

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8267*



## **Planning Commission Tentative Agenda**

**Thursday, April 4, 2024**

**4:30 PM**

**City Hall Room 111**

### **Planning Commission Members**

*Andrew Brink, Chair*

*Mary McGetrick, Vice Chair*

*Brad Payne, Secretary*

*Matthew Cabe*

*Nick Castin*

*Jimm Garlock*

*Fred Gulley*

*Mary Madden*

*Nicolas Werner*

*Senior Assistant City Attorney Blake Pennington*

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

Approval of the minutes from the March 25, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

**2. CCP-2024-0003: Concurrent Plat (745 W. CHERRY ST/HABITAT FOR HUMANITY OF WASHINGTON CO., 678):**

Submitted by BATES & ASSOCIATES for property located at 745 W. CHERRY ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.82 acres. The request is for the concurrent plat of four residential lots. - Kylee Cole, Planner

**Unfinished Business****3. RZN-2024-0011: Rezoning (VARIOUS EXPIRED PZD LOCATIONS/FAYETTEVILLE PLANNING STAFF):**

Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned as PZD, PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts. - Donna Wonsower, Planner

**New Business****4. ADM-2024-0011: Administrative Item (3030 E. MISSION BLVD/FAYETTEVILLE PUBLIC SCHOOLS, 372):**

Submitted by JORGENSEN & ASSOCIATES for property located at 3030 E MISSION BLVD. The property is zoned P-1, INSTITUTIONAL, and contains approximately 58.18 acres. The request is to extend a previously-approved conditional use permit. - Donna Wonsower, Planner

**5. VAR-2024-0017: Planning Commission Variance (2580 W. JUDGE CUMMINGS RD/SOUTH CATO HOLDINGS, 675):**

Submitted by CRAFTON TULL for property located at 2580 W. JUDGE CUMMINGS RD. The property is zoned CS, COMMUNITY SERVICES and UT, URBAN THOROUGHFARE, and contains approximately 117.19 acres. The request is for a variance to minimum street standards.



THIS ITEM WAS WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Gretchen Harrison, Senior Planner

**6. VAR-2024-0016: Planning Commission Variance (612 W. CENTER ST/TRINITAS VENTURES, 483):**

Submitted by BLEW AND ASSOCIATES for property located 612 W. CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.9 acres. The request is for a variance to parking garages within a build-to zone. - Jessica Masters, Development Review Manager

**7. CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483):**

Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking. - Jessica Masters, Development Review Manager

**8. CUP-2024-0010: Conditional Use Permit (1166 W. VAN ASCHE DR/LISA ACADEMY, 171):**

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1166 W. VAN ASCHE DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 9.18 acres. The request is for Use Unit 2: City-wide uses by conditional use permit (to use an existing gravel lot for temporary parking) in the C-2 zoning district. - Kylee Cole, Planner

**9. RZN-2024-0009: Rezoning (E. 10TH ST AND S. WAXFLOWER AVE/WILLOW BEND LOTS 23, 26 & 31, 563):**

Submitted by MBL PLANNING for property located at E. 10TH ST AND S. WAXFLOWER AVE. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 3.87 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Gretchen Harrison, Senior Planner

**10. RZN-2024-0010: Rezoning (1328 S. SCHOOL AVE/FERDOWSIAN, 562):**

Submitted by BLEW & ASSOCIATES for property located at 1328 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.14 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL. - Donna Wonsower, Planner

**11. RZN-2024-0012: Rezoning (2002 AND 2008 E. HUNTSVILLE RD/TAPROOT INVESTMENT PARTNERS, 565):**

Submitted by TAPROOT INVESTMENT PARTNERS for property located at 2002 AND 2008 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN and NS-G, NEIGHBORHOOD SERVICES-GENERAL.  
- Kylee Cole, Planner

**12. RZN-2024-0014: Rezoning (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486):**

Submitted by MOUNT SEQUOYAH CENTER INC for property located at 141 W. SKYLINE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to P-1, INSTITUTIONAL. - Jessica Masters, Development Review Manager

**13. PZD-2024-0002: Planned Zoning District (WEST OF N. 54<sup>TH</sup> AVE/COLESON BROOK, LLC, 397):**

Submitted by CRAFTON TULL for property located WEST OF N. 54<sup>TH</sup> AVE. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 12.13 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT. - Donna Wonsower, Planner

**14. PZD-2024-0003: Planned Zoning District (215 N. WEST AVE/PARK HOTEL, 484):**

Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.56 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT. - Jessica Masters, Development Review Manager

**Items Administratively Approved by Staff**

**15. LSP-2024-0001: Lot Split (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 to divide the property into two lots containing approximately 2.76 and 1.99 acres. - Kylee Cole, Planner

**16. LSP-2024-0003: Lot Split (6691 E. HAHNDO LN/KELLAR, 651):**

Submitted by CHRIS KELLAR for property located at 6691 E. HAHNDO LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 28.79 acres. The request is to divide the property into two lots containing approximately 5.07 and 23.72 acres. - Gretchen Harrison, Senior Planner

**17. LSP-2024-0008: Lot Split (1226 N. SHADY LN/SPRADLIN, 406):**

Submitted by JORGENSEN & ASSOCIATES for property located at 1226 N. SHADY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.57 acres. The request is to divide the property into two lots containing approximately 0.19 and 0.38 acres.  
- Gretchen Harrison, Senior Planner

**18. LSP-2024-0009: Lot Split (6481 W. WHEELER RD/SHULTS, 240):**

Submitted by ALAN REID & ASSOCIATES for property located at 6481 W. WHEELER RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 32.98 acres. The request is to divide the property into two lots containing approximately 28.81 and 4.17 acres. - Donna Wonsower, Planner

**19. LSP-2024-0011: Lot Split (2890 N. HUGHMOUNT RD/HUMPHRIES, 243):**

Submitted by BLEW & ASSOCIATES for property located at 2890 N. HUGHMOUNT RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 3.09 acres. The request is to divide the property into two lots containing approximately 1.00 and 2.09 acres. - Donna Wonsower, Planner

**Agenda Session Items****Announcements****Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

| (pg. 1) Planning Commission |                                                                                                                                                                                                                                                                                                    | Monday, 03/25/2024         |                              |                                                |                                                       |                                                                                               |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------|------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Time:</b>                | 5:30 PM                                                                                                                                                                                                                                                                                            |                            |                              |                                                |                                                       |                                                                                               |
| <b>Staff :</b>              | <input checked="" type="checkbox"/> Melissa Evans <input type="checkbox"/> John Scott <input checked="" type="checkbox"/> Jessie Masters <input checked="" type="checkbox"/> Gretchen Harrison <input checked="" type="checkbox"/> Donna Wonsower <input checked="" type="checkbox"/> Kylee Cole   |                            |                              |                                                |                                                       |                                                                                               |
|                             | <input type="checkbox"/> Britin Bostick <input type="checkbox"/> Sherry Smith <input checked="" type="checkbox"/> Josh Boccaccio <input type="checkbox"/> Melissa Boyd <input type="checkbox"/> Fire Marshal/Andrew Horton <input type="checkbox"/> Chris Brown <input type="checkbox"/> Alan Pugh |                            |                              |                                                |                                                       |                                                                                               |
|                             | Roll Call                                                                                                                                                                                                                                                                                          | 1) Minutes<br>(03/11/2024) | 2) VAR-2024-0013<br>(KELLAR) | 3) CCP-2024-0001<br>(RIVERSIDE VILLAGE PH 1.2) | 4) CCP-2024-0002<br>(MARINONI INC & PAM<br>ANGUS LTD) | 5) CUP-2023-0175<br>(SPRINGWOODS<br>INVESTMENTS LLC)                                          |
| Brink                       | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| Garlock                     | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| Madden                      | 0                                                                                                                                                                                                                                                                                                  |                            |                              |                                                |                                                       |                                                                                               |
| Payne                       | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| Gulley                      | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| Holcomb                     | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| Winston                     | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| McGetrick                   | 1                                                                                                                                                                                                                                                                                                  | 1                          | 1                            | 1                                              | 1                                                     | 1                                                                                             |
| Sparkman                    | 0                                                                                                                                                                                                                                                                                                  |                            |                              |                                                |                                                       |                                                                                               |
| <b>Agenda</b>               |                                                                                                                                                                                                                                                                                                    | <b>Consent</b>             | <b>Consent</b>               | <b>Consent</b>                                 | <b>Consent</b>                                        | <b>Old</b>                                                                                    |
| <b>Motion By</b>            |                                                                                                                                                                                                                                                                                                    | Winston                    | Winston                      | Winston                                        | Winston                                               | Payne                                                                                         |
| <b>Motion 2nd</b>           |                                                                                                                                                                                                                                                                                                    | Garlock                    | Garlock                      | Garlock                                        | Garlock                                               | Winston                                                                                       |
| <b>Vote</b>                 |                                                                                                                                                                                                                                                                                                    | 7-0-0                      | 7-0-0                        | 7-0-0                                          | 7-0-0                                                 | 7-0-0                                                                                         |
| <b>Action</b>               |                                                                                                                                                                                                                                                                                                    | Approve                    | Approve                      | Approve                                        | Approve                                               | Approve                                                                                       |
| <b>Time</b>                 |                                                                                                                                                                                                                                                                                                    | 5:34 PM                    | 5:34 PM                      | 5:34 PM                                        | 5:34 PM                                               | 5:57 PM                                                                                       |
| <b>Motion Detail</b>        |                                                                                                                                                                                                                                                                                                    |                            |                              |                                                |                                                       | Amending condition No. 2,<br>no limit on transferability,<br>amending closing time to<br>9pm. |
| <b>Public Comment</b>       |                                                                                                                                                                                                                                                                                                    | 0                          | 0                            | 0                                              | 0                                                     | 0                                                                                             |

| (pg. 2) Planning Commission |                                           | Monday, 03/25/2024                           |                                              |                                              |                                              |                                              |
|-----------------------------|-------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|
|                             |                                           |                                              |                                              |                                              |                                              |                                              |
|                             |                                           |                                              |                                              |                                              |                                              |                                              |
|                             |                                           |                                              |                                              |                                              |                                              |                                              |
|                             | 6) RZN-2024-0006<br>(LEGACY VENTURES NWA) | 7) ADM-2024-0010 (NEW<br>BEGININGS NWA)      | 8) VAR-2024-0009<br>(DRAKE FARMS)            | 9) VAR-2024-0011 (THE<br>GODDARD SCHOOL)     | 10) VAR-2024-0014<br>(AIDEN'S PLACE LOT 12)  | 11) VAR-2024-0015<br>(RIVERWALK PH 5 LOT 20) |
| Brink                       | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| Garlock                     | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| Madden                      |                                           |                                              |                                              |                                              |                                              |                                              |
| Payne                       | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| Gulley                      | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| Holcomb                     | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| Winston                     | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| McGetrick                   | 1                                         | 1                                            | 1                                            | 1                                            | 1                                            | 1                                            |
| Sparkman                    |                                           |                                              |                                              |                                              |                                              |                                              |
|                             |                                           |                                              |                                              |                                              |                                              |                                              |
| Agenda                      | Old                                       | New                                          | New                                          | New                                          | New                                          | New                                          |
| Motion By                   | Garlock                                   | Garlock                                      | Winston                                      | Gulley                                       | Payne                                        | Winston                                      |
| Motion 2nd                  | Winston                                   | Payne                                        | Gulley                                       | Holcomb                                      | Garlock                                      | Garlock                                      |
| Vote                        | 7-0-0                                     | 7-0-0                                        | 7-0-0                                        | 7-0-0                                        | 7-0-0                                        | 7-0-0                                        |
| Action                      | Forward                                   | Approve                                      | Approve                                      | Approve                                      | Approve                                      | Approve                                      |
| Time                        | 6:04 PM                                   | 6:10 PM                                      | 6:20 PM                                      | 6:31 PM                                      | 6:37 PM                                      | 6:40 PM                                      |
| Motion Detail               | With a recommendation of approval.        | With all conditions as recommended by staff. | With all conditions as recommended by staff. | With all conditions as recommended by staff. | With all conditions as recommended by staff. | With all conditions as recommended by staff. |
|                             |                                           |                                              |                                              |                                              |                                              |                                              |
| Public Comment              | 0                                         | 0                                            | 0                                            | 1                                            | 0                                            | 0                                            |

| (pg. 3) Planning Commission |                                              | Monday, 03/25/2024                           |                                     |                                                       |  |  |
|-----------------------------|----------------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------------------------|--|--|
|                             |                                              |                                              |                                     |                                                       |  |  |
|                             |                                              |                                              |                                     |                                                       |  |  |
|                             |                                              |                                              |                                     |                                                       |  |  |
|                             | 12) CUP-2024-0007<br>(BATES)                 | 13) CUP-2024-0008<br>(KITSINGER)             | 14) PZD-2024-0001<br>(HOLT VILLAGE) | 15) RZN-2024-0011<br>(FAYETTEVILLE<br>PLANNING STAFF) |  |  |
| Brink                       | 1                                            | 1                                            | 1                                   | 1                                                     |  |  |
| Garlock                     | 1                                            | 1                                            | 1                                   | 1                                                     |  |  |
| Madden                      |                                              |                                              |                                     |                                                       |  |  |
| Payne                       | 1                                            | 1                                            | 1                                   | 1                                                     |  |  |
| Gulley                      | 1                                            | 1                                            | 1                                   | 1                                                     |  |  |
| Holcomb                     | 1                                            | 1                                            | 1                                   | 1                                                     |  |  |
| Winston                     | 1                                            | 1                                            | 1                                   | 1                                                     |  |  |
| McGetrick                   | 1                                            | 1                                            | RECUSE                              | 1                                                     |  |  |
| Sparkman                    |                                              |                                              |                                     |                                                       |  |  |
|                             |                                              |                                              |                                     |                                                       |  |  |
| Agenda                      | New                                          | New                                          | New                                 | New                                                   |  |  |
| Motion By                   | Holcomb                                      | Holcomb                                      | Gulley                              | Payne                                                 |  |  |
| Motion 2nd                  | Winston                                      | Gulley                                       | Payne                               | Brink                                                 |  |  |
| Vote                        | 7-0-0                                        | 7-0-0                                        | 6-0-1                               | 4-3-0                                                 |  |  |
| Action                      | Approve                                      | Approve                                      | Forward                             | Table                                                 |  |  |
| Time                        | 6:44 PM                                      | 6:56 PM                                      | 7:10 PM                             | 7:40 PM                                               |  |  |
| Motion Detail               | With all conditions as recommended by staff. | With all conditions as recommended by staff. | With a recommendation of approval.  | Until April 8, 2024 Planning Commision Meeting.       |  |  |
| Public Comment              | 0                                            | 1                                            | 1                                   | 1                                                     |  |  |



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Kylee Cole, Planner  
Melissa Evans, Urban Forester  
Dave Rowden, Engineering

**MEETING:** April 8, 2024

**SUBJECT:** **CCP-2024-0003: Concurrent Plat (745 W. CHERRY ST/HABITAT FOR HUMANITY OF WASHINGTON CO., 678):** Submitted by BATES & ASSOCIATES for property located at 745 W. CHERRY ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.82 acres. The request is for the concurrent plat of four residential lots.

**RECOMMENDATION:**

Staff recommends approval of **CCP-2024-0003** with conditions.

**RECOMMENDED MOTION:** *"I move to approve CCP-2024-0003, recommending:*

- In favor of recommended right-of-way dedication and street improvements; and*
- All other conditions of approval."*

**BACKGROUND:**

The subject property is in south Fayetteville approximately 0.10-mile north of the intersection of S. Fulbright Expy. and S. School Ave. The property was rezoned in 2022 from a split zoning of RSF-4, Residential Single-Family, 4 Units per Acre and C-2, Thoroughfare Commercial to its current NC, Neighborhood Conservation zoning. Surrounding land uses and zoning are depicted in *Table 1*.

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

| Direction | Land Use                             | Zoning                                                                           |
|-----------|--------------------------------------|----------------------------------------------------------------------------------|
| North     | Undeveloped                          | RSF-4, Residential Single-Family, 4 Units per Acre                               |
| South     | Commercial/Residential Single-Family | C-2, Thoroughfare Commercial; RSF-4, Residential Single-Family, 4 Units per Acre |
| East      | Residential Single-Family            | RSF-4, Residential Single-Family, 4 Units per Acre                               |
| West      | Commercial                           | C-2, Thoroughfare Commercial                                                     |

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

**Water and Sewer System:** A 2-inch water line and 6-inch sanitary sewer line is available along W. Cherry St. to serve the development. No additional water or sewer infrastructure is required to be extended to this site at this time.

*Right-of-way to be dedicated:*

W. Cherry St.: W. Cherry St. is designated as a Residential Link Street per the Master Street Plan. The existing right-of-way is approximately 16 feet, so additional right-of-way is needed. Staff recommends the dedication of 26 feet of right-of-way measured from the centerline of W. Cherry St.

*Street Improvements:* Staff does not recommend any additional street improvements in association with this request. Sidewalks at the back of the Master Street Plan right-of-way will be required with the development of each lot. This street has been identified by the City for capital improvements.

*Tree Preservation:* N/A; tree preservation requirements will be evaluated with the development of each lot.

*Parkland Fees:* Parkland fees in the amount of \$3,267 for the creation of three additional single-family lots is required.

*Public Comment:* Staff has not received any public comment on this item.

**RECOMMENDATION: Staff recommends approval of CCP-2024-0003, with the following conditions:**

**Conditions of Approval:**

1. **Planning Commission determination of right-of-way dedication.** *Right-of-way measuring 26 feet from the centerline of W. Cherry St. to be dedicated with concurrent plat.*
2. **Planning Commission determination of street improvements.** *No additional street improvements required.*
3. All remaining comments from City divisions, whether Urban Forestry, Fire, or Engineering shall be addressed prior to Planning Commission.

**Standard conditions of approval:**

4. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat (if applicable).
5. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).
6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.



**PLANNING COMMISSION ACTION**

☐ Tabled   ☐ Denied   ☐ Approved

**Meeting Date:** April 8, 2024

**Motion:**

**Second:**

**Vote:**

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

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



URBAN FORESTRY  
TREE PRESERVATION COMMENTS

**To:** Justin Reid, Bates & Associates  
**From:** Melissa Evans, Urban Forestry  
**CC:** Kylee Cole, Planner  
**Meeting Date:** March 27, 2024  
**Subject:** CCP-2024-0003: Habitat for Humanity of Washington Co.: 745 W. Cherry St.

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

Tree Preservation Calculations per Ch. 167.04(A)(6) of Code may be required when each lot develops.

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

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

| 5. Tree Preservation Plan Checklist      | Tech Plat | Subdivision Committee | Planning Commission |
|------------------------------------------|-----------|-----------------------|---------------------|
| UDC Chapter 167.04H1                     |           |                       |                     |
| a. 5 year Aerial Check on Existing Trees | Yes       | Yes                   |                     |
| b. Property Boundary                     | Yes       | Yes                   |                     |

|                                                           |     |     |
|-----------------------------------------------------------|-----|-----|
| c. Natural Features (100ft beyond limits of disturbance)  | No  | No  |
| d. Existing Topography and Proposed Grading               | No  | No  |
| e. Soil Types                                             | No  | No  |
| f. Significant Trees                                      | Yes | Yes |
| g. Groupings of Trees                                     | Yes | Yes |
| h. Table Inventory List (species, size, health, priority) | Yes | Yes |
| i. All Existing and Proposed Utilities                    | No  | No  |
| j. All Existing and Proposed Utility Easements and ROW's  | No  | No  |
| k. All Streams (with approximate center line)             | N/A | N/A |
| l. Floodplains and floodways                              | N/A | N/A |
| m. Existing Street, Sidewalk or Bike Path ROW             | Yes | Yes |
| n. Submitted Site Analysis Plan (if required)             | N/A | N/A |
| o. Shows ALL Proposed Site Improvements                   | No  | No  |
| p. Delineates trees/canopy to be preserved and removed    | No  | No  |

#### Tree Protection Methods

|                                           |    |    |
|-------------------------------------------|----|----|
| a. Tree Protection Fencing                | No | No |
| b. Limits of Root Pruning                 | No | No |
| c. Traffic flow on work site              | No | No |
| d. Location of material storage           | No | No |
| e. Location of concrete wash out          | No | No |
| f. Location of construction entrance/exit | No | No |

|                                              |            |           |            |
|----------------------------------------------|------------|-----------|------------|
| <b>6. Site Analysis Report (if required)</b> | <b>Yes</b> | <b>No</b> | <b>N/A</b> |
| <i>UDC Chapter 167.04H4</i>                  |            |           |            |

- |                                                                                                    |   |
|----------------------------------------------------------------------------------------------------|---|
| a. Provide graphic examples of multiple options used to minimize removal of existing canopy        | X |
| b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy. | X |

| <b>7. Review Status (See Comments)</b> | <b>Tech Plat</b> | <b>Subdivision Committee</b> | <b>Planning Commission</b> |
|----------------------------------------|------------------|------------------------------|----------------------------|
| Conditionally Approved                 | 3-12-24          | 3-26-24                      |                            |
| Approved                               |                  |                              |                            |
| Tabled                                 |                  |                              |                            |
| Denied                                 |                  |                              |                            |

#### Comments

- Address items above marked "No" and all Redlines provided.
- A Tree Preservation Plan may be required per Ch 167.04(A)(6) with the associated development of the lots.



URBAN FORESTRY  
LANDSCAPE PLAN COMMENTS

**To:** Justin Reid, Bates & Associates  
**From:** Melissa Evans, Urban Forestry  
**CC:** Kylee Cole, Planner  
**Meeting Date:** March 27, 2024  
**Subject:** CCP-2024-0003: Habitat for Humanity of Washington Co.: 745 W. Cherry St.

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

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

### 3. Perimeter Landscaping Requirements

Yes No N/A

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

### 4. Street Tree Planting Requirements

Yes No N/A

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

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

| 6. Review Status (See Comments) | Tech Plat | Subdivision Committee | Planning Commission |
|---------------------------------|-----------|-----------------------|---------------------|
| Conditionally Approved          | 3-12-24   | 3-26-24               |                     |
| Approved                        |           |                       |                     |
| Tabled                          |           |                       |                     |
| Denied                          |           |                       |                     |

| Comments                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div> <div>1.</div> <div>Address items above marked “No” and all Redlines provided.</div> </div> <div> <div>2.</div> <div>The City of Fayetteville landscape requirements as per Ch. 177.03 (A)(1) of the Code, will need to be met with the associated developments of the lots. This includes one street tree per lot (existing trees that are close to the street and preserved can count as required street trees).</div> </div> |



CITY OF  
FAYETTEVILLE  
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: March 11, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

\*\*\*\*\*

PRAB Meeting Date: PRAB not required

Project Title: N/A

Project Number: CCP-2024-0003

Project Location: 745 W Cherry St

Plat Page: 678

Park Quadrant: SE

Billing Name & Address: Habitat for Humanity, C/O Amanda Brubelow  
1421 E 15<sup>th</sup> St, Fayetteville, AR 72701

☐ Land Dedication      ☒ Fee-in-Lieu      ☐ Combination

| LAND DEDICATION |       |       |         |                  | TOTAL<br>Acres    |
|-----------------|-------|-------|---------|------------------|-------------------|
| Single Family:  | _____ | units | x 0.023 | acres per unit = | <u>0.00</u> acres |
| Multi Family:   | _____ | units | x 0.020 | acres per unit = | <u>0.00</u> acres |

| FEE-IN-LIEU    |          |       |           |            | TOTAL<br>Fees  |
|----------------|----------|-------|-----------|------------|----------------|
| Single Family: | <u>3</u> | units | x \$1,089 | per unit = | <u>\$3,267</u> |
| Multi Family:  | _____    | units | x \$952   | per unit = | <u>\$ 0</u>    |

- SUMMARY:
- Project will split **1** existing tract(s) into **4** single family lots, creating **3** new SF lot(s).
  - Fees are assessed for the additional lot(s) created and are due upon project's approval.
  - Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB. All fees must be paid prior to final receipt by the city.
  - Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.



February 28, 2024

To the City of Fayetteville Planning Staff and Planning Commission:

On behalf of Habitat for Humanity of Washington County, we would like to submit a concurrent plat that creates 4 total lots located at 745 West Cherry Street. The intent of the tract split is to create new lots for residential use.

The reason that this submittal is a concurrent plat is because the original parent tract parcel #765-10805-000, has already had 2 lots created from it.

The total acreage of the property is 1.81 acres. The new lots would contain 0.14 acres, 0.11 acres, 0.11 acres, and 1.46 acres.

A preliminary plat development on this property was previously submitted by Bates and Associates as City of Fayetteville project PPL 2023-0001. The developer decided to go a different direction and apply for a concurrent plat lot split instead.

Water and sewer are available on the north side of all new lots.

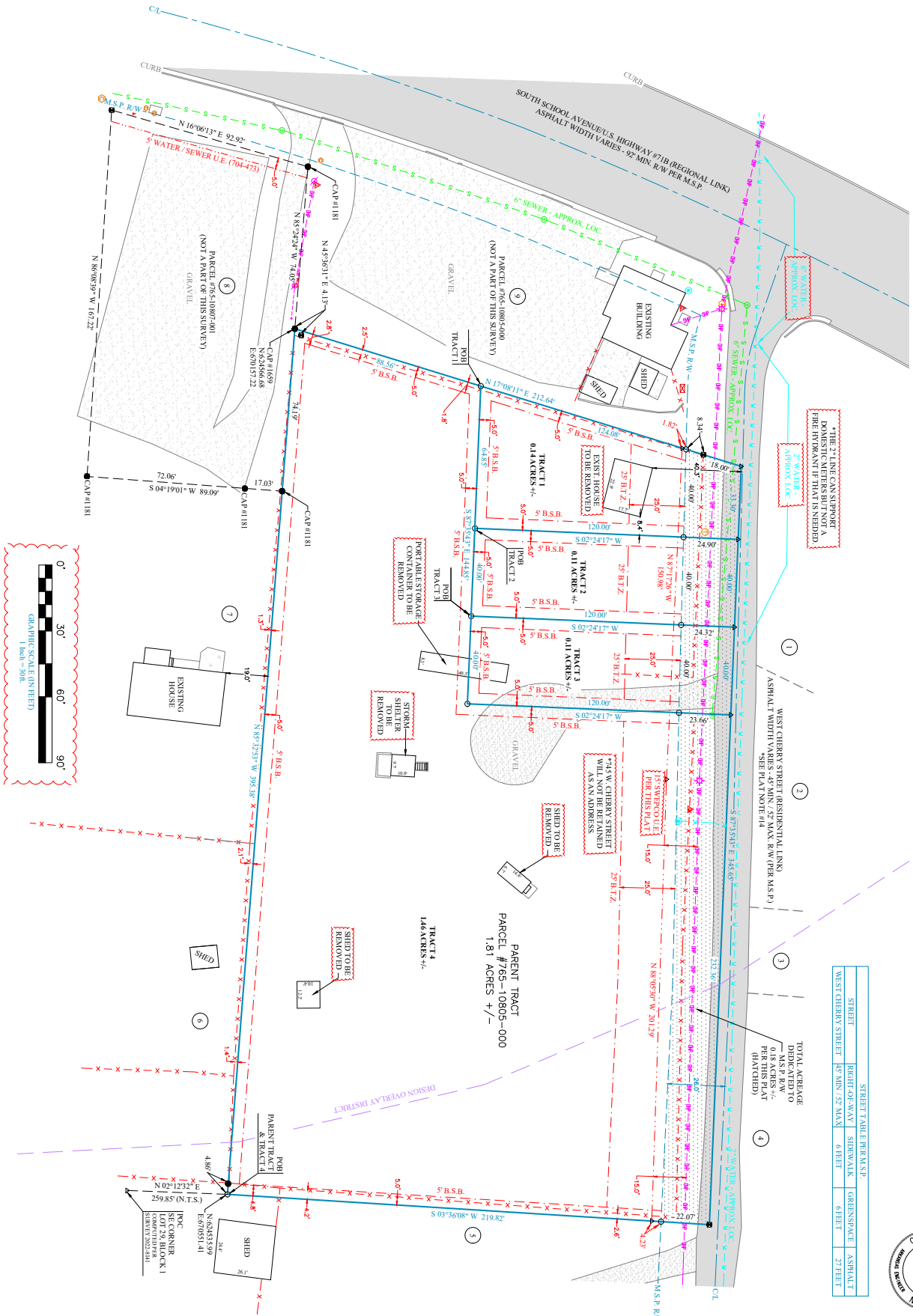
Feel free to reach out with any questions or comments.

Thank You,

Justin Reid – Project Manager  
Bates & Associates  
479-442-9350  
[justin@batesnwa.com](mailto:justin@batesnwa.com)



HABITAT FOR HUMANITY CONCURRENT PLAT (PAGE 2 OF 3)



| STREET TABLE PER M.S.P. |                   |          |            |
|-------------------------|-------------------|----------|------------|
| STREET                  | RIGHT-OF-WAY      | SIDEWALK | GREENSPACE |
| WEST CHERRY STREET      | 45' MIN / 52' MAX | 6' FEET  | 6' FEET    |
|                         |                   |          | 27' FEET   |

TOTAL ACRES  
DEDICATED TO  
M.S.P. ROW  
PER THIS PLAT  
(HATCHED)

PARENT TRACT  
PARCEL #765-10805-000  
1.81 ACRES +/-



FOR USE AND BENEFIT OF:  
**HABITAT FOR HUMANITY**  
ADDRESS:  
745 W. CHERRY ST. PAYETTEVILLE  
WASHINGTON COUNTY, ARKANSAS  
DATE: 03/19/24 SCALE: 1"=30'  
SURVEYED: DRAFTED:  
BY: RYAN AD  
REVIEWED: DT  
COA #1335

**BATES**  
Engineers • Surveyors  
2230 S. Pleasant Ridge Dr • Fayetteville, Arkansas 72704 • 479.442.9300  
BATES & ASSOCIATES, INC. Copyright 2024  
This survey was conducted for the purpose of preparing a concurrent plat and is not to be used for any other purpose without the written consent of Bates & Associates, Inc. No warranty is made by Bates & Associates, Inc. for the accuracy of the survey data or the results of the survey. Any third party using this survey for any purpose other than that intended by Bates & Associates, Inc. does so at their own risk. Bates & Associates, Inc. assumes no liability for the consequences of the survey and any reliance on the survey data by any third party.

**LEGEND:**  
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.  
● FOUND 1/2" REBAR  
● FOUND 5/8" REBAR  
● SET 5/8" REBAR CAP  
● COMPUTED POINT  
○ SANITARY SEWER MH  
○ GAS METER  
○ WATER METER  
○ CABLE PEDESTAL  
○ TELEPHONE PEDESTAL  
○ ELECTRICAL BOX  
○ LIGHT  
--- BOUNDARY LINE (MEASURED)  
--- FORTY LINE: TIE LINE  
--- CENTERLINE OF ROAD  
--- RIGHT-OF-WAY  
--- WATER LINE  
--- SEWER LINE  
--- FENCE  
--- UTILITY EASEMENT  
--- BUILDING SETBACK  
--- OVERHEAD POWER LINE



RECORDING NUMBER/DATE  
Planning Commission  
April 8, 2024

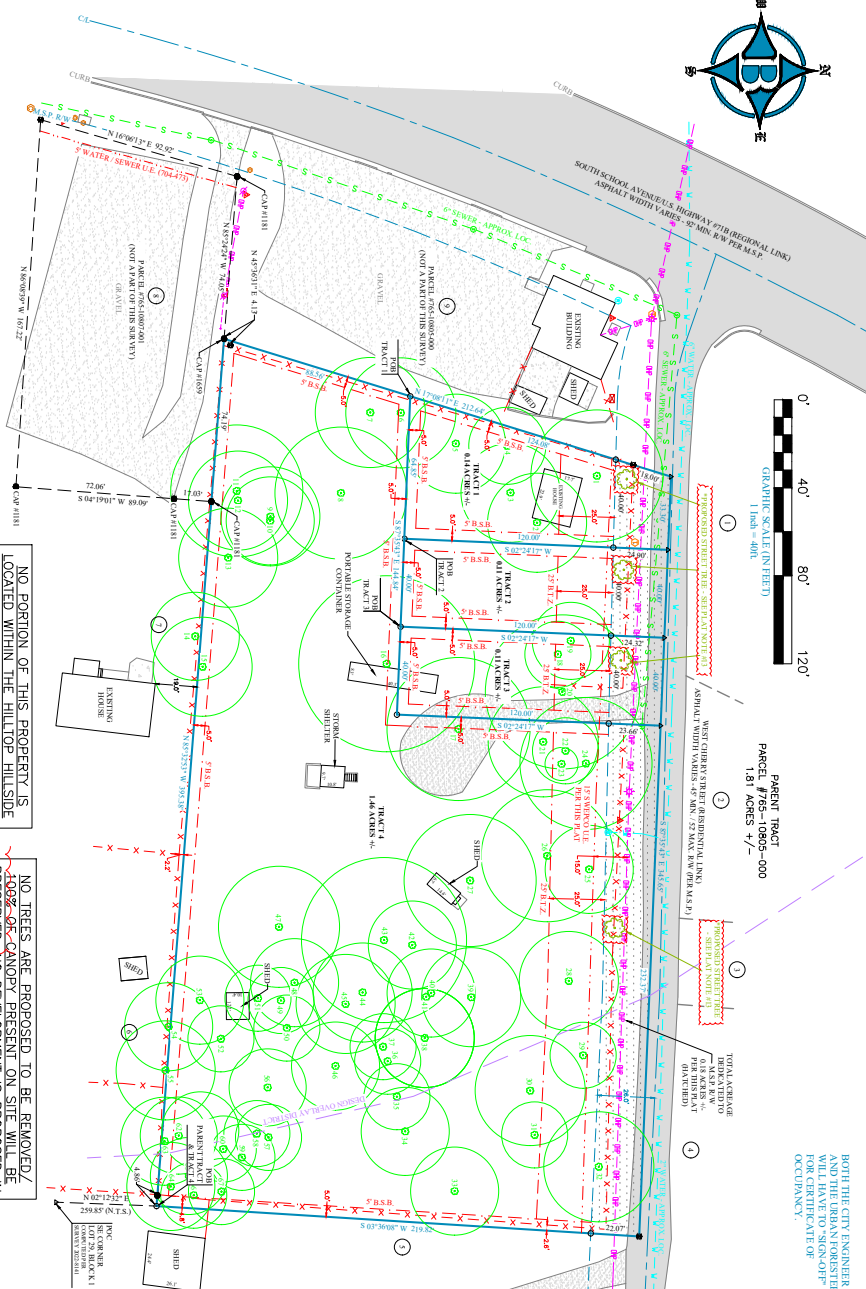
# HABITAT FOR HUMANITY CONCURRENT PLAT (PAGE 3 OF 3)

## TREE PROTECTION & LANDSCAPE PLAN



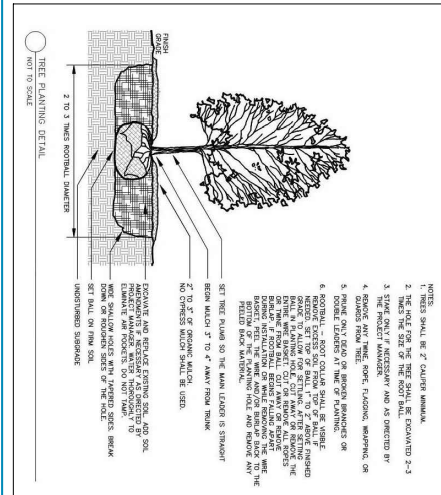
PARENT TRACT  
PARCELS 7753-10803-000  
1.81 ACRES +/-

THE CITY ENGINEER  
AND THE URBAN FORESTER  
WILL HAVE TO SIGN OFF  
FOR CERTIFICATE OF  
OCCUPANCY.



NO PORTION OF THIS PROPERTY IS  
LOCATED WITHIN THE HILLTOP HILLSIDE  
OVERLAY DISTRICT

NO TREES ARE PROPOSED TO BE REMOVED/  
ADDED OR CANOPY PRESENT ON SITE WILL BE  
PRESERVED. NO DEVELOPMENT IS PROPOSED IN  
THIS SUBMITTAL.



1. ALL TREES AND NATURAL AREAS SHOWN ON THIS PLAN TO BE PRESERVED DURING CONSTRUCTION WITHIN THE CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
2. PROTECTIVE FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. FENCES SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILD-UP WITHIN TREE PROTECTIVE AREAS.
3. PROTECTIVE FENCES SHALL FOLLOW THE LIMIT ON CONSTRUCTION IN ORDER TO PREVENT THE FOLLOWING:
  - A. ROOT SYSTEMS FROM BEING CUT OR DAMAGED BY EXCAVATION OR OTHER CONSTRUCTION EQUIPMENT.
  - B. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
  - C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
  - D. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
4. WHERE THERE IS TO BE AN APPROVED GRADE CHANGE, IMPERMEABLE PAVING SURFACE, TREE WELL, OR OTHER SUCH SITE WHERE REMOVABLE PAVING IS TO BE INSTALLED WITHIN A TREE'S DAPLINE, THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA (PRIOR TO SITE GRADING SO THIS AREA IS GRADED SEPARATELY PRIOR TO PAVING INSTALLATION) TO PROTECT THE TREE FROM CONSTRUCTION EQUIPMENT.
5. WHERE THERE ARE SEVERE SPACE CONSTRAINTS DUE TO TRACT SIZE OR OTHER SPECIAL REQUIREMENTS, THE TREE WITHIN THE PROTECTIVE FENCE SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
6. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
7. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
8. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
9. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
10. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
11. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
12. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
13. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.
14. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT THE TREE'S CANOPY OR PLANNING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED REMOVAL PROVIDED.

ADDITIONAL CITY ENGINEER  
SIGNATURE AND SEAL  
REQUIRED AS AN ADDRESS

| LINE | SPACING | CANOPY   | POSTING  |
|------|---------|----------|----------|
| 1    | 12"     | POST OAK | POST OAK |
| 2    | 12"     | POST OAK | POST OAK |
| 3    | 12"     | POST OAK | POST OAK |
| 4    | 12"     | POST OAK | POST OAK |
| 5    | 12"     | POST OAK | POST OAK |
| 6    | 12"     | POST OAK | POST OAK |
| 7    | 12"     | POST OAK | POST OAK |
| 8    | 12"     | POST OAK | POST OAK |
| 9    | 12"     | POST OAK | POST OAK |
| 10   | 12"     | POST OAK | POST OAK |
| 11   | 12"     | POST OAK | POST OAK |
| 12   | 12"     | POST OAK | POST OAK |
| 13   | 12"     | POST OAK | POST OAK |
| 14   | 12"     | POST OAK | POST OAK |
| 15   | 12"     | POST OAK | POST OAK |
| 16   | 12"     | POST OAK | POST OAK |
| 17   | 12"     | POST OAK | POST OAK |
| 18   | 12"     | POST OAK | POST OAK |
| 19   | 12"     | POST OAK | POST OAK |
| 20   | 12"     | POST OAK | POST OAK |
| 21   | 12"     | POST OAK | POST OAK |
| 22   | 12"     | POST OAK | POST OAK |
| 23   | 12"     | POST OAK | POST OAK |
| 24   | 12"     | POST OAK | POST OAK |
| 25   | 12"     | POST OAK | POST OAK |
| 26   | 12"     | POST OAK | POST OAK |
| 27   | 12"     | POST OAK | POST OAK |
| 28   | 12"     | POST OAK | POST OAK |
| 29   | 12"     | POST OAK | POST OAK |
| 30   | 12"     | POST OAK | POST OAK |
| 31   | 12"     | POST OAK | POST OAK |
| 32   | 12"     | POST OAK | POST OAK |
| 33   | 12"     | POST OAK | POST OAK |
| 34   | 12"     | POST OAK | POST OAK |
| 35   | 12"     | POST OAK | POST OAK |
| 36   | 12"     | POST OAK | POST OAK |
| 37   | 12"     | POST OAK | POST OAK |
| 38   | 12"     | POST OAK | POST OAK |

1. CONTRACTOR SHALL CONFORM THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR CONDUITING.
2. ALL PLANTS MUST BE HEALTHY, MATURE AND FREE OF PESTS AND DISEASE. PLANTS MUST BE INSTALLED IN ACCORDANCE WITH THE CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
3. STOCK REPRESENTATIVE SPECIFICATIONS ONLY AND SHALL CONSTITUTE THE BASIS FOR THE CONTRACT. ALL PLANTS MUST BE CONFORMER GROWN OR BLENDED AND BLENDED AS INDICATED ON THE PLANT LIST.
4. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
5. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
6. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
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18. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
19. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
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21. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
22. ALL PLANTS MUST BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.

FOR USE AND BENEFIT OF:  
**HABITAT FOR HUMANITY**  
ADDRESS:  
745 W. CHERRY ST. FAYETTEVILLE  
WASHINGTON COUNTY, ARKANSAS  
DATE: 05/19/24  
SCALE: 1"=40'  
SHEET: 1 OF 3  
DRAWN: DT  
REVIEWED: DT  
COA #1335

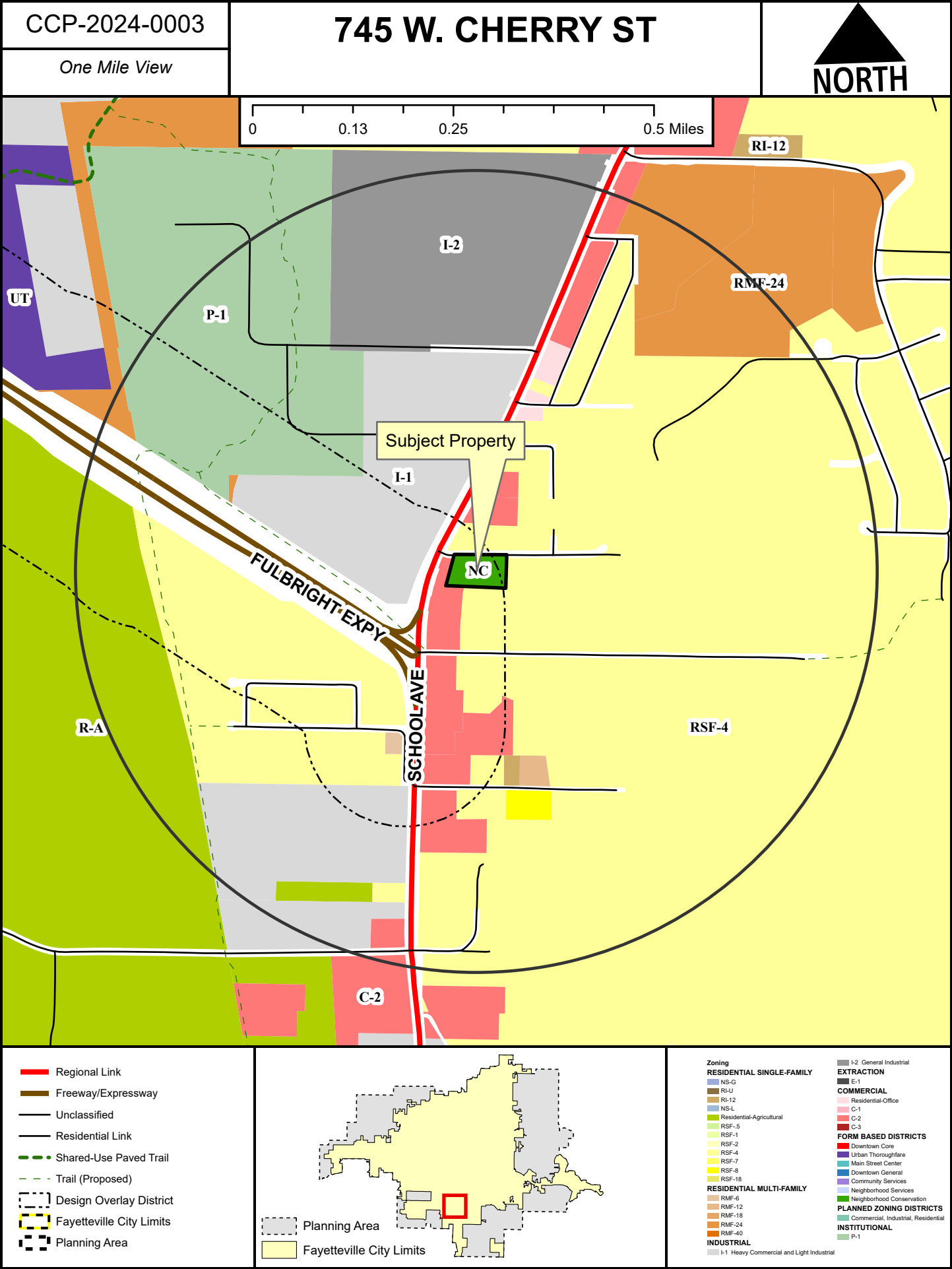
**BATES**  
Engineers • Surveyors  
2230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.8300  
BATES & ASSOCIATES, INC. Copyright 2024  
This plan is prepared by Bates & Associates, Inc. and is the property of Bates & Associates, Inc. It is to be used only for the project and site for which it was prepared and no other use without the written consent of Bates & Associates, Inc. Bates & Associates, Inc. assumes no liability for the consequences of the use of this plan for any other purpose. Bates & Associates, Inc. represents the opinion of Bates & Associates, Inc. of the probability of flooding.

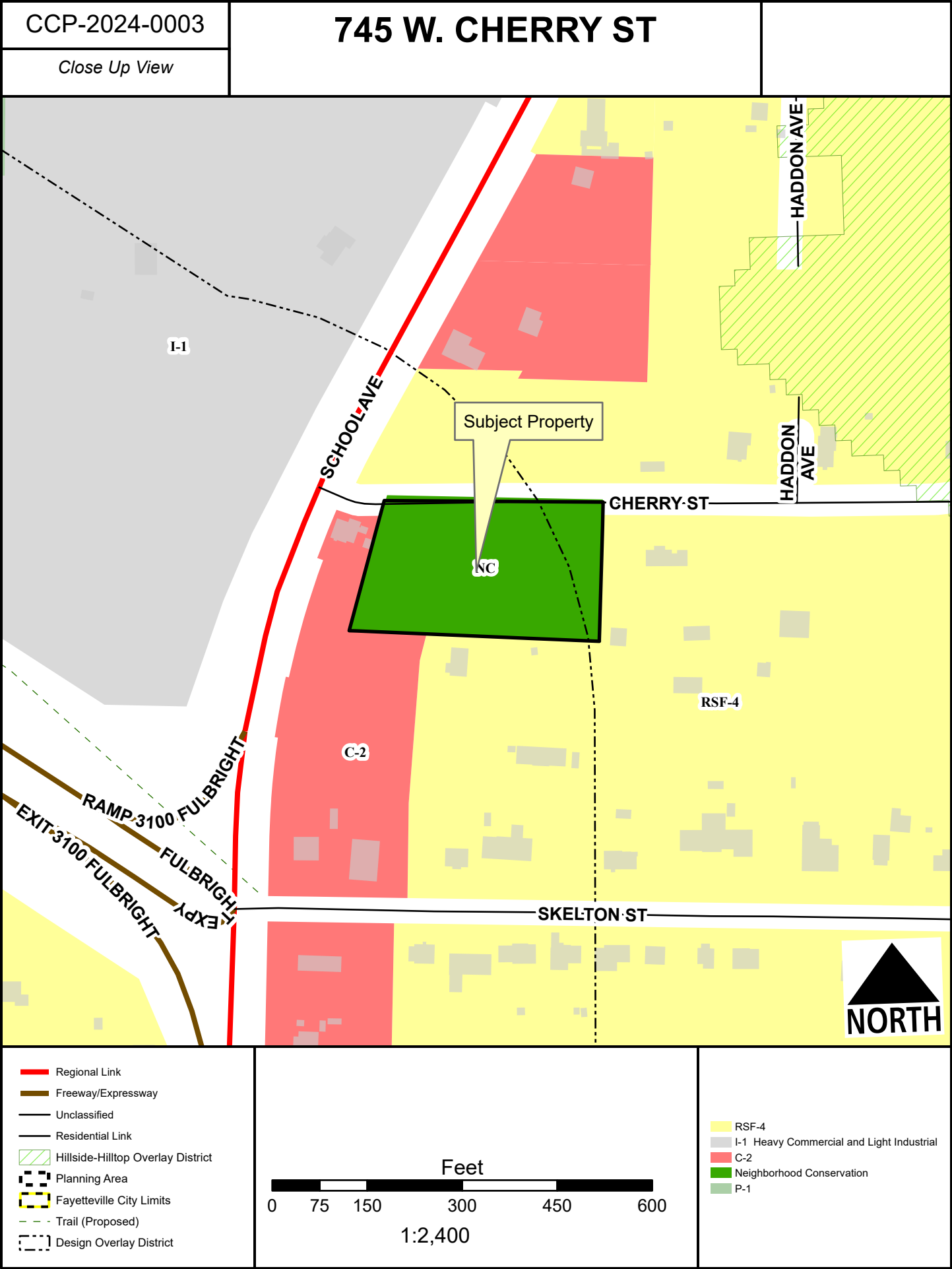
**LEGEND:**  
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.  
ELECTRICAL BOX  
LIGHT  
BOUNDARY LINE (MEASURED)  
PARCEL LINE  
FOREY LINE-THE LINE  
CENTERLINE OF ROAD  
RIGHT-OF-WAY  
WATER LINE  
SEWER LINE  
FENCE  
UTILITY EASEMENT  
BUILDING SETBACK  
OVERHEAD POWER LINE  
5" REBAR  
5" REBAR  
COMPUTED POINT  
SANTARY SINKHOLE  
GAS METER  
WATER METER  
CABLE PEDISTAL  
TELEPHONE PEDISTAL

**REGISTERED PROFESSIONAL ENGINEER**  
AR 01070  
BATES & ASSOCIATES, INC.  
2230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.8300

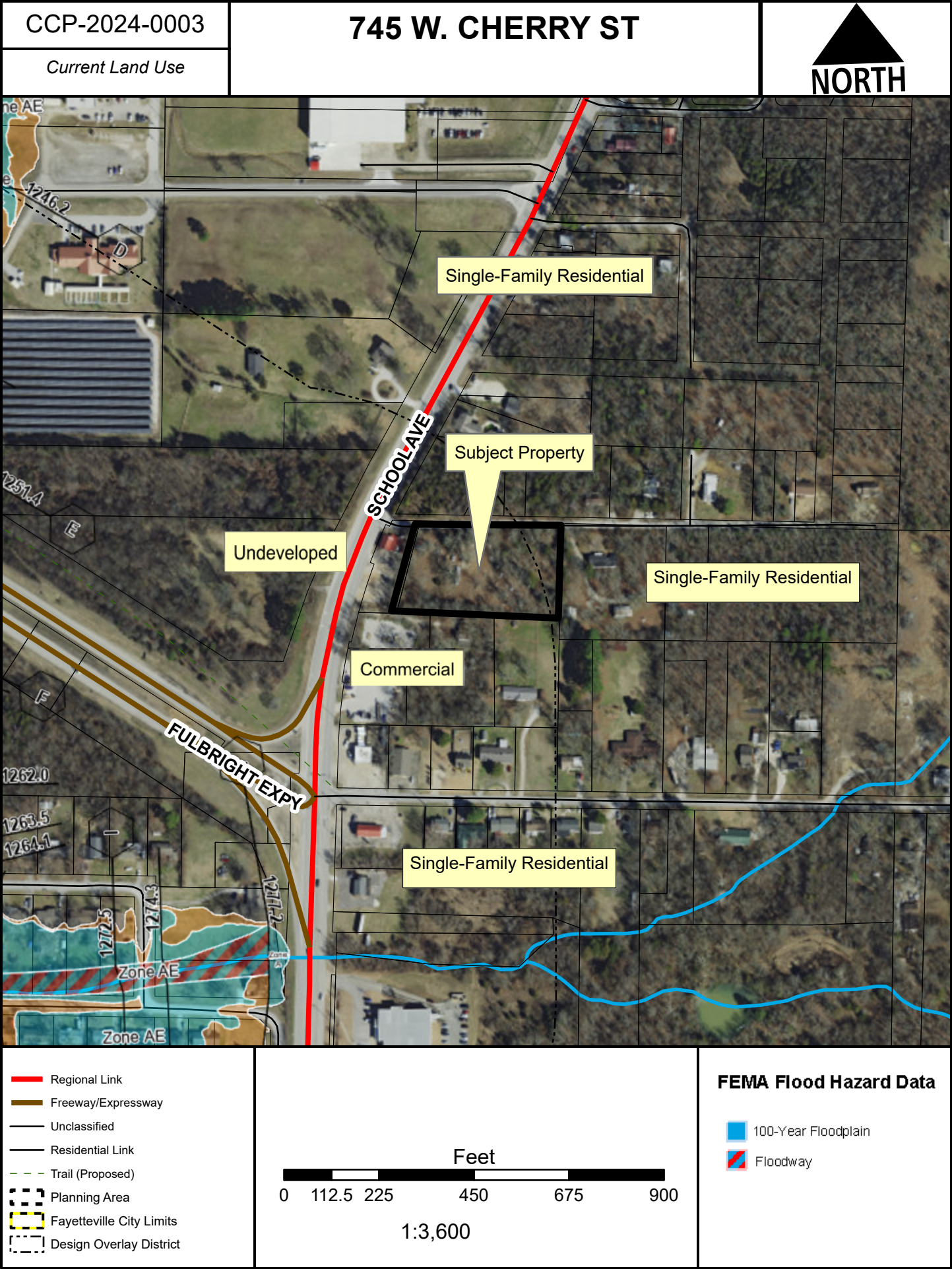
**CERTIFICATE OF AUTHORIZATION**  
BATES & ASSOCIATES, INC.  
2230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.8300

RECORDING NUMBER/DATE  
Planning Commission  
April 8, 2024











**TO:** City of Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** April 8, 2024

**SUBJECT:** **RZN 2024-0011: Rezone (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES):** Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned as PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts.

---

**RECOMMENDATION:**

Staff recommends **RZN 2024-0011** be forwarded to the City Council with a recommendation of approval.

**MARCH 25, 2024, PLANNING COMMISSION MEETING:**

At the March 25, 2024, Planning Commission meeting, the item was tabled to provide additional time for the Planning Commission to review staff's proposal more fully. No changes have been made to the proposal in the interim.

**BACKGROUND:**

The subject properties consist of five Planned Zoning Districts (PZDs) that are located throughout the City limits of Fayetteville. Properties are a mix of fully undeveloped properties, partially developed neighborhoods and/or commercial blocks with sections of undeveloped lots, or part of a larger PZD that has been almost entirely rezoned. The original zoning of these properties, before they became PZDs, range from R-A, Residential-Agricultural to I-1, Heavy Commercial and Light Industrial. Prior to 2014, Fayetteville's PZD standards required all construction permits to be secured within a specific timeframe. If permits were not obtained, then the development rights were null and void. As a result, many of these properties are zoned PZD but since construction was not fully completed within a specific allotted timeframe, the planned zoning district has expired.

Additionally, because planned zoning districts are customized, they are inherently more complicated than the city's standard zoning districts. Many were established before many of the city's current development regulations such as the landscape and tree preservation code were passed, leading to complex zoning regulations that are hundreds of pages long and which are generally outdated. As such, staff propose to rezone the properties to various zoning districts as shown in *Table 1*.

*Request:* City Planning staff requests to rezone the properties from the expired PZD designation to one or more zoning districts as shown in Table 1.

*Public Comment:* Staff sent letters in late February to notify all affected property owners of the staff-initiated rezoning and provide opportunities for initial feedback. A second round of letters was sent with full public notice in March. Over this timeframe, staff have received numerous inquiries and comments which are summarized in a table in the attachments.

**TABLE 1  
EXPIRED PZDs TO BE REZONED**

| PZD Name                      | Ward | Location                                                               | PZD Approval Year | Prior Zoning District | Proposed Zoning  | Acreage                                |
|-------------------------------|------|------------------------------------------------------------------------|-------------------|-----------------------|------------------|----------------------------------------|
| Park West                     | 2    | N. Hwy 112                                                             | 2006              | R-A & RSF4            | UT<br>CS         | 23.70 (UT)<br>15.71 (CS)               |
| Cliffside (AKA Timber Trails) | 1    | S. Pinyon Pt., S. Ray Ave., S. Woodsprings Dr., & E. Peppervine Dr.    | 2004              | RSF-4                 | RI-U<br>R-A      | 18.67 (RI-U)<br>7.44 (R-A)             |
| Springwoods                   | 2    | W. Truckers Dr., W. Chicory Pl., W. Foxglove Dr., and W. Pinehills Dr. | 2003              | I-1                   | UT<br>CS<br>RI-U | 17.05 (UT)<br>6.09 (CS)<br>0.37 (RI-U) |
| Westbrook Village Phase 2     | 4    | W. Clabber Creek Blvd. and N. Salem Rd.                                | 2007              | RSF-4                 | RI-U             | 1.42                                   |
| Paddock Road Subdivision      | 1    | 27 S. Happy Hollow Rd.                                                 | 2005              | RSF-4                 | NC               | 0.20                                   |

*CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan varies by property. Please see Table 2 below.*

**TABLE 2  
FUTURE LAND USE/ZONING COMPARISON**

| PZD Name                      | Future Land Use Designation      | Proposed Zoning | Infill Score        | Overlay Districts                              |
|-------------------------------|----------------------------------|-----------------|---------------------|------------------------------------------------|
| Park West                     | City Neighborhood                | CS & UT         | 2-5<br>Weighted 6   | Enduring Green Network                         |
| Cliffside (AKA Timber Trails) | Residential Neighborhood         | RI-U & R-A      | 6-7<br>Weighted 8   | Enduring Green Network                         |
| Springwoods                   | Urban Center & City Neighborhood | CS & UT         | 3-7<br>Weighted 8   | Enduring Green Network, I-540 Overlay District |
| Westbrook Village Phase 2     | Residential Neighborhood         | RI-U            | 4-5<br>Weighted 5.5 | Enduring Green Network                         |
| Paddock Road Subdivision      | Residential Neighborhood         | NC              | 6-7<br>Weighted 6   | Enduring Green Network                         |



**TABLE 3  
INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

| <b>PZD Name</b>                  | <b>Water</b>                                                                                                      | <b>Sewer</b>                                                                | <b>Drainage</b>                                     | <b>Fire and Police*<br/>Response Goal in Minutes:<br/>Engine: 6 / Ladder: 8</b> | <b>Tree<br/>Preservation+<br/>(Proposed<br/>Zonings)</b> |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------|
| Park West                        | 8" (N. Truckers Dr.)<br>6" (N. Hwy. 112)<br>36" (N. Hwy. 112 &<br>South Property Line)                            | 8" (N. Hwy. 112)<br>48" (South Property<br>Line)                            | Floodplain,<br>Protected<br>Stream<br>Hydric Soils  | Station #8<br>3 Minute Response                                                 | 15% (UT)<br>20% (CS)                                     |
| Cliffside (AKA<br>Timber Trails) | 8" (S. Happy Hollow<br>Rd.)<br>6" & 8" (Throughout<br>Neighborhood)                                               | 8" (S. Happy<br>Hollow Rd.)<br>8" (Throughout<br>Neighborhood)              | Floodplain,<br>Protected<br>Stream, Hydric<br>Soils | Station #3<br>2 Minute Response                                                 | 15% (RI-U)<br>25% (R-A)                                  |
| Springwoods                      | 8" (W. Truckers Dr.)<br>8" (W. Foxglove Dr.)<br>12" (N. Shiloh Dr.)<br>8" (W. Moore Ln.)<br>8" (W. Pinehills Dr.) | 8" (W. Truckers Dr.)<br>8" (Lot 1)<br>8" (W. Pinehills Dr.)<br>48" (Lot 6A) | Hydric Soils                                        | Station #8<br>3 Minute Response                                                 | 15% (UT)<br>20% (CS)<br>15% (RI-U)                       |
| Westbrook<br>Village<br>Phase 2  | 8" (N. Salem Rd.)<br>8" (Alley)<br>2" & 6" (W. Clabber<br>Creek Blvd.)                                            | 15" (N. Salem Rd.)<br>10" (N.<br>Westminster Dr.)<br>8" (Alley)             | Floodplain                                          | Station #8<br>4 Minute Response                                                 | 15% (RI-U)                                               |
| Paddock<br>Road Sub.             | 8" (E. Paddock Loop)<br>8" (Alley 49)<br>8" (S. Happy Hollow<br>Rd.)                                              | 8" (S. Happy<br>Hollow Rd.)                                                 | NA                                                  | Station #3<br>2 Minute Response                                                 | 20% (NC)                                                 |

\*Police did not comment on the proposed rezonings  
+ All PZDs have a required tree preservation of 25%.

### **FINDINGS OF THE STAFF**

**RECOMMENDATION:** Staff recommends RZN 2024-0011 be forwarded to City Council with a recommendation of approval.

|                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u><b>YES</b></u><br><br><b>Date:</b> <u><b>April 8, 2024</b></u> <input type="checkbox"/> Tabled <input type="checkbox"/> Forwarded <input type="checkbox"/> Denied<br><br><b>Motion:</b><br><br><b>Second:</b><br><br><b>Vote:</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PLANNING COMMISSION ACTION:**    Required    **YES**



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 proposed zoning districts are compatible with the surrounding land uses. Staff evaluated permitted and conditional uses within the expired PZDs to determine the nature and intensity of the previously approved PZDs. Where developed or platted, staff evaluated the properties and proposed zoning districts that avoid or minimize nonconformance. For others, staff proposes zoning districts which are compatible with surrounding land uses to the greatest extents possible. See below for specific evaluations.

- **Park West:** Staff recommends rezoning the remaining Park West PZD to a combination of UT and CS. Staff finds the rezoning is consistent with the existing development patterns, including those currently in the development pipeline. All other parcels of the original Park West PZD have since been rezoned with a wide mix of uses, including the most recent rezoning for parcel 765-15830-007 to RMF-18 directly west, proposed to be developed with a multi-family residential development. Other developments originally included within the PZD boundaries include an existing retirement community known as Grand Village at Clear Creek directly west and the Fellowship Baptist Church directly north. Other portions of the Park West PZD to the north and northwest have been rezoned to a mix of CS, UT, and Neighborhood Services-General (NS-G) but have not yet been developed. Further, existing UT is located across Hwy 112 at the 112 Drive-In-Theatre location, which was recently approved for a mixed-use development titled “The Aronson.”

Staff finds that a split rezoning of CS and UT would be compatible in this area given the existing and planned multifamily developments and existing commercial uses. Limiting UT to a smaller portion of the property abutting Hwy 112 would restrict more intensive uses to the areas adjacent to the major thoroughfare, with more limited uses permitted adjacent to residential developments.

- **Cliffside:** Staff recommends rezoning the Cliffside PZD to a combination of RI-U and R-A. The approved PZD included approval for 15 single-family homes and 48 two-family homes. All residential lots were approved with front and rear setbacks of 20 feet. Single-family dwellings were approved with side setbacks of 8 feet on all side property lines, and two-family dwellings were approved to utilize a zero-lot line along a shared common wall. Lot sizes range from approximately 3,500 square feet to 10,600 square feet, with only three parcels meeting lot minimum requirements for the previous RSF-4 zoning. Six of the eight parcels that remain unbuilt have street frontage of approximately 16 feet to 22 feet, with the remaining corner lots having street frontages of nearly 200 feet. Because RI-U has a minimum lot width of 18 feet for residential uses, it is one of the few districts that would allow the existing lots to conform with existing

zoning requirements. RI-U would remain primarily residential in nature with a small number of conditional non-residential uses. While RI-U has no density limitations, staff finds that the zoning is unlikely to result in development that is out of scale with the surroundings as most parcels are small and do not have sufficient width to permit additional subdivision of land. Additionally, while RI-U permits up to three and four family dwellings by right, staff finds this is not likely to lead to development that is incompatible given the existing development patterns of the neighborhood. Further, most parcels are encumbered by utility or drainage easements. Staff proposes to rezone the entire Cliffside development rather than solely the undeveloped parcels in order to create consistent zoning entitlements and reduce administrative difficulty for staff and current/future property owners. Additionally, staff proposes to rezone the areas designated as common areas and tree preservation lots by the approved PZD as Residential Agricultural, R-A, in order to maintain these areas as communal green space. Staff also proposes to rezone PID 765-26323-000 (Lot 119) as R-A, as this lot is owned by the City of Fayetteville. R-A allows Use Unit 3: Public Protection and Utility Facilities by right, which would facilitate the lot's intended purpose.

- **Springwoods:** Staff recommends rezoning the undeveloped portions of the Springwoods PZD to a combination of UT, CS, and RI-U. Due to the overall scale of the PZD acreage, staff is not recommending a full rezoning of the Springwoods PZD at this time, choosing instead to focus on those properties that are either undeveloped or currently under development. Undeveloped lots are spread throughout the PZD in three primary sections further described below. Lot 1 of the Springwoods CPZD was replatted as the Meadow Field Commercial Subdivision in 2006. Lots 1-2, 5-9 & 12 of Meadow Field remain undeveloped and zoning entitlement for these parcels has since expired. Lot 6A of the original Springwoods CPZD and a portion of PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) also remain undeveloped.

Given the proximity of these parcels to the Wilson Springs Creek Preserve, staff finds that the original zoning of I-1 would be incompatible. However, staff notes the remaining parcels within the Meadow Field Commercial Subdivision and Lot 6A abut an I-49 entrance and exit and have the capacity to serve residents throughout the city with large commercial uses. As such, staff evaluated a mix of CS and UT to restore commercial and development rights. Both CS and UT allow a wide mix of residential and commercial uses, creating the opportunity for mixed-use developments rather than solely commercial uses.

Staff initially recommended CS on parcels 765-23604-000, 765-25746-000 and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district. Since the initial recommendation of CS, staff has

consulted extensively with the property owner of PID 765-25746-000 and 765-25745-000, who requested the city propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that since that the original PZD included this use unit by right and surrounding parcels have been extensively developed with auto-oriented developments, the inclusion of a district which permits Use Unit 17 by right is likely to be compatible in these locations. Staff finds UT, Urban Thoroughfare would be consistent for the requested parcels.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains and staff finds that RI-U would best facilitate development in a similar style given limited development area and the consistent development of four-family dwellings.

- **Westbrook Village Phase 2:** Staff recommends rezoning the Westbrook Village Phase 2 PZD to RI-U. The property was originally platted as part of the Salem Village Planned Unit Development (PUD) in 1997, most of which has since been rezoned to RSF-4. The original PUD designated these parcels as mixed-use village centers. A revised PZD was approved in 2006 that revised the permitted uses to either strictly single-family residential or greenspace. All but one parcel designated for development have since been constructed with single-family homes, and staff recommends rezoning to RI-U to bring these parcels to a standard zoning district. RI-U has a minimum lot width of 18 feet for residential uses, which would allow the existing lots to conform with existing zoning requirements. Internal parcels here have approximately 20 feet of street frontage. Given existing development patterns and existing lot sizes, staff finds the uses permitted in RI-U are not likely to create development that is out of sync on the remaining undeveloped parcel.
- **Paddock Road Subdivision:** Staff recommends rezoning the Paddock Road Subdivision PZD to NC. This parcel has been developed and has not expired; however, all other parcels within the original PZD have been rezoned in the years since its passage. Because of this and the complexity of the Paddock Road Subdivision PZD, staff recommends this parcel be rezoned to NC, Neighborhood Conservation. The parcels to the immediate west and south were successfully rezoned to NC, Neighborhood Conservation in 2014 and the rezoning of the remaining parcel would fully eliminate the remaining RPZD, creating consistent zoning entitlements and reducing administrative difficulty for staff and current/future property owners. The existing parcel meets bulk and area as well as minimum buildable street frontages required by the NC zoning. As the parcel is already constructed with a residence, staff finds a rezoning is unlikely to result in development that is inconsistent with the surrounding parcels.

**Land Use Plan Analysis:** The proposed zonings are compatible with the Future Land Use Map, which vary from property to property (see Table 2). Staff finds that the recommended zoning districts are generally compatible with goals to encourage infill and discourage suburban sprawl, create compact, complete and connected development, provide opportunities for attainable housing, and grow a livable transportation networks. Additionally, rezoning the remaining parcels will eliminate many planned zoning districts, simplifying the zoning regulations and bringing these areas into conformance with current zoning standards.

- **Park West:** Staff finds that rezoning the remaining Park West PZD to a combination of UT and CS will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. City Neighborhood Areas, encourage “complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population.” The expired PZD included a mixed-use district, commercial, condominiums, and a preserve/botanical/detention area. Staff finds that the reduced uses permitted by the CS district would be compatible adjacent to existing and proposed residential developments to the west with UT abutting the highway. Staff further finds that the additional pedestrian-oriented requirements of the form-based CS / UT zoning districts generally align the city 2040 Growth Plan, which calls for all centers to be “mixed-use nodes that are pedestrian friendly areas served by current or future transit.” The parcel is approximately 800 feet north of a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection.
- **Cliffside:** Staff finds that the split zoning of RI-U and R-A will bring the overall neighborhood into standard zoning districts that will simplify future city reviews, allow for infill, protect existing open space, and permit the city-owned parcel to be utilized for Use Unit 3: Public Protection and Utility Facilities. These units have a moderate infill score of 6-7, though staff notes that only eight parcels within the neighborhood remain undeveloped. The affected parcels are between  $\frac{1}{2}$  and  $\frac{3}{4}$  of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center 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.
- **Springwoods:** Staff finds that rezoning the undeveloped lots in the Springwoods PZD to a combination of UT, CS, and RI-U will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. Lot 6A is designated as Urban Center on the Future Land Use Map, which includes “the most intense and dense development patterns within the city and allow for the tallest and greatest variety of buildings.” Undeveloped parcels within the Meadow Field Commercial

Subdivision (lots 1-2, 5-9 & 12) and PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) are designated as City Neighborhood Areas, which encourage “complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population.” The affected parcels are between approximately  $\frac{1}{4}$  to  $\frac{3}{4}$  of a mile from a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection. Staff finds that the additional pedestrian-oriented requirements of the form-based CS / UT zoning districts generally align with the City 2040 Growth Plan, which calls for all centers to be “mixed-use nodes that are pedestrian friendly areas served by current or future transit,” a development style that would be facilitated by the proposed zoning districts.

Staff initially recommended CS on parcels 765-23604-000, 765-25746-000 and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district, which could be located on the remaining lots near or abutting I-49. Since the initial recommendation of CS, staff has consulted extensively with the property owner of PID 765-25746-000 and 765-25745-000, who requested the city propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that given that the original PZD included this use unit by right and that surrounding parcels have been extensively developed with automobile-oriented uses, auto-oriented uses are likely to be compatible in these locations. Additionally, given the presence of the Wilson Springs Preserve and limited access off N. Shiloh Dr., an existing one-way access road, staff finds that the only residential areas with easy access to future developments commercial developments are likely the neighborhood abutting W. Moore Ln. As such, staff finds most of the commercial developments will likely serve the city as a whole and that UT would be compatible in this case.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains, and staff finds that RI-U would best facilitate development in a similar style given the limited development area and consistent development of four-family dwellings.

- **Westbrook Village Phase 2:** Staff finds that the RI-U zoning district substantially aligns with previously permitted bulk and area requirements as well as land uses of the previously approved PZD. Many parcels are less than 30 feet in width, and RI-U would allow these narrower parcels to remain conforming while restoring development rights on the undeveloped parcel. The affected parcels are approximately  $\frac{1}{2}$  of a mile south from a Tier 3 Center located north of the N. Ruppel Rd. and W. Country Meadows St. intersection, and approximately  $\frac{3}{4}$  of a mile north of a Tier 2 Center located at the N. Ruppel Rd. and W. Mount Comfort Rd. intersection.

- **Paddock Rd. Subdivision:** Staff finds that rezoning this sole remaining parcel of the Paddock Road Subdivision to NC will eliminate complex requirements that may run counter to existing tree preservation and landscape requirements. While this PZD has not expired, it was approved during the adoption of the original HHOD and included several self-imposed tree preservation requirements. Today, site development standards are sufficiently addressed within current tree preservation codes and grading ordinances. The NC zoning district will permit development of a median density similar to the expired PZD, allowing an effective use of the existing infrastructure if the site is ever redeveloped. The affected parcel is between  $\frac{1}{2}$  and  $\frac{3}{4}$  of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center 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.

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

**Finding:** In staff's opinion, the recommended zoning districts are justified at this time as the properties are currently within either an expired PZD with no development rights or a PZD with outdated and complex requirements. This is a necessary measure to ensure and protect the rights of the existing property owners. Further, staff's recommendations are in line with the current surrounding land uses and the Future Land Use Map.

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. The proposed rezoning districts are substantially compatible with existing development patterns and/or previously approved entitlements. Staff finds that the grounds for these entitlements, including no appreciable increase in traffic congestion or danger, still stand.

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 permitted under the expired PZDs, and existing utility and street infrastructure is present for all properties in this report. Police, Fire, and Fayetteville School District have 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

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- City Attorney Memo- Expired PZDs
- PZD Ordinances
  - ORD 4434 Excerpts (2002)
  - ORD 5675 Excerpts (2014)
- Request Letter
- Public Comment
  - Public Comment Summary Table
  - Written Public Comments
- Maps
  - Citywide Overall Map
  - Comparison Maps
  - Close-up Maps
  - Current Land Use Maps
  - Future Land Use Map



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Jodi Batker  
Paralegal

TO: **Jonathan Curth**, Development Services Coordinator  
**Jessica Masters**, Development Review Manager

CC: **Blake Pennington**, Senior Assistant City Attorney  
**Hannah Hungate**, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **November 13, 2023**

RE: **Properties that have not yet been rezoned after their old PZDs with zoning/development rights have expired**

Properties such as the Park West PZD which rezoned almost 140 acres, but was never developed and now has no development rights, should be rezoned by the City to its original zoning. This would mean that all un-zoned remnants of the 140 acre Park West PZD should be returned to R-A.

R-A has always been used when annexing in new, un-zoned property. It is a proper initial zoning. It is also quite proper when a rezoning away from R-A which occurred in the Park West PZD failed due to lack of timely development. I know Planning looked at many of these expired old PZD's with initial development rights and requested and received rezoning approvals by the City Council.

It is now time to finish the job so no expired PZD property remains in undevelopable limbo. A simple return to the previous zoning is logical. A property owner then may seek rezoning to another appropriate zoning which may be approved by the City Council upon the owner's application.

It is not appropriate to allow any property with old PZD expired zoning with no development rights to remain anywhere in Fayetteville.





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*City Attorney*

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*Paralegal*

TO: **Jonathan Curth**, Development Services Coordinator  
**Jessica Masters**, Development Review Manager

CC: **Blake Pennington**, Senior Assistant City Attorney  
**Hannah Hungate**, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **November 15, 2023**

RE: **"Expired Planned Zoning District Exhibit"**

Thank you for providing me a copy of your "Expired Planned Zoning District Exhibit." However, one of these has not and will not "expire." When the PZD Ordinance was amended on April 1, 2014 by Ordinance No. 5675 to become a normal rezoning decision by severing the construction rights from the rezoning decision, PZD rezonings like all other zoning decisions became permanent.

Final Plats, Large Scale Developments, and other development authorizing decisions do have time limitations and can expire if not developed. The original PZD joined the rezoning with development rights which led to a time limitation for the entire PZD including its zoning component. This unification of a rezoning and development entitlement into a single decision caused a major problem when a PZD was challenged in Court. The Judge decided not to use rezoning's normal "arbitrary and capricious" test which grants great discretion to the City Council. (The City Council has never had one of its rezoning decisions reversed in Court this century.) The Court instead used the land development test in which gives the Judge or jury great discretion to decide for themselves the rezoning issue.

The *U.D.C.* was amended so that new PZDs would become pure rezoning issues which ensured the proper "arbitrary and capricious" test would protect the City Council's rezoning decision. That amendment also removed the time limited component of development rights so that PZDs like all other rezonings became permanent (at least until future City Council amendment).



The title of the 2014 Ordinance stated the amendment was "TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS..." The Planning Department's Agenda Memo recommending the 2014 amendment to make a PZD exclusively a rezoning decision states: "One final change is to amend the modification requirements and remove PZD revocation...Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments."

Any PZD approved after April 2014 should have been a purely rezoning issue without the construction rights of a development approval. Accordingly, any PZD so adopted will not expire which includes the Underwood (R-PZD-20-7093) erroneously listed on your exhibit as expired. Any future development on this property would have to comply with the current PZD requirements or seek rezoning from the City Council.

The remnants of the Park West PZD can be rezoned to its original R-A zoning district or whatever the City Council deems appropriate. The Springwoods PZD is an unusual situation. This land was purchased by the City in the 1980's and zoned I-1, Heavy Commercial and Light Industrial to encourage Texas Instruments to locate in Fayetteville. When that did not happen, the Administration and City Council around 2002-2003 sought to sell this land while preserving a substantial area around Wilson Springs for conservation. Some parcels have been developed and the conservation area dedicated. Remnant parcels should be rezoned to R-A or other compatible zoning rather than spot zoned back to the incompatible I-1. Again, the City Council needs to promptly make its legislative decision on what the preferred zoning should be.

All City Council rezoning decisions will be accorded great deference by the Courts if challenged. I also do not believe that these decisions to rezone remnants of expired PZDs could be successfully challenged as takings even under the Private Property Protection Act since none would actually be downzonings or zonings providing fewer or less valuable development rights as were in existence in April of 2014.

## ORD 4434 Excerpts



### ORDINANCE NO. 4434

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO ESTABLISH A PROCESS FOR THE EVALUATION AND APPROVAL OF PLANNED ZONING DISTRICTS.

**WHEREAS**, flexible guidelines for the review of specific development plans are desirable; and,

**WHEREAS**, informed land use decisions can guide development more effectively in the best interest of the health, safety and welfare of the city; and

**WHEREAS**, developments that are compatible with the surrounding area, harmonious with the character of the neighborhood, do not have a negative effect upon the future development of the area and create a stable environment are desirable; and

**WHEREAS**, the development and zoning review process shall be enhanced when review and approval of development and zoning are addressed simultaneously;

### **NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That Chapter 161 Zoning Regulations is amended by inserting §161.22 District PZD Planned Zoning District, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 166 Development is amended by inserting §166.18 Planned Zoning District Developments, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3. That Chapter 163 Use Conditions, Section §163.21 Limited Neighborhood Commercial Uses Within Residential Districts of the Code of Fayetteville is hereby repealed.

Section 4. That Chapter 159: Fees, Section §159.01 Fees/Schedule, subsection (B)(3) is amended by adding a fee for Planned Zoning District applications as follows:

#### *§159.01 Fees/Schedule*

- A. Fees
- B. Fee Schedule
- 3. Development

#### ***Planned Zoning District***

|                              |                |
|------------------------------|----------------|
| <i>Non-residential</i>       | <i>\$1,125</i> |
| <i>Residential:</i>          |                |
| <i>10 units/lots or less</i> | <i>\$525</i>   |
| <i>25 units/lots or less</i> | <i>\$725</i>   |
| <i>25 units/lots or more</i> | <i>\$1,125</i> |

Section 5. That Chapter 151: Definitions is amended by deleting the definition of **Planned Unit Development** and adding the following definitions:

**Common Open Space.** Land within or related to a development, not individually owned or dedicated for public use, which is reserved for the exclusive use or enjoyment of the residents or occupants of the development and their guests.

**Planned Zoning District.** A zoning district that allows for comprehensively planned developments for either single-use or mixed-use and permits development and zoning review as a simultaneous process.

**Private Open Space.** The outdoor living area directly adjoining a dwelling unit or building, intended for the private enjoyment of the residents or occupants of the dwelling unit or building and defined in such a manner that its boundaries are evident.

**Public Open Space.** Open space, including but not limited to, any park, lake, stream, playground, or natural area, commonly open to the public.

**Recreational Structures.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that has a primary use that is recreation in nature. Among other things, recreational structures include tennis courts, basketball courts, swimming pools and jogging trails.

Section 6. That §166.05 (A) Requirement is hereby repealed and replaced with the following:

**§166.05 Large Scale Development**

**A. Requirement.** The development of a lot or parcel larger than one acre or development of a Planned Zoning District must be processed in accordance with the requirements for a large-scale development.

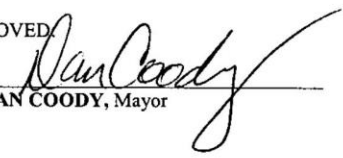
Section 7. That §166.60 Planned Unit Development of the Unified Development Ordinance is hereby repealed.

