

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8267*



## **Planning Commission Tentative Agenda**

**Thursday, August 21, 2025**

**4:30 PM**

**City Hall Room 219**

### **Planning Commission Members**

*Andrew Brink, Chair*

*Brad Payne, Vice Chair*

*Jimm Garlock, Secretary*

*Matthew Cabe*

*Nick Castin*

*Fred Gulley*

*Mary Madden*

*Mary McGetrick*

*Nick Werner*

*Senior Assistant City Attorney Blake Pennington*



## Zoom Information

**Webinar ID:** 876 3387 8529

**Registration Link:** [https://fayetteville-ar.zoom.us/webinar/register/WN\\_2MCQ0C2tTD21HEfPKTrjTg](https://fayetteville-ar.zoom.us/webinar/register/WN_2MCQ0C2tTD21HEfPKTrjTg)

## Call to Order

## Roll Call

## Consent

### 1. MINUTES:

Approval of the minutes from the August 11, 2025 Planning Commission. -  
Mirinda Hopkins, Development Coordinator

## Unfinished Business

### 2. **ADM-2025-0031: Administrative Item (AMEND UDC CHAPTERS 167.04, TREE PRESERVATION AND PROTECTION AND 167.05, TREE PROTECTION MEASURES AND CONSTRUCTION):**

Submitted by CITY OF FAYETTEVILLE STAFF. The request is for an amendment to UDC 167.04 and 167.05. The proposed code changes would clarify requirements for tree preservation before and during construction.

*THIS ITEM WAS TABLED AT THE JULY 28, 2025 AND AUGUST 11, 2025 PLANNING COMMISSION MEETINGS.* - Willa Thomason, Urban Forester

### 3. **ADM-2025-0029: Administrative Item (1236 & 1246 S. SCHOOL AVE/VAUGHN RECYCLING, 562):**

Submitted by HALBERT LAW OFFICE for property located at 1236 & 1246 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 2.33 acres. The request is to extend the approval of a conditional use permit and amend its associated conditions. - Donna Wonsower, Senior Planner

### 4. **CUP-2025-0036: Conditional Use Permit (SOUTHEAST CORNER OF S. SHERMAN AVE & E. 5TH ST/T BASS INVESTMENTS LLC, 526):**

Submitted by CHANCE CONTRACTORS INC for property located on the SOUTHEAST CORNER OF S. SHERMAN AVE & E. 5TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and

contains approximately 0.29 acres. The request is to build a duplex in a residential single-family zoning district. - Wesley Frank, Planner

**5. CUP-2025-0037: Conditional Use Permit (160 S. 85TH AVE/CONLEY, 510):**

Submitted by CHRIS BROADWAY for property located at 160 S. 85TH AVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.52 acres. The request is for an accessory structure exceeding 50% the size of the principal structure.

*THIS ITEM WAS TABLED AT THE AUGUST 11, 2025 PLANNING COMMISSION MEETING.* - Donna Wonsower, Senior Planner

**6. RZN-2025-0029: Rezoning (5911 W. TACKETT DR/THOMAS, 436):**

Submitted by JOYCE THOMAS for property located at 5911 W. TACKETT DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.33 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

*THIS ITEM WAS TABLED AT THE AUGUST 11, 2025 PLANNING COMMISSION MEETING.* - Wesley Frank, Planner

**7. ADM-2025-0030: Administrative Item (N. RAVEN LN/KTB LIMITED PARTNERSHIP, 285):**

Submitted by CRAFTON TULL for property located on N. RAVEN LN. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 49.2 acres. The request is to amend the Master Street Plan.

*THIS ITEM WAS TABLED AT THE AUGUST 11, 2025 PLANNING COMMISSION MEETING.* - Jessica Masters, Planning Director

**8. PZD-2025-0003: Planned Zoning District (N. RAVEN LN/KTB LIMITED PARTNERSHIP, 285):**

Submitted by CRAFTON TULL for property located on N. RAVEN LN. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 49.2 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

*THIS ITEM WAS TABLED AT THE AUGUST 11, 2025 PLANNING COMMISSION MEETING.* - Jessica Masters, Planning Director

**New Business**

**9. ADM-2025-0034: Administrative Item (3568 W. MOUNT COMFORT RD/LANDMARC CUSTOM HOMES LLC, 323):**

Submitted by BATES & ASSOCIATES for property located at 3568 W. MOUNT COMFORT RD. The property is zoned CS, COMMUNITY SERVICES, and RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 18.00 acres. The request is to amend a planned zoning district. - Jessica Masters, Planning Director

**10. ADM-2025-0036: Administrative Item (E. PUMP STATION RD & S. DEAD HORSE MTN RD/ CITY OF FAYETTEVILLE, WATERSHED CONSERVATION RESOURCE CENTER, BENTON, 604 & 605):**

Submitted by the CITY OF FAYETTEVILLE for property located at E. PUMP STATION RD & S. DEAD HORSE MTN RD. The property is zoned P-1, INSTITUTIONAL, and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 434.80 acres. The request is to modify the master street plan. - Jessica Masters, Planning Director

**11. VAR-2025-0036: Planning Commission Variance (NORTHEAST OF E. TOWNSHIP ST & N. COLLEGE AVE/ENCLAVE CAPITAL PARTNERS, 290):**

Submitted by BATES & ASSOCIATES for property located NORTHEAST OF E. TOWNSHIP ST & N. COLLEGE AVE. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.79 acres. The request is for variance from Urban Residential Design Standards. - Wesley Frank, Planner

**12. VAR-2025-0037: Planning Commission Variance (339 N. WEST AVE/ICE HOUSE LLC, 484):**

Submitted by COMBS CONSTRUCTION GROUP for property located 339 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.72 acres. The request is for variance from Building Design Standards.

*THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION.* - Donna Wonsower, Senior Planner

**13. RZN-2025-0031: Rezoning (3900 W. DINSMORE TRL/TEAGUE, 517):**

Submitted by JORGENSEN & ASSOCIATES for property located at 3900 W. DINSMORE TRL. The property is zoned CS, COMMUNITY SERVICES and NC, NEIGHBORHOOD CONSERVATION and contains approximately 60.00 acres. The request is to rezone 9.9 acres from NC, NEIGHBORHOOD CONSERVATION to CS, COMMUNITY SERVICES. - Wesley Frank, Planner

**14. ANX-2025-0001: Annexation (W. LIERLY LN/MOORE, 244 & 283):**

Submitted by RMP LLP for property located on W. LIERLY LN. The property is

located outside of the city limits and contains approximately 19.92 acres. The request is to annex the property into Fayetteville city limits. - Donna Wonsower, Senior Planner

**15. RZN-2025-0032: Rezoning (W. LIERLY LN/MOORE, 244 & 283):**

Submitted by RMP LLP for property located on W. LIERLY LN. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 19.92 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. - Donna Wonsower, Senior Planner

**Items Administratively Approved by Staff**

**16. LSP-2025-0019: Lot Split (2825 E. INWOOD LN/BATES & ASSOCIATES):**

Submitted by BATES & ASSOCIATES for property located at 2825 E. INWOOD LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.19 acres. The request is to split the lot into two lots containing approximately 0.35 and 0.84 acres. - Wesley Frank, Planner

**17. LSP-2025-0020: Lot Split (5060 E. HUNTSVILLE RD/KNOX, 570):**

Submitted by JEFF KNOX for property located at 5060 E. HUNTSVILLE RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 32.90 acres. The request is to split the property into three lots containing approximately 2.03, 20.44, and 10.32 acres. - Wesley Frank, Planner

**18. LSP-2025-0023: Lot Split (2784 E. BLACK WALNUT CIR/SMYTH REVIVAL LLC, 410):**

Submitted by COMMUNITY BY DESIGN for property located at 2784 E. BLACK WALNUT CIR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains two lots with 1.01 and 0.92 acres. The request is to split the lots into 16 lots containing approximately 0.11, 0.09, 0.13, 0.11, 0.14, 0.11, 0.09, 0.15, 0.28, 0.13, 0.08, 0.07, 0.08, 0.09, 0.09 and 0.20 acres. - Jessica Masters, Planning Director

**19. LSIP-2024-0013: Large Site Improvement Plan (SOUTHWEST OF W. MARTIN LUTHER KING JR BLVD & S. HANSHEW RD/ADDISON PARK, 595):**

Submitted by ENGINEERING SERVICES INC for property located SOUTHWEST OF W. MARTIN LUTHER KING JR BLVD & S. HANSHEW RD. The property is zoned UT, URBAN THOROUGHFARE, CS, COMMUNITY SERVICES, and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 24.57 acres. The request is for a 290-unit multi-family residential development and associated parking. - Jessica Masters, Planning Director

**20. LSIP-2025-0004: Large Site Improvement Plan (N. MANSFIELD AVE/DRAKE FARMS PH 2, 250):**

Submitted by ECOLOGICAL DESIGN GROUP for property located on N. MANSFIELD AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 3.71 acres. The request is for a 131-unit residential development with associated parking. - Jessica Masters, Planning Director

**21. LSIP-2025-0006: Large Site Improvement Plan (W. VAN ASCHE DR/VAN ASCHE MULTI-FAMILY, 210):**

Submitted by KIMLEY-HORN for property located on W. VAN ASCHE DR. The property is zoned CS, COMMUNITY SERVICES, and C-2, THOROUGHFARE COMMERCIAL and contains approximately 19.01 acres. The request is for a 324-unit multi-family development with associated parking. - Jessica Masters, Planning Director

**Agenda Session Items**

**Announcements**

**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, 08/11/2025                                                                                                  |                                                        |                                                             |                                                                                         |                                                             |         |                                          |
|---------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------|---------|------------------------------------------|
| <b>Time:</b> 5:30 PM                                                                                                |                  |                                                                                                                     |                                                        |                                                             |                                                                                         |                                                             |         |                                          |
| <b>Staff :</b> □ Jonathan Curth ✕ Jessie Masters ✕ Donna Wonsower ✕ Wesley Frank ✕ Willa Thomason ✕ Bethany Douglas |                  |                                                                                                                     |                                                        |                                                             |                                                                                         |                                                             |         |                                          |
|                                                                                                                     |                  | □ Britin Bostick □ Kylee Cole □ Chris Brown ✕ Justin Bland □ Melissa Boyd □ Dayten Moses ✕ Alan Pugh ✕ Fire Marshal |                                                        |                                                             |                                                                                         |                                                             |         |                                          |
|                                                                                                                     | <b>Roll Call</b> | <b>1) Minutes<br/>(07/28/2025)</b>                                                                                  | <b>2) LSD-2025-0011<br/>(ROCZEN BUSINESS<br/>PARK)</b> | <b>4) ADM-2025-0031<br/>(AMEND UDC TREE<br/>PROTECTION)</b> | <b>3) VAC-2025-0016 (PBS<br/>PROPERTIES)</b>                                            | <b>5) RZN-2025-0026<br/>(CONRAD)</b>                        |         | <b>6) PZD-2025-0004<br/>(FARRIS)</b>     |
| Castin                                                                                                              | 1                | 1                                                                                                                   | 1                                                      | 1                                                           | 1                                                                                       | 1                                                           | 1       | 1                                        |
| Werner                                                                                                              | 1                | 1                                                                                                                   | 1                                                      | 1                                                           | 1                                                                                       | 1                                                           | 1       | 0                                        |
| Gulley                                                                                                              | 1                | 1                                                                                                                   | 1                                                      | 1                                                           | 1                                                                                       | 1                                                           | 1       | 0                                        |
| Madden                                                                                                              | 1                | 1                                                                                                                   | 1                                                      | 0                                                           | 1                                                                                       | 1                                                           | 1       | 0                                        |
| Cabe                                                                                                                | 1                | 1                                                                                                                   | 1                                                      | 0                                                           | 1                                                                                       | 1                                                           | 1       | Recuse                                   |
| Payne                                                                                                               | 1                | 1                                                                                                                   | 1                                                      | 1                                                           | 1                                                                                       | 1                                                           | 0       | 1                                        |
| Brink                                                                                                               | 1                | 1                                                                                                                   | 1                                                      | 1                                                           | 1                                                                                       | 1                                                           | 1       | 1                                        |
| Garlock                                                                                                             | 1                | 1                                                                                                                   | 1                                                      | 0                                                           | 1                                                                                       | 1                                                           | 1       | 0                                        |
| McGetrick                                                                                                           | 1                | 1                                                                                                                   | 1                                                      | 1                                                           | 1                                                                                       | 1                                                           | 1       | 1                                        |
|                                                                                                                     |                  |                                                                                                                     |                                                        |                                                             |                                                                                         |                                                             |         |                                          |
| <b>Agenda</b>                                                                                                       |                  | <b>Consent</b>                                                                                                      | <b>Consent</b>                                         | <b>Old</b>                                                  | <b>New</b>                                                                              | <b>New</b>                                                  |         | <b>New</b>                               |
| <b>Action</b>                                                                                                       |                  | Approve                                                                                                             | Approve                                                | Table                                                       | Forward                                                                                 | Reconsider                                                  | Forward | Reconsider                               |
| <b>Motion By</b>                                                                                                    |                  | Cabe                                                                                                                | Cabe                                                   | Werner                                                      | Werner                                                                                  | Werner                                                      | Madden  | Werner                                   |
| <b>Motion 2nd</b>                                                                                                   |                  | Payne                                                                                                               | Payne                                                  | McGetrick                                                   | Cabe                                                                                    | Castin                                                      | Castin  | Gulley                                   |
| <b>Vote</b>                                                                                                         |                  | 9-0-0                                                                                                               | 9-0-0                                                  | 6-3-0                                                       | 9-0-0                                                                                   | 9-0-0                                                       | 8-1-0   | 4-4-1                                    |
| <b>Time</b>                                                                                                         |                  | 5:33 PM                                                                                                             | 5:33 PM                                                | 6:03 PM                                                     | 6:09 PM                                                                                 | 6:45 PM                                                     |         | 6:55 PM                                  |
| <b>Motion Detail</b>                                                                                                |                  |                                                                                                                     |                                                        |                                                             | Moved from consent to first item of New Business.<br>With a recommendation of approval. | With a recommendation of approval with a Bill of Assurance. |         | Motion failed for lack of majority vote. |
| <b>Public Comment</b>                                                                                               |                  | 0                                                                                                                   | 0                                                      | 2                                                           | 1                                                                                       | 6                                                           |         | 0                                        |

| (pg. 2) Planning Commission |                                           |                                                                            |         | Monday, 08/11/2025                              |                                                 |                                                                         |                                                          |
|-----------------------------|-------------------------------------------|----------------------------------------------------------------------------|---------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------|
|                             |                                           |                                                                            |         |                                                 |                                                 |                                                                         |                                                          |
|                             |                                           |                                                                            |         |                                                 |                                                 |                                                                         |                                                          |
|                             |                                           |                                                                            |         |                                                 |                                                 |                                                                         |                                                          |
|                             | 7) ADM-2025-0035 (OZARK<br>NATURAL FOODS) |                                                                            |         | 8) VAR-2025-0034<br>(COPALLIS)                  | 9) VAR-2025-0035<br>(RAMAY JR HIGH<br>SCHOOL)   | 10) LSD-2025-0010<br>(MOTELIER<br>FAYETTEVILLE)                         | 11) CUP-2025-0036 (T<br>BASS INVESTMENTS)                |
| Castin                      | 0                                         | 0                                                                          | 1       | 1                                               | 1                                               | 1                                                                       | 1                                                        |
| Werner                      | 1                                         | 1                                                                          | 1       | 1                                               | 1                                               | 1                                                                       | 1                                                        |
| Gulley                      | 0                                         | 0                                                                          | 1       | 1                                               | 0                                               | 1                                                                       | 1                                                        |
| Madden                      | 1                                         | 0                                                                          | 1       | 1                                               | 1                                               | 1                                                                       | 1                                                        |
| Cabe                        | 1                                         | 0                                                                          | 1       | 1                                               | Recuse                                          | 1                                                                       | 1                                                        |
| Payne                       | 1                                         | 0                                                                          | 0       | 1                                               | 0                                               | 1                                                                       | 1                                                        |
| Brink                       | 1                                         | 1                                                                          | 1       | 1                                               | 1                                               | 1                                                                       | 1                                                        |
| Garlock                     | 1                                         | 0                                                                          | 1       | 1                                               | 0                                               | 1                                                                       | 1                                                        |
| McGetrick                   | 1                                         | 1                                                                          | 1       | 1                                               | 1                                               | 1                                                                       | 1                                                        |
|                             |                                           |                                                                            |         |                                                 |                                                 |                                                                         |                                                          |
| Agenda                      | New                                       |                                                                            |         | New                                             | New                                             | New                                                                     | New                                                      |
| Action                      | Divide                                    | Amend                                                                      | Approve | Approve                                         | Approve                                         | Approve                                                                 | Table                                                    |
| Motion By                   | Werner                                    | Werner                                                                     | Werner  | Cabe                                            | Payne                                           | Garlock                                                                 | Werner                                                   |
| Motion 2nd                  | Brink                                     | Brink                                                                      | Brink   | Werner                                          | Garlock                                         | Cabe                                                                    | Payne                                                    |
| Vote                        | 7-2-0                                     | 3-6-0                                                                      | 8-1-0   | 9-0-0                                           | 5-3-1                                           | 9-0-0                                                                   | 9-0-0                                                    |
| Time                        | 7:04 PM                                   |                                                                            |         | 7:10 PM                                         | 8:18 PM                                         | 8:46 PM                                                                 | 8:52 PM                                                  |
|                             |                                           | Remove<br>condition<br>limiting<br>the<br>number<br>of events<br>per year. |         | With all conditions as<br>recommended by staff. | With all conditions as<br>recommended by staff. | In favor of all variances and<br>conditions as recommended<br>by staff. | Until August 25, 2025<br>Planning Commission<br>meeting. |
| Public Comment              | 1                                         |                                                                            |         | 1                                               | 9                                               | 0                                                                       | 2                                                        |

| (pg. 3) Planning Commission |                                                          |                                       |                                       |                                                          |                                       |                                           |
|-----------------------------|----------------------------------------------------------|---------------------------------------|---------------------------------------|----------------------------------------------------------|---------------------------------------|-------------------------------------------|
| Monday, 08/11/2025          |                                                          |                                       |                                       |                                                          |                                       |                                           |
|                             |                                                          |                                       |                                       |                                                          |                                       |                                           |
|                             |                                                          |                                       |                                       |                                                          |                                       |                                           |
|                             |                                                          |                                       |                                       |                                                          |                                       |                                           |
|                             | 12) CUP-2025-0037<br>(CONLEY)                            | 13) RZN-2025-0027<br>(SUMMERHILL)     | 14) RZN-2025-0028<br>(DAVIS)          | 15) RZN-2025-0029<br>(THOMAS)                            | 16) RZN-2025-0030<br>(SCHOBY)         | 17) CPL-2025-0011<br>(REINDL INVESTMENTS) |
| Castin                      | 1                                                        | 1                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Werner                      | 1                                                        | 0                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Gulley                      | 1                                                        | 0                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Madden                      | 1                                                        | 1                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Cabe                        | 1                                                        | 0                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Payne                       | 1                                                        | 0                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Brink                       | 1                                                        | 1                                     | 1                                     | 1                                                        | 1                                     |                                           |
| Garlock                     | 1                                                        | 0                                     | 1                                     | 1                                                        | 1                                     |                                           |
| McGetrick                   | 1                                                        | 0                                     | 1                                     | 1                                                        | 1                                     |                                           |
|                             |                                                          |                                       |                                       |                                                          |                                       |                                           |
| Agenda                      | New                                                      | New                                   | New                                   | New                                                      | New                                   | New                                       |
| Action                      | Table                                                    | Forward                               | Forward                               | Table                                                    | Forward                               |                                           |
| Motion By                   | Werner                                                   | Payne                                 | Cabe                                  | Payne                                                    | Garlock                               |                                           |
| Motion 2nd                  | Cabe                                                     | Garlock                               | McGetrick                             | Werner                                                   | Cabe                                  |                                           |
| Vote                        | 9-0-0                                                    | 3-6-0                                 | 9-0-0                                 | 9-0-0                                                    | 9-0-0                                 |                                           |
| Time                        | 8:53 PM                                                  | 9:35 PM                               | 9:41 PM                               | 9:43 PM                                                  | 9:50 PM                               | Comments issued.                          |
| Motion Detail               | Until August 25, 2025<br>Planning Commission<br>meeting. | With a recommendation of<br>approval. | With a recommendation of<br>approval. | Until August 25, 2025<br>Planning Commission<br>meeting. | With a recommendation of<br>approval. |                                           |
| Public Comment              | 0                                                        | 7                                     | 0                                     | 1                                                        | 0                                     |                                           |



| (pg. 4) Planning Commission |                                                               |                                                               | Monday, 08/11/2025 |  |  |  |
|-----------------------------|---------------------------------------------------------------|---------------------------------------------------------------|--------------------|--|--|--|
|                             |                                                               |                                                               |                    |  |  |  |
|                             |                                                               |                                                               |                    |  |  |  |
|                             |                                                               |                                                               |                    |  |  |  |
|                             | 18) ADM-2025-0030<br>(KTB LIMITED PARTNERSHIP)                | 19) PZD-2025-0003<br>(KTB LIMITED PARTNERSHIP)                |                    |  |  |  |
| Castin                      |                                                               | 1                                                             |                    |  |  |  |
| Werner                      | 1                                                             | 1                                                             |                    |  |  |  |
| Gulley                      | 1                                                             | 1                                                             |                    |  |  |  |
| Madden                      | 1                                                             | 1                                                             |                    |  |  |  |
| Cabe                        | Recuse                                                        | Recuse                                                        |                    |  |  |  |
| Payne                       | 1                                                             | 1                                                             |                    |  |  |  |
| Brink                       | 0                                                             | 0                                                             |                    |  |  |  |
| Garlock                     | 1                                                             | 1                                                             |                    |  |  |  |
| McGetrick                   | 1                                                             | 1                                                             |                    |  |  |  |
|                             |                                                               |                                                               |                    |  |  |  |
| Agenda                      | New                                                           | New                                                           |                    |  |  |  |
| Action                      | Table                                                         | Table                                                         |                    |  |  |  |
| Motion By                   | Werner                                                        | Werner                                                        |                    |  |  |  |
| Motion 2nd                  | Payne                                                         | Payne                                                         |                    |  |  |  |
| Vote                        | 6-1-2                                                         | 7-1-1                                                         |                    |  |  |  |
| Time                        | 11:20 PM                                                      | 11:20 PM                                                      |                    |  |  |  |
| Motion Detail               | Untill the August 25, 2025<br>Planning Commission<br>meeting. | Untill the August 25, 2025<br>Planning Commission<br>meeting. |                    |  |  |  |
|                             |                                                               |                                                               |                    |  |  |  |
| Public Comment              | 3                                                             | 3                                                             |                    |  |  |  |



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Willa Thomason, Urban Forester  
Bethany Douglas, Urban Forester

**MEETING DATE:** August 25, 2025

**SUBJECT:** **ADM-2025-0031: Administrative Item (Amend UDC Chapters 167.04, Tree Preservation and Protection and 167.05, Tree Protection Measures and Construction):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 167.04 and 167.05. The proposed code changes would clarify requirements for tree preservation before and during construction.

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Staff recommend forwarding **ADM-2025-0031** to the City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **ADM-2025-0031** to the City Council with a recommendation of approval."*

**BACKGROUND:**

In 2024, a new Urban Forestry Management Plan (UFMP) was adopted by City Council to provide a ten-year strategic plan to preserve and expand the City's tree canopy. The overall benefits of canopy preservation and expansion acknowledged in the UFMP include carbon sequestration, reduction of urban heat islands, energy savings, reduction of stormwater runoff, improvement of air quality, enhancement of human health and wellness, and increase of property values. Five guiding principles and 15 goals were established following an analysis of baseline data from a 2022 independent arborist assessment of the citywide urban forest, and internal and external stakeholder input. Through this analysis, preservation and protection of existing trees was identified as a high priority.

Among the challenges to continued preservation and expansion of Fayetteville's urban forest identified in the 2024 Management Plan was the need for updated tree-preservation policy aligned with best practices and City priorities. In Appendix D, Ordinance Evaluation, the need to provide incentives for tree preservation rather than mitigation was established as a top priority.

**DISCUSSION:**

These proposed ordinance changes seek to clarify existing policy, as suggested in Appendix D, and to address Goal C2, to "update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the plan". Priority actions to support this goal include developing incentives to preserve existing canopy rather than opting for mitigation, and conservation and protection of significant green spaces through protective easements and other development provisions.

Amendments to bring the Unified Development Code (UDC) into alignment with the UFMP are recommended to:

- 167.04(H)(4) *Analysis Report* to implement a requirement for projects not meeting their minimum canopy requirement on-site to submit an analysis report prepared by an International Society of Arboriculture (ISA)-certified arborist.
- 167.04(L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements* to add clarifying subsection titles, and to create a new subsection describing the extent of activity permitted within a tree preservation easement.
- 167.05(B) *Tree Protection* to clarify and strengthen the City of Fayetteville’s tree protection standards.
- 167.04(A)(9) *Hillside/Hilltop Overlay District* to clarify the tree preservation plan requirements for applicants seeking building or grading permits within the HHOD. This change is needed following the 2024 amendment to §167.04 that introduced the abbreviated tree preservation plan requirement for projects between 1,200 and 6,000 sq. ft. of impervious surface.
- 167.04(C) *Canopy Area* to require all zoning districts within the HHOD to submit a tree preservation plan, rather than just those with residential and C-1 designations.
- 167.04(H)(1)(d) to clarify the location within the UDC of the definition of “significant trees”.

*Public Comment:* The Urban Forestry Advisory Board has vetted these proposed ordinance changes, and staff have integrated their suggestions. Staff have shared these proposed ordinance changes with stakeholders in the development community and have fielded questions but have not received feedback in support of or opposition to the amendments. Urban forestry staff also corresponded with a local tree-care provider to request an estimate for the ISA-arborist-conducted analysis report proposed in §167.04(H)(4). Their response is attached.

**RECOMMENDATION: Staff recommend forwarding ADM-2025-0031 to City Council with a recommendation of approval.**

|                                     |  |                                 |                                    |                                 |                   |
|-------------------------------------|--|---------------------------------|------------------------------------|---------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b>  |  |                                 |                                    | <b>Required</b>                 | <b><u>YES</u></b> |
| <b>Date:</b> <u>August 25, 2025</u> |  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |                   |
| <b>Motion:</b>                      |  |                                 |                                    |                                 |                   |
| <b>Second:</b>                      |  |                                 |                                    |                                 |                   |
| <b>Vote:</b>                        |  |                                 |                                    |                                 |                   |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- **Proposed Ordinance (Clean):**
  - UDC §167.04. Tree Preservation And Protection During Development
  - UDC §167.05. Tree Protection Measures And Construction
- **Proposed Ordinance (Strikethrough):**
  - UDC §167.04. Tree Preservation And Protection During Development
  - UDC §167.05. Tree Protection Measures And Construction

- **Public Comment**
  - Developer Inquiry
  - ISA-Arborist Assessment Estimate

## CHAPTER 167: TREE PRESERVATION AND PROTECTION

### 167.04 Tree Preservation And Protection During Development

(A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:

- (1) *Large Scale Developments.*
- (2) *Large Site Improvement Plan.*
- (3) *Small Site Improvement Plan.*
- (4) *Preliminary Plat.*
- (5) *Final Plat.*
- (6) *Concurrent Plat.*
- (7) *Planned Zoning Districts.*
- (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
- (9) *Hillside/Hilltop Overlay District.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted for projects located within the Hillside/Hilltop Overlay District.
- (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
- (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04 (H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
- (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
  - (a) Person seeking to construct 1,200 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
  - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.

(B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:

- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
- (2) Whether the design incorporates the required tree preservation priorities.
- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

**\*Note—**The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area.* In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

| <b>Table 1<br/>Minimum Canopy Requirements</b>              |                                       |
|-------------------------------------------------------------|---------------------------------------|
| <b>ZONING DESIGNATIONS</b>                                  | <b>PERCENT<br/>MINIMUM<br/>CANOPY</b> |
| R-A, Residential — Agricultural (nonagricultural uses)      | 25%                                   |
| RSF-.5, Single-family Residential — One-Half Unit per Acre  | 25%                                   |
| RSF-1, Single-family Residential — One Unit per Acre        | 25%                                   |
| RSF-2, Single-family Residential — Two Units per Acre       | 20%                                   |
| RSF-4, Single-family Residential — Four Units per Acre      | 25%                                   |
| RSF-7, Single-family Residential — Seven Units per Acre     | 20%                                   |
| RSF-8, Single-family Residential — Eight Units per Acre     | 20%                                   |
| RSF-18, Single-family Residential — Eighteen Units per Acre | 20%                                   |
| R-O, Residential — Office                                   | 20%                                   |

|                                                               |              |
|---------------------------------------------------------------|--------------|
| RI-12, Residential Intermediate — Twelve Units Per Acre       | 20%          |
| RI-U, Residential Intermediate — Urban                        | 15%          |
| RMF-6, Multi-family Residential — Six Units per Acre          | 20%          |
| RMF-12, Multi-family Residential — Twelve Units per Acre      | 20%          |
| RMF-18, Multi-family Residential — Eighteen Units per Acre    | 20%          |
| RMF-24, Multi-family Residential — Twenty-Four Units per Acre | 20%          |
| RMF-40, Multi-family Residential — Forty Units per Acre       | 20%          |
| NS-L, Neighborhood Services — Limited                         | 20%          |
| NS-G, Neighborhood Services — General                         | 20%          |
| C-1, Neighborhood Commercial                                  | 20%          |
| CS, Community Services                                        | 20%          |
| C-2, Thoroughfare Commercial                                  | 15%          |
| UN, Urban Neighborhood                                        | 15%          |
| UC, Urban Corridor                                            | 20%          |
| UT, Urban Thoroughfare                                        | 15%          |
| C-3, Central Business Commercial                              | 15%          |
| DC, Downtown Core                                             | 10%          |
| MSC, Main Street Center                                       | 10%          |
| DG, Downtown General                                          | 10%          |
| NC, Neighborhood Conservation                                 | 20%          |
| I-1, Heavy Commercial and Light Industrial                    | 15%          |
| I-2, General Industrial                                       | 15%          |
| P-1, Institutional                                            | 25%          |
| PZD, Planned Zoning District<br>(HHOD)                        | 25%<br>(30%) |

All zoning districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.
- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.

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- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.

(F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*

- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.



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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.

(G) *Initial Review.*

- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.

(H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).

- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
  - (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
  - (b) The property line boundaries of the site;
  - (c) Soils identified according to the Unified Soil Classification System;
  - (d) Any significant trees, as defined in Chapter 151: Definitions existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
  - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
  - (f) All existing utilities and utility easements;
  - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
  - (h) Floodplains and floodways on the site;

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- (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
  - (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report prepared and signed by an International Society of Arboriculture (ISA)-certified arborist when minimum percent canopy is not met. The report shall include the following:
- a) *Site Plan Overlay.* A site plan overlay specifying the location, DBH, and species of all significant trees on-site, the location of critical root zones (CRZs) and the location of existing and proposed grading, utilities, structures, and impervious surfaces.
  - b) *Tree Health and Structure Evaluation.* Ratings of tree health, structural integrity, and risk, as well as signs of disease, pests, or damage.
  - c) *Feasibility of Preservation:* Site constraints preventing preservation (e.g. topography, utility conflicts), evaluation of design modifications that could increase tree retention, and tree protection measures explored and their viability.
  - d) *Recommendations and Justification:* Summary of why minimum preservation cannot be met, and a recommended course of action.

On sites where invasive tree species, as defined in §177.09, are present, or where existing canopy is of low quality or limited extent, as determined by the urban forester, urban forestry staff may waive or modify this requirement to prioritize the preservation of high-quality, non-invasive tree species.

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- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
  - (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
  - (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.

(I) *Request for On-Site Mitigation.*

- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
  - (a) The number of trees requested for removal;
  - (b) The percentage below the percent minimum canopy requirement they represent; and
  - (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
  - (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
  - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.

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- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(l), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(l)(4).
  - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
    - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
    - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.
    - (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
    - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
  - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
  - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.

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- (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
  - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
  - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
  - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
  - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
    - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
    - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
    - (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
  - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
  - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at

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least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.

- (a) Developments proposed as building permits under Level 2 as outlined in §166.02 (E)(2) are eligible for contribution to the tree escrow account as an option.
- (b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
- (c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
- (d) Money contributed under this section:
  - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
  - (ii) Shall not revert to the general fund for ongoing operations.
- (e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
- (f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
- (g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
- (i) The refund shall be made on a pro rata basis and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.

(K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.

- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.

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- (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
  - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
  - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*

- (1) Tree Preservation Easement Dedication. Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing trees are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
- (2) Tree Preservation Easement Vacation. The geographical extent and location of a tree preservation easement, once recorded, may only be vacated in whole or in part with the express approval of the City Council. Applicants requesting such vacation of an existing tree preservation easement shall bear the burden of proving to the City Council's satisfaction that such vacation is in the best interests of the City of Fayetteville and its residents and businesses. The application for vacation of a tree preservation easement shall be submitted to the urban forester who should present the request and the urban forester's recommendations to the Urban Forestry Advisory Board for its review and recommendations prior to placing the vacation request on the City Council Agenda. The City Council may require that vacation of some or all of a tree preservation easement shall be offset by the establishment of a new tree preservation easement of greater size and/or improved canopy health and ecological benefit to our community. The City may require that a proposed new tree preservation easement be improved by the owner by substantial removal of invasive species, planting of trees approved by the urban forester to improve the canopy within the proposed new tree preservation easement, and/or other mitigation measures..
- (3) Disturbance and Maintenance of Tree Preservation Easements.

Tree preservation easements are established for the express purpose of protecting and maintaining existing tree canopy in perpetuity. Therefore, no grading, excavation, construction, trenching, or any other form of land disturbance or development activity shall be permitted within the boundaries of a recorded tree preservation easement.

No trees—live or dead—shall be removed from a tree preservation easement unless they are identified as invasive species. The removal of invasive plant species, including trees, is permitted and encouraged to support the long-term health and ecological integrity of the preservation area. Such removal should be conducted in accordance with best management practices and, when applicable, under the supervision of a certified arborist.

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Removal of native trees is prohibited, except in cases where such action is necessary to mitigate a verified hazard to life or property. Any such activity must follow industry best practices and be conducted with care to minimize disturbance.

Unauthorized removal, cutting, or disturbance of native trees or vegetation within a tree preservation easement constitutes a violation of this chapter and may result in enforcement actions including, but not limited to restoration requirements, and replanting with native or regionally appropriate species at a replacement ratio determined by the Urban Forester.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824, §3, 11-17-15; Ord. No. 5945, §17, 1-17-17; Ord. No. 5986, §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442, §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446, §9(Exh. D), 6-15-21; Ord. No. 6786, §§ 2—6, 8-20-24; Ord. No. 6793, § 5, 9-17-24; Ord. No. 6830, §4, 1-7-25; Ord. No. 6833, §7, 1-21-25)

### **167.05 Tree Protection Measures And Construction**

- (A) *Site Inspection.* A preliminary site inspection followed by periodic inspections will be conducted by the Urban Forester to ensure compliance with the tree preservation plan.
- (B) *Tree Protection.* Trees illustrated as preserved on tree preservation plans shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in areas with preserved trees. No filling, excavating or other land disturbance shall take place in areas with preserved trees. Before commencing any construction activity, the applicant shall construct tree protection barriers on the site to establish a tree protection zone (TPZ), the centroid of which shall be the trunk of the tree. If the tree's canopy is asymmetrical, the radius of the TPZ shall extend from the trunk to the furthest extent of the dripline. In all cases, the TPZ shall be no less than 10 feet from the trunk or to the dripline, whichever is greater.. If the area within the tree's dripline is affected by construction, the tree may be preserved but replacement plantings may be required by Urban Forestry as a part of the mitigation requirements. The Urban Forester may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, and the roots of which extend onto the site of the proposed construction. Any applicant damaging or destroying an off-site tree shall be required to mitigate such damage or destruction as prescribed by the Urban Forester. If the required barriers surrounding the areas with preserved trees are not adequately maintained during construction, the Urban Forester shall prescribe remedial measures and may issue a stop work order in accordance with §153.07(C). All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy. 366

(Code 1991, §162.11; Ord. No. 3699, §11, 4-20-93; Ord. No. 3925, §8, 10-3-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §7, 4-16-96; Ord. No. 4008, §1, 12-17-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 5986, §36, 7-6-17)



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## 167.04 Tree Preservation And Protection During Development

(A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:

- (1) *Large Scale Developments.*
- (2) *Large Site Improvement Plan.*
- (3) *Small Site Improvement Plan.*
- (4) *Preliminary Plat.*
- (5) *Final Plat.*
- (6) *Concurrent Plat.*
- (7) *Planned Zoning Districts.*
- (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
- (9) *Hillside/Hilltop Overlay District.* ~~A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted for projects located within the Hillside/Hilltop Overlay District. Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.~~
- (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
- (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04 (H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
- (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
  - (a) Person seeking to construct 1,200 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
  - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.

(B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:

- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
- (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

**\*Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area.* In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

| <b>Table 1<br/>Minimum Canopy Requirements</b>             |                                       |
|------------------------------------------------------------|---------------------------------------|
| <b>ZONING DESIGNATIONS</b>                                 | <b>PERCENT<br/>MINIMUM<br/>CANOPY</b> |
| R-A, Residential — Agricultural (nonagricultural uses)     | 25%                                   |
| RSF-.5, Single-family Residential — One-Half Unit per Acre | 25%                                   |
| RSF-1, Single-family Residential — One Unit per Acre       | 25%                                   |
| RSF-2, Single-family Residential — Two Units per Acre      | 20%                                   |
| RSF-4, Single-family Residential — Four Units per Acre     | 25%                                   |

|                                                               |              |
|---------------------------------------------------------------|--------------|
| RSF-7, Single-family Residential — Seven Units per Acre       | 20%          |
| RSF-8, Single-family Residential — Eight Units per Acre       | 20%          |
| RSF-18, Single-family Residential — Eighteen Units per Acre   | 20%          |
| R-O, Residential — Office                                     | 20%          |
| RI-12, Residential Intermediate — Twelve Units Per Acre       | 20%          |
| RI-U, Residential Intermediate — Urban                        | 15%          |
| RMF-6, Multi-family Residential — Six Units per Acre          | 20%          |
| RMF-12, Multi-family Residential — Twelve Units per Acre      | 20%          |
| RMF-18, Multi-family Residential — Eighteen Units per Acre    | 20%          |
| RMF-24, Multi-family Residential — Twenty-Four Units per Acre | 20%          |
| RMF-40, Multi-family Residential — Forty Units per Acre       | 20%          |
| NS-L, Neighborhood Services — Limited                         | 20%          |
| NS-G, Neighborhood Services — General                         | 20%          |
| C-1, Neighborhood Commercial                                  | 20%          |
| CS, Community Services                                        | 20%          |
| C-2, Thoroughfare Commercial                                  | 15%          |
| UN, Urban Neighborhood                                        | 15%          |
| UC, Urban Corridor                                            | 20%          |
| UT, Urban Thoroughfare                                        | 15%          |
| C-3, Central Business Commercial                              | 15%          |
| DC, Downtown Core                                             | 10%          |
| MSC, Main Street Center                                       | 10%          |
| DG, Downtown General                                          | 10%          |
| NC, Neighborhood Conservation                                 | 20%          |
| I-1, Heavy Commercial and Light Industrial                    | 15%          |
| I-2, General Industrial                                       | 15%          |
| P-1, Institutional                                            | 25%          |
| PZD, Planned Zoning District (HHOD)                           | 25%<br>(30%) |

All ~~residential~~-zoning districts ~~and C-1-districts~~ within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% ~~to a total requirement of either 30% or 25%.~~

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.

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- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.
- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.

(F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*

- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be

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located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.

- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.
- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.

(G) *Initial Review.*

- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.

(H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).

- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
  - (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
  - (b) The property line boundaries of the site;
  - (c) Soils identified according to the Unified Soil Classification System;

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- (d) Any significant trees, as defined in ~~the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, Chapter 151: Definitions~~ existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
  - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
  - (f) All existing utilities and utility easements;
  - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
  - (h) Floodplains and floodways on the site;
  - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
  - (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report ~~when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.~~ prepared and signed by an International Society of Arboriculture (ISA)-certified arborist when minimum percent canopy is not met. The report shall include the following:

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a) Site Plan Overlay. A site plan overlay specifying the location, DBH, and species of all significant trees on-site, the location of critical root zones (CRZ's) and the location of existing and proposed grading, utilities, structures, and impervious surfaces.

b) Tree Health and Structure Evaluation. Ratings of tree health, structural integrity, and risk, as well as signs of disease, pests, or damage.

c) Feasibility of Preservation: Site constraints preventing preservation (e.g. topography, utility conflicts, etc.) evaluation of design modifications that could increase tree retention, and tree protection measures explored and their viability.

d) Recommendations and Justification: Summary of why minimum preservation cannot be met, and a recommended course of action.

On sites where invasive tree species, as defined in §177.09, are present, or where existing canopy is of low quality or limited extent, as determined by the urban forester, urban forestry staff may waive or modify this requirement to prioritize the preservation of high-quality, non-invasive tree species.

- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.

(I) *Request for On-Site Mitigation.*

- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
  - (a) The number of trees requested for removal;
  - (b) The percentage below the percent minimum canopy requirement they represent; and
  - (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
  - (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.

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- (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
- (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
- (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.
- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
- (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
- (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees



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to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.

(9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*

- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
- (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
- (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
- (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
- (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
- (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
- (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
  - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
  - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
  - (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
  - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.

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- (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
- (a) Developments proposed as building permits under Level 2 as outlined in §166.02 (E)(2) are eligible for contribution to the tree escrow account as an option.
- (b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
- (c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
- (d) Money contributed under this section:
- (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
- (ii) Shall not revert to the general fund for ongoing operations.
- (e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
- (f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
- (g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending

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by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.

- (i) The refund shall be made on a pro rata basis and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.

(K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.

- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
- (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
- (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
- (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.

(L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*

- (1) Tree Preservation Easement Dedication. Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing trees are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
- (2) Tree Preservation Easement Vacation. The geographical extent and location of a tree preservation easement, once recorded, may only be vacated in whole or in part with the express approval of the City Council. Applicants requesting such vacation of an existing tree preservation easement shall bear the burden of proving to the City Council's satisfaction that such vacation is in the best interests of the City of Fayetteville and its residents and businesses. The application for vacation of a tree preservation easement shall be submitted to the urban forester who should present the request and the urban forester's recommendations to the Urban Forestry Advisory Board for its review and recommendations prior to placing the vacation request on the City Council Agenda. The City Council may require that vacation of some or all of a tree preservation easement shall be offset by the establishment of a new tree preservation easement of greater size and/or improved canopy health and ecological benefit to our community. The City may require that a proposed new

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tree preservation easement be improved by the owner by substantial removal of invasive species, planting of trees approved by the urban forester to improve the canopy within the proposed new tree preservation easement, and/or other mitigation measures.

- (3) Disturbance and Maintenance of Tree Preservation Easements. Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement. Tree preservation easements are established for the express purpose of protecting and maintaining existing tree canopy in perpetuity. Therefore, no grading, excavation, construction, trenching, or any other form of land disturbance or development activity shall be permitted within the boundaries of a recorded tree preservation easement.

No trees—live or dead—shall be removed from a tree preservation easement unless they are identified as invasive species. The removal of invasive plant species, including trees, is permitted and encouraged to support the long-term health and ecological integrity of the preservation area. Such removal should be conducted in accordance with best management practices and, when applicable, under the supervision of a certified arborist.

Removal of native trees is prohibited, except in cases where such action is necessary to mitigate a verified hazard to life or property. Any such activity must follow industry best practices and be conducted with care to minimize disturbance.

Unauthorized removal, cutting, or disturbance of native trees or vegetation within a tree preservation easement constitutes a violation of this chapter and may result in enforcement actions including, but not limited to restoration requirements, and replanting with native or regionally appropriate species at a replacement ratio determined by the Urban Forester.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824, §3, 11-17-15; Ord. No. 5945, §17, 1-17-17; Ord. No. 5986, §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442, §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446, §9(Exh. D), 6-15-21; Ord. No. 6786, §§ 2—6, 8-20-24; Ord. No. 6793, § 5, 9-17-24; Ord. No. 6830, §4, 1-7-25; Ord. No. 6833, §7, 1-21-25)

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## 167.05 Tree Protection Measures And Construction

- (A) *Site Inspection.* A preliminary site inspection followed by periodic inspections will be conducted by the Urban Forester to ensure compliance with the tree preservation plan.
- (B) *Tree Protection.* Trees illustrated as preserved on tree preservation plans shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in areas with preserved trees. No filling, excavating or other land disturbance shall take place in areas with preserved trees. Before commencing any construction activity, the applicant shall construct tree protection barriers on the site to establish a tree protection zone (TPZ), the centroid of which shall be the trunk of the tree. If the tree's canopy is asymmetrical, the radius of the TPZ shall extend from the trunk to the furthest extent of the dripline. In all cases, the TPZ shall be no less than 10 feet from the trunk or to the dripline, whichever is greater. If the area within the tree's dripline is affected by construction, the tree may be preserved but replacement plantings may be required by Urban Forestry as a part of the mitigation requirements, along the tree dripline or 10 feet from the trunk, whichever is greater. The applicant shall also post signs [at] areas with preserved trees in accordance with the details, standards, specifications and guidelines provided in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual. The Urban Forester may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, and the roots of which extend onto the site of the proposed construction. Any applicant damaging or destroying an off-site tree shall be required to mitigate such damage or destruction as prescribed by the Urban Forester. If the required barriers surrounding the areas with preserved trees are not adequately maintained during construction, the Urban Forester shall prescribe remedial measures, and may issue a stop work order in accordance with §153.07(C). All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy.

(Code 1991, §162.11; Ord. No. 3699, §11, 4-20-93; Ord. No. 3925, §8, 10-3-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §7, 4-16-96; Ord. No. 4008, §1, 12-17-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 5986, §36, 7-6-17)

## Thomason, Willa

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**To:** Masters, Jessica  
**Subject:** RE: Proposed Code Changes - Tree Preservation - 167.04/167.05

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**From:** Aaron Wirth <[aaron@cobblestonehomes.info](mailto:aaron@cobblestonehomes.info)>  
**Sent:** Tuesday, August 12, 2025 11:08 AM  
**To:** Thomason, Willa <[wthomason@fayetteville-ar.gov](mailto:wthomason@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>; Madison Melton <[madie@cobblestonehomes.info](mailto:madie@cobblestonehomes.info)>; Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>; Douglas, Bethany <[bdouglas@fayetteville-ar.gov](mailto:bdouglas@fayetteville-ar.gov)>  
**Subject:** Re: Proposed Code Changes - Tree Preservation - 167.04/167.05

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

Good Morning Willa,

You bet, and thank you for the response! We will keep at it out here.

AW

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**From:** Thomason, Willa <[wthomason@fayetteville-ar.gov](mailto:wthomason@fayetteville-ar.gov)>  
**Sent:** Monday, August 11, 2025 8:47 AM  
**To:** Aaron Wirth  
**Cc:** Curth, Jonathan; Madison Melton; Masters, Jessica; Douglas, Bethany  
**Subject:** RE: Proposed Code Changes - Tree Preservation - 167.04/167.05

Hi Aaron,

Thanks for looping me in! If these proposed code changes are enacted, projects with tree preservation plans that have already been submitted and approved, including Brooklands Phases 5, 6, and 7 (PPL-2022-0008/GRD-2023-0006), will not be subject to the new requirements. We will honor the plans that were stamped for construction on 8/14/24. The proposed code changes will affect projects at the entitlement and grading permit phases but will not change the requirements for final landscaping inspections at the time of C of O application.

Please let me know if you have any more questions!

**Willa Thomason, M.S., ISA Certified Arborist**

Urban Forester

Development Services

City of Fayetteville, Arkansas

(479) 444-3486

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



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**From:** Aaron Wirth <[aaron@cobblestonehomes.info](mailto:aaron@cobblestonehomes.info)>

**Sent:** Friday, August 8, 2025 9:13 AM

**To:** Thomason, Willa <[wthomason@fayetteville-ar.gov](mailto:wthomason@fayetteville-ar.gov)>

**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>; Madison Melton <[madie@cobblestonehomes.info](mailto:madie@cobblestonehomes.info)>

**Subject:** Fw: Proposed Code Changes - Tree Preservation - 167.04/167.05

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Good Morning Willa-

First of all, thanks for sending this info out so as to limit surprises.

I had a great meeting with Jonathan yesterday (set up previous to this) and we touched on this item, and we agreed to loop you in via email. My understanding is that this will not affect my Brooklands phase 5,6 & 7 and there will remain nothing additional required especially at the time of building the homes (Abbreviated tree plan, etc). As a reminder these are the projects that you and Jonathan toured with Madi and I with the various phases.

If missing anything, please let us know.

Thanks for you help,

AW

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**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Sent:** Wednesday, August 6, 2025 4:11 PM

**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>; Thomason, Willa <[wthomason@fayetteville-ar.gov](mailto:wthomason@fayetteville-ar.gov)>; Douglas, Bethany <[bdouglas@fayetteville-ar.gov](mailto:bdouglas@fayetteville-ar.gov)>

**Subject:** Proposed Code Changes - Tree Preservation - 167.04/167.05

Good afternoon,

I am reaching out to you today to make you aware of proposed changes to the tree preservation requirements that will be going to the Planning Commission on Monday, August 11 for consideration. The proposed changes have been presented to the Urban Forestry Advisory Board, and have been workshopped with City staff to align with the stated goals and objectives of the Urban Forestry Management Plan that was adopted by City Council in 2024. I have attached a draft of staff's memo on the item for your consideration.

Since they will have an effect on the development community, I wanted to make sure you were informed. Members of the public are invited to attend the Planning Commission meeting, which will begin at 5:30 PM, and will be held in room 219 in City Hall. A zoom option is also available, and information about how to attend virtually can be found at this link: <https://www.fayetteville-ar.gov/3949/Zoom-Meeting-Instructions>

Thank you, and please let me know if you have any questions.

Jessie



**Jessie Masters, AICP**

Planning Director

Development Services

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## Thomason, Willa

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**To:** Masters, Jessica  
**Subject:** RE: City of Fayetteville Tree Ordinance - Proposed ISA Arborist Report Requirement

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**From:** Justin Ulmer <[wildrootstree@gmail.com](mailto:wildrootstree@gmail.com)>  
**Sent:** Tuesday, August 19, 2025 8:50 AM  
**To:** Thomason, Willa <[wthomason@fayetteville-ar.gov](mailto:wthomason@fayetteville-ar.gov)>  
**Subject:** Re: City of Fayetteville Tree Ordinance - Proposed ISA Arborist Report Requirement

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Hello Willa,

Thank you for reaching out. This appears to be an excellent opportunity to address the concerns you have raised, as our mature urban trees and the overall canopy are of paramount importance for numerous reasons.

I conduct between five and ten ISA Tree Risk Assessments per month, and the pricing may slightly vary depending on the specific circumstances, as you are aware.

Please find below a concise outline of our pricing structure, presented in a ballpark manner with the price listed at the upper end of the range.

Single to Two Mature Trees, Level 1 Assessment with Written Report: \$150  
Level 3 Canopy Assessment: \$350

Five to Ten Mature Trees Within 0.5 Acre or Less, Level 1 Assessment with Written Report: \$400  
Level 3 Canopy Assessment: \$1200

Single to Two Acres, Overall Stand and Canopy Level 1 Report with Written Assessment and Mapping: \$1000  
Canopy Assessment on as Needed Basis: \$200/tree

Areas Larger Than 2 Acres for General Risk Assessment and Canopy Reports: \$225/hour with Formal Report

Please note that these pricing figures are indicative of our operational efficiency and commitment to delivering high-quality products. I cannot provide a comprehensive assessment of the industry as a whole.

Thank you again for your inquiry. Please do not hesitate to contact me if you require any further information. .

Justin Ulmer

On Wed, Aug 13, 2025 at 10:01 AM Thomason, Willa <[wthomason@fayetteville-ar.gov](mailto:wthomason@fayetteville-ar.gov)> wrote:

Good morning,

The City of Fayetteville's urban forestry staff is working to enact several ordinance changes, one of which would require developers to submit an assessment from an ISA-certified arborist when the proposed tree preservation falls below the minimum percentage required for the zoning designation of their project. We would like to know what cost this may incur, whether that depends on the density of canopy on-site, or the size of the development, so we can share that information with the Planning Commission at the upcoming hearing on August 25. I have attached the report I shared with the Planning Commission this past Monday, and the language specifying the proposed requirement to submit an independent arborist assessment is detailed under 167.04(H)(4). We would greatly appreciate any feedback you can provide regarding how you would estimate the cost of this type of assessment.

Thank you!

**Willa Thomason, M.S., ISA Certified Arborist**  
Urban Forester

Development Services  
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**TO:** Fayetteville Planning Commission

**FROM:** Donna Wonsower, Senior Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **ADM-2025-0029: Administrative Item (1236 S. SCHOOL AVE./VAUGHN RECYCLING, 562):** Submitted by HALBERT LAW OFFICE for property located at 1236 & 1246 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 2.33 acres. The request is to extend the approval of a conditional use permit and amend its associated conditions.

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**RECOMMENDATION:**

Staff recommends approval of **ADM-2025-0029**.

**RECOMMENDED MOTION:**

*"I move to approve **ADM-2025-0029** with all conditions as recommended by staff."*

**JULY 14, 2025 PLANNING COMMISSION MEETINGS:**

At the July 14, 2025, Planning Commission meeting, the item was tabled at the applicant's request in order to provide time for staff to validate cleanup on the northern parcel. In the interim weeks, staff inspected the northern parcel and confirmed substantial removal of the expansion with the notable exception of the existing truck scale. The applicant has since requested an amended modification which would allow the truck scale to remain in place until a proposed move to an alternative location in the County in 2026.

**BACKGROUND:**

The subject property is the current site of Vaughn Recycling which is located on the east side of School Avenue about a tenth of a mile north of the street's intersection with 15<sup>th</sup> Street. The property contains two parcels totaling about 2.33 acres which are developed with a 6,000-square-foot warehouse facility and a 1,488-square-foot service garage which previously operated as C & C Auto Detail. The southern lot has a paved parking area and backyard which previously served as vehicle storage for Bud's Import Auto Parts.

In March of 2008, a conditional use permit (CUP 08-2908) was issued to allow for the operation of a center for the collection of recyclable materials in C-2 zoning. Later that year, the property was rezoned to DG and the conditions of approval for CUP 08-2908 were amended (ADM 08-3128). Specifically, a condition requiring all materials to be sorted, processed, packed, and stored inside the building was revised to read "storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that a wood board fence is extended, as shown on the site plan. Materials shall not be visible above the wood board fence and/or from the public right of way."

In February of 2021, staff received a complaint that the recycling business was storing multiple trailers in front of the property and that the operation had expanded to the northern lot without a permit (CVZD-2021-000262). A separate complaint was submitted to the City's Transportation Division due to dirt and mud being tracked onto School Avenue. Multiple inspections confirmed the presence of trailers, debris, and an expanded footprint of the business. A violation letter was issued on April 28, 2021, which notified the property owner that the recycling business was in violation of its conditional use permit. Staff advised the applicant that amending their conditional use permit was an option to remedy the violation. The property owner applied but their amendment request was subsequently denied by the Planning Commission. The applicant appealed their decision to City Council where the expansion and a one-year extension was granted on October 5, 2021 (Res. 247-21).

In September of 2022, the property owner submitted another request to amend and extend the recycling center's conditional use permit approval. Specifically, the applicant requested permission to expand the loading/processing area to the northern lot, add time for trailers to be parked, remove a requirement for a six-foot privacy fence along the northern property line, and extend the permit's approval in perpetuity provided the business remain in compliance. Their request was approved by the Planning Commission with an added condition that the property not be used as Use Unit 31, Facilities emitting odors and facilities handling explosives (ADM-2022-0048). In September of 2023, the applicant requested and received approval of another one-year extension from the Planning Commission which extended their amended conditional use permit's approval until September 26, 2024 (ADM-2023-0036).

Approval of a large-scale development was required as part of the conditional use permit amendment in 2021. That large scale development application (LSD-2023-0022) was submitted in December 2023. The large-scale development received approval from the Planning Commission in January 2024, and a grading permit was applied for shortly thereafter in March 2024. The grading permit received conditional approval in June 2024, though inspections, which are a prerequisite for permit issuance, were not requested until April 2025. The property owner was then contacted by city staff and told that the grading permit could not be issued because the conditional use permit approval for the project had expired. Since the conditional use permit, large-scale development approvals, and subsequent remedial work were intended to resolve an active violation, staff informed the applicant that they would either need to apply for a new conditional use permit amendment and large-scale development extension, or immediately resolve the violation. The applicant has since submitted this request for a new conditional use permit amendment and a separate request for an administrative extension to their large-scale development. Surrounding land uses and zoning are depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b> | <b>Zoning</b>        |
|------------------|-----------------|----------------------|
| North            | Commercial      | DG, Downtown General |
| South            | Commercial      | DG, Downtown General |
| East             | Walker Park     | P-1, Institutional   |
| West             | Commercial      | DG, Downtown General |

*Request:* As described above, Vaughn Recycling has an approved conditional use permit (CUP 08-2908) to operate on their property at 1246 S. School Ave. A request to expand their conditional use permit to include the lot to the north was requested in 2021 in response to a reported violation. That request was approved but expired in September of 2024 after all permitted extensions were granted. This request is for a reduced, temporary approval of that expansion to permit the truck bed to remain in place.

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

**DISCUSSION:**

Staff is supportive of the modified request with conditions. The proposed amendment and expansion of Vaughn Recycling's CUP originated from a 2021 complaint and confirmed violation. When staff initially investigated the complaint and evaluated this request, it was determined that the business was not operating within the bounds of its original conditional use permit and amendment. While the applicant has remained communicative and submitted all required applications, staff finds that they have not demonstrated a good faith effort to address outstanding violations in a timely manner. A large-scale development application, which was required as part of the conditions of approval for the 2021 amendment, was not submitted until all allowable extensions had expired, and nearly a year passed after receiving conditional grading permit approval before inspections were scheduled to start corrective site work. The applicant has not demonstrated a clear hardship to justify prior delays or a commitment to completing all steps necessary to bring their expanded site into compliance with their original CUP and previously approved conditions.

That said, the modified request would only permit the truck scale and associated maneuvering areas to remain on the northern parcel for six months. Given the applicant's intent to relocate to a new property within the county by early next year, the expense of relocating the existing truck scale, the limited time scale of the request, and with strict conditions requiring the southern parcel to be brought into compliance with the original conditional use permit by no later than October 25, staff finds that approval would provide a set time frame by which the applicant would be required to bring existing conditions into compliance. As such, staff also recommends that failure to comply with the conditions of this amendment within required deadlines may constitute grounds for revocation of the overall conditional use for Vaughn's Recycling to operate as a center for the collection of recyclable materials.

**RECOMMENDATION:** Staff recommends approval of **ADM-2025-0029** with the following conditions:

**Conditions of Approval:**

1. **Planning Commission determination of compatibility.** *Staff finds the proposed use is compatible with surrounding land uses;*
2. No material or vehicle storage, processing, or other work associated with Vaughn's Recycling shall be located on PID 765-14914-000 with the exception of the existing truck scale and vehicle maneuvering space necessary for its use. Any areas of this parcel not used for vehicle maneuvering shall be reseeded or otherwise stabilized.
3. The truck scale shall be fully removed from the subject property and PID 765-14914-000 fully reseeded or otherwise stabilized by no later than February 25, 2026. If the truck scale is not able to be removed at this time, one additional six-month extension may be brought before the Planning Commission pending determination that satisfactory progress has been made towards its relocation.
4. All steps necessary to bring the southern parcel, PID 765-14905-000, fully into compliance with the original conditions of approval shall be completed by no later than November 25, 2025. Such conditions shall be verified by staff via site inspection(s). Failure to comply with the conditions of this amendment within required deadlines may constitute grounds

for revocation of this conditional use permit to operate as a center for the collection of recyclable materials.

- a. The existing bioswale shall be cleaned and re-established per the previously approved plans. The swale shall be maintained per the approved plans and shall not be utilized for vehicle or material storage.
  - b. The applicant shall plant a continuous row of evergreen vegetation, no less than six (6) feet in height, along the north and east property lines to screen the use from the adjoining property.
  - c. Parking in areas identified in the original site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Parking, including the current maximum allowed on the subject property (eight parking spaces), shall be evaluated with a site improvement plan or large-scale development proposal. Loading and unloading zones shall be restriped.
  - d. The driveway gate shall include a screening element such as a fabric privacy screen cover that shall visually screen the storage area beyond while the gate is closed. The screen shall be maintained in good condition.
  - e. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited with the exception of propane cylinders used for fueling equipment. Such vehicle fuel shall be kept in an approved storage container in quantities and placement consistent with fire code.
  - f. Large trailers shall be utilized for loading and removal of materials from the site and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the property and shall be screened from the public right-of-way, until the time of shipping materials. Any one trailer may be parked at the site for a maximum of seven (7) days.
  - g. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that materials are not visible above the wood board fence and/or from the public right of way.
  - h. All exterior lights shall comply with the City lighting ordinance.
  - i. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
5. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate amendment request and applicable development review, pursuant to ordinance.
  6. All other conditions of approval from conditional use permit application (CUP-08-2908) shall remain in effect.

**PLANNING COMMISSION ACTION:** Required YES

Date: August 25, 2025

☐ Tabled

☐ Approved

☐ Denied

Motion:

Second:

Vote:

---

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

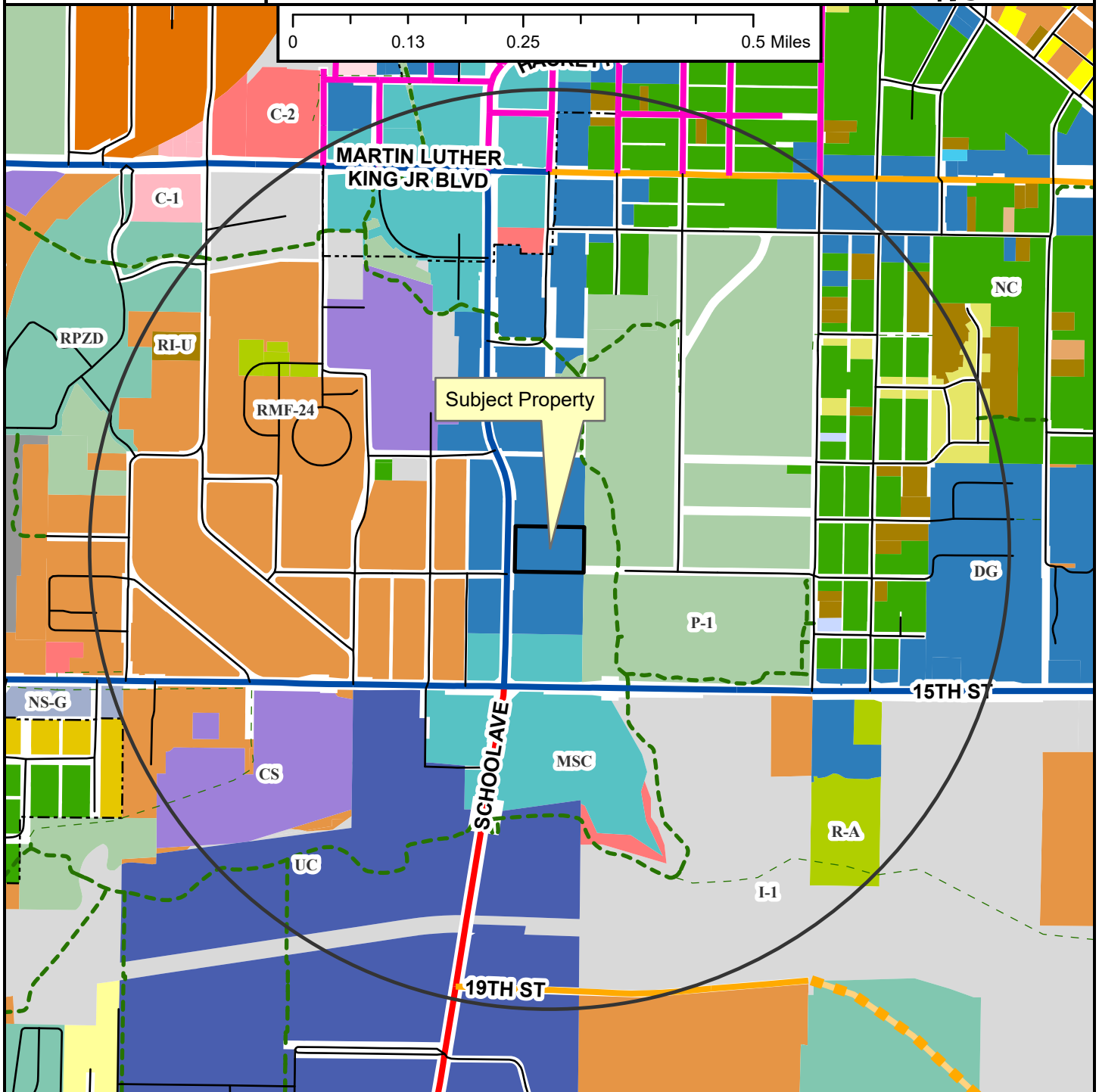
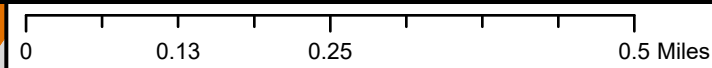
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Previous Approvals
  - CUP 08-2908 Approved Conditions
  - ADM 08-3128 Amended Conditions
  - Res. 247-21 Amended Conditions
  - ADM-2022-0048 Amended Conditions
  - ADM-2023-0036 Approved Conditions
- Applicant Request Letter



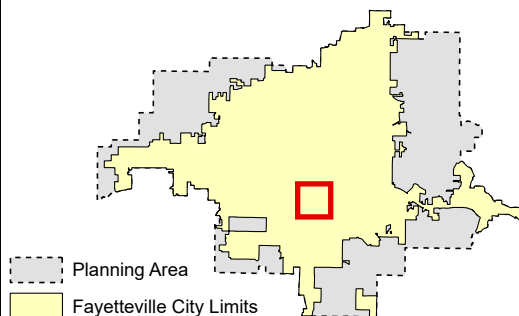
ADM-2025-0029

# 1236 & 1246 S. SCHOOL AVE

One Mile View



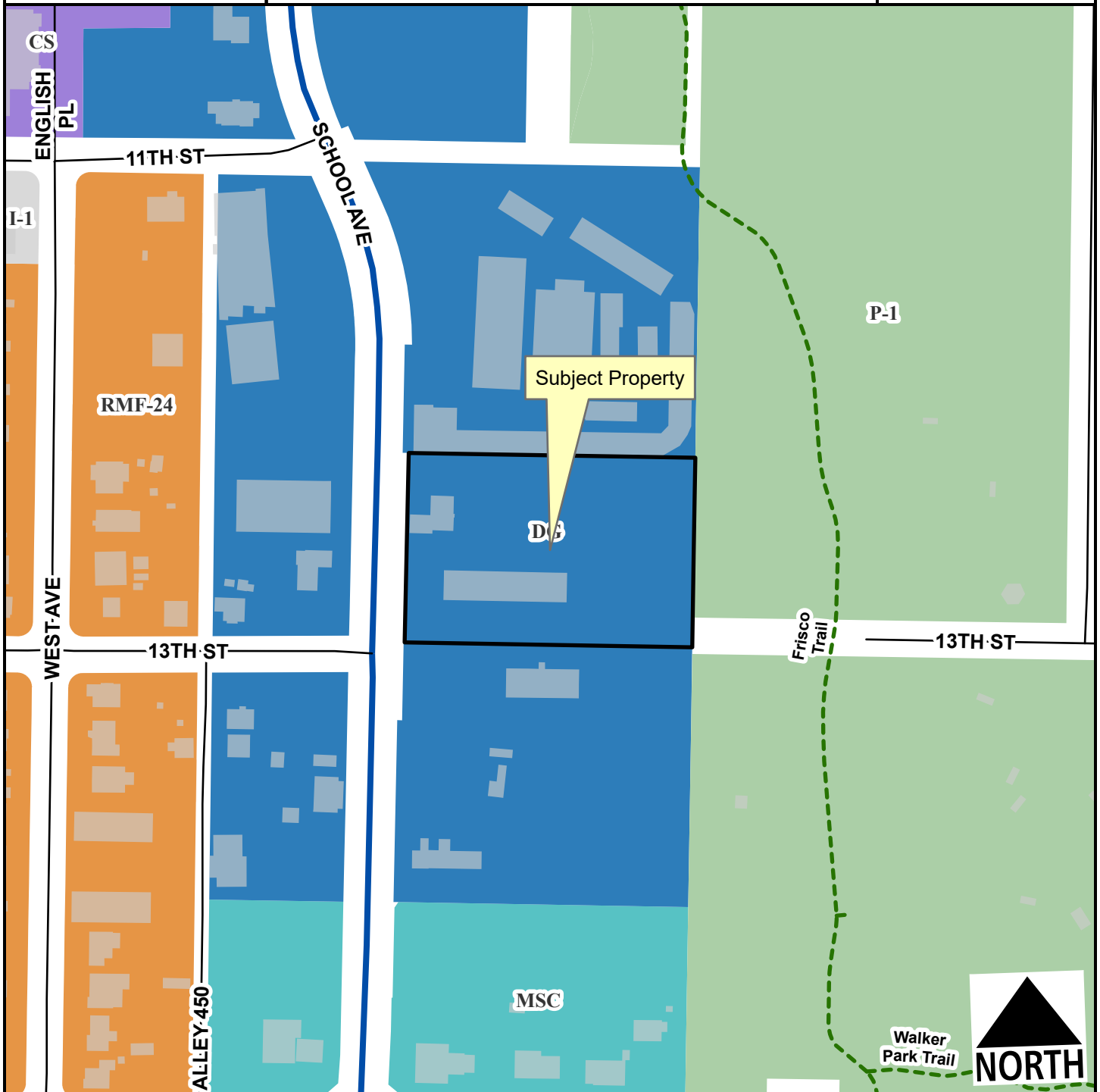
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



ADM-2025-0029

# 1236 & 1246 S. SCHOOL AVE

Close Up View



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





ADM-2025-0029

# 1236 & 1246 S. SCHOOL AVE

Current Land Use



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



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

## **CUP-08-2908 Approved Conditions**

### **RECOMMENDED MOTION:**

Staff recommends approval of CUP 08-2908 with the following conditions:

1. All materials shall be sorted, processed, packed, and stored inside the building. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited.
2. Large trailers shall be utilized only for loading and removal of materials from the site, and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the building, as indicated on the site plan, and shall not be visible from the public right-of-way, until the time of shipping of materials. Any one trailer may be parked at the site for a maximum of five (5) days.
3. The paved maneuvering area shall be extended 12 feet to the east to ensure maneuverability. The applicant shall include a bioswale, east of the paved maneuvering area, for drainage purposes, to be approved by the Engineering Division.

