City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8267

Planning Commission Final Agenda

Monday, March 11, 2024

5:30 PM

City Hall Room 219

Planning Commission Members

Sarah Sparkman, Chair
Andrew Brink, Vice Chair
Mary McGetrick, Secretary
Jimm Garlock
Fred Gulley
Joseph Holcomb
Mary Madden
Brad Payne
Porter Winston

Senior Assistant City Attorney Blake Pennington

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the February 26, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. VAR-2024-0012: Planning Commission Variance (2492 S. DEAD HORSE MOUNTAIN RD/TEAGUE, 645):

Submitted by JASON TEAGUE for property located at 2492 S. DEAD HORSE MOUNTAIN RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 4.75 acres. The request is for a variance to street frontage requirements. - Kylee Cole, Planner

Unfinished Business

New Business

3. VAR-2024-0008: Planning Commission Variance (3568 W. MOUNT COMFORT RD/HOLT VILLAGE, 323):

Submitted by FLINTLOCK, LTD for property located 3568 W. MOUNT COMFORT ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 18.4 acres. The request is for a variance to access management standards. - Jessica Masters, Development Review Manager

4. CUP-2023-0192: Conditional Use Permit (3642 N. TOWER CIR/ROMAN, 284):

Submitted by MELISSA ROMAN for property located at 3642 N. TOWER CIR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.10 acres. The request is to use the residence as a short-term rental. - Kylee Cole, Planner

5. CUP-2024-0004: Conditional Use Permit (1681 W. ARROWHEAD ST/COCHRAN, 599):

Submitted by SCOTT COCHRAN for property located at 1681 W. ARROWHEAD ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.27 acres. The request is for a campground in RSF-4 zoning. - Gretchen Harrison, Senior Planner

6. CUP-2024-0005: Conditional Use Permit (655 AND 657 N. GENEVIEVE

AVE/WONNACOTT, 436):

Submitted by BLEW & ASSOCIATES for property located at 655 AND 657 N. GENEVIEVE AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.49 acres. The request is for a two-family structure in a single-family zoning district. - Donna Wonsower, Planner

7. RZN-2024-0002: Rezoning (740 W. STONE ST/APEX PROPERTY VENTURES LLC, 522):

Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL. - Jessica Masters, Development Review Manager

8. RZN-2024-0003: Rezoning (203-209; 239-245; 270-280; AND 283-289 E. 12Th ST/12TH STREET TOWNHOMES, 563):

Submitted by SWOPE CONSULTING for property located at 203-209; 239-245; 270-280; AND 283-289 E. 12th ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.10 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Kylee Cole, Planner

9. RZN-2024-0004: Rezoning (NW OF N RUPPLE ROAD AND N BEST FRIEND LANE, LOTS 1-17, 25, 67-70, AND 79-108/PARADIGM DEVELOPMENT, 361):

Submitted by TRACY HOSKINS for property located at NW OF N RUPPLE ROAD AND N BEST FRIEND LANE, LOTS 1-17, 25, 67-70, AND 79-108. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 11.67 acres. The request is to rezone the property RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION. - Kylee Cole, Planner

10. RZN-2024-0005: Rezoning (1510 W. MARKHAM RD/L&F CONSTRUCTION, 482):

Submitted by L&F CONSTRUCTION for property located at 1510 W. MARKHAM RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Gretchen Harrison, Senior Planner

11. RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR/LEGACY VENTURES NWA, INC., 397):

Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W.

WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Donna Wonsower, Planner

12. RZN-2024-0008: Rezoning (3420 W. MOUNT COMFORT RD/THE GODDARD SCHOOL, 323):

Submitted by BATES & ASSOCIATES for property located at 3420 W. MOUNT COMFORT RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.13 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Gretchen Harrison, Senior Planner

13. ADM-2024-0008: Administrative Item (AMEND UDC CHAPTER 161.32 – P-1 INSTITUTIONAL):

Submitted by CITY OF FAYETTEVILLE STAFF. The request is for an amendment to UDC Chapter 161.32 - District P-1, Institutional. The proposed code change would modify existing setbacks and allow administrative approval if the developer decides to use urban form. - Jessica Masters, Development Review Manager

14. RZN-2024-0007: Rezoning (VARIOUS PARK PROPERTIES/FAYETTEVILLE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS):

Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are in VARIOUS ZONING DISTRICTS and total approximately 2,461.60 acres. The request is to rezone the properties to P-1, INSTITUTIONAL. - Jessica Masters, Development Review Manager

Items Administratively Approved by Staff

15. LSIP-2024-0001: Large Site Improvement Plan (NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD/RUDY'S BBQ, 595):

Submitted by OLSSON for property located NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 2.74 acres. The request is for a 10,797 square-foot commercial development and associated parking. - Kylee Cole, Planner

16. LSP-2024-0006: Lot Split (NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD/RUDY'S BBQ, 595):

Submitted by OLSSON for property located NORTHEAST OF S. RUPPLE RD & W. MARTIN LUTHER KING JR BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 6.65 acres. The request is to divide the property into three lots containing approximately 1.40, 2.76, and 2.49

acres. - Kylee Cole, Planner

Agenda Session Items

Announcements

17. **The Planning Commission Officer-Nominating Committee nominated a slate of candidates to be voted upon at the March 25, 2024 Planning Commission meeting.**

    Andrew Brink, Chair
    Mary McGetrick, Vice-Chair
    Brad Payne, Secretary

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 you 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, Telecomminications 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, 02/26/2024				
Time:	**5:30 PM**					
Staff :	☒ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Kylee Hevrdejs					
	☐ Britin Bostick ☐ Sherry Smith ☒ Josh Boccaccio ☒ Melissa Boyd ☒ Fire Marshal/Andrew Horton ☐ Chris Brown ☒ Alan Pugh					
	Roll Call	**1) Minutes (02-12-2024)**	**2) ADM-2024-0004 (SOUTH DUNCAN CLUSTER DEVELOPMENT)**	**3) ADM-2024-0005 (WEDINGTON LANDING TOWNHOMES)**	**4) ADM-2024-0006 (THE POINT @ FAYETTEVILLE)**	**5) VAR-2024-0005 (CURTIS)**
McGetrick	**0**					
Sparkman	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Holcomb	**0**					
Winston	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**Consent**	**Consent**	**Consent**	**Consent**	**Consent**
Motion By		Brink	Brink	Brink	Brink	Brink
Motion 2nd		Madden	Madden	Madden	Madden	Madden
Vote		7-0-0	7-0-0	7-0-0	7-0-0	7-0-0
Action		Approve	Approve	Approve	Approve	Approve
Time		5:33 PM	5:33 PM	5:33 PM	5:33 PM	5:33 PM
Motion Detail						
Public Comment		0	0	0	0	0

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/8252?site=1

	6) VAR-2024-0002 (EAST MISSION BLVD LLC)		7) VAR-2024-0003 (PETERSON)	8) CUP-2023-0175 (SPRINGWOODS INVESTMENTS LLC)	9) VAR-2024-0006 (RUDY'S BBQ)	10) VAR-2024-0007 (NEIDERMAN)		11) LSD-2023-0014 (1301 N. GREGG AVE)
McGetrick								
Sparkman	0	1	1	1	1	0	1	1
Brink	0	1	1	1	1	1	0	1
Garlock	1	1	1	1	1	1	0	1
Madden	1	1	1	1	1	0	1	1
Payne	1	1	1	1	1	1	0	1
Gulley	0	1	1	1	1	0	1	1
Holcomb								
Winston	1	1	1	1	1	0	1	1
Agenda	**Old**		**Old**	**Old**	**New**	**New**		**New**
Motion By	Garlock	Brink	Payne	Brink	Brink	Brink	Sparkman	Madden
Motion 2nd	Payne	Sparkman	Gulley	Madden	Garlock	Payne	Madden	Payne
Vote	4-3-0	7-0-0	7-0-0	7-0-0	7-0-0	3-4-0	4-3-0	7-0-0
Action	Amend	Approve	Approve	Table	Approve	Amend	Approve	Approve
Time	5:59 PM		6:03 PM	6:05 PM	6:12 PM	6:36 PM		6:48 PM
Motion Detail	To add a condition of right-in right-out.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	Untill March 25, 2024 Planning Commission meeting.	With all conditions as recommended by staff.	To keep the condition of added staff conditions.	With no conditions.	With all conditions as recommended by staff.
Public Comment	2		0	0	0	2		0

	12) VAC-2024-0002 (MIDTOWN LANDING)	13) CUP-2024-0002 (INDO-BANGLA GROCERY)	14) CUP-2024-0003 (LAUGHLIN)		15) RZN-2023-0037 (EQUITY TRUST CO. CUSTIODAN)	16) RZN-2024-0001 (OLD MISSOURI LAND DEVELOPMENT)	17) CUP-2023-0168 (ADAMS)
McGetrick							
Sparkman	1		1	1	0	1	1
Brink	1		1	1	1	1	1
Garlock	1		1	1	0	0	1
Madden	1		1	1	1	0	1
Payne	1		1	1	1	1	1
Gulley	1		1	1	1	1	1
Holcomb							
Winston	1		1	1	1	1	1
Agenda	New	New	New		New	New	New
Motion By	Garlock		Brink	Payne	Brink	Sparkman	Payne
Motion 2nd	Sparkman		Madden	Gulley	Winston	Payne	Brink
Vote	7-0-0		7-0-0	7-0-0	5-2-0	5-2-0	7-0-0
Action	Forward	WITHDRAWN	Amend	Approve	Forward	Forward	Approve
Time	6:52 PM		7:08 PM		7:36 PM	7:46 PM	7:54 PM
Motion Detail	With a recommendation of approval.		To remove specificity limited to the use as a screen print shop. Strike condition #4.	With all conditions as recommended by staff.	With a recommendation of approval.	With a recommendation of approval.	With all conditions as recommended by staff.
Public Comment	0		0		5	0	0

	18) CUP-2023-0169 (AWAN)					
McGetrick						
Sparkman	**1**					
Brink	**1**					
Garlock	**1**					
Madden	**1**					
Payne	**1**					
Gulley	**1**					
Holcomb						
Winston	**1**					
Agenda	**New**					
Motion By	Garlock					
Motion 2nd	Sparkman					
Vote	7-0-0					
Action	Approve					
Time	7:58 PM					
Motion Detail	With all conditions as recommended by staff.					
Public Comment	**0**					

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 11, 2024

SUBJECT: **VAR-2024-0012: Variance (2492 S. DEAD HORSE MOUNTAIN RD./TEAGUE, 645):** Submitted by JASON TEAGUE for property located at 2492 S. DEAD HORSE MOUNTAIN RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 4.75 acres. The request is for a variance from road frontage requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0012** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0012**, determining:*

- *In favor of a variance to UDC §166.05(A)(3), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in an unincorporated portion of Washington County enveloped by southeast Fayetteville. The property is in the Fayetteville Planning Area and contains one parcel totaling 4.75 acres which has 75 feet of frontage along S. Dead Horse Mountain Rd. The property has access to City of Fayetteville water, but not sewer utilities. A request to split the property into two lots is currently under review by city staff (LSP-2024-0001). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	R-A, Residential-Agricultural
South	Rural Residential	Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential; Rural Residential	RSF-4, Residential Single-Family, Four Units per Acre; Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)

Request: The applicant proposes to split the subject property into two lots containing approximately 2.47 and 1.91 acres, with one resulting lot having no frontage on a public street. Since all lots in the Fayetteville Planning Area are required to have at least 75 feet of direct frontage onto a public street, the proposed lot split necessitates a variance to UDC §166.05(A)(3).

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

DISCUSSION:
The subject property contains a 4.75-acre parcel that is primarily surrounded by rural residential properties varying in both size and arrangement. Where the proposed lot split would allow for the creation of two lots containing 2.47 and 1.91 acres, surrounding properties vary in size between two and 22 acres. Staff finds that the proposed lot split would result in two that are comparable to neighboring properties and reflective of a low-density development pattern that is consistent with the surrounding area within unincorporated Washington County and this area of Fayetteville. Although one resulting lot will not have street frontage, the applicant has provided a 30' access easement along the existing driveway. Staff is thus supportive of the requested variance. The property does have access to city water but not sewer.

RECOMMENDATION: Staff recommends approval of VAR-2024-0012 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.05(A)(3), requiring all lots in the Fayetteville Planning Area to have direct street frontage pursuant to residential lot and block standards set by Washington County.** *Staff is supportive of this request based on the findings herein, and*

2. Approval of this variance does not constitute approval of the associated lot split application. Review and approval of the lot split shall be required in accordance with city code.

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: **March 11, 2024**			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- UDC §166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area

(A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

(1) *Within 1 Mile of City Limits*. On and off-site improvements and subdivision regulations for development outside the city limits and within one mile of the city are the same as for those developments within the city limits, with the exception of park land dedication requirement which is not required.

(2) *Beyond 1 Mile of City Limits.* On- and off-site improvements and subdivision regulations for development outside 1 mile of the city limits shall meet Washington County standards.

(3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

(B) *Developments Outside City Developed to All Inside the City Standards.* If the City Council grants access to the City's sewer system pursuant to §51.115. (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District or as otherwise designated by the City Council rather than those within the planning area.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§159.54, 160.120; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4753, 9-6-05; Ord. No. 5215, 1-20-09; Ord. No. 5270, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12)

Dear Planning,

We are applying for a variance from code to be able to split our property located at 2492 South Dead Horse Mountain Rd. The reason for the variance is that our parcel currently has only 75’ of road acres frontage. The parcel is 4.377 acres and if approved, the two parcels would result in 1.911 and 2.466 acres. Below is the Code that the variance is being requested from.

166.05(A)(3)

All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

Thank you

Jason Teague

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.
FEMA: COMMUNITY-PANEL NUMBER 05143C0240 F,
MAP REVISED: MAY 16, 2008.

WASHINGTON COUNTY ZONING INFORMATION:

CURRENT ZONING: AG/SF RES 1

FRONT SETBACK: 25' + UTILITY EASEMENT
SIDE SETBACK: 10'
REAR SETBACK: 20'

LEGAL DESCRIPTION FOR ORIGINAL TRACT A-1:
(PER SURVEY BY RLS1272, JOB # 17-12-20, DATED: 07-07-2022, FILED 07-28-2022, WASHINGTON COUNTY FILE #: 2022-00025212)

PART OF THE EAST-HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKAHSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID 80 ACRE TRACT, SAID POINT BEING AN EXISTING IRON REBAR; THENICE N02°43'05"E 854.83 FEET (DEED=871.00 FEET) ALONG THE EAST LINE OF SAID 80 ACRE TRACT TO A POINT; THENICE N87°02'55"W, 214.00 FEET TO AN EXISTING REBAR; THENICE N02°43'05"E, 200.00 FEET TO A SET 1/2" REBAR MARKING THE POINT OF BEGINNING; THENCE N87°02'55"W, 282.57 FEET TO A SET 1/2" REBAR; THENCE S21°23'11"W, 79.06 FEET TO A SET 1/2" REBAR; THENCE N87°02'55"W, CROSSING A SET 1/2" REFERENCE REBAR AT 440.70 FEET, IN ALL 468.12 FEET TO A POINT; THENICE N02°43'05"E, 75.00 FEET TO A POINT; THENCE S87°02'55"E, 468.43 FEET TO AN EXISTING REBAR (RLS1005); THENCE N02°43'05"E, 206.66 FEET TO AN EXISTING REBAR; THENCE N02°43'05"E, 294.52 FEET TO AN EXISTING REBAR BEING IN AN EXISTING FEINCE LINE; THENCE N73°20'02"E, ALONG SAID EXISTING FENCE, 326.05 FEET TO AN EXISTING REBAR; THENCE LEAVING SAID EXISTING FEINCE, S02°43'05"W 610.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.753 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING, INC., RLS # 1272, JOB # 17-12-20.

SURVEY DESCRIPTION FOR TRACT A-2:

PART OF THE EAST-HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID 80 ACRE TRACT, SAID POINT BEING AN EXISTING REBAR; THENCE N02°43'05"E 854.83 FEET (DEED=871.00 FEET) ALONG THE EAST LINE OF SAID 80 ACRE TRACT TO A POINT; THENCE N87°02'55"W, 214.00 FEET TO AN EXISTING REBAR (RLS1005); THENCE N02°43'05"E, 200.00 FEET TO AN EXISTING REBAR (RLS1272); THENCE N02°43'05"E, 206.66 FEET TO A SET 1/2" REBAR MARKING THE POINT OF BEGINNING; THENCE N87°02'55"W, 307.57 FEET TO AN EXISTING REBAR (RLS1005); THENCE N02°43'05"E, 294.52 FEET TO AN EXISTING REBAR (RLS1005) BEING IN AN EXISTING FENCE LINE; THENCE N73°20'02"E, ALONG SAID EXISTIING FENCE, 326.05 FEET TO AN EXISTING REBAR (RLS1005); THENCE LEAVING SAID EXISTING FENCE, S02°43'05"W, 404.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2.466 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYIING, INC., RLS # 1272, JOB # 23-12-17.

SURVEY DESCRIPTION FOR TRACT A-3:

PART OF THE EAST-HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKAHSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID 80 ACRE TRACT, SAID POINT BEING AN EXISTING REBAR; THENCE N02°43'05"E 854.83 FEET (DEED=871.00 FEET) ALONG THE EAST LINE OF SAID 80 ACRE TRACT TO A POINT; THENCE N87°02'55"W, 214.00 FEET TO AN EXISTING REBAR (RLS1005); THENCE N02°43'05"E, 200.00 FEET TO AN EXISTING REBAR (RLS1272) MARKING THE POINT OF BEGINNING; THENCE N87°02'55"W, 282.57 FEET TO AN EXISTING REBAR (RLS1272); THENCE S21°23'11"W, 31.62 FEET TO A SET 1/2" REBAR; THENCE N87°02'55"W, 318.12 FEET TO A SET 1/2" REBAR; THENCE S21°23'11"W, 47.43 FEET TO A SET 1/2" REBAR; THENCE N87°02'55"W, 122.58 FEET TO AN EXISTING REBAR (RLS1272) ON THE EAST RIGHT-OF-WAY LINE OF DEAD HORSE MOUNTAIN ROAD; THENCE N02°43'05"E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID DEAD HORSE MOUNTAIN ROAD, 75.00 FEET TO AN EXISTING REBAR (RLS1272); THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF SAID DEAD HORSE MOUNTAIN ROAD, S87°02'55"E, 440.97 FEET TO AN EXISTING REBAR (RLS1005); THENCE N02°43'05"E, 206.66 FEET TO AN EXISTIING REBAR (RLS1005); THENCE S87°02'55"E, 307.57 FEET TO A SET 1/2" REBAR; THENCE S02°43'05"W, 206.66 FEET TO THE POINT OF BEGINNING, CONTAINING 1.911 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING, INC., RLS # 1272, JOB # 23-12-17.

OWNER'S CERTIFICATION AND DEDICATION:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO WASHINGTON COUNTY AND TO THE PUBLIC UTILITY COMPANIES (IINCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY WASHINGTON COUNTY) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE: _____ OWNER: _____

DATE: _____ OWNER: _____

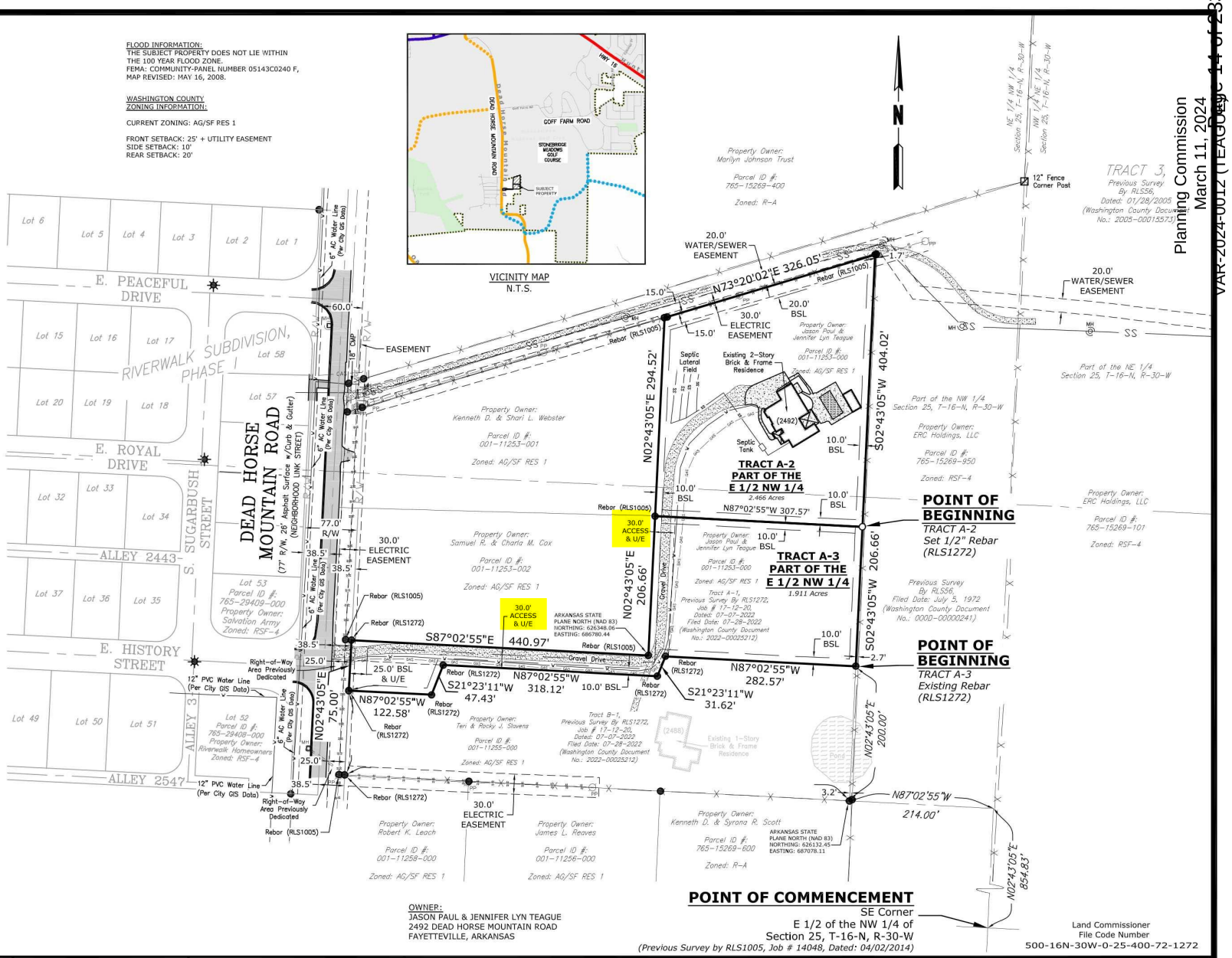
STATE OF ARKANSAS
COUNTY OF _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC: _____.

MY COMMISSION EXPIRES: _____.

VICINITY MAP
N.T.S.



OWNER:
JASON PAUL & JENNIFER LYN TEAGUE
2492 DEAD HORSE MOUNTAIN ROAD
FAYETTEVILLE, ARKANSAS

REVISIONS	DATE

100 0 100
Scale in Feet

Legend
- Set 1/2" Rebar
- Existing Iron Pin/Pipe
- Set RR/Spike
- Existing RR/Spike
- Set Nail
- Existing Nail
- Power Pole
- Existing Fence
- Tele/Elec. Pedestal
- Water Meter
- Gas Meter
- U/E Utility Easement
- BSL Building Setback Line

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS NO. 1272
SIGNATURE
ANTHONY P. ANDERSON
PRELIMINARY

CERTIFICATE OF AUTHORIZATION
ANDERSON SURVEYING INC.
No. 1691
ARKANSAS
PRELIMINARY
CA 1691 Expires 12/31/2023

WASHINGTON COUNTY, ARKANSAS
SURVEY OF
PROPERTY LINE ADJUSTMENT
PART OF THE E 1/2 NW 1/4
SECTION 25, T-16-N, R-30-W

DATE: 12-22-2023	BASIS OF BEARING: ARKANSAS STATE PLANE NORTH BASED ON GPS OBSERVATION
JOB NO: 23-12-17	
SCALE: 1" = 100'	

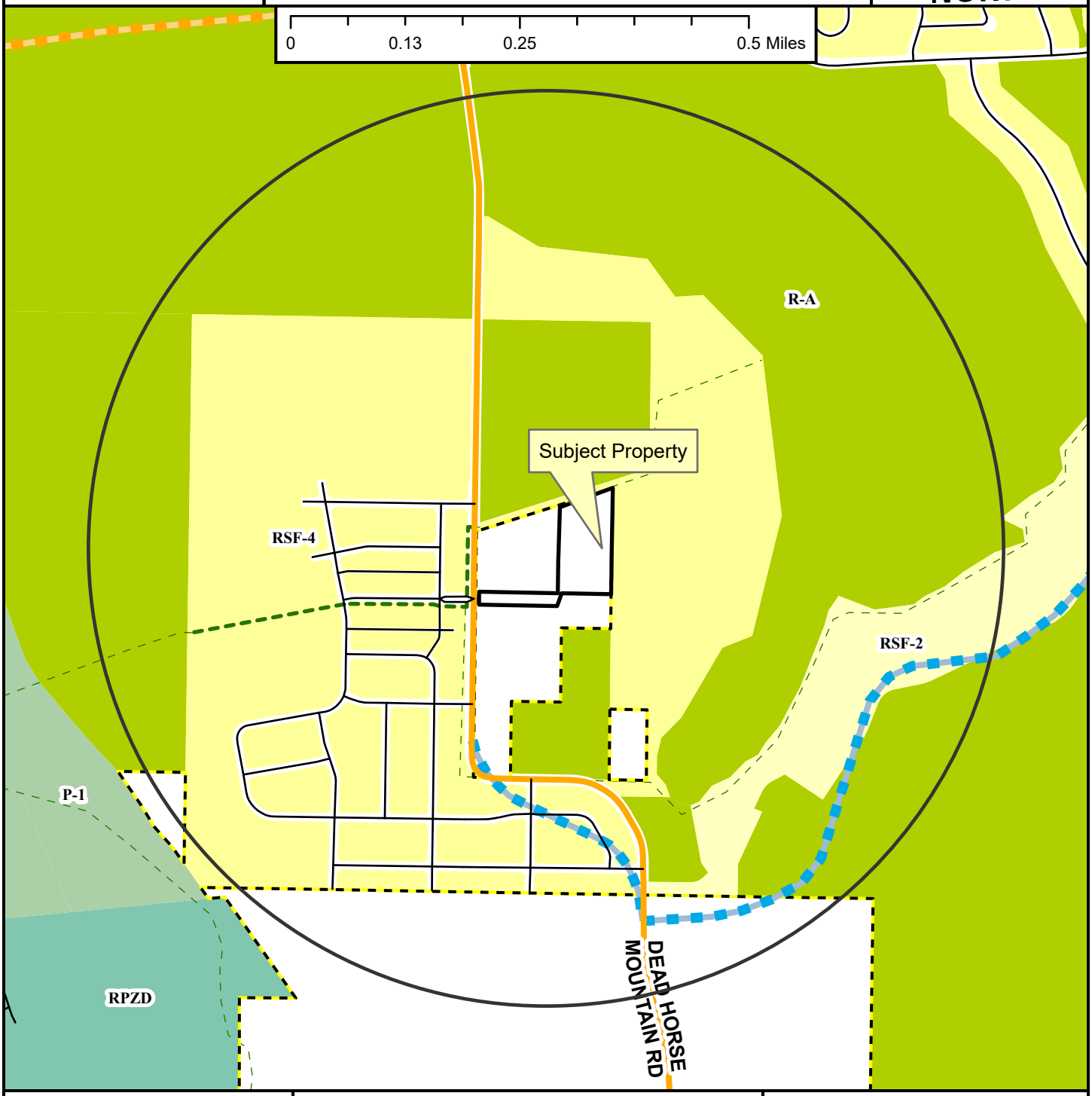
ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, AR 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: tony@and-survey.com

VAR-2024-0012

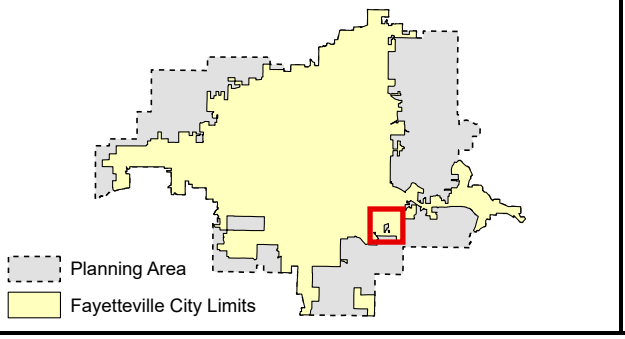
One Mile View

2492 S. DEAD HORSE MTN RD

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

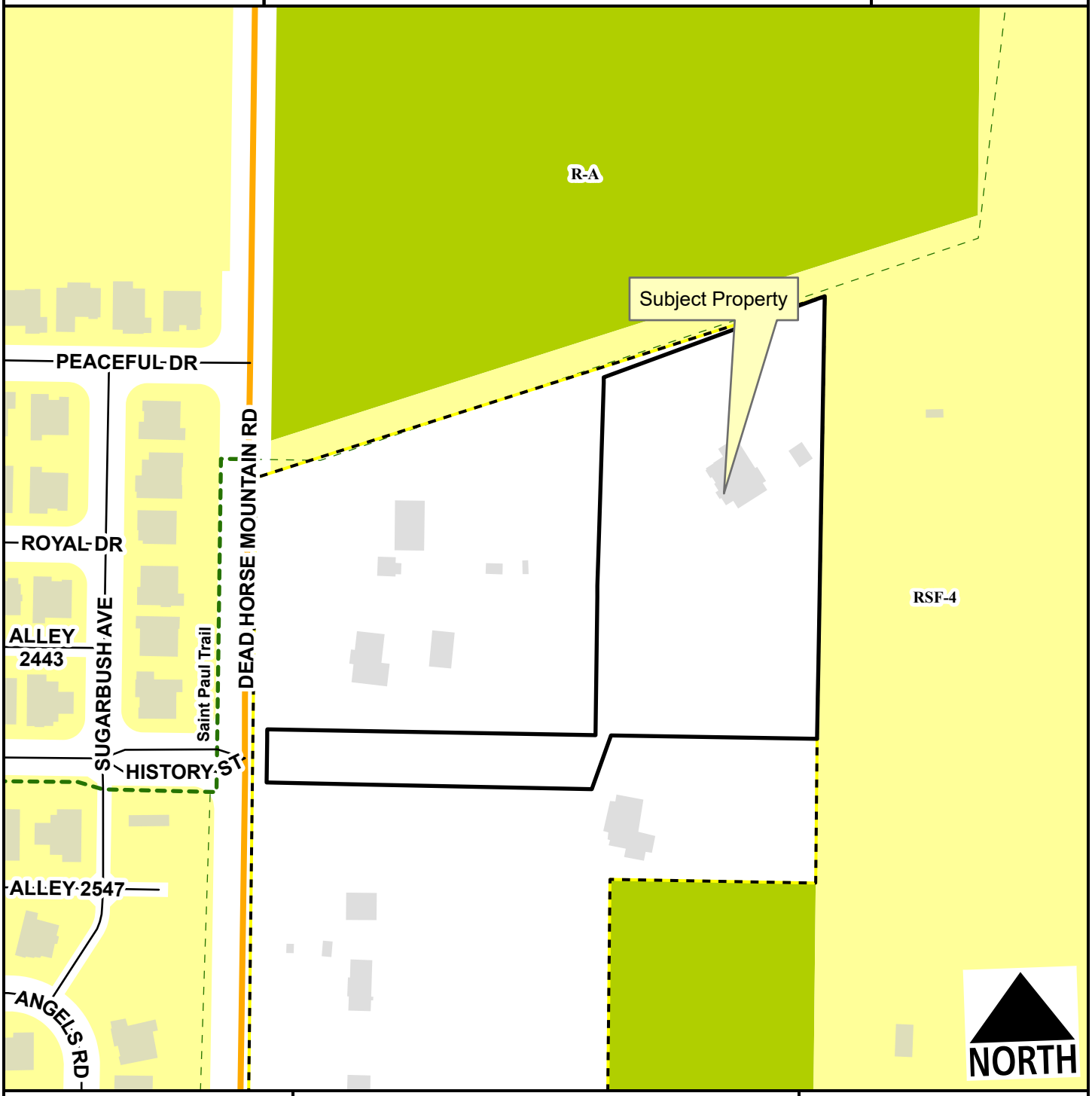
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0012

Close Up View

2492 S. DEAD HORSE MTN RD



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

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4

VAR-2024-0012

Current Land Use

2492 S. DEAD HORSE MTN RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 11, 2024

SUBJECT: **VAR-2024-0008: Planning Commission Variance (3568 W. MOUNT COMFORT ROAD/HOLT VILLAGE, 323):** Submitted by FLINTLOCK, LTD for property located 3568 W. MOUNT COMFORT ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 18.4 acres. The request is for a variance to access management standards.

RECOMMENDATION:
Staff recommends approval of **VAR-2024-0008**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2024-0008**, determining:*

- *In favor of the requested variance to 166.08(F)(2)(a), which requires a minimum separation distance of 250 feet for curb cuts onto a regional link street;*
- *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. Rupple 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 makes up approximately 18.4 acres, and is currently zoned R-A, Residential-Agricultural. A Planned Zoning District application (PZD-2024-0001) has been submitted for this site, which will be considered at the March 25, 2024 Planning Commission. 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; CS, Community Services
West	Holt Middle School/Mount Comfort Cemetery	P-1, Institutional; RSF-1, Residential Single-Family, 1 Unit per Acre

Request: The applicant is requesting a variance to the following ordinance:

- **Variance #1: 166.08(F)(2)(a) Regional and Regional High Activity Links. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where**

a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway. The applicant requests a curb separation distance of 144.5' between an existing driveway and a proposed new public street.

DISCUSSION:
Staff recommends in favor of the applicant's request to reduce the curb separation distance between a proposed new public street and an existing driveway. The intent of the requirement to maximize separation distances is to protect public safety and reduce traffic concerns. In this particular case, staff finds that the applicant's request is not likely to negatively contribute to a dangerous traffic condition. Firstly, there are many alternatives being proposed as points of access into and out of the proposed development, which make it unlikely for traffic to funnel to this one location; for instance, the applicant shows connectivity to the adjacent subdivision to the north/northeast, which ultimately has access out of the proposed development with connection to N. Salem Road. There is also another proposed access point directly onto W. Mount Comfort, which will also help disperse traffic away from the intersection of Mt. Comfort and N. Rupple Road. Given the many alternatives for traffic dispersion through the site, staff finds that the proposed street connection will likely be a secondary or even tertiary option for drivers, and may only be the primary point of access for just a few homes. Secondly, there is a proposed alley connection approximately 230 feet to the west of this street, which connects directly to the gas station to the south, which may also act as a point of access for this development, further providing another option for drivers to take. The gas station to the south has dedicated access easements along both driveways that are currently constructed. Staff does recognize that there will likely be additional traffic from this development that will be leaving at similar peak times to the school across the street. Given this, staff recommends as a condition of approval that in order to further reduce the pressure on N. Rupple Road during early morning times, a pedestrian crossing shall be installed by the applicant at the proposed pedestrian walkway approximately 287 feet to the north of the street in question.

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2024-00048 with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to 166.08(F)(2)(a), which requires a 250-foot separation distance between curb cuts and intersections.** *Staff recommends approval of the request for the reasons stated above, with the following conditions:*
    a. *An additional pedestrian crosswalk be added from the development to Holt Middle School to promote walkability to the nearby educational facility;*
    b. *Public alleyway must be maintained to the convenient store and gas station to the south to maintain options for connectivity;*

2. Approval of this variance request is only for the requests as stated above, and does not extend approval to any variances not yet reviewed for at this stage.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §166.08 Street Design And Access Management Standards
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

…

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.

(a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.

(c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) *Separation for Single-Family Homes.*

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood links streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.

(4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

(5) *Speed.* All streets should be designed to discourage excessive speeds.

…

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179 , §1, 4-16-19; Ord. No. 6207 , §§1—4, 7-16-19; Ord. No. 6244 , §1, 10-1-19; Ord. No. 6350 , §4(Exh. C), 8-18-20; Ord. No. 6658 , §9, 5-2-23)

flintlock
ARCHITECTURE & LANDSCAPE

February 2, 2024

ACCESS MANAGEMENT VARIANCE REQUEST

Dear Sarah Sparkman, Planning Commission Chair.

An access management variance is requested for the planned development at the corner of Mt. Comfort and Rupple Roads. The development consists of four parcels (765-13591-000, 765-13589-000, 765-13593-000, and 13593-002) totaling around 18.4 acres. This proposed development serves the surrounding neighborhood and City goals by sensitively transitioning density from the north to the south and providing services and employment with neighborhood services and amenities along Mount Comfort. It has a mixture of unit types (76 single family and forty-five townhomes), pedestrian alleys, and common greens. 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 commercially supportive densities are provided, and housing is centered on low impact development and stormwater features.

This proposed development shows deep responsiveness to City goals for adjacent neighborhoods by surrounding higher density development with lower density development and mixed-use. To align streets, properties, and services while providing the desired transition elegantly and efficiently into higher density housing, a variance in access management is requested for the proposed southernmost entry drive on Rupple Road. This section of Rupple Road is designated as Regional Link by the City of Fayetteville. In the neighborhood design, larger vehicular blocks are subdivided into smaller block structure for bike and pedestrian connectivity at a smaller scale. This helps to balance infrastructure efficiency and curb cut quantity with traditional town pattern and walkability. Smaller lot sizes and access associated with the desired transitional density development can be incongruous with requirements for Regional Link. As indicated below in the excerpt from Municode; A distance of 250' is required between entry drives under the designation Regional and Regional High Activity Link. However, the portion of Rupple Road that is under consideration north of Kum and Go could reasonably be considered Neighborhood link due to its more residential use. The 144'-6' proposed distance between the Kum and Go drive and the neighborhood entry is in alignment with Neighborhood Links (see below) and is appropriate to this instance.

Secondly, the existing Rupple Road entry to Kum and Go was designed and constructed to serve as a shared access drive. It is clear, however, that the drive will not support the volume of traffic from the Kum and Go and additional neighborhood access. Exclusion from this designed and constructed shared access drive is a hardship for the planned development.

Please consider reducing the 250' required separation of access drives to 144'-6" on Rupple Road.

An additional neighborhood access to the south of the development will provide traffic relief and improved connectivity between the planned development and the existing neighboring developments. It will also provide easier access for emergency services and promote walkability within the community.

Granting this variance will allow improvement of the property in a manner that is reasonable, customary, and consistent with City Goals and the 2040 City Plan.

We believe, and hope that you agree, that the design for this new mixed use and density development is appropriate and we respectfully request your approval of this variance.

A site plan is attached for easy reference.

Allison Thurmond Quinlan, AIA RLA LEED AP
atq@flintlocklab.com
479.305.4807

The Variance requested is pertaining to the following excerpt from Municode:

Fayetteville, Arkansas - Code of Ordinances

TITLE XV - UNIFIED DEVELOPMENT CODE

CHAPTER 166: - DEVELOPMENT

166.08.F2 (2)Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.

(a)*Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.

(b)*Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.

(c)*Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

166.08.F4 *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

N RUPPLE ROAD: REGIONAL LINK

EXPANDING CONNECTIVITY: TIE-IN TO EXISTING STUB OUT

EXPANDING CONNECTIVITY: TIE-IN TO EXISTING STUB OUT

PEDESTRIAN NETWORK THOROUGHFARE

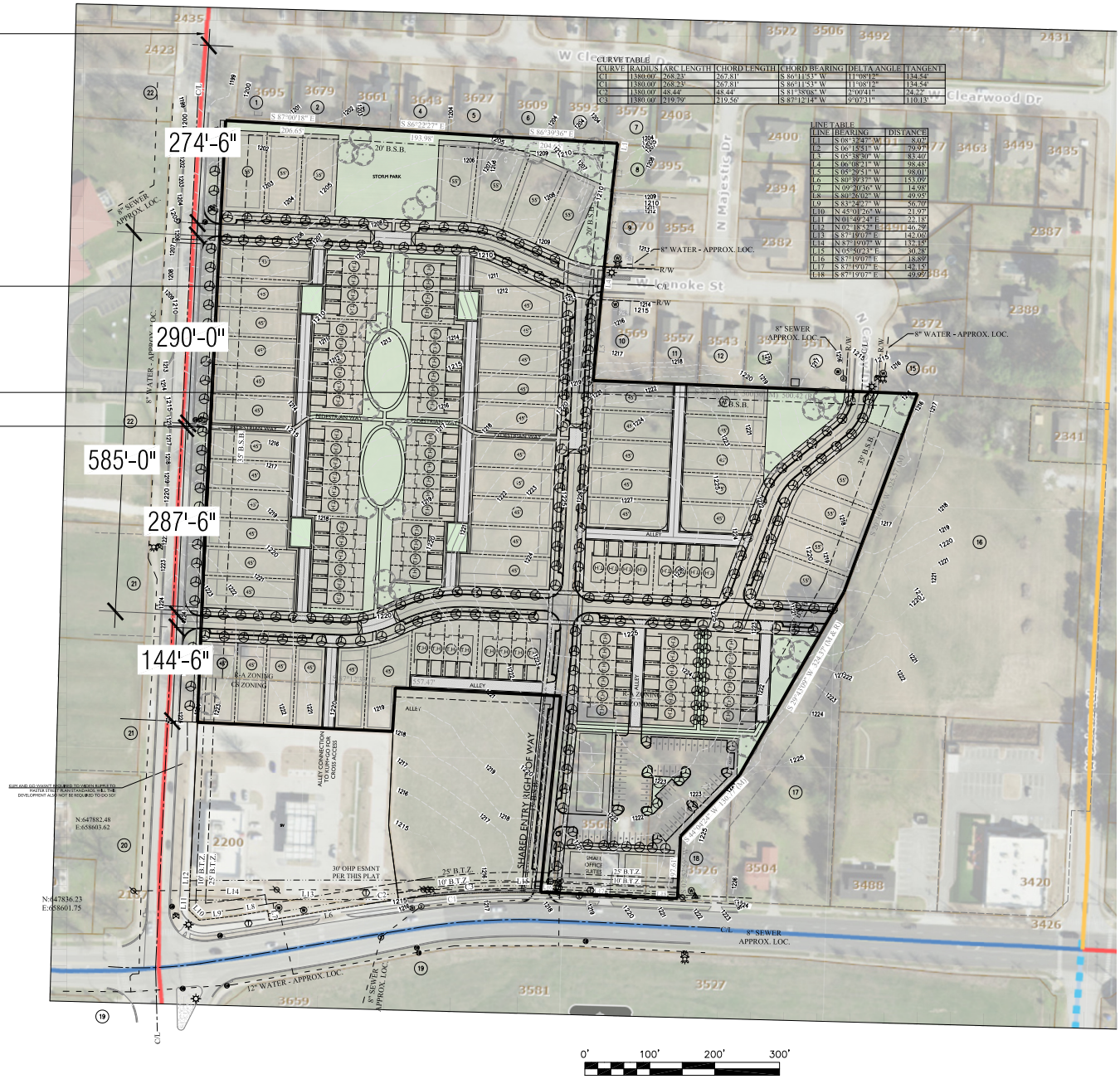
274'-6"

290'-0"

585'-0"

287'-6"

144'-6"



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	1380.00'	268.23'	267.81'	S 86°11'53" W	11°08'12"	134.54'
C1	1380.00'	268.23'	267.81'	S 86°11'53" W	11°08'12"	134.54'
C2	1380.00'	48.44'	48.44'	S 81°38'08" W	2°00'41"	24.22'
C3	1380.00'	219.79'	219.56'	S 87°12'14" W	9°07'31"	110.13'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 06°32'47" W	8.07'
L2	S 06°15'51" W	79.97'
L3	S 05°38'30" W	83.40'
L4	S 06°08'21" W	98.40'
L5	S 05°29'51" W	98.01'
L6	S 80°39'37" W	153.09'
L7	N 09°20'36" W	14.98'
L8	S 80°26'02" W	49.95'
L9	S 83°24'27" W	56.70'
L10	N 45°01'26" W	21.97'
L11	N 01°49'24" E	22.18'
L12	N 02°18'52" E	46.29'
L13	S 87°19'07" E	142.00'
L14	N 87°19'07" W	132.85'
L15	N 05°50'23" E	30.28'
L16	S 87°19'07" E	18.89'
L17	S 87°19'07" E	142.15'
L18	S 87°19'07" E	49.99'

flintlock
ARCHITECTURE & LANDSCAPE

528 N College Ave
Fayetteville
AR 72701

T 479.305.4807
www.flintlockfab.com

NO. Date Issues/Revisions

STAMP

NOT FOR CONSTRUCTION

PROJECT NAME

HOLT MASTER PLAN

DRAWN BY:
CHECKED BY:

DRAWING TITLE

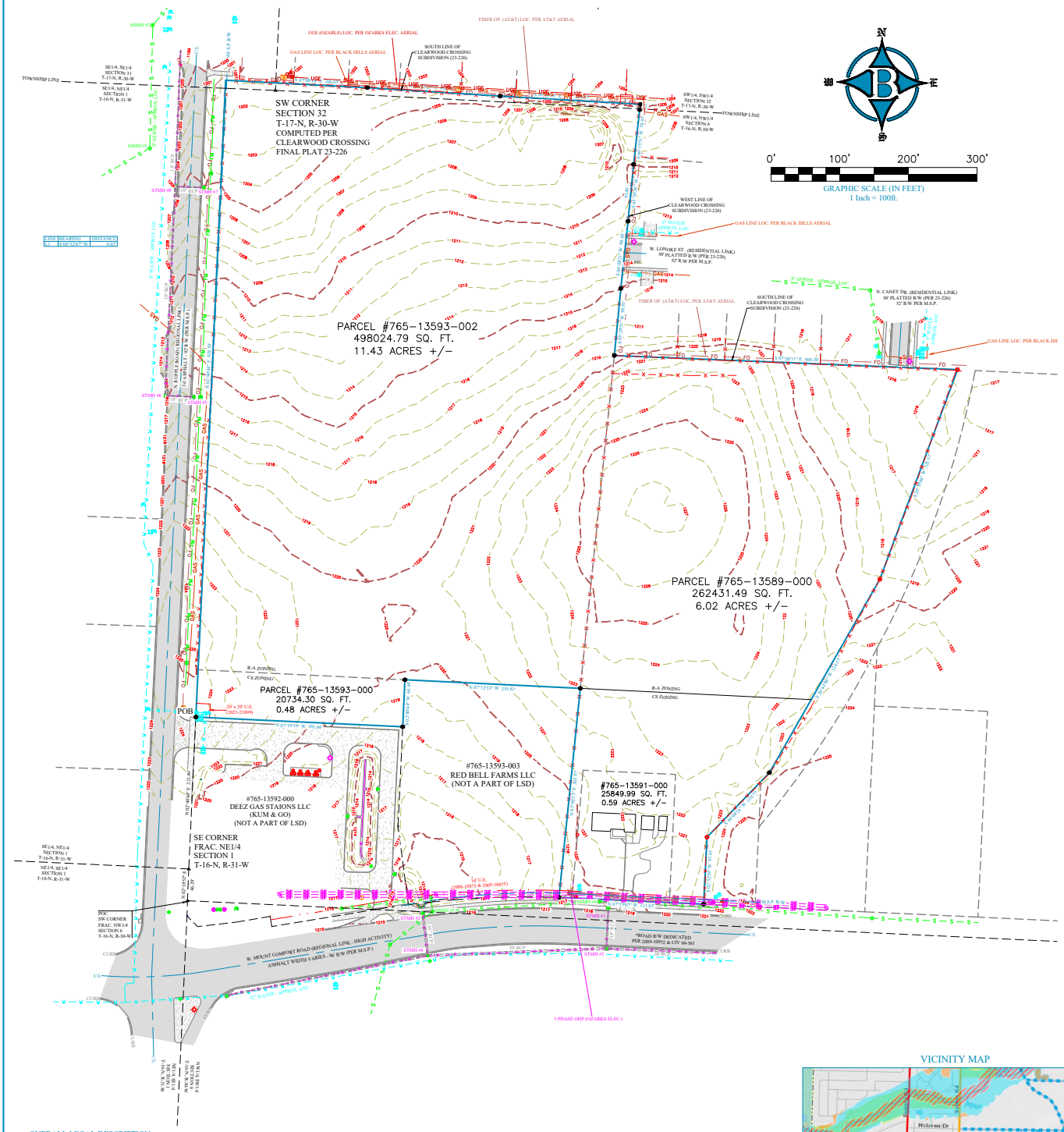
ACCESS MGMT EXHIBIT

DATE: JANUARY 31, 2024
SCALE:

