTRICT. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff**21. LSP-2024-0028: Lot Split (832 S. DOCKERY LN/MCDONALD BUILDING GROUP, 565):**

Submitted by JORGENSEN & ASSOCIATES for property located at 832 S. DOCKERY LN. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.25 acres. The request is to split the property into two lots containing 0.12 and 0.12 acres. - Gretchen Harrison, Senior Planner

22. LSP-2024-0032: Lot Split (621 N. VANDEVENTER AVE/HEAD, 445):

Submitted by ALAN REID & ASSOCIATES for property located at 621 N. VANDEVENTER AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.32 acres. The request is to split the property into two lots containing 0.20 and 0.12 acres. - Kylee Cole, Long Range & Preservation Planner

23. FPL-2024-0009: Final Plat (WEST OF W. PRIMEARK HORIZON DR/BLACKBERRY RIDGE SD, 201 & 202):

Submitted by CRAFTON TULL for property located WEST OF W. PRIMEARK HORIZON DR. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 27.52 acres. The request is for the final plat of 17 residential lots and one unbuildable lot. - Kylee Cole, Long Range & Preservation Planner

Agenda Session Items**Announcements**

24. The Planning Commission will hold a special meeting at 5:30pm or immediately following Agenda Session on Thursday, October 10 in Room 111. This is a workshop to discuss PZD-2024-0006. The meeting will be held in person and on Zoom via the same link as the Agenda Session meeting.

Adjournment**NOTICE TO MEMBERS OF THE AUDIENCE**

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate appointed official, staff, or others for response. Please keep your comments brief, to the point, and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters of TDD, Telecommunications Device for the Deaf, are available for all public hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

(pg. 1) Planning Commission Monday, 09/23/2024							
Time: 5:30 PM							
Staff : ☐ Melissa Evans ☐ John Scott ☐ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Kylee Cole							
☒ Britin Bostick ☒ Josh Boccaccio ☒ Melissa Boyd ☒ Fire Marshal/Clint Price ☒ Chris Brown ☐ Alan Pugh							
	Roll Call	1) Minutes (09/09/2024)	2) ADM-2024-0044 (DUNCAN CLUSTER)	3) VAR-2024-0039 (HYATT STUDIO HOTEL)	4) LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)	5) LSD-2024-0020 (UNDERWOOD PARK)	6) LSD-2024-0013 (MAVERIK)
Castin	1	1	1	1	1	1	
Gulley	1	1	1	1	1	1	
Cabe	1	1	1	1	1		
Werner	1	1	1	1	1	1	1
Garlock	1	1	1	1	1	1	1
Madden	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Payne	1	1	1	1	0	1	1
Agenda		Consent	Consent	Consent	Old	New	New
Action		Approve	Approve	Approve	Approve	Table	Table
Motion By		Werner	Werner	Werner	Werner	Gulley	Werner
Motion 2nd		Garlock	Garlock	Garlock	Castin	Castin	Brink
Vote		9-0-0	9-0-0	9-0-0	8-1-0	8-0-0	8-0-0
Time		5:33 PM	5:33 PM	5:33 PM	7:55 PM	8:06 PM	8:07 PM
Motion Detail					In favor of all variances and with all conditions as recommended by staff.	Until the October 14, 2024 Planning Commission meeting.	Until the December 9, 2024 Planning Commission meeting.
Public Comment		0	0	0	29	0	0

(pg. 2) Planning Commission		Monday, 09/23/2024				
	7) CUP-2024-0036 (MEADOWLANDS CHILDCARE CENTER)	8) LSD-2024-0026 (MEADOWLANDS CHILDCARE CENTER)	9) CUP-2024-0031 (5 DOGS INVESTMENTS LLC)	10) CUP-2024-0038 (AKD RENTALS)	11) CUP-2024-0039 (GINDER)	12) CUP-2024-0040 (DO PORTUGAL CIRCUS)
Castin	1	1	1	1	1	1
Gulley	1	1	1	1	1	1
Cabe						
Werner	1	1	1	1	1	1
Garlock	1	0	1	1	1	1
Madden	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Payne	1	1	0	1	1	1
Agenda	New	New	New	New	New	New
Action	Approve	Approve	Approve	Approve	Approve	Approve
Motion By	Werner	McGetrick	Werner	Werner	Garlock	Garlock
Motion 2nd	McGetrick	Brink	McGetrick	McGetrick	Gulley	Werner
Vote	8-0-0	7-1-0	7-1-0	8-0-0	8-0-0	8-0-0
Time	8:14 PM	8:43 PM	8:51 PM	8:59 PM	9:08 PM	9:15 PM
Motion Detail	With conditions as recommended by staff, striking number of employee and children restriction.	In favor of all variances and with all conditions as recommended by staff.	recommended by staff, and an expiration at 6 months from approval.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.
Public Comment	0	0	0	0	1	0

(pg. 3) Planning Commission				Monday, 09/23/2024		
	13) CUP-2024-0041 (O'REILLY AUTOMOTIVE STORES INC)	14) RZN-2024-0040 (TOWNSHIP BAPTIST CHURCH)	15) PZD-2024-0006 (THE STATION AT FAYETTEVILLE)			
Castin	1	1	1			
Gulley	1	1	1			
Cabe						
Werner	1	1	1			
Garlock	1	1	1			
Madden	1	1	1			
McGetrick	1	1	1			
Brink	1	1	1			
Payne	1	1	1			
Agenda	New	New	New			
Action	Approve	Forward	Table			
Motion By	Payne	Werner	Brink			
Motion 2nd	Gulley	Castin	Payne			
Vote	8-0-0	8-0-0	8-0-0			
Time	9:31 PM	9:43 PM	10:34 PM			
Motion Detail	With all conditions as recommended by staff.	With a recommendation of approval.	Until the October 14, 2024 Planning Commission meeting.			
Public Comment	0	3	7			



TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner

MEETING DATE: October 14, 2024

SUBJECT: **LSD-2024-0020: Large Scale Development (2837 N. DEANE SOLOMON RD./UNDERWOOD PARK, 246):** Submitted by ECOLOGICAL DESIGN GROUP for property located at 2837 N. DEANE SOLOMON RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 34.59 acres. The request is for new park facilities, including a pavilion, sports courts, water play amenities, and associated parking.

SEPTEMBER 23, 2024 PLANNING COMMISSION MEETING:

At the September 23, 2024 Planning Commission meeting, the Planning Commission voted to table the project to October 14, 2024 to provide additional time for the applicant to work through engineering comments.

RECOMMENDATION:

Staff recommends tabling **LSD-2024-0020** to the November 12, 2024 Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **LSD-2024-0020** to the November 12, 2024 Planning Commission meeting."*

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			



TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 14, 2024

SUBJECT: **CUP-2024-0037: Conditional Use Permit (3447 N. HWY 112/FELLOWSHIP BIBLE CHURCH OF NORTHWEST ARKANSAS, 209):** Submitted by ENGINEERING SERVICES INC for property located at 3447 N. HWY 112. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.16 acres. The request is for an off-site parking lot.

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0037** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0037** with conditions, determining:*

- In favor of compatibility with adjacent properties, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in north Fayetteville on the west side of Highway 112 about 800 feet south of the street's intersection with Van Asche Drive. The property is directly east of Fellowship Bible Church and contains one parcel totaling 1.16 acres which was created in 2022 through a concurrent plat (CCP-2022-0009). It is currently undeveloped with the exception of two driveways at the north and south end of the property which provide access from Highway 112 to Fellowship Bible Church. Fellowship Bible Church was built in 2015 (LSIP 14-4821) and the Planning Commission recently approved a large scale development (LSD-2024-0005) which allowed for the creation of additional parking on the west side of the church's property. A large site improvement plan (LSIP-2024-0014) Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Undeveloped	RPZD, Residential Planned Zoning District
East	Industrial and Commercial	C-2, Thoroughfare Commercial UT, Urban Thoroughfare
West	Church	CS, Community Services

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 CS zoning district. The purpose of this request is to provide additional parking for Fellowship Bible Church. 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 has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0037** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot in CS zoning.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting; and
3. Approval of this conditional use permit will expire one year from the date of approval in accordance with UDC §166.20, Expiration of Approved Plans and Permits.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

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 adversely affect the public interest. The plans for Fellowship Bible Church were originally approved with the understanding that this area where a parking lot is proposed was intended to be reserved for future development in order to comply with build-to and minimum buildable street frontage requirements. However, the property has since been subdivided and there are plans to widen Highway 112, so the amount of buildable land available to accommodate that future development has been reduced. The property's frontage is also encumbered by an existing 30-foot-wide water/sewer easement.

- (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.

- 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.

Finding: The request is for an off-site parking lot located in CS zoning which would serve an adjacent use that is also in CS zoning.

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 proposed parking lot is not adjacent to any existing residential uses and staff finds that it would not adversely affect the character of the area.

- 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 subject property is adjacent to Fellowship Bible Church's property and located about 350 feet away from the church building which the proposed parking area is intended to serve.

§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: Vehicular ingress and egress to the parking lot is proposed through two existing curb cuts with direct access onto Highway 112. Staff does not anticipate any adverse traffic impacts with the proposed parking lot and its design. There is an existing 12-foot-wide trail along the property's frontage and a pedestrian path that extends through existing and proposed parking areas to provide a route for pedestrians from the trail to the church building.

- (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 economic, noise, glare, or odor effects on adjoining properties are anticipated. A large site improvement plan for the proposed parking lot is currently under review and compliance with parking lot landscaping and screening requirements is being evaluated with that request.

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

Finding: The applicant has indicated that no changes are proposed to existing trash services for Fellowship Bible Church.

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

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

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

Finding: Landscaping screening and buffering is required in accordance with UDC Chapter 177, Landscape Regulations. Since the property is not directly adjacent to any residential uses, staff does not recommend any additional screening for the proposed parking lot beyond what is required by city code.

(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: All signage shall be reviewed separately in accordance with UDC Chapter 174, Signs.

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

Finding: No structures are proposed with this conditional use permit.

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

Finding: Staff finds that the proposal is compatible with adjacent properties. While Fellowship Bible Church currently has 723 parking spaces, staff finds that the applicant's request to provide additional parking to increase the total number of spaces provided to 869 is generally compatible since it would comply with the church's parking allowances and provide additional parking which the applicant has said is necessary to provide adequate parking for the proposed use.

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

Finding: Generally, the City Plan 2040 goals of promoting infill, discouraging suburban sprawl, and growing a livable transportation network may not seem immediately in line with the approval of the proposed off-site parking lot. That said, staff finds the applicant's request to be supportable since it would allow for adequate off-site parking areas for Fellowship Bible Church.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §172.06 - Parking Lot Location Standards
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

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.
- (D) *Intermittent Parking.* Uses which generate only intermittent demand for parking, such as churches, may count available on-street parking within 600 feet of the building as part of required parking, subject to the approval of the Planning Commission.

August 30, 2024

City of Fayetteville
Development Services Building
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Conditional Use Request
Fellowship Bible Church Temporary Parking Addition (LSIP-2024-0014)
3447 N HWY 112
Fayetteville, AR 72704

Planning Staff:

Please accept this letter as a conditional use request accompanying a large site improvement plan application for Fellowship Bible Church at the referenced address. This project will include 75 additional parking spots along with all necessary site improvements. The conditional use request is for off-site parking (UDC 172.06). The proposed use is expanding the existing parking lot onto the parcel adjacent to the existing church.

- (a) Existing Building Size: **75,670 SQ. FT.**
 - i. Proposed Building: **NA**
- (b) Color elevations of all exterior sides of the structure: **NA**
- (c) Number of off-street parking spaces to be provided / number required: **882 parking spots max and 869 proposed**
- (d) When request applies to a business or non-residential use:
 - Hours of operation:
 - i. **Monday - Friday – normal office hours but some events in the evenings**
 - ii. **Sunday services – 8 am to 12pm (more or less) but some events in the evening**
 - Number of employees: **30 Full time employees**
 - Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)
 - i. **Monday - Friday during normal business hours it varies between 30 and 150 depending on various ministry events taking place but typically are short in duration (i.e. – not all day)**
 - ii. **Sunday services are between 1400-1600 persons for each of our two morning services.**
- (e) Outdoor lighting: **Existing lighting to be relocated to new parking islands and no proposed additional lighting**
- (f) Noise: **No significant additional noise generation from the project.**
- (g) Screening or buffering from adjacent properties: **No additional screening or buffering proposed**
- (h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties): **No proposed changes to existing trash service areas and no new trash areas proposed.**
- (i) Ingress and egress to the property; traffic impacts: **No proposed additional connections to public streets. Due to this, no significant traffic impacts are anticipated.**
- (j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood: **The adjacent properties are undeveloped, commercial, and multifamily residential. The proposed temporary parking is compatible with adjacent uses. The adjacent drive-in movie**

theater, ARDOT office, and contractor offices all have a significant amount of gravel parking/storage that are in adjacent parcel to the primary building. Offsite gravel parking is commonplace in the area.

Very truly yours,



Noah Geels

Z:\Engineers\00 - Engineer Projects\24909-Fellowship Church Parking Lot\03 Pre-Construction Plan Submittals\2024-07-31 Submittal #1\Parts\Conditional Use Letter.docx



Brian J. Moore, P.E.
President

Tim J. Mays, P.E.
Vice President

Jason Appel, P.E.
Secretary / Treasurer

Jerry W. Martin
Chairman of the Board

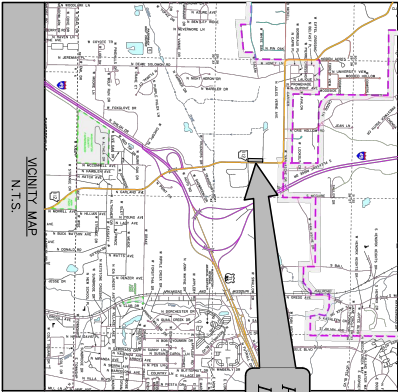
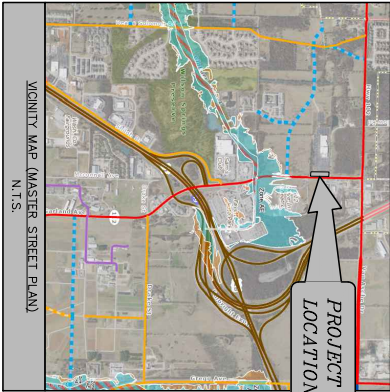
Consulting Engineers and Surveyors

www.engineeringservices.com

Planning Commission



- Future/Existing
- Regional Link - High Capacity
- Regional Link
- Improvement Link
- Interchange / Major Pkwy
- State Street



PRELIMINARY PLANS FOR A

LARGE SITE IMPROVEMENT PLAN

TO SERVE



A TEMPORARY PARKING LOT ADDITION

3447 HWY 112
FAYETTEVILLE, ARKANSAS

LSIP-2024-0XXX

July 30, 2024

BY
ENGINEERING SERVICES, INC.



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

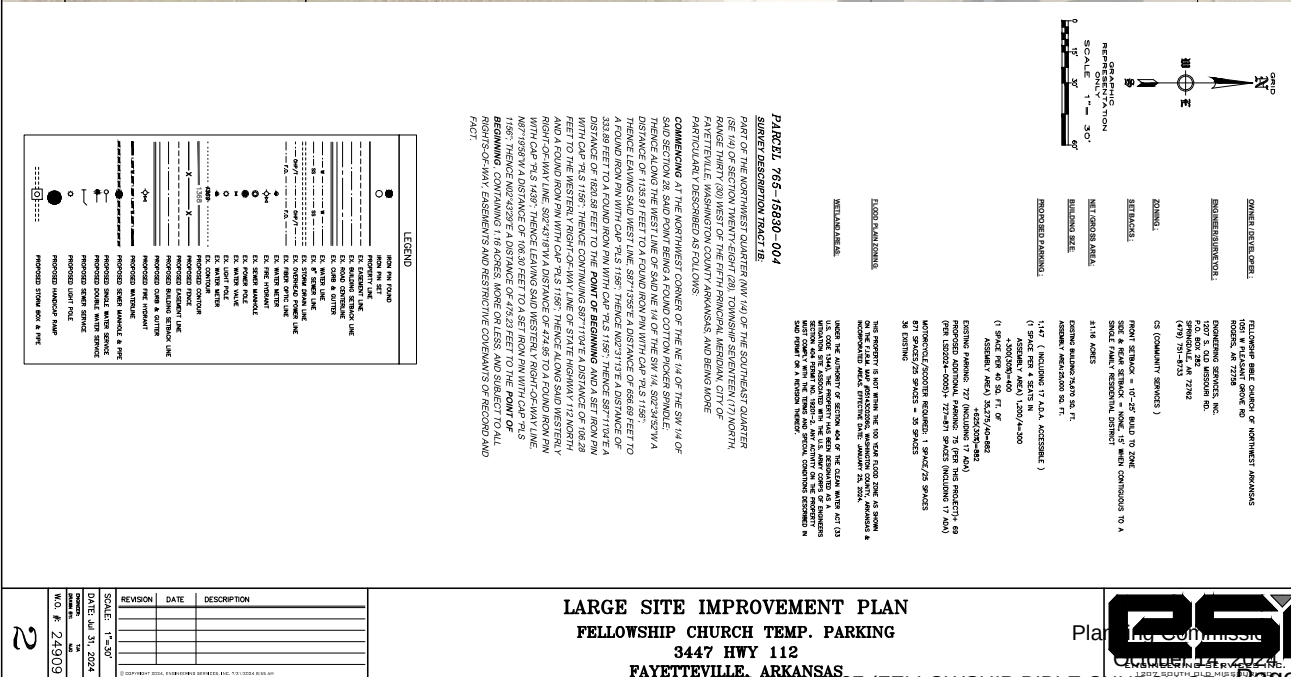
INDEX OF SHEETS	
SHEET No.	DESCRIPTION
-	COVER
-	SAFETY
1	EXISTING CONDITIONS
2	LARGE SITE IMPROVEMENT PLAN
3	GENERAL NOTES

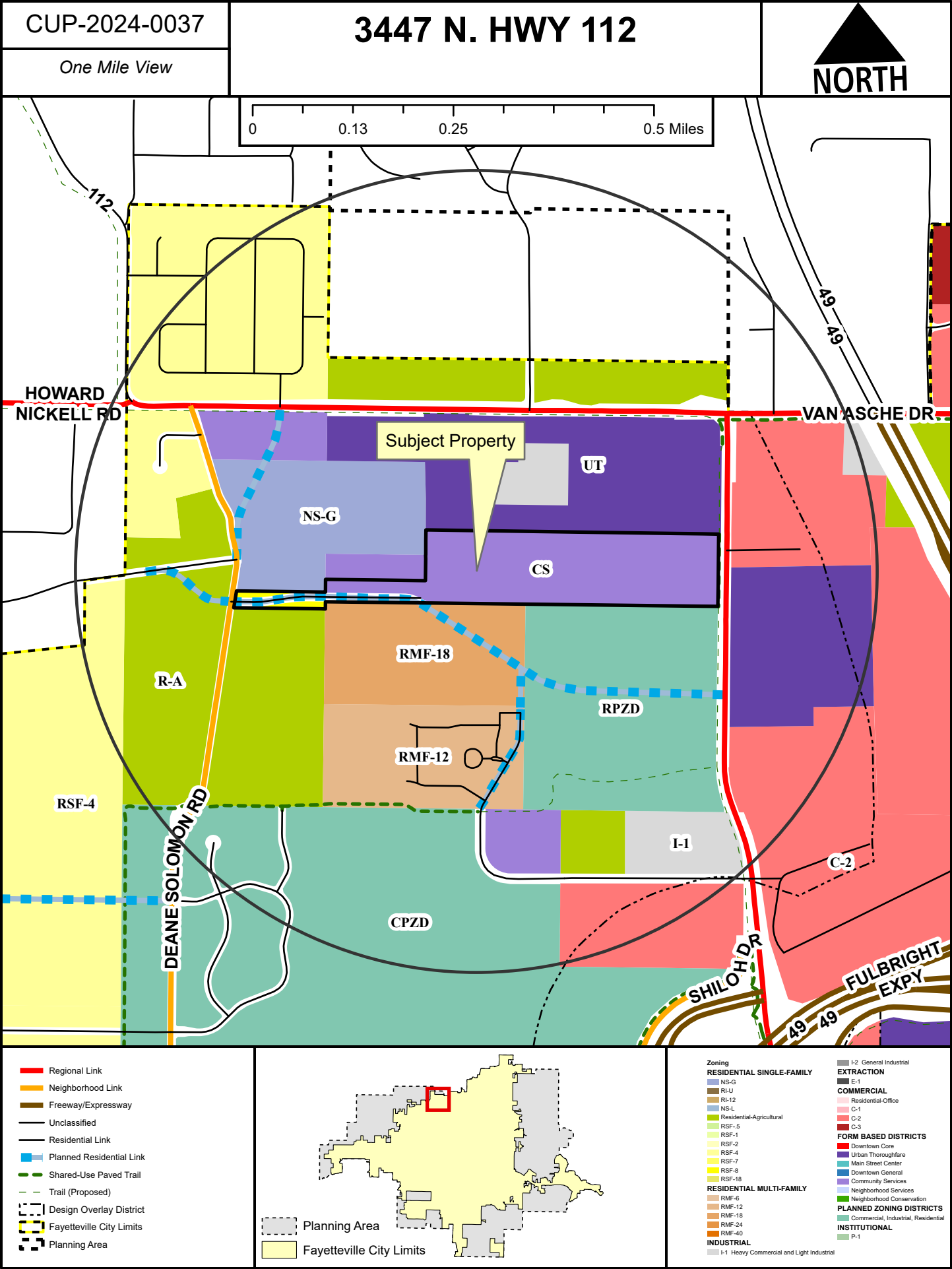
THE CONTRACTOR IS RESPONSIBLE TO CONTACT EACH PERSON LISTED BELOW AND REQUEST A CERTIFICATE OF OCCUPANCY INSPECTION AND APPROVAL AT LEAST A WEEK IN ADVANCE.	
BUILDING SAFETY	LAUREN COBE 579-3229 MCOBE@FAYETTEVILLE-AR.GOV
ENGINEERING	DAVID THOMPSON 579-3222 DTHOMPSON@FAYETTEVILLE-AR.GOV
FIRE	JOSEPH BOCCACCIO 579-3206 JBCCACCIO@FAYETTEVILLE-AR.GOV
METER OPERATIONS	ANDREW HORTON 444-3448 AHORTON@FAYETTEVILLE-AR.GOV
PLANNING	JAYCE BRANSON 664-4723 JBRANSON@FAYETTEVILLE-AR.GOV
ROADWALK	JOAN HAN CLUTH 579-3287 JCLUTH@FAYETTEVILLE-AR.GOV
RECYCLING AND TRASH	DOANAL MONROE 579-3288 DMONROE@FAYETTEVILLE-AR.GOV
TREE & LANDSCAPE	ASSIGNED PUBLIC WORKS INSPECTOR 579-3286
	JOHN SCOTT 444-3470 JSCOTT@FAYETTEVILLE-AR.GOV
	NEILSA EVANS 444-3466 NEVANS@FAYETTEVILLE-AR.GOV

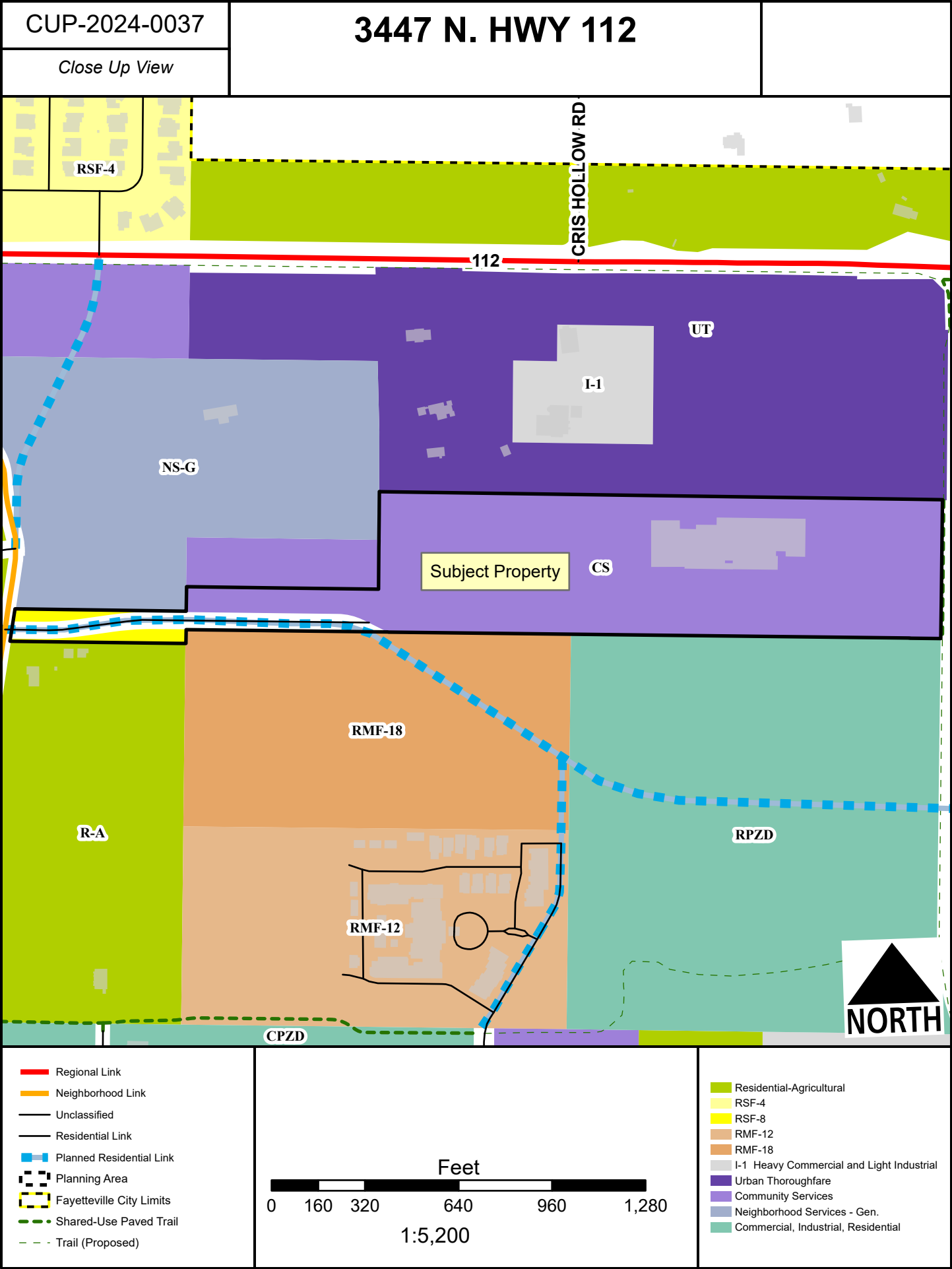
PRELIMINARY
NOT FOR CONSTRUCTION

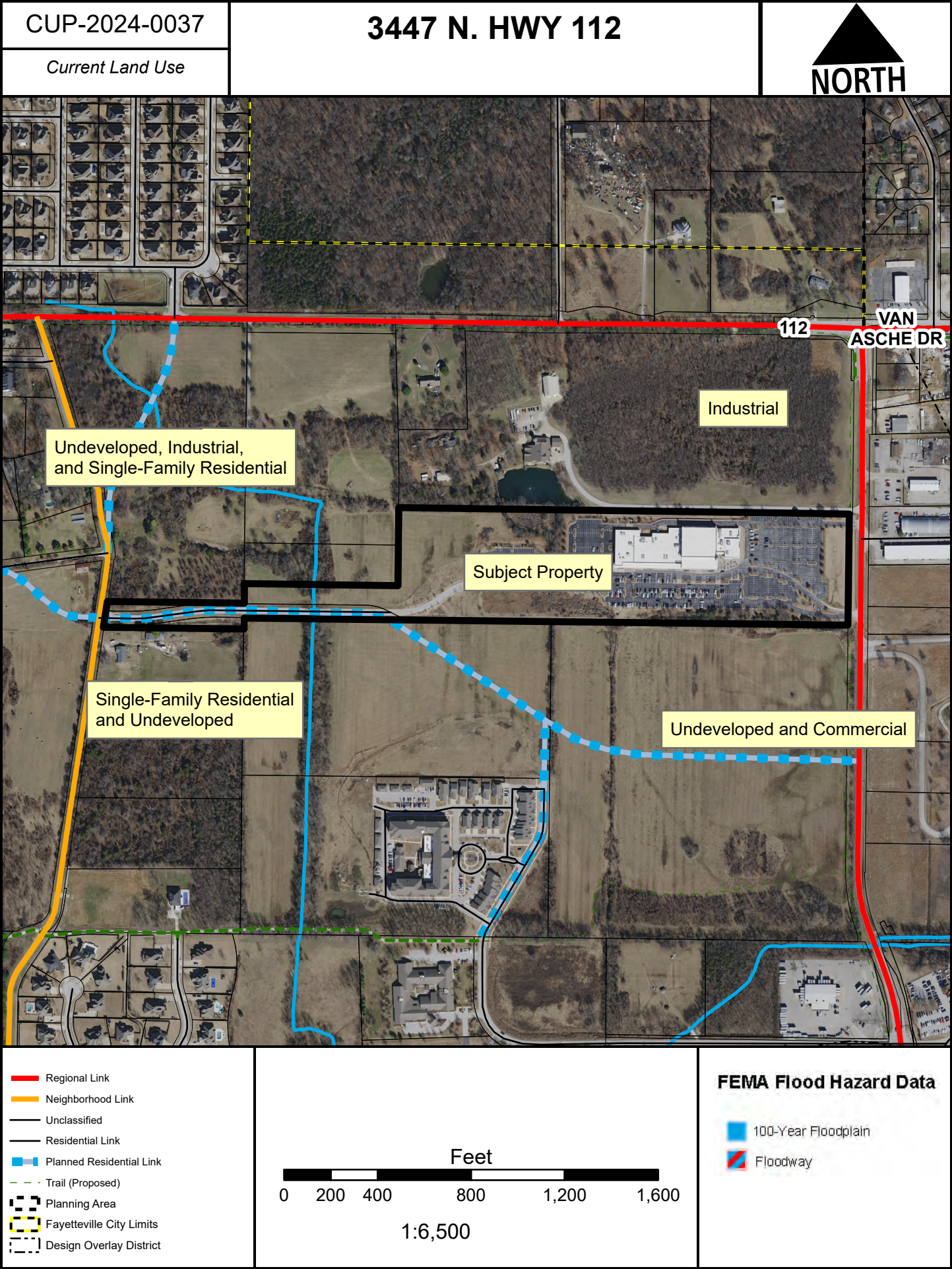
- NOTES :
1. ALL STREET AND DRAINAGE CONSTRUCTION MUST COMPLY WITH THE REQUIREMENTS OF THE CITY OF FAYETTEVILLE, ARKANSAS.
 2. ALL WATER CONSTRUCTION MUST COMPLY WITH THE REQUIREMENTS OF THE CITY OF FAYETTEVILLE, ARKANSAS.













TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 14, 2024

SUBJECT: **PZD-2024-0006: Planned Zoning District (1875 W. HASKELL HTS./THE STATION AT FAYETTEVILLE, 520):** Submitted by CRAFTON TULL for property located at 1875 W. HASKELL HTS. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 34.86 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

SEPTEMBER 23, 2024, PLANNING COMMISSION MEETING:

At the September 23, 2024, Planning Commission meeting, the Planning Commission voted to table this item until October 14 to give the applicant time to address comments and concerns from commissioners, staff, and members of the public. In the interim, the applicant has held two public meetings and one workshop with the commissioners. They have also requested that this item be tabled until October 28 to give them time to address comments and prepare revisions.

RECOMMENDATION:

Staff recommends tabling **PZD-2024-0006** to the October 28, 2024 Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **PZD-2024-0006** to the October 28, 2024 Planning Commission meeting."*

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			



TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 14, 2024

SUBJECT: **VAR-2024-0040: Planning Commission Variance (1251 S. GENTLE VALLEY DR./MURILLO, 555):** Submitted by JOHN MURILLO for property located at 1251 S. GENTLE VALLEY DR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.17 acres. The request is for a variance to parking requirements.

RECOMMENDATION:
Staff recommends denial of **VAR-2024-0040**.

RECOMMENDED MOTION:
"I move to deny VAR-2024-0040."

BACKGROUND:
The subject property is located in west Fayetteville on the north side of Gentle Valley Drive in the Coves Subdivision. The property contains one parcel totaling 0.17 acres which is zoned RSF-8, Residential Single-Family, Eight Units per Acre and developed with a single-family dwelling that was built 2016. In December of 2023, staff received a complaint that the last remaining pervious area on the property, in the area between the house and the street, was being paved for parking. City records show that a 16-foot-wide driveway was installed when the property was originally developed, the driveway was widened to 26 feet in 2017, and pavers were installed in the remainder of the front yard earlier this year. City staff sent a notice of violation to the property owner in January of 2024 letting them know that their property was in violation of UDC §172.11 and that parking areas would need to be reduced to no more than 40% of the front yard area. Staff provided the applicant two options for reducing the parking area in their front yard: 1) by removing some of the concrete and pavers and restoring the soil/vegetation or 2) by delineating the area designated for parking with a clear barrier such as planter boxes, a short wall, or similar features. Planter boxes were installed to delineate the parking area, though the applicant has submitted this variance request in order to widen the parking area in their front yard. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-8, Residential Single-Family, Eight Units per Acre
South	Single-Family Residential	RSF-8, Residential Single-Family, Eight Units per Acre
East	Single-Family Residential	RSF-8, Residential Single-Family, Eight Units per Acre
West	Single-Family Residential	RSF-8, Residential Single-Family, Eight Units per Acre

Request: The applicant requests a variance to UDC §172.11(J) to allow for a 26-foot-wide driveway on a lot that is 64 feet wide. The maximum driveway width allowed by code is 20 feet.

Public Comment: To date, staff has not received any public comment on this item.

DISCUSSION:

Staff is not supportive of the applicant's request. The City's parking regulations require that two parking spaces be provided for a single-family dwelling, and up to four vehicles may be parked outdoors on the property at any given time. The house includes an attached two-car garage and up to two additional vehicles could be accommodated in the adjacent driveway. Since up to four vehicles could be parked on site and on-street parking is available, staff does not find that this variance is necessary. Should the Planning Commission approve this variance, staff recommends a condition requiring that the width of the driveway apron be expanded to prevent vehicles from driving through the grass, and that sidewalk panels be upgraded to meet City Engineering's typical driveway design standards. Staff also recommends a condition requiring that planter boxes, a short wall, or similar feature still be installed between the driveway and the pavers in the yard so that the parking area is clearly delineated.

RECOMMENDATION: Staff recommends denial of VAR-2024-0040. Should the Commission choose to approve this variance, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC 172.11(J), maximum driveway width.** *Staff is not supportive of this request. Should the Commission choose to support this variance, staff recommends the following conditions:*
 - a. A grading permit shall be applied for and obtained to expand the width of the driveway apron on the property to 26 feet, and sidewalk panels shall be upgraded to meet City Engineering's typical driveway design standards.
 - b. Planter boxes, a short wall, or similar feature still be installed between the driveway and the pavers in the yard so that the parking area is clearly delineated.

Planning Commission Action: ☐ **Approved** ☐ **Tabled** ☐ **Denied**

Meeting Date: October 14, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- UDC §172.11 Driveway and Parking Standards for Four (4) Or Less Parking Spaces
- Applicant Request Letter
- Staff Exhibits
- One Mile Map
- Close-Up Map
- Current Land Use Map

172.11 Driveway And Parking Standards For Four (4) Or Less Parking Spaces

- (A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.
- (B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located completely within or underneath garages or carports, nor to properties zoned Residential Agricultural.
- (C) *Maximum number of parking spaces permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.
- (D) *Use of Front Yard Area for a Driveway and Off-Street Parking.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area and shall meet the maintenance requirements as identified by this chapter.
- (E) *Parking of Non-Motorized Vehicles in Front Yard Area.* If parked within the front yard area of a property (including driveways), non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.
- (F) *Off-Street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.
- (G) *Driveway Standards.*
 - (1) *Driveway approach to property line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with §171.13 Sidewalk and Driveway Specifications.
 - (2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property. To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to provide at least 18 feet between the sidewalk or Master Street Plan right-of-way line and the garage or carport.
 - (3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.
 - (4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.
- (H) *Driveway and Parking Area Maintenance Requirements.*
 - (1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.
 - (2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being

blown or washed away. If an unpaved driveway is not maintained and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.

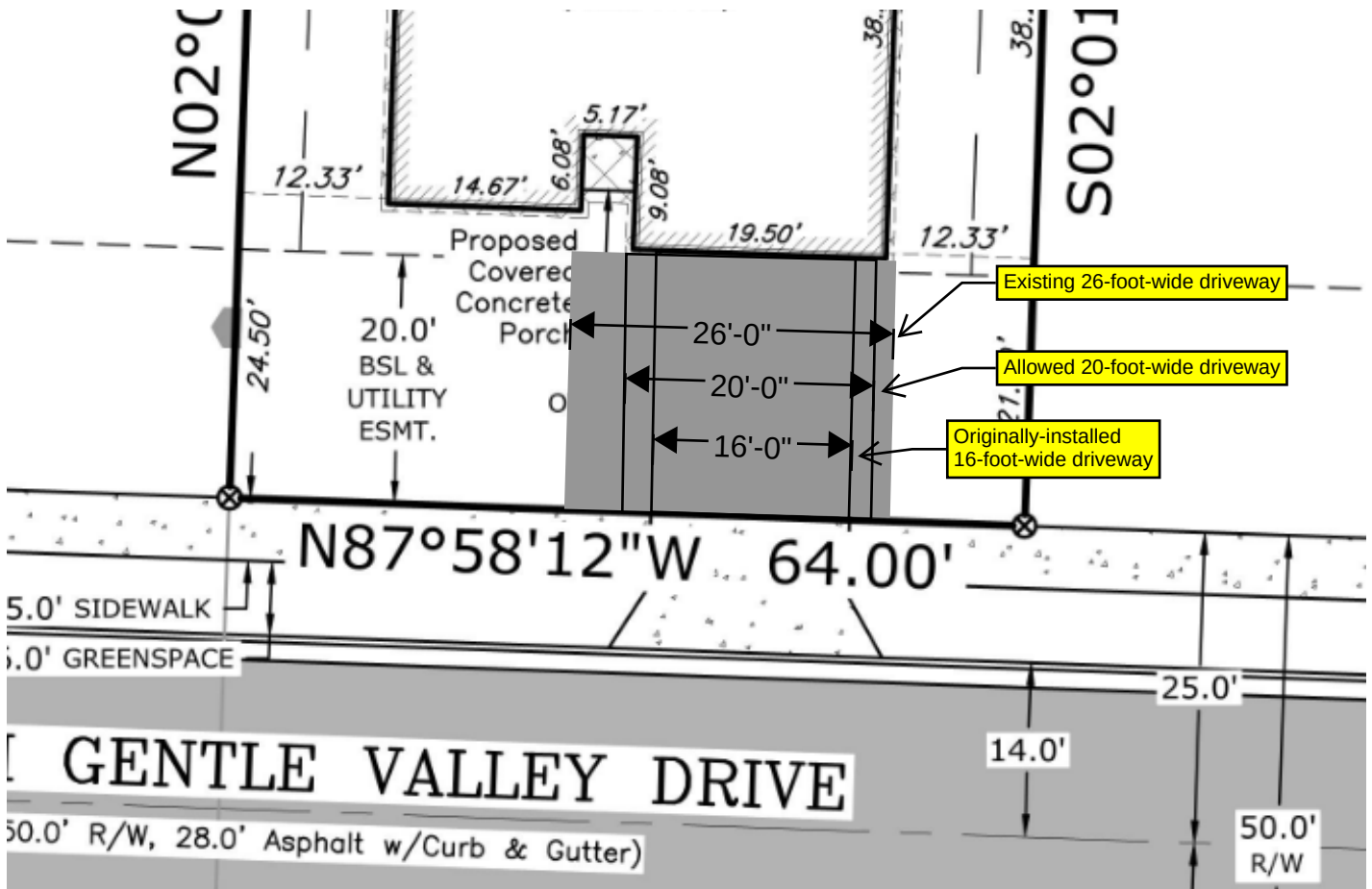
- (I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.

(J) *Maximum Driveway Width.* Driveway width shall be limited to:

Lot Width	Maximum Driveway Width
70 feet or more	24 feet
50 feet to 69 feet	20 feet
Less than 50 feet	18 feet

- (K) *Loop, Circle, and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as a 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, subject to other restrictions for driveway separations in the UDC.
- (L) *"Pay-to-Park" Operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.
- (M) *Exemptions.* The following exemptions to this ordinance section shall be permitted:
- (1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to park on private property for a period of twelve (12) hours before and twelve (12) hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.
 - (2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.
 - (3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.
 - (4) *Existing Driveways.* All existing driveways constructed prior to August 07, 2007 shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
 - (5) *Special Events.* Infrequent parking for special events which exceeds the normal maximum number of motor vehicles permitted on a property is excepted from this ordinance. Excessive parking which occurs more frequently than an average of one day a month may be determined by the Zoning and Development Administrator upon complaint by a nearby neighbor to be "frequent" and thus not excepted as "infrequent." The Zoning and Development Administrator shall notify an owner/tenant by regular mail or similar notice that the excessive parking has been determined to be "frequent" and in violation of this section prior to taking other enforcement measures.
 - (6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property

(Ord. No. 5044, 8-07-07; Ord. No. 5304, 1-19-10; Ord. No. 5800, §5, 10-6-15)



Planning Commission Variance
1251 Gentle Valley Drive
Fayetteville, AR 72704

Legal Description: Lot 28, The Coves Subdivision, Phase II, to the City of Fayetteville, Arkansas, as shown on final plat of said subdivision, as Plat Record 24-97, on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Dear Planning Commission Chair,

I am requesting this variance to the UDC Sec. 172.11 - Driveway And Parking Standards For Four (4) Or Less Parking Spaces for my property. My house is at 1251 S. Gentle Valley Drive on the west side of Fayetteville, and we were one of the first houses in the neighborhood. My wife and I bought the property in 2016 while many other houses were still being constructed. The driveway at the time was for two cars, and in 2017 we added concrete to expand the driveway for a larger parking area for our vehicles. This gave us room to get in and out of our cars, which is important to me as I have a handicap and try to park as close to my front door as I can.

We received a letter early this year from the city telling us we are in violation of the code and that we could not exceed 40% of the total front yard area with parking. We worked with the city to find a solution they would be happy with, but that has caused problems with my neighbors. Our street is narrow and parking is not allowed on the other side of the street, so if we park in the street on our side, and our neighbors have visitors or park in the street, it puts a lot of vehicles on our curb and becomes crowded. Some of our neighbors are also concerned about the street being full of cars when they try to back out of their driveways and that they might back into parked vehicles. I don't think that's a good way to manage parking, and it clutters up the street where we could have our vehicles in our driveway to not have the clutter and traffic on the street. We have several kids in the neighborhood and our grandkids like to ride their bikes. We also noticed that there are sometimes so many cars on our side that they block the trash and recycling we put out at the curb for pickup.

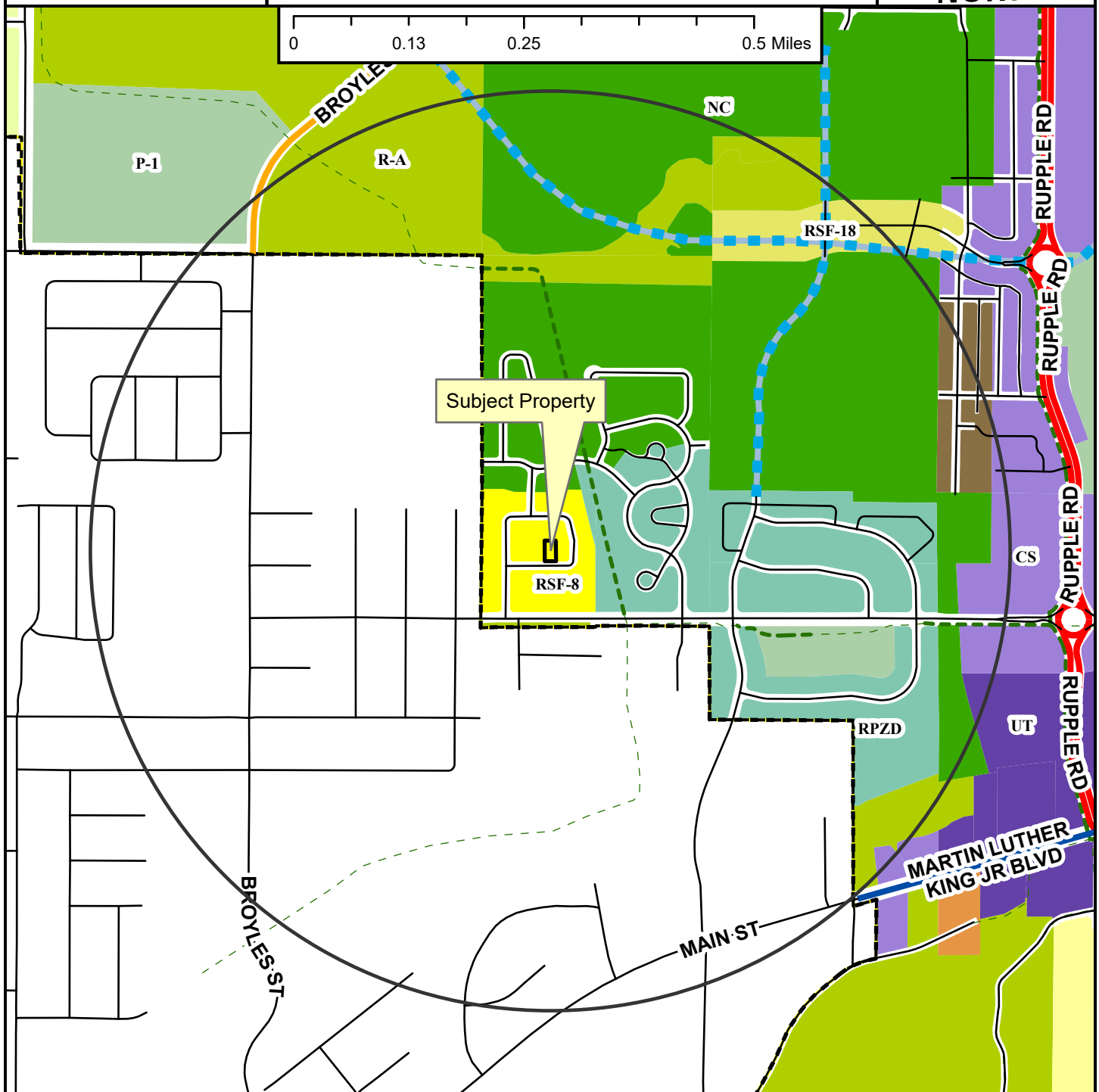
We understand there is a rule about how much parking can be in the front of a house, but the concrete we had poured gives me a flat surface to walk on to get from my car to my house with lots of room, which I need. We don't park on the pavers because they don't hold the weight of vehicles and we typically only have two cars parked out front, which is allowed, and right now we have planters blocking off part of the driveway because the city said that would be ok. I would like to be able to be closer to my front door and have more space on the concrete because I have mobility issues.

Thank you for your time.