### **PLANNING COMMISSION CONDITION OF APPROVAL**

4. Hours of operation shall be limited to Monday through Friday, 7:30 AM - 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
5. Staff recommends that a wood board fence, no less than six feet in height, be constructed along a portion of the south property line, as indicated on the site plan, to screen the use from the property to the south. Additionally, staff recommends that the applicant plant a continuous row of evergreen vegetation along the south property line, west of the recommended wood board fence. Staff also recommends that the applicant screen the east side of the proposed maneuvering area located at the eastern portion of the subject property with evergreen trees.
6. As part of the building permit, the applicant shall submit a Site Improvement Plan, Landscape and Tree Preservation Plan for approval pursuant to City Ordinance and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
7. Parking in areas identified on the proposed site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Should the proposed use require more than the maximum allowable parking on the subject property (8 parking spaces), the applicant shall submit a conditional use request for additional parking.



8. Curb stops or curbing shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
9. Any existing non-conforming signage shall be removed, together with its supporting structure prior to issuance of a building permit. All new signs shall be permitted according to City codes.
10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
11. Vehicles that access the site must enter and exit in a forward manner, in accordance with city regulations.
12. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
- \* 13. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate conditional use request, Master Street Plan right-of-way dedication, and a Site Improvement Plan or a Large Scale Development request.

#### **ADM 08-3128 Amended Conditions**

1. Condition of Approval #1 of CUP 08-2908 shall be revised to the following: Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that a wood board fence is extended, as shown on the site plan. Materials shall not be visible above the woodboard fence and/or from the public right-of-way.
2. All other conditions of approval from conditional use application (CUP 08-2908) shall remain in force.

#### **Res 247-21 Amended Conditions of Approval:**

1. City Council determination of compatibility with adjacent properties.
2. All conditions of approval of the associated conditional use permit will remain in effect. The requested area shall be subject to the same conditions of approval including master street plan dedication and approval of a site improvement plan or large scale development.
3. All materials shall be sorted, processed, packed, and stored inside the existing building or an expanded facility. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited.
4. Large trailers shall be utilized for loading and removal of materials from the site and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the

building, as indicated on the site plan, and shall not be visible from the public right-of-way, until the time of shipping materials. Any one trailer may be parked at the site for a maximum of five (5) days.

5. The applicant shall include a bioswale, east of the paved maneuvering area, for drainage purposes, to be approved by the Engineering Division.
6. Hours of operation shall be limited to Monday through Friday, 7:30 AM – 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
7. A wood board fence, no less than six (6) feet in height, shall be constructed along the length of the north property line to screen the use from the adjoining properties. The applicant should plant a continuous row of evergreen vegetation along the north property line, south of the recommended wood board fence and screen any newly proposed maneuvering areas with evergreen trees.
8. As part of the development entitlements, the applicant shall submit a site improvement plan or large scale development, landscape and tree preservation plan for approval pursuant to City ordinances and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
9. Parking in areas identified in the original site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Should the proposed use require more than the maximum allowable parking on the subject property (8 parking spaces), the applicant shall submit an additional conditional use request for supplementary parking.
10. Curb stops or curbing shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
11. Any existing non-conforming signage shall be removed, together with its supporting structure prior to issuance of a building permit. All new signs shall be permitted according to City codes.
12. All exterior lights shall comply with the City lighting ordinance. Manufacturer’s cut-sheets are required for review and approval prior to issuance of a building permit.
13. Vehicles that access the site must enter and exit in a forward manner, in accordance with City regulations.
14. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
15. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate conditional use request, Master Street Plan right-of-way dedication, and a site improvement plan or a large scale development request.
16. The applicant shall allow city staff to inspect the premises monthly with unannounced visits during normal business hours and shall promptly correct any violations of these conditions discovered by city staff.

17. This approval expires after one year (October 5, 2022), but may be extended by the Planning Commission if applicant has consistently complied with these conditions including preventing or promptly cleaning up any mud or debris tracked onto the public right-of-way from this property. The applicant is responsible for applying for and obtaining the Planning Commission's approval to extend this Conditional Use Permit prior to its automatic expiration.

**ADM-2022-0048 Amended Conditions of Approval:**

1. Planning Commission determination of compatibility with adjacent properties.
2. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that materials are not visible above the woodboard fence and/or from the public right of way.
3. Large trailers shall be utilized for loading and removal of materials from the site and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the property and shall be screened from the public right-of-way, until the time of shipping materials. Any one trailer may be parked at the site for a maximum of seven (7) days.
4. The applicant shall construct a bioswale along the entire east boundary of the site for drainage purposes, to be approved by the Engineering Division.
5. Hours of operation shall be limited to Monday through Friday, 7:30 AM – 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
6. The applicant shall plant a continuous row of evergreen vegetation, no less than six (6) feet in height, along the north and east property lines to screen the use from the adjoining property.
7. As part of the development entitlements, the applicant shall submit the appropriate development review application pursuant to City ordinances and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
8. Parking in areas identified in the original site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Parking, including the current maximum allowed on the subject property (eight parking spaces), shall be evaluated with a site improvement plan or large scale development proposal.
9. Curbing or curb stops shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
10. Any existing non-conforming signage shall be removed, together with its supporting structure prior to issuance of a grading permit. All new signs shall be permitted according to City codes.
11. All exterior lights shall comply with the City lighting ordinance.

12. Vehicles that access the site must enter and exit in a forward manner, in accordance with City regulations.
13. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
14. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate amendment request and applicable development review, pursuant to ordinance.

**ADM-2023-0036 Conditions of Approval:**

1. A one-year extension for CUP 08-2908 and ADM-2023-0048 will expire on September 26, 2024;
2. All other conditions associated with the conditional use permit and approved modifications not affected by this extension shall remain in effect; and
3. Approval of this conditional use permit extension does not constitute approval of associated permits or development entitlements not fully reviewed at this time.



## Wonsower, Donna

---

**From:** Charles Halbert <tripp@halbertlaw.net>  
**Sent:** Tuesday, August 19, 2025 1:37 PM  
**To:** Wonsower, Donna  
**Cc:** Ms. Hannah Dierks-Clark; Masters, Jessica; levi15@vaughnrecycling.net; Hyke, Bliss  
**Subject:** Re: Vaughn Recycling - CUP Amendment Information  
**Attachments:** 2025-7-10 Fully executed RealEstateContractCommercial -redacted.pdf; 2025-7-22 VaughnRecycling REC (S School Ave)-redacted.pdf

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

Donna,

Thank you again for your time this morning. After speaking with the project engineer and the property owner, we confirmed that the truck scale is essential to day-to-day operations and will be the last piece of equipment moved to the new site. Given the fabrication/installation lead times (foundation, utilities, calibration), we don't believe full relocation can be completed within six months; however, we are agreeable to a six-month temporary allowance with an administrative six-month extension subject to Planning's review and satisfaction of the development progress of the new site.

- Weighing-only use on the northern parcel (no storage, processing, or customer activity).
- Northern parcel otherwise remains vacant; continued inspections.
- Ongoing compliance with CUP conditions

As mentioned, the School Ave. property is under contract to be sold, and Vaughn has a replacement site under contract. I have attached both REC redacted subject to confidentiality.

Please let me know if this six-month allowance + admin-extension framework works for staff, or if you'd like any adjustments.

On Mon, Aug 18, 2025 at 12:31 PM Charles Halbert <[tripp@halbertlaw.net](mailto:tripp@halbertlaw.net)> wrote:  
That would be great. Can you call me on my cell phone? (870) 99 8977

On Mon, Aug 18, 2025 at 10:29 AM Wonsower, Donna <[dwonsower@fayetteville-ar.gov](mailto:dwonsower@fayetteville-ar.gov)> wrote:

Mr. Halbert,

I am booked up in meetings today. I could potentially squeeze in a call at the end of the day or tomorrow morning.

**Donna Wonsower, AICP**

Senior Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

[fayetteville-ar.gov](http://fayetteville-ar.gov)

---

**From:** Charles Halbert <[tripp@halbertlaw.net](mailto:tripp@halbertlaw.net)>

**Sent:** Monday, August 18, 2025 9:12 AM

**To:** Wonsower, Donna <[dwonsower@fayetteville-ar.gov](mailto:dwonsower@fayetteville-ar.gov)>

**Cc:** Ms. Hannah Dierks-Clark <[Hannah@halbertlaw.net](mailto:Hannah@halbertlaw.net)>; Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>; [levi15@vaughnrecycling.net](mailto:levi15@vaughnrecycling.net); Hyke, Bliss <[ehyke@fayetteville-ar.gov](mailto:ehyke@fayetteville-ar.gov)>

**Subject:** Re: Vaughn Recycling - CUP Amendment Information

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Donna,

I have spoken with the property owner and the engineer on the Project, do you have some time to speak on this matter on the phone?

Respectfully,

Charles E. "Tripp" Halbert III  
Halbert Law Offices  
Attorney  
PO Box 1272  
Fayetteville, AR 72702  
(479) 571-0014 (office)  
(870) 995 8977 (cell)  
(877) 450-0781 (fax)

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On Fri, Aug 15, 2025 at 11:58 AM Wonsower, Donna <[dwonsower@fayetteville-ar.gov](mailto:dwonsower@fayetteville-ar.gov)> wrote:

Mr. Halbert,

Can you please confirm how long you would like to request the temporary allowance for the truck scale to remain in place? Would a 6-month timeframe be sufficient? Staff would not be supportive of a year-long extension, but could potentially be supportive of an extension to March or April given likelihood of winter weather in February.

**Donna Wonsower, AICP**

Senior Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

[fayetteville-ar.gov](http://fayetteville-ar.gov)

---

**From:** Charles Halbert <[tripp@halbertlaw.net](mailto:tripp@halbertlaw.net)>

**Sent:** Friday, August 15, 2025 9:05 AM

**To:** Wonsower, Donna <[dwonsower@fayetteville-ar.gov](mailto:dwonsower@fayetteville-ar.gov)>

**Cc:** Ms. Hannah Dierks-Clark <[Hannah@halbertlaw.net](mailto:Hannah@halbertlaw.net)>; Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>; [levi15@vaughnrecycling.net](mailto:levi15@vaughnrecycling.net); Hyke, Bliss <[ehyke@fayetteville-ar.gov](mailto:ehyke@fayetteville-ar.gov)>

**Subject:** Re: Vaughn Recycling - CUP Amendment Information

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

Donna,

## Wonsower, Donna

---

**From:** Charles Halbert <tripp@halbertlaw.net>  
**Sent:** Friday, August 15, 2025 9:05 AM  
**To:** Wonsower, Donna  
**Cc:** Ms. Hannah Dierks-Clark; Masters, Jessica; levi15@vaughnrecycling.net; Hyke, Bliss  
**Subject:** Re: Vaughn Recycling - CUP Amendment Information

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

Donna,

I wanted to follow up on this and see if there were any issues or concerns you had after you have a chance to review.

On Thu, Aug 14, 2025 at 2:58 PM Charles Halbert <[tripp@halbertlaw.net](mailto:tripp@halbertlaw.net)> wrote:  
Donna,

Thank you for your time today. I wanted to follow up based on our meeting and provide a copy of the request letter for the requested adjustments to the conditions as discussed. Below is our point-by-point response from the owner's POV, with the specific operational commitments we will implement and the limited CUP modifications we will request under ADM-2025-00029. *(Please note that if the scales were not at issue here, the Owner would withdraw the ADM).*

1. **Indoor Processing & Long-Term Storage:** Vaughn moves ~60 tons/week; no material remains on site longer than a week. There is no long term outdoor storage however, I understand the City's perspective on not being able to control or regulate this. Any types of insights or remedies you can provide here would be greatly appreciated.
  - o The small propane cylinders on site are for fueling equipment only (not accepted for recycling), kept in an approved cage, in quantities and placement consistent with Fire Code/Fire Marshal guidance.
2. **Bioswale / Maneuvering Area:** The bioswale exists but is silted in. We will clean and re-establish the swale and basin per the approved detail, remove encroaching materials, and provide dated photos plus ADEQ storm-water records/SWPPP log after maintenance is complete.
3. **Screening / Plantings:** Owner will plant a continuous evergreen row on the south boundary; we will also screen the east edge of the maneuvering area with evergreen trees, per staff's species/spacing guidance.
4. **Loading / Unloading Areas:** We will restripe LOADING/UNLOADING areas.
5. **Dumpster / Enclosure:** A dumpster is on site and is screened behind the fence during the week; it is moved out only on collection day. If additionally screening is needed please advise.
6. **Truck Weighing Bed at Parcel Line:** We request a temporary allowance to continue using the existing scale location while we move through the process of moving locations. If it is necessary the owner can begin the process of a Lot Line Adjustment to place the scale entirely on the southern parcel so that the boundary condition—not equipment relocation. Relocating the scale would be cost-prohibitive and operationally disruptive. It would be approximately \$100K to move the existing scale on the current property.



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Wesley Frank, Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **CUP-2025-0036 Conditional Use (1537 E 5<sup>th</sup> ST./T BASS, 526):**  
Submitted by CHANCE CONTRACTORS INC for property located at 1537 E. 5TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.29 acres. The request is to build a duplex in a single-family residential zoning district.

---

**RECOMMENDATION:**

Staff recommends approval of **CUP-2025-0036** with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to approve **CUP 2025-0036** with conditions, determining:*

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

**AUGUST 11, 2025 PLANNING COMMISSION MEETING:**

At the August 11, 2025, Planning Commission meeting, the item was tabled at the applicant's request to provide time for additional coordination with staff. During that time, the applicant has submitted updated materials of which staff has included in this report.

**BACKGROUND:**

The subject property is in east Fayetteville south of Mount Sequoyah, and approximately 400 feet north of the intersection S. Sherman Avenue and E. Huntsville Road. The 0.29-acre subject property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and is part of the Hillside/Hilltop Overlay District. There are no apparent sensitive ecological features on site and the property is slightly sloped. The property is developed with a single-family dwelling originally built in 1955, per Washington County records. Surrounding land use and zoning is depicted in *Table 1*.

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

|       |                           |                                                    |
|-------|---------------------------|----------------------------------------------------|
| North | Undeveloped               | RSF-4, Residential Single Family, 4 Units per Acre |
| South | Single-family Residential | RSF-4, Residential Single Family, 4 Units per Acre |
| West  | Single-family Residential | RSF-4, Residential Single Family, 4 Units per Acre |
| East  | Single-family Residential | RSF-4, Residential Single Family, 4 Units per Acre |

**FUTURE LAND USE DESIGNATION: Residential Neighborhood**

*Request:* The applicant requests approval of a conditional use permit for the development of a two-family dwelling on the subject property. Two-family dwellings (Use Unit 9) are conditional use

in the underlying RSF-4 zoning district. A site plan, building floor plans, and elevations have been provided, though the project would be fully reviewed for compliance with the City's development standards at the time of the permit submittal.

*Public Comment:* Staff has not received any public comment concerning this request.

**RECOMMENDATION:** Staff recommends approval of **CUP-2025-0036**, with the following conditions:

**Conditions of Approval:**

1. **Planning Commission determination of compatibility for two-family structures for 1537 E. 5<sup>th</sup> Street.** *Staff finds the proposed two-family structure use is compatible for the reasons outlined in this report;*
2. **Any proposed two-family structure shall be fully compliant with 166.23, Urban Residential Design Standards.**
3. **The proposed structure shall limit the visual impact of parking areas by locating parking behind the principle structure or as internal to the site as reasonably possible.**
4. **Any future expansion or change in the use shall require Planning Commission approval;**
5. **Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is valid for one year; and**
6. **Approval of this conditional use permit does not constitute approval of associated building plans or permits. The conditional use permit grants the applicant the right to submit a development proposal. The applicant shall coordinate with the City's Building Safety and Engineering Divisions to ensure that all proposed building and site renovations, including improvements to existing or proposed driveways, meet applicable permitting requirements.**

|                                    |                        |                                 |                                   |                                 |                   |
|------------------------------------|------------------------|---------------------------------|-----------------------------------|---------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                        |                                 |                                   | <b>Required</b>                 | <b><u>YES</u></b> |
| Date:                              | <u>August 25, 2025</u> | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |                   |
| Motion:                            |                        |                                 |                                   |                                 |                   |
| Second:                            |                        |                                 |                                   |                                 |                   |
| Vote:                              |                        |                                 |                                   |                                 |                   |

**FINDINGS OF THE STAFF**

**Section 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.** 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 a conditional use permit for two-family dwellings. Two-family dwellings are conditionally allowed in the RSF-4 zoning district.**

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; and

**Finding:**      **The Planning Commission is empowered under Chapter §161.07 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, given as the scale and compatibility of what is presented complements the neighborhood. Two-family structures have existed in the area (since 1994 to the east, and 2020 to the west) with no apparent negative impact to the nearby properties. Staff finds that the applicant's proposal maintains the same level of neighborhood character as what can be found in the surrounding neighborhood. The updated proposal is similar in size to neighboring developments as well and is similar in its**

rear loading pattern. In the updated plans, staff notes that the applicant is attempting to adhere to the more rigorous design standards for two-family dwellings as outlined in UDC §166.23. With the updated plans, staff recommends approval of the proposed two-family structure.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

**Finding:** There are no specific rules governing two-family structures. Two-family structures are subject to UDC §166.23 - Urban Residential Design Standards. Staff notes that the applicant is attempting to adhere to the design standards required in this chapter.

(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:** The subject property has street frontage and a driveway is proposed to access along S. Sherman Avenue, a Residential Link street. As required in §166.23, a primary pedestrian walkway shall connect to the public sidewalk to allow pedestrians access the two-family dwelling. Though the applicant has not shown this connection, the applicant has worked with staff in a good faith effort to adhere to other standards in this chapter. A sidewalk does exist along the property's frontage and will be assessed at time of development to ensure that it meets Master Street Plan requirements for a Residential Link – 6-foot greenspace and 6-foot sidewalk developed in the right-of-way. Any additional street improvements required along the property's frontage would be determined at the time of development review.

(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:** Based on the applicant's submittal, there would be sufficient space to park the required number of vehicles on site per zoning requirements with four spaces in attached garages. The development is subject to compliance with the City's standards for two-family dwellings in single-family zoning districts as described in UDC §172, Parking and Loading. The updated design is complimentary with surrounding developments as most properties are side or rear vehicle loading.

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

**Finding:** The applicant has indicated that they intend to utilize residential trash cart services and then placed at the curb for pick-up. Two-family structures are subject to compliance with the City's Urban Residential Design Standards,



as outlined in UDC §166.23, which requires screening of trash and recycling facilities.

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

**Finding:** An existing 6-inch water main is present on the north side of E. 5<sup>th</sup> Street and another 6-inch water main is present on the east side of S. Sherman Avenue. An existing 6-inch sewer main is present on the north side of E. 5<sup>th</sup> Street and a 6-inch sewer main is present on the south side of S. Sherman Avenue. Capacity will be reviewed with future development permits.

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

**Finding:** Staff is not recommending additional screening for the proposed conditional use. The City's Urban Residential Design Standards would require that trash and recycling containers and mechanical and utility equipment be screened from view of the street. The applicant has not shown where the trash and recycling containers shall be stored.

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

**Finding:** Any proposed signage will be subject to the City's sign ordinance and all the regulations therein.

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

**Finding:** Staff finds that the proposed development appears to meet the setback requirements associated with the underlying zoning district based on the site and building plans provided. Compliance with setback and landscaping requirements would be determined at the time of development review.

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

**Finding:** Staff finds the requested conditional use to be compatible with adjacent properties with the additional condition of adherence to two-family standards. Duplexes have been developed to the east and west of the subject property and what has been proposed is similar in size and design to these. The property is near public infrastructure which may not be impacted by what is proposed. Staff finds the applicant's request to be suitable since it would allow for an additional housing development in the area.

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

**Finding:** Staff finds that the proposal is compatible with the City's adopted plans. City Plan 2040 designates the property as Residential Neighborhood Area with an infill score of 6. Allowing the development of a two-family dwelling on this property would be aligned with the goals of City Plan 2040 since it would encourage a wider range of housing types in an area that is appropriate for infill.

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request letter
- Site Plan
- Floor Plan
- Elevations

## 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 |
|-------------------------|-----------|

(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.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

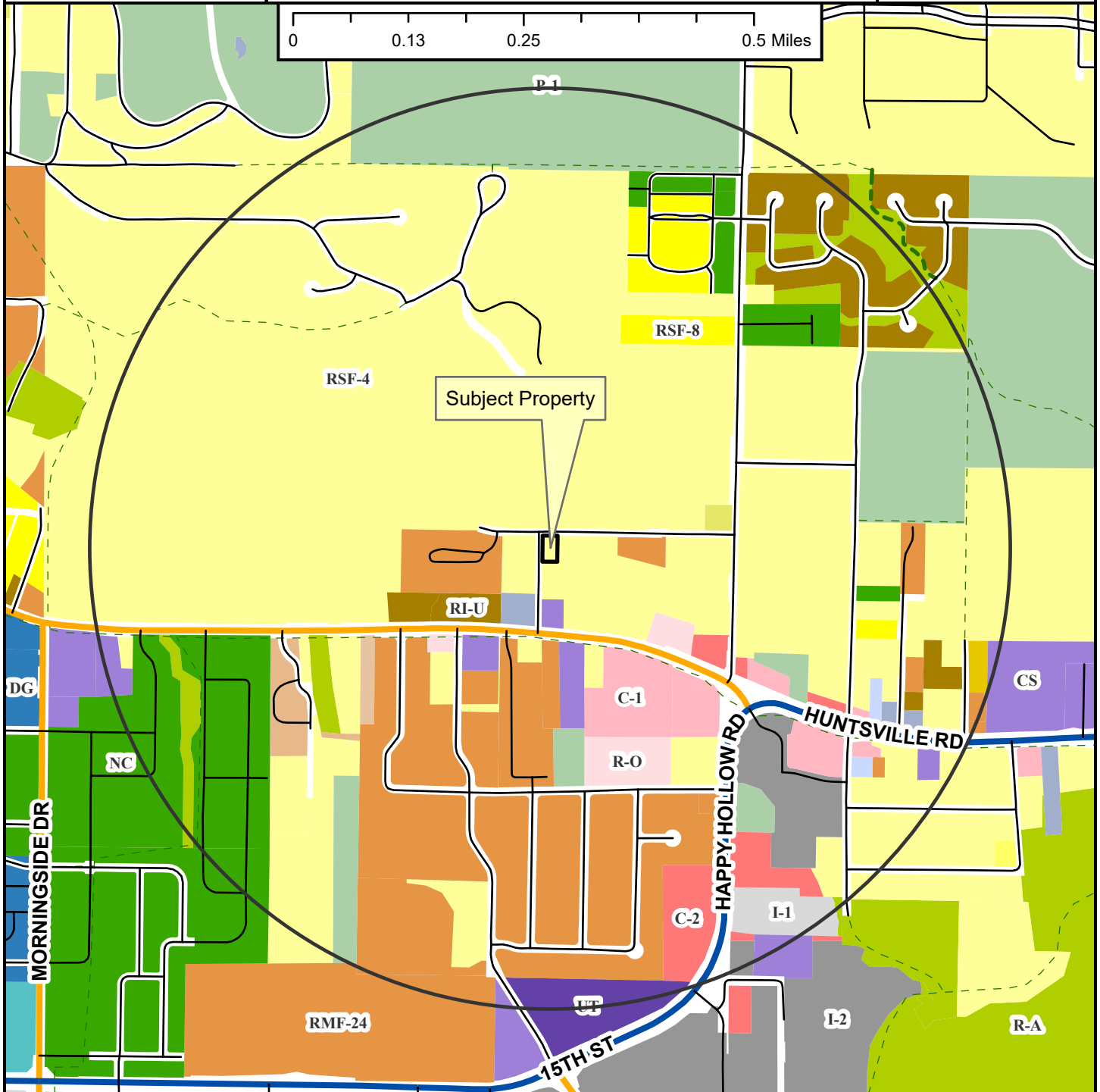
CUP-2025-0036

1537 E. 5TH ST

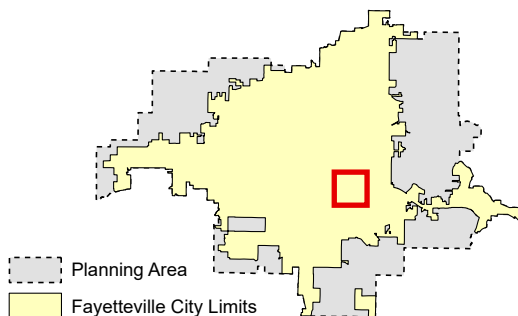
One Mile View



0 0.13 0.25 0.5 Miles



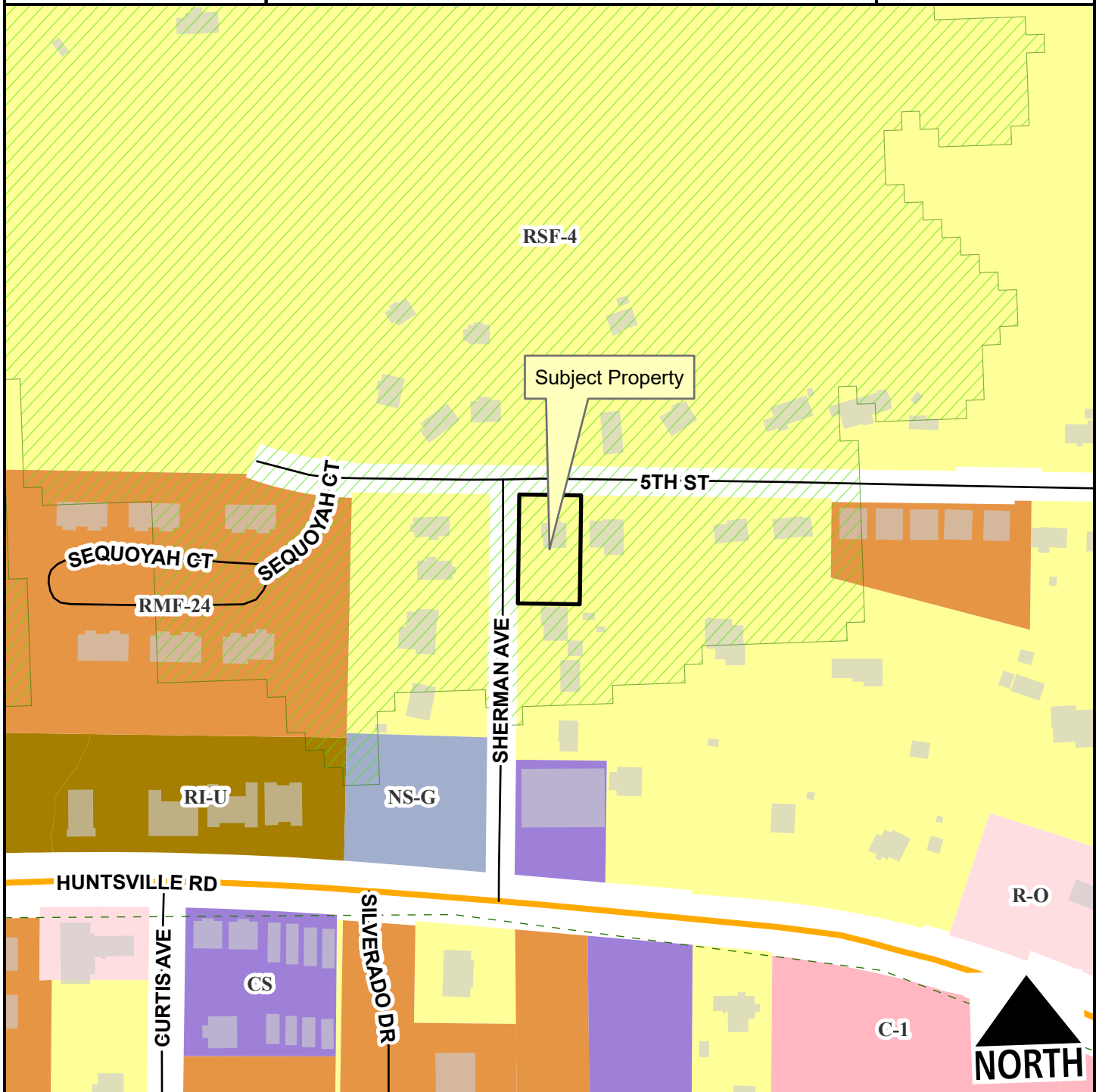
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



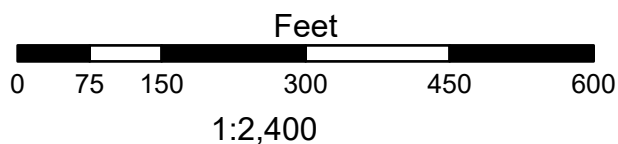
CUP-2025-0036

1537 E. 5TH ST

Close Up View



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)









CUP Application letter for 1537 E 5<sup>th</sup> St. Request for conditional use permit to construct duplex in RSF-4 zoning.

(a) Building size in square feet; existing and proposed

The existing house on this lot is approximately 1600 sqft. Proposed duplexes are approximately 1500 sqft *Per Side*

(b) Color elevations of all exterior sides of the structure

*Brick & Vinyl Siding*

(c) Number of off-street parking spaces to be provided / number required

Four spaces required (2 per unit for duplexes). Four spaces provided.

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

Not applicable.

(e) Outdoor lighting

Outdoor lighting with duplex will not be different to that for single family.

(f) Noise

Noise from duplex not anticipated to be different than single family. There would be more variance based on the habits of specific residents than from single family to duplex.

(g) Screening or buffering from adjacent properties

Not proposed. Still residential use and no screening was provided for duplexes at 1633, 1645, 1659, 1673, or 1689 E 5<sup>th</sup> St on the same block this is proposed.



(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties), will be picked up at curb by the City of Fayetteville trash services.

(i) Ingress and egress to the property will have minimal impact because there will be a 24' driveway at the street that will serve both sides of the duplex.

(j.) There already exists a row of five duplexes (10 total units) on the same block of East 5<sup>th</sup> Street. The proposed project will be for residential use only as are the other duplexes on said street. Compared to the former development on East 5th Street, this project will consist of only one duplex and would have significantly lower impact.

[illegible]

| SHEET INDEX |                                                    |
|-------------|----------------------------------------------------|
| A10         | PROJECT DATA, SITE PLAN, AREA SCHEDULE & 3D IMAGES |
| A20         | FIRST SECOND, THIRD FLOOR & ROOF PLANS             |
| A30         | ELEVATIONS                                         |
| A40         | SECTIONS, DETAILS & NOTES                          |

**CERTIFICATE OF AUTHENTICATION**

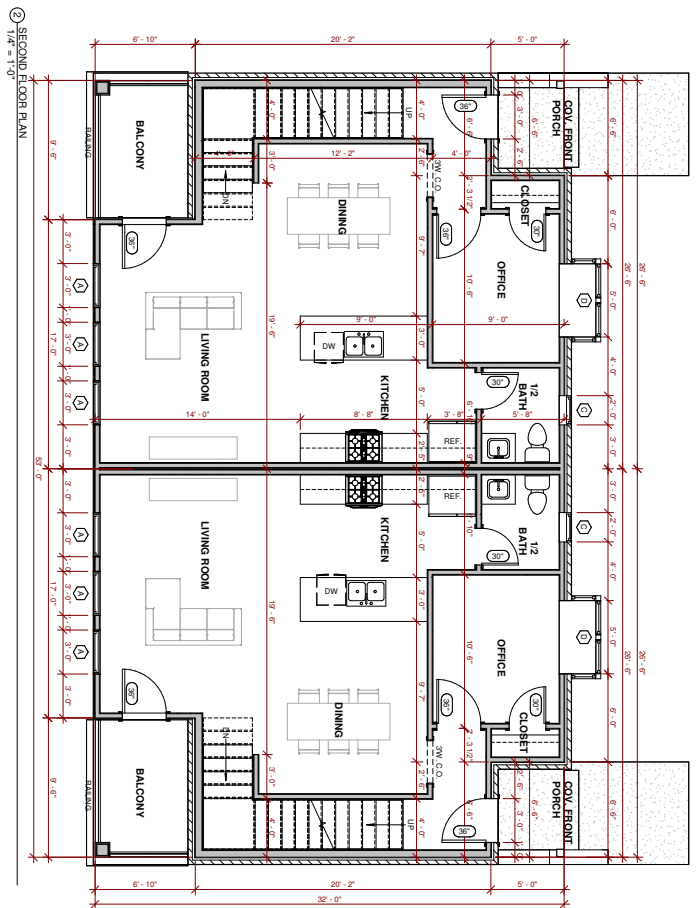
I hereby certify that these data, and specifications have been prepared by me, or under my supervision. I affirm, on oath, that on behalf of my knowledge these data and specifications are as required by law & in compliance with the Alabama Fire Prevention Code for the state of Alabama.



Name / Date: 8.18.25

| AREA SCHEDULE             |                      |         |           |  |
|---------------------------|----------------------|---------|-----------|--|
| NAME                      | LEVEL                | AREA    | FT. X FT. |  |
| 1ST FLR PORCH             | FIRST FL. PORCH PLAN | 162.56  | NO        |  |
| 2ND FLR PORCH             | SECOND FLOOR PLAN    | 122.56  | NO        |  |
| COVERED PORCH             | FIRST FL. PORCH PLAN | 122.56  | NO        |  |
| ENTRY                     | FIRST FL. PORCH PLAN | 70.91   | SF        |  |
| 2ND FLOOR                 | SECOND FLOOR PLAN    | 161.56  | YES       |  |
| THIRD FLOOR               | THIRD FLOOR PLAN     | 141.56  | YES       |  |
| WALK OFF FEET SIDE        |                      | 139.93  | SF        |  |
| TOTAL UNDER HOOF PER SIDE |                      | 2108.56 |           |  |



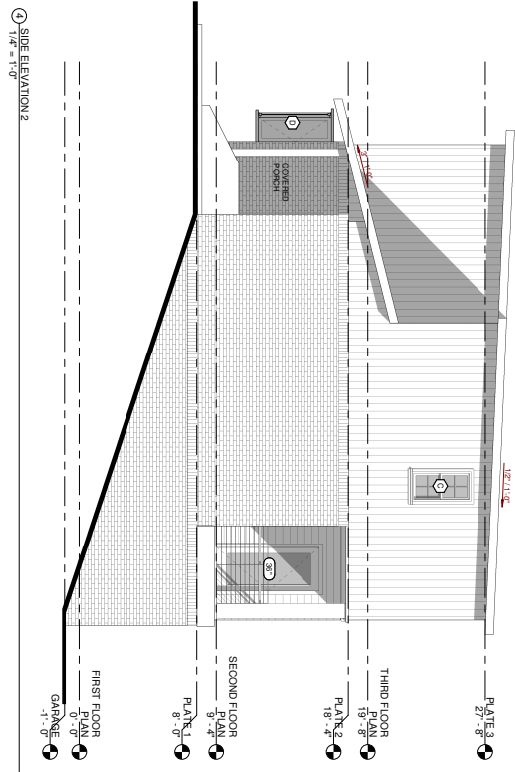
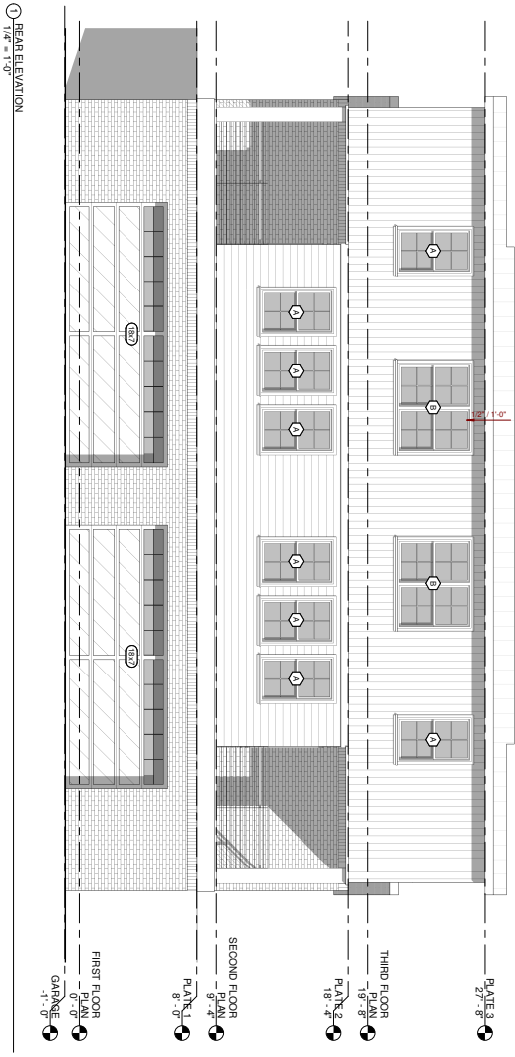
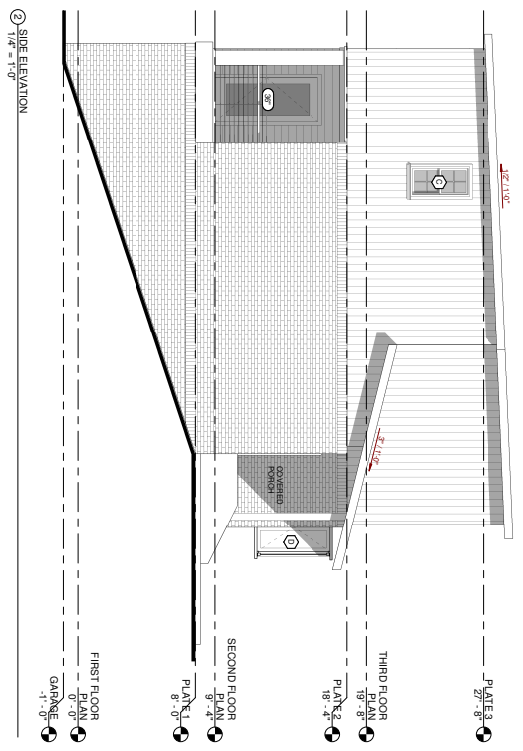
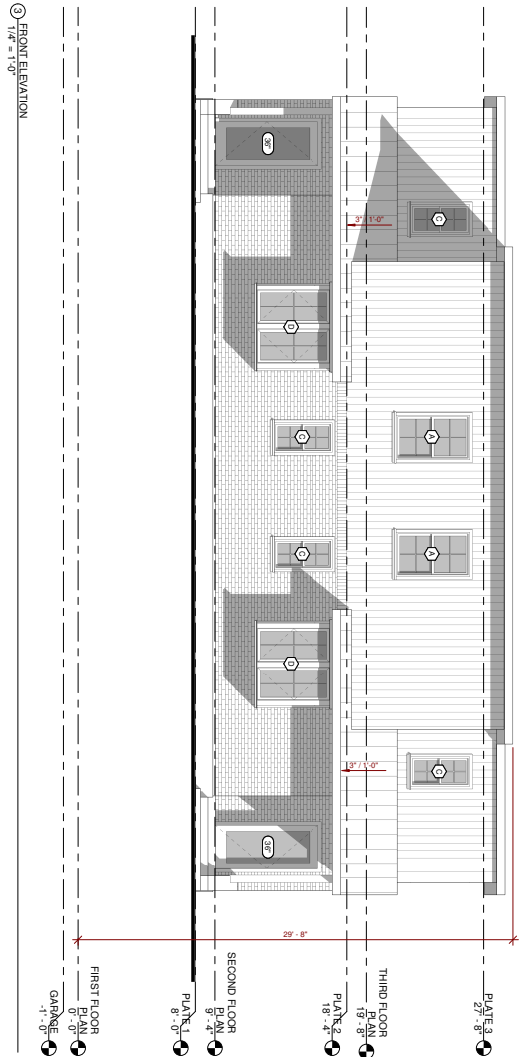


② SECOND FLOOR PLAN  
1/4" = 1'-0"

This is a detailed architectural floor plan for a three-bedroom house. The layout includes three bedrooms (labeled 'BED 2'), three bathrooms (labeled 'BATH'), three closets (labeled 'CLO.'), and a central hall. The plan also shows a kitchen, a dining area, and a living area. Dimensions are provided for all rooms and overall exterior measurements. The plan is oriented with the front of the house at the top. The overall dimensions are 10'-2 1/2" wide by 16'-2 1/2" deep. The plan includes a central hall connecting the bedrooms, bathrooms, and closets. The bedrooms are located on the right side of the plan, and the bathrooms are located on the left side. The closets are located in the center of the plan. The kitchen, dining area, and living area are located on the left side of the plan. The plan also shows a front porch and a back porch. The overall dimensions are 10'-2 1/2" wide by 16'-2 1/2" deep.

③ THIRD FLOOR PLAN  
1/4" = 1'-0"





PROPOSED PROJECT FOR:  
**LEFLER DUPLEX**  
506 S. SHERMAN STREET, FAYETTEVILLE, ARKANSAS

**blue ROCK**  
planning commissions  
design August 25, 2025  
479-459-2838 • BLUEROCKDESIGN.COM (800) 808-8080

**A3.0**  
Date 8.18.25  
Project 25.18



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Donna Wonsower, Senior Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **CUP-2025-0037: Conditional Use Permit (160 S. 85<sup>TH</sup> AVE/ BROADWAY, 510):** Submitted by CHRIS BROADWAY for property located at 160 S. 85<sup>TH</sup> AVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.52 acres. The request is to build an accessory structure that exceeds 50% the size of a principal structure.

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**RECOMMENDATION:**

Staff recommends approval of **CUP-2025-0037** with conditions.

**RECOMMENDED MOTION:**

"I move to approve **CUP-2025-0037** with conditions, determining:

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

**AUGUST 11, 2025 PLANNING COMMISSION MEETING:**

At the August 11, 2025, Planning Commission meeting, the item was tabled at the applicant's request to provide time for additional coordination with staff. In the interim weeks, staff met with the applicant and has updated the report to include additional information that was received regarding previous renovations.

**BACKGROUND:**

The subject property is in far west Fayetteville east of the intersection of S. 85<sup>th</sup> Ave. and W. Astoria Ln. The property totals approximately 1.52 acres. It was previously developed with a 1,528 square-foot single-family dwelling that included a 529 square foot garage conversion in 2024 (total of 2,057 square feet). There are also a 576 square-foot detached garage, a 280 square-foot detached garage, and a 100-square foot outbuilding per the Washington County Assessor. The parcel was annexed into city in 2006 (ORD 4888), which is when it received its current zoning designation of R-A, Residential Agricultural. The property is not subject to any zoning overlays, streamside protection boundaries, hydric soils, or FEMA floodplain. Surrounding land uses and zoning are listed in *Table 1.*–

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

| <b>Direction</b> | <b>Land Use</b>         | <b>Zoning</b>                                                                       |
|------------------|-------------------------|-------------------------------------------------------------------------------------|
| North            | Low Density Residential | R-A, Residential Agricultural                                                       |
| South            | Low Density Residential | R-A, Residential Agricultural                                                       |
| West             | Low Density Residential | R-A, Residential Agricultural<br>RSF-1, Residential Single-Family, 1 Units per Acre |
| East             | Low Density Residential | R-A, Residential Agricultural                                                       |

*Proposal:* The applicant requests approval to construct a 24'x40' enclosed accessory structure with a 10'x24' attached porch (1,200 square feet total). Fayetteville's Unified Development Code, under §164.02, Accessory Structures, prohibits accessory structure(s) that exceed 50% of the size of the principal structure. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. As the principal structure on the parcel is 2,057 square feet, the total area of all accessory structures may be 1,028.5 square feet before a conditional use permit is required.

*City Plan 2040 Future Land Use Designation:* **Rural Residential.**

*Public Comment:* Staff has not received any public comment or inquiries about the request.

**RECOMMENDATION:** Staff recommends approval of **CUP-2025-0037** with the following conditions;

**Conditions of Approval:**

1. **Planning Commission determination of compatibility for a 1,200 square foot detached accessory structure to be constructed exceeding 50% the size of the principal structure.** *Staff finds the accessory building to be compatible with adjacent properties.*
2. **Evergreen vegetative screening shall be planted to the west of the driveway accessing this structure to minimize the appearance of multiple garages from the public right-of-way.**
3. **The existing 10' x 10' outbuilding shall be demolished or removed prior to the issuance of a certificate of occupancy for the associated structure.**
4. **This approval does not grant building permit approval for the associated structure. A building permit shall be submitted for review of compliance with all city codes.**

|                                    |                               |                                        |                                          |                                        |                   |
|------------------------------------|-------------------------------|----------------------------------------|------------------------------------------|----------------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                               |                                        |                                          | <b>Required</b>                        | <b><u>YES</u></b> |
| <b>Date:</b>                       | <b><u>August 25, 2025</u></b> | <input type="checkbox"/> <b>Tabled</b> | <input type="checkbox"/> <b>Approved</b> | <input type="checkbox"/> <b>Denied</b> |                   |
| <b>Motion:</b>                     |                               |                                        |                                          |                                        |                   |
| <b>Second:</b>                     |                               |                                        |                                          |                                        |                   |
| <b>Vote:</b>                       |                               |                                        |                                          |                                        |                   |

## 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.** 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 of an accessory structure that is greater than 50% the size of the principal structure, as outlined in 164.02(A)(5).**

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 §164.02(A)(5) 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 the applicant's request is unlikely to adversely affect the public interest. When considered alone, the proposed garage is approximately 58% the size of the principal dwelling. When combined with existing accessory structures, the proposed 1,200 sq ft shop would total more than 104% of the principal building's size. If the applicant removes the existing outbuilding, the remaining accessory square footage would be approximately 100%—still above the 50% threshold that triggers a conditional use permit. Although the property is zoned R-A (Residential Agricultural) and large outbuildings are typical within more rural areas, surrounding parcels are developed with strictly residential uses. That said, staff finds that, with a condition to remove the outbuilding prior to certificate of occupancy, the accessory structures would remain secondary to the principal use. Further, staff finds the intent of the additional garage is to store vehicles and equipment that would otherwise be stored on the property, and which would be less visually obtrusive if stored within a structure.**

**(c.)**      The Planning Commission shall certify:

**(1.)**      Compliance with the specific rules governing individual conditional uses; and

**Finding:**      **Per Unified Development Code §164.02, accessory structures exceeding 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located. The proposed shop is meeting setback requirements per the provided site plan.**

**(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:**      **The applicant proposes to utilize an existing shared driveway which accesses S. 85<sup>th</sup> St. Given that three separate structures would have access to the shared drive, staff could anticipate minor conflicts with the**



**neighboring property owner who uses the driveway to access the property to the east should vehicles not be stored properly.**

- (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: The accessory structure is proposed approximately 20 feet from the northern property line. Staff anticipates parking to be either within either the existing driveways or one of multiple existing or proposed garages on site.**

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

**Finding: Refuse containers will likely be contained within the proposed structure, and the site is likely to be served by residential carts. No additional conditions are recommended.**

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

**Finding: The property appears to have direct access to water through the Washington Water Authority but has no access to city of Fayetteville sewer.**

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

**Finding: The accessory structure is proposed near the northern property line and will be partially screened by an existing garage structure, staff finds that the structure will likely be visible from S. 85<sup>th</sup> Ave. Staff recommends that if approved, evergreen vegetative screening shall be planted to the west of the driveway servicing this structure in order to minimize the appearance of multiple garages from the public right-of-way.**

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

**Finding: Any proposed signage will be subject to UDC §174, Signs, and all regulations therein.**

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

**Finding: One new structure is proposed with this conditional use permit. Compliance with building setbacks will be confirmed at the time of building permit submittal, though the applicant appears to be meeting relevant setbacks.**

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

**Finding:** Staff finds that the proposal is compatible with adjacent properties. Adjacent properties are generally rural or low-density residential, with accessory structures generally spread throughout adjacent properties rather than concentrated close together. While metal structures are not common in surrounding properties and the proposal would create three detached garages directly adjacent to one another along a shared driveway, staff finds that with conditions requiring screening to minimize the appearance of multiple garages from the street, impact is likely to be minimal.

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

**Finding:** On the balance of issues, staff finds the proposal to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. Staff finds that the request to place an accessory structure of approximately 100% the size of the principal structure would allow for greater flexibility in the use of the parcels and that recommended conditions would minimize public impact.

---

**BUDGET/STAFF IMPACT:**

None.

**Attachments:**

- Unified Development Code
    - §164.02 Accessory Structures And Uses
  - Project Maps
    - One Mile Map
    - Close-Up Map
    - Current Land Use Map
  - Staff Exhibits
    - Street View of Existing Conditions
    - Recommended Screening
  - Applicant Request Letter
  - Site Plan
  - Rendering
-

## 164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

### (A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

### (B) Swimming Pools. Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4817, 1-3-06; Ord. No. 5239, 5-5-09; Ord. No. 5592, 06-18-13; Ord. No. 5950, §1, 2-7-17; Ord. No. 6245, §§4, 5, 10-15-19; Ord. No. 6407 §2, 1-19-21)

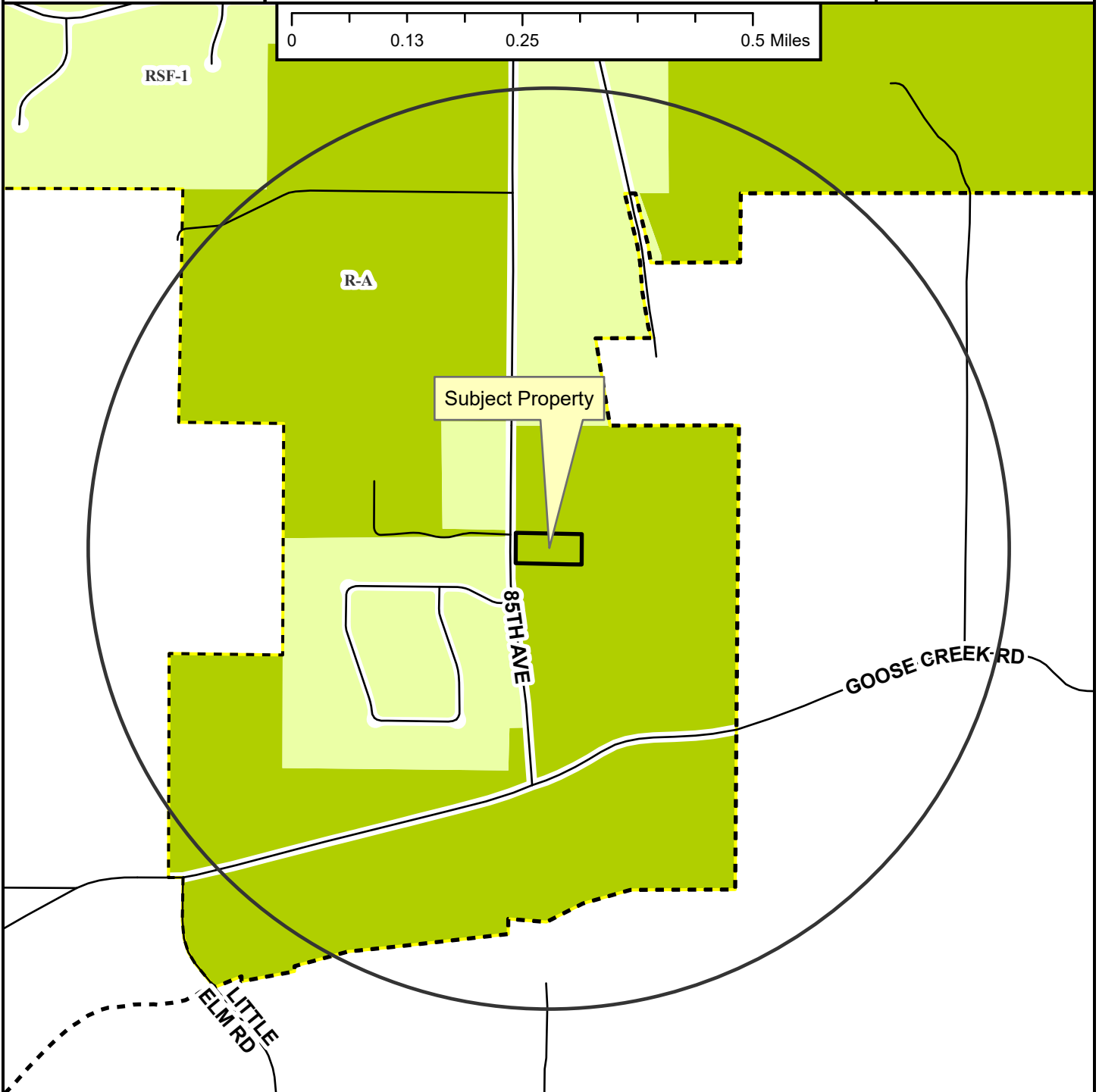
CUP-2025-0037

# 160 S. 85TH AVE

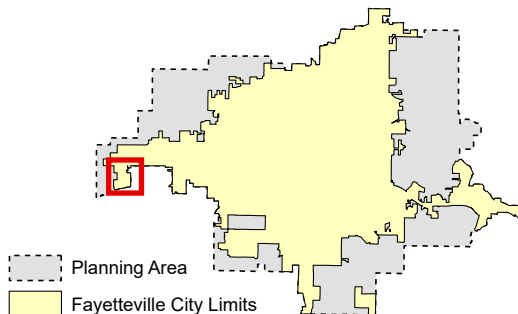
One Mile View



0 0.13 0.25 0.5 Miles



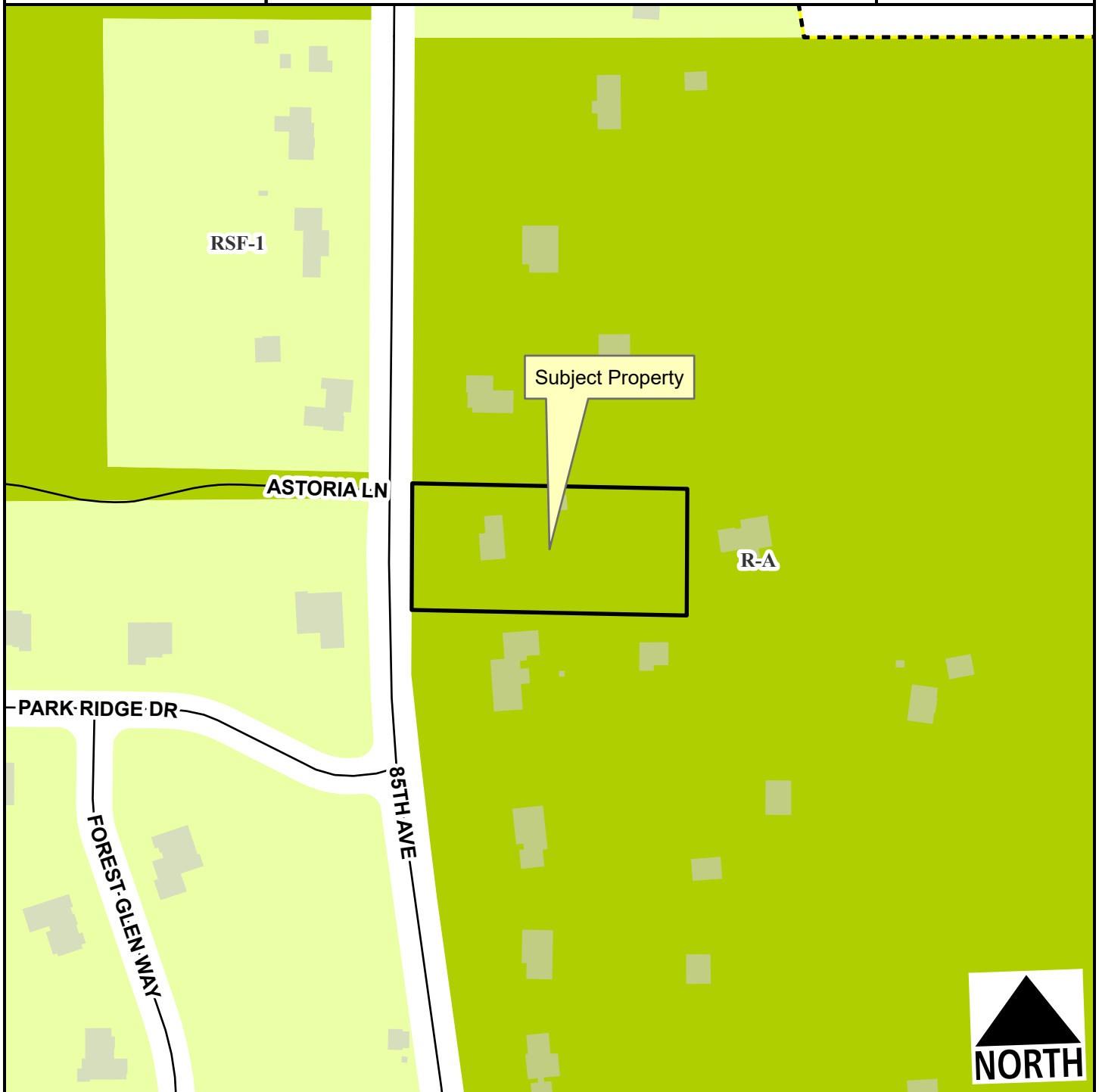
- Unclassified
- Residential Link
- Fayetteville City Limits
- Planning Area



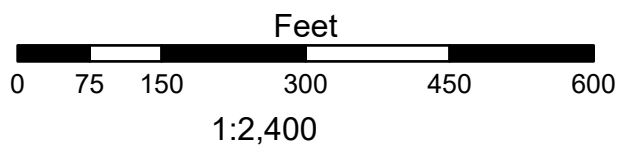
CUP-2025-0037

160 S. 85TH AVE

Close Up View



- Unclassified
- Residential Link
- - - Planning Area
- . - . Fayetteville City Limits









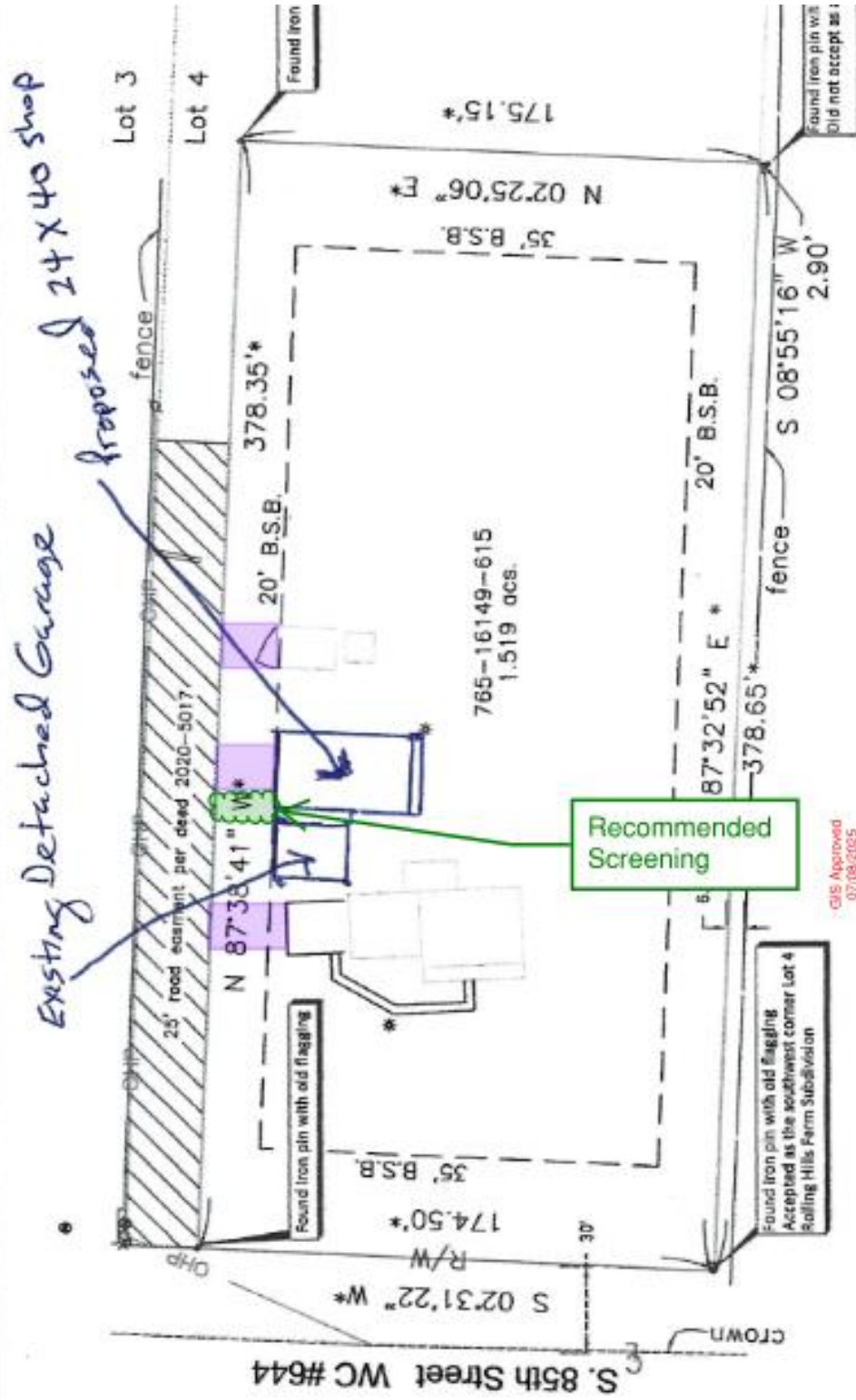
**STAFF EXHIBIT:  
GOOGLE STREET VIEW**





STAFF EXHIBIT:  
RECOMMENDED SCREENING

160 S 85th Ave  
Fayetteville, AR 72704



WD 2020-05017 Description:

Part of Lot 4, Rolling Hills Farm, Washington County, Arkansas, being more particularly described as follows: to wit: Beginning at the E1/4 corner of said Lot 4, said corner being on the intersection of County

Surveyor's Notes:  
1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the





See responses below in Red

**Description of Request for Pole Barn located  
@ 160 S 85th Ave, Fayetteville, AR 72704**

**Erect Pole Barn consisting of 24x40 enclosed and 10x24 attached porch. (1200 total square feet). To be used for storage, hobby and personal use.**

(3) Complete description of this request (what is proposed by the applicant) to include all applicable items below (indicate N/A if it does not apply to your project):

(a) Building size in square feet; existing and proposed Existing-2,057sq ft / Proposed-1,200sq ft

(b) Color elevations of all exterior sides of the structure Gray

(c) Number of off-street parking spaces to be provided / number required N/A

(d) When request applies to a business or non-residential use: N/A

-Hours of operation

-Number of employees

-Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)

(e) Outdoor lighting N/A

(f) Noise N/A

(g) Screening or buffering from adjacent properties Large Existing Trees Buffer adjacent properties

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

(i) Ingress and egress to the property; traffic impacts Ingress and Egress is from existing driveway and does not impact traffic

(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood Location of Pole Barn is on 1.52acs and is compatible with adjacent properties as many have existing Pole Barns.

Add description of project request per conditional use permit application checklist. What is the intended use of the pole barn? Pole Barns use will be for storage, hobby and personal use. No commercial use

Letter shall specify that the conditional use permit request is for UDC 164.02(A)(5) "Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use"

### **Additional information for Use of proposed Pole Barn @ 160 S 85th Ave**

The usage for the proposed Pole Barn will be for storage of additional automobiles, motorcycles and other miscellaneous items. These items will be stored inside of the enclosed proposed Pole Barn instead of the outside of the structure in the backyard. We intend on tearing down or selling and moving the gray structure to the east which is directly behind the proposed Pole Barn. In addition, this proposed Pole Barn sits on 1.52 acres and is zoned Residential Agriculture.

160 S 85th Ave  
Fayetteville, AR 72704

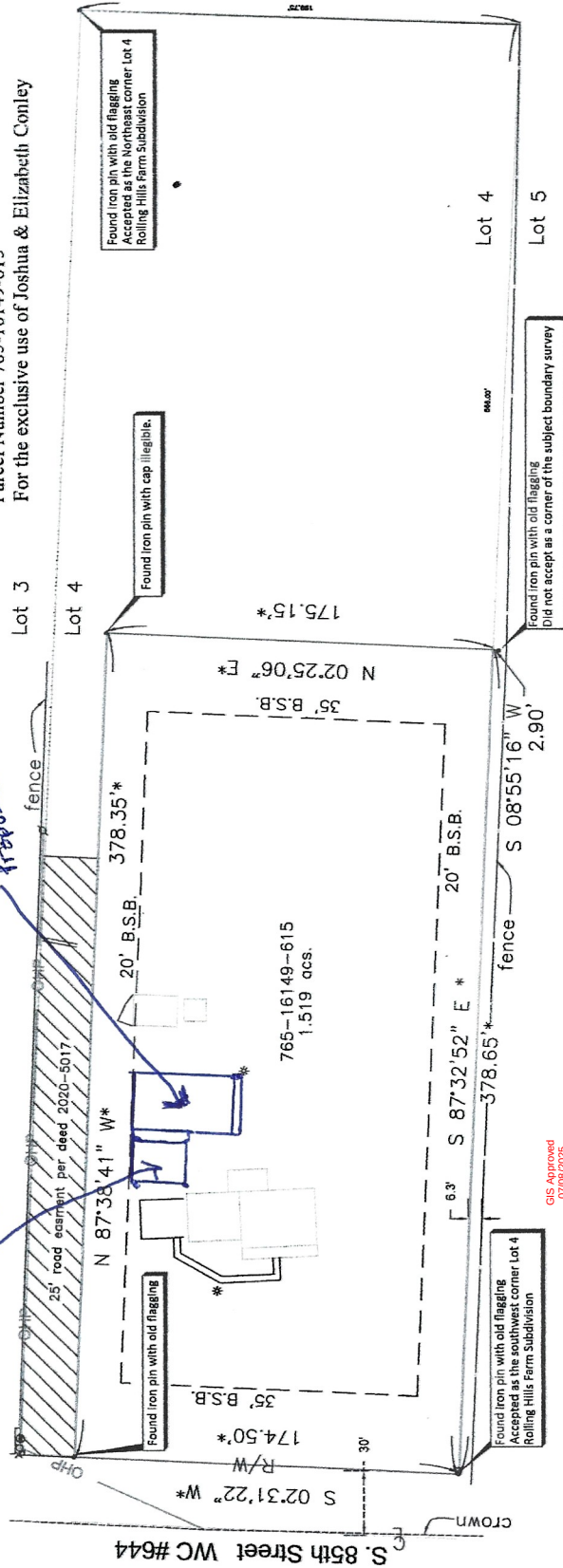
Existing Detached Garage

Proposed 24x40 shop

# Boundary Survey

Parcel Number 765-16149-615

For the exclusive use of Joshua & Elizabeth Conley



## Surveyor's Notes:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:  
Easements, other than possible easements which were visible at the time of making this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; or any other facts which an accurate and current title search might disclose.
2. Basis of Bearings: GPS
3. This survey is valid only if the drawing includes the seal and signature of the surveyor.
4. Subsurface and environmental conditions were not examined nor considered a part of this survey.
5. No right-of-way is being dedicated by this plat.
6. Field work performed April 5-7, 2024.

## WD 2020-05017 Description:

Part of Lot 4, Rolling Hills Farm, Washington County, Arkansas, being more particularly described as follows, to wit: Beginning at the SW Corner of said Lot 4, said point being on the right-of-way of County Road #644; thence leaving said right-of-way, S89°39'34\"/>

Also, A 25 foot Road Easement over and across part of Lot 4 of Rolling Hills Farms [sic], Washington County, Arkansas, being more particularly described as follows: Beginning at the NW Corner of the said Lot 4, said point being on the right-of-way of County Road #644, and running thence S89°39'34\"/>

\*= field measured

## LEGEND

These standard symbols will be found in the drawing, unless otherwise noted.

