

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, April 22, 2024

5:30 PM

City Hall Room 219

Planning Commission Members

Andrew Brink, Chair

Mary McGetrick, Vice Chair

Brad Payne, Secretary

Matthew Cabe

Nick Castin

Jimm Garlock

Fred Gulley

Mary Madden

Nick Werner

Senior Assistant City Attorney Blake Pennington

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

Approval of the minutes from the April 8, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. PPL-2024-0002: Preliminary Plat (NORTHWEST OF E. ZION RD AND S. BUTTERFIELD COACH RD/HARPER SUBDIVISION, 101):

Submitted by ENGINEERING SERVICES INC for property located NORTHWEST OF E. ZION RD AND S. BUTTERFIELD COACH RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 34.66 acres. The request is for the preliminary plat of 132 residential lots. - Gretchen Harrison, Senior Planner

Unfinished Business**New Business****3. ADM-2024-0019: Administrative Item (Amend UDC Chapters 166.04, Parkland Dedication):**

Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 166.04(B)(4)(I) Parkland Dedication. The proposed code changes would modify the applicability section for Parkland Dedication requirements. - Jessica Masters, Development Review Manager

4. 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. - Gretchen Harrison, Senior Planner

5. PPL-2024-0003: Preliminary Plat (WEST OF S. HARROGATE LN/THE ELEMENT PH 5, 516):

Submitted by JORGENSEN & ASSOCIATES for property located at WEST OF S. HARROGATE LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 7.45 acres. The request is for the

preliminary plat of 36 residential lots. - Kylee Cole, Planner

6. RZN-2024-0015: Rezoning (4600 E. HUNTSVILLE RD/STONE STREET RENTALS LLC, 570):

Submitted by JOHN CLOYED for property located at 4600 E. HUNTSVILLE RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.94 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE. - Kylee Cole, Planner

7. RZN-2024-0016: Rezoning (2460 N. OLD WIRE RD/FAYETTEVILLE NATURE SCHOOL, 292):

Submitted by MELANEE LAVERY for property located at 2640 N. OLD WIRE RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 1.52 acres. The request is to rezone the property to P-1, INSTITUTIONAL. - Kylee Cole, Planner

8. RZN-2024-0017: Rezoning (512 N. MISSION BLVD/ZWEIG, 446):

Submitted by FLINTLOCK LTD CO. for property located at 512 N. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL. - Gretchen Harrison, Senior Planner

9. RZN-2024-0018: Rezoning (SOUTHWEST OF W. TREADWELL ST AND S. HILL AVE/SUBTEXT ACQUISITIONS, LLC. AND MODUS STUDIO, 522):

Submitted by SUBTEXT ACQUISITIONS, LLC. AND MODUS STUDIO for property located at SOUTHWEST OF W. TREADWELL ST. AND S. HILL AVE. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE and contains approximately 2.9 acres. The request is to rezone the property to MSC, MAIN STREET CENTER. - Donna Wonsower, Planner

Items Administratively Approved by Staff

10. LSIP-2024-0002: Large Site Improvement Plan (SOUTH OF 2801 W. MCMILLAN DR /MARINONI DEVELOPMENT, 441):

Submitted by CRAFTON TULL for property located SOUTH OF 2801 W. MCMILLAN DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 10.79 acres. The request is for the extension of a Residential Link Street. - Jessica Masters, Development Review Manager

11. LSIP-2023-0005: Large Site Improvement Plan (WEST OF W. WEDINGTON DR & N. GOLF CLUB DR/AUTOZONE, 400):

Submitted by CRAFTON TULL for property located WEST OF W. WEDINGTON DR & N. GOLF CLUB DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 0.94 acres. The request is for a 15,439-square-foot commercial building with associated parking. - 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, 04/08/2024					
Time:		5:30 PM						
Staff :		☐ Melissa Evans ☐ John Scott ✕ Jessie Masters ✕ Gretchen Harrison ✕ Donna Wonsower ✕ Kylee Cole						
		☐ Britin Bostick ☐ Sherry Smith ☐ Josh Boccaccio ☐ Melissa Boyd ☐ Fire Marshal/Andrew Horton ☐ Chris Brown ☐ Alan Pugh						
	Roll Call	1) Minutes (03/25/2024)	2) CCP-2024-0003 (HABITAT FOR HUMANITY)	3) RZN-2024-0011 (CITY OF FAYETTEVILLE EXPIRED PZDS)				
Brink	1	1	1	1	1	0	1	1
Payne	1	1	1	1	1	0	0	1
Castin	1	1	1	1	0	1	1	1
Garlock	1	1	1	1	0	1	1	1
Cabe	0							
Werner	1	1	1	1	0	1	1	1
Gulley	1	1	1	1	0	1	1	1
Madden	1	1	1	1	0	1	1	1
McGetrick	1	1	1	1	0	1	1	1
Agenda		Consent	Consent	Old				
Motion By		Garlock	Garlock	Payne	Payne	Werner	Garlock	Garlock
Motion 2nd		Payne	Payne	Werner	Brink	Garlock	Gulley	Castin
Vote		8-0-0	8-0-0	8-0-0	2-6-0	6-2-0	7-1-0	8-0-0
Action		Approve	Approve	Divide	Revert	Reconsider	Forward	Forward
Time		5:33 PM	5:33 PM	5:45 PM				
Motion Detail				Divide the question to consider Springwoods PZD separately from the other items.	Springwoods lots 5-9, 12 to H-1 zoning.	Springwoods lots 5-9, 12 to UT zoning.	Springwoods lots 5-9, 12 to City Council with a recommendation of approval for UT zoning.	Remaining items to City Council with a recommendation of approval, as recommended by staff.
Public Comment		0	0	0				

(pg. 2) Planning Commission		Monday, 04/08/2024				
	4) ADM-2024-0011 (FAYETTEVILLE PUBLIC SCHOOLS)	5) VAR-2024-0017 (SOUTH CATO HOLDINGS)	6) VAR-2024-0016 (TRINITAS VENTURES)	7) CUP-2024-0011 (TRINITAS VENTURES)	8) CUP-2024-0010 (LISA ACADEMY)	9) RZN-2024-0009 (WILLOW BEND LOTS 23, 26 & 31)
Brink	1		1	1	1	1
Payne	1		1	1	1	1
Castin	1		1	0	1	1
Garlock	1		0	0	1	1
Cabe						
Werner	1		1	1	1	1
Gulley	1		0	0	1	1
Madden	1		0	1	1	
McGetrick	1		0	0	1	1
Agenda	New	New	New	New	New	New
Motion By	Payne		Payne	Brink	Garlock	Garlock
Motion 2nd	Castin		Castin	Payne	Werner	Werner
Vote	8-0-0		4-4-0	4-4-0	8-0-0	7-0-0
Action	Approve	Withdrawn	Approve	Approve	Approve	Forward
Time	6:20 PM		6:39 PM	7:24 PM	7:30 PM	7:38 PM
Motion Detail	Modifying condition #1 for a 3 year extension.		Fails	Fails	With all conditions as recommended by staff.	With a recommendation of approval.
Public Comment	0		1	0	0	0

(pg. 3) Planning Commission						
Monday, 04/08/2024						
	10) RZN-2024-0010 (FERDOWSIAN)	11) RZN-2024-0012 (TAPROOT INVESTMENT PARTNERS)	12) RZN-2024-0014 (MOUNT SEQUOYAH CENTER)	13) PZD-2024-0002 (COLESON BROOK)	14) PZD-2024-0003 (PARK HOTEL)	
Brink	0	1	1	1	1	
Payne	0	1	1	1	1	
Castin	0	1	1	1	1	
Garlock	0	1	1	1	1	
Cabe						
Werner	0	1	1	1	1	
Gulley	0	1	1	1	1	
Madden						
McGetrick	0	1	1	1	1	
Agenda	New	New	New	New	New	
Motion By	Garlock	Garlock	Castin	Garlock	Garlock	
Motion 2nd	Castin	Brink	Werner	Payne	Brink	
Vote	0-7-0	7-0-0	7-0-0	7-0-0	7-0-0	
Action	Forward	Forward	Forward	Forward	Forward	
Time	7:59 PM	8:05 PM	8:13 PM	8:30 PM	8:45 PM	
Motion Detail	With a recommendation of approval.	With a recommendation of approval.	With a recommendation of approval.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	
Public Comment	1	0	1	0	0	



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: April 22, 2024

SUBJECT: **PPL-2024-0002: Preliminary Plat (NORTHWEST OF E. ZION RD. AND S. BUTTERFIELD COACH RD./HARPER SUBDIVISION, 101):** Submitted by ENGINEERING SERVICES INC. for property located NORTHWEST OF E. ZION RD. AND S. BUTTERFIELD COACH RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 34.66 acres. The request is for the preliminary plat of 132 residential lots.

RECOMMENDATION:

Staff recommends approval of **PPL-2024-0002** with conditions.

RECOMMENDED MOTION:

*"I move to approve **PPL-2024-0002**, recommending:*

- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements,*
- In favor of a variance to UDC §166.08(E), and*
- In favor of all other conditions as outlined by staff."*

BACKGROUND:

The subject property is in northeast Fayetteville at the northwest corner of Zion Road and Butterfield Coach Road. The property contains one parcel which was annexed into the City of Fayetteville in 2005 and subsequently rezoned to RSF-4, Residential Single-Family, Four Units per Acre. A preliminary plat of a 126-lot residential subdivision was approved by the Planning Commission in December 2021 (PPL-2021-000015). That preliminary plat was modified in February 2022 to include 132 lots, including six unbuildable lots, due to the presence of sensitive waters which were determined to be regulatory under new federal laws (ADM-2022-000005). A one-year extension to the preliminary plat was granted in May 2023 which extended its approval until December 2023 (ADM-2023-0018). Since a second one-year extension was not requested and the grading permit for the project expired, approval of the preliminary plat expired in December 2023. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Rural Residential	RSF-4, Residential Single-Family, Four Units per Acre; A-1, Agricultural (Springdale)
South	Rural Residential	Ag/SF-1, Agriculture/Single-Family Residential, One Unit per Acre (Washington County)
East	Agricultural	SF-2, Low/Medium Density Single-Family Residential

		(Springdale)
West	Rural Residential	RSF-4, Residential Single-Family, Four Units per Acre; A-1, Agricultural (Springdale)

Proposal: The applicant is proposing a subdivision with 132 lots, including 124 residential lots, two detention lots, and six unbuildable lots. One variance was submitted with the request:

- **Variance: UDC §166.08(E)(1)(c): Block Length. Intersections along Residential Link Streets shall occur at a minimum of one (1) every 660 feet.** The applicant has requested a variance from this requirement for a proposed internal Residential Link Street, Brixey Avenue. As proposed, the north end of that street would have a block length of approximately 690 feet, roughly 30 feet over the maximum required by code.
 - *Staff recommendation: Staff is generally supportive of the applicant's request for a variance to block length standards. In the plans that were originally approved for this project in 2021, the north end of Brixey Avenue was a straight road that complied with block length standards and terminated with a cul-de-sac. The design of the subdivision was modified slightly in 2022 in response to the finding of jurisdictional waters, and curves were added to Brixey Avenue to allow for more standard lot sizes. Staff is supportive of the applicant's request since it would allow for more consistent lot sizes while still providing an opportunity for increased connectivity on adjacent properties.*

Right-of-Way to be Dedicated:

Butterfield Coach Road: While the portion of Butterfield Coach Road adjacent to the subject property is designated as a Residential Link Street in the 2040 Master Street Plan, staff recommends that it be improved to align with the standards for a Neighborhood Link Street to better accommodate future growth. To the south, the road is classified as a Neighborhood Link Street, and to the north, the road is classified as a Major Collector in the City of Springdale's Master Street Plan. Since the existing right-of-way along the property's Butterfield Coach Road frontage exceeds what would be required, staff does not recommend right-of-way dedication.

Zion Road: The portion of Zion Road adjacent to the subject property is classified as a Residential Link Street in the 2040 Master Street Plan. Since the existing right-of-way along the property's Zion Road frontage exceeds what would be required, staff does not recommend right-of-way dedication.

Badger Street and Brixey, Gilpin, and Lowery Avenue: These streets are proposed to be improved as standard Residential Link Streets. Staff recommends right-of-way dedication in the amount of 52 feet along these streets to align with those standards.

Greely Avenue: Greely Avenue is proposed to be improved as a Residential Link Street with the seven-foot parking lane removed. Staff recommends right-of-way dedication in the amount of 45 feet along Greely Avenue to align with the street's proposed classification and improvements.

Street Improvements:

Butterfield Coach Road: Staff recommends that the property's Butterfield Coach Road frontage be improved to meet the standards for a Neighborhood Link Street with six-foot sidewalk, 10-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.

Zion Road: Staff recommends that the property's Zion Road frontage be improved to meet the

typical standards for a Residential Link Street with six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.

Badger Street and Brixey, Gilpin, and Lowery Avenue: Staff recommends that these streets be improved to meet the typical standards for a Residential Link Street with six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.

Greely Avenue: Staff recommends that this street be improved to meet the standards for a Residential Link Street without a seven-foot parking lane to include six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.

Block Length/Connectivity: Staff finds that the proposed preliminary plat largely complies with the City of Fayetteville's block length and connectivity standards. One variance to the City's block length standards has been requested as described above alongside staff's recommendation.

Water and Sewer System: The applicant is proposing to extend eight-inch water mains through the development to provide fire protection and domestic water service. An offsite upgrade of an existing three-inch water main from George Anderson Road to the development is also proposed to provide adequate capacity for the development's water demand. With regard to sewer, the applicant is proposing to extend eight-inch sewer mains through the development to provide sanitary sewer service. An offsite extension will be necessary to tie into an existing sanitary sewer lift station in the Copper Creek Subdivision.

Tree Preservation:

Canopy minimum requirement: 25%

Existing canopy: 1.4%

Preserved canopy: 0.3%

Mitigation required: 54 two-inch caliper trees

Parks: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on September 8, 2021. The Parks and Recreation Advisory Board recommended fee-in-lieu for this development in the amount of \$135,036 based on the number of proposed single-family lots. Park fees are due prior to building permit issuance.

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

RECOMMENDATION: Staff recommends approval of **PPL-2024-0002** with the following conditions:

Conditions of Approval:

1. **Planning Commission recommendation of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 52 feet along Badger Street and Brixey, Gilpin, and Lowery Avenue and in the amount of 45 feet along Greely Avenue.*

Subdivision Committee recommended in favor of right-of-way dedication.

2. **Subdivision Committee recommendation of street improvements.** *Staff recommends street improvements as follows:*
 - a. Butterfield Coach Road: *The property's Butterfield Coach Road frontage shall be*

improved to meet the standards for a Neighborhood Link Street with six-foot sidewalk, 10-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.

- b. Zion Road: The property's Zion Road frontage shall be improved to meet the typical standards for a Residential Link Street with six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.*
- c. Badger Street and Brixey, Gilpin, and Lowery Avenue: These streets shall be improved to meet the typical standards for a Residential Link Street with six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.*
- d. Greely Avenue: This street shall be improved to meet the standards for a Residential Link Street without a seven-foot parking lane to include six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plans.*

Subdivision Committee recommended in favor of street improvements.

- 3. Planning Commission determination of a variance to UDC §166.08(E)(1)(c): Block Length.** *Staff recommends approval of this variance.*

Subdivision Committee recommended in favor of street improvements.

- 4. Parkland fees in lieu of dedication are required in the amount of \$135,036 based on the number of proposed single-family lots.
- 5. Streetlights shall be installed in accordance with code at all street intersections and at intervals of no more than every 300 feet.
- 6. All lots that have frontage on Butterfield Coach Road shall limit driveway access to the proposed private alleys.
- 7. Conditions of approval from Engineering, Urban Forestry, and Parks are included in the official conditions of approval.

Standard Conditions of Approval:

- 8. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
- 9. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;
- 10. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;
- 11. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;

12. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
13. 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);
14. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements; and
15. Preliminary Plat approval shall be valid for one year.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>April 22, 2024</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Engineering Memo
- Urban Forestry Comments
- Parks Comments
- Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map



TO: Gretchen Harrison, Senior Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: April 18, 2024

**SUBJECT: Planning Commission Engineering Comments for
PPL-2024-0002 Harper Subdivision**

Water: The applicant is proposing to extend 8" water mains through the development to provide fire protection and domestic water. In addition, an offsite upgrade of the existing 3" water main from S George Anderson to the development is proposed to provide adequate capacity for the development's water demand.

Sewer: The applicant is proposing to extend 8" sewer mains through the development to provide sanitary sewer. An offsite extension will be necessary to tie into an existing sanitary sewer lift station in the Copper Creek Subdivision. There is currently a proposal to take this lift station offline and install a regional lift station with the Chandler Crossing development. Additional information on sewer capacity will be required prior to grading permit issuance to verify capacity of the existing lift station and downstream lift stations in Copper Creek.

Streets: The applicant is proposing to install typical residential streets in the development as well as widening E Zion Rd and S Butterfield Coach Rd. The widening is recommended to include a mill and overlay to the existing centerline of the roadways to provide a consistent cross slope that meets the City of Fayetteville's Minimum Street Standards.

Natural Features: A Section 404 reconnaissance was completed by FTN Associates, Ltd. in 2021. They observed 2 open water features (ponds), an intermittent channel, and an ephemeral channel. The open water features and ephemeral channel were considered non-jurisdictional, and the ephemeral channel was considered jurisdictional. However, only the USACE can officially determine if a site feature is jurisdictional or not. With the recent Supreme Court case decided in May 2023, we have recommended the developer reach out to FTN to see if the reconnaissance document needs to be updated.

Drainage: The proposed subdivision will add more than 10,000 square feet of impervious area and therefore must meet the 4 Minimum Standards outlined in the Drainage Criteria Manual. There are 2 retention ponds proposed to meet these requirements. Water quality is proposed to be met through the permanent pools of the wet, extended detention pond and a micro-pool extended detention pond. Channel Protection is proposed to be met by releasing the increase in volume for the 1-year storm over a period of 40 hours. Overbank and Extreme Flood Protection are proposed to be met in these ponds as well. Additional review of the drainage and storm network will occur during grading permit.

Plan Comments:

1. Access must be provided to each inlet of the proposed micro-pool ED pond.
2. Please review requirements of micro-pool ED ponds. Some that are listed in Water Quality Summary (Area B) do not apply or are incorrect.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets, and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developer's expense.
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of the meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - Waterline fittings, callouts, or utility conflicts
 - Street profiles
 - Fine grading/spot elevations



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Joshua Haley, EI, ESI
From: Melissa Evans, Urban Forester
CC: Gretchen Harrison, Senior Planner
Meeting Date: April 22, 2024
Subject: PPL-2024-0002: Harper Subdivision: Northwest of E. Zion Rd and S. Butterfield Coach Rd, 101

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

2. Tree Preservation Calculations

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	1,496,991	100%
Zoning Designation * Select Below with drop down arrow		
RSF-4 Single-Family Residential, Four Units Per Acre	374,248	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	374,248	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	20,271	1.4%
Tree Canopy Preserved	4,955	0.3%
Tree Canopy Removed *On Site	15,316	1.0%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	15,316	1.0%
Removed Below Minimum	369,293	
Mitigation Requirements	15,316	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	8,606	39
Low Priority	6,710	15
Total Mitigation Trees Required	15,316	54

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

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1 and 167.04L1</i>	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	Yes
b. Property Boundary	Yes	Yes	Yes
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	Yes
d. Existing Topography and Proposed Grading	Yes	Yes	Yes
e. Soil Types	Yes	Yes	Yes
f. Significant Trees	Yes	Yes	Yes
g. Groupings of Trees	Yes	Yes	Yes
h. Table Inventory List (species, size, health, priority)	Yes	Yes	Yes
i. All Existing and Proposed Utilities	Yes	Yes	Yes
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	Yes
k. All Streams (with approximate center line)	N/A	N/A	N/A
l. Floodplains and floodways	N/A	N/A	N/A
m. Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	Yes
n. Submitted Site Analysis Plan (if required)	No	No	Yes
o. Shows ALL Proposed Site Improvements	Yes	Yes	Yes
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	Yes
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	N/A	N/A	N/A

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

6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X		
7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	3-25-24	4-9-24	4-17-24
Approved			
Tabled			
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
- Address items above marked “No” and all Redlines provided. Thank you for providing a site analysis statement detailing why the minimum tree canopy percentage (1.4%) cannot be preserved.



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Joshua Haley, EI, ESI
From: Melissa Evans, Urban Forester
CC: Gretchen Harrison, Senior Planner
Meeting Date: April 22, 2024
Subject: PPL-2024-0002: Harper Subdivision: Northwest of E. Zion Rd and S. Butterfield Coach Rd, 101

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>		X	
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
1 Tree : 12 Parking Spaces				

b. Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	N/A			
c. Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>				X
d. Tree Island (8' min. width, 18.7' min length, 150 square feet) <i>UDC Chapter 177.04C</i>				X
e. Placement of Trees (either side at entrances and exits) <i>UDC Chapter 177.04C2</i>				X
3. Perimeter Landscaping Requirements	Yes	No	N/A	
a. Front Property Line (15' wide landscape) and 5' on sides and rear. <i>UDC Chapter 177.04D2a</i>				X
b. Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>				X
c. Screening of parking lot from adjacent residential properties.				X
4. Street Tree Planting Requirements	Yes	No	N/A	
a. Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05B1a</i>	X			
b. Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05B2a</i>				X
c. Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>				X
d. Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan <i>UDC Chapter 177.05B3a-f</i>				X
e. Residential Subdivisions Timing of planting indicated on plans <i>UDC Chapter 177.05A4</i>	X			
f. Residential Subdivisions Written description for method of tracking planting <i>UDC Chapter 177.05A4e</i>	X			

5. Landscape Requirement Totals	Amount
Mitigation Trees	54
Parking Lot Trees	0
Street Trees	124
Detention Pond – Large Trees (1 Tree/3,000 square feet)	17
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	69
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	104

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	3-25-24	4-9-24	4-17-24
Approved			
Tabled			
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please check utility and tree planting conflicts.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: March 20, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: September 8, 2021

Project Title: Harper Subdivision

Project Number: PPL-2024-0002

Project Location: NW intersection of E Zion Rd and S Butterfield Coach Rd

Plat Page: 101

Park Quadrant: NE

Billing Name & Address: BRITOM LLC, PO Box 773, Springdale AR 72765

☐ Land Dedication ☒ Fee-in-Lieu ☐ Combination

FEE-IN-LIEU					TOTAL Fees
Single Family:	<u>124</u>	units	x	\$1,089 per unit =	<u>\$135,036</u>
Multi Family:	<u> </u>	units	x	\$952 per unit =	<u>\$ 0</u>

- SUMMARY:
- Project proposes 124 SF units and 0 MF units.
 - The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission’s approval of the Final Plat.
 - Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
 - Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
 - Approved by the City’s Land Agent in the Engineering Division.
 - Recorded at the Washington County Courthouse.
 - 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.

March 28, 2024

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

RE: Overall Narrative
Harper Subdivision
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a narrative to accompany the complete resubmittal for Harper Subdivision. The proposed subdivision is located just north-west of intersection of Butterfield Coach Rd. and E. Zion Rd. It is Washington County Parcel Number 765-24110-000 (37.27 Acres) and is currently zone RSF-4. The proposed development would consist of 132 total lots. Of the 132 lots, 124 would be residential, 2 would be non-residential (detention), and 6 would be unbuildable POA lots.

Pre-Application Meeting

A pre-application meeting was held with Fayetteville Planning, Engineering, and Urban Forestry. All discussion at the meeting has been utilized in the design of the plans.

Parks and Recreation Advisory Board Meeting

This project has been before the Parks and Recreation Advisory Board, where fee-in-lieu was requested and approved by the board.

Subdivision Committee

A subdivision committee review was held at Fayetteville City Hall. Primary discussions were related to Butterfield Coach Road. Although the section of Butterfield Coach Road fronting this property is considered a Residential Link in Fayetteville's 2040 Master Street Plan, it was decided to make adjustments allowing for future expansion. In order to do so without negative impacts to the site layout, it was discussed that the greenspace and R/W dedicated would match that of a Neighborhood link. However, the sidewalk section would match that of a Residential Link to match the surroundings. No Waiver is requested as this exceeds the requirements for the City of Fayetteville's 2040 Master Street Plan.

Utilities

This site has access to public water, with an existing 3" water main along E Zion Road. This water main will be upgraded from the project area, west to the existing 12" water main at S George Anderson. This site currently does not have access to sewer. The entirety of the site will drain by gravity to an existing lift station in the Copper Creek Subdivision. City Staff have pot holed the existing water mains offsite to ensure that there will be no conflicts between the proposed gravity sewer and the existing water mains.

Traffic

Please see the breakdown below for the traffic rates. As Butterfield Coach is on the master street plan as a Residential Link, no traffic impact study is required as long as trip generation does not exceed 150 peak hour trips. If the entirety of the development were to utilize Butterfield Coach, it would still not exceed this number. Although not required by Minimum Street Standard, Peters and Associates is has performing a traffic study.

Trip Generation	
Land Use	SF Res
Variable	Dwelling Units
Trip Type	Vehicular
# of Units	111
Avg Daily Rate	9.44
AM Trips	83
AM In	21
AM Out	62
PM Trips	112
PM In	71
PM Out	41

This submittal includes the following items:

- No submittal fee is included. Once the invoice is generated, this will be paid by the developer.
- Preliminary Plat Plans
- Preliminary Drainage Report

Please let me know if I can answer any questions.



Joshua Haley, E.I.

Project Engineer

March 29, 2024

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

RE: Block Length Variance Request
Harper Subdivision
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a variance request to serve the Harper Subdivision.

Variance

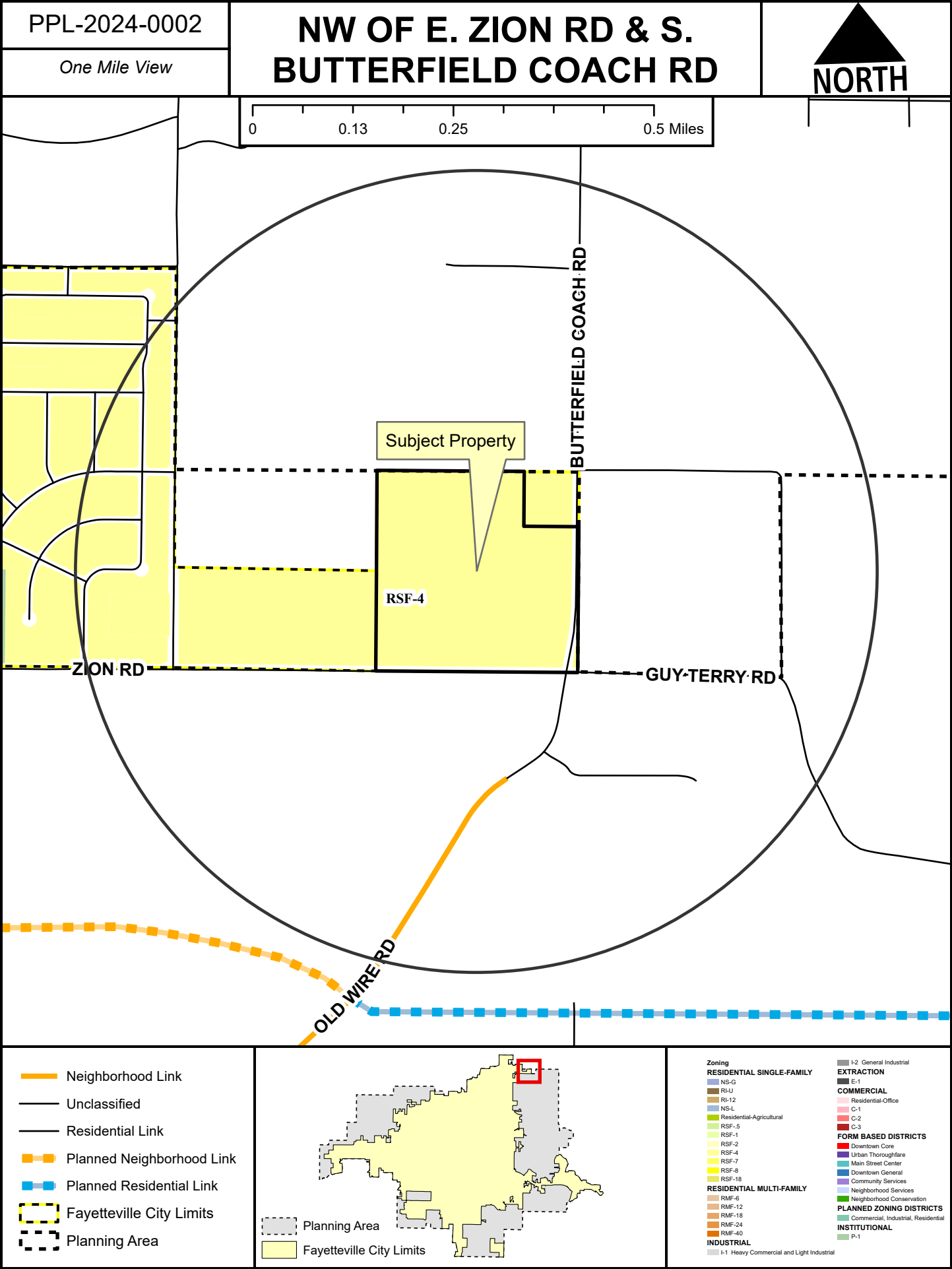
With the revised plans, a variance is needed for block length to North Brixey Avenue. The block length, as measured from E Badger Street to the fire truck turn around on the north side, is approximately 690' which is just over the 660' maximum required by city code.

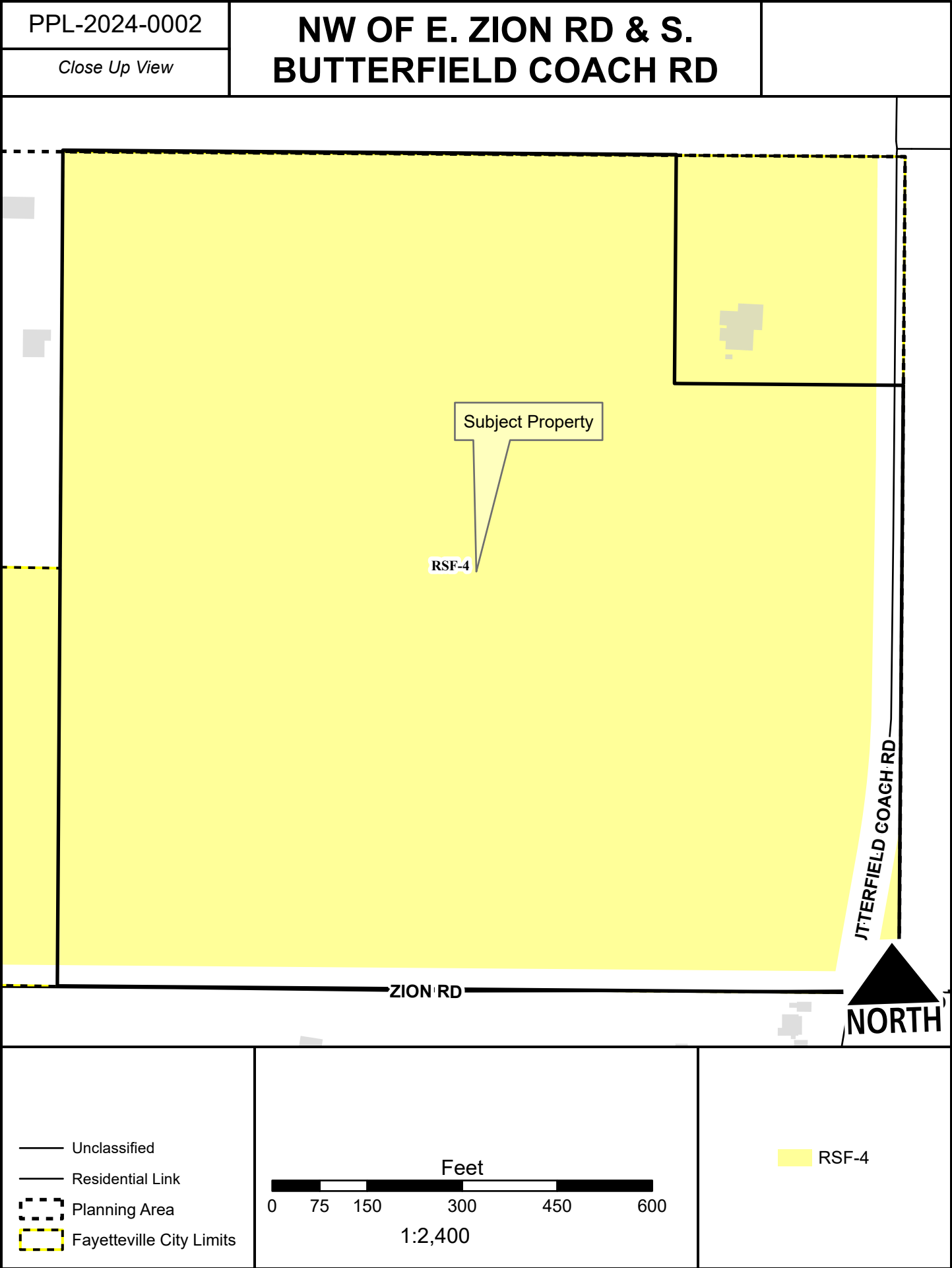
This variance is requested for the following reasons:

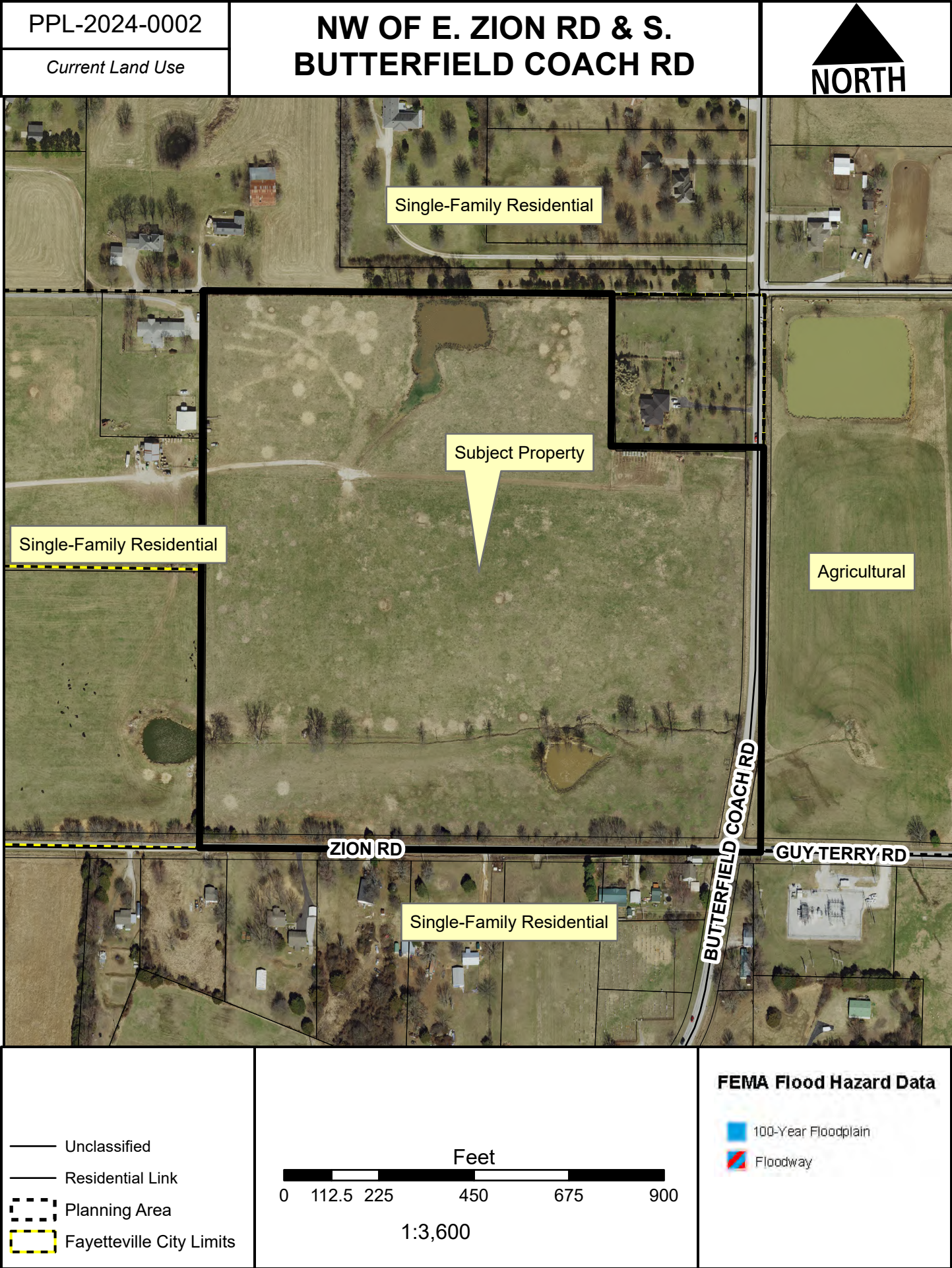
1. If this was a straight road without curves, it would be less than 660 linear feet (reference Lowery and Gilpin). The curves have been added from the previously approved plans to reduce speeds and for aesthetics. It also removed a dead-end cul-de-sac street by revising the layout from the previously approved plans.
2. The street currently dead-ends at the end of Fayetteville's city limits, into a county road. Should Fayetteville acquire north of this property in the future, this allows the city to connect the streets together.
3. Potential jurisdictional waters were found which caused the site to be designed around them. This impacted the layout by shifting E Badger Street south slightly. Based on the site layout, there was no other way draw N Brixey Avenue other than to make it a straight street. In making it a straight street, Lots 71-75 would be substantially smaller, while lots 66-70 would be substantially larger. In an effort to split the difference, curves were added, which now exceeds 660 linear feet.

Please let me know if I can answer any questions.


Joshua Haley, E.I.
Project Engineer









TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: April 22, 2024

SUBJECT: **ADM-2024-0019: Administrative Item (Amend UDC Chapters 166.04, Parkland Dedication):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 166.04(B)(4)(I) Parkland Dedication. The proposed code changes would modify the applicability section for Parkland Dedication requirements.

RECOMMENDATION:

Staff recommend forwarding **ADM-2024-0019** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **ADM-2024-0019** to the City Council with a recommendation of approval."*

BACKGROUND:

In 2021, Fayetteville City Council passed a sweeping amendment to the Unified Development Code intended to revamp drainage and development standards, with a secondary objective on incentivizing infill. Through these changes, the requirement for a project to receive an additional site plan review, either through a site improvement plan or a large scale development, was shifted solely to a basis on the addition of 10,000 sq. ft. of impervious surface to a property, and the size of the overall site in question. In the intervening period since 2021, staff have audited the outcomes of these changes, and have identified several areas that require revision and clarification. While additional ordinance changes are still being considered by the Long-Range Planning Committee and the Planning Commission, an immediate concern was raised given the potential and actual loss of parkland dedication fees-in-lieu.

DISCUSSION:

The requirement to dedicate parkland with the development of a residential project was originally adopted by City Council in 1981 (Ordinance 2695) and was ultimately reaffirmed with the adoption of the Unified Development Code in 1998 (Ordinance 4100). Minor changes have also occurred to clarify the ordinance requirements throughout the years, though the intention to capture impact of new residential units on the City's Park system has not changed. Parkland dedication can also be met through the payment of fees-in-lieu of land.

Currently, parkland dedication requirements are specifically tied to project type in ordinance. Since 2021, development project types are dependent upon the amount of added impervious surface, and no longer tied to unit counts or use specifically. With this change, staff recognizes that many residential projects that would have previously been subject to a small site improvement plan, large site improvement plan, or large scale development are no longer classified in this manner, which can have the unexpected result of lost parkland dedication fees-in-lieu. While an associated number is difficult to track, staff estimates that this has potentially resulted in at least \$20,000 worth of fees-in-lieu that have not been collected. Given the larger

scale of impending projects for review and possible approval within the next calendar year, staff estimates the potential for closer to \$250,000 in uncollected fees based on an anticipated number of units.

Staff recommend an amendment to the applicability section that decouples the parkland dedication requirement from a specific project type, and instead ties that parkland dedication requirement to any project that proposes to add one (1) or more residential dwelling unit to a site. Staff finds that this would help absorb the impact of additional residents to Fayetteville on the Parks system and maintain the integrity of the intent of the ordinance as adopted over 40 years ago.

RECOMMENDATION: Staff recommend forwarding ADM-2024-0019 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>April 22, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:
None

Attachments:

- UDC §166.04(B)(4)(I) – Parkland dedication - Current Regulations
- Proposed Ordinance, Clean
 - §166.04(B)(4)(I) – Parkland dedication
- Proposed Ordinance, Strike-through
 - §166.04(B)(4)(I) – Parkland dedication
- City Attorney Memo

166.04 Required Infrastructure Improvements — Development In City Limits

...

- (B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.

...

- (4) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*

..

- (I) *Parkland Dedication.*

- (i) *Applicability.* The requirements of this subsection shall apply to residential lot splits, subdivisions, large scale developments, planned zoning districts, large scale site improvement plans, and small scale site improvement plans; provided that these requirements shall not apply to a lot split or subdivision that does not create one (1) or more vacant lots on which a residential structure could be erected pursuant to the Unified Development Code.

- (ii) *Residential Development.*

- (a) *Dedication or Fee-in-Lieu.* When a proposed residential development does not provide an area or areas for a public park based on the Fayetteville Parks and Recreation Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.
- (b) *Parks and Recreation Advisory Board.* Prior to the submittal of a preliminary plat, large scale development plan, or large site improvement plan the developer shall submit to the Parks and Recreation Advisory Board a concept plat or plan.
- (c) *Planning Commission.* The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.
- (d) *Decision.* If the developer proposes to dedicate land for a public park after consultation with the Parks and Recreation Advisory Board which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks and Recreation Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. With consent of the Parks and Recreation Advisory Board, this monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the Fayetteville Parks and Recreation Plan.
- (e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat, large scale development, or large site improvement plan prior to plat or plan approval.
- (f) *Dedication Ratios.* Land shall be dedicated at a ratio of 0.023 acres of land for each single-family dwelling unit and 0.020 acres of land for each multi-family dwelling unit.
- (g) *Fee-in-Lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$1,089.00 for each single-family unit.

\$952.00 for each multi-family unit based upon actual density.

The Parks and Recreation Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.

- (h) *Dedication in Excess.* If a developer wishes to dedicate park land which exceeds the requirement of this subsection, the developer shall make a written request to the Planning Commission who may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.
- (iii) *Timing of Dedication and/or Contribution.* All dedications of land must be made before the city signs the final plat, or issuance of building permits for a large scale development or large site improvement plan. A final plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land development shall be payable before the city signing the final plat, or issuance of building permits for a large scale development or large site improvement plan. With the approval of the planning commission a developer may pay such contribution in three (3) equal installments to be paid in full within one (1) year of final plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one (1) year from the date of final plat approval. In the event actual density is more than the density used as the basis for a dedication of land or cash contribution the developer must make an additional land dedication or contribution in lieu of dedication.
- (iv) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.
- (v) *Fee-in-Lieu Allocation.* All parkland fees received under this subsection shall be deposited in an interest bearing account. This money together with its earned interest shall be expended within five (5) calendar years of the last date of the calendar year in which it was received for the acquisition and/or development of parkland that services the subdivision or development for which the contribution in lieu of dedication was made. If this money has not been expended within the allowed period, the unexpended money together with any of its remaining earned interest shall be refunded to the present owner of the property that was the subject of the new development and against which the parkland fee was assessed and collected.