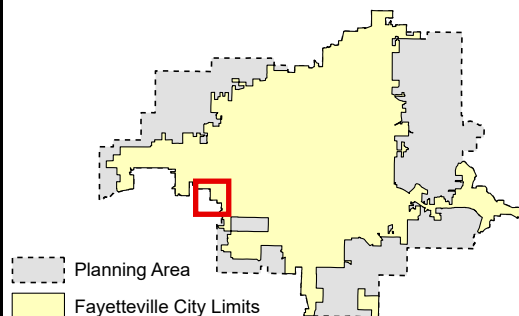
Sincerely,



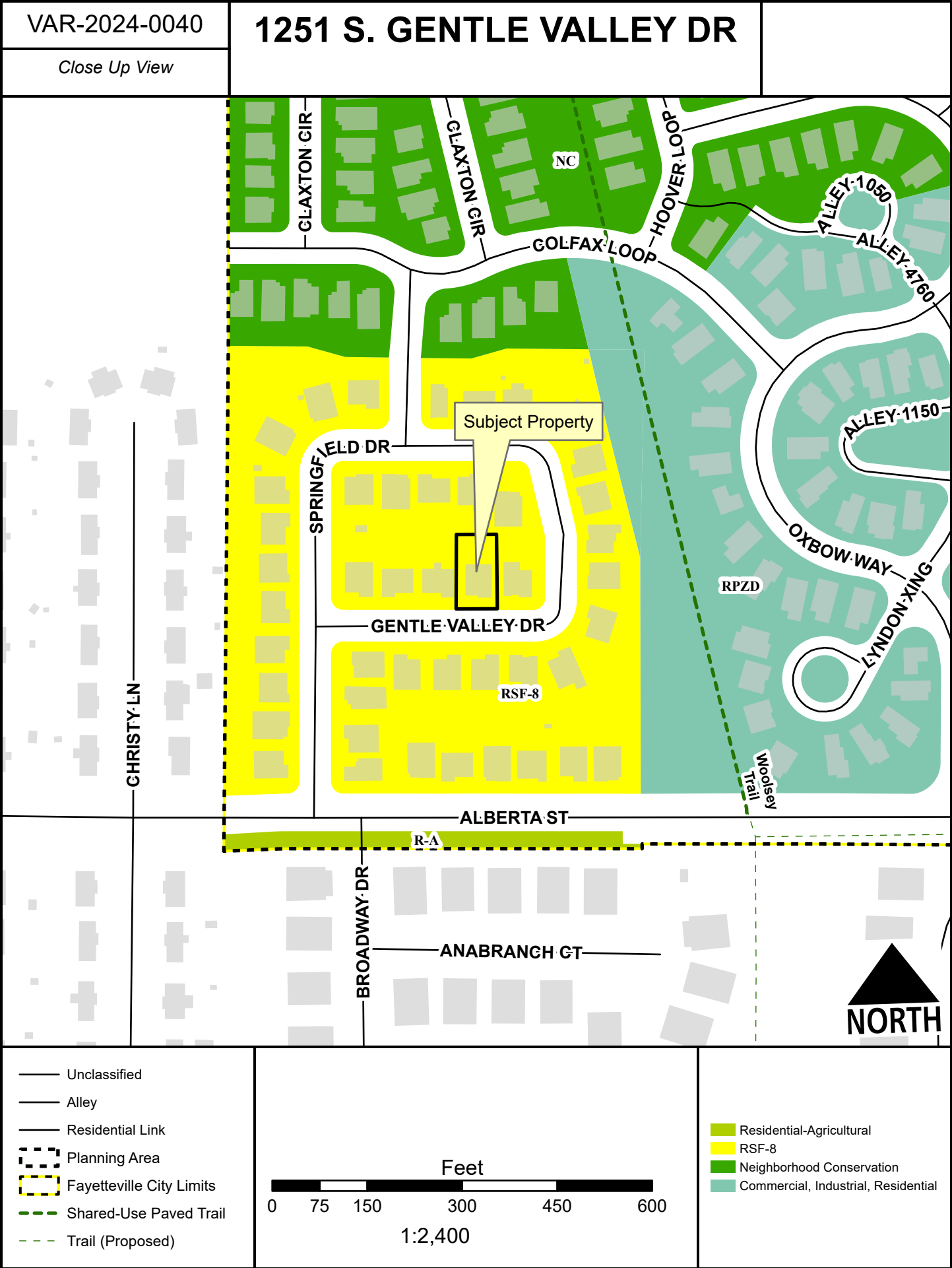
John Murillo

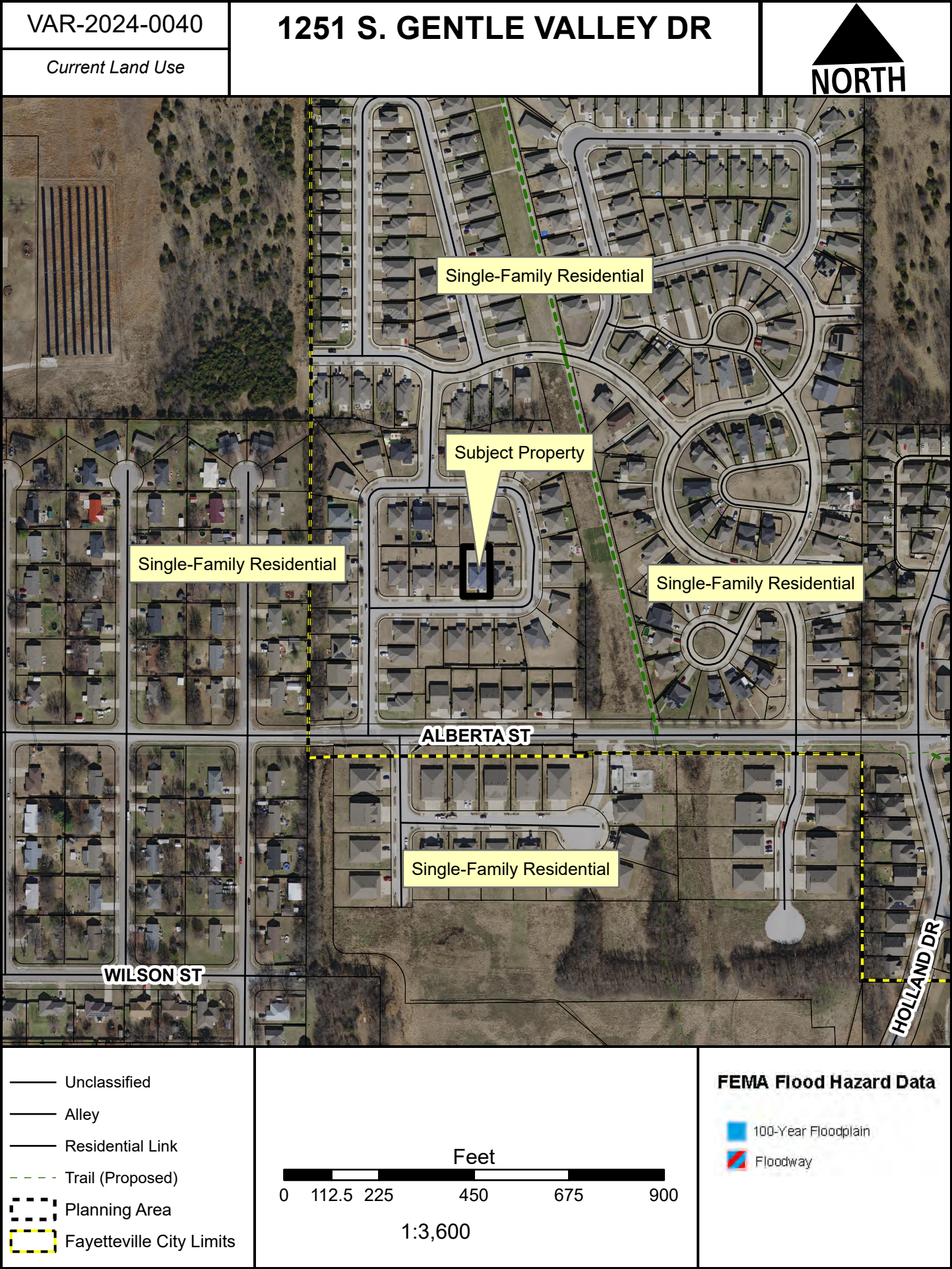


-  Regional Link
 Neighborhood Link
 Regional Link - High Activity
 Unclassified
 Alley
 Residential Link
 Planned Residential Link
 Shared-Use Paved Trail
 Trail (Proposed)
 Fayetteville City Limits
 Planning Area



-
- Zoning**
- I-2 General Industrial
 - I-1 Heavy Commercial and Light Industrial
 - I-3 Medium Density Industrial
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- 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







TO: City of Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner
Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

MEETING DATE: October 14, 2024

SUBJECT: **VAR-2024-0042: Planning Commission Variance (1764 N COLLEGE AVE; JOE D HENDRIX, 368):** Submitted by JOE D HENDRIX for property located at 1764 N COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.03 acres. The request is for a variance to the flood damage protection ordinance.

RECOMMENDATION:

Staff recommends tabling **VAR-2024-0042** indefinitely, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to table **VAR-2024-0042** indefinitely."*

BACKGROUND:

The subject property is located on N. College Ave. near its intersection with N. Green Acres Road and backs up to Sublett Creek. The property totals approximately one acre and contains several commercial structures including a fitness center. Sublett Creek flows generally from south to north across the eastern side of the property. The creek is currently indicated as Zone AE, base flood elevation determined, according to the 2024 Flood Insurance Study (FIS). Further, the creek is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial	C-2 and RSF-4, see attached project maps
South	Commercial	
East	Commercial/Residential	
West	Commercial	

Request: The applicant is requesting a variance from §168.10, which requires a flood study indicating if there are any impacts to the floodplain.

Public Comment: Staff has received no public comment concerning this request.

DISCUSSION:

After further review of the slab that was recently placed on this property, the applicant is currently working through options that would include either performing a flood study or modifying the slab to a point in which it could qualify for a variance. As currently constructed and due to the presence of the floodway, staff does not believe that Planning Commission has the authority to grant a variance as it would be a violation of 44CFR. For these reasons, staff recommends tabling the variance request indefinitely.

RECOMMENDATION: Staff recommends tabling **VAR-2024-0042** indefinitely.

Conditions of Approval:

1. N/A at this time.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

Section §156.03 Development Variances: Certain variances of the development regulations may be applied for as follows:

(7) Flood Damage Prevention Code. The Planning Commission shall hear and decide requests for variances from the requirement of this ordinance.

(a) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in [§168.05\(B\)\(4\)](#) have

been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.

(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Floodplain variances shall only be issued if:

(i) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;

Additional review required to make determination once project scope and potential variance request is further defined.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

Additional review required to make determination once project scope and potential variance request is further defined.

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the other provisions of the Code of Fayetteville.

Additional review required to make determination once project scope and potential variance request is further defined.

(g) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of [§168.05\(B\)\(4\)](#) are considered and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Additional review required to make determination once project scope and potential variance request is further defined.

(h) Upon consideration of the factors in this section, and the purpose of this ordinance, the Planning Commission may impose conditions to the granting of floodplain variances as it deems necessary to further the purpose of this ordinance.

Additional review required to make determination once project scope and potential variance request is further defined

(i) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation

surcharge and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Washington County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Not applicable

Attachments:

- Applicant Request Letter
- Proposed variance request exhibit
- FEMA Floodplain Mapping
- One Mile Map
- Close Up Map
- Current Land Use Map

Planning Commission Variance Request

From: Joe D Hendrix (Owner / Applicant)

Location: 1764 N College Avenue

Variance Requested: Streamside Protection Zone 168.12

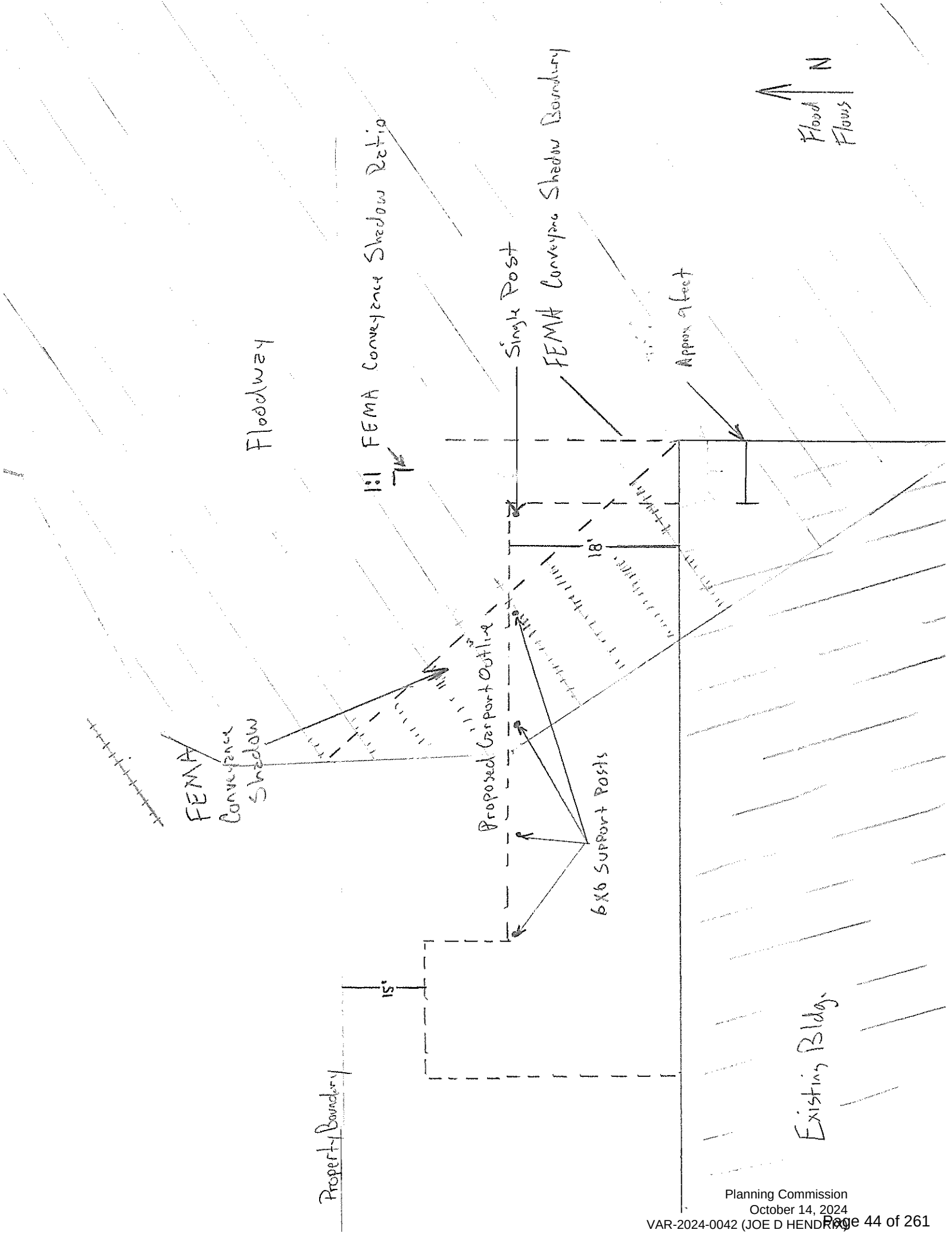
Summary of project:

I have owned this property for the better part of a decade and I've been parking my motorhome on the north side of the existing bldg at 1764 for a couple of years. I'm proposing to construct a carport adjacent and attached to the existing structure to cover my motorhome when not in use. The proposed location is over 180 feet from N college and is only viewable from the north of the building. The location is also significantly obscured from view because of its proximity to the existing building and the surrounding trees. The location is partially in the floodway and by proxy is located in the Streamside Protection Zone.

Details of Variance:

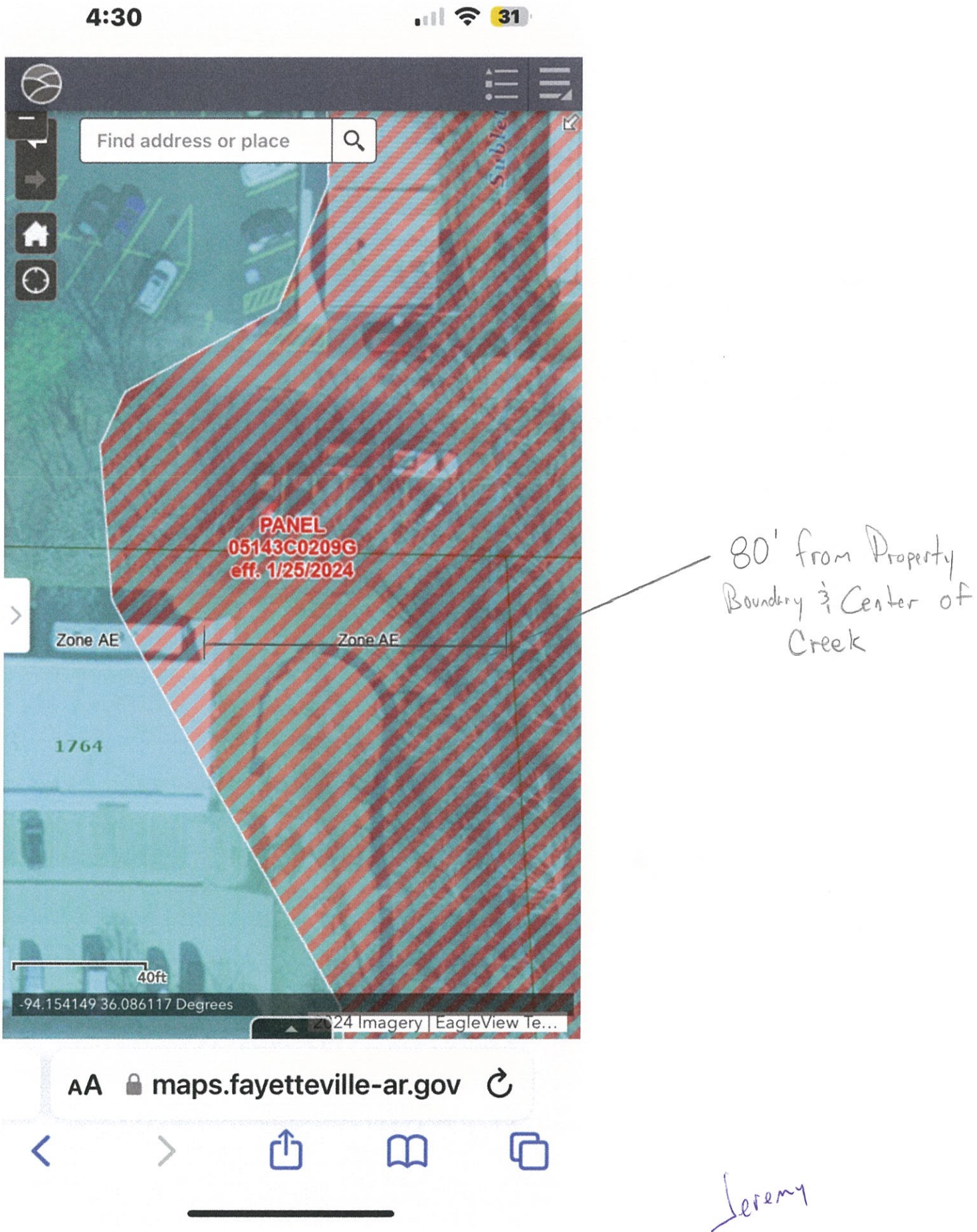
At a glance-The proposed project is a carport only and requires the placement of 3 poles within the Streamside Protection Zone. The one penetrating the Floodway the most is approximately 60 feet from the stream bank. Two of the three poles are well within FEMA's Conveyance Shadow and are near the boundary edge of the floodway in general.

This is a carport and the only items under consideration of the variance are 6x6 support poles (3). According to the FEMA NFIP requirements figure 5.6 (attached), 2 of the 3 support poles in question will all be located well within the area known as the Conveyance Shadow. The downstream Conveyance Shadow for an existing obstruction is an area that extends from the downstream corner of the structure where flood flow will not be affected. This Shadow extends from the downstream corner at a 1:1 ratio. The pole outside of the Conveyance Shadow boundary is approximately 9 lateral feet from the imaginary boundary of the building (if the building line continued). It is approximately 18 horizontal feet away from the north wall of the building. At a 1:1 ratio, the Conveyance Shadow would fall approximately 18 lateral feet from the East/West imaginary boundary of the building at a distance of 18 horizontal feet north of the building. The 2nd closest pole is almost 20 lateral feet from the building's boundary and would be located in the Shadow. This is detailed in the attached drawings. The pole closest to the creek is approximately 60 feet from the creek bank and is only one outside of the Conveyance Shadow. I've also attached the specifications of the Conveyance Shadow from the FEMA website. Additionally, I've attached a section from FEMA's website stating specifically that, "a sign post or telephone pole will not block flood flows".





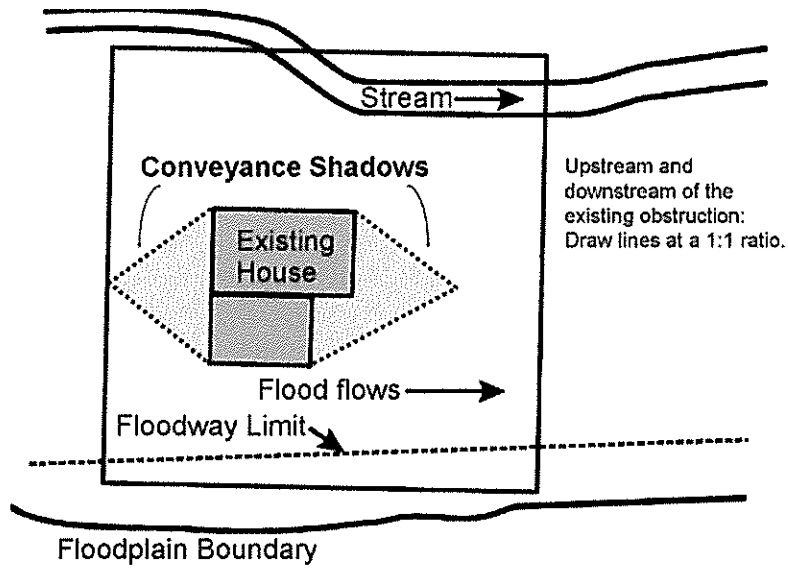
↑
Flood Flow



80' from Property
Boundary 3/4 Center of
Creek

Jeremy

standards for floodplain analysis and mapping, floodway analysis and mapping



The certification must be supported by technical data, which should be based on the same computer model used to develop the floodway shown on the community's map.

"NO-RISE" CERTIFICATION	
This is to certify that I am a duly qualified registered professional engineer licensed to practice in the State of _____	
It is further to certify that the attached technical data supports the fact that proposed _____ (Name of Development) will not impact the 100-year flood elevations, floodway elevations, or floodway widths on _____ (Name of Stream) at published sections in the Flood Insurance Study for _____ (Name of Community) dated _____ (Study Date) and will not impact the 100-year flood elevations, floodway elevations, or floodway widths at unpublished cross-sections in the vicinity of the proposed development.	
Attached are the following documents that support my findings:	
_____ _____	
Date: _____	
Signature: _____	
Title: _____	{SEAL}

Figure 5-5: Example no-rise certification

Although your community is required to review and approve the encroachment review, you may request technical assistance and review from the FEMA Regional Office or state NFIP Coordinator. If this alternative is chosen, you must review the technical submittal package and verify that all supporting data are included in the package before sending it to FEMA.

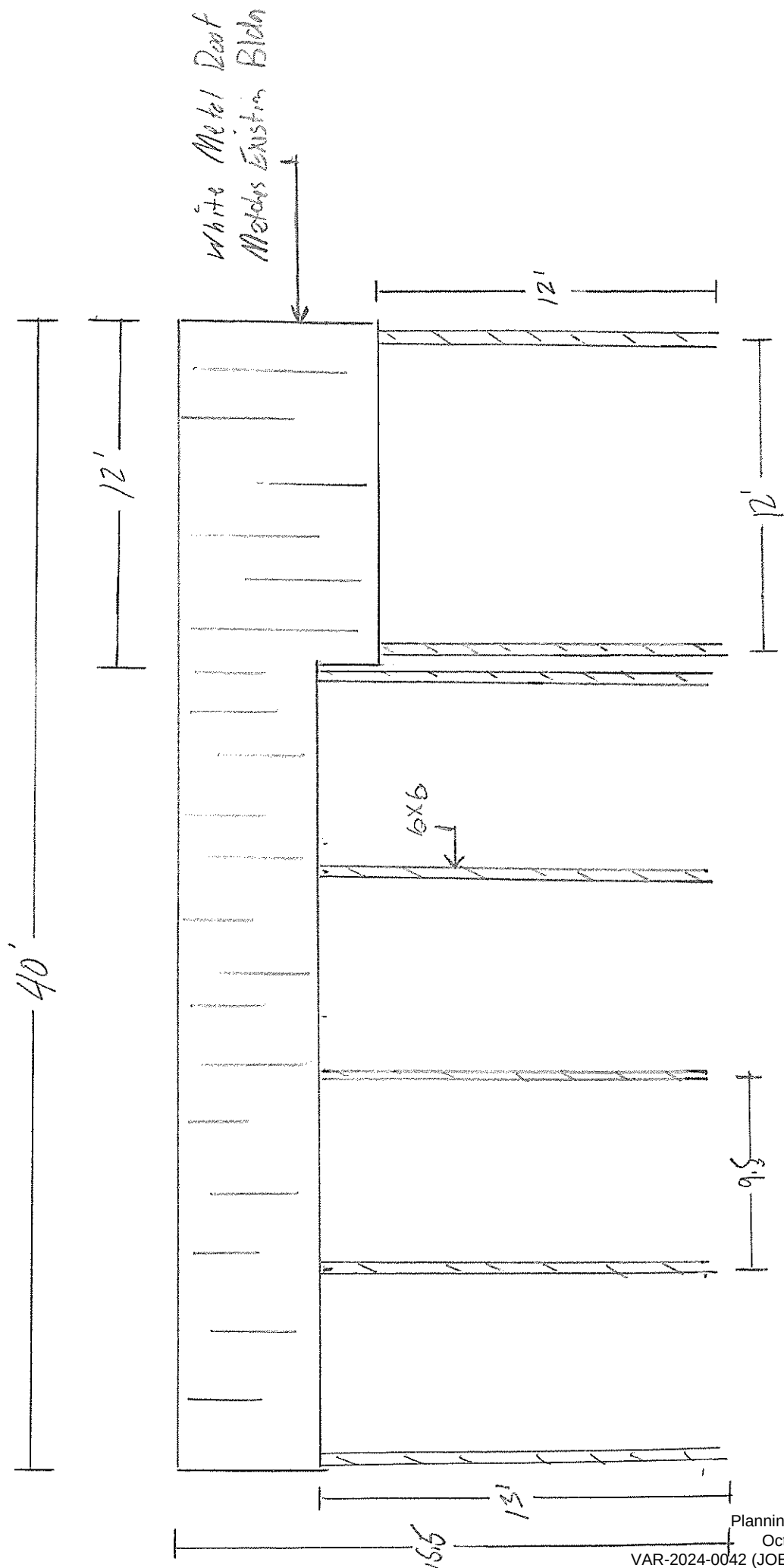
Minor projects: Some projects are too small to warrant an engineering study and the certification. Many of these can be determined using logic and common sense: a sign post or telephone pole will not block flood flows. Barbed wire farm fences that will be pushed over or ripped out early in the flood may also be permitted without a certification; however, larger more massive fences could be an obstruction to flood flows and may require an engineering study and certification. A driveway, road or parking lot at grade (without any filling) won't cause an obstruction, either.

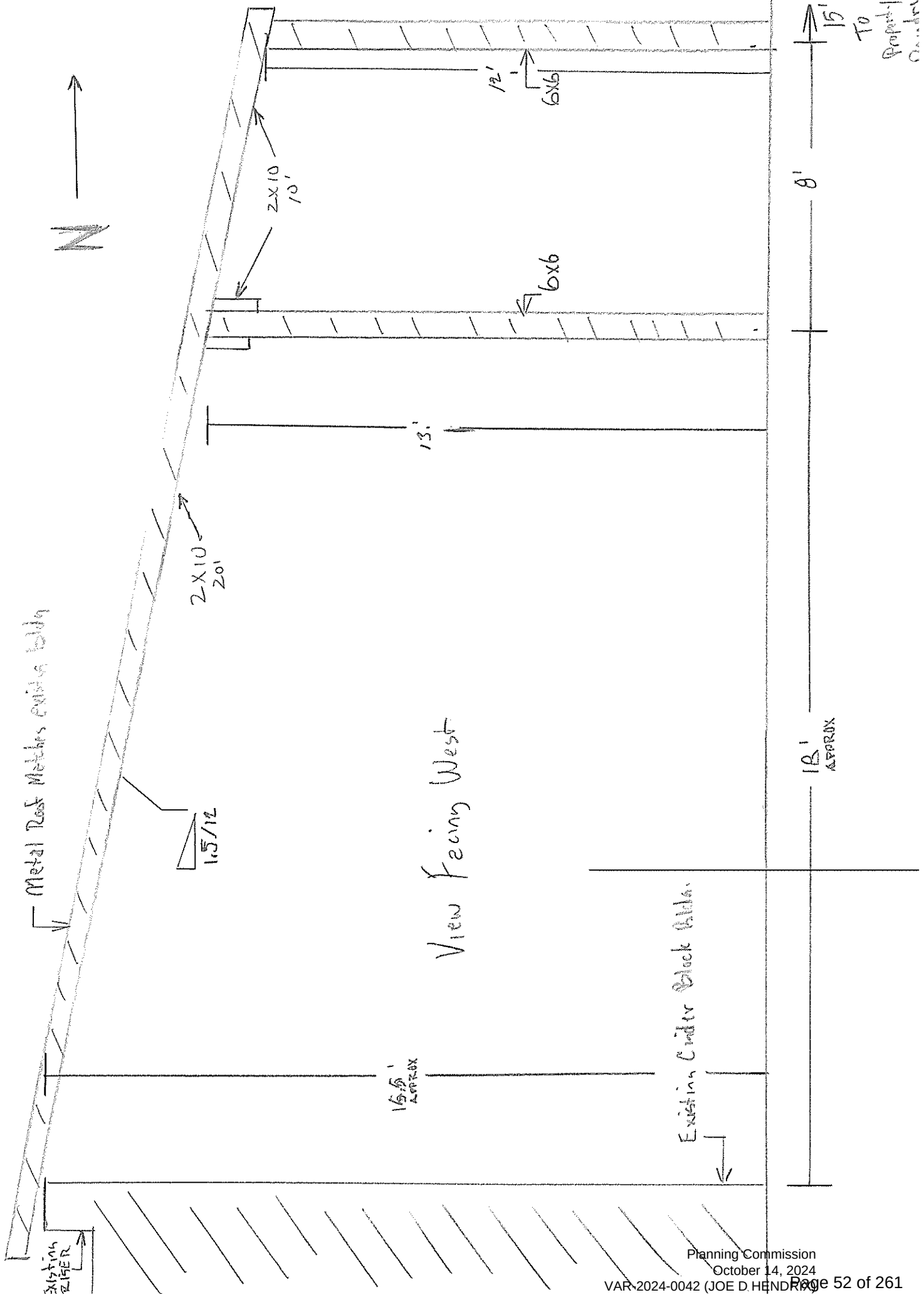


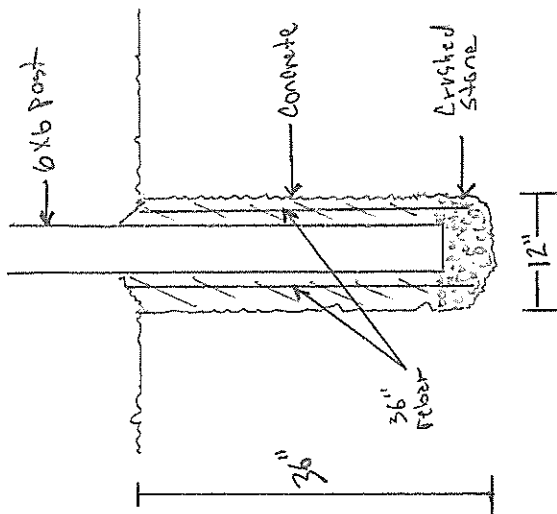
Site location



15' from N. property boundary



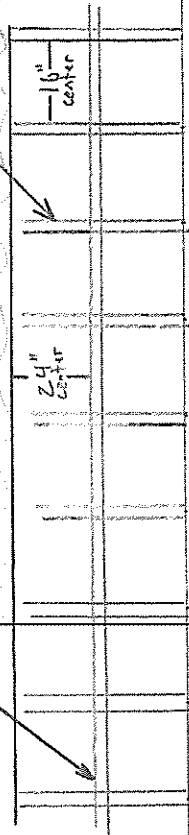




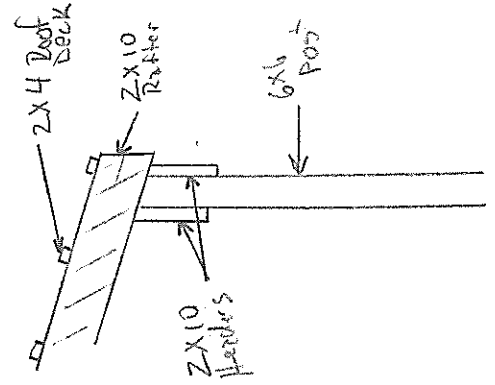
2x4 Metal Roof Deck 24" centers

2x10 Z-fs 16" centers

Metal Roof to match existing Bldg



Roof Detail



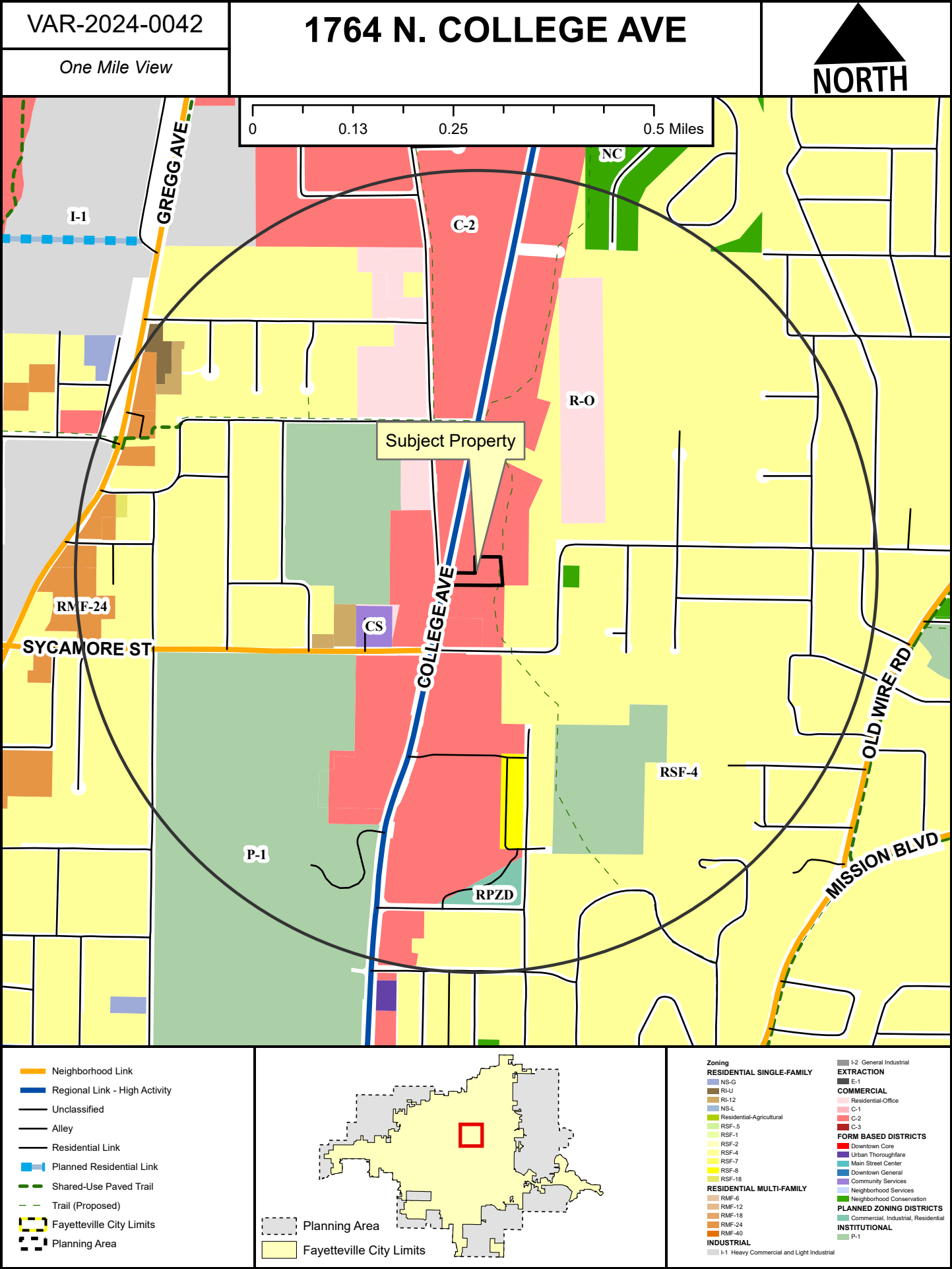
1.5/12

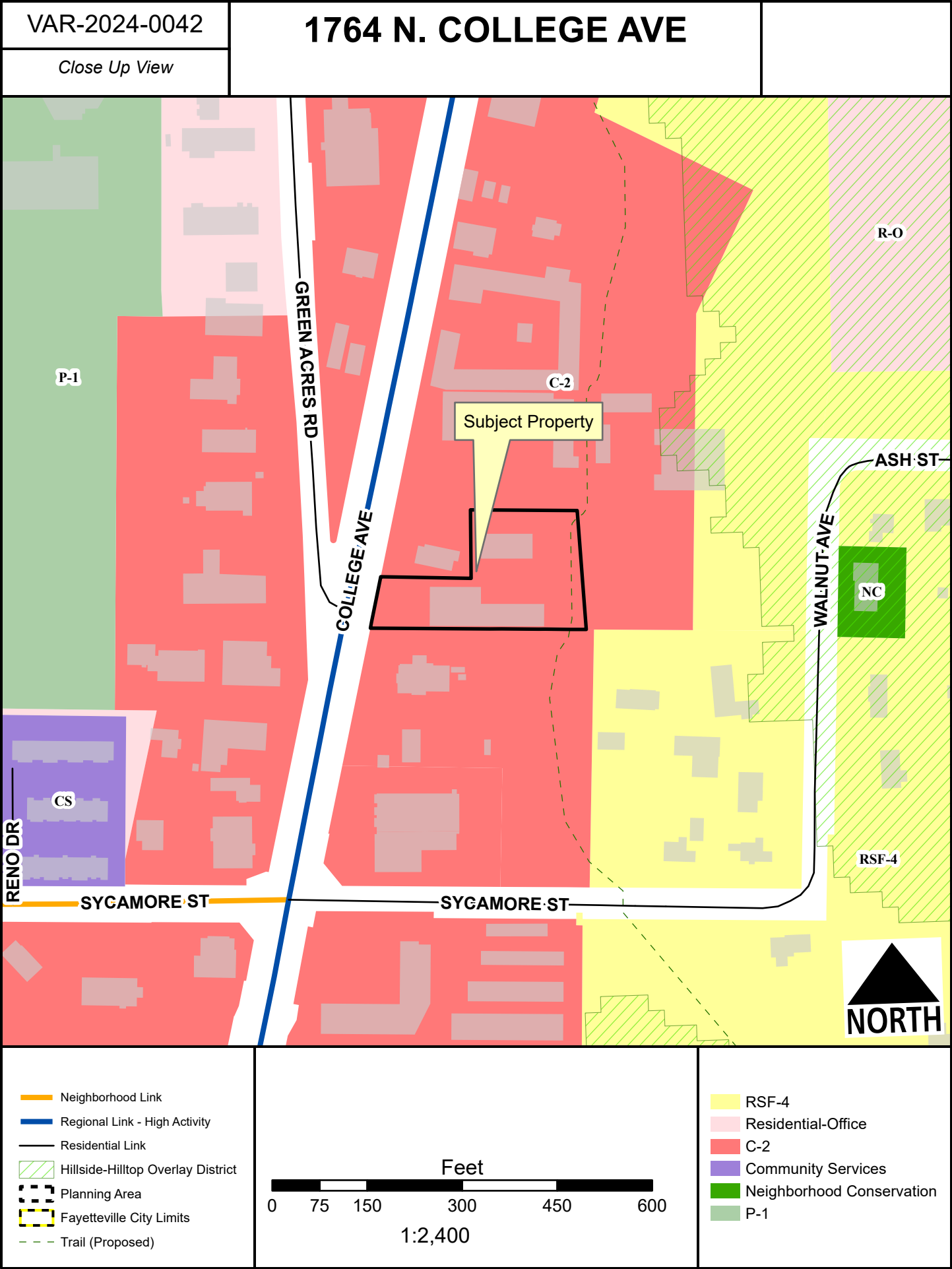
6x6 Support Posts

2x10 Header

9.5'

6x6 Support Post





VAR-2024-0042

1764 N. COLLEGE AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner
Melissa Boyd, Staff Engineer
Melissa Evans, Park Planner II

MEETING: October 14, 2024

SUBJECT: **CCP-2024-0007: Concurrent Plat (E. PANORAMA PL. & N. GREENVIEW DR./NAZAR DEVELOPMENT, 370):** Submitted by ODYSSEY ENGINEERING LLC for property located on E. PANORAMA PL. & N. GREENVIEW DR. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.97 acres. The request is for the concurrent plat of four residential lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2024-0007** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CCP-2024-0007**, recommending:*

- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in northeast Fayetteville about 400 feet south of Mission Boulevard at the southeast corner of Panorama Place and Greenview Drive. The property is zoned NC, Neighborhood Conservation, is undeveloped, and contains approximately 0.97 acres. A portion of the property lies within the Hillside/Hilltop Overlay District. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Proposal: The applicant intends to plat four residential lots. No variances are being requested with this proposal.

Water and Sewer System: Water and sewer are available to the subject property. There are existing eight-inch water and sanitary sewer lines along Panorama Place.

Right-of-way to be dedicated:

E. Panorama Place: Panorama Place is classified as a Residential Link Street in the 2040 Master Street Plan. Staff recommends right-of-way dedication along this street in the amount of 26 feet from centerline to align with the typical standards for that street classification.

N. Greenview Drive: Greenview Drive is classified as a Residential Link Street in the 2040 Master Street Plan. Staff recommends no right-of-way dedication along this street since the existing right-of-way has a minimum width of 36 feet from centerline and the Master Street Plan requires a maximum of 26 feet.

Street Improvements: Staff does not recommend any street improvements in association with this request.

Tree Preservation:

Canopy minimum requirement: 20% (25% in HHOD)

Existing canopy: 24.9%

Preserved canopy: 24.9%

Mitigation required: None

Parkland Fees: N/A; parkland dedication fees will not be applied to this concurrent plat. Instead, the fees will be applied to future residential construction project(s).

Public Comment: Staff received public comment from three individuals at Subdivision Committee. Concerns were raised about future development and how it may adversely affect neighboring properties. Specific concerns were raised about narrow setbacks, drainage, and the height of buildings on the proposed lots. No clear support or opposition to the concurrent plat was offered.

RECOMMENDATION: Staff recommends approval of CCP-2024-0007 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 26 feet along Panorama Place. No additional right-of-way dedication is recommended along Greenview Drive.*

Subdivision Committee recommended approval.

2. **Planning Commission determination of street improvements.** *No street improvements are recommended.*

Subdivision Committee recommended approval.

Standard Conditions of Approval:

3. All lots shall be labeled with addresses as approved by the 911 Coordinator on the concurrent plat (if applicable).
4. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).

5. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: October 14, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Engineering Memo
- Urban Forestry Memos
- Parks Memo
- Applicant Cover Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map



TO: Gretchen Harrison, Senior Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: September 30, 2024

SUBJECT: **Subdivision Committee Engineering Comments for
CCP-2024-0007**

Water: Water is available to the subject property. There is an existing 8" line in Panorama Pl.

Sewer: Sewer is available to the subject property. There is an existing 8" sanitary sewer line in Panorama Pl.

Streets: Panorama Pl is improved. Future lots will require sidewalk to be built with home construction.

Natural Features: HHOD is present on a portion of the proposed lots

Drainage: The future lots will require GSP features.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Jake Chavis, Odyssey Engineering

From: Melissa Evans, Urban Forestry

CC: Gretchen Harrison, Senior Planner

Meeting Date: October 3, 2024

Subject: CCP-2024-0007: Nazar Development: E. Panorama Pl & N. Greenview Dr, 441

1. Submittal Requirements	Yes	No	N/A
Initial Review with the Urban Forester		X	
Site Analysis Map Submitted (if justification is needed)			X
Site Analysis Written Report Submitted (justification is needed)	X		
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans			X
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X
2. Tree Preservation Calculations			

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	29,026	100%
<i>Zoning Designation * Select Below with drop down arrow</i>		
NC-Neighborhood Conservation	5,805	20%
<i>HHOD * Select Below with Drop Down Arrow</i>		
Yes	1,451	5%
Total Canopy for Minimum Preservation Requirements	7,257	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	7,216	24.9%
Tree Canopy Preserved	7,216	24.9%
Tree Canopy Removed *On Site	0	0.0%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	0	0.0%
Removed Below Minimum	41	
Mitigation Requirements	0	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority		
Low Priority		
Total Mitigation Trees Required*	0	0

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation			X
Off-Site Mitigation			X
Tree Escrow (See Conditions of Approval)			X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1</i>	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes		
b. Property Boundary	Yes		
c. Natural Features (100ft beyond limits of disturbance)	No		
d. Existing Topography and Proposed Grading	No		
e. Soil Types	No		
f. Significant Trees	N/A		
g. Groupings of Trees	Yes		
h. Table Inventory List (species, size, health, priority)	Yes		
i. All Existing and Proposed Utilities	Yes		
j. All Existing and Proposed Utility Easements and ROW's	Yes		
k. All Streams (with approximate center line)	N/A		
l. Floodplains and floodways	N/A		
m. Existing Street, Sidewalk or Bike Path ROW	Yes		
n. Submitted Site Analysis Plan (if required)	N/A		
o. Shows ALL Proposed Site Improvements	Yes		
p. Delineates trees/canopy to be preserved and removed	Yes		

Tree Protection Methods

a. Tree Protection Fencing	N/A
b. Limits of Root Pruning	N/A
c. Traffic flow on work site	N/A
d. Location of material storage	N/A
e. Location of concrete wash out	N/A
f. Location of construction entrance/exit	N/A

6. Site Analysis Report (if required)		Yes	No	N/A
UDC Chapter 167.04H4				
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.			X
7. Review Status (See Comments)		Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved		9-16-24	9-27-24	
Approved				
Tabled				
Denied				
Comments				
1.	Address items above marked “No” and all Redlines provided.			
2.	Thank you for providing a tree preservation plan.			



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Jake Chavis, Odyssey Engineering
From: Melissa Evans, Urban Forestry
CC: Gretchen Harrison, Senior Planner
Meeting Date: October 3, 2024
Subject: CCP-2024-0007: Nazar Development: E. Panorama Pl & N. Greenview Dr, 441

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03A7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03A7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03A7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>			X
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2e</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
1 Tree : 12 Parking Spaces				
a.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	X		
b.	Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>			X

- | | | | | |
|----|--|--|--|---|
| c. | Tree Island (8' min. width, 18.7' min length OR 150 square feet)
<i>UDC Chapter 177.04C</i> | | | X |
| d. | Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | | | X |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | | |
|----|---|--|--|---|
| a. | Side and Rear Property Lines (5' wide landscaped area)
<i>UDC Chapter 177.04D2a</i> | | | X |
| b. | Front Property Line (15' wide landscape)
<i>UDC Chapter 177.04C2a</i> | | | X |
| c. | Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | | | X |
| d. | 50% Evergreen shrubs if parking lot adjacent to ROW
<i>UDC Chapter 177.04D4a</i> | | | X |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | | |
|----|---|---|--|---|
| a. | Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05</i> | X | | |
| b. | Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05</i> | | | X |
| c. | Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. | Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. | Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | X |
| f. | Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | X |

5. Landscape Requirement Totals	Amount
Mitigation Trees	0
Parking Lot Trees	0
Street Trees	5
Detention Pond – Large Trees (1 Tree/3,000 square feet)	0
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	0
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	0

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	9/18/2024	9/27/2024	
Approved			
Tabled			
Denied			

Comments
1. Address items above marked “No” and all Redlines provided.
2. Thank you for providing a landscape plan. Please specify “seedless” for the proposed Sweetgum trees and add the scientific/botanical name.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Park Planner

DATE: September 9, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: PRAB not required

Project Number: CCP-2024-0007

Project Location: SE of Greenview DR and Panorama Pl

Plat Page: 370

Park Quadrant: SE

Billing Name & Address: Jakers Mark 43 LLC
2449 Scaper CV, Memphis, TN 38114

SUMMARY:

- Project will split 1 existing tract(s) into 4 single family lots, creating 3 new SF lot(s).
- Parkland Dedication fees will not be applied to this lot split. Instead, the fees will be applied to future residential construction project(s).

July 16, 2024

Planning Department
City of Fayetteville
125 W Mountain St.
Fayetteville, AR 72701

RE: Jakers Mark 43 Concurrent Plat

City of Fayetteville Planning Staff:

The property owner, Jakers Mark 43, is requesting a concurrent plat for their 1-acre property at the corner of N Panorama Pl and Greenview Dr (Parcel No. 765-13373-002). This split would allow for the development of four residential homes, one on each lot.

The water and sewer infrastructure that would service these lots is already existing on site, with a sewer and water main accessible on the frontages of each lot, as well as meters and sewer stub outs already existing for each lot.

For tree preservation, we are not proposing to take out any trees with the concurrent plan and when we build the houses, we will only take out the trees inside the existing drainage easement. All trees to the south of the drainage easement on our property will be preserved. I have included an exhibit on the next page outlining what will remain preserved during the construction of homes. This will also be reflected when I submit for a residential building permit.

Should you have any questions regarding this submittal, please contact us at **479-480-3330** or **jchavis@odysseynwa.com**. We appreciate your time and review of this project and look forward to hearing from you.