DRAWING NUMBER

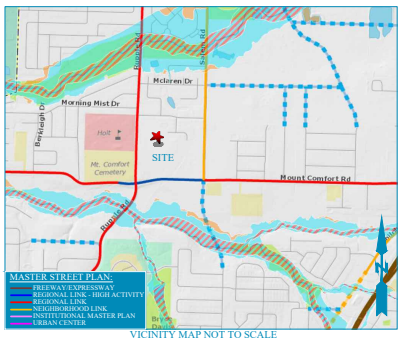
D1.0

PZD SURVEY EXHIBIT



OVERALL 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 324.37' TO AN EXISTING REBAR, S44°04'24"W 130.77' TO AN EXISTING FENCE CORNER ON THE EAST LINE OF A TRIANGLE SHAPED PIECE OF LAND THAT WAS CONVEYED TO ELLIS H. WILSON AND MATTIE BELLE WILSON BY EDNA HENBEST, AS PER QUITCLAIM DEED RECORDED IN BOOK 928 AT PAGE 754, THENCE ALONG SAID EAST LINE S02°52'59"W 97.61' TO AN EXISTING REBAR ON THE EXISTING NORTH RIGHT-OF-WAY OF WEST MOUNT COMFORT ROAD, THENCE ALONG SAID RIGHT-OF-WAY N87°19'07"W 211.03' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY N05°50'23"E 305.97' TO AN EXISTING REBAR, THENCE N87°12'33"W 255.81' 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 18.53 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH RUPPLE ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE, SUBJECT TO THAT PORTION IN WEST MOUNT COMFORT ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

VICINITY MAP



VICINITY MAP NOT TO SCALE

DRAFTING #20-086 PZD

FOR USE AND BENEFIT OF:
FLINTLOCK LAB

ADDRESS: 3670 & 3688 W. MT. COMFORT ROAD FAYETTEVILLE, ARKANSAS

DATE: 11/01/23 | SCALE: 1"=100'

LOCATION: SEC. 06-T16N-R30W, SEC. 31-T17N-R30W, SEC. 32-T17N-R30W

SURVEYED: RS | DRAFTED: JOR

COA #1335

BATES
Engineers • Surveyors
7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.8350

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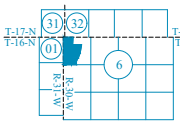
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the hereon cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

Location Map:



LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- FOUND ALUM. MONUMENT
- FOUND STONE
- FOUND PK NAIL
- SET 5/8" REBAR/CAP
- COMPUTED POINT
- FOUND FENCE CORNER POST
- NAIL
- FOUND PIPE
- TELEPHONE PEDESTAL
- ELECTRICAL METER
- POWER POLE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- VALVE
- STORM SEWER MH
- STOP LIGHT
- ELECTRICAL PEDESTAL
- SANITARY SEWER MH
- MANHOLE
- PROPERTY LINE
- PARCEL LINE
- FORTY LINE/ TIE LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- WATER LINE
- OVERHEAD POWER LINE
- SEWER LINE
- FENCE
- BUILDING SETBACK
- UTILITY EASEMENT

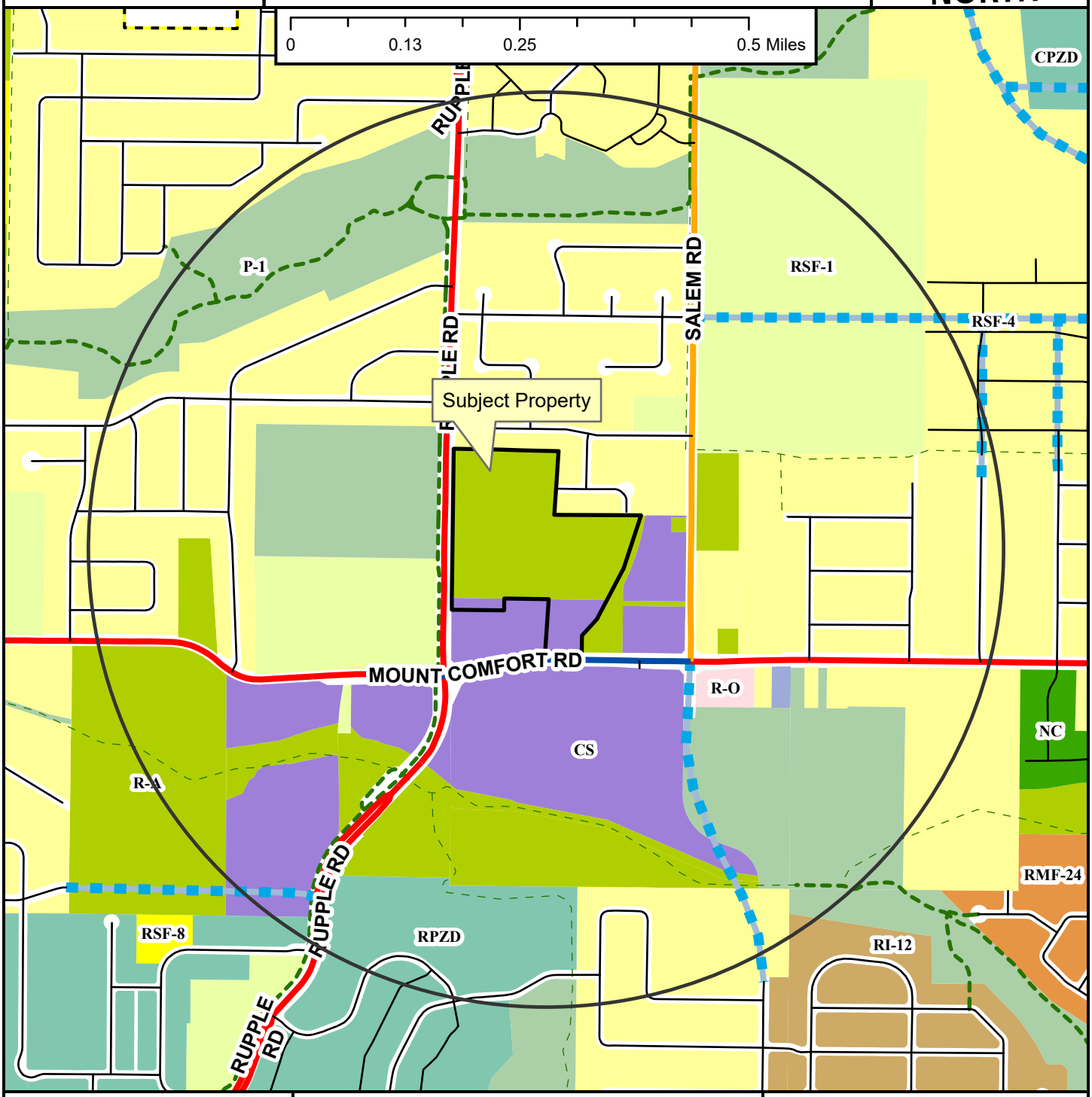
RECORDING NUMBER/DATE

VAR-2024-0008

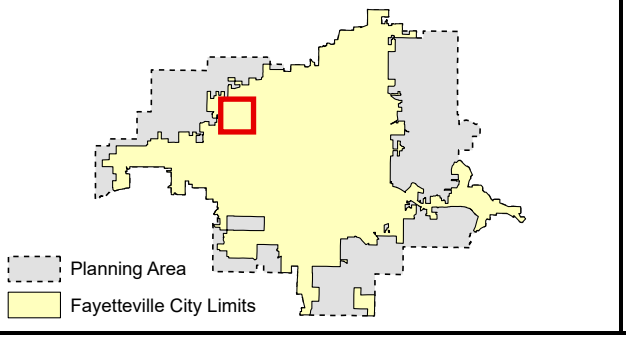
One Mile View

3568 W. MOUNT COMFORT RD

NORTH



- 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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

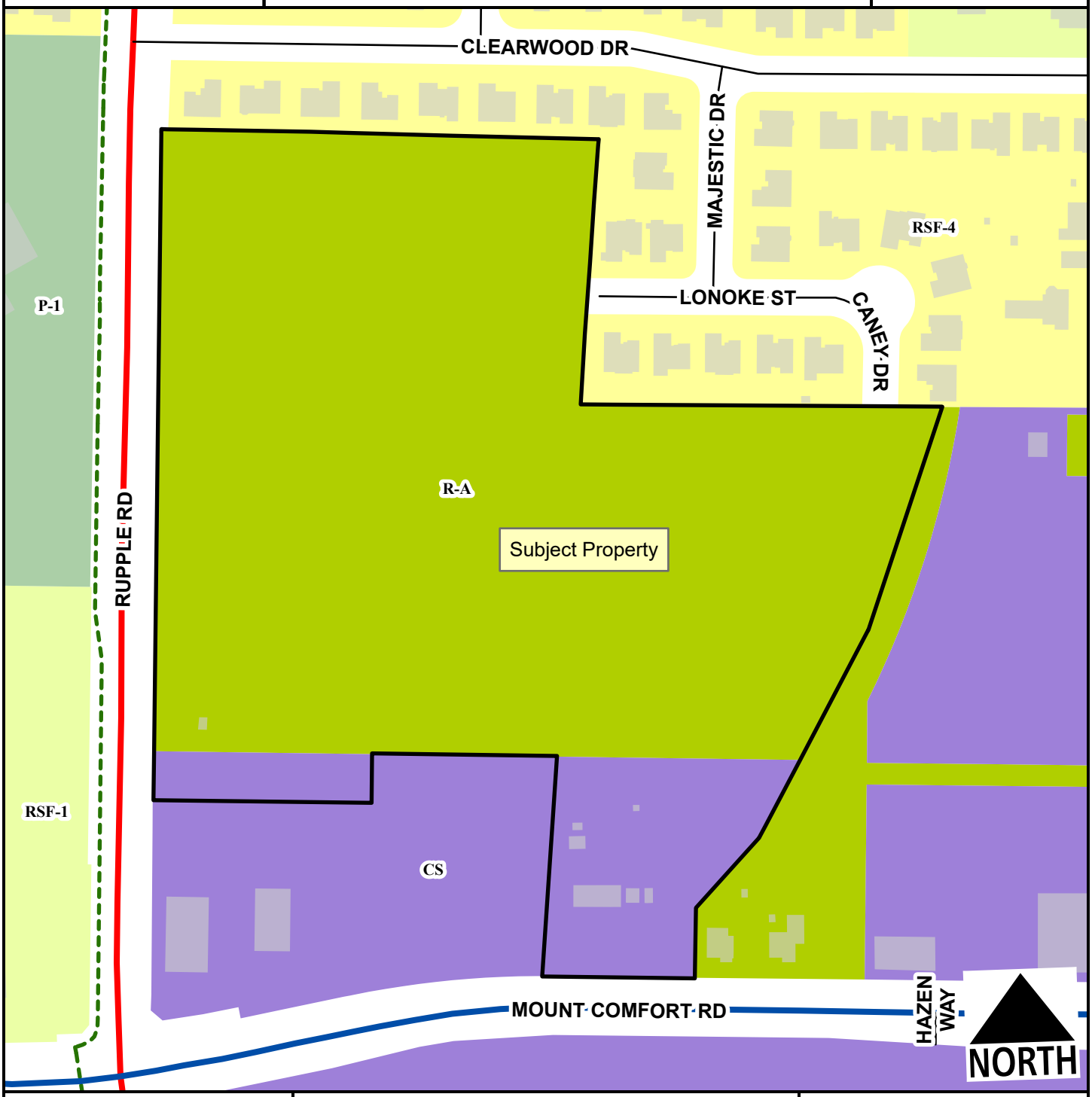
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2024-0008

Close Up View

3568 W. MOUNT COMFORT RD



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

Feet
0 75 150 300 450 600
1:2,400

Residential-Agricultural
RSF-1
RSF-4
Community Services
P-1

VAR-2024-0008

Current Land Use

3568 W. MOUNT COMFORT RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 11, 2024

SUBJECT: **CUP-2023-0192: Conditional Use Permit (3642 N. TOWER CIR./ROMAN, 284):** Submitted by MELISSA ROMAN for property located at 3642 N. TOWER CIR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.10 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0192** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0192**, determining:*

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

BACKGROUND:
The subject property is in west Fayetteville, approximately 0.25 miles southwest of Holcomb Elementary School. The property contains approximately 0.10 acres and is developed with a 1,500 square-foot single-family dwelling constructed in 2005. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-4, Residential Single-Family, Four Units Per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre

City Plan 2040 Future Land Use Designation: **Residential Neighborhood**

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a city-wide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0192** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;

3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;

4. Occupancy shall be limited to six guests;

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers, and business seminars are prohibited from occurring in the short-term rental;

6. No recreational vehicle, trailer, other vehicle, or structure not classified as a permanent residential dwelling may be used as a short-term rental;

7. All trash receptacles shall be screened from view of the right-of-way;

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;

9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and

10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION: Required YES

Date: March 11, 2024 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. **Authority; Conditions.** The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. **Procedures.** A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RSF-4 zoning.**

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 Business Regulations §118.01(E)(2) 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 is unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing short-term rentals, as follows:**

§163.18. SHORT-TERM RENTALS.

A. **Residential Zoning Districts***.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 short-term rental in RSF-4 zoning, which requires a conditional use permit.**

B. **Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **The property contains a total of three bedrooms which would limit occupancy to a maximum of eight guests per ordinance. The applicant indicated they anticipate having six guests. Staff recommends a condition of approval limiting the occupancy to six.**

C. **Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Parking for single-family homes is required to be provided at a rate of two spaces per unit. The applicant indicated in their submittal that there is space to park up to four vehicles on the property, two in the attached garage and two in the driveway. On-street parking along N. Tower Cir. does not appear to be available due to the street's narrow width, at about 20 feet.**

D. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The applicant's request letter suggests that the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 3642 N. Tower Cir. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of March 5, 2024, the City had issued 458 Type 2 short-term rental licenses, and 14 remain in the queue for processing. An additional 22 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.**

G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;

2. Adequate adjoining or nearby streets for on-street parking;

3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. Four off-street parking spaces will be available for guests on site, but on-street parking does not appear to be available. City records indicate that one other unit within a quarter-mile radius of the property has an active Type 2 short-term rental business license. There are no zoning or code violations for this property.**

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

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: **A driveway with access onto a rear alley is available to accommodate vehicular ingress and egress to the subject property. N. Tower Cir. is fully improved with sidewalks to facilitate pedestrian access. Staff finds that the**

proposal to use the property as a short-term rental will not adversely affect vehicular traffic flows considering the use of the property would be limited to a maximum of six guests which would not be out of character with the use of the property for residential purposes.

(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: **Four off-street parking spaces are available in a driveway and attached garage. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes to utilize residential trash service.**

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

Finding: **Utilities are currently available to the property and its use as a short-term rental is not expected to impact the provision of utilities.**

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

Finding: **No recommendation.**

(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 Unified Development Code Chapter 174, Signs, and all regulations therein.**

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

Finding: **Based on the applicant's submittal, the house appears to be meeting relevant setbacks.**

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

Finding: **Staff finds the proposed use to be compatible with surrounding properties. The property is primarily surrounded by residential uses and there is only one other licensed Type 2 short-term rental within a quarter-mile radius,**

including one in the same complex. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request.

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - § 161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and

(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(9) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

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.

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

1. Request Letter

Complete written description of this request (what is proposed by the applicant) to include:
We are applying for a conditional use permit from the city of Fayetteville for a property we purchased in order to obtain a type 2 short term rental permit. We will be placing the property on AIRBNB and will not be residing in the residence.

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

1512sqft

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

WHITE

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

4 2 car garge parking and 2 car parking in the driveway
on street parking is allowed during the day in front of home across the street, 2 cars allowed

(d) Outdoor lighting

ONE FRONT PORCH LIGHT

TWO OUTDOOR COACH LIGHTS IN BACK DRIVEWAY

ONE LIGHT ON BALCONY

ONE COACH LIGHT ON SIDE YARD

(e)noise

MINIMAL ON INSIDE OF PROPERTY
-Quiet hours on the property will be from 11pm-7am
-No parties of events
-Guest must be considerate of neighbors
-no unregistered guest

(f) Screening or buffering from adjacent properties

Fenced in side yard on left side of home

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

TRASH IS PLACED IN BACK DRIVEWAY IN FRONT GARAGE DOOR OFF TO THE SIDE

(h) Ingress and egress to the property; traffic impacts

PROPERTY HAS FRONT DOOR AND SIDE DOOR AS WELL AS AN ENTRANCE THROUGH THE GARAGE THAT ARE EASILY ACCESIBLE FROM N TOWER CIRCLE ROAD WITH NO TRAFFIC IMPACT

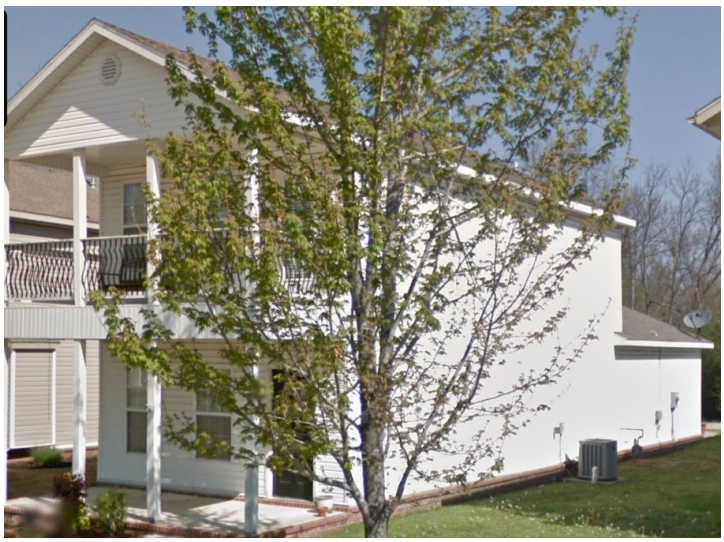
Garage is accessed via alley

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

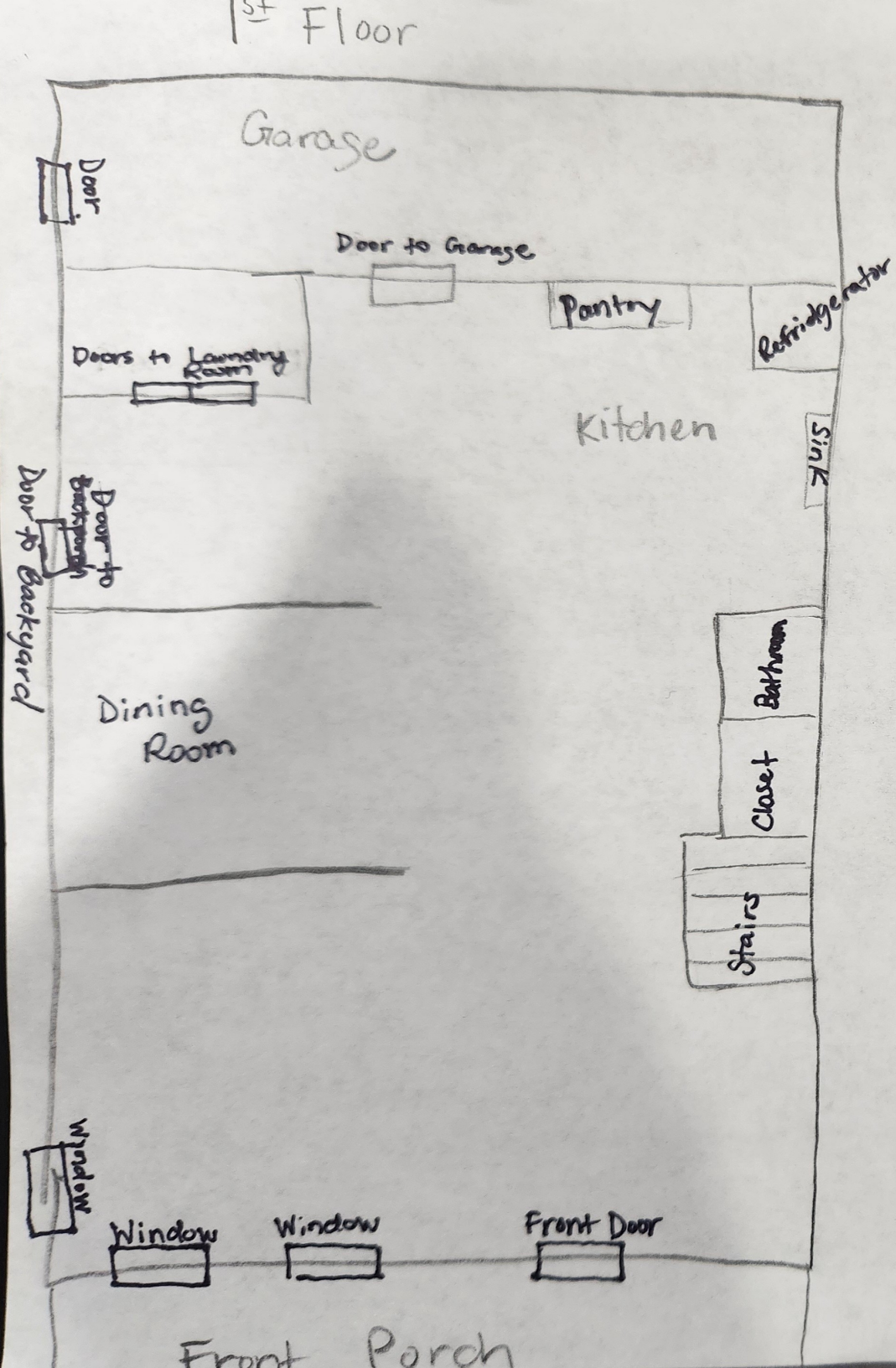
Accomadating more tourists from different areas bringing more cultural diversity and drive new customers to businesses in local areas

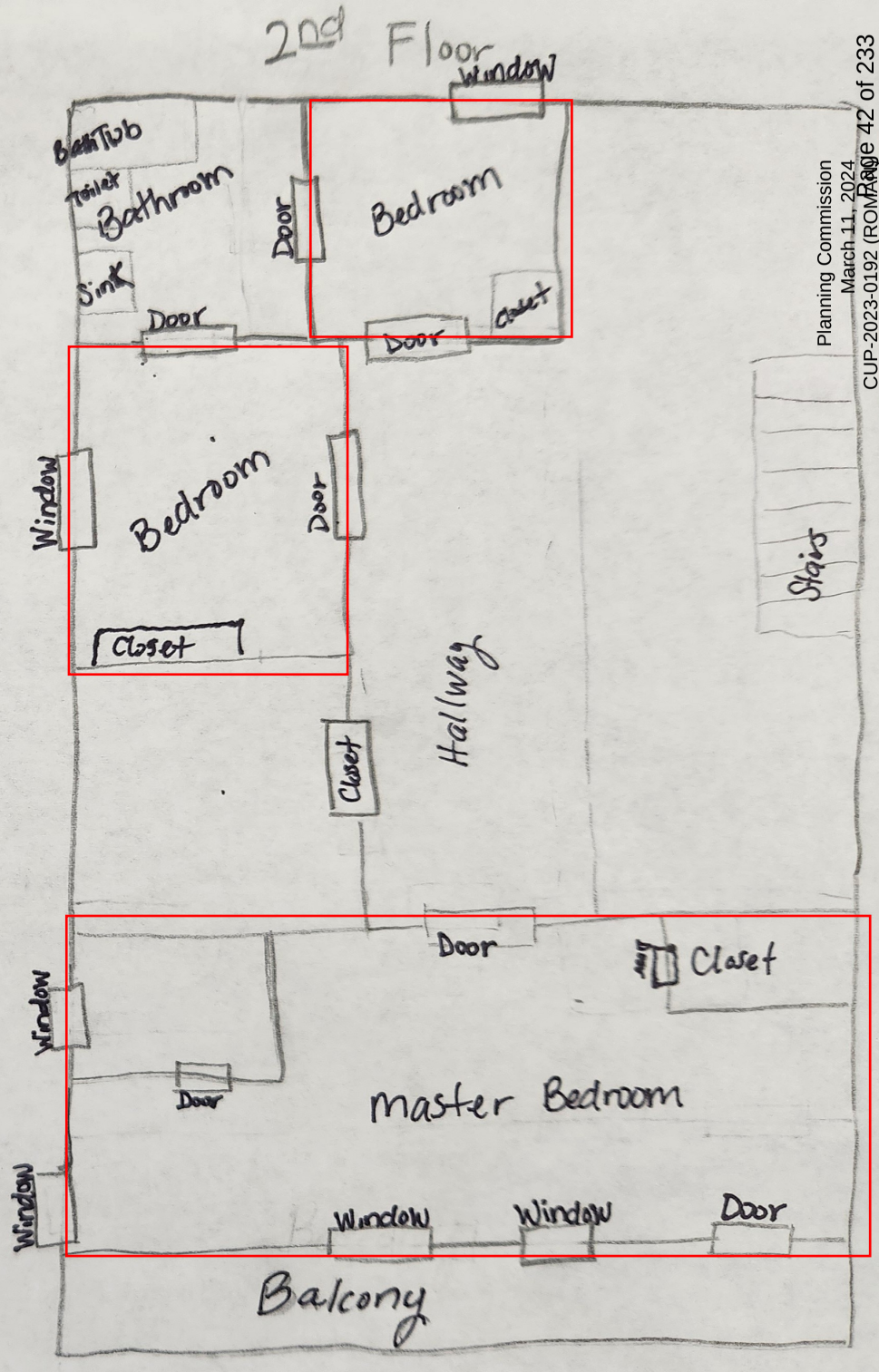
The property the neighborhood is a mix of long term rentals and owner occupied homes with a couple of short term rentals. We are anticipating having 6 quest on our property. The property is a 3 bedroom home which would allow for 2 people per room.

3642



Google


1st Floor
Garage
Door
Door to Garage
Pantry
Refrigerator
Doors to Laundry Room
Kitchen
Sink
Door to Backyard
Door to Backyard
Dining Room
Bathroom
Closet
Stairs
Window
Window
Window
Front Door
Front Porch


2nd Floor
Window
Bathtub
Toilet
Bathroom
Sink
Door
Bedroom
Door
Closet
Door
Bedroom
Window
Door
Closet
Hallway
Stairs
Door
Closet
Window
Door
Master Bedroom
Window
Window
Window
Door
Balcony

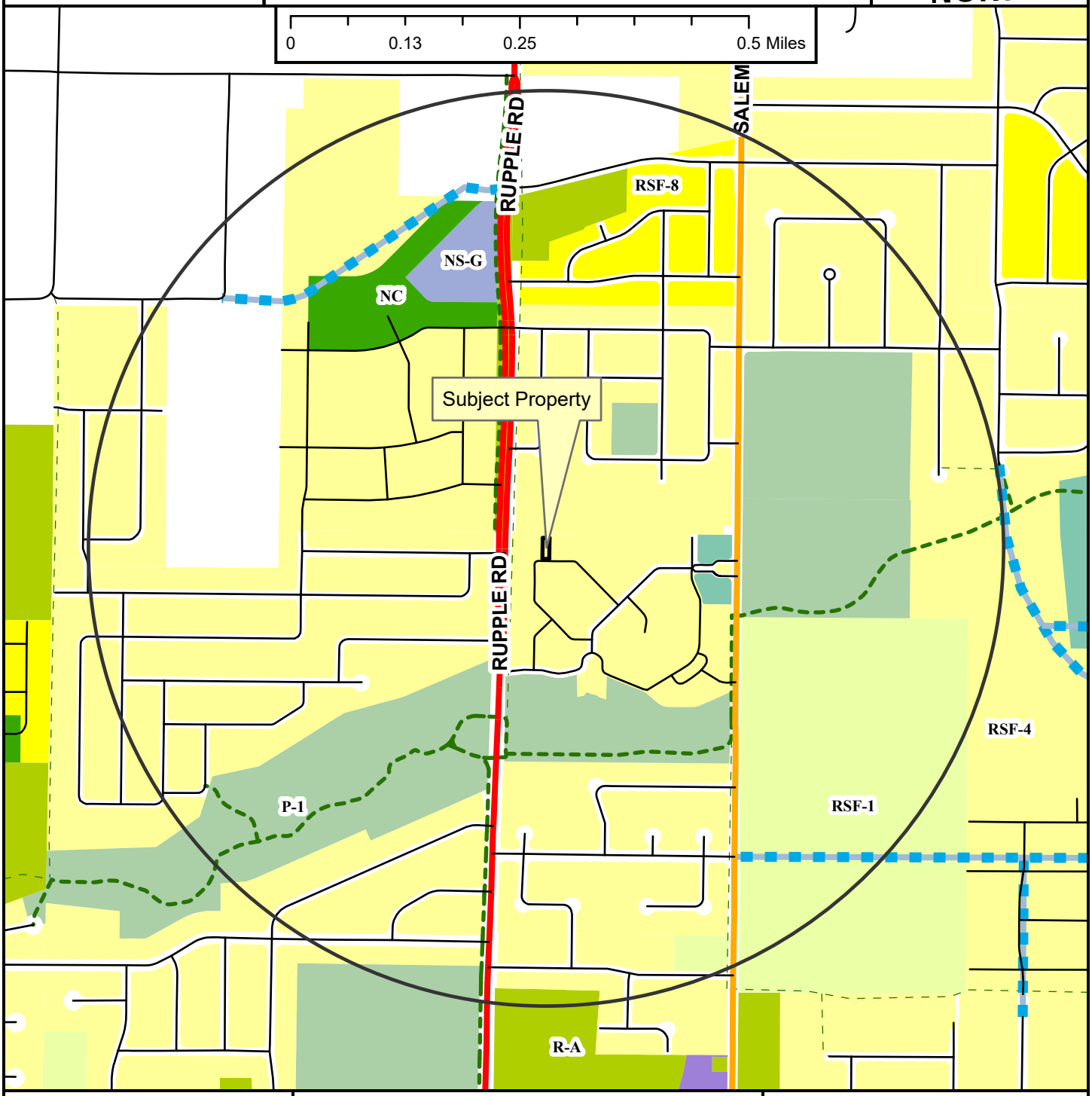
2 car parking inside garage
2 car parking in driveway
Parking
Trash and recycle bins
Parkin

CUP-2023-0192

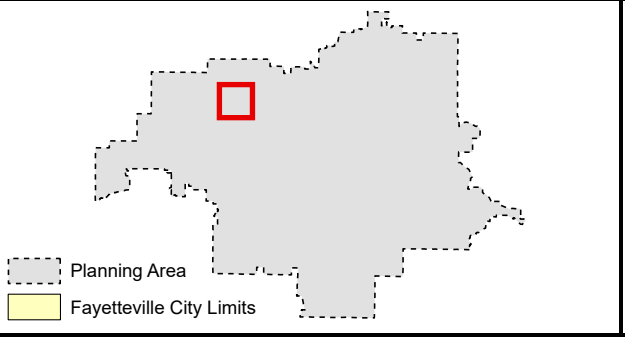
One Mile View

3642 N. TOWER CIR

NORTH



Regional Link
Neighborhood Link
Unclassified
Residential Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

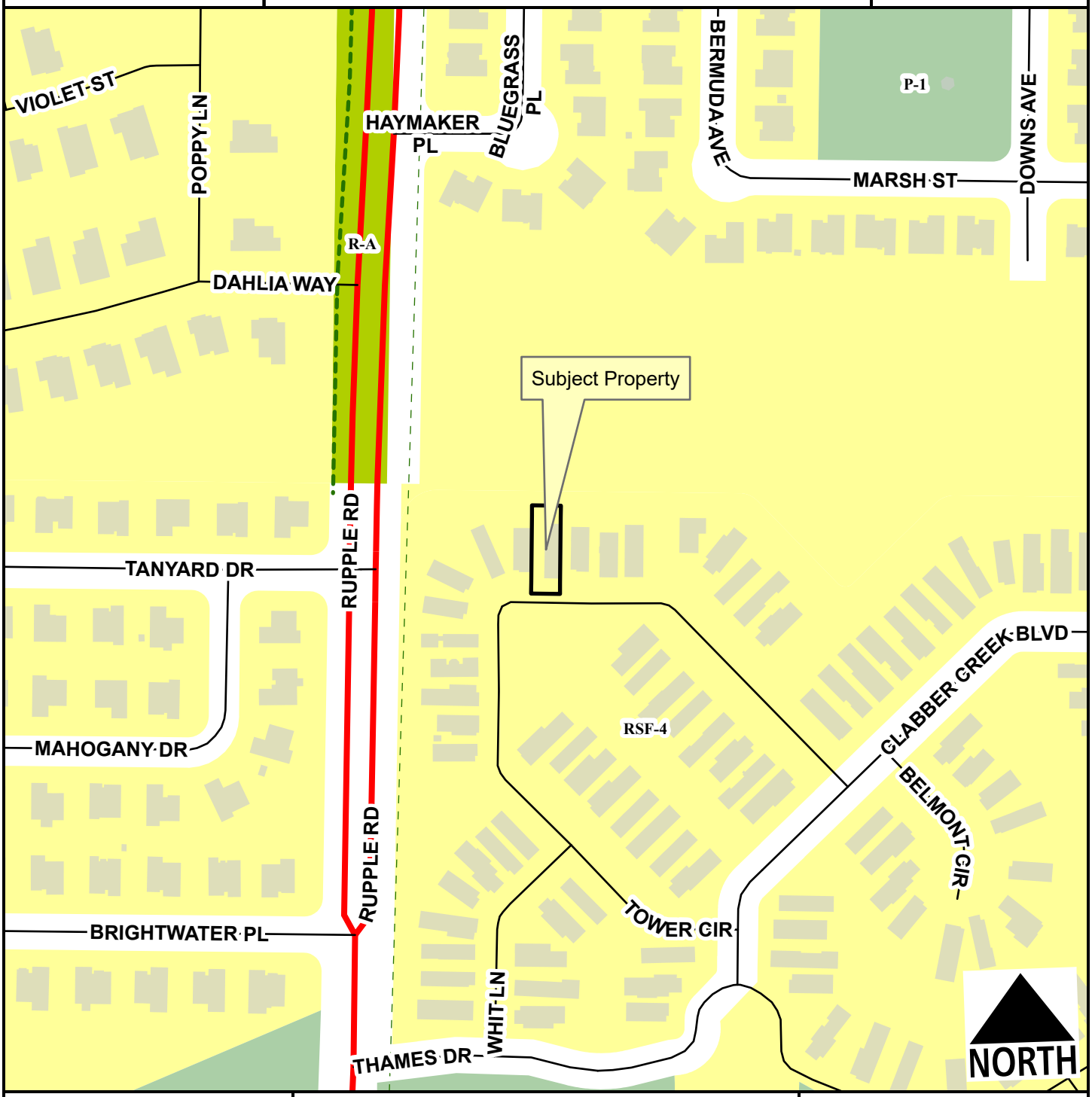
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0192

Close Up View

3642 N. TOWER CIR



Regional Link
Unclassified
Residential Link
Planning Area
Shared-Use Paved Trail
Trail (Proposed)

Feet
0 75 150 300 450 600
1:2,400

Residential-Agricultural
RSF-4
P-1

CUP-2023-0192

Current Land Use

3642 N. TOWER CIR

NORTH

Regional Link

Neighborhood Link

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

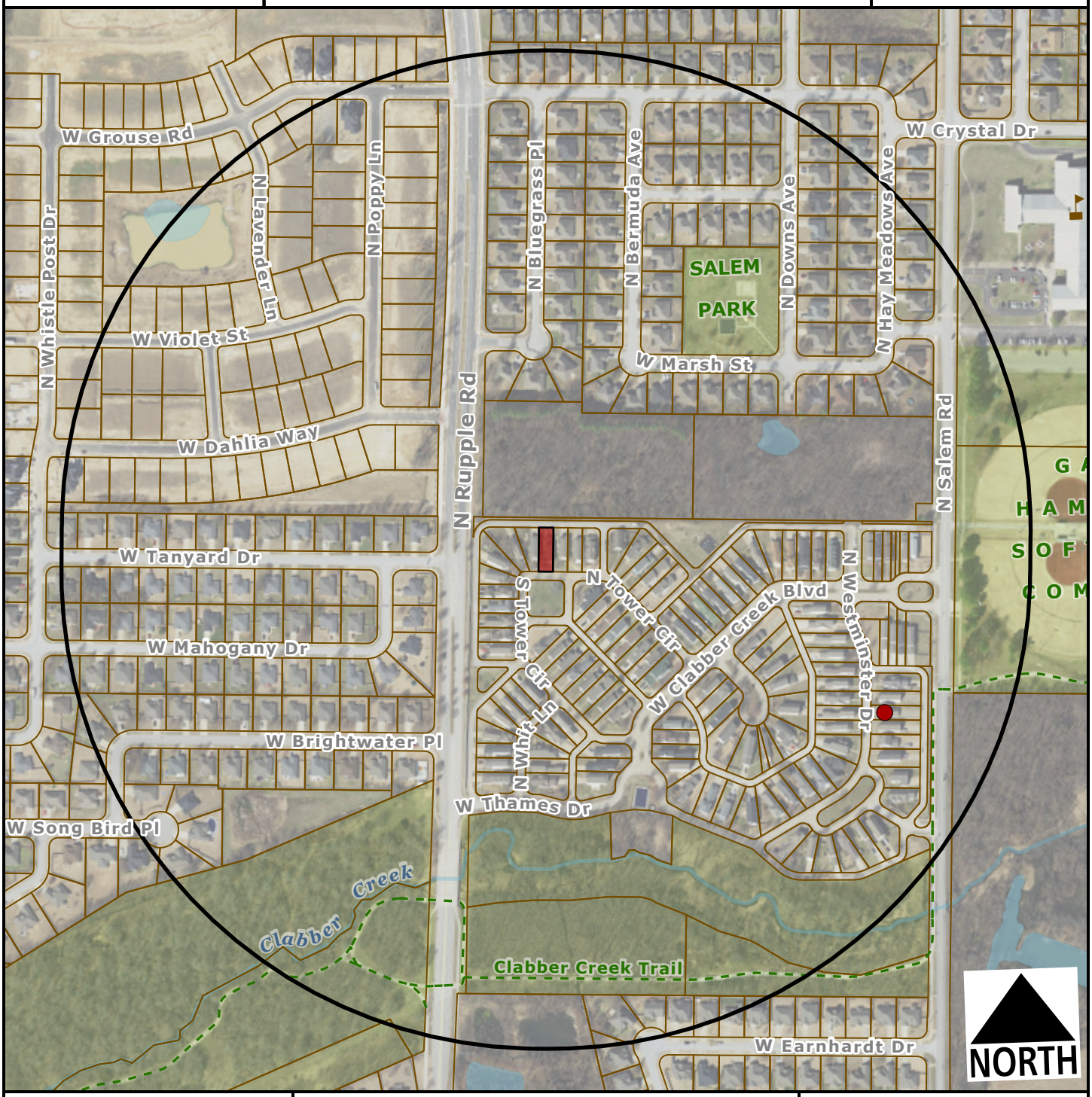
100-Year Floodplain

Floodway

CUP-2023-0192

STRs Within 1/4 Mile

3642 N. TOWER CIR



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 1

Occupiable Residential Addresses (Estimated Housing Units): 347

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 11, 2024

SUBJECT: **CUP-2024-0004: Conditional Use Permit (1681 W. ARROWHEAD ST./COCHRAN, 599):** Submitted by SCOTT COCHRAN for property located at 1681 W. ARROWHEAD ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.27 acres. The request is for a campground in RSF-4 zoning.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0004** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0004**, determining:*

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

BACKGROUND:
The subject property is located on the south side of Arrowhead Street in the Red Arrow Subdivision in southwest Fayetteville. The property contains one parcel totaling 0.27 acres which is developed with a single-family home that Washington County records indicate was built in 1965. The entire property is zoned RSF-4, Residential Single-Family, Four Units per Acre and is located within the Fayette Junction Master Plan area. The southern portion of the property lies within the City's Hillside/Hilltop Overlay District.

Staff received a complaint from a nearby resident last December about two recreational vehicles parked on the subject property. The resident stated that one RV was parked in the front yard near Arrowhead Street, which created a sight issue for those trying to get out of their driveways. That RV was removed from the property shortly after staff received a complaint and that violation was not further investigated. However, the resident also mentioned that a second RV was parked on the property which was inhabited by members of the property owner's family. Staff further investigated that complaint, determined that there were individuals living in the RV, and sent a notice of violation to the property owner on December 15, 2023. Living in a recreational vehicle is considered to be camping, and campgrounds are classified as Use Unit 2: City-wide uses by conditional use permit, in the City's Unified Development Code. In the notice of violation that was sent to the property owner, staff informed them that they must cease all camping activities on the property or apply for a conditional use permit for Use Unit 2. The property owner has applied for this conditional use permit as a way to remedy that violation. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

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

City Plan 2040 Future Land Use Designation: **Residential Neighborhood** within the **Fayette Junction Master Plan** area.

Proposal: The applicant requests approval of a conditional use permit to occasionally park a recreational vehicle on their property which their son and his family lives in. Residing in an RV is considered camping and campgrounds are classified as Use Unit 2: City-wide uses by conditional use permit in city code. The applicant has described the campground as follows:

- *Occupancy: Maximum of 4 guests*
- *Number of Tents/Vehicles Used for Camping: 1 RV will be used for camping*
- *Parking: The RV will occupy one space in the existing driveway and there will be room to park up to three additional vehicles*

Public Comment: Staff received a petition opposing the applicant's request which was signed by several neighbors. The petition states that a recreational vehicle was previously parked on the property and those who signed the petition do not support it being brought back. The petition also states that many neighbors have become increasingly concerned that the applicant's lack of order on their property is rapidly diminishing property values and defacing their neighborhood. In addition to the petition, staff received an email from the adjacent property owner to the east who stated their opposition to the applicant's request and provided pictures of their property. Their email is attached to this report. Staff also received a phone call from another neighbor who expressed their support for the applicant's request. That neighbor said that they believe others' concerns have been blown out of proportion due to unrelated, ongoing feuds within the neighborhood, and they did not have any concerns about the applicant's request.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0004** with the following conditions:

<u>Conditions of Approval</u>:

1. **Planning Commission determination of compatibility with adjacent properties;**
   Staff recommends that the proposed use is compatible with surrounding properties given the findings contained in this report;

2. This conditional use permit is limited to the campground use as described in this report. This conditional use permit is non-transferrable to a different property owner. The following specifications apply:
   - Occupancy: Maximum of 4 guests
   - Duration of Stay: No more than 2 weeks at a time, no more than 4 times a year
   - Parking: Maximum of 1 per 4 campground occupants
   - Tents/Vehicles: Maximum of one recreational vehicle

3. All campground users shall have 24-hour access to restroom facilities. If access to the indoor bathroom cannot be guaranteed, then a portable outdoor facility must be provided and screened from view of the public right-of-way;

4. All vehicles parked on the property shall be licensed, operable, and parked in a manner that does not encroach into the public sidewalk or right-of-way or obscure the view of vehicular or pedestrian traffic along the street;

5. All persons camping on the property shall have access to securable storage for personal items;

6. The applicant shall coordinate with the City's Building Safety Division to ensure that all necessary permits are obtained to securely hook up the recreational vehicle to utilities;

7. Noise emissions shall be limited as described in Chapter 96: Noise Control. Since RMF-24 is a residential zoning district, maximum noise levels are limited to 60 dB(A) from 7:00 a.m. to 11:00 p.m. and to 55 dB(A) from 11:00 p.m. to 7:00 a.m.; and

8. Any future expansion or change in the use shall require Planning Commission approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS, PROCEDURES

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting a conditional use permit for a campground, or Use Unit 2: City-Wide Uses by Conditional Use Permit, 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 Unified Development Code §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 is not likely to adversely affect the public interest. Staff acknowledges that the proposed use is intended to be temporary in nature with a recreational vehicle parked on the property no more than eight weeks each year. While the subject property is located within a residential subdivision, staff finds the applicant's request to be compatible with the surrounding area since the recreational vehicle would be parked in their driveway and used temporarily for residential purposes. The City's parking ordinance allows recreational vehicles to be parked on residential properties so long as they are licensed and parked in a clearly defined driveway or off-street parking area. Staff finds that allowing guests to temporarily occupy a recreational vehicle, which would otherwise be allowed to park on the property, is not likely to adversely affect the public interest. While the proposed land use was discovered as a result of a complaint, staff finds that provisions for screening and limitations on the duration of stay should limit the potential for this use to adversely affect the public interest.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing campgrounds, as follows:**

§163.12. CAMPGROUNDS.

A. Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:

1. Consent. The property owner shall provide written consent.

Finding: The property owner has provided their written consent for the requested conditional use.

2. Contact. The owner of the property shall ensure current contact information is provided to the City for the owner or a responsible party.

Finding: The owner of the property has provided their current contact information to the City.

3. Owner or agent accessibility. The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three hours of being contacted.

Finding: The property owner has stated that they will be accessible by phone and able to be physically present at the property within three hours of being contacted by their son and his family or the City in order to facilitate compliance with this ordinance.

4. Sanitation. Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.

Finding: The applicant has stated that the recreational vehicle will have access to electric hookups and potable water, and there will be no on-site disposal of sewer or gray water. The applicant also stated that any person camping on the property will be able to use the bathroom, kitchen, and laundry facilities inside the house on the property.

5. Waste. The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.

Finding: The applicant has stated that they will be responsible for ensuring that there is no accumulation of solid waste on the property. All trash produced by the recreational vehicle will be placed in trash bins inside of the house and collected in residential trash carts that are picked up by the city.

6. Setbacks. The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.

Finding: **The applicant has stated that the recreational vehicle will be parked in their driveway on the west side of the property. Staff finds that the location of the recreational vehicle meets setback requirements.**

7. **Access by the City.** The City shall be authorized to enter the property to ensure compliance with the City's ordinances and any conditions of approval.

Finding: **The applicant is aware that the City would be authorized to enter the property to ensure compliance with city ordinances and any conditions of approval.**

B. In addition to the factors set forth in §163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:

1. **Duration.** Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users.

Finding: **The applicant has stated that the campground is a temporary use intended to provide comfortable and cost-effective accommodations for their son's family when they are visiting. Based on the applicant's submittal, their RV will only be parked on the property four times a year, with a maximum stay of two weeks each visit. Staff recommends a condition limiting the duration of stay by campground users to two week periods, as specified by the applicant.**

2. **Natural Hazards.** Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit.

Finding: **The subject property is relatively steep and the southern half of the site lies within the City's Hillside/Hilltop Overlay District. The recreational vehicle associated with the applicant's request would be parked in a flat area that lies outside of the Hillside/Hilltop Overlay District. Since no camping is proposed to take place outdoors on the property, staff does not have any concerns related to natural hazards.**

3. **Separation and Screening.** The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.