- Found Iron Pin 1/2 inch rebar
- ⊕ Telephone pedestal
- ⊖ Power pole
- ⚡ Overhead Power (Ozark Electric)
- Yard light
- Ⓞ Gas meter



dvdssurveying.com

Daryl V. Doyal P.S. #1514  
14150 Highland Church Road  
Fayetteville, AR 72704  
(479)267-0373

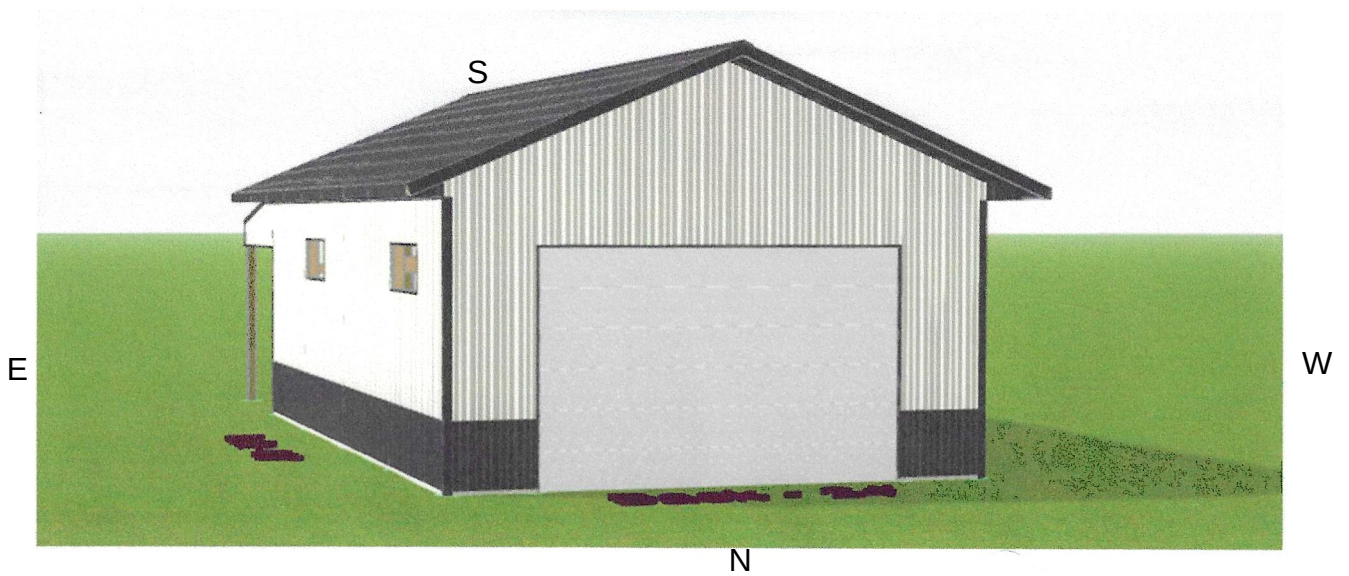
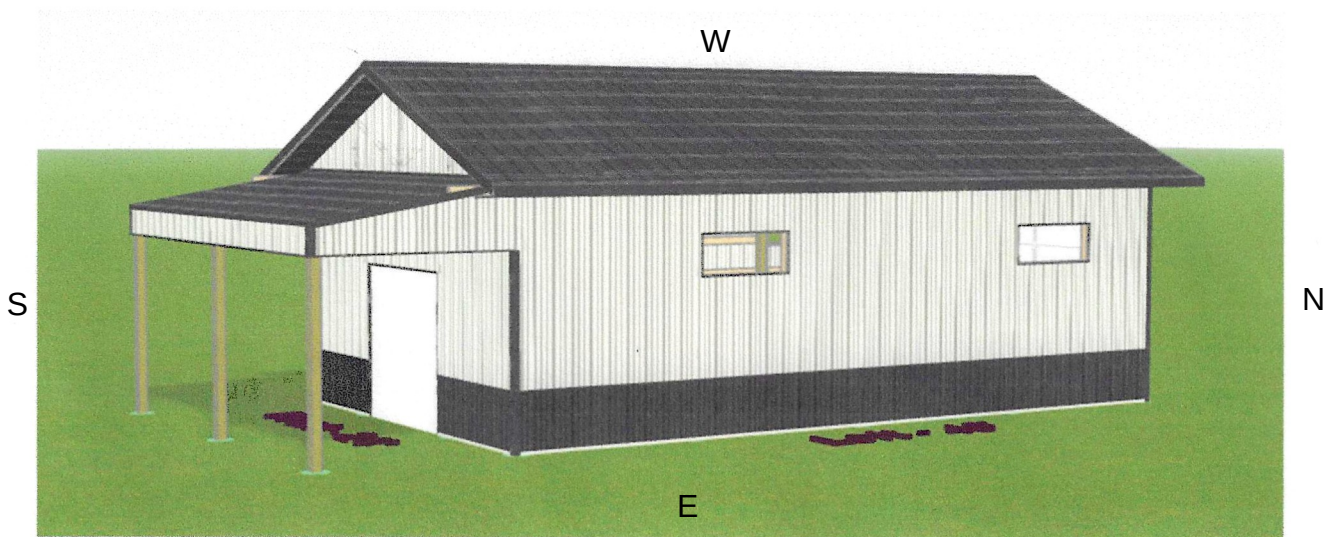
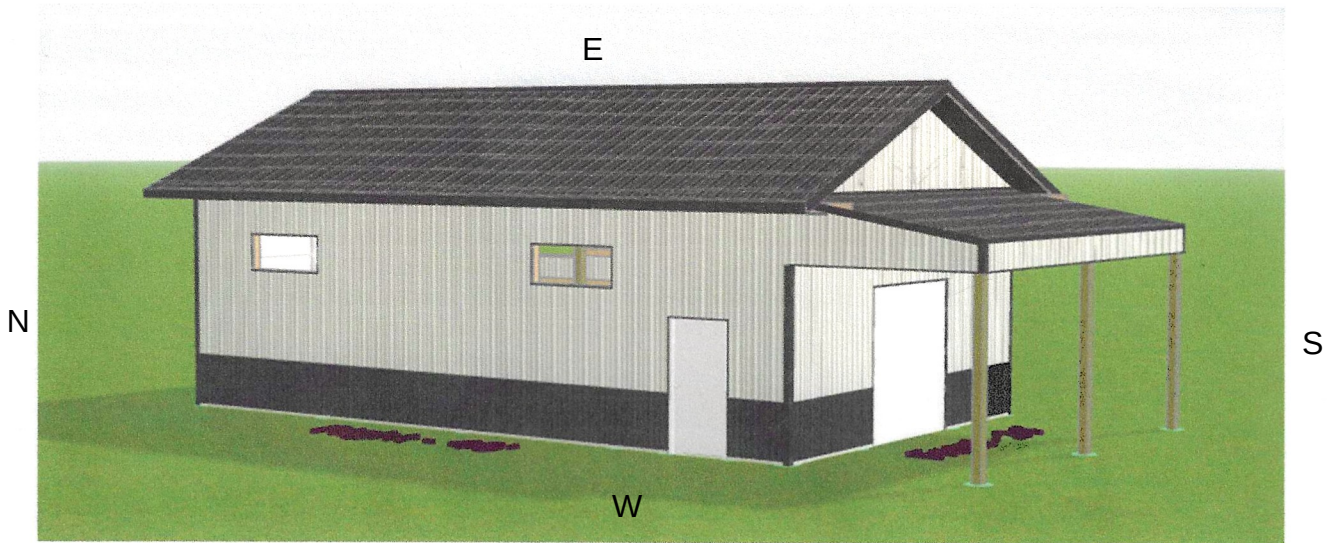
Surveyor's Declaration:  
I declare that this survey meets the  
Standards of Practice No. 1 per the  
State of Arkansas.

State Plat Code: 500-16N-31W-0-16-340-72-1514

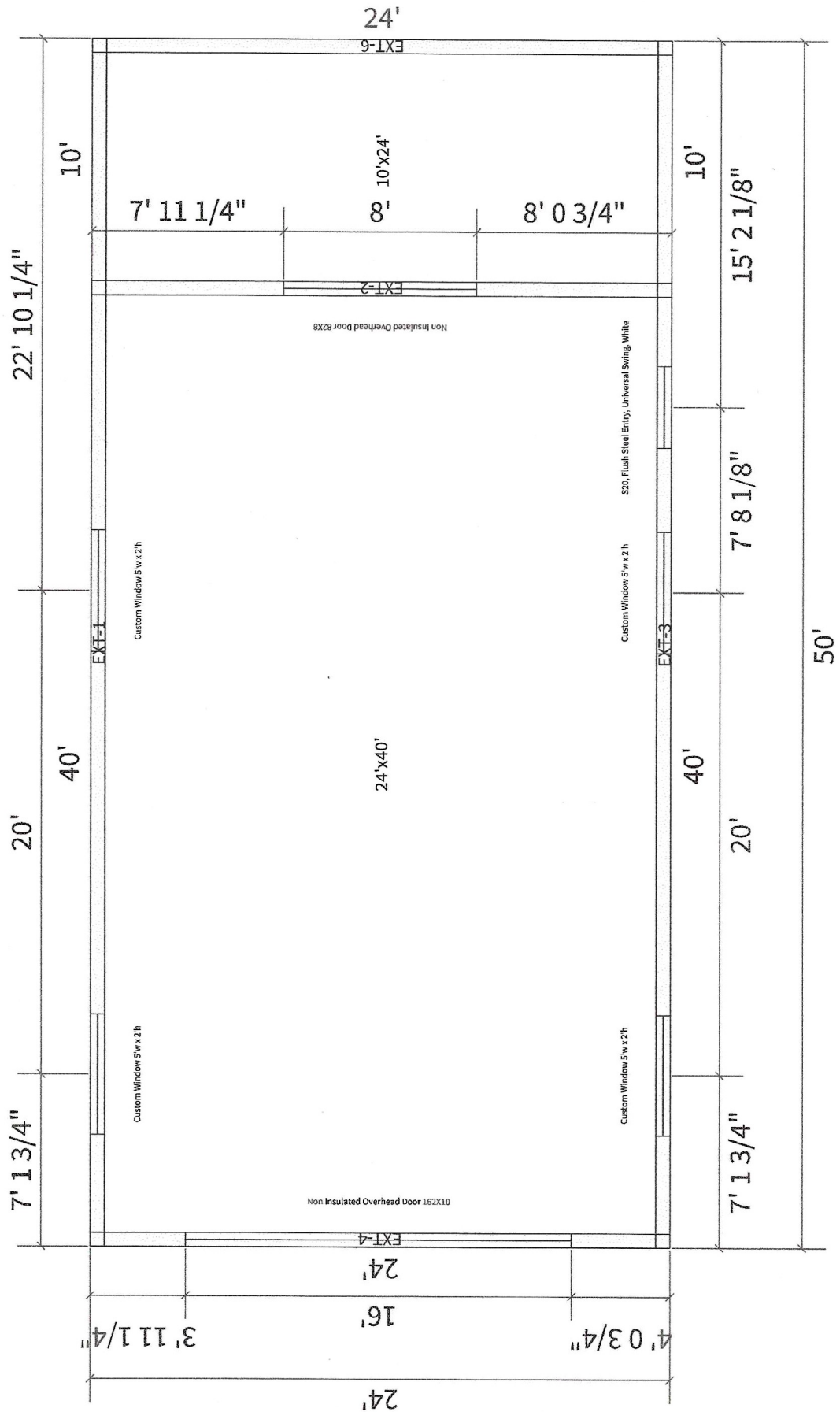








# Wall Layout





**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Wesley Frank, Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **RZN-2025-0029: Rezoning (5911 W. TACKETT DR./THOMAS, 436):**  
Submitted by JOYCE THOMAS for property located at 5911 W. TACKETT DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.33 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

---

**RECOMMENDATION:**  
Staff recommends tabling **RZN 2024-0029**.

**RECOMMENDED MOTION:**  
*"I move to table **RZN-2024-0029** until the September 8<sup>th</sup> Planning Commission meeting."*

|                                                               |                                 |                                    |                                 |
|---------------------------------------------------------------|---------------------------------|------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u><b>YES</b></u> |                                 |                                    |                                 |
| Date: <u>August 25, 2025</u>                                  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion:                                                       |                                 |                                    |                                 |
| Second:                                                       |                                 |                                    |                                 |
| Vote:                                                         |                                 |                                    |                                 |





**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Planning Director

**MEETING DATE:** August 25, 2025

**SUBJECT:** **ADM-2025-0030: Administrative Item (N. RAVEN LN/KTB LIMITED PARTNERSHIP, 285):** Submitted by CRAFTON TULL for property located on N. RAVEN LN. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 49.2 acres. The request is to amend the Master Street Plan.

**RECOMMENDATION:**

Staff recommends denial of **ADM-2025-0030**.

**RECOMMENDED MOTION:**

*"I move to deny **ADM-2025-0030**."*

**AUGUST 11, 2025 PC HEARING:**

At the previous Planning Commission meeting, the item was tabled so the applicant could provide proposed easement language to City staff in lieu of dedicating public right-of-way. Staff and the City Attorney's office have reviewed the document, and have identified concerns with the complexity of enforcement, ownership, maintenance, and typical standards in the long run, so are not supportive of the proposed instrument.

**BACKGROUND:**

The subject area is located in northwest Fayetteville, approximately mid-way between N. Salem and N. Deane Solomon Roads, and due north of the Crystal Springs, Phase IV subdivision. A planned Residential Link connection of Fayetteville's Master Street Plan enters the property from the south before angling eastward for future connectivity with Deane Solomon. Residential Link streets are intended to be the standard in neighborhoods, with low traffic speeds that accommodate both vehicles and bicycles on-street, and pedestrians on sidewalk.

In February of 2025, City Council approved a staff-supported resolution to remove a northward connection of this planned street across Clabber Creek to Raven Lane due to concerns about feasibility, cost, and impacts to sensitive natural areas. Surrounding land uses and zoning are depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>                                              | <b>Zoning</b>                                                                          |
|------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------|
| North            | Single-Family Residential;<br>Undeveloped/Former Golf Course | RSF-4, Residential Single-Family, Four Units per Acre;<br>PZD, Planned Zoning District |
| South            | Single-Family Residential                                    | RSF-4, Residential Single-Family, Four Units per Acre                                  |
| West             | Undeveloped                                                  | RSF-1, Residential Single-Family, One Units per Acre                                   |
| East             | Undeveloped/Former Golf Course                               | PZD, Planned Zoning District                                                           |

*Proposal:* The applicant is requesting an amendment to the 2040 Master Street Plan to develop an approximately 3,000-foot planned Residential Link as a private street. Planned connections adopted with the Master Street Plan are intended to be developed as public streets with associated assurances of public access and maintenance. This request is associated with a planned zoning district under concurrent review (PZD-2025-0003), with the site plan attached and a written intent to include the connection within public access easements.

#### **DISCUSSION:**

Staff is not supportive of the applicant's request, finding development of the planned connection as a private street to not be in the public's interest. The planned connection has been on the Master Street Plan since 2011 (Resolution 146-11) where it was originally classified as a Collector Street. A Collector Street is the equivalent of a Neighborhood Link Street under 2040 Master Street Plan standards. The connection was reaffirmed but downgraded to a Residential Link Street with the adoption of the 2040 Master Street Plan in 2019 (Resolution 15-20).

The Master Street Plan is intended to serve as a policy document to help guide decisions regarding location, form, function, design, and classifications of streets. The Plan considers infrastructure and anticipates where new building developments might occur to plan for possible street connections and capital expenditures. The Master Street Plan is not intended to serve as a formal land acquisition, an allocation of funding, or a construction document, nor does it establish a final alignment.

For the subject connection, its inclusion in the Master Street Plan in 2011 reflected the projected need for additional east-west connectivity in the area alongside new development and the likelihood that the Razorback Golf Course, which Underwood Park now partially covers, would close and be redeveloped. The planned connection represents the only master-planned link between Salem and Deane Solomon in almost one mile, bookended by W. Mount Comfort Road to the south and the indirect Vanike-Topaz-Raven-Crystal route to the north.

The projected need for the connection has been realized in the time since 2011, with several hundred additional housing units built nearby, the golf course closing, a portion of the land being donated to the City as park, and the remainder being rezoned for a mixture of housing, offices, and services by mid-2020. Later that year, the first section of public right-of-way necessary for the connection was dedicated alongside the subdivision of developable lots along Deane Solomon Road. Subsequently, in 2023 the Underwood Parks Master Plan was developed with inclusion of the planned connection.

While these factors support the rationale for maintaining the planned street and its role in a larger connection, staff also finds justification in the preserving its intended status as a public street. Although developing the street privately can remove its maintenance cost from the City, there are numerous local examples where inconsistent, irregular, and deferred maintenance of private streets has seen their condition deteriorate beyond the ability of its owner or owners to repair. Where some instances of this may not have wider impacts to the public at large or the provision of emergency, utility, and other municipal services, the applicant's proposal establishes a section of a priority connection as private, where poor maintenance or upkeep can have outsized impacts.

*Public Comment:* To date, staff has not received any public comment regarding this request.

**RECOMMENDATION: Staff recommends denial.**

**Should the Planning Commission forward this item to the City Council's Transportation Committee with a recommendation of approval, staff recommends the following conditions:**

**Conditions of Approval:**

1. Construction of the planned street shall be consistent with the City of Fayetteville Master Street Plan Residential Link section and in accordance with Engineering Division specifications for a Residential Link; and
2. Easement dedication in association with development of the property shall include public access easement adequate to span the width of the private street and its associated sidewalks.
3. Tree planting standards apply to all new developments along public or private streets, and street trees in residential developments must be maintained by the developer for a minimum of 3 years. Upon the expiration of a 3-year maintenance contract or surety, that responsibility passes on to the property owner.

|                                     |                                        |                                          |                                        |
|-------------------------------------|----------------------------------------|------------------------------------------|----------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>  |                                        |                                          |                                        |
| <b>Required</b>                     | <b><u>YES</u></b>                      |                                          |                                        |
| <b>Date: <u>August 25, 2025</u></b> | <input type="checkbox"/> <b>Tabled</b> | <input type="checkbox"/> <b>Approved</b> | <input type="checkbox"/> <b>Denied</b> |
| <b>Motion:</b>                      |                                        |                                          |                                        |
| <b>Second:</b>                      |                                        |                                          |                                        |
| <b>Vote:</b>                        |                                        |                                          |                                        |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

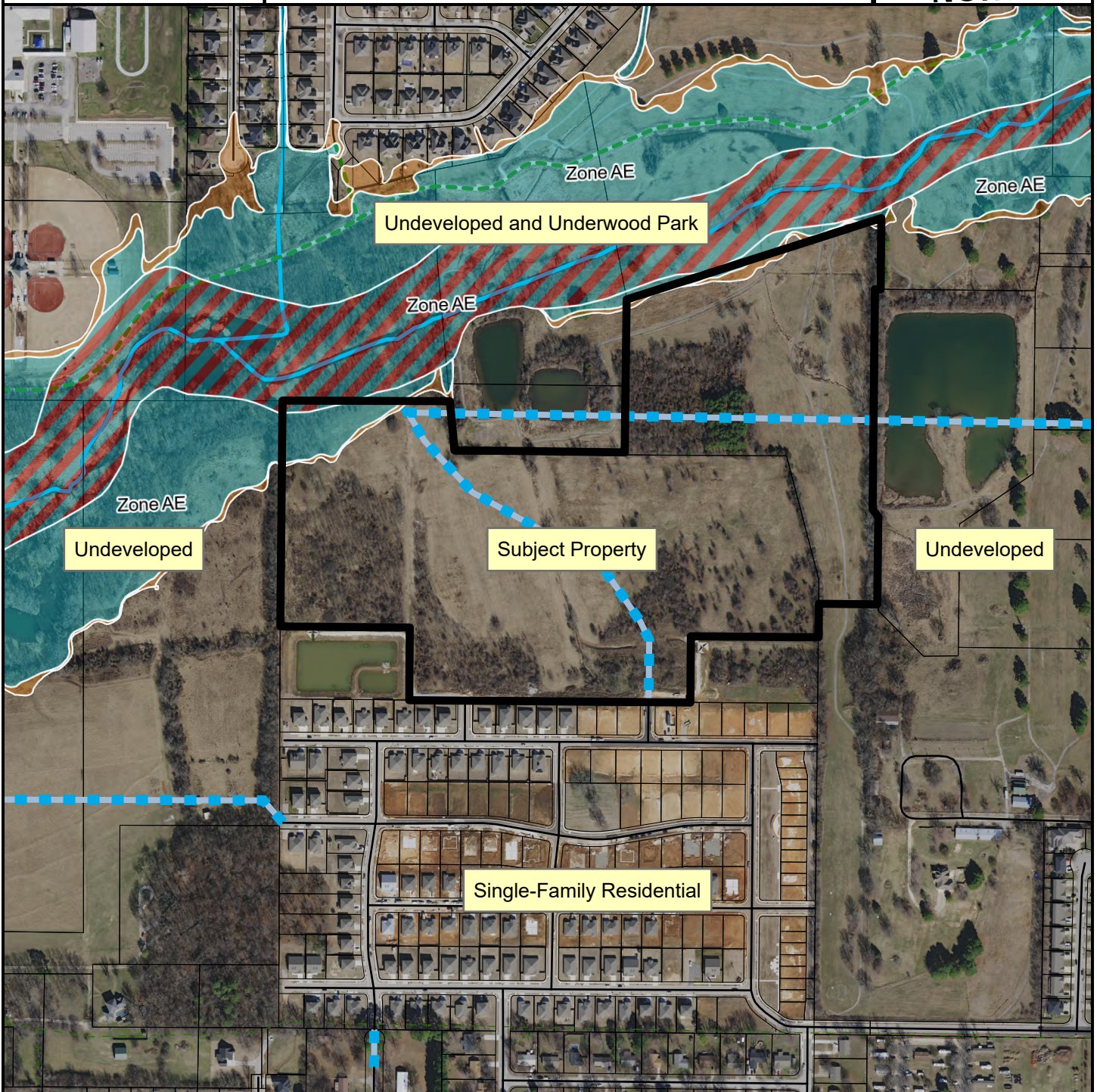
- Current Land Use Map
- 2030 Master Street Plan Exhibit
- 2040 Master Street Plan Exhibit
- Underwood Park Master Plan
- Applicant Request Letter
- PZD-2025-0003 Exhibits
- Public access easement document with mark-ups



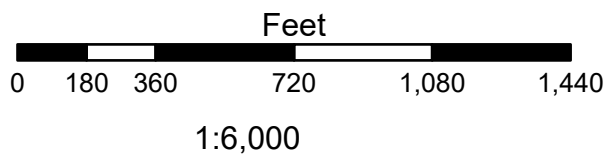
ADM-2025-0030

# N. RAVEN LN

Current Land Use



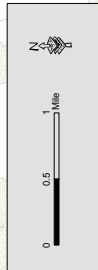
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway







# City Plan 2040

## Master Street Plan



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

Adopted by the Fayetteville City Council on  
January 17, 2025. Resolution No. 19848

Mayor \_\_\_\_\_

City Clerk \_\_\_\_\_



0 0.5 1 Miles

- Potential Typology**
- Connection - Regional Link
  - Connection - Neighborhood Link
  - Connection - Residential Link
  - Urban Center
  - Regional Link - High Activity
  - Regional Link
  - Neighborhood Link
  - Institutional Master Plan
  - Freeway/Expressway
  - Park
  - Planning Area Boundary

Figure 12.7 - Master Street Plan Map



## UNDERWOOD PARK VISION PLAN PROGRAM

- 1 Nature Trails
- 2 Playground
- 3 Walking / Jogging Paths
- 4 Open Multi-Use Green Space
- 5 Ecological Restoration Areas
- 6 Entrance + Parking
- 7 Pickleball Courts
- 8 Wetland Boardwalk
- 9 Creek Play Access
- 10 Splashpad
- 11 Pavilion + Rest Rooms (RR)
- 12 Dog Park
- 13 Fishing Piers
- 14 Disc Golf (Partial)
- 15 Entry Plaza + Picnic Area
- 16 Kayak + Paddle Board Access
- 17 City Planted + Cared for Gardens
- 18 Enlarged Pond
- 19 Bird Watching Wildlife Blind
- 20 Art Infused Bridge
- 21 Food Truck Court
- 22 Hammock Pole Area
- 23 Basketball Court
- 24 Performance Space + RR
- 25 Lake Deck
- 26 Buffer Area
- 27 Possible Lake Access
- 28 Historic Interpretation Area
- 29 Possible Access Points
- 30 Sitting / Social Area







August 4th, 2025

City of Fayetteville  
Attn: Planning Department  
113 West Mountain St  
Fayetteville, AR 72701

Re: Next Chapter ADM-2025-0030  
Master Street Plan Amendment associated with PZD-2025-0003

Dear Ms. Masters,

This letter is intended to describe the reason for the requested amendment to the Master Street Plan, ADM-2025-0030. This request has been submitted concurrently with the Next Chapter PZD-2025-0003.

The request is to amend the typical section of the planned residential link that runs through the site. And, the request is to amend the location of the connection to N Deane Solomon Rd, by shifting the connection north to avoid the large existing wet retention pond. It is unreasonable to build a street through an existing large retention pond. The planned residential link that is offsite, connecting to N Deane Solomon Rd, will meet the full width MSP typical section for residential links. There is no change in the general connection points shown on the Master Street Plan because the proposed layout shows residential link connections to the existing N Raven Ln and also N Deane Solomon Rd.

N. Raven Lane will be extended through the site. The internal road network will generally conform to the alignment of the planned residential link that runs through the site on the Master Street Plan map. See the following exhibits, attached to this letter.

1. Existing Master Street Plan Exhibit
2. Concept Site Plan with Existing MSP Map Overlaid
3. Typical Section for Modified Residential Link, associated with PZD-2025-0003

The proposed internal residential link streets will be privately owned & maintained streets with public access easements dedicated over them. There will be a 36' wide public access easement on all of the internal streets of the proposed Next Chapter PZD development, such that public vehicular and pedestrian access can be provided throughout all internal streets.

If the internal network of streets were publicly dedicated residential links, then there would be a variety of challenges to accommodate Next Chapter's unique residential design product. The Next Chapter style, use, and model for distinct neighborhoods typically does not fit neatly into City of Fayetteville Unified Development Code or planning staff's traditional interpretation thereof. A Next Chapter Neighborhood was never intended to resemble or mimic a typical single-family, nor multi-family development. This is a new residential product type that has details and nuances that usually do not fit into one of these two traditional categories. One of the most critical design restrictions that would result from a publicly dedicated network of internal streets would be creation of internal right-of-way, or property lines. This would result in required front, side, and rear yard setbacks to be measured from the required dedicated right-of-way. The resulting spacing and design outcome would resemble a traditional for-sale single-family neighborhood. As previously stated, this design and layout does not fit the unique and relatively new residential product type model for a Next Chapter Neighborhood. Dedicating the required right-of-way for residential links would result in a variety of spacing and product challenges for



a Next Chapter Neighborhood. The result of this would be a significant reduction in unit count, operational and ownership challenges, and a loss of intentional product aesthetic & design.

The primary benefit to the City of Fayetteville is that Next Chapter Holdings, LLC, will provide the intended connectivity for pedestrians and vehicles, and the City won't have to pay for any lifetime maintenance or initial construction costs. Fayetteville taxpayers do not pay for the construction or maintenance of the road, and yet they are still able to utilize and access the streets & sidewalks, free of charge. This is typically viewed as favorable by local jurisdictions as Next Chapter Holdings, LLC, is highly incentivized to ensure the roads are kept to high standards. If a high-quality product is not provided by the developer, which includes the streets & means of access, then the developer's business will suffer.

This amendment to the Master Street Plan is being submitted because while the development is meeting the intent of the established Master Street Plan's inter-parcel connectivity requirements, the technical nature of the privately owned and maintained internal roads warrant a Master Street Plan Amendment to verify this. The intended connectivity discussed in the City Plan 2040 is provided on this site with vehicular and pedestrian access. Next Chapter proposes several pedestrian connections to the adjacent Underwood Park, which makes this development even more connected than typically found in other traditional single family or multi-family developments. Therefore, because we are meeting the connectivity goal of the City Plan 2040, we believe this amendment to the MSP is justified, and will not negatively impact the City but rather benefit the City with a privately funded street & sidewalk installation and life-long maintenance.

Next Chapter Holdings, LLC, is proposing to add a condition that any approval of the MSP amendment is conditional upon the specific project moving forward and/or the public access easements being dedicated. If these conditions are not met, then any approved MSP amendment will revert back to the originally adopted MSP.

Below are the six 2040 City Plan goals and how this development aligns with them:

Goal 1: We will make appropriate infill and revitalization our highest priority.

This site is an infill project, between two existing residential developments. This project connects vehicles and pedestrians throughout this area in a logical and concise manner. Single-family residential use on this site compliments the context and character of the existing neighborhood to the south of the site, while obtaining the density needed to promote affordable housing in the region.

Goal 2: We will discourage suburban sprawl.

This development would not be considered suburban sprawl having high and medium density neighborhoods surrounding it. This development connects the two existing developments, extends vehicular and pedestrian access through this site and surrounding sites to local parks and amenities (i.e. Underwood Park, Gary Hampton Softball Complex, Wilson Springs Preserve, Holcomb Elementary). This Planned Zoning District has a density that is less than the future Commercial PZD 24 units/acre density, while also being a concise development which minimizes public street construction and centers on an internal open space for residents to enjoy.

Goal 3: We will make traditional town form the standard.

This development meets this goal by being a compact and dense subdivision thus being able to preserve open space and trees, having interconnected streets and sidewalks, and minimizing the unit's front façade separation from the sidewalk, while still providing one parking stall in each driveway. This will keep the units close to the street to mimic traditional town form.



Goal 4: We will grow a livable transportation network.

This development will promote walkability and bicycling by having interconnected tree-lined streets, and sidewalks. Fayetteville's Clabber Creek trail is adjacent to this development, just north of Clabber Creek. The existing Underwood Park is directly adjacent to the northeast. Residents of this development will be able to access the Underwood Park trail system at multiple locations around the eastern, northern, and southern perimeters of the site. The students and faculty of Holcomb Elementary and any citizen who uses the Gary Hampton Softball complex for sports can use the Clabber Creek multi-use trail and/or public sidewalk network to access their home in this proposed development. If public transportation decides to extend west, this development will provide connection with surrounding neighborhoods thus making bus stops more accessible.

The City Plan 2040 clearly states a plan to create compact, complete, and connected development. These privately owned & maintained streets with public access easements dedicated over them will meet that plan for the following reasons:

1. Streets will provide legally established public access through the site from southern adjacent parcel to eastern adjacent parcel.
2. Pedestrians will have multiple direct access points to the adjacent Underwood Park trail system.
3. Pedestrians have less than 0.20 miles access from site to the Clabber Creek multi-use paved trail to the north.

Goal 5: We will assemble an enduring green network.

This development will meet this goal by preserving trees and open space. Streamside protection measures will be along Clabber Creek at the northwestern corner of the property. Additionally, the proposed development will consist of tree-lined streets, interconnected sidewalks, and will connect to the Clabber Creek multi-use trail and Wilson Springs Preserve, which are both adjacent to the development.

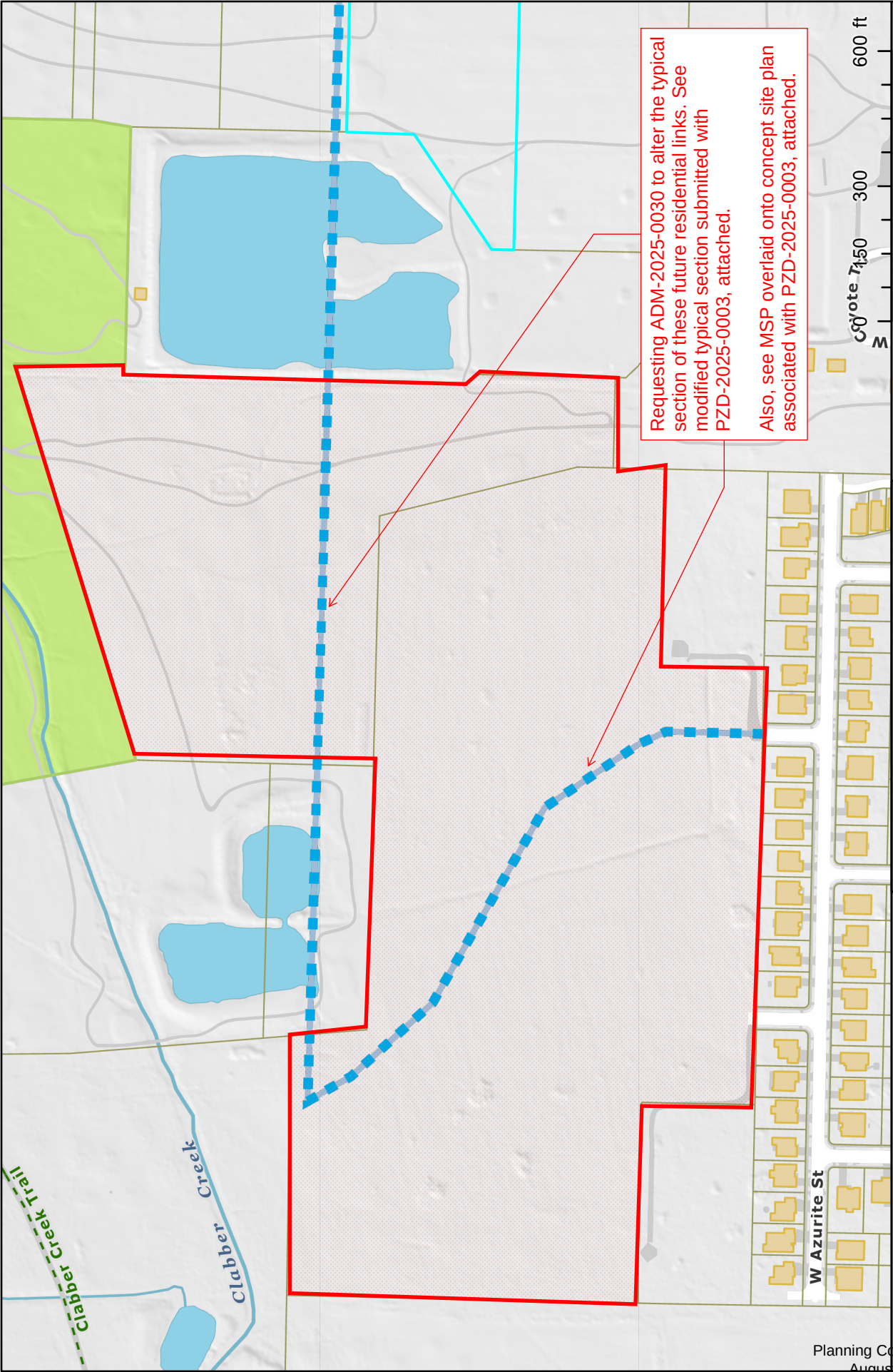
Goal 6: We will create opportunities for attainable housing:

This goal will be met the developer providing a mixture of housing sizes and unit types. This mixture will allow some of the homes to be more affordable than the average single-family dwelling. Additionally, the homes will be rental units and therefore more financially attainable than the average single family private lot.

We appreciate your consideration of this request. If there are any questions, please contact me at 479-878-2475 or [trent.woessner@craftontull.com](mailto:trent.woessner@craftontull.com).

Sincerely,

Trent Woessner, P.E.  
Civil Project Engineer  
Crafton Tull

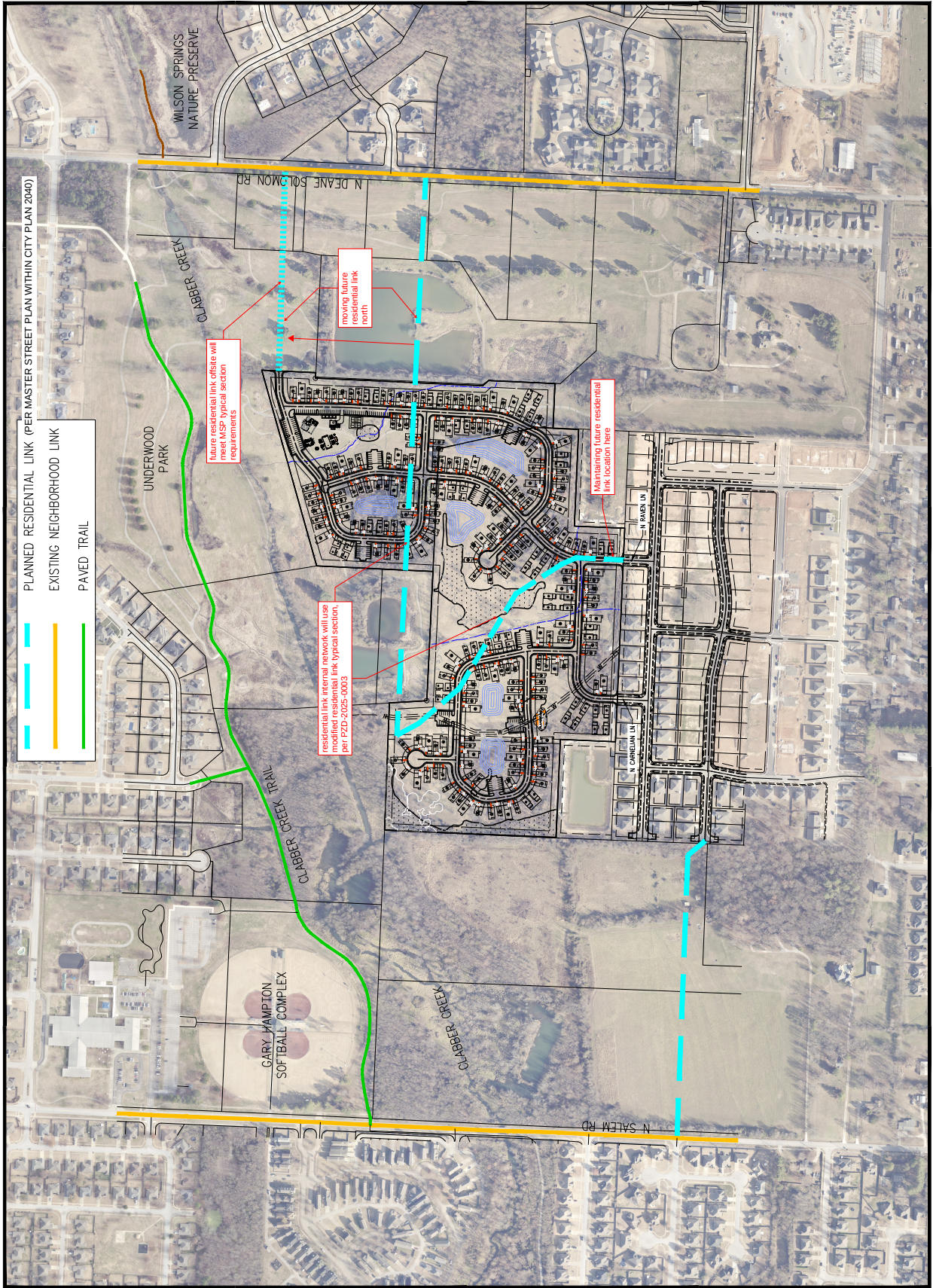


Requesting ADM-2025-0030 to alter the typical section of these future residential links. See modified typical section submitted with PZD-2025-0003, attached.

Also, see MSP overlaid onto concept site plan associated with PZD-2025-0003, attached.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                        |                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <p>The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user. And by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from any and all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising from the use of this data. The City of Fayetteville, for no consideration, makes no warranty, express or implied, for any use of this data. The City of Fayetteville shall be construed to waive that tort immunity set forth under Arkansas law.</p> <p>Created: 8/4/2025<br/>Credits: City of Fayetteville, AR<br/>Map Author:</p> | <h2>ADM-2025-0030 Exhibit</h2> <p>Fayetteville, AR</p> | <p>Residential Link</p>  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|











## PUBLIC ACCESS EASEMENT AGREEMENT

THIS PUBLIC ACCESS EASEMENT AGREEMENT (this “Agreement”) is made as of \_\_\_\_\_, 2025, by and between \_\_\_\_\_, a \_\_\_\_\_ (“Grantor”) and the CITY OF FAYETTEVILLE, ARKANSAS, [a municipal corporation] (“CityCityCity”).

WHEREAS, Grantor is the owner of certain property located in Washington County, Arkansas, Parcel ID Numbers 765-16658-050 and 765-16658-022, as more particularly described on **EXHIBIT A** attached hereto (the “Property”); and

WHEREAS, Grantor intends to construct on the Property a housing development consisting of detached units (the “Project”), which will include certain roadways and walkways across the Property that will provide vehicular and pedestrian ingress and egress between, through, across the property (the “Improvements”), as generally depicted on **EXHIBIT B** attached hereto and more particularly described on **EXHIBIT C**<sup>1</sup> attached hereto (the “Access Easement Areas”); and

WHEREAS, Grantor desires to grant to City a nonexclusive easement for public access on, across and through the Access Easement Areas;

NOW, THEREFORE, in consideration of the above recitals, the Grantor and City agree as follows:

1. Grant. Subject to the limitations set forth in Paragraph 4 and all terms of this Agreement, Grantor hereby grants to City a nonexclusive easement (the “Easement”) upon and across the Access Easement Areas for public access for vehicular and pedestrian ingress and egress purposes; ~~provided, however, that the public access granted herein shall exclude any vendor or other commercial activities or operations not expressly permitted by Grantor.~~ The right of City and the public to use the Access Easement Areas shall not extend to uses inconsistent with Grantor’s use and operation of the Property such as loitering, ~~vendor or commercial activities~~ or other types of uses that may constitute public or private nuisance or uses prohibited by the Rules and Regulations (as defined below) or inconsistent with any restrictions, covenants and easements of record. Grantor reserves the exclusive right to grant to third parties additional nonexclusive easements or rights within the Access Easement Areas, including, without limitation, for access, recreational purposes and utilities, provided such uses do not unreasonably interfere with the use of the Easement.

2. Construction and Maintenance. Grantor shall construct the Improvements as part of its construction of the Project. Upon completion of construction of the Improvements, City, on behalf of itself and members of the public, hereby accepts the Access Easement Area in its as-is, where-is condition and with all faults. City shall not be responsible for operating or maintaining the Improvements or the Access Easement Areas. ~~Subject to compliance with applicable zoning ordinances, Grantor shall have the right, from time to time and at any time, to place or install amenities on the Access Easement Areas consistent with the use of the Access Easement Areas as set forth herein, at Grantor’s sole discretion, and Grantor shall have the right to remove the same at any time and from time to time.~~ Grantor shall at all times maintain the Easement Area in a good, safe, and clean condition, ~~which shall be at least consistent with the condition of the public right of ways owned and maintained by the City, and~~ in accordance with all applicable laws, rules, and regulations. If Grantor fails to perform such maintenance and such failure continues for sixty (60) days after written notice from City specifying the

<sup>1</sup> NTD: To be revised depending on whether there will be a separate legal description for the Access Easement Areas.

**Blake Pennington [BP1]** August 14, 2025 08:49 AM  
~~This would prevent an ice cream truck from driving down that unless they had express permission.~~

**Blake Pennington [BP2]** August 14, 2025 08:49 AM  
How do they monitor and enforce this?

**Duran, Samantha [SD3]** August 21, 2025 09:32 AM  
This depends on the circumstance. If someone was loitering or otherwise causing a nuisance then Next Chapter would look to the police to enforce in accordance with the police’s typical procedures. If someone was parking in a non-parking area, then Next Chapter would like the ability to boot or tow the car as needed. The intent of this language is to clarify that the easement granted has some appropriate limits so that if a person’s car was towed (for example) that person could not point to the easement and state that, as a member of the public, they have the right to park anywhere.

**Blake Pennington [BP4]** August 14, 2025 08:50 AM  
~~What does this mean?~~

**Blake Pennington [BP5]** August 14, 2025 08:51 AM  
Would like to have Public Works look at this language and see how they would interpret this standard.

**Duran, Samantha [SD6]** August 21, 2025 09:39 AM  
Understood. Please feel free to propose any language Public Works feels is appropriate. As the owner and operator of the community, Next Chapter has every incentive to ensure that the roads are well maintained.

**Blake Pennington [BP7]** August 14, 2025 08:50 AM  
Are there rules or regulations on private streets? The only thing I can think of is that we add regulations as conditions to the MSP amendment and PZD.

**Duran, Samantha [SD8]** August 21, 2025 09:38 AM  
That would be acceptable.

nature of the failure or such additional period of time as is necessary so long as Grantor has commenced the cure of such failure within such 60 day period and is diligently pursuing such cure to completion (the "Notice Period"), then City shall have the right, but not the obligation, to perform such required maintenance or repair ("Step-In Rights") and any reasonable costs and expenses incurred by City in exercising its Step-In Rights shall be reimbursed by Grantor to City within sixty (60) days following Grantor's receipt of an invoice and reasonable documentation of such costs. Failure by Grantor to so reimburse shall constitute a material default under this Agreement. If Grantor and the City are unable to agree upon reasonable costs and expenses, then the matter shall be submitted to a third-party engineer for determination whose decision shall be final. The third-party engineer shall be selected by the mutual agreement of both Grantor and the City and shall be paid for by Grantor.

**Blake Pennington [BP9]** August 14, 2025 08:52 AM

This could just lead to a fight over what is reasonable. And if they fail to make the payment it would require litigation.

**Duran, Samantha [SD10]** August 21, 2025 09:46 AM

We addressed by having any disputes mediated by a third party engineer paid for by Next Chapter.

3. **Public Rights.** Grantor shall, at all times, make the Access Easement Areas available for use by members of the public, except for such times as the Access Easement Areas or any portion thereof must be temporarily closed for maintenance or repair, to protect against unsafe conditions (including, without limitation accumulation of snow or ice) or to avoid the acquisition of adverse or prescriptive rights. If the Access Easement Area needs to be closed to protect against unsafe conditions, Grantor will use commercially reasonable efforts to remove or remedy the unsafe condition and restore public access consistent with other roadways, sidewalks and walkways within the Project. Grantor shall have the right periodically (i.e., not more than once a year and not more than 24 hours at a time) to close off the Access Easement Areas in order to prevent the acquisition of any adverse or prescriptive rights by members of the public or other users. Grantor will place appropriate signage indicating closure in advance of such closure, if planned, otherwise immediately upon closure, indicating the duration of such closure, if known, and such signage shall remain in place throughout the closure. In the event of planned closures for maintenance/repair or to prevent the acquisition of adverse or prescriptive rights, Grantor shall also notify the City in writing and shall ensure the notice is delivered to the City at least 3 days prior to the planned closure.

4. **Rules and Regulations.** The City shall, at all time, have the right to enforce all traffic laws, rules and regulations in and upon the Access Easement Area in accordance with and to the extent permitted by law, including without limitation, AR Code § 27-51-104 (2024). Grantor shall have the right to promulgate and enforce reasonable rules and regulations (the "Rules and Regulations") regarding the use of the Access Easement Areas by the public and shall have the right to enforce such Rules and Regulations in accordance with all applicable laws and governmental rules and regulations, provided such Rules and Regulations have been approved by City, which approval shall not be unreasonably withheld.

**Blake Pennington [BP11]** August 14, 2025 09:00 AM

What is the enforcement mechanism?

**Duran, Samantha [SD12]** August 21, 2025 09:49 AM

As discussed above, it depends on the circumstance. If someone was loitering or otherwise causing a nuisance then Next Chapter would look to the police to enforce in accordance with the police's typical procedures. If someone was parking in a non-parking area, then Next Chapter would like the ability to boot or tow the car as needed.

5. **Alterations.** Grantor shall be permitted to make alterations to the Access Easement Areas. City shall not make any alterations or modifications to the Access Easement Areas without the prior written consent of Grantor, which may be withheld in Grantor's sole and absolute discretion.

6. **Run with the Land.** City may not assign this Agreement or any of the rights granted hereunder without the prior written consent of Grantor. This Agreement shall run with the Property and shall be binding on Grantor and its respective heirs, successors and assigns.

7. **Amendment.** This Agreement may be amended only by a written instrument executed by both City and Grantor.

8. **Counterparts.** This Agreement may be executed in any number of counterparts, and each counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Agreement.

9. No Joint Venture. No provision hereof shall be deemed to constitute the parties hereto as partners of one another or joint ventures of one another or in any way obligate any party hereto for the performance of any obligation of the other party hereto.

10. Notice. Any notice required under this Agreement shall be in writing, addressed to the appropriate party by first class U.S. Mail or electronic mail at the following addresses:

CITY OF FAYETTEVILLE  
Attn: Mayor's Office  
113 W. Mountain Street  
Fayetteville, AR 72701

GRANTOR  
Attn: \_\_\_\_\_  
Address 1  
Address 2

[Signature Page Follows]

In Witness Whereof, the Grantor and City have hereunto set their hands and seals on this \_\_\_\_ day of \_\_\_\_\_, 2025.

**GRANTOR:**

\_\_\_\_\_,  
a \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_)ss.  
\_\_\_\_\_ COUNTY )

This instrument was acknowledged before me on \_\_\_\_\_, 2025 by  
\_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, the \_\_\_\_\_ of  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Arkansas  
My commission: \_\_\_\_\_

This document was drafted by:

\_\_\_\_\_, Esq.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY:**

**CITY OF FAYETTEVILLE, ARKANSAS,**  
a municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: [City Clerk]

Approved as to form and execution:

\_\_\_\_\_  
Name:  
Title: [City Attorney]

STATE OF ARKANSAS        )  
                                      )ss.  
WASHINGTON COUNTY     )

This instrument was acknowledged before me on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Notary Public, State of Arkansas  
My commission: \_\_\_\_\_





## **LIST OF EXHIBITS**

EXHIBIT A: Legal Description of the Property

EXHIBIT B: Depiction of the Access Easement Areas

EXHIBIT C: Legal Description of the Access Easement Areas

## EXHIBIT A

### Legal Description of the Property

Part of the Southeast Quarter (SE¼) of Section 32, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of said Section 32; thence North 02°23'27" East 1381.39 feet to the point of beginning; thence North 02°23'27" East a distance of 777.29 feet; thence South 87°48'23" East a distance of 576.11 feet; thence South 03°18'06" East a distance of 169.29 feet; thence South 87°14'42" East a distance of 1141.88 feet; thence South 12°18'05" East a distance of 449.85 feet; thence South 02°38'01" West a distance of 193.06 feet; thence North 87°32'17" West a distance of 437.69 feet; thence South 02°27'43" West 227.74 feet; thence North 87°32'06" West a distance of 967.49 feet; thence North 02°27'54" East a distance of 250.00 feet; thence North 87°32'06" West a distance of 442.90 feet to the point of beginning. Containing 33.31 acres, more or less. Subject to any easements of record or fact.

Part of the NW 1/4 of the SE 1/4 of Section 32, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the SE corner of Section 32; thence North 87°16'59" West a distance of 782.21 feet to the East line of Crystal Springs Subdivision; thence along said line North 02°38'01" East a distance of 1483.34 feet to the point of beginning; thence North 02°38'01" East a distance of 76.97 feet; thence North 12°18'05" West a distance of 449.85 feet; thence North 87°14'42" West a distance of 556.89 feet; thence North 02°45'14" East a distance of 527.06 feet; thence North 74°18'30" East a distance of 920.33 feet; thence South 02°36'38" West a distance of 245.00 feet; thence North 87°23'22" West a distance of 25.00 feet; thence South 02°36'38" West a distance of 758.10 feet; thence South 42°23'22" East a distance of 35.36 feet; thence South 02°36'38" West a distance of 301.04 feet; thence North 87°23'22" West a distance of 202.48 feet to the point of beginning, containing 16.01 acres, more or less and subject to any easement of record or fact. Also known as Lot 4 as shown on Plat Record 024A-00000298.

**EXHIBIT B**

**Depiction of the Access Easement Areas**

[See attached]



**EXHIBIT C**

**Legal Description of the Access Easement Areas**

[See attached]



|                                                                                                                                |    |
|--------------------------------------------------------------------------------------------------------------------------------|----|
| <b>Summary report:</b><br><b>Litera Compare for Word 11.7.0.54 Document comparison done on</b><br><b>8/21/2025 10:30:13 AM</b> |    |
| <b>Style name:</b> Default Style                                                                                               |    |
| <b>Intelligent Table Comparison:</b> Active                                                                                    |    |
| <b>Original filename:</b> Fayetteville (Underwood and KTB) - Public Access Easement - bp8.14.25 (003).docx                     |    |
| <b>Modified DMS:</b> nd://4919-3620-2334/4/Fayetteville (Underwood and KTB) - Public Access Easement.docx                      |    |
| <b>Changes:</b>                                                                                                                |    |
| Add                                                                                                                            | 11 |
| Delete                                                                                                                         | 10 |
| Move From                                                                                                                      | 0  |
| Move To                                                                                                                        | 0  |
| Table Insert                                                                                                                   | 0  |
| Table Delete                                                                                                                   | 0  |
| Table moves to                                                                                                                 | 0  |
| Table moves from                                                                                                               | 0  |
| Embedded Graphics (Visio, ChemDraw, Images etc.)                                                                               | 0  |
| Embedded Excel                                                                                                                 | 0  |
| Format changes                                                                                                                 | 0  |
| <b>Total Changes:</b>                                                                                                          | 21 |



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Planning Director

**MEETING:** August 25, 2025

**SUBJECT:** **PZD-2025-0003: Planned Zoning District (N. RAVEN LN/KTB LIMITED PARTNERSHIP, 285):** Submitted by CRAFTON TULL for property located on N. RAVEN LN. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 49.2 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

**RECOMMENDATION:**

Staff recommends forwarding **PZD-2025-0003** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **PZD-2025-0003** to City Council with a recommendation of approval."*

**AUGUST 11, 2025 PC HEARING:**

At the previous Planning Commission meeting, the item was tabled so the applicant could provide proposed easement language to City staff in lieu of dedicating public right-of-way. Staff and the City Attorney's office have reviewed the document, and have identified concerns with the complexity of enforcement, ownership, maintenance, and typical standards in the long run, so are not supportive of the proposed instrument.

**BACKGROUND:**

The subject area is located in northwest Fayetteville, approximately mid-way between N. Salem and N. Deane Solomon Roads, and due north of the Crystal Springs, Phase IV subdivision. A portion of the property was rezoned to a Planned Zoning District in 2020 with the acquisition of land that was donated for Underwood Park. Residential Link connection of Fayetteville's Master Street Plan enters the property from the south before angling eastward for future connectivity with Deane Solomon. An associated master street plan modification is also being considered with this request. Surrounding land uses and zoning are depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>                                              | <b>Zoning</b>                                                                          |
|------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------|
| North            | Single-Family Residential;<br>Undeveloped/Former Golf Course | RSF-4, Residential Single-Family, Four Units per Acre;<br>PZD, Planned Zoning District |
| South            | Single-Family Residential                                    | RSF-4, Residential Single-Family, Four Units per Acre                                  |
| West             | Undeveloped                                                  | RSF-1, Residential Single-Family, One Units per Acre                                   |
| East             | Undeveloped/Former Golf Course                               | PZD, Planned Zoning District                                                           |

**Proposal:** The applicant requests to rezone the property to a Residential Planned Zoning District with two planning areas, as described below:

- **Planning Area #1 (Residential Single-Family) – 26.84 acres:** This area will be developed with residential single-family homes at a maximum density of 5.61 units per acre.
- **Planning Area #2 (Open Space and Amenities) – 22.36 acres:** Development in this area appears to be limited to stormwater, greenspace, and open space.

*Public Comment:* Staff has received one comment about impacts to traffic along Deane Solomon, but not necessarily in opposition to the overall request. Staff received another inquiry about the development with concerns about how the development may impact the woods to the north of the Crystal Springs subdivision.

## **INFRASTRUCTURE:**

**Streets:** The PZD shows connecting North Carnelian Lane and North Raven Lane through the site with a private street. This connection is shown to be 28-foot-wide back-of-curb to back-of-curb with 6-foot greenspace and 6-foot concrete sidewalk, in accordance with the City's Residential Link Master Street Plan. Review of the proposed streets for conformance with the City's Minimum Street Standards will be performed with development entitlement.

The applicant is proposing making all streets in the development private. Staff notes that private streets have historically been problematic in other parts of the city. There are many examples of private streets that are currently in poor shape due to lack of maintenance provided by an HOA or, even worse, in an area without any HOA. Salem Village and Stanwyk Drive are examples of these situations. This proposal is slightly different since they are not proposing to subdivide the property, however the applicant should be aware of the long-term cost to maintain this infrastructure.

The Master Street Plan shows a planned Residential Link going through the proposed site. The applicant will need to amend the Master Street Plan to address this change. However, a proposed private street in the development follows the Master Street Plan intent very closely. Based on this, and the concern about private streets, Engineering Staff would recommend maintaining the Master Street Plan connection through the site as a public street.

**Water:** There is an existing 8-inch water main running through the center of the property in north-south direction. In addition, there are two existing 8-inch water main connections on the south side of the subject property along North Carnelian Lane and North Raven Lane. The existing mains mentioned are available to service the development. The applicant is proposing an 8-inch water main to be extended through the site to provide domestic and fire service to the property. Further review and analysis will be done with an application for development.

**Sewer:** There is an existing 10-inch sewer main that runs north-south along the west side of the proposed development. The applicant is proposing an 8-inch sewer main extension throughout the site to provide service to the proposed units. The applicant must engage RJN, the contract engineer for the City's sewer model, to determine the existing downstream capacity of the sewer system and any necessary improvements that would be required for a specific development.

**Drainage:** Development on this site must meet the four Minimum Standards of Fayetteville's Drainage Criteria Manual for water quality, channel protection, overbank flood protection, and extreme flood protection. Review for conformance with these standards will be done with a development application.

**Fire:** Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately 4.0 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 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. The Fayetteville Fire Marshals office will require all infrastructure for fire access and hydrants prior to any building being occupied by tenants. Projects with 30 or more buildings on one plot of land will trigger a minimum of two access points meeting code requirements.

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

**Tree Preservation:**

The proposed RPZD, Residential Planned Zoning District and the current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, 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 **2-6** for this site with a weighted score of **6** at the highest level. Elements contributing to the highest score include the following:

- Adequate Fire Response (Station #8, 2266 W. Deane Street)
- Near Sewer Main (10-inch along west side of site)
- Near Water Main (8-inch along west side of site)
- Near Public School (Holcomb Elementary)
- Near City Park (Underwood Park)
- Near Paved Trail (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:*** Staff finds that the proposed PZD is compatible with surrounding land uses. The overall zoning density allowances are effectively a downzoning from what could be built there currently under the CPZD district that in certain portions allows up to 24 units per acre of multi-family residential. To the south of the development is an established residential single-family subdivision with public streets that this development proposes to tie in to. The development proposes a density, building type, and use that is compatible with the surrounding areas. The main concern that staff has with the proposal is the applicant's request to install private streets throughout the development. Staff finds that this request runs counter to city goal 3 which states a preference for connected development, and potentially poses maintenance and upkeep issues in the long-term. Staff recommends a condition that connectivity through public streets be maintained to the subdivision to the south, and that the main north/south street throughout the development remain public to connect to the northeast section of the site.

***Land Use Plan Analysis:*** Staff finds that the proposed PZD is aligned with several goals of City Plan 2040 since it would allow for appropriate infill development (Goal 1), and create opportunities for attainable housing (Goal 6) since the developer introduces a unique rental model for the City. The property has an infill score ranging between 2 to 6, which indicates that it is a suitable location for relatively low density development, which the applicant proposes. The developer's proposal to use only private streets does appear to run counter to City Goal 3, but if at least one main connection through the development can be dedicated as public street to avoid leapfrogging maintenance and public access, staff finds that the connectivity goal can be maintained.

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

**Finding:** While the proposed PZD aligns with several goals of City Plan 2040, its necessity is at the request of the developer. Without a unique zoning consideration, this development type would not be possible due to lot width and area requirements of the RSF-4 zoning district. Staff finds that the applicant's proposal is unique, and offers another opportunity for housing and is in line with the City's long-term land use plans for the area.

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

**Finding:** The PZD has the potential to increase traffic, though staff finds that when the neighborhood develops, the surrounding infrastructure can likely support it.

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 alter the population density but is not likely to do so in a way that undesirably increases the load on public services. 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 meets several of the factors above, including flexibility by incorporating a new housing model, compatibility with the size and scale of the housing type and density being proposed, and harmony by preserving portions of the site as natural buffers. The proposal also sets aside more open space than would typically be required with a**



traditional residential subdivision. While the developer intends to maintain and continue to hold the development in perpetuity, staff finds that providing one main public street through the development with public tie-ins to the subdivision to the south allows the City to maintain control of the public right-of-way and ensure consistent maintenance for the long-term future.

**RECOMMENDATION:** Staff recommends approval of **PZD-2025-0003**. Should the Planning Commission choose to forward it to the City Council, staff recommends the following conditions:

**Conditions of Approval:**

1. Proposed street tie-ins to the Crystal Springs subdivision, and one continuous connection to the development to the northeast must be dedicated as public right-of-way and built to City minimum street standards. Any variances to street classification will be evaluated with the large-scale development.
2. Parkland dedication must be reviewed by PRAB with the associated development;
3. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.

|                                             |                                    |                                 |                                 |
|---------------------------------------------|------------------------------------|---------------------------------|---------------------------------|
| <b>Planning Commission Action:</b>          | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Tabled | <input type="checkbox"/> Denied |
| <b>Meeting Date:</b> <u>August 11, 2025</u> |                                    |                                 |                                 |
| <b>Motion:</b>                              |                                    |                                 |                                 |
| <b>Second:</b>                              |                                    |                                 |                                 |
| <b>Vote:</b>                                |                                    |                                 |                                 |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Urban Forestry Memo
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map
- Applicant Request Letter
- PZD Booklet
- Public Comment
- Public access easement document with mark-ups



## Urban Forestry Memo

**TO:** Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Bethany Douglas, Urban Forester

**MEETING DATE:** August 11, 2025

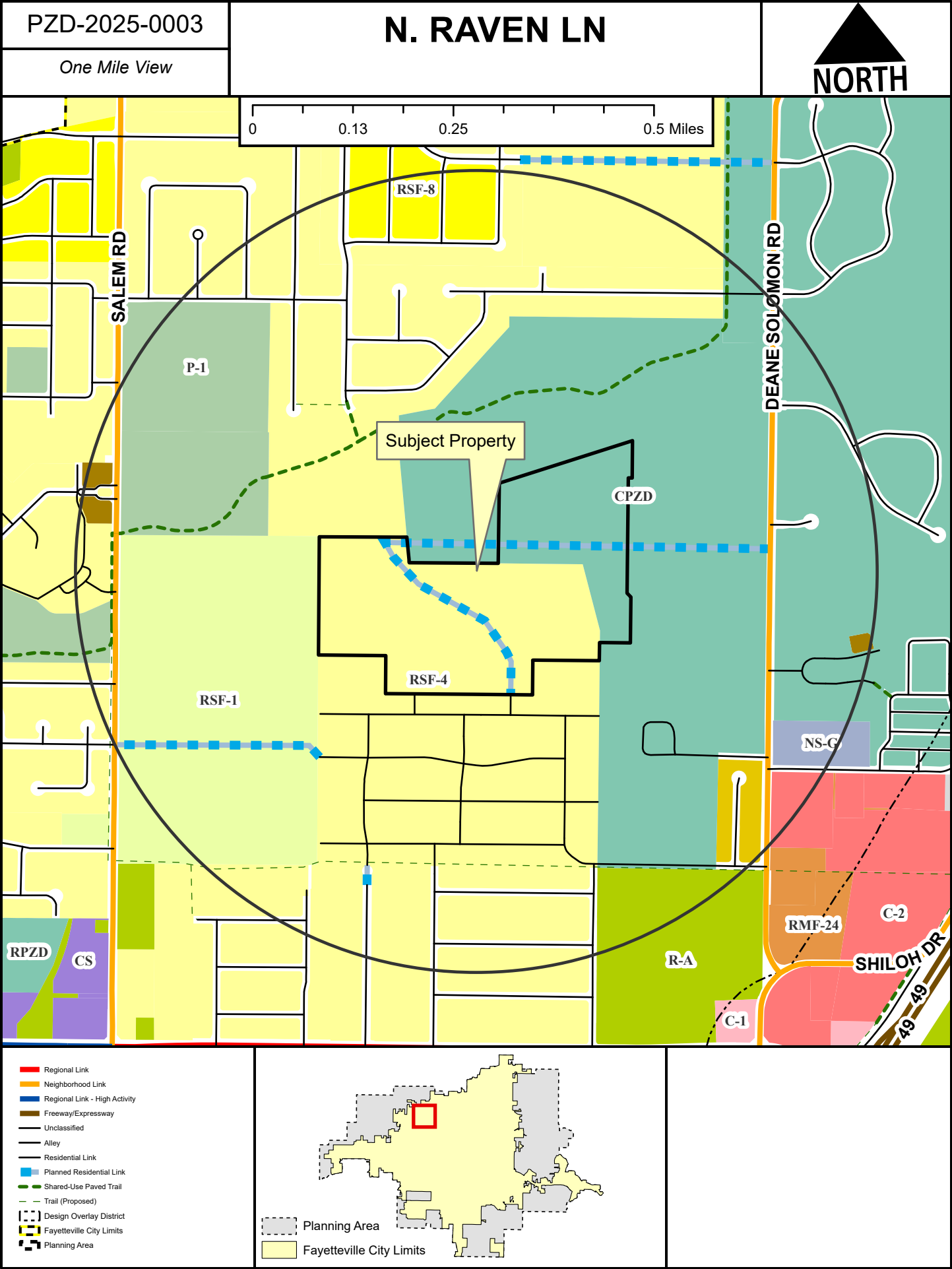
**SUBJECT:** **PZD-2025-0003: NEXT CHAPTER:** N. RAVEN LN - Submitted by CRAFTON TULL for property located on N. RAVEN LN. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 49.2 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT. PP 285

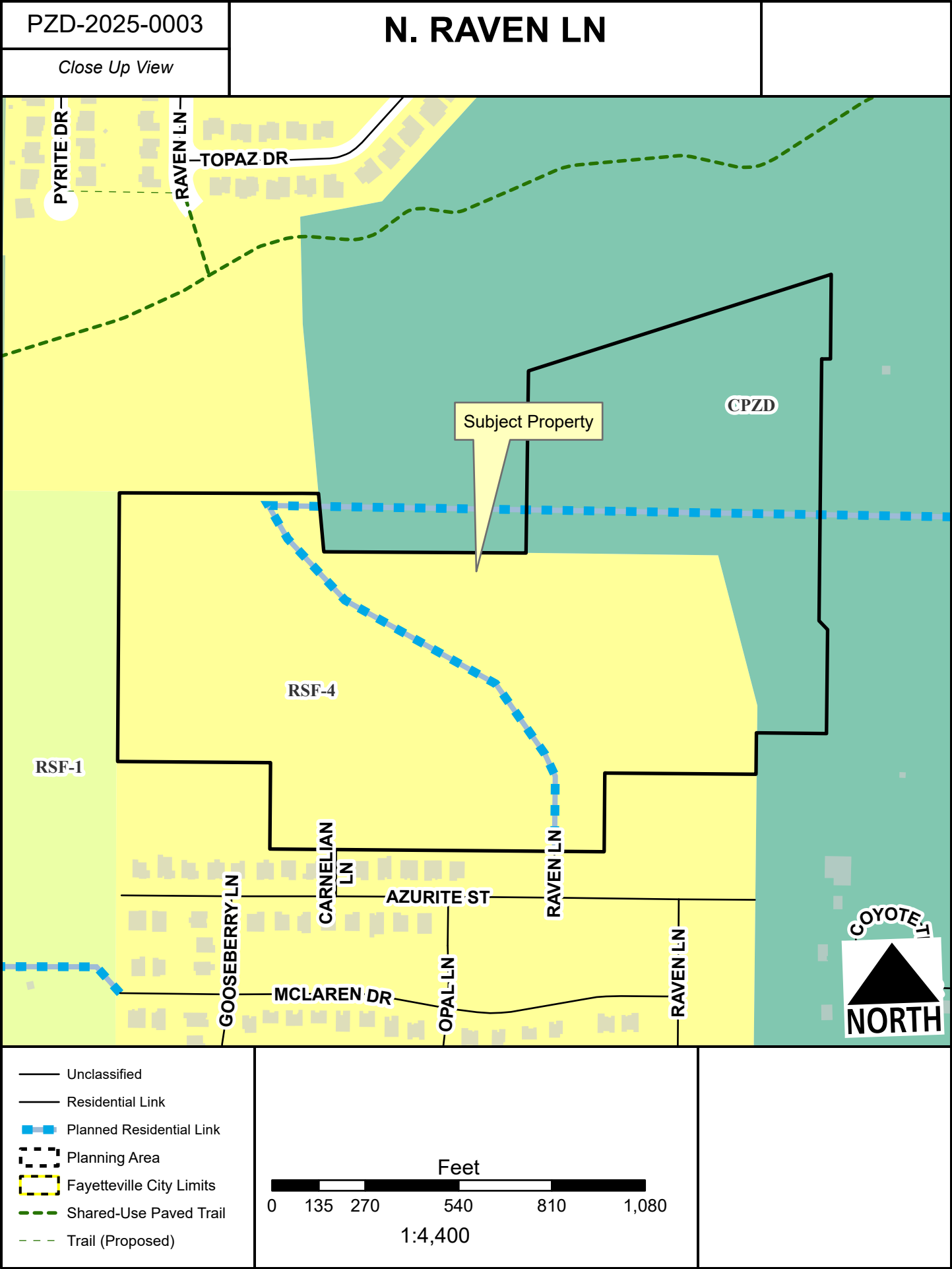
**RECOMMENDATION:**

Urban Forestry Staff recommends conditional approval of PZD-2025-0003. The PZD booklet states that Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations requirements will be met. The required minimum existing tree canopy coverage is 25% for PZDs, and the applicant states that estimated canopy cover on-site is currently 10.4%. Existing trees within Planning Area 1 will be removed and mitigated, whereas tree preservation will be prioritized in Planning Area 2. The applicant notes that the owner has given permission for mitigation trees to be planted offsite on the adjacent properties to the north and east if necessary.