**PASSED and APPROVED** this the 19<sup>th</sup> day of November, 2002.



By:   
HEATHER WOODRUFF, City Clerk

APPROVED

By:   
DAN COODY, Mayor

## **EXHIBIT "A"**

*To be inserted in Chapter 161 Zoning Regulations:*

### **§161.22 District PZD Planned Zoning District.**

**A. Purpose.** The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

1. *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
2. *Compatibility.* Providing for compatibility with the surrounding land uses.
3. *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
4. *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
5. *No negative impact.* Does not have a negative effect upon the future development of the area;
6. *Coordination.* Permit coordination of the planning of the land surrounding the PZD and cooperation between the City and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
7. *Open Space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
8. *Natural Features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
9. *General Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
10. *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

**B. Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166 Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.



## **EXHIBIT "B"**

*To be inserted in Chapter 166: Development:*

### **§166.18 Planned Zoning District Developments**

- A. Applicability.** To be considered for a planned zoning district, the applicant shall meet all of the following criteria:
1. **Location.** Eligible properties include those located within the city limits.
  2. **Ownership.** Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved development plan shall be binding on all subsequent owners of the land until revised or modified.
  3. **Size.** There shall be no minimum tract size for a PZD application.
- B. Application.** The initial application for a PZD shall include the following items:
1. **Application.** Complete application form to request a PZD.
  2. **Copies.** Copies of a development plan in accordance with the submission requirements on the project application form. Copies of a preliminary plat if a subdivision of land is proposed in accordance with the preliminary plat application form.
  3. **Fee.** Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDO. If a subdivision of land is proposed, a fee for the preliminary plat shall also be paid.
- C. Review and Approval Procedures.**
1. **Pre-application meeting.** Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the development review process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys and other data required in a preliminary plan.
  2. **Planning Commission.** All planned zoning district applications shall follow the procedures for large scale development as set forth in §166.05 Large Scale Development. If a subdivision of land is proposed, the applicant shall obtain subdivision approval as set forth in 166.01 Subdivision Approval.
  3. **City Council.** If the development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed by the Planning Commission prior to City Council review. The City Council may direct Planning Commission to reconsider specific aspects of the plan. If the development plan is approved, an ordinance shall be prepared which incorporates the plan and conditions.
  4. **Appeals.** Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDO.

**Paving Width**  
(No On-Street Parking)

| Dwelling Units | One-Way | Two-Way |
|----------------|---------|---------|
| 1 - 20         | 14'     | 22'     |
| 21+            | 14'     | 24'     |

**\*Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (9). All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
  - (10.) There shall be no minimum building setback requirement from a private street.
  - (11). The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.
12. **Construction of Nonresidential Facilities.** Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.
13. **Tree Preservation.** All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.
14. **Commercial Design Standards.** All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.
15. **View Protection.** The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

**E. Revocation.**

1. **Causes for revocation as enforcement action.** The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- a. **Building permit.** If no building permit has been issued within the time allowed.
- b. **Phased development schedule.** If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- c. **Open space and recreational facilities.** If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of



construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

2. **Procedures.** Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
3. **Effect.** In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

**F. Covenants, trusts and homeowner associations.**

1. **Legal entities.** The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
2. **Common areas.** If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
  1. The homeowner's association must be legally established before building permits are granted.
  2. Membership and fees must be mandatory for each home buyer and successive buyer.
  3. The open space restrictions must be permanent, rather than for a period of years.
  4. The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
  5. Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.
  6. The association must be able to adjust the assessment to meet changing needs.

## ORD 5675 Excerpts

Doc ID: 015677290005 Type: REL  
Kind: ORDINANCE  
Recorded: 04/11/2014 at 09:07:54 AM  
Fee Amt: \$35.00 Page 1 of 6  
Washington County, AR  
Kyle Sylvester Circuit Clerk  
File **2014-00008557**

### ORDINANCE NO. 5675

AN ORDINANCE TO AMEND § 161.32 **PLANNED ZONING DISTRICT** AND § 166.06 **PLANNED ZONING DISTRICT** OF THE UNIFIED DEVELOPMENT CODE TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS AND TO SIMPLIFY AND REDUCE CURRENT REGULATIONS AND TO ENACT AN EMERGENCY CLAUSE

**WHEREAS**, the Planned Zoning District ordinance was established to allow concurrent processing of zoning and development plans; and

**WHEREAS**, the City of Fayetteville Planning Commission may grant approval of development applications; and

**WHEREAS**, the City of Fayetteville City Council may approve and enact zoning amendments; and

**WHEREAS**, the City of Fayetteville desires to establish clear boundaries in the development and zoning review process of a Planned Zoning District request; and

**WHEREAS**, the Unified Development Code's regulations should be clarified, simplified and shortened whenever possible and feasible.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 161.32 **Planned Zoning District** in its entirety and enacts a replacement § 161.32 **Planned Zoning District** as shown in Exhibit "A."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.06 **Planned Zoning District** in its entirety and enacts a replacement § 166.06 **Planned Zoning District** as shown in Exhibit "B."



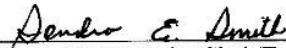
Section 3. EMERGENCY CLAUSE. That the City Council of the City of Fayetteville, Arkansas hereby determines that the need to immediately resolve the issue of how Planned Zoning Districts should be applied for and handled as a zoning issue is necessary for the public peace, health and safety. Therefore, the City Council of the City of Fayetteville, Arkansas hereby declares an emergency exists such that this ordinance shall be in full force and effect from the date of its passage.

**PASSED and APPROVED** this 1<sup>st</sup> day of April, 2014.

APPROVED:

ATTEST:

By:   
LIONEL JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer



## EXHIBIT "A"

### 161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD

and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

CD161:1

- (b) the densities allowed under the current zoning;
  - (c) the urban development goals and other policies of the city's Future Land Use Plan;
  - (d) the topography and character of the natural environment; and
  - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

### **161.33-161.99 Reserved**

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

CD161:2

## EXHIBIT "B"

### 166.06 Planned Zoning District (PZD)

#### (A) General Requirements.

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

#### (B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

#### (C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)

CD166:1





## CITY COUNCIL AGENDA MEMO

**To:** Mayor Jordan, City Council

**Thru:** Don Marr, Chief of Staff

Jeremy Pate, Development Services Director

**From:** Jesse Fulcher, Senior Planner

**Date:** February 28, 2014

**Subject:** ADM 13-4602 (UDC Amendment: Chapter 161.32 Planned Zoning District and Chapter 166.06 Planned Zoning District)

### RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the Planned Zoning District (PZD) regulations. The amendments are significant; however, it is staff's opinion that the PZD remains a valuable tool to retain the ability for the Council to see a zoning and development item processed concurrently. The Council makes important legislative decisions related to zoning: building height, setbacks from adjacent properties, permitted and conditional uses, etc. A PZD proposal is a unique custom zoning district, allowing the City Council to review and approve or deny the proposal with neighborhood, staff and applicant input.

### BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

### PROPOSAL

Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.

A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a

development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and highlight in the attached document.

**DISCUSSION**

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-1 with Commission Chessser voting 'no'.

**BUDGET IMPACT**

None.



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

**CITY-INITIATED REZONING (PZDS)**

February 21, 2024

**Re: City-Initiated Rezoning of Planned Zoning Districts**

Dear Planning Commission and City Council,

City staff recently completed a review of existing Planned Zoning Districts throughout the city and identified properties that would benefit from a rezoning due to outdated/expired zoning entitlement, including properties in Cliffside Subdivision, Paddock Road Subdivision, Westbrook Village II, Springwoods, and Park West. City staff will be initiating a rezoning to confirm land use rights, clean up City records, and bring these properties into consistency with City Plan 2040, Fayetteville's comprehensive land use plan.

For background, these parcels are zoned under a "Planned Zoning District (PZD)." This designation established custom zoning and development standards for these properties to allow for more specific permitted uses, setbacks, lot sizes, and other requirements with the approval of the Planning Commission and City Council. However, prior to changes to this ordinance in 2014, this zoning approval was tied to a development plan and was set to expire if all needed permits were not received in a timely manner. Due to the outdated nature of the existing zoning entitlement, this could create difficulties for any future construction, major renovations, efforts to revise property lines, subdivide parcels, or request other permits that require review of City's zoning code. In order to avoid those issues, staff is recommending that the property be rezoned to one of the City's standard zoning districts.

Staff has analyzed each PZD to determine what types of land uses, lot sizes, setbacks, and building heights were originally permitted in each district, and compared that with current land uses on the property or in the immediate vicinity. Staff used this information as well as comparisons with the City's Future Land Use map to identify recommendations for which of the city's existing zoning districts would be the best fit for each parcel. Those recommendations will be first heard by the Planning Commission on March 25, 2024, and will ultimately go to the City Council for final consideration.

If you have any questions, or would like more information about staff's recommendations, please feel free to contact me directly at (479) 575-8239. You may also reach out to the main City of Fayetteville Planning office at (479) 575-8267.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessie Masters'.

Jessie Masters, AICP  
Development Review Manager

**EXHIBIT  
PUBLIC COMMENTS**

| PZD Name                      | Public Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cliffside (AKA Timber Trails) | One phone inquiry requesting additional information on the proposed zoning districts.<br>One email inquiry requesting additional information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Paddock Road Subdivision      | No Comments Received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Westbrook Village Ph. 2       | One inquiry regarding extent of proposal and expressing general support for proposed rezoning.<br><br>One inquiry regarding proposed zoning / future plans and expressing general concerns about flooding and drainage within the neighborhood, particularly to the south of the proposed rezoning area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Springwoods                   | PID 765-25746-000 & PID 765-25745-000 (Lots 1 & 2): Extensive email and phone conversations with staff regarding expiration of PZD, rezoning process, and staff request. The owner is opposed if rezoning is forwarded with a recommendation of CS. Owner preference in favor of request with change to UT.<br><br>PID 765-23604-000 (Lot 6A): Email / phone conversation with ownership team. Owner in support of staff-proposed rezoning<br><br>PID 765-25752-000& 765-25756-000 (Lots 8 & 12): Slight concern about CS and UT, but owner may be looking at doing some form of warehouse use.<br><br>PID 765-26552-000 (Pines at Springwood): Phone Inquiry from the POA board president clarifying the scope of the request. Caller expressed general support for the rezoning, acknowledging that RI-U aligns with what has been constructed in the neighborhood already. |
| Park West                     | Phone Inquiry from property owners: Minimal concern about split zoning of UT and CS as potential development could work in both districts, general support of request. Owners are also working through other development issues such as easement and ROW acquisitions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**LEGEND**

(See comments for details)

**TEXT** = Neither support nor opposition to request expressed

**TEXT** = Comment in support

**TEXT** = Comment in opposition

## Wonsower, Donna

---

**From:** Masters, Jessica  
**Sent:** Monday, March 18, 2024 1:22 PM  
**To:** Don Nelms  
**Cc:** David Nelms; Scott Price; Wonsower, Donna  
**Subject:** RE: Proposed rezoning

Mr. Nelms,

Thank you for the follow up, and for taking the time to review the UT zoning district. We certainly appreciate the feedback, and we will get this accounted for in our forthcoming report.

Jessie

**Jessie Masters, AICP**

Development Review Manager  
City of Fayetteville, Arkansas  
(479) 575-8239

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

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



---

**From:** Don Nelms <dnelms46@gmail.com>  
**Sent:** Monday, March 18, 2024 11:52 AM  
**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Cc:** David Nelms <daviddnelms@gmail.com>; Scott Price <gscottar@gmail.com>  
**Subject:** Proposed 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.

Dear Jessie,

I really appreciate you taking the time to visit with me about zone district PZD and the rezoning of Springwood. I am satisfied that changing this to UT will accommodate all of our needs. Thank you very much for agreeing to do this for us. That will eliminate my concerns and make our lives much easier.

--

Don Nelms  
Jasper 870-446-6477  
Gallery 870-446-5477  
Fayetteville 479-521-3963  
Cell 479-841-2886  
[dnelms46@gmail.com](mailto:dnelms46@gmail.com)  
[www.nelmsgallery.com](http://www.nelmsgallery.com)



## Wonsower, Donna

---

**From:** Masters, Jessica  
**Sent:** Thursday, February 29, 2024 8:09 AM  
**To:** Tim Brisiel; Wonsower, Donna  
**Subject:** RE: Timber Trails

Tim,

Thank you for the inquiry, and for clarifying the location. Staff is going to be recommending RI-U for those lots, and R-A for the lots that are greenspace.

Let me know if you have any comments that you would like for the Commission to consider!

Jessie

**Jessie Masters, AICP**  
Development Review Manager  
City of Fayetteville, Arkansas  
(479) 575-8239

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

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



---

**From:** Tim Brisiel <Tim@Legacyventuresnwa.com>  
**Sent:** Wednesday, February 28, 2024 5:17 PM  
**To:** Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Tim Brisiel <Tim@Legacyventuresnwa.com>  
**Subject:** Timber Trails

**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.

The lots I own are all of them clouded in red. It is a total of eight lots. please disregard any verbiage as this is an old sheet but at least you could see the lots in question.

Thank you!

Tim Brisiel  
Legacy Ventures | Legacy Asset Management  
PO Box 8216  
Fayetteville, AR 72703  
479-790-3315

Currently mobile so please forgive spelling and grammar!



## Wonsower, Donna

---

**From:** Masters, Jessica  
**Sent:** Thursday, February 29, 2024 3:43 PM  
**To:** Wonsower, Donna  
**Subject:** Expired PZD - Inquiries

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Donna,

I have so far received two phone calls about the staff-initiated rezoning.

Foxglove: Slightly concerned about CS and UT, but it sounds like they may be wanting to do some form of warehousing use anyway. They may be following up with an email regarding this.

HWY 112 (east of Truckers Drive): Not terribly concerned about the split of UT and CS, since they are trying to do residential and the use schedule in both of those zoning districts would allow for it. They are also working out other issues such as easement acquisitions and ROW acquisitions.

Thanks!

Jessie

**Jessie Masters, AICP**

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

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

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

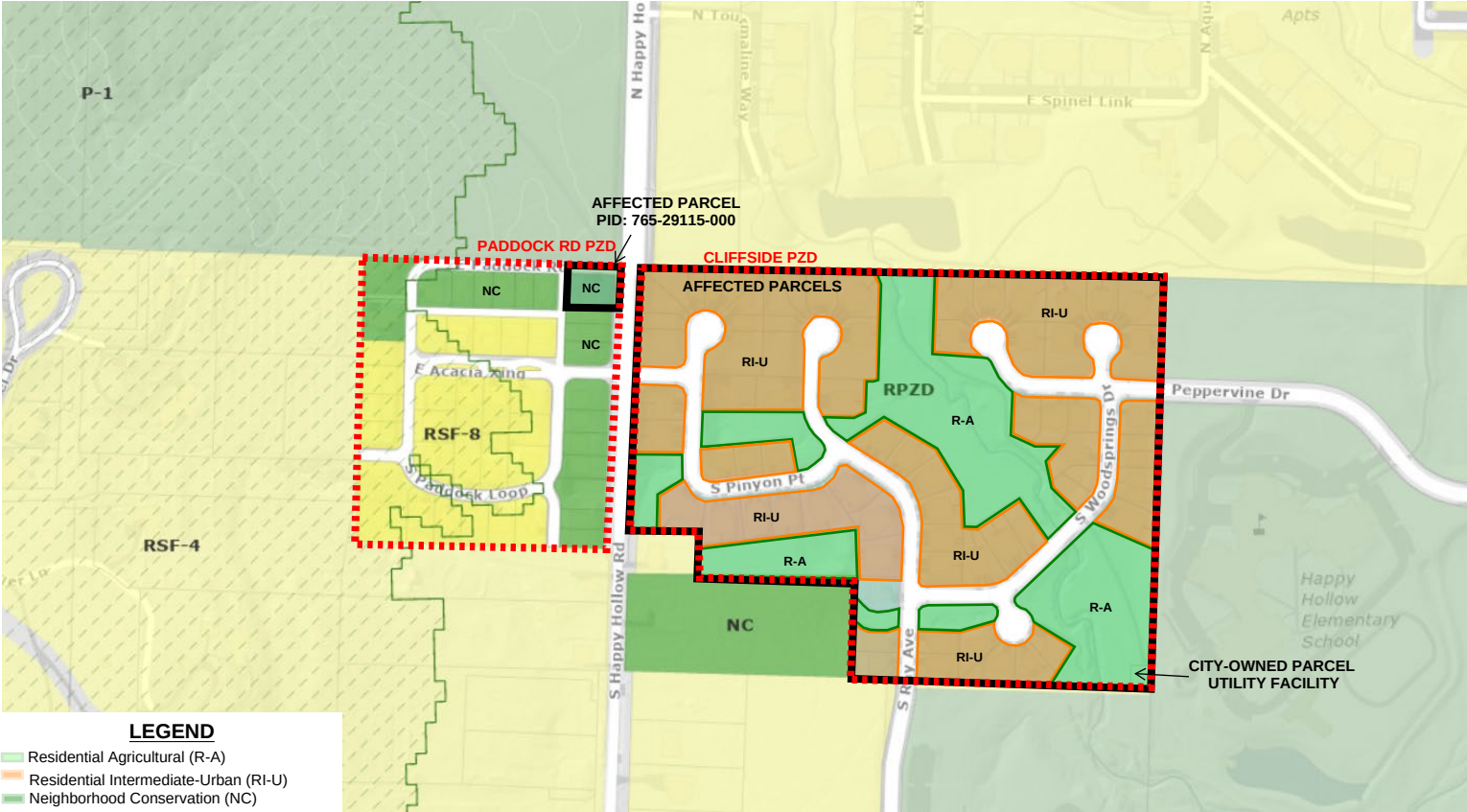
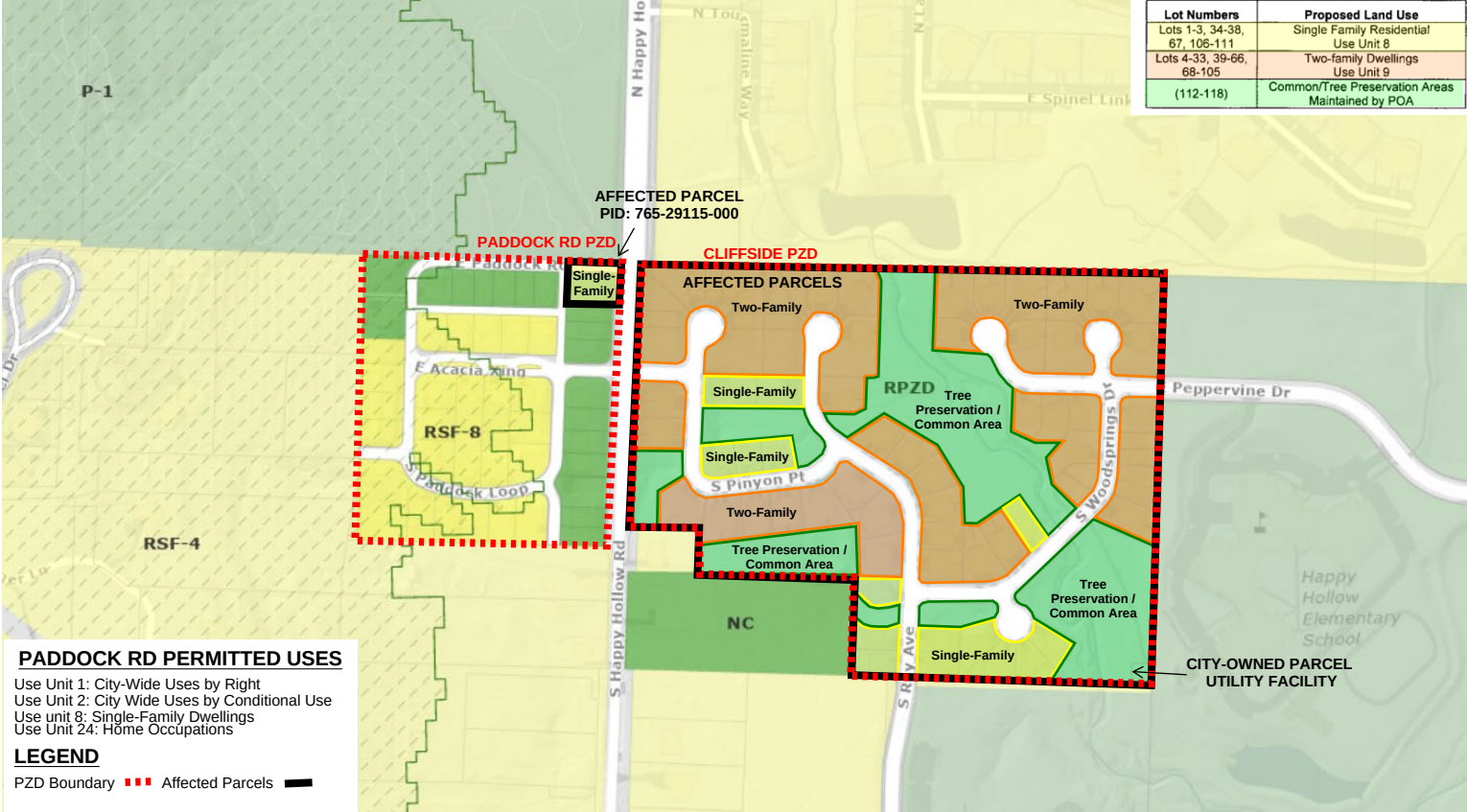




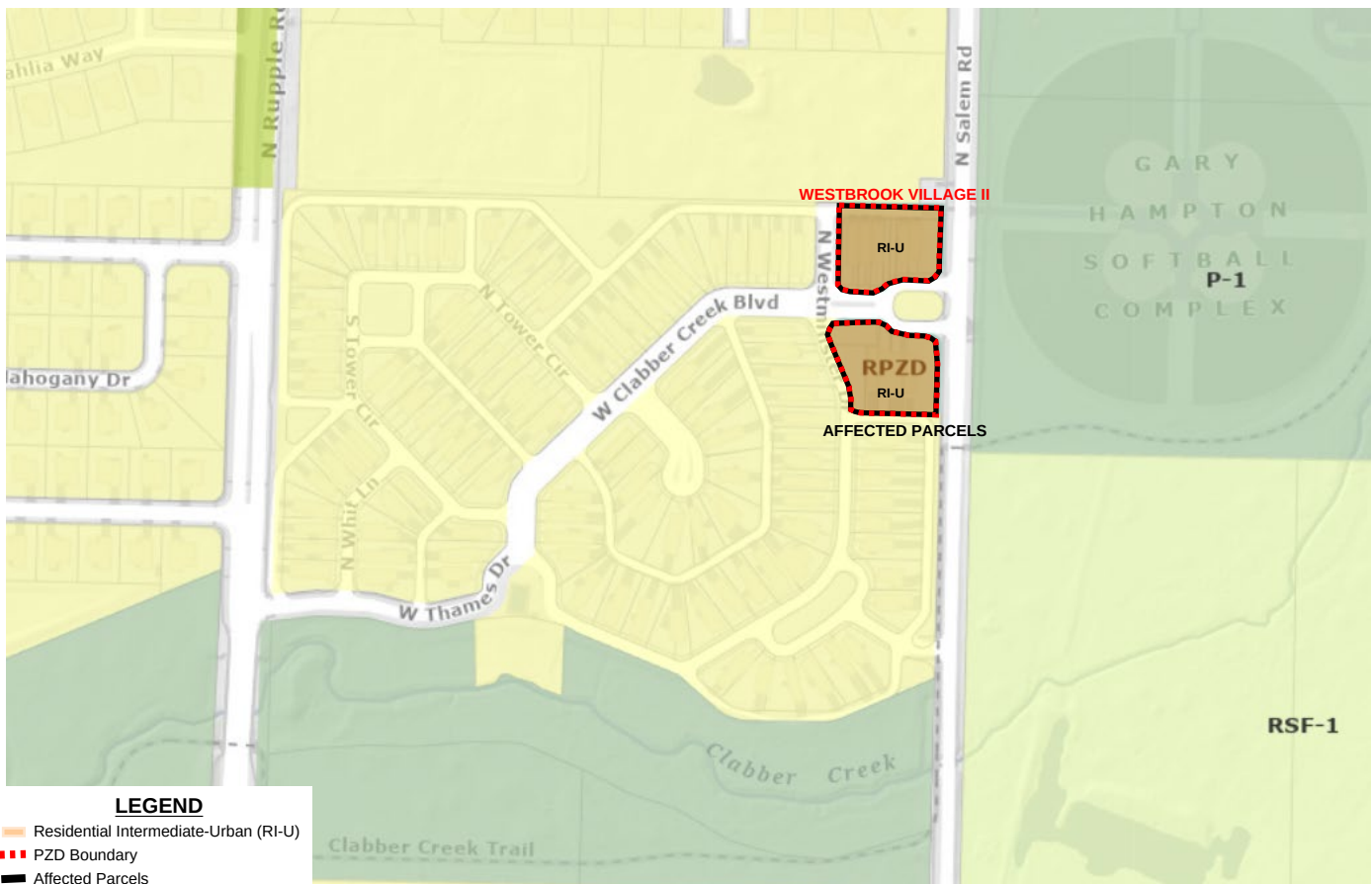
# PZD AND ZONING COMPARISON CLIFFSIDE AND PADDOCK RD SUBDIVISION

## CLIFFSIDE PERMITTED USES

| Lot Numbers                  | Proposed Land Use                                |
|------------------------------|--------------------------------------------------|
| Lots 1-3, 34-38, 67, 108-111 | Single Family Residential Use Unit 8             |
| Lots 4-33, 39-66, 68-105     | Two-family Dwellings Use Unit 9                  |
| (112-118)                    | Common/Tree Preservation Areas Maintained by POA |

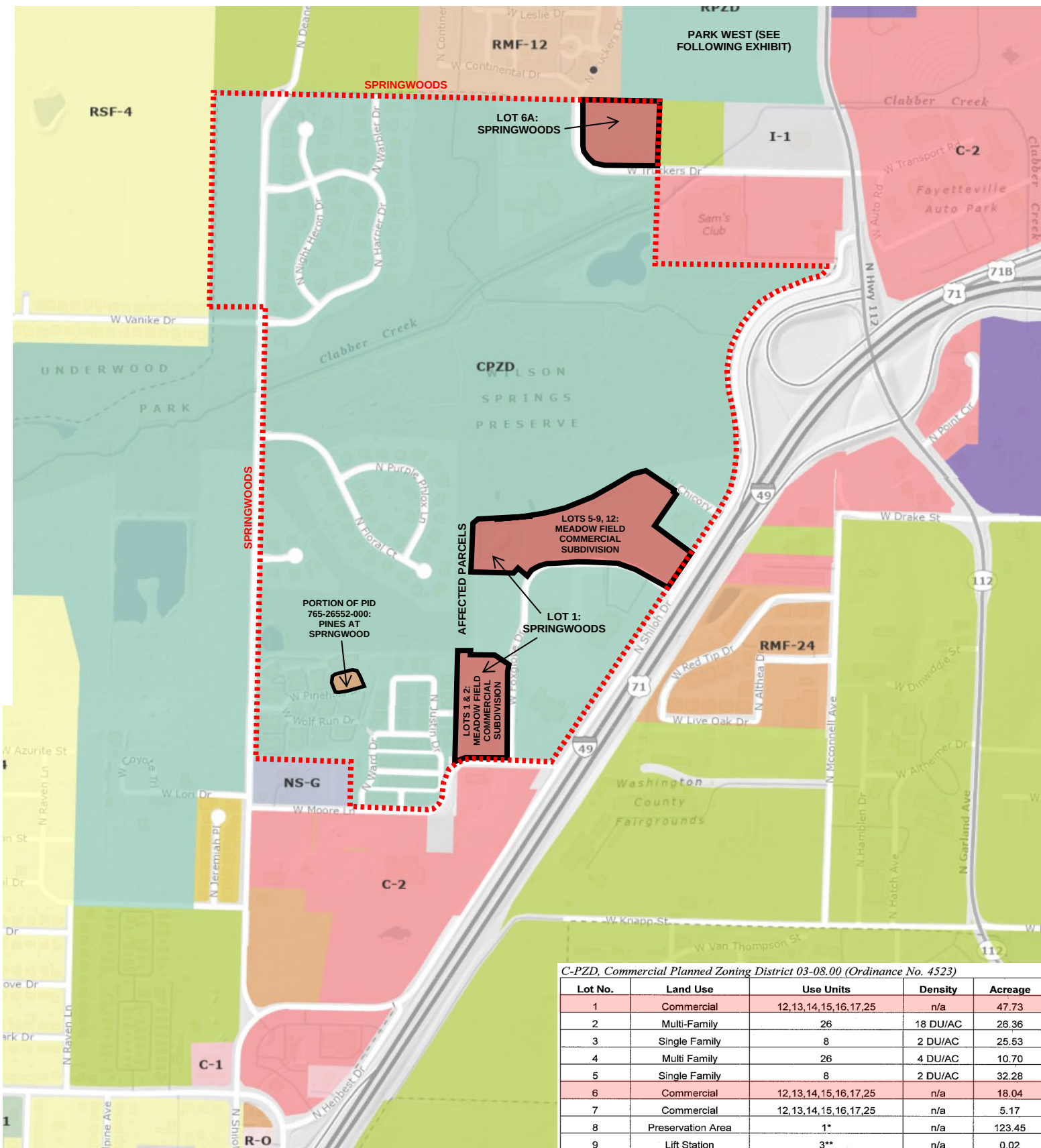


# PZD AND ZONING COMPARISON WESTBROOK VILLAGE II

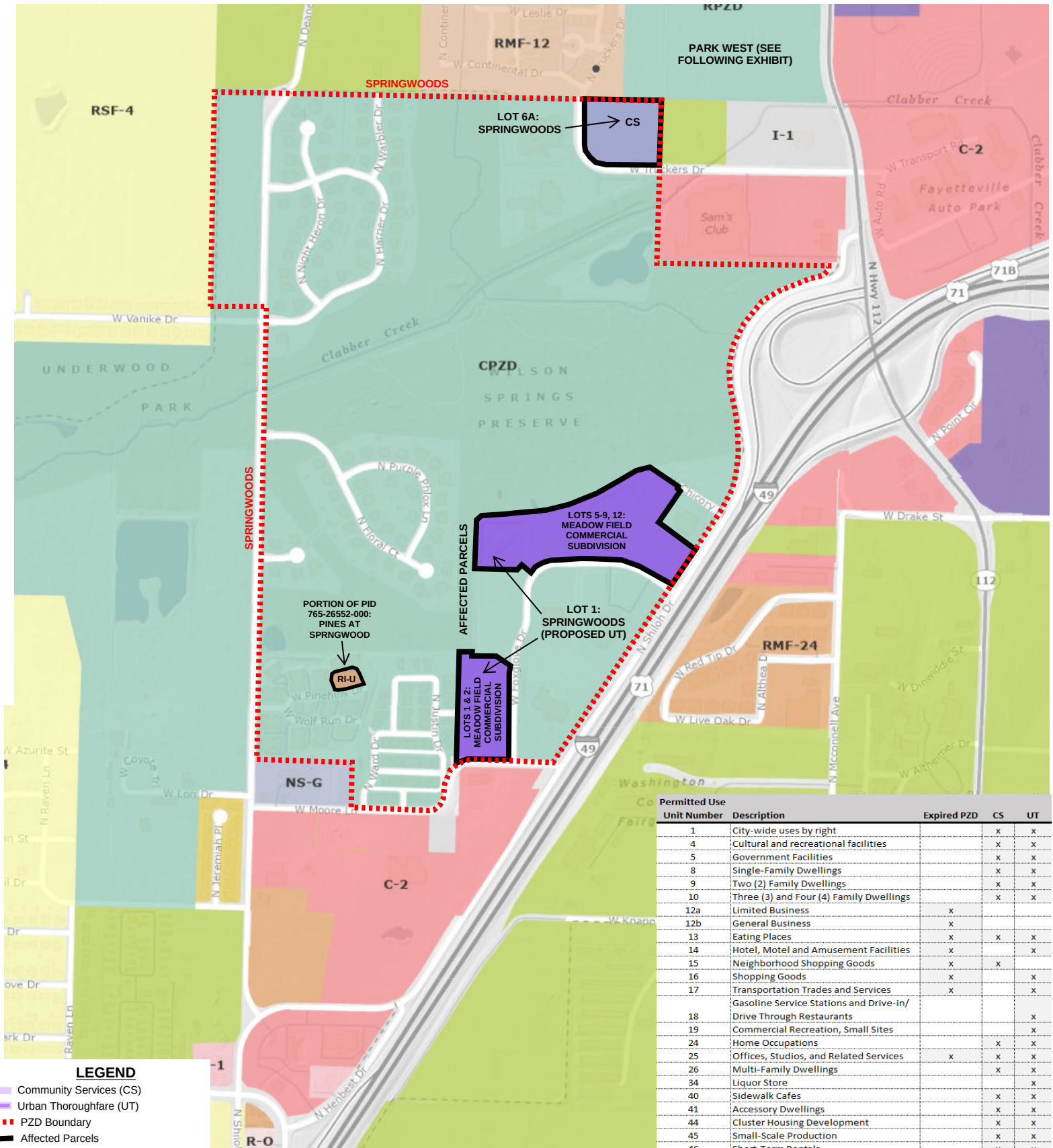




## PZD AND ZONING COMPARISON SPRINGWOODS

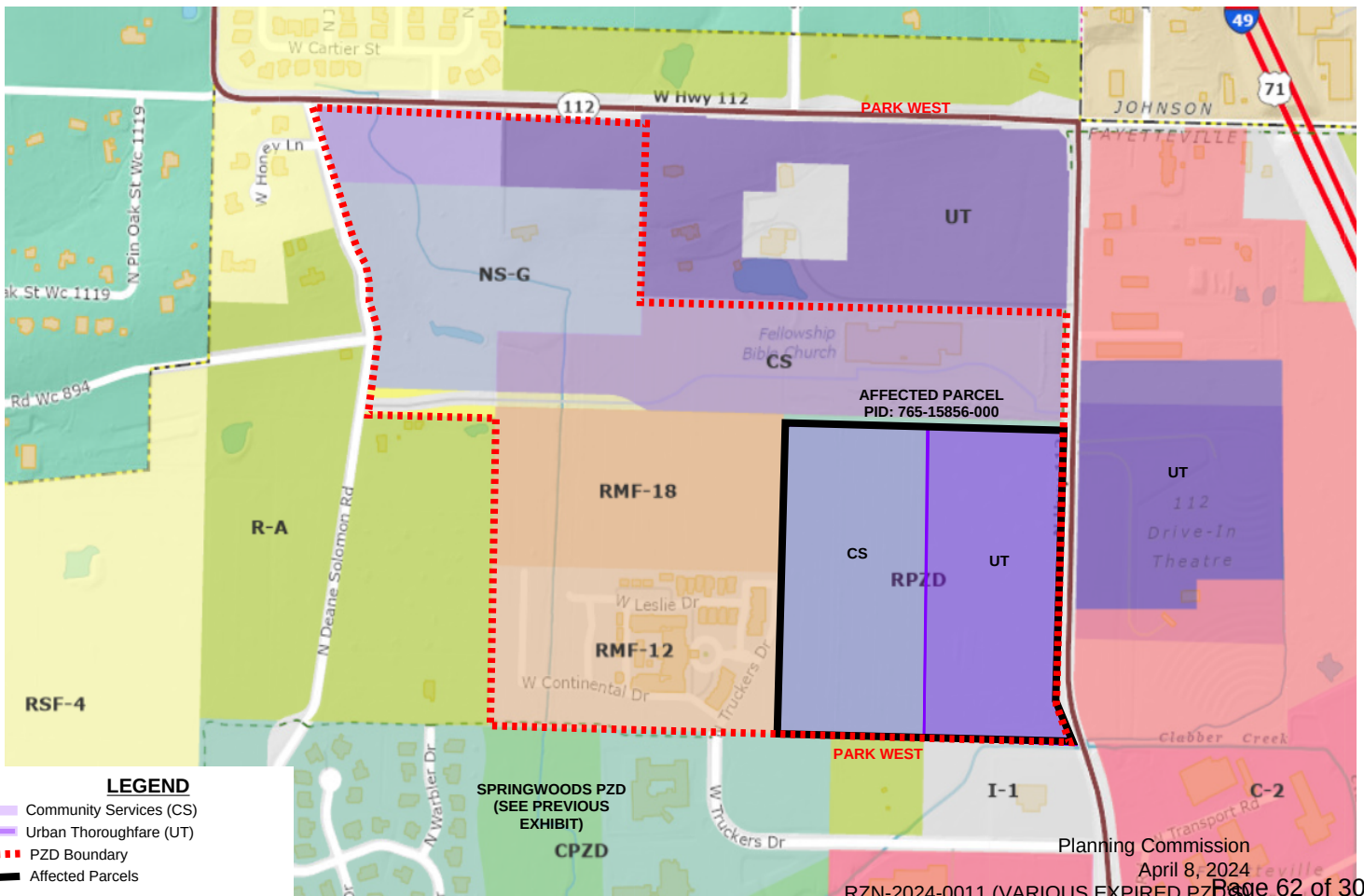
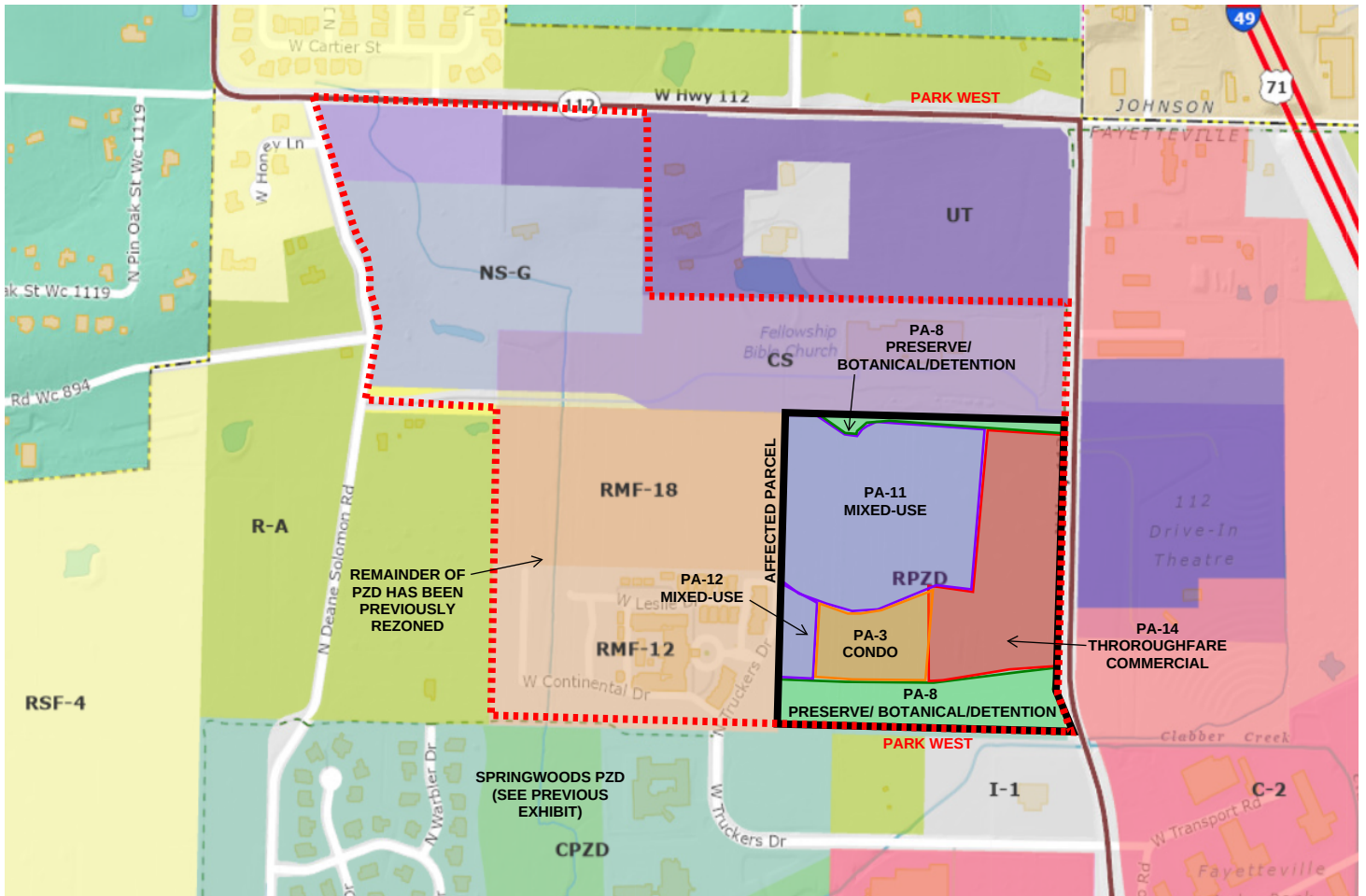


PZD AND ZONING COMPARISON  
SPRINGWOODS





# PZD AND ZONING COMPARISON PARK WEST



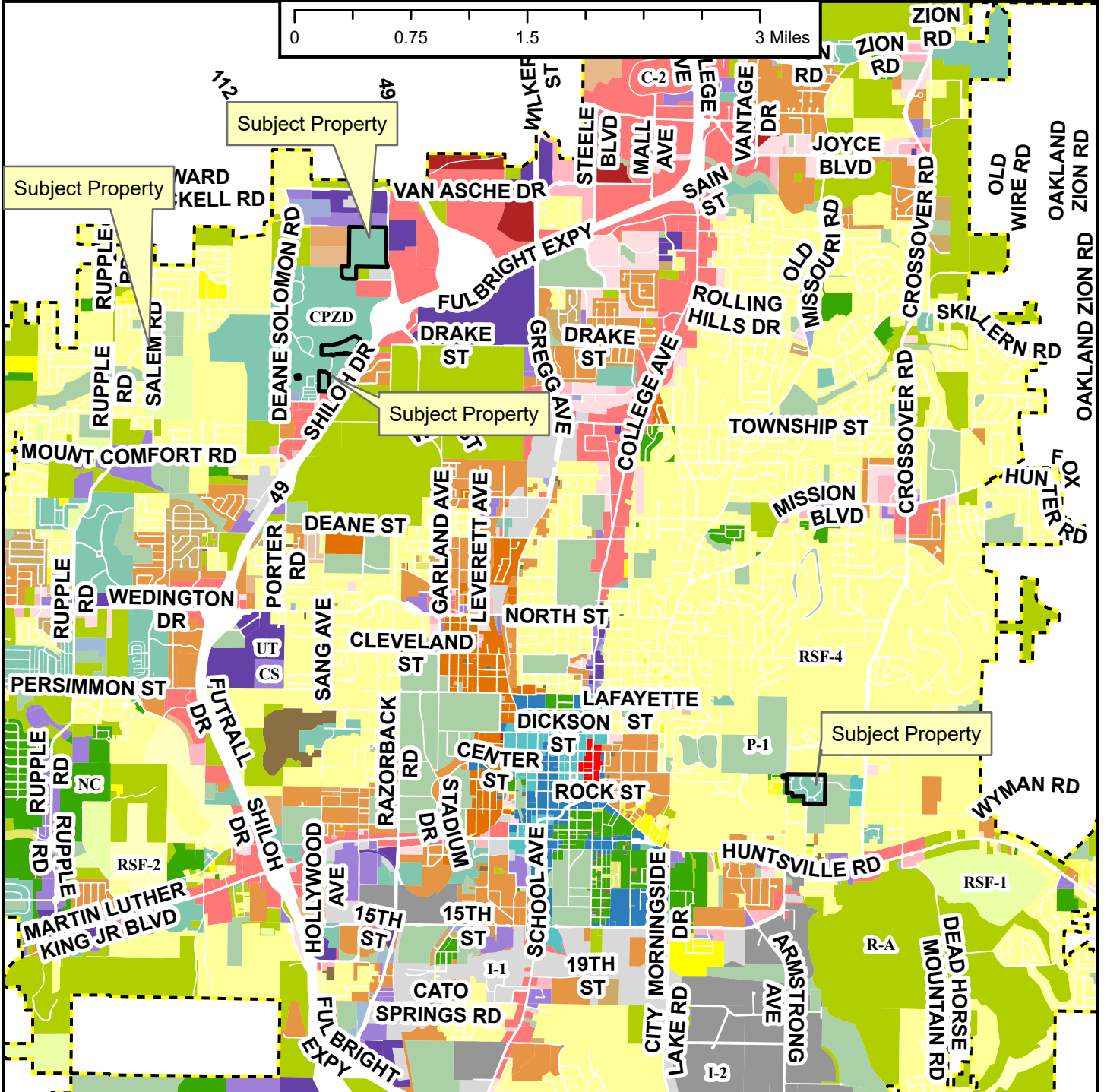
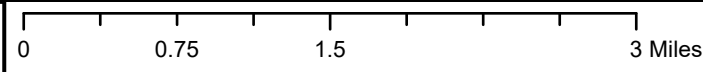
## LEGEND

- Community Services (CS)
- Urban Thoroughfare (UT)
- PZD Boundary
- Affected Parcels

Planning Commission  
April 8, 2024

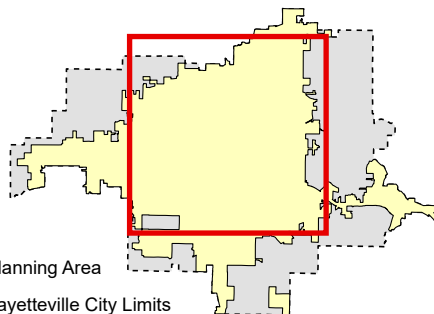
**PZD AND ZONING COMPARISON  
PARK WEST**

| Permitted Use<br>Unit Number | Description                                                       | Park West<br>PA-3 | Park West<br>PA-8 | Park West<br>PA-11 & 12 | Park West<br>PA-14 | CS | UT |
|------------------------------|-------------------------------------------------------------------|-------------------|-------------------|-------------------------|--------------------|----|----|
| 1                            | City-wide uses by right                                           | x                 | x                 | x                       | x                  | x  | x  |
| 3                            | Public Protection and Utility Facilities                          |                   |                   | x                       |                    |    |    |
| 4                            | Cultural and recreational facilities                              |                   | x                 | x                       | x                  | x  | x  |
| 5                            | Government Facilities                                             |                   |                   |                         | x                  | x  | x  |
| 8                            | Single-Family Dwellings                                           | x                 |                   | x                       |                    | x  | x  |
| 9                            | Two (2) Family Dwellings                                          | x                 |                   | x                       |                    | x  | x  |
| 10                           | Three (3) and Four (4) Family Dwellings                           | x                 |                   | x                       |                    | x  | x  |
| 12a                          | Limited Business                                                  | x                 |                   | x                       | x                  |    |    |
| 12b                          | General Business                                                  | x                 |                   | x                       | x                  |    |    |
| 13                           | Eating Places                                                     | x                 |                   | x                       | x                  | x  | x  |
| 14                           | Hotel, Motel and Amusement Facilities                             |                   |                   | x                       | x                  |    | x  |
| 15                           | Neighborhood Shopping Goods                                       | x                 |                   | x                       | x                  | x  |    |
| 16                           | Shopping Goods                                                    | x                 |                   | x                       | x                  |    | x  |
| 17                           | Transportation Trades and Services                                |                   |                   | x                       | x                  |    | x  |
| 18                           | Gasoline Service Stations and Drive-in/ Drive Through Restaurants |                   |                   |                         | x                  |    | x  |
| 19                           | Commercial Recreation, Small Sites                                |                   |                   | x                       | x                  |    | x  |
| 24                           | Home Occupations                                                  |                   |                   | x                       |                    | x  | x  |
| 25                           | Offices, Studios, and Related Services                            | x                 |                   | x                       | x                  | x  | x  |
| 26                           | Multi-Family Dwellings                                            | x                 |                   | x                       |                    | x  | x  |
| 34                           | Liquor Store                                                      |                   |                   | x                       | x                  |    | x  |
| 40                           | Sidewalk Cafes                                                    |                   |                   |                         |                    | x  | x  |
| 41                           | Accessory Dwellings                                               |                   |                   |                         |                    | x  | x  |
| 44                           | Cluster Housing Development                                       |                   |                   |                         |                    | x  | x  |
| 45                           | Small-Scale Production                                            |                   |                   |                         |                    | x  | x  |
| 46                           | Short-Term Rentals                                                |                   |                   |                         |                    | x  | x  |



Fayetteville City Limits

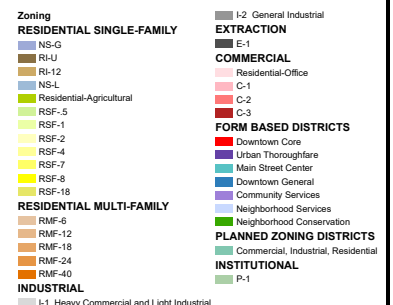
Planning Area  
 Fayetteville City Limits



- |                                           |                                     |
|-------------------------------------------|-------------------------------------|
| <b>Zoning</b>                             | I-2 General Industrial              |
| <b>RESIDENTIAL SINGLE-FAMILY</b>          | EXTRACTOR                           |
| NS-G                                      | E-1                                 |
| RI-U                                      | <b>COMMERCIAL</b>                   |
| RI-12                                     | Residential-Office                  |
| NS-L                                      | C-1                                 |
| Residential-Agricultural                  | C-2                                 |
| RSF-5                                     | C-3                                 |
| RSF-1                                     | <b>FORM BASED DISTRICTS</b>         |
| RSF-2                                     | Downtown Core                       |
| RSF-4                                     | Urban Thoroughfare                  |
| RSF-7                                     | Main Street Center                  |
| RSF-8                                     | Downtown General                    |
| RSF-18                                    | Community Services                  |
| <b>RESIDENTIAL MULTI-FAMILY</b>           | Neighborhood Services               |
| RMF-6                                     | Neighborhood Conservation           |
| RMF-12                                    | <b>PLANNED ZONING DISTRICTS</b>     |
| RMF-13                                    | Commercial, Industrial, Residential |
| RMF-24                                    | <b>INSTITUTIONAL</b>                |
| RMF-40                                    | P-1                                 |
| <b>INDUSTRIAL</b>                         |                                     |
| I-1 Heavy Commercial and Light Industrial |                                     |

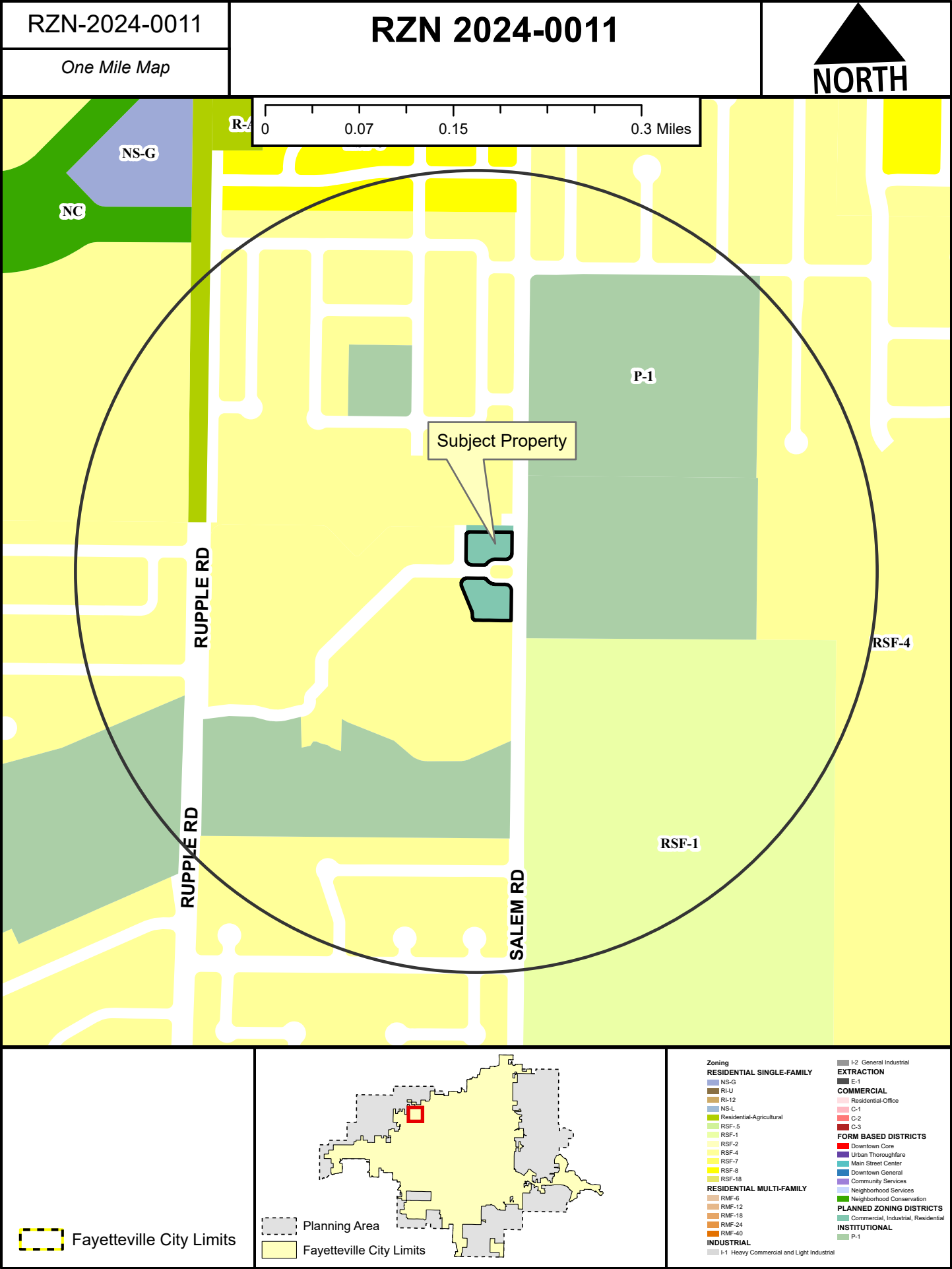








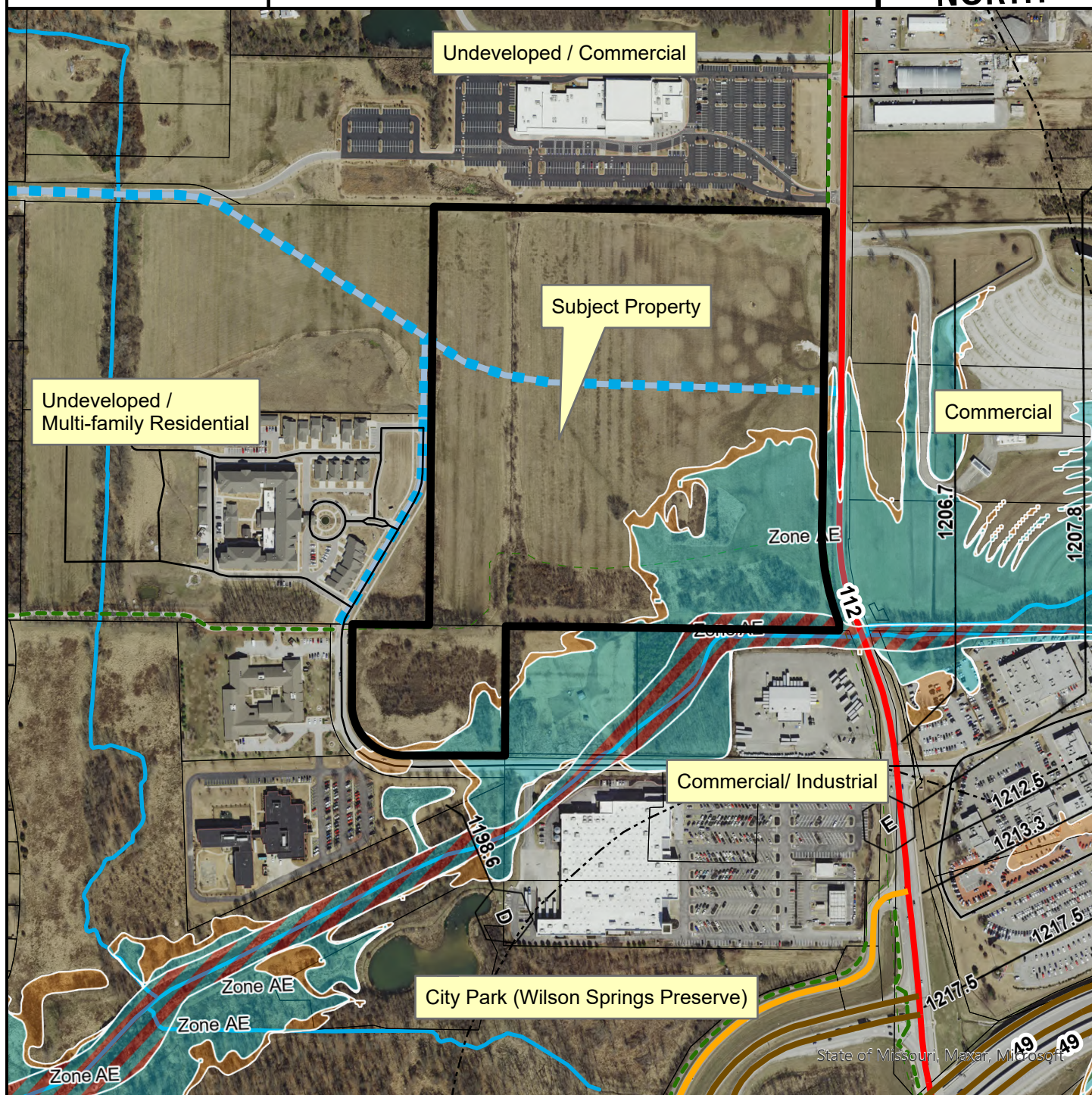




RZN-2024-0011

### Current Land Use

**RZN 2024-0011**



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

Feet

1:5,625

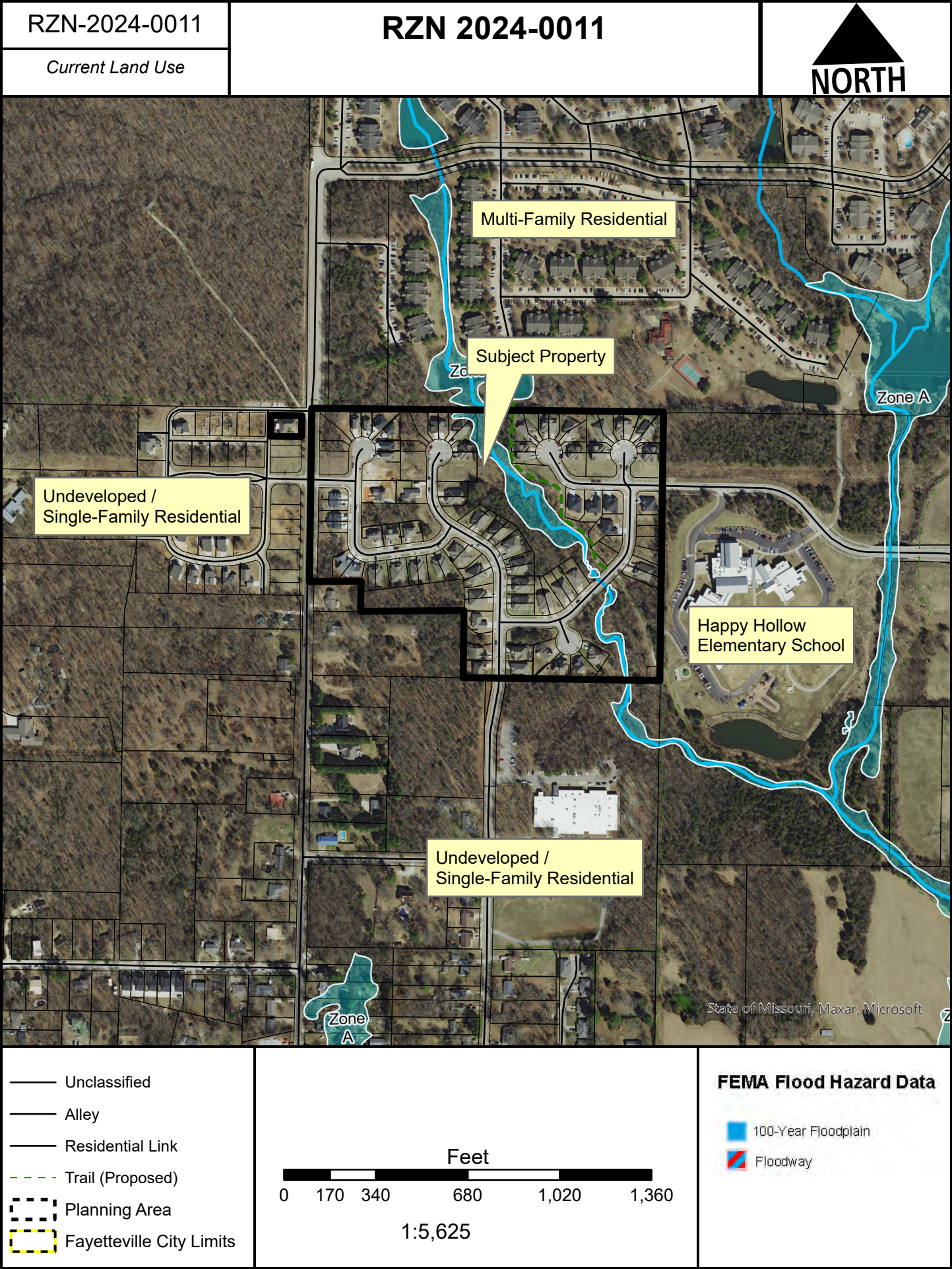
### FEMA Flood Hazard Data

-  100-Year Floodplain  
 Floodway

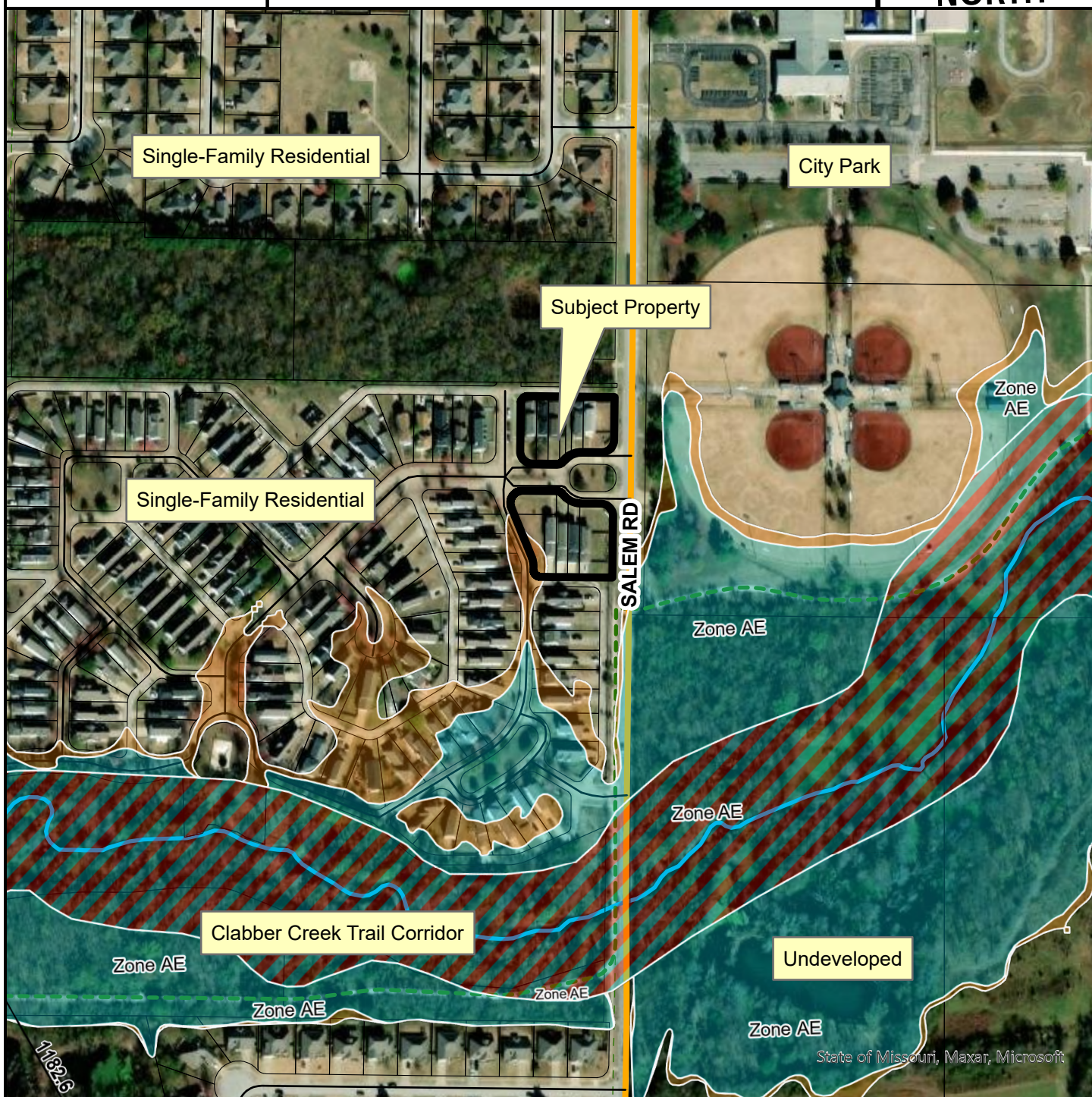












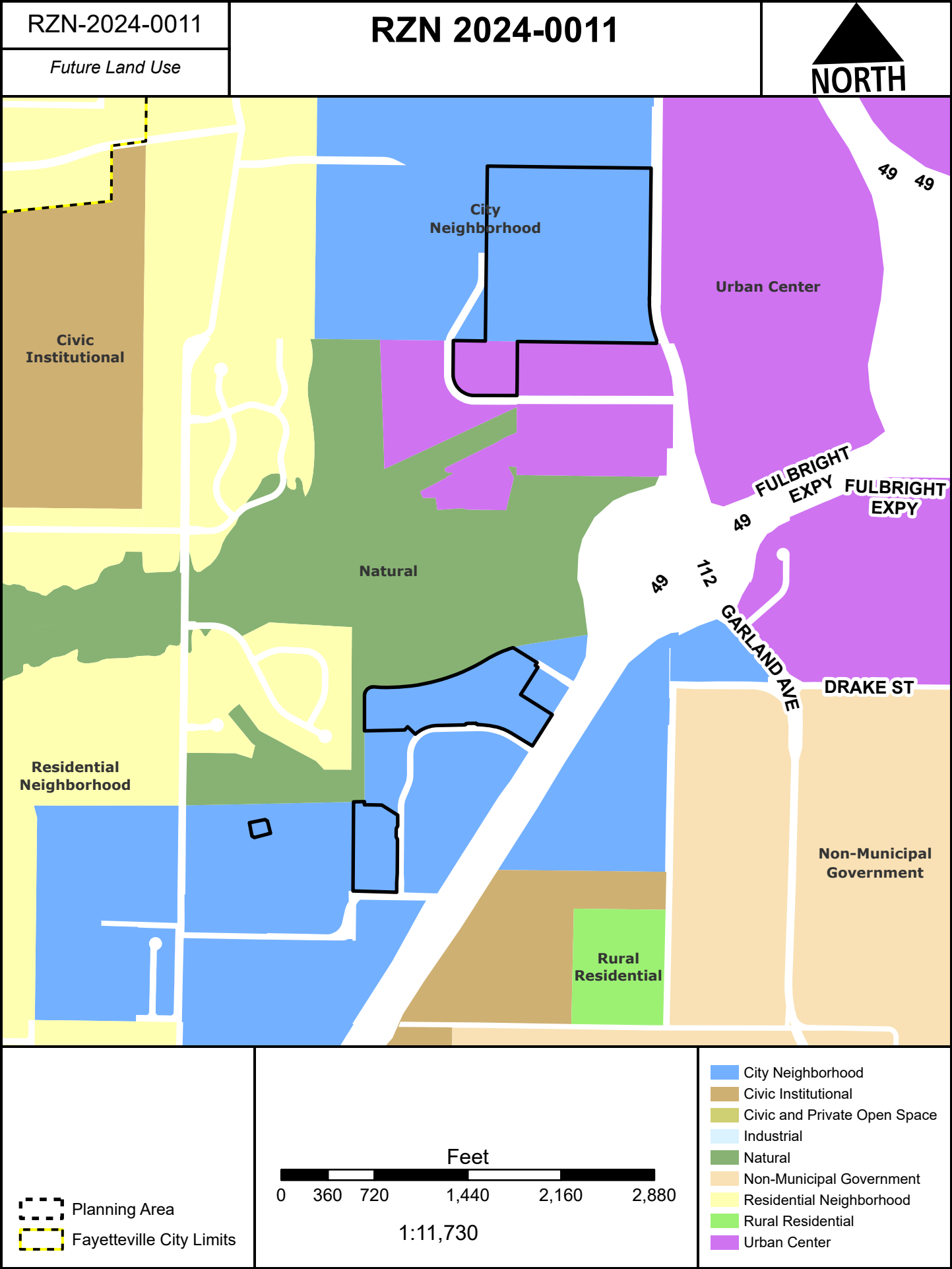
-  Neighborhood Link
-  Unclassified
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits

### FEMA Flood Hazard Data

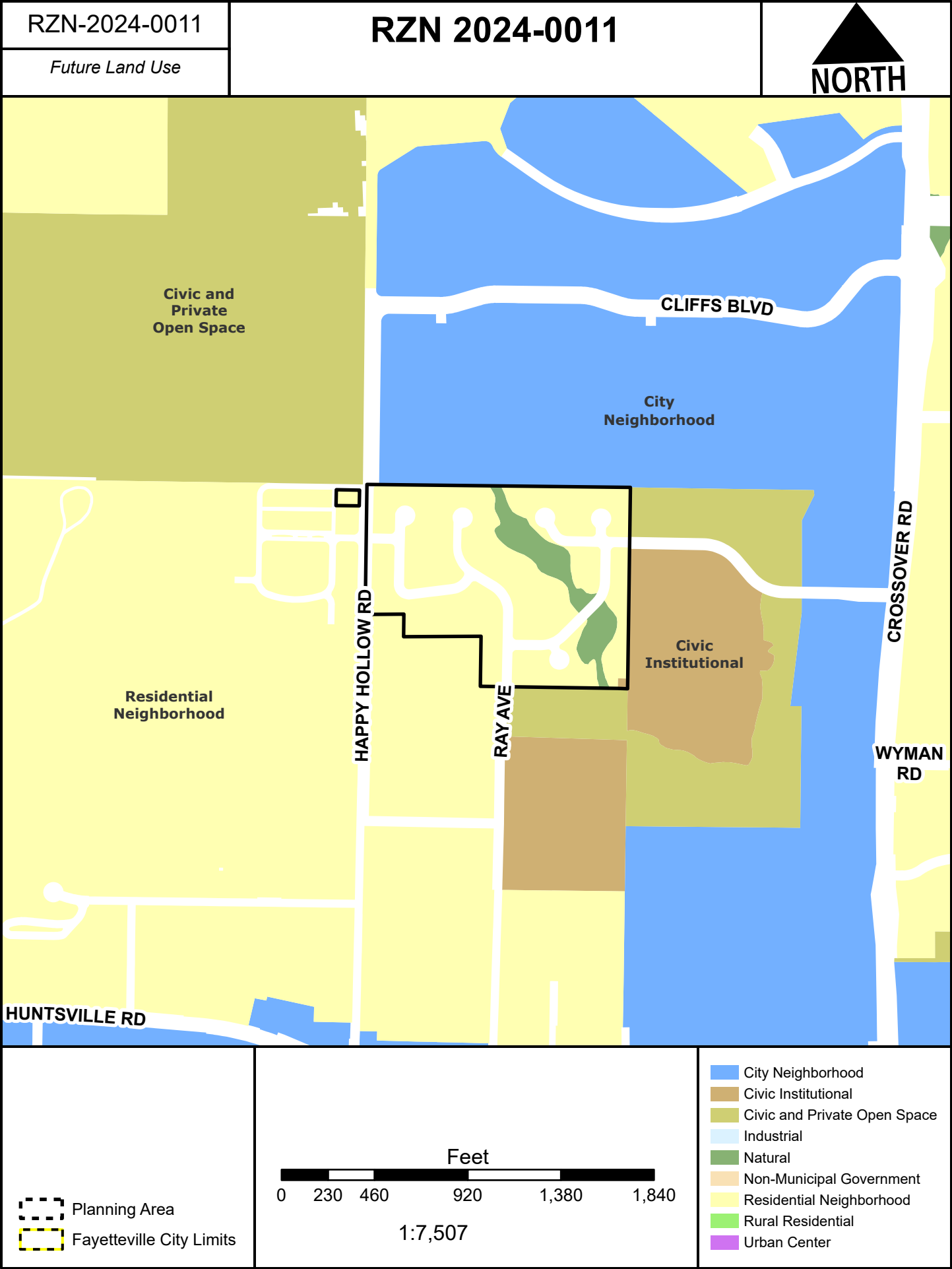
-  100-Year Floodplain  
 Floodway

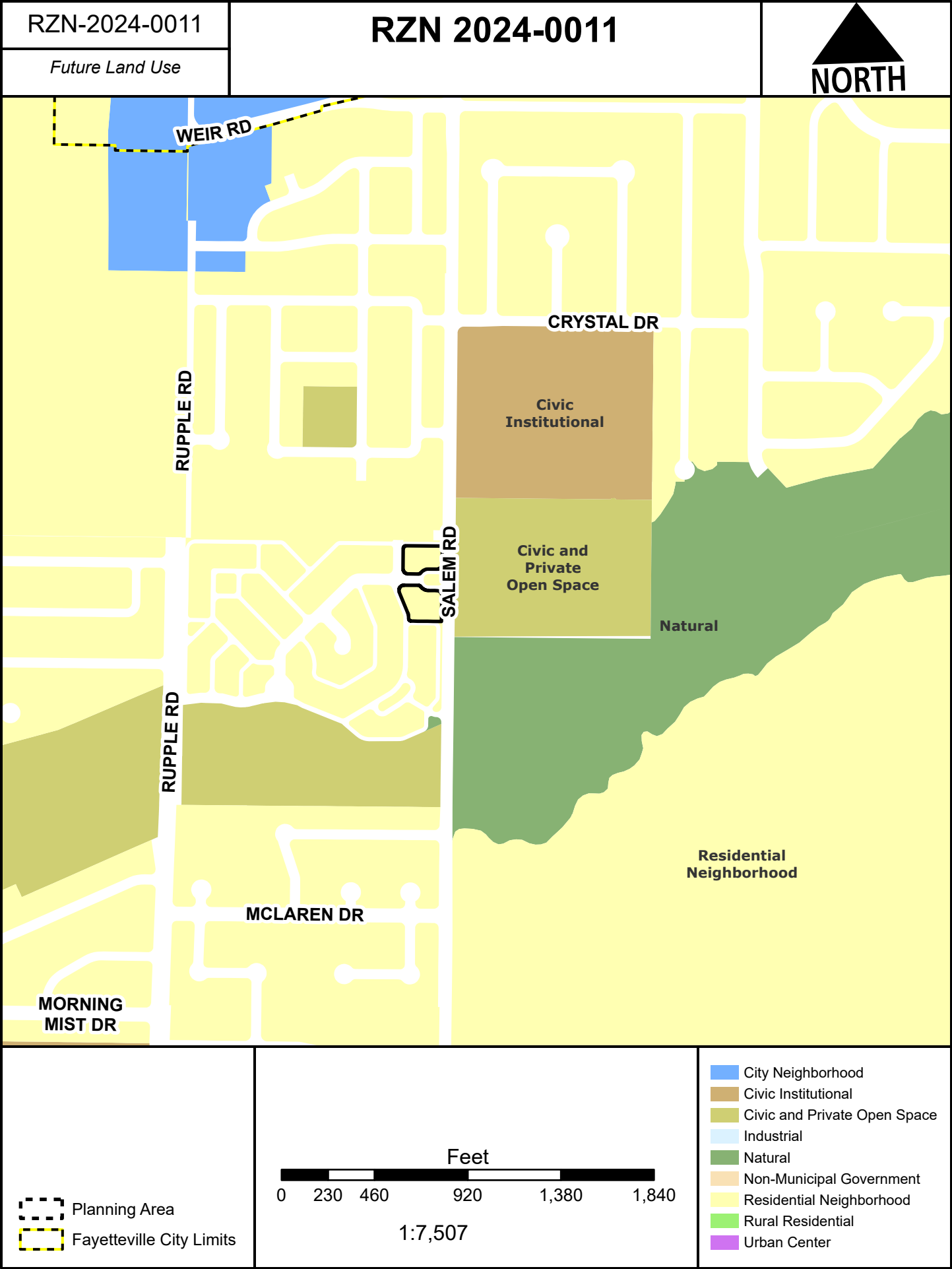
Feet

1:3,600











**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** April 8, 2024

**SUBJECT:** **ADM-2023-0011: Administrative Item (3030 E. MISSION BLVD./FAYETTEVILLE PUBLIC SCHOOLS, 372):** Submitted by JORGENSEN & ASSOCIATES for property located at 3030 E MISSION BLVD. The property is zoned P-1, INSTITUTIONAL, and contains approximately 58.18 acres. The request is to extend a previously approved conditional use permit.

**RECOMMENDATION:**  
Staff recommends approval of **ADM-2023-0011**.

**RECOMMENDED MOTION:**  
*"I move to approve **ADM-2024-0011** with conditions as recommended by staff."*

**BACKGROUND:**  
The subject property in east Fayetteville, approximately 700 feet east of the intersection of N. Crossover Road and E. Mission Boulevard. The property is zoned P-1, Institutional and the subject site totals approximately 58.19 acres. McNair Middle School and Vandergriff Elementary School occupy the site. Prior to the development of the schools in the mid-1990s and early 2000s the area was used for agricultural purposes. No apparent natural features appear in the subject area, though there are hydric soils and floodplain on the property, north of Vandergriff Elementary. Surrounding land uses and zoning are depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>                       | <b>Zoning</b>                                                                    |
|------------------|---------------------------------------|----------------------------------------------------------------------------------|
| North            | Single-family Residential             | R-A, Residential-Agricultural; RSF-4, Residential Single-family, 4 Unit per Acre |
| South            | Commercial Offices                    | RSF-4, Residential Single-family, 4 Units per Acre; C-2, Thoroughfare Commercial |
| East             | Single-family Residential/Undeveloped | RSF-4, Residential Single-family, 4 Unit per Acre                                |
| West             | Single-family Residential             | RSF-4, Residential Single-family, 4 Unit per Acre                                |

**Request:** The applicant requests to extend a conditional use permit to keep two temporary portable classrooms on the subject property for an additional year. Temporary school facilities are categorized under City-wide Uses by Conditional Use Permit (Use Unit 2).

**Public Comment:** To date, staff has received no public comment regarding this request.

**DISCUSSION:**

Staff supports the applicant's request for temporary classrooms to remain in place for an additional academic year. The request was received prior to the one-year expiration date granted by the administrative extension of the original conditional use permit. That approval indicated that in order for the structures to remain for an additional academic year, the Planning Commission would have to approve an amendment. Recently, the school district has been working on a plan analyze the school district's development and make decisions regarding school zone boundaries, school feeder patterns and potential need for site acquisition and construction of additional school buildings. School district officials anticipate needing the temporary classrooms to remain for an additional school year while the redistricting conversations continue, and data analysis is finalized.

**RECOMMENDATION:** Staff recommends approval of **ADM-2024-0011** with the following conditions:

**Conditions of Approval:**

1. A one-year extension for CUP-2022-0018 will expire on July 11, 2025. No additional extensions will be permitted after this;
2. Temporary structures are permitted until the beginning of the 2025-2026 Fayetteville Public Schools academic year. An new conditional use permit shall be required if temporary structures remain beyond that date;
3. All other conditions of approval for CUP-2022-0018 not modified by this request will remain in place.
4. Approval of this conditional use permit extension does not grant development entitlement for the proposed structure; separate development entitlement and permitting shall be required as outlined in the Unified Development Code.