Respectfully,



Jake Chavis
Project Engineer



479.480.3330



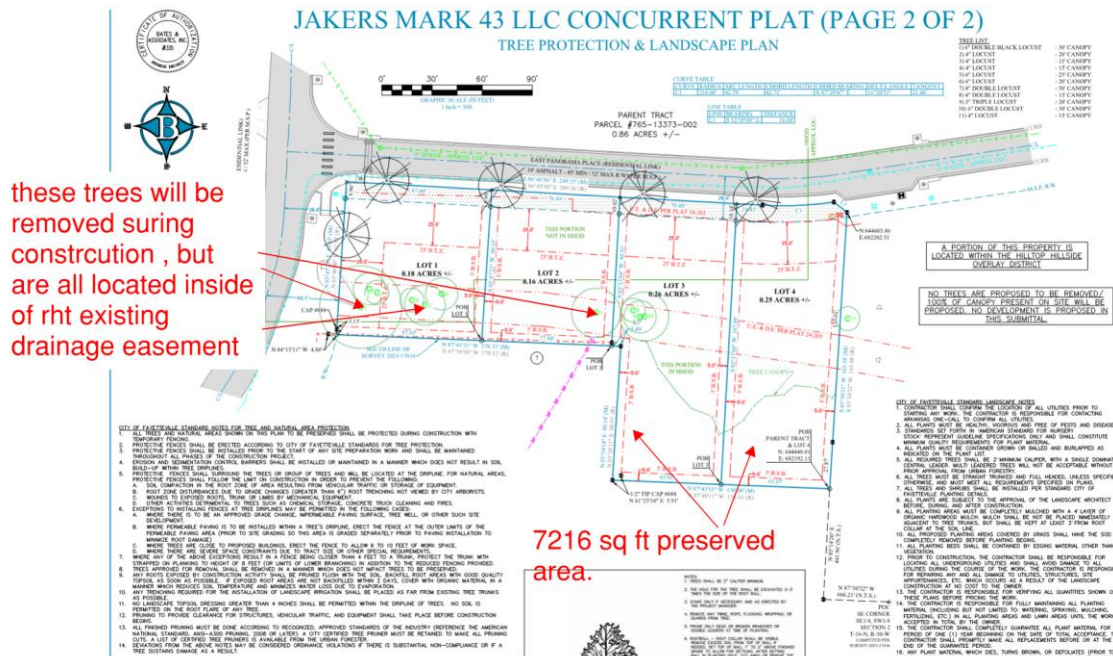
facebook.com/odysseynwa



117 Parkwood St., Suite 101, Fayetteville, AR 72701



Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	29,026	100%
Zoning Designation *Select Below with drop down arrow		
NC-Neighborhood Conservation	5,805	20%
HHOD *Select Below with Drop Down Arrow		
Yes	1,451	5%
Total Canopy for Minimum Preservation Requirements	7,257	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	7,216	24.9%
Tree Canopy Preserved	7,216	24.9%
Tree Canopy Removed *On Site	0	0.0%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	0	0.0%
Removed Below Minimum	40	
Mitigation Requirements	0	



LINE	BEARING	DISTANCE
L1	S 52°09'48" E	1.000

LINE	BEARING	DISTANCE
L1	S 52°09'48" E	1.000'

RECORDING NUMBER/DATE

Page 71 of 261

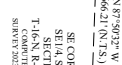
STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9810
GEOFFREY H. BATES

[illegible]

A PORTION OF THIS PROPERTY IS
LOCATED WITHIN THE HILLTOP HILLSIDE
OVERLAY DISTRICT

NO TREES ARE PROPOSED TO BE REMOVED/ 100% OF CANOPY PRESENT ON SITE WILL BE PROPOSED. NO DEVELOPMENT IS PROPOSED IN THIS SUBMITTAL.

NO TREES ARE PROPOSED TO BE REMOVED/ 100% OF CANOPY PRESENT ON SITE WILL BE PROPOSED. NO DEVELOPMENT IS PROPOSED IN THIS SUBMITTAL. STREET TREES ARE STILL BEING REQUIRED PER CITY OF FAYETTEVILLE. STREET TREES NEED TO BE 2" CALIPER SWEETGUMS AND WILL BE PLANTED WITH THE CONSTRUCTION OF THE HOMES.

[illegible]

LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

(R) RECORD BEARING & DISTANCE

(M) MEASURED BEARING & DISTANCE

● FOUND 1/2" REBAR

○ FOUND PIPE

× FOUND CHISELED "X" IN CONC.

△ SET 5/8" REBAR/CAP

◇ COMPUTED POINT

-  WATER METER
-  FIRE HYDRANT
-  WATER VALVE
-  GRATED INLET
-  STORM SEWER MANHOLE
-  CABLE PEDESTAL
-  ELECTRICAL BOX
-  POWER POLE
-  GUY ANCHOR

	BOUNDARY LINE (MEASURED)
	BOUNDARY LINE (EXISTING)
	FORTY LINE/ TIE LINE
	CENTERLINE OF ROAD
	RIGHT-OF-WAY
	OVERHEAD POWER LINE
	SEWER LINE
	WATER LINE
	FENCE
	UTILITY EASEMENT

RECORDING NUMBER/DATE

DRAWING #24-212	FOR USE AND BENEFIT OF:	
	ODYSSEY ENGINEERING LLC	
	ADDRESS:	
	EAST PANORAMA PLACE FAYETTEVILLE, ARKANSAS	
DATE: 09/19/24	SCALE: 1"=30'	
LOCATION: SECTION: 02	SURVEYED: DRAFTED:	
TOWNSHIP: 16 NORTH	JURCH AH	
RANGE: 30 WEST	DRAFT DATE: XX	
	REVIEWED: DT	
	COA #1335	

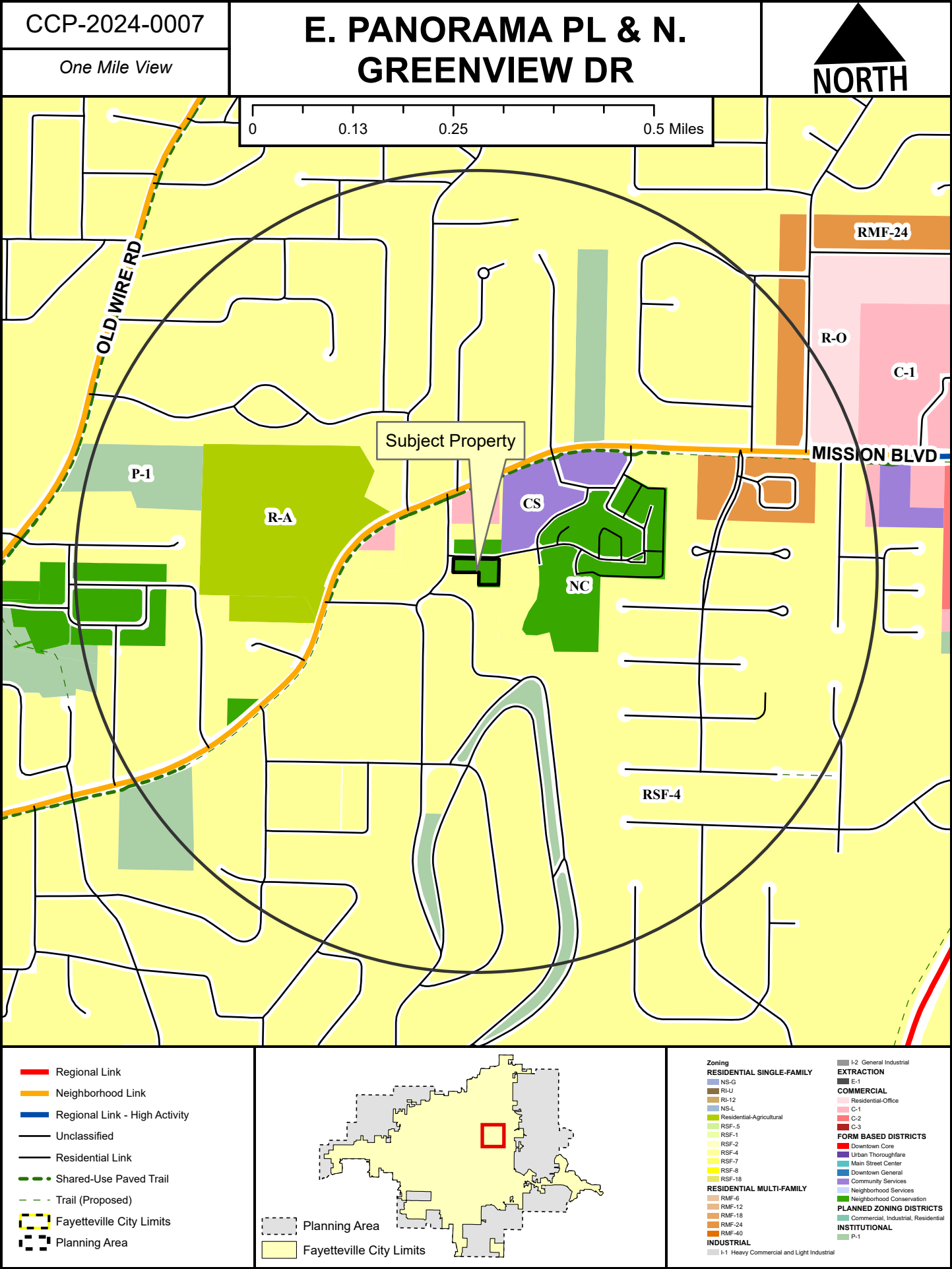


BATES
Engineers • Surveyors

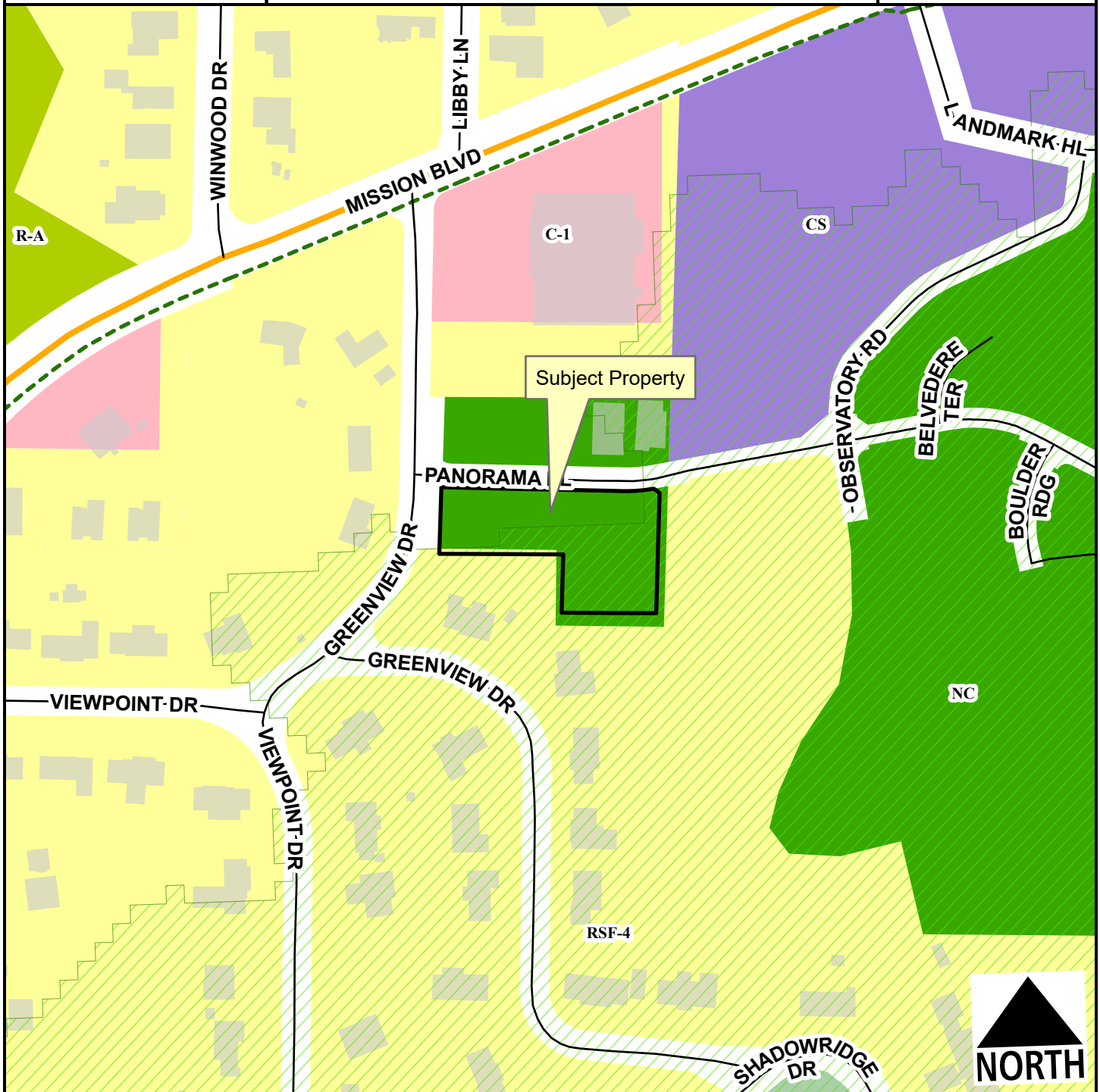
7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.8360

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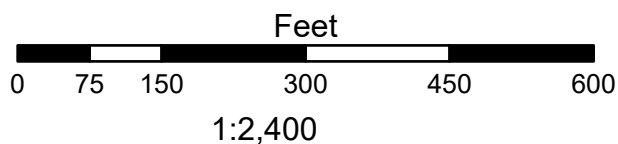
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E. PANORAMA PL & N. GREENVIEW DR



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- - - Shared-Use Paved Trail



- Residential-Agricultural
- RSF-4
- C-1
- Community Services
- Neighborhood Conservation
- P-1

CCP-2024-0007

Current Land Use

E. PANORAMA PL & N. GREENVIEW DR



- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner

MEETING DATE: October 14, 2024

SUBJECT: **VAC-2024-0018: Vacation (314 W. LAFAYETTE ST/UNIVERSITY BAPTIST CHURCH, 484):** Submitted by CRAFTON TULL for property located at 314 W. LAFAYETTE ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 4.75 acres. The request is to vacate 0.34 acres of street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2024-0018** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0018** to the City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:

The subject property is in central Fayetteville, approximately 400 feet west of the intersection of W. Lafayette St. and N. West Ave. The property is zoned DG and encompasses lots 1 and 2 of the County Court replat (8 parcels per the Washington County Assessor). The entire property is located within the Downtown Master Plan Area. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Multifamily Residential	DG, Downtown General
East	Single-Family Residential	DG, Downtown General
West	Mixed-Density Residential	DG, Downtown General

Proposal: The applicant proposes to vacate 0.34 acres of right-of-way that was platted with the County Court replat. The right-of-way is a paper alley which was never developed and has since been constructed as part of the church facility, including multiple buildings which encroach into the right-of-way.

DISCUSSION:

City of Fayetteville staff recommends in favor of the requested right-of-way vacation, since all final documents have been received by City staff with no objections or issues identified. Staff finds that

while the right-of-way in question technically serves 8 lots that are still legal lots of record since they do not appear to have been formally combined through a property line adjustment, all parcels are owned by University Baptists Church.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	Any damage or relocation of existing facilities will be at the property owner/developer's expense
AEP/SWEPCO	An 80' x 30' utility easement shall be dedicated over the northernmost portion of the right-of-way to be vacated as shown on the attached exhibit.
Black Hills Energy AR	No objections and no comment.
AT&T	Any damage or relocation of existing facilities will be at the property owner/developer's expense
Ozarks Electric	No objections and no comment.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comment.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

Public Comment: Staff have not received any public comment regarding this request.

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0018** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
 2. An 80' x 30' utility easement shall be dedicated over the northernmost portion of the right-of-way to be vacated as shown on the attached exhibit.
-

PLANNING COMMISSION ACTION: Required YES

Date: October 14, 2024

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map



August 12, 2024

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

RE: University Baptist Church – Alley Vacation
CTA Job No. 24301601

To whom it may concern,

This submittal is for the vacation of a Alley within the University Baptist Church development area. This site is located at 333 W Maple Street. One of the existing structures falls within the existing Alley. We are requesting the Alley be vacated according to the attached exhibit.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Sean Johnson
Survey Project Manager

PETITION TO VACATE an Alley located between parcels 765-04331-000 & 765-04334-100 of Lots 1 & 2 of Block 4 of County Court Addition, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the alley hereinafter sought to be abandoned and vacated, lying between parcels 765-04331-000 & 765-04334-100 of Lots 1 & 2 of Block 4 of County Court Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley which is described in the attached Exhibit.

A 30 FOOT WIDE ALLEY BETWEEN LOT 1 AND LOT 2 OF BLOCK 4 OF COUNTY COURT ADDITION AS PER PLAT RECORD 0004-00000002 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2;
THENCE ALONG THE WEST LINE THEREOF S00°02'27"E 500.94 FEET TO THE NORTH RIGHT-OF-WAY OF WEST LAFAYETTE STREET;
THENCE ALONG SAID RIGHT-OF-WAY N90°00'00"W 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE EAST LINE THEREOF N00°02'27"W 500.11 FEET TO THE SOUTH RIGHT-OF-WAY OF WEST MAPLE STREET;
THENCE ALONG SAID RIGHT-OF-WAY N82°46'55"E 6.85 FEET;
THENCE ALONG SAID RIGHT-OF-WAY S89°56'28"E 23.20 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES, MORE OR LESS.
SUBJECT TO: 80' X 30' SWEPCO UTILITY EASEMENT TO REMAIN.

The abutting real estate affected by said abandonment of the alley are parcels 765-04331-000, 765-04334-100, 765-04333-000, 765-04329-000, 765-04332-000, 765-04334-000, 765-04335-000 & 765-04330-000, City of Fayetteville, used by the public for a period of many years, and the public interest and welfare would not be adversely affected by the abandonment of the portion of the described alley.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further request that the described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the alley of the public for the use of said alley.

Dated this 14 day of August, 2024.

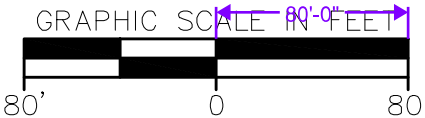
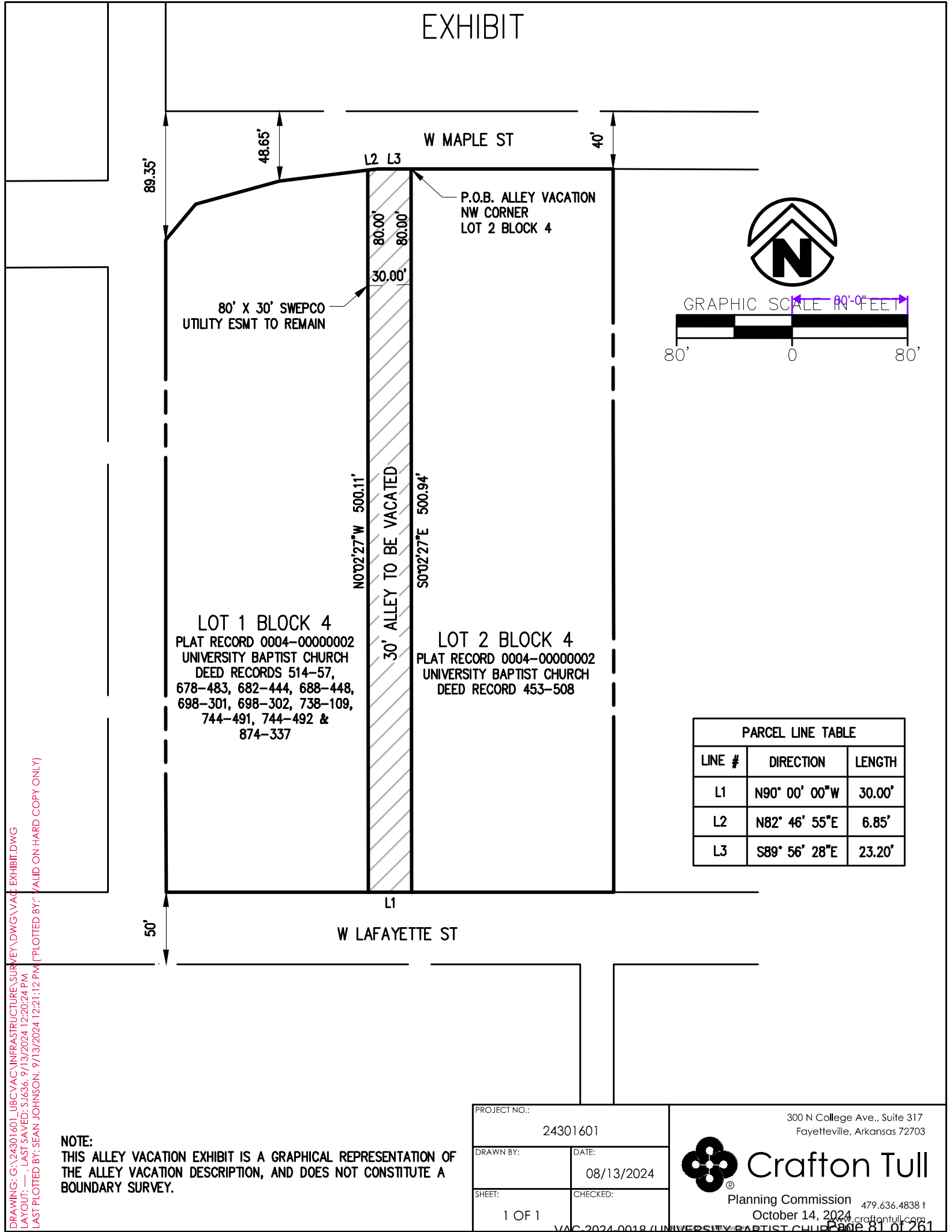
Stephen Martin, Associate Pastor

Printed Name



Signature

EXHIBIT



PARCEL LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N90° 00' 00"W	30.00'
L2	N82° 46' 55"E	6.85'
L3	S89° 56' 28"E	23.20'

DRAWING: G:\24301601_UBCVAC\INFRASTRUCTURE\SURVEY\DWG\VAC EXHIBIT.DWG
LAYOUT: —, LAST SAVED: SJ636, 9/13/2024 12:20:24 PM
LAST PLOTTED BY: SEAN JOHNSON, 9/13/2024 12:21:12 PM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

NOTE:
THIS ALLEY VACATION EXHIBIT IS A GRAPHICAL REPRESENTATION OF THE ALLEY VACATION DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

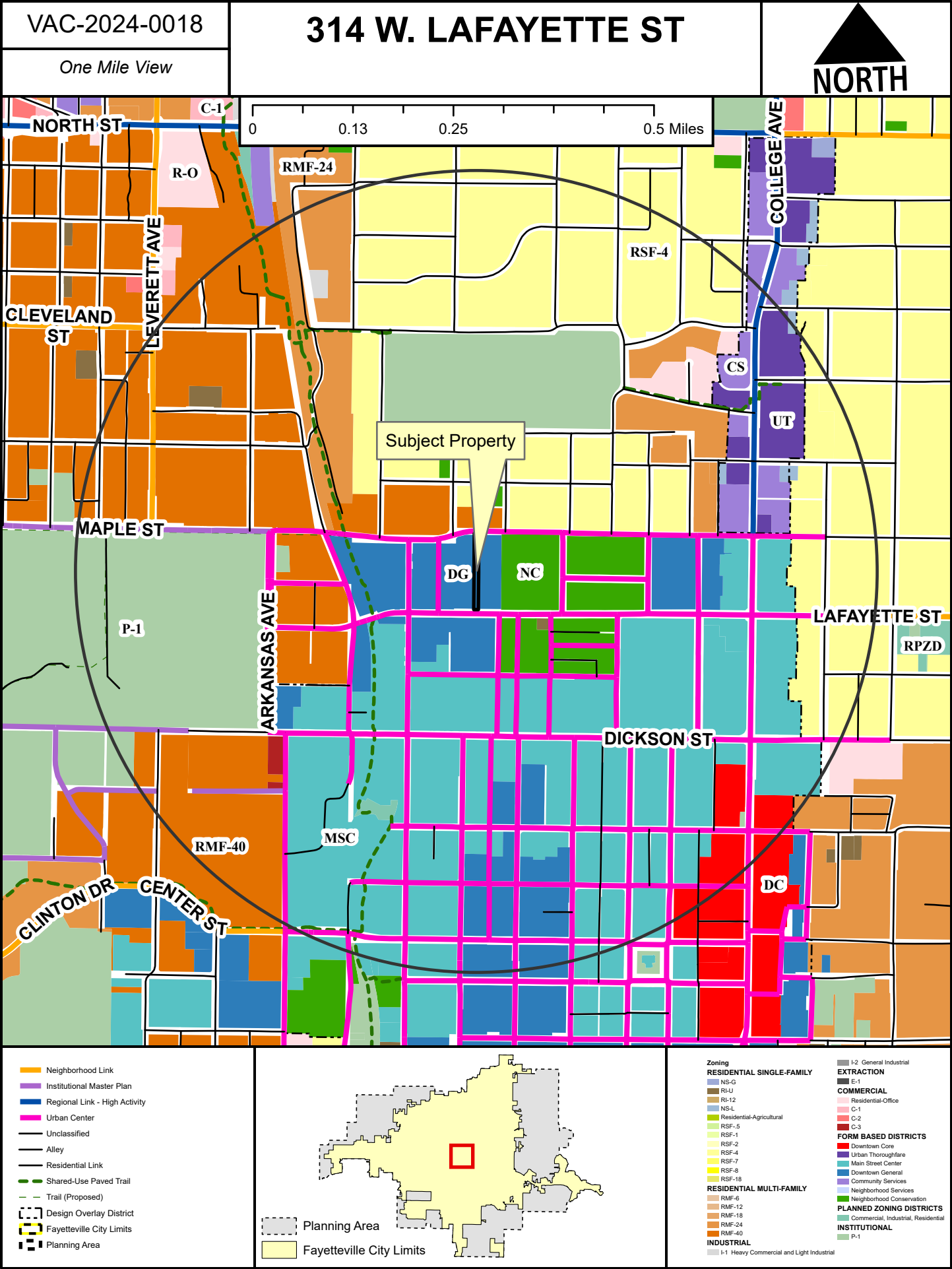
PROJECT NO.: 24301601	
DRAWN BY:	DATE: 08/13/2024
SHEET: 1 OF 1	CHECKED:

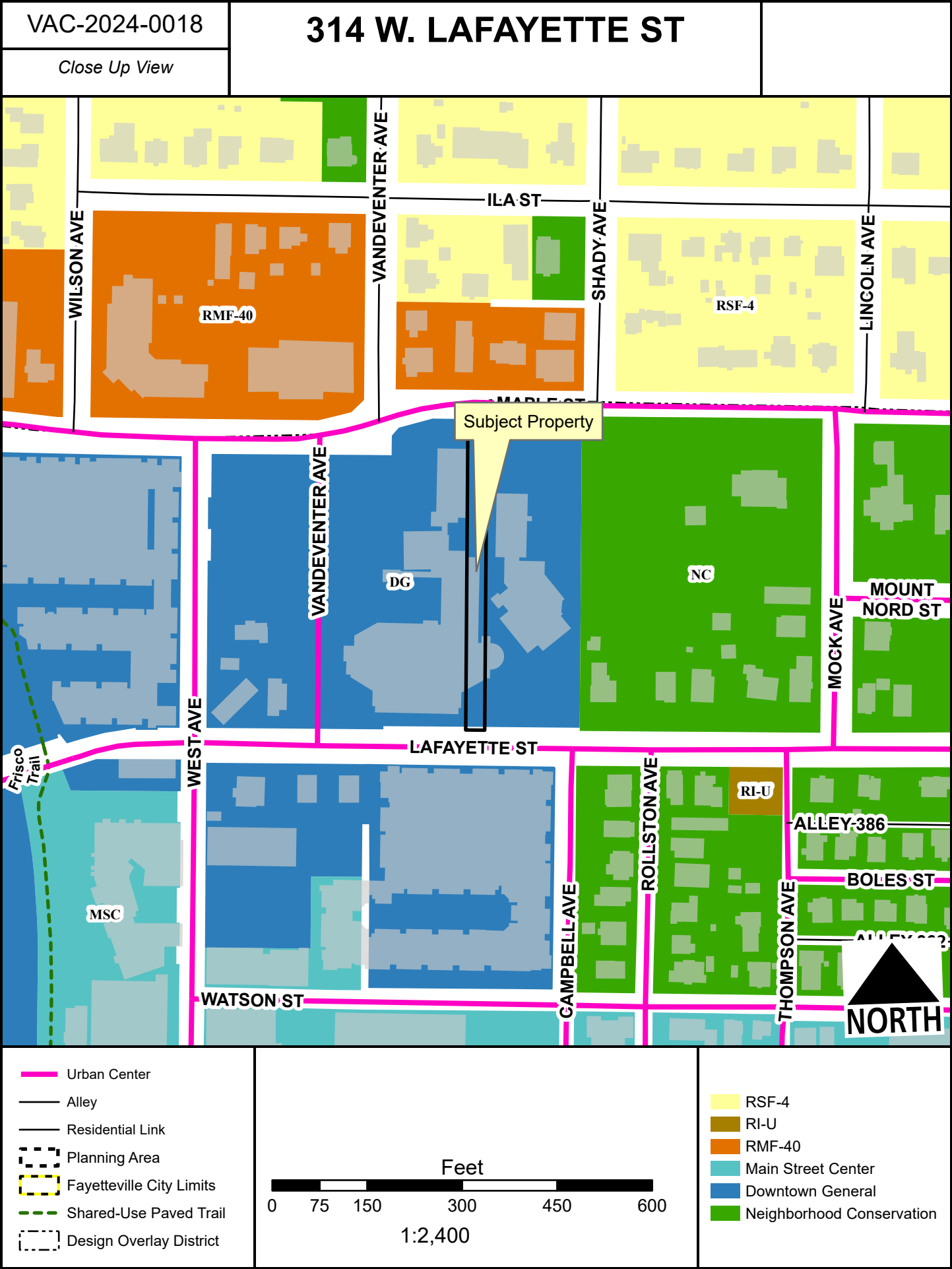


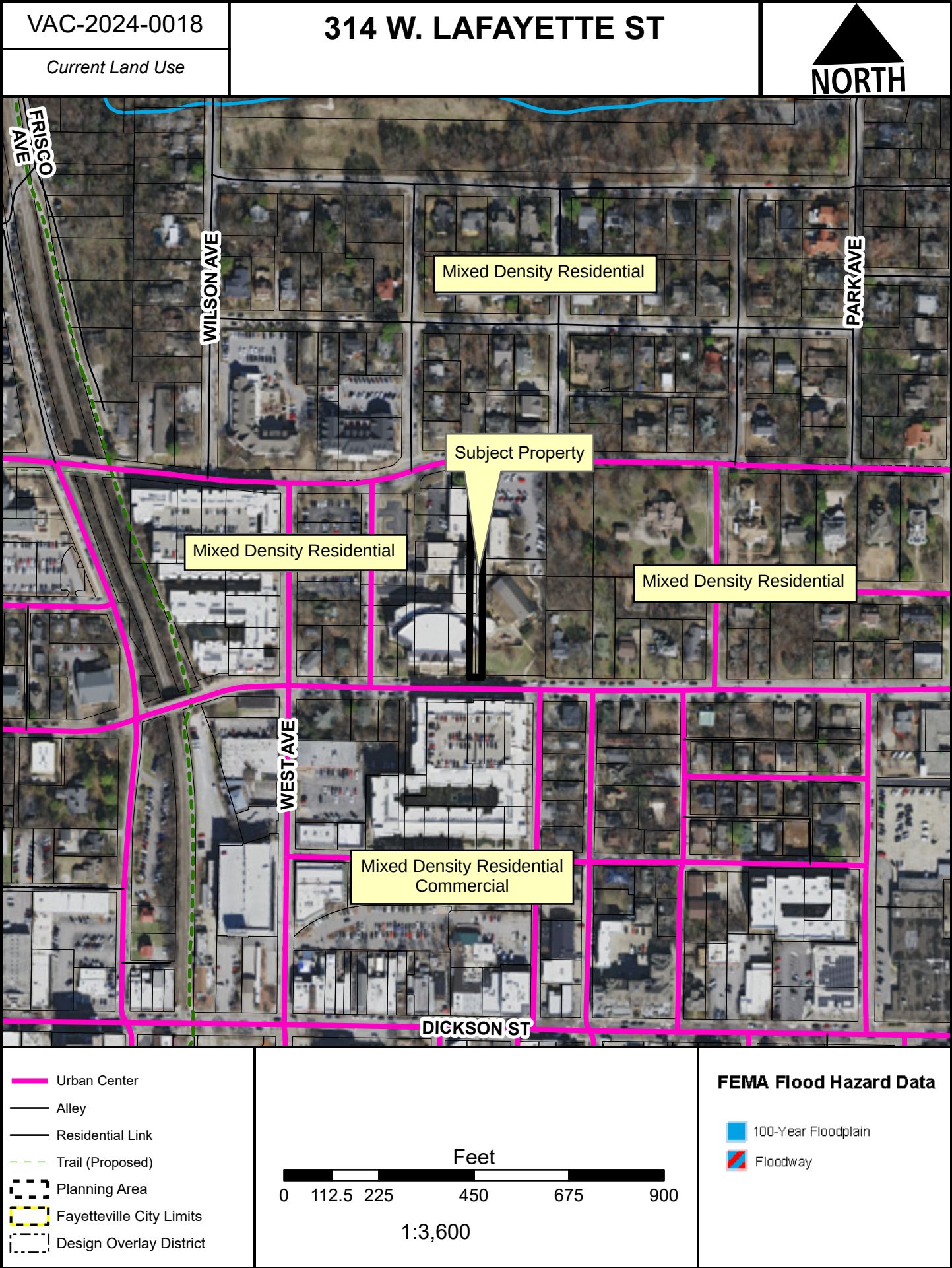
300 N College Ave., Suite 317
Fayetteville, Arkansas 72703

Crafton Tull

Planning Commission
October 14, 2024
479.636.4838 t
www.craftontull.com









TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner

MEETING DATE: October 14, 2024

SUBJECT: **VAC-2024-0020: Vacation (WEST END OF W. TREADWELL ST/MODUS STUDIO, 522):** Submitted by MODUS STUDIO for property located at THE WEST END OF W. TREADWELL ST. The request is to vacate 0.22 acres of street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2024-0020** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0020** to City Council with a recommendation of approval and with conditions as outlined by staff."*

BACKGROUND:

The subject property is in central Fayetteville directly east of Fayetteville High School's Bulldog Stadium. The property does not currently have a designated zoning district and is not part of any overlay district. It is bordered by six parcels per the Washington County Assessor, two of which are owned by the school district. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multifamily Residential	RMF-40, Residential Multi-Family, 40 Units per Acre MSC, Main Street Center
South	Single-Family Residential	MSC, Main Street Center
East	Mixed-Density Residential	MSC, Main Street Center
West	Fayetteville High School	P-1, Institutional

Proposal: The applicant proposes to vacate 0.22 acres of right-of-way that was platted with the Duncan's addition. The right-of-way is currently a roughly 200-foot-long street stub out which dead-ends into the Fayetteville High School Bulldog Stadium.

DISCUSSION:

City of Fayetteville staff recommends the requested right-of-way vacation is forwarded to the City Council with a recommendation of approval since all required documents have been provided. Staff finds that while the right-of-way in question abuts six parcels, the County assessor would have to finalize how the right-of-way would get redistributed to the adjacent property.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	Cox lines shall be relocated at the applicant's expense.
AEP/SWEPCO	SWEPCO to request easements at a later date.
Black Hills Energy AR	A 15-foot utility easement centered over the existing gas line shall remain.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u> Water/Sewer	<u>Response</u> Water line and existing meters must remain in service to existing customers until such time the associated buildings are demolished. Full access must be maintained for operation of the lines until that time. Off-site downstream sewer should be removed off-site and properly abandoned to most upstream service from the high school, unless applicant can demonstrate that upcoming development will certainly be tying into this line in the near future.
Solid Waste & Recycling	No objections and no comments.
Transportation	Drainage in right-of-way shall be revised/designed to avoid damage to downstream properties prior to removal.

Public Comment: Staff have not received any public comment regarding this request.

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0020** to City Council with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. Water line and existing meters must remain in service to existing customers until such time the associated buildings are demolished. Full access must be maintained for operation of the lines until that time.
3. Off-site downstream sewer should be removed off-site and properly abandoned to most upstream service from the high school, unless applicant can demonstrate that upcoming development will certainly be tying into this line in the near future.
4. Drainage in right-of-way shall be revised/designed to avoid damage to downstream properties prior to removal.

5. Any easements required by Cox, SWEPCO, Black Hills Energy or other utility companies herein shall be dedicated via an easement plat prior to building permit approvals.
6. Right-of-way vacation is subject to approval and recording of easement plat noted above.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

ROW Vacation Request Letter

September 4, 2024

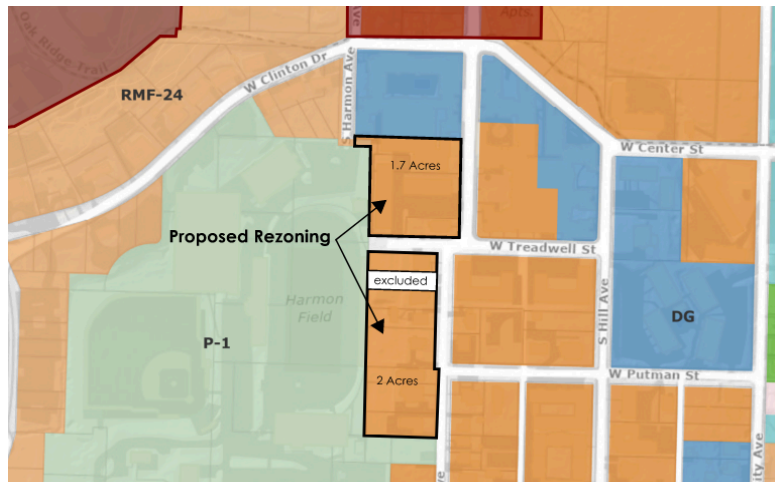
City of Fayetteville Development Services

125 West Mountain Street

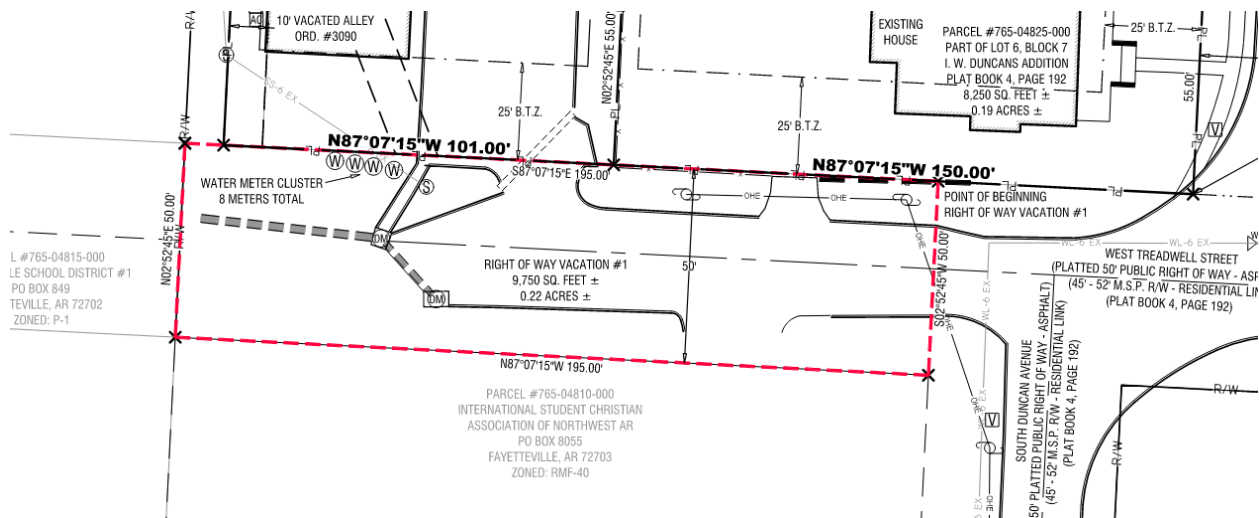
Fayetteville, AR 72701

RE: W. Treadwell (East of Duncan Avenue)

We recently completed a rezoning process on the parcels indicated below to transition to Main Street Center.



We are now requesting the vacation of the existing Street ROW that is the portion of W. Treadwell Street that bisects the newly rezoned properties. Please see attached Site Survey exhibit.

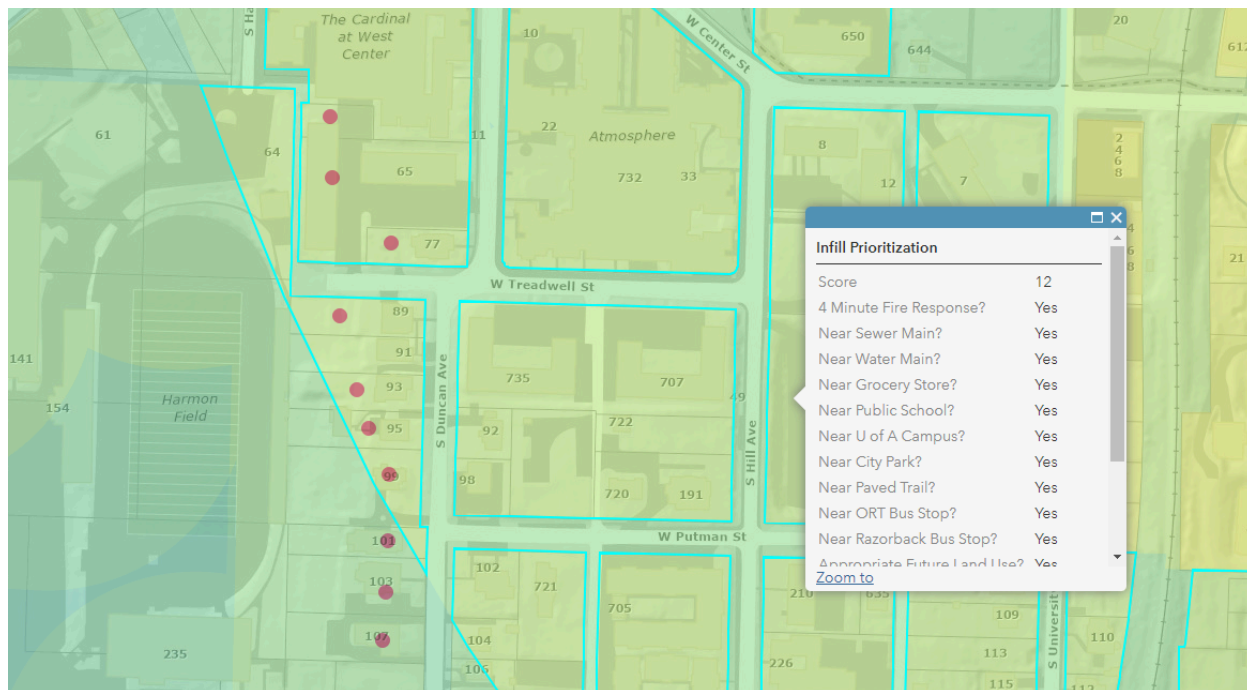


The purpose of this vacation is to both enhance the developable potential of the property and relieve the city of unneeded infrastructure to maintain. The portion of ROW being discussed holds no intrinsic value for the city and can be redeveloped as a cohesive part of an urban project that meets all goals for infill and City Plan 20240 goals.

The justification for this vacation can be characterized through the following lens:

Infill Assessment.

The ROW is located entirely within an Infill Priority score of 12.



Reinforcing the City Plan 2040 Goals.

The ROW vacation would support many of the City Plan 2040 Goals and Objectives:

1. Goal 1 – We will make appropriate infill and revitalization our highest priority.
 - This site is an exemplar of appropriate infill, located directly adjacent to public schools and the University of Arkansas.**
 - a. Goal 1 Objective: Recognize the benefits and cost savings of utility and road infrastructure that already exists in the core of the city.
 - This infill location will fully meet the intent of this goal by improving upon existing infrastructure.**
 - b. Goal 1 Objective: Promote the densest development around logical future transit stops.
 - This location will increase density appropriately near current transit locations and promote walkability across all of downtown Fayetteville.**
 - c. Goal 1 Objective: Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown and the U of A.
 - Positioned directly south of the U of A and a few blocks west of downtown Fayetteville, this site will directly contribute to the unique characteristics of the area for education and housing.**
2. Goal 2 – We will discourage suburban sprawl.
 - a. **This location is the opposite of suburban sprawl.**
3. Goal 3 – We will make compact, complete, and connected development the standard.

- a. Goal 3 Objective: Require new growth that results in neighborhoods, districts and corridors that are compact, complete, and connected.
The proposed rezoning will allow this site to be more compatible with the neighborhood district directly north of the site and complete the Duncan Avenue corridor, which is a conduit directly into the U of A.
- b. Goal 3 Objective: Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes and anticipate rail, street cars and other alternative transit modes.
This highly walkable area is located nearby existing transit routes and will further reinforce the critical importance of transit infrastructure for this neighborhood, focused on alternative forms of transportation.
- 4. Goal 4 - We will grow a livable transportation network.
 - a. **The Growth Concept Map "reflects city-wide policies to create diverse, efficient, and well-connected communities that are affordable and rich in local employment, access to transportation, services and culture." (City Plan 2040 p13.)**
This site is in a neighborhood sandwiched between a Tier 1 Center and a Special District with easy access to both high activity and transit corridors.

Conclusion.

The adjacent properties, recently rezoned, are intended to be developed as a higher density multifamily project focused on student housing adjacent to the University of Arkansas...exactly where much-needed housing should be located to lessen the overall burden on the city's land and infrastructure usage. Vacating this ROW will ensure compatible and proper site planning that is not arbitrarily bisected by this portion of road and outdated inaccessible ROW.

PETITION TO VACATE A PORTION OF W. TREADWELL STREET RIGHT-OF-WAY, SUCH PORTION OF WHICH IS LOCATED BETWEEN LOT 1, BLOCK 6 & LOTS 3, 4, 5, AND 6, BLOCK 7, OF I.W. DUNCAN'S ADDITION, CITY OF FAYETTEVILLE, AR.

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting W. Treadwell Street hereinafter sought to be abandoned and vacated, lying between Block 6, Lots 1 & 7 and Block 7, Lots 3, 4, 5, 6, & 7 of I.W. Duncan's Addition, City of Fayetteville, AR, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

Legal Description:

A PART OF THE NORTHWEST QUARTER OF THE SOUTH WEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 7 OF I. W. DUNCAN'S ADDITION AS SHOWN IN PLAT BOOK 4, PAGE 192, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING N87°07'15"W 66.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING THENCE S02°52'45"W 50.00 FEET TO THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF THE SAID WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY WEST TREADWELL STREET RIGHT OF WAY N87°07'15"W 195.00 FEET; THENCE N02°52'45"E 50.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY S87°07'15"E 195.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.22 ACRES, OR 9,750 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

That the described section of West Treadwell Street to be abandoned has not been used by the public for a period of many years, except as an ingress/egress for the abutting real estate, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described street.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject to said utility and sewer easements, and that title to the said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as that particular land the owners be free from the easements of the public for the use of said street.

John Adam

John Adam

09/04/2024 10:20 AM

Dated this ____ day of _____, 2024.

International Student Christian Association of Northwest Arkansas, LLC (Kevin Smith, Officer)

Kevin Smith

09/04/2024 10:37 AM

Dated this ____ day of _____, 2024.

South Duncan Properties, LLC- (Vickie Bronson, Authorized Agent)

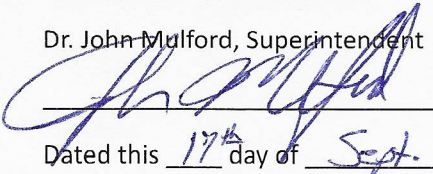
Vicki Bronson

09/04/2024 10:37 AM

Dated this ____ day of _____, 2024.

Fayetteville School District #1

Dr. John Mulford, Superintendent



Dated this 17th day of Sept., 2024.

NOTES:

1. PARCEL #755-0482-001, #755-0482-000, #755-0482-000
2. CURRENT ZONING: RM-40
3. PROPOSITION BASED ON ARKANSAS STATE PLAT, NORTH ZONE, MAP03
4. BOUNDARY BASED ON:
 - 1. WARRANTY DEED, FILE #935-17955
 - 2. WARRANTY DEED, FILE #2016-0000069
 - 3. WARRANTY DEED, FILE #2017-0001136
 - 4. PROPERTY LINE ADJUSTMENT, PLAT FILE #2023-0000067
 - 5. EASEMENT PLAT FOR LOT 1, HARMON HALL SUBDIVISION, PLAT FILE #2023-0000067
5. PER GRAPHIC PLATTING ONLY, THE SUBMITTED PROPERTY IS LOCATED WITHIN ZONE 27 AS SHOWN ON REA GRN PAGES 5 #051402006 & #051402021. BOTH BECOMING AN EFFECTIVE DATE OF 7/25/2024 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

ZONING & SETBACKS:

ZONED: RM-40
SETBACKS:
FRONT: 25' BUILT-TO-ZONE
SIDE: 5' (OTHER SIDE 5'00' FAMILY)
REAR: 20' (OTHER USES)
REAR: 5' (SINCE FAMILY)

PARCEL #755-0482-000:

A PART OF LOT 3, BLOCK 7, 1 W. DUNCAN, ACCORDING TO THE CITY OF FAVETTILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, CHITLED IN THE OFFICE OF THE CIRCUIT CLERK AND EXCEPTED RECOVERED OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE SAID LOT 3, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE SAID LOT 3, BLOCK 7, 1 W. DUNCAN, ACCORDING TO THE CITY OF FAVETTILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, CHITLED IN THE OFFICE OF THE CIRCUIT CLERK AND EXCEPTED RECOVERED OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WEST TREATMENT, RIGHT-OF-WAY 150.00 FEET, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 150.00 FEET TO THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.19 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

PARCEL #755-0482-001:

A PART OF LOT 3, ALL OF LOT 3, AND A PART OF LOT 6, AND A PORTION OF A VACATED ALLEY, ALL IN BLOCK 7, 1 W. DUNCAN, ACCORDING TO THE CITY OF FAVETTILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, CHITLED IN THE OFFICE OF THE CIRCUIT CLERK AND EXCEPTED RECOVERED OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WEST TREATMENT, RIGHT-OF-WAY 150.00 FEET, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 150.00 FEET TO THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.18 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

PARCEL #755-0482-002:

A PART OF LOT 3, 2, AND PART OF A VACATED ALLEY, ALL IN BLOCK 7, 1 W. DUNCAN, ACCORDING TO THE CITY OF FAVETTILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, CHITLED IN THE OFFICE OF THE CIRCUIT CLERK AND EXCEPTED RECOVERED OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WEST TREATMENT, RIGHT-OF-WAY 150.00 FEET, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 150.00 FEET TO THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.12 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

RIGHT-OF-WAY VACATION:

A PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WEST TREATMENT, RIGHT-OF-WAY 150.00 FEET, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 150.00 FEET TO THE WESTERN RIGHT-OF-WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT-OF-WAY S80°29'54"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.12 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY, AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON.