The site abuts a dense grove of trees to the north on an adjacent CPZD property which the applicant intends to protect by providing a peripheral buffer in Planning Area 2. Additionally, the PZD booklet states that the riparian buffer in the northwest corner of the site will be preserved.

Urban forestry staff recommends that a buffer be provided adjacent to the tree preservation easement on parcel 765-16658-032, in addition to the other protections stated.



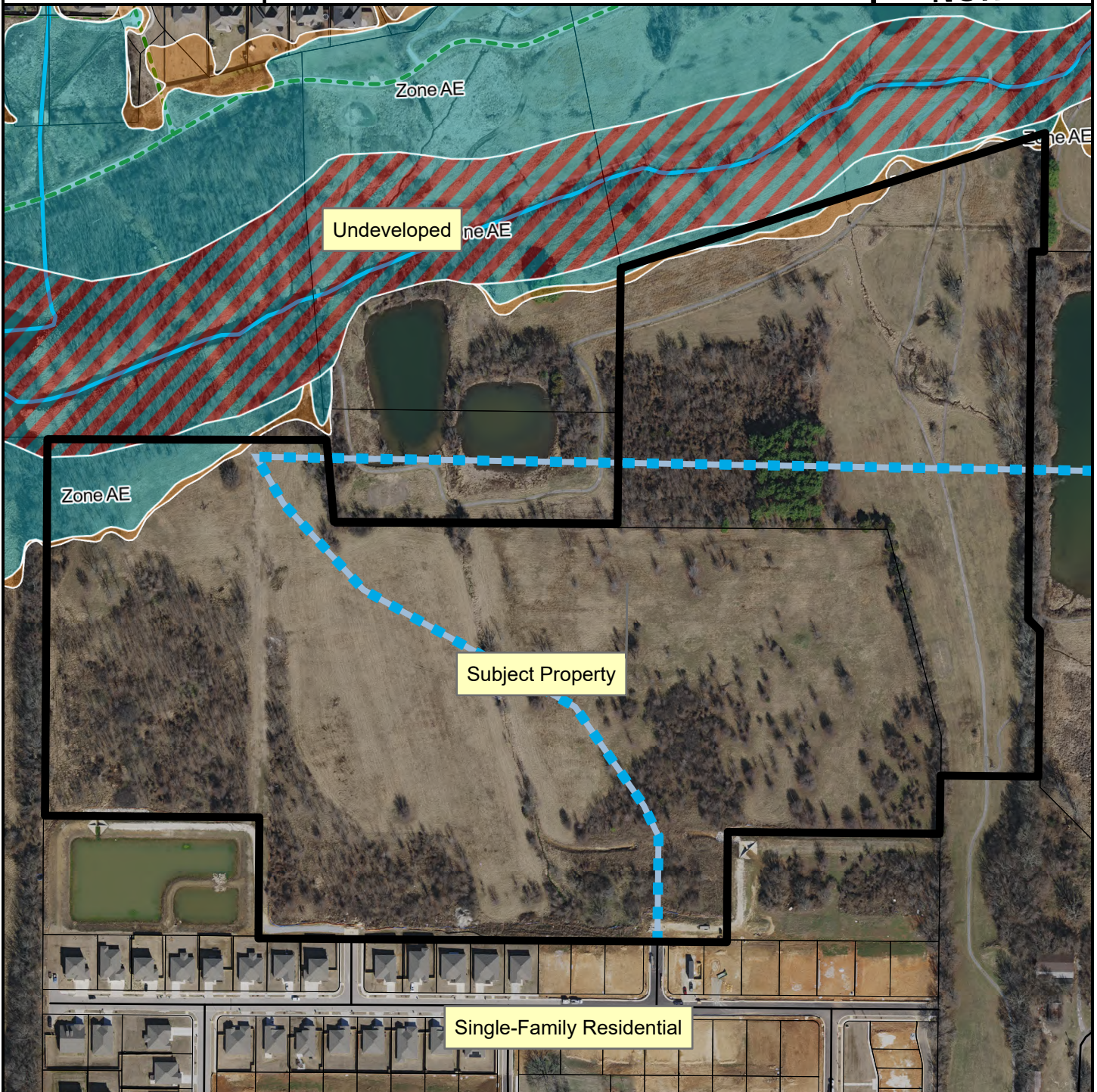




PZD-2025-0003

# N. RAVEN LN

Current Land Use

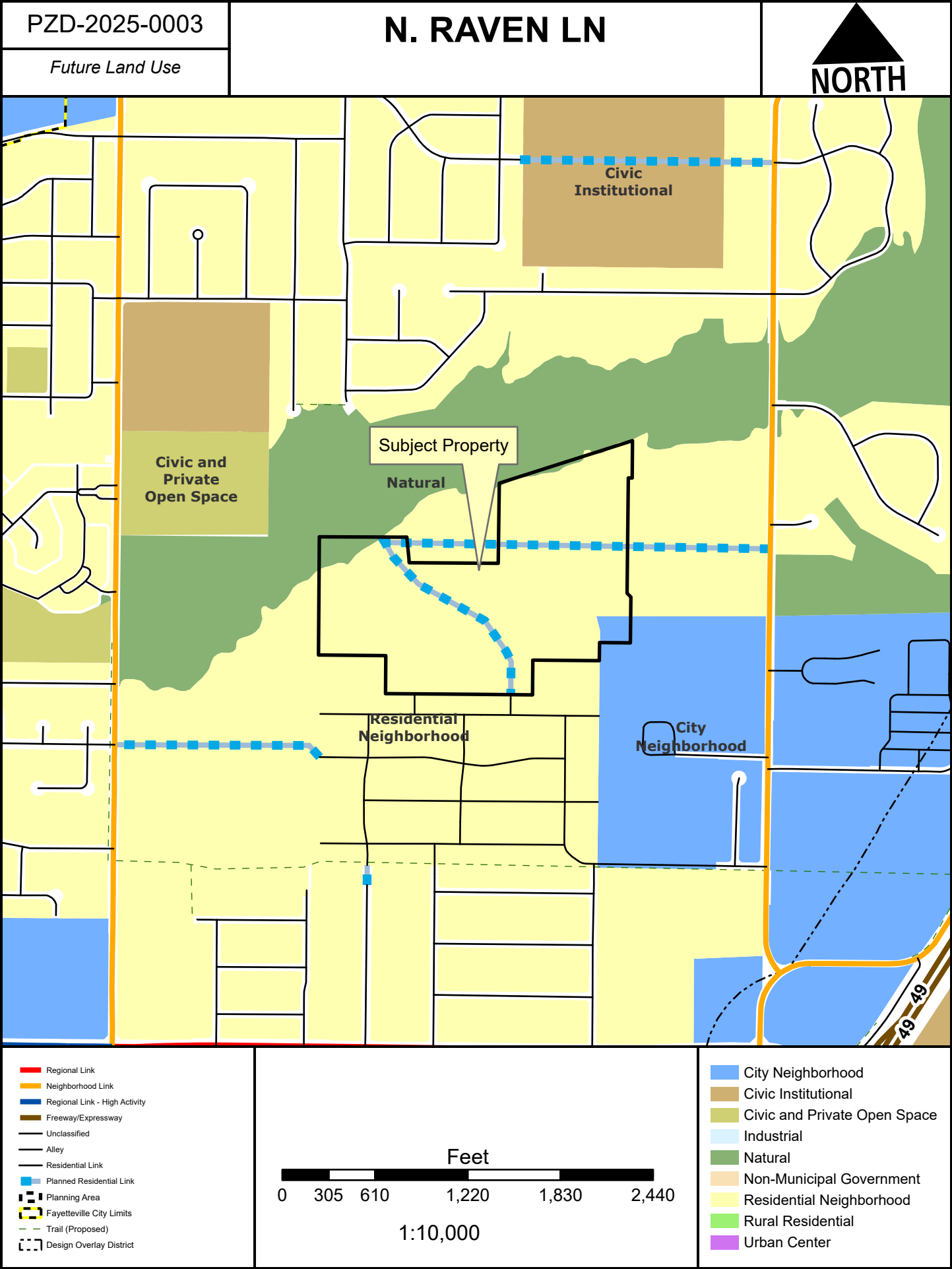


- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway







June 4th, 2025

City of Fayetteville  
Attn: Planning Department  
113 West Mountain St  
Fayetteville, AR 72701

Re: Next Chapter PZD

City of Fayetteville Planning Staff,

The purpose of this correspondence is to describe the scope, nature and intent of the above referenced project.

The scope of the proposed development will consist of two planning areas: single-family detached homes and open green space. The nature of the development consists of single-family units that will be leased to tenants, with Next Chapter Holdings, LLC, or a subsidiary of, being the sole property owner. The property will not be parceled off into smaller, separate individual lots. This development will exist on a single 49.2-acre parcel of land, and the PZD herein sets a density requirement of 6 units/acre. The intent is to have an affordable, walkable, vibrant, sustainable, and medium-density neighborhood with useable common open space and a diverse array of housing types. The open space includes stormwater management and shared amenities such as a dog park, playgrounds, community garden, business center, fitness center, pool, and pickleball courts. There are a variety of unit types, ranging from 1-bed with 1 story to 4-bed with 2 stories. It should be noted, however, that the majority of the proposed units will be either 1 or 2 bedrooms.

Sincerely,

Trent Woessner, P.E.  
Civil Project Engineer  
Crafton Tull

July 23, 2025

# NEXT CHAPTER PLANNED ZONING DISTRICT BOOKLET

**Submitted to:**

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

**Developer Pursuing PZD:**

Next Chapter Holdings, LLC  
2500 Trade Center Dr  
Evans, GA 30809

**Existing Owner of PIN 765-16658-050:**

UNDERWOOD, CRAIG & LAURA REVOCABLE TRUST

**Existing Owner of PIN 765-16658-022:**

KTB LIMITED PARTNERSHIP

**CT JOB NO.** 25301700



**Crafton Tull**

Prepared by:  **Crafton Tull**

300 N College Ave, Suite 317 | Fayetteville, AR 72701 | 479-455-2207 | [www.craftontull.com](http://www.craftontull.com)

Planning Commission

August 25, 2025

PZD-2025-0003 (KTB LIMITED PARTNERSHIP)

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Exhibit A – Cover Sheet/Survey

Exhibit B – Zoning & Development Standards by Planning Area

Exhibit C – Master Plan, Aerial Overall Site Plan, & Modified Typical Residential Link Section

Exhibit D – Floor Plans, Elevation Views, & Isometric Views for all unit types

Exhibit E – Example Monument Sign

Prepared by:  **Crafton Tull**

300 North College, Suite 317 | Fayetteville, AR 72701 | 479-455-2207 | [www.craftontull.com](http://www.craftontull.com)

Planning Commission

August 25, 2025

PZD-2025-0003 (KTB LIMITED PARTNERSHIP)

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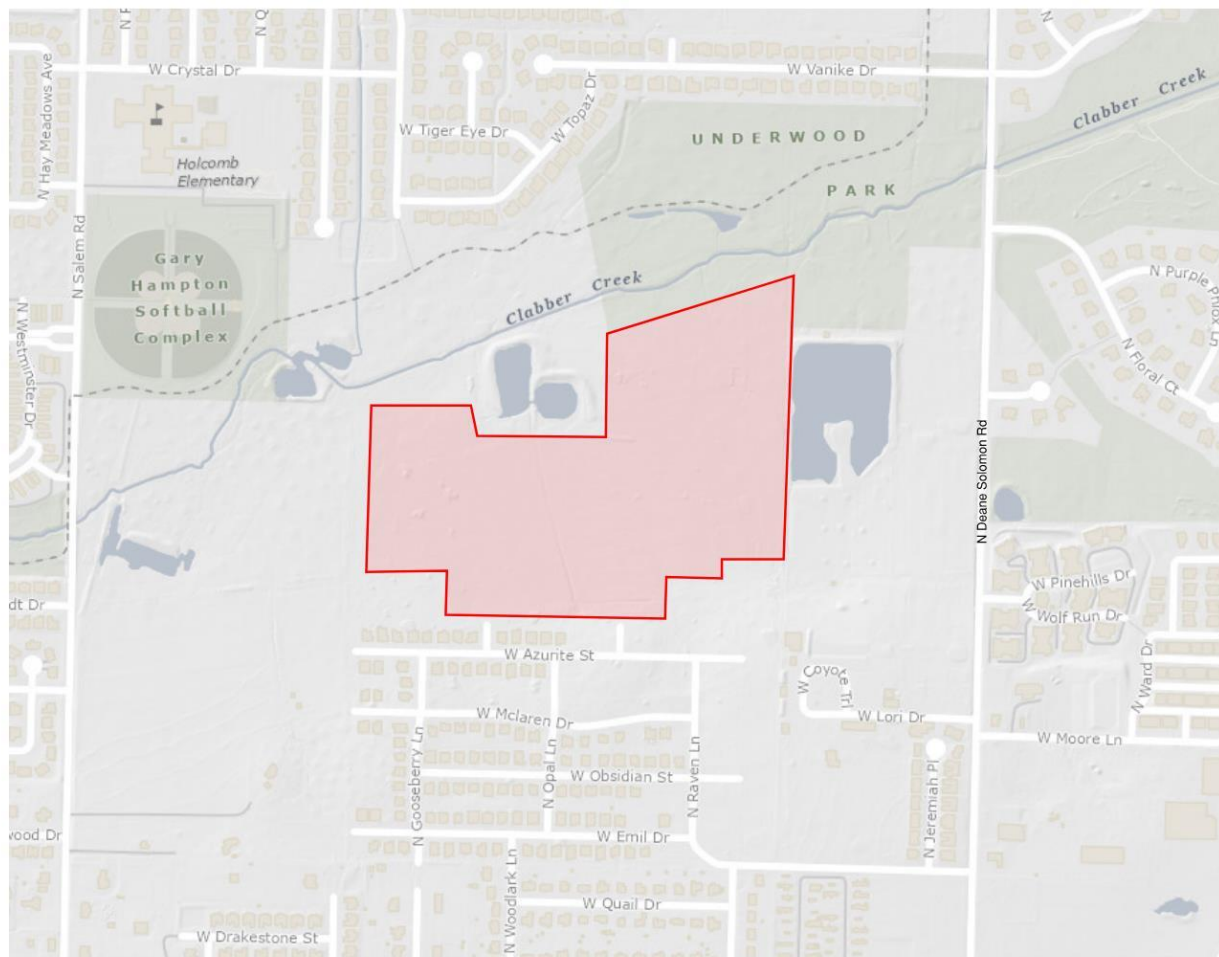
**A) Zoning Reversion:**

It should be noted that the existing 16.1-acre commercial Underwood PZD property & 33.1-acre RSF-4 property shall both revert to their existing zoning if no action takes place within 2 years of the date of approval of this PZD.

**B) Current Ownership:**

The 49.2-acre property consists of two parcels: the 33.1-acre parcel is owned by UNDERWOOD, CRAIG & LAURA REVOCABLE TRUST, and the 16.1-acre parcel is owned by KTB LIMITED PARTNERSHIP. The developer pursuing the PZD is Next Chapter Holdings, LLC. Next Chapter Holdings, LLC has entered into a Purchase Agreement on both parcels from the current ownership.

All three parties are being represented by Crafton Tull & Associates. The site is located on Washington County Parcel Numbers 765-16658-050 and 765-16658-022. This location is south of Clabber Creek, west of N Deane Solomon Rd, and east of N Salem Rd. See vicinity map below for location:



**C) Project Summary of Scope, Nature, & Intent:**

The scope of the proposed development will consist of two planning areas: single-family detached homes and open green space. The nature of the development consists of single-family units that will be leased to tenants, with Next Chapter Holdings, LLC, or a subsidiary of, being the sole property owner. The property will not be parceled off into smaller, separate individual lots. This development will exist on a single 49.2-acre parcel of land, and the PZD herein sets a density requirement of 6 units/acre. The intent is to have an affordable, walkable, vibrant, sustainable, and medium-density neighborhood with



useable common open space and a diverse array of housing types. The open space includes stormwater management and shared amenities such as a dog park, playgrounds, community garden, business center, fitness center, pool, and pickleball courts. There are a variety of unit types, ranging from 1-bed with 1 story to 4-bed with 2 stories. It should be noted, however, that the majority of the proposed units will be either 1 or 2 bedrooms.

**D) General Project Concept:**

**1) Street & Lot Layout**

The site will contain a network of internal streets that will all be publicly accessible via established public access easements. The site will connect to two existing residential link streets (N Carnelian Ln & N Raven Ln) and one neighborhood link street (N Deane Solomon Rd). All internal streets will be privately owned & maintained roads with 36' public access easements established over them, providing access to vehicles and pedestrians. The internal network of streets will be private and will generally conform to page 142 of the 2040 MSP Typical Residential Link section. Please see Exhibit C for the proposed modified residential link typical section.

If the internal network of streets were publicly dedicated residential links, then there would be a variety of challenges to accommodate Next Chapter's unique residential design product. The Next Chapter style, use, and model for distinct neighborhoods typically does not fit neatly into City of Fayetteville Unified Development Code or planning staff's traditional interpretation thereof. A Next Chapter Neighborhood was never intended to resemble or mimic a typical single-family, nor multi-family development. This is a new residential product type that has details and nuances that usually do not fit into one of these two traditional categories. One of the most critical design restrictions that would result from a publicly dedicated network of internal streets would be creation of internal right-of-way, or property lines. This would result in required front, side, and rear yard setbacks to be measured from the required dedicated right-of-way. The resulting spacing and design outcome would resemble a traditional for-sale single-family neighborhood. As previously stated, this design and layout does not fit the unique and relatively new residential product type model for a Next Chapter Neighborhood. Dedicating the required right-of-way for residential links would result in a variety of spacing and product challenges for a Next Chapter Neighborhood. The result of this would be a significant reduction in unit count, operational and ownership challenges, and a loss of intentional product aesthetic & design.

These are the primary reasons why Next Chapter is proposing these privately owned & maintained roads with public access easements granted over them. Next Chapter Holdings, LLC, or a subsidiary of, will pay for the full cost and lifetime maintenance of the streets, while still keeping them accessible to public..

The primary benefit to the City of Fayetteville is that Next Chapter Holdings, LLC, will provide the intended connectivity for pedestrians and vehicles, and the City won't have to pay for any lifetime maintenance or initial construction costs. Fayetteville taxpayers do not pay for the construction or maintenance of the road, and yet they are still able to utilize and access the streets & sidewalks, free of charge. This is typically viewed as favorable by local jurisdictions as Next Chapter Holdings, LLC, is highly incentivized to ensure the roads are kept up to high standards. If a high-quality product is not provided by the developer, which includes the streets & means of access, then the developer's business will suffer.

The technical design and physical construction of the streets will generally conform to the City Minimum Street Standards, 2020 edition. In addition to the connections at N Raven Ln & N Carnelian Ln, a third access point will be extended to the east through adjacent property with right-of-way dedication, eventually connecting to N Deane Solomon Rd. N Carnelian Ln & N Raven Ln will also continue through



the Next Chapter development site in the form of privately owned and maintained roads with public access easements granted over it them. No alleys are proposed.

An amendment to the Master Street Plan will be submitted concurrently with this PZD because while the development is meeting the intent of the established Master Street Plan's inter-parcel connectivity requirements, the technical nature of the privately owned and maintained internal roads warrant a Master Street Plan Amendment to verify this. The intended connectivity discussed in the City Plan 2040 is provided on this site with vehicular and pedestrian access. Next Chapter proposes several pedestrian connections to the adjacent Underwood Park, which makes this development even more connected than typically found in other traditional single family or multi-family developments. Therefore, because we are meeting the connectivity goal of the City Plan 2040, we believe this amendment to the MSP is justified, and will not negatively impact the City but rather benefit the City with a privately funded street & sidewalk installation and life-long maintenance.

Next Chapter is proposing to add a condition that any approval of the MSP amendment is conditional upon the specific project moving forward and/or the public access easements being dedicated. If these conditions are not met, then any approved MSP amendment will revert back to the originally adopted MSP.

Each unit will be front-loaded, and all units will have their own garage. There are ample guest and overflow parking spaces provided evenly throughout the development. The table below shows the number of parking stalls broken down by unit type, row parking, and parking pods.

|                                                                                                                           | Number of Units | Number of Parking Stalls |
|---------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------|
| Units w/ 1-car Garage (each includes 1 garage and 1 driveway parking stall) (Cherry, Maple, Hamilton, Dearborn, Jennings) | 204             | 408                      |
| Units w/ 2-car Garage (each includes 2 garage & 2 driveway stalls) (Warren, Spencer)                                      | 72              | 288                      |
| Row Parking along Street                                                                                                  | N/A             | 77                       |
| Parking Pods                                                                                                              | N/A             | 112                      |
| Total Parking Spaces                                                                                                      |                 | 885                      |
| Total Unit Count                                                                                                          |                 | 276                      |
| Average Parking Density per Unit (Spaces/Unit)                                                                            | 3.21            |                          |





## 2) Site Plan Showing Proposed Improvements

A concept site plan is included in Exhibits B & C of this booklet.

## 3) Buffer Areas

There is one streamside buffer area located in the northwest corner of the development, where the Clabber Creek floodplain crosses the corner of the property.

## 4) Tree Preservation Areas

Tree preservation on site will be located along the existing utility easement that runs north/south across the property. Additionally, select trees can be preserved within each of the proposed stormwater management areas. Tree preservation requirements within the PZD will adhere to the 25% minimum canopy requirement as codified in the UDC Chapter 167. Tree preservation areas and the amount of canopy to be preserved will be noted on the development plans. Should the existing canopy on-site be less than this requirement, then this percentage will be either preserved or mitigated for, in accordance with UDC Chapter 167. Preliminary calculations show that 10.4% of the site has existing canopy. Existing Trees within Planning Area 1 will be removed and mitigated. Tree preservation will be a priority in Planning Area 2, with common spaces and drainage designed around preservation, pending any potential grading and earthwork constraints. Additionally, the existing Underwood ownership has given permission for mitigation trees to be planted offsite on their adjacent property to the north and east. This area has been dedicated as land for Underwood Park. The applicant will seek direction and approval from the City regarding the potential planting of any mitigation trees within this Underwood Park area.

## 5) Stormwater Detention Areas & Drainage

Stormwater facilities will likely include multiple detention ponds to be provided within the development, located on the downhill side along the northern property line and located in the centralized open spaces. Also, there are three adjacent existing wet detention ponds. The Underwoods ownership has granted permission for the proposed development to utilize these adjacent ponds for detention storage volume. The drainage report provided with future LSD submittal will further detail the proposed system and how it will convey stormwater. The report will also include the water quality features such as but not limited to: pervious pavers, bioswales, bioretention forebays, infiltration trenches, hydrodynamic separators, etc.

## 6) Undisturbed Natural Areas

The northwest corner of the site contains a riparian tree grove that will be preserved. Additionally, there is a dense tree grove in the center of the 16.1-acre commercial PZD property. Next Chapter Neighborhoods feels strongly that this grove should be preserved as much as possible, through open space in Planning Area 2.

## 7a) Existing & Proposed Utility Connections & Extensions (Sanitary Sewer)

Next Chapter Holdings, LLC, or a subsidiary of, will pay for the full cost to install the proposed public sanitary sewer main. The sewer main and all sewer services will be built to meet the City's Water and Sewer Standard Specifications, 2022 edition, as well as the latest version of the sanitary sewer details at the time of LSD permitting. The development's sanitary sewer main will drain from the east to west connecting to the existing 10" PVC sewer main that flows north out of the site at the intersection of 54<sup>th</sup> Street and Wedington. This existing main increases to 12" as it crosses Clabber Creek, then immediately ties into an existing 48" FRP sewer main. The City has indicated there is adequate capacity in the existing system, pending the submission of an on-site sewer capacity study.



**7b) Existing & Proposed Utility Connections & Extensions (Water)**

Next Chapter Holdings, LLC, or a subsidiary of, will pay for the full cost to install the proposed public water main. The water main and all water services will be built to meet the City's Water and Sewer Standard Specifications, 2022 edition, as well as the latest version of the water details at the time of LSD permitting. The development's water main will be connected to the existing 8" main that runs north/south through the site and will also be connected to two existing fire hydrants. One of those hydrants is on the south side of the property at the N Raven Ln existing stub-out. The other hydrant is located on N Deane Solomon Rd, whose connection will require right-of-way dedication through adjacent properties. The City has indicated there is adequate pressure in the existing system, pending the submission of an on-site water distribution system study.

**8) Development & Architectural Design Standards**

Base architectural design standards for the homes will be similar in nature and character to those unit types attached in Exhibit D. These unit types highlight potential options for a medium density configuration, while also conveying materials and prominent features of potential housing within any future development. The developer may build different house plans if they generally conform to the material and roof form of the included drawings. The developer may elect to vary house exterior color. The unit designs do generally conform to the architectural design standards from UDC 166.23(D) but will have some slight variations. That is why we have included the homes in Exhibit D, for clarity and ease of reference.

**E) Proposed Planning Areas:**

Proposed planning areas for this development will include:

Planning Area 1 (Single Family Detached Homes) – This area will encompass any residential units, private streets, , parking pods, and uses where single family structures are proposed. This area will have a "build-to-zone", where the principal façade of the residential units shall be within 10-25ft of the outside edge of sidewalk for the units that are fronting streets.

Planning Area 2 (Non-Residential Uses) – This area will encompass all the detention, drainage features, natural green space areas, and the recreational & amenity features. The zoning district is designed to permit and encourage the minimum amount of development, protect natural features, and encompass all common and recreational areas for the development. Open space will be accessible for residents to use through a sidewalk network via the master street plan, such that residents can use common open space for outdoor and recreational uses.

**F) Proposed Zoning Standards:**

Planning Area 1 - Residential Zoning District:

(a) Permitted Use Units:

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 41: Accessory Dwelling Units

Unit 44: Cluster Housing Development

Unit 46: Short-term rentals (Type-1 Only)

b) Conditional Use Units:

Unit 2: City-wide uses by conditional use permit

Unit 3: Public protection and utility facilities

Unit 4: Cultural and recreational facilities



Unit 26: Multi-family dwellings  
Unit 46: Short-term rentals (Type-2 Only)

d) Residential Density and/or Nonresidential Intensity: 6 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: No Minimum

e) Lot area minimum: No Minimum

h) Height regulations: 2 stories

i) Building area: less than 35% of total property area (total = 49.2-ac). Minimum buildable private street frontage: 33% of envelope width (for only those units fronting Private Streets).

Site Planning:

j) Landscaping: Landscaping shall generally conform to Chapter 177 of the Unified Development Code.

k) Parking: Parking shall be associated with proposed use and will conform to Chapter 172 in the UDC. Guest and overflow parking spaces will be available throughout the development in parking pods and street-adjacent row parking, as shown in Exhibits B & C. It should be noted that on-street parallel parking will not be allowed. Parking pods of 5 spaces or greater will conform to UDC 177.04 Site Development and Parking Lot Landscape Standards. Resident parking spaces are provided for each unit in the form of garage and driveway spaces.

l) Architectural Design Standards: Base architectural design standards for homes are included in Exhibit D. Single-family homes shall be generally similar in nature and character to these plans and images as shown in Exhibit D.

m) Signage: Non-commercial signage shall be allowed under Chapter 174 of the UDC. No internally illuminated signs are allowed. However, monument signs at each entrance to the development will conform to the majority of the requirements in UDC 174.10(B). Each sign will be maximum 45 ft<sup>2</sup>. Each sign will not be internally illuminated; however, external illumination with decorative or landscape lighting may be used.

Planning Area 2 – Non-residential Zoning District:

(a) Permitted Use Units:

Unit 1: City-wide uses by right

Unit 4: Cultural and recreational facilities

b) Conditional Use Units:

Unit 2: City-wide uses by conditional use permit

Unit 3: Public protection and utility facilities

c) Residential Density and/or Nonresidential Intensity: 0 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: None

e) Lot area minimum: None

h) Height regulations: 2 story maximum

i) Building area: None

Site Planning:

j) Landscaping: Landscaping shall generally conform with UDC Chapter 177.



k) Parking: No parking is proposed in Planning Area 2, because all site parking is already provided in Planning Area 1.

l) Architectural Design Standards: Architectural design standards shall mimic building and development requirements within UDC for the amenity buildings.

m) Signage: Subdivision Entrance Signage is allowed within this Planning Area but shall be applied by separate permit. No other signs shall be allowed, except as approved by the Property Owner.

\*By right, common mailbox units shall be allowed within Planning Area 2.

\*\*Accessory uses shall mimic UDC 164.02, Accessory Structures and Uses.

**G) Zoning Charts:**

Planning Area 1 (Residential Zoning District):

Below is a chart comparing Planning Area 1 (Residential Zoning District) within this PZD versus City of Fayetteville current RSF-4 & Underwood Commercial PZD of the property:

| Regulation                                   | EXISTING RSF-4                                                                                                                                                                     | EXISTING Underwood Commercial PZD Planning Area 1                                                                                                                                  | Proposed PZD Planning Area 1                                                                                                                    |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Permitted Uses                               | Units 1, 8, 41, 46                                                                                                                                                                 | Units 1, 5, 8, 9, 12b, 13, 15, 25, 40, 41, 42, 44, 45                                                                                                                              | Units 1, 8, 9, 10, 41, 44, 46 (Type-1)                                                                                                          |
| Conditional Uses                             | Units 2, 3, 4, 5, 9, 12a, 24, 36, 44                                                                                                                                               | Units 2, 3, 4, 10, 11, 24, 26, 36                                                                                                                                                  | Units 2, 3, 4, 26, 46 (Type-2)                                                                                                                  |
| Front Setback                                | 15'                                                                                                                                                                                | 15'                                                                                                                                                                                | 30'                                                                                                                                             |
| Side Setback adjacent to Single & Two Family | 5'                                                                                                                                                                                 | 5'                                                                                                                                                                                 | 30'                                                                                                                                             |
| Side Setback Other Uses                      | 5'                                                                                                                                                                                 | 5'                                                                                                                                                                                 | 30'                                                                                                                                             |
| Rear Setback adjacent to Single Family       | 15'                                                                                                                                                                                | 15'                                                                                                                                                                                | 30'                                                                                                                                             |
| Rear Setback Other Uses                      | 15'                                                                                                                                                                                | 15'                                                                                                                                                                                | 30'                                                                                                                                             |
| Density                                      | 4 units/acre                                                                                                                                                                       | 24 units/acre                                                                                                                                                                      | 6 units/acre                                                                                                                                    |
| Min. Lot Width                               | 70'                                                                                                                                                                                | None                                                                                                                                                                               | N/A                                                                                                                                             |
| Min. Lot Area                                | 8000 SF for Single-family dwellings, and 12,000 SF for Two (2) Family dwellings                                                                                                    | 6000 SF for Single-family, 6500 SF for Two (2) Family, 8000 SF for Three (3) or more family                                                                                        | N/A                                                                                                                                             |
| Maximum Building Height                      | 3 stories                                                                                                                                                                          | 5 stories                                                                                                                                                                          | 2 stories                                                                                                                                       |
| 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. | 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. | On the entire 49.2-acre subject property, the area occupied by all buildings shall not exceed 35% of the total 49.2-acre subject property area. |
| Parking Provided (Spaces per dwelling unit)  | 2                                                                                                                                                                                  | UDC Ch. 172 Parking & Loading                                                                                                                                                      | 3.21                                                                                                                                            |
| Tree Preservation Min. Canopy Preservation   | 25%                                                                                                                                                                                | 20%                                                                                                                                                                                | 25%                                                                                                                                             |



\*All setbacks are from the perimeter property line of the entire 49.2-acre site. There are no internal property lines to measure unit setbacks from. A 30' building setback around the entire perimeter of the property is included.

Because there are no internal property lines to measure internal setbacks from and to provide clarity in comparison of, please see the additional table below which compares the physical unit separations to the existing zoning's setbacks. Also, the proposed residential envelope's minimum width & area are compared to the existing zoning's minimum lot width & area. The applicant understands the nature of the internal design and layout of the development may be confusing – as there are no internal property lines to measure technical setbacks from – therefore the following additional table has been provided in hopes of clarifying the proposed internal building and unit spacing. These additional comparisons are intended to remove any doubt and show how the site's internal layout will be regulated through the proposed PZD.

|                                       | Existing Comparable Internal Setback, Lot Area, or Lot Width                    |                                                                                             |                                                                                                                      |
|---------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Internal Unit Spacing/Size Regulation | Existing RSF-4                                                                  | Existing Underwood Commercial PZD Planning Area 1                                           | Proposed PZD Planning Area 1                                                                                         |
| Min. Front Separation                 | 15'                                                                             | 15'                                                                                         | 19' (to outside edge of sidewalk)                                                                                    |
| Min. Side Separation                  | 5' setback (10' between buildings)                                              | 5' setback (10' between buildings)                                                          | 5' setback (10' between buildings)                                                                                   |
| Min. Rear Separation                  | 15'                                                                             | 15'                                                                                         | 10'                                                                                                                  |
| Min. Residential Envelope Width       | 70'                                                                             | None                                                                                        | 30' (to allow for Hamilton & Jennings units)                                                                         |
| Min. Residential Envelope Area        | 8000 SF for Single-family dwellings, and 12,000 SF for Two (2) Family dwellings | 6000 SF for Single-family, 6500 SF for Two (2) Family, 8000 SF for Three (3) or more family | 1410 SF (to allow for most narrow envelope width (Hamilton & Jennings, 30') by shortest envelope depth, Maple (47')) |



Planning Area 2 (Non-residential Zoning District):

Below is a chart comparing Planning Area 2 (Non-residential Zoning District) within this PZD versus City of Fayetteville RSF-4 & Underwood Commercial PZD of the property:

| Regulation                                   | RSF-4                                                                                                                                                                              | Underwood Commercial PZD Planning Area 1                                                                                                                                           | Proposed PZD Planning Area 2 |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Permitted Uses                               | Units 1, 8, 41, 46                                                                                                                                                                 | Units 1, 5, 8, 9, 12b, 13, 15, 25, 40, 41, 42, 44, 45                                                                                                                              | Units 1, 4                   |
| Conditional Uses                             | Units 2, 3, 4, 5, 9, 12a, 24, 36, 44                                                                                                                                               | Units 2, 3, 4, 10, 11, 24, 26, 36                                                                                                                                                  | Units 2, 3                   |
| Front Setback                                | 15'                                                                                                                                                                                | 15'                                                                                                                                                                                | 30'                          |
| Side Setback adjacent to Single & Two Family | 5'                                                                                                                                                                                 | 5'                                                                                                                                                                                 | 30'                          |
| Side Setback Other Uses                      | 5'                                                                                                                                                                                 | 5'                                                                                                                                                                                 | 30'                          |
| Rear Setback adjacent to Single Family       | 15'                                                                                                                                                                                | 15'                                                                                                                                                                                | 30'                          |
| Rear Setback Other Uses                      | 15'                                                                                                                                                                                | 15'                                                                                                                                                                                | 30'                          |
| Density                                      | 4 units/acre                                                                                                                                                                       | 24 units/acre                                                                                                                                                                      | 0 units/acre                 |
| Min. Lot Width                               | 70'                                                                                                                                                                                | None                                                                                                                                                                               | None                         |
| Min. Lot Area                                | 8000 ft <sup>2</sup> for Single-family dwellings, and 12,000 ft <sup>2</sup> for Two (2) Family dwellings                                                                          | 6000 ft <sup>2</sup> for Single-family, 6500 ft <sup>2</sup> for Two (2) Family, 8000 ft <sup>2</sup> for Three (3) or more family                                                 | None                         |
| Maximum Building Height                      | 3 stories                                                                                                                                                                          | 5 stories                                                                                                                                                                          | 2 stories                    |
| 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. | 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. | None                         |

\*\*By right, common mailbox units shall be allowed within Planning Area 2.

\*\*\*Accessory uses shall mimic UDC 164.02, Accessory Structures and Uses.





#### **H) Analysis of Site Characteristics:**

The 49.2-acre site is primarily grass with dense tree canopy in three areas: west side, south property line, and center/north area of the site. The eastern parcel of the site was previously apart of the old Razorback Golf Course. The western parcel of the site was previously used for hay harvesting. This site is generally sloped from south to north with ~5% slope along the southern boundary and ~1-2% slope in the center and north areas of the site as you approach Clabber Creek.

There are three point discharge locations where offsite stormwater flows onto the site, and travels through the site in a channelized condition. Each of these locations will be captured and conveyed to the proposed detention areas. Additionally, the Underwoods ownership has granted permission for the proposed development to use the existing wet ponds, adjacent to the north and east, for detention volume, if needed.

A flood study (No Adverse Impact Letter & Analysis) and wetland delineation study will provided upon first LSD submittal, as required by the City of Fayetteville engineering department. City GIS mapping shows most of the site contains hydric soils. The Master Plan in Exhibit C shows preservation of potential WOTUS wetland and channel areas, and the maximum disturbance to the WOTUS will be less than 0.5-acres to stay within USACE Nationwide Permitting requirements and therefore not trigger a USACE Individual Permit. The 100-yr floodplain crosses the northwest corner of the site. There are no known manmade hazards.

#### **I) Recreational Facilities:**

The future development of this property will have open space pockets that are a central design feature. The open spaces will have pedestrian access from all directions with an inner sidewalk and/or soft surface trail. The recreational facilities within these open spaces includes the following but is not limited to: dog park, community garden, internet café, business center, fitness center, pool, and pickleball courts. A walking trail network throughout the internal greenspace will be provided, and the network will connect pedestrian access to the adjacent Underwood Park at multiple locations along the subject property boundary. See Overall Site Plan included in Exhibit C, which shows an aerial view of the site and the adjacent trail system for Underwood Park and Clabber Creek multi-use trail.

#### **J) Reason for Rezone Request:**

The portion of the subject property currently zoned RSF-4 allows for 1-4 single family dwellings with a density of up to 4 units per acre and minimum lot width of 70'. The portion of the subject property currently zoned Commercial PZD, per the Underwood Development PZD approved booklet, allows 24 units per acre, per Ordinance 6334.

Due to the developer's desire to create a more compact, walkable, open-space driven design, the developer is requesting a PZD that allows for unique character of the proposed development. It should be noted that the density being requested of 6 units/acre over the entire property in question will result in the reduction of 223 total units across the existing two properties (see section K, below). The concept site plan, as shown in Exhibits B & C of this booklet, is based on 32' wide envelopes, but allows the developer to create bigger or smaller envelopes, depending on their preference at the time of development. However, the minimum spacing between single family structures shall always remain at 10' minimum. A Planned Zoning District (PZD) was the method chosen to do this for one reason.

1. Other base zoning classifications could've been requested, but due to the unique character & nature of the development, it would result in assortment of variances and deviations. This is why the developer has proposed a Planned Zoning District which allows for single family detached rental units with a zoning density of no more than 6 units per acre. Other zoning



districts (Multi-Family, Community Services, Residential Intermediate-Urban, etc) could allow for a similar flexibility to what is being proposed here, but not without it seeming like the developer was building multi-family apartments or an overly dense development. This is not their desire nor how they wish for the public, Commission, or Council to see this request as. It is their intent to build smaller single family detached rental units with a zoning density of no more than 6 units per acre.

**K) Relation to Existing and Surrounding Properties:**

Crystal Springs subdivision to the south is zoned RSF-4, allowing 4 units/acre. The Underwood Commercial PZD to the east allows 24 units/acre. The undeveloped parcel to the west is zoned RSF-1, allowing 1 unit/acre. The subdivisions surrounding Holcomb Elementary to the north are a mix of RSF-4 and RSF-8, allowing at most 8 units/acre. This development, being medium density residential at 6 units/acre, will serve as a transitional use between surrounding neighborhoods while still conforming to the general residential uses within the area. The existing RS-4 zoning on the 33.1 acre parcel currently allows for 132 units to be developed. The existing PZD zoning on the 16.1 acre parcel currently allows for 386 units to be developed. The total number of units allowed by-right as an aggregate on both of the existing parcels is 518 units. The Next Chapter Development proposal would reduce the total allowed unit count to 295 units – or a reduction of 223 units.

This development will have street connections to the south on N Carnelian Ln & N Raven Ln, which are existing stub outs for the Crystal Springs subdivision. This development will also connect to N Deane Solomon Rd to the east via right-of-way dedication through adjacent properties. Traffic within this development will have egress/ingress from N Carnelian Ln, N Raven Ln, & N Deane Solomon Rd. All signage shall mimic UDC Chapter 174. At least 2 monument signs will be constructed for the neighborhood entrances. Non-commercial signage shall be allowed under Chapter 174 of the UDC. No illuminated signs are allowed. The maximum surface area for each monument sign shall not exceed 45 square feet, see Exhibit E for an example monument sign of this display size.

**L) Compliance with Fayetteville's Comprehensive Land Use Plan.**

Fayetteville's Future Land Use Plan calls this area to be Residential Neighborhood, which offers a wide variety of housing types, with highly connected, compact blocks with gridded street patterns. This Planned Zoning District is in compliance with that, as it allows a wide variety of single-family housing units with no minimum lot width or size. Two to four family dwellings are also allowed with this Planned Zoning District. This development is connected to the existing subdivision to the south and to the future mixed-use development to the east for the Underwood Commercial PZD, as well as internally, with the open space being a central focal point.

Below are the six 2040 City Plan goals and how this development aligns with them:

Goal 1: We will make appropriate infill and revitalization our highest priority.

This site is an infill project, between two existing residential developments. This project connects vehicles and pedestrians throughout this area in a logical and concise manner. Single-family residential use on this site compliments the context and character of the existing neighborhood to the south of the site, while obtaining the density needed to promote affordable housing in the region.

Goal 2: We will discourage suburban sprawl.

This development would not be considered suburban sprawl having high and medium density neighborhoods surrounding it. This development connects the two existing developments, extends



vehicular and pedestrian access through this site and surrounding sites to local parks and amenities (i.e. Underwood Park, Gary Hampton Softball Complex, Wilson Springs Preserve, Holcomb Elementary). This Planned Zoning District has a density that is less than the future Commercial PZD 24 units/acre density, while also being a concise development which minimizes public street construction and centers on an internal open space for residents to enjoy.

Goal 3: We will make traditional town form the standard.

This development meets this goal by being a compact and dense subdivision thus being able to preserve open space and trees, having interconnected streets and sidewalks, and minimizing the unit's front façade separation from the sidewalk, while still providing one parking stall in each driveway. This will keep the units close to the street to mimic traditional town form.

Goal 4: We will grow a livable transportation network.

This development will promote walkability and bicycling by having interconnected tree-lined streets, and sidewalks. Fayetteville's Clabber Creek trail is adjacent to this development, just north of Clabber Creek. The existing Underwood Park is directly adjacent to the northeast. Residents of this development will be able to access the Underwood Park trail system at multiple locations around the eastern, northern, and southern perimeters of the site. The students and faculty of Holcomb Elementary and any citizen who uses the Gary Hampton Softball complex for sports can use the Clabber Creek multi-use trail and/or public sidewalk network to access their home in this proposed development. If public transportation decides to extend west, this development will provide connection with surrounding neighborhoods thus making bus stops more accessible.

The City Plan 2040 clearly states a plan to create compact, complete, and connected development. These privately owned & maintained streets with public access easements dedicated over them will meet that plan for the following reasons:

1. Streets will provide legally established public access through the site from southern adjacent parcel to eastern adjacent parcel.
2. Pedestrians will have multiple direct access points to the adjacent Underwood Park trail system.
3. Pedestrians have less than 0.20 miles access from site to the Clabber Creek multi-use paved trail to the north.

Goal 5: We will assemble an enduring green network.

This development will meet this goal by preserving trees and open space. Streamside protection measures will be along Clabber Creek at the northwestern corner of the property. Additionally, the proposed development will consist of tree-lined streets, interconnected sidewalks, and will connect to the Clabber Creek multi-use trail and Wilson Springs Preserve, which are both adjacent to the development.

Goal 6: We will create opportunities for attainable housing:

This goal will be met the developer providing a mixture of housing sizes and unit types. This mixture will allow some of the homes to be more affordable than the average single-family dwelling. Additionally, the homes will be rental units and therefore more financially attainable than the average single family private lot.

**M) Traffic Study**

A Traffic Impact Analysis study has been prepared for the site, dated June 2025. The study was prepared by Traffic Engineering Consultants, Inc., which concluded that *"no traffic control or geometric roadway*



*improvements are necessary as a result of the proposed site traffic to continue operating at acceptable levels-of-service both now and in the future".*

#### **N) Impact of City Services**

An 8" proposed water main will be extended throughout the site to serve all residential units, and will connect to the existing 8" water main. An 8" gravity sanitary sewer main will be extended throughout the site to serve all residential units. The internal gravity main network will drain into the existing 10" PVC sewer main, which increases to 12" as it flows north and crosses Clabber Creek. Initial discussions with city staff stated sanitary sewer capacity, water pressures and flows should not be a concern, as long as on-site water pressure and sanitary sewer capacity studies are provided at the time of LSD submittal.

Emergency services, police and fire, will be able to serve houses by the streets throughout the development. The proposed site's access separation distance, per 2021 Arkansas Fire Code, Appendix D, Section D104.3, is at least half the longest diagonal distance of the site. The longest diagonal distance, from NE corner to SW corner of the site, is approximately 2,500 feet (thus required minimum separation distance is 1,250 feet). The two proposed N. Raven Ln access points on site are separated by approximately 1,682 feet. At the time of LSD submittal, the site's phasing plan will make sure to include both N. Raven Lane access points within Phase 1, to ensure the minimum separation distance is met.

Fire hydrants will be installed strategically throughout the development and the streets will have 26' width required for a fire truck, or a bump-out fire apparatus access pad at each hydrant location if the street is less than 26' wide from face of curb to face of curb. As drawn in Exhibit C, the width of the roads is 27' FC to FC and 28' BOC to BOC. The City's commercial trash & recycling truck program will pick up the waste weekly from each unit.

#### **O) Conceptual Description of Development Standards**

The proposed PZD will set forth development standards and conditions aimed at encouraging harmonious development, ensuring continuity in development, enhancing the appeal and practicality of the area as a residential space, overall, elevating the community.

##### 1) Screening and Landscaping:

Landscaping for this development will generally conform with UDC Chapter 177. Residential units shall have a consistent foundation and high-quality design at the front of the house and throughout the development. Native material and high-quality design are encouraged for new construction of homes. A basic landscape plan will be submitted with building elevations and floor plans. There will be no vegetative screening between the units; however, the entire perimeter of the site will have a landscaped screening buffer within the 30' building setback.

##### 2) Traffic and Circulation:

This development will provide connectivity for surrounding neighborhoods and create another route of egress/ingress thus alleviating traffic congestion within existing subdivisions. The internal streets will be privately owned & maintained with public access easements dedicated over them. The private streets require an amendment to the Master Street Plan, to be submitted concurrently with this PZD. However, right-of-way will be dedicated for the portion of N Raven Ln that crosses adjacent properties to the northeast, connecting to N Deane Solomon Rd.

##### 3) Parking Standards:

Parking standards will meet City of Fayetteville Minimum Street Standards where on-street parking and parking spaces are to be proposed. Parking will be available in garages and driveways at each residence



as well as on-street and within parking pods, where allowed by this planned zoning district and the master street plan. See the parking count and breakdown by unit type, in Exhibits B & C. There are approximately 3.21 parking spaces per unit.

4) Perimeter Treatment:

This development is compatible with adjacent developments and proposes to meet the future land use map. The perimeter treatment will be a 30' building setback.

5) Sidewalks:

Sidewalks will be provided throughout the development and along Residential Link Private Streets. These will connect to the adjacent Underwood Park walking trails and the internal greenspace trails.

6) Streetlights:

Streetlights shall be of a uniform type throughout the development. All streetlights shall be full cut-off fixtures and a lighting system shall appropriately light all public areas. All streetlights shall be per Ozark Electric cooperative and meet UDC code 166.04(B)(3)(g).

7) Water:

Water mains and services shall be provided for each dwelling and residence. Water mains shall be per Fayetteville 2022 Water and Sewer Specifications, utilizing an 8" AWWA C900 PVC, DR14 material. Water services shall follow these same specifications for meters and service lines.

8) Sewer:

Sewer services shall be provided for all dwellings and buildings. Sewer mains shall be per Fayetteville 2022 Water and Sewer Specifications, utilizing an 8" PVC SDR 26. Sewer services shall follow these same specifications for any meters and service lines.

9) Street and Drainage:

The technical design and physical construction of the streets will generally conform to the City Minimum Street Standards, 2020 edition. The streets will be privately owned & maintained with public access easements dedicated over them. Please see Exhibit C for the proposed modified residential link typical section. Street design shall be reviewed by the Engineering department of the City of Fayetteville. Drainage and storm design will be provided with a drainage report at time of LSD submittal. This report will comply with all minimum standards 1-4 of the City's Drainage Criteria Manual. Detention volume will be located on-site, as well as within existing adjacent wet ponds. Water quality features such as bioretention cells, bioswales, and pervious pavers will filter and treat the stormwater before entering the detention system. Drainage and storm design will be reviewed by the Engineering Department of the City of Fayetteville.

10) Construction of Nonresidential Facilities:

Non-residential facilities are not proposed within this development apart from the leasing office building and park bathroom located in the Planning Area 2 open space.

11) Tree Preservation:

Tree preservation plans and landscape plans will be required and submitted once development begins on a Large Scale Development application and development plan is submitted. The intent is to preserve as many trees as possible in Planning Area 2. Planning Area 1 will have no preservation. Mitigation will be shown in Planning Area 2. Per UDC 167, the existing canopy percentage will be preserved as much as possible, and the remaining percentage will be mitigated for on and/or off-site.





12) Architectural design standards:

Architectural design standards have been attached to this application as Exhibit D. Residential buildings must be consistent with the style and look of examples set in Exhibit D. Houses may be larger or smaller, but will have the same general look as attached in Exhibit D. The units are designed to meet the majority of the Architectural Design Standards from UDC 166.23 (D).

13) Lot Design Standards:

For all units, the façade facing the street has clearly defined front door and windows. For facades that front more than one street, only one façade is required to have a front door and window. The garage opening widths are less than 50% of the principal façade length, unless the house has a second story with windows facing the street (i.e. Hamilton, Jennings unit types).

13) Propose signage:

The developer intends to build one monument sign at each of the entrances to the neighborhood. This is allowable by right in Planning Area 2, as is the common mailbox unit. Each sign will be maximum 45 ft<sup>2</sup>. Each sign will not be internally illuminated; however, external illumination with decorative or landscape lighting may be used. Each monument sign will generally conform to UDC 174.10(B).

14) View Protection:

View protection shall be considered if any proposed work is to occur outside the scope of the proposed PZD and its master plan.

15) Covenants, trust, and homeowner association:

There will be no homeowner's or property owner's association with this development. The property will be owned, maintained, and managed by one entity, Next Chapter Holdings, LLC, or a subsidiary of. A full time maintenance & leasing staff will be present on the property.

**P) PZD Intent/Purpose**

The intent of this Proposed PZD is to create and expand the City Residential Neighborhood Area as outlined in the City of Fayetteville's 2040 Land Use Plan. The proposed PZD wishes to expand the existing infrastructure, while creating a livable, harmonious, and vibrant community compatible to surrounding uses.

**Q) Legal Description**

Planning Area 1 & 2:

LOT 4, AS PER PLAT RECORD 024A-00000298 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING PART OF THE SE 1/4 OF THE NE 1/4 AND THE N 1/2 OF THE SE 1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 32;  
THENCE N87°16'59"W 782.21 FEET;  
THENCE N02°38'01"E 1483.34 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4;  
THENCE ALONG THE WEST LINE THEREOF THE FOLLOWING FOUR COURSES:  
THENCE N02°38'01"E 76.97 FEET;  
THENCE N12°18'05"W 449.85 FEET;  
THENCE N87°14'42"W 556.89 FEET;  
THENCE N02°45'14"E 527.06 FEET TO THE NORTHWEST CORNER OF SAID LOT 4;





THENCE ALONG THE NORTH LINE THEREOF N74°18'30"E 920.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 4;

THENCE ALONG THE EAST LINE THEREOF THE FOLLOWING FIVE COURSES:

THENCE S02°36'38"W 245.00 FEET;

THENCE N87°23'22"W 25.00 FEET;

THENCE S02°36'38"W 758.10 FEET;

THENCE S42°23'22"E 35.36 FEET;

THENCE S02°36'38"W 301.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE ALONG THE SOUTH LINE THEREOF N87°23'22"W 202.48 FEET TO THE POINT OF BEGINNING, CONTAINING 16.01 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF THE SE 1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 32;

N02°23'27"E 1381.39 FEET TO THE POINT OF BEGINNING;

THENCE N02°23'27"E 777.29 FEET;

THENCE S87°48'23"E 576.12 FEET;

THENCE S03°18'06"E 169.29 FEET;

THENCE S87°14'42"E 1141.88 FEET;

THENCE S12°18'05"E 449.85 FEET;

THENCE S02°38'01"W 193.06 FEET;

THENCE N87°32'17"W 437.69 FEET;

THENCE S02°27'43"W 227.74 FEET;

THENCE N87°32'06"W 967.49 FEET;

THENCE N02°27'54"E 250.00 FEET;

THENCE N87°32'06"W 442.90 FEET TO THE POINT OF BEGINNING, CONTAINING 33.31 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



# **EXHIBIT A COVER SHEET/SURVEY**



**Crafton Tull**

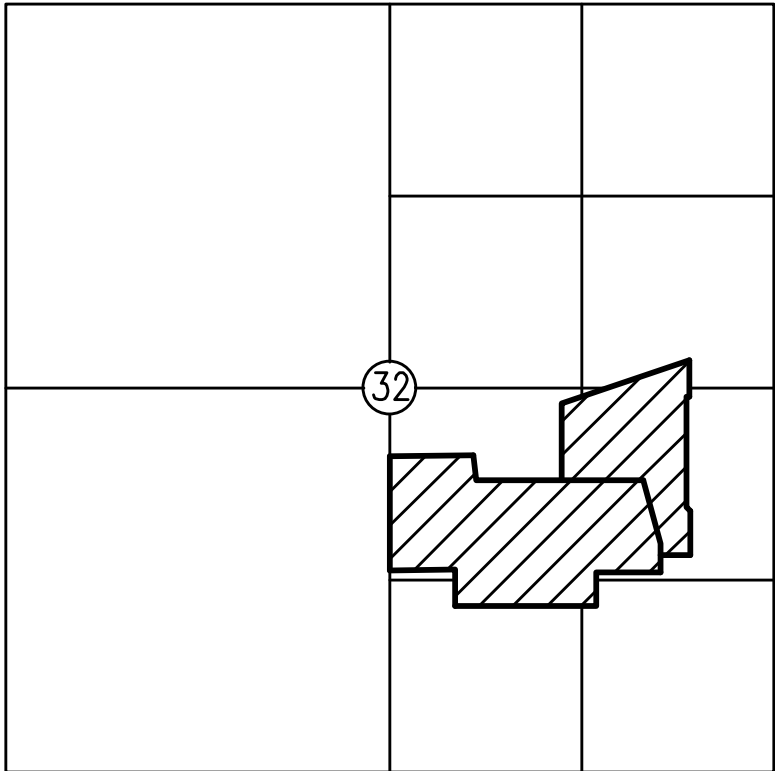
Planning Commission

August 25, 2025

PZD-2025-0003 (KTB LIMITED PARTNERSHIP)

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DRAWING: G:\25301700\_NEXT CHAPTER INFRASTRUCTURE\SURVEY\DWG\25301700 BNDY.DWG  
LAYOUT: LAYOUT1 - LAST SAVED: KM676, 6/17/2025 2:37:39 PM  
LAST PLOTTED BY: KEVIN MONTGOMERY, 6/17/2025 3:12:42 PM [PLOTTED BY: VALID ON HARD COPY ONLY]



T-16-N R-30-W

DEED DESCRIPTION (DEED 2021-00013842):

PART OF THE NW 1/2 OF THE SE 1/4 OF SECTION 32, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 32;  
THENCE NORTH 87°16'59" WEST A DISTANCE OF 782.21 FEET TO THE EAST LINE OF CRYSTAL SPRINGS SUBDIVISION.  
THENCE ALONG SAID NORTH LINE NORTH 02°38'01" EAST A DISTANCE OF 1,483.34 FEET TO THE POINT OF BEGINNING.  
THENCE ALONG THE WEST LINE THEREOF THE FOLLOWING FOUR COURSES:  
THENCE NORTH 2°38'01" EAST A DISTANCE OF 76.97 FEET;  
THENCE NORTH 12°18'05" WEST A DISTANCE OF 449.85 FEET;  
THENCE NORTH 87°14'42" WEST A DISTANCE OF 556.89 FEET;  
THENCE NORTH 02°45'14" EAST A DISTANCE OF 527.06 FEET;  
THENCE NORTH 74°18'30" EAST A DISTANCE OF 920.33 FEET;  
THENCE SOUTH 2°36'38" WEST A DISTANCE OF 245.00 FEET;  
THENCE NORTH 87°23'22" WEST A DISTANCE OF 25.00 FEET;  
THENCE SOUTH 2°36'38" WEST A DISTANCE OF 758.10 FEET;  
THENCE SOUTH 42°23'22" EAST A DISTANCE OF 35.36 FEET;  
THENCE SOUTH 2°36'38" WEST A DISTANCE OF 301.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4;  
THENCE ALONG THE SOUTH LINE THEREOF NORTH 87°23'22" WEST A DISTANCE OF 202.48 FEET TO THE POINT OF BEGINNING, CONTAINING 16.01 ACRES, MORE OR LESS AND SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

DEED DESCRIPTION (DEED 2020-00021939):

PART OF THE SE 1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 32;  
THENCE N02°23'27"E 1381.39 FEET TO THE POINT OF BEGINNING;  
THENCE N02°23'27"E A DISTANCE OF 777.29 FEET;  
THENCE S87°48'23"E A DISTANCE OF 576.11 FEET;  
THENCE S03°18'06"E A DISTANCE OF 169.29 FEET;  
THENCE S87°14'42"E A DISTANCE OF 1141.88 FEET;  
THENCE S12°18'05"E A DISTANCE OF 449.85 FEET;  
THENCE S02°38'01"W A DISTANCE OF 193.06 FEET;  
THENCE N87°32'17"W A DISTANCE OF 437.69 FEET;  
THENCE S02°27'43"W 227.74 FEET;  
THENCE N87°32'06"W A DISTANCE OF 967.49 FEET;  
THENCE N02°27'54"E A DISTANCE OF 250.00 FEET;  
THENCE N87°32'06"W A DISTANCE OF 442.90 FEET TO THE POINT OF BEGINNING, CONTAINING 33.31 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

SURVEY DESCRIPTION:

LOT 4, AS PER PLAT RECORD 024A-00000298 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING PART OF THE SE 1/4 OF THE NE 1/4 AND THE N 1/2 OF THE SE 1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 32;  
THENCE N87°16'59"W 782.21 FEET;  
THENCE N02°38'01"E 1483.34 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 4;  
THENCE ALONG THE WEST LINE THEREOF THE FOLLOWING FOUR COURSES:  
THENCE N02°38'01"E 76.97 FEET;  
THENCE N12°18'05"W 449.85 FEET;  
THENCE N87°14'42"W 556.89 FEET;  
THENCE N02°45'14"E 527.06 FEET TO THE NORTHWEST CORNER OF SAID LOT 4;  
THENCE ALONG THE NORTH LINE THEREOF N74°18'30"E 920.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 4;  
THENCE ALONG THE EAST LINE THEREOF THE FOLLOWING FIVE COURSES:  
THENCE S02°36'38"W 245.00 FEET;  
THENCE N87°23'22"W 25.00 FEET;  
THENCE S02°36'38"W 758.10 FEET;  
THENCE S42°23'22"E 35.36 FEET;  
THENCE S02°36'38"W 301.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4;  
THENCE ALONG THE SOUTH LINE THEREOF N87°23'22"W 202.48 FEET TO THE POINT OF BEGINNING, CONTAINING 16.01 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF THE SE 1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 32;  
N02°23'27"E 1381.39 FEET TO THE POINT OF BEGINNING;  
THENCE N02°23'27"E 777.29 FEET;  
THENCE S87°48'23"E 576.12 FEET;  
THENCE S03°18'06"E 169.29 FEET;  
THENCE S87°14'42"E 1141.88 FEET;  
THENCE S12°18'05"E 449.85 FEET;  
THENCE S02°38'01"W 193.06 FEET;  
THENCE N87°32'17"W 437.69 FEET;  
THENCE S02°27'43"W 227.74 FEET;  
THENCE N87°32'06"W 967.49 FEET;  
THENCE N02°27'54"E 250.00 FEET;  
THENCE N87°32'06"W 442.90 FEET TO THE POINT OF BEGINNING, CONTAINING 33.31 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

NOTES:

THE SURVEY SHOWN HEREON IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

THE PROPERTY SURVEYED IS WITHIN THE MUNICIPAL LIMITS OF FAYETTEVILLE, AR.

THE PROPERTY SURVEYED IS ZONED CPZD AND RSF-4. THE ZONING CLASSIFICATIONS SHOWN ON THIS PLAT WERE OBTAINED FROM THE CITY OF FAYETTEVILLE GIS SITE, AND REPRESENT THE ZONING CLASSIFICATION AT THE TIME OF THIS SURVEY.

THE BOUNDARY DETERMINATION SHOWN HEREON WAS BASED UPON THE FOLLOWING DOCUMENTS: DEED 2020-00021939, DEED 2021-00013842, PLAT 2016-00029554, PLAT 2019-00034850, PLAT 024A-00000298, PLAT 0024-00000426, PLAT 0024-00000510 AND PLAT 0024-00000517.

NO ATTEMPT WAS MADE TO SHOW BUILDING SETBACK LINES GRAPHICALLY ON THE SURVEY. THE DESIGNATION OR ORIENTATION OF SETBACKS THAT AFFECT THE USE OF THIS PROPERTY ARE DETERMINED BY THE LOCAL GOVERNING JURISDICTION. SETBACK DIMENSIONS WILL BE BASED ON THE ORIENTATION OF THE BUILDINGS TO BE CONSTRUCTED.

THERE MAY BE BUILDINGS AND OTHER IMPROVEMENTS ON THE PROPERTY THAT ARE NOT SHOWN ON THIS PLAT.

UTILITIES WERE NOT CONSIDERED A PART OF THIS SURVEY.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT CONSIDERED A PART OF THIS SURVEY AND NO INVESTIGATION OF THESE CONDITIONS WAS MADE.

THE SURVEYOR HAS NOT MADE A SEPARATE INVESTIGATION OR SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, OR RESTRICTIVE COVENANTS OR ANY OTHER FACTS WHICH MIGHT AFFECT THE PROPERTY. ANY EASEMENTS SHOWN HEREON CAME TO THE ATTENTION OF THE SURVEYOR FROM EXAMINATION OF WACO TITLE COMPANY EASEMENT SEARCH FILE NO. 2504136-102, DATED APRIL 17, 2025.

PAT OF THIS PROPERTY IS IN FLOOD ZONE "AE", AND IS INSIDE THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FIRM PANEL NUMBER 05143C0205F, REVISED DATE JANUARY 25, 2024.  
THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP. IN ADDITION, NO INDEPENDENT STUDY OF THE LIKELIHOOD OF FLOODING OF THE SURVEYED PROPERTY HAS BEEN DONE BY THE SURVEYOR AND NO OPINION OF FLOOD HAZARDS IS INCLUDED IN THIS SURVEY.

CERTIFICATE OF SURVEYING ACCURACY:

I HEREBY DECLARE THAT ON THE 17TH DAY OF JUNE, 2025 THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND THE IRON PINS WERE FOUND OR SET, AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND BELIEF.