...

(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21)

166.04 Required Infrastructure Improvements — Development In City Limits

...

- (B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.

...

- (4) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*

..

- (I) *Parkland Dedication.*

- (i) *Applicability.* The requirements of this subsection shall apply to development that creates one (1) or more additional residential dwelling units.

- (ii) *Residential Development.*

- (a) *Dedication or Fee-in-Lieu.* When a proposed residential development does not provide an area or areas for a public park based on the most recent Fayetteville Park and Recreation System Master Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.
- (b) *Parks, Natural Resources and Cultural Affairs Advisory Board.* Prior to the submittal of a preliminary plat, large scale development plan, or large site improvement plan the developer shall submit to the Parks, Natural Resources and Cultural Affairs Advisory Board a conceptual development plan.
- (c) *Planning Commission.* The developer and the Parks, Natural Resources and Cultural Affairs Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication for a preliminary plat or large scale development. With the agreement of the Parks, Natural Resources and Cultural Affairs Advisory Board and developer, dedication or fee-in-lieu associated with large site improvement plans subject to administrative approval shall be accepted as a condition of approval. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.
- (d) *Decision.* If the developer proposes to dedicate land for a public park after consultation with the Parks, Natural Resources and Cultural Affairs Advisory Board which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks, Natural Resources and Cultural Affairs Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. This monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the most recent Fayetteville Park and Recreation System Master Plan.
- (e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat or large scale development. Dedication or fee-in-lieu associated with large site improvement plans or other plans subject to administrative approval must also be incorporated into the developer's final approval.
- (f) *Dedication Ratios.* Land shall be dedicated at a ratio of 0.023 acres of land for each single-family dwelling unit and 0.020 acres of land for each multi-family dwelling unit.
- (g) *Fee-in-Lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

UDC 166.04(B)(4) – PROPOSED CHANGES (CLEAN)

\$1,089.00 for each single-family unit.

\$952.00 for each multi-family unit.

The Parks, Natural Resources and Cultural Affairs Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.

- (h) *Dedication in Excess.* If a developer wishes to dedicate park land which exceeds the requirement of this subsection, the developer shall make a written request to the Planning Commission who may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.
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(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21)

166.04 Required Infrastructure Improvements — Development In City Limits

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..

- (I) *Parkland Dedication.*

- (i) *Applicability.* The requirements of this subsection shall apply to development that creates one (1) or more additional residential dwelling units, residential lot splits, subdivisions, large scale developments, planned zoning districts, large scale site improvement plans, and small scale site improvement plans; provided that these requirements shall not apply to a lot split or subdivision that does not create one (1) or more vacant lots on which a residential structure could be erected pursuant to the Unified Development Code.
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- (b) Parks, Natural Resources and Cultural Affairs Advisory Board. Parks and Recreation Advisory Board. Prior to the submittal of a preliminary plat, large scale development plan, or large site improvement plan the developer shall submit to the Parks, Natural Resources and Cultural Affairs Advisory Board Parks and Recreation Advisory Board a concept plat or conceptual development plan.
- (c) *Planning Commission.* The developer and the Parks and Recreation Advisory Board Parks, Natural Resources and Cultural Affairs Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication for a preliminary plat or large scale development. ~~In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.~~ With the agreement of the Parks, Natural Resources and Cultural Affairs Advisory Board and developer, dedication or fee-in-lieu associated with large site improvement plans subject to administrative approval shall be accepted as a condition of approval. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.
- (d) *Decision.* If the developer proposes to dedicate land for a public park after consultation with the Parks and Recreation Advisory Board Parks, Natural Resources and Cultural Affairs Advisory Board which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks, Natural Resources and Cultural Affairs Advisory Board Parks and Recreation Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. With consent of the Parks and Recreation Advisory Board, tThis monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the Fayetteville Parks and Recreation Plan most recent Fayetteville Park and Recreation System Master Plan.

- (e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat or, large scale development, or large site improvement plan prior to plat or plan approval. Dedication or fee-in-lieu associated with large site improvement plans or other plans subject to administrative approval must also be incorporated into the developer's final approval.
- (f) *Dedication Ratios.* Land shall be dedicated at a ratio of 0.023 acres of land for each single-family dwelling unit and 0.020 acres of land for each multi-family dwelling unit.
- (g) *Fee-in-Lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$1,089.00 for each single-family unit.

\$952.00 for each multi-family unit ~~based upon actual density.~~

The Parks, ~~Natural Resources and Cultural Affairs and Recreation~~ Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.
- (h) *Dedication in Excess.* If a developer wishes to dedicate park land which exceeds the requirement of this subsection, the developer shall make a written request to the Planning Commission who may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.
- (iii) *Timing of Dedication and/or Contribution.* All dedications of land must be made before the city signs the final plat, or issuance issues of building permits for developments that create one (1) or more additional residential dwelling unit, for a large scale development or large site improvement plan. A final plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land dedication development shall be payable before the city signing the final plat, or issuance issues of building permits for a large scale development or large site improvement plan development that creates one (1) or more additional residential dwelling units. With the approval of the Planning Commission ~~Commission~~ a developer may pay such contribution in three (3) equal installments to be paid in full within one (1) year of final plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one (1) year from the date of final plat approval. In the event actual density is more than the density used as the basis for a dedication of land or cash contribution the developer must make an additional land dedication or contribution in lieu of dedication.
- (iv) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.
- (v) *Fee-in-Lieu Allocation.* All parkland fees received under this subsection shall be deposited in an interest bearing account. This money together with its earned interest shall be expended within five (5) calendar years of the last date of the calendar year in which it was received for the acquisition and/or development of parkland that services the subdivision or development for which the contribution in lieu of dedication was made. If this money has not been expended within the allowed period, the unexpended money together with any of its remaining earned interest shall be refunded to the present owner of the property that was the subject of the new development and against which the parkland fee was assessed and collected.

...

UDC 166.04(B)(4) – PROPOSED CHANGES (STRIKETHROUGH)

(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21)



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Jesse Masters**, Development Review Manager

CC: **Jonathan Curth**, Development Services Director
Blake Pennington, Senior Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **April 18, 2024**

RE: **Proposed Change To Parkland Dedication Requirement**

I do not think you understood my concern that after decades requiring developers being assessed parkland fees for the number of new residential lots they were creating for these developments, you now place the parkland fee on the home builder. Your proposal states:

“Applicability: The requirements of this subsection shall apply to development that creates one (1) or more additional residential **dwelling units**.”

So a developer establishes a large new subdivision by final plat. This subsection places no requirement for any parkland assessment on the developer who has yet to build any “additional residential dwelling units.” Homebuilders purchase lots in the platted subdivision and build houses (a/k/a residential dwelling units) and thus must pay park fees for each house. Is that your intention?

The remainder of the proposed code makes little sense because it is not the developer who is necessarily creating additional residential building lots, but the builder who builds “additional residential dwelling units” to which “the requirements of this subsection shall apply to.” If you do not want to make this major change to allow developers to pass the costs of parkland fees directly to home builders, I suggest the following wording for the applicability subsection:

"The requirements of this subsection shall apply to development that creates one (1) or more additional lots upon which residential dwelling units may be constructed and to development of an existing lot to create one (1) or more additional residential dwelling units."

I would also add "small site improvement plan" to the listed developments in (b).

Also I would add to (b) the following to handle the fees vs. dedication of land issue for large and small site improvement plans (which I believe you do not wish to refer to the Planning Commission, but decide administratively by the Planning Department):

"The Planning Department shall consider the developer's and Advisory Board's recommendations concerning potential parkland dedication as opposed to fees in lieu of dedication and shall accept the proposed parkland dedication of property if such property is suitable for park purposes."

In (e) *Approval*, please add small site improvement plan to the sentence for large site improvement plans.

Please remove the not needed "of" in (iii) between "issues" and "building permits." However, I disagree with most of your changes to (iii) which are somewhat confusing. I would be happy to work with you to make this subsection more clear, but I need to get this memo to you before trying to work in that subsection.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner
Josh Boccaccio, Engineering Development Review Manager

MEETING DATE: April 22, 2024

SUBJECT: **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 block length and minimum street standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0017** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0017**, determining:*

- In favor of a variance to UDC §166.04(B)(4)(g),*
- In favor of a variance to UDC §166.08(D)(5),*
- In favor of a variance to UDC §166.08(E)(1)(c), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in southwest Fayetteville just northeast of Kessler Mountain Regional Park and west of Cato Springs Road. The City of Fayetteville has contributed funds to support infrastructure improvements on the property which would serve a planned development for Supporting Lifelong Success (SLS) Community and provide a second point of access to Mount Kessler Regional Park. Those infrastructure improvements are currently under review by city staff as a large site improvement plan (LSIP-2024-0007). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Rural Residential; Undeveloped	R-A, Residential-Agricultural; Ag/SF 1, Agricultural/Single-Family Residential, One Unit per Acre (Washington County); P-1, Institutional;
South	Regional Park; Rural Residential	Ag/SF 1, Agricultural/Single-Family Residential, One Unit per Acre (Washington County); R-A, Residential-Agricultural
East	I-49; Rural Residential	R-A, Residential-Agricultural
West	Regional Park	P-1, Institutional

Request: The applicant is requesting three variances from the Unified Development Code in association with a large site improvement plan which is currently under review (LSIP-2024-0007). Each variance is described further below alongside staff's recommendations.

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

DISCUSSION:

Variance #1: UDC §166.04(B)(4)(g), Minimum Improvements - Streetlights. Streetlights shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets. The applicant is requesting to vary from this standard to defer the installation of streetlights until adjacent properties develop and the full construction of the road is completed.

Staff recommendation: Staff is supportive of this request. The installation of streetlights is a minimum improvement required with any project submitted as a large site improvement plan, though the project associated with this request only includes a street extension which would provide a connection between the north end of Judge Cummings Road and Cato Springs Road. Staff is supportive of the applicant's request to defer streetlight installation until the time of development since development is expected to occur in the near future and the full installation of all required street improvements would be expected at that time.

Variance #2: UDC §166.08(D)(5), Street Standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards. The applicant is requesting a variance to provide partial improvements along the proposed street extension. As proposed, the portion of the road to the west of a creek on site would include two 10-foot-wide drive lanes with three-foot-wide gravel shoulders and open ditches. To the east of the creek, street improvements include two 10-foot-wide drive lanes with two four-foot-wide bike lanes and curb and gutter.

Staff recommendation: Staff is supportive of this variance request. While Residential Link Streets typically require two drive lanes and a parking lane with curb and gutter, greenspace, and sidewalk, staff is supportive the street improvements proposed by the applicant. The budget associated with the cost-share agreement for this project is not sufficient to support the installation of a full roadway section that conforms to the City's Master Street Plan. Further, the details of future development along the street are unknown, and any street improvements necessary to conform with the City's Master Street Plan and minimum street standards would be determined at the time of development review. Staff finds that approving this variance would allow future construction the ability to meet the Master Street Plan without having to remove and replace previously installed improvements.

Variance #3: UDC §166.08(E)(1)(c), Block Length – Residential Links. Intersections shall occur at a minimum of one (1) every 660 feet along Residential Link Streets. The applicant is requesting to vary from this standard to allow for a street extension, totaling about 3,600 feet in length, which would not meet block length requirements.

Staff recommendation: Staff is supportive of this variance request. The applicant has stated that future development along the street will inform the location of intersections. However, the details of future development are not known at this time so intersections cannot be accurately located to serve those future uses while adapting to the topography of the site. Staff is supportive of this request since the full installation of street improvements and the location of any necessary intersections would be determined at the time of development along the proposed street extension.

RECOMMENDATION: Staff recommends approval of VAR-2024-0017 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.04(B)(4)(g), Minimum Improvements - Streetlights.** *Staff recommends approval of this variance for the reasons stated above.*
2. **Planning Commission determination of a variance to UDC §166.08(D)(5), Street Standards.** *Staff recommends approval of this request for the reasons stated above.*
3. **Planning Commission determination of a variance to UDC §166.08(E)(1)(c), Block Length – Residential Links.** *Staff recommends approval of this request for the reasons stated above.*
4. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

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

Meeting Date: April 22, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.04 Required Infrastructure Improvements – Development in City Limits
 - §166.08 Street Design and Access Management Standards
- Engineering Memo
- Applicant Request Letter
- Civil Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.04 Required Infrastructure Improvements — Development In City Limits

...

- (B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.

...

- (4) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*

...

- (g) *Streetlights.* Standard 8,000 lumen streetlights (or equal alternative approved by the Planning Division) shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets. Developers are encouraged to utilize high-efficiency (LED or similar) streetlights where possible).

...

(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21)

166.08 Street Design And Access Management Standards

...

(D) *Street Design Principles.*

- (1) *Extensions.* All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
- (2) *Substandard Widths.* Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
- (3) *Street Names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.
- (4) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
- (5) *Street Standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

- (1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
 - (b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
 - (c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
 - (d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.
- (2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways. Alleys are not considered as frontage. Double frontage lots may be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots. Unless otherwise approved by the Planning Commission, all primary structures shall be oriented toward the higher functional classification street.
- (3) *Connectivity.* Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.
- (4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
- (5) *Dead-End Streets.* Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

...

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



TO: Gretchen Harrison, Senior Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: April 18, 2024

SUBJECT: **Planning Commission Engineering Comments for
VAR-2024-0017 South Cato Holdings Road Extension**

Engineering Recommendation: Engineering recommends approval of the applicant's request for a variance to 166.08(D)(5) finding that the proposed improvements allow construction of a roadway that maximizes the benefit of the cost share agreement and allows future construction the ability to meet the Mater Street Plan without having to remove and replace previously installed improvements.



October 6, 2023

Planning Department
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas

RE: South Cato Roadway Extension

Planning Department:

This letter is to accompany the proposed roadway improvements title South Cato Roadway Extension. The intent of this project is provide a roadway connection between South Cato Springs Road and Judge Cummings Road at the back of Kessler Mountain Regional Park. The roadway will provide a redundant entrance to the park and provide the backbone for future development within the South Cato Holdings LLC property. The project is a private/public partnership.

Based on conversations with City staff, the proposed design does include Tree Preservation or detention beyond the 1-year storm.

Should the City have any questions or concerns, please contact the undersigned.

Respectfully submitted,

Luke Jost, PE
Project Manager
Crafton Tull

GENERAL NOTES

- [illegible]

SITE NOTES

- [illegible]

GRADING AND DRAINAGE NOTES

- [illegible]

DEMOLITION NOTES

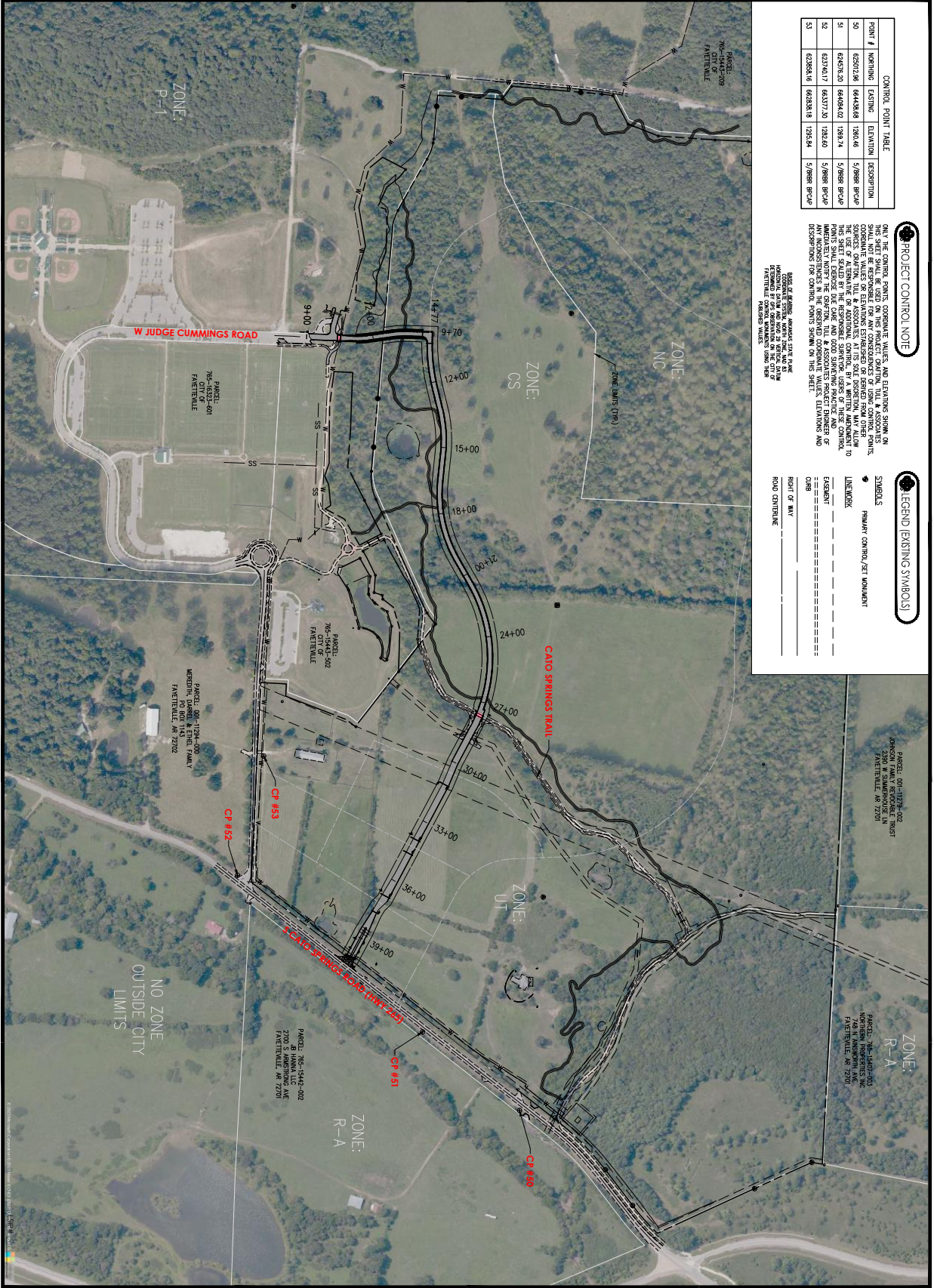
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 UTILITY NOTES

1. LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE CITY ENGINEER'S OFFICE. THE INFORMATION IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION. CONTRACTORS ARE TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO BE MADE, THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER'S OFFICE BY TELEPHONE AND BY MAIL.
2. CONTRACTOR SHALL NOTIFY THE UTILITY OWNERS/ENGINEERS OF ANY EXCAVATION TO BE MADE PRIOR TO CONSTRUCTION. CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL EXCAVATIONS WITH ALL UTILITIES COMPANIES AND/OR ENGINEERS WITH ALL UTILITIES COMPANIES AND/OR ENGINEERS.
3. ALL EXCAVATIONS SHALL BE FULLY COMPLETED AT ALL NECESSARY STAGES AND/OR STREETS BEFORE ANY EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL BE FULLY COMPLETED PRIOR TO ANY EXCAVATION TO BE MADE.
4. ALL NECESSARY STAGES AND/OR STREETS BEFORE ANY EXCAVATION TO BE MADE. ALL EXCAVATIONS SHALL BE FULLY COMPLETED PRIOR TO ANY EXCAVATION TO BE MADE.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL EXCAVATIONS WITH ALL UTILITIES COMPANIES AND/OR ENGINEERS.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL EXCAVATIONS WITH ALL UTILITIES COMPANIES AND/OR ENGINEERS.
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12. CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL EXCAVATIONS WITH ALL UTILITIES COMPANIES AND/OR ENGINEERS.

- [illegible]

LSIP #



POINT #	NOTHING	EXISTING	ELEVATION	DESCRIPTION
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51	62571.20	66444.02	1260.74	5/2888 BR/CP
52	62571.17	66444.02	1260.60	5/2888 BR/CP
53	62564.16	66444.02	1255.54	5/2888 BR/CP

PROJECT CONTROL NOTE

ONLY THE CONTROL POINTS, COORDINATE VALUES, AND ELEVATIONS SHOWN ON THIS SHEET SHALL BE USED FOR THE CONSTRUCTION OF THE PROJECT. THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED AND IS NOT TO BE RELEASED TO THE PUBLIC WITHOUT THE WRITTEN AUTHORIZATION OF THE ARKANSAS HIGHWAY DEPARTMENT.

LEGEND (EXISTING SYMBOLS)

- ROADS
- PROPERTY CONTROL/SET BACK
- LINE WORK
- ELEVATION
- ROAD CENTERLINE

C-003

PROJECT CONTROL SHEET

CATO SPRINGS ROAD EXTENSION

FAYETTEVILLE, AR

GRAPHIC SCALE IN FEET

0 100 200

Planning Commission

April 22, 2024

VAR-2024-0017 (SOUTH CATO HOLDING)

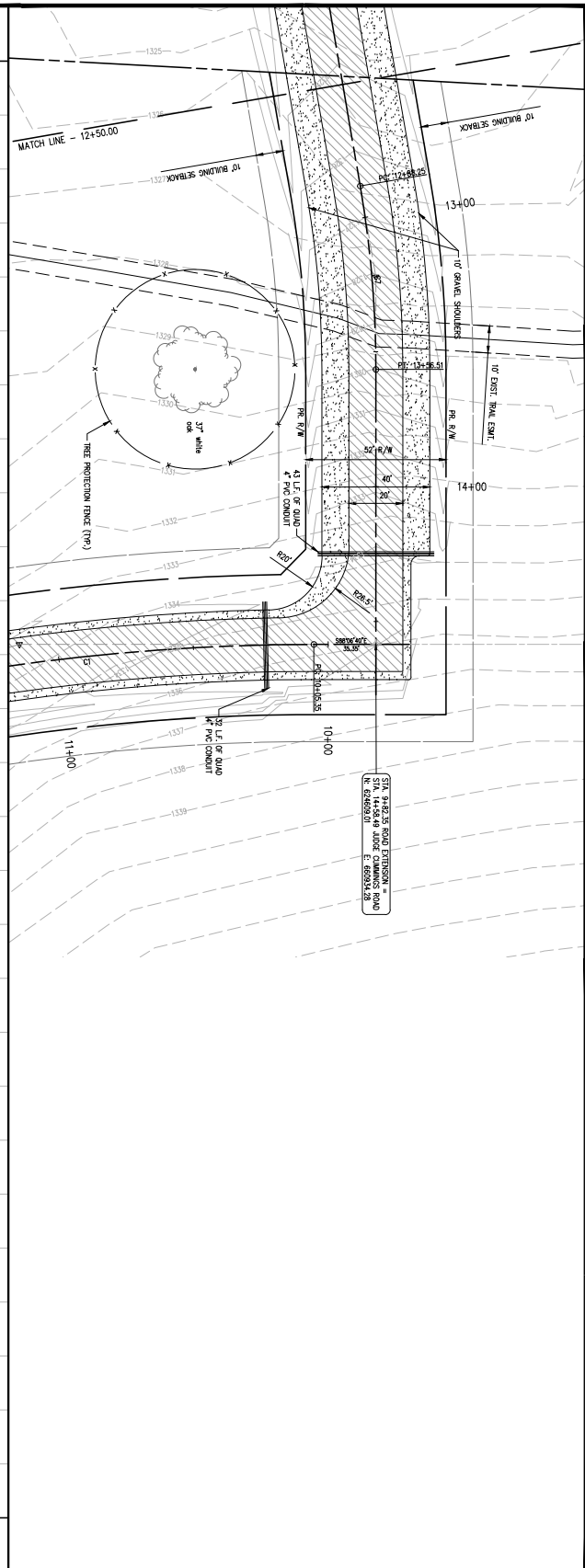
Crafton

3500 S. Highway 101

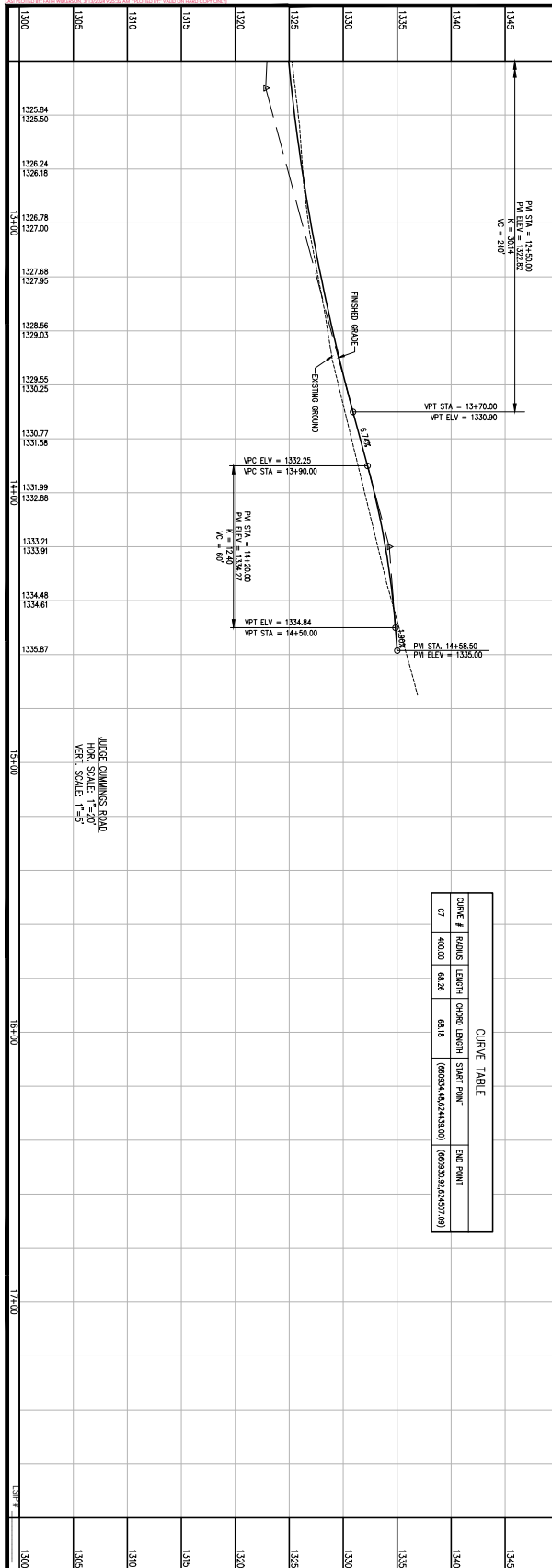
Fayetteville, AR 72701

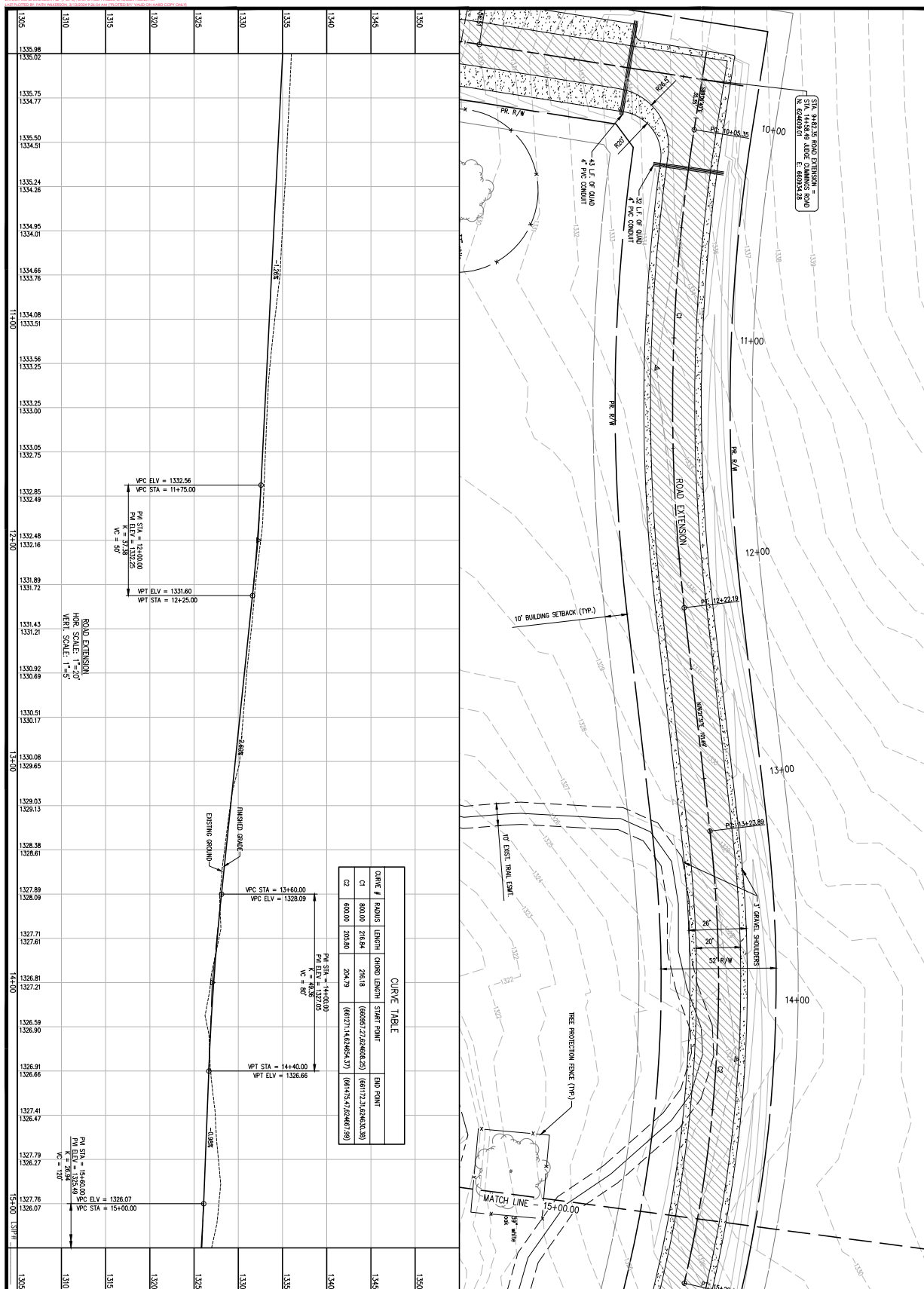
PRELIMINARY PLANS AND SPECIFICATIONS

FOR THE CATO SPRINGS ROAD EXTENSION PROJECT, FAYETTEVILLE, AR.

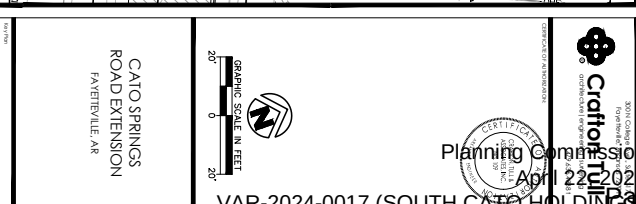
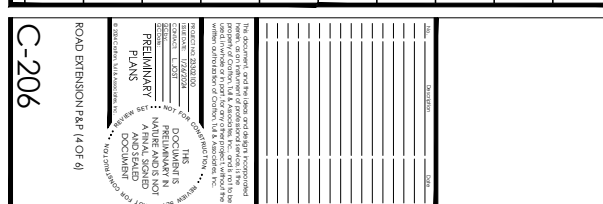


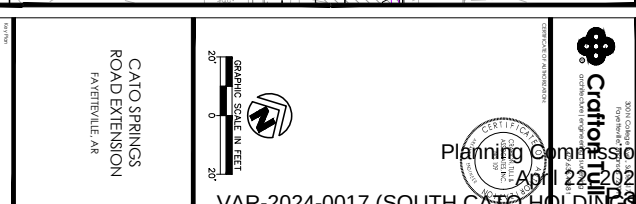
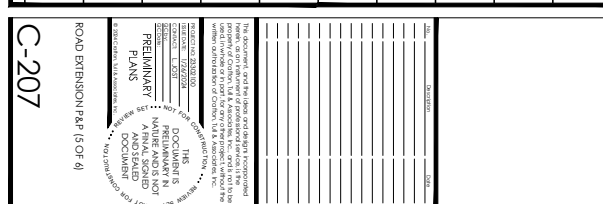
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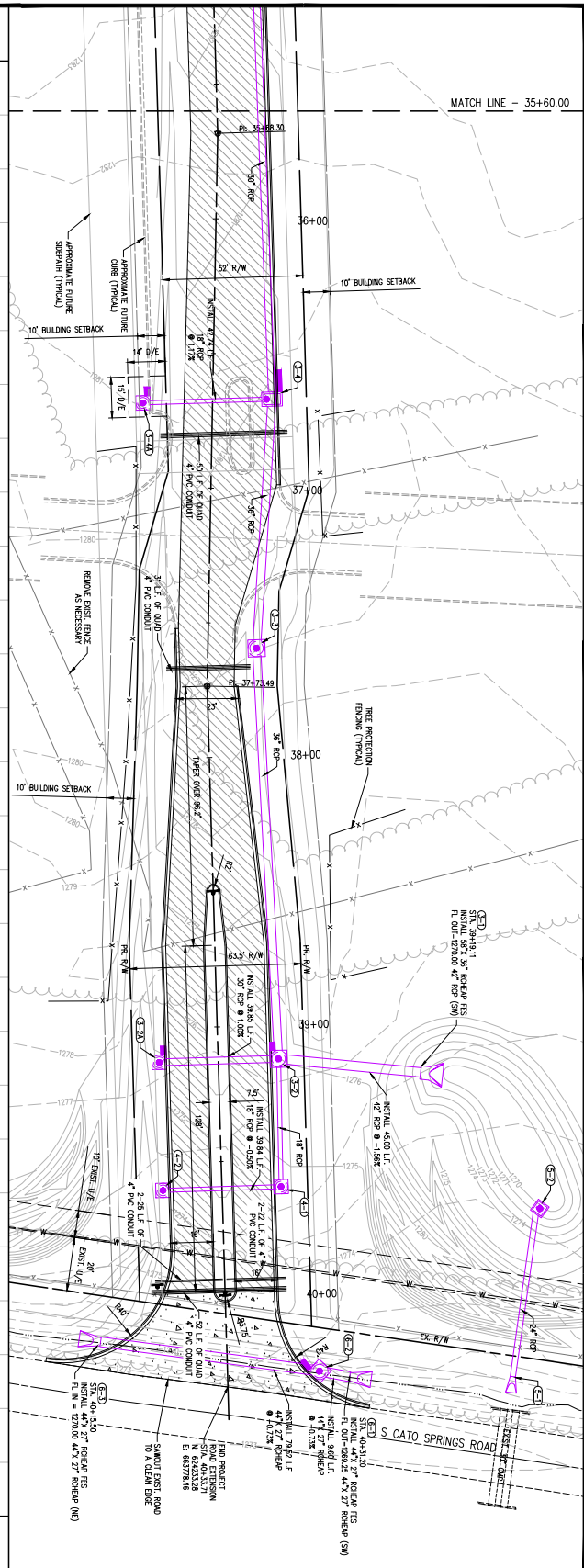
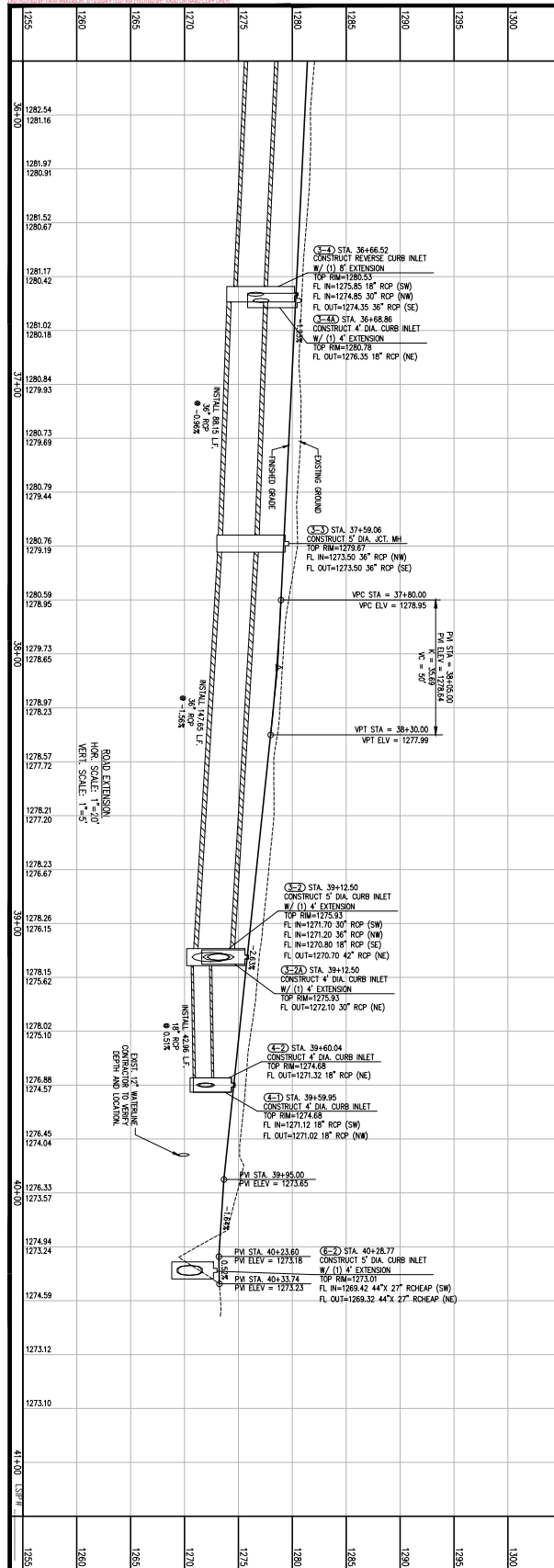




CURVE #	RADIUS	LENGTH	CHORD LENGTH	START POINT	END POINT
C1	800.00	216.84	216.18	(660.95, 27.65; 460.48, 25)	(661.72, 33.65; 460.30, 28)
C2	600.00	205.80	204.79	(661.27, 14.62; 465.43, 17)	(661.45, 47.62; 466.7, 29)







C-2008

ROAD EXTENSION FRAC (6 OF 6)

PRELIMINARY PLANS

DATE: 02/27/2024

PROJECT: C-2008

DESIGNER: [Signature]

SCALE: 1"=40' HORIZONTAL, 1"=5' VERTICAL

NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD

CATO SPRINGS ROAD EXTENSION

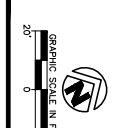
DATE: 02/27/2024

PROJECT: C-2008

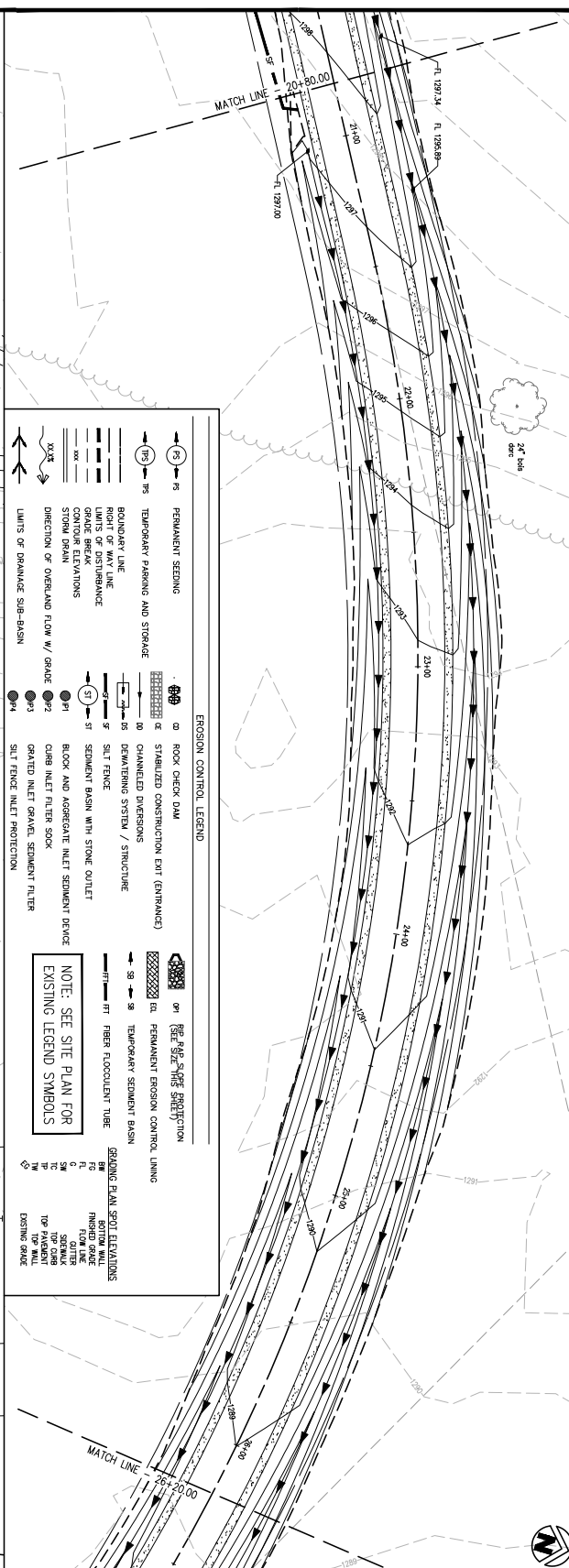
DESIGNER: [Signature]