Finding: **In their submittal, the applicant stated that they have taken several measures to ensure privacy for campers and neighbors by screening and buffering camping areas from adjacent properties. View obscuring vegetation is present on the west side of the property and it appears that the applicant has installed a gate on the side of their house to screen the area between the RV and their house from view of the right-of-way.**

4. **Occupancy Limits.** The Planning Commission should consider limits on the number of occupants on the property with considerations for factors

including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.

Finding: **Staff recommends that occupancy in the campground be limited to a maximum of four related guests based on the applicant's submittal. The underlying RSF-4 zoning district limits the number of residential units on this property to a maximum of one based on the total acreage, and the property is currently developed with a single-family home. All guests staying in the campground would be related to the occupants of the primary house, and they would stay on the property for no more than two weeks at a time.**

5. **Campfires.** Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.

Finding: **No campfires or other open burning areas are proposed with this request. Staff recommends that any fire pits on this property comply with the city's requirements for those associated with single-family residences.**

6. **Noise.** The Planning Commission may apply conditions limiting noise emissions from the campground.

Finding: **Staff recommends that noise emissions be limited as described in Chapter 96: Noise Control. Since RSF-4 is a residential zoning district, maximum noise levels would be limited to 60 dB(A) from 7:00 a.m. to 11:00 p.m. and to 55 dB(A) from 11:00 p.m. to 7:00 a.m.**

7. **Storage.** Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.

Finding: **Staff recommends a condition requiring that any person camping on the property has access to securable storage for personal items. The applicant has indicated that guests will have access to storage inside of their house and in accessory sheds, and secure storage for personal items will be made available.**

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

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: **Ingress and egress to the property is provided through an existing driveway with access onto Arrowhead Street, a partially improved Residential Link Street with asphalt paving, curb, and gutter. The driveway on the property appears to be large enough to park the proposed recreational vehicle as well**

as three other vehicles. Staff finds that parking the recreational vehicle on the west side of the house, as proposed, is not likely to adversely affect traffic safety.

(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: **A total of four off-street parking spaces are available in an existing driveway. The City's parking ordinance limits parking for campgrounds to one space per four occupants, and it limits parking for single-family homes to two spaces per unit with up to four vehicles permitted to be parked outdoors on the property. The applicant has stated that one space in the driveway will be used to park the proposed recreational vehicle, while spaces would be left for up to three vehicles to park in the remainder of the driveway. Staff recommends a condition limiting parking for the campground as described by ordinance.**

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

Finding: **The applicant has stated that all trash produced by the campground will be placed in the trash bin inside of their home and disposed of in residential carts. Staff recommends a condition confirming that residential carts are screened from view of the public right-of-way when not placed at the curb for pick-up.**

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

Finding: **Utilities are currently available to the subject property and its use as a campground is not expected to impact the provision of utilities.**

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

Finding: **The applicant has stated that they have taken several measures to ensure privacy for campers and neighbors by screening and buffering camping areas from adjacent properties. View obscuring vegetation is present on the west side of the property, and it appears that the applicant has installed a gate on the side of their house to screen the area between the RV and their house from view of the 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 Unified Development Code Chapter 174, Signs, and all regulations therein.**

(g.) Required yards and other open space;

Finding: **The applicant has stated that the recreational vehicle will be parked in their driveway on the west side of the property. Staff finds that the location of the recreational vehicle meets setback requirements.**

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

Finding: **Staff finds the proposed campground to be generally compatible with adjacent properties and others nearby since it is intended to be a temporary residential use. The applicant has demonstrated how adequate provisions will be provided to ensure the health, safety, and welfare of guests, and the scale of the campground is limited. Staff recognizes the value in providing temporary, cost-effective housing accommodations, given the rising cost and undersupply of housing, and finds that the applicant's request is suitable given its limited impact and general compatibility with the surrounding area.**

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

Finding: **Staff finds the proposed use to be somewhat consistent with the goals and intent of the City's adopted land use and other strategic plans. The proposed campground is intended to serve as temporary housing for the property owners' son and his family when they are visiting, for no more than two weeks at a time and no more than four times a year. As noted in City Plan 2040, there is a shortage of affordable housing in the City of Fayetteville, and campgrounds could serve as a temporary solution that could support Goal 6 of City Plan 2040 by creating opportunities for cost-effective housing and shelter.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §161.07 – District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §163.12 – Campgrounds
- Applicant Request Letter
- Recreational Vehicle Floor Plan
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(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.

163.12 Campgrounds

(A) Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:

(1) *Consent.* The owner of the property shall provide written consent.

(2) *Contact.* The owner of the property shall ensure current contact information is provided to the city for the owner or a responsible party.

(3) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three (3) hours of being contacted.

(4) *Sanitation.* Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.

(5) *Waste.* The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.

(6) *Setbacks.* The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.

(7) *Access by the City.* The city shall be authorized to enter the property to ensure compliance with the city's ordinances and any conditions of approval.

(B) In addition to the factors set forth in subsection 163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:

(1) *Duration.* Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users;

(2) *Natural Hazards.* Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit;

(3) *Separation and Screening.* The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.

(4) *Occupancy Limits.* The Planning Commission should consider limits on the number of occupants on the property with consideration for factors including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.

(5) *Campfires.* Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.

(6) *Noise.* The Planning Commission may apply conditions limiting noise emissions from the campground.

(7) *Storage.* Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.

(C) The requirements and limitations of this section shall not apply to or affect the limited camping authorizations of §97.068, Camping Prohibited in the Parks and Recreation Chapter of the Fayetteville Code.

Request Letter

01/09/2024

Dear Sir/Madam,

We are Scott and Barbara Cochran, and we have been proud owners of our lovely residence in Fayetteville for more than three decades now. We are writing to you to respectfully request a Conditional Use Permit (CUP) for Use Unit 2, as we intend to provide temporary accommodation to our son's family of four during their visits to our home. Our son's family travels for work, recreation, and educational purposes for a significant part of the year, and we believe hosting them at our address during their occasional visits for special occasions would be a reasonable and responsible way to spend quality time together without incurring exorbitant costs.

To provide comfortable and cost-effective accommodation to our son's family, we plan to park their brand new 2023 32' Pioneer travel trailer on the side of our home in our driveway that is adjacent to 1699 W. Arrowhead St. This location is mostly out of view to the public and will not obstruct any trash pickups or deliveries. We have obtained consent from the Owner, Camillieri Marrietta, for this arrangement, and we are grateful for their support.

Our son's family will have access to all necessary amenities during their stay and will be using our 1,000-square-foot home, which includes a bathroom, trash service, kitchen, laundry, and access to potable water. We assure you that we will take all necessary measures to maintain the aesthetics of our property and the surrounding areas during their visit. We will not allow any fire pits in unsafe areas, nor will there be any tents or illegal dumping. Moreover, we will not be hosting any other recreational vehicles or for-profit camping activities during this time. With four vehicles - three cars and one RV - all of which can comfortably fit in our driveway, there will be no need for any extra parking spaces.

We value our family deeply and consider spending time with them to be one of life's most precious gifts. We are committed to upholding local regulations and working with you to ensure compliance with all requirements. We understand our responsibilities as homeowners and neighbors and will do our best to maintain a peaceful and safe environment for everyone.

In conclusion, we respectfully request that you approve our CUP permit application. We believe that this would be a reasonable, responsible, and cost-effective way for us to spend quality time with our loved ones during these unprecedented times. We thank you for your time and thoughtful consideration of our request.

Sincerely, Scot and Barbara Cochran

Request Letter

a) My home has a total area of 1,000 square feet, and I'm planning to park a 265-square-foot recreational vehicle near my house. 3ft from my home, and 5ft from the adjacent property line. 60ft from the street. With a height of 11 ft

(b) The vehicle I'll be parking is a 2023 Pioneer 32-foot travel trailer that comes in white, blue, and black, 11ft

(c) My driveway has enough space to accommodate three cars and one recreational vehicle comfortably. The recreational vehicle is 60ft from the house and 5.5 ft is sticking out beyond the house.

(d) Our family when visiting will have six members total including my son's family of four, my wife, and me.

(e) To ensure the safety and security of my home, outdoor lighting has been installed and is operational even when my family is not visiting.

(f) I'm committed to keeping the noise generated by the recreational vehicle camping minimal and in compliance with Fayetteville's noise ordinances and quiet times.

(g) To screen or buffer from adjacent properties, I've taken additional measures such as fencing and natural screens with trees and shrubs. It is parked 60 ft from the street to the front of the camper. 27ft hidden and 5ft visible to public eye.

(h) All trash produced will be placed in my home's trash bin, and there will be no sewer or gray water dumping on-site. The recreational vehicle will only have an electric hookup. And the family will be able to use our indoor bathroom, kitchen, and laundry.

(i), there will be no more traffic than the usual family & friends visiting, whether camping or not. Only one family of 4 will be periodically considered camping on our property.

(j) I've taken measures to ensure that my neighbors won't be affected more than they would be during normal visitation of friends and family. . Additionally, the travel trailer will be mostly hidden out of sight from the public eye.

Request Letter- CUP-2024-004

1681 W. ARROWHEAD ST - The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.27 acres. Our home has around 1,000 square feet, 3 beds and 1 bath. I am planning to park a recreational vehicle which measures 265 square feet in our spacious driveway in close proximity to our home. My son's family plans on staying in their RV for up to two weeks, 4x a year for holidays, work, and/ or educational purposes.

Duration & Occupancy
- There is one RV
- The RV will be occupied by my son's family of four
- 2 weeks or less each visit
- 4x a year

Proposed RV Details:
The recreational vehicle that will be occasionally parked is a 2023 Pioneer 32-foot travel trailer. It comes in white, blue, and black and has a height of 11 feet and 265 sq ft .The trailer is registered and insured to our address.

Parking:
My driveway has ample space to fit three cars and a recreational vehicle with ease. It meets within Fayetteville's City guidelines for the amount of vehicles allowed in a driveway. I intend to park it approximately 3 feet from my home, 5 feet from the adjacent property line, and 60 feet from the street as can be seen in the attached photos. We will not need any special parking permits or need any extra permissions for parking spaces.

Traffic:
We are expecting no more traffic than usual; There will be only my son's family of four who will occasionally camp on our property. We are not hosting any other families nor are we making any money from this setup. Traffic would be no more than any normal family visitations.

Location, Setbacks, and Hazards:
We have carefully chosen a location to park the RV that meets certain criteria. Firstly, it is the most secure and level location. Secondly, it is situated in a safe spot that is protected from natural hazards. We have and will ensure that we comply with all setback requirements and have taken all necessary steps to guarantee privacy, security, safety, and compliance with local ordinances.

Noise
I am committed to ensuring that any noise generated by my "camping" is kept to a minimum and complies with the noise ordinances and quiet times of Fayetteville. I have taken extra precautions to ensure that my neighbors are not disturbed. This visit from family will not be any more noticeable than a normal visit from friends and family. I truly believe it would go unnoticed if one is not actively looking for it. Furthermore, I have received approval from the closest neighbor next to where the camper will reside. She has voiced her approval and support to the city via phone call as described on our mailing notice. .

Screening & Buffering
I have taken several measures to ensure privacy for the "campers" and my neighbors by screening or buffering from adjacent properties. These measures include fencing, fence screens, as well as natural screens such as trees and shrubs. More steps are in the plan to further enhance privacy screens and fences. See attached photos.

Safety:
To guarantee the safety and protection of my home and family, I have installed outdoor lighting that remains operational even when my family is not present. I am currently in the process of planning to upgrade our home security system and will continue to add natural screening to enhance our privacy even further.

Waste and sanitation:
I am responsible for ensuring that there is no accumulation of solid waste. All the trash produced will be placed in the trash bin of my home that is taken care of by Waste Management. There will be no onsite disposal of sewer or gray water. The recreational vehicle will have access to electric hookups and potable water. Additionally, my family (campers) will be able to use our indoor bathroom, kitchen, laundry, and outdoor storage facility.

Request Letter- CUP-2024-004

Storage
The “campers”, my son's family will have 100% access to storage whether in our outdoor storage shed or indoors of our home. They will have secure storage for personal items.

Campfire:
We will not permit fire pits in areas that are deemed unsafe. As of now, we have no plans to install fire pits and will only do so by the guidelines provided by the fire marshals and city regulations.

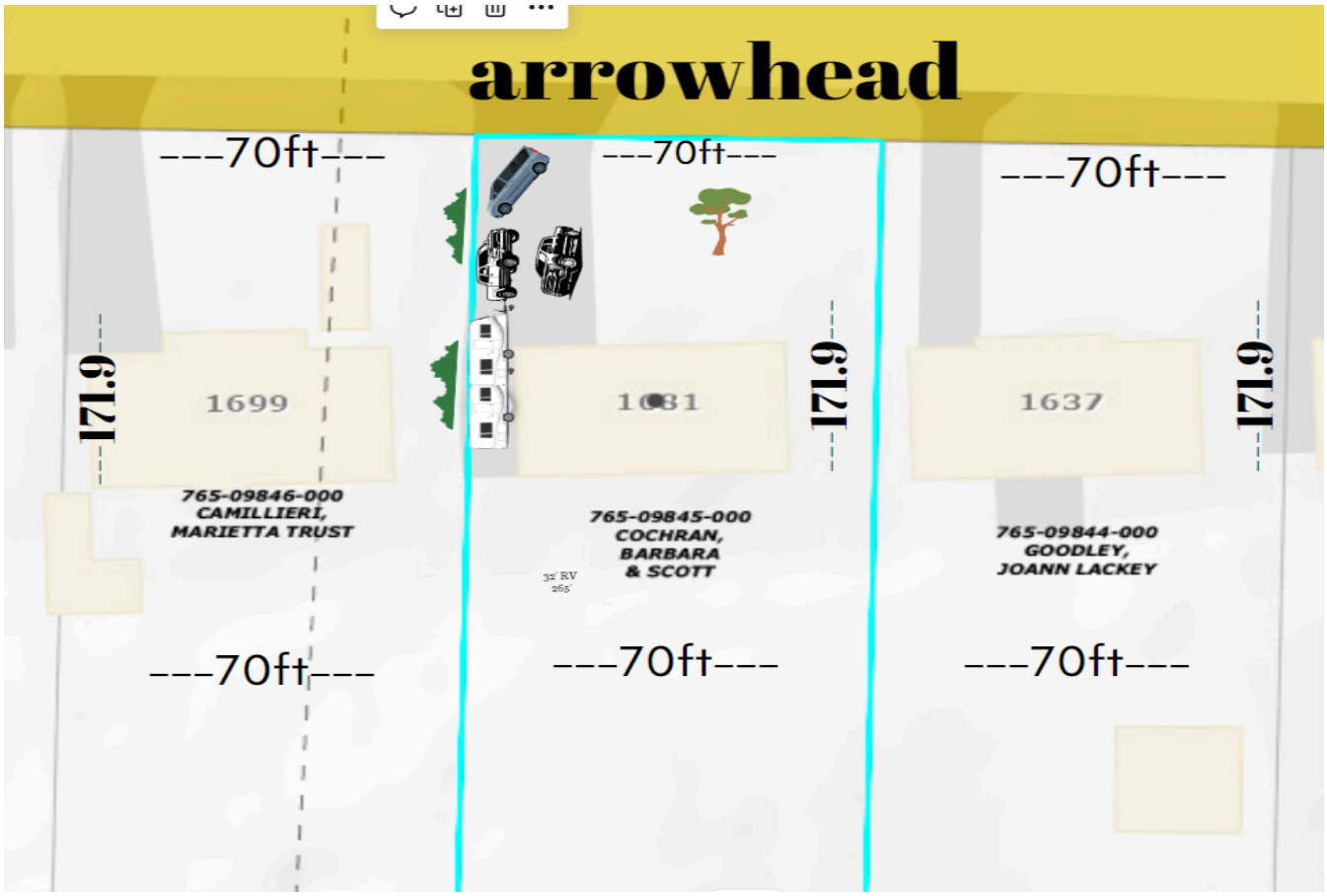
I, Scot Cochran, the owner have provided written consent for this CUP. The city has all my current contact information. I will be accessible by telephone, and able to be physically present at the location within three (3) hours of being contacted by my son and his family or the city. My son also has a Key to our property and is welcome to come as he and his family please with complete access to our home regardless of camping or not.

I will ensure compliance with the ordinance and any condition of approval and authorize the city to have access to see if these conditions are being met.

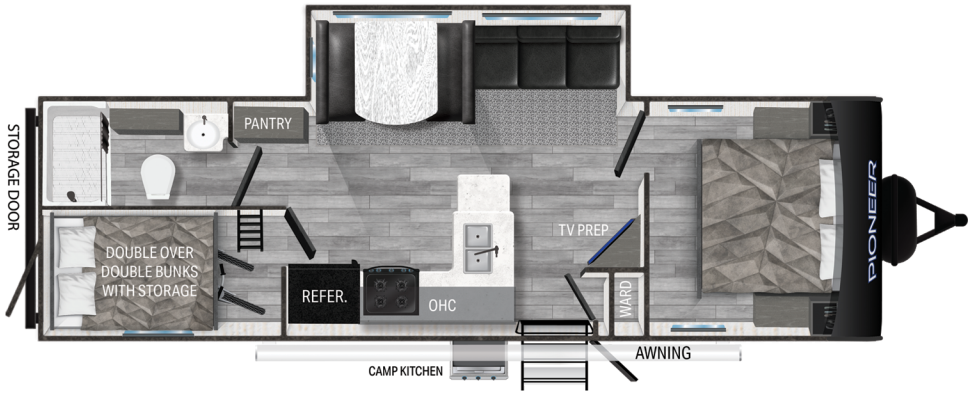
We believe that this would be a reasonable, responsible, and cost-effective way for us to spend quality time with our loved ones.

Sincerely,

Scot Cochran



PIONEER



Pioneer BH281

TOP FEATURES

Top Exterior Features

- Flip-Down Storage Rack - Extra storage for bikes, wood, coolers, and more.
-
-
- King Kong Sized Pass Thru Storage - 52 cubic feet of finished and insulated storage with LED lights. (N/A in Trail Blazer Models)
-
-
- Hybrid Aluminum Front Profile - Aerodynamic radius front structure for better wind and water deflection, adding strength and reducing tongue weight.
-
-
- Pioneer Power Pack - Power stabilizer jacks, power tongue jack, and power awning.
-
-
- EZ Camp Package - Black tank flush, outside shower with hot and cold water, LP Quick connect, outside TV hookup, and a flip-down secure step with XL handle.

Top Interior Features

- Ultimate Kitchen - Solid surface counter tops and large under-mount dual bowl, stainless steel sink with high rise faucet.

PRODUCT SPECS

Dry Weight	6420
Hitch Weight	890
Axles	2 x 3500
Fresh Tank	41
Black Tank	40
Furnace	30,000 BTU
Number of Slides	1
Bedroom Height	6'-8"
Awning Length	17'
Cook Top	3 Burner
Traditional Oven	Yes
Convection Oven	No
Generator Prep	N/A

HEARTLAND
2831 Dexter Drive • Elkhart, Indiana 46514
574-282-3992 | www.heartlandrvs.com

*Overall length defined as tow point (ball coupler for travel trailers / king pin for fifth wheel trailers) to rear bumper. It does not include rear ladder or spare tire. Optional pin boxes will affect overall length. **Garage length is defined as ramp door to full interior wall. Standard [illegible] overall garage dimensions. Information provided is accurate as of 9/17/2020

House at 1681 Arrowhead

JOANN GOODLEY <joanngoodley@sbcglobal.net>

Fri 2/9/2024 11:01 AM

To:Harrison, Gretchen <gharrison@fayetteville-ar.gov>

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.

AT&T
1:06 PM
Front Door

Quick Replies

Gretchen I hope Billy Bryant sent you the video and photos that I sent him. Please let me know if you didn’t receive them. I have lived next to the Cochrans for years and have always had to deal with their

filth and dirty living conditions. I'm not in favor of the camper coming back because of them living in it, and usually a lot of company visiting where I can't see how to get out of my driveway. I have seen rats from the chicken coop and the filthy yard.
As far as getting signatures from the other neighbors, can you send me a copy of the form or do I have one made up? You can call me at (479) 601-1413 or email me the Petition for the signatures.
Thank you so much!! I appreciate you!!

Sent from AT&T Yahoo Mail for iPhone

Ms. Gretchen Harrison,

There have been some ongoing concerns in regards to the upkeep and living conditions of a property located at 1681 W. Arrowhead Street, owned by Scott and Barbara Cochran. As a property owner, I would greatly appreciate your assistance with rectifying the issue outlined below:

1. RV/Second homestead- The Cochran's previously had an RV parked on the side of their home. There seemed to be 1-4 people living there consistently using this RV as a permanent residency instead of a recreational vehicle as it is classified as. I do not believe this to be habitable, sanitary, in coordination with local zoning laws, nor city ordinances.

The neighbors of Arrowhead do not approve of the camper being brought back to the residence. The fellow residents who have signed below are becoming increasingly concerned that the Cochran's lack of order within their property is rapidly diminishing our property's values and defacing the neighborhood we once proudly called home. All time and attention used to resolve this concern is greatly appreciated.

Name Ferrel Goodley	Address 1637 Arrowhead	Phone # 601-1413
JoAnn Goodley	1637 Arrowhead	(479)601-1413
[illegible]	1815 W. Arrowhead	(479) 443-5633
Charles Reinhardt	1810 Custer Ln	479 283 8974
Virginia Harrison	1863 S. Custer	479443 2534
Charlene Oldfield	1952 S Ashwood	479-587-1036
James Long	1952 So. Ashwood	479-435-4420
Sue Madison	1835 Arrowhead	479-447-2997
[illegible] McDaniel	1823 Arrowhead	479-236-7422
Rafael Pizano	1601 Arrow	479 200-9567
[illegible]	ashwood	(479) 673-8732
[illegible]	1748 Van St	(479)-380-5955
[illegible]	2019 W Custer	(479)-580-1234
Aletha Prince	1952 W Custer Ln	562-900-0118
Devin Gray	1937 W Custer Ln	479-313-2529
[illegible]	1937 W Custer Ln	479-313-2529
Lori Marks	1899 W. Custer	870-833-2508
Zin Mar	1899 W. Custer	870-818-3324
Megan Holloway	1867 W Custer	479 209 3036
Guy Jones	1851 Arrowhead	501-837-2268
Elizabeth Jones	1851 Arrowhead	501 837-6682
Bailey Riggs	1858 Arrowhead	870-577-0296
Matthew Thomas	1751 Arrowhead	479-4[illegible]-1772
Jaye Estes	1316 Arrowhead	910-558-7454
[illegible]	1952 Custer	870 219-5481
Megan + Ben Oder	2053 W. 18th St	4796012219

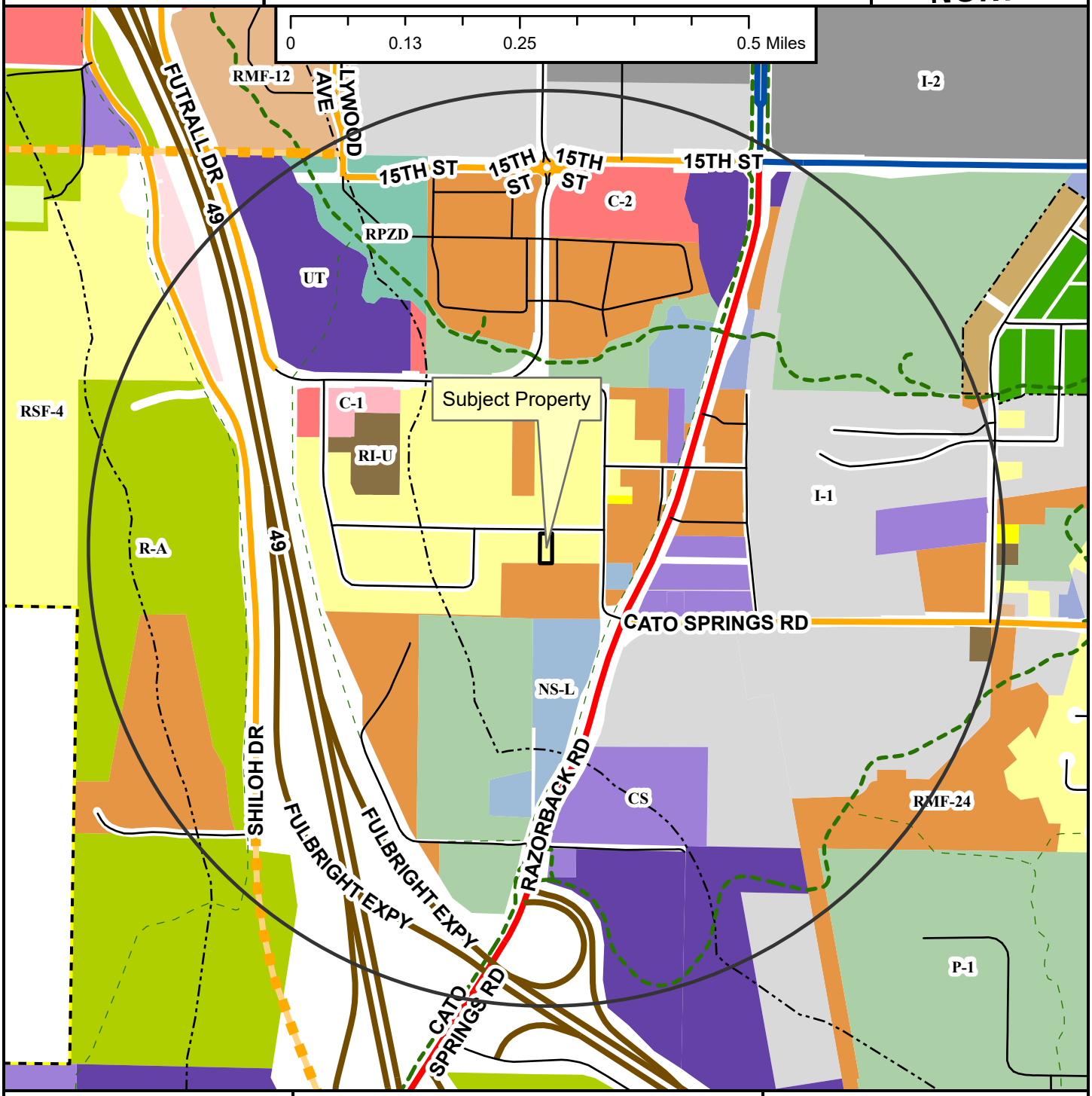
Name	Address	Phone #
JONAH QUINN	1644 W ARROWHEAD ST	479-903-0642
Rachael Nunley	1644 w Arrowhead St.	479 282 7322

CUP-2024-0004

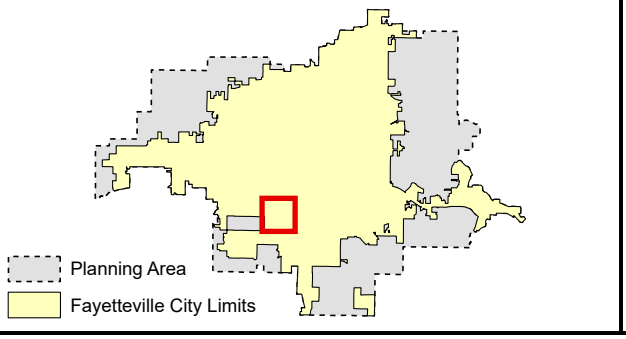
One Mile View

1681 W. ARROWHEAD ST

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

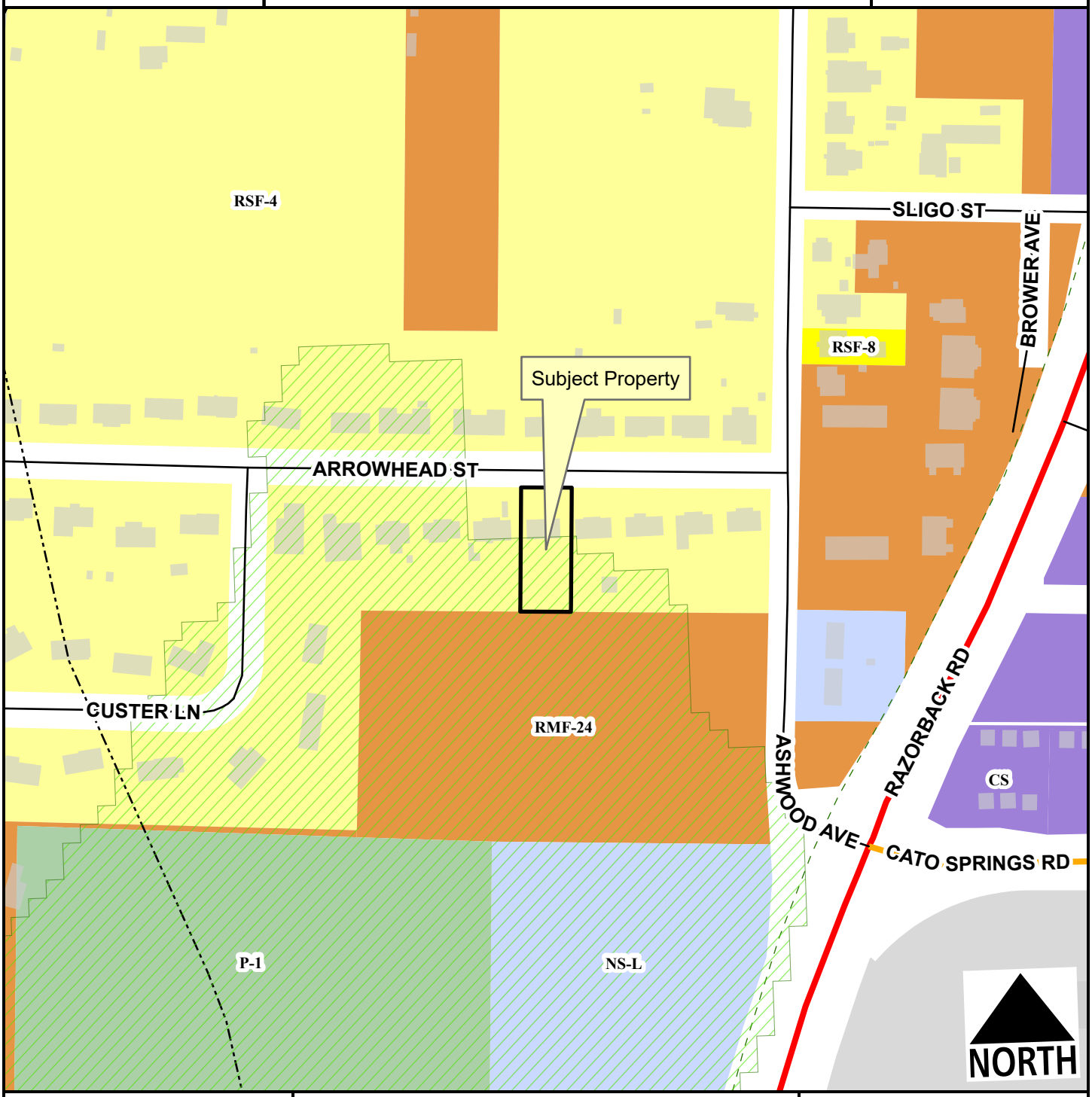
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2024-0004

Close Up View

1681 W. ARROWHEAD ST



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

Feet

0 75 150 300 450 600

1:2,400

- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Community Services
- Neighborhood Services - Ltd.
- P-1

CUP-2024-0004

Current Land Use

1681 W. ARROWHEAD ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: March 11, 2024

SUBJECT: **CUP-2024-0005 Conditional Use (655 & 657 N. GENEVIEVE RD./WONNACOTT, 436):** Submitted by BLEW AND ASSOCIATES. for property located at 655 & 657 N. GENEVIEVE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.49 acres. The request is for a two-family structure in a single-family zoning district.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0005** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **CUP 2024-0005** with conditions, determining:*

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

BACKGROUND:
The subject property is in west Fayetteville south of W. Wedington Dr. approximately 1/3 of a mile southwest of the intersection with N. 54th Ave. The parcel is SE of the intersection of N. Genevieve Dr. and W. Tackett Dr. The 1.49-acre subject property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and is not part of any overlay district. There are no apparent sensitive ecological features on site and the property is fairly flat. An existing 2,072 square foot duplex, built in 1976, occupies the site. This area was annexed into the City limits in 1982. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

North	Two-family Residential	R-A, Residential-Agricultural;
South	Two-family Residential	R-A, Residential-Agricultural;
West	Single-family Residential	R-A, Residential-Agricultural;
East	Single-family Residential	R-A, Residential-Agricultural;

FUTURE LAND USE DESIGNATION: Residential Neighborhood

Request: An associated lot split has been submitted to split the 1.49-acre parent tract into two parcels of approximately 1.22 (tract 1) and 0.27 acres (tract 2). The applicant requests approval of a conditional use permit to allow development of an additional two-family structure on tract 2, as well as bringing the existing two-family structure on tract 1 into conformance with zoning code. No site plans, floor plans, or elevations have been provided at this time.

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

RECOMMENDATION: Staff recommends approval of **CUP-2024-0005,** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for two-family structures for 655 and 657 N. Genevieve Ave.** *Staff finds the proposed two-family structure use is compatible for the reasons outlined in this report;*

2. **The proposed two-family structure at 655 N. Genevieve Ave. shall be composed primarily of brick to align with the existing structure at 657 N. Genevieve Ave. Wall facades visible from the ROW shall be composed entirely of brick.**

3. **The proposed two-family structure at 655 N. Genevieve Ave. shall be limited to a height of no more than one story.**

4. **The proposed two-family structure at 655 N. Genevieve Ave. shall be limited to a maximum of 2,100 gross square feet, with no more than four bedrooms for the entire structure.**

5. **Compliance with §166.23 Urban Residential Design Standards and §166.08 Street Design and Access Management Standards shall be fully reviewed at building permit and other permit submittals.**

6. **Any future expansion or change in the use shall require Planning Commission approval;**

7. **Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is valid for one year; and**

8. **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.**

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	❒ **Tabled**	❒ **Approved**	❒ **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 will not adversely affect the public interest. An existing two-family structure has been located on the property since 1976. Since no conditional use permit was located for this structure, this conditional use permit would bring this**

existing structure into conformance with zoning. Even though the applicant intends to only permit one additional duplex on the proposed tract 2 (655 N. Genevieve Ave.), the RSF-4 zoning could permit one additional two-family structure to be built in the rear of tract 1. Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, including requirements for vehicle access, pedestrian circulation, screening, fencing, and architectural design standards.

(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.**

(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: **No site plan has been provided at this time. Parking, ingress and egress will be reviewed with future development permits. There is approximately 225 feet of separation between the existing duplex driveway on the parent tract and the adjacent driveway to the south. As residential links require separation of 50 feet, staff does not anticipate difficulty in meeting the requirements of §166.08 Street Design and Access Management Standards. Staff notes however that N. Genevieve Ave. is less than 20 feet wide and that vehicles have difficulty passing each other on this street. Staff does not fins that a two-family structure of limited size and scale would negatively impact the surrounding area.**

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

Finding: **No site plan has been provided at this time. Two-family structures are required to be parked at two parking spaces per dwelling unit. No additional units are proposed at 657 N. Genevieve Ave., and one two-family structure is proposed at 655 N. Genevieve Ave. Staff recommends a condition limiting the total number of bedrooms at 655 N. Genevieve Ave. to four, which would require four parking spaces (two per unit) in order to limit potential impact on the adjacent street.**

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

Finding: **No site plan has been provided at this time. Refuse and service areas, as well as off-street parking and loading will be reviewed with future development permits. Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, which require screening of trash and**

recycling facilities with materials complementary to the principal structures with access not visible from the public right-of-way.

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

Finding: **An existing 2-inch water main is present on the west side of N. Genevieve Rd. and a 6-inch water main is present on the north side of W. Tackett Dr. An existing 8-inch sewer main is present on the east side of . Genevieve Rd. and an 8-inch sewer main is present on the south side of W. Tackett Dr. Capacity will be reviewed with future development permits.**

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

Finding: **Two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, which has requirements regarding the screening of trash and recycling facilities, screening of mechanical and utility equipment, and standards on fence heights and allowed materials.**

(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: **A plan has not been provided at this time. An existing two-family dwelling is located on the property and appears to be meeting setback requirements of the RSF-4 zoning district.**

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

Finding: **On the balance, staff finds that the proposal is compatible with adjacent properties with additional conditions of approval limiting the potential size and material composition of the new two-family structure. One existing two family dwelling is located on the parent parcel, and existing two-family dwellings are located on parcels both to the north and south. Limiting height, size, and bedroom counts will reduce potential impact to the surroundings and ensure building plans are not out of scale with the existing development patterns. Additionally, requiring the new duplex to be composed primarily of brick will mimic the existing duplex and surrounding buildings. Further, two-family structures are subject to Chapter 166.23 - Urban Residential Design Standards, which includes site design regulations such as pedestrian entries fronting public right-of-way which connect to the street, continuous site circulation, minimized visual impact of parking lots on surrounding properties, and architectural design standards that promote variety of building forms. Staff notes that N. Genevieve Ave. is currently very narrow, and that any additional development beyond the current request may be too much for the area until further improvements are made.**

(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 adjacent properties. City 2040 plan encourages a range of housing types to encourage housing affordability and diversity of choice. Two-family structures are subject to additional design regulations such as requirements for pedestrian entries fronting public streets and pedestrian circulation that align with city plans encouraging active transportation and increasing diversity of housing choice promotes affordability.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §166.23 Urban Residential Design Standards
- Applicant Request letter
- Existing Structure Photographs
- Proposed Lot Split Plat
- Staff Exhibit: Example Site Diagram
- One Mile Map
- Close-Up Map
- Current Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(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."

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

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.
- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
  - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
    - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
    - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
    - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (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.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
  - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into

the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.

(b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.

(i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.

(ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.

(c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.

(6) *Fencing.* The following types, height, and location of fences shall be prohibited:

(a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.

(b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.

(c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(D) *Architectural Design Standards.*

(1) *Intent.* The intent of these building design standards is:

(a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.

(b) To maximize the quality, value and longevity of urban residential neighborhoods.

(c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*

(a) *Building Form and Design.*

(i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.

(ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.

(iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:

(a) Variations in materials;

(b) Insets or other relief in the wall plane;

(c) Incorporation of two or more of the following:

(1) Balconies;

(2) Bays or bay windows;

(3) Porches;

(4) Dormers;

(5) Porticoes;

(6) Turrets; or

(7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.

(iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:

(a) Balconies;
(b) Bays or bay windows;
(c) Porches;
(d) Dormers;
(e) Porticos;
(f) Turrets; or
(g) Other architectural feature approved by the Development Review Manager that meets the intent of the Code.

(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)

BLEW

Surveying | Engineering | Environmental

February 21, 2024

24-0180 Wonnacott CUP request (for duplex)
Fayetteville City Planning
CUP Request Letter

Good morning.
My client, Melissa Wonnacott, is requesting CUP approval to construct a 2nd duplex on her property at 655 N. Genevieve Ave, in Fayetteville. There is an existing duplex on the property.

Blew & Associates has been contracted to conduct a Lot Split on the property, creating a 12,005 square foot lot with 80.57 ft of frontage onto N. Genevieve Ave, leaving the remainder tract with the existing duplex with 53,219 sq ft and 161.14 ft of frontage onto N. Genevieve Ave.

This CUP request is to bring the existing duplex into compliance, as well as allow the construction of another duplex. The property owner understands that once the CUP is approved they are required to go though the bldg. permit process with the City of Fayetteville as well. The proposed duplex (seeking this CUP approval) will be similar in size, height, and materials to the duplex that currently exists on the property, and will meet applicable City ordinances.

Please let me know if you have any questions.

Nathan Crouch
Blew & Associates

479-4434506 blewinc.com 2835 N Shiloh Dr. Fayetteville, AR 72703

APPRAISAL REPORT

OF THE REAL PROPERTY LOCATED AT

655 N Genevieve Ave
Fayetteville, AR 72704

chnologies Pag

Loan# 7050161

File No. V4300297

[redacted]

State AR Zip Code 72704

Street Opposite View

Left Side

Right Side

AC Unit 655

AC Unit 657

TRACT SPLIT

LOCATED IN: SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST

655 N GENEVIEVE AVENUE, WASHINGTON COUNTY, FAYETTEVILLE, ARKANSAS 72704

RECORD DESCRIPTION

PARENT TRACT - PARCEL 765-16225-000 (DEED NO. 2002158315)
A PART OF THE SE1/4 OF THE SW1/4 OF SECTION 11, T-16-N, R-31-W, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 00°04'20" W, 56.46 FEET FROM THE NW CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE S 00°04'20" W, 242.00 FEET; THENCE EAST 270.0 FEET TO THE WEST RIGHT-OF-WAY OF A 60 FOOT ROAD (GENEVIEVE STREET); THENCE N 00°04'20" E ALONG SAID ROAD RIGHT-OF-WAY, 242.00 FEET; THENCE WEST 270.0 FEET TO THE POINT OF BEGINNING. AND HAVING INGRESS AND EGRESS RIGHTS ALONG THE EAST SIDE OF ABOVE DESCRIBED TRACT.

SURVEY DESCRIPTION

TRACT 1:
A PART OF THE SE1/4 OF THE SW1/4 OF SECTION 11, T-16-N, R-31-W, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR CAPPED "MYERS LS 1826" MARKING THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE WEST LINE OF SAID FORTY ACRE TRACT SOUTH 02°16'27" WEST 56.41 FEET TO A FOUND 1/2" REBAR CAPPED "MYERS LS 1826" BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE SOUTH 87°41'35" EAST 269.70 FEET TO A FOUND 1/2" REBAR CAPPED "RLS 1055" MARKING THE WEST RIGHT-OF-WAY LINE OF NORTH GENEVIEVE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 02°19'46" WEST 161.14 FEET TO A SET 5/8" REBAR CAPPED "WINCHESTER AR 1808"; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE NORTH 87°47'29" WEST 149.00 FEET TO A SET 5/8" REBAR CAPPED "WINCHESTER AR 1808"; THENCE SOUTH 02°19'46" WEST 80.57 FEET TO A SET 5/8" REBAR CAPPED "WINCHESTER AR 1808"; THENCE NORTH 87°47'29" WEST 120.47 FEET TO A FOUND 1/2" REBAR CAPPED "PLS 969" ON THE WEST LINE OF SAID FORTY ACRE TRACT; THENCE ALONG SAID WEST LINE NORTH 02°16'27" EAST 242.18 FEET TO THE POINT OF BEGINNING. CONTAINING 1.222 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

TRACT 2:
A PART OF THE SE1/4 OF THE SW1/4 OF SECTION 11, T-16-N, R-31-W, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR CAPPED "MYERS LS 1826" MARKING THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE WEST LINE OF SAID FORTY ACRE TRACT SOUTH 02°16'27" WEST 56.41 FEET TO A FOUND 1/2" REBAR CAPPED "MYERS LS 1826"; THENCE LEAVING SAID WEST LINE SOUTH 87°41'35" EAST 269.70 FEET TO A FOUND 1/2" REBAR CAPPED "RLS 1055" MARKING THE WEST RIGHT-OF-WAY LINE OF NORTH GENEVIEVE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 02°19'46" WEST 161.14 FEET TO A SET 5/8" REBAR CAPPED "WINCHESTER AR 1808" BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF NORTH GENEVIEVE AVENUE, SOUTH 02°19'46" WEST 80.57 FEET TO A FOUND 1/2" REBAR CAPPED "PLS 1055"; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE NORTH 87°47'29" WEST 149.00 FEET TO A SET 5/8" REBAR CAPPED "WINCHESTER AR 1808"; THENCE NORTH 02°19'46" EAST 80.57 FEET TO A SET 5/8" REBAR CAPPED "WINCHESTER AR 1808"; THENCE SOUTH 87°47'29" EAST 149.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.276 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

MISCELLANEOUS NOTES

STATE RECORDING NUMBER:
500-16N-31W-0-11-320-72-1808

COMPLETED FIELD WORK:
JANUARY 12, 2024

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED 2002158315.
2. SURVEY PLAT FILED IN PLAT BOOK J AT PAGE 822.

BASIS OF BEARING:
THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THE TERM "CERTIFY" OR "CERTIFICATION" AND "CORRECT" AS NOTED HEREON AND AS IT PERTAINS TO LAND SURVEYING SERVICES AS SHOWN ON THIS DOCUMENT SHALL MEAN, "A STATEMENT SIGNED BY THE PROFESSIONAL LAND SURVEYOR BASED ON THE FACTS AND KNOWLEDGE KNOWN TO THE PROFESSIONAL LAND SURVEYOR AT THE TIME OF THE SURVEY AND IS NOT A GUARANTEE OR WARRANTY, EITHER IMPLIED OR EXPRESSED."

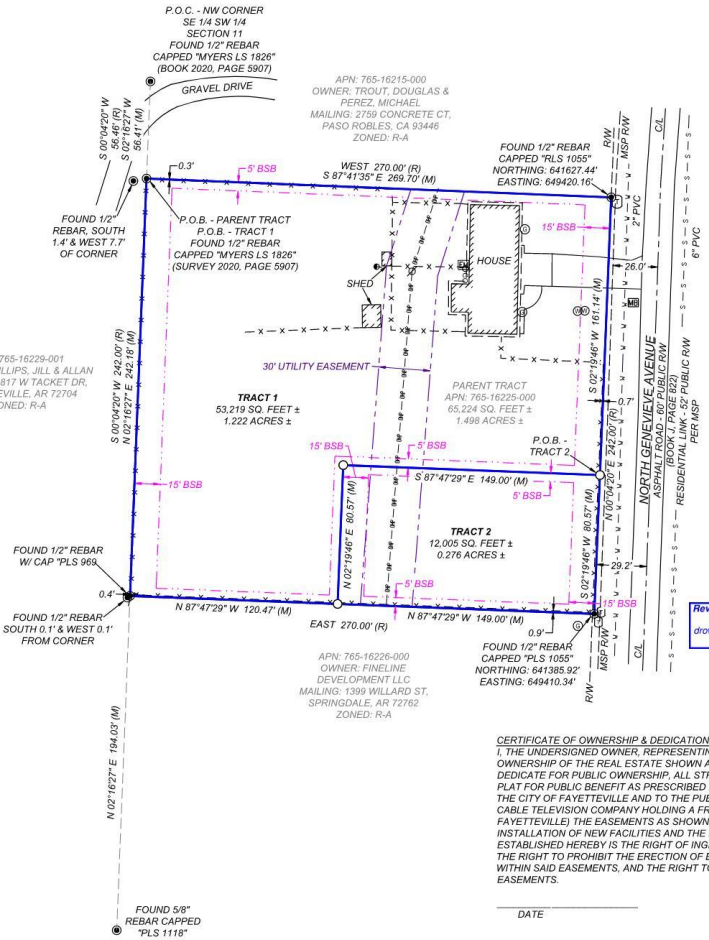
CITY PLAT PAGE 436

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0205F, WHICH BEARS AN EFFECTIVE DATE OF 04/02/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.



Reviewed by Dave Rowden
Engineering Division
drowden@fayetteville-ar.gov
479-587-7145

LAND AREA

TRACT 1
53,219 ± SQUARE FEET
1.222 ± ACRES

TRACT 2
12,005 ± SQUARE FEET
0.276 ± ACRES

OWNER/DEVELOPER

APN: 765-16225-000
OWNER: WONNACOTT, MELISSA
MAILING: 13515 SYCAMORE TRL, FAYETTEVILLE, AR 72704
WONNACOTTM@GMAIL.COM
479-236-2931

Reviewed by:
Donna Wonsower, Planner
Development Services

If duplexes are approved in associated CUP, add note "Two-family dwellings approved by Planning Commission on X/X/2024 per CUP-2024-0005."