---

|                                    |                 |                   |
|------------------------------------|-----------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> | <b>Required</b> | <b><u>YES</u></b> |
|------------------------------------|-----------------|-------------------|

|                                   |                                        |                                          |                                        |
|-----------------------------------|----------------------------------------|------------------------------------------|----------------------------------------|
| <b>Date:</b> <u>April 8, 2024</u> | <input type="checkbox"/> <b>Tabled</b> | <input type="checkbox"/> <b>Approved</b> | <input type="checkbox"/> <b>Denied</b> |
|-----------------------------------|----------------------------------------|------------------------------------------|----------------------------------------|

|                |
|----------------|
| <b>Motion:</b> |
|----------------|

|                |
|----------------|
| <b>Second:</b> |
|----------------|

|              |
|--------------|
| <b>Vote:</b> |
|--------------|

---

**BUDGET/STAFF IMPACT:**

None



**ATTACHMENTS:**

- CUP-2022-0018 Conditions of Approval
- ADM-2023-0011 Conditions of Approval
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map



124 W Sunbridge Drive, Suite 5  
Fayetteville, AR 72703  
Office: 479.442.9127  
[www.jorgensenassoc.com](http://www.jorgensenassoc.com)  
Established 1985

City of Fayetteville  
Development Services  
CUP 2022-0018  
To whom it may concern;

Fayetteville Public Schools requests a three-year conditional use permit extension for the McNair Middle School portable classroom buildings. Portable classroom buildings are needed to meet the demands of the increased student population. The conditional use permit extension allows time to analyze the school district's present and future growth demographics and data. The information we gain from the analysis will enable the school district to make informed decisions and solutions concerning school zone boundaries, school feeder patterns, and, if needed, site acquisition and construction of new school buildings.

Sincerely;

  
\_\_\_\_\_  
Blake Jorgensen, PE

**Conditions of Approval:**

1. **Planning Commission determination of compatibility with adjacent properties.**  
*Staff recommends that the proposed location for temporary class structures are compatible;*
2. **This conditional use permit is limited to two temporary structures as outlined in the applicant's request letter. The following specifications apply:**
  - **Size of the structures:** 1,510 square feet
  - **Hours of operation:**
    - In accordance with other school functions
  - **Number of occupants:** 60 per portable building
  - **Parking:** no change from existing
  - **Outdoor lighting:** No change from existing
  - **Noise:** No change from existing
  - **Screening:** No change from existing
  - **Trash:** No change from existing
  - **Ingress/Egress:** No change from existing
3. **The location of the structures shall generally remain in substantial compliance with the site plan as submitted and described in the applicant's request letter;**
4. **Approval of the conditional use permit does not grant development entitlements. A building permit shall be obtained prior to the structures being located on the property;**
5. **Temporary structures are permitted until the beginning of the 2023-2024 Fayetteville Public Schools academic year. An amendment to the conditional use permit shall be required if temporary structures remain beyond that date;**
6. **Any future expansion or change in the use shall require Planning Commission approval;**
7. **Signs shall be limited to those permitted by §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation;**

|                                    |                                          |                                              |                                 |
|------------------------------------|------------------------------------------|----------------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                          |                                              |                                 |
| Required                           | <u>YES</u>                               |                                              |                                 |
| Date: <u>July 11, 2022</u>         | <input type="checkbox"/> Tabled          | <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Motion: Brink                      | with conditions, as recommended by staff |                                              |                                 |
| Second: Canada                     |                                          |                                              |                                 |
| Vote: 9-0-0                        |                                          |                                              |                                 |

## ADM-2023-0012 - Modified Conditions of Approval

### DISCUSSION:

Staff supports the applicant's request for temporary classrooms to remain in place for the 2024-2025 academic year. The request was received prior to the one-year expiration date granted by the original conditional use permit. That approval indicated that in order for the structures to remain for an additional academic year, the Planning Commission would have to approve an amendment. Recently, the school district has been working on a plan to redraw the lines for its middle school zones, and has put that plan on hold pending the opening of John L. Colbert Middle School on Ruppel Road; that school is slated to open in Fall of 2023. The rezoning discussions will continue at the end of the summer of 2023, but school district officials anticipate needing the temporary classrooms to remain for an additional school year while the redistricting conversations continue, and data analysis is finalized.

**RECOMMENDATION:** Staff recommends approval of **ADM-2023-0012** with the following conditions:

### Conditions of Approval:

1. A one-year extension for CUP-2022-0018 will expire on July 11, 2024.
2. Temporary structures are permitted until the beginning of the 2024-2025 Fayetteville Public Schools academic year. An amendment to the conditional use permit shall be required if temporary structures remain beyond that date;
3. All other conditions of approval for CUP-2022-0018 not modified by this request will remain in place.
4. Approval of this conditional use permit extension does not grant development entitlement for the proposed structure; separate development entitlement and permitting shall be required as outlined in the Unified Development Code.

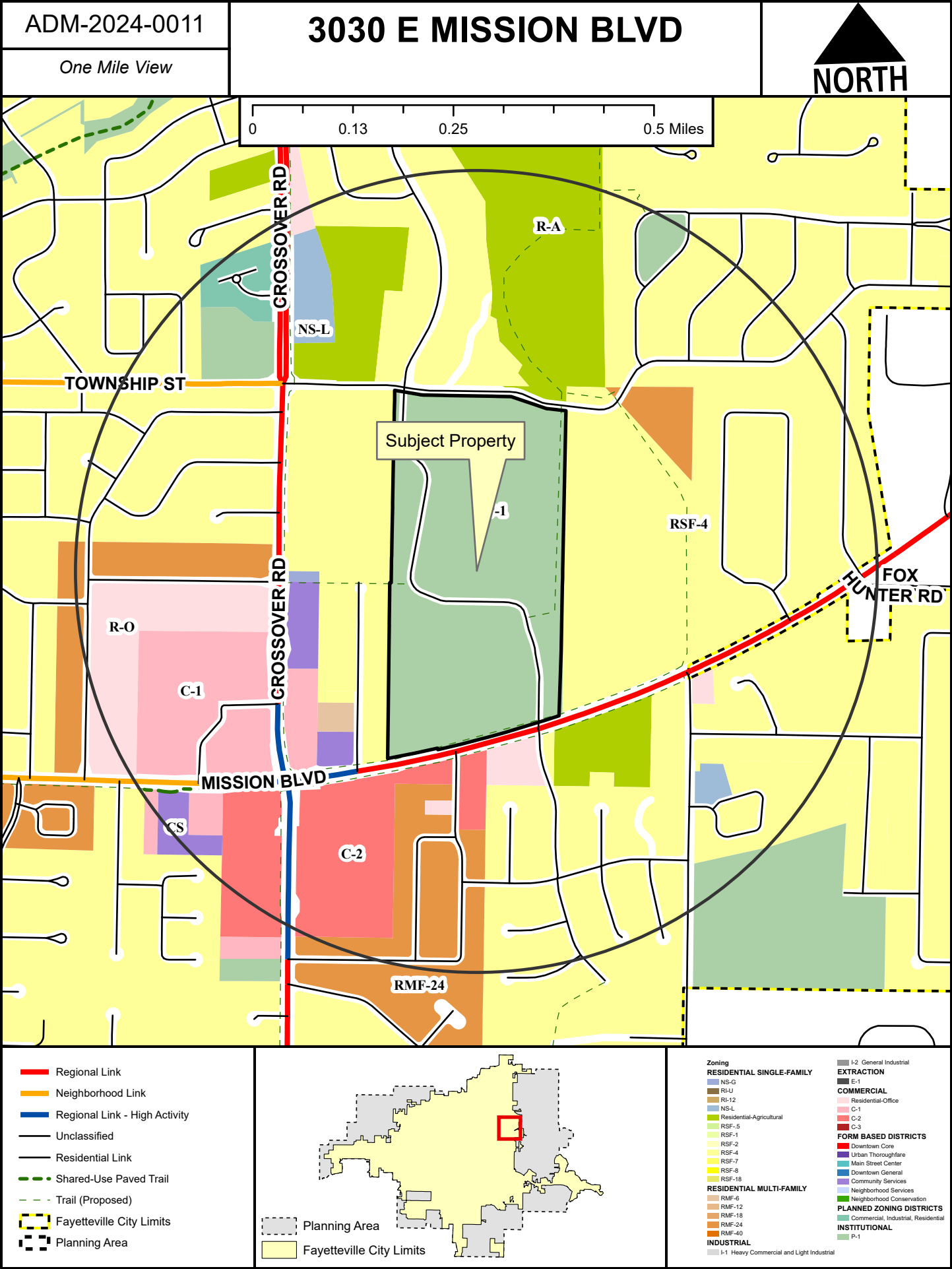
| PLANNING COMMISSION ACTION: |                                                     | Required                                     | <u>YES</u>                      |
|-----------------------------|-----------------------------------------------------|----------------------------------------------|---------------------------------|
| Date: <u>May 8, 2023</u>    | <input type="checkbox"/> Tabled                     | <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Motion: <b>Payne</b>        | <b>With all conditions as recommended by staff.</b> |                                              |                                 |
| Second: <b>Madden</b>       |                                                     |                                              |                                 |
| Vote: <b>8-0-0</b>          |                                                     |                                              |                                 |

### BUDGET/STAFF IMPACT:

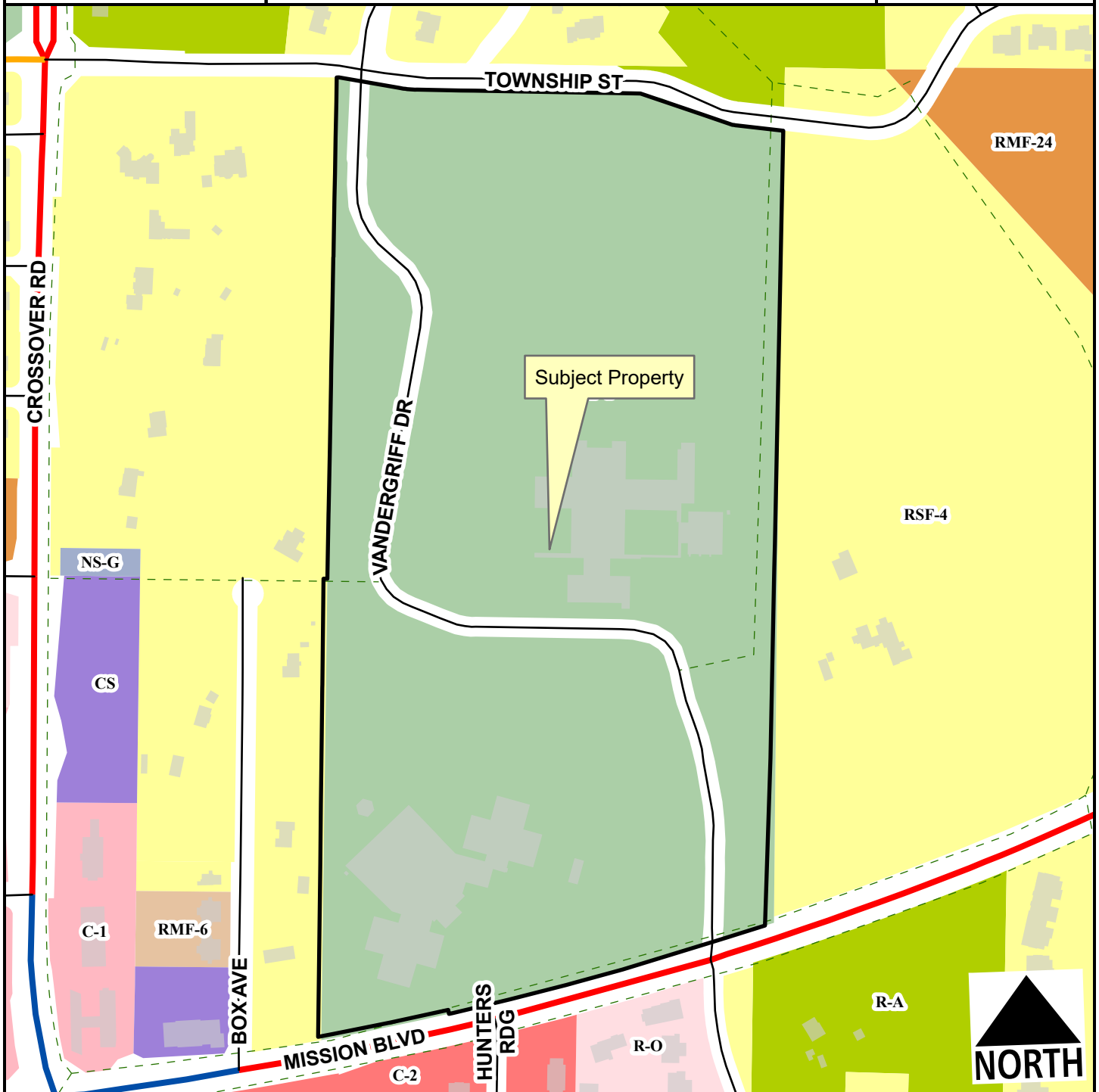
None

### ATTACHMENTS:

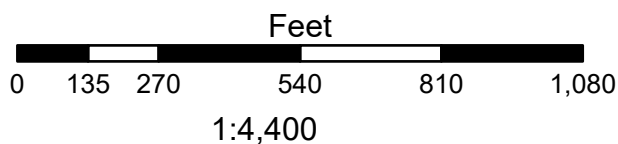
- CUP-2022-0018 Conditions of Approval
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map







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

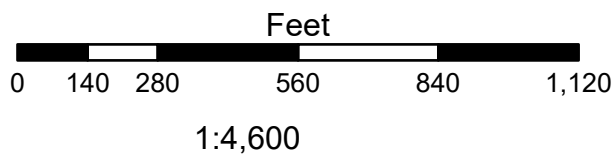


- Residential-Agricultural
- RSF-4
- RMF-6
- RMF-24
- Residential-Office
- C-1
- C-2
- Community Services
- Neighborhood Services - Gen.
- P-1





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



**FEMA Flood Hazard Data**

- 100-Year Floodplain
- Floodway





**TO:** City of Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** April 8, 2024

**SUBJECT:** **VAR-2024-0016: Planning Commission Variance (612 W. CENTER ST/TRINITAS VENTURES, 483):** Submitted by BLEW AND ASSOCIATES for property located 612 W. CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.9 acres. The request is for a variance to parking garages within a build-to zone.

**RECOMMENDATION:**  
Staff recommends approval of **VAR-2024-0016**, with conditions.

**RECOMMENDED MOTION:**  
*"I move to approve VAR-2024-0016, determining:*

- In favor of the requested variance to 166.22(C)(2), Parking Garages;*
- And in favor of all other conditions as recommended by staff."*

**BACKGROUND:**  
The subject property is in downtown Fayetteville and contains two separate parcels that straddle W. Gregg Alley (765-12934-000 and 765-01886-000). The site is developed with commercial structures that were developed from the early 1920s through the mid-1960s. In total, the property makes up approximately 1.90 acres, and is zoned MSC, Main Street Center. The Downtown Design Overlay District also governs this site. Rather than being classified as an Urban/Downtown Street in the Master Street Plan, the alley received its designation in 2004 (Ordinance 4629). An associated right-of-way vacation for Gregg Alley was approved in 2023 (VAC-2023-0005). Three previous variance requests were denied by the Planning Commission on February 12, 2024, including requests for a variance to typical master street plan requirements, typical parking lot requirements, and pedestrian entry-way separation distance for parking garages. Surrounding land use and zoning is depicted on *Table 1*.

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

| Direction | Land Use                                          | Zoning                  |
|-----------|---------------------------------------------------|-------------------------|
| North     | Multi-Family Residential                          | MSC, Main Street Center |
| South     | Multi-Family Residential                          | MSC, Main Street Center |
| East      | Frisko Trail/Mixed-Density Residential            | MSC, Main Street Center |
| West      | Arkansas Missouri Railroad/University of Arkansas | MSC, Main Street Center |

**Request:** The applicant is requesting a variance to **166.22(C)(2)**, which requires that entrances or pedestrian door openings shall be no greater than 50 feet apart for parking garages within the build-to zone. The applicant requests to supply two pedestrian entryways along a building façade of approximately 230 feet.

*Public comment:* Staff have not received any public comment on this request.

**DISCUSSION:**

Staff recommends in favor of this request to reduce the number of pedestrian entryways into the parking garage. One intent of the design standard is to reduce the often-monolithic appearance of a parking garage and provide porosity along the pedestrian frontage of the building. Code specifies that parking garages that are within build-to-zones are required to either have a liner building, a specific architectural treatment (including regular windows and doors), or a green screen when used in conjunction with other architectural elements. Staff finds that the applicant's proposal, even though it is missing additional pedestrian entryways along the frontage, is meeting the overall intent by providing architectural interest in the form of a masonry screening with visual interest. Staff recognizes that the grade change could make providing a pedestrian entryway every 50 feet along the façade challenging, but notes that an entryway has been provided at the southeast corner of the structure facing the trail. Staff recommends a condition of approval that doors providing additional egress be accessible from the exterior for residents of the proposed development, even if not accessible to the public. An exhibit identifying these doors is attached to this packet.

**RECOMMENDATION: Staff recommends Planning Commission approve VAR-2024-0016 with the following conditions:**

**Conditions of Approval:**

1. **Planning Commission determination of a variance to §166.22(C)(2) Entrances or pedestrian door openings shall be no greater than 50 feet apart for parking garages within the build-to zone.** *Staff recommends approval of the request for the reasons stated above.*
2. Doors that provide necessary egress from the structure shall also be accessible for ingress for residents of the proposed housing development as shown in the attached exhibit.
3. 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, nor does it grant any development entitlement, or permit approval.

|                                    |                                 |                                   |                                 |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 |
| <b>Required</b>                    | <b><u>YES</u></b>               |                                   |                                 |
| Date: <u>April 8, 2024</u>         | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Motion:                            |                                 |                                   |                                 |
| Second:                            |                                 |                                   |                                 |
| Vote:                              |                                 |                                   |                                 |

**BUDGET/STAFF IMPACT:**

None

## Attachments:

- Unified Development Code:
    - §166.22 Parking Garages
  - Applicant Request Letter
  - Applicant Exhibits
  - Staff Exhibit
  - One Mile Map
  - Close-up Map
  - Current Land Use Map
- 

### 166.22 Parking Garages

- (A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.
- (B) *General Requirements.*
- (1) All parking garages shall utilize materials and architectural detailing found in the primary development being served, or when stand alone, shall establish a distinct architectural style.
  - (2) All parking garages shall provide adequate interior and exterior lighting to maintain visibility and public safety. Higher efficiency lighting such as LED, is encouraged.
  - (3) *City of Fayetteville Parking Garage Manual.*
    - (a) The *City of Fayetteville Parking Garage Manual* shall be used in support of this chapter to show images with acceptable architectural design techniques meeting the intent of this Code.
    - (b) Copies of the Manual are to be made readily available to the public in the Planning Division.
- (C) *Parking Garages in the Build-to Zone.* The following regulations shall apply to minimize the appearance of a blank parking garage at the street level and to incorporate human scale elements and visual interest into parking garages located immediately adjacent to the street.
- (1) Property with multiple street frontages shall have a liner building at all corner locations; in accordance with section 3(a) below.
  - (2) Entrances or pedestrian door openings shall be no greater than 50 feet apart.
  - (3) The entire length of the principal façade of the parking garage on the first or ground floor shall provide one or a combination of the following options:
    - (a) The principal façade of the parking garage on the first or ground floor shall be comprised of habitable area, such as retail, office, residential, and/or lobby space at a minimum depth of 15 feet. The habitable area may be interrupted to allow for vehicle and pedestrian access to the parking garage. The upper floors of a parking garage in this configuration may extend over the first or ground floor. A liner building constructed as the principal façade of a parking garage shall meet the applicable design standards for the use.
    - (b) Architectural treatment shall be applied to the first or ground floor principal façade with the intent to make the appearance of the parking garage in the build-to zone appear part of the primary structure and/or enhance the pedestrian realm and visual interest. This includes utilizing building materials and pedestrian scale elements such as regular openings for windows and doors, display windows, glazing applied to the façade, or other design techniques approved by the Zoning and Development Administrator meeting the intent of the code. The upper floors of a parking garage in this configuration may extend over the first or ground floor.
    - (c) A green screen (a trellis that will support vines and other landscaping materials to create a living green façade) may be utilized for a maximum of 10% of the principal façade where other permanent landscaping or urban design elements are also proposed in conjunction with the screen.
  - (4) The principal façade above the first floor shall utilize one of the following options with the intent to screen cars in the parking garage and prevent a blank parking garage façade from view of the street:
    - (a) Either of the options in section 3 above;



- (b) An architectural screen; or
- (c) Building materials utilized on the principal structure shall be applied to the façade.

...

(Ord. No. 5056, 9-4-07; Ord. No. 5271, 9-1-09; Ord. No. 5679, 4-15-14)



**Design Variance**  
*Fayetteville Center St*  
*612 W Center St. Fayetteville, AR*  
02.28.2024

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**Design Variance**

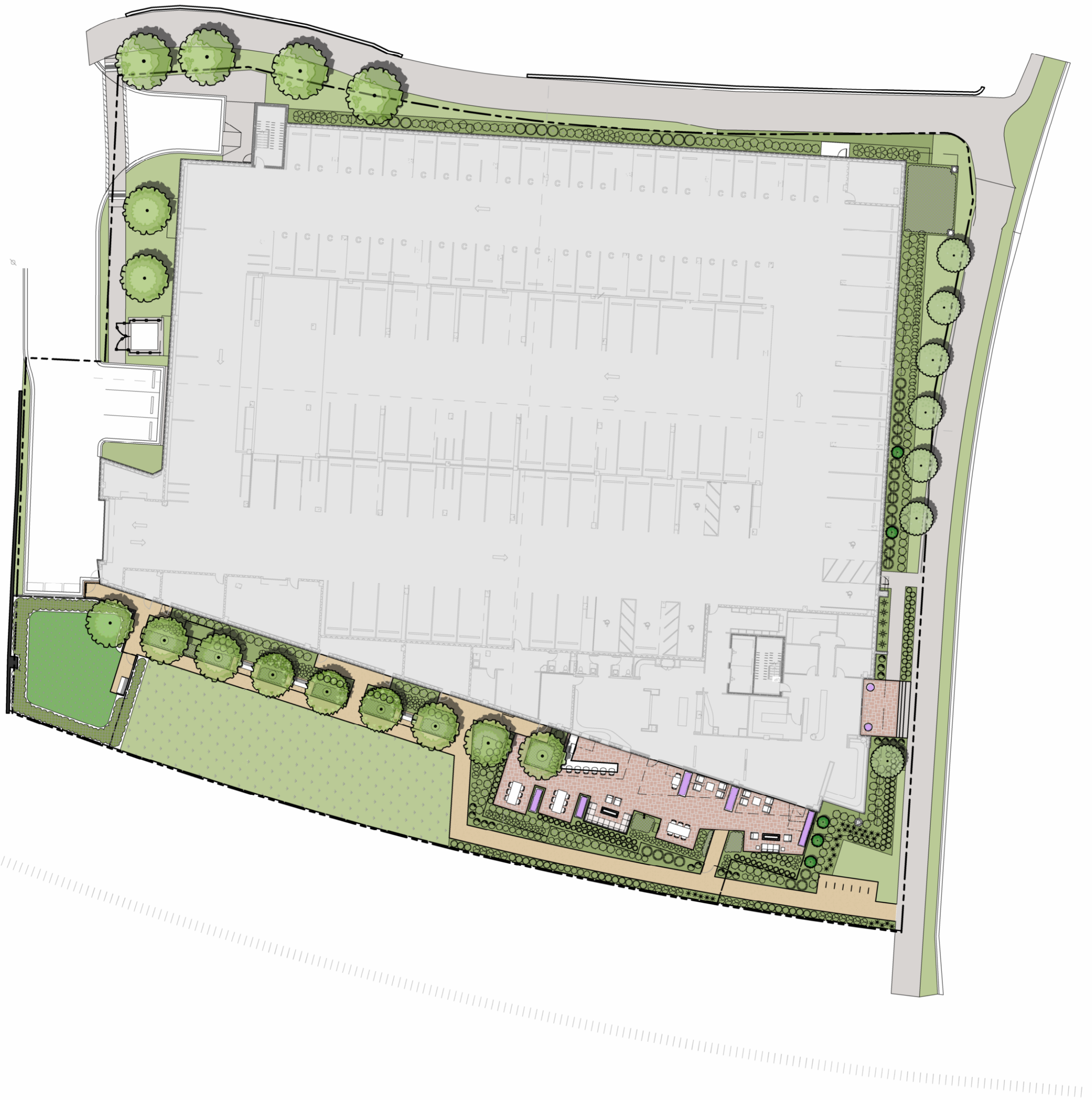
**166.22.C.2 Parking Garages in Build-to Zone – Variance to provide egress doors as required for 2018 IBC life safety code in lieu of 50' apart.**

**Number of Access Points to Parking Garage**

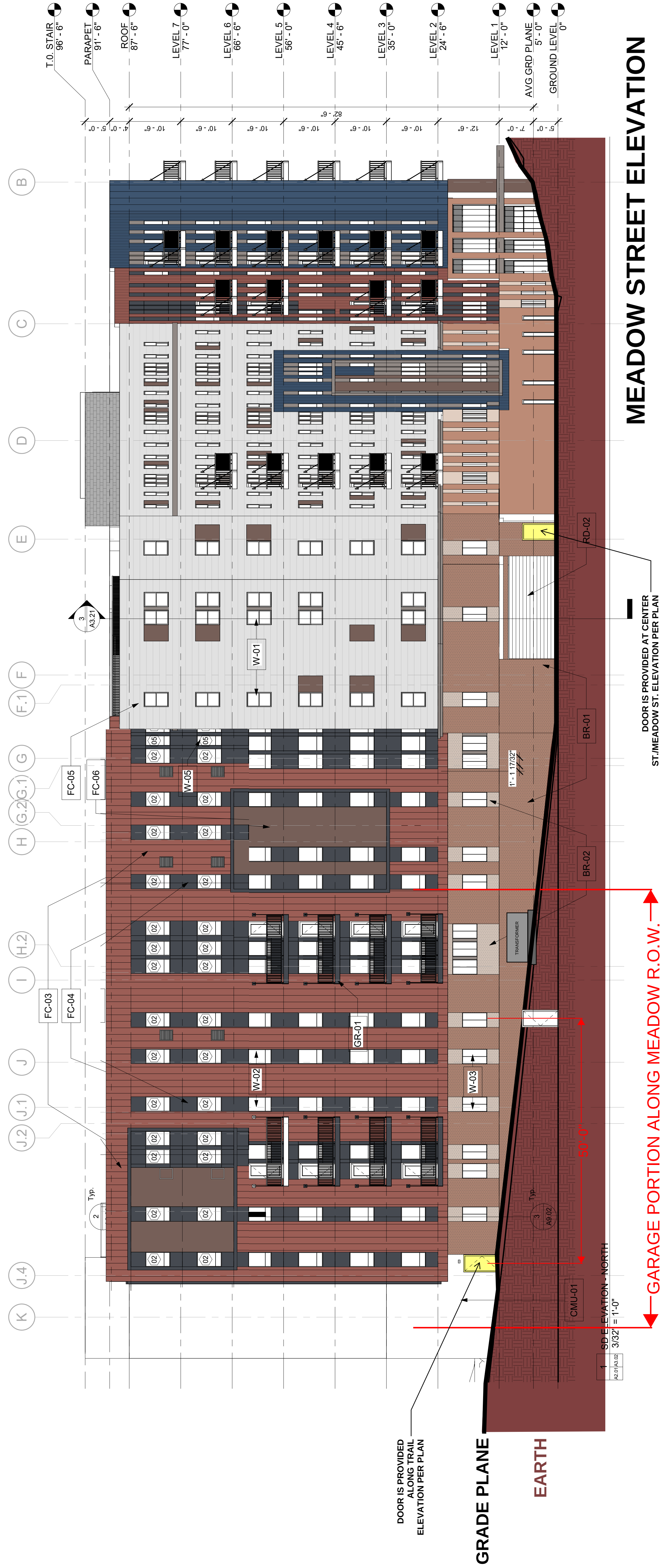
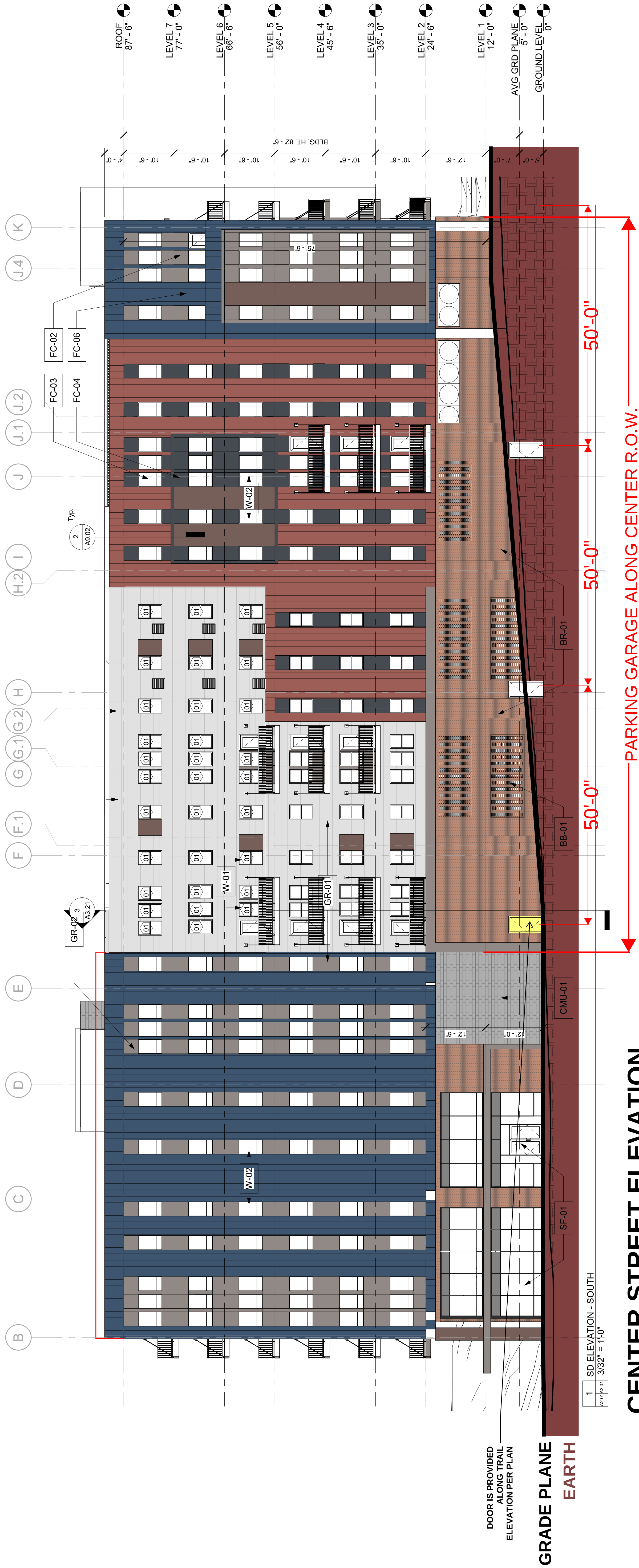
***166.22.C.2 - Parking Garages (C) Parking Garages in the Build-to Zone. The following regulations shall apply to minimize the appearance of a blank parking garage at the street level and to incorporate human scale elements and visual interest into parking garages located immediately adjacent to the street. (2) Entrances or pedestrian door openings shall be no greater than 50 feet apart.***

**Variance Request & Hardship:**

A parking garage in the build-to zone requires doors every 50'. In the case of 612 Center St, the parking garage is nestled into a large grade change. Cars and pedestrians enter the lowest portion of the garage which quickly burrows into the ground and is below grade. Because of the natural grading on the site, doors cannot engage the grade plan and the garage elevation. Where the two intersect, doors are provided to meet egress code. Additionally, the 612 Center St project is a private garage along the city's busy Razorback Greenway. The garage is for tenants only and the project seeks to secure the garage for the safety and security of the building residents. Per the zoning code, the goal is to reduce the appearance of a blank parking garage, to into incorporate human scale elements, and visual interest. The project responds to the human scale and provides visual interest through screened openings into the garage, murals along the public right-of-way, and doors as required for life safety egress. Providing additional doors to a private garage creates opportunities for a security breach. The life safety and security of tenants is key to the building design. The intent of the code is met through design of translucent openings providing glimpses into the garage. Limiting pedestrian connection is necessary for security and due to the hardship of grade which limits cuts through the building elevation.









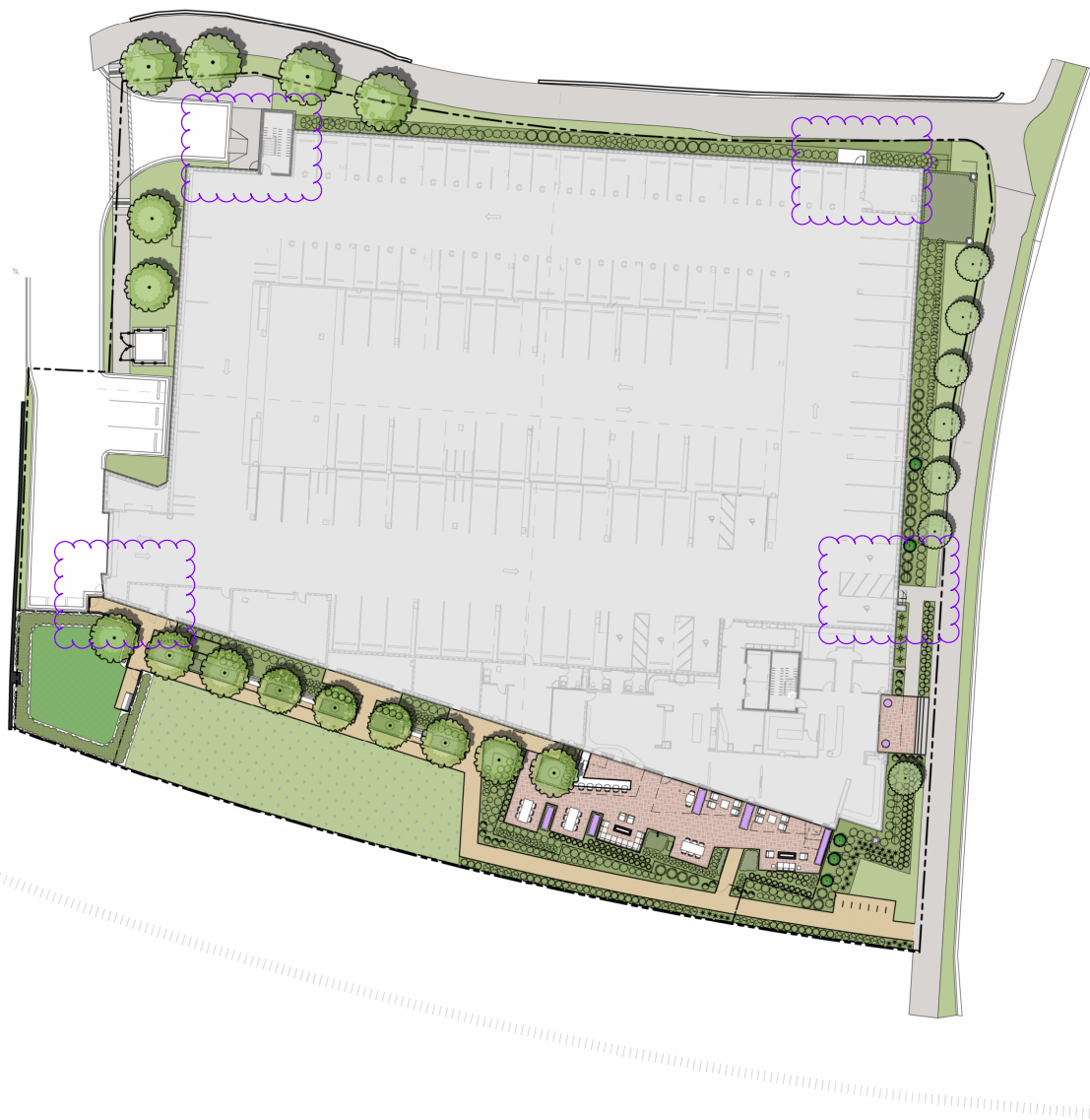








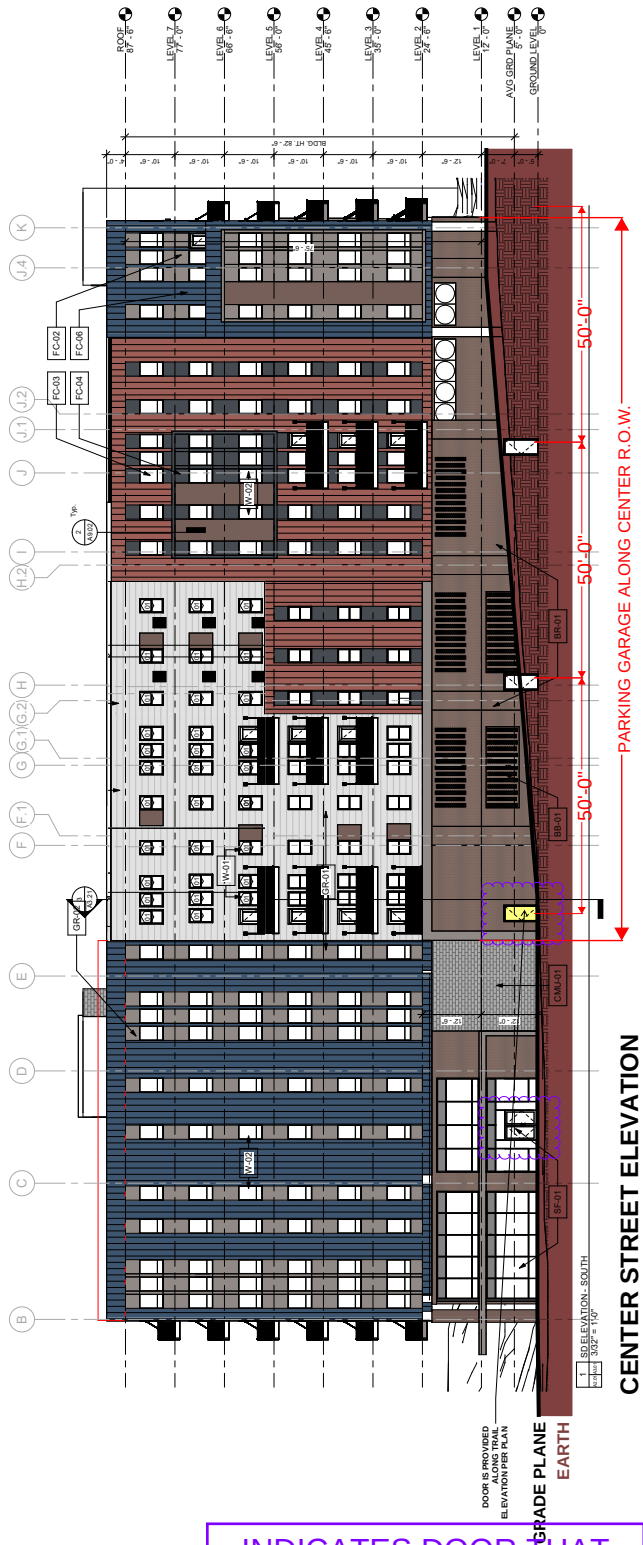
STAFF  
EXHIBIT



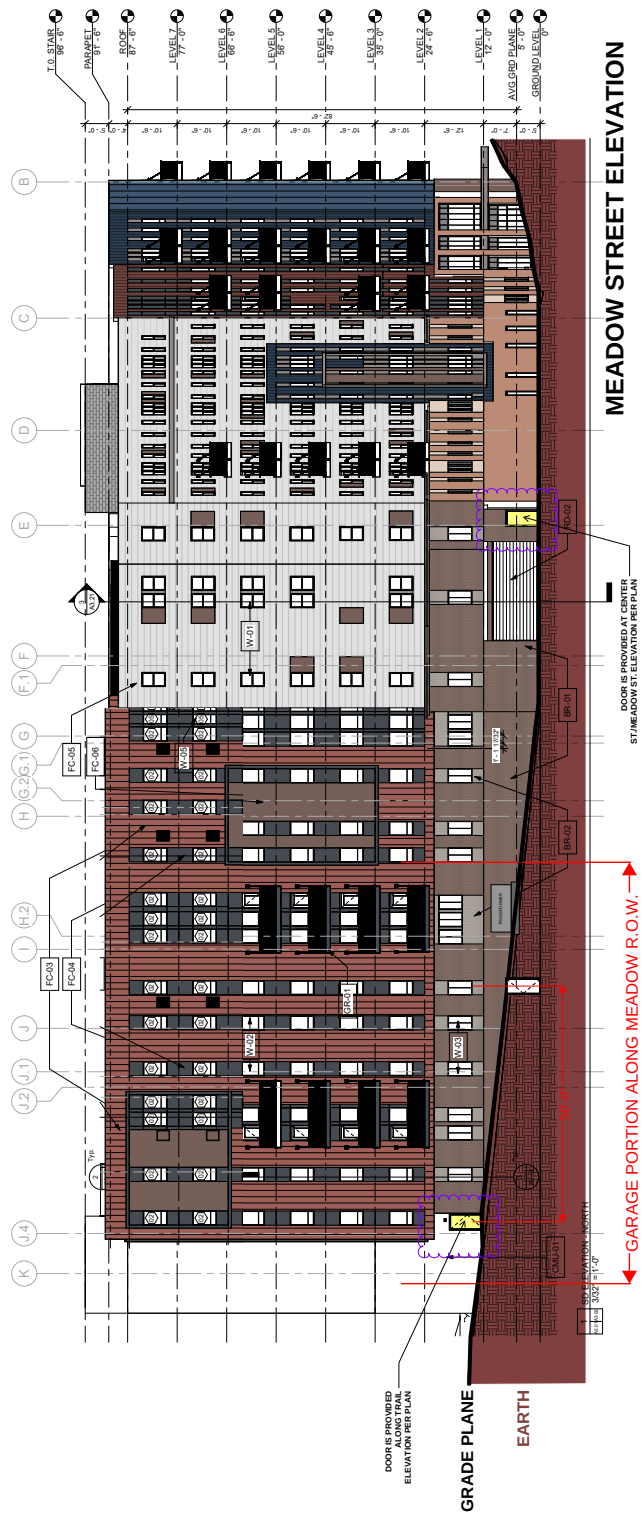
INDICATES DOOR THAT  
SHALL BE AVAILABLE FOR  
INGRESS FOR RESIDENTS

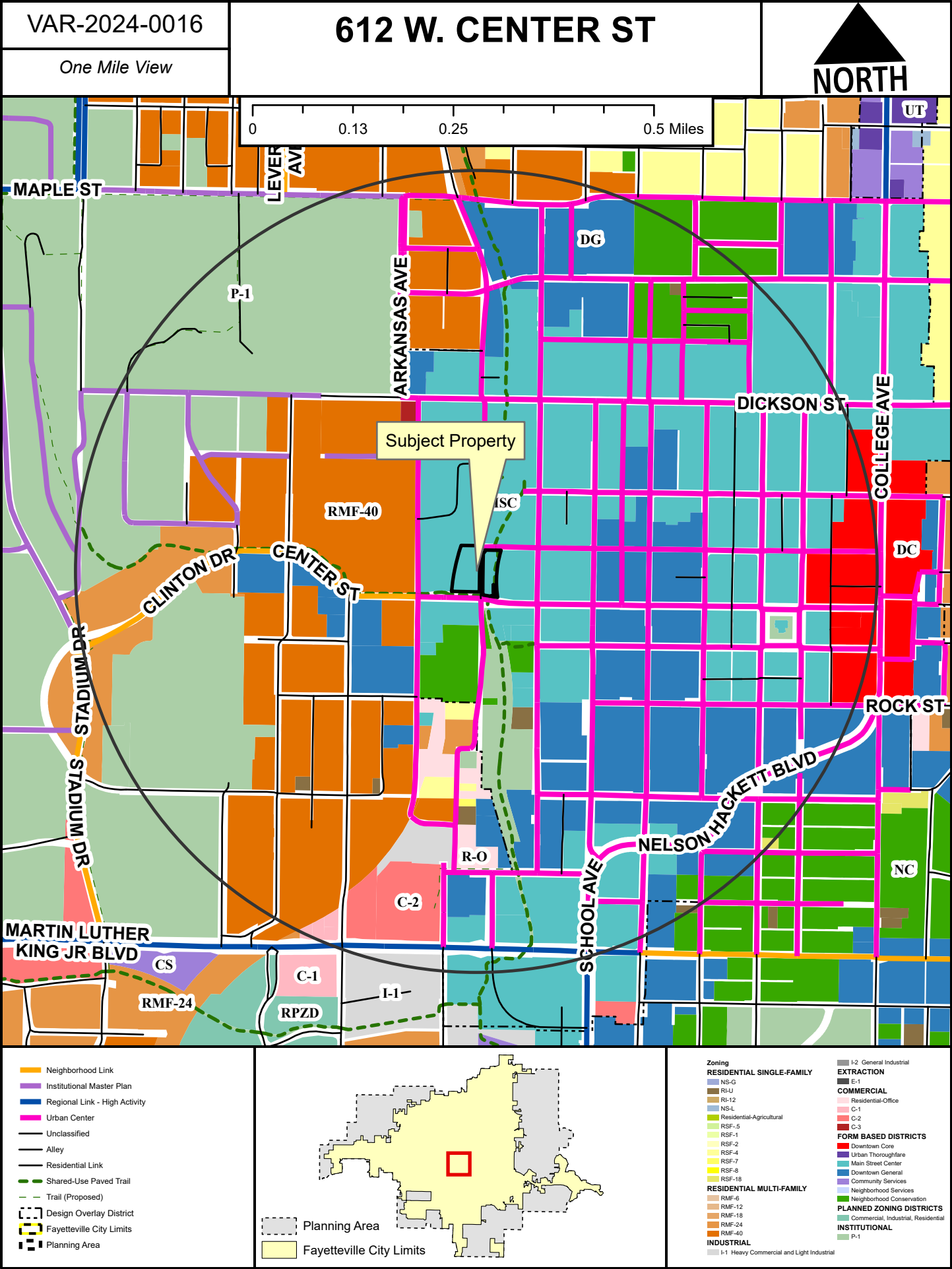


# STAFF EXHIBIT

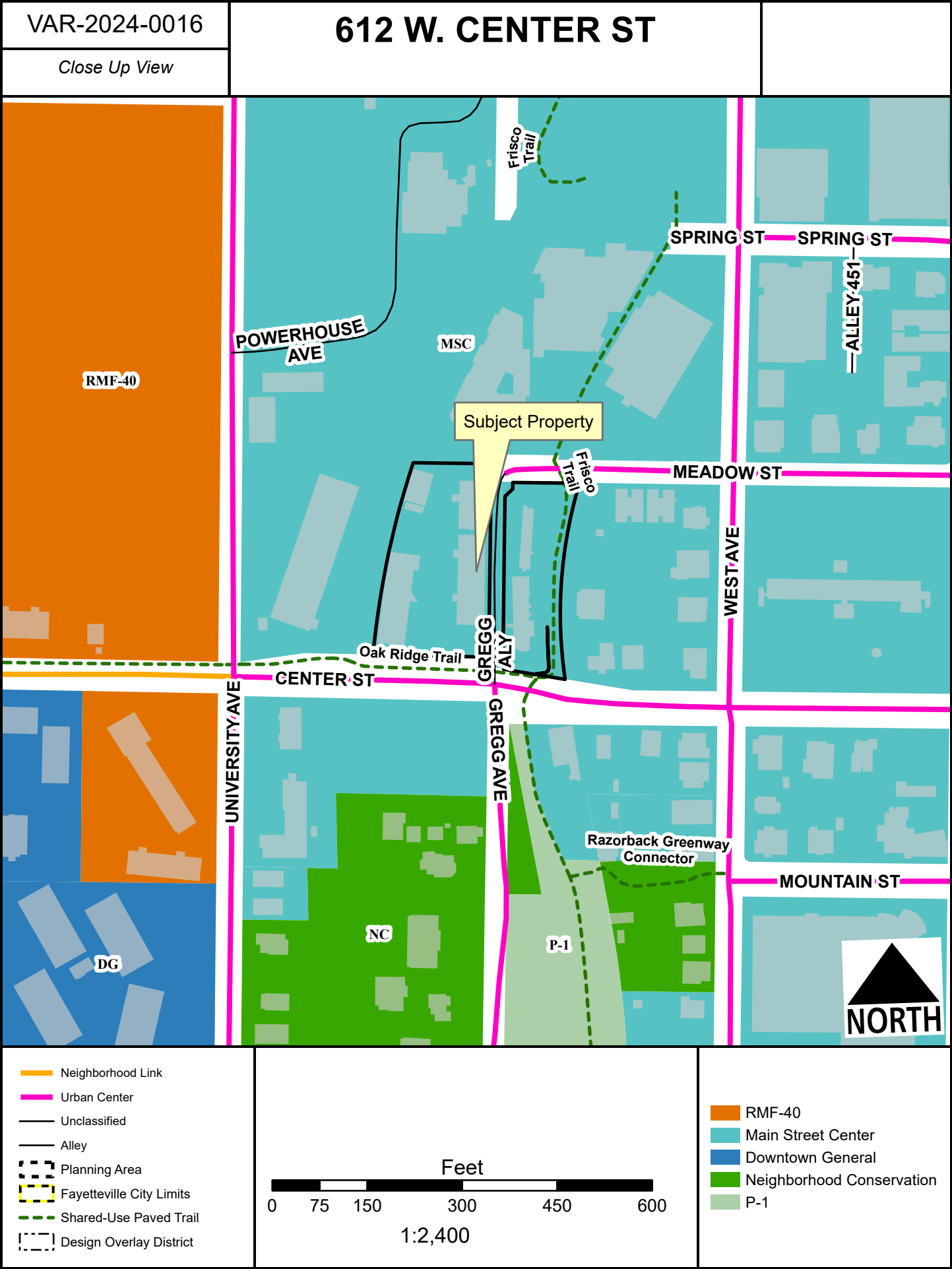


INDICATES DOOR THAT SHALL BE AVAILABLE FOR INGRESS FOR RESIDENTS

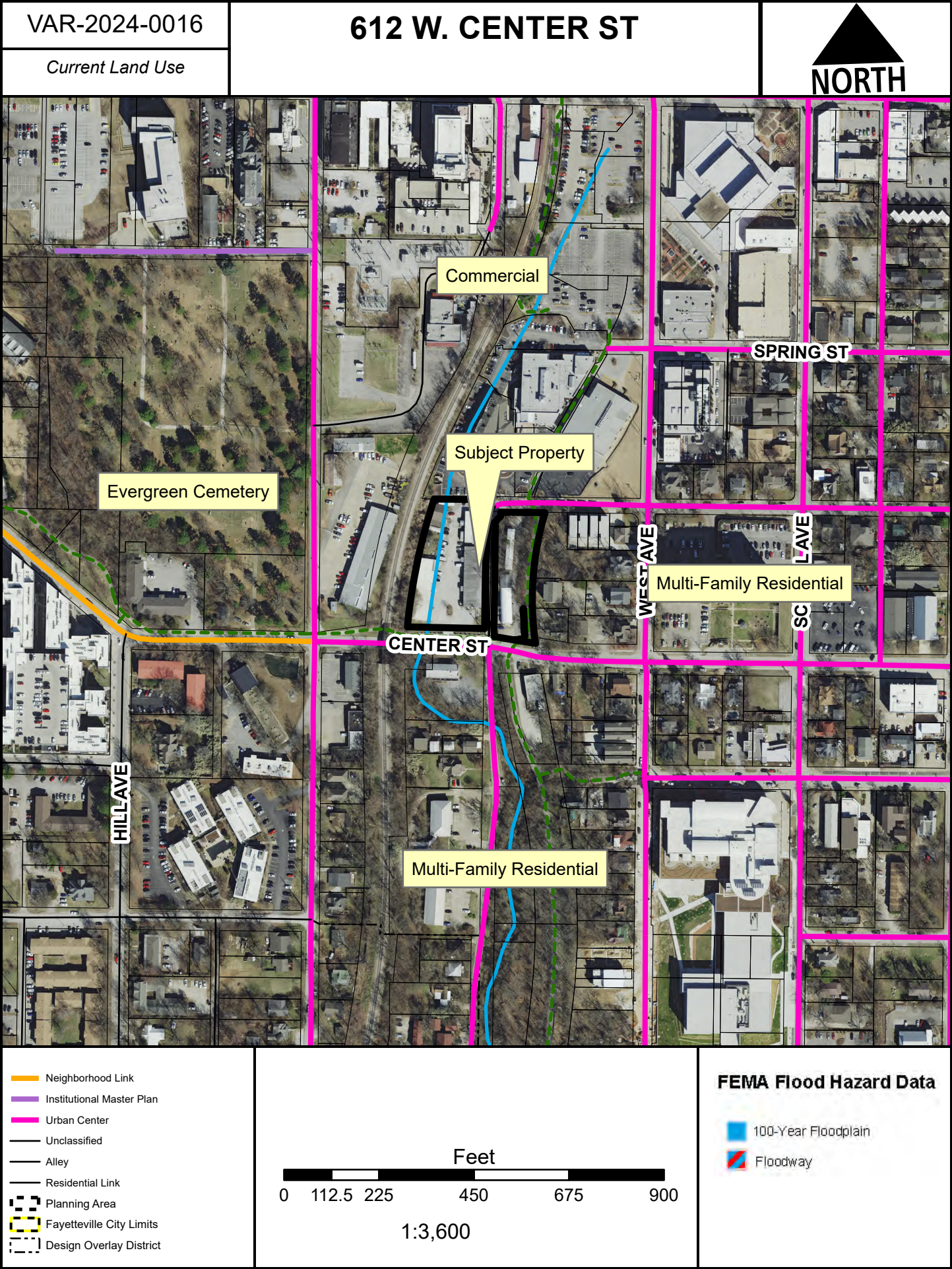
















**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** April 8, 2024

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

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

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

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

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

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

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

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

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

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

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

**Conditions of Approval:**

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



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

|                                    |                                 |                                   |                                 |                 |                   |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|-----------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 | <b>Required</b> | <b><u>YES</u></b> |
| Date: <u>April 8, 2024</u>         | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |                 |                   |
| Motion:                            |                                 |                                   |                                 |                 |                   |
| Second:                            |                                 |                                   |                                 |                 |                   |
| Vote:                              |                                 |                                   |                                 |                 |                   |

#### FINDINGS OF THE STAFF

#### §163.02. AUTHORITY; CONDITIONS; PROCEDURES.

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

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

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

**Finding:** The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

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

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

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

(c.) The Planning Commission shall certify:

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

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

#### **§172.06. PARKING LOT LOCATION STANDARDS.**

...

##### **B. Permitted Locations as a Conditional Use.**

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

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

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

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

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

...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

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

### 161.27 Main Street/Center

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                           |         |
|---------------------------|---------|
| Dwelling (all unit types) | 18 feet |
|---------------------------|---------|

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

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

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

(G) *Building Height Regulations.*

|                         |                      |
|-------------------------|----------------------|
| Building Height Maximum | 5 stories/7 stories* |
|-------------------------|----------------------|

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

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

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

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## 172.06 - Parking Lot Location Standards

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

(A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

(B) *Permitted Locations as a Conditional Use.*

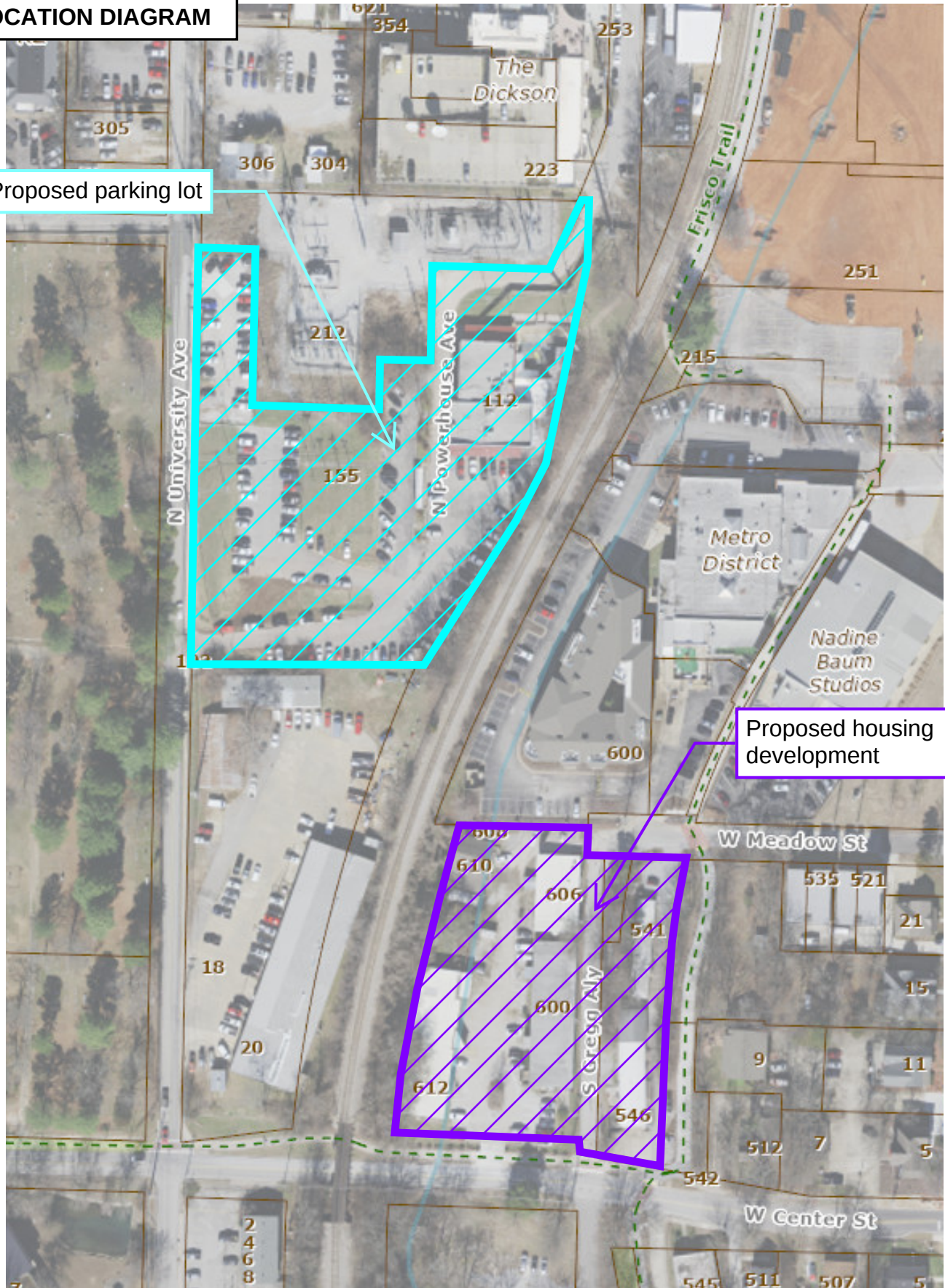
- (1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
- (2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for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

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

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

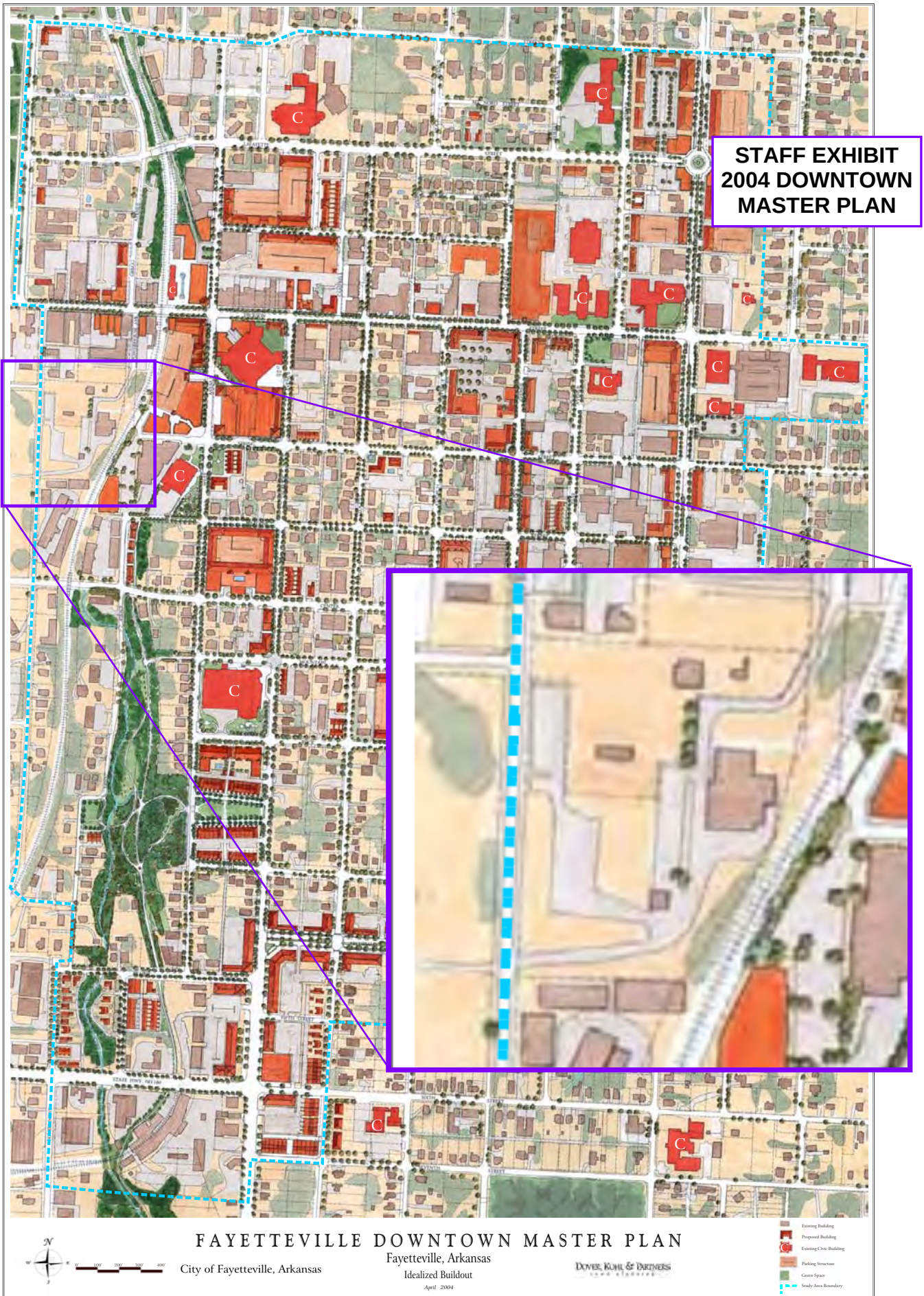
**STAFF EXHIBIT  
OFF-SITE PARKING LOT  
LOCATION DIAGRAM**

Proposed parking lot



Proposed housing development





STAFF EXHIBIT  
2004 DOWNTOWN  
MASTER PLAN

# BLEW

Surveying | Engineering  
Environmental

March 20, 2024

City of Fayetteville  
125 W. Mountain Street  
Fayetteville, Arkansas

SUBJECT: Conditional Use Permit  
Parcel 765-12932-001

To Whom It May Concern:

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

## Building size in square feet; existing and proposed

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

## Color elevations of all exterior sides of the structure

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

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

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

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

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

Number of Employees: 0

Anticipated number of patrons: 194 vehicles

## Outdoor lighting

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

## Noise

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



479-443-4506



blewinc.com



Planning Commission  
3102 N. Prairie Hills Pkwy  
Rogers, Arkansas 72758

CUP-2024-0011 (TRINITAS VENTURES)  
Page 12 of 17



### Screening or buffering from adjacent properties.

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

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

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

### Ingress and egress to the property; traffic impacts

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

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

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

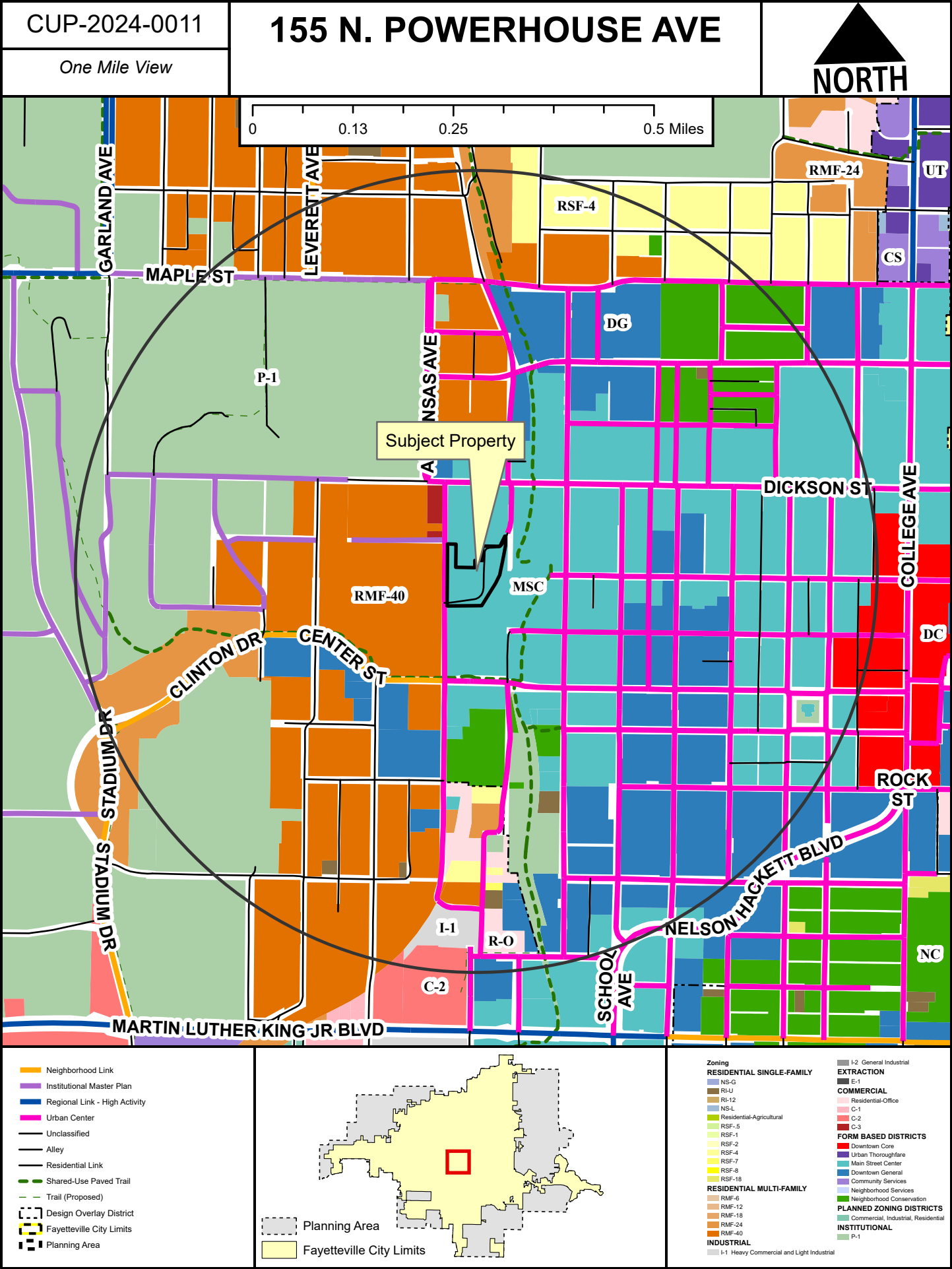
Sincerely,

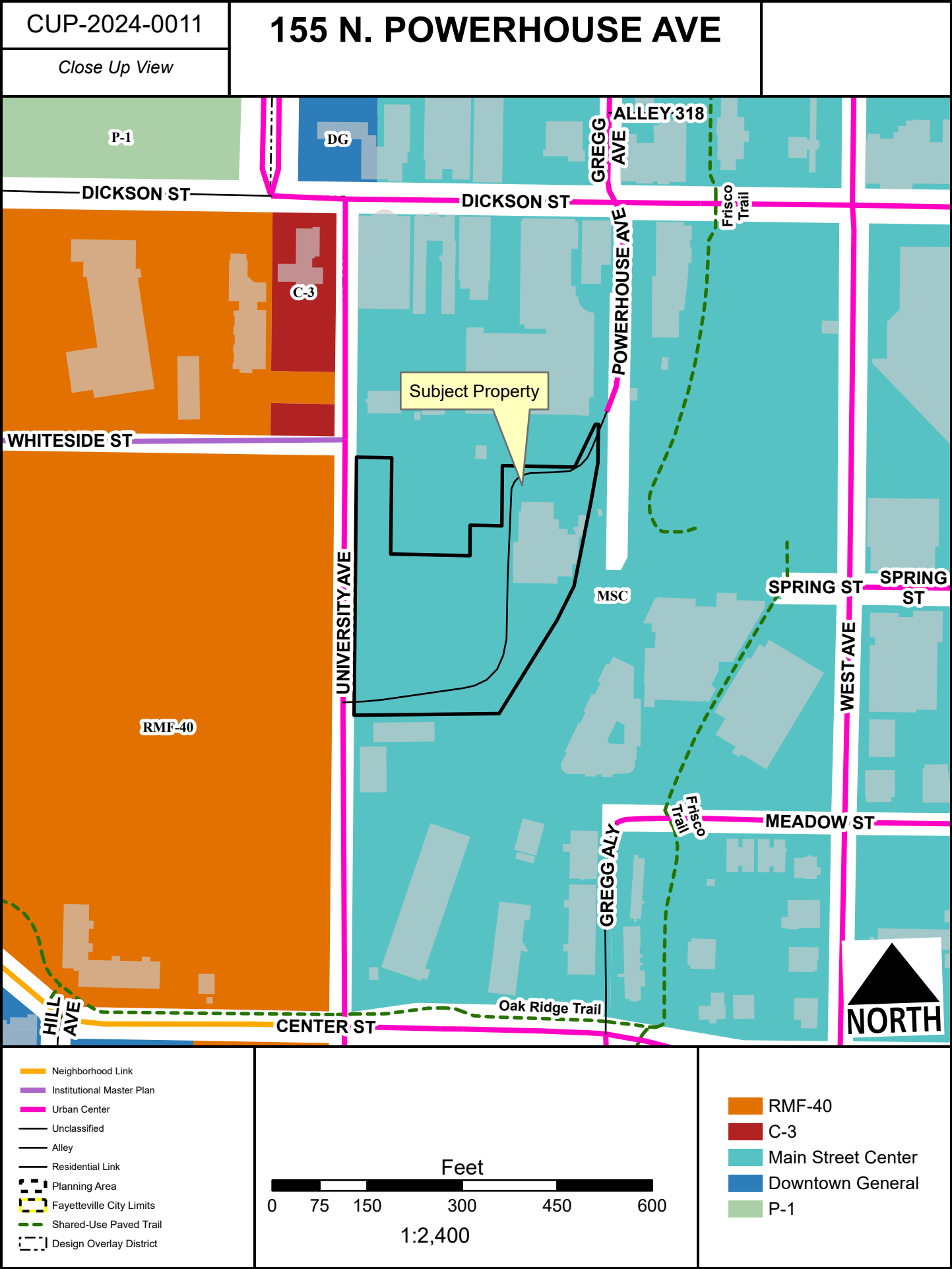


Jorge Du Quesne  
Blew & Associates, PA

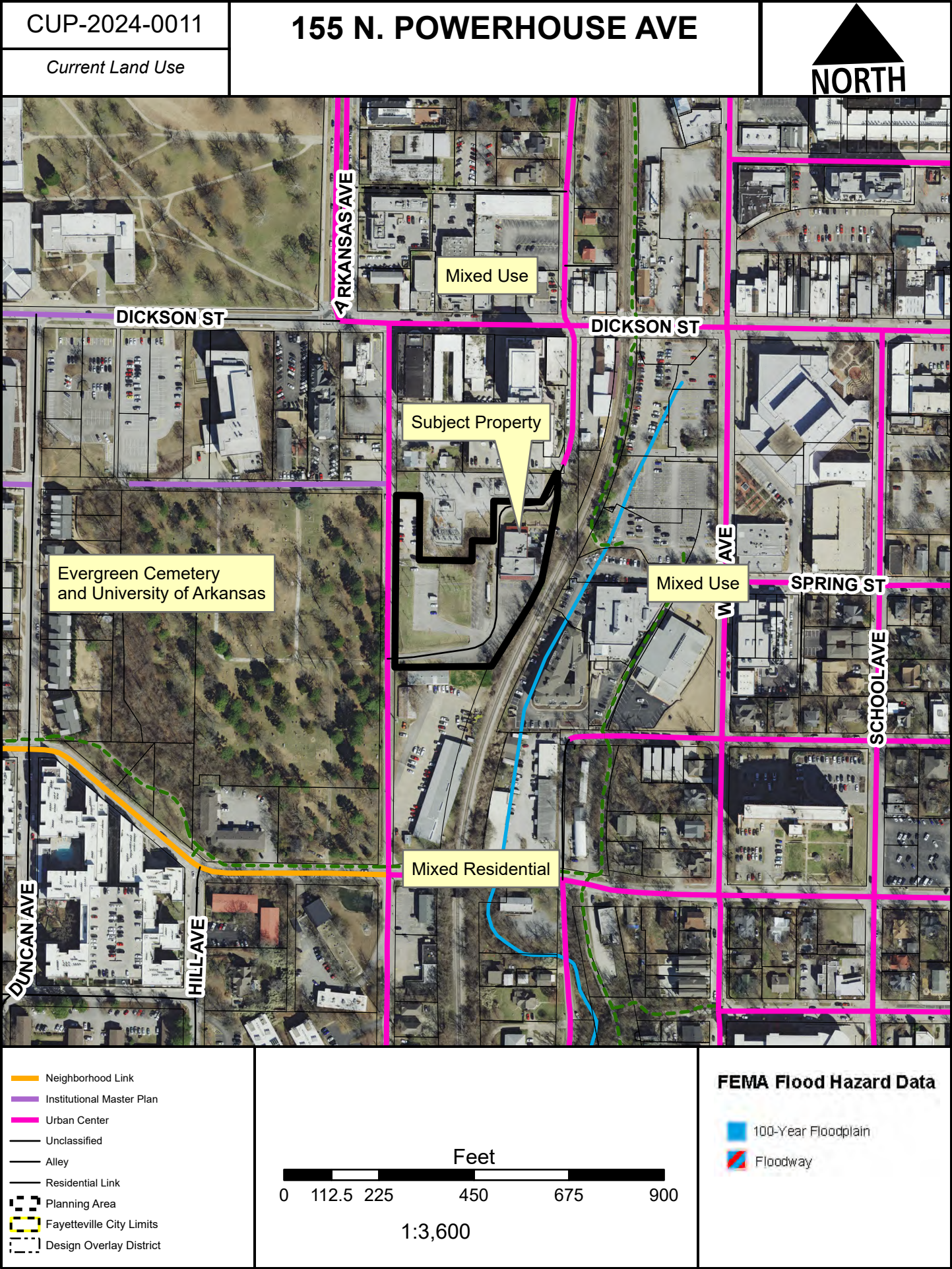
\* CONCEPTUAL DISCLAIMER \*  
THIS DRAWING WAS CREATED FOR CONCEPTUAL PURPOSES ONLY. THE SITE INFORMATION WAS OBTAINED FROM CHICAGO PLANNING DOCUMENTS AND/OR CITY INFORMATION. THEREFORE, THE DESIGN MAY VARY DEPENDING ON ACTUAL TOPOGRAPHY, DRAINAGE CONDITIONS, SOILS, SURFACE, ETC., AND ANY ADDITIONAL DATA AND/OR SITE CONDITIONS COULD RESULT IN CHANGES TO THE OVERALL DESIGN OF THE SITE. INCLUDING, BUT NOT LIMITED TO, PLANNING ACTIONS, NUMBER OF BUILDINGS, BACKLOG OF DEVELOPMENT, AND ACCESS TO THE SITE, ETC. AND ANY INCREASED ESTIMATED DEVELOPMENT COSTS.















**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Kylee Cole, Planner

**MEETING DATE:** April 8, 2024

**SUBJECT:** **CUP-2024-0010: Conditional Use Permit (1166 W. VAN ASCHE DR./LISA ACADEMY, 171):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1166 W. VAN ASCHE DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 9.18 acres. The request is for Use Unit 2: City-wide uses by conditional use permit (to use an existing gravel lot for temporary parking) in the C-2 zoning district.

**RECOMMENDATION:**

Staff recommends approval of **CUP-2024-0010** with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to approve **CUP-2024-0010** with conditions, determining:*

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

**BACKGROUND:**

The subject property is located in north Fayetteville on the northeast corner of W. Van Asche Dr. and S. McGuire St. The property is zoned C-2, Thoroughfare Commercial and contains approximately 9.20 acres and is developed with a 46,000 sq. ft. elementary school (Lisa Academy – LSD-2021-000044). At the northwest corner of the property, an approximately 9,900 sq. ft. gravel contractor laydown yard remains on site. Surrounding land uses and zoning are depicted in Table 1.

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

| Direction | Land Use                                  | Zoning                                 |
|-----------|-------------------------------------------|----------------------------------------|
| North     | Undeveloped                               | C-3, Central Commercial                |
| South     | Single-Family Residential;<br>Undeveloped | R-A, Residential-Agricultural          |
| East      | Undeveloped                               | C-2, Thoroughfare Commercial           |
| West      | Warehouse                                 | LI, Light Industrial (City of Johnson) |

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

*Proposal:* The applicant requests conditional use permit approval to use the existing gravel area as a temporary staff parking area for approximately two years until a permanent parking area is constructed in the same area. In addition to this conditional use, the applicant is requesting a variance to UDC §172.02(B), Parking Lot Construction Standards. This parking area will be paved when the future high school building is constructed on the site.



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

**DISCUSSION:**

**Variance #1: UDC §172.02(B), Parking Lot Construction Standards.** Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures; have wheel guards or curbs to prevent vehicle intrusion into the public ROW; and provide striping and marking to indicate individual spaces and directional arrows. The applicant is requesting to vary from this standard to use existing gravel pave with no barriers or striping for the temporary lot.

*Staff recommendation: Staff is supportive of this variance request. The applicant has stated that the intent is to use this existing gravel area (used as a contractor's staging area during construction) as temporary staff parking until a permanent parking lot meeting typical standards is constructed in approximately two years. Since the parking area is located on private property over 40 feet away from the public right-of-way, staff does not have concerns about potential adverse impacts, particularly gravel track out onto public streets.*

**RECOMMENDATION:** Staff recommends approval of **CUP-2024-0010** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for a temporary parking lot in C-2 zoning.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. **Planning Commission determination of a variance to UDC §172.02(B), Parking Lot Construction Standards.** *Staff recommends approval of this variance for the reasons stated above.*
3. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs;
4. Any outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting;
5. Upon receiving a valid complaint that the holder of the conditional use is violating any condition of this permit, the Planning Department may refer the conditional use to the Planning Commission for review. The Planning Commission may amend or add conditions to the permit, may reaffirm the conditional use, or revoke the conditional use in its entirety; and
6. This approval will expire two years from the date of approval. Should the applicant wish to extend the use of the temporary parking lot beyond the period of two years, the applicant shall submit a new application for review by the Planning Commission.

|                                                        |                                 |                                   |                                 |
|--------------------------------------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |                                 |                                   |                                 |
| <b>Date:</b> <u>April 8, 2024</u>                      | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <b>Motion:</b>                                         |                                 |                                   |                                 |
| <b>Second:</b>                                         |                                 |                                   |                                 |
| <b>Vote:</b>                                           |                                 |                                   |                                 |

## FINDINGS OF THE STAFF

### §163.02. AUTHORITY; CONDITIONS; PROCEDURES.

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

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

**Finding:**    **The applicant has submitted a written application requesting conditional use approval for a temporary parking lot.**

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

**Finding:**    **The applicant has paid the required filing fee.**

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

**Finding:**    **The Planning Commission is empowered under Unified Development Code §161.23 to grant the requested conditional use permit.**

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

**Finding:** Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The parking lot will serve the Lisa Academy staff. Any further alterations to the lot will be subject to compliance with the Unified Development Code or further review by the Planning Commission.

- (c.) The Planning Commission shall certify:

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

**Finding:** Specific standards for parking lot construction is outlined in UDC §172.02(B). Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures; have wheel guards or curbs to prevent vehicle intrusion into the public ROW; and provide striping and marking to indicate individual spaces and directional arrows. The applicant is requesting to vary from this standard to use existing gravel pave with no barriers or striping for the temporary lot. Staff is supportive of this variance from typical standards. The applicant has stated that the intent is to use this existing gravel area (used as a contractor's staging area during construction) as temporary staff parking until a permanent parking lot meeting typical standards is constructed in approximately two years. Since the parking area is located on private property over 40 feet away from the public right-of-way, staff does not have concerns about potential adverse impacts, particularly gravel track out onto public streets. Further, the proposed use is temporary in nature and specific conditions of approval speaking to a two year limitation will require that the applicant revisit this item with the Commission if they wish to continue the temporary use.