DATED: 11/08/2024, A.M.S. #7118

DATE



LEGEND

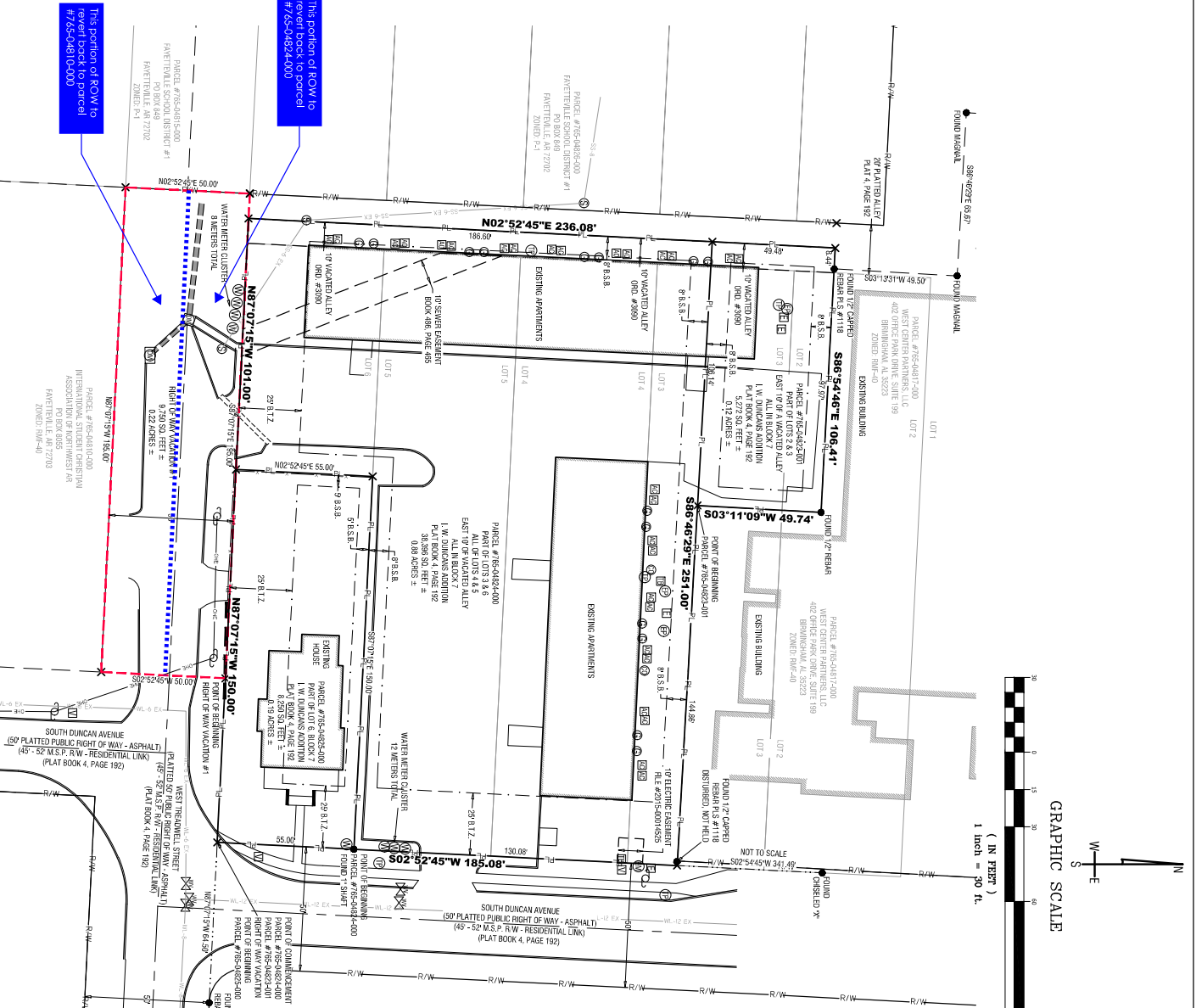
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○ SET POINT BY WATER CAP	○ STORM DRAIN MANHOLE	○ POWER POLE
○ CALCULATED POINT	○ ELEC. BOX	○ GAS METER
○ WATER METER	○ ELEC. METER PAD	○ AC UNIT ON PAD
○ WATER VALVE	○ ELEC. REPAIRS	○ 6" METER
○ SEWER MANHOLE	○ TELEPHONE PERISCOPE	○ UTILITY WALL

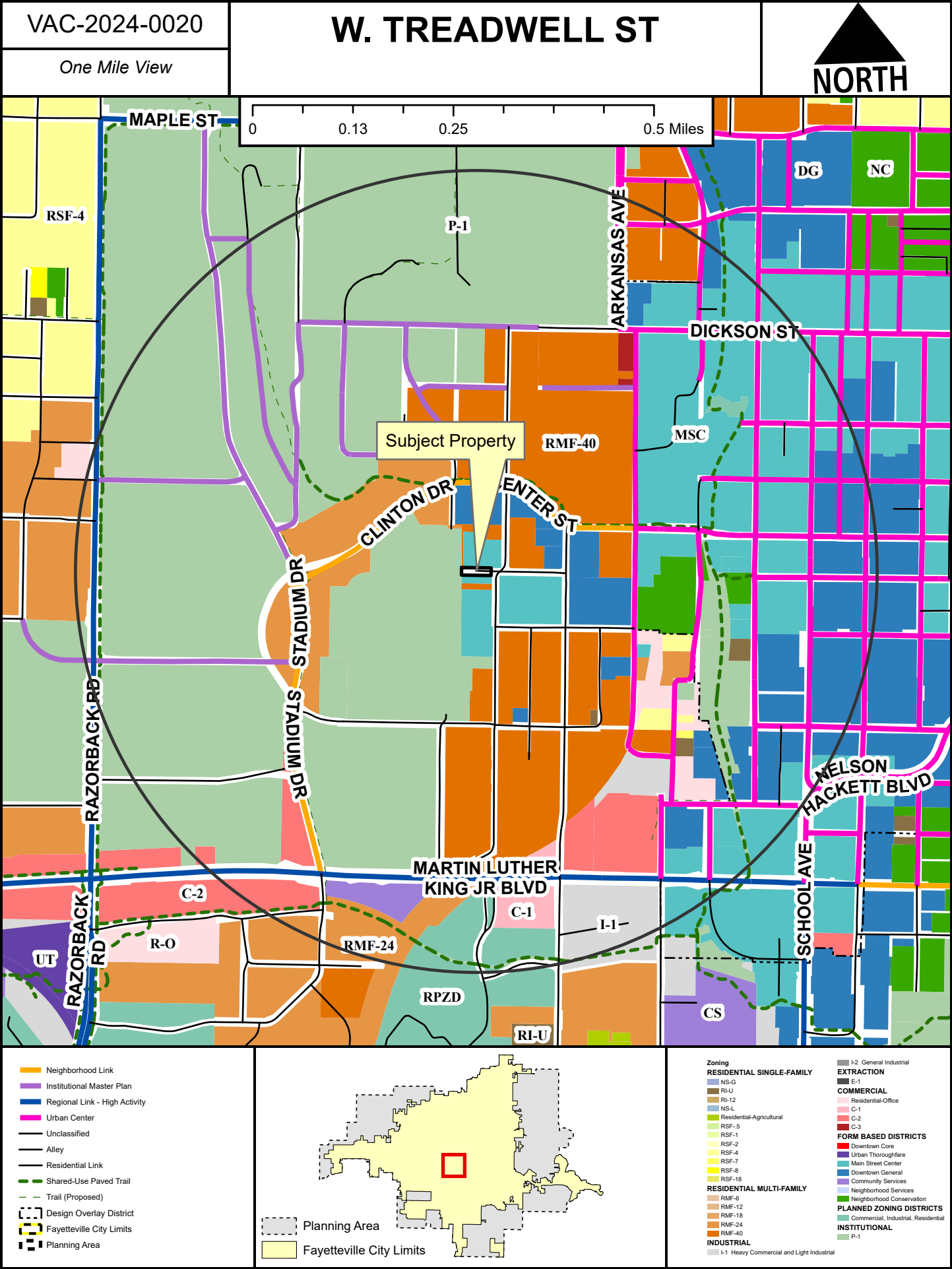
PROPERTY LINE
ADJOINING PROPERTY LINE
CENTERLINE OF ROAD
FENCE LINE
RIGHT-OF-WAY
BUILDING SETBACK
EXISTING SEWER LINE
EXISTING DRAIN PIPE
UTILITY EASEMENT
EXISTING OVERHEAD ELECTRIC
EXISTING WATER LINE

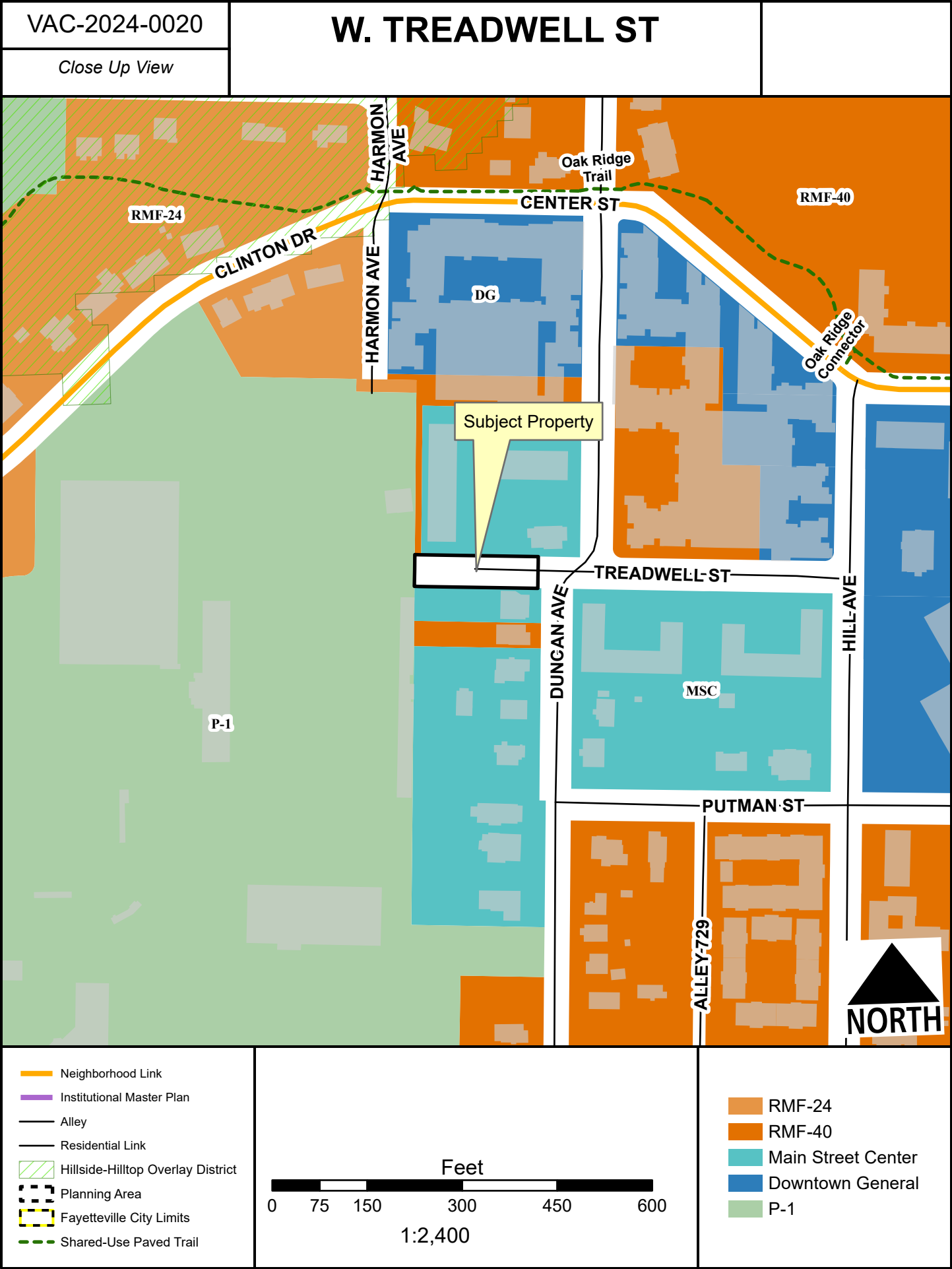
JORGENSEN & ASSOCIATES
124 W. Superdome Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9172
www.jorgensenandassociates.com
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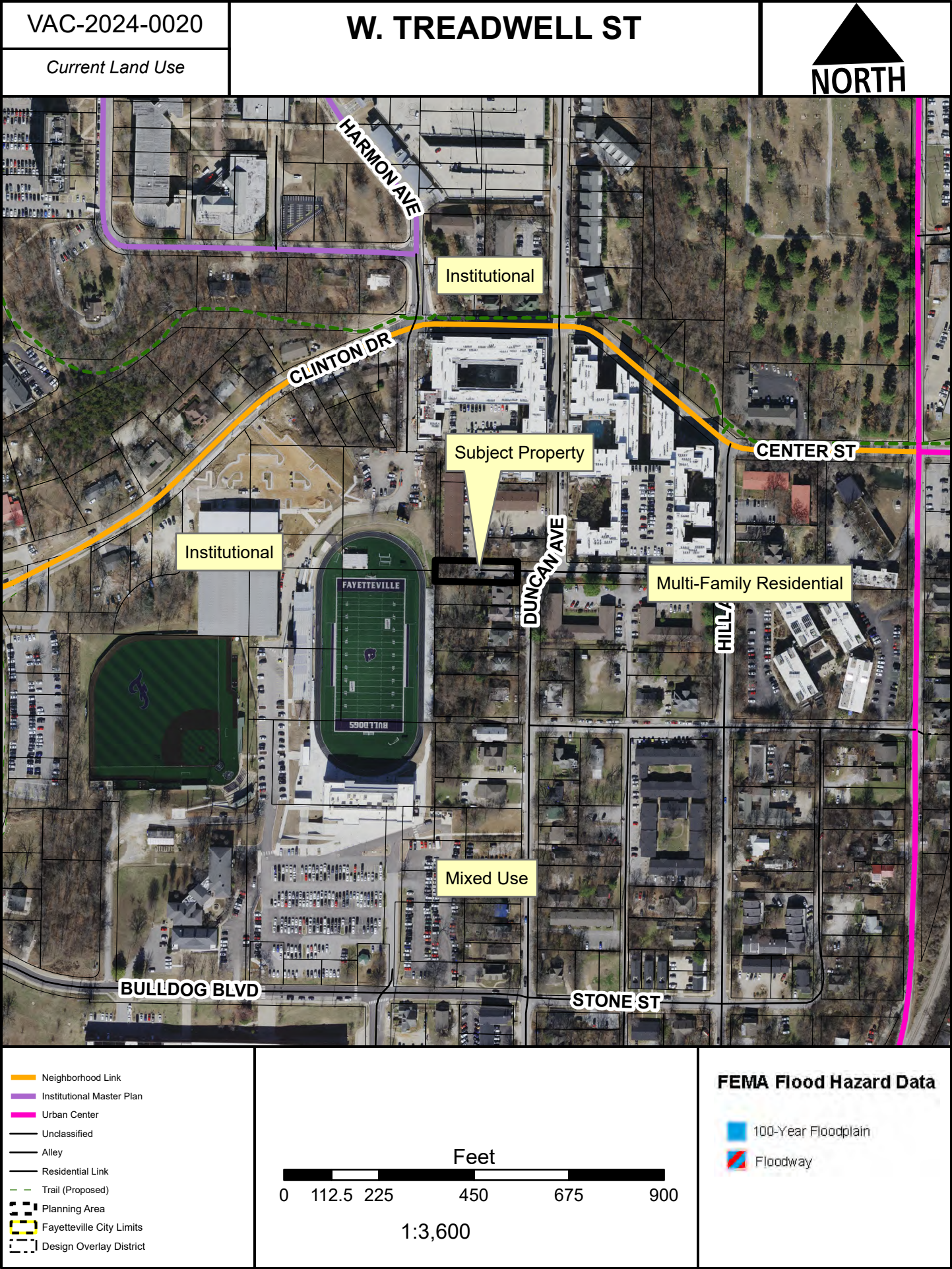


PROJECT TITLE: HARMON PLACE
LOCATION: FAVETTILLE, AR
SHEET TITLE: RIGHT OF WAY VACATION
DRAWN BY: JH
DATE: 08/20/24
PROJECT: THE ELMWOOD0008 - HARMON PLACE DMS024-008 HARMON PLACE 2nd











TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0042: Rezoning (1055 N. POLLARD AVE./ADONA, 445):**
Submitted by ANDREA FOURNET for property located at 1055 N. POLLARD AVE. The property is zoned R-O, RESIDENTIAL OFFICE, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0042** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0042** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in central Fayetteville, just southwest of the intersection of N. College Avenue and W. North Street on the south side of W. North Street. The property contains one parcel totaling 0.90 acres which is developed with a single-family dwelling and zoned R-O, Residential-Office and NC, Neighborhood Conservation. No protected streams, hydric soils, or FEMA-designated floodplain are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Medical Campus	P-1, Institutional
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Commercial	CS, Community Services UT, Urban Thoroughfare

Request: The request is to rezone the subject property from R-O, Residential Office and NC, Neighborhood Conservation to NS-G, Neighborhood Services - General.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along North St and Pollard Ave. W. North Street is an improved Regional Link – High Activity Street partially improved with curb and gutter as well as sidewalk on portions. Pollard Ave is also partially improved along this section with curb, but no sidewalk. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 12" water main that runs along W North St and an existing 6" water main along the southern property line.

Sewer: Sanitary Sewer is available to the subject property. There is a 12" sewer main that runs along the western property line. There are known sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,500 linear feet downstream of this property.

Drainage: The subject property does not lie within a FEMA-designated floodplain and no protected streams or hydric soils are present on site.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Station 2, located at 708 Garland Ave., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 3.5 minutes using existing streets. The anticipated response time would be approximately 5.7 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, NS-G, Neighborhood Services - General, requires **20% minimum canopy preservation**. The current zoning districts, R-O, Residential-Office and NC, Neighborhood Conservation, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 8-9 for this site with a weighted score of 10.5 at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, located at 708 Garland Ave.)
- Near Sewer Main (12-inch main, W. North Street)
- Near Water Main (12-inch main, W. North Street)
- Near Public School (Washington Elementary)
- Near City Park (Wilson Park, Gregory Park)
- Near Paved Trail (N. Woolsey Ave.)
- Near ORT Bus Stop (N. College & North (West) Stop ID 19629)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the north edge of a residential subdivision just southwest of the intersection of N. College Avenue and W. North Street. The property has wide frontage along W. North Street and side access from N. Pollard Street. A rezoning to NS-G, Neighborhood Services – General, would allow more intense residential development in a transition zone between a subdivision that is developed with low-density single-family residences and commercial and institutional properties to the north and east of the neighborhood.

One potential advantage of NS-G zoning is that it has a 0- to 25-foot build-to zone, which would require development along the property's street frontage rather than being set back with a conventional building setback. The existing house on the property appears to encroach into the side setback associated with the R-O zoning district, although R-O does have an optional urban form setback under which the existing structure could be considered conforming. City code does allow existing nonconforming structures to continue to exist, and be repaired or expanded, without requiring a rezoning action.

Land Use Plan Analysis: Staff finds that a rezoning to NS-G would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing types, and commercial uses within walkable urban development patterns. The property also has a medium infill score of 8-9 which indicates that it is a suitable location for moderate infill development in a transitional area.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that there is sufficient justification for rezoning the property from R-O and NC to NS-G. Staff finds that the proposed rezoning is compatible

with surrounding properties and consistent with the City's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from R-O and NC to NS-G has limited potential to increase vehicular traffic in the area when considering surrounding commercial and institutional uses. Between 2019 and 2023, six traffic crashes were reported adjacent to the property and around the intersection of W. North Street and N. Pollard St. to the east of the subject property. One of the crashes had a possible injury and five had no apparent injury.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from R-O and NC to NS-G has the potential to alter the population density since NS-G would allow for increased residential development compared to the NC zoning district, and some small-scale commercial development. However, a rezoning to NS-G would reduce a density allowance in the R-O portion of the property from 24 units per acre to 18 units per acre. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0042 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:**Required YES****Date:** October 14, 2024☐ **Tabled**☐ **Forwarded**☐ **Denied****Motion:****Second:****Vote:**

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.19 District R-O, Residential Office
 - §161.20 Neighborhood Conservation
 - §161.29 NS-G, Neighborhood Services
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
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Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form 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	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is

	filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(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	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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8/28/2024

Property address: 1055 N Pollard Ave, Fayetteville, AR 72701

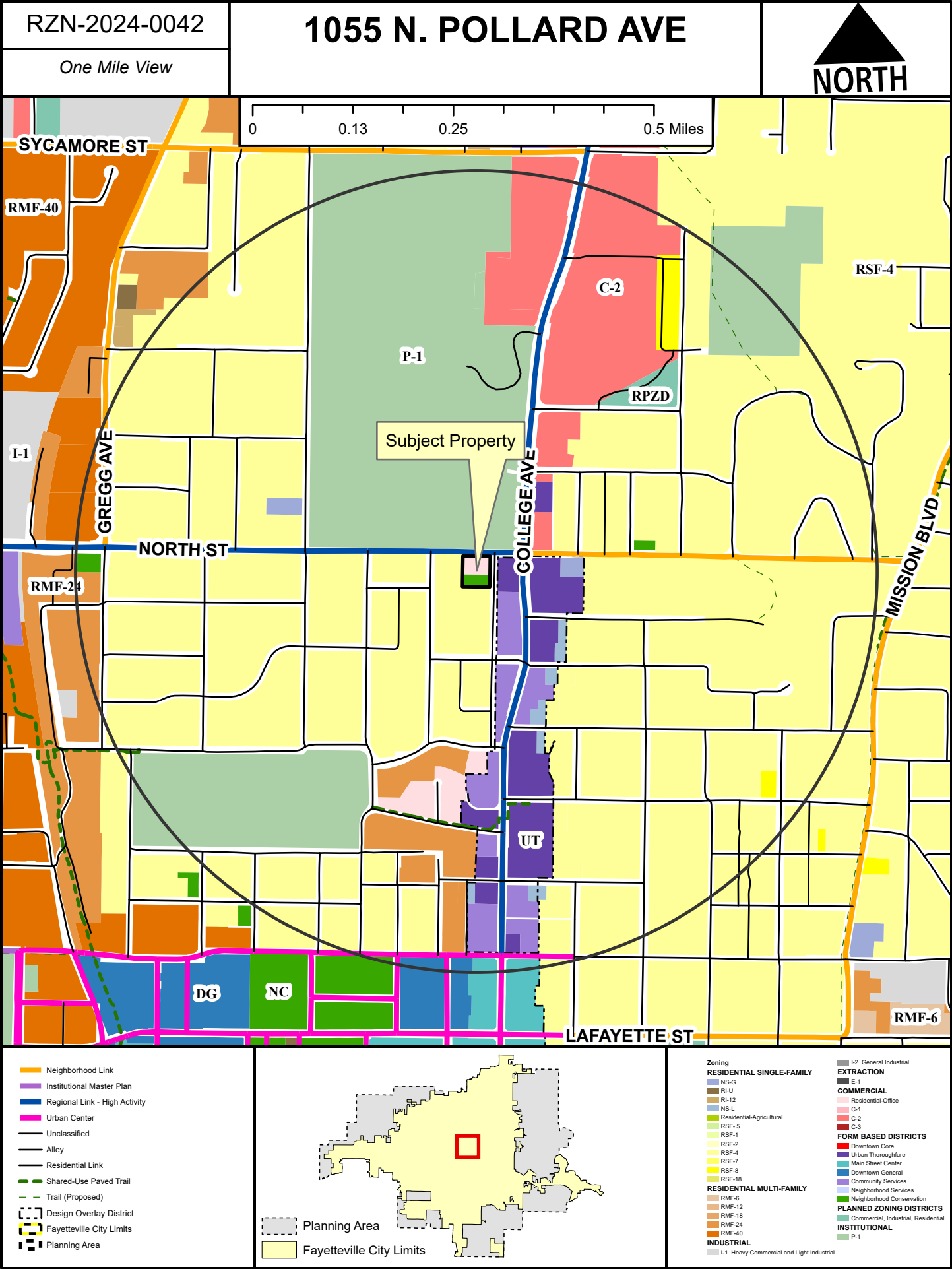
Rezone from RO/NC to NSG

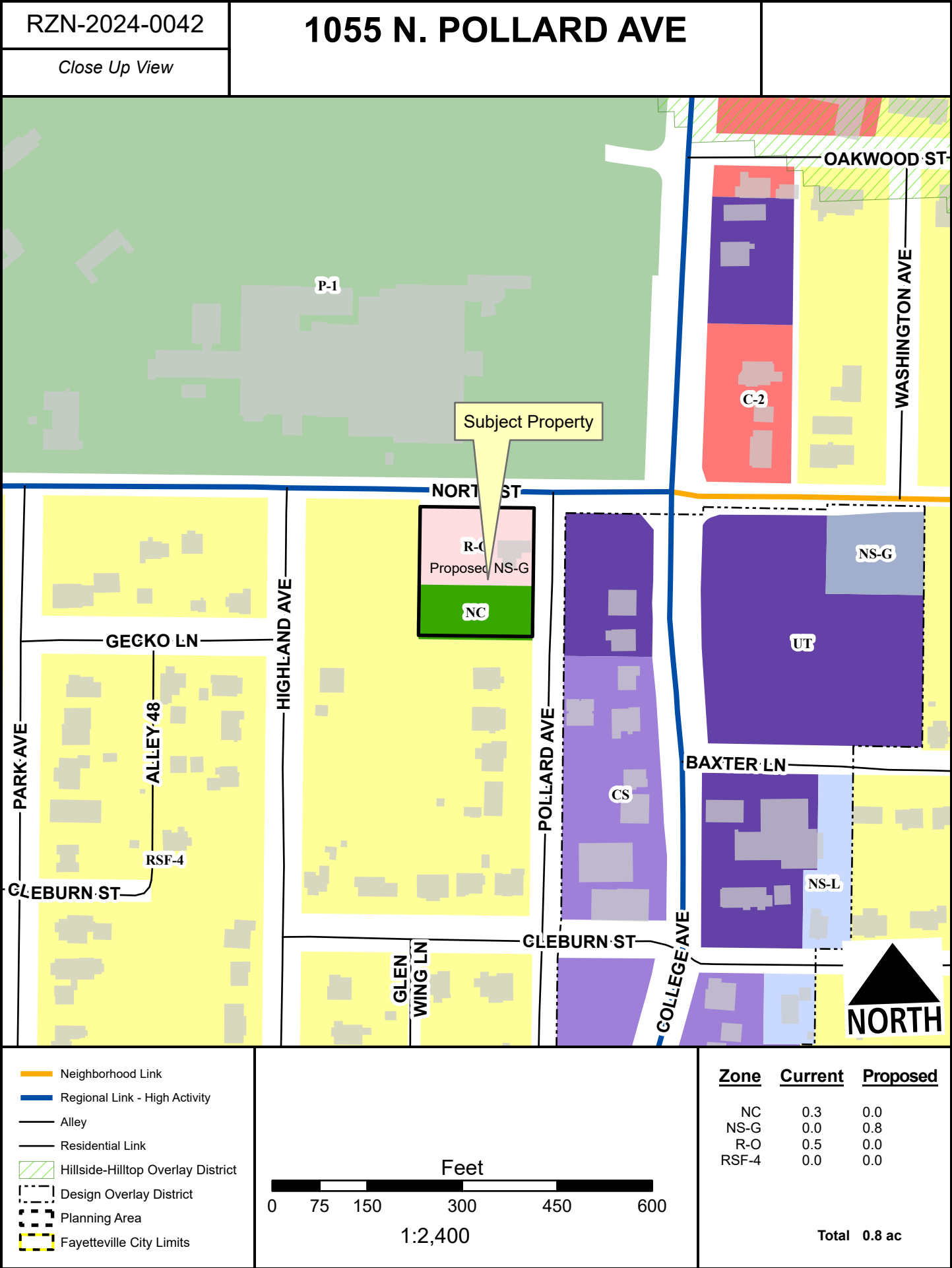
Looking to bring these properties together in a united zoning that would allow for dense housing infill or neighborhood scale commercial serving nearby properties, and helping to balance zoning districts more cohesively.

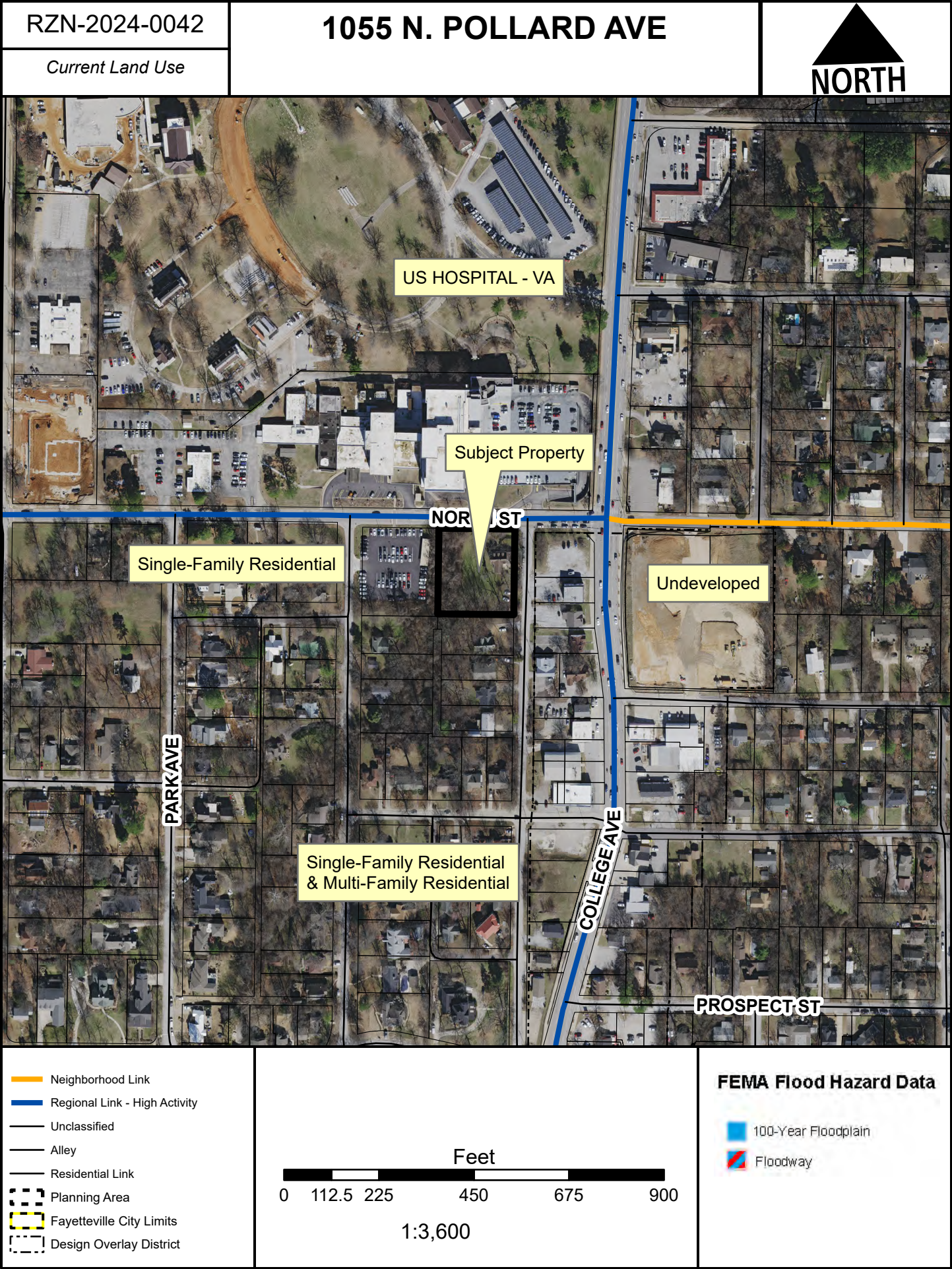
Respectfully submitted,

Andrea Fournet

Ramona Jones





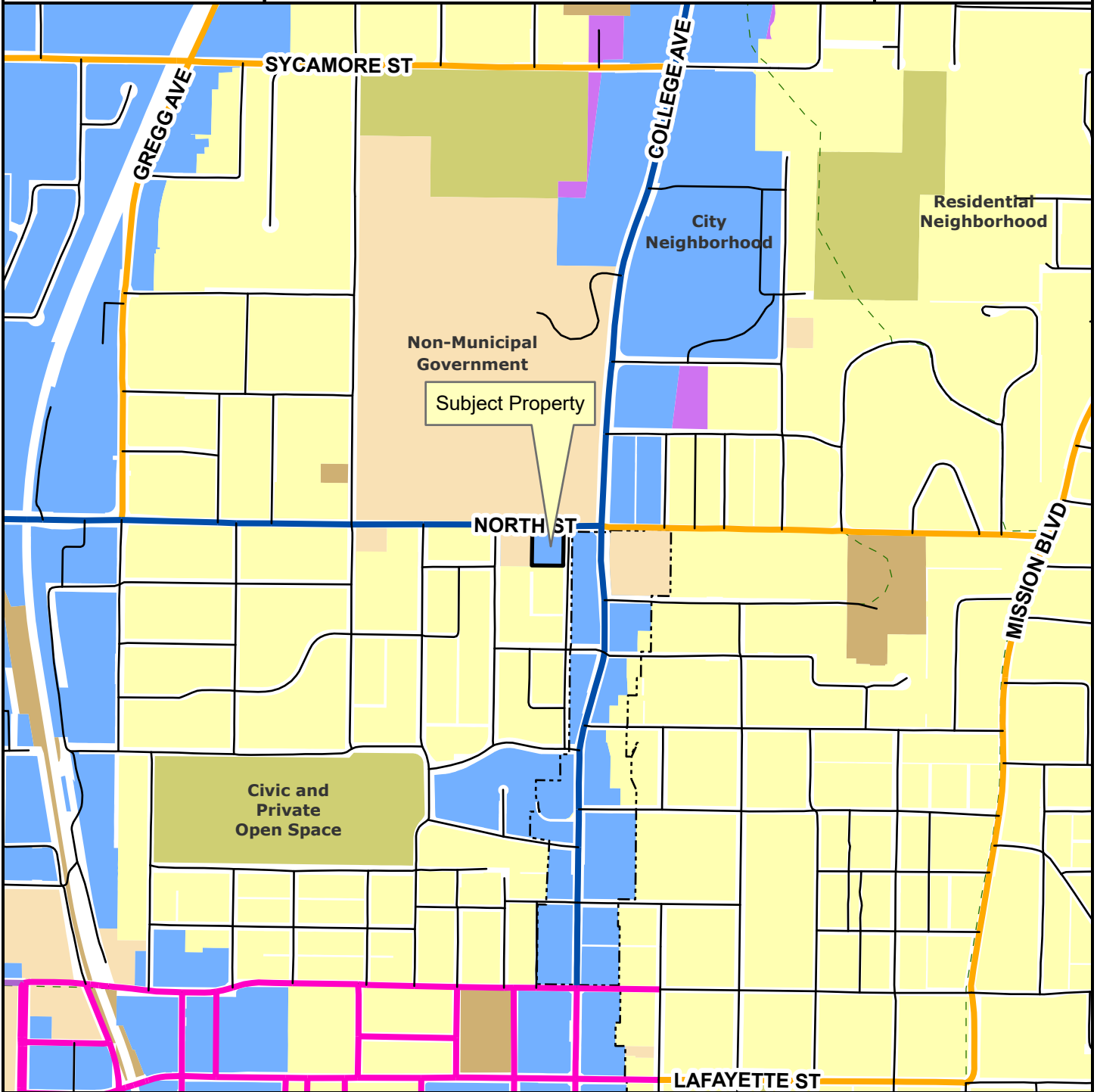


RZN-2024-0042

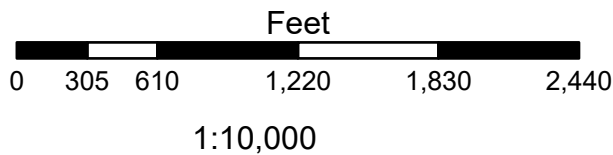
1055 N. POLLARD AVE



Future Land Use



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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center



TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0043: Rezoning (1236 W. MT. COMFORT RD/SCHWARTING, 404):** Submitted by SCHUYLER SCHWARTING for property located at 1236 W. MOUNT COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0043** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0043** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in central Fayetteville, approximately 0.13 miles west of the intersection of W. Mt. Comfort Rd. and N. Garland Ave. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre, and contains approximately 0.30 acres. It is currently developed with a single-family dwelling constructed in 1931. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre
South	Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential; Multi-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre; RMF-24, Residential Multi-Family, Twenty-Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate, Urban.

Public Comment: To date, staff has received no public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The property has frontage along W. Mount Comfort Road, a partially improved Residential Link Street with asphalt paving, curb and gutter, and trail along the south side. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject area. An existing eight-inch water line along the property's W. Mount Comfort Road frontage.
- Sewer:** Sanitary sewer is available to the subject area. An existing 6-inch sewer main along the property's W. Mount Comfort Road frontage. There are known sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 600 linear feet downstream of this property.
- Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.
- Fire:** Station 2, located at 708 N. Garland Ave. protects this site. The property is located approximately 0.6 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:**
The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**. The proposed zoning district of RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site with a weighted score of **12.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 708 N. Garland Ave.)
- Near Sewer Main (8-inch line, W. Mount Comfort Rd.)
- Near Water Main (6-inch line, W. Mount Comfort Rd.)
- Near Grocery Store (Harps, 1189 N. Garland Ave.)
- Near Public School (Asbell Elementary School; Leverett Elementary School)
- Near UA Campus
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (W. Mount Comfort Rd. Side-Path Trail)
- Near Razorback Bus Stop (Garden Park)
- Appropriate Future Land Use

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning from RSF-4 to RI-U to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family and undeveloped properties to the north and east. To the south is the RMF-24-zoned Garden Park Apartments. A rezoning to RI-U would allow for a wider variety of residential uses than those permitted under the property's current zoning designation, including the by-right development of two-, three-, and four-family dwellings. This would provide a transition in intensity from the multi-family properties to the south into the less intense and dense single-family properties to the north. Staff finds the requested rezoning to be compatible with surrounding land uses.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as City Neighborhood area and location within a Tier 2 Center. Staff finds that a rezoning to RI-U would support those designations as both City Neighborhood Areas and Tier 2 Centers exist to provide a mix of residential uses of moderate density. The property has a moderately-high infill score, with access to trails, parks, public schools, and grocery stores and other infill elements that make it appropriate for higher density infill development. Staff finds that the requested rezoning could allow for the creation of missing middle housing and meets City Goals 1 (appropriate infill), 3 (compact, complete, and connected development), and 6 (opportunities for attainable housing).

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that there is sufficient justification to rezone the property from RSF-4 to RI-U since the rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from RSF-4 to RI-U does have the potential to slightly increase traffic danger and congestion due to an increase in density, however the size of the parcel will limit the density on the site. Access management will be reviewed at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to slightly alter the population density since it would allow for more intense residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0043 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 RSF-4, Residential Single-Family, Four Units per Acre
 - §161.12 RI-U, Residential Intermediate - Urban
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet

Land area per dwelling unit	8,000 square feet	6,000 square feet
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(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

161.12 District RI-U, Residential Intermediate - Urban

- (A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

- (C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
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A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet
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(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

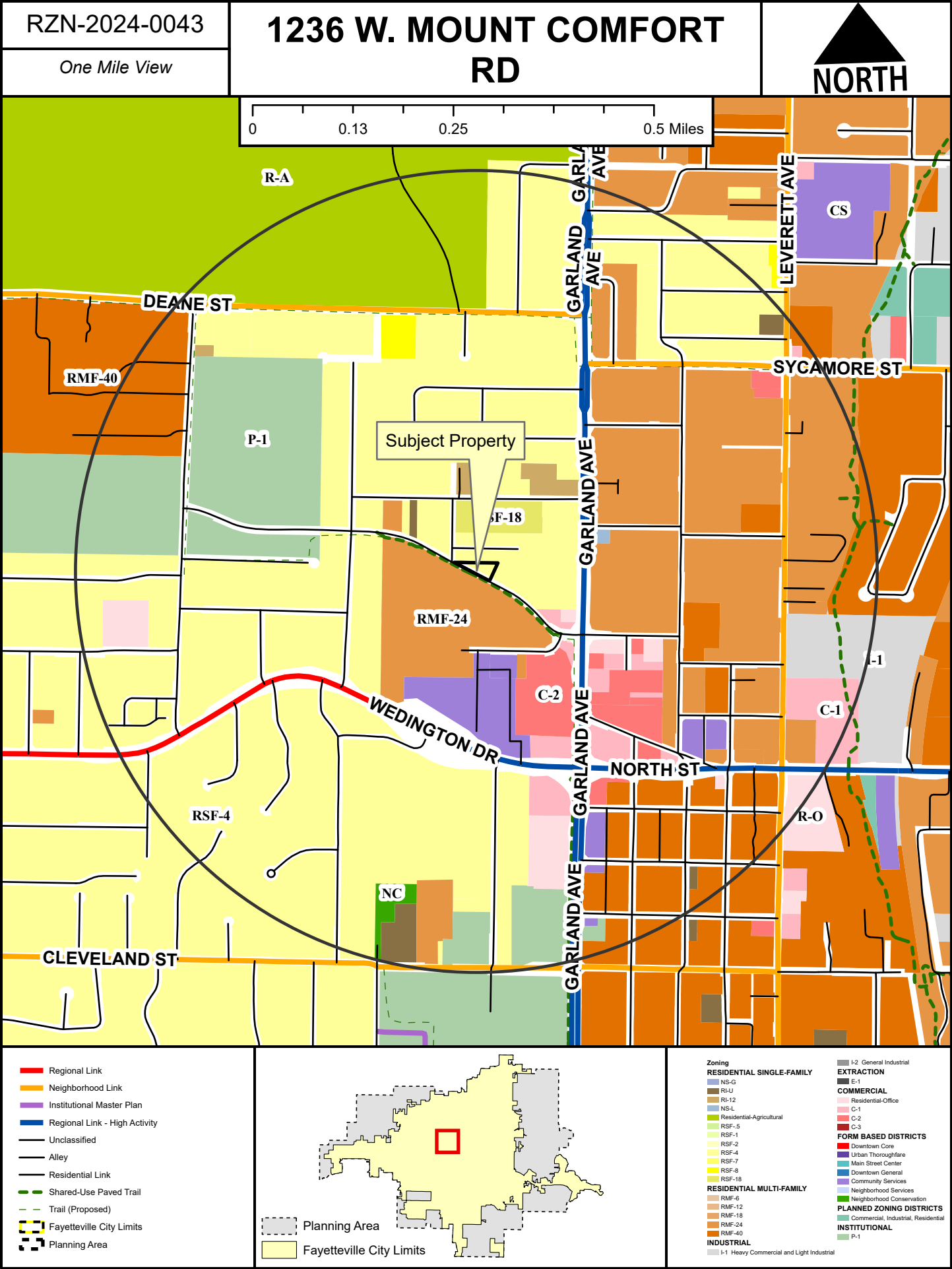
- (G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) *Minimum Buildable Street Frontage.* 50% of the lot width.

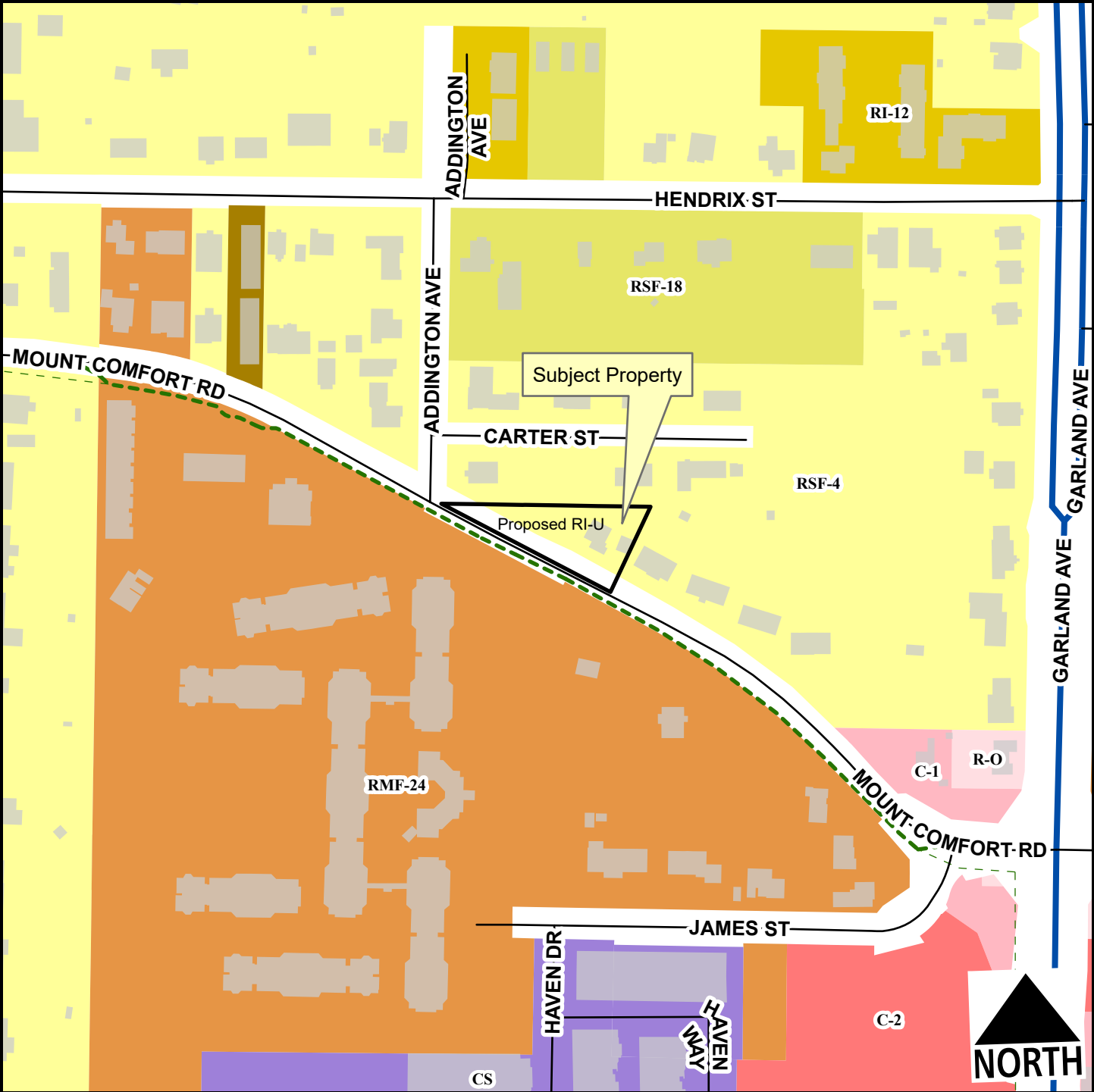
CITY OF FAYETTEVILLE, ARKANSAS

REZONING REQUEST LETTER

The rezoning of this property, at 1236 W. Mount Comfort Rd., from RSF-4 to RI-U is in line and compatible with the zoning of the surrounding properties. Across the street from this property is the Garden Park Apartments, The Locale Fayetteville Apartments, also a 4-unit apartment complex and a 9-unit Townhome complex all of which are zoned RMF-24 and one block away to the west is also zoned RI-U and to the north is zoned RSF-18. The proposed rezoning will not unreasonably adversely affect or conflict with the surrounding land uses because this lot will continue to be residential but opens up new possibilities. It is on a main thoroughfare that connects the neighborhood to Garland Dr. to the east or Weddington Dr. to the south. It is also right across the street from a Razorback Transit bus stop #33. This Razorback Transit system is capable of transporting throughout the City of Fayetteville.

The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, provide a range of housing types compatible in scale with single-family homes and encourages a diversity of housing types to meet demand for walkable urban living. I believe this change of zoning is compatible with this request and meets the description of the new zoning.