CRAFTON, TULL, & ASSOCIATES, INC.  
BY KEVIN J. MONTGOMERY (AGENT)

KEVIN J. MONTGOMERY PS 1460  
PROFESSIONAL LAND SURVEYOR

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RECORD INFORMATION

STATE PLAT CODE:  
500-17N-30W-0-32-102-72-1460

BOUNDARY SURVEY PLAT  
PART NE 1/4 AND PART SE 1/4  
SECTION 32  
T-17-N R-30-W

PREPARED FOR:  
NEXT CHAPTER HOLDINGS, LLC

ARKANSAS

FAYETTEVILLE

DATE: 06/17/2025  
PROJECT NO.: 23301700  
CONTACT: K MONTGOMERY

901 N. 47th St., Suite 400  
Rogers, Arkansas 72756  
 Crafton Tull  
479.636.4838  
www.craftontull.com

CERTIFICATE OF AUTHORIZATION:

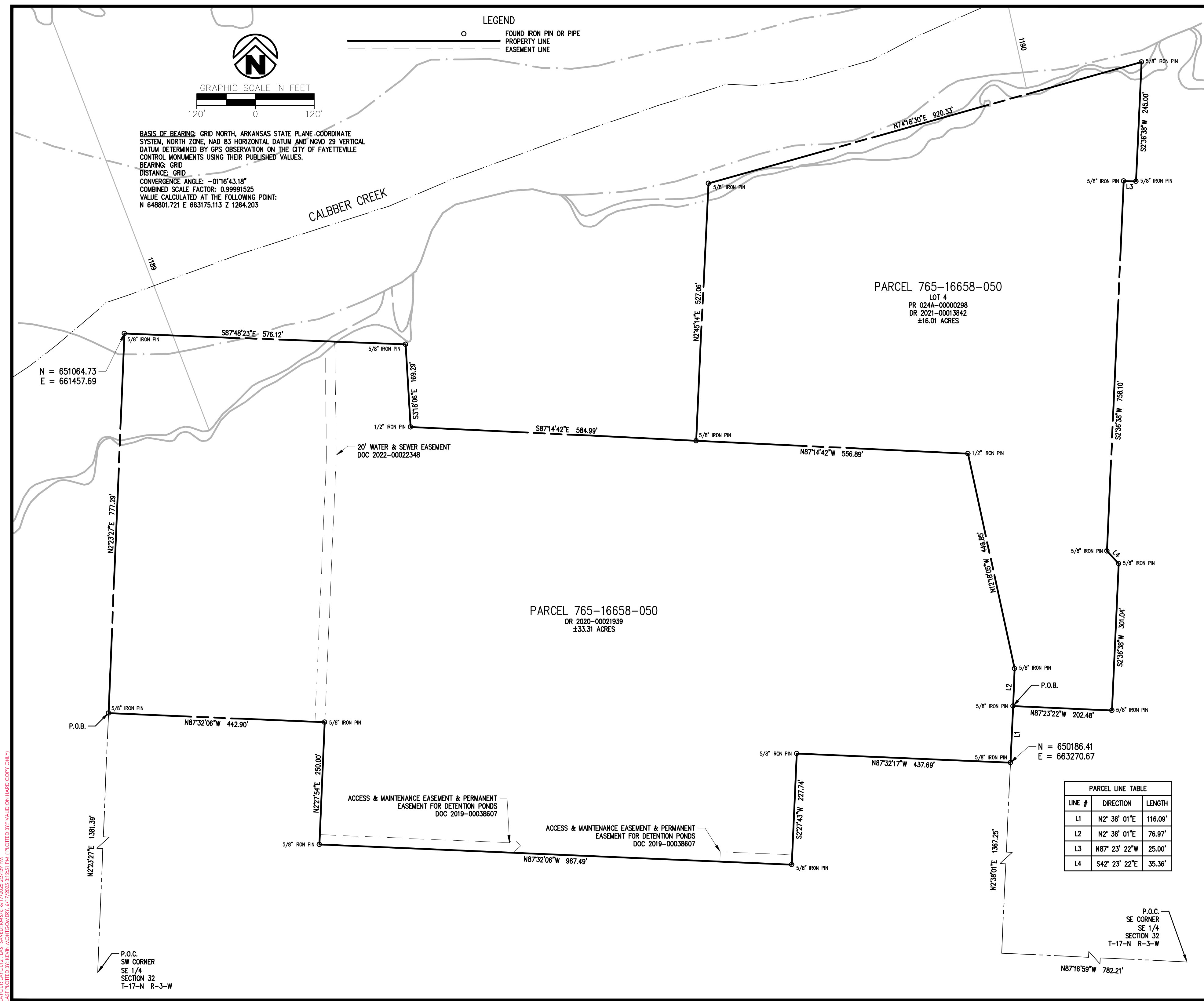


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SHEET NO.:

1 OF 2



RECORD INFORMATION

STATE PLAT CODE:  
500-17N-30W-0-32-102-72-1460

BOUNDARY SURVEY PLAT  
PART NE 1/4 AND PART SE 1/4  
SECTION 32  
T-17-N R-30-W

PREPARED FOR:  
NEXT CHAPTER HOLDINGS, LLC

ARKANSAS

FAYETTEVILLE

DATE: 06/17/2025  
PROJECT NO: 25301700  
CONTACT: K MONTGOMERY

901 N. 47th St., Suite 400  
Rogers, Arkansas 72756

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SHEET NO.:

2 OF 2

DRAWING: G:\25301700\_NEXTCHAPTER\INFRASTRUCTURE\SURVEY\DWG\25301700\_BNDY.DWG  
LAYOUT: LAYOUT2, LAST SAVED: KM676, 6/17/2025 2:37:39 PM  
LAST PLOTTED BY: KEVIN MONTGOMERY, 6/17/2025 3:12:51 PM PLOTTED BY: VALID ON HARD COPY ONLY







# **EXHIBIT B ZONING & DEVELOPMENT STANDARDS BY PLANNING AREA**



**Crafton Tull**

Planning Commission

August 25, 2025

PZD-2025-0003 (KTB LIMITED PARTNERSHIP)

Page 35 of 88

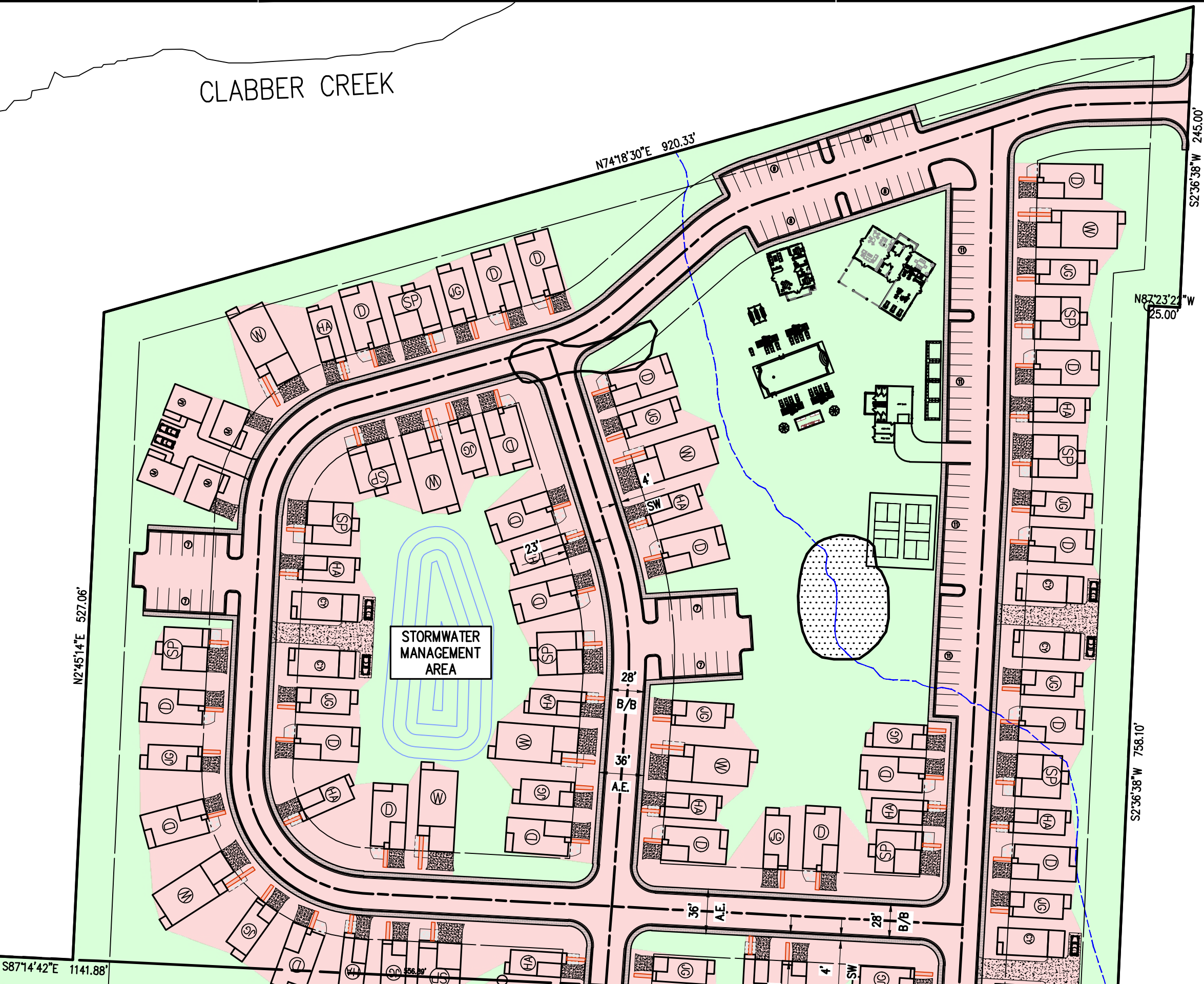
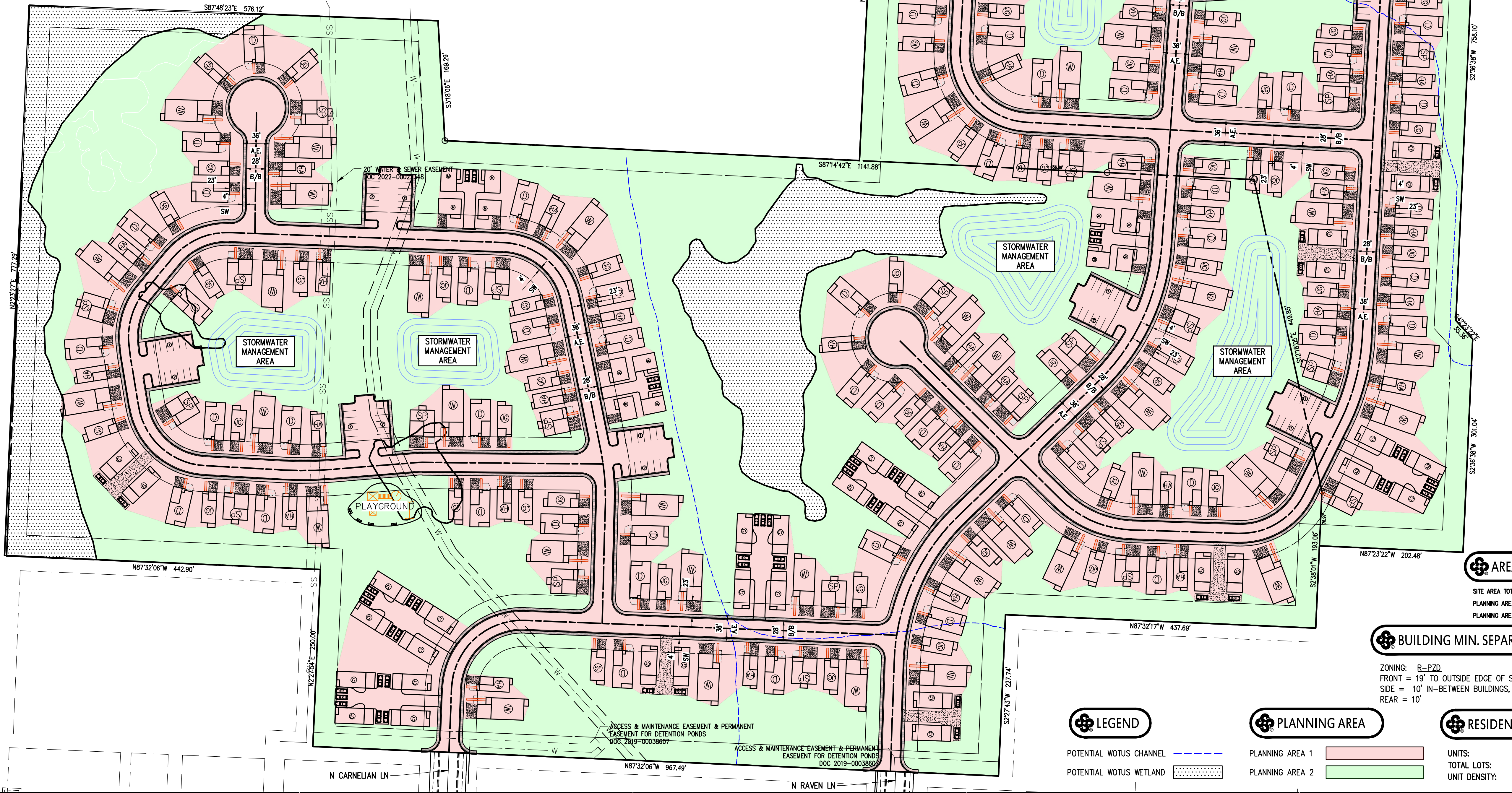


LAND USE DESIGNATION TABLE
PLANNING AREA 1 - RESIDENTIAL SINGLE FAMILY DETACHED
PLANNING AREA 2 - OPEN SPACE & AMENITIES
LAND USE DESIGNATION
(A) PERMITTED USE UNITS
(B) CONDITIONAL USES
(C) RESIDENTIAL DENSITY
ACREAGE
RESIDENTIAL DENSITY
NONRESIDENTIAL AREA
BULK AND AREA REGULATIONS
(D) ENVELOPE WIDTH MIN.
(E) ENVELOPE AREA MIN.
(F) LAND AREA PER DWELLING
(G) SETBACK REQUIREMENTS
(H) HEIGHT REGULATIONS
(I) BUILDING AREA
SITE PLANNING
(J) LANDSCAPING
(K) PARKING
(L) ARCH. DESIGN STANDARDS
(M) SIGNAGE

UNIT MAX
BUILDING TYPE DESCRIPTION UNIT COUNT BEDS % OF TOTAL UNITS
COTTAGE - SINGLE STORY
CY CHERRY 1 BR (1 CAR GARAGE, 1 CAR DRIVEWAY) 36 36 13%
D DEARBORN 2 BR (1 CAR GARAGE, 1 CAR DRIVEWAY) 62 124 22%
W WARREN 3 BR (2 CAR GARAGE, 2 CAR DRIVEWAY) 42 126 15%
COTTAGE - TWO STORY
M MAPLE 1 BR (1 CAR GARAGE, 1 CAR DRIVEWAY) 16 16 6%
JG JENNINGS 2 BR (1 CAR GARAGE, 1 CAR DRIVEWAY) 50 100 18%
HA HAMILTON 3 BR (1 CAR GARAGE, 1 CAR DRIVEWAY) 40 120 15%
SP SPENCER 4 BR (2 CAR GARAGE, 2 CAR DRIVEWAY) 30 120 11%
TOTAL 276 UNITS 642 BEDS 100%
ON-STREET ROW PARKING = 77 SPACES
PARKING PODS = 112 SPACES
GARAGE & DRIVEWAY PARKING = 696 SPACES
TOTAL PARKING = 885 SPACES
PARKING DENSITY = 3.21 SPACES PER UNIT
PROPERTY = 49.20 ACRES
UNIT DENSITY = 5.61 UNITS/AC

NOTE: THE LAYOUT, PARKING, AND UNIT MIX SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE IN LARGE SCALE DEVELOPMENT PLAN SUBMITTAL AND REVIEW.

\*NOTE: ALL SETBACKS ARE FROM THE PERIMETER PROPERTY LINE OF THE ENTIRE 49.2-ACRE SITE. THERE ARE NO INTERNAL PROPERTY LINES TO MEASURE UNIT SETBACKS FROM. A 30' BUILDING SETBACK AROUND THE ENTIRE PERIMETER OF THE PROPERTY IS INCLUDED.
\*\*NOTE: MAX BUILDING AREA IN PLANNING AREA 1 INCLUDES THE COMBINED ACREAGE OF ALL UNITS' FLOOR PLAN SQUARE FOOTAGE PLUS THE AMENITY BUILDINGS' SQUARE FOOTAGE.



AREA: 49.20 ACRES
SITE AREA TOTAL: 49.20 ACRES
PLANNING AREA 1 TOTAL: 26.84 ACRES 55%
PLANNING AREA 2 TOTAL: 22.36 ACRES 45%
BUILDING MIN. SEPARATIONS:
ZONING: R-PZD
FRONT = 19' TO OUTSIDE EDGE OF SIDEWALK
SIDE = 10' IN-BETWEEN BUILDINGS, OVERHANG TO OVERHANG
REAR = 10'
LEGEND: POTENTIAL WOTUS CHANNEL, POTENTIAL WOTUS WETLAND
PLANNING AREA: PLANNING AREA 1, PLANNING AREA 2
RESIDENTIAL DENSITY: UNITS: 276, TOTAL LOTS: 1 LOT TOTAL, UNIT DENSITY: 5.61 UNITS/ACRE

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NEXT CHAPTER NEIGHBORHOOD AT UNDERWOOD PARK
FAYETTEVILLE, AR
Key Plan
No. Description Date
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QC by:
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REVIEW SET FOR CONSTRUCTION
EXHIBIT B ZONING & DEVELOPMENT STANDARDS BY PLANNING AREA MAP
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August 25, 2025
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**EXHIBIT C**  
**MASTER PLAN, AERIAL OVERALL SITE**  
**PLAN, & MODIFIED TYPICAL**  
**RESIDENTIAL LINK SECTION**



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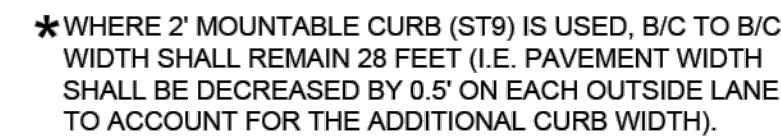






1. CONTACT THE ENGINEERING DIVISION (575-8206) TO REQUEST AN INSPECTION PRIOR TO POURING ANY SIDEWALK OR DRIVEWAY IN THE RIGHT-OF-WAY.
2. THE ENGINEER OF RECORD SHALL PERFORM "PART TIME" INSPECTION FOR THE DRAINAGE INSTALLATION AND STREET CONSTRUCTION. THE PUBLIC WORKS INSPECTOR MUST BE PRESENT FOR TESTING. CONTRACTOR IS RESPONSIBLE FOR SCHEDULING TESTING.
3. MINIMUM DENSITY FOR ASPHALT SHALL BE 92% OF THE MAXIMUM THEORETICAL DENSITY.
4. SUBGRADE (HILLSIDE) SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR. PROCTOR CURVE DATA SHALL BE SUPPLIED TO THE CITY ON ALL MATERIAL BY THE ENGINEER OF RECORD. WITHOUT THE COPY OF THE SITE SPECIFIC PROCTOR CURVE, MOISTURE CONTENT MUST BE WITHIN 3% OF OPTIMUM WHEN TESTED.
5. BASE COURSE (CLASS 7 AGGREGATE BASE) SHALL BE COMPACTED TO 98% OF MODIFIED PROCTOR ON RESIDENTIAL LINKS AND NEIGHBORHOOD LINKS.
6. CURING COMPOUND IS REQUIRED FOR ALL CONCRETE IN RIGHT-OF-WAY OR EASEMENTS, ANY COLOR EXCEPT CLEAR. FOLLOW STANDARD ENGINEERING PRACTICE FOR PLACEMENT IN HOT, WINDY, AND COLD WEATHER.
7. CURB MUST BE CAULKED BEFORE BACKFILLED AND STREET PAVED. ACCEPTABLE SUPPLIERS ARE OMNI SEAL 50, PECORA 864 AND 865, DOW COMING 888, OR OTHER PRE-APPROVED EQUAL.
8. ALL IN-SITU SOILS FOR SUBGRADE SHALL HAVE A LIQUID LIMIT LESS THAN 40, A PLASTICITY INDEX LESS THAN 15, AND A CBR GREATER THAN 8. INADEQUATE SOILS SHALL BE UNDERCUT 2 FEET AND REPLACED WITH "HILLSIDE MATERIAL" (SOILS WITH CBR OF 8 OR GREATER, AND AS CLASSIFIED AS GM OR GC SOILS) - GEOTECHNICAL TESTING REQUIRED TO DETERMINE SOIL ACCEPTANCE.
9. SUBGRADE MUST BE PLACED ON UNYIELDING MATERIAL - ADDITIONAL UNDERCUT MAY BE REQUIRED.

|                    |                                               |
|--------------------|-----------------------------------------------|
| DATE: May 25, 2017 | <div> <div>ST1</div> <div>SHEET:</div> </div> |
| REVISED            |                                               |
| Jan. 13, 2021      |                                               |
| June 28, 2021      |                                               |
| April 5, 2022      |                                               |
|                    |                                               |
|                    |                                               |
|                    |                                               |



\*ALL INTERNAL STREETS, N RAVEN LN. & N CARNELIAN LN., WILL USE A MODIFIED VERSION OF THIS RESIDENTIAL LINK TYPICAL SECTION, SEE BELOW.



|                                                                                                           |                                                      |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>ENGINEERING DIVISION</b><br>113 W. MOUNTAIN STREET<br>PHONE: (479) 575-5206<br>FAX NO.: (479) 575-5202 | <b>RESID</b><br><b>DESCRIPTION:</b><br><b>TITLE:</b> |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------|



CITY OF  
FAYETTEVILLE  
ARKANSAS



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August 25, 2025

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**EXHIBIT D**  
**FLOOR PLANS, ELEVATION**  
**VIEWS, & ISOMETRIC VIEWS**  
**FOR ALL UNIT TYPES**



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August 25, 2025

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ESTIMATED SQUARE FOOTAGE

1ST FLR HTD- 452 SQFT

2ND FLR HTD- 410 SQFT

TOTAL HTD- 862 SQFT

GARAGE - 222 SQFT

PORCH - 95 SQFT

FOOTPRINT - 784 SQFT

TOTAL FRAMING - 1,291 SQFT

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**Andrew M. Woods**  
**[awoods@nextchapterconstruction.us](mailto:awoods@nextchapterconstruction.us)**  
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August 25, 2025

**PG 1**



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FRONT ELEV.

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**DATE:**  
2/14/2025

**PG 2**



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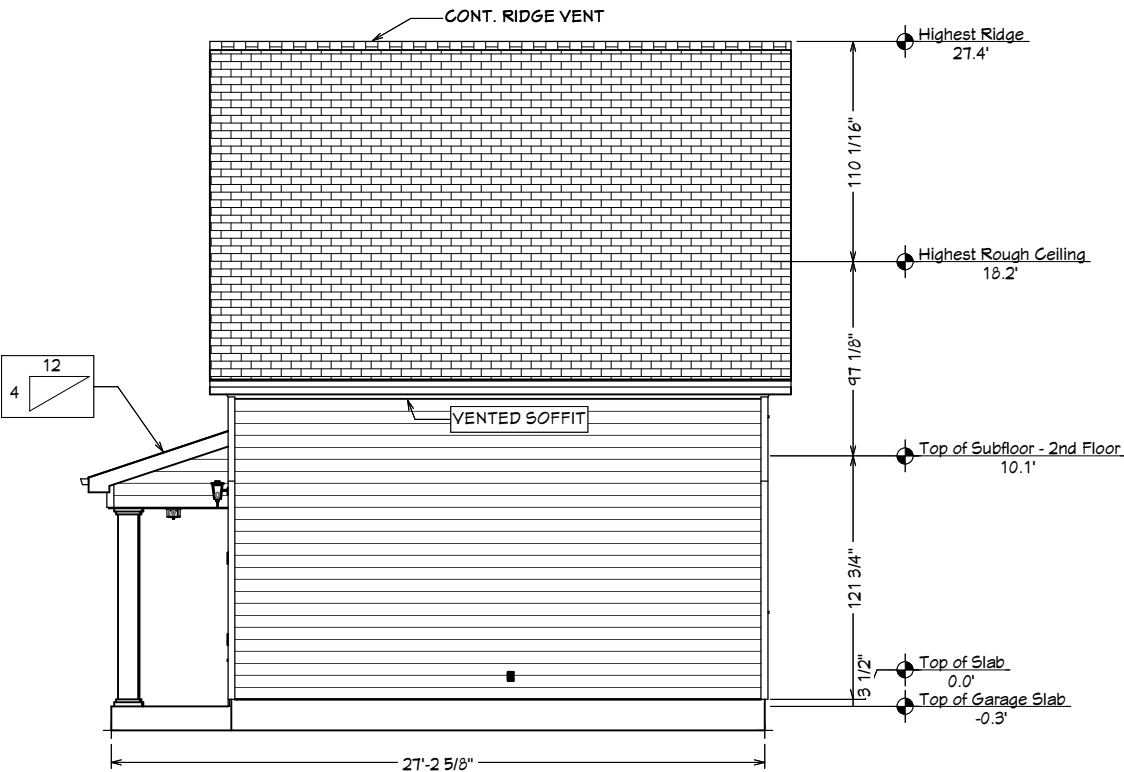
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**SHEET TITLE:**  
REAR ELEV.

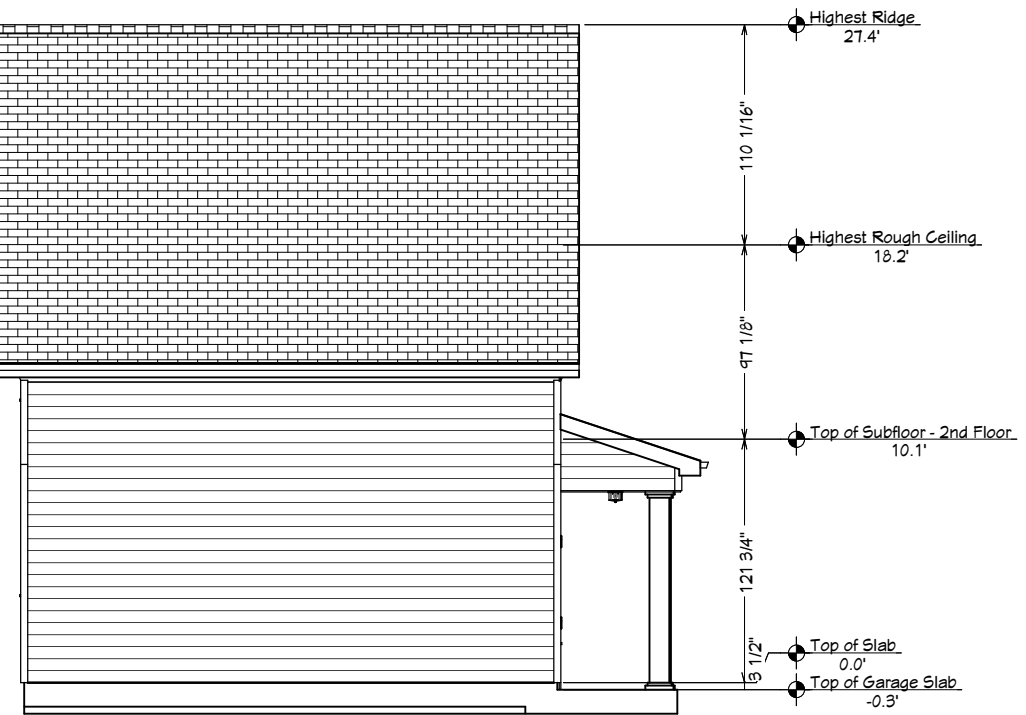
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August 25, 2025

**PG 3**



RIGHT ELEV.



LEFT ELEV.

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**SHEET TITLE:**  
**SIDE ELEV.**

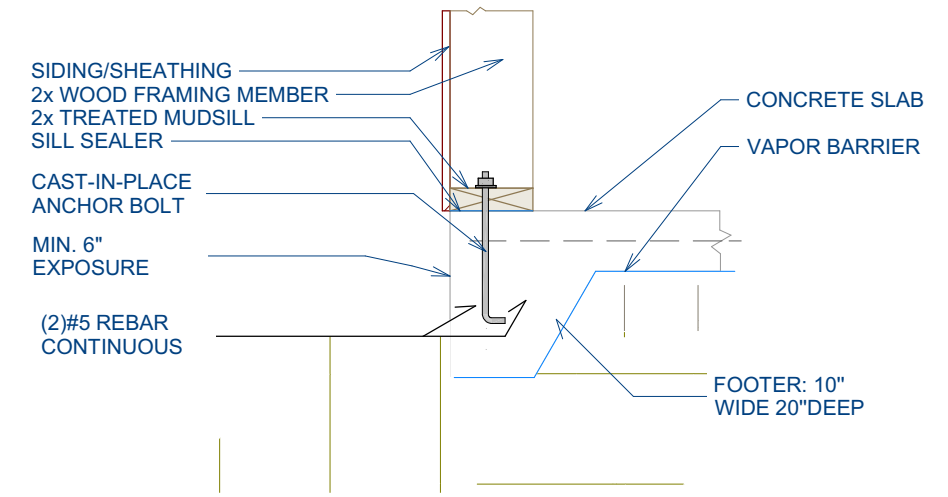
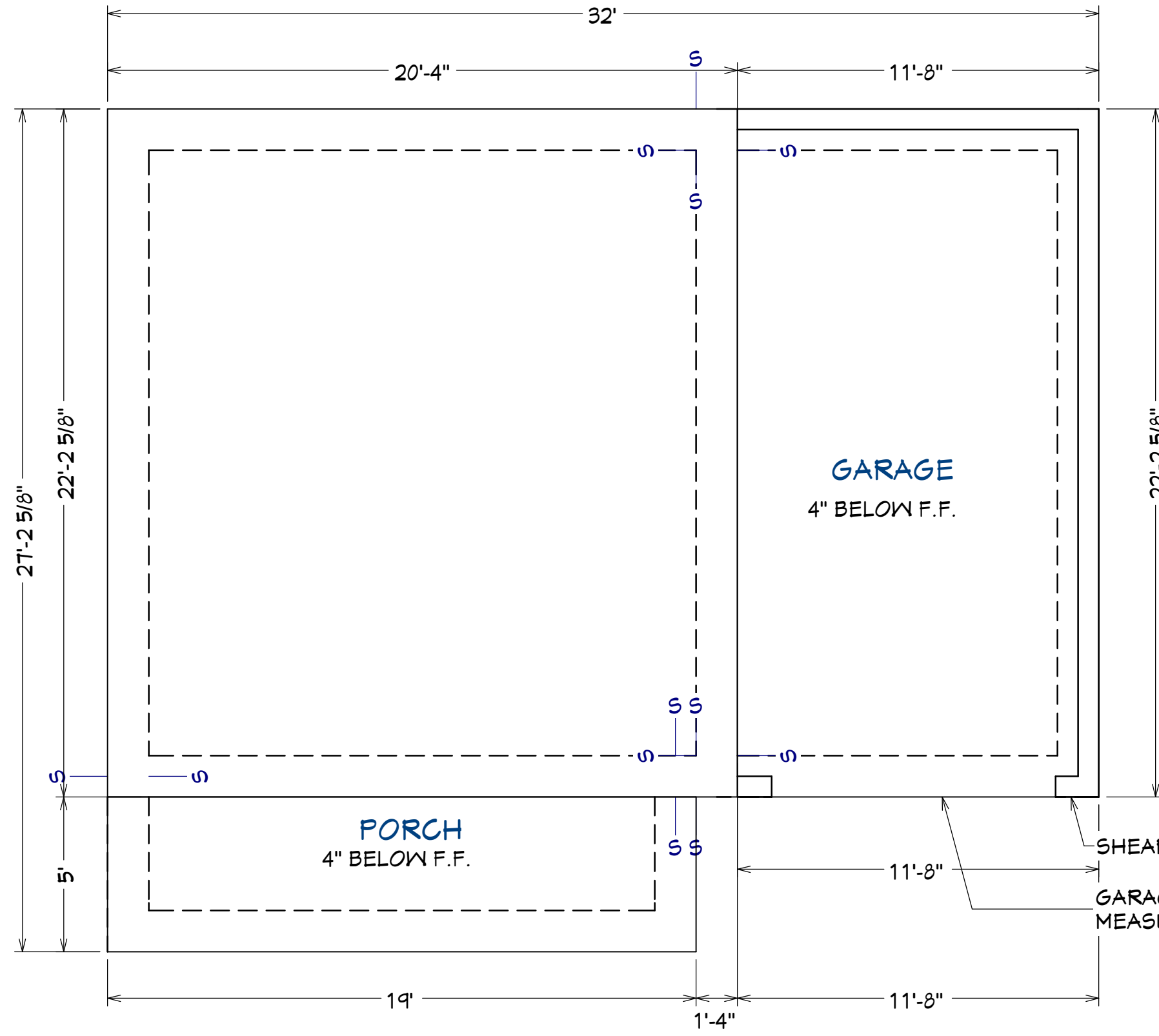
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**DATE:**  
**2/14/2025**

**PG 4**





### Monolithic Slab Detail

NOTE:  
PROVIDE CONTROL JOINTS

NOTE:  
DIMENSIONS ARE TO FRAME WALL

NOTE:  
BOLTS TO BE NO FURTHER THAN 18" O.C.  
OR 12" AWAY FROM SILL PLATE ENDS

SHEAR WALL MINIMUM 16"  
GARAGE OPENING MUST  
MEASURE 9'-3"

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FOUNDATION PLAN

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August 25, 2025

**PG 5**



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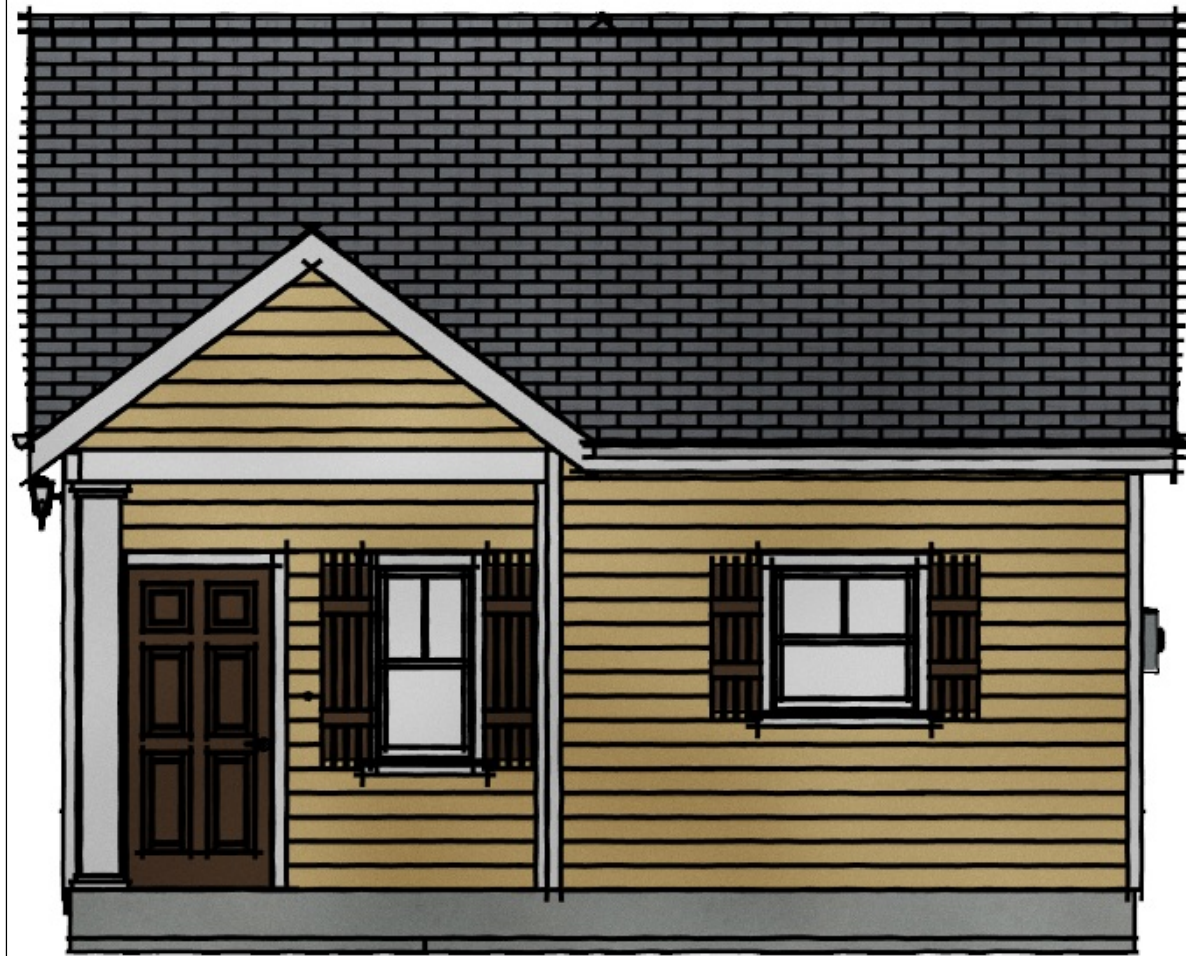
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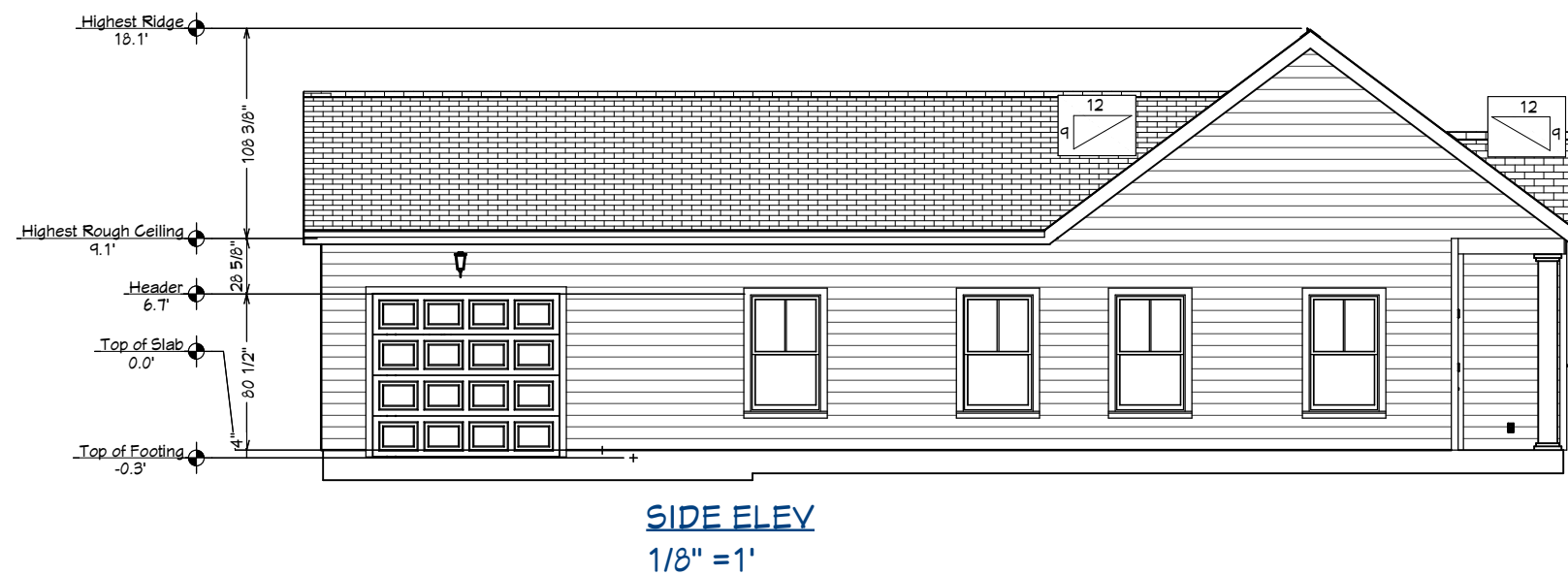
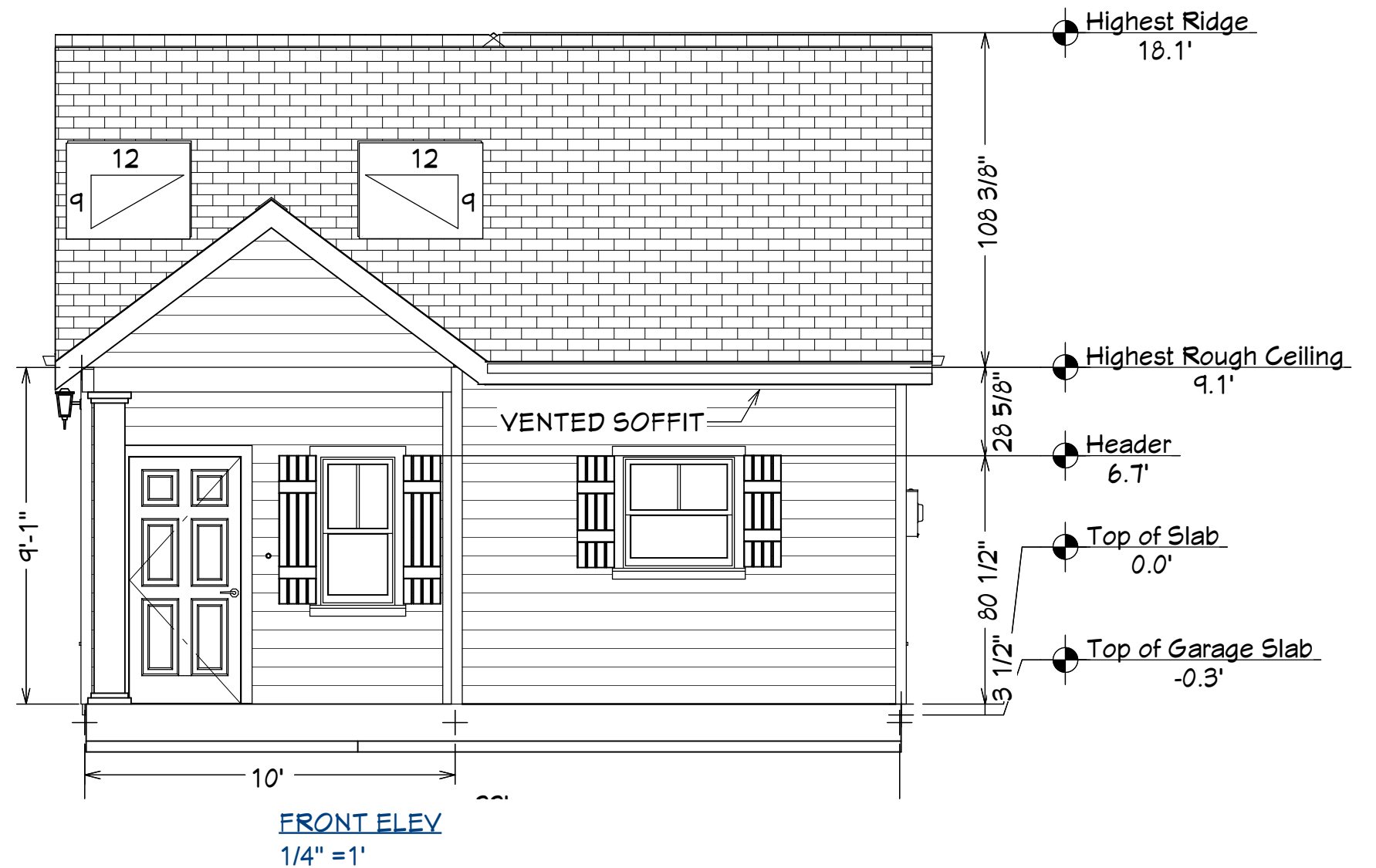
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Planning Commission  
August 25, 2025



FRONT ELEV. RENDERING  
NO SCALE



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KC CHERRY

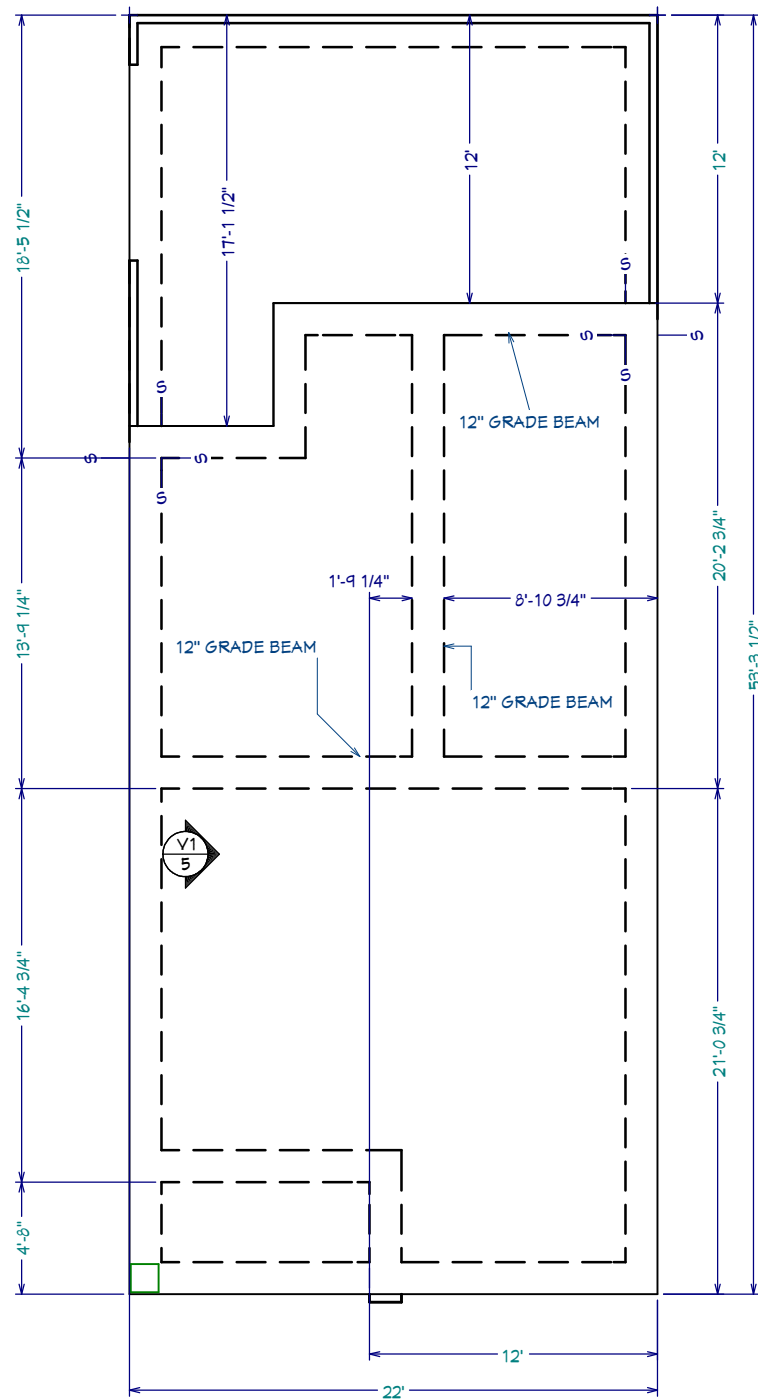
**SHEET TITLE:**  
Elevations

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**PG 1**

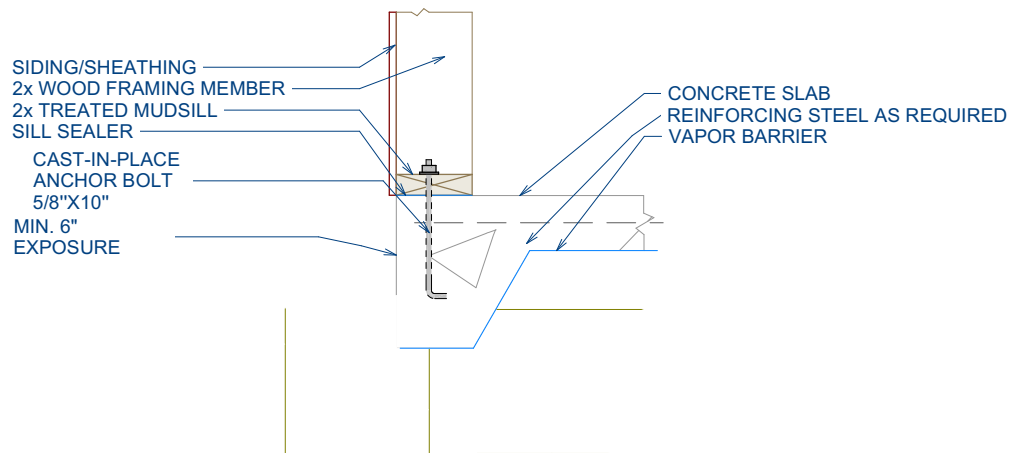




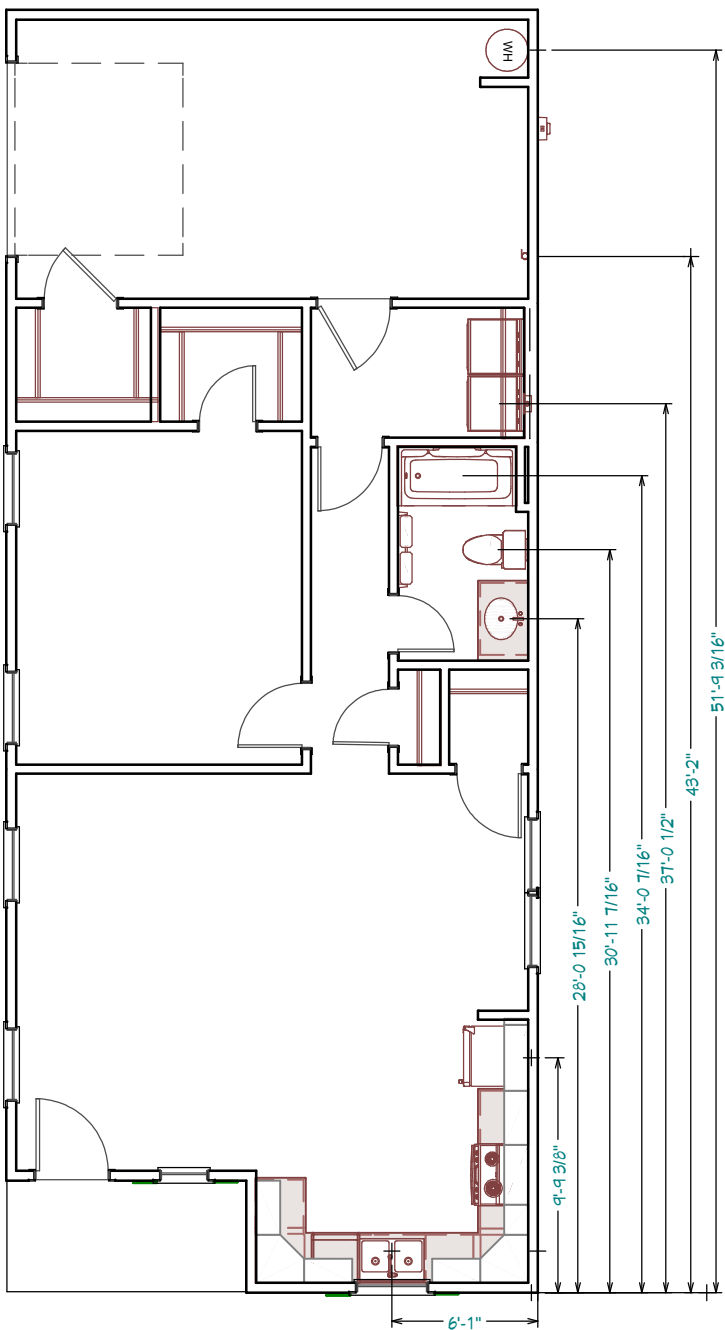
FOUNDATION LAYOUT

GARAGE CURB  
MUST  
MEASURE 8'-  
3"

| ESTIMATED SQUARE FOOTAGE   |
|----------------------------|
| TOTAL HTD- 839 SQFT        |
| GARAGE - 247 SQFT          |
| PORCH - 46 SQFT            |
| FOOTPRINT - 1,172 SQFT     |
| TOTAL FRAMING - 1,172 SQFT |



Monolithic Slab Detail



PLUMBING LAYOUT



**DRAWN BY:**  
Andrew M. Woods  
awoods@nextchapterconstruction.us  
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**DRAWINGS PROVIDED FOR:**  
Next Chapter Neighborhoods  
2500 Trade Center Dr, Evans, GA 30809  
706-831-3984 - [www.nextchapterneighborhoods.com](http://www.nextchapterneighborhoods.com)

**PROJECT DESCRIPTION:**  
KC CHERRY

**SHEET TITLE:**  
SLAB/PLUMBING

| NO. | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
|     |             |    |      |
|     |             |    |      |
|     |             |    |      |
|     |             |    |      |

**SCALE:**  
1/8"=1'  
**DATE:**  
1/7/2025  
Planning Commission  
August 25, 2025





**DRAWN BY:**  
**Andrew M. Woods**  
**[awoods@nextchapterconstruction.us](mailto:awoods@nextchapterconstruction.us)**

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**DRAWINGS PROVIDED FOR:**  
**Next Chapter Neighborhoods**  
**2500 Trade Center Dr, Evans, GA 30809**  
**706-831-3984 - [www.nextchapterneighborhoods.com](http://www.nextchapterneighborhoods.com)**

PROJECT DESCRIPTION:  
**KC CHERRY**

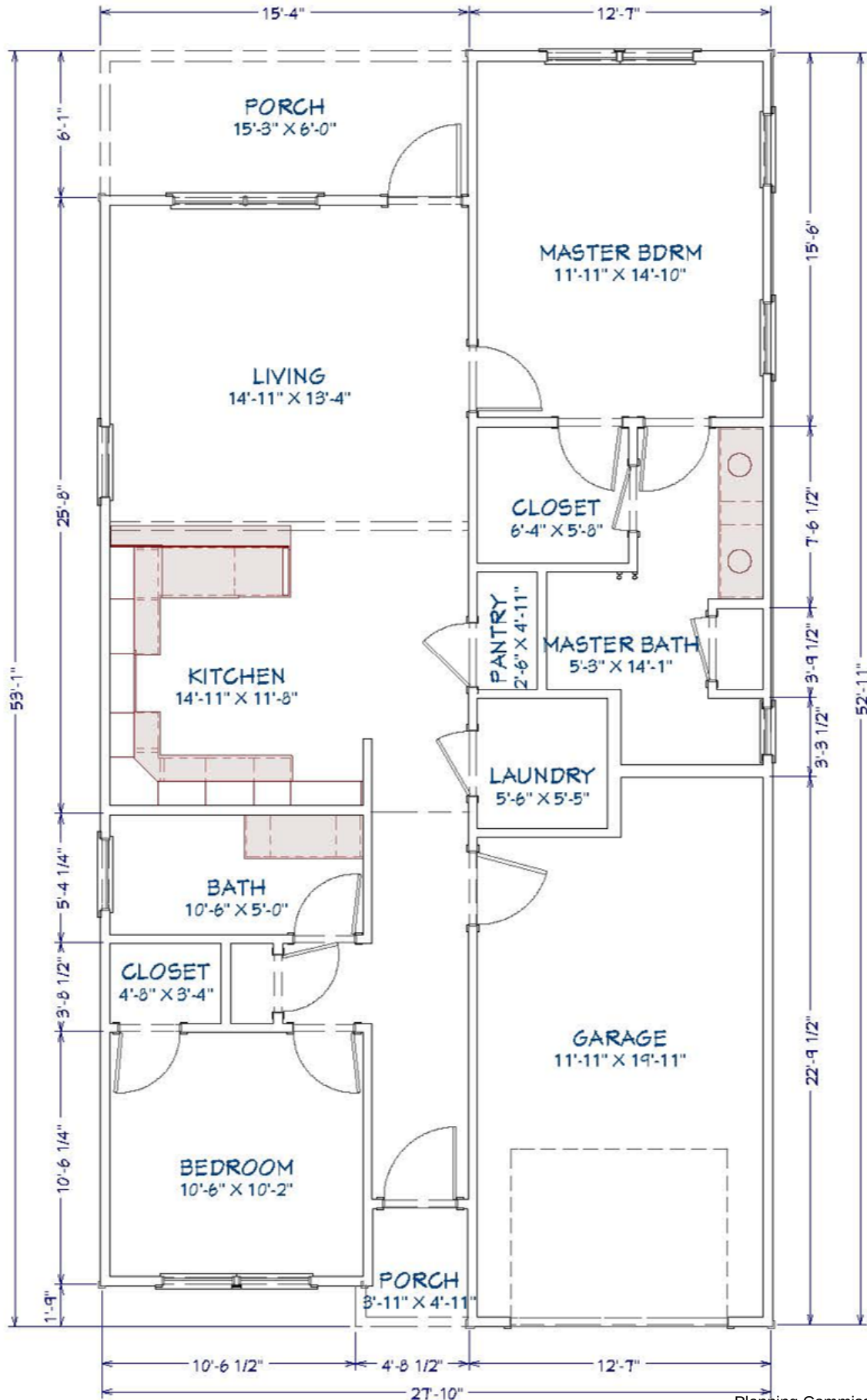
SHEET TITLE:  
**ISO VIEWS**

| NO. | DESCRIPTION | BY | DATE |
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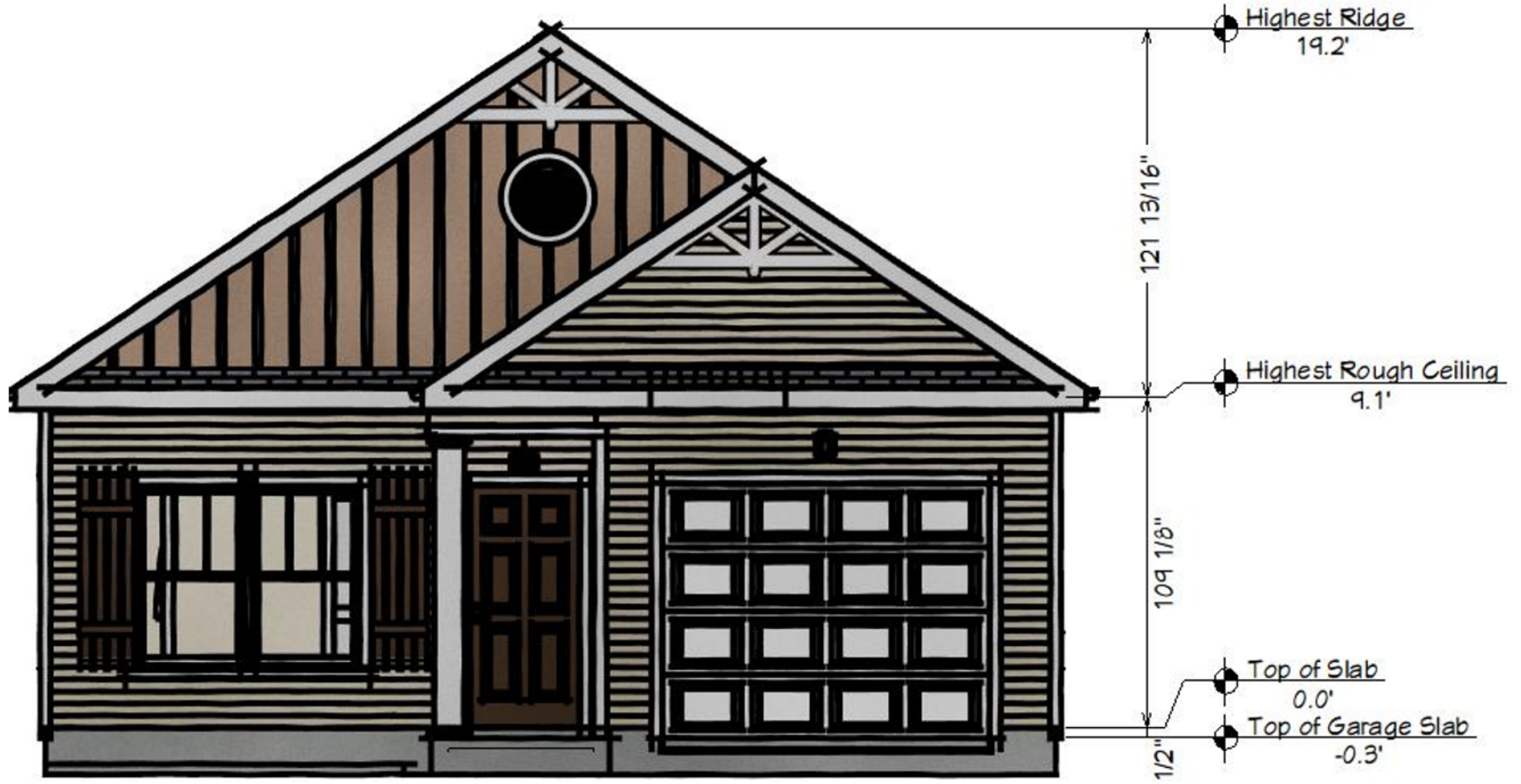
|          |          |
|----------|----------|
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| NO SCALE | 1/7/2025 |

**PG 8**

# Dearborn FLOOR PLAN



## DEARBORN FRONT ELEVATION



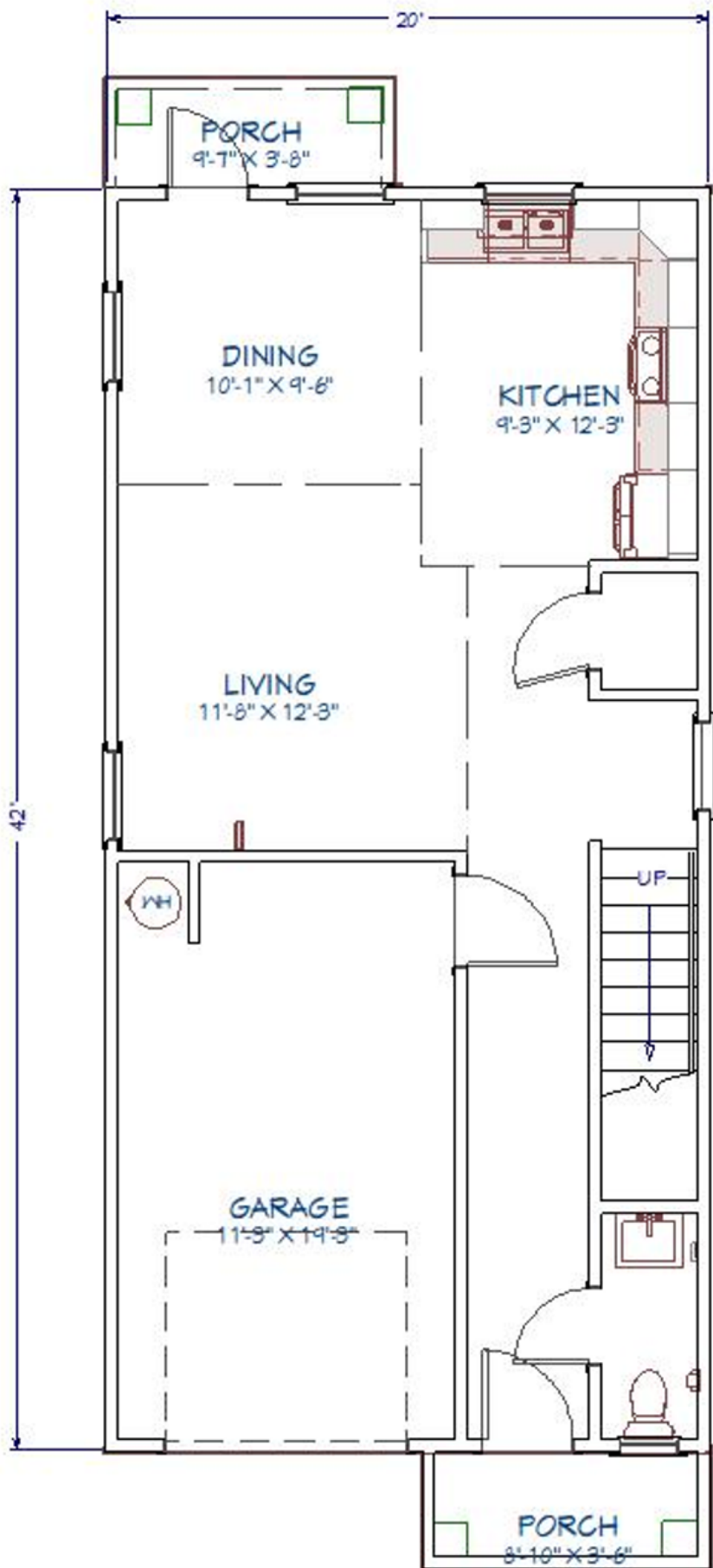


DEARBORN RENDERING

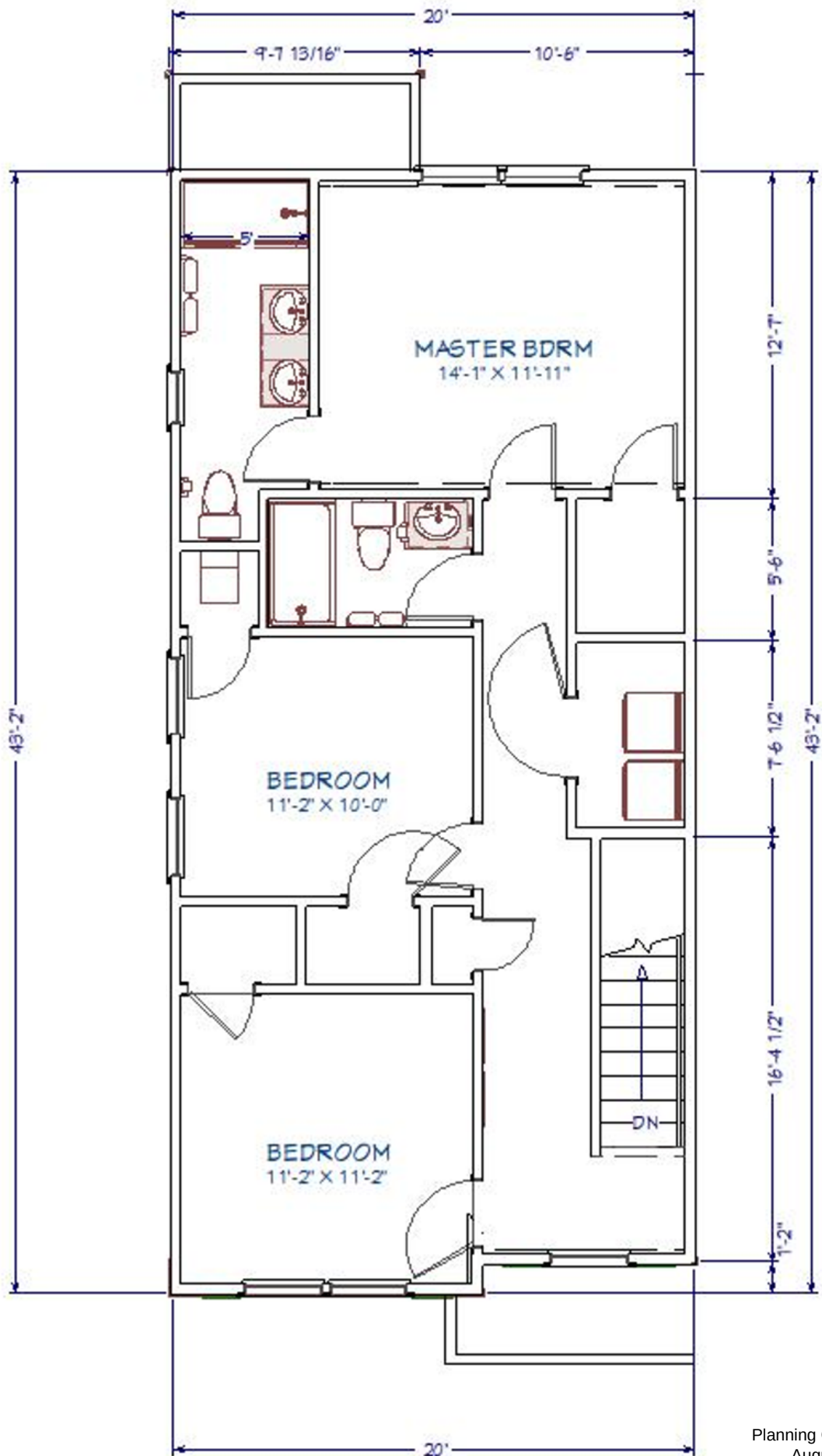




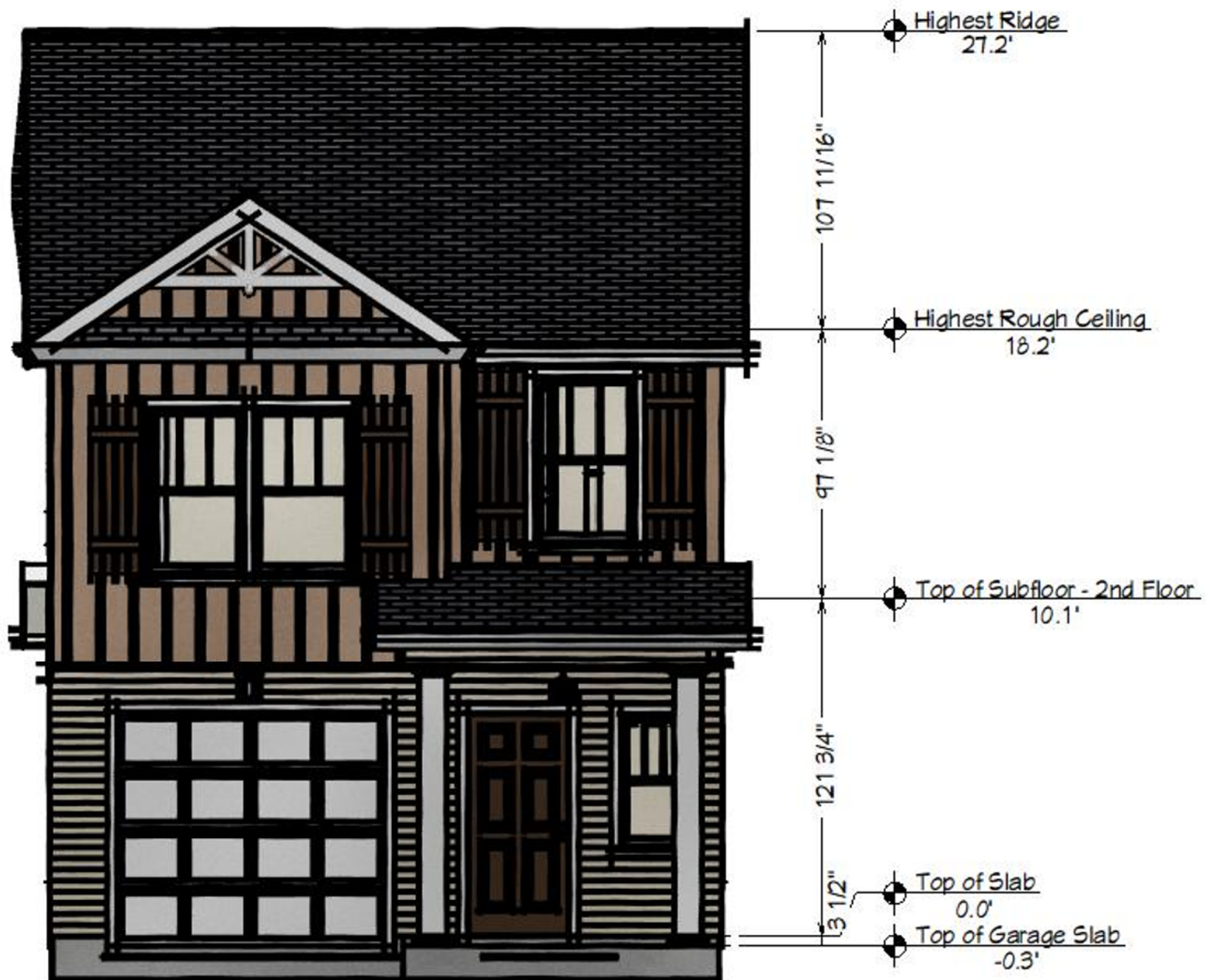
# Hamilton 1<sup>st</sup> Floor



# Hamilton 2<sup>nd</sup> Floor



# Hamilton FRONT ELEVATION



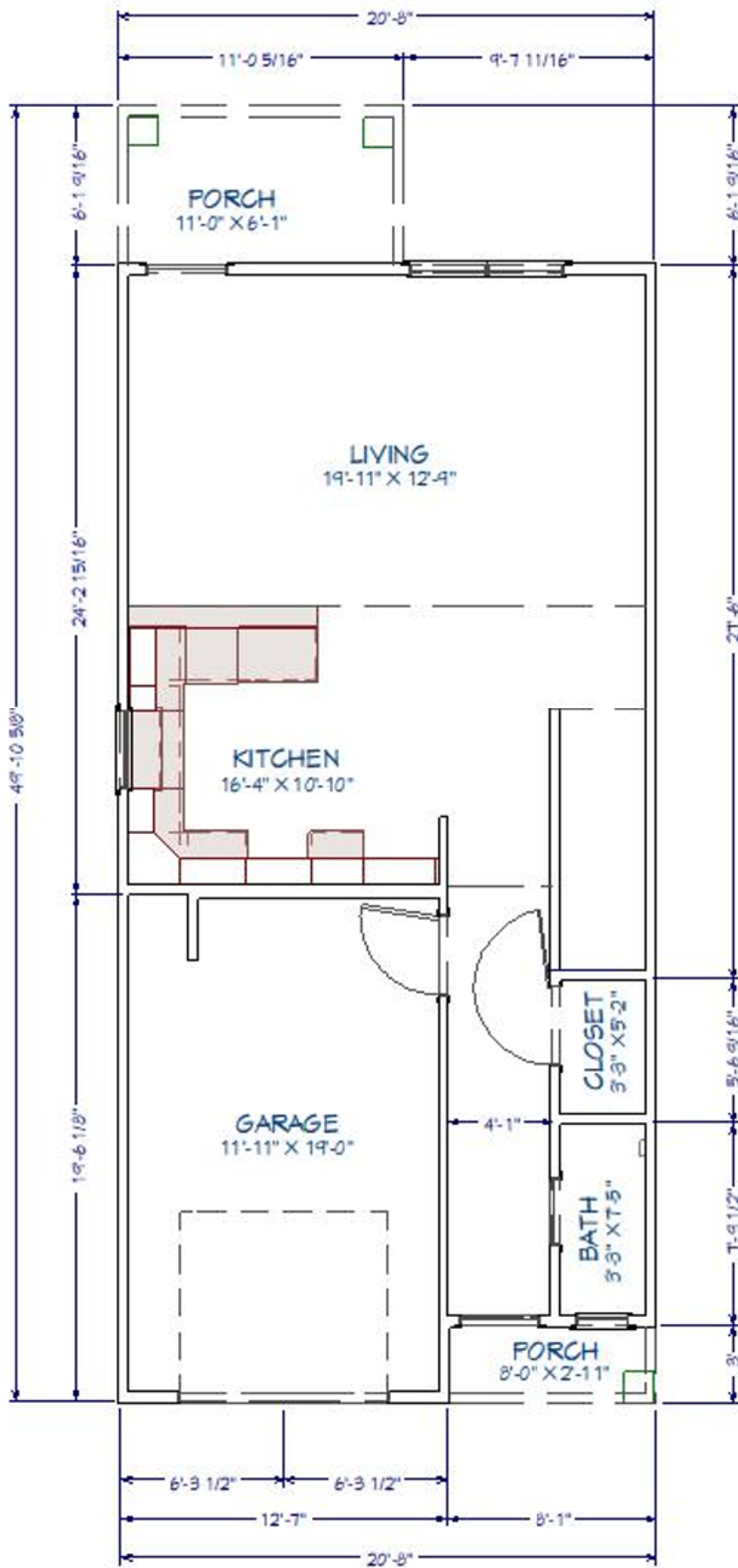


## HAMILTON RENDERINGS

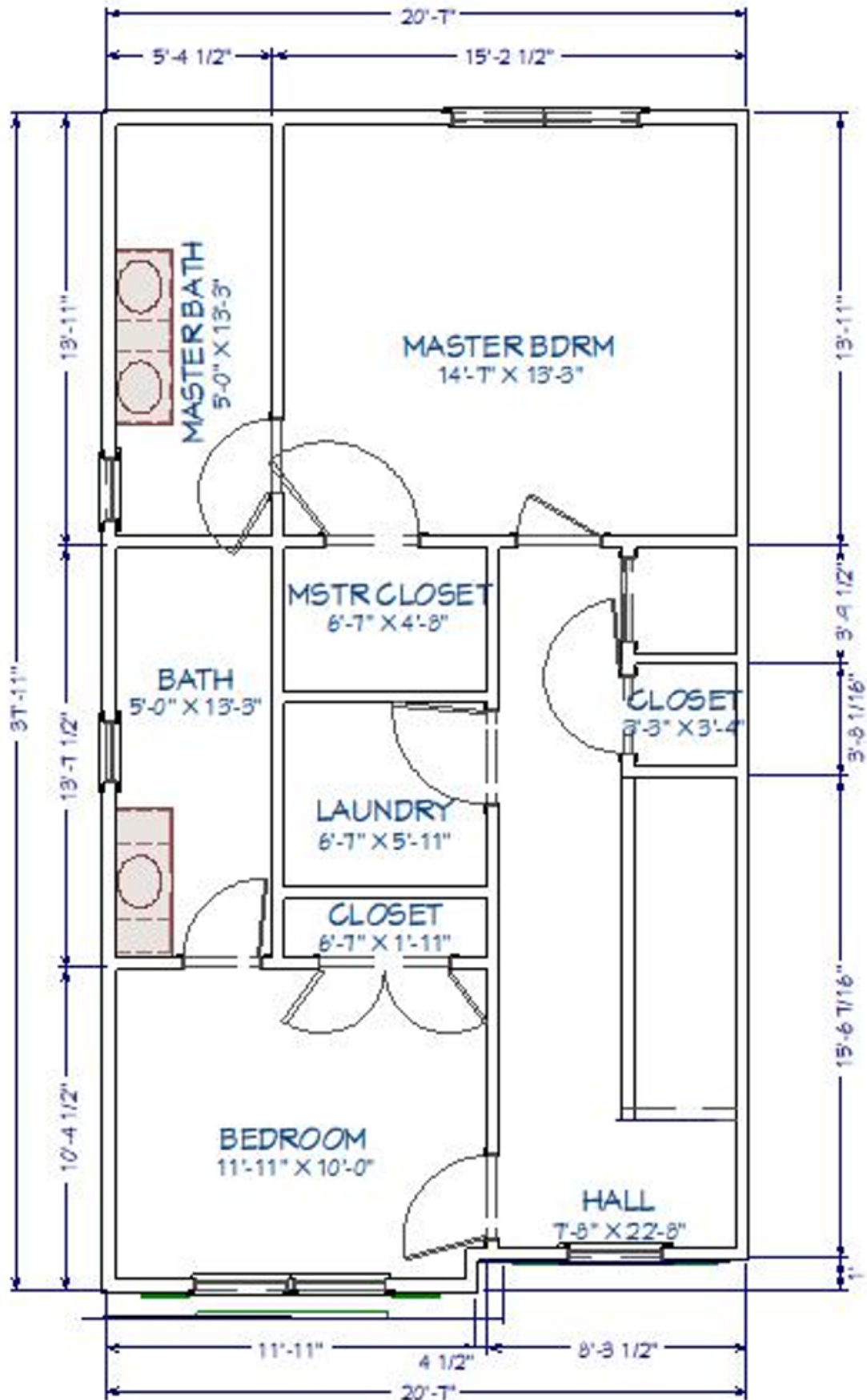




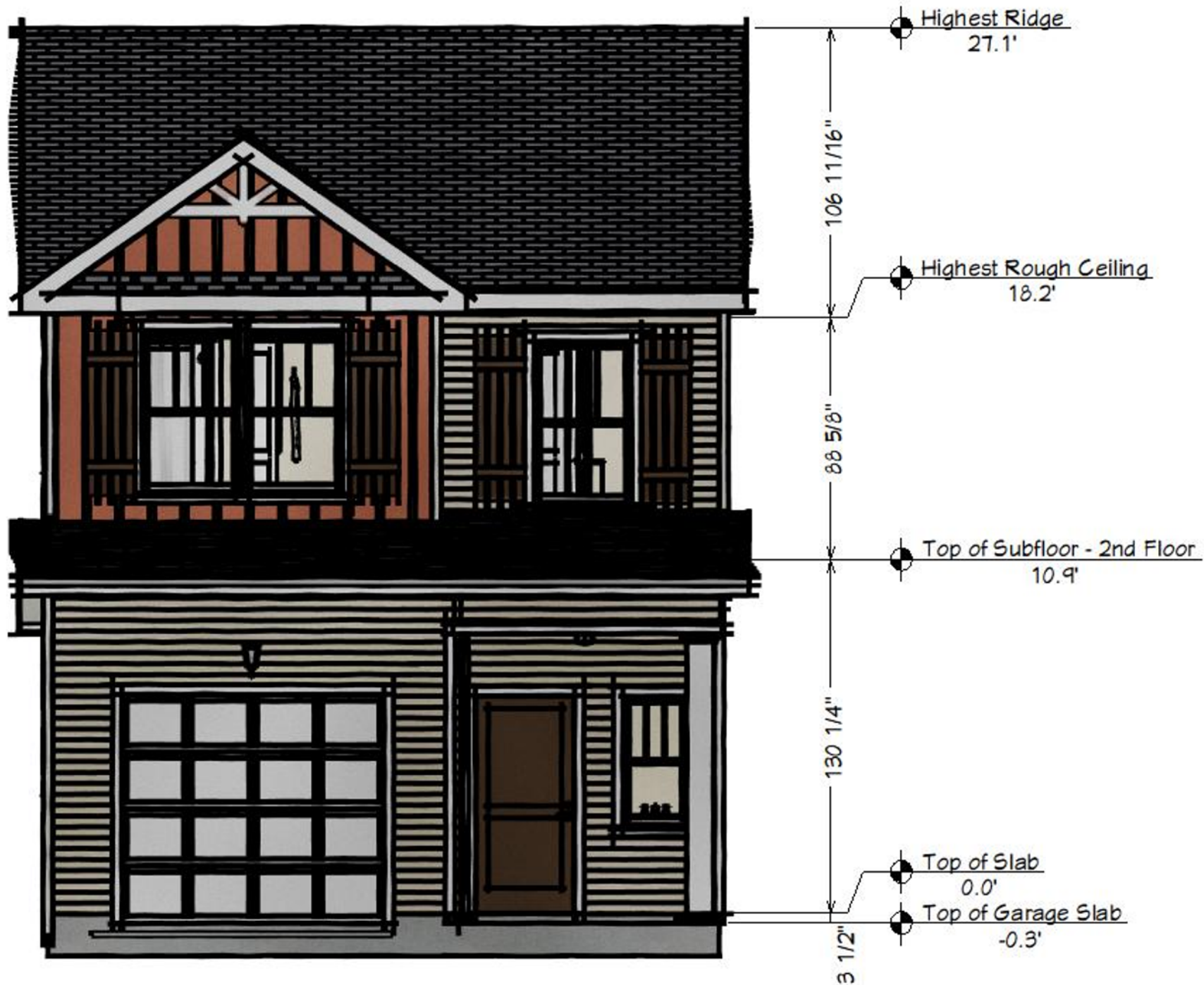
## Jennings FLOOR PLAN (FIRST FLOOR)