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

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

**Finding:** Vehicular ingress and egress to the parking lot is proposed through the existing curb cut to the school's driveway with full access onto McGuire St.

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

**Finding:** No substantial economic, noise, glare, or odor effects on adjoining properties are anticipated. No additional screening is recommended for the property.

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

**Finding:** The property owner is responsible for maintaining the lot. No trash service is proposed for the lot.

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

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

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

**Finding:** Surrounding properties are commercial or undeveloped. No additional screening is recommended.

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

**Finding:** All signage shall be reviewed separately in accordance with UDC Chapter 174.

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

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

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

**Finding:** Staff finds that the proposal is compatible with adjacent properties. The subject property is surrounded by undeveloped property on the north and east. To the west, a commercial warehouse structure has several large parking areas. The proposed temporary lot is located approximately 475 feet from the residential property to the south. Further, staff recognizes that this is a temporary use and eventual improvement of the parking area to meet standard requirements will be more appropriate.

(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 generally incompatible with the goals and intent of City Plan 2040. However, the proposal is for temporary use as a parking lot until the lot can be improved to meet typical parking lot standards. Further, conditions placed on the approval of this use would facilitate reapplication and reevaluation of the use.

---

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code
  - §161.23 – District C-2, Thoroughfare Commercial
  - §172.02 – Parking Lot Construction Standards
- Applicant Request Letter
- Applicant Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

### 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.

## 172.02 Parking Lot Construction Standards

- (A) *Permits and Plan.* For parking lots containing five (5) or more spaces, building, and grading permits and site and grading plans shall be required prior to any initiation of work.
- (B) *Surfacing.* Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures.
- (C) *Barriers.* Parking lots shall be provided with wheel guards or curbs so located that no part of a parked vehicle will extend into or over the sidewalks, property lines, or street right-of-way.
- (D) *Striping and Marking.* Parking lots spaces shall be striped to indicate the location of the individual spaces, directional arrows shall be provided at the entrance of aisles and entry drives, and accessible spaces shall be marked meeting current Americans with Disabilities Act (ADA) requirements. Such striping and marking shall be in accordance with the Manual on Uniform Traffic Control Devices.

March 13, 2024

Planning Commission  
Fayetteville Planning Department  
125 W. Mountain Street  
Fayetteville, AR 72701

**RE: Conditional Use Request for Lisa Academy**

Planning Commission,

Please accept this Conditional Use request (Conditional Use Unit 2: City-wide use permit; temporary parking lot) for the Lisa Academy located at 1166 Van Asche Drive in Fayetteville. This Conditional Use request is for Lisa Academy to maintain the existing gravel laydown area previously used as a staging area for the contractor's offices and associated parking during the school's construction. Lisa Academy wants to continue using the laydown area as temporary parking for the school for approximately 2 years until a more permanent parking area is constructed. There are no buildings, lighting (lighting will be provided with the permanent parking lot) or trash service proposed with this Conditional Use.

Also, as part of this Conditional Use, we would also include a deviation from Fayetteville's parking lot construction standards (UDC 172.02) that requires surfacing, barriers, and/or striping and marking. Since this is an existing gravel area that Lisa Academy wants to repurpose, there is not an effective way to provide these items; however, once a permanent parking area has been provided, Lisa Academy will meet the code requirements per UDC 172.02.

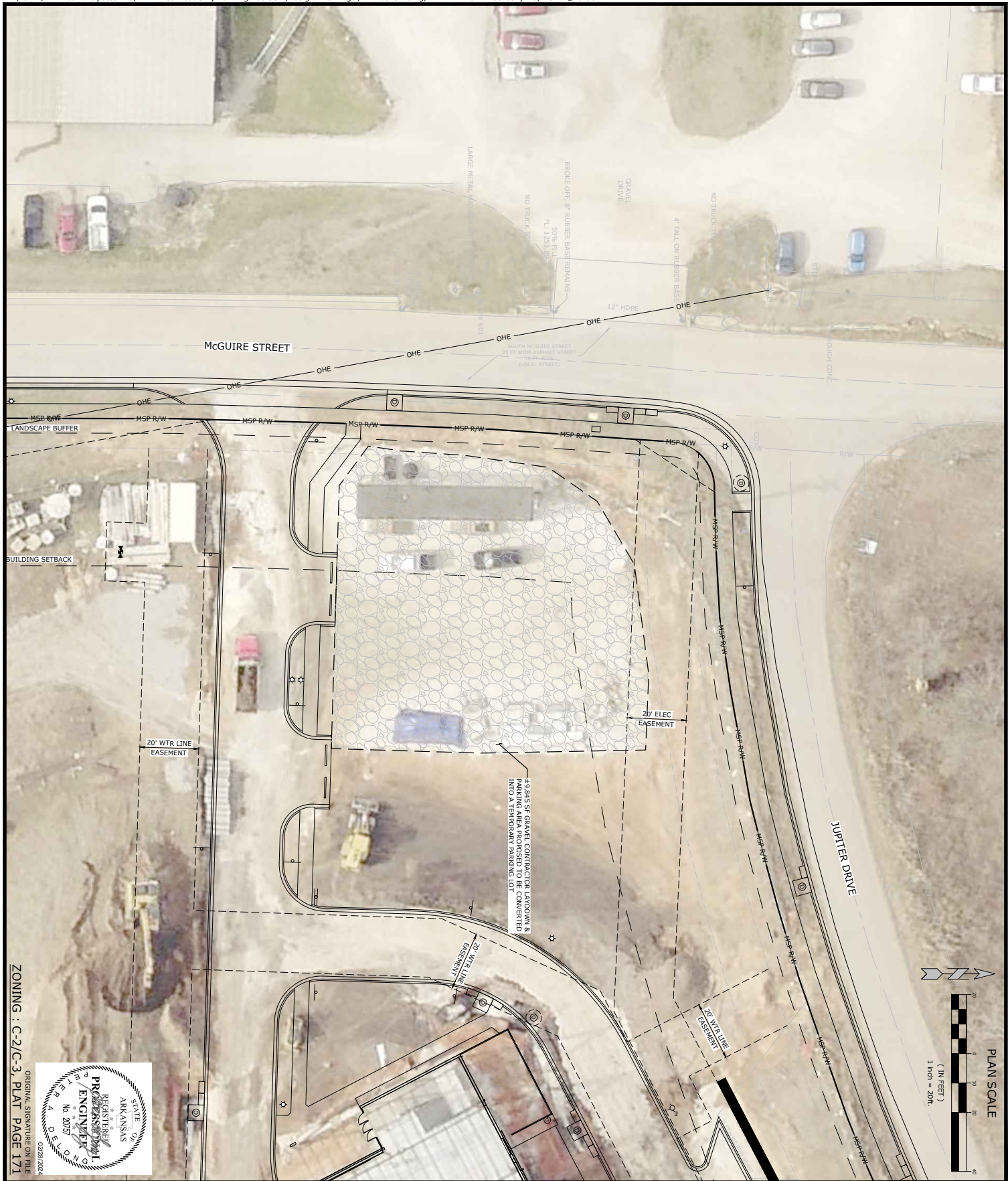
If you should have any questions, please do not hesitate to contact me. We appreciate your continued support of this project.

Sincerely,  
McClelland Consulting Engineers, Inc.

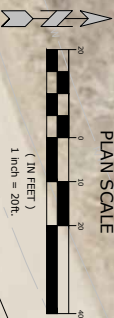


James Dibble  
Assistant Project Manager  
(479) 443.2377  
[jdibble@mce.us.com](mailto:jdibble@mce.us.com)





ZONING: C-2/C-3, PLAT PAGE 171



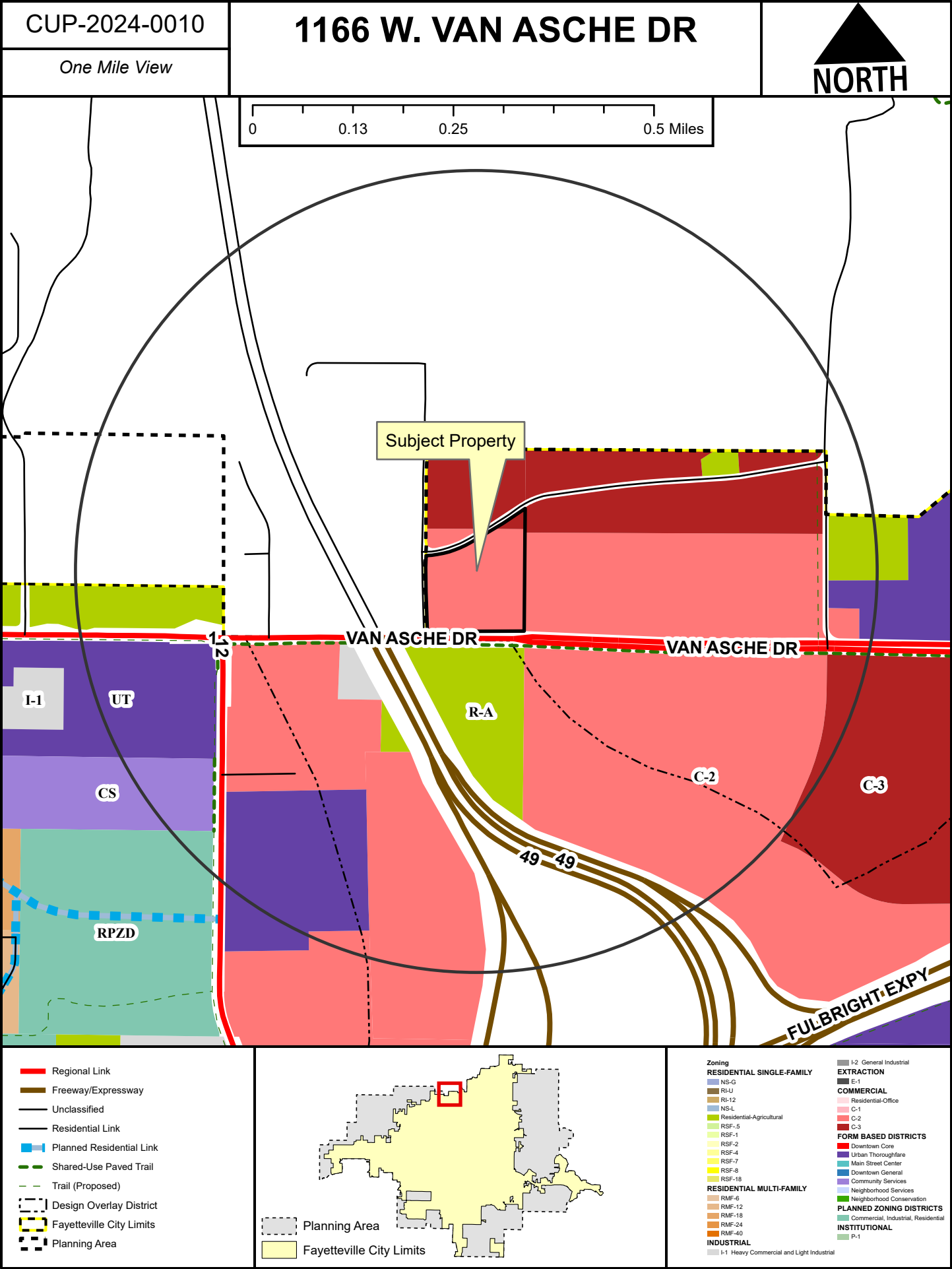
| SITE PLAN    |           |
|--------------|-----------|
| DESIGNED BY: | JD        |
| DRAWN BY:    | JD        |
| DATE:        | 2/28/2024 |
| REVISION:    | REV-0     |
| SCALE:       | AS NOTED  |
| JOB NUMBER:  | 24-2109   |

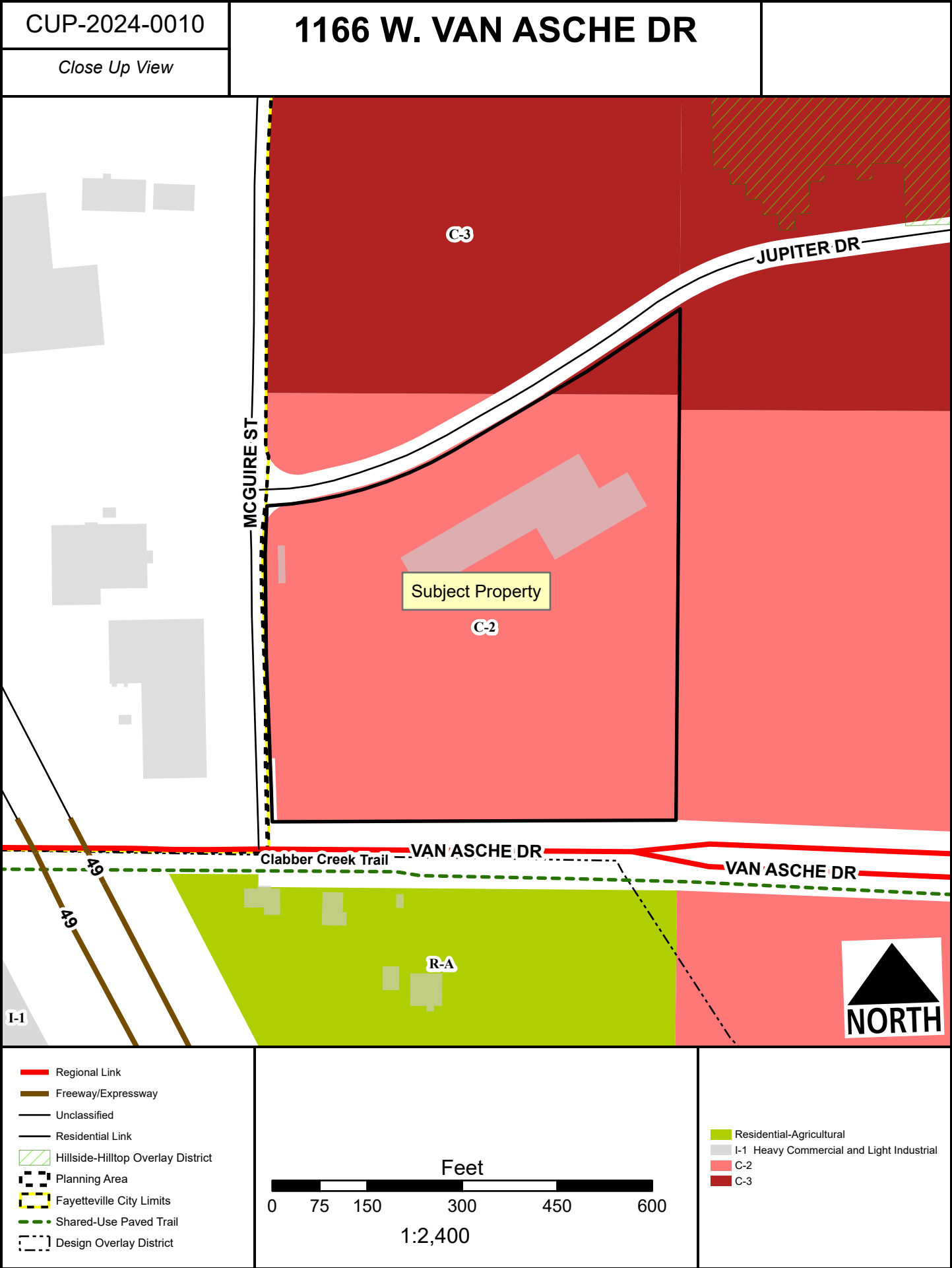
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|-----------|------|-------------|
| REV       | DATE | DESCRIPTION |
| 1         |      |             |



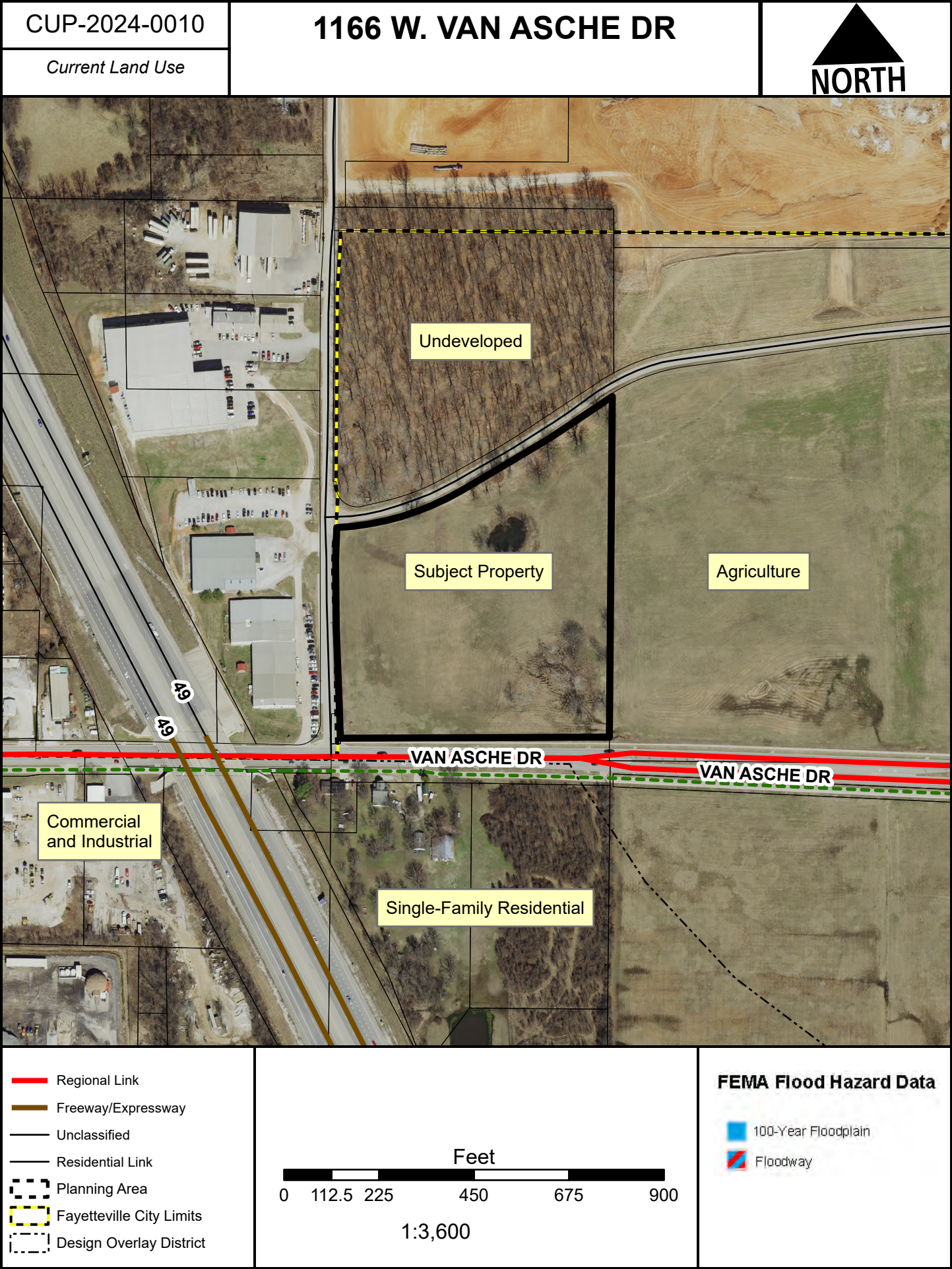
LISA ACADEMY  
PARKING LOT CUP  
1166 VAN ASCHE DRIVE  
FAYETTEVILLE, AR

**MCE McClelland Consulting Engineers, Inc.**  
1580 E. STEARNS STREET  
FAYETTEVILLE, AR 72707  
PH: (479) 337-2377  
WWW.MCE-ENGINEERS.COM  
April 8, 2024













**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Gretchen Harrison, Senior Planner

**MEETING DATE:** April 8, 2024

**SUBJECT:** **RZN-2024-0009: Rezoning (E. 10<sup>TH</sup> ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563):** Submitted by MBL PLANNING for property located at E. 10<sup>TH</sup> ST. AND S. WAXFLOWER AVE. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 3.87 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

**RECOMMENDATION:**

Staff recommends forwarding **RZN-2024-0009** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **RZN-2024-0009** to City Council with a recommendation of approval."*

**BACKGROUND:**

The subject property contains lots 23, 26, and 31 of the Willow Bend subdivision which total 0.90, 1.23, and 1.74 acres, respectively. The final plat of the Willow Bend subdivision was recorded in February of 2020. In September of 2020, a conditional use permit was approved to allow cluster housing on lots 23, 26, and 31 (CUP-2020-000004). That conditional use permit expired after three years on September 14, 2023. Large scale development approval for cluster housing on lots 26 and 31 was granted in October of 2021, though that approval expired after one year in October of 2022. A small-site improvement plan for cluster housing on lot 23 was submitted to staff in 2021 but it was never approved. Surrounding land uses and zoning are depicted in *Table 1*.

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

| Direction | Land Use                              | Zoning                                                                                |
|-----------|---------------------------------------|---------------------------------------------------------------------------------------|
| North     | Single-Family Residential Undeveloped | NC, Neighborhood Conservation                                                         |
| South     | Single-Family Residential Undeveloped | NC, Neighborhood Conservation<br>RSF-18, Residential Single-Family, 18 Units per Acre |
| East      | Single-Family Residential Undeveloped | NC, Neighborhood Conservation<br>RSF-18, Residential Single-Family, 18 Units per Acre |
| West      | Single-Family Residential Undeveloped | NC, Neighborhood Conservation<br>RSF-18, Residential Single-Family, 18 Units per Acre |

**Request:** The request is to rezone the subject property from NC, Neighborhood Conservation and RSF-18, Residential Single-Family, 18 Units per Acre to RI-U, Residential Intermediate-Urban.

*Public Comment:* Staff has not received any public comment on this item to date.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:**

**Streets:** The subject property has frontage along South Waxflower Avenue, a partially improved Residential Link Street with asphalt paving, curb, and gutter. The property also has frontage along East 10<sup>th</sup> Street, a fully improved Residential Link Street with asphalt paving, curb, gutter, and sidewalk. 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 on the east side of South Waxflower Avenue and on the north side of East 10<sup>th</sup> Street. An existing two-inch water main is also present on each lot.

**Sewer:** Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the west side of South Waxflower Avenue and on the south side of East 10<sup>th</sup> Street.

**Drainage:** Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams are present on site. Hydric soils are present which are known indicators 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 1.4 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 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 districts, NC, Neighborhood

Conservation and RSF-18, Residential Single-Family, 18 Units per Acre, require **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** area. The property is also located within the **Walker Park Neighborhood Master Plan** area.

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

The **Walker Park Neighborhood Master Plan** was the city's first neighborhood plan which was completed in 2008 after City Plan 2025 was adopted. Four guiding principles were identified in the plan which include maintaining a balance of uses and housing, emphasizing connectivity and walkability, creating a core of the neighborhood at Jefferson Square, and preserving accessible greenspace throughout the neighborhood.

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 9, 2250 S. School Ave.)
- Near Sewer Main (eight-inch main, Waxflower Avenue and 10<sup>th</sup> Street)
- Near Water Main (two-inch and eight-inch mains, on site and along Waxflower Avenue and 10<sup>th</sup> Street)
- Near City Park (Walker Park, Jefferson Park)
- Near Paved Trail (Walker Park Trail)
- Near ORT Bust Stop (Route 20)
- 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 zoning to be compatible with current land use and zoning patterns. While the surrounding neighborhood primarily consists of detached single-family dwellings, there are attached dwellings and nonresidential uses in close proximity to this site. In terms of zoning, all other lots in the Willow Bend subdivision are zoned RSF-18, Residential Single-Family, 18 Units per Acre, and most other lots in the general vicinity are zoned NC, Neighborhood Conservation. Both RSF-18 and NC only allow for the by-right development of detached single-family dwellings. While the proposed zoning district of RI-U, Residential Intermediate-Urban allows for the by-right development of single-family dwellings, it would also allow for the by-right development of two-family to four-family dwellings without limitation to density. RI-U zoning would also allow for the creation of smaller lots when compared to RSF-18 and NC.*

**Land Use Plan Analysis:** Staff finds the applicant's request to be consistent with the City's land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC and RSF-18 to RI-U could support that designation since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to paved trails and bus routes. Staff also finds the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same neighborhood as their housing needs change.

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

**Finding:** Staff finds that the proposed rezoning from NC and RSF-18 to RI-U is justified since it would allow for incremental residential infill. The existing NC and RSF-18 zoning districts have more limited bulk, area, and density limitations and they do not allow for the development of two-family to four-family dwellings by right.

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

**Finding:** A rezoning from NC and RSF-18 to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for more dense development than the existing zoning districts which have stated density limitations. The lots under consideration have direct access to public streets and any necessary street improvements and potential traffic impacts would be determined at the time of development.

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

**Finding:** The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains. 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-2024-0009 to City Council with a recommendation of approval.

|                             |                                 |                                    |                                 |
|-----------------------------|---------------------------------|------------------------------------|---------------------------------|
| PLANNING COMMISSION ACTION: |                                 | Required                           | <u>YES</u>                      |
| Date: <u>April 8, 2024</u>  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion:                     |                                 |                                    |                                 |
| Second:                     |                                 |                                    |                                 |
| Vote:                       |                                 |                                    |                                 |

BUDGET/STAFF IMPACT:  
None

- ATTACHMENTS:
- Unified Development Code
    - §161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre
    - §161.12 District RI-U, Residential Intermediate - Urban
    - §161.29 Neighborhood Conservation
  - Request Letter
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map

### 161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(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.*

|                |                       |
|----------------|-----------------------|
| Units per acre | Eighteen (18) or less |
|----------------|-----------------------|

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                |         |
|----------------|---------|
| Single-family  | 30 feet |
| Two (2) family | 30 feet |

(2) *Lot Area Minimum.*

|                            |                   |
|----------------------------|-------------------|
| Townhouses: individual lot | 1,250 square feet |
| Single-family              | 2,500 square feet |
| Two-family                 | 2,000 square feet |

(E) *Setback Requirements.*

| Front                                                                                                           | Side                 | Side-Zero Lot Line*                                                                                                                                                              | Rear   |
|-----------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| A build-to zone that is located between the front property line and a line 25 ft. from the front property line. | 5 feet on both sides | A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet. | 5 feet |

\* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

\*\* At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 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 for two-family dwellings.

(Ord. No. 5800 , §2(Exh. B), 10-6-15; Ord. No. 5824 , §2, 11-17-15; 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)

## 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<br>(all types) |
| Lot width minimum | 18 feet                 |
| Lot area minimum  | None                    |

(E) *Setback Requirements.*

| Front                                                                                                            | Side<br>Other<br>Uses | Side Single<br>& Two (2)<br>Family | Rear Other<br>Uses | Rear, from<br>centerline of<br>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)



## 161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                    |         |
|--------------------|---------|
| All dwelling types | 40 feet |
|--------------------|---------|

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

|                                    |                                                                                                                  |
|------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Front                              | A build-to zone that is located between the front property line and a line 25 feet from the front property line. |
| Side                               | 5 feet                                                                                                           |
| Rear                               | 5 feet                                                                                                           |
| Rear, from center line of an alley | 12 feet                                                                                                          |

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15>; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6211 , §1, 8-6-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)



Development Services Building  
Attn: Planning Division  
125 West Mountain Street  
Fayetteville, AR 72701

RE: Rezoning request for Willow Bend Subdivision Lots 23, 26, 31 from a combination of RSF-18 District and NC District to RI-U District

Along with our application, please consider these justifications for rezoning request.

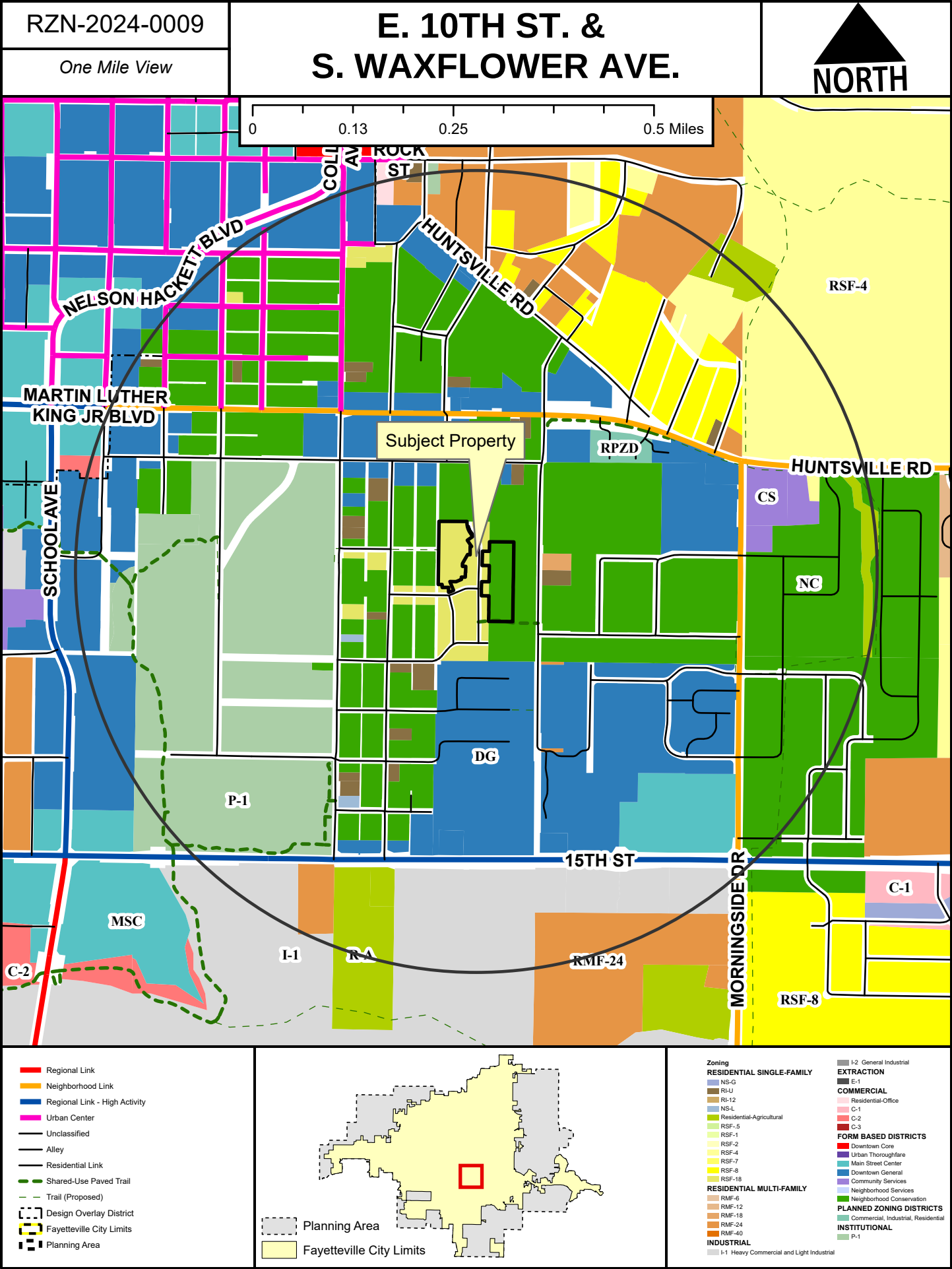
1. The subject properties are currently zoned a combination of Residential Single-Family – 18 Units per Acre (RSF-18) and Neighborhood Conservation (NC). The rezoning of this property to Residential Intermediate – Urban (RI-U) will support the orderly development of missing middle housing in Fayetteville by creating additional acreage for needed development of these housing types.
2. There are ten properties zoned RI-U within 500ft of this property. This represents that the uses included in the RI-U have been considered compatible with the NC & RSF-18 uses in the past. We believe this is also true for the subject properties.
3. The subject properties are in a neighborhood with a clear grid pattern which allows for the rapid distribution of any potential vehicle load associated with the future development of these lots. This rezoning is not expected to negatively impact traffic demand on the subject properties and the nearby streets are expected to be fully capable of providing sufficient capacity for the subject property upon approval of this rezoning.

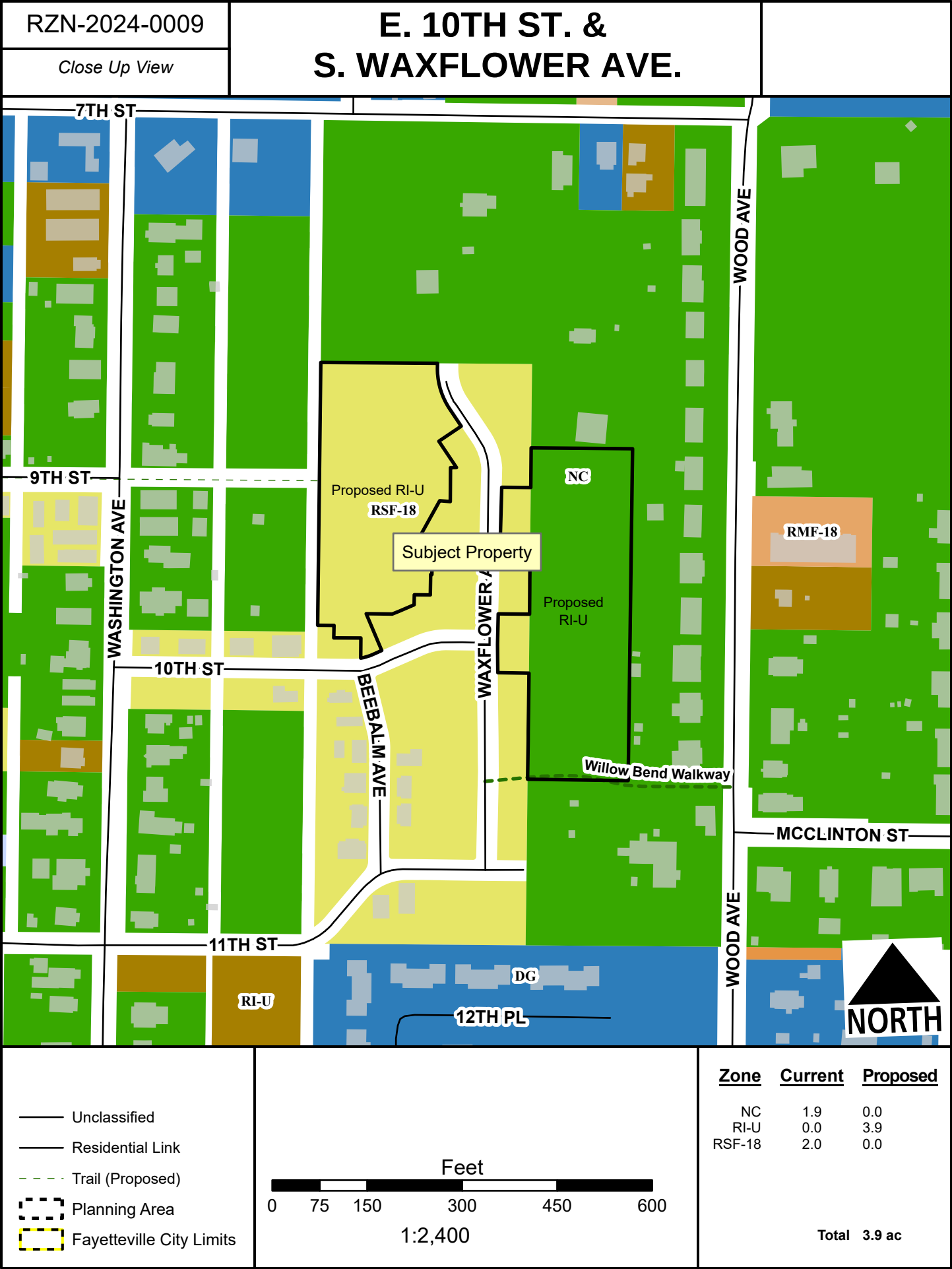
It is for these reasons that this request for rezoning to Residential Intermediate – Urban will not adversely affect nor conflict with the surrounding properties and can be appropriately applied to Lots 23, 26, and 31 of the Willow Bend Subdivision.

Sincerely,

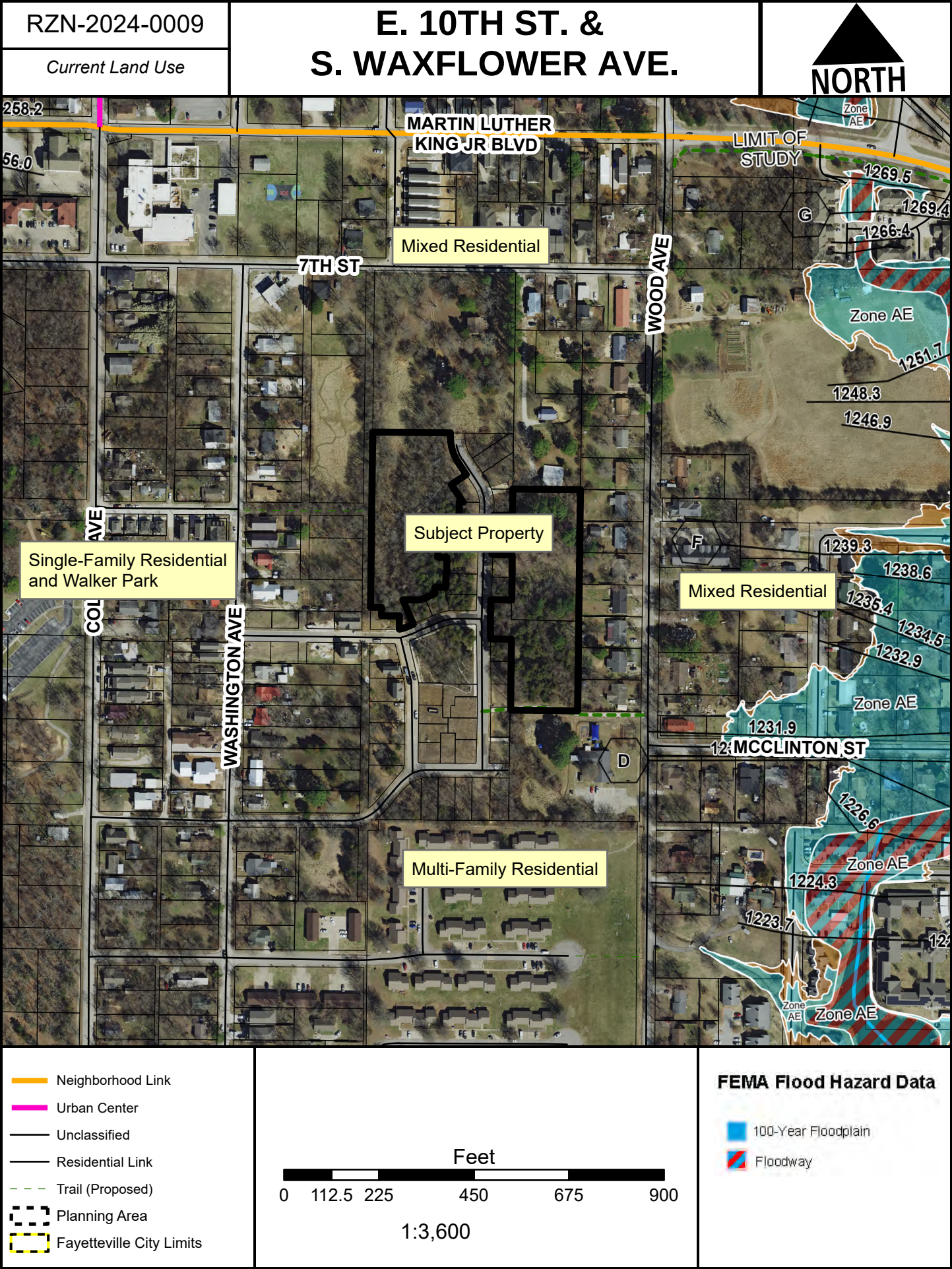
A handwritten signature in cursive script that reads "Lindsay Hackett".

Lindsay Hackett, AICP  
Project Manager  
MBL Planning

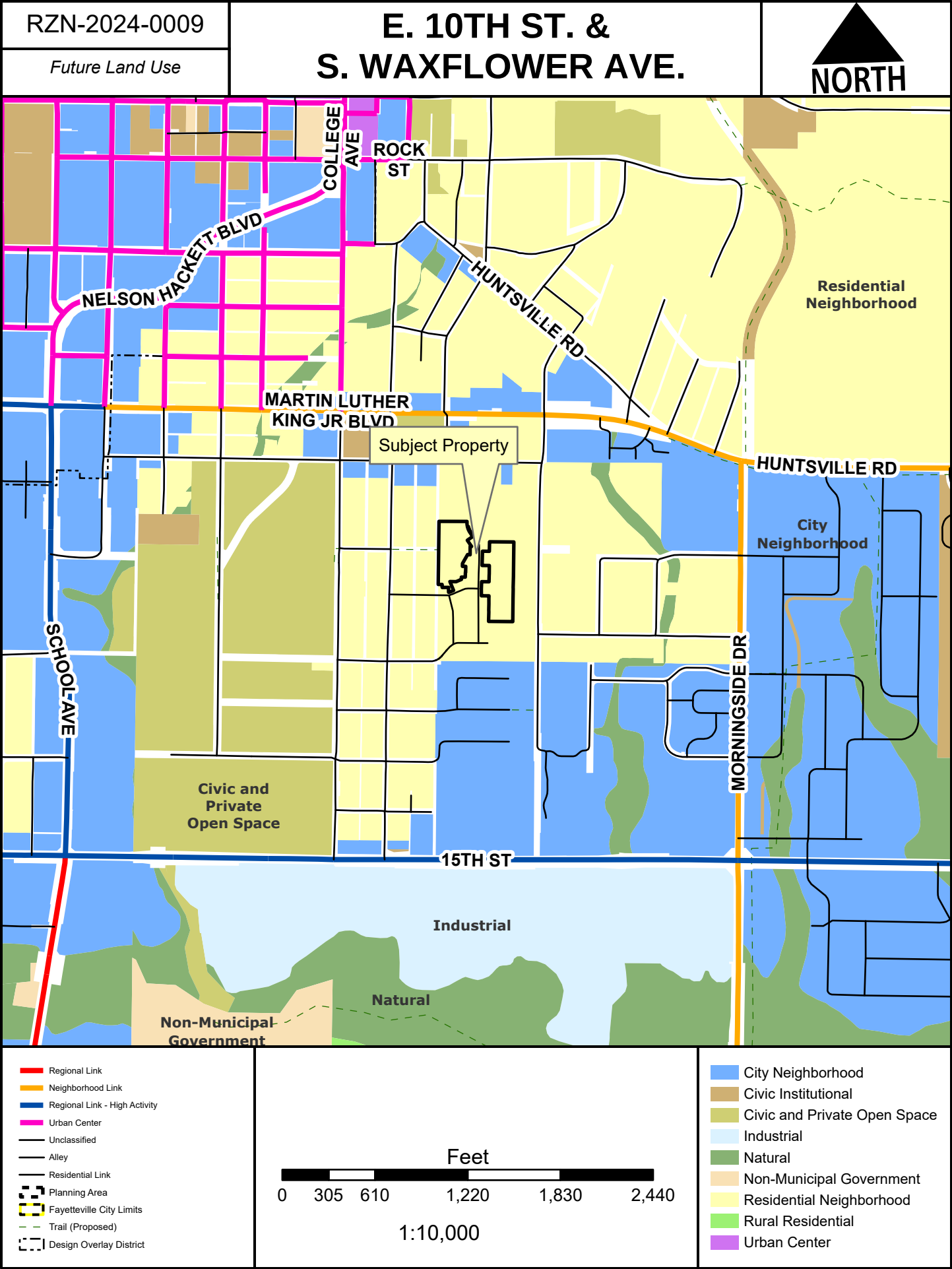














**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** April 8, 2024

**SUBJECT:** **RZN-2024-0010: Rezoning (1328 S. SCHOOL AVE/FERDORWSIAN, 562):** Submitted by BLEW & ASSOCIATES for property located at 1328 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.14 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL.

**RECOMMENDATION:**

Staff recommends denial of **RZN-2024-0010**.

**RECOMMENDED MOTION:**

*"I move to deny **RZN-2024-0010**."*

**BACKGROUND:**

The subject property is in south Fayetteville approximately 1/10 mile north of the intersection of S. School Ave. and W. 15<sup>th</sup> St. The east property line borders Walker Park. The property contains roughly 1.17 acres and is DG, Downtown General, which was received as part of the city-initiated rezoning for the Walker Park Master Plan in 2008. The property is currently developed with multiple outbuildings and an existing gravel parking lot. The property falls within the Walker Park Master Plan area and the 71B Corridor Plan. Surrounding land uses and zoning is depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>          | <b>Zoning</b>        |
|------------------|--------------------------|----------------------|
| North            | Retail, Recycling Center | DG, Downtown General |
| South            | Used Car Sales Lot       | DG, Downtown General |
| East             | Walker Park              | P-1, Institutional   |
| West             | Auto Repair              | DG, Downtown General |

**Request:** The request is to rezone the property from DG, Downtown General to C-2, Thoroughfare Commercial.

**Public Comment:** One member of the public provided an email comment to staff, expressing opposition to the requested rezoning. They cited the property's location within a Tier Center, incompatibility with planning objectives and the 71B Corridor Plan, focus on auto-centric uses, fewer pedestrian requirements, and the change from a mixed-use district to a strictly commercial district.

## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

**Streets:** The subject area has frontage along S. School Ave., a partially improved regional link-high activity street with asphalt paving with curb and gutter. 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 8-inch water main is present on the east side of S. School Ave.

**Sewer:** Sanitary sewer is available to the subject area. An existing 18-inch sewer main is present on the east side of the subject property.

**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 9, located at 2250 S. School Ave., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

**Drainage:** No portion of the property is within a FEMA floodplain or the Hillside-Hilltop Overlay District or includes a protected stream.

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

### **Tree Preservation:**

The proposed zoning district of C-2, Thoroughfare Commercial requires **15% minimum canopy preservation**. The current zoning district of DG, Downtown General requires **10% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of **9-10** for this site, with a weighted score of **11**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #9, 2250 S. School Ave.)
- Near Sewer Main (18" Main, East Side of Property)
- New Water Main (8" Main, East Side of S. School Ave.)
- Near U of A Campus
- Near City Park (Walker Park)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (S. School Ave. and W. 13<sup>th</sup> St.)
- Appropriate Future Land Use
- Within Master Plan Area (Walker Park Master Plan and 71B Corridor)
- Near 71B Corridor (S. School Ave.)

#### 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 generally characterized by a mix of commercial uses or public park land, and is primarily zoned DG, Downtown General or P-1, Institutional. The commercial uses in this area have existed in a similar form since approximately the 1990s with minimal redevelopment. While C-2 would be compatible with existing development, staff finds that all other parcels within ¼ mile to the north and south are zoned a mix of CS, Community Services; DG, Downtown General, and MSC, Main Street Center, all of which require construction in a form-based manner. Staff finds that rezoning a single parcel to C-2 would create the possibility of incompatible development with limited pedestrian amenities as properties redevelop in line with existing zoning.

***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 was rezoned from C-2, Thoroughfare Commercial to its current zoning designation of DG, Downtown General as part of the city-initiated rezoning for the Walker Park Master Plan. Rezoning the parcel back to C-2 would essentially reverse that earlier decision and runs counter to the stated goals of the master plan. The master plan further includes this parcel in the "Southgate Shopping Center." The entire Walker Park Neighborhood is within one mile of the Southgate Shopping Center, and



the plan notes that a redeveloped shopping center could attract and serve a larger population as well. The plan calls for square back streets, internalized parking structures, and infill. Specifically, infill is called for “that fronts onto the arterial streets” and that “bringing these buildings up to the sidewalk will also result in human-scale, pedestrian friendly intersection.”

Additionally, the property is part of the 71B Corridor Plan. During public input, 77.3% of respondents labeled “more walkable development with gradual change away from auto-oriented patterns” as either very important or somewhat important. 83.8% of respondents labeled “continuous, comfortable pedestrian access, including improved pedestrian crossings” as either very important or somewhat important. The 71B Corridor Plan calls for the 71B Corridor to be “a high-density, high-rise, primarily mixed-use development, designed primarily for movement by active modes: walking, biking, transit. It should be totally re-imagined as a high-density urban environment served by a web of local streets, absorbing a substantial percentage of the city’s projected growth.” The existing DG zoning requires a build-to-zone and is subject to §166.24 - Nonresidential Design Standards including requirements for pedestrian oriented elements, which align with the stated goals of the Walker Park Master Plan and 71B Master Plan. Rezoning to C-2 would remove the requirement that development meet a build-to-zone as building in a form-based style is optional in this district. If traditional zoning is followed in C-2, the property would also no longer be subject to §166.24 - Nonresidential Design Standards. High

The area is designated as a City Neighborhood Area, which recommends that commercial uses would have a residential component and vary in size, variety and intensity. While residential uses are currently permitted in the DG zoning, C-2 is a strictly commercial district with cluster housing the only permitted residential component. The property is approximately 1/10 of a mile north of a Tier 2 Center at the intersection of S. School Ave. and W. 15<sup>th</sup> St., which the City Plan 2040 describes as “smaller scale urban hubs.” City Plan 2040 also calls for commercial uses to be “mixed-use and office buildings.” The infill score for this parcel is high, with a weighted score of 11, indicating the property could likely support a wide range of uses and additional density. Staff finds that rezoning the property to C-2 would remove the ability of the property to be developed in a mixed-use style and would allow development that does not meet the additional calls for pedestrian-oriented services, particularly as the applicant letter cites the more stringent design requirements of the existing zoning as a primary reason for their request.

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

**Finding:** Staff does not find the proposed zoning is justified or necessary at this time. DG is one of the city’s widest permissive zoning districts. DG also permits Use Unit 17: Transportation Trades and Services with a conditional use permit.

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

**Finding:** Staff finds that rezoning to C-2 from DG would not likely create or appreciably increase traffic danger or congestion given the property's location along a major corridor; however, staff notes that the proposed zoning district is strictly commercial and that the mixed-use developments permitted under the existing DG zoning generally decrease traffic by providing housing in close proximity to services. As residential components are not permitted under the proposed C-2, the city could lose some of the associated benefits of compact, complete neighborhoods and alternative transportation options.

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

**Finding:** Rezoning the property from C-2 to DG would largely remove the potential to develop the property with residential uses. DG has no stated residential density maximum, while C-2 only permits cluster housing as residential use. The available infrastructure, water and sewer, and the service volume of S. School Ave, would likely support an increase in population density at this site. 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-2024-0010.

|                                    |  |                                 |                                    |                                 |                   |
|------------------------------------|--|---------------------------------|------------------------------------|---------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |  |                                 |                                    | <b>Required</b>                 | <b><u>YES</u></b> |
| <b>Date:</b> <u>April 8, 2024</u>  |  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |                   |
| <b>Motion:</b>                     |  |                                 |                                    |                                 |                   |
| <b>Second:</b>                     |  |                                 |                                    |                                 |                   |
| <b>Vote:</b>                       |  |                                 |                                    |                                 |                   |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.28 District DG, Downtown General
  - §161.23 District C-2, Thoroughfare Commercial
- Applicant Request Letter
- Staff Exhibit
  - Walker Park Master Plan
  - Proximity to Tier Centers
  - 71B Corridor Master Pan
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

## 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)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending 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, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

### 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)

March 5, 2024

City of Fayetteville  
Planning Commission and City Council  
125 W. Mountain Street  
Fayetteville, Arkansas

SUBJECT: Rezoning of Parcel 765-14904-001  
From DG to C-2

To Whom It May Concern:

Mr. Farhad Ferdowsian would request to Rezone his property located at 1328 S. School Avenue (Parcel 765-14904-001) from DG, Downtown General, to C-2, Thoroughfare Commercial. The proposed zoning, C-2, will not unreasonably adversely affect or conflict with surrounding land uses because the current uses along School Avenue already conform specifically to commercial enterprises catering primarily to highway travelers. The proposed C-2 zoning already exists in the area, less than half a mile to the north, and less than a quarter of a mile to the south.

C-2 would also offer the opportunity for the commercial development of the site, which would require it to follow more stringent design standards than currently exist on site. Potential future commercial development would enhance the beauty and quality of the area in proximity to the recently approved Walker Park Master plan to the East.

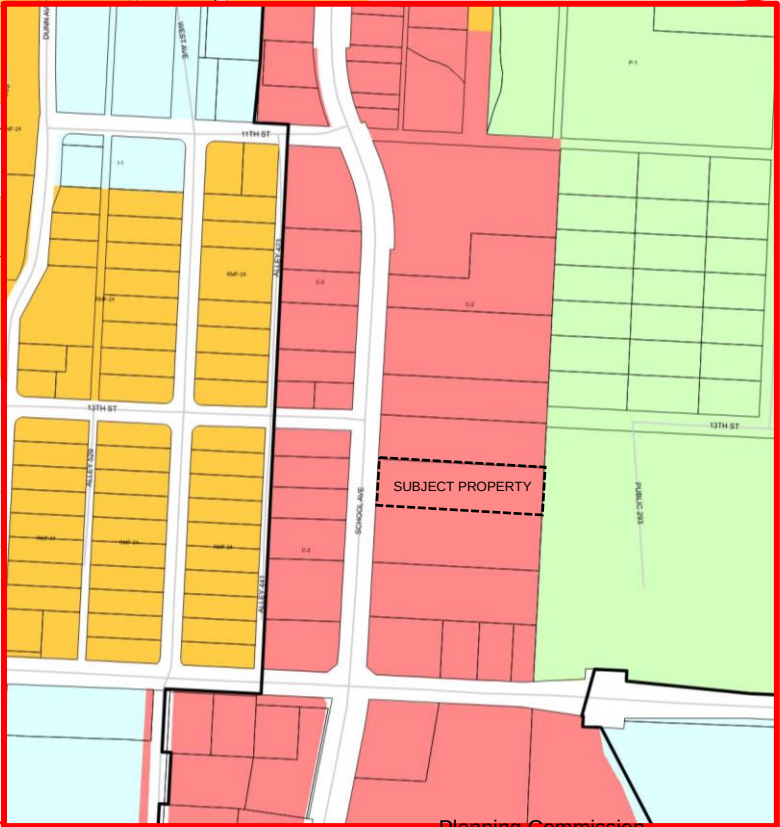
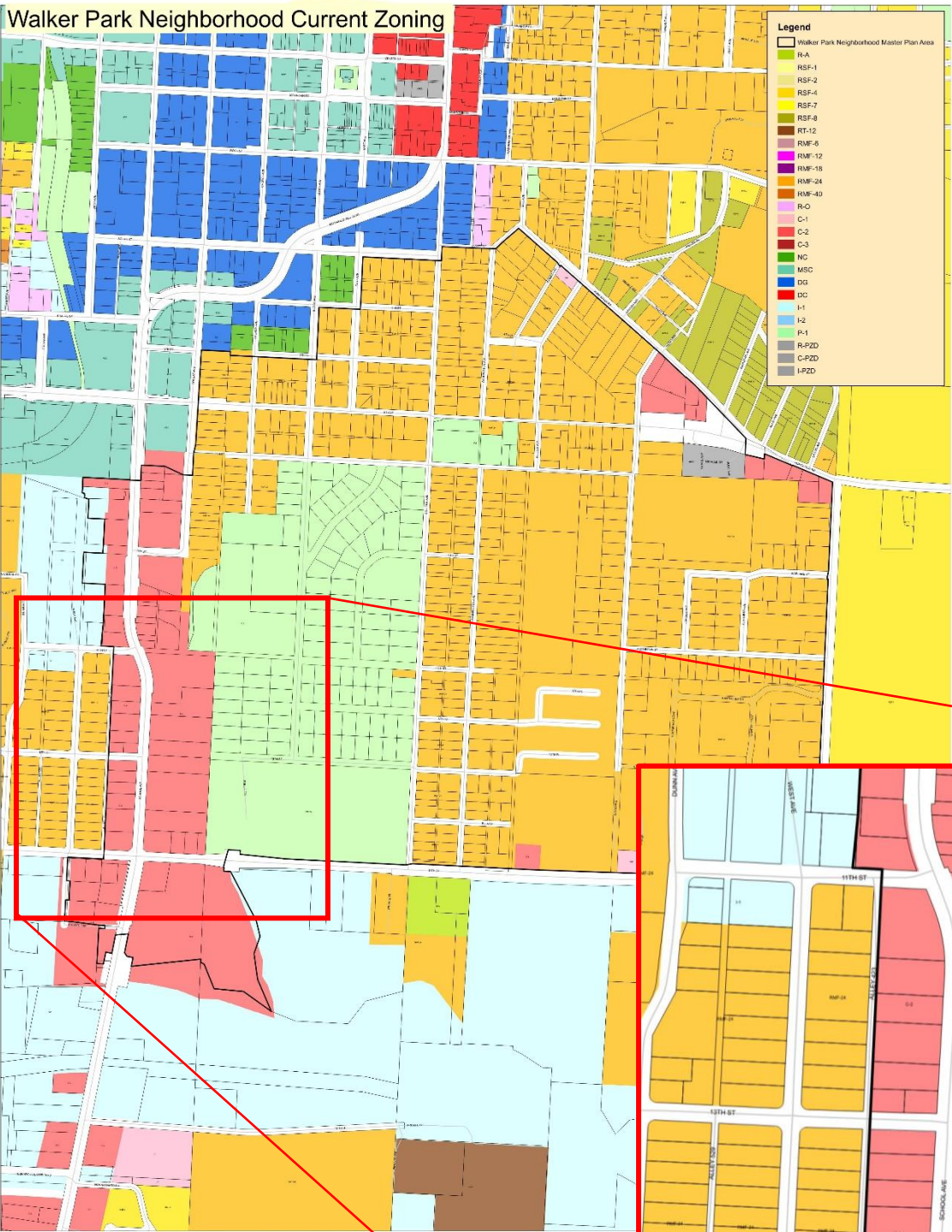
Sincerely,

Jorge Du Quesne  
Blew & Associates, PA



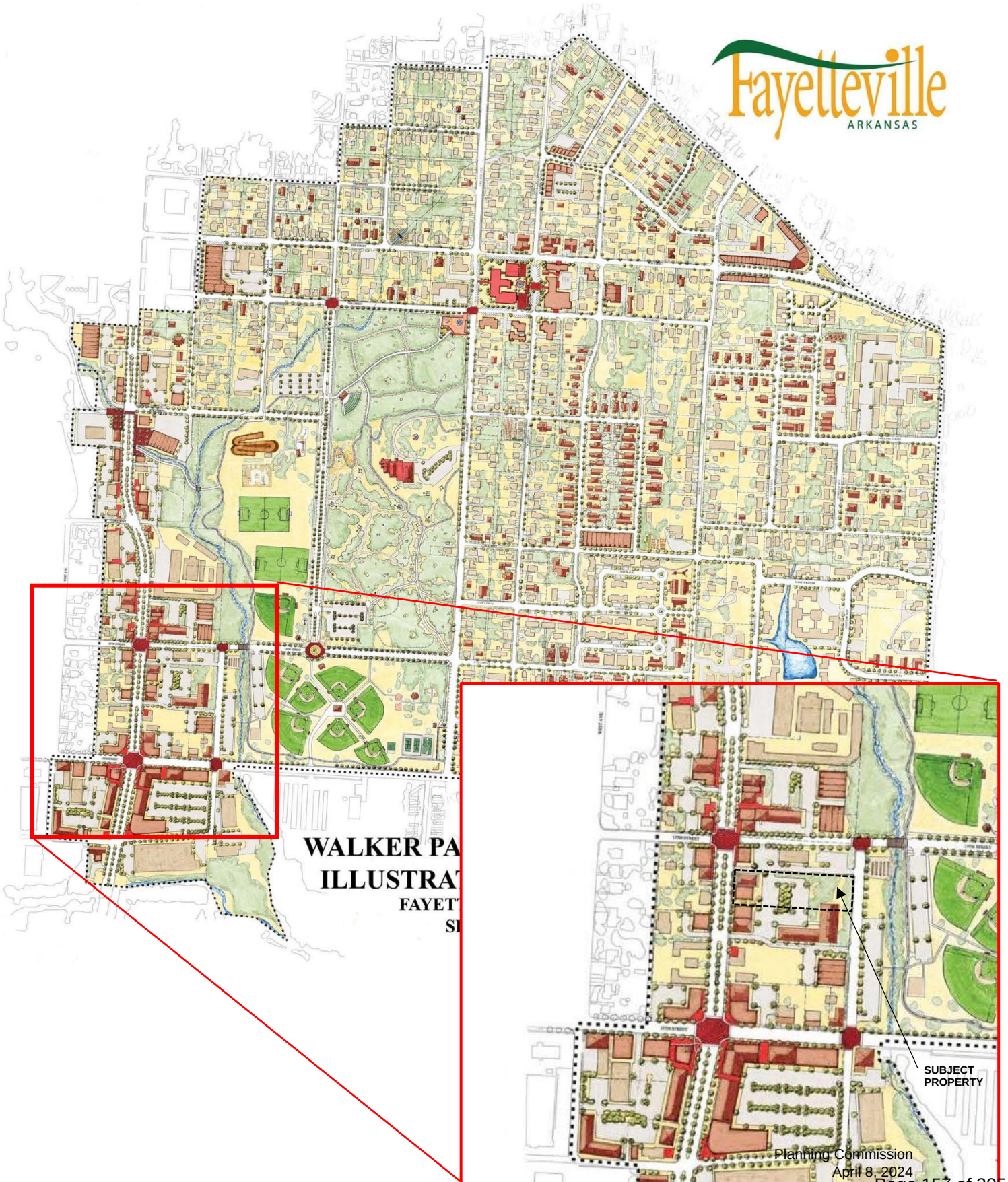
STAFF EXHIBIT:  
WALKER PARK MASTER PLAN (PREVIOUS ZONING)

Walker Park Neighborhood Current Zoning





STAFF EXHIBIT:  
WALKER PARK ILLUSTRATIVE MASTER PLAN





# Walker Park Neighborhood

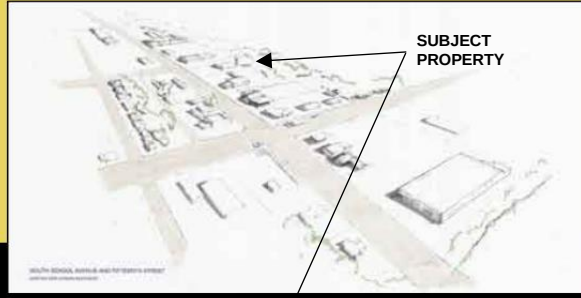
## Diversity of Uses

### Creating a Destination Shopping Experience

Southgate Shopping Center and surrounding business are located at the crossroads of two major four-lane highways, Highway 71B/South School Avenue and Highway 16/15th Street. These two major roads provide access to south Fayetteville residents, the City, and the Region. This location makes the intersection a prime candidate for locating the most intense and dense developments in the neighborhood.

This commercial shopping center has served south Fayetteville's residential population for over 30 years. The auto-oriented shopping center developed without any of today's requirements for commercial design standards, landscaping, sidewalks, and site design, which may contribute to underutilization of this retail area. Existing uses at the intersection include a grocery store, bank, gas station, used car lot, liquor store, pawn shop, and restaurant. Much of the surface parking is underutilized and can be reclaimed for additional retail uses.

Southgate Shopping Center Today



Southgate Shopping Center Envisioned



GUIDING PRINCIPLES: BALANCE OF USES AND HOUSING

23

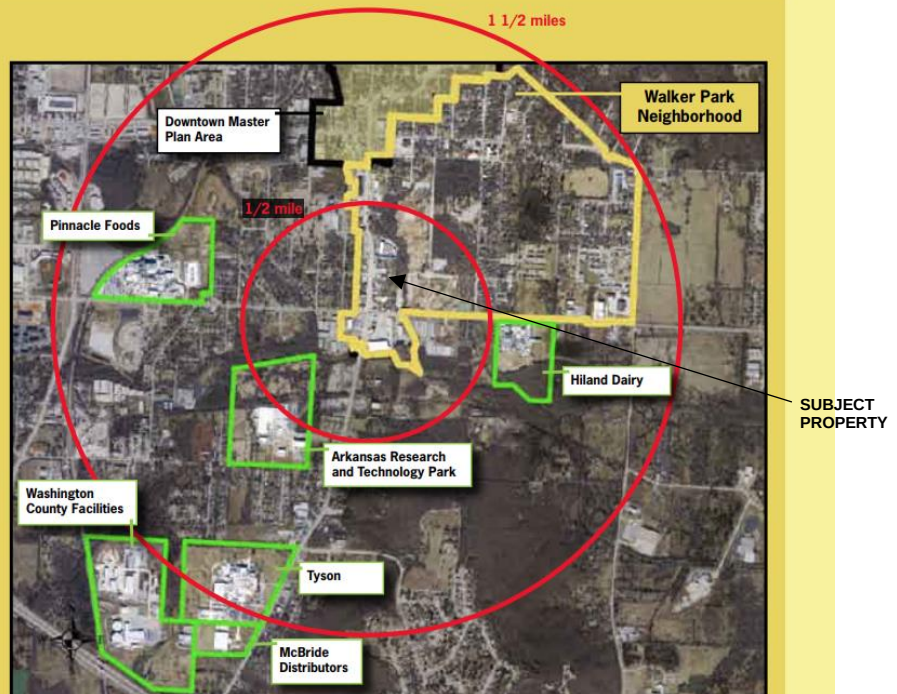
Master Plan

# Walker Park Neighborhood

A redeveloped Southgate Shopping Center could attract and serve a larger population just beyond the Walker Park Neighborhood.

The entire Walker Park Neighborhood is within one mile of the Southgate Shopping Center. The shopping center is within a half-mile from the Arkansas Research and Technology Park (ARTP), and approximately one-and-a-half miles from the Fayetteville Industrial Park, Washington County Facilities, Tyson, and McBride Distributors located on South School Avenue.

In 2007, six new companies were established at the Research Park, which has approximately 215 technology jobs (2007 ARTP Annual Report). The City has plans to widen 15th Street to four lanes east of Walker Park as part of a plan to create an arterial loop around the City and move through traffic out of the neighborhoods. Additional job growth and traffic in this area will continue to increase and strengthen the trade area and redevelopment potential for this shopping center and along South School Avenue.



GUIDING PRINCIPLES: BALANCE OF USES AND HOUSING

24

Master Plan

Planning Commission

April 8, 2024

RZN-2024-0010 (FERDORWA) Page 158 of 305

Page 15 of 28

# Walker Park Neighborhood

## Completing the South School Avenue Corridor

The development pattern along South School Avenue is inconsistent, resulting in an incoherent pattern of development types. The lack of identity for South School Avenue and the shopping center can be overcome through the development of appropriate infill along this corridor, transforming the Avenue into a destination that contributes to the vibrancy of the Downtown and fabric of the Walker Park Neighborhood.

## Internalized Parking Structures

The vast swaths of paved parking lots at this intersection discourage pedestrians from accessing the establishments at the intersection. One way to utilize the existing land resources is to building parking structures rather than parking lots and line these structures with additional developments. This screens the parking structure and contributes to a pedestrian-friendly environment.

## SUBJECT PROPERTY

### Intersection of South School Avenue and 15th Street



## Infill

Adding structures that front onto the arterial streets will add value to the currently underutilized parking lots. Bringing these buildings up to the sidewalk will also result in a human-scale, pedestrian-friendly intersection. Infill in this area benefits from the existing infrastructure, requiring fewer resources to develop.

## Square-back Streets

Access to this area from Walker Park Neighborhood is somewhat limited due to the current street layout and lack of connectivity through Walker Park and from South School Avenue. Improving connectivity and access to the neighborhood primarily through a square-back street concept will provide some of the physical connections that currently do not exist. A square-back creates a square vehicular flow pattern around an intersection, providing additional access to structures located at the intersection and creating multiple turning movements in advance of the primary intersection.



## STAFF EXHIBIT: PROXIMITY TO TIER CENTER

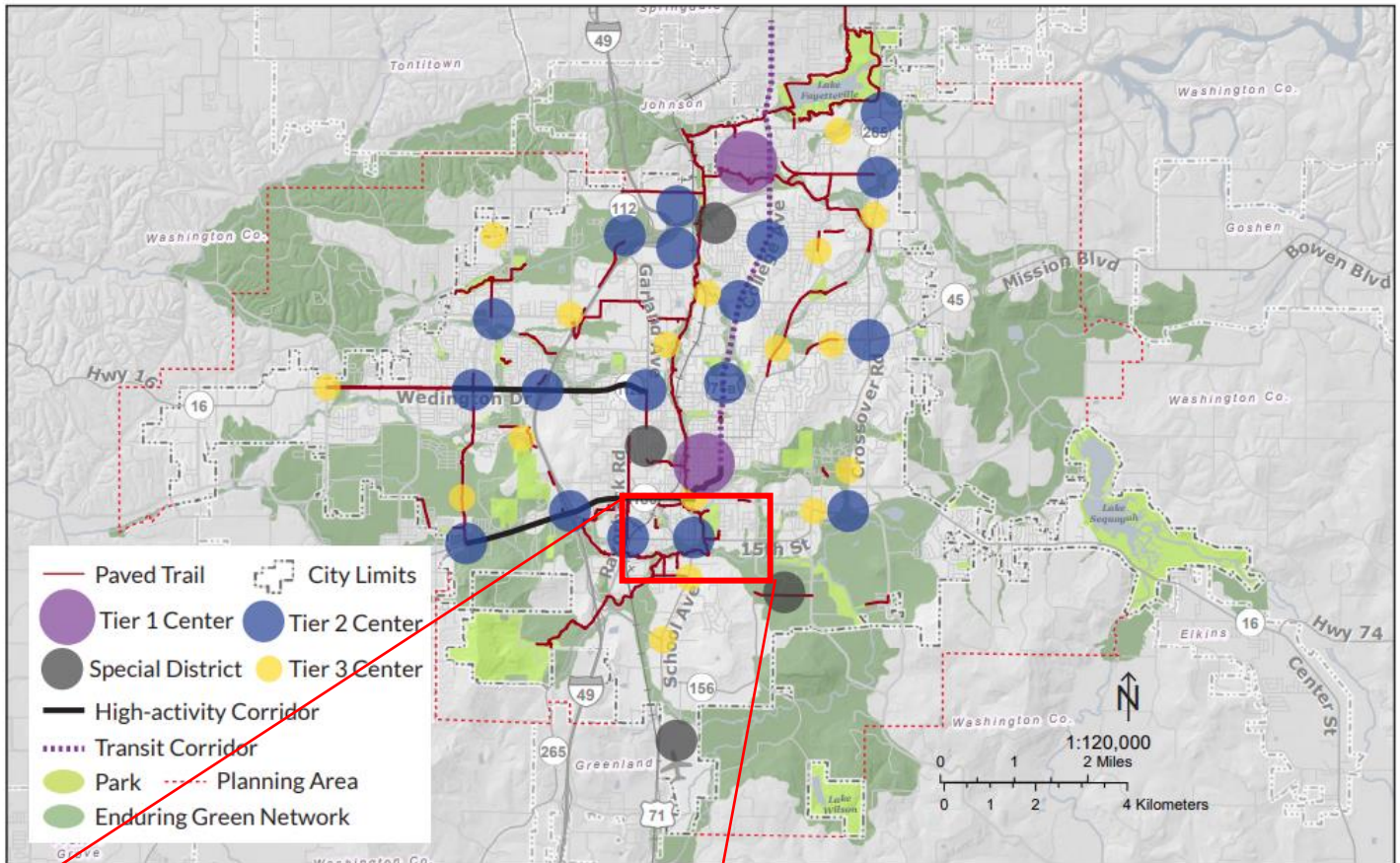


Figure 2.0 - Growth Concept Map

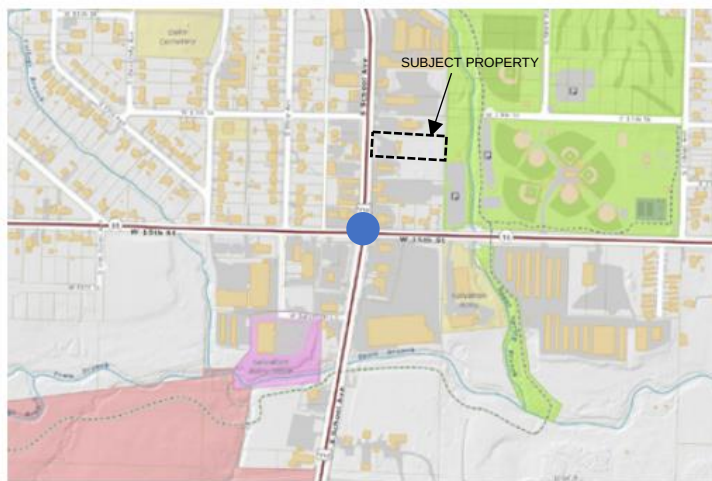
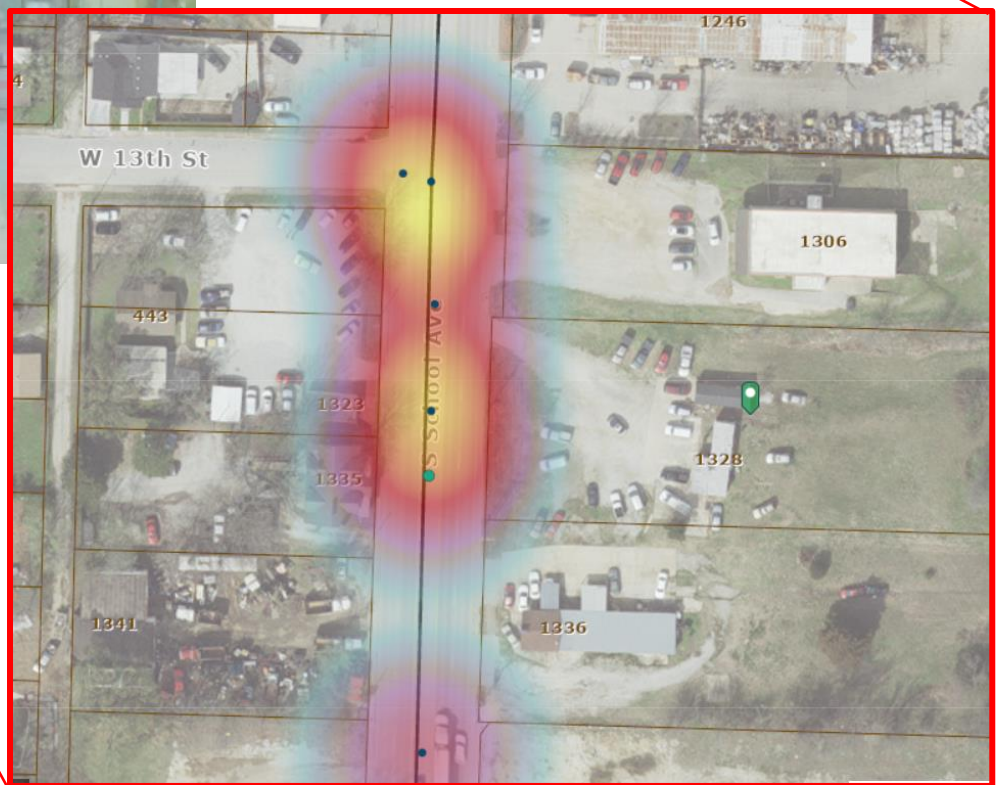
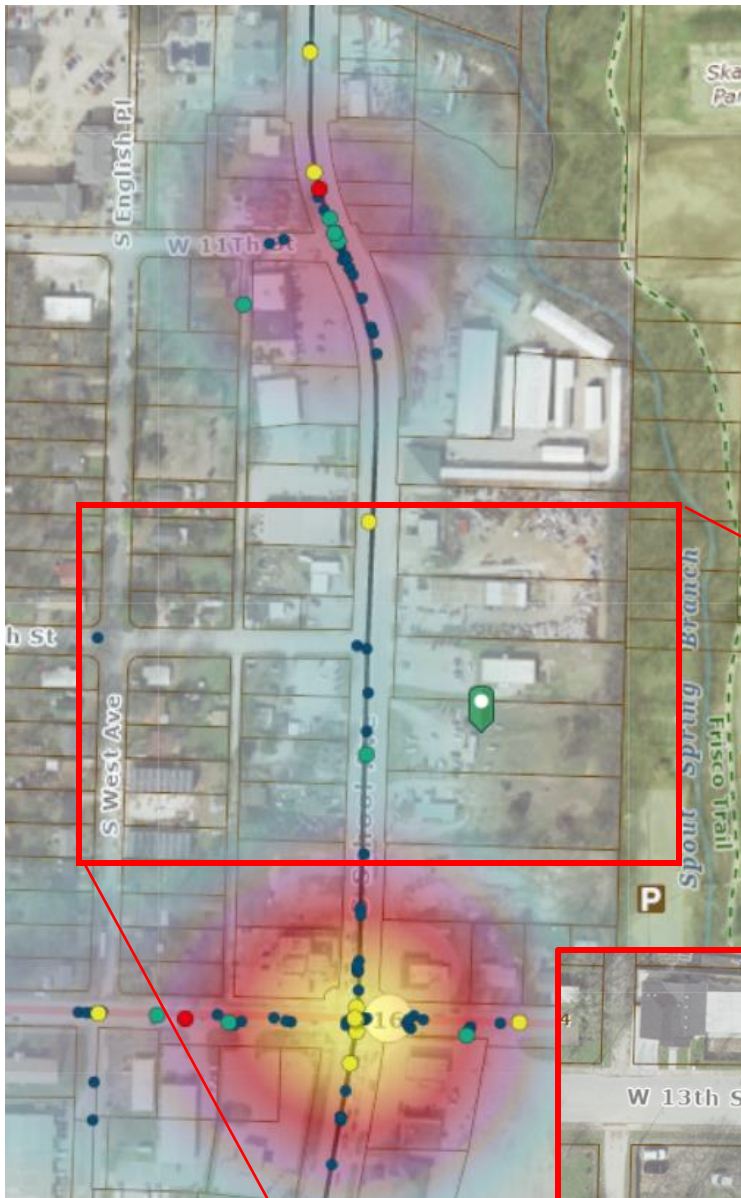


Figure 2.5 - 15th & School

**Tier Two Centers** are smaller scale urban hubs, with fewer services, residents, and jobs than Tier One Centers. Tier Two Centers largely exist to provide services and employment to residents within two to three miles. They are characterized by housing that ranges from one- to three-story detached dwellings, duplexes, row houses, and mid-rise apartments. Commercial uses will be mixed-use and office buildings. Notable Tier Two Centers include the intersections of Crossover Road/Mission Boulevard, Wedington Road/Steamboat Road, and North Street/Garland Ave.