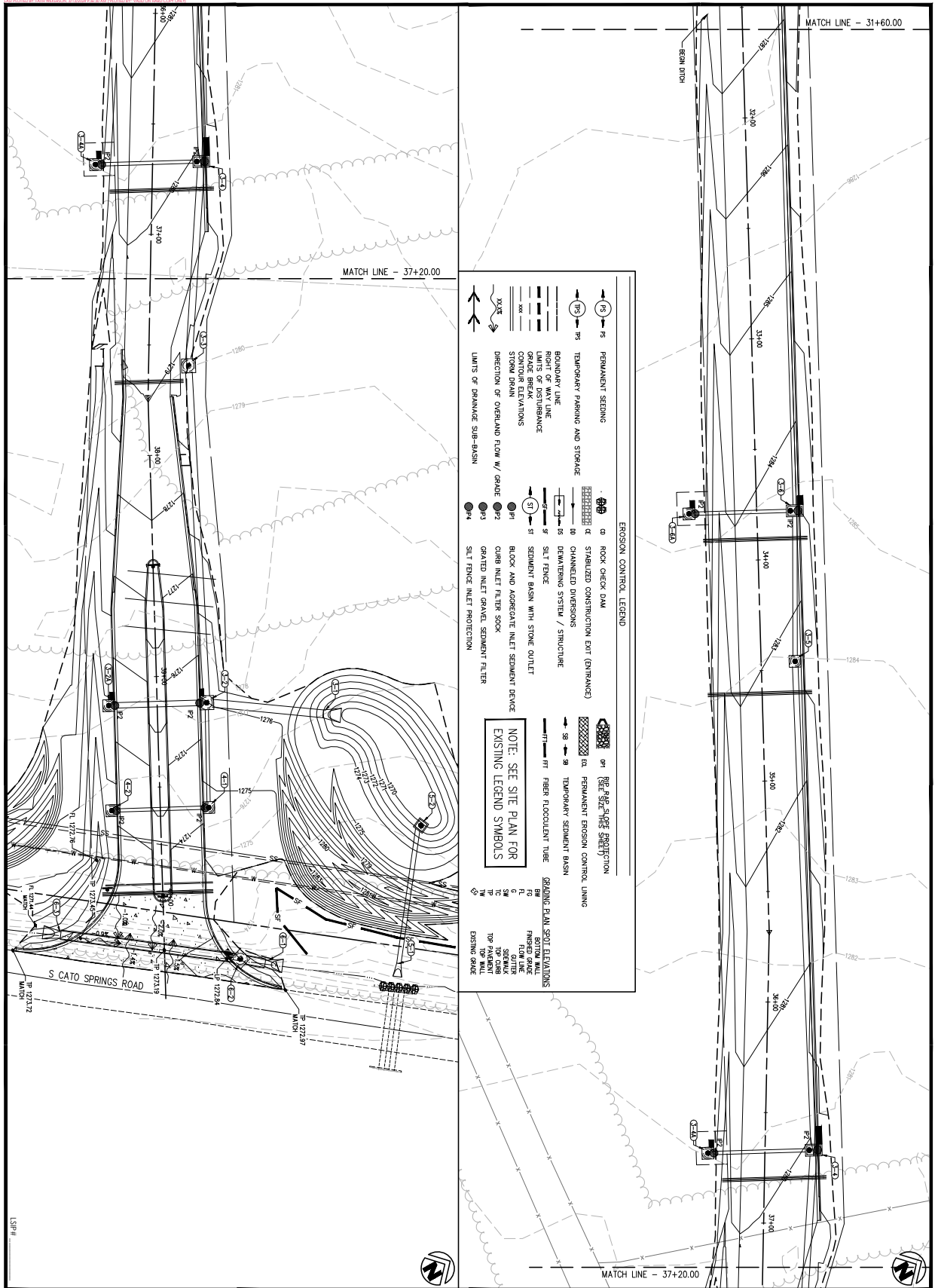
SCALE: 1"=40' HORIZONTAL, 1"=5' VERTICAL

NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD



Planning Commission
April 22, 2024





C-304

ROAD EXTENSION GRADING & EROSION CONTROL (P & S)

CATO SPRINGS ROAD EXTENSION

FAYATVILLE, AR

GRAPHIC SCALE IN FEET

20' 0' 20'

Crafton

3000 S. Highway 101
Fayetteville, AR 72703
724-244-1111

Planning Commission
April 22, 2024

VAR-2024-0017 (SOUTH CATO HOLDING)

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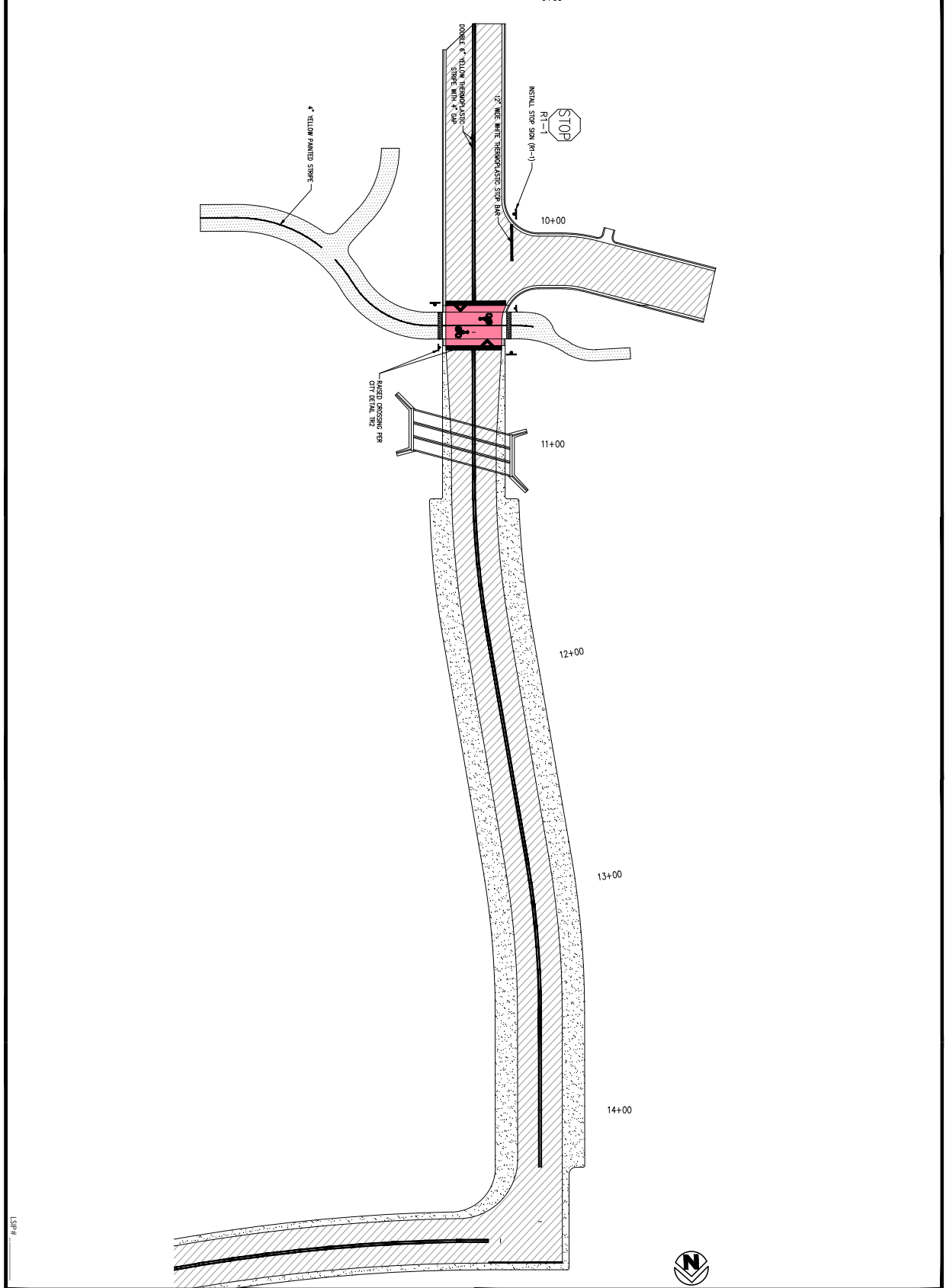
DATE: 04/22/2024

PROJECT: C-300205

PRELIMINARY PLANS

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C-305

JUDGE CUMMINGS ROAD STRIPING
PLAN

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

PRELIMINARY PLANS

PROJECT NO. 23303.100
 BUILD DATE: 1/26/2014
 CONTACT: L.JOSI
 DATE:
 CUSTID:

NOT FOR CONSTRUCTION

REVIEW SET

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No.	Description	Date
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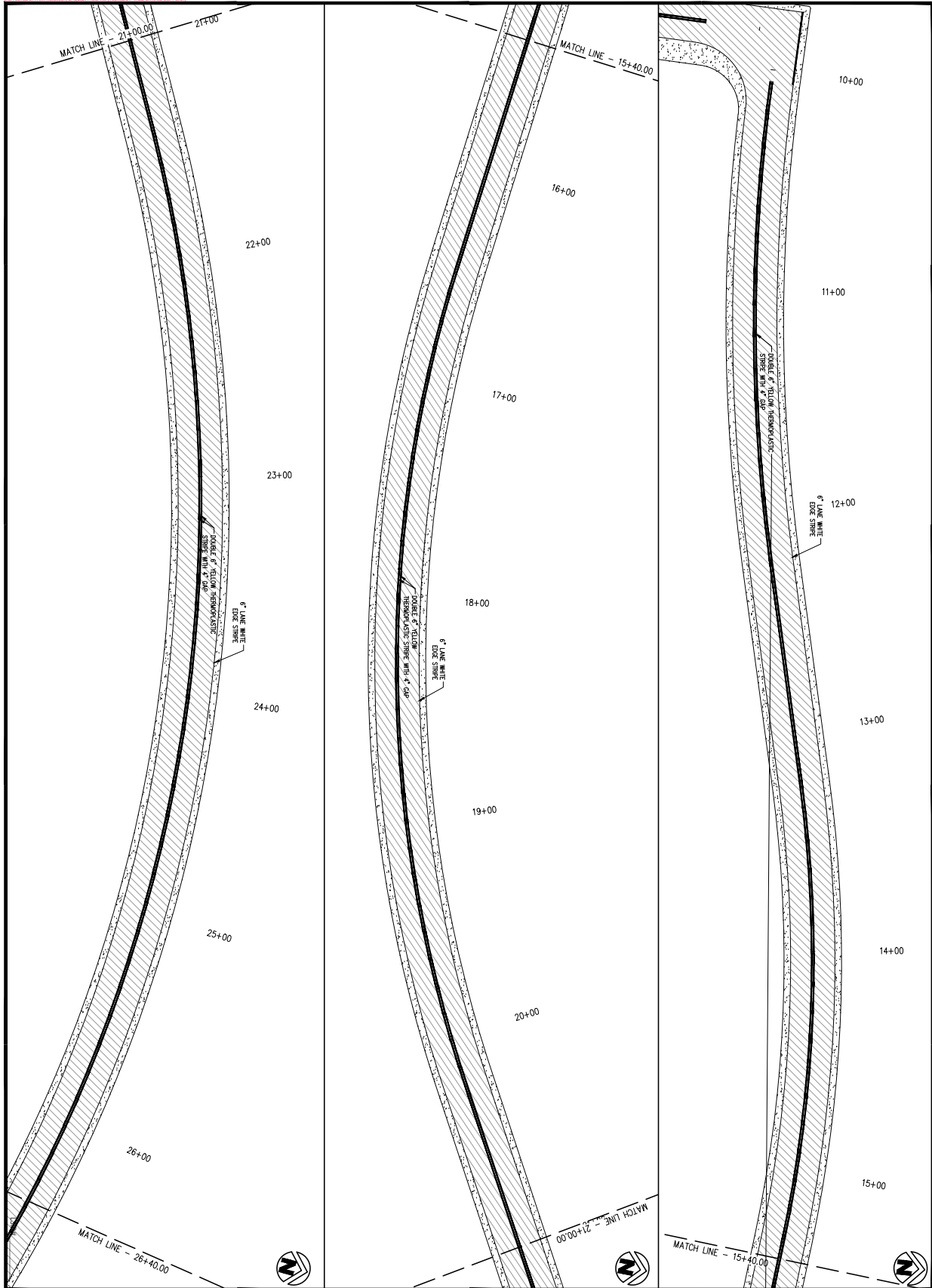
1627/1228

CATO SPRINGS
ROAD EXTENSION
FAYETTEVILLE, AR

GRAPHIC SCALE IN FEET

20' 0 20'

Planning Commission
April 22, 2024



C-306

ROAD EXTENSION STRIPING PLAN (I
OF 2)

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DATE: 02/20/24
DRAWN BY: J. L. LEE
CHECKED BY: J. L. LEE
APPROVED BY: J. L. LEE
PROJECT: C-306
SHEET: 1 OF 2

**CATO SPRINGS
ROAD EXTENSION
FAYETTEVILLE, AR**

GRAPHIC SCALE IN FEET
20' 0' 20'

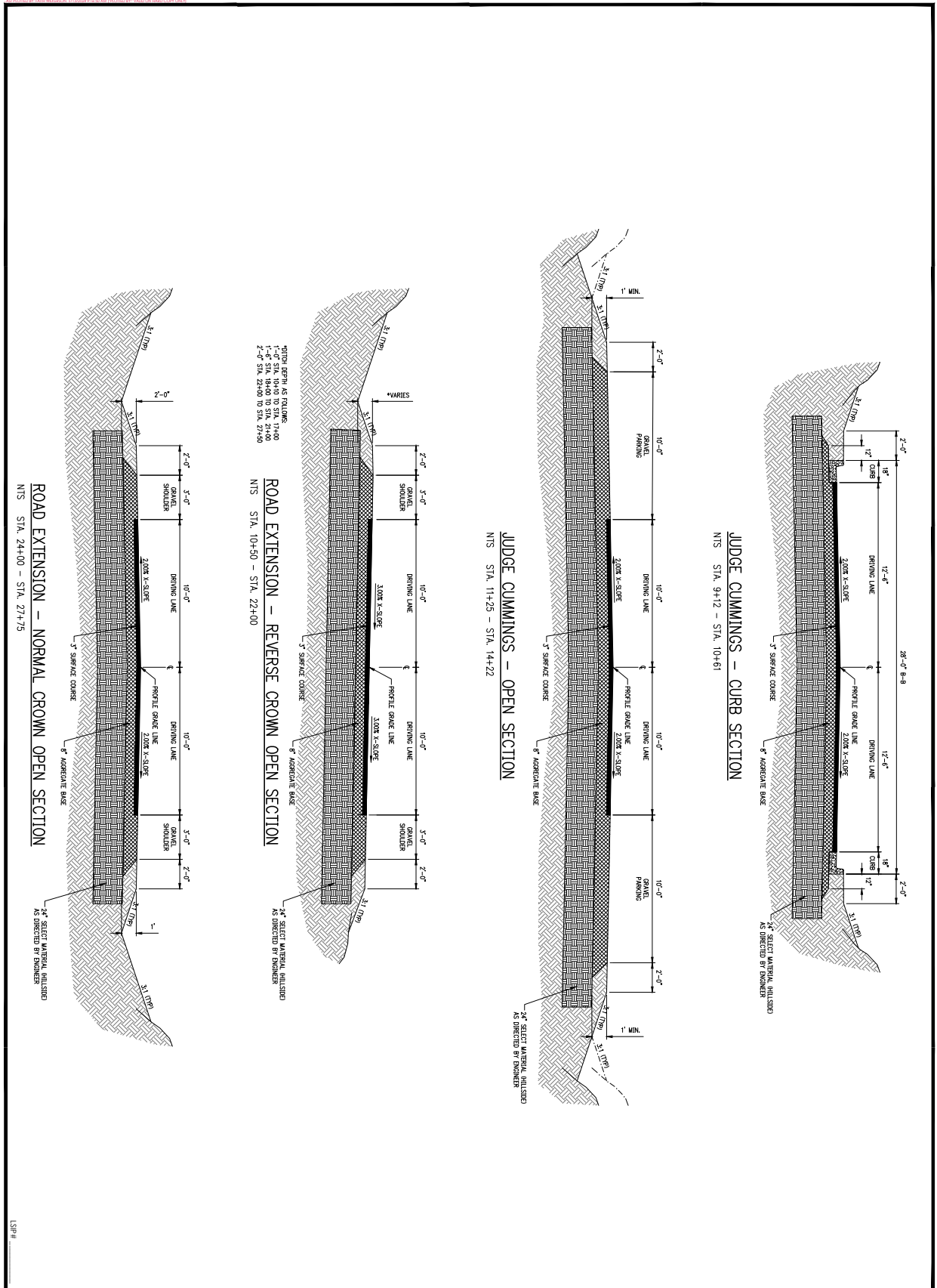
Crafton Holding, Inc.

Planning Commission
April 22, 2024

VAR-2024-0017 (SOUTH CATO HOLDING)

Page 25 of 56

LSIP#




Craftio
CONSTRUCTION MANAGEMENT

30201 E. 10th Avenue
 Fort Collins, CO 80504
 Tel: 970.221.1111
 Fax: 970.221.1112


Planning Commission
 April 22, 2022
 10:00 AM

VAR-2024-0017 (SOUTH CATO HOLDINGS, LLC)
10000 CATO SPRINGS ROAD
FAIRFAXVILLE, AR

Planning Commission
April 22, 2022
10:00 AM

CATO SPRINGS
ROAD EXTENSION
FAIRFAXVILLE, AR

Planning Commission
April 22, 2022
10:00 AM

PRELIMINARY
PLANS

Planning Commission
April 22, 2022
10:00 AM

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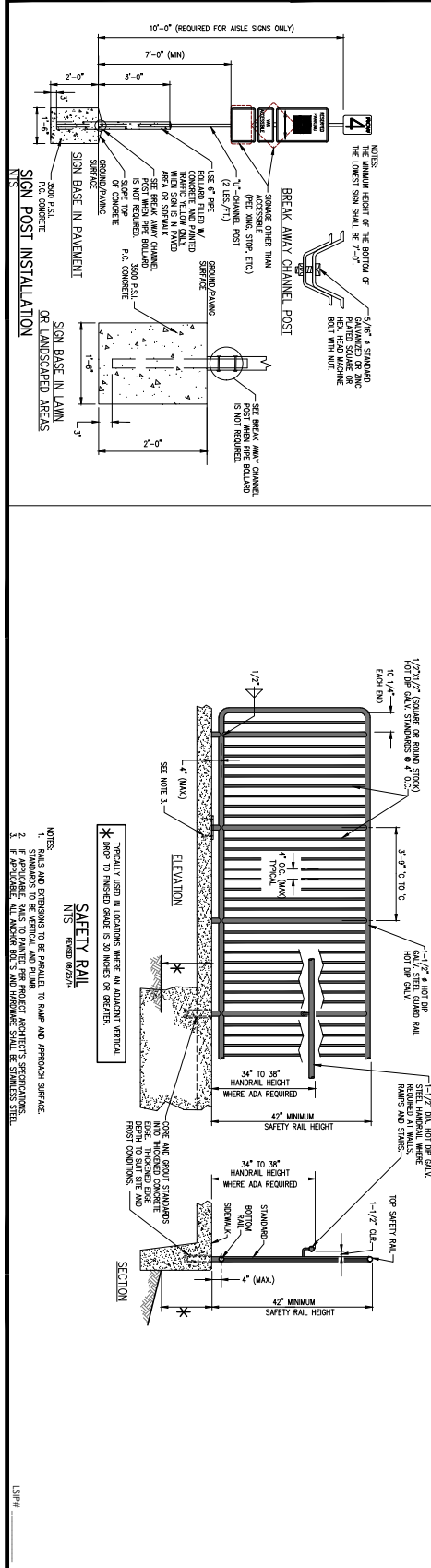
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C-503

SITE DETAILS

PRELIMINARY PLANS

VAR-2024-0017 (SOUTH CATO HOLDING)

Planning Commission

April 22, 2024

Crafton Hills

VAR-2024-0017 (SOUTH CATO HOLDING)

Page 29 of 56

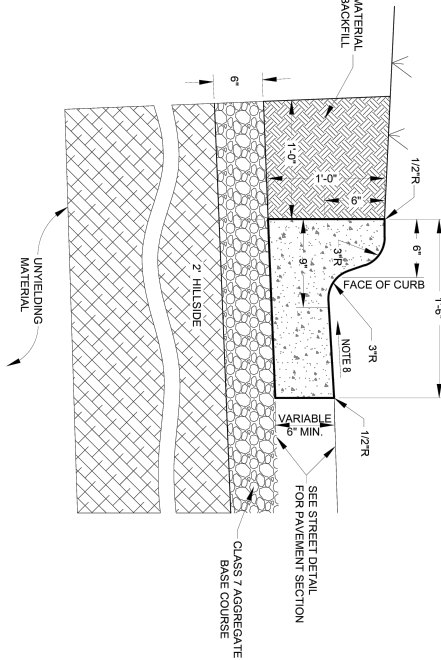


ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

TITLE: STREET DETAILS
DESCRIPTION: TYPE 'A' CURB & GUTTER

DATE: 04.17.2021
SHEET: ST2

- CLERK & GUTTER NOTES:
1. CONTRACTION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS. ALL CONTRACTION JOINTS AND COLD JOINTS SHALL BE FILLED WITH JOINT SEALANT TO FINISHED GRADE.
 2. EXPANSION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS. ALL EXPANSION JOINTS SHALL BE FILLED WITH JOINT SEALANT TO FINISHED GRADE.
 3. EXPANSION MATERIAL SHALL BE REQUIRED AT ALL STRUCTURAL STRUCTURES AND ENDS OF CURB RETAINERS. THE EXPANSION MATERIAL SHALL BE 1/2" ASPHALT IMPREGATED FIBER AND SHALL BE 1/2" THICK AND 1/2" WIDE.
 4. EXPANSION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS.
 5. EXPANSION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS.
 6. EXPANSION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS.
 7. EXPANSION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS.
 8. EXPANSION JOINTS SHALL BE 1/2" X 1/2" AT 15 FT. INTERVALS.



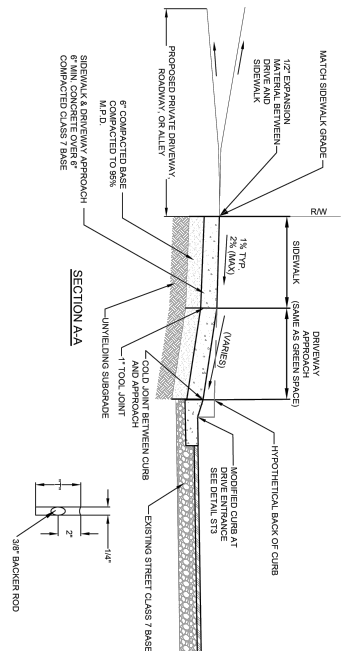
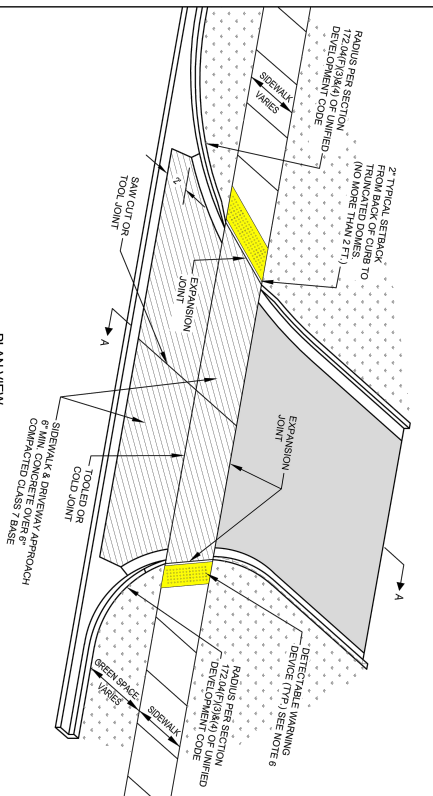
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

TITLE: DRIVEWAY DETAILS
DESCRIPTION: COMMERCIAL DRIVEWAY

DATE: 04.17.2021
SHEET: DW4

- NOTES:
1. FULL DEPTH EXPANSION JOINTS (FOUR INCHES) SHALL BE PROVIDED AT THE EDGE OF THE SIDEWALK OPPOSITE THE STREET.
 2. CONCRETE TO BE SAWCUT OR PLACED A JOINT AT THE CENTER OF DRIVE AND DRIVE APPROACH.
 3. ALL CONCRETE DRIVEWAYS AND SIDEWALKS SHALL BE CONSTRUCTED OF A PORTLAND CEMENT CONCRETE MIXTURE WHICH WILL PRODUCE A CONCRETE OF A COMPRESSIVE STRENGTH OF 4000 PSI AFTER 28 DAYS SET UNDER STANDARD LABORATORY METHODS.
 4. ALL SIDEWALKS AND DRIVEWAY APPROACHES SHALL BE CONSTRUCTED WITH A BROOM FINISH.
 5. DETECTABLE WARNING DEVICES SHALL BE PLACED WITH THE CURB EXCEPT IN INSTANCES WHERE LESS THAN 12\"/>
 6. DETECTABLE WARNING DEVICES SHALL BE PLACED WITH THE CURB EXCEPT IN INSTANCES WHERE LESS THAN 12\"/>
 7. ALL SPACING ON SIDEWALKS PER SIDEWALK STANDARD DETAILS.
 8. ALL SIDEWALKS AND CURB CUTS FOR DRIVEWAY APPROACHES REQUIRE AN INSPECTION PRIOR TO CONCRETE PLACEMENT.

PLAN VIEW

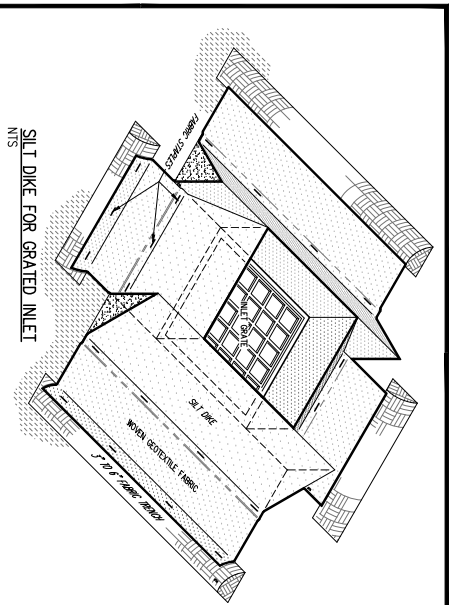




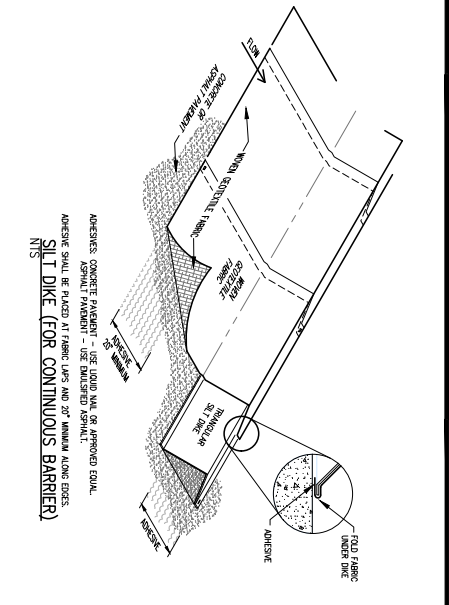
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DETECTABLE WARNING DEVICE DETAIL

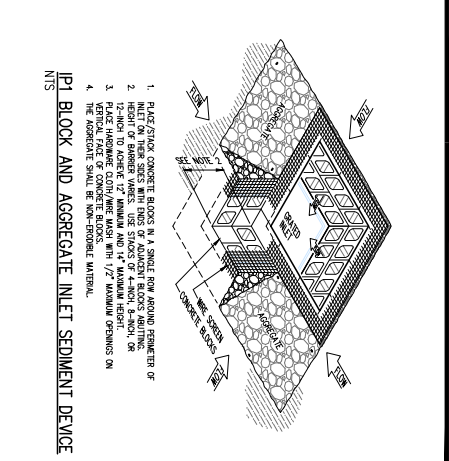




SILT DIKE FOR GRATED INLET
NTS

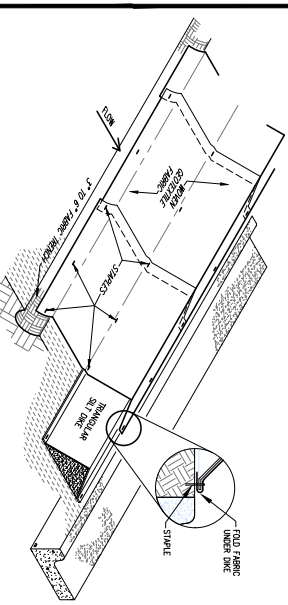


ADHERE TO BE PLACED AT FABRIC LAPS AND 20" MINIMUM ALONG SIDES.
ADHERE TO BE PLACED AT FABRIC LAPS AND 20" MINIMUM ALONG SIDES.
SILT DIKE (FOR CONTINUOUS BARRIER)
NTS

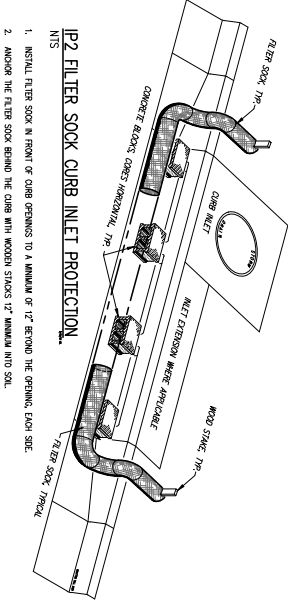


1. PLACE 2" TO 4" CONCRETE BLOCKS IN A SINGLE ROW ALONG PERIMETER OF INLET ON VERTICAL SIDES WITH GAPS OF 4-INCHES MAXIMUM.
2. HEIGHT OF BARRIER WALLS: USE STACKS OF 4-INCH 8-INCH, OR 8-INCH 8-INCH CONCRETE BLOCKS.
3. PLACE HORIZONTAL CONCRETE BLOCKS WITH 1/2" MAXIMUM SPACING ON VERTICAL LAPS OF CONCRETE BLOCKS.
4. THE AGGREGATE SHALL BE NON-EROSIVE MATERIAL.

P1 BLOCK AND AGGREGATE INLET SEDIMENT DEVICE
NTS

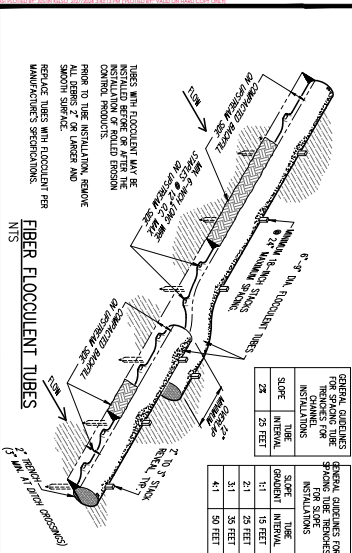


SILT DIKE ALONG CURB
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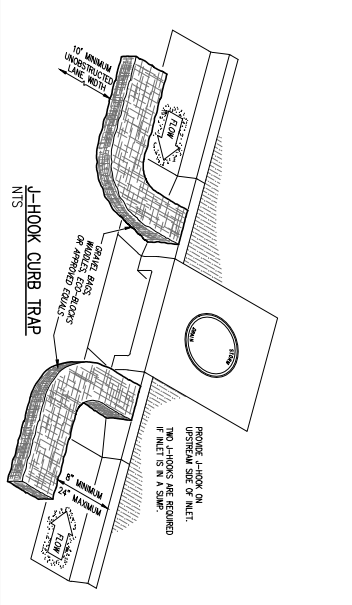


P2 FILTER SOCK CURB INLET PROTECTION
NTS

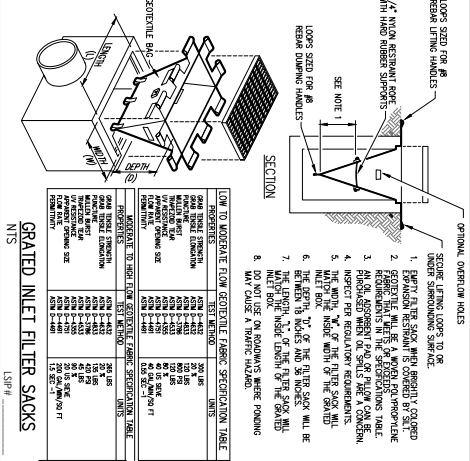
1. INSTALL FILTER SOCK IN FRONT OF CURB OPENING TO A MINIMUM OF 12" BEYOND THE OPENING, EACH SIDE.
2. ANCHOR THE FILTER SOCK BEHIND THE CURB WITH WOOD STAKES 12" MINIMUM INTO SOIL.
3. USE 8" DIAMETER FILTER SOCK FOR STANDARD CURB INLET. SLIGHTLY COMPACT TO CURB RIGHT DURING CURB INSTALLATION.
4. MAINTAIN FREE FLOW OF DEBRIS AND SEDIMENT TO ENSURE PROPER FLOW AND FUNCTION. OVERFLOW OF FILTER IS ACCEPTABLE DURING SEVERE STORM EVENTS.
5. FILTER SOCK SHALL BE POSITIONED TO PROVIDE A PERMEABLE BARRIER TO THE DRAIN AND COLLECT SEDIMENT OUTSIDE THE SOCK.
6. CONCRETE BLOCKS SHALL BE PLACED WITH CORES HORIZONTAL AT EACH END AND EVERY FOUR FEET MAXIMUM WITHIN.



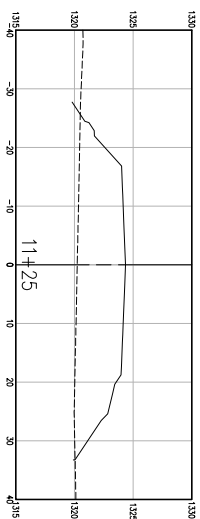
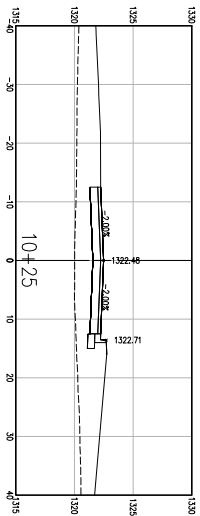
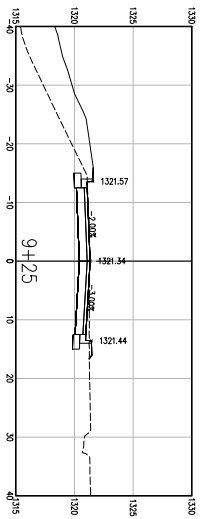
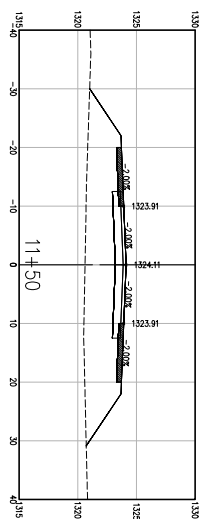
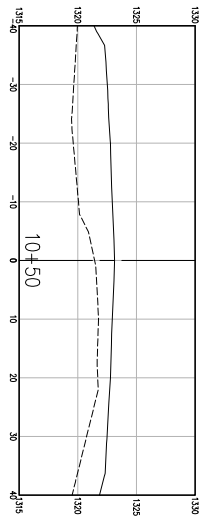
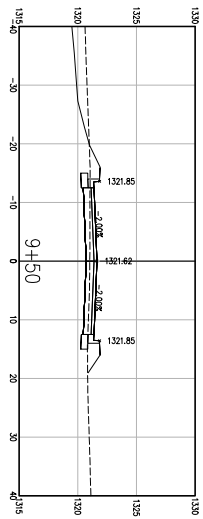
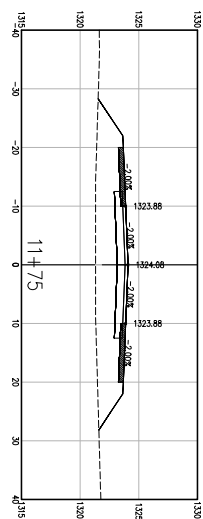
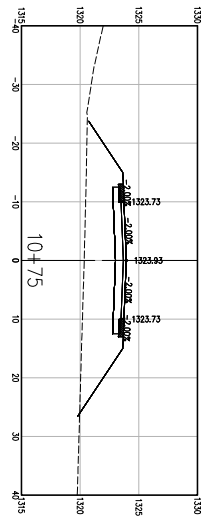
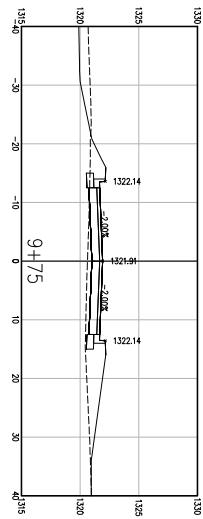
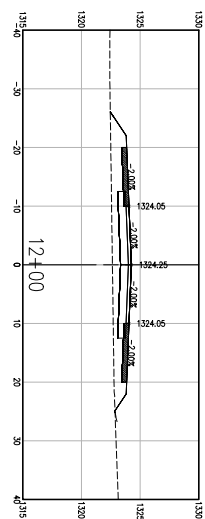
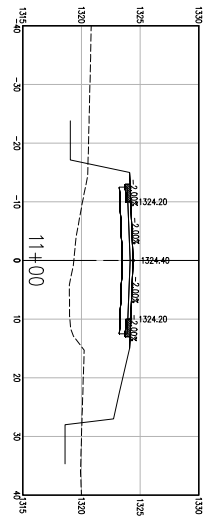
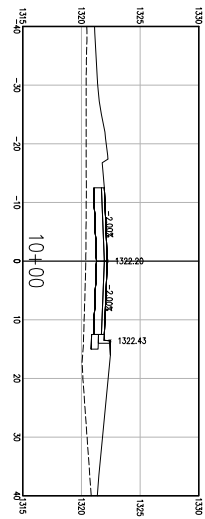
FIBER FLOCCULENT TUBES
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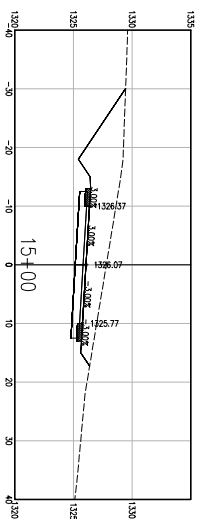
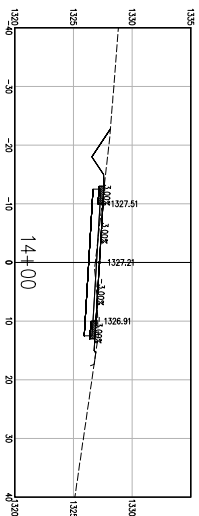
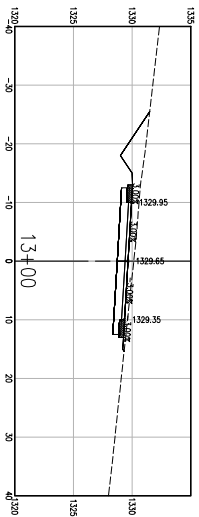
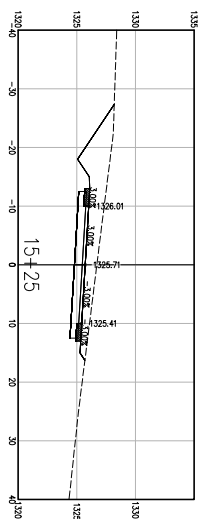
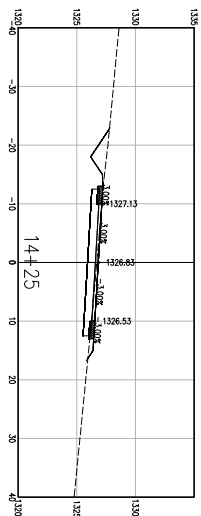
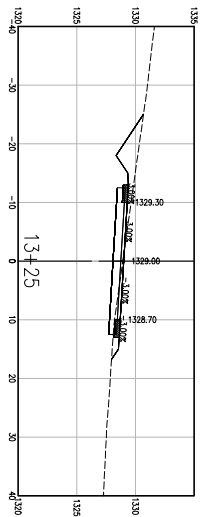
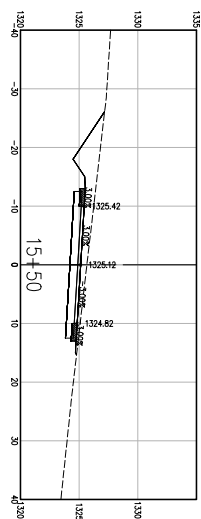
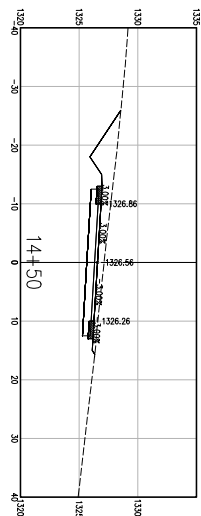
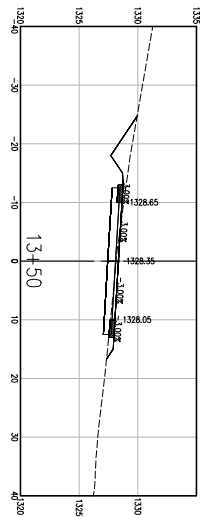
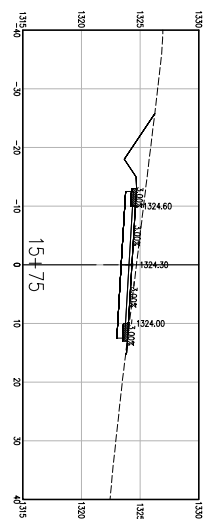
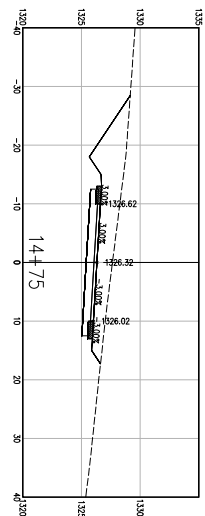
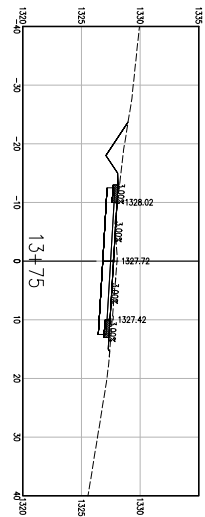


J-HOOK CURB TRAP
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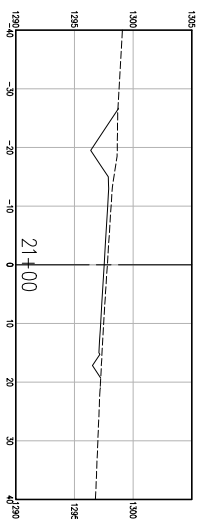
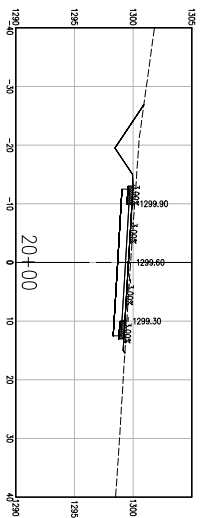
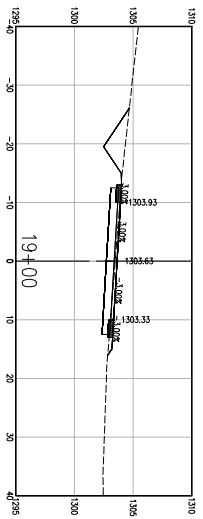
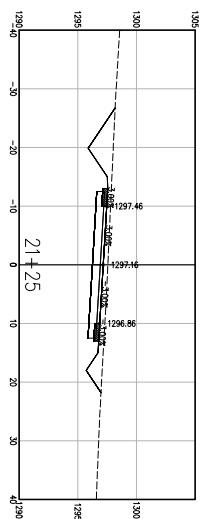
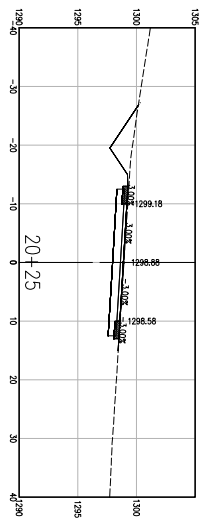
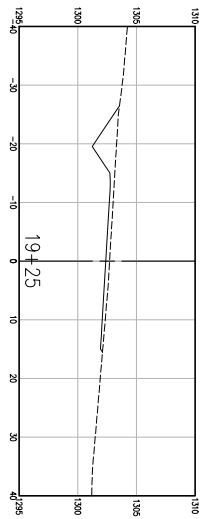
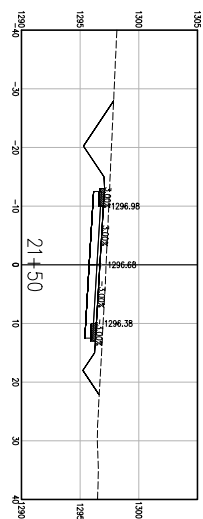
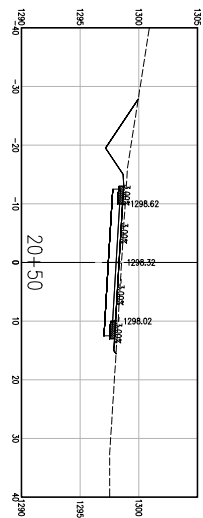
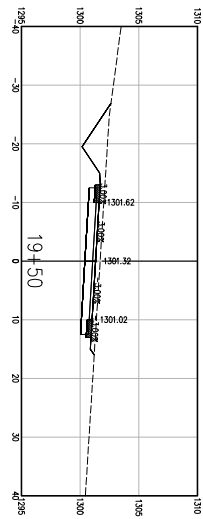
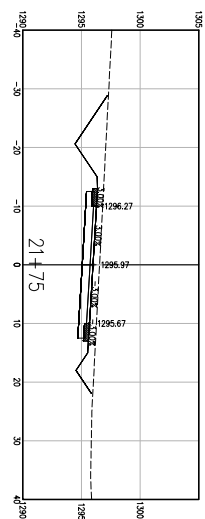
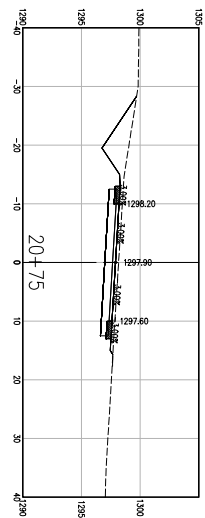
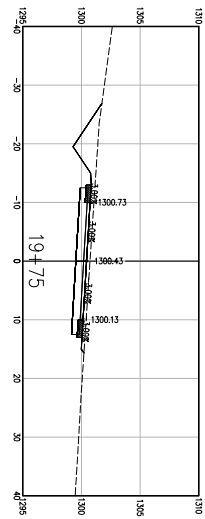