Regional Link - High Activity

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

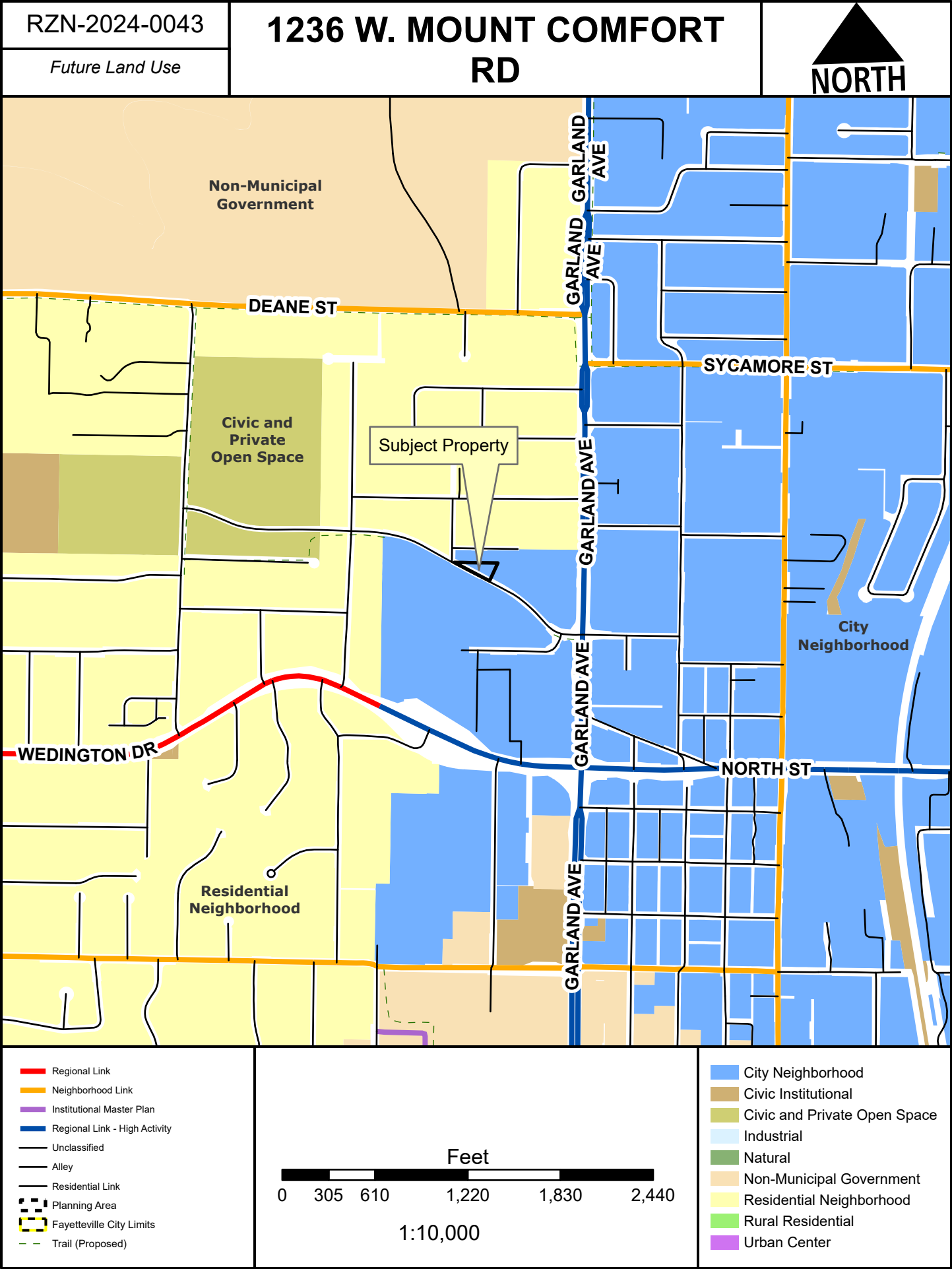
Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.4
RSF-4	0.3	0.0
Total 0.4 ac		







TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0044: Rezoning (2001 W. 18TH ST./ARNOLD, 598):**
Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2001 W. 18TH ST. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.90 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0044** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0044** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in southwest Fayetteville, just east of Interstate 49 on the south side of W. 18th Street. The property contains one parcel totaling 0.90 acres which is developed with a single-family dwelling and accessory structure and zoned C-1, Neighborhood Commercial. Hydric soils are present, as well as protected streams, but no FEMA-designated floodplain is present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Undeveloped	RI-U, Residential Intermediate - Urban
East	Single-Family Residential	RI-12, Residential Intermediate, Twelve (12) Units Per Acre
West	Multi-Family Residential	C-1, Neighborhood Commercial

Request: The request is to rezone the subject property from C-1, NEIGHBORHOOD COMMERCIAL to RI-U, RESIDENTIAL INTERMEDIATE - URBAN.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along W. 18th Street. W. 18th Street is a partially improved Residential Link Street with asphalt paving and no curb or gutter. The property's frontage of W 18th St is unimproved. There is no curb and gutter or sidewalk present. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject property. There is a 12" water line along the property's frontage of W 18th St.

Sewer: Sanitary Sewer is available to the subject property. There is an 8" sanitary sewer line that runs through the southeast portion of the property. There are known sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system near this property. There are City projects that will improve the capacity of the system in this area.

Drainage: The subject property does lie within a FEMA-designated floodplain, and protected streams are identified on the east side of the property. Hydric soils are present on site.

A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time

would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**. The current zoning district, C-1, Neighborhood Commercial, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **7-8** for this site with a weighted score of **8** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Sewer Main (8-inch main, W. 18th Street)
- Near Water Main (12-inch main, W. 18th Street)
- Near U of A Campus
- Near City Park (Town Branch Trail)
- Near Paved Trail (Bike Lane on W. 18th Street)
- Near Razorback Bus Stop (15th & Horizon ID 149452 & Indoor Track 149533)
- Within Master Plan Area (Fayette Junction Neighborhood)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the west edge of the Fayette Junction neighborhood, approximately one block from the Razorback Greenway to the east and one block from Interstate 49 to the west. A rezoning to RI-U, Residential Intermediate - Urban, would allow residential development in an area that includes a mix of single-family and small-scale multi-family uses as well as undeveloped areas. The property's current zoning, C-1, allows for development that staff finds to be inconsistent with current development patterns in that area given the prominence of

residential uses, although commercial and mixed-use zoning exists to the north and west.

Land Use Plan Analysis: Staff finds that a rezoning to RI-U would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood. These areas are intended to support a wide variety of housing types and recognize existing subdivisions and development patterns that respond to features of the natural environment. The property also has a medium infill score of 7-8 which indicates that it is a suitable location for infill development.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that there is sufficient justification for rezoning the property from C-1 to RI-U. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from C-1 to RI-U has minimal potential to increase vehicular traffic in the area when considering that the property is less than one acre in size and is currently zoned for commercial uses. Between 2019 and 2023, seven traffic crashes were reported on W. 18th St. between the intersections of S. Beechwood Ave. to the east and W. Custer Ln. to the west of the subject property. Two of those crashes had suspected minor injury and five had no apparent injury.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from C-1 to RI-U has minimal potential to alter the population density given the size of the property and surrounding zoning and uses, although RI-U would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0044 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.12 District RI-U, Residential Intermediate - Urban
 - §161.21 District C-1, Neighborhood Commercial
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

161.21 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 25	Offices, studios, and related services
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 feet
Rear	20 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

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

RE: Rezoning Parcel No. 765-04068-001 from C-1 to RI-U

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-04068-001, located at 2001 W. 18th St. The parcel is currently zoned C-1, Neighborhood Commercial. The applicant is requesting that it be rezoned to RI-U, Residential Intermediate-Twelve (12) Units Per Acre. This request is in line with many of the surrounding zoning districts. The Property to the South was recently rezoned to RI-U. Additionally, the three parcels adjacent to the East, as well as a parcel on S. Ashwood, were recently rezoned to RI-12.

This property is near both Interstate 49 (Freeway/Expressway) and Razorback Road (Regional Link) and in a prime location for a higher density development. This parcel is also part of the Fayette Junction Neighborhood Plan adopted in Spring of 2009, which shows this area as higher density single-family residential. The Property has a small creek running through it, and a rezoning to RI-U, as compared to RI-12, would allow flexibility for clustering of development away from water prone areas on the Property.

This rezoning would encourage infill and development of missing middle housing and would provide the opportunity to diversity housing stock in an area that is largely comprised of student-oriented multi-family and single family housing. It would further act as a transitional zoning between the high density, multifamily developments located near the baseball stadium, and the lower density single family zoning to the South.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

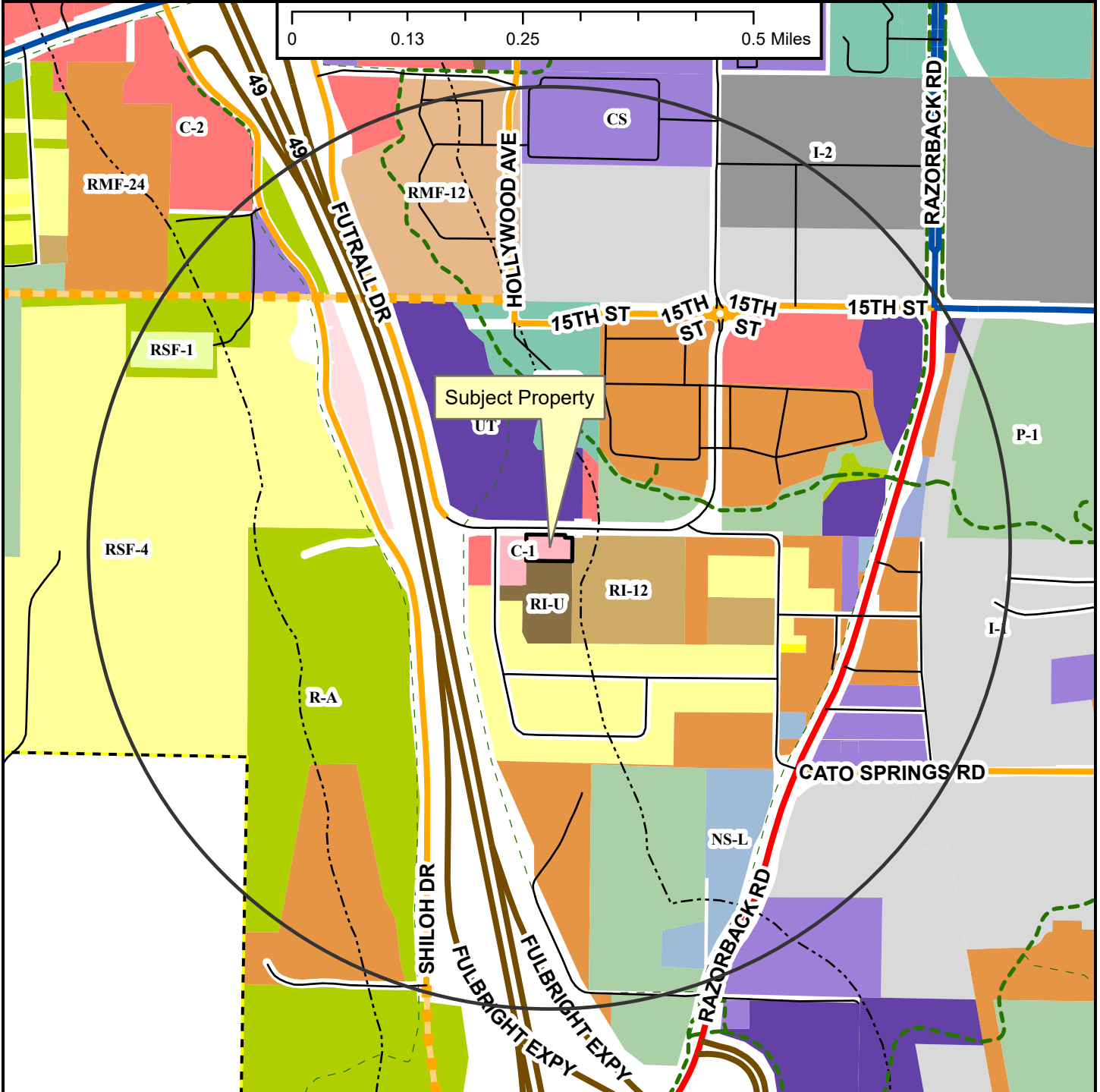
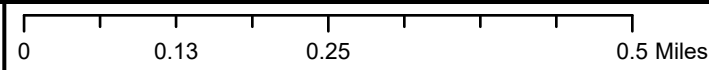
Will A. Kellstrom

WK:
pc:

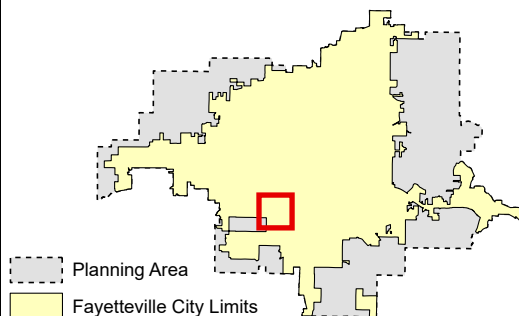
RZN-2024-0044

2001 W. 18th St.

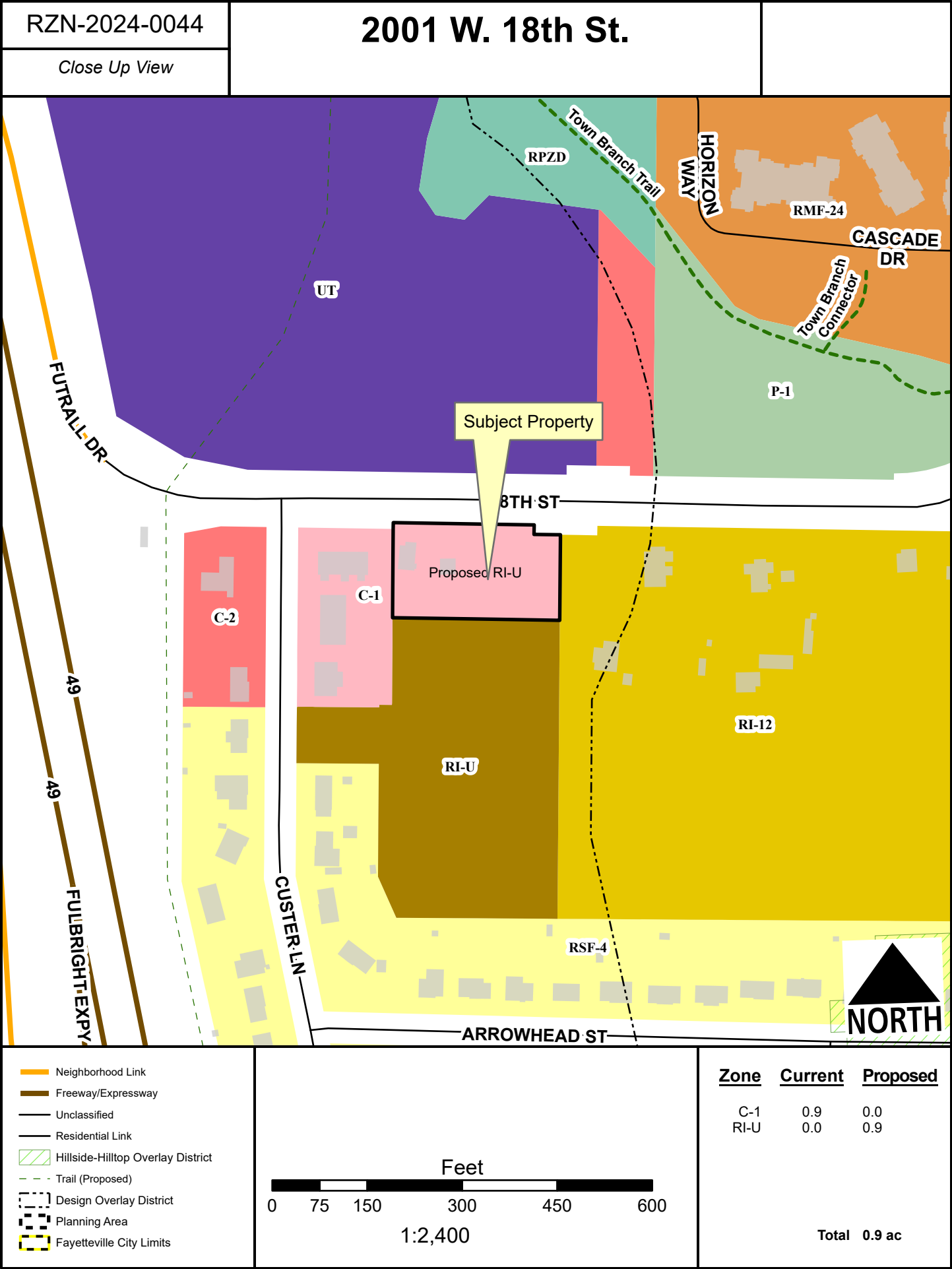
One Mile View



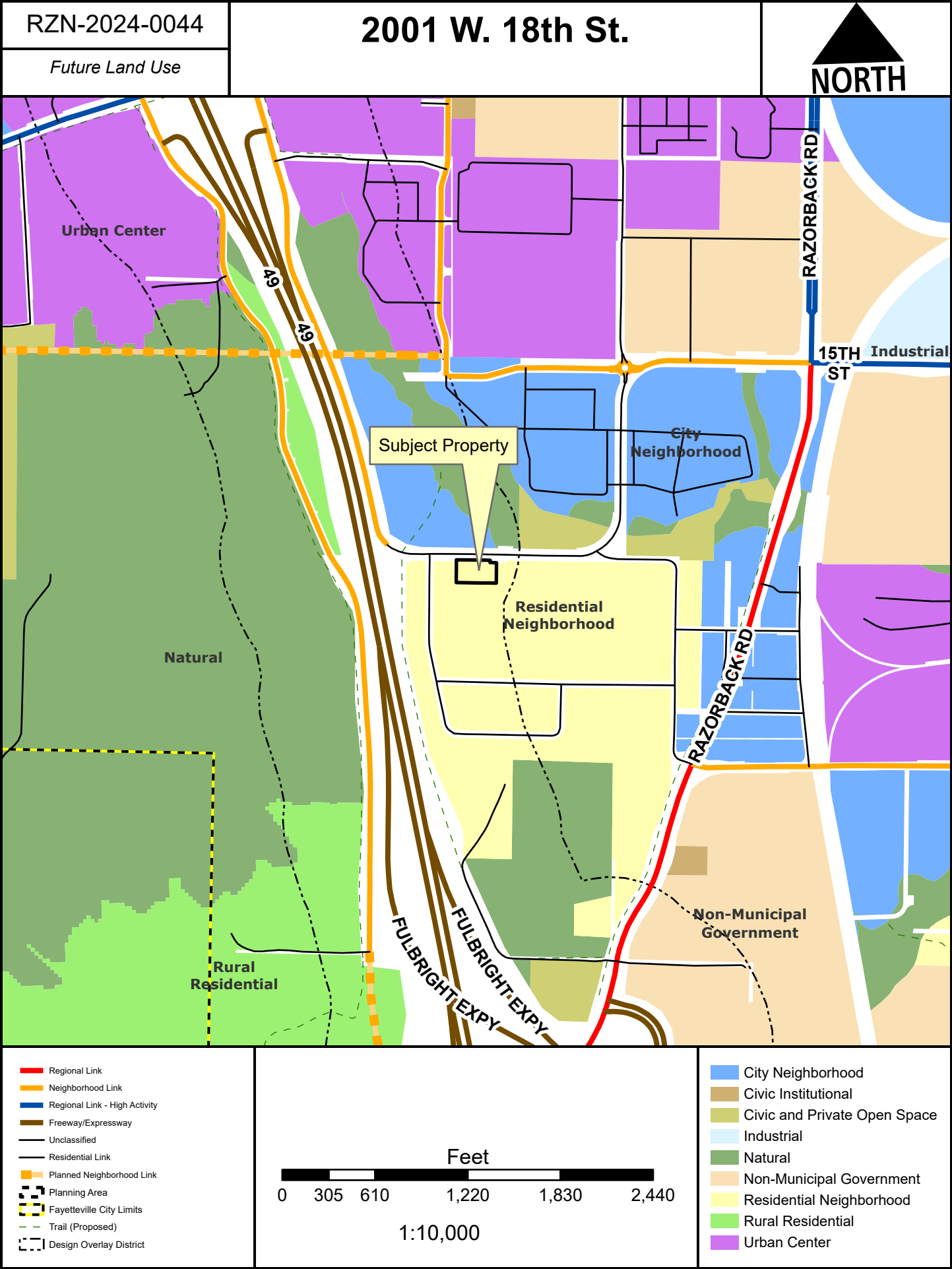
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-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-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









TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0045: Rezoning (2286 W. STONE ST./KJJ, 520):** Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2286 W. STONE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0045** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0045** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in west central Fayetteville, between the University of Arkansas (U of A) main campus and Interstate 49 on the north side of W. Stone Street and directly north of the Ramay Junior High School campus. The property contains one parcel totaling 0.20 acres which is developed with a single-family dwelling and an accessory structure and zoned RSF-4, Residential Single-Family, Four Units per Acre. No protected streams, hydric soils, or FEMA-designated floodplains are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre
South	Junior High School	P-1, Institutional
East	Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre
West	Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property's frontage along Stone St., which is a Residential Link street, is improved with curb and gutter and sidewalk at the back of curb. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an 8" water line that is present on the south side of Stone St, as well as a 2.25" water line near the center of Stone St.

Sewer: Sanitary Sewer is available to the subject property. There is a 6" sanitary sewer line that is present on along the north side of Stone St. There are known sewer capacity issues identified during wet weather in the City's 2021 Sewer Master Plan that appear in the system approximately 1,500 linear feet downstream of this property.

Drainage: The subject property does not lie within a FEMA-designated floodplain or the Hillside/Hilltop Overlay District, and no protected streams or hydric soils are present on site. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 0.5 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system

of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 9 for this site with a weighted score of 11 at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Sewer Main (6-inch main, W. Stone Street)
- Near Water Main (4-inch main, W. Stone Street)
- Near Public School (Ramay Junior High School)
- Near U of A Campus
- Near City Park (Centennial Park)
- Near Paved Trail (bike lanes on Old Farmington Road and S. Sang Ave.)
- Near Razorback Bus Stop (Markham Hill stop 149572)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located in a residential area between the U of A campus and Interstate 49, directly north across W. Stone St from Ramay Junior High School. A rezoning to RI-U would allow more intense residential development consistent with surrounding residential properties with both single-family and multi-family housing. The property's current zoning, RSF-4, allows for a lower density of residential development that staff finds to be compatible with current development and zoning patterns in that area, but at a size less than one quarter of an acre is not sufficiently large to support the developing of housing on a quarter acre per lot density maximum.

The subject property is noted as being in an area of minimal flood hazard and no creeks or streams are identified. The property is located outside of the Hillside/Hilltop Overlay District.

Land Use Plan Analysis: Staff finds that a rezoning to RI-U would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing types, and support infill development. Staff finds that a rezoning to RI-U would allow for increased development that would be in character with surrounding properties and not adversely impact natural features as the property is already developed with a single-family home. The property also has a high infill score of 9 which indicates that it is a suitable location for infill development.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that there is sufficient justification for rezoning the property from RSF-4 to RI-U. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from RSF-4 to RI-U has low potential to increase vehicular traffic in the area when considering that RI-U would not allow commercial uses and although RI-U would allow more dense residential development and the existing RSF-4 zoning, surrounding properties allow a greater density of housing already and the subject property is less than a quarter acre in size. Between 2019 and 2023, no traffic crashes were reported adjacent to the property and three crashes, with no apparent injury, were reported on W. Stone Street.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from RSF-4 to RI-U has the potential to slightly increase the population density since RI-U would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0045 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:**Required YES****Date: October 14, 2024**☐ **Tabled**☐ **Forwarded**☐ **Denied****Motion:****Second:****Vote:**

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §161.12 District RI-U, Residential Intermediate - Urban
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

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

**RE: Rezoning Parcel No. 765-14588-000 from RSF-4 – Residential Single Family, Four (4) Units
Per Acre to RI-U–Residential Intermediate–Urban**

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-14588-000, located at 2286 Stone St., located near Ramay Junior High School.

The parcel is currently zoned RSF-4, Residential Single Family – 4 Units per Acre. The applicant is requesting that it be rezoned to RI-U, Residential Intermediate–Urban. This property is surrounded on three sides by property zoned RMF-24, Residential Multi-Family, Twenty-Four (24) Units per Acre. It is located across the street from Ramay Junior High School, which is zoned P-1–Institutional. In the surrounding area, there are a large number of multi-family buildings, as well as multiplexes and single family. Accordingly, a rezoning to RI-U would blend nicely with the surrounding development patterns.

Additionally, this rezoning would encourage infill, development of missing middle housing, and would provide the opportunity to diversity housing stock in the area. Additionally, the small size of the property warrants the need for the flexible lot widths allowed by RI-U. Finally, the property has access to both water and sewer, with existing lines for both being located on Stone St.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

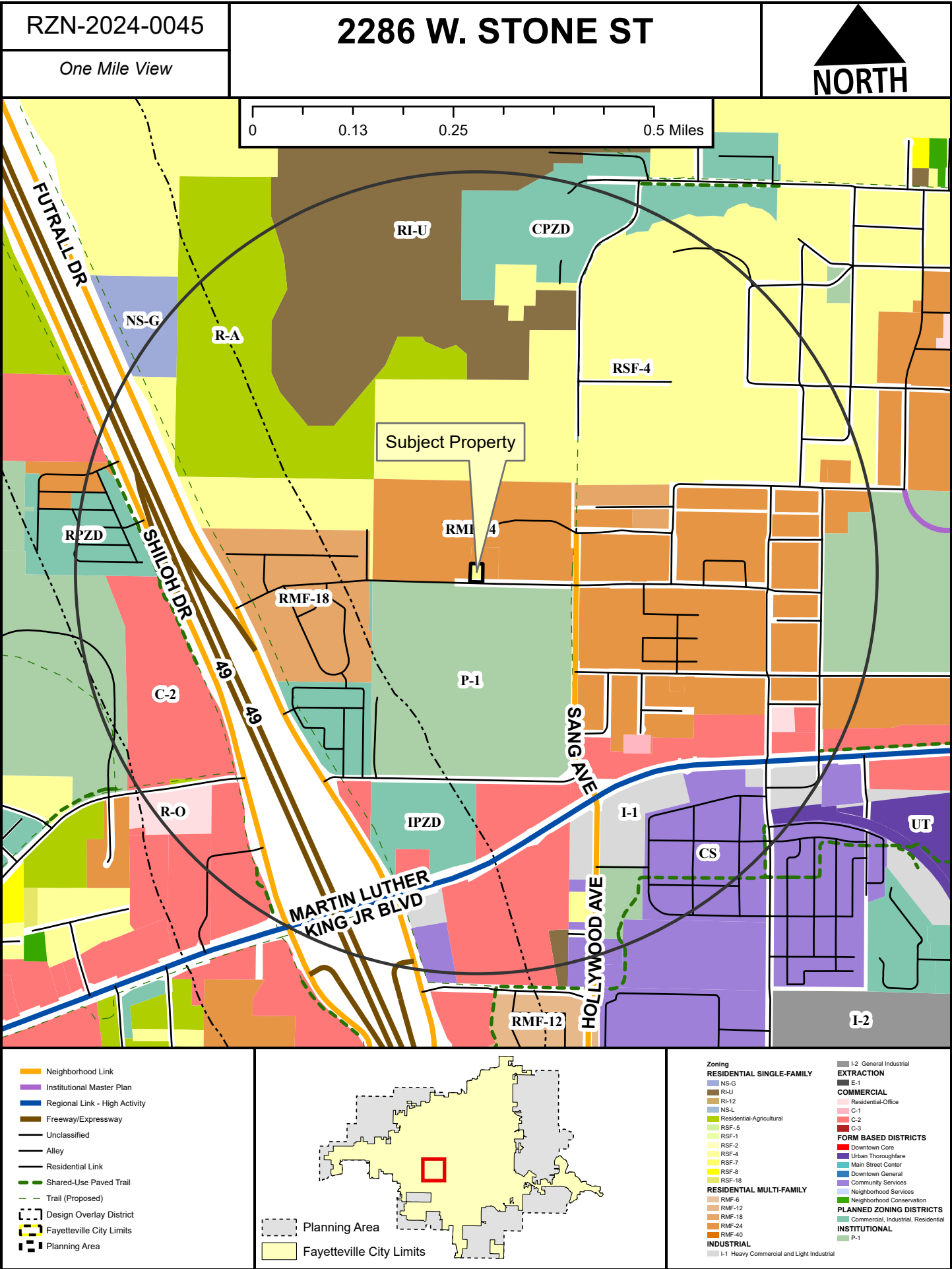
Sincerely,

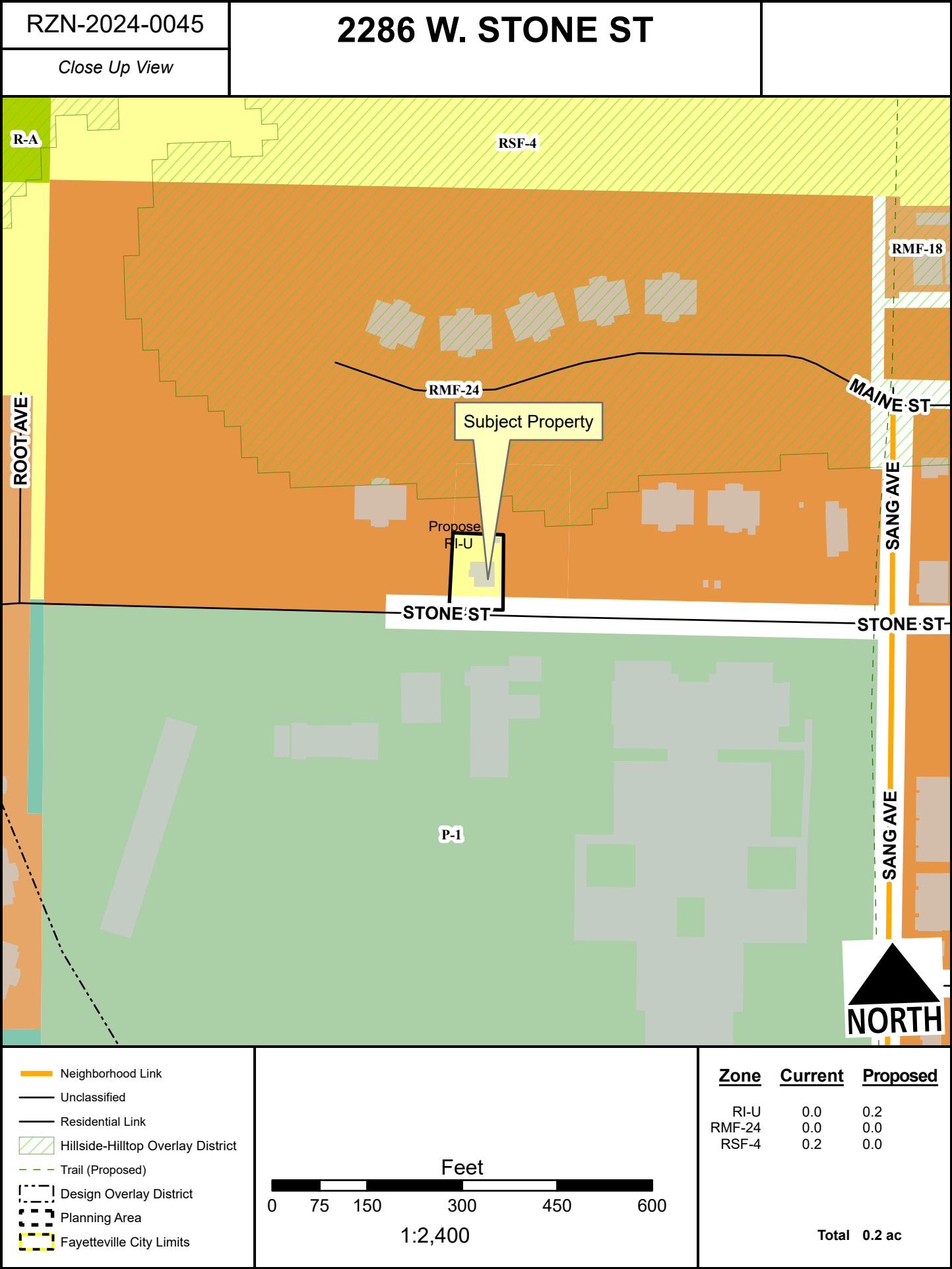
WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

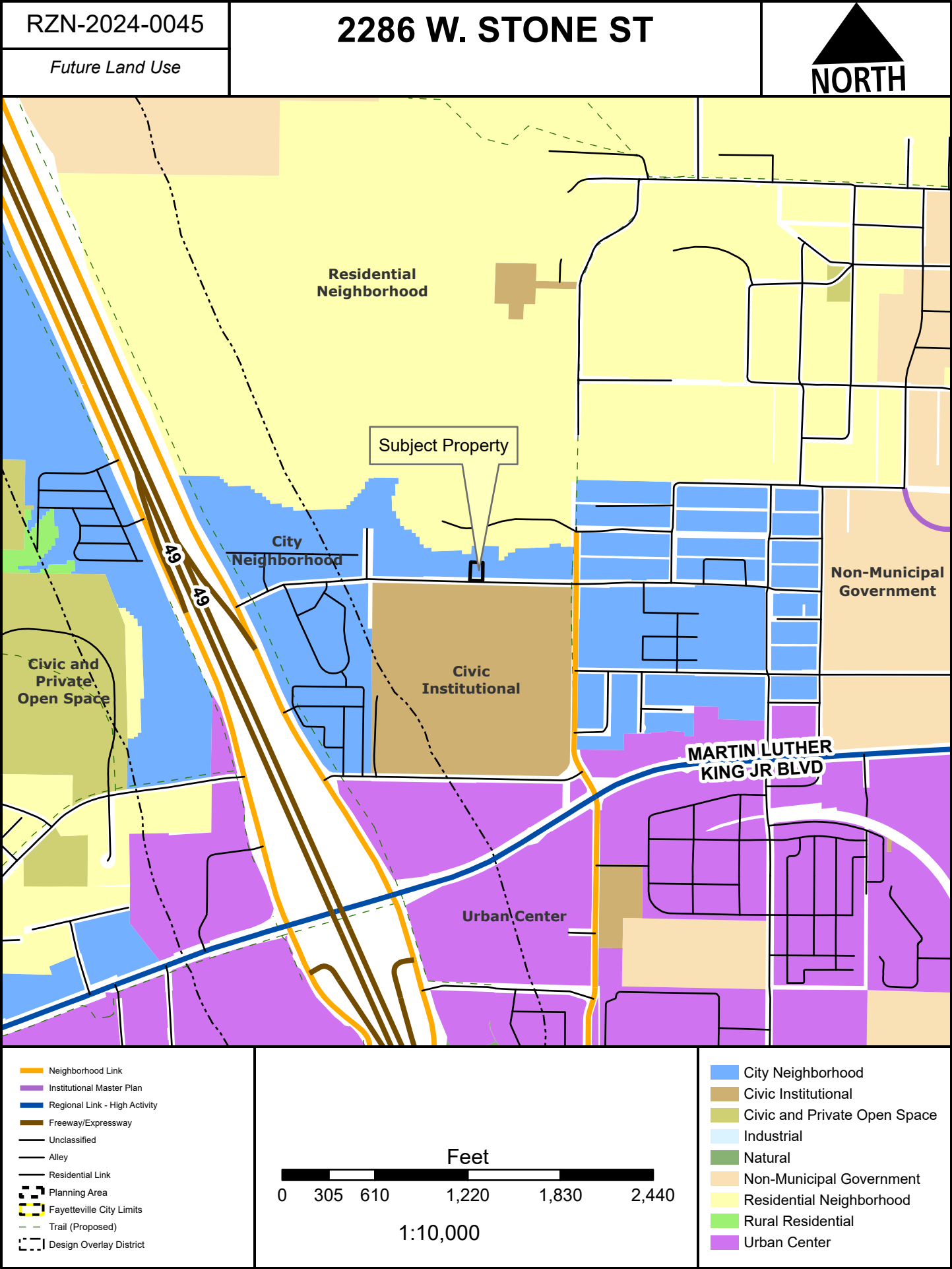
Will A. Kellstrom

WK:
pc:











TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0046: Rezoning (510 W. PRAIRIE ST./SCOTT, 523):**
Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 510 W. PRAIRIE ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.16 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0046** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0046** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in Downtown Fayetteville, just north of the intersection of W. Prairie Street and S. Gregg Avenue on the north side of W. Prairie Street. The property contains one parcel totaling 0.16 acres which is developed with a single-family dwelling and accessory structure and zoned R-O, Residential-Office. Hydric soils are present, but no protected streams or FEMA-designated floodplain are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	DG, Downtown General
South	Commercial	DG, Downtown General and MSC, Main Street Center
East	Undeveloped/City Park	DG, Downtown General and P-1, Institutional
West	Single-Family Residential	R-O, Residential Office

Request: The request is to rezone the subject property from R-O, Residential-Office to DG, Downtown General.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along W. Prairie Street. W. Prairie Street is a partially improved Residential Link Street with asphalt paving and sidewalk along the north side but no curbs. The City is currently completing a project that will improve W. Prairie St. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. A 6" water line is present along the north side of W Prairie St.

Sewer: Sanitary Sewer is available to the subject area. An 8" sanitary sewer main is present along the south side of W Prairie St. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 130 linear feet downstream of this property.

Drainage: The subject property does not lie within a FEMA-designated floodplain and protected streams are identified on properties directly to the west of but not on the subject property. Hydric soils are present on site. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, DG, Downtown General, requires **10% minimum canopy preservation**. The current zoning district, R-O, Residential-Office, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **12** for this site with a weighted score of **17** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (6-inch main, W. Stone Street)
- Near Water Main (4-inch main, W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market located at 660 W. Martin Luther King Jr. Blvd.)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Frisco Trail/Razorback Greenway)
- Near ORT Bus Stop (School & Archibald Yell Stop ID 32695, School & MLK Blvd. Stop ID 76256)
- Near Razorback Bus Stop (Hill & MLK Stop ID 149523 & 149524)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the south edge of Downtown, approximately 100 feet from the Razorback Greenway and Lower Ramble. A rezoning to DG, Downtown General, would allow more intense residential development and commercial uses in an area that includes a mix of residential, commercial, and institutional uses. The property's current zoning, R-O, allows for development that staff finds to be

inconsistent with current development and zoning patterns in that area given the relatively large lot width and minimum requirements of the R-O zoning district.

Land Use Plan Analysis: Staff finds that a rezoning to DG would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing and commercial types in walkable urban neighborhoods. The property also has a high infill score of 12 which indicates that it is a suitable location for infill development.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that there is sufficient justification for rezoning the property from R-O to DG. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from R-O to DG has the potential to minimally increase vehicular traffic in the area when considering that the property is less than one fifth on an acre in size and many surrounding properties are already zoned DG. Between 2019 and 2023, no traffic crashes were reported adjacent to the property and four crashes, one with possible injury and three with no apparent injury, were reported on W. Prairie St. Six crashes with no apparent injury and one crash with a suspected minor injury were reported at the intersection of W. Prairie St. and S. Nelson Hackett Blvd. to the west of the subject property.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from R-O to DG has minimal potential to alter the population density given the size of the property and surrounding zoning and uses, although DG would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even

though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0046 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

- ATTACHMENTS:
- Unified Development Code
 - §161.20 District R-O, Residential Office
 - §161.28 Downtown General
 - Request Letter
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet

Fraternity or Sorority	1 acre
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(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form 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	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential 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 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(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.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories
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WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

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

RE: Rezoning Parcel No. 765-12939-000 from RO-Residential Office to DG-Downtown General

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-12939-000, located at 510 W. Prarie St., from RO-Residential Office, to DG-Downtown General.

This property is surrounded on two sides by property zoned DG, and is adjacent to the West to RO-zoned properties. This property is located in the Mill District, which is currently undergoing transformation into a walkable neighborhood center, with developments and redevelopments such as the mixed used building to the East, denser single family housing to the East, Walmart Neighborhood Market, and the adaptive re-use of the farmer's co-op to the South. DG has a much greater potential to encourage development of a similar character to the aforementioned projects than would RO, which has potential to produce overuse of dated structures rather than redevelopment.

Additionally, this rezoning would encourage infill, development of missing middle housing, and would provide the opportunity to diversity housing stock in the area. This rezoning would act as a natural extension of the largely DG- and MSC-zoned properties to the East. Finally, the property has access to both water and sewer, with existing lines for both being located on Prarie St.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

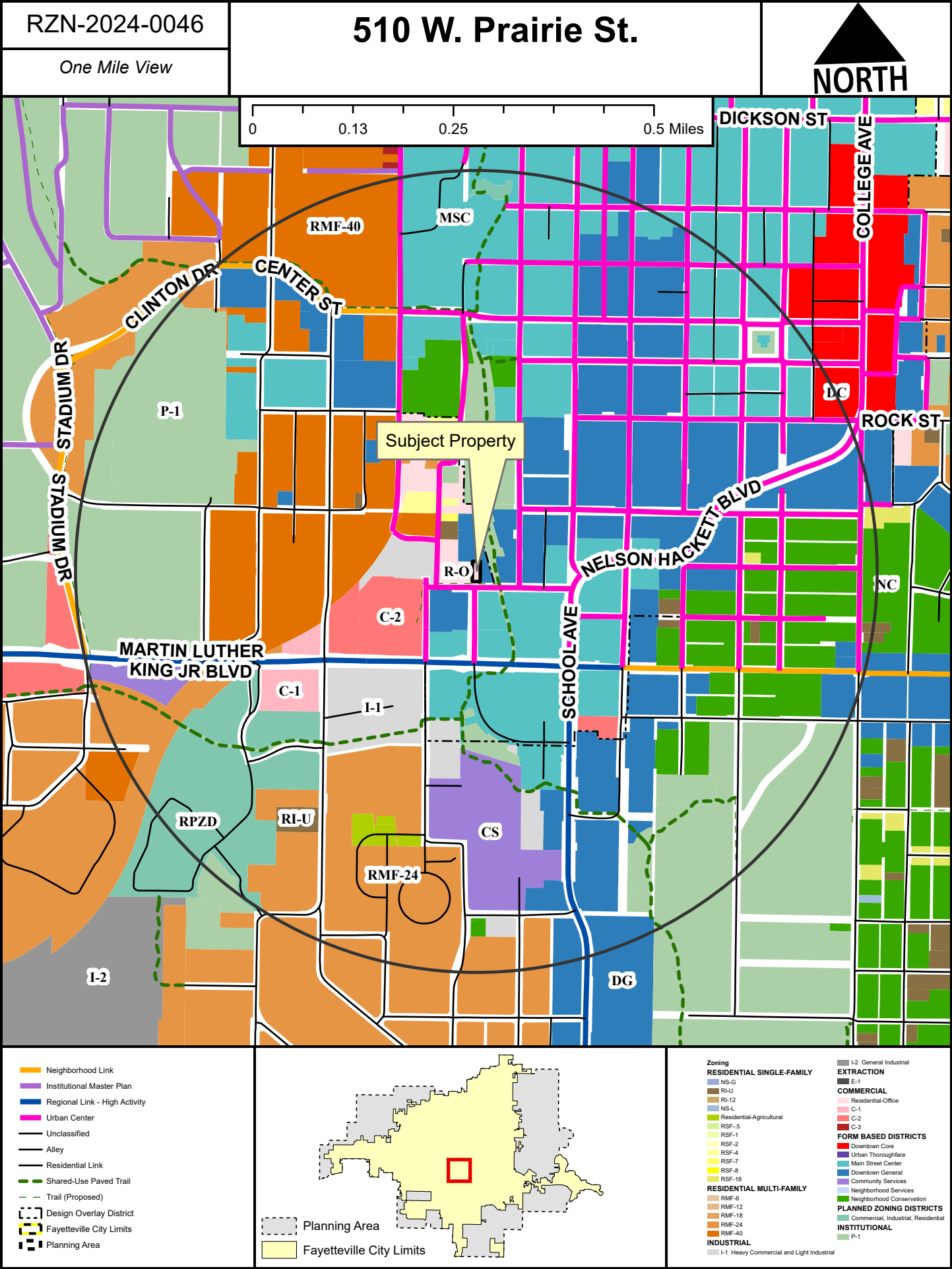
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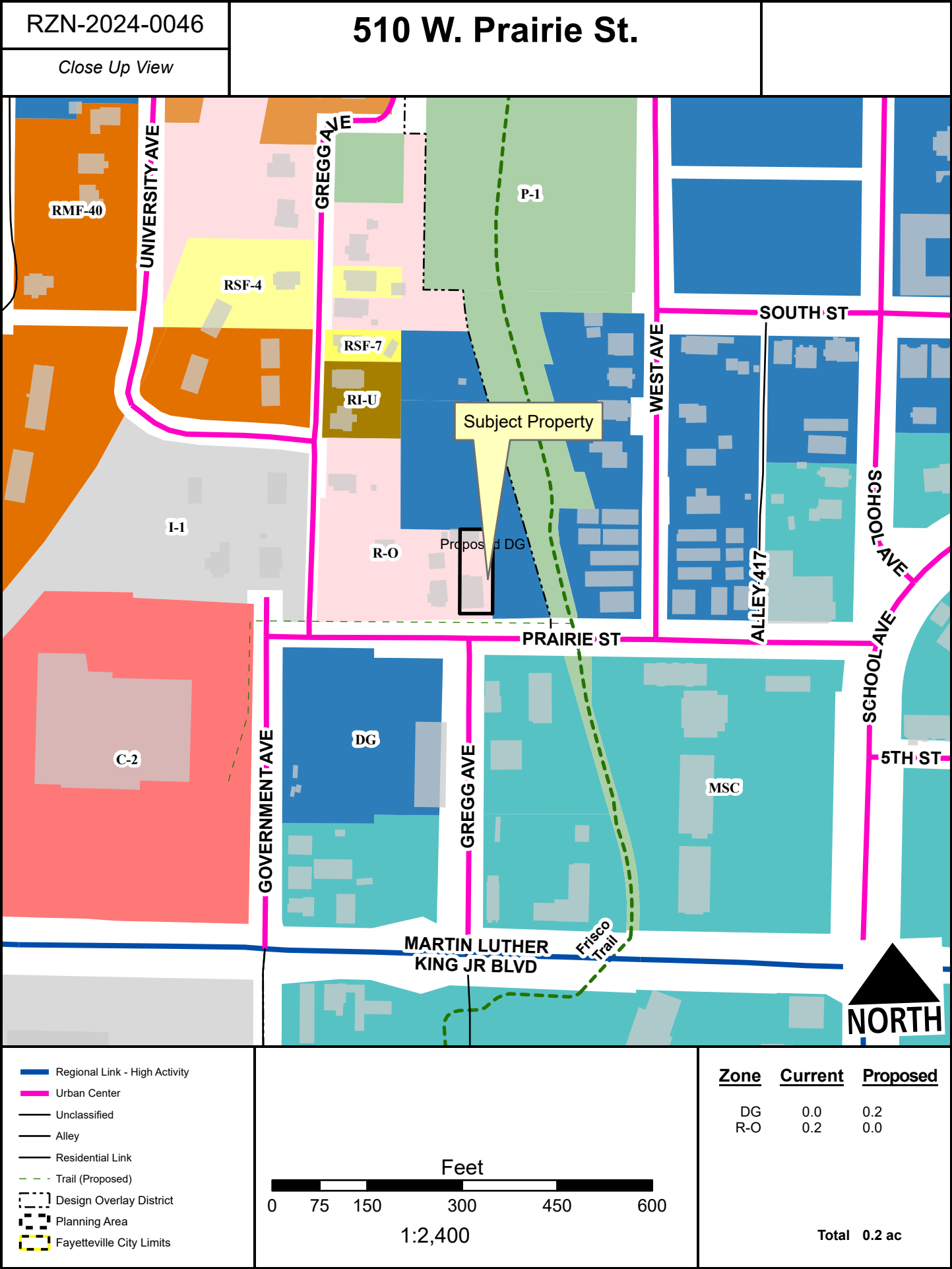
WATKINS, BOYER,
GRAY & CURRY, PLLC

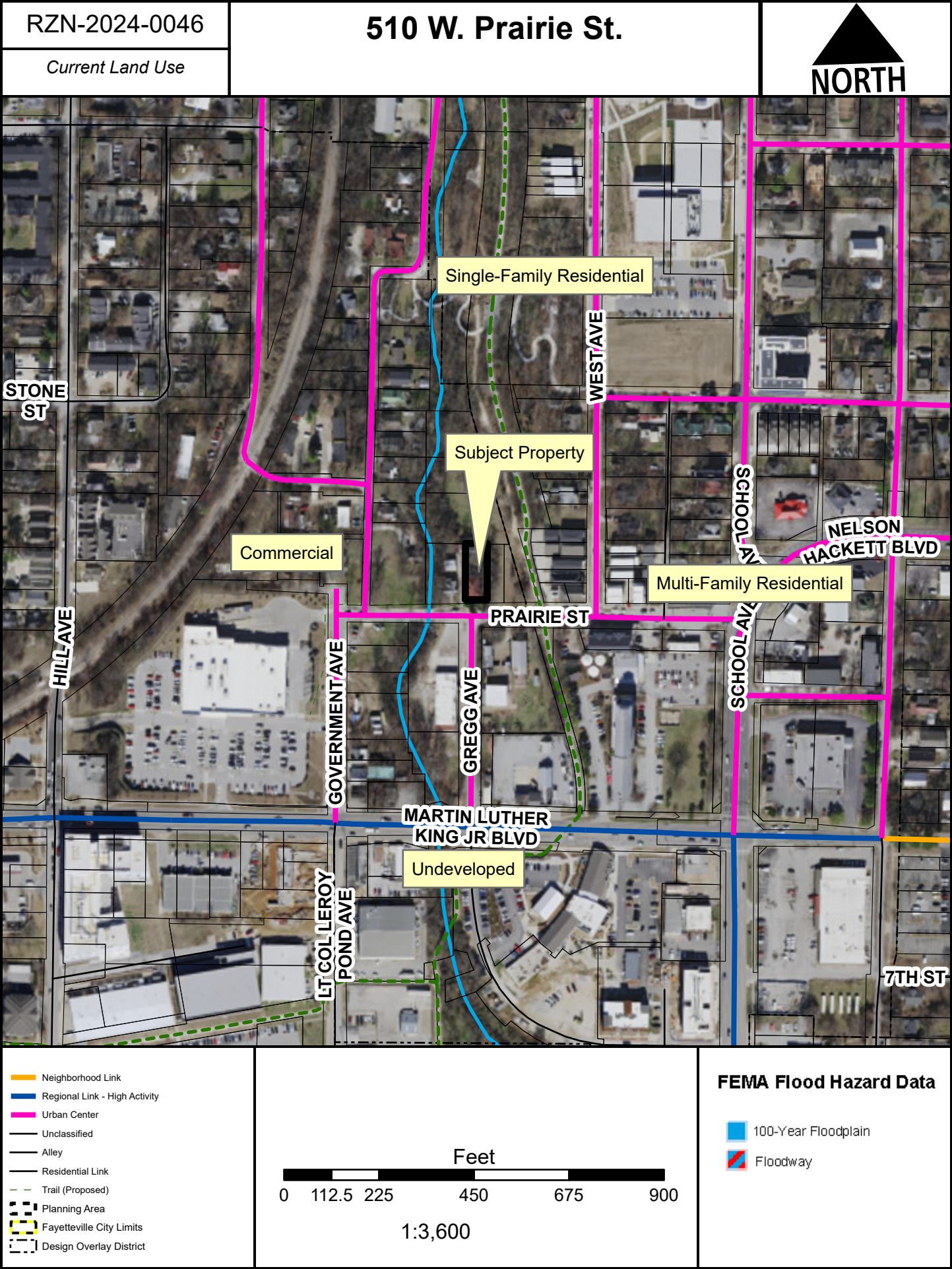
/s/ Will A. Kellstrom

Will A. Kellstrom

WK:
pc:



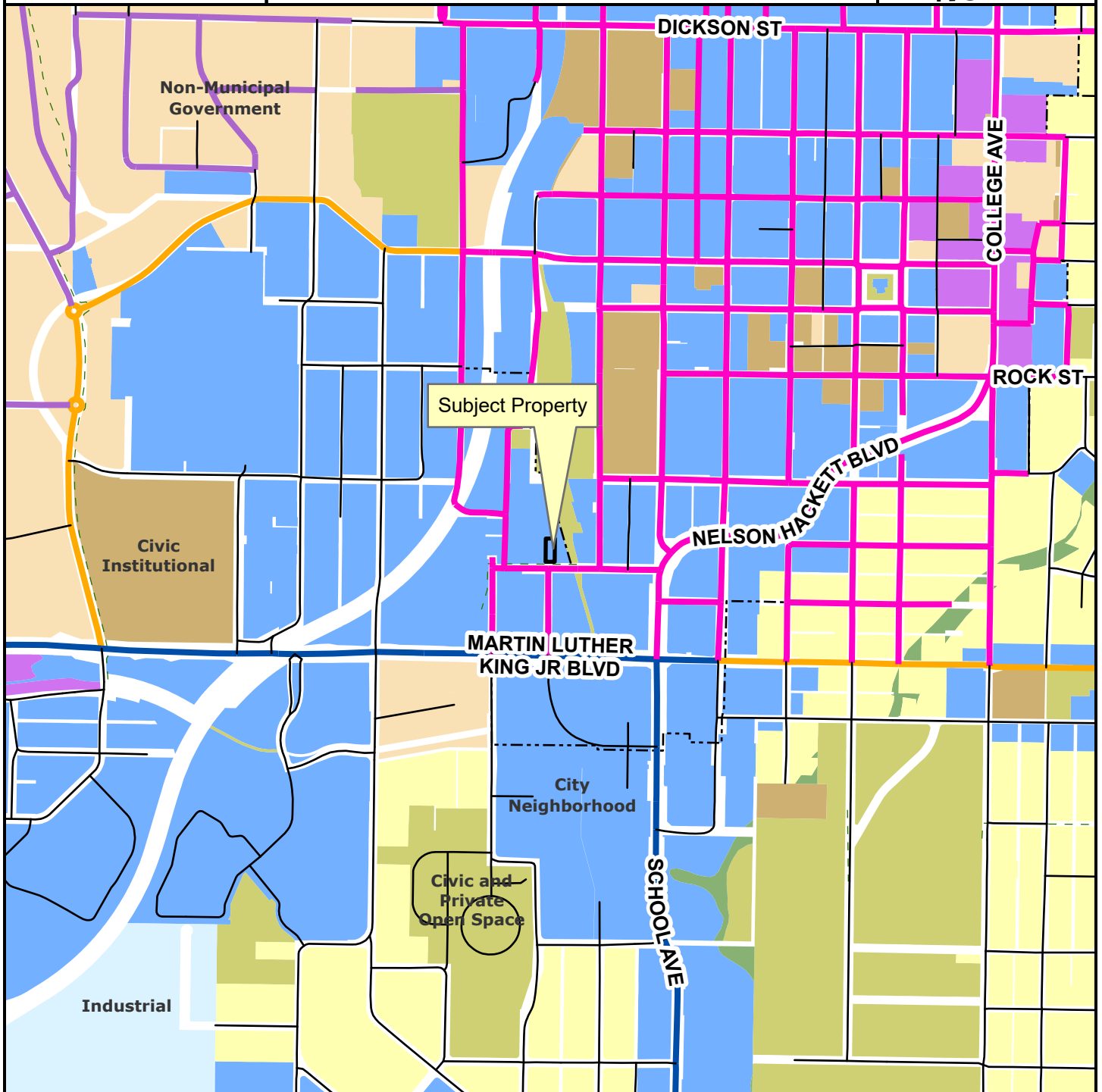




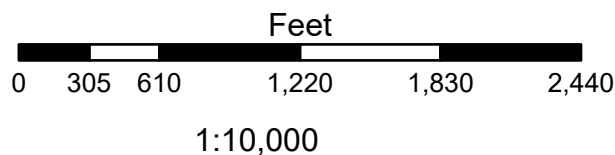
RZN-2024-0046

510 W. Prairie St.

Future Land Use



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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center



TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0047: Rezoning (653 N. GENEVIEVE AVE/FINELINE DEVELOPMENT LLC, 436):** Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 653 N. GENEVIEVE AVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.60 acres. The request is to rezone the property to RMF-6, RESIDENTIAL MULTI-FAMILY, SIX UNITS PER ACRE.