CERTIFICATE OF OWNERSHIP & DEDICATION:
I, THE UNDERSIGNED OWNER, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE _____ OWNER _____

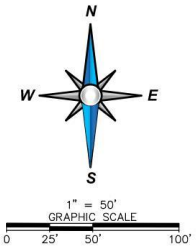
CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE _____ REGISTERED SURVEYOR/ PROFESSIONAL SURVEYOR DENVER WINCHESTER AR PLS 1808

ZONING INFORMATION

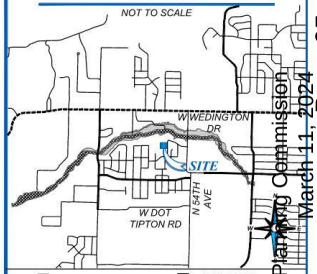
CURRENT ZONING: RSF-4, RESIDENTIAL SINGLE-FAMILY FOUR UNITS PER ACRE

SETBACK REQUIREMENTS:
FRONT - 15'
SIDE - 5'
REAR - 15'



VICINITY MAP

NOT TO SCALE



LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR CAPPED "WINCHESTER AR 1808"
- POWER POLE
- ELECTRIC METER
- GUY ANCHOR
- WATER METER
- FIBER OPTIC VAULT
- CLEANOUT
- TELEPHONE PEDESTAL
- (M) MEASURED/CALCULATED DIMENSION
- (R) RECORD DIMENSION
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- BOUNDARY LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- SETBACK LINE (BSB)

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 19TH DAY OF JANUARY, 2024.

BLEW & ASSOCIATES, PA — CERTIFICATE OF AUTHORIZATION No. 1534 — ARKANSAS

STATE OF ARKANSAS No. 1808 — PROFESSIONAL LAND SURVEYOR — DENVER WINCHESTER JR.

PRELIMINARY

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.

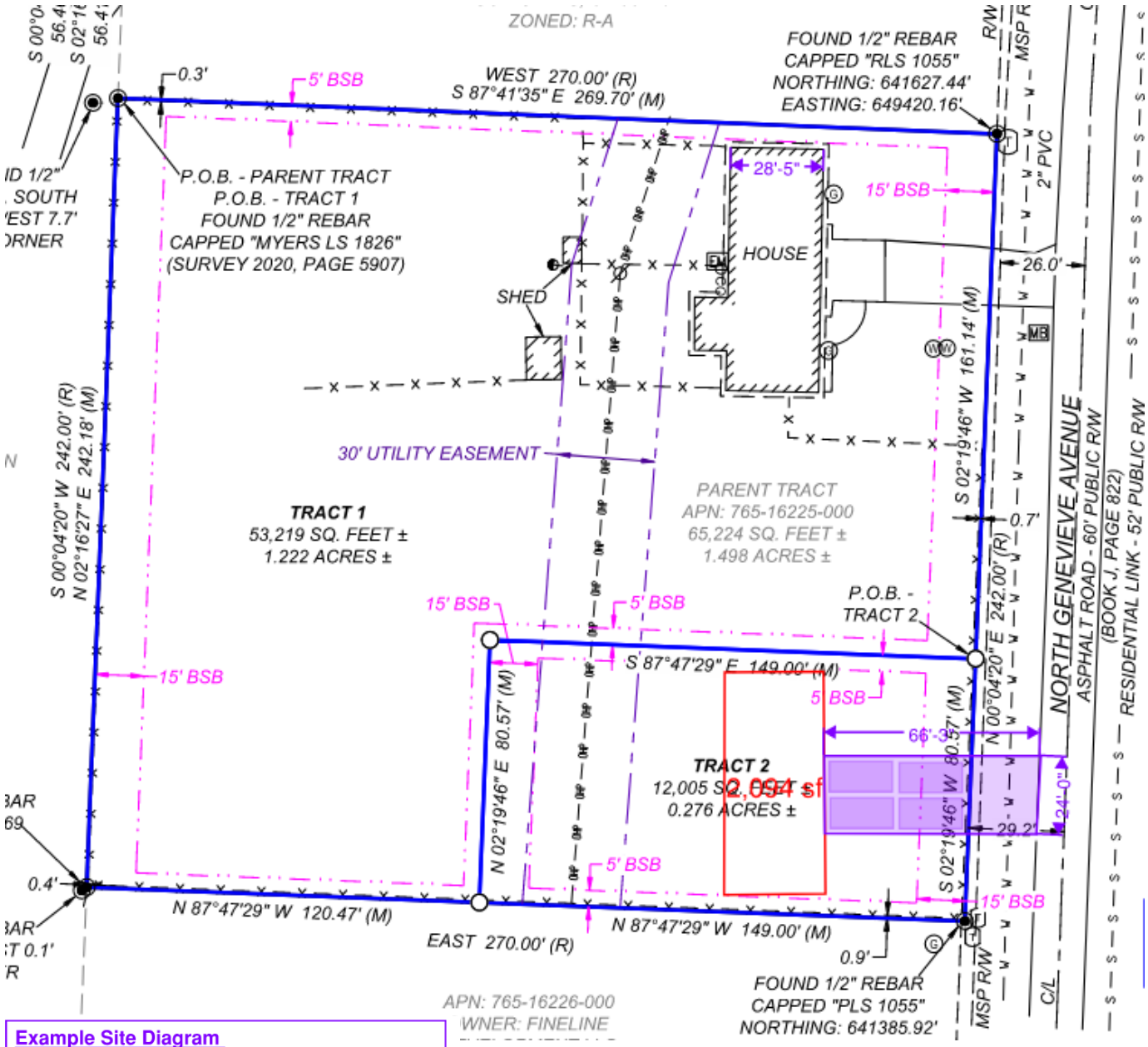
SHEET 1 OF 1

DATE	REVISION HISTORY	BY
2/14/2024	PLANNING COMMENTS	ANC

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE · FAYETTEVILLE, AR 72703
OFFICE: 479.443.4506 · FAX: 479.582.1883
SURVEY@BLEWINC.COM
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 24-0180	SURVEY DRAWN BY: ANC - 01/19/2024
SURVEY REVIEWED BY: TPN	SCALE: 1" = 50'
FOR THE USE AND BENEFIT OF: MELISSA WONNACOTT	

STAFF EXHIBIT: EXAMPLE SITE DIAGRAM



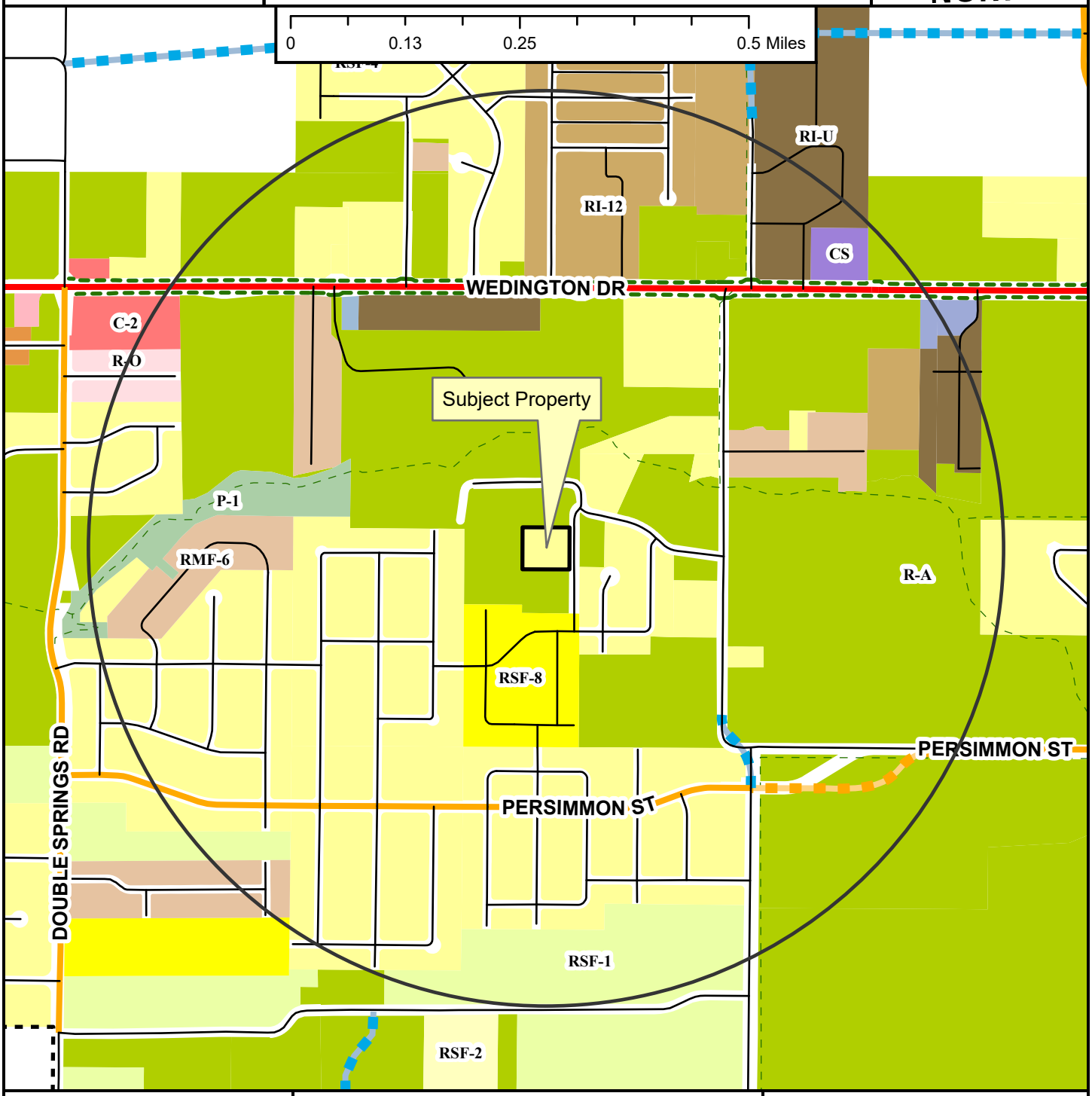
Example Site Diagram
Roughly 2,100 square foot two-family structure
Four outside parking spaces (standard vehicle)

CUP-2024-0005

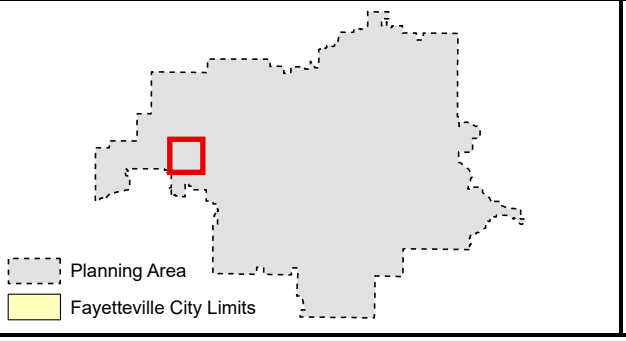
One Mile View

655 N. GENEVIEVE AVE

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

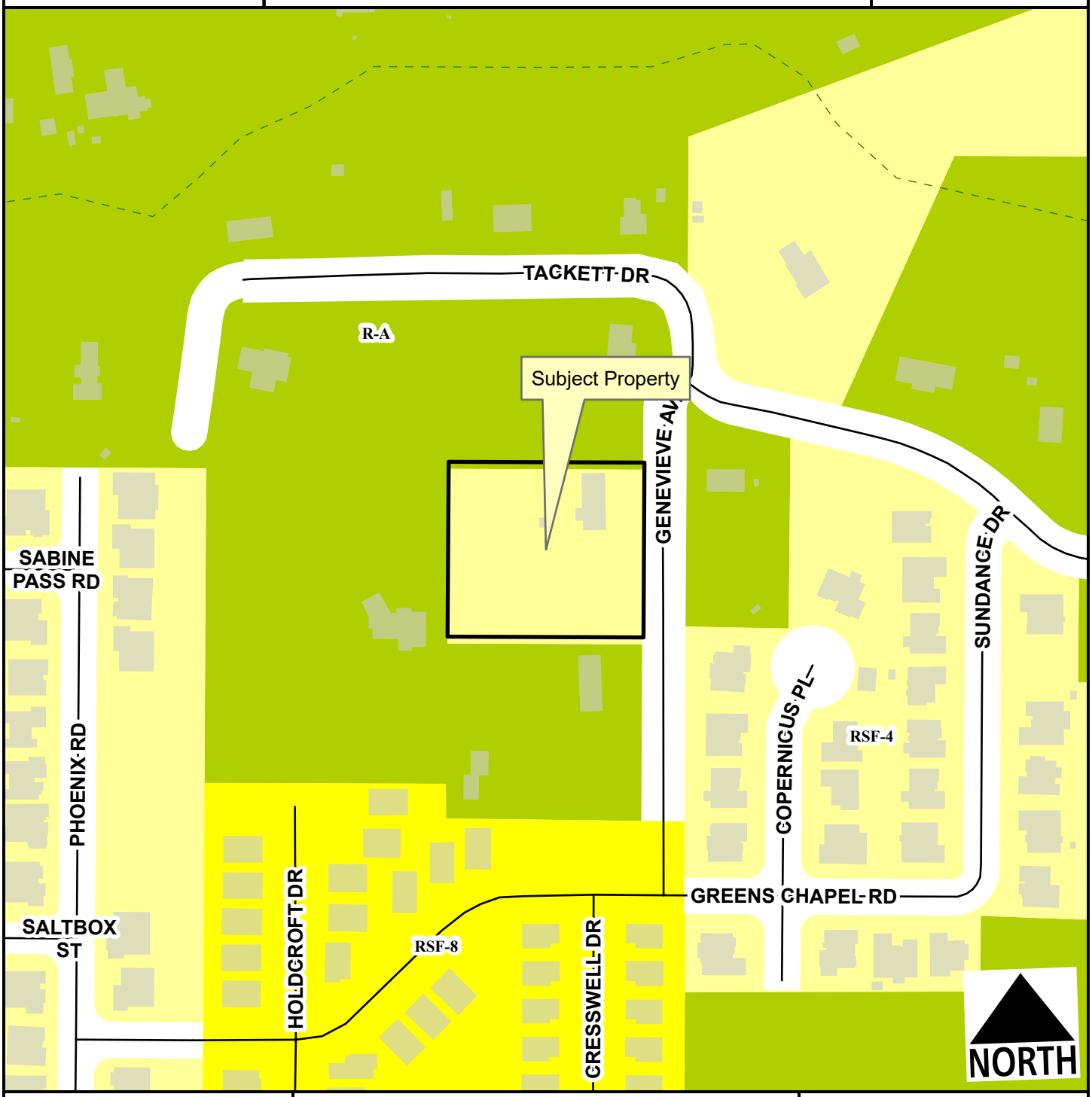
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2024-0005

Close Up View

655 N. GENEVIEVE AVE



Residential Link

Planning Area

Trail (Proposed)

Feet

0 75 150 300 450 600

1:2,400

Residential-Agricultural

RSF-4

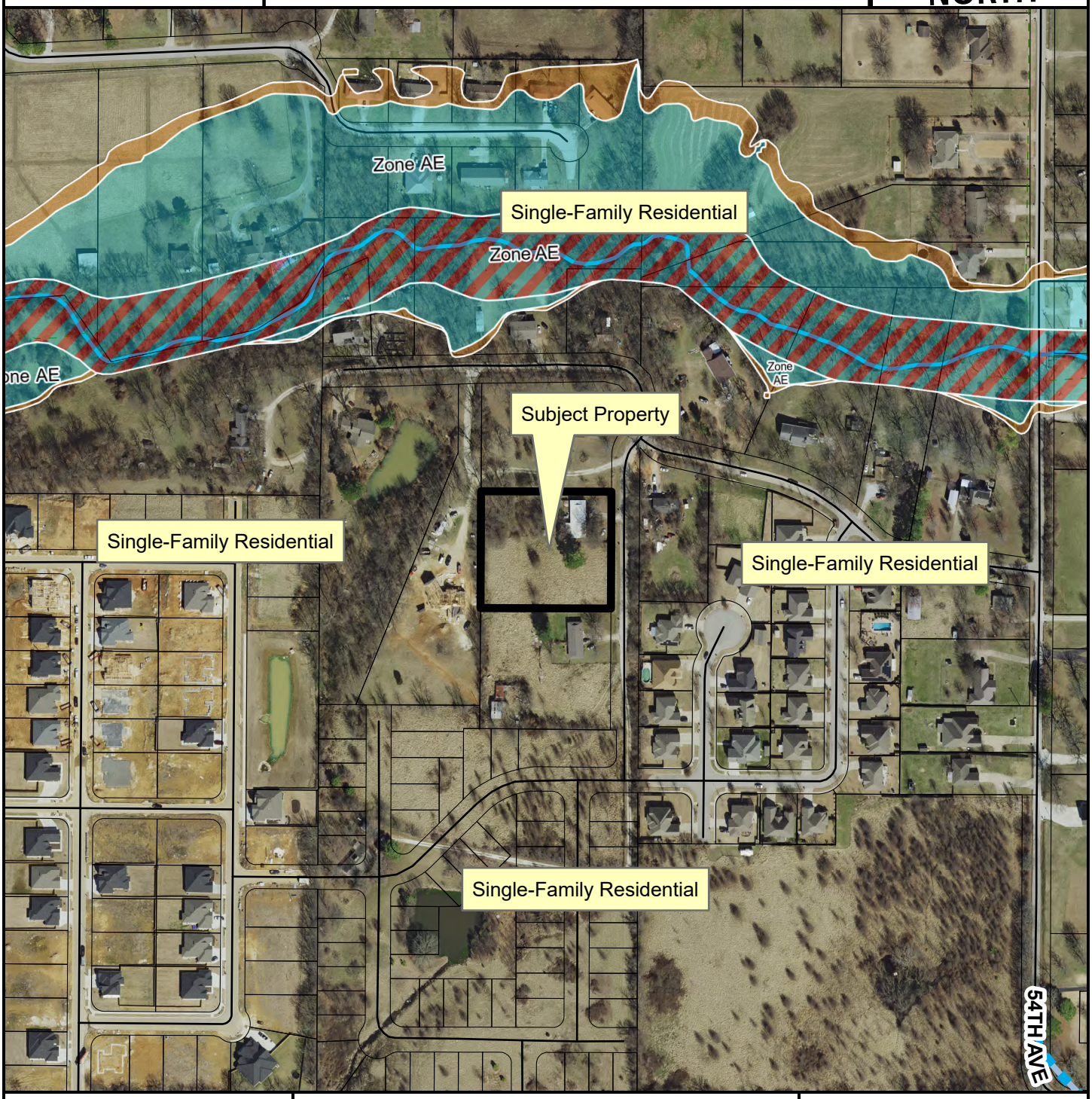
RSF-8

CUP-2024-0005

Current Land Use

655 N. GENEVIEVE AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522):** Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
Staff recommend denial of **RZN-2024-0002.**

RECOMMENDED MOTION:
*"I move to deny **RZN-2024-0002**."*

BACKGROUND:
The subject property, which contains parcels 765-09786-000 and 765-09786-002, is located near downtown, just east of Fayetteville High School at the intersection of W. Stone Street and S. Duncan Avenue. The property contains approximately 0.24 acres and is currently undeveloped. The property was rezoned from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate - Urban in September 2021 (RZN-2021-000059). Surrounding land use and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
South	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
East	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
West	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre

Request: The request is to rezone the property from RI-U, Residential Intermediate – Urban to DG, Downtown General. The applicant has included a Bill of Assurance to limit the uses to strictly those residential uses allowed in the DG zoning district (1, 8, 9, 10, 26, 41, 44, and 46) and to limit the overall building heights to 3 stories, as opposed to 5.

Public Comment: Staff have received inquires about the request, as well as one comment in opposition to the request, citing a concern that while there were no issues with the density limitations proposed in DG, there were concerns about increasing building heights and allowable uses in the residential zoning district. The member of the public also had concerns about limited parking in the neighborhood, and ongoing enforcement issues with the nearby high school.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Stone Street, which is a partially improved Residential Link street with asphalt paving, curb, and gutter. Any street improvements required in this area would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at the time of development.

Water: Public water is available to the subject area. An existing 6-inch water main is present in the center of W. Stone Street.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the south side of W. Stone Street.

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

Police: The Police Department expressed no concerns with this request.

Drainage: Any additional improvements or requirements for drainage will be determined at the time of development. There are no hydric soils present in the subject area, and no portion of the property is within the Hillside-Hilltop Overlay District, a FEMA Floodplain, or a Streamside Protection Zone.

Tree Preservation:
The proposed zoning district of DG, Downtown General requires **10% minimum canopy preservation.** The current zoning district of RI-U, Residential Intermediate - Urban requires **15% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site, with a weighted score of **13.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center Street)
- Near Sewer Main (6”, located in W. Stone Street)
- Near Water Main (6”, located in W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Main Campus
- Near Paved Trail (Frisco Trail, Razorback Greenway)
- Near ORT Bus Stop (Hill & Stone, Route 20)
- Near Razorback Bus Stop (Hill & Stone, Route 13/44/48)
- Appropriate Future Land Use (City Neighborhood Area)

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:*** **The property in question is fully surrounded by RMF-40 zoning. While staff supported a request to rezone the property to RI-U, the request to DG is a request for more uses, building height, and buildable area than would be permitted with either the RI-U zoning district, or the previous RMF-40 zoning district, allowing for non-residential uses, and up to 5 stories in building height. The applicant’s provision of a Bill of Assurance limits the uses strictly to residential, and limits the building height to a maximum of three stories. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land, but can be difficult to enforce) would be to work within the existing zoning district regulations, which allows a conditional use permit for a 5-unit townhome structure. Staff recognizes that RMF-40 allows for larger scale apartment buildings by-right, but there are setbacks (20-foot rear rather than 5-foot) and building height limitations that keep those structures from being too overwhelming to the surrounding structures. Staff also recognizes that a mixture of uses within a neighborhood is typically a good thing to increase walkability and create complete neighborhoods, and limiting DG zoning district to solely residential uses may not promote the desired outcome of that district. That said, the uses typically allowed in Downtown General may be more in line with a request along a prominent corner, rather than directly within a residential block, and with or without a Bill of Assurance, may not be completely in line with the current land use surroundings.**

Land Use Plan Analysis: **Staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 13.5, so rezoning to a high-density zoning district makes sense in this location, and it was previously zoned in the highest density residential zoning district the City currently has. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. The request meets Goals 1 and 6 of City Plan 2040, by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use**

potential in the DG zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact.

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

Finding: **Staff finds that rezoning to DG, Downtown General is not justified. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land) would be to work within a formalized mechanism within an existing zoning district, and either request a conditional use permit for a 5-unit townhome structure under the currently zoning designation.**

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

Finding: **Rezoning to DG has an associated potential to increase traffic at this location. While RI-U currently does not have a stated density maximum, neither does DG. However, the uses that are permitted in DG include multi-family apartment buildings that are 5 units or more, so a larger multi-family structure could be constructed by-right under DG. Further, typically commercial or non-residential uses are permitted in DG as well, with little limitation as far as scale or scope. Both of these elements could increase traffic to the site. The applicant has submitted a Bill of Assurance, which somewhat alleviates this concern.**

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 RI-U to DG could increase population density and therefore the load on public services; however, the impact is not expected to be detrimental. Adequate water and sewer connections are available to the site, suggesting the area can support the increase and avoid costly extensions to 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 denial of RZN-2024-0002. If Planning Commission choose to forward the item, staff recommends in favor of the inclusion of the applicant's offering of a Bill of Assurance.

PLANNING COMMISSION ACTION: Required YES

Date: March 11, 2024 ❒ **Tabled** ❒ **Forwarded** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.12 District RI-U, Residential Intermediate - Urban
  - §161.28 Downtown General
- Applicant Request Letter
- Bill of Assurance
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

(Ord. No. 5945 , §5(Exh. A), 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."

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

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

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; 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. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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a.*Current ownership and pending property sales information* - The subject property is owned by Apex property ventures llc .

b. *Reason (need) for requesting the zoning change* -
The DG zoning district offers more flexibility with its lot standards than the current zoning and it allows for multi-family dwellings by right. The DG zoning district encourages and enables the development of smaller scaled multi-family buildings that supports and compliments the growing housing need for U of A. This is in alignment with the six goals of City Plan 2040 which talks about by-right development in infill locations which can result in more efficient development and approval process. The proposed zoning is needed to allow for the permitting and approval of a new 5-unit multi-family building by-right.

c. *Statement of how the proposed rezoning will relate to the surrounding properties in terms of land use, traffic appearance and signage* - The proposed rezoning is consistent with the surrounding properties include a mix of larger apartment buildings, smaller scaled apartment buildings, townhomes, and single-family houses.. In general , the proposed zoning would allow for slightly higher-density by-right as encouraged by land use designation while at the same time encouraging smaller-scaled multi family buildings . In terms of traffic, the proposed rezoning from RI-U to DG would not change things. In terms of appearance and signage, the design standards of DG will ensure that any new development is contextually sensitive to the existing neighborhood character.

d. *Availability of water and sewer (state size of lines)* - Water and sewer is available. A 6” water main runs east to west at the street on W stone street . A 6” sewer main runs east to west across the street from the property on W stone street.

e. *The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans* - The proposed zoning is consistent with City Plan 2040 and In alignment with the existing zoning and surrounding land uses, DG allows for appropriate infill and advances Fayetteville’s goal to provide easier access to amenities and walkability. This lot is in very close proximity to Tier 1 center on the Growth concept map of the city plan 2040.

f. *Whether the proposed zoning is justified and/or needed at the time of request* -
The proposed zoning is needed to allow for the permitting and approval of a new 5-unit multi-family building by-right.
G.*whether the proposed zoning will create or appreciably increase traffic danger and congestion* - the proposed rezoning will not change or increase traffic danger or congestion.

H. *Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water and sewer facilities* - rezoning the property as requested will not change or increase the load to public services.

I. *Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification* - The current zoning does not allow for the construction of a 5-unit multi-family building by-right.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Sasi Sundaram / Apex property ventures llc , hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to the following residential uses as defined by the city of Fayetteville Unified development code: use units 1,8,9,10,26,41,44 and 46

2. Other restrictions including number and type of structures upon the property are limited to _____
_____.

3. Specific activities will not be allowed upon petitioner's property include
_____
_____.

4. (Any other terms or conditions) the height of the building(s) shall not exceed 3 stories

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution

of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, **Sasi Sundaram/ Apex property ventures llc** , as the owner, developer, buyer, (Petitioner) **voluntarily offer** all such assurances and sign my name below.

March 6, 2024
Date

Sasi Sundaram
Printed Name
Owner

APEX PROPERTY VENTURES LLC

1543 Fianna place terrace
Fort Smith AR 72908
Address

Title (if on behalf of business entity)

Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

On this, the 6 day of March, 2024 before me, the undersigned notary, personally appeared Sasi Sundaram, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained.

Jennifer Shockley
NOTARY PUBLIC

My Commission Expires:
02.10.2031

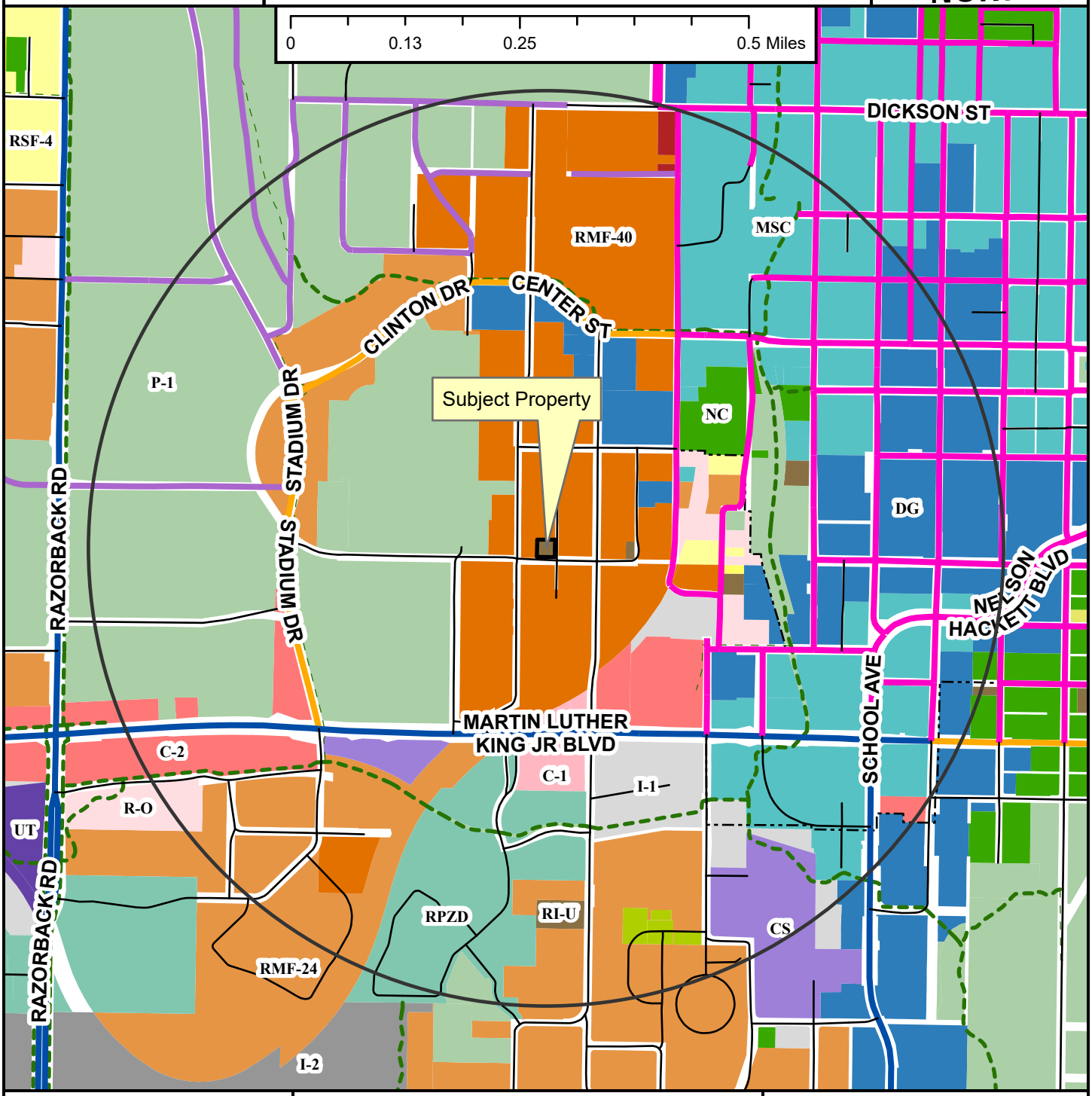
JENNIFER SHOCKLEY
MY COMMISSION EXPIRES 02-10-2031
NOTARY PUBLIC
COMM. # 12381488
SEBASTIAN COUNTY - ARKANSAS

RZN-2024-0002

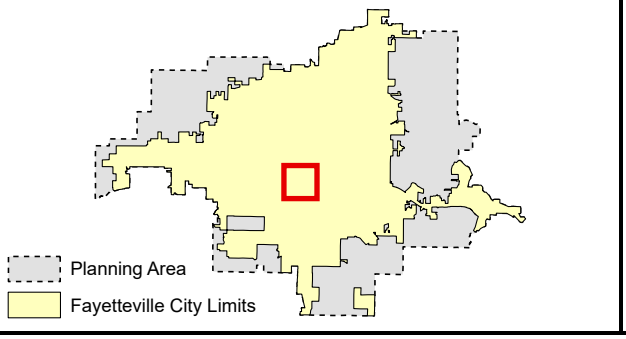
One Mile View

740 W. STONE ST

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

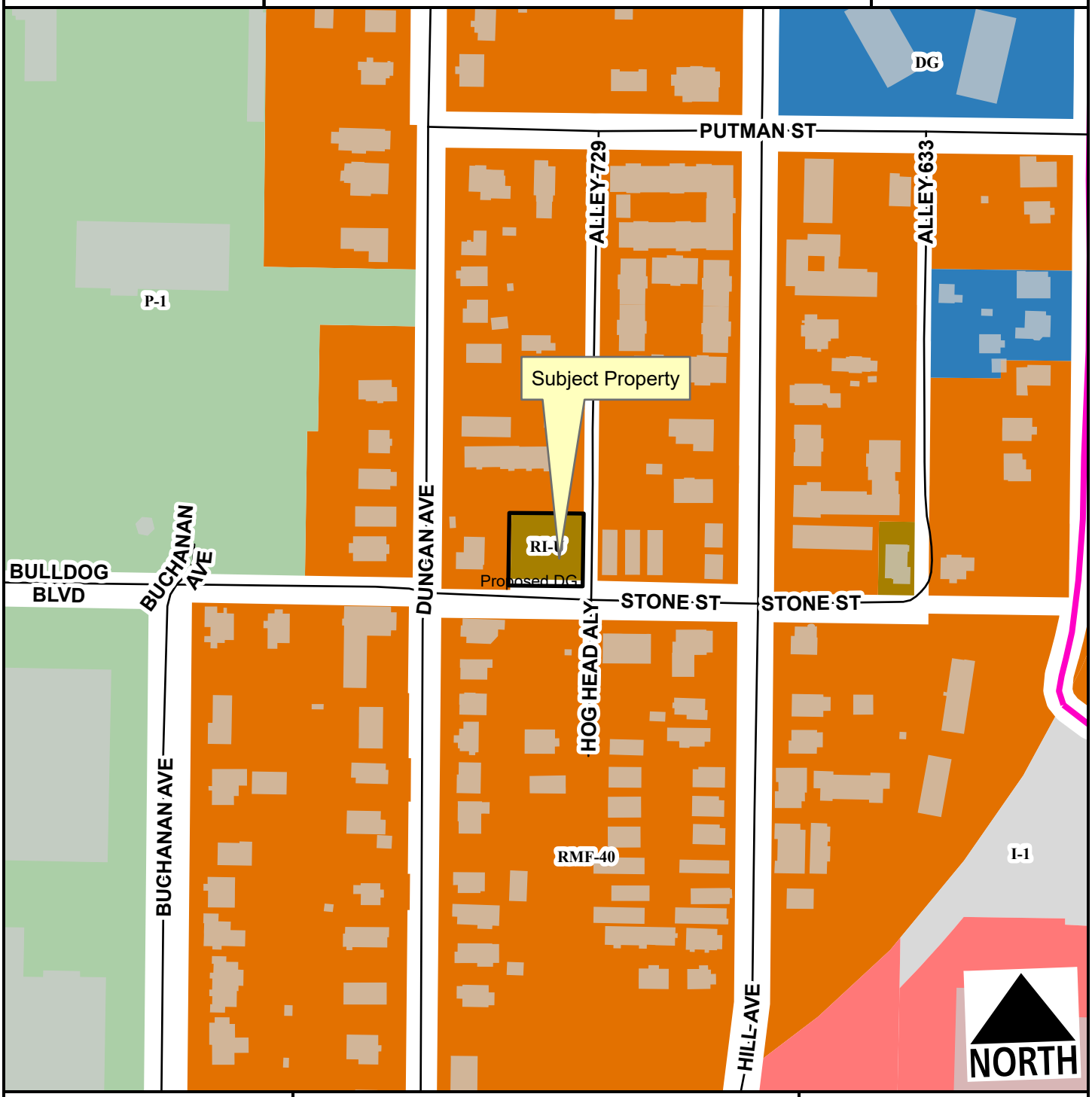
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0002

Close Up View

740 W. STONE ST



- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

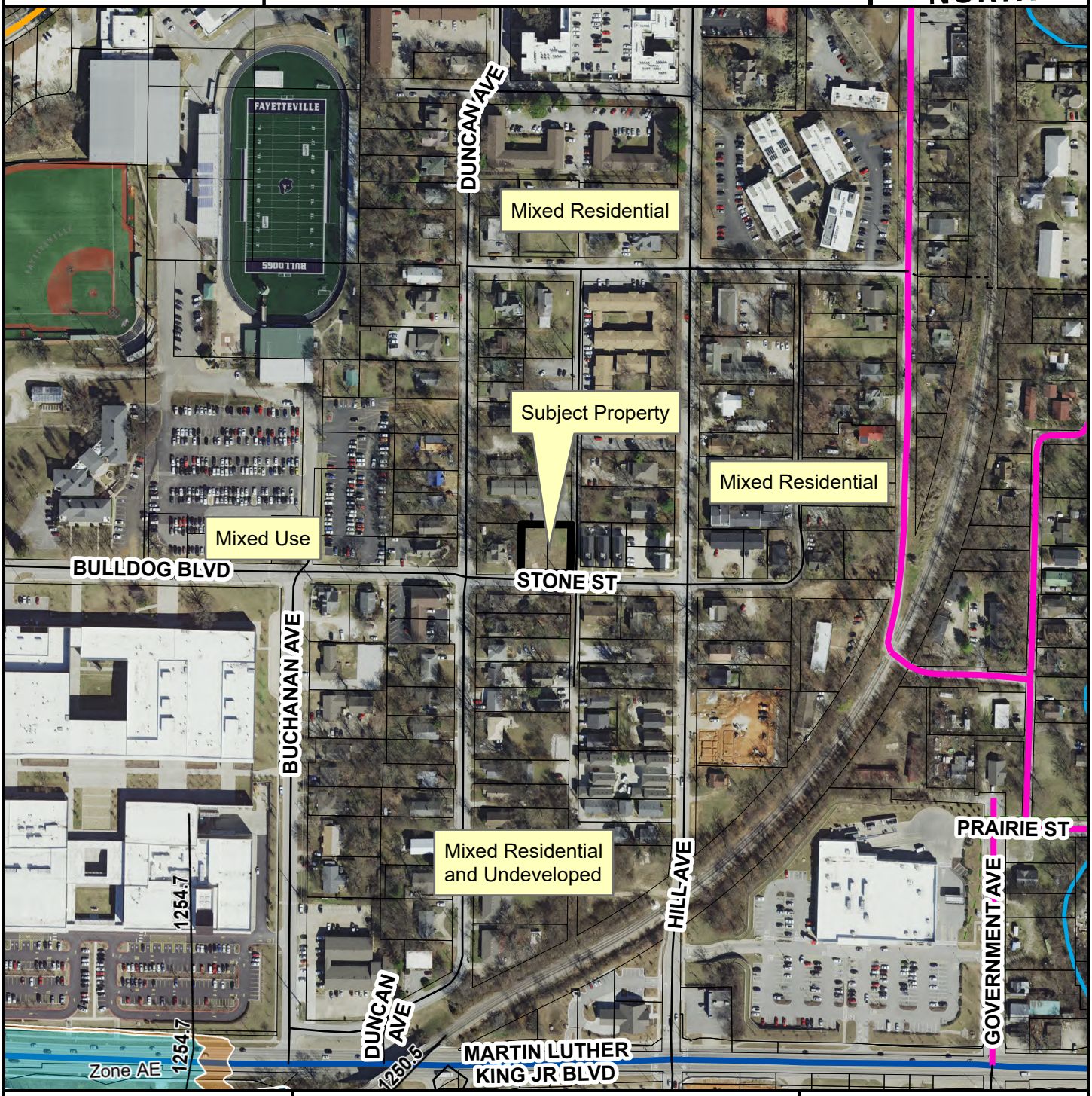
Zone	Current	Proposed
DG	0.0	0.2
RI-U	0.2	0.0
RMF-40	0.0	0.0
Total	**0.2 ac**	

RZN-2024-0002

Current Land Use

740 W. STONE ST

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

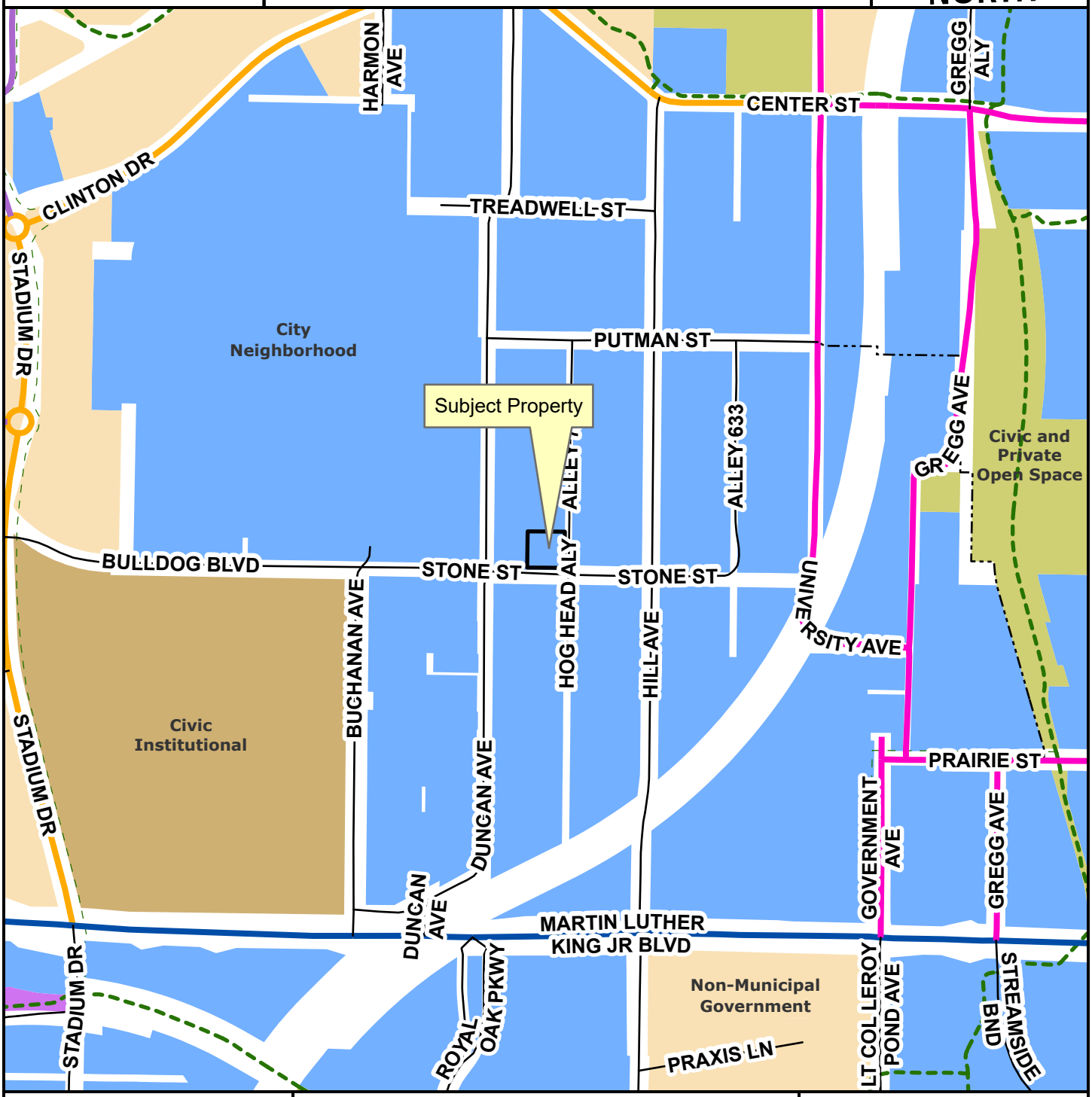
- 100-Year Floodplain
- Floodway

RZN-2024-0002

Future Land Use

740 W. STONE ST

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0003: Rezoning (203-209; 239-245; 270-280; AND 283-289 272 E. 12TH ST./12TH ST. TOWNHOMES OF FAYETTEVILLE LLC., 563):** Submitted by SWOPE CONSULTING for property located at 203-209; 239-245; 270-280; AND 283-289 272 E. 12TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.10 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0003** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0003** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in south Fayetteville approximately 0.11 miles east of Walker Park. The property consists of two parcels. The northern parcel contains approximately 0.40 acres and is developed with two multi-family dwellings, each with three units constructed around 1996 (parcel 765-03340-000). The southern parcel contains approximately 0.70 acres and is developed with three multi-family dwellings, each with four units constructed around 1996 (parcel 765-03342-000). Both parcels are zoned NC, Neighborhood Conservation, which it received as part of the 2008 staff-initiated rezoning of the Walker Park neighborhood. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Multi-Family Residential	NC, Neighborhood Conservation; RI-U, Residential Intermediate - Urban
South	Single-Family Residential; Multi-Family Residential	NC, Neighborhood Conservation; RI-U, Residential Intermediate - Urban
East	Morgan Manor (Fayetteville Housing Authority)	DG, Downtown General
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to RI-U, Residential Intermediate – Urban.

Public Comment: To date, staff has received one inquiry and one public comment regarding the current state of the property and concerns about potential higher density development.

INFRASTRUCTURE:

Streets: The subject property has frontage along E. 12th St., a partially improved Residential Link street with asphalt paving, curb, gutter, and sidewalk (sidewalk along the northern side). Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing two-inch water main is present on the north side of E. 12th Street.

Sewer: Public sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the south side of E. 12th Street.

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

Fire: Station 9, located at 2250 S. School Ave., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district of RI-U, Residential Intermediate – Urban requires **15% minimum canopy preservation.** The current zoning district of NC, Neighborhood Conservation requires **20% minimum canopy preservation.**

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

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

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

- Adequate Fire Response
- Near Sewer Main (2-inch main, E. 12th St.)
- Near Water Main (8-inch main, E. 12th St.)
- Near City Park (Walker Park)
- Near Paved Trail (S. Washington Ave. Marked Shared Roadway; Walker Park Trail; Walker Senior Trail)
- Near ORT Bus Stop (S. College Ave. and E. 13th St.)
- Within Master Plan Area (Walker Park Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the proposed rezoning from NC to RI-U to be compatible with the surrounding area. The intent of the RI-U zoning district is to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living. The subject property is located between higher density multi-family developments to the north and east, and lower density single-family dwellings to the south and west. The parcels in question currently have developments that exceed the density limit for the NC zoning district. NC zoning permits a density of ten units per acre. The northern and southern lots have a density of 15 units and 17 units per acre, respectively. Further, these parcels host uses that are conditional in NC zoning, but a conditional use permit was never issued, thus the uses are non-conforming. Single-, two-, three-, and four-family dwellings are permitted by right in the RI-U zoning district. All lots with dwellings are required to maintain a minimum width of 18 feet with no minimum lot area requirement. The NC district requires lot widths of 40 feet with lot areas 4,000 square feet minimum. The subject lots meet the minimum lot widths for RI-U zoning, and are consistent with a wide variety of lot widths in the vicinity ranging from a minimum of 40 feet to the south, 140 feet to the north, and the large 9.6-acre Fayetteville Housing Authority parcel to the east. Staff recognizes that a rezone to RI-U would keep the build-to-zone that is also present in NC, and the southern parcel would still be non-conforming with this requirement. However, staff finds the requested rezoning to be ultimately compatible since location of the subject parcel appear to be better**

aligned with the spirit and intent of the RI-U zoning district, and since the rezoning would allow a nonconforming use to be brought into conformity.
Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RI-U could allow for the creation, or maintenance, of residential properties with reduced lot sizes and form-based requirements while encouraging diversity of housing types. Staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority and 6: We Will Create Opportunities for Attainable Housing. The property has a moderate low infill score of 7, and staff finds the requested rezoning to be appropriate since it would bring the use and density of the parcels into conformity and provide a transition from lower density NC zoning at the west to higher density DG zoning at the east.**

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

Finding: **Staff finds that rezoning the subject property to RI-U is justified since it contains both parcels that do not currently comply with the density regulations of the underlying NC zoning district.**

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

Finding: **A rezoning from NC to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for residential development at a greater density than the existing NC zoning. However, staff finds that a rezoning is not likely to create or appreciably increase traffic danger or congestion given that the properties are already developed with three- and four-family units.**

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

Finding: **The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, staff finds that the proposed rezoning would not undesirably increase 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**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0003 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.12 District RI-U, Residential Intermediate – Urban
  - §161.29 District NC, Neighborhood Conservation
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

161.29 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

SWOPE ENGINEERING
Civil Engineering and Land Surveying
www.swopeengineering.com

February 8th, 2024

Development Services Building
Attn: Gretchen Harrison, Planner
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezone Neighborhood Conservation to RI-U
Parcel #'s 765-03340-000 and 765-03342-000

Dear Ms. Harrison,

This rezoning will not adversely affect or conflict with surrounding land uses, because the same zoning exists all around both properties. These properties are bound by 12th Street, by RI-U north of the north parcel, and by both NC and RI-U to the south of the south parcel.