P3 GRADED INLET GRAVEL SEDIMENT FILTER
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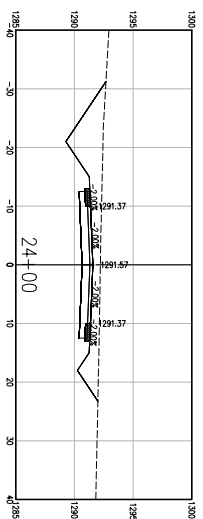
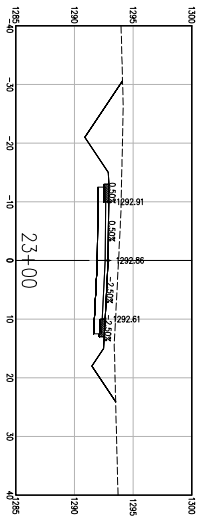
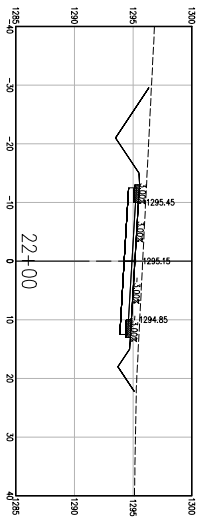
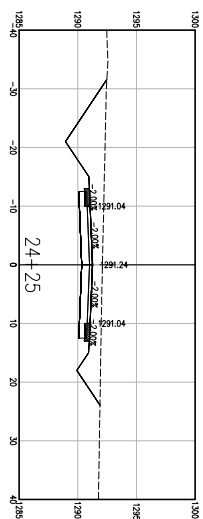
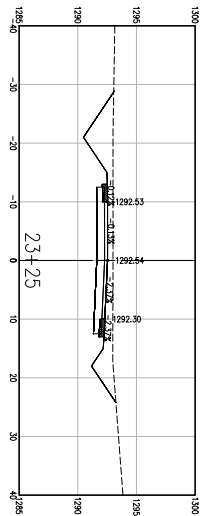
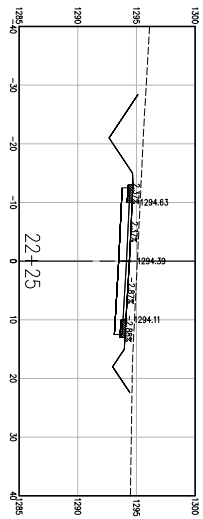
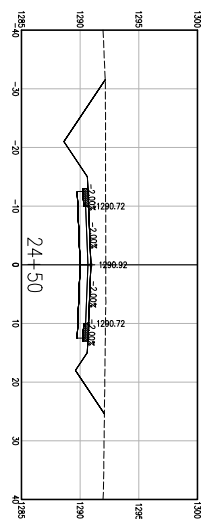
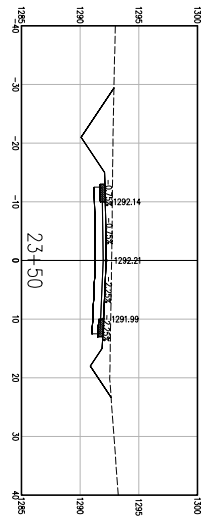
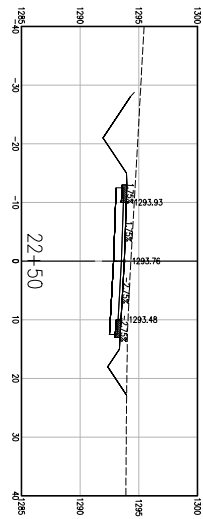
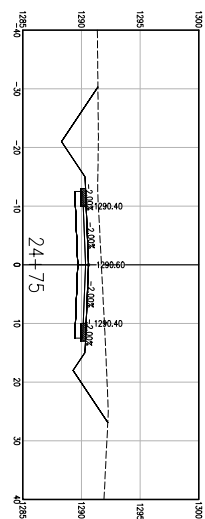
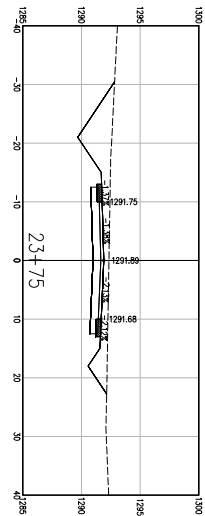
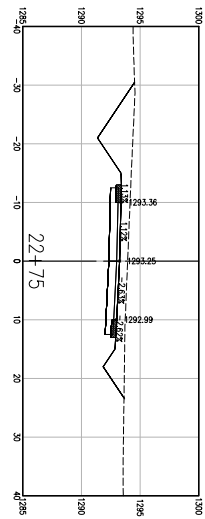




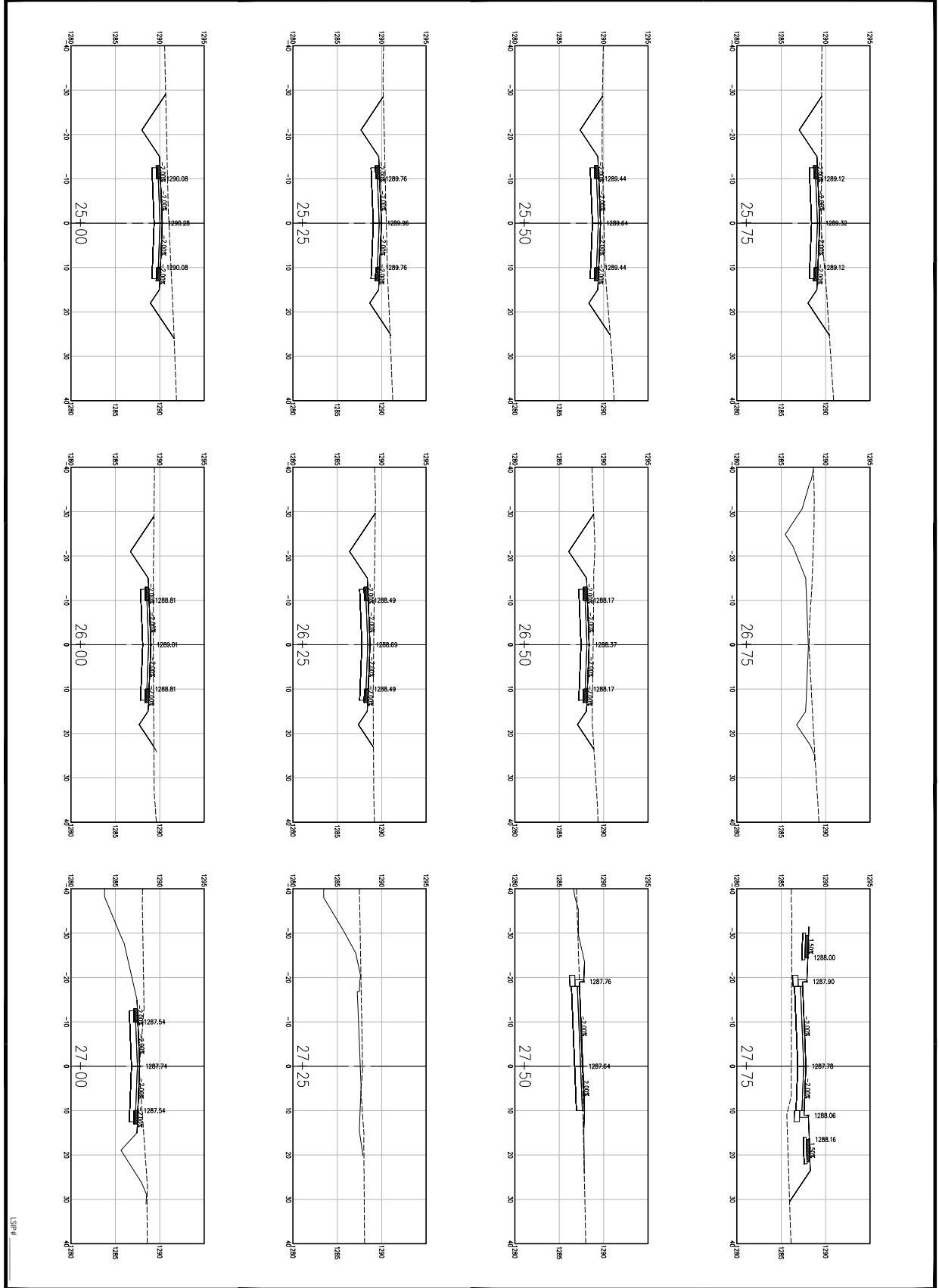
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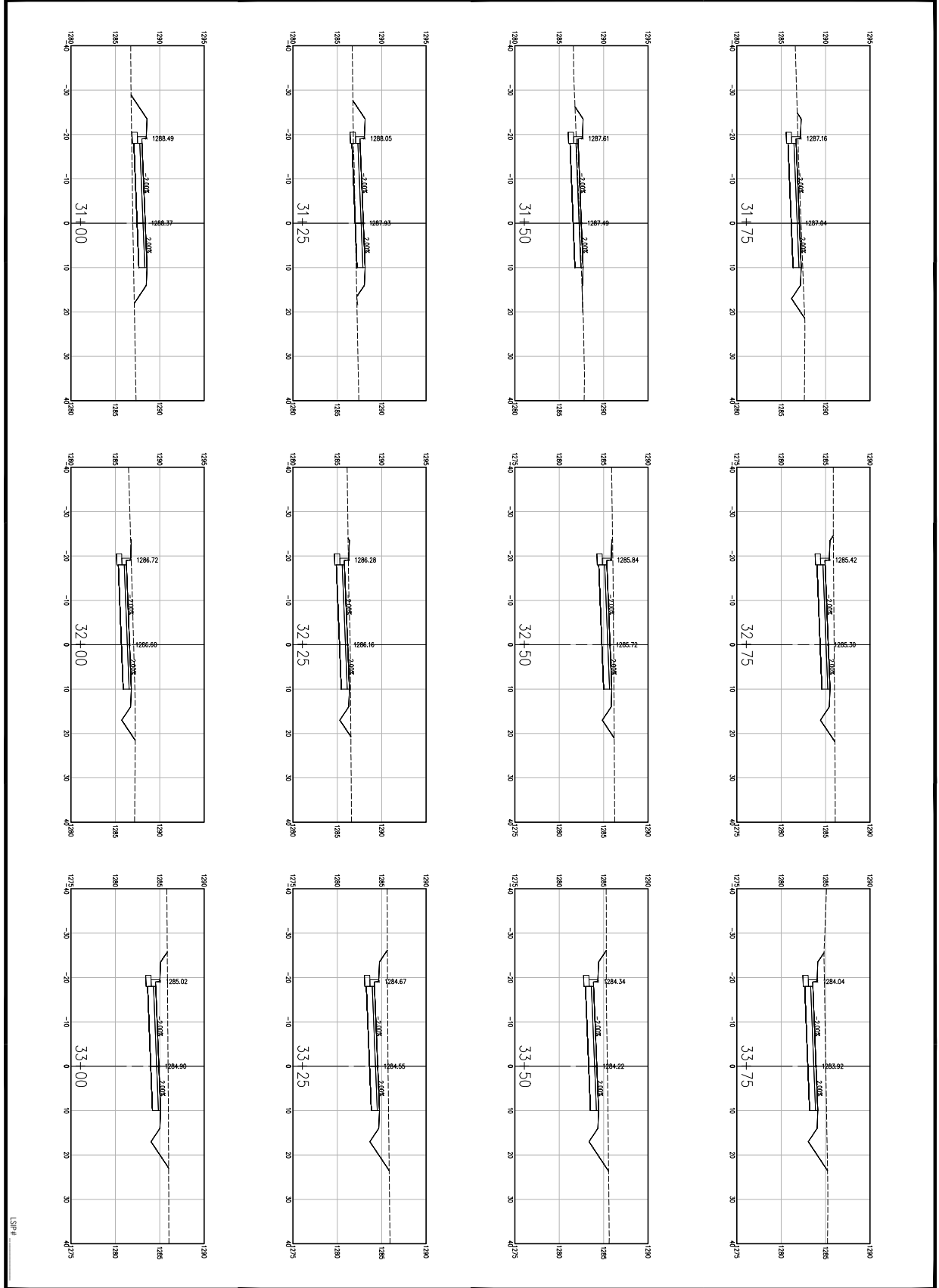


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C-810

ROAD EXPANSION CROSS SECTION
(OF 11)

**CATO SPRINGS
ROAD EXTENSION
FAYETTEVILLE, AR**

Planning Commission
April 22, 2024

VAR-2024-0017 (SOUTH CATO HOLDING)

Page 47 of 56

Crafton

3000 Highway 101
Suite 100
Fayetteville, AR 72703
(479) 326-1000
www.craftoninc.com

CERTIFICATE
This document is a true and correct copy of the original as submitted to the Planning Commission for review and approval.

This document is a true and correct copy of the original as submitted to the Planning Commission for review and approval.

DATE: 04/22/24

BY: [Signature]

FOR: [Signature]

PREPARED BY: [Signature]

REVIEWED BY: [Signature]

APPROVED BY: [Signature]

DATE: 04/22/24

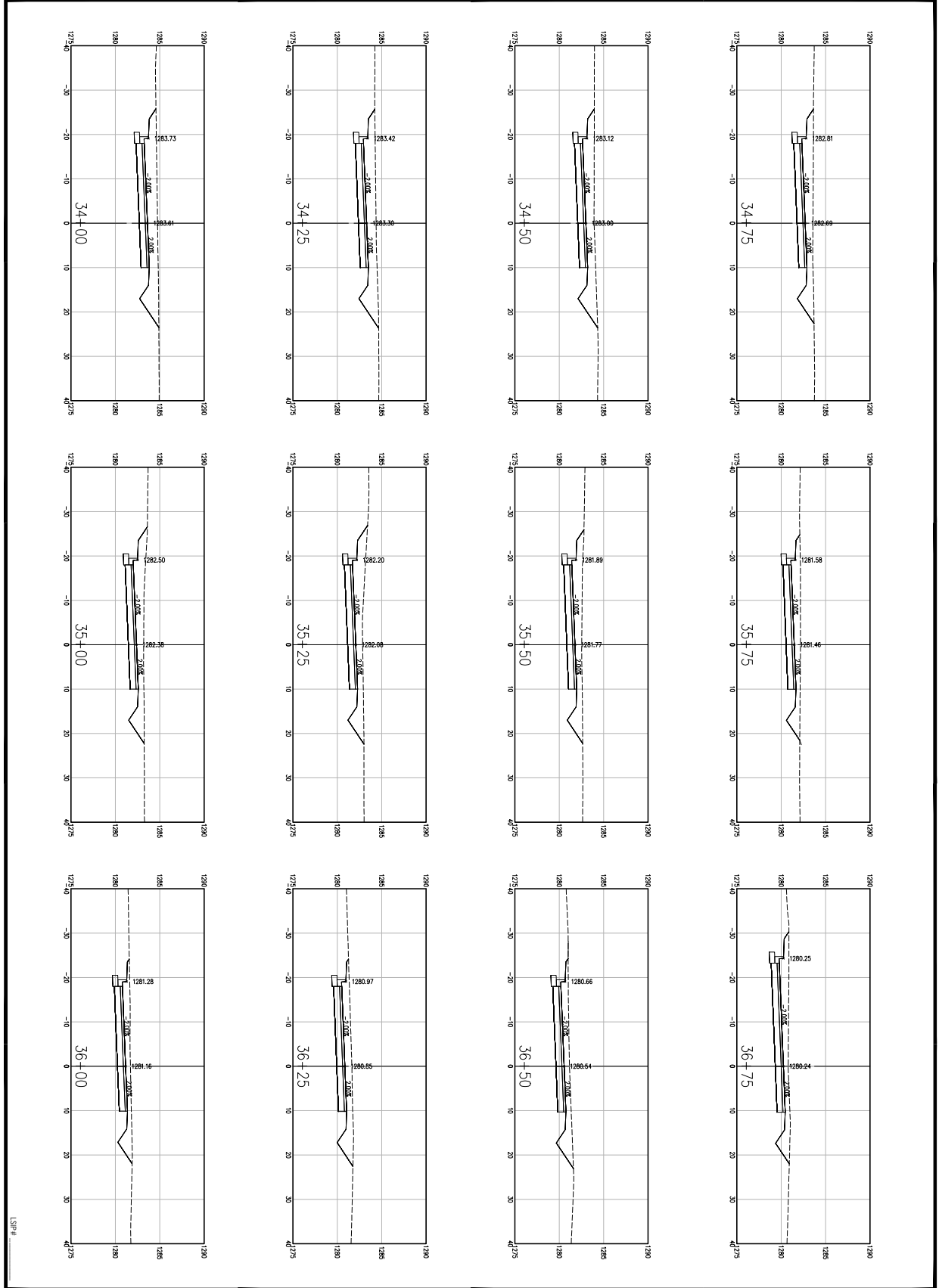
BY: [Signature]

FOR: [Signature]

PREPARED BY: [Signature]

REVIEWED BY: [Signature]

APPROVED BY: [Signature]



Crafton

3500 Highway 101
Fayetteville, AR 72703
727.777.7777

Planning Commission
April 22, 2024

VAR-2024-0017 (SOUTH CATO HOLDING) Page 88 of 210

Page 48 of 56

**CATO SPRINGS
ROAD EXTENSION
FAYETTEVILLE, AR**

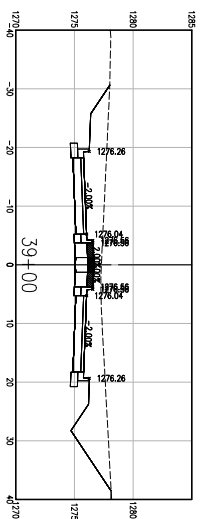
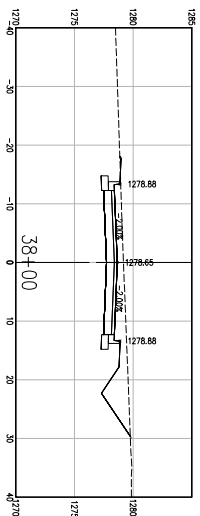
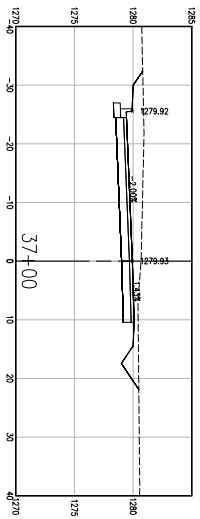
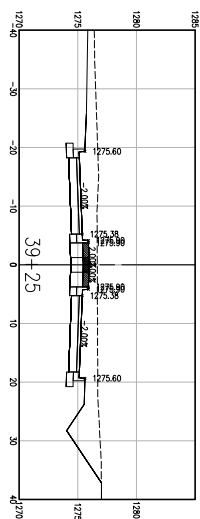
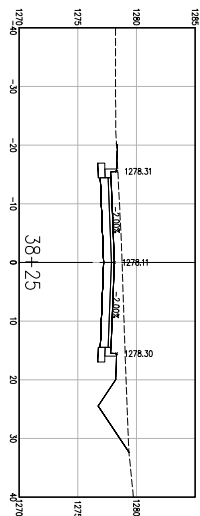
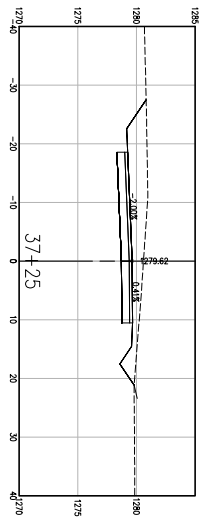
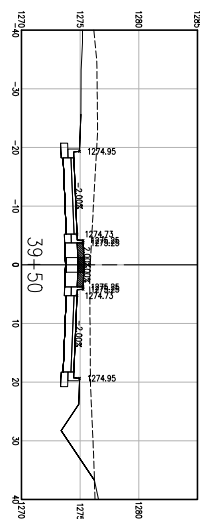
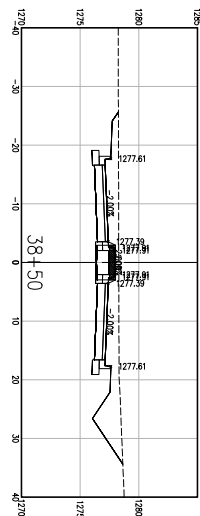
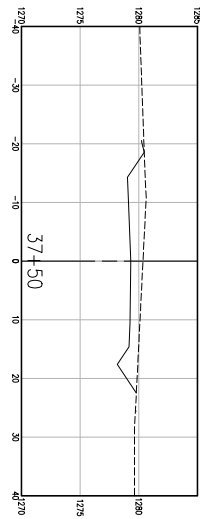
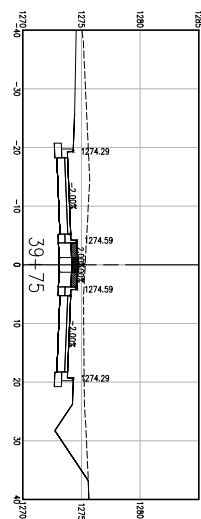
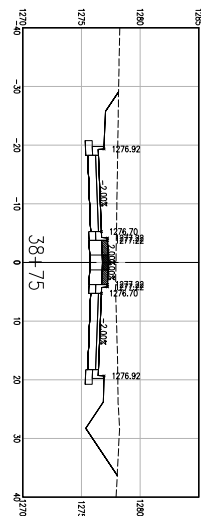
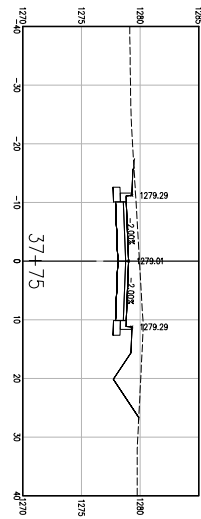
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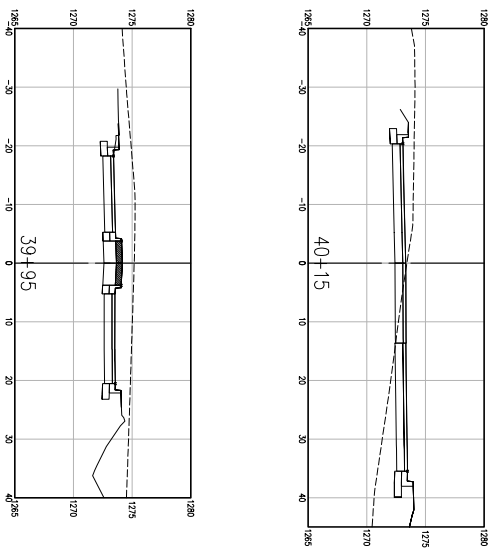
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AND NOT
FOR CONSTRUCTION

ROAD EXTENSION CROSS SECTION
(7 OF 11)

C-811



LSIP #



LSIP#

CATO SPRINGS
ROAD EXTENSION
FAYETTEVILLE, AR

Planning Commission
April 22, 2024

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VAR-2024-0017 (SOUTH CATO HOLDINGS)

Page 50 of 56



301 N. Ely Street, Suite 404
Tulsa, OK 74104
(479) 631-0024 (cell)

TREE SURVEY

CIA # 23002700

February 7, 2024
Cato Springs Rd
Tulsa, OK

TAG #	TREE TYPE	DBH	CONDITION
1	White oak	36	PRESERVED
2	White oak	24	PRESERVED
3	White oak	24	PRESERVED
4	White oak	24	PRESERVED
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Page 1 of 4



301 N. Ely Street, Suite 404
Tulsa, OK 74104
(479) 631-0024 (cell)

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Page 2 of 4



301 N. Ely Street, Suite 404
Tulsa, OK 74104
(479) 631-0024 (cell)

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Page 3 of 4



301 N. Ely Street, Suite 404
Tulsa, OK 74104
(479) 631-0024 (cell)

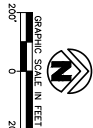
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160	White oak	37	PRESERVED

Page 4 of 4



301 N. Ely Street, Suite 404
Tulsa, OK 74104
(479) 631-0024 (cell)

Planning Commission
April 22, 2024



CATO SPRINGS
ROAD EXTENSION
FATEVILLE, AR

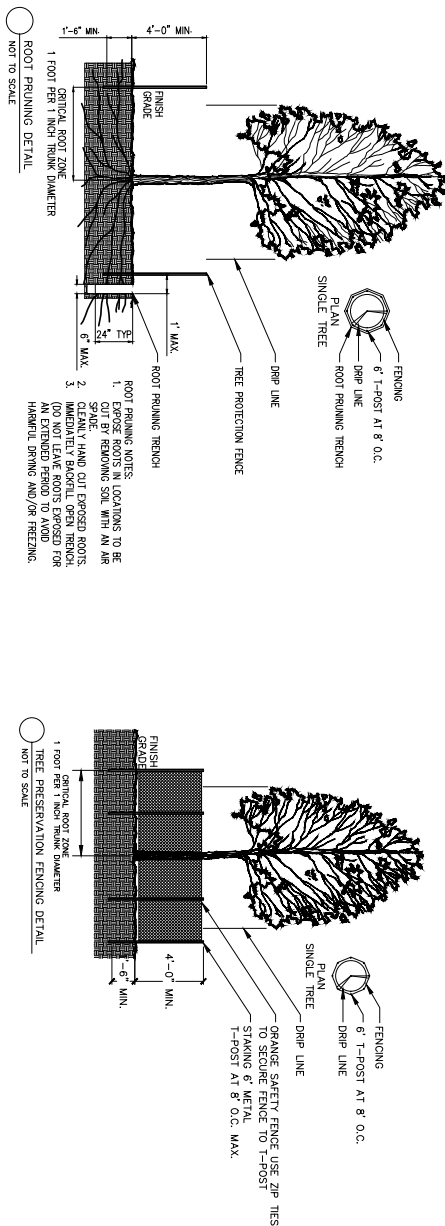
Page 1 of 1

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T-102

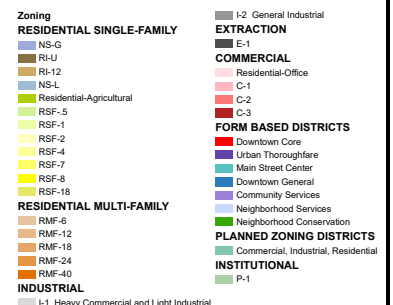
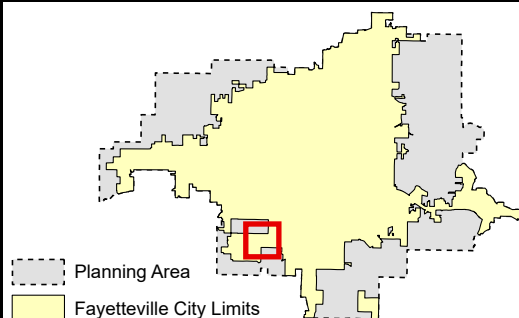
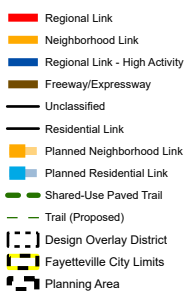
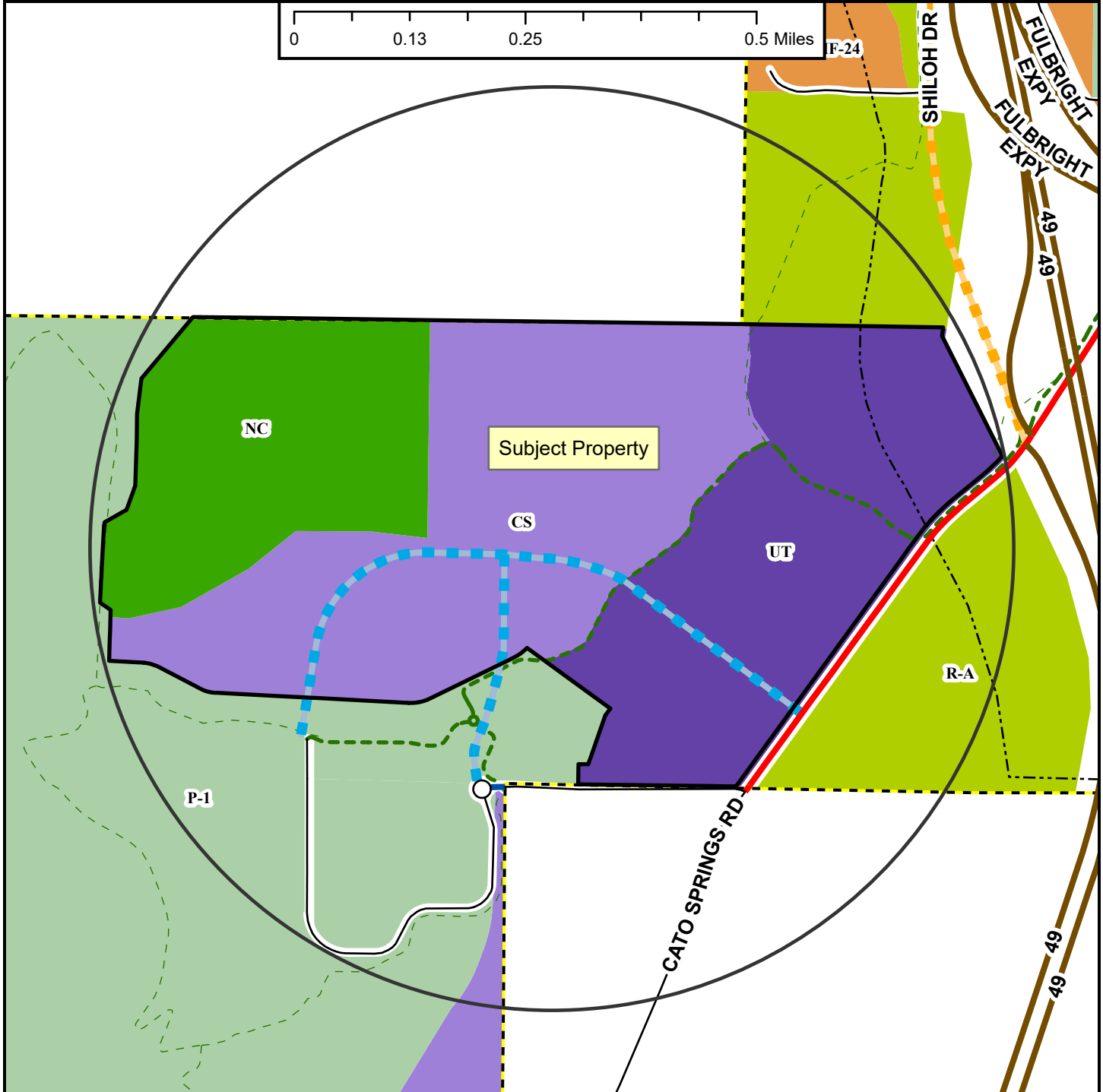
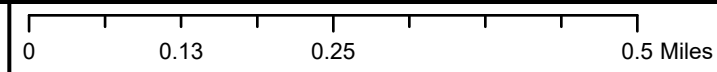
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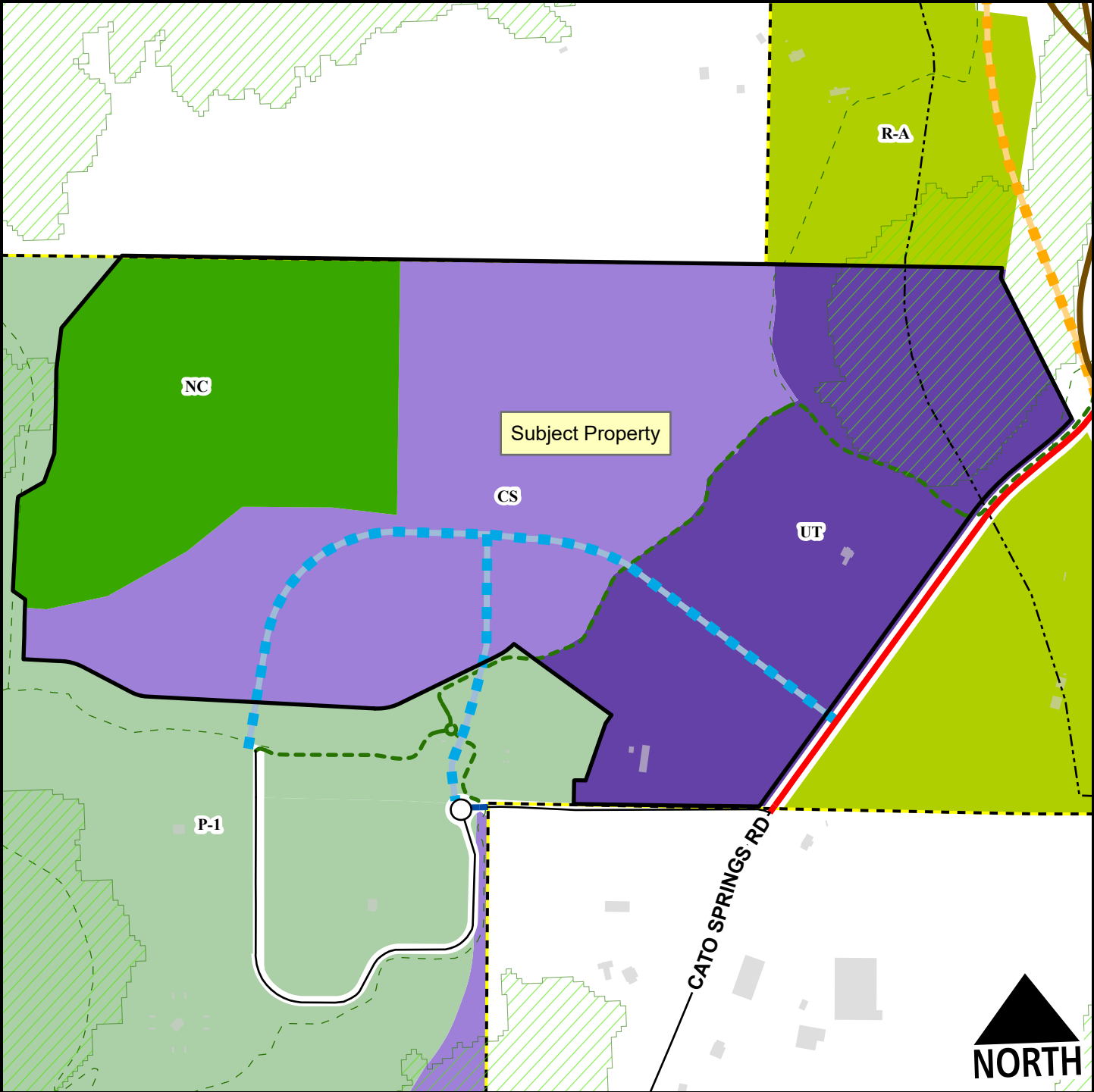


VAR-2024-0017

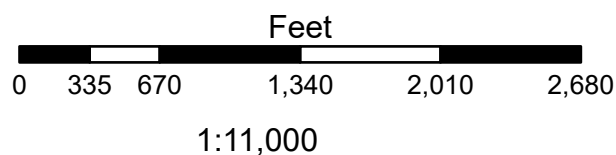
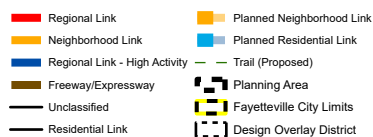
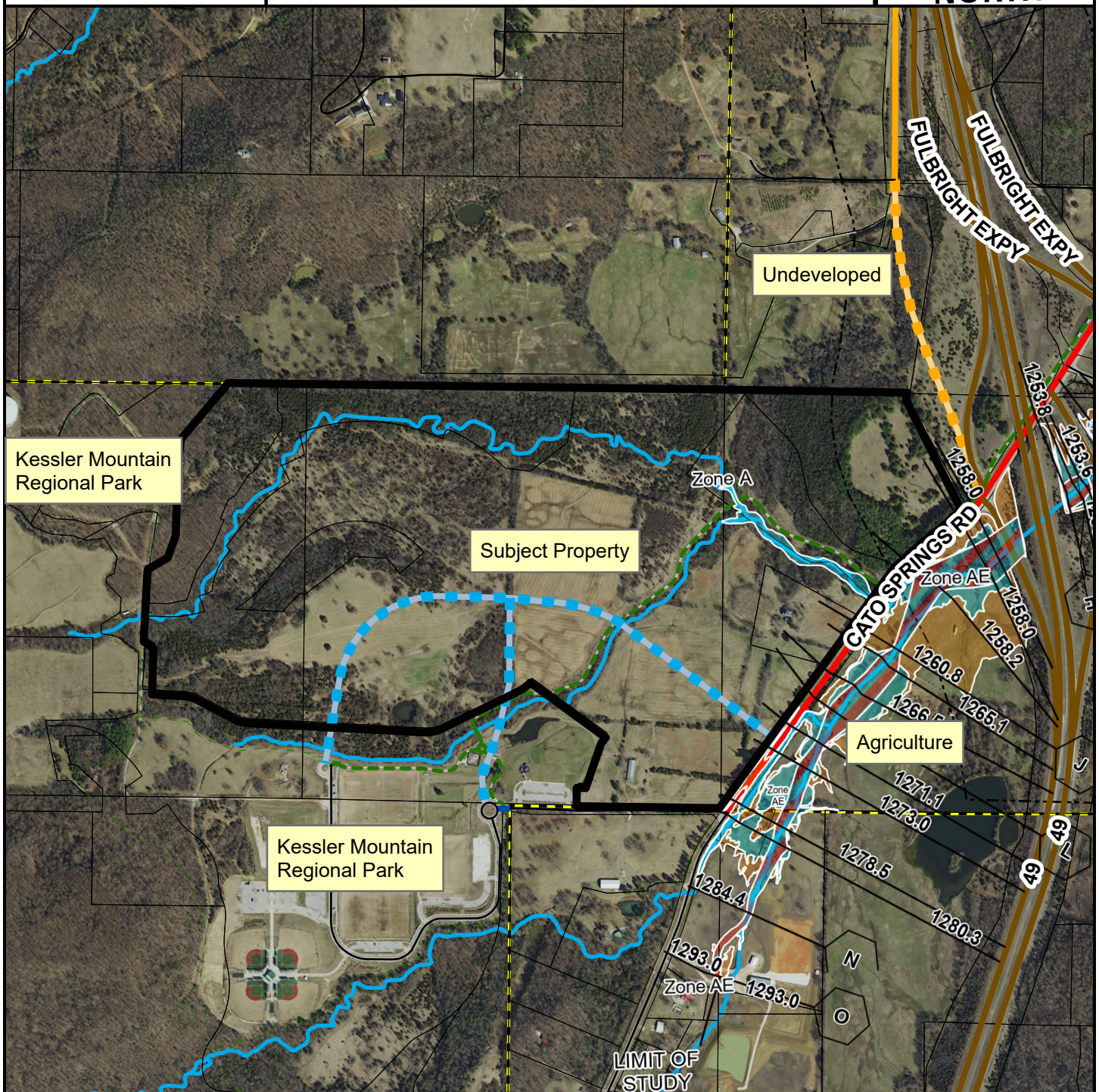
One Mile View

**2580 W. JUDGE CUMMINGS
RD**

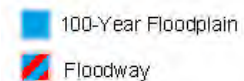




- Regional Link - Regional Link - High Activity - Freeway/Expressway - Unclassified - Residential Link - Planned Neighborhood Link - Planned Residential Link - Hillside-Hilltop Overlay District - Planning Area - Fayetteville City Limits - Shared-Use Paved Trail - Trail (Proposed) - Design Overlay District	Feet 0 260 520 1,040 1,560 2,080 1:8,500	- Residential-Agricultural - Urban Thoroughfare - Community Services - Neighborhood Conservation - P-1
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FEMA Flood Hazard Data





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: April 22, 2024

SUBJECT: **PPL-2024-0003: Preliminary Plat (WEST OF HARROGATE LN./THE ELEMENT PHASE 5, 516):** Submitted by JORGENSEN & ASSOCIATES for property located at WEST OF S. HARROGATE LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 7.45 acres. The request is for the preliminary plat of 36 residential lots and one detention pond lot.

RECOMMENDATION:

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

RECOMMENDED MOTION:

"I move to approve PPL-2024-0003, determining:

- In favor of the recommended right-of-way dedication;*
- In favor of the recommended street improvements;*
- In favor of the variance to §166.08(E), Block Length;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property includes 7.45 acres located in west Fayetteville between S. Broyles Ave. and S. Ruppel Rd. The property is largely clear, level, and undeveloped. This will be the fifth phase of the Element subdivision (formerly known as the Broyles subdivision). Phases I and II received final plat approval in 2022 for 56 and 27 single-family lots, respectively. The final plat for Phase III was approved in late 2023 for 43 single-family lots. A preliminary plat for Phase III & IV for 141 single-family lots was approved in January 2024. Surrounding land use and zoning is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential (The Villages of Sloanbrooke Ph. 7)	NC, Neighborhood Conservation
South	Single-Family Residential (Under Construction – The Element Ph. 2)	NC, Neighborhood Conservation
East	Single-Family Residential (The Villages of Sloanbrook Ph. 5)	NC, Neighborhood Conservation
West	Single-Family Residential (Under Construction – The Element Ph. 2)	NC, Neighborhood Conservation

Proposal: The applicant is proposing a residential subdivision with 36 single-family lots and one detention pond lot. A variance to §166.08(E)(1)(c), Block Length is also requested.

Street Improvements:

Internal Streets: The internal street system includes two Residential Link streets with 52-foot right-of-way. These are proposed with improvements in accordance with the Master Street Plan.