RECOMMENDATION:
Staff recommend denial of **RZN-2024-0047**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2024-0047**."*

BACKGROUND:

The subject property is in west Fayetteville, approximately 1/3-mile southwest of the intersection of W. Wedington Dr. and N. 54th Ave. The property is zoned R-A, Residential-Agricultural, and contains approximately 1.6 acres. It is currently developed on the northern portion of the site with a two-family dwelling constructed in 1976 and an outbuilding located in the southwest corner of the site. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-8, Residential Single-Family, Eight Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RMF-6, Residential Multi-Family, Six Units Per Acre.

Public Comment: To date, staff has received no public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along N. Genevieve Ave., a partially improved Residential Link with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. Existing 2- inch water main is present on the west side of N. Genevieve Ave.

Sewer: Sanitary Sewer is available to the subject area. Existing 6-inch sewer main is present on the east side of N. Genevieve Ave.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams are present. There are hydric soils present, located approximately on the southeast quarter of the property. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning district of R-A, Residential Agricultural, requires **25% minimum canopy preservation**. The proposed zoning district of RMF-6, Residential Multi-Family, Six Units per Acre, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 5 for this site with a weighted score of 4.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd.)
- Near Sewer Main (2-inch main, N. Genevieve Ave.)
- Near Water Main (6-inch main, N. Genevieve Ave.)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (Owl Creek Trail)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* Staff finds the proposed rezoning from R-A to RMF-6 to be somewhat incompatible with the surrounding area. The subject property is adjacent to single-family properties to the north, east, west, and south. A rezoning to RMF-6 would allow for a wider variety of residential uses than those permitted under the property's current zoning designation. Specifically, a rezoning to RMF-6 would permit the development of a greater variety of dwellings, including the by-right development of single- to multi-family dwellings with a density of up to six units per acre (a maximum of 9 units for this site). Notably, the subject property is adjacent to an area that is zoned RSF-8, a higher density than what is being requested on this site. There is an area of RMF-6 zoned two-family dwellings approximately $\frac{1}{4}$ mile to the west. Two-family dwellings are permitted within both the existing and proposed zoning districts.

Minimum lot size would decrease from two acres with a required lot width of 200 feet to variable bulk and area regulations. For two-family dwellings, RMF-6 requires a minimum lot size of 7,000 square feet with a required lot width of 50 feet. Front setbacks will decrease from 35 feet to a built to zone between the property line and 25 feet. Side setbacks will decrease from 20 feet to 5 feet. Rear setbacks will decrease from 35 feet to 25 feet. The requested rezoning would bring the existing two-family dwelling into conformance with density and bulk and area requirements. The proposed zoning district also has lesser setbacks, which would mean the existing two-family dwelling is no longer encroaching into the side setback. That being said, the existing structures would then be noncompliant with build-to-zone requirements.

Of further note, an identical request to rezone the parcel approximately 250 feet to the north from R-A to RMF-6 was denied by the Planning Commission in September 2023. While this parcel is adjacent to higher density zoning than the parcel heard in 2023, staff finds that the proposal for RMF-6 in this area is likely too much too soon and that city infrastructure, including small utility mains and narrow streets, may not be able to keep up with the requested density. Staff finds the requested rezoning to be somewhat incompatible with surrounding land uses.

Land Use Plan Analysis: On the balance, staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. Staff finds that a rezoning to RMF-6 would support this designation as Residential Neighborhood Areas to provide a mix of residential uses of varying scale. The property has a relatively low infill score and is not located within a tier center, although there is a tier 3 center located 0.58 miles northwest of the property at the intersection of W. Wedington Dr. and N. Double Springs Rd. Staff finds that the requested rezoning could allow for the creation of missing middle housing and meets City Goals 2 (discourage urban sprawl),

3 (compact, complete, and connected development), and 6 (opportunities for attainable housing). However, given limited access to utilities along an unimproved street, staff also finds that the requested zoning district may constitute too much development potential too soon in this area.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: On the balance of considerations, staff finds that a rezoning to RMF-6 is not justified. While the applicant has not submitted any specific development plans for the area, the uses, allowances, and restrictions that accompany the RMF-6 zoning district are not likely to be compatible with existing land uses.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from R-A to RMF-6 does have the potential to increase traffic danger and congestion due to an increase in density and the unimproved street. The size of the parcel at 1.6 acres will limit the density on the site, however the existing street is an unimproved gravel lane that is extremely narrow. As shown on the attached staff exhibit, access from the south is very limited and the gravel road is partially overgrown. Staff finds the existing street could not likely handle additional traffic.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to slightly alter the population density since it would allow for more intense residential development. The property has limited access to public streets, water, and sewers. The adjacent street is unimproved and only a 2" water main is available, which may not be able to support additional users. Any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends denial of RZN-2024-0047.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 14, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 Residential-Agricultural
 - §161.13 Residential Multi-Family, Six Units Per Acre
- Staff Exhibit: Access from North and South
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

161.13 District RMF-6, Residential Multi-Family—Six (6) Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	50 feet
Two (2) family	50 feet
Three (3) family or more	90 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	7,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	25 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

**STAFF EXHIBIT
ACCESS TO PROPERTY**



ACCESS FROM THE SOUTH



ACCESS FROM THE NORTH

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
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DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

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

RE: Rezoning Parcel No. 765-16226-000 from R-A to RMF-6

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-16226-000, located at 651 N. Genevieve Ave., from RA-Residential Agricultural, to RMF-6-Residential Multi-Family, Six (6) Units Per Acre.

This property is adjacent to RSF-4 to the North and East, R-A to the West, and RSF-8 to the South. Accordingly, RMF-6, from a density standpoint, lies directly in the middle of the density of the developed properties to the East and South. The subject property, as well as the two properties to the North, are currently developed with one duplex each. In that sense, rezoning to a district that allows duplexes and multi-plexes would not change the character of this street, as low density multi-family is already present.

Additionally, this rezoning would encourage infill, development of missing middle housing, and would provide the opportunity to add more diversity in housing options to an area in which much of the development has been single family. Lastly, sewer and water are both available on N. Genevieve Ave.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

WK:
pc:

651 N. Genevieve Ave

One Mile View

NORTH

0 0.13 0.25 0.5 Miles

WEDINGTON DR

PERSIMMON ST

DOUBLE SPRINGS RD

Subject Property

RSF-8

RSF-2

RSF-1

RSF-4

RSF-5

RSF-6

RSF-7

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

RMF-40

C-1

C-2

C-3

I-1

I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

RSF-6

RSF-7

RSF-8

RSF-18

RMF-6

RMF-12

RMF-18

RMF-24

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I-2

P-1

RSF-1

RSF-2

RSF-4

RSF-5

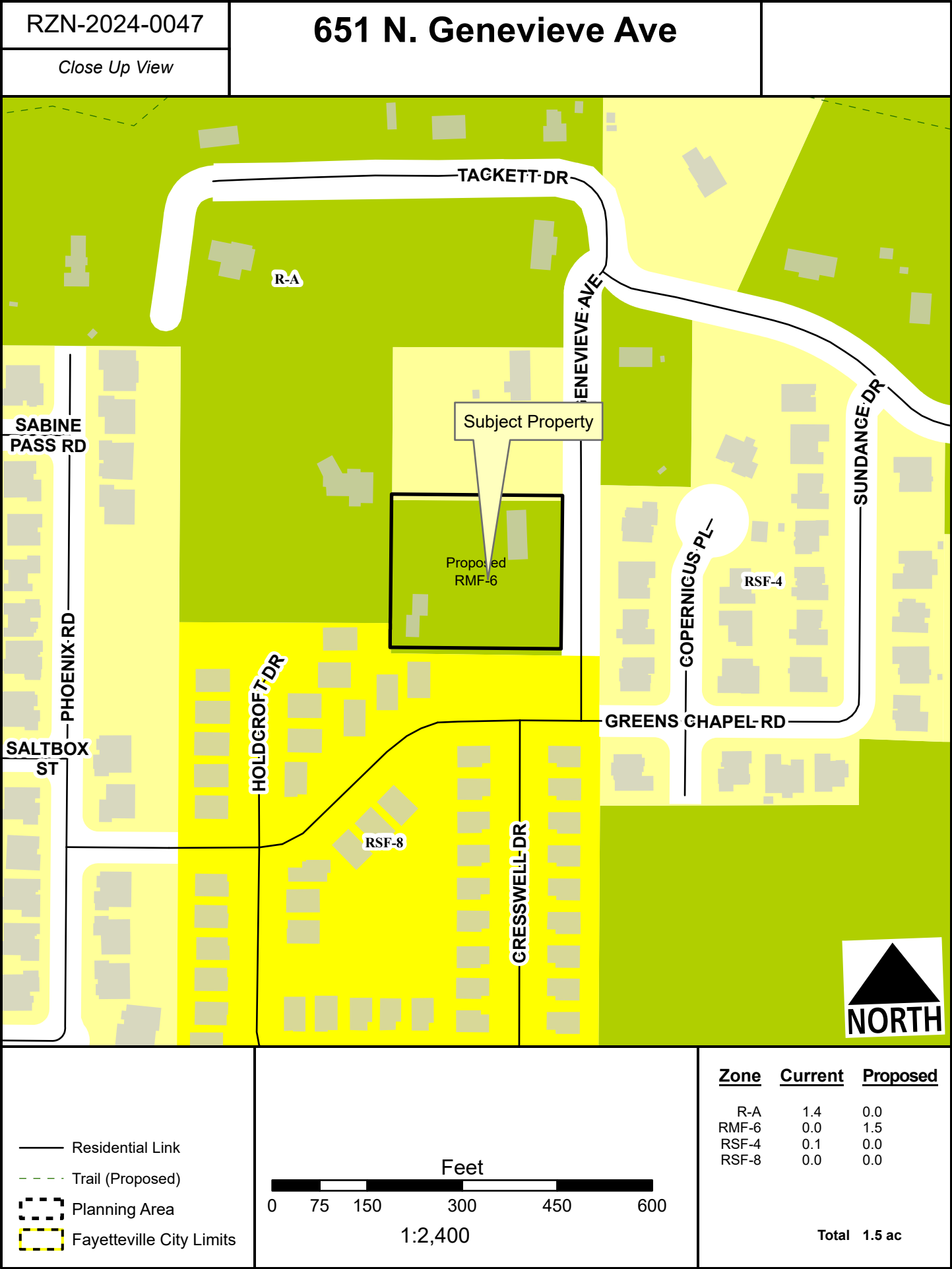
RSF-6

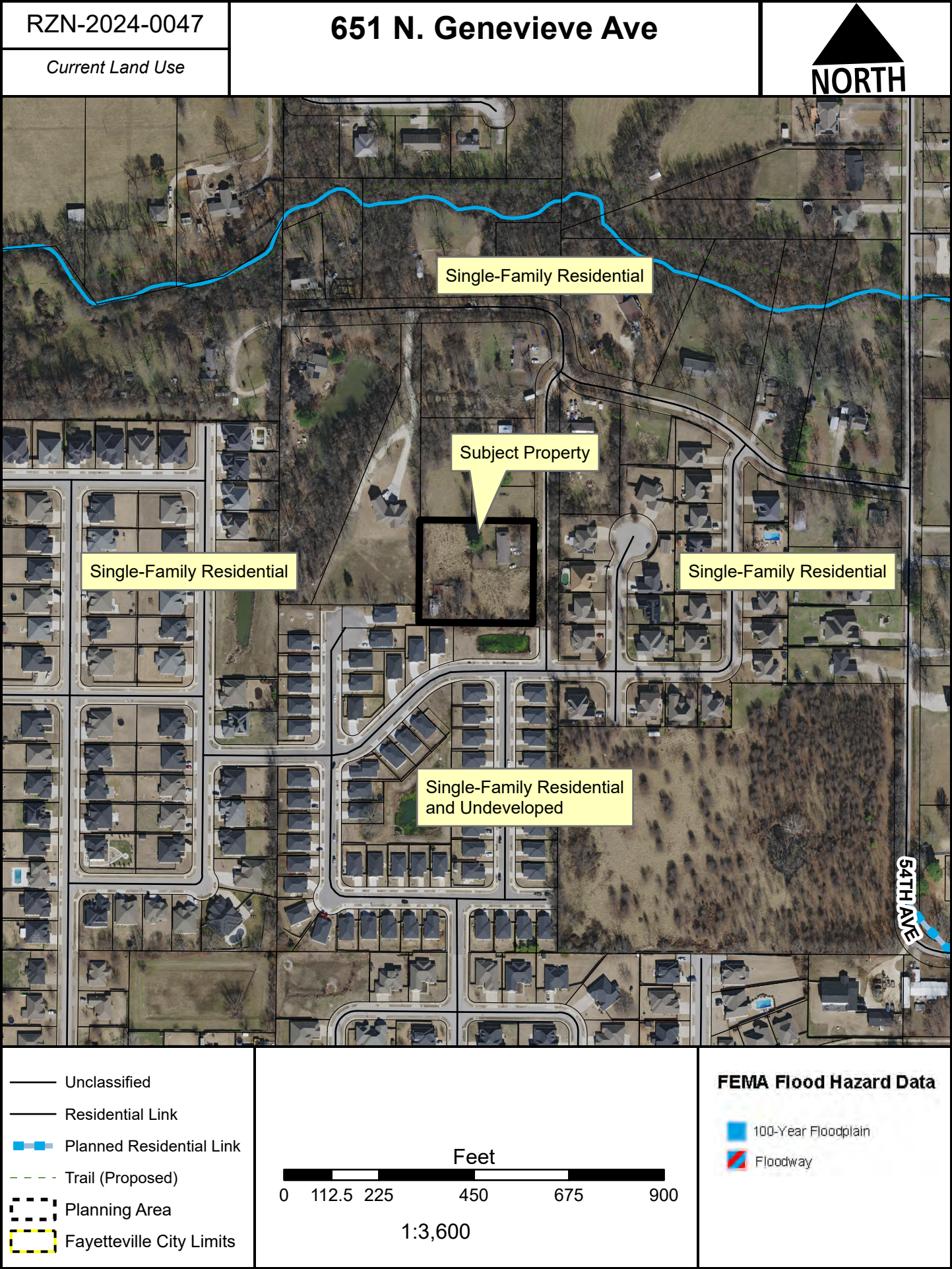
RSF-7

RSF-8

RSF-18

RMF-6







TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0048: Rezoning (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400):** Submitted by ODYSSEY ENGINEERING for property located on N. MEADOWLANDS DR. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0048** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0048** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in west Fayetteville, approximately 300 feet north of the intersection of N. Meadowlands Drive and W. Wedington Drive. The property contains 1.40 acres which is currently zoned R-O, Residential Office, and is undeveloped, clear of vegetation, and flat. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RI-12, Residential-Intermediate, 12 Units per Acre
South	Undeveloped	CS, Community Services
East	Two-Family Residential	RMF-12, Residential Multi-Family – Twelve Units per Acre
West	Undeveloped & Office	R-O, Residential Office; C-1, Neighborhood Commercial

Request: The request is to rezone the subject property from R-O, Residential Office to CS, Community Services.

Public Comment: To date, staff has not received any public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The parcel associated with the subject property has frontage along N. Meadowlands Dr., a partially improved Residential Link Street with asphalt paving, curb and gutter, and partial sidewalks. The parcel also has a stub out to the east connecting to W. Sardinia Way, a fully improved Residential Link Street with asphalt paving, curb and gutter, and sidewalks. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an eight-inch water line running north/south along Meadowlands Dr. There is also an eight-inch water line running east/west along the subject property's southern boundary.

Sewer: Sanitary sewer is available to the subject property. An existing eight-inch sewer line and manhole is present near the property's southwestern corner. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1.25 miles downstream of this property. The subject property is in a sewer basin that drains to Lift Station 22 which is located at 630 Double Springs Rd. It does not have sufficient capacity during wet weather and causes surcharging in the gravity lines flowing to the lift station. This lift station is identified in the 2021 Master Plans for upgrades by 2030.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no hydric soils or protected streams are present on site. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation**. The current zoning district of R-O, Residential Office requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. City Neighborhood Areas encourage complete, compact, and connected neighborhoods and non-

residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 8 for this site with a weighted score of 8. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd.)
- Near Sewer Main (eight-inch main, N. Meadowlands Dr.; eight-inch main, southern property line)
- Near Water Main (eight-inch line, southwestern corner of property)
- Near City Park (Bryce Davis Park; Red Oak Park)
- Near Paved Trail (Wedington & Ruppel Side Path Trails)
- Near Razorback Bus Stop (Ruppel & Congressional, Walgreens)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Wedington Corridor Plan)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds this rezoning request to be compatible with existing land use and zoning patterns in the surrounding area. The property is currently zoned R-O, Residential Office, and that zoning district is designed primarily to provide an area for offices without limitation to the nature or size of the office. The subject property is surrounded by single-family residential areas to the north, two-family dwellings to the east, and undeveloped land to the south and west. A rezoning to CS, Community Services, would encourage a mixture of residential and commercial uses which could provide convenience goods and personal services for persons living in surrounding neighborhoods, in a traditional urban form with buildings addressing the street. A rezoning from R-O to CS would also allow for more dense development and smaller lot sizes. Where the R-O zoning district currently allows residential development at a density of 24 units per acre, the CS zoning district has no stated density limitation. Also, where R-O zoning allows for the creation of lots with a variable minimum width of 60 or 90 feet and a variable minimum area of 2,500 to 8,000, CS zoning would allow for the creation of residential lots with a minimum width of 18 feet and nonresidential lots without limitation to width or area. Staff finds that rezoning the subject property from R-O to CS would make zoning in the area more uniform and would be directly compatible with surrounding areas, including the CS-zoned property to the south.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to CS would support those

designations since the CS zoning district is intended to encourage the development of smaller scale urban hubs that are characterized by a mixture of moderate-density residential and commercial uses. Staff also finds the requested rezoning to be aligned with Goals 1 and 6 of City Plan 2040 since it would encourage increased development in an area that has a moderate infill score of 8, and since it would allow for the creation of additional housing units.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that rezoning the subject property from R-O to CS is justified since the R-O district is designed primarily to provide an area for offices without limitation to the nature or size of the office. Staff also finds the rezoning to be aligned with existing zoning and development patterns in the area and consistent with the city's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from R-O to CS has the potential to increase traffic at this location when considering that CS would allow for development that is greater in density and intensity than the existing R-O zoning. Nevertheless, staff finds that the proposed rezoning is not likely to create or appreciably increase traffic danger or congestion at this location. The property has frontage along a partially improved Residential Link Street, N. Meadowlands Dr., and any street improvements required in the area would be determined at the time of development review.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets, water, and sewer, and any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0048 to City Council with a recommendation of approval

PLANNING COMMISSION ACTION: Required YES

Date: October 14, 2024

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.20 District R-O, Residential Office
 - §161.22 Community Services
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet

Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form 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	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
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	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

July 16, 2024

Planning Department
City of Fayetteville
125 W Mountain St.
Fayetteville, AR 72701

RE: Meadowland Heights Rezoning

City of Fayetteville Planning Staff:

Odyssey engineering is requesting a Rezoning of behalf of our client Nazar Development LLC.

We request that this property be rezoning from R-O (residential Office) to CS (Community Services). There currently exists both public water and sewer infrastructure on site, so no public utility improvements will be needed.

There does not exist any hydric soils or floodplain areas on site, and there are no indicators of wetlands.

The future land use plan dictates this property as "City Neighborhood" and the property scored a 8 for infill.

Should you have any questions regarding this submittal, please contact us at **479-480-3330** or **jchavis@odysseynwa.com**. We appreciate your time and review of this project and look forward to hearing from you.

Respectfully,



Jake Chavis
Project Engineer



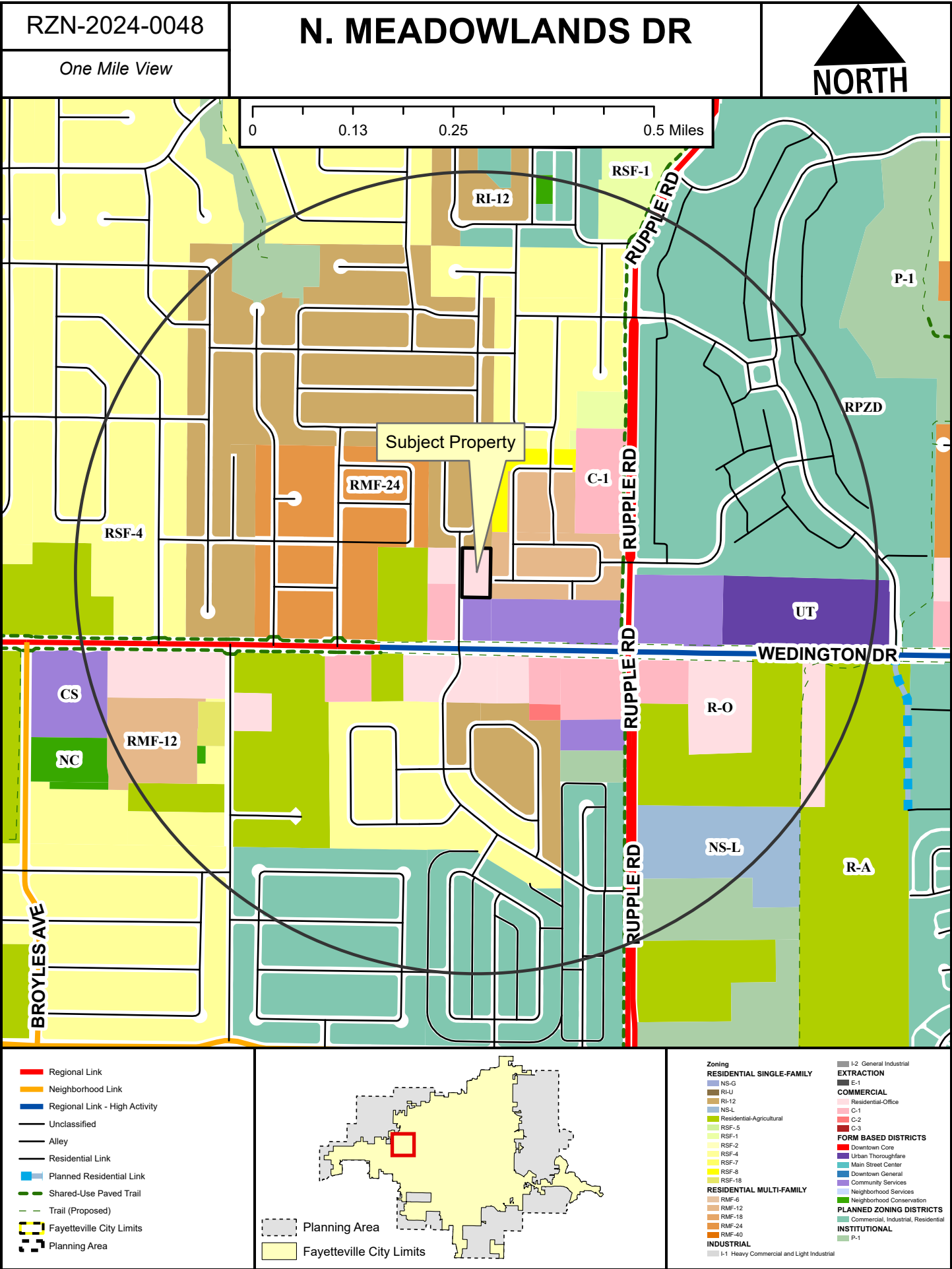
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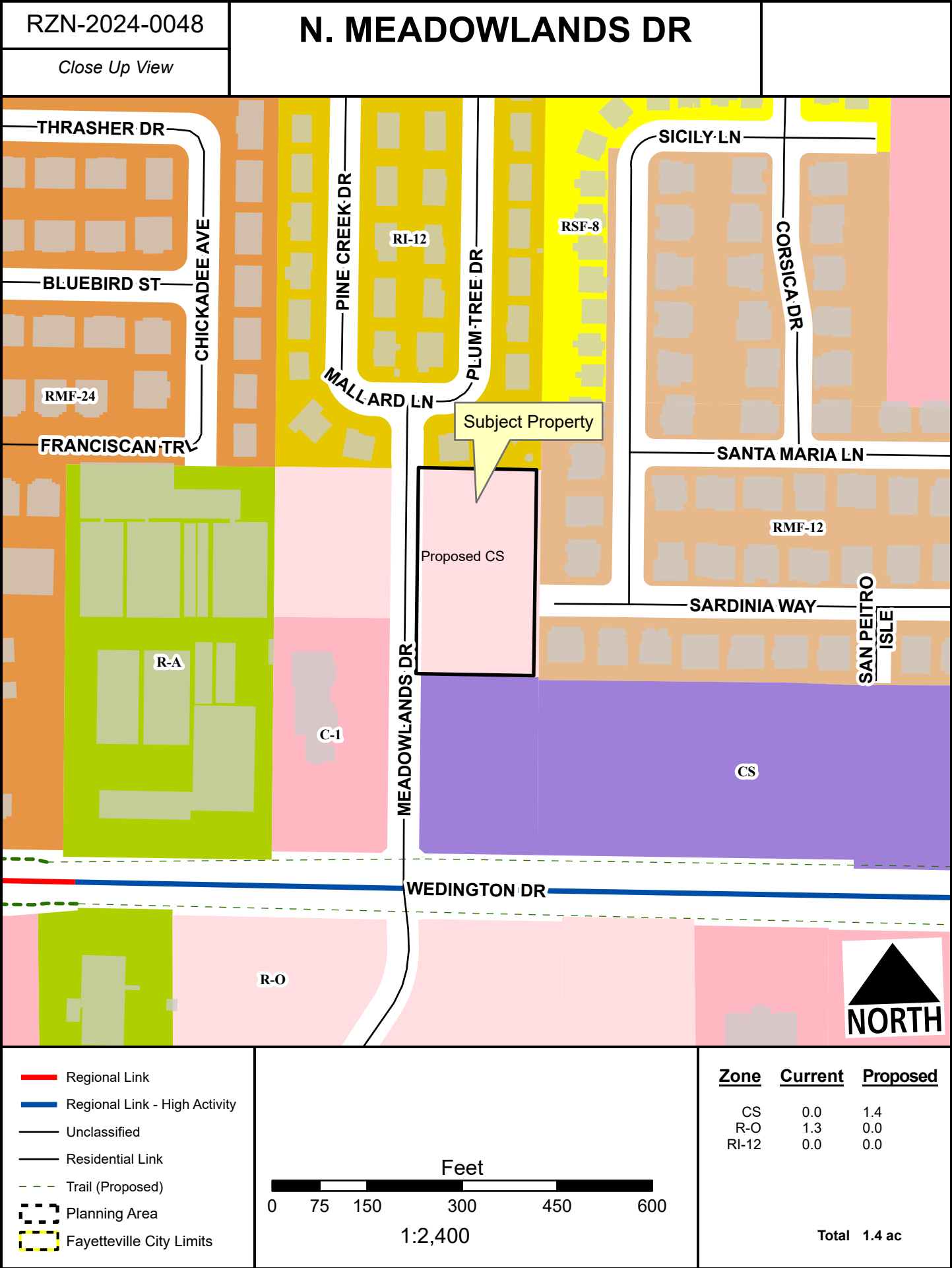


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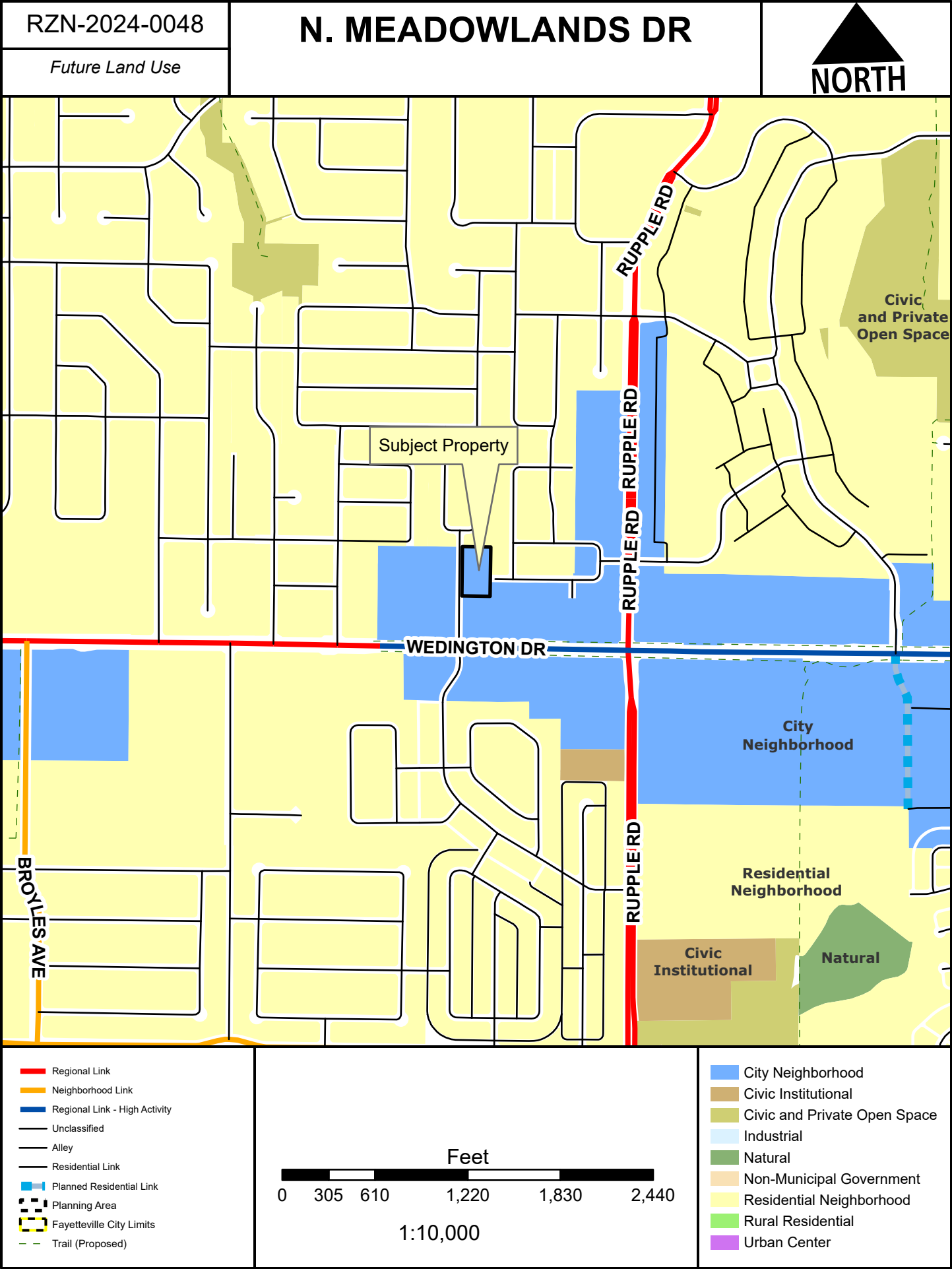


117 Parkwood St., Suite 101, Lowell, AR 72745











TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 14, 2024

SUBJECT: **RZN-2024-0049: Rezoning (1893 N. RUPPLE RD/CONRAD, 361):**
Submitted by CLINT PENZO for property located at 1893 N. RUPPLE RD. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNITS PER ACRE and contains approximately 1.04 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0049** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0049** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in west Fayetteville, at the intersection of W. Starry Night View and N. Ruppel Road. The property contains 1.04 acres which is currently zoned R-A, Residential-Agricultural. It is currently developed with a 1,900-square-foot house constructed in 1989. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	PZD (Oakbrooke Ph. 3)
South	Single-Family Residential	RSF-1, Residential Single-Family – One Unit per Acre
East	Golf Course	PZD (Links)
West	Single-Family Residential	PZD (Oakbrooke Ph. 3)

Request: The request is to rezone the subject property from RSF-1, Residential Single-Family, One Unit per Acre, to RI-U, Residential Intermediate-Urban.

Public Comment: To date, staff has not received several inquiries and one public comment on the proposal. They cited concerns about increased traffic, impacts on property value, and compatibility with Oakbrooke's covenants and architectural standards.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The parcel associated with the subject property is a corner lot with frontage along W. Starry Night View and N. Ruppel Road. W. Starry Night View is a partially improved Residential Link Street with asphalt paving, curb and gutter, and

sidewalks There is not sidewalk present on this property's frontage. N. Ruppel Rd. is a partially improved Regional Link Street with asphalt paving, no curb and gutter along the property's frontage, and a trail. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing eight-inch water line runs east/west along W. Starry Night View. A 12-inch water line runs north/south along N. Ruppel Rd.

Sewer: Sanitary sewer is not present along this property's frontage. A sanitary sewer main extension would be required for new development. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1500 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no hydric soils or protected streams are present on site. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of RI-U, Residential Intermediate-Urban requires **15% minimum canopy preservation**. The current zoning district of RSF-1, Residential Single-Family, One Unit per Acre requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6 for this site with a weighted score of 6.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd.)

- Near Water Main (eight-inch line, W. Starry Night View; 12-inch line N. Ruppel Rd.)
- Near Sewer Main (85 feet west along W. Starry Night View)
- Near City Park (Bryce Davis Park; Red Oak Park)
- Near Paved Trail (Ruppel Side Path Trail)
- Near Razorback Bus Stop (The Links)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning from RSF-1 to RI-U to be compatible with the surrounding area. The intent of the RI-U zoning district is to encourage development of attached and detached dwellings to provide a range of housing types and meet the demands for walkable urban living. The subject property is adjacent to single-family properties to the west and south and undeveloped property to the north. Properties to the north and west are zoned RPZD (Oakbrooke), and the property to the south is zoned RSF-1. While the immediate vicinity is currently developed with single-family dwellings, a rezoning to RI-U could allow for higher density residential development consisting of single- to four-family dwellings. The property itself is located on a corner with frontage on a Regional Link Street (N. Ruppel Rd.). Rezoning to RI-U would reduce the bulk and area requirements from 150-foot-wide lots with a 35,720-square-foot minimum area, to 18-foot-wide lots with no minimum area. Essential City services are available to the site, and other public amenities are located nearby. Given the size of the site, proximity to public services and amenities, and the availability of public right-of-way, staff finds the proposed rezoning to be appropriate.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans. The proposed zoning complements the property's Future Land Use Map designation as Residential Neighborhood area since it would support a variety of housing types of appropriate scale and context. A rezoning to RI-U would meet several goals of City Plan 2040 by encouraging appropriate infill development (Goals 1, 2, and 6). The property is also within a Tier 2 Center, located at the intersection of N. Ruppel Rd. and W. Mount Comfort Rd., approximately 0.33 miles to the north. A rezoning to RI-U is appropriate as it would align with the Tier 2 center designation by providing a mix of residential dwelling types.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that rezoning the subject property from RSF-1 to RI-U is justified since the RSF-1 zoning is no longer compatible with the surrounding land uses. Staff also finds the rezoning to RI-U to be better aligned with existing zoning and development patterns in the area and consistent with the city's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from RSF-1 to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for development that is greater in density and intensity than the existing RSF-1 zoning. Nevertheless, staff finds that the proposed rezoning is not likely to create or appreciably increase traffic danger or congestion at this location. The property has frontage along a partially improved Residential Link Street and Regional Link Street, and any street improvements required in the area would be determined at the time of development review.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets and water. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1500 linear feet downstream of this property, and any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0049 to City Council with a recommendation of approval

PLANNING COMMISSION ACTION: Required YES

Date: October 14, 2024

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.05 District RSF-1, Residential Single-Family - One (1) Unit Per Acre
 - §161.12 District RI-U, Residential Intermediate – Urban
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.05 District RSF-1, Residential Single-Family - One (1) Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(D) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

Building Height Maximum	3 stories
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(I) *Building Area.* None.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

Request Letter

1893 N Ruppel Rd Fayetteville, AR 72704

Washington County Parcel #: 765-24069-000

Current Zoning: RSF-1

Proposed new Zoning: RI-U

I would like to rezone my property at 1893 N Ruppel Rd in Fayetteville to RI-U. This zoning will allow the parcel to be developed in a manner comparable to the existing homes on Starry Night. The minimum lot dimensions will allow flexibility to work around the existing home and its potential conversion to rear entry. It is our plan to construct row homes with rear entry garages accessed by extending the existing alley. The homes constructed will be architecturally similar to the adjoining subdivision. With RI-U zoning nearby and with the zoning density of the adjoining subdivision on Starry Night, we feel the rezone aligns with surrounding land use and will enhance the appeal of the area. Thank you for your consideration.



Erin Conrad

Dear City Planning Representative,

We are residents of Oakbrooke neighborhood. We write to express our concerns about the proposed rezoning at 1893 N. Ruppel Rd, Fayetteville, AR 72704. This property is at the corner of Ruppel Road and Starry Night View.

In 2023, we built our forever home on Starry Night View. We chose this neighborhood because of the vision the builder has for the neighborhood. Further, we invested in Oakbrooke because we value the peace and quiet the neighborhood provides, the sense of community it affords, and the architectural aesthetic and build quality of the homes. Finally, as would be expected from any property owner, we seek to protect our home's value as it represents a significant portion of our estate.

There is already excessive traffic in our neighborhood from our own homeowners and from folks in adjacent neighborhoods who use our streets as through streets, often driving at dangerous speeds. We are concerned that the proposed zoning, if built out to its legal limit, would increase traffic making the already problematic corner more congested, increasing the likelihood of traffic accidents at this corner and in our neighborhood. We are also concerned that any development would seek access from Starry Night, something we would be absolutely opposed to.

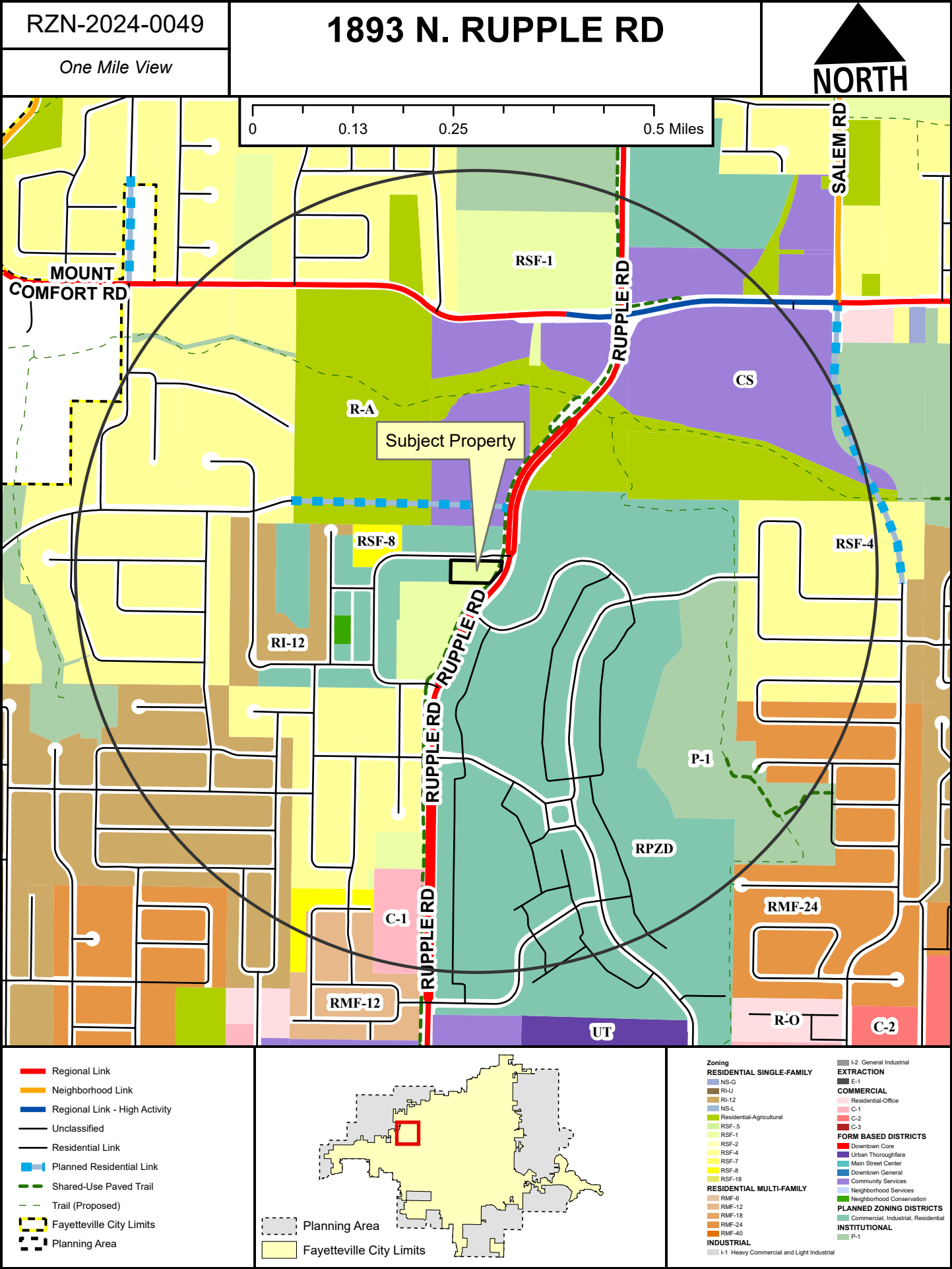
While not technically part of Oakbrooke, the property in question is situated such that any development will directly affect the value of the properties in our neighborhood as well as the quality of life, for better or worse. The property may not be legally part of the neighborhood, but it certainly is geographically. We believe that any zoning applied to this property should be in keeping with the covenants and architectural quality of Oakbrooke.