This rezone is requested because the owner would like to add floor area to the existing units, providing tenants more livable space.

Because this zoning designation encourages attached/detached dwellings in a range of housing types compatible in scale with single-family homes), the proposed development will meet the goals of the city's infill plans. This zoning also encourages a diversity of housing types for the walkable urban living demands that exist.

Please accept this application for your support of the referenced rezoning before the Planning Commission and City Council.

Sincerely,

Phil Swope

Phil Swope, PE
Project Engineer

RZN-2024-0003 Public Comment Summary

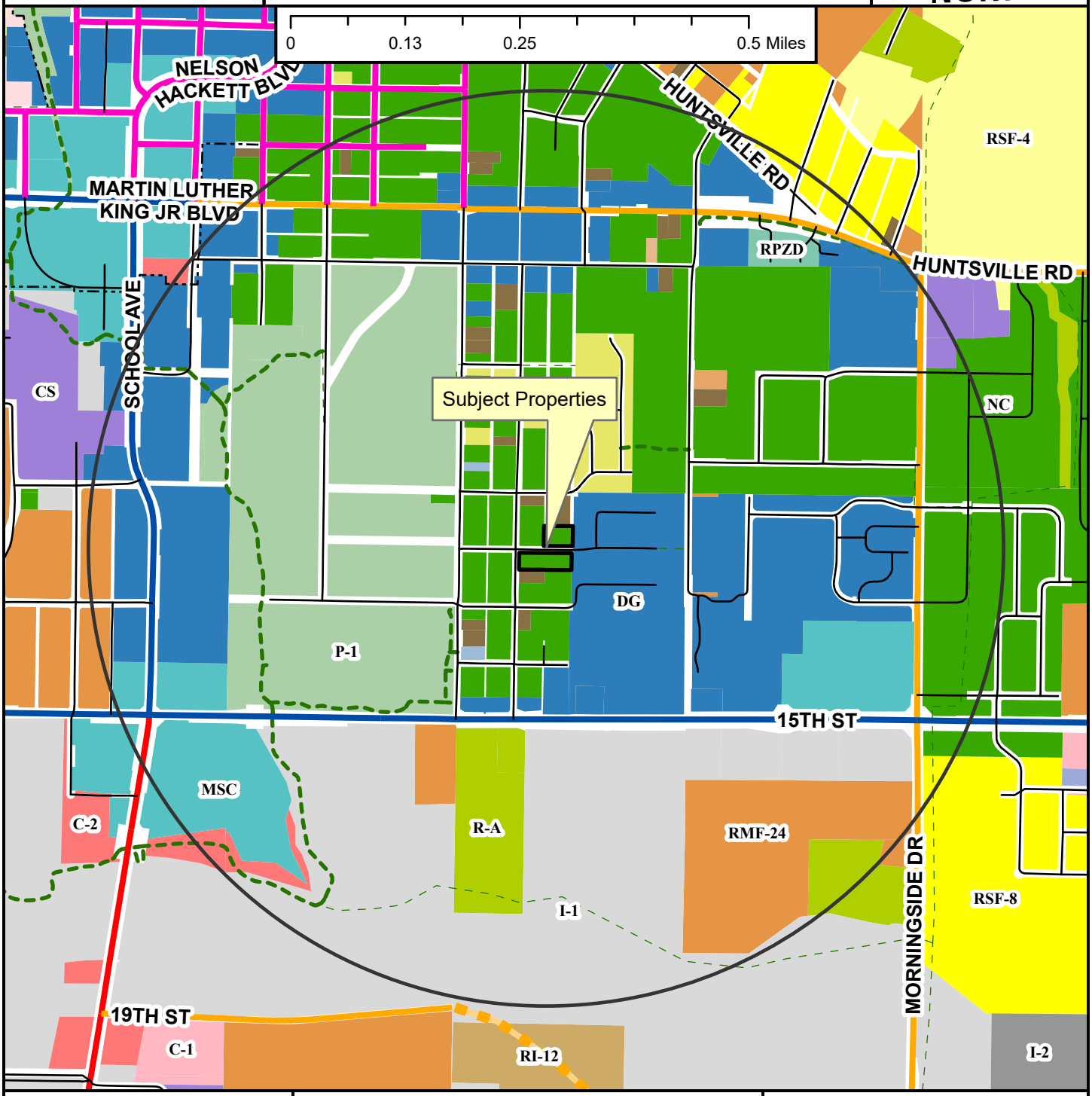
- Inquiry from Lisa Meeks – No support or opposition.
- March 4, 2024 – Call from Penny Carol (neighbor) who is concerned about the current state of the property (trash, dogs chained up outside, etc) and that it may get worse with rezoning that allows higher density development. I told her about the applicant's building permit to add a second floor, but no additional units and it seemed that they were generally trying to improve the property. She said she would be sending me photos (none received as of March 6, 2024).

RZN-2024-0003

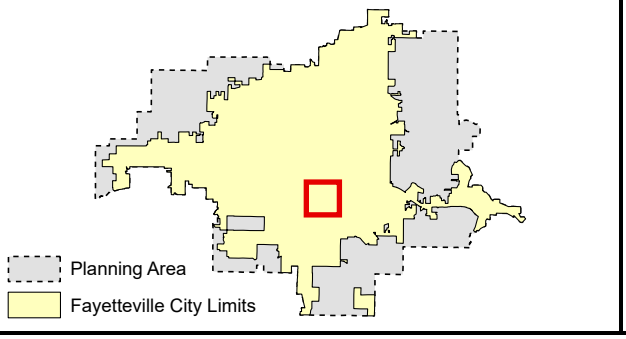
One Mile View

272 E. 12TH ST

NORTH



- 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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

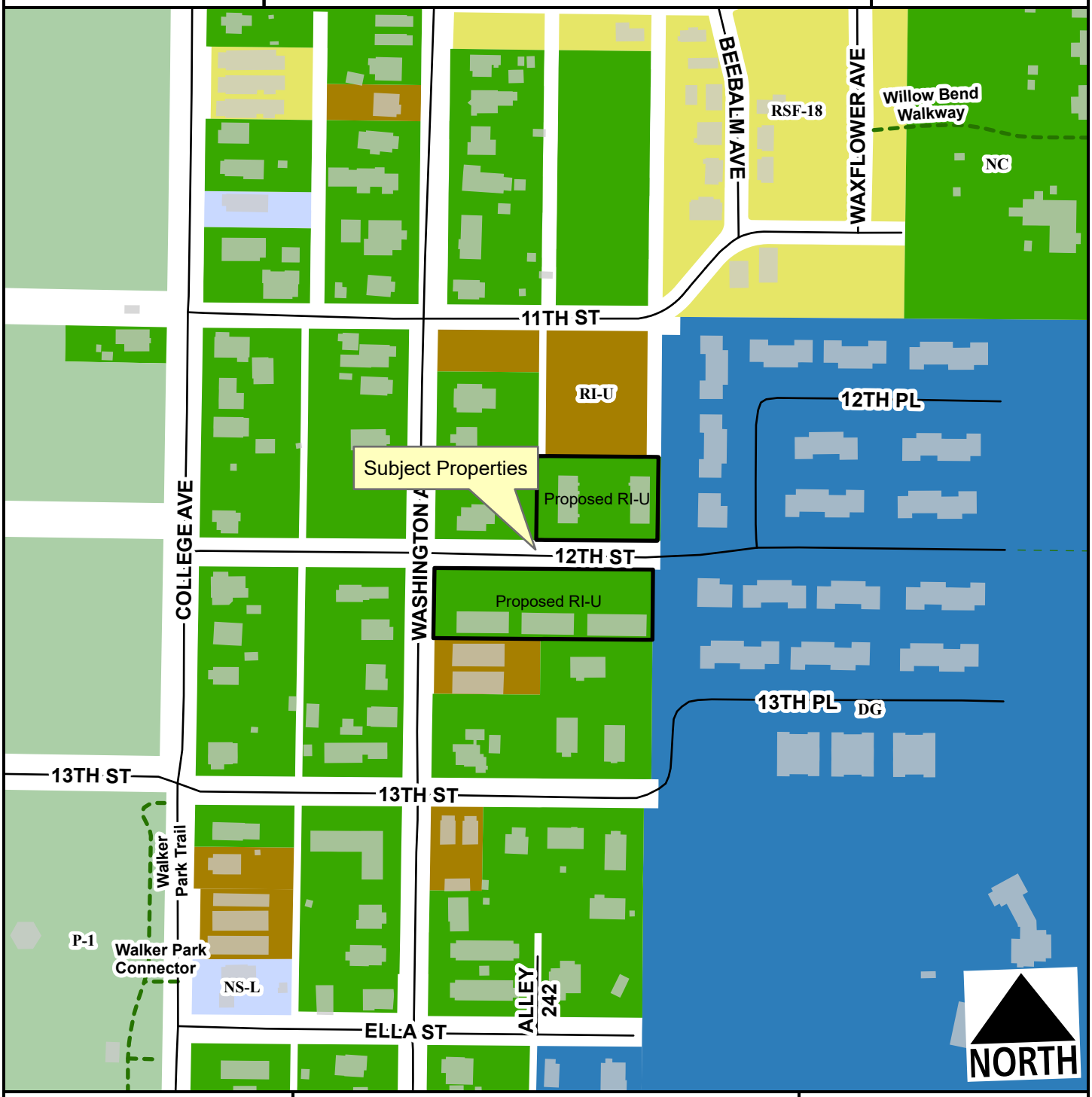
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0003

Close Up View

272 E. 12TH ST



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NC	1.1	0.0
RI-U	0.0	1.1
Total	**1.1 ac**	

RZN-2024-0003

Current Land Use

272 E. 12TH ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2024-0003

Future Land Use

272 E. 12TH ST

NORTH

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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0004: Rezoning (LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8/OAKBROOKE SUBDIVISION, 361):** Submitted by TRACY HOSKINS for property located at LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 11.67 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and NC, Neighborhood Conservation.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0004** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0004** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville approximately 0.15 miles east of Rupple Rd. The property consists of 51 parcels in the Oakbrooke Subdivision and 1 parcel in the Bridgeport Subdivision, totaling approximately 11.67 acres. The lots are undeveloped. Parcels within the Oakbrooke Subdivision received their current zoning with the creation of the Oakbrooke RPZD in 2010 (Ord. 5303). Under the old PZD ordinance, in place when this project was approved, construction permits had to be secured within a specific timeframe. If permits were not obtained, then the development rights were null and void. As a result, the remaining undeveloped lots have no development rights, and a rezone is required. Lot 25 of Bridgeport Subdivision is owned by the same developer and received its zoning in 2003 with the approval of the new city-wide zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Undeveloped	RSF-4, Residential Single-Family – Four Units per Acre; R-A, Residential-Agricultural
South	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
East	Single-Family Residential	Oakbrooke RPZD; RSF-8, Residential Single-Family, Eight Units per Acre

West	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre

Request: The request is to rezone the subject property from RPZD, Residential Planned Zoning District and RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate, Twelve Units per Acre.

Public Comment: To date, staff has received public comment from three neighbors with concerns and questions about the rezoning, one neighbor in opposition, and one inquiry.

INFRASTRUCTURE:

Streets: The subject parcels have frontage along N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane, all partially improved Residential Link streets with asphalt paving, curb, gutter, and sidewalk (sidewalk along one side of street). Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing eight-inch water main is present along N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.

Sewer: Public sanitary sewer is available to the subject property. An existing eight-inch sewer main is present along N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.

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

Fire: Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district of RI-12, Residential Intermediate, Twelve Units per Acre requires **20% minimum canopy preservation.** The current zoning district does not have a set minimum canopy preservation percentage, but appears to be approximately **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**.

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 **6** for this site with a weighted score of **6**. The following elements of the matrix contribute to the score:

- Adequate Fire Response
- Near Sewer Main (8-inch main, N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane)
- Near Water Main (8-inch main, N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.)
- Near City Park (Red Oak Park)
- Near Paved Trail (N. Rupple Rd. Side-Path Trail; Red Oak Park Trail)
- Near Razorback Bus Stop (The Links)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is consistent with the existing development. Approximately half of the neighborhood has been constructed in a new traditional neighborhood style, including rear alleys and homes that typically fall within 14 feet to 25 feet of the ROW. The build-to zone requirements of a form-based district would require additional homes to be constructed similarly close to the street. Undeveloped lots range between approximately 47.70 feet to 68.50 feet in width and are generally consistent with the bulk and area requirements of the either the NC or RI-12 zoning districts. As planning area 3 permitted up to three-family dwellings by right, staff recommends that undeveloped parcels (Oakbrooke lots 1-17, 79-108, and Bridgeport lot 25) within this area are zoned RI-12 in order to maintain the opportunity for missing middle housing construction. Lots within the area are consistent with the RI-12 zoning's bulk and area requirements, and the build-to-zone shall encourage development that aligns with the existing pattern of building close to the streets. Oakbrooke lots 67-70 do not meet the width requirements for RI-12, as they measure approximately 47.70 feet, and the applicant is requesting NC for these lots to make them conforming. Per the lot area requirements for townhomes in the RPZD, up to 19 units per acre would be permitted in some areas if developed with townhomes. The requested rezoning significantly reduces the density to 12 units per acre (RI-12) and 10 units per acre (NC).**

Land Use Plan Analysis: **Staff finds that the request is consistent with adopted land use policies and the Future Land Use Map designation. Staff finds that the NC and RI-12 zoning districts substantially align with previously permitted bulk and area requirements as well as land uses and**

would restore development rights on the undeveloped parcels. The future land use plan encourages "a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units." The proposed zoning would allow the neighborhood to complete development with a mix of residential uses (goal 6 to create opportunities for attainable housing) while maintaining the approximately 3 acre area of tree preservation and common space, aligning with city goal 5 to assemble an enduring green network. The affected parcels are between ½ and ¾ of a mile from three Tier Centers: a Tier 2 node located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 node located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection. The affected parcels are approximately ½ of a mile from two Tier 2 centers: one at the N. Rupple Rd. and W. Wedington Dr. intersection, and one at the N. Rupple Rd. and W. Mount Comfort Rd. intersection.

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

Finding: **Staff finds that rezoning the subject property to RI-12 and NC is justified since it contains parcels that do not currently have any development rights due to an expired PZD.**

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

Finding: **A rezoning from PZD to RI-12 and NC is unlikely to increase traffic danger or congestion. The proposed rezoning districts are substantially compatible with the existing development patterns and uses permitted under the expired PZD. Lots are platted and infrastructure in place which makes a total redevelopment of the site less likely, reducing the potential for dramatic increases in traffic.**

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

Finding: **Rezoning the properties will not substantially increase the potential population density or load on public services. The proposed rezoning district is substantially compatible with the existing development patterns and uses permitted under the expired PZD, and existing utility and street infrastructure is present on site. The Fire Department expressed no objections to the proposal. Fayetteville Police Department and Public Schools did not comment on this request.**

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

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0004 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.11 District RI-12, Residential Intermediate – Twelve Units per Acre
  - §161.29 District NC, Neighborhood Conservation
- Ord. 5303 – Oakbrooke PZD (Abridged)
- Request Letter
- Rezoning Exhibit
- Zoning Comparison Tables
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

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

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Recorded: 02/10/2010 at 09:43:23 AM
Fee Amt: $45.00 Page 1 of 7
Washington County, AR
Bette Stamps Circuit Clerk
File 2010-00003656

ORDINANCE NO. 5303

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 09-3439, OAKBROOKE PHASE III, LOCATED WITHIN OAKBROOKE PHASE I AND OAKBROOKE PHASE II; CONTAINING APPROXIMATELY 29 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zone classification of the following described property is hereby changed as follows:

> From R-PZD 05-1463 Oakbrooke Phase I and R-PZD 05-1555 Oakbrooke Phase II to R-PZD 09-3439 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all above requirements of the master plan and conditions of approval have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and **APPROVED** this 19th day of January, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)
Amended by City Council 12-19-09

1. City Council determination of zoning criteria: building area. *The maximum building area for Planning Areas 1-4 shall be 60%.*

2. City Council determination of signage for the PZD. *Wall signs shall be permitted in accordance with the Residential Office zoning district, which allows two 16 sq. ft. wall signs per business, and a maximum size of the one permitted monument sign shall be limited to 50 sq. ft. Projecting signs shall be permitted in accordance with Ch. 174.11.*

3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.

4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. and are subject to the standards of Chapter 164.19.

5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:

    a. All units shall be detached single-family dwellings.
    b. Maximum height shall be 32'.
    c. As shown on the conceptual site plan, all units shall have a primary entry consisting of a porch, patio or other clearly delineated entry feature oriented to the common open space, or walkway connecting to the common open space. Entry features shall have minimum dimensions of 6'x 6'.
    d. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
    e. The development shall include a variety of building styles, features, colors and site design elements. The same front façade shall not be permitted more than three times and may not be used adjacent to one another.
    f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
    g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.

6. PA-3. A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family townhouses may be permitted in Planning Area 3. Twenty one (21) of the attached units shall be permitted on Lots 53-60, 82-89 and 99-103. The remaining thirteen (13) attached units may be located throughout PA-3 (with the exception of lots 1-10, where no attached units shall be permitted), but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.

7. PA-4. Only detached single-family dwelling units shall be permitted on Lot 11-21 and 33-37. Attached housing, in a townhouse form, shall be restricted to Lots 22-26 and 29-32.

8. PA-5. The minimum buildable street frontage along Rupple Rd. shall be increased to 40%.

9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Rupple Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.

10. The applicant shall dedicate additional right-of-way for Rupple Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.

11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.

12. All sidewalks not previously installed shall be constructed in conformance with current City street standards unless otherwise varied by the Planning Commission.

13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provided adequate room for a trash truck and arm to pick up residential trash carts.

14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).

15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.

16. Screening between residential and nonresidential developments shall be reviewed at the time of development.

17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.

18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.

19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.

20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.

22. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

23. The following revisions shall be made to the final booklets and plats:
    a. Plats. Page 3. Complete land use table.
    b. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
    c. The note in PA-3 stating "no more than 5 units attached" shall be removed. This planning area is limited to single-family dwellings and two and three-family townhouses.
    d. Update PA-3 to reflect City Council determination.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.

25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.

26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.

27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.

28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

29. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.

31. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to signing the final plat.

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

33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.

35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.

36. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    c. Separate easement plat for this project that shall include the tree preservation area.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

ADDITIONAL CONDITION OFFERED BY APPLICANT, ADDED BY CITY COUNCIL:

37. The property owner that submits each planning area for development review shall technically evaluate the feasibility of rain gardens and other alternative stormwater measures for water quality and attenuation where appropriate, and shall submit the associated analyses to the city to review for construction.

Abridged by staff for inclusion in RZN-2024-0004.

OAKBROOKE

Oakbrooke Family (1 thru 7), LLCs
Family Jewels, LLC
Fayetteville, AR
Tracy K. Hoskins – Manager
Fayetteville, AR 72703

Representative
Paradigm Development Enterprises Inc
3155 N College, 201
Fayetteville, AR 72703

OAKBROOKE 3 PLANNED ZONING DISTRICT

NOVEMBER 25, 2009 REVISION 4

Abridged by staff for inclusion in RZN-2024-0004.

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Oakbrooke 3 Planned Zoning District

Ownership / Applicant Information

Family Jewels, LLC
3155 N College, Suite 201
Fayetteville, Arkansas
Tracy K, Hoskins - Manager

Representative

Paradigm Development Enterprises, Inc.
3155 N College, Suite 201
Fayetteville, Arkansas 72703
Tracy K, Hoskins - President

A) Development Information

is a 32+/- acre sustainable community along the west side of Rupple Road, north of Highway 16 west, and south of Mt Comfort Road. Paradigm Development Enterprises, Inc., of Fayetteville will handle the design and development of the revised Oakbrooke project.

It has always been our desire to create an authentic neighborhood of traditional American architecture, offering a variety of housing options to a variety of residents. Larger homes for growing families will be intermingled with more modest homes for those on a tighter budget; younger families; civil servants who protect our families; the teachers who educate our families; and those ready for a more simple way of life, having raised their families. The Oakbrooke community is the first *legitimate* inclusion of "homes within reach" that aren't segregated by class, income level, or social background.

Just as the surrounding developments and as currently permitted, Oakbrooke is primarily a single family residential neighborhood of attached and detached homes. However, Oakbrooke will strive for character which is lacking in many developments. By not using stock plans but specifically designing each home for each Lot, Oakbrooke strives to raise the standard of residential development in the Rupple Road area.

Our goal is to create a sustainable neighborhood of viable housing options that will stand the test of time...

- ✓ Reduce public costs by making more efficient use of infrastructure
- ✓ Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel
- ✓ Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities
- ✓ Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings
- ✓ Promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs
- ✓ Create a sense of "place" in an **authentic** "community"

B) Scope of Project –

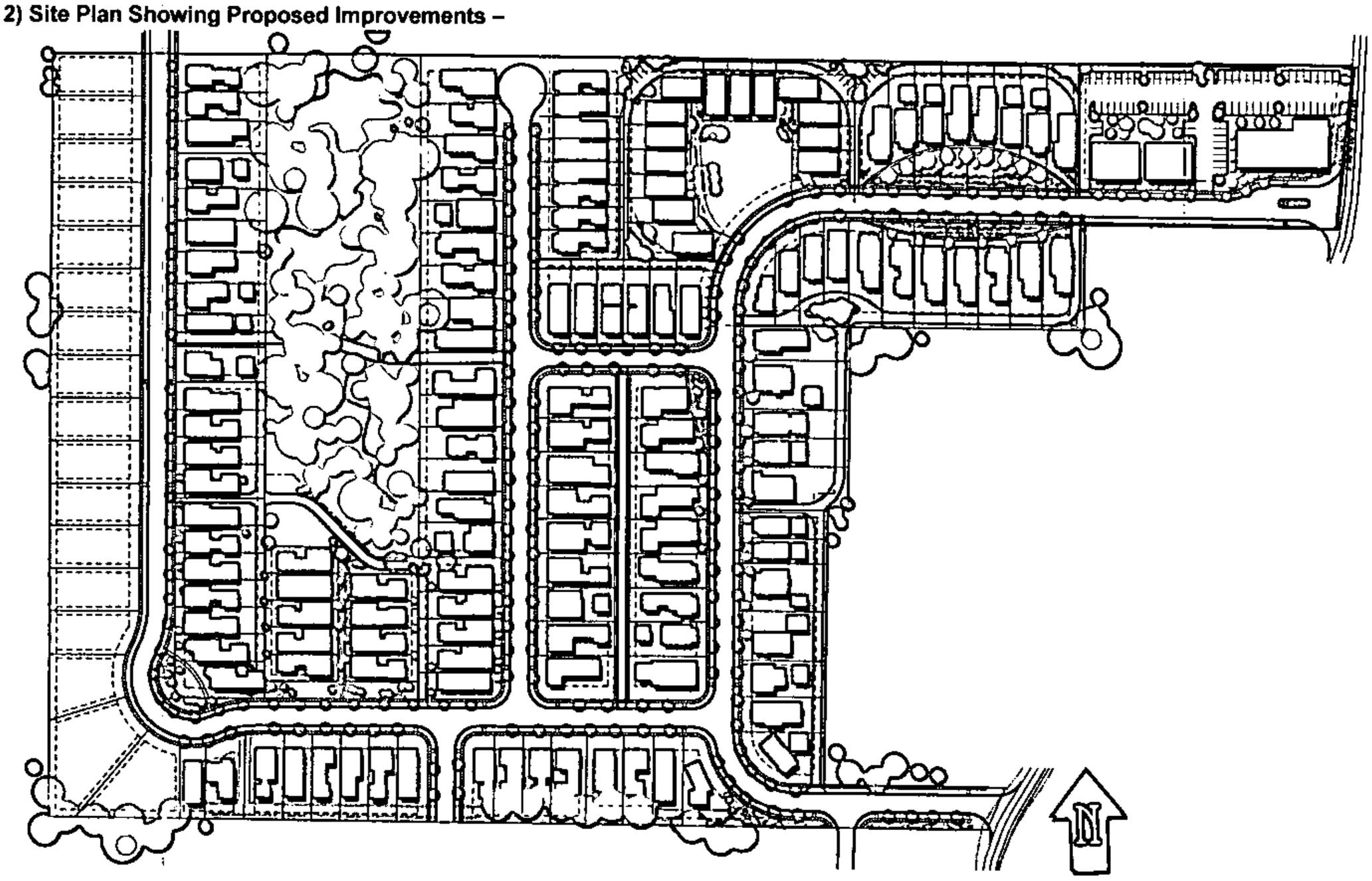
For the most part, Oakbrooke 3 is a redesign of portions of the constructed Oakbrooke Community. Short of the addition of some additional utility services, all necessary infrastructures have been constructed to accommodate the redesign. Revisions to the original PZD will give the opportunity to offer high quality, more "affordable" homes on somewhat smaller Lots including Cottages, Southern Vernacular Homes, and Courtyard or Patio Homes. Larger Lots are adjusted and divided to provide more affordable, more easily maintained, compact Lots, and provide opportunities for additional common and greenspace and highly landscaped elements, public gardens and places for neighbors to gather.

With the proposed redesign, the community store currently located on Lots 52 thru 54 is moved to a more appropriate area along the reconstructed Rupple Road, directly across from The Links apartment and golf course project; and as per the CityPlan 2025, it takes on more of a Mixed Use character. In turn, the homes once slated for this area will be appropriately relocated further away from what will soon become a highly traveled divided arterial road.

C) General Project Concept –

1) Streets - All roads lead home in Oakbrooke. There are no permanent "dead end" streets, and friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. The constructed, but temporary cul-de-sac at the north end of September Stroll is a direct connection to future development to the north. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow interaction among friends and provide safe passage for children and other pedestrians. Spaces for public gardens and landscaping will be included to create community pride among neighbors and to help establish a sense of "place" and "arrival". Custom signage and lighting will help establish the individual character of Oakbrooke. No additional public streets will need to be constructed.

2) Site Plan Showing Proposed Improvements –



3) Buffer Areas – Oakbrooke is adjoined on three sides by single family homes and apartments; and one side by agricultural land. The current PZD zoning and the requested PZD, Oakbrooke 3 maintains its urban fabric by continuing the single family theme. The mixed use area of the community is moved to a more logical location along Rupple Road; closer to the large multifamily PZD across Rupple. Within the proposed Oakbrooke 3 community, density increases toward the center and at the far northeast area; adjacent to what is currently undeveloped pasture and again, across from The Links apartment project. The perimeter of the project remains at a density very close to that of adjacent developments, only slightly higher than the typical RSF4 zoning; offering a seamless and friendly transition from the higher density core, to the lower density perimeter.

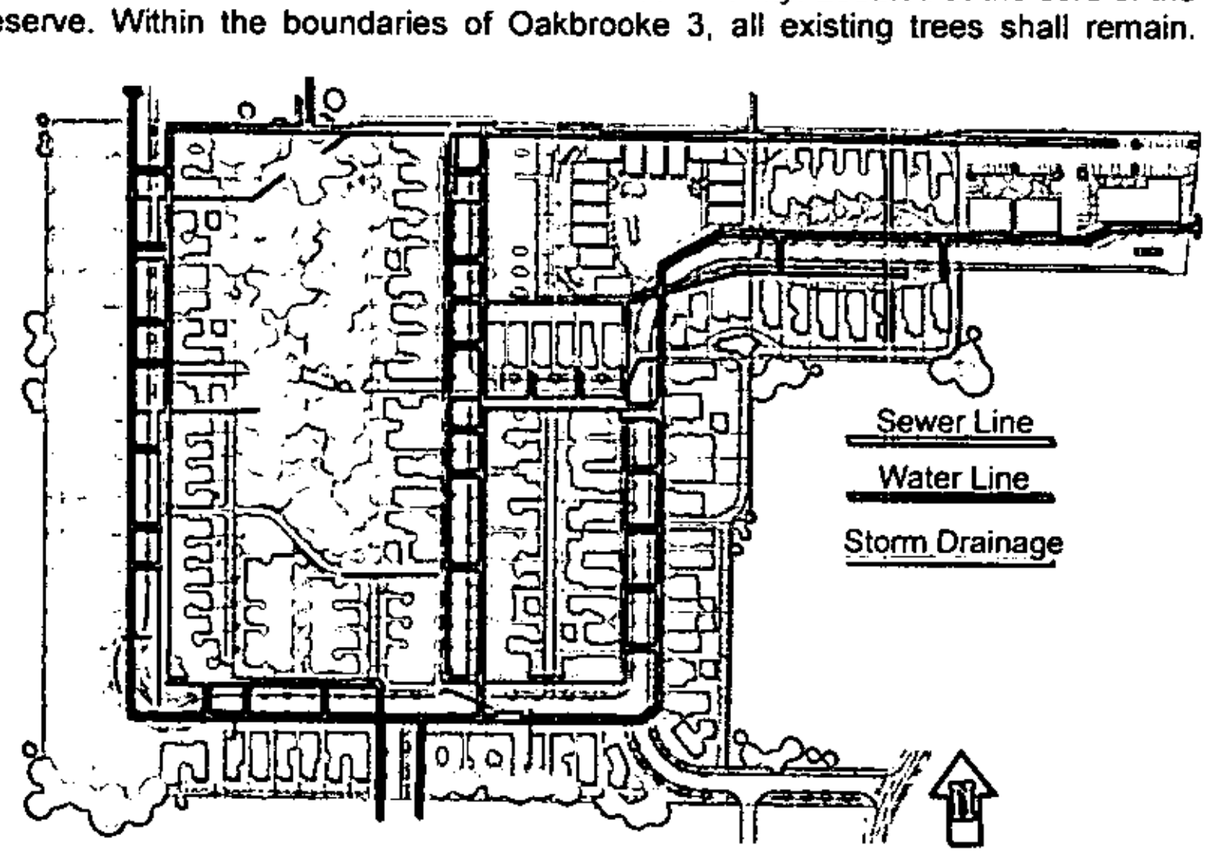
Where practical, garages, some with elevated lofts, are located to the rear of the Lots to move the blank garage door "face" away from the home. Private space is created in the back and side yards by using the garages as screening devices. Existing fence row vegetation will be maintained as much as possible between existing projects and the Oakbrooke community.

4) Natural and Tree Preservation - Maintaining existing trees has been fundamental to the Oakbrooke community. Located at the core of the neighborhood, is a park-like setting of expansive sylvan reserve. Within the boundaries of Oakbrooke 3, all existing trees shall remain. Therefore, no tree mitigation will be required.

5) Detention and Drainage – Adequate underground storm water facilities are currently located throughout the development. Generally, drainage flows north to Clabber Creek through a natural drainage feature located within the previously described open/tree area located at the core of Oakbrooke. If necessary, an existing detention pond will be carefully reshaped and naturally enhanced to provide a detention area that will host a park-like environment for residents, and make a seamless transition into adjacent undeveloped property.

6) Undisturbed Areas - Other than grooming and maintenance of landscaping, and the installation of private driveways, we don't anticipate having to disturb any of the existing area. As this is an existing neighborhood, there are no environmentally sensitive features within the project.

7) Utilities - New utilities have recently been constructed throughout Oakbrooke Phases I and II, in accordance with



OAKBROOKE 3 PLANNED ZONING DISTRICT

the previously approved PZD (R-PZD 05-1463 and 05-1555). These utilities link existing developments and provide connection for undeveloped properties to the north. Other than adjustments of some existing services, a limited number of new service connections (taps) will need to be installed.

8) Development and Architectural Design Standards – The following architectural design standards shall be consistent throughout each planning area of Oakbrooke.

Architectural Ideals - The inspiration behind the Oakbrooke 3 is the desire to create a neighborhood of "old fashioned" character, as opposed to a typical "snout-house" or "McMansion" subdivision. Oakbrooke 3 will offer homes available to a wider range of families from varied social/economic backgrounds. Large family homes will not over-power beginner, or more affordable homes.

The architectural review process is set up to interpret, administer and enforce the guidelines. Since Oakbrooke 3 has been designed with compact building Lots in order to set aside more green space and to make the community more walkable, in addition to unique guidelines, careful design is necessary for a successful project. While "mail-order" or "stock" plans used elsewhere are permitted, it is expected that most homes will require custom designs, most likely will require significant adjustments in order to meet the Oakbrooke guidelines. Each design will be limited to a single use within Oakbrooke. However, a successful plan may be used on more than one Lot if the exterior has been modified sufficiently as to not be mistaken as a duplication of another structure; unless intentionally developed as a community design element as illustrated (left).

In order to allow a mix of scale and style, Oakbrooke has consciously rejected the idea of a pre-designed portfolio of home plans that a buyer must choose from. A variety of design sources will result in a rich organic community of various home styles and sizes, and will result in increased value of all homes.

Oakbrooke 3 homes will take their architectural style from time tested American home design. The Craftsman, Prairie, and American Folk Tudor homes of the early 1900's through the 1950's are used as design prototypes. History will meet technology as well-designed, comfortable elevations house the latest in environmentally friendly building practices, materials and certifications.

The design standards for Oakbrooke 3 are intended to offer a palette of design techniques and materials rather than a prescribed "style". The pre-war houses of Southern United States area in particular are used as inspiration for materials, forms and techniques that have proven to respond well to the unique environmental and cultural characteristics of the region, including large operable windows that recall the time before air conditioning, when the cool summer breezes were drawn into and through the house. Simple roof lines with an expressed hierarchy of steeper primary roofs with shallower pitched ancillary roofs or dormers add to expand the roof volume and to allow windows in upper levels. Restraint should be practiced in the use of complex rooflines, arched windows, and other features that can be seen as showy or gratuitous. Broad overhangs that shed water away from the building and offer summer shading should be incorporated. Oakbrooke 3 encourages the "honest use" of materials and construction techniques. Exterior materials should wrap around the house, rather than be applied only to the front facade for "curb appeal" purposes.

Residences are encouraged to include a functional front porch or stoop that allows an extension of the living space outdoors for the enjoyment of summer breezes and conversations with neighbors. The front porch is an important part of a house in Oakbrooke. The narrower setbacks are intended to define an active "outdoor room" along the public environment known as "the street". The front porch will act as an outdoor foyer that makes a transition from public to private space, and allows residents to converse with pedestrians and neighbors. The front porch should be of functional size and configuration; a minimum of 6 feet deep, to allow circulation and the placement of furniture.

The front of the house should allow activities on the porch to be connected through doors and windows to activities within the house. Living spaces, rather than stairs, bathrooms or bedrooms, should be located adjacent to the porch or the front of the home. Each home should have usable rooms at the front, as opposed to locating gathering rooms to the rear of the structure. This gives the neighborhood "eyes on the street" and creates a safer and friendlier environment.

Homes are located forward on the Lot, or closer to the sidewalk, to create an exterior neighborhood "room" in the street. Smaller side-setbacks and zero Lot line placements of structures help create the exterior public space by decreasing the amount of negative space in the unused side yards. Automobiles are moved from the front of the Lot to the rear. The homes of Oakbrooke say, "People live here; not cars".

- ✓ Materials shall be appropriate for the particular architectural style -
- ✓ Human scale architecture and beautiful surroundings that nourish the human spirit -
  "Human scale architecture" refers to scale, designed to be pleasing to walking pedestrians as opposed to the high speed driver.
- ✓ Buildings are located closer to the street -
- ✓ Sidewalks, trails and street trees are utilized -
- ✓ Building facades are articulated and are not overbearing -
- ✓ Cornice lines and banding at the various floor levels emphasize and define actual interior space -
- ✓ Fenestration patterns, cantilevered balconies, awnings and entrances are inviting, protective, and not foreboding -
- ✓ Traditional Neighborhood Structure -
- ✓ Importance of quality public realm; quality public open space -

9) Building Elevations – Proposed building elevations for each planning area are depicted in section "F) Proposed Zoning and Development Regulations" below.

D) Proposed Development Phasing -

Oakbrooke 3 is planned in five phases to be constructed over a seven year period. All required permits necessary to complete the construction will be obtained within five years from City Council approval of the PZD. Anticipated timing for construction of public improvements for each phase is as follows...

- PA 1 - All permits necessary to complete construction will be obtained within one year from City Council approval. Final Plat approval shall be obtained within two years of Preliminary Plat approval.
- PA 2 - All permits necessary to complete construction will be obtained within two years from City Council approval. Final Plat approval shall be obtained within three years of Preliminary Plat approval.
- PA 3 - All permits necessary to complete construction will be obtained within three years from City Council approval. Final Plat approval shall be obtained within five years of Preliminary Plat approval.*
- PA 4 - All permits necessary to complete construction will be obtained within four years from City Council approval. Final Plat approval shall be obtained within five years of Preliminary Plat approval.
- PA 5 - All permits necessary to complete construction will be obtained within four years from City Council approval. Certificate of Occupancy shall be obtained within two years of the building permit approval**

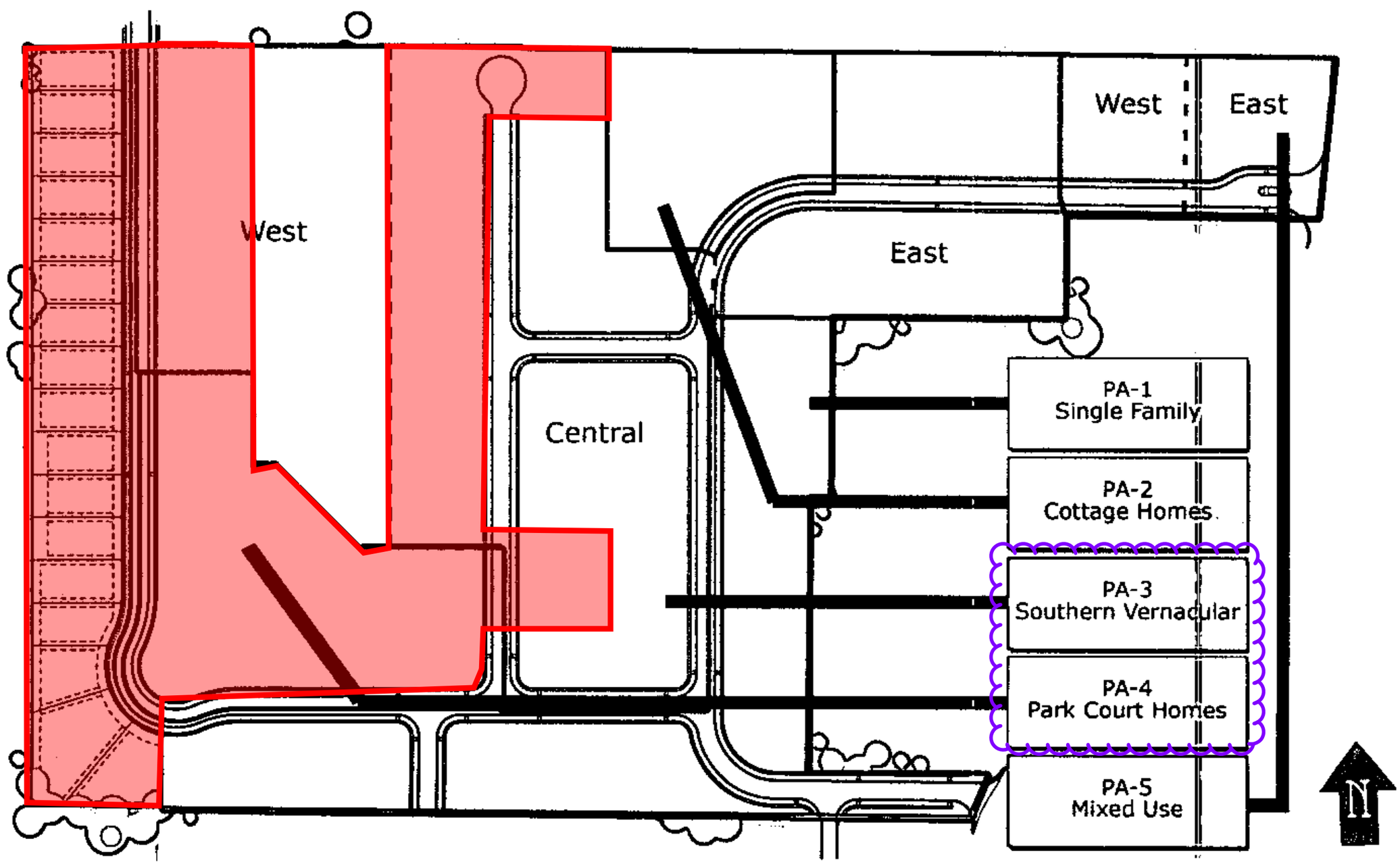
* PA3, which the largest of the PAs is divided into three areas; East, Central and West. Due to the size of PA3, in effort to minimize costs and condense construction areas, PA3 could be submitted in three individual Preliminary Plats.

** PA5 will likely be constructed as Large Scale Developments. As we do not expect construction of both areas to occur simultaneously, PA5 is made up of two areas which are designated Mixed Use East and Mixed Use West.

E) Proposed Planning Areas -

Oakbrooke 3 offers several types of residential living, home-based business, neighborhood shopping and eating places (though limited), and open/botanical areas, as depicted on sheet 2, the "Conceptual Site Plan". The community will offer Single Family Residential (attached and detached), Cottage Homes, and Southern Vernacular Homes, along with Neighborhood Mixed Use.

Proposed Planning Areas -



OAKBROOKE 3 PLANNED ZONING DISTRICT

F) Proposed Zoning and Development Standards -

Architectural Control - No ranch, contemporary, modern, a-frame, log, or gambrel style structures will be permitted. Oakbrooke is considered to be a traditional Americana community with an emphasis on TRADITIONAL AMERICAN STYLING. All floor plans, elevations, specifications, plot-plan showing the orientation of any structure, driveway and sidewalks, contractor, and proposed materials and colors must be submitted and approved by Tracy Hoskins representative, Oakbrooke Architectural Committee (OARC), prior to starting construction. Once construction commences, revisions are discouraged, and must be approved by the OARC. The OARC will keep in its file the original plans and specs as reference material. Post certificate of occupancy; any modification to the exterior of the home must be approved by the OARC, including but not limited to any color, hardware, lighting, or cladding changes.

As required by the PZD ordinance, Use Units 9, 10, and 26 are incorporated within planning areas 2, 3 and 4 for the purpose of permitting the construction of Townhouses as defined in Chapter 151 of the UDC –

> *Townhouse (Zoning) - Two or more single-family dwelling units constructed in a series of attached units with property lines separating each unit.*

Townhouse Lots shall be subject to the regulations of Chapters 151, 164, and 166 of the UDC. No "duplexes" or "triplexes" are proposed. Further, other than within the boundaries of PA5 (Mixed-Use), no multifamily is proposed.

Though each planning area is unique in form and types of housing, they maintain very similar development regulations. Each home will have a private Lot for personal exterior space. Front setbacks are typically delineated within a "build to zone". However, for those Lots fronting a public street, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever it is practical to do so. For side setbacks, a "Zero Lot Line" regulation is incorporated. The purpose for zero side setbacks is to allow the structure to be shifted to one side of the Lot, thereby creating more usable exterior space within the side and rear yards, as opposed to dividing the side yard into two narrow strips down both sides of the structure as is typical, which are unusable for any practical purpose and often become storage areas. 10 ft. of separation must be maintained between homes; therefore orientation of each home is monitored as to not eventually create an unbuildable Lot. Garage structures which are not attached to or incorporated into the primary structure are not subject to separation requirements and may share a common wall with their neighbor, however, appropriate fire protection (separation) or firewall must be incorporated into the structure.

Parking - Each dwelling shall incorporate parking for a minimum of two (2) cars. Garage openings may face a public or private street. However, they should be accessed from the rear or side where practical. Where space permits; garages should be detached and located to the rear of the Lot, as close to the rear property setback as possible. Under special conditions, this covenant may be modified by the OARC.

Yard Space Restrictions and Building Locations - The most forward point on the front of the house, inclusive of porches, shall be constructed at the property's front building setback line. Under special conditions, this covenant may be modified by the OARC.

Roofs - All structures must use tile, wood shake, architectural metal or 20-year composition architectural shingles, and must have a minimum of a 4/12 pitch. Any roof less than a 4/12 pitch, and metal roofing must be approved by the OARC.

Exteriors - The foundations must be constructed of substantial materials such as brick or stone. Concrete block foundations should be veneered with brick, stone, or dressed with landscaping. Exteriors of all structures should be wood or concrete board siding, brick or stone, or other natural materials. Incorporation of recycled materials is strongly encouraged. All chimneys should be brick, stone, or stucco. No vinyl or metal (excluding gutters, downspouts, roof edging or trim), will be permitted. Exterior Insulation and Finish Systems (EIFS) may be used only with specific prior approval of the OARC. Though vinyl windows are permitted, the OARC encourages the use of wood type windows. Finish floor elevation must be a minimum of eighteen inches (18") above finished grade at the front of the structure, exclusive of garages.

Yards and Landscaping - All yards shall be fully seeded and strawed, or sodded within sixty (60) days of a Certificate of Occupancy being issued by the City of Fayetteville. In effort to promote year-round green lawns, Fescue Plus or similar grass is encouraged; while Bermuda grass is discouraged, and must be specifically approved by the OARC. All dwellings shall be landscaped with a landscaping package that is appropriate in design and color for the design of the dwelling. Each Lot shall have a minimum of one "street tree" located on center between the back of curb and the public sidewalk. The OARC shall determine the species of all street trees.

Common and Garden Areas – There will be various Common Areas, Pocket Parks, and Botanical Gardens throughout the Oakbrooke Community. These areas will boast highly landscaped gardens, lawns, and features such as Gazebos and possibly mail kiosks. Some of these areas will be owned by the Oakbrooke Property Owners Association (OPOA), while others will be in the form of dedicated Landscape Easements located on private Lots. In either case, these areas shall be maintained by the OPOA and under the direction of the OARC.

Lot Maintenance - All Lots shall be kept in a sanitary and attractive condition, and the Owner or occupant shall keep weeds controlled and grass thereon cut and neatly maintained. In no event shall any Lot be used for storage of material or equipment except for normal residential purposes (except for during construction of residences or other structures.) Construction sites shall be kept neat, safe, and clear of debris at all times. Construction materials should be kept to the rear of the Lots, obstructed from view, whenever possible. No burning of garbage, trash, or refuse is allowed (except for during construction of residences or other structures as permitted).

Sight Distances at Intersections - No fence, wall, hedge, or shrub which obstructs sight lines at intersections in the subdivision shall be permitted.

Visual Screening - All clotheslines, equipment, garbage cans, woodpiles, refuse containers, storage piles, and household projects such as equipment repair shall be screened by fencing, so as to conceal them from view of neighboring Lots or streets. All rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the Lots and not allowed to accumulate thereon.