Block Length/Connectivity: As a part of the proposal, this phase of the subdivision will connect with S. Harrogate Ln. to the west, W. Barhem Dr. to the east, and S. Maroon Ave. to the south.

The applicant has requested a variance to **§166.08(E), Block Length**, which requires that intersections on Residential Link streets will occur at a minimum of one (1) every 660 feet. Along W. Aurora St. and W. Barhem Dr./S. Maroon Ave., the applicant proposes block length of approximately 740 and 760 feet, respectively.

Staff recommendation: Staff supports this variance request, finding that the requested variance to block length and connectivity is appropriate given location of existing roads stubouts that this phase of the subdivision is connecting to. As a condition of approval, staff recommends that access for lots 1-9 along W. Aurora St. be limited to the rear from the existing Alley 4, located north of the lots. This will reduce the number of driveways along a block exceeding the typical length, providing traffic calming effects and increasing walkability.

Water and Sewer System: The applicant is proposing to extend 8" water and sewer mains throughout the development for service.

Tree Preservation:

Canopy minimum requirement: 20.0%

Existing canopy: 2.9%

Preserved canopy: 0.0%

Mitigation required: 8,788 Sq. Ft. (40 2" caliper trees)

Parks: In February of 2020, the Parks Recreation and Advisory Board reviewed this project and recommended payment in-lieu of parkland dedication, totaling \$39,204 for 36 single-family lots. Fees are due before signing of the final plat.

Public Comment: At the Subdivision Committee meeting, a member of the public mentioned concerns associated with the loss of the existing pond in the northeast corner of the subject area. They cited displacement of wildlife and loss of a natural area as negative impacts and requested the developer explore preservation of the pond area as a neighborhood park.

RECOMMENDATION: Staff recommends approval of PPL-2024-0003, with the following conditions.

Conditions of Approval:

1. Planning Commission determination of street improvements:
 - a. *The internal streets shall be constructed as depicted on the proposed preliminary plat in accordance with the Master Street Plan for a Residential Link;*
 - b. *Streetlights shall be installed in accordance with code at all street intersections and spaced no more than 300 feet;*

- c. *Right-of-way dedication for the internal streets shall be 52 feet based on the Master Street Plan;*

The Subdivision Committee recommended in favor of the proposed street improvements

2. Planning Commission determination of a variance to §166.08(E), Block Length for a block length exceeding 660 feet:
 - a. *Staff recommends in favor of the request with the following condition:*
 - i. Access for Lots 1-9 along W. Aurora St. shall be limited to the rear from the existing Alley 4, located north of the lots.

The Subdivision Committee recommended in favor of the proposed variance.

3. Fees-in-lieu for parkland dedication shall be paid in the amount of \$39,204 for the creation of 36 single-family lots prior to final plat.
4. Conditions of approval from Engineering, Urban Forestry, and Parks Department are included in the official conditions of approval, attached hereto;

Standard conditions of approval:

5. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
6. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;
7. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;
8. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;
9. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
10. 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, SWBT, Ozarks, SWEPCO, Cox Communication)
11. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements; and
12. Preliminary Plat approval shall be valid for one calendar year.

Planning Commission Action: ☐ Tabled ☐ Approved ☐ Denied

Meeting Date: April 22, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None.

Attachments:

- UDC 166.08 – *Street Design and Access Management Standards*
- Staff Memos
 - City Engineering comments
 - Urban Forestry comments
 - Parks comments
- Request Letter
 - Variance Request
- Site Plans
- Exhibit – Subdivision Development Phases
- One Mile Map
- Close-up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

...

(E) *Block Layout/Connectivity.*

(1) **Block Length.** Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.

- (a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
- (b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
- (c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
- (d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.



TO: Kylee Cole, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: April 1, 2024

SUBJECT: **Subdivision Committee Engineering Comments for
PPL-2023-006 The Element Phase 5**

Water: The applicant is proposing to extend 8" water mains through the development to provide fire protection and domestic water.

Sewer: The applicant is proposing to extend 8" sewer mains through the development to provide sanitary sewer.

Streets: The applicant is proposing to install typical residential streets in the development.

Drainage: The proposed subdivision will add more than 10,000 square feet of impervious area and therefore must meet the 4 Minimum Standards outlined in the Drainage Criteria Manual. Water quality is proposed to be met via the use of a proprietary device. Channel Protection is proposed to be met by releasing the increase in volume for the 1-year storm over a period of 40 hours. Overbank and Extreme Flood Protection are proposed to be met with a detention pond. Additional review of the drainage and storm network will occur during grading permit.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets, and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developer's expense.
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the

engineering department for inspection of existing facilities to determine compliance.

4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of the meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - Waterline fittings, callouts, or utility conflicts
 - Street profiles
 - Fine grading/spot elevations



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Charles A. Zardin, PE, Jorgensen & Associates
From: Melissa Evans, Urban Forester
CC: Kylee Cole, Planner
Meeting Date: April 11, 2024
Subject: PPL-2024-003: The Element Phase 5: West of S. Harrogate Ln.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>		X	
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
1 Tree : 12 Parking Spaces				

b. Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	N/A			
c. Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>				X
d. Tree Island (8' min. width, 18.7' min length, 150 square feet) <i>UDC Chapter 177.04C</i>				X
e. Placement of Trees (either side at entrances and exits) <i>UDC Chapter 177.04C2</i>				X
3. Perimeter Landscaping Requirements	Yes	No	N/A	
a. Front Property Line (15' wide landscape) and 5' on sides and rear. <i>UDC Chapter 177.04D2a</i>				X
b. Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>				X
c. Screening of parking lot from adjacent residential properties.				X
4. Street Tree Planting Requirements	Yes	No	N/A	
a. Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05B1a</i>	X			
b. Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05B2a</i>				X
c. Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>				X
d. Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan <i>UDC Chapter 177.05B3a-f</i>				X
e. Residential Subdivisions Timing of planting indicated on plans <i>UDC Chapter 177.05A4</i>	X			
f. Residential Subdivisions Written description for method of tracking planting <i>UDC Chapter 177.05A4e</i>	X			

5. Landscape Requirement Totals	Amount
Mitigation Trees	40
Parking Lot Trees	0
Street Trees	5 Street Trees +40 Lot Trees
Detention Pond – Large Trees (1 Tree/3,000 square feet)	7
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	28
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	41

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	3/25/24	4/2/24	
Approved			
Tabled			
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided.



URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Charles A. Zardin, PE, Jorgensen & Associates
From: Melissa Evans, Urban Forester
CC: Kylee Cole, Planner
Meeting Date: April 11, 2024
Subject: PPL-2024-003: The Element Phase 5: West of S. Harrogate Ln.

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

2. Tree Preservation Calculations

Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	305,851	100%
Zoning Designation * Select Below with drop down arrow		
NC-Neighborhood Conservation	61,170	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	61,170	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	8,788	2.9%
Tree Canopy Preserved	0	0.0%
Tree Canopy Removed *On Site	8,788	2.9%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	8,788	2.9%
Removed Below Minimum	61,170	
Mitigation Requirements	8,788	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	8,788	40
Low Priority	0	0
Total Mitigation Trees Required	8,788	40

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

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1 and 167.04L1</i>	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes	Yes	
b. Property Boundary	Yes	Yes	
c. Natural Features (100ft beyond limits of disturbance)	Yes	Yes	
d. Existing Topography and Proposed Grading	Yes	Yes	
e. Soil Types	Yes	Yes	
f. Significant Trees	N/A	N/A	
g. Groupings of Trees	Yes	Yes	
h. Table Inventory List (species, size, health, priority)	No	Yes	
i. All Existing and Proposed Utilities	Yes	Yes	
j. All Existing and Proposed Utility Easements and ROW's	Yes	Yes	
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)	No	Yes	
o. Shows ALL Proposed Site Improvements	Yes	Yes	
p. Delineates trees/canopy to be preserved and removed	Yes	Yes	
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	N/A	N/A	

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

6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X		
7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	3-25-24	4-2-24	
Approved			
Tabled			
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please list the existing trees general health.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: March 20, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: February 3, 2020

Project Title: The Element (Phase 5) AKA Broyles Subdivision

Project Number: PPL-2024-0003

Project Location: S of W. Planetree St

Plat Page: 516

Park Quadrant: SW

Billing Name & Address: DR Horton, 5502 W Walsh Ln, Rogers, AR 72758

☐ Land Dedication

☒ Fee-in-Lieu

☐ Combination

FEE-IN-LIEU

Single Family: 36 units x \$1,089 per unit = \$39,204

Multi Family: units x \$952 per unit = \$ 0

TOTAL

Fees

\$39,204

SUMMARY:

- Project proposes 36 SF units and 0 MF units.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of the Final Plat.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- 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.



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

March 13, 2024

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Preliminary Plat for The Element Phase 5

This letter is in regards to a proposed Preliminary Plat for The Element Phase 5. This property is located at the east end of Aurora Street, just north of The Element Phase 2, east of The Element Phase 3, west of Sloanbrooke Phase 5, and south of Sloanbrooke Phase 7. Currently the site is undeveloped and is being used as a soil stockpile area for the previous phases of development. This property is zoned NC (Neighborhood Conservation) and the proposed development includes 36 buildable lots. Water, Sewer, Street and Drainage Improvements are proposed in order to serve these lots. There will be a detention pond in the southwest corner which will be utilized to meet the minimum drainage requirements.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Charles A. Zardin, PE



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
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March 28, 2024

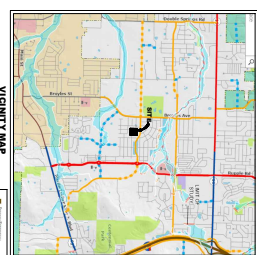
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: The Element Phase 5 Preliminary Plat - Variance Request

Please accept this request for a variance from the Unified Development Code section 166.08(E) Block Length, which states that intersections shall occur at a minimum of one every 660 feet for Residential Link Streets. The proposed layout for The Element Phase 5 contains two locations where the block lengths exceeds the minimum. These locations are marked on the attached plat. This parcel is bound by existing residential subdivisions on all 4 sides, which limits the options for street connections to the existing street stub-outs, which results in the block lengths exceeding the maximum allowed. Therefore, we would like to request a variance to allow for the block length to exceed 660 feet at this location.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.



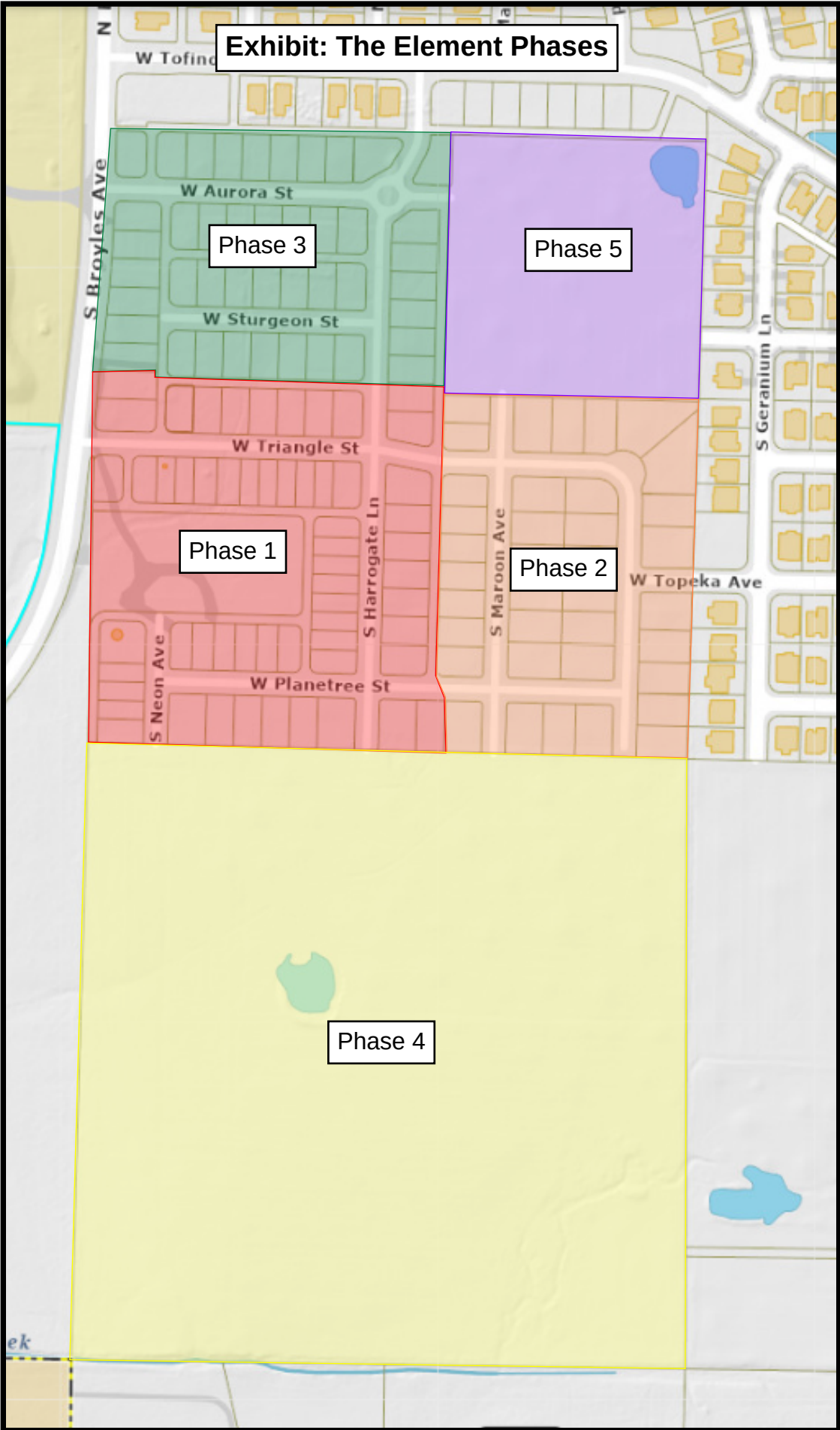
EXISTING CANOPY MIX IS HONEY LOCUST AND SASSAPARILLA, RANGE OF SIZE BETWEEN SAPPLINGS & 100' NO SIGNIFICANT TREES ON SITE.

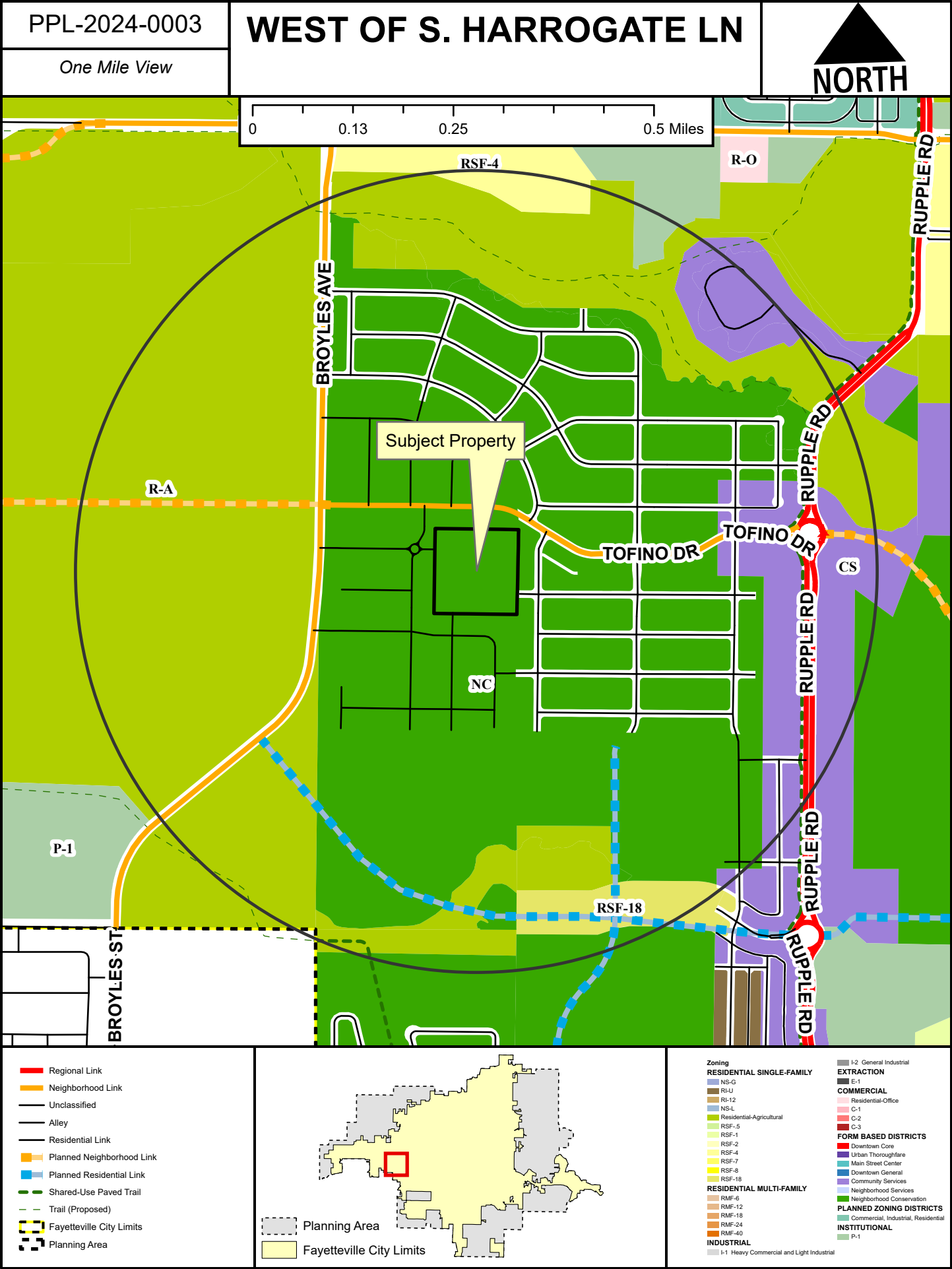
SITE ANALYSIS STATEMENT

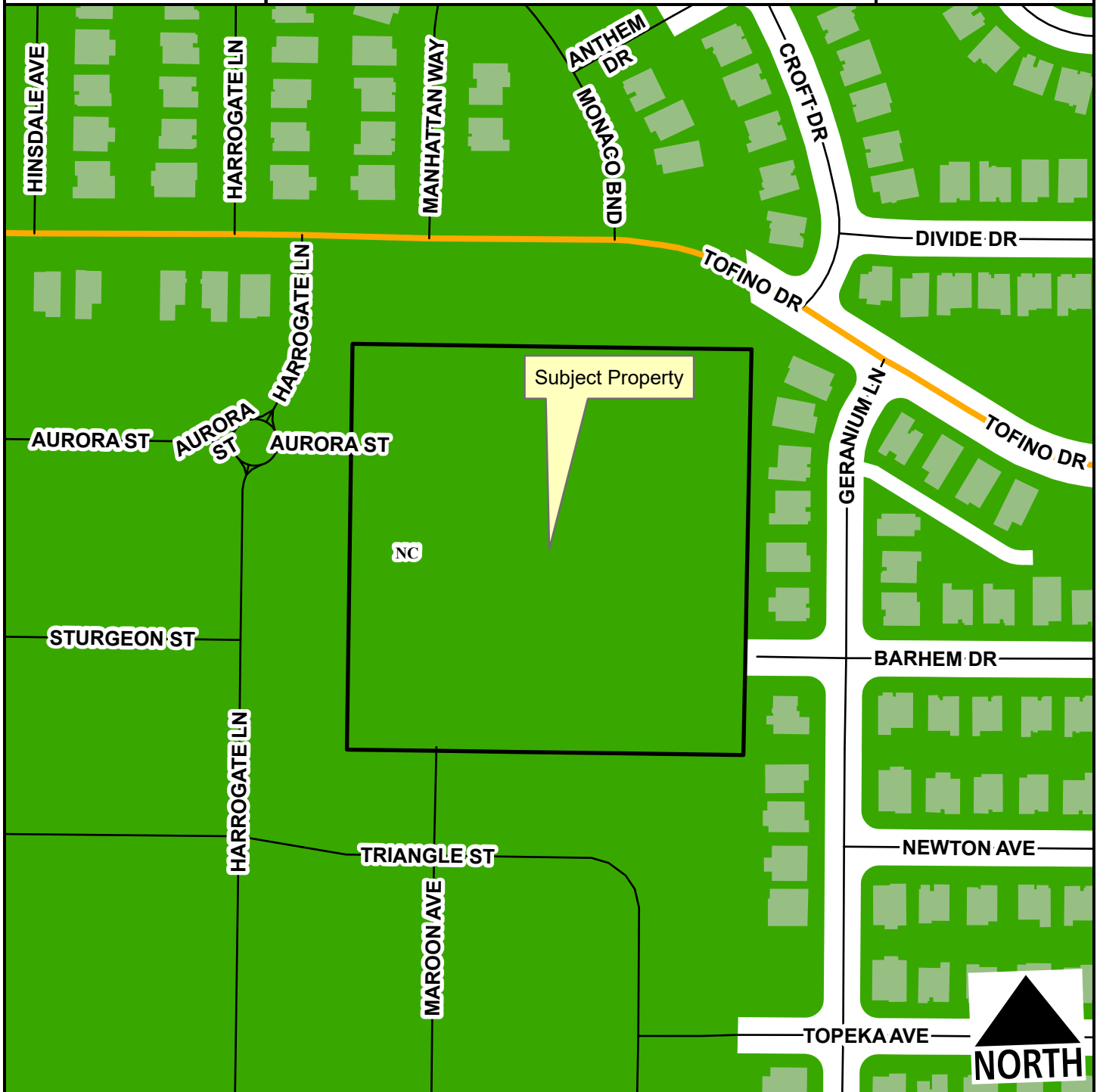
Typically, the site was a open pasture with grass, some trees lining the fence on the eastern property line, and an agricultural pond on the western side. Currently the site is being used as a location for site access from the previous phases of development. The surrounding slopes from northeast to southwest, where a pond is located at the southwest corner by a drainage canal established out from the previous phases. The property is not affected by floodplains or wetland sensitive zones.

The overall site category is a mixture of multi-honey localist and Sensitive, and are not considered significant trees. There shall be no removal or manipulation to the high priority. Due to the remaining site area being clear of trees, no the preservation is being proposed as a tree project.

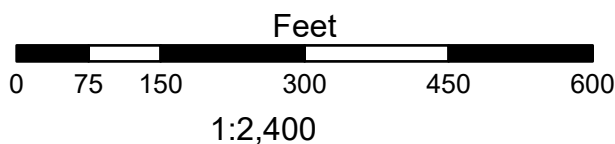
CANOPY REMOVED







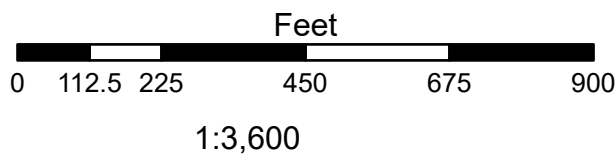
- Neighborhood Link
- Residential Link
- Planning Area
- Fayetteville City Limits



Neighborhood Conservation



- Neighborhood Link
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: April 22, 2024

SUBJECT: **RZN-2024-0015: Rezoning (4600 E. HUNTSVILLE RD./STONE STREET RENTALS LLC., 565):** Submitted by JOHN CLOYED for property located at 4600 E. HUNTSVILLE RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.94 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0015** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0015** 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 contains approximately 1.94 acres and is developed with a single-family dwelling constructed in 1936. The property is zoned R-A, Residential-Agricultural which it received in 2003 with the adoption of the new city zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	Agricultural/Residential Single-Family, 1 Unit per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre; R-A, Residential-Agricultural
East	Single-Family Residential/Undeveloped	R-A, Residential-Agricultural
West	Single-Family Residential	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-4, Residential Single-Family, Four Units per Acre.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The property has frontage along E. Huntsville Road. E. Huntsville Road is a partially improved Regional Link Street with asphalt paving, and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the Subject area. Existing 8-inch water main is present on the north side of E. Huntsville Road.
- Sewer:** Sanitary Sewer is available to the Subject area. Existing 6-inch sewer main is present on the North side of the subject property line. Existing 6-inch sewer main is present on the South side of E. Huntsville Road.
- 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 2.6 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not comment on this request.

Tree Preservation:

The current zoning district of R-A, Residential-Agricultural requires **25% minimum canopy preservation**. The proposed zoning district of 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 **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 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (6-inch main, north side of subject property; 6-inch main, E. Huntsville

- Rd.)
- Near Water Main (6-inch main, E. Huntsville Rd.)
- Near City Park (Bayyari Park and Rodney Ryan Park)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning from R-A to RSF-4 to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family property across E. Huntsville Rd. to the southwest and properties developed with single-family homes to the north, east, and west. A rezoning to RSF-4 would allow for the by-right development of single-family dwellings with a density of up to four units per acre. Additional housing options providing increased density are available through conditional use, such as two-family dwellings and cluster housing. R-A and RSF-4 have significantly different bulk and area requirements. Lot width minimum in R-A is 200 feet, but in RSF-4 is only 70 feet. Lot area in R-A is a minimum of 2 acres, but in RSF-4 is 8,000 square feet (.18 acres). Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased housing opportunities.

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 RSF-4 could allow for the creation, or maintenance, of residential properties with reduced lot sizes and offer some flexibility in 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.

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 R-A to RSF-4 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 R-A to RSF-4 does have the potential to increase traffic danger and congestion due to increased density and additional curb cuts. Courts have established a precedent that properties with frontage to a public street have a legal right to access the street, therefore additional curb cuts could be added and increase traffic danger and congestion along E. Huntsville Rd. However, 166.08(F)(3)(b) does discourage individual curb cuts

and states “curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.” Access management will be reviewed at the time of development.

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

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

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

Finding: N/A

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0015 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 22, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 District R-A, Residential-Agricultural
 - §161.07 District RSF-4, Residential Single-Family, Four (4) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map

- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

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

- (B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

- (C) *Density.*

Units per acre	One-half (½)
----------------	--------------

- (D) *Bulk and Area Regulations.*

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

- (E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

- (G) *Building area.* None.

161.07 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.

LETTER OF COMPATIBILITY

March 04, 2024

To Whom It May Concern:

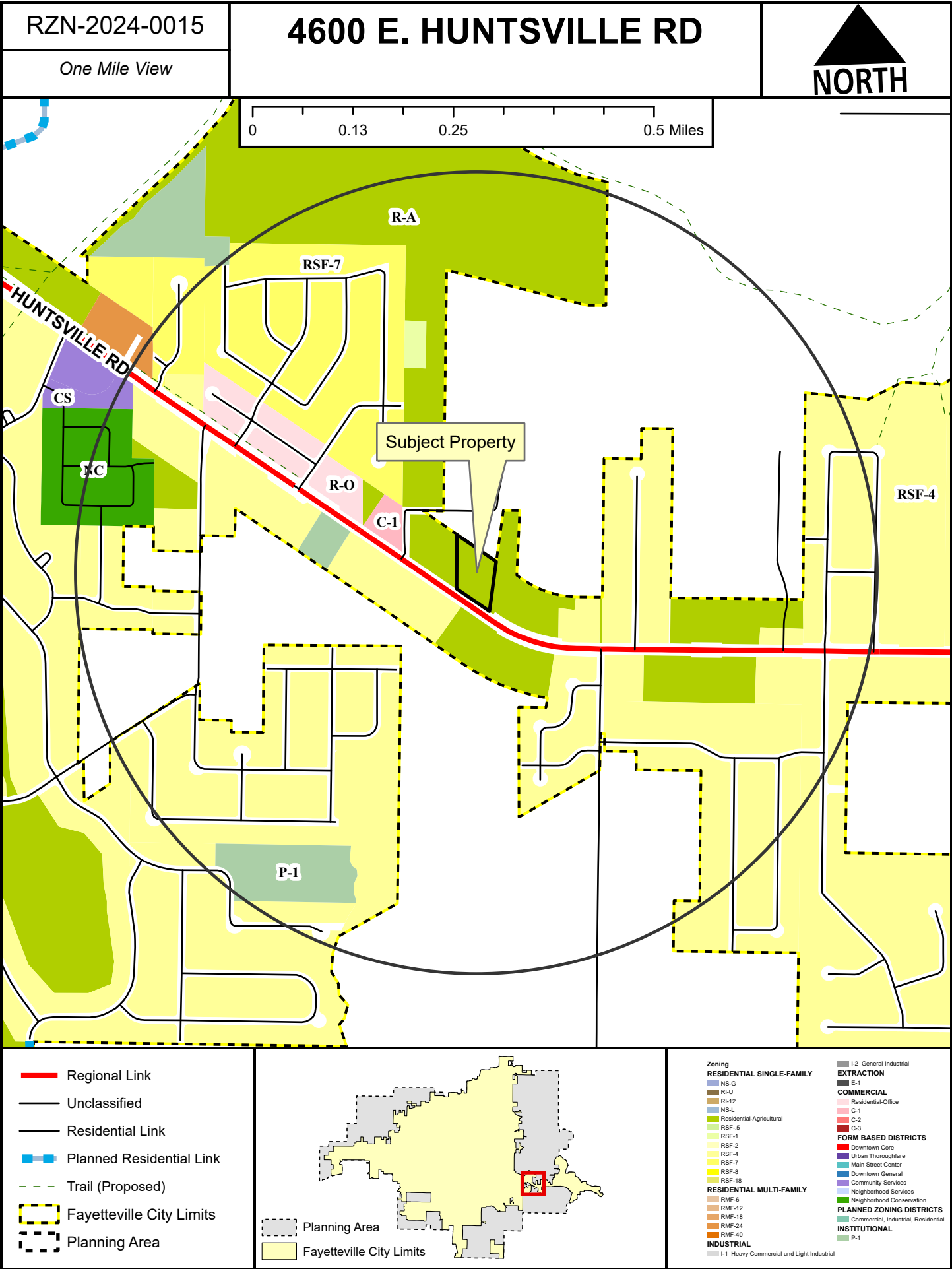
PARCEL ID: 765-13079-000 / RPID: 48108

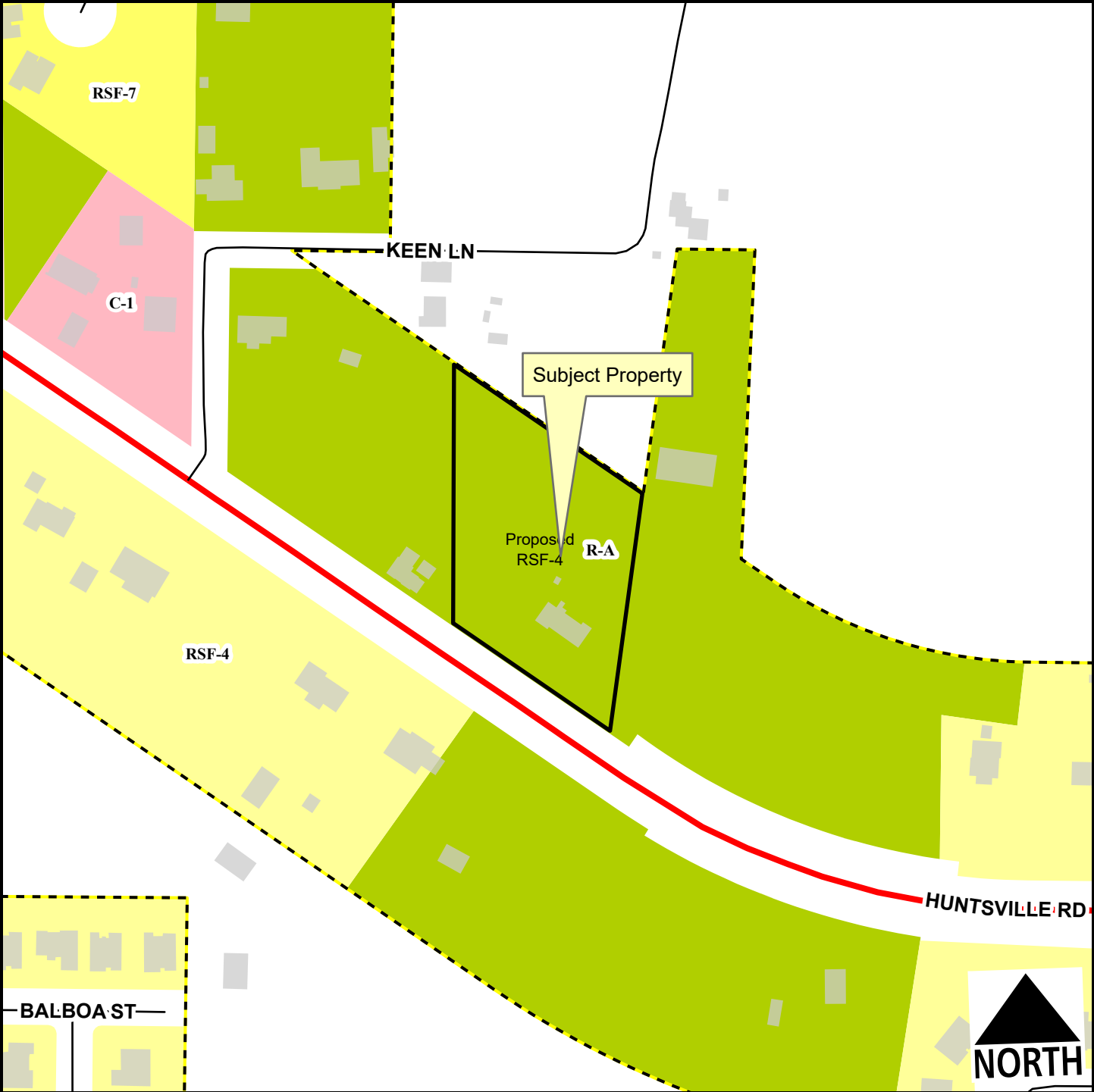
The proposed rezoning of this property will fit the neighboring residential properties in which the majority are already zoned RSF-4. The surrounding area is no longer agriculturally based and our current community is in great need of more housing. By rezoning to RSF this will provide the opportunity for denser housing than the current agricultural zoning but still stay compatible with the surrounding properties.

Sincerely,

John C. Cloyed

John C. Cloyed
Stone Street Rentals





Regional Link

Unclassified

Residential Link

Planning Area

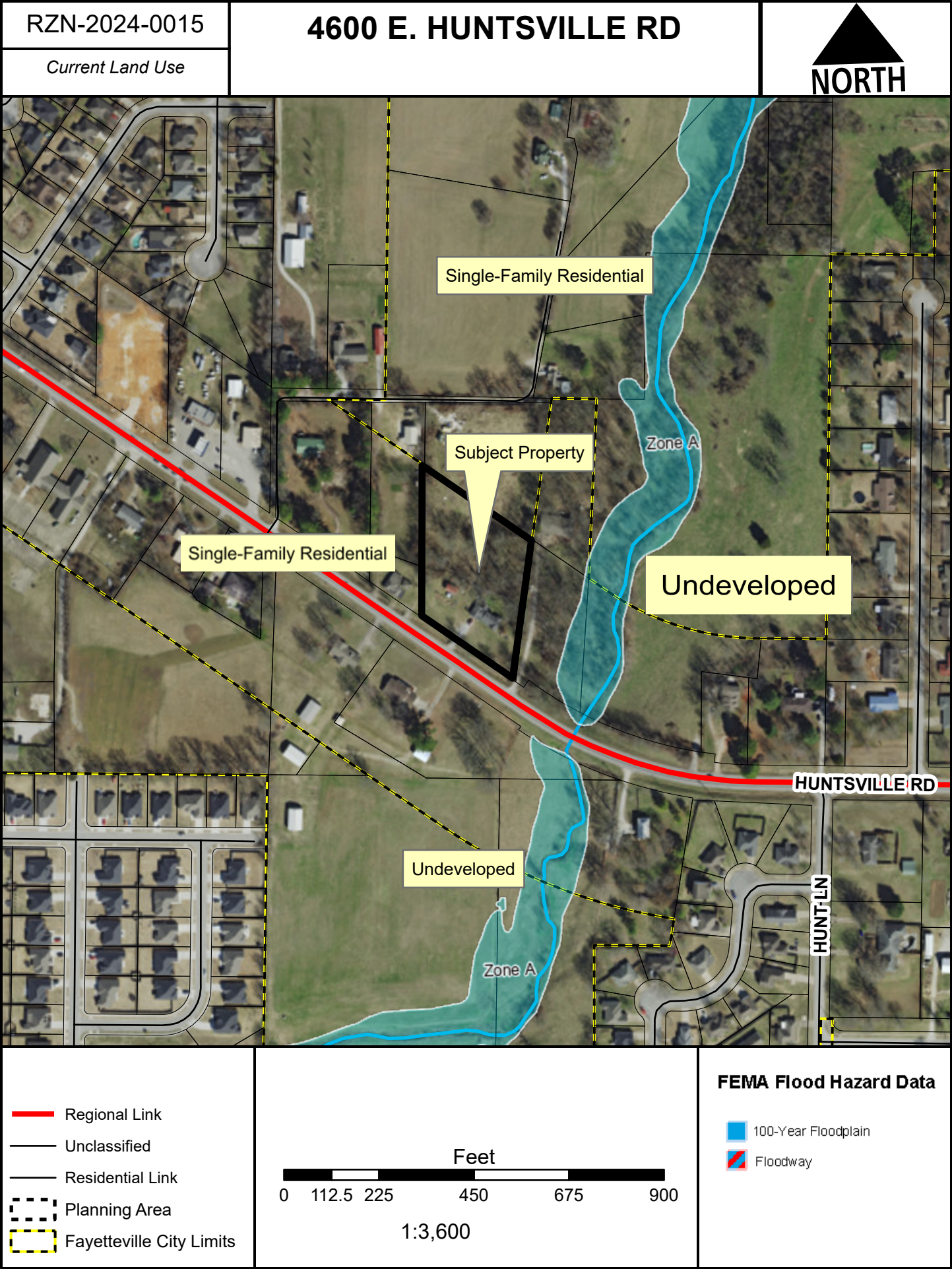
Fayetteville City Limits

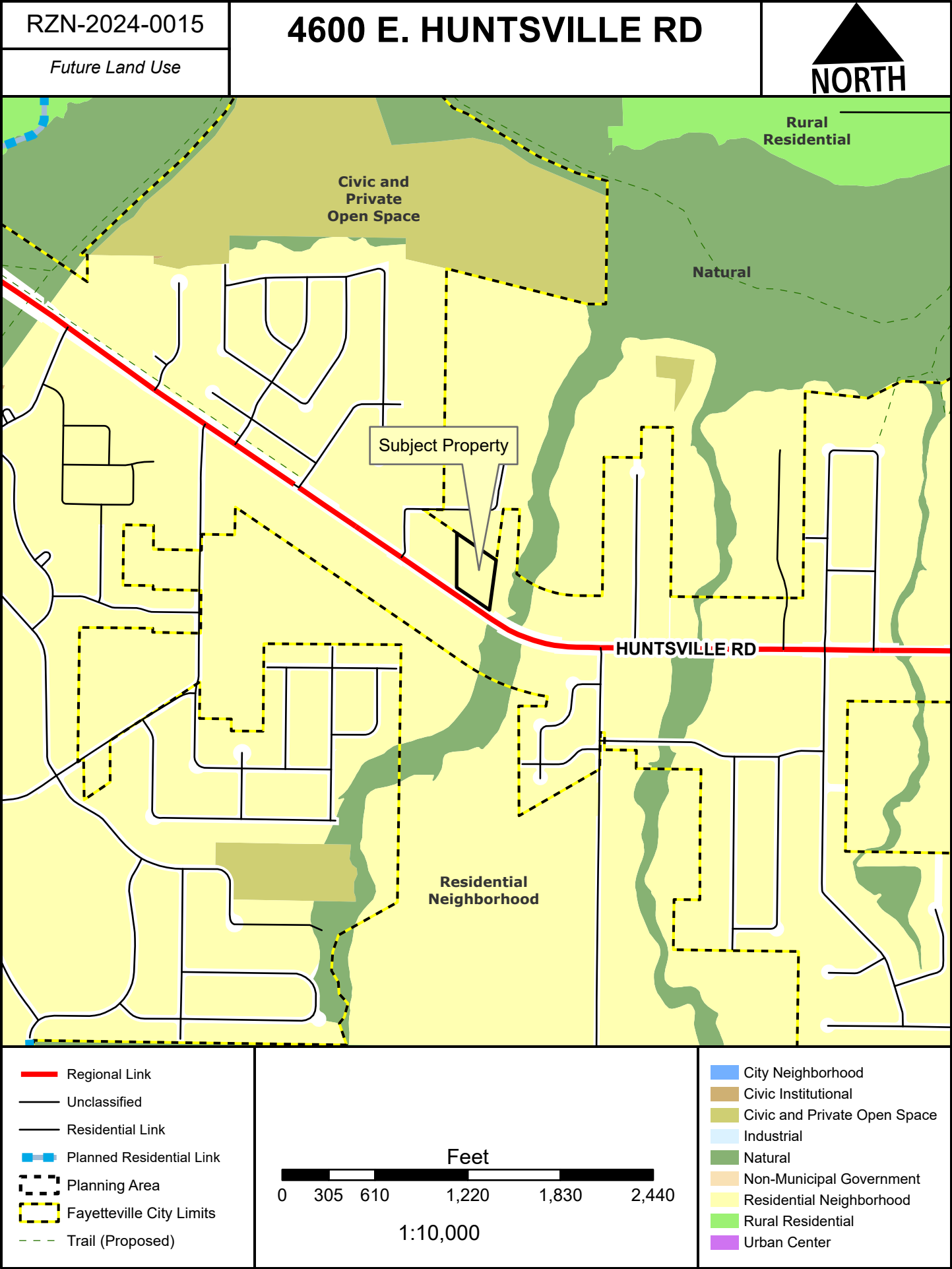
Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
R-A	1.9	0.0
RSF-4	0.0	1.9
Total 1.9 ac		







TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: April 22, 2024

SUBJECT: **RZN-2024-0016: Rezoning (2460 N. OLD WIRE RD./FAYETTEVILLE NATURE SCHOOL, 292):** Submitted by MELANEE LAVERY for property located at 2640 N. OLD WIRE RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 1.52 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0016** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0016** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in west Fayetteville approximately 300 feet southeast of Gulley Park along N. Old Wire Rd. The property contains approximately 1.52 acres and is developed with a single-family dwelling constructed in 1988 that was adapted into a preschool in the early 2000s. The property is zoned CPZD, Sunshine House (Ord. No. 5075) which it received in 2007. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Old Wire Church of Christ	RSF-4, Residential Single-Family, 4 Units per Acre
West	Commercial (Vet Clinic)	CPZD (Core Pet Wellness)

Request: The request is to rezone the subject property from CPZD, Commercial Planned Zoning District to P-1, Institutional.

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

INFRASTRUCTURE:

Streets: The subject area has frontage along N. Old Wire Road. North Old Wire Road is a partially improved Neighborhood Link Street with asphalt paving, curb and gutter, sidewalk along the east side, and open ditches on the west side. Any street

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

Water: Public water is available to the Subject area. Existing 2-inch water main is present on the east side of N. Old Wire Road. Existing 6-inch water main is present on the west side of N. Old Wire Road. Existing 36-inch transmission water main is also present on the east side on N. Old Wire Road.

Sewer: Sanitary Sewer is not available to the Subject area. Existing 8-inch sewer main is within 110 feet of the property on the southeast side of the property running in a utility easement. The Utility easement stops 25 feet from the southeast corner of the property.