STAFF EXHIBIT: TRAFFIC ACCIDENTS

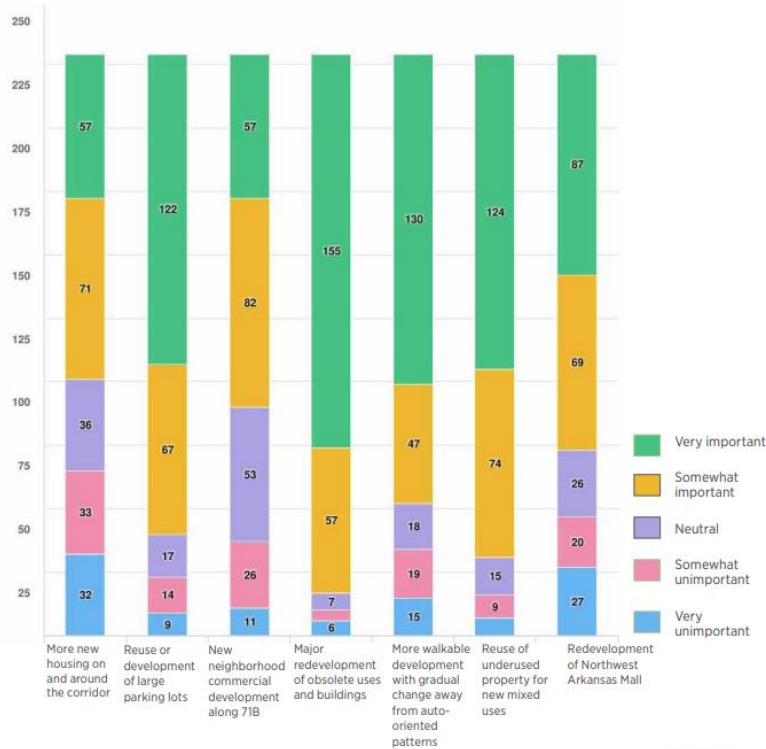


STAFF EXHIBIT: 71B Corridor Plan

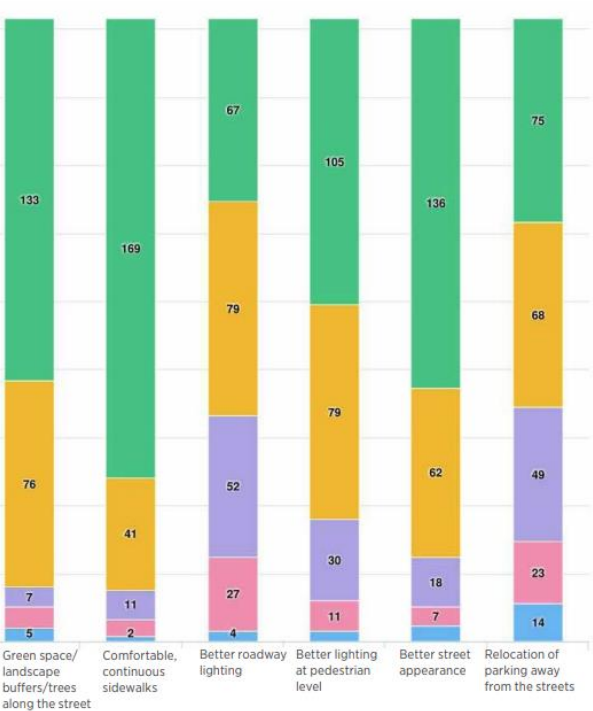
TOMORROW'S CORRIDOR: RETHINKING 71B

IMPROVEMENTS FOR A BETTER 71B

Development and Land Use

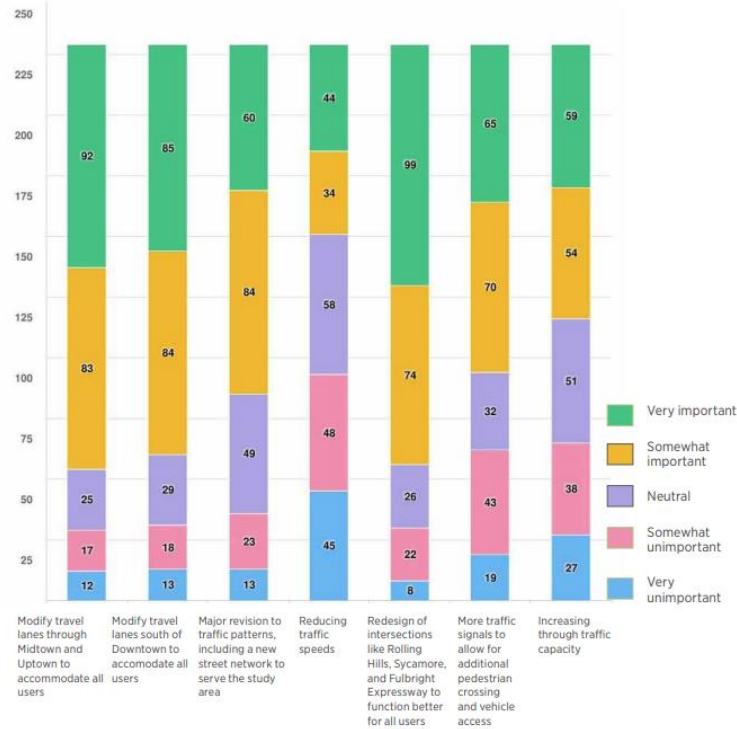


Street Environment

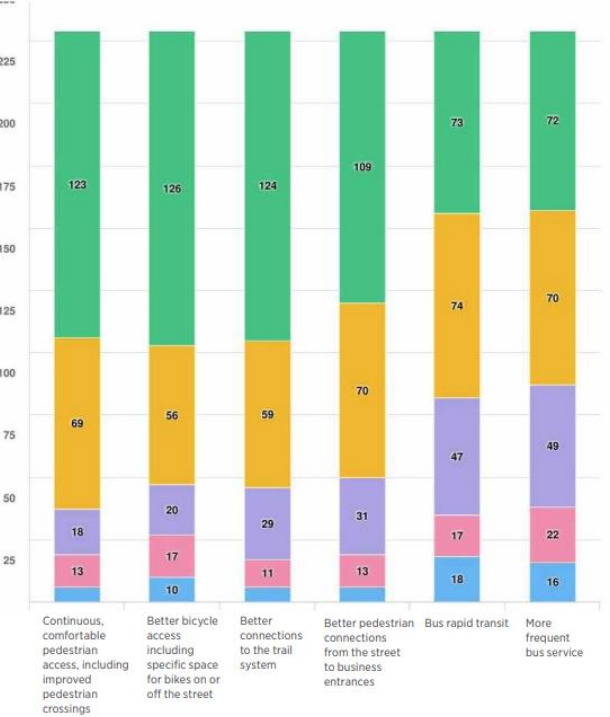


IMPROVEMENTS FOR A BETTER 71B

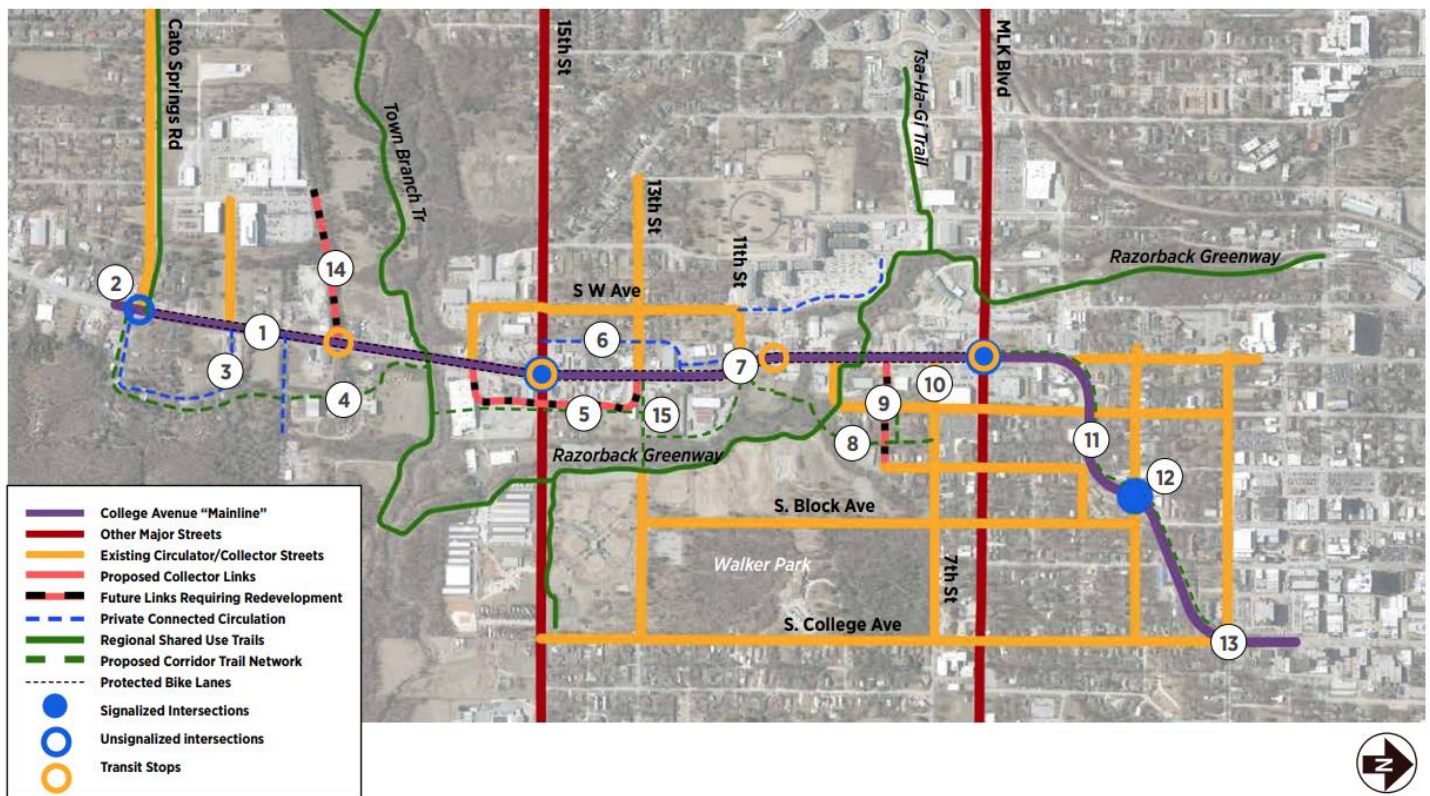
Traffic



Transportation Choice







## SOUTH CORRIDOR FRAMEWORK: CATO SPRINGS TO ROCK STREET

### 718 Main Line

- Converting South School Avenue to a three-lane section (two direct and a center two-way turn lane) with protected bicycle lanes and continuous sidewalks on both sides. On-street parking may be included as required by adjacent redevelopment.
- Implementing the recommendations of the Fayetteville Mobility Plan, which suggest converting Archibald Yell to a three-lane section with improved pedestrian and bicycle access. Installing a traffic signal at the South Street.

### Circulator/Collector Streets

- Better connection and definition of 7th Street between Locust and School as a public street rather than private driveway.
- New short street connections to serve redevelopment that may include new research center access to South School, an access loop between Salvation Drive and 13th Street, a continuation of 13th Street east of South School, and an 8th Street connection between Church and School.

### Intersections

- Improved pedestrian crossings at Cato Springs Road and 11th Street, including a refuge median at 11th to complement existing trail crossings and provide direct access to the existing commercial strip center.
- Installing a signal at South Street and Archibald Yell.
- Redesigning the Archibald Yell/College/Rock intersection to separate conflicting movements and create a safer pedestrian environment.

### Private Connected Circulation

- Loop on east side of School for redevelopment, aligning with Research Center Blvd. and Cato Springs Road.
- Interconnected parking lot and alley to improve links between existing uses, including a busy strip center, between 11th and 15th.

### Active Transportation Features

- Continuous sidewalks or sidepaths on South School.



### Archibald Yell and College Intersection Concept

This concept is designed to separate traffic conflicts while respecting the difficult topography of this site. Westbound Rock is realigned slightly to the north. Northbound traffic from South College and Archibald Yell merge into College north of Rock in distinct lanes. Southbound College movements have a continuous dedicated left-turn lane to both Rock and South College. Pedestrians on the favored north side of Archibald Yell and east side of College have clear and easily define paths through the intersection.

- Trail on east side with new development to connect the Town Branch and Cato Springs Trails. Trail link on east side through potential development areas linking 7th and 11th Streets.
- Improved access with trail connections and creek bridges to connect South School with Walker Park and the Razorback Greenway.
- Protected bike lanes as part of South School lane reallocation.

FIGURE 6.1: South School/Archibald Yell Framework Components

|    |                                                                                  |
|----|----------------------------------------------------------------------------------|
| 1  | South School Avenue to 3 lanes, protected bike lanes, and continuous sidewalks   |
| 2  | Upgraded pedestrian crossing with redevelopment at Cato Springs                  |
| 3  | Loop drive with redevelopment connecting Cato Springs and Research Center Blvd.  |
| 4  | Trail connection with redevelopment between Cato Springs and Town Branch Trails  |
| 5  | New circulator street with redevelopment between Salvation Drive and 13th Street |
| 6  | Interconnected alleys and drives between 11th and 15th Streets                   |
| 7  | Upgraded pedestrian crossing with refuge median at 11th                          |
| 8  | Trail connection and creek crossing with redevelopment between 7th and 11th      |
| 9  | Street connection with redevelopment between Church and S. School                |
| 10 | Improved street definition of 7th Street                                         |
| 11 | Modification of Archibald Yell with shared use path on one side                  |
| 12 | Signalized South Street intersection with pedestrian crossing                    |
| 13 | Redesign of College and Archibald Yell intersection                              |
| 14 | Second Research Center access as shown in campus plan                            |
| 15 | South School to Walker Park trail connection with new creek crossing             |

Shaded rows indicate projects that require redevelopment

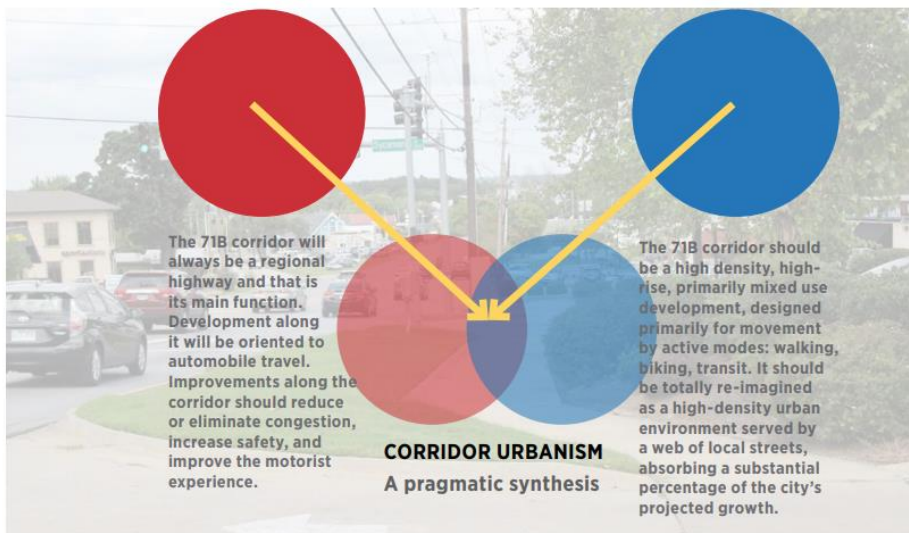


## 64-foot Road Channel with Protected Two-Way Bicycle (Mobility) Track and 2-Sided Parking



## South School perspectives

Right: Rendering of section with buffered directional bike (mobility) lanes. Far right: Preferred concept with two-way cycle track on west side of street and parking shoulder, with sidewalk on east side. The separation between travel lanes and the bicycle facility may be accomplished by parking, a painted buffer, bollards, planters, or a raised median.



large, marginally used parking lots to provide redevelopment possibilities, access management to reduce the number of curb cuts, continuous sidewalks, better connections to the city's bikeway and trail system, improved streetscape, and incorporation of bus rapid transit.

Corridor Urbanism applied to the 71B corridor synthesizes these points of view. It should ultimately incorporate the mixed use, connectivity, street quality, density, and civic life components of New Urbanism; the structuring green space and greenway elements of Landscape Urbanism and its progenitors; and the Venturi/Scott Brown concept idea of understanding and planning/building within a community context and

economy. Corridor Urbanism then constructs a model of principles, born from and guiding the more detailed elements of the plan for Fayetteville, but also exportable to other cities and towns.

Five broad categories of guiding principles include:

- Reality and Respect
- Resident Population
- Opportunities
- Transportation Function and Choice
- Urban Environment



## REALITY AND RESPECT

## Respect existing businesses and build on the historic character of the corridor

The 71B corridor is a strong economic entity and preserving that economic life is a primary project objective. The corridor has provided further ground for new enterprises and has retained a high degree of dynamism. A good example of that is the recycling of restaurants originally built by or for fast-food chains that have now recycled for use by locally-owned restaurants, many of which have an international character.

We also know that 71B has deep historical memories for many people and those memories are very important. Few corridors warrant a document like Tony Wappel's *On the Avenue*, and few such books would sell out as quickly.

## View change as evolutionary and generally market driven.

Cities and corridors are long-

term processes. 71B is made up of hundreds of owners and businesses, all making individual decisions. Thus, the term "master plan," which implies a controlling presence, does not apply well to such a diverse urban district. In such an environment, a plan that wills things to be done in the face of economic and market drivers rarely succeeds. Change when it comes is and should be incremental and occurs over a long period of time.

## Use this plan as a tool to guide that evolution.

71B, like other corridors, is not a site under unified ownership and actual change will take place through individual decisions responding to markets, trends, and goals at the time. A plan provides a unifying framework for these individual decisions. Its concepts on private property illustrate general site and use guidelines; possibilities rather than specific redevelopment proposals; and proposed relationships between buildings and sites. The plan becomes somewhat more specific when it addresses public realm investments and the interface between the public and private environment. But this and other corridor plans should be viewed as organic and flexible, rather than static and "designed."



## Wonsower, Donna

---

**From:** Masters, Jessica  
**Sent:** Thursday, March 7, 2024 3:12 PM  
**To:** Wonsower, Donna  
**Subject:** FW: RZN-2024-0010

Donna,

Please make sure this gets incorporated as public comment for the subject item.

Jessie

**Jessie Masters, AICP**

Development Review Manager  
City of Fayetteville, Arkansas  
(479) 575-8239

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

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



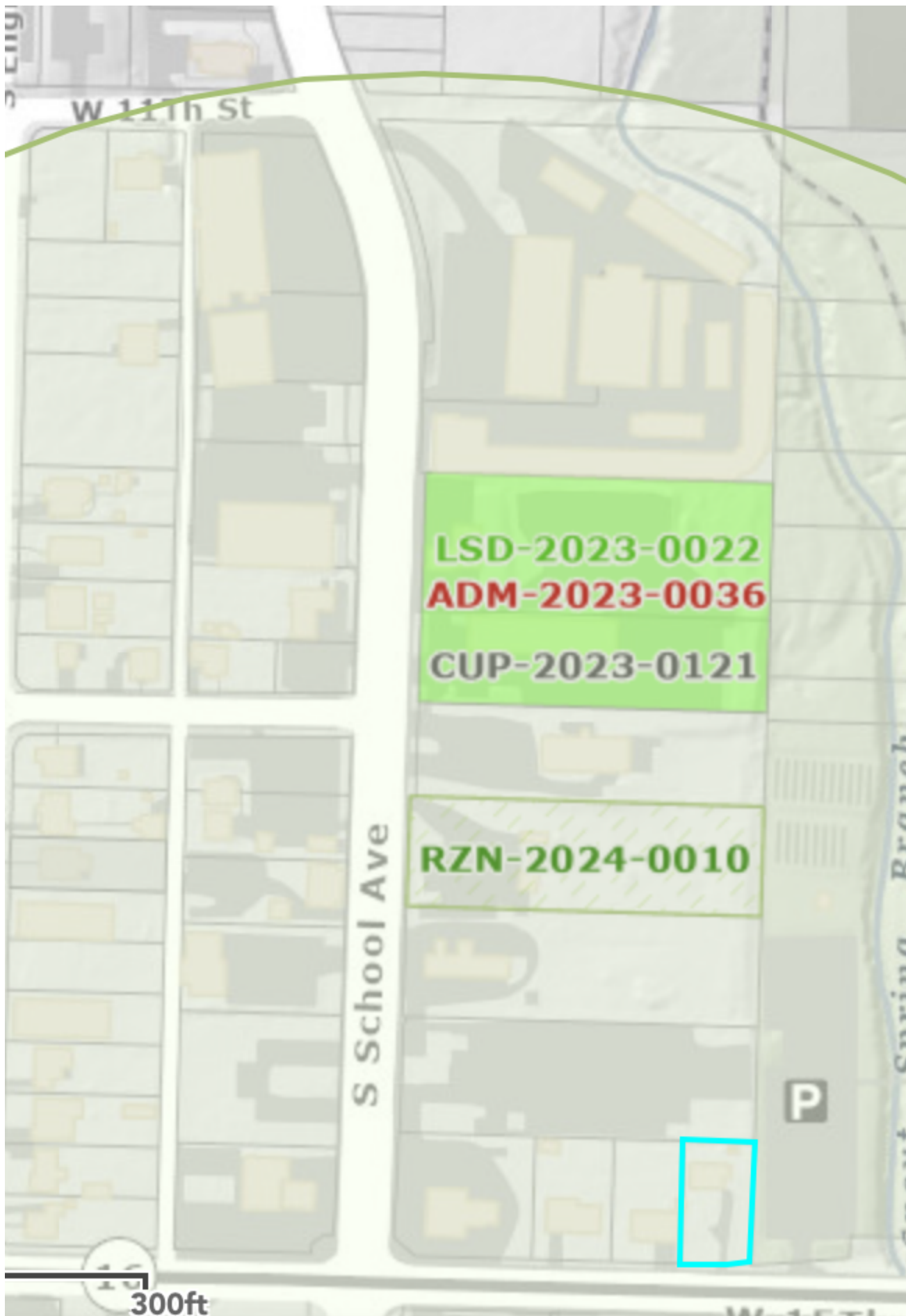
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**From:** Thomas Brown <tbrownii@icloud.com>  
**Sent:** Thursday, March 7, 2024 3:10 PM  
**To:** Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; Holcomb, Joseph <joseph.holcomb@fayetteville-ar.gov>; Winston, Porter <porter.winston@fayetteville-ar.gov>; Sparkman, Sarah <sarah.sparkman@fayetteville-ar.gov>  
**Cc:** Masters, Jessica <jmasters@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>  
**Subject:** RZN-2024-0010

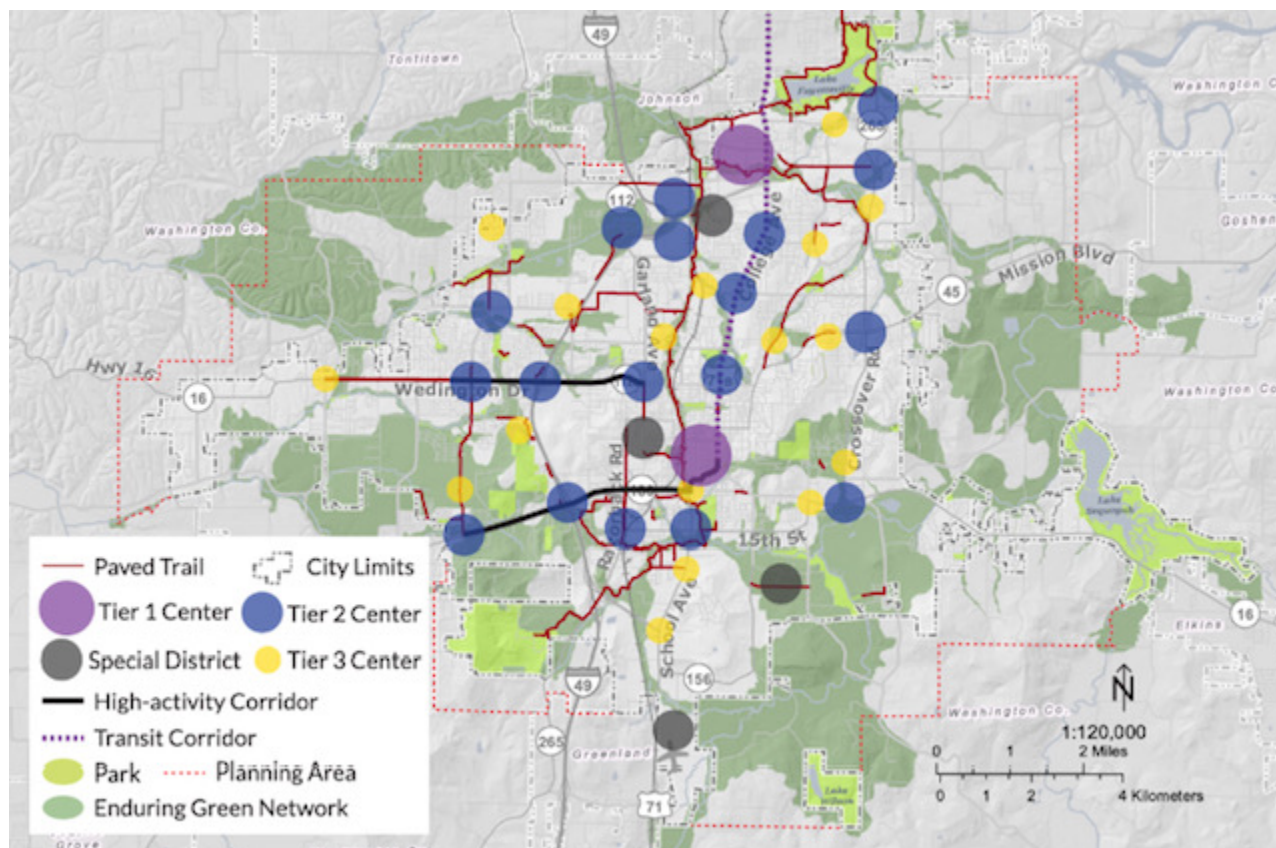
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Planning Commissioners

RZN-2024-0010 is a property currently zoned DG Downtown General and contains 1.14 acres. The request is to rezone the property to C-2 Thoroughfare Commercial to expand an existing auto sales yard.



The property is located in the Transit Supportive Core of a Tier 2 Center located at the intersection of S School and 15th Street. The proposed zoning and use is not compatible with the planning objectives of a mixed-use, pedestrian and transit oriented Tier 2 Center. The proposed C-2 Zoning does not permit Residential Development and the proposed Auto-centric use is not pedestrian friendly. In addition, the property is located within the planning boundaries of the 71B Corridor Plan and the proposed rezoning is not compatible with the mixed residential and commercial focus of the Corridor.



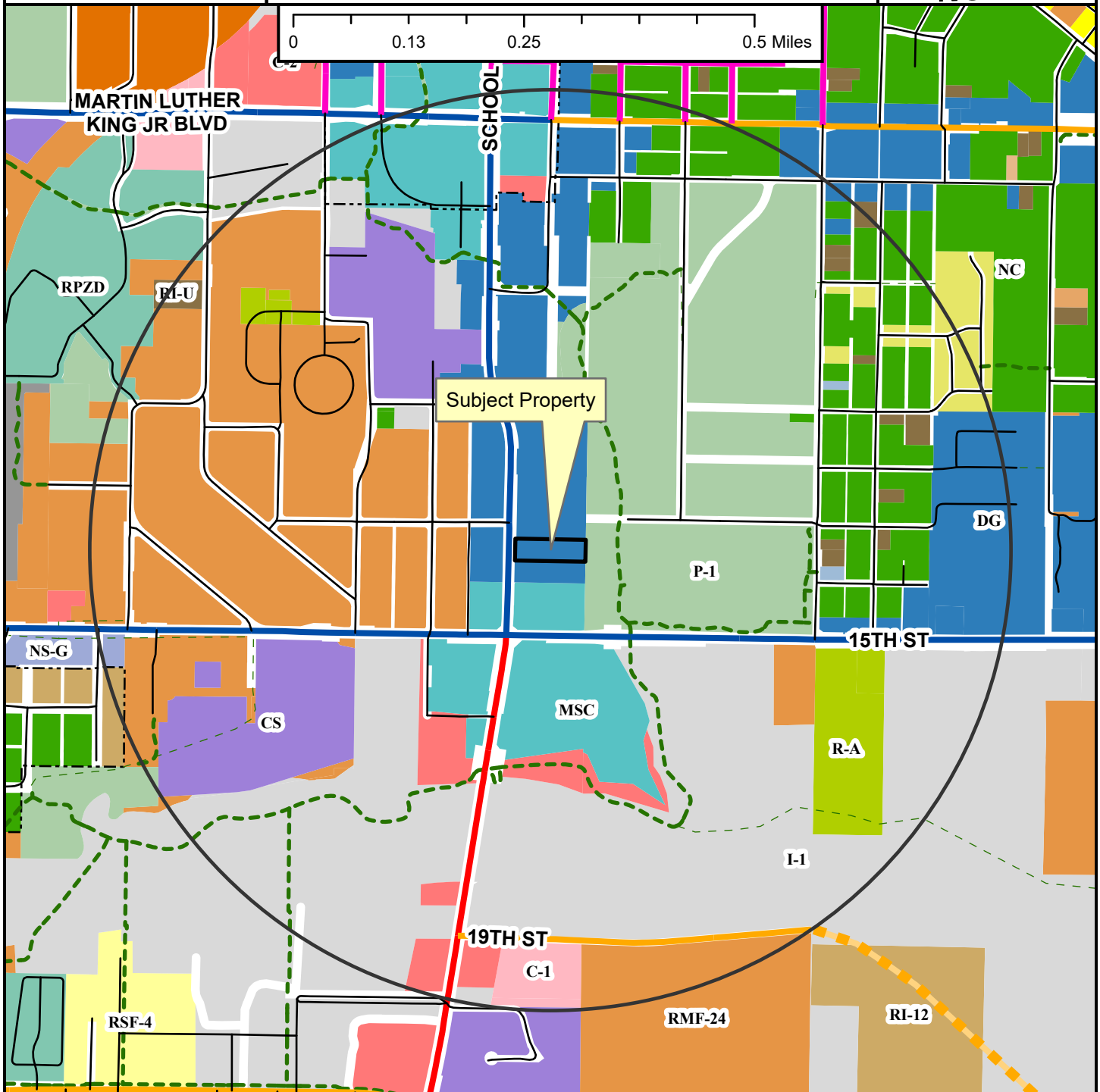
Therefore, the proposed rezoning should be denied.

Thomas Brown  
479-387-8557

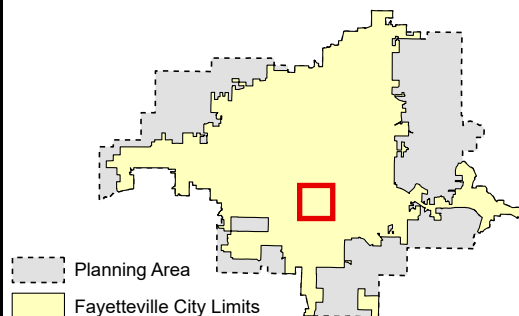
**1328 S. SCHOOL AVE**

### One Mile View

# NORTH

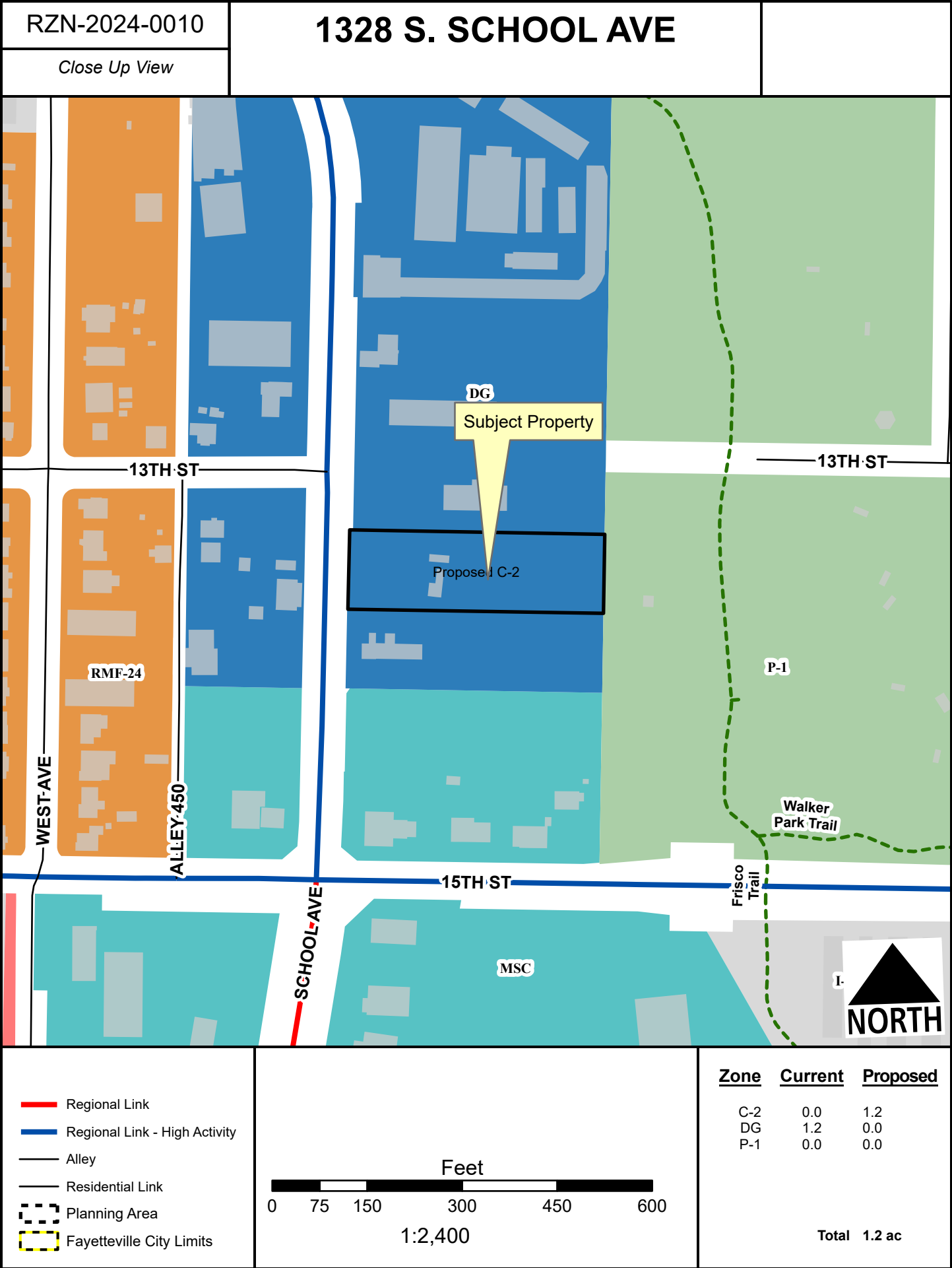


-  Regional Link
-  Neighborhood Link
-  Regional Link - High Activity
-  Urban Center
-  Unclassified
-  Alley
-  Residential Link
-  Planned Neighborhood Link
-  Shared-Use Paved Trail
-  Trail (Proposed)
-  Design Overlay District
-  Fayetteville City Limits
-  Planning Area



- 
- Zoning**
- I-2 General Industrial
  - E-1
  - COMMERCIAL**
- 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
- 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

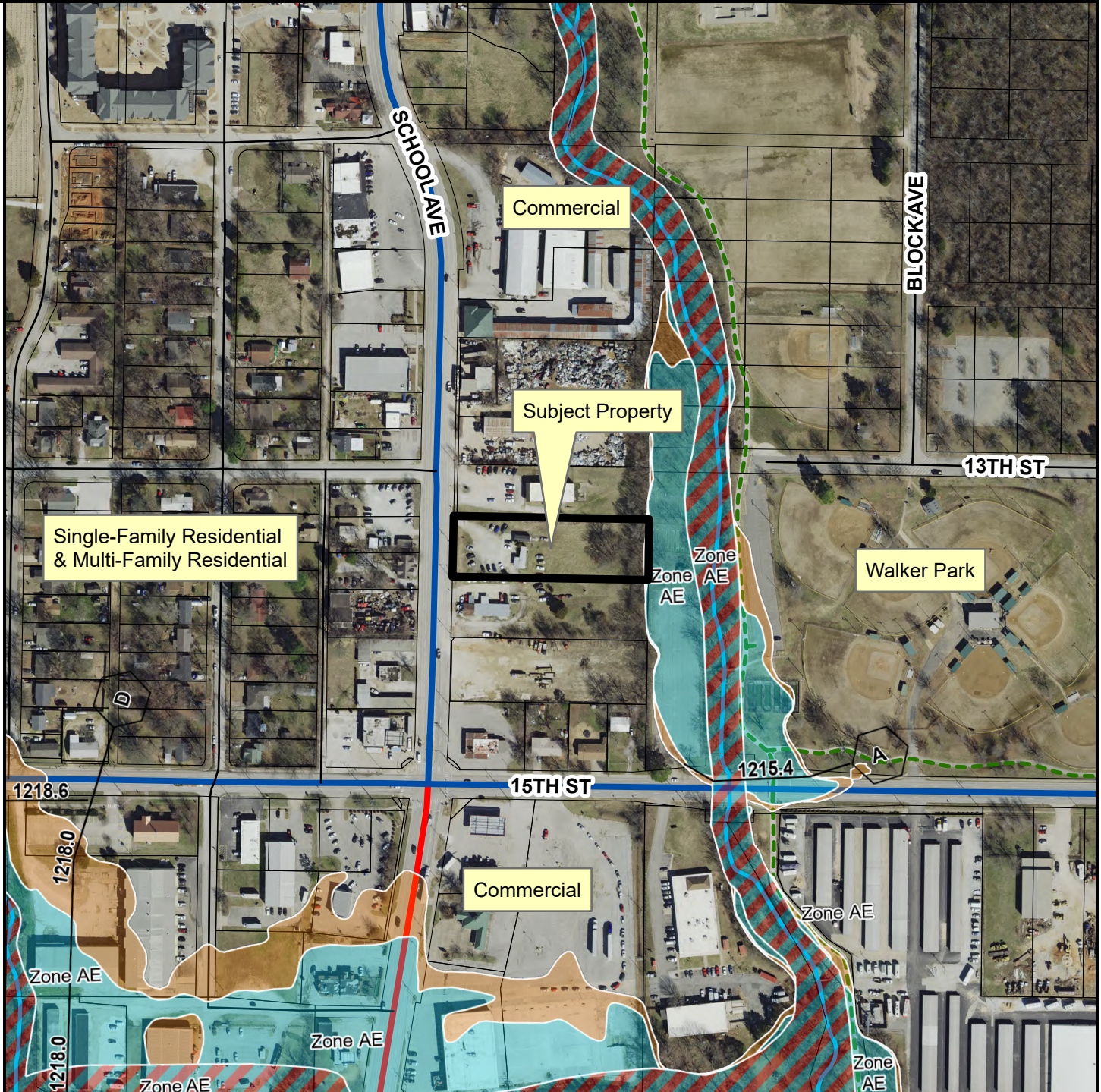




|                         |
|-------------------------|
| RZN-2024-0010           |
| <i>Current Land Use</i> |

*Current Land Use*

**1328 S. SCHOOL AVE**



-  Regional Link  
 Regional Link - High Activity  
 Unclassified  
 Alley  
 Residential Link  
 Planning Area  
 Fayetteville City Limits

|   |       |     |     |     |     |
|---|-------|-----|-----|-----|-----|
| 0 | 112.5 | 225 | 450 | 675 | 900 |
|---|-------|-----|-----|-----|-----|

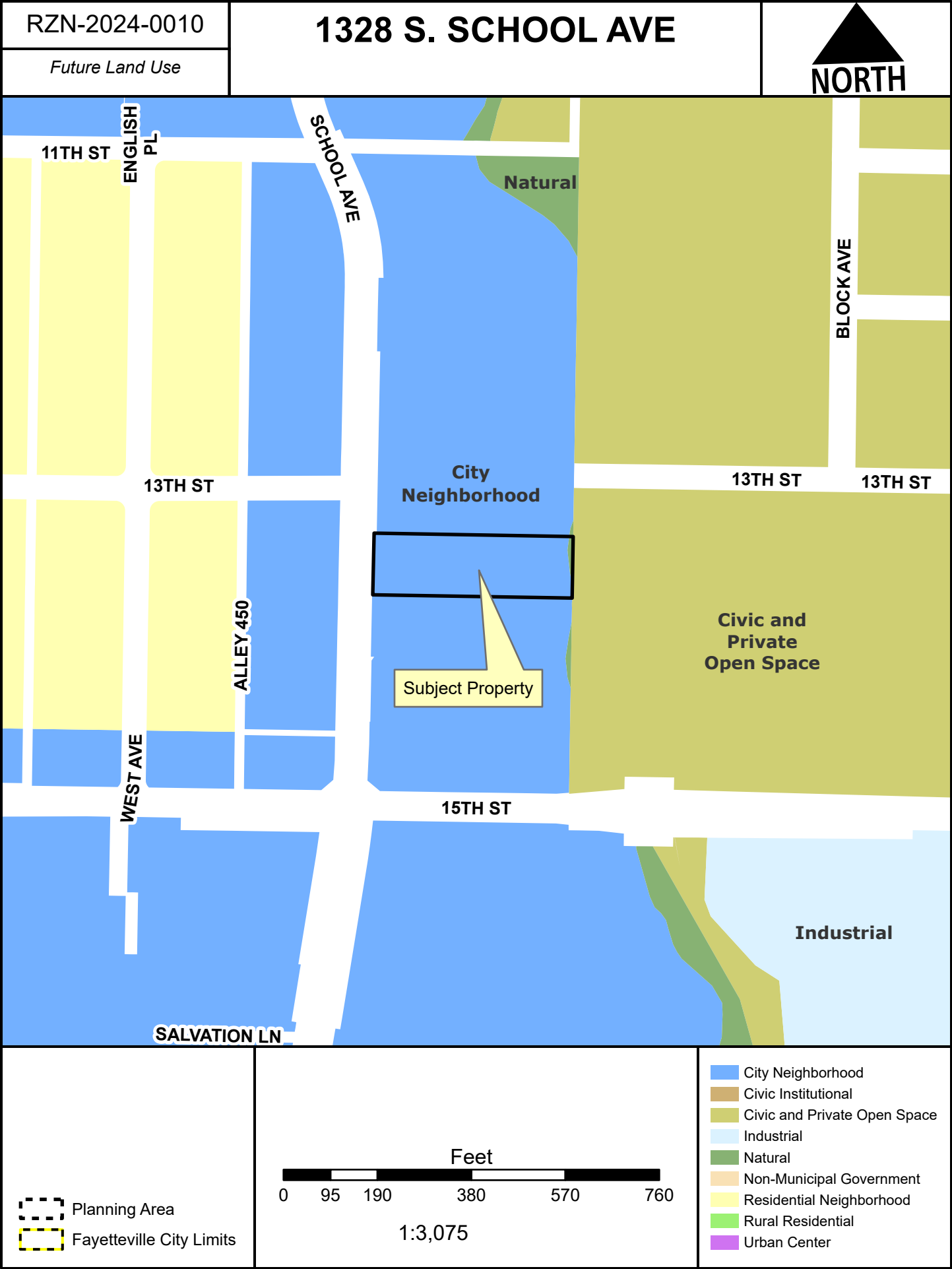
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**FEMA Flood Hazard Data**

- 100-Year Floodplain
- Floodway

-  100-Year Floodplain  
 Floodway







**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Kylee Cole, Planner

**MEETING DATE:** April 8, 2024

**SUBJECT:** **RZN-2024-0012: Rezoning (2002 and 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565):** Submitted by TAPROOT INVESTMENT PARTNERS for property located at 2002 and 2008 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN and NS-G, NEIGHBORHOOD SERVICES-GENERAL.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN-2024-0012** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **RZN-2024-0012** to City Council with a recommendation of approval."*

**BACKGROUND:**

The subject property is in southeast Fayetteville approximately 0.18 miles east of the intersection of S. Happy Hollow Rd. and E. Huntsville Rd. The property consists of two parcels. The northern parcel contains approximately 0.25 acres and is undeveloped (parcel 765-15221-011). The southern parcel contains approximately 0.26 acres and is developed with two single-family dwellings, constructed around 1916 and 1958 (parcel 765-15221-010). Both parcels are zoned RSF-4, Residential Single-Family, Four Units per Acre. Surrounding land uses and zoning are listed in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>                    | <b>Zoning</b>                                       |
|------------------|------------------------------------|-----------------------------------------------------|
| North            | Single-Family Residential          | RMF-24, Residential Multi-Family, 24 Units per Acre |
| South            | Single-Family Residential          | RSF-4, Residential Single-Family, 4 Units per Acre  |
| East             | Single-Family Residential          | RSF-4, Residential Single-Family, 4 Units per Acre  |
| West             | Commercial; Two-Family Residential | NS-G, Neighborhood Services - General               |

*Request:* The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to NS-G, Neighborhood Services – General (parcel 765-15221-010) and RI-U, Residential Intermediate – Urban (parcel 765-15221-011).

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



## INFRASTRUCTURE:

**Streets:** The subject property has frontage along South Dockery Lane and East Huntsville Road. South Dockery Lane is a partially improved Residential Link Street with asphalt paving and open ditches. East Huntsville Road is a partially improved Regional Link – High Activity Street with asphalt paving with 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 8-inch water main is present on the west side of South Dockery Lane. An existing 6-inch water main is present on the east side of South Dockery Lane. An existing 12-inch water main is present on the south side of East Huntsville Road.

**Sewer:** Public sanitary sewer is available to the subject property. An existing 6-inch sewer main is present on the west side of South Dockery 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 3, located at 1050 Happy Hollow Road, protects this site. The property is located approximately 0.30 miles from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus 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 districts of NS-G, Neighborhood Services – General and RI-U, Residential Intermediate - Urban, requires **20% and 15% minimum canopy preservation**, respectively. The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

**CITY PLAN 2040 FUTURE LAND USE PLAN:** City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **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 (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (6-inch main, S. Dockery Ln.)
- Near Water Main (6-inch main and 8-inch main, S. Dockery Ln.)
- Near Public School (Happy Hollow Elementary School)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (E. Huntsville Rd. Bike Lane)
- Near ORT Bus Stop (Happy Hollow & Fairlane)

## FINDINGS OF THE STAFF

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

**Finding:** ***Land Use Compatibility:*** Staff finds the proposed rezoning from RSF-4 to NS-G and RI-U to be compatible with the surrounding area. The subject property is adjacent to NS-G-zoned commercial property across S. Dockery Ln. to the west and properties developed with single-family homes to the north, east, and south. A rezoning of the southern parcel to NS-G would allow for the by-right development of single-family to four-family dwellings with a density of up to eighteen units per acre and some by-right development of medium-intensity commercial uses like general business, sidewalk cafes, and home occupations. The property is located on a corner and along a high-traffic street, an appropriate location for mixed-use development of medium intensity. Both RSF-4 and NS-G have a stated building height maximum of three stories though NS-G permits smaller lots and larger building areas. A rezoning of the northern parcel to RI-U would allow for the by-right development of single-family to four-family dwellings with no density limit. Despite this change from the RSF-4 density of four units per acre, the small size of the northern parcel at .26 acres and a lot width of 105 feet will limit potential development to some extent. Both RSF-4 and RI-U have a stated building height maximum of three stories though RI-U permits smaller lots and larger building areas. Staff finds the requested rezoning to be compatible with surrounding land uses and appropriately located to serve the surrounding neighborhood.

***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 NS-G and 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 proposal also supports Goal 3: We Will Make Compact, Complete, and Connected Development the Standard through opportunities for mixed-use development in urban form.

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

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

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

**Finding:** A rezoning from RSF-4 to NS-G and RI-U has the potential to increase traffic at this location when considering that NS-G and RI-U would allow for development at a greater 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 a Residential Link Street and Regional Link – High Activity Street. Staff also finds that increased traffic danger and congestion could be off-set by the property's proximity to a public trail and ORT 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-2024-0012 to City Council with a recommendation of approval.

---

|                                                               |                                 |                                    |                                 |
|---------------------------------------------------------------|---------------------------------|------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u><b>YES</b></u> |                                 |                                    |                                 |
| <b>Date:</b> <u><b>April 8, 2024</b></u>                      | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| <b>Motion:</b>                                                |                                 |                                    |                                 |
| <b>Second:</b>                                                |                                 |                                    |                                 |
| <b>Vote:</b>                                                  |                                 |                                    |                                 |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family, Four (4) Units Per Acre
  - §161.12 – District RI-U, Residential Intermediate - Urban
  - §161.19 District NS-G, Neighborhood Services - General
- 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<br>(all types) |
| Lot width minimum | 18 feet                 |
| Lot area minimum  | None                    |

- (E) *Setback Requirements.*

| Front                                                                                                             | Side Other<br>Uses | Side Single<br>& Two (2)<br>Family | Rear Other<br>Uses | Rear, from<br>centerline of<br>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.

### 161.19 NS-G, Neighborhood Services - General

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

|          |                                         |
|----------|-----------------------------------------|
| Unit 1   | City-wide uses by right                 |
| Unit 8   | Single-family dwellings                 |
| Unit 9   | Two-family dwellings                    |
| Unit 10  | Three (3) and four (4) family dwellings |
| Unit 12b | General business                        |
| Unit 24  | Home occupations                        |
| Unit 40  | Sidewalk cafes                          |
| Unit 41  | Accessory dwelling units                |
| Unit 44  | Cluster housing development             |
| Unit 46  | Short-term rentals                      |

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

- (2) *Conditional Uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 5  | Government facilities                    |
| Unit 13 | Eating places                            |
| Unit 16 | Shopping goods                           |
| Unit 19 | Commercial recreation, small sites       |
| Unit 25 | Offices, studios and related services    |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communication facilities        |
| Unit 45 | Small scale production                   |

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

- (D) *Bulk and Area Regulations.*

- (1) *Lot Width Minimum.*

|                |         |
|----------------|---------|
| All dwellings  | 35 feet |
| All other uses | None    |

- (2) *Lot Area Minimum.*

|               |                   |
|---------------|-------------------|
| Single-family | 4,000 square feet |
|---------------|-------------------|

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

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

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



Erin Adkins-Oury  
Owner  
Taproot Investment Partners, LLC  
1673 E. 5<sup>th</sup> St., Fayetteville, AR 72701  
taproot.inv.partners@gmail.com  
479-601-6294

26 February 2024

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

Re: Rezoning Request for Parcels 765-15221-010 and 765-15221-011

I am writing to formally submit a rezoning request on behalf of Taproot Investment Partners, LLC. My request pertains to two adjacent properties located on the NE Corner of E. Huntsville Rd and S. Dockery Ln, identified as Parcel 765-15221-010 and Parcel 765-15221-011, respectively.

**Parcel 765-15221-010: 2002 E Huntsville Rd., 2008 E Huntsville Rd.**

- Complete legal description provided separately.
- 0.264 acres
- Current zoning: RS-4
- Requested zoning: NS-G

**Current Adjacencies:**

- North: RSF-4 (seeking rezone to RI-U under this same application) - Undeveloped
- South: State Hwy ROW - Huntsville Rd/ ADOT Hwy 16
- East: RSF-4 - Single-Family
- West: NS-G - Commercial Service (Spa)

**Statement of Compatibility:**

The parcel is immediately adjacent to and shares an intersection with another NS-G zoned parcel. The future land use for the parcel is "Residential Neighborhood," which is also compatible with neighborhood services zoning. The current development of the parcel consists of two residential structures, 67 and 107 years old, recently completely renovated and serving as attainable rental housing. The property owner's intention is not to redevelop this parcel at this time, but rather to have flexibility in how the existing structures may be used during their remaining lifecycle. The requested zoning would allow for service-oriented uses or development if needed in the future.

**Statement of Adverse Effect or Conflict with Surrounding Land Uses:**

The permitted uses in NS-G zoning are similar to those permitted elsewhere throughout the existing neighborhood, with the exception of adding general business and sidewalk cafes to the permitted uses. These additional potential uses would be a value-add to the surrounding residential land use types.

### **Parcel 765-15221-011: S Dockery Lane**

- Complete legal description provided separately.
- 0.253 acres
- Current zoning: RS-4
- Requested zoning: RI-U

#### **Current Adjacencies:**

- North: RMF-24 - Single-Family Home on a multi-family parcel.
- South: RSF-4 (seeking rezone to NS-G under this same application) - Two single-family homes on a single parcel.
- East: RSF-4 - Single-Family Home
- Northeast: RI-U - Undeveloped
- West: NS-G & RSF-4 - Commercial Service (Spa) & Two-family home

#### **Statement of Compatibility:**

The parcel is located immediately adjacent to parcels zoned to higher intensity than that which is being requested. Of the 28 units of potential residential housing currently developed on parcels on Dockery Lane, only 4 are single-family homes constructed on RSF-4 zoned parcels. Additionally, the majority of the housing in this area, including Dockery Lane and surrounding neighborhoods, is for-rent housing that is not owner-occupied.

#### **Statement of Adverse Effect or Conflict with Surrounding Land Uses:**

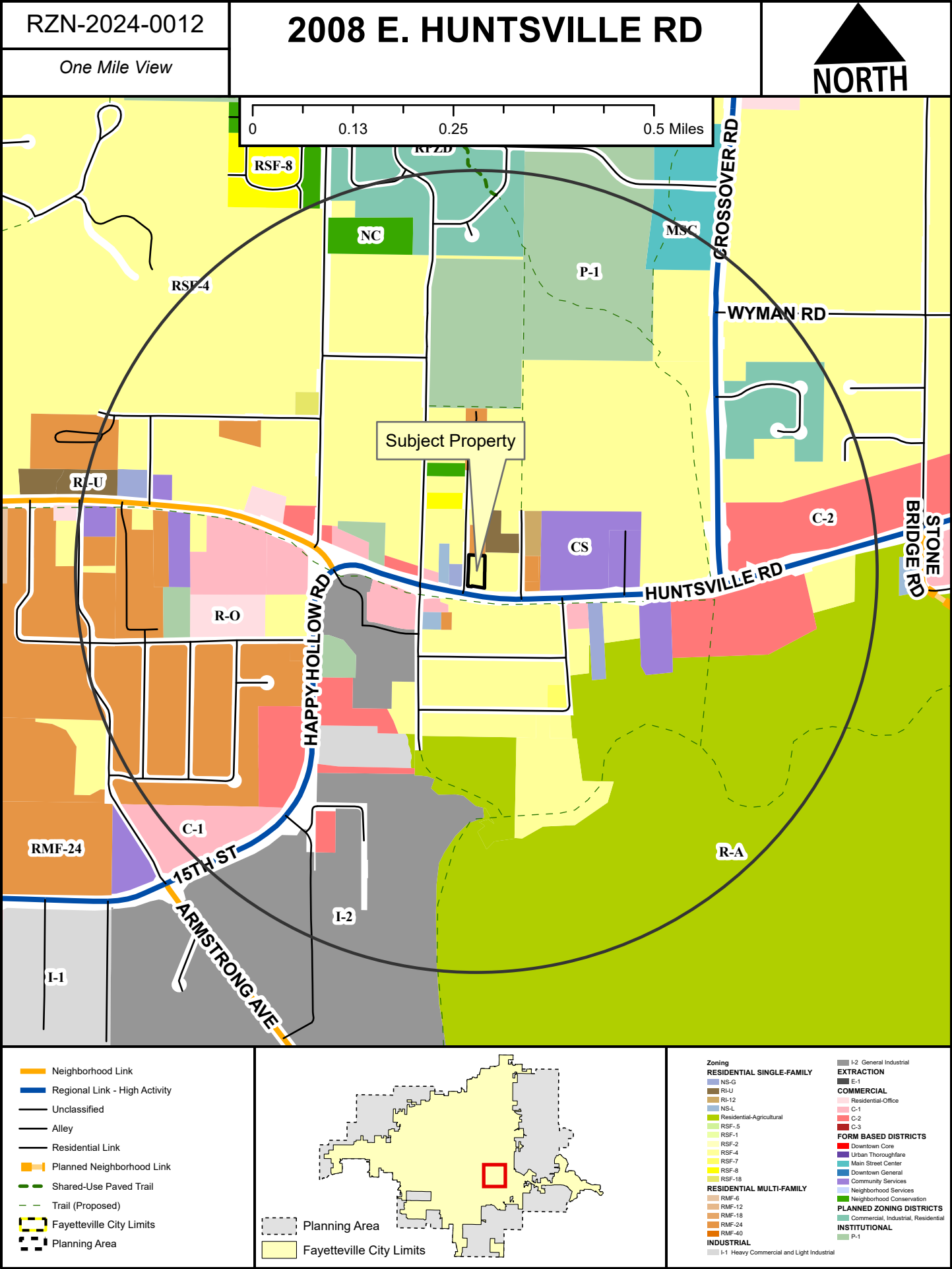
One of the commonly brought up adverse effects of denser housing is an increase in traffic. However, due to the road terminating into Fayetteville Public School property with no opportunity for extension, the lack of remaining development parcels on Dockery Lane, and the parcel's proximity to the exit onto ARDOT Highway 16, the potential for four additional units that RI-U zoning would permit would have little impact on overall traffic patterns for Dockery Lane.

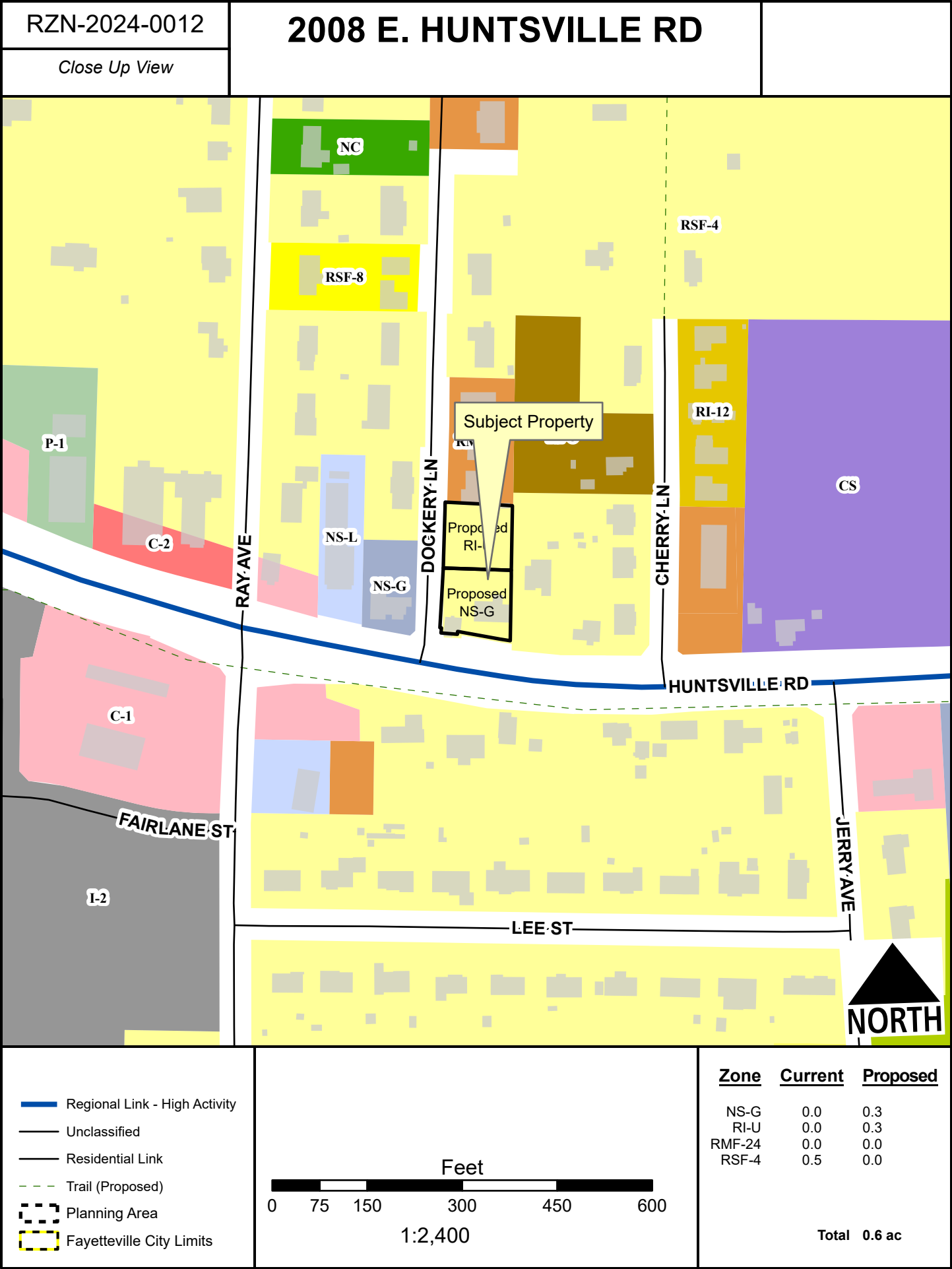
#### **See Additional Exhibits:**

- Survey/ Lot Line Adjustment by Blew & Associates, PA, recorded 02/11/2022
- Future Land Use Map
- Zoning Map
- Parcel Map
- Extended Legal Descriptions
- Consent of Owner Form
- Proof of Entity Management

I appreciate your attention to this matter and look forward to discussing the rezoning request further. If additional information or clarification is needed, please do not hesitate to contact me. Thank you for your time and consideration.

Erin Adkins-Oury  
Owner  
Taproot Investment Partnerships, LLC

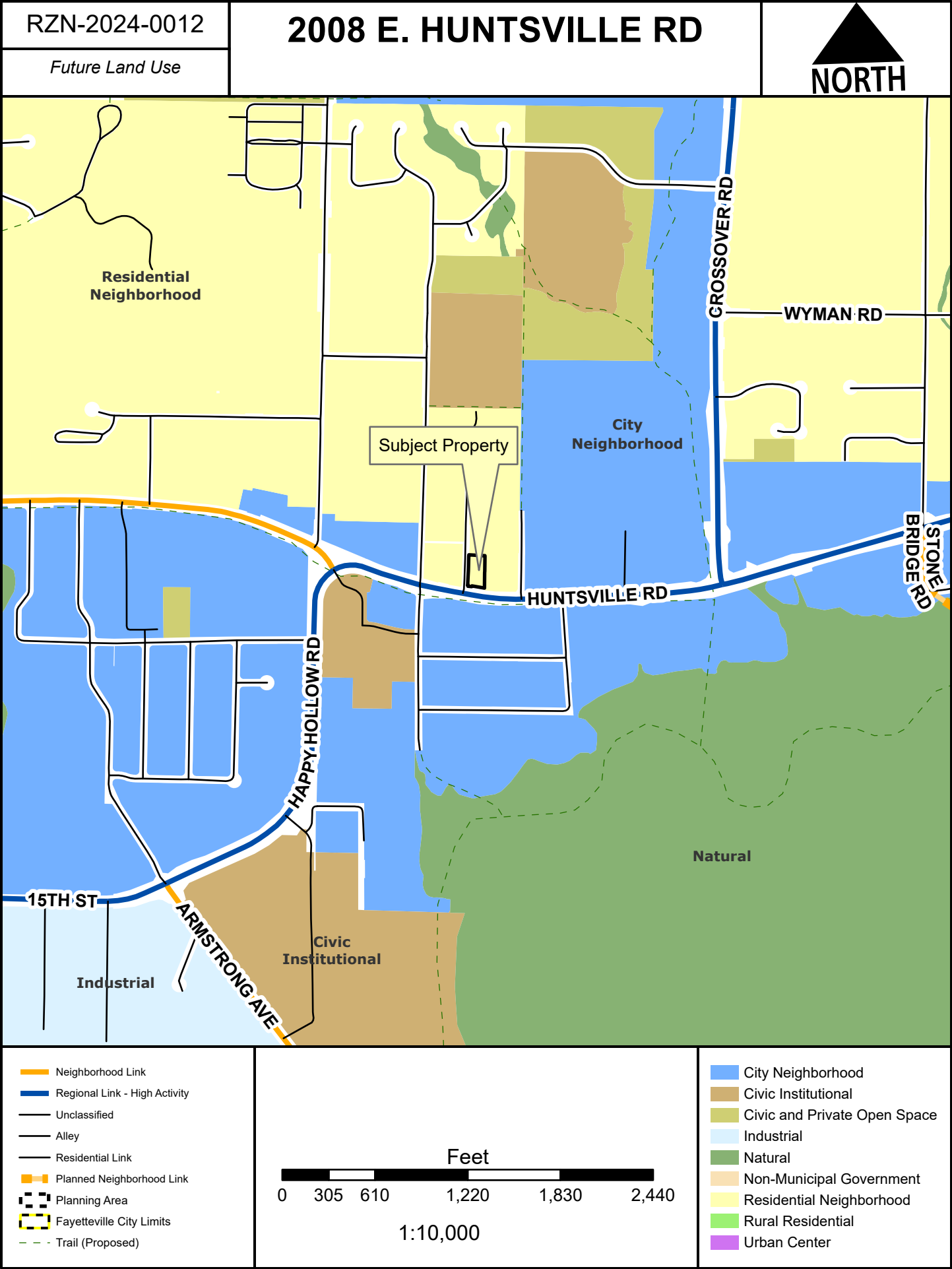














**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** April 8, 2024

**SUBJECT:** **RZN-2024-0014: Rezoning (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486):** Submitted by MOUNT SEQUOYAH CENTER INC for property located at 141 W. SKYLINE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN-2024-0014** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **RZN-2024-0014** to City Council with a recommendation of approval."*

**BACKGROUND:**

The subject property is located on W. Skyline Drive in east Fayetteville, approximately ½ mile east of downtown. The property contains one parcel totaling 0.40 acres which is currently zoned RSF-4, Residential Single-Family – Four Units per Acre, and is undeveloped but for a cross sculpture that belongs to the Mount Sequoyah Center. County records indicate that the property has been owned by the Mount Sequoyah Center and previously-affiliated Methodist Church organization since at least 1975, and likely since the lots were originally platted in 1923. 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     | Single-Family Residential                 | RSF-4, Residential Single-Family – Four Units per Acre |
| East      | Civic Institutional (Mt. Sequoyah Center) | P-1, Institutional                                     |
| 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 P-1, Institutional.

*Public Comment:* To date, staff has received no public comment regarding this request.

**INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:**

**Streets:** The subject area has road frontage along W. Skyline Drive, which is a partially improved Residential Link Street with asphalt paving with open ditches. Any street improvements required in these areas would be determined at the time of

development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

**Water:** Public water is available to the subject area. An existing 8-inch water main is present on the east side of W. Skyline Drive.

**Sewer:** Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present on the subject property.

**Drainage:** A portion of the property lies within the Hillside/Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

**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 1.5 miles from the fire station with an anticipated drive time of approximately 5 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 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

**Tree Preservation:**

The proposed zoning district, P-1, Institutional, requires **25% 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 4 for this site with a weighted score of 3.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (6" main along west side of property)
- Near Water Main (8" main, W. Skyline Drive)
- Near City Park (Mt. Sequoyah Gardens)



## 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 compatible with the surrounding area and current land uses. RSF-4 is a strictly single-family residential zoning district, and the property is surrounded on all three sides by this zoning designation. This lot was originally platted by the Western Methodist Assembly in 1923, and though it appears to have been potentially originally platted for residential use (Lots 60-62), property records indicate that it has been consistently used or owned by the Mount Sequoyah Assembly/Center since its original platting. Staff finds that the P-1 zoning district is compatible with the existing land use of the property, a cultural and recreational facility. Rezoning the property to P-1 would allow the use of the property by the Mount Sequoyah Center to continue, expand, or reconstruct, bringing the existing non-conforming use into compliance with zoning.

***Land Use Plan Analysis:*** Staff finds the proposed rezoning to be somewhat 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 P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development. This site is walkable within the overall neighborhood that sits on Mount Sequoyah and is a frequent destination for the public. While not a site identified as encouraging a high amount of infill, this proposed rezoning would help allow an existing, non-conforming publicly oriented space to continue.

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

**Finding:** Staff finds there is sufficient justification to rezone the property from RSF-4 to P-1. This request will bring an existing non-conforming use (a cultural and recreational facility and a long-standing institutional use) into compliance with zoning with the underlying zoning district.

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 P-1 has the potential to increase traffic to this location, though staff does not find that this would be to a dangerous degree. The site currently has a large draw, as it is a physical focal point for the City, drawing members of the public and tourists for the view. Staff finds that any new development on the site would be subject to the typical development review process and infrastructure evaluation that would be roughly proportional to the proposal.

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

**Finding:** The proposed rezoning does not have the potential to alter the population density. Modifying the zoning from RSF-4 to P-1 will remove the residential uses and re-align the property to an institutional use. Staff does not find that the rezoning request will undesirably increase the load on public services at this site.

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-2024-0014 to City Council with a recommendation of approval.

|                                                        |                                 |                                    |                                 |
|--------------------------------------------------------|---------------------------------|------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |                                 |                                    |                                 |
| Date: <u>April 8, 2024</u>                             | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion:                                                |                                 |                                    |                                 |
| Second:                                                |                                 |                                    |                                 |
| Vote:                                                  |                                 |                                    |                                 |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §161.32 District P-1, Institutional
- Request Letter
- Mount Sequoyah Plat Exhibit
- 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.

### 161.32 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)





# Rezoning Application

February 28, 2024

by:

Emily Gentry

President & CEO

Mount Sequoyah Center, Inc.

479-443-4531

[emily.gentry@mountsequoyah.org](mailto:emily.gentry@mountsequoyah.org)

# Payment

Mount Sequoyah Center, Inc. has submitted proper payment for application fees.

Rezoning fee: \$325

\$5 x 1 sign = \$5

# Legal Description

GIS Approved

03/07/2024 10:10:11 AM

## **Legal Description of Mount Sequoyah Center Inc.'s Overlook Area**

### **Parcel #765-11997-000**

A PART OF LOTS 60,61, & 62 IN THE WESTERN METHODIST ASSEMBLY ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING FENCE CORNER POST WHICH IS S87°26'54"E 8.36' FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF LOT 51 IN SAID SUBDIVISION AND RUNNING THENCE S87°26'54"E 107.77' TO AN EXISTING REBAR, THENCE S03°07'48"W 45.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 289.93' FOR A CHORD BEARING AND DISTANCE OF S06°16'44"E 81.93' TO AN EXISTING REBAR, THENCE S75°27'25"W 125.15', THENCE N02°27'26"E 162.75' TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN WEST SKYLINE DRIVE MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY RECORD.





# Photos



# Statement

**A statement explaining the compatibility of this proposed rezoning with neighboring property and explaining why the proposed rezoning will not unreasonably adversely affect or conflict with surrounding land uses.**

Mount Sequoyah is applying to rezone the described property from RSF-4 Residential Single Family to P-1 Institution. Other sections of the Mount Sequoyah Center, Inc. property are currently zoned P-1, so this would bring an additional section of the owned property into the same zoning. The property is currently being used by the center as a cultural and historic landmark of the city of Fayetteville, so the proposed change will not adversely affect or conflict with the surrounding land uses.

# Notification

Mount Sequoyah Center, Inc. shall mail a written notice of the action by first-class mail to the address of all landowners and residents with separate addresses within 200 feet of the boundary line of the property on which the use is proposed.

The applicant shall provide the following to the Planning Division:

- a. alphabetical list of the landowners and residents with separate addresses receiving notification
- b. map showing the landowners' relationship to the site
- c. copy of the notice sent to the landowners and residents
- d. certificate of mailing

Mount Sequoyah Center, Inc. shall post proper signage for the required period of time and photograph and submit proof of proper posting.

# Consent of Owner Form

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** By signing below, I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have authorized this application and consent to its filing.

**PLEASE NOTE:**

- Property Owners: Attach additional info/documentation if necessary.
- Authorized Agents: If signing on behalf of a Property Owner, a letter from each Property Owner must be provided indicating that the agent is authorized to act on their behalf.

**Associated Project (required field):**

Rezoning of Mount Sequoyah Overlook to P-I  
Name or description of proposal

**Property Owner 1:**

☒ Emily Gentry  
Name of person signing [printed]

emily.gentry@mountsequoyah.org  
Contact Email

150 N Skyline Drive, Fayetteville, AR 72701  
Mailing Address

[Signature]  
Property Owner Signature

Mount Sequoyah Center, Inc.  
Entity/Company signator legally owns or represents

475-443-4531  
Contact Phone

2/27/24  
Date

**Property Owner 2: (if needed)**

☐ \_\_\_\_\_  
Name of person signing [printed]

\_\_\_\_\_  
Entity/Company signator legally owns or represents

\_\_\_\_\_  
Contact Email

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

**Property Owner 3: (if needed)**

☐ \_\_\_\_\_  
Name of person signing [printed]

\_\_\_\_\_  
Entity/Company signator legally owns or represents

\_\_\_\_\_  
Contact Email

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

**Property Owner 4: (if needed)**

☐ \_\_\_\_\_  
Name of person signing [printed]

\_\_\_\_\_  
Entity/Company signator legally owns or represents

\_\_\_\_\_  
Contact Email

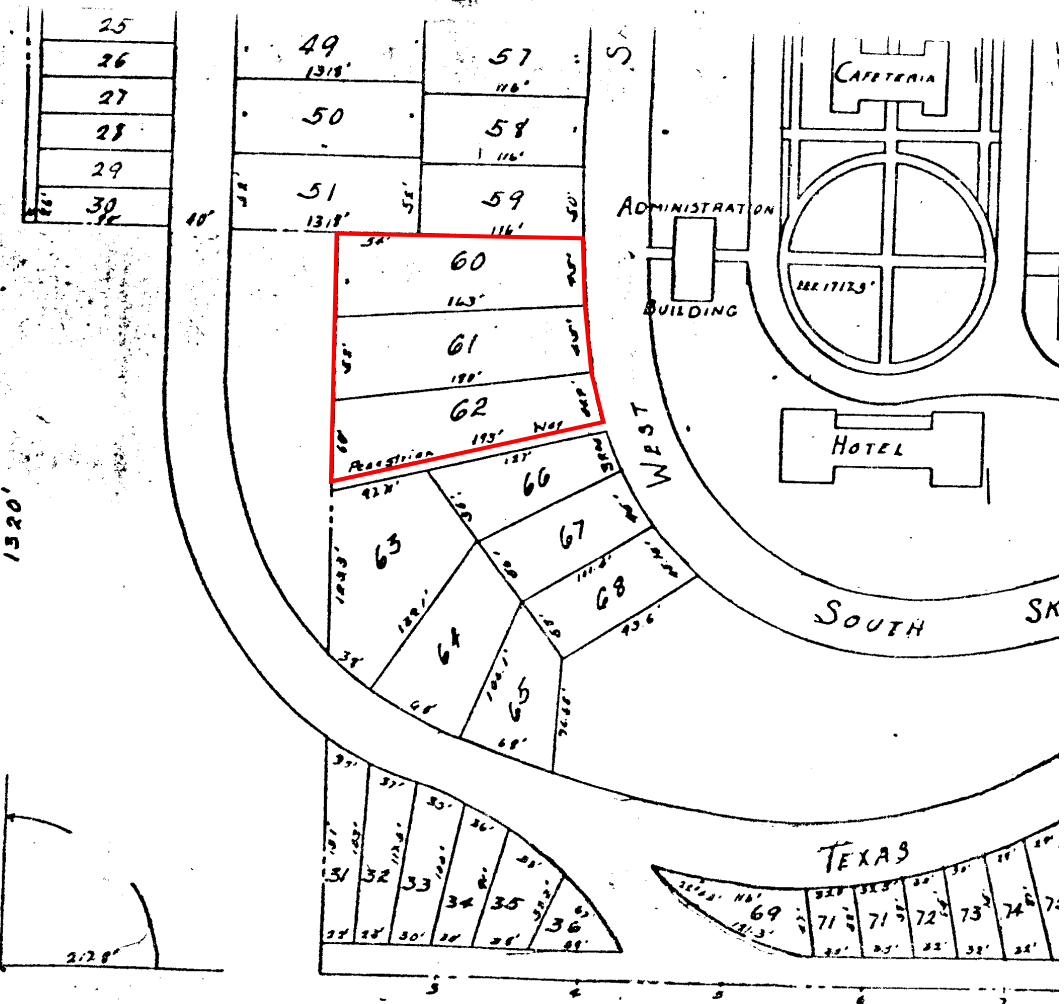
\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Property Owner Signature

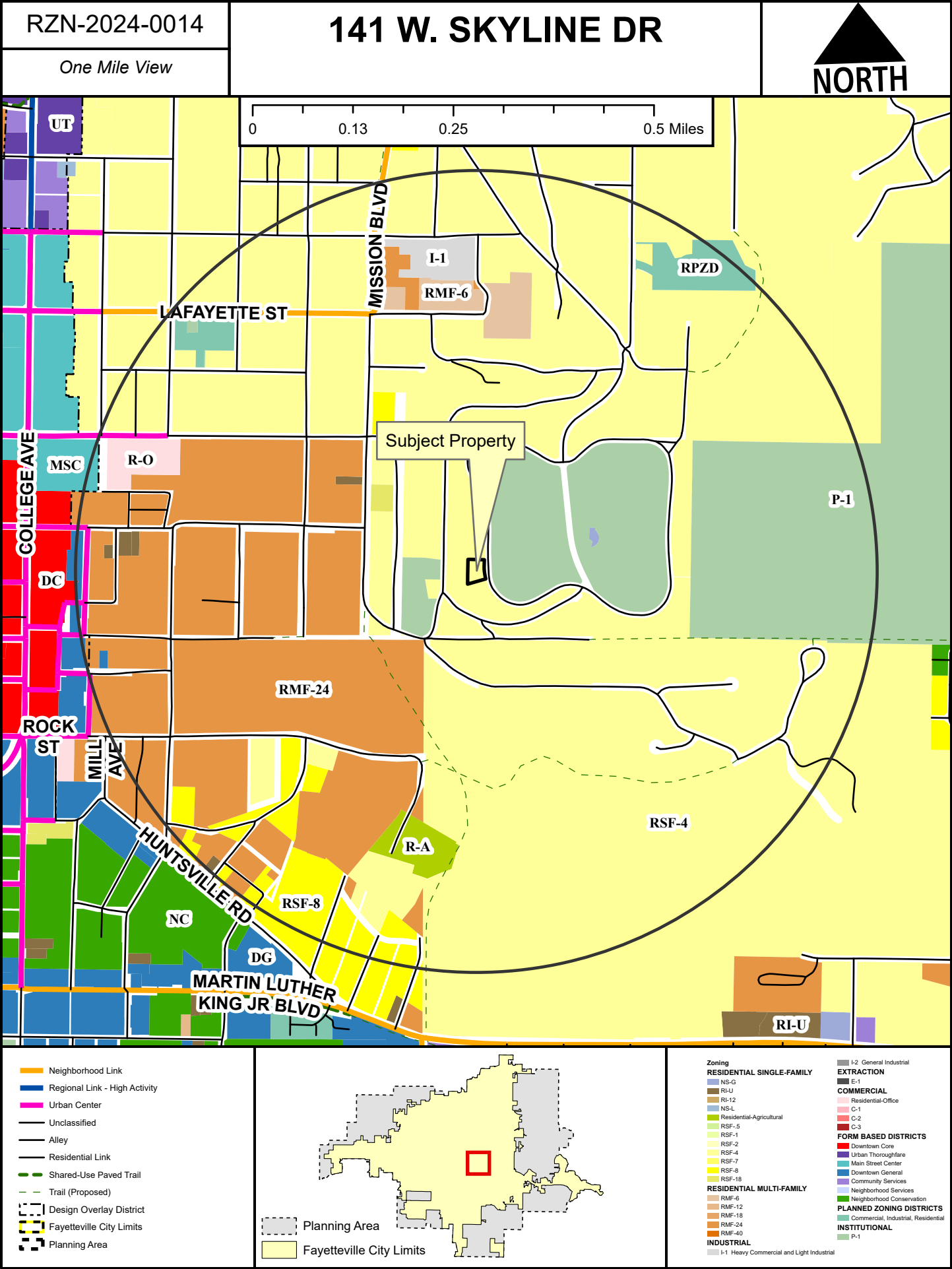
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Date

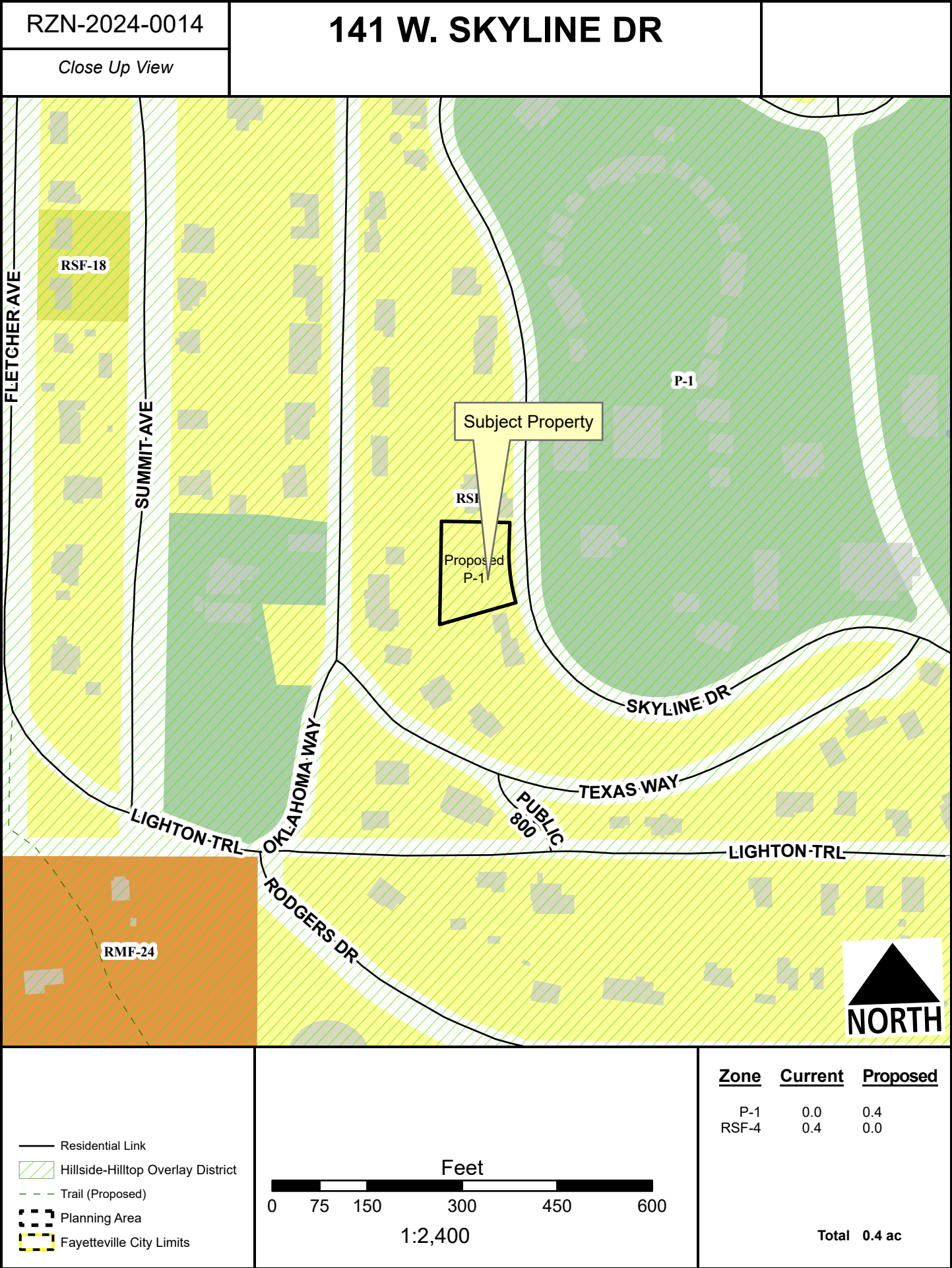
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 Sec. 15 - T.16 N. - R. 30 W.