Temporary Structures - No trailer, tent, shack, garage, barn, recreational vehicle, mobile home, or other outbuilding shall be placed, constructed, erected or allowed to remain on a Lot if it is being used for human habitation either temporarily or permanently. *This regulation excludes temporary Lemonade Stands, which are HIGHLY encouraged.*

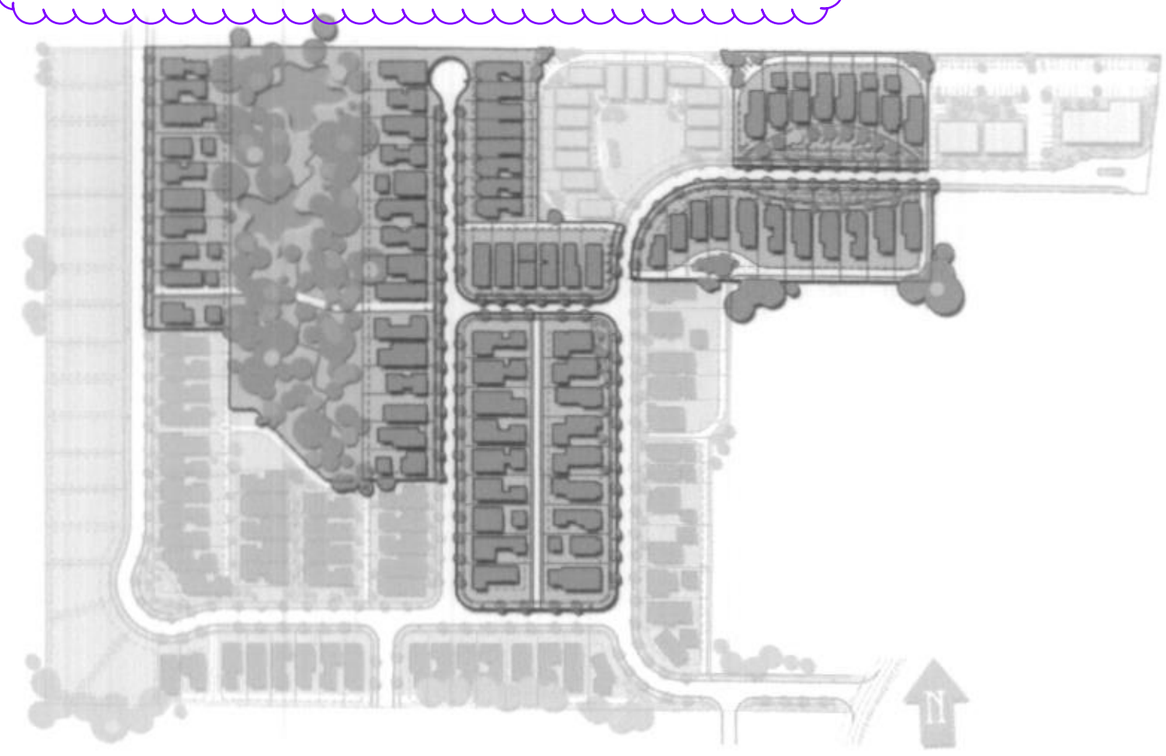
Storage Buildings - No detached outbuildings may be constructed without prior written consent of the OARC. If consent is granted, detached storage buildings may only be placed to the rear of the house, no closer to side Lot lines than the sides of the primary structure. All storage buildings shall use same roof and wall materials as used on the house and be of similar design.

Fencing - Fencing of front yard is prohibited, other than decorative fences or landscape walls. Front fences shall not to exceed forty-two inches above finished grade. Chain link or wire fencing shall be permitted only with prior approval from the OARC. All chain link or wire fencing must be screened by landscaping when visible from any street. All wood privacy fences shall have the good side turned toward the outside of the Lot. That is; the framework that supports the fence is to be facing inward toward the back yard. No privacy fencing shall exceed six feet in height. Any fencing, walls, or landscape walls located between the street and structure must be constructed of brick, stone, iron, or wood (picket type); complementary of the structure, and must be approved by the OARC.

Heating and Cooling Devices - No structure on any Lot shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from the street or adjoining Lots, or adjoining land owners. This restriction does not apply during the construction of the structure.

Mailboxes - Mailboxes will be installed upon each property. The particular design shall be designated by the OARC.

Planning Area 3 – Southern Vernacular Homes



The Southern Vernacular Home planning area is designed to permit and encourage the developing of single family detached and attached homes in a more regimented row house pattern. Each home will have a private Lot for personal exterior space and will front a public street. Front setbacks are delineated within a "build to zone" of 0 ft to 25 ft. However, for those Lots fronting a public street, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever it is practical to do so. Rear access is not provided to those Lots where significant tree removal would be necessary in order to provide a rear drive configuration.

Images Appropriate for PA3

PA3 - Southern Vernacular Homes

(a) Permitted uses.

Unit 1 City-wide uses by right
Unit 8 Single-family dwelling

Townhomes (no more than 3 units attached) -
Restricted to Lots 53-66, 82-89 and ...

Unit 9 Two-family dwellings
Restricted to townhouses, no more than one unit per lot
Unit 10 Three-family dwellings
Restricted to townhouses, no more than one unit per lot
Unit 41 Accessory Dwelling
In accordance with 164.19 of the UDC

(b) Conditional uses.

Unit 2 City-wide uses by cond. use permit
Unit 4 Cultural and recreational facilities
Unit 24 Home occupations

(c) Density.

Acreage	- 15.63 Acres
Number of dwelling units	- 76 Units
Density per acre	- 4.86 Max.

Bulk and area regulations

(d) Lot width minimum per dwelling. *(ft)*

Single family	- 32 ft
Townhomes	- 24 ft
All Other Uses	- None

(e) Lot area minimum per dwelling. *(sq. ft.)*

Single-family	- 3700 sf
Townhomes	- 2700 sf
Other Uses	- None

(f) Land area per dwelling unit. *(sq. ft.)*

Single-family	- 3700 sf
Townhomes	- 2700 sf
Other Uses	- None

(g) Setback requirements. *(ft)*

Front	Side	Rear
0 ft to 25 ft*	10 ft**	10 ft

*The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 14 ft. from the front property line.

**Detached structures may be located at the side property line, or "Zero Lot Line" side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

(h) Height regulations - - 45 ft

(i) Building area - - 65%

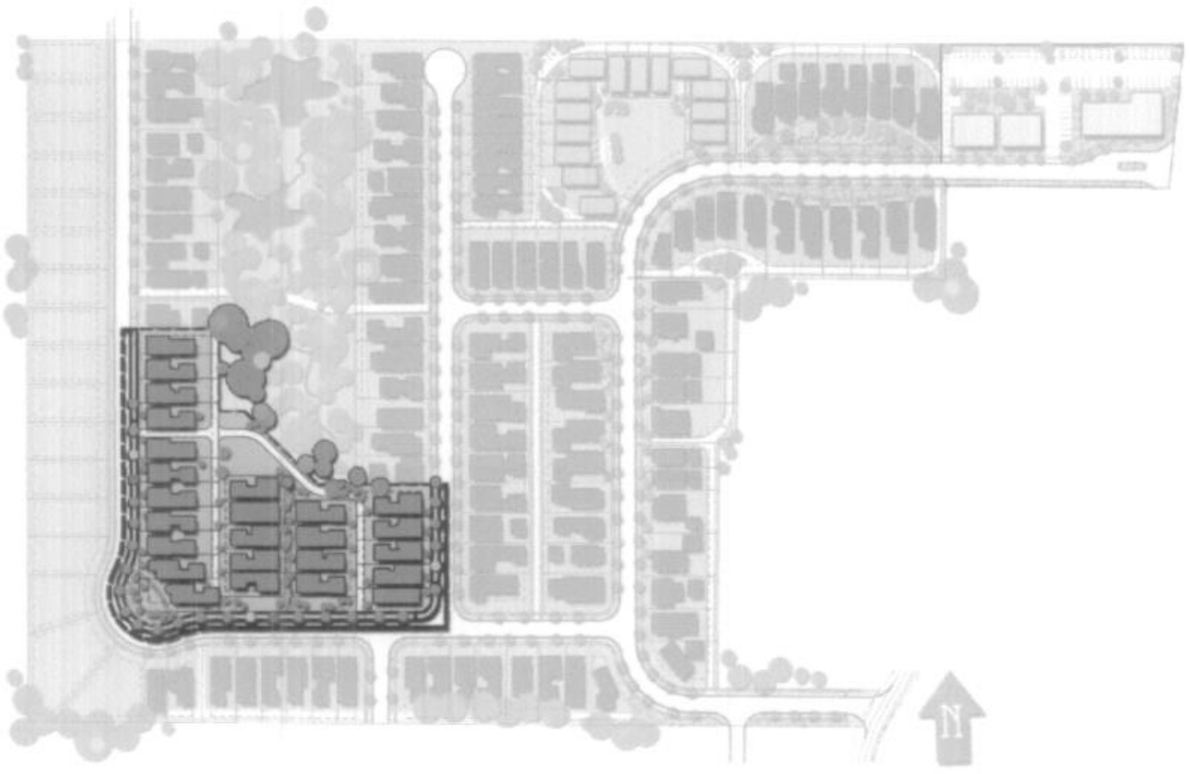
Site Planning

(j) Landscaping - Per Chapter 177 of the UDC

(k) Parking. - Per Chapter 172 of the UDC

(l) Architectural Design Standards -
Refer to section C (8) of this booklet.

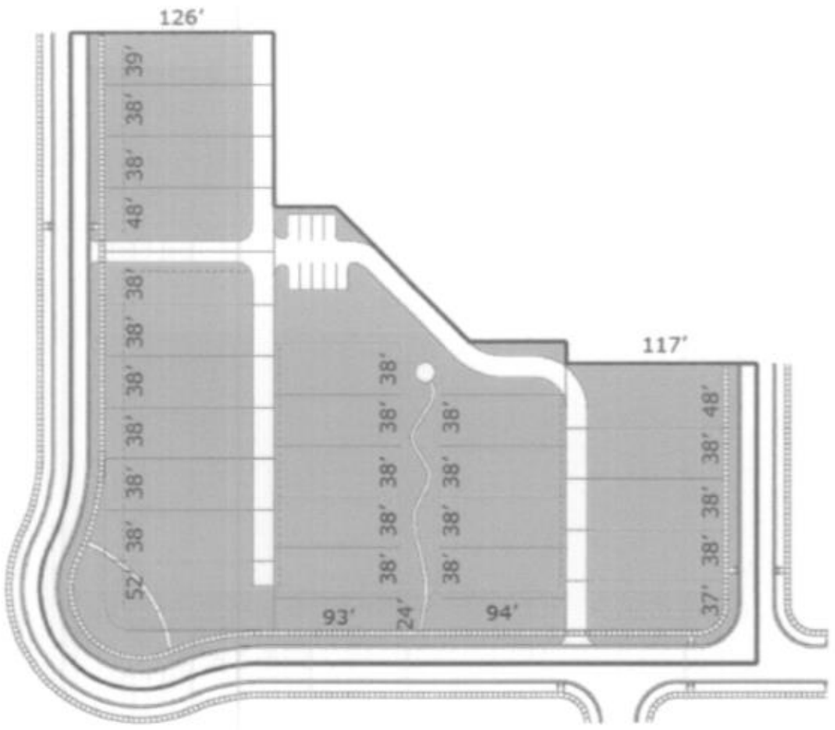
(m) Signage -
As may be allowed for home occupations or per Chapter 174 of the UDC



Planning Area 4 – Park Court Homes

The Park Court Home planning area is the most unique of the residential planning areas, incorporating detached housing along the public streets and the opportunity for attached housing of unique design within the interior of the PA..

Lots fronting the central gardens at the center of the planning area are expected to be attached housing with a zero front setback. Lots fronting the public streets will provide a smooth transition between the attached to the less dense areas across the streets and along the perimeter of Oakbrooke.



For those lots fronting a public street, front setbacks are delineated within a "build to zone" of 0 ft to 25 ft. However, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever practical. Homes on interior lots 12 through 20 facing the common green located at the core of PA2 shall be set back 0 ft from the property line.

PA4 - Park Court Homes

(a) Permitted uses.

Unit 1 City-wide uses by right
Unit 8 Single-family dwelling

Townhomes (no more than 6 units attached) -
Restricted to Lots fronting the Common Lawn
Unit 9 Two-family dwellings
Restricted to townhouses, no more than one unit per lot
Unit 10 Three-family dwellings
Restricted to townhouses, no more than one unit per lot
Unit 26 Multi-family
Restricted to townhouses, no more than one unit per lot
Unit 41 Accessory Dwelling
In accordance with 164.19 of the UDC

(b) Conditional uses.

Unit 2 City-wide uses by cond. use permit
Unit 4 Cultural and recreational facilities
Unit 24 Home occupations

(c) Density.

Acreage	- 3.8 Acres
Number of dwelling units	- 25 Units
Density per acre	- 6.58 Max.

Bulk and area regulations

(d) Lot width minimum per dwelling. *(ft)*

Single family	- 38 ft
Townhomes	- 24 ft
All Other Uses	- None

(e) Lot area minimum per dwelling. *(sq. ft.)*

Single-family	- 3500 sf
Townhomes	- 2250 sf
Other Uses	- None

(f) Land area per dwelling unit. *(sq. ft.)*

Single-family	- 3500 sf
Townhomes	- 2250 sf
Other Uses	- None

(g) Setback requirements. *(ft)*

Front	Side	Rear	Fronting -
0 ft to 25 ft*	10 ft**	20 ft	Street
0 ft	10 ft**	2 ft	Lawn

*The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.

**Detached structures may be located at the side property line, or "Zero Lot Line" side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

(h) Height regulations - - 45 ft

(i) Building area - - 70%

Site Planning

(j) Landscaping - Per Chapter 177 of the UDC

(k) Parking. - Per Chapter 172 of the UDC

(l) Architectural Design Standards -
Refer to section C (8) of this booklet.

(m) Signage -
As may be allowed for home occupations or per Chapter 174 of the UDC

While street front will be very similar in design and scale to those within adjacent PAs, the focus of PA4 is placed heavily on those homes lining the highly designed, and more intimate central gardens.
As in PA2, garden front homes are designed primarily to provide the option for home quality home ownership without the cost and maintenance of a large lot and structure. This shared area is professionally managed, creates a high level of potential community interaction, and a safe place for children to play as parents can keep a watchful eye over the contained space just outside their front door. Owners of the Park Court homes will enjoy quality exterior space, but without the personal headaches.

Images Appropriate for PA4

Attached Homes – Interior

Detached Home – Street Front

OAKBROOKE 3 PLANNED ZONING DISTRICT

G) Zoning Comparison Chart

	Existing Zoning	Proposed Zoning					
	Phases I and II 32.39 acres	PA-1 5.41ac	PA-2 1.86 ac	PA-3 15.63 ac	PA-4 3.80 ac	PA-5 1.92 ac	Unchanged 3.77ac
(B) Uses							
(1) Permitted uses.							
Unit 1 City-wide uses by right	Lots 1-109	√	√	√	√	√	√
Unit 4 Cultural and recreational facilities	Lots 1-28, 52-54, 65-73, and 80-109					√	√
Unit 8 Single-family dwelling	Lots 1-109	√	√	√	√	√	√
Unit 9 Two-family dwellings (Townhomes)	Lots 56-73			√	√	√	
Unit 10 Three-family dwellings (Townhomes)	Lots 56-73			√	√	√	
Unit 12 Offices, studios & related services						√	
Unit 13 Eating places						√	
Unit 15 Neighborhood shopping						√	
Unit 24 Home occupations	Lots 1-109					√	√
Unit 25 Professional offices						√	
Unit 26 Multi-family (Townhomes, except PA5)					√	√	
Unit 41 Accessory Dwelling *In accordance with 164.19 of the UDC*		√	√	√	√	√	
(2) Conditional uses.							
Unit 2 City-wide uses by cond. use permit	Lots 1-109	√	√	√	√	√	√
Unit 4 Cultural and recreational facilities	Currently use by right	√	√	√	√		
Unit 24 Home occupations	Lots 1-109	√	√	√	√	√	
(C) Density *(max. dwelling units per acre)*							
All Dwellings	3.4	5.2	7.6	4.86	6.58	16.2	4.6
(D) Bulk and area regulations							
(1) Lot width minimum per dwelling. (ft.)		PA-1	PA-2	PA-3	PA-4	PA-5	Unchanged
Single family	47	35	34	32	38	34	47
Townhome *(Restrictions on max. # of attached units)*	47 - Lots 56-73						
Two-family or more	47 - Lots 56-73		24	24	24	24	
All Other Uses	61 - Lots 52-54	none	none	none	none	n/a	
(2) Lot area minimum per dwellind. (sq. ft.)							
Single-family	5000	3500	3400	3700	3500	3400	5000
Two-family or more	5000		2400	2700	2250	2400	5000
Other Uses	12000 - Lots 52-54	none	none	none	none	n/a	none
(3) Land area per dwelling unit (sq. ft.)							
Single-family	Varies	3500	3200	3700	3500	3400	Varies
Two-family	5000		2200	2700	2250	2400	5000
Three-family or more	5000		2200	2700	2250	2400	
No bedroom						1000	
One bedroom						1000	
Two or more bedrooms						1200	
Other Uses	12000 - Lots 52-54	none	none	none	none	n/a	
(E) Setback requirements *(ft)*		PA-1	PA-2	PA-3	PA-4	PA-5	Unchanged
All uses within — Front	14*	0-25*	0-25*	0-25*	0-25*	0-50*	14*
All uses within — Side	12**	10**	10**	10**	10**	0	12**
All uses within — Rear	10	16	10	10	2-20	10	10
(F) Height regulations - *(exclusive of basements) (ft.)*	56.5	45	45	45	45	60	56.5
(G) Building area PAs 1 thru 4 - # Minimum buildable street front -	60%lots 29-55, 74-79; 95%Lots 56-63	65%	70%	65%	70%	# 40%-50%	No Change
(H) Maximum Dwelling Units -	109	28	14	76	25	31	17
(I) Maximum Intensity Non-residential - (sq.ft.)						12000	

*The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 50 ft. from the front property line.

**Detached structures may be located at the side property line, or "Zero Lot Line" side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

OAKBROOKE 3 PLANNED ZONING DISTRICT

City of Fayetteville Planning Commission and City Council -

This rezoning request is submitted in cooperation of the remaining Oakbrooke PZD property owners and City of Fayetteville Planning Department.
In Staff's continued effort to clean up old PZDs, which have been troublesome over the years due to unclear regulations and various changes over the years, this request is to rezone the remaining properties within all Oakbrooke PZDs to a modern zoning which was not available at the time of the Oakbrooke PZD approval. Per Staff's recommendation, we are requesting the properties be rezoned to RI-12, under which development regulations are nearly identical to the approved conditions and development intent of the original Oakbrooke PZDs and subsequent construction of the Oakbrooke Community.

Tracy K Hoskins - President
Paradigm Development Enterprises, Inc.

Exhibit: Proposed Rezone

Exhibit: Zoning Comparison Tables

Current Zoning – RSF-4				Proposed Zoning – RI-12			
Lot width min.	SF	2F		**Lot width min.**	SF	2F	3-4F
	70	80			50	50	90
Lot area min. [per dwelling unit]	8000	6000		**Lot area min. [total]**	5000	7260	10890
Setbacks	F	S	R	**Setbacks**	F	S	R
	15	5	15		BTZ 0-25	5	5
Height	3			**Height**	2/3*		
Building Area	40			**Building Area**	50%		
Min. Buildable Street Frontage	N/A			**Min. Buildable Street Frontage**	50%		
Density	SF	2F		**Density**	12/ac.		
	4/ac.	7/ac.					

Current Zoning – PA 3 of PZD				Proposed Zoning – RI-12			
Lot width min.	SF	2-3F		**Lot width min.**	SF	2F	3-4F
	32	21			50	50	90
Lot area min. [per dwelling unit]	3700	2700		**Lot area min. [total]**	5000	7260	10890
Setbacks	F	S	R	**Setbacks**	F	S	R
	BTZ 0-25	10**	10		BTZ 0-25	5	5
Height	45’			**Height**	2/3*		
Building Area	65%			**Building Area**	50%		
Min. Buildable Street Frontage	N/A			**Min. Buildable Street Frontage**	50%		
Density	4.86/ac.			**Density**	12/ac.		

Current Zoning – PA 4 of PZD				Proposed Zoning – RI-12			
Lot width min.	SF	2-6*F		**Lot width min.**	SF	2F	3-4F
	38	24			50	50	90
Lot area min. [per dwelling unit]	3500	2250		**Lot area min. [total]**	5000	7260	10890
Setbacks	F	S	R	**Setbacks**	F	S	R
Fronting: Street	BTZ 0-25	10**	20		BTZ 0-25	5	5
Fronting: Garden	0	10**	2				
Height	45’			**Height**	2/3*		
Building Area	65%			**Building Area**	50%		
Min. Buildable Street Frontage	N/A			**Min. Buildable Street Frontage**	50%		
Density	4.86/ac.			**Density**	12/ac.		

*Up to six attached units permitted.

Current Zoning – PA 3 of PZD				Proposed Zoning – NC			
Lot width min.	SF	2-3F		**Lot width min.**	ALL		
	32	21			40		
Lot area min. [per dwelling unit]	3700	2700		**Lot area min. [total]**	4000		
Setbacks	F	S	R	**Setbacks**	F	S	R
	BTZ 0-25	10**	10		BTZ 0-25	5	5
Height	45’			**Height**	2/3*		
Building Area	65%			**Building Area**	50%		
Min. Buildable Street Frontage	N/A			**Min. Buildable Street Frontage**	50%		
Density	4.86/ac.			**Density**	10/ac.		

**Detached structures may be located at the side property line, or “Zero Lot Line” side setback. 10’ minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

RZN-2024-0004 Public Comment Summary

February 29, 2024 – Received call from Daniel Golden. He was upset about the rezone and assumed the rezone was to permit the construction of MFDs or townhomes. He has concerns about the potential impacts on his property value.

March 1, 2024 – Received email from Allison Bell. She wanted additional information about the requested rezoning. I replied with application information and addressed her specific questions directly.

March 4, 2024 – Received call from Karen Tyler. She said several neighbors were concerned about the rezoning and wanted more information. They want to meet in person so we scheduled a meeting for today at 11:00 am. At the meeting I provided the neighbors with information about the request, use changes, and bulk/area changes. I informed them of ways to attend the meeting and submit public comments in writing or at the meeting.

Hevrdejs, Kylee

From: Allison Bell <allisonwhitneybell@gmail.com>
Sent: Friday, March 1, 2024 1:43 PM
To: Hevrdejs, Kylee
Subject: Oakbrooke subdivision rezoning

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.

Kylee,
Good afternoon. I received a letter concerning the Oakbrooke subdivision rezoning. I have Mr. Hoskins letter to the City of Fayetteville Planning Commission and City Council. He mentions the current zoning (R-PZD residential) has been troublesome over the years. Do you have any examples of what has been troublesome? Also, will duplexes, apartments or any other multi-family dwellings be allowed in the new zoning? If Mr. Hoskins decides to sell the property, will the new zoning be held to the same single family home standard? Can you tell me exactly which street the acreage is off of?

If Mr. Hoskins provides the planning commission any other information prior to the March 11th meeting, can you provide that to me as well? Unfortunately, residents are at a disadvantage when they attend meetings because we don't have all of the information.

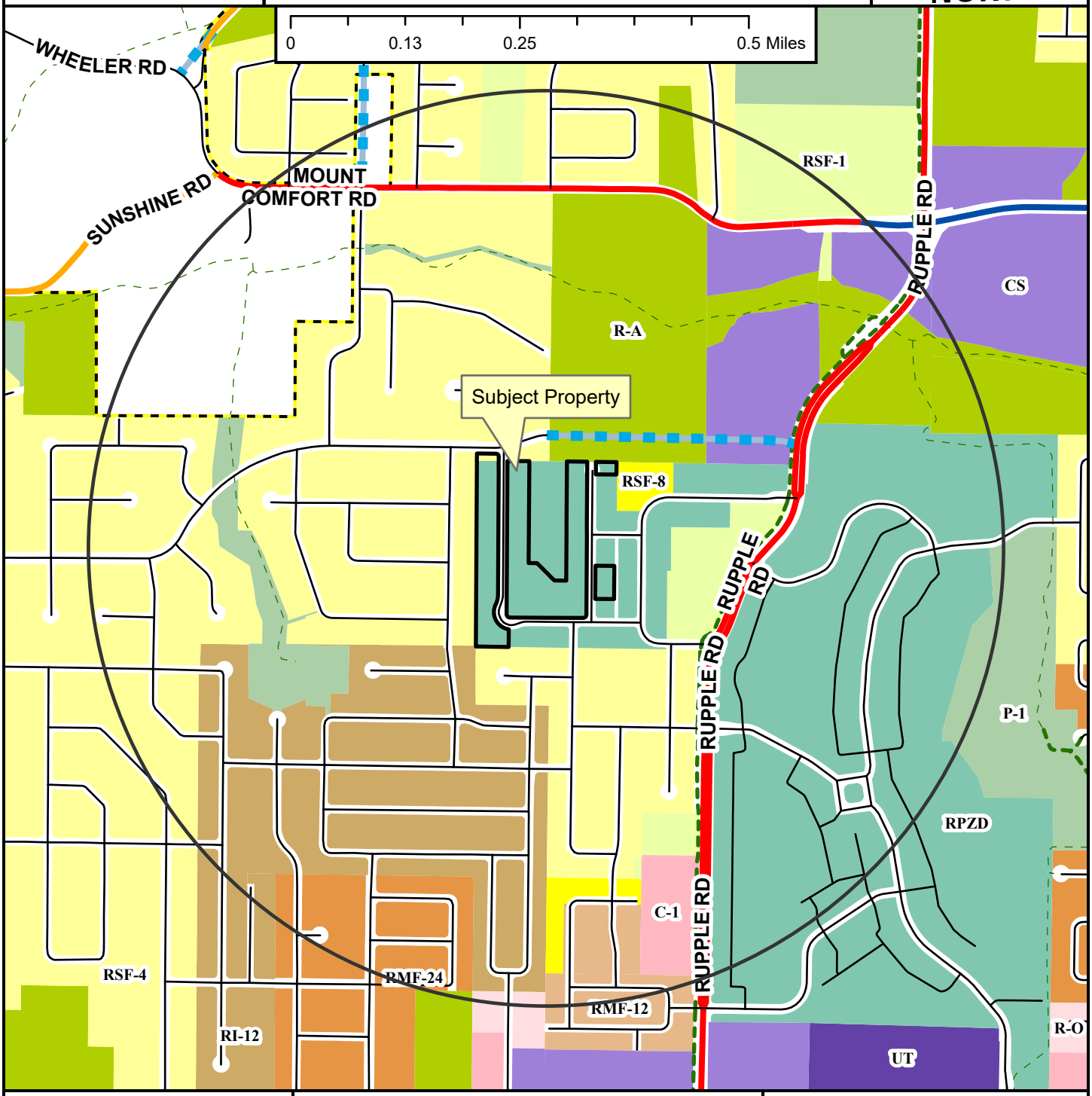
Thank you in advance for your response,
Allison Bell

RZN-2024-0004

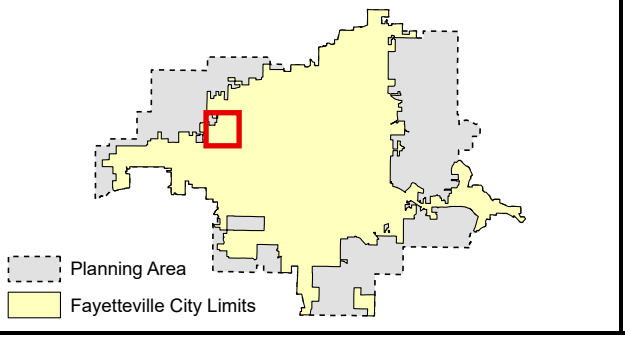
One Mile View

1951 N. NEIGHBORLY WAY

NORTH



- 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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

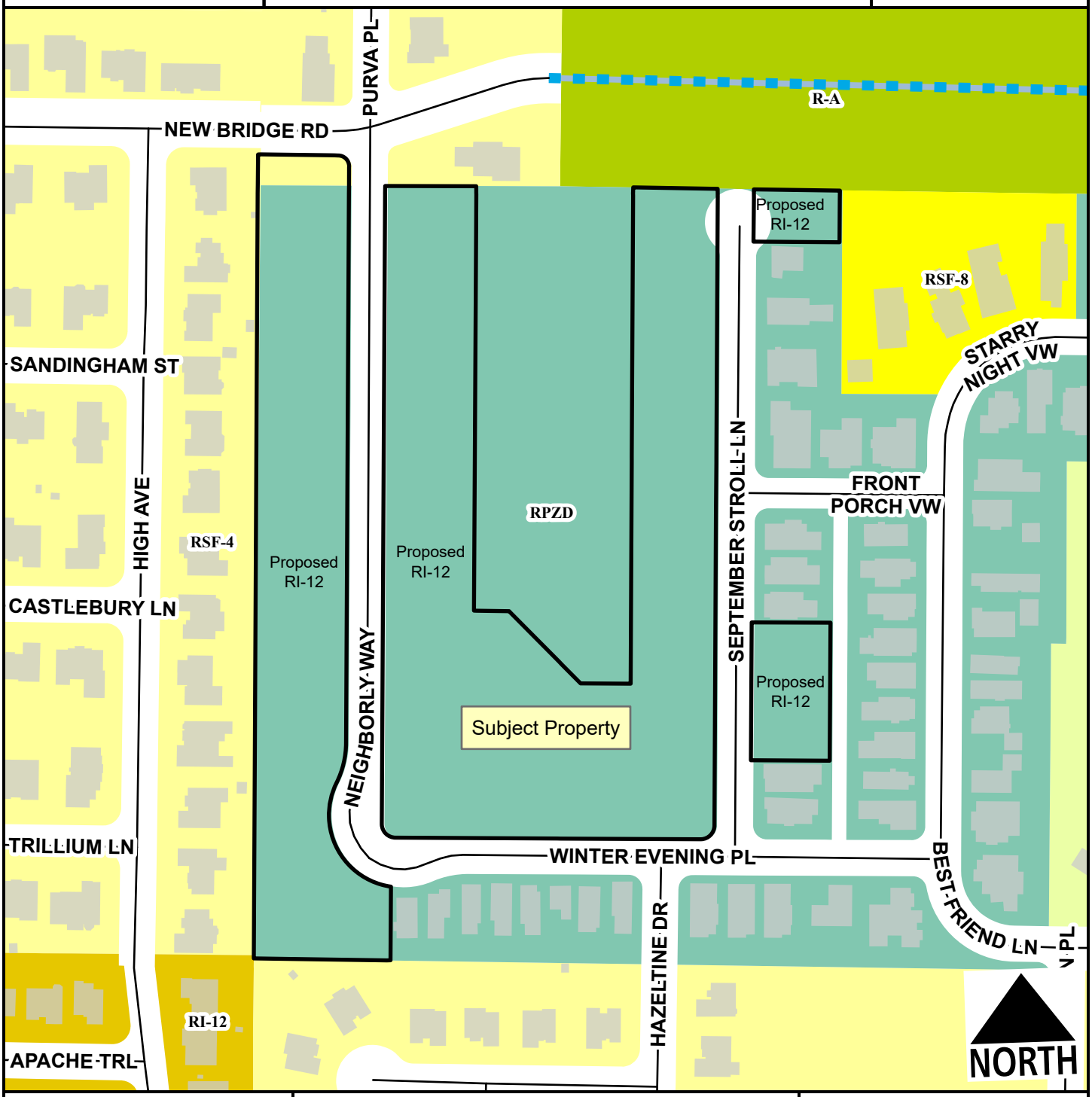
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0004

Close Up View

1951 N. NEIGHBORLY WAY



Residential Link

Planned Residential Link

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

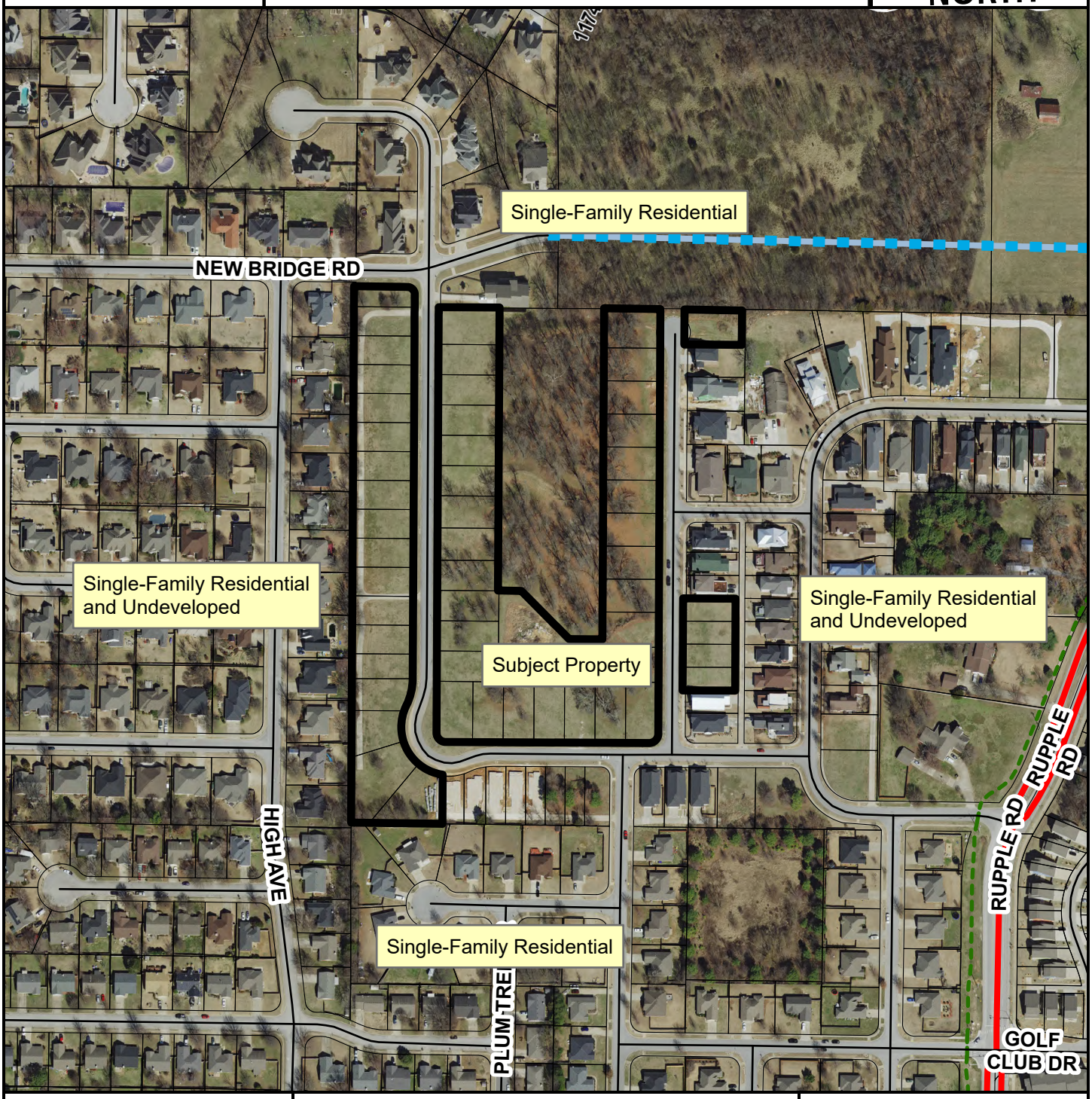
Zone	Current	Proposed
RI-12	0.0	10.3
RPZD	10.0	0.0
RSF-4	0.2	0.0
Total	**10.3 ac**	

RZN-2024-0004

Current Land Use

1951 N. NEIGHBORLY WAY

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

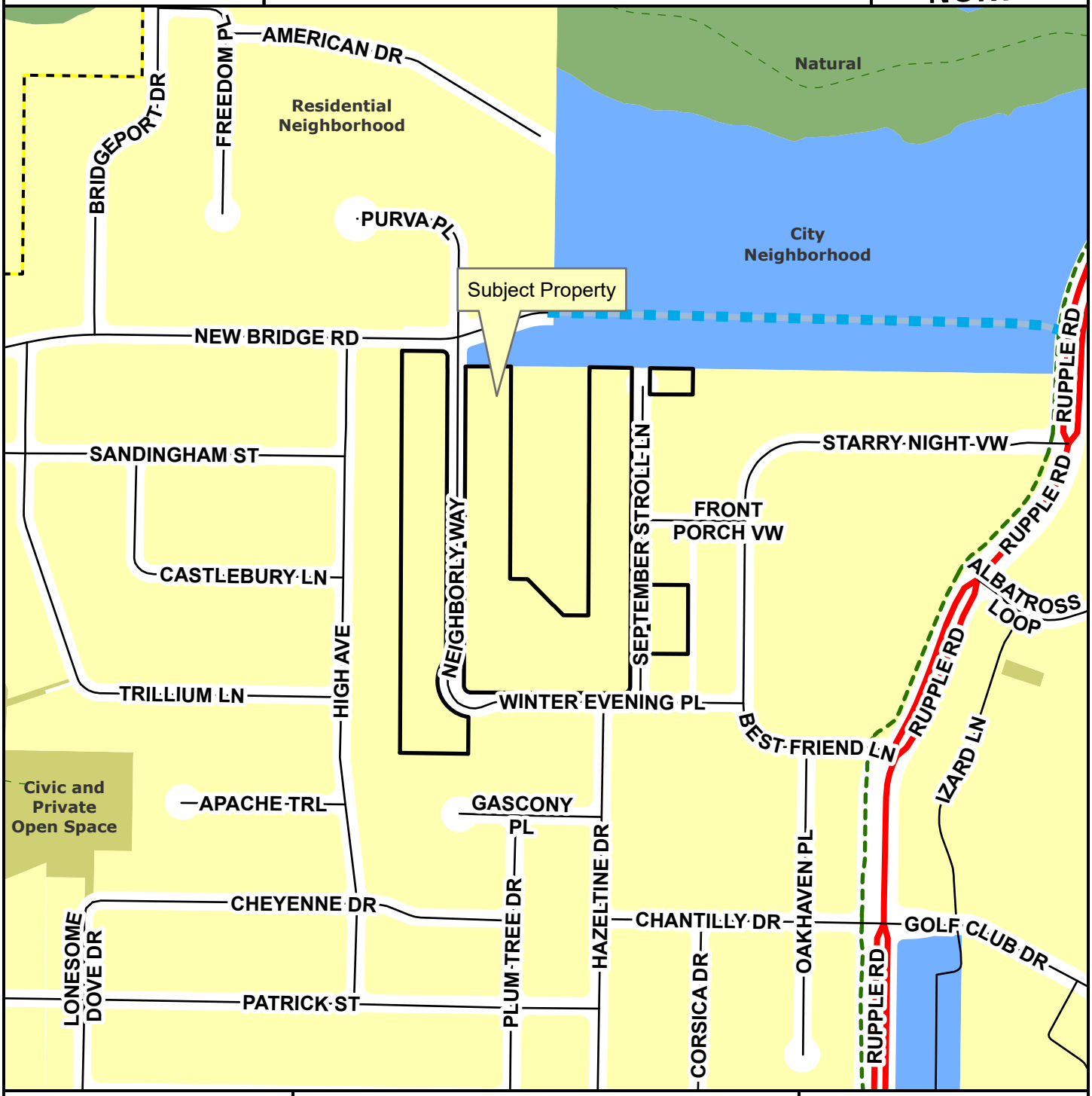
- 100-Year Floodplain
- Floodway

RZN-2024-0004

Future Land Use

1951 N. NEIGHBORLY WAY

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0005: Rezoning (1510 W. MARKHAM RD./L&F CONSTRUCTION, 482):** Submitted by L&F CONSTRUCTION for property located at 1510 W. MARKHAM RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0005** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0005** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located west of the University of Arkansas main campus at the northeast corner of Markham Road and Hornsby Drive. The property contains one parcel totaling 0.30 acres which is currently zoned RSF-4, Residential Single-Family – Four Units per Acre, and developed with a single-family dwelling which Washington County records indicate was built in 1906. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-8, Residential Single-Family - Eight Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family - Four Units per Acre
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	RSF-4, Residential Single-Family - Four Units per Acre

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

Public Comment: To date, staff has received no public comment regarding this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Markham Road, a partially improved Residential Link Street with asphalt paving, sidewalk along the south side of the street, and curb and gutter. The property also has frontage along Hornsby Drive,

a partially improved Residential Link Street with asphalt paving, sidewalk along the east side of the street, and curb and gutter. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing six-inch water main is present on the north side of Markham Road. An existing 12-inch main is also present on the west side of Hornsby Drive.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present on the south side of Markham Road and on the east side of Hornsby Drive.

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

Fire: Station 2, located at 708 N. Garland Ave., protects this site. The property is located approximately one mile from the fire station with an anticipated drive time of approximately five minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

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

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

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

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

- Adequate Fire Response (Station 2, 708 N. Garland Ave.)
- Near Sewer Main (six-inch mains, Markham Road and Hornsby Drive)
- Near Water Main (six-inch and 12-inch mains, Markham Road and Hornsby Drive)

- Near U of A Campus
- Near City Park (Hotz Park)
- Near Paved Trail (Side-Path Trail, Razorback Road)
- Near Razorback Bus Stop (Route 48)

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 requested rezoning to be somewhat compatible with the surrounding area. The subject property is surrounded by properties that are developed with single-family residences or owned by the University of Arkansas, or both. A rezoning to RI-U would allow for the by-right development of single-family to four-family dwellings without limitation to density. Cluster housing developments are also permitted by right in RI-U zoning where they are a conditional use in RSF-4. While staff acknowledges that the unlimited density allowance associated with RI-U zoning may allow for development that is out of character with the surrounding area, staff finds that an increase in density and a wider range of housing types is appropriate at this location. The property is situated near the University of Arkansas main campus and in close proximity to public trails and bus stops, and it is a relatively small lot containing only about 0.30 acres. Given the limited size of the lot and the City's tree preservation, parking, and drainage requirements, staff finds that any future development on the property is likely to be limited. Both RI-U and RSF-4 have a stated building height maximum of three stories though RI-U allows for smaller lots and larger building areas.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from RSF-4 to RI-U could support goals 1, 4, and 6 in City Plan 2040 by providing an opportunity for residential infill near bus stops and trails. Increased density and diversity in housing types also directly aligns with the intent of Residential Neighborhood areas as outlined in the City Plan 2040 Future Land Use Map.**

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

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

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

Finding: **A rezoning from RSF-4 to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for development that is**

greater in density than the existing RSF-4 zoning. However, staff finds that any impacts associated with future development are likely to be limited since the subject property is relatively small and has frontage along two Residential Link streets. Staff also finds that increased traffic danger and congestion could be offset by the property's proximity to a public trail and Razorback Transit bus stop.

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

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

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

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0005 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre

    - §161.12 District RI-U, Residential Intermediate – Urban
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

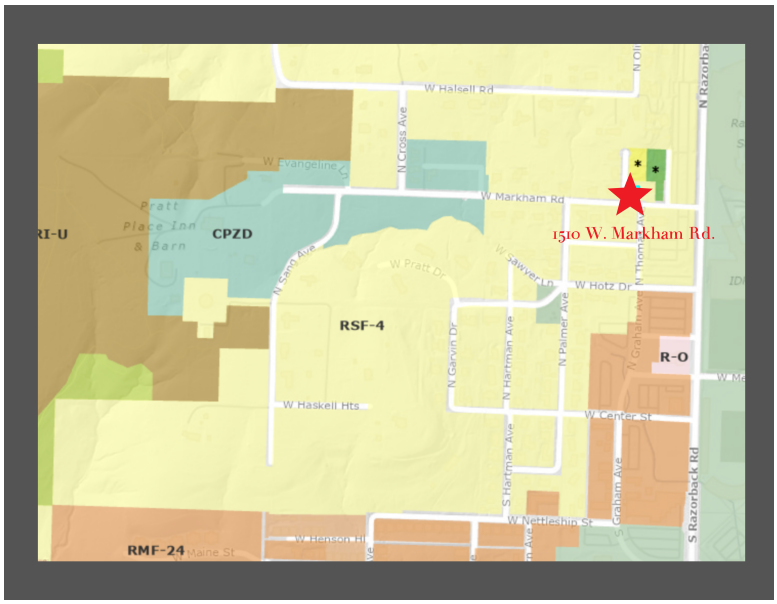
(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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



1510 W. MARKHAM ROAD IN FAYETTEVILLE (Parcel ID 765-06439-000)

According to the City of Fayetteville GIS map, 1510 W. Markham Road in Fayetteville (the Subject Property) is Lot 1 in the Hornsby Addition, it's currently zoned RSF-4 and it's 1/3 of an acre in size. The two lots north of the subject property are currently zoned RSF-8 and are two of five adjacent lots owned by the University for future expansion. There is a new development at the end of Markham Road to the west, Markham Hill Residential. It appears a significant portion of this area has already been rezoned to CPZD and RI-U. More immediately to the east of the subject property you'll find an upscale, three-story home at the intersection of Markham and Game Day View.

The City of Fayetteville recently released "The Fayetteville Housing Report" on October 31, 2023. According to the Presentation Series Outline that was posted online the city reported:

1. "Fayetteville needs about 1,000 new units of housing annually to keep pace with projected population growth."
2. "From 2019-2022 Fayetteville fell approximately 1,480 housing units short of demand."
3. "If all new housing units needed for projected population growth were built as RSF-4, it would require nearly 7,000 acres of land or 11 square miles and more than 156 miles of streets, water, and sewer."
4. They need to "ensure that ultimate zoning strategy accommodates residential and mixed-use development… and increases development density…"

In an effort to gently increase density and provide more housing for the residents of Fayetteville, we are asking the City to rezone 1510 W. Markham Road to RI-U to allow for 4 townhomes, each with an ADU, to be built on the third of an acre lot. This rezoning would be in line with the City's goals to increase development density to allow for more housing to keep pace with population growth.

According to the City website, Residential Intermediate - Urban (RI-U) is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living. This is exactly what we want to do with the land at 1510 W. Markham Road. Currently there is a house in disrepair on the property, which adversely affects the neighboring properties. Changing the zoning to allow for gentle density (four townhomes with accessory dwelling units) would positively affect the neighboring properties and their property values.