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

Fire: Station 5, located at 2979 N. Happy Hollow 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 six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The current zoning district of CPZD requires **25% minimum canopy preservation**. The proposed zoning district of P-1, Institutional 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 5 for this site with a weighted score of 5.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Happy Hollow Rd.)
- Near Sewer Main (8-inch main, south of subject property)
- Near Water Main (2-inch water main, East side of North Old Wire Road; 6-inch water main;

West side of North Old Wire Road; 36-inch transmission water main; East side on North Old Wire Road)

- Near City Park (Gulley Park)
- Near Paved Trail (N. Old Wire Rd. side-path trail; E. Township St. bike lane)

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 CPZD, Sunshine House to P-1 to be compatible with the surrounding area. The subject property is adjacent to a variety of properties with community services such as a veterinary clinic, church, and public park. Many RSF-4-zoned single-family properties are nearby to the north and south. A rezoning to P-1 would allow for the continued use of the property as a pre-school and nature school without arbitrary restrictions established by the Sunshine House CPZD. The Sunshine House CPZD only has a stated bulk and area for single-family dwellings, and P-1 does not have bulk and area requirements. The CPZD has an building height allowance of 45 feet, and P-1 allows a height of up to six stories. The existing structure is meeting setbacks and height limitations for the proposed P-1 district. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased services in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map and is located within a Tier Three Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to P-1 would support those designations as a pre-school and elementary school are vital components of a residential neighborhood. Staff also finds the requested rezoning to be aligned with City Goal 3: We Will Make Compact, Complete, and Connected Development the Standard.

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 CPZD to P-1 since schools and daycare facilities are a vital part of complete neighborhoods, which supports Goal 3 of City Plan 2040. Further, the proposed rezoning is consistent with the property's future land use designation.

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

Finding: A rezoning from CPZD to P-1 is unlikely increase traffic danger and congestion due to limited permitted uses, including the removal of Use Unit 8: Single-Family Dwellings as a permitted use. The property has frontage along N. Old Wire Rd. and adjacent side-path trail, and any street

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

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

Finding: The proposed rezoning is unlikely to alter the population density since it would remove Unit 8: Single-Family Dwellings as permitted use, and only allow institutional development adding public services to the surrounding neighborhood. The property currently has access to public streets, water, but not sewers, and any necessary improvements would be determined at the time of development.

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

Finding: N/A

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0016 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 22, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

- ATTACHMENTS:**
- Unified Development Code
 - §161.32 District P-1, Institutional
 - Sunshine House CPZD (Ord. No. 5075) – Abridged by Staff for Inclusion in Report
 - Request Letter
 - One Mile Map
 - Close-Up Map

- Current Land Use Map
- Future Land Use Map

ORDINANCE NO. 5075

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 07-2726 THE SUNSHINE HOUSE, LOCATED AT 2460 NORTH OLD WIRE ROAD, CONTAINING APPROXIMATELY 1.95 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From RSF-4, Residential Single Family, 4 units per acre to C-PZD 07-2726 The Sunshine House as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

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

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

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

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA E. SMITH, City Clerk/Treasurer

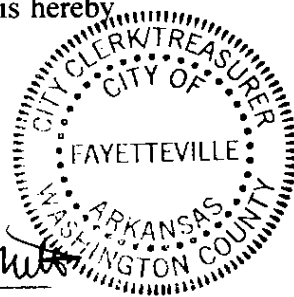
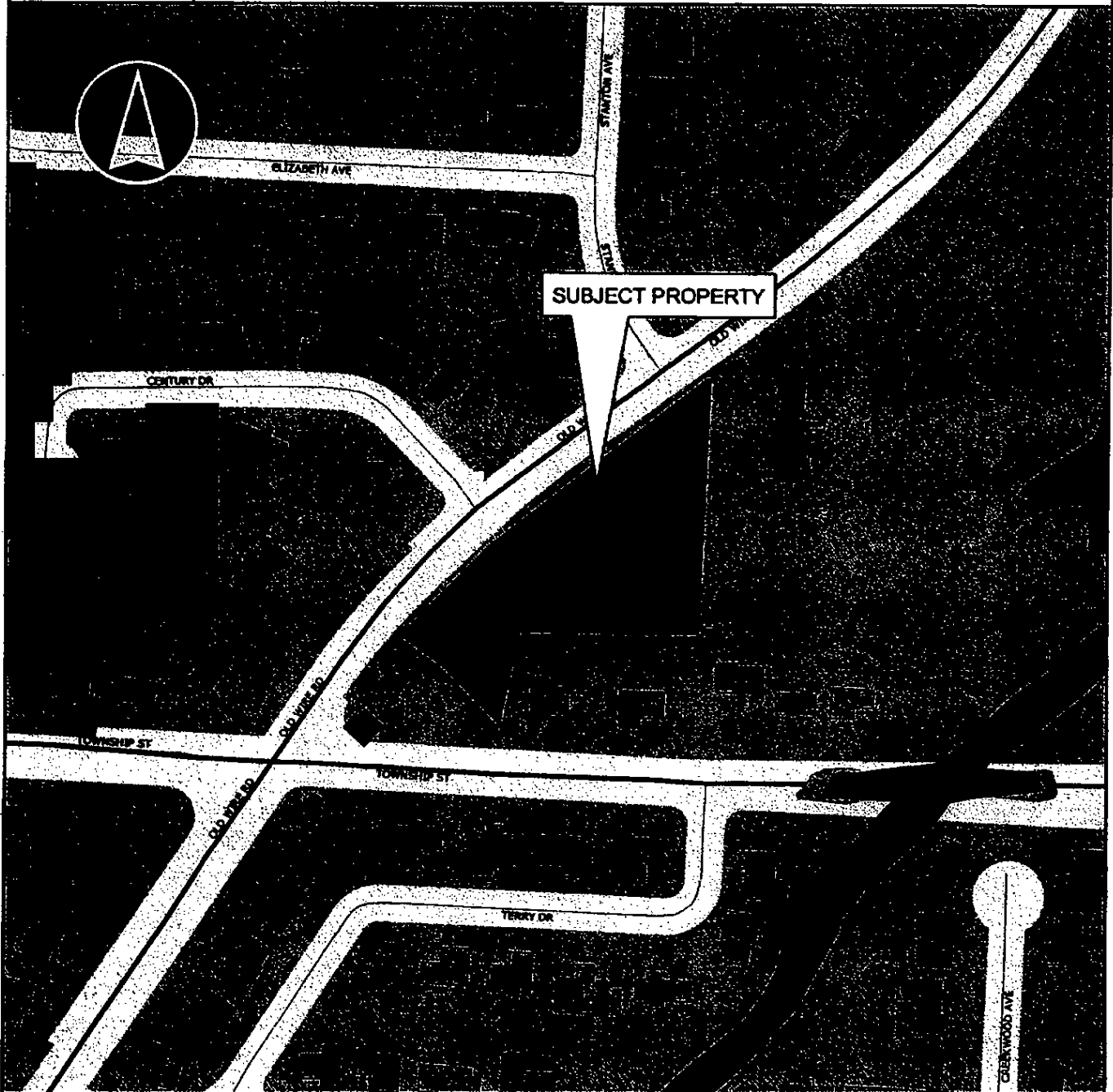


EXHIBIT "A"

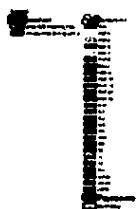
CPZD07-2726

Close Up View

THE SUNSHINE HOUSE



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B"
C-PZD 07-2726

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO -WIT: BEGINNING AT A FOUND IRON PIN WHICH IS N01°25'02"E 207.00' FROM A POINT, LOCATED AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°45'15"W 240.91' TO A FOUND IRON PIN, THENCE S11°00'14"W 125.42' TO A FOUND IRON PIN, THENCE N44°41'24"W 103.37' TO A FOUND IRON PIN, THENCE N55°02'06"W 78.88' TO A FOUND IRON PIN, LOCATED ON THE SOUTH RIGHT-OF-WAY OF OLD WIRE ROAD, THENCE ALONG SAID ROAD RIGHT-OF-WAY N42°55'13"E 168.51' TO A FOUND PIN, N51°06'07"E 380.67' TO A FOUND IRON PIN, THENCE LEAVING SAID ROAD RIGHT-OF-WAY S01°25'02"W 357.09' TO THE POINT OF BEGINNING. CONTAINING IN ALL 1.95 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

CONDITIONS OF APPROVAL:

R-PZD 07-2726

Page 1 of 3

Conditions of approval associated with R-PZD 07-2726 (Sunshine House):

1. Determination of street improvements. Based on the vehicular and pedestrian traffic generated from this development with a future maximum of 60 children and 30 employees, staff recommends the following street improvements:
 - a. Street Improvements: Planning and Engineering Staff have evaluated the overall traffic impact that would occur as a result of the proposed Commercial Planned Zoning District use of this site for a daycare facility. The current request would allow up to 40 children (plus the ratio of required employees) at the facility, with up to a maximum of 60 children in the future phases. Based upon ITE trip generation numbers, a 40-child daycare facility will generate approximately 181 24-hour, two-way vehicle trips; a facility with 60 children will generate approximately 271 vehicle trips per day. Staff has compared the traffic volume generated by the proposed use (excluding the assumed 10 trips per day generated by the existing single family house) to the design service volume of Old Wire Road, at 6,000 vehicles per day (VPD). This ratio is then assigned a cost of the required street improvements (widening the street, curb, gutter, sidewalk, etc.). Staff is recommending, based on the applied conservative rational nexus calculation, that with the initial 40-child facility, the applicant must contribute \$10,561.40, prior to Certificate of Zoning Compliance and Occupancy for the first phase of development utilizing the square footage of the existing building, a new 11-space parking lot, and a maximum of 40 children. Should the facility be expanded to the maximum 60 children, the total shall be \$16,120.00 (\$5,558.60 in addition to the previous amount). A memo indicating the calculation is attached.
 - b. Future Phases. If the building and 11-space parking lot expands, or the permit is changed to accommodate greater than 40 children, the project will be required to go through Large Scale Development review. Additional assessments for street improvements will be evaluated and will likely require an additional assessment. The rational nexus calculation currently presented anticipates an additional \$5,558.60 for the addition of 20 children, for a grand total of \$16,120.00 for a 60-child daycare facility.

City Council determined in favor.

2. Right-of-way dedication in the amount of 35 feet from centerline along Old Wire Road prior to issuance of permits to construct the new parking lot. This may be dedicated by easement plat or separate document.
3. Approval of this C-PZD grants approval for a new 11-space parking lot and 1,809 square foot fenced play area on the property as indicated on the Master Development Plan plat. This initial phase of development grants approval for a daycare to be operated out of the existing square footage of the building with a maximum of 40 children, or the number approved by the State licensing board, whichever is less. The new 11-space parking lot shall be required to obtain parking lot and grading permits in accordance with Fayetteville Unified Development Code requirements for tree preservation, landscaping grading, and parking lot

CONDITIONS OF APPROVAL:

R-PZD 07-2726

Page 2 of 3

design standards.

4. Any development on the property beyond the 11-space parking lot, existing square footage of the house, or 40 children shall be required to go through Large Scale Development review and approval. Expansions on the property shall be limited to providing a child care facility with a maximum of 60 children, under the proposed C-PZD.
5. Prior to issuance of Certificate of Occupancy, the daycare facility shall be inspected and approved by the Fayetteville Fire Department and all requirements of the State and National Fire Codes shall be met. Written verification from the Fire Department shall be provided to the Planning Division.
6. Any expansion of the residential structure on the property shall be reviewed by Planning staff to ensure that the architectural style is consistent and compatible with the existing house.
7. A maximum of 22 children are allowed at one time within the 1,809 sq. ft. outdoor play area. If the play area is expanded, then the maximum number of children allowed will be based on a minimum of 80 square feet per child. A revised site plan shall be submitted for approval prior to expansion of the play area.
8. A 25' greenspace buffer shall be maintained along property lines directly adjacent to single family residences.
9. All trash receptacle(s) utilized by this structure shall be stored within the structures on-site, or, if located outside, it shall be screened on all sides with access not visible from the street or adjacent properties. If a dumpster is required or proposed, screening shall be provided that is constructed of materials that are compatible with and complimentary to the building. Staff shall review the dumpster screen and materials prior to building permit.
10. A Certificate of Zoning Compliance shall be required prior to the start of operations of the child care facility.
11. A Certificate of Zoning Compliance shall not be issued until: the necessary fencing has been installed and inspected to provide a minimum of 1,809 square feet of enclosed, outdoor play space, and the parking lot with a maximum of 11 spaces, sufficient for the number of children and employees approved by the State licensing board, has been constructed and inspected.
12. Prior to the issuance of a Certificate of Zoning Compliance the applicant shall provide a copy of an approved license from the Department of Health and Human Services for a child care facility.
13. Prior to issuance of a Certificate of Zoning Compliance or Occupancy a public sewer line must be extended to the property, the child care facility connected to City sewer service and the sewer service inspected and approved.

CONDITIONS OF APPROVAL:

R-PZD 07-2726

Page 3 of 3

14. As indicated in the proposed zoning criteria, signage shall be limited to one sign on the house or in the driveway to list the name of the business and hours of operation on a two-foot by two-foot wooden sign. The sign shall meet the required setbacks for freestanding signs in R-O zoning district from Chapter 174 of the Unified Development Code.
15. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
16. Prior to this item being placed on the City Council agenda, comments from the City GIS Division regarding the legal description and State Plane Coordinates shall be adequately addressed.
17. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

Washington County, AR

I certify this instrument was filed on
12/17/2007 11:24:28 AM
and recorded in Real Estate

File Number 2007-00045812

Bette Stamps - Circuit Clerk

by _____

Planning Commission

April 22, 2024

September 28, 2007

PLANNING DIVISION
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN ST.
FAYETTEVILLE, AR 72701

C-PZD OF THE SUNSHINE HOUSE

APPLICANTS: GREG AND ANGIE LANDERS
20628 HILLCREST DR.
SPRINGDALE, AR 72764

Dear Planning,

Please review this letter and the attached plan sheets for our submittal of the conceptual C-PZD for The Sunshine House project.

SUMMARY: The Sunshine House will be a PZD located in central Fayetteville near the intersection of Township St. and Old Wire Rd on a parcel containing an existing house, and 2 acres located at 2460 N. Old Wire Rd. We are proposing a Commercial PZD in order to operate a fully functional day-care center out of the existing house on the property.

GENERAL PROJECT CONCEPT FOR REZONING OF PROPERTY LOCATED IN
FAYETTEVILLE AT 2460 N. OLD WIRE ROAD:

- A. Current ownership: Albert G. and Nancy T. Erbach.
Existing house and its lot sale is pending.
- B. Proposal is to rezone the house and 2 acres to a Commercial PZD to allow the operation of a day-care center out of the existing house on the property to include approximately 40-60 children and approximately 10-30 employees.
- C. General project concept:
 - 1) The existing street layout will not change. We will expand the driveway near the house to accommodate a parking area for our employees and customers. We will also add an 1800 square foot privacy fence in the back yard to allow for a safe playing area for the children.
 - 2) The submitted survey plat depicts the single proposed planning area.
 - 3) The lot provides its own natural buffer areas with the tree lines and brush that surround the property.
 - 4) We are not proposing to remove any trees from this property. We want to keep it "as is" as much as possible.
 - 5) The only change that may require some additional storm water drainage areas is with the addition of the parking area.
 - 6) Undisturbed Natural Areas – Not Applicable
 - 7) There will be no change to the existing water and sewer.
 - 8) We are not proposing any "Development and Architectural Design Standards." The house will stay "as is."

9) Building Elevations – Home Pictures (see attachment A)

- D. With the rezoning of this property our intended open date will be early January 2008.
- E. There is only one planning area covering the entire parcel. Please see attached survey for Child Care Facility.
- F. Zoning criteria (see attachment B)
- G. See attachment C comparing the existing and proposed zoning. The house will be brought to code according to DHS, the Fire Department, and the Health Department as outlined in accordance with their requirements to obtain a license for a child care facility. We have already had a preliminary inspection performed by the Fire Department and the Health Department and they have both given their consent to operate a child care center in this house. A final inspection will be required from both departments once we are open in order to obtain our license. The owner/applicant is not aware of any hazardous, sensitive, or natural resource areas, or any other hazards on the property.
- H. Closest park is located next to the property (Gulley Park).
- I. Reason for zoning change – In order to buy an existing house and property for the operation of a neighborhood child care facility. The request for rezoning is due to the fact that in Use Unit 4, a Child Care Facility is allowed as a Conditional Use Permit in RSF-4 zoning district; however, in a residential zoning district a maximum of only 10 children are allowed. I would like to have 40-60 children in this facility; therefore, it will need to be rezoned to a commercial zoning. However, a standard commercial zoning such as C-1 or C-2 is not appropriate due to the surrounding residential neighborhood. The proposed C-PZD zoning will allow for the child care facility, while limiting the uses and character of the project to ensure that it is compatible with the surrounding neighborhood. We feel that there is a definite need for a “quality” facility with a more “home-like” environment that will accommodate the Fayetteville community in the surrounding area. The residential appearance of the homes give the child care facility a “home-like” environment for the children and the natural beauty of the property will provide them with unique learning opportunities that a traditional commercial facility cannot.
- J. The day-care facility will relate well to existing and surrounding properties as there are a few other commercial facilities within 1 mile of the property (i.e. Several churches two of which operate child care facilities within the church, and a law office located at the corner of Township St. and Old Wire Rd.). Also with the C-PZD it will allow us to ensure that the home is still compatible with the surrounding neighborhood. We want to keep the “home-like” feel as much as possible; therefore, preserving the neighborhood environment.
 - 1) Land Use – There is a church located next to the property as well as a city park and we feel this will provide compatibility and harmony that will only enhance the child care center as a commercial facility.
 - 2) Traffic – Old Wire Rd. is coded as a “Collector Street” on the Master Street Plan. We do not foresee any traffic issues with this location.
 - 3) Appearance – The appearance of the property will not change. We want to keep the residential, “home-like” environment as much as possible.
 - 4) Signage – I would like to post a sign on the house or in the driveway to just list our name, hours, etc.

- K. Project's compliance with the Fayetteville City Plan 2025 – we believe a child care center at this location is consistent with the City Plan 2025 Guiding Policies for Residential Neighborhood Areas by:
- 1) Protecting the current residential architecture
 - 2) Encouraging a development scale to maintain compatibility and proportionality between nonresidential and residential land uses.
 - 3) Site new residential areas accessible to community amenities and schools
 - 4) Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
 - 5) Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- L. Traffic study has not been requested by the city.
- M. There will be no impact on city services, including the availability of water and sewer.
- N. "STATEMENT OF COMMITMENTS"
- The statement of commitments shall, in all cases describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:
- 1) Dedication – no parks, streets, water, or sewer lines would be built that would require dedication to the city.
 - 2) On or off site improvements: Any fees associated with the addition of the parking area and privacy fence would be paid at the request of the city.
 - 3) The property contains no land in a floodplain or delineated wetland area, and a tree preservation plan will be drawn at the request of the city.
 - 4) There are no project phasing restrictions anticipated.
 - 5) Fire Protection – The home would be brought to code based on inspection by the City Fire Marshall. A preliminary inspection has already been performed and consent has been given. A final inspection will be performed before opening to issue the license.
 - 6) There are currently no other commitments imposed by the city.
 - 7) Parks/Trails/Open Space Commitments – Not Applicable
 - 8) Proposed Preliminary Building Elevations (see attachment A).
- O. Conceptual Descriptions of Development Standards
- 1) Screening and Landscaping – Addition of Parking Area and home will be professionally landscaped and well maintained. The parking lot will be landscaped in accordance with City ordinance.
 - 2) Traffic and Circulation – The driveway is a circle drive that will allow easy access to and from the property. No traffic impact is expected.
 - 3) Parking Standards – Parking will be provided in accordance with City ordinance. We will provide 1 parking space for each employee and the circle drive will provide adequate area for the dropping off and loading of children.
 - 4) Perimeter Treatment – The parking lot will receive perimeter landscaping in accordance with City ordinance with shrubs screening the parking area and one tree planted every 30 feet along the street.
 - 5) Sidewalks – Not Required
 - 6) Streetlights – Not Applicable
 - 7) Water – Existing water in place

- 8) Sewer – Existing sewer in place
- 9) Streets and drainage – will not change
- 10) Construction of Nonresidential Facilities – We will convert the existing garage into an additional child care room and the back yard will be fenced in for an outdoor play area.
- 11) Tree Preservation – A plan will be drawn, at the request of the city, with the addition of the parking area.
- 12) Architectural Design Standards (see attachment A).
- 13) Proposed Signage - I would like to post a sign on the house or in the driveway to just list our name, hours, etc. (approx. 2ft x 2ft wooden sign)
- 14) View Protection – Not impacted
- 15) Revocations – We understand causes for revocation and will take all necessary measures to avoid revocation.
- 16) Covenants, Trusts, and Homeowner Associations – Not Applicable

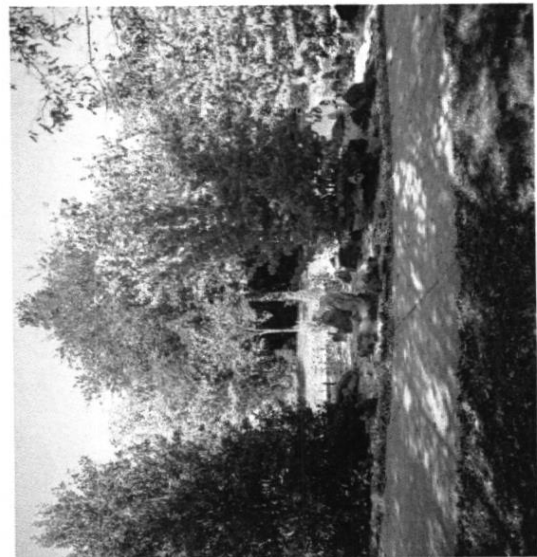
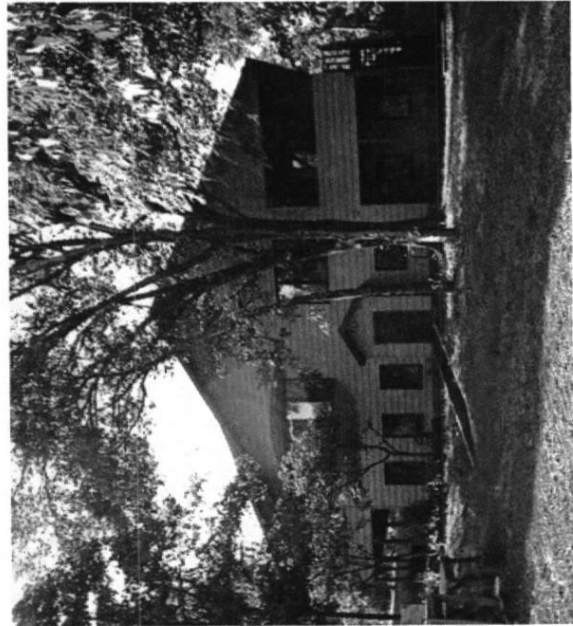
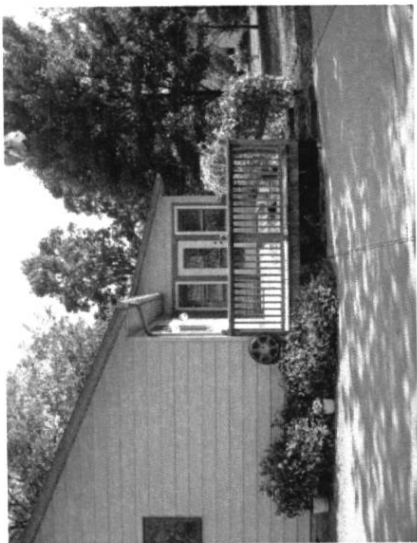
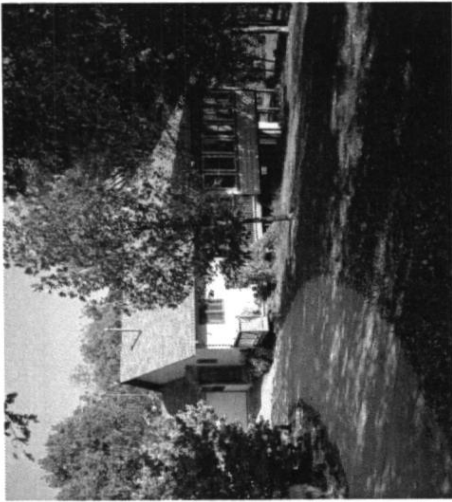
P. RESPONSE AS TO HOW THE PROPOSAL FULFILLS THE INTENT/PURPOSE OF THE PLANNED ZONING DISTRICT:

This development fulfills the intent and purpose of the Planned Zoning District Ordinance by permitting a development with a unique use that is not allowed in any other PZD. The PZD would allow the sale of an existing home, ensuring the existing low density housing found in the present neighborhood. It would also provide compatibility and harmony with the few existing commercial properties surrounding this property as well as the public park at the back of the property.

THANK YOU FOR YOUR CONSIDERATION OF OUR SUBMITTAL. WE LOOK FORWARD TO WORKING WITH YOU TOWARDS A SUCCESSFUL PROJECT. PLEASE FEEL FREE TO CALL ANGIE AT 479-236-3932 IF YOU HAVE ANY QUESTIONS OR COMMENTS.

Respectfully,

Greg and Angie Landers



ATTACHMENT B

PLANNING AREA 1 ZONING CRITERIA

(A) Purpose. The Planning Area 1 Zoning Criteria is designed to permit and encourage 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 dwelling

Unit 4 Cultural and Recreational Facilities (Child Care Center/Nursery School Only)

(2) Conditional uses.

Unit 2 City – wide uses by conditional use permit

Unit 3 Public protection and utility facilities

Unit 24 Home occupations

(C) Density.

Intensity.

Acreage: 2.00 acres

Number of dwelling units: 1

Density: 0.5 units per acre

Non-residential Sq. Footage: 5,000

Intensity (Non-residential SF/Acre) 2,500

(D) Bulk and area regulations.

	Single-family dwellings
Lot minimum width	70 feet
Lot area minimum	8,000 square feet
Land area per dwelling unit	8,000 square feet

(E) Setback requirements

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.

(F) Height. Structures in the Planning area 1 District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming structures.

(G) Building Area. On any lot the area occupied by all the buildings shall not exceed 40% of the total area of such lot.

(H) Landscaping. The project will be landscaped in accordance with City ordinance.

(I) Parking. Parking will be provided in accordance with City ordinance.

(J) Architectural Design Standards. See photos of the existing house attached to the PZD booklet.

(K) Signage. One sign on the house or in the driveway to list the name of the business, hours of operation (two-foot by two-foot wooden sign).

Planning Division
City of Fayetteville
125 W Mountain St
Fayetteville, Ar 72701

Rezoning Parkside Properties to P1- Institutional

Please review our reasoning for rezone

SUMMARY:

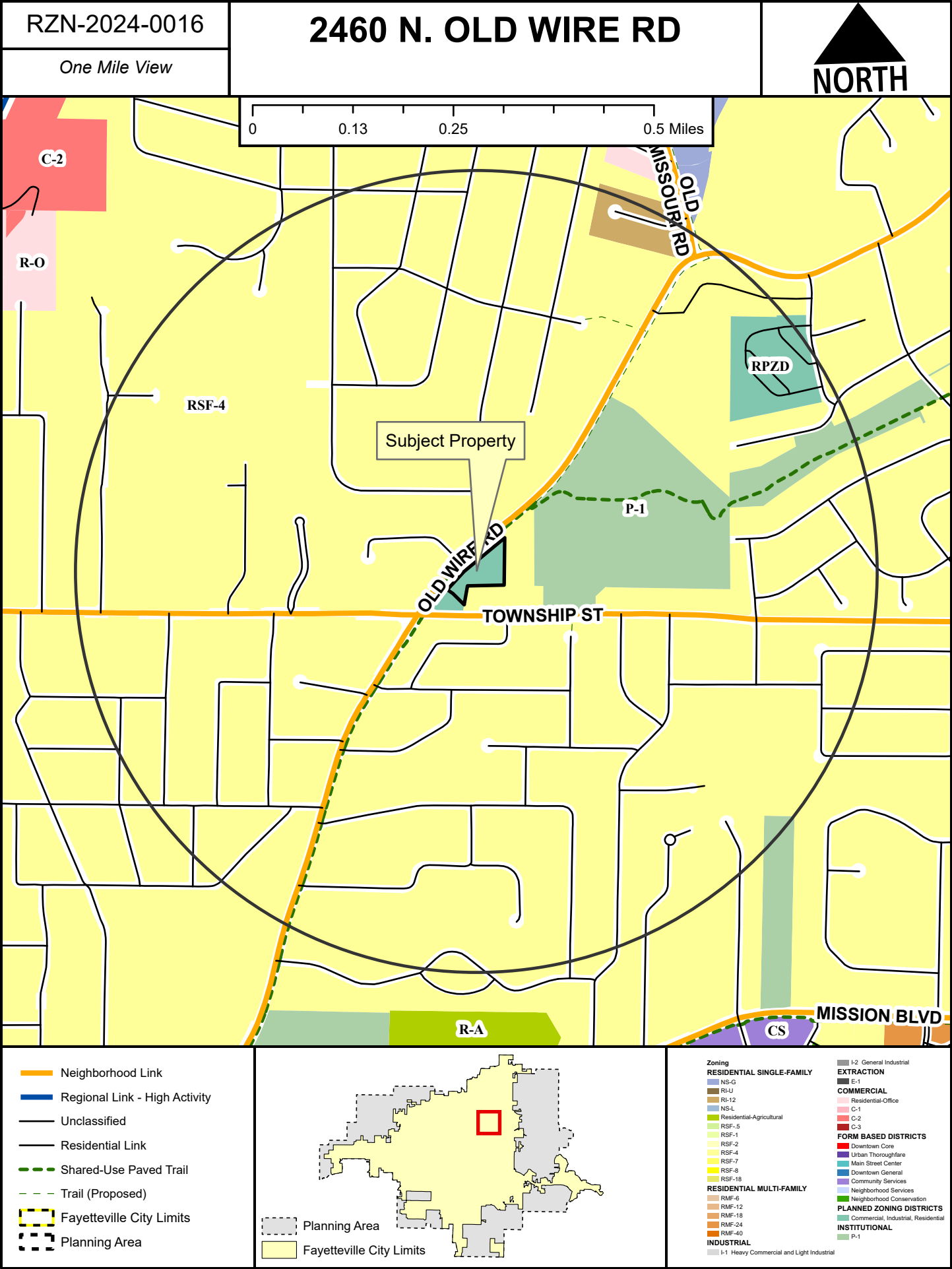
A statement explaining the compatibility of this proposed rezoning with neighboring property and explaining why the proposed rezoning will not unreasonably adversely affect or conflict with surrounding land uses.

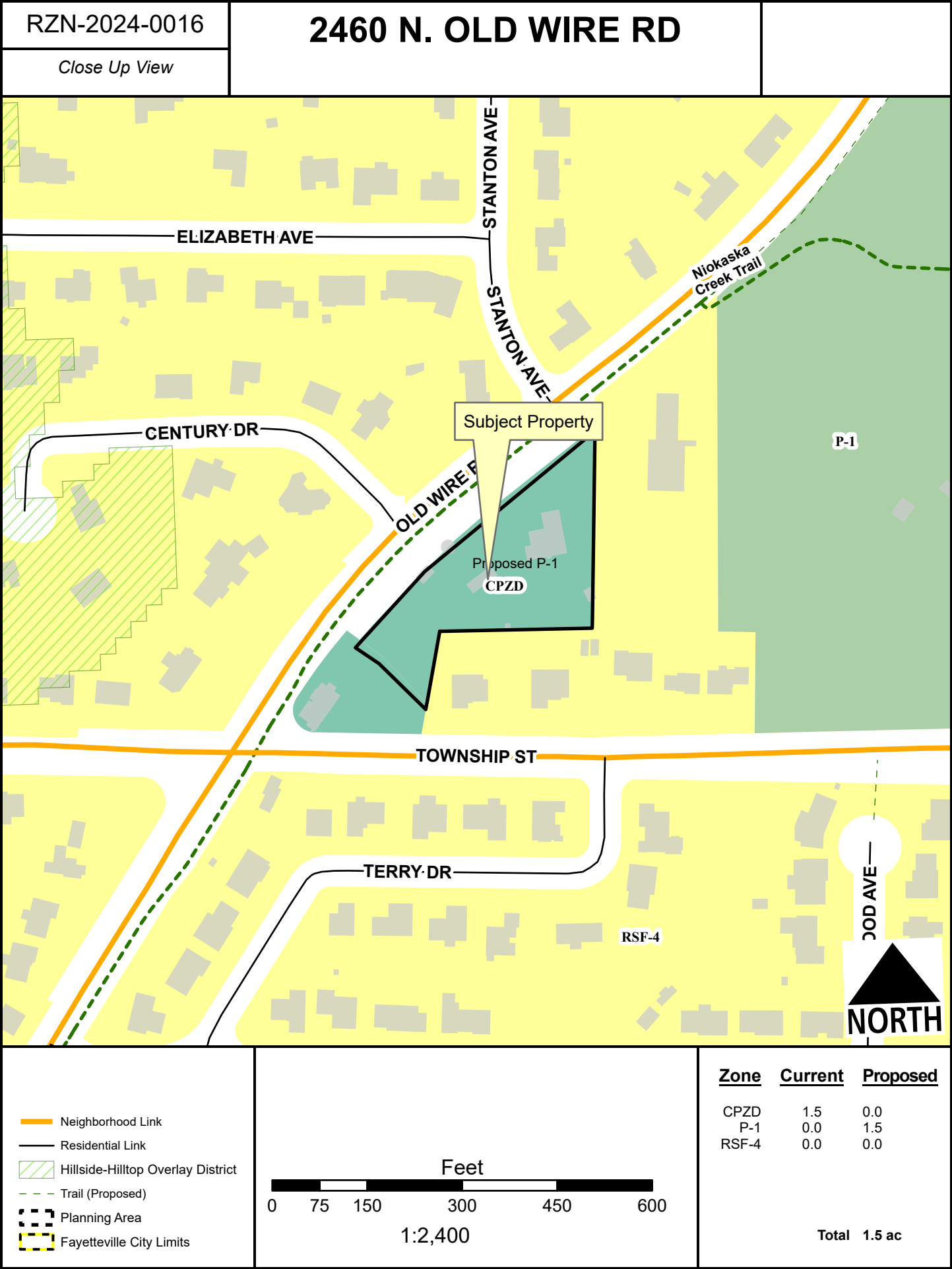
Melanee Lavery began the purchase of the property at 2460 N Old Wire Rd in 2018 to continue the operation of a childcare facility. After renovations, she opened as Parkside Playschool which has become a much-loved neighborhood preschool in the east Fayetteville Area. 3 years later, she opened Fayetteville Nature School, a one of its kind outdoor based elementary school.

We believe that rezoning to p1- Institutional is in the best interest of the neighborhood and the school and that there are no adverse effects or conflicts with surrounding land use. The business on site has been a preschool for 15 years and under current ownership and brand for the last 6 years The onsite nature school has been in operation for 2 and half years. Neighbors include a veterinary clinic and a Church. The 27-acre Gully park is one lot away. To the south, neighbors are residents on Township.

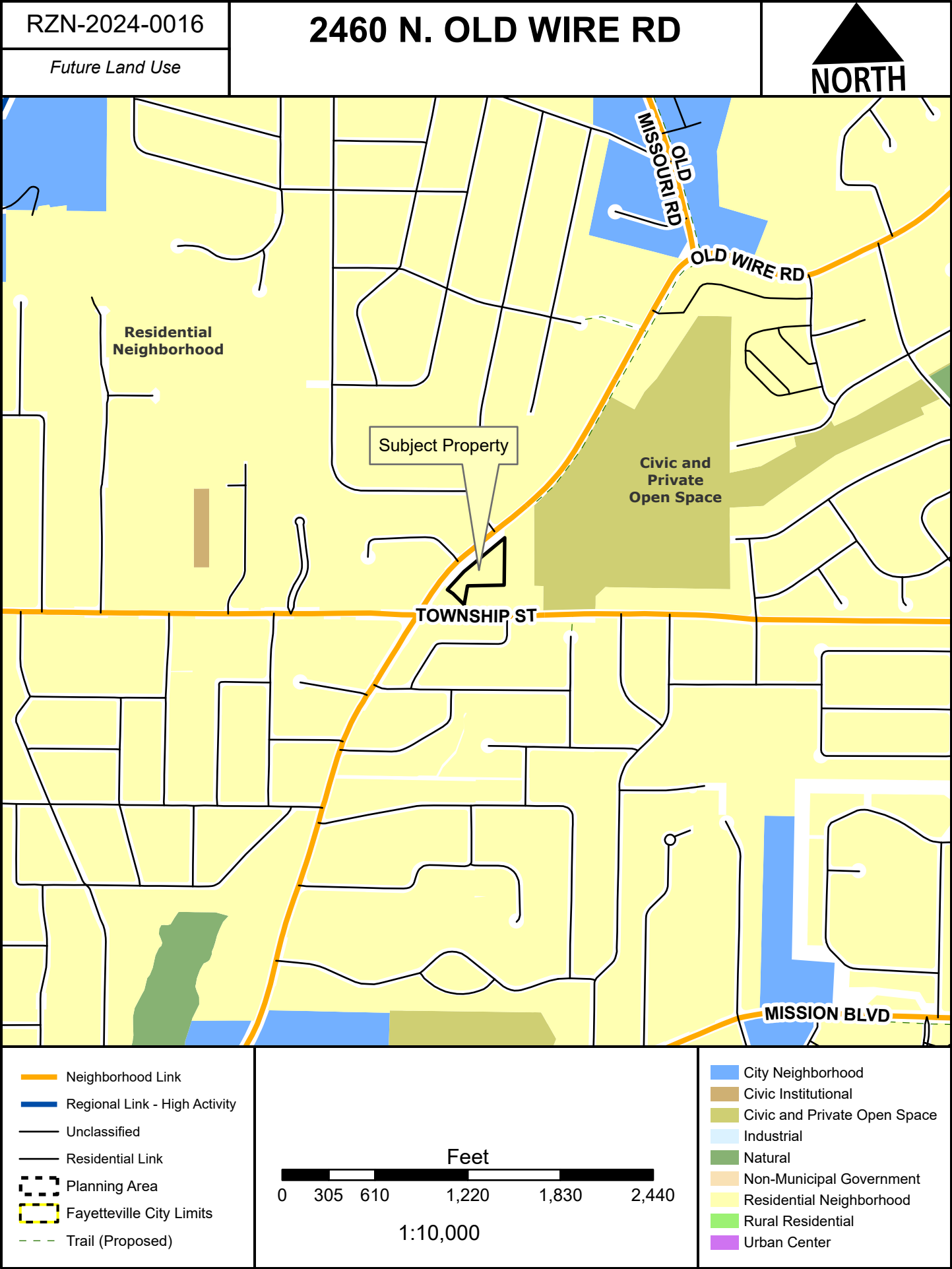
The property was converted from residential to a PZD in 2008 and the current owners purchased the property without an understanding of the intricacies of this zoning. As the Nature School has matured, we have found the current requirement of going through Large Scale Development on any future development prohibitive in our efforts to add a 1500 sf shelter and bathrooms on the property. The proposed building does not increase attendance substantially enough to require parking. The property is on the trail and many families use the bike trail to walk or ride to school.

We ask for your support in this rezone to allow for the property to be treated as it is being used and to allow for appropriate, reasonable, and locally compatible development.











TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: April 22, 2024

SUBJECT: **RZN-2024-0017: Rezoning (512 N. MISSION BLVD./ZWEIG, 446):**
Submitted by FLINTLOCK LTD CO. for property located at 512 N. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES - GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0017** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0017** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located at the northeast corner of Maple Street and Mission Boulevard. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre and is currently developed with a single-family dwelling and two accessory structures. Washington County records indicate that the house on the property was built in 1870. A lot split, which subdivided the property into two lots containing roughly 0.34 and 0.55 acres, was recorded in January of this year (LSP-2023-0059). 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	Commercial	I-1, Heavy Commercial and Light Industrial
East	Single- and Two-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre, to NS-G, Neighborhood Services – General.

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 Mission Boulevard and Maple Street. Mission Boulevard is a partially improved Neighborhood Link Street with asphalt paving and sidewalk. Curb and gutter are present along the west side of the street. Maple Street is a partially improved Residential Link Street with asphalt paving and sidewalk, and with curb and gutter present along the north side of the street. Any street improvements required in this area would be determined at the time of development proposal.
- Water:** Public water is available to the subject property. An existing six-inch water main is present on the east side of Mission Boulevard. An existing 1.25-inch water main is also present on the south side of East Maple Street.
- Sewer:** Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the south side of Maple Street.
- 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 on site. Any improvements or requirements for drainage will be determined at the time of development submittal.
- Fire:** Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately four minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:** The proposed zoning district, NS-G, Neighborhood Services - General, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, require **25% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 6-7 for this site with a weighted score of 9 at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (eight-inch main, Maple Street)
- Near Water Main (six-inch main on Mission Boulevard and 1.25-inch main on Maple Street)
- Near Grocery Store (Ozark Natural Foods)
- Near City Park (Saint Joseph Park)
- Near Paved Trail (Wilson Park Trail)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of NS-G, Neighborhood Services - General to be compatible with other properties nearby which contain a mixture of residential, commercial, and industrial uses. The subject property is located along Mission Boulevard which is a Neighborhood Link Street lined with a variety of land uses. While there are a variety of land uses along that street, the subject property is located in an area that is primarily zoned RSF-4, Residential Single-Family, Four Units per Acre, which only allows single-family residences by right. A rezoning to NS-G would offer a greater mix of residential and commercial uses that are of a scale that fits with the existing development pattern in the surrounding area. By-right residential development in NS-G zoning is limited to single- to four-family dwellings at a density of 18 units per acre, and commercial development is limited to medium-scale retail and office services. Since NS-G has urban form setbacks, any redevelopment could provide an opportunity to encourage a more pedestrian-oriented neighborhood form along Mission Boulevard. However, the applicant has stated an intent to preserve the existing building on the property, which could support either residential or commercial uses. A rezoning to NS-G would provide an opportunity to maintain residential uses and densities that are compatible with the existing development pattern, or commercial uses which could mirror the existing use of the site or serve the surrounding area. Any commercial redevelopment of the property would be restricted to 8,000 square feet under NS- G zoning.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's adopted 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 RSF-4 to NS-G could support that designation since it would allow for the incorporation of low-intensity nonresidential uses, such as retail and offices, which could serve surrounding neighborhoods. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040, which are to encourage infill, grow a livable transportation network, and create opportunities for attainable

housing since it could encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to nonresidential uses.