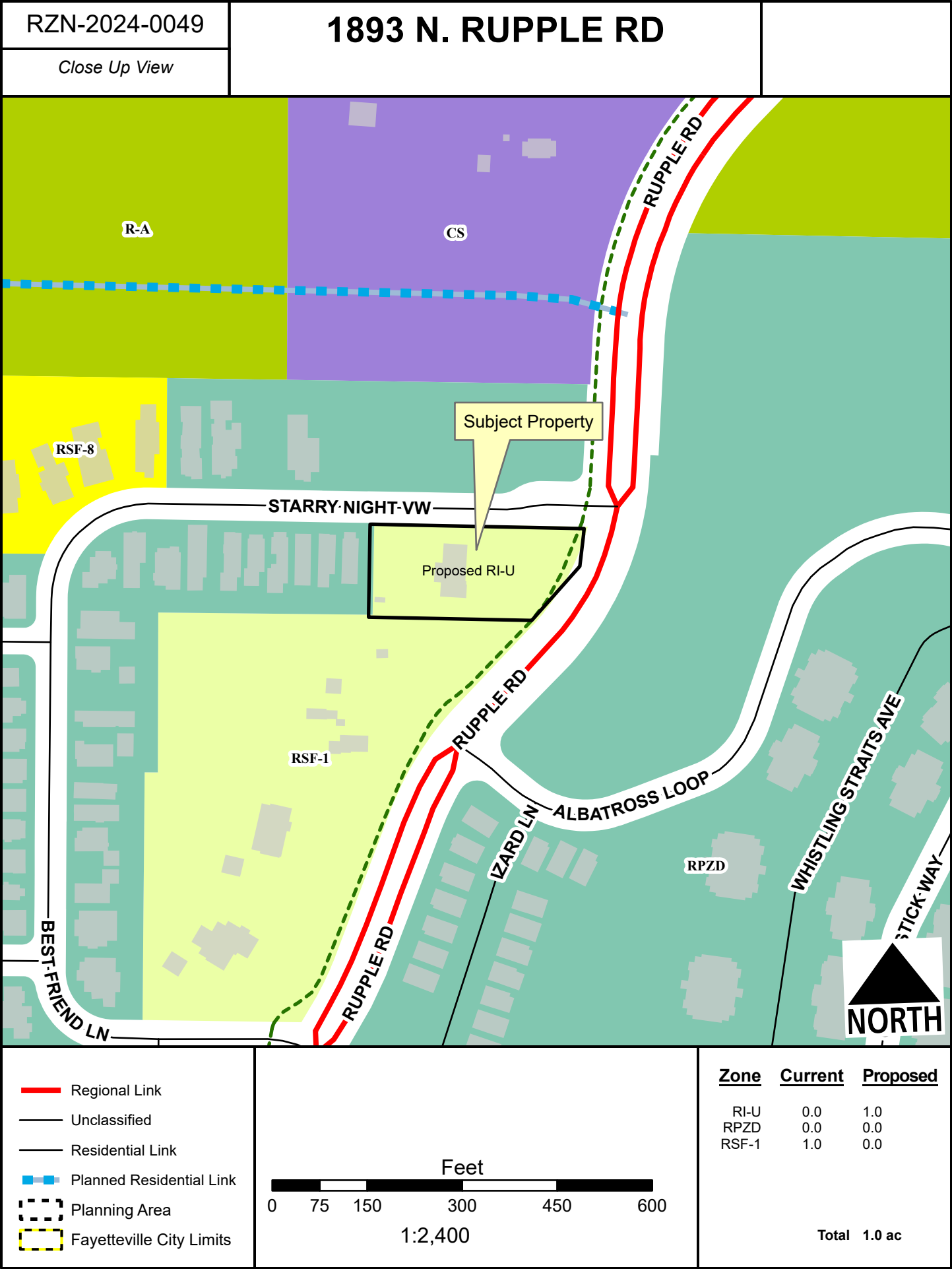
Thank you for taking the time to consider our input. We appreciate your time and service.

Respectfully,

Gretchen and Steve Wilkes

Handwritten signatures of Gretchen Wilkes and Steve Wilkes. The signature for Gretchen Wilkes is written in a cursive script, and the signature for Steve Wilkes is also in cursive, appearing below Gretchen's.





RZN-2024-0049
<i>Current Land Use</i>

Current Land Use

1893 N. RUPPLE RD



-  Regional Link
-  Unclassified
-  Residential Link
-  Planned Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

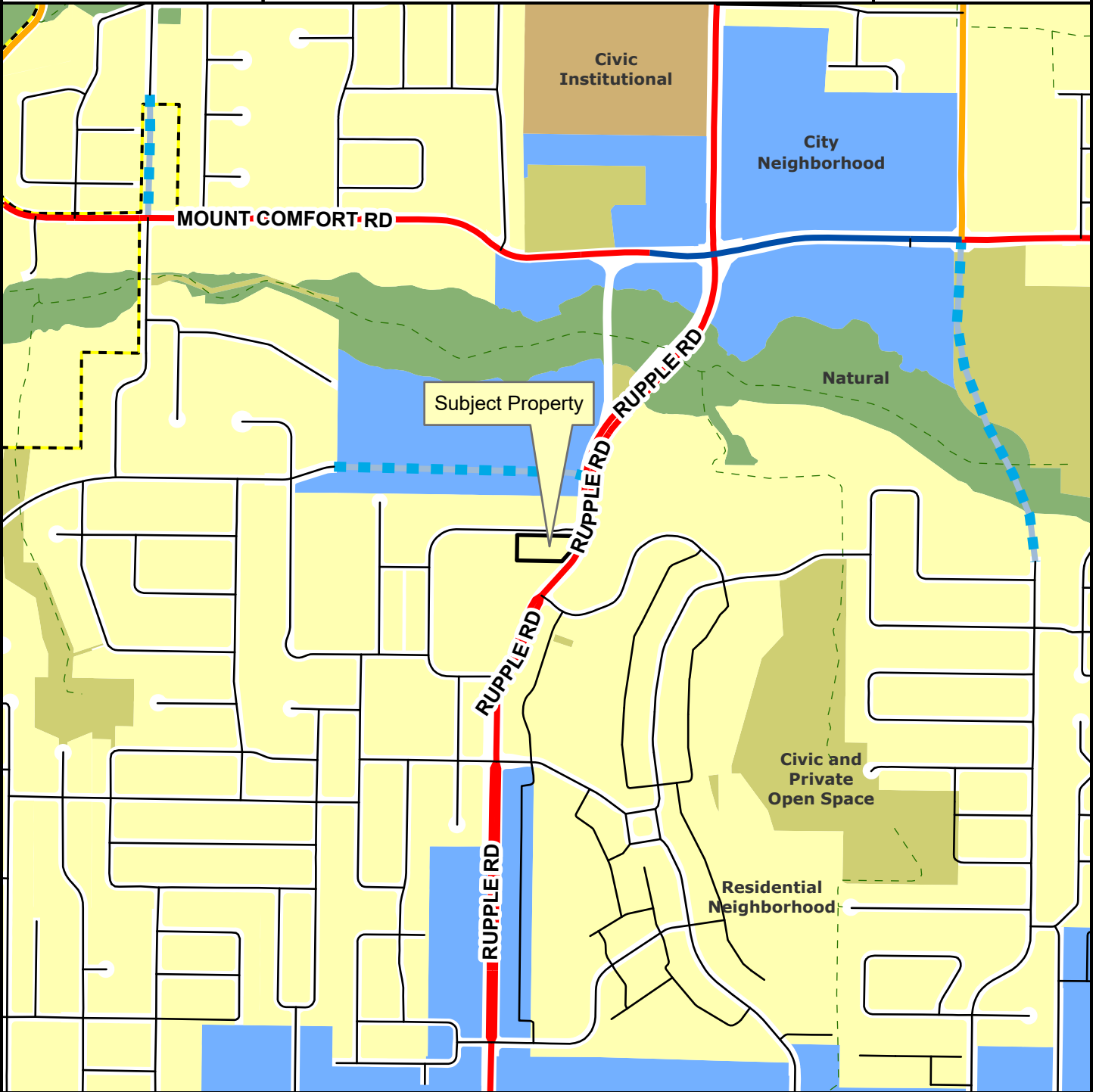
- 100-Year Floodplain
- Floodway

-  100-Year Floodplain
 Floodway

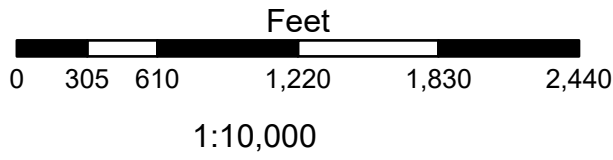
RZN-2024-0049

1893 N. RUPPLE RD

Future Land Use



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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center



TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 14, 2024

SUBJECT: **ANX-2024-0001: Annexation (N. RUPPLE RD. & W. SALEM RD/FOXTAIL MEADOWS, 205):** Submitted by FLINTLOCK LTD CO. for property located on N. RUPPLE RD. & W. SALEM RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 7.90 acres. The request is to annex the property into the city limits of Fayetteville.

RECOMMENDATION:

Staff recommends forwarding **ANX-2024-0001** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **ANX-2024-0001** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in northwest Fayetteville about 200 feet south of the intersection of Ruppel Road and Salem Road on the east side of Ruppel Road. The property includes one parcel which is undeveloped and totals approximately 7.90 acres. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Rural Residential	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)
South	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)
West	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to annex the subject property into the City of Fayetteville. A request to rezone the property to a planned zoning district has been submitted concurrently with this request (PZD-2024-0005).

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

INFRASTRUCTURE:

Streets: The subject property has frontage along Ruppel Road to the west. The portion of Ruppel Road adjacent to this property is an approximately 22-foot-wide paved county road with open ditches, no curb and gutter, and no sidewalk. Any street

improvements required in the area would be determined at the time of development proposal.

Water: Public water is available to the subject property. A four-inch water main exists along the west side of Ruppel Road. City Engineering has noted that this site does not have adequate water capacity for the typical requirement for fire flow. From the north, the lines in Ruppel and Salem are fed by a single six-inch main. The utility department has designed plans for a pressure reduction project that will restrict connections to the south. In order to have hydrants for future development, a minimum line size of eight inches must be provided and it must tie into a line that is 8 inches or larger.

Sewer: Sanitary sewer is not currently available to the site. A downstream capacity study for sewer must be provided at the time of development to determine if there are sewer capacity issues. Any capacity issues will have to be addressed prior to occupancy or final plat of a development.

Drainage: No portion of the property lies within the Hillside Hilltop Overlay District (HHOD) or a FEMA floodplain, and no protected streams or hydric soils are present on site. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Station 7, located at 835 N. Ruppel Road, protects this site. The property is located approximately 2.6 miles from the fire station with an anticipated drive time of approximately six minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range between 1 and 3 for this site with a weighted score of **3** at the highest level. The following elements of the matrix contribute to the score:

- Near Water Main (4-inch main, Ruppel Road)
- Near City Park (Gary Hampton Softball Complex)
- Near Paved Trail (Ruppel Road, Clabber Creek Trail)

FINDINGS OF THE STAFF

CITY PLAN 2040 (Res. 35-20)

12.3 Annexation Guiding Policies

Boundaries

12.3.5.a Annex existing islands and peninsulas and do not annex areas that create an island or peninsula.

Finding: The proposed annexation would annex land adjacent to an existing peninsula in the City's boundary and would not create a new island or peninsula. The areas to the west and south were annexed in 2006 and created a peninsula then, and the proposed annexation would further establish Salem Road as a logical boundary to the north, consistent with previously annexed properties to the east.

12.3.5.b The proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent and contiguous to Fayetteville's City Limits in northwest Fayetteville.

12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: The proposed annexation is for a parcel that is currently undeveloped.

12.3.5.d Boundaries for annexed areas should follow natural corridors.

Finding: The proposed annexation boundary follows the property lines of the subject property. To the west and south, the annexation boundary aligns with existing incorporated land. The property is bordered to the north and east by rural residential and undeveloped lots that are located outside of city limits in unincorporated Washington County. Incorporating the subject property could create an opportunity to improve Ruppel Road along the property's frontage and it could further align the northern extent of the City's boundary in this area with Salem Road to the north.

12.3.5.e The provision of services should be concurrent with development.

Finding: The subject property is adjacent to city water and does not currently have access to city sewer. Connection to water and sewer service would be the responsibility of the property owner. City Engineering has noted that this site does not have adequate water capacity for the typical requirement for fire flow. From the north, the lines in Ruppel and Salem are fed by a single six-inch main. The utility department has designed plans for a pressure reduction project that will restrict connections to the south. In order to have

hydrants for future development, a minimum line size of eight inches must be provided and it must tie into a line that is 8 inches or larger. Also, a downstream capacity study for sewer must be provided at the time of development to determine if there are sewer capacity issues. Any capacity issues will have to be addressed prior to occupancy or final plat of a development.

ENVIRONMENTALLY SENSITIVE AREAS

12.3.5.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **The subject property is undeveloped and does not lie within the HHOD or a floodplain and no hydric soils or protected streams are present on site.**

EMERGENCY AND PUBLIC SERVICES

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **Fire: The Fayetteville Fire Department response time to this location is approximately 8.2 minutes from the current closest station (835 N. Ruppel Road). The Fire Department response time goal is six minute for an engine and eight minutes for a ladder truck.**

Police: The Fayetteville Police Department has not commented on this request.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **The subject property would receive the same services, including trash service, police protection, fire protection, sewer, water, recycling and yard waste pick-up, and zoning protection as nearby property within the City.**

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units, and response time.

Finding: **These factors were taken into consideration in the responses and recommendations included in this report.**

INFRASTRUCTURE AND UTILITIES

12.3.5.j Areas currently served by utilities and other public services should be annexed.

Finding: **The property currently has access to a public street and city water. Utility extensions and upgrades would be required to serve the associated, subsequent development.**

12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Engineering: Upgrades and extensions of water mains and extensions of sewer mains would be required to meet the demands of development.**

Planning: **The proposed annexation would lead to increased density on the subject property when considering the PZD that was concurrently submitted with this request, and there are concerns that the site does not have adequate water capacity for the typical requirement for fire flow.**

12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **Not applicable; the proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

12.3.5.m Promote long-range planning with adjacent jurisdictions.

Finding: **Not applicable; the extent of the proposed annexation is not within or adjacent to the planning areas of other municipalities in Washington County. Additionally, the property would not require access through other jurisdictions nor would it be served by their services.**

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater, and sewer.

Finding: **The subject area and all of those around it are served by either Fayetteville water, sewer, or both. Those currently not served by Fayetteville water and sewer utilize water wells or septic systems. If the property were to be annexed, it would be subject to the City's stormwater ordinances.**

ADMINISTRATION OF ANNEXATIONS

12.3.5.o Develop a land use plan for annexation initiated by the City.

Finding: **Not applicable; this annexation is not City-initiated. However, the subject area is included within the City's Future Land Use Plan and is designated as a Residential Neighborhood Area.**

12.3.5.p Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned R-A, Residential Agricultural per UDC §161.01(E), though the applicant has submitted a separate rezoning application with a request to rezone the property to a PZD.**

12.3.5.q An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has engaged with the Engineering Division along with the Water and Sewer, Fire, and Police Departments to review the proposed**

annexation. The request was studied to determine if facilities or services are available or needed in association with this request. Responses are included throughout this report.

12.3.5.r Development proposals require a separate review from the annexation proposals.

Finding: Future development of the subject property will be required to go through the appropriate development review process.

12.3.5.s Residents should be fully informed of annexation activities.

Finding: Per §157.03 of the Unified Development Code, property owners and residents within 200 feet of the subject property have been notified. Additionally, a legal advertisement has been submitted with the local newspaper prior to the Planning Commission meeting for which this item is scheduled. Signage was posted on the site informing surrounding neighbors of the annexation proposal.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

Finding: Staff finds the request would serve to reduce a peninsula of unincorporated area, further establishing the portion of Salem Road which runs east to west to the north as a logical, ‘squared-off’ boundary for the City in this area.

12.3.5.u Conduct a fiscal impact assessment on large annexations.

Finding: Given the moderate size of the subject property, a fiscal impact assessment was not conducted for the requested annexation. However, it should be noted that annexing land toward the western extent of the City and developing it can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner.

RECOMMENDATION: Planning staff recommends forwarding ANX-2024-0001 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>October 14, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- City Plan 2040, Section 12.3: Annexation
- Request Letter
- Applicant Exhibit
- Order of Annexation
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

PETITION FOR ANNEXATION

**IN THE MATTER OF ANNEXING TO
THE CITY OF FAYETTEVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO
SAID CITY OF FAYETTEVILLE, ARKANSAS**

DATE: 9/4/22

Comes now the undersigned petitioners, and state as follows:

That we, owning 100% of the property in the following described territory, in Washington County, Arkansas, do hereby petition, pursuant to A.C.A. 14-40-609, the City Council of Fayetteville, Arkansas, to annex the following lands to the City of Fayetteville, Arkansas:

Foxtail Meadows Annexation into the City of Fayetteville, Arkansas

(Parcel: 001-16726-000)

PT N/2 SW SW 8.06 AC FURTHER DESCRIBED IN 2021-48725 AS: A PART OF THE SW/4 OF THE SW/4 OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID 40 ACRE TRACT; THENCE N00°17'49"E ALONG THE WEST LINE OF SAID 40 ACRE TRACT 659.59 FEET TO THE TRUE POINT OF BEGINNING AND FROM WHICH A SET REFERENCE IRON ON THE EAST RIGHT-OF-WAY OF COUNTY ROAD 894 BEARS S89°53'03"E 28.08 FEET; THENCE LEAVING THE WEST LINE OF SAID 40 ACRE TRACT S89°53'03"E 775.09 FEET TO A SET IRON; THENCE N00°29'33"E 290.00 FEET TO A SET IRON; THENCE S89°53'03"E 19.70 FEET TO A SET IRON IN AN EXISTING FENCE; THENCE N02°07'40"E ALONG SAID FENCE 160.10 FEET TO A SET IRON; THENCE LEAVING SAID FENCE N89°53'03"W 800.90 FEET TO A POINT ON THE WEST LINE OF SAID 40 ACRE TRACT AND FROM WHICH A SET REFERENCE IRON ON THE EAST RIGHT-OF-WAY OF COUNTY ROAD 894 BEARS S89°53'03"E 27.99 FEET; THENCE S00°17'49"W 449.98 FEET TO THE POINT OF BEGINNING, CONTAINING 8.09 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 8.09 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD 894 ALONG THE ENTIRE WEST BOUNDARY, AND ALL OTHER EASEMENTS AND RESTRICTIONS, IF ANY. LESS AND EXCEPT: A PART OF THE SW/4 OF THE SW/4 OF SECTION TWENTY-NINE (29), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE N00°19'34"E 659.59 FEET ALONG THE WEST LINE OF SAID 40 ACRE TRACT TO A POINT IN N. RUPPLE ROAD AND FROM WHICH AN EXISTING REFERENCE IRON SET IN 1998 BY LICENSED SURVEYOR #1005 BEARS S89°52'36"E 28.07 FEET; THENCE LEAVING THE WEST LINE OF SAID 40 ACRE TRACT, S89°52'36"E 771.91 FEET TO THE TRUE POINT OF BEGINNING AND FROM WHICH AN EXISTING IRON REBAR BEARS N00°16'06"E 1.09 FEET; THENCE N00°16'06"E 263.08 FEET ALONG A LINE SURVEYED BY LICENSED SURVEYOR #1642 AND FILED AS DOCUMENT 2015-3183 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS TO AN EXISTING IRON AT A WOOD PRIVACY FENCE CORNER; THENCE N00°27'51"E 42.81 FEET ALONG SAID WOOD FENCE TO AN EXISTING IRON REBAR AT A FENCE CORNER; THENCE S89°01'51"E 24.76 FEET ALONG SAID WOOD FENCE TO AN EXISTING IRON REBAR; THENCE S02°40'22"W 15.70 FEET TO A POINT; THENCE N89°25'49"W 19.94 FEET TO A POINT; THENCE S00°29'33"W 290.00 FEET TO AN EXISTING IRON REBAR SET IN 1998 BY LICENSED

SURVEYOR #1005; THENCE N89°52'36"W 3.17 FEET TO THE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS.

1. We further state that this petition is signed by 100% of the real estate owners owning 100% of the acreage in said area.

This property is owned by Donnie Pitts and Isabel Pitts, Co-Trustees of Pitts Revocable Trust.

2. Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

This property adjoins the City of Fayetteville on two sides (south and west) and will not create an island or peninsula. The properties to the east and north are in Washington County and are adjacent to other county properties.

3. Proposed annexation area must be adjacent, or contiguous, to city limits.

The proposed lot for annexation is bounded on the south and west by the City of Fayetteville.

4. Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

The proposed lot is planned to be incorporated into a PZD that is currently before the City of Fayetteville.

5. Boundaries for annexed areas should follow natural corridors.

The boundaries for the proposed annexation follow existing property lines.

6. Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

The inclusion of this parcel in the PZD extent allows for the preservation of a large forested ravine, specifically, and generally includes a notable percentage of preservation area that is much higher than would otherwise be possible under typical zoning regulations.

7. Public services (including emergency response) must be able to be provided efficiently in newly annexed areas.

The planned PZD that will include the proposed annexed lot will incorporate public services and utilities.

8. Areas currently served by utilities and other public services should be annexed.

The planned PZD that will include the proposed annexed lot will incorporate public services and utilities.

9. Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

The planned PZD that will include the proposed annexed lot will incorporate public services and utilities. Any upgrades necessary will be incorporated in the PZD process.

Hunter Adkisson

Printed Name of Property Owner/Petitioner

[Signature]

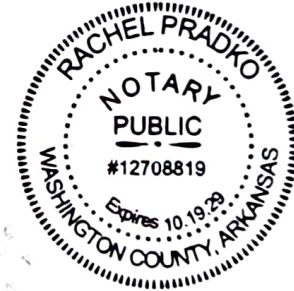
Signature of Property Owner/Petitioner

Printed Name of Property Owner/Petitioner

Signature of property Owner/Petitioner

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Washington)



On this the 4 day of September, 2024, before me, the undersigned officer, personally appeared Hunter Adkisson, known to me (or satisfactorily proven) to be the persons whose names are subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

[Signature]
NOTARY PUBLIC

My Commission Expires: 10.19.29

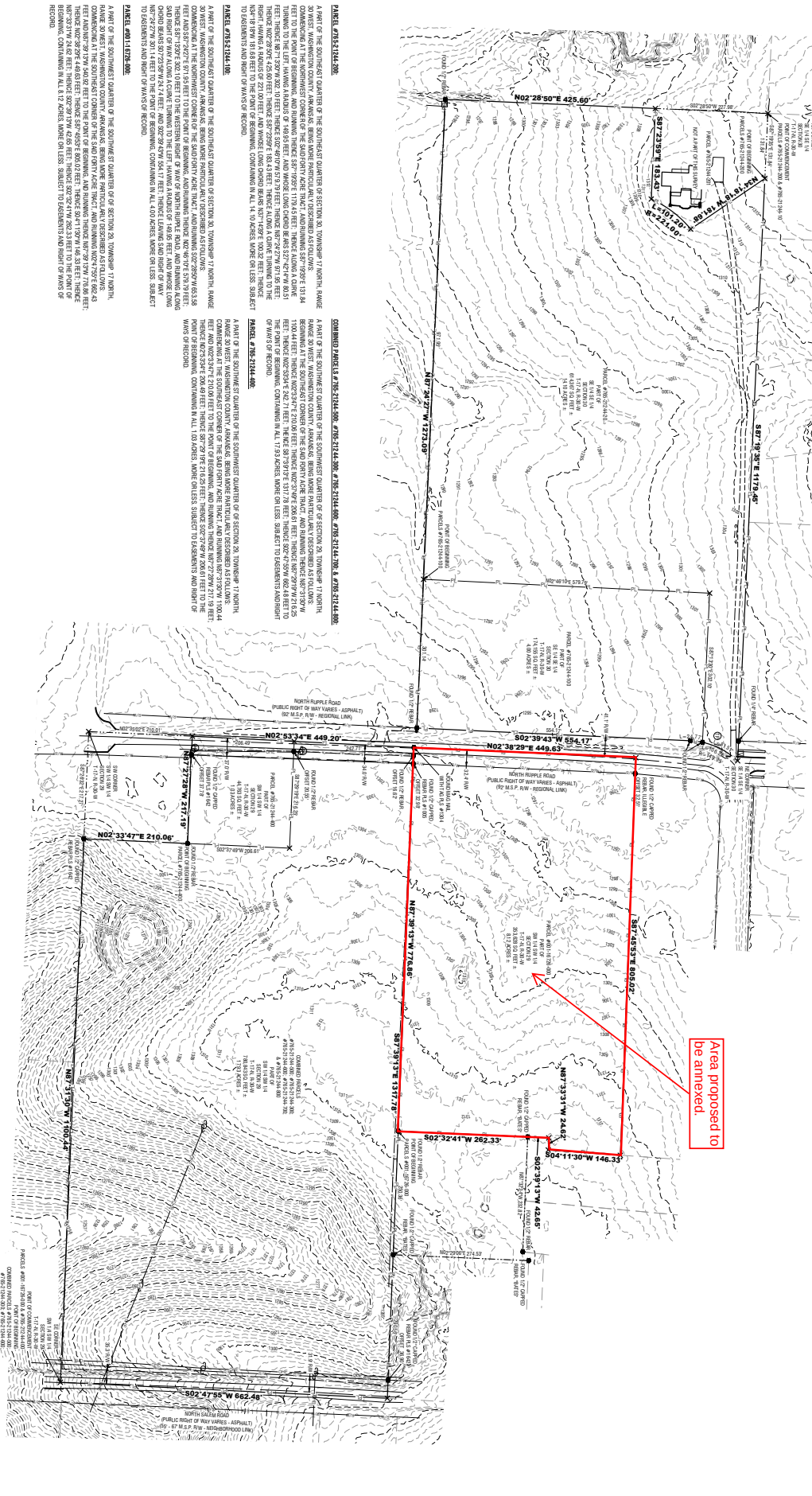
NOTES:

1. PARCELS #765-21244-200, #765-21244-100, #001-16726-000, #765-21244-500, #765-21244-300, #765-21244-400, #765-21244-600, #765-21244-700, #765-21244-800
2. CURRENT ZONING: RS-4 & AGS RES 1 UNIT PER ACRE
3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83
4. BOUNDARY BASED ON:
1. WARRANTY DEED #16-2023-9566

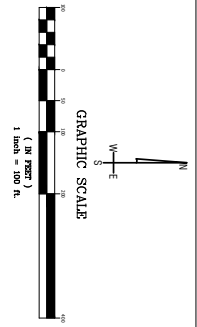
SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON.

6.10.24
DATE



Area proposed to be annexed.

[illegible]

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN RE: ANNEXATION OF PROPERTY
CONTIGUOUS TO THE CITY OF FAYETTEVILLE,
WASHINGTON COUNTY, ARKANSAS

CC NO. 2024-15

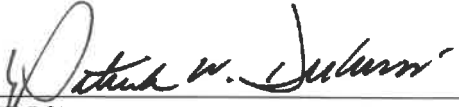
2024 SEP -4 PM 1:09
FILED
BECKY L. WALKER
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDER CONCERNING ANNEXATION

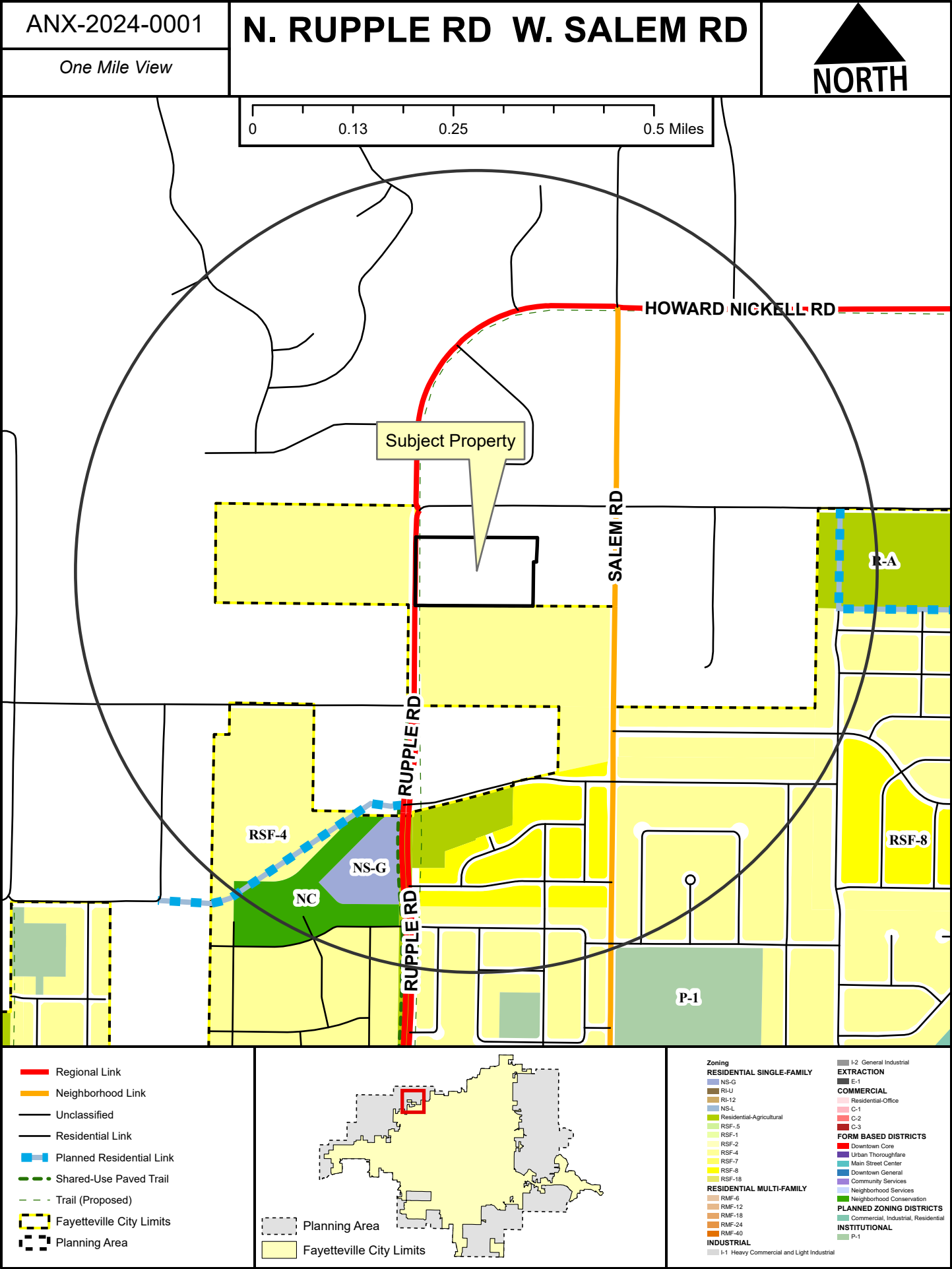
On this 4th day of September, 2024, of a regular term of the County Court of Washington County, Arkansas, there is presented a petition of the owners desiring the annexation of territory into the City of Fayetteville, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A § 14-40-609. This Court being fully advised of the facts and the law does hereby find as follows:

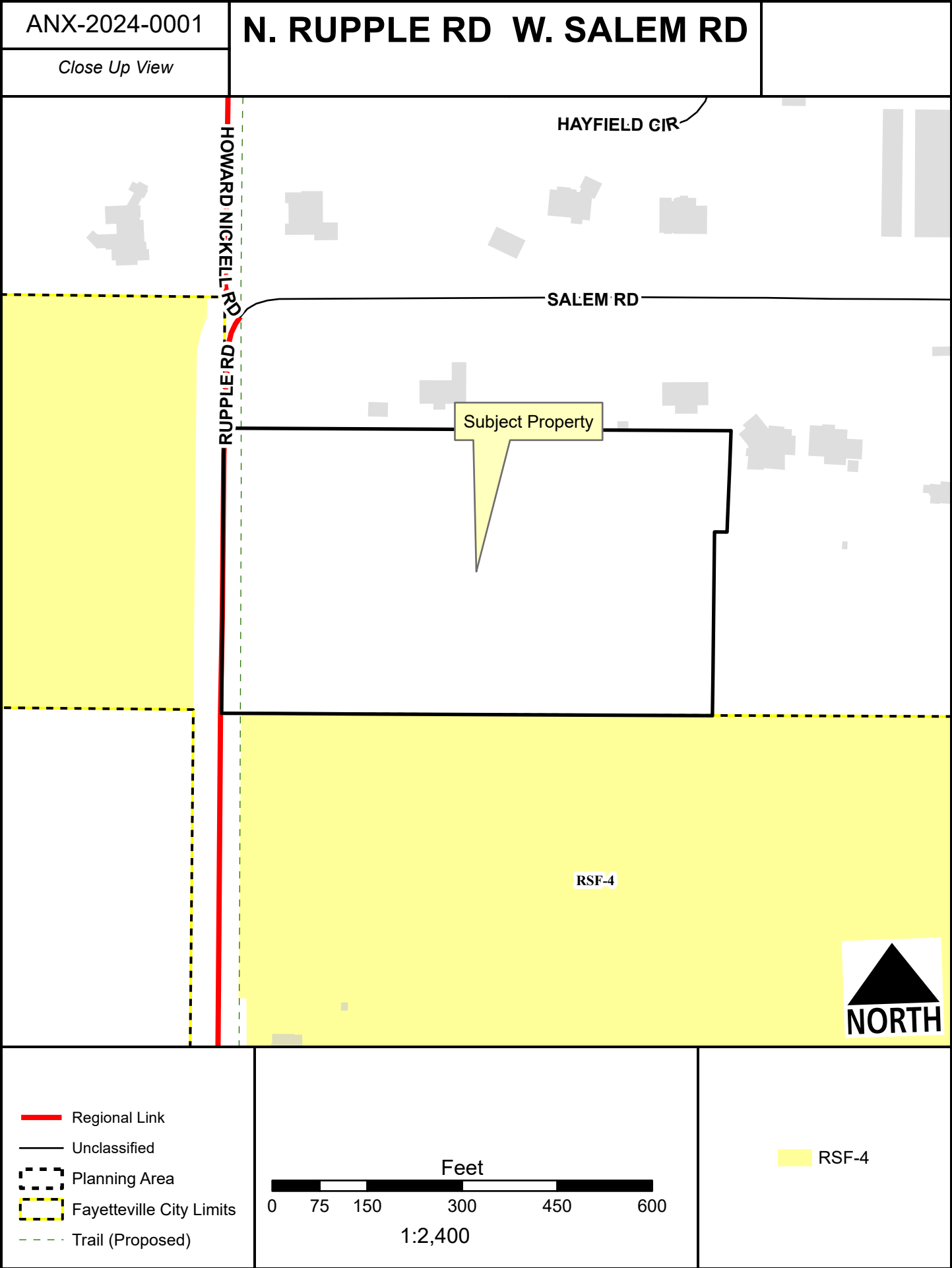
1. The Court finds that the petition and verifications are complete and accurate.
2. The Court further finds that no enclaves will be created by the annexation.
3. The Court finds that the petition contains a schedule of services.

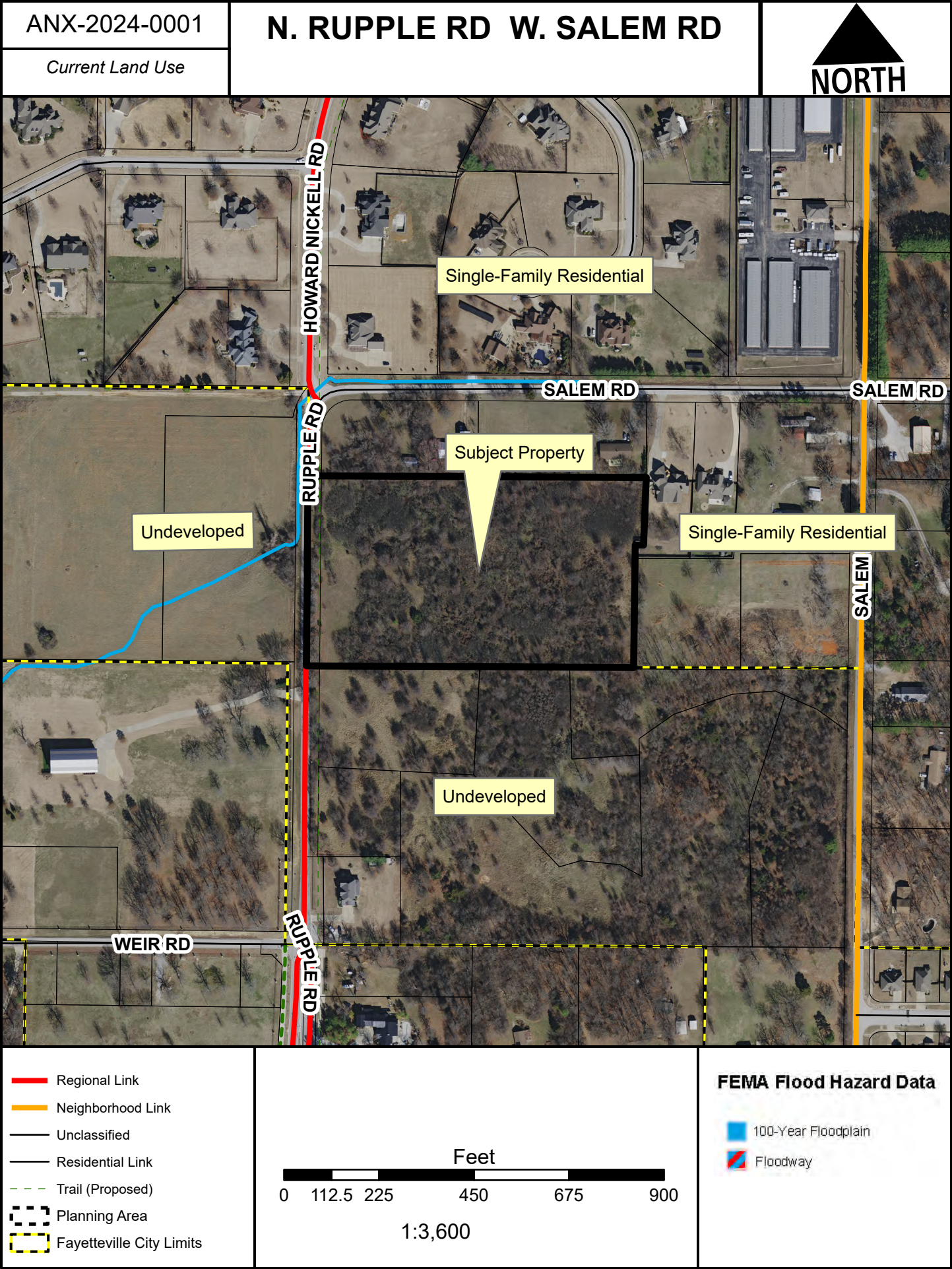
Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the City of Fayetteville, Arkansas.


PATRICK W. DEAKINS, COUNTY JUDGE

DATED: 9/4/24









TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner

MEETING: October 14, 2024

SUBJECT: **PZD-2024-0005: Planned Zoning District (N. RUPPLE RD. & W. SALEM RD./FOXTAIL MEADOWS, 205):** Submitted by FLINTLOCK LTD CO. for property located on N. RUPPLE RD. & W. SALEM RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and located in the FAYETTEVILLE PLANNING AREA and contains approximately 44.00 acres. The request is to rezone the property, once fully annexed, to a PZD, PLANNED ZONING DISTRICT.

RECOMMENDATION:

Staff recommends forwarding **PZD-2024-0005** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **PZD-2024-0005** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is located in northwest Fayetteville just north of the intersection of Ruppel Road and Weir Road. The property contains a total of nine parcels, eight of which are located in city limits and zoned RSF-4, Residential Single-Family, Four Units per Acre, and one of which is located outside of city limits in unincorporated Washington County. A request to annex the parcel in Washington County has been submitted concurrently with this request (ANX-2024-0001). The parcels in city limits were annexed in 2006. All parcels included in the project boundary are current undeveloped and those on the east side of Ruppel Road are largely covered by mature tree canopy. A protected stream is present on the west side of the site, though no portions of the property lie within a floodplain or the Hillside/Hilltop Overlay District and no hydric soils are present. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)
South	Rural Residential	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre) RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)
West	Rural Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)

Proposal: The applicant requests to rezone the property to a Residential Planned Zoning District with three planning areas, as described below:

- **Planning Area A – 13.60 acres:** The intention of this area is to provide single- and two-family dwellings with no density limitation. The allowable uses are similar to those allowed in other single-family and intermediate residential zoning districts.
- **Planning Area B – 14.20 acres:** This planning area is intended to be a residential area that accommodates a wider range of building types, ranging from single- to multi-family dwellings. No density limitation is proposed in this planning area.
- **Planning Area C – 16.20 acres:** This planning area is intended to protect natural areas and open space and has regulations that are identical to the City's R-A, Residential-Agricultural zoning district.

Public Comment: To date, staff has received no public comment on this item.

INFRASTRUCTURE:

Streets: The subject property has access to two public streets: Ruple Road and Salem Road. Both streets are unimproved with no curb and gutter or sidewalk. Any street improvements required in the area would be determined at the time of development proposal.

Water: Public water is available to the site. There are existing lines differing in size along Ruple and Salem. This site does not have adequate water capacity for the typical requirement for fire flow. From the north, the lines in Ruple and Salem are fed by a single six-inch main. The utility department has designed plans for a pressure reduction project that will restrict connection to the south. In order to have hydrants in a development in the PZD area, a minimum line size of eight inches must be provided and it must tie into a line that is eight inches or larger.

Sewer: Sanitary sewer is not available to the site. Main extensions will be required to provide sewer to future development. A downstream capacity study for sewer must be provided to determine if there are sewer capacity issues. Any capacity issues will have to be addressed prior to occupancy or final plat of a development.

Drainage: No portion of the subject property lies within a FEMA floodplain or the Hillside/Hilltop Overlay District and there are no hydric soils on site. However, a protected stream is present. Streamside protection zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50 feet wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Station 7, located at 835 N. Ruple Road, protects this site. The property is located approximately 2.6 miles from the fire station with an anticipated drive time of approximately six minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire

apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed PZD and the existing RSF-4 zoning require **25% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **1-5** for this site with a weighted score of **5.5** at the highest level. Elements contributing to the highest score include the following:

- Near Sewer Main (8" main, Ika Lane)
- New Water Main (various mains, Ruppel Road and Salem Road)
- Near Public School (Holcomb Elementary School)
- Near City Park (Gary Hampton Softball Complex)
- Near Paved Trail (Ruppel Road, Clabber Creek Trail)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** On the balance of considerations, staff finds the applicant's request to be compatible with the surrounding area. As proposed, the planned zoning district would allow for a compact and complete residential development in close proximity to low-density subdivisions. While no density maximums are proposed in the residential planning areas, the subsequent development associated with this PZD is intended to have a density of 3.7 units per acre based on the information provided, which is less than the maximum allowed by RSF-4 zoning. Staff finds that the applicant's request would allow for a compact residential development that promotes a wide range of housing types, encourages pedestrian-oriented design, and preserves natural features on site. Necessary street improvements and extensions and upgrades of water and sewer mains would be determined and required at the time of development.

Land Use Plan Analysis: Staff finds that the proposed planned zoning district is somewhat consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates this property as Residential Neighborhood Area and those areas are intended to encourage a wide range

of housing types which this PZD would allow. While the site has a low infill score range of 1-5, is located just within city limits, and has limited access to utilities, staff finds that it would not be encouraging suburban sprawl. Staff finds that the proposed PZD would be aligned with several goals of City Plan 2040 including Goal 2 (discouraging suburban sprawl) by allowing for a compact residential development with urban zoning standards that is compatible with the surrounding area, Goal 3 (making compact, complete, and connected development the standard), and Goal 6 (creating opportunities for housing).

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that the proposed rezoning is justified at this time. The planned zoning district would allow for development similar in density to the current zoning while allow for smaller lot sizes, attached units, and the preservation of natural areas.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The planned zoning district has the potential to impact traffic danger and/or congestion in this area, though traffic impacts would be comparable to those generated by development under the current zoning. Two traffic crashes have been reported along the property's frontage with one at the intersection of Weir Road and Ruppel Road and one along Salem to the east.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed PZD has the potential to undesirably increase the load on public services when considering that the property has limited access to water and sewer at this time, and several upgrades and extensions to water and sewer mains would be required. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

§ 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: Staff finds that the proposed PZD would provide flexibility with regard to the variety of housing types, the size of lots, and the density of development permitted on site. Staff also finds it to be compatible with surrounding land uses, which are largely residential. The applicant is coordinating with city staff on required improvements tied to the associated development. More usable and suitably located open space and other common facilities are proposed that would not otherwise be required or could be provided under the property's current zoning. Staff finds that the proposed PZD would allow for minimal disruption of existing natural features and be compatible with the goals of the City's future land use plans regarding providing opportunities for housing, discouraging sprawl, and promoting complete and compact development.

RECOMMENDATION: Staff recommends forwarding **PZD-2024-0005** to City Council with a recommendation of approval and with the following conditions:

Conditions of Approval:

1. Any proposed lots without street frontage shall provide adequate access for water, sewer, and emergency services; and

2. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.

Planning Commission Action: ☐ Forwarded ☐ Tabled ☐ Denied

Meeting Date: October 14, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

ATTENTION:

Fayetteville Planning Commission
Planning Staff
Development Services Staff

14 May, 2024

FOXTAIL MEADOWS PLANNED ZONING DISTRICT SUBMISSION

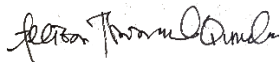
Dear Commissioners and Staff,

Flintlock LTD Co on behalf of United Built Homes respectfully submits this Planned Zoning District (PZD) application for your consideration. The proposed +/- 160 residential unit development aims to provide a mix of housing types in a walkable neighborhood format that prioritizes common green space and natural drainage. This proposed development achieves City goals by sensitively transitioning density through a mixture of unit types; providing great connectivity; and offering abundant green space, walkability, and community potential.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth which is intentional, sustainable, and mixed use. Transit ready and commercial supportive densities are provided, and housing is centered on low impact development stormwater features.

We believe, and hope you agree, that this development will contribute to the community of Fayetteville and its aspirations for the future.

Respectfully,
FLINTLOCK LTD CO



Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect

Foxtail Meadows Planned Zoning District

SEPTEMBER 23, 2024

A
Ownership

Pitts Revocable Trust
18836 Heads Ford Rd, Springdale AR 72764

PREPARED BY FLINTLOCK LTD CO

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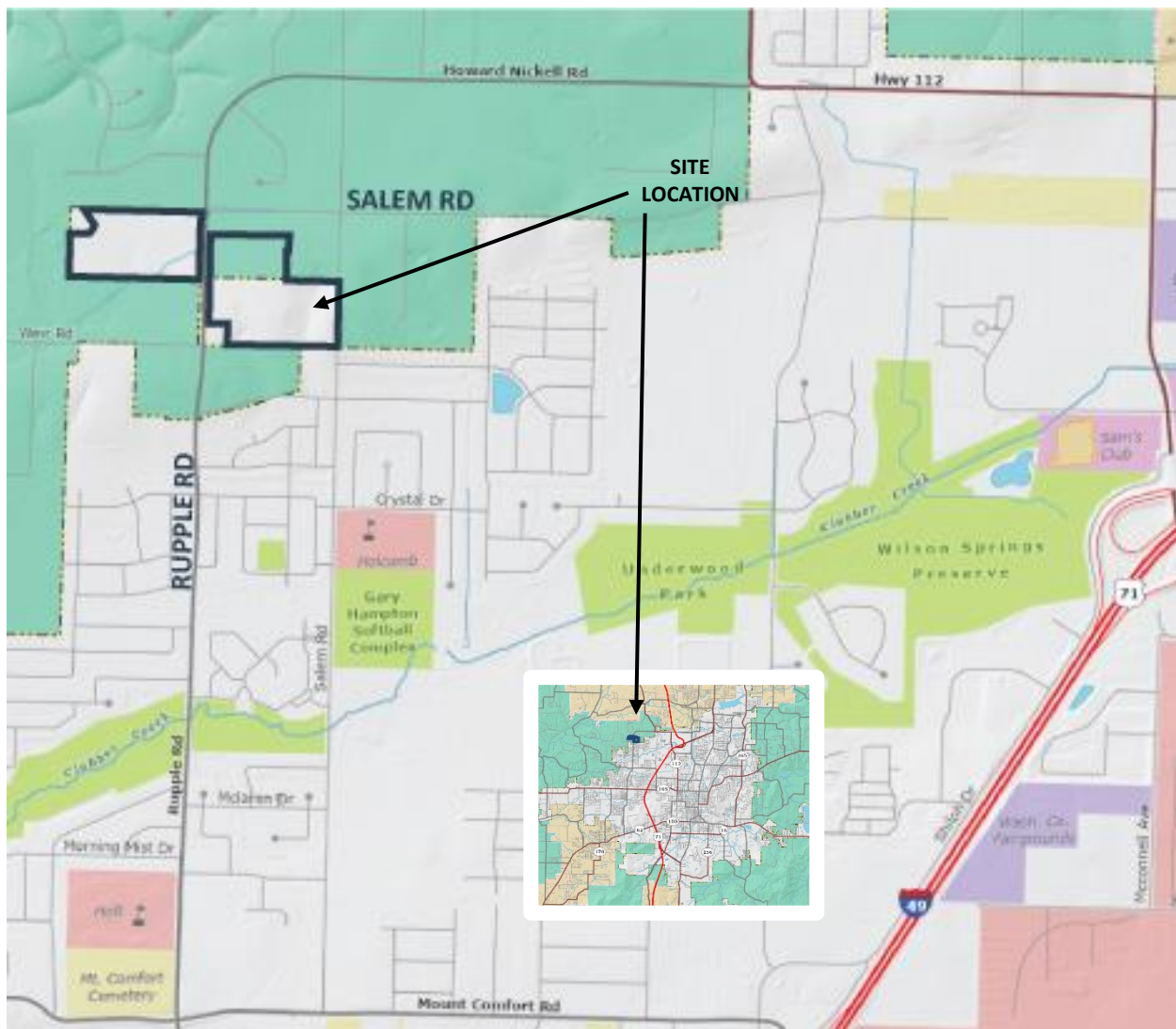
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B Project Summary

The proposed +/- 160 unit residential development aims to provide achievable housing options for our City's demographic needs structured in a walkable neighborhood format, with a series of storm parks lined by homes. The development will include nine parcels (765-21244-200, 765-21244-100, 765-21244-300, 765-21244-400, 765-21244-500, 765-21244-600, 765-21244-700, 765-21244-800, 001-16726-000) totaling +/- 44 acres and sensitively preserves over one-third of the planning area as open green space. The entire site is shown as Residential Neighborhood on the Future Land Use Map and sits directly adjacent a City Neighborhood area to the south. At +/- 3.6 units per acre, the overall unit density of the proposed development falls below the current allowable four units per acre, yet this zoning district will allow that density to be gathered together in a pattern that promotes walkable community and utilizes natural drainages as green stormwater amenities. This proposed development patterns supports City goals in the housing it offers, the green space it preserves, and its development pattern that exemplifies City recommendations.



Site Location Approximate location as seen aerially from the southeast.