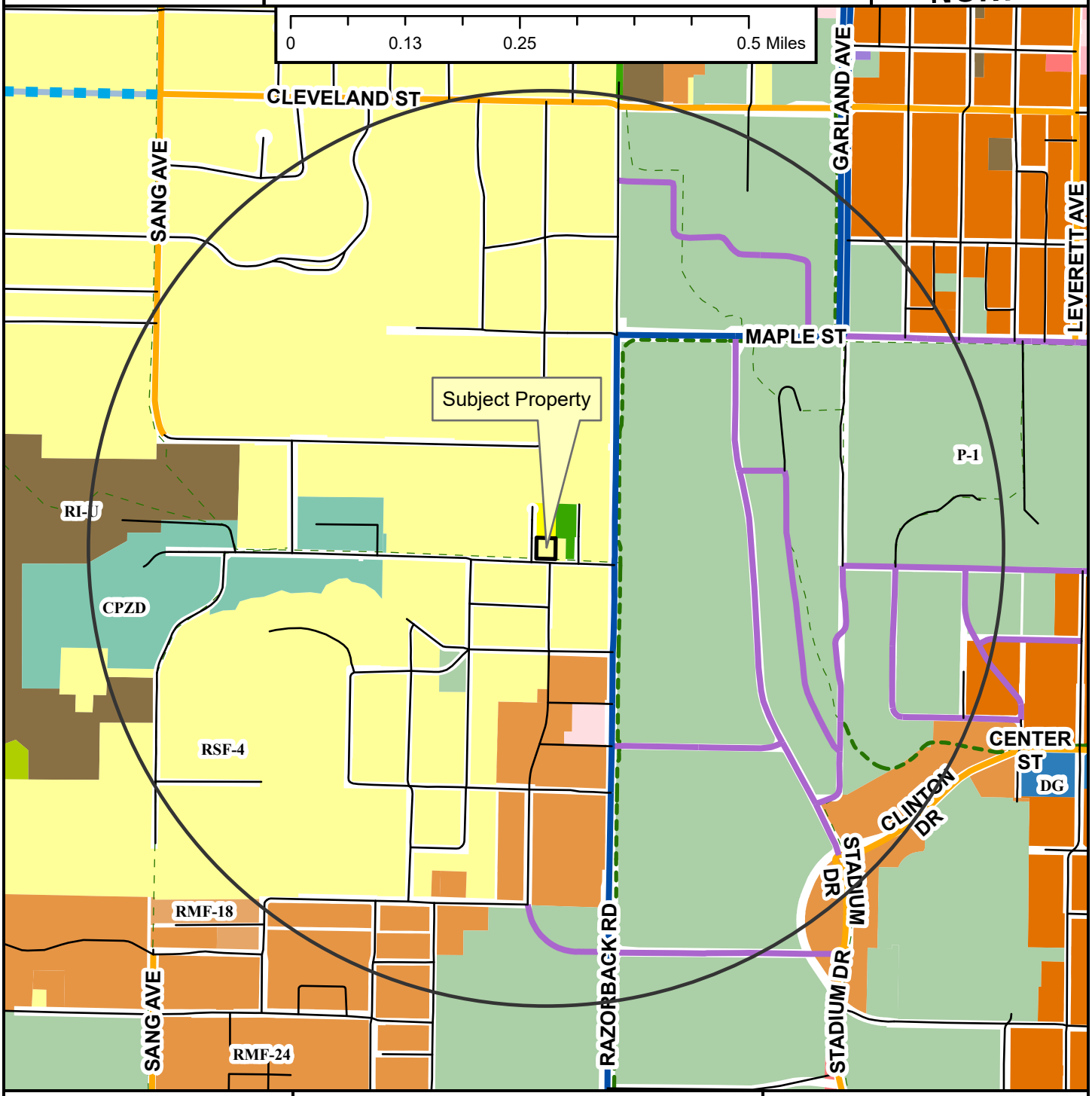
The addition of these proposed four new townhomes in-between the University of Arkansas campus and Markham Hill residential is poised to blend seamlessly with the existing landscape. Through thoughtful design and adherence to City regulations, the new construction will enhance the area's appeal without imposing on the tranquility of neighboring homes. With careful consideration, the townhomes promise to seamlessly integrate a sense of community and neighborhood cohesion.

RZN-2024-0005

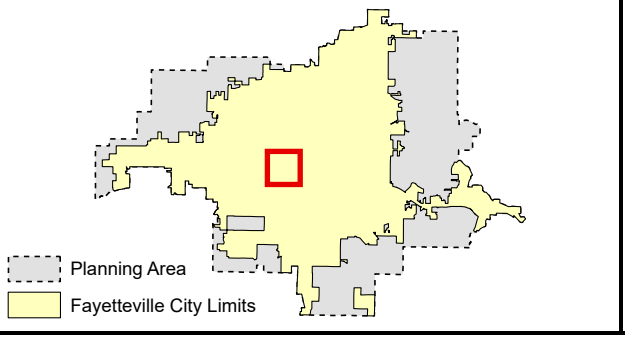
One Mile View

1510 W. MARKHAM RD

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

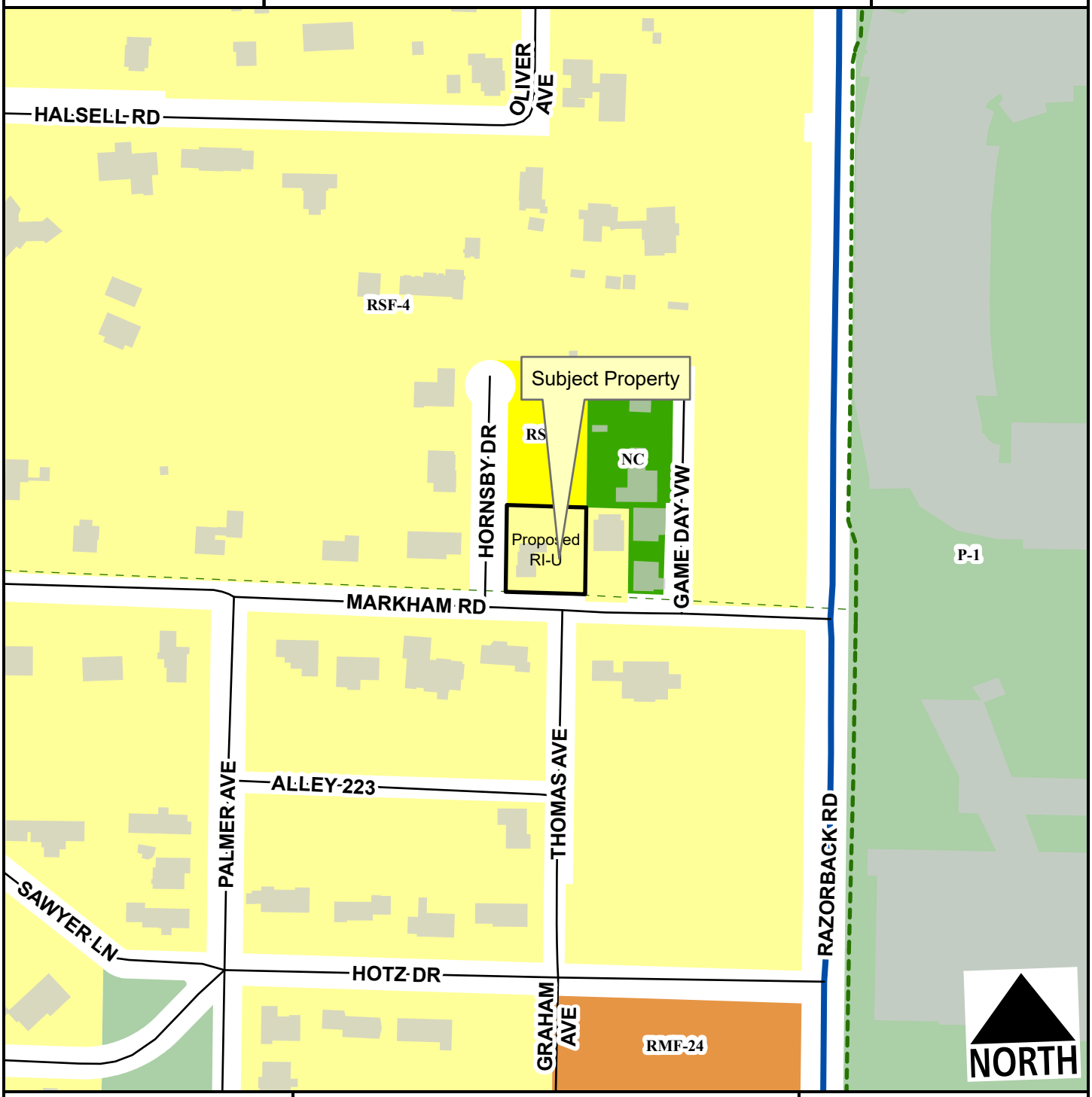
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0005

Close Up View

1510 W. MARKHAM RD



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

Feet

0 75 150 300 450 600

1:2,400

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

RZN-2024-0005

Current Land Use

1510 W. MARKHAM RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

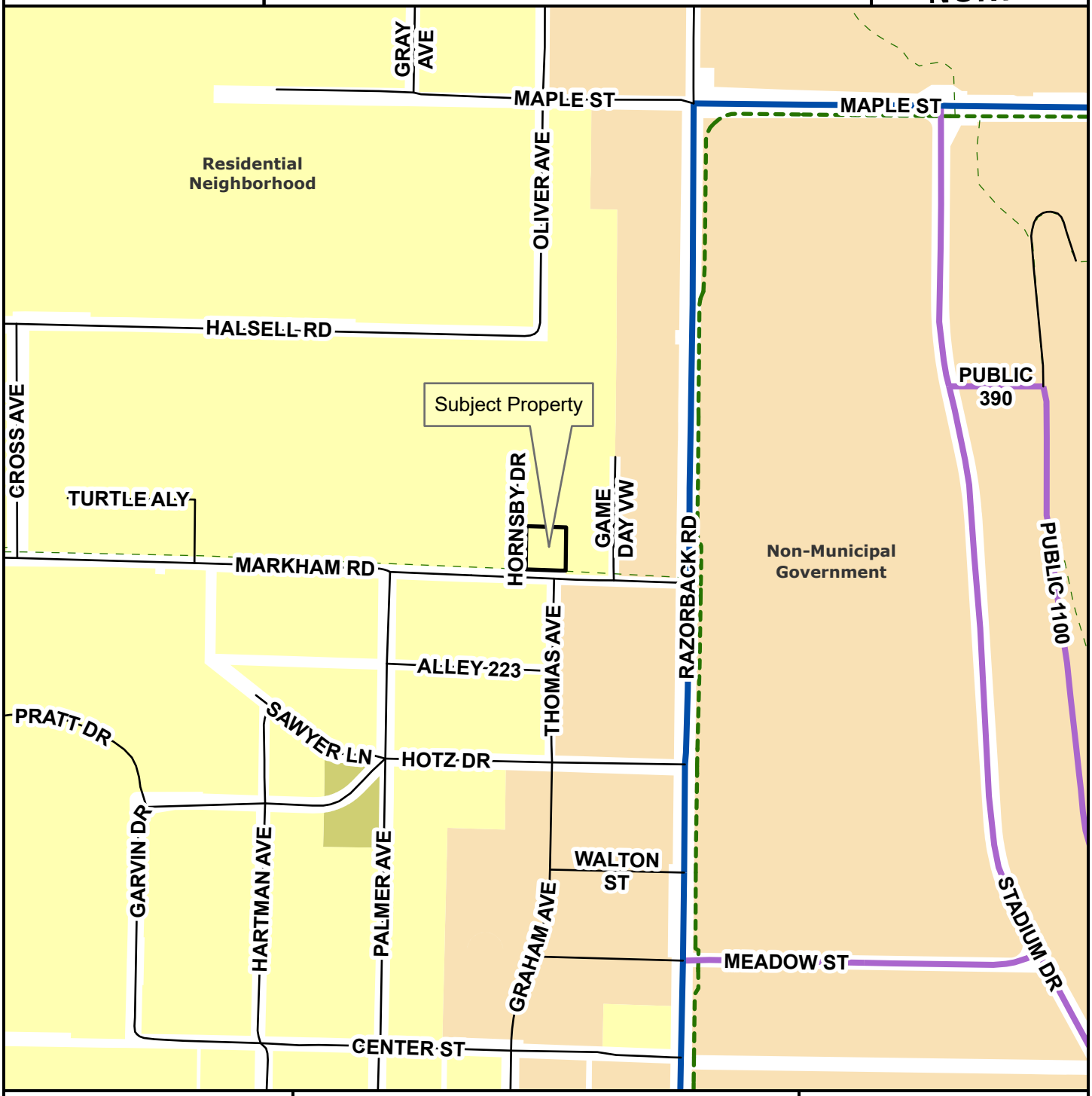
- 100-Year Floodplain
- Floodway

RZN-2024-0005

Future Land Use

1510 W. MARKHAM RD

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR./LEGACY VENTURES NWA, INC., 397):** Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommend denial of **RZN-2024-0006**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2024-0006**."*

BACKGROUND:
The subject property is in west Fayetteville along W. Wedington Dr, at the northwest corner of the intersection with N. 59th Ave. The property contains roughly 1.28 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The southern portion of the property is currently developed with a 1,549 sq. ft. single-family home, constructed in 1959. The property also contains a 28'x43' garage that appears to be in violation of the front setbacks and an 8'x10' outbuilding. Nearly all of the property falls within the Enduring Green Network. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped / Single-Family Residential	R-A, Residential Agricultural RSF-4, Residential Single-Family, 4 Units per Acre
South	Undeveloped / Agricultural	RI-U, Residential-Intermediate Urban
East	Single-Family Residential	R-A, Residential Agricultural
West	Undeveloped / Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Wedington Dr., a fully improved regional link street with asphalt paving, sidewalk, and curb and gutter. The subject area also has frontage along N. 59th Ave., a partially improved residential link street with asphalt paving, and open ditches. Any street or drainage improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. An existing 2-inch water main is present on the north side of W. Wedington Dr. and an existing 18-inch water main is present on the south side of W. Wedington Dr.

Sewer: Sanitary Sewer is available to the subject area. An existing 6-inch sewer main is present on the north side of W. Wedington Dr. and an existing 6- inch sewer main is present on the east side of N. 59th Ave.

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. Rupple Rd., protects this site. The property is located approximately 1.8 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

Drainage: No portion of the property is within a FEMA floodplain or the Hillside-Hilltop Overlay District. The property does not have hydric soil and a protected stream is not present in the area.

Tree Preservation:
The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation.** The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre requires **25% minimum canopy preservation**.

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

Residential Neighborhoods 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 nonresidential 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 ranging score of **4-5** for this site, with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #7, 835 N. Rupple Rd.)
- Near Sewer Main (6-inch main, W. Wedington Dr. & N. 59th Ave.)
- Near Water Main (2-inch main & 18-inch main, W. Wedington Dr.)
- Near City Park (Bundrick Park)
- Near Paved Trail (W. Wedington Dr. 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 incompatible with the surrounding context. The surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural or RSF-4, Residential Single-Family, Four Units per Acre. Additional residential development appears to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, RI-12, Residential Intermediate, 12 Units per Acre to the northeast, and an RI-U development recently submitted for review to the south. There are few non-residential services available in the area, especially within close walking distance. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff does find that a rezoning to a higher density and potential for mixed uses is merited at the site; however, staff finds that the CS district is likely too intense for this location. CS has no stated density maximum with no restrictions on what types of residential units that may be constructed, creating potential for development that is out of scale with the surroundings. Additionally, CS includes uses such as Use Unit 45: Small Scale Production by right and other conditional uses such as Use Units 17: Transportation Trades and Services, Use Unit 18 Gasoline Service Stations and Drive-Through Restaurants, and Use Unit 28 Center for Collecting Recyclable Materials that may not serve the immediate needs of residents in the area. Staff finds that a less intensive zoning such as NS-L or NS-G may be better suited for this location since they allow for nonresidential uses that may be more compatible with the existing land uses.**

Land Use Plan Analysis: **Staff finds that the request is somewhat inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types, so staff recognizes the need for an upzone for additional housing and supportive services in the area, rather than the land remaining agricultural. The property is approximately 1,700 feet east of a Tier 3 Center, which the City Plan 2040 describes as "intended to serve the immediately surrounding residential areas" with a variety of development patterns. All centers are intended to be mixed-use nodes that are pedestrian-friendly areas served by**

current or future transit service. It is worth noting that the infill score for this neighborhood is low, which would demonstrate that the area is not currently ready for higher density housing, especially housing which would not necessarily be developed to support compact, complete, and connected neighborhoods. While staff notes the need for additional non-residential services within walking distance of existing residences and the property's proximity to a designated Tier 3 Center, staff finds the proposed zoning designation may be too intense for the location given the future land use designation as a Residential Neighborhood and the property's location near the edge of the city.

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

Finding: **A rezone to a higher density than RSF-4, Residential Single-Family, Four Units per Acre is justified, given its proximity to a Tier 3 center, and the future land use plans designating this area as Residential Neighborhood. However, staff finds the current request to be out of scale, and would recommend a softer, more incremental increase on this site at this time.**

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

Finding: **Rezoning the property to CS at this site would increase traffic at this site, though staff finds that it may not be out of scale or create a dangerous traffic condition in the area. W. Wedington Drive has a typical vehicle count of 13,000 vehicles per day, and is an improved Regional Link with a design service volume of 17,600 vehicles per day. Staff also finds that the site is located 1000 feet east of a Tier 3 center (W. Wedington Drive and N. Double Springs Road).**

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

Finding: **Rezoning the property from RSF-4 to CS could certainly have the potential to increase population density in this area. However, the available infrastructure, water and sewer, and the service volume of W. Wedington Drive, would likely support an increase in population density. Fayetteville Public Schools did not comment on this request.**

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

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends denial of RZN-2024-0006.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: **March 11, 2024** ❒ **Tabled** ❒ **Forwarded** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.22 Community Services
- Applicant Request Letter
- Staff Exhibit
  - Traffic Accident Maps
  - Proximity to Tier Centers
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(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."

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. 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."

LEGACY VENTURES, LLC P.O. BOX 8216 FAYETEVILLE, AR 72703

January 28, 2024

City of Fayetteville Planning Commission / City Council
125 West Mountain Street
Fayetteville, AR 72701

RE: 5916 W Wedington | Rezone Request

Dear Planning Commission, City Council and City Staff;

Please accept this written request to rezone parcel 765-16188-002 comprised of approximately 1.2976 acres and more commonly referred to 5916 W Wedington Drive. The subject property is currently zoned Residential Single Family Four (4) Units per Acre and our desire is to rezone to Community Services (CS).

There is no disputing the Wedington corridor has experienced tremendous growth! With the current, and planned, infrastructure improvements in this area, this will continue to be the case for the foreseeable future. With the subject property being located on the northwest corner of N 59th Street and W Wedington Drive, this property is positioned well to become a commercial use. The business exposure resulting from a high traffic count with frontage on Wedington make this a viable commercial space now and highly desirable in the near future based on growth models.

All of the same reasons that make it a highly desirable commercial location, make it very undesirable for a residence as the current residential single family four units per acre zoning dictates.

We are currently seeking a commercial tenant to occupy the newly remodeled 1600 square foot structure on the property. This structure was originally built as a home, but the layout lends itself more to a childcare facility, therapist, attorney's office or other small professional office use. Our plan is to lease the existing space to a use like this, continue to clean up the property, and ultimately develop further plans for the property to bring before the City.

This zoning request is compatible with current deployment trends in the area. Immediately to the south of this property is a large portion of RI-U property soon to be developed. Slightly to the west is the commercial intersection of N Double Springs and Wedington Drive with C2 zoning. Slightly to the east is a portion of Community Services property being developed into townhomes and they do not even have the hard corner that the subject property does. There are many other parcels with CS, RI-U and other zonings popping up in this area in various new developments.

With the explosion of rooftops in this area, we feel the need for commercial services to support such extreme growth is necessary. Along with the high traffic count associated with direct frontage on Wedington make the Community Services zoning the best choice. This zoning designation will not in any way negatively impact adjoining property owners but on the contrary pave the way for future development at this growing corner location.

LEGACY VENTURES

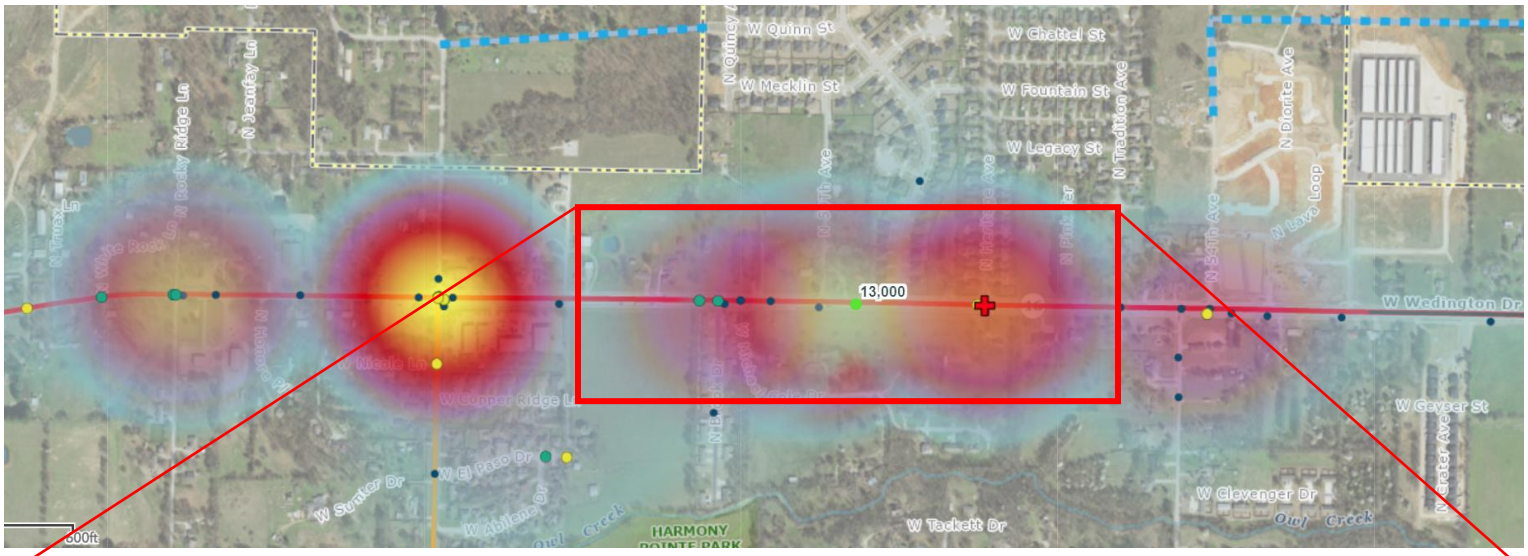
We are looking forward to developing this commercial corner in a way that exemplifies urban planning and together leaving our ***Legacy*** one ***Venture*** at a time.

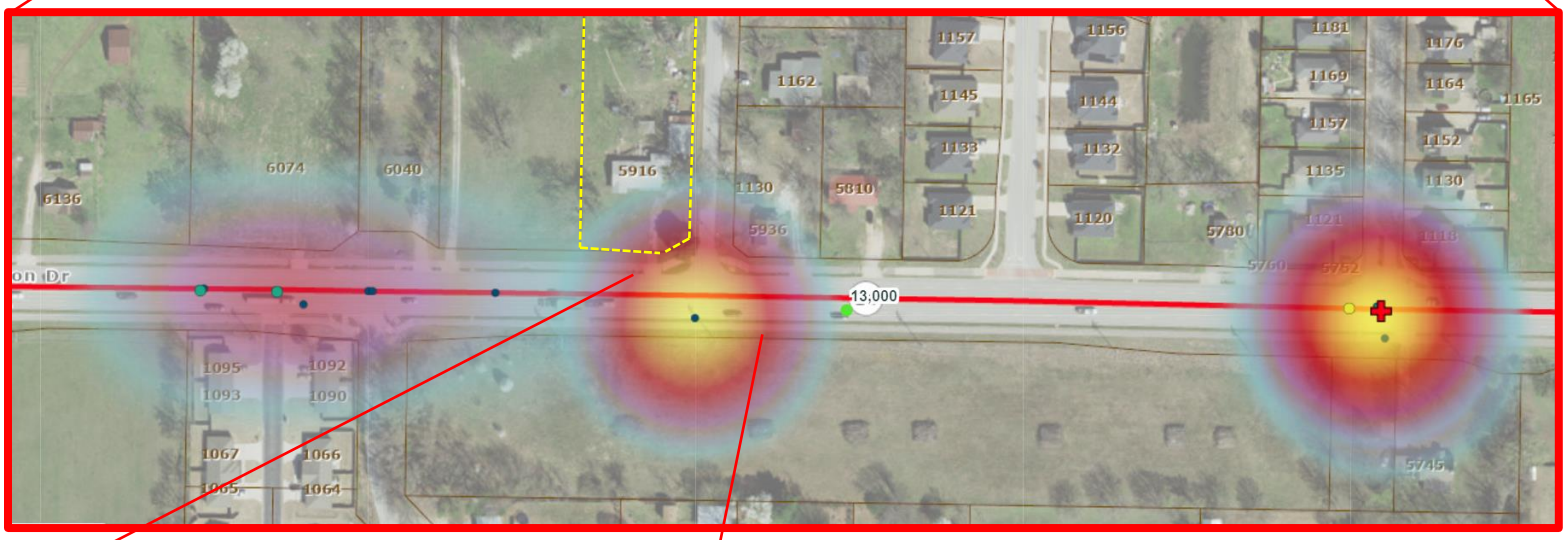
Sincerely,

Tim Brisiel

LEGACY VENTURES

STAFF EXHIBIT: TRAFFIC ACCIDENT MAPS





Crash

Severity	No apparent injury
Date/Time	5/11/2016, 5:10 AM
Non-Motorist Involved?	No

Historic Traffic Crashes

2016 Crashes

Crash (2016)

- Fatal injury
- Incapacitating Injury
- Non-incapacitating injury
- Possible injury
- No apparent injury

Crash Density (2016)

Sparse - Dense

Average Daily Traffic

Current ADT	13,000
Truck %	
2022 ADT	13,000
2021 ADT	12,000
2020 ADT	11,000
2019 ADT	11,000
2018 ADT	11,000
2017 ADT	11,000
2016 ADT	12,000
2015 ADT	10,000
2014 ADT	9,800
2013 ADT	10,000

STAFF EXHIBIT: PROXIMITY TO TIER CENTER

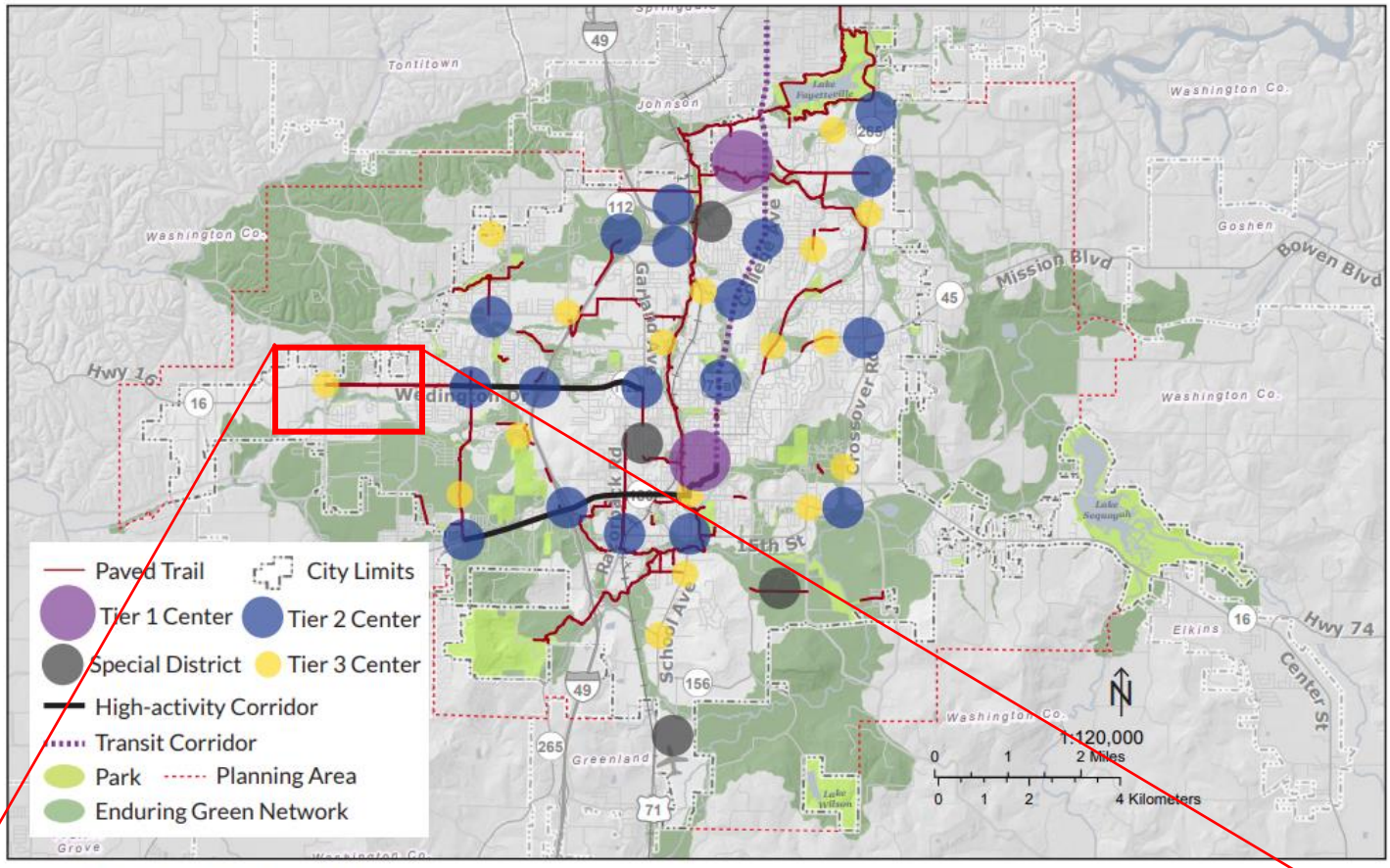


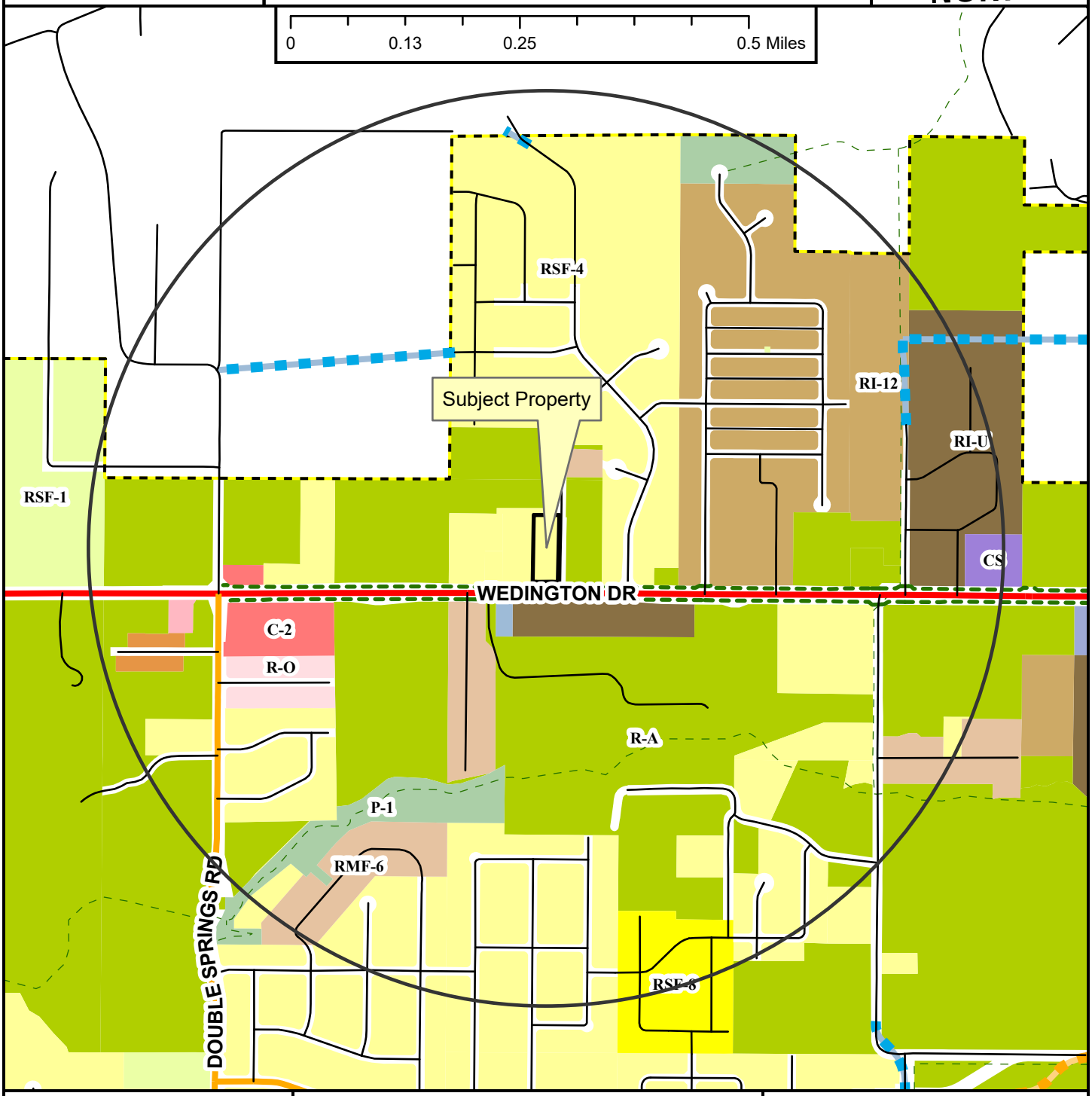
Figure 2.0 - Growth Concept Map

RZN-2024-0006

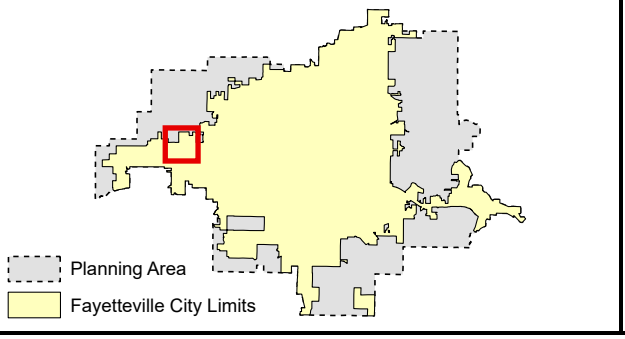
One Mile View

5916 W. WEDINGTON DR

NORTH



- 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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

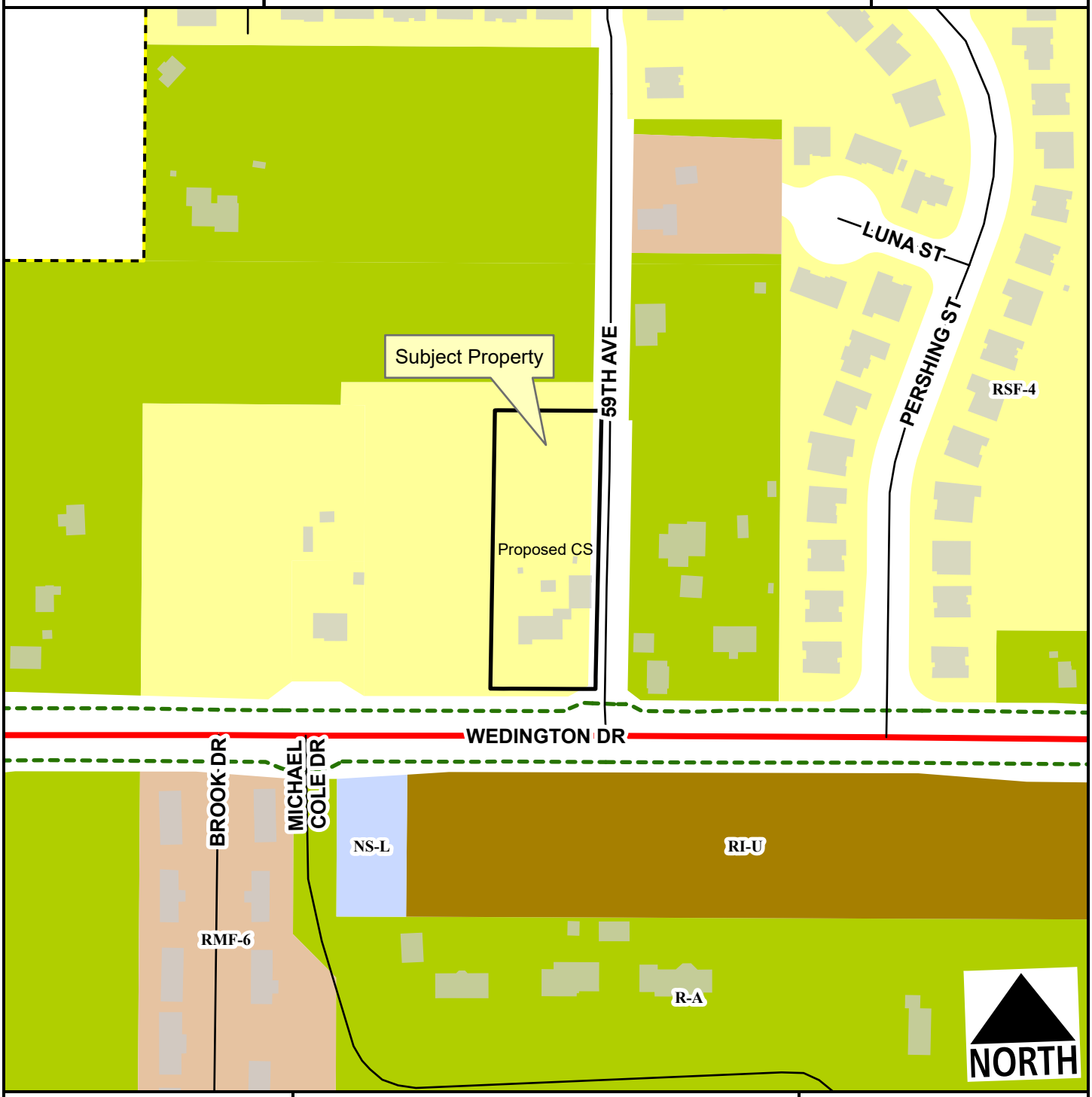
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0006

Close Up View

5916 W. WEDINGTON DR



Regional Link
Unclassified
Residential Link
Planning Area
Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

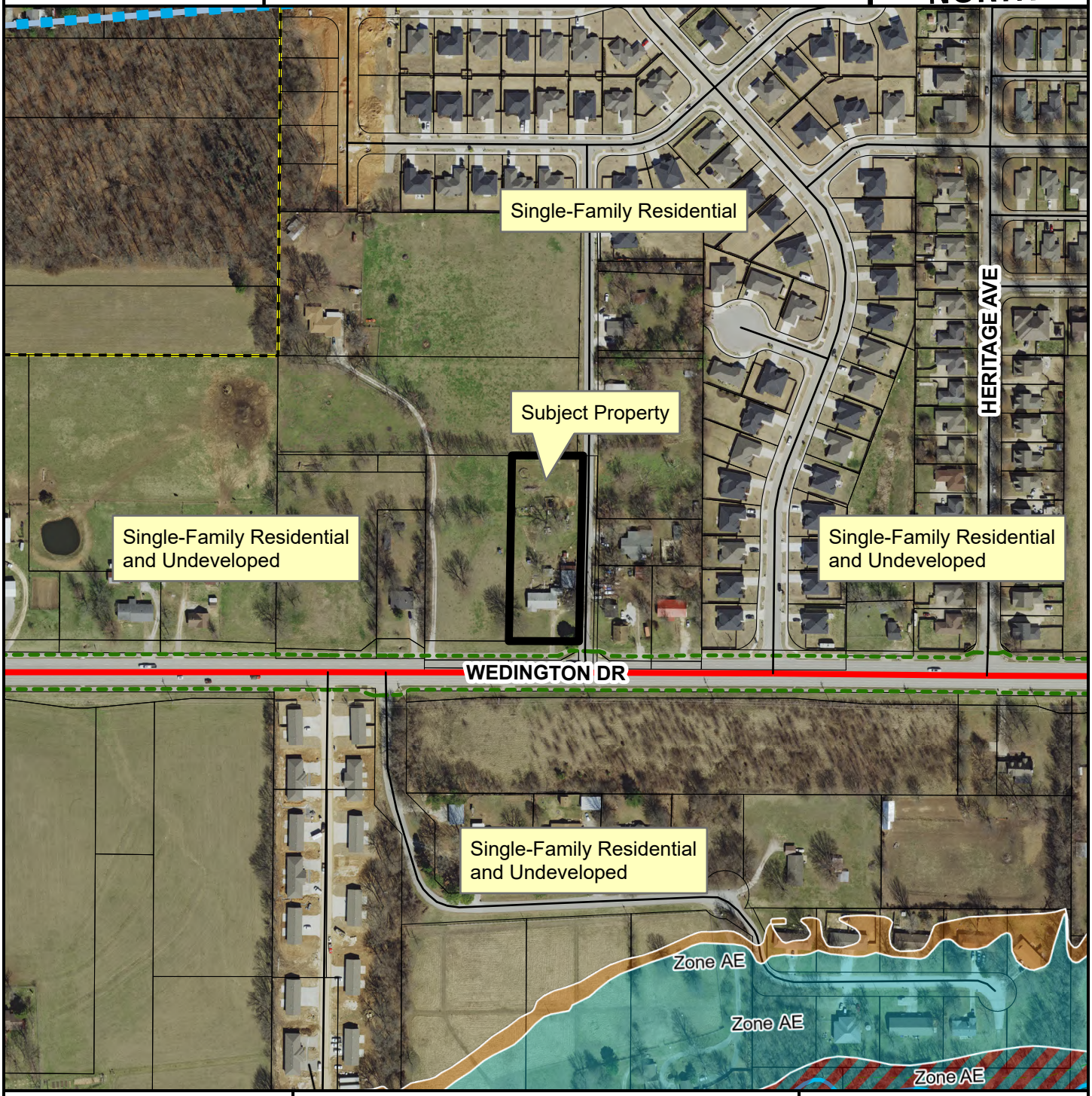
Zone	Current	Proposed
CS	0.0	1.3
RSF-4	1.2	0.0
Total	**1.3 ac**	

RZN-2024-0006

Current Land Use

5916 W. WEDINGTON DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

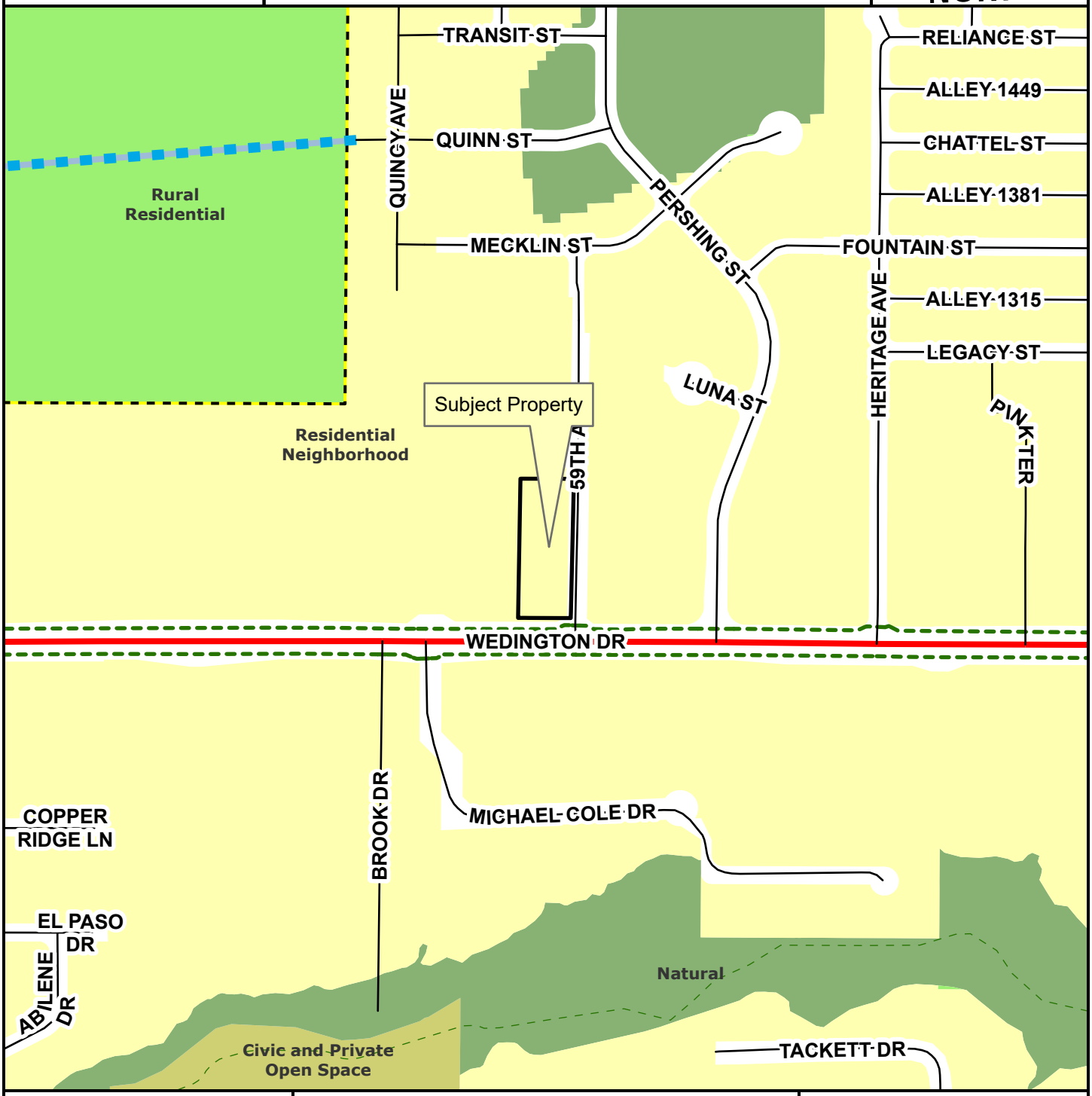
- 100-Year Floodplain
- Floodway

RZN-2024-0006

Future Land Use

5916 W. WEDINGTON DR

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0008: Rezoning (3420 W. MOUNT COMFORT RD./THE GODDARD SCHOOL, 323):** Submitted by BATES & ASSOCIATES for property located at 3420 W. MOUNT COMFORT RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.13 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0008** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0008** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located northwest of the intersection of Salem Road and Mount Comfort Road in northwest Fayetteville. The property contains a 0.13-acre portion of a 1.32-acre parcel which is currently zoned R-A, Residential-Agricultural. The adjacent property to the north was rezoned from R-A, Residential-Agricultural to CS, Community Services earlier this year (Ordinance 6715). A large site improvement plan to develop both properties with a new school building and associated parking for The Goddard School is currently under review by city staff (LSIP-2024-0003). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	CS, Community Services
South	Preschool & Child Care Center	CS, Community Services
East	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
West	Undeveloped	R-A, Residential-Agricultural

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

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The parcel associated with the subject property is a corner lot with frontage along Mount Comfort Road and Salem Road. Mount Comfort Road is a fully improved Regional Link Street with asphalt paving, curb and gutter, and sidewalks. Salem Road is a partially improved Neighborhood Link Street with asphalt paving, curb and gutter, and partial sidewalks with some open ditches. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing 12-inch water main is present on the south side of Mount Comfort Road and an existing eight-inch main is present on the west side of Salem Road.

Sewer: Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the north side of Mount Comfort Road.

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

Fire: Station 8, located at 2266 W. Deane St., protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately four 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 one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation.** The current zoning district of R-A, Residential-Agricultural requires **25% minimum canopy preservation.**

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

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. City Neighborhood Areas encourage complete, compact, and connected neighborhoods and non-residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **6-7** for this site with a weighted score of **7.5** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 8, 2266 W. Deane St.)
- Near Sewer Main (eight-inch main, Salem Road)
- Near Water Main (eight-inch main, Salem Road)
- Near Public School (Holt Middle School)
- Near City Park (Clabber Creek Trail Corridor and Gary Hampton Softball Complex)
- Near Paved Trail (Clabber Creek Trail and Rupple Road)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds this rezoning request to be compatible with existing land use and zoning patterns in the surrounding area. The property is currently zoned R-A, Residential-Agricultural, and that zoning district is designed, in part, to protect agricultural land until an orderly transition to urban development is possible. The subject property is surrounded by undeveloped areas to the north and west, nonresidential uses to the south, and single-family residences to the east. A rezoning to CS, Community Services, would encourage a mixture of residential and commercial uses which could provide convenience goods and personal services for persons living in surrounding neighborhoods, in a traditional urban form with buildings addressing the street. A rezoning from R-A to CS would also allow for more dense development and smaller lot sizes. Where the R-A zoning district currently allows residential development at a density of one-half unit per acre, the CS zoning district has no stated density limitation. Also, where R-A zoning allows for the creation of lots with a minimum width of 200 feet and a minimum area of two acres, CS zoning would allow for the creation of residential lots with a minimum width of 18 feet and nonresidential lots without limitation to width or area. Further, the subject property is part of a larger parcel which is already developed and primarily in CS zoning. Staff finds that rezoning the subject property from R-A to CS would make zoning in the area more uniform and would be directly compatible with surrounding areas.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to CS would support those designations since the CS zoning district is intended to encourage the development of smaller scale urban hubs that are characterized by a mixture of moderate-density residential and commercial uses. Staff also finds the requested rezoning to be aligned with Goals 1 and 6 of City Plan 2040 since it would encourage increased development in an area that has a moderate**

infill score ranging between 6 and 7, and since it would allow for the creation of additional housing units.