# JENNINGS FLOOR PLAN (SECOND FLOOR)



# JENNINGS FRONT ELEVATION





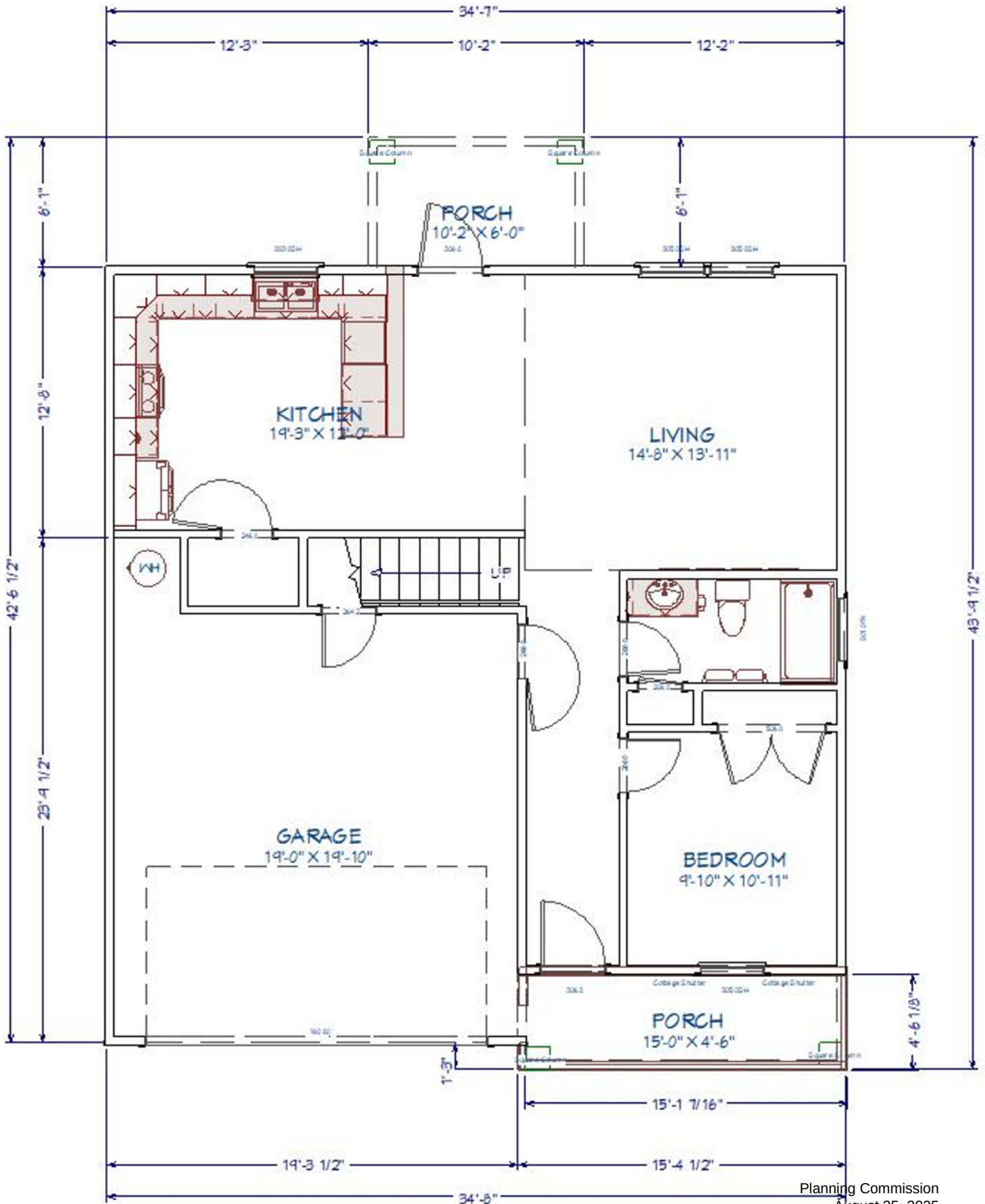
## JENNINGS RENDERING



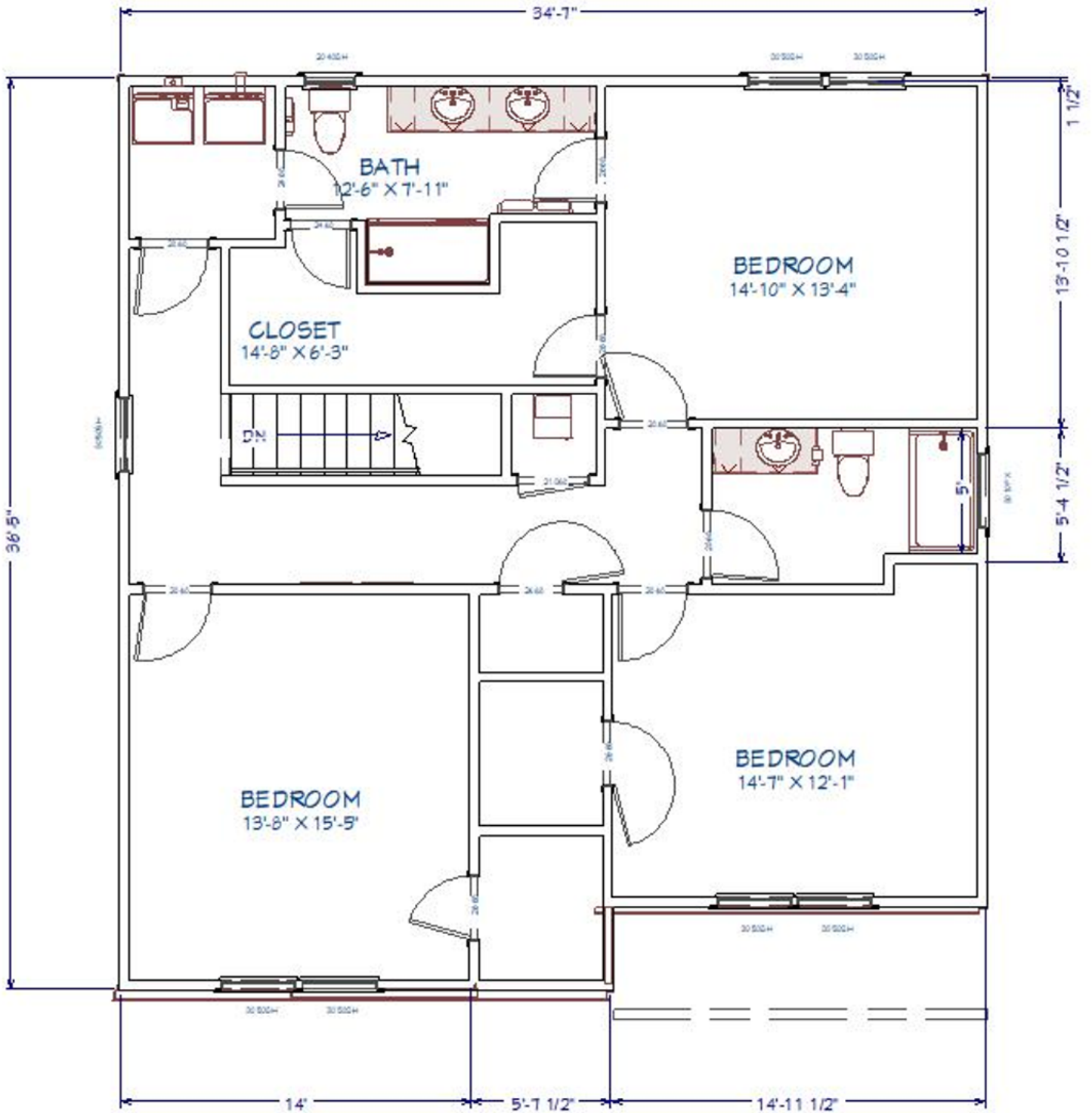
# The Jennings



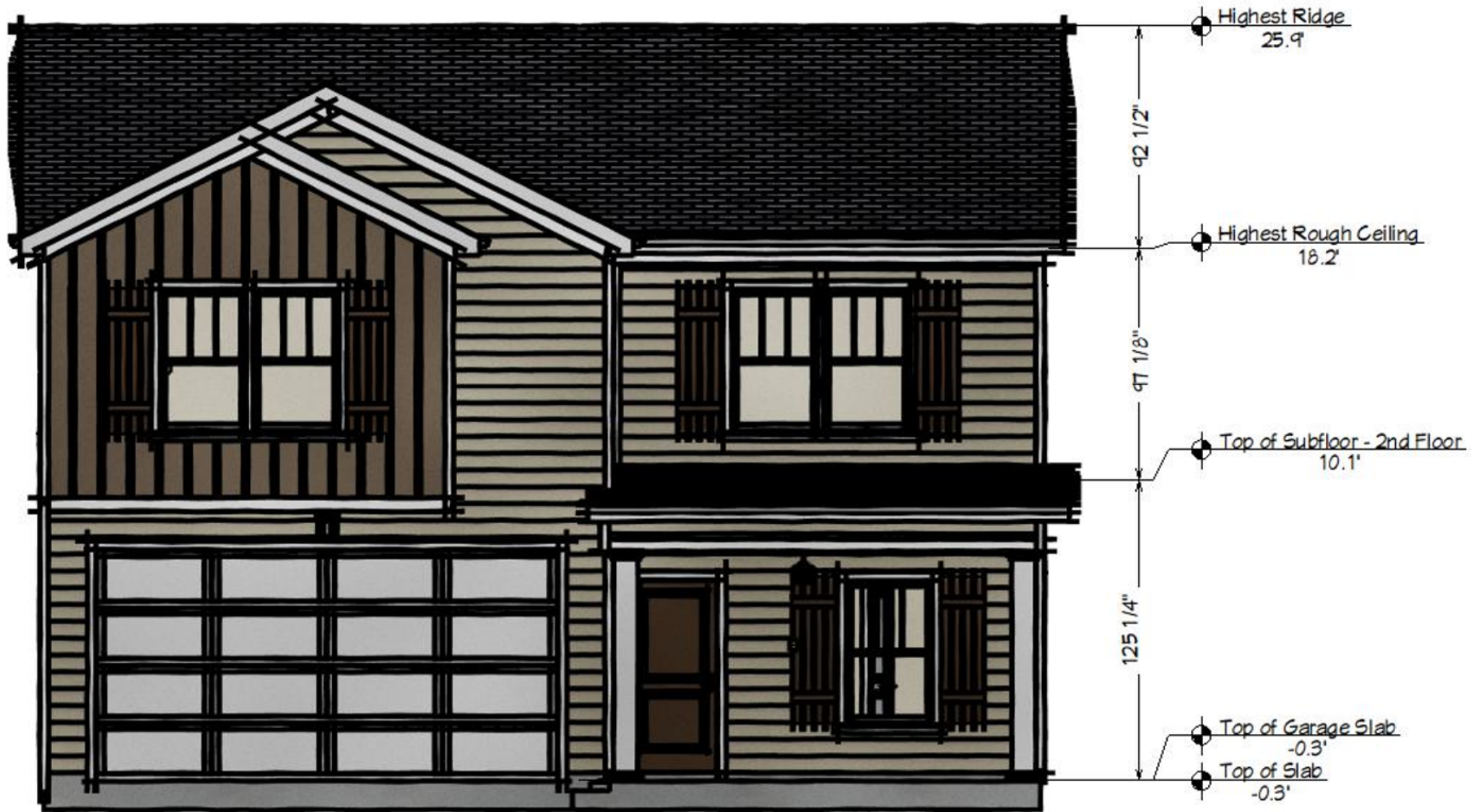
# SPENCER (FIRST FLOOR)



## SPENCER (SECOND FLOOR)



## SPENCER FRONT ELEVATION





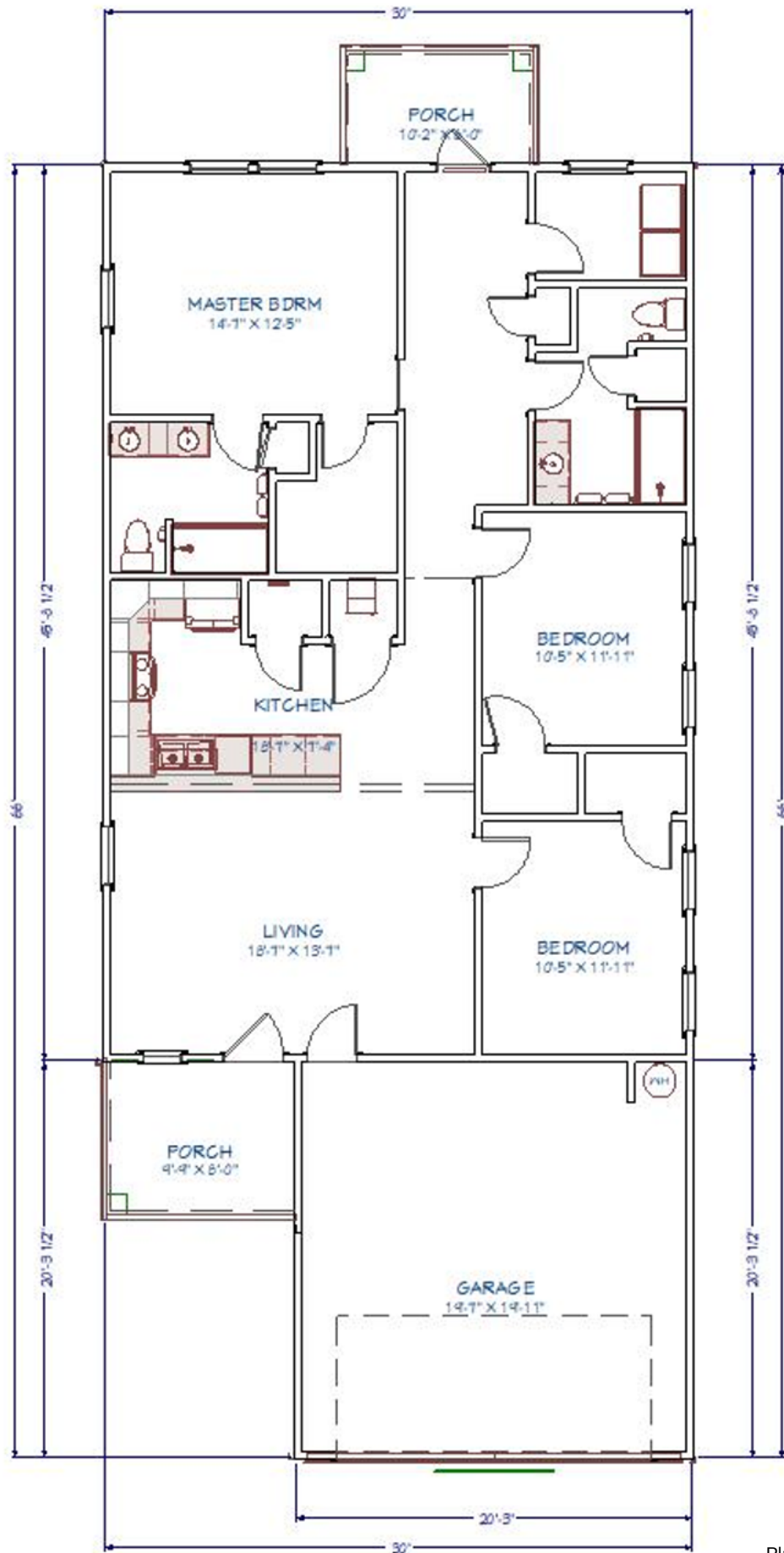
## SPENCER RENDERINGS



**The Spencer**



# Warren FLOOR PLAN



## WARREN FRONT ELEVATION





## WARREN RENDERING



# The Warren

The background of the slide features a topographic map with white contour lines on a grey gradient. A solid blue horizontal band is centered across the middle of the slide.

## **EXHIBIT E**

# **EXAMPLE MONUMENT SIGN**



**Crafton Tull**

Planning Commission

August 25, 2025

PZD-2025-0003 (KTB LIMITED PARTNERSHIP)

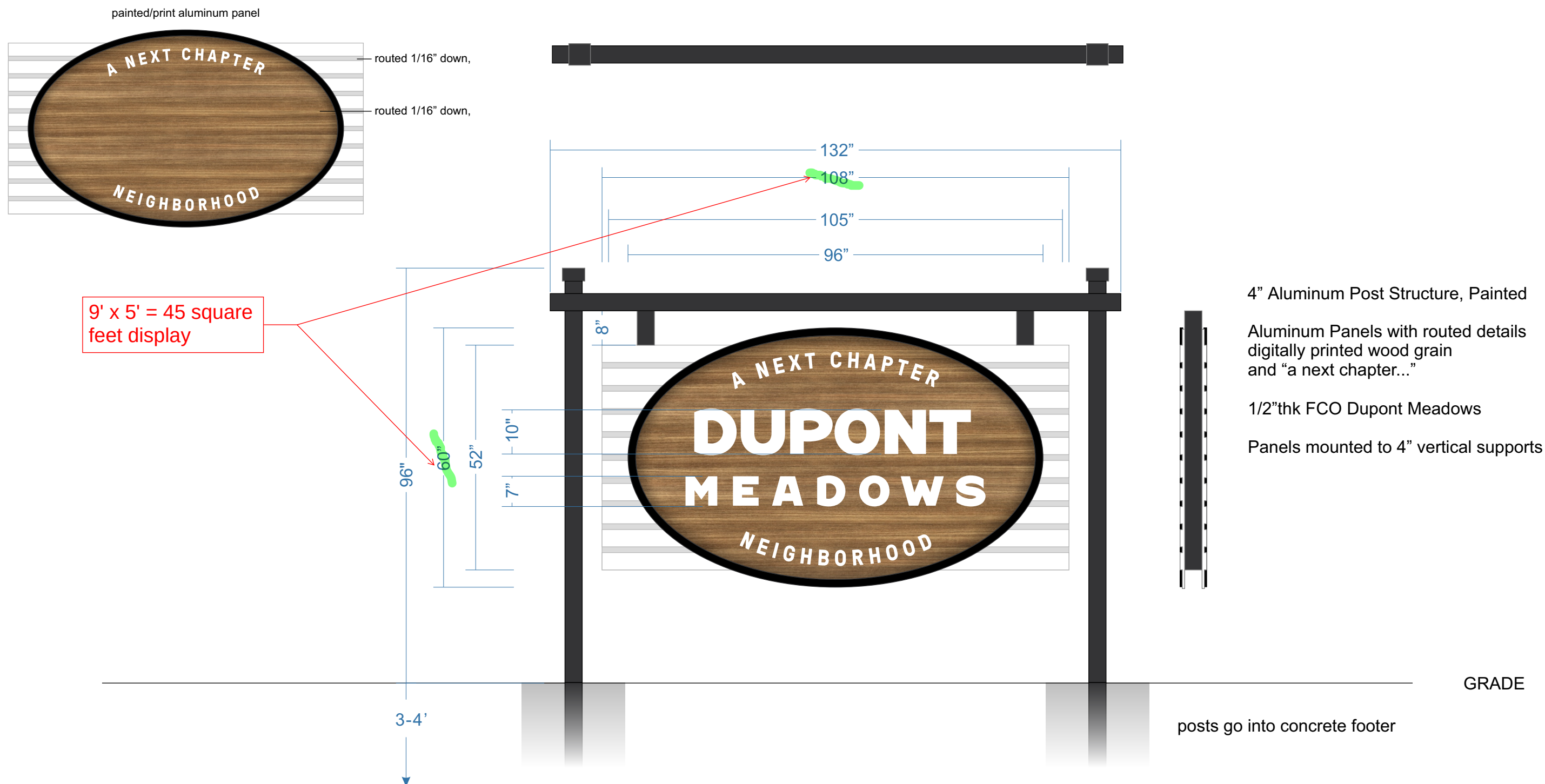
Page 69 of 88



**OPTION FOUR**  
NON ILLUMINATED  
DOUBLE SIDED STRUCTURE  
SCALE 1/2"=1'

CLIENT TO RUN ELECTRICAL CONDUIT TO MONUMENT SITE

## EXHIBIT C - EXAMPLE MONUMENT SIGN



**DRAWINGS ARE FOR CONCEPTUAL PURPOSES ONLY.**  
VICINITY AIMS TO REPLICATE DRAWINGS AS PRECISE AS POSSIBLE,  
HOWEVER, FINAL COLOR, TEXTURE, MATERIALS,  
FABRICATION/INSTALLATION METHODS  
MAY VARY FROM DRAWINGS AND IS TO BE EXPECTED.

[www.vicinitysignstudio.com](http://www.vicinitysignstudio.com)

Vicinity  
SIGN STUDIO

**Project:** Dupont Meadows **Date:** 06/23/2023  
**Location:** Fort Wayne, IN **Page:** 1 of 2  
**Contact:** — **Designer:** BJ/AK

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Permission must be authorized for any reproduction of these drawings.

Approval: ☐ APPROVED ☐ APPROVED AS NOTED  
☐ NOT APPROVED - REVISE AS NOTED

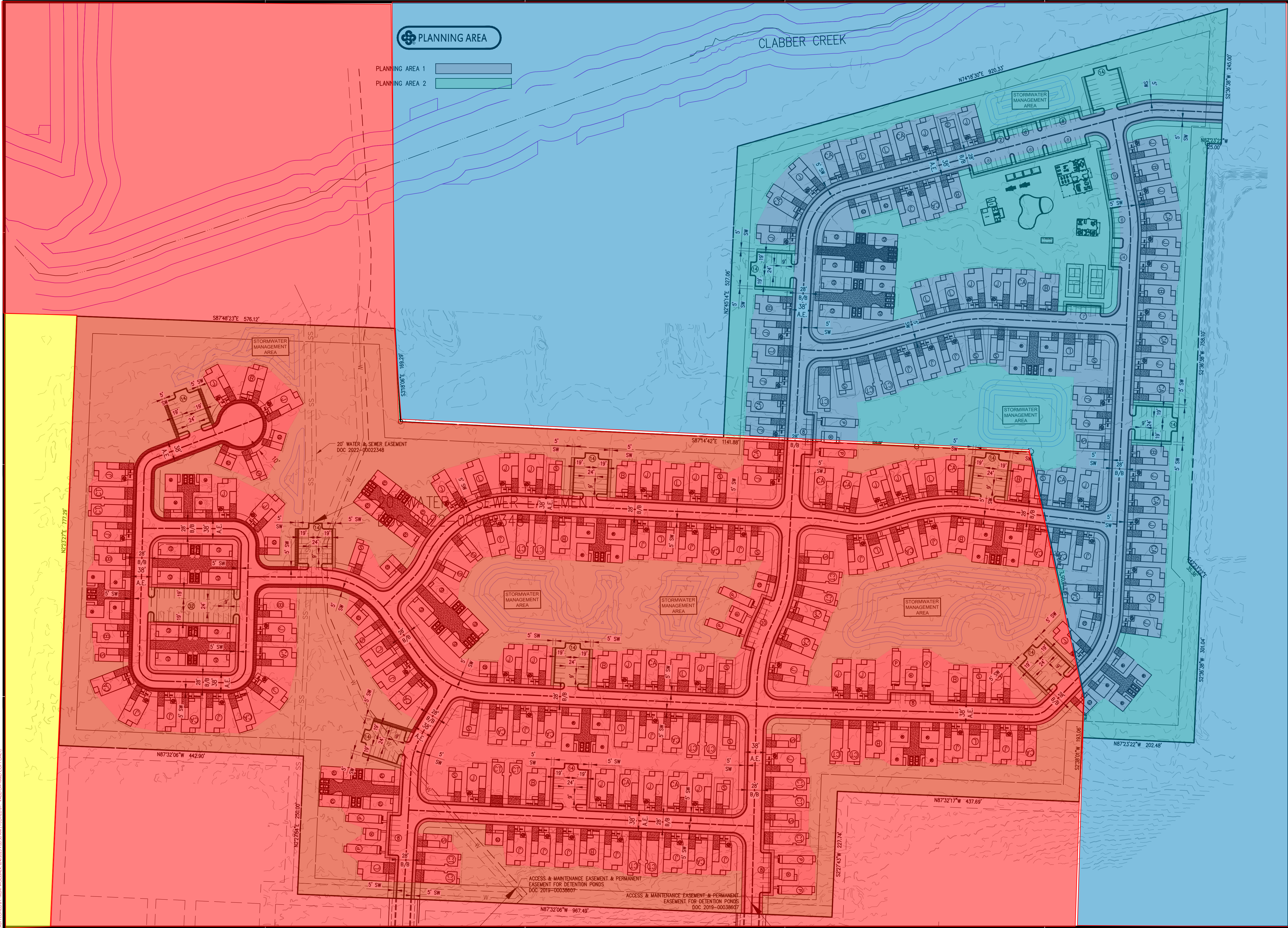
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Planning Commission  
August 25, 2025

PZD-2025-0003 (KTB LIMITED PARTNERSHIP)  
Page 70 of 88

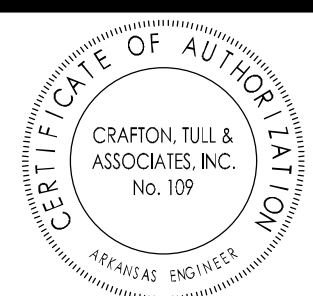


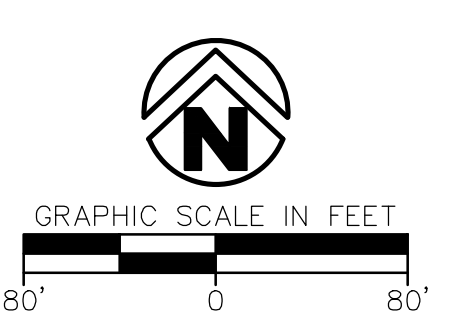
DRAWING: V:\ENGINEERING\2025\20250720 NEXT CHAPTER INFRASTRUCTURE\CLAWDING\MASTER PLAN FOR PFD.DWG  
LAYOUT: MASTERPLAN - LAST SAVED: 08/27/2025 11:40:03 AM  
C:\Users\j\OneDrive\Documents\2025\20250720 NEXT CHAPTER INFRASTRUCTURE\CLAWDING\MASTER PLAN FOR PFD.DWG



300 N College Ave., Suite 317  
Fayetteville, Arkansas 72701

**Crafton Tull**  
architecture | engineering | surveying  
479.636.4838 |

CERTIFICATE OF AUTHORIZATION:  




**NEXT CHAPTER  
NEIGHBORHOOD AT  
UNDERWOOD PARK**  
FAYETTEVILLE, AR

**Key Plan**  

Existing CPZD Zoning

Existing RSF-1 Zoning

Existing RSF-4 Zoning

| No. | Description | Date |
|-----|-------------|------|
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PROJECT NO: 25301700  
ISSUE DATE: 06/04/2025  
CONTACT: C. THREET  
QC by: \_\_\_\_\_  
QC Date: \_\_\_\_\_

**PRELIMINARY  
PLANS**

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THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

NOT FOR CONSTRUCTION  
REVIEW SET  
FOR CONSTRUCTION

**EXHIBIT C MASTERPLAN**

**2 OF 2**

Planning Commission  
August 25, 2025  
PZD-2025-0003 (KTB LIMITED PARTNERSHIP)  
Page 71 of 88



Public Comment  
PZD-2025-0003

**From:** Masters, Jessica

**Sent:** Monday, August 11, 2025 4:15 PM

**To:** Steve Forsgren <sforsgren@forsgreninc.com>; Planning Shared <planning@fayetteville-ar.gov>

**Cc:** Bland, Justin <jbland@fayetteville-ar.gov>

**Subject:** RE: Underwood/KTB Limited Partnership

Good afternoon,

Apologies for the delay in response. Thank you for submitting public comment regarding PZD-2025-0003. Staff has received your email, and it will be forwarded to the Planning Commission for their consideration. They will be reviewing this item at their hearing scheduled for 5:30 PM tonight, August 11.

Members of the public are invited to attend either in-person in room 219 in City Hall, or virtually through zoom. Information about how to attend via zoom can be found at this link: <https://www.fayetteville-ar.gov/3949/Zoom-Meeting-Instructions>

As far as your question, it is currently our understanding that the applicant is proposing for the connection to Deane Solomon to be done with the project. This will provide a second point of access for the project which should lessen the impact on Emil Drive. A more in depth review of traffic would be performed with the entitlement submittal.

Thank you,

Jessie

**Jessie Masters, AICP**

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

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



**From:** Steve Forsgren <[sforsgren@forsgreninc.com](mailto:sforsgren@forsgreninc.com)>  
**Sent:** Monday, August 11, 2025 3:37 PM  
**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Cc:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** RE: Underwood/KTB Limited Partnership

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

I never received any response for this.

Thanks,

**Steve Forsgren, P.E.**

Forsgren, Inc. – President/CEO



**From:** Steve Forsgren <[sforsgren@forsgreninc.com](mailto:sforsgren@forsgreninc.com)>  
**Sent:** Friday, August 1, 2025 9:56 AM  
**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Cc:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** RE: Underwood/KTB Limited Partnership

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

My main concern would be the addition traffic being generated in an area that at peak times is already stressed along Deane Solomon Road, especially near W Emil & N Shiloh. I read that they are planning to dedicate ROW for a connection to Deane Solomon to the east. Will that connection be constructed as a part of the development or will that be done later?

Thanks,



Public Comment

PZD-2025-0003

**Steve Forsgren, P.E.**

Forsgren, Inc. – President/CEO



**From:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>

**Sent:** Monday, July 28, 2025 3:33 PM

**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>; Steve Forsgren  
<[sforsgren@forsgreninc.com](mailto:sforsgren@forsgreninc.com)>

**Cc:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Subject:** RE: Underwood/KTB Limited Partnership

Please see their attached submittal document.

<https://www.dropbox.com/scl/fo/jdxfxcej3fu2e64ihjgih/ABUqk7AQg-07LhnyWPSc11k?rlkey=wg0cgnme1w8565fcx3fo6pmxv&st=859cvss4&dl=0>

Feel free to contact me if you need anything else.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



**From:** Steve Forsgren <[sforsgren@forsgreninc.com](mailto:sforsgren@forsgreninc.com)>

**Sent:** Monday, July 28, 2025 3:14 PM

**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>

**Subject:** Underwood/KTB Limited Partnership

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

I received a notice in the mail regarding an item on the 8/11/25 planning commission meeting regarding a residential PZD applied for by Trent Woessner with Crafton-Tull. We own a house in the area and would like to review any information on the proposed PZD/development that you can provide.

Thanks,

**Steve Forsgren, P.E.**

Forsgren, Inc. – President/CEO



3000 North 23<sup>rd</sup> Street

Fort Smith, AR 72904

Office 479.782.1061

Cell 479.353.0504

[sforsgren@forsgreninc.com](mailto:sforsgren@forsgreninc.com)

[www.forsgreninc.com](http://www.forsgreninc.com)

---

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

From: MARYE HUCKINS <[mjh4ent@aol.com](mailto:mjh4ent@aol.com)>

Sent: Monday, August 11, 2025 11:34 AM

To: Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>

Subject: Project Proposal : 2569-2551 N. Raven Lane

Public Comment  
PZD-2025-0003

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

Hello, This is regarding the Project Proposal of a PZD at 2569-2551 N. Raven Lane at Crystal Springs Village . My name is Marye Huckins (and James Huckins). We bought and live at 2994 W. Azurite St. which borders and faces the proposed development of the Craig and Laura Underwood Revocable Trust : KTB limited partnership.

We were told when we bought our retirement home here that said property would not be developed as a housing development, but would stay a Green Space with walking trails. That is the reason we chose this beautiful peaceful spot to live.

We believe that the development will not only bring down the value of our home and other homes in the neighborhood , but it will destroy the Habitat and Environment that is home to many species of birds , including Painted Buntings, Indigo Buntings, Gold Finches, Cardinals, Wrens, kildeer, Hummingbirds and many others. Geese, Ducks and Deer come to use the ponds that border it on the west end. A housing Development would destroy the beautiful trees , green space and their Environment and Habitat.

PLEASE CONSIDER REZONING this as an EXTENSION of the old Razorback Golf Course City Park with walking trails. If not ALL, AT LEAST the west section of this property next to the ponds, to be used as a Green Space Habitat. . Thank you for your sincere consideration ! Sincerely, James and Marye Jones-Huckins

2994 W. Azurite St. Fayetteville, Ar. 72704 ( Crystal Springs Village. 479-530-3218.

Sent from my iPhone



## PUBLIC ACCESS EASEMENT AGREEMENT

THIS PUBLIC ACCESS EASEMENT AGREEMENT (this “Agreement”) is made as of \_\_\_\_\_, 2025, by and between \_\_\_\_\_, a \_\_\_\_\_ (“Grantor”) and the CITY OF FAYETTEVILLE, ARKANSAS, [a municipal corporation] (“CityCityCity”).

WHEREAS, Grantor is the owner of certain property located in Washington County, Arkansas, Parcel ID Numbers 765-16658-050 and 765-16658-022, as more particularly described on **EXHIBIT A** attached hereto (the “Property”); and

WHEREAS, Grantor intends to construct on the Property a housing development consisting of detached units (the “Project”), which will include certain roadways and walkways across the Property that will provide vehicular and pedestrian ingress and egress between, through, across the property (the “Improvements”), as generally depicted on **EXHIBIT B** attached hereto and more particularly described on **EXHIBIT C**<sup>1</sup> attached hereto (the “Access Easement Areas”); and

WHEREAS, Grantor desires to grant to City a nonexclusive easement for public access on, across and through the Access Easement Areas;

NOW, THEREFORE, in consideration of the above recitals, the Grantor and City agree as follows:

1. Grant. Subject to the limitations set forth in Paragraph 4 and all terms of this Agreement, Grantor hereby grants to City a nonexclusive easement (the “Easement”) upon and across the Access Easement Areas for public access for vehicular and pedestrian ingress and egress purposes; ~~provided, however, that the public access granted herein shall exclude any vendor or other commercial activities or operations not expressly permitted by Grantor.~~ The right of City and the public to use the Access Easement Areas shall not extend to uses inconsistent with Grantor’s use and operation of the Property such as loitering, ~~vendor or commercial activities~~ or other types of uses that may constitute public or private nuisance or uses prohibited by the Rules and Regulations (as defined below) or inconsistent with any restrictions, covenants and easements of record. Grantor reserves the exclusive right to grant to third parties additional nonexclusive easements or rights within the Access Easement Areas, including, without limitation, for access, recreational purposes and utilities, provided such uses do not unreasonably interfere with the use of the Easement.

2. Construction and Maintenance. Grantor shall construct the Improvements as part of its construction of the Project. Upon completion of construction of the Improvements, City, on behalf of itself and members of the public, hereby accepts the Access Easement Area in its as-is, where-is condition and with all faults. City shall not be responsible for operating or maintaining the Improvements or the Access Easement Areas. ~~Subject to compliance with applicable zoning ordinances, Grantor shall have the right, from time to time and at any time, to place or install amenities on the Access Easement Areas consistent with the use of the Access Easement Areas as set forth herein, at Grantor’s sole discretion, and Grantor shall have the right to remove the same at any time and from time to time.~~ Grantor shall at all times maintain the Easement Area in a good, safe, and clean condition, ~~which shall be at least consistent with the condition of the public right of ways owned and maintained by the City, and~~ in accordance with all applicable laws, rules, and regulations. If Grantor fails to perform such maintenance and such failure continues for sixty (60) days after written notice from City specifying the

<sup>1</sup> NTD: To be revised depending on whether there will be a separate legal description for the Access Easement Areas.

**Blake Pennington [BP1]** August 14, 2025 08:49 AM  
~~This would prevent an ice cream truck from driving down that unless they had express permission.~~

**Blake Pennington [BP2]** August 14, 2025 08:49 AM  
How do they monitor and enforce this?

**Duran, Samantha [SD3]** August 21, 2025 09:32 AM  
This depends on the circumstance. If someone was loitering or otherwise causing a nuisance then Next Chapter would look to the police to enforce in accordance with the police’s typical procedures. If someone was parking in a non-parking area, then Next Chapter would like the ability to boot or tow the car as needed. The intent of this language is to clarify that the easement granted has some appropriate limits so that if a person’s car was towed (for example) that person could not point to the easement and state that, as a member of the public, they have the right to park anywhere.

**Blake Pennington [BP4]** August 14, 2025 08:50 AM  
~~What does this mean?~~

**Blake Pennington [BP5]** August 14, 2025 08:51 AM  
Would like to have Public Works look at this language and see how they would interpret this standard.

**Duran, Samantha [SD6]** August 21, 2025 09:39 AM  
Understood. Please feel free to propose any language Public Works feels is appropriate. As the owner and operator of the community, Next Chapter has every incentive to ensure that the roads are well maintained.

**Blake Pennington [BP7]** August 14, 2025 08:50 AM  
Are there rules or regulations on private streets? The only thing I can think of is that we add regulations as conditions to the MSP amendment and PZD.

**Duran, Samantha [SD8]** August 21, 2025 09:38 AM  
That would be acceptable.

nature of the failure or such additional period of time as is necessary so long as Grantor has commenced the cure of such failure within such 60 day period and is diligently pursuing such cure to completion (the "Notice Period"), then City shall have the right, but not the obligation, to perform such required maintenance or repair ("Step-In Rights") and any reasonable costs and expenses incurred by City in exercising its Step-In Rights shall be reimbursed by Grantor to City within sixty (60) days following Grantor's receipt of an invoice and reasonable documentation of such costs. Failure by Grantor to so reimburse shall constitute a material default under this Agreement. If Grantor and the City are unable to agree upon reasonable costs and expenses, then the matter shall be submitted to a third-party engineer for determination whose decision shall be final. The third-party engineer shall be selected by the mutual agreement of both Grantor and the City and shall be paid for by Grantor.

**Blake Pennington [BP9]** August 14, 2025 08:52 AM

This could just lead to a fight over what is reasonable. And if they fail to make the payment it would require litigation.

**Duran, Samantha [SD10]** August 21, 2025 09:46 AM

We addressed by having any disputes mediated by a third party engineer paid for by Next Chapter.

3. **Public Rights.** Grantor shall, at all times, make the Access Easement Areas available for use by members of the public, except for such times as the Access Easement Areas or any portion thereof must be temporarily closed for maintenance or repair, to protect against unsafe conditions (including, without limitation accumulation of snow or ice) or to avoid the acquisition of adverse or prescriptive rights. If the Access Easement Area needs to be closed to protect against unsafe conditions, Grantor will use commercially reasonable efforts to remove or remedy the unsafe condition and restore public access consistent with other roadways, sidewalks and walkways within the Project. Grantor shall have the right periodically (i.e., not more than once a year and not more than 24 hours at a time) to close off the Access Easement Areas in order to prevent the acquisition of any adverse or prescriptive rights by members of the public or other users. Grantor will place appropriate signage indicating closure in advance of such closure, if planned, otherwise immediately upon closure, indicating the duration of such closure, if known, and such signage shall remain in place throughout the closure. In the event of planned closures for maintenance/repair or to prevent the acquisition of adverse or prescriptive rights, Grantor shall also notify the City in writing and shall ensure the notice is delivered to the City at least 3 days prior to the planned closure.

4. **Rules and Regulations.** The City shall, at all time, have the right to enforce all traffic laws, rules and regulations in and upon the Access Easement Area in accordance with and to the extent permitted by law, including without limitation, AR Code § 27-51-104 (2024). Grantor shall have the right to promulgate and enforce reasonable rules and regulations (the "Rules and Regulations") regarding the use of the Access Easement Areas by the public and shall have the right to enforce such Rules and Regulations in accordance with all applicable laws and governmental rules and regulations, provided such Rules and Regulations have been approved by City, which approval shall not be unreasonably withheld.

**Blake Pennington [BP11]** August 14, 2025 09:00 AM

What is the enforcement mechanism?

**Duran, Samantha [SD12]** August 21, 2025 09:49 AM

As discussed above, it depends on the circumstance. If someone was loitering or otherwise causing a nuisance then Next Chapter would look to the police to enforce in accordance with the police's typical procedures. If someone was parking in a non-parking area, then Next Chapter would like the ability to boot or tow the car as needed.

5. **Alterations.** Grantor shall be permitted to make alterations to the Access Easement Areas. City shall not make any alterations or modifications to the Access Easement Areas without the prior written consent of Grantor, which may be withheld in Grantor's sole and absolute discretion.

6. **Run with the Land.** City may not assign this Agreement or any of the rights granted hereunder without the prior written consent of Grantor. This Agreement shall run with the Property and shall be binding on Grantor and its respective heirs, successors and assigns.

7. **Amendment.** This Agreement may be amended only by a written instrument executed by both City and Grantor.

8. **Counterparts.** This Agreement may be executed in any number of counterparts, and each counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Agreement.

9. No Joint Venture. No provision hereof shall be deemed to constitute the parties hereto as partners of one another or joint ventures of one another or in any way obligate any party hereto for the performance of any obligation of the other party hereto.

10. Notice. Any notice required under this Agreement shall be in writing, addressed to the appropriate party by first class U.S. Mail or electronic mail at the following addresses:

CITY OF FAYETTEVILLE  
Attn: Mayor's Office  
113 W. Mountain Street  
Fayetteville, AR 72701

GRANTOR  
Attn: \_\_\_\_\_  
Address 1  
Address 2

[Signature Page Follows]



In Witness Whereof, the Grantor and City have hereunto set their hands and seals on this \_\_\_\_ day of \_\_\_\_\_, 2025.

**GRANTOR:**

\_\_\_\_\_,  
a \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_)ss.  
\_\_\_\_\_ COUNTY )

This instrument was acknowledged before me on \_\_\_\_\_, 2025 by  
\_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, the \_\_\_\_\_ of  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Arkansas  
My commission: \_\_\_\_\_

This document was drafted by:

\_\_\_\_\_, Esq.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY:**

**CITY OF FAYETTEVILLE, ARKANSAS,**  
a municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: [City Clerk]

Approved as to form and execution:

\_\_\_\_\_  
Name:  
Title: [City Attorney]

STATE OF ARKANSAS        )  
                                      )ss.  
WASHINGTON COUNTY     )

This instrument was acknowledged before me on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Notary Public, State of Arkansas  
My commission: \_\_\_\_\_





## **LIST OF EXHIBITS**

EXHIBIT A: Legal Description of the Property

EXHIBIT B: Depiction of the Access Easement Areas

EXHIBIT C: Legal Description of the Access Easement Areas

## EXHIBIT A

### Legal Description of the Property

Part of the Southeast Quarter (SE¼) of Section 32, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter of said Section 32; thence North 02°23'27" East 1381.39 feet to the point of beginning; thence North 02°23'27" East a distance of 777.29 feet; thence South 87°48'23" East a distance of 576.11 feet; thence South 03°18'06" East a distance of 169.29 feet; thence South 87°14'42" East a distance of 1141.88 feet; thence South 12°18'05" East a distance of 449.85 feet; thence South 02°38'01" West a distance of 193.06 feet; thence North 87°32'17" West a distance of 437.69 feet; thence South 02°27'43" West 227.74 feet; thence North 87°32'06" West a distance of 967.49 feet; thence North 02°27'54" East a distance of 250.00 feet; thence North 87°32'06" West a distance of 442.90 feet to the point of beginning. Containing 33.31 acres, more or less. Subject to any easements of record or fact.

Part of the NW 1/4 of the SE 1/4 of Section 32, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the SE corner of Section 32; thence North 87°16'59" West a distance of 782.21 feet to the East line of Crystal Springs Subdivision; thence along said line North 02°38'01" East a distance of 1483.34 feet to the point of beginning; thence North 02°38'01" East a distance of 76.97 feet; thence North 12°18'05" West a distance of 449.85 feet; thence North 87°14'42" West a distance of 556.89 feet; thence North 02°45'14" East a distance of 527.06 feet; thence North 74°18'30" East a distance of 920.33 feet; thence South 02°36'38" West a distance of 245.00 feet; thence North 87°23'22" West a distance of 25.00 feet; thence South 02°36'38" West a distance of 758.10 feet; thence South 42°23'22" East a distance of 35.36 feet; thence South 02°36'38" West a distance of 301.04 feet; thence North 87°23'22" West a distance of 202.48 feet to the point of beginning, containing 16.01 acres, more or less and subject to any easement of record or fact. Also known as Lot 4 as shown on Plat Record 024A-00000298.

**EXHIBIT B**

**Depiction of the Access Easement Areas**

[See attached]





**EXHIBIT C**

**Legal Description of the Access Easement Areas**

[See attached]

|                                                                                                                                |    |
|--------------------------------------------------------------------------------------------------------------------------------|----|
| <b>Summary report:</b><br><b>Litera Compare for Word 11.7.0.54 Document comparison done on</b><br><b>8/21/2025 10:30:13 AM</b> |    |
| <b>Style name:</b> Default Style                                                                                               |    |
| <b>Intelligent Table Comparison:</b> Active                                                                                    |    |
| <b>Original filename:</b> Fayetteville (Underwood and KTB) - Public Access Easement - bp8.14.25 (003).docx                     |    |
| <b>Modified DMS:</b> nd://4919-3620-2334/4/Fayetteville (Underwood and KTB) - Public Access Easement.docx                      |    |
| <b>Changes:</b>                                                                                                                |    |
| Add                                                                                                                            | 11 |
| Delete                                                                                                                         | 10 |
| Move From                                                                                                                      | 0  |
| Move To                                                                                                                        | 0  |
| Table Insert                                                                                                                   | 0  |
| Table Delete                                                                                                                   | 0  |
| Table moves to                                                                                                                 | 0  |
| Table moves from                                                                                                               | 0  |
| Embedded Graphics (Visio, ChemDraw, Images etc.)                                                                               | 0  |
| Embedded Excel                                                                                                                 | 0  |
| Format changes                                                                                                                 | 0  |
| <b>Total Changes:</b>                                                                                                          | 21 |





**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Planning Director

**MEETING DATE:** August 25, 2025

**SUBJECT:** **ADM-2025-0034: Administrative Item (3568 W. MOUNT COMFORT RD/LANDMARC CUSTOM HOMES LLC, 323):** Submitted by BATES & ASSOCIATES for property located at 3568 W. MOUNT COMFORT RD. The property is zoned CS, COMMUNITY SERVICES, and RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 16.72 acres. The request is to amend a planned zoning district.

---

**RECOMMENDATION:**

Staff recommends approval of **ADM-2025-0034**.

**RECOMMENDED MOTION:**

*"I move to approve **ADM-2025-0034**, determining:*

- In favor of the request to modify ADM-2025-0034, and*
- In favor of all other conditions as recommended by staff."*

**BACKGROUND:**

The subject property is in northwest Fayetteville, northeast of the intersection of N. Ruppel Road and W. Mount Comfort Road and east of Holt Middle School. The site is largely undeveloped, but for one single-family home with associated outbuildings that were built in the late 1970s. In total, the property contains about 18.47 acres and is currently split-zoned CS, Community Services and RPZD, Residential Planned Zoning District; the Planned Zoning District portion totals approximately 16.72 acres. A preliminary plat was approved in February 2025 for the residential subdivision of 105 lots. No overlay districts currently govern the site. Surrounding land use and zoning is depicted on *Table 1*.

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

| Direction | Land Use                                  | Zoning                                                                   |
|-----------|-------------------------------------------|--------------------------------------------------------------------------|
| North     | Single-Family Residential                 | RSF-4, Residential Single-Family, 4 Units per Acre                       |
| South     | Commercial/Undeveloped                    | CS, Community Services                                                   |
| East      | Undeveloped/Pending Goddard School        | R-A, Residential Agricultural;<br>CS, Community Services                 |
| West      | Holt Middle School/Mount Comfort Cemetery | P-1, Institutional;<br>RSF-1, Residential Single-Family, 1 Unit per Acre |

*Request:* The request is for a modification to the overall PZD as follows:

**Planning Area #1 – 6.1 acres** (previously 9.9 acres): Labeled as Neighborhood Zone A, the intention of this planning area is to provide primarily single- and two-family homes, with minimum lot widths of 24 feet (previously 25 feet). Previously, some of these homes were oriented around common greenspace, but the applicant has shifted this intent, and they will be facing public

streets. Building heights are still limited to a maximum of three stories.

**Planning Area #2 – 7.72 acres** (previously 6.9 acres): Labeled as Neighborhood Zone B, this planning area is intended for higher intensity uses than single- and two-family structures, and allows for single-, two-, three- and four-family dwellings by right, as well as multi-family dwellings. There is no stated density maximum, and minimum lot widths are set at 22 feet (previously 24 feet for single-family dwellings), and no lot width minimum for all other uses. Building heights are limited to a maximum of three stories.

*Public Comment:* To date, staff has received no public comment regarding this request.

**DISCUSSION:**

Staff is supportive of the applicant's request to amend their Planned Zoning District as proposed. Staff finds the proposed development compatible with surrounding land uses, which include single-family homes, schools, and commercial areas, due to the thoughtful placement of residential types and the inclusion of green and open spaces. The development transitions from single-family homes on the north to denser housing toward the interior, with building heights limited to three stories to buffer adjacent zoning types. Although there's no strict density cap in Neighborhood Area B, requirements for infrastructure and design are expected to naturally limit density in a way that aligns with the neighborhood. The proposal aligns with the City's land use and zoning plans, supports infill development goals, and fits the Tier 2 Center designation, leading staff to recommend approval.

**RECOMMENDATION:** Staff recommends approval of **ADM-2025-0034** subject to the following conditions:

**Conditions of Approval:**

1. A modification to the applicant's approved preliminary plat must receive approval by the Planning Commission to reflect the updated zoning changes.

|                                    |                                 |                                   |                                 |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 |
| <b>Required</b>                    | <b><u>YES</u></b>               |                                   |                                 |
| Date: <u>August 25, 2025</u>       | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Motion:                            |                                 |                                   |                                 |
| Second:                            |                                 |                                   |                                 |
| Vote:                              |                                 |                                   |                                 |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- One Mile Map
- Close-up Map
- Current Land Use Map
- Staff Exhibit
- Applicant Request Letter
- Modified PZD Booklet



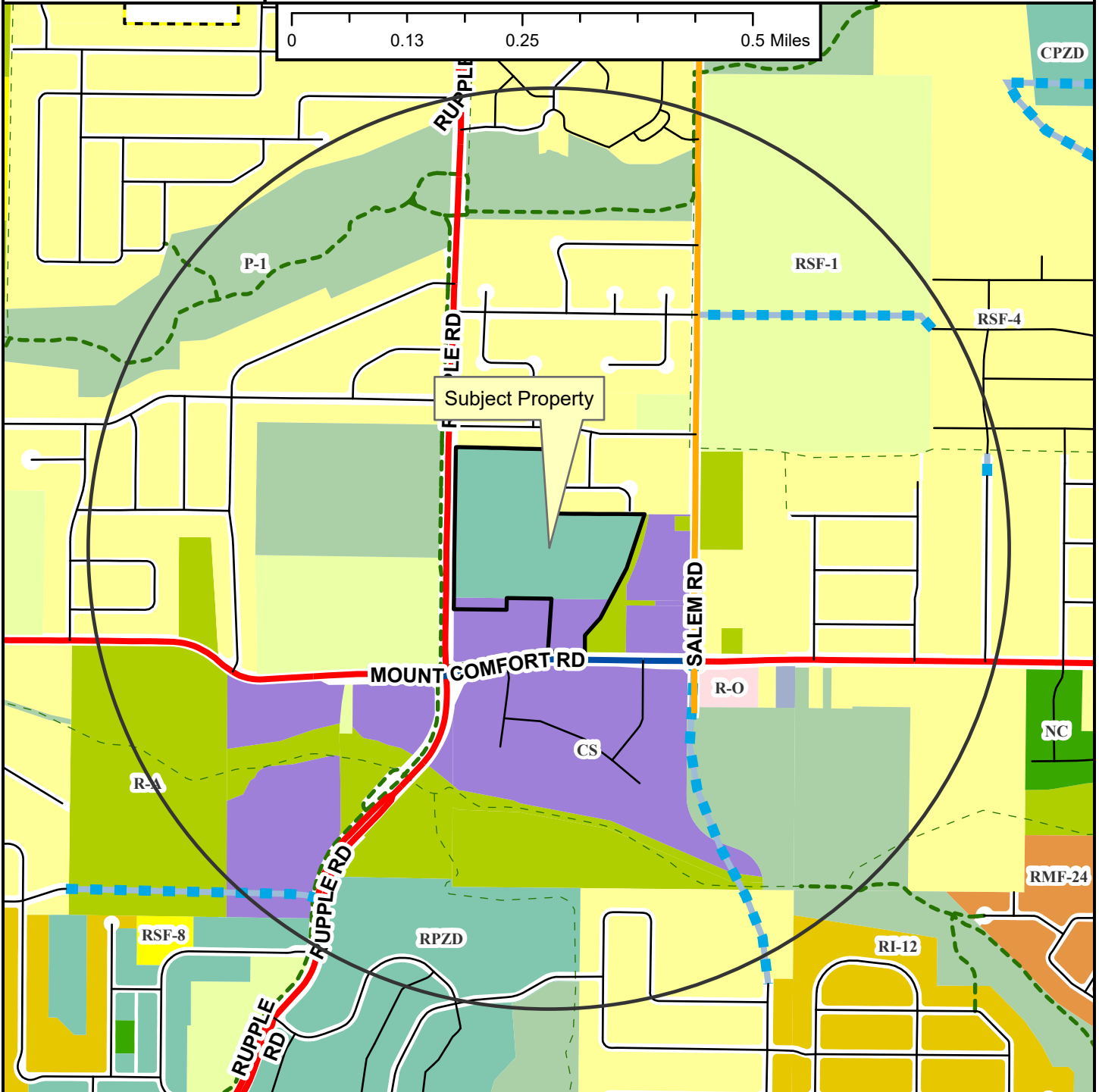
ADM-2025-0034

One Mile View

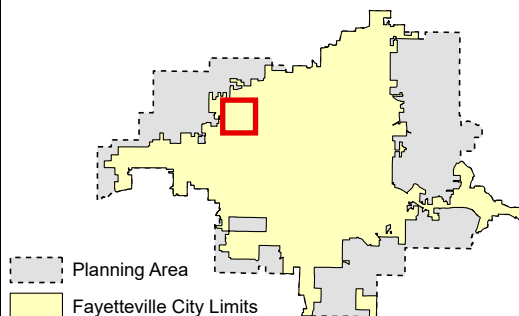
# 3568 W. MOUNT COMFORT RD



0 0.13 0.25 0.5 Miles



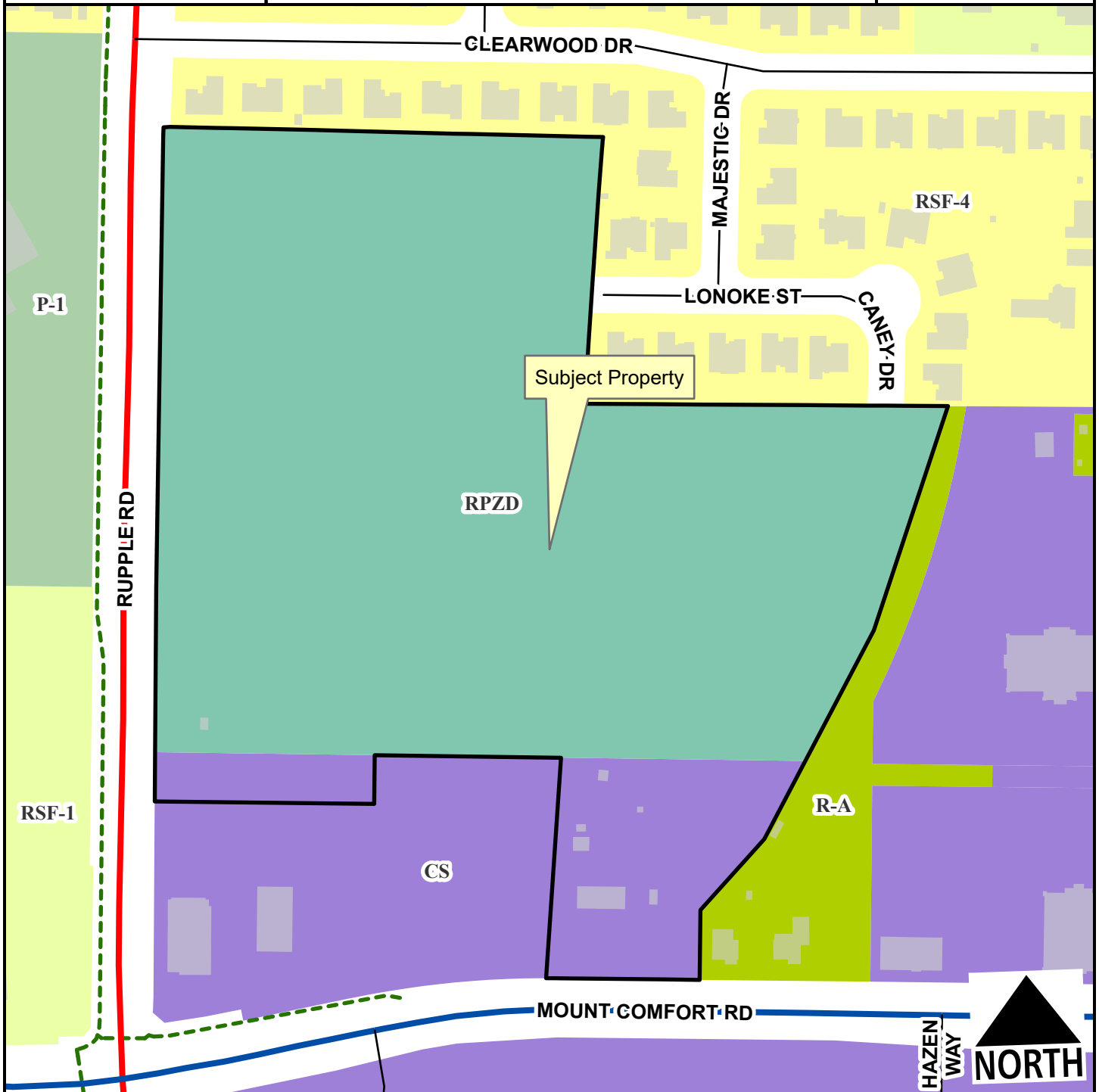
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



ADM-2025-0034

# 3568 W. MOUNT COMFORT RD

Close Up View



- Regional Link
- Regional Link - High Activity
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail



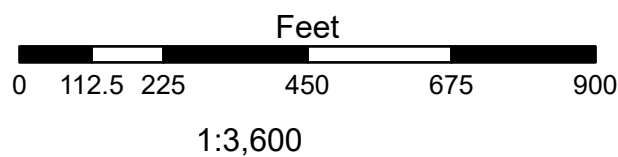
ADM-2025-0034

3568 W. MOUNT COMFORT RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



NEIGHBORHOOD  
ZONE  
A

NEIGHBORHOOD  
ZONE  
B

W. Elgin Avenue

W. Elgin Avenue Extension

CS



# MODIFIED PROPOSAL





2826 E. Joyce Blvd Ste. 1, Fayetteville, AR 72703 Phone: 479-251-1106

---

**Subject: Request for Amendments to PZD Due to Minor Site Plan Adjustments**

We are requesting minor amendments to the approved Planned Zoning District (PZD) to reflect slight changes to the site plan. These adjustments are necessary due to the unique layout and physical characteristics of the site, which require some refinement to optimize lot configurations, access, and infrastructure placement.

The overall intent and character of the development remain consistent with the original PZD approval, and we believe these modifications enhance the functionality of the site without altering the underlying zoning objectives. See below for an outline of requested changes.

Please let us know the appropriate next steps for processing this request.