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

Finding: Staff finds that there is sufficient justification for rezoning the property from RSF-4 to NS-G. A rezoning to NS-G would be compatible with adjacent properties, since it would allow for non-residential uses and street-oriented development, and it would be generally aligned with the goals outlined in 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 has the potential to create or appreciably increase traffic danger and congestion when considering that NS-G would allow for more dense development than RSF-4. 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 zoning has the potential to alter the population density since NS-G would allow for more dense residential development. However, staff finds that the size of the property and relevant development requirements, such as parking, drainage, and tree preservation, will limit potential adverse impacts to public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0017 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 22, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §161.19 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
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

161.19 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
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A build-to zone that is located between the front property line and a line 25 feet from the front property line.	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
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(F) *Building Height Regulations.*

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

March 11, 2024

PETITION TO CHANGE ZONING

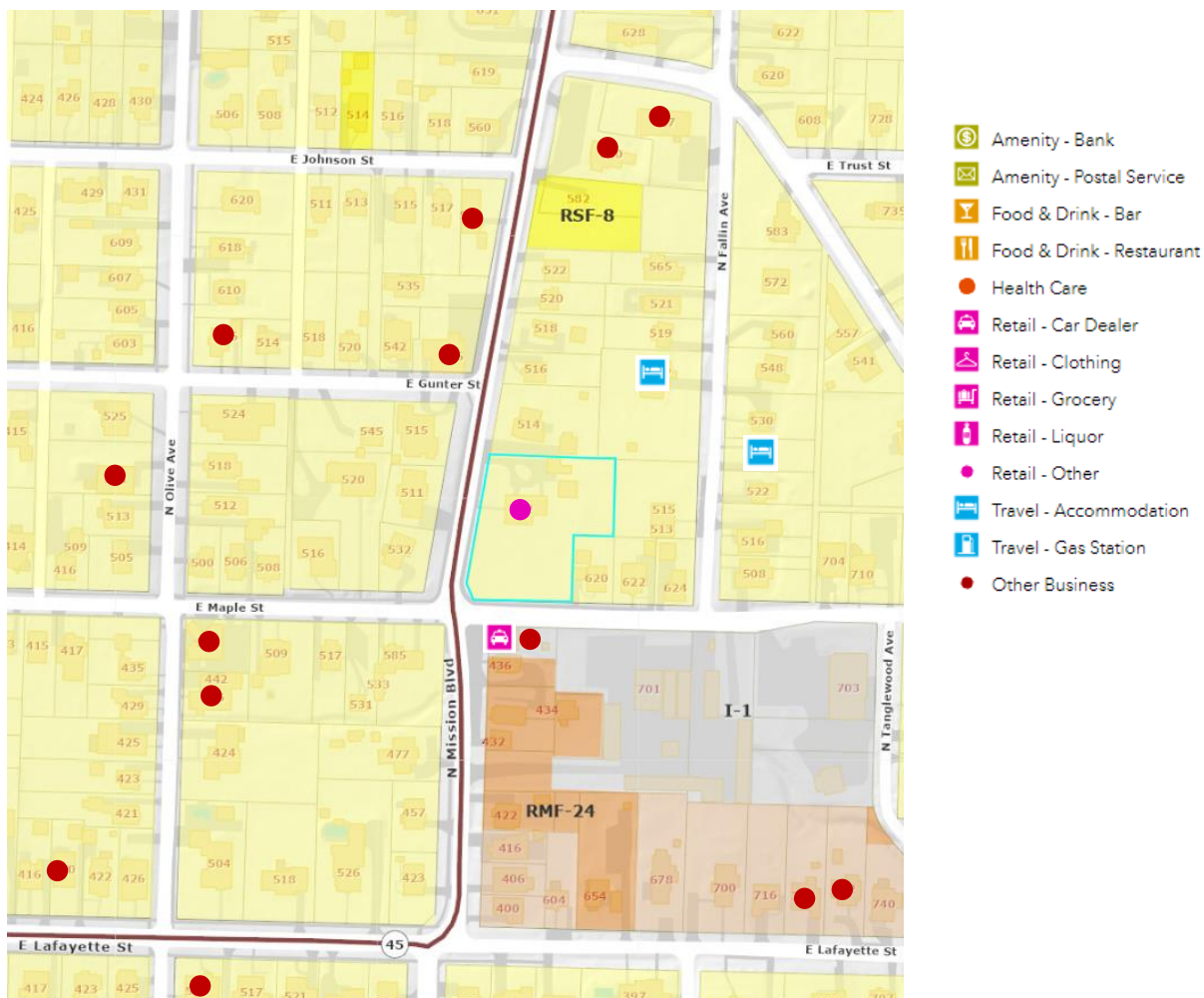
TO: The Fayetteville City Planning Commission & The Fayetteville City Council

Flintlock Ltd Co, on behalf of Mark + Sonyalea Zweig, requests that the zoning designation of the following lot be changed from Residential Single-Family – 4 units/acre to Neighborhood Services - General:

- 512 N Mission Blvd (765-02218-000): Part of Ambrose Addition

REASON FOR ZONING CHANGE REQUEST / STATEMENT OF NEED:

The zoning change request will allow this historic 1870 home to be utilized as professional offices. With a square footage of 3,720 SF, the building is too big to be considered for NS-L and use unit 12a; thus, NS-G is the least intensive zone that would allow this use by right. Per Fayetteville code, NS-G “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.”



528 N College Ave
Fayetteville, AR 72701

As seen above, this parcel is located directly adjacent to Industrial and Multifamily zoning to the south and fronts Mission Boulevard, designated in the Master Street Plan as a Neighborhood Link. The dots in this graphic pulled from City GIS denote the numerous existing professional offices and light retail both along this stretch of Mission and in the surrounding streets, including at this property.

Our intention is to maintain this historic structure and preserve its contribution to Fayetteville's unique character of place. The structure is in good condition and requires only minimal interior finish work to provide suitable office space; as such, no significant work is expected beyond the careful maintenance required to steward this aging building well into the future. Notably, our design firm has a proven track record of restoring or stabilizing historic structures in multiple Fayetteville neighborhoods, and the opportunity to utilize older structures for professional offices has been a key strategy to ensuring adequate investment towards their historically considerate upkeep. This investment allows for high quality preservation practices so that the structures may again become single-family homes in the future.

On a larger scale, this proposed rezoning supports the City's 2040 plans by encouraging revitalization of historic structures and contributing to complete neighborhoods with sensitive mixed use for a more walkable and livable community.

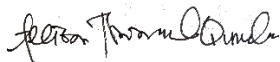
IMPACT ON NEIGHBORS & CITY:

The requested zoning change will minimally impact the surrounding properties in terms of land use, traffic, appearance, and signage. It is not expected to increase traffic danger or congestion, and no appearance changes are planned. For noise control, NS-G is considered a residential zone and naturally delimits any use that might be disruptive to the surrounding residential area. NS-G uses will not negatively impact the Industrial and Multifamily uses directly to the south. The proposed zoning is the least intensive change that will allow the building to operate with this light commercial use and retains the potential of future use as single-family residential.

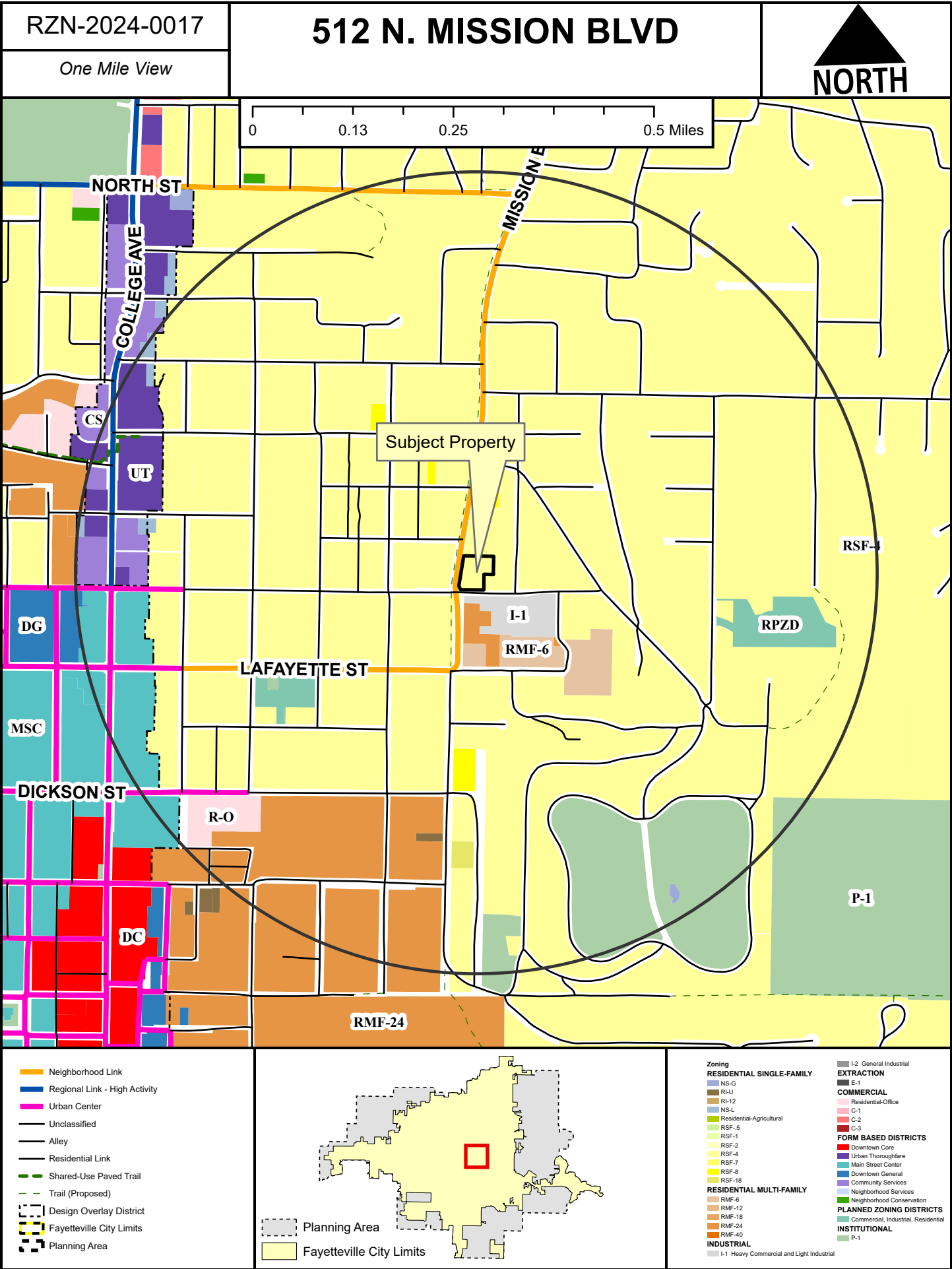
CONSISTENT WITH LAND USE PLANS:

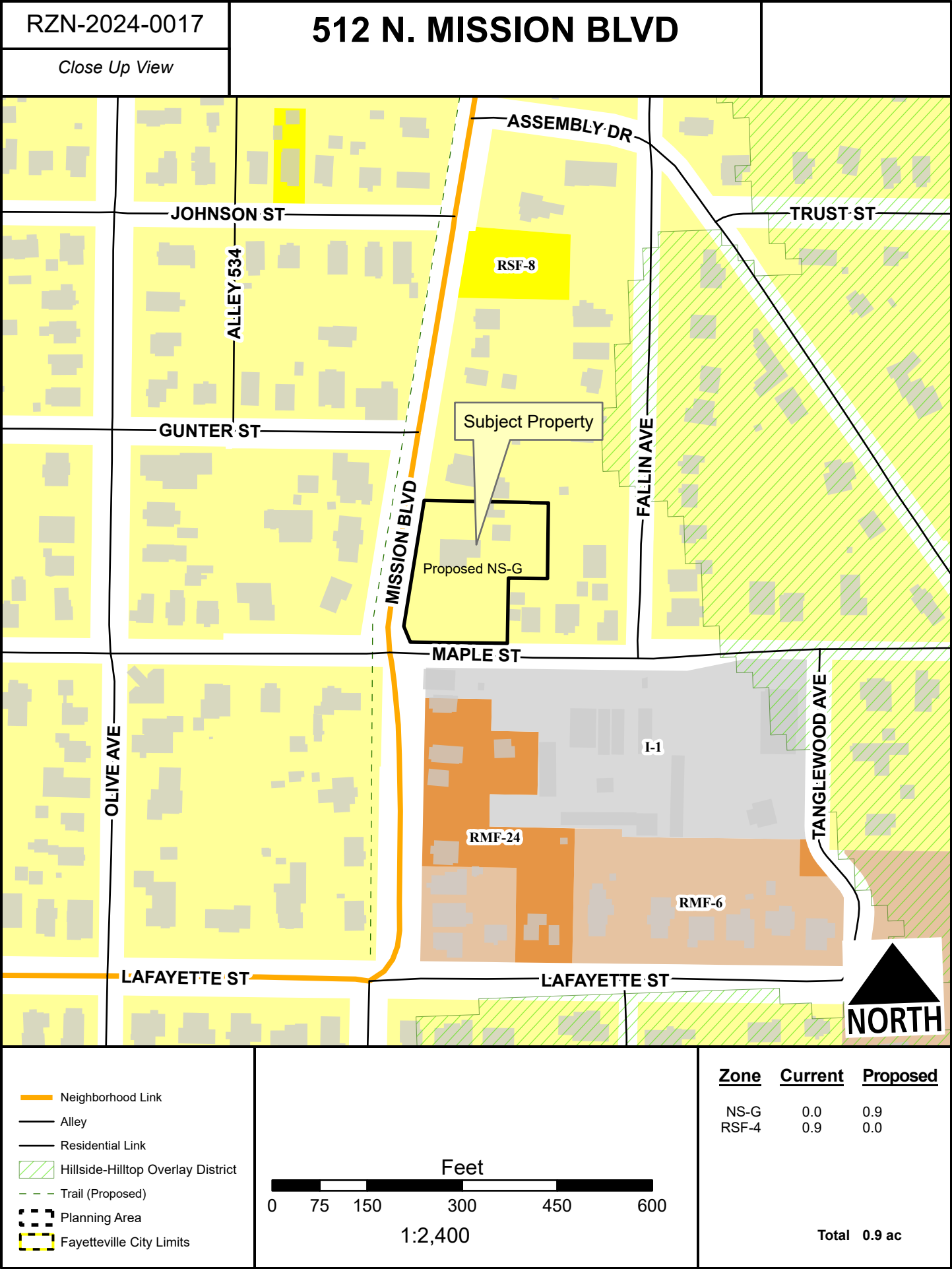
It is our opinion that the proposed zoning change is entirely consistent with both land use planning objectives, principles, and policies and is consistent with the history of the building and neighborhood. The rezoning will allow the property to be a low-intensity commercial use, directly in line with the City's 2040 goal to "make traditional town form the standard: with neighborhoods that include not just houses, but a mix of uses that can adapt over time and allow residents to live, work, and play without relying on vehicles."

Respectfully,
FLINTLOCK LTD CO

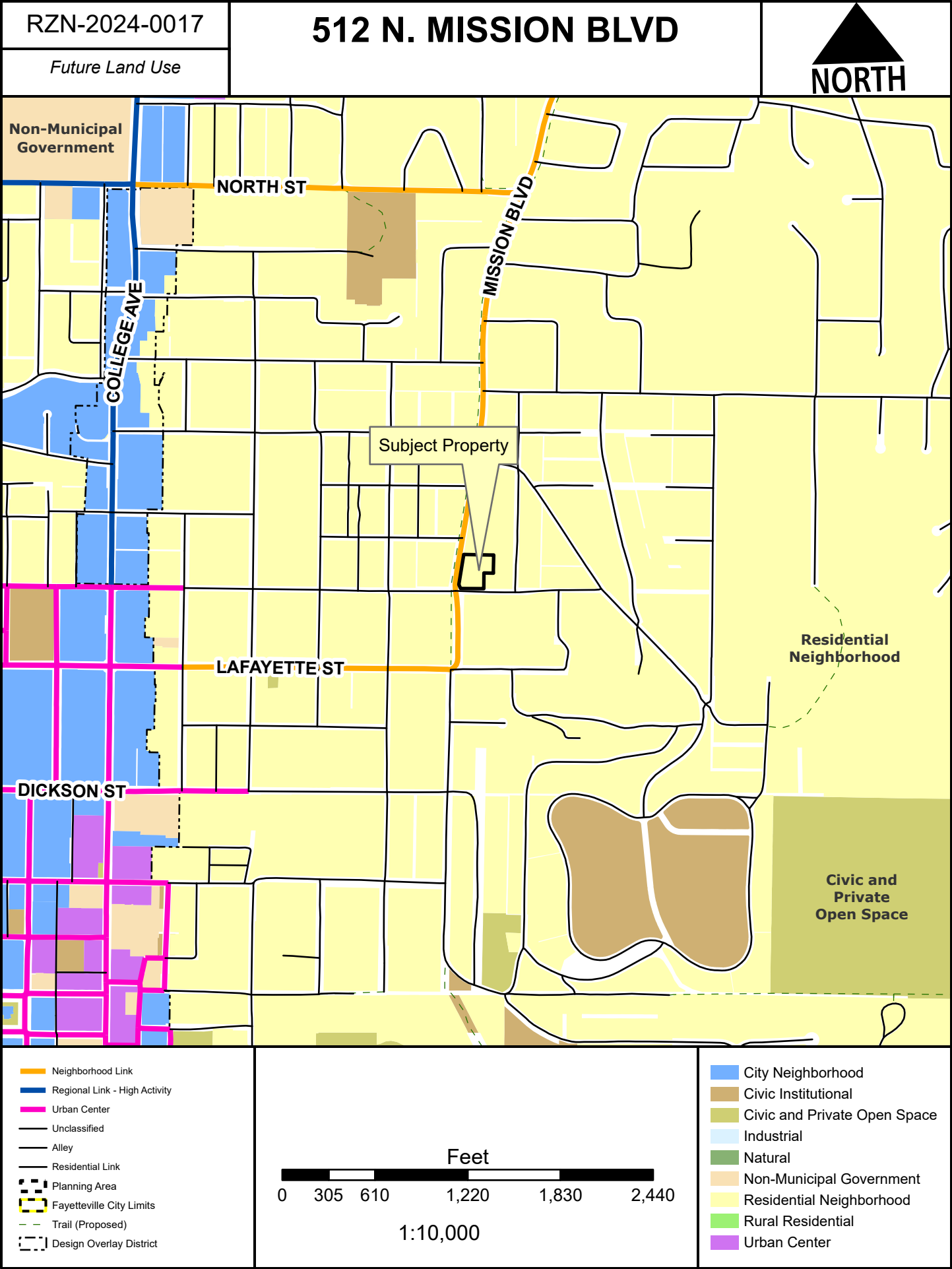


Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect











TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: April 22, 2024

SUBJECT: **RZN-2024-0018: Rezoning (SOUTHWEST OF W. TREADWELL ST. AND S. HILL AVE./SUBTEXT ACQUISITIONS, LLC. AND MODUS STUDIO, 522):** Submitted by SUBTEXT ACQUISITIONS, LLC. AND MODUS STUDIO for property located at SOUTHWEST OF W. TREADWELL ST. AND S. HILL AVE. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE and contains approximately 2.9 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

RECOMMENDATION:

Staff recommends **RZN-2024-0018** be forwarded to the City Council with a recommendation for approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0018** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject area is in central Fayetteville approximately 300 feet east of Harmon Field and 900 feet northeast of the Fayetteville High Schol. The subject area contains multiple parcels and is bound by W. Treadwell St. to the north, S. Hill Ave. to the west, W. Putnam St. to the south, and S. Duncan Ave. to the west. The subject area contains roughly 2.9 acres and is currently zoned RMF-40, Residential Multifamily, 40 Units per Acre. The property is currently developed with a range of uses, including apartments, single-family dwellings, and a largely undeveloped parcel with off-site parking. The existing structures were built between 1931 -1964. The property does not fall within any overlay districts or Master Plan areas. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Multifamily (Apartments)	RMF-40, Residential Multifamily, 40 Units per Acre DG, Downtown General
South	Residential Multifamily (Apartments) Single-Family Residential	RMF-40, Residential Multifamily, 40 Units per Acre
East	Residential Multifamily (Apartments)	DG, Downtown General
West	Single-Family Residential	RMF-40, Residential Multifamily, 40 Units per Acre

Request: The request is to rezone the property from RMF-40, Residential Multifamily, 40 Units per Acre to MSC, Main Street Center.

Public Comment: Staff has received multiple public comments. One member of the public requested additional information regarding the project and associated public hearing. One member of the public sent two separate emails expressing their opposition, citing potential destruction of affordable rental housing units with existing, long-term residents who will likely be displaced out of the city, the need for protections for existing residents and dwellings, increased housing costs for any new luxury units, out-of-state developers, potential development adjacent to the property by additional developers, the age of the existing apartments on the site, the need for the university to manage its student population and associated housing needs, and lack of mailed public notification documents to current residents of the affected property. The second email also included questions related to some of the stated goals of the 2040 Plan.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along four streets. W. Treadwell St. is a partially improved Residential Link with asphalt paving, curb & gutter, sidewalk along the north side, and no curb and gutter on the south side. S. Hill Ave. is a partially improved Residential Link with asphalt paving, curb & gutter, and sidewalks. W. Putman St. is a partially improved Residential Link with asphalt paving and open ditches. S. Duncan Ave. is a partially improved Residential Link with asphalt paving, partial curb and gutter, and sidewalk along the east side. Any street or drainage improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing 8" water main is present on the north side of W. Treadwell St. Existing 6" water mains are available on the north side of W. Putman St. and the West side of South Duncan Avenue. An existing 4" water main is present on the east side of S. Hill Ave.

Sewer: Sanitary sewer is available to the subject area. Existing 8" sewer mains are present on the south side of W. Treadwell St., the south side of W. Putman St., and the west side of S. Duncan Ave.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.5 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Drainage: No portion of the property is within a FEMA floodplain, the Hillside-Hilltop Overlay District or includes a protected stream. Additionally, no hydric soils are present.

Tree Preservation:

The proposed zoning district of MSC, Main Street Center requires **10% minimum canopy preservation**. The current zoning district of RMF-40, Residential

Multifamily, 40 Units per Acre requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **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 **12** for this site, with a weighted score of **15.5**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #1, 303 W. Center St.)
- Near Sewer Main (8" Sewer Mains: W. Treadwell St., W. Putman St., and S. Duncan Ave.)
- Near Water Main (8" Water Main, W. Treadwell St. | 6" Water Main, W. Putman St and S. Duncan Ave. | 4" Water Main, S. Hill Ave.)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Oakridge Trail, Razorback Greenway)
- Near ORT Bus Stop (Hillcrest Towers)
- Near Razorback Transit Bus Stop (S. Hill Ave on subject property)
- Appropriate Future Land Use
- Sufficient Intersection Density

FINDINGS OF THE STAFF

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

Finding: Land Use Compatibility: On the balance of considerations, staff finds the request to be compatible with the surrounding context. The property is primarily surrounded by large-size apartments with single-family dwellings located to the west adjacent to the Fayetteville High School campus. Additionally, the parcels within the subject area are currently developed with primarily multifamily dwellings. Based on a review of addresses, there are a total of 53 residential dwelling units currently within the subject area. The existing RMF-40 district would permit a maximum of 116 dwelling units on the 2.9-acre subject area with a maximum building height of 5 stories, while the proposed DG district has no density limitations with a maximum building height of 7 stories when located greater than 15 feet from the right-of-way. Staff finds that the existing buildings are between 60-93 years old and that no building permits aside from two HVAC renovations were found for the subject area that indicate renovations since

completion. No buildings within the subject area are listed in either the Federal or Arkansas Register of Historic Places. An analysis of each parcel's current development is included in a staff exhibit.

The subject area is partially bound by DG, Downtown General to both the north and east, which permits a mix of commercial and residential uses and structures up to 5 stories. The Atmosphere to the north is constructed with 5 stories. Eco Modern Flats to the east is constructed with three stories, though staff notes that the ground floor is located below street grade. Additional apartments to the south were constructed at two stories. Staff finds that the greater height permitted by MSC is not likely to negatively affect the surroundings given these abutting multi-story apartments and the district's limit of building height to 5 stories when within 0'-15' of the property line with 7 stories only permitted further from the ROW. Further, a large block of MSC is located approximately 500 feet to the east.

While rezoning from RMF-40 to MSC will remove the current density limitation of 40 units per acre, staff finds that the request is not likely to create development that is incompatible with the surroundings given that the other city requirements such as parking lot design standards and ratios, tree preservation, and drainage. A bill of assurances has been provided with the rezone to limit potentially incompatible uses, including Use Unit 17: Transportation Trades and Services, Use Unit 34: Liquor Stores, and Use Unit 45: Small Scale Production. Staff finds that rezoning to a mixed-use district would create the possibility of compatible development and that additional commercial uses could also serve the high density of existing residents within the immediate proximity as well as students and faculty of the adjacent high school.

Land Use Plan Analysis: On the balance of considerations, staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. Given the walkable location of the request and potential for mixed-use development, staff finds the request to be consistent with the following City Plan 2040 Goals: Goal 1: We will make appropriate infill and revitalization our highest priority; Goal 2: We will discourage suburban sprawl; Goal 3: We will make compact, complete, and connected development the standard; Goal 4: We will grow a livable transportation network; and Goal 6: We will create opportunities for affordable housing.

The Fayetteville Housing Assessment completed by City staff in October 2023 discusses the preservation of affordable housing and notes that "new supply should be carefully balanced with preserving existing affordable housing – housing that can be in prime areas for redevelopment due to growing land values compared to the declining value of aging structures." While staff acknowledges that any redevelopment of the subject area and associated demolitions would remove naturally occurring affordable housing units within the subject area, staff also acknowledges that the property owners are legally able to redevelop the subject area with new multifamily dwellings by right under the existing Residential Multifamily, 40 Units per Acre (RMF-40) zoning district and that any redevelopment which

includes only uses permitted by right is not subject to discretionary approval by either the Planning Commission or City Council provided that all applicable city ordinances and development standards are met.

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. The subject area is approximately 500 feet east of the Fayetteville High School campus and approximately ¼ mile east of the University of Arkansas campus, which is designated as a special district by the 2040 growth map and described as “portions of the city that are historically or currently intended for more intensive commerce.” The closest Tier Centers are located just over half a mile east at the historic downtown square (Tier 1) and approximately half a mile southeast at the intersection of W. Martin Luther King Jr. Blvd. and S. Nelson Hackett Blvd (Tier 3).

The infill score for this parcel is high, with a weighted score of 15.5, indicating the property could likely support a wide range of uses and additional density, particularly given the close proximity of both the Fayetteville High School and University of Arkansas campus. Staff also finds that allowing additional residential in close proximity to major traffic drivers and within close proximity to both ORT and Razorback transit stops could allow for residents to use alternative transportation options such as walking, biking, or utilizing transit to these institutions, helping to mitigate or reduce potential traffic impacts. Given that denying the rezoning request would not necessarily prevent redevelopment of the property by the new owners, staff finds that approval of the rezoning to MSC may lead to results that are more compatible with city goals than could be met under the existing zoning by allowing a greater number of additional residential units to be constructed while providing potential for a mix of commercial and residential uses.

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

Finding: On the balance, staff finds the proposed zoning is justified and necessary at this time. While any redevelopment of these parcels could negatively impact existing affordable housing stock, staff notes that the property owners could legally redevelop the parcels with new multifamily dwellings by right under the existing zoning district. The proposed zoning of MSC could permit a mixed-use development with higher density allowances in an area with a weighted infill score of 15.5 where only residential uses are currently permitted by right under RMF-40.

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

Finding: A rezoning from RMF-40 to MSC has the potential to increase traffic at this location when considering that MSC would allow for more dense development than the existing zoning which has a stated density limitation. The lots under consideration have direct access to public streets and staff finds that given the property’s location on a transit route close to the university and the Fayetteville High School campus, many trips have the

capacity to be completed through alternative transportation such as walking, biking, or transit. 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-2024-0018 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required YES

Date: April 22, 2024 ☐ Tabled ☐ Forwarded ☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
 - §161.27 Main Street/Center
- Applicant Request Letter
- Proposed Bill of Assurance
- Staff Exhibit
 - Current Development
 - Fayetteville Housing Assessment Excerpts
 - Active Transportation Plan Excerpts and Map
 - Proximity to Tier Center Exhibit
 - City Plan 2040 Excerpts
 - Climate Action Plan Presentation Excerpts
 - Traffic Accidents Exhibits
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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

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

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

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; 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, 8, 9, 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; Ord. No. 6658 , §7(Exh. F), 5-2-23)

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.

161.27 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
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

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

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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* 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. 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.

Submission #2: April 3, 2024

RE: VERVE Fayetteville – Rezoning Application

We are pleased to submit our rezoning application associated with VERVE Fayetteville. The approximately 2.9-acre project site (the "Property") is generally located at W. Treadwell Street and S. Hill Avenue and includes 707 W. Treadwell Street, 191 S. Hill Avenue, and 92 and 98 S. Duncan Avenue (Figure 1 and Figure 2).

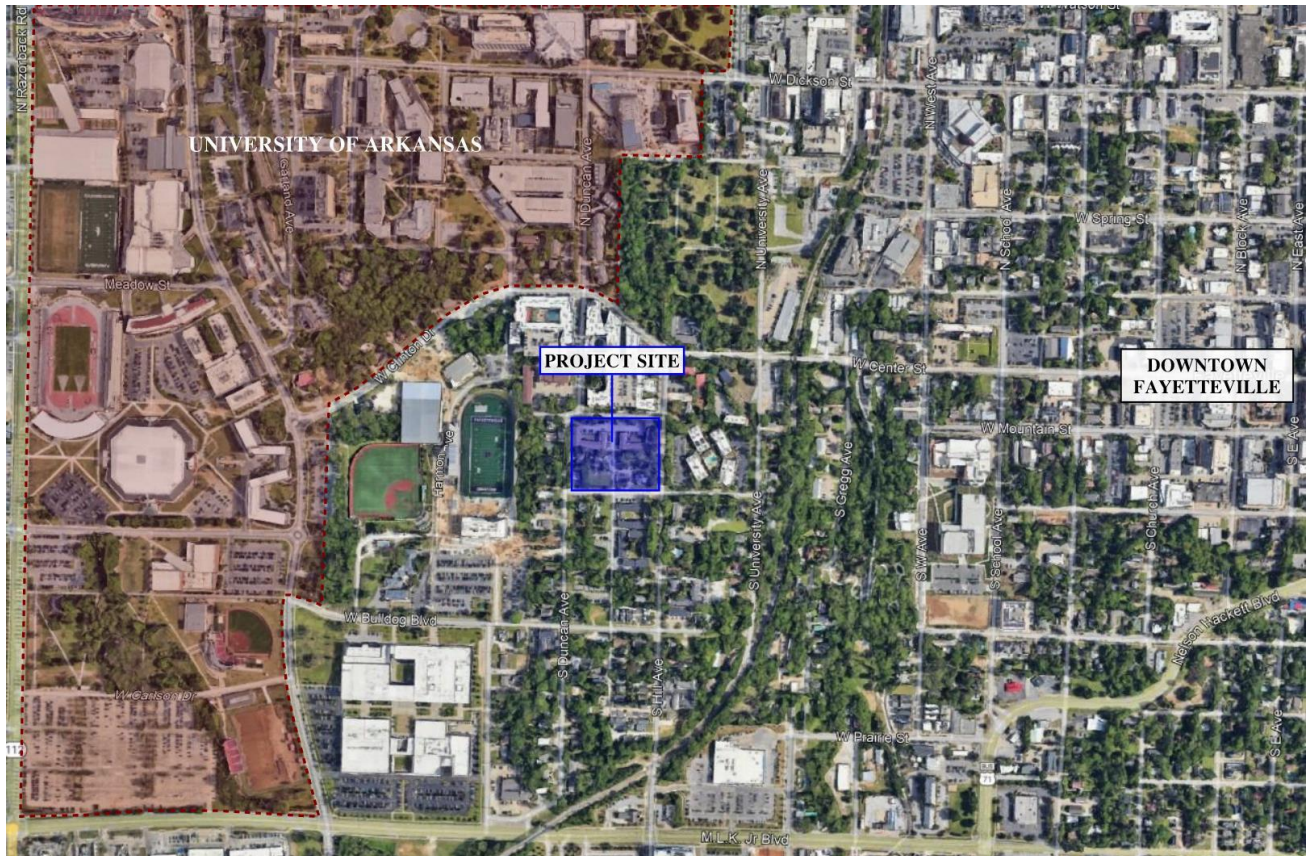


Figure 1, Location Map



Figure 2, Property

The Property is currently zoned RMF-40 (Residential Multi-family – Forty 40 Units per Acre) and is designated by the City Plan 2040 as City Neighborhood Area. The Property is subject to approximately 15-feet of grade change and a significant power transmission line easement that reduces the useable area by approximately 0.28-acres. We are proposing to rezone the Property to MSC (Main Street Center), with a Bill of Assurances, to allow for building forms and densities consistent with the Future Land Use and to further the goals of the City Plan 2040. The additional building height permitted by MSC will allow for some taller portions of the structure, located away from the edge of the right-of-way, to accommodate the needs of the project and which could not be achieved through other districts such as Downtown General.

Compatibility with Neighboring Property.

The neighboring properties are zoned Residential Multi-Family and Downtown General, with Main Street Center and Residential Office zonings located nearby along S. University Avenue. The neighboring properties to the North and East are currently high-density multi-family communities, and the neighboring properties to the South and West are currently multi-family and single-family.

The allowed uses under MSC, as modified by the Bill of Assurances, and building forms generally align with those allowed under the adjacent DG districts (Figure 3). DG would provide all uses being sought for this project except for the allowance of the additional height, therefore this submission is purposefully providing the Bill of Assurances to tailor the compatible development with the stories allowed under MSC. The additional uses that would be permitted on the Property, such as shopping, offices, and cafes, can promote a mixed-use, live-work environment for the neighboring residential uses.

Compatibility with City Plan 2040.

The proposed rezoning will allow for infill development promoting multi-modal transportation, utilization of existing infrastructure, and increased density near Fayetteville's employment and civic hubs. We believe that the proposed rezoning furthers the following City Plan 2040 Goals and Objectives:

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

Goal 1 Objective: Recognize the benefits and cost savings of utility and road infrastructure that already exists in the core of the city.

The proposed rezoning will support development that utilizes, and may improve, existing utility and road infrastructure in a core location.

Goal 1 Objective: Promote the densest development around logical future transit stops.

There is currently a Razorback Transit Stop at the Property, and it is within 0.5-miles of a Fayetteville ORT stop (Hillcrest Towers). The proposed rezoning will support density located nearby and promoting alternative transit.

Goal 1 Objective: Encourage new development that supports and compliments the unique characteristics and economic values of employment clusters in and around downtown and the U of A.

The proposed rezoning will support additional housing in a central location, promoting walkability, alternative transit, and convenient access to the businesses and services within Fayetteville's urban core.

Goal 2 – We will discourage suburban sprawl.

The proposed rezoning will support development that is compact and efficient, utilizes and improves existing infrastructure, and promotes walkability and the use of alternative transit methods.

Goal 3 – We will make compact, complete, and connected development the standard.

Goal 3 Objective: Require new growth that results in neighborhoods, districts and corridors that are compact, complete, and connected.

The proposed rezoning will support development which improves pedestrian and bicycle infrastructure and creates an active and engaging streetscape environment.

Goal 3 Objective: Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes and anticipate rail, street cars and other alternative transit modes.

The proposed rezoning will support development in a location that is adjacent to alternative transit and is pedestrian to education centers, grocery stores, restaurants, shopping, parks, trails, and more.

Infill Assessment.

The Property has an Infill Prioritization Score of 12 (Figure 3). There are existing water and sewer mains on multiple sides of the Property. It is within 0.5-miles of a grocery store (Walmart Neighborhood Market located on MLK Jr Boulevard). It is directly adjacent to a public school (Fayetteville High School) and one block away from the University of Arkansas campus. It is within 0.5-miles of several parks and trails (Fay Jones Woods, Frisco Trail, Oak Ridge Trail, and more). There is a Razorback Transit Stop at the Property, and it is within 0.5-miles of a Fayetteville ORT stop (Hillcrest Towers).



Figure 3, Infill Assessment

Master Street Plan.

To Property is one block away from streets designated as Neighborhood Link (Center Street) and Downtown/Urban (S. University Avenue). These typologies are intended to promote high-quality and comfortable realms for pedestrians and cyclists through low-speed zones, wider sidewalks, landscape buffer zones, and dedicated bicycle facilities.

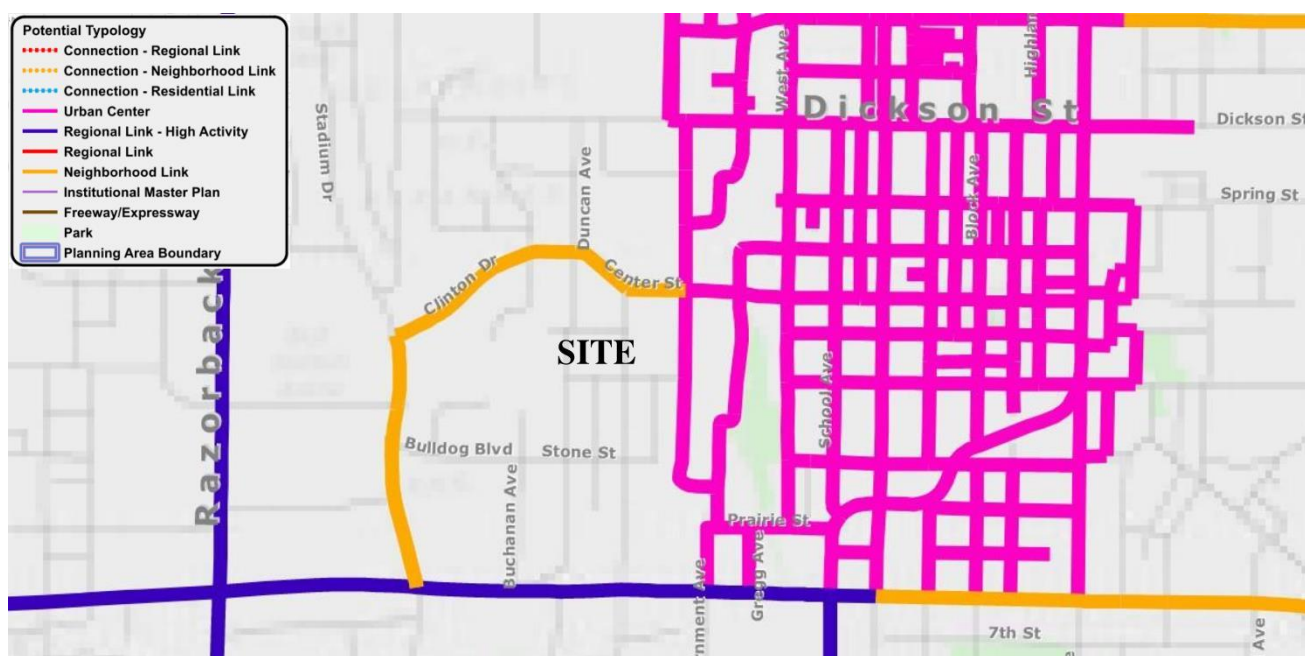


Figure 4, Master Street Plan

Active Transportation Plan.

The Active Transportation Plan proposes a future on-street bicycle facility at the Property. Future development of the Property would allow for an on-street bicycle facility to be constructed for future connection by neighboring properties or the City of Fayetteville.

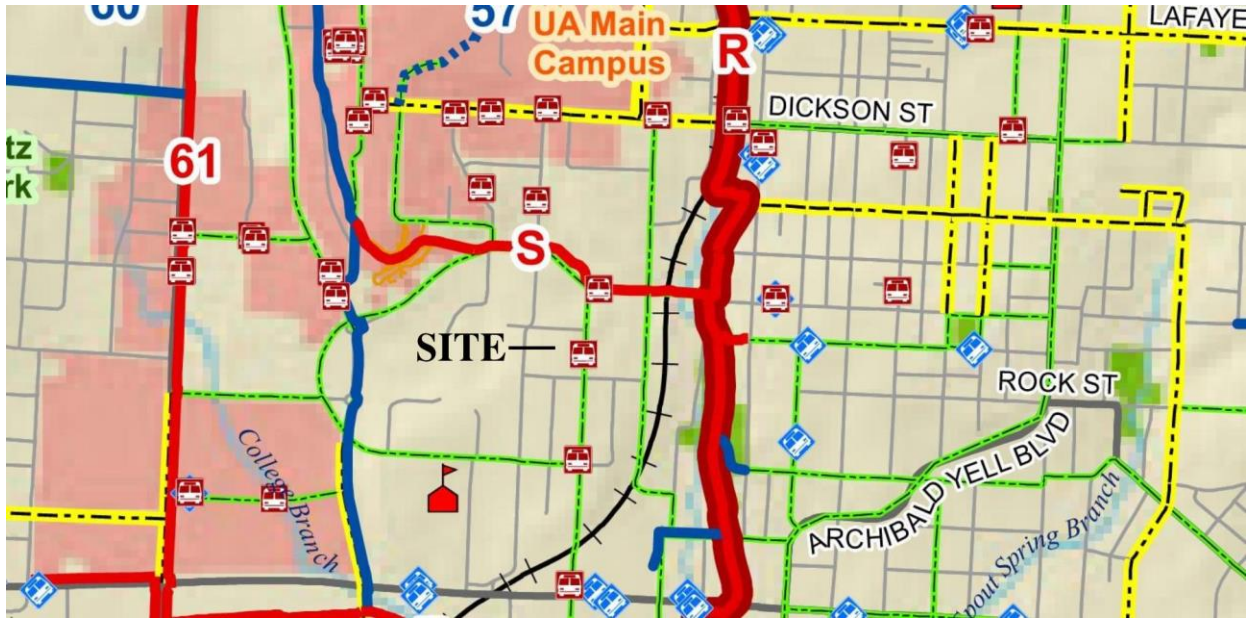


Figure 5, Active Transportation Plan

Thank you in advance for your consideration and support of this compatible rezoning. We look forward to working with the City of Fayetteville to plan a quality project of which we can all be proud and further the smart growth of Fayetteville by densifying in an appropriate location adjacent to the University of Arkansas, to provide quality housing.

Sincerely,

Dylan Lambur

Dylan Lambur

Development Manager

Subtext

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

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

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

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

1. The following uses shall not be permitted:

Unit 17, Transportation trades and services;

Unit 34, Liquor stores; and

Unit 45, Small scale production

2. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, _____, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

Date

Printed Name

Address

Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the ____ day of _____, 20____, appeared before me, _____, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

NOTARY PUBLIC

My Commission Expires:

**STAFF EXHIBIT
CURRENT DEVELOPMENT**

PID: 765-04804-000: Summit Terrace Apartments. Forty (40) residential units within two buildings constructed in 1964. One permit for HVAC renovation in 2023. No additional building permits found for structures.

PID 765-04089-000: One single-family residence constructed in 1936. Multiple code violations for health and sanitation (Two in 2016, One in 2020).

PID 765-04808-000: Five residential dwellings constructed in 1940. Multiple code violations for health and sanitation (Two in 2009, one in 2010, one in 2020).

PID 765-04807-000: No primary structures.

PID 765-04806-000: Two-family dwelling constructed in 1931. Four-family dwelling constructed in 1951. One permit for HVAC renovation in 2022. No additional building permits found for structures.

PID 765-04805-000: Single-family dwelling constructed prior to 1980 (first year building is visible on aerial). No building listed in Washington County Assessor.