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

Finding: **Staff finds that rezoning the subject property from R-A to CS is justified since the R-A district is designed, in part, to protect agricultural land until an orderly transition to urban development is possible, and staff has received development plans for this property. Staff also finds the rezoning to be aligned with existing zoning and development patterns in the area and consistent with the city's future land use plans.**

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

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

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

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

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

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0008 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - §161.22 Community Services
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

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

(B) *Uses*.

(1) *Permitted Uses.*

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

(2) *Conditional Uses*.

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

(C) *Density.*

Units per acre	One-half (½)

(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.

Bates & Associates, Inc.
Civil Engineering & Surveying
7230 S. Pleasant Ridge Drive/ Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

January 30, 2024

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

Re: Rezoning Request (Parcel #765-13603-004)

Dear Planning Staff,

The property owners of Washington County Parcel #765-43603-004 are applying for a rezoning of a portion of said property. The portion of the property in question totals roughly 0.13 acres and is on the north side of the parcel. It is currently zoned RA – Residential Agriculture. This rest of the was rezoned to CS as part of the original Goddard school LSD.

The Applicant would like to keep the south 1.27 acres of the as CS. The Southern Portion (0.13 acres) that is currently zoned R-A is requested to be rezoned to CS.

The purpose of this rezoning is to adhere to the city ordinance that states a businesses parking lot must be the same zoning as the building. We are currently in the process of proposing an expansion of the Goddard school and proposing parking over where the current property line exists. (where the R-A zoning is shown.

Zoning districts in the vicinity of the parcel in question are a mixture of R-A, C-S, and RSF-4. The applicant asserts that the proposed zoning district fits well with the surrounding neighborhood, given its variety of zoning districts and the presence of several CS zoned properties.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Geoffrey Bates

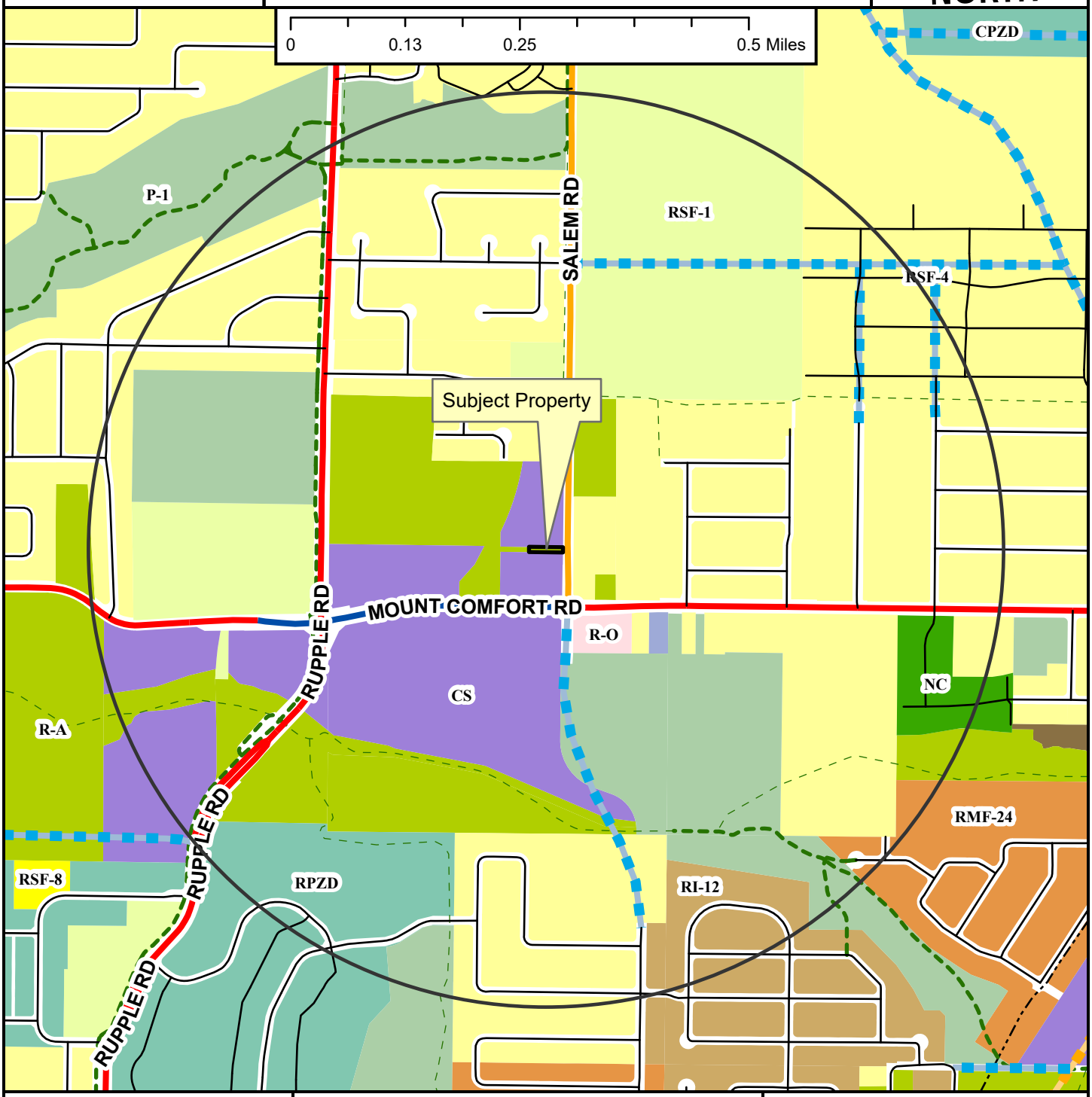
Geoffrey H. Bates, P.E.
President of Engineering
Bates & Associates, Inc.

RZN-2024-0008

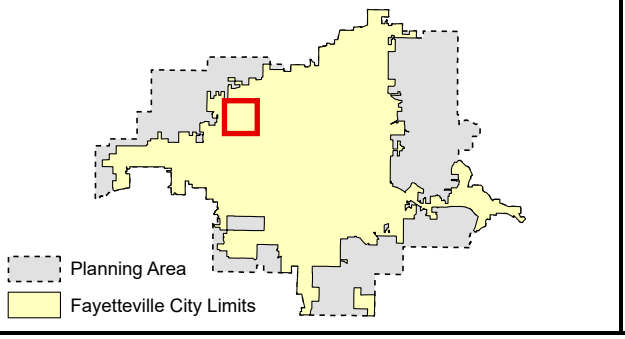
One Mile View

3420 W. MOUNT COMFORT RD

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

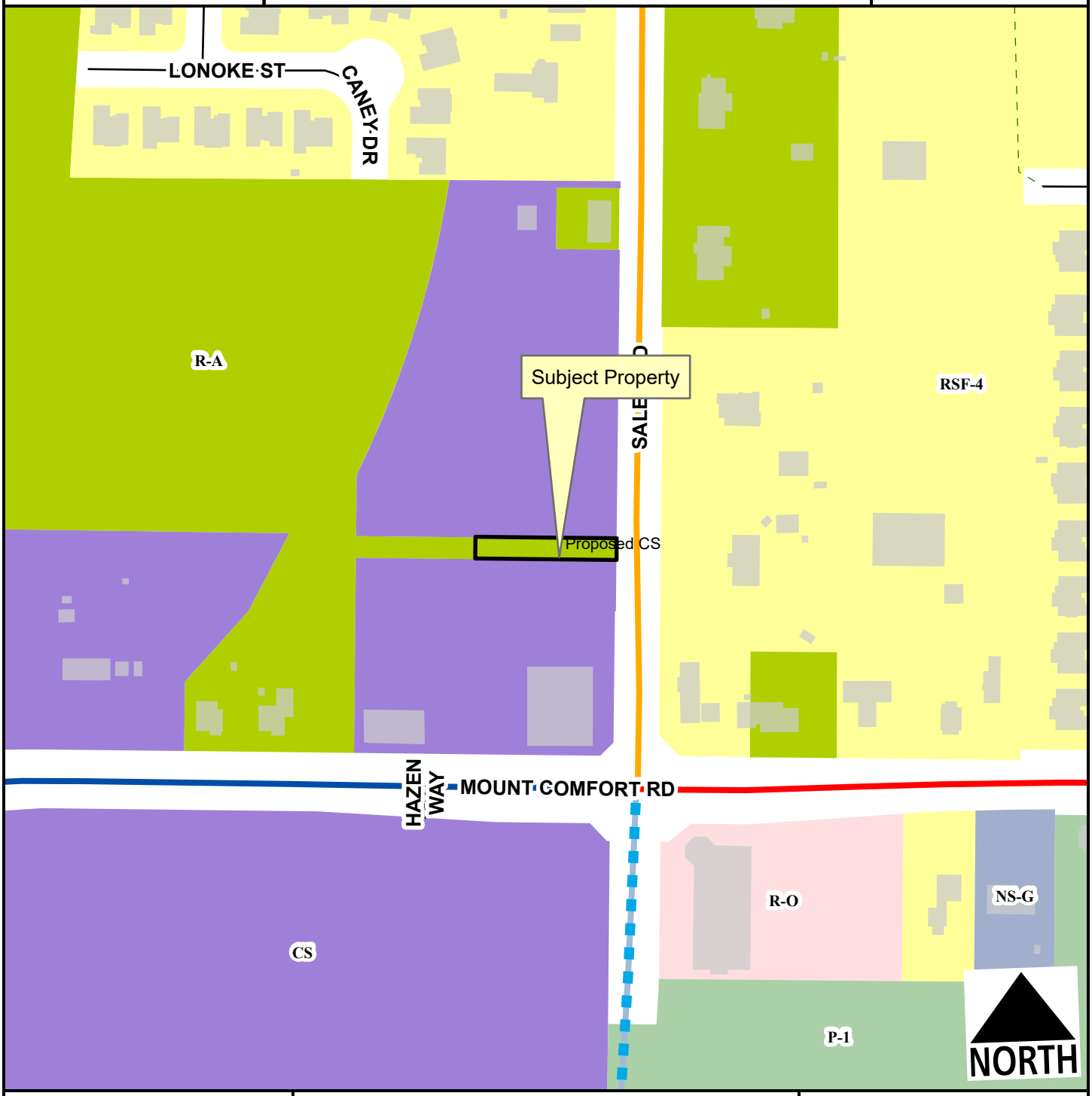
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0008

Close Up View

3420 W. MOUNT COMFORT RD



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.0	0.1
R-A	0.1	0.0
Total	**0.1 ac**	

RZN-2024-0008

Current Land Use

3420 W. MOUNT COMFORT RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2024-0008

Future Land Use

3420 W. MOUNT COMFORT RD

NORTH

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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 11, 2024

SUBJECT: **ADM-2024-0008: Administrative Item (Amend UDC CHAPTER 161.32 – P-1, INSTITUTIONAL):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to UDC Chapter 161.32 – District P-1, Institutional. The proposed code change would modify existing setbacks and allow administrative approval if the developer decides to use urban form.

RECOMMENDATION:
Staff recommend forwarding **ADM-2024-0008** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **ADM-2024-0008** to the City Council with a recommendation of approval."*

BACKGROUND:
The City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs is proposing to rezone over 2,000 acres of parks-owned property to P-1, Institutional to align those properties' zoning district with their current use (RZN-2024-0007). In tandem with this significant request, staff evaluated the P-1 zoning district and identified opportunities to align the requirements of P-1 with allowable setbacks and regulations for the same uses in other zoning districts.

DISCUSSION:
The stated intent of the P-1 zoning district is to "protect and facilitate use of property owned by larger public institutions and church related organizations." Staff identified 3 areas of interest in evaluating this zoning district that may conflict with that intent:

1. Institutions (i.e., cultural and recreational facilities, religious institutions, and governmental buildings) can still build in other zoning districts where those uses are allowed by-right;
2. P-1 has no form-based option;
3. Current setbacks are more restrictive in P-1 than what is permitted in other zoning districts for the same uses.

P-1, Institutional is limited to the following by-right uses: Use Units 1, City-Wide Uses By Right, 4, Cultural and Recreational Facilities, 5, Government Facilities, and 46, Short-Term Rentals. As a matter of comparison, the C-2, Thoroughfare Commercial zoning district allows those same uses, also by-right. C-2, however, offers the flexibility to construct these with a form-based option (or a build-to-zone), allowing for administrative approval when taking that option. Currently, institutional uses developing under P-1 zoning would not have the opportunity. Further, the existing traditional setbacks are more restrictive in P-1 zoning than in C-2 zoning, requiring 30-foot front, 20-foot side, and 25-foot rear when C-2 would allow for 15-foot, 0-foot, and 20-foot rear setbacks.

Staff also found an inconsistent approach to maximum building heights when compared to other zoning districts. There is not currently a standard building height maximum allowance in P-1, though there are additional setback requirements for structures over 2 stories. Staff recommends aligning these requirements with the C-2 zoning district to make sure the City is applying a consistent requirement for these institutional uses when they are in different zoning districts; C-2 has a 6-story height limitation, with additional setbacks when adjacent to residential properties. It is worth noting that generally, height restrictions in zoning ordinance do not apply to spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Staff finds that given this allowance, limiting institutional uses to the same building height requirements as permitted in other zoning districts would not conflict with those appurtenances often associated with religious or other institutional uses.

Further, staff recommends the addition of two new conditional uses in the P-1 zoning district to ensure that the district continues to align with its intent to serve institutional uses and cultural and recreational facilities. Firstly, Use Unit 20 consists of commercial recreation facilities which are usually conducted out-of-doors, on large sites, and in undeveloped, outlying parts of the city, which may align with future development plans for properties being used for recreational purposes. Secondly, staff recommends the addition of Use Unit 12b, which would allow for small-scale retail or other uses that may help serve existing institutional uses. Staff finds that keeping these uses as conditional still allows for additional discretionary approval, and an overall evaluation of specific sites and overall compatibility as far as traffic, nuisance, and the public interest are concerned, so as not to conflict with the zoning district being typically reserved solely for those institutional purposes.

RECOMMENDATION: Staff recommends forwarding ADM-2024-0008 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>March 11, 2024</u>	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- UDC §161.31 District P-1, Institutional (Current regulations)
- UDC §161.23 District C-2, Thoroughfare Commercial
- Proposed Ordinance, Clean
    - §161.31 District P-1, Institutional
- Proposed Ordinance, Strike-through
    - §161.31 District P-1, Institutional

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §8, 1-18-22)

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments

Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback Regulations.*

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

Urban Form Setback Regulations:

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

(F) *Building Height Regulations*.

Building Height Maximum	6 stories*

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

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

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; 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, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6164 , §§1, 6, 7, 4-2-19; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §5, 1-18-22)

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 12b	General Business
Unit 20	Commercial recreation, large sites
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

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

Urban Form Setback Regulations

Front	A build-to-zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None

Side and rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	6 stories*

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

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

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §8, 1-18-22)

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 12b	General Business
Unit 20	Commercial recreation, large sites
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

~~Front~~	~~30 feet~~
~~Front, if parking is allowed between the right-of-way and the building~~	~~50 feet~~
~~Side~~	~~20 feet~~
~~Side, when contiguous to a residential district~~	~~25 feet~~
~~Rear~~	~~25 feet~~
~~Rear, from center line of public alley~~	~~10 feet~~

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

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Urban Form Setback Regulations:

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

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~~(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.~~

(F) *Building Height Regulations.*

Building Height Maximum	6 stories*

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

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

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §8, 1-18-22)

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0007: Rezoning (VARIOUS PARK PROPERTIES/ FAYETTEVILE PARKS, NATURAL RESOURCES, AND CULTURAL AFFAIRS, PP VARIES):** Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are in VARIOUS ZONING DISTRICTS and total approximately 2,461.60 acres. The request is to rezone the properties to P-1, INSTITUTIONAL.

RECOMMENDATION:
Staff recommends **RZN-2024-0007** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:
The subject properties are owned by the City of Fayetteville and managed by the City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs. A wide-ranging collection of properties encompassing over 2400 acres of City-owned land, the properties vary in size, scale, and level of development. They range from small, undeveloped neighborhood parks and greenspaces that have been acquired through parkland dedication, to parks that are developed with larger, regional Fayetteville attractions, such as Centennial Park, Lake Fayetteville and Lake Sequoyah. Following two recent 2019 Bond Project redevelopment projects (the Yvonne Richardson Community Center expansion, and the redevelopment of the Lake Fayetteville softball fields), it came to staff's attention that many Parks properties were out of compliance with current zoning standards. While non-conforming properties can continue to exist and be maintained, code prohibits the expansion or reconstruction of those facilities if they are not in compliance with current zoning standards. The City also recently adopted the Parks Master Plan in February 2023 (Imagine Tomorrow's Parks), which established guiding principles and goals for the next ten years. The full list of properties under consideration can be found in *Table 1.*

Request: City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs requests to rezone the subject properties from their current zoning designations (various) to P-1, Institutional. This rezoning request is intended to align Parks-owned properties with the correct zoning designation.

Public Comment: Staff have received many inquiries from the public about the proposal, but no direct comments in opposition or support of the request. Rather, most members of the public that staff spoke to were satisfied upon learning that the effort was to make sure that Parks properties were zoned correctly. Members of the public did ask questions regarding any planned development on the heels of this rezoning, and were directed to the Parks department directly for feedback on future development and master planning processes.

TABLE 1
PARK PROPERTIES TO BE REZONED

	Park	Location	Current Zoning	Acreage
1	Bayyari Park	N. of S. Hoddle Place	RSF-7, Residential Single-Family, 7 Units per Acre	0.41
2	Centennial Park	N. of W. Old Farmington Road, S. of N. Mountain Ranch Road	RSF-2, Residential Single-Family, 2 Units per Acre; RMF-12, Residential Multi-Family, 12 Units per Acre; C-1, Neighborhood Commercial; RPZD, Residential Planned Zoning District	230.50
3	Clarence Craft Park	SE of N. Old Wire Road and E. Adelaide Lane	NC, Neighborhood Conservation	1.80
4	Combs/White River Park	E of E. Borick Drive	R-A, Residential Agricultural; RPZD, Residential Planned Zoning District	11.90
5	Fay Jones Woods	E of S. Gregg Avenue, W of S. West Avenue	NC, Neighborhood Conservation; DG, Downtown General	0.20
6	Hughmont Village Park Land	SE of W. Canyon Run Drive and N. Golden Willow Drive	R-A, Residential Agricultural	3.0
7	Lake Fayetteville	NW of N. Crossover Drive and E. Zion Road	R-A, Residential Agricultural	610.30
8	Lake Sequoyah	NE of E. Huntsville Road and Lake Sequoyah Drive; South of E. Huntsville Road	RSF-1, Residential Single-Family, 1 Unit Per Acre; R-A, Residential Agricultural	1,258.50
9	Lake Wilson	S of S. Lake Wilson Road	R-A, Residential Agricultural	315.4
10	Lierly Lane Park Land	S. of W. Lierly Lane; N of W. Berseis Drive	RSF-4, Residential Single-Family, 4 Units per Acre	3.24
11	Owl Creek Park Land	E. of N. Broyles Avenue; W. of N Rupple Road	R-A, Residential Agricultural	19.4
12	Quarry Trace Park Land	S. of E. April Lane	R-A, Residential Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre	2.6
13	Rodney Ryan Park	S of E. Black Canyon Street	RSF-4, Residential Single-Family, 4 Units per Acre	0.4
14	South Yard Park Land	SE of Martin Luther King Jr. Blvd, and S. Lt. Col. Leroy Pond Avenue	MSC, Main Street Center; I-1, Heavy Commercial and Light Industrial	1.3
15	Yvonne Richardson Community Center	NE of S. Washington Avenue and E. Rock Street	RMF-24, Residential Multi-Family, 24 Units per Acre	2.65

TABLE 2
CITY PLAN 2040 FUTURE LAND USE DESIGNATION/INFILL SCORE

	Park	Location	Future Land Use Designation	Infill Score
1	Bayyari Park	N. of S. Hoddle Place	Civic and Private Open Space	4
2	Centennial Park	N. of W. Old Farmington Road, S. of N. Mountain Ranch Road	Civic and Private Open Space	2-5
3	Clarence Craft Park	SE of N. Old Wire Road and E. Adelaide Lane	Civic and Private Open Space	4-5
4	Combs/White River Park	E of E. Borick Drive	Civic and Private Open Space; Natural Area	1-3
5	Fay Jones Woods	E of S. Gregg Avenue, W of S. West Avenue	Civic and Private Open Space	12
6	Hughmont Village Park Land	SE of W. Canyon Run Drive and N. Golden Willow Drive	Civic and Private Open Space	4
7	Lake Fayetteville	NW of N. Crossover Drive and E. Zion Road	Civic and Private Open Space	1-2
8	Lake Sequoyah	NE of E. Huntsville Road and Lake Sequoyah Drive; South of E. Huntsville Road	Civic and Private Open Space	0-1
9	Lake Wilson	S of S. Lake Wilson Road	Civic and Private Open Space	0-1
10	Lierly Lane Park Land	S. of W. Lierly Lane; N of W. Berseis Drive	Residential Neighborhood	4
11	Owl Creek Park Land	E. of N. Broyles Avenue; W. of N Rupple Road	Civic and Private Open Space; Natural Area	2-4
12	Quarry Trace Park Land	S. of E. April Lane	Civic and Private Open Space	3
13	Rodney Ryan Park	S of E. Black Canyon Street	Civic and Private Open Space; Residential Neighborhood	1-2
14	South Yard Park Land	SE of Martin Luther King Jr. Blvd, and S. Lt. Col. Leroy Pond Avenue	City Neighborhood	11-12
15	Yvonne Richardson Community Center	NE of S. Washington Avenue and E. Rock Street	Civic and Private Open Space	9-10

TABLE 3
INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

	Park	Water	Sewer	Drainage	Fire and Police*
1	Bayyari Park	16” water main at SE corner of property	8-inch sanitary sewer along Southern property line from S. Hoddle Place to the ease.	FEMA Floodplain, Protected Stream (West Fork of the White River), Hydric Soils	Station #3, 1050 S. Happy Hollow Road. 2.5 miles from fire station with 5-minute drive time, 7.2-minute response time.
2	Centennial Park	8-inch water mains in S. Centennial Park Lane, N. Mountain Ranch Blvd., West Technology Way. 6-inch water main and 36-inch transmission line along W. Old Farmington Rd.	8-inch sanitary sewer in W. Old Farmington Road and N. Mountain Ranch Blvd.	Hillside-Hilltop Overlay District, FEMA Floodplain, Protected Stream (unnamed tributary of Farmington Branch), Hydric Soils	Station #6, 990 S. Hollywood Avenue. 1.5 miles from fire station with 5-minute drive time, 7.2-minute response time.
3	Clarence Craft Park	8-inch water main along N. Old Wire Road and E. Cicero Lane. 36-inch water transmission main along N. Old Wire Road.	15-inch sanitary interceptor main through the park. 8-inch sanitary main from N. Jordan Lane connecting to a 10-inch sanitary sewer main at N. Ramsey Ave, flowing into a 12-inch that connects to a 15-inch sanitary interceptor main. 8-inch sanitary main along N. Rhonda Drive becomes present along W. side of park before flowing into a 10-inch main, a 12-inch main along N. Old Wire where it connects to a 15-inch sanitary interceptor main. 8-inch sanitary sewer main in E. Adelaide Lane.	FEMA Floodplain, Protected Stream (Niokaska Creek), Hydric Soils	Station #5, 2979 N. Crossover Road. 2.7 miles from fire station with a 5-minute drive time, 7.2-minute response time.
4	Combs/White River Park	12-inch water main, west side of the park which crosses the park around E. Borick Drive. (2) 8-inch mains connecting to the 12-inch main.	12-inch sanitary sewer along east side of the West Fork of the White River. 8-inch gravity sanitary sewer along E. Borick Drive	FEMA Floodplain, Protected Stream (West Fork of the White River), Hydric Soils	Station #3, 1050 S. Happy Hollow Road. 1.2 miles from fire station with a 3-minute drive time, 5.2-minute response time.

	Park	Water	Sewer	Drainage	Fire and Police*
5	Fay Jones Woods	6-inch water main along S. Gregg Avenue, 6-inch water main on W. Prairie Street, 6-inch water main along S. West Avenue, 6-inch water main within Fay Jones Woods.	8-inch sanitary sewer along west side of S. Gregg Avenue. 12-inch sanitary sewer and 18-inch sanitary sewer transmission.	Protected Stream (Tanglewood Branch), Hydric Soils	Station #1, 303 W. Center Street. 0.3 miles from fire station with a 1-minute drive time, 3.2-minute response time.
6	Hughmont Village Park Land	8-inch water mains on N. Golden Willow Drive and W. Canyon Run Drive	8-inch sanitary sewer on N. Golden Willow Drive and W. Canyon Run Drive	FEMA Floodplain, Protected Stream (Clabber Creek), Hydric Soils	Station #7, 835 N. Rupple Road. 2.9 miles from fire station with a 7-minute drive time, 9.2-minute response time.
7	Lake Fayetteville	8-inch water main E. Lake Fayetteville Road, 8-inch water main N. Crossover Road, 12-inch water main along E. Zion Road	8-inch sanitary sewer main, N. Crossover Road. 8-inch sanitary sewer main at Veteran's Park	FEMA Floodplain, Protected Stream (Lake Fayetteville, Clear Creek, Hilton Creek, and four unnamed tributaries), Hydric Soils	Station #4, 3385 N. Plainview Avenue. 2.2 miles from fire station with a 6-minute drive time, 8.2 minute response time.
8	Lake Sequoyah	8-inch water main, S. Lake Sequoyah Spur, 6-inch water main E. Lake Sequoyah Drive, flowing into an 8-inch water main across the bridge, 8-inch water main along E. Huntsville Road.	8-inch force main along E. Huntsville Road.	Hillside-Hilltop Overlay District, FEMA Floodplain, Protected Stream (Lake Sequoyah, Middle Fork of the White River, White River), Hydric Soils	Station #3, 1050 S. Happy Hollow Road. 5.1 miles from fire station with a 9-minute drive time, 11.2-minute response time.
9	Lake Wilson	No public water available	No sanitary sewer available	Hillside-Hilltop Overlay District, FEMA Floodplain, Protected Stream, (Two unnamed tributaries that flow into Lake Wilson from the south, Lake Wilson, unnamed tributary flowing north from Lake Wilson), Hydric Soils	Station #9, 2250 S. School Avenue. 4.7 miles from fire station with a 9-minute drive time, 11.2-minute response time.
10	Lierly Lane Park Land	8-inch water mains W. Lierly Lane and W. Berseis Drive	8-inch sanitary sewer main W. Berseis Drive	N/A	Station #7, 835 N. Rupple Road. 3.2 miles from fire station with a 7-minute drive time, 9.2-minute response time.

	Park	Water	Sewer	Drainage	Fire and Police*
11	Owl Creek Park Land	12-inch water mains along. N. Broyles Ave and N. Rupple Road	15-inch sanitary interceptor flowing into an 18-inch interceptor along Owl Creek. 8-inch sanitary sewer main flowing into the 18-inch sanitary interceptor, and another 8-inch sanitary sewer main flowing into the 18-inch interceptor.	FEMA Floodplain, Protected Stream (Owl Creek, unnamed tributary from southeast to northwest), Hydric Soils	Station #7, 835 N. Rupple Road. 1.3 miles from the fire station with a 3-minute drive time, 5.2-minute response time.
12	Quarry Trace Park Land	8-inch water main on E. Paril and and S. Spritz Drive	8-inch sanitary sewer on east side of S. Spritz Drive	N/A	Station #3, 1050 S. Happy Hollow Road. 3.5 miles from fire station with a 6-minute drive time, 8.2-minute response time.
13	Rodney Ryan Park	12-inch water main on E. Black Canyon Street, 8-inch water main on S. River Meadows Drive	8-inch sanitary sewer main on E. Black Canyon Street, and S. River Meadows Drive	FEMA Floodplain, Protected Stream, Hydric Soils	Station #3, 1050 S. Happy Hollow Road. 2.5 miles from fire station with 5-minute drive time, 7.2-minute response time.
14	South Yard Park Land	No public water available	12-inch sanitary main at northern boundary	Protected Stream (Tanglewood Branch), Hydric Soils	Station #1, 303 W. Center Street. 0.7 miles from fire station with 3-minute drive time, 5.2-minute response time.
15	Yvonne Richardson Community Center	6-inch water main in S. Mill Avenue. 6-inch water main in S. Washington Avenue	8-inch sanitary sewer along main building. 8-inch sanitary sewer on E. Mountain Street, flowing into 8-inch sanitary sewer main present along S. Washington Avenue	FEMA Floodplain, Protected Stream (Spout Spring)	Station #1, 303 W. Center Street. 0.8 miles from fire station with 3-minute drive time, 5.2 minute response time.

**Police did not comment on the proposed rezonings. 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.*

Tree Preservation: The proposed zoning district of P-1, Institutional requires **25% minimum canopy preservation.** Percent minimum canopy requirements for all zoning districts are attached to this report for reference.

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 zoning change is compatible with surrounding land uses. The properties are already being used as parks facilities, though with different classifications associated with them. The Parks Department uses 8 different classifications of parks: Regional Parks, Community Parks, Neighborhood Parks, Non-City Parks, Special Use, Natural Area, Undeveloped Parks, and Trail Corridors and Greenways. Each designation has a specific set of criteria, and staff finds those criteria can be met with a rezoning to the P-1 zoning district, especially with the consideration for the adoption of new standards to apply to that district.**

The Regional Parks (Centennial, Lake Fayetteville, Lake Sequoyah, and Lake Wilson) are meant to have a regional draw and have direct access from arterial streets and access to regional trail systems. Zoning these locations as P-1 would allow for the continuation of the existing uses, such as lakes, trails, and the redevelopment of ball and playfields. The Neighborhood Parks under consideration (Bayyari Park, Clarence Craft Park, White River Park, Rodney Ryan Park, Yvonne Richardson Community Center) are typically 2 to 10 acres in size, and are meant to provide leisure opportunities (including play fields, and shaded areas for gathering) within walking distance of individual neighborhoods. The uses, setbacks, and allowances in P-1 would allow for the continuation of these neighborhood needs to be met, by allowing for Use Unit 4 by-right, where many of those neighborhood parks are currently zoned for residential uses. Many of the parks under consideration with this request are currently "Undeveloped," including Combs Park, Lierly Land Park, Owl Creek Park, Quarry Trace Park Land, South Yard Park Land, and Hughmont Village Park Land. Undeveloped parks differ from "Natural Areas" in that they are not necessarily intended to remain undeveloped but have perhaps not yet been improved in accordance with long-term plans. Many of the parks in this classification have only been acquired within the last decade through parkland dedication with associated residential developments.

Land Use Plan Analysis: **The proposed zoning to P-1, Institutional is compatible with the Future Land Use Map, which in most instances (though not all) identify the areas in question as Civic and Private Open Space. By rezoning to P-1, these parks can be redeveloped to help meet future goals and needs to meet the neighborhoods and immediate communities that they serve. If they are to stay in their existing zoning districts (such as RSF-1, NC, or I-1), the City would have a more difficult time implementing the 2023 Parks Master Plan, and would involve a more piecemeal approach to rezoning these properties. Staff finds that taking this broader approach saves City resources and time instead of rezoning at the time of a specific development proposal or funding opportunity.**

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 recommended zoning is justified and needed to avoid issues in the future with any expansion of a non-conforming use, and to ensure that city-owned property is zoned accordingly. While this proposed zoning change may not identify all future changing needs of the Parks, Natural Resources, and Cultural Affairs Department, staff finds that zoning the property to the established zoning district for parks and associated cultural and recreational facilities to be an appropriate course of action and protects the public interest.**

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

Finding: **Rezoning the properties will not likely increase traffic danger or congestion in a manner that is inconsistent with the way the properties are already used. No redevelopment plans are currently underway, and the properties have already been acquired and used for parks and recreational purposes. With any proposed development, full impact on traffic and congestion would be evaluated at that time.**

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 properties will not substantially increase the potential population density or load on public services. The proposed rezoning districts are substantially compatible with the existing development patterns and uses that currently exist on each property. The Police and Fire Departments have expressed no objections to the proposal. The Fayetteville School District also expressed no objections to the proposal.**

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**

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: March 11, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.32 District P-1, Institutional
- Tree Preservation Requirements per Zoning District
- Applicant Request Letter
- Applicant Exhibit
- Zoning Map
- Future Land Use Map

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §8, 1-18-22)

Table 1 **Minimum Canopy Requirements**	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
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%

Table 1 **Minimum Canopy Requirements**	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
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% (30%)

CITY OF
FAYETTEVILLE
ARKANSAS

January 30, 2024

City of Fayetteville Planning Department
City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Letter of Intent for Park Property Rezonings

Property Information:	Various, see attached
Current Owner:	City of Fayetteville 113 W Mountain St, Fayetteville, Arkansas 72701
Applicant:	City of Fayetteville 113 W Mountain St, Fayetteville, Arkansas 72701

This letter serves as a request for rezoning 15 park properties to P-1 Institutional zoning.

Legal Description:
Various, see attached.

Property Description:
Fayetteville Parks, Natural Resources and Cultural Affairs owns over 50 parks and park lands. The majority of these properties are zoned P-1 as a result of a large rezoning effort in the mid-2000's. Several properties have been acquired since then and are in need of rezoning.

The properties listed on the enclosed attachment "A" are proposed to be rezoned from various zonings to Institutional Use (P-1). Per City Code, the Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. This zoning allows cultural and recreational facilities as permitted uses. Additionally, the zoning allows for signage and uses not allowed in many of the existing zonings such as active park facilities including courts, ballfields, etc.

Enclosed please find Attachments "A" and "B". Attachment "A" illustrates the locations of the proposed park properties for this rezoning request. There are 15 park properties included in this request. Attachment "B" lists the park properties along with the current zoning(s) and address(es).

I don't see these attachments included. Can you please upload them?

No adverse affect on adjoining properties is anticipated as all of the properties are existing parks with the exception of Hughmount Park Land, Owl Creek Park Land, Lierly Lane Park Land Quarry Trace Park Land and South Yard Park Land, which were all dedicated to become future parks and simply have not been developed yet.

Days and Hours of Operation:
Parks are generally open from daylight until dusk. Lakes are the exception and are open from daylight until dusk.

Parking:
Parking is existing in the parks or will be properly designed when land is developed as a park.

Outdoor Lighting:
Lighting varies throughout the park system depending on use.

Noise:
Noise from the facility is not expected to change and is typical of park activities. As new parks come online such as the Upper Ramble, additional events are anticipated to generate noise.

Trash and refuse service:
Trash is managed by the Parks Maintenance in the Public Works Department.

Sincerely,

Alison Jumper

City of Fayetteville
Alison Jumper
Parks, Natural Resources and Cultural Affairs Director

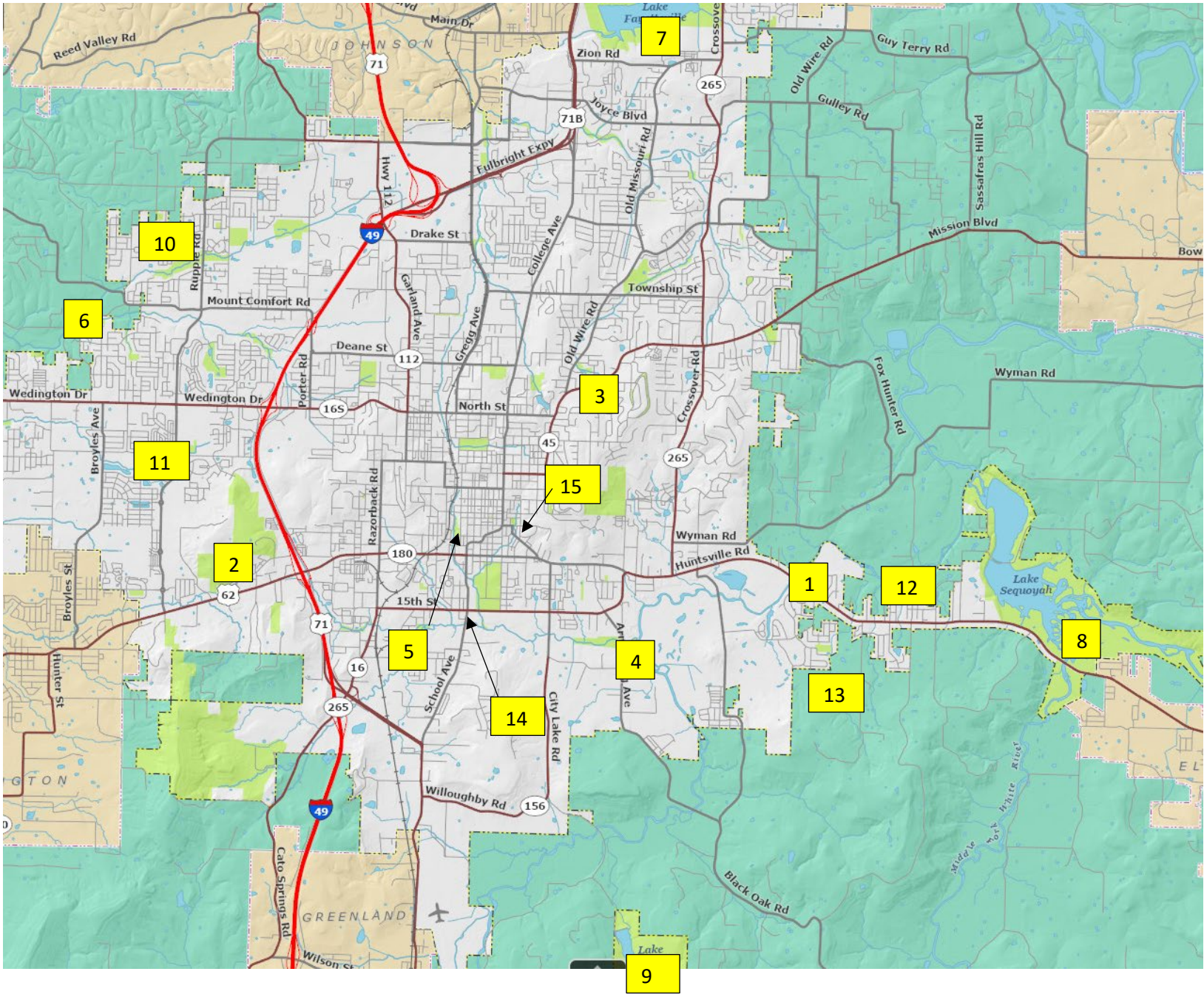
Attachment A

Park Properties to be rezoned:

Portions of:

1. Bayyari Park
2. Centennial Park
3. Clarence Craft Park
4. Combs/White River Park
5. Fay Jones Woods
6. Hughmount Village Park Land
7. Lake Fayetteville
8. Lake Sequoyah
9. Lake Wilson
10. Lierly Lane park land
11. Owl Creek park land
12. Quarry Trace park land
13. Rodney Ryan Park
14. South Yard park land
15. Yvonne Richardson Community Center

Attachment B

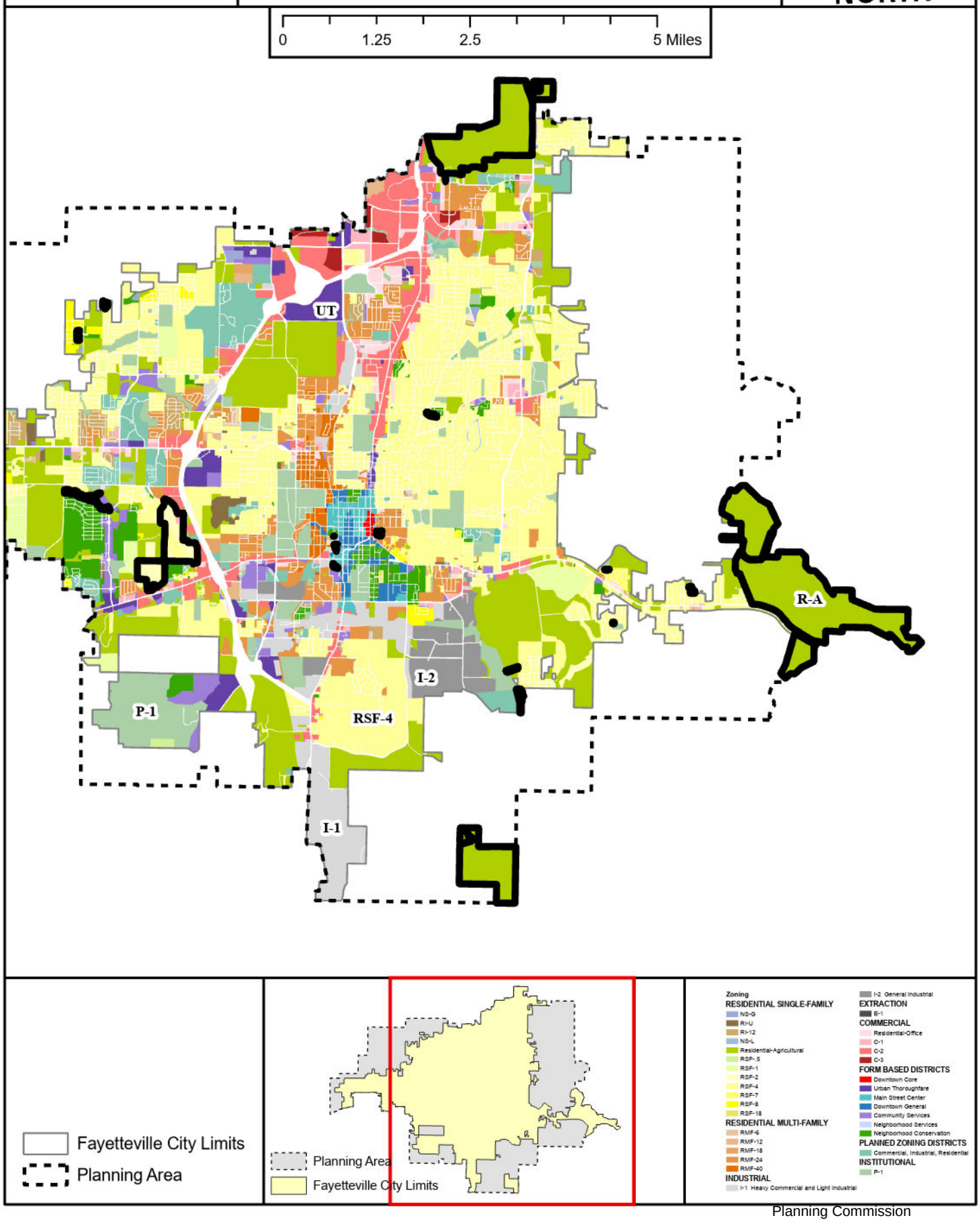


RZN-2024-0007

One Mile View

Various City Parks

NORTH

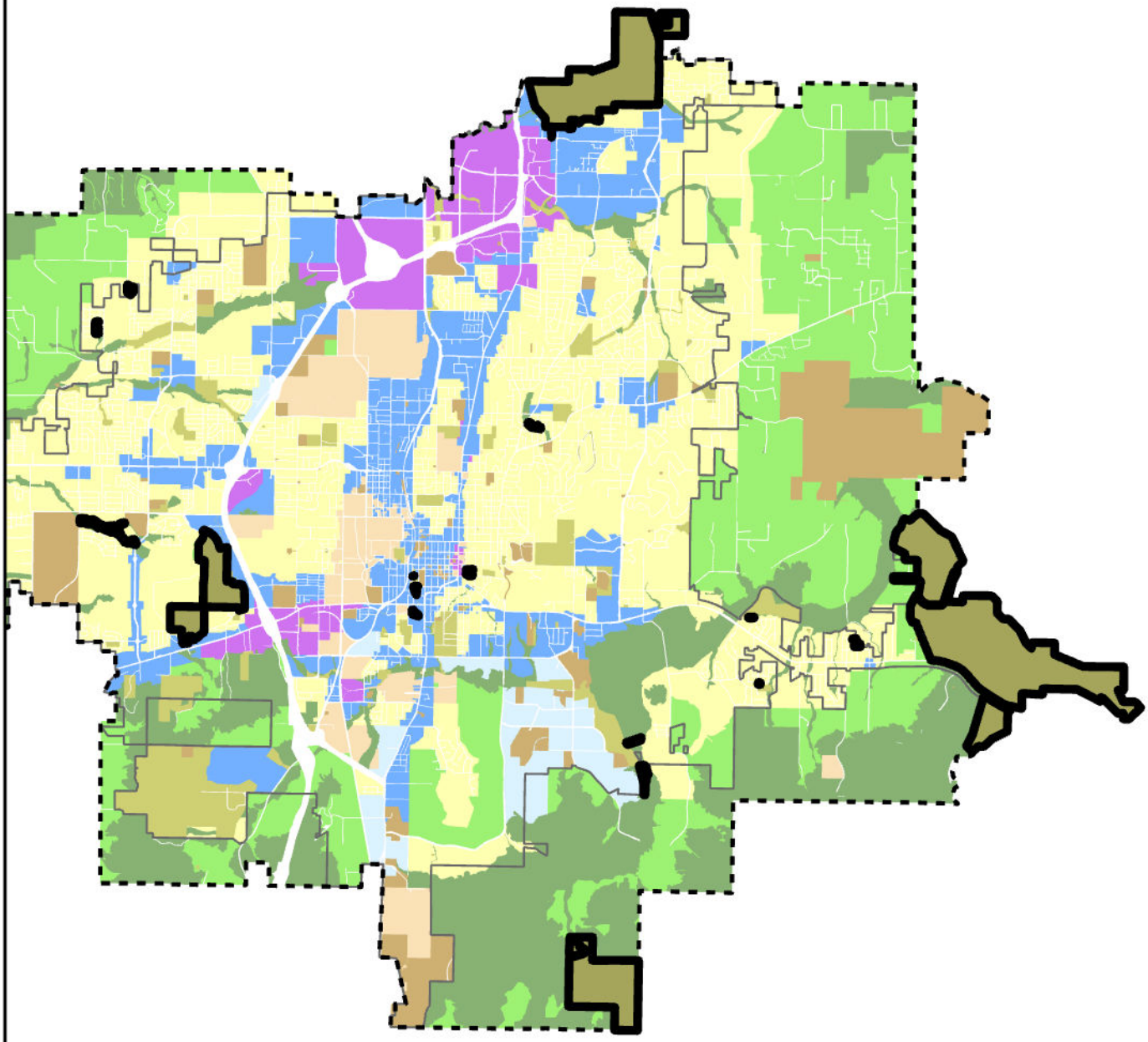


RZN-2024-0007

Future Land Use

Various City Parks

NORTH



Planning Area

Fayetteville City Limits

Feet

0 3,000 6,000 12,000 18,000 24,000

1:109,845

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