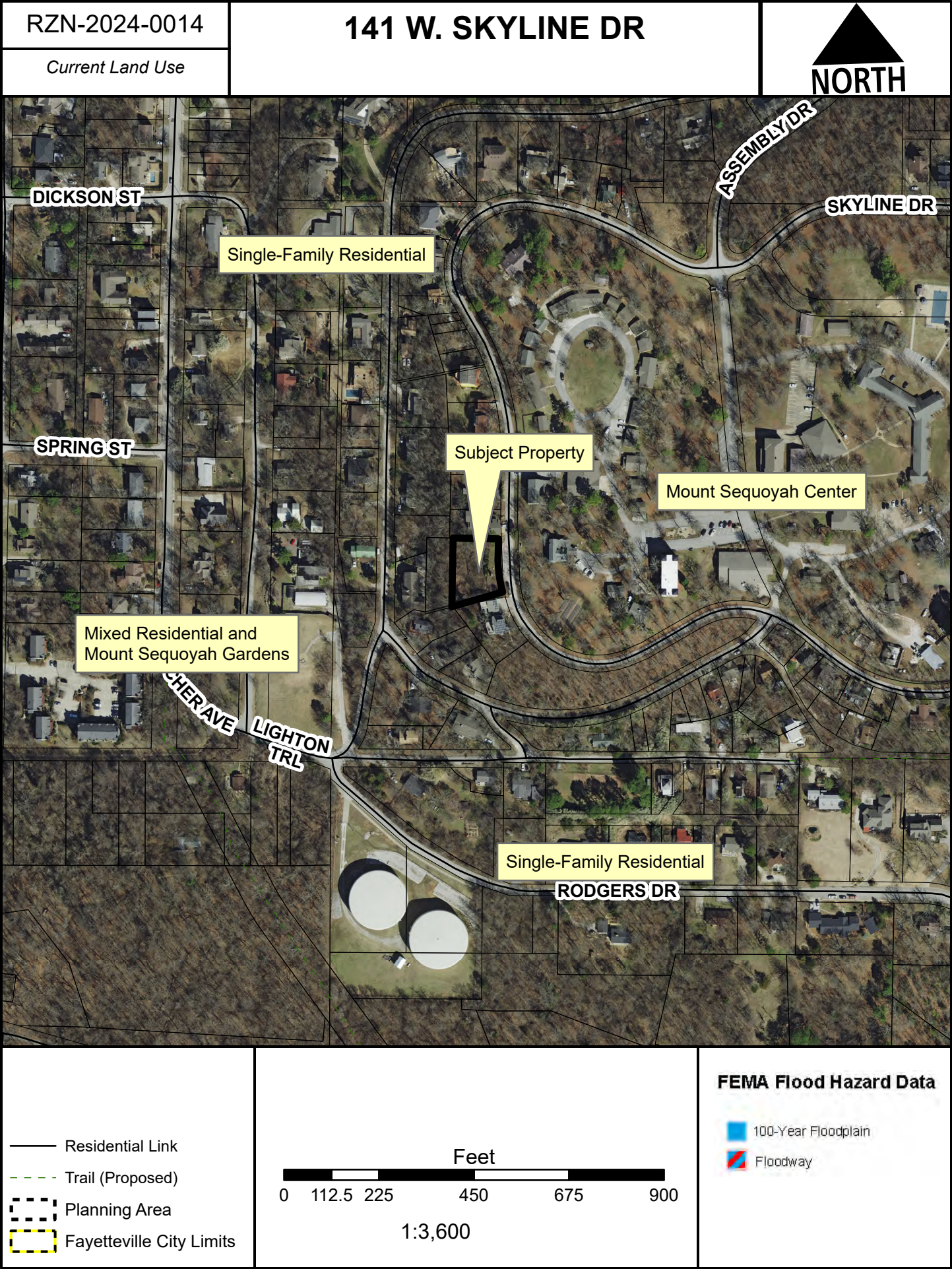
Western  
 Methodist  
 Assembly



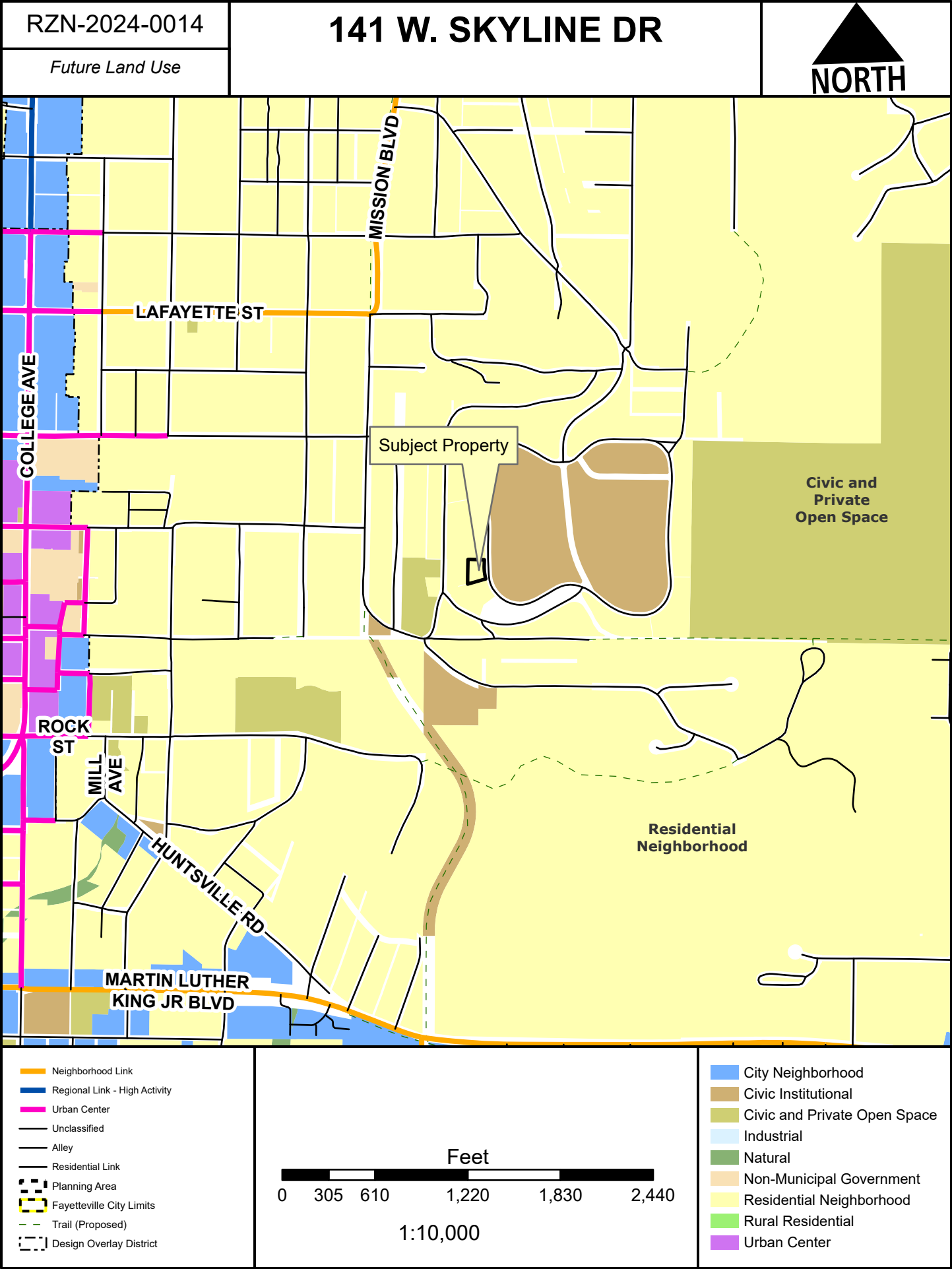














**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING:** April 8, 2024

**SUBJECT:** **PZD-2024-0002: Planned Zoning District (WEST OF N. 54<sup>TH</sup> AVE / COLESON BROK, LLC, 397):** Submitted by CRAFTON TULL for property located WEST OF N. 54<sup>TH</sup> AVE. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 12.13 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

**RECOMMENDATION:**

Staff recommends forwarding **PZD-2023-0002** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **PZD-2023-0002** to City Council with a recommendation of approval, with conditions as outlined by staff."*

**BACKGROUND:**

The subject property is in west Fayetteville, approximately 400 feet north of the intersection of N. 54<sup>th</sup> Ave. and W. Wedington Dr. The property was annexed into Fayetteville city limits and rezoned to its current designation in 2021. It contains roughly 12.13 acres and is zoned RI-12, Residential Intermediate, 12 Units per Acre. The property is currently undeveloped and is not part of any overlay or master planning areas. Surrounding land uses and zoning is depicted in *Table 1*.

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

| Direction | Land Use                                  | Zoning                                                               |
|-----------|-------------------------------------------|----------------------------------------------------------------------|
| North     | Quarry                                    | Fayetteville Planning Area                                           |
| South     | Single-Family Residential                 | RA, Residential Agricultural                                         |
| East      | Agricultural<br>Mixed-Density Residential | RA, Residential Agricultural<br>RI-U, Residential Intermediate Urban |
| West      | Single-Family Residential                 | RI-12, Residential Intermediate, 12 Units per Acre                   |

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

- **Planning Area #1 – 7.99 acres:** The intention of this planning area is to provide single-family homes at a maximum density of 10 units per acre. The proposal includes alley-loaded single-family home lots which would front either N. 54<sup>th</sup> Ave. or the proposed greenspace within Planning Area 2. The allowable uses are similar to but more limited than those allowed in other single-family zoning districts such as RSF-4 or NC, Neighborhood Conservation.



- **Planning Area #2 – 1.32 acres:** This planning area is intended for a combination of open space, tree preservation, and stormwater facilities. The area in question currently has some existing tree canopy and abuts an existing residential neighborhood to the west. Any proposed parkland dedication would be required to be evaluated by the Parks and Recreation Advisory Board, and a full evaluation of its suitability for City acquisition would take place during the large-scale development process. Compliance with the tree preservation ordinance and stormwater design would be fully evaluated with development plan submittal. The permitted uses are extremely restrictive, with only use unit 1: city-wide uses permitted by right.

*Public Comment:* Staff has received multiple inquiries regarding the proposed rezoning and requesting additional information. No comments were provided in direct support or opposition of the request.

## **INFRASTRUCTURE:**

**Streets:** The Planned Zoning District subject area has access to N. 54<sup>th</sup> Ave. and a stub-out on W. Fountain St. N. 54<sup>th</sup> Ave is an unimproved residential link street that must be improved with future development. W. Fountain St. is an improved residential link street with asphalt paving, curb and gutter, and sidewalk and green space on both sides. Any street or drainage improvements required in these areas would be determined at the time of development.

**Water:** Public water is available to the subject area. An existing 8" water main is stubbed out in W. Fountain St. An 8" water main is also being installed in N. 54<sup>th</sup> Ave with the Cobblestone Farms development along the southern portion of the subject area's frontage that future development could connect to once the water main being installed has been accepted by the city.

**Sewer:** Sanitary Sewer is available to the subject area. There are existing 8" sanitary sewer mains in W. Fountain St. and in N. 54<sup>th</sup> Ave. at the southeast corner of the subject area that can be tied into to serve the future development. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines must be included with the development entitlement submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.

**Drainage:** No portion of the subject area lies within a FEMA floodplain, a protected stream, Hillside-Hilltop Overlay District, or contain hydric soils.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1.5 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 did not comment on this request.

**Tree Preservation:**

The proposed PZD, Residential Planned Zoning District, requires **25% minimum canopy preservation**. The current zoning district RI-12, Residential-Agricultural 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: 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 low infill score for the subject property of 3-5, which translates to a weighted score of **4.5**. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #7, 835 N. Rupple Rd.)
- Near Sewer Main (8" Main, N. 54<sup>th</sup> Ave. and W. Fountain St.)
- Near Water Main (8" Main, N. 54<sup>th</sup> Ave.)
- Near City Park (Bundrick Park)
- Near Paved Trail (N. 54<sup>th</sup> Ave, Under Construction)

**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 applicant's request to be compatible with existing surrounding land uses. An existing RI-12 neighborhood is located directly west, with a mixed-density residential development known as Cobblestone Farms currently under construction to the east. Staff finds the proposed density could provide a good transition area between these two developments. The applicant's request reflects slightly lower density that reduces impervious surface by allowing the parcels along the western portion of the development access from solely a proposed alley with frontage along open space in Planning Area 2. The separation of the PZD into two planning areas indicates a specific intention to work within the confines of existing amenities on the site, tree preservation, detention, and open space along the western boundary that will also serve to provide a buffer between the proposed development and an existing residential neighborhood.

The applicant's request would also allow for short-term rentals within Planning Area 1. However, since the overall planned zoning district is strictly residential and does not include any commercial or mix of uses by right, staff finds that any single-family homes that would like to pursue a short-term rental would require a conditional use permit. All proposed commercial uses are available via conditional use permit in Planning Area 1 only.

**Land Use Plan Analysis:** Staff finds that the request is consistent with the City's land use and zoning plans. The proposed PZD is substantially similar to what could be developed by right under the existing zoning district, with the notable exception of allowing parcels to have frontage along an alley / green space rather than a public street and an elimination of minimum lot widths (currently 50 feet). Proposed plans indicate lot widths of approximately 35 feet, which would be subject to UDC 164.23 Small Lot Design Standards. Staff finds that the proposal meets City Plan 2040 goal by making appropriate infill a high priority; the infill score for the site is currently quite low, so inserting single-family units in the area acts as a good transitional development to future high-density development. The proposal also capitalizes on proximity to the trail network and adjacent street stub-outs.

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

**Finding:** Staff finds that the proposed rezoning is justified in order to develop a potentially difficult site in a way that is compatible with both current and long-term land uses for the area. The concentrated density allows for additional land on the overall site to be set aside for potential open space and recreational features.

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

**Finding:** The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. The overall proposed vehicular access will be primarily from N. 54<sup>th</sup> Ave. with an additional connection available through W. Fountain St. A planned future trail within Cobblestone Farms is currently under construction directly to the east which will connect to the existing trail along W. Wedington Dr., providing an alternative source of transportation. The density in the PZD is also less than what is permitted under most of the site's current zoning which may be developed with up to 12 units per acre under the RI-12 zoning district.

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 RPZD would not alter the population density in a way that would undesirably increase the load on public services. New sewer lines would be required to be extended to the proposed development, at a cost that would be born by the developer, and a new water main is currently under

**construction in the adjacent Cobblestone Farms development. Additionally, a sewer capacity analysis may need to occur during an associated large-scale development or preliminary plat. That said, given the proximity to W. Wedington Dr., staff finds that any lack of water and sewer facilities at this time are of a limited concern.**

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**

#### **Sec. 161.35. Planned Zoning Districts (PZD)**

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.



**Findings:** As outlined in previous findings, staff finds that the proposal is generally in line with the factors that may be considered with a Planned Zoning District. The proposed PZD is particularly well suited to meet the flexibility, harmony, no negative impact, and natural feature tenets of the ordinance. Staff notes that, while the architectural designs provided in the packet are limited in variety, the PZD booklet encourages a variety of housing sizes with increased architectural requirements along facades that are visible from either public ROW or common open space. Single-family homes are note subject to UDC 166.23 Urban Residential Design Standard; however, any lots of 50 feet or less shall be subject to UDC 164.23 Small Lot Design Standards, which includes limitations on the proportion of a garage within the principal façade and requirements for clearly defined front doors and windows on the façade facing the street.

However, staff has some concerns regarding the PZD booklet's statement that "existing trees within Planning Area 1 will be removed and mitigated." Staff recommends updating the booklet to state that "Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible."

**RECOMMENDATION:** Staff recommends forwarding **PZD-2023-0002** to City Council, with a recommendation of approval, with conditions as outlined below.

**Conditions of Approval:**

1. Revise the PZD booklet and plans to reflect the following:
  - a. Add a requirement that states that "Any parking lots of 5 spaces or greater shall be subject to UDC 177.04 Site Development and Parking Lot Landscape Standards."
  - b. Add a requirement that states that "Any and all signage shall meet the requirements as set forth in UDC section 174."
  - c. Updating booklet to state that "Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible."
  - d. Add a note about how common areas will be maintained.
2. Parkland dedication must be reviewed by PRAB with the associated development plans;
3. Compliance with UDC 177 Landscape Regulations shall be reviewed with the associated development plans;
4. Compliance with USC 164.23 Small Lot Design Standards shall be confirmed with building permit submittal;
5. A conditional use permit will be required for any proposed off-site parking lots prior to the platting of the lots per the requirements of UDC 172.06(C).
6. Any parking lots must meet all standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements;

7. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and
8. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines must be included with the development entitlement submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.
9. This approval does not grant permit approval for the associated development. The project shall still be subject to any and all development entitlement requirements, including, but not limited to, site improvement plan, large-scale development, and/or other required permits.

|                                           |                                    |                                 |                                 |
|-------------------------------------------|------------------------------------|---------------------------------|---------------------------------|
| <b>Planning Commission Action:</b>        | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Tabled | <input type="checkbox"/> Denied |
| <b>Meeting Date:</b> <u>April 8, 2024</u> |                                    |                                 |                                 |
| <b>Motion:</b>                            |                                    |                                 |                                 |
| <b>Second:</b>                            |                                    |                                 |                                 |
| <b>Vote:</b>                              |                                    |                                 |                                 |

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Urban Forestry Memo
- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

**TO:** Technical Plat Review

**THRU:** Donna Wonsower, Planner

**FROM:** Melissa Evans, Urban Forester

**MEETING DATE:** April 8, 2024

**SUBJECT:** **PZD-2024-0002: Coleson Brook:** Submitted by CRAFTON TULL for property located WEST OF N. 54<sup>TH</sup> AVE. The property is zoned RI-12 RESIDENTIAL INTERMEDIATE, TWELVE (12) UNITS PER ACRE and contains approximately 12.13 acres. The request is for the property to be zoned to a PZD, PLANNED ZONING DISTRICT.

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**RECOMMENDATION:**

Urban Forestry Staff recommends the approval of PZD-2024-0002 since the PZD booklet essentially states that Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations requirements will be met. The required minimum existing tree canopy coverage is 25% for PZDs.

The booklet also states on page 3 in section 4) that “Existing Trees within Planning Area 1 will be removed and mitigated.” Urban Forestry staff recommends the condition that tree preservation for Planning Area 1 needs to be reviewed with development plans. Section 4) needs to be amended to say “Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible.”

Though there are not many trees on the site with the exception of the western side, it is highly recommended that as many trees be preserved as possible to meet the requirement, and that buildings, parking, utilities, and other infrastructure elements be designed around the trees. According to the PZD booklet, “Tree preservation will be a priority in Planning Area 2, with common spaces and drainage designed around preservation.” If natural areas and detention are incorporated in the tree preservation area, it may be too much for successful tree preservation.

Chapter 177 Landscape Regulations must be met also, including street trees along public or private streets and for parking and detention ponds.



February 27, 2024

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

RE: Planning Zoned District-54<sup>th</sup> Street  
CT Job #: 23305000

Planning Staff,

On behalf of our client, Coleson Brooks, LLC, we are submitting a Planned Zoning District (PZD) for your consideration.

The site is 12.13 acres. Parcel IDs 765-16164-400 and 765-16168-000. The subject project is currently zoned RI-12. The proposed PZD will consist of two planning areas, consisting of single-family detached homes, and open green space. PZD will provide an efficient use of the land to better accommodate future residents, economic viability, and allow an aesthetically pleasing development that fits well within the City of Fayetteville. This development will serve as a good transition between medium/low density neighborhoods located west of this development, high-density neighborhoods located east of this development, and low-density single-family houses located south of the development. This residential development aligns with Fayetteville's Future Land Use (2040) map of being Residential Neighborhood.

We appreciate your consideration on this matter.

Sincerely,

Caroline Gardner, PE  
Project Engineer  
Crafton Tull & Associates, Inc.



March 26, 2024

# PLANNED ZONING DISTRICT BOOKLET

**Submitted to:**

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

**Owner:**

Coleson Brook, LLC  
234 E. Millsap  
Fayetteville, AR 72703

**CT JOB NO.** 23305000



**Crafton Tull**

Prepared by:  **Crafton Tull**

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

Planning Commission

April 8, 2024

PZD-2024-0002 (COLESON BROOK LLC) Page 215 of 305

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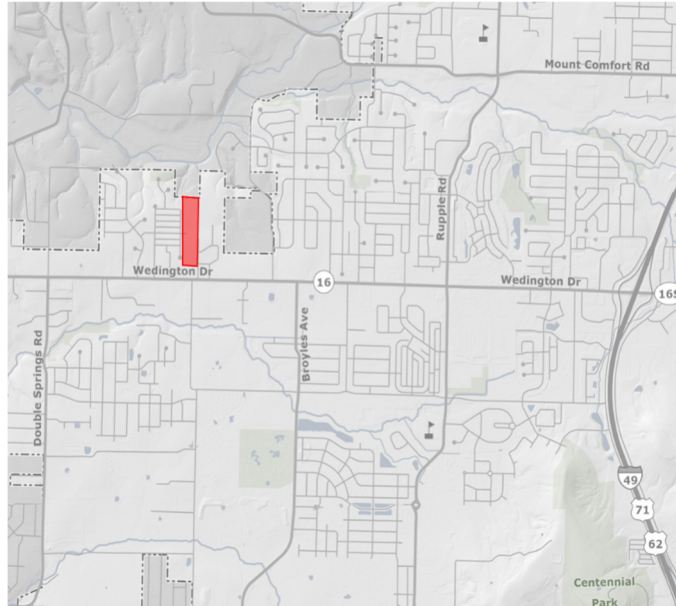
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**A) Current Ownership:**

The 12.13-acre property is currently owned by Coleson Brook, LLC. The owner is being represented by Crafton Tull & Associates. The site is located on Washington County Parcel Numbers 765-16164-400 and 765-16168-000, which is located on the west side of N 54<sup>th</sup> Street in Fayetteville, AR. See vicinity map below for location:



**B) Project Summary:**

The proposed development will consist of two planning areas, consisting of single-family detached homes, and open green space. The intent is to have a walkable, vibrant, sustainable, and higher-density neighborhood with useable common open space. In addition, smaller lot sizes, alley access, and shorter setbacks will promote the vitality of the proposed neighborhood and incorporate open green spaces.

**C) General Project Concept:**

1) Street and lot layout will consist of the continuation of a two Residential Streets on site. 54<sup>th</sup> Street will be extended along the east side of the property as well as W Fountain Street, through the middle of the site. An alley is being proposed which connects to 54<sup>th</sup> Street on the north and south sides, as well as W Fountain Street in the middle of the site, promoting a highly connected, walkable community. Alleys will conform to the Master Street Plan, except where fire hydrants are needed. In these areas, they will utilize a bump-out detail, making the alley 26' wide, 20' either side of the hydrant. Houses on-site will be rear loaded to the alley. Lots will not be required to have frontage to a public street.

2) A site and master plan will be attached with this Booklet.

3) No buffer areas are located on this site.

4) Tree preservation on site will be located mainly along the western side. Tree preservation requirements within the PZD will adhere to the 25% minimum canopy requirement as codified in the UDC Chapter 167. Tree preservation areas and amount of canopy to be preserved will be noted on the development plans. Should the existing canopy on-site be less than this requirement, then this percentage will be either preserved or mitigated for, in accordance with UDC Chapter 167. Existing Trees within Planning Area 1 will be removed and mitigated. Tree preservation will be a priority in Planning Area 2, with common spaces and drainage designed around preservation.



5) Stormwater facilities will likely include two detention ponds to be provided within the development. The detention ponds will be located along the western side on the north and south half of the development. The drainage report will further detail the proposed system and how it will convey stormwater. Should other drainage features be utilized (pavers, etc.) and detention ponds be deemed unnecessary, then they will be omitted from the open space.

6) Portions of Planning Area 2 will remain undisturbed in order to preserve tree canopy and existing ground cover on-site. This will serve as somewhat of a natural buffer between the proposed development and the existing western subdivision.

7) Existing utilities around the proposed PZD will be utilized and extended throughout the site. The development's sanitary sewer main will drain from the north to south connecting to an existing manhole at the intersection of 54<sup>th</sup> Street and Wedington. The water mains will be connected to existing mains on 54<sup>th</sup> Street and Fountain Street and be extended throughout the development.

8) Base architectural design standards for homes shall be similar in nature and character to those attached in Exhibit A. Lots and houses can be of any size the developer wants, but the end product will be similar in material and roofline to what is included in this packet. Developer may elect to vary house exterior color.

9) Example building elevation/floorplans (Exhibit A) are included with this booklet. These example housing styles highlight potential options for a higher density lot configuration, while also conveying materials and prominent features of potential housing within any future development. Ultimately, there is no minimum or maximum lot size, and the developer may build different house plans as long as they generally conform to the material and roof form of the included drawings. Developer may elect to vary house exterior color. Final elevations shall conform to UDC 164.23, Small Lot Design Standards. Additionally, where buildings will be visible from the open areas and public right-of-way, additional windows and/or other architectural features such as a bays, porches, dormers, etc. shall be provided for visual interest.

#### **D) Proposed Planning Areas:**

Proposed planning areas for this development will include:

Planning Area 1 (Single Family Detached Homes) – This area will encompass any lots, streets, alleys, and uses where single family is proposed. This area will have a “build-to-zone”, which shall not exceed 25’ from the street right-of-way. “Build-to-zones” and setbacks are further discussed in Section E and F of this booklet.

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

#### **E) Proposed Zoning Standards:**

Planning Area 1 - Residential Zoning District:

(a) Permitted uses by Use Unit:

Unit 1: City-wide uses by right

Unit 8: Single-family dwellings



Unit 41: Accessory Dwelling Units

Unit 46: Short-term rentals

b) Conditional uses by Use Unit:

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-Family Dwellings

Unit 10: Three (3) and Four (4) family dwellings

Unit 12a: Limited business

Unit 24: Home occupations

Unit 44: Cluster Housing Development

c) Residential Density and/ or Nonresidential Intensity: 10 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: No Minimum

e) Lot area minimum: No Minimum

h) Height regulations: 2 stories

i) Building area: less than 65% of lot area. Minimum buildable street frontage: 50% of lot width (for only those lots along Public Streets, of which Alleys are not included).

Site Planning:

j) Landscaping: Landscaping shall be consistent with chapter 177 of the Unified Development Code.

k) Parking: Parking shall be accessible by rear of houses. Each house shall have a driveway for parking. Parking spaces will be available throughout the development as shown on preliminary plat.

l) Architectural Design Standards: Base architectural design standards for homes are included in Exhibit A. Single-family homes shall be similar in nature and character to these plans and images as shown in Exhibit A. An architectural projection, such as an eave, utility chase, chimney or bay window shall not be considered to be in violation of a setback requirement as long as the projection does not intrude into a public right-of-way or extend more than 3 feet into a setback. A projection which encroaches into a setback shall not come closer than 3 feet to a property line. All lots less than 50 feet in width shall conform to UDC 164.23, Small Lot Design Standards.

m) Signage: Non-commercial signage shall be allowed under Chapter 174 of the UDC. No illuminated signs or signs larger than 8 sqft.

Planning Area 2 – Non-residential Zoning District:

(a) Permitted uses by Use Unit:

Unit 1: City-wide uses by right

b) Conditional uses by Use Unit:

Unit 2: City-wide uses by conditional use permit

Unit 3: Public protection and utility facilities

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

Bulk and area regulations:

d) Lot width minimum: 50'

e) Lot area minimum: .5 acres





- h) Height regulations: 2 story maximum
- i) Building area: none

Note: There shall be no lot minimum requirements for non-buildable lots.

Site Planning:

- j) Landscaping: Landscaping shall be consistent with chapter 177 of the Unified Development Code.
- k) Parking: Parking shall be associated with proposed use and will conform to Chapter 172 in the UDC.
- l) Architectural Design Standards: Architectural design standards shall conform to building and development requirements within UDC.
- m) Signage: Subdivision Entrance Signage is allowed within this Planning Area but shall be applied by separate permit. No other signs shall be allowed, except as approved by the Property Owner's Association.

\*By right, common mailbox units shall be allowed within Planning Area 2. These units shall be installed near Fountain Street.

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

**F) Zoning Chart:**

Planning Area 1 (Residential Zoning District):

Below is a chart comparing Planning Area 1 (Residential Zoning District) within this PZD versus City of Fayetteville current RI-12 zoning of the property:

| Regulation                                   | RI-12                                                                                                                                                            | Proposed PZD Planning Area 1                                                                                                                                                                                                  |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Uses                                         | Permitted uses:<br>Unit 1, Unit 8, Unit 9, Unit 10, Unit 41, Unit 44, Unit 46<br>Conditional uses:<br>Unit 2, Unit 3, Unit 4, Unit 5, Unit 12a, Unit 24, Unit 36 | Permitted uses:<br>Unit 1, Unit 8, Unit 41, Unit 46<br>Conditional uses:<br>Unit 2, Unit 3, Unit 4, Unit 9, Unit 10, Unit 12a, Unit 24, Unit 44                                                                               |
| Front Setback                                | A build-to zone that is located between the front property line and a line 25 feet from the front property line.                                                 | A build-to zone that is located between the front property line and a line 25 feet from the front property line. For lots facing the open space (front), a build-to-zone of 0-25' shall apply off of the front property line. |
| Side Setback Adjacent to Single & Two Family | 5' both sides                                                                                                                                                    | 5' both sides or<br>0' one side, 10' other side                                                                                                                                                                               |
| Side Setback Other Uses                      | 8'                                                                                                                                                               | 5'                                                                                                                                                                                                                            |
| Rear Setback Single Family                   | 5'                                                                                                                                                               | 20' (from either edge of Alley R/W or Access Easement, depending on if public or private)                                                                                                                                     |
| Rear Setback Other Uses                      | 20'                                                                                                                                                              | 20' (from either edge of Alley R/W or Access Easement, depending on if public or private)                                                                                                                                     |
| Density                                      | 12 units/acre                                                                                                                                                    | 10 units/ acre                                                                                                                                                                                                                |
| Minimum Lot Width                            | 50' single family<br>50' two family                                                                                                                              | No minimum                                                                                                                                                                                                                    |



|                  |                                                                                     |                           |
|------------------|-------------------------------------------------------------------------------------|---------------------------|
|                  | 90' three & four family                                                             |                           |
| Minimum Lot Area | 5,000 sqft single family<br>7260 sqft two family<br>10,890 sqft three & four family | No minimum                |
| Maximum height   | 2 stories/3 stories*                                                                | 2 stories                 |
| Building area    | Less than 50% of lot area                                                           | Less than 65% of lot area |

**Planning Area 2 (Non-residential Zoning District):**

Below is a chart comparing Planning Area 2 (Non-residential Zoning District) within this PZD versus City of Fayetteville current RI-12 zoning of the property:

| Regulation                                   | RI-12                                                                                                                                                            | Proposed PZD Planning Area 2                                     |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Uses                                         | Permitted uses:<br>Unit 1, Unit 8, Unit 9, Unit 10, Unit 41, Unit 44, Unit 46<br>Conditional uses:<br>Unit 2, Unit 3, Unit 4, Unit 5, Unit 12a, Unit 24, Unit 36 | Permitted uses:<br>Unit 1<br>Conditional uses:<br>Unit 2, Unit 3 |
| Front Setback                                | A build-to zone that is located between the front property line and a line 25 feet from the front property line.                                                 | 20'                                                              |
| Side Setback Adjacent to Single & Two Family | 5' both sides                                                                                                                                                    | 10'                                                              |
| Side Setback Other Uses                      | 8'                                                                                                                                                               | 10'                                                              |
| Rear Setback Single Family                   | 5'                                                                                                                                                               | 20'                                                              |
| Rear Setback Other Uses                      | 20'                                                                                                                                                              | 20'                                                              |
| Density                                      | 12 units/acre                                                                                                                                                    | Nonresidential: ½ acre                                           |
| Minimum Lot Width                            | 50' single family<br>50' two family<br>90' three & four family                                                                                                   | 50'                                                              |
| Minimum Lot Area                             | 5,000 sqft single family<br>7260 sqft two family<br>10,890 sqft three & four family                                                                              | .5 acre                                                          |
| Maximum height                               | 2 stories/3 stories*                                                                                                                                             | 2 stories                                                        |
| Building area                                | Less than 50% of lot area                                                                                                                                        | None*                                                            |

\*There shall be no lot requirements for non-buildable lots.

\*\*By right, common mailbox units shall be allowed within Planning Area 2. These units shall be installed near Fountain Street.

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

**G) Analysis of Site Characteristics:**

The 12.13-acre site is primarily grass with trees along the western border. This site looked to previously be a single-family resident. This site has moderately sloped topography. Half of the site drains south, the other half drains west/northwest. There are no known environmental hazards, sensitive or natural resources areas, or manmade hazards.



#### **H) Recreational Facilities:**

The future development of this property will have open space on the west side of the property to be utilized for the subdivision's residents. The open space will be a central design feature, with many houses fronting the space. The space will have pedestrian connectivity to it from all directions of the site, and through the open space with an inner sidewalk or trail. This recreational facility is also connected to the western adjacent subdivision, which has an existing city park, and the eastern adjacent development and trail system.

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

The subject property is currently zoned RI-12, which allows for 1-4 family dwellings with a density of up to 12 units per acre. For single family, however, the minimum lot size is 50'. Due to the developer's desire to create a more compact, walkable, open-space driven design, it was requested that the minimum lot size be removed to allow for a smaller lot size. The site drawing submitted with this packet is based on a 35' lot width, but allows the developer to create bigger or smaller lots, depending on their preference at the time of development. A Planned Zoning District (PZD) was the method chosen to do this for two reasons.

1. Other zoning districts (Community Services, Residential Intermediate-Urban, etc) could allow for a similar flexibility to what is being proposed here, but not without it seeming like the developer was building apartments or a really high-density development. This is not their desire nor how they wish for the public to see this request as. It is their intent to build smaller single family lots with a zoning density of no more than 10 units per acre.
2. Many of the lots in Planning Area 1 will be alley loaded and front on the park with no public street frontage. This is not allowed by-right in any zoning district. The Planned Zoning District provides an avenue to address this and make this possible.

#### **J) Relation to Existing and Surrounding Properties:**

The subdivision located west of this development is zoned RI-12 having medium/low density (12 units/acre). The development east of the site is zoned RI-U having a variety of housing types. The property south of the development is zoned R-A having low-density single-family houses. The development north is in Washington County jurisdiction. This development, being moderate density residential, will serve as a good transition between surrounding neighborhoods while still conforming to the general residential uses within the area.

This development will have street connections to the subdivision located west and 54<sup>th</sup> Street. Traffic within this development will have egress/ingress from Fountain Street and 54<sup>th</sup> Street.

All signage shall meet UDC Chapter 174. Although no signage is proposed for this development.

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

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

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

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



This site is essentially an infill project, between two existing residential developments. This project connects vehicles and pedestrians throughout this area in a logical and concise manner. This development is intended to be primarily single-family residential, although it does allow 2-4 family dwellings by conditional use. Single-family residential on this site compliments the context and character of the existing neighborhood to the west of the site, while obtaining the density needed to promote affordable housing in the region.

Goal 2: We will discourage suburban sprawl.

This development would not be considered suburban sprawl having high and medium density neighborhoods surrounding it. This development connects the two existing developments, extended vehicular and pedestrian access through this site and surrounding sites to local parks and amenities. This Planned Zoning District has a density that is less than what is currently on the site for RI-12, while being a concise development which minimizes public street construction and centers on a internal open space for residents to enjoy.

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

This development meets this goal by being a compact and dense subdivision thus being able to preserve open space and trees, having interconnected streets and sidewalks, having build-to-zones, and having an alley. With the alley, the development will have a more beautified streetscape with services and utilities being here. The houses will be able to front either open space or 54<sup>th</sup> Street.

Goal 4: We will grow a livable transportation network.

This development will promote walkability and bicycling by having interconnected tree-lined streets, and sidewalks. Fayetteville's trail network is adjacent to this development, located on the east side of 54<sup>th</sup> Street. If public transportation decides to extend west, this development will provide connection with surrounding neighborhoods thus making bus stops more accessible.

Goal 5: We will assemble an enduring green network.

This development will meet this goal by preserving trees and open space. Additionally, the proposed development will consist of tree-line streets, interconnected sidewalks, and will connect to a trail adjacent to the development.

Goal 6: We will create opportunities for attainable housing:

This goal will be met by providing the developer an opportunity for a mixture of housing sizes. With only one public street and an alley for this site for the many houses on this development, the cost per lot has been reduced giving opportunity for more affordable housing, depending on the configuration.

**L) Traffic Study**

Per pre-application discussions with city staff, a traffic study wouldn't be required.

**M) Impact of City Services**

An 8" water main will be extended throughout the site to serve all residential lots. An 8" gravity sanitary sewer main will be extended throughout the site to serve all residential lots. Initial discussions with city staff stated sanitary sewer capacity, water pressures and flows should not be a concern.

Emergency services, police and fire, will be able to serve houses by either the alley or streets throughout the development. Fire hydrants will be installed strategically throughout the development. Fire hydrants installed in the alley will have bumpouts to provide the required 26' for a fire truck. Each house will have an individual trash service that will be provided in the alley.



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

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

### 1) Screening and Landscaping:

Landscaping for this development will be consistent with chapter 177. Residential lots shall have a consistent foundation and high-quality design at the front of the house and throughout the development. Natives and high-quality design are encouraged for new construction of homes. A basic landscape plan will be submitted with building elevations and floor plans. Vegetative screening and fences may be erected between homes and planning uses if required by UDC. No trees are proposed along the alley, due to franchise utilities traversing through this space and the likelihood that these trees will not survive.

### 2) Traffic and Circulation:

This development will provide connectivity for surrounding neighborhoods and create another route of egress/ingress thus alleviating traffic congestion within existing subdivisions. It will also extend two master street plan streets and pedestrian facilities.

### 3) Parking Standards:

Parking standards will meet City of Fayetteville Minimum Street Standards where on-street parking and parking spaces are to be proposed. Parking is to be located within the PZD district it serves. Parking will be available in garages and driveways at each residence as well as on-street where allowed by this planned zoning district and the master street plan.

### 4) Perimeter Treatment:

This development is compatible with adjacent developments, and proposes to meet the future land use map. Because of this, no perimeter treatment is proposed.

### 5) Sidewalks:

Sidewalks will be provided throughout the development and along Residential Link Streets.

### 6) Streetlights:

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

### 7) Water:

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

### 8) Sewer:

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





**9) Street and Drainage:**

Streets shall conform to City of Fayetteville Minimum Street Standards. Street design shall be reviewed by the Engineering department of the City of Fayetteville. Drainage and storm design will be provided on the attached site design/master plan. Drainage and storm design will be reviewed by the Engineering Department of the City of Fayetteville.

**10) Construction of Nonresidential Facilities:**

Non-residential facilities are not proposed within this development apart from those stated previously.

**11) Tree Preservation:**

Tree preservation plans and landscape plans will be required and submitted once development begins on a preliminary plat application and development plan is submitted. The intent is to preserve trees where possible in Planning Area 2. Planning Area 1 will have no preservation. Mitigation will be shown in Planning Area 2.

**12) Architectural design standards:**

Architectural design standards have been attached to this application as Exhibit A. Residential buildings must be consistent with the style and look of examples set in Exhibit A. Houses may be larger or smaller, but will have the same general look as attached. All lots less than 50 feet in width shall conform to UDC 164.23, Small Lot Design Standards.

**13) Propose signage:**

No signage is proposed with this development. There is the potential that the developer may want a subdivision sign. This is allowable by right in Planning Area 2, as is the common mailbox unit.

**14) View Protection:**

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

**15) Covenants, trust, and homeowner association:**

Homeowners association shall be created with future development, with restrictive covenants enacted to ensure that development is well maintained and attractive for the future. Neither is proposed at this time.

**O) PZD Intent/Purpose**

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

**P) Legal Description**

**Planning Area 1:**

*PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE CENTER OF SAID SECTION 11*

*THENCE N2°19'07"E 429.48 FEET;*

*THENCE N87°35'30"W 41.81 FEET;*



THENCE N2°20'25"E 81.06 FEET TO THE POINT OF BEGINNING;  
THENCE N87°39'35"W 95.00 FEET;  
THENCE 62.83 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET AND A LONG  
CHORD OF N42°39'35"W 56.57 FEET;  
THENCE N02°20'25"E 19.32 FEET;  
THENCE N87°39'35"W 115.00 FEET;  
THENCE N02°20'25"E 510.00 FEET;  
THENCE N87°39'35"W 49.10 FEET;  
THENCE N02°17'27"E 52.00 FEET;  
THENCE S87°39'35"E 49.14 FEET;  
THENCE N02°20'25"E 755.00 FEET;  
THENCE S87°39'35"E 115.00 FEET;  
THENCE N02°20'25"E 55.00 FEET;  
THENCE S87°39'35"E 20.00 FEET;  
THENCE N02°20'25"E 10.00 FEET;  
THENCE S87°39'35"E 115.00 FEET;  
THENCE S02°20'25"W 1441.32 FEET TO THE POINT OF BEGINNING, CONTAINING 7.99 ACRES,  
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

Planning Area 2:

PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST,  
WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 11

THENCE N2°19'07"E 429.48 FEET;  
THENCE N87°35'30"W 41.81 FEET TO THE POINT OF BEGINNING;  
THENCE N87°35'30"W 287.92 FEET;  
THENCE N02°16'16"E 49.86 FEET;  
THENCE N87°32'50"W 10.60 FEET;  
THENCE N02°17'27"E 600.16 FEET;  
THENCE S87°39'35"E 49.10 FEET;  
THENCE S02°20'25"W 510.00 FEET;  
THENCE S87°39'35"E 115.00 FEET;  
THENCE S02°20'25"W 19.32 FEET;  
THENCE 62.83 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40.00 FEET AND A LONG  
CHORD OF S42°39'35"E 56.57 FEET;  
THENCE S87°39'35"E 95.00 FEET;  
THENCE S02°20'25"W 81.06 FEET TO THE POINT OF BEGINNING, CONTAINING 1.35 ACRES,  
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST,  
WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCING AT THE CENTER OF SAID SECTION 11  
THENCE N2°19'07"E 1982.15 FEET;  
THENCE N87°33'35"W 41.23 FEET TO THE POINT OF BEGINNING;  
THENCE S02°20'25"W 30.31 FEET;  
THENCE N87°39'35"W 115.00 FEET;  
THENCE S02°20'25"W 10.00 FEET;  
THENCE N87°39'35"W 20.00 FEET;  
THENCE S02°20'25"W 55.00 FEET;  
THENCE N87°39'35"W 115.00 FEET;  
THENCE S02°20'25"W 755.00 FEET;  
THENCE N87°39'35"W 49.14 FEET;  
THENCE N02°17'27"E 850.84 FEET;  
THENCE S87°33'35"E 299.88 FEET TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES,  
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

**General Notes**

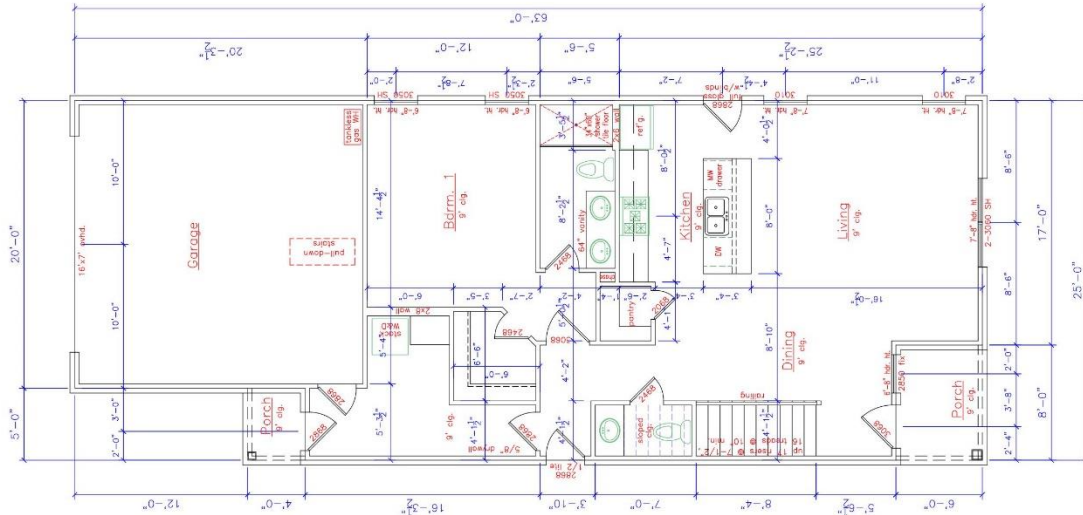
Structural Integrity Design is a registered design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser understands that this plan is for informational purposes only. Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to, dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



Black Pine Construction  
Amika bonus no porch

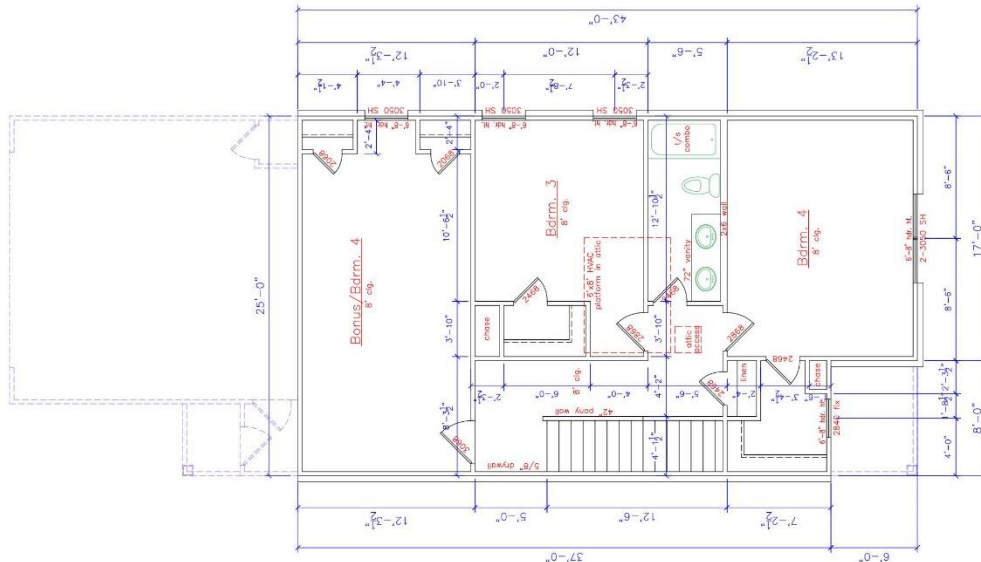
|                   |        |
|-------------------|--------|
| Square footage    |        |
| 1st floor (incl)  | = 1048 |
| 2nd floor (incl)  | = 774  |
| Garage (to frame) | = 2106 |
| Porch             | = 88   |
| Total under roof  | = 2573 |

|       |              |
|-------|--------------|
| Sheet | 1 of 3       |
| Drawn | 2/27/2024    |
| Scale | 1/4" = 1'-0" |



**1st Floor plan**

- 1st Floor notes (un.o.):
1. Exterior walls are 2x4 studs
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs



**2nd Floor plan**

- 2nd Floor notes (un.o.):
1. Exterior walls are 2x4 studs
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs



Typical window header detail



General Notes

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Residential design & drafting

Black Pine Construction  
Annika bonus no porch  
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Project Name: BPC-Annika no porch  
Date: 2/27/2024  
Scale: 1/4" = 1'-0"

Sheet: 2 of 3

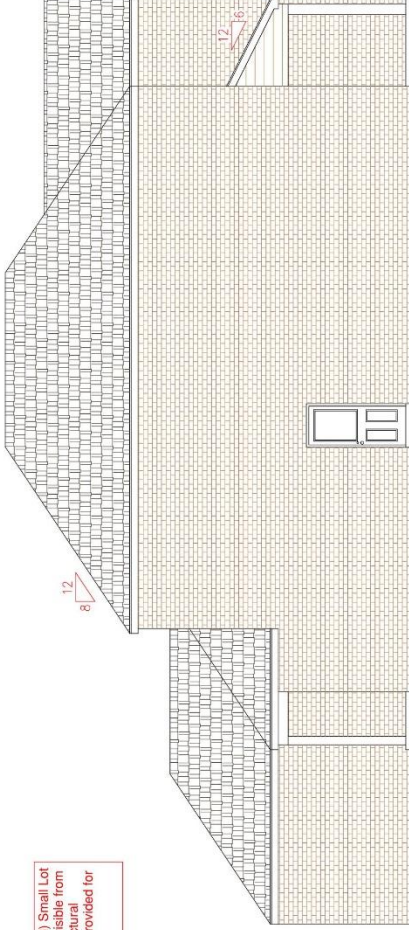


Front elevation 2

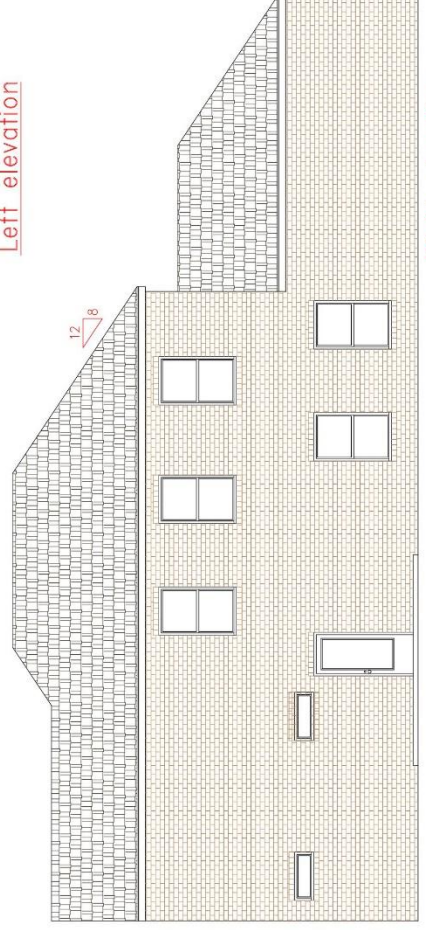
Front elevation 1

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Left elevation



Right elevation



General Notes

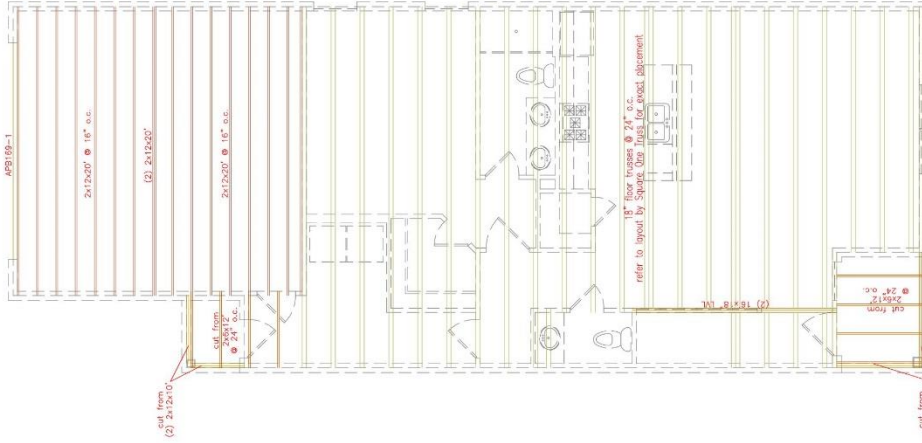
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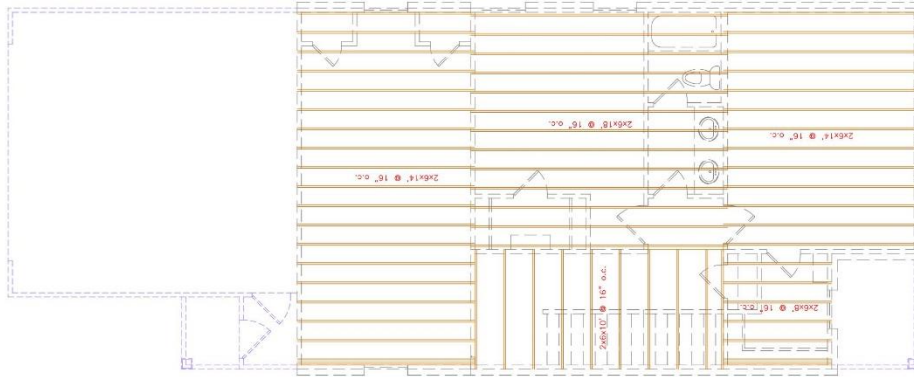
Residential design & drafting

Black Pine Construction  
Annika bonus no porch  
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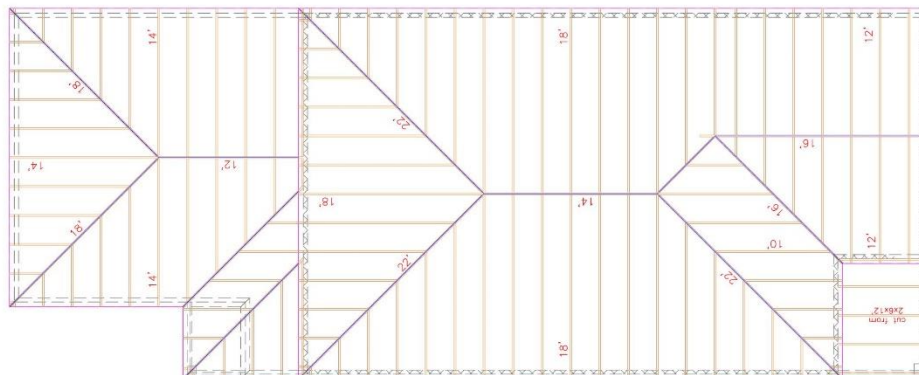
|                                 |                 |
|---------------------------------|-----------------|
| Drawn by<br>BPC-Annika no porch | Sheet<br>3 of 3 |
| 2/27/2024                       |                 |
| 1/4" = 1'-0"                    |                 |



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



Roof/Rafter plan

- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
  2. All rafter material is 2x6 (u.n.o.)
  3. Lengths shown are shipped board lengths. All boards to be cut on site as required from board lengths shown.
  4. Frame dormers as required

General Notes

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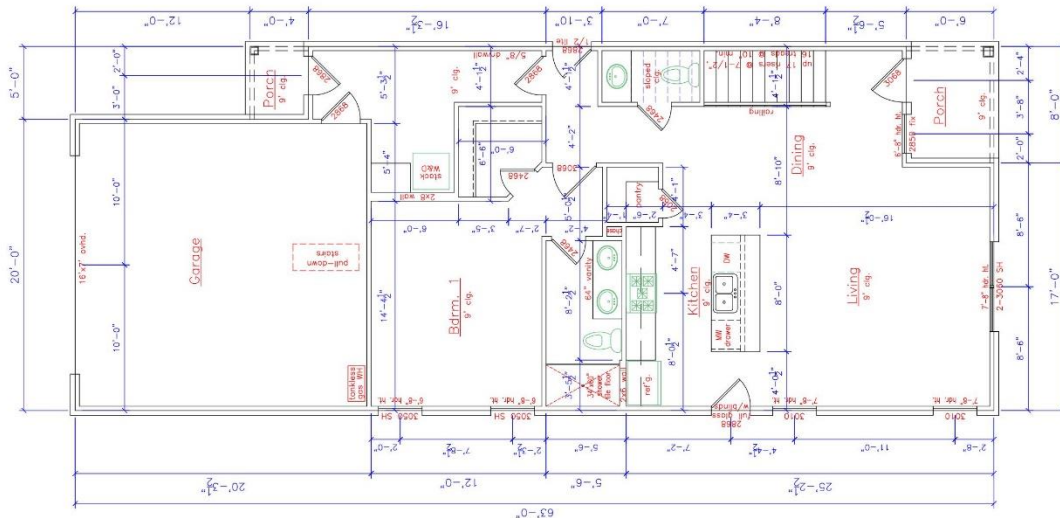
Residential design & drafting

Black Pine Construction  
Annika bonus no porch

Square footage

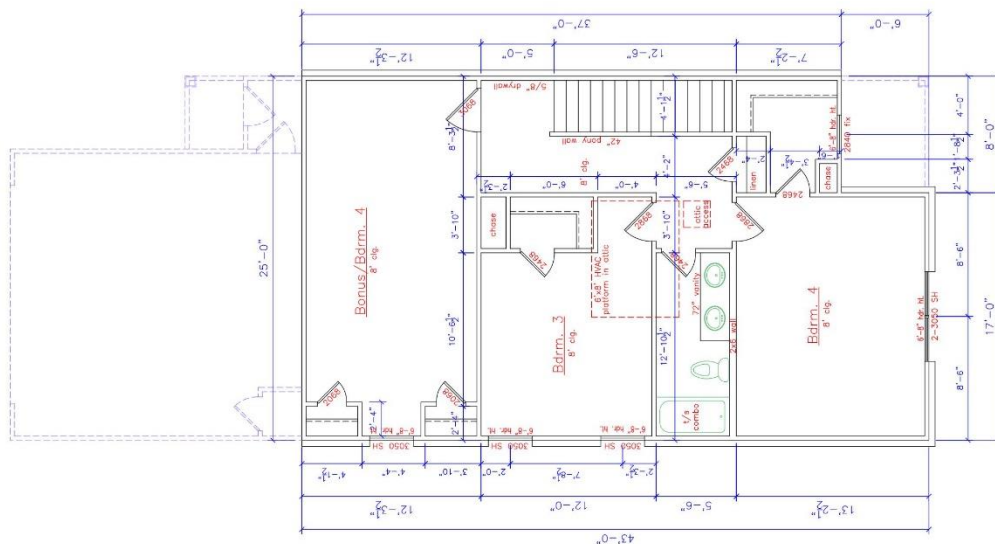
|                   |        |
|-------------------|--------|
| 1st floor (hid)   | = 1048 |
| 2nd floor (hid)   | = 994  |
| Brick & heater    | = 74   |
| Total heated      | = 2106 |
| Garage (to frame) | = 529  |
| Porch             | = 68   |
| Total under roof  | = 2573 |

|         |                     |
|---------|---------------------|
| Sheet   | 1 of 3              |
| Date    | 2/27/2024           |
| Project | BPC-Annika no porch |



1st Floor plan

1. Ceiling heights are 9'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs



2nd Floor plan

1. Ceiling heights are 8'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs





General Notes

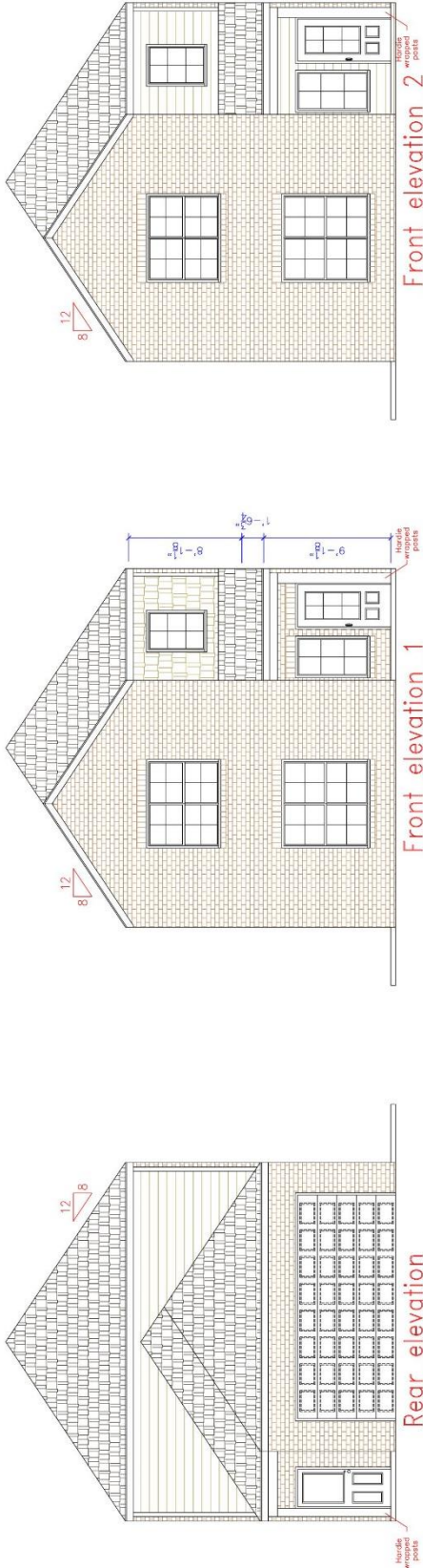
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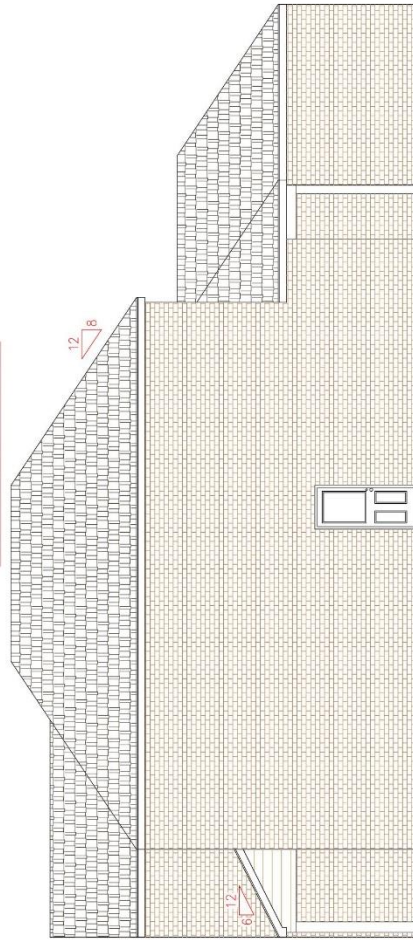
Residential design & drafting

Black Pine Construction  
Annika bonus no porch

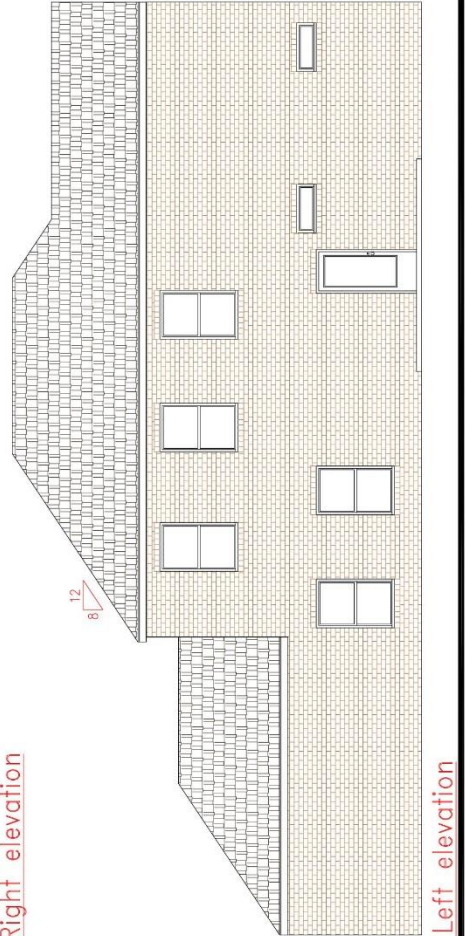
Sheet  
2 of 3  
Date  
2/27/2024  
Scale  
1/4" = 1'-0"



Front elevation 2



Right elevation



Left elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.

General Notes

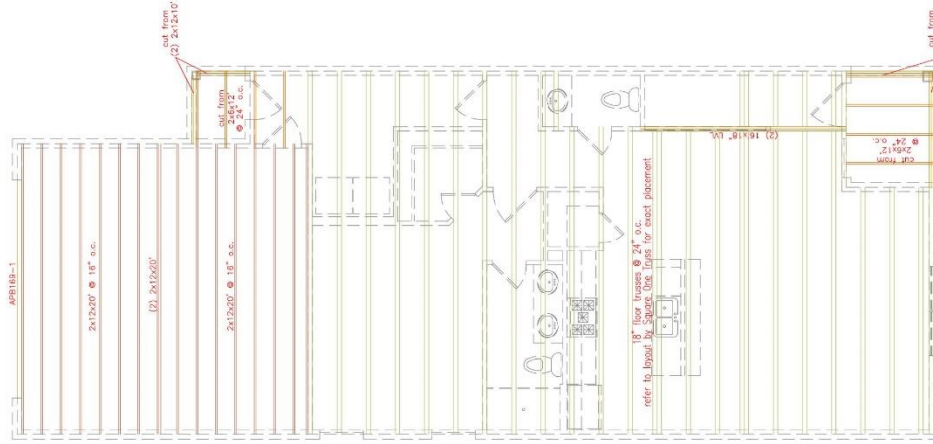
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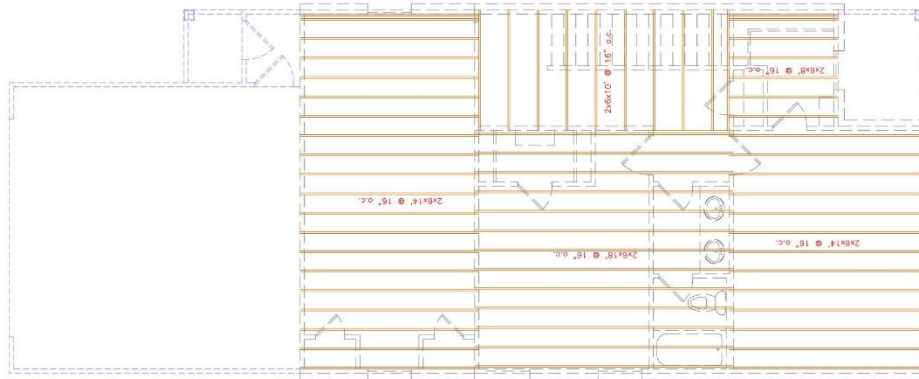
Residential design & drafting

Black Pine Construction  
Annika bonus no porch  
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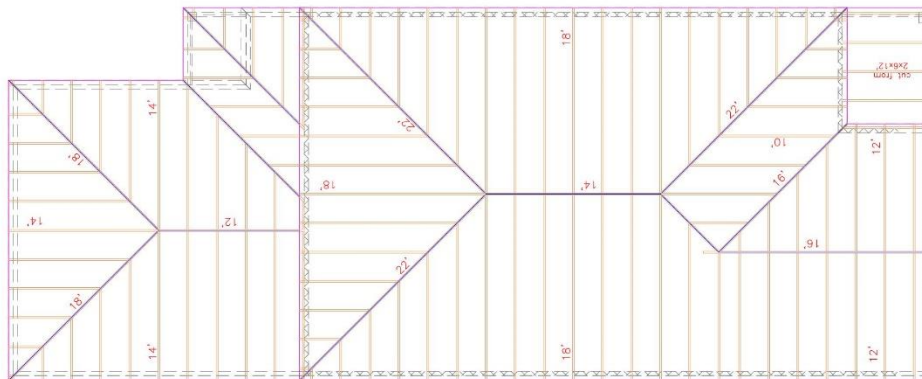
|           |                     |
|-----------|---------------------|
| Sheet     | 3 of 3              |
| Proj Name | BPC-Annika no porch |
| Date      | 2/27/2024           |
| Scale     | 1/4" = 1'-0"        |



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



Roof/Rafter plan

8:12 pitch (u.o.) brick  
No overhangs (flush w/ brick)

- Notes:
1. All hip, valley & ridge material is 2x8 (u.o.)
  2. All rafter material is 2x6 (u.o.)
  3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
  4. Frame dormers as required



**General Notes**

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Residential design & drafting

Black Pine Construction  
Annika no porch

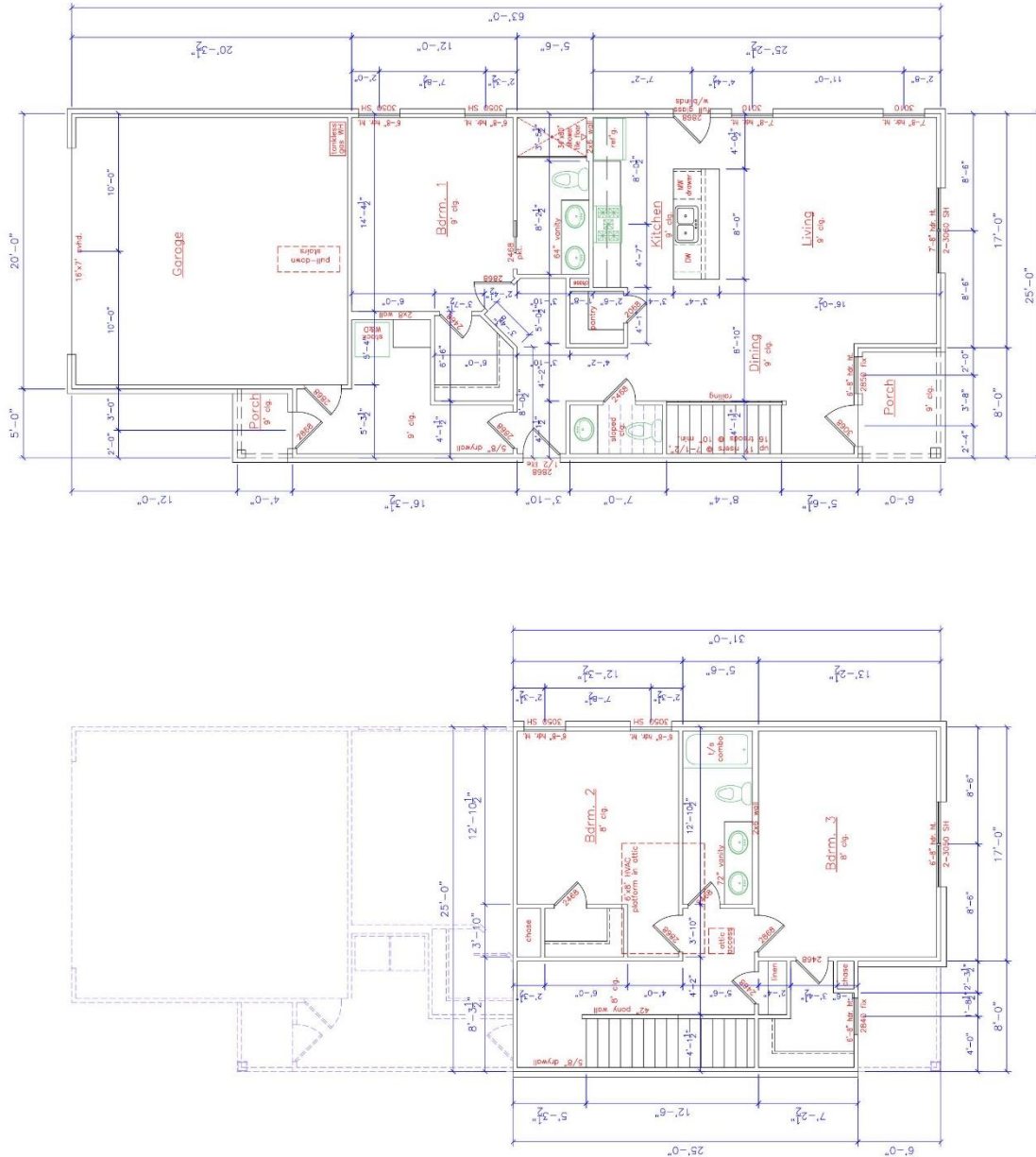
**Square footage**

|                   |   |      |
|-------------------|---|------|
| 1st floor (hd)    | = | 1046 |
| 2nd floor (hd)    | = | 854  |
| Brick & heated    | = | 74   |
| Total heated      | = | 1806 |
| Garage (to frame) | = | 1053 |
| Porches           | = | 68   |
| Total under roof  | = | 2773 |

Sheet  
BPC-Annika no porch

Date  
2/27/2024

Scale  
1/4" = 1'-0"



**1st Floor plan**

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs

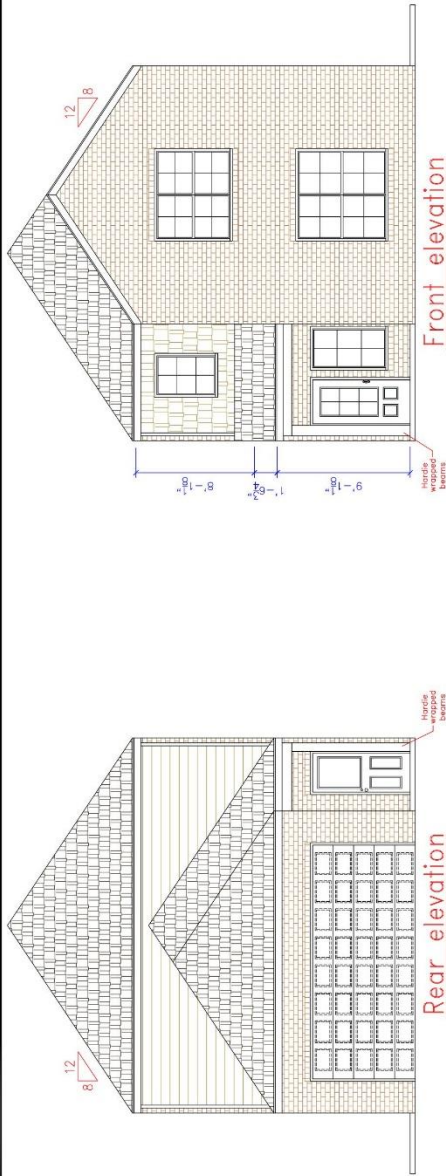


Typical window header detail

**2nd Floor plan**

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs

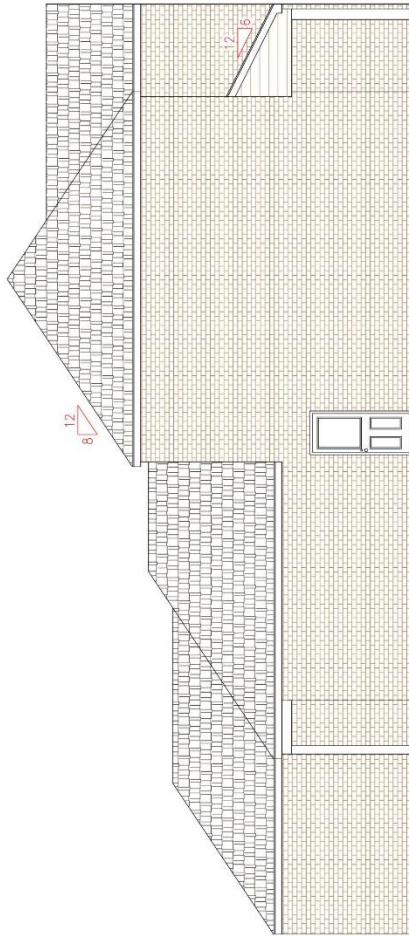




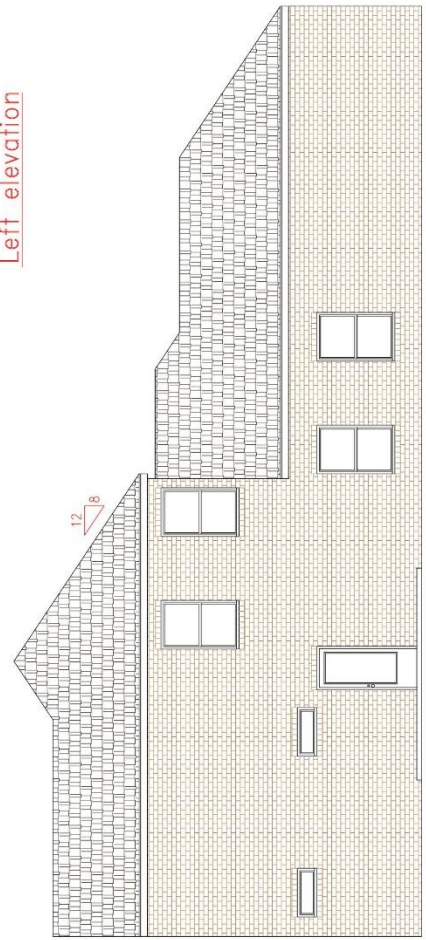
Front elevation

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Left elevation



Right elevation

#### General Notes

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Residential design & drafting

Black Pine Construction  
Annika no porch  
-----

DATE: 2/27/2024  
DRAWN BY: BPC-Annika no porch  
SCALE: 1/8" = 1'-0"  
SHEET: 2 of 3

General Notes

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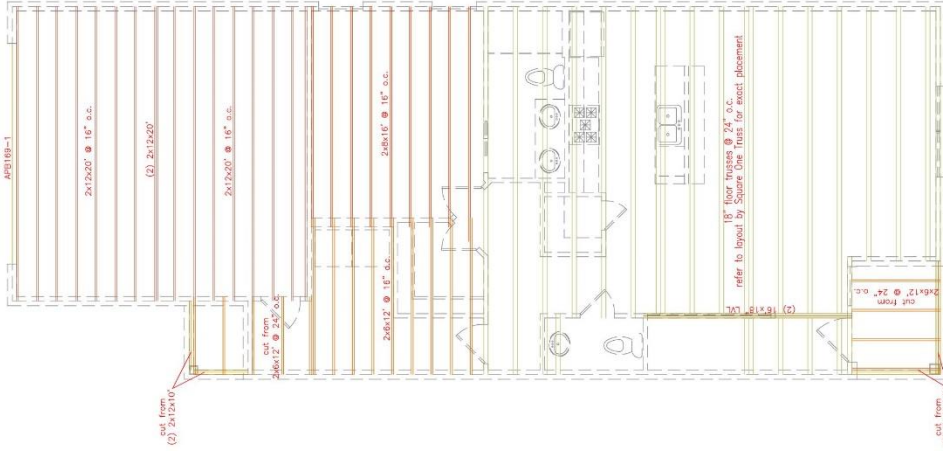
Residential design & drafting