Best regards,

*Mary McGetrick*

Mary McGetrick Buffington Homes

**PZD Changes**

- Site Plan Updated
- Neighborhood Zones A and B areas updated and amended with new site plan
- New Acreage – 6.01 for A and 7.72 for B
- Neighborhood Zone B lot width 24 ft changed to 22 ft to reflect townhome lot width

Holt Village Planned Zoning District

---

**Holt Village Planned Zoning District**

JULY 15, 2025

**A**

Ownership

Landmarc Custom Homes, LLC  
1224 S Maetsri Rd, Springdale AR 72762



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## **B**

### Project Summary

The proposed +/- 125 residential unit development aims to provide a mix of housing types in a variety of formats structured in a walkable neighborhood format, with a central linear storm park lined by park-facing townhomes. The development will include three parcels (765-13589-000, 765-13593-000, and 765-13593-002) totaling around 16.7 acres. The entire site is shown as City Neighborhood area on the Future Land Use Map with midrange infill score potentials across the site. The property is served by existing adequate water and sewer facilities in Mt Comfort Road to the south, Ruppelle Road to the west, and W Lonoke to the north and northeast. This proposed development ideally serves the surrounding neighborhood and City goals by sensitively transitioning density from the north to the south through a mixture of unit types offering abundant green space, walkability, and community potential.



Site Location      Approximate location as seen aerially from the southwest ; N Ruppel Rd and W Mount Comfort Rd seen in foreground





## C

### General Project Concept

#### Street and Lot Layout

The project aims to connect N Ruppel Road more cohesively into the existing development north of the project site, providing an extension of Lonoke Drive to the west to Ruppel Road and south to a new east-west connection. To maximize site efficiency with odd geometries, a large linear storm park provides frontage for an interior set of alley loaded townhouses. This arrangement both faces public roads and existing single family homes with more traditional lower density single family homes while providing appropriate density and variety in housing type and price point. The linear storm park directs water downhill to the north, to the low point of the site, which is preserved as a tree preservation and landscape buffer around the storm park. The resulting large central block is compliant with maximum block sizes but is further bifurcated with a pedestrian path and enhanced crosswalk that provides safe interior block connection through the neighborhood to Holt Middle School across Ruppel Road from the project. The main north/south street connection provides a shared commercial access to the CS zoned commercial neighboring property along Mount Comfort, to minimize curb cuts and provide rational and safe access to the existing High Activity Corridor. With its mixture of units types, pedestrian alleys, and common greens, the site design builds community potential and encourages walking and biking both within the neighborhood and to adjacent schools.

#### Site Plan





|                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Buffer Areas                                             | The proposed development provides a landscape buffer along the northern boundary and residential lots similar in size and setback to the adjacent existing lots. Smaller home lots face Ruppel and the commercial development to the south, which transition to townhouses against the parcel to the southeast, which is intended to become a clustered massing of small multifamily along Mount Comfort concurrent with this development.                                              |
| Tree Preservation Areas                                  | The property's long-term use for intensive agriculture has left little existing tree canopy except at the edges of the property. The site plan's geometry aligns to tree preservation plans to respect these existing fence line trees and the site's natural topography.                                                                                                                                                                                                               |
| Storm Water and Detention Areas                          | The site contains a large high point roughly in the center. Three stormwater facilities will be provided at the low points at the northwestern property boundary, the northeastern property corner, and adjacent the multifamily and townhouse properties along Mount Comfort. A linear storm park running north / south on the western half of the property directs storm flow through grassed swales as a landscape amenity to slow water flow and remove sediment in planting areas. |
| Undisturbed Natural Areas                                | The site is almost entirely previously disturbed by long term agricultural use and use as an airfield for a number of years. Some existing larger trees and more natural areas along the northern property line will be preserved.                                                                                                                                                                                                                                                      |
| Existing and Proposed Utility Connections and Extensions | Existing utilities are well provided and further discussed in Section M: Impacts to City Services                                                                                                                                                                                                                                                                                                                                                                                       |

**D**

**Proposed Planning Areas**

The proposed Neighborhood Zones would replace existing Residential-Agriculture Zoning on approximately 16.2 acres of the site and Community Services Zoning on approximately ½ an acre of the site at the southwest corner adjacent to Kum and Go. Neighborhood Zone A accounts of approximately 6.01 acres of the site, and Neighborhood Zone B accounts for approximately 7.72 acres of the site.



## E

### Proposed Zoning Standards

---

#### Neighborhood Zone A

(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 |

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 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                   |
| Unit 46  | Short-term rentals                       |

(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.



Neighborhood Zone B

(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 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             |

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 12a | Limited 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                   |
| Unit 46  | Short-term rentals                       |

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                |         |
|----------------|---------|
| Single-family  | 22 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.

**F****Existing Property Zoning Standards****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) |
|----------------|--------------|

- (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.

## 161.22 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 |
|-------------------------|-----------|

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

### Zoning Comparison Chart

|                        | CURRENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PROPOSED                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | R-A: Residential Agriculture                                                                                                                                                                                                                                                                                                                                                                                                                                                    | CS: Community Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Neighborhood Zone Planning Area A                                                                                                                                                                                                                                                                                                                                                                                                                                 | Neighborhood Zone Planning Area B                                                                                                                                                                                                                                                                                                                                                    |
| PERMITTED USES         | 1. City-wide uses by right<br>3. Public protection and utility facilities<br>6. Agriculture<br>7. Animal husbandry<br>8. Single-family dwellings<br>9. Two-family dwellings<br>37. Manufactured homes<br>41. Accessory dwellings<br>43. Animal boarding and training<br>46. Short-term rentals                                                                                                                                                                                  | 1. City-wide uses by right<br>4. Cultural and recreational facilities<br>5. Government facilities<br>8. Single-family dwellings<br>9. Two-family dwellings<br>10. Three (3) and four (4) family dwellings<br>13. Eating places<br>15. Neighborhood Shopping goods<br>24. Home occupations<br>25. Offices, studios and related services<br>26. Multi-family dwellings<br>40. Sidewalk Cafes<br>41. Accessory dwellings<br>44. Cluster Housing Development<br>45. Small scale production<br>46. Short-term rentals | 1. City-wide uses by right<br>8. Single-family dwellings<br>9. Two-family dwellings<br>24. Home occupations<br>41. Accessory dwelling units<br>44. Cluster housing development                                                                                                                                                                                                                                                                                    | 1. City-wide uses by right<br>8. Single-family dwellings<br>9. Two-family dwellings<br>10. Three (3) and four (4) family dwellings<br>24. Home occupations<br>26. Multi-family dwellings<br>41. Accessory dwelling units<br>44. Cluster housing development                                                                                                                          |
| CONDITIONAL USES       | 2. City-wide uses by conditional use permit<br>4. Cultural and recreational facilities<br>5. Government facilities<br>20. Commercial recreation, large sites<br>24. Home occupations<br>35. Outdoor Music Establishments<br>36. Wireless communications facilities<br>42. Clean technologies                                                                                                                                                                                    | 2. City-wide uses by conditional use permit<br>3. Public protection and utility facilities<br>14. Hotel, motel and amusement services<br>16. Shopping goods<br>17. Transportation, trades and services<br>18. Gasoline service stations and drive-in/drive-through restaurants<br>19. Commercial recreation, small sites<br>28. Center for collecting recyclable materials<br>34. Liquor stores<br>35. Outdoor music establishments<br>36. Wireless communication facilities*<br>42. Clean technologies          | 2. City-wide uses by conditional use permit<br>3. Public protection and utility facilities<br>4. Cultural and recreational facilities<br>5. Government facilities<br>10. Three (3) and four (4) family dwellings<br>12a. Limited business<br>13. Eating places<br>16. Shopping goods<br>19. Commercial recreation, small sites<br>25. Offices, studios and related services<br>26. Multi-family dwellings<br>45. Small scale production<br>46. Short-term rentals | 2. City-wide uses by conditional use permit<br>3. Public protection and utility facilities<br>4. Cultural and recreational facilities<br>5. Government facilities<br>12a. Limited business<br>13. Eating places<br>16. Shopping goods<br>19. Commercial recreation, small sites<br>25. Offices, studios and related services<br>45. Small scale production<br>46. Short-term rentals |
| DENSITY                | One-half (1/2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                                                                                                                                                                                                                                                                                 |
| LOT WIDTH MIN. (FT)    | 200                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 18 (Residential)<br>None (all others)                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 24 (Single-family)<br>* 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.                                                                                                                               | 22 (Single-family)<br>None (all others)<br>* 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                                     |
| LOT AREA MIN. (SF)     | 2 acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                                                                                                                                                                                                                                                                                 |
| FRONT SETBACK (FT)     | 35                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | A build-to zone that is located between 10 feet 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.                                                                                                                                                                                                                                                                                                                                                  | A build-to zone that is located between the front property line and a line 25 feet from the front property line.                                                                                                                                                                                                                                                                     |
| SIDESETBACK (FT)       | 20                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                                                                                                                                                                                                                                                                                                                                                                 |
| REARSETBACK (FT)       | 35                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None<br>15 (when contiguous to a single-family residential district)                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5<br>12 (from center line of an alley)                                                                                                                                                                                                                                                                                                                                                                                                                            | 5<br>12 (from center line of an alley)                                                                                                                                                                                                                                                                                                                                               |
| BUILDING HEIGHT        | 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. | 5 Stories                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3 Stories                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3 Stories                                                                                                                                                                                                                                                                                                                                                                            |
| MAX. BUILDING AREA (%) | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 50% of lot width                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 50% of lot width                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 50% of lot width                                                                                                                                                                                                                                                                                                                                                                     |

## G

### Analysis of Site Characteristics

The existing site contains a gentle high point roughly in the center, falling gradually away to Clabber Creek to the north and Hamestring Creek to the south. The property is relatively level for Fayetteville and has been cleared and intensively farmed since at least the middle of the last century based on aerial photos. The site does not include hydric soils, historic wet prairie, or other sensitive ecologies. It is also outside the floodway of both adjacent creeks.



## H



I

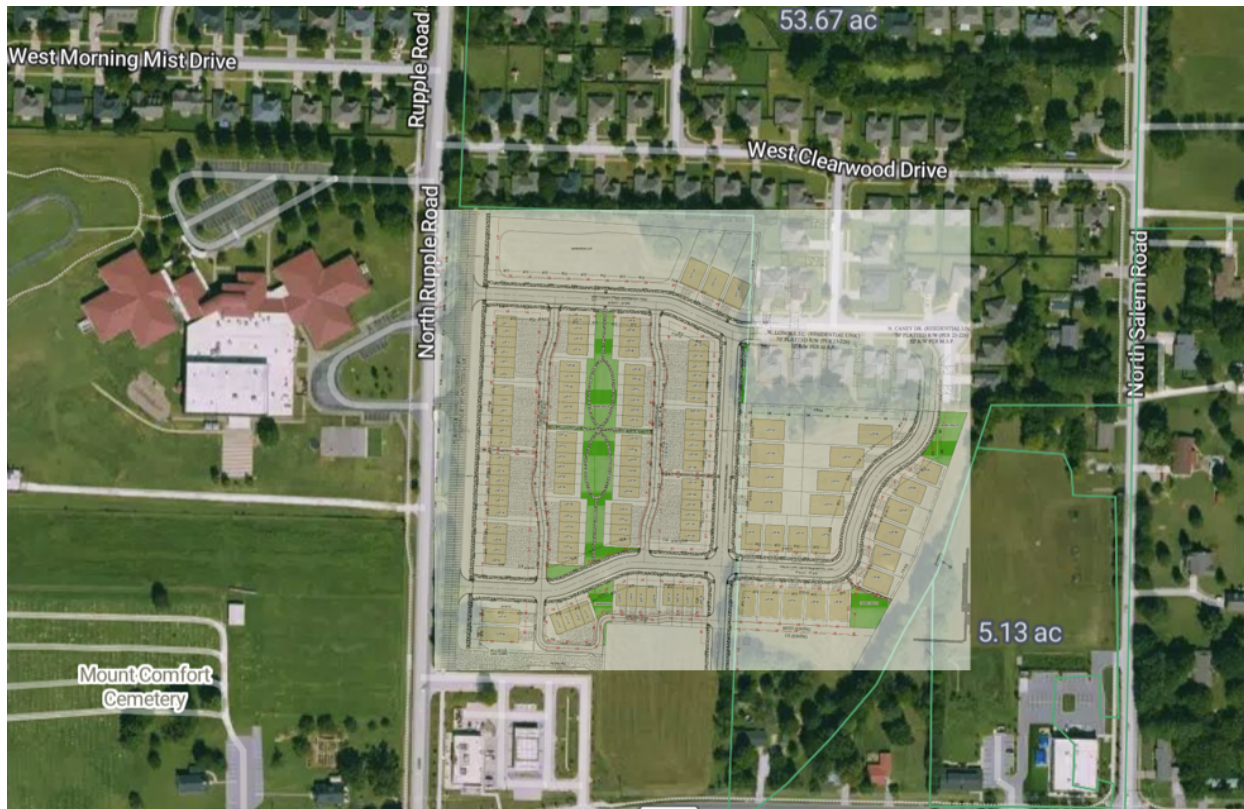
Reasons a Zoning Change is Required

The current zoning of Residential - Agriculture that governs most of the site (+/- 16.6 acres out of +/- 18.4 total acres) is not suitable to fulfill the City's needs for housing its rapidly increasing population or its goals for this specific area as a Tier 2 and Tier 3 center on Fayetteville's Growth Concept Map. Additionally, the walkable and mixed unit 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 are a mix of single family residential to the north, commercial uses along the arterial Mount Comfort corridor, and institutional uses to the west with Holt Middle School and Mount Comfort Presbyterian Church. The proposed neighborhood lines the single-family adjacencies with traditional residential lots. Smaller home lots face the institutional uses to the west, while a small cluster of multifamily masses are located along Mount Comfort. The mixed unit type neighborhood provides a natural variety of housing product and price points with intensity stepped down from existing single family home lots to multifamily along Mount Comfort. Refer to Section K following this section for discussion of how this transition of density and use is ideally appropriate for both realizing City planning goals and providing services to the surrounding community.



## K

## Project Compliance with Fayetteville Comprehensive Land Use Plan + City Plan 2040

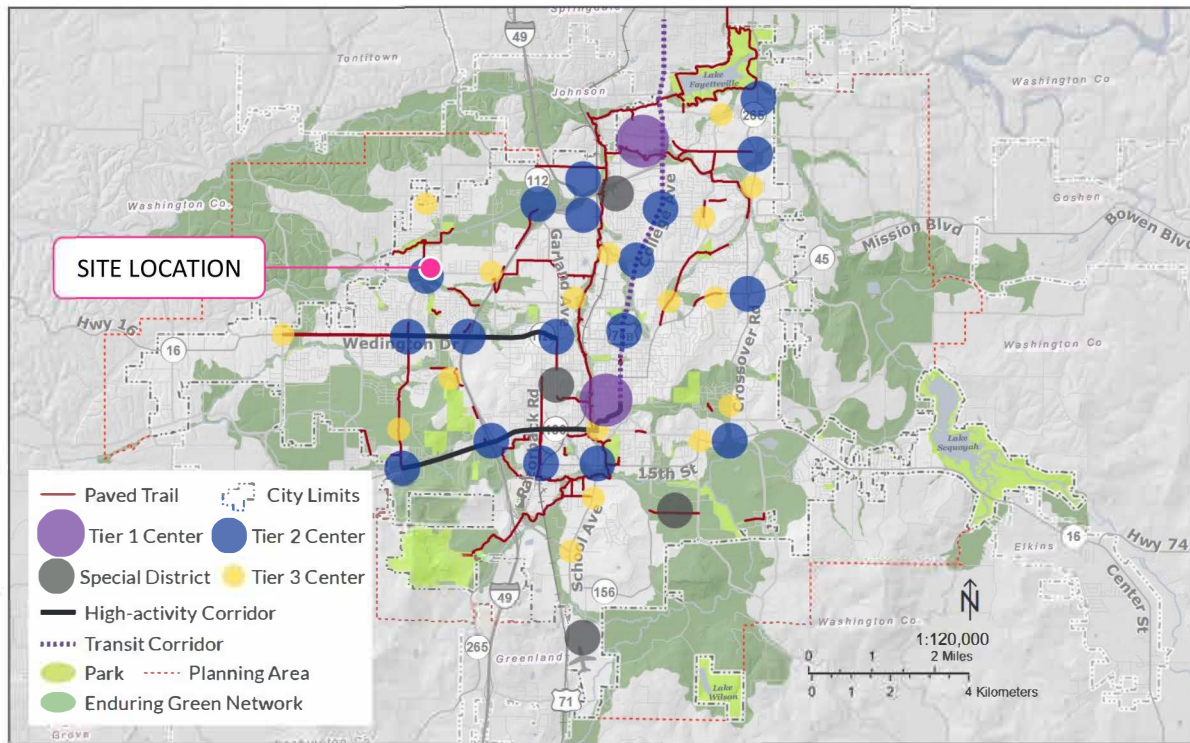


Figure 2.0 - Growth Concept Map

The project site is part of both a planned Tier 2 Center at Mount Comfort and Ruppel and a planned Tier 3 Center at Mount Comfort and Salem Road.

The project site is on the outside shoulder of a Tier Two center, a smaller scale urban with fewer services, residents, and jobs than Tier One Centers. Tier Two Centers largely exist to provide services and employment to residents within two to three miles. They are characterized by housing that ranges from one- to three-story detached dwellings, duplexes, row houses, and mid-rise apartments. Commercial uses will be mixed-use and office buildings. The adjacencies of Holt Middle School directly to the west and low density single-family to the north make commercial services and multifamily more jarring along the western edge of the site and render the moderate density residential use proposed here ideal.

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 High Activity Corridor along Mount Comfort.

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.



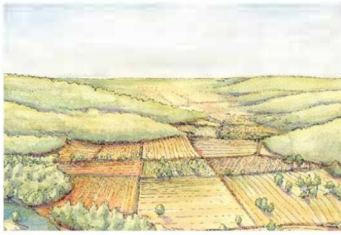


Figure 3.4 - Rural



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





- Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- Encourage pedestrian-friendly mixed-use buildings with transparent glass for commercial uses at street level and building entrances that address and connect to the street and sidewalk.
- Encourage a block and street layout that promotes walkable, bicycle friendly street designs with slow design speeds
- Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- Encourage properties to redevelop in an urban form utilizing form-based zoning designations.
- Protect and restore Fayetteville’s outstanding residential architecture of all periods and styles.
- Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.

Additionally, this proposed development aligns with the City’s 2013 Wedington Corridor Plan by providing missing middle housing types, offering better pedestrian crossings within the neighborhood, enhancing walkability, providing infill housing and infill neighborhood services, and creating accessible open spaces.

EXAMPLES OF “MISSING MIDDLE” HOUSING



Duplex bungalow

Modern duplex



Rowhouse

Townhome



Fourplex

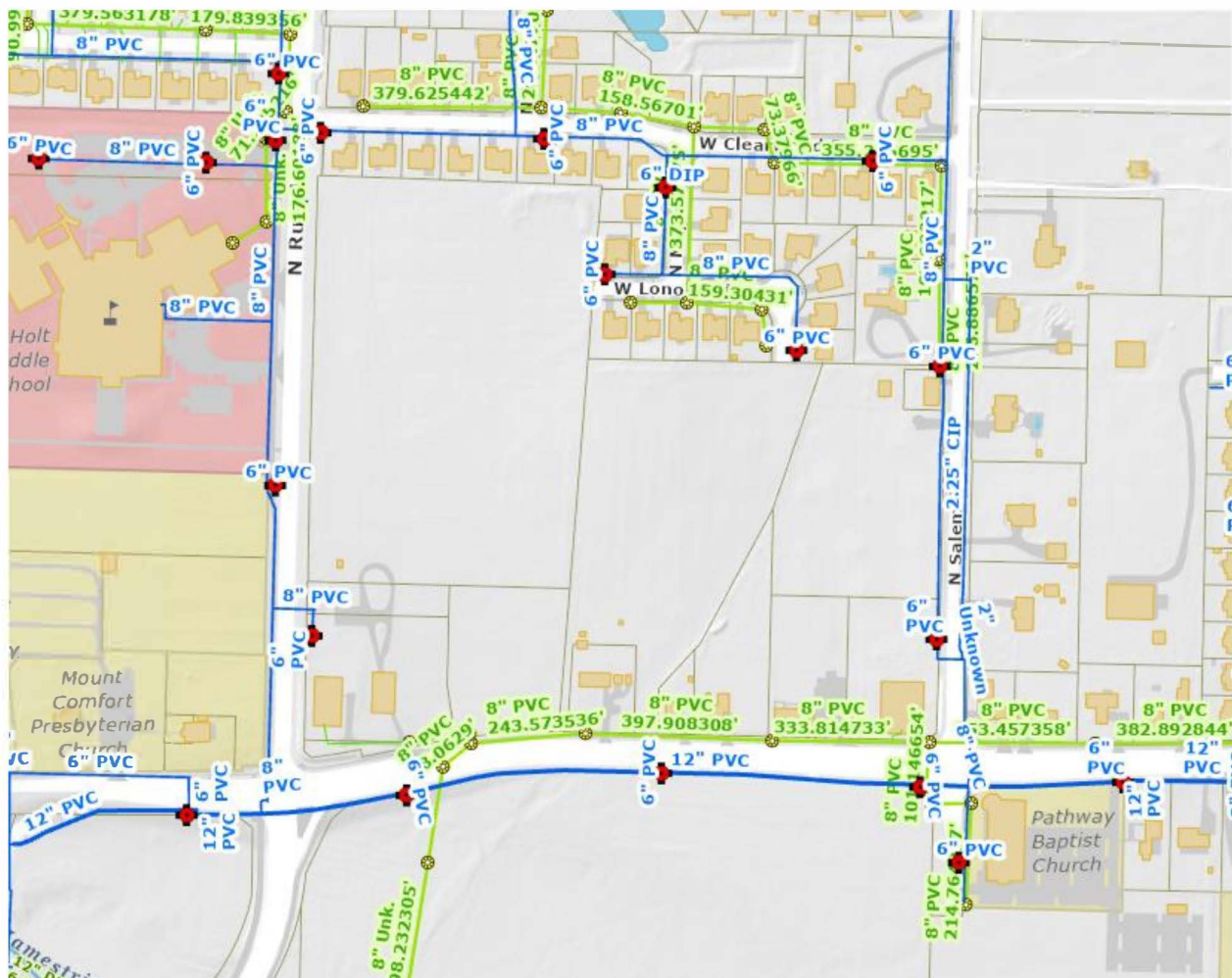
Bungalow court

## 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.

## 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. A local engineering firm, Bates and Associates, states that the city cannot provide a letter guaranteeing any project service until that project has been approved, but it is their opinion that the public sewer and water infrastructure has more than enough capacity to feed this proposed PZD. This is primarily because of the major upgrades in the sewer and water system in the area within the last decade, this area not being dense, and being close to town. Thus, it is reasonable to assume that there are no indicators of capacity issues. 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.
- (C) *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 x 3.5 inches (a normal 1x4).
    - (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.

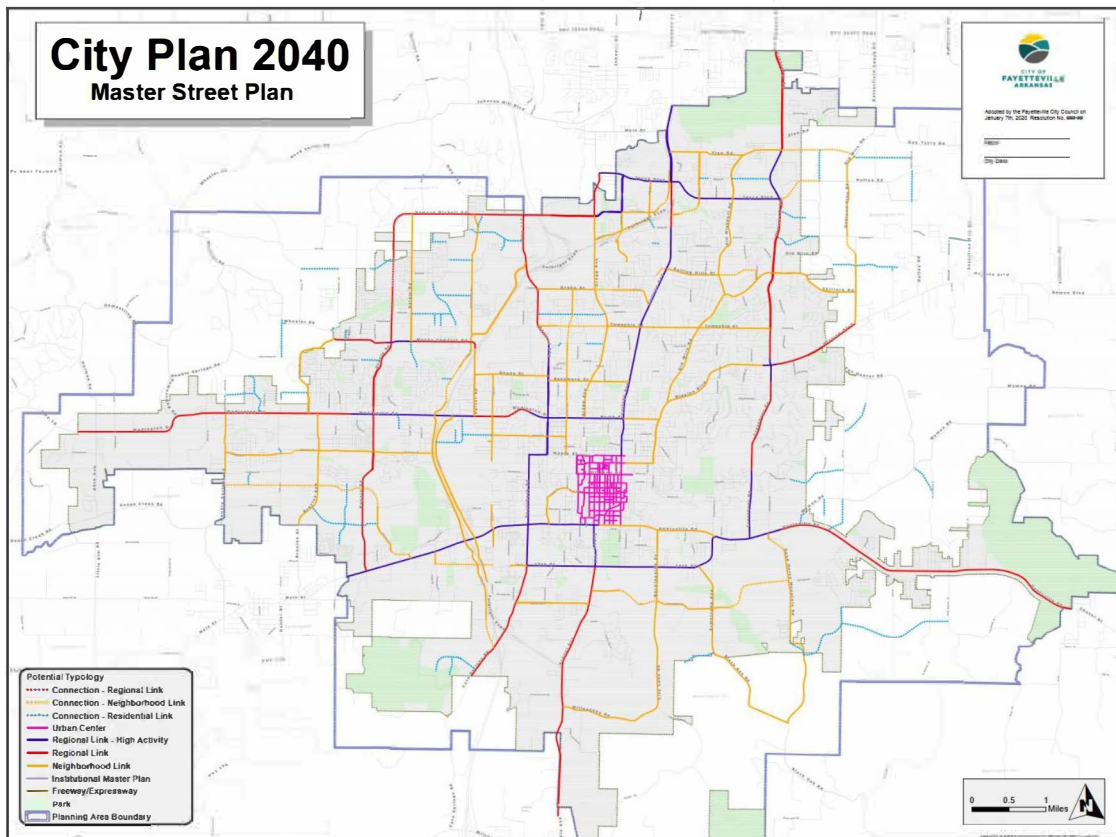


## O

### 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 are a mix of single family residential to the north, commercial uses along the arterial Mount Comfort corridor, and institutional uses to the west with Holt Middle School and Mount Comfort Presbyterian Church. The proposed neighborhood lines the single-family adjacencies with traditional residential lots. Smaller home lots face the institutional uses to the west, while townhouses abut the more dense multifamily units intended along Mount Comfort as a concurrent part of this development but separate from this PZD. The mixed unit type neighborhood 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 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 denser multifamily cluster in the SE corner along Mt Comfort accompanies townhouses, cottages, and larger typical lots along the single-family residential neighborhoods to the north. The inclusion of multi-family housing by right in this PZD is purely a result of desiring to provide more traditional runs of townhouses of 5-6 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 is largely already developed, but connection and rational edge to the development have been provided to the undeveloped parcel to the east to allow the future urbanization of that parcel to 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 property's long term use for intensive agriculture has left little existing tree canopy except at the edges of the property. The site plan's geometry aligns to tree preservation plans to respect these existing fence line trees and the site's natural topography.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

- Future Land Use Plan** The PZD's innovative use definitions to respect mass of the buildings and impact of use, rather than household structure and number of kitchens in a building allows for a comprehensive plan and design for a mixed use yet harmonious development consistent with the guiding policies of the Future Land Use map.
- Special Features** The site's geometry is challenging, with a diagonal eastern edge remaining from a historic train line easement. The geometry and dimensions of the site makes efficient, rear loaded units a challenge. The PZD's innovative approach to frontages allows 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.



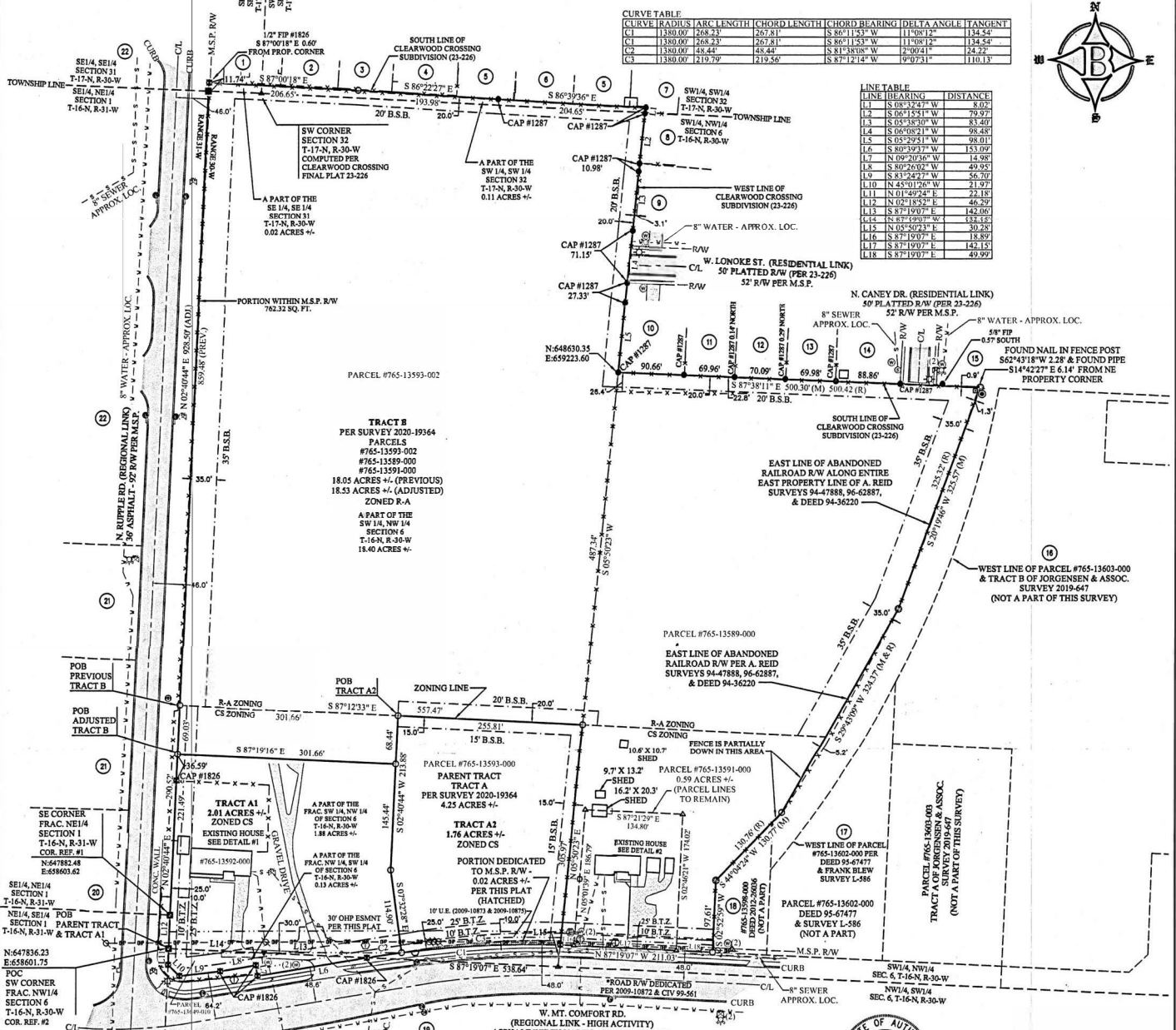
**PZD-2024-0001**  
**EXHIBIT 'B'**

**HOLT VILLAGE PZD LEGAL DESCRIPTION:**

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, AND ALSO A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, AND ALSO A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, ALL BEING LOCATED IN RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE EAST RIGHT-OF-WAY OF NORTH RUPPLE ROAD WHICH IS N02°18'52"E 46.29' AND N02°40'44"E 221.49' FROM THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER OF SECTION 6 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°40'44"E 928.50' TO A POINT ON THE SOUTH LINE OF CLEARWOOD CROSSING SUBDIVISION TO THE CITY OF FAYETTEVILLE, AS PER THE RECORDED PLAT THEREOF, THENCE ALONG SAID SOUTH SUBDIVISION LINE THE FOLLOWING: S87°00'18"E 206.65' TO AN EXISTING REBAR, S86°22'27"E 193.98' TO AN EXISTING REBAR, S86°39'36"E 204.65' TO AN EXISTING REBAR ON THE WEST LINE OF SAID SUBDIVISION. THENCE ALONG SAID WEST SUBDIVISION THE FOLLOWING: S08°32'47"W 8.02' TO AN EXISTING REBAR, S06°15'51"W 79.97' TO AN EXISTING REBAR, S05°38'30"W 83.40' TO AN EXISTING REBAR, S06°08'21"W 98.48' TO AN EXISTING REBAR, S05°29'51"W 98.01' TO AN EXISTING REBAR ON THE SOUTH LINE OF SAID SUBDIVISION, THENCE ALONG SAID SOUTH SUBDIVISION LINE S87°38'11"E 500.30' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF AN ABANDONED RAILROAD RIGHT-OF-WAY, SAID ABANDONED RIGHT-OF-WAY BEING SHOWN ON A PLAT OF SURVEY BY ALAN REID AND ASSOCIATES RECORDED IN BOOK 94 AT PAGE 47888 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, THENCE LEAVING SAID SUBDIVISION LINE ALONG SAID ABANDONED RIGHT-OF-WAY THE FOLLOWING: S20°19'46"W 325.57' TO AN EXISTING FENCE CORNER POST, S29°43'09"W 201.83', THENCE LEAVING SAID ABANDONED RIGHT-OF-WAY N87°12'33"W 592.50' TO AN EXISTING REBAR, THENCE S02°40'44"W 68.44' TO AN EXISTING REBAR, THENCE N87°19'16"W 301.66' TO THE POINT OF BEGINNING, CONTAINING 16.72 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH RUPPLE ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PROVIDED BY BATES AND ASSOCIATES.

# TRACT SPLIT / PROPERTY LINE ADJUSTMENT (PAGE 1 OF 2)



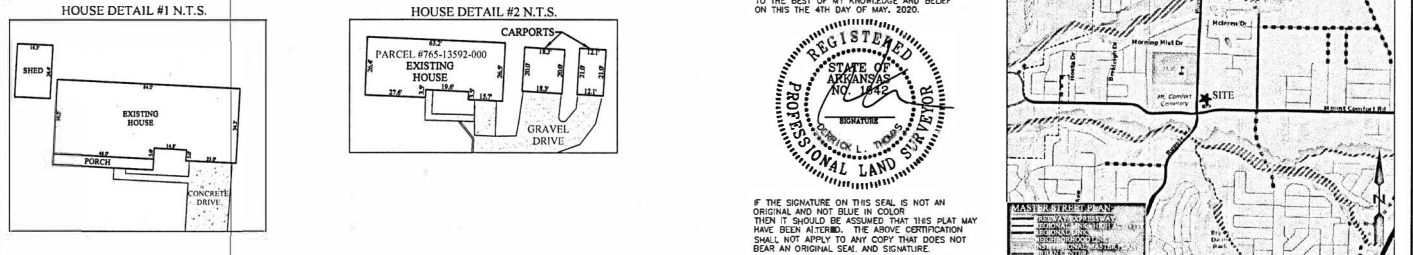
APPROVED FOR RECORDATION  
 FAYETTEVILLE PLANNING  
 ADMINISTRATION  
 By: [Signature] Date: 6/19/21

0' 100' 200' 300'  
 GRAPHIC SCALE (IN FEET)  
 1 inch = 100'

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT  
 TO THE BEST OF MY KNOWLEDGE AND BELIEF  
 ON THIS 4TH DAY OF MAY, 2020.

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
 STATE OF ARKANSAS  
 No. 1842  
 BRYAN L. THOMPSON

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



**HOUSE DETAIL #1 N.T.S.**

EXISTING HOUSE

CONCRETE DRIVE

**HOUSE DETAIL #2 N.T.S.**

CARPORTS

GRAVEL DRIVE

**LEGEND:**

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND-UP REBAR
- FOUND 5/8" REBAR
- FOUND 3/4" REBAR
- FOUND 1" REBAR
- FOUND 1 1/2" REBAR
- FOUND 2" REBAR
- FOUND 3" REBAR
- FOUND 4" REBAR
- FOUND 6" REBAR
- FOUND 8" REBAR
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- FOUND 88" REBAR
- FOUND 90" REBAR
- FOUND 92" REBAR
- FOUND 94" REBAR
- FOUND 96" REBAR
- FOUND 98" REBAR
- FOUND 100" REBAR

**RECORDING NUMBER/DATE**

Doc ID: 019837090002 Type: REL

Kind: SURVEY

Recorded: 04/19/2021 at 03:36:30 PM

Fee Amt: \$20.00 Page 1 of 2

Washington County, AR

Kyle Sylvester Circuit Clerk

**File #2021-00014557**



Planning Commission  
August 25, 2025  
CUSTOM HOMES LLC)  
Page 12 of 12



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Planning Director

**MEETING DATE:** August 25, 2025

**SUBJECT:** **ADM-2025-0036: Administrative Item (E. PUMP STATION RD & S. DEAD HORSE MTN RD/ CITY OF FAYETTEVILLE, WATERSHED CONSERVATION RESOURCE CENTER, BENTON, 604 & 605):**  
Submitted by the CITY OF FAYETTEVILLE for property located at E. PUMP STATION RD & S. DEAD HORSE MTN RD. The property is zoned P-1, INSTITUTIONAL, and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 434.80 acres. The request is to modify the master street plan.

---

**RECOMMENDATION:**

Staff recommend tabling **ADM-2025-0036** until the next-scheduled Planning Commission meeting. Background, discussion, and recommendations will be forthcoming from City staff.

**RECOMMENDED MOTION:**

*"I move to table ADM-2025-0036."*

---

|                                     |                                 |                                   |                                 |                 |                   |
|-------------------------------------|---------------------------------|-----------------------------------|---------------------------------|-----------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b>  |                                 |                                   |                                 | <b>Required</b> | <b><u>YES</u></b> |
| <b>Date:</b> <u>August 25, 2025</u> | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |                 |                   |
| <b>Motion:</b>                      |                                 |                                   |                                 |                 |                   |
| <b>Second:</b>                      |                                 |                                   |                                 |                 |                   |
| <b>Vote:</b>                        |                                 |                                   |                                 |                 |                   |



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Wesley Frank, Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **VAR-2025-0036: Planning Commission Variance (498 E. TOWNSHIP ST./ENCLAVE, 290):** Submitted by BATES & ASSOCIATES for property located NORTHEAST OF E. TOWNSHIP ST & N. COLLEGE AVE. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.79 acres. The request is for variance from Urban Residential Design Standards.

---

**RECOMMENDATION:**

Staff recommends approval of **VAR-2025-0036**, with conditions as outlined by Staff.

**RECOMMENDED MOTION:**

*"I move to approve **VAR-2025-0036** determining:*

- In favor of the requested variance to UDC §166.23(C)(4)(a), Pedestrian Connectivity;*
- In favor of all other conditions recommended by staff."*

**BACKGROUND:**

The subject area is in north central Fayetteville 330 feet from the intersection of N. College Avenue and E. Township Street. The subject property contains 0.79 acres and is undeveloped. It is zoned UC, Urban Corridor, which it received in 2024 (ORD 6798) and is located in the 71-B Corridor and the Hillside/Hilltop Overlay Districts. A site improvement plan for a sixteen-unit townhome development is currently under review (SIP-2025-0002). Surrounding land uses and zoning are listed in *Table 1*.

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

| Direction | Land Use                              | Zoning                                            |
|-----------|---------------------------------------|---------------------------------------------------|
| North     | Commercial                            | UC, Urban Corridor                                |
| South     | Commercial/Single-Family Residential  | UC, Urban Corridor, NC, Neighborhood Conservation |
| East      | Single-Family Residential/Undeveloped | UC, Urban Corridor                                |
| West      | Commercial                            | UC, Urban Corridor                                |

*Request:* The applicant is requesting a variance to UDC § 166.23(C)(4)(a) to allow for a single pedestrian circulation to access a city sidewalk in an alternative design. The applicant has claimed that due to a topography hardship where the connections would be would make fulfilling the requirement difficult.

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

**DISCUSSION:**

**Variance #1: §166.23(C)(4)(a),** Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk. The applicant is requesting to provide one shared pedestrian connection for four proposed units of the townhome development.

*Staff recommendation: Staff is supportive of this variance request due to a sidewalk development hardship. Typically, a city sidewalk would undergo development to meet the 8- foot width Master Street Plan requirement for a Neighborhood Link street (E. Township Street). At this location there is a retaining wall that is supporting E. Township Street with the sidewalk over it. Should the sidewalk be developed further as typically required, the retaining wall would need to be redeveloped, which would impact the street. Because of this, the City is not requiring the applicant to develop this sidewalk as its development would be at a disproportionate cost to the applicant. Per city standards, the required pedestrian connection would link ground unity to this sidewalk, which is where this hardship is located. Staff finds the applicant's proposed single western pedestrian access alternative is suitable as this portion of the property is on more even ground and allows the applicant to meet the spirit of the standard more easily.*

**RECOMMENDATION: Staff recommends Planning Commission approve VAR-2025-0036, with the following conditions**

**Conditions of Approval:**

- 1. Planning Commission determination of a variance to UDC §166.23(C)(4)(a), which requires that ground floor dwelling units must connect to the public sidewalk, and may run parallel to the building for a maximum of 12 feet from the door before connecting directly to the sidewalk. Staff recommends in favor of the variance for the reasons stated above, with added conditions.**
  - a. Applicant must provide direct pedestrian connection to public sidewalk roughly between the four units of the southern portion of the development as shown on the attached staff exhibit.*
- 2. Approval of this item does not constitute approval of the associated site improvement plan. Review and approval of the site improvement plan shall be required in accordance with city code.**



---

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

**Meeting Date:** August 25, 2025

**Motion:**

**Second:**

**Vote:**

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code:
  - §166.23 Urban Residential Design Standards
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Exhibits
  - Applicant Request Letter
  - Site Plans
  - Building Elevations

## 166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

...

(4) *Pedestrian Circulation.*

- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.

....

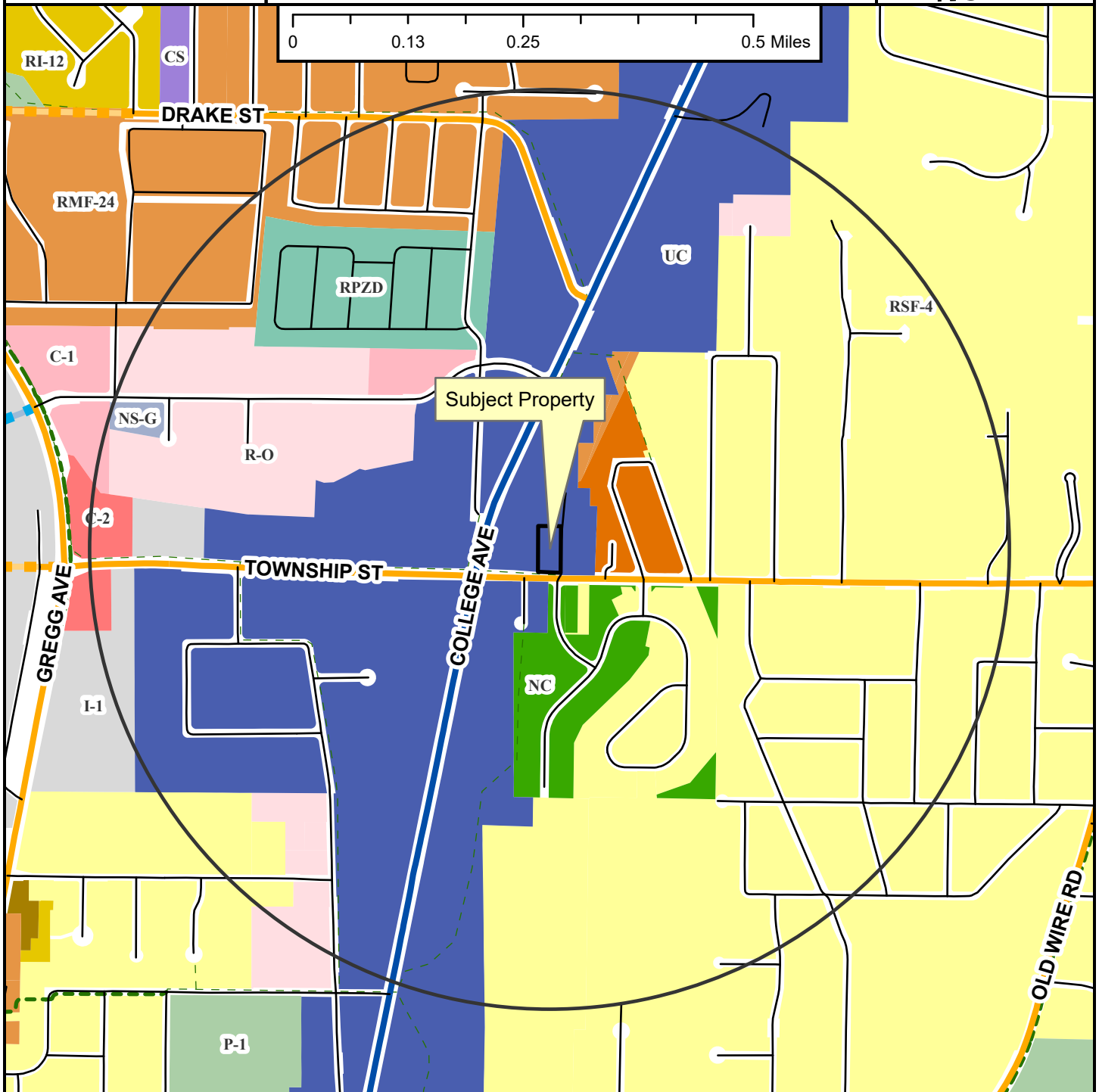
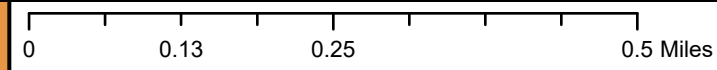
(E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170, §1, 4-2-19; Ord. No. 6357, §§1, 2, 9-15-20; Ord. No. 6508, §1, 11-16-21; Ord. No. 6658, §10, 5-2-23; Ord. No. 6773, § 11, 7-16-24)

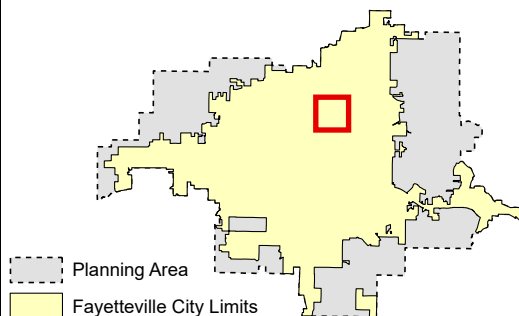
VAR-2025-0036

# 498 E. TOWNSHIP ST

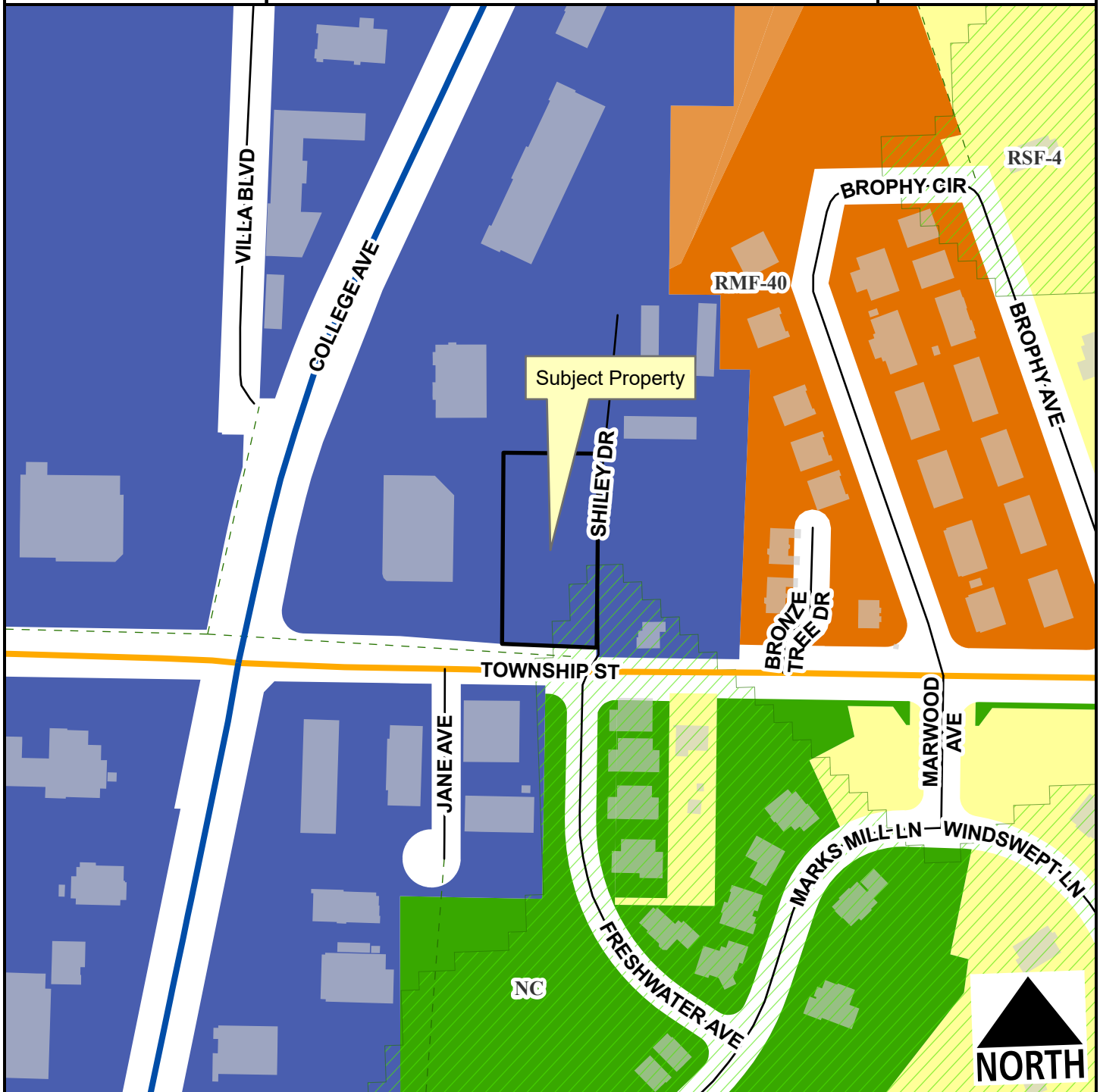
One Mile View



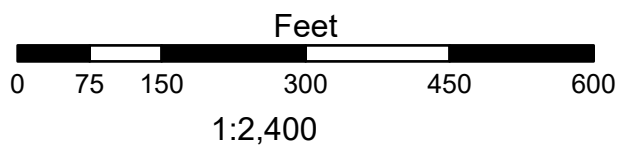
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- ▨ Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- - - Trail (Proposed)





VAR-2025-0036

Current Land Use

# 498 E. TOWNSHIP ST



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



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



July 15<sup>th</sup>, 2025

Planning Commission  
125 West Mountain Street  
Fayetteville, AR 72701

**RE: Enclave Variance Request**

To whom it may concern,

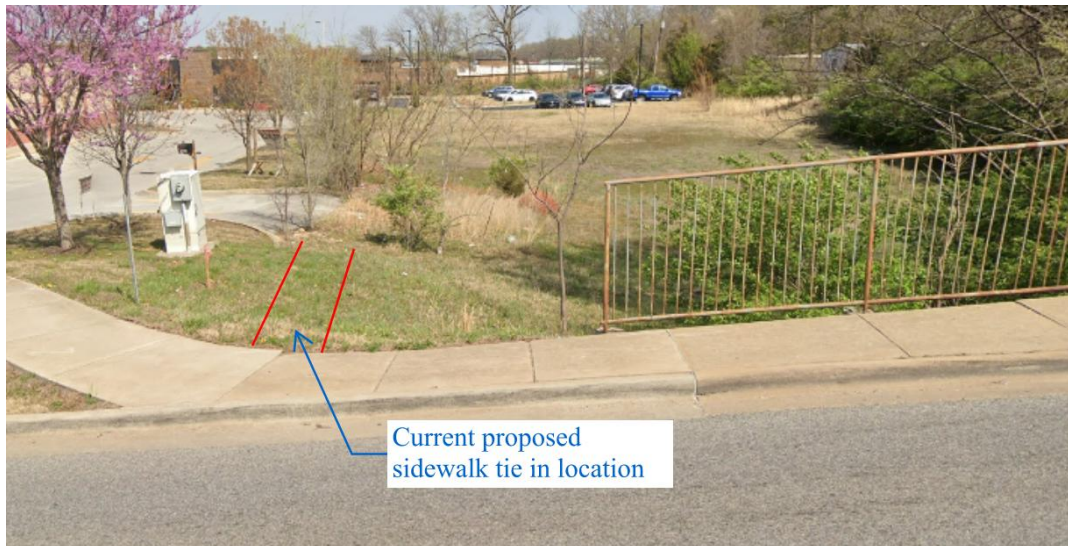
Enclave Capital Partners LP respectfully requests a variance from UDC 166.23(C)(4) – Urban Residential Design Standards, Pedestrian Circulation Requirements for the small site improvement project located at the northeast corner of the intersection of North College Avenue and East Township Street in Fayetteville.

Due to the existing topography along the north side of Township Street, a pedestrian connection is not feasible directly in front of the unit entrance/exit adjacent to the right-of-way. Additionally, there is a retaining wall in this area, beginning where the sidewalk along Township is located directly behind the curb and gutter on the north side.

We understand the value of tying into the right-of-way for urban connectivity. For this reason, we are proposing a pedestrian connection on the west side of the property, where the existing grades are more favorable to accommodate this improvement.

Please see the images below for reference to the proposed tie-in location.





Current proposed  
sidewalk tie in location

Due to the proposed stormwater infrastructure and grades, we are unable to shift this connection to the east.

Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

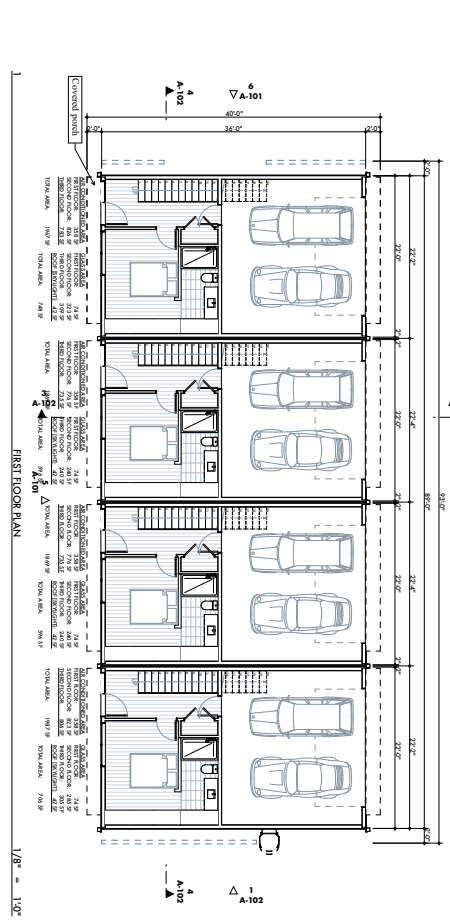
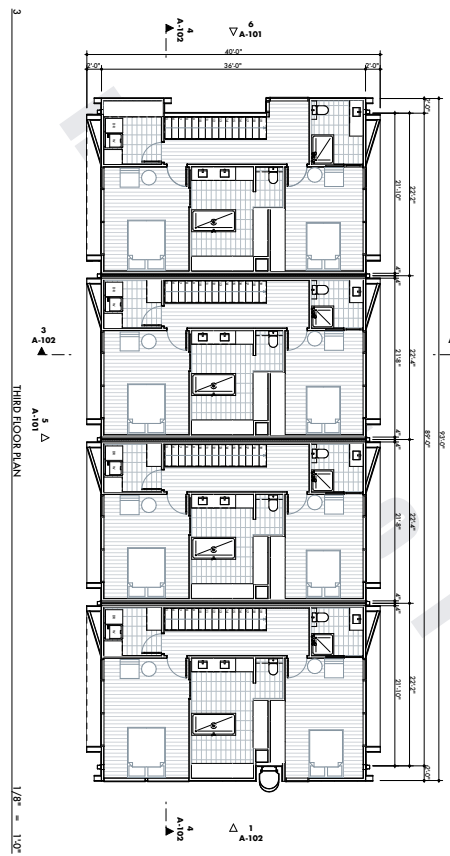
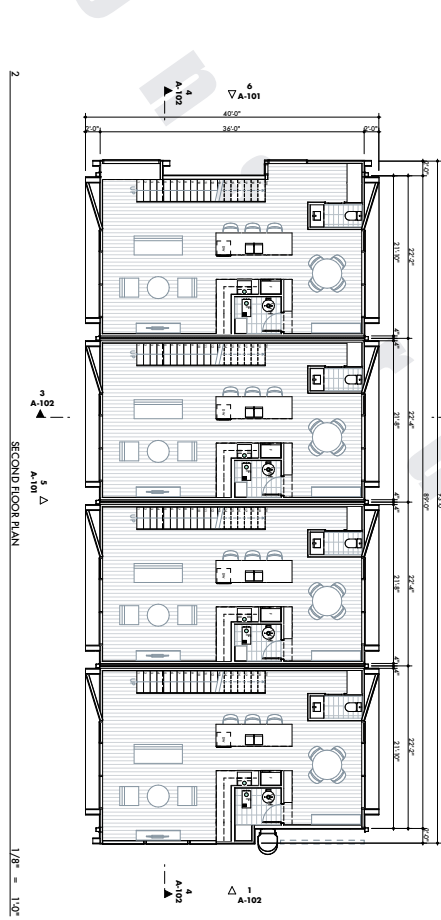
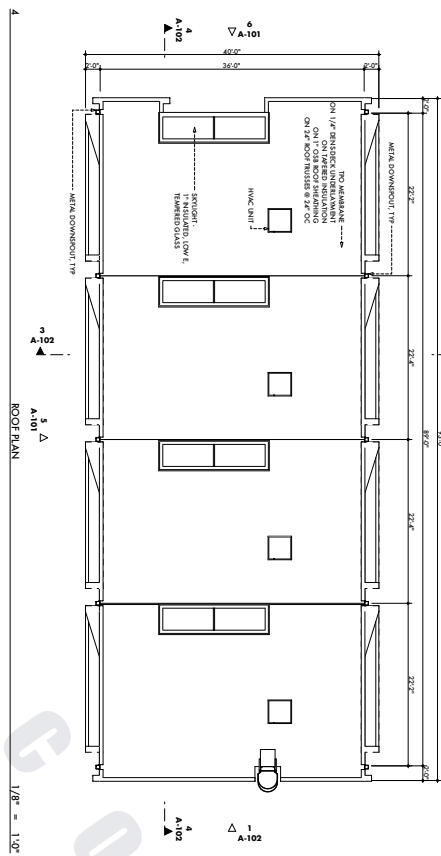
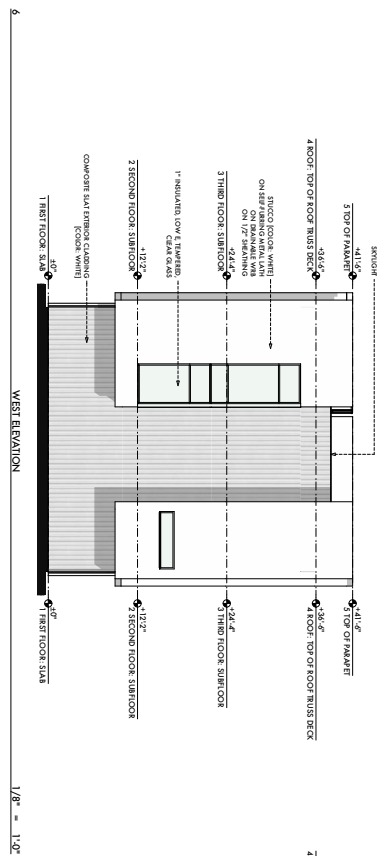
A handwritten signature in black ink that reads "Addie Manzi".

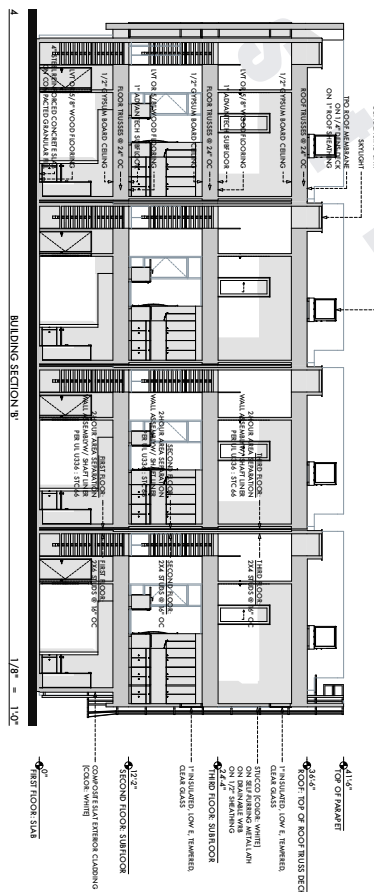
Addie Manzi, E.I.  
Project Engineer  
**Bates & Associates, Inc**

[illegible][illegible]

ENCLAVE  
SMALL SITE IMPROVMENT PLAN  
SITE PLAN  
FAYETTEVILLE, ARKANSAS









**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Wesley Frank, Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **RZN-2025-0031: Rezoning (3900 W. DINSMORE TRL/ TEAGUE, 517):**  
Submitted by JORGENSEN & ASSOCIATES for property located at 3900 W. DINSMORE TRL. The property is zoned CS, COMMUNITY SERVICES and NC, NEIGHBORHOOD CONSERVATION and contains approximately 60.00 acres. The request is to rezone 9.9 acres from NC, NEIGHBORHOOD CONSERVATION to CS, COMMUNITY SERVICES.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN-2025-0031** to City Council with the recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **RZN-2025-0031** to City Council with a recommendation of approval."*

**BACKGROUND:**

The subject area is in west Fayetteville just east of the corner of the roundabout intersection between Ruppel Road and W. Tofino Drive. The parcel (765-22366-800) was part of the 2015 rezoning to support the development of Ruppel Road, which was intended to serve as a mixed-use corridor. As a result of this rezoning, the property was split-zoned between CS, Community Services, and NC, Neighborhood Conservation. The property is developed with a single-family home that was built in 1895, according to Washington County records. The property does not fall within any overlay districts or Master Plan areas. Surrounding land uses and zoning is depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>                             | <b>Zoning</b>                                                                                            |
|------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------|
| North            | Undeveloped, Residential Single-Family      | CS, Community Services, NC, Neighborhood Conservation                                                    |
| South            | Undeveloped, Residential Single-Family      | CS, Community Services, NC, Neighborhood Conservation, RSF-1, Residential Single-Family, 1 Unit per Acre |
| East             | Residential Single-Family                   | R-A, Residential-Agricultural/ RSF-8, Residential Single-Family, 8 Unites per Acre                       |
| West             | Single-family subdivision under development | CS, Community Services                                                                                   |

**Request:** The applicant proposed to shift the existing split-zoning boundaries at parcel (765-22366-800), resulting in 9.9 acres of NC, Neighborhood Conservation shifting to CS, Community Services. No specific development plans have been submitted to City Staff.

*Public Comment:* Staff has not received any at this time.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

- Streets:** The property's frontage along S. Ruppel Road, a regional link, is completely improved. In addition, the property has frontage along W. Dinsmore Trail, a residential link, which is partially improved with asphalt paving. In the northeast corner of the property there are two streets which dead end at this property. The first, N. Chicago Way, is an improved residential link which is partially improved with asphalt paving, curb and gutter, and a sidewalk on one side. The other, N. Solitude Bend, is an improved residential link which is improved with asphalt paving, curb and gutter, and sidewalks on both sides. 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. There is an existing 8-inch water main along the north side of W. Dinsmore Trail. In addition, there is an 8-inch water main connection on the north side of the subject property along N. Chicago Way.
- Sewer:** Sanitary sewer is available to the subject area. There is an 8-inch sewer main connection on the north side of the subject property along N. Chicago Way.
- 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 2.3 miles from the fire station with an anticipated drive time of approximately 7 minutes using existing streets. The anticipated response time would be approximately 9.2 minutes. The 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 expressed no concerns with this request.
- Drainage:** No portion of the property is within a FEMA floodplain, the Hillside-Hilltop Overlay District or includes a protected stream. Hydric soils are present and 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.



### **Tree Preservation:**

Both zoning districts of CS, Community Services, and NC, Neighborhood Conservation require **20% minimum canopy preservation** respectively. The change in zoning district boundaries would not affect tree preservation calculations as both districts have the same requirement.

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

**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.

**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 **3** for this site, with a weighted score of **3.5**. The following elements of the matrix contribute to the score:

- Near Public School (John L. Colbert Middle School)
- Near City Park (Centennial Park)
- Near Paved Trail (Side-Path 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 request to be not fully compatible with the surrounding land uses and the intention of the original rezoning. The property received this zoning district (Ord. 5775) in 2015 during Ruppel Road's development. The intent for the 642 acres along Ruppel Road was to establish a mixed-use corridor, with CS to allow for mixed uses along the corridor and NC, a single-family zoning district, in the peripheral areas to allow for "adequate transition and compatibility amongst existing uses." Rezoning to CS would allow for further support to Ruppel Road as it permits for more mixed-use opportunities. A Master Street Plan anticipated connection dissects through the property as it connects to W. Dinsmore Trail to the east. This connection indicates that growth is anticipated at this location, which would be supported by additional CS zoning. As result of the original rezoning, a unique flag of CS enters into the

NC zoning. This may create an issue for future development as this non-uniformity creates non-cohesive borderlines. The proposed rezoning would resolve this issue by creating uniformity here. Additionally, the adjacent properties and infrastructure to the east along Dinsmore Trail are underdeveloped, which may not be able to manage the growth. But where the CS zoning is being proposed would still primarily support Rupple Road as this is where it will continue to front.

However, the intention of the rezoning in 2015 was for CS to provide mixed use opportunities along the Rupple Corridor, which has not yet happened. Since that time, development in the CS districts along Rupple Road have been primarily single-family detached homes, which was not the intent. Staff is concerned that additional CS would allow for further development of single-family developments given the established precedent. The NC zoning acts as a buffer transition in the area as the property moves east towards Dinsmore Trail. NC has a density maximum of 10 units per acre and has larger lot width minimums at 50 feet. The use schedule allowances for NC are only single-family. CS allows single-family homes by right with no density maximums and on lots as narrow as 18 feet, which could lead to the proliferation of strictly single-family subdivisions in an area originally intended as a mixed-use corridor. With both CS and NC districts in the area only being developed with single-family, it highlights the unanticipated homogeneity of an intended mixed-use corridor. In CS, the use schedule allows for multi-family residential by-right and for non-residential uses ranging from institutional uses to commercial uses such as restaurants, offices, and small-scale production. Staff asserts that these uses make sense and are compatible with the property's frontage along Rupple Road, but this has not happened in other developed areas. One issue that arose during the CS single-family development to the south was a significant number of these homes were developed with their facades facing away from Rupple, impacting the pedestrian interaction here. This resulted in a non-uniform look to much of the CS zoning district's development as some homes' principle façade face Rupple Road and others do not. Though UDC § 164.06(C) was approved to prevent a property from fronting two streets, the concern still remains of additional housing in this zoning district. As mentioned, a future Master Street Plan connection is proposed here to connect S. Rupple to Dinsmore Trail to the east, which can introduce substantial intense development to this area. The property does have a low infill score of 3 as this area has higher-intensity zoning entitlements but has not yet been developed with the necessary infrastructure that could support higher intensity development. Staff supports a CS rezoning as it would allow for additional benefits that are missing in the area, but the area's model and intention are counter to this proposal and so by allowing additional CS may compound this issue.

The existing building located on the subject property is considered a historical building as it was developed in 1895. Long-Range Planning has been awarded a grant from the Arkansas Historic Preservation Program to support a survey of historic structures within the Fayetteville city limits and recommends that property owners should consult with Long Range &

Preservation Planner prior to demolition or alteration of historic structures so that staff can capture photo documentation of the existing structures.

**Land Use Plan Analysis:** Staff finds the applicant's request to be consistent with the City's Goals regarding the future land use. City Plan 2040's Future Land Use Map designates this area as Residential Neighborhood and City Neighborhood. Residential Neighborhood supports the development of residential units, which can be supported by both CS and NC with their residential uses. City Neighborhood supports the development of mixed-use units, which can only be CS in this location. The CS use schedule offers a wide range of mixed use which is consistent with the City's Goals and original zoning ordinance. The growth of CS with its by-right allowances may offer more support to Ruppel Road and the surrounding 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 to rezone this section of the subject property from NC to CS as CS zoning allows for more mixed-use which would adhere to the original intent of Ord. 5775 and land use designations.