Policy Options for the Future

This assessment does not propose that the solution to housing affordability is to rezone the entirety of Fayetteville to RMF-24 zoning. Similarly, zoning is not the only solution to high and growing housing costs. Policy choices can, however, focus on adding housing density in strategic places to take advantage of existing infrastructure in high intensity areas that don't currently allow for housing. When combined with existing services, infrastructure, and amenities, these housing units can provide a number of benefits, including reducing vehicle trips. Fayetteville's City Plan 2040, the comprehensive plan adopted in 2020, includes several options for additional housing density in core areas that are already high intensity and offer close access to services.

Staff in the City of Fayetteville's Long Range Planning and Sustainability divisions worked with University of Arkansas graduate students in the Master of Public Administration program in the spring semester of 2023 to analyze three scenarios for single-family housing. The students produced a report at the end of the semester that aimed to identify the most effective zoning policy to increase single family residential density in Fayetteville. The three scenarios explored were a baseline analysis of maintaining the zoning status quo; rezoning all residential single-family zones to the RSF-8 zoning district; and allowing duplex, triplex, and fourplex construction by right in all current single-family zoning districts. Based on their analysis, the students recommended the third option, writing, "Increased housing diversity has the greatest net social benefit for Fayetteville. In addition to having the greatest potential for increased housing supply, this policy is the most efficient and equitable. Overall, creating the option for multifamily unit construction by right provides the strongest policy for Fayetteville's future growth." Although the report focused on single-family zoning, the lessons learned and the main point — that creating the option for multi-unit housing by right is the strongest policy for Fayetteville's future growth — align with the planning work and master plan documents/corridor planning that Fayetteville has been engaged in for the last several years.

Prior to the onset of the COVID-19 pandemic the City of Fayetteville was engaged in writing and implementing two key plans that set a priority for both housing and a high-quality urban environment. City Plan 2040 was adopted only months prior to the pandemic-related closure of city offices and the quick adjustment to online meetings and engagement. Several plan implementation steps were paused for about two years while community health and safety were prioritized, and the city is now moving forward again to engage with the community to address the challenges that arose just prior to and during the pandemic that are the impetus to bring the implementation actions from these adopted plans back into the spotlight.

Long Range Plan Implementation

Fayetteville's City Plan 2040 was written to support the city's six goals:

1. **We Will Make Appropriate Infill and Revitalization Our Highest Priority.**
2. **We Will Discourage Suburban Sprawl.**
3. **We Will Make Compact, Complete, and Connected Development the Standard.**
4. **We Will Grow A Livable Transportation Network.**
5. **We Will Assemble An Enduring Green Network.**
6. **We Will Create Opportunities for Attainable Housing.**

All six goals have short-term, long-term, and ongoing "benchmarks," or action items to implement the adopted plan. Page 47 of the plan lists the short-term benchmarks, or action items meant to be accomplished between 2019 and 2025. Although plan implementation has been somewhat delayed by the COVID-19 pandemic, 8 of the 25 short-term benchmarks are not yet underway but are directly related to the city's role in responding to population growth and increasing housing supply, and that the Fayetteville City Council could consider prioritizing (City Plan 2040 associated goals and current status listed in parentheses):

- Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2040. (Goal 1 & 2; ongoing with streamlined permitting and new software)

- Identify existing properties that are vacant or prime for redevelopment and initiate form-based rezoning discussions with property owners. (Goal 1, 2, & 3; ready to begin with 71B rezoning)
- Evaluate development thresholds based on quantitative metrics such as building form, not building type, and the encouragement of missing middle housing. (Goal 1, 2, 3, and 6; ongoing)
- Evaluate conditional use permit vs. use-by-right for appropriate infill. (Goal 1; ongoing)
- Identify gaps in affordability throughout the city and set numerical targets for housing that is affordable to a variety of households, including workforce, supportive, low income, families with children, and senior housing. (Goal 1, 3, 4, & 6; initiated with this analysis)
- Promote long-term affordability by targeting the use of public funds for the lowest income households, including those who are homeless, at risk of homelessness, or who have other special needs. (Goal 6; ongoing with federal HOME and American Rescue Plan Act funds)
- Examine potential regulatory barriers and policies that impede the provision of household affordability, including: infrastructure costs, the costs and benefits of development ordinances on housing development, and how the City's fees and requirements impact the cost of living for households in Fayetteville. (Goal 1 & 6; development fee study underway)
- Identify opportunities for the creation of affordable housing on publicly-owned land and develop partnerships with developers to provide flexible, affordable work space and housing. (Goal 6; initial discussions and review of potential projects underway)

Long-term benchmarks (more than five years from plan adoption) that are directly related to housing but not yet underway are:

- Evaluate the development and implementation of a tiered impact fee system. (Goals 1 & 2; not yet begun)
- Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. (Goal 4; ongoing with speed limit review and traffic calming procedures in residential neighborhoods)
- Create a complete neighborhood or street corridor plan every other year utilizing a charrette process and analyze water and sewer capacity to identify opportunities or limitations for development. (Goal 1, 4, & 6; not yet begun)

Ongoing benchmarks should also be highlighted here given the pause in plan implementation, as some may need to be prioritized for action:

- Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. Recommendations should generally align with the Growth Concept Map. (Goal 4)
- Support development and redevelopment opportunities along the existing rail line. (Goal 4)
- Support and implement the goals, strategies and actions of the transformational 71B Corridor plan. (Goal 1, 2, & 4)
- Implement and utilize the Growth Concept Map to strategically incentivize the development of Tier-1, Tier-2, and Tier-3 commercial and mixed-use nodes along major corridors and as neighborhood centers. (Goal 1, 2, 3, 4, 5, & 6)
- Support the creation of a "real-time" database of available affordable housing units, services, resources, and incentives to strengthen the process of connecting qualified buyers and renters with affordable housing to comprehensively lower monthly household expenses. (Goal 6)
- Promote long-term affordability by developing new goals, targets, and strategies to promote the distribution of affordable housing in all parts of the city, including incentives for affordable housing in new developments and for the preservation of existing rental units. (Goal 6)

The remaining benchmarks do not have to be approached separately, but could instead be pulled together in a complete approach to developing housing solutions, particularly in areas of the city that have been identified as best able to support dense housing along major corridors and in places that support a mix of

housing and commercial development, such as Fayetteville's downtown area. As an example of the potential for a cohesive approach to plan implementation, three of the items listed in the ongoing benchmarks are closely tied together and could be approached as a single project. Supporting zoning proposals around major transportation corridors, supporting and implementing the goals, strategies and actions of the 71B Corridor Plan, and implementing and utilizing the Growth Concept Map on pages 13–16 of the plan document could all come together with a city-initiated project to rezone property along the 71B corridor (College Avenue, Nelson Hackett Boulevard, and South School Avenue) to allow for housing on properties that have extensive existing infrastructure, are located along a major transportation corridor that is already scheduled for additional investment to support development and alternative transportation, and that have limited proximity to existing residential neighborhoods. Additionally, there are multiple tier centers along this route that could be incorporated as part of the implementation of the growth concept map, furthering plan implementation in the same project.

Preserve Existing Affordable Housing

Table 3 on page 20 of this assessment showed current average monthly rents for new apartments, with average rent for a two bedroom apartment just over \$1,400 per month. Table 4 on the same page showed that affordable housing costs for the median household income in Fayetteville should not exceed \$1,325 per month, which includes utilities and insurance costs. Current rents for newly constructed housing units are above affordable costs for at least half of Fayetteville households, and building new housing units does not provide a successful solution if the new units are at the cost of losing existing affordable housing.

In 2019 the City of San Antonio, Texas, engaged the firm PlaceEconomics to assess the risks to older and existing affordable housing stock as the city experienced rapid population growth and redevelopment. The results of this assessment, published as the report *Opportunity at Risk*,¹³ were a caution against the assumption that newly constructed housing is the best way to achieve affordable housing goals. Some of the context of the 2019 report presented in the Executive Summary would be familiar to Fayetteville today:

- One in three San Antonio households is spending more than 30 percent of their income on housing and nearly half of all renters meet this “cost burdened” threshold.
- Over the last decade, while median household income increased 1.9% per year, housing prices increased at 4.7% per year.
- While San Antonio is experiencing greater than national average growth in jobs and housing, most of the new homes are large and expensive, and much of the job growth is in lower wage jobs.
- The existing pre-1960 housing stock is providing largely unsubsidized and unprotected affordable housing.
- Single family, renter-occupied structures in fair and poor condition are the most at-risk of demolition.

The main takeaway of the report is clear and succinct: “A city cannot build itself out of a housing crisis — the retention of existing housing stock is critical.” Additionally, the report claimed three demonstrable premises:

1. One cannot build new and rent or sell cheap without subsidy.
2. Almost by definition when a unit of older housing is razed, a unit of affordable housing is lost forever.
3. Existing affordable housing programs — as useful and successful as they may be — must be realigned to address older housing stock.

The conclusion provided a caution to other rapidly growing cities facing housing affordability challenges:

¹³ Report available at sanantonio.gov/Portals/0/Files/HistoricPreservation/CurrentProjects/AffordableHousing/OpportunityAtRisk-Report.pdf

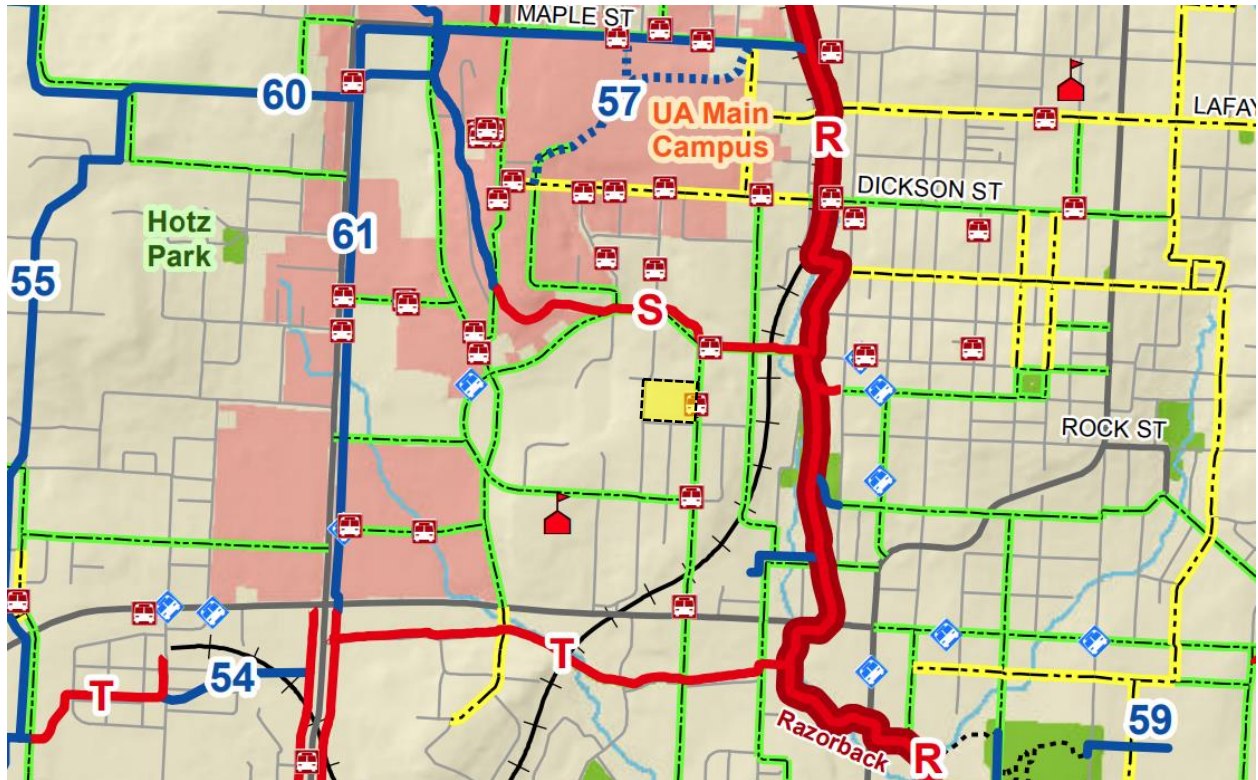
“Until the City of San Antonio can put new programs and policies into place, to reach the goal that the “average San Antonio family can afford to buy a home,” the data illustrates that San Antonio is systematically razing housing that is affordable and building housing that is not.” As Fayetteville looks to add housing units to supply, it is worth noting that new supply should be carefully balanced with preserving existing affordable housing — housing that can be in areas prime for redevelopment due to growing land values compared to declining value of aging structures.

Programs that provide assistance to low income households to help residents stay in their homes are a key part of preserving existing affordable housing. The City of Fayetteville’s Community Resources Department completed home repair and rehabilitation projects for eighteen housing units and thirty-two residents in 2022 with funding from federal Community Development Block Grants (CDBG). The CDBG Program supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.¹⁴ The 2022 housing program projects in Fayetteville included roof repair, replacement and installation of heating and cooling equipment, repairs of holes in floors, new plumbing fixtures, new flooring, new windows, and plumbing repairs.

As of this assessment in 2023, the Community Resources Department has supported thirteen projects and eighteen residents with repair work that has included drywall repair, new roofs, new windows, new plumbing fixtures, basement remediation, and new plumbing fixtures. Total project costs for 2023 currently total \$118,365 with an average project cost of \$9,105. Participation in the CDBG program and accessing federal home repair funds will continue to be an important tool for preserving affordable housing for residents and keeping families in their homes.

¹⁴ hudexchange.info/programs/cdbg/

STAFF EXHIBIT: ACTIVE TRANSPORTATION PLAN EXCERPTS



Active Transportation Plan

- Proposed Shared-Use Paved Trail
- Proposed U of A Campus Connections
- Proposed On-Street Bicycle Facility

Existing Trails

- Shared-Use Paved Trail
- Nature Trail
- Neighborhood/Park Trail
- On-Street Bicycle Facility

- | | | | |
|--|--------------------------|--|---------------------------------|
| | Park | | Razorback Transit Bus Stop |
| | Lake | | Ozark Regional Transit Bus Stop |
| | Stream | | Street (Major) |
| | School | | Street |
| | Fayetteville City Limits | | Railroad |

PLAN VISION AND GOALS

ACTIVE TRANSPORTATION PLAN
plan vision and goals

PLAN VISION

The Active Transportation Plan (ATP) has been developed through numerous planning and visioning exercises both locally and region wide. The ATP proposes to consolidate and summarize all of the various alternative transportation planning processes, policies and programs with the following vision statement: "Fayetteville endeavors to develop and promote an interconnected and universally accessible network of sidewalks, trails and on-street bicycle facilities that encourage citizens to use active/non-motorized modes of transportation to safely and efficiently reach any destination."

- 1 ENDEAVOR TO CREATE AN INCLUSIVE MULTI-MODAL TRANSPORTATION SYSTEM.
- 2 WORK TO BUILD A TRAIL CONNECTION WITHIN ONE HALF MILE OF EVERY RESIDENCE.
- 3 INCREASE THE ACTIVE TRANSPORTATION COMMUTING MODE SHARE FROM 7.5% TO 15% BY 2020.
- 4 IDENTIFY AND CORRECT MISSING BICYCLE AND PEDESTRIAN LINKAGES.
- 5 PARTNER WITH ADVOCATES TO ADDRESS BICYCLE AND PEDESTRIAN NEEDS.
- 6 EARN BICYCLE FRIENDLY COMMUNITY DESIGNATION OF SILVER BY 2017.

STAFF EXHIBIT: PROXIMITY TO TIER CENTERS (CITY PLAN 2040)

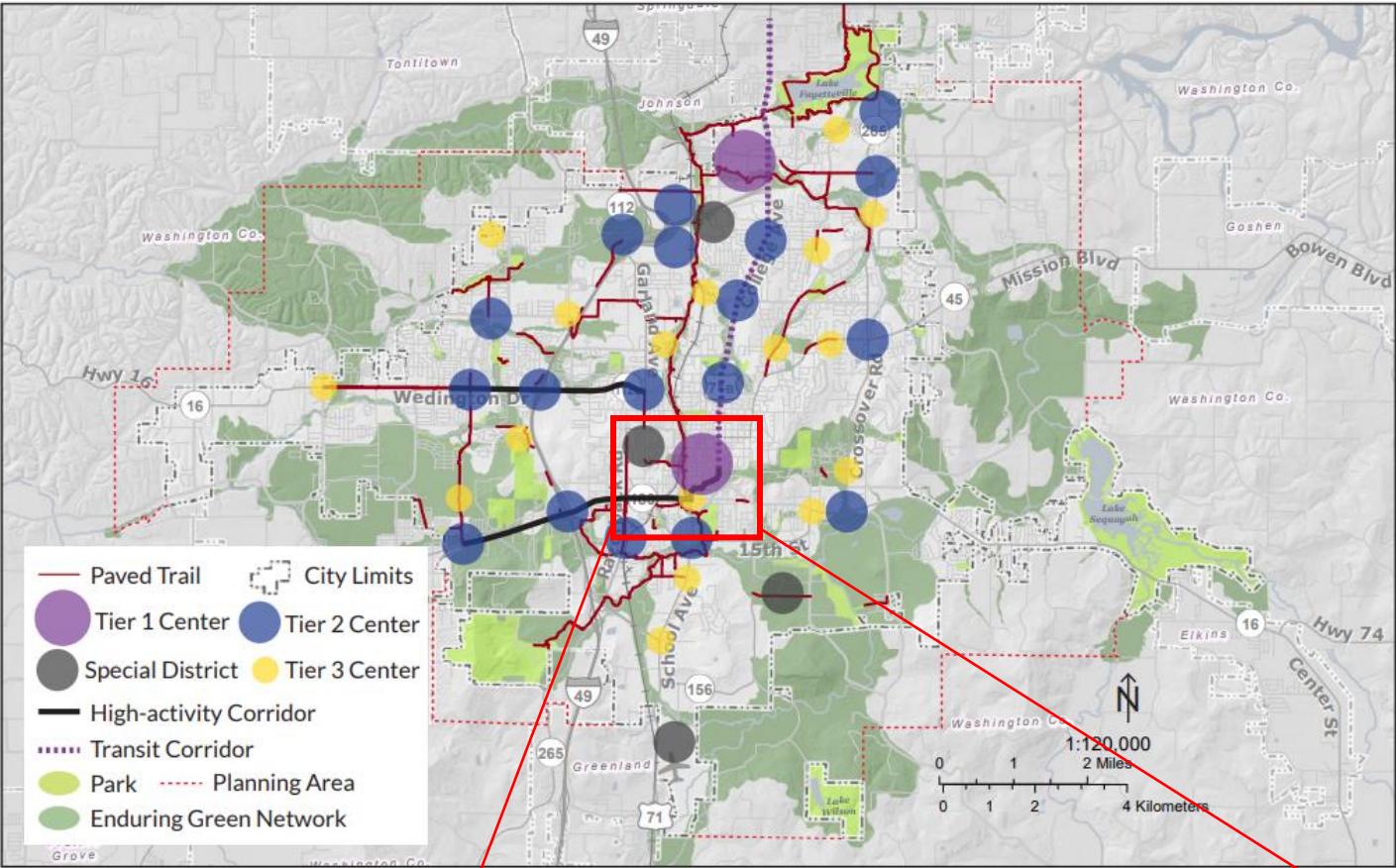
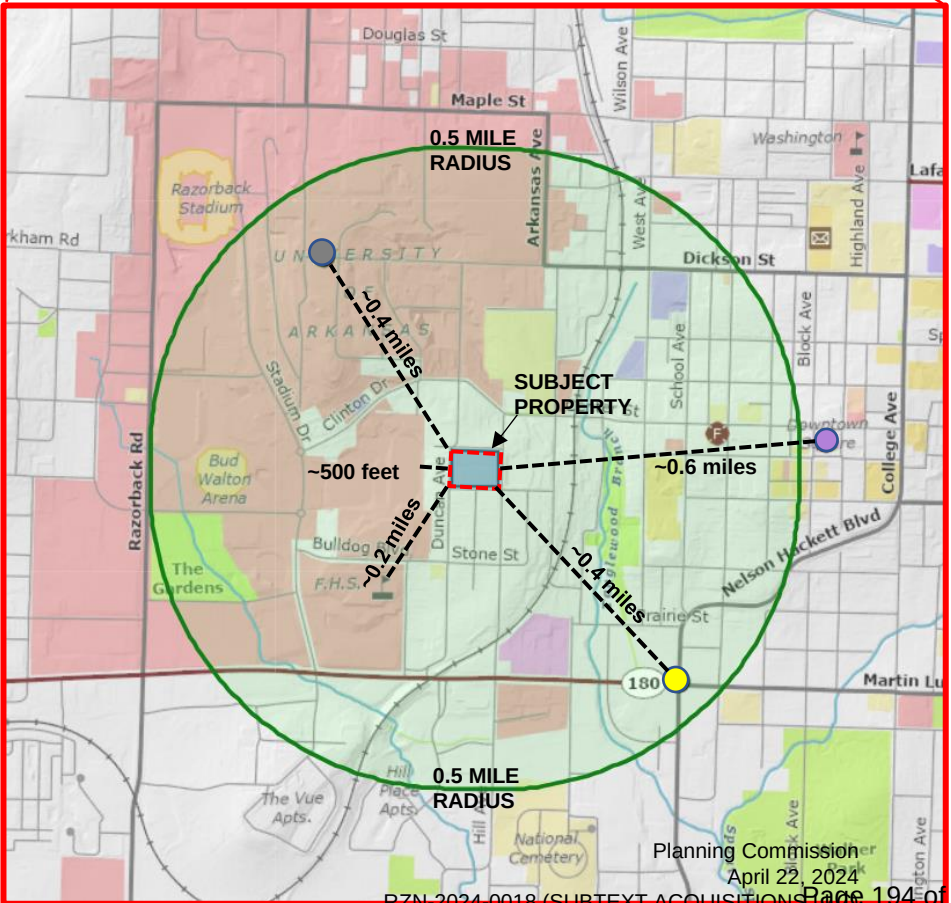


Figure 2.0 - Growth Concept Map



STAFF EXHIBIT: CITY PLAN 2040 EXCERPTS

Introduction

3.1.4 Promote the densest development around logical future transit stops.

For transit to be utilized and cost effective requires density; density of residences, jobs, commercial areas and other destinations. The University of Arkansas Razorback Transit is well used in areas of the city close to campus where many students live and study. On the other hand, Ozark Regional Transit serves areas of Northwest Arkansas that may not be particularly dense or have high employment numbers. The lack of density challenges the cost effectiveness of transit and the real or perceived convenience of utilizing transit for commuting and day-to-day transportation needs for residents. One of the things that the City can do is to encourage redevelopment of College Avenue to increase residential density and commercial intensity. The 71B College Avenue Corridor Plan envisions this arterial roadway to transform incrementally over time into a mixed-use urban thoroughfare that would provide transit operators with more “capture”, thereby becoming more cost effective and increasing customer convenience with more frequent buses. Logical transit stops city-wide should be planned and developed in accordance with the tiered activity centers identified on the Growth Concept Map. Ultimately, transit can make housing more affordable for Fayetteville residents by freeing up money typically encumbered by transportation expenses in household budgets.



Photo 3.4 - Walker-Stone House



Photo 3.5 - Former Public library

3.1.5 Reinvest in parks, streets, and civic buildings within the heart of the city.

The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community cultural identity. The City should continue to utilize the Enduring Green Network map to identify and preserve high-value open spaces that help to create an interconnected green network throughout the community.



Photo 3.6 - Historic County Courthouse and Center Street

3.1.6 Encourage historic preservation and adaptive re-use of buildings.

Historic preservation is crucial in retaining a community's character, identity, and evolutions. Preservation and restoration can be an effective tool for economic development and revitalization, achieving urban sustainability through reducing waste and emissions, and maintaining property values. Recent calculations indicate that it takes 35 to 50 years for a new energy efficient building to save the amount of energy lost in demolishing an existing building (National Trust for Historic Preservation).



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Introduction

3.1.8 Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park.

There are two emerging central places in Fayetteville that contain a mixture of residential and commercial land uses, alternative transportation linkages, and employment centers in proximity to each other. At a neighborhood scale, this mixture of uses is often described as a “complete, compact and connected” place. The downtown/university area of the central city is rapidly redeveloping with residential and commercial activities and the uptown area is filling-in with medium-density residential to complement some of the existing commercial and office uses. Both districts have street network needs that should be addressed to encourage the efficient use of land and transportation improvements for each are described as recommendations in the Fayetteville Mobility Plan.

The Infill Assessment Map tool that staff developed as part of this plan update

provides a general locational framework for identifying parcels and areas that have proximity to existing utilities, infrastructure and services. Undeveloped or underutilized lands that score highly on the Infill Assessment Map should be considered prime candidates for future development with uses and building forms that are complementary to the existing neighborhood.

The Growth Concept Map is also useful for encouraging the development of mixed-use and neighborhood-scaled central places that provide nearby residents with some of their daily needs in proximity.

3.1.9 Determine feasibility of a tiered impact fee system.

A tiered impact fee system requires new development to pay its proportionate share

of the costs to the municipality associated with providing necessary public services to the development based on its location. Tiered impact fees are based on the general acknowledgement that parcels and locations that are near the core of the city would have less impact, and areas on the urban fringe have more impact. Development on the fringe of the city will cost the City more over time to provide street infrastructure, water and sewer, and life-safety services. Therefore, development on the fringe should pay a higher impact fee upfront for these utilities, infrastructure and services. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.



Photo 3.8 - Construction in Downtown Fayetteville



3.3 Goal 3 - We will make compact, complete, and connected development the standard

Historically, a traditional town form is the concept of creating compact, complete, and connected neighborhoods at a human scale, as opposed to an automotive scale. Much of Fayetteville developed post-World War II is created for the convenience of automobiles. Over the last decade, citizens of Fayetteville clearly indicated through public planning processes that they desire development patterns that place a high priority on human scale development patterns. This means pedestrian-oriented buildings, streets and multi-modal transportation options. This has been reflected in new form-based zoning codes where buildings address the street, construction of multi-use trails and an on-street bicycle network, and public investment in new sidewalk and pedestrian improvements along major corridors. Traditional town form alludes to development patterns prior to World War II that placed an equal priority on humans and automobiles. As a result, this pattern can achieve a much higher level of neighborhood cohesion and land use diversity compared with an auto-oriented development pattern where land uses are rigidly separated. Components that are common to a compact, complete, and connected built environment include: interconnected street networks, build-

"[Infill] makes spaces more walkable. It's frustrating to have to drive through a large, empty parking lot to get to a storefront. It makes one feel exposed as a pedestrian as well. I love the new infill developments because it seems like a better use of space." - Survey Respondent



Figure 3.8 - Dover-Kohl Corridor Development



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Goal 3 Objectives

3.3.1 Require new growth that results in neighborhoods, districts and corridors that are:

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with \$2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of \$1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.

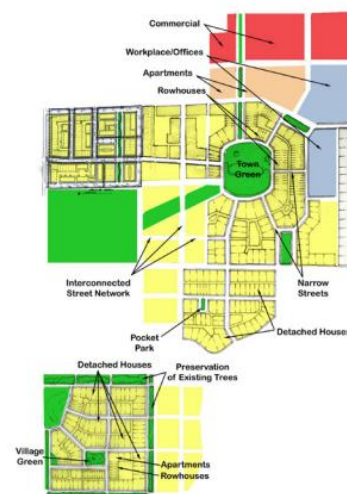


Figure 3.10 - Example Development Layout



Figure 3.11 - Example Development Layout



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Climate Action Plan

① Overall Goals

62%
GHG
reduction
by 2030

Net zero
emissions by
2050

Aligns with Science Based Target Network

- Based on IPCC goal of 50% global GHG reduction by 2030, equitably adjusted for U.S. development and climate contributions
- Used by cities across the country

Aligns with Paris Climate Accord & Science Based Target Network

- Recognizes necessity of reducing all greenhouse gases, not just carbon dioxide



9

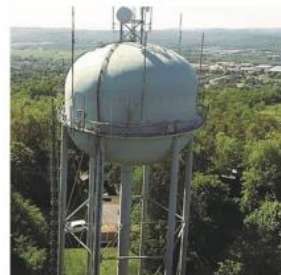
Climate Action Plan: Emissions Reduction Sector Goals

TRANSPORTATION:

- Reduce per capita transportation emissions year over year
- Create an equitable and sustainable multimodal transportation system for all ages and abilities
- Reduce city government fleet emissions year over year

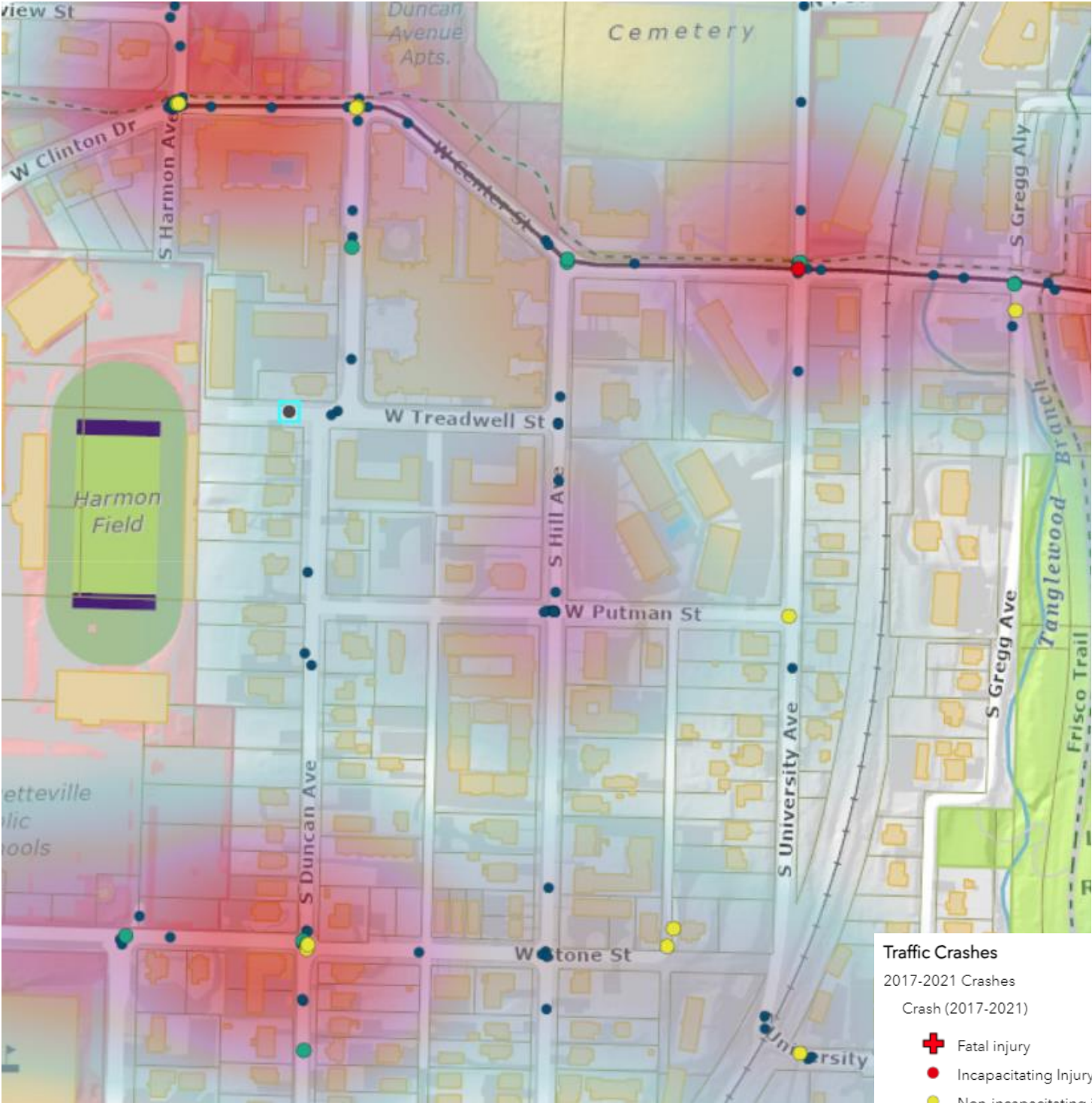
WATER:

- Prepare, plan, and develop community response strategies and contingencies for extreme weather events such as, heatwaves, droughts, and floods.
- Achieve per capita water consumption reductions year over year.
- Identify and prioritize the repair and installation of water system infrastructure to alleviate water leakage and accommodate growing system demands.



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STAFF EXHIBIT: ENERGY ACTION PLAN EXCERPTS
STAFF EXHIBIT: TRAFFIC ACCIDENTS



Wonsower, Donna

From: Scott and Jasmine 104 Duncan <hoghouse104@gmail.com>
Sent: Monday, April 8, 2024 8:45 AM
To: Planning Shared
Cc: Wonsower, Donna
Subject: Re: project inquiries for my neighborhood

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.

Thank you so much for the information!

On Mon, Apr 8, 2024 at 8:23 AM Planning Shared <planning@fayetteville-ar.gov> wrote:

RZN-2024-0002 Was denied at the 3/11/2024 Planning Commission Meeting

RZN-2024-0018 Is scheduled for the 4/22/2024 Planning Commission Meeting.

Attached is all the information we currently have. If you have any further questions, the planner assigned to RZN-2024-0018, Donna Wonsower, should be able to answer them.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267

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



From: Scott and Jasmine 104 Duncan <hoghouse104@gmail.com>
Sent: Friday, April 5, 2024 5:02 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: project inquiries for my neighborhood

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.

Hi! I own the property at [104 S. Duncan Ave.](#) and was hoping to find out more information about the plans for the following rezoning projects in my neighborhood:

- RZN-2024-0002 ([740 W Stone St.](#))
- RZN-2024-0018 (Treadwell - Putman 3.10 acre block)

I plan to attend the hearings if I can, but I was hoping to find out some information before then. Do you know what type of development they are considering? My major concerns have to do with traffic congestion, parking issues in this area, and property values.

Thank you for taking the time to respond to my inquiry.

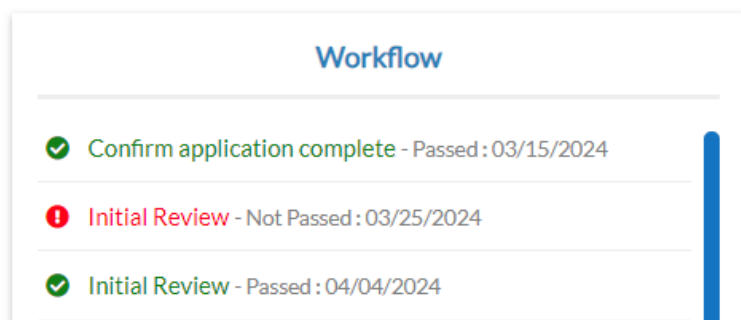
Jasmine Nile

Wonsower, Donna

From: Wonsower, Donna
Sent: Wednesday, April 10, 2024 2:18 PM
To: kat.a.cook3@gmail.com
Cc: Planning Shared
Subject: RE: S Duncan Rezoning

Good Afternoon,

The proposed rezoning (RZN-2024-0018) has not been approved yet. If you are looking on the Citizen Self Service portal and see a “passed” as shown below, that indicates only that staff has approved the submittal documents and that no additional revisions are required for the document to be heard at planning commission.



This rezoning is not scheduled to be heard until the April 22 Planning Commission meeting, which begins on the second floor of City Hall at 5:30. As the public notice letters were delivered to the post office late last week, it is likely that those letters are still in transit through the post office and will be arriving shortly. All property owners and residents within 200 feet must be notified per city ordinances, and staff confirmed that all required parties were included in the applicant’s certificate of mailing.

The Planning Commission meeting on April 22 is open to the public, and any member of the public who wishes to speak will have up to three minutes to speak at that meeting. If the Planning Commission does forward the request to City Council, there is also opportunity to speak at that meeting as the City Council makes the final determination on any proposed rezoning. Both meetings also have an option to attend virtually.

Staff is currently working on the staff report for this item, which should be posted to the city’s website around the end of next week. Any public comments we receive by next Thursday, April 18 will be incorporated into the packet for the Planning Commission’s consideration. Anyone may also provide an email to the planning department for inclusion within the Planning Commission packet, and I will make sure to include this email when compiling the document. I can also incorporate verbal comments given over the phone or in-person. Any verbal comments received are summarized in the public comment section of the report, while written comments are included in the packet as a whole. If anyone submits a comment after the packet is finalized, staff will forward the email to the commissioners and update the presentation to account for the additional comment.

I’m happy to discuss further if you have any additional questions.

Best Regards,
Donna Wonsower (she/her)
Planner, Development Services

479-575-8358

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



From: Planning Shared <planning@fayetteville-ar.gov>

Sent: Wednesday, April 10, 2024 1:52 PM

To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>; kat.a.cook3@gmail.com

Subject: FW: S Duncan Rezoning

Kathryn,

Donna Wonsower is the planner assigned to this project.

Donna, please read below.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267

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



From: Kathryn Cook <kat.a.cook3@gmail.com>

Sent: Wednesday, April 10, 2024 11:41 AM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: Fwd: S Duncan 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.

I am forwarding an email I just sent to my City Council representative about the rezoning of my neighborhood for more large scale housing "luxury" apartments, or student housing. None of us were aware of this, of course, and now we have no way of fighting. Please read these concerns. I've spoken to many who live in this neighborhood and I currently live at 98 S Duncan and have for 12 years. I implore you to rethink this decision that will put an entire block of affordable housing renters onto the streets of Fayetteville.

Thank you for your time,
Kathryn Cook

----- Forwarded message -----

From: **Kathryn Cook** <kat.a.cook3@gmail.com>

Date: Wed, Apr 10, 2024, 11:35 AM
Subject: S Duncan Rezoning
To: <sarah.bunch@fayetteville-ar.gov>

Good morning,

I'm reaching out because I live at 98 S Duncan Ave and have for 12 years. We recently just found out that our apartment is being sold for a large development, possible student housing. I just looked online and apparently the rezoning went through, even though none of us knew it was happening and could not speak up.

I'm trying to understand our options. This development is going to destroy an entire block of affordable rental housing. No one in this neighborhood wants this. Furthermore, we will all be left homeless because there is no rent in this town that's as affordable as ours and we're still fighting to make ends meet.

I'm an Architect and I love where I live, the community, the neighborhood, and the affordability. Do we as residents have any say in more of our housing being destroyed for overpriced student housing and "luxury" apartments? My neighbors across the street bought the house next door to prevent more of this egregious development that has constantly been destroying our neighborhoods, our town, and the ability for the people who actually work here to enjoy it. It's absolutely disgusting.

I was kicked out of my last apartment, with one months notice for student housing and now it's happening again. How can this rezone be allowed and this destruction of our actual affordable housing? Especially when it's outside developers coming in. I had to beg my landlord to let us know what was possibly going on but we're still in the dark.

Absolutely no one that actually lives in this area wants this. Does the city plan on helping all of these people find new housing that's affordable and also safe? Most of these people don't have cars and live in this location for the walk ability, as well. If I, an architect with a second job can't even afford to live in a leaky basement apartment, how can we expect others to who actually work in hospitality and keep this city running?

Chad Kahana is my neighbor and suggested I reach out because we're all at such a loss. On top of it, our apartment building is about 100 years old and most likely the oldest original apartment building in our city. Families live in this neighborhood. People stay here because it's beautiful, affordable, and a wonderful location. We don't deserve to be pushed out of Fayetteville because some college can't control its student population and created a space for greedy developers from out of state to come in and tear apart our lives.

I appreciate any and all help we can get and any information. We've all been in a constant state of anxiety, depression, and stress over this. I'm going to have to either get a third job, or completely leave my company of ten years to move away because of this. We are humans and these are our homes. We should not be punished and left on the streets.

Thank you for your time,
Kathryn Cook

479-567-9355

Architect

Two term Historic District Commission

Wonsower, Donna

From: Kathryn Cook <kat.a.cook3@gmail.com>
Sent: Wednesday, April 17, 2024 1:18 PM
To: Bunch, Sarah; Bostick, Britin; Wonsower, Donna
Subject: Plan Number: RZN-2024-0018
Attachments: Picsart_24-04-17_13-16-37-314.jpg

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

Good morning,

Is like to include this in the packet for the Planning Commission meeting on Monday, April 22.

I wanted to email a little more input and information on this possible destructive precedent that's about to be set for viable neighborhoods in Fayetteville. I hope you will each take the time to drive this area before voting through and allowing its demise.

We have a viable neighborhood full of multiple types of housing and people. We have renters, we owners. We have families, college students, young professionals, and elders. Some of our residents have lived here for decades and some just a few years. Myself, I've lived at 98 S Duncan for over 12 years. It's home. All of our tenants, except one, have been in our building over five years.

Everyone loves this neighborhood, the trees, the wildlife, the walkability, and most importantly the community. We sit on our stoop and porches and talk. We stand in each other's front yards and talk about how beautiful the lawn is. We take care of one another's pets, we help with groceries, we check on those who don't have family and community outside of our neighborhood.

This is a fully residential neighborhood that also still offers places to live that are actually affordable. If this rezone is allowed, our apartment will be sold and torn down (our homes) a long with everyone else who will lose their home. We have one of the oldest, if not the oldest, apartment building in Fayetteville. These are all healthy, viable places to live however, once we lose these, most of us will have to relocate out of Fayetteville (along with having to find new jobs elsewhere).

Tearing down this neighborhood does not bring community, does not bring better quality of life, it only brings overpriced student housing and overpriced apartments (about \$1,200/month for a micro studio) and it does not bring money to Fayetteville. It does not help the citizens.

This proposal does not adhere to the existing neighborhood context, it absolutely destroys it, just like The Cardinal and Atmosphere have done. Not one person that lives there wants this yet we have absolutely no say anymore.

Rezoning this sets the rest of the city up for more out of state developers to come in, kick everyone out of there housing that's actually still affordable, completely demolish everything in it's path, and building MORE student housing and luxury apartments. It only helps stuff the pockets of a just a few a hurts

everyone else. We should not continue to be punished because the University took the cap off of it's yearly acceptance.

Along with this, another developer is buying all of the houses on the opposite side of the street of Duncan (Putnam to the Cardinal) and is planning on tearing everything out along there for additional student housing. My neighbors across the street bought the house next to them to try to prevent any of this and yet it's happening. Their arms are being twisted and they will most likely sell because they don't think they're healthy can handle all of this construction. Along with this, these developers show up once a week harassing people about buying their homes.

If any of this is allowed, this neighborhood and community will be a thing of the past, yet again. It's truly the ideal Fayetteville neighborhood and should be kept and protected.

We need zoning that prevents viable housing from being destroyed and NEIGHBOR PROTECTION ACTS. We care about where we live and the people that love there. These are our Homes. We work day and night to make ends meet yet it's not enough. There are plenty of lots that have sat empty for years, and decades in this neighborhood that could actually be used for REAL INFILL. The argument that this is a way for them to create appropriate infill for this area (by tearing everything down) is just not correct. That is not infill. There is still land to make use and this does none of the things that were stated in the "Goals" of this project.

I'm also still confused about the city promoting "employment clusters" and "promoting economic values of employment clusters". This sounds like a way to drive out low income citizens from the actual city and confide us into an area that never sees tax money or better infrastructure. It sounds pretty disgusting, honestly. Especially when it's being used to take out housing that works so the rich can build luxury housing for their friends.

Along with this, my apartment building and another on our street, were conveniently left off of the mailing list for the information for any of this. I only found out because I spoke with a surveyor. Please truly consider what precedent you're setting and how much destruction, homeless, and forced existing of the community this will cause. See the whole picture.

I appreciate your time,
Kathryn Cook
AIA Architect