Black Pine Construction  
Annika no porch

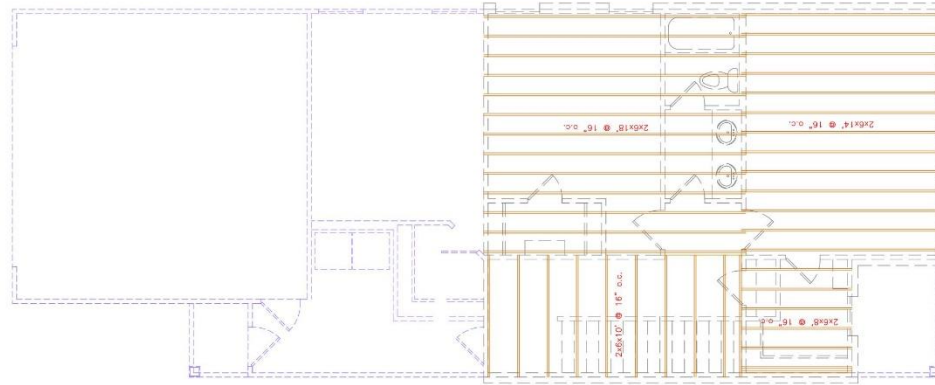
Sheet  
BPC-Annika no porch

3 of 3  
2/27/2024

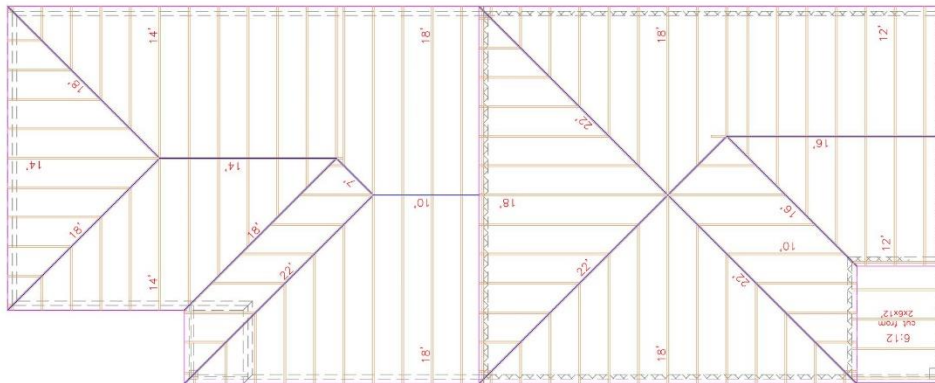
1/4" = 1'-0"



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



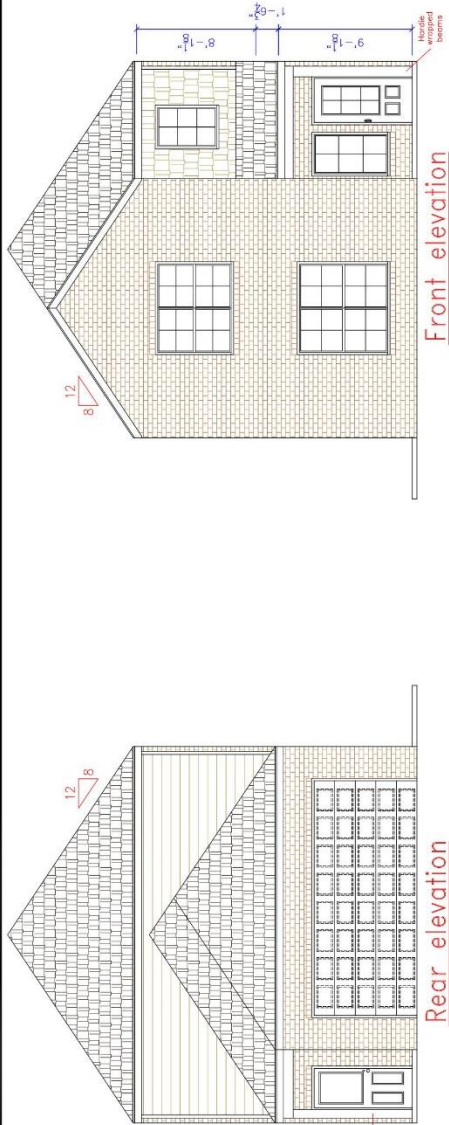
Roof/Rafter plan

8:12 pitch  
No overhangs (flush w/ brick)

Notes:

1. All hip, valley & ridge material is 2x8 (u.n.o.)
2. All rafter material is 2x6 (u.n.o.)
3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd, from board lengths shown.
4. Frame dormers as required

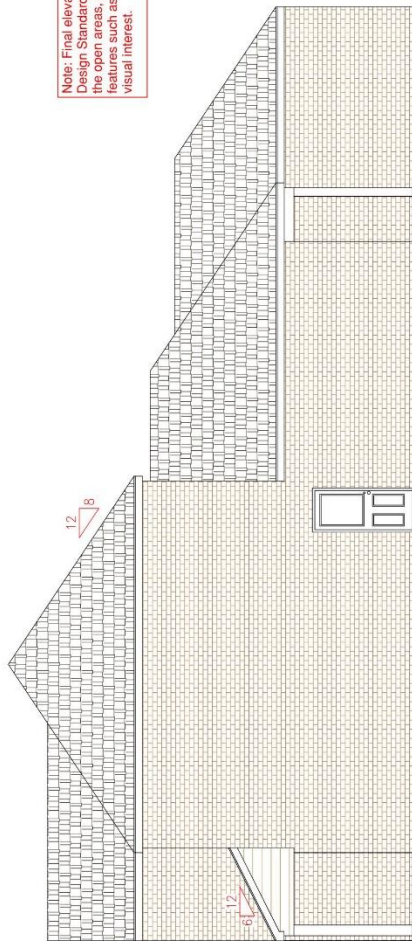




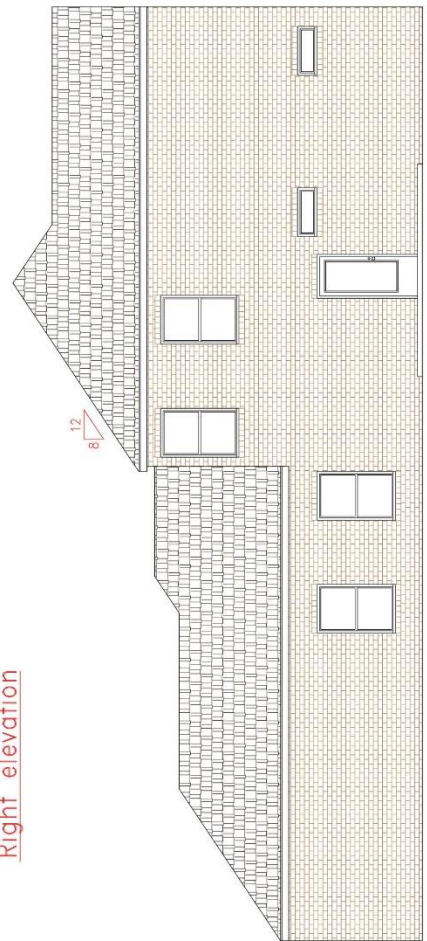
Front elevation

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



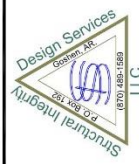
Right elevation



Left elevation

#### General Notes

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Residential design & drafting

Black Pine Construction  
Annika no porch  
-----

Sheet  
2 of 3  
Date  
2/27/2024  
Scale  
1/4" = 1'-0"

General Notes

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Residential design & drafting

Black Pine Construction  
Annika no porch

Square footage

|                   |        |
|-------------------|--------|
| 1st floor (inc)   | = 1045 |
| 2nd floor (inc)   | = 694  |
| Brick & masonry   | = 74   |
| Total heated      | = 1806 |
| Garage (no frame) | = 528  |
| Porch             | = 68   |
| Total under roof  | = 2273 |

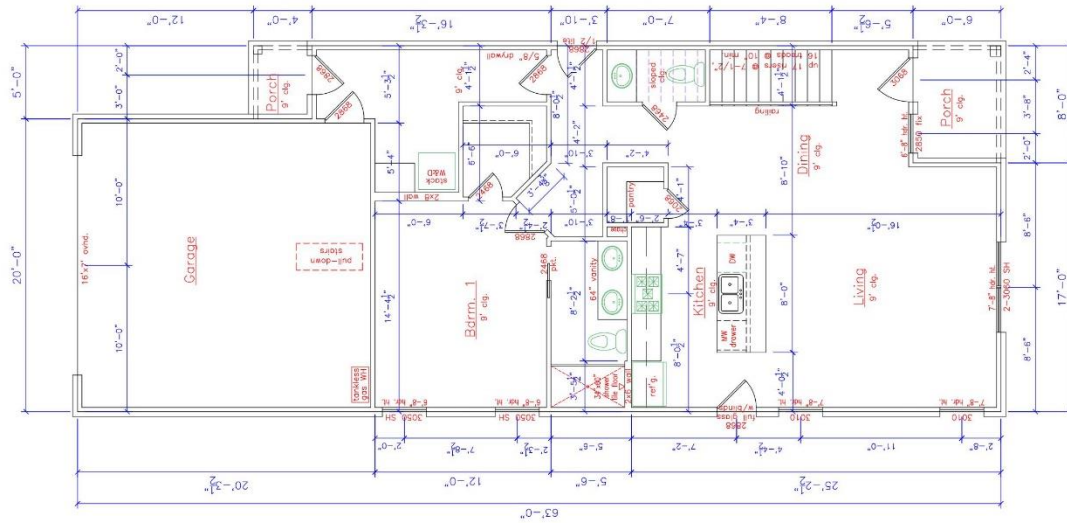
Sheet

BPC-Annika no porch

1 of 3

2/27/2024

1/4" = 1'-0"

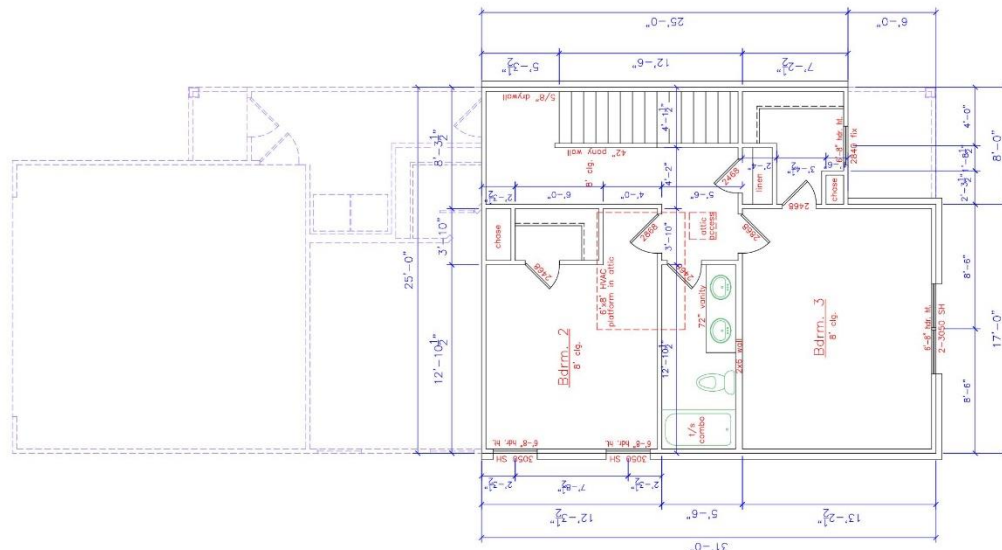


1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs

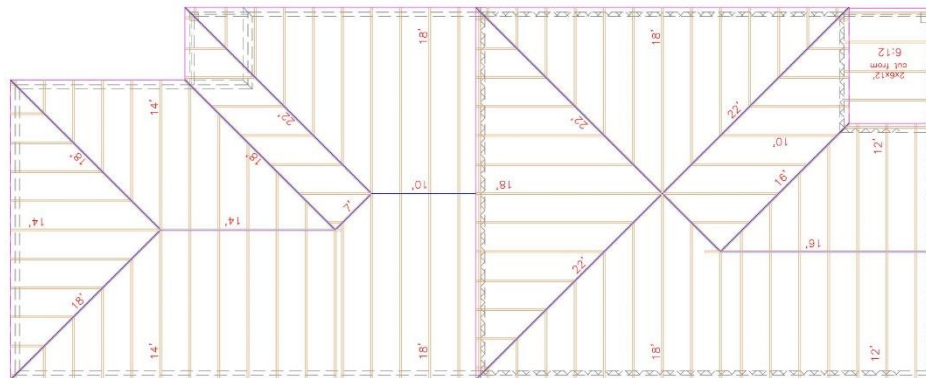


Typical window header detail



2nd Floor plan

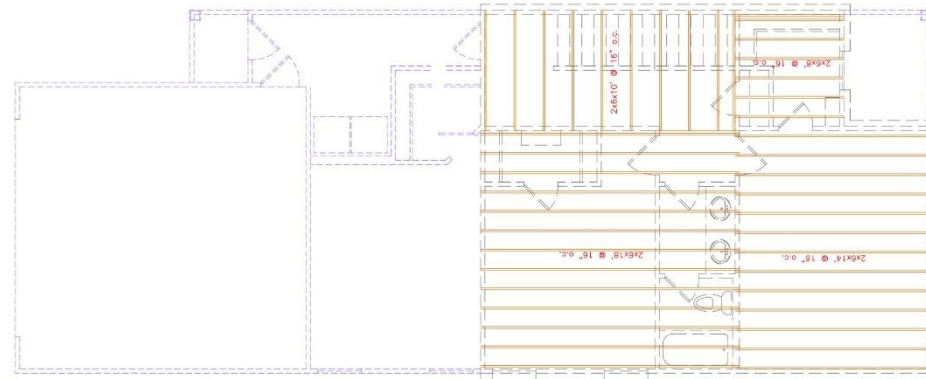
- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs



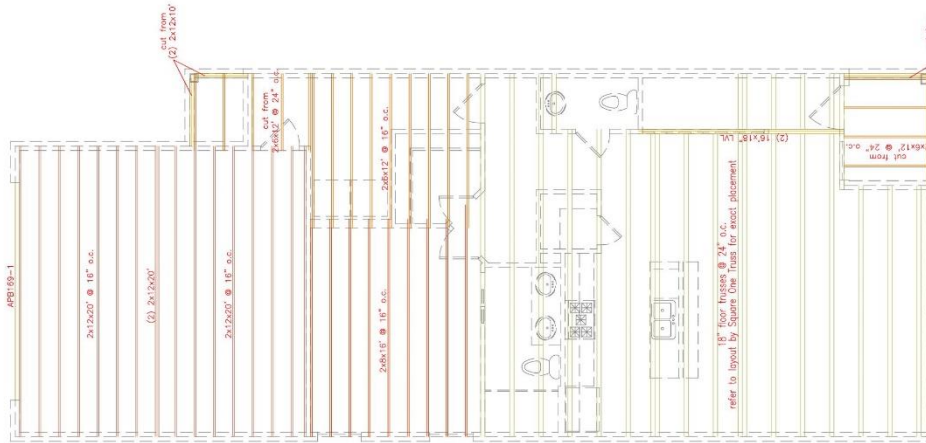
### Roof/Rafter plan

8:12 pitch w/ brick  
No overhangs (flush w/ brick)

- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
  2. All rafter material is 2x6 (u.n.o.)
  3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
  4. Frame dormers as required



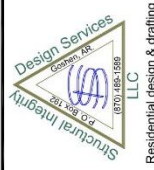
### 2nd floor ceiling joist plan



### 1st floor ceiling / floor truss plan

#### General Notes

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Black Pine Construction  
Annika no porch  
-----

|              |                     |
|--------------|---------------------|
| Sheet        | 3 of 3              |
| Project Name | BPC-Annika no porch |
| Date         | 2/27/2024           |
| Scale        | 1/4" = 1'-0"        |



General Notes

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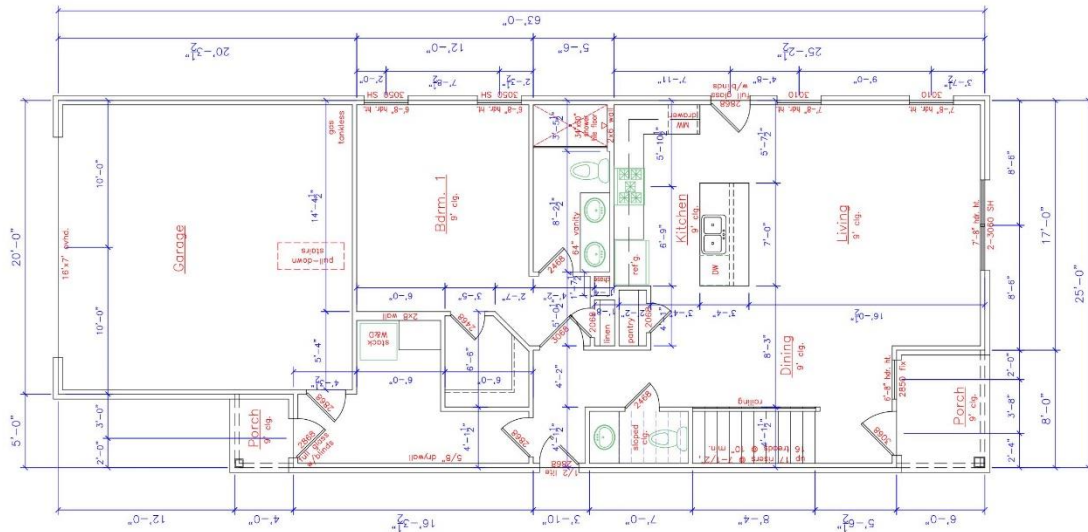
Black Pine Const.  
Sagely no porch

Square footage

1st floor (ft<sup>2</sup>) = 1048  
2nd floor (ft<sup>2</sup>) = 854  
Brick & heated = 74  
Total heated = 1806  
Sagely (to name) = 68  
Porches = 68  
Total under roof = 2273

Sheet

BRK-Sagely no porch  
Date 2/27/2024  
1 of 4  
Scale 1/4" = 1'-0"

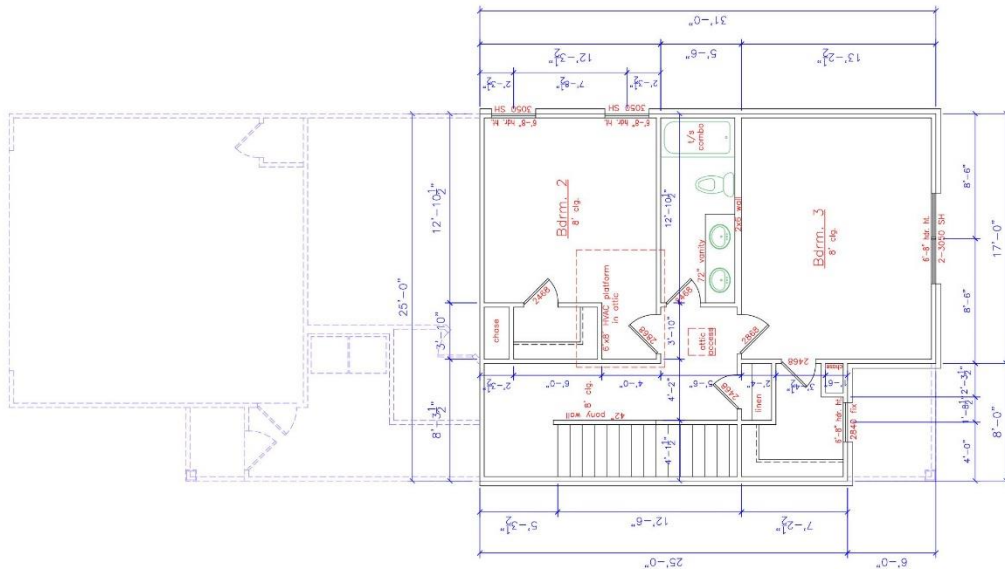


1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs



Typical window header detail



2nd Floor plan

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
  2. Exterior walls are 2x4 studs
  3. Interior walls are 2x4 studs

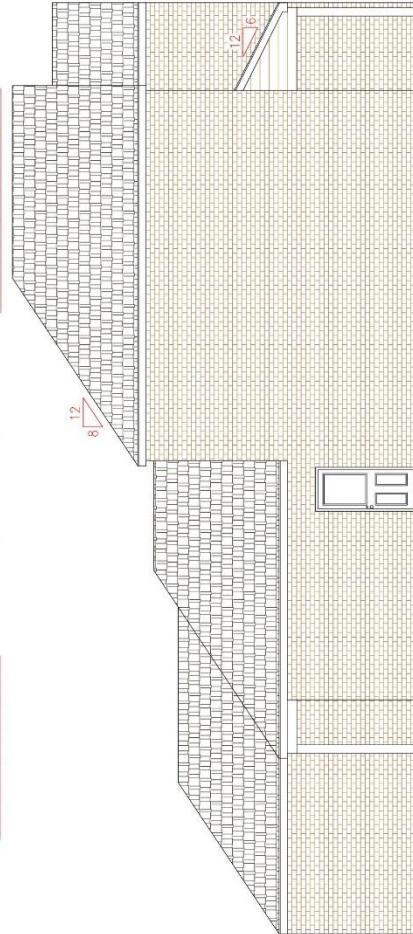
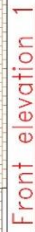
**Structural Integrity** Design is a residential design service not a registered architectural firm. The purchaser of this set of plans is purchasing a building professional's right to construct. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



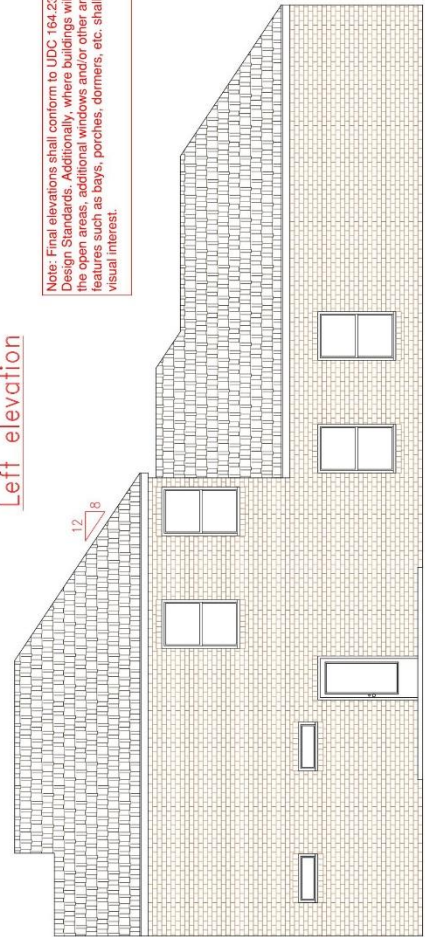
## Residential design & drafting

Black Pine Const.  
Sagely no porch

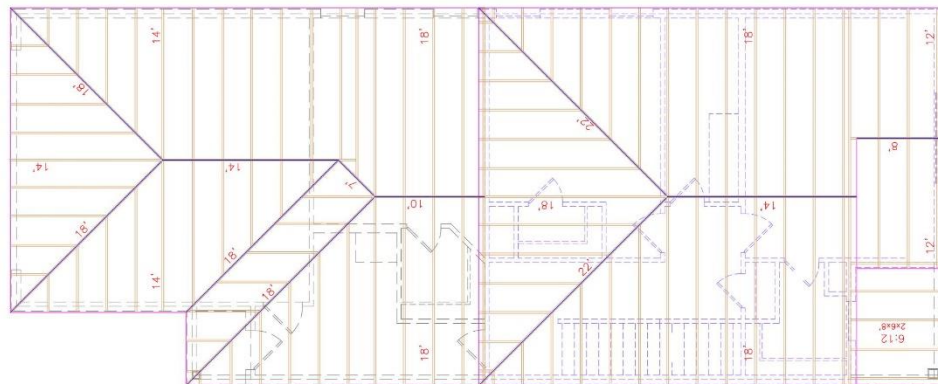
|                                            |                          |                        |
|--------------------------------------------|--------------------------|------------------------|
| NAME: <b>WYNANT</b><br>BPC-Sagely no porch | Date<br><b>2/27/2024</b> | Sheet<br><b>2 of 4</b> |
| Score<br>$1/4^{12} = 1^{-0^{12}}$          |                          |                        |



Left elevation

Right elevation

**Note:** Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Roof plan 1  
8:12 pitch (u.n.o.)  
no ovhg. (flush w/ brick)



General Notes

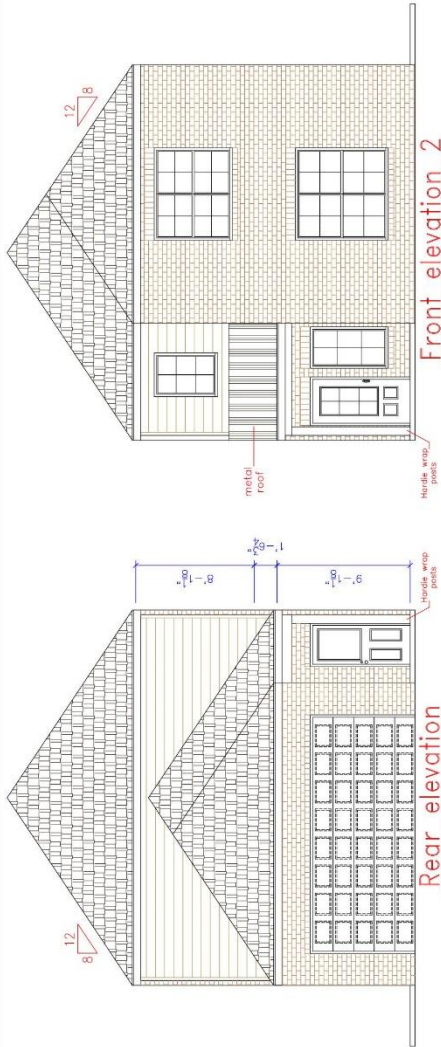
Structural Integrity Design is a residential design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



Residential design & drafting

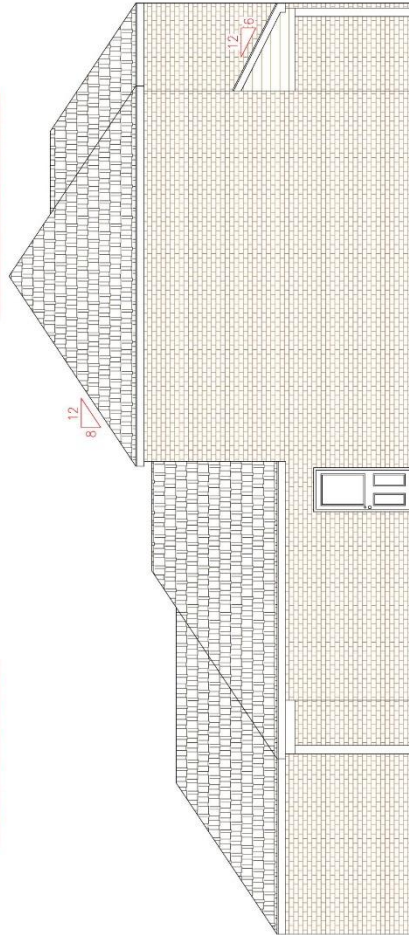
Black Pine Const.  
Sagely no porch

|       |                     |
|-------|---------------------|
| Sheet | 3 of 4              |
| Scale | 1/4" = 1'-0"        |
| Date  | 2/27/2024           |
| By    | SPC-Sagely no porch |

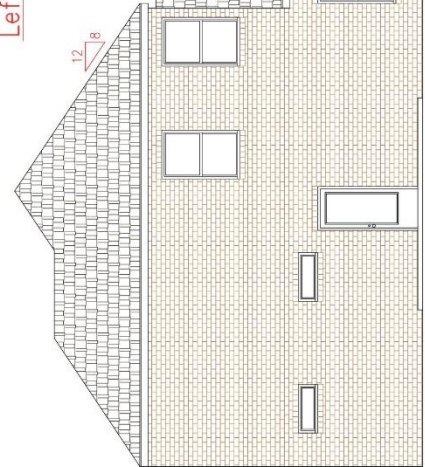


Front elevation 2

Rear elevation

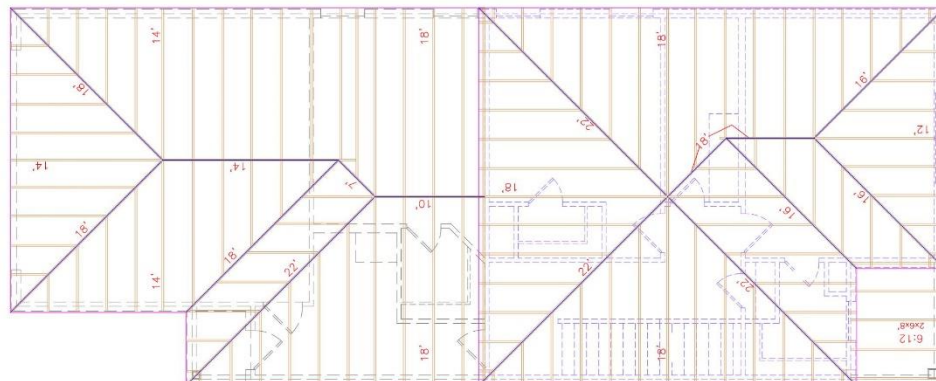


Left elevation



Right elevation

Note: Final Elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Roof plan 2

8:12 pitch (u.n.o.)  
no overhang. (flush w/ brick)

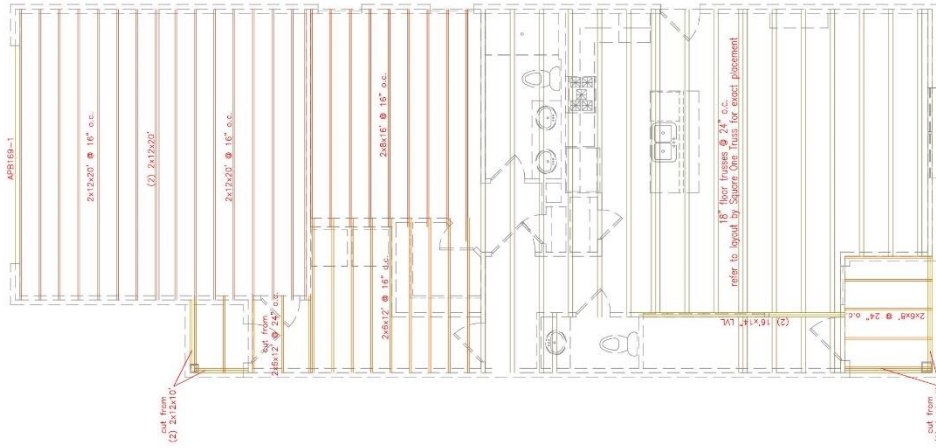
General Notes

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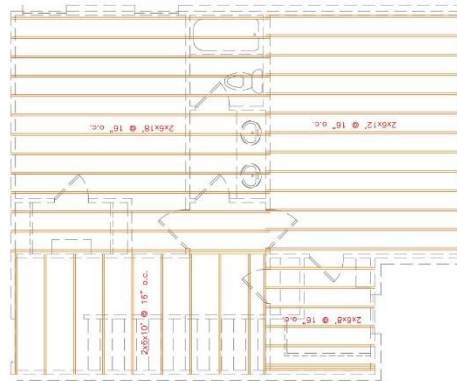


Black Pine Const.  
Sagely no porch

|             |                   |
|-------------|-------------------|
| Proj. No.   | 2024-002          |
| Proj. Name  | Black Pine Const. |
| Proj. Date  | 2/27/2024         |
| Proj. Scale | 1/4" = 1'-0"      |
| Sheet       | 4 of 4            |



1st floor ceiling / l-joint plan  
(no bonus)



2nd floor ceiling joist plan



General Notes

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Residential design & drafting

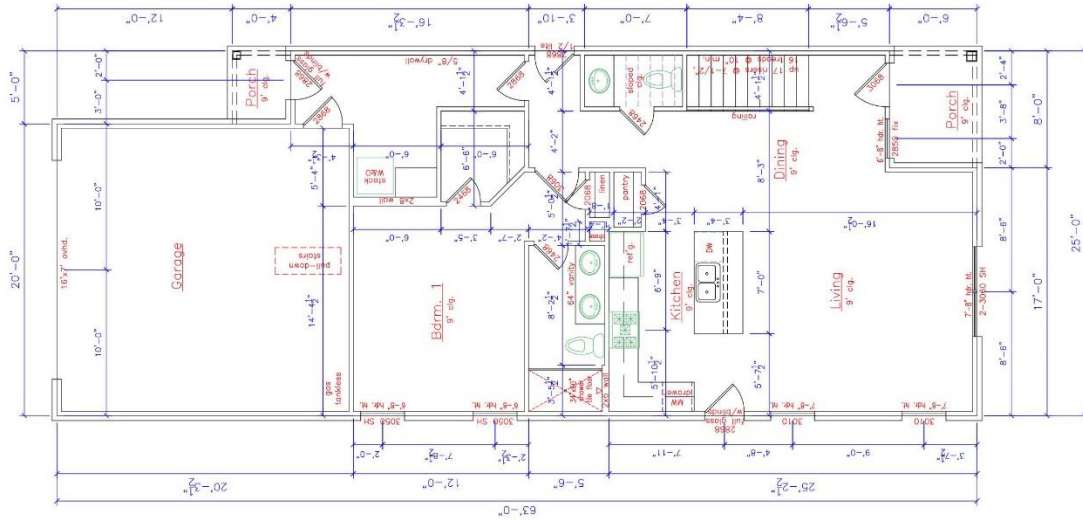
Black Pine Const.  
Sagely no porch

Square footage

1st floor (hd) = 1048  
2nd floor (hd) = 1074  
Brick @ heeled = 74  
Total heeled = 1822  
Garage (to frame) = 399  
Porches = 68  
Total under roof = 2273

Sheet

BPC-Sagely no porch  
Date: 2/27/2024  
1 of 4  
Scale: 1/4" = 1'-0"

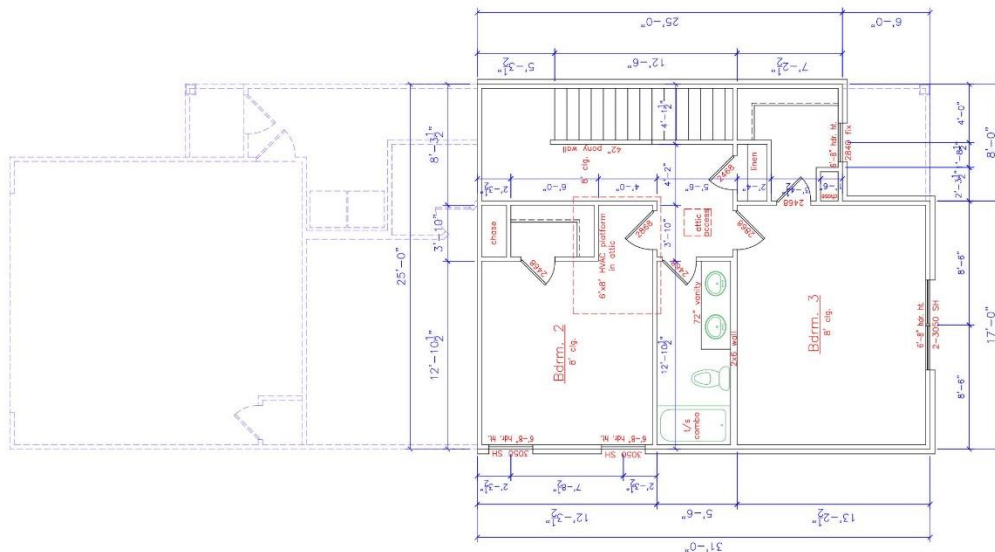


1st Floor plan

1st Floor notes (un.o.):  
1. Ceiling heights are 9'-0"  
2. Exterior walls are 2x4 studs  
3. Interior walls are 2x4 studs



Typical window header detail

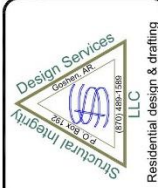


2nd Floor plan

2nd Floor notes (un.o.):  
1. Ceiling heights are 9'-0"  
2. Exterior walls are 2x4 studs  
3. Interior walls are 2x4 studs

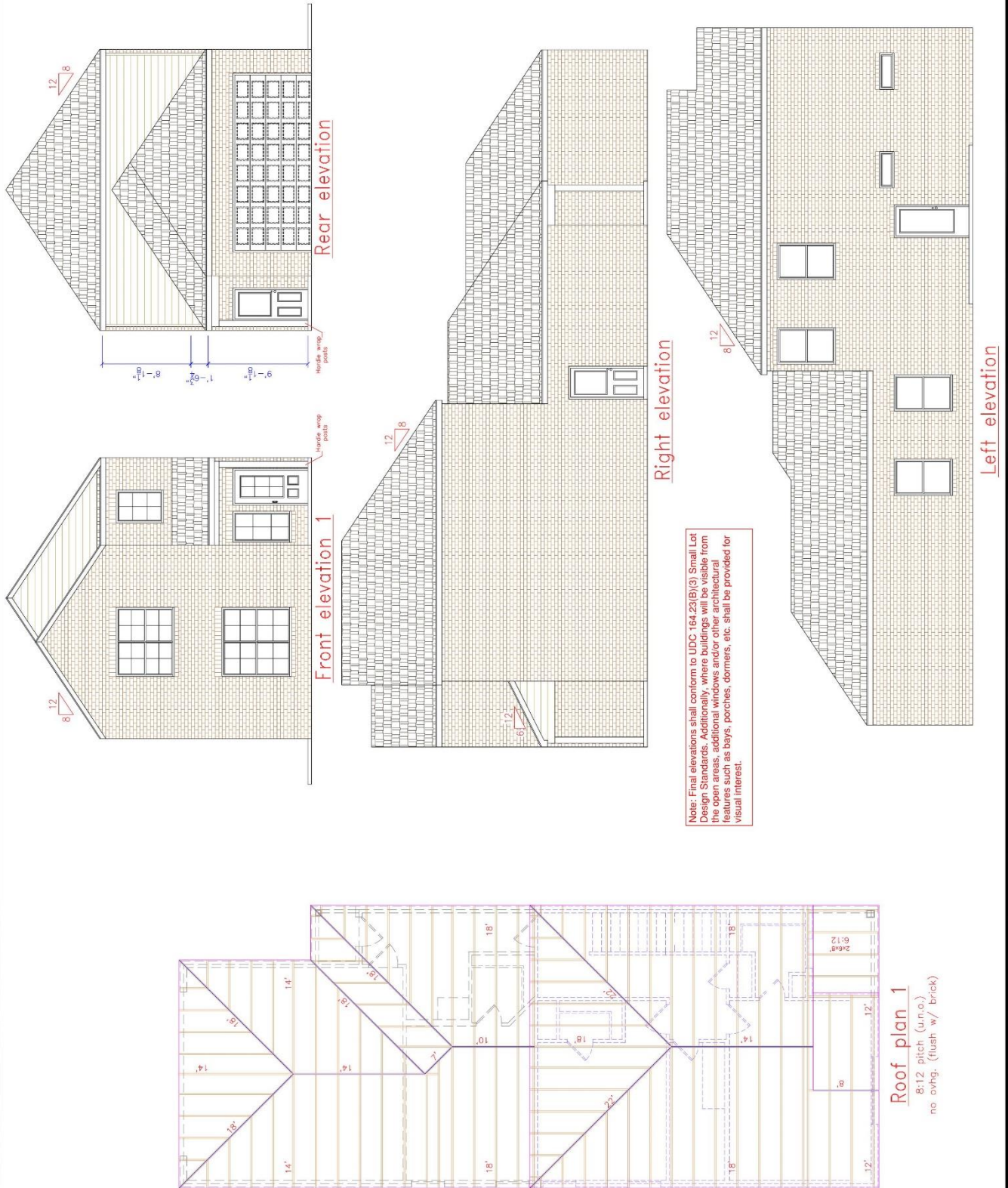
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Black Pine Const.  
Sagely no porch

Sheet  
2 of 4  
Date  
2/21/2024  
Scale  
1/4" = 1'-0"





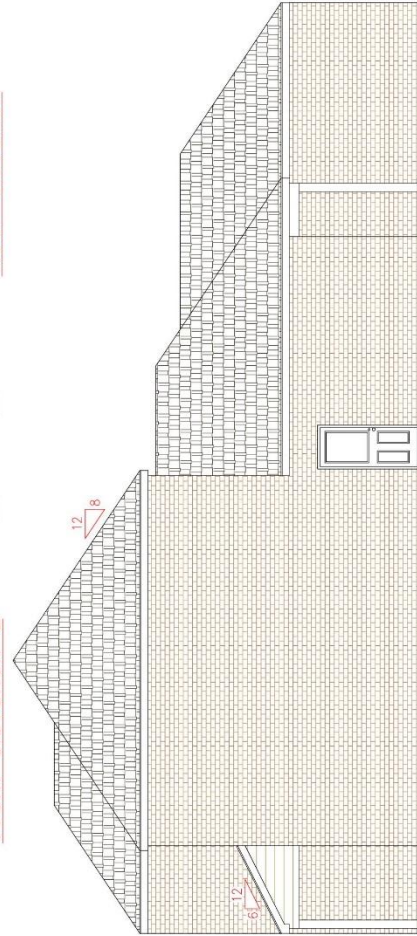
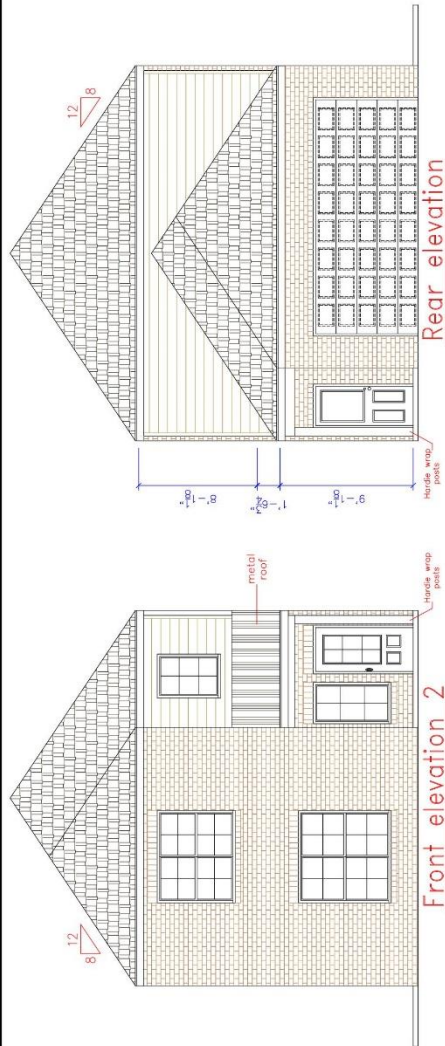
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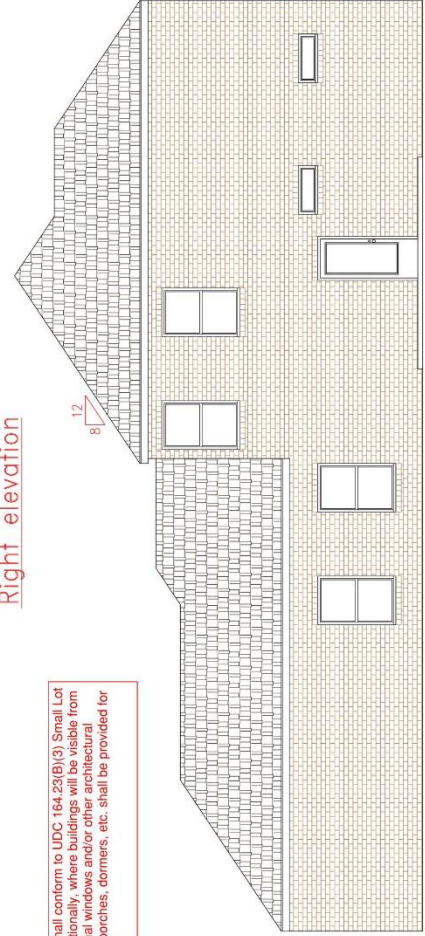


Black Pine Const.  
Sagely no porch

|         |                     |
|---------|---------------------|
| Sheet   | 3 of 4              |
| Project | BPC-Sagely no porch |
| Date    | 2/27/2024           |
| Scale   | 1/4" = 1'-0"        |

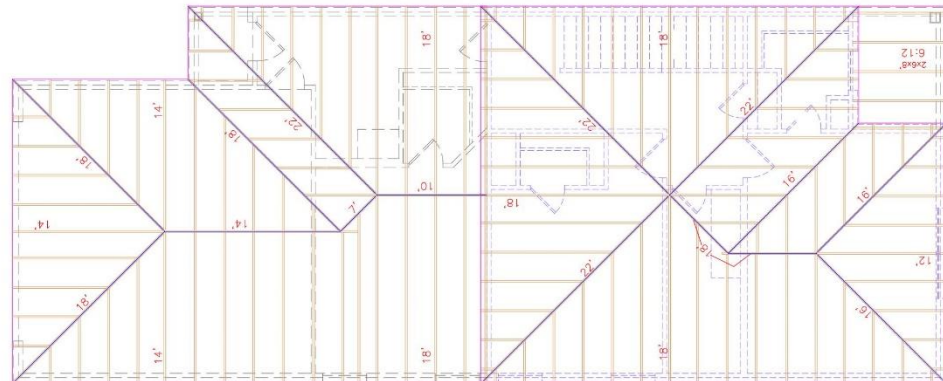


Right elevation



Left elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Roof plan 2

8:12 pitch (un.o.)  
no ovhg. (flush w/ brick)

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Black Pine Const.  
Sagely no porch

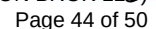
|                                           |                            |                                              |                          |
|-------------------------------------------|----------------------------|----------------------------------------------|--------------------------|
| <p>ENR name:<br/>BPC-Sageely no porch</p> | <p>Date:<br/>2/27/2024</p> | <p>Score:<br/><math>1/4 = 1 - 0''</math></p> | <p>Sheet:<br/>4 of 4</p> |
|-------------------------------------------|----------------------------|----------------------------------------------|--------------------------|





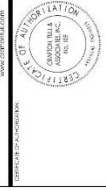


example of buildings facing open areas

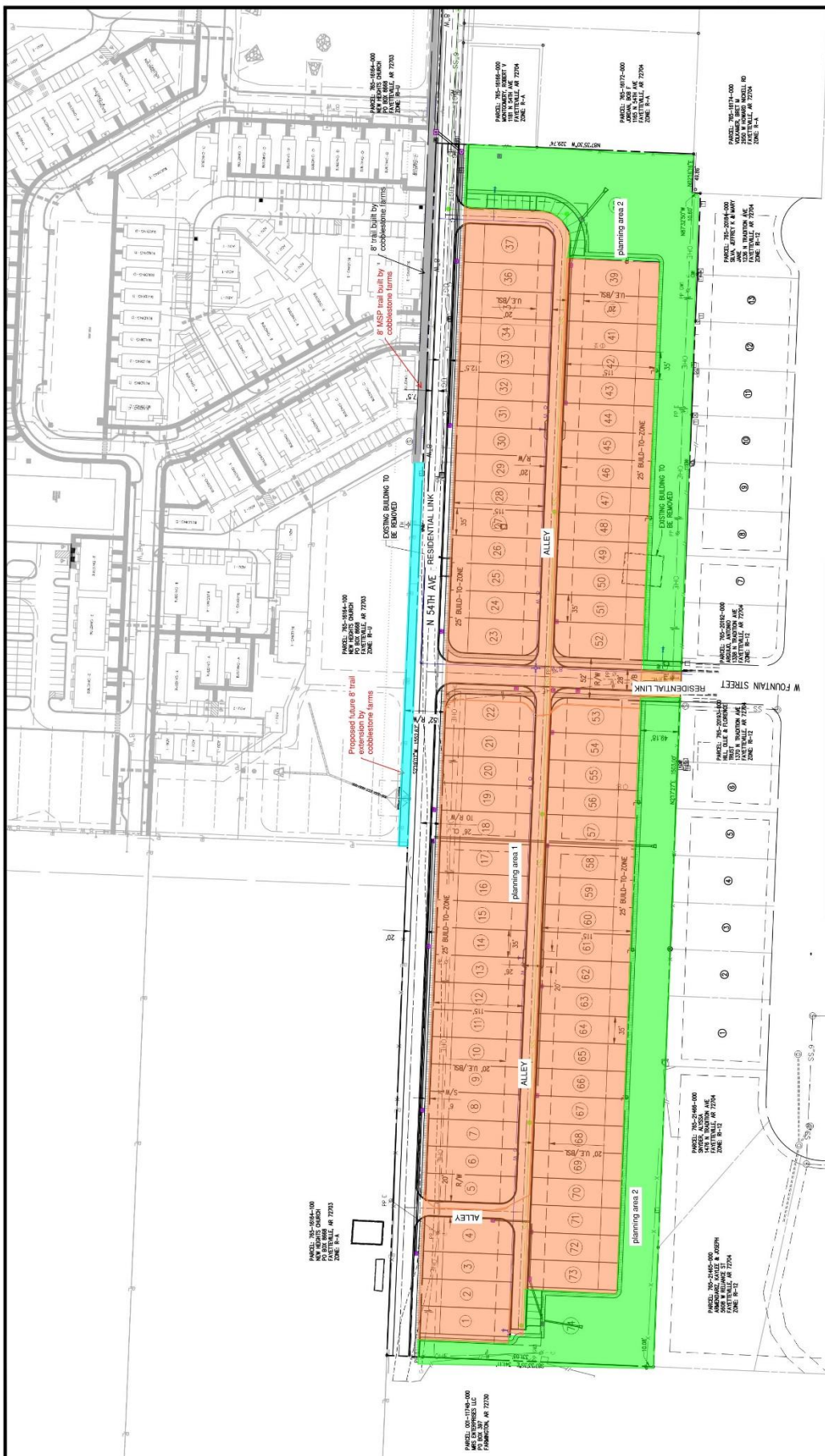








54TH STREET  
FAYETTEVILLE AR



| ADJACENT PROPERTY OWNERS |                         |                            |               |
|--------------------------|-------------------------|----------------------------|---------------|
| NUMBER                   | PROPERTY OWNER          | ADDRESS                    | PARCEL NUMBER |
| 1                        | AND PROPERTY OWNERS LLC | 1443 FINCH PLACE 3RD FLOOR | 750-2147-500  |
| 2                        | CHRYSLER FINE ART TRUST | 1524 COTTAGE RD            | 750-2147-500  |
| 3                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 4                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 5                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 6                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 7                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 8                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 9                        | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 10                       | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 11                       | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 12                       | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |
| 13                       | WILSON                  | 1524 COTTAGE RD            | 750-2147-500  |

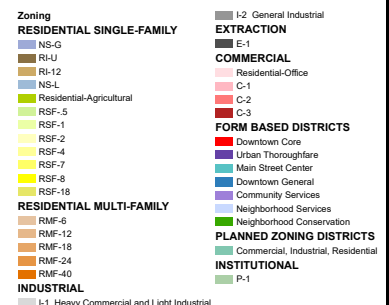
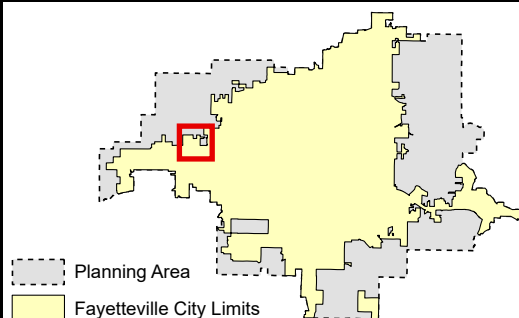
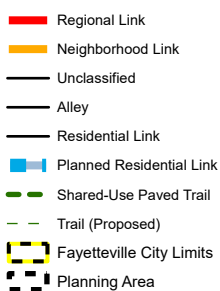
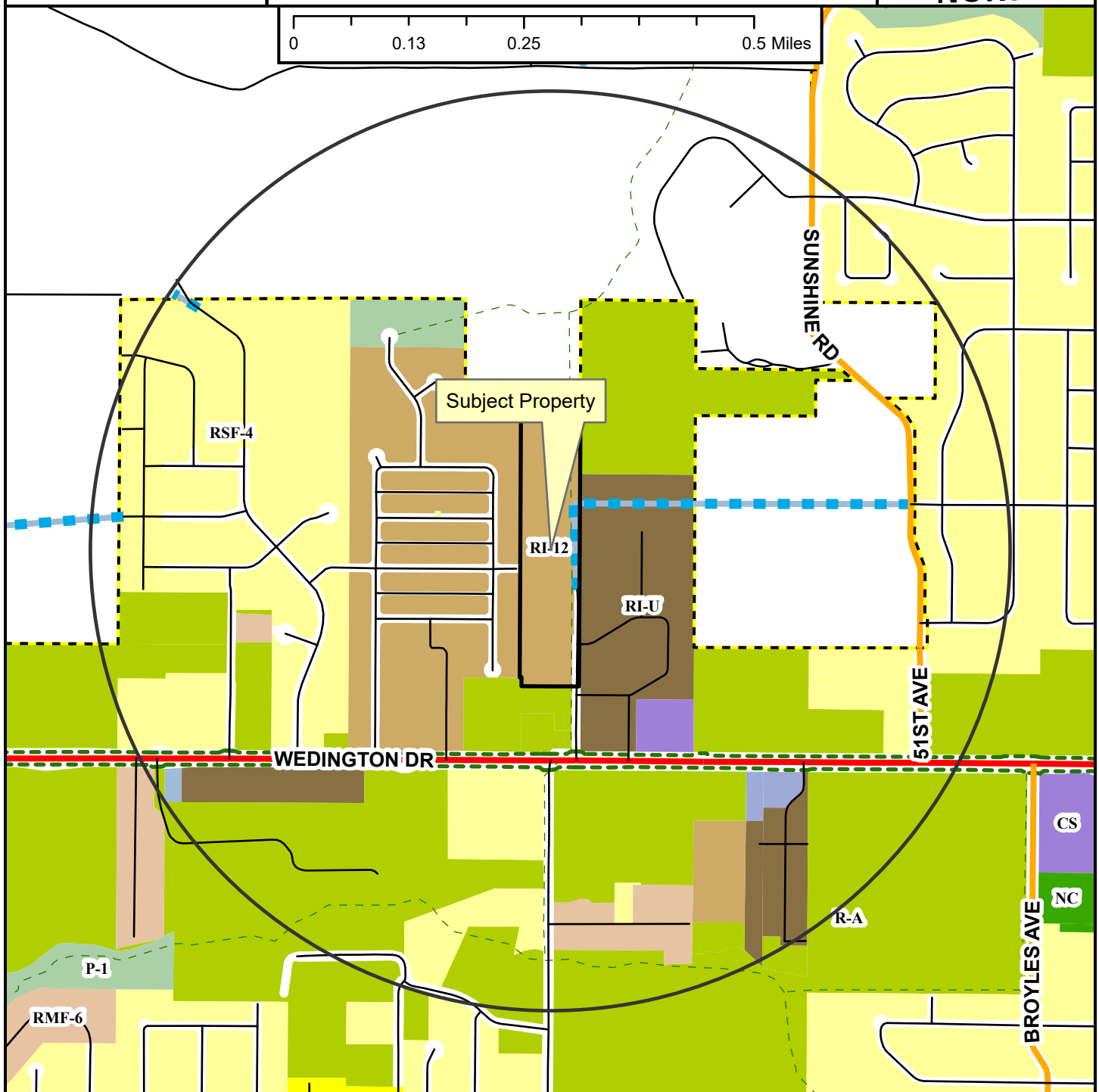
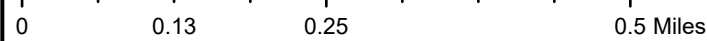


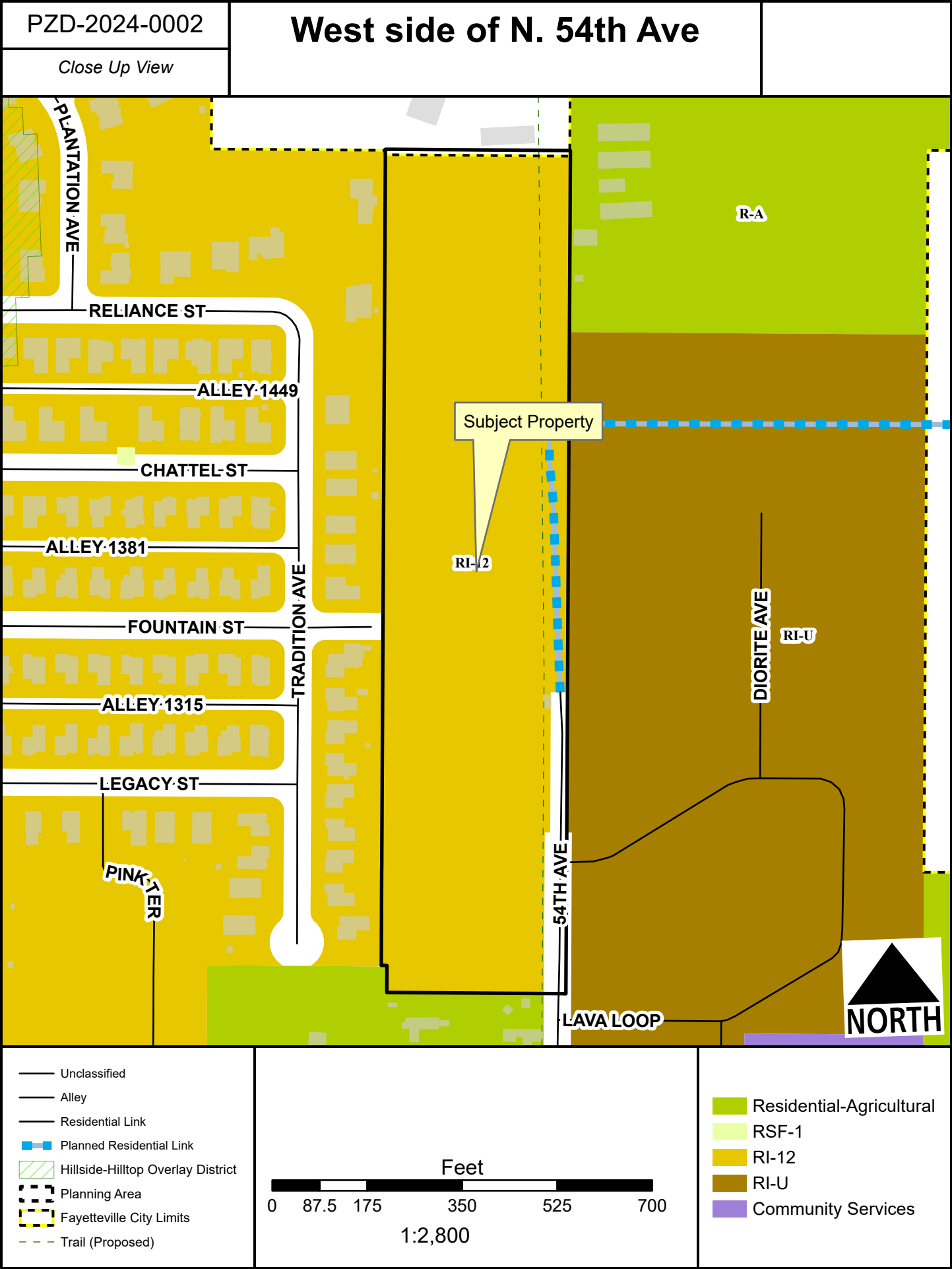
PZD-2024-0002

## West side of N. 54th Ave

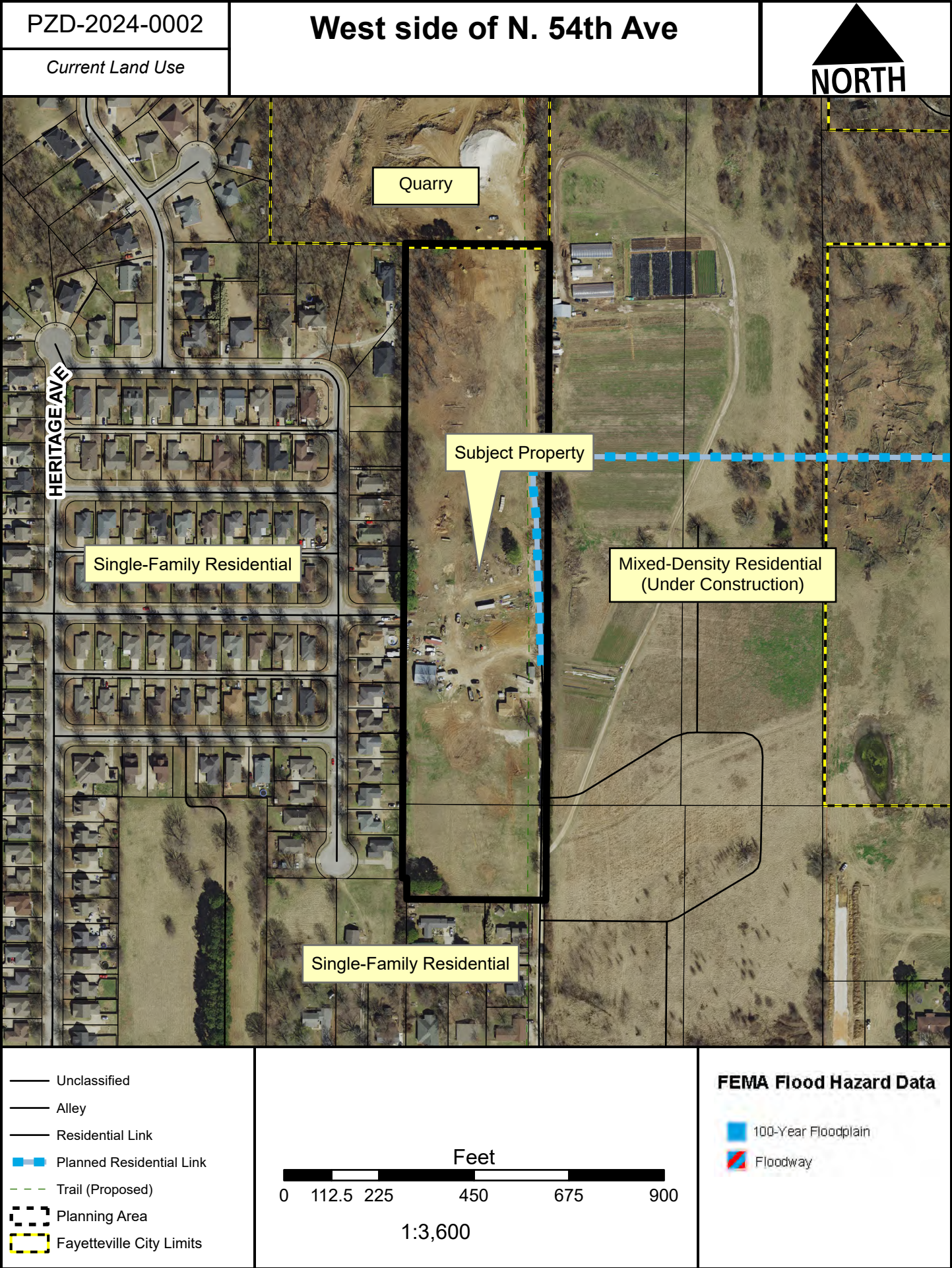
### One Mile View

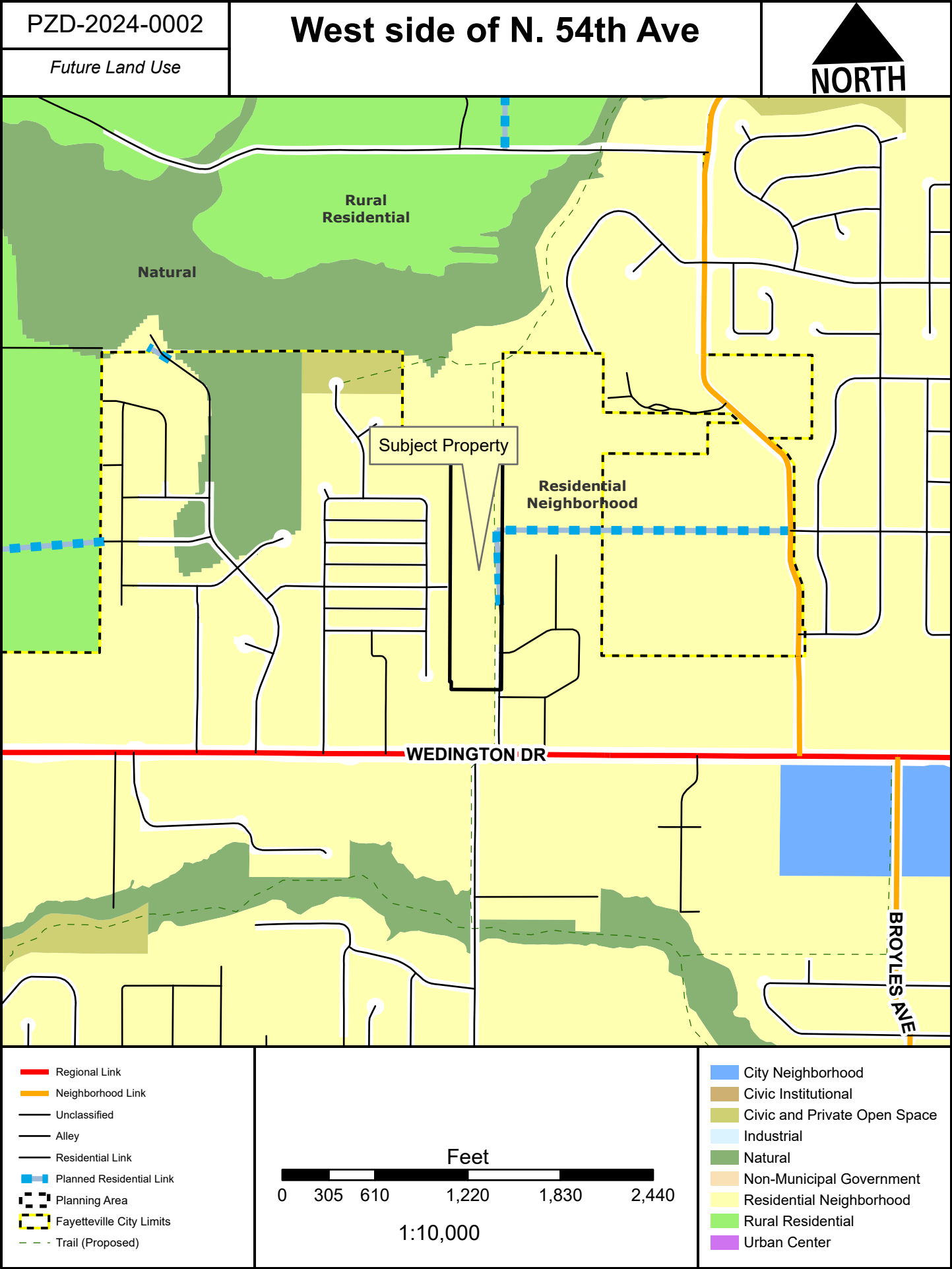
# NORTH















**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING:** April 8, 2024

**SUBJECT:** **PZD-2024-0003: Planned Zoning District (215 N. WEST AVE/PARK HOTEL, 484):** Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

**RECOMMENDATION:**

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

**RECOMMENDED MOTION:**

"I move to forward **PZD-2024-0003** to City Council with a recommendation of approval, with conditions as outlined by staff."

**BACKGROUND:**

The subject property is in downtown Fayetteville, on the south side of the West Avenue Civic Plaza, which is currently under construction. The West Avenue Civic Plaza is a portion of the overall 2019 Bond Project that funded the development of the Cultural Arts Corridor, which included improvements to the Fay Jones Woods, West Avenue, and the development of a parking deck for replacement parking. The property is currently zoned MSC, Main Street Center, and while recently owned by the City of Fayetteville, was sold to the current property owner for the development of a hotel; this was also part of the original proposal for the Cultural Arts Corridor. Containing approximately 0.6 acres, the property is currently improved with a parking lot and a portion of the Razorback Greenway. Surrounding land uses and zoning is depicted in *Table 1*.

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

| Direction | Land Use                                              | Zoning                  |
|-----------|-------------------------------------------------------|-------------------------|
| North     | Under Construction/<br>West Avenue Civic Plaza        | MSC, Main Street Center |
| South     | Mixed-Use/Commercial and Multi-<br>Family Residential | MSC, Main Street Center |
| East      | Under Construction/<br>West Avenue Civic Plaza        | MSC, Main Street Center |
| West      | Razorback Greenway/Arkansas<br>Missouri Railroad      | MSC, Main Street Center |

*Proposal:* The applicant requests to rezone the property to a Planned Zoning District with one Planning Area as described below:

- **Planning Area #1 – 0.60 acres:** The intention of this planning area is to allow for the construction of a 120-room hotel and mixed-use development at the southern end of the

South Civic Plaza that is currently under construction. The PZD proposes to allow primarily commercial uses, with a maximum building height of 8 stories. The applicant has indicated that the building height will be at the maximum 8 stories only in areas where a basement will exist. Multi-family residential uses are also permitted in this PZD with no stated density maximum. Fire access, valet drop-off, and a shared use trail will be developed with the overall proposal, but will be included on a separate property which is not under zoning consideration with this proposal.

*Public Comment:* Staff has not received any public comment on the item.

## **INFRASTRUCTURE:**

- Streets:** The subject property has limited frontage to W. Spring Street. W. Spring Street is an improved urban center street with asphalt paving, curb and gutter, drainage infrastructure, and sidewalk at back of curb along the subject property's frontage. Any street improvements required in these areas would be determined at the time of development proposal, as well as any improvements for drainage.
- Water:** Public water is available to the subject property. There is an existing 6-inch water main present in W. Spring Street. There is also an existing 8-inch water main present in S. West Avenue. The applicant is indicating that they will connect to the 8-inch water main, and a main extension will be required at time of development.
- Sewer:** Sanitary sewer is available to the subject area. There is an existing 12-inch sanitary sewer main present in W. Spring Street. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines may be required with the development submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.
- Drainage:** Tanglewood Branch is present in the subject area; however, this portion of the protected stream has been fully enclosed in a culvert since before the adoption of the Streamside Protection Ordinance. Typically, this "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. No portion of the site lies within the HHOD, a FEMA floodplain, and there are no hydric soils present in the area.
- 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 0.3 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

The planned roundabout on Spring Street, south of the project, will need to meet apparatus access widths and radius, with fire lane parking restrictions and mountable curbs as this will be Fire access for the project as well as the north access to the existing Metro Building and associated apartments.

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

**Tree Preservation:**

The proposed PZD, Residential Planned Zoning District, requires **25% minimum canopy preservation**. The current zoning district MSC, Main Street Center, requires **10% 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 and Civic Institutional**.

**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.

**Civic Institutional Areas** are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a low infill score for the subject property of **11**, which translates to a weighted score of **15.5**. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (12" W. Spring Street)
- Near Water Main (6" W. Spring Street)
- Near Public School (Washington Elementary)
- Near U of A Campus (Main campus)
- Near City Park (Civic Plaza, Lower Ramble)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (Spring at Theatre Square)
- Near Razorback Bus Stop (West Avenue at Walton Arts Center)
- Within Master Plan Area (Downtown Master Plan)
- Sufficient Intersection Density (140 intersections/square mile)

**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 applicant's request to be compatible with existing surrounding land uses. The property is currently zoned MSC,**

Main Street Center, which is a dense and intense zoning district intended for urban areas within Fayetteville. The applicant's request is in some ways a downzoning, in that it will limit the permitted uses that are typically allowable in the current zoning district (removing single-, two-, three-, and four-family dwellings by right, and some auto-oriented uses), but it does propose a higher building height than is permitted in the current zoning district. Staff finds that the proposed building height of 8 stories would not be out of character for the area since the surrounding areas are permitted to construct buildings up to 7 stories by-right. In evaluating the contract that was approved through Resolution 251-23, the intention was for the building height to be 7 stories. However, there does not appear to be any language within that document requiring that maximum. Existing building heights in the area are ranging, though the tallest buildings in the area range between 5-7 stories currently. Since the property does not currently have much immediate street frontage, staff does not find that 8 stories would overwhelm the public right-of-way realm; further, the building height is also offset by a significant amount of open space to the north with the development of the Civic Plaza.

**Land Use Plan Analysis:** Staff finds that the request is consistent with the City's land use and zoning plans. Further, staff finds that the applicant's request is substantially compliant with the contract that was executed by the Mayor and approved by City Council through Resolution 251-23. Excerpts of that contract are provided for in the attachments. The project is inherently an infill project (City Plan goal #1), in that it represents the redevelopment of a parking lot into a higher intensity use.

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

**Finding:** Staff finds that the proposed rezoning is justified based on the executed agreement between the City and the current owner. Resolution 251-23, which was approved by City Council on November 7, 2023. The terms of the contract required that a PZD be presented no later than July 1, 2024.

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

**Finding:** The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. The proposed uses represent a downzoning, and staff does not find that the proposed rezoning would alter the traffic patterns in the area to an undesirable degree.

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 RPZD would not alter the population density in a way that would undesirably increase the load on public services. Any impacts to water, sewer, and street infrastructure are required to be borne by the developer. While the PZD would allow for residential uses, staff finds that the



**ultimate plan is to construct a hotel on the property. Fayetteville Public Schools did not offer comment on the 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**

#### **Sec. 161.35. Planned Zoning Districts (PZD)**

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

**Findings: As outlined in previous findings, staff finds that the proposal is generally in line with the factors that may be considered with a Planned Zoning District.**

The architectural design standards will be ultimately reviewed for at the time of a development proposal, but staff finds that the proposed materials, precedent images, and overall form meets the spirit and intent of the architectural design standards as outlined in code.

**RECOMMENDATION:** Staff recommends forwarding **PZD-2024-0003** to City Council, with a recommendation of approval, with conditions as outlined below.

**Conditions of Approval:**

1. Revise the PZD booklet and plans to reflect the following:
  - a. (Page 5). Provide information regarding parking study performed by Kimley Horn and the date when it was presented to the Planning Commission. Otherwise, remove reference to this from the booklet, or revise to indicate the correct City Board or Commission that it was presented to.
  - b. Provide information (date and specific feedback) for when this hotel proposal was presented to the Planning Commission and a desire expressed to see this area rezoned as a PZD. Otherwise, remove reference to this from the booklet.
2. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and
3. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.

|                                           |                                    |                                 |                                 |
|-------------------------------------------|------------------------------------|---------------------------------|---------------------------------|
| <b>Planning Commission Action:</b>        | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Tabled | <input type="checkbox"/> Denied |
| <b>Meeting Date:</b> <u>April 8, 2024</u> |                                    |                                 |                                 |
| <b>Motion:</b>                            |                                    |                                 |                                 |
| <b>Second:</b>                            |                                    |                                 |                                 |
| <b>Vote:</b>                              |                                    |                                 |                                 |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Excerpt: Resolution 251-23
- Urban Forestry Memo
- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map



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

**Resolution: 251-23**

**File Number: 2023-1171**

**REINDL PROPERTIES, INC. (PURCHASE CONTRACT):**

A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A REAL ESTATE PURCHASE CONTRACT WITH REINDL PROPERTIES, INC. FOR THE SALE OF APPROXIMATELY 0.5 ACRES OF CITY PROPERTY IN THE SOUTH END OF THE CIVIC PLAZA FOR THE AMOUNT OF \$1,247,455.00

**WHEREAS**, in October 2022, the City Council approved Resolution 256-22 authorizing the Mayor to sign the Letter of Intent Defining Development Agreement terms with Reindl Properties Inc. for a Public Private Partnership for Construction of the Mixed-Use building at the Ramble Civic Plaza; and

**WHEREAS**, Mayor Jordan recommends that the City Council approve the terms of the sale set out in the real estate purchase contract negotiated with Reindl Property, Inc.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a real estate purchase contract with Reindl Properties, Inc., a copy of which is attached to this Resolution, for the land sale of approximately 0.5 acres in the amount of \$1,247,455.00, and further authorizes the Mayor to execute all closing and other documents necessary to effectuate the sale.

PASSED and APPROVED on November 7, 2023

**Approved:**

  
Lioneld Jordan, Mayor

**Attest:**

  
Kara Paxton, City Clerk Treasurer





**MEETING OF NOVEMBER 7, 2023**

**TO:** Mayor Jordan and City Council  
**THRU:** Paul Becker, Chief Financial Officer  
**FROM:** Waylon Abernathy, Bond Projects & Construction Dir  
**DATE:**  
**SUBJECT:** Resolution authorizing a Real Estate Purchase Contract with Reindl Properties, Inc. for the Construction of a mixed-use building on the Ramble/Cultural Arts Corridor Civic Plaza

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**RECOMMENDATION:**

Staff recommends approval of a resolution authorizing the mayor to sign the Real Estate Purchase Contract that includes terms of the development agreement with Reindl Properties, Inc., for the land sale of approximately .5 acres in the amount of \$1,247,455.00 and authorize the mayor to execute all closing documents.

**BACKGROUND:**

Schematic design for the Ramble Civic Plaza, a 2019 voter approved downtown revitalization project, focused on the West Avenue civic space. The vision for the civic space was completed in January 2019, following a series of public design charettes. The design chosen by participants who engaged in the process consists of a gathering and event lawn, public plaza, garden spaces, and a civic promenade, with two buildings bordering the site on the north and south ends, as bookends of the plaza. The southern building will be integral to the site, as a backdrop for what will become a stage and performance area for the plaza. Additionally, the building will provide public restrooms accessible from the Razorback Greenway and Civic Plaza storage space within the ground floor.

A Request for Proposals (RFP) process solicited competitive development proposals for a public private partnership to build the southern anchor building on the West Avenue Civic Plaza. The RFP asked for an approximately 14,300 square foot building footprint with a height limit of seven stories and three primary facades. Additionally, the city requested that the building be constructed of high-quality and lasting materials that are complimentary to the overall aesthetic of the site and the emergent Arts and Entertainment District. The RFP, issued in August 2021, was advertised on several platforms, including on the Costar website which provides market-leading research on commercial real estate properties in nearly all markets and sub-markets. The RFP was downloaded by over 100 interested parties. A non-mandatory pre-proposal conference held in September, 2021 was attended by over 30 participants.

**Additional Background:**

Key to the design and planning of the overall spaces are the public private partnerships that can help activate the space and provide a mixed use, sales tax generating, downtown development project to complement the city's investment in The Ramble. Partners are both private developers and philanthropic support efforts.

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**Mailing address:**

113 W. Mountain Street  
Fayetteville, AR 72701

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



Initial design for this transformative project was made possible by a 2017 grant from the Walton Family Foundation's Design Excellence Program. Award-winning landscape architects Nelson Byrd Woltz (NBW) were selected to design the corridor with the primary goals of:

- Increasing public access and strengthening the surrounding neighborhood,
- Leveraging the connected trail network,
- Demonstrating a commitment to sustainability, and
- Embodying an innovative spirit, encouraging visitors and residents to engage with the space in new ways.

There are five primary elements included in plans for the Cultural Arts Corridor bond project: The West Avenue Civic Space, West Avenue streetscapes, The Fay Jones Woods, The Razorback Greenway, and a new parking deck one block north of the corner of West Ave. and Dickson Street. In April 2019, citizens of Fayetteville voted to authorize a \$31,685,000 bond for construction of the Cultural Arts Corridor Improvements.

Arts Corridor improvements to the Fay Jones Woods, the southern portion of the Razorback Regional Greenway, and the southern portion West Ave. began in September 2020 with construction completed in September, 2022. Construction of the new parking deck began in January 2022 with completion planned in October of 2023. In June 2021, after a 5-month public renaming process, the City announced The Ramble as the new name for the Cultural Arts Corridor.

On October 26, 2021, the City of Fayetteville accepted proposals for the southern anchor building on the Civic Plaza. One proposal was received from Reindl Properties that included a project team with a passion for high-quality construction, human-scaled design, craftsmanship, efficiency, and love of community. Their team includes:

- Brian Reindl - Developer and owner of the adjacent Metro Building along with several other properties in and around downtown Fayetteville.
- Rob Sharp - Architect and designer of several Fayetteville projects including: Three Sisters Building, Mill District, The Dickson Building and most recently the Network Building, which was designed to be the first net zero mixed-use building in Fayetteville.

The LOI specifies that the final development agreement includes a termination and buy back clause requiring Reindl properties to start construction on the new building within 12 months of the completion of the Civic Space. Also, Reindl Properties met with organizations for additional community input on the ways in which the proposed building will interact with the plaza and civic space.

As indicated in the LOI renderings, the proposed mixed-use building will be substantial and striking. The building's proposed uses will increase the liveliness of the adjacent Civic Plaza and attract visitors to the downtown. Hotel guests will eat, shop and recreate in the area, providing benefit to many existing local businesses. Initial analysis shows that the project would provide approximately \$300,000 per year in sales and HMR taxes to the City plus another \$63,000 per year in property tax to the City of Fayetteville for the general fund, library and fire and police departments. The construction impact of this \$40 million construction project will approximately yield another \$175,000 in sales tax revenue.

On October of 2022, Council passed Resolution 256-22 Authorizing the Mayor to Sign the Letter of Intent Defining Development Agreement terms with Reindl Properties Inc., for a Public Private Partnership for Construction of the Mixed-Use building at the Ramble Civic Plaza.