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

**Finding:** A rezoning from NC to CS has the potential to increase traffic at this location when considering that CS would allow for more dense development than the existing zoning which has a density maximum. The subject property fronts onto a major public thoroughfare on S. Ruppel Road as well as future Master Street Plan connection. The property also fronts onto Dinsmore Trail, which may not be able to sufficiently handle an increase in traffic. Any necessary street improvements and potential traffic impacts would be determined 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 alter the population density since CS has smaller lot sizes and no density maximums, potentially increasing population density at a considerable rate. However, the property is near several high-intensity residential development in the area, which are supported by existing public infrastructure with no known capacity issues. 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:** Staff recommends forwarding RZN-2025-0031 to City Council with a recommendation of approval.

|                                                        |                                 |                                    |                                 |
|--------------------------------------------------------|---------------------------------|------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |                                 |                                    |                                 |
| Date: <u>August 25, 2025</u>                           | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion:                                                |                                 |                                    |                                 |
| Second:                                                |                                 |                                    |                                 |
| Vote:                                                  |                                 |                                    |                                 |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.29 Neighborhood Conservation
  - §161.22 Community Services
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map
- Long Range Planning Memo
- Applicant Request Letter



## 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 |
|--------------------|---------|

(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 |
|-------------------------|-----------|

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

## 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 |
|-------------------------|-----------|

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21)

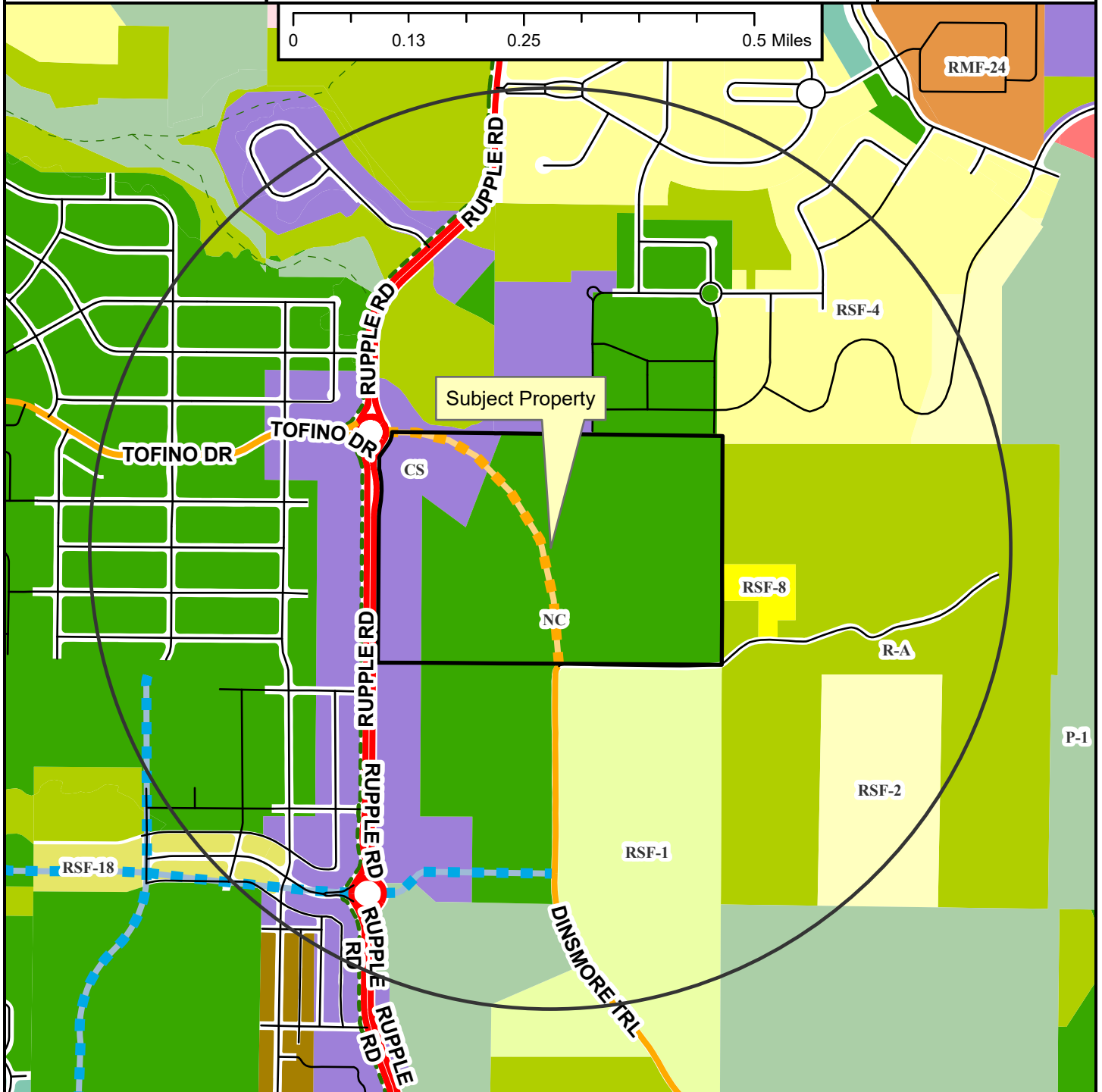
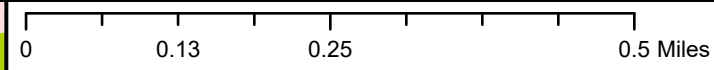
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.



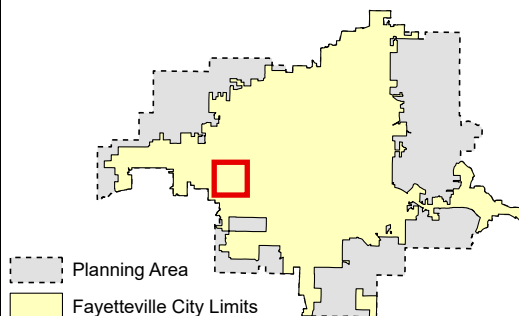
RZN-2025-0031

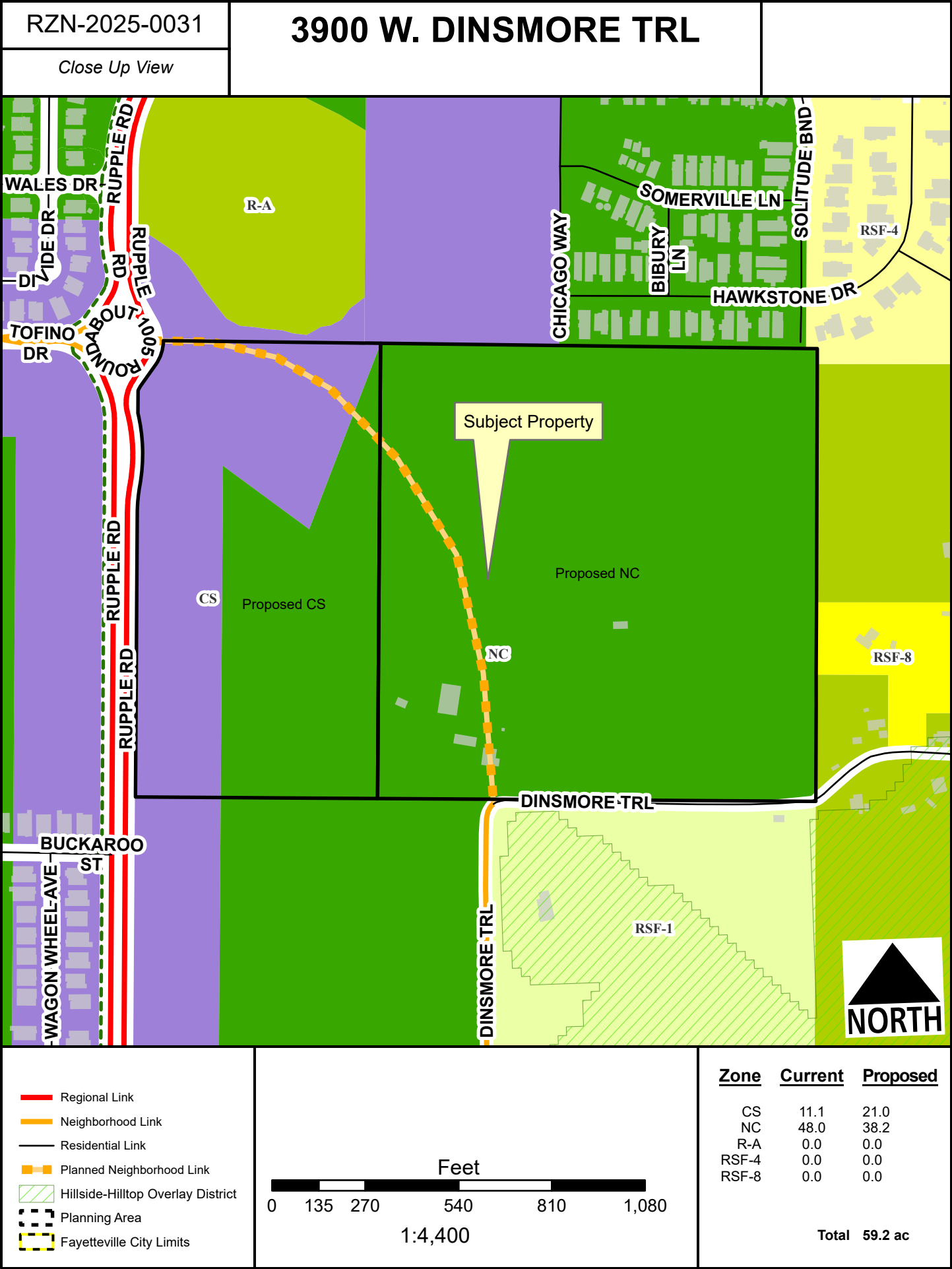
# 3900 W. DINSMORE TRL

One Mile View



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







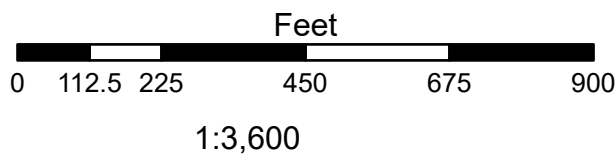
RZN-2025-0031

# 3900 W. DINSMORE TRL

Current Land Use



- Regional Link
- Neighborhood Link
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits



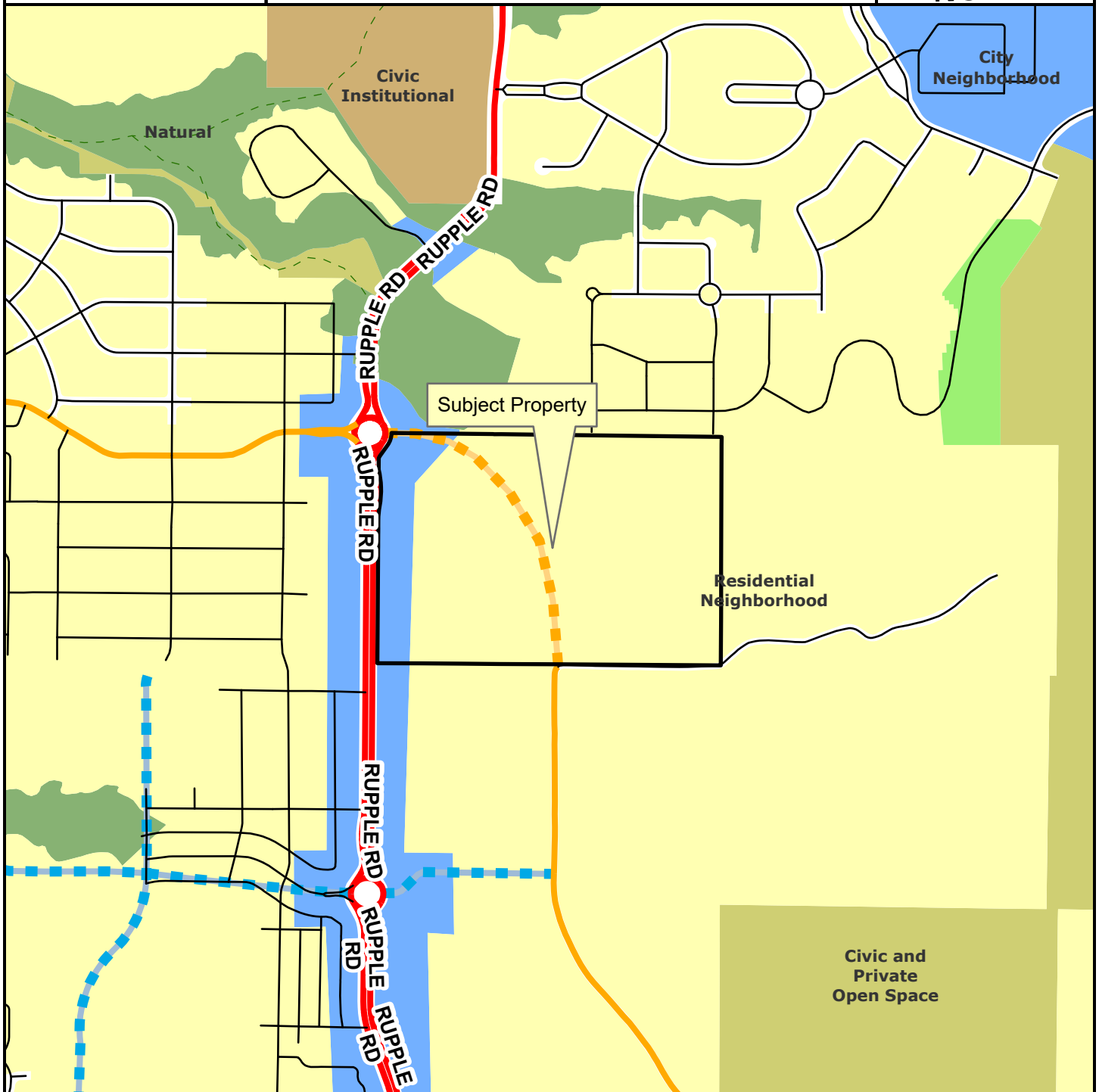
## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

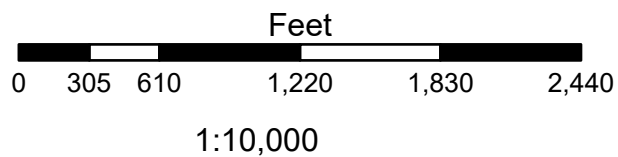
RZN-2025-0031

# 3900 W. DINSMORE TRL

Future Land Use



- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood 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:** Wes Frank, Planner

**FROM:** Kylee Cole, Long Range & Preservation Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** Long Range Planning Comments Regarding RZN-2025-0031

**RECOMMENDATION:**

**Advisory Only:** Property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

**BACKGROUND:**

The applicant requests to rezone approximately 8.52 acres, by increasing the amount of property currently zoned CS, Community Services and reducing the portion of the property zoned NC, Neighborhood Conservation. Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Heritage & Historic Preservation Plan*.

*City Plan 2040 (2020):*

- 3.1.6 – Encourage historic preservation and adaptive reuse of buildings (p.24)
- 3.1.7 – Encourage protection of community character in established neighborhoods (p.25)
- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)

*Heritage & Historic Preservation Plan (2023):*

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.

*Heritage and Historic Preservation Master Plan Relevant Goals and Action Items*

|      |                                    |                                                                                                                                                                                                                                                              |
|------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.9  | Plan Review                        | Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.                                                                                                                      |
| 1.10 | Demolition Ordinance               | Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed. |
| 4.9  | Community Engagement: Transparency | Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.                                                                                                                                     |

**DISCUSSION:**

The house is already within the portion of the property zoned NC, which has a front build-to zone of 0'-25', and while the existing front setback will not change under the current request, it is of note that this does not align the existing rural historic-age residence, which is set farther back from the road (approximately 88' from the public right-of-way).

***Property History:***

The property contains a single-family dwelling constructed ca. 1895, according to the County Assessors Records. This represents a very early residential dwelling that is becoming increasingly rare in Fayetteville. The house is a simple, side-gabled hall and parlor form with what appears to be one or two rear additions, and a side carport addition.



**ATTACHMENTS:**  
1965 Aerial Imagery



Aerial imagery prior to 1965 does not include the subject area.

City of Fayetteville Parks Department  
1445 South Happy Hollow Rd.  
Fayetteville, AR. 72703

Re: Teague Rezoning

Dear Parks Department,

Please accept this request for a rezoning of property located at 3900 W Dinsmore Trail (Parcels 765-22366-901 & 76522366-800). The current zoning has a total of ~ 11 acres of CS and ~49 of NC. We are proposing to align the CS zoning to be 550' east of Ruppel Road and run more or less parallel to Ruppel. We understand that the original zoning lines reflect the Master Street Plan, but we feel that this new alignment will allow for a more cohesive development pattern as the development goes from CS to NC. Since this isn't introducing any new zoning, compatibility with surrounding uses will remain the same.

The Developer of this property is as follows:

TABA20, LLC  
5519 Hackett Road, Suite 300  
Springdale, AR 72762  
Mark Marquess  
[markm@riverwoodhomesnwa.com](mailto:markm@riverwoodhomesnwa.com)

Thanks, and we appreciate your consideration.



\_\_\_\_\_  
Blake Jorgensen, PE





**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Donna Wonsower, Senior Planner

**MEETING DATE:** August 25, 2025

**SUBJECT:** **ANX-2025-0001: Annexation (W. LIERLY LN/MOORE, 244 & 283):**  
Submitted by RMP LLP for property located on W. LIERLY LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 19.92 acres. The request is to annex the property into the city limits of Fayetteville.

---

**RECOMMENDATION:**

Staff recommends forwarding **ANX-2025-0001** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **ANX-2025-0001** to City Council with a recommendation of approval."*

**BACKGROUND:**

The subject property is located in far west Fayetteville on the south side of W. Lierly Ln. and abutting W. Violet St., W. Grouse Rd. and W. Berseis Dr. The property contains two undeveloped parcels totaling 19.92 acres. A request to rezone the subject property to NC, Neighborhood Conservation (RZN-2025-0032) has been submitted concurrently with this application, as all parcels are annexed into the city limits as R-A, Residential Agricultural. The property is partially encumbered by hydric soils. 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                                  |
| South     | Single-Family Residential | RSF-4, Residential Single-Family, 4 Units Per Acre |
| East      | Single-Family Residential | RSF-4, Residential Single-Family, 4 Units Per Acre |
| West      | Single-Family Residential | 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 NC, Neighborhood Conservation has been submitted concurrently with this request (RZN-2025-0032).

*Public Comment:* To date, staff has received one comment in opposition to the request, citing potential impact to existing views and a desire for the property to remain undeveloped.

## **INFRASTRUCTURE:**

- Streets:** This property has frontage along West Lierly Lane, an unclassified county road, which is unimproved with gravel paving. In addition, there are three roads that dead end at the property boundaries (West Berseis Drive, West Violet Street and West Grouse Road). All three of these are improved residential links with asphalt paving, curb and gutter, and sidewalk. Any street or drainage improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject area. There is an existing 8-inch water main on the west side of the subject property along West Berseis Drive. In addition, there are two existing 8-inch water main connections on the east side of the subject property along West Grouse Street and West Violet Street. There are no known water capacity issues that would impact this development.
- Sewer:** The property must be annexed to provide access to City sewer. There are two existing 8-inch connections on the east side of the property along both West Grouse Road and West Violet Street. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 3000 linear feet downstream of this property.
- Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District. No protected streams or FEMA Floodplain are identified on the subject property. A portion of the property is encumbered by hydric soils, 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 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 3 miles from the fire station with an anticipated drive time of approximately 8 minutes using existing streets. The anticipated response time would be approximately 10.2 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 provided comment, but noted no apparent issues with 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 of **2-4** for this site with a weighted score of **4** at the highest level. The following elements of the matrix contribute to the score:

- Near Sewer Main (8-inch main; W. Grouse Rd. and W. Violet St.)
- Near Water Main (8-inch main; W. Grouse Rd., W. Violet St., W. Berseis Dr.)
- Near City Park (Lierly Lane Park)
- Near Paved Trail (Rupple Rd. Side Path)

## 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 within an existing peninsula in the City's boundary and would not create a new island or peninsula. The areas to the south were annexed in 1998. The areas to the west were annexed in 2006. The areas to the east were annexed in 2018, which created a peninsula. The proposed annexation would extend city limits north to Lierly Ln. and will narrow the peninsula from approximately 650 feet wide and 1,500 feet deep (~22.3 acres) to approximately 370 feet wide and deep (~2.3 acres).**

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 an area containing no subdivisions. The parcels proposed to be annexed are 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. The property is bordered to the south, east and west by relatively low-density residential subdivisions within Fayetteville city limits. City limits generally end on the south side of N. Hughmount Rd. / W. Lierly Ln. with multiple peninsulas in the adjacent area. Annexing this parcel into the city would substantially close one such peninsula and follow Lierly Ln. as a logical boundary.

12.3.5.e The provision of services should be concurrent with development.

**Finding:** The subject property is adjacent to city water and sewer and would have access to sewer should it be annexed. Connection to water and sewer service would be the responsibility of the property owner.

#### 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:** Hydric soils, a known indicator of wetlands, are present on site. If the property were to be annexed, it would be subject to the City's stormwater ordinances and other applicable standards.

#### 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 10.2 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 indicated no issues with the request.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

**Finding:** Should it be annexed, 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. On August 5, 2025, Act 314 repealed city zoning and code enforcement authority outside of city limits. As such, subdivision regulations and other development standards no longer apply to properties even directly outside of city limits. Annexing the subject area into the city would therefore extend those development regulations into property that



**was previously subject to limitations but which was recently removed from the city's regulatory authority boundary.**

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 multiple public streets, city water, and city sewer from adjacent subdivisions to the north, east and west.**

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: The property is directly adjacent to city water and sewer.**

**Planning: The property is surrounded by existing subdivisions to the east, west and south and annexation would allow the city to apply development and other standards. A concurrent rezoning request to NC, Neighborhood Conservation has been submitted which could lead to increased density on the subject property.**

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: Due to recent changes at the state level, cities no longer have jurisdictional authority outside of their city limits, and annexation into city limits will likely clarify jurisdiction of the subject area. While there is county right-of-way to the north that could be utilized to access this property, all right-of-way adjacent to the subject property to the east and west is owned by the City of Fayetteville. Staff does not anticipate any change to the existing right-of-way conditions associated with this annexation request.**

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 NC, Neighborhood Conservation.

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. Staff notes that due to recent changes at the state level, the subdivision of land outside of city limits is no longer subject to city review; therefore, the annexation of land within city limits will permit the review for development standards where it is no longer permitted if the property were to remain outside city jurisdiction.

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 the existing peninsula of unincorporated area and could serve to further establish W. Lierly Lane 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. 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; however, staff does not anticipate that this will be an issue for this property given existing residential developments directly adjacent to the property to the east, west, and south.

**RECOMMENDATION:** Planning staff recommends forwarding of ANX-2025-0001 to the City Council with a recommendation of approval.

|                                                        |                                 |                                    |                                 |
|--------------------------------------------------------|---------------------------------|------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |                                 |                                    |                                 |
| Date: <u>August 25, 2025</u>                           | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion:                                                |                                 |                                    |                                 |
| Second:                                                |                                 |                                    |                                 |
| Vote:                                                  |                                 |                                    |                                 |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- City Plan 2040, Section 12.3: Annexation
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Request Letter
- Order of Annexation



Figure 3.4 - Rural



Figure 3.5 - Suburban Sprawl



Figure 3.6 - Traditional Development

## 3.2 Goal 2 - We will discourage suburban sprawl

As Fayetteville's population continues to grow at a fast rate, the City must work with the community and enact regulations that discourage suburban sprawl on a local and regional scale. Until very recently, zoning practices have supported a separation of land uses. This can lead to development that spreads across the landscape in a single-use, low-density and low-intensity land use pattern which promotes auto-dependent transportation modes. The impacts of sprawl are widely acknowledged; high numbers of single occupancy vehicle trips, increased traffic congestion, disconnected street networks, inadequate or non-existent pedestrian and bicycle infrastructure, and negative health outcomes for residents. Over the last five years the City has repeatedly discouraged annexation and single-use residential zoning on the periphery of Fayetteville to further this goal. However, unless regional smart growth efforts are taken, market forces will shift periphery growth to other communities, which has occurred. For employees that work in Fayetteville, this results in longer commute times from outlying communities.

There has been criticism that this goal needs clarity to help determine whether development in a specific geographic location will contribute to sprawl. To aid in this effort, staff created a Development Matrix and Map as described in Section 2: Planning Process. This new tool applies a score across all parcels in the city, awarding points for projects in high growth areas on the Future Land Use Map and in proximity to infrastructure and amenities, and removing points in areas targeted for preservation of natural resources or rural character. This matrix reflects multiple land use policies and goals that lead to prioritizing geographical locations for development. The matrix discourages development resulting in the negative impacts of suburban sprawl. The basis of this goal is to build complete, compact and connected places.

*"I support infill development because it prevents sprawl and the over extension of utilities and the over use of a car and traffic in general. If you live closer to things you do, you drive less, bike and walk more." - Survey Respondent*





## Goal 2 Objectives

| 3.2.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Develop alternative development patterns that encourage efficient use of land at the edge of the city, or in newly annexed areas. | 3.2.2 | Direct capital improvements into infrastructure that encourages and supports infill and revitalization. | 3.2.3 | Maximize City influence over development and preservation in outlying unincorporated areas. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------------|
| <p>Development techniques such as conservation subdivisions allow the same number of homes as a conventional subdivision, often with reduced infrastructure costs, while also preserving open space, valuable farm land, and natural resources. Additionally, the City should evaluate the low-density and agricultural zoning districts in the existing zoning code and propose new ones if necessary.</p> <p>Many communities have adopted low-density residential agriculture zoning districts that set housing density at one dwelling unit per 10 or 20 acres. This type of zoning on the urban fringe allows the community to plan for, and anticipate, the incremental expansion and development of the city outward as the population increases.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                   |       |                                                                                                         |       |                                                                                             |
| <p>Replacing and upgrading aged infrastructure in the core of the city provides improved service and fire protection for residents and businesses. These improvements can provide a financial incentive for revitalization projects instead of extending new services into greenfield areas. In recent years the City has completed numerous important capital improvement projects in the core of the City such as the reconstruction of College Avenue from downtown to North Street, the on-going trails network build-out, Garland Avenue, and many linear feet of new or reconstructed sidewalk.</p> <p>The City's Planning area is primarily under the jurisdiction of Washington County, and as such development here is generally allowed at a density of one unit per acre depending on septic system compatibility. The City should develop an annexation policy that quantifies the benefit and costs of annexing lands adjacent to the City limits to prioritize appropriate future growth needs and discourage leapfrog development. Annexation of adjacent lands could be at the owners request or through a public referendum. If large areas of Fayetteville's periphery are ultimately annexed for future growth, zoning tools should be in place to ensure that growth happens adjacent to existing development and leap frog subdivision patterns are discouraged.</p> |                                                                                                                                   |       |                                                                                                         |       |                                                                                             |





Figure 3.7 - Fayetteville Historic Growth and Future Development Scenarios

12.3 Annexation

Annexation is the inclusion of previously unincorporated lands within the City limits. Annexation has benefits to the residents of the annexed area as well as to the City. The residents gain access to urban services, such as enhanced police and fire protection and have a voice in city government. The City gains the ability to control development and extend boundaries in a logical manner.

The purpose of this planning element is to take a more active approach toward annexations by identifying potential annexation areas and establishing annexation policies. The annexation policies will guide evaluation of future annexation proposals. The policies are designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth. The potential annexation areas may become part of the City when these annexation policies are met.

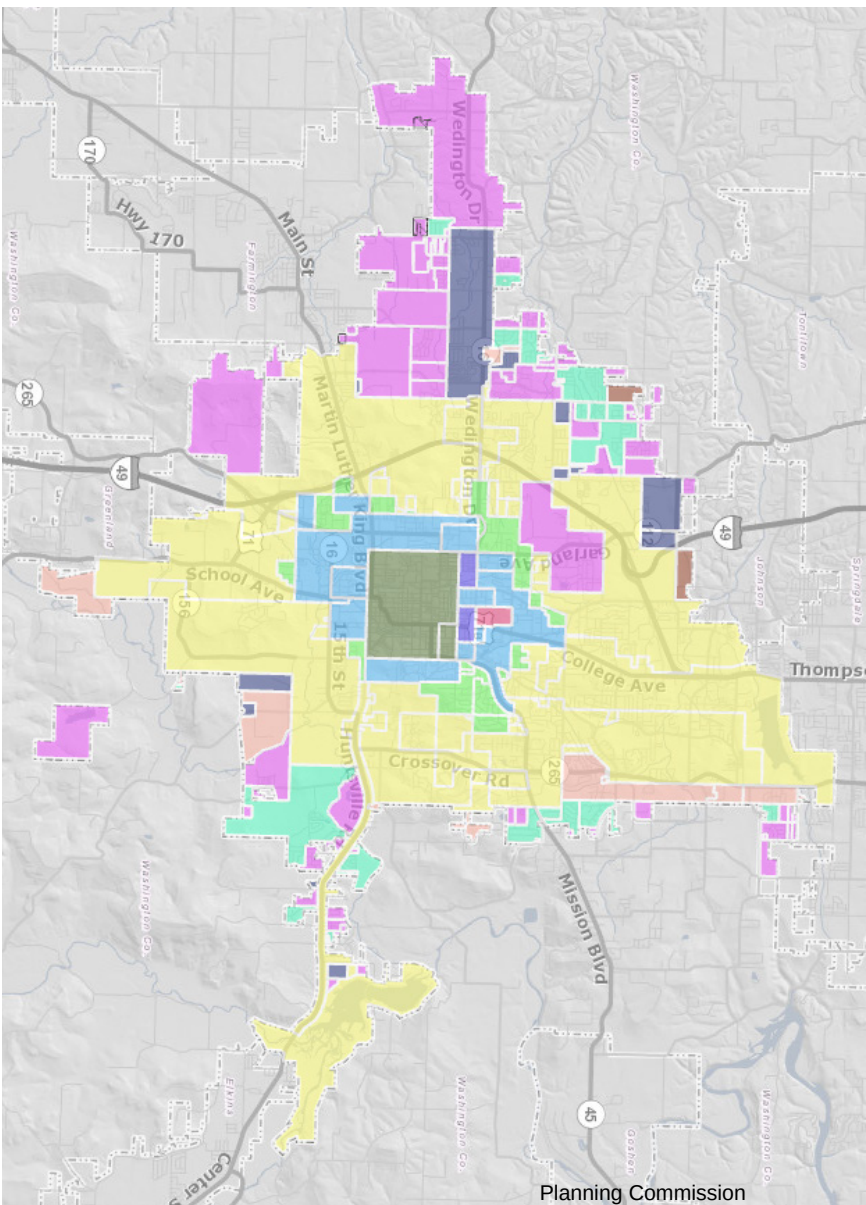


Figure 12.15 - Fayetteville Annexation Map





## Annexation History and Trends

The original town was incorporated in 1870 with approximately 1,100 acres. Since incorporation, the City has made almost 200 annexations, totaling over 34,000 acres. Annexation activity was relatively slow until the 1940's, when over 2,500 acres were annexed within 19 annexations. During the 1950's, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940's. By the 1960's, annexation activity increased dramatically, with 42 annexations bringing over 18,000 acres into the city limits. Annexation numbers dropped in 1970 and stayed steady until the 1990's, when the number of annexations tripled from the 1980's. By 2000, the City contained 45 square miles and by 2018 the City contained approximately 55 square miles.

One indicator of the amount of developable land within the City is the number of people per acre. Prior to 1940 there were approximately 5.6 persons per acre. This era represents the time when Fayetteville was still relatively small and consisted primarily of what we would now consider the downtown and surrounding neighborhoods. By 1970, after numerous large annexations in the 1960's, the persons per acre had been reduced to 1.3. The City's population continued to increase dramatically through the 2000's when we maintained just over 2 people per acre from 2000-2010. An annexation referendum in October of 2006 for a large area along Wedington Drive on the west side of town brought in an additional 1,400 acres of low density land for eventual development.

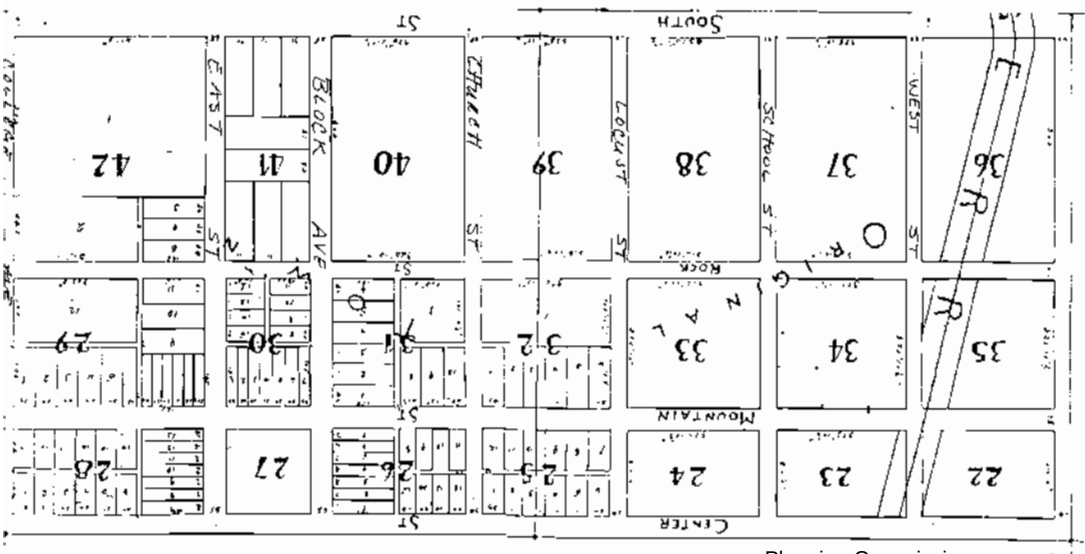


Figure 12.16 - Fayetteville Town Plat





## State Statutes on Annexation

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities. If the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties to annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or horticultural purposes and the highest and best use of the land is for agricultural or horticultural purposes; or
- Are lands upon which a new community is to be constructed with funds guaranteed in whole or in part by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

To annex land surrounded by a municipality, the governing body can propose an ordinance to annex the property. Again, the lands must meet the criteria listed above. A public hearing must be held within 60 days of the proposed ordinance, A majority of the governing body must approve the annexation for it to become effective.



Figure 12.17 - Great Seal of the State of Arkansas



Property owners in areas contiguous and adjacent to the municipality may request annexation. They can apply with a petition of the majority of land owners in the area, if the majority of the total number of owners own more than one-half of the acreage affected.

## *Potential Annexation Areas*

The potential annexation areas should be identified by the City using the following criteria:

- Areas that are already urban in character.
- Areas that can be developed at urban densities.
- Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.
- Vacant lands that are subject to development pressure.
- Areas where urban services are already provided.
- Areas where urban services are needed.

## *Annexation Guiding Policies*

### Boundaries

- Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- Proposed annexation area must be adjacent, or contiguous, to city limits.
- Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- Boundaries for annexed areas should follow natural corridors.
- The provision of services should be concurrent with development.

### Environmentally Sensitive Areas

- Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

### Emergency and Public Services

- Public services must be able to be provided efficiently in newly annexed areas.
- Annexed areas should receive the same level of service of areas already in the city limits.
- The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.



## **Infrastructure and Utilities**

- Areas currently served by utilities and other public services should be annexed.
- Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- Phased annexation should be initiated by the City within the active annexation areas based on planned service extensions or availability of services.

## **Intergovernmental Relations**

- Promote long-range planning with adjacent jurisdictions.
- Establish agreements to address regional concerns, such as water, stormwater and sewer.

## **Administration of Annexations**

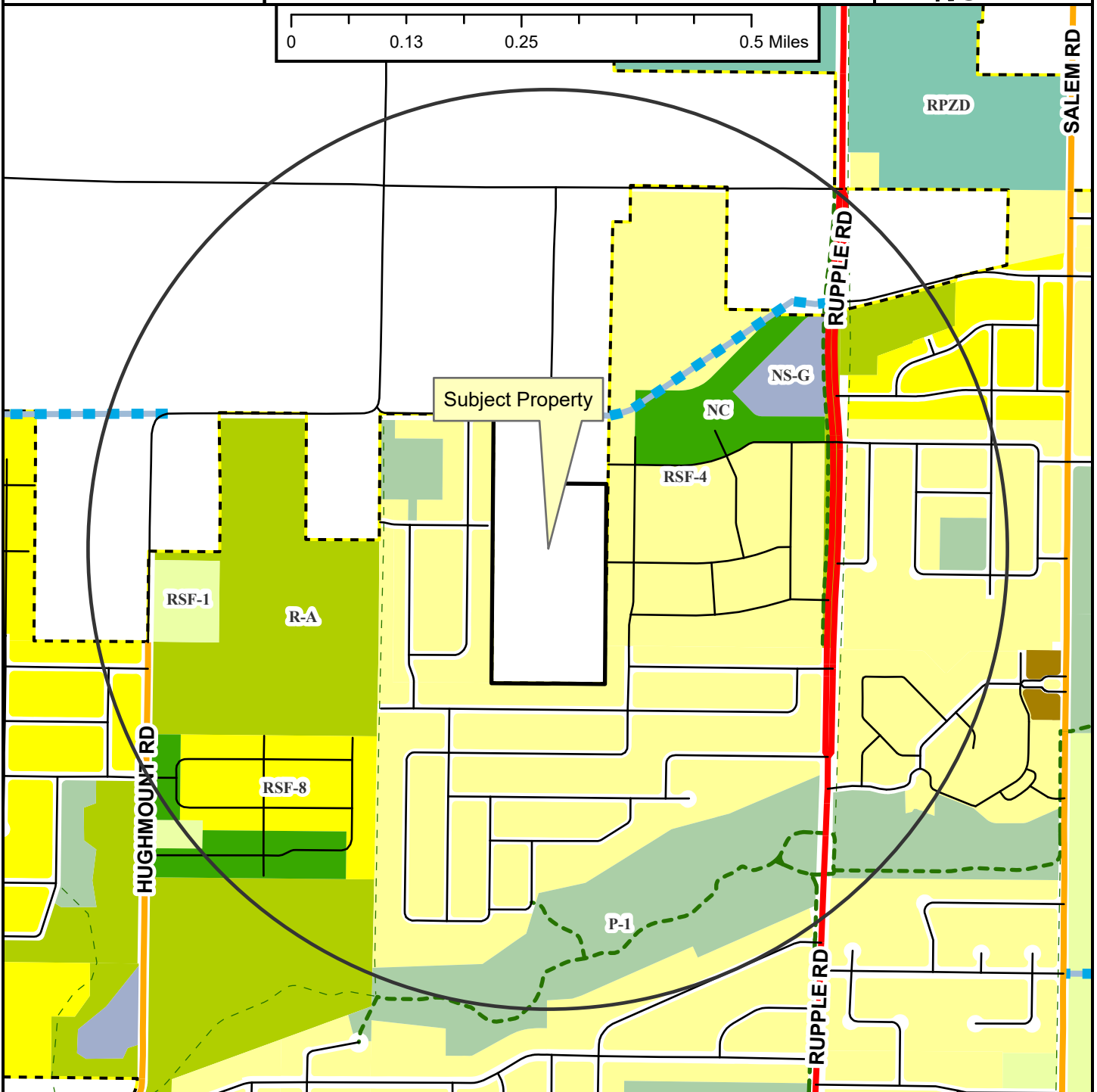
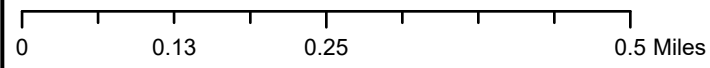
- Develop a land use plan for annexation initiated by the City.
- Designate zoning districts for property during the annexation process.
- An annexation study should be completed on all annexation proposals.
- Development proposals require a separate review from the annexation proposals.
- Residents should be fully informed of annexation activities.
- Encourage larger annexations to create acceptable boundaries.
- Conduct a fiscal impact assessment on large annexations.



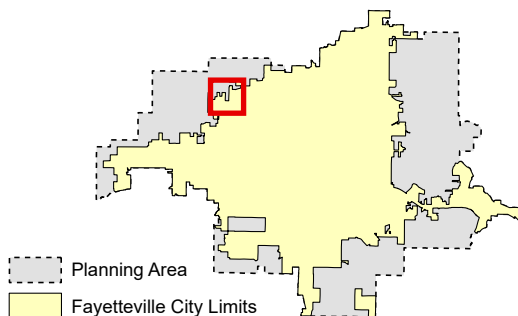
ANX-2025-0001

One Mile View

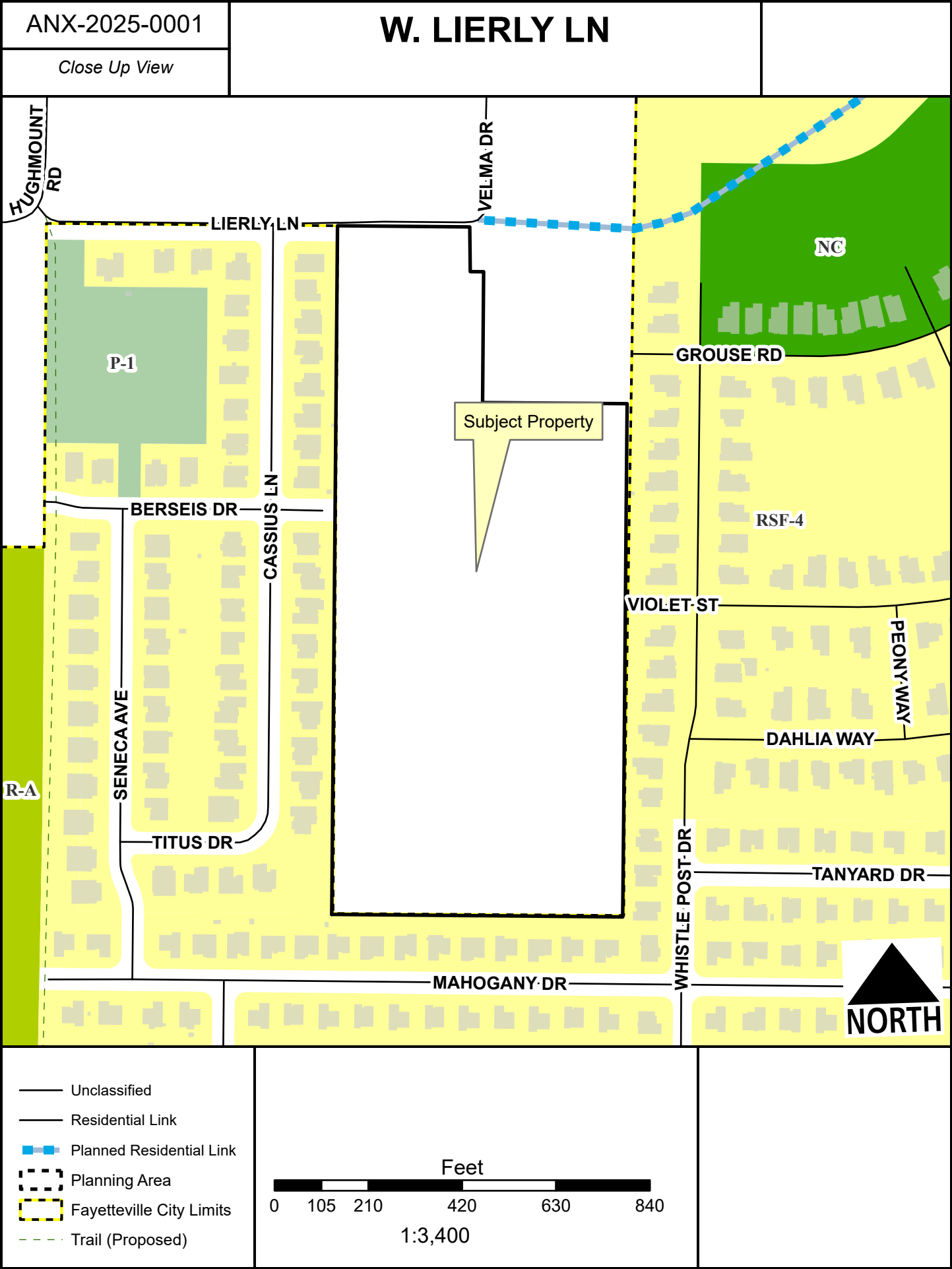
# W. LIERLY LN



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









|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 2px; background-color: black; margin-right: 5px;"></span> Unclassified</li> <li><span style="display: inline-block; width: 20px; height: 2px; background-color: black; margin-right: 5px;"></span> Residential Link</li> <li><span style="display: inline-block; width: 20px; height: 2px; background-color: blue; border: 1px dashed blue; margin-right: 5px;"></span> Planned Residential Link</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed green; margin-right: 5px;"></span> Trail (Proposed)</li> <li><span style="display: inline-block; width: 20px; border: 2px dashed black; margin-right: 5px;"></span> Planning Area</li> <li><span style="display: inline-block; width: 20px; border: 2px dashed yellow; margin-right: 5px;"></span> Fayetteville City Limits</li> </ul> | <div style="margin-bottom: 10px;"> <b>Feet</b><br/> </div> <div> <b>1:3,600</b> </div> | <b>FEMA Flood Hazard Data</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: blue; border: 1px solid blue; margin-right: 5px;"></span> 100-Year Floodplain</li> <li><span style="display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); border: 1px solid red; margin-right: 5px;"></span> Floodway</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





LARRY McCREDY | Attorney  
lmccredy@rmp.law

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5519 Hackett St. Suite 300 | Springdale AR 72762  
T 479 443 2705 | F 479 443 2718

July 10, 2025

City of Fayetteville  
113 West Mountain Street  
Fayetteville, AR 72701

Re: Annexation and Rezone of Parcel Number 001-16788-000 & 001-16811-001

To Whom It May Concern:

I represent the owner of parcel numbers 001-16788-000 and 001-16811-001. The owner is currently seeking to annex the properties into the City of Fayetteville.

The owner is aware that standard protocol states that newly annexed property is zoned as R-A, Residential Agricultural. However, the owner is also requesting that the properties be zoned (rezoned) as NC, Neighborhood Conservation, upon annexation. We are submitting a separate rezoning application as part of this process.

Thank you for your assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*/s/ Larry McCredy*

Larry McCredy

LMC/eil

## Annexation Analysis

Pursuant to the City's Annexation Checklist, please see that attached statement addressing the consistency of the proposed annexation with the City's Annexation Guiding Policies:

- a. Annex existing islands/peninsulas and do not annex areas that would create islands/peninsulas – This is one of the guiding principles when considering potential annexations. It is reflected in the state statute dealing with annexation. *See* A.C.A. § 14-40-609(b)(2)(e). The area for which annexation is sought is currently surrounded on three sides by property that is located within Fayetteville city limits. Annexation would eliminate this current peninsula of property that is not within the City limits. It would not have the effect of creating an island or peninsula.
- b. Proposed annexation area must be adjacent, or contiguous, to city limits – As noted above, the property for which annexation is sought is surrounded on three sides by property that is already located within the city limits of Fayetteville.
- c. Area should either include or exclude entire subdivisions or neighborhoods, not divide – The property for which annexation is sought does not divide any subdivision or neighborhood. It consists of two undeveloped tracts, totaling roughly 20 acres.
- d. Boundaries for annexed area should follow natural corridors – The property for which annexation is sought is contiguous with Lierly Lane, an existing public street.
- e. Annex environmentally sensitive areas – The property for which annexation is sought is not an environmentally sensitive area that will be impacted by development.
- f. Public services must be able to be provided efficiently in newly annexed areas – The property for which annexation is sought is surrounded by existing neighborhoods in the City of Fayetteville. Existing public services, including fire and police, are already available to these adjacent areas. The same services can be provided easily and efficiently to the newly annexed areas.
- g. Areas currently served by utilities and other public services should be annexed – The property for which annexation is sought is surrounded by existing neighborhoods in the City of Fayetteville. Existing utilities are already provided to these neighborhoods. These same services (water, sewer, electricity, gas, and trash) will be available to the newly annexed area.
- h. Proposed annexation areas should not require the upgrading of utilities – The property for which annexation is sought should not require any utilities to be upgraded to meet the demands of development. Existing utilities available at the property are sufficient to meet these needs.



IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO  
THE CITY OF FAYETTEVILLE, ARKANSAS  
CERTAIN TERRITORY CONTIGUOUS TO  
SAID CITY OF FAYETTEVILLE, ARKANSAS

CC NO. 2025-0

2025 JUN 26 AM 4:57  
BECKY LEWALLEN  
CLERK  
WASHINGTON CO. AR

FILED

**ORDER CONCERNING ANNEXATION**

On this 26<sup>th</sup> day of June, 2025, 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



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Planning Director

**FROM:** Donna Wonsower, Senior Planner

**MEETING DATE:** August 11, 2025

**SUBJECT:** **RZN-2025-0032: Rezone (W. LIERLY LN/MOORE, 244 & 283):**  
Submitted by RMP LLP for property located on W. LIERLY LN. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 19.92 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN-2025-0032** to the City Council with a recommendation of approval, based on the findings herein.

**RECOMMENDED MOTION:**

*"I move to forward **RZN-2025-0032** to the City Council with a recommendation for approval."*

**BACKGROUND:**

The subject property is located in far west Fayetteville on the south side of W. Lierly Ln. and abutting W. Violet ST., W. Grouse Rd. and W. Berseis Dr. The property contains two undeveloped parcels totaling 19.92 acres. A request to annex the subject property into the City of Fayetteville (ANX-2024-0002) has been submitted concurrently with this application, as all parcels are annexed into the city limits as R-A, Residential Agricultural. Surrounding land uses and zoning are listed in *Table 1*.

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

| Direction | Land Use                  | Zoning                                             |
|-----------|---------------------------|----------------------------------------------------|
| North     | Rural Residential         | Washington County                                  |
| South     | Single-Family Residential | RSF-4, Residential Single-Family, 4 Units Per Acre |
| East      | Single-Family Residential | RSF-4, Residential Single-Family, 4 Units Per Acre |
| West      | Single-Family Residential | RSF-4, Residential Single-Family, 4 Units Per Acre |

**Request:** The request is to rezone the subject property from R-A, Residential Agricultural to NC, Neighborhood Conservation.

**Public Comment:** To date, staff has received one comment in opposition to the request, citing potential impact to existing views and a desire for the property to remain undeveloped.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:**

- Streets:** This property has frontage along West Lierly Lane, an unclassified county road, which is unimproved with gravel paving. In addition, there are three roads that dead end at the property boundaries (West Berseis Drive, West Violet Street and West Grouse Road). All three of these are improved residential links with asphalt paving, curb and gutter, and 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 area. There is an existing 8-inch water main on the west side of the subject property along West Berseis Drive. In addition, there are two existing 8-inch water main connections on the east side of the subject property along West Grouse Street and West Violet Street. There are no known water capacity issues that would impact this development.
- Sewer:** Public sewer is available to the subject area. There are two existing 8-inch connections on the east side of the property along both West Grouse Road and West Violet Street. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 3000 linear feet downstream of this property.
- Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District. No protected streams or FEMA Floodplain are identified on the subject property. A portion of the property is encumbered by hydric soils, 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 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 3 miles from the fire station with an anticipated drive time of approximately 8 minutes using existing streets. The anticipated response time would be approximately 10.2 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 noted no apparent issues with this request.

### **Tree Preservation:**

The proposed zoning district of NC, Neighborhood Conservation, requires **20% minimum canopy preservation**. The current zoning district of RA, Residential Agricultural, 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 a **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 of **2-4** for this site with a weighted score of **4** at the highest level. The following elements of the matrix contribute to the score:

- Near Sewer Main (8-inch main; W. Grouse Rd. and W. Violet St.)
- Near Water Main (8-inch main; W. Grouse Rd., W. Violet St., W. Berseis Dr.)
- Near City Park (Lierly Lane Park)
- Near Paved Trail (Rupple Rd. Side Path)

### **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 zoning of NC, Neighborhood Conservation to be compatible with the surrounding area. While NC would permit narrower and smaller lots than zoning currently allows (40 feet versus 200 feet for single-family dwellings, two-acre lot size minimum versus none), staff finds that adjacent lots have been platted at or near the minimum lot width for the RSF-4 zoning district (70 feet), and houses within the immediate vicinity have generally been constructed within 15'-25' of the street ROW. This distance is consistent with the build-to-zone requirement of the proposed NC zoning; as such, staff finds the addition of a build-to-zone would not result in development patterns which are incompatible with surrounding neighborhoods. Additionally, the proposed zoning district currently exists less than 200 feet to the east of the subject area.

Staff finds that the uses permitted in NC are substantially similar to those within the adjacent RSF-4 district, with identical by-right uses and only two additional conditional uses (Use Unit 25: Offices, studios and related services and Use Unit 36: Center for Collecting Recyclable Materials). Staff finds that, while R-A has a substantially lower density of one residential unit



per two acres, it also permits intense uses such as animal husbandry and agriculture, including rodeo grounds, animal hospitals, livestock services, and other farm uses that may be less compatible than the proposed zoning district given the subject area is surrounded by strictly residential neighborhoods on three sides. Additionally, the property is within half a mile of Holt Middle School, Holcomb Elementary School, Gary Hampton Soccer Complex, trails, and other nonresidential services.

**Land Use Plan Analysis:** The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. The NC zoning district would allow for development between existing subdivisions that would contribute to city goals to create connected development and to grow a livable transportation system. While staff finds that developing on the outskirts of the city has the potential to increase maintenance and other long-term expenses, in this case, staff finds that infrastructure is readily available from adjacent neighborhoods to the east and west and that the subject area is within close proximity to a wide array of city services such as parks, schools, and trails despite its location at the city's edge.

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 from R-A to NC is justified. Rezoning to UN would allow for development that is consistent with the City's planning objectives and policies, including improved connectivity between existing subdivisions.

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

**Finding:** Rezoning the property to NC has the potential to increase traffic along adjacent streets. Staff finds that the property connects to existing streets to the north, east, and west, likely reducing the impact of future development onto a single street and creating the potential for improved connectivity throughout the surrounding. Any street improvements required in these areas would be determined at the time of development proposal.

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 RA to NC has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property has access to existing water and sanitary sewer infrastructure and is close to other public services. 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-2025-0032 to the City Council with a recommendation of approval.**

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| PLANNING COMMISSION ACTION   |                                 | Required                           | <u>YES</u>                      |
|------------------------------|---------------------------------|------------------------------------|---------------------------------|
| Date: <u>August 25, 2025</u> | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion:                      |                                 |                                    |                                 |
| Second:                      |                                 |                                    |                                 |
| Vote:                        |                                 |                                    |                                 |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code:
  - §161.03 – R-A, Residential Agricultural
  - §161.29 Neighborhood Conservation
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Request Letter

### 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) |
|----------------|--------------|

(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.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.



### 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 |
|--------------------|---------|

(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 |
|-------------------------|-----------|

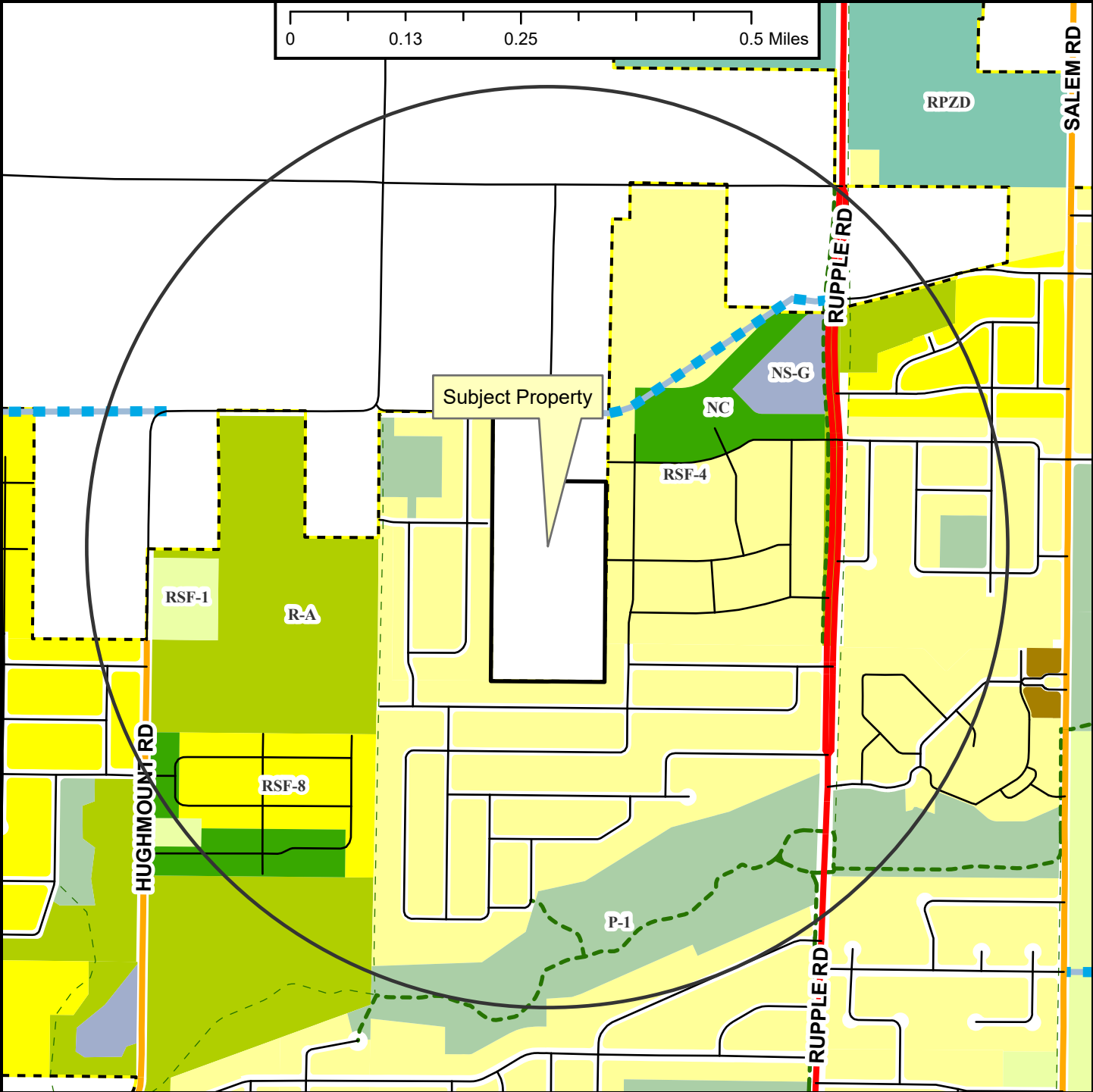
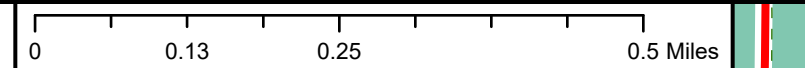
(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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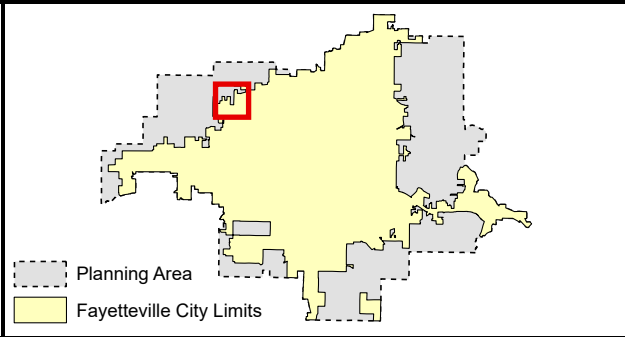
|                      |
|----------------------|
| RZN-2025-0032        |
| <i>One Mile View</i> |

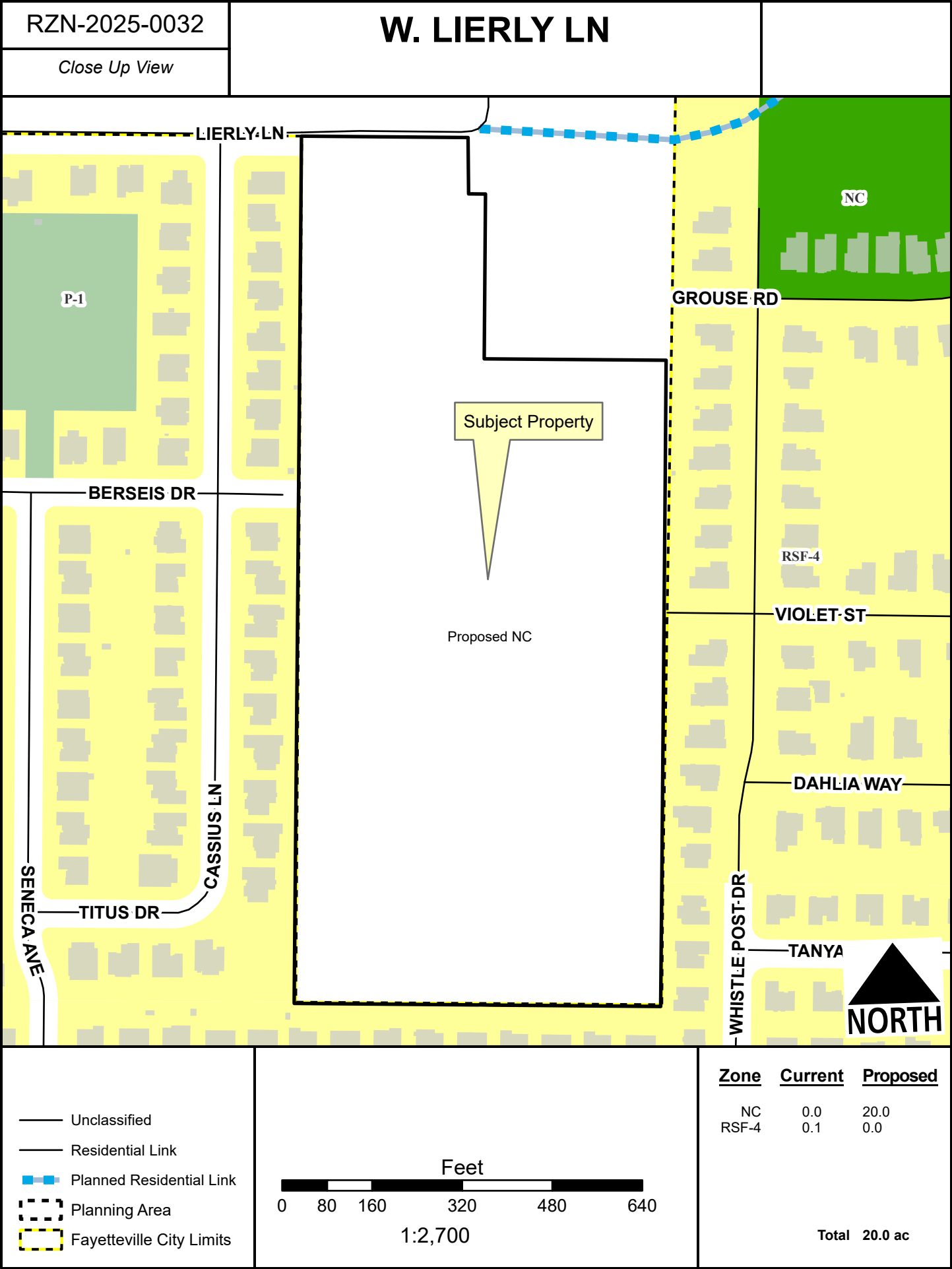
### One Mile View

**W. LIERLY LN**



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







RZN-2025-0032

W. LIERLY LN

Current Land Use

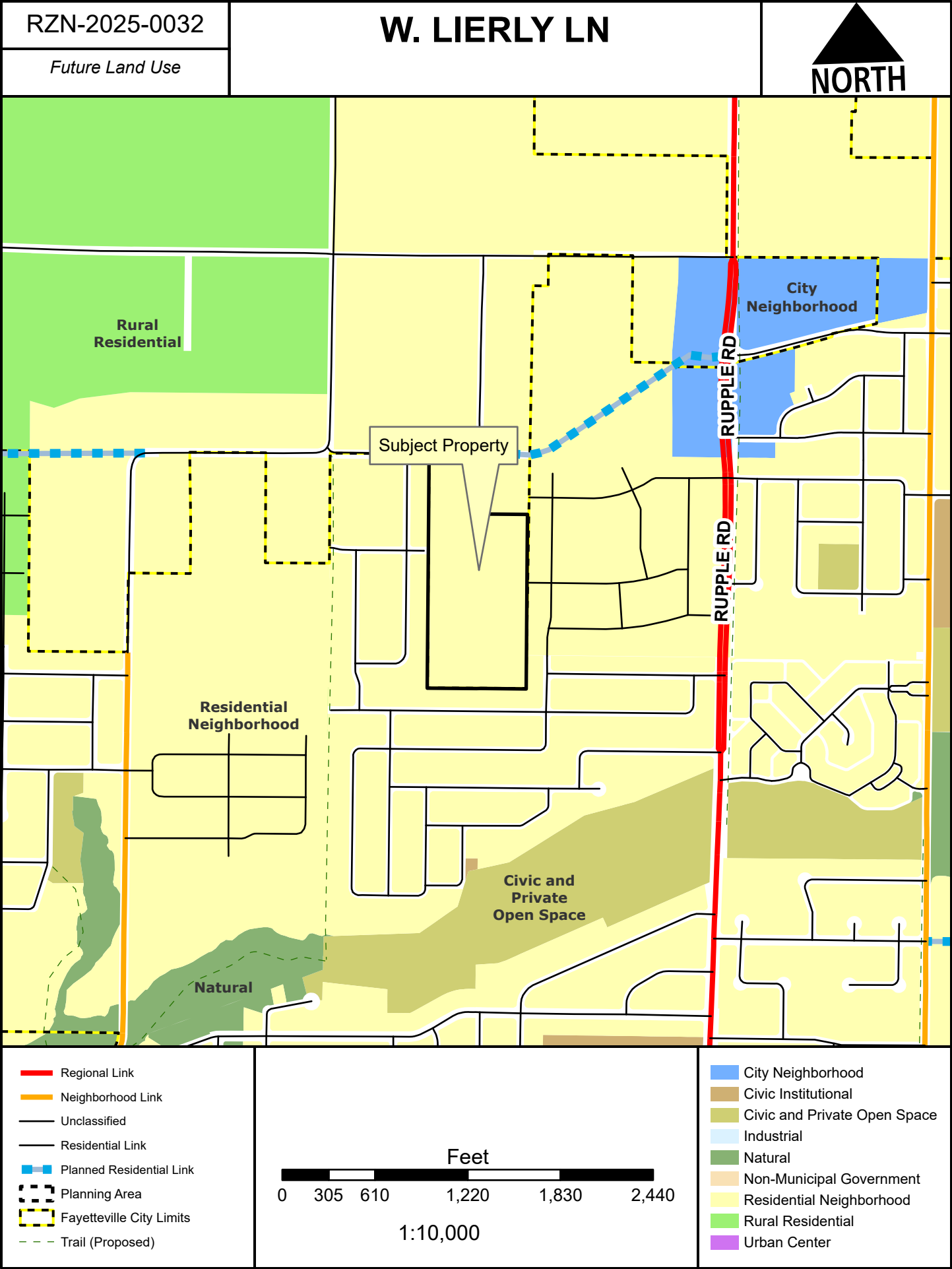


- Unclassified
- Residential Link
- Planned Residential Link
- - - Trail (Proposed)
- - - Planning Area
- - - Fayetteville City Limits



**FEMA Flood Hazard Data**

- 100-Year Floodplain
- Floodway







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July 10, 2024

City of Fayetteville Planning Commission  
113 West Mountain Street  
Fayetteville, AR 72701

Re: Rezoning Application for Parcel Number 001-16788-000 & 001-16811-001

To Whom It May Concern:

I represent the owner of parcel numbers 001-16788-000 and 001-16811-001. The owner has submitted an application to annex the properties into the City of Fayetteville and is submitting this application for rezoning to accompany the annexation petition.

The owner understands that standard protocol states that newly annexed property is zoned at R-A, Residential Agricultural. However, the owner would like the properties to be zoned NC, Neighborhood Conservation, if the annexation is successful. Please see the documents for the Rezoning Application for parcel numbers 001-16788-000 and 001-16811-001. These documents include:

- Legal Description of both properties
- Property Owner Authorization
- Statement of Compatibility

Please let me know if there is any additional information needed at this time. I am also available to discuss this matter if that would be helpful. Thank you for your assistance.

Sincerely,

/s/ Larry McCredy

Larry McCredy

LMC/eil

## Rezoning Statement:

Parcels 001-16788-000 and 001-16811-001 (collectively, the “Property”) are currently not located within the Fayetteville city limits. Property, however, is the subject of an annexation application that is being submitted simultaneously with this rezoning application. The Applicant is aware that annexed property is automatically assigned a zoning district of R-A. It makes this application for rezoning to be considered as part of the annexation process.

The Applicant desires to rezone the Property to Neighborhood Conservation (NC) zoning district as part of the annexation process. Rezoning to Neighborhood Conservation zoning district would be compatible with the surrounding neighboring property for a number of reasons. First, Property is surrounded on all three sides by RSF-4 zoned property. Just beyond those boundaries are other residential designations. There is another Neighborhood Conservation district in close proximity to the Property. Additionally, there are R-A and RSF-1 designations, as well. Neighborhood Services (NS-G) and Institutional (P-1) districts are also in the vicinity.

Rezoning to Neighborhood Conservation is also consistent with the Future Land Use designation in Fayetteville’s City Plan 2040 that identifies this area as a Residential Neighborhood Area, which “encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks.” A Neighborhood Conservation designation would be consistent with the guiding policies of this future land use designation. It has reduced setback lines and lower lot width minimums that are consistent with adopted future land use plan.

Rezoning the Property to Neighborhood Conservation will not adversely affect or conflict with surrounding land use. Rather, it is consistent with it. Additionally, it is consistent with Fayetteville’s future land use plan.