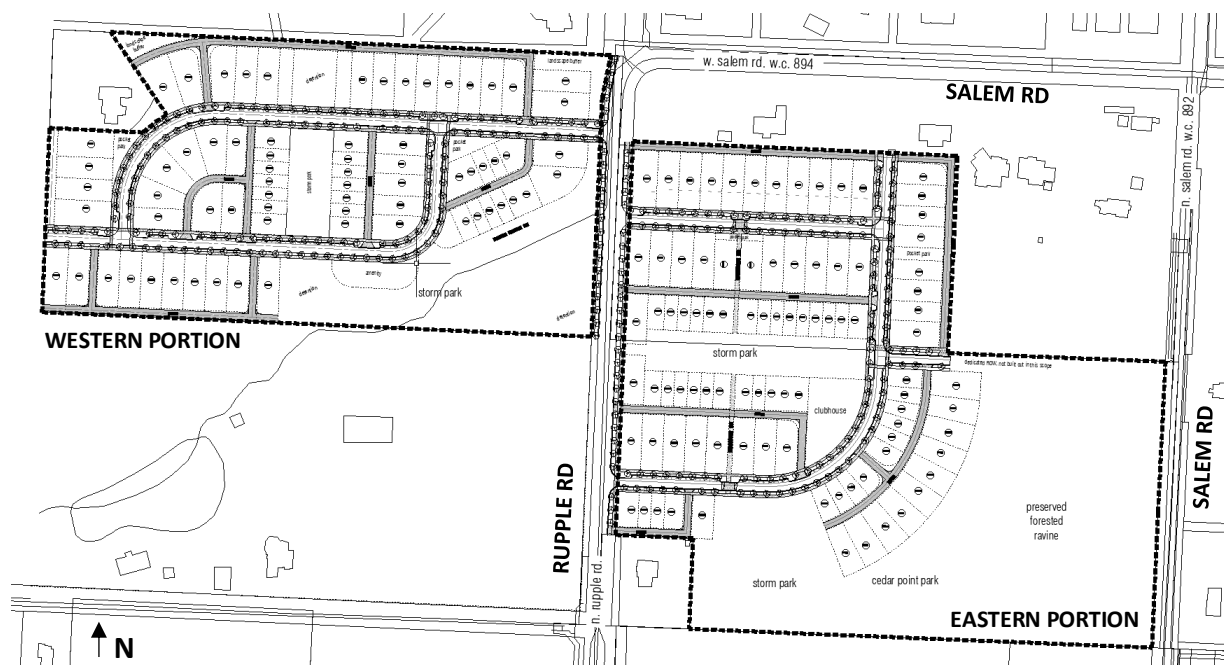
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General Project Concept

Street and Lot Layout

The project aims to continue the addition of single family home neighborhoods on the northwest edge of the City yet with a pattern of streets and lots that preserves more green space, respects natural drainages and their stormwater management performance, and reduces the City's long term infrastructure management costs. Smaller lots sizes will provide much needed smaller footprint homes for our dominantly 1-2 person household demographics and walkable age-in-place homes that are deed restricted for buyers age 55 and over. The lots and their street connections work with the existing topography to direct stormwater downhill towards places reserved for tree preservation, landscape buffer, streamside protection, and green amenity space. The proposed streets plan for and provide future interconnectivity with stub outs to potential developments to the north, west, and east. The layout also incorporates an existing home in the northwest corner into the new neighborhood. Because of the restricted geometry of the site, alleys are utilized throughout to provide rear-loaded access to units. This allows homes to more attractively face the street and reduces the higher costs of additional fully built out public streets. The resulting street layout is compliant with block length standards and ensures accessible access of greenspace and enjoyable and safe pedestrian avenues for all future residents. Smaller lots with less street frontage allow for lower overall street lengths than conventional neighborhood development, thereby requiring lower long term costs to maintain paving, sewer, and water infrastructure.

Site Plan



Buffer Areas

The proposed development provides a consistent landscape buffer along Rupple across the western portion of the planned development, including retention of a large natural draw for stormwater management. In the eastern portion of the proposed development, a large forested ravine is preserved along with a continuous strip of existing tree canopy along the southern edge. Single family homes otherwise line the edge of the planned zoning district and abut other single

family homes on adjacent lots. In the northeast corner, an east-west linear storm park catches off-site drainage onto the development while acting as a landscape buffer to existing adjacent single-family homes.

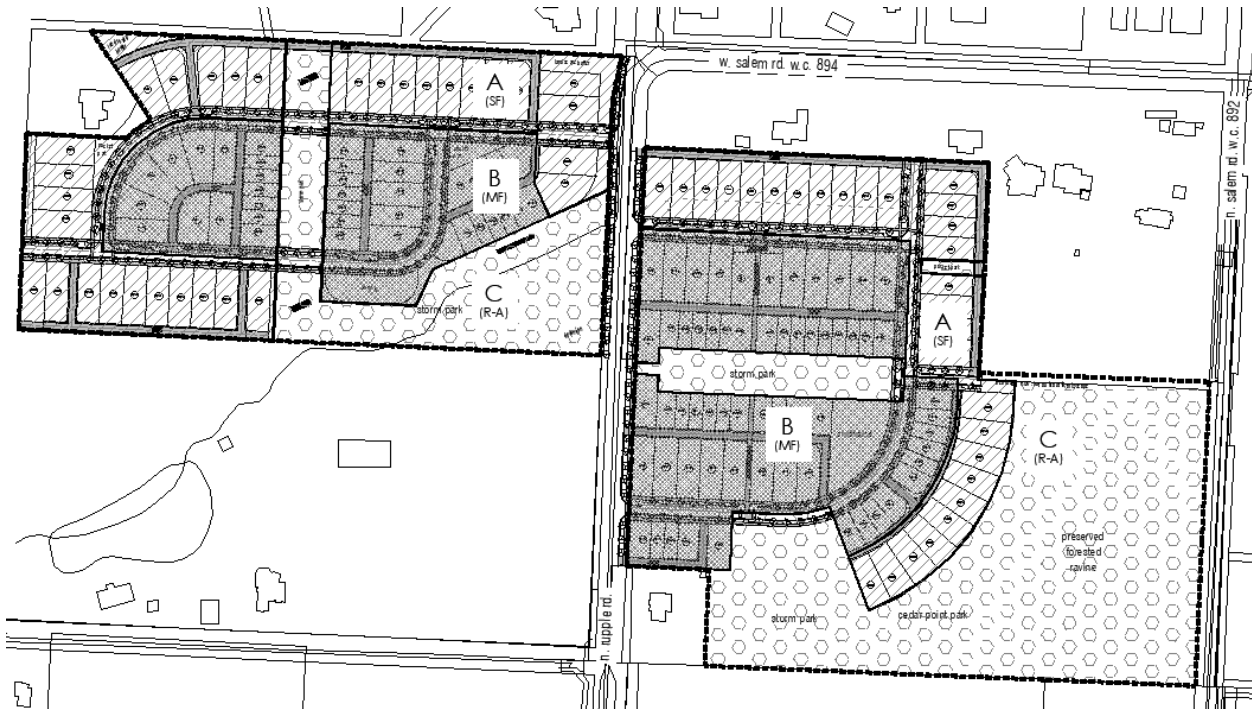


Tree Preservation Areas	The bulk of the property has long been dominantly pastureland or unshaded meadow, yet in the past thirty years the patches of trees in the southeast-most portion have spread slowly into broader coverage through the eastern portion of the planned development. The masterplan and planning areas preserve the largest portion of this vegetation (a +/- 10-acre area). Initial estimates promise retention of up to 43% of existing tree canopy, well above the 25% preservation required by PZDs. This figure does not include the central linear storm park running east-west on the eastern portion of the site that is likely to require regrading.
Storm Water and Detention Areas	The masterplan responds to the existing landform and drainage patterns and reserves those areas to manage stormwater. On the western portion of the site, these patterns form a "V" down through the middle of the site and up to the northeast. On the eastern portion of the site, a large "M" of ridges along the south and southeastern property line is reserved for stormwater management, and an east-west linear storm park captures additional stormwater across a more consistently sloped table in the northwest section. Those vegetated areas double as green amenity spaces.
Undisturbed Natural Areas	The southeastern portion of the site is a forested ravine. This approximately 7-acre portion of the property will be left undeveloped as natural amenity space, hopefully as a public recreational area. The existing topography suggests that most of site's stormwater will most efficiently run to the proposed storm park on the western portion of the site, allowing minimal impact to the more vegetated southeastern portion of the overall site.
Existing and Proposed Utility Connections and Extensions	A waterline is proposed to be extended along Howard Nickell Road to the intersection of Hwy 112, to provide adequate fire flows to the site while respecting the city's planned low pressure zone to the south of the property. Sewer access is planned to be provided directly south via easement through to Magnolia Crossings property. Existing utilities are further discussed in Section M: Impacts to City Services

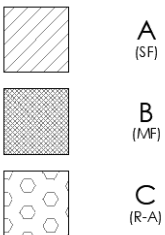
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Proposed Planning Areas

The proposed Neighborhood Zones would replace existing Residential Single-Family - Four (4) Units Per Acre Zoning on the entire +/- 44.0 acres of the site. Neighborhood Zone A accounts of approximately 13.6 acres of the site, Neighborhood Zone B accounts for approximately 14.2 acres of the site, and Residential - Agriculture makes up the remaining and largest portion with +/- 16.2 acres. The half west of Ruppel is planned to be age-in-place single-story cottages that are deed restricted for owners 55+. The same units will be built on the portion between Salem and Ruppel but will be open to all buyers for a larger age striation. Unit sizes range from 1,220 sf to 2,050 sf.



LEGEND



E

Proposed Zoning Standards

Planning Area A: Neighborhood Zone

(A) *Purpose.*

- Provide an appropriately flexible neighborhood buffer to commercial, institutional, and single family residential uses
- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone A:

- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
- (2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
- (3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
- (4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
- (5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage
- (6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
- (7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 24	Home occupations

Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business
Unit 12b	General business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 45	Small scale production

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.* 24 feet

* *Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(G) *Building Height Maximum.* 3 stories

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

Planning Area B: Missing Middle Zone

(A) *Purpose.*

- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone B:

- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
- (2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
- (3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
- (4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
- (5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage
- (6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
- (7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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 5	Government facilities
Unit 12a	Limited business
Unit 12b	General business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 45	Small scale production

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	24 feet
All other uses	None

* *Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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

(G) *Building Height Maximum.* 3 stories

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

Planning Area C: Open Space

Planning Area C rezones existing RSF-4 area within the PZD extent to an area with regulations identical to R-A Residential Agriculture for the purpose of protecting natural areas and open space while minimizing the administrative burden on the City's staff to administrate an additional PZD zone when unnecessary to planning use. This planning area has regulations that are identical to R-A Residential Agriculture.

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

F

Existing Property Zoning Standards

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

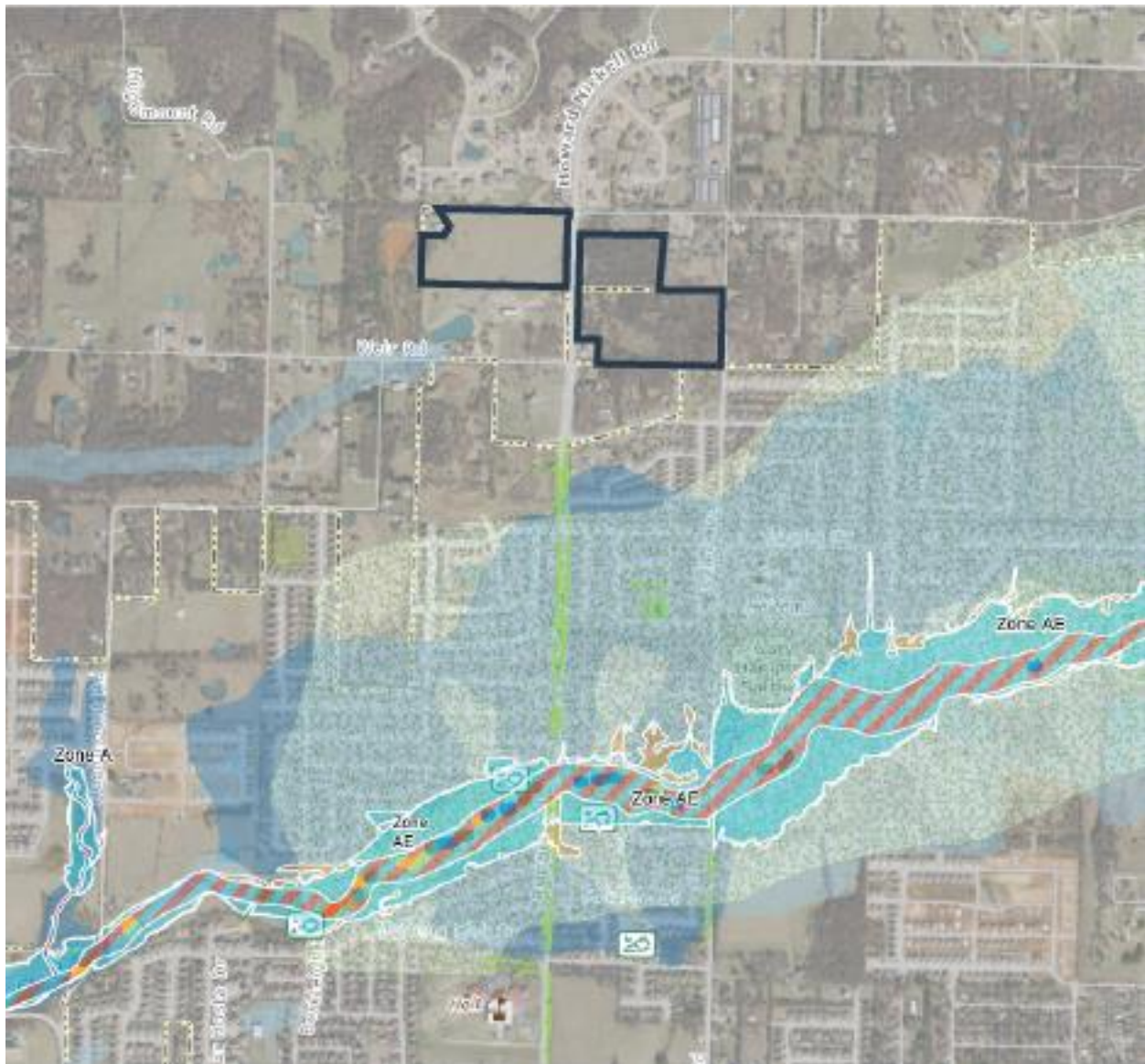
Zoning Comparison Chart

	CURRENT	PROPOSED		
	RSF-4: Residential Single-Family - Four (4) Units Per Acre	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: R-A: Residential Agriculture
PERMITTED USES	1. City-wide uses by right 8. Single-family dwellings 41. Accessory dwellings 46. Short-term rentals	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 3. Public protection and utility facilities 6. Agriculture 7. Animal husbandry 8. Single-family dwellings 9. Two-family dwellings 37. Manufactured homes 41. Accessory dwellings 43. Animal boarding and training 46. Short-term rentals
CONDITIONAL USES	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 9. Two-family dwellings 12a. Limited business 24. Home occupations 36. Wireless communications facilities 44. Cluster Housing Development	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 10. Three (3) and four (4) family dwellings 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 4. Cultural and recreational facilities 5. Government facilities 20. Commercial recreation, large sites 24. Home occupations 35. Outdoor Music Establishments 36. Wireless communications facilities 42. Clean technologies
DENSITY	Single-family: 4 or less units per acre Two-family: 7 units per acre or less	None	None	One-half (1/2)
LOT WIDTH MIN. (FT)	Single-family: 70' Two-family: 80'	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	200
LOT AREA MIN. (SF)	Single-family: 8,000 Two-family: 12,000	None	None	2 acres
FRONT SETBACK (FT)	15	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	35
SIDE SETBACK (FT)	5	5	None	20
REAR SETBACK (FT)	15	5 12 (from center line of an alley)	5 12 (from center line of an alley)	35
BUILDING HEIGHT	3 stories	3 Stories	3 Stories	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.
MAX. BUILDING AREA (%)	50%	50% of lot width	50% of lot width	None

G

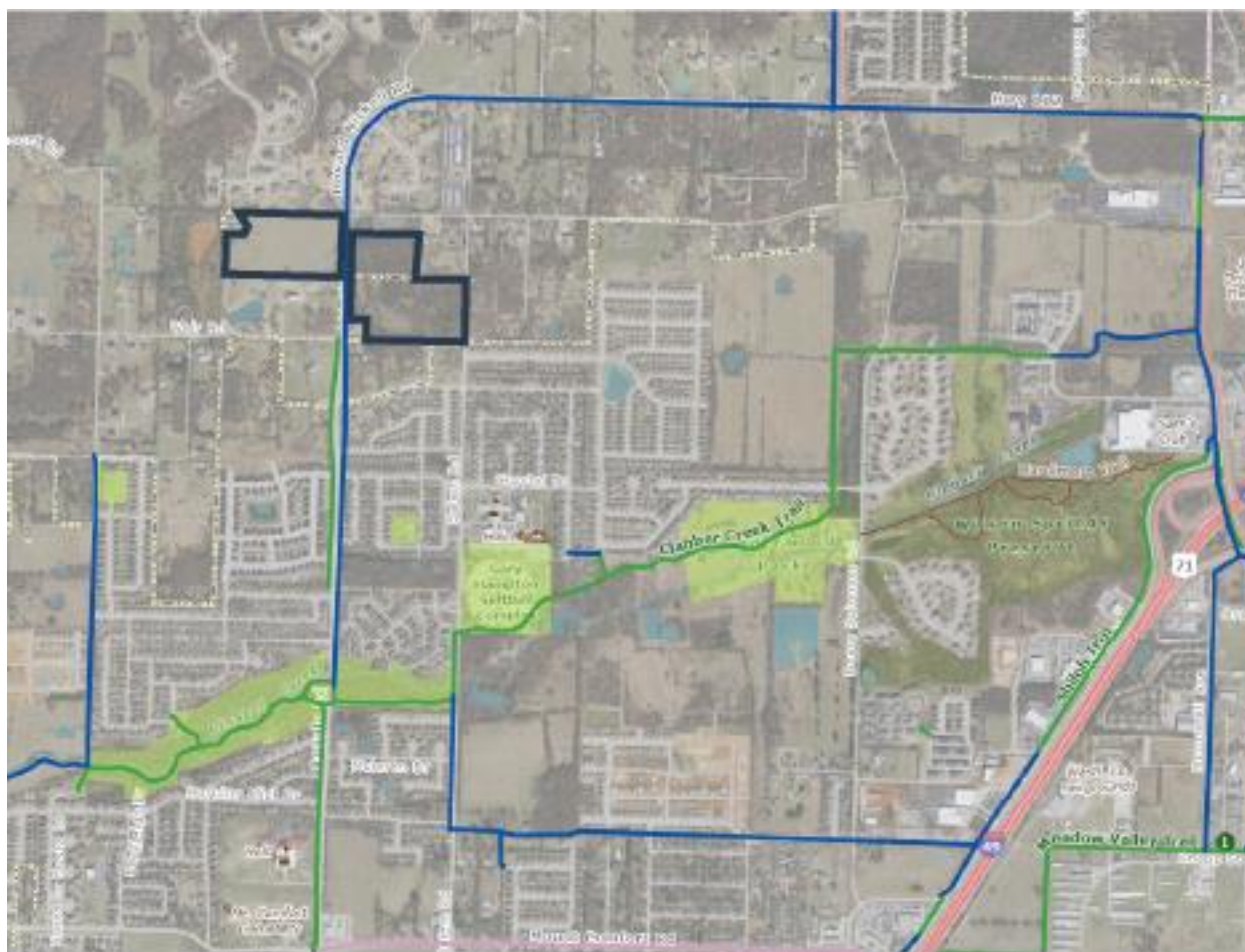
Analysis of Site Characteristics

The existing site comprises of large gentle ridges with mild to significant slopes into four valleys. The two southeastern valleys drain south to Clabber Creek, while the northern and western portions meander to the southwest, eventually draining west-northwest into Clear Creek. Based on historic aerial imagery, since 1965 the bulk of the property has been and remains clear of woody vegetation, excepting the southeasternmost portion of the site from which pioneer woody species have spread north over the past two decades. The site does not include hydric soils, historic wet prairie, or other sensitive ecologies. It is also outside the floodway of Clabber Creek to the south.



H Recreational Facilities

The proposed development includes considerate preserve areas along drainage lines, three linear storm parks for passive recreation, a +/- 7 acre preserved forested ravine, one neighborhood clubhouse and another smaller amenity space, and two pocket parks interspersed with single family lots. The site is walkable via existing sidewalks to the extensive Clabber Creek park and the future Underwood Park facilities and to Holcomb Elementary ½ mile to the south-southeast and Holt Middle School 1 mile to the south. The proposed development also sits on a main artery of the future planned trail extension up Ruppel and curving around Howard Nickell to connect to the NWA Greenway and Mall area.



I

Reasons a Zoning Change is Required

The current zoning of Residential Single Family – 4 units per acre is not suitable to meet the City’s needs for housing its rapidly increasing population while creating and protecting an enduring green network. Nor does it facilitate the compact, complete, and connected development of attainable and appropriately sized housing to which the City aspires, especially adjacent the Tier 3 center directly to the south on Fayetteville’s Growth Concept Map. The compact, walkable, and deliberate development proposed here is the kind of development described in the City Plan 2040 that creates livable communities that require less investment in infrastructure by the City. Refer to Sections J and K following this section for more discussion of these elements.

J

Relation to Existing and Surrounding Properties

The surrounding properties to the north outside City limits are larger lot single family residences and estate residential strips tucked into the forested hills. Patterned southeast towards Holcomb Elementary are RSF-8 and RSF-4 neighborhoods with minimal to no green space. Catty-corner to the southwest down Ruppel is a +/- 4.7 acre Neighborhood Services – General site that may soon provide some of the commercial services and feel desired by its City Neighborhood designation in the Future Land Use plan. This proposed neighborhood development compatibly blends the compact footprints of attainable and age-in-place neighborhoods with the more rural natural setting of the County properties to the northwest through its intentional preservation of green space and provides a natural variety of housing product and price points with a walkable community structure.



K

Project Compliance with Fayetteville Comprehensive Land Use Plan + City Plan 2040

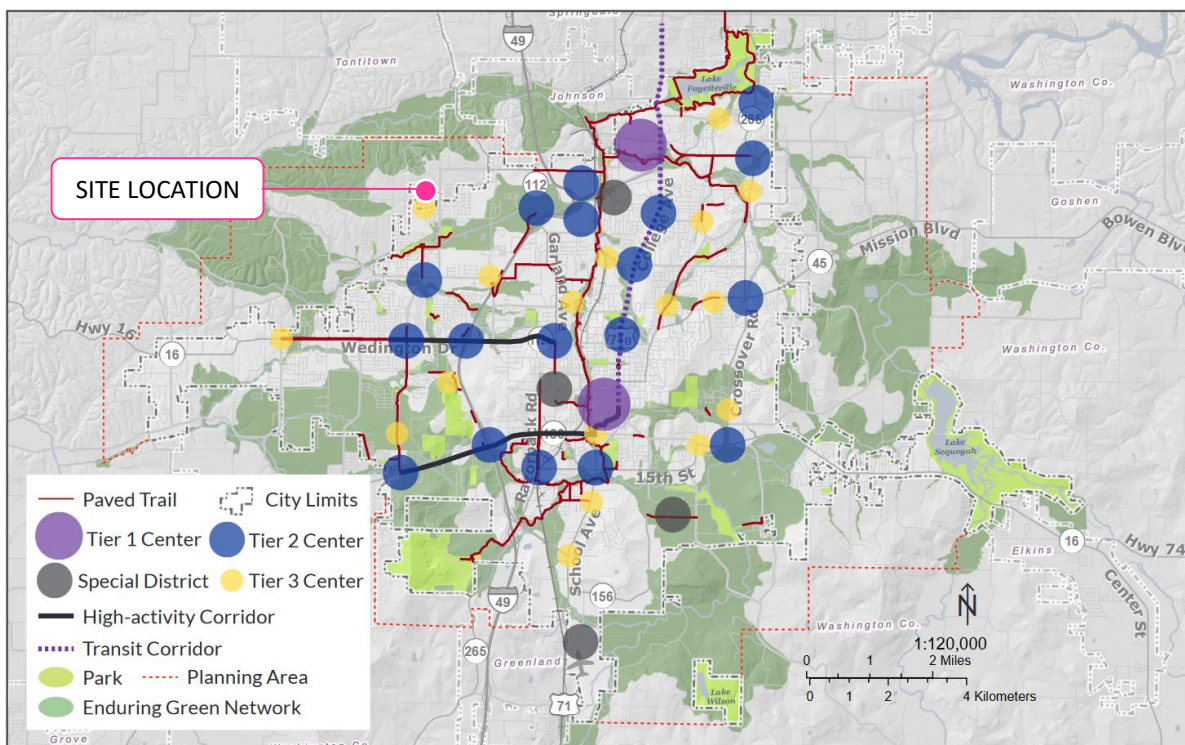


Figure 2.0 - Growth Concept Map

The project site is part of a planned Tier 3 Center at N Rupple Road and W Weir Road. Tier Three Centers are intended to serve the immediately surrounding residential areas and will cater to the specific needs of a small market. As a result, no two will be the same. Some may be characterized by one or two commercial and/or multi-family buildings located on a single intersection while others develop into a mixed-use core extending over multiple blocks and serving a broad mix of housing. The nodal nature of Tier Three Centers are important for providing a unique sense of place to a neighborhood. Tier Three Centers shown on The Growth Concept Map are not intended to be inclusive of all non-residential services that may be identified at a neighborhood-scale analysis. Neighborhood-scale and micro-retail locations are embedded within the general land use policies discussed throughout City Plan, not on the Growth Concept Map. The project site is also located with frontage on a Regional Link along Rupple Road.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth which is intentional, sustainable, and mixed use. Transit ready and commercial supportive densities are provided, and housing is centered on low impact development stormwater features and attainable age-in-place homes. The retention of green space and the compact walkable neighborhood design promotes this area as a peaceful community on the shoulder of the City Neighborhood Tier 3 hub.



Figure 3.4 - Rural

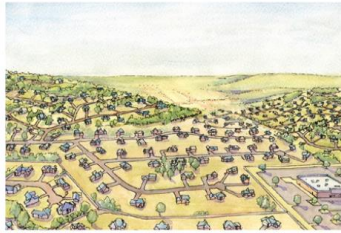


Figure 3.5 - Suburban Sprawl



Figure 3.6 - Traditional Development

Goal 3 Objectives

3.3.1 *Require new growth that results in neighborhoods, districts and corridors that are:*

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 *Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.*

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 *Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.*

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with \$2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of \$1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.

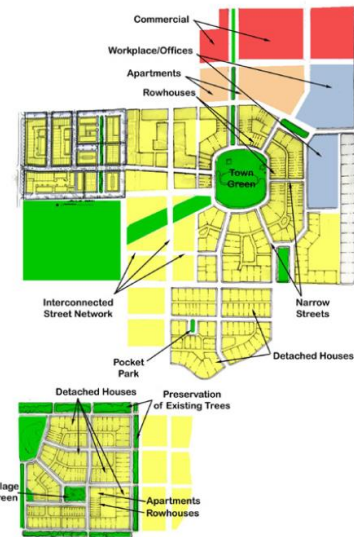
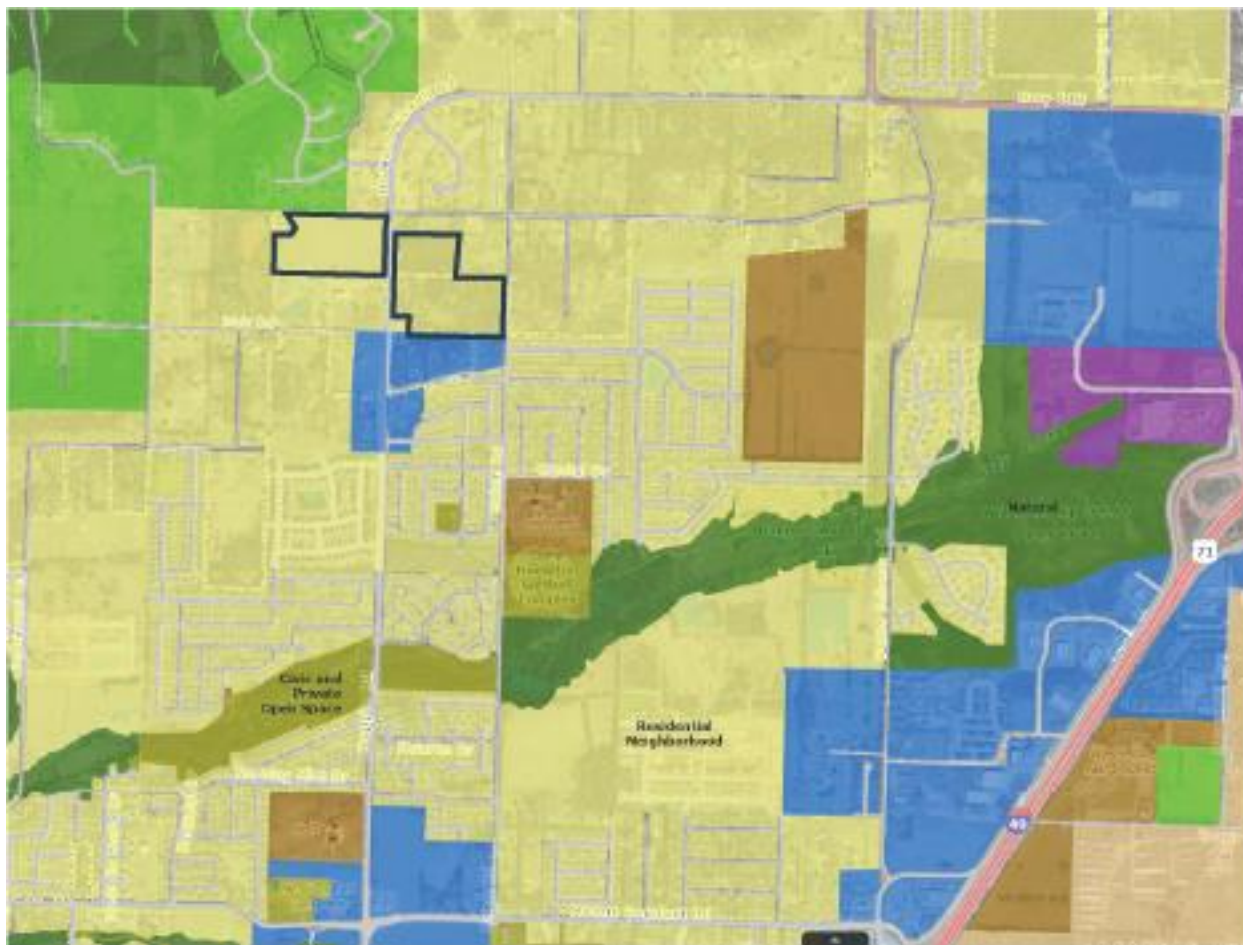


Figure 3.10 - Example Development Layout



Figure 3.11 - Example Development Layout



The Proposed development's location in a Residential Neighborhood Area and directly adjacent a City Neighborhood Area reflects the creatively gathered density and emphasis on walkability that is required to support the Tier Center and Transit Readiness Goals of the City. Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood. The following guiding policies are designed to encourage future and existing residential neighborhoods to be or become more complete, compact and connected:

- Encourage a block and street layout that promotes walkable and bicycle friendly road designs with slow vehicular design speeds.
- Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- Eliminate designs elements that prohibit complete, compact and connected neighborhoods.
- Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.

- Encourage the scale of new development to be compatible in use and proportionality between a variety of residential and non-residential uses.
- Site new residential areas accessible to roadways, sidewalks, trails, transit, parklands, schools, existing utilities, and retail commercial goods and services.
- Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- Continue to encourage context-sensitive streets, allowing for efficient access to commercial residential areas for vehicles, pedestrians and cyclists.

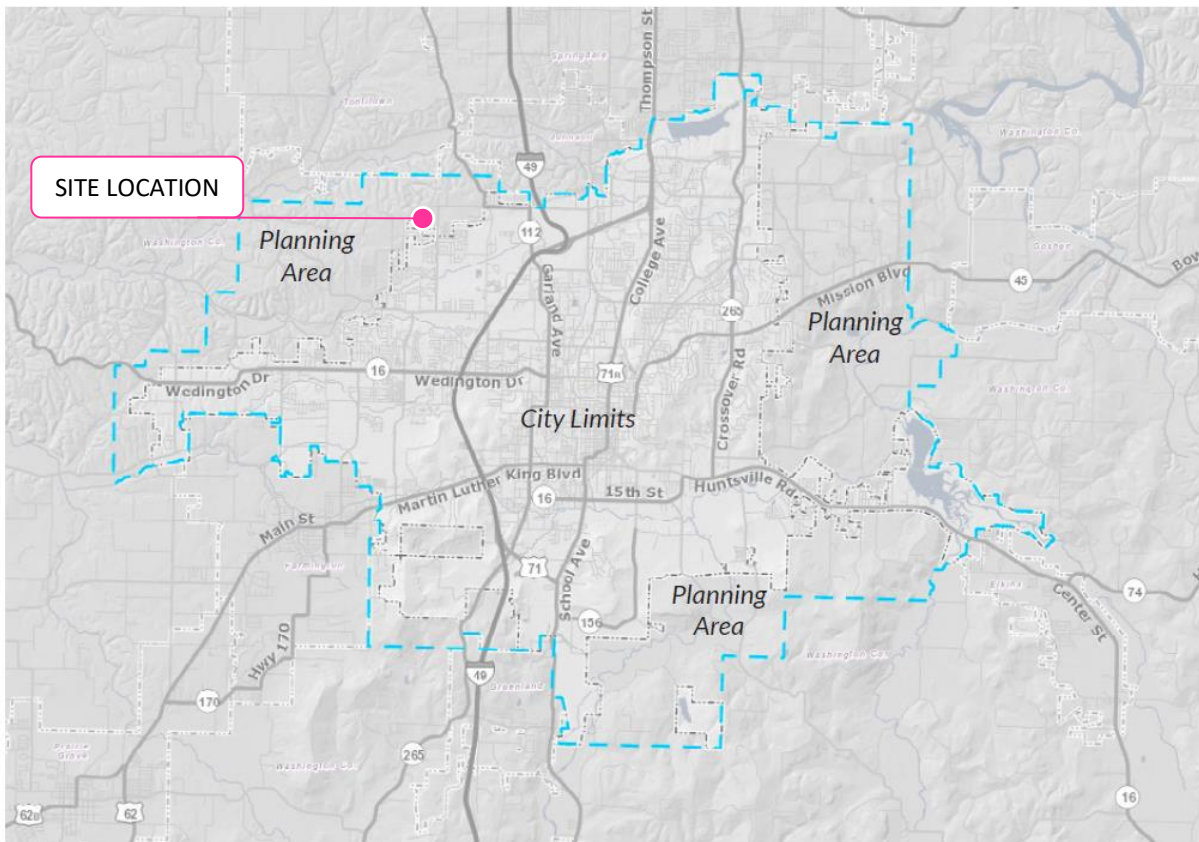


Figure 4.2 - City Limits and Planning Area

One parcel (001-16726-000) will be concurrently annexed for this proposed development as they rest just outside current City limits yet sit well within the City's Planning Area as well as the "Mayor's Box" of Rupple Road and Howard Nickell Road.

L

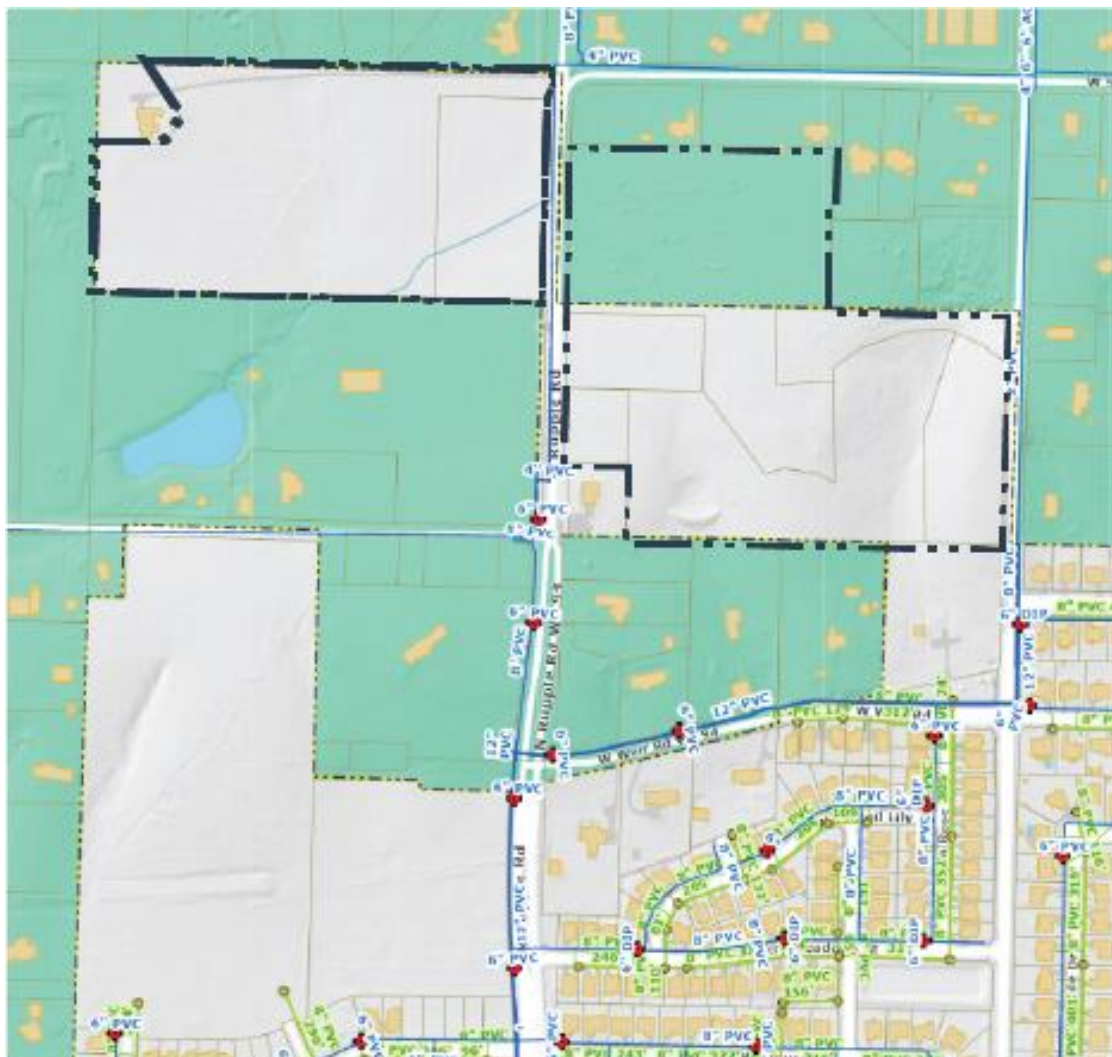
Traffic Study

A traffic study has not been deemed necessary at this time. Off Site Improvements will be determined at the time of development review. We would like to note that the age-restricted use of the property west of Ruppel Road is likely to decrease traffic incident with the development significantly.

M

Impacts on City Services

The development in question would add public water, sewer and street improvements to the city as well as add to the sidewalk connectivity to the city's network. The project would also require trash service, fire department services, and police services. The City has stated it cannot provide a letter guaranteeing any project service until that project has been approved, yet extensive coordination with water and sewer capacity has been completed in advance of the PZD. The developer understands the required water and sewer upgrades that will be required to serve the project. Existing utility connections are shown below.



N

Development Standards, Conditions, and Review Guidelines

Screening and Landscaping, Traffic and Circulation, Parking Standards, Perimeter Treatment, Sidewalks, Streetlights, Water, Sewer, Streets and Drainage, Construction of Non-Residential Facilities, Tree Preservation, Architectural Design Standards, Proposed Signage, and View Protection will follow City of Fayetteville Unified Development Code Standards, except as differentiated below.

Proposed Architectural Design Standards

Building Elevations will be submitted at the time of development and will meet the following requirements.

- (A) *Purpose.* The intent of this ordinance is to encourage timeless architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space.
- (B) *Applicability.* The Architectural Design Standards are applicable in the following instances:
 - (1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.
 - (2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.
 - (3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.
 - (4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.
 - (5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.
- (D) *Porches and Stoops.* If a building has a porch or stoop then it shall comply with the following regulations:
 - (1) *Front Porches.*
 - (a) *Standard.*
 - (i) *Depth.* 6 feet minimum from the principal façade to the inside of the column face.
 - (ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.
 - (b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.
 - (2) *Stoops.*
 - (a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.
 - (i) *Depth.* 4 feet minimum from the principal façade to the inside of the column face for stoops with a covered landing.

- (ii) *Height.* 96 inches maximum.
 - (iii) *Length.* Maximum 12-foot width for each individual building entrance or group of connected entrances. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.
 - (b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade and may extend into the right-of-way in accordance with the building code adopted by the City of Fayetteville.
 - (c) *Placement.* Sidewalks shall have a minimum 5 feet clear access for pedestrian movements. Stoops shall not be built within 18 inches of the side property line on attached unit types.
- (3) *Projected Bay.*
- (a) *Standard.* Bays shall consist of habitable space.
 - (i) *Depth.* 4 feet maximum from the principal facade.
 - (ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 feet clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 feet clear.
 - (iii) *Length.* 50% maximum of the principal façade length.
 - (b) *Second Story Right-of-Way Encroachment.* Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.
 - (c) *Placement.* Projected bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.
- (E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.
- (1) *Rear Yards Only.* The following shall only be located in the rear yard unless screened in a side yard by a durable and attractive screen or fence enclosure:
- (a) Trash dumpsters.
 - (b) Trash and recycling carts and bins.
- (2) *Exterior Prohibited Materials.* The following shall be prohibited:
- (a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.
 - (b) *Shutters made of plastic.*
 - (c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).
 - (d) *Plastic or PVC roof tiles.*
 - (e) *Aluminum siding.*
 - (f) *Vinyl siding.*
 - (g) *Wood fiber board.*
 - (h) *Unfinished pressure-treated wood.*

- (i) *EIFS* (Exterior Insulation Finish System) located on the first or ground floor.
- (3) *Columns, Arches, Pedestals, Railings and Balustrades.*
 - (a) *Permitted Configurations.*
 - (i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.
 - (ii) Round columns shall have a minimum 6-inch outer diameter with or without capitals and bases.
 - (iii) Pedestals shall have a minimum width of 8 inches.
 - (b) *Permitted Materials.*
 - (i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (ii) *Arches and Lintels.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.
- (4) *Windows, Skylights, and Doors.*
 - (a) *General Requirements.*
 - (i) Visible sills on the exterior of the building are required for all windows.
 - (ii) Windows shall have trim on the sides and top when the exterior of the building is fiber cement siding. Window trim shall have a minimum dimension of 0.75 inches × 3.5 inches (a normal 1×4).
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (b) *Permitted Configurations.*
 - (i) All window configurations are allowed.
 - (c) *Permitted Finish Materials*
 - (i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
 - (ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)
 - (iii) *Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(5) *Roofs and Gutters.*

(a) *General Requirements.*

- (i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
- (ii) Applied mansard roofs are not permitted.
- (iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

(b) *Permitted Configurations.*

- (i) Gutters may be rectangular, square, half-round, or Ogee sections.

(c) *Permitted Finish Materials*

- (i) *Metal Roofs.* Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
- (ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.
- (iii) *Gutters and Downspouts.* Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.

(6) *Garden Walls, Fences and Hedges.*

(a) *General Requirements.*

- (i) Fences, garden walls, or hedges are permitted along side yards, rear yards, and all property lines which abut public streets or alleys.
- (ii) Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 6 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.

(b) *Height.*

- (i) Front yard (in front of the primary structure) maximum height of 42 inches.
- (ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 8 feet.

(c) *Permitted Configurations.*

- (i) *Wood Fences.* Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.
- (ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum 5/8-inch diameter, and 4-inch maximum clear space between the pickets.
- (iii) *Brick and Stone.*

(d) *Permitted Finish Materials*

- (i) Wood.
- (ii) Wrought iron, steel and cast iron.
- (iii) Brick and stone.
- (iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.

- (v) Reinforced concrete with or without stucco as long as the primary structure corresponds.
- (7) *Opacity and Facades.*
- (a) *General Requirements.*
 - (i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal façade area.
 - (ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum stepback of 15 feet from the principal façade.
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (iv) All glass shall have a Low-E coating.
 - (v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.
 - (b) *First or Ground Floor Requirements of Any Principal Façade.*
 - (i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.
 - (ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor.
 - (iii) Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.
 - (iv) Multi-family residential space shall have a minimum of 40% glass on the first or ground floor.
 - (v) Single family and two (2) family residential space shall have a minimum of 5% glass on the first or ground floor.
 - (vi) The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2—12 feet above the sidewalk. For a building façade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the finished floor elevation (FFE).
 - (vii) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

Proposed Landscape Standards

The project will comply with the standard Landscape Standards of the City of Fayetteville. Where lots front onto an alley, public or private open space, or pedestrian access, either one (1) tree per lot or one (1) tree for every 30' of frontage, whichever is fewer, shall be provided. These trees shall be placed in the proximity of the lot yet shall not be required to be placed on the lot; they may be clustered or arranged to the benefit of the alley, open space, or pedestrian access in an overall quantity to meet the spirit of UDC 177.05(B).

O

Planned Zoning District Intent Fulfillment

Flexibility	While this project’s design and philosophy is wholly in line with the City of Fayetteville’s City Plan 2040 goals, the project requires the flexibility of a Planned Zoning District to achieve two elements: townhouses in sets of more than 4 contiguous units and alley-loaded units facing a park rather than a street right of way. In all other ways, the project could be developed under typical existing form-based zones. The flexibility of a PZD provides the project with the opportunity to provide more traditional townhouse blocks of 5 and 6 contiguous units and platted fee simple lots facing green space. This arrangement allows for density more in line with the city’s goals, demographic and housing cost needs of citizens, and provides the opportunity for additional common natural space. Units with front porches that face directly onto a park allow young children to safely play together in park space right outside the front door, without the danger of crossing the street, and within the safe view of parents sitting on front porches and stoops. The public “right of way” as park maintains all the pedestrian connectivity and social connection of a neighborhood street, but replaces the large space typically dedicated to cars in the right of way to playing children and low impact development stormwater storage.
Compatibility	The surrounding properties to the north outside City limits are larger lot single family residences and estate residential strips tucked into the forested hills. Patterned southeast towards Holcomb Elementary are RSF-8 and RSF-4 neighborhoods with minimal to no green space. Catty-corner to the southwest down Ruppel is a +/- 4.7 acre Neighborhood Services – General site that may soon provide some of the commercial services and feel desired by its City Neighborhood designation in the Future Land Use plan. This proposed neighborhood development compatibly blends the compact footprints of attainable and age-in-place neighborhoods with the more rural natural setting of the County properties to the northwest through its intentional preservation of a large percentage of the site’s most sensitive ecological areas and provides a natural variety of housing product and price points with a walkable community structure.
Harmony	The PZD allows for an orderly and creative provision of housing in a walkable format with densities appropriate to the area and the supporting infrastructure in the neighborhood.
Variety	The proposed neighborhood provides a variety of unit types, uses, and price points for residents not typically found in an exclusionary single family neighborhood. The age-restricted western portion of the develop provides 2-3 bedroom units that address a critical market need for attainable age-in-place residences. The inclusion of multi-family housing by right in this PZD is purely a result of desiring to provide more traditional runs of townhouses with 5-9 contiguous buildings.
No Negative Impacts	The development provides no negative effect upon the future development of the area, providing a complete, compact, and connected street network and a flexible, traditional block structure that allows future flexibility and redevelopment within the neighborhood.
Coordination	The land surrounding the property to the south is largely already developed. Connections and rational edge to the development have been provided to the future development to the west, the large single family parcels to the northeast, and potential future connectivity to the east. These measures plan for future development and urbanization so they may occur in a coordinated and coherent manner.
Open Space	One of the primary benefits of the PZD approach for the development of this site is allowing the provision of more usable and suitably located open space for recreation than would otherwise be possible under typical zoning regulations.

- Natural Features** The plan for the proposed development exemplifies the aims of PZDs to provide “maximum enhancement and minimal disruption of existing natural features and amenities.” The existing landforms and drainage patterns are respected and celebrated through their integration into functional stormwater management and open green space amenity. The steep, wooded ravines on the eastern portion of the proposed development are intentionally preserved to minimize siltation and runoff for better water quality as well as to retain canopy coverage and natural habitat that can be sensitively enjoyed for passive recreation.
- Future Land Use Plan** The PZD’s careful layout of planning areas secures considerably gathered density as a means to nurture the postcard aspiration of traditional communities with neighbors chatting from porch to porch and preservation of natural areas that are harmoniously consistent with the guiding policies of the Future Land Use Plan.
- Special Features** The site’s topography and drainage patterns present challenges to providing dense enough development without significant earthwork and engineered stormwater management. The geometry and dimensions of the site makes efficient, rear loaded units a challenge. The PZD’s innovative approach to frontages and careful attendance to planning area layout allow for a reasonable density and unit mix that would be challenging under typical zoning regulations.
- Recognized Zoning Consideration** The proposed zoning approach is novel and allows a degree of flexibility use designed to reduce car trips and increase the walkability and resilience of the neighborhood. It does allow several things not currently typical to the city’s zoning regulations, as is appropriate and intentional to the concept of PZD’s within the city.