## **DISCUSSION:**

Since the approval of the Resolution:

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- City staff and design consultants with Nelson Byrd Woltz have worked with Reindl Properties to finalize the building footprint in relationship to the trail relocation and relative to the final design of the Civic Plaza.
- Staff has worked with Reindl Properties to secure independent third-party appraisals. The City provided to Reindl a list of 5 appraisal firms with experience in commercial real estate. From that list, Reindl selected three firms. The 3 firms provided certified property value reports. The average of the 3 was used for the agreed to values.
- Major terms and conditions for a proposed Agreement are included in this Real Estate contract as Drafted by Vicki Bronson of Connors and Winters Law Firm.

## **BUDGET/STAFF IMPACT:**

Revenues will be recognized after the closings. Net proceeds from this real estate contract will be applied to the Restrooms/Storage located in the building, and Civic Plaza Improvements.

**ATTACHMENTS:** Copy of SRF-Real Estate Purchase Agreement South Civic Plaza (#3), Real Estate Purchase Contract (City Reindl) Redline 9-27-23 (002) (#4), Exhibit 1 (#5), Appraisals and Summary South Civic Plaza (#6), 601 W Center St Deed (#7), 256-22 RESOLUTION (#8), Exhibit 2 South Elevation (#9), Exhibit 3 Fay Park Hotel - North Rendering (#10), Exhibit 3 Fay Park Hotel - City Storage (#11), Exhibit 3 Fay Park Hotel - City Toilets (#12), 20231012 REVISED Exhibit 3 Fay Park Hotel level 1 (#13), 20231012 REVISED Exhibit 3 Fay Park Hotel Level 2 (#14), 20231012 REVISED Exhibit 2 Fay Park Hotel - South Rendering (#15), 20231012 Attachment Fay Park Hotel Progression Summary (#16), REAL ESTATE PURCHASE CONTRACT - revised 10-12-23 (#17), COF Letter with Parking Study (#18), Hotel Valet Lot Layout (#19), Survival of Contractual Obligations, Representations, and Agreements as Restrictive Covenants (#20), REAL ESTATE PURCHASE CONTRACT (City Reindl) revised 10-17-23 clean (#21), Ramble Hotel Letter of Support (#22), Exhibit A Site Plan (#23), Exhibit B Floor Plans (#24), Exhibit C Conceptual Building Design and Materials (#25), Real Estate Purchase Contract (City Reindl) Revised 11-2-23 (#26), Letter of Support- Mycelium Networks (#27), Letter of Support- Acre Trader (#28), Letter of Support - Startup Junkie Consulting (#29), Letter of Support - Cato Springs Development (#30)

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# City of Fayetteville, Arkansas

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

## Legislation Text

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**File #: 2023-1171**

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**Resolution authorizing a Real Estate Purchase Contract with Reindl Properties, Inc. for the Construction of a mixed-use building on the Ramble/Cultural Arts Corridor Civic Plaza**

A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A REAL ESTATE PURCHASE CONTRACT WITH REINDL PROPERTIES, INC. FOR THE SALE OF APPROXIMATELY 0.5 ACRES OF CITY PROPERTY IN THE SOUTH END OF THE CIVIC PLAZA FOR THE AMOUNT OF \$1,247,455.00

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# City of Fayetteville Staff Review Form

2023-1171

Item ID

10/17/2023

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Wade Abernathy

9/29/2023

FACILITIES MANAGEMENT (140)

Submitted By

Submitted Date

Division / Department

## Action Recommendation:

Adopting an Ordinance authorizing the mayor to sign the Real Estate Purchase Contract the includes the terms of the development agreement with Reindl Properties, Inc. for the South Civic Plaza land sale of approximately .5 acres in the amount of \$1,247,455.00 and authorize a Trail Easement purchase in the amount of \$259,084.00

## Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost?

Item Cost

\$ -

Is a Budget Adjustment attached?

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 256-22

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



## REAL ESTATE PURCHASE CONTRACT

THIS **REAL ESTATE PURCHASE CONTRACT** (this “**Contract**”) is made and executed as of the 29th day of September, 2023, by and between **REINDL PROPERTIES, INC.** and or Affiliates (“**Buyer**”) and **CITY OF FAYETTEVILLE, ARKANSAS** (“**Seller**”) as follows:

### 1. THE PROPERTY

For the price and upon and subject to the terms, conditions and provisions set forth in this Contract, Seller shall sell and convey to Buyer and Buyer shall purchase from Seller that certain real estate owned by Seller located adjacent to West Avenue and Spring Street in Fayetteville, Washington County, Arkansas, (the “**Property**”), in the approximate location as depicted on Exhibit 1 attached hereto, the exact legal description to be determined by survey, together with all Seller’s rights, title and interest in all public and private streets, roads, avenues, alleys and passageways, and all and singular the estates, rights, privileges, easements and appurtenances belonging or in any way appertaining to the Property.

### 2. PURCHASE PRICE

Purchase Price. The purchase price for the Property (“**Purchase Price**”) shall be One Million Two Hundred Forty-seven Thousand Four Hundred Fifty-five Dollars (\$1,247,455.00,) to be paid in cash at Closing.

### 3. DEED

On the Closing Date, Seller shall execute a deed to sell and convey to Buyer good and marketable title to the Property by special warranty deed in the form reasonably prescribed by Buyer (the “**Deed**”), subject to no liens, claims, or encumbrances (“**Encumbrances**”), except (a) a restriction concerning Prohibited Uses as defined in Paragraph 31; and (b) liens for ad valorem taxes that are not yet due and payable and (c) those title and survey exceptions either waived or approved in writing by Buyer after Buyer’s review of the Commitment, Survey (as those terms are hereinafter defined), and legible copies of all title exception documents identified on the Commitment and Survey (the “**Permitted Exceptions**”). Title to the Real Property as aforesaid shall be insured by the Title Company as provided in Section 5.

### 4. SURVEY

Buyer will order an ALTA survey (the “**Survey**”) within five (5) days of the execution of this Contract. Buyer and Seller will each pay one half of the cost of the Survey. The Survey will include the location and boundaries of the Property and the Public Easement (defined and described in paragraph 30). The Survey and the boundary lines of the areas surveyed therein shall be subject to the mutual agreement of Buyer and Seller.

### 5. TITLE INSURANCE

Commitment and Title Policy. Within ten (10) business days after the date of this Contract, Seller will order a preliminary title insurance commitment (the “**Commitment**”) from

Bronson Abstract Company, Fayetteville, Arkansas (the “**Title Company**”) pursuant to which the Title Company shall agree to issue to Buyer, an ATLA owner’s policy of title insurance (the “**Title Policy**”) in the amount of the Purchase Price, insuring marketable fee simple title to the Real Property in Buyer upon recording of the Deed.

Seller’s Title Documents. Seller shall, at Seller’s sole expense, execute, acknowledge and deliver or cause to be executed, acknowledged and delivered to the Title Company, on or before the Closing Date, such affidavits and other documents approved by the Seller, as the Title Company shall require as a condition to issuance of the Title Policy in the form herein provided (collectively, “**Seller’s Title Documents**”).

Buyer’s Title Documents. Buyer shall, at Buyer’s sole expense, execute, acknowledge and deliver or cause to be executed, acknowledged and delivered to the Title Company, on or before the Closing Date, such affidavits and other documents approved by Buyer, as the Title Company shall require as a condition to issuance of the Title Policy in the form herein provided (collectively, “**Buyer’s Title Documents**”).

## 6. TITLE AND SURVEY DEFECTS

Buyer shall have ten (10) days from the receipt of the Title Commitment and copies of documents constituting exceptions to title and the Survey to examine the same and to specify to Seller in writing any matters which Buyer finds objectionable (the “**Encumbrances**”).

Seller shall have thirty (30) days to cure or remove all Encumbrances at its cost and expense. If Seller fails to cause all the Encumbrances to be removed within such 30-day period or if Seller notifies Buyer of its decision not to cure or remove some or all of the Encumbrances, Buyer’s remedy shall be to:

- (i) Terminate this Agreement by giving Seller written notice thereof;
- (ii) Agree to extend additional time to Seller to cure or remove all Encumbrances; or
- (iii) Elect to purchase the Property subject to the Encumbrances and the Encumbrances not so removed or cured shall be deemed Permitted Exceptions and the Purchase Price shall not be reduced by any amount.

## 7. INVESTIGATION BY BUYER

Buyer has the right to conduct such due diligence as Buyer deems necessary in Buyer’s sole discretion from the date of the execution of this agreement and continuing through five (5) business days prior to Closing; provided, however, Buyer may not conduct any intrusive testing in the subsurface soil or take any bore samples without the prior, written consent of the Seller. If Buyer, in its sole discretion is not satisfied with the results of its due diligence, Buyer may terminate this Contract at any time prior to Closing by providing written notice to Seller, whereupon this Contract shall be terminated and neither party shall have any further obligation to the other party.

## 8. REPRESENTATIONS AND WARRANTIES OF SELLER

Seller represents and warrants to Buyer the following through the date hereof and as of the Closing Date to the best of Seller's knowledge:

- 8.1 Except as disclosed to Buyer in writing there are no unrecorded leases, arrangements, agreements, understandings, options, contracts, or rights of first refusal affecting or relating to the Property in any way.
- 8.2 Seller represents and warrants that at the time of acceptance hereof and at Closing, Seller is not a "foreign person" as such term is defined in Section 1445(f) of the Internal Revenue Code of 1954.
- 8.3 There are no actions, suits, lawsuits, proceedings, or claims affecting any part of the Property, or affecting Seller with respect to the ownership, occupancy, use, or operation of any part of the Property pending in or before any court, agency, commission, or board.
- 8.4 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against Seller.
- 8.5 Seller has not received notice from any governmental authority, stating that the Property is currently in violation of any zoning, environmental, or other land use regulations or in violation of any required licenses, registrations, certificates, permits, approvals, or other governmental authorizations relating to the use and operation of the Property. If Seller receives such a notice prior to Closing, Seller shall promptly notify Buyer of such a notice and deliver a copy thereof to Buyer.
- 8.6 Seller has not received any notice relating to its period of ownership of the Property that the Property is in violation of any applicable governmental law, regulation, or requirement relating to environmental or occupational health and safety matters or Hazardous Substances ("Environmental Laws"). As used in this Agreement, the term "Hazardous Substances" means any and all substances, materials, and wastes which are regulated as hazardous or toxic under applicable local, state, or federal law or which are classified as hazardous or toxic under applicable Environmental Laws.
- 8.7 Seller has not stored, processed, or disposed of hazardous or toxic substances on the Property.
- 8.8 No underground storage tanks are located on the Property.

For the purposes hereof, the term "Seller's Knowledge" means the actual knowledge of \_\_\_\_\_, without any duty of inquiry or investigation.

BUYER ACKNOWLEDGES AND AGREES THAT, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS AGREEMENT OR IN ANY CLOSING DOCUMENT DELIVERED BY SELLER, (A) BUYER HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF SELLER IN CONNECTION WITH THE PROPERTY OR THIS TRANSACTION, (B) SELLER WILL SELL AND CONVEY TO BUYER, AND BUYER WILL ACCEPT THE PROPERTY "AS IS", "WHERE IS", AND "WITH ALL FAULTS" ON THE CLOSING DATE, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR

REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY SELLER OR ANY THIRD PARTY, AND (C) SELLER DOES NOT, BY THE EXECUTION AND DELIVERY OF THIS AGREEMENT, AND SELLER WILL NOT, BY THE EXECUTION AND DELIVERY OF ANY DOCUMENT OR INSTRUMENT EXECUTED AND DELIVERED IN CONNECTION WITH CLOSING, MAKE ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE WHATSOEVER, WITH RESPECT TO THE PROPERTY AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED.

## 9. REPRESENTATIONS AND WARRANTIES OF BUYER

Buyer represents and warrants to Seller the following through the date hereof and as of the Closing Date to the best of Buyer's knowledge:

- 9.1 Buyer represents and warrants that at the time of acceptance hereof and at Closing, Buyer is not a "foreign person" as such term is defined in Section 1445(f) of the Internal Revenue Code of 1954.
- 9.2 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against Buyer.
- 9.3 Buyer has full authority to enter into this Contract and fulfill all its obligations pursuant therewith.

"Buyer's Knowledge" means the actual knowledge of Brian Reindl.

## 10. TAXES AND ASSESSMENTS

No tax prorations will occur because Seller is not subject to real estate taxes. Buyer is responsible for paying all real property taxes and assessments due and payable after the date of Closing.

## 11. CLOSING COSTS AND ADJUSTMENTS

Seller's Costs. Seller shall pay the cost of (1) one-half of the documentary stamps; (2) the cost of the owner's portion of the title insurance policy; (3) one-half the Title Company's closing fee and document preparation fee; (4) the Title Company's title search fee; (5) all certificates, instruments and documents which Seller is required to deliver or cause to be delivered; (6) one-half of the Survey; (8) one-half of the cost of appraisals required in connection with the Purchase Price of the Property or in connection with the Public Easement as provided in this Contract; and (7) its legal fees and expenses.

Buyer's Costs. Buyer shall pay the cost of (1) one-half of the documentary stamps; (2) one-half the Title Company's closing fee and document preparation fees; (3) the cost of any loan policy of title insurance including all endorsements required by Buyer's lender; (4) all certificates, instruments and documents which Buyer is required to deliver or cause to be delivered; (5) Buyer's legal fees and expenses; (6) one half of the Survey; and (7) one-half of the cost of any third appraisal required in connection with the Purchase Price of the Property or in connection with the Public Easement as provided in this Contract.



## 12. CONDEMNATION AND CASUALTY

If, prior to the Closing Date, all or any part of the Property shall be condemned by governmental or other lawful authority such that the remaining property is insufficient for Buyer to construct the Mixed Use Building (as defined below), Buyer shall have the option, exercised by delivery to Seller of written notice of such election on or before the fifteenth (15th) business day following the date on which Buyer receives from Seller written notice of such condemnation of either (a) completing this transaction, in which event (i) there shall be no reduction of the Purchase Price, (ii) Seller shall have no duty to repair or restore, (iii) Seller shall pay to Buyer all condemnation proceeds received by Seller with respect to such condemnation, and (iv) Seller shall assign to Buyer all rights of Seller in and to such condemnation proceeds, or (b) terminating this Contract.

## 13. LEASES AND OTHER AGREEMENTS

During the period from the date of this Contract to and including the Closing Date, Seller shall not, without the prior written consent of Buyer enter into a lease of the Property that has a term extending beyond the Closing Date.

## 14. CLOSING

Closing Date. Provided all conditions to closing set forth in this Contract have been satisfied or waived by Buyer and Seller, and this Contract has not been terminated in accordance with the provisions herein set forth, the transaction contemplated herein shall close within thirty (30) days of the satisfaction or fulfillment of all conditions of closing, or such other date as is mutually agreeable to Seller and Buyer, PROVIDED, however, that if Closing does not occur on or before \_\_\_\_\_, Seller may, in its sole discretion, terminate this Contract and neither party shall have any further obligations to the other party. Such date for the closing of title is herein called the “**Closing Date**” or such occurrence is called the “**Closing**” or “**closing**”.

Seller’s Deliverables. On or before the Closing Date, Seller shall deliver or cause to be delivered to the Title Company the following: (a) Special Warranty Deed; and (b) Seller’s Closing Statement and such other documents as Title Company may require at Closing and which are approved by the Seller.

Buyer’s Deliverables. On or before the Closing Date, Buyer shall deliver or cause to be delivered to the Title Company the following: (a) by federal wire transfer of funds to the Title Company’s escrow account an amount equal to (i) the balance of the Purchase Price due at closing, adjusted as herein provided, plus (ii) the aggregate amount of closing costs for which Buyer is responsible as provided herein, all as shown on Buyer’s closing statement; (b) and Buyer’s Closing Statement and such other documents as Title Company may require at Closing.

## 15. POSSESSION

Exclusive possession of the Property shall be delivered to Buyer on the Closing Date.

## 16. BROKERAGE

Seller hereby represents and warrants that it has not engaged the services of any real estate agent, broker or firm in connection with the Property or this real estate transaction. Buyer hereby represents and warrants that it has not engaged the services of any real estate agent, broker or firm in connection with the Property or this real estate transaction.

#### 17. SURVIVAL

Except as otherwise set forth herein, all warranties, representations, covenants, obligations, and agreements contained in this Contract shall survive the closing hereunder and the transfer and conveyance of the Property and any and all performances hereunder for a period of six (6) months.

#### 18. TIME

Time is of the essence of this Contract.

#### 19. NO WAIVER

Except as herein expressly provided, no waiver by a party of any breach of this Contract or of any warranty or representation hereunder by the other party shall be deemed to be a waiver of any other breach by the other party (whether preceding or succeeding and whether or not of the same or similar nature), and no acceptance of payment or performance by a party after any breach by the other party shall be deemed to be a waiver of any breach of this Contract or of any representation or warranty hereunder by such other party, whether or not the first party knows of such breach at the time it accepts such payment or performance. No failure or delay by a party to exercise any right it may have by reason of the default of the other party shall operate as a waiver of default or modification of this Contract or shall prevent the exercise of any right by the first party while the other party continues to be so in default.

#### 20. INSTRUMENTS IN WRITING

No agreement, consent, approval, notice, amendment, modification, understanding, or waiver of or with respect to this Contract or any agreement, instrument, or document entered into pursuant to or with respect to this Contract, or any term, provision, covenant, or condition hereof or thereof, nor any approval or consent given under or with respect to any of the foregoing, shall be effective for any purpose unless contained in a writing signed by the party against which such agreement, amendment, modification, understanding, waiver, approval or consent is asserted.

#### 21. NOTICES

Any and all notices, requests, demands, or other communications hereunder shall be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefor, by facsimile delivery (with confirmation by hard copy), by overnight courier, or by registered or certified mail, return receipt requested, first class postage prepaid addressed as follows (or to such new address as the addressee of such a communication may have notified the

sender thereof) (the date of such notice shall be the date of actual delivery to the recipient thereof):

If to Buyer: Reindl Properties, LLC  
Attn: Brian Reindl  
509 W Spring St, Ste 310  
Fayetteville, AR 72701  
greaterproductions@gmail.com

With copy to:  
Reed Law Firm, P.A.  
3301 S. Market St, Ste 211  
Rogers, AR 72758  
chris@reedlaw-planning.com

If to Seller:  
City of Fayetteville  
Attn: Mayor's Office  
113 W. Mountain Street  
Fayetteville, AR 72701  
Mayor@fayetteville-ar.gov

With a copy to: Vicki Bronson  
Conner & Winters, LLP  
4375 N. Vantage Dr., Suite 405  
Fayetteville, AR 72703  
vbronson@cwlaw.com

Either party may designate a different address or addresses for itself by notice similarly given. Any notice given by registered or certified mail shall be deemed to have been given on the third day after the same is deposited in the mail, and any notice not so given shall be deemed to have been given upon receipt of the same by the party to whom the same is to be given.

## 22. ENTIRE AGREEMENT

This Contract contains the entire agreement with respect to the transactions contemplated herein, and there are no other terms, conditions, promises, understandings, statements, or representations, express or implied, concerning the same, and neither party is relying on any representation or statement not specifically contained herein.

## 23. GOVERNING LAW

This Contract shall be governed by and construed in accordance with the laws of the State of Arkansas.

## 24. ESTOPPEL

Each party confirms and agrees that (a) it has read and understood all of the provisions of this Contract; (b) it has negotiated with the other party at arm's length with equal bargaining power; and (c) it has been advised by competent legal counsel of its own choosing.

#### 25. JOINT PREPARATION

This Contract is deemed to have been jointly prepared by the parties hereto, and any uncertainty or ambiguity existing herein, if any, shall not be interpreted against any party, but shall be interpreted according to the application of the rules of interpretation for arm's length agreements.

#### 26. ASSIGNMENT

Neither party may assign this contract without the prior written consent of the other party.

#### 27. WAIVER OF JURY TRIAL

TO THE EXTENT PERMISSIBLE UNDER APPLICABLE LAW, EACH PARTY HEREBY WAIVES TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY ANY PARTY AGAINST THE OTHER PARTY ON ANY MATTER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS CONTRACT.

#### 28. ATTORNEYS FEES

If either party is required to bring litigation to enforce its rights under this contract, the prevailing party shall be entitled to recover its attorney's fees and costs, including expert witness fees.

#### 29. CONTINGENCIES

In addition to any other conditions or contingencies contained herein, the parties' obligations to close on this transaction are conditioned upon satisfaction of the following conditions on or prior to Closing:

- A. Buyer and Seller's approval of the Survey.
- B. Buyer and Seller's approval and execution of a Development Agreement concerning the Mixed-Use Building as more particularly described in Paragraph 31.
- C. Buyer and Seller's approval and Buyer's execution of the Public Easement, as more particularly described in Paragraph 30.
- D. Buyer's execution and delivery to Seller of a perpetual easement for the use of the City Restrooms and Storage Space as provided in Paragraph 31.

#### 30. ADDITIONAL CONSIDERATION

As additional consideration for the transactions contemplated herein Buyer agrees to grant a permanent easement to Seller for pedestrian walking and biking trails ("**Public Easement**") located across real property currently owned by Buyer adjacent to the Property. The exact location of the Public Easement shall be determined by the Survey. In consideration for Buyer's conveyance of the Public Easement, Seller will pay Buyer Two Hundred Fifty-nine Thousand Eighty-four Dollars (\$259,084.00), which represents the fair market value as determined by the



parties' appraisals and which shall be deducted from the Purchase Price at Closing. A reconciliation of the final price will be done with final survey and closing documents.

### 31. DEVELOPMENT OF THE MIXED-USE BUILDING

A material condition of Seller's agreement to sell the Property to Buyer is for Buyer to develop and construct a Mixed-Use Building ("Building") on the Property as described in that certain Letter of Intent executed between the parties dated effective November 9, 2022. The approval of a Development Agreement by Buyer and Seller concerning the design, construction, and use of the Building and allocation of any shared costs associated with the construction of the City Restrooms and Storage Space is an express condition to the Buyer and Seller's obligations under this Contract. The Development Agreement shall incorporate, at a minimum, the following terms:

A. Buyer will construct a multi-story Mixed Use Building (the "Building") containing hotel uses and associated meeting spaces, office spaces, street level retail, and hospitality spaces, and must contain a minimum of one restaurant, café, or coffee shop at ground level. The Building may include additional uses as necessary to meet the financial goals of the project if approved by Seller. The following Use Units *may* be allowed, subject to the Seller's prior approval in conjunction with the Seller's typical processes and procedures for considering and approving zoning, development, licenses, and permits, including conditional use restrictions:

Unit 4: Cultural and Recreational Facilities; Unit 13: Eating Places; 12a: Limited Business; 12b: General Business; Unit 14: Hotel, Motel and Amusement Facilities; Unit 15: Neighborhood Shopping Goods; Unit 16: Shopping Goods; Unit 19: Commercial Recreation, Small Sites; Unit 25: Offices, Studios, and Related Services; Unit 26: Multi-Family Dwellings; Unit 29: Dance Halls; Unit 34: Liquor Stores; Unit 35: Outdoor Music Establishments; Unit 40: Sidewalk Cafes; Unit 45: Small Scale Production; and Unit 46: Short Term Rentals.

Provided, however, that nothing contained in this Contract is intended to be nor may be construed to be a promise or agreement that Seller will approve any of the specific uses described above. The uses permitted are subject to Seller's prior approval according to Seller's typical processes and procedures for considering and determining permitted uses. In addition, certain uses which may be allowed under the zoning categories described above require a conditional use permit, including, but not limited to Unit 35: Outdoor Music Establishments. Because of the proximity to the Civic Space (Seller's property adjacent to the Property a/k/a the Ramble) as well as the Walton Arts Center and other local businesses, the use of amplified music on the Property requires specific approval by Seller in advance and is subject to all reasonable conditions which Seller requires, including, but not limited to prohibiting the use of amplified music after 10:00 p.m. Nothing in this Contract is intended to be nor may be construed to be a waiver or release of any of Seller's requirements or conditions for receiving a conditional use permit for any use that may be allowed under the zoning categories stated above.

Further provided, none of the following uses will be permitted on the Property (the "**Prohibited Uses**") at any time: crematorium; mausoleum; funeral home; furniture repair and refinishing; taxidermist; vape shops; body piercing/tattoo; gunsmith; animal hospital; animal day care; day care; bail bonding agencies; hospital; vehicle sales; convalescent home; boarding/rooming housing (other than is typically associated with hotel use); dormitory;

fraternity/sorority housing; and slot car track. Any deed from the Seller conveying the Property to Buyer will contain a restriction against the Prohibited Uses and the restriction will be a restriction that runs with the Property for a minimum of 75 years.

B. As befits its prominent location, the Building will be a substantial and attractive building. The Building's design, plans and specifications, including, but not limited to exterior finishes, and site development are subject to Seller's development review process, ordinances, and rules and must be approved by Fayetteville City Council. Nothing in this Contract is intended to or may be construed as a waiver of any of Seller's ordinances, rules, or regulations.

C. The Building will have three primary facades; one facing the Civic Space to the north, one facing the vacated Spring Street right-of-way to the south, and the third facing West Avenue to the east. All primary facades will be attractive, well-proportioned, and constructed of high-quality materials in accordance with the plans and specifications.

D. The Building shall be designed and built in substantial compliance with the drawings, depictions, and concepts on the attached Exhibit 2 which depict the minimum standards for materials, design, and architectural features. Any significant deviation from exterior design reflected on Exhibit 2 may not be approved by Fayetteville City Council.

E. The design and construction of the Building shall comply with all local, state, and federal building codes, rules, regulations, and laws, including those of Seller.

F. Buyer must present its application for Planned Zoning District (PZD) Review approval, along with all required documents no later than July 1, 2024. The Building and associated improvements are subject to approval pursuant to City of Fayetteville Development Review codes, processes, and procedures, including review by Planning Staff, Planning Commission, and City Council. Documents shall include all building facades, floor plans of all levels, infrastructure improvements, multi-use trail details, and all other requirements of City of Fayetteville codes.

G. Notwithstanding anything contained herein to the contrary, if Buyer does not secure a Building Permit for the Building within twelve (12) months of substantial completion of Seller's Civic Space, then this Contract and all agreements pertaining to this Contract shall be null and void and neither party shall have any obligations to the other party.

H. If Buyer fails to either (a) commence construction of the Building within sixty (60) days of Seller issuing a Building Permit or (b) complete construction of the Building within twenty-four (24) months of issuance of the Building Permit, then Seller at its sole discretion shall have the absolute and unconditional right to buy the Property back from Buyer, and any improvements made as of that date. If Seller elects to exercise its rights under this paragraph, the purchase price Seller will pay Buyer will be the original Purchase Price Buyer paid Seller for the Property, plus the fair market value of the completed improvements on the Property as determined by a third-party real estate appraiser, less all amounts paid by Seller for construction or construction estimates for the City Restrooms and Storage Space. The provisions for selection of appraisers contained in Paragraph 30 also apply to this Paragraph.

I. The Building must be designed and constructed to provide a ground floor that is open and inviting to the public on the north side to accentuate and facilitate the use of the Civic

Space. The hotel lobby shall be located on the ground floor and shall be open and inviting. Additionally, a bar, restaurant or café and retail uses will be provided on the ground floor.

J. Buyer agrees to make a good faith effort to purchase building supplies and materials locally to support sales tax revenue for Seller.

K. Buyer must provide all parking required by Seller's parking codes and requirements at Buyer's cost. Buyer must provide the amount of valet parking to Building guests that is usual and typical for the size of the Building. As a condition of this Contract and prior to Closing, Buyer must own or have a written lease for sufficient property to provide parking as required by Seller's parking requirements, including but not limited to City Code sections 172.05 and 156.03C(5). To the extent Seller has any excess parking spaces available Seller agrees to lease the excess parking spaces to Buyer at current market rates. Seller makes no representations that it has any parking spaces available to lease to Buyer.

L. All Building loading recycling, and solid waste and associated receptables must be located on the west side of the Building. No such activities will be permitted from or facing any public street.

M. The Building design and construction will incorporate sufficient air filtering to promote indoor air quality.

N. The Building will be designed and constructed to provide an efficient and properly designed envelope that will prevent air and water infiltration and reduce thermal bridging. The Building will implement the use of smart energy-management systems to decrease energy use in the Building, including but not limited to the installation of smart systems to avoid heating and cooling vacant rooms.

O. Buyer and Seller will coordinate design consultants on designing bicycle, pedestrian, automotive, and landscape infrastructure on all sides of the Building. The amount of the costs of those improvements and an agreement as to which costs will be paid by Seller and which will be paid by Buyer are a condition of this Contract and a condition of Closing. Once the costs for these improvements are established, Buyer and Seller agree to pay their pro-rata share of such costs.

P. Seller agrees to pay one half of the cost of extending water and sanitary sewer to the Building's site to provide water and sewer to the City Restrooms. Once the costs for these improvements are established, Seller agrees to pay that amount to Buyer. The amount of such costs must be reasonable and must be approved by Seller in advance in writing.

Q. Seller will assist Buyer in coordinating burial of existing power lines to the extent necessary; however, Seller has no obligation to incur any costs associated with burying overhead power lines.

R. Buyer is responsible for providing all water, sewer, electrical, cable, telephone, gas, or other utilities to the Building. Seller has no obligation to incur any costs associated with Buyer's installation of utilities except for the costs associated with extending water and sewer to the Building site, if any, for the City Restrooms as described above. If it is necessary for Seller to grant utility easements across its property to provide utilities to the Property, Seller agrees to grant a utility easement, provided however, that the location of the easement and any utility lines and equipment are subject to Seller's prior approval.

S. The Building shall contain public restrooms at street level, accessible from the Frisco Trail to serve trail and other public space users (the “City Restrooms”). The Building shall also contain a storage space for storing equipment associated with the planned performance area of the Civic Space and such other items which City desires (“Storage Space”). In addition:

i. All City Restrooms must comply with the Americans with Disabilities Act.

ii. Buyer shall be responsible for constructing the City Restrooms and Storage Space to a “white box” finish, subject to Seller’s approval of the design. The City Restrooms and Storage Space contain a minimum of 1,600 square feet. The Storage Space shall be located on the west side of the Building for convenient access to the City Space. The approximate location of the City Restrooms and Storage Space are shown on Exhibit 3, attached.

iii. The costs of construction of the City Restrooms as a white box finish and the Storage Space, including the pro-rata share of the cost of foundations, structure, roof, and exterior walls as well as the electrical rough in, plumbing, and HVAC equipment and services, and other elements to be paid by the Seller agreed to prior to commencement of construction of the Building. Buyer is responsible for completing and delivering the City Restrooms in a white box finish and Seller is responsible for contracting for and paying the costs to finish out the interior of the City Restrooms as it deems appropriate with a contractor of its choice.

iv. The Seller shall have exclusive use, control, possession, and right to the City Restrooms and Storage Space pursuant to a perpetual exclusive easement to be granted by Buyer, the form of which must be agreed to by the parties and executed prior to or at Closing. Restrooms and storage to be maintained and serviced by the Seller.

v. In addition to the City Restrooms, the Building must contain separate public restrooms at ground level for the use of the Building’s patrons as required by all Seller, state, and federal ordinances, rules, and regulations.

T. The Building shall contain a street level “back of house” space to be used by event organizers in the approximate location as shown on Exhibit 3.

U. Buyer, at its expense, will implement, install, and maintain landscaping on the Property as required by Seller pursuant to plans developed by Seller’s landscape design architects.

V. Seller shall maintain exclusive control of all of Seller’s property and exterior spaces adjacent to the Building and Property. Should Buyer desire to use any Seller property, the use must be coordinated with Seller and anchor institutions adjacent to the area, (e.g., Walton Arts Center, TheatreSquared, etc.) and any other group selected by the Seller to represent its interests in creating a lively and attractive park and Civic Plaza. Buyer must apply for use of Seller’s property in the same manner as any other member of the public.

W. The Building shall provide a location for the display of local art, to be coordinated between Buyer and local arts organizations, schools, or the Seller.

X. All other terms and conditions as the parties may agree.



**IN WITNESS WHEREOF**, the parties have executed this Contract as of the date first above written.

**BUYER:**

**REINDL PROPERTIES, INC.**

By:   
Brian Reindl

Date: \_\_\_\_\_

**SELLER:**

**CITY OF FAYETTEVILLE, ARKANSAS**

By:

\_\_\_\_\_  
Lioneld Jordan, Mayor

Date: November 07, 2023

ATTEST:

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

Kara Paxton, City Clerk-Treasurer

**TO:** Technical Plat Review

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Melissa Evans, Urban Forester

**MEETING DATE:** April 8, 2024

**SUBJECT:** **PZD-2024-0003: PARK HOTEL:** Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.56 acres. The request is for the property to be zoned PZD, PLANNED ZONING DISTRICT.

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**RECOMMENDATION:**

Urban Forestry Staff recommends approval of PZD-2024-0003. Regarding Tree Preservation, the applicant states site constraints and that, "Full site analysis and mitigation plans will be provided as part of the grading permit review of the overall project."

Though there are not many trees on the site, with the exception of a few pine trees at the west side of the site, it is highly recommended that as many trees be preserved as possible to meet the requirement. The buildings, parking, utilities, and other infrastructure elements should be designed around the trees if possible.

Chapter 177 Landscape Regulations must be met also, including street trees along public or private streets and parking lot trees. The applicant states in the booklet that, "Full landscape plans will be submitted with the grading permit review."



**PRISM DESIGN STUDIO**

LANDSCAPE ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

**Prism Design Studio LLC**

PO Box 1035

Huntsville, AR 72740

**P: 479.883.2845**

**W: PRISMDS.CO**

**E: [JENNYB@PRISMDS.CO](mailto:JENNYB@PRISMDS.CO)**

# Cover Letter

February 28, 2024

City of Fayetteville  
Development Services  
125 W Mountain St  
Fayetteville, AR 72701  
[developmentservices@fayetteville-ar.gov](mailto:developmentservices@fayetteville-ar.gov)  
479-575-8233

RE: Planned Zoning District Application

To Whom It May Concern,

Please accept this letter as a formal request for a Planned Zoning District as presented in the attached packet. The request is part of a contract agreement with the City of Fayetteville and the Owner, Reindl Properties, Inc for the purchase of 0.6 acres, located on the south side of the Civic Plaza.

We request a formal review, including public notification, in compliance with the City of Fayetteville Municipal code.

If you have any comments or concerns, please contact me at [JennyB@prismds.co](mailto:JennyB@prismds.co) or 479.883.2845.

Sincerely,

Jenny Burbidge, PLA, ASLA  
Owner + Principal  
Prism Design Studio LLC



# PARK HOTEL

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500 WEST SPRING STREET  
FAYETTEVILLE, ARKANSAS

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## PLANNED ZONING DISTRICT BOOKLET

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MARCH 20, 2024



*Trout*  
TROUT

olsson



PRISM DESIGN STUDIO  
LANDSCAPE ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

REINDL  
PROPERTIES, LLC

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## PROJECT INFORMATION

PARCEL No: 7 65-01743-003  
ACREAGE: 0.60 ACRES  
LEGAL DESCRIPTION: SEE APPENDIX

OWNER INFORMATION:  
REINDL PROPERTIES, INC.  
509 W SPRING STREET SUITE 310  
FAYETTEVILLE, AR 72701-5060

## PROJECT NARRATIVE

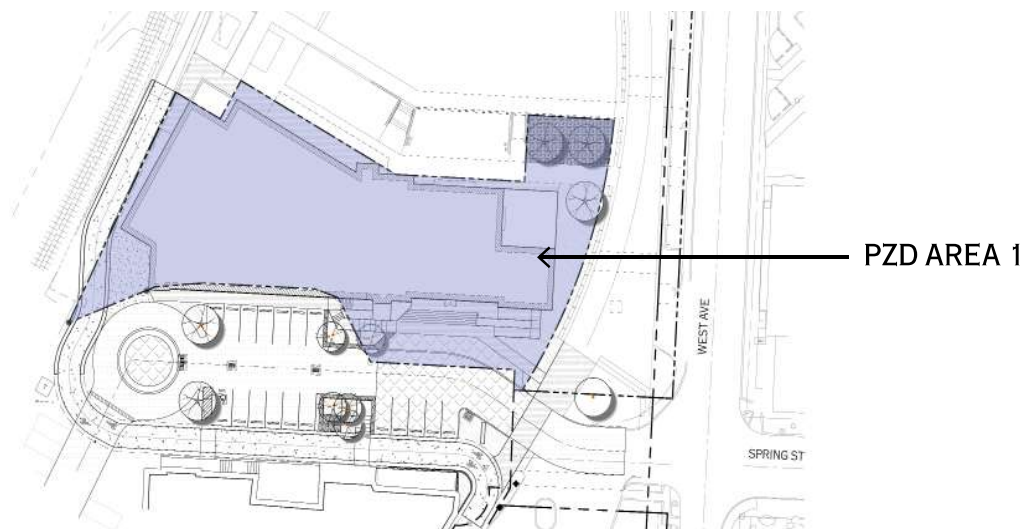
THE FOLLOWING PROJECT PROPOSAL INCLUDES THE CONSTRUCTION OF A MULTI-STORY HOTEL AND MIXED - USE BUILDING. THE PROJECT WILL INCLUDE ASSOCIATED PRIVATE DRIVE AND PARKING IMPROVEMENTS, SIDEWALK, LANDSCAPING, UTILITY CONNECTIONS AND STORM WATER IMPROVEMENTS TYPICAL WITH DEVELOPMENT.

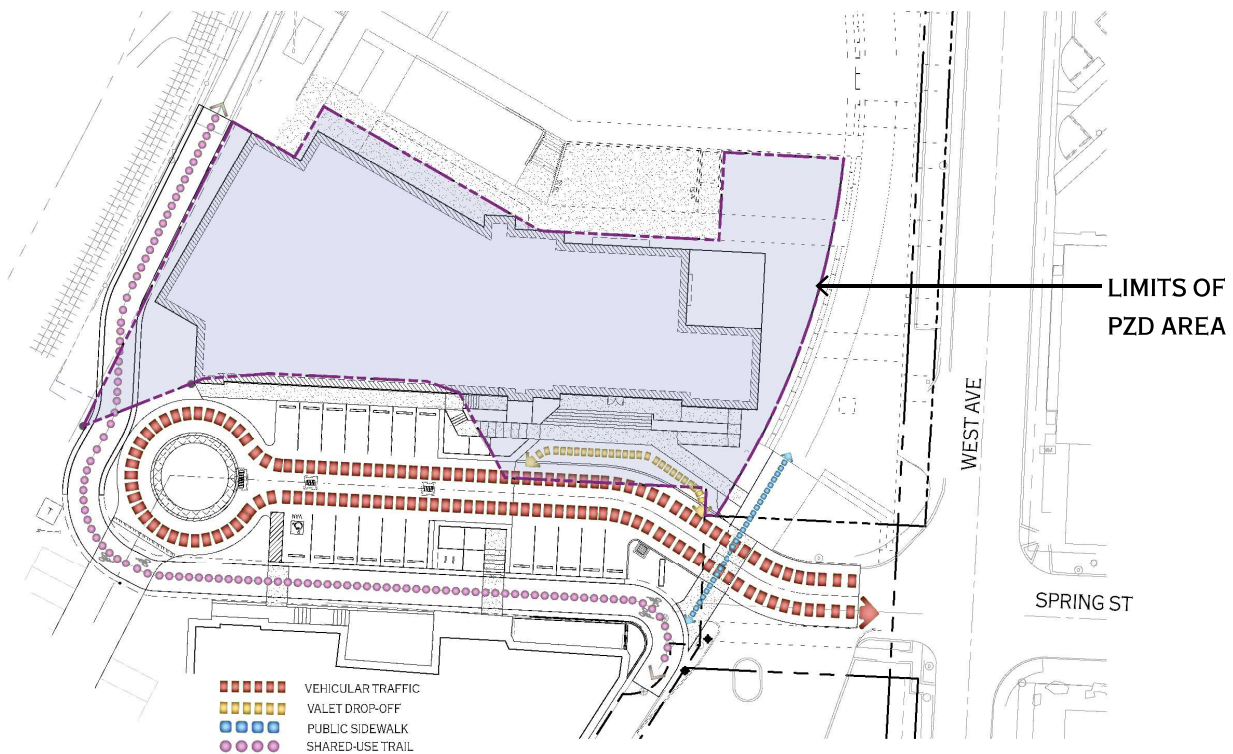
THE PROJECT WILL BE THE SOUTHERN EDGE TO THE CITY CIVIC PLAZA, LOCATED IN THE FORMER WALTON-ARTS CENTER PARKING LOT. THE PARK HOTEL WILL PROVIDE THE FOLLOWING AMENITIES:

- APPROXIMATELY 120 TRANSIENT LODGING HOTEL KEYS
- RESTAURANT / DINING
- CAFE / COFFEE SHOP
- ROOFTOP POOL, OUTDOOR EVENT, BAR, AND SERVICE AREAS
- CONFERENCE CENTER & BOARD ROOMS
- WELLNESS CENTER
- HOTEL ADMINISTRATIVE, OPERATIONAL AND SUPPORT FACILITIES
- CITY SERVICES: PUBLIC RESTROOMS FOR THE CIVIC PLAZA/TRAIL USERS
- CITY SERVICES: STORAGE SPACE ON BASEMENT LEVEL

## PLANNED ZONING DISTRICT AREAS

THE PLANNED ZONING DISTRICT INCLUDES ONE PARCEL AS INDICATED IN THE DIAGRAM. ASSOCIATED PROJECT IMPROVEMENTS, WHICH INCLUDE A RE-ALIGNMENT OF A PRIVATE DRIVE, RELOCATION OF A SHARED-USE TRAIL, PARKING FOR THE METRO-DISTRICT BUILDING, AND OFF-SITE PARKING FOR THE HOTEL WILL OCCUR OUTSIDE OF THE PZD AREA.





## STREET AND LOT LAYOUT

THE PROPERTY, AS IT EXISTS, DOES NOT HAVE FRONTAGE OR DIRECT ACCESS TO PUBLIC RIGHT-OF-WAY. SPRING STREET EXTENDS WESTWARD APPROXIMATELY 88 FEET FROM THE SPRING STREET/ WEST AVENUE INTERSECTION AND ENDS BEFORE REACHING THE PROPERTY. THE PROJECT PROPOSES A CONTINUATION OF SPRING STREET ADDRESSING FOR THE HOTEL LIKE THAT OF THE EXISTING METRO DISTRICT. THE PROPOSED HOTEL ADDRESS IS 500 W SPRING STREET.

AN EXISTING PRIVATE DRIVE CONNECTS TO SPRING STREET AND PROVIDES ACCESS TO THE METRO DISTRICT VIA PUBLIC ACCESS EASEMENT.

THIS PROJECT PROPOSES TO REALIGN THE EXISTING PRIVATE DRIVE TO ACCOMMODATE THE RELOCATION OF THE RAZORBACK GREENWAY TRAIL. THE LOCATION AND ALIGNMENT OF THE TRAIL IS IN DIRECT COORDINATION WITH THE CITY OF FAYETTEVILLE.

A DROPOFF AND VALET LANE EXTENDS PAST THE MAIN PRIVATE DRIVE, ALLOWING FOR TRAFFIC FLOW TO CONTINUE PAST TYPICAL DROP OFF AND VALET OPERATIONS.

THE DRIVE AND PARKING AREA END WITH A ROUNDABOUT IN ORDER TO KEEP ALL ASSOCIATED HOSPITALITY TRAFFIC AND VALET SERVICES WITHIN THE EXISTING SHARED ACCESS EASEMENT. HOTEL LOADING AND TRASH AREAS ARE LOCATED ON THE MOST WESTERN END OF THE BUILDING. THE ROUNDABOUT WILL HAVE A TRAFFIC RATED CENTER ISLAND TO ACCOMMODATE LOADING VEHICLES TURNING RADI.



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## **PARKING**

NO MINIMUM PARKING REQUIREMENT EXISTING FOR NON- RESIDENTIAL USES, INCLUDING A HOTEL. WITH THAT, THE CITY DOES REQUIRE A PARKING STATEMENT AND PLAN BE IN PLACE AS PART OF THE DEVELOPMENT. A DOWNTOWN PARKING STUDY WAS COMPLETED IN APRIL 2023 BY KIMLEY HORN AND PRESENTED TO THE PLANNING COMMISSION, WHICH INDICATED THE DOWNTOWN PARKING AREA WAS NOT AT CAPACITY.

THE HOTEL WILL PROVIDE VALET OR DROP-OFF ONLY OPTIONS FOR PATRONS AND GUESTS. ADDITIONALLY, TWO CITY OWNED PARKING GARAGES ARE LOCATED WITHIN 0.15 MILES OF THE HOTEL. THE PARKING INDICATED ON THE SITE PLAN IS PARKING TO SUPPORT THE EXISTING METRO BUILDING.

PER APPROVED CONTRACT WITH THE CITY, A MINIMUM OF APPROXIMATELY 55 - 65 SPACES SHALL BE PROVIDED OFF-SITE AT 601W CENTER STREET ( PARCEL # 765-12944-000), LOCATED 0.16 MILES FROM THE HOTEL. THIS PARCEL IS UNDER THE SAME OWNERSHIP, AND SHALL SERVE AS A VALET AND EMPLOYEE PARKING ONLY. THE OFF-SITE PARKING LOT WILL NOT BE OPEN TO THE PUBLIC, BUT THE OWNER DOES RETAIN THE RIGHT TO LEASE SPACES IF PARKING ABOVE THE 65 SPACES ARE AVAILABLE.

THE PROJECT PROPOSES THAT OFF-SITE PARKING SHALL BE IN PLACE BEFORE THE CERTIFICATE OF OCCUPANCY IS RELEASED FOR THE HOTEL. THE OFF-SITE PARKING AREA IS SUBJECT TO A CONDITIONAL USE PERMIT.

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## **BUFFER & LANDSCAPE AREAS**

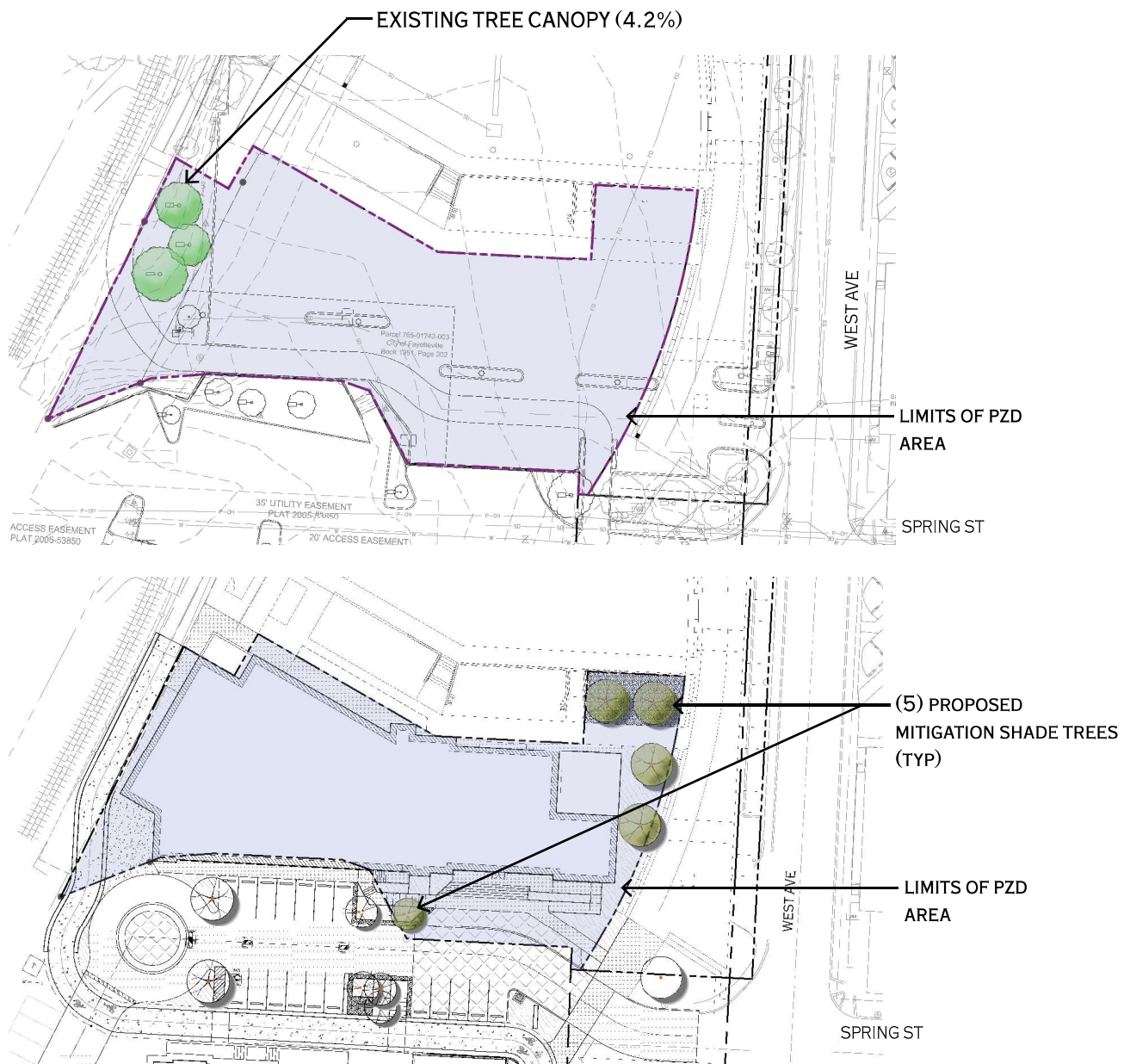
BUFFER AREAS ARE NOT REQUIRED PER THE CITY OF FAYETTEVILLE MUNICIPAL CODE. NO BUFFERS ARE PROPOSED AS PART OF THIS PROJECT.

THE PROPOSED LANDSCAPE FOR THIS PROJECT IS SUBJECT TO CHAPTER 177 LANDSCAPE REGULATIONS OF THE CITY OF FAYETTEVILLE MUNICIPAL CODE. FULL LANDSCAPE PLANS WILL BE SUBMITTED WITH THE GRADING PERMIT REVIEW.

## TREE PRESERVATION AREAS

THE MINIMUM TREE PRESERVATION REQUIREMENT FOR PZD AREAS IS 25%. THE EXISTING TREE CANOPY COVERAGE INCLUDES THREE PINE TREES NEAR THE WESTERN EDGE OF THE PROPERTY, AND IS 1,040 SF (4.2%) OF THE SITE.

DUE TO EXISTING USE ON THE SUBJECT PROPERTY (SURFACE PARKING LOT), THE AMOUNT OF EXISTING TREE CANOPY IS LIMITED. LIKewise, DUE TO THE SIZE OF THE PARCEL, SIGNIFICANT GRADE CHANGE, INCLUDING AN EXISTING 10 FT RETAINING WALL THAT REQUIRES REMOVAL. THE TREE MITIGATION BELOW IS LIMITED TO THE PZD AREA, FULL SITE ANALYSIS AND MITIGATION PLANS WILL BE PROVIDED AS PART OF THE GRADING PERMIT REVIEW OF THE OVERALL PROJECT.



## **STORM WATER DETENTION AREAS AND DRAINAGE**

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THE PROJECT WILL NOT BE ADDING MORE THAN 10,000 SF OF IMPERVIOUS AREA, THEREFORE, STORM WATER DETENTION OR WATER QUALITY MEASURES ARE REQUIRED OR PROVIDED. THE PROJECT WILL ADD NEW STORM WATER INFRASTRUCTURE AS NECESSARY BY THE SITE DESIGN, AND THE POST DEVELOPMENT CONDITIONS WILL MIMIC PRE-EXISTING CONDITIONS.

THE PZD AREA GENERALLY SLOPES FROM NORTHEAST TO SOUTHWEST, ANY OFF-SITE WATER TO THE NORTH IS BEING COLLECTED AS PART OF THE CIVIC PLAZA PROJECT. NEW STORMWATER WILL BE COLLECTED BY THE BUILDINGS ROOF DRAIN SYSTEM, AND DIRECTED TO AN UNDERGROUND SYSTEM. THE PROPERTY HAS ADEQUATE ACCESS TO EXISTING STORM PIPES/CULVERTS IN ORDER TO PROPERTY CONVEY STORM WATER. AN EXISTING DOUBLE CULVERT TO THE WEST WILL SERVE AS THE PRIMARY CONNECTION FOR FUTURE STORM WATER PIPES. LASTLY, THIS SITE WAS INCLUDED IN A LARGER DRAINAGE STUDY AS PART OF THE CULTURAL ARTS CORRIDOR PROJECT.

A STREAM PROTECTION AREA PASSES THROUGH THE SITE, FOLLOWING TANGLEWOOD BRANCH, WHICH HAS BEEN ENCLOSED IN A BOX CULVERT PRIOR TO THE ADOPTION OF THE CITY'S STREAMSIDE PROTECTION ORDINANCE. COORDINATION WITH THE ENGINEERING DIVISION WILL TAKE PLACE TO ENSURE COMPLIANCE WITH THE UDC CHAPTER 168.12, TO THE EXTENT POSSIBLE WITH EXISTING CONDITIONS BEING TAKEN INTO CONSIDERATION.

## **EXISTING AND PROPOSED UTILITY CONNECTIONS AND EXTENSIONS & IMPACT ON CITY SERVICES, INCLUDING THE AVAILABILITY OF WATER AND SEWER**

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AS PART OF THE DEVELOPMENT PROCESS, THE DESIGN TEAM WILL PROVIDE WATER AND SEWER DEMAND CALCULATIONS TO ENSURE THERE ARE A NEGATIVE IMPACTS TO THE CITY'S EXISTING SYSTEM.

CURRENTLY, A 6" WATER MAIN RUNS ALONG THE SOUTH OF THE PROPERTY, AND WILL BE USED FOR DOMESTIC SERVICE. IF ADDITIONAL CAPACITY IS NEEDED FOR FIRE SERVICE, A MAIN EXTENSION FROM AN 8" WATER LINE IN WEST AVE WILL BE PROPOSED. AN ADDITIONAL HYDRANT SHALL BE PROVIDED AS NECESSARY TO MEET FIRE CODE REQUIREMENTS.

A 12" SANITARY SEWER MAIN EXISTS TO THE SOUTH OF THE PROPERTY, WHICH LATER UP SIZES TO A 24" DOWNSTREAM. THE HOTEL WILL UTILIZE THE EXISTING MANHOLE, IF POSSIBLE, OR PROPOSE A NEW MANHOLE IN THE EXISTING LINE IF NECESSARY. THERE IS ADEQUATE DEPTH OF THE CITY'S EXISTING FACILITIES, SUCH THAT SERVICE IS NOT A CONCERN.

IT IS OUR UNDERSTANDING THAT THERE ARE SUFFICIENT PUBLIC UTILITIES TO SERVE THE PZD AREA AND THERE IS NOT ANTICIPATED TO BE ANY ADVERSE IMPACTS ON CITY SERVICES. FURTHER COORDINATION REGARDING DEMANDS WILL TAKE PLACE AS PART OF THE DEVELOPMENT PROCESS FOR THE HOTEL.

## DEVELOPMENT AND ARCHITECTURAL DESIGN STANDARDS

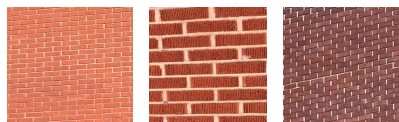
THIS PLANNED ZONED DISTRICT DOES NOT IMPOSE ADDITIONAL ARCHITECTURAL STANDARDS ABOVE THE CITY OF FAYETTEVILLE BUILDING DEVELOPMENT STANDARDS. THE DOWNTOWN DESIGN OVERLAY STANDARDS, THE STANDARD NON-RESIDENTIAL DESIGN STANDARDS (CHAPTER 166.24), AND THE COMMERCIAL, OFFICE, AND MIXED USE DESIGN DEVELOPMENT STANDARDS (166.25) WILL APPLY TO THIS PROJECT.

### BUILDING DESIGN NARRATIVE:

THE BUILDING STYLE WILL PULL INSPIRATION FROM HISTORICAL WAREHOUSE DISTRICTS. THIS PROPERTY IS ADJACENT TO A MULTI-GENERATIONAL RAILROAD AND LOCATED WITHIN A HISTORICAL WAREHOUSE / COMMERCIAL DISTRICT.

THE MATERIALS, SCALE AND BLOCKING DRAW INSPIRATION AND REFLECT UPON THE CENTURY ARCHITECTURE INCLUDING REPETITIVE LARGE WINDOWS, MASSING, TRADITIONAL MATERIALS AND ACCENTS. THE USE OF THESE HISTORIC PRECEDENCES WILL BE IMPLEMENTED IN CONTEMPORARY APPLICATIONS, SUCH AS PUNCHED OPENINGS AND CANTILEVERED CANOPIES / AWNINGS.

### PRIMARY MATERIALS



#### BRICK

HISTORICAL RED COLORS



#### EXAMPLES SHOWN INCLUDE:

NETWORK BLDG - FAYETTEVILLE, AR  
THEATRE SQUARED - FAYETTEVILLE, AR  
BAKERY BUILDING - FAYETTEVILLE, AR  
CENTER FOR MATH AND SCIENCE EDUCATION -  
FAYETTEVILLE, AR

#### WINDOWS

NON-OPERABLE THROUGHOUT\*  
STANDARD GLAZING ON UPPER FLOORS  
ENLARGED GLAZING ON LOWER / PUBLIC LEVELS  
HISTORICAL WAREHOUSE SCALE AND PATTERN]

\*VARIANCE WILL BE REQUIRED AT TIME OF DEVELOPMENT

### SECONDARY / TRIM MATERIALS



#### CAST STONE

ARTICULATION  
WINDOW ACCENTS  
CAST MONOLITHIC SILLS



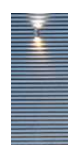
#### CAST IN PLACE CONCRETE

BOARD FORM FINISH  
BLOCKING  
SCALE



#### METAL

BLACK  
GALVANIZED  
ACCENTS  
BLOCKING  
GRILLS





## ARCHITECTURAL ELEVATION PRECEDENT IMAGERY

EXAMPLE FOR REFERENCE ONLY. ACTUAL ELEVATIONS WILL BE SUBMITTED AND REVIEWED AS PART OF THE BUILDING PERMIT PROCESS.



RAMBLE HOTEL - DENVER, CO



THE JUNTO HOTEL - COLUMBUS, OH



## ARCHITECTURAL ELEVATION PRECEDENT IMAGERY

THE FIRST AND SECOND FLOORS OF THE HOTEL ARE MIXED-USE, AND WILL HAVE TYPICAL CHARACTERISTICS OF ENGAGING, PEDESTRIAN FACING FEATURES TO PROMOTE WALKABILITY. OPEN CUT THROUGH'S, COVERED OUTDOOR AREAS PROVIDE A LARGE SCALE 'FRONT DOOR' VISUALLY INDICATING THE ACTIVE ZONE FOR PATRONS.



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## SIGNAGE EXAMPLES

SIGNAGE HAS NOT BEEN DESIGNED FOR THIS PROJECT. ANY SIGNAGE WILL BE PERMITTED THROUGH THE CITY OF FAYETTEVILLE PERMITTING PROCESS SEPARATELY, AND BE MEET THE SIGNAGE STANDARDS AS LISTED IN CHAPTER 174 OF THE CITY MUNICIPAL CODE. THE SIGNAGE SHALL MATCH THE REQUIREMENTS FOR THE MOST COMPARABLE ESTABLISHED ZONING, THE UNDERLYING ZONING, URBAN THOROUGHFARE.

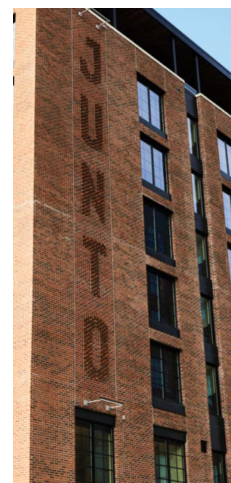
SIGNAGE WILL BE WALL MOUNTED, PAINTED, ENGRAVED, OR EMBEDDED. DIRECTIONAL SIGNAGE MAY BE PROPOSED AS PART OF THE PROJECT.



PARAMOUNT CENTER  
BOSTON, MA



Q&A RESTAURANT AND OYSTER BAR  
OCEANSIDE, CA



JUNTO HOTEL  
COLUMBUS, OH

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## STREETLIGHTS

NO PUBLIC STREETLIGHTS ARE ASSOCIATED WITH THIS PROJECT. THE CIVIC PLAZA PROJECT WILL PROVIDE ADEQUATE LIGHTING ALONG THE PUBLIC RIGHT-OF-WAY. ON-SITE LIGHTING IN THE PARKING AREA MAY BE NECESSARY, AND WILL BE REVIEWED AS PART OF THE DEVELOPMENT PROCESS. ALL SITE LIGHTING WILL MEET THE CITY OF FAYETTEVILLE MUNICIPAL CODE'S DARK SKY AND SHIELDING REQUIREMENTS WITH THE UTILIZATION OF WALL LIGHTING, BOLLARDS, AND LOW-LEVEL POLE LIGHTING.



SITE MATERIALS

THE SITE MATERIALS WILL REFLECT THE PALETTE OF THE CITY CIVIC PLAZA AND RAMBLE, DRAWING INSPIRATION FROM NATIVE COLORS AND TEXTURES SUCH AS STONE AND EARTH TONES.

BY USING A VARIETY OF MATERIALS AND PATTERNS, USE ZONES CAN BE VISUALLY ESTABLISHED, PROVIDING GUIDANCE TO VISITORS IN PEDESTRIAN AND VEHICULAR AREAS. THIS PROJECT HAS A UNIQUE POSITION TO ENGAGE THE PUBLIC IN MULTIPLE WAYS; THEREFORE, ESTABLISHING AN APPROPRIATE SCALE FEEL COMFORTABLE FOR PEDESTRIANS IS ESSENTIAL TO THE PROJECT’S SUCCESS.



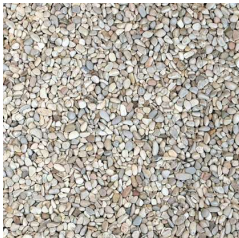
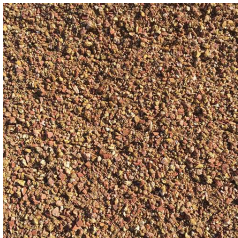
CAST-IN-PLACE CONCRETE

- BOARD FORM VERTICAL WALLS
- SEATING & BENCHES
- SAW-CUT PATTERNS
- INTEGRAL COLOR



PAVERS

- 4X4 GRANITE COBBLESTONE
- CONCRETE PAVERS
- STAMPED CONCRETE



OTHERS

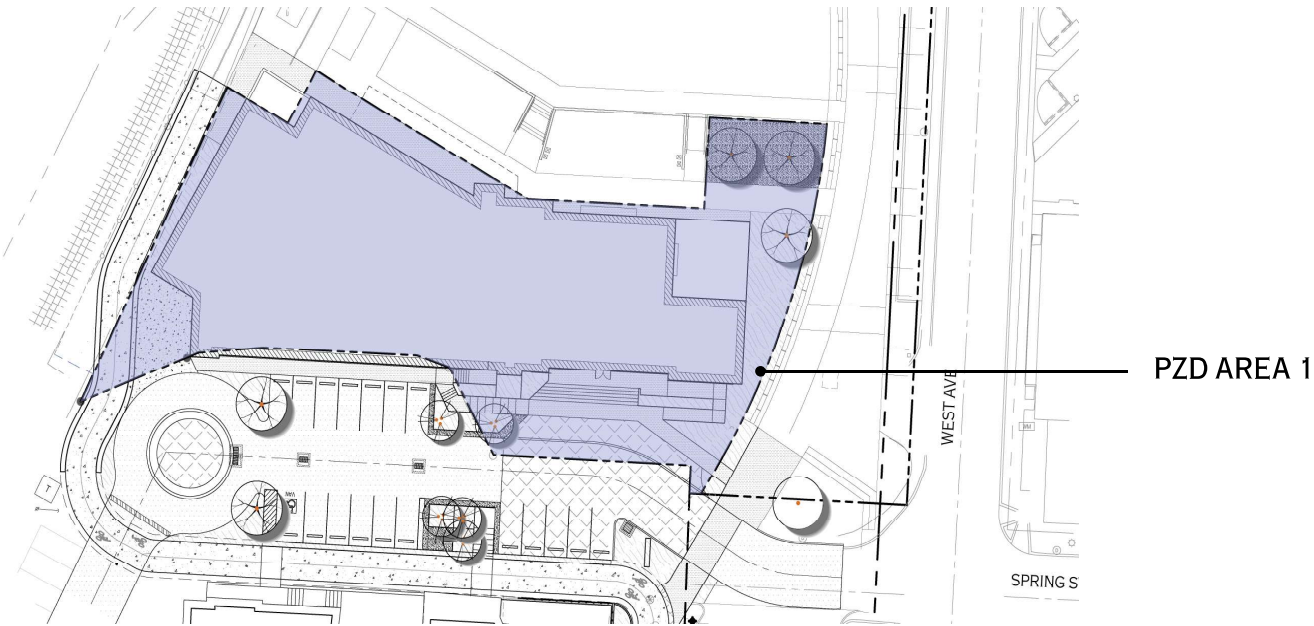
- DECOMPOSED GRANITE
- CRUSHED STONE



SITE PLAN & PZD AREA



SITE PLAN



PZD AREA

| EXISTING ZONING<br>(MSC) MAIN STREET CENTER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | PROPOSED ZONING<br>(PZD) PLANNED ZONING DISTRICT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>ALLOWED USES (BY RIGHT):</b><br><br>UNIT 1            CITY-WIDE USES BY RIGHT<br>UNIT 4            CULTURAL AND RECREATIONAL FACILITIES<br>UNIT 5            GOVERNMENT FACILITIES<br>UNIT 8            SINGLE-FAMILY DWELLINGS<br>UNIT 9            TWO-FAMILY DWELLINGS<br>UNIT 10           THREE (3) AND FOUR (4) FAMILY DWELLINGS<br>UNIT 13           EATING PLACES<br>UNIT 14           HOTEL, MOTEL, AND AMUSEMENT FACILITIES<br>UNIT 16           SHOPPING GOODS<br>UNIT 17           TRANSPORTATION TRADES AND SERVICES<br>UNIT 19           COMMERCIAL RECREATION, SMALL SITES<br>UNIT 24           HOME OCCUPATIONS<br>UNIT 25           OFFICES, STUDIOS, AND RELATED SERVICES<br>UNIT 26           MULTI-FAMILY DWELLINGS<br>UNIT 34           LIQUOR STORES<br>UNIT 40           SIDEWALK CAFES<br>UNIT 41           ACCESSORY DWELLINGS<br>UNIT 44           CLUSTER HOUSING DEVELOPMENT<br>UNIT 45           SMALL SCALE PRODUCTION<br>UNIT 46           SHORT-TERM RENTALS<br><br><br><b>CONDITIONAL USES:</b><br><br>UNIT 2            CITY-WIDE USES BY CONDITIONAL USE PERMIT<br>UNIT 3            PUBLIC PROTECTION AND UTILITY FACILITIES<br>UNIT 18           GASOLINE SERVICE STATIONS AND DRIVE-IN/<br>DRIVE-THROUGH RESTAURANTS<br>UNIT 28           CENTER FOR COLLECTING RECYCLABLE MATERIALS<br>UNIT 29           DANCE HALLS<br>UNIT 35           OUTDOOR MUSIC ESTABLISHMENTS<br>UNIT 36           WIRELESS COMMUNICATION FACILITIES<br>UNIT 42           CLEAN TECHNOLOGIES<br><br><br><b>DENSITY:</b><br>NO RESTRICTIONS | <b>ALLOWED USES (BY RIGHT):</b><br><br>UNIT 1            CITY-WIDE USES BY RIGHT<br>UNIT 4            CULTURAL AND RECREATIONAL FACILITIES<br>UNIT 5            GOVERNMENT FACILITIES<br>UNIT 13           EATING PLACES<br>UNIT 14           HOTEL, MOTEL, AND AMUSEMENT FACILITIES<br>UNIT 16           SHOPPING GOODS<br>UNIT 19           COMMERCIAL RECREATION, SMALL SITES<br>UNIT 24           HOME OCCUPATIONS<br>UNIT 25           OFFICES, STUDIOS, AND RELATED SERVICES<br>UNIT 26           MULTI-FAMILY DWELLINGS<br>UNIT 34           LIQUOR STORES<br>UNIT 40           SIDEWALK CAFES<br>UNIT 41           ACCESSORY DWELLINGS<br>UNIT 44           CLUSTER HOUSING DEVELOPMENT<br>UNIT 45           SMALL SCALE PRODUCTION<br>UNIT 46           SHORT-TERM RENTALS<br><br><br><b>CONDITIONAL USES:</b><br><br>UNIT 2            CITY-WIDE USES BY CONDITIONAL USE PERMIT<br>UNIT 3            PUBLIC PROTECTION AND UTILITY FACILITIES<br>UNIT 28           CENTER FOR COLLECTING RECYCLABLE MATERIALS<br>UNIT 29           DANCE HALLS<br>UNIT 35           OUTDOOR MUSIC ESTABLISHMENTS<br>UNIT 36           WIRELESS COMMUNICATION FACILITIES<br>UNIT 42           CLEAN TECHNOLOGIES<br><br><br><b>DENSITY:</b><br>NO RESTRICTIONS |

| EXISTING ZONING<br>(MSC) MAIN STREET CENTER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | PROPOSED ZONING<br>(PZD) PLANNED ZONING DISTRICT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>BULK AND AREA RESTRICTIONS:</b><br><br>LOT WIDTH MINIMUM:<br>DWELLING (ALL UNIT TYPES)      18 FEET<br><br>LOT AREA MINIMUM:<br>NONE<br><br>SETBACK REGULATIONS:<br>FRONT: BUILD - TO ZONE THAT IS LOCATED<br>BETWEEN THE FRONT PROPERTY LINE<br>AND A LINE 25 FEET FROM THE FRONT<br>PROPERTY LINE<br><br>SIDE:    NONE<br>REAR:   5 FEET<br>REAR:   12 FEET<br><br>MINIMUM BUILDABLE STREET FRONTAGE:<br>75% OF LOT WIDTH<br><br>BUILDING HEIGHT REGULATIONS:<br>MAXIMUM      5 STORIES / 7 STORIES*<br><br>* A BUILDING OR A PORTION OF A BUILDING THAT IS LOCATED<br>BETWEEN 0 AND 15 FEET FROM THE FRONT PROPERTY LINE<br>OR ANY MASTER STREET PLAN RIGHT-OF-WAY LINE SHALL<br>HAVE A MAXIMUM HEIGHT OF FIVE (5) STORIES. A BUILDING OR<br>A PORTION OF A BUILDING THAT IS LOCATED GREATER THAN<br>15 FEET FROM THE MASTER STREET PLAN RIGHT-OF-WAY LINE<br>SHALL HAVE A MAXIMUM HEIGHT OF SEVEN (7) STORIES. | <b>BULK AND AREA RESTRICTIONS:</b><br><br>LOT WIDTH MINIMUM:<br>DWELLING (ALL UNIT TYPES)      18 FEET<br><br>LOT AREA MINIMUM:<br>NONE<br><br>SETBACK REGULATIONS:<br>FRONT: 0 FEET<br><br>SIDE:    NONE<br>REAR:   0 FEET<br>REAR:   0 FEET<br><br>MINIMUM BUILDABLE STREET FRONTAGE:<br>75% OF LOT WIDTH<br><br>BUILDING HEIGHT REGULATIONS:<br>MAXIMUM      8 STORIES*<br><br>*BUILDING STORY INCLUDES ROOFTOP AMENITIES AND<br>SPACES AS DEFINED BY THE INTERNATIONAL BUILDING CODE.<br>ONLY A PORTION OF THE BUILDING (WHERE BASEMENT<br>EXISTS) WILL THE BUILDING BE GREATER THE 7 STORIES.<br><br>*BUILDING STORY EXCLUDES ROOFTOP AND MECHANICAL<br>EQUIPMENT, PARAPETS, EQUIPMENT SCREENING, AND OTHER<br>NON OCCUPIED SPACE. |

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## ANALYSIS OF THE SITE CHARACTERISTICS

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THE EXISTING SITE IS A MIX OF AN EXISTING PARKING LOT AND PARKING LOT LANDSCAPE ISLANDS. TWO LEVELS, UPWARDS OF 10 FEET, ARE SEPARATED BY A RETAINING WALL ON THE MOST WESTERN PORTION OF THE SITE. EXISTING TREES PROVIDE SOME SHADE, BUT A MAJORITY OF THE SITE IS EXPOSED TO THE ELEMENTS (WIND, RAIN, SUN). NO AREAS OF SIGNIFICANT ECOLOGICAL VALUE ARE PRESENT.

STORM WATER FLOWS FROM EAST TO WEST, INTO A SERIES OF GRATE INLETS, TRENCH GRATES, AND CURB INLETS THAT CONNECTED UNDERGROUND TO AN EXISTING DOUBLE CULVERT.

THE RAILROAD EXISTS TO THE WEST OF THE SITE, AND IS STILL OPERATIONAL.

## DESCRIPTION OF THE RECREATIONAL FACILITIES, INCLUDING EXISTING AND PROPOSED PARK SITES, OPEN SPACE AND ACCESSIBILITY TO PARKS AND OPEN SPACE AREAS

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THE CULTURAL ARTS CORRIDOR'S CIVIC PLAZA IS NORTH OF THE SUBJECT PROPERTY AND DEVELOPMENT. THE NORTH SIDE OF THE PROPERTY WILL HAVE VISUAL AND PHYSICAL TO THE ADJACENT PARK/OPEN SPACE WITH WINDOWS, DOORS, AND OUTDOOR TERRACES. THE HOTEL CAN BE ACCESSED DIRECTLY FROM THE CIVIC PLAZA.

SECONDLY, THE RAZORBACK GREENWAY TRAIL IS BEING RE-ROUTED AS PART OF THIS PROJECT. THE TRAIL WILL BE RECONFIGURED TO THE SOUTH ALONG THE EXISTING METRO BUILDING, AND WRAP AROUND THE WESTERN PORTION OF THE SITE, NEAR THE RAILROAD. IT WILL TIE INTO THE TRAIL ROUTING OF THE CIVIC PLAZA PROJECT. PUBLIC RESTROOMS ARE LOCATED AT THE MOST WESTERN EDGE OF THE BUILDING AND CAN BE DIRECTLY ACCESSED FROM THE TRAIL.

OVERALL, THE PROJECT IS WELCOMING AT MULTIPLE LOCATIONS TO PUBLIC OPEN SPACE.



## REASON FOR REQUESTING THE ZONING CHANGE

THIS PROJECT CAME TO BE IN COLLABORATION WITH THE CITY'S VISION FOR DOWNTOWN FAYETTEVILLE. DURING THE NEGOTIATIONS AND CONTRACT PHASES OF THE PROJECT, IT WAS DESIRED BY THE CITY AND PLANNING COMMISSION TO SEE THE SUBJECT PARCEL BE ZONED AS A PLANNED ZONING DISTRICT IN ORDER TO FURTHER DEFINE THE DESIGN APPROACH AND CONFIRM COMPLIANCE WITH THE INITIAL CONTRACT.

THE PROPOSED USE IS ALLOWED BY-RIGHT; THE ONLY DEVIATIONS FROM THE UNDERLYING ZONING IS THE ALLOWANCE OF A BUILDING HEIGHT OF EIGHT (8) STORIES.

THE SITE HAS AN OVERALL GRADE CHANGE OF 10 FROM THE EAST TO WEST. HOTEL AND CITY UTILITARIAN SPACES ARE BEING LOCATED AT THE LOWER END OF THE SITE CREATING A PARTIAL FLOOR LEVEL. THE ROOF TOP BAR IS BEING PLACED IN THE MIDDLE OF THE BUILDING WITH MAJORITY OF THAT ENCLOSED BUILDING MASS BEING SET BACK FROM THE MAIN BUILDING STRUCTURE. THESE MASSING MOVES PRESENTS A BUILDING THAT IS PRIMARILY 7 STORIES IN HEIGHT.

## STATEMENT OF HOW THE DEVELOPMENT WILL RELATE TO EXISTING AND SURROUNDING PROPERTIES IN TERMS OF LAND USE, TRAFFIC, APPEARANCE, AND SIGNAGE

THIS PROJECT WILL FILL A GAP IN THE EXISTING FABRIC OF DOWNTOWN BY USING TYPICAL MATERIALS USED THROUGHOUT DOWNTOWN FAYETTEVILLE. THE HOTEL WILL HAVE A PRIVATE DRIVE FOR ALL VEHICULAR CIRCULATION, MINIMIZING THE IMPACT TO THE PUBLIC RIGHT-OF-WAY, AND WEST AVE. THE PROPOSED LAND-USE FITS IN SEAMLESSLY, AS THE PROJECT IS CURRENTLY SURROUNDED BY COMMERCIAL OR MIXED-USE BUILDINGS.

## STATEMENT OF THE PROJECT'S COMPLIANCE WITH THE FAYETTEVILLE COMPREHENSIVE LAND USE PLAN

THE SUBJECT SITE IS LOCATED WITHIN THE HISTORICAL COMMERCIAL DESIGNATION IN THE FUTURE LAND USE MAP IN THE DOWNTOWN MASTER PLAN. THIS PROJECT AND DEVELOPMENT COMPLY WITH THE FUTURE LAND USE MAP.



**LEGAL DESCRIPTION:**

PT SW NE 0.60 AC & PT BLOCK 7 0.13 AC PARKING LOT N WEST AVE PT VACATED WEST SPRING ST FURTHER DESCRIBED IN 2023-32962 AS: A PART OF THE SOUTHWEST QUARTER (SW<sup>1</sup>/<sub>4</sub>) OF THE NORTHEAST QUARTER (NE<sup>1</sup>/<sub>4</sub>) OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE TRACTS OF LAND RECORDED IN THE WASHINGTON COUNTY RECORDER'S OFFICE IN BOOK 1340 AT PAGE 810 AND IN BOOK 1351 AT PAGE 302, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SW<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub>; THENCE S86°59'31"E (S87°09'15"E, PLAT), ALONG THE NORTH LINE OF SAID SW<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub>, A DISTANCE OF 164.75 FEET (165.65 FEET, PLAT); THENCE S03°00'29"W (S02°48'48"W, PLAT), A DISTANCE OF 42.68 FEET (41.47 FEET, PLAT) TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DICKSON STREET AND THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD, AS NOW ESTABLISHED; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S02°48'48"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 980.37 FEET AND A CHORD BEARING AND DISTANCE OF S14°47'51 "W, 366.22 FEET; THENCE ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 368.39 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE S60°10'51"E, A DISTANCE OF 27.29 FEET; THENCE N29°53'40"E, A DISTANCE OF 22.55 FEET; THENCE S60°06'20"E, A DISTANCE OF 96.03 FEET; THENCE S87°00'15"E, A DISTANCE OF 69.42 FEET; THENCE N03°36'51 "E, A DISTANCE OF 34.00 FEET; THENCE S87°00'15"E, A DISTANCE OF 46.04 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 304.25 FEET AND A CHORD BEARING AND DISTANCE OF S19°46'51 "W, 146.83 FEET; THENCE ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 148.29 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF SPRING STREET, AS NOW ESTABLISHED; THENCE DEPARTING SAID NON-TANGENT CURVE N86°51'11 "W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 4.34 FEET TO A POINT ON THE EASTERLY LINE OF THE PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587; THENCE ALONG SAID PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587 FOR THE FOLLOWING SEVEN (7) COURSES; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE N02°06'00"E, A DISTANCE OF 10.44 FEET TO A FOUND CHISELED "X"; THENCE N87°09'36"W, A DISTANCE OF 77.69 FEET TO A FOUND CHISELED "X"; THENCE N28°01'14"W, A DISTANCE OF 37.11 FEET TO A FOUND CHISELED "X"; THENCE N69°33'43"W, A DISTANCE OF 13.10 FEET TO A FOUND NAIL; THENCE N87°10'17"W, A DISTANCE OF 60.59 FEET TO A FOUND REBAR WITH CAP, "BATES 1642"; THENCE S85°31'41"W, A DISTANCE OF 25.47 FEET TO A FOUND REBAR WITH CAP, "BATES 1642"; THENCE S68°44'21 "W, A DISTANCE OF 49.88 FEET TO A FOUND REBAR WITH CAP, "BATES 1642" BEING IN SAID EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD; THENCE DEPARTING SAID PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587 AND ALONG SAID EAST RIGHT-OF-WAY LINE N26°06'02"E, A DISTANCE OF 99.09 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 980.37 FEET AND A CHORD BEARING AND DISTANCE OF N26°29'16"E, 31.66 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 31.66 FEET TO THE POINT OF BEGINNING. CONTAINING 24,559 SQUARE FEET OR 0.6 ACRES, MORE OR LESS, AND SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

